

OFFICE OF THE LEE COUNTY HEARING EXAMINER

ORDER RESCHEDULING HEARING

EDEN OAK – DCI2016-00026

At hearing on January 7, 2020 the Applicant requested the Hearing Examiner to remand the case back to staff to enable Applicant to pursue an Administrative Interpretation under Lee Plan to determine whether property was properly designated Wetlands on the Future Land Use Map.

On March 13, 2020, County staff indicated the case was ready for hearing. Hearing was scheduled for June 24, 2020.

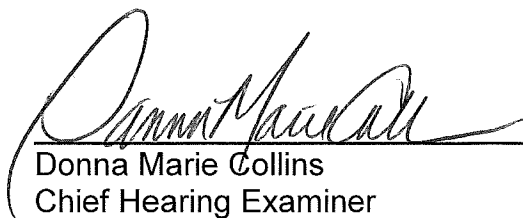
On May 29, 2020, the Applicant submitted a continuance due to the Canadian/United States Closed Border Agreement, which prevented the property owner from attending the hearing. The Hearing Examiner subsequently continued the hearing to December 11, 2020.

On November 19, 2020, Applicant requested a second continuance because the Canadian/United States Closed Border Agreement was still in effect.

On May 5, 2021, Applicant requested a third continuance because the Parties are awaiting action/recommendation by the Conservation 20/20 Committee on the potential acquisition of the property under the Conservation 20/20 Program.

The Hearing Examiner grants the requested continuance. The hearing will resume **October 21, 2021, at 9:00 a.m.**, at the Hearing Examiner's Hearing Room, 1500 Monroe Street, Second Floor, Fort Myers, Florida.

ORDERED May 6, 2021.



Donna Marie Collins
Chief Hearing Examiner

Lee County Hearing Examiner
P. O. Box 398 (1500 Monroe Street, Suite 218)
Fort Myers, Florida 33902-0398
Telephone: 239/533-8100

cc: Michael Jacob, Deputy County Attorney
Sarah Spector, Esq., Applicant's Representative
Anthony Rodriguez, Zoning Manager
Jamie Prining, Community Development
Hearing Participants

Perez, Maria

From: Spector, Sarah <SSpector@ralaw.com>
Sent: Wednesday, May 05, 2021 1:28 PM
To: Hearing Examiner
Cc: Rodriguez, Anthony; Sweigert, Rebecca; Swindle, Amanda; Perez, Maria
Subject: [EXTERNAL] Eden Oak Preserve RPD Request for Continuance
Attachments: Eden Oak Preserve RPD Request for Continuance(16636444_1).PDF

Please find attached correspondence regarding the above-referenced subject.

This letter is being sent to you via e-mail only. A hard copy will be provided upon request.

Thank you.

Sarah E. Spector, Esq.
Roetzel & Andress, LPA
2320 First Street, Suite 1000
Ft. Myers, FL 33901
Direct: 239.338.4213
Main: 239.337.3850
Fax: 239.337.0970
E-mail: sspector@ralaw.com
www.ralaw.com



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May 5, 2021

VIA EMAIL ONLY: hex@leegov.com

Office of the Lee County Hearing Examiner
Lee County Department of Community Development
Attn: Donna Marie Collins, Chief Hearing Examiner
c/o Maria Perez, Administrative Specialist Senior

Re: Eden Oak Preserve RPD, DCI2016-00026/Request for Continuance

Dear Hearing Examiner Collins:

Please find enclosed a completed Application for Request for Continuance, Withdrawal, or Rehearing for Unincorporated Areas Only, which is submitted for the purpose of asking for a four (4) month continuance from the upcoming June 3, 2021 hearing date. Staff has no objection to this request, and the enclosed e-mail confirms this.

Thank you in advance for your assistance with this matter.

Very truly yours,

ROETZEL & ANDRESS, LPA



Sarah E. Spector

Enclosures (as stated)

cc: Anthony R. Rodriguez, AICP, Principal Planner (via e-mail only w/ enc.:
ARodriguez4@leegov.com)
Becky Sweigert (via e-mail only w/ enc.: RSweigert@leegov.com)
Amanda Swindle, Esq. (via e-mail only w/ enc.: ASwindle@leegov.com)
Client (via e-mail only w/ enc.)

16636352_1



APPLICATION FOR REQUEST FOR
CONTINUANCE, WITHDRAWAL, OR REHEARING
FOR UNINCORPORATED AREAS ONLY

REQUEST IS FOR (Refer to Page 2 for Special Notes):

☒ Continuance* ☐ Deferral ☐ Withdrawal ☐ Rehearing ☐ Withdrawal of Administrative Appeal
*Fee must be paid prior to the continuance hearing

If a DEFERRAL OR CONTINUANCE is requested, please indicate:

Length of time: 4 months

From: ☒ Hearing Examiner ☐ BOCC (must be submitted 5 calendar days prior to hearing)

1. Date of Scheduled Hearing: June 3, 2021
2. Applicant/Project Name: Eden Oak
3. Tracking/Hearing/Application Number: DCI2016-00026
4. Date Decision was Rendered (if applicable): N/A
5. Type of Application (check appropriate type):
☒ Rezoning ☐ Special Exception ☐ Variance ☐ Other
6. Reason for request (If rehearing is requested, see Special Notes on Page 2):

The Canadian/United States Closed Border Agreement as a result of the COVID-19 pandemic remains in place until May 21 and may be extended thereafter. The property owner resides in Canada. He has attended all prior hearings and would like to attend this hearing as well, but the current uncertain state of affairs has made it difficult to make travel plans. Additionally, the owner's appraisal for the proposed Conservation 20/20 acquisition is currently being considered by Conservation 20/20 staff and we are awaiting a response.

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Signature

Date

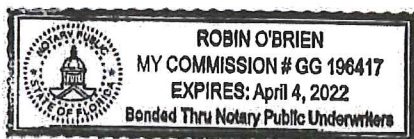
5.5.2021

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 5TH day of MAY, 2021, by SARAH E. SPECTOR (name of person providing oath or affirmation), who is personally known to me or who has produced (type of identification) as identification.

STAMP/SEAL



Signature of Notary Public

Spector, Sarah

From: Rodriguez, Anthony <ARodriguez4@leegov.com>
Sent: Wednesday, April 28, 2021 5:01 PM
To: Spector, Sarah
Subject: RE: Eden Oak Continuance Request

EXTERNAL:

Hi, Sarah:

Thanks for the update. No objection from staff on another continuance request, since I think the COVID-related restrictions at the borders are still in place. It's hard to say how long that will continue. How long were you thinking? I think a minimum of 90 days is appropriate, but would have no objection to a longer period, subject to HEX approval.

We will keep an eye out for the continuance request.

Thanks,

Anthony



Anthony R. Rodriguez, AICP | Zoning Manager

Department of Community Development

1500 Monroe Street, Fort Myers, FL 33901

office: (239) 533-8786

email: arodriguez4@leegov.com

web: www.leegov.com

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From: Spector, Sarah <SSpector@ralaw.com>
Sent: Wednesday, April 28, 2021 4:53 PM
To: Rodriguez, Anthony <ARodriguez4@leegov.com>
Subject: [EXTERNAL] RE: Eden Oak Continuance Request

Good afternoon, Anthony-

We are scheduled to go before the Hearing Examiner in a little more than a month.

We submitted the appraisal to Conservation 20/20 about 2 weeks ago. Staff is reviewing what we provided and, in speaking with Teresa Mann this afternoon, she will get back to me with an update on it knowing we have a hearing shortly.

Assuming things will not be wrapped up on the 20/20 side of things in the next 30 days, would DCD staff be amenable to another continuance? If so, what length of time would you support?

Thank you so much.

Sarah E. Spector, Esq.
Roetzel & Andress, LPA
2320 First Street, Suite 1000
Ft. Myers, FL 33901
Direct: 239.338.4213
Main: 239.337.3850
Fax: 239.337.0970
E-mail: sspector@ralaw.com
www.ralaw.com



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-----Original Message-----

From: Rodriguez, Anthony <ARodriguez4@leegov.com>
Sent: Monday, November 16, 2020 7:49 AM
To: Spector, Sarah <SSpector@ralaw.com>
Cc: Pritt, Robert <RPritt@ralaw.com>
Subject: RE: Eden Oak Continuance Request

EXTERNAL:

Good morning, Sarah and Bob:

Hope all is well with the both of you. We are a little more than a month inside of the continued date for the above-referenced case. I wanted to check in to see whether you intend to request another continuance since not much has changed with respect to COVID since June, and I expect your client will be unable to make the trip to attend if the hearing were to move forward.

Please let me know when you have a moment.

Thanks,

Anthony

Anthony R. Rodriguez, AICP
Planner, Principal
Lee County Community Development Department Zoning Section PO Box 398 Fort Myers, FL 33902-0398
(239) 533-8786
arodriguez4@leegov.com

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-----Original Message-----

From: Spector, Sarah [mailto:SSpector@ralaw.com]
Sent: Friday, May 29, 2020 3:52 PM
To: Rodriguez, Anthony
Cc: Pritt, Robert
Subject: [EXTERNAL] Eden Oak Continuance Request

Please see attached. Thank you for your help!