



## LEE COUNTY BOARD OF COUNTY COMMISSIONERS

### ZONING HEARING AGENDA

Wednesday, April 22, 2026

9:30AM

DCI2023-00037  
Z-26-007

Pavestone Ft Myers

DCI2023-00042  
Z-26-006

Linton Road RPD

DCI2023-00045  
Z-26-003

The Blue Dog Restaurant Minor CPD w/Onsite Outdoor  
Consumption on Premise

## NOTICE OF PUBLIC HEARING

The Lee County Board of County Commissioners will hold a public hearing at 9:30 am on Wednesday, April 22, 2026 in the Board Chambers at 2120 Main St., Ft. Myers, FL, to review the written recommendations made by the Hearing Examiner and make a final decision on the case(s) below.

### **DCI2023-00037 / Pavestone Ft Myers**

Request to rezone 14.95 +/- acres from Agricultural (AG-2), Light Industrial (IL), and Industrial Planned Development (IPD) to IPD.

Located at 16790/880 Gator Rd., Gateway/Airport Planning District, Lee County, FL. Property Owner: Best Block, LLC. Property Owner's Representative: Steve Boggs (813) 747-9100.

### **DCI2023-00042 / Linton Road RPD**

Request to rezone 6.18 +/- acres from RS-1 (Residential Single-Family) and AG-2 (Agricultural) to Residential Planned Development (RPD).

Located at 13120, 13130 and 13150 Linton Rd., Iona/McGregor Planning District, Lee County, FL. Property Owner: LT Land Development LLC. Property Owner's Representative: Jeremie Chastain, (239) 254-2027.

### **DCI2023-00045 / The Blue Dog Restaurant Minor CPD w/Onsite Outdoor Consumption On Premise**

A request to rezone 0.45 +/- acres from Commercial (C-1) to Commercial Planned Development (CPD).

Located at 4597-4601 Pine Island Road NW, SW corner of Matlacha Park Rd. and Pine Island Rd., Pine Island Planning District, Lee County, FL. Property Owner: Mangrove Syndicate, LLC. Property Owner's Representative: Greg Stuart (239) 677-6126.

Copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Section, 1500 Monroe St., Ft. Myers, FL. Call Elizabeth Workman for DCI2023-00037, Khalil Muhammad for DCI2023-00042, or Peter Blackwell for DCI2023-00045 at 239-533-8585 for additional information.

**If you did 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.**

**Statements before the Board of County Commissioners regarding the zoning case will be strictly limited to testimony presented to the Hearing Examiner, testimony concerning the correctness of the findings of fact or conclusions of law contained in the record, or to allege the discovery of new, relevant information which was not available at the time of the hearing before the Hearing Examiner.**

**Any document that a participant of record intends to submit must have been submitted as part of the record in the hearing before the Hearing Examiner or the document is 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. All other documents will not be accepted by the Board. To ensure compliance with these regulations, copies of documents not submitted as part of the record before the Hearing Examiner must be provided to the Applicant and County Staff (Bcherry2@leegov.com) not less than 2 days before the date of the zoning hearing.**

**If a participant decides to appeal a decision made by the Board of County Commissioners with respect to any matter considered at this hearing, a verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.**

**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](mailto: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.

Comprehensive Plan Amendment  
and  
Zoning Hearing Agenda  
Wednesday, April 22, 2026

List of Hearing Attendees by Case

| Case Number                                                                                            | Name                                                                   | Party              |
|--------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|--------------------|
| DCI2023-00037<br>Pavestone Ft Myers                                                                    | Catherine Coyle<br>BBE-Boggs Engineering                               | Applicant          |
|                                                                                                        | Jorg Marx<br>Pavestone, LLC a Quikrete Company                         | Applicant          |
| DCI2023-00042<br>Linton Road RPD                                                                       | Yury Bykau, P.E.<br>TR Transportation Consultants                      | Applicant          |
|                                                                                                        | Serena Cantu<br>Hans Wilson + Associates                               | Applicant          |
|                                                                                                        | Jeremie Chastain<br>Bowman Consulting Group                            | Applicant          |
|                                                                                                        | Charlie Krebs<br>Bowman Consulting Group                               | Applicant          |
|                                                                                                        | Amy Thibaut, Esq.<br>Roetzel                                           | Applicant          |
|                                                                                                        | Alexander Brockmeyer                                                   | Public Participant |
|                                                                                                        | Karen Garvin                                                           | Public Participant |
|                                                                                                        | David M. Nehilla                                                       | Public Participant |
| DCI2023-00045<br>The Blue Dog<br>Restaurant Minor CPD<br>w/Onsite Outdoor<br>Consumption on<br>Premise | Richard Akin, Esq.<br>Henderson, Franklin, Starnes & Holt              | Applicant          |
|                                                                                                        | John Lynch<br>Mangrove Syndicate                                       | Applicant          |
|                                                                                                        | William Oliver, P.E.<br>W.E. Oliver, P.E., LLC                         | Applicant          |
|                                                                                                        | Greg Stuart<br>Stuart & Associates Planning & Design<br>Services, Inc. | Applicant          |
|                                                                                                        | Aaron Barreda                                                          | Public Participant |
|                                                                                                        | Dave Conner                                                            | Public Participant |
|                                                                                                        | Erin Lambert                                                           | Public Participant |
|                                                                                                        | Jenipher Johnson                                                       | Public Participant |
|                                                                                                        | Lisa Girman Johnson                                                    | Public Participant |
|                                                                                                        | Jody Link                                                              | Public Participant |
|                                                                                                        | John Lynch                                                             | Public Participant |
|                                                                                                        | Bonnie Mullee                                                          | Public Participant |
|                                                                                                        | Carol Scott                                                            | Public Participant |
|                                                                                                        | Eric Seuffert                                                          | Public Participant |
|                                                                                                        | Chris Walczak                                                          | Public Participant |
|                                                                                                        | Kathleen Walsh                                                         | Public Participant |

DCI2023-00037

Pavestone Ft

Myers



CASE NUMBER & NAME: DCI2023-00037 / Pavestone Fort Myers

REQUEST: Request to rezone 14.95 +/- acres from Agricultural (AG-2), Light Industrial (IL), and Industrial Planned Development (IPD) to IPD.

RESOLUTION NUMBER: Z-26-007

LOCATION: 16790/880 Gator Rd., Gateway/Airport Planning District, Lee County, FL.

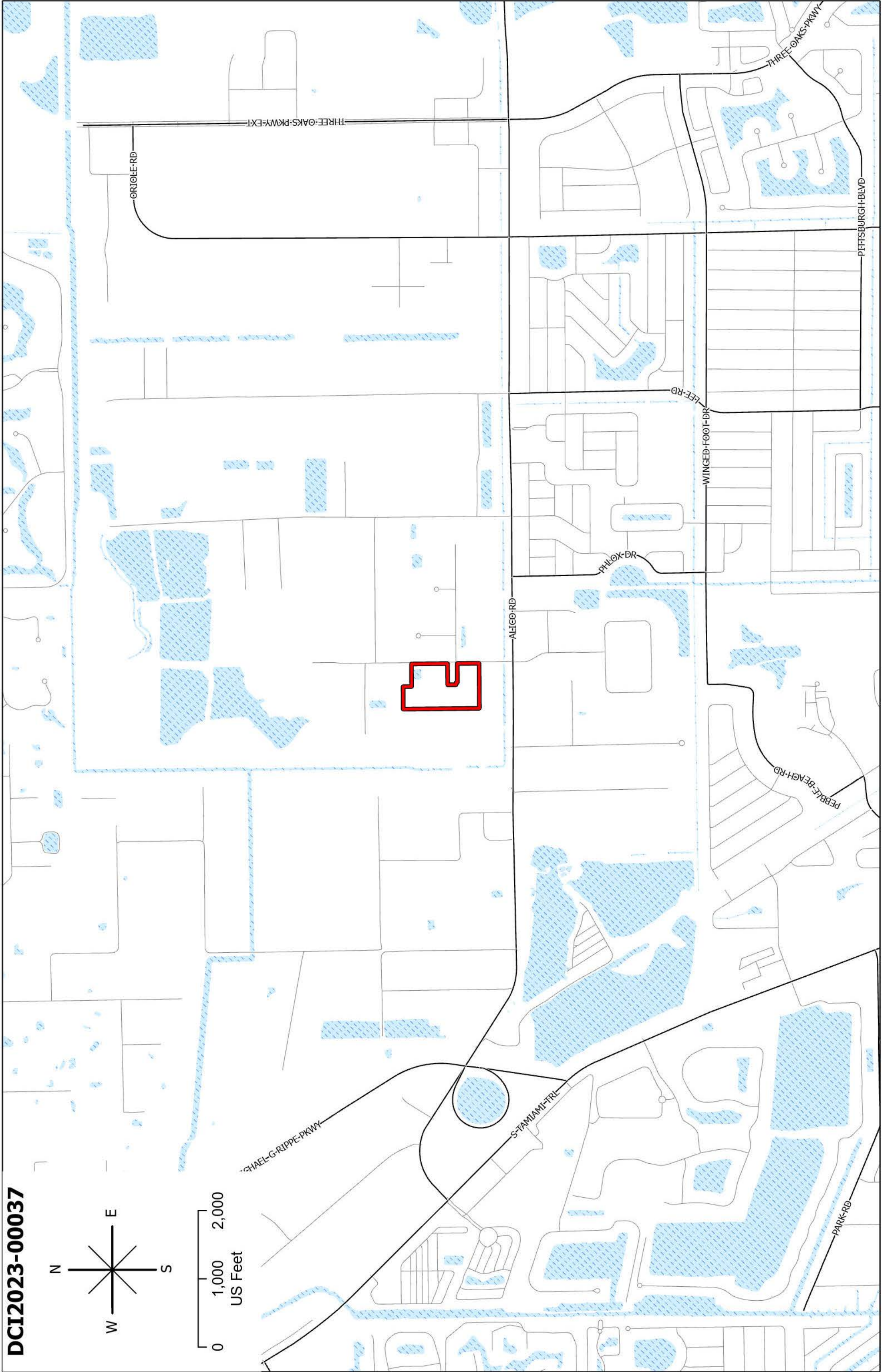
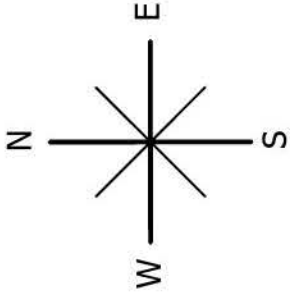
OWNER: Best Block, LLC.

APPLICANT: Best Block, LLC.

AGENT: Catherine Coyle  
BBE-Boggs Engineering LLC.  
607 S. Alexander St., Suite #101  
Plant City, FL 33563

HEARING EXAMINER  
RECOMMENDATION: Approval, subject to conditions and deviations.

PARTICIPANTS: None



## Summary of Hearing Examiner Recommendation

# **PAVESTONE FT MYERS**

The Request seeks to rezone 14.95 acres to the Industrial Planned Development zoning district. The property is located on Gator Road north of Alico Road.

The property owner operates a concrete block plant on a portion of the site and purchased the adjacent property to expand operations to include pavers.

The proposed IPD unifies the zoning designation of the property under a single planned development allowing for coordinated expansion of the business in accordance with the Master Concept Plan.

The north side of the Alico Road corridor hosts a variety of intense industrial land uses. The request is compatible with surrounding development patterns and will expand the County's economic base.

*Detailed recommendation follows*

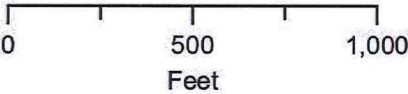
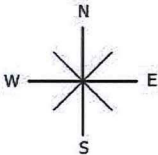




DCI2023-00037

Future Land Use

-  Subject Property
-  Urban Community
-  Suburban
-  Industrial
-  Public Facilities
-  Wetlands



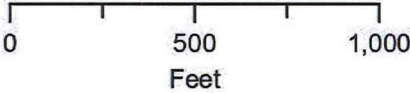
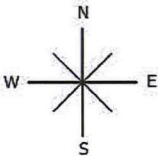




DCI2023-00037

Aerial

 Subject Property





OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

**REZONING:** DCI2023-00037

**Regarding:** PAVESTONE FT MYERS

**Location:** 16790 & 16880 Gator Road  
Gateway Airport Planning Community  
(District 2)

**Hearing Date:** March 12, 2026

**Record Closed:** March 20, 2026

**I. Request**

Rezone 14.95 acres from Agricultural (AG-2), Industrial Light (IL), and Industrial Planned Development (IPD) to IPD to redevelop a concrete block plant, accessory uses and offices, and add a paver plant. The building/structure heights range from 35 feet to 75 feet.

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.<sup>1</sup> In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone 14.95 acres to the Industrial Planned Development District in south Fort Myers. Staff recommended approval with conditions.

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 facts presented at hearing. The record must contain substantial competent evidence to support the recommendation.

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<sup>1</sup> LDC §34-145(d)(4) a.

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

### **Planning and Zoning History**

The 14.95-acre site is comprised of three zoning districts. The north portion is zoned Agricultural (AG-2) and is improved with a building and outdoor storage. The center is zoned Light Industrial (IL) and developed with buildings, aggregate silos, and open storage. This area comprises the existing Best Block operation.

The south portion of the property was zoned IPD in 1993 to permit 24,400 square feet of floor area.<sup>2</sup> The Board later amended the IPD to expand the list of permitted uses.<sup>3</sup> In 2013, the County further expanded permitted uses to include a Recycling Center via Administrative Amendment.<sup>4</sup> Most recently, the IPD hosted a pool chemical company.

Best Block, LLC, purchased the IPD to expand its concrete block operation to include pavers.

### **Character of Area**

The property lies in the Gateway/Airport Planning Community north of Alico Road, east of Michael Ripp Parkway, and west of the Interstate.

The Alico Road corridor is characterized by ongoing development activity.<sup>5</sup> Properties north of Alico Road are developing industrial, commercial, and hotel land uses.<sup>6</sup>

### **Lee Plan**

Planned developments must be consistent with the Lee Plan.<sup>7</sup>

The property is classified as Industrial Development on the Lee Plan Future Land Use Map.<sup>8</sup> Industrial Development areas expand job opportunities in the region by

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<sup>2</sup> Resolution Z-93-041.

<sup>3</sup> Resolution Z-10-030 approved 2010.

<sup>4</sup> ADD 2013-00060.

<sup>5</sup> Lee Plan Policy 1.1.1.

<sup>6</sup> Industrial development activity is concentrated west of Oriole Road. The proposed IPD is west of Gator Road and features industrial uses consistent with development patterns in the area. East of Oriole Road land uses transition from primarily industrial to commercial. Agriculturally zoned properties north of Alico Road will likely be rezoned to other districts because agriculture is not consistent with the Industrial Development future urban designation. Lee Plan Objectives 2.1, 2.2.

<sup>7</sup> LDC §34-411(a).

<sup>8</sup> Lee Plan Policy 1.1.7; Lee Plan Map 1-A.

reserving land for manufacturing, processing, warehousing, etc.<sup>9</sup> The proposed IPD includes uses similar to those approved along the Gator, Lee, and Oriole road corridors.

Rezoning requests must be compatible with existing or planned uses in the area.<sup>10</sup> Industrial development will not be permitted if it allows traffic to travel through predominantly residential areas.<sup>11</sup> Properties north of Alico Road are intended to meet the County's future industrial needs.<sup>12</sup> Consequently, there are no residential land uses in the area.<sup>13</sup>

County actions relating to industrial land uses must be consistent with the Economic Element of the Lee Plan.<sup>14</sup> In general, land development creates jobs, increases property values, generates tax revenue, and fuels economic growth. The Economic Element encourages expansion of the County's economic base, through expansion of existing businesses.<sup>15</sup> The proposed expansion of the Best Block operation will contribute to a positive business climate by offering additional employment opportunities for the region.<sup>16</sup>

Project intensity is determined after considering availability of public infrastructure/services and nature of surrounding development.<sup>17</sup> The property has access to the public services and infrastructure necessary to support industrial land uses.<sup>18</sup> The Best Block expansion promotes compact development patterns in an area slated for industrial land uses.<sup>19</sup>

Part of the property lies within the Airport Noise Zone Overlay.<sup>20</sup> Noise Zone C permits construction subject to public disclosure of the potential for airport-related

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<sup>9</sup> Industrial development is encouraged in the Industrial Development land use categories. See Lee Plan Goals 2, 158, Policies 7.1.3, 7.1.4, 158.2.1. Industrial Development areas reserve land for manufacturing, processing, warehousing, data and logistics centers, research and development, and laboratories.

<sup>10</sup> LDC §34-145(d)(4)(a).

<sup>11</sup> Lee Plan Policies 7.1.7, 158.2.2.

<sup>12</sup> Lee Plan Policies 158.2.1, 158.2.2.

<sup>13</sup> Although part of the site is zoned for agriculture, its Industrial future land use designation renders agricultural uses inconsistent with the County's vision for the property, Lee Plan Objective 9.2, Policy 7.1.5

<sup>14</sup> Lee Plan Policy 7.1.8.

<sup>15</sup> The Lee Plan also recognizes the right to rebuild and expand existing businesses. Lee Plan Goal 159, Objective 159.2, Policies 158.1.1, 158.2.2.

<sup>16</sup> Lee Plan Goals 7, 158, 160, Objectives 7.1, 158.2, 158.3, Policies 7.1.1, 7.1.8, 158.2.2. See also Lee Plan Table 1(b) and Policy 7.1.10.

<sup>17</sup> LDC §34-413; Lee Plan 7.1.3.

<sup>18</sup> Lee Plan Goal 7, Objectives 2.1, 2.2, 7.1, Policies 1.1.7, 2.1.1, 2.2.1, 2.2.2, 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.7, 39.1.2, 39.1.3, 47.2.2, LDC §34-411(i) and (j). Potable water service and sanitary sewer service provided by Lee County Utilities. The property is near major arterial roadways.

<sup>19</sup> The proposed expansion of the Best Block contributes to compact growth patterns in an area designated for industrial activity. Expanding existing businesses benefits the County, consistent with the IPD zoning district. Lee Plan Goal 158, Objectives 2.1, 2.2, 158.2, Policies 7.1.3, 7.1.4, 39.1.3, 39.2.1, 158.2.2.

<sup>20</sup> Airport Noise Zone C. Lee Plan Policy 1.6.1, Lee Plan Map 1-E ; LDC Map : SWFIA Airport Noise Zone. See Lee Plan Policy 47.2.2.



noise.<sup>21</sup> Recommended conditions include notification to future property owners of the potential for noise incidental to airport operations.<sup>22</sup> In addition, structures exceeding 125 feet in height may require a Tall Structures permit from the Lee County Port Authority.<sup>23</sup>

### **Compliance with Land Development Code**

The planned development zoning district is appropriate because it affords flexibility in site design.<sup>24</sup> Flexibility is essential to applicants' goal of expanding the company's operation.

The 14.95-acre site is subject to three zoning classifications: light industrial (IL), IPD, and Agricultural (AG-2). The purpose of agricultural zoning is to accommodate agricultural operations with ancillary residential uses.<sup>25</sup> Agricultural pursuits are no longer consistent with the property's designation as a Future Urban Area.<sup>26</sup> The purpose of the IL zoning district is to accommodate various light industrial and quasi-industrial commercial uses with most processes taking place within enclosed buildings. The requested IPD unifies the zoning classification of the property under a single district subject to a master concept plan.<sup>27</sup>

Industrial Planned Developments must be designed to arrange uses in an integrated and cohesive unit to promote compatibility; utilize joint parking, access, and avoid negative impacts on surrounding land uses.<sup>28</sup> The Master Concept Plan (MCP) establishes an integrated storm water management system, includes roadside buffers, coordinated internal traffic circulation, and landscaping.

Requested uses include manufacturing of stone, clay, glass, and concrete products. This use group permits the existing concrete/block plant, and a paver company.

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<sup>21</sup> LDC §34-1104(a)(3) and (b). See also Lee Plan Policies 1.6.1, 47.2.1, 47.2.2.

<sup>22</sup> Condition 8 requires the following disclosure in accordance with LDC §34-1104(b)(2)a: "*The developer, successor, or assign acknowledges the property's proximity to Southwest Florida International Airport and the potential for noises created by and incidental to the operation of the airport as outlined in Land Development Code §34-1104. The developer, successor, or assign acknowledges that a disclosure statement is required on plats, and in association documents for condominium, property owner, and homeowner associations as outlined in Land Development Code §34-1104(b).*"

<sup>23</sup> *Id.* LDC §34-1107(b).

<sup>24</sup> 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; LDC §34-612(2). The planned development district affords flexibility in site design.

<sup>25</sup> LDC §34-651.

<sup>26</sup> Agricultural pursuits are not consistent with the County's vision for the Industrial land use category. Lee Plan Objectives 1.1, 2.2, Policies 2.1.1, 1.1.7, (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.

<sup>27</sup> Principal uses of an IPD include manufacture, storage, and wholesale distribution of goods and materials. LDC §34-931(f).

<sup>28</sup> Lee Plan Policy 7.1.2.

The request seeks seven deviations from the LDC. A “deviation” is a departure from a land development regulation.<sup>29</sup> Applicants must demonstrate each deviation enhances the planned development and will not cause a detriment to the public.<sup>30</sup>

Requested deviations pertain to excavation setbacks,<sup>31</sup> perimeter setbacks,<sup>32</sup> side and rear lot line setbacks,<sup>33</sup> open space,<sup>34</sup> intersection separation,<sup>35</sup> and general tree requirements.<sup>36</sup>

Applicant offered testimony/evidence to support approval of the deviations.<sup>37</sup> Staff recommended approval of all deviations, finding the deviations advance the objectives of the planned development and protect public health, safety, and welfare.

The LDC requires the Hearing Examiner to approve, approve with modifications, or deny deviations. The Hearing Examiner finds the requested deviations meet LDC approval criteria.

### **Transportation**

Requests to rezone property must provide sufficient access to support the development and address impacts to transportation facilities through County regulations and conditions of approval.<sup>38</sup>

The MCP depicts two driveways onto Gator Road. Gator Road is a privately maintained local road. The MCP adjusts the angle of the north driveway to increase separation from the driveway of the abutting business.<sup>39</sup>

Gator Road provides access to the County road network, including Alico Road, U.S. 41 and I-75. Alico Road is a County maintained 6-lane arterial roadway, a short distance to the south.<sup>40</sup> The site is approximately two miles from the interstate.<sup>41</sup>

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<sup>29</sup> LDC §34-2.

<sup>30</sup> LDC §34-373(a)(9).

<sup>31</sup> LDC §§10-329(d).

<sup>32</sup> LDC §§34-935(b)(1)d and 34-1174(d)(3)a.

<sup>33</sup> LDC §34-935(b)(1).

<sup>34</sup> LDC §10-415(a).

<sup>35</sup> LDC §10-285(a).

<sup>36</sup> LDC §10-416(a)(3).

<sup>37</sup> LDC §34-377(a)(4).

<sup>38</sup> LDC §34-145(d)(4)a.1.d) and e).

<sup>39</sup> Testimony of Catherine Coyle.

<sup>40</sup> Lee County Administrative Code 11-1.

<sup>41</sup> Lee Plan Policy 7.1.3.

Applicant's Traffic Impact Statement (TIS) analysis concludes roadways will operate within adopted levels of service at project buildout.<sup>42</sup> Lee County Department of Transportation concurs with this assessment.<sup>43</sup> Road impact fees will address project impacts to the County transportation network.<sup>44</sup> 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.<sup>45</sup>

The site is cleared with no evidence of indigenous vegetation or protected species. The property owner must remediate soil contamination on the southern portion of the site.<sup>46</sup>

Applicant seeks deviations to reduce open space and required number of trees. Conditions of approval placed on the deviations authorize a reduction in open space to 15% of the site and reduces the number of required trees.<sup>47</sup> The property owner must install trees around the perimeter of storm water retention areas to ensure survival.

The Hearing Examiner finds the requested IPD will not harm environmentally critical/sensitive areas or natural resources.<sup>48</sup>

### **Public Services and Infrastructure**

Zoning requests must demonstrate the property will be served by public services and infrastructure necessary to support development.<sup>49</sup> Public services include facilities, capital improvements, and infrastructure.<sup>50</sup> The Lee Plan requires an evaluation of public services during the zoning process.<sup>51</sup>

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<sup>42</sup> Staff Report Attachment N: Traffic Impact Statement (TIS) for Best Block IPD prepared by David Plummer & Associates dated October 25, 2023.

<sup>43</sup> Staff Report Attachment O: Memorandum prepared by Lili Wu, Principal Planner, dated January 22, 2026.

<sup>44</sup> Staff Report Attachment N: TIS Executive Summary.

<sup>45</sup> LDC §34-145(d)(4)a.1.f).

<sup>46</sup> A pool service company formerly operated on the property resulted in soil contamination.

<sup>47</sup> Lee Plan Objective 77.2.

<sup>48</sup> Development order submittals ensure buffers and landscaped areas follow Xeriscape principles. Lee Plan Objective 126.2, Policies 54.1.2, 54.1.3, 54.1.6, 54.1.11, 61.1.6, 125.1.2, 126.1.2, 126.2.1. Required landscape buffers must consist of native landscape to conserve water.

<sup>49</sup> LDC §34-145(d)(4)a.1.g).

<sup>50</sup> Public services and infrastructure available to serve the project includes public water and sewer, paved streets, police, fire and emergency services, and urban surface water management. Lee Plan Goals 70, 95, Objective 4.1, Policy 68.2.3 Standards 4.1.1, 4.1.2, 4.1.4.

<sup>51</sup> Lee Plan Policy 2.2.1.

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.<sup>52</sup> Public services and infrastructure are available to serve the site.<sup>53</sup> The property fronts on Gator Road, which connects to Alico Road, providing access to the County road network, including US 41 and I-75.

The site has access to potable water and sanitary sewer from Lee County Utilities. Applicant may continue to rely on onsite septic tanks if demand does not exceed 5,000 gallons per day.<sup>54</sup> Fire, EMS, and law enforcement services are available to serve the property.<sup>55</sup>

The proposed industrial land uses are appropriate given the site's proximity to the interstate, airport, public services, and infrastructure.<sup>56</sup>

### **Conditions**

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect natural resources.<sup>57</sup> Conditions must plausibly relate to anticipated impacts, and be pertinent to mitigating impacts to public health, safety, and welfare.<sup>58</sup>

The requested Pavestone IPD will be subject to several conditions of approval. The conditions reasonably relate to the impacts anticipated from the development.<sup>59</sup>

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:

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<sup>52</sup> Lee Plan Policies 7.1.1, 7.1.3, 39.1.3.

<sup>53</sup> Lee Plan Goals 2, 4, 53, 56, 70, 95, Objectives 2.2, 4.1, 158.3, Policies 1.1.7, 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.

<sup>54</sup> See Condition 6.

<sup>55</sup> Staff PowerPoint presentation. Fire and emergency medical services will be provided by San Carlos Park Fire & Rescue District. Law enforcement will be provided by the Lee County Sheriff.

<sup>56</sup> Lee Plan Objective 7.1, Policies 7.1.1, 7.1.3, 47.2.2.

<sup>57</sup> LDC §§34-145(d)(4)a.2.(b), 34-377(a)(3), and 34-932(b, c).

<sup>58</sup> LDC §34-932(c).

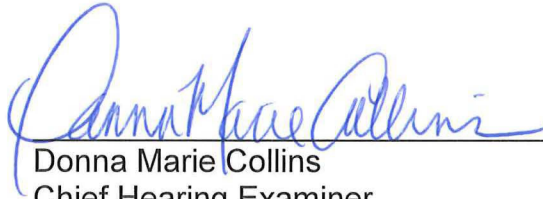
<sup>59</sup> LDC §34-83(b)(4)a.3.



- A. The proposed Pavestone Industrial Planned Development complies with the Lee Plan. Lee Plan Goals 2, 4, 7, 61, 70, 77, 95, 158, Objectives 2.1, 2.2, 4.1, 47.2, 158.3, Policies 1.1.7, 1.6.1, 2.1.2, 2.2.1, 7.1.1, 7.1.2, 7.1.3, 7.1.5, 7.1.8, 7.1.9, 7.1.10, 38.1.1, 39.1.3, 47.2.1, 47.2.2, 61.3.6, 158.2.1, 158.2.2.
- B. *As conditioned*, the Industrial Planned Development:
1. Meets the LDC and other county regulations or qualifies for deviations. LDC Chapters 2, 10, 34;
  2. Is compatible with existing and planned uses in the surrounding area. Lee Plan Policies 2.1.2, 2.2.1, 7.1.2, 7.1.3, 7.1.8;
  3. Provides sufficient access 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, 7.1.1, 7.1.2, 7.1.5, 38.1.1, 39.1.3; LDC §34-411(d) and (e) ;
  4. Will not adversely affect environmentally critical areas and natural resources. Lee Plan Goals 61, 77, Objectives 77.2, 77.3, 126.2, Policies 54.1.1, 60.4.1, 61.2.4, 61.3.6, 61.3.11, 123.4.5, 126.2.1; 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, 7, 70, 95, Objectives 2.1, 4.1, 7.1, 158.3, Policies 2.2.1, 7.1.1, 7.1.5, 7.1.6, 39.1.3, Standards 4.1.1, 4.1.2 and Maps 4-A, 4-B; LDC §34-411(d).
- C. The proposed uses are appropriate at the proposed location. Lee Plan Goal 158, Objective 2.1, Policies 2.1.1, 2.1.2, 7.1.1, 7.1.2, 7.1.3, 7.1.8, 47.2.1, 153.2.1, 158.2.2.
- 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, 7.1.2, 7.1.8, 47.2.1, 47.2.2; LDC §§10-1104(b), 34-377(a)(3), 34-411, 34-932(b) and (c), 34-1012, 34-1104.
- E. *As conditioned*, the requested deviations:
1. Enhance the planned development, and

2. Preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

Date of Recommendation: March 25, 2026.



---

Donna Marie Collins  
Chief Hearing Examiner

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

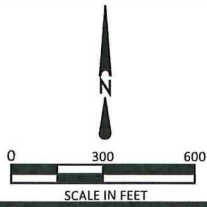
**Exhibits to Hearing Examiner's Recommendation**

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



16790 & 16880 GATOR RD  
FORT MYERS, FL 33912  
OF  
SOUTHEAST 1/4 SECTION 5,  
TOWNSHIP 46 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

SKETCH

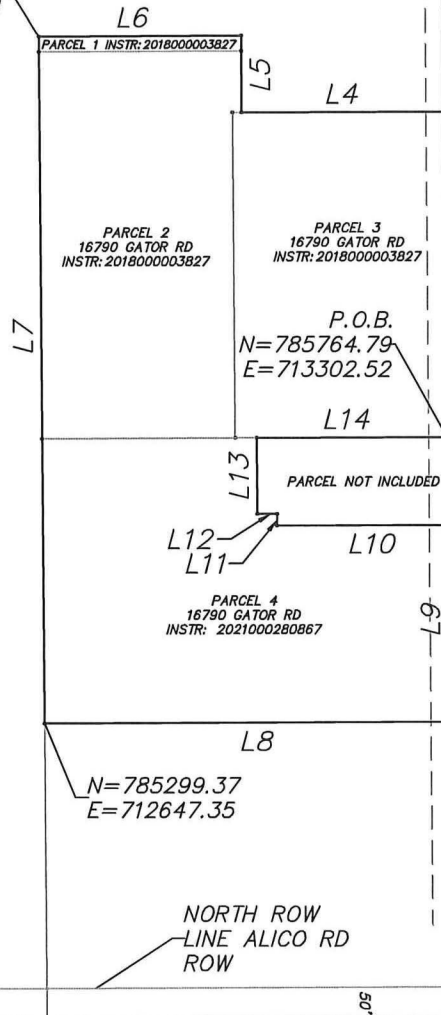
DATE: 7/18/2025

**\*\*THIS IS NOT A SURVEY\*\***

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | N89° 42' 02"E | 1562.63  |
| L2   | N0° 35' 53"W  | 942.00   |
| L3   | N0° 35' 53"W  | 528.00   |
| L4   | S89° 42' 02"W | 330.00   |
| L5   | N0° 35' 53"W  | 125.00   |
| L6   | S89° 42' 02"W | 330.00   |
| L7   | S0° 35' 53"E  | 1115.00  |
| L8   | N89° 42' 02"E | 660.00   |
| L9   | N0° 35' 53"W  | 319.50   |
| L10  | S89° 42' 02"W | 278.50   |
| L11  | N0° 35' 53"W  | 19.00    |
| L12  | S89° 42' 02"W | 31.50    |
| L13  | N0° 35' 53"W  | 123.50   |
| L14  | N89° 42' 02"E | 310.00   |

N=786414.31  
E=712635.71

WEST LINE OF THE E 1/2 OF THE SW 1/4 OF THE SE 1/4 OF SECTION 5-46-25



P.O.C.  
S.W. CORNER OF SE  
1/4 OF SECTION  
5-46-25  
N=784814.68  
E=711749.74

S. LINE OF SE 1/4 OF  
SECTION 5-46-25

L1

NORTH ROW  
LINE ALICO RD  
ROW

40'  
NON-EXCLUSIVE  
ROW

**REVIEWED**

Project: DCI2023-00037

By: Richard Burris

Dept: Legal Review

Date: 09/15/2025

I CERTIFY THAT THIS SKETCH AND DESCRIPTION WAS MADE UNDER MY  
DIRECTION AND THAT IT MEETS THE MINIMUM TECHNICAL STANDARDS SET  
FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER  
5J-17.050 THRU .052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO  
CHAPTER 472.027, FLORIDA STATUTES.

REVISIONS:

PAGE 1 OF 2

PROJECT NO: N/A  
SCALE: 1"=300'  
DRAWN BY: JJM  
CHECKED BY: MDM  
DATE DRAWN: 9/2/2024  
FIELD BOOK: 55



**CE-SITE**  
civil engineering . surveying . project management  
EB-30108 • LB-7995  
13650 Fiddlesticks Blvd., PMB202-389  
Fort Myers, Florida 33912  
Telephone (239) 936-9777

THIS MAP IS NOT VALID WITHOUT THE ORIGINAL  
SIGNATURE AND RAISED SEAL OF THE FLORIDA  
LICENSED SURVEYOR AND MAPPER.



Digitally signed by  
Mark D. McCleary PSM  
Date: 2025.07.18  
13:33:37 -0400

MARK D. McCLEARY, P.S.M.  
FLORIDA REGISTRATION NO. 6557  
FOR THE FIRM LB-7995  
DATE SIGNED:



16790 & 16880 GATOR RD  
FORT MYERS, FL 33912  
OF  
SOUTHEAST 1/4 SECTION 5,  
TOWNSHIP 46 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

DESCRIPTION

DATE: 7/18/2025

**\*\*THIS IS NOT A SURVEY\*\***

DESCRIPTION MORE PARTICULARLY DESCRIBED:

A TRACT OR PARCEL OF LAND LYING IN THE SE 1/4 OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE SW CORNER OF THE SE 1/4, OF SAID SECTION 5; THENCE RUN N. 89°42' 02" E (BASIS OF BEARINGS) ALONG THE SOUTH LINE OF SAID SE 1/4 OF SECTION 5, FOR 1562.63 FEET; THENCE RUN N 00°35' 53" W, PARALLEL WITH THE WEST LINE OF THE E 1/2 OF THE SW 1/4 OF THE SE 1/4 OF SAID SECTION 5, FOR 942.00 FEET TO THE POINT OF BEGINNING.

THENCE N 00°35' 53" W A DISTANCE OF 528.00' TO A POINT;

THENCE S 89°42' 02" W A DISTANCE OF 330.00' TO A POINT;

THENCE N 00°35' 53" W A DISTANCE OF 125.00' TO A POINT;

THENCE S 89°42' 02" W A DISTANCE OF 330.00' TO A POINT;

THENCE S 00°35' 53" E A DISTANCE OF 1115.00' TO A POINT;

THENCE N 89°42' 02" E A DISTANCE OF 660.00' TO A POINT;

THENCE N 00°35' 53" W A DISTANCE OF 319.50' TO A POINT;

THENCE S 89°42' 02" W A DISTANCE OF 278.50' TO A POINT;

THENCE N 00°35' 53" W A DISTANCE OF 19.00' TO A POINT;

THENCE S 89°42' 02" W A DISTANCE OF 31.50' TO A POINT;

THENCE N 00°35' 53" W A DISTANCE OF 123.50' TO A POINT;

THENCE N 89°42' 02" E A DISTANCE OF 310.00' TO THE POINT OF BEGINNING. CONTAINING AN AREA OF 651,064.7 SQUARE FEET, 14.95 ACRES MORE OR LESS.

TOGETHER WITH A NON-EXCLUSIVE RIGHT OF WAY AND EASEMENT FOR ROADWAY, UTILITY AND RELATED PURPOSES THROUGH, OVER AND ACROSS:

A PARCEL OF LAND LOCATED IN THE SE 1/4 OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SE 1/4 OF SECTION 5; THENCE N 89° 42' 02" E ALONG THE SOUTH LINE OF SAID SE 1/4 OF SECTION 5, 1,532.63 FEET; THENCE N 0° 35' 53" W, 50 FEET TO NORTH RIGHT OF WAY LINE OF ALICO ROAD AND POINT OF BEGINNING FOR THIS PARCEL; THENCE CONTINUE N 0° 35' 53" W, 100 FEET; THENCE N 89° 42' 02" E, 30 FEET; THENCE N 0° 35' 53" W, 1,980 FEET; THENCE N 89° 42' 02" E 30 FEET; THENCE S 0° 35' 53" E, 2,080 FEET TO THE NORTH RIGHT OF WAY LINE OF ALICO ROAD; THENCE S 89° 42' 02" W ALONG SAID NORTH RIGHT OF WAY LINE OF ALICO ROAD 60 FEET TO POINT OF BEGINNING.

AS WELL AS A NON-EXCLUSIVE RIGHT-OF-WAY AND EASEMENT FOR ROADWAY, UTILITY AND RELATED PURPOSES THROUGH, OVER AND ACROSS:

A PARCEL OF LAND LOCATED IN THE SE 1/4 OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SE 1/4 OF SECTION 5; THENCE N 89° 42' 02" E ALONG THE SOUTH LINE OF SAID SE 1/4 OF SECTION 5, 1,592.63 FEET; THENCE N 0° 35' 53" W, 50 FEET TO NORTH RIGHT OF WAY LINE OF ALICO ROAD AND POINT OF BEGINNING FOR THIS PARCEL; THENCE CONTINUE N 0° 35' 53" W, 2,080 FEET; THENCE N 89° 42' 02" E, 40 FEET; THENCE S 0° 35' 53" E, 2,080 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ALICO ROAD; THENCE S 89° 42' 02" W ALONG SAID NORTH RIGHT-OF-WAY LINE OF ALICO ROAD 40 FEET TO POINT OF BEGINNING.

**REVIEWED**

Project: DCI2023-00037

By: Richard Burris

Dept: Legal Review

Date: 09/15/2025

REVISIONS:

PAGE 2 OF 2

PROJECT NO: N/A  
SCALE: N/A  
DRAWN BY: JJM  
CHECKED BY: HDM  
DATE DRAWN: 9/2/2024  
FIELD BOOK: 55



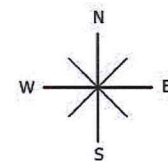
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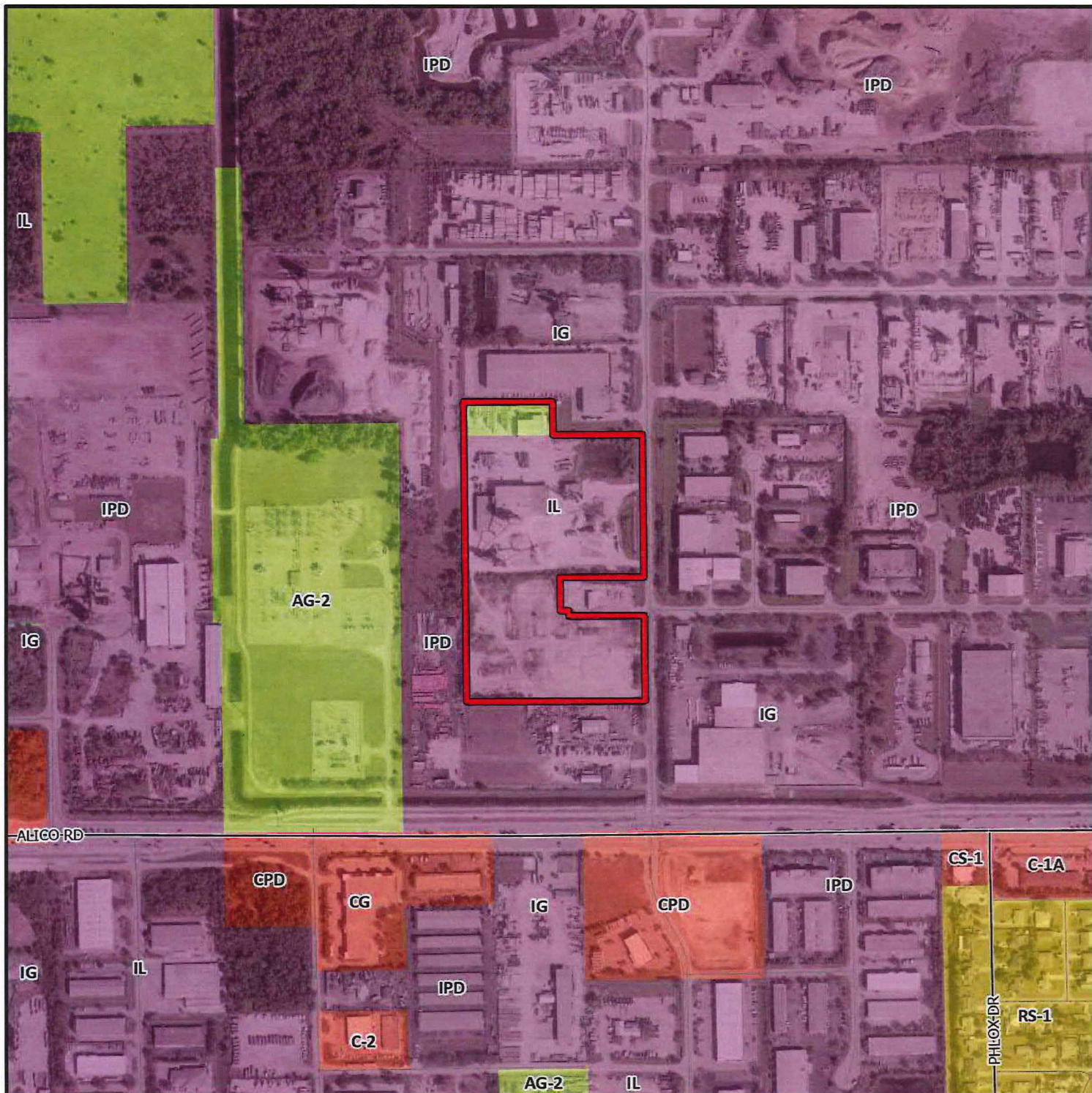
DCI2023-00037

## Zoning

 Subject Property



0 500 1,000  
Feet



## Exhibit B

### RECOMMENDED CONDITIONS AND DEVIATIONS

*As revised by the Hearing Examiner*

#### CONDITIONS

**1. Governing Development Approvals.**

Master Concept Plan. Master Concept Plan (MCP). Development must be consistent with two-page MCP entitled, "DCI2023-00037 Master Concept Plan", prepared by Boggs Engineering, LLC, stamped Received March 16, 2026, except where modified by conditions herein.

Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC at the time of permitting, except where deviations are approved in this resolution. Subsequent revisions to the MCP, conditions, or deviations require further review and approvals.

Approved Development Parameters. The IPD is approved to develop up to 95,250 square feet of industrial manufacturing and administrative offices. Maximum building height is 75 feet.

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

**a. Schedule of Uses**

Manufacturing of stone, clay, glass, and concrete products, Groups I-IV  
Accessory Uses, Buildings, and Structures  
Administrative Offices  
Entrance Gates and Gatehouses  
Essential Services  
Essential Service Facilities, Group I  
Excavation: Water retention  
Fences, Walls  
Parking Lot, accessory  
Signs

**b. Site Development Regulations**

General Parameters

|                            |                           |
|----------------------------|---------------------------|
| Minimum Lot Coverage:      | 20 percent                |
| Maximum Building Height:   | 75 feet                   |
| Minimum Open Space:        | 15.45 percent             |
| Perimeter Building Setback | 25 feet (see Condition 4) |
| Minimum Excavation Setback | 25 feet                   |



**3. Open Space**

Development order plans must depict a minimum of 2.31 acres of open space. (Representing 15.45 percent pursuant to Deviation 5 below)

**4. Setbacks**

- a. If the developer removes either Building #3 or the above ground tanks, new principal structures must set back 25 feet from the property line. New accessory structures must set back ten feet from rear and side property lines.
- b. Development order plans must depict a zero-foot setback for new raw material containers (open bins) along the south property line. (per Deviation 4)

**5. General Trees**

Development order plans must depict 120 general trees clustered around wet and dry detention areas. General trees must be specified at ten-feet-in-height, two-inch caliper, and four-foot canopy spread. (per Deviation 7)

**6. Sanitary Sewer**

Development order submittals must demonstrate proposed industrial uses will not exceed 5,000 gallons of wastewater per day at build-out.

**7. Existing Silos**

Existing standalone silos must be demolished prior to the issuance of a Certificate of Compliance for new raw material containers/open bins in Phase II.

**8. Port Authority**

The developer, successor, or assign acknowledges the property's proximity to the Southwest Florida International Airport and potential for noise created by and incidental to the operation of the airport outlined in LDC §34-1104. The developer, successor, or assign acknowledges a disclosure statement is required on plats, and in association documents for condominium, property owner, and homeowner associations as outlined in LDC §34-1104(b).

Developer must provide documentation confirming coordination with Lee County Port Authority to Lee County Development Services on proposed location and maximum operating heights of temporary construction equipment exceeding 75 feet. Temporary construction equipment includes cranes, derricks, concrete pumpers, etc.

**9. State and Federal Permits**

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, fulfill obligations imposed by state/federal

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

## **DEVIATIONS**

1. Excavation Setbacks. Deviation 1 seeks relief from LDC §10-329(d)(1)a.1, which requires an excavation setback of 50 feet from existing street rights-of-way, to allow a zero-foot excavation setback for retention ponds A-C and stormwater system components.

Deviation approved.

2. Perimeter Setback. Deviation two seeks relief from LDC §34-935(b)(1)d requiring a 25-foot perimeter setback for Industrial Planned Developments; to allow a 24-foot perimeter setback for Building #3.

Deviation approved, subject to Condition 4a.

3. Side and Rear Property Line Setbacks. Deviation three seeks relief from LDC §34-1174(d)(3)a, which requires a ten-foot setback from rear and side lot lines; to allow a five-foot setback for two existing above-ground tanks accessory to Building #3 and a zero-foot setback for the new raw material containers/open bins proposed along the south and southwest property lines.

Deviation approved, subject to Condition 4b.

4. Perimeter Setback. Deviation four seeks relief from LDC §34-935(b)(1) requiring a 25-foot perimeter setback; to allow a zero-foot setback for new raw material containers/open bins proposed within the south portion of the site.

Deviation approved, subject to Condition 4b.

5. Open Space. Deviation five seeks relief from LDC §10-415(a) requiring a minimum of 20 percent open space; to allow 15.45 percent open space.

Deviation approved, subject to Condition 3.

6. Connection Separation. Deviation six seeks relief from LDC §10-285, Table 1 requiring a 60-foot separation between accessways with connection to local roads; to allow a separation of 35.28 feet between Driveway #2 and the driveway on the adjacent property.

Deviation approved.



7. Landscape Standards – General Trees. Deviation seven seeks relief LDC §10-416(a)(3) requiring one tree per each 3,500 square feet of development area, which amounts to 186 trees - to allow a 36 percent reduction to 120 – ten feet/two-inch caliper trees.

Deviation approved, subject to Condition 5.

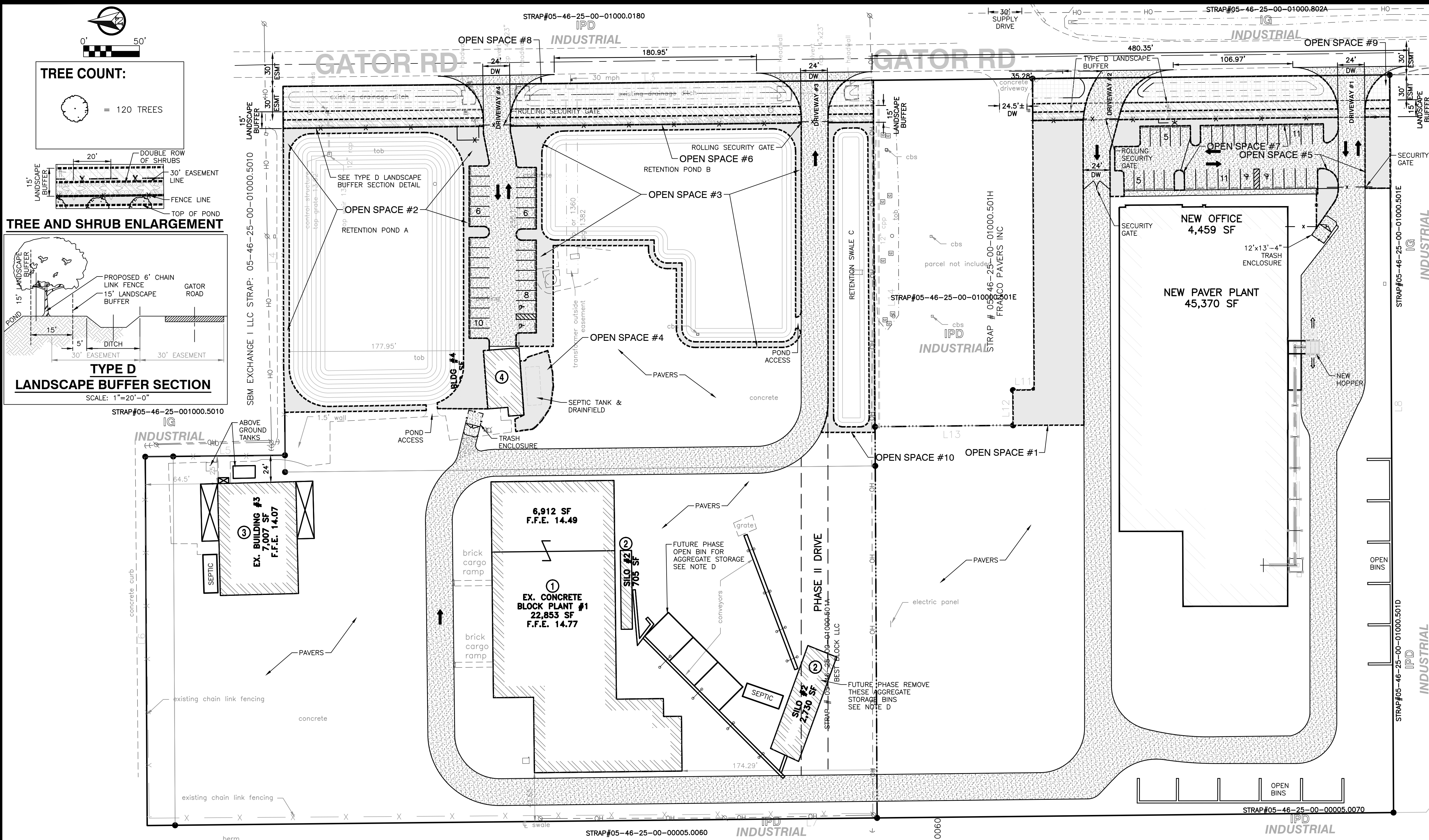
Exhibits to Conditions:

B1 Master Concept Plan entitled, "DCI2023-00037 Master Concept Plan" stamped received March 16, 2026.









|                  |                                                       |          |  |
|------------------|-------------------------------------------------------|----------|--|
| <b>SITE DATA</b> |                                                       |          |  |
| SITE ADDRESS     | 16790 & 16880 GATOR ROAD<br>FORT MYERS, FLORIDA 33912 |          |  |
| GROSS SITE AREA  | 651,064.7 SF                                          | 14.95 AC |  |
| STRAP NUMBER     | 05-46-25-L3-01000.501A                                |          |  |

|                                                                                                                                                        |           |  |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|--|--|
| <b>OPEN SPACE:</b>                                                                                                                                     |           |  |  |
| TOTAL REQUIRED OPEN SPACE:<br>20% OF 651,064.7 SF = 130,212.94 SF (2.99 AC)                                                                            |           |  |  |
| PER SEC. 10-415(D)(2)C - MAX OPEN SPACE OFF-SET WITH WET STORMWATER<br>PONDS = 25% OF REQUIRED OPEN SPACE<br>25% x 130,212.94 = 32,553.24 SF (0.75 AC) |           |  |  |
| TOTAL WET STORMWATER POND AREA = 68,951.26 SF (PONDS A & B, SWALE C)                                                                                   |           |  |  |
| OPEN SPACE AREAS:                                                                                                                                      |           |  |  |
| OPEN SPACE 1#                                                                                                                                          | 12,786 SF |  |  |
| OPEN SPACE 2#                                                                                                                                          | 6,539 SF  |  |  |
| OPEN SPACE 3#                                                                                                                                          | 6,830 SF  |  |  |
| OPEN SPACE 4#                                                                                                                                          | 1,690 SF  |  |  |
| OPEN SPACE 5#                                                                                                                                          | 2,117 SF  |  |  |
| OPEN SPACE 6#                                                                                                                                          | 11,246 SF |  |  |
| OPEN SPACE 7#                                                                                                                                          | 2,464 SF  |  |  |
| OPEN SPACE 8#                                                                                                                                          | 13,766 SF |  |  |
| OPEN SPACE 9#                                                                                                                                          | 7,445 SF  |  |  |
| OPEN SPACE 10#                                                                                                                                         | 3,212 SF  |  |  |
| TOTAL AREA (1-10):                                                                                                                                     | 68,095 SF |  |  |
| TOTAL PROVIDED OPEN SPACE:<br>32,533.24 SF + 68,095.24 = 100,628.24 (2.31 AC) OR 15.45%                                                                |           |  |  |

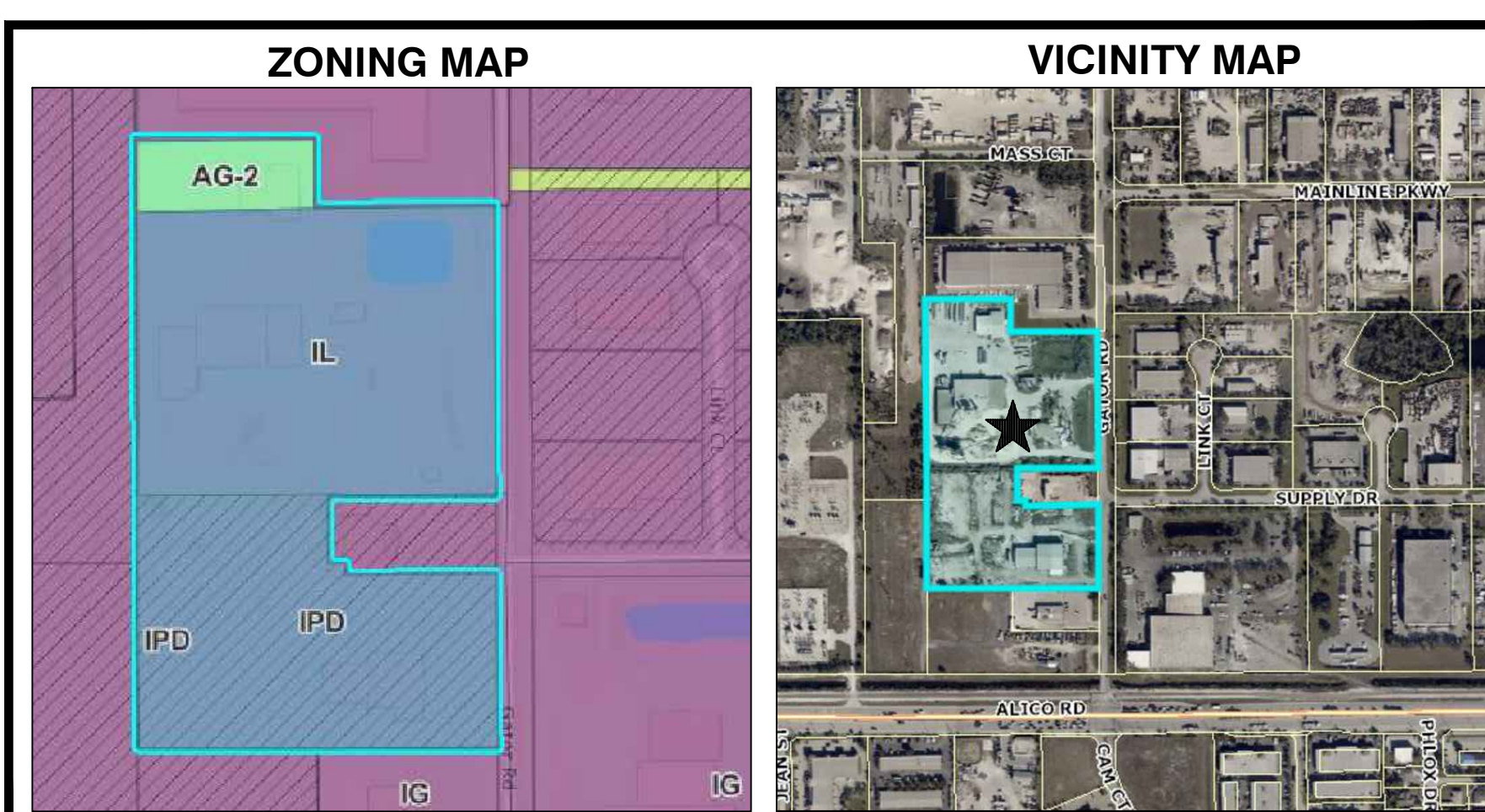
|                                                               |                                                                                                               |
|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| <b>NOTES:</b>                                                 |                                                                                                               |
| A. FLOOD ZONE:                                                | THIS PROPERTY LIES WITHIN FLOOD ZONE "X" AS DEPICTED ON FEMA FLOOD MAP 12071 C 05776, DATED DECEMBER 7, 2018. |
| B. THERE ARE NO ENVIRONMENTALLY SENSITIVE AREAS ON THIS SITE. |                                                                                                               |
| C. DRIVEWAY ACCESS:                                           |                                                                                                               |
| DRIVEWAY #1.                                                  | TWO-WAY ACCESS TO SECURITY GATE; THEN ONE-WAY INGRESS FOR DELIVERY TRUCKS AND AUTHORIZED PERSONNEL ONLY.      |
| DRIVEWAY #2.                                                  | INGRESS ONLY; ONE-WAY CHANNELIZED INGRESS FOR TRUCKS AND AUTHORIZED PERSONNEL ONLY BEYOND SECURITY GATE.      |
| DRIVEWAY #3.                                                  | EGRESS ONLY.                                                                                                  |
| DRIVEWAY #4.                                                  | TWO-WAY TO EMPLOYEE SERVICES BUILDING.                                                                        |

|                                                                                                                                |                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>EASEMENT INFORMATION:</b>                                                                                                   |                                                                                                                                                                                                                                                                                                                            |
| ALL DOCUMENTS AFFECTING THE PROPERTY PURSUANT TO TITLE OPINION PREPARED BY SMITH, GAMBRELL & RUSSELL, LLP DATED JULY 14, 2025. |                                                                                                                                                                                                                                                                                                                            |
| 1.                                                                                                                             | WARRANTY DEED BOOK 1042, PAGE 1198. (EASEMENT PLOTTED)                                                                                                                                                                                                                                                                     |
| 2.                                                                                                                             | RIGHT-OF-WAY EASEMENT BOOK 1042, PAGE 1360. (OFFSITE & PLOTTED)                                                                                                                                                                                                                                                            |
| 3.                                                                                                                             | RIGHT-OF-WAY EASEMENT BOOK 1234, PAGE 994. (OFFSITE & PLOTTED)                                                                                                                                                                                                                                                             |
| 4.                                                                                                                             | WARRANTY DEED BOOK 1339, PAGE 485. (NOT A SURVEY MATTER)                                                                                                                                                                                                                                                                   |
| 5.                                                                                                                             | WARRANTY DEED BOOK 1339, PAGE 861. (NOT A SURVEY MATTER)                                                                                                                                                                                                                                                                   |
| 6.                                                                                                                             | EASEMENT BOOK 1360, PAGE 1382. (PLOTTED)                                                                                                                                                                                                                                                                                   |
| 7.                                                                                                                             | WARRANTY DEED BOOK 1406, PAGE 1868. (NOT A SURVEY MATTER)                                                                                                                                                                                                                                                                  |
| 8.                                                                                                                             | WARRANTY DEED BOOK 1422, PAGE 2. (NOT A SURVEY MATTER)                                                                                                                                                                                                                                                                     |
| 9.                                                                                                                             | WARRANTY DEED BOOK 1515, PAGE 723. (NOT A SURVEY MATTER)                                                                                                                                                                                                                                                                   |
| 10.                                                                                                                            | EASEMENT BOOK 1549, PAGE 2337. (EASEMENT PLOTTED)                                                                                                                                                                                                                                                                          |
| 11.                                                                                                                            | CERTIFICATE OF NAME CHANGE BOOK 1958, PAGE 1976. (NOT A SURVEY MATTER)                                                                                                                                                                                                                                                     |
| 12.                                                                                                                            | COVENANT OF UNIFIED CONTROL BOOK 2416, PAGE 735. (NOT A SURVEY MATTER)                                                                                                                                                                                                                                                     |
| 13.                                                                                                                            | WARRANTY DEED BOOK 3202, PAGE 1306. (NOT A SURVEY MATTER)                                                                                                                                                                                                                                                                  |
| 14.                                                                                                                            | PERPETUAL PUBLIC UTILITY EASEMENT GRANT BOOK 3668, PAGE 2650. (EASEMENT OFFSITE & PLOTTED)                                                                                                                                                                                                                                 |
| 15.                                                                                                                            | DECLARATION OF EASEMENT INSTRUMENT: 2008000070654. (EASEMENT OFFSITE & PLOTTED)                                                                                                                                                                                                                                            |
| 16.                                                                                                                            | WARRANTY DEED INSTRUMENT: 2008000088226. (NOT A SURVEY MATTER)                                                                                                                                                                                                                                                             |
| 17.                                                                                                                            | WARRANTY DEED INSTRUMENT: 2014000055008. (NOT A SURVEY MATTER)                                                                                                                                                                                                                                                             |
| 18.                                                                                                                            | WARRANTY DEED INSTRUMENT: 2018000003827. (NOT A SURVEY MATTER)                                                                                                                                                                                                                                                             |
| 19.                                                                                                                            | WARRANTY DEED INSTRUMENT: 2018000239292. (NOT A SURVEY MATTER)                                                                                                                                                                                                                                                             |
| 20.                                                                                                                            | INTENTIONALLY DELETED.                                                                                                                                                                                                                                                                                                     |
| 21.                                                                                                                            | INTENTIONALLY DELETED.                                                                                                                                                                                                                                                                                                     |
| 22.                                                                                                                            | WARRANTY DEED INSTRUMENT: 2021000280867. (EASEMENT OFFSITE & PLOTTED)                                                                                                                                                                                                                                                      |
| 23.                                                                                                                            | A.) NOTICE OF COMMENCEMENT FOR DEMOLITION OF BUILDING(S) RECORDED BY BEST BLOCK LLC ON JULY 9, 2024 AS INSTRUMENT #2024000203818. (NOT A SURVEY MATTER)<br>B.) NOTICE OF COMMENCEMENT FOR HVAC CHANGE OUT OF A 5 TON UNIT RECORDED BY BEST BLOCK LLC ON MARCH 27, 2025 AS INSTRUMENT #2025000082040. (NOT A SURVEY MATTER) |

## LEGAL DESCRIPTION

PARCEL A DESCRIPTION: THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF LEE, STATE OF FLORIDA, AND DESCRIBED AS FOLLOWS:  
A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:  
FROM THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 5, RUN NORTH 89° 48' 25" EAST, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER (SE 1/4) OF SECTION 5, 902.63 FEET; THENCE NORTH 0° 29' 30" WEST 462.00 FEET; THENCE NORTH 89° 48' 25" EAST 350.00 FEET; THENCE SOUTH 0° 29' 30" EAST 123.50 FEET; THENCE NORTH 89° 48' 25" EAST 31.50 FEET; THENCE SOUTH 0° 29' 30" EAST 19.00 FEET; THENCE NORTH 89° 48' 25" EAST 278.50 FEET SOUTH 0° 29' 30" EAST 319.50 FEET; THENCE SOUTH 89° 48' 25" WEST 660.00 FEET TO THE POINT OF BEGINNING.  
TOGETHER WITH A NON-EXCLUSIVE RIGHT WAY AND EASEMENT FOR ROADWAY, UTILITY AND RELATED PURPOSES THROUGH, OVER AND ACROSS: A PARCEL OF LAND LOCATED IN THE SE 1/4 OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:  
BEGIN AT THE SOUTHWEST CORNER OF SAID SE 1/4 OF SECTION 5; THENCE N 89° 48' 25" E ALONG THE SOUTH LINE OF SAID SE 1/4 OF SECTION 5, 1,532.63 FEET; THENCE N 0° 29' 30" W, 50 FEET TO NORTH RIGHT OF WAY LINE OF ALICO ROAD AND POINT OF BEGINNING FOR THIS PARCEL; THENCE CONTINUE N 0° 29' 30" W, 100 FEET; THENCE N 89° 48' 25" E, 30 FEET; THENCE N 0° 29' 30" W, 1,980 FEET; THENCE N 89° 48' 25" E, 30 FEET; THENCE S 0° 29' 30" E, 2,080 FEET TO THE NORTH RIGHT OF WAY LINE OF ALICO ROAD; THENCE S 89° 48' 25" W ALONG SAID NORTH RIGHT OF WAY LINE OF ALICO ROAD 60 FEET TO POINT OF BEGINNING.  
AS WELL AS A NON-EXCLUSIVE RIGHT-OF-WAY AND EASEMENT FOR ROADWAY, UTILITY AND RELATED PURPOSES THROUGH, OVER AND ACROSS: A PARCEL OF LAND LOCATED IN THE SE 1/4 OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:  
BEGIN AT THE SOUTHWEST CORNER OF SAID SE 1/4 OF SECTION 5; THENCE N 89° 48' 25" E ALONG THE SOUTH LINE OF SAID SE 1/4 OF SECTION 5, 1,592.63 FEET; THENCE N 0° 29' 30" W, 50 FEET TO NORTH RIGHT OF WAY LINE OF ALICO ROAD AND POINT OF BEGINNING FOR THIS PARCEL; THENCE CONTINUE N 0° 29' 30" W, 100 FEET; THENCE N 89° 48' 25" E, 30 FEET; THENCE N 0° 29' 30" W, 1,980 FEET; THENCE N 89° 48' 25" E, 30 FEET; THENCE S 0° 29' 30" E, 2,080 FEET TO THE NORTH RIGHT OF WAY LINE OF ALICO ROAD; THENCE S 89° 48' 25" W ALONG SAID NORTH RIGHT-OF-WAY LINE OF ALICO ROAD 40 FEET TO POINT OF BEGINNING.  
AND PARCEL B DESCRIPTION  
(16790 GATOR ROAD, FORT MYERS, FL 33912 - FIDELITY NATIONAL TITLE INSURANCE COMPANY POLICY NO. 02325.179254-SPS-2730609-1-17-FTPA 17-5204, DATE OF POLICY - JANUARY 4, 2018, AT 03:27 PM)  
EXHIBIT "A"  
PARCEL 1: A TRACT OR PARCEL OF LAND LYING IN THE SE 1/4 OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, FURTHER DESCRIBED AS FOLLOWS:  
COMMENCE AT THE SW CORNER OF THE SE 1/4 OF SAID SECTION 5; THENCE RUN N 89 DEG. 48' 25" E. ALONG THE SOUTH LINE OF SAID SE 1/4 OF SAID SECTION 5, FOR 1562.63 FEET; THENCE RUN N. 00 DEG. 29' 30" W., PARALLEL WITH THE WEST LINE OF THE E 1/2 OF THE SE 1/4 OF THE SE 1/4 OF THE SE 1/4 OF SAID SECTION 5, FOR 150.00 FEET TO THE SE CORNER OF A PARCEL AS RECORDED IN OFFICIAL RECORD BOOK 1042 PAGE 1198, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N. 00 DEG. 29' 30" W. ALONG THE EAST LINE OF SAID PARCEL, FOR 792.00 FEET; THENCE RUN S. 89 DEG. 48' 25" W., PARALLEL TO THE SOUTH LINE OF SAID SECTION 5, FOR 345.00 FEET TO A CONCRETE MONUMENT; THENCE RUN S. 89 DEG. 48' 25" W. ALONG THE LAST MENTIONED COURSE FOR 315.00 FEET TO A CONCRETE MONUMENT; THENCE RUN N. 00 DEG. 29' 30" W., FOR 250.00 FEET TO A CONCRETE MONUMENT; THENCE RUN N. 89 DEG. 48' 25" E. FOR A DISTANCE OF 330.00 FEET TO A CONCRETE MONUMENT; THENCE RUN S. 00 DEG. 29' 30" E. FOR 25.00 FEET TO A CONCRETE MONUMENT; THENCE RUN S. 89 DEG. 48' 25" W. FOR 330.00 FEET TO P.O.B.  
PARCEL 2: A TRACT OR PARCEL OF LAND LYING IN THE SE 1/4 OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, FURTHER DESCRIBED AS FOLLOWS:  
COMMENCE AT THE SW CORNER OF THE SE 1/4 OF SAID SECTION 5; THENCE RUN N. 89 DEG. 48' 25" E., ALONG THE SOUTH LINE OF SAID SE 1/4 OF SECTION 5 FOR 1562.63 FEET; THENCE RUN N. 00 DEG. 29' 30" W. PARALLEL WITH THE WEST LINE OF THE E 1/2 OF THE SE 1/4 OF THE SE 1/4 OF SAID SECTION 5 FOR 150.00 FEET TO THE SE CORNER OF A PARCEL AS RECORDED IN OFFICIAL RECORDS BOOK 1042 PAGE 1198, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N. 00 DEG. 29' 30" W. ALONG THE EAST LINE OF SAID PARCEL, FOR 792.0 FEET; THENCE RUN S. 89 DEG. 48' 25" W. ALONG THE LAST MENTIONED COURSE FOR 315.0 FEET TO A CONCRETE MONUMENT; THENCE RUN N. 00 DEG. 29' 30" W., FOR 250.00 FEET TO A CONCRETE MONUMENT; THENCE RUN N. 89 DEG. 48' 25" E. FOR A DISTANCE OF 330.00 FEET TO A CONCRETE MONUMENT; THENCE RUN S. 00 DEG. 29' 30" E. FOR 25.00 FEET TO A CONCRETE MONUMENT; THENCE RUN S. 89 DEG. 48' 25" W. FOR 330.00 FEET TO P.O.B.  
PARCEL 3: A TRACT OR PARCEL OF LAND LYING IN THE SE 1/4 OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE SW CORNER OF THE SE 1/4, OF SAID SECTION 5; THENCE RUN N. 89 DEG. 48' 25" E., ALONG THE SOUTH LINE OF SAID SE 1/4 OF SECTION 5, FOR 1562.63 FEET; THENCE RUN N. 00 DEG. 29' 30" W., PARALLEL WITH THE WEST LINE OF THE E 1/2 OF THE SE 1/4 OF SAID SECTION 5, FOR 150.00 FEET TO THE SE CORNER OF PARCEL AS RECORDED IN OFFICIAL RECORD BOOK 1042 PAGE 1198, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE N. 00 DEG. 29' 30" W., ALONG THE EAST LINE OF SAID PARCEL, FOR 792.00 FEET TO THE P.O.B. OF THE PARCEL HEREIN DESCRIBED; FROM SAID P.O.B. CONTINUE N. 00 DEG. 29' 30" W., FOR 528.00 FEET; THENCE RUN S. 89 DEG. 48' 25" W., PARALLEL TO THE SOUTH LINE OF SAID SECTION 5, FOR 345.00 FEET; THENCE RUN S. 00 DEG. 29' 30" E. FOR 528.00 FEET; THENCE RUN N. 89 DEG. 48' 25" E. PARALLEL TO SAID SOUTH LINE, FOR 345.00 FEET TO P.O.B.  
MORE PARTICULARLY DESCRIBED:  
A TRACT OR PARCEL OF LAND LYING IN THE SE 1/4 OF SECTION 5, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, FURTHER DESCRIBED AS FOLLOWS:  
COMMENCE AT THE SW CORNER OF THE SE 1/4, OF SAID SECTION 5; THENCE RUN N. 89°42' 02" E (BASIS OF BEARINGS) ALONG THE SOUTH LINE OF SAID SE 1/4 OF SECTION 5, FOR 1562.63 FEET; THENCE RUN N 00°35' 53" W, PARALLEL WITH THE WEST LINE OF THE E 1/2 OF THE SE 1/4 OF SAID SECTION 5, FOR 942.00 FEET TO THE POINT OF BEGINNING.  
THENCE N 00°35' 53" W A DISTANCE OF 528.00' TO A POINT;  
THENCE S 89°42' 02" W A DISTANCE OF 330.00' TO A POINT;  
THENCE N 00°35' 53" W A DISTANCE OF 125.00' TO A POINT;  
THENCE S 89°42' 02" W A DISTANCE OF 330.00' TO A POINT;  
THENCE N 00°35' 53" W A DISTANCE OF 319.50' TO A POINT;  
THENCE S 89°42' 02" E A DISTANCE OF 310.00' TO THE POINT OF BEGINNING.  
CONTAINING AN AREA OF 651,064.7 SQUARE FEET, 14.95 ACRES MORE OR LESS.



|                                                                                            |  |                                                                                                |  |
|--------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------|--|
| <b>CIVIL ENGINEER:</b>                                                                     |  | <b>TRANSPORTATION CONSULTANT:</b>                                                              |  |
| BBE - BOGGS ENGINEERING, LLC<br>607 SOUTH ALEXANDER STREET-STE 101<br>PLANT CITY, FL 33563 |  | STEPHEN LEUNG<br>DAVID PLUMMER & ASSOCIATES<br>2149 McCGREGOR BLVD.<br>FT MYERS, FLORIDA 33901 |  |
| <b>SURVEYOR:</b>                                                                           |  |                                                                                                |  |
| CE-SITE<br>13650 FIDLESTICKS BOULEVARD<br>PMB 202-389<br>FORT MYERS, FL 33912              |  |                                                                                                |  |

|               |                  |   |                   |
|---------------|------------------|---|-------------------|
| <b>LEGEND</b> |                  |   |                   |
| ---           | PD BOUNDARY      | ○ | GUY WIRE          |
| ---           | EDGE OF PAVEMENT | ○ | FIRE HYDRANT      |
| ---           | CENTER LINE      | ○ | TELEPHONE RISER   |
| ---           | OVERHEAD POWER   | ○ | LIGHT POLE        |
| ---           | RIGHT-OF-WAY     | ○ | POWER POLE        |
| ---           | CHAIN LINK FENCE | ○ | WATER METER       |
| ---           | ALUMINUM FENCE   | ○ | WATER VALVE       |
| ---           | WIRE FENCE       | ○ | SIGN              |
| ---           | STRAP NUMBER     | ○ | MAILBOX           |
| ---           | SHRUBS           | ○ | CABLE RISER       |
| ---           | PHASE II         | ○ | EASEMENT INFO #   |
| ---           | ASC-1/RES-1      | ○ | EASEMENTS         |
| ---           | PROPOSED TREES   | ○ | BUILDINGS         |
| ---           | OPEN SPACE       | ○ | PROPOSED CONCRETE |

DATE: 12/11/25

STEVEN C. BOGGS, P.E.

FL REG. NO. 55410

PROJECT NO:

22134

DATE: 7/16/23

DESIGNED BY: SS

DRAWN BY: GTH

CHECKED BY: SCB

811

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DRAWING TITLE:

DCI 2023-00037  
OPEN SPACE

SHEET NO:

2

REZONING FROM AG-2/IL & IPD TO IPD  
BEST BLOCK, LLC  
16790 & 16880 GATOR ROAD  
FORT MYERS, FLORIDA 33912

**B-BOGGS**  
ENGINEERING, LLC

607 S. Alexander Street, Suite 101  
Plant City, FL 33563  
Phone: 813.247.2000  
www.boggseng.com | info@boggseng.com  
COA-25867



## **Exhibit C**

### **EXHIBITS PRESENTED AT HEARING**

#### **STAFF EXHIBITS**

1. Staff Report with attachments: Prepared by Elizabeth Workman, Principal Planner, date received February 24, 2026 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. 48-Hour Notice: Email from Elizabeth Workman to Maria Perez and Hearing Examiner, with copies to Catherine Coyle, Steve Boggs, Joseph Adams, Esq., Michael Jacob, Esq., Anthony Rodriguez, Rebecca Sweigert, and Mikki Rozdolski, dated Tuesday, March 10, 2026, 2:51 PM (multiple pages – 8.5"x11")
3. PowerPoint Presentation: Prepared by DCD Staff for DCI2023-00037, Pavestone IPD, dated March 12, 2026 (multiple pages – 8.5"x11") [color]
4. Written Submissions: Email from Elizabeth Workman to Maria Perez, S. Swift, Catherine Coyle, Jorg Marx, with copies to Brienne Cherry, Mark Ledesma, and Tracy Toussain, dated Wednesday, March 18, 2026, 4:21 PM (multiple pages – 8.5"x11" and 1 page – 11"x17")

#### **APPLICANT EXHIBITS**

1. 48-Hour Notice: Email from Catherine Coyle to Elizabeth Workman, Maria Perez, and Hearing Examiner, with copies to Steve Boggs, Joseph Adams, Esq., Michael Jacob, Esq., Anthony Rodriguez, Rebecca Sweigert, and Mikki Rozdolski, dated Tuesday, March 10, 2026, 4:56 PM (multiple pages – 8.5"x11")
2. Exhibit List: Email from Catherine Coyle to Elizabeth Workman, Maria Perez, and Hearing Examiner, with copies to Steve Boggs, Joseph Adams, Esq., Michael Jacob, Esq., Anthony Rodriguez, Rebecca Sweigert, and Mikki Rozdolski, dated Monday, March 11, 2026, 4:37 PM (multiple pages – 8.5"x11")
3. PowerPoint Presentation: Prepared by Boggs Engineering, LLC., for Best Block, LLC., Zoning Case DCI2023-00037, Pavestone IPD (multiple pages – 8.5"x11") [color]
4. Traffic Impact Study: Prepared for Best Block IPD, dated October 25, 2023 (multiple pages – 8.5"x11") [color]
5. Photographs of the site: (4 pages – 8.5"x11")[color]
6. Aerial Map: (1 page – 11"x17")[color]



Case: DCI2023-00037

7. Attachment C from Staff Report Conditions and Deviations: Applicant's Response (multiple pages – 8.5"x11")
8. Master Concept Plan: Prepared by Boggs Engineering, LLC., for DCI2023-00037 (two pages – 24"x36")
9. Boundary Survey: Prepared by CE-Site, for DCI2023-00037 (two pages – 24"x36")

**Exhibit D**

**HEARING PARTICIPANTS**

**County Staff:**

1. Elizabeth Workman

**Applicant Representatives:**

1. Catherine Coyle
2. Jorg Marx

**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.



DCI2023-00042  
Linton Road RPD



CASE NUMBER & NAME: DCI2023-00042 / Linton Road RPD

REQUEST: Request to rezone 6.18± acres from RS-1 (Residential Single-family) and AG-2 (Agricultural) to Residential Planned Development (RPD)

RESOLUTION NUMBER: Z-26-006

LOCATION: 13120, 13130 and 13150 Linton Rd., Iona/McGregor Planning District, Lee County. FL.

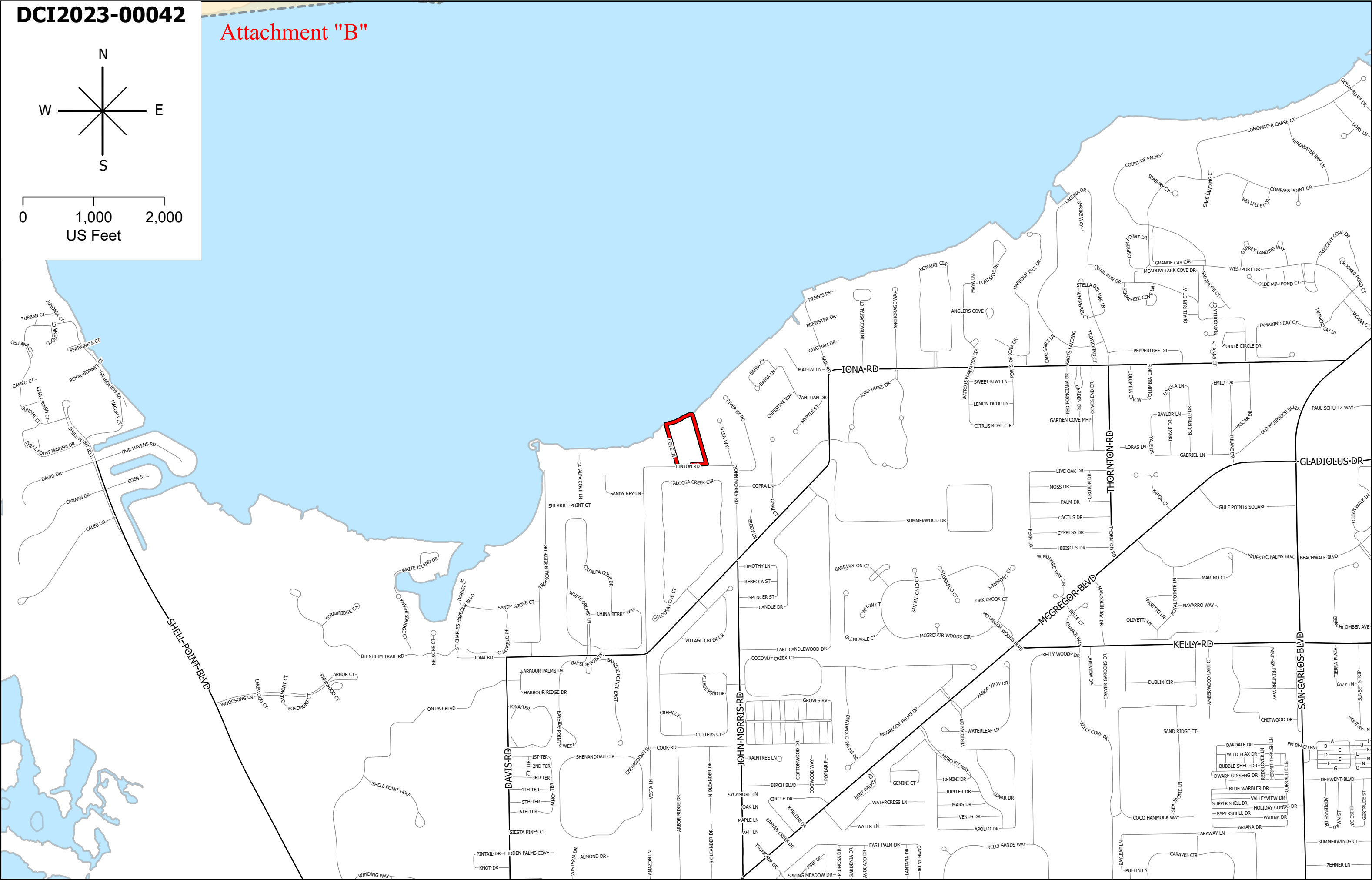
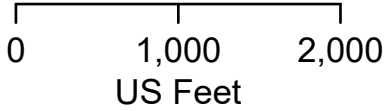
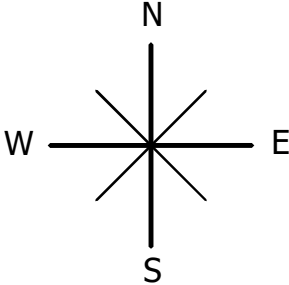
OWNER: LT Land Development, LLC.

APPLICANT: LT Land Development, LLC.

AGENT: Jeremie Chastain, AICP  
Hole Montes, a Bowman Company  
950 Encore Way  
Naples, FL 34110

HEARING EXAMINER RECOMMENDATION: Approval, subject to conditions and deviations.

PARTICIPANTS: 1. Alexander Brockmeyer  
2. Karen Garvin  
3. David M. Nehilla





## Summary of Hearing Examiner Recommendation

# **LINTON ROAD RPD**

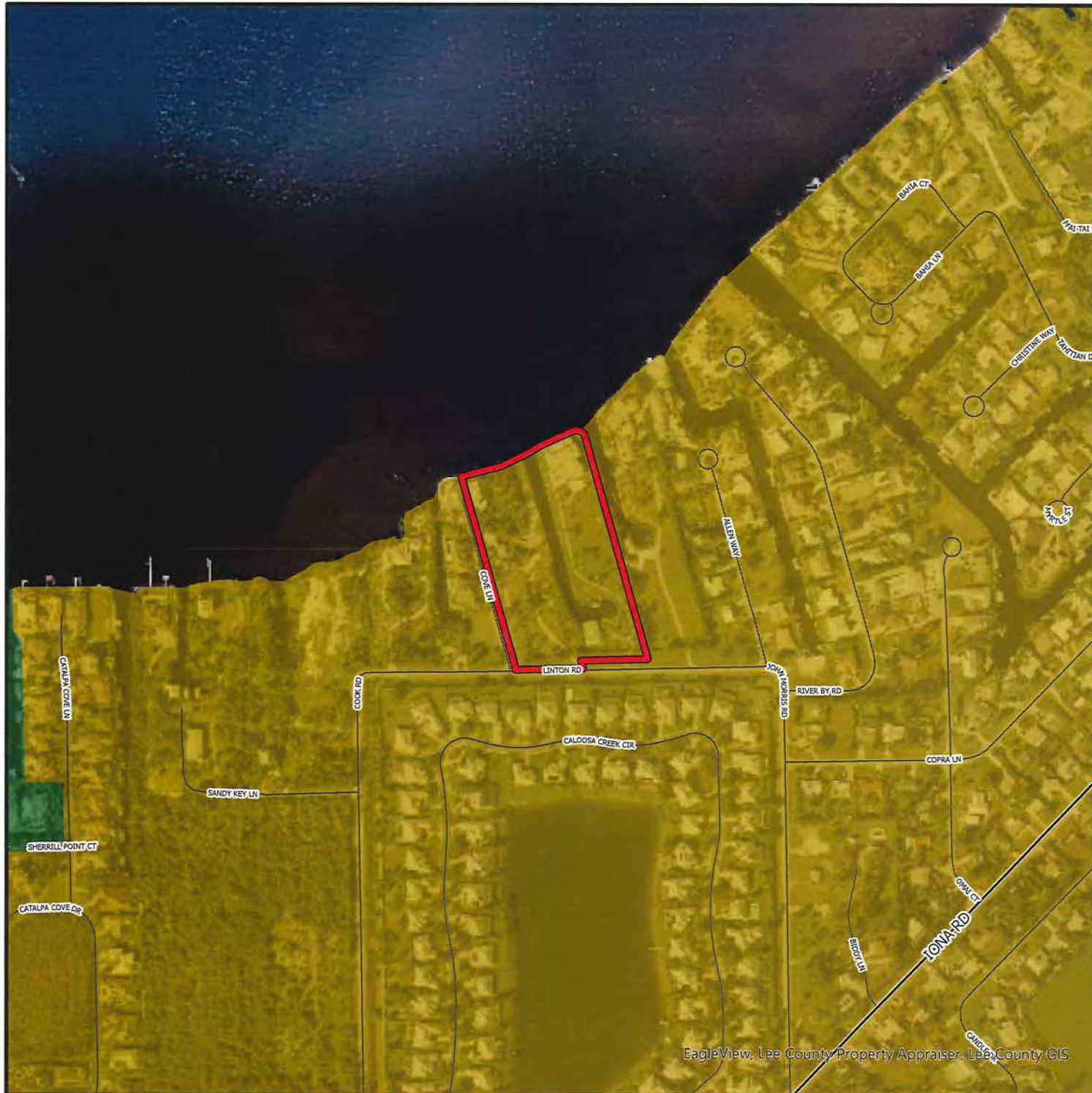
The request proposes a residential subdivision comprised of up to 12 single-family dwellings and up to 14 private boat slips on the south bank of the Caloosahatchee River.

The project constitutes infill development consistent with development patterns in the area.

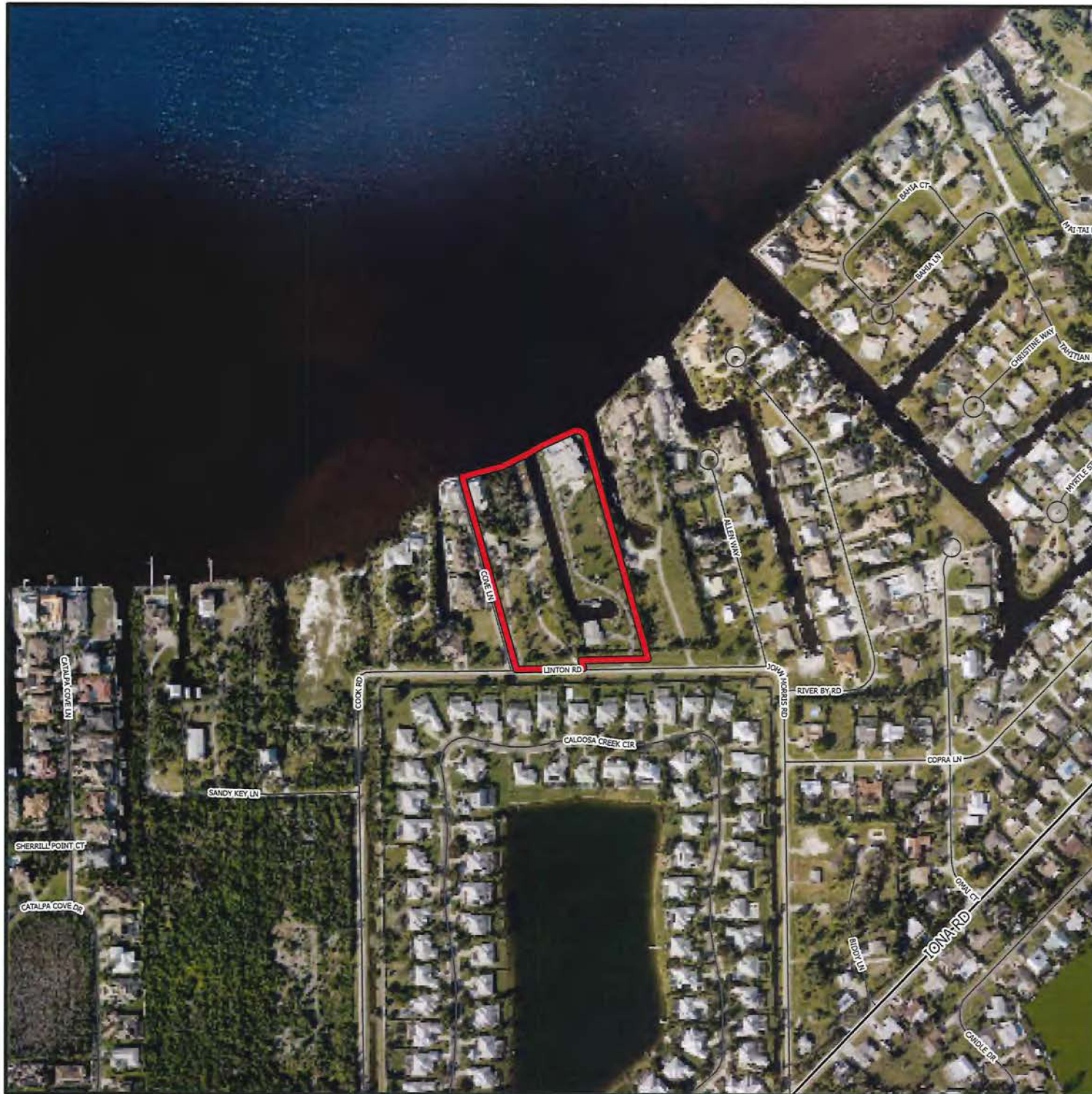
*Detailed recommendation follows*

DCI2023-00042

## Future Land Use



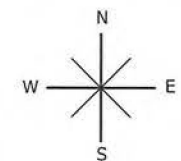




DCI2023-00042

Aerial

 Subject Property



0 500  
Feet





OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

**REZONING:** DCI2023-00042

**Regarding:** LINTON ROAD RPD

**Location:** 13150 & 13120/130 Linton Road  
Iona-McGregor Planning Community  
(District 3)

**Hearing Date:** March 5, 2026

**I. Request**

Rezone 6.18+/- acres from Residential Single-family (RS-1) and Agricultural (AG-2) to Residential Planned Development (RPD) to allow up to 12 single family dwelling units, accessory uses, and up to 14 private wet slips.

The 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.<sup>1</sup> In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone 6.18 acres on Linton Road in south Fort Myers. 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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<sup>1</sup> LDC §34-145(d)(4) a.

### **Lee Plan**

The Lee Plan regulates land development activity in unincorporated Lee County.<sup>2</sup> The Future Land Use Map divides the County into future urban, nonurban, and environmentally sensitive areas. All development must be consistent with the Lee Plan, including the Future Land Use Map.<sup>3</sup>

The property's future land use designation is Suburban. Suburban areas primarily consist of residential developments on the fringe of more urbanized areas.<sup>4</sup> Standard density in the Suburban category ranges from one to six units per acre.<sup>5</sup>

The Lee Plan encourages compact and contiguous development patterns in areas with services and infrastructure to support development.<sup>6</sup> The property is surrounded by residential development served by paved roads, potable water/sanitary sewer service, police, fire, and emergency medical services. There are hospitals, parks, and schools within a reasonable distance from the site.

The Lee Plan Housing Element directs the County to ensure a mix of residential housing types and designs.<sup>7</sup> The Economic Element also directs the County to ensure development of several housing options to support a diverse workforce.<sup>8</sup> The proposed Linton Road RPD seeks approval of up to 12 single-family detached dwellings with private boat slips.

The property is located on the south bank of the Caloosahatchee River. Land uses in coastal areas are subject to the Conservation & Coastal Management Element of the Lee Plan.<sup>9</sup> The element directs the County to protect human life and development from the impacts of coastal flooding.<sup>10</sup>

The Lee Plan prohibits residential development where physical constraints/hazards exist or require density to be adjusted accordingly.<sup>11</sup> The property is within the Hurricane Category 1 Storm Surge/Tide area and Evacuation

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<sup>2</sup> LDC §34-491.

<sup>3</sup> Lee Plan Policy 2.1.2; LDC §§34-411(a), 34-491: Rezoning must be consistent with Lee Plan goals, objectives, and policies. Potential conflicts between the Lee Plan and the LDC must be resolved in favor of the Lee Plan. Planned developments must be consistent with the Lee Plan.

<sup>4</sup> Lee Plan Policy 1.1.5.

<sup>5</sup> Maximum total density is typically eight units per acre using Greater Pine Island Transfer of Development Units. Lee Plan Policy 1.1.5.

<sup>6</sup> Lee Plan Objectives 2.1, 2.2, Policies 2.2.1, 5.1.3.

<sup>7</sup> Lee Plan Policy 135.1.9.

<sup>8</sup> Lee Plan Policy 160.1.3.

<sup>9</sup> Lee Plan Goal 101, Objective 2.6. See Goals 59, 72, Objective 101.3, Policy 101.1.1.

<sup>10</sup> *Id.*

<sup>11</sup> Lee Plan 5.1.2. Constraints and hazards include flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.

Zone A.<sup>12</sup> The property also lies within a Coastal High Hazard Area.<sup>13</sup> Development in Coastal High Hazard Areas must be compatible with natural systems and defend against coastal flooding.<sup>14</sup> The site plan restricts development to uplands in accordance with Lee Plan directives in Coastal High Hazard Areas.<sup>15</sup>

Development in coastal areas is subject to the Conservation and Coastal Management Element of the Lee Plan.<sup>16</sup> Development must comply with regulations that reduce vulnerability from natural disasters such as hurricanes and flooding.<sup>17</sup>

### **Compatibility**

Zoning requests must be compatible with existing and planned uses in the area.<sup>18</sup>

The County evaluates compatibility during the zoning process. Compatibility exists when land uses can exist in proximity without undue negative impacts to each other.<sup>19</sup> Appropriate intensity is determined on a case-by-case basis in accordance with uses permitted by the Lee Plan and surrounding land uses.<sup>20</sup>

The request proposes single-family detached dwellings, similar to those along Linton, Cook, and John Morris Roads. The project constitutes infill development consistent with development patterns in the area.<sup>21</sup>

Maximum building height in the Suburban future land use category is 45 feet.<sup>22</sup> Applicant's representative testified height would comply with the 35-foot height limitation in the RS-1 district in keeping with surrounding single-family homes.<sup>23</sup>

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<sup>12</sup> Florida Statutes §163.3178(2)(h), Lee Plan Map 5-A.

<sup>13</sup> Coastal High Hazard Areas are areas below the elevation of the category 1 storm surge line established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model and delineated by Lee Plan Map 5-A. Lee Plan Glossary. See §§163.3177(6)(a)10,c(VI), and 163.3178(2)(h), F.S.

<sup>14</sup> Lee Plan Policy 101.1.1.

<sup>15</sup> Lee Plan Policy 101.3.2.

<sup>16</sup> Lee Plan Objective 2.6. See Goals 72, 73, 101.

<sup>17</sup> Lee Plan Goals 59, 72, Objective 72.2, Policies 59.1.3, 59.1.4, 61.3.13; LDC §2-481 *et seq.* The Lee Plan Goal 101 describes Coastal Flooding as including high tide events, storm surge, and impacts of sea level rise. FEMA regulations require a minimum finished floor elevation to be one foot above base flood.

<sup>18</sup> LDC §34-145(d)(4)a.1.c).

<sup>19</sup> Florida Statutes s. 163.3164(9); Lee Plan Policy 135.9.6.

<sup>20</sup> LDC §34-413.

<sup>21</sup> Lee Plan Policies 5.1.3. The zoning request is consistent with surrounding development patterns. See Lee Plan Glossary definition - infill.

<sup>22</sup> LDC §34-935(f)(1)e.

<sup>23</sup> Testimony of Amy Thibaut, Esq. LDC §34-695. See also Staff Report Attachment F: Applicants proposed property development regulations. The attachment specifies the maximum height will be 35 feet/2 stories.



## **LDC**

Development must comply with County land development regulations or seek deviations.

Planned developments further Lee Plan goals and provide flexibility in planning and design.<sup>24</sup> The planned development zoning district is useful when integrating new development with surrounding land uses because it offers flexibility in site design to address potential incompatibilities with neighboring development.<sup>25</sup>

A “deviation” is a departure from a land development regulation.<sup>26</sup> Applicants seeking deviations from the LDC must demonstrate how each deviation enhances the objectives of the planned development and not cause detriment to the public.<sup>27</sup>

Applicant requests five deviations from the LDC.<sup>28</sup> The deviations recognize limitations created by site conditions. The LDC requires the Hearing Examiner to recommend approval, approval with modifications, or denial of a requested deviation based upon a finding the deviation (1) enhances the planned development and (2) preserves/promotes public health, safety, and welfare.<sup>29</sup>

Requested deviations pertain to setbacks, right of way width, elevation of road crown, maintenance easements, and required parking.

Applicant presented testimony and evidence in support of each deviation.<sup>30</sup> Staff recommended approval of the deviations, imposing conditions on some.

## **Transportation**

Requests to rezone property must provide access to support the development and address impacts to transportation facilities through County regulations and conditions of approval.<sup>31</sup>

The MCP reflects access onto Linton Road, a County maintained local road. The Traffic Impact Statement analysis demonstrates area roadways will operate at

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<sup>24</sup> LDC §§34-411(a), 34-612(2), 34-931. Lee Plan Policy 2.1.2.

<sup>25</sup> LDC §34-612(2). One of the purposes of “planned development” zoning is to integrate new development with surrounding land uses, providing consistency and visual harmony. Another purpose is to provide flexibility in development design.

<sup>26</sup> LDC §34-2.

<sup>27</sup> LDC §34-373(a)(9).

<sup>28</sup> The initial application sought six deviations but one was withdrawn as unnecessary.

<sup>29</sup> *Id.*

<sup>30</sup> LDC §34-377(a)(4).

<sup>31</sup> LDC §34-145(d)(4)a.1.d) and e).

adopted levels of service at buildout.<sup>32</sup> Road impact fees will address project impacts to the County transportation network.

Further analysis of transportation impacts will occur during development order permitting.

### **Environmental/Natural Resources**

Rezoning requests must not adversely affect environmentally critical/sensitive areas or natural resources.<sup>33</sup>

The site contains red mangroves and herbaceous wetlands. The MCP includes two preserves to protect the mangroves and other native vegetation.<sup>34</sup> Applicant mitigated impacts to wetland areas through the purchase of mitigation bank credits.<sup>35</sup>

The proposed seawall and other measures will improve tidal exchange and flushing conditions within the canal and onsite wetlands.<sup>36</sup> The community boat access facility is located on a privately owned canal, and vessel operations from the multi-slip docking facility will create minimal wake energy.<sup>37</sup>

Applicants' request for boat slips is subject to further review and compliance with the Manatee Protection Plan.<sup>38</sup>

The Hearing Examiner finds the requested RPD will not harm environmentally critical/sensitive areas or natural resources.<sup>39</sup>

### **Public Services and Infrastructure**

Zoning requests must demonstrate the property will be served by public services and infrastructure necessary to support development.<sup>40</sup>

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<sup>32</sup> Staff Report Attachment I: Memorandum prepared by Ted B. Treesh, President, TR Transportation Consultants, Inc. Lee County DOT concurred with this conclusion. Staff Report Attachment K: Memorandum prepared by Lili Wu, Principal Planner, Department of Transportation.

<sup>33</sup> LDC §34-145(d)(4)a.1.f)

<sup>34</sup> Lee Plan Policy 77.3.1, 77.3.5.

<sup>35</sup> Testimony of Serena Cantu, Hans Wilson and Associates. Ms. Cantu testified mitigation included purchase of forested saltwater credits and herbaceous saltwater credits through Little Pine Island Mitigation Bank during the permitting process with the Water Management District and Army Corps of Engineers. Lee Plan Policy 124.1.2 permits wetland impacts in accordance with approved state permits.

<sup>36</sup> Lee Plan Policy 128.4.10.

<sup>37</sup> Staff Report Attachment M: Lee County Natural Resources Staff Memo prepared by Nic DeFillipo, Senior Environmental Planner. Lee Plan Policy 128.4.5

<sup>38</sup> The request includes up to 14 boat slips limited to resident use. Lee Plan Objective 123.7, Policies 123.7.5, 128.4.6.

<sup>39</sup> Lee Plan Objective 126.2, Policies 54.1.2, 54.1.3, 54.1.6, 54.1.11, 61.1.6, 125.1.2, 126.1.2, 126.2.1. Required landscape buffers must consist of native landscape to conserve water.

<sup>40</sup> LDC §34-145(d)(4)a.1.g).

Public services include facilities, capital improvements, and infrastructure.<sup>41</sup> The Lee Plan requires an evaluation of public services during the zoning process.<sup>42</sup>

Public services and infrastructure are available to serve the site.<sup>43</sup> The property fronts on a paved road. Lee County Utilities has infrastructure in place to provide potable water and sanitary sewer service.<sup>44</sup> Fire, EMS, and law enforcement services will serve future residents of the RPD.<sup>45</sup> Parks, libraries and schools are within reasonable distances to serve the community.<sup>46</sup>

### **Conditions**

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect County resources.<sup>47</sup> Conditions must plausibly relate to the project's anticipated impacts and pertinent to mitigating impacts to the public.<sup>48</sup> The RPD will be subject to conditions designed to address impacts reasonably anticipated from development.<sup>49</sup>

The Hearing Examiner revised wording of conditions/deviations for clarity.

### **Public**

Three members of the public spoke at hearing, expressing concerns regarding traffic, pedestrian safety, and privacy.

### **Conclusion**

The Hearing Examiner finds the RPD is consistent with applicable zoning review criteria and recommends approval, subject to conditions in Exhibit B.<sup>50</sup>

---

<sup>41</sup> Public services and infrastructure available to serve the project includes public water and sewer, paved streets, parks and recreation facilities, libraries, police, fire and emergency services, urban surface water management, and schools. Lee Plan Goals 70, 95, Objective 4.1, Policy 68.2.3 Standards 4.1.1, 4.1.2, 4.1.4.

<sup>42</sup> Lee Plan Policy 2.2.1.

<sup>43</sup> Lee Plan Goals 2, 4, 53, 56, 70, 95, Objectives 2.2, 4.1, Policies 2.2.1, 53.1.5, 56.1.4, Standards 4.1.1, 4.1.2.

<sup>44</sup> Staff Report and Applicant PowerPoint presentation. Lee Plan Standards 4.1.1, 4.1.2.

<sup>45</sup> Staff's PowerPoint presentation page 41. Fire and emergency medical services will be provided from Iona McGregor Fire Station #72 (Medic 15) on Pine Ridge Road. Law enforcement will be provided by the Lee County Sheriff.

<sup>46</sup> School capacity constraints will be addressed during permitting  
Lee Plan Policy 68.2.3.

<sup>47</sup> Lee Plan Policies 5.1.5, 135.9.6; LDC §§34-145(d)(4) a.2.(b), LDC 34-377(a)(3), 34-411, and 34-932(c).

<sup>48</sup> LDC §34-932(b).

<sup>49</sup> LDC §§34-83(b)(4) a.3, 34-377(a)(2)c; Lee Plan Objectives 77.3, Policies 5.1.5, 77.3.1.

<sup>50</sup> The basis of this recommendation was informed by testimony, evidence, the Lee Plan, Land Development Code, and recommended conditions of approval.



The Hearing Examiner finds the RPD district meets LDC criteria and, as conditioned, is compatible with surrounding land uses.<sup>51</sup> Site and building design features promote storm resilience and further Lee Plan Policies protecting public health, safety, and welfare.

The Hearing Examiner revised conditions for clarity, compliance with state law.

#### 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 Residential Planned Development complies with the Lee Plan. Lee Plan Goals 2, 4, 5, 53, 56, 70, 72, 73, 95, 101, 124, 128, Objectives 2.6, 5.1, 72.2, 101.1, 101.3, 128.4, 135.1, Policies 1.1.5, 2.1.2, 2.2.1, 5.1.1, 5.1.2, 5.1.3, 5.1.5, 5.1.7, 53.1.5, 56.1.4, 67.3.7, 68.2.3, 68.3.7, 72.2.1, 101.1.1, 101.3.2, 124.1.1, 125.1.3, 128.4.1, 128.4.5, 135.1.9, 135.9.5, 135.9.6, 160.1.3, Standards 4.1.1, 4.1.2, 4.1.4, Maps 1-A, 4-A, 4-B, 5-A.
- B. *As conditioned*, the Residential Planned Development:
  - 1. Meets the LDC and other county regulations or qualifies for deviations;
  - 2. Is compatible with existing and planned uses in the surrounding area. Lee Plan Policies 2.1.2, 2.2.1, 5.1.2, 5.1.5, 135.9.5, 135.9.6;
  - 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, 38.1.1, 39.1.1, 39.3.2, 43.1.1, 43.1.2, 43.3.3; LDC §34-411(d) and (e);
  - 4. Will not adversely affect environmentally critical areas and natural resources. Lee Plan Goals 61, 77, Objectives 60.4, 77.1, 77.3, 126.2, 128.4, Policies 54.1.2, 54.1.3, 54.1.6, 54.1.11, 60.4.1, 61.1.6, 61.3.1, 61.3.6, 61.3.8, 61.3.11, 61.3.12, 77.3.1, 77.3.2, 77.3.3, 77.3.5, 123.1.1, 123.7.5, 124.1.2, 125.1.2, 125.1.3, 126.1.2, 126.2.1, 128.4.5, 128.4.6, 128.4.10, 128.4.11, Standard 4.1.4; and
  - 5. Will be served by public 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, 70, 95, Objectives 2.1, 4.1, 5.1, 53.1, 56.1, 66.1, Policies 2.2.1,

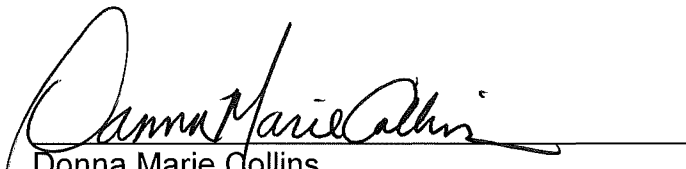
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<sup>51</sup> Lee Plan Policy 5.1.5.

39.6.1, 68.2.3, 126.1.4, 135.9.7, Standards 4.1.1 and 4.1.2, Maps 4-A, 4-B;

- C. The proposed uses are appropriate at the proposed location. Lee Plan Goals 2, 5, Objective 2.1, Policies 2.1.1, 2.1.2, 5.1.5, 135.1.9, 135.9.5, 135.9.7, 158.2.1.
- 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 Objectives 2.6, 72.2, Policies 5.1.5, 72.2.1, 135.9.6; LDC §§34-377(a)(3), 34-411, 34-932(b) and (c).
- E. As conditioned, the requested deviation:
  - 1. Enhances the planned development; and
  - 2. Preserves and promotes the intent of the LDC to protect the public health, safety, and welfare.

Date of Recommendation: March 16, 2026.



Donna Marie Collins  
Chief 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**

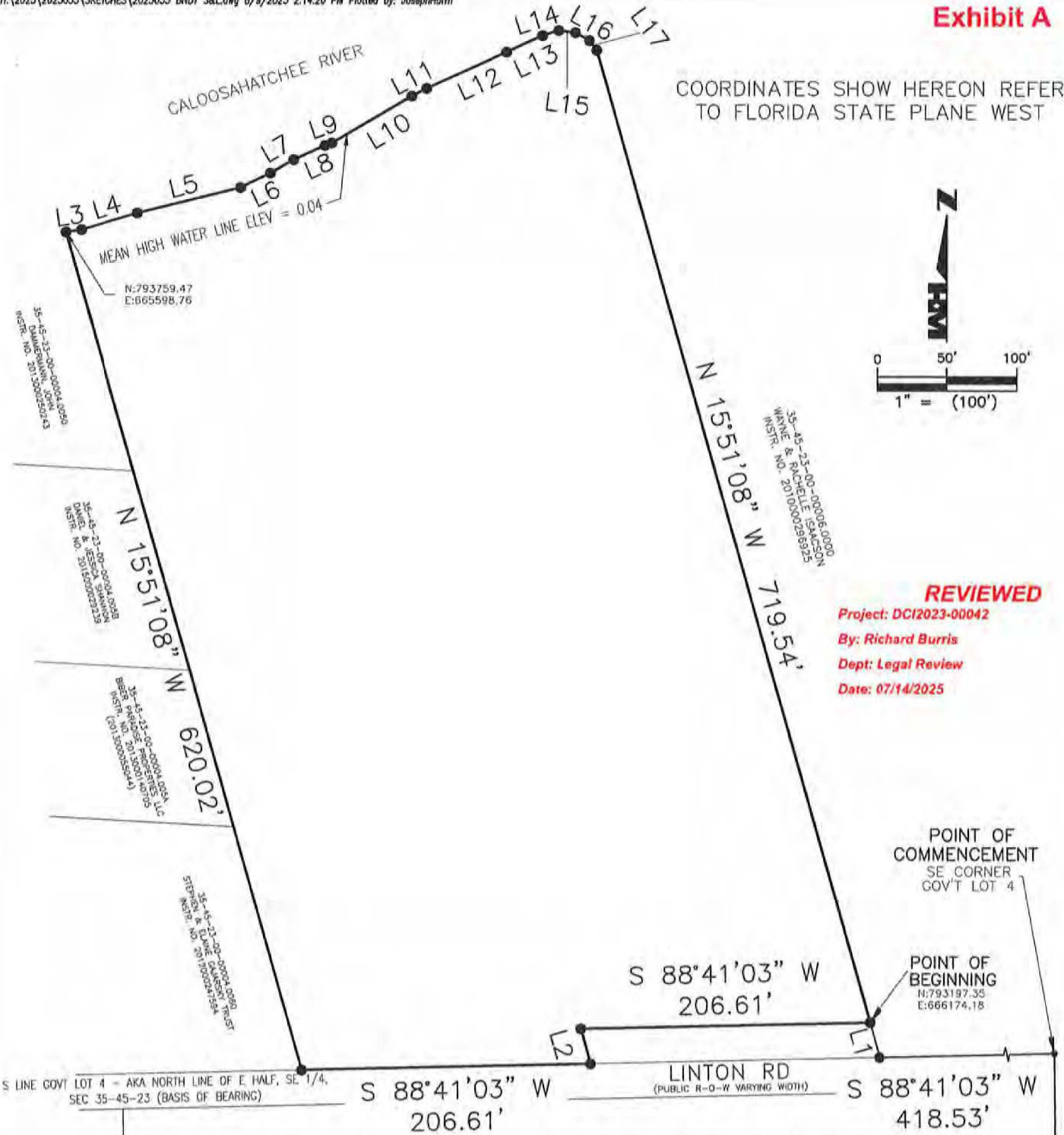
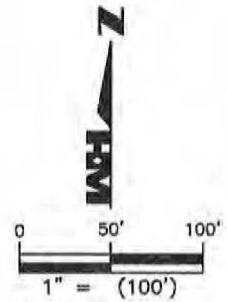
Exhibit A Legal Description and Vicinity Map  
Exhibit B Recommended Conditions and Deviations  
Exhibit C Exhibits Presented at Hearing  
Exhibit D Hearing Participants  
Exhibit E Information

**Exhibit A**

**LEGAL DESCRIPTION AND VICINITY MAP**

# Exhibit A

COORDINATES SHOW HEREON REFER TO FLORIDA STATE PLANE WEST



**REVIEWED**  
 Project: DCI2023-00042  
 By: Richard Burris  
 Dept: Legal Review  
 Date: 07/14/2025

S LINE GOV'T LOT 4 - AKA NORTH LINE OF E HALF, SE 1/4, SEC 35-45-23 (BASIS OF BEARING)

S 88°41'03" W  
206.61'

LINTON RD  
(PUBLIC R-O-W VARYING WIDTH)

S 88°41'03" W  
418.53'

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | N 15°51'08" W | 25.83'   |
| L2   | S 15°51'08" E | 25.83'   |
| L3   | N 81°33'37" E | 11.29'   |
| L4   | N 73°20'58" E | 41.60'   |
| L5   | N 76°03'47" E | 75.75'   |
| L6   | N 64°15'08" E | 23.66'   |
| L7   | N 60°03'15" E | 19.07'   |
| L8   | N 65°41'48" E | 24.73'   |

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L9   | N 71°19'31" E | 5.34'    |
| L10  | N 59°29'16" E | 66.10'   |
| L11  | N 62°10'10" E | 11.94'   |
| L12  | N 65°33'33" E | 62.98'   |
| L13  | N 65°05'09" E | 28.08'   |
| L14  | N 72°26'55" E | 12.00'   |
| L15  | S 82°53'03" E | 11.89'   |
| L16  | S 60°45'29" E | 11.59'   |
| L17  | S 37°04'58" E | 8.71'    |

\*NOT A SURVEY\*

DRAWN BY: JNH  
 SHEET 1  
 DATE: 8/9/2023  
 OF SHEET 2  
 SEC-TWN-RGE: 35-45-23



6200 Whiskey Creek Dr.  
 Ft. Myers, FL 33919  
 Phone: (239) 985-1200  
 Florida Certificate of  
 Authorization No.1772

SKETCH AND LEGAL  
 LINTON RD

DRAWING NO. H-2422  
 PROJECT NO. 2023.035  
 FILE NAME 2023035 BNDY S&L.dwg



## LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF GOVERNMENT LOT NO. 4 THENCE ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 4 RUN S88°41'03"W FOR A DISTANCE OF 418.53 FEET; THENCE RUN N15°51'08"W FOR A DISTANCE OF 25.83 FEET TO A POINT 25.0 FEET NORTHERLY AS MEASURED AT RIGHT ANGLES TO THE SAID SOUTH LINE OF GOV'T LOT NO. 4 AND TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE RUN PARALLEL TO THE SAID SOUTH LINE OF GOV'T LOT NO. 4, S88°41'03"W FOR A DISTANCE OF 206.61 FEET; THENCE RUN S15°51'08"E FOR A DISTANCE OF 25.83 FEET TO A POINT ON THE SAID SOUTH LINE OF GOV'T LOT NO. 4; THENCE ALONG SAID SOUTH LINE OF GOV'T LOT NO. 4 RUN S88°41'03"W FOR A DISTANCE OF 206.61 FEET; THENCE RUN N15°51'08"W FOR A DISTANCE OF 620.02 FEET TO A POINT ON THE MEAN HIGH WATER LINE OF THE CALOOSAHATCHEE RIVER; THENCE RUN THE FOLLOWING 15 COURSES ALONG THE SAID MEAN HIGH WATER LINE;

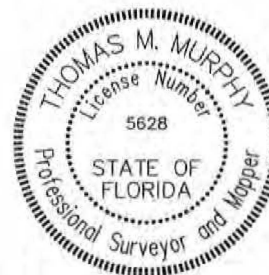
- 1) THENCE RUN N81°33'37"E FOR A DISTANCE OF 11.29 FEET;
- 2) THENCE RUN N73°20'58"E FOR A DISTANCE OF 41.60 FEET;
- 3) THENCE RUN N76°03'47"E FOR A DISTANCE OF 75.75 FEET;
- 4) THENCE RUN N64°15'08"E FOR A DISTANCE OF 23.66 FEET;
- 5) THENCE RUN N60°03'15"E FOR A DISTANCE OF 19.07 FEET;
- 6) THENCE RUN N65°41'48"E FOR A DISTANCE OF 24.73 FEET;
- 7) THENCE RUN N71°19'31"E FOR A DISTANCE OF 5.34 FEET;
- 8) THENCE RUN N59°29'16"E FOR A DISTANCE OF 66.10 FEET;
- 9) THENCE RUN N62°10'10"E FOR A DISTANCE OF 11.94 FEET;
- 10) THENCE RUN N65°33'33"E FOR A DISTANCE OF 62.98 FEET;
- 11) THENCE RUN N65°05'09"E FOR A DISTANCE OF 28.08 FEET;
- 12) THENCE RUN N72°26'55"E FOR A DISTANCE OF 12.00 FEET;
- 13) THENCE RUN S82°53'03"E FOR A DISTANCE OF 11.89 FEET;
- 14) THENCE RUN S60°45'29"E FOR A DISTANCE OF 11.59 FEET;
- 15) THENCE RUN S37°04'58"E FOR A DISTANCE OF 8.71 FEET; THENCE RUN S15°51'08"E FOR A DISTANCE OF 719.54 FEET, TO THE POINT OF BEGINNING.

CONTAINING 6.184 ACRES, MORE OR LESS.

BEARINGS SHOWN HEREON REFER THE SOUTH LINE OF SAID GOVERNMENT LOT 4 AKA NORTH LINE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 35 AS BEING S88°41'03"W.

MEAN HIGH WATER ELEVATION PROVIDED BY FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY LETTER, LAMAR EVERS, PSM PROVIDED ON: 10/15/2021

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772



BY Thomas M. Murphy Digitally signed by Tom Murphy  
Date: 2023.08.24 13:20:00-04'00'  
THOMAS M. MURPHY

LS5628  
STATE OF FLORIDA

\*NOT A SURVEY\*

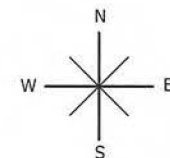
|                          |                   |                                                                                     |                                                                                                                            |                               |                                   |
|--------------------------|-------------------|-------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|-------------------------------|-----------------------------------|
| DRAWN BY:<br>JNH         | DATE:<br>8/9/2023 |  | 6200 Whiskey Creek Dr.<br>Ft. Myers, FL. 33919<br>Phone: (239) 985-1200<br>Florida Certificate of<br>Authorization No.1772 | SKETCH AND LEGAL<br>LINTON RD | DRAWING NO.<br>H-2422             |
| SHEET<br>2               | OF SHEET<br>2     |                                                                                     |                                                                                                                            |                               | PROJECT NO.<br>2023.035           |
| SEC-TWN-RGE:<br>35-45-23 |                   |                                                                                     |                                                                                                                            |                               | FILE NAME<br>2023035 BNDY S&L.dwg |



DCI2023-00042

## Zoning

 Subject Property



0 500  
Feet



## Exhibit B

### RECOMMENDED CONDITIONS AND DEVIATIONS *as revised by the Hearing Examiner*

#### CONDITIONS

1. Governing Development Approvals.
  - a. Master Concept Plan (MCP). Development must be consistent with the MCP entitled "Linton Road RPD Master Concept Plan" prepared by Bowman Consulting, received March 5, 2026, except where modified by conditions herein.
  - b. Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC, except where deviations are approved herein. Subsequent amendments to the MCP, conditions, or deviations require further development approvals.
  - c. Approved Development Parameters. The Linton Road RPD is approved to develop up to 12 single-family dwelling units with accessory uses, including up to 14 boat slips. Maximum building heights will be 35 feet.
2. Schedule of Permitted Uses and Property Development Regulations.
  - a. Permitted Uses
    - Residential - Tract R**
      - Accessory uses and structures
      - Dwelling Unit, Single-family
      - Entrance gates and gatehouse
      - Essential services
      - Essential service facilities, Group I
      - Excavation – water detention and retention
      - Fences, walls
      - Home Occupation
      - Models, Model Home, Display Center, Sales Center
      - Parking lot, accessory – restricted to models
      - Signs
      - Temporary Uses, limited to temporary contractor's office and equipment storage shed
    - Amenity - Tract A**
      - Accessory uses and structures
      - Administrative office
      - Community gardens



Clubs, private  
Essential Services  
Essential service facilities, Group I  
Excavation – water detention and retention, including excess spoil removal  
in compliance with the LDC  
Fences, walls  
Models, model homes, display center, sales center  
Multi-slip Docking Facility, limited to a maximum of 8 slips as a recreation  
facility, private, on-site  
Parking lot, accessory  
Real estate sales office  
Recreation facility, private, on-site  
Signs  
Temporary Uses, limited to temporary contractor's office and equipment  
storage shed

**Preserve - Tracts P1 and P2**

Recreation facilities, commercial, Group III, limited to passive and active  
recreational uses, including hiking and nature trails, boardwalks, and  
observation decks.

b. Property Development Regulations

|                                               |         |
|-----------------------------------------------|---------|
|                                               |         |
| <b><u>Minimum Lot Area and Dimensions</u></b> |         |
| Lot Area (square feet)                        | 7,500   |
| Width (feet)                                  | 100     |
| Depth (feet)                                  | 75      |
| <b><u>Minimum Setbacks</u></b>                |         |
| Street (Internal Drive) (feet)                | 20'     |
| Street (Front Loading Garage) (feet)          | 12'     |
| Street (Linton Road) (feet)                   | 10'     |
| Street (Cove Lane) (feet)                     | 10'     |
| Side (feet)                                   | 5'      |
| Rear (feet)                                   | 10'     |
| Accessory Buildings and structures            | Per LDC |

3. Compensatory Flood Storage in Coastal High Hazard Area.

Engineer plans submitted with the development order application must include  
calculations quantifying flood storage volume provided by onsite wetlands and



demonstrate equal compensatory flood storage volume within the proposed development.

4. Wet slips.

Up to 14 wet slips are permitted accessory to the residential single-family uses. The number slips may be subject to modification based on compliance with the Lee County Manatee Protection Plan.

5. State and Federal Permits

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

## **DEVIATIONS**

1. Property Development Regulations – Perimeter Setbacks. Deviation 1 seeks relief from LDC §34-935(b)(1)f., which requires perimeter setbacks from roads, streets and drives to meet the 25-foot setback standards in LDC §34-2192, to allow a minimum setback of 10 feet from Cove Lane and Linton Road.

Deviation approved.

2. Withdrawn.

3. Street Design and Construction Standards. Deviation 3 seeks relief from LDC §10-296(b), right-of-way width, which requires a minimum right-of-way width of 40 feet for private two-way local streets with closed drainage, to allow a minimum width of 35 feet.

Deviation approved.

4. Crown Elevation of Local Subdivision Streets. Deviation 4 seeks relief from LDC §10-321(c), which requires the minimum crown elevation of local subdivision streets to be 5.5 feet above mean sea level datum, to allow a minimum crown elevation of 3.6 feet.

The deviation is approved, subject to the following conditions:

- a. Development order submittals must include calculations and data, demonstrating the road will be protected from flooding.

- b. Development order plans must depict interior street sloping to meet the elevation of Linton Road. Adequacy of sloping is subject to Development Services approval.
- 5. Drainage Easement. Deviation 5 seeks relief from LDC §10-328(a), which requires a 20-foot-wide maintenance easement on one side of the canal, to allow a 12-foot-wide maintenance easement.

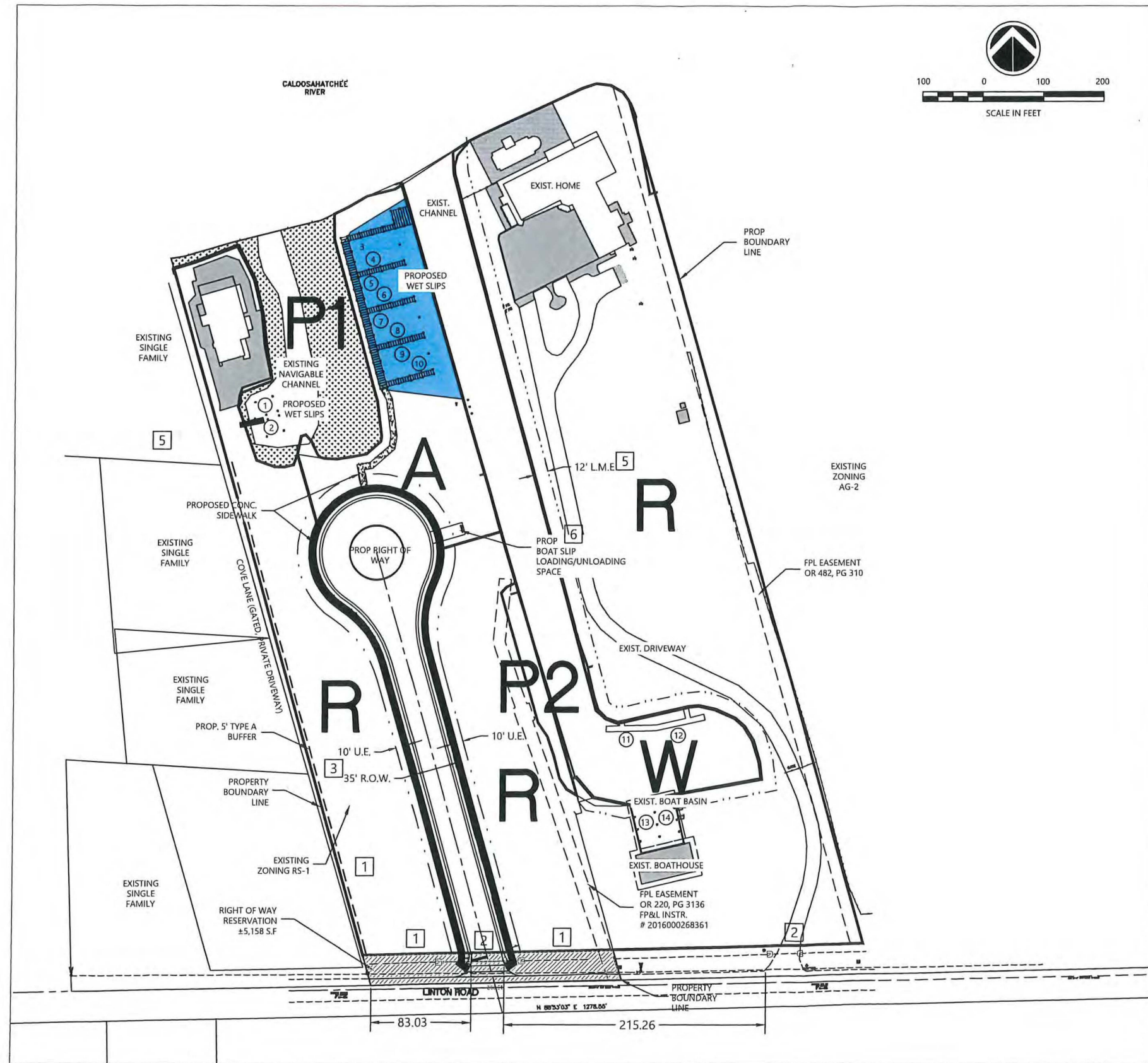
Deviation approved.

- 6. Parking for Multi-slip Docking Facility. Deviation 6 seeks relief from LDC Table 34-2020(b), Required Parking Spaces for Nonresidential Uses, which requires marinas and other water-oriented uses provide one parking space for every two slips, to allow one marina loading/unloading space to serve the multi-slip docking facility.

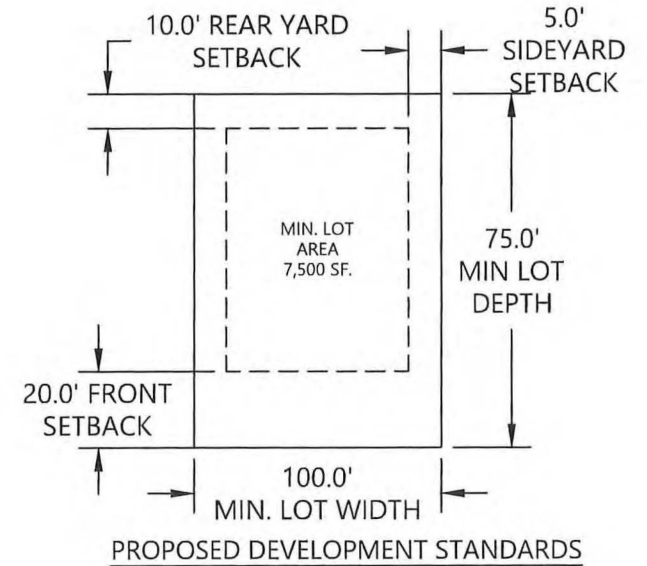
Deviation approved.

Exhibits to Conditions:

B1: Master Concept Plan entitled, "Linton Road RPD Master Concept Plan" prepared by Bowman Consulting, received March 5, 2026



|                             |                              |
|-----------------------------|------------------------------|
| DESIGN STANDARDS            |                              |
| MINIMUM LOT SIZE:           | 7,500.00 S.F                 |
| MIN LOT WIDTH:              | 100.00'                      |
| MIN LOT DEPTH:              | 75.00'                       |
| FRONT YARD:(INTERNAL DRIVE) | 20.0' (FRONT LOADING GARAGE) |
|                             | 12.0' (SIDE LOADING GARAGE)  |
| FRONT YARD (LINTON RD.):    | 10.0'                        |
| FRONT YARD (COVE LANE):     | 10.0'                        |
| SIDE YARD:                  | 5.0'                         |
| REAR YARD:                  | 10.0'                        |



- LEGEND:
- W: TRACT W - WATER AREA
  - P: TRACT P - PRESERVATION AREA
  - A: TRACT A - AMENITY AREA
  - R: TRACT R - RESIDENTIAL
  - ① - ⑩ - WET SLIPS
  - ① - ⑥ - DEVIATIONS
  - EXISTING MANGROVES
  - EXCAVATED WETSLIPS

MINIMUM REQUIRED OPEN SPACE: NONE

MINIMUM REQUIRED INDIGENOUS PRESERVATION: NONE

DENSITY: 12 DWELLING UNITS

BOAT SLIPS: 14 WET SLIPS

#### LANDUSE BREAKDOWN

|                              |                 |           |
|------------------------------|-----------------|-----------|
| TOTAL AREA                   | = ±269,393 S.F. | 6.18 A.C. |
| TRACT W - WATER              | = ± 28,133 S.F. | 0.65 A.C. |
| TRACT R - RESIDENTIAL        | = ±174,989 S.F. | 4.02 A.C. |
| TRACT P1 - PRESERVATION AREA | = ± 16,935 S.F. | 0.39 A.C. |
| TRACT P2 - PRESERVATION AREA | = ± 2,230 S.F.  | 0.05 A.C. |
| TRACT A - AMENITY AREA       | = ± 21,884 S.F. | 0.50 A.C. |
| R.O.W.                       | = ± 20,064 S.F. | 0.46 A.C. |
| R.O.W. RESERVATION           | = ± 5,158 S.F.  | 0.12 A.C. |

RECEIVED

MAR -5 2026

BY: HEARING EXAMINER'S OFFICE

#### LINTON ROAD RPD

|                |     |                  |           |
|----------------|-----|------------------|-----------|
| DESIGNED BY    | KLP | DATE             | 05/11/23  |
| DRAWN BY       | KLP | DATE             | 05/11/23  |
| CHECKED BY     | CLK | DATE             | 05/11/23  |
| VERTICAL SCALE | N/A | HORIZONTAL SCALE | 1" = 100' |

Bowman Consulting Group, Ltd.  
6200 Whiskey Creek Drive  
Fort Myers, FL 33919  
Phone (239) 985-1200  
www.bowmanconsulting.com  
© Bowman Consulting Group, Ltd.

**Bowman**  
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER 30462

#### MASTER CONCEPT PLAN

THESE DRAWINGS ARE NOT APPROVED UNLESS SIGNED AND SEALED BELOW:

CHARLES L. KREBS, P.E.  
FLORIDA PROFESSIONAL ENGINEER  
REGISTRATION #56835  
DATE

|               |             |
|---------------|-------------|
| REFERENCE NO. | DRAWING NO. |
| PROJECT NO.   | SHEET NO.   |
| 2023035       | 1 of 1      |

## **Exhibit C**

### **EXHIBITS PRESENTED AT HEARING**

#### **STAFF EXHIBITS**

1. DCD Staff Report with attachments for DCI: Prepared by Khalil Muhammad, Planner, date received February 19, 2026 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. 48-Hour Notice: Email from Khalil Muhammad to Maria Perez and Brienne Cherry, with copies to Jeremie Chastain, dated Thursday, March 5, 2026, 7:46 AM (3 pages – 8.5"x11")
3. PowerPoint Presentation: Prepared by Lee County Staff for Linton Road RPD Rezoning, dated March 5, 2026 (multiple pages – 8.5"x11")[color]
4. Conditions : (2 double-sided pages – 8.5"x11")

#### **APPLICANT EXHIBITS**

1. 48-Hour Notice with Exhibits: Email from Jeremie Chastain to Maria Perez, with copies to Khalil Muhammad, Charlie Krebs, and Amy Thibaut, dated Monday, March 2, 2026, 5:01 PM (multiple pages – 8.5"x11", 1 page – 11"x17", 1 page – 24"x36")
2. PowerPoint Presentation: Prepared for Linton Road RPD Rezoning, dated March 5, 2026 (multiple pages – 8.5"x11")[color]
3. Revised Schedule of Uses: Revised March 2, 2026 (2 pages – 8.5"x11")

#### **OTHER EXHIBITS**

##### **Alexander Brockmeyer**

1. Letter: To Lee County Hearing Examiner from Bruce L. Greenberg, President of Caloosa Creek HOA, dated February 28, 2026 (2 pages – 8.5"x11")



**Exhibit D**

**HEARING PARTICIPANTS**

County Staff:

1. Khalil Muhammad

Applicant Representatives:

1. Serena Cantu
2. Jeremie Chastain
3. Charlie Krebs
4. Amy Thibaut, Esq.

Public Participants:

1. Alexander Brockmeyer
2. Karen Garvin
3. David M. Nehilla

**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 are 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.

DCI2023-00045

The Blue Dog  
Restaurant

Minor CPD w/  
Onsite Outdoor  
Consumption  
on Premise



CASE NUMBER & NAME: DCI2023 00045 / The Blue Dog Restaurant Minor CPD w/Onsite Outdoor Consumption On Premise

REQUEST: A request to rezone 0.45 +/- acres from Commercial (C-1) to Commercial Planned Development (CPD).

RESOLUTION NUMBER: Z-26-003

LOCATION: 4597-4601 Pine Island Road NW, SW corner of Matlacha Park Rd. and Pine Island Rd., Pine Island Planning District, Lee County, FL.

OWNER: Mangrove Syndicate, LLC.

APPLICANT: John Lynch c/o Mangrove Syndicate, LLC.

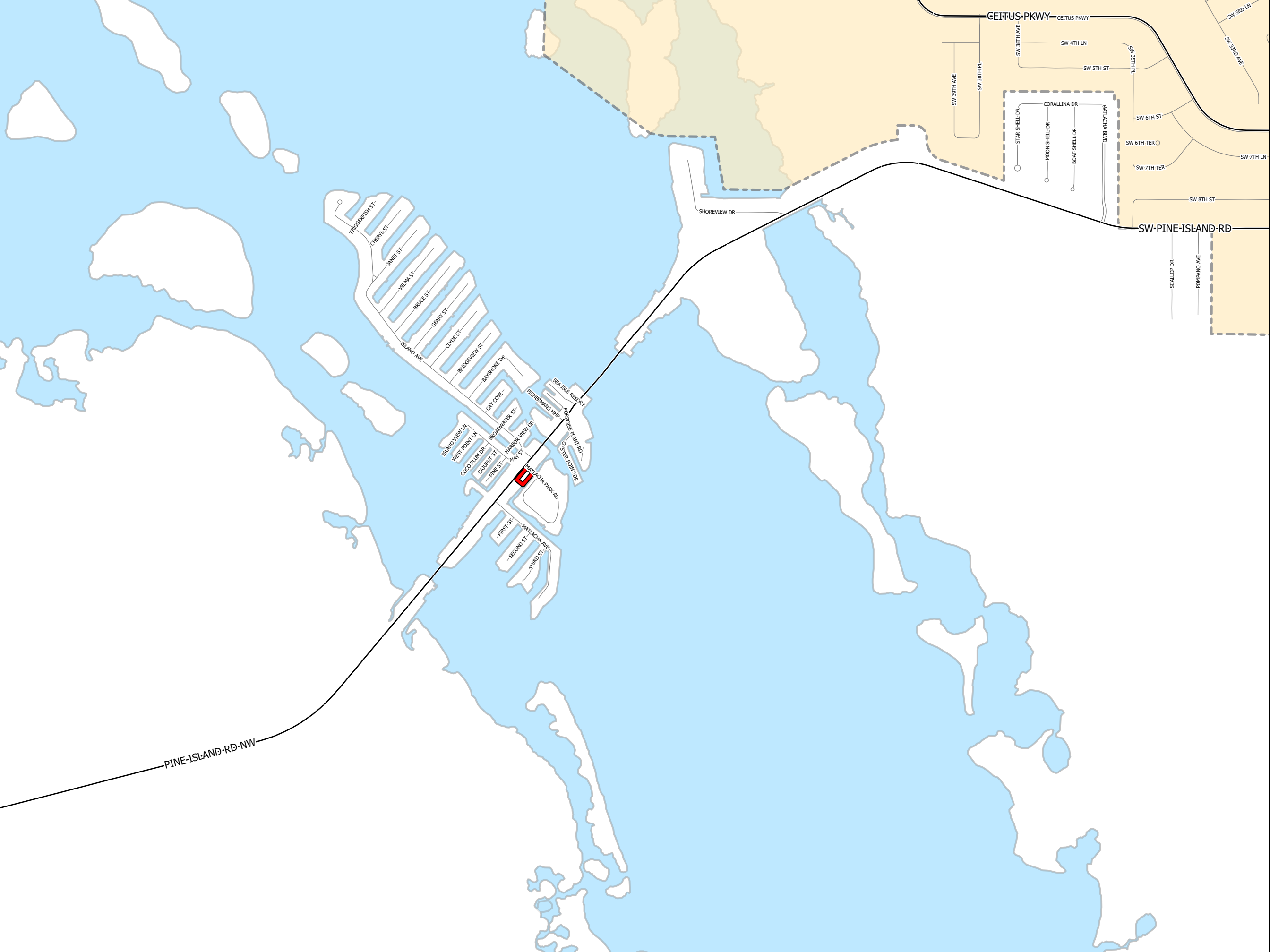
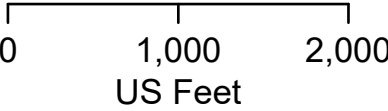
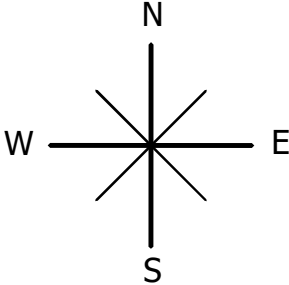
AGENT: Greg Stuart  
Stuart and Associates Planning & Design Services, Inc.  
11860 Island Ave.  
Matlacha, FL 33993

HEARING EXAMINER RECOMMENDATION: Approval, subject to conditions and deviations.

PARTICIPANTS:

1. Aaron Barreda
2. Dave Conner
3. Erin Lambert
4. Jenipher Johnson
5. Lisa Girman Johnson
6. Jody Link
7. John Lynch
8. Bonnie Mullee
9. Carol Scott
10. Eric Seuffert
11. Chris Walczak
12. Kathleen Walsh





## Summary of Hearing Examiner Recommendation

# **THE BLUE DOG RESTAURANT CPD with OUTDOOR CONSUMPTION ON PREMISE**

Applicant seeks CPD zoning to legitimize existing site conditions and secure approval for outdoor consumption on premises. Eleven deviations acknowledge established conditions that do not meet LDC regulations. The request does not propose new uses or change the existing building footprint.

Several members of the public spoke in support of the request at hearing. The Hearing Examiner agrees with the Staff recommendation of approval, with conditions.

*Detailed recommendation follows*

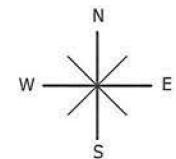
## Attachment B3

DCI2023-00045

### Future Land Use



-  Subject Property
-  Urban Community
-  Public Facilities
-  Conservation Lands - Wetland



0 500  
Feet



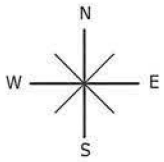




## Attachment B2

DCI2023-00045  
Aerial

 Subject Property



0 500  
Feet





OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

**REZONING:** DCI2023-00045

**Regarding:** **THE BLUE DOG RESTAURANT MINOR CPD with OUTDOOR CONSUMPTION ON PREMISE**

**Location:** 4601 Pine Island Road NW & 4597 Pine Island Road NW  
Pine Island Planning Community  
(District 1)

**Hearing Date:** February 5, 2026

**Record Closed:** **February 20, 2026**

**I. Request**

Rezone 0.45± acre from Commercial (C-1) to Commercial Planned Development (CPD) to permit outdoor Consumption on Premises and commercial uses, including deviations from site design requirements.

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 to planned development districts.<sup>1</sup> In satisfaction of this duty, the Hearing Examiner accepted testimony and evidence on the application to rezone commercially zoned land to CPD.

In preparing a recommendation to the Board, the Hearing Examiner must consider the Lee County Comprehensive Plan (Lee Plan), the Land Development Code (LDC), and other applicable County regulations to the facts presented in a rezoning request.<sup>2</sup> Specifically, the Hearing Examiner must find the request is compatible with surrounding uses and complies with Lee Plan and LDC requirements relating to such items as transportation facilities, natural resources, and public services.<sup>3</sup>

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<sup>1</sup> LDC §34-145(d)(1)a & (d)(2)a.

<sup>2</sup> LDC §34-145(d)(3).

<sup>3</sup> LDC §34-145(d)(4).

The Hearing Examiner's recommendation must be based on competent and substantial evidence.<sup>4</sup>

Discussion supporting the recommendation of approval of the CPD follows below.

### **Request Synopsis**

The 0.45± acre property sits south of Pine Island Road in Matlacha. The site is developed with a restaurant, parking, and ancillary storage.<sup>5</sup> Lee County Parks and Recreation Department operates the Matlacha Park next to the site.

The Blue Dog Restaurant was established on the site in 2014 and has remained in continuous operation.<sup>6</sup> The request stems from several Code Enforcement violations, mostly related to outdoor alcohol service and parking.<sup>7</sup> Applicant seeks to expand consumption on premises to include the outdoor seating area and legitimize existing site conditions. No new construction is proposed.

The CPD retains the existing development footprint and two access points to Pine Island Road. Proposed site design improves traffic circulation through the site.

The request seeks 11 deviations from LDC development standards to acknowledge existing conditions.<sup>8</sup> Maximum height remains at 35 feet.<sup>9</sup>

Staff recommended approval, finding the proposed CPD satisfies LDC review criteria.

### **Zoning and Site History**

The property retains its commercial zoning designation assigned since inception of County zoning.<sup>10</sup> Applicant detailed the site history at hearing, dating back to the 1930s.<sup>11</sup> In 1949, the site and building supported a commercial fish house. The

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<sup>4</sup> Lee Co. Admin. Code 2-6 §3.3.A(2); LDC §34-83(a)(4)a.1(a).

<sup>5</sup> The restaurant is comprised of 2,704ft<sup>2</sup> indoor seating, 795ft<sup>2</sup> outdoor seating, and an 745ft<sup>2</sup> outdoor service area. The catering business occupies 293ft<sup>2</sup> with accessory cooler and sheds. The Staff Report reflected 4,537ft<sup>2</sup> of commercial use; the Parties revised the intensity to include accessory cooler and sheds in post-hearing submittals. See Staff Ex. 4.

<sup>6</sup> The current owner acquired the property in 2017.

<sup>7</sup> The Staff Report identifies six Code violations under review. Staff Report (pg. 1, *citing* VIO2021-05598, VIO2021-05603, VIO2021-05649, VIO2021-05654, VIO2021-05655, VIO2024-07470, and VIO2024-07471). Testimony confirmed that at the time of hearing, no fines had been assessed on these cases. Transcript pg. 18.

<sup>8</sup> Applicant withdrew six deviations at staff's recommendation. Staff testified the withdrawn deviations were not necessary since the CPD establishes development regulations that address the items requested for relief. Blackwell Testimony (Transcript pg. 56-68).

<sup>9</sup> Condition 2(b); LDC §34-654.

<sup>10</sup> See Staff Report (pg. 1).

<sup>11</sup> Applicant Ex. 4 (slides 3-4) ; Akin Testimony (Transcript pg. 11-13).

building retains its original footprint and is classified as a contributing structure within the Matlacha Historic District.<sup>12</sup>

Indoor consumption on premises has been approved on the site for over four decades.<sup>13</sup> In 1991, a commercial seafood restaurant known as the Mulletville Restaurant began operating on the property.<sup>14</sup> Over time, the restaurant obtained development order approval and zoning relief for setbacks and parking lot improvements.<sup>15</sup>

### **Character of Area**

The property sits south of Pine Island Road in Matlacha. Commercial uses surround the site. Matlacha Park Road abuts to the east, with Matlacha Park sitting south across the canal.

### **Zoning Review Criteria**

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

- A. Complies with the Lee Plan;
- B. Meets the LDC and other applicable County regulations or qualifies for deviations;
- C. Is compatible with existing and planned uses in the surrounding area;
- D. Provides sufficient access to support the proposed development intensity;
- E. Addresses impacts on transportation facilities by County regulations or conditions of approval;
- F. Will not adversely affect environmentally critical/sensitive areas or natural resources; and
- G. Will be served by urban services if located in a Future Urban area.<sup>16</sup>

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<sup>12</sup> Staff detailed Certificates of Appropriation issued for the property. See Staff Report (pg. 1-2).

<sup>13</sup> Indoor COP was approved in 1985 via Z-85-141. See Applicant Ex. 4 (slide 4).

<sup>14</sup> Applicant Ex. 4 (slide 3); Akin Testimony (Transcript pg. 11-12).

<sup>15</sup> See Staff Report (pg. 1, citing ZAB-85-141, HD-91-007, ADD2010-00082). There is an extensive permitting background on the property as well. See Applicant Ex. 4 (slides 5-6).

<sup>16</sup> LDC §34-145(d)(4)a.1.

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

- H. The proposed use/mix of uses is appropriate at the proposed location;
- I. Recommended conditions (1) provide sufficient safeguards to the public interest, and (2) reasonably relate to impacts on the public interest expected from the proposed development; and
- J. Requested deviations (1) enhance achievement of the objectives of the planned development, and (2) protect public health, safety, and welfare.<sup>17</sup>

### **Lee Plan Consistency**

Planned developments must be consistent with the Lee Plan.<sup>18</sup>

Lee Plan maps designate the property within the Urban Community future land use category in the Pine Island Planning Community.<sup>19</sup>

Urban Community areas are characterized by a mix of relatively intense commercial and residential uses. The request remains consistent with the Urban Community designation, as the CPD does not seek new uses.<sup>20</sup>

The site's location within the Greater Pine Island Planning Community and the Matlacha Historic District triggers supplemental standards governing most every aspect of development.<sup>21</sup> The Planning Community prioritizes maintaining the island's unique resources and supporting productive local businesses.<sup>22</sup>

The Lee Plan Economic Element encourages commercial uses to expand the County's economic base.<sup>23</sup> The request continues an established commercial use serving residents and tourists.<sup>24</sup>

Notably, the use and structures have been operating on the site for years without incident. The request legitimizes existing conditions but does not alter site activities.

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<sup>17</sup> LDC §34-145(d)(4)a.2.

<sup>18</sup> F.S. §163.3194(1)(a); LDC §§34-411(a), §34-491.

<sup>19</sup> Lee Plan Maps 1-A, 1-B, & 2-A.

<sup>20</sup> The expansion of consumption of premises associated with an established restaurant is a customary ancillary commercial use.

<sup>21</sup> Lee Plan Goal 24, LDC §§33-1001 *et. seq.*

<sup>22</sup> Lee Plan Goal 24.

<sup>23</sup> Lee Plan Goals 158 & 159.

<sup>24</sup> Lee Plan Goals 158, 159, & 161, Objective 161.1, Policies 24.4.1, 159.2.1, 159.2.2, 159.2.3, & 159.2.4.



The proposed CPD continues existing commercial uses and expands consumption on premises, consistent with the Lee Plan.

### **Compatibility**

The LDC defines *compatible* to mean 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.<sup>25</sup>

Planned development zoning is a useful tool to integrate development with surrounding land uses.<sup>26</sup> The PD districts allow flexibility in site design while providing a process and record on which the public can rely.<sup>27</sup>

The LDC imposes scrutiny in evaluation of outdoor consumption on premises requests within 500 feet of a park or residence.<sup>28</sup> Although Matlacha Park neighbors the property, a canal and parking area separate park amenities from the restaurant's outdoor seating area. Additionally, the proposed CPD incorporates buffers to minimize off-site impacts.<sup>29</sup>

### **LDC**

Requests to rezone must meet the LDC and other County regulations or qualify for deviations.<sup>30</sup> "Deviations" are departures from land development regulations.<sup>31</sup> Applicant seeks 11 deviations addressing connection separation, outdoor consumption on premises, and various parking regulations.<sup>32</sup>

Before recommending approval, the Hearing Examiner must find the requested deviation:

1. Enhances achievement of the planned development; and
2. Protects public health, safety, and welfare.<sup>33</sup>

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<sup>25</sup> LDC §34-2.

<sup>26</sup> LDC §34-612(2)(b).

<sup>27</sup> LDC §34-612(2)(h).

<sup>28</sup> LDC §§34-1264(a)g.1, (b)(1)a.1, & (2)b.

<sup>29</sup> The nearest residence is over 500 feet away and screened by intervening vegetation. Blackwell Testimony (Transcript pg. 65).

<sup>30</sup> LDC §34-2: Development of County Impact means developments that may have a substantial effect upon the health, safety, and welfare of the citizens of the County or 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. The planned development district affords flexibility in site design.

<sup>31</sup> LDC §34-2.

<sup>32</sup> Applicant seeks deviations from LDC §34-2017(a)(1-2), §10-416(c)2.a, §10-416(a)(3), §34-2020(b), §34-1982(b), §34-2016(1)b.2, §34-2016(1)b.1, §10-261(e), §34-2016(3), §10-285(a), and §34-1264(a)(1)g.1.

<sup>33</sup> LDC §34-145(d)(4)a.2(c).

Requested deviations legitimize existing site conditions. The record contains evidence demonstrating Applicant has operated on the site for years without incident or reported off-site impacts.

Most deviations address parking standards triggered by additional spaces generated by outdoor alcohol consumption. Applicant's transportation expert conducted parking studies to demonstrate the site offers sufficient parking. Hearing testimony also revealed that most patrons access the site via alternative transportation methods, thereby reducing vehicular and parking demand.<sup>34</sup> Further, proximate businesses can accommodate overflow parking if needed.<sup>35</sup>

The record indicates granting the deviations meets the spirit of the Code. Requested deviations remain consistent with the intent of the LDC despite not meeting the letter of the Code.

Staff recommended approval of all deviations.<sup>36</sup> The Hearing Examiner agrees with Staff's recommendation of approval.

### **Environmental/Natural Resources**

Requests to rezone property may not adversely affect environmentally critical/sensitive areas or natural resources.<sup>37</sup>

The property is developed with existing structures and parking. The record is devoid of evidence showing environmentally sensitive resources on the property.

The Master Concept Plan (MCP) reflects compliance with open space and buffer requirements.<sup>38</sup> Development aligns with an adopted Alternative Landscape Betterment Plan.<sup>39</sup>

The Hearing Examiner finds the requested CPD will not harm environmentally critical/sensitive areas or natural resources.<sup>40</sup>

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<sup>34</sup> Evidence suggests patrons arrive by pedestrian facilities, boats, or bicycles. Stuart and Oliver Testimony (Transcript pg. 41-54); Applicant Ex. 4 (slide 21-29); Applicant Ex. 6.

<sup>35</sup> Akin and Oliver Testimony (Transcript pg. 16-17, 50-54). Applicant testified to existing agreements to accommodate off-site parking.

<sup>36</sup> Staff recommended withdrawal of six deviations requested that are now addressed in Condition 2.

<sup>37</sup> LDC §34-145(d)(4)a.1(f).

<sup>38</sup> See MCP & Staff Report (Attachment F); Applicant Ex. 4 (slide 9). The MCP exceeds the LDC open space requirement of 20% (0.09 acres) by providing 22.6% (0.1 acres). See Condition 3.

<sup>39</sup> See MCP, pg. 2. The Alternative Landscaping Betterment Plan was adopted in ADD2010-00082 and actualized in development order LDO2010-00291. See Staff Report (pg. 12).

<sup>40</sup> Lee Plan Goals 63, 77, 125; LDC §34-411(g) & (h); Staff Report (Attachment F).

### **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.<sup>41</sup>

The MCP retains two access points to Pine Island Road. Pine Island Road is a County-maintained arterial roadway.<sup>42</sup>

Because the request produces a *de minimis* trip generation, staff did not require a level of service analysis.<sup>43</sup>

The CPD has sufficient access to support the proposed development.

### **Public Services**

Public services include services, facilities, capital improvements, and infrastructure necessary to support development.<sup>44</sup> The property has access to potable water, police, fire, and emergency medical services.<sup>45</sup>

### **Conditions**

The County must administer the zoning process to minimize impacts of proposed land uses on adjacent property and protect natural resources.<sup>46</sup> Conditions must plausibly relate to anticipated impacts, and be pertinent to mitigating impacts to public health, safety, and welfare.<sup>47</sup>

Proposed conditions limit permitted uses, define development parameters, impose guardrails around outdoor consumption on premises, and ensure compliance with the Lee Plan and LDC.

### **Public Participation**

Applicant conducted a public meeting consistent with LDC requirements for rezoning applications in the Greater Pine Island Community.<sup>48</sup>

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<sup>41</sup> LDC §34-145(d)(4)a.1.

<sup>42</sup> Lee Co. Admin. Code 11-1; Lee Plan Policy 6.1.2.

<sup>43</sup> See Staff Report (Attachment J).

<sup>44</sup> Lee Plan Glossary.

<sup>45</sup> See Staff Report (pg. 12 & Attachment H). Lee Plan Standards 4.1.1 & 4.1.2. The property is served by the Greater Pine Island Water Association for potable water and Lee County Utilities for sanitary sewer. Matlacha-Pine Island Fire District and the Lee County Sheriff provide services to the site. See Lee Plan Maps 4-A & 4-B.

<sup>46</sup> Lee Plan Policy 135.9.6; LDC §§34-145(d)(4), 34-377, 34-932.

<sup>47</sup> LDC §34-932(c).

<sup>48</sup> LDC §33-1003; Staff Report (Attachment E).

Several members of the public spoke at hearing in support of the request.<sup>49</sup> No speakers spoke in opposition.<sup>50</sup>

### **Conclusion**

Applicant provided competent substantial evidence demonstrating compliance with LDC review criteria. The Hearing Examiner recommends approval of the CPD, subject to conditions set forth in Exhibit B.

## **IV. Findings and Conclusions**

Based on testimony and evidence presented in the record, the Hearing Examiner finds and concludes that, as conditioned herein, the proposed CPD:

- A. Complies with the Lee Plan. Lee Plan Goals 2, 6, 24, 158, 159; Objectives 2.1, 2.2, 4.1, 6.1, 24.4, Policies 1.1.4, 1.7.6, 2.1.1, 2.1.2, 2.2.1, 5.1.5, 6.1.1, 6.1.4, 6.1.6, 6.1.7, 24.4.1, 24.4.2, 24.5.1, 159.2.1, 159.2.2, 159.2.3, 159.2.4, Standards 4.1.1, 4.1.2, 4.1.4; Lee Plan Maps 1-A, 1-B, 2-A, Table 1(b).
- B. Meets the LDC and other County regulations. LDC Chapters 2, 10, 33, & 34.
- C. Is compatible with existing and planned uses in the area. See Lee Plan Goals 2, 6, Objectives 2.1, 2.2, 6.1, and Policies 1.1.4, 2.1.1, 5.1.5, 6.1.1, 6.1.4, 6.1.5, 6.1.6, and LDC §34-411(j).
- D. Provides sufficient access to support the proposed development intensity, with expected impacts on transportation facilities addressed by existing County regulations or conditions of approval. See Lee Plan Objective 39.1, Policies 6.1.1, 6.1.5; and LDC §34-411(d).
- E. Will not adversely affect environmentally critical areas or natural resources. See Lee Plan Goal 77, Objectives 77.2, 77.3, Policies 6.1.1, 6.1.6, 77.3.2, 77.3.3, 77.3.5, and Standard 4.1.4.
- F. Will be served by urban services. See Lee Plan Glossary, Objectives 2.1, 2.2, 4.1, 6.1, Policies 1.1.4, 2.2.1, 6.1.1, 6.1.4; Standards 4.1.1 & 4.1.2.
- G. Proposed uses are appropriate at the location. See Lee Plan Goal 2, 6, 24, Objectives 1.1, 2.1, 2.2, Policies 1.1.4, 2.1.1, 2.2.2, 5.1.5, 6.1.4, 6.1.7, Table 1(b); and LDC §§34-411 & 34-936.
- H. Recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. See LDC Chapters 10, 33, & 34.

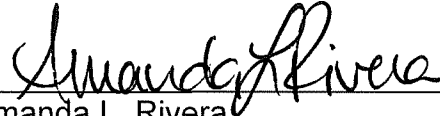
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<sup>49</sup> Public Testimony (Transcript pg. 68-85).

<sup>50</sup> Applicant proffered evidence of community support. See Applicant Ex. 4 (slide 11) & Ex. 5.



Date of Recommendation: March 5, 2026.

A handwritten signature in black ink, reading "Amanda L. Rivera", is written over a horizontal line.

Amanda L. Rivera  
Deputy Hearing Examiner

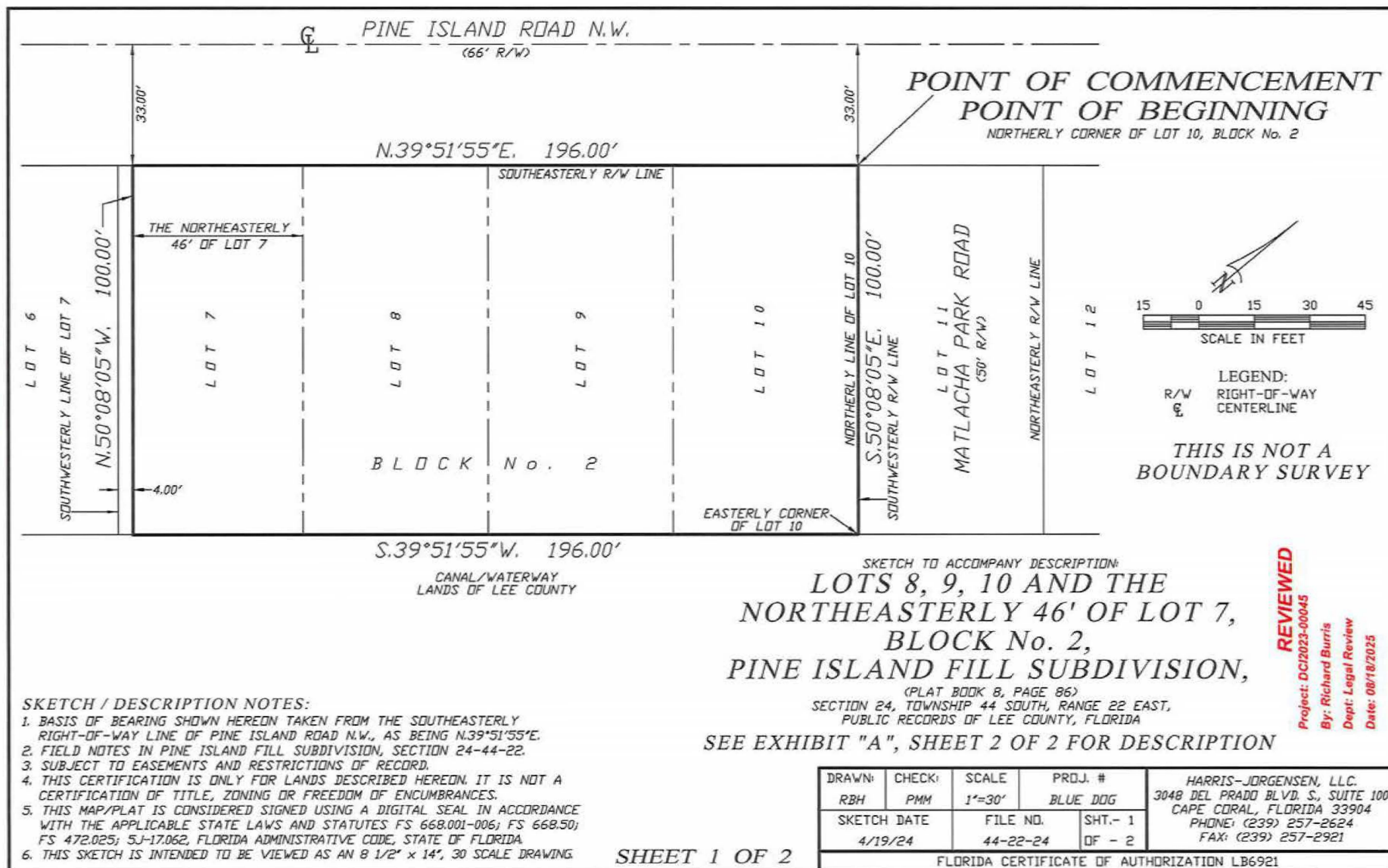
Lee County Hearing Examiner  
1500 Monroe Street, Suite 218  
Post Office Box 398  
Fort Myers, FL 33902-0398

**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**



DESCRIPTION TO ACCOMPANY SKETCH

## EXHIBIT "A"

### LOTS 8, 9, 10 AND THE NORTHEASTERLY 46' OF LOT 7, BLOCK No. 2, PINE ISLAND FILL SUBDIVISION,

(PLAT BOOK 8, PAGE 86)

SECTION 24, TOWNSHIP 44 SOUTH, RANGE 22 EAST,  
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

#### DESCRIPTION:

A PLOT OR PARCEL OF LAND BEING LOTS 8, 9, 10 AND THE NORTHEASTERLY 46.00 FEET OF LOT 7, BLOCK No. 2, PINE ISLAND FILL SUBDIVISION, AS RECORDED IN PLAT BOOK 8, PAGE 86, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHERLY CORNER OF THE AFORESAID LOT 10, SAID CORNER BEING THE POINT OF BEGINNING; THENCE RUN S.50°08'05"E. ALONG THE NORTHERLY LINE OF SAID LOT 10, SAID LINE ALSO BEING THE SOUTHWESTERLY LINE OF MATLACHA PARK ROAD (50 FEET WIDE) TO THE EASTERLY CORNER OF THE AFORESAID LOT 10 FOR 100.00 FEET; THENCE RUN S.39°51'55"W. TO A POINT 4.00 FEET NORTHEASTERLY OF THE SOUTHWESTERLY LINE OF LOT 7 FOR 196.00 FEET; THENCE RUN N.50°08'05"W. 4.00 FEET NORTHEAST AND PARALLEL AS MEASURED ON A PERPENDICULAR TO THE SAID SOUTHWESTERLY LINE OF LOT 7 TO A POINT ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF PINE ISLAND ROAD NORTHWEST (66 FEET WIDE) FOR 100.00 FEET; THENCE RUN N.39°51'55"E. ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE FOR 196.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 19,600 SQUARE FEET OR 0.45 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE AFORESAID SOUTHEASTERLY RIGHT OF WAY LINE OF PINE ISLAND ROAD NORTHWEST, AS BEING N.39°51'55"E.

Phillip M  
Mould,  
LS6515, State  
of Florida

Digitally signed by  
Phillip M Mould,  
LS6515, State of  
Florida  
Date: 2024.09.10  
22:48:49 -04'00'

PHILLIP M. MOULD  
LS6515  
APRIL 19, 2024

**REVIEWED**

Project: DCI2023-00045

By: Richard Burris

Dept: Legal Review

Date: 08/18/2025

SHEET 2 OF 2

BLUE DOG



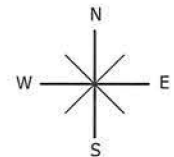


## Attachment B4

DCI2023-00045

Zoning

 Subject Property



0 500  
Feet



## Exhibit B

### RECOMMENDED CONDITIONS AND DEVIATIONS

#### **CONDITIONS**

References to uses are as defined in the Lee County Land Development Code (LDC).

1. **Master Concept Plan (MCP) and Development Parameters**

- a. MCP. Development must be substantially consistent with the two-page MCP entitled "Minor CPD Master Concept Plan" stamped Received February 20, 2026 (Exhibit B1).
- b. Lee Plan and LDC. Development must comply with the LDC and Lee Plan at the time of local development order approval, except as granted herein. Subsequent changes may require further zoning approval.
- c. Development Parameters. Development is limited to 4,697 square feet of commercial intensity, including 795 square feet of outdoor seating.

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

a. **Schedule of Uses**

Accessory uses and structures  
Bar or Cocktail Lounge  
Business Services, Group I  
Consumption on Premises (see Condition 4)  
Essential Services  
Essential Service Facilities, Group I  
Fences, Wall  
Gift and Souvenir Shop  
Parking lot, Accessory  
Restaurants, Groups I, II, and III  
Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use on the same premises  
Signs

b. **Property Development Regulations**

**Minimum Lot Area and Dimensions**

|        |            |
|--------|------------|
| Area:  | 0.45 acres |
| Width: | 196 feet   |
| Depth: | 100 feet   |



Minimum Setbacks, Maximum Building Height, and Maximum Lot Coverage:

|                                           |         |
|-------------------------------------------|---------|
| Street, Pine Island Road:                 | 3 feet  |
| Street: Matlacha Park Road:               | 11 feet |
| Restaurant Building Waterbody:            | 18 feet |
| Waterbody: Rear Deck:                     | 2 feet  |
| Catering Office Street, Pine Island Road: | 4 feet  |
| Maximum Building Height:                  | 35 Feet |

**3. Open Space**

Development order plans must depict a minimum of 4,435 square feet (0.1 acres) of open space in substantial compliance with the MCP.

**4. Outdoor Consumption on Premises**

Alcohol sale/service is limited as follows:

- a. Hours of Operation. 11:00 AM to 9:00 PM, Daily
- b. Food Service Required. No alcohol service is permitted after the kitchen is closed.
- c. Live Entertainment/Amplified Sound. Live entertainment and amplified music are prohibited in the outdoor seating area.

**5. Development Approvals**

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. Developer must obtain applicable state/federal permits prior to commencing development.

**DEVIATIONS**

1. Parking Lot. Deviation 1 seeks relief from LDC §34-2017(a)(1 & 2), which requires high turnover parking isles and parking spaces to have paved, dust-free, all-weather surfaces, to allow alternative pavement/no-asphalt surfaces for parking.

**HEX Recommendation:** Approve

2. WITHDRAWN
3. WITHDRAWN
4. WITHDRAWN

5. WITHDRAWN

6. WITHDRAWN

7. Landscape Trees. Deviation 7 seeks relief from LDC §10-416(a)(3), which requires one tree per 3,500 square feet, equal to 6 trees, to allow tree planting requirements based on Sheet Two of the MCP (Alternative Landscape Betterment Plan) with no general tree planting requirement.

**HEX Recommendation:** Approve

8. Internal Landscaping. Deviation 8 seeks relief from LDC §10-416(c)2.a, which requires new development to plant either one canopy tree or three clustered Sable Palms for every 250 square feet of required internal planting area, to allow site landscaping consistent with Sheet Two of the MCP (Alternative Landscape Betterment Plan) that does not require parking and vehicular area tree plantings.

**HEX Recommendation:** Approve

9. Parking Spaces. Deviation 9 seeks relief from LDC §34-2020(b), which requires 14 spaces per 1,000 square feet of total mixed use floor area with a 10% non-vehicular discount, equal to 35 spaces, to allow for 25 parking spaces.

**HEX Recommendation:** Approve

10. WITHDRAWN

11. Access. Deviation 11 seeks relief from LDC §34-1982(b), which requires off-street loading areas to be spatially or physically separated from off-street parking areas and pedestrian walkways, to allow for the continued use of the site's parking and circulation area for food service and other delivery and loading.

**HEX Recommendation:** Approve

12. Parking Dimension. Deviation 12 seeks relief from LDC §34-2016(1)b.2, which requires parking space dimensions of 8.5 feet by 18 feet for 30-, 45-, and 60-degree parking, to allow parking space dimensions of 8.5 feet by 18 feet for 30-, 45-, 60-, or 70-degree parking.

**HEX Recommendation:** Approve



13. Parking Dimension, 90-Degree. Deviation 13 seeks relief from LDC §34-2016(1)b.1, which requires parking space dimensions of 9 feet by 18 feet for 90-degree parking, to allow parking space dimensions of 8 feet by 18 feet for 90-degree compact parking along the subject property's west boundary.

**HEX Recommendation:** Approve

14. Solid Waste Disposal. Deviation 14 seeks relief from LDC §10-261(e), which requires that container space enclosures not be located in or encroach into the required perimeter buffer, to allow the refuse and solid waste area to be located within the southeast buffer along the canal as depicted on the MCP.

**HEX Recommendation:** Approve

15. Parking Aisle. Deviation 15 seeks relief from LDC §34-2016(3), which requires a 24-foot wide two-way 90 degree parking aisle, to allow for a 22-foot wide two-way 90 degree parking aisle for one space adjacent to the solid waste service area, as depicted on the MCP.

**HEX Recommendation:** Approve

16. Connection Separations. Deviation 16 seeks relief from LDC §10-285(a), which requires 440-foot connection separations for a Future Urban Area arterial road; to allow the following Pine Island Road connection separations as depicted on the MCP:

Heading west along the south ROW line of Pine Island Road:

- 73-ft +/- from Matlacha Park Road to the east driveway
- 59-ft +/- from the east driveway to the west driveway
- 41-ft +/- from the west driveway to the adjoining property driveway

Heading west along the north ROW line of Pine Island Road:

- 192-ft +/- from Island Avenue to the east driveway
- 10-ft +/- from the east driveway to the eastern driveway across Pine Island Road
- 33-ft +/- between the middle driveway and the west driveway
- 25-ft +/- between the west driveway across Pine Island Road and the Blue Dog west driveway

**HEX Recommendation:** Approve

17. Outdoor Consumption on Premises. Deviation 17 seeks relief from LDC §34-1264(a)(1)g.1, which requires outdoor seating areas providing outdoor Consumption on Premises to be no closer than 500 feet to a park, to allow for a 50-foot separation between the outdoor COP and Matlacha Park.

**HEX Recommendation:** Approve, subject to Condition 4.

Exhibits to Conditions:

B1 Master Concept Plan stamped Received 2/20/26



RECEIVED

FEB 20 2026

BY: HEARING EXAMINER'S OFFICE

THE BLUE DOG RESTAURANT MINOR CPD

LOCATED IN THE MATLACHA HISTORIC DISTRICT SECTION 24, TWN 44S, R22E

MINOR CPD MASTER CONCEPT PLAN



LOCATION MAP  
(NOT TO SCALE)

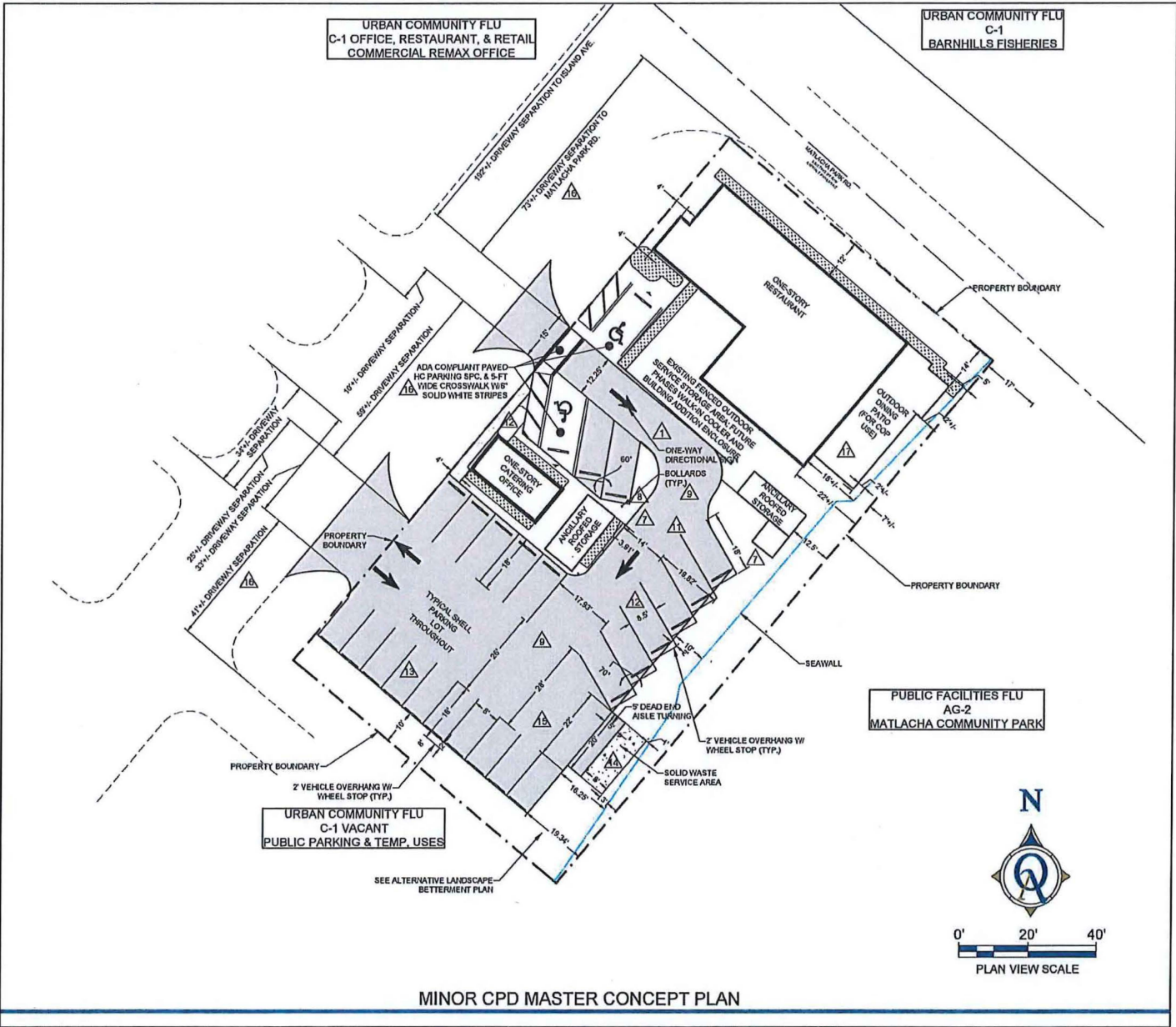
PROJECT SUMMARY:

LAND USE & DEVELOPMENT STANDARD SUMMARY TABLE

Strap #: 24-44-22-01-00002.0080, 4597 Pine Island Rd.  
24-44-22-01-00002.007A, 4601 Pine Island Rd.  
Site Area: 0.45 acres +/-  
Future Land Use: Urban Community w/ Matlacha Historic District designation  
Existing Zoning: C-1  
Zoning Request: Minor CPD w/ Indoor & Outdoor On-premise Consumptive Use  
Flood Zone: AE 9  
Utilities: LCU

| Development Standards                               |             |
|-----------------------------------------------------|-------------|
| Total Site Intensity:                               | 4,697 sf    |
| Restaurant                                          | 2,704 sf    |
| Restaurant Outdoor Deck                             | 795 sf      |
| Restaurant Outdoor Storage/Service                  | 745 sf      |
| Catering Office                                     | 293 sf      |
| Accessory Sheds                                     | 260 sf      |
| Restaurant Patron Area                              | 2,705 sf    |
| Restaurant Non-patron Area                          | 1,539 sf    |
| Height                                              | 35-ft.      |
| Restaurant Front Yard ROW Setback                   | 3.7-ft      |
| Restaurant Side Yard Street Setback                 | 11-ft       |
| Restaurant Rear Bldg. Property Line/Seawall Setback | 22-ft/18-ft |
| Restaurant Rear Deck Property Line/Seawall Setback  | 7-ft/2-ft   |
| Catering Office Front Yard ROW Setback              | 4-ft        |
| Ancillary Roofed Storage Shed Property Line Setback | 12-ft       |

Open Space & Buffering Standards  
Total Open Space Required: 20% (3,920 sf)  
Space Provided (see sheet 2): 3,920 sf



MINOR CPD MASTER CONCEPT PLAN

P:\2021 Projects\1101 BLUE DOG CODE VIOLATION\01-CADD-VERSION 3.0\02-PRODUCTION PLANS\1101-SD-H

StuartandAssociates, Inc. 11860 Island Ave. Matlacha, FL, FL 33993  
Greg@Stuarturbandesign.com www.stuarturbandesign.com (239) 677-6126

**Quattrone & Associates, Inc.**  
Engineers, Planners, & Development Consultants  
4301 Veronica Shoemaker Blvd | Fort Myers, Florida 33916 | 239-936-5222 | QAInc.net



THE BLUE DOG RESTAURANT

LOCATED IN THE MATLACHA HISTORIC DISTRICT SECTION 24, TWN 44S, R22E

RECEIVED

FEB 20 2026

BY: HEARING EXAMINER'S OFFICE

2024 ALTERNATIVE LANDSCAPE BETTERMENT PLAN



LOCATION MAP  
(NOT TO SCALE)

PROJECT SUMMARY:

The Alternative Landscape Betterment Plan:

West Side  
10-ft Perimeter Buffer - 5 trees per 100 LF and a double-hedge.

North Side  
3-ft to 15-ft Pine Island Rd Buffer - 5 trees per 100 LF and a double-hedge.

East Side  
10-ft Matlacha Park Road Buffer - 5 palm trees and 18 shrubs per 100 LF

South Canal  
Varies 10-ft Buffer - 5 trees and 18 shrubs per 100 LF with the easternmost 58-ft +/- canal buffer segment adjoining the patio and deck to have a continuous row of irrigated potted plants.

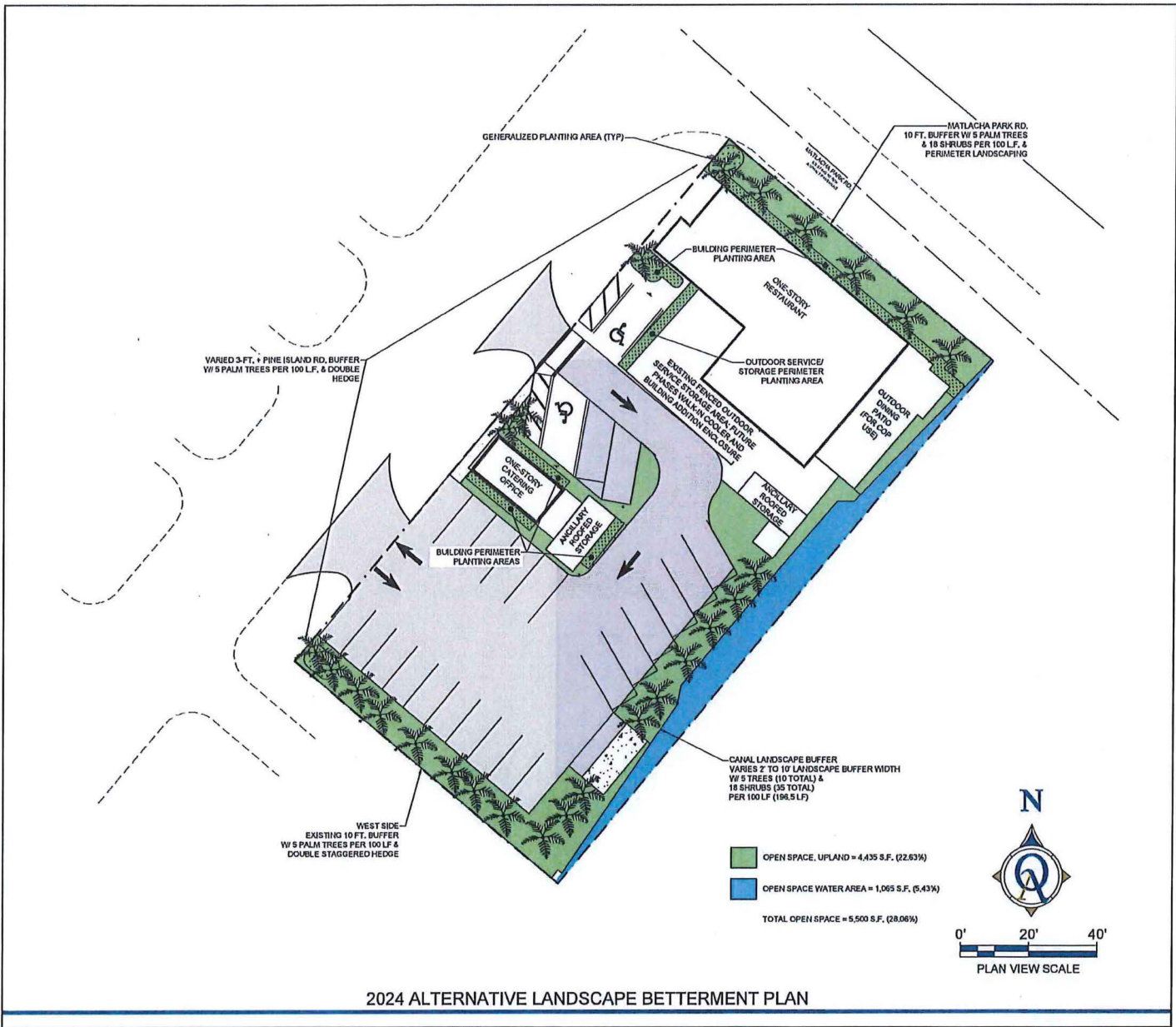
Building Perimeter Plantings:

|                                      |                 |
|--------------------------------------|-----------------|
| Existing Restaurant -                | 2,704 SF        |
| Catering Building -                  | 293 SF          |
| Outdoor Building Service / Storage - | 745 SF          |
| <b>Total Area:</b>                   | <b>3,742 SF</b> |

10% Building Area Required Landscaping: 374 SF

Provided:

|                                |               |
|--------------------------------|---------------|
| Existing Restaurant-           | 340 SF        |
| Catering Building -            | 178 SF        |
| Outdoor Service/Storage Area - | 100 SF        |
| <b>Total Provided:</b>         | <b>618 SF</b> |



2024 ALTERNATIVE LANDSCAPE BETTERMENT PLAN

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## **Exhibit C**

### **EXHIBITS PRESENTED AT HEARING**

#### **STAFF EXHIBITS**

1. DCD Staff Report with attachments for DCI: Prepared by Peter Blackwell, Planner, date received January 21, 2026 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. 48-Hour Notice: Email from Peter Blackwell to Maria Perez with copies to Anthony Rodriguez, submitting Affidavit of Publication for DCI2023-00045, The Blue Dog Restaurant Minor CPD with Outdoor Consumption on Premises (3 pages – 8.5"x11")
3. PowerPoint Presentation: Prepared by Lee County Staff for DCI2023-00045, The Blue Dog Restaurant Minor CPD with Outdoor Consumption on Premises (multiple pages – 8.5"x11") [color]
4. Written Submissions: Email from Peter Blackwell to Maria Perez, with copies to Richard Akin, Esq., Greg Stuart, Brienne Cherry, and Anthony Rodriguez, dated Friday, February 20, 2026, 12:41 PM (multiple pages – 8.5"x11" & 2 pages – 11"x17")

#### **APPLICANT EXHIBITS**

1. 48-Hour Notice: Email from Greg Stuart to Maria Perez, with copies to Richard Akin, Esq., dated Saturday, January 31, 2026, 9:01 AM, submitting Affidavit of Publication for DCI2023-00045, The Blue Dog Restaurant Minor CPD with Outdoor Consumption on Premises (3 pages – 8.5"x11")
2. 48-Hour Notice: Email from Richard Akin, Esq. to Maria Perez and Hearing Examiner, with copies to Anthony Rodriguez, Peter Blackwell, Elizabeth Workman, Joseph Adams, Esq., and Greg Stuart, dated Monday, February 23, 2026, 9:30 AM (3 pages – 8.5"x11")
3. Revised Master Concept Plan: Prepared by Quattrone & Associates, Inc., for The Blue Dog Restaurant Minor CPD (1 page – 11"x17" and 1 page – 24"x36")
4. PowerPoint Presentation: Prepared for DCI2023-00045, The Blue Dog Restaurant Minor CPD, dated February 5, 2026 (multiple pages – 8.5"x11") [color]
5. Resolution of the Matlacha Civis Association: Dated April 28, 2026 (multiple pages – 8.5"x11")
6. Résumé: For William E. (Bill) Oliver, P.E., PTOE (2 pages – 8.5"x11")

**Exhibit D**

**HEARING PARTICIPANTS**

**County Staff:**

1. Peter Blackwell

**Applicant Representatives:**

1. Richard Akin, Esq.
2. William Oliver, P.E.
3. Greg Stuart

**Public Participants:**

1. Aaron Barreda
2. Dave Conner
3. Erin Lambert
4. Jenipher Johnson
5. Lisa Girman Johnson
6. Jody Link
7. John Lynch
8. Bonnie Mullee
9. Carol Scott
10. Eric Seuffert
11. Chris Walczak
12. Kathleen Walsh

**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 they were 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.