



LEE COUNTY BOARD OF COUNTY COMMISSIONERS

ZONING and COMPREHENSIVE PLAN AMENDMENT HEARING AGENDA

Wednesday, June 3, 2026
9:30AM

DCI2025-00020
Z-26-009

Lehigh Acres Mobile Batch Plant

DCI2025-00003
Z-26-008

Betsy Parkway MPD (Continued)

CPA2026-00003

Clean-Up Amendment

NOTICE OF PUBLIC HEARING

The Lee County Board of County Commissioners will hold a public hearing at 9:30 am on Wednesday, June 3, 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.

DCI2025-00020 / Lehigh Acres Mobile Batch Plant

Request to rezone 3.45 +/- acres from Light Industrial (IL) to Industrial Planned Development (IPD).

Located at 5511 4th St W; Lehigh Acres Planning District, Lee County, FL. Property Owner: Bello Horizon, LLC. Property Owner's Representative: Al Quattrone, (239) 936-5222.

DCI2025-00003 / Betsy Parkway MPD (Continued)

Request to rezone 23.96 +/- acres from Commercial (C-1A) and Agricultural (AG-2) to Mixed Use Planned Development (MPD).

Located at 5041 Pine Island Rd. & 10300 Betsy Pkwy., Pine Island Planning District, Lee County, FL. Property Owner's: PI Daze, LLC & Polotto Joseph Tr. Property Owner's Representative: Cindy Leal Brizuela, (239) 226-0024.

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 MarySue Groth for DCI2025-00020 and Elizabeth Workman for DCI2025-00003 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 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.

NOTICE OF PROPOSED AMENDMENTS TO THE LEE COUNTY COMPREHENSIVE LAND USE PLAN

The Lee County Board of County Commissioners will hold a public hearing to consider the proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, the 3rd day of June, 2026. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers, 2120 Main Street in Downtown Fort Myers.

(TRANSMITTAL HEARING)

At the hearing, the Board will consider the proposed amendments for transmittal to the Florida Department of Commerce:

CPA2026-00003 – 2026 Cleanup Amendments – Text Amendment

Amend the Lee Plan to update Policies 2.1.3, 6.1.2, 11.2.1, 25.8.4, Chapter XIII, and the Glossary of the Lee Plan. These amendments remove out-of-date policies, improve consistency, reflect current conditions and practices, and other general cleanup items.

This transmittal hearing is the first step in a two-step public hearing process to amend the Lee Plan. A second hearing will follow the Department of Commerce's review of the application.

Documentation for the Proposed Comprehensive Plan Amendments is available at <https://www.leegov.com/dcd/planning/cpa> or at the Department of Community Development located at 1500 Monroe Street, Fort Myers, Florida. This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the Proposed Plan Amendments. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

It is the intent of the Board of County Commissioners that the provisions of the Comprehensive Plan Amendments may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

Lee County will not discriminate against individuals on the basis of race, color, national origin, sex, age, disability, religion, income or family status. To request language interpretation, document translation or an ADA-qualified reasonable modification at no charge to the requestor, contact the ADA Coordinator Ranice Monroe, (239) 533-0255, ADARequests@leegov.com, Florida Relay Service 711, at least five business days in advance. El Condado de Lee brindará servicios de traducción sin cargo a personas con el idioma limitado del inglés.

Comprehensive Plan Amendment
and
Zoning Hearing Agenda
Wednesday, June 3, 2026

List of Hearing Attendees by Case

Case Number	Name	Party
DCI2025-00020 Lehigh Acres Mobile Batch Plant	Al Quattrone Quattrone & Associates, Inc.	Applicant
	Jhonny Foronda Quattrone & Associates, Inc.	Applicant
DCI2025-00003 Betsy Parkway MPD	Terry Cramer, Esq.	Applicant
	Cindy Leal Brizuela, AICP	Applicant
	Barrett Stejskal	Applicant
	Jason Utley, AICP	Applicant
CPA2026-00003 Clean-Up Amendment (County Initiated)	N/A	

DCI2025-00020

Lehigh Acres

Mobile Batch

Plant



CASE NUMBER & NAME: DCI2025-00020 / Lehigh Acres Mobile Batch Plant

REQUEST: Request to rezone 3.45± acres from Light Industrial (IL) to Industrial Planned Development (IPD).

RESOLUTION NUMBER: Z-26-009

LOCATION: 5511 4th St W; Lehigh Acres Planning District, Lee County, FL.

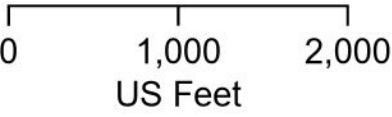
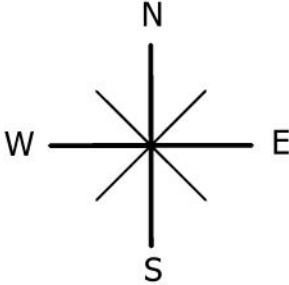
OWNER: Bello Horizon, LLC

APPLICANT: Quattrone & Associates, Inc.

AGENT: Al Quattrone
Quattrone & Associates, Inc.
4301 Veronica Shoemaker Blvd.
Fort Myers, FL 33916

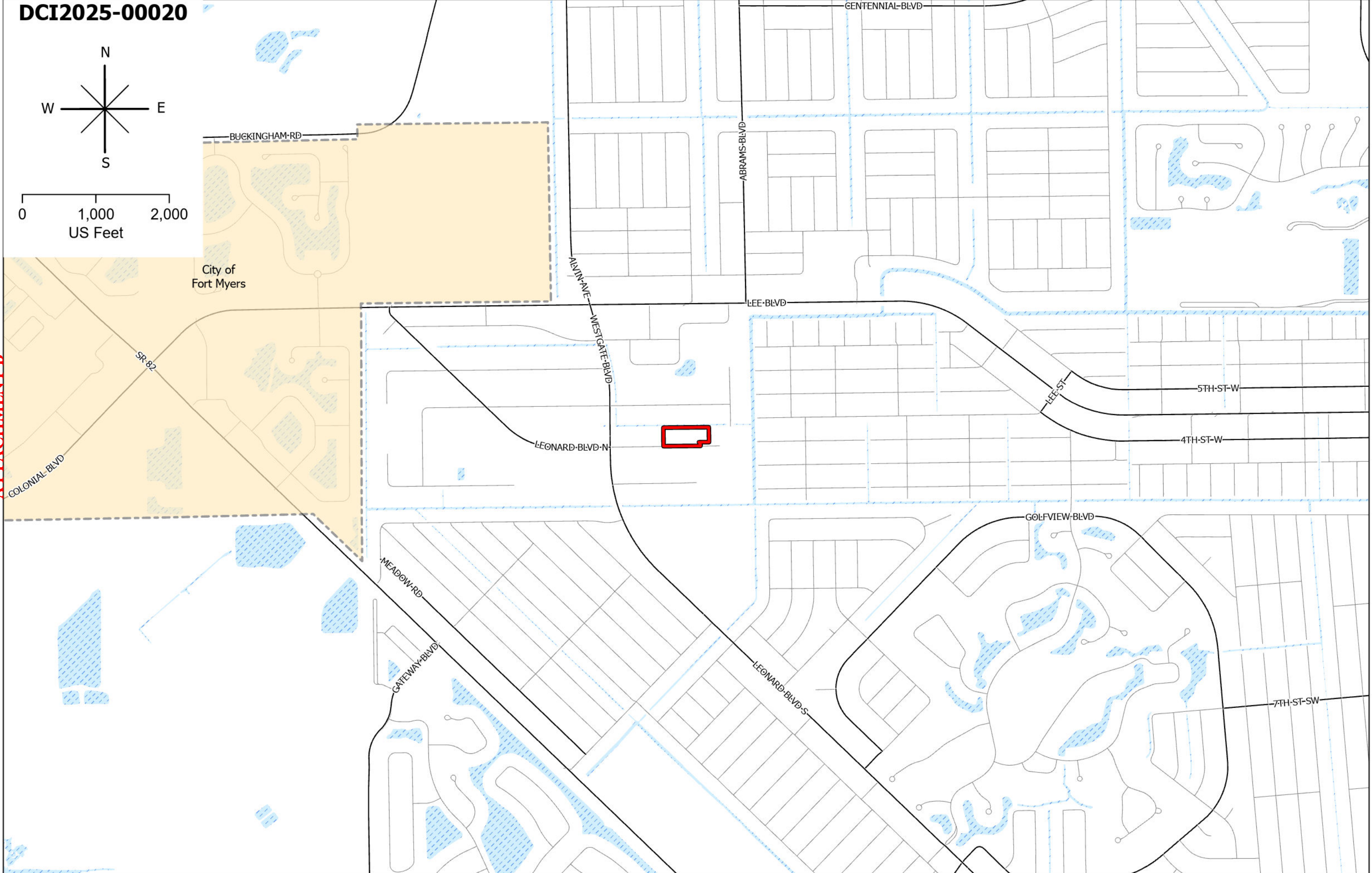
HEARING EXAMINER
RECOMMENDATION: Approval, subject to conditions and deviations.

PARTICIPANTS: None



City of
Fort Myers

ATTACHMENT B



Summary of Hearing Examiner Recommendation

LEHIGH ACRES MOBILE BATCH PLANT IPD

The property lies within an industrial park on Westgate Boulevard in Lehigh Acres. Surrounding parcels are zoned for light industrial uses.

The Westgate Industrial Park is nearly built out with warehousing, contractors, truck/auto parts and repair, and freight shipping businesses. The Lee County School District operates a school bus compound at the intersection of 4th Street West and Westgate Boulevard.

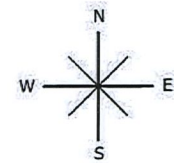
Rezoning the vacant site to the Industrial Planned Development district constitutes infill development, promoting compact growth patterns.

Detailed recommendation follows

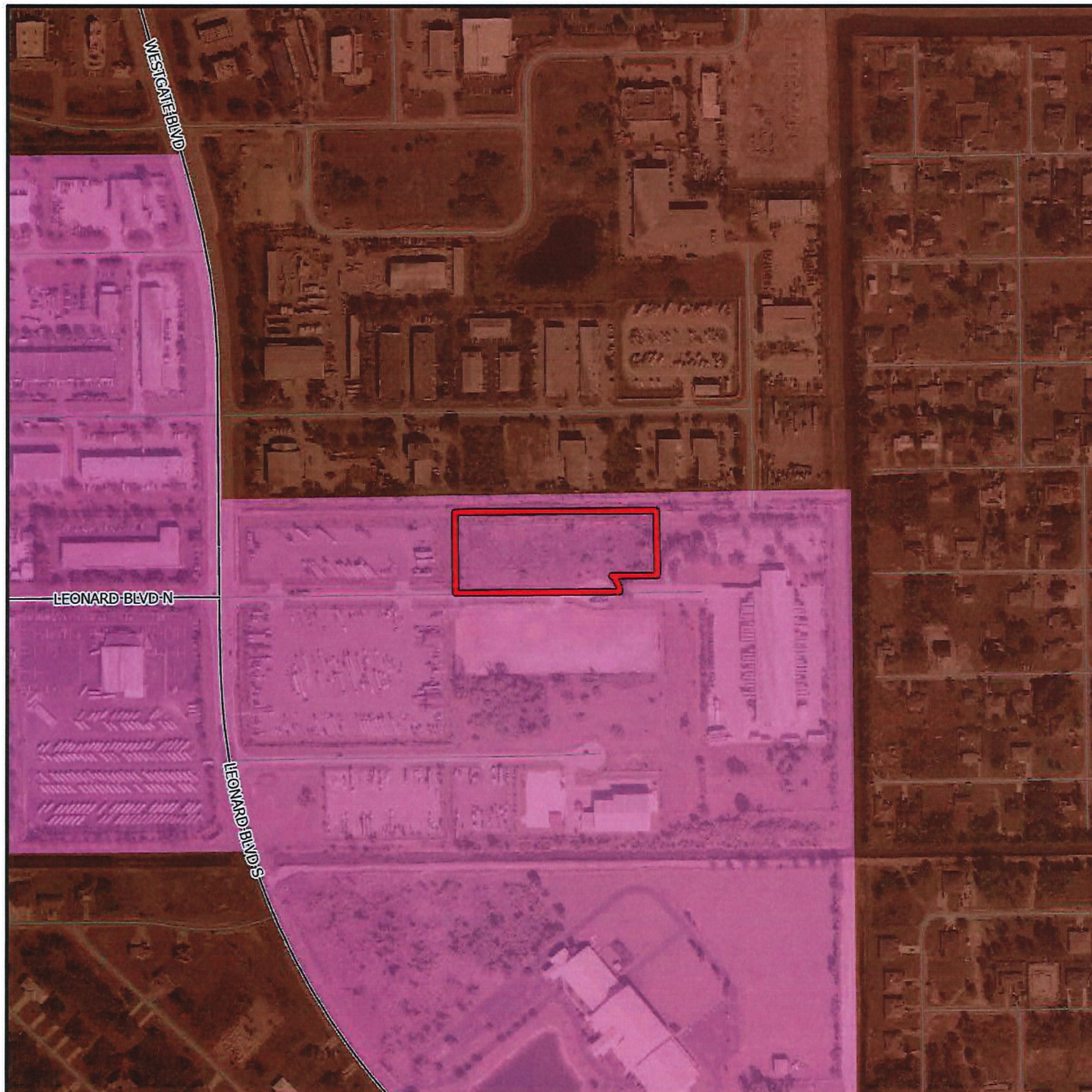
DCI2025-00020

Future Land Use

-  Subject Property
-  Central Urban
-  Industrial



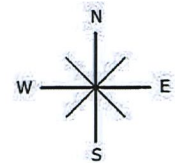
0 500
Feet



DCI2025-00020

Aerial

 Subject Property



0 500
Feet



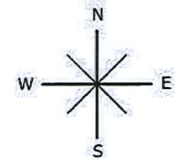


DCI2025-00020

Mixed Use Overlay

 Subject Property

 Mixed Use Overlay



0 500
Feet



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2025-00020

Regarding: LEHIGH ACRES MOBILE BATCH PLANT IPD

Location: 5511 4TH ST W
Lehigh Acres Planning Community
(District 5)

Hearing Date: April 2, 2026 (Not Heard)

Continued Date: May 7, 2026 (Heard)

I. Request

Rezone 3.45 +/- acres from Light Industrial (IL) to Industrial Planned Development (IPD) to allow a concrete batch plant with a maximum of 35,000 square feet of enclosed building floor area, including ancillary retail and wholesale activities.

Maximum building height is 35 feet. Vertical process equipment and material storage structures may extend up to 75 feet in height.

The property legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approve, subject to the conditions in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property to the planned development zoning district.¹ In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone 3.45 acres to the Industrial Planned Development (IPD) district in Lehigh Acres. 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.

¹ LDC §34-145(d)(4) a.

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

Property Characteristics

The property is approximately 3.45 +/- acres in size and zoned Light Industrial (IL). Its road frontage is on 4th Street West, a privately maintained local road east of Westgate Boulevard in Lehigh Acres.² Westgate Boulevard is a county-maintained, arterial roadway that is an extension of Alvin Avenue to the north and Leonard Boulevard S to the south. The property abuts the Jack Canal.

The property is vacant.

Character of Area

The property lies within the Westgate Industrial Park. Surrounding parcels are zoned for light industrial pursuits.

The area is developing with freight shipping, warehousing, contractors, truck/auto parts, and repair businesses. The Lee County School District operates a school bus compound at the intersection of 4th Street West and Leonard Boulevard S.³

Rezoning the site to the IPD district constitutes infill development, promoting compact growth patterns.⁴

Lee Plan

Planned developments must be consistent with the Lee Plan.⁵

The property is classified as Industrial Development on the Lee Plan Future Land Use Map.⁶ Industrial Development areas expand the potential for job opportunities in the region by reserving land for manufacturing, processing, warehousing, etc.⁷ Properties within the Westlake industrial park are intended to meet the County's future industrial needs.⁸

² The property is less than a quarter of a mile east of Westgate Boulevard.

³ Westgate Boulevard transitions to Leonard Boulevard S at 4th Street W.

⁴ Lee Plan Objective 2.1.

⁵ LDC §§34-411(a), 34-491.

⁶ Lee Plan Policy 1.1.7; Lee Plan Map 1-A.

⁷ Industrial land uses are encouraged in the Industrial Development category. See Lee Plan Goals 2, 7, 158, Policies 1.1.7, 7.1.3, 7.1.4, 158.2.1. Industrial Development areas reserve land for manufacturing, processing, warehousing, data/logistics centers, research and development, and laboratories.

⁸ Lee Plan Policies 1.6.5, 158.2.1, 158.2.2.

The County evaluates compatibility during zoning.⁹ Rezoning requests must be compatible with existing or planned uses in the area.¹⁰ Compatibility exists when land uses exist in proximity, and no one use unduly negatively impacts another.¹¹ Planned development zoning is useful when integrating new development with surrounding land uses.¹² Appropriate intensity is determined on a case-by-case basis in accordance with the Lee Plan and nature of surrounding land uses.¹³ The planned development zoning district allows flexibility in site design to address potential incompatibilities with neighboring development.¹⁴

Properties surrounding the site are zoned for light industrial land uses.¹⁵ Jack Canal forms the north boundary of IPD.¹⁶ Industrial development will not be permitted if it allows traffic to travel through predominantly residential areas.¹⁷ There are no residential land uses in the area. Development patterns north of Jack Canal consist of light industrial land uses. Uses include contractor offices, warehousing, and auto repair. Fourth Street West lies to the south, followed by vacant and developed property. Industrial uses are ideal within the Westlake Industrial Park.¹⁸

Proposed development parameters include up to 35,000 square feet of enclosed building floor area, and a limited schedule of industrial and contractor service uses. Requested uses include ancillary retail and wholesale activities associated with the primary block plant operation. Maximum building heights will be 35 feet. Associated vertical process structures necessary for plant operations may extend up to 75 feet in height.¹⁹

Project intensity is also guided by availability of public infrastructure/services.²⁰ The property has access to public services and infrastructure, police, fire, and

⁹ LDC §34-145(d)(4).

¹⁰ LDC §34-145(d)(4)(a).

¹¹ s. 163.3164(9), F.S.; Lee Plan Policy 135.9.6.

¹² LDC §34-612(2).

¹³ LDC §34-413.

¹⁴ *Id.*

¹⁵ Surrounding properties are zoned IL. The requested IPD constitutes infill development and is consistent with area development patterns.

¹⁶ The Lehigh Acres Municipal Service Improvement District (LAMSID) manages canals in Lehigh.

¹⁷ Lee Plan Policies 7.1.7, 39.1.3, 158.2.2.

¹⁸ Lee Plan Goal 7, Objective 7.1, Policies 2.1.1, 7.1.2, 7.1.3.

¹⁹ The Lehigh Community planning regulations limit building height outside Lehigh's Specialized Mixed-Use Nodes to a maximum of three stories or 45 feet unless greater heights are approved by deviation. LDC §33-1417. The request does not request a deviation from this height limitation.

²⁰ LDC §34-413; Lee Plan Policies 7.1.3, 39.1.3.

emergency medical services.²¹ The proposed block plant operation promotes compact development patterns in a subdivision slated for industrial land uses.²²

County actions relating to industrial land uses must be consistent with the Economic Element of the Lee Plan.²³ The Economic Element directs the County to strive for a diversified economy to ensure maximum employment opportunities. Land development creates jobs, increases property values, generates tax revenue, and fuels economic growth. The Lee Plan encourages expansion of the County's economic base.²⁴ The proposed concrete batch plant will contribute to a positive business climate by offering additional employment opportunities for the region.²⁵

Compliance with Land Development Code

Applicant seeks to rezone the property to the IPD district. The planned development zoning district is appropriate because it affords flexibility in site design.²⁶

The 3.45-acre site is currently zoned IL. The purpose of IL zoning districts is to accommodate light industrial and quasi-industrial commercial uses within enclosed buildings.²⁷ The IPD district permits a broader range of uses, including manufacture, storage, and wholesale distribution of goods and materials. The IPD schedule of uses includes Contractors and Builders, Freight and Cargo Handling Establishments, Manufacturing, Processing, and Warehousing.²⁸ The request permits services and activities not allowed elsewhere and limited commercial uses to serve employees and business patrons within the IPD.²⁹

The site design of industrial planned developments must arrange uses in a manner that promotes compatibility and avoids negative impacts to traffic circulation.³⁰ The

²¹ Lee Plan Goal 7, Objectives 2.1, 2.2, Policies 1.1.7, 2.2.1, 2.2.2, 7.1.1, 7.1.4, 7.1.7, 39.1.3, LDC §34-411(i) and (j). Potable water service and sanitary sewer service provided by Florida Gulf Utility Association. The property is proximate to arterial roadways Lee Boulevard and SR 82, making it a suitable location for an industrial zoning classification.

²² The proposed concrete batch plant contributes to compact growth patterns in an area designated for industrial activity. Lee Plan Goal 158, Objectives 2.1, 2.2, 158.2, Policies 7.1.3, 7.1.4, 39.2.1, 158.2.2.

²³ Lee Plan Policy 7.1.8.

²⁴ Lee Plan Goal 159, Objective 159.2, Policies 158.1.1, 158.2.2.

²⁵ 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. The Lee Plan Economic Element directs the County to strive for a diversified economy to ensure maximum employment opportunities.

²⁶ 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.

²⁷ The general purpose of industrial districts is to encourage industrial growth in future urban areas where infrastructure exists or can be extended.

²⁸ LDC §34-931(f). *See* proposed schedule of permitted uses in Condition 2.

²⁹ LDC §34-931.

³⁰ Lee Plan Policies 7.1.2, 7.1.6.

proposed Master Concept Plan (MCP) provides open space, buffers, and internal traffic circulation.

Development in the Lehigh Acres Planning District is subject to the Lehigh Acres Community Plan.³¹ Community specific LDC regulations require zoning applications to conduct a public meeting in the community prior to the Hearing Examiner hearing.³² Applicant conducted an advertised meeting at the Lehigh Acres Municipal Services Improvement District Offices.³³ Future development orders will be subject to community presentation requirements as well.³⁴

The request seeks no deviations from the LDC.

Transportation

Requests to rezone property must provide sufficient access to support development and address impacts to transportation facilities through County regulations and conditions of approval.³⁵

The MCP includes two driveways onto 4th Street W, a privately maintained local road. Fourth Street West accesses Westgate Boulevard and the County road network and the interstate.³⁶ Lee and Westlake Boulevards are County maintained arterial roadways.³⁷

The Applicant's Traffic Impact Statement concludes area roadways will operate within adopted levels of service at project buildout in 2026.³⁸ Lee County Department of Transportation concurs with this assessment.³⁹ Road impact fees will address impacts to the County transportation network.⁴⁰ Further analysis of transportation impacts will occur during development order permitting.

³¹ The Board adopted the Lehigh Community Plan March 3, 2010 (Ordinance 10-16) and corresponding LDC regulations on January 10, 2012 (Ordinance 12-01). Future development permits, including development orders, must comply with community standards. Lee Plan Goal 25 and supplemental development regulations in LDC §33-1400 *et seq.*

³² LDC §33-1401(a)(2).

³³ Staff Report Attachment P: Lehigh Acres Architectural, Planning & Zoning Review Board Meeting Minutes. Meeting held at Lehigh Acres Municipal Services Improvement District Offices on August 28, 2025.

³⁴ The LDC requires development order and building permit applications to comply with the Lehigh Acres Planning Community regulations. LDC §33-1400(d). *See also* LDC §33-1401(a).

³⁵ LDC §34-145(d)(4)a.1.d) and e).

³⁶ The site is approximately four miles from the interstate. Lee Plan Policy 7.1.3.

³⁷ Lee County Administrative Code 11-1.

³⁸ Staff Report Attachment M: Zoning Traffic Study for Lehigh Acres Batch Plant prepared by Quattrone & Associates, Inc., dated November 5, 2025.

³⁹ Staff Report Attachment N: Memorandum prepared by John Podczerwinsky, Principal Planner, dated March 3, 2026. Lee County DOT's Transportation-Related Analysis agrees with the conclusions reached in Applicant's TIS, finding the project will generate less than 100 trips per hour.

⁴⁰ Lee Plan Policy 38.1.1.

Environmental

Rezoning requests must not adversely affect environmentally critical/sensitive areas or natural resources.⁴¹

The property has been cleared and has minimal vegetation. Applicants' protected species survey indicates potentially 34 occupied and 1 abandoned gopher tortoise burrows on the property.⁴² The law requires relocation of gopher tortoises prior to development activity. The property owner must secure authorization to relocate the gopher tortoises to an approved recipient site in accordance with FWC Gopher Tortoise Permitting Guidelines.⁴³ A condition of approval requires an updated species survey at the time of local development order application.

The proposed IPD is under ten acres and therefore is required to provide a minimum of 10% open space.⁴⁴ The MCP depicts over 40% open space, far exceeding code requirements.⁴⁵ As a small development, there is no requirement to provide indigenous preserve area.

Project buffers are not necessary along the east, west, and north property boundaries because the property is surrounded by industrial land uses.⁴⁶ The MCP reflects the code required right-of-way buffer along the property frontage.⁴⁷ Open storage areas must comply with LDC screening requirements including a six-foot fence or dense vegetation.⁴⁸

The Lee Plan requires the design of surface water management systems to protect groundwater.⁴⁹ Surface water will be collected via on-site grading, storm structures, and an underground storm pipe network and conveyed to a dry detention system for treatment and attenuation.⁵⁰

The Hearing Examiner finds the requested IPD will not harm environmentally critical/sensitive areas or natural resources.⁵¹

⁴¹ LDC §34-145(d)(4)a.1.f).

⁴² Staff Report Attachment J: Listed Species Survey prepared by Topical Environmental Consultants.

⁴³ Lee Plan Policy 123.8.1.

⁴⁴ This amounts to .34 acres (14,810 square feet) LDC §10-415(a).

⁴⁵ See MCP. LDC §34-935(g)(4) b. The MCP provides 1.52 acres of open space, which exceeds the code requirement for .34 acres. Lee Plan Objective 77.2.

⁴⁶ LDC §10-416(d).

⁴⁷ Type D buffers are 15 feet in width planted with five trees and a double staggered hedgerow maintained at 36 inches in height. Lee Plan Policy 7.1.6.

⁴⁸ LDC §§10-416(d), 34-3005(b).

⁴⁹ Lee Plan Goal 61. The IPD must comply with water quality provisions of the South Florida Water Management District. See Staff Report Attachment H.

⁵⁰ Lee Plan Policy 60.4.1.

⁵¹ 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.

Public Services and Infrastructure

Zoning requests must demonstrate the property will be served by public services and infrastructure necessary to support development.⁵² Public services include facilities, capital improvements, and infrastructure.⁵³ The Lee Plan requires an evaluation of public services during the zoning process.⁵⁴

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.⁵⁵ Public services and infrastructure are available to serve the site.⁵⁶ The property fronts on a non-County maintained roadway but connects Westgate Boulevard, a County maintained arterial road. Westgate Boulevard provides access to the County road network and the interstate.

The site has access to potable water and sanitary sewer from Florida Governmental Utility Authority.⁵⁷ Fire, EMS, and law enforcement services are available to serve the property and the site is within the service area for Lee County Solid Waste.⁵⁸

The proposed industrial land uses are appropriate given the site's proximity to the interstate, public services, and infrastructure.⁵⁹

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect natural resources.⁶⁰ Conditions must plausibly relate to anticipated impacts, and be pertinent to mitigating impacts to public health, safety, and welfare.⁶¹

The requested Lehigh Acres Mobile Batch Plant IPD will be subject to conditions of approval reasonably related to the impacts anticipated from the development.⁶²

⁵² LDC §34-145(d)(4)a.1.g).

⁵³ Available public services and infrastructure include public water and sewer, paved streets, police, fire and emergency services, and urban surface water management. Lee Plan Goals 70, 95, Objective 4.1, Standards 4.1.1, 4.1.2, 4.1.4.

⁵⁴ Lee Plan Policy 2.2.1.

⁵⁵ Lee Plan Policies 7.1.1, 7.1.3, 7.1.4, 25.9.2.

⁵⁶ 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, 25.9.2, 53.1.5, 56.1.4, 160.1.1, Standards 4.1.1, 4.1.2.

⁵⁷ Staff Report Attachment O: Letter of Availability from the Florida Governmental Utility Authority, Lee Plan Standards 4.1.1, 4.1.2. See Lee Plan Policy 25.9.2.

⁵⁸ Fire and emergency medical services will be provided by Lehigh Acres Fire District Station 107 on Leonard Boulevard, less than a mile from the property. Law enforcement will be provided by the Lee County Sheriff East District substation on Homestead Road.

⁵⁹ Lee Plan Objective 7.1, Policies 7.1.1, 7.1.3.

⁶⁰ LDC §§34-145(d)(4)a.2.(b), 34-377(a)(3), and 34-932(b, c).

⁶¹ LDC §34-932(c).

⁶² LDC §34-83(b)(4)a.3.

Public

No Members of the public attended the hearing.

IV. Findings and Conclusions

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

- A. The proposed Lehigh Acres Mobile Batch Plant Industrial Planned Development complies with the Lee Plan. Lee Plan Goals 2, 4, 7, 25, 60, 61, 70, 77, 95, 158, Objectives 2.1, 2.2, 4.1, 25.8, 29.9, 158.3, Policies 1.1.7, 1.6.5, 2.1.2, 2.2.1, 7.1.1, 7.1.2, 7.1.3, 7.1.5, 7.1.6, 7.1.7, 7.1.8, 7.1.9, 7.1.10, 25.9.2, 60.1.4, 61.3.6, 125.1.2, 158.2.1, 158.2.2; Standards 4.1.1, 4.1.2, 4.1.4, Table 1(b).
- B. *As conditioned*, the Industrial Planned Development:
1. Meets the LDC and other county regulations. LDC Chapters 2, 10, 33, 34;
 2. Is compatible with existing and planned uses in the surrounding area. Lee Plan Goal 25, Policies 2.1.1, 2.1.2, 2.2.1, 7.1.2, 7.1.3, 7.1.6, 7.1.8, 158.2.1, 158.2.2;
 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, 7.1.1, 7.1.2, 7.1.5, 38.1.1, 39.1.1, 39.1.3; LDC §34-411(d) and (e);
 4. Will not adversely affect environmentally critical areas and natural resources. Lee Plan Goals 60, 61, 77, Objectives 77.2, 77.3, 126.2, Policies 54.1.1, 60.1.1, 60.4.1, 61.2.4, 61.3.6, 61.3.11, 123.4.5, 125.1.2, 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, 25, 60, 70, 95, Objectives 2.1, 2.2, 4.1, 7.1, 158.3, Policies 2.2.1, 7.1.1, 7.1.4, 7.1.5, 7.1.6, 25.9.2, Standards 4.1.1, 4.1.2; LDC §34-411(d).

- C. The proposed uses are appropriate at the proposed location. Lee Plan Goals 25, 158, Objective 2.1, Policies 2.1.1, 2.1.2, 7.1.1, 7.1.2, 7.1.3, 7.1.8, 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 7.1.2, 7.1.8; LDC §§34-377(a)(3), 34-411, 34-932(b) and (c).

Date of Recommendation: May 8, 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



GEOMETRIC SURVEYING INC.

2804 DEL PRADO BLVD S, SUITE 205
CAPE CORAL, FL 33904
ASSISTANCE@GEOMETRICSURVEYING.COM
(239)-540-6257
(239)-471-2237



REVIEWED

Project: DCI2025-00020

5511 4TH ST W, LEHIGH ACRES, FL 33971

By: Larissa Narkiewicz

LEGAL DESCRIPTION
THIS IS NOT A SURVEY

Dept: Legal Review

Date: 01/13/2026

LEGAL DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING WITHIN SECTION 30, TOWNSHIP 44 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, AND BEING PART OF THAT LAND VACATED IN OFFICIAL RECORD BOOK 2633, PAGE 1695, AND BEING PART OF THAT LAND SHOWN IN PLAT BOOK 15, PAGE 81, OF THE RECORDS OF LEE COUNTY, FLORIDA, WHICH LIES NORTH OF BLOWFISH CANAL, WEST OF AMBERJACK CANAL, SOUTH OF JACK CANAL, AND EAST OF WESTGATE AND LEONARD BOULEVARDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE POINT OF COMMENCEMENT (POC) AT THE SOUTHEAST CORNER OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE, N. 00°59'22" W., FOR 100.00 FEET ALONG THE EAST SECTION LINE OF SAID SECTION 30; THENCE LEAVING SAID EAST SECTION LINE, S. 89°30'44" W., FOR 1769.55 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID BLOWFISH CANAL TO A POINT IN THE EAST RIGHT-OF-WAY LINE OF SAID LEONARD AND WESTGATE BOULEVARDS AND THE POINT ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,950.00 FEET, A CENTRAL ANGLE OF 15°35'46", AND A CHORD BEARING AND DISTANCE OF N. 08°17'11" W., 529.16 FEET; THENCE, CONTINUING NORTHERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE FOR 530.80 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, N. 00°29'18" W., FOR 230.78 FEET TO A POINT ON THE CENTERLINE OF A 60.00 FEET WIDE EASEMENT (PARCEL 2, OFFICIAL RECORD BOOK 4191, PAGES 4708- 4712); THENCE N. 89°30'12" E., FOR 669.00 FEET ALONG THE CENTERLINE OF SAID EASEMENT TO THE POINT OF BEGINNING (POB) OF THE PARCEL HEREIN DESCRIBED:

FROM SAID POINT OF BEGINNING; THENCE N. 00°29'48" W., FOR 252.85 FEET LEAVING SAID CENTERLINE TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF JACK CANAL; THENCE N. 89°30'44" E., FOR 618.56 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE; THENCE, S. 00°59'22" E., FOR 202.76 FEET, LEAVING SAID RIGHT-OF-WAY LINE; THENCE S. 89°30'12" W., FOR 139.28 FEET TO A POINT BEING IN THE EASTERLY LINE OF SAID EASEMENT (PARCEL 2, OFFICIAL RECORD BOOK 4191, PAGES 4708- 4712) AND THE PC OF A CURVE TO THE RIGHT, HAVING A RADIUS 65.00 FEET, A CENTRAL ANGLE OF 50°17'06", A CHORD BEARING AND DISTANCE OF S. 25°38'21" E., 55.23 FEET; THENCE CONTINUE ALONG THE ARC OF SAID CURVE, AND SAID EASEMENT LINE FOR 57.05 FEET TO THE END OF SAID CURVE; THENCE S. 89°30'12" W., FOR 504.49 FEET, LEAVING SAID EAST LINE AND CONTINUING ALONG THE CENTERLINE OF SAID EASEMENT (60.00 FEET WIDE) TO THE POINT OF BEGINNING.

CERTIFICATION:

BELLO HORIZON LLC.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY: THAT THE SKETCH OF THIS SPECIFIC SURVEY WAS PREPARED UNDER MY SUPERVISION AND THAT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17.050-52 OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO 472 OF THE FLORIDA STATUTES AND THAT THE SKETCH THEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BY: 
MIGUEL J. GARAY

07/15/2025
(DATE)

PROFESSIONAL LAND SURVEYOR AND MAPPER LS#6594
STATE OF FLORIDA (NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER)

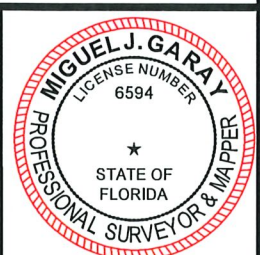
SURVEYOR'S NOTES:

1. THIS SKETCH IS BASED ON INFORMATION FURNISHED BY CLIENT OR CLIENTS REPRESENTATIVE.
2. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. BEARINGS SHOWN HEREON ARE BASED ON PLAT

Miguel J.
Garay

Digitally signed by Miguel J Garay
DN:
serialNumber=A01410C0000019A50075
DAB000FD913, 2.5.4.97=NTRUS+FL-
P17000058214, o=GEOMETRIC
SURVEYING INC, cn=Miguel J Garay,
sn=Garay, givenName=Miguel,
email=ASSISTANCE@GEOMETRICSURVE
YING.COM, c=US
Date: 2026.01.08 10:02:51 -05'00'

DRAWN BY:	AGA
FIELD DATE:	07/15/2025
SURVEY NO:	25-01118
SHEET:	1 OF 1



L.B.# 8203
L.S.# 6594 SEAL

EXHIBIT A



GEOMETRIC SURVEYING INC.

2804 DEL PRADO BLVD S, SUITE 205
CAPE CORAL, FL 33904
ASSISTANCE@GEOMETRICSURVEYING.COM
(239)-540-6257
(239)-471-2237



5511 4TH ST W, LEHIGH ACRES, FL 33971

REVIEWED

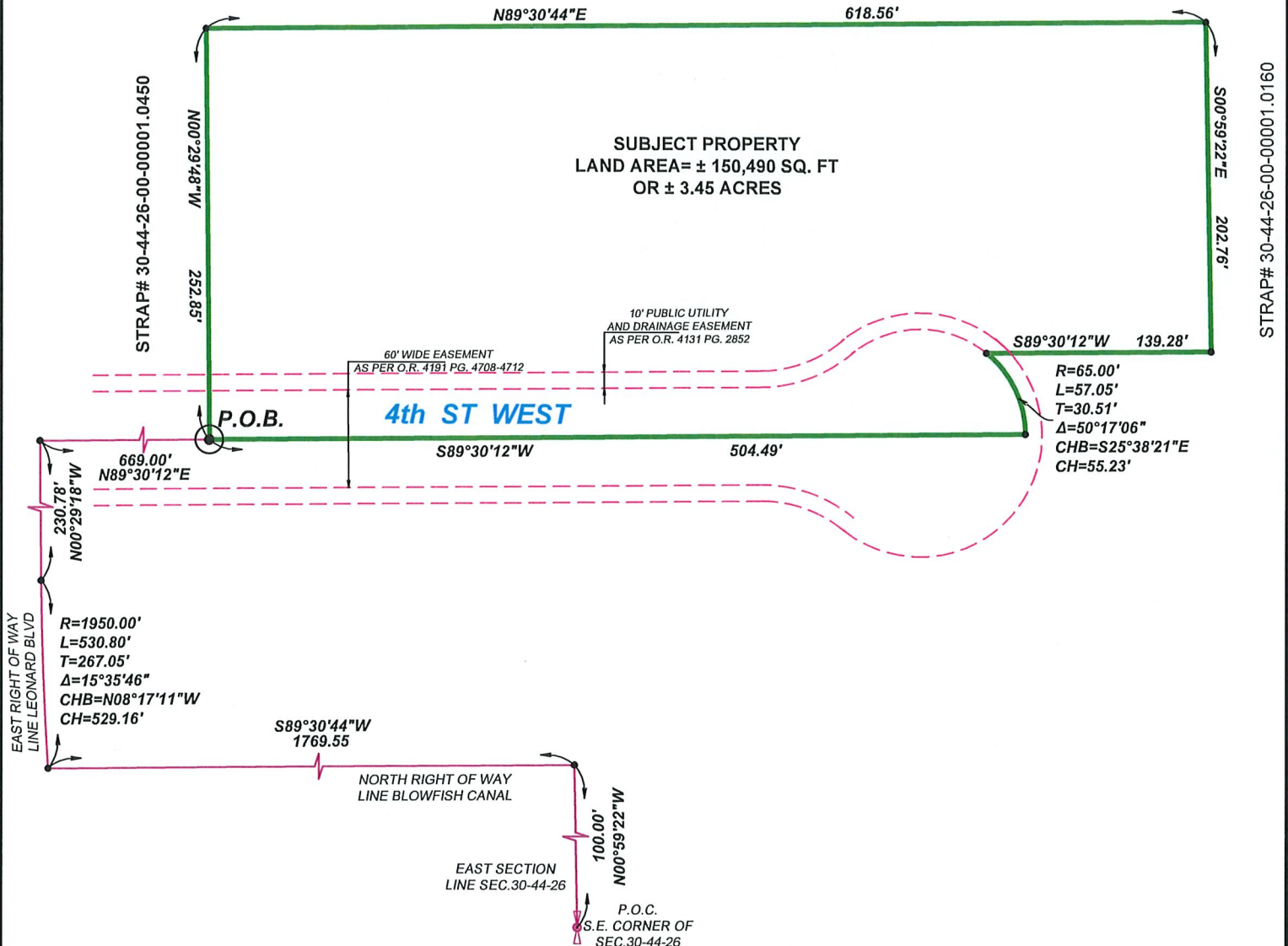
Project: DCI2025-00020

By: Larissa Narkiewicz

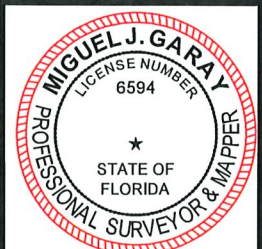
Dept: Legal Review

Date: 01/13/2026

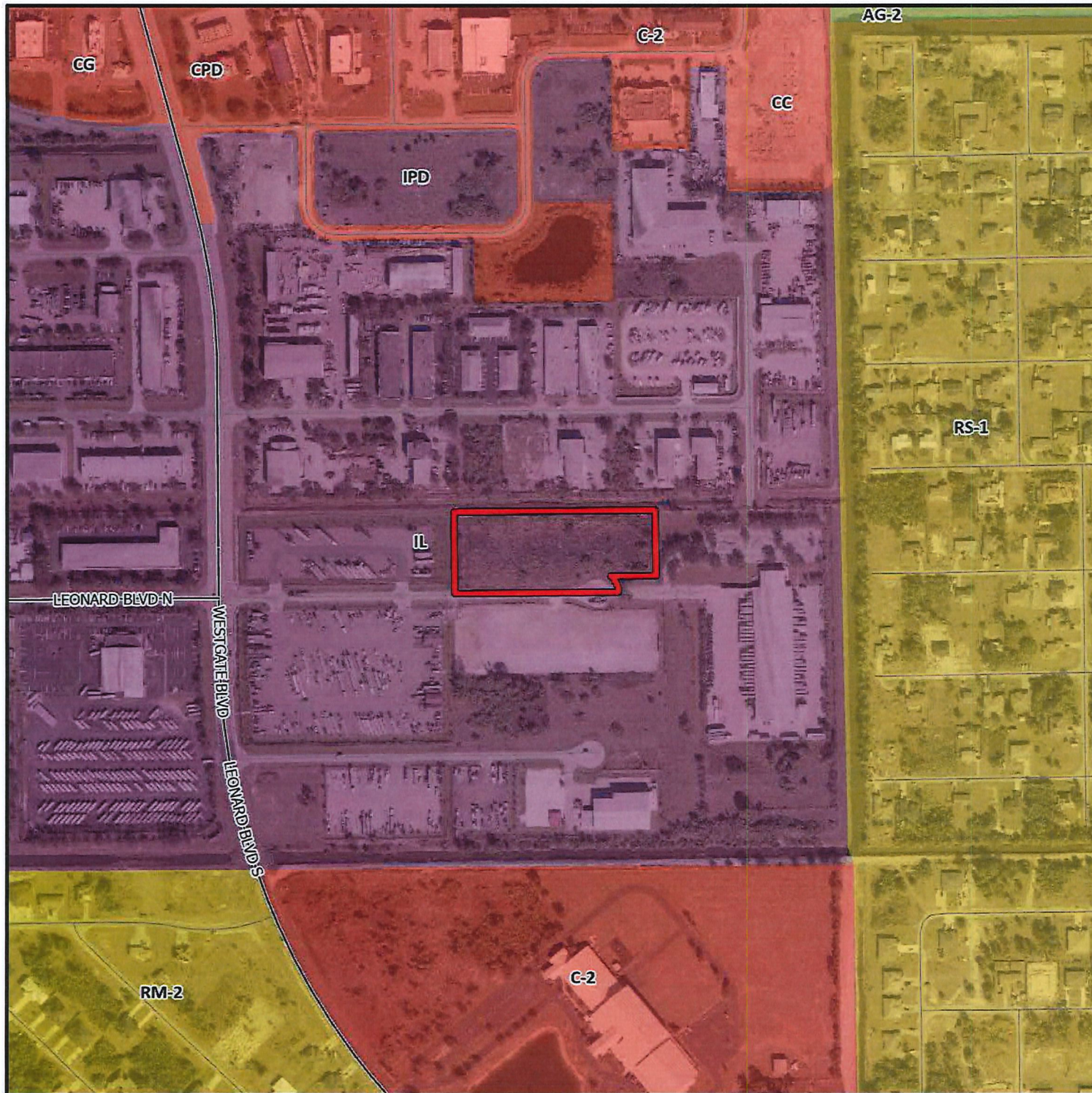
SKETCH OF LEGAL DESCRIPTION
THIS IS NOT A SURVEY



DRAWN BY:	AGA
FIELD DATE:	07/15/2025
SURVEY NO:	25-01118
SHEET:	2 of 2



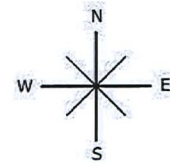
L.B.# 8203
L.S.# 6594 SEAL



DCI2025-00020

Zoning

 Subject Property



0 500
Feet



Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

1. Master Concept Plan and Approved Development Parameters

Master Concept Plan (MCP). Development must be consistent with the two-page MCP entitled "Lehigh Acres Batch Plant" stamped received by Hearing Examiner March 11, 2026, except where modified by conditions below. (Exhibit B1)

Lee Plan and Land Development Code (LDC). Development must comply with the LDC and Lee Plan, except where deviations have been approved herein. Subsequent changes require further development approvals.

Approved Development Parameters. The IPD may include up to 35,000 square feet of floor area. Building heights are limited to 35 feet. Vertical process structures for batch plant operations may extend up to 75 feet in height.

2. Schedule of Permitted Uses and Property Development Regulations

a. Permitted Uses

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

b. Site Development Regulations

Minimum Lot Size: 20,000 square feet

Minimum Lot Depth:	100 feet
Minimum Lot Width:	100 feet
Maximum Building Height:	35 feet
Batch Plant Structures:	75 feet (separation per LDC §34-2174(a))
Maximum Lot Coverage:	40 percent
Minimum Open Space:	44 percent
<u>Minimum Setbacks:</u>	
Street, local:	25 feet
Side:	20 feet
Rear:	15 feet
Waterbody:	25 feet (top of bank)
Accessory Structures (side & rear):	5 feet

3. Open Space

Development order plans must depict a minimum of 10% open space. The initial MCP depicts 1.52 acres open space (44%). Future site plan amendments reducing open space may be accomplished through the administrative amendment process so long as the resulting MCP depicts a minimum of 10% space.

4. Protected Species

- a. Development order submittals must include an updated species survey. If the survey discloses the presence of gopher tortoises, developer must submit a Protected Species Management Plan to address relocation.
- b. Developer must obtain a Vegetation Removal Permit prior to site work and gopher tortoise relocation.

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

DEVIATIONS

NONE

Exhibits to Conditions:

B1: Master Concept Plan entitled "Lehigh Acres Batch Plant" stamped received by Hearing Examiner March 11, 2026.

LEHIGH ACRES BATCH PLANT

LOCATED IN SECTION 30, TOWNSHIP 44-S, RANGE 26-E, LEE COUNTY, FLORIDA

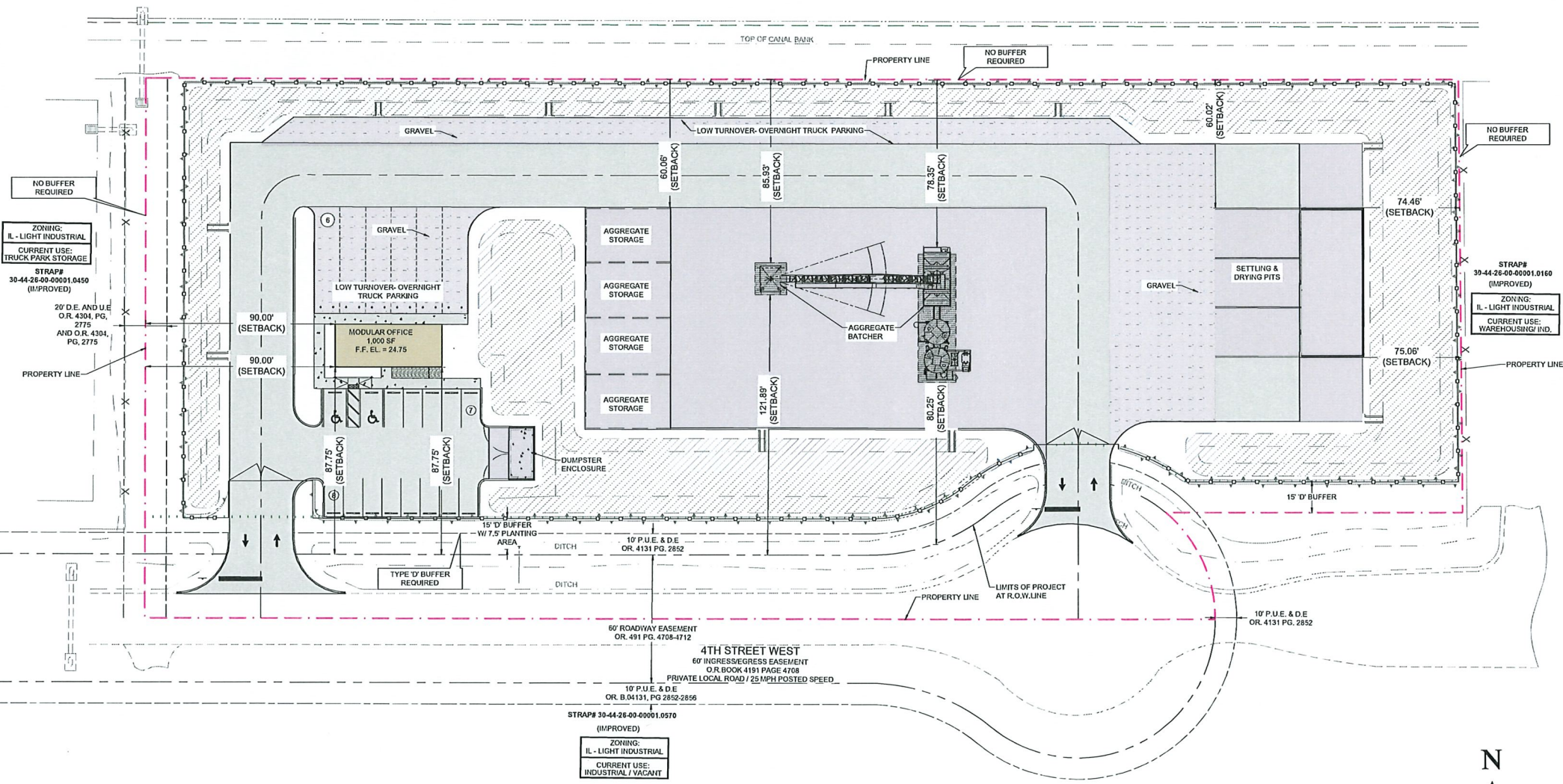
RECEIVED

MAR 11 2026

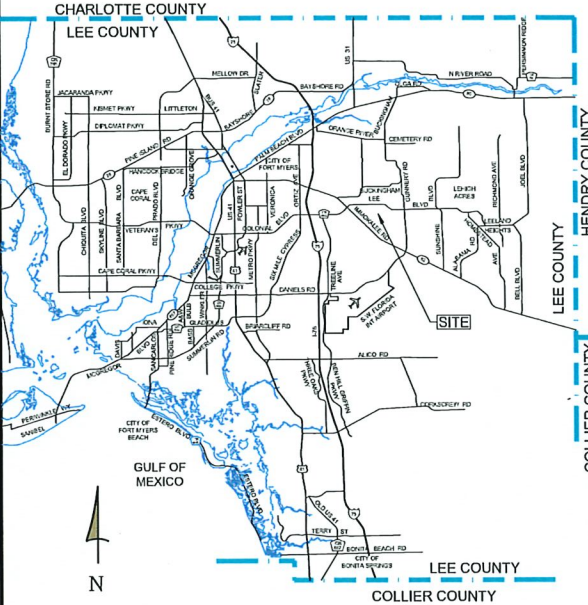
BY: HEARING EXAMINER'S OFFICE

ZONING:
IL - LIGHT INDUSTRIAL
CURRENT USE:
WAREHOUSING/IND.

JACK CANAL (N.A.P.)
EXISTING 67' RW



MASTER CONCEPT PLAN



LOCATION MAP (NOT TO SCALE)

PROJECT SUMMARY:

- ZONING**
IL TO IPD
- STRAP #'s**
30-44-26-00-00001.045A
- PROJECT ACREAGE**
3.45 ACRES (150,282 SF)
- PROJECT INTENSITY**
TOTAL MAX. BUILDING FLOOR AREA = 35,000 SF.
BUILDING HEIGHT 35'.
(HEIGHT IN EXCESS OF 35' MUST MAINTAIN ADDITIONAL BUILDING SETBACKS AND SEPARATIONS PER LDC SECTIONS 34-2174(a).
- OPEN SPACE**
MINIMUM 10% = 0.34 ACRES (14,810 SF.)
- PARKING CALCULATION**
LDC 34-2020 (b) MIN. REQUIRED = 1.25 SPACES PER 1,000 SF
PROJECT REQUIRED: 3 PARKING SPACES
PROJECT PROVIDED: 15 PARKING SPACES INCLUDING 2 ADA SPACES

NO DEVIATIONS REQUESTED

Quattrone & Associates, Inc.
Engineers, Planners & Development Consultants

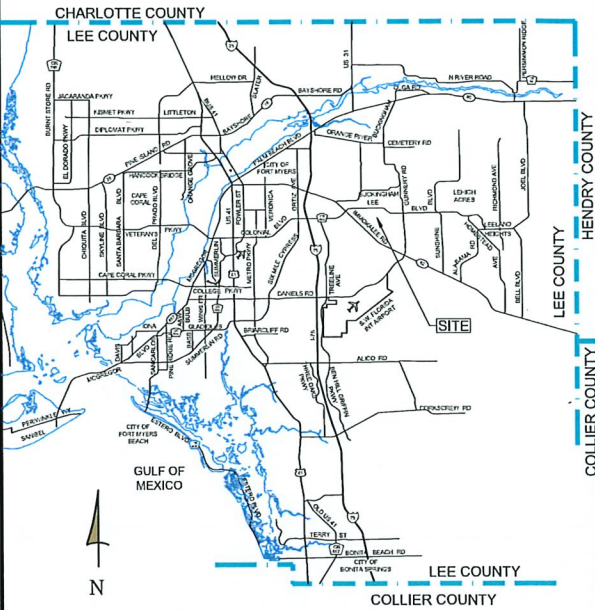
EXHIBIT B1

P:\2025 Projects\250304 LEHIGH ACRES MOBILE BATCH PLANT\01-CADD FILES\00-MCP\250304-MCP

LEHIGH ACRES BATCH PLANT

LOCATED IN SECTION 30, TOWNSHIP 44-S, RANGE 26-E, LEE COUNTY, FLORIDA

OPEN SPACE EXHIBIT



LOCATION MAP

(NOT TO SCALE)

PROJECT SUMMARY:

ZONING
IL TO IPD

STRAP #'s
30-44-26-00-00001.045A

PROJECT ACREAGE
3.45 ACRES (150,282 SF)

OPEN SPACE
MINIMUM 10% = 0.34 ACRES (14,810 SF.)
IN-SITE OPEN SPACE = 53,680 SF.
ROW OPEN SPACE = 12,457 SF.
TOTAL OPEN SPACE = 66,137 SF.



OPEN SPACE

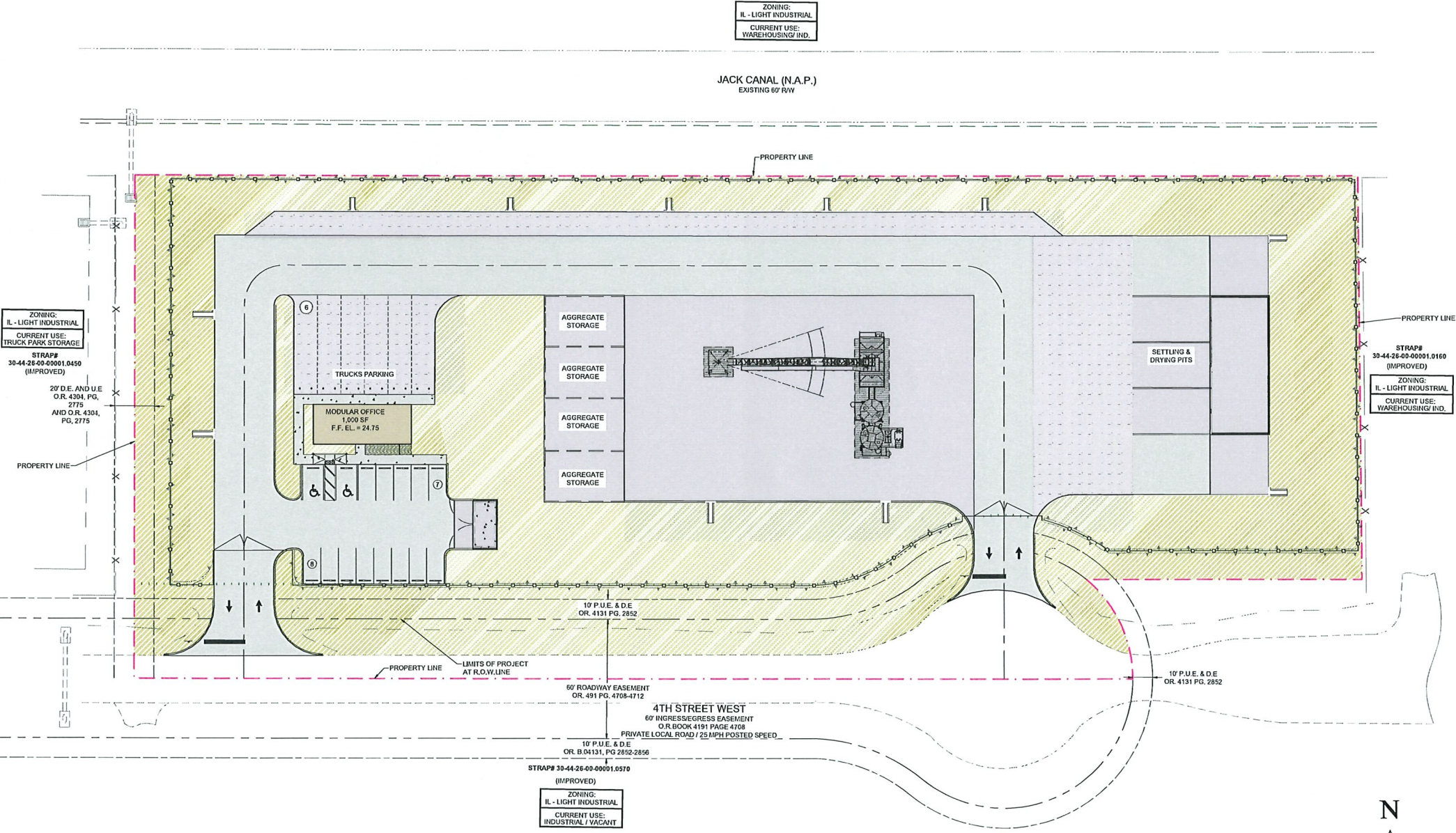


Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. DCD Staff Report with attachments: Prepared by MarySue Groth, Senior Planner, received March 11, 2026 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. 48-Hour Notice: Email from MarySue Groth to Maria Perez and Sharon Hrabak, with copies to Al Quattrone, Jhonny Foronda, and Brienne Cherry, dated Tuesday, May 5, 2026, 1:47 PM (multiple pages – 8.5"x11")
3. PowerPoint Presentation: Prepared by Lee County Staff for DCI2025-00020, Lehigh Acres Mobile Batch Plant, dated May 7, 2026(multiple pages – 8.5"x11")[color]

APPLICANT EXHIBITS

1. 48-Hour Notice: Email from Sharon Hrabak to Maria Perez, with copies to Al Quattrone, Jhonny Foronda, and MarySue Groth, dated Monday, May 4, 2026, 3:14 PM (multiple pages – 8.5"x11")
2. PowerPoint Presentation: Prepared by Quattrone & Associates, Inc., for Lehigh Acres Mobile Batch Plant, Lee County Public Hearing, dated Thursday, May 7, 2026 (multiple pages – 8.5"x11")[color]

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. MarySue Groth, Senior Planner, Department of Community Development

Applicant Representatives:

1. Al Quattrone, P.E.

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.

DCI2025-00003

Betsy Parkway

MPD



CASE NUMBER & NAME: DCI2025-00003 / Betsy Parkway MPD

REQUEST: Request to rezone 23.96+/- acres from Commercial (C-1A) and Agricultural (AG-2) to Mixed Use Planned Development (MPD).

RESOLUTION NUMBER: Z-26-008

LOCATION: 5041 Pine Island Rd. & 10300 Betsy Pkwy., Pine Island Planning District, Lee County, FL.

OWNER: PI Daze, LLC & Polotto Joseph Tr.

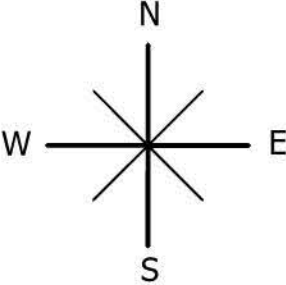
APPLICANT: PI Daze, LLC & Polotto Joseph Tr.

AGENT: Cindy Leal Brizuela, MURP
Ensite, Inc.
2401 First Street, Suite 201
Fort Myers, FL 339901

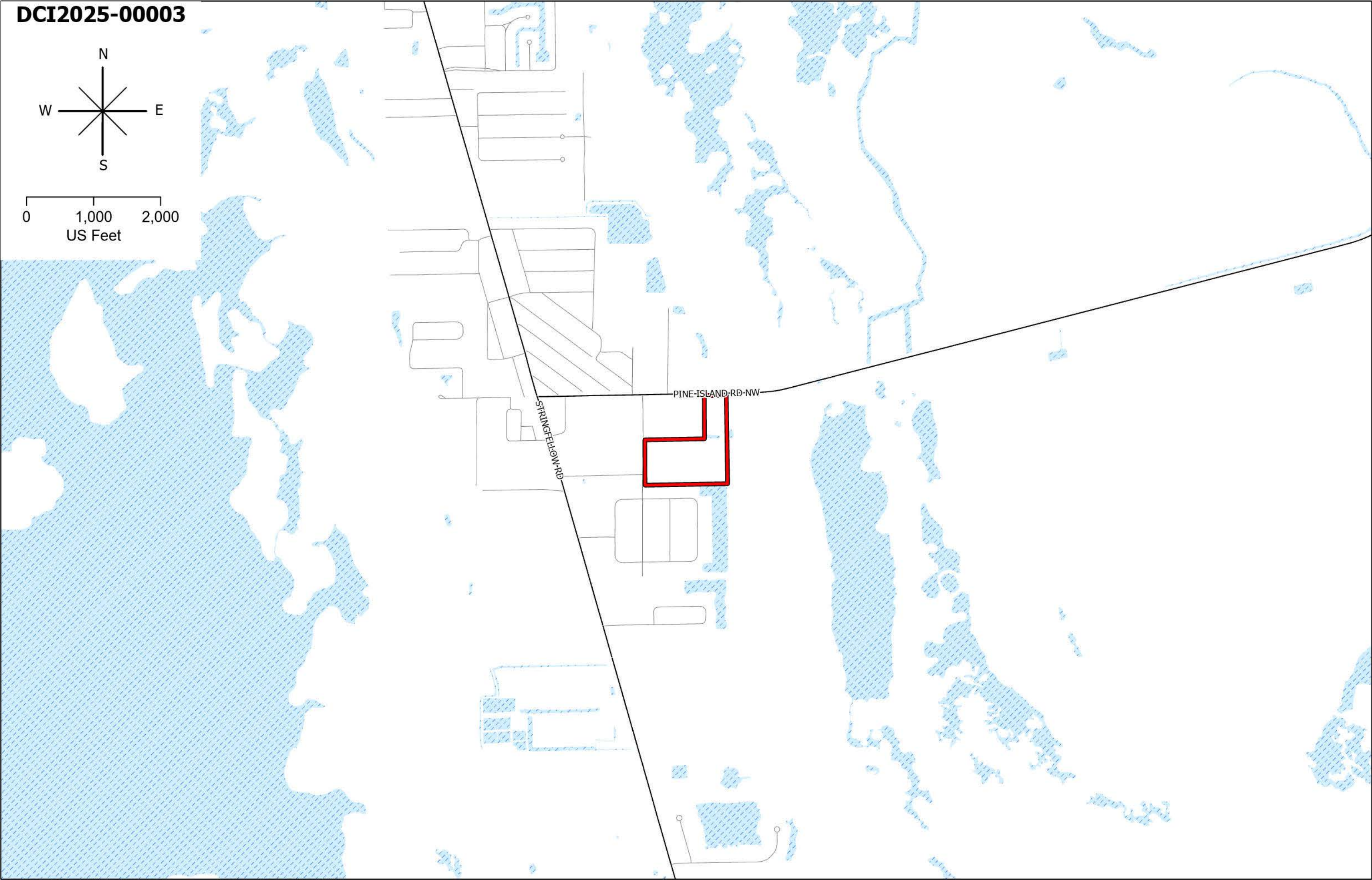
HEARING EXAMINER
RECOMMENDATION: Approval, subject to conditions and deviations.

PARTICIPANTS: None

DCI2025-00003



0 1,000 2,000
US Feet



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

DATE: May 18, 2026

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

RE: DCI2025-00003 – BETSY PARKWAY MPD
Modification to Hearing Examiner Recommendation

The Hearing Examiner modifies the recommended Site Development Regulations in Condition 2.b as follows:¹

CONDITIONS

2.b Site Development Regulations

Commercial

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

Industrial

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

¹ Revisions indicated with underscored text.
Revised: 3/06/2017

Copies Provided to: Michael Jacob, Deputy County Attorney
Joseph Adams, Assistant County Attorney
Elizabeth Workman, Principal Planner
Anthony Rodriguez, Zoning Manager
Brienne Cherry, Community Development
Applicant/Applicant's Representative(s)

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

DATE: May 7, 2026

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

RE: DCI2025-00003 – BETSY PARKWAY MPD
Modification to Hearing Examiner Recommendation

The Hearing Examiner modifies the recommended schedule of uses set forth in Condition 2.a as follows:¹

CONDITIONS

2. Schedule of Permitted Uses and Property Development Regulations

a. Permitted Uses

Commercial Tract

Accessory Uses, Buildings, and Structures

Administrative Offices

Animals: Clinic or Kennel

Control Center (including Humane Society)

ATM

Bait and Tackle Shop

Banks and Financial Establishments, All Groups

Boats: Boat Parts

Boat Sales

Broadcast Studio, Commercial Radio and Television

Building Materials Sales

Business Services, all groups

Caretaker's Residence

Car Wash

Clothing Stores, General

Clubs: Fraternal, Membership Organization

Private

Contractors and Builders, All Groups

Convenience Food and Beverage Store, no pumps

Day Care Center, Child or Adult

Drive-through Facility for any Permitted Use

Drugstore, Pharmacy

¹ Revisions indicated with underscored text.

Entrance Gates and Gatehouses
 Essential Services
 Excavation: Water retention
 Fences, Walls
 Gift and Souvenir Shop
 Hardware Store
 Hobby, Toy and Game Shops
 Household and Office Furnishings, All Groups
 Insurance Companies
Lawn and Garden Supply Stores
 Medical Office
Mobile Home Dealers
 Non-store retailers, All Groups
 Package Store
 Paint, Glass, and Wallpaper
 Parking Lot: Accessory
 Temporary
 Personal Services, All Groups
 Pet Services
 Pet Shop
 Pharmacy
 Plant Nursery
 Post Office
 Printing and Publishing
 Real Estate Sales Office
 Rental or Leasing Establishment, ~~Groups I & II~~ All Groups (No
 outdoor display)
 Repair Shops, Groups I, II, & III
 Restaurant, Fast Food
 Restaurant, All Groups
Retail and Wholesale Sales, when clearly incidental and
subordinates to a permitted principal use on the same
premises
 Schools: Commercial
 Signs
 Specialty Retail Shops, All Groups
 Studios
 Temporary Uses
 Theater, indoor or outdoor (drive-in)
 Used Merchandise Stores, all groups
 Variety Store

Industrial Tract
 Accessory Uses and Structures
 Administrative Offices
 ATM
 Automobile Repair and Service, All Groups
 Automobile Service Station
 Boats: Boat Parts Store
 Boat Repair and Service (indoor only)

Building Materials Sales
Business Services, Group II
Cleaning and Maintenance Services
Cold Storage, Pre-cooling Warehouse and Processing Plant
Computer and Data Processing Services
Contractors and Builders, All Groups
Entrance Gates and Gatehouse
Essential Services
Excavation: Water Retention
Farm Equipment, Sales, Storage Rental or Services
Fences, Walls
Parcel and Express Services
Parking Lot: Accessory
Temporary
Processing or Packaging Agricultural or Fish Products
Processing and Warehousing
Recycling Facility
Rental or Leasing Establishment, All Groups
Repair Shops, All Groups
Research and Development Laboratories, Groups I & IV
Retail and Wholesale Sales, when clearly incidental and subordinate
to a permitted principal use on the same premises
Signs
Storage: Indoor
Open
Transportation Services, Group II
Vehicle and Equipment Dealers, All groups
Warehouse: High Cube
Hybrid
Mini warehouse
Private
Public
Wholesale Establishments, Groups I, III, & IV

Copies Provided to: Michael Jacob, Deputy County Attorney
Joseph Adams, Assistant County Attorney
Elizabeth Workman, Principal Planner
Anthony Rodriguez, Zoning Manager
Brienne Cherry, Community Development
Applicant/Applicant's Representative(s)

Summary of Hearing Examiner Recommendation

BETSY PARKWAY MPD

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

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

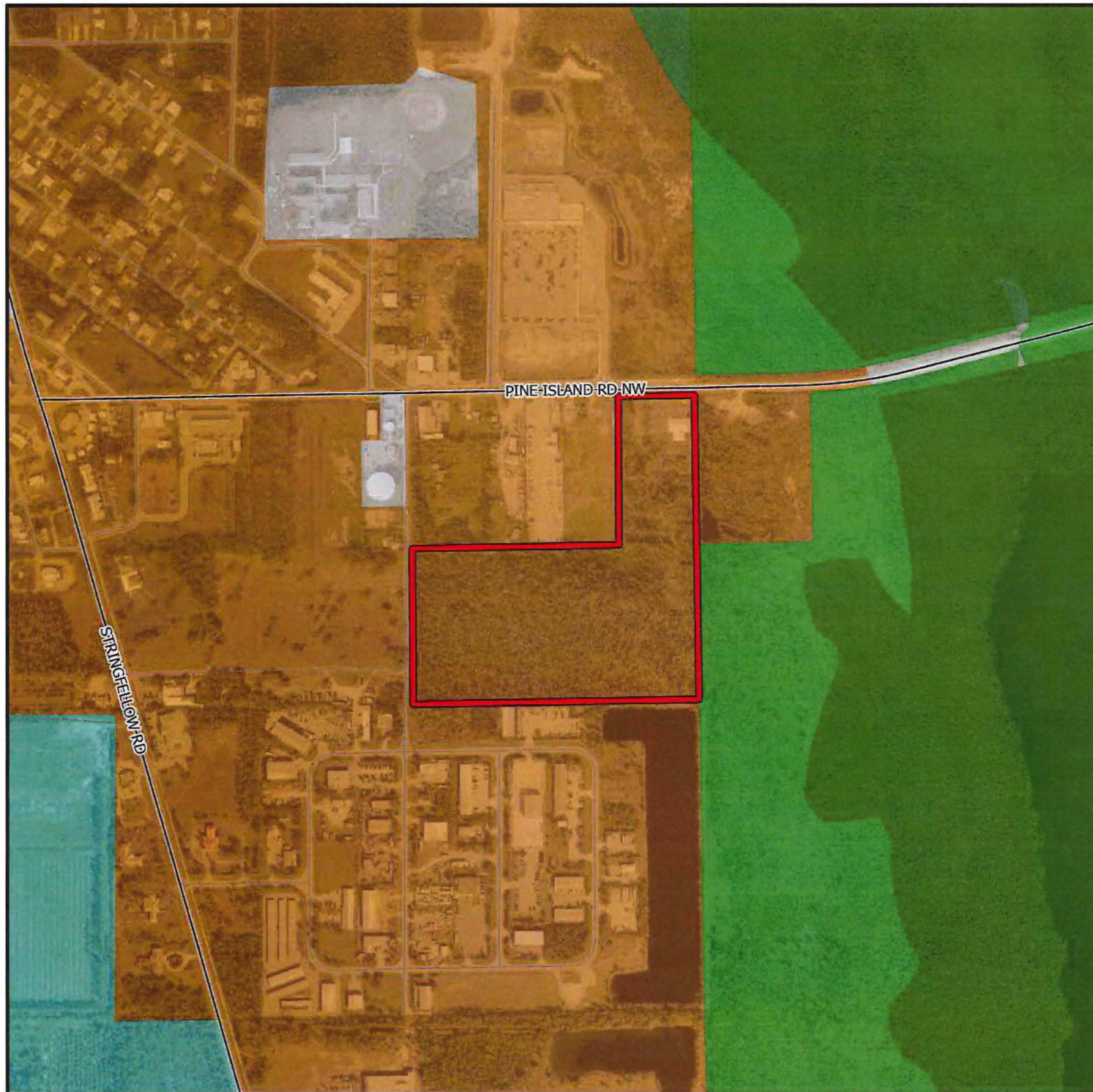
The MPD unifies the zoning designation of the nearly 24-acre property under a single zoning district in accordance with the Master Concept Plan. Principal uses include commercial and a limited selection of light industrial. The requested uses are appropriate in proximity to Pine Island Center and contribute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

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

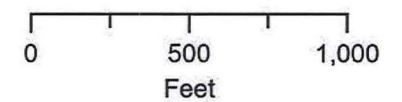
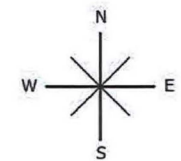
Detailed recommendation follows

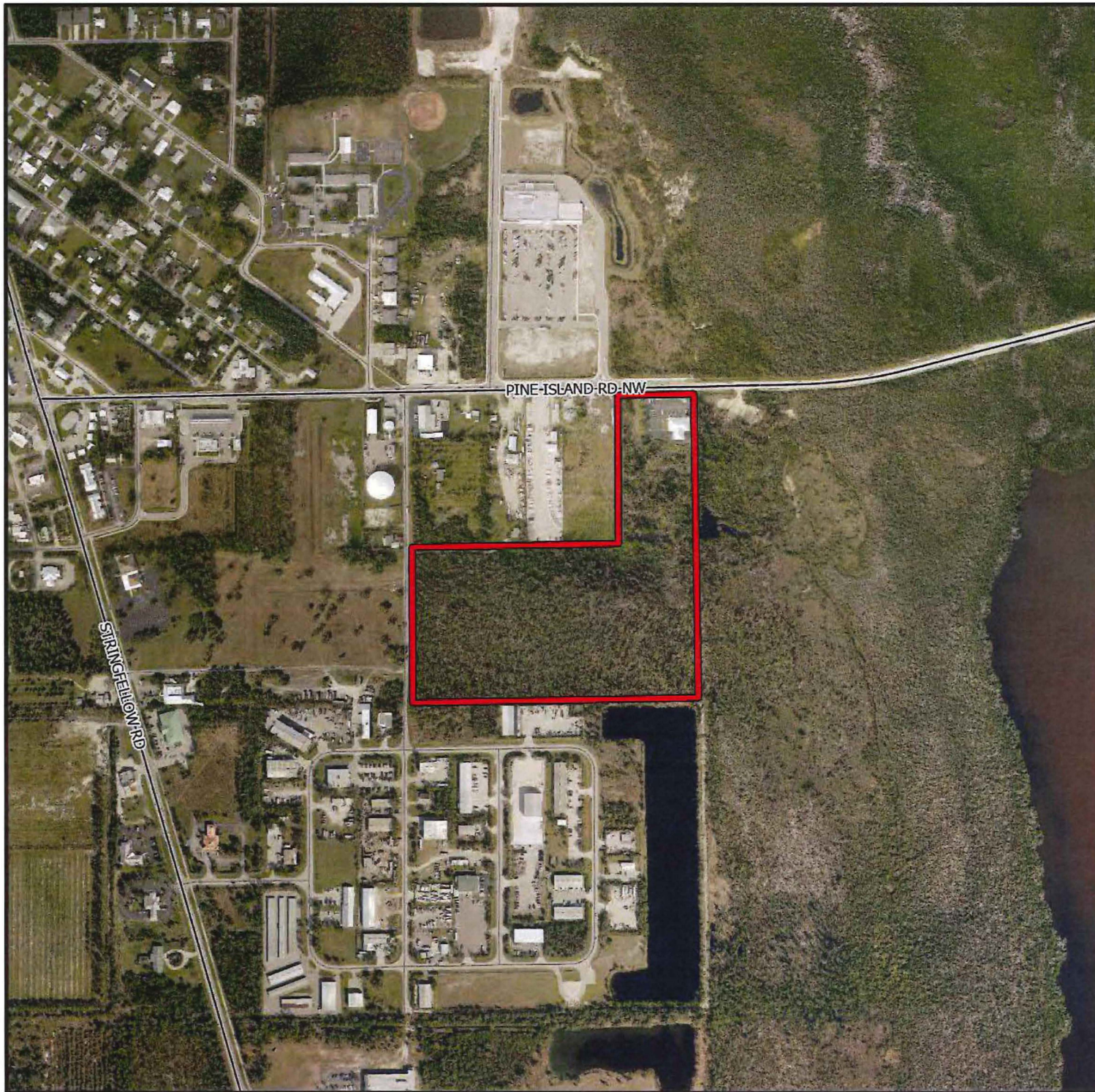
DCI2025-00003

Future Land Use



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

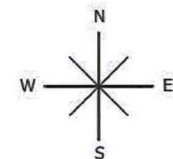




DCI2025-00003

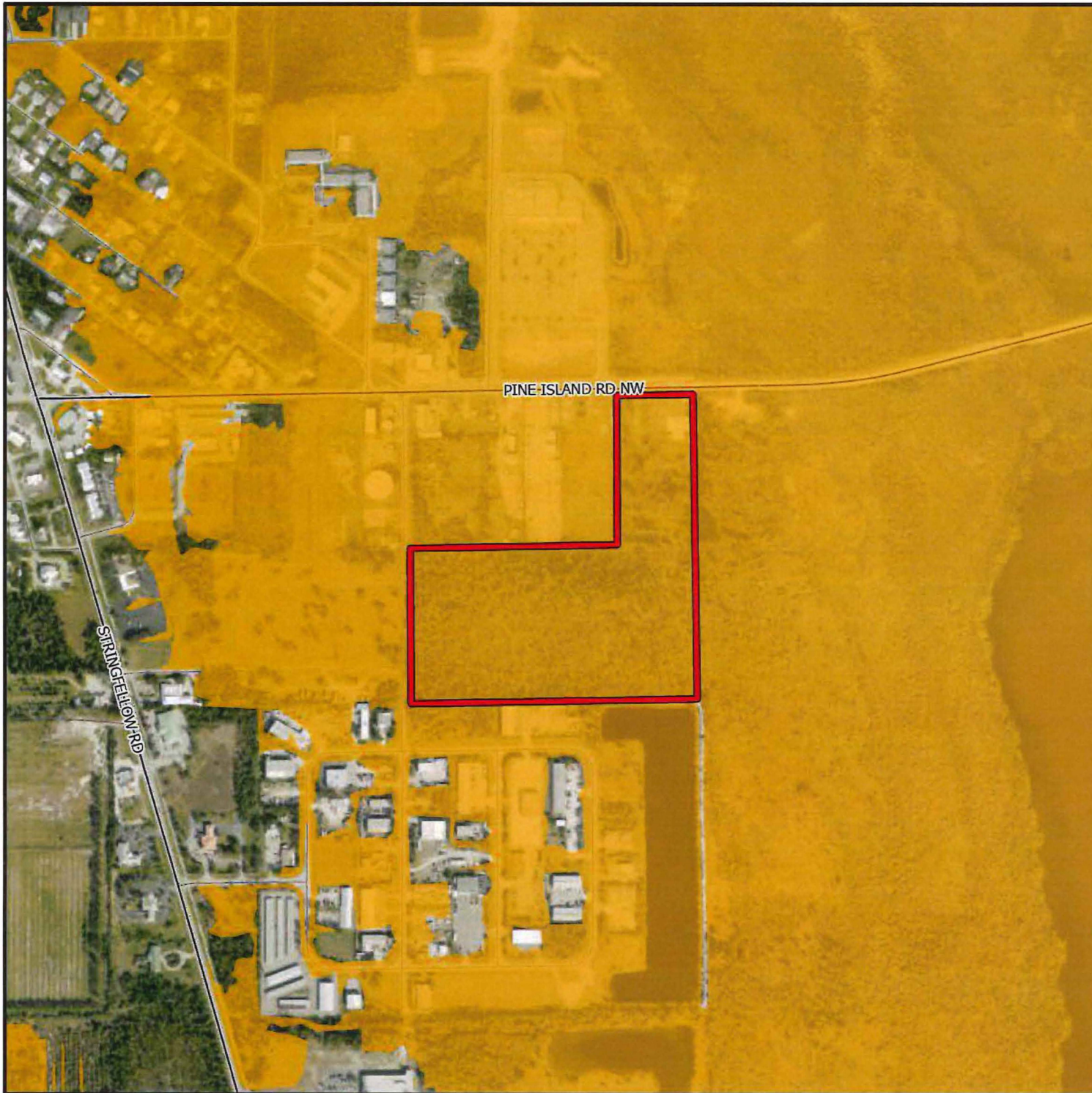
Aerial

 Subject Property



0 500 1,000
Feet



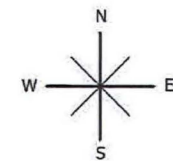


DCI2025-00003

Coastal High Hazard Area

 Subject Property

 Coastal High Hazard Area



0 500 1,000
Feet



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2025-00003

Regarding: BETSY PARKWAY MPD

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

Hearing Date: March 25, 2026

I. Request

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

The property legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approve, subject to the conditions and deviations set forth in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property to the planned development zoning district.¹ In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone 23.96 acres on Pine Island to the Mixed Use Planned Development District. Staff recommended approval with conditions.

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

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

¹ LDC §34-145(d)(4)a.

Planning and Zoning History

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

The parcel with Betsy Parkway frontage is vacant.²

Character of Area

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

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

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

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

Lee Plan

Planned developments must be consistent with the Lee Plan.⁷

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

² Permitting history of the parcel includes two permits issued in 2022: Vegetation Removal Permit for geotechnical borings and a Well Permit.

³ Little Pine Island is a State-owned mitigation bank and part of the Charlotte Harbor Preserve State Park.

⁴ Lee Plan Maps 1-B, 2-A.

⁵ Lee Plan Objective 24.1 and Policy 24.1.6.

⁶ Lee Plan Goal 24: Seeks to manage growth in a manner that maintains the island's unique natural resources, rural character, and coastal environment; support viable and productive agriculture and local business; and to protect public health, safety and welfare of island residents and visitors when a hurricane strike is imminent.

⁷ LDC §34-411(a).

⁸ Lee Plan Policies 1.1.4; Lee Plan Map 1-A.

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

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

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

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

Compatibility

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

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

⁹ Lee Plan Objective 11.1, Policies 1.1.4, 11.1.1.

¹⁰ Lee Plan Goal 9, Objective 9.2, Policy 1.1.4.

¹¹ Staff Report Attachment C: Conditions and Deviations. The LDC requires mixed use planned development to exceed at least two thresholds set out in LDC §34-940. The project will include greater than 30,000 square feet of commercial land uses and more than 30,000 square feet of industrial use on the nearly 24-acre site. Staff recommended limitations on proposed uses to minimize impacts to estuarine ecosystems. Lee Plan Objective 24.1, Policy 24.1.8.

¹² Lee Plan Policies 6.1.3, 7.1.2, 11.1.1.

¹³ Lee Plan Objective 124.1, Policies 101.1.1, 101.1.2, 101.3.2.

¹⁴ Lee Plan Policy 11.1.1.

¹⁵ LDC §34-145(d)(4)(a).

¹⁶ LDC §34-413; Lee Plan Policies 6.1.1, 6.1.4, 6.1.5, 6.1.7, 7.1.1, 7.1.3, 7.1.4, 7.1.7. The property has access to a range of public services and infrastructure including public water and sanitary sewer, paved roads, police, fire and emergency medical services. Lee Plan Goals 6, 7, Objectives 2.1, 2.2, Policies 1.1.4, 2.2.1, 2.2.2, 24.1.9, 39.1.3, LDC §34-411(i) and (j). Potable water service will be provided by the Greater Pine Island Water Association, Inc. Sanitary sewer service is available from Lee County Utilities. The property is in proximity to Stringfellow Boulevard and Pine Island Road making it a suitable location for commercial and industrial uses.

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

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

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

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

Economic Element

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

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

Coastal High Hazard Area

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

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

¹⁷ Lee Plan Policies 6.1.4, 6.1.6.

¹⁸ LDC §10-416.

¹⁹ Lee Plan Policies 7.1.1, 7.1.7.

²⁰ LDC §10-416.

²¹ Lee Plan Policies 6.1.4, 6.1.6, 6.1.7, 7.1.6, 7.1.7.

²² Lee Plan Goals 158, 159, Objective 158.2, Policy 158.2.1: *cf.* Lee Plan Policies 7.1.1, 7.1.8.

²³ Lee Plan Goals 158, 159, Objectives 158.2, 158.3; *see also*, Lee Plan Table 1(b) and Policies 7.1.1, 7.1.8, 24.4.1, 158.2.1.

²⁴ Lee Plan Map 5-A.

²⁵ Lee Plan Goal 101, Objectives 101.1, 101.3, Policies 101.1.1, 101.1.2, 101.3.2.

²⁶ Lee Plan Objective 2.6. *See* Goals 72, 101.

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

LDC

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

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

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

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

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

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

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

²⁹ LDC §34-651.

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

³¹ LDC §§34-612(2), 34-931(h).

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

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

³⁴ LDC §33-1003(a).

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

³⁶ LDC §33-1003 (a).

Deviations

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

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

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

Transportation

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

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

The Traffic Impact Statement (TIS) prepared by County staff concludes area roadways will operate within adopted levels of service at project buildout in 2027.⁴⁵ Lee County Department of Transportation agreed with this assessment.⁴⁶

³⁷ LDC §34-2.

³⁸ LDC §34-373(a)(9).

³⁹ LDC §10-285(a).

⁴⁰ LDC §§34-145(d)(4)a.2.c), 34-373(a)(9).

⁴¹ LDC §34-145(d)(4)a.2.c).

⁴² LDC §34-377(a)(4).

⁴³ LDC §34-145(d)(4)a.1.d) and e).

⁴⁴ Lee County Administrative Code 11-1.

⁴⁵ Staff Report Attachment R: Betsy Parkway Traffic Impact Statement (TIS) prepared by Planning Analytics, LLC dated November 6, 2025. Lee Plan Policies 6.1.5, 7.1.4.

⁴⁶ Staff Report Attachment L: Memorandum prepared by Lili Wu, Principal Planner dated February 6, 2026.

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

Environmental

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

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

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

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

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

⁴⁷ Lee Plan Policy 38.1.1.

⁴⁸ LDC §34-145(d)(4)a.1.f).

⁴⁹ The goal is to maintain a high quality of life for residents and visitors. See Lee Plan Chapter I - Vision for 2045. Lee Plan Goal 4.

⁵⁰ Lee Plan Goals 4, 59, 123, Objective 24.1, Standard 4.1.4, Policies 24.1.5, 24.1.6, 151.7.2, 161.1.5.

⁵¹ Lee Plan Objective 24.1, Policies 24.1.6, 123.1.5.

⁵² Lee Plan Policies 24.1.5, 101.1.2, 123.1.1.

⁵³ Lee Plan Objective 123.1, Policies 7.1.1, 24.1.5, 24.1.6, 24.1.8.

⁵⁴ Staff Report Attachment M: Stormwater Management Plan LDC §34-373. Lee Plan Policies 61.3.11, 24.1.8.

⁵⁵ See Condition 8. Lee Plan Goal 125, Objective 125.1, Policies 125.1.1, 125.1.2, 125.1.3, 125.1.4.

⁵⁶ Lee Plan Policies 24.1.6, 24.1.8, 24.1.9.

⁵⁷ The list of permitted uses has been modified to remove uses that are not appropriate in Coastal High Hazard Areas or adjacent to environmentally sensitive lands. Lee Plan Policies 24.1.8, 101.1.1, 101.1.2, 125.1.2.

⁵⁸ Lee Plan Objective 123.1, Policies 6.1.6, 7.1.6, 24.1.5.

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

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

Public Services and Infrastructure

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

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

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

⁵⁹ See MCP. LDC §10-416.

⁶⁰ Lee Plan Objective 126.2, Policy 126.2.1.

⁶¹ Development order submittals ensure buffers and landscaped areas follow Xeriscape principles. Lee Plan Objective 126.2, Policies 54.1.2, 54.1.3, 125.1.2, 126.1.2, 126.2.1. Required landscape buffers must consist of native landscape to conserve water.

⁶² LDC §34-145(d)(4)a.1.g).

⁶³ Public services and infrastructure available to serve the project includes public water and sewer, paved streets, police, fire and emergency services, and surface water management. Lee Plan Goals 70, 95, Objective 4.1, Policies 24.1.9, 68.2.3 Standards 4.1.1, 4.1.2, 4.1.4.

⁶⁴ Lee Plan Policy 2.2.1.

⁶⁵ Lee Plan Policy 6.1.4, 6.1.5.

⁶⁶ Lee Plan Policy 7.1.1, 7.1.3.

⁶⁷ Lee Plan Goals 2, 4, 53, 56, 70, 95, Objectives 2.2, 4.1, 158.3, Policies 1.1.4, 2.2.1, 7.1.2, 7.1.4, 53.1.5, 56.1.4, 160.1.1, Standards 4.1.1, 4.1.2.

⁶⁸ Lee Plan Policies 6.1.5, 7.1.3.

⁶⁹ The Lee Plan identifies Pine Island Road as part of the Pine Island-Hendry Trail on the Greenways Master Plan. Lee Plan Map 4-E.

⁷⁰ Lee Plan Goals 4, 53, Objective 53.1, 4.1, Standard 4.1.1.

⁷¹ Lee Plan Goals 4, 56, Objectives 4.1, 56.1, Standard 4.1.2.

⁷² Fire and emergency medical services will be provided by the Matlacha Pine Island Fire Control District Station 1 on Pine Island Road. Law enforcement services will be supplied by the Lee County Sheriff from the 6th Precinct Office on Stringfellow Road.

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

Conditions

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

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

The Hearing Examiner recommends revisions to Conditions to improve clarity.

Public

No Members of the public attended the hearing.

IV. Findings and Conclusions

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

- A. The proposed Betsy Parkway Mixed Use Planned Development complies with the Lee Plan. Lee Plan Goals 2, 4, 6, 7, 24, 53, 56, 59, 61, 70, 72, 77, 95, 101, 158, 159, Objectives 2.1, 2.2, 4.1, 6.1, 7.1, 11.1, 24.1, 24.4, 53.1, 72.2, 158.2, 158.3, Policies 1.1.4, 1.6.1, 2.1.2, 2.2.1, 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 6.1.8, 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.5, 7.1.7, 7.1.8, 7.1.9, 7.1.10, 11.1.1, 24.1.5, 24.1.6, 24.1.8, 24.1.9, 24.4.1, 24.4.2, 24.7.9, 61.3.6, 101.1.1, 101.1.2, 101.3.2, 158.2.1. Standards 4.1.1, 4.1.2, 4.1.4, Table 1(b), Maps 1-A, 1-B, 2-A, 4-E, 5-A.
- B. *As conditioned*, the Mixed Use Planned Development:
 - 1. Meets the LDC and other county regulations or qualifies for deviations. LDC Chapters 2, 10, 33, 34.
 - 2. Is compatible with existing and planned uses in the surrounding area. Lee Plan Goal 24, Objective 24.4, Policies 2.1.2, 2.2.1, 5.1.5, 6.1.4, 6.1.6, 6.1.7, 7.1.2, 7.1.3, 7.1.6, 7.1.7, 7.1.8.

⁷³ Lee Plan Objective 7.1, Policies 7.1.1, 7.1.3.

⁷⁴ LDC §§34-145(d)(4)a.2.(b), LDC 34-377(a)(3), and 34-932(b, c).

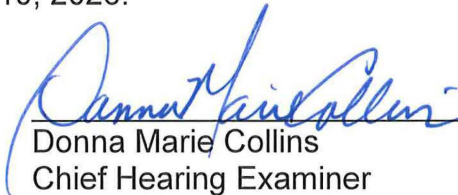
⁷⁵ LDC §34-932(c).

⁷⁶ Notable conditions require an indigenous preserve management plan, aquatic preserve buffer, and surface water quality monitoring. Lee Plan Policy 122.1.3, LDC §33-1082.

⁷⁷ LDC §34-83(b)(4)a.3.

3. Provides access sufficient to support the proposed development intensity. Expected impacts on transportation facilities will be addressed by county regulations and conditions of approval. Lee Plan Objective 39.1, Policies 2.2.1, 6.1.1, 6.1.5, 7.1.1, 7.1.2, 7.1.4, 7.1.5, 7.1.7, 24.4.1, 38.1.1, 39.1.1.
 4. Will not adversely affect environmentally critical areas and natural resources. Lee Plan Goals 24, 61, 77, Objectives 24.1, 60.4, 77.2, 77.3, 124.1, 125.1, 126.1, 126.2, Policies 6.1.6, 7.1.6, 24.1.5, 24.1.6, 24.1.8, 24.1.9, 54.1.2, 54.1.3, 54.1.6, 54.1.11, 60.4.1, 60.4.3, 61.1.6, 61.2.4, 61.3.6, 61.3.11, 61.4.4, 101.1.1, 101.1.2, 122.1.3, 123.2.10, 125.1.2, 125.1.3, 125.1.4, 126.1.1, 126.1.4, 126.2.1, Standard 4.1.4; and
 5. Will be served by urban services including paved roads, potable water, sanitary sewer, urban surface water management, police, fire, and emergency services. Lee Plan Glossary, Lee Plan Goals 2, 4, 6, 7, 70, 95, Objectives 1.1, 2.1, 2.2, 4.1, 6.1, 7.1, Policies 1.1.4, 2.1.1, 2.2.1, 2.2.2, 6.1.1, 6.1.4, 6.1.5, 6.1.7, 7.1.1, 7.1.3, 7.1.4, 7.1.5, 7.1.6, 24.1.8, 24.1.9, 39.1.3, 53.1.5, 56.1.4, 158.3, 160.1.1, Standards 4.1.1, 4.1.2 and Maps 4-A, 4-B.
- C. The proposed uses are appropriate at the proposed location. Lee Plan Goals 6, 7, 24, 158, Objectives 2.1, 24.4, Policies 2.1.1, 2.1.2, 6.1.1, 6.1.4, 6.1.6, 6.1.7, 6.1.8, 7.1.1, 7.1.2, 7.1.3, 7.1.8, 24.4.1, 24.4.2, 153.2, Table 1(b).
- D. Recommended conditions and applicable regulations provide sufficient safeguards to protect the public interest. In addition, recommended conditions reasonably relate to impacts expected from the proposed development. Lee Plan Policies 1.6.1, 5.1.5, 6.1.4, 7.1.2, 7.1.8, 122.1.3.
- E. As conditioned, the requested deviation:
1. Enhances the planned development; and
 2. Preserves and promotes the general intent of the LDC to protect the public health, safety and welfare.

Recommendation Date : April 10, 2026.


Donna Marie Collins
Chief Hearing Examiner

Lee County Hearing Examiner
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

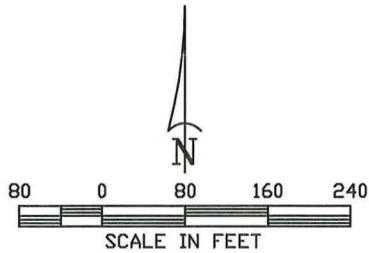
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

EXHIBIT A

SKETCH TO ACCOMPANY DESCRIPTION
A PARCEL OF LAND
LYING IN SECTION 28,
TOWNSHIP 44 SOUTH, RANGE 22 EAST,
LEE COUNTY, FLORIDA



THIS IS NOT A BOUNDARY SURVEY

SEE EXHIBIT "A", SHEET 2 OF 2
FOR DESCRIPTION

POINT OF COMMENCEMENT

EAST 1/4 CORNER OF SECTION 28-44-22

PINE ISLAND ROAD
NORTHWEST

(66' R/W)

33.00' SOUTH R/W LINE

N.88°53'33"E.
328.39'

S.00°50'37"E. 33.00'

POINT OF BEGINNING

S.00°50'37"E. 643.75'

1320.06'

LANDS OF LEE COUNTY
INSTRUMENT No. 2013000134219
O.R. BOOK 2093, PAGE 3216

N.E. CORNER
S 1/2, NW 1/4,
SE 1/4 OF
SECTION 28-44-22

LANDS OF NGUYEN
INSTRUMENT No. 2017000043268

LANDS OF DOOLEY
INSTRUMENT No. 2023000118078

LANDS OF BOOTS
INSTRUMENT No. 2012000173001

LANDS OF
SUNSET DREAMS, INC.
INSTRUMENT No. 2018000098573

LANDS OF EDISON
OIL COMPANY
O.R. BOOK 4677, PAGE 3

LANDS OF EDISON OIL COMPANY
O.R. BOOK 4677, PAGE 3

N.00°16'36"W. 643.42'

N.88°57'30"E.
334.76'

S.E. CORNER, N. 1/2,
N.E. 1/4, S.E. 1/4
OF SECTION 28-44-22

N.88°57'30"E. 891.00'

SOUTH LINE N. 1/2,
N.E. 1/4, S.E. 1/4
OF SECTION 28-44-22

EAST R/W LINE

A PORTION OF

S 1/2, NE 1/4, SE 1/4 SECTION 28-44-22

LANDS OF FRIZONE
INSTRUMENT No. 2016000132755

WEST R/W LINE

BETSY PARKWAY

N.00°16'36"W. 675.89'

35' ROAD AND UTILITY EASEMENT
(O.R. BOOK 2153, PAGE 5804)

S.88°58'51"W. 1232.44'

EAST LINE, S.E. 1/4 SECTION 28-44-22

S.00°50'37"E.

LANDS OF LEE COUNTY
(UNPLATTED)

LANDS OF ICC HOLDINGS, LLC.
INSTRUMENT No. 2016000142774

60' ROADWAY
(O.R. BOOK 2153,
PAGE 5804)

LANDS OF MIA
INDUSTRIAL PARK, LLC.
INSTRUMENT No. 2020000233318

LOT 1 LOT 2 LOT 3 LOT 4 LOT 5

BLOCK C

PINE ISLAND INDUSTRIAL PARK
(PLAT BOOK 45, PAGES 52-53)

TRACT A

N.E. CORNER
TRACT A

REVIEWED

Project: DCI/2025-00003

By: Richard Burris

Dept: Legal Review

Date: 07/19/2025

LEGEND:

R/W RIGHT-OF-WAY

SHEET 1 OF 2

HARRIS-JORGENSEN, LLC.
3048 DEL PRADO BLVD. S., SUITE 100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

DESCRIPTION TO ACCOMPANY SKETCH
EXHIBIT "A"

Attachment G

DESCRIPTION:

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

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

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

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

Phillip M
Mould,
LS6515, State
of Florida

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

PHILLIP M MOULD
LS6515
FEBRUARY 4, 2025

NOTE:

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

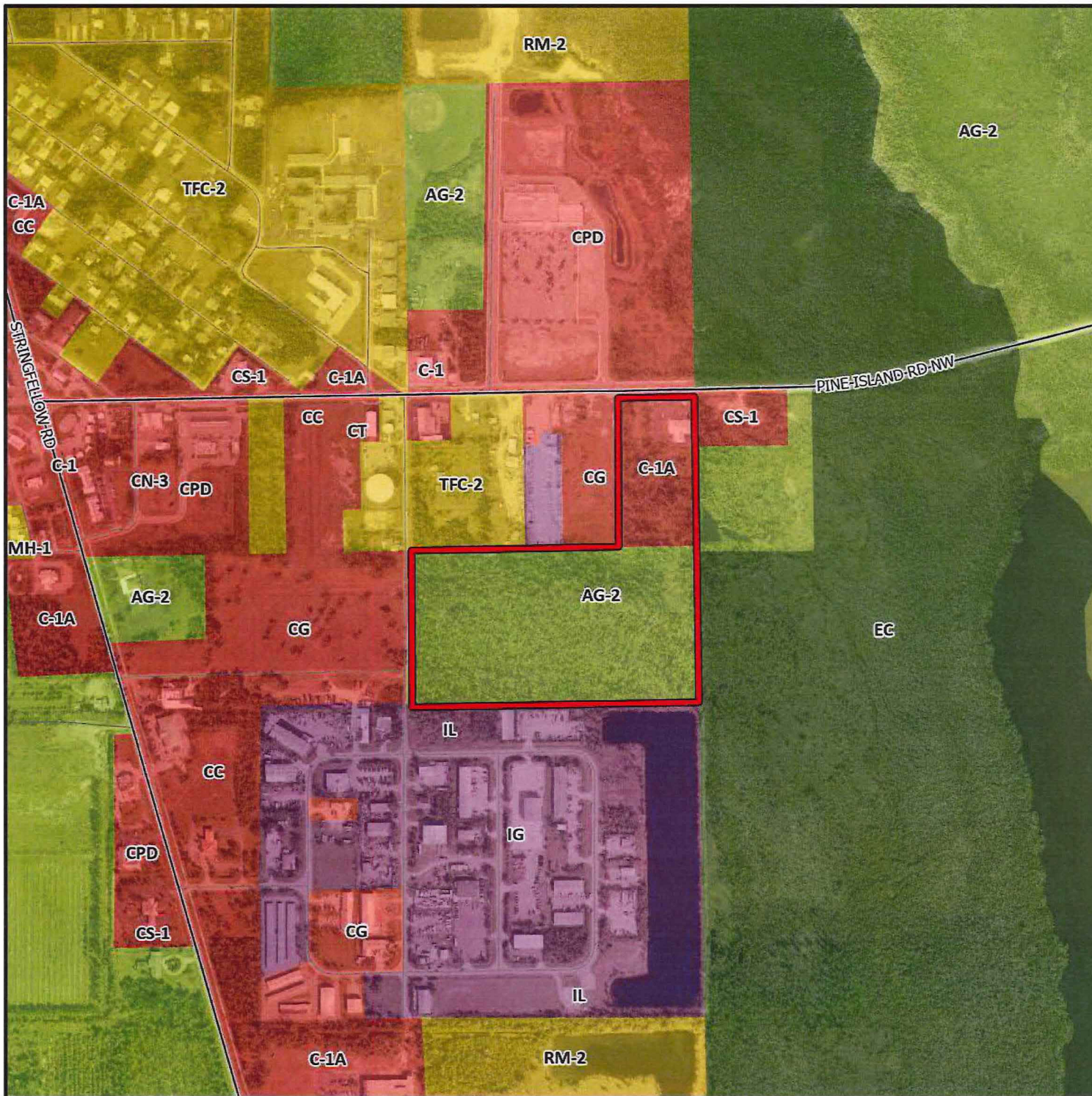
REVIEWED

Project: DCI2025-00003

By: Richard Burris

Dept: Legal Review

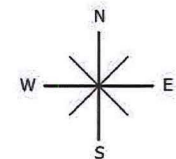
Date: 07/19/2025



DCI2025-00003

Zoning

 Subject Property



0 500 1,000
Feet



Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

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

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

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

2. Schedule of Permitted Uses and Property Development Regulations.

- a. Permitted Uses

Commercial Tract

Accessory uses, buildings, and structures

Administrative Offices

Animals: Clinic or Kennel

Control Center (including Humane Society)

ATM

Bait and Tackle Shop

Banks and Financial Establishments, all groups

Boats: Boat Parts

Boat Sales

Broadcast studio, commercial radio and television

Building Materials Sales

Business Services, all groups

Clothing Stores, general

Clubs: Fraternal, membership organization

Private

Contractors and Builders, all groups

Convenience Food and Beverage Store, no pumps

Day Care Center, child or adult

Drugstore, pharmacy

Entrance Gates and Gatehouses

Essential services

Excavation: Water retention

Fences, Walls

Gift and souvenir shop

Hardware store

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

Industrial Tract

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

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

b. Site Development Regulations

Commercial

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

Industrial

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

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

3. Open Space

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

4. Indigenous Open Space

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

5. Indigenous Management Plan

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

6. Aquatic Preserve Buffer

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

7. Coastal High Hazard Area

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

8. Surface Water Quality

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

a. Goals and Objectives.

- b. Monitoring Schedule. An outfall monitoring schedule during “wet” season of June through September and “dry” season of October through May. The Division of Natural Resources will determine monitoring constituents prior to development order approval based on Schedule of Permitted Uses.
- c. Baseline. A baseline monitoring event to be completed prior to commencement of construction.
- d. Submission of Data. Developer must submit water quality monitoring data to the Division of Natural Resources annually for a minimum of 5 years. The data must include a report with a comparison of State surface water quality standards, plots of parameters, and recommendations. After five years of meeting or exceeding State surface water quality monitoring standards, developer file a written request to the Division of Natural Resources to amend/terminate the monitoring and reporting schedule. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.
- e. Contingency Plan. A contingency plan upon discovery of an exceedance of State Surface Water Quality Standards. The contingency plan must include notification to impacted residents and applicable authorities.

9. Pine Island Road Access

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

10. State and Federal Permits

- a. Generally. County development permits do not create rights to obtain permits from state or federal agencies and do not create liability on the part of the County if applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if applicant undertakes actions resulting in a violation of state or federal law. Applicant must obtain applicable state/federal permits prior to commencing development.
- b. State Wetland Permits. Developer may not commence construction on development impacting wetlands until issuance of required state permits. Development activity must comply with state wetland permits and applicable local development permits.

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

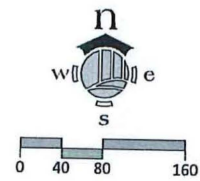
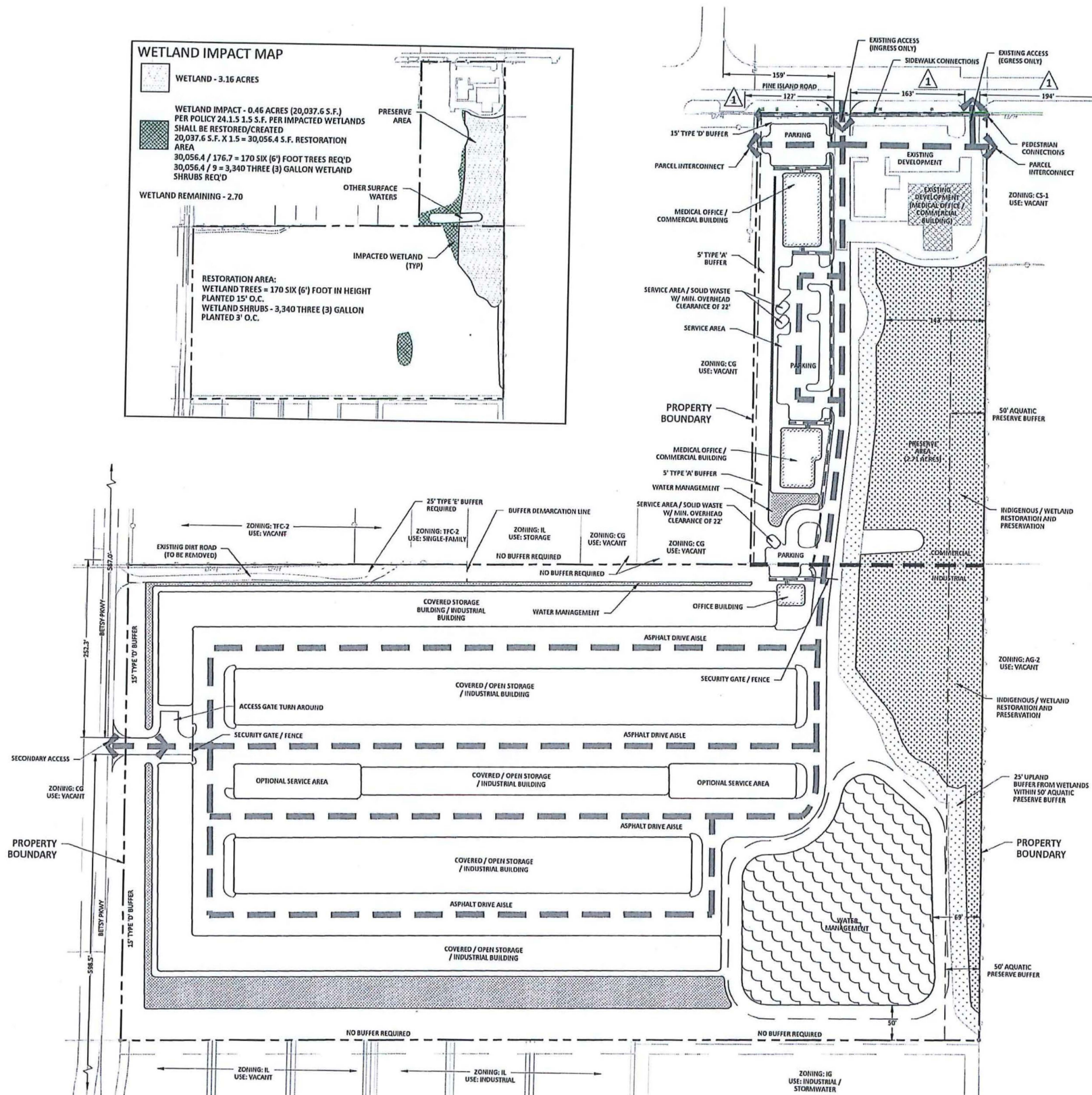
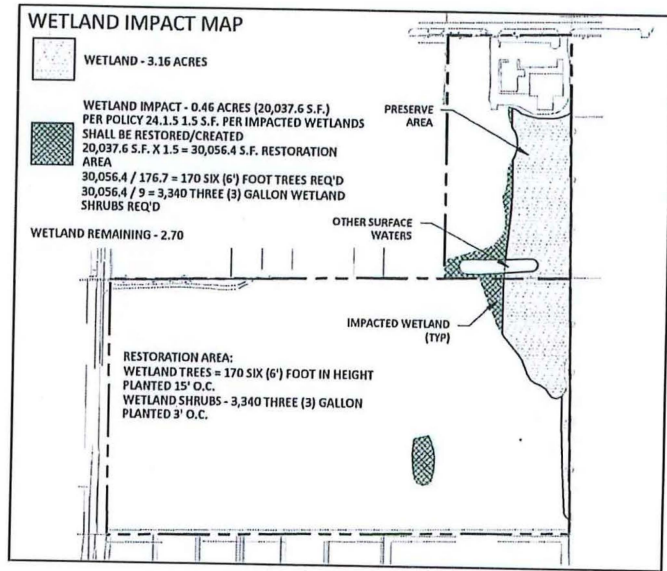
DEVIATIONS

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

The deviation is approved, subject to Condition 9.

Exhibits to Conditions:

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



COMMERCIAL PORTION

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

INDUSTRIAL PORTION

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

DEVIATIONS

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

NOTES:

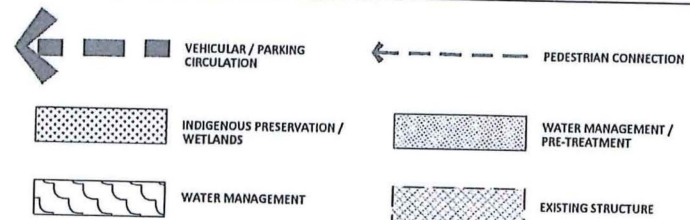
THE PLANNED DEVELOPMENT COMPLIES OR WILL COMPLY WITH ALL APPLICABLE PORTIONS OF LAND DEVELOPMENT CODE, INCLUDING BUT NOT LIMITED TO, ARTICLE IV - PLANNED DEVELOPMENT DISTRICTS. THE INTERNAL MECHANISMS OF THE SITE, SUCH AS WATER MANAGEMENT, ARE ALSO SUBJECT TO OTHER AGENCY PERMITTING REQUIREMENT. ALL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

OPEN SPACE CALCULATIONS:

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

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

LEGEND:



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

JOE POLOTTO
MATLACHA, FL

CLIENT NAME AND ADDRESS

POLOTTO MPD
LEE COUNTY, FL

PROJECT NAME AND LOCATION

NO.	REVISION	DATE
1	PER COUNTY COMMENTS	09-24-24
2	PER COUNTY COMMENTS	09-25-25
3	PER COUNTY COMMENTS	11-07-25
4	PER COUNTY COMMENTS	12-13-25
5	PER COUNTY COMMENTS	02-17-26
6	PER COUNTY COMMENTS	03-17-26

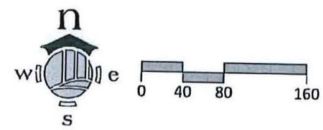
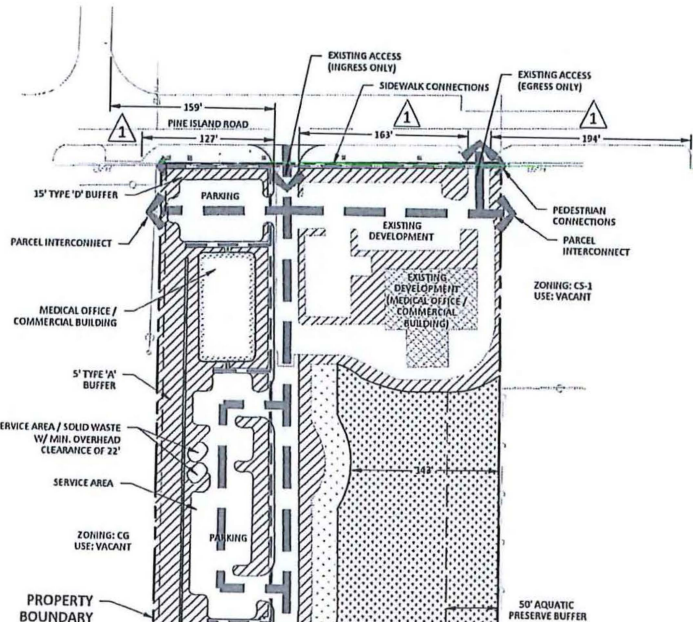
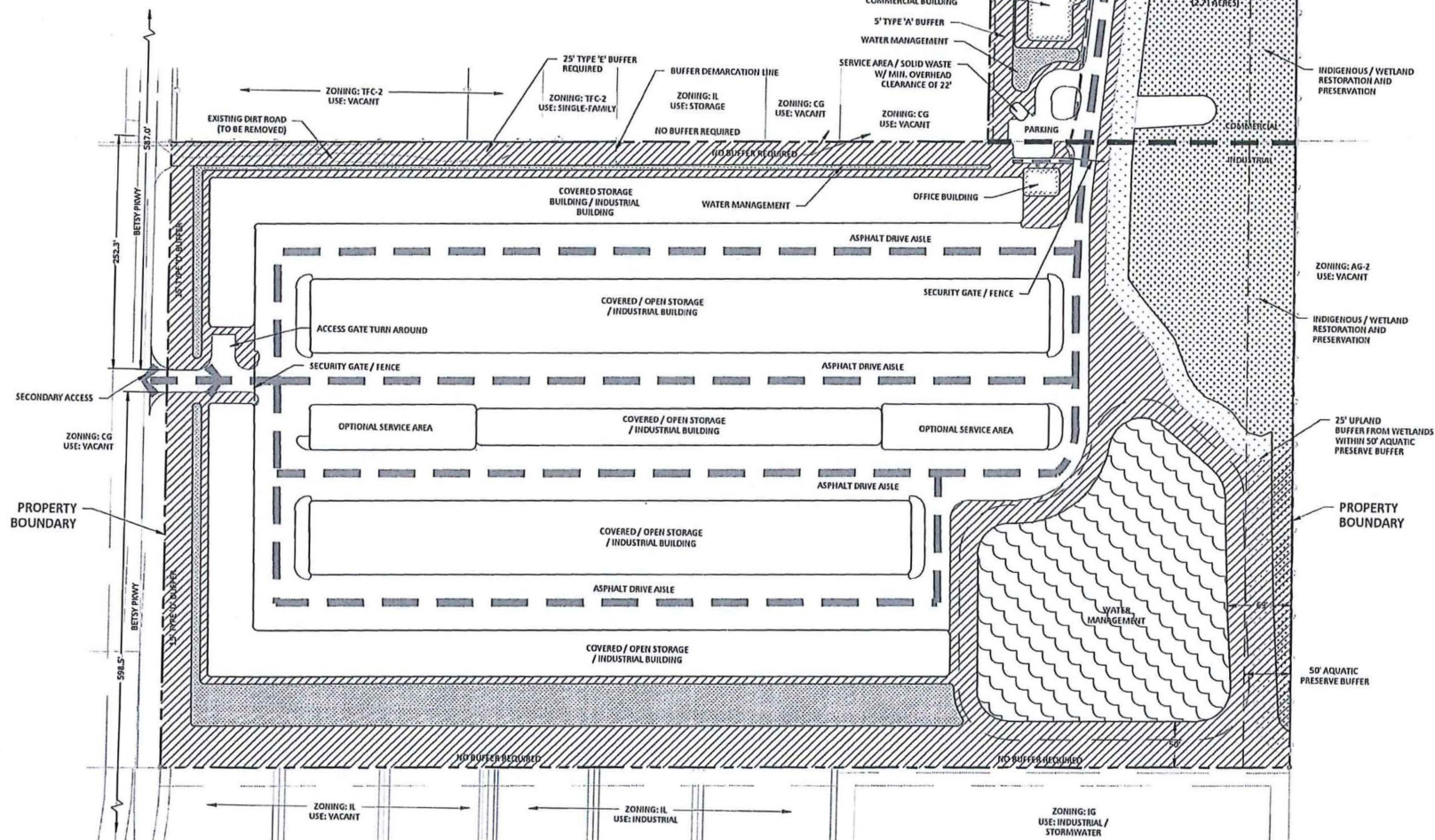
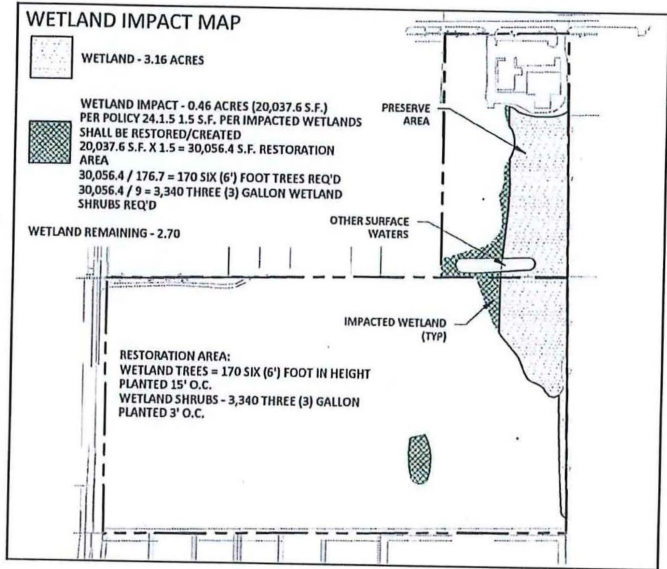
DATE: 09-24-24
PROJECT NO. 1466-01
FILE NO.
SCALE: AS SHOWN

**MASTER CONCEPT
PLAN**

SHEET TITLE

MCP-01

SHEET NUMBER



COMMERCIAL PORTION

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

INDUSTRIAL PORTION

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

DEVIATIONS

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

NOTES:

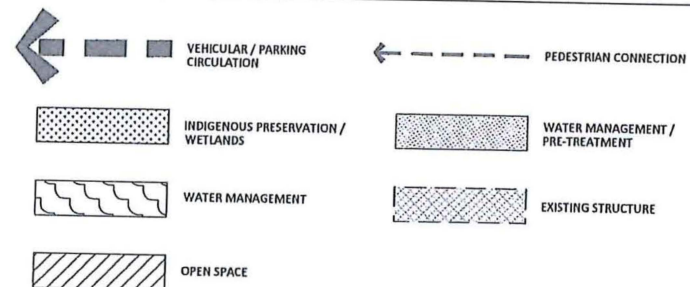
THE PLANNED DEVELOPMENT COMPLIES OR WILL COMPLY WITH ALL APPLICABLE PORTIONS OF LAND DEVELOPMENT CODE, INCLUDING BUT NOT LIMITED TO, ARTICLE IV. - PLANNED DEVELOPMENT DISTRICTS. THE INTERNAL MECHANISMS OF THE SITE, SUCH AS WATER MANAGEMENT, ARE ALSO SUBJECT TO OTHER AGENCY PERMITTING REQUIREMENT. ALL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

OPEN SPACE CALCULATIONS:

TOTAL PROJECT AREA	±23.97 AC.
TOTAL COMMERCIAL AREA	±4.50 AC.
COMMERCIAL OPEN SPACE REQUIREMENT (30% OF TOTAL):	±1.47 AC.
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PROVIDED INDIGENOUS OPEN SPACE	±2.71 AC.

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

LEGEND: (OPEN SPACE)



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

JOE POLOTTO
MATLACHA, FL

CLIENT NAME AND ADDRESS

POLOTTO MPD
LEE COUNTY, FL

PROJECT NAME AND LOCATION

NO.	REVISION	DATE
01	PER COUNTY COMMENTS	05-30-25
02	PER COUNTY COMMENTS	08-25-25
03	PER COUNTY COMMENTS	12-02-25
04	PER COUNTY COMMENTS	12-11-25
05	PER COUNTY COMMENTS	03-17-26
06	PER COUNTY COMMENTS	03-17-26

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

OPEN SPACE
PLAN

SHEET TITLE

MCP-02

SHEET NUMBER

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. DCD Staff Report with attachments for DCI: Prepared by Elizabeth Workman, Principal Planner, date received March 10, 2026 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. 48-Hour Notice: Email from Elizabeth Workman to Hearing Examiner and Maria Perez, with copies to Brienne Cherry, Cindy Lea, and Anthony Rodriguez, dated Monday, March 23, 2026, 4:02 PM (3 pages – 8.5"x11")
3. PowerPoint Presentation: Prepared by Lee County Staff for DCI2025-00003, Betsy Parkway MPD, dated March 25, 2026 (multiple pages – 8.5"x11")[color]
4. Résumé: For John Podczerwinsky, AICP CTP (1 page – 8.5"x11")
5. 48-Hour Letter: Email from John Podczerwinsky to Elizabeth Workman, Pakorn Sutitarnnontr, with copies to Brittany Banker and Jilian Scholler, dated Friday, March 20, 2026, 4:31 PM (3 pages – 8.5"x11")

APPLICANT EXHIBITS

1. 48-Hour Notice: Email from Cindy Leal, to Hearing Examiner, with copies to Maria Perez, Elizabeth Workman, Terry Cramer, Esq., and Brian Smith, dated Thursday, March 19, 2026, 12:29 PM (multiple pages – 8.5"x11" and 11"x17")
2. PowerPoint Presentation: Prepared for Betsy Parkway MPD, dated March 25, 2026 (multiple pages – 8.5"x11")[color]

Exhibit D

HEARING PARTICIPANTS

County Staff:

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

Applicant Representatives:

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

Exhibit E
INFORMATION

UNAUTHORIZED COMMUNICATIONS

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

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

- A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.
- B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentations by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.
- C. Participants may not submit documents to the Board of County Commissioners unless marked as Exhibits by the Hearing Examiner. Documents must have the Exhibit number assigned at hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

- A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.
- B. A verbatim transcript may also be available for purchase from the court reporting service.

CPA2026-00003

2026 Cleanup Amendments

SUMMARY SHEET
CPA2026-00003 – LEE PLAN CLEAN UP AMENDMENTS
TRANSMITTAL HEARING

BOARD DIRECTION:

On April 1, 2025, the Board of County Commissioners directed staff to review the current Lee Plan and other regulatory documents and bring proposed amendments to the Board of County Commissioners that will lead to increased efficiency, reduce unnecessary regulations, and maintain the protection of public health, safety, and welfare, while meeting State and Federal mandates.

SUMMARY:

The proposed county-initiated amendments update Lee Plan Policies 2.1.3, 6.1.2, 11.2.1, 25.8.4, Chapter XIII, and the Glossary. These amendments remove out-of-date policies, improve consistency, reflect current conditions and practices, and other general cleanup items consistent with the Board Direction.

LPA PUBLIC HEARING:

Staff provided a presentation addressing the requested text amendments within the Future Land Use Element, Administration Element, and Glossary of the Lee Plan.

After staff's presentation, the LPA asked about the proposed amendment to Policy 25.8.4 regarding situations where neighboring properties to commercial developments would not want to provide a cross-access easement. Staff acknowledged that this is an ongoing issue and explained that the amendment is intended to provide greater flexibility when such situations arise.

No members of the public were present or provided input.

LPA MOTION:

A motion was made to recommend that the Board of County Commissioners (BoCC) **transmit** CPA2026-00003. The motion passed 5 to 0.

STAFF RECOMMENDATION:

Staff recommends that the BoCC **transmit** the proposed amendments provided in Attachment 1 and in Part 2 of the Staff Report.

STAFF REPORT FOR CPA2026-00003: LEE PLAN CLEANUP AMENDMENTS



County Initiated Lee Plan Text Amendments

Amendment Type:

County Initiated
Direction: 04/01/2025

Recommendation:

Transmit

Amended Element(s):

Future Land Use
Administration
Glossary

Hearing Dates:

LPA: 04/27/26
BoCC #1: 06/03/26
BoCC #2: TBD

Attachment(s):

1: Proposed Text
Amendments

REQUEST

Amend the Lee Plan to update Policies 2.1.3, 6.1.2, 11.2.1, 25.8.4, Chapter XIII, and the Glossary of the Lee Plan. These amendments remove out-of-date policies, improve consistency, reflect current conditions and practices, and other general cleanup items.

SUMMARY

Staff reviewed the Lee Plan and identified several provisions, as stated under the request, that will increase efficiency, reduce unnecessary regulations, reflect current LeeTran operation practices, and maintain the protection of public health, safety, and welfare while meeting State and Federal mandates.



The Lee Plan

AS AMENDED THROUGH DECEMBER 2025

Figure 1: Title Page of The Lee Plan

RECOMMENDATION

Staff recommends that the Board of County Commissioners **transmit** the requested amendments based on the analysis and findings provided in this staff report.

PART 1 STAFF DISCUSSION AND ANALYSIS

BACKGROUND

On April 1, 2025, the Board of County Commissioners directed staff to review the current Lee Plan and other regulatory documents and bring proposed amendments to the Board of County Commissioners that will lead to increased efficiency, reduce unnecessary regulations, and maintain the protection of public health, safety, and welfare, while meeting State and Federal mandates.

Staff has reviewed the Lee Plan and identified four (4) text amendments within the Future Land Use Element, including: Policies 2.1.3, 6.1.2, 11.2.1, and 25.8.4. Additionally, there are four (4) text amendments proposed for Chapter XIII of the Administration Element, and two (2) text amendments proposed within the Glossary of the Lee Plan that meet these requirements, including contradictions between policies, outdated language, and overly burdensome requirements. Staff will continue to review the Lee Plan to identify additional amendments in line with this BoCC direction.

PROCEDURAL REQUIREMENTS

The Lee Plan is Lee County's comprehensive plan, which provides the long-term vision for development in the county. Florida Statutes require comprehensive plans to include certain topics as elements. The Lee Plan divides these elements into chapters, which are further supported by goals, objectives, standards, and policies. Lee Plan Chapter XIII, entitled Administration, section "d" addresses Amendments to the Plan. The applicable paragraph is reproduced below.

This plan, including the Future Land Use Map, may be amended in accordance with Florida Statutes and administrative procedures adopted by the Board of County Commissioners in Lee County Administrative Code 13-6. In accordance with § 163.3177(1)(f), Fla. Stat., all amendments must be based upon relevant and appropriate data and analysis.

Lee County Administrative Code 13-6 establishes procedures for amendments to the Lee Plan, including notice requirements and provisions for public participation during the amendment process. The amendment request is County Initiated text amendments to the Lee Plan, meaning County Staff was directed to process the amendment by an affirmative vote of three or more Commissioners. Given the following amendments are County Initiated, there is no Public Information Meeting requirement pursuant to Lee Plan Objective 17.3 for the proposed text changes.

The subject amendments to the Lee Plan will follow the **Expedited State Review process under F.S. 163.3184(3)**, which will require a total of three public hearings. One public hearing before the Local Planning Agency for recommendation to the BOCC, then the BOCC will hold two additional public hearings, one for transmittal to the state and one for adoption. Application types that follow the Expedited State Review process also require review by the State Reviewing Agencies.

AMENDMENTS – FUTURE LAND USE ELEMENT (CHAPTER II)

As Lee County continues to grow, periodic updates and modifications to the Lee Plan are necessary to ensure its accuracy and effectiveness. Throughout this report there will be the proposed Lee Plan text amendments and a thorough staff analysis to support these amendments.

Amendment #1: Policy 2.1.3

Policy 2.1.3 identifies several uses that may be considered across all land use categories and planning districts when consistent with the goals, objectives, policies, and standards of the Lee Plan and Land Development Code. The policy currently prohibits churches and schools within the Wetlands future land use category and Airport Noise Zones A and B. The full policy, including proposed amendments, is identified below:

POLICY 2.1.3: All land use categories and Planning Districts permit the consideration of churches and schools (except in ~~Wetlands and~~ Airport Noise Zones A and B), public uses and buildings, public utilities and resource recovery facilities, public recreational uses (including franchised quasicommercial uses in conjunction with a public use), and sites for compatible public facilities when consistent with the goals, objectives, policies, and standards in this plan and applicable zoning and development regulations. (Ord. No. 94-30, 98-09, 21-09)

This is inconsistent with the implementation of Lee County's wetlands policies, in which Lee County is not the permitting agency for wetland impacts. In Lee County, impacts to wetlands are permitted through appropriate state agencies – the Southwest Florida Water Management District (SFWMD) or the Florida Department of Environmental Protection (FDEP). Policy 124.1.2 was amended by Ordinance 19-26 to memorialize Lee County's wetlands policies and includes the following applicable requirements:

- **POLICY 124.1.2 (1):** The County will not undertake an independent review at the development order stage of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a DEP or SFWMD dredge and fill permit or exemption.
- **POLICY 124.1.2 (2):** No development in wetlands regulated by the State of Florida may be commenced without the appropriate state agency permit or authorization. Development orders and development permits authorizing development within wetlands or lands located within the Wetlands future land use category may be issued subject to a condition that construction may not commence until issuance of the required state permits.
- **POLICY 124.1.2 (6):** Non-residential uses on wetlands that have been impacted, or will be impacted, in accordance with a state agency permit must be consistent with the non-residential uses permitted in the immediately adjacent, least intense, upland future land use category.

Therefore, the broad language currently in Policy 2.1.3 regarding the consideration of churches and schools, except in Wetlands, is inconsistent with Goal 124 of the Lee Plan. Goal 124 already establishes wetland protection regulations for all new and existing development. Because these standards apply uniformly to all uses, it is unnecessary and inconsistent to single out churches and schools from wetlands. **The proposed amendments will make Policy 2.1.3 consistent with Lee County's overall wetlands policies and reduce the potential for inefficiencies or confusion during the review process.**

Amendment #2: Policy 6.1.2

Policy 6.1.2 generally limits commercial development in Future Non-Urban Areas to Minor Commercial. The Policy currently provides two exceptions to the Minor Commercial limitation: Southeast Lee County, which includes additional policies to limit commercial uses, and lands "within one quarter mile of SR31 between North River Road and the Caloosahatchee River in the North Olga Community Planning Area."

The exception identified in the North Olga Community Plan Area is outdated, as the area is no longer classified as a Non-Urban Future Land Use Category. Lee County Ordinance 23-03 redesignated these areas from Rural and Wetlands to Outlying Suburban (a Future Suburban Area) and Wetlands. **Striking this exemption from Policy 6.1.2 will remove outdated language in the Lee Plan that does not reflect the current conditions of the County.**

Amendment #3: Policy 11.2.1

Policy 11.2.1 identifies five (5) evaluation criteria for all properties within the Mixed Use Overlay (MUO). The criteria are based on factors such as impact on transportation facilities, walkability, future land use category, proximity to public facilities, and other relevant provisions.

Currently, Policy 11.2.1 requires that lands within the Mixed Use Overlay are “located within the extended pedestrian shed of established transit routes.” This Policy was last amended by Ordinance 17-13, approximately nine (9) years ago. Since then, LeeTran has launched a new on-demand service in some areas of the county called Ultra on Demand Transit (ULTRA). ULTRA allows riders to arrange pickups within designated service zones. This service differs from traditional fixed-route service, as riders no longer need to follow a bus schedule to board a bus. Instead, the ULTRA service allows riders to request a ride at their convenience through the app when located within the designated service areas. Currently, ULTRA is available within the incorporated area of Bonita Springs and areas of Lehigh Acres. As noted in the LeeTran 2020 Comprehensive Operations Analysis (COA), LeeTran anticipates expanding this service to additional areas of unincorporated Lee County, including North Fort Myers, Estero/San Carlos Park and Shell Point/Iona (See Figure 2).

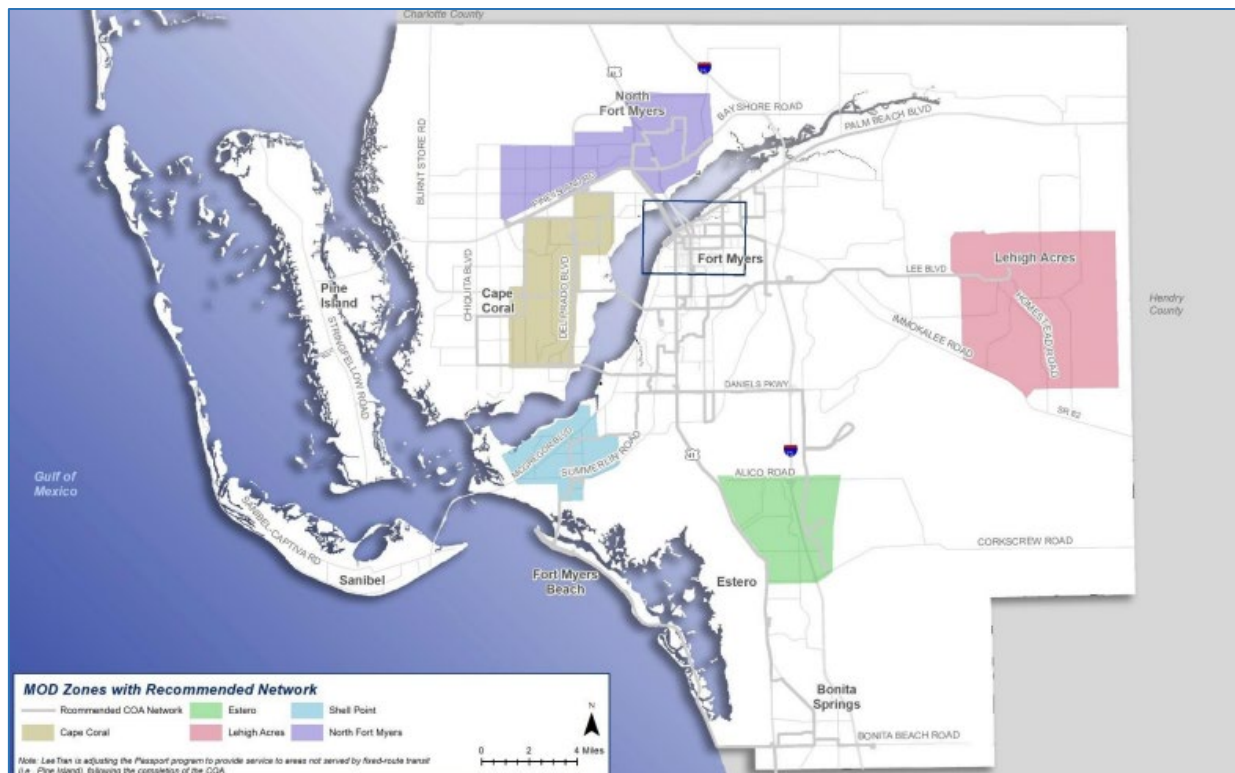


Figure 2 LeeTran COA Map 13-27: Recommended LeeTran MoD Zones

ULTRA generally located in areas of the County “with the highest propensity to use transit service” *LeeTran COA, 2020, p. 134*. **The Mixed Use Overlay may be appropriate for properties within the ULTRA service areas, even though they are not within the extended pedestrian shed of a fixed transit route.** The revised Policy 11.2.1 below incorporates these changes to transit services for Mixed Use Overlay eligibility.

POLICY 11.2.1: The Mixed Use Overlay identifies locations where mixed use development will have a positive impact on transportation facilities ~~though~~ through increased transit service, internal trip capture, and reduced travel distance. Requests to expand the Mixed Use Overlay will be evaluated based on all of the following criteria:

1. ~~Located within the extended pedestrian shed of established transit routes; and,~~ Has access to a transit route located within:
 - a. The extended pedestrian shed of established transit routes; or,
 - b. Mobility on demand transit zones; and,
2. Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways; and,
3. Located within the Intensive Development, Central Urban, or Urban Community future land use categories; and,
4. Availability of adequate public facilities and infrastructure; and
5. Will not intrude into ~~predominately~~ predominantly single-family residential neighborhoods.

Amendment #4: Policy 25.8.4

Policy 25.8.4, which requires all new commercial development within the Lehigh Acres Community Plan Area to provide parking lot interconnections to adjacent properties while maintaining pedestrian or vehicular access from adjacent residential areas. The policy was adopted into the Lee Plan as part of the original Lehigh Acres Community Plan, previously Goal 32, by Lee County Ordinance 10-16, and was later moved by Ordinance 18-18, which reorganized Community Plan Area goals into sub-element b. of the Future Land Use Element. No other changes were made to Policy 25.8.4 in the 2018 Ordinance, and the policy has not been substantially changed since.

According to the staff report that led to the adoption of the Lehigh Acres Community Plan, the intent was to implement the Lehigh Acres Study¹. Policy 25.8.4 was intended to implement strategies identified in the planning document to protect the capacity of major roadways. The strategies that the Study included were access management requirements, such as shared drives and connected commercial parking lots, to reduce access onto major roadways. Recently, there has been a substantial increase in commercial permitting in the Lehigh Acres Community Plan Area, which has highlighted the inflexibility of Policy 25.8.4. As currently written, the policy provides that “all new commercial development must provide parking lot interconnections to adjacent properties.” **Due to small lot sizes, which often must be combined with additional parcels to accommodate development, as well as other constraints like wetlands, canals, and nearby residences, the required connection is not always physically feasible or desirable.**

Staff has reviewed the existing policy along with the intent identified in the planning study and finds that it can be made more flexible by recognizing the context of the initial recommendations, which were to

¹ Final Lehigh Acres Comprehensive Planning Study, submitted to Lee County Community Development by Wallace, Roberts & Todd, LLC, March 2009.

protect the capacity of major roadways through shared drives and connected commercial parking lots. The revised policy 25.8.4 below allows greater design flexibility by recognizing the original intent of the Policy and allowing developers of commercial projects to request deviations or variances when a physical constraint exists.

POLICY 25.8.4: To minimize driveway connections to arterial and major collector roadways, all ~~all~~ new commercial development must provide parking lot interconnections, with accompanying cross-access easement rights, to adjacent properties unless physical constraints prevent the interconnection, and must not prevent pedestrian or vehicular access from adjacent residential areas.

AMENDMENTS – ADMINISTRATION (CHAPTER XIII)

Chapter XIII of the Lee Plan is the Administration chapter of the Lee Plan and focuses on Effect and Legal Status, Administrative Interpretations, Legislative Interpretations, and Amendments to the document. The proposed amendments to Chapter XIII affect Part *b. Administrative Interpretations of the Plan*, which intends to expedite and reduce disputes over interpretations of the Lee Plan, resolve map or boundary disputes, avoid unnecessary litigation, and ensure consistency and predictability in Plan interpretation.

Amendment #5: Chapter XIII, Part b.2.e.(1)(b)

This section of the Administrative Chapter identifies minimum lot requirements for properties that are eligible to receive a Minimum Use Determination (MUD). The current language prohibits undersized properties within platted subdivisions from obtaining a MUD, even though other properties in the same subdivision have existing, vested MUDs or established residences that do not conform to the lot size standards of Chapter XIII. For example, staff encountered this issue in the Second Addition to Island Harbors Subdivision on Matlacha. Within this subdivision, several undersized properties currently have a MUD due to established precedent, while other undersized lots seeking to obtain a MUD would not qualify under the existing language of the Lee Plan. The proposed amendment aims to resolve this ongoing issue for property owners with undersized lots in platted subdivisions. To implement this change, Staff proposes the following amendment to Chapter XIII, Part b.2.e.(1)(b):

- (vi) Platted subdivisions with lots/parcels that do not meet current minimum lot requirements may obtain a Minimum Use Determination based on established precedent.

Amendment #6: Chapter XIII, Part b.2.e.(2)(e)

This section of the Administrative Chapter addresses what can be done with MUDs once they have been approved, including construction of a dwelling unit or combining with adjacent MUDs. There are currently potential internal inconsistencies within Chapter XIII, Part b.2.e.(2)(e). As currently written, it is unclear if MUDs may be combined in order to construct multi-family structures. The current language suggests applicability to multi-family properties by referencing “two or more contiguous properties,” however multi-family is not specifically mentioned. Any structure over two dwelling units is considered to be multi-family by both the Florida Building Code and the Lee County Land Development Code. To remove this potential internal inconsistency, Staff proposes the following amendment to Chapter XIII, Part b.2.e.(2)(e):

- (e) If two or more contiguous properties have each qualified for the right to construct a single-family residence and if the lots/parcels are located in a zoning district that permits duplex,

~~or two-family dwellings, or multi-family dwellings,~~ the lots/parcels may be combined to build a single duplex, ~~or two-family, or multi-family building~~ in lieu of constructing ~~two~~ single-family residences, provided the overall density will not increase.

Amendment #7 and #8 : Chapter XIII, Part b.2.e(5) and (9)

This section of the Administrative Chapter provides general standards for MUDs. The current language in Chapter XIII, Part b.2.e(5) states that a Minimum Use Determination (MUD) “may” be vacated once a property is brought into compliance with standard density ranges. However, it is not clear what process should be followed to vacate the MUD, or who has the responsibility to vacate the MUD. This is important as properties with approved MUDs are limited to a single-family residence along with accessory structures that are typically allowed with single-family residences and would preclude any non-residential uses that may be available to other similar properties that do not have an approved MUD.

The proposed amendment includes declarative language to provide a definitive resolution to this concern that will not require any additional action by the property owner. Specifically, the proposed amendment states that a MUD “will be” vacated when a property comes into compliance with standard density requirements. This change is intended to streamline the process of vacating a MUD on a property once it is no longer needed. To implement this change, Staff proposes the following amendment to Chapter XIII, Part b.2.e.(5):

- (5) A Minimum Use Determination ~~may~~will be considered vacated on a property that is brought into compliance with the standard density requirement of the Lee Plan.

Staff is also proposing to add language to this section of the Administrative Chapter that would exempt properties containing legally established residences from needing to obtain a MUD. Adding this item provides relief to homes that have already been legally established but have fallen below the standards of the Lee Plan or Land Development Code due to changed County policies, standards, or codes. To implement this change, Staff proposes to amend Chapter XIII, Part b.2.e, by adding a ninth general standard as follows:

- (9) Lots/parcels of record with a lawfully existing residence are not required to obtain a Minimum Use Determination.

AMENDMENTS – GLOSSARY (CHAPTER XIV)

The Glossary of the Lee Plan is located under Chapter XIV of the Lee Plan. The Glossary contains definitions of Lee Plan terminology which serve as an essential reference to ensure consistency and clarity in the interpretation of the goals, objectives, and policies of the document.

Amendment #9: Lee Plan Glossary

The following proposed amendment would involve the removal of “Wetlands” and “Public Facilities” from the definitions of Future Non-Urban Areas and Future Suburban Areas in the Lee Plan Glossary. These land use categories are found throughout the county and can be present within or around future urban, suburban, or non-urban areas. Eliminating them from these specific definitions will lead to a clearer, more consistent distinction of how the county defines Future Non-Urban and Future Suburban Areas.

FUTURE NON-URBAN AREAS – Those categories on the Future Land Use Map that are designated primarily for single use developments with a density equal to or less than 1 unit per acre

unless otherwise allowed within a special treatment area identified in Objective 1.7: Rural, Rural Community Preserve, Coastal Rural, Outer Island, Open Lands, ~~Wetlands~~, Conservation Lands (upland and wetland), New Community within the North Olga Planning Community and Density Reduction/Groundwater Resource. (Ord. No. 17-13, 18-06, 20-06)

FUTURE SUBURBAN AREAS – Those future urban categories on the Future Land Use Map that are designated primarily for single use developments: Suburban, Outlying Suburban, Sub-Outlying Suburban, Industrial Development, Airport, Tradeport, Commercial, Industrial Interchange, General Commercial Interchange, Industrial Commercial Interchange, University Village Interchange, University Community, ~~Public Facilities~~, and the New Community within the Gateway/Airport Planning Community. (Ord. No. 17-13, 18-06)

PUBLIC FACILITIES AND INFRASTRUCTURE AVAILABILITY ANALYSIS

The proposed amendments will not increase density or intensity; therefore, there will be no significant impacts to public facilities and services.

CONCLUSIONS

The Lee Plan, with the proposed text amendments, will provide for greater efficiency and flexibility of the County's planning goals, objectives, and policies while maintaining the protection of public health, safety, and welfare. These amendments accomplish this by removing inconsistent or outdated language and adding language that reflects the County's current conditions. These amendments will not affect standard density requirements or significantly change Community Plan Areas. The amendments are internally consistent with the Lee Plan as a whole.

For the reasons discussed in this staff report, staff recommends that the Board of County Commissioners ***transmit*** the proposed amendment as shown in Attachment 1.

PART 2
LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: April 27, 2026

A. LOCAL PLANNING AGENCY REVIEW

Prior to the staff presentation, staff distributed an updated Attachment 1. Staff explained there were two proposed amendments that appeared differently in Attachment 1 than in the staff report. Staff confirmed that the discussion and the amendments shown in the staff report were correct and the attachment distributed that morning was consistent with the staff report.

Following this, staff provided a presentation addressing the proposed text amendments within the Future Land Use Element, Administration Element, and Glossary of the Lee Plan.

After staff's presentation, the LPA asked about the proposed amendment to Policy 25.8.4 regarding situations where neighboring properties to commercial developments would not want to provide a cross-access easement. Staff acknowledged that this is an ongoing issue and explained that the amendment is intended to provide greater flexibility when such situations arise.

No members of the public were present or provided input.

B. LOCAL PLANNING AGENCY RECOMMENDATION

A motion was made to recommend that the Board of County Commissioners (BoCC) *transmit* CPA2026-00003. The motion passed 5 to 0.

DUSTIN GARDNER	AYE
DAWN RUSSELL	AYE
JENNIFER SAPEN	AYE
DON SCHROTENBOER	AYE
STAN STOUDE	AYE
HENRY ZUBA	ABSENT
VACANT POSITION	—

PROPOSED TEXT AMENDMENTS

FUTURE LAND USE ELEMENT

POLICY 2.1.3: All land use categories and Planning Districts permit the consideration of churches and schools (except in Wetlands and Airport Noise Zones A and B), public uses and buildings, public utilities and resource recovery facilities, public recreational uses (including franchised quasicommercial uses in conjunction with a public use), and sites for compatible public facilities when consistent with the goals, objectives, policies, and standards in this plan and applicable zoning and development regulations. (Ord. No. 94-30, 98-09, 21-09)

- The treatment of Wetlands in this policy is inconsistent with recent Board actions and other policies within the Lee Plan that address development within wetlands. Lee Plan Policy 124.1.2 allows for impacts to wetlands when done in accordance with state agency permits. Removing the exception removes a noted inconsistency within the Lee Plan.

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POLICY 6.1.2: Commercial development in non-urban future land use categories is limited to Minor Commercial except that:

- ~~Neighborhood Commercial uses serving the Lee County Civic Center are permitted within one quarter mile of SR31 between North River Road and the Caloosahatchee River in the North Olga Community Planning Area and may be expanded to Community Commercial when approved as part of a Planned Development that is located at the intersection of two arterial roadways and has direct access to, or the ability to extend, existing water and sanitary sewer utilities.~~
- Neighborhood Commercial uses are permitted in the Southeast Lee County Planning District as provided for in Objectives 13.3 and 33.2.5.

Minor Commercial development may include limited commercial uses serving rural areas and agricultural needs, and commercial marinas. Minor Commercial development must be located so that the retail use, including buildings and outdoor sales area, is located at the intersection (within 330 feet of the adjoining rights-of-way of the intersecting roads) of arterial and collector roads or two collector roads with direct access to both intersecting roads. Direct access may be achieved with an internal access road to either intersecting road. On islands, without an intersecting network of collector and arterial roads, commercial development may be located at the intersection of local and collector, or local and arterial, or collector and collector roads.

- The first bullet within Policy 6.1.2 identifies an area that is no longer within a non-urban future land use category. These areas are currently designated as Outlying Suburban, which is a future suburban area. This change occurred through Lee County Ordinance 23-03, which re-designated these areas from Rural and Wetlands to Outlying Suburban and Wetlands.

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POLICY 11.2.1: The Mixed Use Overlay identifies locations where mixed use development will have a positive impact on transportation facilities ~~though~~ through increased transit service, internal trip capture, and reduced travel distance. Requests to expand the Mixed Use Overlay will be evaluated based on all of the following criteria:

1. ~~Located within the extended pedestrian shed of established transit routes; and, Has access to a transit route located within:~~
 - a. the extended pedestrian shed of established transit routes; or,
 - b. mobility on demand transit zones; and,
2. Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways; and,
3. Located within the Intensive Development, Central Urban, or Urban Community future land use categories; and,
4. Availability of adequate public facilities and infrastructure; and
5. Will not intrude into predominately single-family residential neighborhoods.

(Ord. No. 07-15, 17-13)

- The proposed amendments would allow lands within LeeTrans new mobility on demand transit zones (ULTRA zones) to qualify for the Mixed Use Overlay. Staff proposed the above format of the amendment to ensure that properties within the ULTRA service areas, but not within the extended pedestrian shed of a fixed transit route, would not be excluded from consideration of the Mixed Use Overlay.

.....

POLICY 25.8.4: To minimize driveway connections to arterial and major collector roadways, all All new commercial development must provide parking lot interconnections, with accompanying cross-access easement rights, to adjacent properties unless physical constraints prevent the interconnection. ~~and must not prevent pedestrian or vehicular access from adjacent residential areas.~~

- Amend Policy 25.8.4 to change the current interconnection requirement between commercial development in Lehigh Acres in order to recognize the original intent and allow for more flexibility where such connections are not as feasible or beneficial.

XIII. Administration

b. Administrative Interpretations of the Plan

no changes are proposed to Chapter 13, Part b.1 through Part b.2.e.(1)(a)

(b) Minimum Lot Requirements:

- (i) A lot/parcel created before June 27, 1962 must be a minimum of 4,000 square feet in area; or
- (ii) A lot/parcel that is part of a subdivision recorded in the official Plat Books of Lee County on or after June 27, 1962, and prior to December 21, 1984, must have a width of at least 50 feet and an area of at least 5,000 square feet; or
- (iii) A lot/parcel created on or after June 27, 1962, and prior to December 21, 1984, that is not part of a subdivision recorded in the official Plat Books of Lee County must be a minimum of 7,500 square feet in area; or
- (iv) A lot/parcel created on or after December 21, 1984 was in conformance with the zoning regulations in effect at the time the lot/parcel was recorded; or
- (v) A lot/parcel approved as part of a planned unit development or planned development.
- (vi) Platted subdivisions with lots/parcels that do not meet current minimum lot requirements may obtain a Minimum Use Determination based on established precedent.

- The proposed amendment adds guidance to address properties within platted subdivisions that have existing MUDs though they do not meet the current minimum lot size requirements of this section.

no changes are proposed to Chapter 13, Part b.2.e.(1)(c) through Part b.2.e.(2)(d).

- (e) If two or more contiguous properties have each qualified for the right to construct a single-family residence and if the lots/parcels are located in a zoning district that permits duplex, ~~or two-family dwellings, or multi-family dwellings,~~ the lots/parcels may be combined to build a single duplex, ~~or two-family, or multi-family building~~ in lieu of constructing ~~two~~ single-family residences, provided the overall density will not increase.

- The proposed amendment adds multi-family residences to Part b.2.e.(2)(e). The current language of the item already implies applicability to multi-family properties by referencing “two or more contiguous properties”. Therefore, this amendment would make it clear that the provisions of this item apply to multi-family properties/buildings as well.

no changes are proposed to Chapter 13, Part b.2.e.(3) through Part b.2.e.(4).

- (5) A Minimum Use Determination ~~may~~will be considered vacated on a property that is brought into compliance with the standard density requirement of the Lee Plan.

- This amendment provides that a MUD will be considered vacated once a property is brought into compliance through other amendment to the Lee Plan and will eliminate the ambiguity of “may.” This amendment streamlines the process for eliminating MUDs when they are no longer needed.

no changes are proposed to Chapter 13, Part b.2.e.(6) through Part b.2.e.(8)

(9) Lots/parcels of record with a lawfully existing residence are not required to obtain a Minimum Use Determination.

- The proposed amendment adds number (9) to Chapter 13, Part b.2.e and would relieve properties containing legally established residences from needing to obtain a Minimum Use Determination.

.....

XIV Glossary

FUTURE NON-URBAN AREAS – Those categories on the Future Land Use Map that are designated primarily for single use developments with a density equal to or less than 1 unit per acre unless otherwise allowed within a special treatment area identified in Objective 1.7: Rural, Rural Community Preserve, Coastal Rural, Outer Island, Open Lands, ~~Wetlands~~, Conservation Lands (upland and wetland), New Community within the North Olga Planning Community and Density Reduction/Groundwater Resource. (Ord. No. 17-13, 18-06, 20-06)

FUTURE SUBURBAN AREAS – Those future urban categories on the Future Land Use Map that are designated primarily for single use developments: Suburban, Outlying Suburban, Sub-Outlying Suburban, Industrial Development, Airport, Tradeport, Commercial, Industrial Interchange, General Commercial Interchange, Industrial Commercial Interchange, University Village Interchange, University Community, ~~Public Facilities~~, and the New Community within the Gateway/Airport Planning Community. (Ord. No. 17-13, 18-06)

- The Wetlands and Public facilities future land use categories are ubiquitous and can commonly be found near future non-urban, future suburban, or future urban areas.