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-	Densieren e. Gede Defensement Herring
8	Renaissance Code Enforcement Hearing
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10	June 23, 2025
11	9:30 a.m. to 10:03 a.m.
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16	
17	APPEARANCES:
18	Amanda Rivera, Hearing Examiner
19	David Halverson, ESQ.
20	Anthony Rodriguez
21	Sarah Jackson
22	Anthony P. Pires, ESQ.
23	Zachary W. Lombardo, ESQ.
24	Benjamin Smith
25	Jonathan T. Guzman, Lee County Code Enforcement Specialist

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	Page 2		Page 4
1	THE HEARING EXAMINER: Good morning. My name is	1	the documents say.
2	Amanda Rivera, I'm the hearing examiner presiding over	2	And there's nothing in the LDC that I can find or
3	today's case.	3	that was presented in any of these documents that say
4	The date is June 23, 2025.	4	that commercial golf courses are commercial or
5	Because this is a quasi judicial hearing, all	5	noncommercial, absent some additional restrictions
б	evidence and testimony must be taken under oath.	6	that you typically see in the RPD zoning resolution
7	So if you intend to speak, if you could please	7	itself, which we don't have.
8	raise your hand.	8	So I respect irrespective of what that is, I
9	(Witnesses sworn in.)	9	spent a lot of time with this and going through
10	THE HEARING EXAMINER: Thank you. First, I want	10	everything. Regardless of whether that was an
11	to thank both of the parties for the copious amount of	11	accurate statement or not, as a matter of law, it's a
12	documents you provided to me. I have reviewed them in	12	permitted use. And the commercial nature of it cannot
13	thorough detail, and I am very prepared for today's	13	be restricted without some additional documentation
14	cases.	14	showing that that's what, indeed, is within the
15	So turning to the first case, the first one I	15	documents, and we don't have that. So that case
16	have is 08338.	16	cannot proceed.
17	Has that case been withdrawn?	17	The other three cases, I'm ready to hear you
18	MR. HALVERSON: 338, it's my understanding that	18	present, and if you can present them in tandem because
19	it has; is that correct?	19	they are intrinsically linked and then we can discuss
20	MR. GUZMAN: Aqree.	20	on the other side.
20	MR. HALVERSON: And before staff presents these	20	Are you presenting those cases or is that coming
21	cases, I just want to kind of give a brief	22	from him?
22	introduction.	23	MR. HALVERSON: He's presenting.
		23	
24 25	THE HEARING EXAMINER: Okay. You can; however, with case 02026 relating to the golf course, that	24 25	But I just wanted to, before he gets into it, I just want to say, you know, you talk about
1	Page 3 case, I'm going to give Seth the opportunity to	1	Page: 5-2025-02 02026, Mr. Guzman will be presenting
1		1	
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	D. C.		<b>D</b> 0
1	Page 6 occurring.	1	Page 8 resolution in Z-02-008 and LDC section 34-934.
2	So, with that, I'll turn it over to Mr. Guzman.	2	Personal services group two is not listed in the
3	MR. LOMBARDO: Your Honor, we filed motions to	3	approved scheduled uses for the Renaissance South
4	dismiss for all these based on procedural due process	4	residential planned development, pursuant to
5	grounds, and I think it would be appropriate to argue	5	resolution V-02-008 section B(2)(a).
6	those before stepping into evidence because, one of	6	This condition violates Lee County land
7	the things that was just noted is, while there are	7	development code Section 34-378 A. Noncompliance with
8	91 pages of briefs, what this indicates is that there	8	applicable plan development zone regulations and
9	is some ambiguity here. And what is most concerning	9	established in zoning regulation Z-02-008 section
10	to my client is that the position taken by the County	10	B(2)(a).
11	was first provided in June.	11	The action necessary to correct this violation is
12	These are March violations.	12	complete cessation of the personal services group two
13	THE COURT: I understand. And I don't want to	13	use immediately or rezone property to a zoning
14	interrupt you. You made those arguments, and I read	14	district that allows the personal services group two
15	them.	15	currently taking place.
16	Our procedure does not allow for prehearing	16	Notice of violation in and of this hearing was
17	motions of that nature for motions to dismiss; that's	17	provided via accepted certified mail to the property
18	why I didn't rule on those.	18	owner as reflected in the case record. Presented are
19	MR. LOMBARDO: Understood.	19	conditions of the condition prompting the notice of
20	THE HEARING EXAMINER: I reviewed them and I'm	20	violation.
21	familiar with the points you're making, aside from the	21	These photos were taken by myself on 3/12/2025
22	procedural defect that sounds like they've already	22	and on 6/18/2025. These pictures accurately reflect
23	cured under 08338, that case was the one that was not	23	the condition of the property. I inspected the
24	signed, I believe, was the issue, and they've	24	property on 6/18/2025 and found these violations still
25	withdrawn that.	25	exist as evidence by photo and the case record.
1	$$\operatorname{Page 7}$$ So the other ones are ready to proceed, and I	1	$$\operatorname{Page} 9$$ Property is occupied. I've had contact with the
2	would like to hear what they have to say. I've got	2	general manager.
3	some questions, but I agree with the County attorney,	3	I swear and affirm the photos fairly and
4	we don't need to rehash anything that was contained	4	accurately depict the condition of the property. I
5	within the documents because I have read those and ${\rm I}{\rm 'm}$	5	hereby enter the case file and the digital plan into
6	well prepared, so if you can please continue.	6	the official record.
7	MR. GUZMAN: Yes.	7	MR. LOMBARDO: At this point, we object to the
8	For the record, my name is Jonathan T. Guzman,	8	photos to coming in as irrelevant. They don't show
9	and I have been sworn. I am a Lee County code	9	the building and a locational sign, which, to my
10	enforcement specialist assigned to case number BIO	10	understanding, the allegation is a use allegation, not
11	2025-02029.	11	a condition of property allegation. And so we would
10			
12	The property owner associated with this case is	12	object to all photos that were just presented.
13	Concert Renaissance, LLC.	13	THE HEARING EXAMINER: Noted. Thank you.
13 14	Concert Renaissance, LLC. I inspected the property at 12771 Renaissance	13 14	THE HEARING EXAMINER: Noted. Thank you. Please continue.
13 14 15	Concert Renaissance, LLC. I inspected the property at 12771 Renaissance Way, Fort Myers, Florida 33912, on 3/12/2025 and	13 14 15	THE HEARING EXAMINER: Noted. Thank you. Please continue. MR. GUZMAN: I hereby enter the case file into
13 14 15 16	Concert Renaissance, LLC. I inspected the property at 12771 Renaissance Way, Fort Myers, Florida 33912, on 3/12/2025 and found the following condition: Zoning violation,	13 14 15 16	THE HEARING EXAMINER: Noted. Thank you. Please continue. MR. GUZMAN: I hereby enter the case file into the official record.
13 14 15 16 17	Concert Renaissance, LLC. I inspected the property at 12771 Renaissance Way, Fort Myers, Florida 33912, on 3/12/2025 and found the following condition: Zoning violation, operating commercial business beauty salon, spa,	13 14 15 16 17	THE HEARING EXAMINER: Noted. Thank you. Please continue. MR. GUZMAN: I hereby enter the case file into the official record. If the hearing examiner finds the violation, the
13 14 15 16 17 18	Concert Renaissance, LLC. I inspected the property at 12771 Renaissance Way, Fort Myers, Florida 33912, on 3/12/2025 and found the following condition: Zoning violation, operating commercial business beauty salon, spa, massages, facials, fitness center, et cetera,	13 14 15 16 17 18	THE HEARING EXAMINER: Noted. Thank you. Please continue. MR. GUZMAN: I hereby enter the case file into the official record. If the hearing examiner finds the violation, the County would request \$285 hearing cost, \$1,000 per day
13 14 15 16 17 18 19	Concert Renaissance, LLC. I inspected the property at 12771 Renaissance Way, Fort Myers, Florida 33912, on 3/12/2025 and found the following condition: Zoning violation, operating commercial business beauty salon, spa, massages, facials, fitness center, et cetera, classified as personal use, personal services group	13 14 15 16 17 18 19	THE HEARING EXAMINER: Noted. Thank you. Please continue. MR. GUZMAN: I hereby enter the case file into the official record. If the hearing examiner finds the violation, the County would request \$285 hearing cost, \$1,000 per day in daily fines, and as soon as compliant, inspection.
13 14 15 16 17 18 19 20	Concert Renaissance, LLC. I inspected the property at 12771 Renaissance Way, Fort Myers, Florida 33912, on 3/12/2025 and found the following condition: Zoning violation, operating commercial business beauty salon, spa, massages, facials, fitness center, et cetera, classified as personal use, personal services group two, beauty salon, spa, massages, facial, fitness	13 14 15 16 17 18 19 20	THE HEARING EXAMINER: Noted. Thank you. Please continue. MR. GUZMAN: I hereby enter the case file into the official record. If the hearing examiner finds the violation, the County would request \$285 hearing cost, \$1,000 per day in daily fines, and as soon as compliant, inspection. THE HEARING EXAMINER: Can you pause for one
13 14 15 16 17 18 19 20 21	Concert Renaissance, LLC. I inspected the property at 12771 Renaissance Way, Fort Myers, Florida 33912, on 3/12/2025 and found the following condition: Zoning violation, operating commercial business beauty salon, spa, massages, facials, fitness center, et cetera, classified as personal use, personal services group two, beauty salon, spa, massages, facial, fitness center, et cetera, pursuant to Lee County development	13 14 15 16 17 18 19 20 21	THE HEARING EXAMINER: Noted. Thank you. Please continue. MR. GUZMAN: I hereby enter the case file into the official record. If the hearing examiner finds the violation, the County would request \$285 hearing cost, \$1,000 per day in daily fines, and as soon as compliant, inspection. THE HEARING EXAMINER: Can you pause for one second.
13 14 15 16 17 18 19 20 21 22	Concert Renaissance, LLC. I inspected the property at 12771 Renaissance Way, Fort Myers, Florida 33912, on 3/12/2025 and found the following condition: Zoning violation, operating commercial business beauty salon, spa, massages, facials, fitness center, et cetera, classified as personal use, personal services group two, beauty salon, spa, massages, facial, fitness center, et cetera, pursuant to Lee County development code Section 34-622C33 in conjunction with the	13 14 15 16 17 18 19 20 21 22	THE HEARING EXAMINER: Noted. Thank you. Please continue. MR. GUZMAN: I hereby enter the case file into the official record. If the hearing examiner finds the violation, the County would request \$285 hearing cost, \$1,000 per day in daily fines, and as soon as compliant, inspection. THE HEARING EXAMINER: Can you pause for one second. Sir, can you go back to the second photo that you
13 14 15 16 17 18 19 20 21 22 23	Concert Renaissance, LLC. I inspected the property at 12771 Renaissance Way, Fort Myers, Florida 33912, on 3/12/2025 and found the following condition: Zoning violation, operating commercial business beauty salon, spa, massages, facials, fitness center, et cetera, classified as personal use, personal services group two, beauty salon, spa, massages, facial, fitness center, et cetera, pursuant to Lee County development code Section 34-622C33 in conjunction with the operation of a commercial club in a residential	13 14 15 16 17 18 19 20 21 22 23	THE HEARING EXAMINER: Noted. Thank you. Please continue. MR. GUZMAN: I hereby enter the case file into the official record. If the hearing examiner finds the violation, the County would request \$285 hearing cost, \$1,000 per day in daily fines, and as soon as compliant, inspection. THE HEARING EXAMINER: Can you pause for one second. Sir, can you go back to the second photo that you showed of the website?
13 14 15 16 17 18 19 20 21 22	Concert Renaissance, LLC. I inspected the property at 12771 Renaissance Way, Fort Myers, Florida 33912, on 3/12/2025 and found the following condition: Zoning violation, operating commercial business beauty salon, spa, massages, facials, fitness center, et cetera, classified as personal use, personal services group two, beauty salon, spa, massages, facial, fitness center, et cetera, pursuant to Lee County development code Section 34-622C33 in conjunction with the	13 14 15 16 17 18 19 20 21 22	THE HEARING EXAMINER: Noted. Thank you. Please continue. MR. GUZMAN: I hereby enter the case file into the official record. If the hearing examiner finds the violation, the County would request \$285 hearing cost, \$1,000 per day in daily fines, and as soon as compliant, inspection. THE HEARING EXAMINER: Can you pause for one second. Sir, can you go back to the second photo that you

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1       Serry, they're not numbered.       1       staff. There is an e-mail that would have to go to a maker of a maker of a maker of a maker of a maker.         2       BS. J&CSESS: Nah, there's a few of them.       2       them. They would have to be registrand to a maker of a maker.         4       There.       2       them. They would have to be registrand to be a maker of a maker.         4       There.       2       them. They would have to be registrand to be a maker of a maker.         5       bid (or optice)       2       them. They would have to be registrand to a maker of a maker.         6       makers, and that was in the documents the Courry       a maker.       4       The maxemater.         7       makers.       a maker.       9       THE HEADID Counces: the courry       7         9       a would not relationship have an maker of the paper maker.       11       M. HEADID Counces: the courry       12         10       the paper.       14       M. HEADID Counces: the courry       15       16         11       paper maker.       16       M. HEADID Counces: the courry       17         11       paper maker.       16       M. HEADID Counces: the courry optice.       17         12       paper maker.       18       M. HEADID Counces: the courry optice.       18         1		Page 10		Page 12
<ul> <li>THE HERENG EXEMPLES: Con you go back?</li> <li>there.</li> <li>there.</li> <li>the full, fully register and bar due due ty get.</li> <li>the context, and that was in the documents the Courty</li> <li>scheduler, and that was in the documents the Courty</li> <li>scheduler, and that was in the documents the Courty</li> <li>scheduler, and that was in the documents the Courty</li> <li>scheduler, and that was in the documents the Courty</li> <li>scheduler, and that was in the documents the Courty</li> <li>scheduler, and that was in the documents the Courty</li> <li>scheduler, and that was in the documents the Courty</li> <li>scheduler, and that was in the documents the Courty</li> <li>scheduler, and that was in the documents the Courty</li> <li>scheduler, and that was in the documents the Courty</li> <li>scheduler, and that was in the court is the court is an and that an and the court is an and that was in the section of the court is an and that was in the section of the court is an and that was in the section of the court is an and that was in the section of the court is an and that was in the section of the court is an and that was in the section of the court is an and that was in the section of the court is an and that was in the section of the court is an and that was in the section of the court is an and that was in the section of the court is an and that was in the section of the section of the court is an and that was in the section of the court is an and that was in the section of the court is an and that was in the section of the court is an and that was in the section of the court is an and that was in the section of the court is an and that was in the secourt is an and that was in the secourt is an and that was in</li></ul>	1	Page 10 Sorry, they're not numbered.	1	5
4         There.         4         they re just simply rejected and they durit get to           5         Bold m. Gay, do that may reminent the Contry         antitud already.         6           6         Bold may, do that may reminent the Contry         antitud already.         6           6         Bold may, do that may reminent the Contry         6         We have gets back and loads at all the meanth.           7         THE HARMEN EXAMPLE: Thack you.         6         We have great back and loads at all the meanth.           9         M. GENOM: Wa've asserting that it's open to         7         THE HARMEN EXAMPLE: Thack you.           9         M. GENOM: Wa've asserting that it's open to         7         THE HARMEN EXAMPLE: Thack you.           10         the public.         The HARMEN EXAMPLE: Thack you.         7           11         THE HARMEN EXAMPLE: Thack you.         7         THE HARMEN EXAMPLE: Thack you.           12         the public.         The HARMEN EXAMPLE: Thack you.         12           13         the public.         THE HARMEN EXAMPLE: Thack you.         12           14         THE HARMEN EXAMPLE: Thack you.         13         THE HARMEN EXAMPLE: Thack you.           14         The public with no relationable public with no relationable public with no relationable public with with antit we with a public with no relationable publ	2	MS. JACKSON: Yeah, there's a few of them.	2	them. They would have to be registered to a member of
<ul> <li>bild on. (kay. So that any residents and club</li> <li>methers, and that use in the document the Courty</li> <li>admitted already.</li> <li>So the question I have on this is: Is the Courty</li> <li>america is a dual to age to conversident guests or normaliset.</li> <li>methers?</li> <li>B. R. REFULLS' Thank you.</li> <li>B. REFULLS' Thank you.</li> <li>B.</li></ul>	3	THE HEARING EXAMINER: Can you go back?	3	The Club, they have to have a member number, or
6       memory, and that was in the documents the County       6       We have goes back and locked at all the records.         7       momentary, and that was in the documents the County       8       So the prestion 1 have on this is: Is the County         9       asserting it's open to the public at large or that       10       N. R. RLANDES: That's you.         11       andors?       N. R. RLANDES: That's you.       11         12       asserting it's open to the public at large or that       10       10         13       the preside of the the set of the second to an ordering he said?       11       12         14       THE HEREINE EXMINE: Yes.       12       12       11       11         15       public with no relationship to Ranisance whatsover       12       20       12       12       11       11       12       12       20       11       11       12       20       12       20       12       20       12       20       12       20       12       20       12       20       12       20       12       20       12       20       12       20       12       20       12       20       12       20       12       20       12       20       12       20       12       20       <	4	There.	4	they're just simply rejected and they don't get to
9       submitted already.       9       THE HEARDS DEMHERS: Thank you.         9       asserting it's open to the public at large or that       10       10         10       it's open to norresident guests or norresident       11       ME. READE DEMHERS: You can present the next         10       it's open to norresident guests or norresident       11       ME. READE DEMHERS: You can present the next         11       ME. READE DEMHERS: You can present the next       10       case, please.         11       ME. READE DEMHERS: You can present the next       10       case, please.         12       ME. READE DEMHERS: You can present the next       10         13       the public.       11       ME. READE DEMHERS: You         14       THE HEARD DEMHERS: You       11       ME. READE DEMHERS: You         15       accould frequent or go to the gua and make an       11       11       ME. READESCOMERS: You         15       accould hook a treatment. I know opposing consel would       of Paraissence do are methods at the same section of a sections of the public work hook weare the gualation at sections of a sections of the public work hook weare the gualation at sections of a sections of the public work hook weare the gualation at the section	5	Hold on. Okay. So that says residents and club	5	book their spa treatment.
<ul> <li>So the question I have on this is: I a the Courty 9 asserting it's open to the public at large or that is open to increasidant guests or normalident 10 it's open to increasing the guest of the season of the public of</li></ul>	6	members, and that was in the documents the County	6	We have gone back and looked at all the records.
9         asserting it's open to the public at large or that         9         THE HEARDD EXAMINE: You can present the next           10         it's open to moresident guests or norresident         1         10         case, please.           11         ti's open to moresident guests or norresident         1         10         case, please.           12         NR. GUEAN: We're asserting that it's open to         10         case, please.           13         the public with no relationship to Braisseance whatscover         10         10         case, please.           14         THE REARD EXAMINE: So why is a member of the         10         case, please.         11           15         appointment.         the out the system or go to the gue and make an         10         10         TO are whole position on this thing is this is not a           14         op interior as and make an         10         Corr whole position on this chumminy, we           15         adverse.         11         10         The REARD EXAMINE: Yee           15         adverse.         11         10         10         10         10         10           16         up interpoint as anter an ender.         10         10         10         10         10           16         outhese and it member. <td< td=""><td>7</td><td>submitted already.</td><th>7</th><td>THE HEARING EXAMINER: Thank you.</td></td<>	7	submitted already.	7	THE HEARING EXAMINER: Thank you.
<ul> <li>ii's open to nonresident guests or nonresident</li> <li>members?</li> <li>K. CUENF: We're asserting that it's open to</li> <li>the public.</li> <li>THE HEARING EXMINRT: So why is a menter of the</li> <li>public with no relationable to Remissiones dutanceser</li> <li>could frequent T that's the only question of fact I have</li> <li>or this case.</li> <li>N. RUMERSON That was something that I horoght</li> <li>up in my brief was that there is a link to culture</li> <li>probably have something to say in response to that</li> <li>gradbably have something to say in response to that</li> <li>gradbably have something to say in response to that</li> <li>the song the usen't a medie:</li> <li>THE HEARING EXMINRT: Only and it be gated</li> <li>winness on this point? We did sum this the brief</li> <li>the policy for this. Mindody colines is a vehicle</li> <li>the policy for this. Mindody coline is a vehicle</li> <li>that is und in heaver, it is and remains methers only</li> <li>met Cube.</li> <li>THE HEARING EXMINER: Only were structure.</li> <li>THE HEARING EXMINER: Only were structure for any one for the receid.</li> <li>with an entry on mether.</li> <li>the policy for this. Mindody coline is a vehicle</li> <li>that is und in heaver, it is and remains methers only</li> <li>M. RUMERSON HARD EXMINER: Only.</li> <li>File ADMINER: May. A mether of the regat</li> <li>that is und in heaver, it is and remains methers only</li> <li>M. RUMERSON HARD EXMINER: Only was a platform for spice in the following conditions: Zong violation, question of the port of the spin of the receid.</li> <li>M. RUMERSON HARD EXMINER: Only was a platform for spice in the sp</li></ul>	8	So the question I have on this is: Is the County	8	MR. RAINVILLE: Thank you.
11       MR. GUNRN: We're asserting that it's open to         12       MR. GUNRN: We're asserting that it's open to         14       THE HEARING EXAMPRE: So why is a member of the         15       public with no relationship to Remainsmote Watacover         16       could frequent orgo to the mga and mke an         17       appointment? That's the only question of fact I have         18       methades         19       why hrief was that there is a link to coline         10       could frequent orgo to the mga and mke an         11       MR. HAMMENN: That was something that I brought         10       pin my brief was that there is a link to coline         11       Dording, which would suggest any embers, whether that's         12       could frequent orgo to the provide club.         12       probably have asmething to say in respoce to that         14       I find it highly unlikely, if I were to look a         15       wearfield if something is hooked.         16       a witness on this point? We did soluti in the brief         16       a witness on this point? We did soluti in the brief         17       The HEARING EXAMENE: Ckay.         18       Me. GUNRAND: For the record, Me, SUNMEND: Way mae is         19       ad questa of members.         10	9	asserting it's open to the public at large or that	9	THE HEARING EXAMINER: You can present the next
12       MR. GURNAN: No 're asserting that it's open to       12       just respond to something he said?         13       THE HEADING EXMINER: So why is a member of the       13       THE HEADING EXMINER: So why is a member of the         14       THE HEADING EXMINER: So why is a member of the       14       MR. FAUNTER: 're         14       appointment? That's the only question of fact I have       16       accessarry to a private club.         15       who in sub-these is a link to colline       17       Our whole position on this thing is this is not a         16       outhic scee.       18       It's a commercial club, So that includes non-resents         16       assign that, well, it's only members, whether that's       20       It's a commercial club, So that this opa         17       appointment?       It's our statument, I have oppoing consel would       21       Nu understanding, it's over 100-plus different         18       private lub, whole you members, whether that's       22       Nu understanding, it's over 100-plus different         19       ordak have, well, would turn me away at the gate       Page 13       1       Nr. LOWENDO: Your Honor, may I         2       massage, that they would turn me away at the gate       1       Nr. LOWENDO: Your Honor, My neme is         3       all been covered in the documents.       4       My our gastion w	10	it's open to nonresident guests or nonresident	10	case, please.
<ul> <li>the public.</li> <li>The PEARING EXAMPLER: So why is a member of the public with no relationship to Remainsance Watacover (could frequent or go to the spa and make an exponenter? That's the only question of fact I have (could requent or go to the spa and make an exponenter? That's the only question of fact I have (could could be accound a club.)</li> <li>M. RAUMERSON: That was senething that I hought (could be accound a club as that there is a link to cultar (cound book a treatment.) That was senething that I hought (cound book a treatment.) I have caposing counsel would (cound book a treatment.) I have caposing counsel would (cound book a treatment.) I have caposing counsel would (cound book a treatment.) I have caposing counsel would (cound book at treatment.) I have caposing counsel would (cound book at treatment.) I have caposing counsel would (cound book at treatment.) I have caposing counsel would (cound book at treatment.) I have caposing counsel would (cound book at treatment.) I have caposing counsel would (cound book at treatment.) I have caposing counsel would (cound book at treatment.) I have caposing counsel would (cound book at treatment.) I have been word.) I have caposing to the max cape now.</li> <li>M. ROWANDO: Would it be helpful for us to call the polint, I would meak as whicked in the treatment.</li> <li>M. ROWANDO: Would it is and remains members only and guestic of methers.</li> <li>M. ROWANDO: Would it is and remains members only and guestic of make mains members on the selection for gas.</li> <li>M. RAINTLEZ: Rick Rainville, general manager if the treatment for anyone who is a lancement for anyone who is a lancement. There's safeguards in place.</li> <li>M. RAINTLEZ: I they were attempt to do so, with would</li></ul>	11	members?	11	MR. HALVERSON: Madam hearing examiner, can I
14       THE HEARING EXMINER: So why is a member of the 15 public with no relationship to Remainsance whatsoever 16 could frequent or go to the spa and make an 17 appointment? That's the colly question of fact I have 18 on this case.       14       MR. HAUTERSON: Fact was consthing that I brought 19 m. HAUTERSON: That was consthing that I brought 19 public with no rolly question of fact I have 19 public with does a treatment. I know orgosing counsel would 19 probably have sonething to say in response to that 14 asying that, well, it's only members, whether that's 15 broause I wasn't a member.       14       MR. HAUTERSON: Fact of the issue is that they're 19 do believe people using reciprocity with other clubs.         1       I find it highly unlikely, if I were to book a 20 aspease, that they would turn me away at the gate 3 broause I wasn't a member.       11       MR. LOMENED: Your Honor, may I 2       The HEARING EXMINE: 3 all been covered in the documents. 4 Wy only question was the factual question. 5 MR. LOMENED: Would it to the helpful for us to call 6 a witness on this point? We did submit in the helf 7 the policy for this. Kindody alline is a velticle 8 that is used: however, it is and renains members only 9 and guests of members. 10 THE HEARING EXMINE: May, Just on that 11 limited point, I would receive your testimary. 12 Please state your make for the record. 13 MR. RAINTLIE: Rick Rainville, general member 14 the club.       11       MR LOMENED: Club as that the operation of 14 the fallowing is really what it is. 15 ow point of alle does not have a platform for gas. 16 the EMENINE EXMINE: Okay. And if they were 17 strengt to do so, yAtt would 18 the EMENINE EXMINE: Would 19 were as chosed as a treatment for anyones who is a nonnember or non-member guest. 14 MR. RAINTLIE: If they were attempt to do so, yAtt would 19 were as the pool w	12	MR. GUZMAN: We're asserting that it's open to	12	just respond to something he said?
15       public with no relationship to Remainsance whatsoever         16       could frequent or go to the spa and make an         17       appointment? That's the only question of fact I have         18       private loads at the term is defined at Remainsance.         19       MR. HAUTESON: That was conching that I brought       private loads at the term is defined at Remainsance.         19       MR. HAUTESON: That was conching that I brought       private loads at the term is defined at Remainsance.         10       up in my brief was that there is a link to online       private loads at the term is defined at Remainsance.         10       up in my brief was that there is a link to online       private loads at the term is defined at Remainsance.         11       If ind i highly milkely, if i were of the public       probably have something is booked.       probably have something is booked.         11       I find i highly milkely, if I were to book a       massage, that they would turn me away at the gate       anassage, that they would turn me away at the gate         16       a witness on this point? We did submit in the brief       MR. LOMENDO: Your Honor, may I         11       I find i highly milkely, if I were to book a       massenge, that they would turn me away at the gate         3       an ansease on this point? We did submit in the brief       MR. LOMENDE COMINES: (Now, I         4       THE HEARING EXMINES	13	the public.	13	THE HEARING EXAMINER: Yes.
16       could frequent or go to the spa and make an       17       appointent? That's the only question of fact I have         17       appointent? That's the only question of fact I have       17       accessory to a private club.         18       on this case.       17       appointent? That was something that I brought         19       N. HAUMENEW: That was something that I brought       17       accessory to a private club.         20       up in my brief was that there is a link to online       18       of Benaissance who are mesters of this community, we         20       could book a creatment. I how opposing counsel would       y understanding, it's over 100-plus different         21       booking, which would suggest any member of the public       20       W understanding, it's over 100-plus different         22       would need to be limited to the residents of       22       Me understanding, it's over 100-plus different         23       verified if something is booked.       26       Remainsance to be consistent with a private club.         24       would need to be limited to the residents of       27       THE HEARING EXMINE:       10         3       all been covered in the documents.       4       10       10       Ne. LOMENEO: Your Hoor, may I         3       astimess on this point. Ne did subin in the briefs       10       10       Ne c	14	THE HEARING EXAMINER: So why is a member of the	14	MR. HALVERSON: Part of the issue is that they're
17       appointment? That's the only question of fact I have       18         18       exploring that is a construction of the public       17       Our whole position on this thing is this is not a         19       MR, BALMERSON: That was scmething that I brought       18       private Club as that there is a link to online         19       Dur whole position on this thing is this is not a       18         10       Dur whole position on this thing is this is not a         11       Dur whole position on this thing is this is commity, we         12       booking, which would suggest any member of the public         13       probably have scnething to asy in response to that         14       easing that, well, it's any member.       17         15       werified if something is booked.       18         11       I find it highly unlikely, if I were to book a       18         12       massage, that they would turn me away at the gate       18         14       THE HEARING EXAMINER: Okay.       18         15       MR. LOMPARDO: Your Broor, may I         16       a witness on this point? We did submit in the brief       16         16       the tis used indeever, it a and remains members only       18         19       and youe in any to the factual question.         10       THE	15	public with no relationship to Renaissance whatsoever	15	saying that this spa center is more or less an
18       on this case.         19       MR, HAURESON: That was something that I brought         10       up in my brief was that there is a link to noline         10       up in my brief was that there is a link to noline         10       booking, which wold suggest any member of the public         12       could book a treatment. I know opposing counsel would         13       probably have something to say in response to that         14       saying that, well, it's coly members, whether that's         15       because I wan't a member.         11       I find it highly unlikely, if I were to book a         12       massage, that they wold turn me away at the gate         13       a witness on this point? We did subnit in the brief         14       a witness on this point? We did subnit in the brief         15       MR, LOMBARDO: Mould it's behelpful for us to call         16       a witness on this point? We did subnit in the brief         15       MR, LOMBARDO: Mould it's a vehicle         16       that is used howere, it is and remains members only         19       and gaests of members.         10       THE HEARING EXMINER: Okay, Just on that         11       limited point, I would receive your testimory.         12       MR, RAINFULE: Rick Rainville, general manager <td>16</td> <td>could frequent or go to the spa and make an</td> <th>16</th> <td>accessory to a private club.</td>	16	could frequent or go to the spa and make an	16	accessory to a private club.
19       NR. HALVERSON: That was something that I brought         20       up in my brief was that there is a link to online         21       booking, which would suggest any member of the public         22       could book a treatment. I how opposing counsel would         23       probably have something to say in response to that         24       eaying that, well, it's only members, whether that's         25       verified if something is booked.         21       I find it highly unlikely, if I were to book a         23       because I wasm't a member.         24       wald need to be limited to the residents of         25       because I wasm't a member.         26       the HEXENNE EXMINER: (kay,         27       THE HEXENNE EXMINER: (kay,         28       the sued however, it is and remains members only         3       and guests of members.         30       HE HEXENNE EXMINER: (kay, Just on that         31       limited point, I would receive your testimory.         32       Pease fate your name for the record.         30       MR. RAINTILE: Rick Rainville, general manager         31       wei Mindowy because it's a platform         32       wei Mindowy because it's a platform         34       merever, since I have ben there or three     <	17	appointment? That's the only question of fact I have	17	Our whole position on this thing is this is not a
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21       booking, which would suggest any member of the public         22       could book a treatment. I know opposing counsel would         23       probably have something to say in response to that         24       saying that, well, it's only members, whether that's         25       verified if something is booked.         26       residents of         27       massage, that they would turn me away at the gate         3       because I wasn't a member.         4       the play low is could solve and the public         5       R. LOMENED: Nould it be helpful for us to call         6       a witness on this point? We did submit in the brief         7       the play low out and reaching your testionon.         21       Me. GUZMENNE: Count and reaching your testionon.         22       Page 13         3       Me. LOMENED: Your Honor, may I         7       THE HEARING SUMMENE: Okay.         8       Jonathan T. Guman, and I have been sworn. I am Lee         9       County code enforcement specialist assigned to case         10       THE HEARING SUMMENE: Okay.         12       He ave mindbody because it's a platform         13       We use hindbody because it's a platform         14       The Club.         15       W	19	MR. HALVERSON: That was something that I brought	19	It's a commercial club, So that includes non-resents
22       could book a treatment. I know opposing counsel would         23       probably have something to say in response to that         24       saying that, well, it's only members, whether that's         25       verified if something is booked.         26       reassage, that they would turn me away at the gate         27       massage, that they would turn me away at the gate         28       because I wasn't a member.         4       THE HEARING EXMINER: Okay.         5       NE. LOMEARDO: Would it be helpful for us to call         6       a witness on this point? We did submit in the brief         7       the policy for this. Mindbody online is a vehicle         8       that is used; however, it is and remains members only         9       and guests of members.         11       limited point, I would receive your testimory.         12       Please state your name for the record.         13       ME. NEARING EXMINER: Okay. Just on that         11       limited point, I would receive your testimory.         15       We use Mindbody because it's a platform         16       specifically for spa booking is really what it is.         17       Our point of sale does not have a platform         18       that's why we use that. Thare's safeguards in place.	20	up in my brief was that there is a link to online	20	of Renaissance who are members of this community, we
<ul> <li>23 probably have something to say in response to that</li> <li>23 saying that, well, it's only members, whether that's</li> <li>23 verified if something is booked.</li> <li>23 results and the probably have something is booked.</li> <li>24 would need to be limited to the residents of</li> <li>25 Penaissance to be consistent with a private club.</li> <li>26 Page 11</li> <li>27 find it highly unlikely, if I were to book a</li> <li>28 massage, that they would turn me away at the gate</li> <li>29 because I wasn't a member.</li> <li>31 THE HEARING EXAMINER: Okay.</li> <li>32 THE HEARING EXAMINER: Okay.</li> <li>33 and guests of members.</li> <li>34 that is used; however, it is and remains members only</li> <li>34 and guests of members.</li> <li>35 THE HEARING EXAMINER: Okay. Just on that</li> <li>31 limited point, I would receive your testimony.</li> <li>32 Please state your name for the record.</li> <li>34 We, RAINVILE: Rick Rainville, general manager</li> <li>35 We use Mindbody because it's a platform</li> <li>35 specifically for spa booking is really what it is.</li> <li>35 We have never, since I have been there for three</li> <li>36 whe have never, since I have been there for three</li> <li>37 years, booked a spa treatment for anyone who is a</li> <li>38 that's why we use that.</li> <li>39 THE HEARING EXAMINER: Okay. And if they were</li> <li>31 ANR. RAINVILE: If they were attempt to do so,</li> <li>31 ANR. RAINVILE: If they were attempt to do so,</li> <li>32 THE HEARING EXAMINER: I do so, what would</li> <li>34 MR. RAINVILE: If they were attempt to do so,</li> </ul>	21	booking, which would suggest any member of the public	21	do believe people using reciprocity with other clubs.
24       saying that, well, it's only members, whether that's       24       would need to be limited to the residents of         25       verified if something is booked.       24       would need to be limited to the residents of         26       Renaissance to be consistent with a private club.         7       If find it highly unlikely, if I were to book a       7         8       massage, that they would turn me away at the gate       7         9       beccuse I wasn't a member.       7         4       THE HEARING EXAMINER: Okay.       8         5       MR. LOMEARDO: Would it be helpful for us to call       3         6       a witness on this point? We did sumit in the brief       7         7       the policy for this. Mindbody online is a vehicle       8         8       that is used: however, it is and remains members only       9         9       and guests of members.       7         10       THE HEARING EXAMINER: Okay. Just on that       11         11       limited point, I would receive your testimory.       12         12       Please state your name for the record.       13         13       MR. RAINVILLE: Rick Rainville, general manager       14         14       the Club.       14       14       14         15 <td>22</td> <td>could book a treatment. I know opposing counsel would</td> <th>22</th> <td>My understanding, it's over 100-plus different</td>	22	could book a treatment. I know opposing counsel would	22	My understanding, it's over 100-plus different
25       verified if something is booked.       25       Remainsance to be consistent with a private club.         21       I find it highly unlikely, if I were to book a       1       MR. LOMEARDO: Your Honor, may I         2       massage, that they would turn me away at the gate       1       MR. LOMEARDO: Your Honor, may I         2       THE HEARING EXMINER: Okay.       3       all been covered in the documents.         4       THE HEARING EXMINER: Okay.       4       My only question was the factual question.         5       MR. LOMEARDO: Would it be helpful for us to call       6       Ma we can go to the next case now.         6       that is used; however, it is and remains members only       3       Jonathan T. Guzman, and I have been sworn. I am Lee         9       ad guests of members.       0       County code enforcement specialist assigned to case         10       THE HEARING EXMINER: Okay. Just on that       11       the tolub.       1         11       Initiated point, I would receive your testimory.       1       1       I inspected the property at 12771 Remaissance         13       MR. RAINVILLE: Rick Bainville, general manager       1       He Roalisance it's a platform       1         15       We use Mindbody because it's a platform       1       1       1         16       the Roalissanc	23	probably have something to say in response to that	23	clubs can all come here, so we would say that this spa
Page 11       Frage 11       Page 13         1       I find it highly unlikely, if I were to book a       1       MR. LOMBARDD: Your Honor, may I         2       massage, that they would turn me away at the gate       3       1       MR. LOMBARDD: Your Honor, may I         2       THE HEARING EXAMINER: Okay.       3       all been covered in the documents.       4         4       THE HEARING EXAMINER: Okay.       4       My only question was the factual question.       5         5       MR. LOMBARDD: Would it be helpful for us to call       5       And we can go to the next case now.       6         6       a witness on this point? We did submit in the brief       6       Thank you.       7       MR. GUZMN: For the record, my name is         8       Jonathan T. Guzman, and I have been sworn. I an Lee       9       County code enforcement specialist assigned to case         10       THE HEARING EXAMINER: Okay. Just on that       10       the case is Concert Renaissance, LLC.         11       limited point, I would receive your testimory.       11       inspected the property at 12771 Renaissance         13       MR. RAINVILLE: Rick Rainville, general manager       14       the following conditions: Zoning violation, operating         14       the Cub.       11       inspected the property at 12771 Renaissance	24	saying that, well, it's only members, whether that's	24	would need to be limited to the residents of
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3       because I wasn't a member.       3       all been covered in the documents.         4       THE HEARING EXAMINER: Okay.       4       My only question was the factual question.         5       MR. LOMBANDO: Would it be helpful for us to call       5       And we can go to the next case now.         6       a witness on this point? We did submit in the brief       7       MR. GUZMAN: For the record, my name is         8       that is used; however, it is and remains members only       9       County code enforcement specialist assigned to case         9       and guests of members.       9       County code enforcement specialist assigned to case         10       THE HEARING EXAMINER: Okay. Just on that       11       the case is Concert Renaissance, LLC.         11       Please state your name for the record.       12       I inspected the property at 12771 Renaissance         13       MR. RAINVILLE: Rick Rainville, general manager       13       Way, Fort Myers, Florida 33912 on 3/12/2025 and found         14       the Club.       14       the Renaissance community, classified as a restaurant,         16       we use Mindbody because it's a platform       16       the Renaissance comjunity with the operation of         16       the van were, since I have been there for three       19       commercial club and is inconsistent with the approved         <	1		1	
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10THE HEARING EXAMINER: Okay. Just on that10number BIO 2025-02021. The property associated with11limited point, I would receive your testimony.11the case is Concert Renaissance, LLC.12Please state your name for the record.12I inspected the property at 12771 Renaissance13MR. RAINVILLE: Rick Rainville, general manager13Way, Fort Myers, Florida 33912 on 3/12/2025 and found14The Club.14the following conditions: Zoning violation, operating15We use Mindbody because it's a platform15a restaurant, which is not limited to the residents of16specifically for spa booking is really what it is.16the Renaissance community, classified as a restaurant,17Our point of sale does not have a platform for spa:17group three, classified pursuant to LDC18that's why we use that. There's safeguards in place.18Section 34-622C43 in conjunction with the operation of19We have never, since I have been there for three19commercial club and is inconsistent with the approved20years, booked a spa treatment for anyone who is a20zoning resolution Z-02-008 and LDC Section 34-934.21THE HEARING EXAMINER: Okay. And if they were22approved schedule of uses for the Renaissance South23attempt to do so, what would24Renaissance planned development pursuant to resolution24MR. RAINVILLE: If they were attempt to do so,24Z-02-008 section B(2)(a).	8	that is used; however, it is and remains members only	8	Jonathan T. Guzman, and I have been sworn. I am Lee
11limited point, I would receive your testimony.11the case is Concert Renaissance, LLC.12Please state your name for the record.12I inspected the property at 12771 Renaissance13MR. RAINVILLE: Rick Rainville, general manager13Way, Fort Myers, Florida 33912 on 3/12/2025 and found14The Club.14the following conditions: Zoning violation, operating15We use Mindbody because it's a platform15a restaurant, which is not limited to the residents of16specifically for spa booking is really what it is.16the Renaissance community, classified as a restaurant,17Our point of sale does not have a platform for spa;17group three, classified pursuant to LDC18that's why we use that. There's safeguards in place.18Section 34-622C43 in conjunction with the operation of19We have never, since I have been there for three19commercial club and is inconsistent with the approved20years, booked a spa treatment for anyone who is a20zoning resolution Z-02-008 and LDC Section 34-934.21THE HEARING EXAMINER: Okay. And if they were22approved schedule of uses for the Renaissance South23attempt to do so, what would24MR. RAINVILLE: If they were attempt to do so,2424MR. RAINVILLE: If they were attempt to do so,24Z-02-008 section B(2)(a).	9	and guests of members.	9	County code enforcement specialist assigned to case
12Please state your name for the record.12I inspected the property at 12771 Renaissance13MR. RAINVILLE: Rick Rainville, general manager13Way, Fort Myers, Florida 33912 on 3/12/2025 and found14The Club.14the following conditions: Zoning violation, operating15We use Mindbody because it's a platform15a restaurant, which is not limited to the residents of16specifically for spa booking is really what it is.16the Renaissance community, classified as a restaurant,17Our point of sale does not have a platform for spa;17group three, classified pursuant to LDC18that's why we use that. There's safeguards in place.19Section 34-622C43 in conjunction with the operation of19We have never, since I have been there for three19commercial club and is inconsistent with the approved20years, booked a spa treatment for anyone who is a20zoning resolution Z-02-008 and LDC Section 34-934.21THE HEARING EXAMINER: Okay. And if they were22approved schedule of uses for the Renaissance South23attempt to do so, what would24Renaissance planned development pursuant to resolution24MR. RAINVILLE: If they were attempt to do so,24Z-02-008 section B(2)(a).	10	THE HEARING EXAMINER: Okay. Just on that	10	number BIO 2025-02021. The property associated with
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23       attempt to do so, what would       23       Renaissance planned development pursuant to resolution         24       MR. RAINVILLE: If they were attempt to do so,       24       Z-02-008 section B(2)(a).		•		• •
24     MR. RAINVILLE: If they were attempt to do so,     24     Z-02-008 section B(2)(a).				
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25 CHART THE CONTRACT OF THE OFFICE CONTRACT THE OFFICE CONTRACTOR ATOMICS THE CONTRACTOR ATOMICS THE CONTRACT THE				
	24	MR. RAINVILLE: If they were attempt to do so,	24	Z-02-008 section B(2)(a).

Image: 10         Description         Description <thdescription< th=""> <thdescription< th="">         &lt;</thdescription<></thdescription<>				
2       applicable planed development zero regulations         3       activation determine regulations         4       model(1)         5       The action measury to correct this violation is         6       compact constain of the relaxational stop, torce with the violation of food albowerage service tore         7       immediately by limiting food and because services to         8       only methers of the framinisment group three services         9       permant to LOS Section 34.2 and limits in the approved         11       achancel of uses for the Framinisment to resolution 7-40-408         12       permant to LOS Section 10.2 (a) or recore property to a radius         13       accurately valuing place.         14       betword the violation and of this hearing was         15       correctly valuing place.         16       betword the violation and of this hearing was         17       pervolution values and protocol the condition of the property         18       correctly values grant to any difference of the condition of the property         19       research values wide was any difference in the property is coupied.         11       inproceeding the condition of the property         12       reproved wide and this the property         14       the order of windiation of the property	1	Page 14 development code Section 34-378 A, noncompliance with	1	Page 16 day daily fines, and as soon as compliance inspection.
3       established in the soning resolution, Z-22-00 section         4       B21/al.         5       The action meessary to correct this violation is         6       complex descent on the restaurant group these use         1       inselinately by limiting food and hearage services initial         0       converse to the scalassance BAA, consistent with         9       the definition of food and hearage services initial         10       premant to LD Sectics 34-42 and limited in the approach         11       action to the violation 2-42-08         12       planned development pursuant to creativitin 2-42-08         13       section R(A) on reacce pregrety to a oxing         14       district that allows the restaurant group three use         15       converty Main glace.         16       Notice of the violation and of this hearing was         17       provided via accepted certified mail to the property.         18       acceleration in the controlled?         19       Presented the property on 618/2025 and oxing the group many acceleration in controlled?         20       masse and effine the photos fairly and         21       the wiolations of the group many acceleration in comparison acceleration?         21       the wiolation of the group many acceleration in comparentin anany of the acceleration?				
4       B(2)(a).       4       as the last case. Is this open to the public at large         5       The action meensary to correct this violation is       is open to transmit group three use         7       Interdiancy by limiting food and beverage services to       90.         8       outly methers of the sensitesmen BA, consistent with       90.         9       tasticition 34-2 as listed in the aggrowd       90.         10       perment to LD Section 34-2 as listed in the aggrowd       90.         11       achelia of use for the sensitesmen BA, consistent with       90.         12       phened development pursuent to resolution 7-02-008       90.         13       section B(2)(a) or remose property to a anong       100.         14       accept public test is open to the public, but we do not         15       accept public test ison.       100.         16       Notice of the violation and of this having use       100.       100.         17       mesodien Still Scient are plotures of the condition property       100.       100.       100.         16       network and film the perserty.       11       11.       100.       100.         17       Interaction still divit a controlled?       11.       100.       100.       100.         16       thowin				
5         The action necessary to correct this violation is or organize casacin of the restaurant group three use immediately by limiting food and hereage services in orday members of the Benaiasance HB, consistent with 9 the definition of food and hereage services in orday to elevelance the services in the approved 11 acheble of uses for the Benaiasance SLA consistent with 9 planed decigence presents to resolution 2-4-2008 13 accurately decigence presents to resolution 2-4-2008 14 diarcite that alloss the restaurant group three use 15 currently taking place.         5 or is if open to resolution 2-4-2008 13 accept on the service in the approved 14 diarcite that alloss the restaurant group three use 15 currently taking place.         1 mm HEADER EXAMPLE: Newybody that is a 12 provedient that is open to the public, but we do not 13 accept public testinow.           16         Provided via accepted certified number to resolution.         16 members, where any dot was 17 provided via accepted certified number of the property 19 owner, an reflected in the case record.         16 members, and medier genests.           17         Provestime the case record.         17 MS. RANNILLE: Networks and medier genests.           18         18 members of the scale could.         18 MS. RANNILLE: Networks and medier genests.           19         MS. RANNILLE: Networks and medier genests.           10         The property is accurately service of his protes for the resolution of the property.         18 MS. RANNILLE: Networks accord.           11         The mediation of the property.         18 MS. RANNILLE: Networks accord.           11         The property is accurately service of hi		5	4	-
6       OWNER CONTRACT: Not Note: Not Not Note: Not Not Note: Not Not Note:		The action necessary to correct this violation is	5	
7       THE HERLINE EXAMINE: Yes, please.         8       only members of the Remainsance RAX, consistent with         10       permant to LOD Section 34-2 as listed in the approved         11       schedule of uses for the Remainsance South residential         12       planed deselopment pursuant to resolution 24-2080         13       accurately taking place.         14       district that allows the restaurant group three use         15       carrently taking place.         16       bries of the violation and of this hearing was         17       provided us accepted worthid mult be the preparty         18       owner, as reflected in the case record.         19       Presented are pictures of the condition of the preparty.         10       The appended the preparty on of 18/2025. These pictures         10       The appended the preparty on of 18/2025. These pictures         10       the violations with egnessian encoded.         11       The appended the generation manager.         12       The appended the preparty.         13       accurately reflect the condition of the preparty.         14       the violations with the genesian encoded.         15       Is accept and multime the openetion of the preparty.         16       the violation of the preparty.	6	•	6	
8       only members of the Renaisance HOA, consistent with         9       the definition of food and bewraps service limited         9       the definition of food and bewraps service limited         11       achield of uses for the Renaisance South residential         12       phone of the Volta comparity to a source property to a source property to a source of the voltation and of this hearing was         13       accurrently taking place.         14       district that allow the restaurant grap three use         15       corrently taking place.         16       restant are pictures of the condition of the property.         17       owner, as reflected in the conserect.         18       messate and affini the property to a fold/2005 face property.         19       is needed with the determine manager.         20       the voltations still cost as evidenced in the photo         21       the voltation still cost are evidenced in the photo         22       is are provided to the gate.         23       I even and affini the photor fairly and         24       accurately depict the condition of the property.         3       I even and as end affini the photor fairly and         4       accurately depict the condition of the property.         5       Thereby enstar the case file into the official			7	•
<ul> <li>9 the definition of food and beverage service limited</li> <li>10 purposed in the formalisenes outh the sequenced</li> <li>11 status Status</li></ul>	8		8	
10       pursuant to LCD Section 34-2 as listed in the approved       10       (Derrycen in the crood speaks simultaneously.)         11       achabile of uses for the Remissance South residential       11       THE FARME SAMING: Everychy?) this is a         12       planed development purnant to resulting 2-02-008       12       proceeding that in open to the public, but we do not         13       asctice 8(2)(1a) or renow property to a suring       14       31 accept public testincey.         14       district that allows the restaurant group three use       15       in the cross explicit, but we do not         15       owner, as reflected in the case record.       16       record.       17         16       record of violation, mode of 18/2025, These pictures       17       NR. RIMULLE: No. these and member gasts.         16       record.       16       NR. RIMULLE: No. these to community, number coe.         17       The property on 6/18/2025 and found       10       11       memer record.         16       the violations athle case record.       10       NR. RIMULLE: No. these is a guest who is not a         17       The property on 6/18/2025, These pictures       12       to the club inter commuting member runnet         16       the violation ath the general manager.       1       14       the violation of the property.       14 <t< td=""><td></td><td>· ·</td><td></td><td></td></t<>		· ·		
11       schedule of uses for the Remaissance South residential       11       THE HERRING EXMINER: Sverydody; this is a         12       planed development pursuant to resolution 2-02-086       12       proceeding that is open to the public, but we do not         13       acctor RN [21/4] or resource property to a soning       13       account stype public testimory.         14       district that allows the restaurant group three use       13       account stype public testimory.         15       Notice of the violation and of this bacring was       14       So I bear what you are saying; your displeasure         16       Notice of the violation and of this bacring was       16       record.         16       Notice of the violation. These photos were taken by       17       Me. RAINTILLS: Mathers and member guests.         17       Me satisfy reflect the condition of the property.       18       THE DORT: Rud how is that controlled?         18       proceeding that controlled?       19       Me. RAINTILLS: Mathers and member guests.         19       west and of 12/2025. These pictures       20       Well, two things: Take how is that controlled?         10       the violations at the property.       14       Well, two things: a guest, we do mostly member charge,         2       I how the asser record.       20       Well, two things: a guest, we do mostly member charge,     <				
12       planned development pursuant to reasolution 2-02-008       12       proceeding that is open to the public, hut we do not         13       accurately taking place.       14       accurately taking place.       15       is noted i however, in this proceeding, it's not         16       Notice of the violation and of this bearing was       16       Notice of the violation and of this bearing was         17       provided via accepted cartified nail to the property       18       is noted i however, in this proceeding, it's not         19       oner, as reflected in the case record.       18       THE CORF: End how is that controlled?         19       mession of 0/10/205. Sind on 0/10			11	
<ul> <li>a section B(2)(a) or rezon property to a zoning</li> <li>district that allows the restaurant group three use</li> <li>currently taking place.</li> <li>Notice of the violation and of this bearing was</li> <li>provided via accepted cartified mill to the property</li> <li>owner, as reflected in the case record.</li> <li>Presented are pictures of the condition prompting</li> <li>the notice of violation. These plotes were taken by</li> <li>accurately reflect the condition of the property.</li> <li>I inspected the property on 6/18/2025 and found</li> <li>the violations still exist as evidenced in the photo</li> <li>py photo and the case record.</li> <li>Present of the condition of the property.</li> <li>The property is compied.</li> <li>The property is compied.</li> <li>The property is compied.</li> <li>There and a first the photos first of the property.</li> <li>There are and affirm the photos first parts</li> <li>There had contact with the general manager.</li> <li>There had to imagine that compictal retaurant has no hotsease, waites, anything.</li> <li>The mean is a lise irrelevant. They don't the aste irrelevant. They don't the state with a single review because a first into the official for exercising about eadings not a single person present in any of them.</li> <li>The there is a low irrelevant. They don't the state and the with the aster irrelevant.</li> <li>The there is a low irrelevant. There's no the there is a low irrelevant.</li> <li>The there is a low irrelevant.</li> <li>The there is a low irrelevant that a private approximation at the cond irrelevant.</li> <li>The there is a l</li></ul>	12		12	
14       district that allows the retarant group three use         15       currently taking place.         16       Notice of the violation and of this bearing was         17       Main accepted certified nail to the property         18       anear, as reflected in the case record.         19       Presented are pictures of the condition prompting         10       the notice of violation. These pictors were taken by         21       accurately reflect the condition of the property.         23       I impected the property on 61/3/2025 and found         24       the violations still exist as evidenced in the photo         25       protick and the case record.         26       The property is compied.         27       The property is compied.         3       I seear and affint the photos fairly and         4       photographs since they are not relevant.         3       I seear and affin the photos fairly and         4       photographs since they are not relevant.         5       T hereby enter the case file into the official         6       result, for guests, we do take credit mails.         7       Mc. LORADED: We, spaint and of the property.         6       T hereby enter the case file into the official         7       recountaft, about presert, i			13	
15       currently taking place.         16       Notice of the violation and of this hearing was         17       provided via accepted certified mail to the property         18       owner, as reflected in the case record.         19       Presented are pictures of the condition prompting         10       the notice of violation. These pictures         21       mage of 31/2/205 and on 6/18/2025. These pictures         22       accurately reflect the condition of the property.         23       I ispected the property of 0/8/2025 and found         24       the violations still exist as evidenced in the photo         25       by photo and the case record.         20       The property is occupid.         21       The property is occupid.         2       I have had contact with the general manager.         3       I sevar and affirm the photos fairly and         4       accurately depic the condition of the property.         5       I hereby enter the case file into the official         6       reaction.         16       reaction.         17       Ms. LOMERCO: We, again, object to all the         18       response to that question?         19       the relawart. They don't         10       restament. I don't thick a si	-			
16       Notice of the violation and of this hearing was       17       For elevant.         17       provided via accepted certified mail to the property       80       NR. RAINVILLS: Members and member guests.         18       rescuented are pictures of the condition prompting       18       RE. RAINVILLS: Note is that controlled?         19       presented are pictures of the condition of the property.       18       RE. RAINVILLS: Note is that controlled?         20       well, two things: Number one, all guests coming       10       the violations still exist as evidenced in the photo         21       is property is compiled.       20       Well, two things: Number one, all guests coming         21       is property is compiled.       21       is are you a member of the commity, number one.         22       I have had contact with the general manager.       11       would be asked by the staff what their member member         2       I have had contact with the general manager.       11       would be asked by the staff what their member member         3       I seear and affirm the photos fairly and       3       If you're a guest, we do mostly member charge,         4       accurately depict the condition of the property.       3       If you're a guest, we do mostly member charge,         3       I needy mark the age in the down as ingle person present in any of them.       11			15	
17       provided via accepted certified mail to the property       17       MR. RAINTLLE: Members and member guests.         18       owner, as reflected in the case record.       18       THE COURT: And how is that controlled?         19       Presented are pictures of the condition prompting       19       MR. RAINTLLE: How is that controlled?         10       mass are pictures of the condition of the property.       19       MR. RAINTLLE: How is that controlled?         20       accurately reflect the condition of the property.       19       MR. RAINTLLE: How is that controlled?         21       is accurately reflect the condition of the property.       19       MR. RAINTLLE: How is that controlled?         22       is accurately reflect the condition of the property.       19       MR. RAINTLLE: How is that controlled?         23       I have had contact with the general manager.       10       And, number two, if there is a guest who is not a         24       I have had contact with the general manager.       11       Support the condition of the property.         3       I seek and affirm the photos fairly and       16       Fuely enter the case file into the official         5       remerky enter the case file into the official       Fuely enter the case file into the grouperty.       17         6       THE HEARING EXAMPREY       The theaving is not a file group resent in any of the	-			, 1 3,
13       owner, as reflected in the case record.       13       THE CORF: And how is that controlled?         19       Presented are pictures of the condition prompting       14       PRE		-		
19       Presented are pictures of the condition prompting       19       MR. RAINVILLE: How is that controlled?         20       the notice of violation. These photos were taken by       20       Well, two things: Number one, all quests coming         21       uspected the property on 6/18/2025. These pictures       20       Well, two things: Number one, all quests coming         22       a council condition of the property.       21       to the club have to come through the gate house, which         23       I inspected the property on 6/18/2025 and found       22       insees are provided to the gate. So general public         24       the violations still exist as evidenced in the photo       24       And, number two, if there is a guest who is not a         25       by photo and the case record.       24       And, number two, if there is a guest, we do nostly member maker         2       I have had contact with the general manager.       3       1       would be asked by the staff what their member maker         3       I seem and affirm the photos fairly and       3       1       fyou're a guest, we do nostly member charge,         4       accurately depict the condition of the property.       4       but, for guests, we do take credit cards.       7         5       I hereby enter the case file into the official       6       THE HERNEN EXMENTE: Thank you.       7				5
20       the notice of violation. These photos were taken by         21       myself on 3/12/2025 and on 6/18/2025. These pictures         22       accurately reflect the condition of the property.         23       I inspected the property on 6/18/2025 and found         24       the violations still exist as evidenced in the photo         25       by photo and the case record.         Page 15         1       The property is occupied.         2       I swear and affirm the photos fairly and         4       accurately depict the condition of the property.         5       I hereby enter the case file into the official         6       record.         7       MR. LOMENADO: Ne, again, object to all the         8       photographs since they are not relevant. There's no         13       requirement that a private club provide free food to         14       its members. So the fact they have a menu specifying         15       I would also object to Google reviews because a         10       tot of these are talking about weddings: not a         18       restaurant. I don't think a single review talks about         19       well also object to Google reviews because a         10       tot flees are talking about weddings: not a         18       restaurant. I				
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	Dec. 10		D 20
1	Page 18 the case about the restaurant; not the events.	1	Page 20 assigned to case number BIO 2025-02032. The property
2	THE HEARING EXAMINER: This is the restaurant	2	owner associated with this case is Concert
3	case. I know we'll get to the next case.	3	Renaissance, LLC.
4	MR. HALVERSON: I'm getting to the restaurant	4	I inspected the property at 13771 Renaissance
5	issue.	5	Way, Fort Myers, Florida 33912 on 3/12/2025 and found
6	THE WITNESS: Open to the public event?	6	the following condition: Zoning violation, operating
7	BY MR. LOMBARDO:	7	a recreational facility commercial group five
8	Q. Events, yes.	8	correction, group four, classified or pursuant to LCD
9	A. We have events at the club that are either member	9	section 34-622C38, in a residential planned
10	sponsored or wedding or bar mitzvah. Those are the only	10	development without zoning approval by allowing
11	events.	11	nonresidents to book the clubhouse facility for
12	(Everyone in the crowd speaking simultaneously.)	12	events, including, but not limited to, private shows,
13	THE COURT: Again, I apologize. I need to be	13	holiday parties, golf tournaments, charity events, et
14	able to hear the responses. It is open to the public.	14	cetera.
15	If you are not able to contain yourself, there are	15	The commercial business promotes the sale of
16	other rooms you can have overflow, so you can still	16	- individual memberships to individuals living outside
17	see the proceedings. But I need to focus on the	17	the Renaissance committee through social media ads and
18	testimony, and I appreciate your respect of that.	18	e-mails.
19	THE WITNESS: Yeah, these are events that we've	19	This condition violates Lee County land
20	had they're limited one and two, they're not open to	20	development code Section 34-378A not in compliance
21	the public, private events that are booked at The	21	with applicable plan development zone regulations
22	Club, so they are guests of The Club.	22	established in zoning resolution Z-02-008 section
23	BY MR. LOMBARDO:	23	B(2)(a).
24	Q. But the attendees are not members, correct, not	24	The action necessary to correct this violation is
25	all the time?	25	complete cessation of the recreation facility,
1 2	<ul><li>A. In some cases, the attendees are not members.</li><li>Q. Well, the attendees that aren't members, if they</li></ul>	1	commercial group four by discontinuing the leasing of the clubhouse facility for outside events until the
3	wanted to stick around and have a burger at the	3	property is rezoned to a zoning district that allows
4	restaurant, would they be able to do so?	4	the recreation facility commercial group four use
5	A. If they're not part of the event, no.	5	currently taking place or operate the golf course as a
6	Q. If they were part of the event but not a member,	6	club private as approved in the zoning resolution
7	they could eat at the restaurant; correct?	7	Z-01-041, section A, section $B(2)(a)$ , and zoning
8	A. They could not eat if they were part of the	8	resolution Z-02-008, section B(2)(a).
9	event so we have an event, there's a scope of the	9	Notice of this violation in and of this hearing
10	event, there's a time for the event, when it begins and	10	was provided via accepted certified mail to the
11	when it ends, then they would get their service during	11	property owner, as reflected in the case record.
12	that time.	12	Representative are the pictures of the condition
13	If they're not there for that event or during	13	prompting the notice of violation.
14	that event, then they would not be served. They can't	14	These photos were taken by myself on 3/12/2025
15	just come up and order a burger, as you mentioned.	15	and on 6/18/2025.
16	Q. I'm saying at the time of the event, the event	16	These pictures accurately reflect the condition
17	attendees can utilize the restaurants; correct?	17	of the property. I improve the property on $E/10$ and found the
18	A. Correct.	18	I inspected the property on 6/18 and found the
19 20	Q. All right. That's all I have.	19	violation still exists, as evidence by photo in the
20	THE HEARING EXAMINER: Thank you.	20	case record.
21	Can you proceed with the next case, please?	21	The property appears to be occupied.
22 23	MR. GUZMAN: Yes.	22	I have had contact with the general manager.
23 24	For the record, my name is Jonathan T. Guzman, and I have been sworn.	23	And I swear and affirm the photos and digital plan fairly and accurately depict the condition of the
24	I am Lee County code enforcement specialist	24	property.
	I am her county cour chronoment specialist	25	F-2E-01.
		1	

	Page 22		Page 24
1	I hereby enter the case file from digital plan	1	meet?
2	into the record.	2	Because if they are a private club, they may also
3	MR. LOMBARDO: At this point, we would, again,	3	be a commercial club, they may be a country club,
4	object to the photos series of objections all	4	which, frankly, I think is probably a most appropriate
5	photographs, there's not a single person shown, so	5	use, but that's outside of the scope because they
6	they don't picture any of the events, so they're not	6	haven't been cited for being a country club.
7	event advertisement because we don't see we don't	7	The recreation facility group four use that
8	see any authentication to show whether these events	8	they've been cited for deals with things on a much
9	actually happened or whether these are just	9	different scale, and, frankly, I don't think that's
10	advertisements of potential events.	10	what the use was intended to encompass.
11	THE HEARING EXAMINER: So, again, I understand	11	It sounds like all these events are taking place
12	the objection. The issue today, I think we can all	12	at the clubhouse; is that correct?
13	agree, and apologize for interrupting you, I'll let	13	MR. LOMBARDO: Yes.
14	you get back to that, is exactly what the County	14	THE HEARING EXAMINER: Does the County agree.
15	attorney stated is: Is it a private club or is it	15	MR. HALVERSON: (Nodded head.)
16	something else.	16	THE HEARING EXAMINER: So that particular
17	So, to the point that those objections you're	17	building, that structure, I don't think was intended
18	not objecting that these events were advertised or	18	to be a recreation facility because recreation
19	even occurred; it sounds like your assertion by law is	19	facility is included as a permitted use in both the
20	that they would be permitted to occur even if they	20	North and the south RPDs, so if it was meant to only
21	happened.	21	include the clubhouse, that was included in the south
22	So I don't want to take time parsing about	22	RPD as a private club, and then also including the
23	whether they've been authenticated or not, it's really	23	golf course because it sounds like the golf course
24	irrelevant to the issue.	24	maybe flows over the property line is what we were
25	So if you can continue.	25	included.
1	Page 23 Thank you.	1	Page 25 MR. LOMBARDO: It does.
1 2		1 2	
	Thank you.		MR. LOMBARDO: It does.
2	Thank you. MR. GUZMAN: If the hearing examiner finds a	2	MR. LOMBARDO: It does. THE COURT: But recreation facilities is speaking
2 3	Thank you. MR. GUZMAN: If the hearing examiner finds a violation, the county would request \$285 hearing cost,	2 3	MR. LOMBARDO: It does. THE COURT: But recreation facilities is speaking to things like the pool and the tennis courts and the
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1	Page 26 And the definition of club commercial means clubs	1	Page 28 they don't fit the private club definition.
2	which are owned by individuals and operated for a	2	And so they haven't been cited for being a
3	profit, such as tennis and racquet ball clubs, golf	3	commercial club. The golf club was the the golf
4	clubs, et cetera.	4	course, excuse me was cited for being a commercial
5	What club Renaissance is fits that definition to	5	golf course, which isn't a use anywhere in the LDC.
6	a T, and commercial club is not permitted within this	6	So that is not a use violation.
7	RPD.	7	They may be a commercial club, but that doesn't
8	THE HEARING EXAMINER: I think the part that's	8	mean that they're not a private club. So you can't
9	missing I agree with everything you said.	9	cite somebody for saying if there's two use
10	The part that's missing from the private club	10	categories in the code that they fall under, you can't
11	definition is that it doesn't specifically restrict it	11	hold them as required on or both. If they fall under
12	is to be operated not for profit. And I think that's	12	one, they met the legal requirement to operate as
13	what is being read into the definition, and,	13	such.
14	unfortunately, it doesn't say that.	14	And as I said, I think country club, as well, the
15	And it may be that is the common understanding in	15	definitions certainly could benefit from some clarify,
16	how we all accept it, but as a matter of law, they fit	16	but with what I've got before me today, that's the
17	within they also fit within the country club	17	ruling I'm making.
18	definition, as I said. If you read that, they fit	18	So you can either withdraw or I'm issuing an
19	that, too.	19	order. I need to know which way we're going.
20	So it's not as if everything is neatly in a bow,	20	MR. LOMBARDO: Your Honor, we request an order.
21	unfortunately in this case, so I appreciate what's	21	They've already withdrawn once and submitted, so we
22	being stated. I don't find, again, as a matter of	22	request an order on all four cases.
23	law, that we can get there.	23	In his own brief, the County attorney states the
24	So, on these three cases, as well, I'm going to	24	County is not making the argument that the only
25	give you the opportunity to withdraw them or I have to	25	permitted private clubs are homeowner associations and
			1
	Page 27		Page 29
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## Hearing Before Hearing

## Renaissance Code Enforcement Hearing

	Page 30	Page 32
1	the room today and how long this has been going on.	1 CERTIFICATE
2	Clearly I would hope that there's something more that	2 STATE OF FLORIDA )
3	can be done to get everyone some peace of mind about	3 COUNTY OF LEE )
4	that.	4
5	But with what I have, I am not going to rule any	5 I, Lori L. Bundy, Registered Merit Reporter, certify
6	other way.	6 that I was authorized to and did stenographically report
7	MR. HALVERSON: Well, with that one final thing,	7 the foregoing proceedings and that the transcript is a
8	what counsel said about this being limited to an HOA	8 true and complete record of my stenographic notes.
9	or a condominium association, I'm not saying it	9 10 DITER (b/s 7 m 22 0005
10	strictly needs to be those associations.	10 DATED this June 23, 2025.
11	I'm saying, in the context of the zoning	
12	classification, it needs to serve that purpose. The	12 13 <u>Anti Body</u>
13	purpose for Renaissance is to serve the residents of	14 Lori L. Bundy,
14	the RPD.	RMR, CRR, FPR
15	So what this property owner is doing, it's a	15
16	commercial operation by a for profit entity. It's not	16
17	serving the residents. It is not a private club. It	17
18	is squarely within commercial club. It's not a 50/50	18
19	situation.	19
20	That's our position, and we will not withdraw the	20
21	case.	21
22	THE HEARING EXAMINER: Okay. And I agree that	22
23	it's not restricted to residents. I don't think	23
24	there's any question of fact or law about that, but it	24
25	is restricted to members, and that was the testimony	25
	Page 31	
1	that was given today, and it's not uncontroverted.	
2	So, in each case then, you'll be getting an order	
3	finding no violation.	
4	And we'll be done for today.	
5	Thank you.	
6		
7	(Proceedings concluded at 10:03 a.m.)	
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