EXHIBITS

CASE # DCI2016-00024

CASE NAME: GULLY CREEK RPD

Attach copy of this form to top of packet of exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS? ____YES ____ NO

LOCATION OF BOARDS

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

EXHIBITS

Case # DCI2016-00024

APPLICANT	STAFF
a. 24-Hour	
#1 Powerpoint presentation	#1 Staff Report
missing #2 Letter from Ron Inge to Richard Slimp	#2 School District letter
#3 Composite - RPD projects with same deviations	#3 School zone information
#4 Sufficiency letter	#4
#5 Original application	#5
#6 Small scale amendment documents	#6
#7 Creek pictures & graphics	#7
#8	#8
#9	#9
#10	#10

OTHER EXHIBITS

NAME	NUMBER	DESCRIPTION
	#	
	#	
	#	
	#	
	#	
	#	

STAFF'S EXHIBIT
#1

LEE COUNTY, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING DIVISION
STAFF REPORT

LEE COUNTY
HEARING EXAMINER
2018 JAN -4 PM 3:32

CASE NUMBER & NAME:	**DCI2016-00024, Gully Creek RPD**
TYPE OF CASE:	**Planned Development**
HEARING EXAMINER DATE:	**January 18, 2018**
ACREAGE:	**66± acres**

REQUEST:
The request is to rezone the 66± acres from Agricultural (AG-2) to Residential Planned Development. The applicant is seeking up to 330 residential units with a maximum building height of 35 feet. The applicant indicates that they propose the development of single-family, two-family attached, townhouse, or multiple-family residential dwelling units.

SUMMARY:
Staff supports the granting of this rezoning to Residential Planned Development (RPD) with up to 330 dwelling units, subject to the Conditions and Deviations found in Attachment C to this Staff Report.

ANALYSIS:
The applicant is requesting a rezoning for a 330 unit residential development in an area of the County where there has been an emerging trend for residential development. The Lee Plan designates the subject property as Suburban and Rural. The designated Rural area is located in the north central portion of the site (see Lee Plan Map Attachment A). Lee Plan Policy 5.1.10 provides the density can be the sum of the allowable densities for each land use category, but the allowed number of units within the nonurban area (Rural) cannot exceed the maximum number of units allowed in that portion of the development. As conditioned in this recommended action, staff finds the proposed development is consistent with the Lee Plan, is consistent with the Land Development Code, is compatible with the surrounding land uses, has sufficient access to support the development, is not expected to impact environmentally critical areas, and is served by sufficient urban services to support the use. The following provides support for these findings.

HISTORY OF PARCEL:
Zoning
The subject property is zoned Agricultural District, AG-2. This is the original zoning and there have been no zoning actions on the subject property. The property is currently used for hay production and cattle grazing.

Development Orders
No development orders current exist on the subject property.

Current Development and Use
The property is currently undeveloped and used for hay production and cattle grazing.

CHARACTER OF THE AREA (referenced zoning actions may be found in Attachment E):
General Area
The area surrounding the subject property consists of large lot, mostly undeveloped but with some parcels developed with single family homes. Across Williams Road to the east is found approved mixed use and residential development. A parcel to the north along Slater Road has a number of semi-trailers on the subject property with an approved development order (LDO2002-00022) allowing an open storage yard on the C-1 zoned portion of the property.

North
North of the subject property, lands are zoned AG-2, with one exception. All of the AG-2 properties are used for agricultural purposes with some single family residential. A parcel located along Slater Road, immediately north of the subject property, is zoned C-1. This has an approved development order (noted above) and the property is used for open storage.

East
East of the property, east of Williams Road, properties are zoned RPD, MPD, and AG-2.

The AG-2 zoned parcel is owned by the Lee County School District and is developed with the Bayshore Elementary School.

North of the school is RPD zoning, approved by Resolution Number Z-05-037. This is approved as Oak Creek, a development on 303.34 acres with up to 1,120 dwelling units with a gross density of about 3.7 units per acre.

East of the school and south and east of Oak Creek, is MPD zoning. The Zoning Map shows this property as IPD, but is in error. This should be designated as Mixed Use Planned Development, MPD zoning approved by Resolution Number Z-10-002 (Bayshore 57). The development was approved for the following:

> Maximum Commercial Floor Area: 140,000 square feet of floor area to include 70,000 square feet of commercial retail square footage as defined by the Lee County Comprehensive Plan (Comp Plan) per Policy 6.1.2(7); a maximum of 35,000 square feet of medical office; and a maximum of 35,000 square feet of commercial office.
>
> Maximum Residential Density: 176 dwelling units, 4.678 units per acre, and limited to a maximum of the following types of dwelling units:
> 72 single-family units; and 104 townhome, multi-family units or ALF equivalent units pursuant to the LDC.

It should also be noted that there have been recent considerations to merge this development with an RPD and CPD zoned development to the east (Chapel Creek).

South
South of the subject property is AG-2 and MH-2 zoning. The AG-2 zoning is developed with single family residences, soccer/athletic fields, and vacant/agricultural uses. The MH-2 zoning is developed with a mobile home park, known as River Trails Mobile Home Park. Staff estimates this park has 240 unit/lots on about 92 acres (about 2.6 units per acre).

West
To the west, across Slater Road, are single family residential and an agricultural use (Walker Farms Honey).

Master Concept Plan:
The Master Concept Plan is a 5 sheet drawing (Attachment D), stamped received on September 28, 2017. Sheets 2 and 3 provide for 2 alternative development scenarios (Plan A and Plan B). Each Plan uses R-1 and R-2 designations to separate out the location of residential unit types and the related Property Development Regulations.

Areas designated as R-1 on the Plans are limited to single family residential and two-family attached dwelling units. Areas designated as R-2 would permit all proposed dwelling unit types (Single Family, Two-Family attached, Townhouse, and Multifamily).

Sheets 2 and 3 show each of the development scenarios. The primary difference is found in the eastern portion of the development. Plan A has less lake area and more development area than does Plan B.

Both Plans show access to the development from Slater Road and from Williams Road.

Both show the area designated by the Lee Plan as Rural. This is important and is discussed further in the Lee Plan section of this report. Development is limited to not more than 11 dwelling units within the Rural designated section of this development.

Lee Plan
The subject property is designated as Suburban over the majority of the site, and Rural in the north central portion of the site (see Lee Plan map in Attachment A). CPA2006-00004 amended the Future Land Use Map from Rural to Suburban for a 5.43 acre portion of the subject property. This area is found in the northwest portion of the site.

The application proposes residential development consisting of single family, two-family, townhouse and multiple family residential units. These unit types are consistent with the Suburban future land use category (Policy 1.1.5). The applicant has also self imposed on the Master Concept Plan development of only 11 single family residential units within the area of the property designated as Rural on the future land use map of the Lee Plan. This is consistent with Policy 1.4.1, as well as Policy 5.1.10 (providing that no density can be allocated from the urban area (Suburban) to the non-urban (Rural).

The proposed development is in proximity to other properties approved and developed for residential and mixed use development. The proposed development intensity is consistent with these other developments and includes uses anticipated to be developed within these future land use categories. The development is found to be supported by existing and future infrastructure in the area. The development is consistent with Objective 2.1, Policies 2.1.1 and 2.1.2, Objective 2.2, and Policy 2.2.1.

The application proposes the extension of potable water and sanitary sewer services to support this development, consistent with Standards 4.1.1 and 4.1.2.

The development is proposing a mixture of residential uses, which will provide the opportunity for development of a variety of housing units with various housing costs. This will provide for future housing needs for the future projected population of Lee County, while providing for development which is not anticipated to be destructive to the character and integrity of the surrounding land uses at densities planned by the Lee Plan. The project is consistent with Goal 5, Objective 5.1, and Policies 5.1.5, and 5.1.10.

The project proposes development of a road over Daughtrey Creek. This road is planned to be developed over the creek and within the creek's floodplain. Natural Resources has reviewed this planned development and notes Chapter 6 and Ordinance 15-09 will guide and regulated the development. Natural Resources has advised Zoning staff that this project, as conceptually designed, will sufficiently protect this creek and the flow of the water consistent with Policy 5.1.2.

Land Development Code Chapter 33
LDC Section 33-1532 provides an applicant for a planned development zoning action must conduct one publically advertised information session within the North Fort Myers community. This was accomplished on July 11, 2017 and Attachment K provides the minutes from that information session.

Environmental:
The following provides a summary of the report from the Environmental Planner found in Attachment F.

The applicant prepared and submitted an environmental assessment of the property which has been reviewed. The site is mostly made up of Improved Pastures and Upland Hardwood Forests and is bisected by Daughtery's Creek (a natural waterway). The applicant is proposing to preserve approximately 5.5 acres of the Upland Hardwood Forests as indigenous open space abutting Daughtery's Creek.

The protected species survey mapped 24 active and 12 inactive Gopher Tortoise burrows. An illustration attached to the report shows the development and the locations of the gopher tortoise burrows. All tortoises within the development footprint will be required to be moved offsite per the Florida Fish and Wildlife Commission gopher tortoise relocation permit requirements. Tortoises located within the preserves will be required to stay on the site. Staff has provided a condition to ensure that the tortoises located within the indigenous and non-indigenous preserves will remain on the site.

LDC Section 10-415(a) provides the regulations when developments must provide for open space. No open space is required for the 29.1 acres of planned R-1 residential area because this will meet the provisions of this Section. The 37.7 acres of planned R-2 residential area is proposing development that will not meet the standards and the development must provide 40% open space on the remainder of the project. The Master Concept Plan states that 14.9 acres of open space is required and 15.7 acres of open space is being provided.

LDC Section 10-415(b) requires large developments with existing indigenous native vegetation communities must provide 50% of their open space percentage requirement through the onsite preservation of existing native vegetation communities. The applicant is required to provide 7.5 acres of indigenous open space, and the site has 5.5 acres of indigenous open space. The applicant has included indigenous credits for the upland portions of the preserve (FLUCCS 420). LDC Section 10-415 (b)(3)(a) states developments with required open space may utilize incentives to preserve indigenous upland plant communities as long as they meet the minimum size and width for credits. The indigenous preservation areas have a 0.96 acre preserve and a 3.79 acre preserve. The indigenous credit for a half acre of continuous upland preserve is 110% and for three acres of continuous upland preserve is 150%. Therefore, a total of 7.51 acres of indigenous preserve is being provided through preservation and indigenous credits. A condition has been recommended to ensure that 17.71 acres of open space including credits is provided at time of development order review and approval.

The development is complying with the buffers required by LDC 10-416(d)(1) providing the buffers along the entire perimeter of the proposed development. Internally, the project straddles Daughtery's Creek, a natural waterway, conveying water from Charlotte County to the Caloosahatchee River. Per 10-416 (d)(9), a 50 foot natural waterway buffer is required. The Plan incorporates the wetlands into this buffer as well as adjacent uplands providing an indigenous preserve consistent with the Lee Plan.

Deviation 4 seeks relief from LDC Section 10-329 (d)(1)(a)(3) requiring an excavation setback from any private property line under separate ownership of 50 feet to be allowed a setback of 30 feet. Staff recommends approval of the deviation subject to the recommended condition.

Transportation Considerations (DOT and Development Services):
Lee County Infrastructure Planning reports (Attachment G) Slater Road is a two-lane County minor arterial and Williams Road is a two-lane County local road. They have reviewed and have no objections to Deviation 5 regarding intersection separation along Slater Road.

Development Services staff reports (Attachment H) the proposed development will generate 2,924 new two-way daily trips. The portion of Slater Road between Bayshore Road and Nalle Grade Road is expected to be significantly impacted according to the report. Roadway link improvements on the roadway sections described in the report are not expected to be required to accommodate the proposed zoning. At the time of local development order review, the proposed project will be further reviewed to determine required site-related traffic improvements to the nearby roadway network.

There were no specific transportation related deviations requiring further review. Development Services does support the recommended condition regarding the length of turn lane deceleration lanes.

Natural Resources:
Natural Resources reports (see Attachment I) the project is in the Daughtrey Creek watershed and would like to reiterate how important Daughtrey's Creek is in draining the watershed. The applicant's property has one of the two tributaries of Daughtrey Creek which come together and converge into one creek south of Bayshore Road. Natural Resources finds it is essential that proper drainage is maintained so people upstream do not experience flooding. Staff therefore, recommends Condition 4 related to development within the floodway proposed as part of this development. The encroachment in the floodway includes development of a road connecting the eastern portion with the western portion of the development.

Transit Facilities:
The site is not located on a road where transit facilities are provided. The closest bus route is located at the intersection of Bayshore Road and Slater Road, a little over one mile to the south.

Urban Services:
The applicant proposes connection to Lee County Utilities for potable water supply. The applicant also proposes connection to Florida Governmental Utility Authority for sanitary sewer.

The site is within the North Fort Myers Fire District. The fire district station is located on Slater Road less than one mile to the south of the subject property.

Lee County Emergency Medical Services is located off of Garden Street, north of Laurel Drive, approximately 5.3 miles from the property.

North Fort Myers Library is under re-development but is located about 3.5 miles from the property.

Deviation Requests:
Deviation 1 is from LDC Section 10-254, which requires side lot lines be, as nearly as practical, at right angles to straight street lines and radial to curve street lines, to allow the lot design shown on the Master Concept Plan in those areas where Deviation 1 is applied.

Staff Comments: Staff offers no objections to the granting of this deviation. The deviation helps the applicant achieve the conceptual site design and layout. Staff does not expect the deviation will be any detriment to the public's interests.

Deviation 2 is from LDC Section 10-296(p)(i) to eliminate the requirement that a dead-end street be closed at one end by a circular turnaround, to allow and alternative turnaround.

Staff Comments: Staff conceptually has no objection to the granting of this request. There is a potential for impacts on the health, safety, and welfare of the residents if emergency equipment cannot maneuver within the development. Staff recommends approval of this conceptually provided that the Fire District and Lee County Public Safety review the engineering plans and approve the design prior to the approval of a local development order.

Deviation 3 is from LDC Section 10-703 to allow lot width and depth to be measured as indicated on the Master Concept Plan.

Staff Comments: Similar to Deviation 1 staff offers no objection to the granting of this deviation. The deviation helps the applicant achieve the conceptual site design and layout. Staff does not expect the deviation will be a detriment to the public's interest.

Deviation 4 is from LDC Section 10-329(d)(1)a.3 which requires excavation setback of 50 feet from any private property line under separate ownership to allow an excavation setback of 30 feet to the property boundary.

Staff Comments: This deviation seeks to reduce the setback for the excavation from the perimeter property line in several locations. The applicant notes the proposal helps them reduce the amount of truck traffic on the surrounding road network since more fill would then be available for the development. In this instance, staff offers no objection to the granting of this request. Sufficient separation from the perimeter property line would exist and adjoining development is shown to be very low intensity use, at this time. The deviation would help achieve the objective of the planned development and will not cause detriment to public interest.

Deviation 5 has been re-worded by County staff to conform with the recent amendments to the Land Development Code. The current request notes a required 660 foot connection separation. The Code now provides for a 440 foot connection separation for the minor arterial (Slater Road). The new request is:

Deviation 5 is from LDC Section 10-285(a) which requires intersection separation of 440 feet for minor arterial roads (Slater Road), to allow a 170 foot intersection separation on Slater Road.

Staff Comments: Lee County Infrastructure Planning has reviewed this request and has no objection to this request. Staff finds this deviation will not have a detriment to public interests.

ATTACHMENTS:

A. Expert Witness Information
B. Maps
   - Zoning
   - Future Land Use
   - Aerial
C. Recommended Conditions and Deviations
D. Master Concept Plan
E. Surrounding Zoning Action
   Resolution Number Z-05-037
   Resolution Number Z-10-002
F. Environmental Planner memorandum
G. Infrastructure Planning memorandum
H. Development Services memorandum
I. Email from Natural Resources
J. Applicant's Supporting Documentation
K. North Fort Myers Community Information meeting
L. Legal Description

LEE COUNTY STAFF EXPERT WITNESS INFORMATION
PROVIDED PURSUANT TO AC-2-6, SECTION 2.2.b(5)(f)3.

Case Number: DCI2016-00024
Project Name: Gully Creek RPD
Hearing Examiner Date: January 18, 2018

Alvin Block, AICP; Planner, Principal; Zoning; 1500 Monroe Street; Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Beth Workman, Environmental Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Marcus Evans, Senior Engineer, Development Services, 1500 Monroe Street, Fort Myers, FL 33901

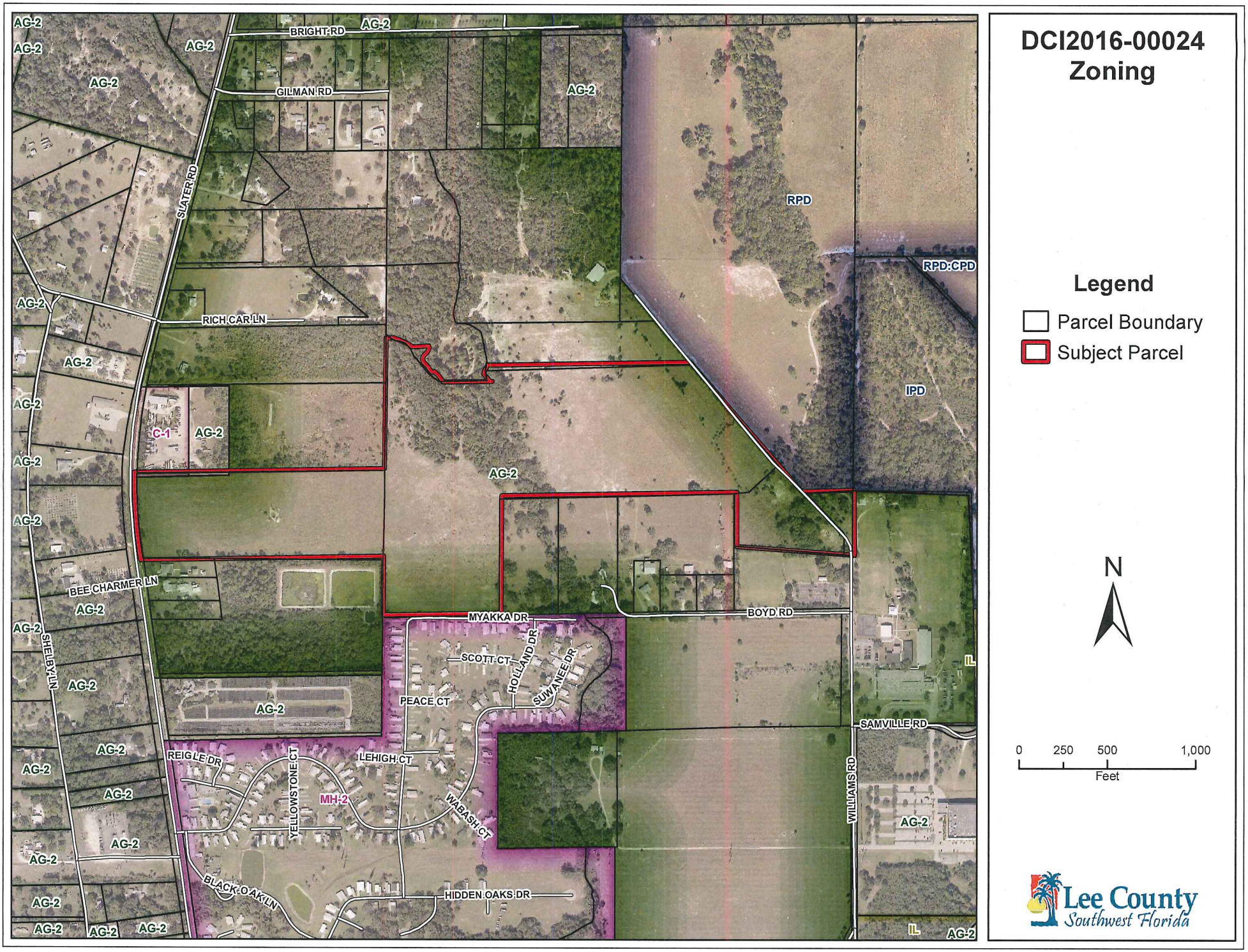
- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in Traffic Engineering and Transportation Planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

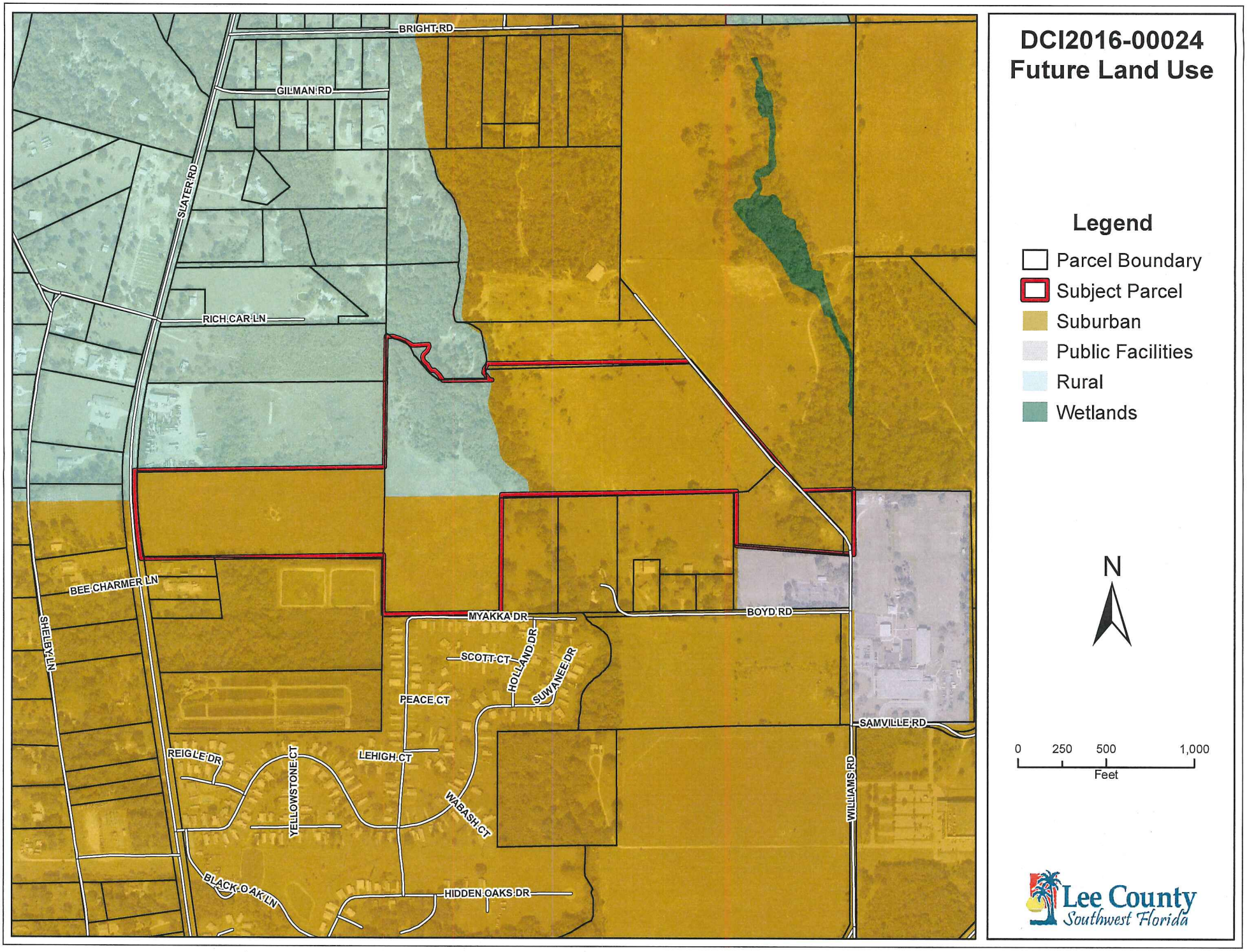
Lili Wu, Transportation Planner, Lee County Department of Transportation, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in Transportation Planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

ATTACHMENT A

ATTACHMENT B





DCI2016-00024
Future Land Use

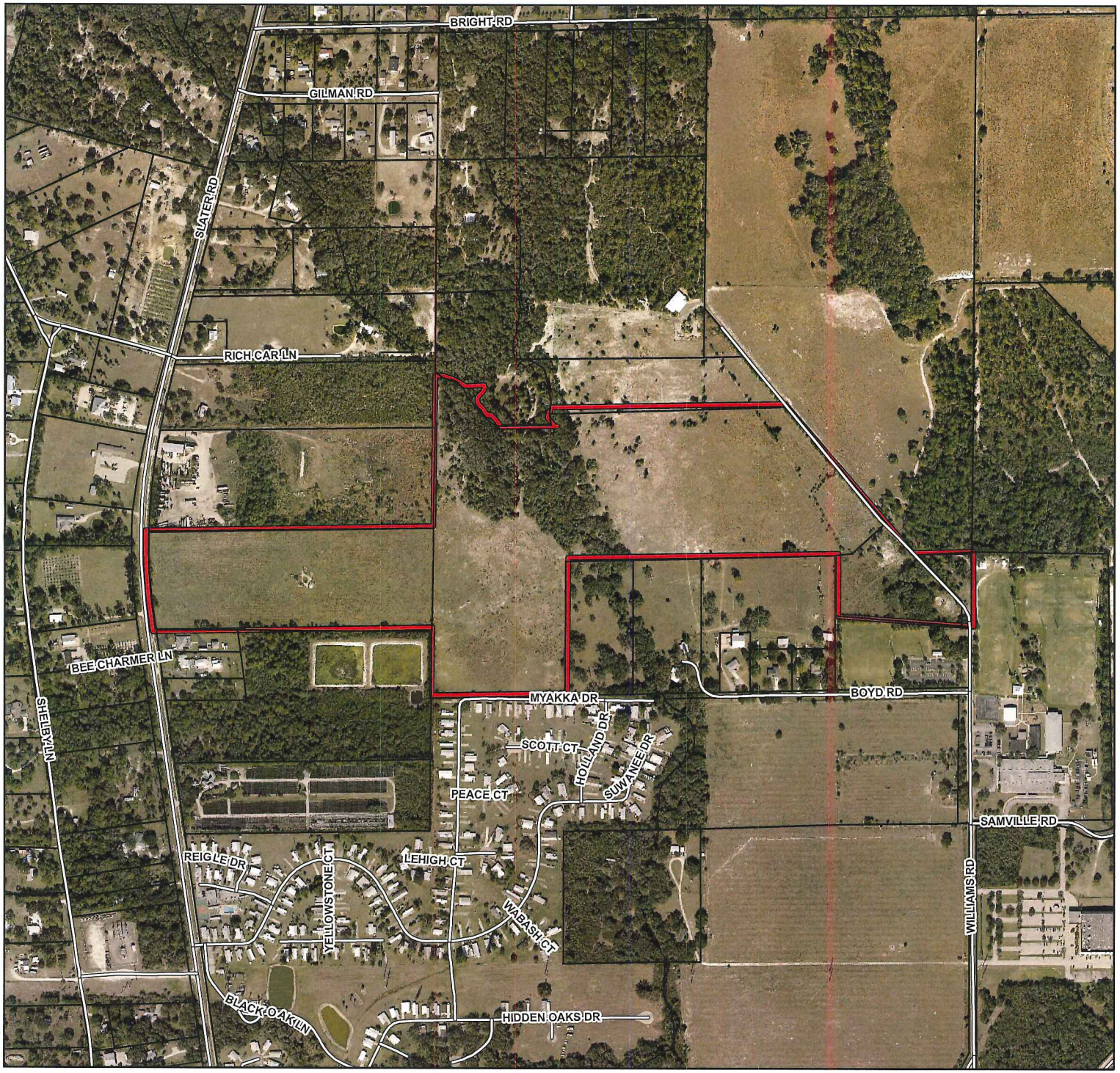
Legend

- Parcel Boundary
- Subject Parcel
- Suburban
- Public Facilities
- Rural
- Wetlands

N

0 250 500 1,000
Feet

Lee County
Southwest Florida



DCI2016-00024
Aerial

Legend

- Parcel Boundary
- Subject Parcel

N

0 250 500 1,000
Feet

Lee County
Southwest Florida

CONDITIONS & DEVIATIONS

1. Master Concept Plan/Development Parameters

The development of this project must be consistent with the five-page Master Concept Plan stamped received on September 28, 2017, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (LDC) at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursuant, appropriate approvals will be necessary.

The development is permitted a maximum of 330 dwelling units.

2. Uses and Site Development Regulations

a. The following Uses are permitted within this planned development:

Accessory uses and structures
Dwelling Unit:
- Single Family (R-1 and R-2 areas)
- Two-Family Attached (R-1 and R-2 areas)
- Townhouse (R-2 area only)
- Multiple-family building (R-2 area only)

Entrance Gates and Gatehouse
Essential Services
Essential Services Facilities, Group I
Excavation, Water Retention
Fences, Walls
Home Occupation
Models: (See Condition 3)
- Model Display Center
- Model Display Group
- Model Homes

Parking Lot: Accessory
Real Estate Sales Office
Recreational Facilities, Private-On-Site
Residential Accessory Uses and Structures
Signs
Temporary Uses – limited solely to Temporary contractor's office and equipment storage shed.

ATTACHMENT C

b. Site Development Regulations:

DEVELOPMENT REGULATIONS	SINGLE FAMILY (R-1)	TWO- FAMILY ATTACHED (R-1)	SINGLE FAMILY (R-2)	TWO- FAMILY ATTACHED (R-2)	TOWNHOUSE (R-2)	MULTIFAMILY (R-2)
Minimum lot Width	50 feet	30 feet	42 feet	30 feet	20 feet	54 feet
Minimum lot Depth	120 feet	125 feet	120 feet	120 feet	100 feet	100 feet
Minimum lot Area	6,500 S.F.	3,750 S.F.	5,040 S.F.	3,600 S.F.	2,000 S.F.	5,400 S.F.
Max. Building Height	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet
Maximum lot Coverage	45%	45%	60%	70%	60%	60%
Minimum Setbacks:						
Front (right of way)	20 feet (*)	20 feet (*)	20 feet (*)	20 feet (*)	20 feet (*)	20 feet (*)
Side Yard	5 feet	5 feet/0 feet (**)	5 feet	5 feet/0 feet (**)	5 feet/0 feet (**)	7.5 feet
Rear Yard (principal)	10 feet	15 feet	10 feet	15 feet	15 feet	20 feet
Rear Yard (accessory)	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet
Preserve (***)	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet
Preserve to fire dependent uplands	30 feet	30 feet	30 feet	30 feet	30 feet	30 feet

Notes:

* Setback shall be reduced to 15 feet for side entry garages.

** 0 (zero) foot setback shall apply to an internal lot line.

*** Applicable to primary structure.

3. Model Display Center, Model Homes, and Model Units

Administrative Approval, as provided for in LDC Section 34-1954, is required prior to approval to construct any of the approved model uses.

4. Development within Floodway

As part of local development order approval, the developer must comply with one of the following two conditions (Lee County Land Development Code Chapter 6, Article IV, Section 6-446 and County Ordinance No. 15-09):

A. The applicant shall apply for and get an approval of an appropriate map revision or map amendment (e.g., LOMA, LOMR, CLOMR, etc.) from FEMA.

Or,

B. The applicant shall provide a no-rise certification with supporting technical data, made by a Florida State registered professional engineer demonstrating that encroachments (including fill, new construction and other developments) shall not result in any increase in flood levels during occurrence of the base flood discharge (https://www.fema.gov/no-rise-certification-floodways).

5. Turn Lanes

Turn lane deceleration length designs for corresponding design speeds will be the greater of that described in Lee County Administrative Code AC-11-4 "Turn Lane Policy" and Florida Department of Transportation Design Standard Index 301 "Turn Lanes". Design speed as applied to deceleration length design in both documents will be not less than 5 mph greater than the higher of the legal speed limit and, if available, the 85th percentile speed as determined by a Lee County-approved traffic engineering study.

6. Vehicular/Pedestrian Impacts

Approval of this request does not address mitigation of impacts to vehicular traffic impacts or pedestrian facilities resulting from subsequent development of the subject property. Site-related traffic improvements to the nearby roadway network or improvements to pedestrian facilities required to accommodate the proposed development will be determined at the time of Local Development Order review.

7. Lee Plan Consistency

Approval of this request does not guarantee Local Development Order approval. Future Development Order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), and must be reviewed for and found consistent with all other Lee Plan provisions.

8. Concurrency

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

9. Development Permits

Issuance of a development permit by Lee County does not in any way create any rights on the part of the applicant to obtain a permit from a state of federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertake actions that result in a violation of state or federal law.

10. Gopher Tortoises

a. Prior to the issuance of a development order, the protected species management plan must include onsite gopher tortoise preservation within the indigenous and non-indigenous preserves.

b. Prior to the issuance of a vegetation removal permit, a point map must be submitted showing the location of the gopher tortoise fencing around the limits of the preserves to ensure that no impacts will occur within 25 feet from any gopher tortoise burrow. No

machinery or mechanical excavation of gopher tortoise burrows can occur within the indigenous preserve or onsite preserve area(s).

11. Indigenous Open Space

Prior to the issuance of a development order, the development order plans must illustrate 17.71 acres of open space (includes 7.51 acres of indigenous open space credits) per the Master Concept Plan stamped received September 28, 2017 is provided.

DEVIATIONS

Deviation 1 is from LDC Section 10-254, which requires side lot lines be, as nearly as practical, at right angles to straight street lines and radial to curve street lines, to allow the lot design shown on the Master Concept Plan in those areas where Deviation 1 is applied. This deviation is APPROVED.

Deviation 2 is from LDC Section 10-296(p)(i) to eliminate the requirement that a dead-end street be closed at one end by a circular turnaround, to allow and alternative turnaround. This Deviation is APPROVED, with the following condition:

Prior to local development order approval, the developer provides letters from the local fire district and Lee County Public Safety indicating they have reviewed and approved the design of the proposed turnaround(s) within this development.

Deviation 3 is from LDC Section 10-703 to allow lot width and depth to be measured as indicated on the Master Concept Plan. This deviation is APPROVED.

Deviation 4 is from LDC Section 10-329(d)(1)a.3 which requires excavation setback of 50 feet from any private property line under separate ownership to allow an excavation setback of 30 feet to the property boundary. This deviation is APPROVED subject to the following condition:

Prior to development order approval, the development order plans must illustrate a five foot wide enhanced Type A buffer (five trees per 100 linear feet and a hedge row installed at 48 inches in height) where lake excavation is 30 feet from the property line. If an optional project wall or fence is proposed, then a 7.5 foot buffer must be provided.

Deviation 5 is from LDC Section 10-285(a) which requires intersection separation of 440 feet for minor arterial roads (Slater Road), to allow a 170 foot intersection separation on Slater Road. This deviation is APPROVED.

MASTER CONCEPT PLAN

FOR

GULLY CREEK RPD

RESIDENTIAL PLANNED DEVELOPMENT

PART OF SECTION 19, TOWNSHIP 43 SOUTH, RANGE 25 EAST
NORTH FORT MYERS, LEE COUNTY, FLORIDA

PROJECT DATA

SITE ADDRESS

17220 SLATER ROAD
NORTH FORT MYERS, FLORIDA 33917

PROJECT DATUM

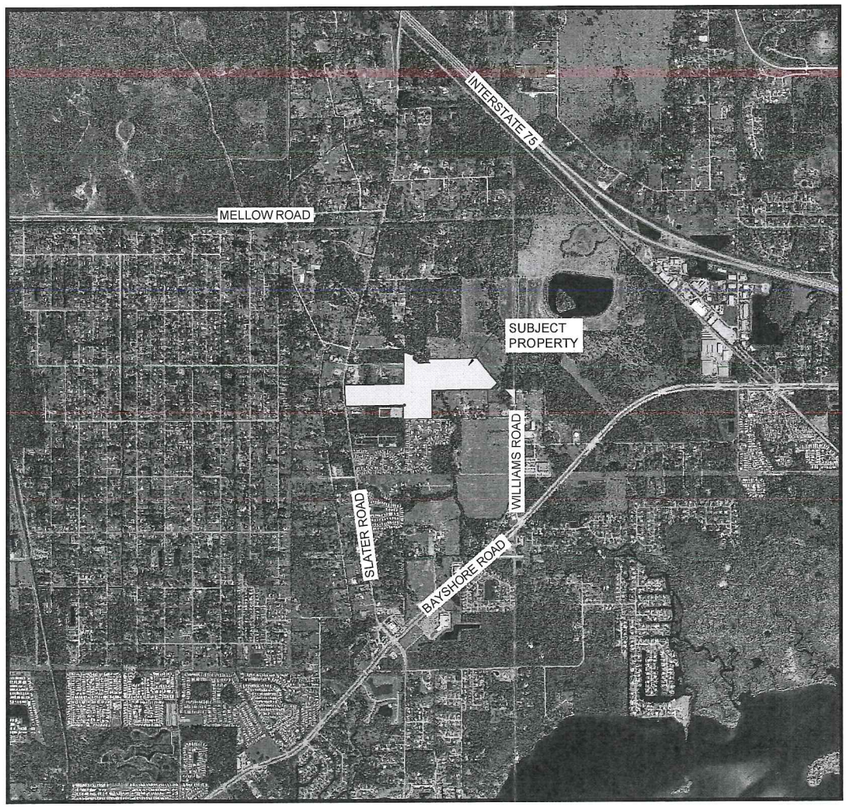
FLORIDA STATE PLANE WEST ZONE (NAD1983(NSRS 2007))
NATIONAL GEODETIC VERTICAL DATUM (NGVD) 1929

ZONING

CURRENT: AG-2
PROPOSED: RPD

STRAP NUMBERS

19-43-25-00-00014.0020
19-43-25-00-00009.0000



PROJECT LOCATION

N
W E
S

LOCATION MAP

0 900 1800 3600
SCALE IN FEET

INDEX OF DRAWINGS

SHEET	DESCRIPTION	XREF	DRAWING NAME
1	COVER SHEET AND LOCATION MAP	A	23319Z01.DWG
2	MASTER CONCEPT PLAN A	B	23319Z02A.DWG
3	MASTER CONCEPT PLAN B	C	23319Z02B.DWG
4	OPEN SPACE / PRESERVE PLAN	-	23319Z03.DWG
5	DETAILS, DEVIATIONS	-	23319Z04.DWG

CROSS-REFERENCED DRAWINGS:

XREF	DESCRIPTION	DRAWING NAME
A	AERIAL PHOTOGRAPH	PROJLOC2014.JPG
B	BASE PLAN	23319Z00A.DWG
C	BASE PLAN	23319Z00B.DWG

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COMMUNITY DEVELOPMENT

DCI 2016-00024

THESE PLANS MAY HAVE BEEN MODIFIED IN SIZE BY REPRODUCTION.
THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.

ATTACHMENT D

Barraco and Associates, Inc.
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LAND PLANNING - LANDSCAPE DESIGN
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PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

Land Solutions inc.
10471 BEN C. PRATT / SIX MILE
CYPRESS PKWY. #402
FORT MYERS, FL 33966
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PROJECT DESCRIPTION

GULLY CREEK

LEE COUNTY, FLORIDA

FILE NAME	23319-Z01.DWG
LOCATION	J:\23319\DWG\ZONING\
PLOT DATE	FRI. 8-18-2017 - 1:20 PM
PLOT BY	ANGELICA HARDY

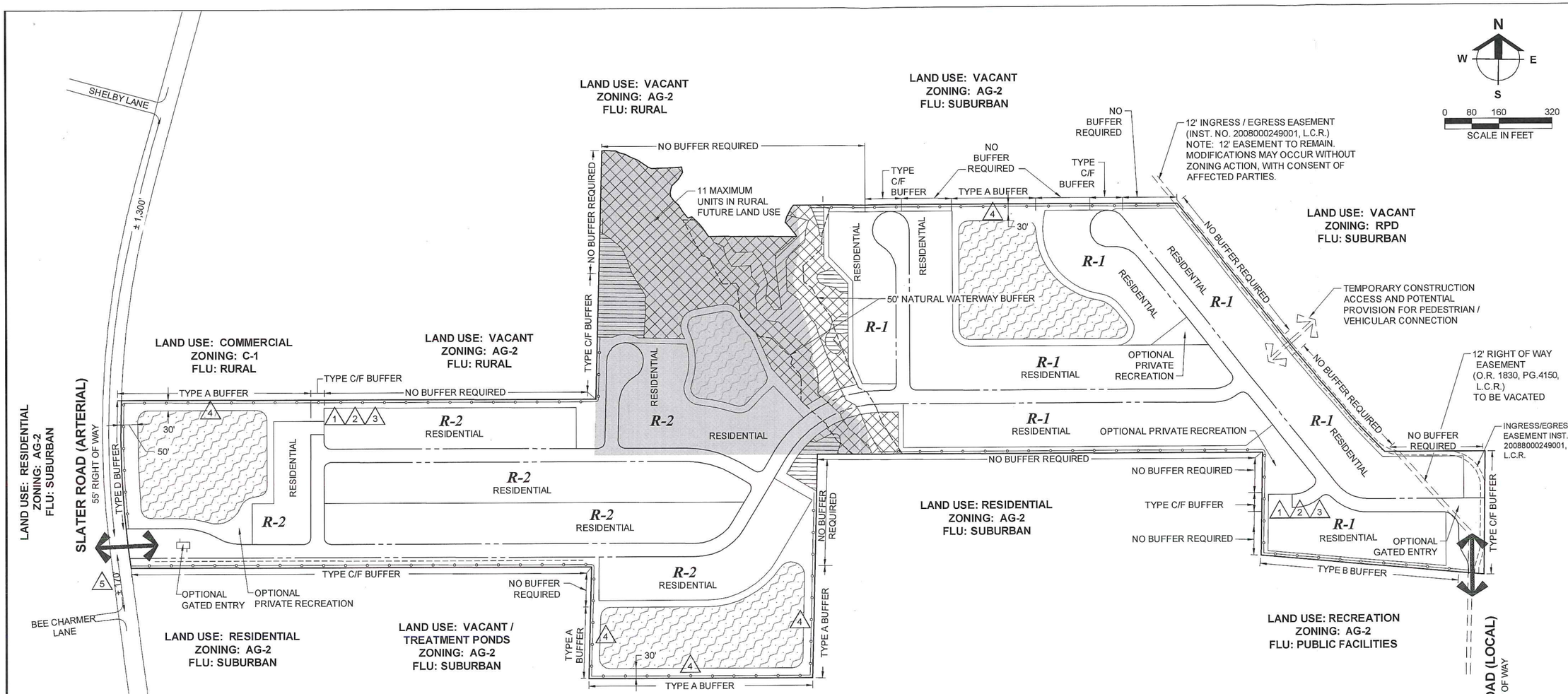
CROSS REFERENCED DRAWINGS
MASTER = BAI-COVER-ZONING.DWG

PLAN REVISIONS	
4-13-17	SUFFICIENCY

PLAN STATUS

COVER SHEET
AND
LOCATION MAP

PROJECT / FILE NO.	SHEET NUMBER
23319	1



LEGEND

- LAKE
- PRESERVE
- DEVIATION REQUEST
- ACCESS
- OPTIONAL WALL / FENCE (SEE NOTE BELOW)
- RURAL FUTURE LAND USE DESIGNATION (11.26 AC)

NOTE:
MINIMUM 7.5' BUFFER ON WALL EXTERIOR IN ACCORDANCE WITH LDC SEC. 34-1743(b).

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PROJECT DESCRIPTION

GULLY CREEK

LEE COUNTY, FLORIDA

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LOCATION	J:\23319\DWG\ZONING\
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PLOT BY	ANGELICA HARDY

CROSS REFERENCED DRAWINGS

BASEPLAN = 23319-Z00A.DWG

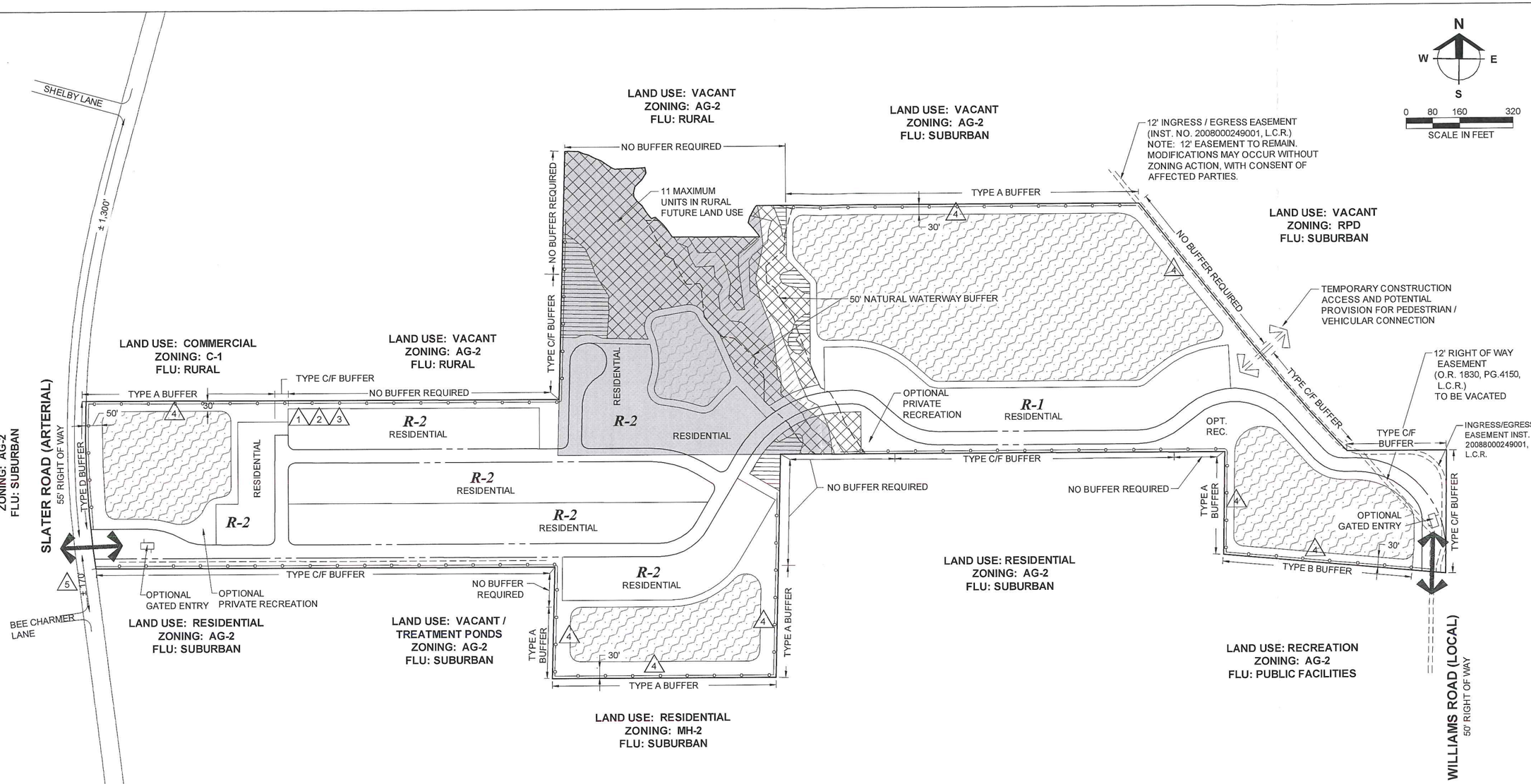
PLAN REVISIONS

4-13-17	SUFFICIENCY

PLAN STATUS

MASTER CONCEPT PLAN A

PROJECT / FILE NO.	SHEET NUMBER
23319	2



LEGEND

- LAKE
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- ACCESS
- OPTIONAL WALL / FENCE (SEE NOTE BELOW)
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GULLY CREEK

LEE COUNTY, FLORIDA

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LOCATION	J:\23319\DWG\ZONING\
PLOT DATE	FRI. 8-18-2017 - 1:20 PM
PLOT BY	ANGELICA HARDY

CROSS REFERENCED DRAWINGS

BASEPLAN = 23319-Z00B.DWG

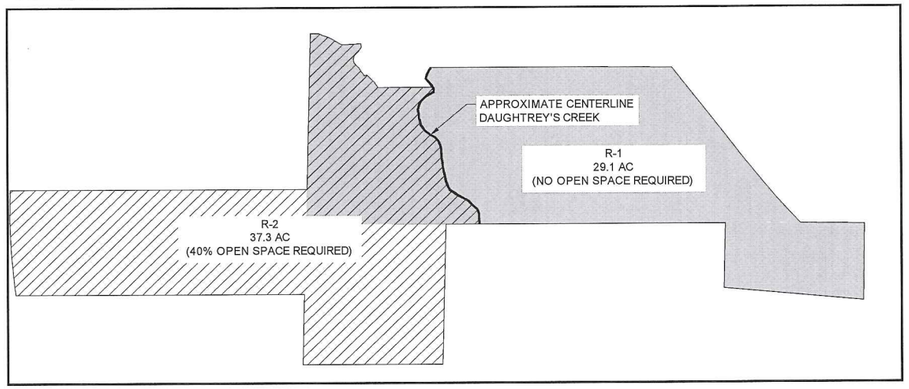
PLAN REVISIONS	
4-13-17	SUFFICIENCY

PLAN STATUS

MASTER CONCEPT PLAN B

PROJECT / FILE NO.	SHEET NUMBER
23319	3

REQUIRED OPEN SPACE MAP



OPEN SPACE AND INDIGENOUS PRESERVE

OPEN SPACE:

TOTAL PROJECT AREA:	66.4 AC
AREA WITH LOTS > 6500 SF	29.1 AC
AREA SUBJECT TO OPEN SPACE REQUIREMENTS	37.3 AC
OPEN SPACE REQUIRED (@ 40%): (3.7 AC MAY BE LAKE)	14.9 AC
OPEN SPACE PROVIDED:	
LAKE	3.7 AC
INDIGENOUS PRESERVE	7.5 AC
NON-INDIGENOUS PRESERVE	1.3 AC
OTHER (PERIMETER BUFFERS, LAKE SLOPE, COMMON OPEN SPACE)	3.2 AC
TOTAL PROVIDED:	15.7 AC

INDIGENOUS OPEN SPACE:

REQUIRED: 14.9 AC X 50% = 7.5 AC

PROVIDED:

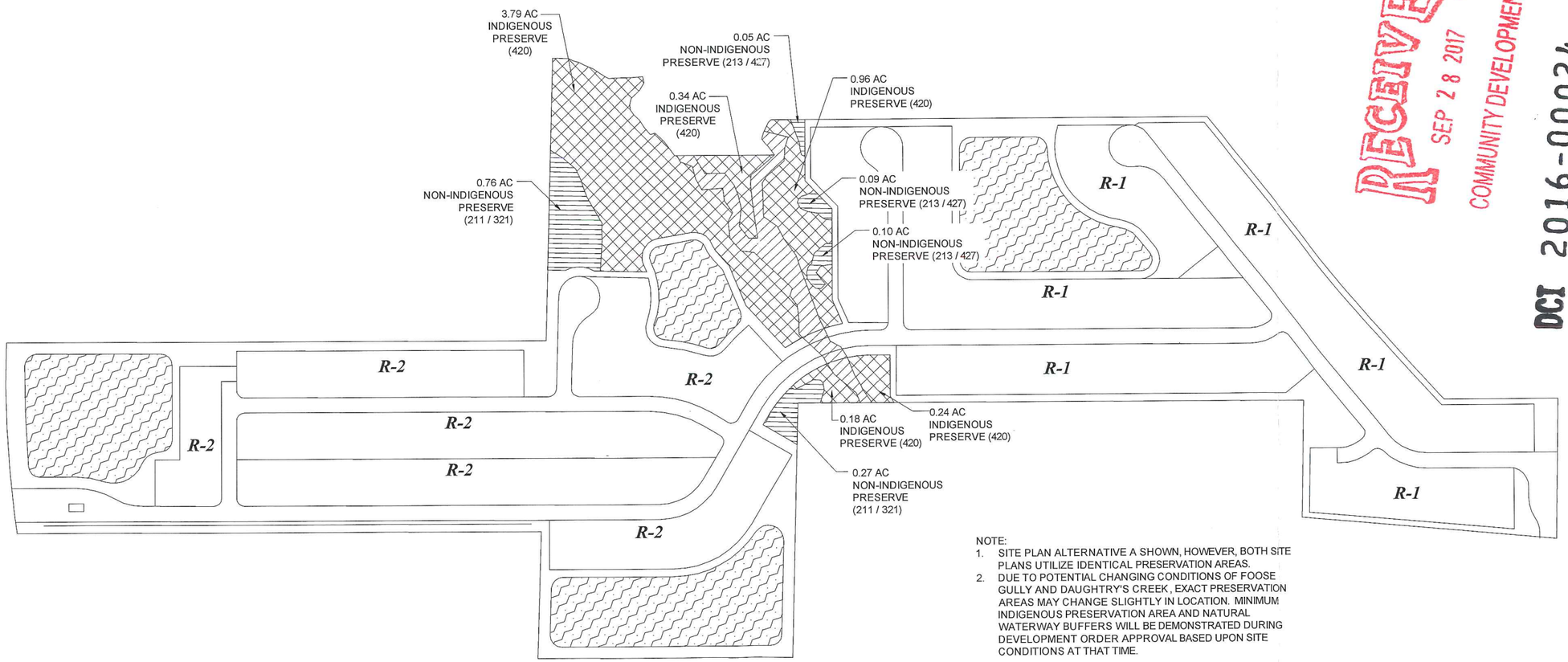
SOUTH CREEK PORTIONS

EAST:	0.24 @ 100%	= 0.24 AC
WEST:	3.79 @ 150%	= 5.69 AC
SOUTH CREEK TOTAL		= 5.93 AC

NORTH CREEK PORTIONS

MID:	0.34 @ 100%	= 0.34 AC
EAST:	0.96 @ 110%	= 1.06 AC
WEST:	0.18 @ 100%	= 0.18 AC
NORTH CREEK TOTAL		= 1.58 AC

TOTAL PROVIDED = 7.51 AC



LEGEND

- LAKE
- NON-INDIGENOUS PRESERVE
- INDIGENOUS PRESERVE
- DAUGHTREY CREEK

NOTE:
1. SITE PLAN ALTERNATIVE A SHOWN, HOWEVER, BOTH SITE PLANS UTILIZE IDENTICAL PRESERVATION AREAS.
2. DUE TO POTENTIAL CHANGING CONDITIONS OF FOOSE GULLY AND DAUGHTRY'S CREEK, EXACT PRESERVATION AREAS MAY CHANGE SLIGHTLY IN LOCATION. MINIMUM INDIGENOUS PRESERVATION AREA AND NATURAL WATERWAY BUFFERS WILL BE DEMONSTRATED DURING DEVELOPMENT ORDER APPROVAL BASED UPON SITE CONDITIONS AT THAT TIME.

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DCI 2016-00024

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PROJECT DESCRIPTION

GULLY CREEK

LEE COUNTY, FLORIDA

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LOCATION	J:\23319\DWG\ZONING\
PLOT DATE	FRI. 8-18-2017 - 1:20 PM
PLOT BY	ANGELICA HARDY

CROSS REFERENCED DRAWINGS

BASEPLAN = 23319-Z00A.DWG

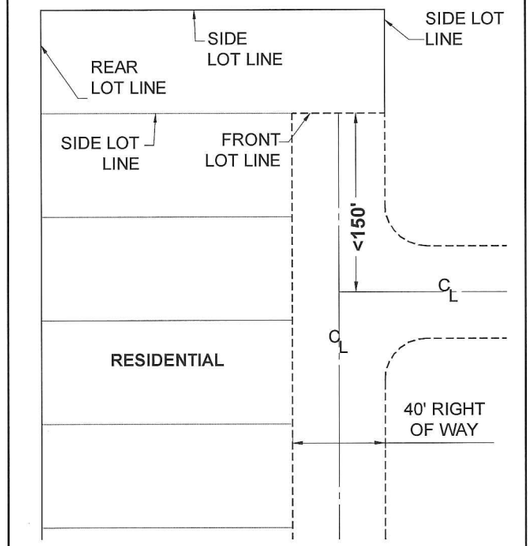
PLAN REVISIONS

PLAN STATUS

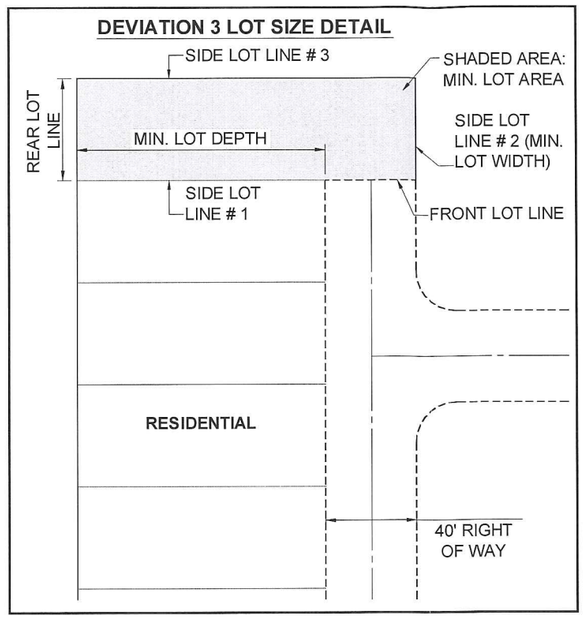
OPEN SPACE AND INDIGENOUS PRESERVE MAP

PROJECT / FILE NO.	SHEET NUMBER
23319	4

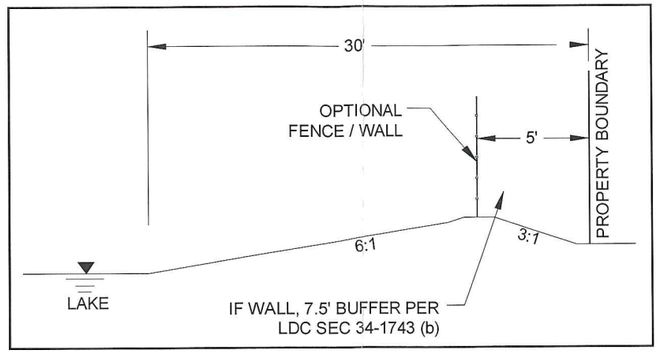
DEVIATION 1 RIGHT ANGLE SIDE LOT LINE
DEVIATION 2 DEAD-END DETAIL



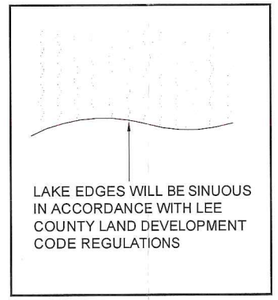
DEVIATION 3 LOT SIZE DETAIL



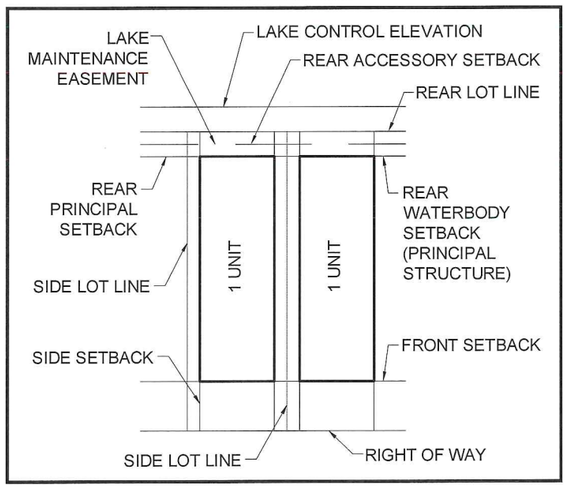
DEVIATION 4 DETAIL



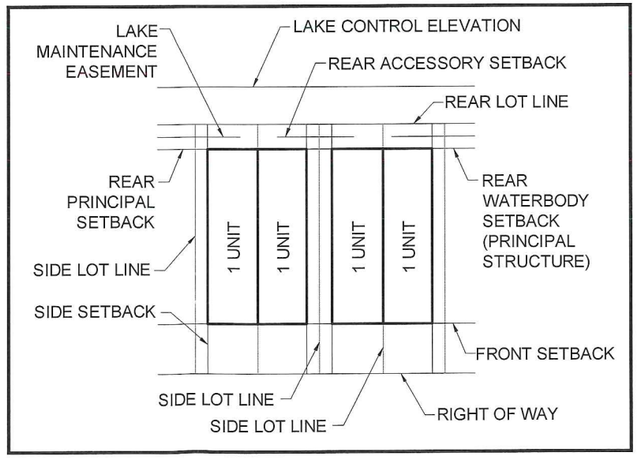
SINUOUS LAKE SHORELINE DETAIL



SINGLE FAMILY DETACHED TYPICAL LOT DETAIL



SINGLE FAMILY ATTACHED TYPICAL LOT DETAIL



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PROJECT DESCRIPTION

GULLY CREEK

LEE COUNTY, FLORIDA

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FILE NAME	23319-Z04.DWG
LOCATION	J:\23319\DWG\ZONING\
PLOT DATE	FRI. 8-18-2017 - 1:21 PM
PLOT BY	ANGELICA HARDY

CROSS REFERENCED DRAWINGS

BASEPLAN = 23319-Z00A.DWG

PLAN REVISIONS

PLAN STATUS

DEVIATIONS AND DETAILS

PROJECT / FILE NO.	SHEET NUMBER
23319	5

RECEIVED
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COMMUNITY DEVELOPMENT
DCI 2016-00024

RESOLUTION NUMBER Z-05-037

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Development Solutions, LLC, filed an application on behalf of the property owners, Advance Homes, Inc., Mill Creek Florida Properties No. 3, LLC., Richard D. Fernandez, and SW Florida Land 411 LLC, to rezone a 303.34± acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to Oak Creek; and

WHEREAS, a public hearing was advertised and held on April 29, 2005, and June 17, 2005, and written submissions on June 21, 2005, June 27, 2005, and July 1, 2005, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2003-00083; and

WHEREAS, a second public hearing was advertised and held on October 17, 2005, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone a 303.34± acre parcel from AG-2 to RPD, to develop 1,120 dwelling units. Dwelling units are to include: single-family, townhouse, and multi-family. Maximum height of buildings is to be 45 feet (two stories). Blasting is not proposed on-site. The property is located in the Rural, Suburban, and Wetlands Land Use Categories and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. Development must be consistent with the 1-page Master Concept Plan entitled "Oak Creek Master Concept Plan Exhibits PH-4.B and 6-J," stamped received November 22, 2005, plot dated June 20, 2005, labeled Sheet 2 of 6, except as modified by the conditions below, and attached hereto as Exhibit C. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as a part of this planned development. If changes to the Master Concept Plan (MCP) are subsequently pursued, appropriate approvals will be necessary.

10/17/05

ATTACHMENT E

2. The following limits apply to the project and uses:

A. Schedule of Uses:

Accessory Uses and Structures
Administrative Offices (located within the clubhouse only)
Boardwalks
Boats (non-motorized only, and only on the lake adjacent to the amenity area)
Docks
Dwelling Unit: Multi-family, Single-family, Townhouse
Entrance Gates and Gatehouses
Gazebos
Essential Services
Essential Service Facilities, Group I
Excavation – Water Retention
Fences, Walls
Food and Beverage Service, Limited (in association with the clubhouse)
Home Occupation (no outside help)
Models: Model Homes, Model Units, Model Display Centers (all per Condition 8)
Observation Piers (dock) (on lake adjacent to amenity area only)
Parking Lot, Ancillary
Real Estate Sales Office per Condition 9
Recreational Facilities: Personal, and Private On-site to include a maximum 7,500 square foot clubhouse
Signs in compliance with LDC Chapter 30
Temporary Construction Trailer per LDC §34-3044

B. Site Development Regulations:

	Min. Lot Area (sf)	Min. Lot Width (ft)	Min. Lot Depth (ft)	Min. Rd. Set-back (ft)	Min. Side Set-back (ft)	Min. Rear Set-back (ft)	Min. Water Set-back (ft)	Min. Bldg. Separa-tion (ft)	Max Ht. (ft)	Land Use
Single Family Estate	19,000	140	140	25/ 20*	7.5	15	20	15	35 / two stories	45%
Single Family (Parcel B)	6,500	50	130	20/ 15*	5.0	15	20	10	35 / two stories	45%
Single Family	5,000	50	100	20/ 15*	5.0	15	20	10	35 / two stories	55% ****
Town House ***	6,400 / 1,800 per unit	54 per lot / 18 per unit	100	20/ 15*	5.0 0**	15	20	10	35 / two stories	60%
Multi-family	6,400	54	100	15	7.5	20	20	20	35 / two stories	55%

Residential Accessory Uses	N/A	N/A	N/A	20 / 15*	5.0*	5.0*	10	N/A	35	N/A
Amenity Facilities	10,000	100	100	15	10	20	0*****	N/A	45 / two stories	45%

* Lesser setback for units with side entry garages
** Lesser setback for interior units
*** Three minimum townhouse units per building
**** See Condition 17
***** See Deviation 3

3. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

4. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).

5. No blasting is permitted on-site.

6. Parcel A is permitted a maximum of 27 dwelling units with its current underlying land uses of rural and wetlands. At the time of development order permitting, this total may be recalculated based on the underlying land use category existing at that time, and any SFWMD permits which have been obtained. However, under no circumstance can the total number of dwelling units on Parcel A exceed 130.

7. Perimeter buffers shown on the MCP will be constructed provided that the perimeter lots within the project boundary are less in size than those allowed within the AG-2 zoning district.

   The buffer along the western side of Parcel D must be maintained in such a manner to allow the vegetation to grow to its natural height, and be maintained in a healthy state through appropriate horticultural/arboricultural practices, to create a dense visual buffer.

8. Model homes, model units, and model display centers are permitted in compliance with the following conditions:

   a. They may only be located as depicted on the approved MCP; and

   b. Each model must be a unique example. Multiple examples of the same model are not permitted; and

   c. A total maximum of 28 models are permitted at any one time with a total maximum of seven in any one location; and

d. Hours of operation are restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.

9. A single Real Estate Sales Office is permitted in compliance with the following conditions:

a. It must be located in any one location for models as depicted on the approved MCP; and

b. Hours of operation are restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.

10. Agriculture uses are not a permitted use in the schedule of uses for this application. Thus, they must cease upon approval of this rezoning.

11. Prior to issuance of a Vegetation Removal Permit for any area containing gopher tortoise habitat, the area must be surveyed specifically for gopher tortoise burrows. All active and inactive gopher tortoise burrows must be flagged and numbered in the field. An aerial photo delineating the location of all active and inactive gopher tortoise burrows located within the clearing limits must be supplied to the Division of Environmental Sciences staff for field verification.

12. A copy of the appropriate gopher tortoise permit and payment receipt issued by the Florida Fish and Wildlife Conservation Commission must be submitted to the Division of Environmental Sciences staff prior to excavation and moving of any gopher tortoises.

13. Gopher tortoises and commensal species found during burrow excavation must be moved to on-site preserves containing appropriate gopher tortoise habitat.

14. Prior to issuance of a Vegetation Removal Permit for any area containing fox squirrel habitat, the area must be surveyed specifically for fox squirrel nests. Located nests must be observed for five consecutive days to determine if the nest is active. Active fox squirrel nests must be provided a minimum of 125-foot-wide buffer until the nest is confirmed inactive.

15. Construction activity occurring within the secondary protection zone of the southern bald eagle nest located to the south of the Oak Creek RPD must follow the United States Fish and Wildlife Service monitoring guidelines.

16. Prior to the issuance of the Certificate of Completion for the local development order for infrastructure that includes the entry road, the developer must install the approximately 40 buffer trees as required by the Oak Creek Bald Eagle Management Plan along the west side of the entry road. The trees must be planted within the easement area acquired by the applicant, but outside of the area dedicated to pavement and utilities.

17. Prior to local development order approval, 100.08 acres of common open space, which meets the 40 percent open space requirement for the entire site with the exception of Parcel B, must be provided for the overall site, of which, 50.04 actual acres must be provided as preservation in substantial compliance with the MCP. A minimum of 50.04

acres of existing indigenous plant communities must be preserved. Each development parcel must provide a minimum of 10 percent open space.

18. The applicant acquired an adjacent parcel of property in order to provide the requested emergency access. At the time of development order application, the developer must furnish the County with a copy of the easement, in favor of the Homeowner's Association, that provides for the legal right to traverse the property. The developer must ensure that any secondary emergency access is stabilized, and must obtain a limited review development order from the County for its construction. The secondary emergency access is required prior to the issuance of the Certificate of Completion for Parcels B or C, whichever is developed last, and in the event they are constructed prior to Parcel A. The secondary emergency access is required to be constructed prior to the Certificate of Completion for Parcel A. This access cannot be used as a primary access point without an amendment of this zoning approval through the public hearing process. The location of the access identified on the MCP can be adjusted to address topographical, design, drainage or other concerns.

19. Flow way Cleaning and Maintenance.

    a. Prior to issuance of a development order for the box culvert construction or an approval that will permit fill to be located within 100 feet of the "limits of fill" as identified on the approved MCP, the developer must remove all exotics, debris and existing culverts and any dead vegetation from the flow way, as it is shown on the approved MCP.

    b. The developer will maintain the flow way free of exotics, debris and dead vegetation. The developer will also maintain the box culvert and the entrance and exit to the box culvert. The maintenance will be performed in a manner that will ensure the conveyance characteristics identified in the HEC RAS modeling are met.

    c. The Homeowner's Association documents will include a provision in the association documents that will permit the County to access the flow way, as identified on the MCP, for the sole purpose of maintenance. The County has the right, but not the obligation, to perform maintenance work in the flow way. The property owner's association, a uniform community development district, or other similar entity, will have the obligation to maintain the flow way. The County Attorney's office will review the association, uniform community development district, or other similar entity documents during its routine review of local development order submittal documents, to ensure that the documents require ongoing maintenance by the applicant or its successor entity and to ensure that the County has the ability to perform maintenance within the flow way.

       If the property owner's association, UCDD, or other legal entity charged with the maintenance of the flow way does not maintain the flow way in accordance with the parameters identified in the HEC-RAS model on file with the County, then the County may send the appropriate legal entity written notice of the maintenance deficiency. The notice must identify the deficiencies with sufficient specificity to enable the association, UCDD, or other legal entity to remedy the deficiency. If the

association does not commence the maintenance activity within thirty days after receipt of the written notice from the County, then the County has the option of performing the maintenance or having the maintenance performed by an independent contractor at the association, UCDD, or other legal entity's expense. If there are extenuating circumstances that would prevent the work from commencing within thirty days, the association or other legal entity must contact the County Department of Community Development Director of Development Services and advise the Director of the problem and request an extension of time for commencement. The Director has discretion as to whether or not an extension can be granted.

20. HEC-RAS Modeling.

a. The project must be developed in a manner that is substantially in compliance with the parameters identified in the HEC-RAS model reviewed and accepted by Lee County Department of Natural Resources as part of the zoning review process. A copy of the official HEC-RAS analysis must be identified, and retained in the zoning file in the Zoning Department and the Department of Natural Resources for future reference. The local development order construction plan submittals for that portion of the project adjacent to, and/or including, the flow way must be consistent with the lakes, cross-sections, and fill limits identified on the MCP. Compliance with the MCP ensures compliance with the HEC-RAS model. If any significant changes are proposed to the flow way, fill limits, cross-sections or flow way lakes, the applicant must provide a revised HEC-RAS model. The County Department of Natural Resources will review the revised model results and assumptions to ensure that the development proposed adjacent to the flow way will be consistent with the adopted Lee County Surface Water Management Master Plan, dated December 1992, the FIRM/FIS in effect at the time of Environmental Resource Permit application and the Environmental Resource Permit.

b. Applications for a local development order for any development that includes all, a portion of, or property within 100 feet of the flow way will provide for maintenance of the creek bed if the submitted cross-sections for the creek differ substantially from the historic cross-sections established in the 1992 Lee County Stormwater Master Plan. This maintenance of the creek bed to historical cross-section will be completed prior to a Certificate of Compliance for the applied for local development order.

21. Certificate of Completion.

Prior to the issuance of the Certificate of Completion for any development order that includes all, or a portion of the flow way, or property adjacent to the flow way, a certified as built drawing of the portion of the flow way included within, or adjacent to, the property that is the subject of the development order must be provided. A condition will be included in the local development order which requires the submission of a record drawing, with the engineers' certification and request for a Certificate of Completion, to assure that the record drawings will be provided prior to the issuance of the Certificate of Completion.

22. Ongoing Education.

An educational meeting regarding proper ongoing maintenance of the flow way must be conducted annually in March, with the Board of the homeowner's association, property owner's association or uniform community development district, whichever entity ultimately has the authority and responsibility for the maintenance of the flow way. The Board must provide the notice of the meeting to all residents, and the Board must provide the location for the meeting. The Board will coordinate with the Department of Natural Resources who will be responsible for providing the personnel or person who will provide the education to the Board and any residents desirous of attending the public meeting.

23. The developer and future residents of this project do not have a legal right to use Bright Road, meaning it is not a public right-of-way to the project site, nor is there an easement providing access. The developer or future residents of this project cannot use Bright Road without a legal right to use the road. Bright Road access is not permitted in this resolution, and any effort to use Bright Road for access to the property would require an amendment to the MCP. Any amendment to the MCP to provide for access to Bright Road would require the submission of an application to amend the zoning and a public hearing. No amendment to add access to Bright Road can occur administratively.

24. Street lights for the development within 500 feet of adjacent properties must be properly shielded or directed, in accordance with Lee County LDC, to reduce the affects on adjacent properties.

25. The proposed Emergency Access, from Slater Pines Road, will not be used by construction vehicles for ingress or egress to the subject real property, and, will be used only for emergency access purposes when the main entrance to the property is blocked. Except, the developer may allow construction vehicles on Slater Pines Road incident to their use in the construction of the stabilized road on the property.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §34-935(e)(4) requirement to provide building separations on lots where more than one building will be built to be a minimum of 20 feet, or one-half the sum of their heights, to allow the building separation to be 20 feet. This deviation is APPROVED.

2. Deviation (2) seeks relief from the LDC §10-329(d)(4) requirement to provide excavation bank slopes to be no greater than 4:1, to allow the project to conform to SFWMD permits. This deviation is APPROVED, SUBJECT TO the following conditions:

    a. Approval is limited to 20 percent of the lake shoreline and limited to the amenity center area delineated on the MCP. The shoreline of the approximately 32-acre existing lake must be reconfigured to provide a littoral shelf (minimum 4:1 slope), and an expanded compensatory littoral shelf equivalent to the linear footage of the bulkhead must be provided within the lake. Littoral plantings must be calculated on two plants per linear foot of the entire lake shoreline, with concentrating the plantings within the compensatory littoral shelf.

b. The lake bank slope must intersect the bulkhead at the lake control elevation.

3. Deviation (3) seeks relief from the LDC §34-2194(c)(3)b. requirement to provide a 10-foot setback for non-seawalled artificial bodies of water, to permit common recreational amenity structures to be placed at the lake's control elevation. This deviation is APPROVED, SUBJECT TO the following condition:

   Approval is limited to the amenity center area delineated on the MCP and any amenity feature, other than a fishing pier or dock, must be located behind a bulkhead structure.

4. Deviation (4) seeks relief from the LDC §30-181(a)(1)(b) requirement to provide specifications for off-site directional signs, to allow for project identification signs at the entrance on Bayshore Road as set forth in LDC §30-153. This deviation request was WITHDRAWN by the applicant.

5. Deviation (5) seeks relief from the LDC §10-329(d)(1)a.1. requirement to provide a 25-foot setback for water retention lakes along local roadways, to allow lakes to be located within 20 feet of a roadway. This deviation is APPROVED, SUBJECT TO the following condition:

   The protection for wayward vehicles to be approved by the Director of Development Services as part of the development order process.

6. Deviation (6) seeks relief from the LDC §10-416(d)(6) requirement to provide a 25-foot-wide buffer with a wall and/or wall berm combination to buffer adjacent residential uses from roads within 125 feet, to allow the buffer detail contained in Attachment 'D' of the Staff Report. This deviation is APPROVED, SUBJECT TO the following condition:

   The accessway depicted on the detail (Attachment 'D' of the Staff Report), must be revised to be a minimum of 20 feet in width, and this detail must replace the current one on the MCP prior to a zoning hearing before the Board of County Commissioners.

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

Exhibit A: Legal description
Exhibit B: Zoning Map (subject parcel identified with shading)
Exhibit C: The Oak Creek Master Concept Plan

The applicant has indicated that the STRAP numbers for the subject property are: 17-43-25-00-00002.0000, 20-43-25-00-00001.0000, 20-43-25-00-00001.001A, 20-43-25-00-00001.0010, 19-43-25-00008.0060, 19-43-25-00-00008.0050.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning to Residential Planned Developments, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,

   c. is compatible with existing or planned uses in the surrounding area; and,

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,

   e. will not adversely affect environmentally critical areas or natural resources.

3. The RPD rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location; and

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

   c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The approved deviations, as conditioned, enhance achievement of the residential planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Albion, seconded by Commissioner Hall, and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammy Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 17th day of October 2005.

ATTEST:
CHARLIE GREEN, CLERK

BY: Michele B. Cooper
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairwoman

Approved as to form by:

Donna Marie Collins
County Attorney's Office

RECEIVED
MINUTES OFFICE
mgc
2005 DEC 21 PM 4:05

Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Consultants

EXHIBIT PH-3.C.1

DCI2003-00083

DESCRIPTION

Parcel in
Sections 17, 19 & 20, Township 43 South, Range 25 East
Lee County, Florida

A tract or parcel of land lying in Sections 17, 19 and 20, Township 43 South, Range 25 East, Lee County, Florida. Said tract or parcel being those lands described in deed recorded in Official Record Book 2603, Page 3632; Official Record Book 1518, Page 1649; Official Record Book 3212, Page 659; Official Record Book 3212, Page 642; Official Record Book 1059, Page 139; Official Record Book 1059, Page 137; Lee County Records. Said tract or parcel being more particularly described as follows:

Beginning at the southwest corner of the southwest quarter (SW ¼) of said Section 17 run N00°06'34"W along the west line of said fraction for 1,802.86 feet to an intersection with the southwesterly line of the Seaboard Coast Line Railroad as described in Deed Book 17, Pages 248 and 249, Lee County Records; thence run S45°46'33"E along said southwesterly line for 4,463.79 feet to an intersection with the south line of the northwest quarter (NW ¼) of the northeast quarter (NE ¼) of said Section 20; thence run S89°35'12"W along the south line of said fraction for 569.98 feet to the northeast corner of the southeast quarter (SE ¼) of the northwest quarter (NW ¼) of said Section 20; thence run S00°02'58"W along the east line of said fraction for 1,335.70 feet to the southeast corner of said fraction; thence run S89°35'46"W along the south line of the northwest quarter (NW ¼) of said section 20 for 2,649.00 feet to the southwest corner of said fraction; thence run S00°10'14"E along the east line of the northeast quarter (NE ¼) of the southeast quarter (SE ¼) of said section 19 for 1,335.96 feet to the southeast corner of said fraction; thence run S89°02'55"W along the south line of said fraction for 298.24 feet to an intersection with the centerline of William's Road; thence run N43°43'44"W along said centerline for 168.94 feet to a point of curvature; thence continuing along said centerline run northwesterly along the arc of said curve to the right of radius 3,125.43 feet (delta 04°17'59") (chord bearing N41°34'45"W) (chord 234.49 feet), for 234.55 feet to a point of tangency; thence continuing along said centerline run N39°25'45"W for 1,190.43 feet to an intersection with the west line of said fraction; thence run N00°11'23"E along said west line for 101.73 feet to the northwest corner of said fraction; thence run N00°32'23"E along the west line of the east half (E 1/2) of the northeast quarter of said Section 19 for 2,652.91 feet to the northwest corner of said fraction; thence run N88°20'13"E along the north line of the northeast quarter (NE ¼) of said section 19 for 1,322.60 feet to the POINT OF BEGINNING.

Containing 303.34 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD 1983/90 adjustment) and are based on the north line of the northwest quarter (NW 1/4) of said Section 20 to bear N89°32'23"E.

Applicant's Legal Checked
by _____ February 24, 2004.

DCI 20[illegible]83

RECEIVED
NOV 14 2003
COMMUNITY DEVELOPMENT

Scott A. Wheeler 11/13/03
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

21797S06desc.doc

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169

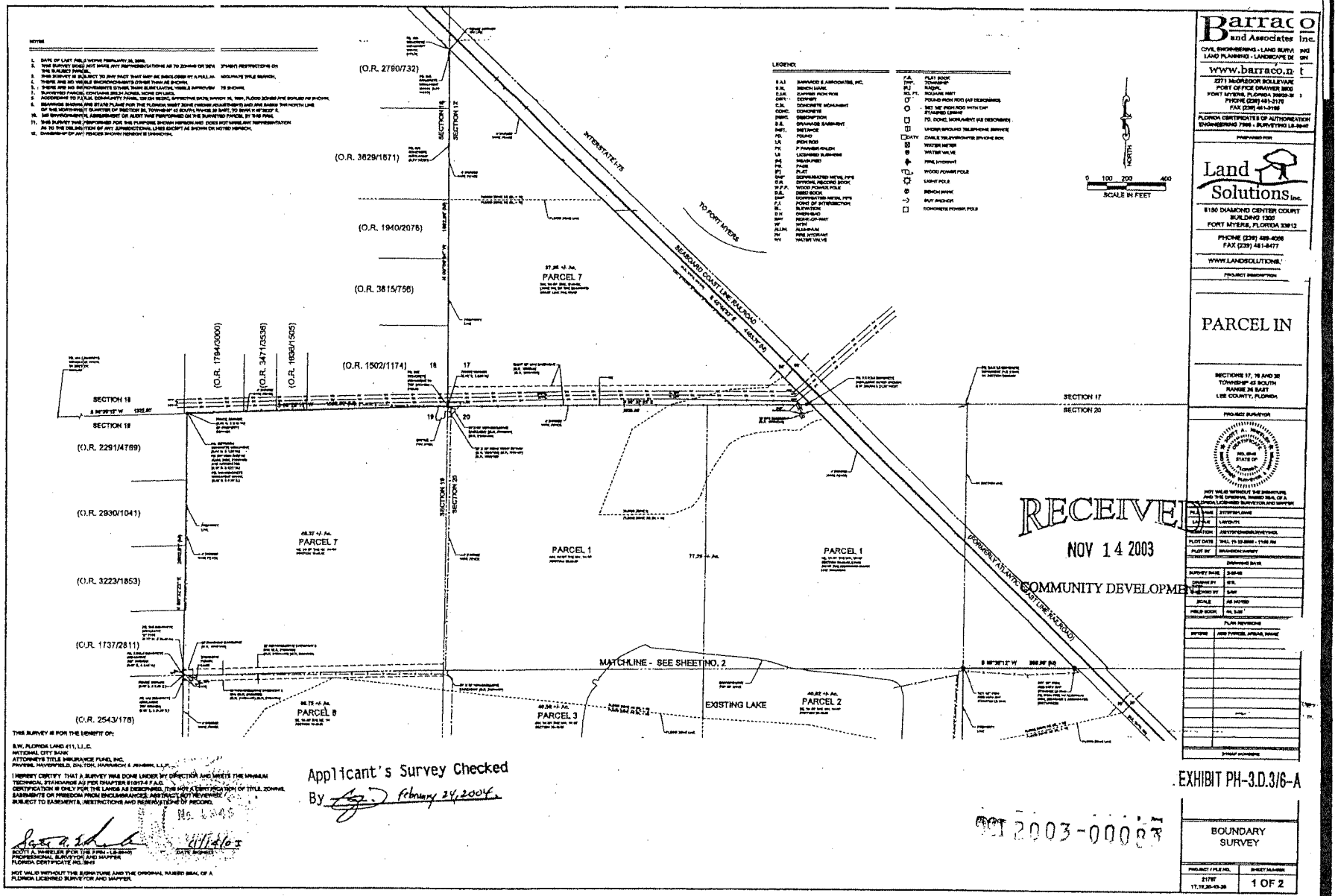
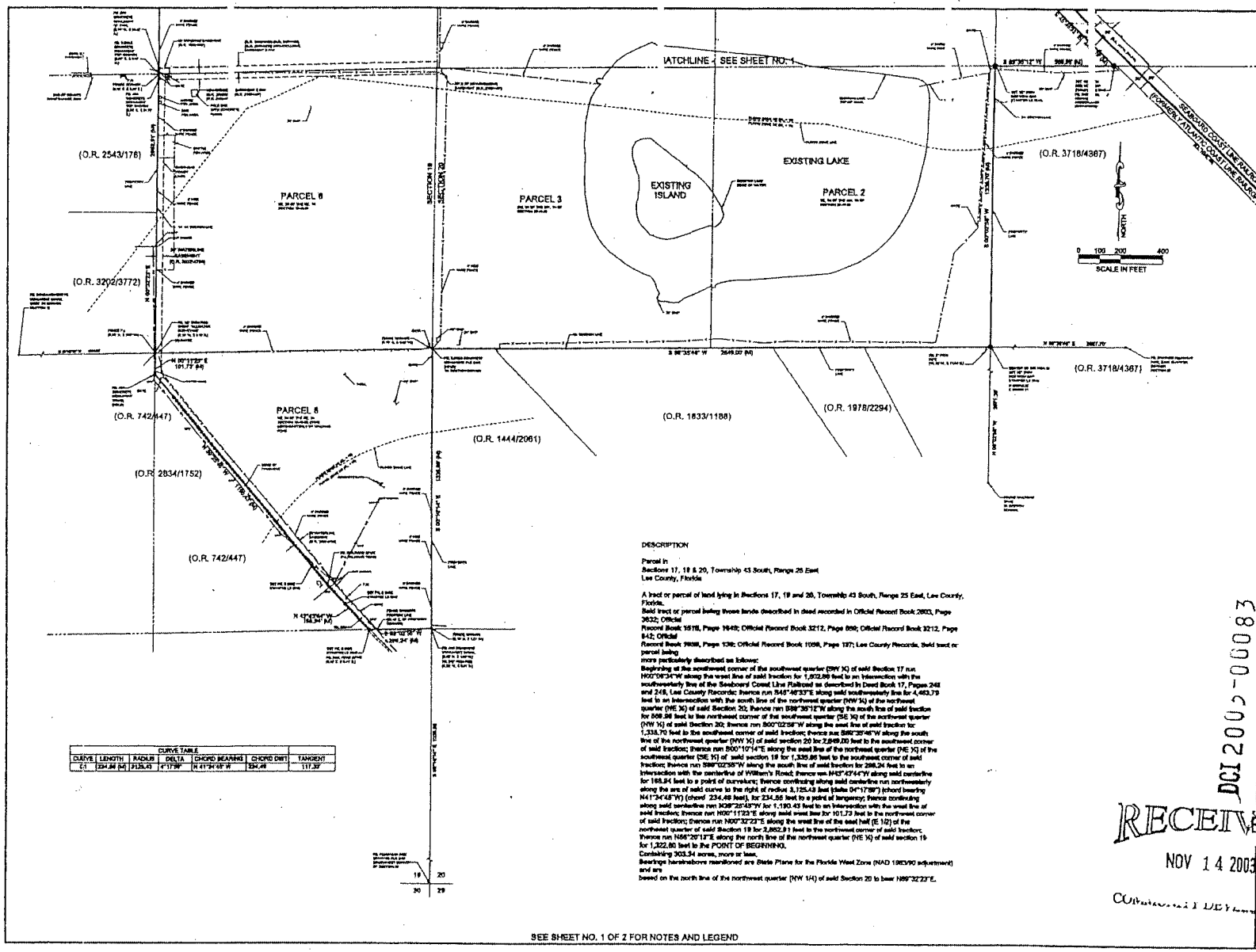


EXHIBIT A
PAGE 2 OF 3

EXHIBIT A
PAGE 3 OF 3



CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DIST.	TANGENT
C1	234.86 (M)	3125.43	4°17'59"	N 41°34'48" W	234.49	117.39'

DESCRIPTION

Parcel in
Sections 17, 19 & 20, Township 43 South, Range 25 East
Lee County, Florida

A tract or parcel of land lying in Sections 17, 19 and 20, Township 43 South, Range 25 East, Lee County, Florida.
Said tract or parcel being those lands described in deed recorded in Official Record Book 2803, Page 3632; Official
Record Book 1978, Page 1649; Official Record Book 3212, Page 899; Official Record Book 3212, Page 842; Official
Record Book 2838, Page 139; Official Record Book 1058, Page 197; Lee County Records. Said tract or parcel being
more particularly described as follows:
Beginning at the southwest corner of the southwest quarter (SW ¼) of said Section 17 run N00°09'34"W along the west line of said fraction for 1,802.89 feet to an intersection with the southeasterly line of the Seaboard Coast Line Railroad as described in Deed Book 17, Pages 248 and 249, Lee County Records; thence run N45°46'33"E along said southeasterly line for 4,463.79 feet to an intersection with the south line of the northwest quarter (NW ¼) of the northeast quarter (NE ¼) of said Section 20; thence run S89°35'12"W along the south line of said fraction for 508.86 feet to the northeast corner of the southwest quarter (SE ¼) of the northwest quarter (NW ¼) of said Section 20; thence run S00°02'56"W along the east line of said fraction for 1,338.70 feet to the southeast corner of said fraction; thence run S89°35'48"W along the south line of the northwest quarter (NW ¼) of said section 20 for 2,649.00 feet to the southwest corner of said fraction; thence run S00°10'14"E along the east line of the northeast quarter (NE ¼) of the southwest quarter (SE ¼) of said section 19 for 1,335.86 feet to the southeast corner of said fraction; thence run S89°02'56"W along the south line of said fraction for 288.24 feet to an intersection with the centerline of William's Road; thence run N43°-07'47"W along said centerline for 168.84 feet to a point of curvature; thence continuing along said centerline run northwesterly along the arc of said curve to the right of radius 3,125.43 feet (delta 04°17'59") (chord bearing N41°34'48"W) (chord 234.49 feet), for 234.86 feet to a point of tangency; thence continuing along said centerline run N39°25'43"W for 1,190.43 feet to an intersection with the west line of said fraction; thence run N00°11'23"E along said west line for 101.73 feet to the northwest corner of said fraction; thence run N00°32'23"E along the west line of the east half (E 1/2) of the northwest quarter of said Section 19 for 2,662.91 feet to the northwest corner of said fraction; thence run N89°20'13"E along the north line of the northwest quarter (NE ¼) of said section 19 for 1,322.80 feet to the POINT OF BEGINNING.
Containing 303.34 acres, more or less.
Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD 1983/90 adjustment) and are
based on the north line of the northwest quarter (NW 1/4) of said Section 20 to bear N89°32'23"E.

SEE SHEET NO. 1 OF 2 FOR NOTES AND LEGEND

Barraco and Associates Inc.
CIVIL ENGINEERING - LAND SURVEYING AND LAND PLANNING - LANDSCAPE DESIGN
www.barraco.com
3271 McGREGOR BOULEVARD
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BUILDING 1300
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FAX (239) 481-8477
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PROJECT DESCRIPTION

PARCEL IN

SECTIONS 17, 19 AND 20
TOWNSHIP 43 SOUTH
RANGE 25 EAST
LEE COUNTY, FLORIDA

PROJECT SURVEYOR

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

FILE NAME	
LAYOUT	LAYOUT1
LOCATION	
PLOT DATE	
PLOT BY	

DRAWING DATA

SURVEY DATE	
DRAWN BY	
CHECKED BY	
SCALE	AS NOTED
FIELD BOOK	

PLAN REVISIONS

STRAP NUMBERS

RECEIVED
NOV 14 2003
COMMUNITY DEVELOPMENT

DCI 2003-00083

EXHIBIT PH-3.D.3/6-A

BOUNDARY SURVEY

PROJECT / FILE NO.	SHEET NUMBER
21777	2 OF 2

ZONING INTAKE M P

2/25/2005

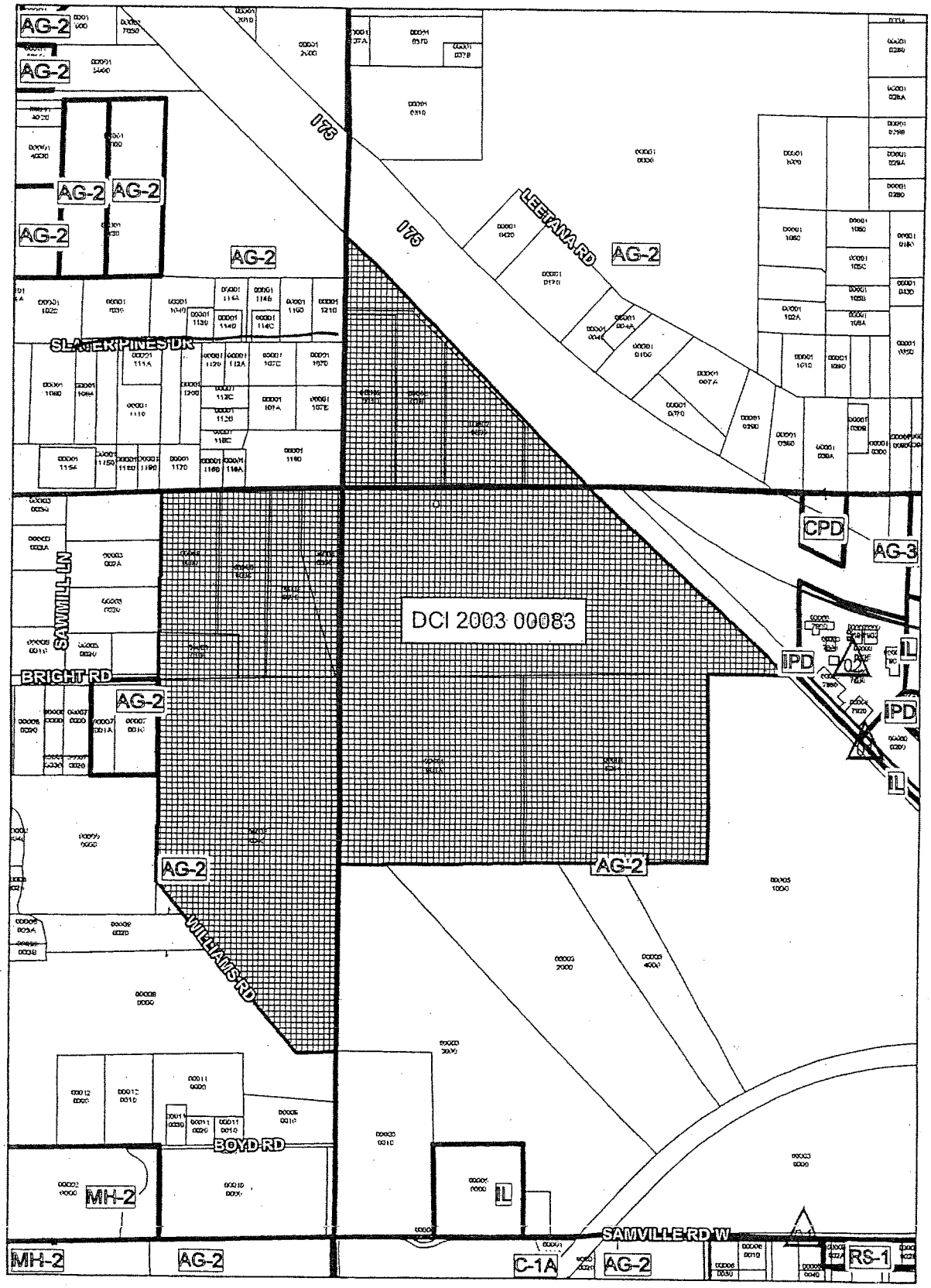
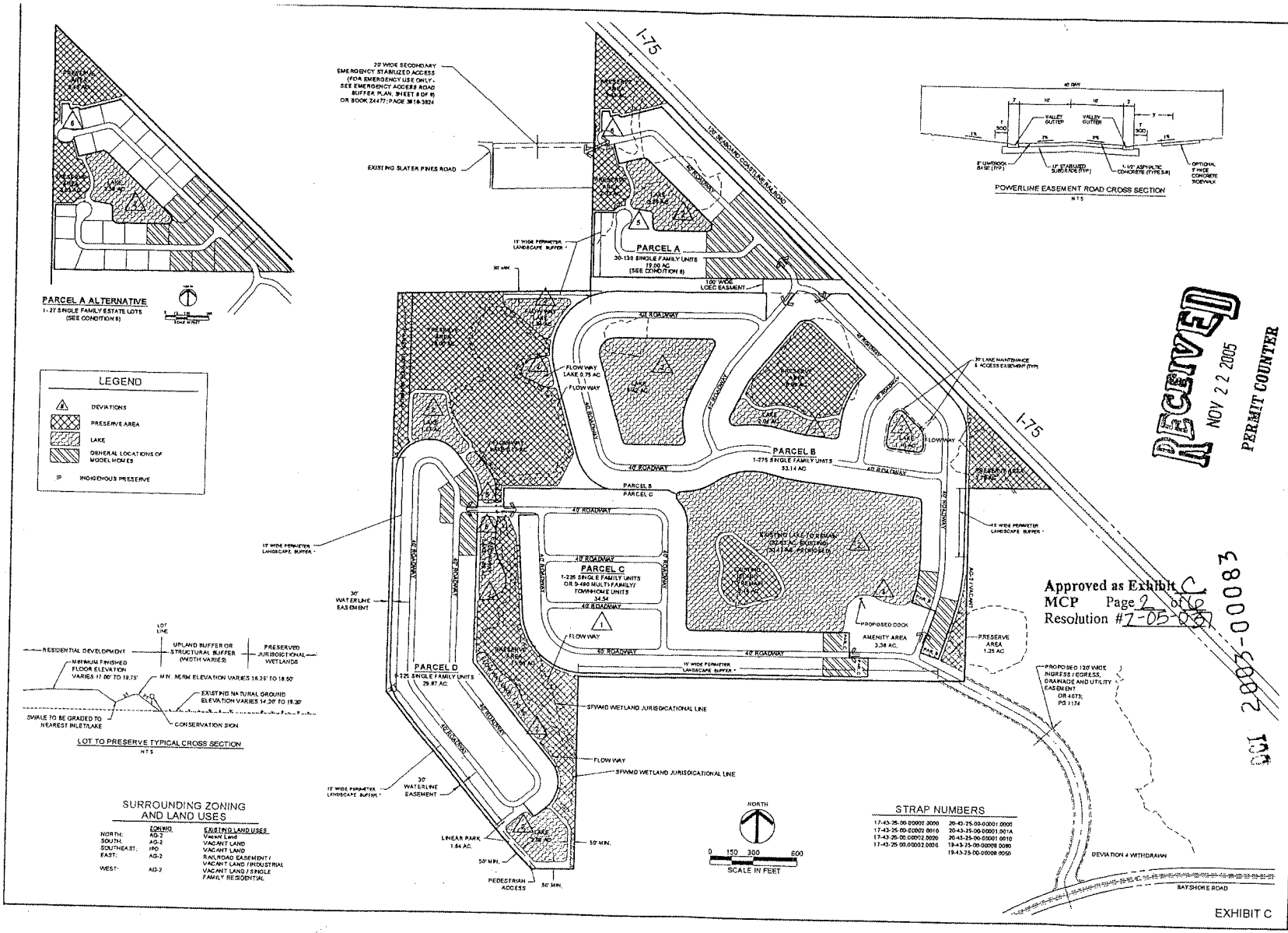


EXHIBIT B

1,100 550 0 1,100 Feet



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ENGINEERING 7995 - SURVEYING LB-6840

PREPARED FOR
Land Solutions inc.
5150 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
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FAX (239) 481-8477
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PROJECT DESCRIPTION

OAK CREEK

PART OF SECTION 20
TOWNSHIP 43 SOUTH
RANGE 26 EAST
LEE COUNTY, FLORIDA

THIS PLAN IS PRELIMINARY AND INTENDED FOR CONCEPTUAL PLANNING PURPOSES ONLY. SITE LAYOUT AND LAND USE INTENSITIES OR DENSITIES MAY CHANGE SIGNIFICANTLY BASED UPON SURVEY, ENVIRONMENTAL, ENGINEERING AND REGULATORY CONSTRAINTS AND / OR OPPORTUNITIES.
* NOT FOR CONSTRUCTION *

NOT VALID WITHOUT ENGINEER'S SEAL, SIGNATURE AND DATE
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FILE NAME	21797DD1.DWG
LAYOUT	DD1
LOCATION	J:\21797\ENGINEER\
PLOT DATE	6-20-06
PLOT BY	JENNIFER PARKER
DESIGN BY	JENNIFER PARKER
CROSS REFERENCED DRAWINGS	
BASEPLAN = 21797DD0.DWG	

PLAN REVISIONS

2-17-04	MISC. REVISIONS
5-18-04	MISC. REVISIONS
12-17-04	MULTI-FAMILY SHIFT TO PARCEL C
12-20-04	LAKES 50' OFF PROPERTY BOUNDARY
1-26-05	ADD EMERGENCY ACCESS BUFFER
3-1-05	ADD DOCK TO AMENITY AREA
4-22-05	FINAL REVISIONS PRIOR TO HEX
11-7-05	COUNTY ATTORNEY COMMENTS
6-20-06	FINAL

PLAN STATUS

EXHIBIT ONLY
NOT FOR CONSTRUCTION

MASTER CONCEPT PLAN
EXHIBITS PH-4,B AND 6-J

PROJECT / FILE NO.	SHEET NUMBER
21797	2 OF 6

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Quattrone and Associates, Inc., filed an application on behalf of the property owner, Theta Investments N.V. Corp., to rezone a 56.76±-acre parcel from Agricultural (AG-2) to Mixed Use Planned Development (MPD) in reference to Bayshore 57 MPD; and,

WHEREAS, a public hearing was advertised for May 20, 2010. On May 20, 2010, at the request of the Applicant, the Hearing Examiner, Richard A. Gescheidt, continued the hearing until July 23, 2010. On July 23, 2010, the public hearing was held. At the conclusion of the hearing, the Hearing Examiner left the record open and requested Staff and the Applicant to submit written submissions to his Office on or before August 6, 2010.

WHEREAS, the Lee County Zoning Hearing Examiner gave full consideration to the evidence in the record for Case # DCI2007-00045; and,

WHEREAS, a second public hearing was advertised and held on October 4, 2010, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone a 56.76±-acre parcel from AG-2 to MPD to allow for a maximum of 140,000 square feet of commercial floor area to: include a maximum of 70,000 square feet of commercial retail; a maximum of 35,000 square feet of medical office; a maximum of 35,000 square feet of office; and a maximum of 176 dwelling units to include maximum of 104 townhomes and a maximum 72 single-family dwelling units. Maximum height proposed is two stories/35 feet. Development blasting is not requested. The development will connect to public potable water and public sanitary sewer service.

The property is located in the Suburban Future Land Use Category and is legally described in attached Exhibit A.

The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. Development of this project must be consistent with the four-page Master Concept Plan (MCP) entitled "Master Concept Plan: Bayshore 57," prepared by Quattrone & Associates, Inc., date stamped "Received Oct 26 2010 Community Development," last revised October 05, 2010 for page 1, and October 12, 2010 for page 2, and attached hereto as Exhibit C, except as modified by the conditions below.

   Development must comply with all the requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

   Maximum Commercial Floor Area: 140,000 square feet of floor area to include 70,000 square feet of commercial retail square footage as defined by the Lee County Comprehensive Plan (Comp Plan) per Policy 6.1.2(7); a maximum of 35,000 square feet of medical office; and a maximum of 35,000 square feet of commercial office.

   Maximum Residential Density: 176 dwelling units, 4.678 units per acre, and limited to a maximum of the following types of dwelling units:

   72 single-family units; and 104 townhome, multi-family units or ALF equivalent units pursuant to the LDC.

2. Schedule of Uses

   a. The following limits apply to the project and uses.

   RESIDENTIAL AREA

   Accessory uses and structures
   Administrative Offices
   Agricultural - limited to cattle grazing and Condition 9.
   Assisted Living Facility (ALF)
   Clubs: Private
   Community Garden
   Consumption on Premises, See Condition 15.
   Dwelling unit: Single-Family, Townhouse, Multiple family building (per Condition 1).
   Entrance gates and gatehouse
   Essential services
   Essential service facilities: Groups I and II
   Excavation: Water retention. Not to include removal of excavated material from site. No blasting.
   Models: Display center, Model units, Model homes. See condition 11.
   Parking lot: Accessory
   Recreation facilities: Personal, Private On site
   Signs - in accordance with LDC Chapter 30.
   Temporary uses - construction office, construction trailer, sales center, parking lot.

   COMMERCIAL AREA

   See Condition #20.

RETAIL SHOPPING CENTER AREA

Accessory uses and structures
Administrative Offices
Agricultural - limited to cattle grazing and Condition 9.
Animals: Clinic or kennel (No outdoor runs)
ATM (automatic teller machine)
Auto parts store (with or without installation)
Bait and tackle shop
Banks and financial establishments: Groups I and II
Business services: Groups I and II (excluding Bail Bonding, Armored Car Services, Automobile Claims Adjusters, and Automobile Repossessing Services.
Cleaning and maintenance services
Clothing stores, general
Computer and data processing services
Consumption on premises - See Condition 15.
Convenience food and beverage store - limited to 1.
Department store
Drive through facility for any permitted use
Drugstore, pharmacy
Entrance gates and gatehouse
Essential services
Essential service facilities: Group I
Excavation: Water retention. Not to include removal of excavated material from site. No blasting.
Fences, walls
Food and beverage service, limited
Food stores: Groups I and II
Gift and souvenir shop
Hardware store
Hobby, toy and game shops
Household and office furnishings, all groups
Insurance companies
Laundry or dry cleaning: Groups I and II
Lawn and garden supply stores
Library
Medical office
Nonstore retailers, all groups
Paint, glass and wallpaper
Parking lot: Accessory
Personal services: Groups I, II and III (no massage parlors, steam or Turkish baths)
Pet services (no outdoor runs)
Pet shop (no outdoor runs)
Photo finishing laboratory
Place of worship
Post office
Printing and publishing

Real estate sales office
Recreation facilities Commercial: Group IV
Religious facilities
Repair shops: Groups I, II, and III
Restaurant, fast food - limited to 1 stand alone. No limit on fast food within a multi-occupancy plaza.
Restaurants: Groups I, II and III
Retail and wholesale sales, when clearly incidental and subordinate to a permitted principal use on the same premises
Self Service Fuel Pumps - limited to 16 (accessory to convenience food and beverage store only.)
Signs (in accordance with LDC Chapter 30)
Social services: Groups I and II
Specialty Retail Shops: Groups I and II - excluding Tobacco stores.
Storage: Indoor only
Studios
Temporary uses - construction office, construction trailer, sales center, parking lot.
Theater, indoor
Used merchandise stores: Groups I, II and III
Variety store

MEDICAL AND OFFICE BUILDING

Accessory uses and structures
Administrative Offices
Agricultural - limited to cattle grazing and Condition 9.
ATM (automatic teller machine)
Banks and financial establishments: Groups I and II
Business services: Groups I and II (excluding Bail Bonding, Armored Car Services, Automobile Claims Adjusters, and Automobile Repossessing Services.
Cleaning and maintenance services
Computer and data processing services
Entrance gates and gatehouse
Essential services
Essential service facilities: Group I
Excavation: Water retention. Not to include removal of excavated material from site. No blasting.
Fences, walls
Insurance companies
Library
Medical office
Parking lot: Accessory
Personal services: Groups I, II and III (no massage parlors, steam or Turkish baths)
Place of worship
Real estate sales office
Religious facilities
Signs (in accordance with LDC Chapter 30)
Social services: Groups I and II

b. Site Development Regulations

Minimum Lot Area and Dimensions

Residential Multi-family/ALF/recreation Facilities

Lot Size:	7,500 square feet
Lot Width:	100 feet
Lot Depth:	75 feet

Minimum Setbacks

Public Street:	25 feet
Private Street	20 feet
Side:	15 feet
Rear:	25 feet
Water body	25 feet
Indigenous	20 feet/30 feet for fire dependent plant communities

Minimum Building Separation: 20 feet

Accessory use and structure setbacks must comply with LDC (LDC) § 34-1171 *et seq.* and LDC § 32-2194.

Maximum Lot Coverage: 45 percent

Building/Structure Height: 2 stories/35 feet

Townhouses

Minimum Lot Areas and Dimensions (per unit)

Lot Size:	1,530 square feet
Lot Width:	18 feet
Lot Depth:	85 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	0/10 feet (lesser setback for interior units)
Rear	15 feet
Water body	25 feet

Accessory Use and Structure setbacks must comply with LDC § 34-1171 *et seq.* and 34-2194.

Minimum Building Separation:	20 feet.
Maximum Lot Coverage:	75 percent

Building Height:	35 feet/ 2 stories

Single Family

Minimum Lot Areas and Dimensions (per unit)

Lot Size:	6,500 square feet
Lot Width:	50 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	20 feet (public)/20 feet (private)
Side	5 feet
Rear	15 feet
Water body	25 feet
Indigenous	20 feet/30 feet for fire dependent plant communities

Accessory Use and Structure setbacks must comply with LDC § 34-1171 *et seq.* and 34-2194.

Minimum Building Separation:	10 feet.
Maximum Lot Coverage:	45 percent
Building Height:	2 stories/35 feet

Commercial

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks

Public Street:	
Arterial	50 feet
Other Public	25 feet
Private Street	20 feet
Side:	15 feet
Rear:	20 feet
Water body	25 feet
Indigenous	20 feet/30 feet for fire dependent plant communities

Minimum Building Separation: 20 feet

Accessory use and structure setbacks must comply with LDC (LDC) § 34-1171 *et seq.* and LDC § 32-2194.

Maximum Lot Coverage: 40 percent

Building/Structure Height: 2 stories/35 feet

3. No Blasting.

Development blasting is not permitted as part of this project, unless approved at a subsequent public hearing as an amendment to the planned development.

4. Traffic.

Approval of this rezoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

5. Lee County Comprehensive Plan.

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Comp Plan Planning Communities Map and Acreage Allocation Table, Map 16, and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix, and general function (for commercial uses), as well as all other Comp Plan provisions.

6. Concurrency.

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in Chapter 2 of the LDC and the Comp Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

7. Water and Sewer.

The subject property must connect to public potable water service and public sanitary sewer service. At time of any local development order approval, the developer must also demonstrate there is adequate water and sewer capacity to handle the proposed level of development. No on-site well systems may be utilized for potable water. No septic tanks or package plants may be utilized for sanitary sewer service.

8. Accessory Uses.

Within the Commercial Planned Development, accessory uses must be located on the same tract, parcel, or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel, or outparcel.

9. Agricultural Uses.

Existing bona fide agricultural uses on this site are allowed only in strict compliance with the following:

a. Bona fide agricultural uses that are in existence at the time the application for this project was filed, and as shown on Exhibit "D," attached hereto, may continue until approval of a local development order for the area of the project containing those uses.

b. Additional clearing of trees or other vegetation in agricultural areas for agricultural purposes is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County-approved requests for the removal of invasive exotic vegetation.

c. Prior to issuance of a local development order, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:

(1) Termination of all agricultural use on any portion of the property included in the development order application/approval. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:

(a) the date the agricultural uses ceased;

(b) the legal description of the property subject to the development order approval;

(c) an affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the County that they will not allow any such uses on the property unless and until the property is rezoned to permit such uses; and,

(d) that the affidavit constitutes a covenant between the owner and the County that is binding on the owner and their assignees and successors in interest. The covenant must be properly recorded in the public records of the County at the owner's expense.

(2) Termination of the agricultural tax exemption for any portion of the property included in the development order application/approval. Proof as to termination must include a copy of the request to terminate the tax exemption provided to the Property Appraiser.

10. Solid Waste/Recycling.

As part of any local development order approval for vertical development, the development order plans must include facilities in compliance with LDC §10-261 and Solid Waste Ordinance # 08-10 for the pick up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local development order application.

11. Model Homes/Units/Real Estate Sales.

a. Model homes and units are limited to a maximum of eight.

b. Models cannot be of the same floor plan and each must be a different design.

c. Real estate sales are limited to clubhouses, model locations, and commercial areas as shown on the approved MCP.

d. Real estate sales within the residential area will be limited to the sale of lots or units within the development only. Real estate sales in the commercial area are not limited.

e. Hours of operation for model homes and real estate sales in the residential area are limited to Monday through Sunday, 8:00 a.m. to 8:00 p.m. Real estate sales in the commercial area are not limited.

f. No dry models are permitted.

12. Access to Bayshore Road.

Access to Bayshore Road/State Road 78 is not guaranteed and is subject to Florida Department of Transportation approval.

13. Sidewalks.

Development must include internal sidewalks as depicted on the approved MCP as a site-related improvement. Such facilities must be included in local development orders as part of construction of the project's infrastructure.

14. Unified Architectural Theme and Design Standards.

a. Prior to local development order approval, the exterior elevations of the commercial buildings must be in substantial compliance with the Exhibit "E" hereto.

b. These designs are preliminary and subject to changes in conformance with this resolution and LDC Chapter 10, Article IV, §10-600 Design Standards and Guidelines for Commercial Buildings and Developments, *et. seq.*

c. All structures, including signage, within the MPD must be designed to be architecturally compatible and share a common architectural theme.

d. A unified signage plan will be submitted as an administrative amendment for staff review and approval in conjunction with local development order approval.

e. Flat canopy roofs for self-service fuel pumps are prohibited.

f. The use of neon lighting for the exterior lighting or signage of any buildings within the MPD area (excluding interior signage that may be incidentally visible from the exterior) is prohibited.

g. The use of florescent colors for accent or primary exterior surfaces is prohibited. The color pallette for the primary and accent exterior surfaces must be generally subdued and earth tones, excepting that national signage, consistent with the provisions of LDC Chapter 30 and the unified sign plan, will be allowed.

15. Consumption on Premises.

a. Consumption on premises is limited to indoor seating in conjunction with a Group II or III Restaurant with a 4-COP-SRX and/or 2-COP beverage license.

b. The hours of operation for indoor consumption on premises is limited to between 11:00 a.m. to 11:00 p.m. daily.

c. No sale, service, or consumption of alcoholic beverages will be permitted without the sale or availability of food and non-alcoholic beverages on the same premises.

d. Outdoor consumption on premises within the residential and/or commercial area of the MPD may be approved by a special exception or an amendment to the planned Development (public hearing required). The applicant must provide adequate detaild of the outdoor seating area (square footage, number of seats, proposed hours, distance to Bayshore Elementary, outdoor entertainment, etc.) consistent with the requirements of the LDC.

e. No consumption on premises (indoors or outdoors) will be permitted less than 1,000 feet from the closest boundary of the property line for Bayshore Elementary School.

16. Open Space.

Prior to local development order approval, the development order plans must delineate a minimum of 24.00 acres as common open space in substantial compliance with the MCP.

17. Indigenous Preserve.

Prior to local development order approval, the development order plans must depict a minimum of 12.19 acres, 13.53 acres with credits, as indigenous open space.

18. Gopher Tortoises.

Prior to development order approval, the applicant must first seek approval for on-site preservation of the gopher tortoises through avoidance or relocation before pursuing off-site relocation options. All communication with Florida Fish and Wildlife Conservation Commission (FWC) verifying that on-site avoidance or relocation attempts were made must be provided to Division of Environmental Sciences (ES) staff.

A copy of the appropriate gopher tortoise relocation permit issued by the (FWC) must be submitted to the ES staff prior to excavation and moving of any gopher tortoises. The applicant must first seek approval for an on-site relocation before pursuing off-site relocation options. Any gopher tortoises and commensal species found during burrow excavation must be moved to preserves containing suitable gopher tortoise habitat as approved by the FWC and ES staff.

19. Detention Areas.

Prior to local development order approval, if dry detention is proposed, the landscape plan must depict:

a. the dry detention areas planted to include herbaceous vegetation arranged in clusters and planted in a one-gallon container size, three feet on center; and,

b. the dry detention areas to be planted with scattered cypress (Taxodium sp.), red maple (Acer ruburm), and/or laurel oak (Quercus laurifolia) planted at 10 feet in height, two-inch caliper with a four-foot spread and 20-foot on center; and,

c. general tree credits can be applied as per LDC §10-418(4) for herbaceous vegetation, and a general tree credit on a ratio of one-to-one for the planting of trees in the dry detention; and,

d. The required plantings must be designed to not adversely affect the functions and future maintenance of the water management facilities and will meet the requirements of the South Florida Water Management District.

20. Commercial Uses.

No commercial uses or buildings are permitted on Tract "A," the 1.0±-acre southwest corner of the property fronting on Bayshore Road (S.R. 78) as shown on the approved MCP.

Uses permitted on this tract are limited to signs (in compliance with LDC Chapter 30), open space, essential services, and storm water management.

Any permitted uses must be located in an area to avoid impacts or minimize impacts to existing native vegetation.

Prior to local development order approval, the development order plans must indicate the wetland area (Tract "A") in the southwest corner as indigenous preserve and that hydrologic function will be provided and maintained by incorporating the wetland area into the storm water management system. Any signs to be placed within the preserve must be shown on the development orders to ensure minimal impact to existing vegetation. The indigenous maintenance plan must include a separate section on maintenance such as mowing, trimming, or pruning of the 1.0-acre to allow for visibility to the off-site directional sign. The MCP must be changed to show the location of Tract "A."

Prior to issuance of a sign permit for the off-site directional sign, a Limited Development Order (LDO) Type 99 Letter of Transmittal must be submitted for review and approval by ES

staff. The LDO must address placement of the sign, any utilities, and site work in conjunction with the sign. Placement of the sign must be designed to avoid unnecessary impacts to the indigenous vegetation within Tract "A."

Uses permitted on this tract are limited to signs that are in compliance with Chapter 30 of the LDC, as modified by Deviations 2 through 5, and the conditions thereto. Said uses are also limited by the open space, essential services, and storm water management requirements of applicable Lee County Ordinances.

21. Enhanced Buffer/Chapel Creek.

Prior to local development order approval, the landscape plans must depict enhanced planting for the buffer separating the commercial portion of Bayshore 57 from Chapel Creek RPD/CPD to include:

a. an enhanced buffer with 15 native canopy trees per 100 linear feet, 14 feet in height, four-inch caliper at 12 inches from ground height; and,

b. a double staggered hedge row, 48 inches in height at time of planting maintained at 60 inches; and,

c. native round cover, one-gallon container size, planted three feet on center.

22. Right-of-way Buffer.

Prior to local development order approval, the development order plans must depict a 50-foot right-of-way buffer to include at a minimum the following:

a. All native trees a minimum four-inch caliper must be preserved; and,

b. hand removal of exotics must be utilized and any mechanical clearing may occur with prior approval by ES staff; and,

c. after exotic removal the 50-foot buffer must contain a minimum of 15 native trees per 100 linear feet; and,

d. additional trees must be planted if, after exotic removal, portions of the buffer area have less than 15 trees per 100 linear feet; and,

e. trees must be planted or retained at a one-to-one ratio with no credits applied; and,

f. general trees planted within this area must not be used to meet the 15 trees per 100 linear feet; and,

g. the buffer trees must be planted at 14 feet in height, four-inch caliper at 12 inches from ground height, with a four-foot spread; and,

h. a retaining wall separating the parking area from the 50-foot buffer; and

i. no impacts to mature native trees except that which occurs due to the construction, within five feet of the retaining wall; and,

j. 18 shrubs per 100 linear feet planted at 24-inches and maintained at 36-inches planted along the retaining wall adjacent to the parking area.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC § 10-285(a) requirement to provide a 330-foot connection separation on a collector road; to allow 253 feet of separation on Samville Road. This deviation is APPROVED SUBJECT TO the condition:

   a. The applicant is responsible, as a site-related improvement, for all costs of the realignment of Samville Road from State Road 78 to and including the Lee County property to the west (currently in use as a utilities facility). The site-related improvements must include design, permitting, right-of-way dedication, construction of the roadway realignment, utilities relocation, sidewalk, and other roadway appurtenances. The geometric details of the realignment design will be determined at the time of local development order in cooperation with the Florida Department of Transportation.

2. Deviation (2) seeks relief from the LDC §30-153(2)a(1)ii requirement to restrict the number of permanent signs in commercial areas for multiple-occupancy complexes to one ground-mounted identification sign along any street frontage of 330 feet or less, and a second sign when the frontage is greater than 330 feet; to allow a third ground-mounted identification signs along the Bayshore Road frontage of the project, pursuant to the approved MCP. This deviation is APPROVED SUBJECT TO the Condition of Approval for Deviations to Chapter 30, which are set forth following Deviation 5.

3. Deviation (3) seeks relief from LDC §30-153(2)a(1)ii, which restricts the total sign area to no greater than 300 square feet; to allow a total of 331 square feet for the Commercial Planned Development (CPD). This deviation is APPROVED SUBJECT TO the Conditions of Approval for Deviations to Chapter 30, which are set forth following Deviation 5.

4. Deviation (4) seeks relief from the LDC §30-94(h) requirement to allow a maximum interior angle for double-faced signs of 30 degrees; to allow an interior angle of 133 degrees. This deviation is APPROVED SUBJECT TO the Conditions 5.a, b, c, and d under Deviation 5.

5. Deviation (5) seeks relief from the LDC §30, Division 3 "Off Site Signs," § 30-181 (b) 2-5 "Off Site Directional Signs," requirements to allow off site directional signs for semi-public bodies (such as place of worship) and limits them to certain locations, heights, size, content, and design generally; to allow an off site directional sign for a place of worship pursuant to the approved MCP. This deviation is APPROVED SUBJECT TO the Conditions of Approval for Deviations to Chapter 30, which are set forth as follows:

   Conditions of Approval for Deviations to Chapter 30

   a. The deviations are limited to the "Proposed Faith Assembly Sign" per the approved MCP. Otherwise, signs must comply with Chapter 30 of the LDC.

b. The "Proposed Faith Assembly Sign" must be in substantial compliance with the design per Exhibit "B" of VAR2008-00036.

c. The maximum height for the "Proposed Faith Assembly Sign" is 12.33 feet.

d. The "Proposed Faith Assembly Sign" shall not have an interior angle of separation greater than 133 degrees.

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan
Exhibit D: Bona fide Agricultural Uses Affidavit
Exhibit E: Unified Architectural Theme and Design Standards

The applicant has indicated that the STRAP number for the subject property is:

20-43-25-00-00003.3000

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The MPD rezoning, as conditioned and with the special case finding:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;

   c. is compatible with existing or planned uses in the surrounding area;

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and

   e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location;

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

6. The applicant has demonstrated that it meets the "Special Case" standards set out in Lee Plan Policy 6.1.2(8).

Commissioner Judah made a motion to adopt the foregoing resolution. The motion was seconded by Commissioner Manning. The vote was as follows:

John E. Manning	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 4th day of October 2010.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Tammara Hall, Chairwoman

Approved as to form by:

_____
Michael D. Jacob
Assistant County Attorney
County Attorney's Office

SEAL

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MINUTES OFFICE
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EXHIBIT A
Legal Description,
Property located in Lee County,
Florida

PROPERTY DESCRIPTION

A PARCEL OR TRACT OF LAND LYING IN SECTION 20, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 20, THENCE RUN NORTH 89°43'21" EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 20, FOR 292.75 FEET; THENCE SOUTH 43°58'29" EAST FOR 2879.15 FEET TO A POINT ON A CURVE, SAID POINT BEING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD C-78 (BAYSHORE ROAD), SAID CURVE BEING CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 2914.79 FEET SUBTENDED BY A CHORD OF 164.66 FEET AT A BEARING OF SOUTH 44°24'15"WEST; THENCE RUN SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 3°14'14", FOR AN ARC DISTANCE OF 164.68 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE, SOUTH 42°47'09" WEST FOR A DISTANCE OF 264.79 FEET TO THE NORTHEASTERLY CORNER OF PARCEL #122 SECTION 12060-2535 STATE ROAD 783 AS RECORDED IN INSTRUMENT #2006000126434 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 47°12'51"WEST ALONG THE NORTHEASTERLY LINE OF SAID PARCEL #122, A DISTANCE OF 15.00 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL #122; THENCE SOUTH 42°47'09"WEST ALONG THE NORTHWESTERLY LINE OF SAID PARCEL #122, A DISTANCE OF 365.75 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL #122 AND A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAMVILLE ROAD (OLD BAYSHORE ROAD); THENCE SOUTH 89°42'36"WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 213.46 FEET TO A POINT ON THE EASTERLY LINE OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 1215, PAGE 896 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 00°04'14"EAST ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 300.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE SOUTH 89°42'36"WEST ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 200.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND AND A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE NORTH 00°04'14"EAST ALONG SAID WEST LINE A DISTANCE OF 342.85 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN SOUTH 89°42'47" WEST FOR A DISTANCE OF 660.30 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN NORTH 0°00'59"EAST FOR A DISTANCE OF 667.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN SOUTH 89°42'59" WEST FOR A DISTANCE OF 660.83 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN NORTH 0°02'16" WEST ALONG THE WEST LINE OF SAID SECTION 20 FOR A DISTANCE OF 1335.82 FEET TO THE POINT OF BEGINNING.

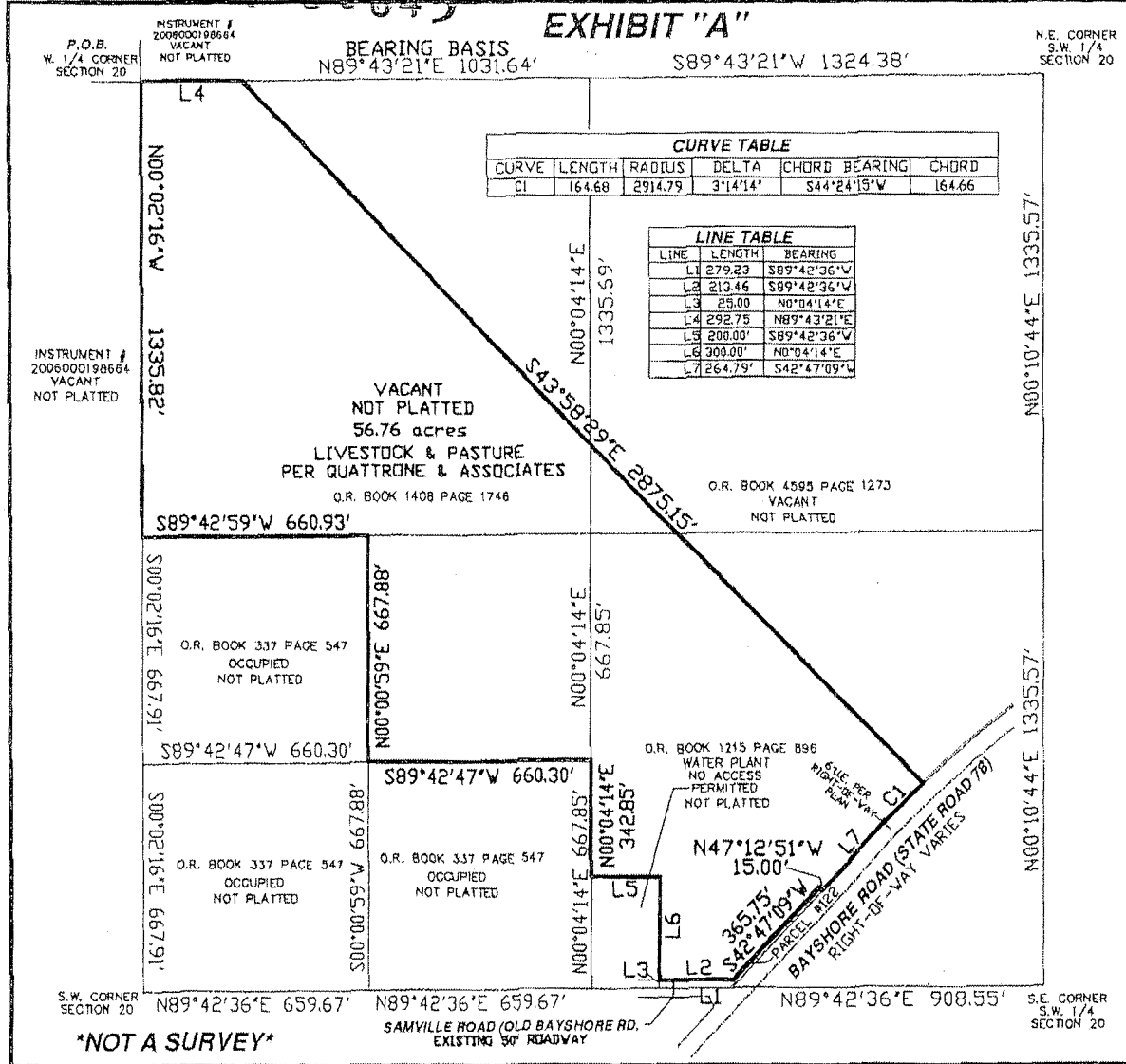
CONTAINING 56.76 ACRES MORE OR LESS.

Applicant's Legal Checked
by CS 3/24/08

DRI 2007-00045

DCI 2007-00045

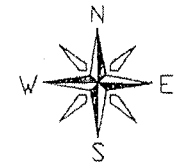
EXHIBIT "A"



NOT A SURVEY

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	164.68	2914.79	3°14'14"	S44°24'15"W	164.66

LINE TABLE		
LINE	LENGTH	BEARING
L1	279.23'	S89°42'36"W
L2	213.46'	S89°42'36"W
L3	25.00'	N0°04'14"E
L4	292.75'	N89°43'21"E
L5	200.00'	S89°42'36"W
L6	300.00'	N0°04'14"E
L7	264.79'	S42°47'09"W



SCALE: 1" = 500'

0' 250' 500'

LEGEND

O.R. OFFICIAL RECORDS BOOK
PG. PAGE
P.O.B. POINT OF BEGINNING

NOTES:

1.) BEARINGS SHOWN HEREON REFER TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING A ASSUMED BEARING OF N.89°43'21"E.

2.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

PROPERTY DESCRIPTION

A PARCEL OR TRACT OF LAND LYING IN SECTION 20, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 20, THENCE RUN NORTH 89°43'21" EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 20, FOR 292.75 FEET; THENCE SOUTH 43°58'29" EAST FOR 2875.15 FEET TO A POINT ON A CURVE, SAID POINT BEING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD C-78 (BAYSHORE ROAD), SAID CURVE BEING CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 2914.79 FEET SUBTENDED BY A CHORD OF 164.66 FEET AT A BEARING OF SOUTH 44°24'15"WEST; THENCE RUN SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 3°14'14", FOR AN ARC DISTANCE OF 164.68 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE, SOUTH 42°47'09" WEST FOR A DISTANCE OF 264.79 FEET TO THE NORTHEASTERLY CORNER OF PARCEL #122 SECTION 12060-2535 STATE ROAD 783 AS RECORDED IN INSTRUMENT #2006000126434 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 47°12'51"WEST ALONG THE NORTHEASTERLY LINE OF SAID PARCEL #122, A DISTANCE OF 15.00 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL #122; THENCE SOUTH 42°47'09"WEST ALONG THE NORTHWESTERLY LINE OF SAID PARCEL #122, A DISTANCE OF 365.75 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL #122 AND A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAMVILLE ROAD (OLD BAYSHORE ROAD); THENCE SOUTH 89°42'36"WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 213.46 FEET TO A POINT ON THE EASTERLY LINE OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 1215, PAGE 896 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 00°04'14"EAST ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 300.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE SOUTH 89°42'36"WEST ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 200.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND AND A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE NORTH 00°04'14"EAST ALONG SAID WEST LINE A DISTANCE OF 342.85 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN SOUTH 89°42'47" WEST FOR A DISTANCE OF 660.30 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN NORTH 0°00'59"EAST FOR A DISTANCE OF 667.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN SOUTH 89°42'59" WEST FOR A DISTANCE OF 660.93 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN NORTH 0°02'16" WEST ALONG THE WEST LINE OF SAID SECTION 20 FOR A DISTANCE OF 1335.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 56.76 ACRES MORE OR LESS.

3/18/08

KRIS A. SLOSSER, STATE OF FLORIDA, (P.S.M. #5560)

SKETCH & LEGAL DESCRIPTION EXHIBIT "A"

A PARCEL OF LAND LOCATED IN SECTION 20, TOWNSHIP 43 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

KRIS A SLOSSER P.S.M.

4650 VILLA CAPRI LN. BONITA SPRINGS

FLORIDA 34134 (239) 947-1915

SCALE: 1" = 500'	DRAWING: 60489SKETCH	DRAWN BY: KAS	JOB#: 60489SKETCH

EXHIBIT A
Page 2 of 2

Applicant's Legal Checked
19/42/3

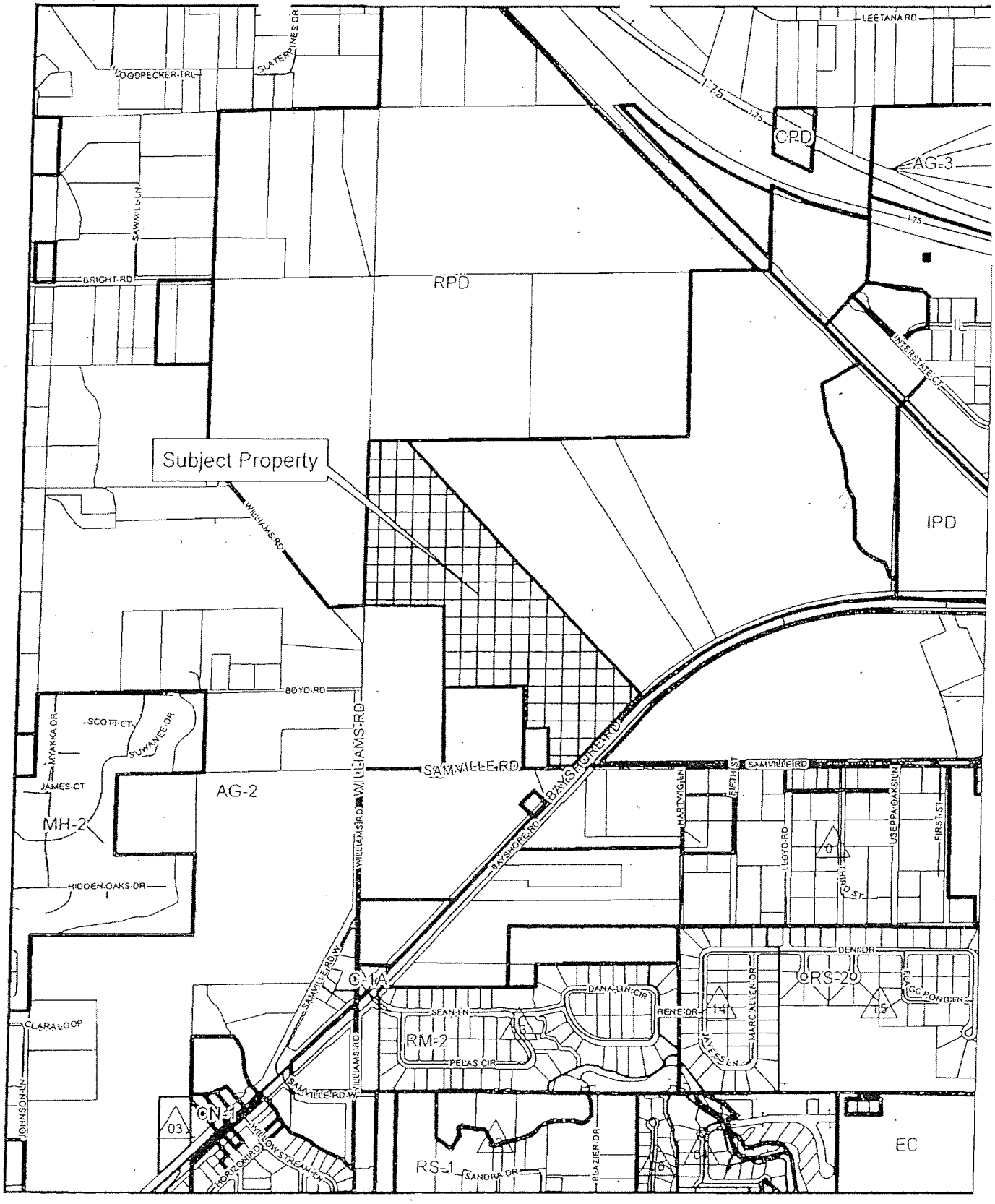
MAR 21 2008
DEVELOPMENT

EXHIBIT B

DCI2007-00045

Zoning Map

11/17/2009

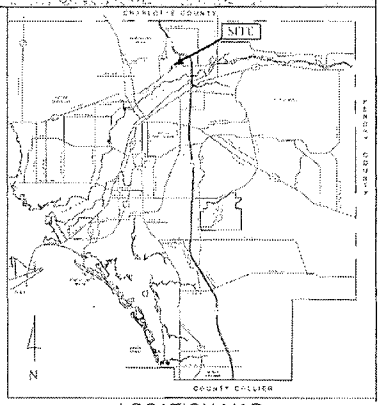


MASTER CONCEPT PLAN

BAYSHORE 57 MPD

LOCATED IN SECTION 03, TOWNSHIP 44 SOUTH, RANGE 25 LEE COUNTY, FLORIDA

EXHIBIT D-7-M



LOCATION MAP

RECEIVED
OCT 2 6 2010
COMMUNITY DEVELOPMENT

LDC SECTION 33-1247(3)(b) OPEN SPACE REQUIREMENTS					
		Commercial			
PROJECT DEVELOPMENT AREA		833,854	SQFT	19.14	AC
OPEN SPACE REQUIRED	30%	250,150	SQFT	5.74	AC
OPEN SPACE PROVIDED	35%	292,000	SQFT	6.70	AC
		Residential			
PROJECT DEVELOPMENT AREA		1,636,632	SQFT	37.62	AC
OPEN SPACE REQUIRED	40%	654,453	SQFT	15.00	AC
OPEN SPACE PROVIDED	60%	819,316	SQFT	18.81	AC
		OVERALL PROJECT			
MINIMUM PROJECT OPEN SPACE REQUIRED (LDC)	37%	909,603	SQFT	20.79	AC
TOTAL PROJECT OPEN SPACE PREQUIRED (COND 16)	42%	1,045,440	SQFT	24.00	AC
TOTAL PROJECT OPEN SPACE PROVIDED	48%	1,111,316	SQFT	35.51	AC
OPEN SPACE/INDIGENOUS BREAKDOWN					
50% OF REQUIRED OPEN SPACE MUST BE INCLUDED AS PRESERVED INDIGENOUS OPEN					
TOTAL OPEN SPACE REQUIRED (COND 16)		1,045,440	SQFT	24.00	AC
INDIGENOUS OPEN SPACE REQUIRED (LDC)	50%	522,720	SQFT	12.00	AC
INDIGENOUS OPEN SPACE PROVIDED (COND 17)	51%	530,996	SQFT	12.19	AC
CREDITS FOR LARGER AREA	1.10@	58,410	SQFT	1.34	AC
TOTAL INDIGENOUS AREA CREDITED (COND 17)		589,406	SQFT	13.53	AC

PROJECT INFORMATION

STRAP#	03-43-25-00-00003.3000
ZONING	AG-2
	CPD and RPD
	Bayshore Road (collector)
	Samville Road (minor collector)

PROJECT SUMMARY

1)	PROJECT ACREAGE	56.75 AC.
	PROPOSED COMMERCIAL AREA	19.14 AC.
	PROPOSED RESIDENTIAL AREA	37.62 AC.
2)	INTENSITY AND DENSITY	
	COMMERCIAL SQUARE AREA	
	RETAIL (FIRST FLOOR)	170,000 SF
	GENERAL MEDICAL	220,000 SF
	GENERAL OFFICE	135,000 SF
	TOTAL COMMERCIAL (GROSS) AREA	449,000 SF
	RESIDENTIAL UNITS	
	RESIDENTIAL MULTI-FAMILY (TOWNHOUSE)	54 UNITS
	SINGLE-FAMILY	72 UNITS
	TOTAL	126 UNITS
3)	PARKING BALANCE	
	PARKING REQUIRED (3.5/1000 SF)	876 SPACES
	PARKING PROVIDED	956 SPACES

DEVIATIONS:

DCI 2007-00045

Approved as Exhibit C
MCP Page 1 of 2
Resolution # Z-10-022

NORTH
130' 260'
SCALE 1" = 130'

MAP OVERLAY KEYING

EXHIBIT C

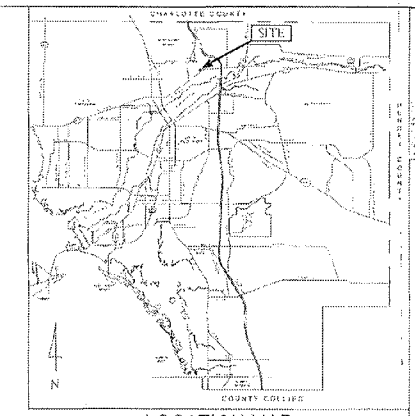
Quattrone & Associates, Inc.
Engineers, Planners & Development Consultants

MASTER CONCEPT PLAN

BAYSHORE 57 MPD

LOCATED IN SECTION 03, TOWNSHIP 44 SOUTH, RANGE 25 LEE COUNTY, FLORIDA

OPEN SPACE AND LANDSCAPING EXHIBIT



LOCATION MAP

BUFFER CROSS SECTIONS

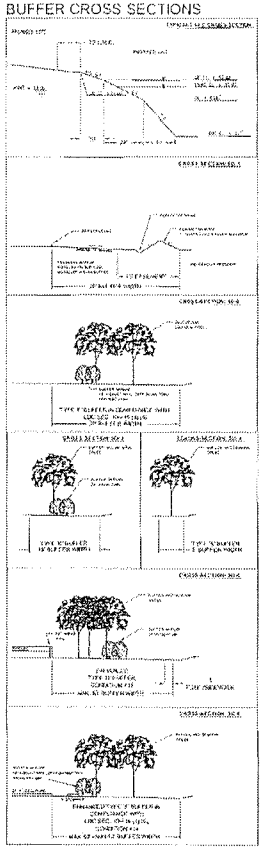
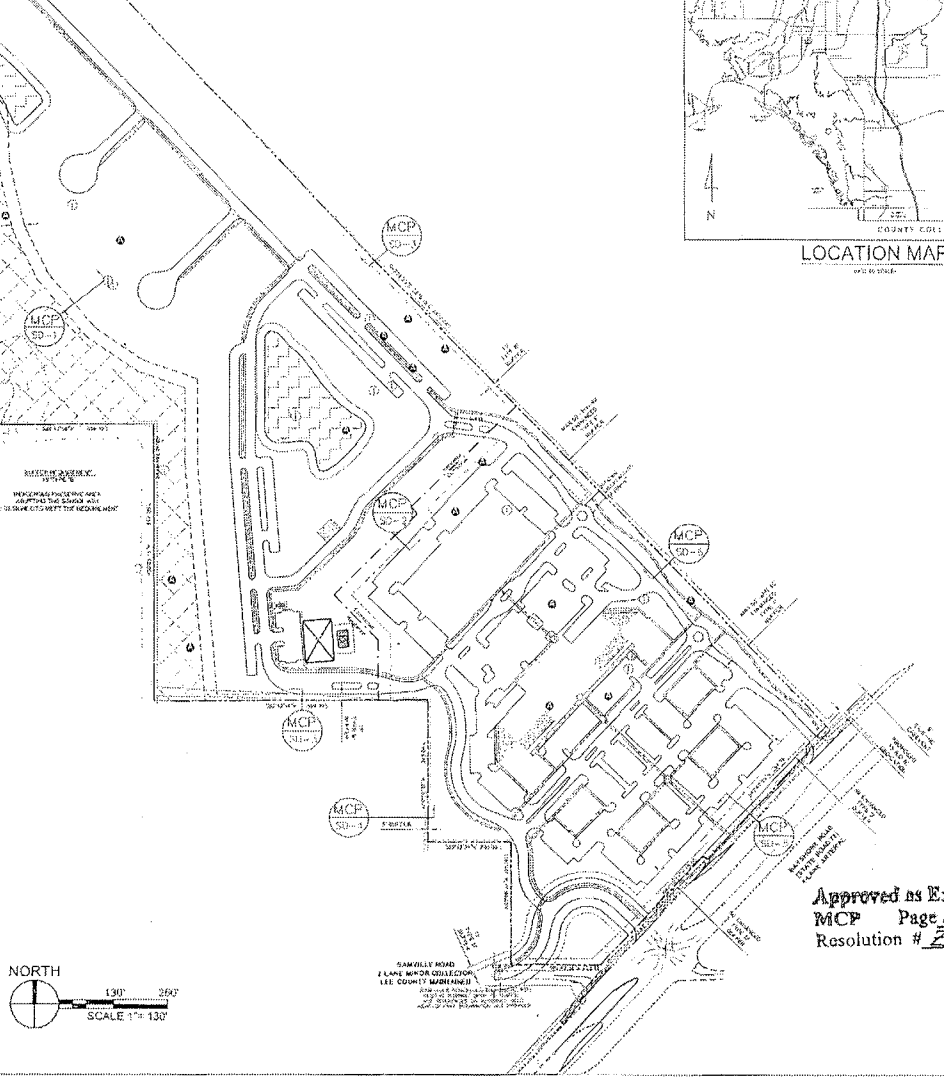


EXHIBIT C

RECEIVED
OCT 26 2007
COMMUNITY DEVELOPMENT

DCI 2007-00045

	Commercial			
PROJECT DEVELOPMENT AREA		833,290	SQFT	19.13 AC
SURFACE WATER	30%	249,990	SQFT	5.74 AC
OPEN SPACE PROVIDED	15%	262,900	SQFT	6.04 AC
	Residential			
PROJECT DEVELOPMENT AREA		1,928,930	SQFT	44.27 AC
OPEN SPACE REQUIRED	40%	771,572	SQFT	17.71 AC
OPEN SPACE PROVIDED	30%	579,390	SQFT	13.30 AC
	OVERALL PROJECT			
MINIMUM PROJECT OPEN SPACE REQUIRED (LDO)	37%	968,601	SQFT	22.24 AC
TOTAL PROJECT OPEN SPACE REQUIRED (COND 16)	42%	1,045,440	SQFT	24.00 AC
TOTAL PROJECT OPEN SPACE PROVIDED	45%	1,111,316	SQFT	25.51 AC
OPEN SPACE/INDIGENOUS BREAKDOWN				
SUM OF REQUIRED OPEN SPACE MUST BE MAXIMIZED AS PRESERVED INDIGENOUS OPEN				
TOTAL OPEN SPACE REQUIRED (COND 16)	42%	1,045,440	SQFT	24.00 AC
INDIGENOUS OPEN SPACE REQUIRED (LDO)	25%	622,700	SQFT	12.00 AC
INDIGENOUS OPEN SPACE PROVIDED (COND 17)	21%	539,900	SQFT	12.39 AC
CREDITS FOR LARGER AREA	150%	58,800	SQFT	1.34 AC
TOTAL INDIGENOUS AREA CREATED (COND 17)		569,401	SQFT	13.07 AC



NORTH
130' 260'
SCALE 1" = 130'

Approved as Exhibit C
MCP Page 2 of 2
Resolution # Z-10-002

GOPHER TORTOISE
ACTIVE BURROWS
INACTIVE BURROWS

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

AGRICULTURAL USES AT TIME OF ZONING APPLICATION

The undersigned swears or affirms under oath, deposes and says:

1. that he is the fee owner, trustee, managing member or authorized representative of the property commonly known as STRAP# **20-43-25-00-00003.3000** and legally described in Exhibit "A".

2. that **livestock pasture** currently exist on the property occupying **57±** acres, or the entire parcel, as identified by the sketch accompanying legal description.

FURTHER AFFIANT SAYETH NAUGHT.

Signature of Owner or Representative

Natalio Wengrower/Owner & Managing Director
Printed Name and Title

Theta Investments
Name of Entity/Corporation

REPUBLIC OF ARGENTINA)
CITY OF BUENOS AIRES) SS
EMBASSY OF THE UNITED)
STATES OF AMERICA)

RECEIVED
MAR 21 2007
COMMUNITY DEVELOPMENT

~~STATE OF~~ Country of : Argentina

~~COUNTY OF~~ City of : Buenos Aires

Sworn to (or affirmed) and subscribed before me this 30th day of November, 2006, by Natalio Wengrower, who is personally known to me or who has produced Argentine D.N.I. as identification.

Signature of person taking oath or affirmation

Rachel M. Sunden
Vice Consul

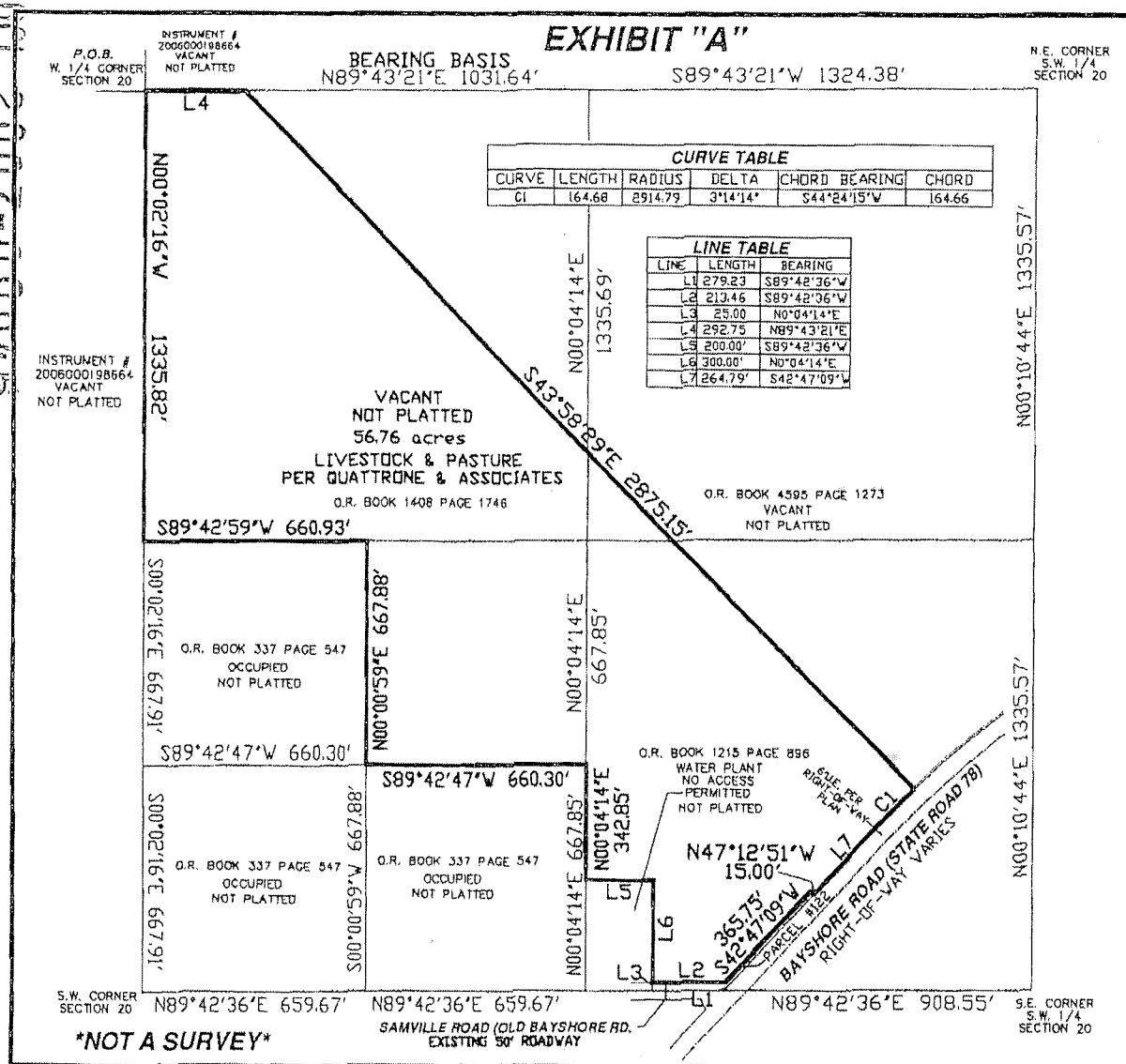
Name typed, printed or stamped

Title or rank

Serial number, if any

DCI 2007-00045

EXHIBIT "A"



NOT A SURVEY

N
W E
S

SCALE: 1" = 500'

0' 250' 500'

LEGEND

O.R. OFFICIAL RECORDS BOOK
PG. PAGE
P.O.B. POINT OF BEGINNING

NOTES:

1.) BEARINGS SHOWN HEREON REFER TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING A ASSUMED BEARING OF N.89°43'21"E.

2.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

PROPERTY DESCRIPTION

A PARCEL OR TRACT OF LAND LYING IN SECTION 20, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 20, THENCE RUN NORTH 89°43'21" EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 20, FOR 292.75 FEET; THENCE SOUTH 43°58'29" EAST FOR 2875.15 FEET TO A POINT ON A CURVE, SAID POINT BEING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD C-78 (BAYSHORE ROAD), SAID CURVE BEING CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 2914.79 FEET SUBTENDED BY A CHORD OF 164.66 FEET AT A BEARING OF SOUTH 44°24'15" WEST; THENCE RUN SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 3°14'14", FOR AN ARC DISTANCE OF 164.66 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE, SOUTH 42°47'09" WEST FOR A DISTANCE OF 264.79 FEET TO THE NORTHEASTERLY CORNER OF PARCEL #122 SECTION 12060-2535 STATE ROAD 780 AS RECORDED IN INSTRUMENT #200600012643 4 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 47°12'51" WEST ALONG THE NORTHEASTERLY LINE OF SAID PARCEL #122, A DISTANCE OF 15.00 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL #122; THENCE SOUTH 42°47'09" WEST ALONG THE NORTHWESTERLY LINE OF SAID PARCEL #122, A DISTANCE OF 365.75 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL #122 AND A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAMVILLE ROAD (OLD BAYSHORE ROAD); THENCE SOUTH 89°42'36" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 213.46 FEET TO A POINT ON THE EASTERLY LINE OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 1215, PAGE 896 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 00°04'14" EAST ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 300.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE SOUTH 89°42'36" WEST ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 200.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND AND A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE NORTH 00°04'14" EAST ALONG SAID WEST LINE A DISTANCE OF 342.85 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN SOUTH 89°42'47" WEST FOR A DISTANCE OF 660.30 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN NORTH 0°00'59" EAST FOR A DISTANCE OF 667.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN SOUTH 89°42'59" WEST FOR A DISTANCE OF 660.93 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE RUN NORTH 0°02'16" WEST ALONG THE WEST LINE OF SAID SECTION 20 FOR A DISTANCE OF 1335.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 56.76 ACRES MORE OR LESS.

3/18/08

KRIS A. SLOSSER, STATE OF FLORIDA, (P.S.M. #5560)

SKETCH & LEGAL DESCRIPTION EXHIBIT "A"

A PARCEL OF LAND LOCATED IN SECTION 20, TOWNSHIP 43 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

KRIS A SLOSSER P.S.M.
4650 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (239) 947-1915

SCALE: 1" = 500'
DRAWING: 604B9SKETCH
DRAWN BY: KAS
JOB#: 604B9SKETCH

EXHIBIT D
Page 2 of 2

RECEIVED
MAR 21 2008
PLANNING

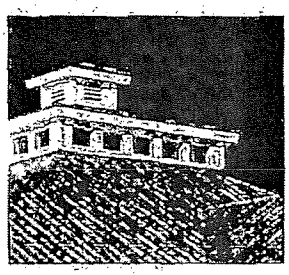
Bayshore 57 MPD Unified Architectural Theme and Design Standards

Overall character to mostly emulate architectural features and materials associated with a Keywest image. Detail and accents along the lines of traditional Colonial features.

Roof

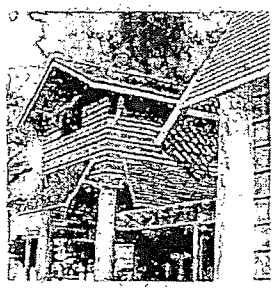
- Pitched Roofs & Mansards
- Varied gable and hip roofs
- Standing Seam Roofing
- Predominantly medium pitch roofs

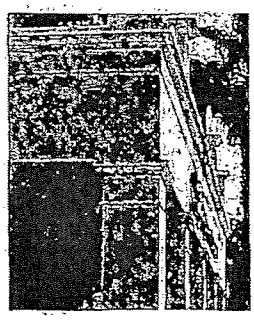




Decorative features

- Bermuda shutters
- Decorative railings
- Accent columns and Arcades
- Trim, Cornice, window frames to be white or predominantly lighter than field colors





Bayshore 57 MPD Unified Architectural Theme and Design Standards

Windows

- Vertical emphasis
- Predominantly white trim, some dark accent trim applied by floor
- Divided lights with vertical emphasis

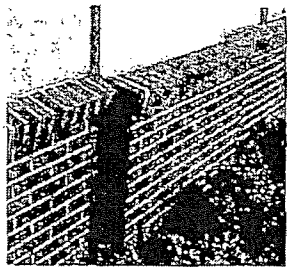


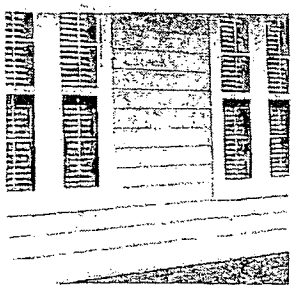


Wall Finishes

- Horizontal siding as dominant finish
- Stucco as field finish
- Brick or Stone articulated base







Lee County
Southwest Florida

Department of Community Development
Zoning Division
Environmental Review

MEMORANDUM

Date: December 13, 2017

To: Alvin 'Chip' Block, Principal Planner

From: Beth Workman, Environmental Planner
239.533.8793
EWorkman@leegov.com

Subject: Gully Creek RPD
DCI2016-00024
STRAP #19-43-25-00-00009.0000; -00014.0020; & -00009.0030

The applicant has applied to rezone 66 acres of land currently zoned AG-2 to RPD. The proposed project is located in the Wetland, Suburban and Rural Future Land Use Classifications; is in the North Ft. Myers Planning Community; and is in the Daughtery's Creek watershed. The parcels are currently used for agriculture.

Environmental Assessment
An environmental assessment was completed by BearPaws Environmental Consulting, Inc on November 2015 and updated on February 2017 (see Attachment 1). The assessment shows that the site is mostly made up of Improved Pastures (49.36 acres; FLUCCS 211) and Upland Hardwood Forests (5.97 acres; FLUCCS 420). The project is bisected by Daughtery's Creek that is a natural waterway. The applicant is proposing to preserve approximately 5.5 acres of the Upland Hardwood Forests as indigenous open space abutting Daughtery's Creek.

Protected Species
As part of the environmental assessment, a protected species survey was conducted by BearPaws Environmental Consulting, Inc. The consultant mapped 24 active Gopher Tortoise (Gopherus polyphemus) burrows and 12 inactive Gopher Tortoise burrows. All tortoises within the development footprint will be required to be moved offsite per the Florida Fish and Wildlife Commission gopher tortoise relocation permit requirements. Those tortoises located within the preserves will be required to stay on the site. Staff has provided the following condition to ensure that the tortoises located within the indigenous and non-indigenous preserves will remain on the site. The protected species overlay map (see Attachment 2) illustrates the proposed development overlaid on to the gopher tortoise burrow locations map.

The following condition provides protection for Gopher Tortoises within the indigenous and non-indigenous preserves:

Prior to the issuance of a development order, the protected species management plan must include onsite gopher tortoise preservation within the indigenous and non-indigenous preserves.

Prior to the issuance of a vegetation removal permit, a point map must be submitted showing the location of the gopher tortoise fencing around the limits of the preserves to ensure that no impacts will occur within 25 feet from any gopher tortoise burrow. No machinery or mechanical excavation of gopher tortoise burrows can occur within the indigenous preserve or onsite preserve area(s).

These conditions support **Lee Plan Policy 107.8.1:** The county's policy is to protect gopher tortoise burrows wherever they are found. However, if unavoidable conflicts make on-site protection infeasible, then off-site mitigation may be provided in accordance with Florida Game and Fresh Water Fish Commission requirements.

Open Space
The LDC 10-415 (a) does not require open space if single family residential lots are a minimum of 6500 square feet; duplexes on a single family lot have a minimum lot size of 7500 square feet; and two family attached each on an individual lot have a minimum lot size of 3750 square feet per unit. In addition, if the residential lot coverage exceeds 45%, open space is required.

The applicant has provided property regulations stating that the 29.1 acres of R-1 residential will meet the minimum lot size and coverage so therefore no open space is required. The 37.7 acres of R-2 residential is proposing townhomes and single family residential that will not meet the minimum lot size and coverage so therefore must provide 40% open space on the remainder of the project. The Master Concept Plan states that 14.9 acres of open space is required and 15.7 acres of open space is being provided.

Indigenous Open Space
Per LDC 10-415 (b) large developments with existing indigenous native vegetation communities must provide 50% of their open space percentage requirement through the onsite preservation of existing native vegetation communities. The applicant is required to provide 7.5 acres of indigenous open space. The site has 5.5 acres of indigenous open space. The applicant has included indigenous credits for the upland portions of the preserve (FLUCCS 420). According to LDC 10-415 (b)(3)(a), developments with required open space may utilize incentives to preserve indigenous upland plant communities as long as they meet the minimum size and width for credits. The indigenous preservation areas have a 0.96 acre preserve and a 3.79 acre preserve. The indigenous credit for a half acre of continuous upland preserve is 110% and for three

acres of continuous upland preserve is 150%. Therefore, a total of 7.51 acres of indigenous preserve is being provided through preservation and indigenous credits.

Staff provides the following condition to ensure that 17.71 acres of open space including credits is provided at time of development order review and approval:

> *Prior to the issuance of a development order, the development order plans must illustrate 17.71 acres of open space (includes 7.51 acres of indigenous open space credits) per the Master Concept Plan stamped received September 28, 2017 is provided.*

By providing code required open space, the project meets **Lee Plan Objective 77.1:** Development regulations will continue to require that new residential developments provide sufficient open space to meet the needs of their residents.

Buffers
The proposed development abuts various uses ranging from agricultural to recreational. The applicant is meeting the LDC 10-416(d) (1) requiring buffers along the entire perimeter of the proposed development whenever the proposed development abuts a different use.

The development abuts Slater Road to the west requiring a Type D buffer (15 feet with five trees per 100 linear feet and a double hedge row); to the north the development abuts vacant Agricultural and a Commercial use and neither use require a buffer; to the east the development abuts a Residential Planned Development and requires no buffer; and to the south the development abuts a Lee County recreational park requiring a Type B buffer (15 foot wide with five trees per 100 linear feet and a double hedge) and residential properties requiring no buffer.

Internally, the proposed project straddles Daughtery's Creek a natural waterway that conveys water from Charlotte County to the Caloosahatchee River. Per 10-416 (d)(9), a 50 foot natural waterway buffer is required that includes five

This buffer incorporates the wetlands as well as adjacent uplands providing an indigenous preserve. By preserving the natural waterway and the uplands, the design complies with the following Lee Plan Policies:

Lee Plan Policy 60.1.2: Incorporate, utilize, and where practicable restore natural surface water flowways and associated habitats and Policy 60.1.3.

Lee Plan Policy 60.1.3: The county will examine steps necessary to restore principal flow-way systems, if feasible, to assure the continued environmental function, value, and use of natural surface water flow-ways and associated wetland systems.

The applicant has designed the project to have an internal roadway to come within 125 feet of a single family residential use at the north and south property lines. According to LDC 10-416(d)(6), a Type C (15 feet wide with five trees and 18 shrubs per 100 linear feet) or Type F (30 foot wide with ten trees per 100 linear feet and a double hedge row) must be provided when roads, drives, and parking areas are within 125 feet from a single family lot. The applicant has provided this buffer on the MCP.

In addition, LDC 34-1743(b) requires a 7.5 foot wide buffer with five trees per 100 linear feet and a hedge when an optional residential project wall or fence is being proposed. The applicant has provided a note on the MCP stating that if an optional wall or fence is proposed, a 7.5 foot buffer will be provided per the LDC 34-1743 (b).

Deviation
The applicant has provided Deviation 4 seeking relief from LDC 10-329 (d)(1)(a)(3) that requires an excavation setback from any private property line under separate ownership to allow an excavation setback of 30 feet to the property boundary. In the applicant's justification for the deviation, the applicant states that "in order to protect offsite uses from the moderate danger 6:1 sloped banks pose, a five foot Type A buffer is proposed where deviations exist". Staff has some concerns with a five foot buffer being proposed as a justification for the deviation to be granted because if an optional residential project wall or fence is proposed code requires a 7.5 foot buffer per LDC 34-1743 (b).

In order to allow the required 7.5 foot width during the design of the lakes, staff recommends the following condition for Deviation #4 to be approved:

> *Prior to development order approval, the development order plans must illustrate a five foot wide enhanced Type A buffer (five trees per 100 linear feet and a hedge row installed at 48 inches in height) where lake excavation is 30 feet from the property line. If an optional project wall or fence is proposed, then a 7.5 foot buffer must be provided.*

GULLY CREEK

ENVIRONMENTAL ASSESSMENT
&
PROTECTED SPECIES SURVEY REPORT

November 2015
Updated February 2017

Prepared For:

Daniel Light - Gully Creek, LLC.
David A Johnson, Trustee for the WS Trust - Slater Bend, LLC
c/o Randy Thibaut - Land Solutions, Inc.
10471 Six Mile Cypress Parkway #402
Fort Myers, FL 33966

RECEIVED
APR 20 2017
COMMUNITY DEVELOPMENT

Prepared By:

DCI 2016-00024

BearPaws Environmental Consulting, Inc.
1327 Walden Drive Fort Myers, FL 33901
Phone: (239) 340-0678
Email: BearPaws.Env.Consulting@GMail.com

Attachment #1

Introduction

A protected species survey and environmental assessment was conducted on the Gully Creek property on November 16, 2015. The 66.66± acre site is located in Section 19, Township 43S, and Range 25E, in Lee County, Florida. More specifically; the site is located east of Slater Road, north of Myakka Road, and west of Williams Road in North Fort Myers, Florida. Please see the attached Project Location Map (Exhibit A).

The purpose of this survey was to inspect the property for potential listed species that could inhabit the site. These listed (endangered, threatened, etc.) species are regulated by the US Fish & Wildlife Service (FWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC). Specific attention was paid toward that of locating any gopher tortoise (*Gopherus polyphemus*), as well as locating any potential fox squirrel (*Sciurus niger*) nests, Florida bonneted bat (*Eumops floridanus*) cavity trees, and any bald eagle (*Haliaeetus leucocephalus*), or red-shouldered hawk (*Buteo lineatus*) nests.

The project's surrounding land uses are a mixture of recreational facilities, education facilities, single-family residential homes, forested land, and vacant land. The survey was conducted throughout the day; the temperatures were in the mid-upper 80's; there was a light breeze; and partly cloudy to mostly cloudy skies.

Methodology

The species survey was conducted utilizing combined methodologies from Lee County's Land Development Code (LDC, Chapter 10, Article III, Division 8 - Protection of Habitat) and also encompassed the Lee County Endangered Species Ordinance No. 89-34. Surveys for Lee County protected species are based on the presence of specific vegetation associations and habitat types noted on-site, as outlined in the LDC. The frequency of transects performed in these habitats, unless otherwise discussed, were designed to meet the minimum updated coverage requirement. Following the Lee County Endangered Species Ordinance No. 89-34, the specific methodology included pedestrian surveys of parallel transects. The survey was conducted according to the previously approved Lee County methodology, submitted by Kevin L. Erwin Consulting Ecologist, Inc.

These methods are comprised of a several step process. The vegetation communities or land-uses on the study area are delineated on an aerial photograph using the Florida Land Use, Cover and Forms Classification System (FLUCFCS). Next, these FLUCFCS codes are cross-referenced with the Lee County Protected Species List. With a list of the potential listed plants and animals, each FLUCFCS community is searched in the field for these species. An intensive pedestrian survey is conducted using parallel belt transects as a means of searching for protected plants and animals. Signs or sightings of these species are then recorded.

Existing Site Conditions

Boundary – The boundary survey was obtained from Barraco & Associates and is assumed to be approximately 66.66± acres.

Soils - The soils on the property have been mapped by the National Resource Conservation Service (NRCS, formerly the Soil Conservation Service). These mappings are general in nature, but can provide a certain level of information about the site as to the possible extent of wetland area. The agencies commonly use

these mappings as justification for certain wetland/upland determinations. According to these mappings, the parcel is underlain by Oldsmar sand (NRCS #33; non-hydric) and Wabasso sand, limestone substratum (NRCS #42; non-hydric). Both Oldsmar Sand and Wabasso sand is considered non-hydric on both the local and national levels. Please see the attached NRCS Soils Map (Exhibit D).

Vegetation Descriptions – Vegetation is one parameter used in determining the presence of uplands or wetlands; these community mappings will generally reflect what a specific area could be considered by the regulatory agencies. There were no wetland communities identified on-site; however, we did identify and 1.17± acres of "other surface waters" on-site during the site inspection. The "other surface waters" identified on-site was occupied by a cow pond for the cattle operation conducted on-site and Dougherty Creek, which bisected the site.

While on-site, generalized community delineations are hand-drawn on an aerial defining the different vegetation associations on-site. These general delineations were based on the nomenclature of the Florida Land Use, Cover and Forms Classification System (FLUCFCS), Level III and IV (FDOT 1999). Please see the attached FLUCFCS Map with Aerial (Exhibit B) and FLUCFCS Map without Aerial (Exhibit C). Listed below are the vegetation communities and land-uses identified on the site.

FLUCFCS Codes & Community Descriptions

Uplands
The following community areas have been designated as upland habitats. Uplands are any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet enough to elicit development of vegetation, soils, and/or hydrologic characteristics associated with wetlands.

FLUCFCS 110 Residential (4.79± Acres)
This residential area is occupied by a single-family home site with barns and workshops and accounts for 4.79± acres of the property. This community would be considered uplands by regulatory agencies.

FLUCFCS 211 Improved Pastures – Exotics 1-25% - (49.36± Ac.)
This upland habitat type occupies a majority of the site and occupies approximately 49.36± acres. The canopy is mostly open with widely scattered slash pine (*Pinus elliotti*). The sub-canopy contains widely scattered Brazilian pepper (*Schinus terebinthifolius*) and cabbage palm (*Sabal palmetto*). The groundcover is dominated by bahia grass (*Paspalum notatum*), with dog fennel (*Eupatorium capillifolium*), ragweed (*Ambrosia trifida*), caesar weed (*Urena lobata*), hairy beggar-ticks (*Bidens alba*), smutgrass (*Sporobolus sp.*), flattop goldenrod *(Euthamia caroliniana),* and other various opportunistic weedy species. Commonly observed vines include greenbriar (*Smilax sp.)*, grapevine (*Vitis rotundifolia)*, peppervine (*Ampelopsis arborea*), and poison ivy (*Toxicodendron radicans*). This community should be considered uplands by regulatory agencies.

FLUCFCS 211/321 Improved Pastures with Palmetto Prairie – Exotics 1-25% - (0.39± Ac.)
This upland habitat type occupies approximately 0.39± acres. The canopy is mostly open with scattered slash pine (*Pinus elliotti*). The sub-canopy is also mostly open with scattered Brazilian pepper (*Schinus terebinthifolius*) wax myrtle (*Myrica cerifera*), and cabbage palm (*Sabal palmetto*). The groundcover is dominated by bahia grass (*Paspalum notatum*) and saw palmetto (*Serenoa repens*). Commonly observed

vines include greenbriar (*Smilax sp.)*, grapevine (*Vitis rotundifolia)*, and poison ivy (*Toxicodendron radicans*). This community should be considered uplands by regulatory agencies.

FLUCFCS 212 Unimproved Pasture – Exotics 25-50% - (1.87± Ac.)

This community is located in the southeast corner of the site immediately west of the Williams Road right-of-way and occupies approximately 1.87± acres. The canopy and sub-canopy is open. The groundcover contains bahia grass (*Paspalum notatum*), with ragweed (*Ambrosia artemisiifolia*), finger grass (*Eustachys floridana Chapman*), cesar weed (*Urena lobata)*, Spanish needle (*Bidens alba*), and other various opportunistic weedy species. This community would be considered uplands by regulatory agencies.

FLUCFCS 213 /427 Forested Pasture with Live Oak – Exotics 1-25% - (1.77± Ac.)

This upland habitat type occupies approximately 1.77± acres of the property. Canopy contains live oak (*Quercus virginiana*), and slash pine (*Pinus elliottii*). The sub-canopy includes cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), and scattered citrus (*Citrus sinensis*). Ground cover is dominated by *bahia grass (Paspalum notatum)* with scattered saw palmetto (*Serenoa repens*), cesar weed (*Urena lobata)*, and various opportunistic weedy species. Commonly observed vines include greenbriar (*Smilax sp.)*, grapevine (*Vitis rotundifolia)*, Virginia creeper (*Parthenocissus quinquefolia*), peppervine (*Ampelopsis arborea*), and poison ivy (*Toxicodendron radicans*). This community would be considered uplands by the regulatory agencies.

FLUCFCS 420 Upland Hardwood Forests – Exotics 25-50% - (5.97± ac.)

This upland community type occupies approximately 5.97± acres of the property. The canopy consists of live oak (*Quercus virginiana*), slash pine (*Pinus elliottii*), and cabbage palm (*Sabal palmetto*). The sub-canopy contains cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), wax myrtle (*Myrica cerifera*), myrsine (*Rapanea guinensis*), citrus (*Citrus sinensis*), and beauty-berry (*Callicarpa americana*). The ground cover includes scattered saw palmetto (*Serenoa repens*) and cesar weed (*Urena lobata)*. Commonly observed vines include greenbriar (*Smilax sp.)*, grapevine (*Vitis rotundifolia)*, Virginia creeper (*Parthenocissus quinquefolia*), peppervine (*Ampelopsis arborea*), and poison ivy (*Toxicodendron radicans*). This community would be considered uplands by the regulatory agencies.

FLUCCS 740 Disturbed Lands – Exotics 1-25% - (1.12± Ac.)

This disturbed area of the site is located southeast of the project site and is bisected by a roadway; it occupies approximately 1.12± acres. The canopy and sub-canopy is mostly open with scattered slash pine (*Pinus elliottii*), cabbage palm (*Sabal palmetto*), and Brazilian pepper (*Schinus terebinthifolius*). The groundcover was mostly open with scattered bahia grass (*Paspalum notatum*) and other various opportunistic weedy species. This community would be considered uplands by regulatory agencies.

FLUCCS 743 Berm (0.22± Ac.)

This disturbed area of the site is located around the cow pond and is comprised of approximately 0.22± acres. The canopy and sub-canopy is open. The groundcover was mostly open with scattered bahia grass (*Paspalum notatum*) and other various opportunistic weedy species. This community would be considered uplands by regulatory agencies.

Other Surface Waters
The following community area has been designated as other surface waters. Surface waters are waters on the surface of the earth, contained in bounds created naturally or artificially.

FLUCFCS 500 Cow Pond (0.05 ± Ac.)
A cow pond, approximately 30± feet in circumference, is located just north of the southern boundary/property line and occupies approximately 0.05± acres. The canopy and sub-canopy is open. The groundcover species found along the edges of this community is primarily open with scattered herbaceous species. This community would be considered "other surface waters" by regulatory agencies.

FLUCFCS 510 Daugherty Creek – Exotics 1-25% - (1.12 ± Ac.)
This creek, known as Daugherty Creek, bisects the property in half. It ranges in width from just a few feet wide to approximately 20± feet in some areas. This OSW community occupies approximately 1.12± acres and also includes the creek flood plain. The canopy contains live oak (*Quercus virginiana*) and laurel oak (*Quercus laurifolia*) along the creek bank. The sub-canopy contains cabbage palm (*Sabal palmetto*), Carolina willow (*Salix caroliniana*), Brazilian pepper (*Schinus terebinthifolius*), wax myrtle (*Myrica cerifera*), pop ash (*Fraxinus caroliniana*), and myrsine (*Rapanea guinensis*). The groundcover is mostly open with scattered iris (*Iris sp.*), swamp fern (*Blechnum serrulatum*), and leather fern (*Acrostichum daneifolium*) along the edges. Commonly observed vines along the creek bank include greenbriar (*Smilax sp.)*, grapevine (*Vitis rotundifolia)*, and poison ivy (*Toxicodendron radicans*).This community would be considered "other surface waters" by the regulatory agencies.

Table 1. FLUCFCS Community Table

FLUCFCS Code	Community Description	Classification	Acres
110	Residential	Upland	4.79± Ac.
211	Improved Pasture – Exotics 1-25%	Upland	49.36± Ac.
211/321	Improved Pasture w/ Palmetto Prairie	Upland	0.39± Ac.
212	Unimproved Pasture – Exotics 25-50%	Upland	1.87± Ac.
213/427	Forested Pasture w/ Live Oaks – Exotics 1-25%	Upland	1.77± Ac.
420	Upland Hardwood Forests – Exotics 25-50%	Upland	5.97± Ac.
500	Cow Pond	OSW	0.05± Ac.
510	Daugherty Creek – Exotics 1-25%	OSW	1.12± Ac.
740	Disturbed Lands – Exotics 1-25%	Upland	1.12± Ac.
743	Berm	Upland	0.22± Ac.
Total			**66.66± Ac.**

Results & Discussion

A protected species survey was conducted on the property to identify any potential listed species that could inhabit the site. During this field survey for protected species, there were no nest-like structures or tree cavities were noted. We did identify several gopher tortoise (*Gopherus polyphemus*) burrows. There were several other burrows, believed to belong to that of the eastern nine-banded armadillo (*Dasypus novemcinctus),* that were identified, but not flagged in the field; there was no evidence that these burrows were being used by gopher tortoises.

In total, during the species survey, we identified twenty-four (24) active burrows and twelve (12) inactive burrows. We estimate there would be a burrow occupancy rate of 0.50 for all active and inactive burrows. Applying this factor to the current burrow numbers, we estimate that eighteen (18) tortoise could reside on the property (24 active burrows + 12 inactive burrows X 0.50 = 18). The potential occupied habitat encompassed about 12.24± acres; this area includes approximately 7.25± acres the improved pasture, 1.77± acres forested pastures with live oak, and 3.22± acres of upland hardwood forests. Please see the Protected Species Survey Map (Exhibit E) for the transect locations and approximate GPS locations of the gopher tortoise burrows.

Some of the gopher tortoise (*Gopherus polyphemus*) will be preserved and not be impacted, while others will be relocated on-site to the upland preserve area; any other gopher tortoise (*Gopherus polyphemus*) that will not be able to be relocated on-site, will be relocated off-site to an approved recipient site. An off-site relocation permit will be sought after and obtained from Florida Fish and Wildlife for the safe relocation of the gopher tortoises identified on-site that cannot be preserved or relocated on-site.

There were several non-listed species identified while conducting the protected species survey, among those were blue jays (*Cyanocitta cristata*), mourning doves (*Zenaida macroura*), pine warblers (*Setophaga pinus*), northern cardinals (*Cardinalis cardinalis*), grey squirrels (*Sciurus carolinensis*), an eastern cottontail rabbit (*Sylvilagus floridanus*), and a black racer (*Coluber constrictor*). The various listed species that may occur in the FLUCFCS communities on-site have been tabulated on the attached table below.

Due to the surrounding land uses, and the busy roads/highways, it is unlikely that this site supports or would provide habitat for any other protected species. Generalized community locations were estimated and hand-drawn on a non-rectified aerial with approximate habitat boundaries, hence their location and aerial extent is approximate.

Table 2: Listed Species by Habitat with Current Status

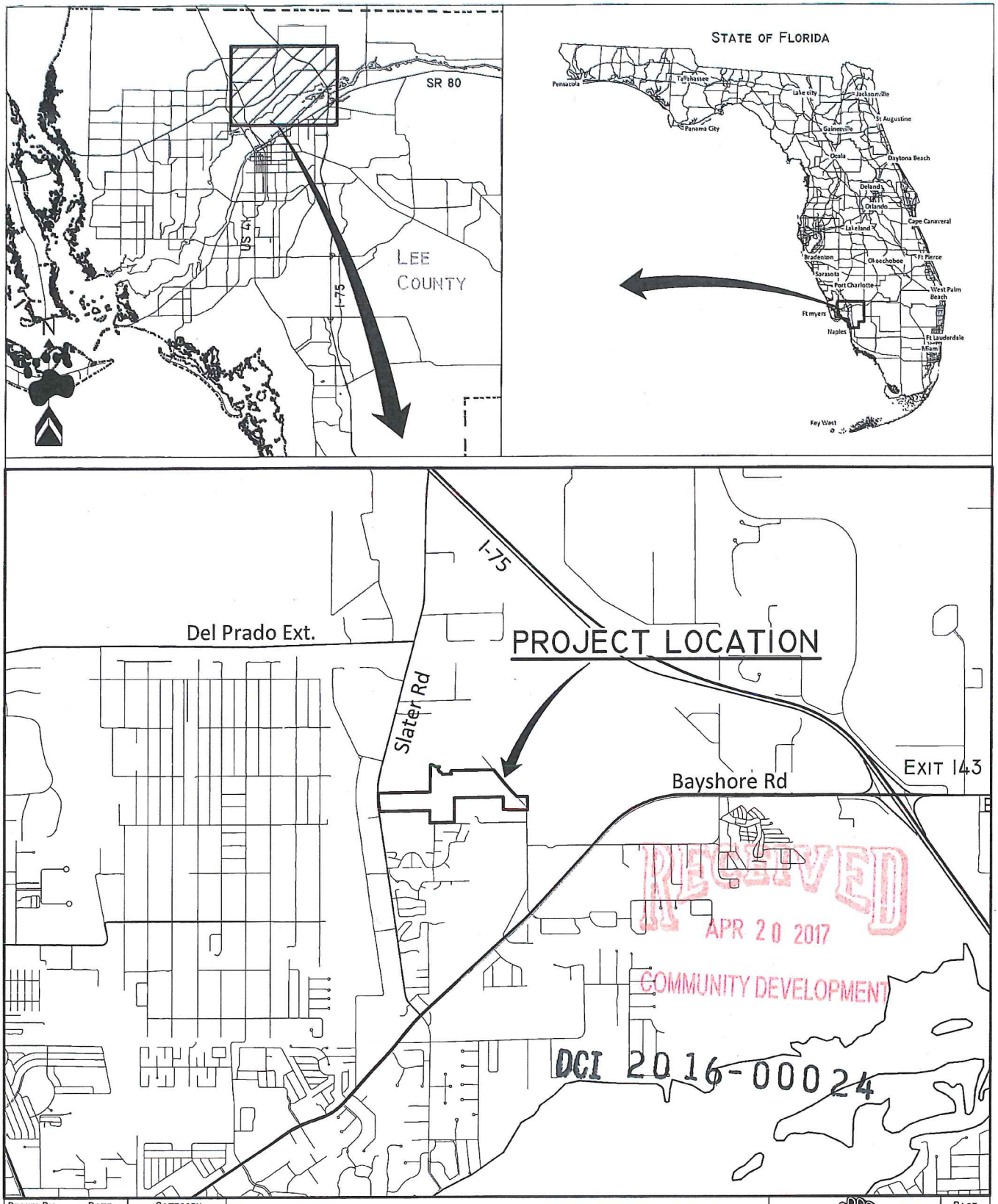
FLUCFCS Code	FLUCFCS Description	Common Name	Scientific Name	Percent Coverage	Observed	USDA	FDA&CS	FWS	FWC
110	Residential	N/A	*N/A*	90	--	--	--	--	--
211	Improved Pasture	Florida sandhill crane	*Grus canadensis pratensis*	90	--	--	--	--	T
		Gopher tortoise	*Gopherus polyphemus*	90	X	--	--	T	T
212	Unimproved Pasture	Florida sandhill crane	*Grus canadensis pratensis*	90	--	--	--	--	T
213	Forested Pasture	Florida sandhill crane	*Grus canadensis pratensis*	90	--	--	--	--	T
		Gopher tortoise	*Gopherus polyphemus*	90	X	--	--	T	T
420	Upland Hardwood Forests	Eastern indigo snake	*Drymarchon corais couperi*	90	--	--	--	T	T
		Florida black bear	*Ursus americanus floridanus*	90	--	--	--	SAT	T
		Florida panther	*Felis concolor coryi*	90	--	--	--	E	E
		Gopher tortoise	*Gopherus polyphemus*	90	X	--	--	T	T
		Hand adder's tongue fern	*Ophioglossum palmatum*	90	--	--	E	--	--
		Simpson's stopper	*Myrcianthes fragrans var. simpsonii*	90	--	--	T	--	--
		Twisted air plant	*Tillandsia flexuosa*	90	--	--	T	--	--
500	Other Surface Water	American alligator	*Alligator mississipiensis*	90	--	--	--	SAT	SSC
		Everglades mink	*Mustela vison evergladensis*	90	--	--	--	--	T
		Limpkin	*Aramus guarauna*	90	--	--	--	--	SSC
		Little blue heron	*Egretta caerulea*	90	--	--	--	--	SSC
		Reddish egret	*Egretta rufescens*	90	--	--	--	--	SSC
		Roseate spoonbill	*Ajaia ajaja*	90	--	--	--	--	SSC
		Snowy egret	*Egretta thula*	90	--	--	--	--	SSC
		Tricolored heron	*Egretta tricolor*	90	--	--	--	--	SSC
510	Creeks & Waterways	American alligator	*Alligator mississipiensis*	90	--	--	--	SAT	SSC
		Everglades mink	*Mustela vison evergladensis*	90	--	--	--	--	T
		Limpkin	*Aramus guarauna*	90	--	--	--	--	SSC
		Little blue heron	*Egretta caerulea*	90	--	--	--	--	SSC
		Reddish egret	*Egretta rufescens*	90	--	--	--	--	SSC
		Roseate spoonbill	*Ajaia ajaja*	90	--	--	--	--	SSC
		Snail kite	*Rostrhamus sociabilis*	90	--	--	--	E	E
		Snowy egret	*Egretta thula*	90	--	--	--	--	SSC
		Tricolored heron	*Egretta tricolor*	90	--	--	--	--	SSC
740	Disturbed Lands	Gopher tortoise	*Gopherus polyphemus*	90	--	--	--	T	T
743	Spoil Area	Gopher tortoise	*Gopherus polyphemus*	90	--	--	--	T	T

C = Commercially Exploited, SAT = Similarity of Appearance Threatened, SSC = Species of Special Concern, T = Threatened, E = Endangered

Table designates listed species with potential to occur in each FLUCFCS community.

Exhibit A

Project Location Map



DRAWN BY:	DATE:	CATEGORY
BWS	1/25/17	LOCATION
JOB NUMBER		SCALE: NTS
S/T/R		COUNTY
19/43S/25E		LEE

Gully Creek

Location Map

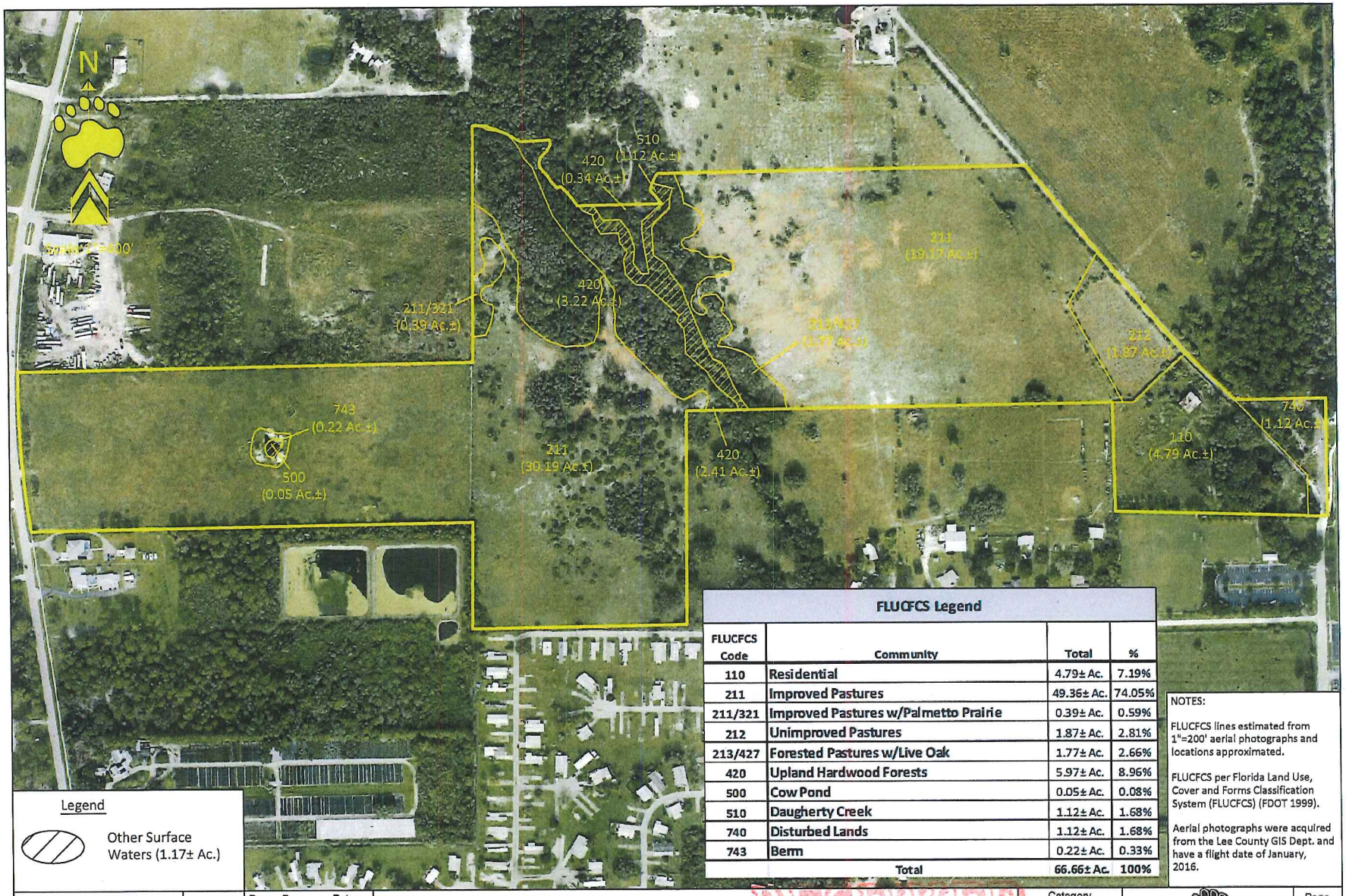
BEARPAWS ENVIRONMENTAL CONSULTING, INC.
1527 WALDEN DRIVE, FORT MYERS, FL. 33901
(239) 340-0678 BEARPAWS.ENV.CONSULTING@GMAIL.COM

PAGE

EXHIBIT

Exhibit B

FLUCFCS Map with Aerial



Legend

Other Surface Waters (1.17± Ac.)

FLUCFCS Legend

FLUCFCS Code	Community	Total	%
110	Residential	4.79± Ac.	7.19%
211	Improved Pastures	49.36± Ac.	74.05%
211/321	Improved Pastures w/Palmetto Prairie	0.39± Ac.	0.59%
212	Unimproved Pastures	1.87± Ac.	2.81%
213/427	Forested Pastures w/Live Oak	1.77± Ac.	2.66%
420	Upland Hardwood Forests	5.97± Ac.	8.96%
500	Cow Pond	0.05± Ac.	0.08%
510	Daugherty Creek	1.12± Ac.	1.68%
740	Disturbed Lands	1.12± Ac.	1.68%
743	Berm	0.22± Ac.	0.33%
	Total	66.66± Ac.	100%

NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Aerial photographs were acquired from the Lee County GIS Dept. and have a flight date of January, 2016.

Revisions	Date:

Drawn By: BWS Date: 1/25/16

Job Number

S/T/R 19/43S/25E

Gully Creek

Aerial FLUCFCS Map

Category: FLUCFCS

Scale: 1" = 400'

County: Lee

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(239) 340-0678 bearpaws.env.consulting@gmail.com

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Exhibit -

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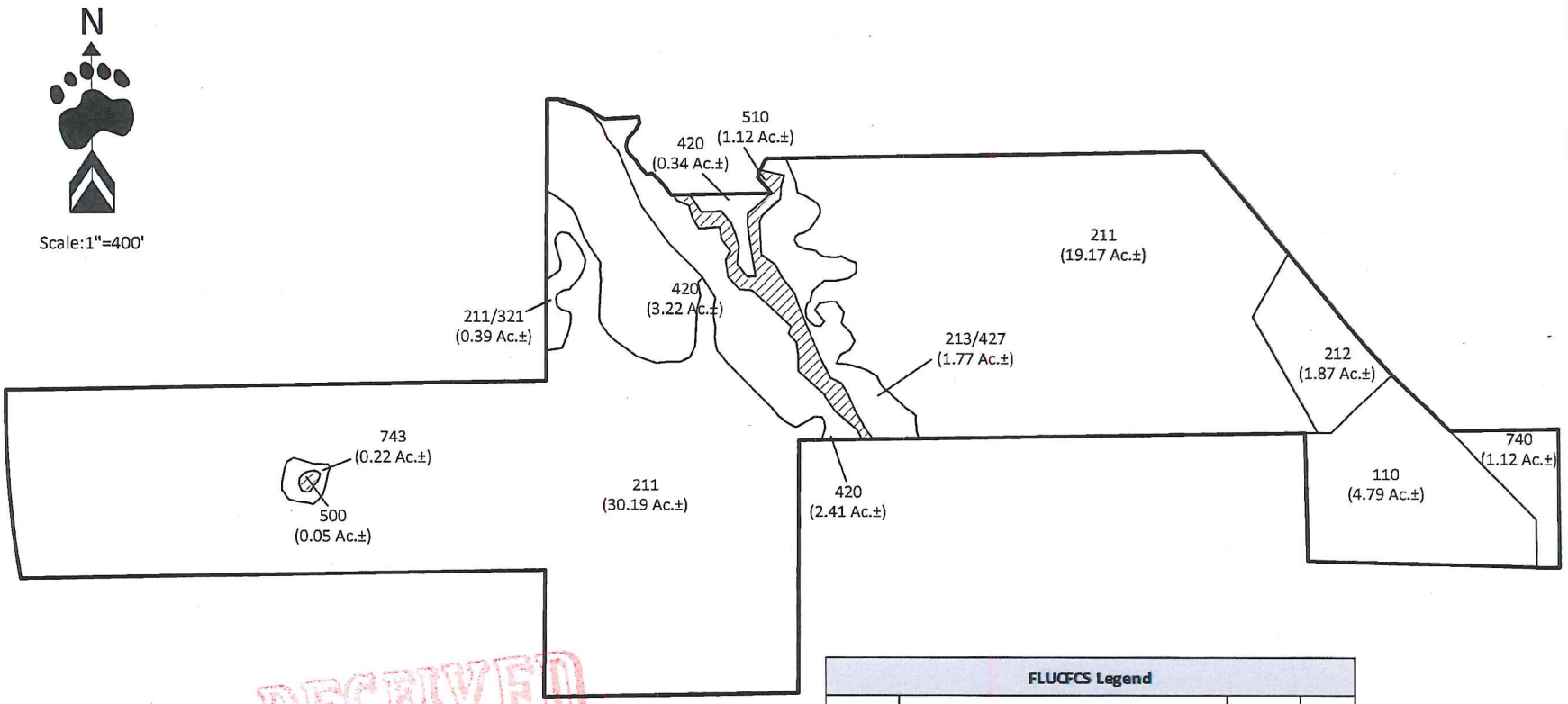
Exhibit C

FLUCFCS Map



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DCI 2016-00024

Legend

Other Surface Waters (1.17± Ac.)

FLUCFCS Legend			
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743	Berm	0.22± Ac.	0.33%
	Total	66.66± Ac.	100%

NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Revisions	Date:

Drawn By: BWS Date: 1/25/16

Job Number

S/T/R 19/43S/25E

Gully Creek

FLUCFCS Map

Category: FLUCFCS

Scale: 1" = 400'

County: Lee

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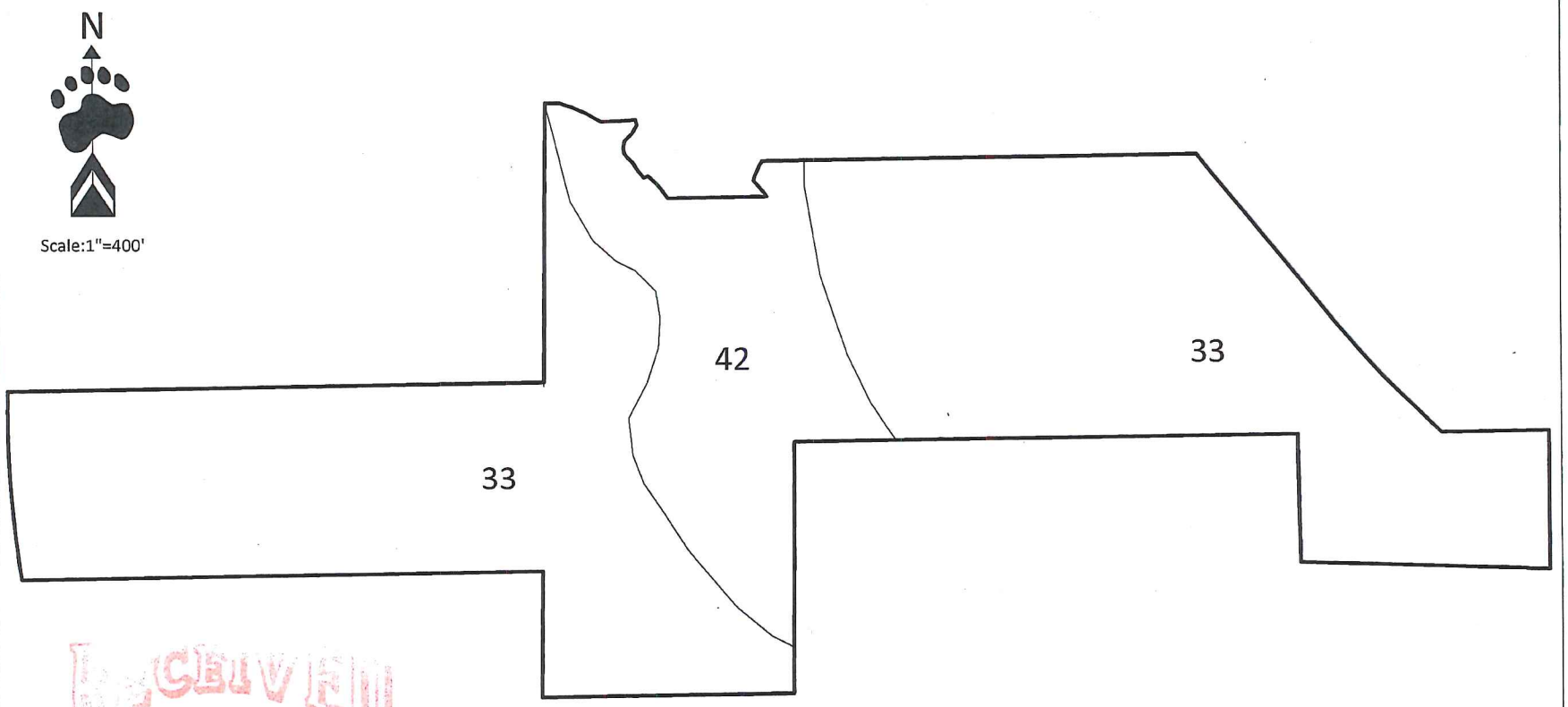
Exhibit -

Exhibit D

NRCS Soils Map



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DCI 2016-00024

NRCS Soils Legend		
Soil No	Description	Status
33	Oldsmar Sand	Non-Hydric
42	Wabasso Sand, Limestone Substratum	Non-Hydric

NOTES

Soils were acquired from LABINS and are from the NRCS.

Revisions	Date:	Drawn By:	Date:
		BWS	1/25/16
		Job Number	
		S/T/R	
		19/43S/25E	

Gully Creek

Soils Map

Category	Page
Soils	-
Scale: 1" = 400'	Exhibit
County: Lee	-

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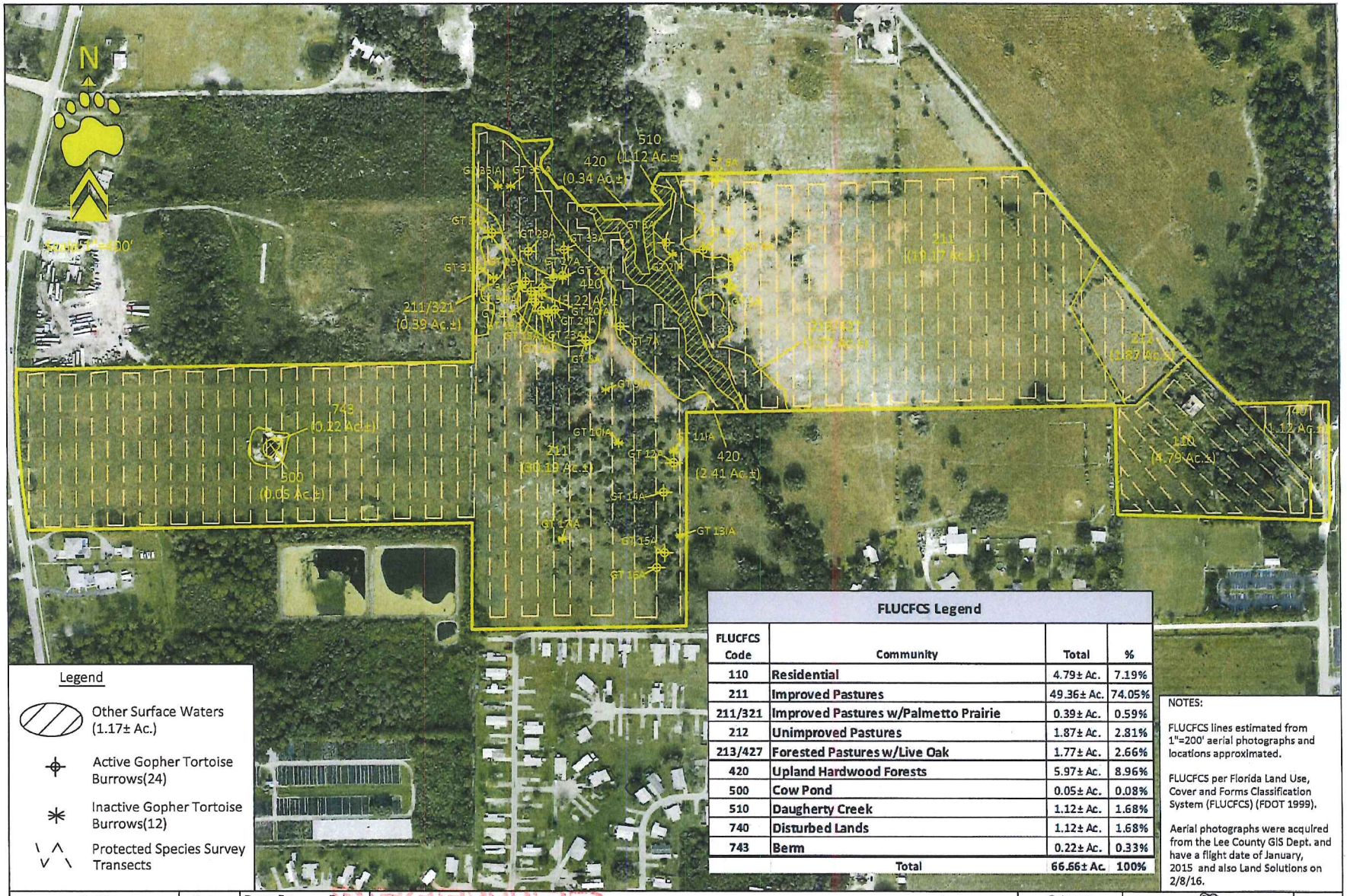
Exhibit E

Protected Species Survey Map



FLUCFCS Legend

FLUCFCS Code	Community	Total	%
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213/427	Forested Pastures w/Live Oak	1.77± Ac.	2.66%
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510	Daugherty Creek	1.12± Ac.	1.68%
740	Disturbed Lands	1.12± Ac.	1.68%
743	Berm	0.22± Ac.	0.33%
	Total	66.66± Ac.	100%

NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Aerial photographs were acquired from the Lee County GIS Dept. and have a flight date of January, 2015 and also Land Solutions on 2/8/16.

Revisions	Date:

Drawn By: BWS Date: 1/25/16

Job Number

S/T/R 19/43S/25E

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Gully Creek

Aerial PSS Map

Category: PSS

Scale: 1" = 400'

County: Lee

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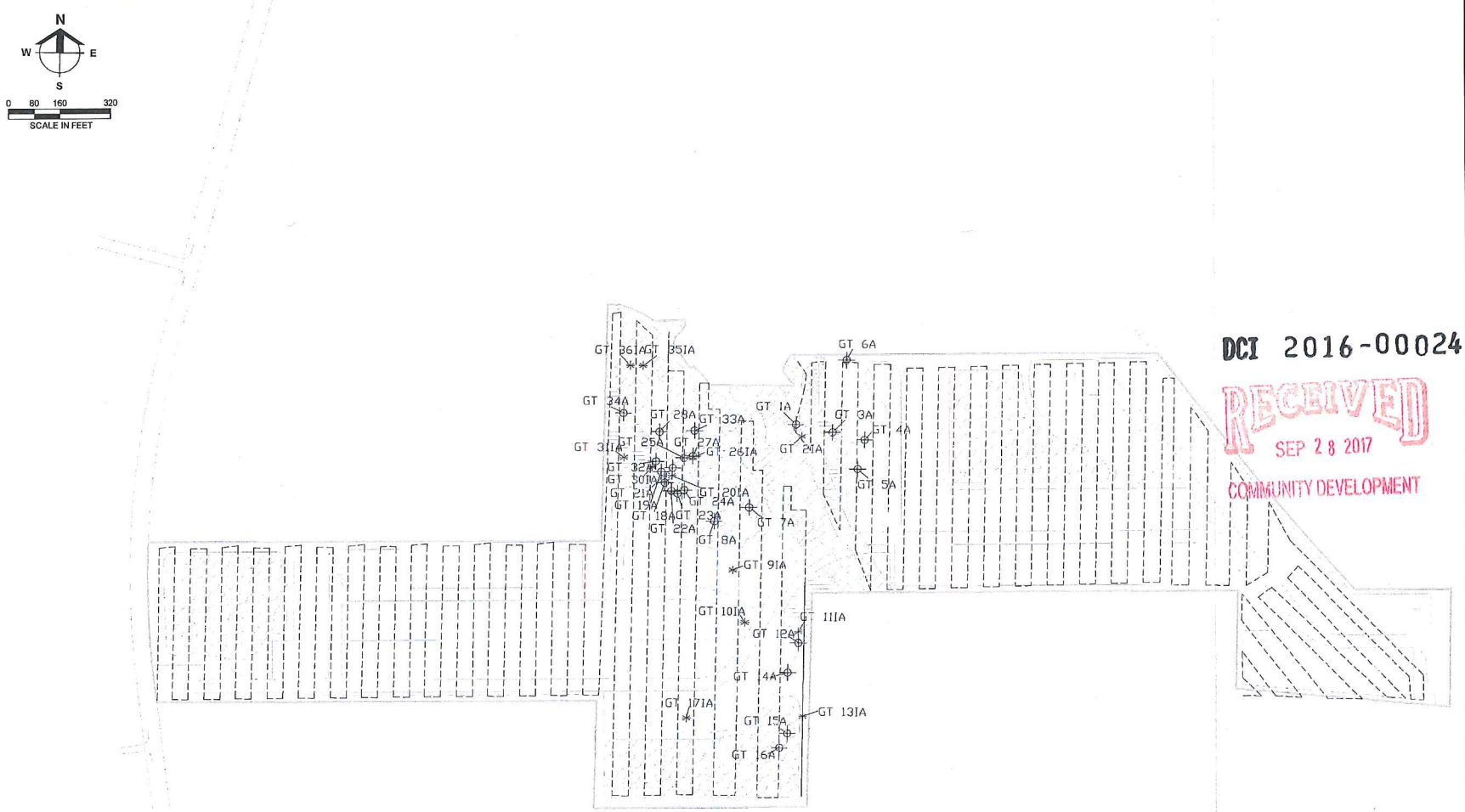
Exhibit -

DCI 2016-00024



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Attachment #2

Barraco and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
2271 McGREGOR BLVD., SUITE 100
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR:

Land Solutions inc.
10471 BEN C. PRATT / SIX MILE CYPRESS PKWY. #402
FORT MYERS, FL 33966
PHONE (239) 482-1500
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

GULLY CREEK

LEE COUNTY, FLORIDA

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FILE NAME	23319-SPECIESOVERLAY.DWG
LOCATION	J:\23319\DWG\DRAWINGS
PLOT DATE	FRI, 9-15-2017 - 1:32 PM
PLOT BY	ANGELICA HARDY

CROSS REFERENCED DRAWINGS

PLAN REVISIONS

PLAN STATUS

PROTECTED SPECIES OVERLAY MAP

PROJECT / FILE NO	SHEET NUMBER
23319	1

Lee County
Southwest Florida

DEPARTMENT OF COMMUNITY DEVELOPMENT

Memo

To: Chip Block, Planner, Principal

From: Lili Wu, Planner, Senior

Date: Dec. 7, 2017

Subject: Gully Creek RPD (DCI2016-00024)

Infrastructure Planning staff has reviewed the application for public hearing. This project is located on the east side of Slater Road and north of Bayshore Road (SR 78). Accesses to the project will be provided via an access drive to Slater Road and another access to Williams Road. Slater Road is a two lane undivided minor arterial roadway maintained by County. William Road is a two lane local street also maintained by County. Infrastructure Planning staff has no objection to the Deviation #5 which requests intersection separation of 440 feet for minor arterial within future suburban lane use category to allow a 170 feet intersection separation between the proposed project's driveway and Bee Charmer Lane on Slater Road.

Lee County
Southwest Florida

Department of Community Development
Development Services Section

MEMORANDUM

Date: November 30, 2017

To: A. Block
Principal Planner

From: M. Evans ME
Senior Engineer

Subject: **Gully Creek RPD Residential Planned Development (RPD)**
Transportation-Related Analysis and Recommendations
Case No. DCI2016-00024
STRAP No. 19-43-25-00-00009.0000 (lowest)

Purpose

The purpose of this memorandum is to provide substantive comments related to Development Services Section (DSS) staff review of subject-case documents that relate to transportation elements as provided Lee County by the applicant.

Location and Access

The approximately 66-acre subject site is located on the east side of Slater Road between Bee Charmer Lane and Rich Car Lane/Shelby Lane within the North Fort Myers Planning Community.

The roadways proposed to directly service the subject site as depicted on the applicant's Master Concept Plan (MCP) are described in **Table 1A**.

Table 1A
Site Access Intersecting Roadway Information

Roadway	Maintenance Authority(1)	Functional Class(1)	Lane Configuration	Controlled Access?	Constrained?(2)	Speed Limit (mph)
Slater Road	Lee County	arterial	2-lane undivided	no	no	45
Williams Road	Lee County	local	2-lane undivided	no	no	30

(1) based on information obtained from the most current Lee County-maintained Geographic Information System (GIS) database
(2) see *The Lee Plan* Objective 37.2 and related policies

Access to the subject site is proposed on the applicant's MCP as described in **Table 1B**.

ATTACHMENT H

Table 1B
Site Access Location(s)

Roadway	Proposed Location(1)	Access Type (assumed)
Slater Road	approximately 200 feet north of Bee Charmer Lane and 1,325 feet south of Rich Car Lane/Shelby Lane	direct full access
Williams Road	north terminus	direct full access

(1) distance approximate from site access/roadway centerlines

In referencing the *Lee County Land Development Code* (LDC), Chapter 33, DSS staff found no specific access location requirements related to the local planning community.

Current and Proposed Zoning

The subject site is currently undeveloped and zoned as an agricultural (AG-2) district. With the subject case, the applicant proposes to rezone the site to a residential planned development (RPD) district to permit a maximum intensity in terms of new vehicular trips with respect to the proposed schedule of uses as described in **Table 2**.

Table 2
Development Parameters

Land Use	Intensity
residential multi-family	120 dwelling units
residential single-family	210 dwelling units

Trip Generation Review

The applicant analyzed traffic-related impacts assuming full site build-out with the greatest intense use with respect to the proposed schedule of uses. As part of the analysis, the applicant reviewed the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 9th Edition*, and calculated generated trips in order to assess the traffic impacts of the proposed zoning. Trip generation results as calculated by DSS staff are described in **Table 3**. Traffic volumes shown in this table are new traffic volumes on the surrounding roadway network, and reflect a reduction for internal capture traffic (traffic interacting between differing uses on the site) and pass-by traffic (non-newly generated traffic already on the roadway network) if applicable.

Table 3
New Trip Generation

Zoning Description	AM Peak Hour			PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Proposed Zoning	51	160	211	173	103	276	2,924

Roadway Section Traffic Operations Level of Service Analysis

New trips associated with the subject case were assigned to the surrounding road network in order to assess level of service (LOS) impacts on sections expected to be most impacted by the proposed development. Per Administrative Code AC-13-17 *Traffic Study Guidelines for Planned Development Rezonings*, "significant impact is defined as 10%....of the LOS "C" service volumes for the links at build out."

In the subject case, using the trip assignments described in the applicant's final TIS, the roadway section described in **Table 4A** is expected to be significantly impacted by the proposed zoning.

Table 4A
Roadway Section(s) Expected to be Significantly Impacted
by Proposed Rezoned Development

Roadway	Begin	End
Slater Road	Bayshore Road (SR 78)	Nalle Grade Road

Table 4B describes the roadway sections adjacent to the subject site that are expected to be most impacted by the proposed development along with corresponding DSS staff pre- and post-project build-out level of service estimates with respect to the proposed zoning.

Table 4B
Roadway Section(s) Adjacent to Subject Site
Expected to be Most Impacted by Proposed Rezoned Development

Roadway	Location	Significant Impact Expected?	Constrained?	Level of Service (v/c)[1]		
				Existing	Future	Future + Project
Bayshore Road (SR 78)	Slater Road to I-75	no	no	C (0.64)	C (0.81)	C (0.83)
Slater Road	Bayshore Road (SR 78) to Nalle Grade Road	yes	no	C (0.50)	C (0.55)	C (0.66)

[1] AM/PM worse case; v/c is defined as traffic volume/capacity ratio; future year 2022
[2] see *The Lee Plan* Objective 37.2 and related policies

Based on a review of applicable traffic volumes in the Lee County "Public Facilities Level of Service and Concurrency 2017 Report Inventory and Projections", the most current "Lee County Link Specific Service Volumes" tables (for short-term analyses of 5 years or less from table date), and/or the most current "Lee County Generalized Peak Hour Directional Service Volumes" tables (for long-term analyses of more than 5 years from table date), the roadway sections described in **Table 4B** currently operate at LOS "C". Utilizing the 2016 Lee County Traffic Count Report and assuming a project build-out year of 2022, all roadway sections described in **Table 4B** are estimated to operate at

LOS "C" with future background traffic volumes. Once project build-out traffic is added to the roadway sections described in **Table 4B**, all are estimated to operate at LOS "C". Based on the LOS standards as set forth in *The Lee Plan* for the "unconstrained" roadway sections described in **Table 4B**, LOS "C" is an acceptable level of service.

Roadway link improvements on the roadway sections described in **Table 4B** are not expected to be required to accommodate the proposed zoning.

At the time of local development order review, the proposed project will be further reviewed to determine required site-related traffic improvements to nearby roadways.

Roadway Intersection Traffic Operations Level of Service Analysis

New trips were assigned to the surrounding road network in order to assess LOS impacts as necessary at site accesses, intersections within one-quarter mile of site accesses, and/or intersections expected to be most impacted by the proposed development. Per Administrative Code AC-13-17 *Traffic Study Guidelines for Planned Development Rezonings*, "significant impact is defined as 10% or more of the total peak hour intersection volume (the summation of all four approaches)....at build out."

In the subject case, using trip assignments described in the applicant's final TIS, the site access at Slater Road intersection is expected to be significantly impacted by the proposed subject site zoning.

Table 5 describes subject site access and nearby roadway intersections that are expected to be most impacted by the proposed zoning along with their corresponding pre- and post-project build-out levels of service.

Table 5
Roadway Intersection(s) Immediately Adjacent to Subject Site Expected to be Most Impacted by Proposed Rezoned Development

Intersection		Significant Impact Expected?	Existing Traffic Control	Peak Hour	Level of Service*		
Roadway A	Roadway B				Existing	Future	Future + Project
site access	Slater Road	yes	2-way stop-controlled	AM	--	--	D
				PM	--	--	C

*future year 2022

At the time of local development order review, the proposed project will be further reviewed to determine required site-related traffic improvements to the nearby roadway network.

Future Transportation Capital Improvement Projects

No transportation capital improvement projects are currently planned in close proximity to the subject site for the years 2017-2021.

Applicant Proposed Deviation Review and Conditions

Development Services Section staff considered the applicant's proposed *Land Development Code* deviations for the subject case and identified no specific transportation-related deviations requiring further review and/or comment.

Based upon a review of the subject case, **DSS staff recommends that the following condition be incorporated into the subject case's zoning resolution:**

A.) "Turn lane deceleration length designs for corresponding design speeds will be the greater of that described in Lee County Administrative Code AC-11-4 "Turn Lane Policy" and Florida Department of Transportation Design Standard Index 301 "Turn Lanes". Design speed as applied to deceleration length design in both documents will be not less than 5 mph greater than the higher of the legal speed limit and, if available, the 85th percentile speed as determined by a Lee County-approved traffic engineering study."

MJE:mje

Copy: O. Kleinmann – Lee County Department of Community Development
L. Wu – Lee County Department of Community Development
file

Block, Alvin

From: Farah, Steven
Sent: Thursday, December 14, 2017 3:57 PM
To: Block, Alvin
Cc: Lee, Samuel; Ottolini, Roland; Werst, Lee; Gillogly, Phil
Subject: DCI2016-00024 / Gully Creek RPD

Please include the following for our Substantive comment.

Natural Resources would like to reiterate how important Daughtrey's Creek is in draining the watershed. The applicant's property has Daughtrey's Creek Tributary and Daughtrey's Creek come together and converges into one creek. It is essential that we maintain proper drainage so we do not affect flooding people upstream.

Applicant proposes a crossing through Daughtrey's Creek FEMA floodway. Encroachments within the floodway are prohibited (Lee County Land Development Code Chapter 6, Article IV, Section 6-487) unless one of the following two conditions is met (Lee County Land Development Code Chapter 6, Article IV, Section 6-446 and County Ordinance No. 15-09) :

A The applicant shall apply for and get an approval of an appropriate map revision or map amendment (e.g., LOMA, LOMR, CLOMR, etc.) from FEMA.

Or,

B The applicant shall provide a no-rise certification with supporting technical data, made by a Florida State registered professional engineer demonstrating that encroachments (including fill, new construction and other developments) shall not result in any increase in flood levels during occurrence of the base flood discharge (https://www.fema.gov/no-rise-certification-floodways).

Sincerely,

Steven Farah
Lee County Division of Natural Resources
239-533-8829

Sincerely,

Steven Farah
Lee County Division of Natural Resources
239-533-8829

From: Lee, Samuel
Sent: Wednesday, December 13, 2017 8:30 AM
To: Farah, Steven <SFarah@leegov.com>

Cc: Block, Alvin <ABlock@leegov.com>
Subject: Gully Creek RPD

Steven,

Chip reminded me this morning that staff report for the Gully Creek RPD is due early next week. I remember you sent your substantive comment before on the floodway encroachment. Please check that issue again and send him again the comment.

DCI2016-00024	Gully Creek RPD	Block, Alvin H.	**SF**	10/01/17	10/16/17	10/

Thanks,

Sam Lee, PhD, PE
Engineering Manager
Lee County Natural Resources Division
1500 Monroe Street
Fort Myers, FL 33901

Ph. 239/533-8132
Fax 239/485-8408
E-mail: slee@leegov.com

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

GULLY CREEK RPD

RESIDENTIAL PLANNED DEVELOPMENT

Request and Compliance Statement

Daniel Light & Gully Creek LLC, David Johnson Tr for WS Trust & Slater Bend LLC, are jointly submitting this application for Residential Planned Development (RPD) approval of a ±66 acre site in Section 19, Township 43 South, Range 25 East, Lee County, Florida. The applicant is requesting a rezoning from Agricultural-2 (AG-2) to Residential Planned Development (RPD) to allow up to 330 single family, two-family attached, multi-family and townhouse units, with a maximum single family density of 210 units. Maximum height for all structures is 35 feet/2-stories. The proposed development will connect to Lee County Utilities for potable water and Florida Governmental Utility Authority for sanitary sewer.

The subject property is located in the North Fort Myers Planning Community on Slater Road, approximately ¼ mile north of Bayshore Road in Lee County, Florida. The property is located in the Suburban and Rural Future Land Use Categories and the property is currently vacant and preliminary cleared pasture.

Compliance with Design Standards. Section 34-411;

a) As demonstrated later in this report, the planned development is consistent with the provisions of the Lee Plan.
b) The planned development will be designed and constructed in accordance with all applicable country regulations. Four (4) deviations have been requested in accordance with section 34-373 (a)(9). Deviations and justifications are included herein.
c) The planned development will be designed to be compatible with adjacent uses and therefore will not negatively impact surrounding properties and the general interest (see Lee Plan policy 5.2.4). The subject property is of adequate size to accommodate proposed structures, all required open space, pedestrian ways, buffers, parking, access, on-site utilities, and water management areas. Community and regional park impact fees will be paid during Development Order Review.
d) The planned development will primarily utilize Bayshore Road and Slater Road. The Traffic Impact Statement concluded that both roadways are shown to operate at LOS "C" both with and without the project in the year 2022.
e) The planned development is located within the Lee Tran service area. Stop #499 on Lee Tran Route 590 is within 1.25 miles of planned development.
f) The planned development will not create hazards to persons or property, whether on or off the site, nor shall it impose a nuisance on surrounding land uses or the public's interest.
g) The planned development will not unnecessarily destroy or alter natural, historic, or archeological features of the site. It will preserve and protect the existing wetlands and upland habitat, creating a north/south flow-way for through conveyance. Open space and Indigenous open space design requirements have been meet and

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surpassed.

h) The planned development was designed to produce an architecturally integrated human environment by preserving contiguous, indigenous vegetation and promoting open space.
i) The planned development will utilize building setbacks and perimeter buffering to minimize impacts on surrounding land uses.
j) As demonstrated with compliance with Policy 5.2.4, the planned development is designed to promote compatibility with the existing uses in the surrounding area.
k) The planned development will be separated and mutually protected from the surrounding land uses by the required and supplemental perimeter buffering. 5' type "A" vegetative buffers will separate water management lakes from site boundaries.
l) The flow-way, which flows through the center of the site, designates a separation between two neighborhoods. The two-family residential units are placed to the west of the natural lineation to increase the residential type similarities within each neighborhood and promote community interaction.
m) As solely residential, there will be no conflicting uses within the development.
n) Parameters of intensity have been used to optimize the location and compatibility of land uses.
o) Minimum parking and loading requirements will be met.
p) Internal consistency for the proposed development will be specified through multiple the Home Owner Association documents governing the property.

Surrounding Services

- Public sewer and water
  - Potable water: Lee County Utilities
  - Wastewater: Florida Governmental Utility Authority
  - Availability letters enclosed

- Paved streets and roads
  - Slater Road (arterial)
  - Williams Road (two lane local)

- Public transit
  - Lee Tran Route 590 within 1.25 miles (located near Publix Shopping Center)

- Parks and recreation facilities
  - North Fort Myers Community Park; within 4 miles
  - Fort Myers Yacht Basin; within 5 miles
  - Caloosahatchee Creeks Preserve; within 3 miles
  - Riverbend Golf and Country Club; within 2 miles
  - Powell Creek Preserve; within 2 miles
  - Bayshore soccer complex; within 1 miles
  - Harlem Heights Community Park; within 5 miles

- Urban levels of police, fire and emergency services
  - North Fort Myers Fire District station 3; within 1.5 miles
  - Lee Memorial Hospital; within 9 miles

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- Schools
  - North Fort Myers High School; within 7 miles
  - Suncoast Middle School; within 5 miles
  - North Fort Myers Academy for the Arts; within 6 miles
  - Bayshore Elementary School; within 1 mile

- Employment, industrial, and commercial centers
  - AMC Merchants Crossing Shopping Center; within 5 miles
  - Publix Shopping Center; within 1 mile
  - Lynx Services LLC; within 1 mile

- Community facilities such as senior citizens' centers, libraries, and community centers
  - Senior Citizen Friendship Center; within 3 miles
  - Centennial Park; within 6 miles
  - North Fort Myers Public Library; within 3 miles

Lee Plan Policy 1.1.5: Suburban

These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category (standard density ranges from one dwelling unit per acre to six dwelling units per acre with a maximum of ten dwelling units per acre).

The proposed rezoning application requests a residential development with a maximum of 330 dwelling units on 66 acres for a maximum overall density of 5.0 dwelling units per acre. 55 acres of the site fall within the suburban residential district in the Future Land Use Plan. At the max standard density of 6.0 du/ac, all 330 of the requested dwelling units can be meet from these 55 acres. This density is within the standard suburban range and meets the description of the Suburban Land Use Category and the intent of the policy.

POLICY 1.4.1: Rural

The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with Policy 10.1.4. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre).

The 11 acres of the proposed development that lies within the Rural Residential future land use contains the majority of the site's open space and preserved vegetation, resulting in a residential density that is lower than the overall proposed density. With one dwelling unit allowed per acre of rural area, the sum total of allowed standard units for the two future land use categories exceeds the applicant's requested number of standard units.

Lee Plan Policy 1.7.6: Acreage Allocations

Acreage totals are provided for land in each Planning Community in unincorporated County. No final development orders or extensions to final development orders will be issued or

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approved by Lee County which would allow the acreage for residential, commercial or industrial uses contained in Table 1(b) to be exceeded.

Table 1: Suburban Acreage Allocations

Land Use	Acreage Allocation for Year 2030
Suburban	6,690
Rural	500

The subject property is located within the North Fort Myers Community per Map 16 of the Lee Plan. As illustrated on Table 1 above there are 6,690 available acres currently allocated towards suburban residential land use and 500 available acres currently allocated towards rural residential land use. The RPD proposes 55 acres of residential development within the suburban future land use and 11 acres within the rural future land use. The proposed project is within the allowable acreages set forth by the Lee Plan and therefore is in compliance with this policy.

Lee Plan Policy 2.1: Development Location

Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development *more distant from services and existing communities.*

As demonstrated in the table below, the surrounding area consists of a variety of residential uses with densities ranging from 1.0 to 5.6 du/ac. The proposed request is compatible with the range of transitioning densities in the surrounding area and consistent with the long range projections of the Suburban Future Land Use Category at 6.0 du/ac.

DEVELOPMENT	TYPE	DENSITY	LOCATION
Chapel Creek	Single Family Townhouses Multifamily	5.6 du/ac	South Oak Creek along North side of Bayshore road (Resolution Z-08-011A)
Forest Park	Mobile Home	5.5 du/ac	South of Suncoast Estates; North of Bayshore road
Proposed Gully Creek RPD	Single Family and Two-family	5.0 du/ac	East of Slater Road; North of Bayshore Road
Bayshore Village	Mobile Home	4.5 du/ac	South of Suncoast Estates; North of Bayshore road
Oak Creek	Single Family Townhouses Multifamily	3.3 du/ac	Abutting East boundary of subject site and West of I-75 (Resolution Z-05-037)
Bayshore 57	Single Family Townhouses Multifamily	3.1 du/ac	South Oak Creek along North side of Bayshore road (Resolution Z-10-002)
Spring Woods	Mobile Home	3 du/ac	South of Suncoast Estates; North of Bayshore road
River Trails	Mobile Home	2 du/ac	East of Slater road; South of subject site and abutting Southern street portion of proposed development

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Suncoast Estates	Mobile Home	1.5 du/ac	Bordered by Mellow Drive to the North; Bartholomew Drive to the East; Ebson Drive to the West; Mobile home communities to the South (Spring Woods, Forest Park and Bayshore Village)
AG-2 Residential	Agricultural Lots	1 du\ac (allowable per zoning district)	East and west of Shelby Lane; West side of Slater Road; Portion of East side of Slater road

It should be noted that a portion of the AG-2 property along Slater Road is currently being utilized as commercial uses, creating an intensity of development in the area not typically associated with AG-2 zoning.

As such, the proposed residential request is an infill of residential projects along the Bayshore corridor. The project's location west of I-75 allows for easy access to the interstate system while not crossing I-75, a dividing line in North Fort Myers typically indicative of the transition between more intense development and more rural atmosphere on the east. Further, an interstate interchange connection from Cape Coral via Del Prado Boulevard has been under consideration and is evident by the wide right-of-way of Del Prado Boulevard. If such an interchange is realized, the proposed development will be ideally located for future development intensities between two accesses to I-75.

As further outlined, in compliance of Lee Plan Policies 2.2.1 and 5.1.3 and Goal 11, the proposed development location is in proximity to infrastructure, water, sewer and traffic. As such, the location minimizes costs and focuses density where appropriate.

Please refer to the table below, which inventories the surrounding Future Land Use Categories and existing land uses.

Adjacent Land Use and Zoning

DIRECTION	FUTURE LAND USE	LAND USE / ZONING
North	Rural/ Suburban	Commercial and Vacant/ AG-2
South	Suburban	Residential and Vacant/ AG-2 and MH-2
East	Suburban	Vacant/ RPD
West	Rural/Suburban	Vacant, Residential and Industrial/AG-2

Based on the table above, the proposed uses are consistent with the underlying and surrounding Future Land Use Categories as well as the surrounding uses. Residential development on this site will be contiguous and compact, is within an area where services are already available, and would effectively use the public investment of infrastructure within this area. Therefore, the uses and density proposed through this application are appropriate at this location and will continue the entitled residential development trend along the Bayshore Road corridor.

Lee Plan Objective 2.2: New Development to Provide Required Infrastructure

Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only

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when consistent with the provisions of Sections 163.3202(2((g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance.

Lee Plan Policy 2.2.1: New Development Proximity to Required Infrastructure

Rezonings and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

As summarized in the Transportation Impact Statement provided within this submittal, the proposed rezoning will not have a detrimental impact on the surrounding roadway system. Based on the results of the analysis, the accesses onto Bayshore Road and Slater Road are shown to operate at or above a LOS "C" utilitizing the Lee County Traffic Count data plus peak hour project traffic conditions. No intersection improvements other than potential turn lane improvements will be warranted by the proposed development.

Utility service is available at or near the proposed project through Lee County Utilities for potable water and through Florida Governmental Utility Authority for waste water. The developer will undertake any improvements that may be required to connect the project to these existing services. Availability letters are enclosed as a supplement to the rezoning application.

The subject property is located within 7 miles of North Fort Myers High School, within 5 miles of Suncoast Middle School and within 1 mile of Bayshore Elementary School. The property is within 1.5 miles of Fire Station 3 in the North Fort Myers Fire District, and within 9 miles of the Lee Memorial Hospital. Therefore, public infrastructure required to service the proposed development is in place at or near the project site.

Lee Plan Policy 5.1.2: Prohibit Residential Development where Hazards Exist

Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental imitations; aircraft noise; or other characteristics that may endanger the residential community.

The proposed development is within Flood Zones "X," "AE," and a regulatory floodway. The areas within the proposed development area range at existing site elevations of 8.59 to 13.44 NAVD88 (average elevation 12.06 NAVD88) which will not be a constraint to residential development. Site soil conditions consist of soils suitable for residential development and the site is not within an Airport Noise Zone. As such, the proposed development is not proposed where physical constraints or hazards exist.

Lee Plan Policy 5.1.3: Direct Higher Density Residential Development to Certain Areas

During the rezoning process, direct high density development to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities.

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The proposed RPD is in close proximity to employment, transit, schools, and a full range of public infrastructure. The proposed development is located within 1 mile of employment centers such as Lynx Service and Publix Shopping Center and within 5 miles of AMC Merchants Crossing Shopping Center. The subject property is located within 7 miles of North Fort Myers High School, within 5 miles of Suncoast Middle School and within 1 mile of Bayshore Elementary School. An 8-foot wide multi-purpose trail has been constructed on either side of Bayshore Road and connects to Lee Tran Route 590, which is within 1.25 miles of the subject site. The development is located near several parks and community centers, including Caloosahatchee Creek Preserve, Powell Creek Preserve, Bayshore Soccer Complex and the North Fort Myers Community Park with the Senior Friendship Center and North Fort Myers Public Library.

Lee Plan Policy 5.1.4: Prohibit Residential Development Near Industrial Development and Airport Noise Zone

Prohibit residential development in all Industrial development areas and Airport Noise Zone B as indicated on the Future Land Use Map, except for residences in the Industrial Development area for a caretaker or security guard, and except as provided in Chapter XIII.

The site is not located within an industrial development area nor the Airport Noise Zone B.

Lee Plan Policy 5.2.4: Compatibility

The site design of the proposed development must be compatible with surrounding land uses to the maximum extent possible.

To the east of the proposed development, directly across from Williams Road are three, contiguous planned developments. Refer to "Master Planned Developments Overview" for graphic. Oak Creek, Chapel Creek, and Bayshore 57 are entitled to residential development with Chapel Creek and Bayshore 57 also including commercial and industrial land uses. Together with the proposed development, these four projects will form a future community, benefiting from a positive relationship due to high compatibility. The approval of this proposal will ensure uniformity in future development that spans from Slater Road to I-75. The residential land uses are very similar; the three approved developments are entitled to Single Family, Townhouse and Multifamily uses. The proposed plan also includes Single Family, Townhouse, and Multi-family uses, along with Two-Family attached. As the table below shows, the proposed lot dimensions for the single family homes closely mirrors those of the neighboring developments. The proposed Single Family minimum lot area and lot width are identical to those of Chapel Creek and Bayshore 57. The proposed Townhouse dimensions are nearly identical to those of Oak Creek and Chapel Creek.

DEVELOPMENT	TYPE	MIN. AREA	MIN. WIDTH	MIN. DEPTH
Proposed Gully Creek	Single Family (R-1)	6500	50	130
	Single Family (R-2)	5040	42	120
	Two Family Attached	3600	30	120
	Town House	1800	20	100
	Multi-Family	Not Fee Simple		

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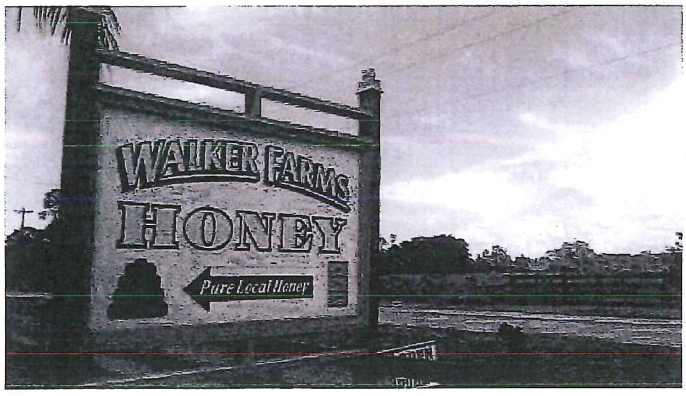
Oak Creek	Single Family	5000	50	100
	Town House	1800	18	100
	Multi-family	Not Fee Simple		
Chapel Creek	Single Family	6500	50	100
	Town House	1530	18	85
	Multi-family	Not Fee Simple		
Bayshore 57	Single Family	6500	50	100
	Town House	1530	18	85
	Multi-family	Not Fee Simple		

*Multi-family included to indicate nearby residential uses. Lot sizes are not applicable due to nature of multi-family development

Both Bayshore 57 and Chapel Creek include commercial land use, which differs from the strictly residential proposal, but an increased number of residential units in the nearby vicinity would increase customer base of the entitled commercial, medical office, and office spaces, as well the existing commercial uses in the area. These future spaces also support the proposal by increasing surrounding services through the provision of employment, industrial, and commercial centers within a mile of the proposed development.



Existing local business, like this honey farm directly across from the proposed site, could provide unique shopping opportunities to future residents. The close proximity encourages local spending.

Commercial spaces, such as Foxmoor Plaza (Lynx) shown below, could benefit from an increased number of residential rooftops in the vicinity.



As outlined in Policy 2.1, the proposed unit density is within an acceptable range of the existing and entitled developments. At 5.0 du/ac, the proposed density is similar to the average of surrounding developments and lower than Chapel Creek's density of 5.6 du/ac. The two conflicting densities are those of Chapel Creek (5.6 du/ac) and the Suncoast Estates (±1.5 du/ac). Located between these two densities, the proposed development is a suitable transition between the high density to the east and the low density to the west.

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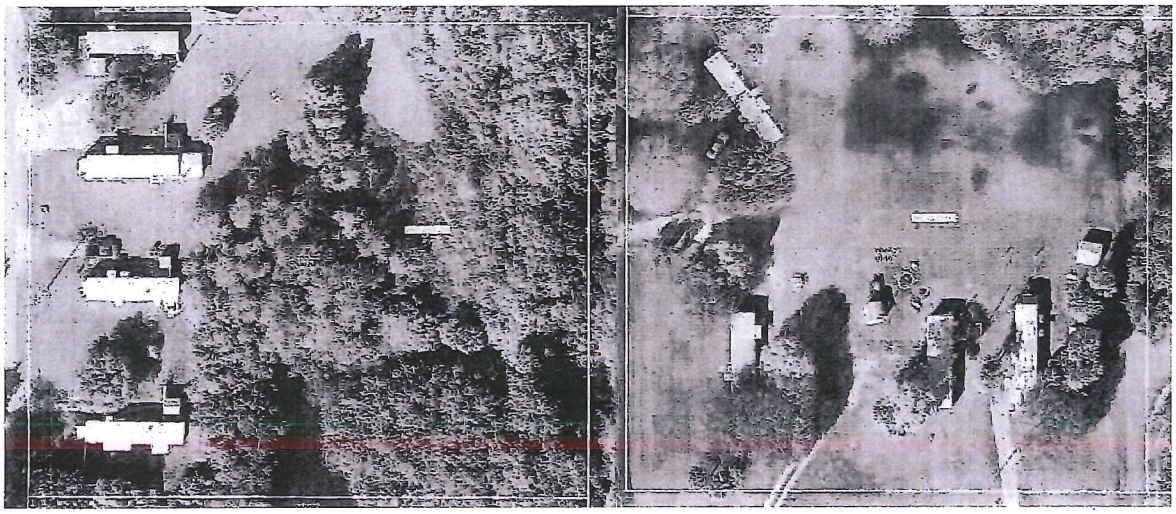
Throughout the Suncoast Estates there are approximately 1.27 parcels per acre, but the dwelling unit density is likely to be significantly higher. On many of the larger parcels, multiple residential structures exist. Below are two examples of parcels within Suncoast Estates with closely placed and separately accessible units sharing a single parcel.



Within a one mile radius of the proposed project, AG-2, MH-2, C-1, RPD, CPD and IPD zoning districts exist. The proposed site is in a key location to provide a transition between varying land uses and densities, creating a well-integrated area for the future. This diversity is a reflection of the successful adaptation to the area's changing needs and opportunities. The recent approvals for master planned developments in this area are consistent with SW Florida market trends. Future development should be compatible with existing uses, but should not strive to match the mobile home developments that were established in the early 1980's because as time has passed, so has the demand for more mobile and rural style housing. Instead, this area has the opportunity to continue the market-driven trend for master planned neighborhoods. The proposed development will increase investment and meet the area's economic potential.

Lee Plan Goal 11: Water, Sewer, Traffic and Environmental Review

To insure that appropriate water, sewer, traffic, and environmental review standards are considered in reviewing rezoning applications and are met prior to issuance of a county development order.

The proposed development is consistent with Goal 11 through the provision of letters of capacity and availability of service from Lee County Utilities and Florida Governmental Utility Authority, please see attached. A Traffic Impact Statement has been included within the application, indicating that the proposed development will not have a detrimental impact on the surrounding road system and an acceptable LOS will be maintained on all affected roadways. Lastly, the environmental review has also been included.

The proposed plan succeeds in preserving Daughtrey's Creek and the vegetation along it. Together, this area constitutes a natural flow-way. Flow-ways are a major component of the surface water management system, and natural flow-ways provide many additional benefits. By integrating Daughtrey's Creek and the surrounding upland hardwood forests with the design,

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the proposed project will meet the environmental standards by providing a wide swath for water flow and storage, filtering water through natural vegetative processes, and preserving the habitat corridor. By incorporating the proposed site's green infrastructure into the surface water management system, as stated in Objective 60.5 of the Lee County Code of Ordinances, the area will benefit from "improved water quality, improved air quality, improved water recharge/infiltration, water storage, wildlife habitat, recreational opportunities, and visual relief within the urban environment." Policies within this objective emphasize the importance of natural flow-ways and the County's dedication to preserving them. The proposed development would steward the natural flow-way by removing exotic species and maintaining the indigenous preserve, insuring the health of the important flow-way.

LDC Sec. 33-1532 – Community Review

As required by this section, the proposed planned development zoning action will have conducted a publicly advertised information session prior to being found sufficient.

LDC Sec. 33-1541 – Interface to Existing Large Lot Residential

The proposed residential uses are divided into two categories; R-1 and R-2. The R-1 designation allows only single family lots with a minimum lot size of 6500 sf. The R-2 area allows single family as well as two-family attached, townhouse and multifamily. As shown on the MCP, R-2 residential (more intense residential) is only allowed on the western portion of the site.

The properties abutting the proposed development vary in existing intensity with the west side generally more intense than the east side. The use of the parcel on the north boundary abutting Slater road is an industrial storage yard. In extreme contrast, a large single family lot abuts the southern boundary at Slater Road. The proposed R-2 residential uses provide an appropriate transition between these two existing and incompatible uses and further, protect the existing large residential lot. In accordance with LDC Section 33-1542, which requires a minimum setback of 50' between existing large lot residential, the proposed higher density residential has been placed along the northern side. The road along the southern property boundary provides separation to the existing large residential and a Type C or F buffer as required by the Land Development Code will protect the existing residential lot from noise and light.

Two other uses also abut the southern property boundary on the west side of the development. Behind the large residential lot is a tract of land classified by Lee County Property Appraiser as residential. However, aerials indicate what appear to be holding ponds or similar non-residential use. No structures exist on the site. Further east the abutting use is a mobile home community.

In contrast to the western portion of the project, the eastern side abuts several existing large residential lots on the northern and southern property boundary. In sensitivity to LDC Section 33-1541 and 33-1542 the proposed R-1 residential use only allows single family detached units.

LDC Sec. 33-1548 – Interconnections and Shared Access
LDC Sec. 33-1583 – Pedestrian Linkages

A provision for a potential access to Oak Creek RPD is shown on the MCP. While this application cannot effect the Oak Creek RPD, this provisional access allows the opportunity for a potential interconnection in the event that Oak Creek RPD choses to amend for the added connection.

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Lee Plan Goal 28: North Fort Myers Planning Community

Much of the language described in the North Fort Myers Community portion of the Lee Plan outlines course of action for the Planning Community and does not directly describe goals for future development. However, from the language within the adopted policies it is reasonable to extract key points desired by the community.

Economic Vitality

The proposed rezoning and future home owners of Gully Creek will provide an economic stimulus to the area. As Goal 28 states, Gully Creek will *"attract appropriate investment to revitalize older neighborhoods"* and *"improve livability and economic vitality."* A large portion of the developed residential in the vicinity includes older mobile home subdivisions with a history of declining property values when compared to Southwest Florida market averages. New homesites along Slater Road will allow for comparative home price values to increase thereby stimulating the surrounding residential market. In addition to positively impacting surrounding home values, additional density will create a greater demand for commercial services. Policy 28.2.1 speaks to this intended goal by stating that the North Fort Myers Community is to *"complete an analysis of the market support for retail, office and hospitality."*

Preservation of Existing Neighborhoods and Natural Features

The proposed development program is sensitive to existing neighborhoods and natural features. Goal 28 seeks to *"stabilize and enhance existing neighborhoods"* and Policy 28.1.5 outline parameters *"to establish buffers between large lot residential subdivisions and emerging adjacent higher density and intensity uses."* As described above, the positive economic effect of the proposed development will assist to stabilize and enhance the surrounding area. As described in LDC compliance with Section 33-1541, the residential uses within the project have been sensitively placed to protect the larger existing homesite on the project's eastern borders. Multifamily and townhouse units are allowed only in the western portion of the site. Single family lots in excess of 6500 sf are proposed where Gully Creek abuts existing large residential lots

The proposed development includes a 50' wide natural waterway buffer and additional preservation area along Foose Gully and Daughtry Creek which bisect the property. This will provide a *"wildlife movement cooridor"* (Policy 28.5.8) and allow for future *"interconnection of conservation easements"* (Policy 28.5.8). As such, the proposal is consistent with Goal 28 by *"preserving natural resources"*.

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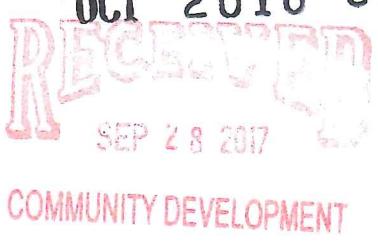

TR TRANSPORTATION CONSULTANTS, INC.

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FORT MYERS, FL 33901-9356
OFFICE 239.278.3090
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WWW.TRTRANS.NET

TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

February 7, 2017

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Ms. Jennifer Sapen
Barraco & Associates
2271 McGregor Boulevard
Fort Myers, FL 33901

RE: Gully Creek RPD
DCI2016-00024

DCI 2016-00024

Dear Ms. Sapen:

TR Transportation Consultants, Inc. has reviewed the comments issued by the Lee County Department of Community Development for the Zoning application for Gully Creek RPD. The comments and TR Transportation's response to those comments are listed below for reference.

LC ZTIS PD Application Sufficiency Checklist

2e) The TIS does not appear to model development with the highest traffic generating potential. See both the application and schedule of uses with respect to the maximum number of dwelling units and type. Please justify how the proposed uses described in the TIS generate more traffic than other listed in the proposed schedule of uses and revise the TIS accordingly.

The MCP and application documents have been revised to reflect the maximum development intensity permitted will be to 330 residential dwelling units with a maximum number of single family units at 210 dwellings. Therefore, the TIS was revised to reflect the development of up to 210 single family dwelling units and the remaining 120 units as multi-family dwelling units.

5) The total trips described in Table 2 do not appear to correspond to the total trips depicted on Figure 2. Please review and revise the TIS accordingly.

The TIS has been revised and this error was corrected.

7a) The TIS does not appear to contain a LOS analysis for each of the projects access points. Please review and revise the TIS accordingly.

The revised TIS includes a LOS analysis at the site access point onto Slater Road. The site access point on Williams Road is simply an extension of Williams Road and there is no intersection created to analyze.

If you have any additional questions, please do not hesitate to contact me.

Sincerely,

Ted B. Treesh, PTP
President

Attachments

K:\2015 03 March 12 Gully Creek Rezoning Sufficiency\2-6-2017 Sapen Sufficiency Gully Creek.doc

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TRAFFIC IMPACT STATEMENT

FOR

GULLY CREEK

PROJECT NO. 1503.12

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PREPARED BY:
TR Transportation Consultants, Inc.
2726 Oak Ridge Court, Suite 503
Fort Myers, Florida 33901
239-278-3090

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REVISED:
February 7, 2017

TRANSPORTATION CONSULTANTS, INC.

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III. PROPOSED DEVELOPMENT

IV. TRIP GENERATION

V. TRIP DISTRIBUTION

VI. FUTURE TRAFFIC CONDITIONS

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

VIII. CONCLUSION

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I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking approval for zoning. This report has been completed in compliance with guidelines established in the Lee County Traffic Impact Statement Guidelines. The development site is located on the east side of Slater Road and north of Bayshore Road (State Road 78) in Lee County, Florida. The site location is illustrated on **Figure 1**.

The Developer is proposing to rezone the subject site to permit the development of up to 330 residential dwelling units on the approximately 66 acre site. The proposed unit breakdown would be up to 210 single family dwelling units and 120 multi-family dwelling units. Primary access to the development will be provided via a single access drive to Slater Road and a secondary access will be provide to Williams Road, which connects to Bayshore Road (S.R. 78) to the south.

This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the various surrounding intersections will be completed and analysis conducted to determine the impacts of the development on the surrounding streets and intersections.

II. EXISTING CONDITIONS

The subject site is currently vacant. The site is bordered on the north and south by residential and agricultural lands, to the west by Slater Road and to the east by the Oak Creek PUD.

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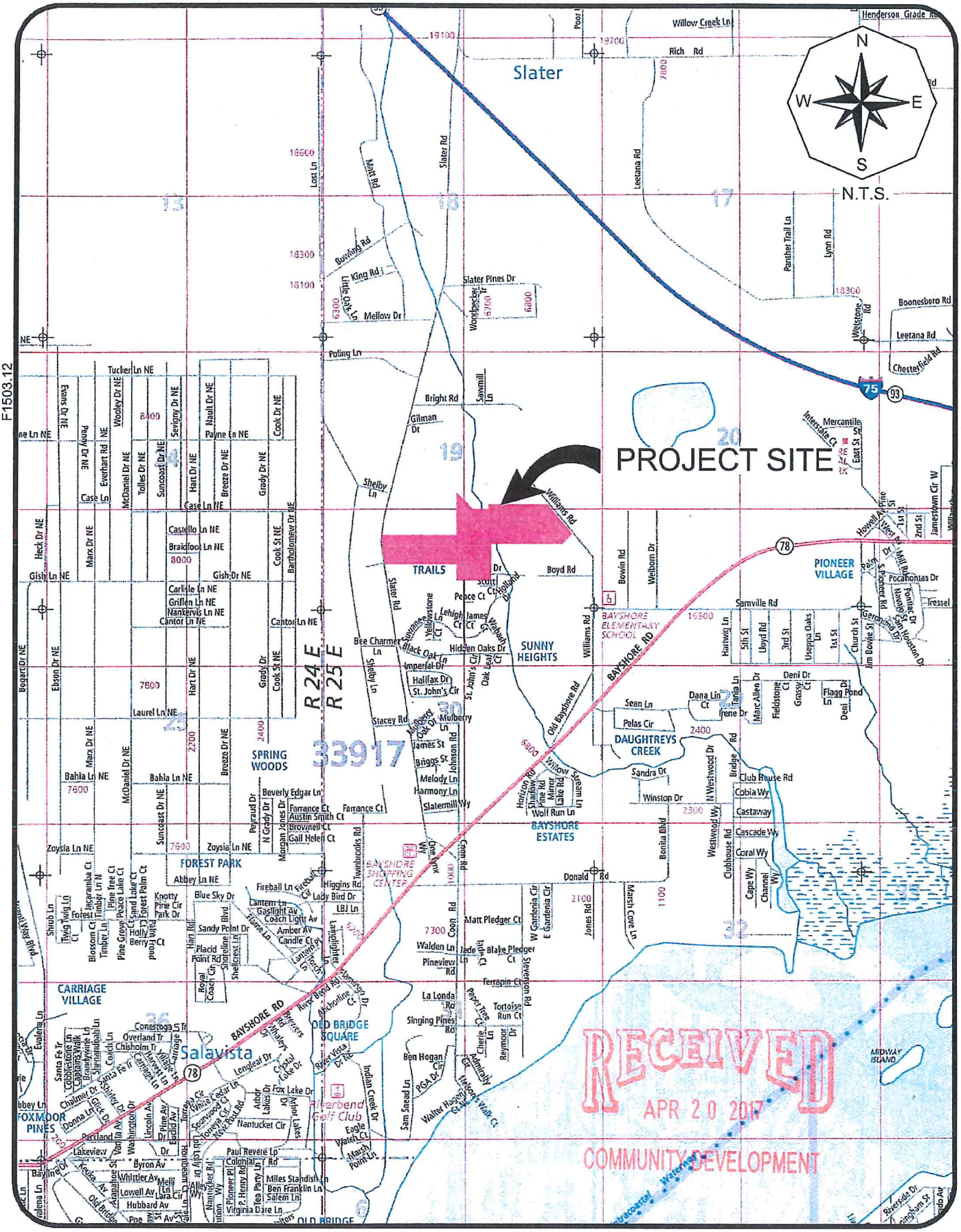

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PROJECT LOCATION MAP
GULLY CREEK REZONING

Figure 1

DCI2016-00024

Slater Road is a two lane undivided arterial roadway that borders the site to the west. Slater Road extends north from Bayshore Road and terminates at Nalle Grade Road. Slater Road, adjacent to the subject site, has a posted speed limit of 45 mph and is under the jurisdiction of the Lee County Department of Transportation.

Bayshore Road (State Route 78) is under the jurisdiction of the Florida Department of Transportation (FDOT). Bayshore Road is a four lane divided arterial. FDOT has classified Bayshore Road as Access Management Class 3 in the area of the subject site. Bayshore Road has a posted speed limit of 50 mph and is under the jurisdiction of the Florida Department of Transportation.

Williams Road is a two lane local roadway that extends north of Bayshore Road and terminates near the southern boundary of the subject site. The subject site will access Williams Road through a private easement. South of the easement, Williams Road is a public road maintained by Lee County. The roadway has a posted speed limit of 30 mph.

III. PROPOSED DEVELOPMENT

Gully Creek is an approximately 66 acre proposed residential community within Lee County. The proposed development intensity was taken from the Master Concept plan prepared by Barraco and Associates.

Table 1 summarizes the land uses utilized for trip generation purposes for the subject development.

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Table 1
Gully Creek
Land Uses

Land Use	Size
Single Family	210 Dwelling Units
Multi-Family	120 Dwelling Units

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IV. TRIP GENERATION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation***, 9th Edition. Land Use Code 210 (Single-Family Detached Housing) was utilized for trip generation purposes. The equations for this land use is contained in the Appendix of this report for reference. **Table 2** outlines the anticipated weekday A.M. and P.M. peak hour trip generation of the Gully Creek project as currently proposed. The daily trip generation is also indicated in the table.

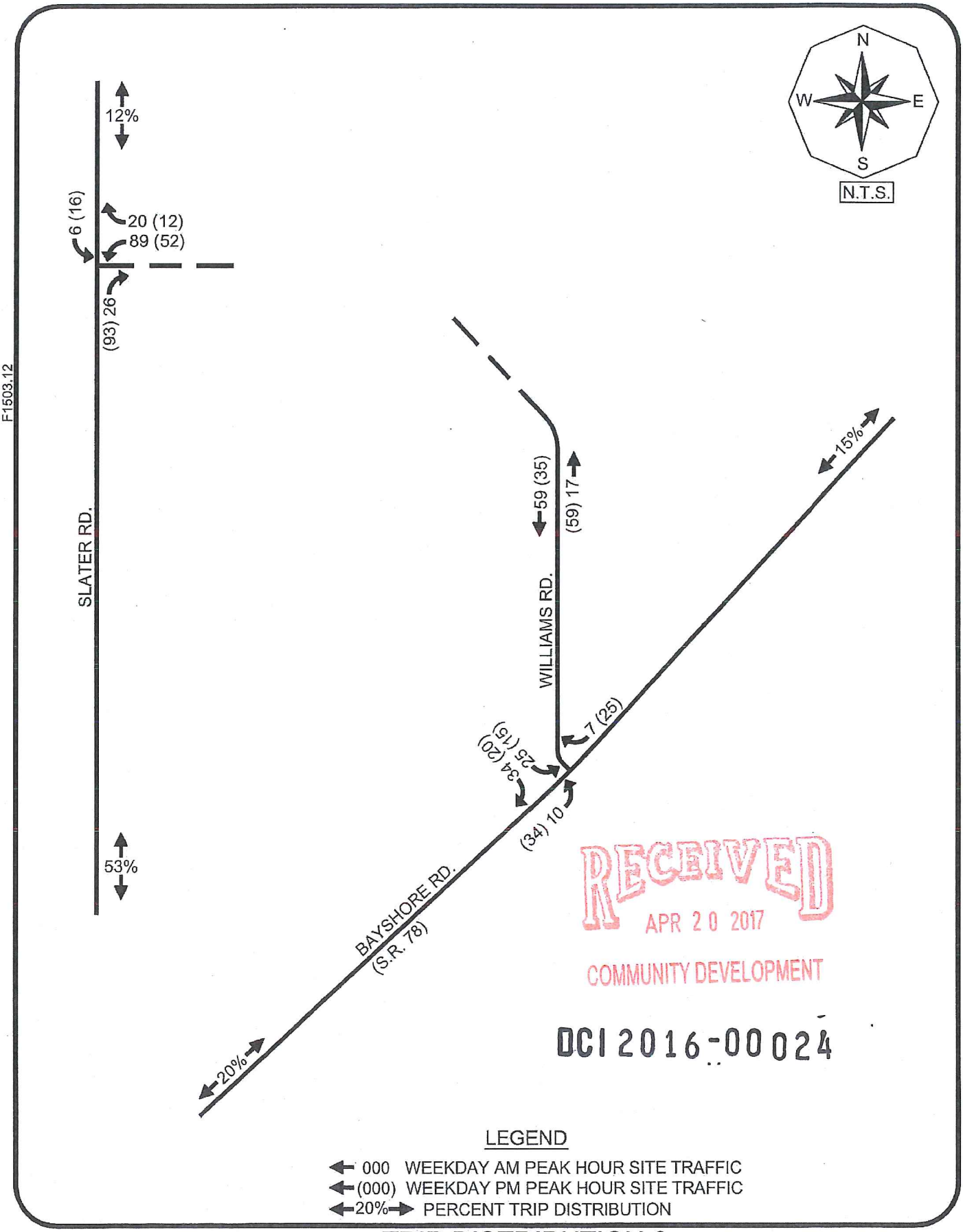
Table 2
Gully Creek
Trip Generation

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily
	In	Out	Total	In	Out	Total	2-way
Single Family (210 units)	39	118	157	129	76	205	2,078
Multi-Family (120 units)	10	50	60	47	23	70	754
Total	49	168	217	176	99	275	2,832

V. TRIP DISTRIBUTION

The trips shown in Table 2 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. Based on current and projected population in the area and other existing or planned competing/ complementary uses in the area, a distribution of the site traffic was formulated. The anticipated trip distribution of the development traffic is shown on **Figure 2.** Also shown on Figure 2 is the assignment of project related trips to the site access drive on Slater Road and to Bayshore Road and the Williams Road intersection.

In order to determine which roadway segments surrounding the site will be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A,** contained in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour – Peak Direction Level of Service "C"



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LEGEND

← 000 WEEKDAY AM PEAK HOUR SITE TRAFFIC
←(000) WEEKDAY PM PEAK HOUR SITE TRAFFIC
←20%→ PERCENT TRIP DISTRIBUTION

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TRIP DISTRIBUTION & SITE TRAFFIC ASSIGNMENT GULLY CREEK REZONING

Figure 2

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volumes, as defined by the Lee County Generalized Peak Hour Directional Service Volume Tables. A copy of the Generalized Service Volume Table is located in the Appendix of this report for reference.

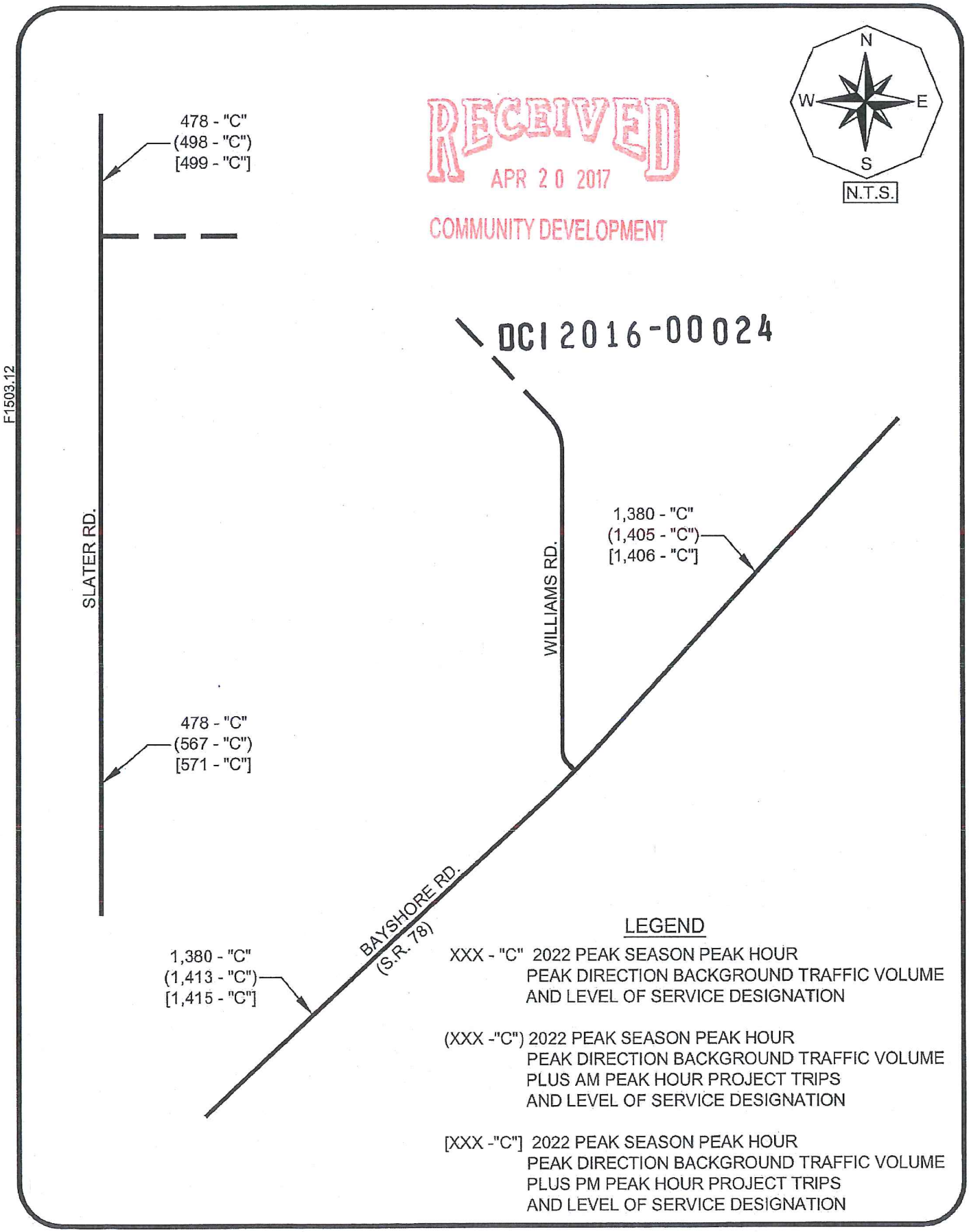
VI. FUTURE TRAFFIC CONDITIONS

A horizon year analysis of 2022 was selected as the analysis year to evaluate the future impacts this project will have on the surrounding roadway network. Based on this horizon year, a growth rate was applied to the existing traffic conditions for all roadway links that could be significantly impacted by this development. The existing roadway link traffic data was obtained from the 2015 Lee County Traffic Count Report and the 2015 FDOT Traffic Information Online database. Based on the project distribution shown in Figure 2, the link data was analyzed for the year 2022 without the development and year 2022 with the development.

Figure 3 indicates the year 2022 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday A.M. and P.M. peak hours with the development traffic added to the roadways. These figures are also derived from **Table 2A** contained in the Appendix.

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Figure 3 details the Levels of Service for all links inside the project's area of influence based on this analysis. In comparing the links' functional classification and calculated 2022 traffic volumes to the Service Volume Tables, it was determined that all roadway links analyzed will continue to operate at an acceptable Level of Service in 2022 both with and without the proposed development. Both Slater Road and Bayshore Road (S.R. 78) are shown to operate at LOS "C" both with and without the project in the year 2022.



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PROJECTED 2022 LEVEL OF SERVICE
GULLY CREEK REZONING

Figure 3

Therefore no roadway capacity improvements will be warranted as a result of the additional traffic to be generated by the proposed development.

An intersection analysis was completed at the site access drive that is proposed to Slater Road. The peak hour directional traffic volumes were computed by utilizing the Lee County Traffic Count report data to factor the daily traffic volume into directional volumes. This calculation is illustrated in the Appendix for reference. The analysis indicates that the unsignalized intersection will operate at an acceptable Level of Service at build-out in the year 2022. There is not site access drive intersection created along Williams Road as the proposed access will simply be an extension of the Williams Road pavement into a private roadway that will provide access to the subject site. Site specific turn lane improvements will be analyzed based on the Lee County Turn Lane Policy during the Development Order process.

VIII. CONCLUSION

The development of the subject property with up to 330 residential dwelling units to the north of Bayshore Road and east of Slater Road in Lee County, Florida will not degrade the Level of Service of Bayshore Road or Slater Road. Both roadways are shown to operate at LOS "C" both with and without the project in the year 2022. The existing roadway network can accommodate the additional new vehicle trips the development is anticipated to generate. Site specific turn lane improvements will be warranted based on the Lee County Turn Lane Policy and will be further defined in the Development Order process.

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APPENDIX

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TABLES 1A & 2A

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TABLE 1A
PEAK DIRECTION PROJECT TRAFFIC VS. LOS C LINK VOLUMES
GULLY CREEK REZONING

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 217 VPH IN= 49 OUT= 168

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 275 VPH IN= 176 OUT= 99

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PROJECT TRAFFIC DISTRIBUTION	NEW PROJ TRAFFIC AM PEAK	NEW PROJ TRAFFIC PM PEAK	PROJ/ LOS C
Bayshore Rd.	E. of Williams	4LD	0	250	1,840	1,960	1,960	15%	25	26	1.43%
	W. o Williams	4LD	0	250	1,840	1,960	1,960	20%	34	35	1.91%
Slater Rd.	N. of Site Access	2LU	0	140	800	860	860	12%	20	21	2.64%
	N. of Bayshore Rd.	2LU	0	140	800	860	860	53%	89	93	11.66%

* The Level of Service thresholds for all roadway segments were obtained from Lee County Generalized Peak Hour Directional Service Volumes (April 2016)

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TABLE 2A
HORIZON YEAR TRAFFIC VOLUMES AND 100TH HIGHEST HOUR LEVEL OF SERVICE ANALYSIS
GULLY CREEK REZONING

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 217 VPH IN= 49 OUT= 168
TOTAL PM PEAK HOUR PROJECT TRAFFIC = 275 VPH IN= 176 OUT= 99

ROADWAY	SEGMENT	SITE/ STATION	BASE YR ADT	2015 ADT	YRS OF GROWTH	ANNUAL RATE[1]	2015 PK HR PK SEASON PEAK DIR.[2]	2022 PK HR PK SEASON PEAK DIRECTION VOLUME	LOS	PROJECT TRAFFIC DISTRIBUTION	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2022 BCKGRND + AM PROJ VOLUME	LOS	2022 BCKGRND + PM PROJ VOLUME	LOS
Bayshore Rd.	E. of Williams	126064	26,000	24,000	9	1.00%	1,287	1,380	C	15%	25	26	1,405	C	1,406	C
	W. o Williams	126064	26,000	24,000	9	1.00%	1,287	1,380	C	20%	34	35	1,413	C	1,415	C
Slater Rd.	N. of Site Access	389	6,500	7,600	9	1.75%	423	478	C	12%	20	21	498	C	499	C
	N. of Bayshore Rd.	389	6,500	7,600	9	1.75%	423	478	C	53%	89	93	567	C	571	C

[1] A minimum growth rate of one percent (1%) would be utilized, if annual rate did not exceed 1%.
[2] The 2015 peak hour, peak season, peak direction traffic volumes were taken from the 2016 Lee County Concurrency Report

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2016 LEE COUNTY CONCURRENCY REPORT

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ROAD LINK VOLUMES
Peak Direction of Flow

LINK NO.	ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2015 100th HIGHEST HR		EST 2016 100th HIGHEST HR		FORECAST FUTURE VOL		NOTES
					LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME	
00100	A & W BULB RD	GLADIOLUS DR	McGREGOR BL	2LN	E	860	C	333	C	334	C	341	
00200	ALABAMA RD	IMMOKALEE RD (SR 82)	MILWAUKEE BL	2LN	E	990	C	292	C	295	C	295	
00300	ALABAMA RD	MILWAUKEE BL	HOMESTEAD RD	2LN	E	990	D	442	D	443	D	443	
00400	ALEX BELL BL	IMMOKALEE RD (SR 82)	MILWAUKEE BL	2LN	E	990	C	412	C	413	C	416	
00500	ALEX BELL BL	MILWAUKEE BL	JOEL BL	2LN	E	990	C	412	C	453	D	613	
00590	ALICO RD	US 41	DUSTY RD	4LD	E	1,940	B	1,064	B	1,064	B	1,064	
00600	ALICO RD	DUSTY RD	LEE RD	6LD	E	2,920	B	1,064	B	1,073	B	1,344	
00700	ALICO RD*	LEE RD	THREE OAKS PKWY	6LD	E	2,920	B	1,130	B	1,130	B	1,311	
00800	ALICO RD	THREE OAKS PKWY	I-75	6LD	E	2,920	B	2,137	B	2,137	B	2,137	
00900	ALICO RD	I-75	BEN HILL GRIFFIN PKWY	6LD	E	2,920	B	1,479	B	1,506	B	1,649	
01000	ALICO RD*	BEN HILL GRIFFIN PKWY	GREEN MEADOW DR	2LN	E	1,100	C	345	C	346	D	740	4 Ln construction in FY 17/18 to Airport Haul Rd
01050	ALICO RD*	GREEN MEADOW DR	CORKSCREW RD (CR 850)	2LN	E	1,100	B	84	B	84	B	84	
01200	BABCOCK RD*	US 41	ROCKEFELLER CIR	2LN	E	860	C	55	C	55	C	162	
01400	BARRETT RD*	PONDELLA RD	PINE ISLAND RD	2LN	E	860	C	103	C	103	C	103	
01500	BASS RD	SUMMERLIN RD	GLADIOLUS DR	4LD	E	1,790	C	454	C	524	C	786	
01600	BAYSHORE RD (SR78)	BUSINESS 41	HART RD	4LD	D	1,940	B	1,425	B	1,446	B	1,509	
01700	BAYSHORE RD (SR78)	HART RD	SLATER RD	4LD	D	1,940	B	1,667	B	1,688	B	1,803	
01800	BAYSHORE RD (SR78)	SLATER RD	I-75	4LD	D	1,940	A	1,287	A	1,288	A	1,314	
01900	BAYSHORE RD (SR78)*	I-75	NALLE RD	2LN	D	1,100	C	495	C	495	C	495	
02000	BAYSHORE RD (SR78)	NALLE RD	SR 31	2LN	D	1,100	C	566	C	566	D	640	
02100	BEN HILL GRIFFIN PKWY	CORKSCREW RD	FGCU ENTRANCE	4LD	E	1,960	B	1,377	B	1,545	B	1,610	
02200	BEN HILL GRIFFIN PKWY	FGCU ENTRANCE	COLLEGE CLUB DR	4LD	E	1,960	B	1,278	B	1,287	B	1,359	
02250	BEN HILL GRIFFIN PKWY	COLLEGE CLUB DR	ALICO RD	6LD	E	2,960	B	1,609	B	1,670	B	1,770	
26950	BEN HILL GRIFFIN PKWY	ALICO RD	TERMINAL ACCESS RD	4LD	E	1,960	B	1,588	B	1,588	B	1,597	
02300	BETH STACEY BL	23rd ST	HOMESTEAD RD	2LN	E	860	C	322	C	322	C	524	
02400	BONITA BEACH RD	HICKORY BL	VANDERBILT RD	4LD	E	1,900	C	841	C	841	C	841	
02500	BONITA BEACH RD	VANDERBILT RD	US 41	4LD	E	1,900	C	1,580	C	1,580	C	1,580	
02600	BONITA BEACH RD*	US 41	OLD 41	4LD	E	1,820	C	1,167	C	1,167	C	1,170	
02700	BONITA BEACH RD	OLD 41	IMPERIAL ST	6LD	E	2,740	C	2,304	C	2,304	C	2,304	
02800	BONITA BEACH RD	IMPERIAL ST	I-75	6LD	E	2,740	C	1,887	C	1,887	C	1,887	

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LINK NO.	ROADWAY LINK NAME	FROM	TO	ROAD TYPE	PERFORMANCE STANDARD		2015 100th HIGHEST HR		EST 2016 100th HIGHEST HR		FORECAST FUTURE VOL		NOTES
					LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME	
23600	SIX MILE CYPRESS PKWY	METRO PKWY	DANIELS PKWY	4LD	E	1,920	B	1,500	B	1,523	B	1,547	
23700	SIX MILE CYPRESS PKWY	DANIELS PKWY	WINKLER AVE	4LD	E	1,900	B	883	B	884	B	991	
23800	SIX MILE CYPRESS PKWY	WINKLER AVE	CHALLENGER BL	4LD	E	1,900	B	935	B	935	B	935	
23900	SIX MILE CYPRESS PKWY	CHALLENGER BL	COLONIAL BL	6LD	E	2,860	A	935	A	935	A	935	
24000	SLATER RD	BAYSHORE RD (SR 78)	NALLE GRADE RD	2LN	E	1,010	C	423	C	424	C	426	
24100	SOUTH POINTE BL*	CYPRESS LAKE DR	COLLEGE PKWY	2LD	E	910	D	607	D	607	D	607	
24200	SR 31	PALM BEACH BL	BAYSHORE RD (SR78)	2LN	C	1,310	C	503	C	503	C	505	
24300	SR 31	BAYSHORE RD (SR 78)	CHARLOTTE COUNTY LINE	2LN	C	1,310	B	354	B	355	B	355	
24400	STALEY RD	ORANGE RIVER BL	LUCKETT RD	2LN	E	860	C	127	C	128	C	153	
24500	STRINGFELLOW RD	FIRST AVE	BERKSHIRE RD	2LN	E	1,060	B	307	C	324	D	667	constrained; v/c=0.29
24600	STRINGFELLOW RD	BERKSHIRE RD	PINE ISLAND RD	2LN	E	1,060	B	307	C	316	C	441	constrained; v/c=0.29
24700	STRINGFELLOW RD	PINE ISLAND RD	PINELAND RD	2LN	E	1,060	D	566	D	577	D	685	constrained; v/c=0.53
24800	STRINGFELLOW RD*	PINELAND RD	MAIN ST	2LN	E	1,060	B	178	B	185	B	275	
24900	SUMMERLIN RD	McGREGOR BL	KELLY COVE RD	4LD	E	1,980	B	1,233	B	1,233	B	1,241	
25000	SUMMERLIN RD*	KELLY COVE RD	SAN CARLOS BL	4LD	E	1,980	B	1,055	B	1,055	B	1,055	
25100	SUMMERLIN RD*	SAN CARLOS BL	PINE RIDGE RD	6LD	E	2,980	B	1,000	B	1,000	B	1,111	
25200	SUMMERLIN RD	PINE RIDGE RD	BASS RD	6LD	E	2,980	B	1,866	B	1,866	B	1,959	
25300	SUMMERLIN RD	BASS RD	GLADIOLUS DR	6LD	E	2,980	B	1,866	B	1,872	B	1,967	
25400	SUMMERLIN RD	GLADIOLUS DR	CYPRESS LAKE DR	4LD	E	1,980	B	1,390	B	1,413	B	1,528	
25500	SUMMERLIN RD	CYPRESS LAKE DR	COLLEGE PKWY	6LD	E	2,960	C	1,602	C	1,602	C	1,602	
25600	SUMMERLIN RD	COLLEGE PKWY	MAPLE DR	6LD	E	2,960	C	1,786	C	1,786	C	1,805	
25700	SUMMERLIN RD	MAPLE DR	BOY SCOUT DR	6LD	E	2,960	C	1,786	C	1,786	C	1,786	
25800	SUMMERLIN RD	BOY SCOUT DR	MATTHEWS DR	4LD	E	1,760	D	1,200	D	1,200	D	1,200	
25900	SUMMERLIN RD	MATTHEWS DR	COLONIAL BL	4LD	E	1,760	D	1,200	D	1,200	D	1,200	
26000	SUNRISE BL*	ALEX BELL BL	COLUMBUS AVE	2LN	E	860	C	44	C	45	C	55	
26100	SUNSHINE BL	IMMOKALEE RD (SR82)	SW 23rd ST	2LN	E	1,040	B	287	B	296	B	300	
26150	SUNSHINE BL*	SW 23rd ST	LEE BL	2LN	E	1,040	C	319	C	322	C	322	
26200	SUNSHINE BL*	LEE BL	W 12th ST	2LN	E	1,040	C	447	C	453	C	456	
26300	SUNSHINE BL	W 12th ST	W 75th ST	2LN	E	1,040	D	561	D	564	D	564	
26400	SW 23rd ST*	GUNNERY RD	SUNSHINE BL	2LN	E	860	D	592	D	595	D	802	
26450	TERMINAL ACCESS RD*	TREELINE AVE	AIRPORT ENT	4LD	E	1,790	D	1,501	D	1,501	D	1,501	
26500	THREE OAKS PKWY	COCONUT RD	CORKSCREW RD	4LD	E	1,940	B	1,093	B	1,099	B	1,282	
26600	THREE OAKS PKWY	CORKSCREW RD	SAN CARLOS BL	4LD	E	1,940	B	1,053	B	1,216	B	1,252	
26700	THREE OAKS PKWY	SAN CARLOS BL	ALICO RD	4LD	E	1,940	A	643	A	644	B	815	
26800	TICE ST*	PALM BEACH BL (SR 80)	ORTIZ AVE	2LN	E	860	C	83	C	84	C	88	

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LEE COUNTY GENERALIZED SERVICE VOLUME TABLE

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Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas

April 2016 c:\input5

Uninterrupted Flow Highway

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	130	420	850	1,210	1,640
2	Divided	1,060	1,810	2,560	3,240	3,590
3	Divided	1,600	2,720	3,840	4,860	5,380

Arterials

Class I (40 mph or higher posted speed limit)

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	140	800	860	860
2	Divided	*	250	1,840	1,960	1,960
3	Divided	*	400	2,840	2,940	2,940
4	Divided	*	540	3,830	3,940	3,940

Class II (35 mph or slower posted speed limit)

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	330	710	780
2	Divided	*	*	710	1,590	1,660
3	Divided	*	*	1,150	2,450	2,500
4	Divided	*	*	1,580	3,310	3,340

Controlled Access Facilities

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	160	880	940	940
2	Divided	*	270	1,970	2,100	2,100
3	Divided	*	430	3,050	3,180	3,180

Collectors

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	310	660	740
1	Divided	*	*	330	700	780
2	Undivided	*	*	730	1,440	1,520
2	Divided	*	*	770	1,510	1,600

Note: the service volumes for I-75 (freeway), bicycle mode, pedestrian mode, and bus mode should be from FDOT's most current version of LOS Handbook.

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TRAFFIC DATA FOR S.R. 78

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FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2015 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6064 - BAYSHORE RD, W OF I-75

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2015	24000 E	0	0	9.00	52.30	5.90
2014	20162 C			9.00	52.30	5.90
2013	20162 C	E 10233	W 9929	9.00	52.30	9.60

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; F = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

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Florida Department of Transportation
Transportation Statistics Office
2013 Historical AADT Report

County: 12 - LEE

Site: 0074 - SR 78, WEST OF WILLIAMSBURG DRIVE @ TTMS 6004 LCPR 04

Year	AADT	Direction 1	Direction 2	*K Factor	D Factor	T Factor
2013	21500 C	E 11000	W 10500	9.00	57.20	9.60
2012	20500 C	E 10500	W 10000	9.00	57.10	9.00
2011	19600 F	E 9600	W 10000	9.00	56.70	9.90
2010	20300 C	E 9800	W 10500	10.19	55.56	9.90
2009	20500 C	E 10500	W 10000	9.18	58.15	10.10
2008	23500 C	E 12000	W 11500	9.84	57.71	10.50
2007	27000 C	E 14000	W 13000	10.16	54.76	12.80
2006	26000 F	E 13500	W 12500	10.23	54.38	15.80
2005	24000 C	E 12500	W 11500	10.30	54.10	15.80
2004	23500 C	E 12000	W 11500	9.90	54.30	15.80
2003	22000 C	E 11500	W 10500	9.80	55.60	10.40
2002	21000 C	E 11000	W 10000	10.10	55.10	10.40
2001	20100 C	E 10500	W 9600	10.00	55.60	13.60
2000	20100 C	E 10500	W 9600	9.90	55.20	6.60
1999	17800 C	E 9200	W 8600	10.80	56.20	18.30
1998	16900 C	E 8800	W 8100	10.30	56.40	16.00

AADT Flags: C = Computed; E = Manual Estimate; F = First Year Estimate
S = Second Year Estimate; T = Third Year Estimate; F = Fourth Year Estimate
V = Fifth Year Estimate; 6 = Sixth Year Estimate; X = Unknown
*K Factor: Starting with Year 2011 is StandardK, Prior years are K30 values

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TRAFFIC DATA FOR SLATER ROAD

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STREET	LOCATION	Station #	Daily Traffic Volume (AADT) 2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	PCS	Area
VERONICA SHOEMAKER BL	S OF PALM BEACH BV	605	5600	6800	5500	4900							20	3
VERONICA SHOEMAKER BL	N OF M.L.K. BLVD (SR 82)	606	U/C	10100	9000	8100							20	3
VERONICA SHOEMAKER BL	N OF COLONIAL BLVD	607	2600	6600	6000	5400							20	3
SIX MILE CYPRESS PKWY	E OF US 41	386	33600	31800	29200	29400	28300			29300			46	4
SIX MILE CYPRESS PKWY	E OF METRO PKWY	387	23600	25200	22900	21600	23400			26900	26700		46	4
SIX MILE CYPRESS PKWY	N OF DANIELS PKWY	388	19200	20100	16200	17800	17900	13500		15400	17000	18200	18	3
SIX MILE CYPRESS PKWY	N OF WINKLER AVE	18	15700	16000	14000	13400	13500	11800	11500	14000	15200	18000		3
SLATER RD	N OF BAYSHORE RD (SR 78)	389	6500	6500	6100	6200	6400	6500		6600		7600	64	2
SOUTH POINTE BLVD	N OF CYPRESS LAKE DR	390	10100	9500	9100	9500	10900						43	3
SOLOMON BLVD	N OF COLONIAL BLVD	623	7800	7400	6700	7200							29	3
SOLOMON BLVD	N OF WINKLER AVE	622	4700	4900	5200	4800							29	3
SR 31	N OF PALM BEACH BLVD	391	12200	9900	7500	7700							11	2
SR 31	S OF CHARLOTTE CO LINE	392	9000	6900	5200	4600							34	2
STALEY RD	S OF ORANGE RIVER BLVD	398	3700	4300	4100	3000	3300	3700		3400		2600	11	3
STRINGFELLOW BLVD	N OF CASTILE RD	27	4600	4500	4100	4200	4000	4000	4000	4000	4200	4400		7
STRINGFELLOW BLVD	S OF PINE ISLAND RD	400	9900	10200	9300	8800							27	7
STRINGFELLOW BLVD	N OF AVENUE C	399	9000	8800	8400	7500	7400	7700	7700	8000	8100	8700	27	7
STRINGFELLOW BLVD	N OF HOWARD RD	401	3400	3300	2900	2700							27	7
SUMMERLIN RD	E OF JOHN MORRIS RD	36	17300	16500	17900	18200	18200	18000	18300	18900	19700	20800		7
SUMMERLIN RD	W OF SAN CARLOS BLVD	402			18600	23100	18700						36	7
SUMMERLIN RD	E OF SAN CARLOS BLVD	408					20000						19	7
SUMMERLIN RD	E OF PINE RIDGE RD	410			27400									7
SUMMERLIN RD	E OF PINE RIDGE RD	19				31200	30100	29700	26300	32100	33500	32000		7
SUMMERLIN RD	W OF WINKLER RD													
SUMMERLIN RD	N OF GLADIOLUS DR	409			21600									4

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DIRECTIONAL VOLUME DATA FOR SLATER ROAD

2015 AADT = 7,600
PCS #64
K-100 = 0.106
D = 0.57 AM PEAK
0.53 PM PEAK
ANNUAL GROWTH RATE = 1.75%

PROJECTED 2022 AADT = 8,580

8,580 * 0.106 = 910 TWO-WAY VOLUME

910 * 057 = 519 SB AM PEAK
391 NB AM PEAK

910 * 0.53 = 482 PM NB PEAK
428 PM SB PEAK

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PCS #64 DATA

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PCS 64 - Bayshore Road East of First Street

2015 AADT = 22,800 VPD

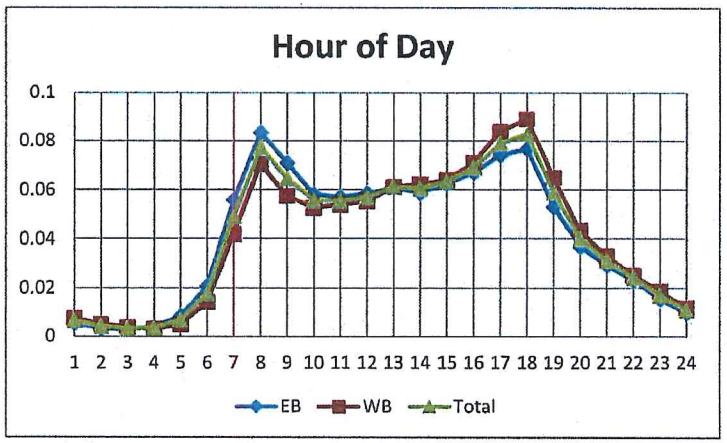
Hour	EB	WB	Total
0	0.54%	0.77%	0.65%
1	0.34%	0.51%	0.42%
2	0.28%	0.38%	0.33%
3	0.40%	0.30%	0.35%
4	0.87%	0.49%	0.69%
5	2.10%	1.44%	1.78%
6	5.59%	4.18%	4.92%
7	8.35%	7.05%	7.73%
8	7.12%	5.75%	6.46%
9	5.83%	5.27%	5.56%
10	5.70%	5.39%	5.55%
11	5.87%	5.54%	5.71%
12	6.09%	6.12%	6.11%
13	5.89%	6.23%	6.05%
14	6.27%	6.40%	6.33%
15	6.73%	7.10%	6.90%
16	7.44%	8.40%	7.90%
17	7.68%	8.92%	8.28%
18	5.32%	6.50%	5.88%
19	3.72%	4.34%	4.02%
20	2.96%	3.31%	3.13%
21	2.35%	2.54%	2.44%
22	1.57%	1.88%	1.72%
23	0.98%	1.20%	1.09%

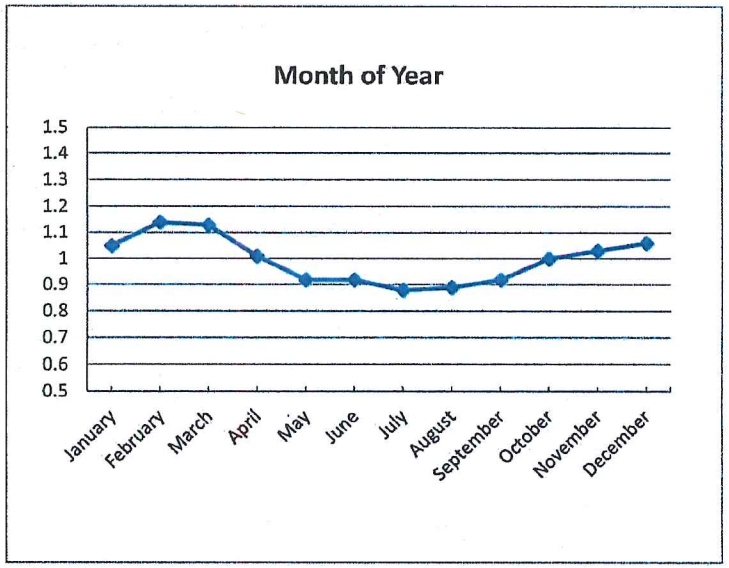
Month of Year	Fraction
January	1.05
February	1.14
March	1.13
April	1.01
May	0.92
June	0.92
July	0.88
August	0.89
September	0.92
October	1
November	1.03
December	1.06

Day of Week	Fraction
Sunday	0.73
Monday	1.03
Tuesday	1.08
Wednesday	1.1
Thursday	1.06
Friday	1.11
Saturday	0.88

Directional Factor		
AM	0.57	EB
PM	0.53	WB

Design Hour Volume		
#	Volume	Factor
5	2607	0.114
10	2571	0.113
20	2525	0.111
30	2508	0.110
50	2475	0.109
100	2427	0.106
150	2385	0.105
200	2343	0.103





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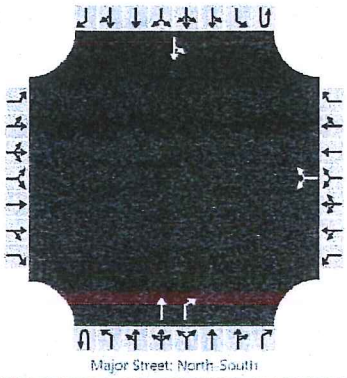
INTERSECTION ANALYSIS
SLATER ROAD @ SITE ACCESS

HCS 2010 Two-Way Stop Control Summary Report

General Information		Site Information	
Analyst	tbt	Intersection	Slater Rd. @ Site Access
Agency/Co.	TR Transportation	Jurisdiction	Lee County
Date Performed	2/8/2017	East/West Street	Site Access
Analysis Year	2022	North/South Street	Slater Road
Time Analyzed	AM Peak W/Project	Peak Hour Factor	0.90
Intersection Orientation	North-South	Analysis Time Period (hrs)	0.25
Project Description	Gully Creek RPD		

Lanes



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Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	0	0		0	0	0	0	0	1	1	0	0	1	0
Configuration							LR				T	R		LT		
Volume (veh/h)						89		20			391	26		6	519	
Percent Heavy Vehicles						3		3						3		
Proportion Time Blocked																
Right Turn Channelized	No				No				No				No			
Median Type	Undivided															
Median Storage																

Delay, Queue Length, and Level of Service

Flow Rate (veh/h)							121							584		
Capacity							288							1092		
v/c Ratio							0.42							0.53		
95% Queue Length							2.0							0.0		
Control Delay (s/veh)							26.2							8.3		
Level of Service (LOS)							D							A		
Approach Delay (s/veh)					26.2								0.2			
Approach LOS					D								A			

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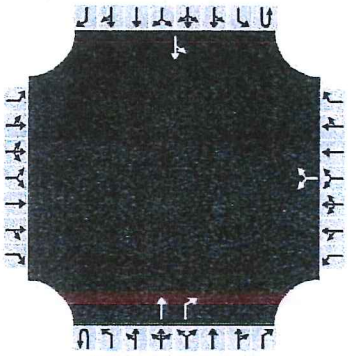
HCS 2010 Two-Way Stop Control Summary Report

General Information		Site Information	
Analyst	tbt	Intersection	Slater Rd. @ Site Access
Agency/Co.	TR Transportation	Jurisdiction	Lee County
Date Performed	2/8/2017	East/West Street	Site Access
Analysis Year	2022	North/South Street	Slater Road
Time Analyzed	PM Peak W/Project	Peak Hour Factor	0.90
Intersection Orientation	North-South	Analysis Time Period (hrs)	0.25
Project Description	Gully Creek RPD		

Lanes



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Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	0	0		0	0	0	0	0	1	1	0	0	1	0
Configuration							LR				T	R		LT		
Volume (veh/h)						52		12			482	93		16	428	
Percent Heavy Vehicles						3		3						3		
Proportion Time Blocked																
Right Turn Channelized	No				No				No				No			
Median Type	Undivided															
Median Storage																

Delay, Queue Length, and Level of Service

Flow Rate (veh/h)							71							494		
Capacity							274							939		
v/c Ratio							0.26							0.53		
95% Queue Length							1.0							0.1		
Control Delay (s/veh)							22.7							8.9		
Level of Service (LOS)							C							A		
Approach Delay (s/veh)					22.7								0.5			
Approach LOS					C								A			

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TRIP GENERATION EQUATIONS

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TRIP GENERATION EQUATIONS
GULLY CREEK
ITE TRIP GENERATION REPORT, 9th EDITION

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily (2-way)
Single Family Detached Housing (LUC 210)	T = 0.70 (X) + 9.74 (25% In/75% Out)	Ln (T) = 0.90 Ln (X) + 0.51 (63% In/37% Out)	Ln (T) = 0.92 Ln (X) + 2.72
T = Number of Trips, X = Number of dwelling units			
Residential Condominium/Townhouse (LUC 220	Ln (T) = 0.80 Ln (X) + 0.26 (17% In/83% Out)	Ln (T) = 0.82 Ln (X) + 0.32 (67% In/33% Out)	Ln (T) = 0.87 Ln (X) + 2.46
T = Number of Trips, X = Number of dwelling units			

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Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Planners

Gully Creek RPD
Residential Planned Development
Schedule of Uses

Residential:

Entrance Gates and Gatehouse
Essential Services
Essential Services Facilities, Group 1
Excavation, Water Retention
Fences, Walls
Home Occupation
Models:
- Model Display Center
- Model Display Group
- Model Homes

Parking Lot:
- Accessory

Recreational Facilities, Private-On-Site
Dwelling Unit:
- Single Family (R-1 and/or R-2 areas)
- Two-family Attached (R-1 and/or R-2 areas)
- Townhouse (R-2 area only)
- Multifamily (R-2 area only)

Residential Accessory Uses and Structures
Real Estate Sales Office
Signs in accordance with LDC Chapter 30
Temporary Construction Trailer

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Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169

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Gully Creek RPD
Residential Planned Development
Schedule of Deviations

1. **Deviation from LDC Section 10-254, which requires side lot lines be, as nearly as practical, at right angles to straight street lines and radial to curve street lines, to allow the lot design shown on the Master Concept Plan in those areas where Deviation 1 is applied.**

   Justification: This deviation request applies to the last lot at the terminal end of small dead end roadways where no cul de sac exists. This last lot is a continuation of a string of lots which are parallel to one another. The lot in question, and side lot lines of the string of lots, is perpendicular to the road as the LDC requires. The road right of way ends at the first side lot line of the terminal lot. This design provides adequate access to the last lot where a private drive will continue on the same trajectory as the road. The continued roadway is not needed to serve additional units further down the road so there is no harm and a benefit is created because it allows the homeowner to utilize and maintain land for private benefit.

   This design creates a different, but adequate lot configuration. The front lot line becomes the termination of the right of way, at the width of the right of way. The first side lot line runs parallel with the string of lots along the road and connects to the end of the right of way. The other side lot line, and the purpose of this deviation request, is an extension of the right of way on the far side of the road. This side lot line, as an extension of the right of way, is parallel to the road and therefore does not meet the LDC requirement of being perpendicular to the road.

   The intent of this LDC requirement is to provide a uniform lot pattern along roadways where adequate access is provided to all lots. This last lot and home will follow the pattern created by homes along the street and will have ample and reasonable access at the terminal end of the right of way.

   As proposed, the lot described becomes a premium lot for the development. Homeowners are availed the opportunity to utilize land which would otherwise be dedicated unnecessarily to right of way. The proposed development plans show six locations where this request applies, which enhances the overall project appeal to a variety of prospective buyers.

   According to Florida Fire Prevention Code, Chapter 18.2.3.4.4 regarding dead-ends, only dead-end access roads in excess of 150 feet in length are required to provide approved provisions for fire apparatus to turnaround. In all instances of this request the dead end roadways are less than 150' and as such, the proposed deviation will not create a detriment to the public health, safety, or welfare.

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2. **Deviation from LDC Section 10-296(p)(1) to eliminate the requirement that a dead-end street be closed at one end by a circular turnaround, to allow an alternative turnaround.**

   Justification: This deviation request applies to a single location on the site plan. The right of way area for the proposed dead end is approximately 8300 square feet smaller than a cul de sac would be in the same situation. That land can be more effectively and efficiently used for purposes such as residential lots, landscape buffering and water management lakes which would otherwise be encumbered by a road right of way which serves no necessary purpose.

   According to the Florida Fire Prevention Code, Chapter 18.2.3.4.4 regarding dead-ends, only dead-end access roads in excess of 150 feet in length are required to provide approved provisions for fire apparatus to turnaround. The dead end roadway in this request is less than 150'.

   Typically fire trucks pull to a fire hydrant and service the emergency by foot. As a condition of this deviation request, the applicant agrees to prohibit fire hydrants on the dead end street. By locating fire hydrants only on the main streets the fire trucks will stop at the hydrant and not be required to enter the dead end.

   By limiting the dead end street to a maximum of 150' and prohibiting fire hydrants on the dead end, the proposed deviation will not create a detriment to the public health, safety, or welfare.

3. **Deviation from LDC Section 10-703 to allow lot width and depth to be measured as indicated on the Master Concept Plan.**

   Justification: This deviation request applies to the last lot at the terminal end of a small dead end roadway where no cul de sac exists. This last lot is a continuation of a string of lots which are consistent in width and depth. This allows for a consistent line-up of residential units to be constructed. The road right of way ends at the first side lot line of the terminal lot. This design provides adequate access to the last lot where the private drive will continue on the same trajectory as the road. Because continued roadway is not needed to serve units further down the road it allows the homeowner to capture this land for private benefit.

   This design creates an unusual lot configuration. The front lot line becomes the termination of the right of way, at the width of the right of way. The first side lot line runs parallel with the string of lots along the road and connects to the end of the right of way. The other side lot line is an extension of the right of way on the far side of the road. This second side lot line, while technically defined as a side lot line, is the length of the lot width typical throughout the development. Using the criteria for measuring lot depth as illustrated in LDC Section 10-703, this small side lot line would cause this end lot to fail to meet minimum lot depth.

   As proposed, the lot described becomes a premium lot for the development. A homeowner is availed the opportunity to utilize land, which would otherwise be dedicated right of way, for a unique driveway entry and private uses such as a small recreational area or enhanced landscape features. The proposed development plans show two locations where this request applies, which enhances the overall project appeal to a variety of prospective buyers. The lot and home in question will be a continuation of the lot pattern throughout the development and as such will not create a detriment to the public interest.

4. **Deviations from LDC Section 10-329(d)(1)a.3 which requires excavation setback of 50 feet from any private property line under separate ownership to allow an excavation setback of 30 feet to the property boundary.**

This deviation request applies to the three water management lakes that abut the property boundaries. Reducing the excavation setback allows for more fill material to be generated on-site, thereby lessening in haul demands, road impact, and reducing construction traffic in the area, which is a benefit to the public health, safety and welfare.

The lake banks would be set with a gradual 6:1 slope and maintained by the Home Owners Association of the proposed development. To protect offsite uses from the moderate danger 6:1 sloped banks pose, a 5' type "A" buffer is proposed where deviations exist. This buffer type includes 4 trees per 100 L.F. and additional vegetation to create a clear barrier of entry. To the west of the southernmost lake are treatment ponds on an agriculturally zoned parcel and to the east is an agriculturally zoned, uninhabited parcel. Both parcels are heavily vegetated and would not be negatively affected by the requested deviation. The westernmost water management lake abuts a commercially zoned parcel to its north. On the north side of this boundary line, a vegetative barrier already exists and would provide additional protection. The easternmost lake abuts a vacant, agricultural parcel to the north. Exchanging the 20' of required setback with the proposed 5' buffer would enhance the proposed development while still enforcing all the caution needed to protect the public.

The proposed development would still exceed open space requirements.

5. **Deviation from LDC Section 10-285(a) which requires intersection separation of 660' for Arterial roads to allow a 170' intersection separation on Slater Road**

Justification: This deviation applies to the intersection separation between the proposed Slater road entrance and Bee Charmer Lane. While there is a street sign indicating Bee Charmer Lane, this gravel road's only function is an entrance to a local honey operation (Walker Farms) and access to a residential home. It is not a platted right of way, does not connect to other roads and provides access to only the two above uses.

Limited access exists for the subject property with only 447 linear feet of road frontage. The proposed access has been centrally placed between two scenarios. First, the entrance is centrally located between uses to the north and south which generate more intense traffic situations than Bee Charmer; two churches and an industrial storage yard to the north and Zentz Landscaping to the south. The second scenario is the proposed central location between River Trails Mobile Home Park entrance and Suwanee Drive to the south and Shelby Lane to the north. Suwanee Drive and Shelby lane provide access to many residential units and connect to other roadways. The proposed access meets intersection separation criteria to these roads.

Given the project's limitations of frontage along Slater Road and the surrounding uses the proposed entrance is in the optimum location for the project and safety of the surrounding community.

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Gully Creek RPD
Residential Planned Development
Property Development Regulations

Rev. 12-27-17

DEVELOPMENT REGULATIONS	SINGLE FAMILY (R-1)	TWO-FAMILY ATTACHED (R-1)	SINGLE FAMILY (R-2)	TWO-FAMILY ATTACHED (R-2)	TOWHOUSE (R-2)	MULTIFAMILY (R-2)
Minimum lot Width	50'	30'	42'	30'	20'	54'
Minimum lot Depth	120'	125'	120'	120'	100'	100'
Minimum lot Area	6,500 S.F.	3,750 S.F.	5,040 S.F.	3,600 S.F.	2,000 S.F.	5,400 S.F.
Max. Building Height	35'	35'	35'	35'	35'	35'
Maximum lot Coverage	45%	45%	60%	70%	60%	60%
Minimum Setbacks						
Front (right of way)	20' (*)	20' (*)	20' (*)	20' (*)	20' (*)	20' (*)
Side Yard	5'	5'/0' (**)	5'	5'/0' (**)	5'/0' (**)	7.5'
Rear Yard (principal)	10'	15'	10'	15'	15'	20'
Rear Yard (accessory)	5'	5'	5'	5'	5'	5'
Preserve (***)	20'	20'	20'	20'	20'	20'
Preserve to fire dependent uplands	30'	30'	30'	30'	30'	30'

NOTE:

* Setback shall be reduced to 15-feet for side entry garages.

** 0-foot setback to apply to internal lot line.

*** Applicable to primary structure

Lee County
Southwest Florida

BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

Cecil L Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
County Chief Hearing Examiner

October 13, 2016

Via E-Mail

Ashley Butler
Barraco and Associates, Inc.
2271 McGregor Blvd., Suite 100
Fort Myers, FL 33901

RE: Potable Water Availability
17220 Slater Road, Gully Creek
STRAP #s: 19-43-25-00-00009.0000, 19-43-25-00-00014.0020, and 19-43-25-00-00009.0030

Dear Ms. Butler:

The subject parcels are located within Lee County Utilities Future Service Area as depicted on Map 6 of the Lee County Comprehensive Land Use Plan. Potable water lines are in operation near the parcel mentioned above about 1,000 feet south or 2,600 feet north on Slater Road. However, in order to provide service to them, developer funded system enhancements such as line extensions will be required.

Your firm has indicated that this project will consist of 110 single family residential units and 220 multi-family residential units with an estimated flow demand of approximately 82,500 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water service as estimated above.

Availability of potable water service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through the North Lee County Water Treatment Plant.

Prior to beginning design work on this project, please meet with Jessica Muñoz to determine the best point of connection and discuss requirements for construction.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service, and the approval of all State and local regulatory agencies.

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Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Planners

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GULLY CREEK RPD

Surface Water Management Plan

A. Run-off characteristics of the property in its existing state.

The run-off characteristics of the property in its existing state include sheet flow from perimeter of the property to its center into Daughtrey Creek to outfall in the Daughtrey Creek Watershed.

B. In general terms, the drainage concept proposed, including the outfall to canals or natural water bodies, including how drainage flow from adjacent properties will be maintained.

Stormwater runoff will be directed via closed conveyance and sheet flow to proposed onsite lakes, which will provide treatment and attenuation for the system, which will outfall into the Daughtrey Creek Watershed. Discharge into Daughtrey Creek shall be limited to 48 CSM for the 25-year, 3-day storm event in accordance with the Lee County Surface Water Management Plan.

C. The retention features (including existing natural features) that will be incorporated into the drainage system and legal mechanisms, which will guarantee their maintenance.

Water quality for the system will be provided through wet detention lakes. The outfall from these systems into the Daughtrey Creek Watershed will be regulated by control structures. These control structures will provide water quality and attenuation. Onsite surface water management systems will be maintained in perpetuity by the Community Development District or Property Owner's Association.

D. How will existing natural features be preserved? Include an estimate of the ranges of the existing post development water table elevations, where appropriate.

Existing natural features to be preserved will be surrounded and protected by proposed buffers. Control elevations for the site will comply with future SFWMD permit stipulations. Surface water runoff from the site will be attenuated and discharged to receiving water bodies such that upland preserve areas are not impacted.

E. If the property is subject to seasonal inundation or is subject to inundation by extreme swollen, by the rains of a 100-year storm event, indicate the measures that will be taken to mitigate the affects of expected flooding.

Measures that will be taken to mitigate the effects of expected flooding by a 100-year storm event will be the construction of finished floors of buildings at or above the 100-year storm stage or the FEMA flood elevation, whichever is higher. Review and approval by South Florida Water Management District will be required.

EXISTING AGRICULTURAL USE AFFIDAVIT
(Gully Creek)

Before me, the undersigned authorities, personally appeared, the Owners of the Property (as defined below) who upon being duly sworn, depose and state, as follows:

1. The following statements are made based upon our personal knowledge.

2. The undersigned are the owners of the real property situated in Lee County, Florida, which is more particularly described on **Exhibit "A"** hereto and incorporated herein by reference (the "Property").

3. Daniel B. Light ("Mr. Light"), as to an undivided eighty (80.00%) percent interest; and Gully Creek, LLC, a Florida limited liability company ("Gully Creek") as to an undivided twenty (20.00%) percent interest, as tenants in common, are the owners and record title holders of the portion of the Property identified as Strap No. 19-43-25-00-00009.0000.

4. L.B. Andersen & Co., Inc., an Illinois corporation ("L.B. Andersen") as to an undivided eighty (80.00%) percent interest; and Gully Creek as to an undivided twenty (20.00%) percent interest, as tenants in common, are the owners and record title holders of the portion of the Property identified as Strap No. 19-43-25-00-00009.0030.

5. David A. Johnson as Trustee of the WS Trust pursuant to Trust Agreement dated January 5, 1972 ("Mr. Johnson"), as to an undivided ninety (90.00%) percent interest, and Slater Bend, LLC, a Florida limited liability company ("Slater Bend"), as to an undivided ten (10.00%) percent interest, as tenants in common are the owners and record title holders of the portion of the Property identified as Strap No. 19-43-25-00-00014.0020.

6. Mr. Light, Gully Creek, L.B. Andersen, Mr. Johnson and Slater Bend shall collectively be referred to herein as the Owners.

7. The agricultural uses that currently exist on the Property include hay production and/or cattle grazing. The location of this use is depicted on the Agricultural Uses at Time of Zoning Application Map attached hereto as **Exhibit "B".**

8. The existing agricultural activities will remain active until approval of a local Development Order affecting the Property described on Exhibit "A" and as depicted on Exhibit "B".

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FURTHER AFFIANTS SAYETH NAUGHT.

AFFIANT:

Daniel B. Light

State of Illinois)
County of Lake)

The foregoing instrument was sworn to and subscribed before me this 22 day of September, 2017, by Daniel B. Light, (X) is personally known to me or has ( ) produced ~~Driver's License~~ as identification.

My Commission Expires Notary Public

OFFICIAL SEAL
SHERRY L MCCONNEY
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:10/17/20

AFFIANT:

L.B. Andersen & Co., Inc.,
an Illinois corporation

By:
Daniel B. Light, President

State of Illinois)
County of Lake)

The foregoing instrument was sworn to and subscribed before me this 22 day of September, 2017, by Daniel B. Light, as President of L.B. Andersen & Co., Inc., an Illinois corporation who (X) is personally known to me or has ( ) produced ~~Driver's License~~ as identification.

My Commission Expires Notary Public

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[Signatures continued on following page]

OFFICIAL SEAL
SHERRY L MCCONNEY
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:10/17/20

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AFFIANT:

Gully Creek, LLC,
a Florida limited liability company

By:_____ 9/27/17
Randy Thibaut, Manager

State of Florida)
County of Lee)

The foregoing instrument was sworn to and subscribed before me this 27th day of September, 2017, by Randy Thibaut, as Manager Gully Creek, LLC, a Florida limited liability company who (✓) is personally known to me or has ( ) produced _____ as identification.

_____
Notary Public

My Commission Expires

SUSAN JANEEN JONES
Notary Public - State of Florida
Commission # GG 055701
My Comm. Expires Dec 18, 2020
Bonded through National Notary Assn.

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[Signatures continued on following page]

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AFFIANT:

Slater Bend, LLC
a Florida limited liability company

By:_____
Wade Light, Manager

State of Illinois)
County of Lake)

The foregoing instrument was sworn to and subscribed before me this 22 day of September, 2017, by Wade Light, as Manager of Slater Bend, LLC, a Florida limited liability company who ( ) is personally known to me or has ( ) produced _____ as identification.

My Commission Expires

Notary Public

OFFICIAL SEAL
SHERRY L MCCONNEY
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:10/17/20

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AFFIANT:

David A. Johnson as Trustee of the WS Trust pursuant to Trust Agreement dated January 5, 1972,

State of Illinois)
County of Lake)

The foregoing instrument was sworn to and subscribed before me this 22 day of September, 2017, by David A. Johnson as Trustee of the WS Trust pursuant to Trust Agreement dated January 5, 1972, who (✓) is personally known to me or has ( ) produced _____ as identification.

Notary Public

My Commission Expires

OFFICIAL SEAL
SHERRY L MCCONNEY
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:10/17/20

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Exhibit A
The Property

A tract or parcel of land lying in, Section 19, Township 43 South, Range 25 East, Lee County, Florida, said tract or parcel being more particularly described as follows:

COMMENCING at the South Quarter Corner of said Section 19 run N00°33'00"E along the West line of the Southeast Quarter (SE 1/4) of said Section 19 for 667.91 feet to the Southwest corner of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of said Section 19 and the POINT OF BEGINNING.

From said Point of Beginning continue N00°33'00"E along said West line for 333.96 feet to an intersection with the South line of the North Half (N 1/2) of the North Half (N 1/2) of the South Half (S 1/2) of the Southwest Quarter (SW 1/4) of said Section 19; thence run S89°03'06"W along said South line for 1,377.23 feet to an intersection with the Easterly right of way line of Slater Road, being 25 feet Easterly as measured perpendicular to the center line thereof; thence run along said Easterly right of way line the following two (2) courses: N08°17'52"W for 54.81 feet to a point of curvature and Northerly along an arc of a curve to the right of radius 2,763.25 feet (delta 09°16'29") (chord bearing N03°39'38"W) (chord 446.81 feet) for 447.30 feet to an intersection with the North line of the South Half (S 1/2) of the South Half (S 1/2) of the South Half (S 1/2) of the North Half (N 1/2) of the Southwest Quarter (SW 1/4) of said Section 19; thence run N89°02'52"E along said North line for 1,418.48 feet to an intersection with said West line of the Southeast Quarter (SE 1/4) of Section 19; thence run N00°33'00"E along said West line for 743 feet, more or less, to an intersection with the thread of Foose Gully; thence run Southeasterly along the thread of said Foose Gully for 527 feet, more or less, to an intersection with a line being 350 feet south as measured perpendicular to the North line of the South Half (S 1/2) of the North Half (N 1/2) of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of said Section 19; thence run N89°02'28"E parallel with said North line for 262 feet, more or less, to an intersection with the thread of Daughtrey's Creek; thence run Northerly along the thread of said Daughtrey's Creek for 111 feet, more or less, to an intersection with the South line of lands described in deed recorded in Official Records Book 2574, at Page 1274, Lee County Records; thence run N89°02'28"E along said South line for 749 feet, more or less, to an intersection the West line of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of said Section 19; thence continue N89°02'28"E along said South line for 398.11 feet to an intersection with the center line of Williams Road; thence run along said center line the following three (3) courses: S39°25'45"E for 566.24 feet to a point of curvature; Southeasterly along an arc of a curve to the left of radius 3,125.43 feet (delta 04°17'59") (chord bearing S41°34'45"E) (chord 234.49 feet) for 234.55 feet to a point of tangency and S43°43'44"E for 168.94 feet to an intersection with the South line of the North Half (N 1/2) of the Southeast Quarter (SE 1/4) of said Section 19; thence run N89°02'55"E along said South line for 298.24 feet Northeast corner of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section 19; thence run S00°10'14"E along the East line of said Fraction for 367.98 feet to the Northeast corner

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of lands described in Official Record Book 2165, at Page 2900, Lee County Records; thence run N85°47'51"W along the Northerly line of said lands for 668.32 feet to an intersection with West line of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section 19; thence run N00°00'35"E along the West line of said Fraction for 307.95 feet to the Northwest corner of said Fraction; thence run S89°02'55"W along said South line of the North Half (N 1/2) of the Southeast Quarter (SE 1/4) of Section 19 for 1,330.94 feet to the Northeast corner of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of said Section 19; thence run S00°22'12"W along the East line of said Fraction for 667.92 feet to the Southeast Corner of said Fraction; thence run S89°03'13"W along the South line of said Fraction for 667.57 feet to the POINT OF BEGINNING.

Containing 66.42 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/NSRS 2007) and are based on the West line of the Southeast Quarter (SE 1/4) of said Section 19 to bear N00°33'00"E.

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Exhibit "B"
Agricultural Uses at Time of Zoning Application Map

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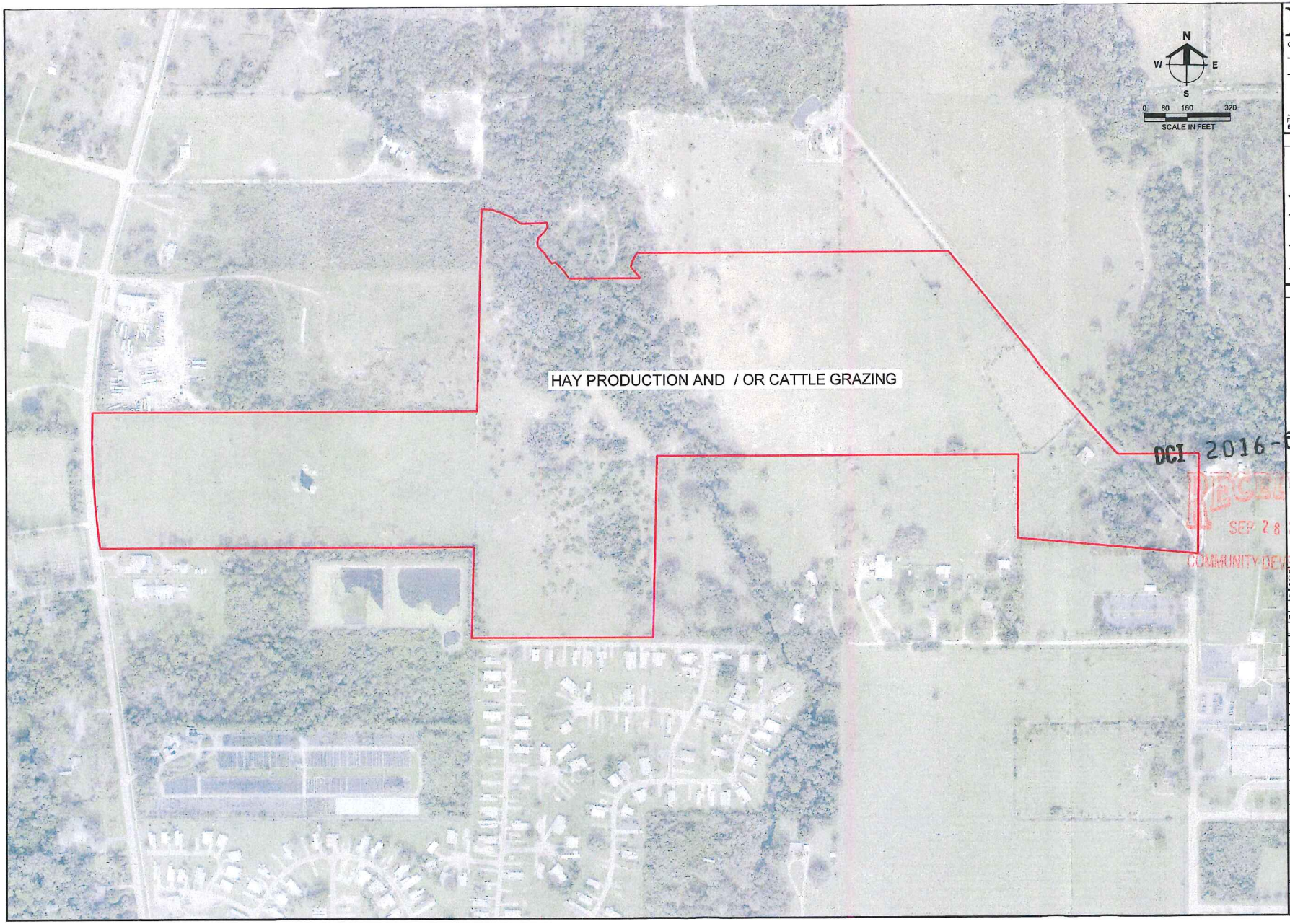

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Barraco and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
2271 McGREGOR BLVD., SUITE 100
POST OFFICE DRAWER 2600
FORT MYERS, FLORIDA 33902-2600
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

Land Solutions inc.
10471 BEN C. PRATT / SIX MILE
CYPRESS PKWY. #402
FORT MYERS, FL 33966
PHONE (239) 482-1500
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

GULLY CREEK

LEE COUNTY, FLORIDA

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FILE NAME	23319-EXHIBITB.DWG
LOCATION	J:\23319\DWG\ZONING\
PLOT DATE	FRI. 9-8-2017 - 4:11 PM
PLOT BY	ANGELICA HARDY

CROSS REFERENCED DRAWINGS

EXHIBIT B

PLAN REVISIONS

PLAN STATUS

AGRICULTURAL USES AT TIME OF ZONING APPLICATION MAP

PROJECT / FILE NO.	SHEET NUMBER
23319	1

MINUTES OF THE

JOINT MEETING OF THE NORTH FORT MYERS DESIGN REVIEW

PANEL AND THE NORTH FORT MYERS PLANNING PANEL

Held at the North Fort Myers Recreation Center

On JULY 11, 2017

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Panel Members Present: Mike Land, John Gardner, Dick Thomas, Jack Howerton, Debbie Jackow, Charlie Krebs, Rudy Berndlmaier and Wayne Daltry

Dick Thomas, President of NFMDRP called the meeting to order at 6:00 pm.

The Minutes of the last meeting were approved unanimously.

16451 Williams Road-Development Order

This was a requested re-submission of the project for revision of the landscaping to meet the LDC.

Landscaping was revised to meet the LDC. Fencing at the perimeter was relocated to an acceptable configuration and landscaped.

A motion was made and seconded to have no objection to the revised plan. The motion was approved.

Bayshore Garden Center-Administrative Amendment

A new plan was submitted showing a reduced number of buildings and impervious area

A motion was made and seconded to have no exception to the new plan. The motion was approved.

Gully Creek-Rezoning Request

A plan to construct 300+ homes between Slater Road and Williams Road on land presently zoned agricultural was presented.

Panel members questioned what impact the development would have on the traffic on a two lane road, the density of the development and a concern about it being rezoned to residential in a primarily agricultural area.

Jennifer Sapen

Subject: FW: Gully Creek - Neale's Correction to NFM Panel

From: Neale Montgomery
Sent: Tuesday, August 01, 2017 9:24 AM
To: mbuilder26@yahoo.com
Cc: Ron Inge (ron@ingeandassociates.com) <ron@ingeandassociates.com>; Carl Barraco Sr. (CarlB@barraco.net) <CarlB@barraco.net>
Subject: Gully Creek

Good Morning Mr. Thomas,

I appreciate the receipt of the minutes. I attended the meeting and I am concerned about the fact that the minutes reflect something different than what transpired. The applicant agreed that this is the zoning stage and that the site plan is usually conceptual in nature hence the master concept plan. It was agreed that more of the details would be known and available at the time of DO and the applicant agreed that they would return at the DO stage with more information. The applicant was not asked to return at the zoning stage and the applicant did not agree to return at the zoning stage.

Mr. Schein, not sure of the spelling, did speak at the meeting about traffic. Mr. Inge did agree that he would meet with Mr. Schein and his neighbors.

The committee voted to support or not oppose the zoning and no conditions were attached to the motion. I am concerned that if the minutes remain as printed that the committee will be expecting the applicant to return with DO level details at the zoning stage. The applicant doesn't generally undertake the DO level of analysis in advance of zoning because the county generally thinks that is a bit presumptuous. I am hoping you can help clarify this situation.

Your consideration of this matter is appreciated.

PAVESE LAW FIRM

Neale Montgomery (Bio)
Partner
1833 Hendry Street (33901)
Post Office Drawer 1507 Fort Myers, FL 33902
Direct 239.336.6235 Fax 239.332.2243
nealemontgomery@paveselaw.com
Visit our website: www.paveselaw.com

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DESCRIPTION

DCI 2016-00024

Parcel in
Section 19, Township 43 South, Range 25 East,
Lee County, Florida

Applicant's Legal Checked
by JCM 10/2/2017

A tract or parcel of land lying in, Section 19, Township 43 South, Range 25 East, Lee County, Florida, said tract or parcel being more particularly described as follows:

COMMENCING at the South Quarter Corner of said Section 19 run N00°33'00"E along the West line of the Southeast Quarter (SE 1/4) of said Section 19 for 667.91 feet to the Southwest corner of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of said Section 19 and the POINT OF BEGINNING.

From said Point of Beginning continue N00°33'00"E along said West line for 333.96 feet to an intersection with the South line of the North Half (N 1/2) of the North Half (N 1/2) of the South Half (S 1/2) of the Southwest Quarter (SW 1/4) of said Section 19; thence run S89°03'06"W along said South line for 1,377.23 feet to an intersection with the Easterly right of way line of Slater Road, being 25 feet Easterly as measured perpendicular to the center line thereof; thence run along said Easterly right of way line the following two (2) courses: N08°17'52"W for 54.81 feet to a point of curvature and Northerly along an arc of a curve to the right of radius 2,763.25 feet (delta 09°16'29") (chord bearing N03°39'38"W) (chord 446.81 feet) for 447.30 feet to an intersection with the North line of the South Half (S 1/2) of the South Half (S 1/2) of the South Half (S 1/2) of the North Half (N 1/2) of the Southwest Quarter (SW 1/4) of said Section 19; thence run N89°02'52"E along said North line for 1,418.48 feet to an intersection with said West line of the Southeast Quarter (SE 1/4) of Section 19; thence run N00°33'00"E along said West line for 743 feet, more or less, to an intersection with the thread of Foose Gully; thence run Southeasterly along the thread of said Foose Gully for 527 feet, more or less, to an intersection with a line being 350 feet south as measured perpendicular to the North line of the South Half (S 1/2) of the North Half (N 1/2) of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of said Section 19; thence run N89°02'28"E parallel with said North line for 262 feet, more or less, to an intersection with the thread of Daughtrey's Creek; thence run Northerly along the thread of said Daughtrey's Creek for 111 feet, more or less, to an intersection with the South line of lands described in deed recorded in Official Records Book 2574, at Page 1274, Lee County Records; thence run N89°02'28"E along said South line for 749 feet, more or less, to an intersection the West line of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of said Section 19; thence continue N89°02'28"E along said South line for 398.11 feet to an intersection with the center line of Williams Road; thence run along said center line the following three (3) courses: S39°25'45"E for 566.24 feet to a point of curvature; Southeasterly along an arc of a curve to the left of radius 3,125.43 feet (delta 04°17'59") (chord bearing S41°34'45"E) (chord 234.49 feet) for 234.55 feet to a point of tangency and S43°43'44"E for 168.94 feet to an intersection with the South line of the North

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Phone (239) 461-3170 • Fax (239) 461-3169

DCI 2016-00024

Half (N 1/2) of the Southeast Quarter (SE 1/4) of said Section 19; thence run N89°02'55"E along said South line for 298.24 feet Northeast corner of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section 19; thence run S00°10'14"E along the East line of said Fraction for 367.98 feet to the Northeast corner of lands described in Official Record Book 2165, at Page 2900, Lee County Records; thence run N85°47'51"W along the Northerly line of said lands for 668.32 feet to an intersection with West line of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of said Section 19; thence run N00°00'35"E along the West line of said Fraction for 307.95 feet to the Northwest corner of said Fraction; thence run S89°02'55"W along said South line of the North Half (N 1/2) of the Southeast Quarter (SE 1/4) of Section 19 for 1,330.94 feet to the Northeast corner of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of said Section 19; thence run S00°22'12"W along the East line of said Fraction for 667.92 feet to the Southeast Corner of said Fraction; thence run S89°03'13"W along the South line of said Fraction for 667.57 feet to the POINT OF BEGINNING.
Containing 66.42 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/NSRS 2007) and are based on the West line of the Southeast Quarter (SE 1/4) of said Section 19 to bear N00°33'00"E.

9/28/17

Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

L:\23319 - Gully Creek RPD\Surveying\Descriptions\23319S01.doc

DCI 2016-00024

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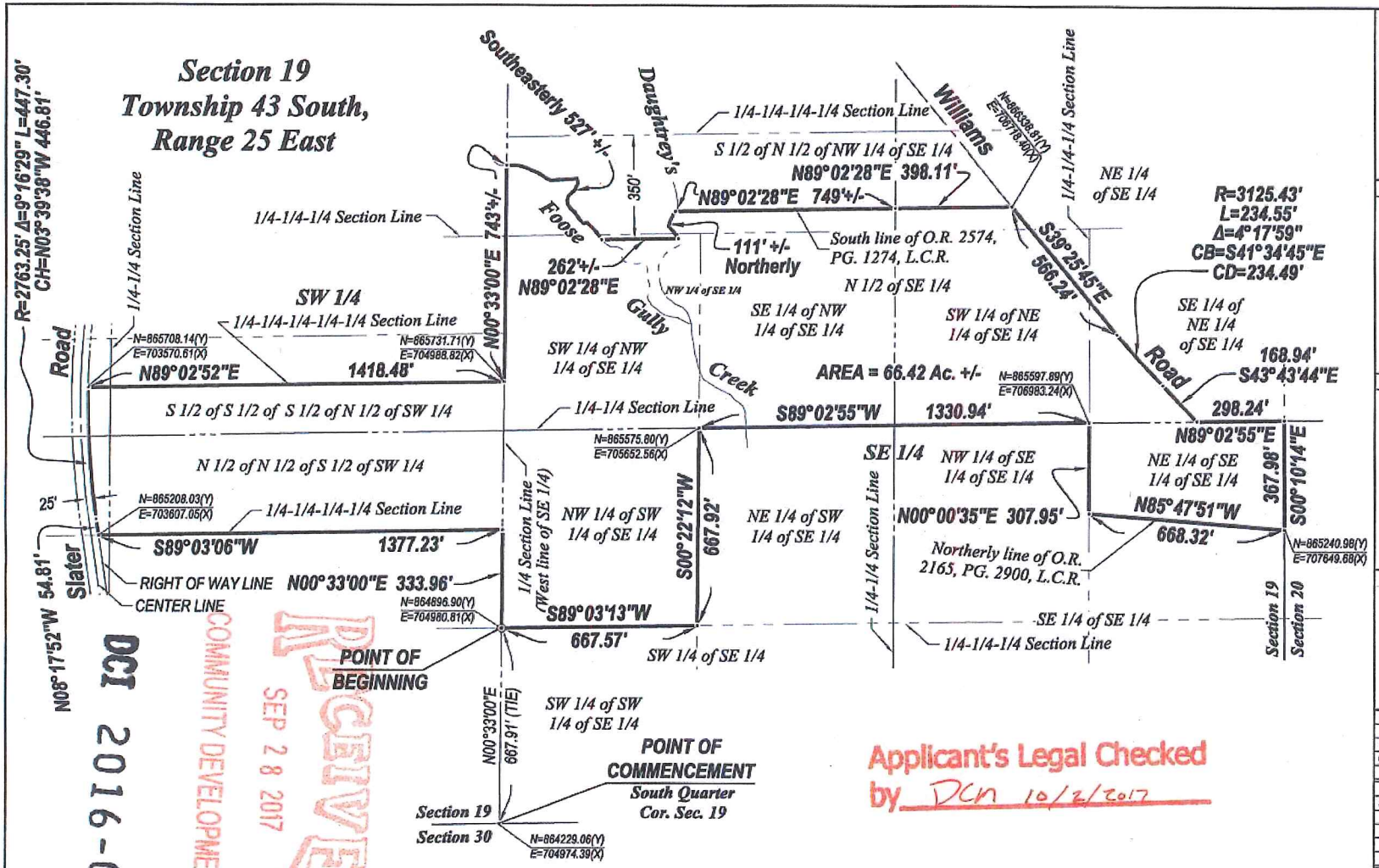
SEP 28 2017
COMMUNITY DEVELOPMENT

Applicant's Legal Checked
by DCm 10/2/2017



Applicant's Legal Checked by DCN 10/2/2017

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SEP 28 2017
COMMUNITY DEVELOPMENT

DCI2016-00021

THIS IS NOT A SURVEY

NOTES:

1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF. UNLESS OTHERWISE NOTED DISTANCES ARE ALSO (U.S. SURVEY FEET) GROUND AND CAN BE MULTIPLIED BY 0.9999441 TO OBTAIN GRID DISTANCES.
2. INST. No.- DENOTES INSTRUMENT NUMBER, LEE COUNTY PUBLIC RECORDS.
3. O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
4. PG. - DENOTES PAGE.
5. BEARINGS AS SHOWN ARE STATE PLANE FLORIDA WEST ZONE (NAD1983 (NSRS 2007))AND ARE BASED ON THE WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 19 TO BEAR N00°33'00"E.
6. DESCRIPTION IS ATTACHED.

N (NSRS2007) NAD 1983 FLORIDA PLANE COORDINATE SYSTEM (WEST ZONE)

0 250 500
SCALE IN FEET

Scott A. Wheeler 9/28/17

SCOTT A. WHEELER (FOR THE FIRM - LB-6940)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949

DATE SIGNED:

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

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LAND PLANNING - LANDSCAPE DESIGN
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POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7695 - SURVEYING LB-6940

PREPARED FOR

Land Solutions inc.
10471 BEN C. PRATT / SIX MILE CYPRESS PKWY. #402
FORT MYERS, FL 33966
PHONE (239) 482-1500
FAX (239) 481-6477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

A PARCEL OF LAND IN SECTION 19, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

PROJECT SURVEYOR

SCOTT A. WHEELER LICENSE NUMBER 5949 STATE OF FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

FILE NAME	23319SK01.DWG
LAYOUT	3
LOCATION	J:\23319\DWG\SURVEY\SKETCH
PLOT DATE	MON, 4-3-2017 - 12:54PM
PLOT BY	PETER OLSEN

DRAWING DATA

SURVEY DATE	04-03-2017
DRAWN BY	P. OLSEN
CHECKED BY	SAW
SCALE	1"=200'
FIELD BOOK	

PLAN REVISIONS

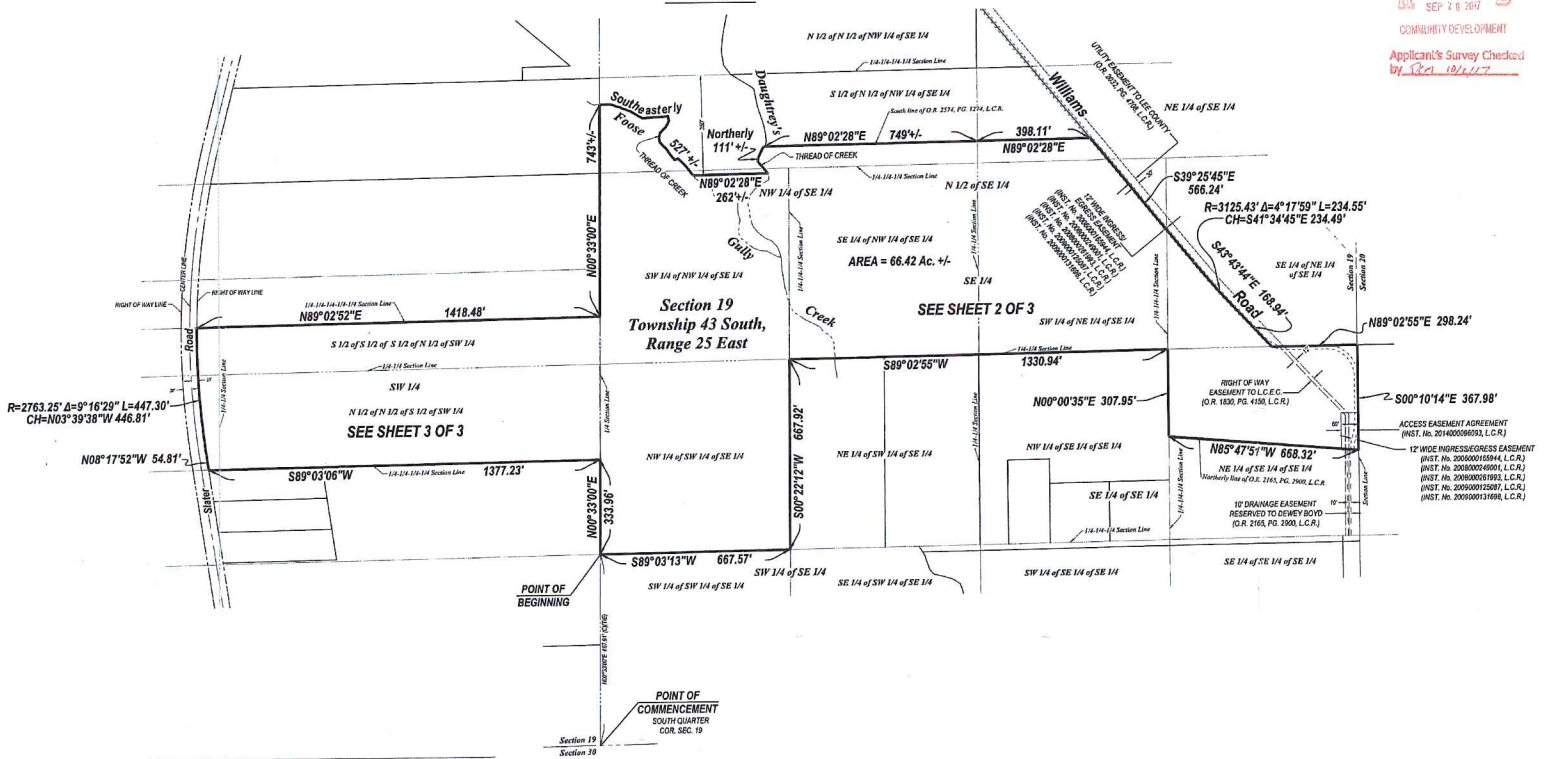
STRAP NUMBERS

SKETCH TO ACCOMPANY DESCRIPTION

PROJECT / FILE NO.	SHEET NUMBER
23319 19-43-25	3 OF 3

DOC 2016 00024

KEY MAP



RECEIVED
SEP 28 2017
COMMUNITY DEVELOPMENT
Applicant's Survey Checked by SM 10/4/17

DESCRIPTION

A tract or parcel of land lying in, Section 19, Township 43 South, Range 25 East, Lee County, Florida, said tract or parcel being more particularly described as follows:

COMMENCING at the South Quarter Corner of said Section 19 run N00°33'00"E along the West line of the Southeast Quarter (SE 1/4) of said Section 19 for 667.91 feet to the Southwest corner of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of said Section 19 and the POINT OF BEGINNING.
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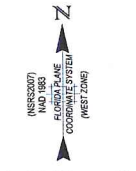
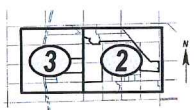
Containing 66.42 acres, more or less.

LEGEND:

A.E.	ACCESS EASEMENT	D.E.	DRAINAGE EASEMENT	LB	LICENSED BUSINESS	P.R.M.	PERMANENT REFERENCE MONUMENT	▲	SET "MAG" NAIL WITH DISC STAMPED LB6940	⊙C⊙	CABLE TV BOX
B.M.	BENCHMARK	EL.	ELEVATION	L.B.E.	LANDSCAPE BUFFER EASEMENT	●	SET 1/2" IRON ROD WITH CAP STAMPED LB6940	⊙V⊙	WATER VALVE
(C)	CALCULATED	FD	FOUND	L.C.R.	LEE COUNTY RECORDS	■	SET 4"x4" CONC. MONUMENT STAMPED LB6940	⊙B⊙	WATER BOX
CCR#	CERTIFIED CORNER RECORD	F.D.O.T.	FLORIDA DEPARTMENT OF TRANSPORTATION	L.C.U.E.	LEE COUNTY UTILITY EASEMENT	▲	FOUND NAIL AS NOTED	⊙H⊙	FIRE HYDRANT
						PROP.	PROPERTY	⊙BF⊙	BACK FLOW ASSEMBLY
						P.V.C.	PLASTIC PIPE	⊙A⊙	AIR RELEASE VALVE
C/L	CENTER LINE	F.P. & L.	FLORIDA POWER & LIGHT CO.	L.M.E.	LAKE MAINTENANCE EASEMENT	P.U.E.	PUBLIC UTILITY EASEMENT	⊙I⊙	IRRIGATION VALVE
CONC.	CONCRETE					R=	RADIUS=	⊙IS⊙	IRRIGATION SERVICE
CB=	CHORD BEARING=					R.C.P.	REINFORCED CONCRETE PIPE	⊙W⊙	WELL
CD=	CHORD DISTANCE=	FRAC.	FRACTION			REF.	REFERENCE	⊙S⊙	SANITARY MANHOLE
CH=	CHORD BEARING & DISTANCE=	I.E.	IRRIGATION EASEMENT	(M)	MEASURED	R/W	RIGHT OF WAY	⊙SS⊙	SANITARY SERVICE
C.M.	CONCRETE MONUMENT	INST.	INSTRUMENT	O.R.	OFFICIAL RECORD BOOK	TYP.	TYPICAL	☼	SIGN
		I.P.	IRON PIPE	(P)	PLAT	SEC.	SECTION	✉	MAIL BOX
COR.	CORNER	I.R.	IRON ROD	P.B.	PLAT BOOK	W/	WITH	⊙BO⊙	BLOW OFF
Δ=	DELTA ANGLE=	L=	LENGTH=	PG.	PAGE	WIT.	WITNESS	⊙F⊙	FIBER OPTIC CABLE MARKER
(D)	DEED	L.A.E.	LAKE ACCESS EASEMENT	P.K.	PARKER-KALON			⊙G⊙	GAS LINE MARKER
D.B.	DEED BOOK							⊙GV⊙	GAS VALVE
								⊙E⊙	ELECTRIC BOX





SHEET INDEX
SCALE 1"=2000'

NOTES:

1. DATE OF LAST FIELD WORK: FEBRUARY 13, 2017.
2. THIS SURVEY WAS PERFORMED FOR THE PURPOSE SHOWN HEREON AND DOES NOT MAKE ANY REPRESENTATION AS TO THE DELINEATION OF ANY JURISDICTIONAL LINES EXCEPT AS SHOWN OR NOTED HEREON.
3. NO ENVIRONMENTAL ASSESSMENT OR AUDIT WAS PERFORMED ON SUBJECT PARCEL BY THIS FIRM.
4. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF. UNLESS OTHERWISE NOTED DISTANCES ARE ALSO (U.S. SURVEY FEET) GROUND AND CAN BE MULTIPLIED BY 0.9999441 TO OBTAIN GRID DISTANCES.
5. BEARINGS AND COORDINATES HEREON ARE STATE PLANE FLORIDA WEST ZONE (NAD1983 (NSRS 2007)) AND ARE BASED THE WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 19 TO BEAR N00°33'00"E.
6. IMPROVEMENTS OTHER THAN THOSE SHOWN IF ANY WERE NOT LOCATED.
7. THERE ARE NO VISIBLE ENCROACHMENTS OTHER THAN THOSE SHOWN.
8. OWNERSHIP OF ANY FENCE SHOWN HEREON IS UNKNOWN.
9. ACCORDING TO F.I.R.M. (FLOOD INSURANCE RATE MAP) No. 12071C0278F, EFFECTIVE DATE: AUGUST 28, 2008, THE PROPERTY IS LOCATED IN FLOOD ZONE X (OTHER AREAS), FLOOD ZONE AE AND A REGULATORY FLOODWAY. IN ZONE AE, THE BASE FLOOD ELEVATION VARIES ACCORDING TO THE BASE FLOOD ELEVATION LINES SHOWN HEREON, WHICH WERE TAKEN FROM THE F.I.R.M.
10. THIS SURVEY WAS PREPARED IN ACCORDANCE WITH A OPINION OF TITLE PREPARED BY: GREG S. TRUXTON, DATED: SEPTEMBER 26, 2017.
11. THE SURVEYED PARCEL CONTAINS 66.42 ACRES, MORE OR LESS.
12. ELEVATIONS SHOWN ARE IN FEET ABOVE NORTH AMERICAN VERTICAL DATUM 1988 AND ARE BASED ON A LEVEL LOOP BY THIS FIRM FROM BENCH MARK NATIONAL GEODETIC SURVEY "P 251" (PID=AD1450) (ELEVATION = 17.06')

THIS SURVEY IS FOR THE BENEFIT OF:

THE BOARD OF COMMISSIONERS OF LEE COUNTY, FLORIDA

I HEREBY CERTIFY THAT THIS SURVEY WAS DONE UNDER MY DIRECTION AND SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS PER CHAPTER 5J-17.050 THRU 052 F.A.C. PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

SCOTT A. WHEELER (FOR THE FIRM - LB 6940)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949

9/26/17
DATE SIGNED

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Barraco and Associates, Inc.
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LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
2271 McGREGOR BLVD., SUITE 100
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-2169
FLORIDA CERTIFICATES OF AUTHORIZATION ENGINEERING 7995 - SURVEYING LB-6540

PREPARED FOR

Land Solutions inc.
10471 BEN C. PRATT / SIX MILE CYPRESS PKWY. #402
FORT MYERS, FL 33966
PHONE (239) 482-1500
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

A PARCEL OF LAND IN SECTION 19, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

PROJECT SURVEYOR

SCOTT A. WHEELER — LICENSE NUMBER 5949 — STATE OF FLORIDA — PROFESSIONAL SURVEYOR AND MAPPER

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

FILE NAME	23319S01.DWG
LAYOUT	1
LOCATION	J:\23319\DWG\SURVEYING\
PLOT DATE	WED. 9-20-2017 - 2:33 PM
PLOT BY	PETER OLSEN

DRAWING DATA

SURVEY DATE	02-13-2017
DRAWN BY	P. OLSEN
CHECKED BY	SAW
SCALE	1"=200'
FIELD BOOK	

PLAN REVISIONS

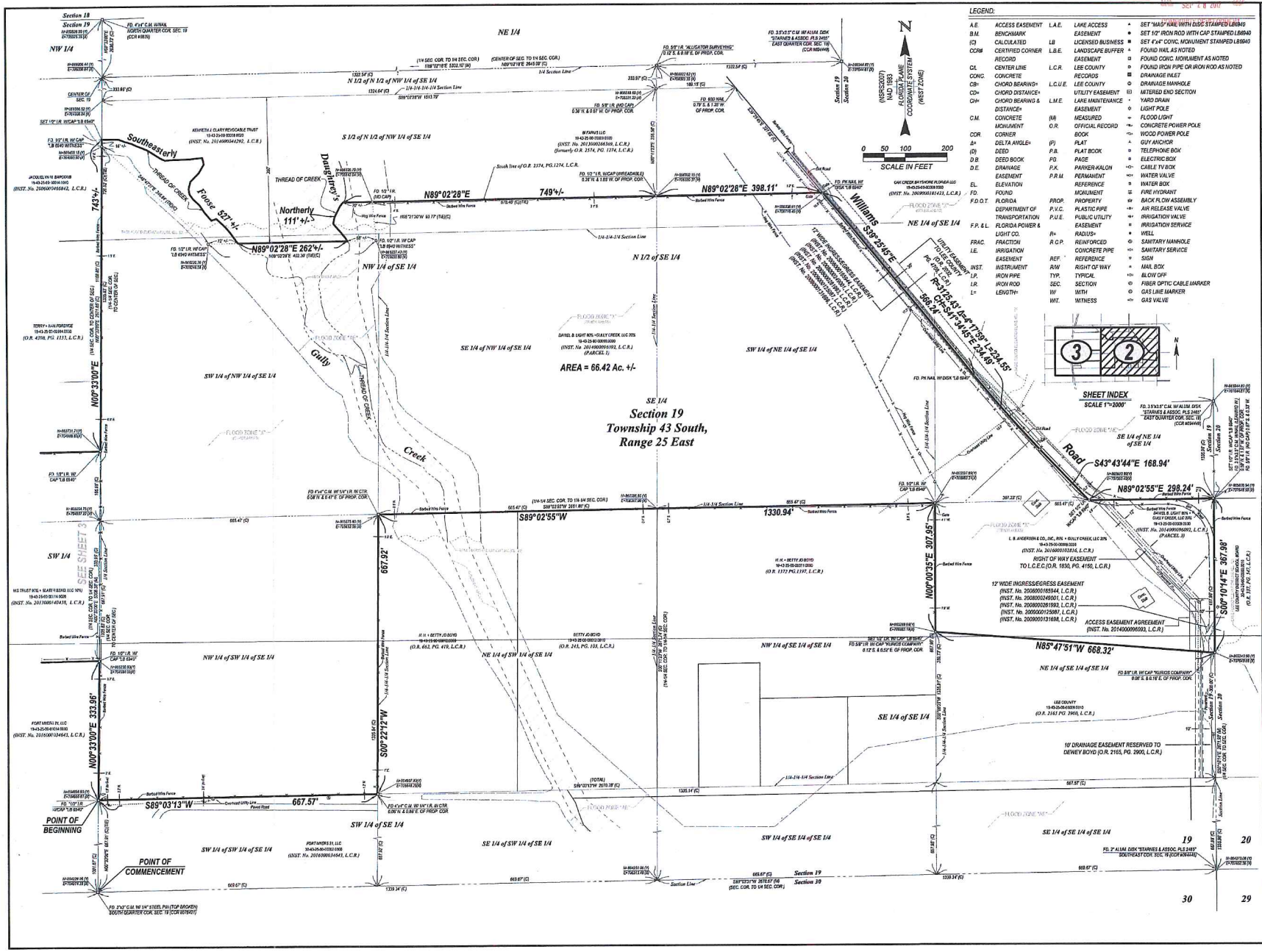
09-20-2017	REV. PER TITLE OPINION

STRAP NUMBERS

19-43-25-00-00009.0000
19-43-25-00-00009.0020
19-43-25-00-00014.0020

BOUNDARY SURVEY

PROJECT / FILE NO.	SHEET NUMBER
23319 19-43-25	1 OF 3



LEGEND:

A.E.	ACCESS EASEMENT	L.A.E.	LAKE ACCESS EASEMENT
B.M.	BENCHMARK	●	SET 1/2" IRON ROD WITH CAP STAMPED LB6940
(C)	CALCULATED	LB	LICENSED BUSINESS ■ SET 4"x4" CONC. MONUMENT STAMPED LB6940
CCR#	CERTIFIED CORNER RECORD	L.B.E.	LANDSCAPE BUFFER EASEMENT ▲ FOUND NAIL AS NOTED
CONC.	CONCRETE	L.C.R.	LEE COUNTY RECORDS ▩ FOUND CONC. MONUMENT AS NOTED
CB=	CHORD BEARING=	L.C.U.E.	LEE COUNTY UTILITY EASEMENT ⊙ FOUND IRON PIPE OR IRON ROD AS NOTED
CD=	CHORD DISTANCE=	L.M.E.	LAKE MAINTENANCE EASEMENT ⊡ DRAINAGE MANHOLE
CH=	CHORD BEARING & DISTANCE=		⊠ MITERED END SECTION
C.M.	CONCRETE MONUMENT	(M)	MEASURED ▪ YARD DRAIN
COR.	CORNER	O.R.	OFFICIAL RECORD ◇ LIGHT POLE
Δ=	DELTA ANGLE=	(P)	PLAT ⌾ FLOOD LIGHT
(D)	DEED	P.B.	PLAT BOOK ⌁ CONCRETE POWER POLE
D.B.	DEED BOOK	PG.	PAGE ⌁ WOOD POWER POLE
D.E.	DRAINAGE EASEMENT	P.K.	PARKER-KALON ▲ GUY ANCHOR
		P.R.M.	PERMANENT REFERENCE ▯ TELEPHONE BOX
EL.	ELEVATION		▯ ELECTRIC BOX
FD.	FOUND		MONUMENT ▯ CABLE TV BOX
F.D.O.T.	FLORIDA DEPARTMENT OF TRANSPORTATION	PROP.	PROPERTY ⋈ WATER VALVE
		P.V.C.	PLASTIC PIPE ▯ WATER BOX
F.P. & L.	FLORIDA POWER & LIGHT CO.	P.U.E.	PUBLIC UTILITY EASEMENT ⊠ FIRE HYDRANT
		R=	RADIUS= ⊠ BACK FLOW ASSEMBLY
FRAC.	FRACTION	R.C.P.	REINFORCED CONCRETE PIPE ⊠ AIR RELEASE VALVE
I.E.	IRRIGATION EASEMENT	REF.	REFERENCE ⊠ IRRIGATION VALVE
INST.	INSTRUMENT	R/W	RIGHT OF WAY ▪ IRRIGATION SERVICE
I.P.	IRON PIPE	TYP.	TYPICAL ● WELL
I.R.	IRON ROD	SEC.	SECTION ⊙ SANITARY MANHOLE
L=	LENGTH=	W	WITH ⊙ SANITARY SERVICE
		WIT.	WITNESS ▫ SIGN
			▪ MAIL BOX
			⊙ BLOW OFF
			⊙ FIBER OPTIC CABLE MARKER
			⊙ GAS LINE MARKER
			⊳⊲ GAS VALVE

Applicant's Survey Checked by RCN 10/2/2017

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OCT 2016 00024

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FILE NAME	23319S01.DWG
LAYOUT	2
LOCATION	J:\23319\DWG\SURVEY\NO.
PLOT DATE	WED. 9-20-2017 - 2:34 PM
PLOT BY	PETER OLSEN

DRAWING DATA

SURVEY DATE	02-13-2017
DRAWN BY	P. OLSEN
CHECKED BY	SAW
SCALE	1"=100'
FIELD BOOK	

PLAN REVISIONS

STRAP NUMBERS

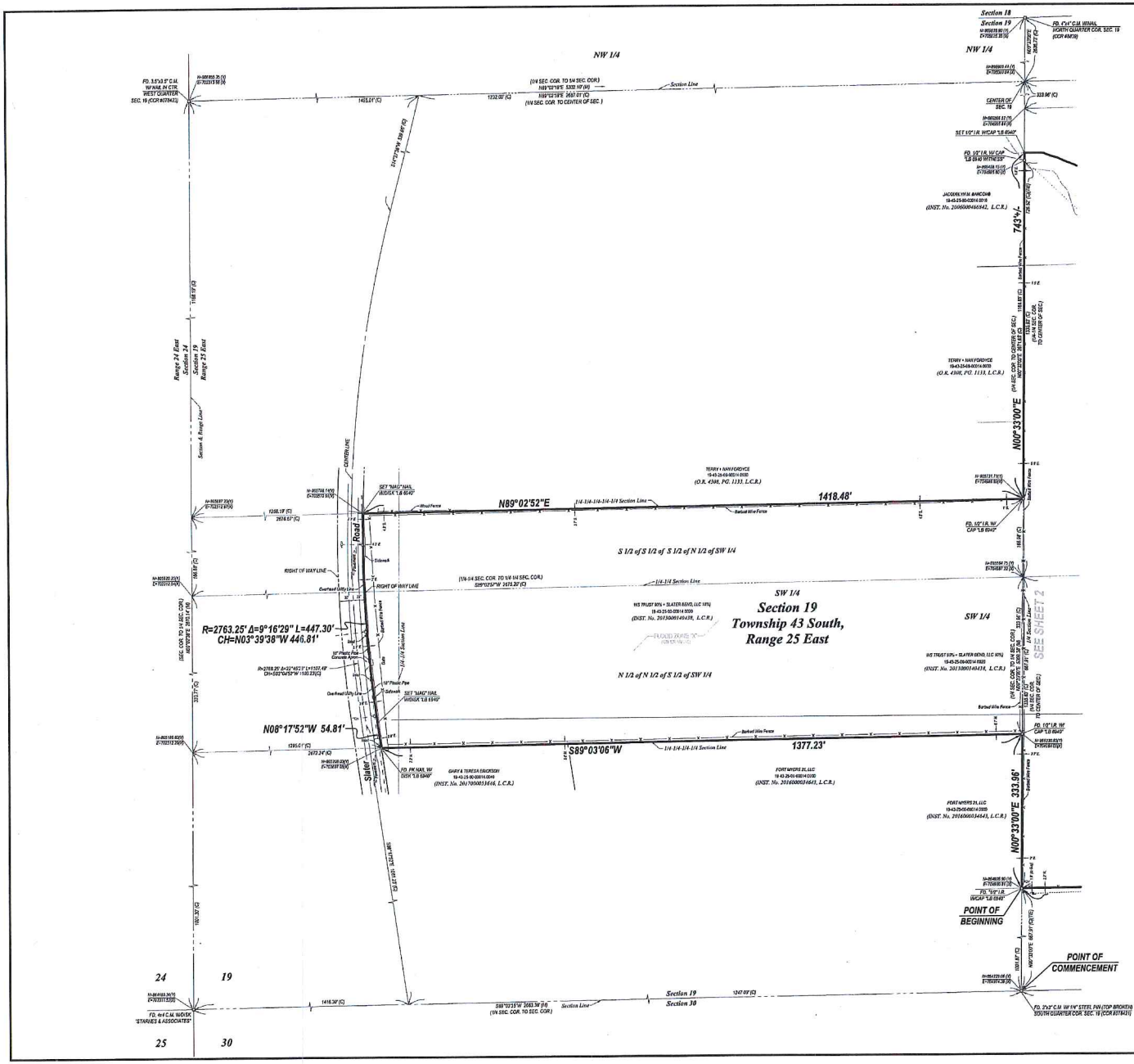
BOUNDARY SURVEY

PROJECT / FILE NO.	SHEET NUMBER
23319 19-43-25	2 OF 3

Applicant's Survey Checked by CM 10/2/2017

RECEIVED
SEP 26 2017
COMMUNITY DEVELOPMENT

DCI 2016-00024



LEGEND:

A.E.	ACCESS EASEMENT	L.B.	LICENSED BUSINESS
B.M.	BENCHMARK	L.B.E.	LANDSCAPE BUFFER EASEMENT
(C)	CALCULATED	L.C.R.	LEE COUNTY RECORDS
CCR=	CERTIFIED CORNER RECORD	L.C.U.E.	LEE COUNTY UTILITY EASEMENT
C/L	CENTER LINE	L.M.E.	LAKE MAINTENANCE EASEMENT
CONC.	CONCRETE	(M)	MEASURED
CB=	CHORD BEARING=	O.R.	OFFICIAL RECORD BOOK
CD=	CHORD DISTANCE=	(P)	PLAT
CH=	CHORD BEARING & DISTANCE=	P.B.	PLAT BOOK
C.M.	CONCRETE MONUMENT	PG.	PAGE
COR.	CORNER	P.K.	PARKER-KALON
Δ=	DELTA ANGLE=	P.R.M.	PERMANENT REFERENCE MONUMENT
(D)	DEED	PROP.	PROPERTY
D.B.	DEED BOOK	P.V.C.	PLASTIC PIPE
D.E.	DRAINAGE EASEMENT	P.U.E.	PUBLIC UTILITY EASEMENT
EL.	ELEVATION	R=	RADIUS=
FD.	FOUND	R.C.P.	REINFORCED CONCRETE PIPE
F.D.O.T.	FLORIDA DEPARTMENT OF TRANSPORTATION	REF.	REFERENCE
F.P. & L.	FLORIDA POWER & LIGHT CO.	R/W	RIGHT OF WAY
FRAC.	FRACTION	TYP.	TYPICAL
I.E.	IRRIGATION EASEMENT	SEC.	SECTION
INST.	INSTRUMENT	W	WITH
I.P.	IRON PIPE	WIT.	WITNESS
I.R.	IRON ROD		
L=	LENGTH=		
L.A.E.	LAKE ACCESS EASEMENT		

- ▲ SET "MAG" NAIL WITH DISC STAMPED LB6940
- ● SET 1/2" IRON ROD WITH CAP STAMPED LB6940
- ■ SET 4"x4" CONC. MONUMENT STAMPED LB6940
- ▲ FOUND NAIL AS NOTED
- □ FOUND CONC. MONUMENT AS NOTED
- ○ FOUND IRON PIPE OR IRON ROD AS NOTED
- DRAINAGE INLET
- DRAINAGE MANHOLE
- MITERED END SECTION
- YARD DRAIN
- LIGHT POLE
- FLOOD LIGHT
- CONCRETE POWER POLE
- WOOD POWER POLE
- GUY ANCHOR
- TELEPHONE BOX
- ELECTRIC BOX
- CABLE TV BOX
- WATER VALVE
- WATER BOX
- FIRE HYDRANT
- BACK FLOW ASSEMBLY
- AIR RELEASE VALVE
- IRRIGATION VALVE
- IRRIGATION SERVICE
- WELL
- SANITARY MANHOLE
- SANITARY SERVICE
- SIGN
- MAIL BOX
- BLOW OFF
- FIBER OPTIC CABLE MARKER
- GAS LINE MARKER
- GAS VALVE

Barraco and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
2271 McGREGOR BLVD., SUITE 100
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

Land Solutions inc.
10471 BEN C. PRATT / SIX MILE CYPRESS PKWY. #402
FORT MYERS, FL 33966
PHONE (239) 482-1500
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

A PARCEL OF LAND IN SECTION 19, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

PROJECT SURVEYOR

SCOTT A. WHEELER — LICENSE NUMBER 5949 — STATE OF FLORIDA — PROFESSIONAL SURVEYOR AND MAPPER

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

FILE NAME	23319S01.DWG
LAYOUT	3
LOCATION	J:\23319\DWG\SURVEY\NCL
PLOT DATE	WED. 9-20-2017 - 2:35 PM
PLOT BY	PETER OLSEN

DRAWING DATA

SURVEY DATE	07-13-2017
DRAWN BY	P. OLSEN
CHECKED BY	SAW
SCALE	1"=100'
FIELD BOOK	

PLAN REVISIONS

STRAP NUMBERS

BOUNDARY SURVEY

PROJECT / FILE NO.	SHEET NUMBER
23319 19-43-25	3 OF 3

STAFF'S EXHIBIT
2
DCI2016-00024

THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966 ♦ WWW.LEESCHOOLS.NET

DAWN M HUFF
LONG-RANGE PLANNER
Planning, Growth & School Capacity
Phone: 239-337-8142
FAX: 239-335-1460

MARY FISCHER
CHAIRMAN, DISTRICT 1
JANE E. KUCKEL, PHD
VICE CHAIRMAN, DISTRICT 6
MELISA W. GIOVANNELLI
DISTRICT 2
CHRIS N. PATRICCA
DISTRICT 3
STEVEN K. TEUBER
DISTRICT 4
PAMELA H. LARIVIERE
DISTRICT 5
CATHLEEN O'DANIEL MORGAN
DISTRICT 7
GREGORY K. ADKINS, ED. D.
SUPERINTENDENT
KEITH B. MARTIN, ESQ.
BOARD ATTORNEY

April 28, 2017

Alvin Block, AICP
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

RE: Gully Creek RPD
CPA2016-00024

Dear Mr. Block:

This letter is in response to your request for comments dated April 20, 2017 for the Gully Creek RPD in regard to educational impact. The project is located in the East Choice Zone, E1.

The Developers request originally stated a possibility of 330 multi-family dwellings. The revised request remains at 330 units but 210 are single-family and 120 are multi-family. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For single-family homes, the generation rate is .295 and further broken down by grade level into the following, .147 for elementary, .071 for middle and .077 for high. For multi-family, the generation rate is .088 and further broken down into the following, .044 for elementary, .021 for middle and .023 for high. A total of 72 school-aged children and utilized for the purpose of determining sufficient capacity to serve the development

The Concurrency Analysis attached, displays the impact of this development. Capacities for elementary is not an issue within the Concurrency Service Area (CSA). For middle and high schools, the development will create a deficit for the CSA, however, there are sufficient seats available to serve the need within the contiguous CSA.

Thank you and if I may be of further assistance, please contact me at 239-337-8142.

Sincerely,

Dawn Huff

Dawn Huff,
Long Range Planner

DCI2016-00024

LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITY	Lee School District
NAME/CASE NUMBER	Gully Creek RPD/DCI2016-00024
OWNER/AGENT	Daniel Light & Gully Creek LLC
ITEM DESCRIPTION	various amendments; all impacts in East CSA, sub area E1
LOCATION	North of Bayshore Rd west of I-75
ACRES	AG-2
CURRENT FLU	Suburban (S)
CURRENT ZONING	Agricultural (AG2)

PROPOSED DWELLING UNITS BY TYPE

Single Family	Multi Family	Mobile Home
210	120	0

	Student Generation Rates			
STUDENT GENERATION	**SF**	**MF**	**MH**	**Projected Students**
Elementary School	0.147	0.044		36.15
Middle School	0.071	0.021		17.43
High School	0.077	0.023		18.93
	Source: Lee County School District, April 28, 2017 letter			

CSA SCHOOL NAME 2020/21	**CSA Capacity (1)**	**CSA Projected Enrollment (2)**	**CSA Available Capacity**	**Projected Impact of Project**	**Available Capacity W/Impact**	**LOS is 100% Perm FISH Capacity**	**Adjacent CSA Available Capacity w/Impact**
East CSA, Elementary	14,923	14,365	558	36	522	97%	
East CSA, Middle	6,464	7,087	-623	17	-640	110%	
East CSA, High	7,740	8,177	-437	19	-456	106%	

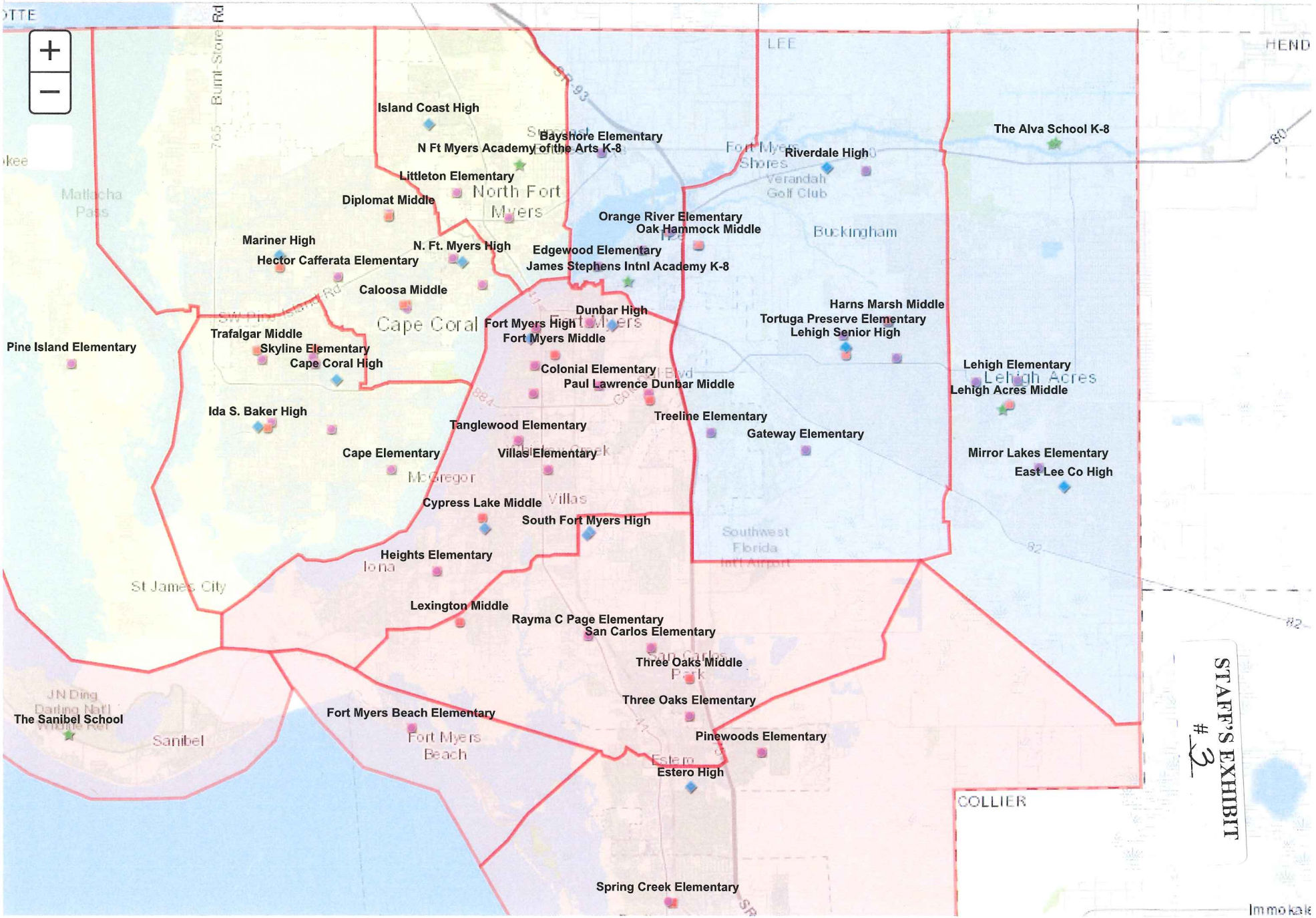
(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan

(2) Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity)

(3) Available Adjacent CSA capacity is subject to adjacency criteria as outlined in the Interlocal Agreement and the School District's School Concurrency Manual

Prepared by: Dawn Huff, Long Range Planner

Find My School - click on magnifying glass →



PAVESE LAW FIRM

NEALE MONTGOMERY

Direct dial: (239) 336-6235
Email: NealeMontgomery@paveselaw.com

1833 Hendry Street, Fort Myers, Florida 33901 | P.O. Drawer 1507, Fort Myers, Florida 33902-1507 | (239) 334-2195 | Fax (239) 332-2243

January 15, 2018
Via Hand Delivery and Email Transmittal

Ms. Laura B. Belflower
Lee County Hearing Examiner
1500 Monroe Street – Suite 218
Fort Myers, FL 33901

LEE COUNTY HEARING EXAMINER
2018 JAN 16 AM 8:40

RE: Gully Creek RPD
DCI2016-00024
Applicant's 48-Hour Letter

Dear Madam Hearing Examiner:

Please accept this as the Applicant's 48 hour letter.

The Applicant proposes the following changes to the conditions and uses in the staff report:

Condition 4: Development within Floodway
The only development within the Floodway is the road, which is located at the narrowest portion of the floodway. The applicant is aware of the fact that the development order that includes the crossing must comply with what is now Chapter 6, Article IV. The applicant is concerned about including portions of existing LDC provisions, especially since the County is conducting numerous studies which can result in LDC changes which could cause the language in the zoning to be in conflict with the LDC. The applicant would submit that Condition 4 should be eliminated and the staff and the applicant should rely on Condition 1 that provides that the development must comply with all LDC provisions unless a deviation is obtained.

Condition 5: Turn Lanes
Administrative Code 11-4 has been in place since 1998. The traffic consultants are well aware of the meaning and application of AC 11-4. The applicant submits that the County and the applicant should be able to rely on AC 11-4. The staff report doesn't identify anything unique about the subject property that would warrant the inclusion of a condition that is different from the Administrative Code. If there are concerns about the adequacy of the Administrative Code the solution is to amend the code through the public hearing process so it is properly vetted and so it applies equally to all property owners rather than single out some property owners in the zoning process.

Condition 10.a.:
Prior to the issuance of a development order, an off-site management plan will be prepared which will address all gopher tortoises that will be relocated from within the development footprint to an off-site FWC approved mitigation bank. Also prior to the development order, an on-site ~~the~~ protected species management plan will be prepared which addresses the ~~must include~~ on-site gopher tortoise that are currently located and will remain ~~preservation~~ within the indigenous and non-indigenous preserve areas.

Applicant's Exhibit # 2

Condition 10.b.:
Prior to ~~the issuance of a~~ clearing pursuant to the vegetation removal permit ~~a point map must be submitted showing the location of the~~ a gopher tortoise fence ~~fencing~~ shall be installed around the limits of the preserves to ensure that no impacts will occur ~~within 25 feet from~~ to any gopher tortoise burrow located in the preserve. Gopher tortoises located in the 25 foot buffer area to the preserves shall either be relocated to the preserve or relocated off-site in accordance with FWC criteria. No machinery or mechanical excavation of gopher tortoise burrows can occur within the indigenous preserve or onsite preserve area(s).

Agriculture Uses: Existing
The applicant requested the inclusion of Agriculture: Existing in the list of permitted uses. The staff submitted that it is no longer necessary to include this as a use because of Note 48 that was added to Section 34-934, Ordinance 17-11. The new language provides:

> "Planned development rezonings within the future urban areas may not establish new, or expand existing agricultural uses. Bona fide agricultural uses that exist at the time of rezoning may continue until development commences. The approved existing agricultural uses must not expand beyond the boundaries that existed at the time of the rezoning. Existing agricultural uses within any tract or phase must be discontinued upon local development order approval for that tract or phase."

The applicant would like to have the term Agriculture Use, Existing included in the list of uses so there isn't a future debate about whether or not the use really was existing.

The Applicant's Witness List and the Applicant's Exhibit List are attached hereto.

Your consideration of this matter is greatly appreciated.

Sincerely,

Neale Montgomery

NM/kc
Attachments: Applicant's Witness List
Applicant's Exhibit List
cc: Mr. John Fredyma
Ms. Audra Ennis
Mr. Chip Block
Ms. Elizabeth Workman
Ms. Sharail Cluck
Mr. Ron Inge
Ms. Jennifer Sapen
Mr. Ted Treesh
Mr. Wesley Kayne
Mr. Barrett Stejskal

GULLY CREEK RPD
DCI2016-00024

HEX Hearing January 18, 2018

Applicant's Witness List

1. Jennifer Sapen
2. Barrett Stejskal
3. Wesley Kayne
4. Ted Treesh
5. Ron Inge

GULLY CREEK RPD
DCI2016-00024

HEX Hearing January 18, 2018

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1. Applicant's PowerPoint Presentation
2. Ron Inge Letter to Richard Shine dated 11/15/17

Copies of these exhibits will be provided at the Hearing pre-labeled as Applicant's Exhibits 1 and 2.

Perez, Maria

From: Kathleen A. Cline <KathleenCline@PaveseLaw.com>
Sent: Tuesday, January 16, 2018 8:31 AM
To: Hearing Examiner
Cc: Fredyma, John; Ennis, Audra; Block, Alvin; Workman, Elizabeth; Neale Montgomery; Sharail Cluck (scluck@landsolutions.net); Ron Inge (ron@ingeandassociates.com); Jennifer Sapen (JenniferS@barraco.net); Ted Treesh (tbt@trtrans.net); Wes Kayne; Barrett Stejskal (bearpaws.env.consulting@gmail.com)
Subject: Gully Creek RPD DCI2016-00024 Applicant's 48-Hour Letter
Attachments: Mimecast Attachment Protection Instructions; 2018-01-15 Gully Creek Applicant 48-Hr Letter.pdf

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

Good morning. Please see the attached sent to you at the request of Ms. Montgomery, hard copies of which are currently being hand-delivered to the respective County offices.

Thank you.

PAVESE LAW FIRM

Kathleen A. Cline
Legal Secretary to Neale Montgomery, Esq.
1833 Hendry Street (33901)
Post Office Drawer 1507 Fort Myers, FL 33902
Direct 239.336.6235 Fax 239.332.2243
kathleencline@paveselaw.com
Visit our website: www.paveselaw.com

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GULLY CREEK RPD
DCI2016-00024

HEX Hearing January 18, 2018

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HEX Hearing January 18, 2018

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