Summary of Hearing Examiner Recommendation

GULLY CREEK RPD

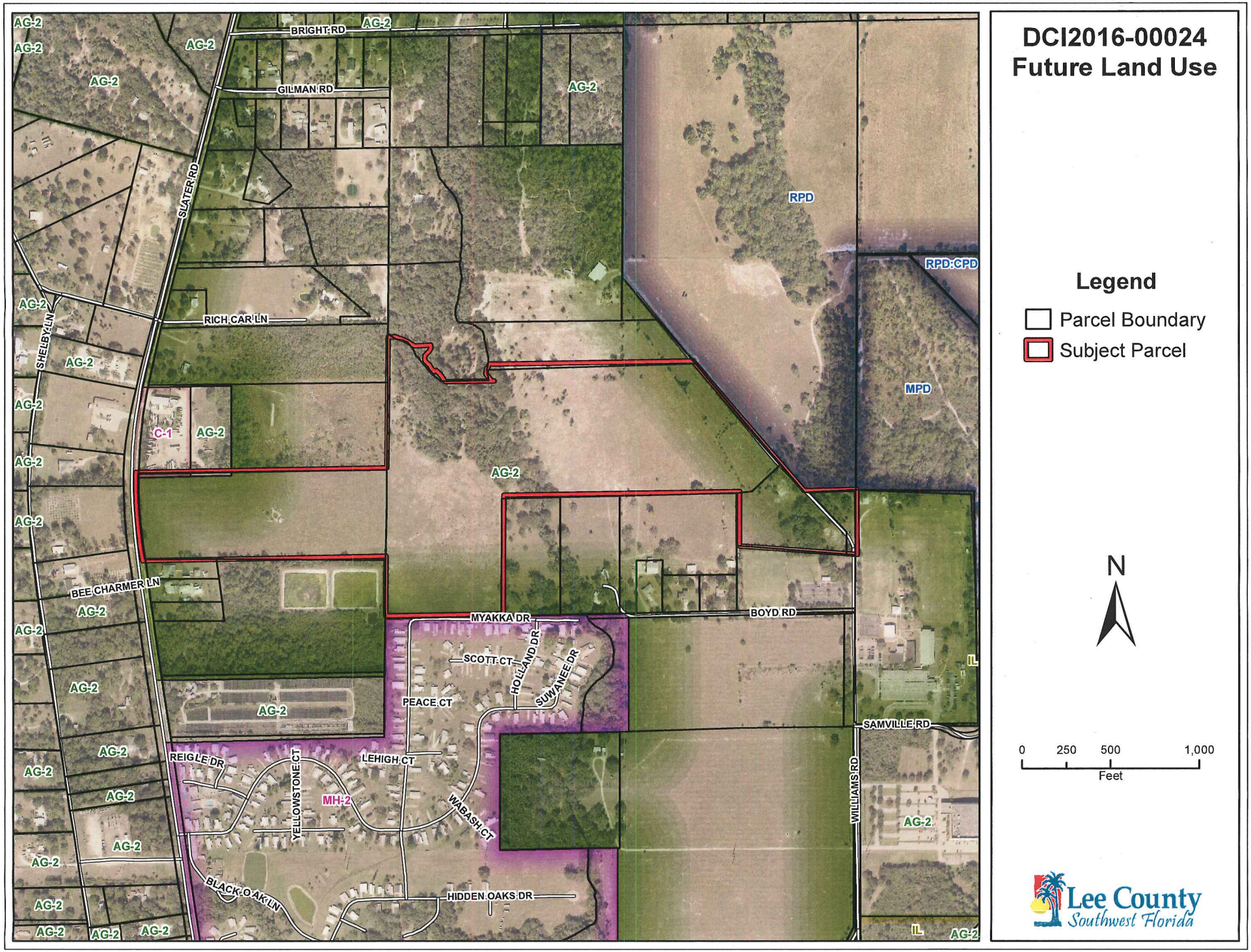
Requested by Daniel Light & Gully Creek LLC,
David Johnson Trust & Slater Bend LLC, and L.B. Andersen & Co., Inc.
(DCI2016-00024)

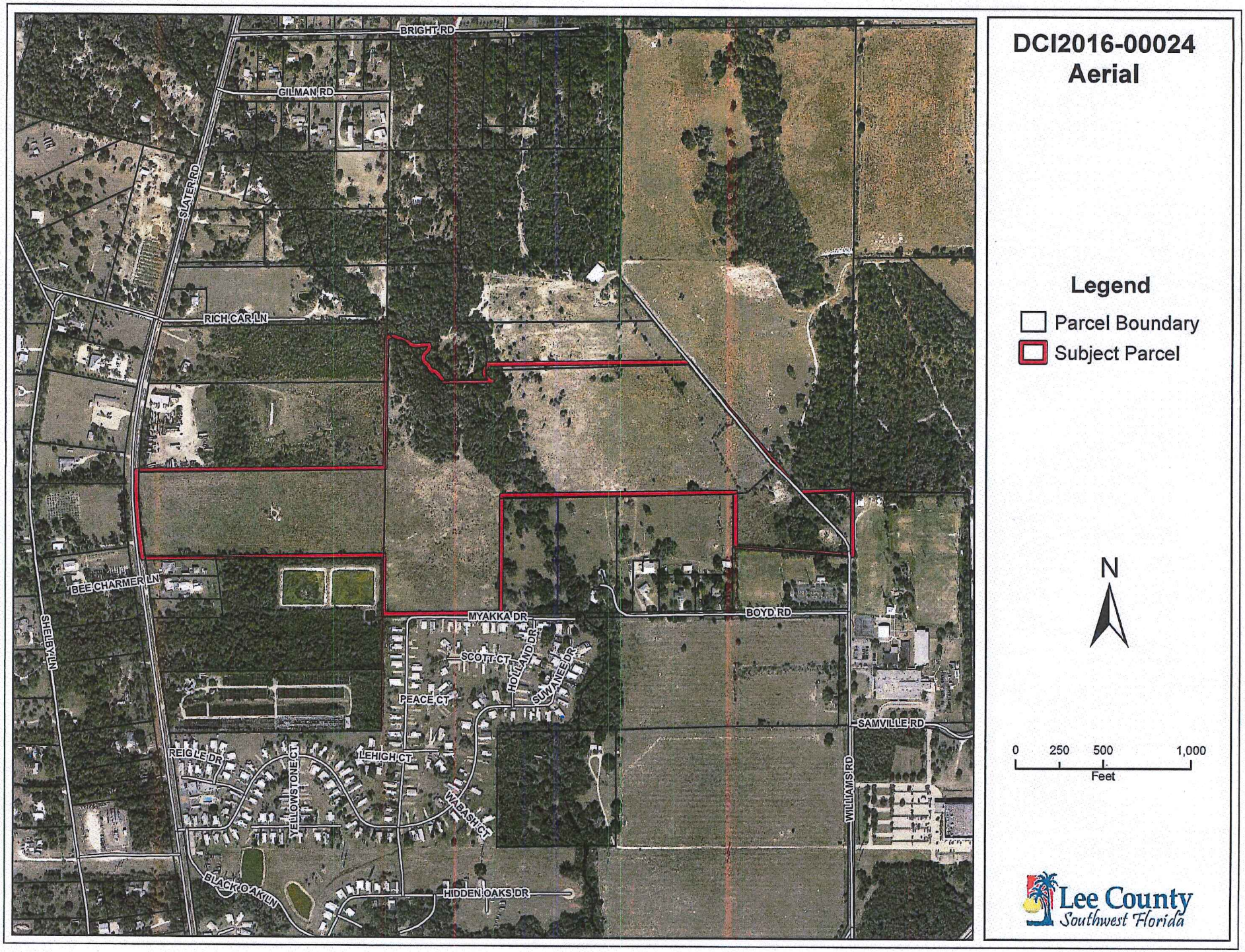
Request:	Rezone from Agricultural (AG-2) to Residential Planned Development (RPD) for up to 330 single-family, two-family attached, townhouse, or multiple-family residential dwelling units.
Location:	17220 Slater Road North Fort Myers Planning Community (District 5)
Size:	66± acres
Recommendation:	Approval with conditions
Deviations:	5
Conditions of Note:	Condition 1 addresses the number, mix, and placement of the dwelling units. Condition 10 addresses the existing agricultural uses.
Public Concerns:	The Request's impact on: • Their rural lifestyle; • The traffic on Slater and Williams Roads; and • Drainage problems in the area.

Hearing Examiner Remarks:

The rezoning introduces planned residential development to Slater Road, in a transition area between rural and suburban development. Most of the concerns raised by the hearing participants are issues beyond what this rezoning can address. Because the rezoning request meets the applicable review criteria, the Hearing Examiner recommends approval, with conditions.

Detailed recommendation follows


DCI2016-00024
Future Land Use
Legend
Parcel Boundary
Subject Parcel
N
0 250 500 1,000
Feet
Lee County
Southwest Florida
BRIGHT RD
GILMAN RD
SLATER RD
SHELBY LN
RICH CAR LN
BEE CHARMER LN
MYAKKA DR
BOYD RD
SCOTT CT
HOLLAND DR
SUWANEE DR
PEACE CT
SAMVILLE RD
REIGLE DR
LEHIGH CT
YELLOWSTONE CT
WABASH CT
BLACK OAK LN
HIDDEN OAKS DR
WILLIAMS RD
AG-2
RPD
RPD:CPD
MPD
C-1
MH-2
IL



DCI2016-00024
Aerial

Legend

- Parcel Boundary
- Subject Parcel

N

0 250 500 1,000
Feet

Lee County
Southwest Florida

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2016-00024

Regarding: **GULLY CREEK RPD**

Location: 17220 Slater Road

North Fort Myers Planning Community
(District 5)

Hearing Date: January 18, 2018
Continued Date: January 19, 2018

I. Request:

Rezone 66± acres from Agricultural (AG-2) to Residential Planned Development (RPD) to allow up to 330 single-family, two-family attached, townhouse, or multiple-family residential dwelling units.

The legal description of the property is set forth in Exhibit A.

II. Hearing Examiner Recommendation:

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

III. Discussion:

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property.[1] In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on the application to rezone the property.[2]

In preparing a recommendation to the Board, the job of the Hearing Examiner is to apply the record facts to the applicable review criteria.[3] The basis of the recommendation must be the competent substantial evidence in the record.[4] Discussion supporting the recommendation follows below.

Synopsis

The Request seeks to rezone 66 acres of pastureland in a portion of the North Fort Myers Planning Community north of Bayshore Road. The land spans between Slater

[1] LDC §34-145(d)(1)a and (2)a.
[2] LDC §34-145(d)(3).
[3] LDC §34-145(d)(4).
[4] AC 2-6 §3.3.A.(2).

Road, on the west, and the northern extension of Williams Road, on the east, immediately north of River Trails Mobile Home Park. Daughtrey's Creek splits the property from north to south at approximately the mid-point between the east and west project boundaries.

The property is located at the edge of the Suburban Future Land Use category of the Lee County Comprehensive Plan (Lee Plan). The majority of the property shares the same Suburban designation as areas to the east, south, and west. However, 11 acres of the property is in the same Rural Future Land Use category as the properties to the north.

The requested change would rezone the property from AG-2 to RPD, allowing up to 330 residential dwelling units of various types. The Master Concept Plan (MCP) shows two development options. The western portion, the creek preserve area, and the creek road crossing remain essentially the same in both options, but the eastern portion can have either more development, under Option A, or larger lakes, under Option B.

Staff recommends approval with conditions. Several people spoke in opposition to the Request. Their major concerns included the Request's impact on:

- Their rural lifestyle;
- The traffic on Slater and Williams Roads; and
- Drainage problems in the area.

The recommended conditions address some of the concerns raised by the hearing participants. Solutions to other concerns are larger than this rezoning. Some may involve an evaluation of the larger area issues. Other solutions may involve reassessing the governing regulations. However, as to the requested rezoning, based on the record testimony and evidence, the Hearing Examiner finds the Request meets the applicable review criteria and recommends approval with conditions.

Review Criteria

Before recommending approval of a rezoning request, the Hearing Examiner must determine the request meets certain review criteria.[5] For the reasons indicated below, this Request meets the applicable review criteria.

The conditioned Request is in compliance with the Lee Plan

The Request complies with the applicable provisions of the Lee Plan.[6] Fifty-five acres of the Request property are located in the Suburban Future Land Use category of the Lee Plan. The proposed residential development is consistent with this category, which allows housing near the more urban areas, but does not provide the full mix of land uses typical of urban areas.[7]

[5] LDC §34-145(d)(4)a.1.
[6] Meeting Lee Plan §XIII.a and LDC §§34-145(d)(4)a.1.a) and 34-411(a).
[7] Lee Plan Policy 1.1.5

The remaining 11 acres of the property are in the Rural Future Land Use category. The conditioned density limitations ensure the Rural portion of the Request is consistent with the category, where low-density residential uses are expected.[8]

The requested 330 dwelling units fall 11 units under the maximum standard density allowed by the Request property's two Future Land Use categories. The areas with the Suburban Future Land Use category may have up to 6 dwelling units per acre.[9] The remaining 11 acres in the Rural category are limited to 1 unit per acre.[10]

The density calculations must consider each Future Land Use category area separately, rather than spreading the density across the property.[11] The Rural category area may only contain 11 units, with the balance in the Suburban category area. Although near the top of the available range, as conditioned, the Request is consistent with the allowed density. The Request is also consistent with the density allocation provisions of the Lee Plan.[12]

The conditioned Request is consistent with the growth management provisions of the Lee Plan. Although at the edge of suburban development, the Request provides a continuous growth pattern that does not by-pass large tracts of land in favor of development more distant from existing communities.[13] Additionally, the requisite urban services will serve the Request.[14] Although there are neighborhood concerns about the adequacy of the roads in the area, the evidence does not indicate the Request will further burden already overwhelmed public facilities or trigger other intensity limiting standards.[15]

The conditioned Request is consistent with the residential protection provisions of the Lee Plan. The conditioned Request addresses flooding hazards to the proposed and surrounding residential development.[16] Further, the residential development is not destructive to the character of the residential development in the area.[17] The conditioned Request provides for a mix of residential types that are compatible with the overall character of the area.[18]

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[8] Lee Plan Policy 1.4.1.
[9] Lee Plan Policy 1.1.5 ("This category has a standard density range from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre). The maximum total density may only be increased to eight dwelling units per acre (8 du/acre) utilizing Greater Pine Island Transfer of Development Units except in areas that specifically prohibit bonus density. Other forms of bonus densities are not allowed").
[10] Lee Plan Policy 1.4.1 ("Maximum density in the Rural area is one dwelling unit per acre (1 du/acre)").
[11] The Request does not qualify for a distribution of the allowed density across the Future Land Use category lines, as addressed by Lee Plan Policy 5.1.10, not only because it contains a non-urban Rural category, but also because the property was not under single ownership at the time the Future Land Use categories were applied to the property.
[12] Lee Plan Policies 1.1.1 and 1.7.6 and Table 1(b).
[13] Lee Plan Objective 2.1.
[14] Lee Plan Objective 2.2, Policy 2.2.1, and Standards 4.1.1 and 4.1.2
[15] Lee Plan Policy 2.2.2. See further the discussion under the transportation and drainage analyses herein.
[16] Lee Plan Policies 5.1.2 and 135.9.6.
[17] Lee Plan Policy 5.1.5. See also the compatibility discussion herein.
[18] Lee Plan Policies 135.1.9 and 135.9.5.

The recommended Request is consistent with the Land Development Code (LDC) and other applicable County regulations

With the recommended conditions and deviations, the Request is consistent with the LDC.[19] The Request MCP shows an eight-plus acre preserve area along both sides of Daughtrey's Creek. This preserve area contains indigenous and non-indigenous areas, as well as a 50-foot wide natural waterway buffer along each side of the creek. The Request will also provide the compatibility buffers required by the LDC and the recommended conditions. These areas, coupled with the Request's lakes, more than meet the LDC open space requirements and provide the required indigenous and buffer areas.[20]

The Request complied with the North Fort Myers Community meeting requirement.[21] The North Fort Myers large lot protection provisions do not apply, as there are no platted large lot subdivisions adjacent to the Request property.[22]

Several public hearing participants expressed concerns about the Request's impact on flooding in the area. Their concerns seemed to center on two points. One was the belief it was not possible to build a new development that will not flood the surrounding area through increased impervious surfaces and raised elevations. The second was that the road crossing Daughtrey's Creek would be a dam, backing up floodwaters in an area already experiencing flooding.

The evidence, however, indicates the conditioned Request can comply with the adopted stormwater management and flood control requirements, including protection of the stormwater carrying capacity of the creek floodway.[23] As the existing stormwater standards are currently under review, the recommended conditions also require compliance with any changes to those, and other, regulations that are in place when the project is developed.

This does not guarantee there will not be flooding in the area and that, in larger storm events, the Request will not contribute to flooding issues. However, in addition to compliance with the regulations, the Request includes existing and proposed design characteristics that can help mitigate the flooding risk, such as a naturally narrow floodplain and a defined, high-banked, creek course within the Request property, as well as a preserve area that will remain at the existing elevation, providing flood storage. This Request cannot solve the area flooding problems. It can only be required to meet the adopted regulations, interpreted with sensitivity toward the conditions on the site and in the surrounding area.

The Request does seek deviations to several LDC provisions. The first three deviations concern a lot layout design that eliminates the cul-de-sac at the end of two short dead end streets, leaving an end lot with a non-traditional orientation toward the street. Deviations 1 and 3 address the lot lines' designations and measurement. Deviation 2

[19] LDC §34-145(d)(4)a.1.b).
[20] LDC §§10-415 and 10-416.
[21] LDC §33-1532.
[22] LDC §33-1537 ("Existing large lot residential subdivision means a residential subdivision where the minimum lot size is 14,520 square feet and is either existing or has been approved by Lee County as of January 10, 2012 (effective date of this article)").
[23] LDC §6-401 et seq.

eliminates the cul-de-sac. The Board has approved deviations for this type of lot and street configuration in the past. As conditioned, the deviations benefit the design of planned development without harm to the public purposes.[24]

The fourth deviation seeks to reduce the setback for several excavated lakes. With the Staff proposed condition to supply the protections provided by the required setback, the deviation enhances the planned developments design objectives while preserving and promoting the general intent of the LDC.[25]

The last deviation seeks to allow a smaller separation between the project entrance onto Slater Road and a private road serving two lots. The weight of the evidence indicates the deviation will enhance the entrance design for the planned development while preserving the LDC's intended public interest protections.[26]

Beyond these deviations, the evidence indicates the Request will comply with the other applicable regulations.

Compatibility with existing and planned uses in the surrounding area

With the recommended conditions and deviations, the Request is compatible with existing and planned uses in the surrounding area.[27] A major concern expressed in the hearing was the Request's potential impact on the character of the area. Much of this concern centered on the perception that the area surrounding the Request is rural. The reality of the existing and planned nature of the area is more complex.

The Request property is located in a transition area, both in existing and future planned land uses. The property is located less than a mile west of the existing and planned future industrial and higher density areas near the I-75/Bayshore Road interchange. It is also adjacent to and west/southwest of several approved unbuilt residential and mixed-use developments, which are in the same Suburban Future Land Use category as most of the Request property. The development characteristics of the Request are similar to the residential portions of those approved developments.

The Request property is less than a mile north of Bayshore Road, which has significant areas of commercial and intensive residential development. Immediately south and southeast of the east side of the Request property is a public soccer complex and elementary school. Immediately south of the west side of the Request property are two mobile home parks and the wastewater ponds for one of the parks. All of the areas south of the Request property, except the school, are designated Suburban.

The area around the Request property along Slater Road is more rural, with large residential lots and small-scale agricultural uses. A major exception is a Commercial (C-1) zoned semi-industrially developed property immediately north of the western portion of the Request property. The area along Slater Road south of the Request property is designated Suburban, while the area north of the property is designated Rural.

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[24] LDC §34-145(d)(4)a.2.c).
[25] *Id.*
[26] *Id.*
[27] LDC §34-145(d)(4)a.1.c).

Further west, is Suncoast Estates residential subdivision, with mixed lots sizes, and the more intensive development along the Highway 41 corridors. These areas are designated Suburban and the more intensive Central Urban category.

The larger areas north of the Request property do currently have rural development and a portion has a Rural Future Land Use designation. The large lot residential development continues north on Slater Road past I-75. Large environmentally sensitive lands border Mellow Drive, west of Slater Road.

However, south of Mellow Drive, the area designated Rural is less than some hearing participants may believe. Most of the area north of the Request property, south of Mellow Drive, and east of Daughtrey's creek is designated Suburban, allowed up to six units per acre. The properties of several of the hearing participants are in this area.

This does not mean the owners of these properties, or others in the larger area, cannot keep them in a rural zoning and use. However, it does mean the anticipated future character of the area is more toward suburban development patterns than rural ones.

The weight of the evidence shows the areas around the Request property have a mixed intensity, transitional, character. This is the appropriate area character against which to measure the Request's compatibility.

To be compatible, the LDC indicates land uses must have either a positive relationship, based on similar characteristics, or a neutral relationship, based on lack of conflict or negative influences.[28] The Request is for residential development. Residential development is compatible with the surrounding uses. Where non-residential neighboring uses could negatively impact the Request uses,[29] the Request design mitigates potential negative impacts.

While the density of the Request's residential uses is greater than the existing density immediately surrounding the property, the Applicant sufficiently demonstrated the types of dwellings and development regulations are consistent with the approved zonings to the east[30] and the mobile home parks to the south. Additionally, the density/intensity is compatible with the development trends and expectations in the larger area. Therefore, with the recommended conditions and deviations, the Request proposed uses are appropriate at the proposed location.[31]

Although the Request seeks a development intensity at the higher end of the permitted scale, the evidence does not demonstrate there is a justifiable density level below the Future Land Use category limit the Request should not cross. The weight of the evidence demonstrates the conditioned Request will not negatively influence the surrounding area more than the existing and approved changes to the area already

[28] LDC §34-2 ("Compatible means, in describing the relation between two land uses ... or zoning districts, the state wherein those two things exhibit either a positive relationship based on fit, similarity or reciprocity of characteristics, or a neutral relationship based on a relative lack of conflict (actual or potential) or on a failure to communicate negative or harmful influences one to another").
[29] Uses such as the commercial/industrial use to the north and the wastewater treatment ponds to the south.
[30] Oak Creek, approved by Zoning Resolution Z-05-037, Chapel Creek, approved by Zoning Resolution Z-08-011, and Bayshore 57, approved by Zoning Resolution Z-10-002.
[31] LDC §34-145(d)(4)a.2.a).

have. Therefore, the conditioned Request is compatible with the existing and anticipated future uses of the surrounding area.

Transportation

With the recommended conditions and deviations, the Request will provide sufficient access to support the proposed development intensity.[32] The Request's main entrance is from Slater Road, a two-lane County minor arterial. A secondary entrance would connect to an extension of Williams Road, a two-lane County local road. The developer will likely be required to provide turn-lanes on Slater Road, but the weight of the evidence indicates these access points are sufficient to support the density of the proposed Request.

Additionally, despite the concerns raised by most of the hearing participant's, the weight of the evidence indicates the existing County regulations and recommended conditions will address the expected impacts on transportation facilities.[33] Almost all of the hearing participants raised what they consider the unacceptably bad traffic conditions along Slater Road.[34] The issues they raised appear to have been largely created, or significantly increased, by two events. One was the connection of the Del Prado extension to Mellow Drive in the late 1990s/early 2000s, which connected traffic from Cape Coral and Highway 41 to Slater Road. This significantly increased the amount of traffic on Slater Road, which the hearing participants feel turned a relatively isolated country road into a through-road. The second event was a more recent change to the traffic signal timing at the intersection of Slater Road and Bayshore Road, which has apparently resulted in increased backups on Slater Road.

Despite how much change Slater Road has seen, the evidence indicates it still operates within Lee County's acceptable levels. Further, with or without the Request's traffic, the expected future Level of Service for Slater Road remains Level C.[35] This may be more traffic than the residents of the area want to see, but for this rezoning review, it satisfies the applicable regulations.

There may be impacts at the project's entrance connection to Slater Road that require the developer to provide turn lanes and/or other improvements. However, Staff will review those issues at the time of development order review, in accordance with the applicable adopted regulations.

Participants also raised concerns about conflicts between the Request traffic on Williams Road and the school and soccer facility traffic. However, there is no evidence the existing regulations and the recommended conditions will not sufficiently address that issue.

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[32] LDC §34-145(d)(4)a.1.d).
[33] LDC §34-145(d)(4)a.1.e).
[34] The residents described Slater Road as a narrow two-lane road with deep ditches on both sides and dangerous curves, used as a cut-through/short cut. They stated "no through trucks" signs are ignored. They indicated several pedestrians have been struck and people killed. Traffic levels make it difficult to get on the road and dangerous to turn-off. Turns onto and off Slater Road from/to Mellow and Bayshore Roads require several traffic signal cycles.
[35] The transportation impact analysis was based on a specific mix of dwelling unit types. To ensure this mix occurs, it is addressed in Condition 1.

Impact on environmental areas and natural resources

With the recommended conditions, the Request will not adversely affect environmentally critical or sensitive areas and natural resources.[36] With the recommended conditions and the adopted regulations, the Request will adequately address the protected gopher tortoises on the property and protect the environmentally sensitive Daughtrey's Creek and its surrounding area.

Urban Services

The Lee Plan does not consider the Suburban or Rural Future Land Use categories as Future Urban categories,[37] so the Request is not required to have full urban services. Regardless, with the recommended conditions, the requisite urban services will adequately serve the Request.[38]

Conditions

The recommended conditions provide sufficient safeguards to the public interest and reasonably relate to the impacts on the public's interest expected from the proposed development.[39] The Staff recommended several conditions. The hearing discussion included several changes, which this recommendation finalizes.

The first condition ties the RPD to the MCP and requires compliance with any development regulations in effect at the time of the development order approval. The condition also limits the number of the different types of units, based on the limit used in the transportation impact study. Further, as required by the Lee Plan, the condition makes clear the limit on the number of units in the property's Rural area.[40]

Condition 2 provides the allowable uses and the development regulations for the project's two development areas. Condition 3 addresses models in the development.

Condition 4 changed in the hearing, with Staff's concurrence. It went from a specific requirement beyond the County's floodway regulations to a statement that a floodway exists on the property and that any encroachment into the floodway must comply with the applicable regulations.

The Applicant and Staff disagreed on Condition 5. The Staff proposed condition provides a specific turn-lane requirement addressing how design speed is applied. Staff conceded the condition addresses a general concern, rather than a specific Request related issue. As it addresses an on-going generally applicable issue, it may be an appropriate amendment to the LDC or Administrative Code. However, because the condition does not relate to the Request's impacts on the public interests, it cannot be required.[41] Accordingly, this recommendation removes the condition.

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[36] LDC §34-145(d)(4)a.1.f).
[37] Lee Plan Glossary definitions of "Future Urban Areas," "Future Suburban Areas," and "Future Non-Urban Areas."
[38] LDC §34-145(d)(4)a.1.g).
[39] LDC §34-145(d)(4)a.2.b).
[40] Although the limit is indicated on the MCP, it is added to the condition in case the note is stripped from the MCP to make it more readable.
[41] LDC §34-145(d)(4)a.2.b).

Renumbered Conditions 5 through 8 are standard conditions. They are unchanged from those proposed in the Staff Report.

Renumbered Condition 9, addressing gopher tortoises, was also changed in the hearing, with Staff's concurrence. The changes clarify the off-site and on-site management of the gopher tortoises. Renumbered Condition 10 addresses the amount of open space required.

Recommended Condition 11 is a new condition discussed in the hearing. The RPD zoning district does not allow agriculture as a permitted ongoing use in the district. However, the Applicant asked to continue the existing on-site agricultural uses until development occurs. Staff did not object to the continued agricultural use, but felt a recent amendment to the LDC sufficiently addressed the issue without the need for a separate condition. However, closer examination shows the recent LDC amendment does not clearly apply in this case.[42]

The recent amendment addresses planned developments in Future Urban areas. As discussed above, the Request is not in a Future Urban area; a recent Lee Plan amendment separated the Suburban Future Land Use categories from Future Urban. Therefore, the note does not clearly provide an exception. Additionally, the LDC still requires the submission of an agricultural use affidavit, but Note 48 does not tie the limits on the agricultural use to the affidavit. Accordingly, as discussed in the hearing, it is appropriate to clarify the existing agricultural use issue in a condition.[43]

IV. Findings and Conclusions:

Based on the testimony and exhibits presented in the record of this Request, the Hearing Examiner makes the following findings and conclusions:

A. The Hearing Examiner finds the weight of the evidence shows the Request, as conditioned:

1. Complies with the Lee Plan, specifically Lee Plan Objectives 2.1 and 2.2, Policies 1.1.1, 1.1.5, 1.4.1, 1.7.6, 2.2.1, 2.2.2, 5.1.2, 5.1.5, 135.1.9, 135.9.5, and 135.9.6, Standards 4.1.1 and 4.1.2, and Table 1(b);

2. Meets or will meet the LDC and other applicable County regulations, including the stormwater and flood management regulations, or qualifies for deviations;

3. Is compatible with existing and planned uses in the surrounding area, in that it will not conflict or negatively influence the uses or character of the existing and planned future surrounding area;

[42] Note 48 of the table of uses in LDC Section 34-934 states: "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 rezoning. Existing agricultural uses within any tract or phase must be discontinued upon local development order approval for that tract or phase."
[43] LDC §34-145(d)(6).

4. Will provide access sufficient to support the proposed development intensity;

5. Will mitigate the expected impacts on existing or planned transportation facilities through the existing County regulations and conditions of approval;

6. Will not adversely affect environmentally critical or sensitive areas and natural resources; and

7. Although not in a Future Urban area category, will be served by the requisite urban services.

B. The Hearing Examiner also finds:

1. The proposed uses are appropriate at the proposed location;

2. The recommended conditions provide sufficient safeguards to the public interest and reasonably relate to the impacts on the public's interest expected from the proposed development; and

3. Each recommended deviation:

   a. Enhances the achievement of the objectives of the planned development; and

   b. Preserves and promotes the general intent of this Code to protect the public health, safety, and welfare.

Date of Recommendation: March 23, 2018.

LAURA B. BELFLOWER
Hearing Examiner

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

Exhibits to Hearing Examiner's Recommendation

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

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

EXHIBIT A

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

RECEIVED
SEP 28 2017
COMMUNITY DEVELOPMENT

DESCRIPTION

DCI 2016-00024

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

Applicant's Legal Checked
by Dcm 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

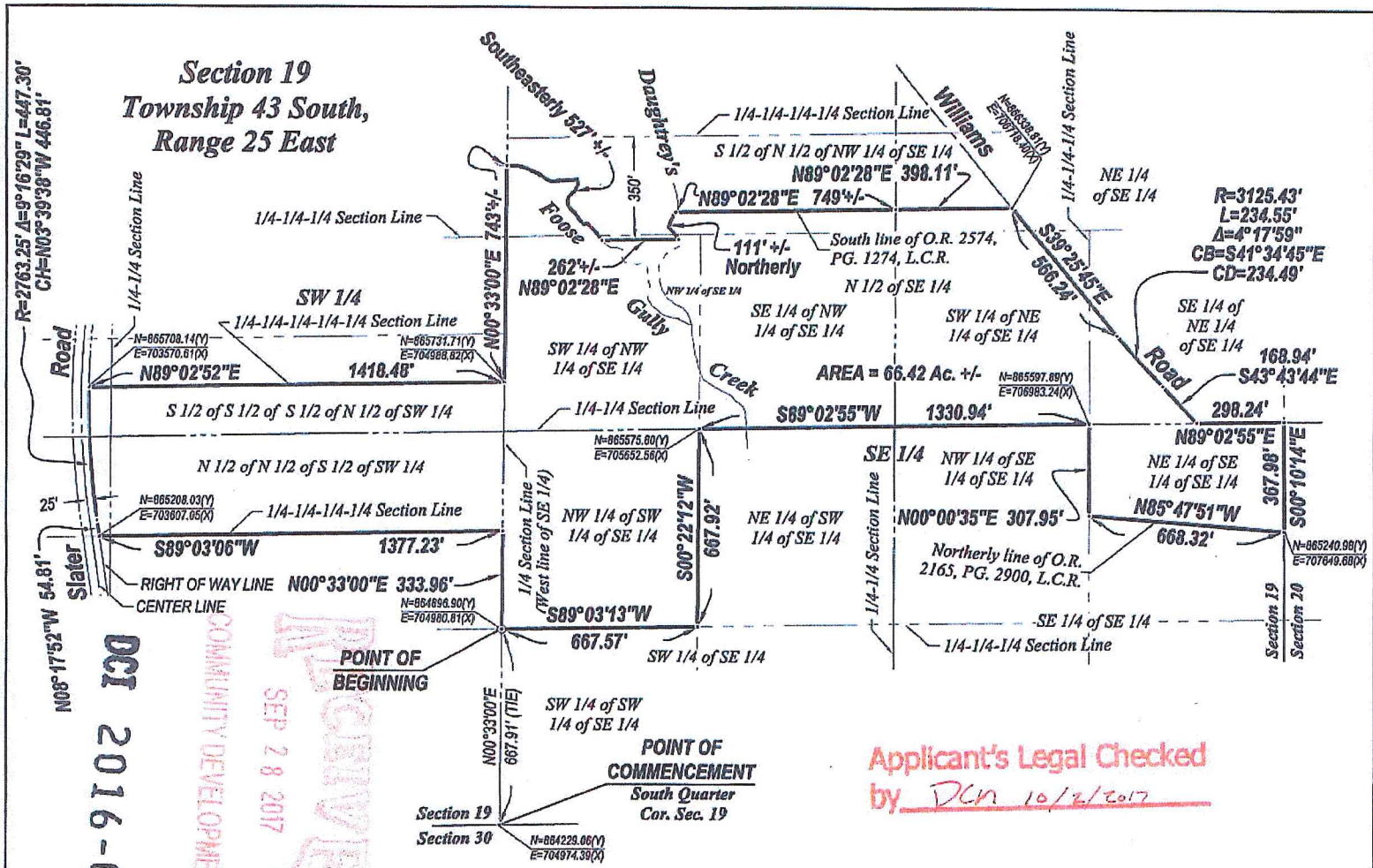
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

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

DCI 2016-00024

RECEIVED
SEP 28 2017
COMMUNITY DEVELOPMENT

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



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

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.

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

9/28/17
DATE SIGNED:

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

COMMUNITY DEVELOPMENT
SEP 28 2017
RECEIVED

DCI 2016-00002

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CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
2271 McGREGOR BLVD. SUITE 100
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FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATE 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, P.S.M. LICENSE NUMBER 5949 STATE OF FLORIDA SURVEYING AND MAPPING

ANY VALIDATION OF THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

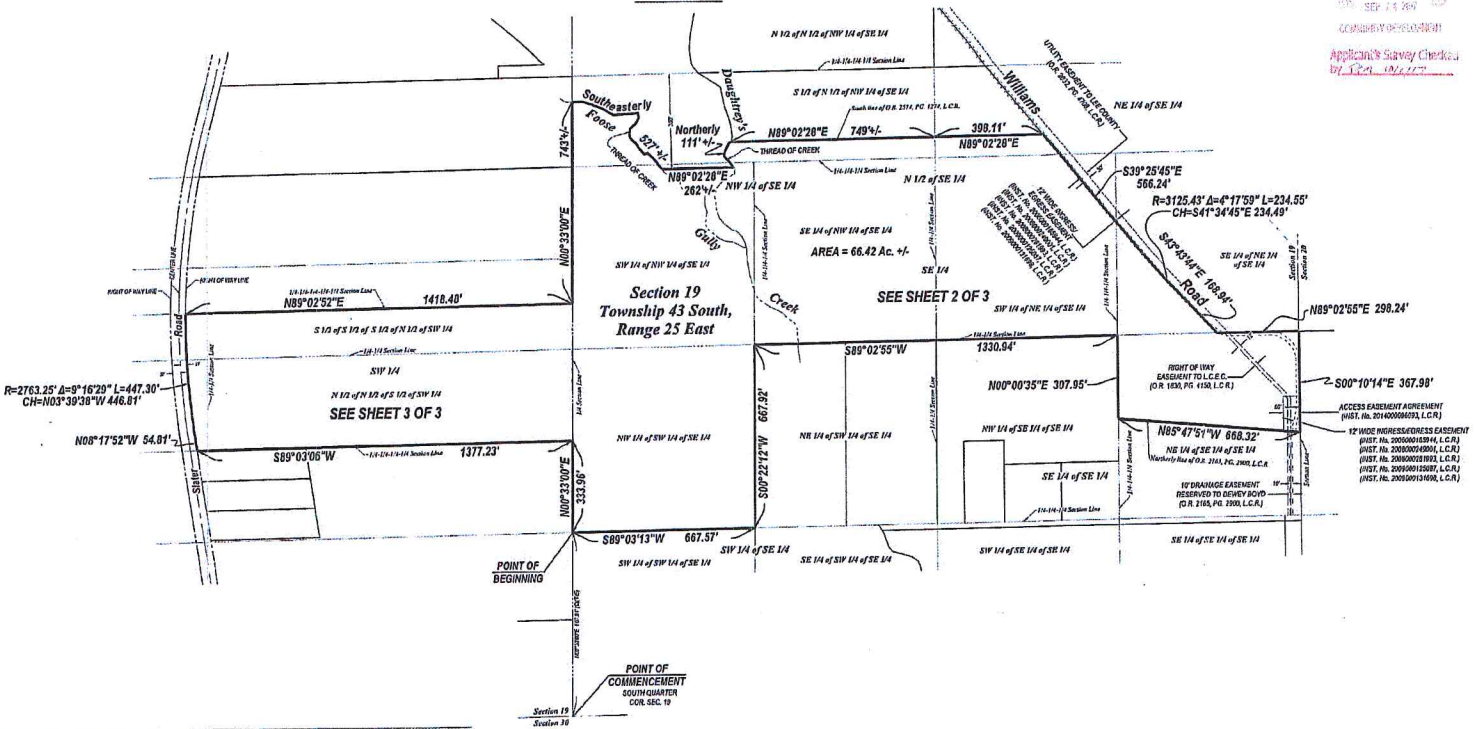
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LAYOUT	2
LOCATION	
PLOT DATE	
PLOTTED	PETER OLSEN
DRAWING DATA	
SURVEY DATE	9/28/2017
DRAWN BY	P. OLSEN
CHECKED BY	SAW
SCALE	1"=200'
FIELD BOOK	
PLAN REVISIONS	
STRAP NUMBERS	

SKETCH TO ACCOMPANY DESCRIPTION

PROJECT / FILE NO.	SHEET NUMBER
3349	3 OF 3
19-43-25	

867 2016 00024

KEY MAP



RECEIVED
SEP 13 2017
COMMUNITY DEVELOPMENT

Applicant's Survey Checked by SAW 10/4/17

DESCRIPTION

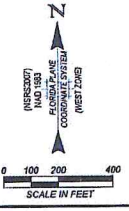
A tract or parcel of land lying in, Section 19, Township 43 South, Range 25 East, Lee County, Florida, said tract or parcel being more particularly described as follows:

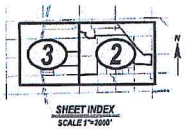
COMMENCING at the South Quarter Corner of said Section 19 run N00°33'00"E along the West line of the Southeast Quarter (SE 1/4) of said Section 19 for 667.91 feet to the Southwest corner of the Northeast Quarter (NW 1/4) of the Southeast Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of said Section 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 Southeast 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 North Half (N 1/2) of the Southeast Quarter (SW 1/4) of said Section 19; thence run N89°02'52"E along said North line for 1,418.40 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 827 feet, more or less, to an intersection with a line being 250 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 Northeast Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of said Section 19; thence run N89°02'26"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 2374, at Page 1214, Lee County Records; thence run N89°02'26"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°02'26"E along said South line for 399.11 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°43'14"E for 168.84 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 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 the 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 Southeast 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.

LEGEND:

A.E.	ACCESS EASEMENT	D.E.	DRAINAGE EASEMENT	LB	LICENSED BUSINESS	P.R.M.	PERMANENT REFERENCE MONUMENT	●	SET "MAG" NAIL WITH DISC STAMPED LB6949
B.M.	BENCHMARK	EL.	ELEVATION	L.B.E.	LANDSCAPE BUFFER EASEMENT			■	SET 4"x4" CONC. MONUMENT STAMPED LB6949
(C)	CALCULATED	FD	FOUND					▲	FOUND NAIL AS NOTED
CCR#	CERTIFIED CORNER RECORD	F.D.O.T.	FLORIDA DEPARTMENT OF TRANSPORTATION	L.C.R.	LEE COUNTY RECORDS	PROP.	PROPERTY	⊗	BACK FLOW ASSEMBLY
						P.V.C.	PLASTIC PIPE	⊕	AIR RELEASE VALVE
C.L.	CENTER LINE			L.C.U.E.	LEE COUNTY UTILITY EASEMENT	P.U.E.	PUBLIC UTILITY EASEMENT	⊠	IRRIGATION VALVE
CONC	CONCRETE	F.P. & L.	FLORIDA POWER & LIGHT CO.	L.M.E.	LAKE MAINTENANCE EASEMENT	R=	RADIUS=	⊡	IRRIGATION SERVICE
CB=	CHORD BEARING=					R.C.P.	REINFORCED CONCRETE PIPE	⊙	DRAINAGE MANHOLE
CD=	CHORD DISTANCE=	FRAC.	FRACTION	(M)	MEASURED	REF.	REFERENCE	FES	INTERED END SECTION
CH=	CHORD BEARING & DISTANCE=	I.E.	IRRIGATION EASEMENT	O.R.	OFFICIAL RECORD BOOK	RW.	RIGHT OF WAY	○	YARD DRAIN
C.M.	CONCRETE MONUMENT	INST.	INSTRUMENT	(P)	PLAT	TYP.	TYPICAL	◇	LIGHT POLE
		I.P.	IRON PIPE	P.B.	PLAT BOOK	SEC.	SECTION	☼	SIGN
COR.	CORNER	I.R.	IRON ROD	PG.	PAGE	W	WITH	▪	MAIL BOX
Δ=	DELTA ANGLE=	L=	LENGTH=	P.K.	PARKER-KALON	WIT.	WITNESS	⊗	BLOW OFF
(D)	DEED	L.A.E.	LAKE ACCESS EASEMENT					⊙	FIBER OPTIC CABLE MARKER
D.B.	DEED BOOK							G	GAS LINE MARKER
								⊙	ELECTRIC BOX
								TV	CABLE TV BOX
								⊙	WATER VALVE
								⊙	WATER BOX
								FH	FIRE HYDRANT
								GV	GAS VALVE





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 0.9999941 TO OBTAIN GRID DISTANCES.
5. BEARINGS AND COORDINATES HEREON ARE STATE PLANE FLORIDA, WEST ZONE (NAD 1983 (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. IMPROVEMENTS OTHER THAN THOSE SHOWN IF ANY HEREON 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 20, 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=AD1432) (ELEVATION = 17.09')

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-6949
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO 5949

DATE SIGNED: 9/14/17

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

Barraco and Associates, Inc.
CIVIL ENGINEERING · LAND SURVEYING
LAND PLANNING · LANDSCAPE DESIGN
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PHONE (239) 481-3170
FAX (239) 481-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6949

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
SURVEYOR

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

FILE NAME	23319001.DWG
LAYOUT	1
LOCATION	J:\23319\DWG\SURVEY\NO1
PLOT DATE	WED. 9-20-2017 - 2:23 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

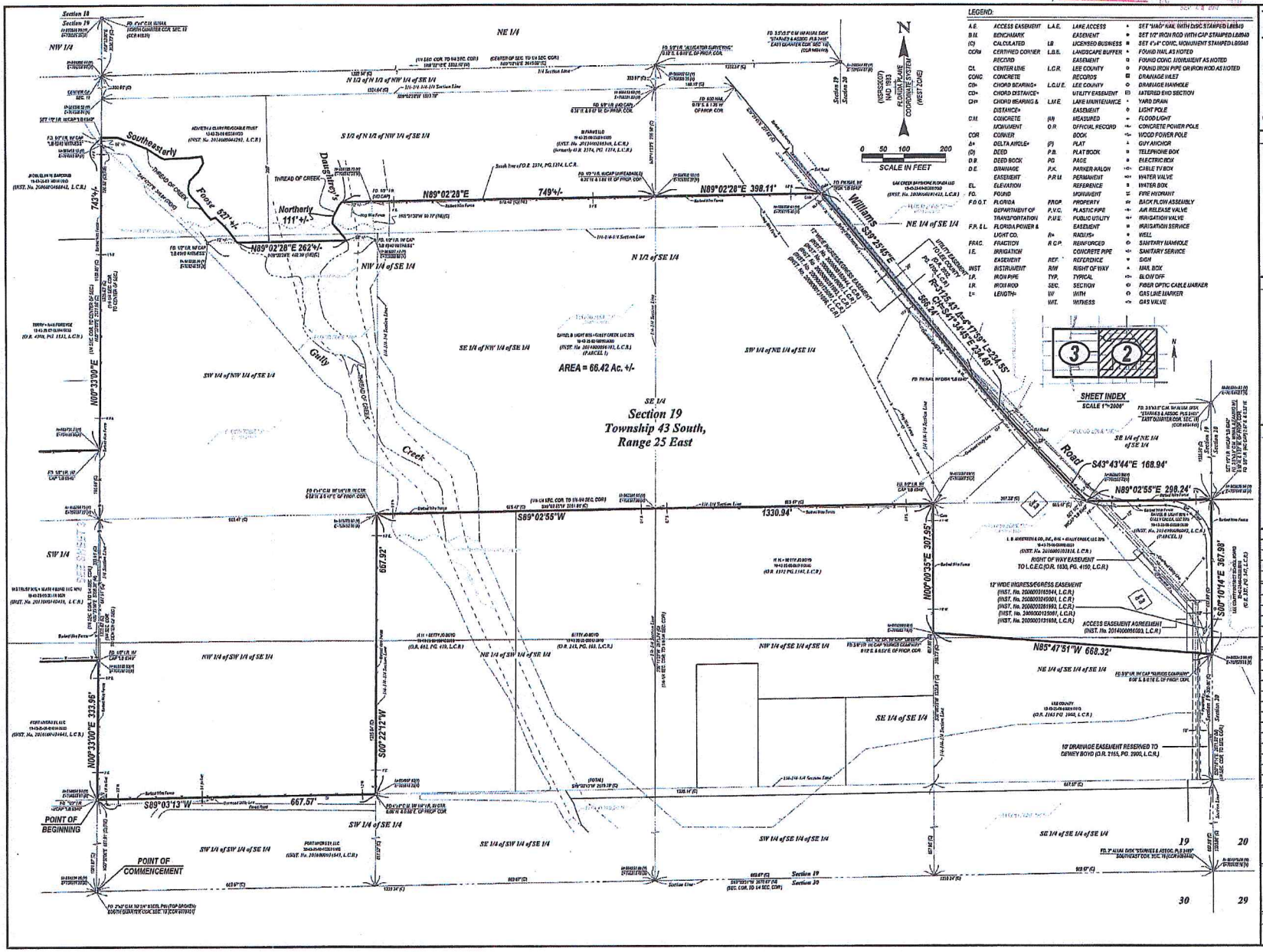
19-43-25-00-00006.0000
19-43-25-00-00009.0030
19-43-25-00-00014.0020

BOUNDARY SURVEY

PROJECT / FILE NO	SHEET NUMBER
23319 19-43-25	1 OF 3

Applicant's Survey Checked by [illegible]

001 2016 00024



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FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

Land Solutions Inc.
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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

JOSEPH A. WINGERT, JR. PSM 5943 STATE OF FLORIDA SURVEYOR AND MAPPER

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

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LAYOUT	2
LOCATION	J:\23319\DWG\SURVEY\DWG\
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	JAW
SCALE	1"=100'
FIELD BOOK	

PLAN REVISIONS

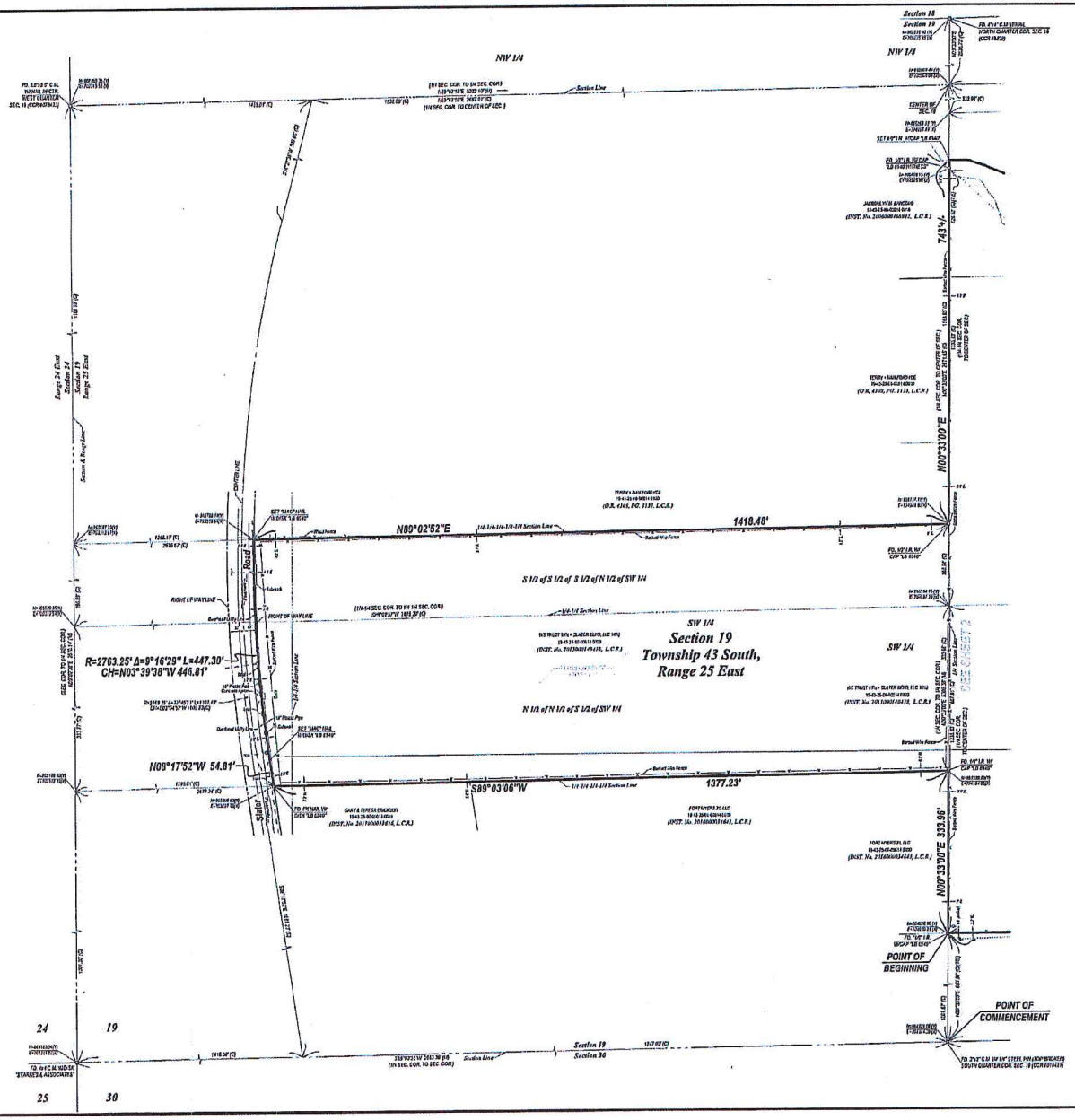
STRAP NUMBERS

BOUNDARY SURVEY

PROJECT / FILE NO.	SHEET NUMBER
23319 19-43-25	2 OF 3

Applicant's Survey Checked by _____

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
CL	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

N (NGS2007) NAD 1983 FLORIDA STATE PLANE COORDINATE SYSTEM (WEST ZONE)

0 50 100 200
SCALE IN FEET

SHEET INDEX
SCALE 1"=2000'

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ENGINEERING 7355 - SURVEYING LB-6545

PREPARED FOR

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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

STATE OF FLORIDA

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

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LAYOUT	3
LOCATION	J:\2331\DWG\SURVEY\DWG
PLOT DATE	WED, 8-23-2017 - 2:10 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
2331	3 OF 3
19-43-25	

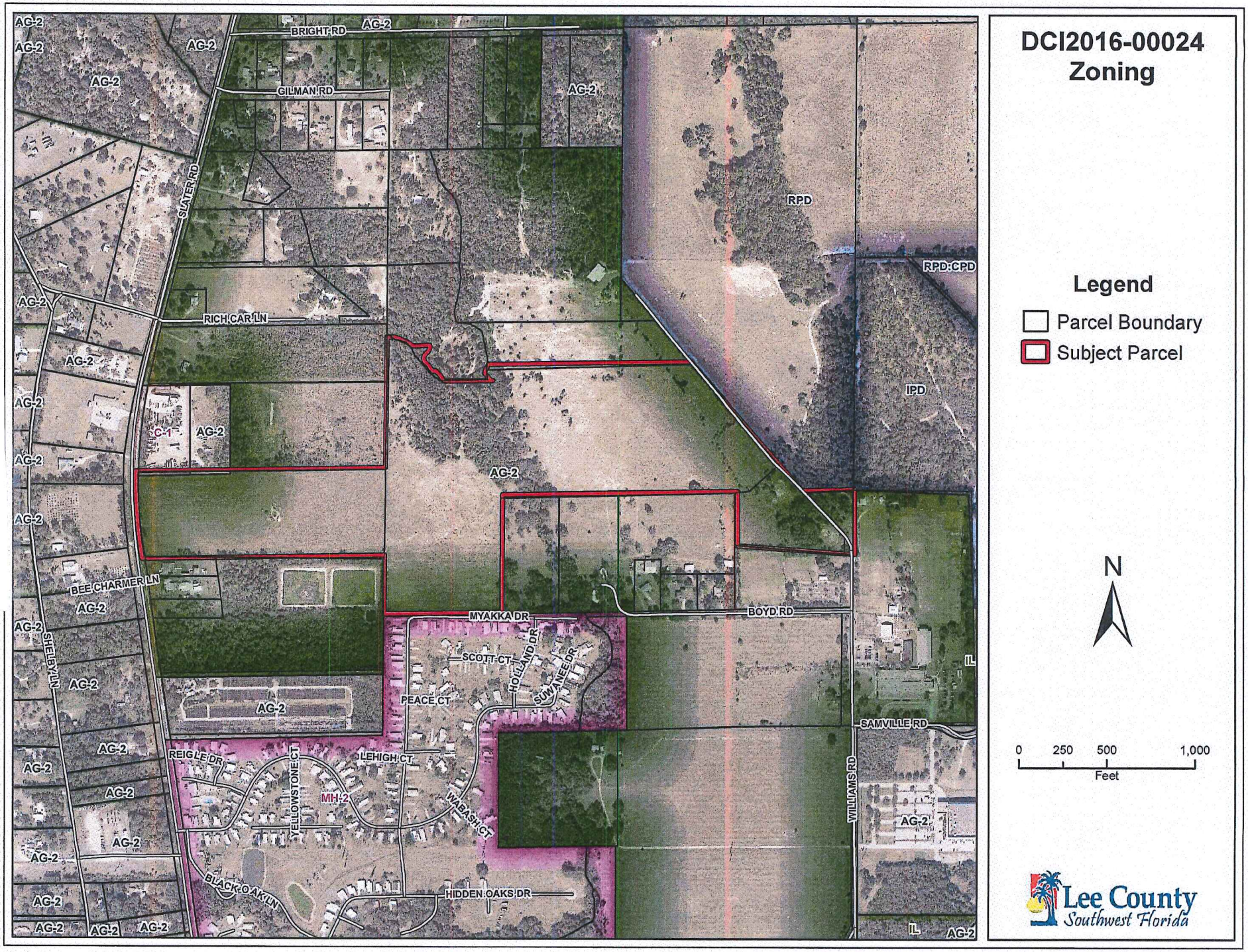

DCI2016-00024
Zoning
Legend
Parcel Boundary
Subject Parcel
N
0 250 500 1,000
Feet
Lee County
Southwest Florida
BRIGHT RD
GILMAN RD
SLATER RD
RICH CAR LN
BEE CHARMER LN
SHELBY LN
MYAKKA DR
BOYD RD
SCOTT CT
HOLLAND DR
SUWANEE DR
PEACE CT
SAMVILLE RD
WILLIAMS RD
REIGLE DR
LEHIGH CT
YELLOWSTONE CT
MH-2
WABASH CT
BLACK OAK LN
HIDDEN OAKS DR
AG-2
C-1
RPD
RPD:CPD
IPD
IL

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS
(substantive changes from the conditions presented in the hearing are marked by redlining strike-through and underlining)

CONDITIONS:

1. **Master Concept Plan/Development Parameters**

The development of this project must be consistent with the five-page Master Concept Plan (MCP) stamped received on September 28, 2017 (Exhibit B1), except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (LDC) at the 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.

The development is permitted a maximum of 330 dwelling units, of which no more than 210 units may be single-family detached or two-family attached. No more than 11 units may be located in the 11.26 acres in the Rural Future Land Use category.

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 (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.

b. Site Development Regulations:

DEVELOPMENT REGULATIONS	R-1 Areas		R-2 Areas			
	SINGLE-FAMILY	TWO-FAMILY ATTACHED	SINGLE-FAMILY	TWO-FAMILY ATTACHED	TOWNHOUSE	MULTIFAMILY
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 sq. ft.	3,750 sq. ft.	5,040 sq. ft.	3,600 sq. ft.	2,000 sq. ft.	5,400 sq. ft.
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 or 0 feet (**)	5 feet	5 or 0 feet (**)	5 or 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 LDC 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).~~

The Daughtrey's Creek floodway crosses the site. Any encroachment in or crossing of the floodway must be in accordance with all local, state, and federal regulations.

~~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.~~5. **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~~6. **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~~7. **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~~8. **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 or 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~~9. **Gopher Tortoises**

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 protected species management plan will be prepared that addresses the onsite gopher tortoise that are currently located and will remain within the indigenous and non-indigenous preserve areas.

b. Prior to clearing pursuant to the vegetation removal permit, a gopher tortoise fence must be installed around the limits of the preserves to ensure that no impacts will occur to any gopher tortoise burrow located in the preserve. Gopher tortoises located in the 25-foot buffer area to the preserves must 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).

~~11~~0. **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 MCP.

11. **Existing Agricultural Uses**

The existing bona fide agricultural uses of cattle grazing and hay-production that exists on the property at the time of rezoning may continue in the areas depicted in the "Existing Agricultural Use Affidavit (Exhibit B2) until approval of a local development order for the area containing the agricultural uses.

a. Clearing or injury of native trees or other native vegetation, including understory, in these agricultural areas is prohibited. Existing grass pastures may be mowed, but those areas may not be cleared or expanded. This prohibition does not preclude County approved removal of invasive exotic vegetation.

b. Prior to issuance of a local development order, the developer must submit written proof, subject to approval by the County Attorney's Office, of the following:

i. Termination of all agricultural uses on the property subject to the development order application/approval. Proof must include a sworn affidavit from the person or entity holding title to the property that provides:

(1) The date agricultural use ceased;
(2) The legal description of the property subject to development order approval; and
(3) An affirmative statement that the owner acknowledges and agrees that agricultural uses are prohibited on the property unless the property is rezoned to permit agricultural uses.

ii. Proof of termination of the agricultural tax exemption on the property subject to the development order application/ approval. Proof of termination must include a copy of the owner's request to terminate the tax exemption provided to the Property Appraiser.

DEVIATIONS:

Deviation 1 seeks relief from LDC Section 10-254(c), which requires that side lot lines be at specified angles, to allow the side lot line in the Deviation 1 areas to parallel the road, with the road accessing the side of the lot, as shown on Sheet 5 of the MCP.

Hearing Examiner Recommendation: **Approve**.

This deviation enhances the objectives of the RPD while preserving the intended LDC protections.

Deviation 2 seeks relief from LDC Section 10-296(k),[44] which requires that a circular turnaround close the end of a dead-end street, to allow a dead-end road segment less than 150 feet long without a cul-de-sac.

Hearing Examiner Recommendation: **Approve,** *subject* to the following condition:

> Prior to local development order approval, the developer must provide letters from the local fire district and Lee County Public Safety indicating they have reviewed and approved the design of the proposed ~~turnarounds within this development~~ dead-end roads subject to this deviation.

This deviation, as conditioned, enhances the objectives of the RPD while protecting the public purposes.

Deviation 3 seeks relief from LDC Section 10-703, which requires lot depth measurements perpendicular to the street and lot widths between the side lot line at the street, to allow an alternative width and depth measurement method for lots addressed by Deviation 1. The width measurement would be along the side lot line parallel to the road and the lots' depth measurements would be from the point the road right-of-way intersects the lot to the rear of the lot, as indicated on Sheet 5 of the MCP.

Hearing Examiner Recommendation: **Approve**.

This deviation enhances the objectives of the RPD while preserving the intended LDC protections.

[44] Formerly Section 10-296(p).

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

Hearing Examiner Recommendation: **Approve,** *subject* to the following condition:

> Prior to development order approval, the development order plans must illustrate a 5-foot wide enhanced Type A buffer (5 trees per 100 linear feet and a hedge row installed at 48 inches in height) where the lake excavation is ~~30~~ less than 50 feet from the property line. If an optional project wall or fence is proposed, then a 7.5-foot wide buffer must be provided.

This deviation, as conditioned, enhances achievement of the objectives of the RPD while promoting the LDC's intent to protect the public interests.

Deviation 5 seeks relief from LDC Section 10-285(a), which requires intersection separations of 440 feet for minor arterial roads (Slater Road), to allow a 170-foot intersection separation on Slater Road between the project entrance and Bee Charmer Lane.

Hearing Examiner Recommendation: **Approve**.

This deviation enhances the entrance design objectives of the RPD while preserving the intended LDC protections.

Exhibits to these Conditions:
B1 Master Concept Plan
B2 Existing Agricultural Use Affidavit

EXHIBIT B-1

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

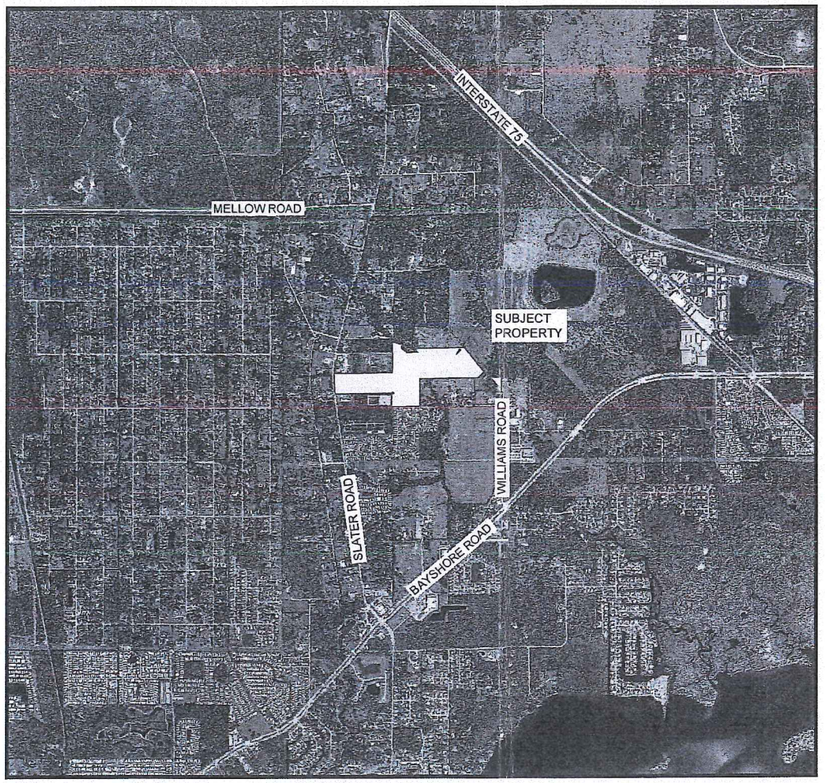
PROJECT DATA

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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ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

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CYPRESS PKWY. #402
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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

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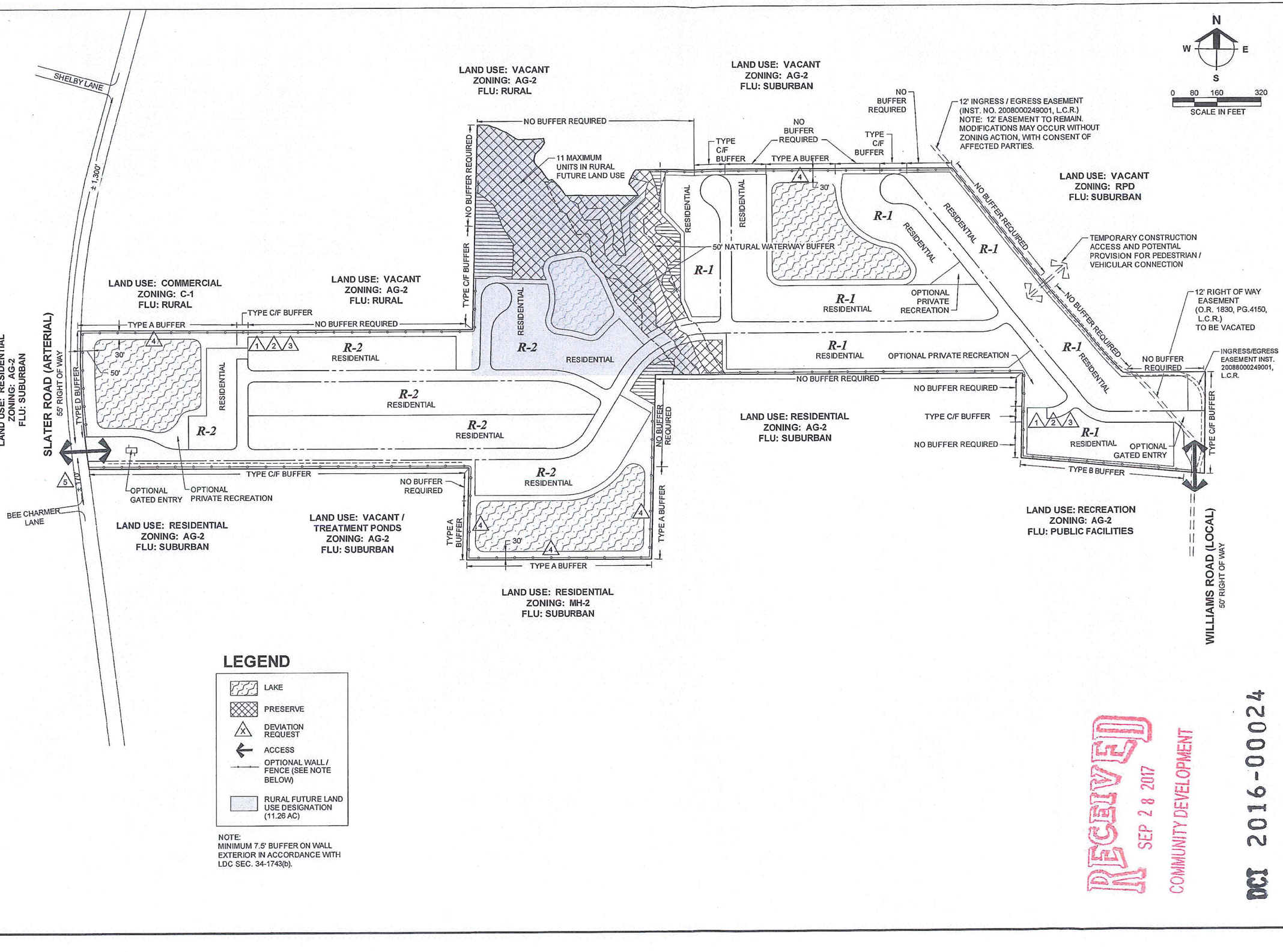
PLAN REVISIONS

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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PLOT BY	ANGELICA HARDY

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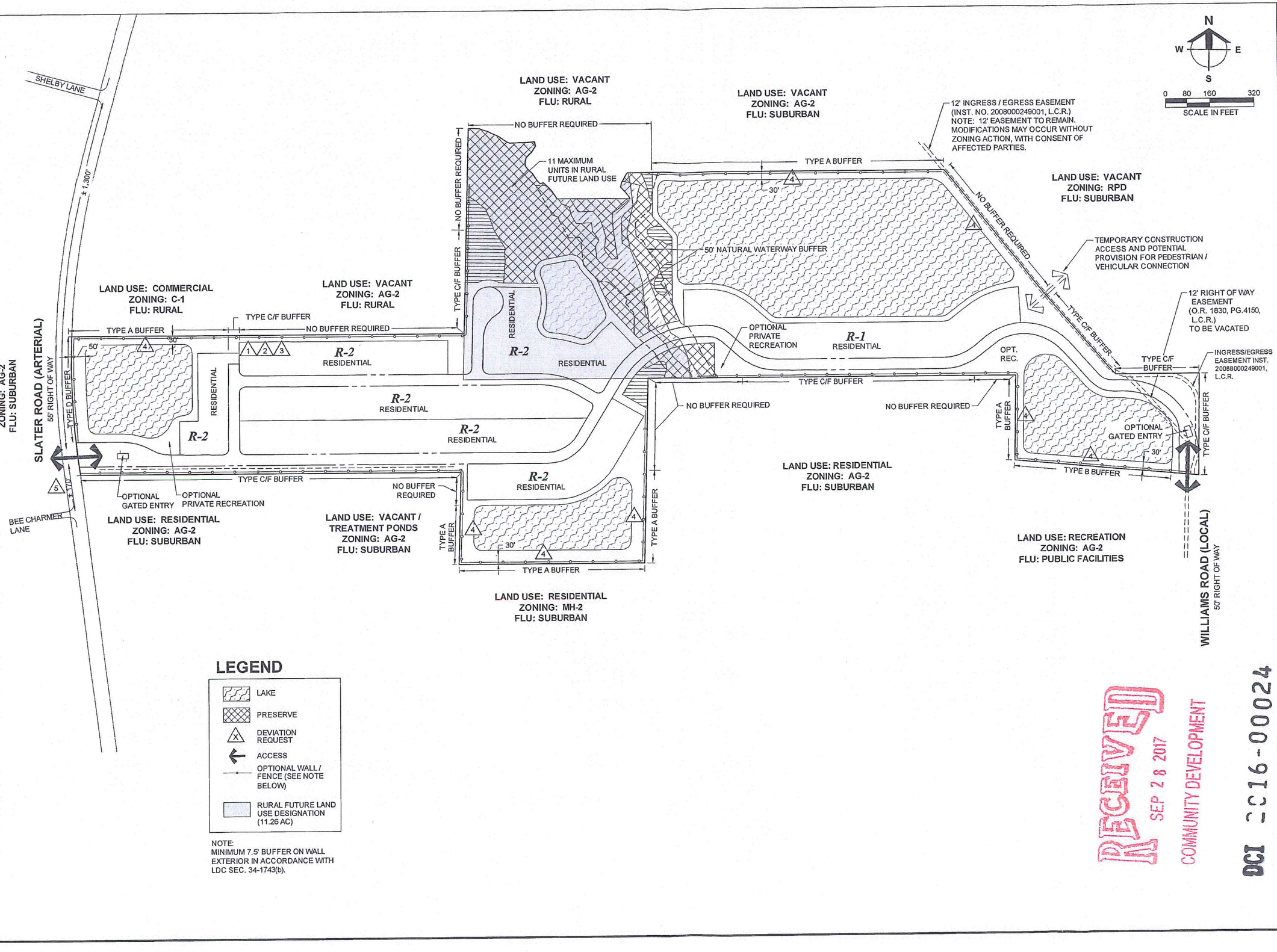
PLAN REVISIONS

4-13-17	SUFFICIENCY

PLAN STATUS

MASTER CONCEPT PLAN A

PROJECT / FILE NO.	SHEET NUMBER
23319	2



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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PLAN REVISIONS

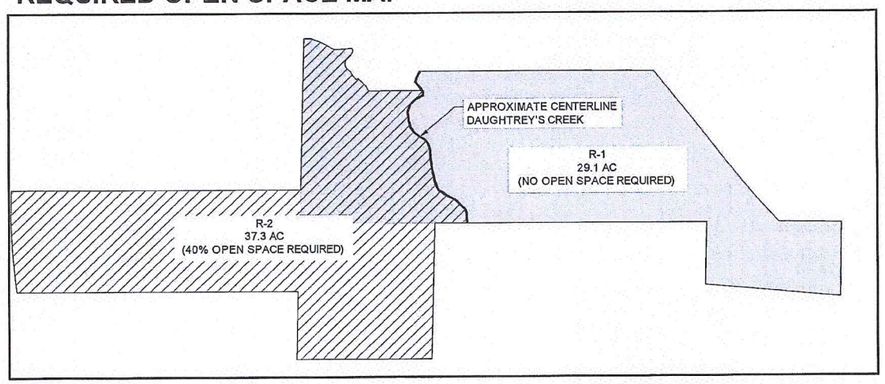
4-13-17	SUFFICIENCY

PLAN STATUS

MASTER CONCEPT PLAN B

PROJECT / FILE NO.	SHEET NUMBER
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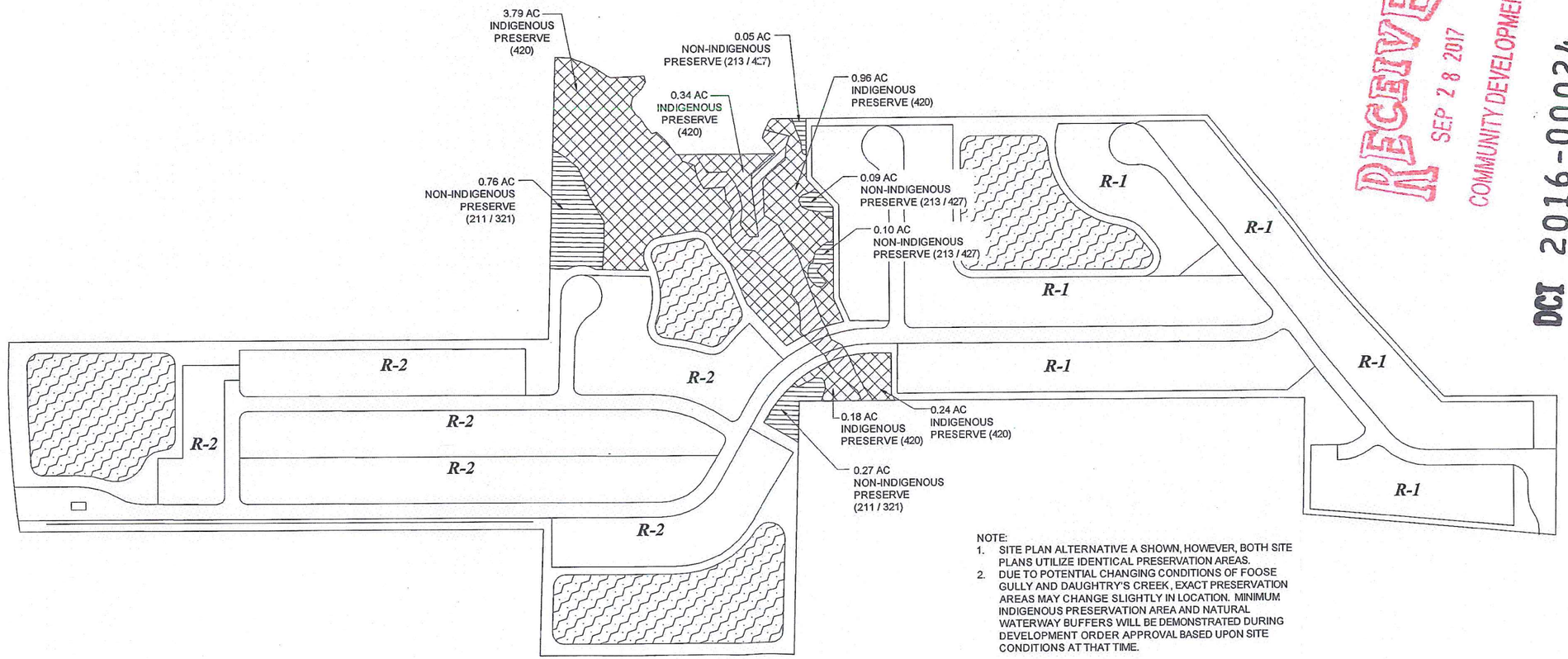
REQUIRED OPEN SPACE MAP



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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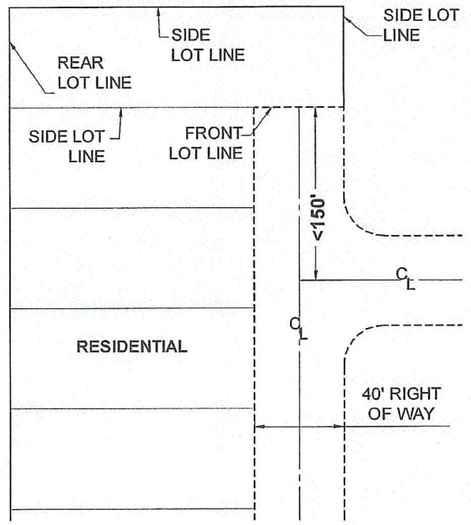
PLAN REVISIONS

PLAN STATUS

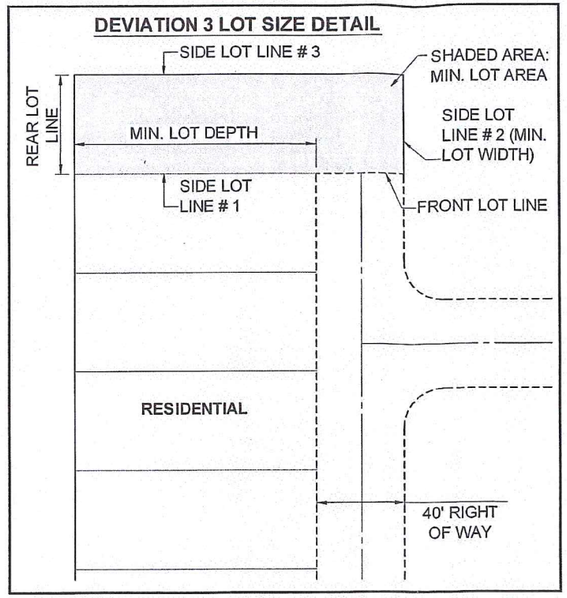
OPEN SPACE AND INDIGENOUS PRESERVE MAP

PROJECT / FILE NO.	SHEET NUMBER
23319	4

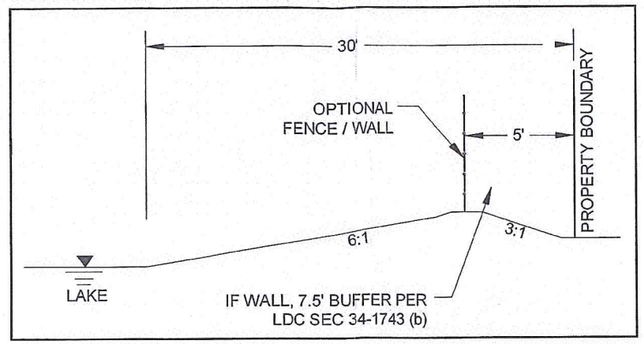
DEVIATION 1 RIGHT ANGLE SIDE LOT LINE
DEVIATION 2 DEAD-END DETAIL



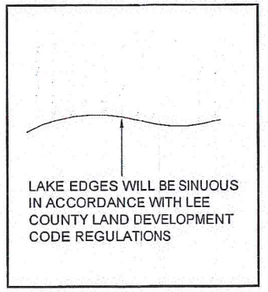
DEVIATION 3 LOT SIZE DETAIL



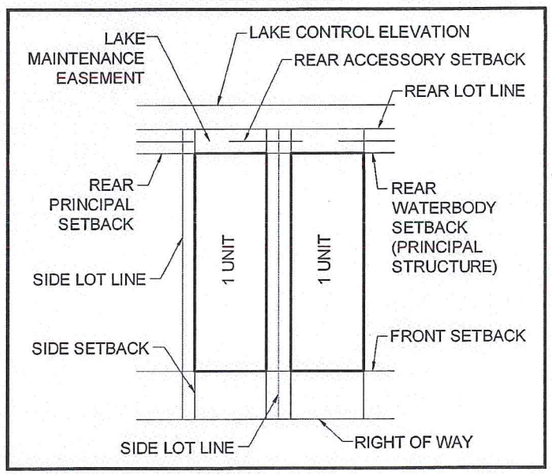
DEVIATION 4 DETAIL



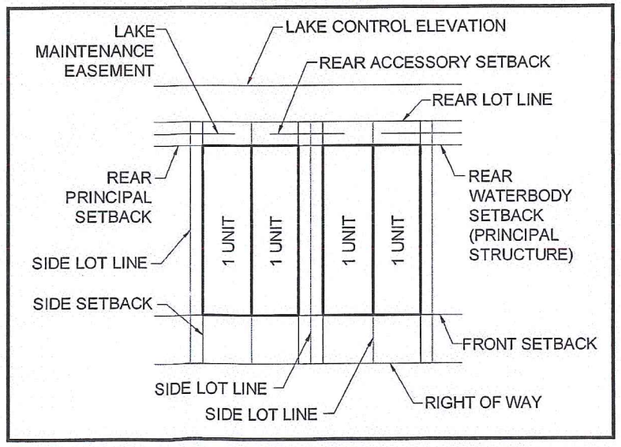
SINUOUS LAKE SHORELINE DETAIL



SINGLE FAMILY DETACHED TYPICAL LOT DETAIL



SINGLE FAMILY ATTACHED TYPICAL LOT DETAIL



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PROJECT DESCRIPTION

GULLY CREEK

LEE COUNTY, FLORIDA

RECEIVED
SEP 28 2017
COMMUNITY DEVELOPMENT

DCI 2016-00024

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CROSS REFERENCED DRAWINGS

BASEPLAN = 23319-Z00A.DWG

PLAN REVISIONS

PLAN STATUS

DEVIATIONS AND DETAILS

PROJECT / FILE NO.	SHEET NUMBER
23319	5

EXHIBIT B2

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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DCI 2016-00024

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 [redacted] as identification.

Notary Public

My Commission Expires

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 [redacted] as identification.

Notary Public

My Commission Expires

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COMPLIANCE DEPARTMENT

[Signatures continued on following page]

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

DCI 2016-00024

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.

DCI 2016-00024

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[Signatures continued on following page]

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 (Y) is personally known to me or has ( ) produced _____ as identification.

Sherry L McConney
Notary Public

My Commission Expires

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

[Signatures continued on following page]

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COMMUNITY DEVELOPMENT

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 12 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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DCI 2016-00024

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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Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF'S EXHIBITS

1. *DCD Staff Report with attachments:* Prepared by Alvin "Chip" Block, Principal Planner, date stamped January 4, 2018 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. *Letter and Concurrency Analysis:* From Dawn Huff, Long Range Planner, with The School District of Lee County, to Alvin Block, with Lee County Development Services Division, dated April 28, 2017 (2 pages – 8.5"x11")

3. *School Zones* for Lee County School District's Schools (1 pages – 8.5"x11")[color]

APPLICANT'S EXHIBITS

a. *48-Hour Notice, Witness List & Exhibit List:* Letter from Neale Montgomery, Esq., with Pavese Law Firm, to the Laura B. Belflower, Hearing Examiner, with copies to John Fredyma, Audra Ennis, Chip Block, Elizabeth Workman, Sharail Cluck, Ron Inge, Jennifer Sapen, Ted Treesh, Wesley Kayne, Barrett Stejskal, dated January 15, 2018 (multiple pages – 8.5"x11")

1. *PowerPoint Presentation:* For Gully Creek RPD, case number DCI2016-00024, dated January 18, 218 (multiple pages – 8.5"x11")[color]

2. *Letter:* From Ronald E. Inge, President of Inge & Associates, Inc., to Richard Shine, dated November 15, 2017 (1 page – 8.5"x11")

3. *Resolutions:* Numbers Z-15-032, Z-17-005, Z-16-008, Z-14-015, Residential Planned Development projects with same deviations being requested in case DCI2016-00024, Gully Creek RPD (multiple pages – 8.5"x11")

4. *Letter:* From Alvin Block, Principal Planner, to Jennifer Sapen, with Barraco & associates, Inc., dated November 21, 2017 (2 pages – 8.5"x11")

5. *Application for Planned Development Public Hearing Unincorporated Areas Only:* Original application for Gully Creek RPD (multiple pages – 8.5"x11")

6. Regular Meeting of the Local Planning Agency Agenda, CPA2006-00004*:* Lee County Ordinance No. 07-06, Small Scale Amendment, 5.43+/- Acre Parcel from Rural to Suburban (multiple double sided pages – 8.5"x11")

7. *Photographs & Graphics:* Depicting the Future Land Use, Daughtrey's Creek, Creek Crossing, FEMA Flood Map & FIRM Floodway (5 pages – 8.5"x11")[color]

Case: DCI2016-00024

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Chahram Badamtchian
2. Marcus Evans
3. Sam Lee
4. Elizabeth Workman

Applicant's Representatives:

1. Ronald Inge
2. Wes Kayne
3. Neale Montgomery
4. Jennifer Sapen
5. Barrett Stejskal
6. Ted Treesh

Public Participants:

1. Gary Adams
2. Stephen Barry
3. Terrill Brake
4. Douglas R. Caton
5. Michael Chodakowsky
6. Gary Erickson
7. Robert Haffa
8. C.J. Fordyce
9. David Foster
10. Genelle Grant

11. Butch Jones
12. Gilbert Mason
13. Patricia Mason
14. Harold D. McFarland
15. Guy Mitchell
16. Jennifer Mitchell
17. Gary Monette
18. Julie Monette
19. Carol B. Phillips
20. Reverend Pastor Richard A. Phillips
21. Roy Reeves
22. Robert Robitaille
23. Richard Shine
24. Jennifer Smith
25. Gloria Thomas
26. Allen Walker
27. Dave Nesbitt
28. Linda Nesbitt
29. Rae Ann Wessel
30. Jack Willard
31. Mary Zettel

Exhibit E

INFORMATION

UNAUTHORIZED COMMUNICATIONS:

The LDC prohibits communications with the Hearing Examiner and her staff on the substance of pending zoning actions. There are limited exceptions where the Hearing Examiner has: (1) requested written communications, or (2) seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:

A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.

B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS:

A. Digital recordings of the hearing are public records that become part of the case file maintained by the Department of Community Development. Each case file is available for examination by interested persons Monday through Friday between 8:00 a.m. and 4:30 p.m.

B. If a court reporter is present, a verbatim transcript may be available for purchase from the court reporting service.