

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING STAFF REPORT

CASE NUMBER: SEZ2025-00001
TYPE OF CASE: *Special Exception*
CASE NAME: *East Fork Creek Farm*
TOTAL ACREAGE: *+/-9.87 acres*
SUFFICIENCY DATE: *July 2, 2025*
HEARING EXAMINER DATE: *August 21, 2025 Continued to October 10, 2025*

REQUEST

RVI Planning and Landscape Architecture, on behalf of David and Alise Bartley of East Fork Creek Farm, LLC have requested a Special Exception in the Agricultural (AG-2) zoning district pursuant to LDC §34-653 and §34-1264(a)(2) to allow indoor and outdoor consumption on premises (COP) in conjunction with limited Food and Beverage Service that is accessory to an Agritourism activity and within 500 feet of a dwelling unit under separate ownership. The request is specific to the subject property located at 6901 Hendry Creek Drive, which has an active Agricultural Exemption. The request includes on-premises COP subject to 13CT, 2COP or 4COP SFS licenses.

The subject property is located at 6901 Hendry Creek Drive, Fort Myers, FL and further identified by STRAP# 36-45-24-00-00014.0000. A legal description of the subject property is attached hereto as Attachment "F".

SUMMARY

*Staff recommends **APPROVAL** of the applicant's request subject to the conditions enumerated herein.*

HISTORY

The subject property consists of approximately 10 acres of land. The property is zoned Agricultural (AG-2) and is currently utilized for agricultural purposes as evidenced by an existing agricultural exemption from the Lee County Property Appraiser (see Attachment "L"). The property is developed with several agricultural buildings, including the structures proposed to be used for agritourism activity. An administrative deviation was approved from the required connection separation distance established in LDC Section 10-285, (ADD2024-00152). The property has also been permitted the construction of an educational center (EFC Farms Educational Center) and associated site improvements approved under LDO2024-00187, FNC2024-03232, and COM2023-02220.

BACKGROUND

The applicant is requesting a Special Exception in the Agricultural (AG-2) zoning district pursuant to LDC §34-653 and §34-1264(a)(2) for indoor and outdoor consumption on premises of alcoholic beverages in conjunction with limited Food and Beverage Service that is accessory to an Agritourism activity, within 500 feet of a dwelling unit under separate ownership. The subject request seeks

approval for 13CT, 2COP or 4COP SFS license types. The request, if approved, will allow consumption on premises limited to the northern part of the property, where events will primarily occur in the existing open-air barn and the newly constructed event building.

CHARACTER OF THE AREA

The subject property is in the Suburban Future Land Use Category. North of the subject property are Agricultural (AG-2) zoned parcels, many of which are developed with single-family residences across Hendry Creek Drive, a County maintained local road. East of the subject property are parcels zoned Agricultural (AG-2), Community Commercial (CC), and Commercial Planned Development (CPD), as well as South Tamiami Trail, a State-maintained arterial road. South of the property, are parcels zoned Agricultural (AG-2), developed with single-family residences in the Devonwood Estates subdivision. West of the subject property are parcels zoned Agricultural (AG-2) and the non-county maintained local road Roberts Lane. These parcels are primarily developed with residential uses.

ANALYSIS

LDC Section 34-145(c) establishes the review criteria for Special Exception requests. Before approving a Special Exception request, the Hearing Examiner must find the request:

- a. Is consistent with the goals, objectives, policies and intent of the Lee Plan;
- b. Will protect, conserve or preserve environmentally critical and sensitive areas and natural resources, where applicable;
- c. Will be compatible with existing and planned uses;
- d. Will not be injurious to the neighborhood or detrimental to the public welfare; and
- e. Will be in compliance with zoning regulations pertaining to the use and other applicable regulations.

The applicant has provided a request statement addressing the motive of the Special Exception and an analysis of the decision-making criteria (see Attachment "C"). The following sections provide staff's analysis of the request, as measured against the review criteria. Specifically, staff finds the request:

- a. Is consistent with the goals, objectives, policies and intent of the Lee Plan:

In accordance with Land Development Code Section 34-2, agritourism means "any agricultural related activity on land classified as agricultural under F.S. §193.461 that is consistent with and accessory to a bona fide farm or ranch or in a working forest which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions. An agritourism activity does not include the construction of new or additional structures or facilities intended primarily to house, shelter, transport, or otherwise accommodate members of the general public. An activity is an agritourism activity whether or not the participant paid to participate in the activity."

Ordinance 15-11 amended Land Development Code (LDC) Section 34-653 to allow agritourism uses within the AG-2 (Agricultural) zoning district. These uses include passive

and active recreational activities, educational activities and classes, demonstrations, events, and tours, produce stands and sales of unprocessed and processed agricultural products, agriculture-related crafts, cottage food products (as defined by Florida Statutes), food and beverage service, limited (as defined), and other activities determined to be substantially similar to the above activities. East Fork Creek Farms, and the associated operations, comply with the definition of agritourism use. The request for on premises consumption in conjunction with an agritourism use, in conjunction with limited food and beverage service is accessory to the agricultural use and will allow the farm to offer alcoholic beverage service to attendees of events held on site. The applicant proposes alcoholic beverage sale and service under one of the following COP licenses: 2COP, 4COP SFS, and 13CT. These licenses are defined by the Department of Business and Professional Regulation as follows:

- 2COP – Permits beer and wine to be sold by the drink or in sealed containers for consumption on or off the premises where sold. A 2COP license holder must maintain compliance with Florida Beverage Law.*
- 4COP (SFS) – Permits beer, wine, and liquor to be sold by the drink for consumption on premises or in a sealed container meeting the requirements of s. 561.20(2)(a)4, F.S., for consumption off premises. A 4COP (SFS) license holder must have 2,000 square feet of service area, be equipped to serve meals to 120 persons at one time, has at least 120 physical seats available for patrons to use during operating hours, holds itself out as a restaurant, and derives at least 51 percent of gross food and beverage revenue from the sale of food and nonalcoholic beverages. May not operate as a package store and may not sell intoxicating beverages after the hours of serving or consumption of food have elapsed. License holders may not operate as a package store and may not sell intoxicating beverages after the hours of serving or consumption of food have elapsed. License may not be moved to a new location.*
- 4COP (QUOTA) – Permits beer, wine, and liquor to be sold by the drink or in sealed containers for consumption on or off the premises where sold. A 4COP (QUOTA) license holder must maintain the licensed premises in an active manner in which the licensed premises are open for business to the public for the bona fide retail sale of authorized alcoholic beverages during regular and reasonable business hours for the minimum hours per day and days per year as specified in s. 561.29(h) or (i), as applicable to the license.*
- 13CT – Permits beer, wine, and liquor to be sold by the drink for consumption on the premises only of any catered event at which the licensee is providing prepared food. A caterer must be licensed by the Div. of Hotels & Restaurants under Ch. 509, F.S., and derive at least 51% of gross food and beverage revenue from sales of food and nonalcoholic beverages at each catered event. Must purchase alcoholic beverages through a licensed vendor. A 13CT license holder may not store alcoholic beverages to be sold or served at a catered event. Alcoholic beverages not used at the event must remain with the customer or be returned to the vendor for credit or reimbursement.*

The subject property is located in the Suburban Future Land Use (FLU) category as described in Lee Plan **Policy 1.1.5**. This policy states that the Suburban FLU category will consist primarily of predominantly residential areas that are either on the fringe of the Central Urban or Urban Community future land use categories or in areas where it is appropriate to protect existing or emerging residential neighborhoods. This category provides housing near the more urban areas but does not provide the full mix of land uses typical of urban areas. Industrial land uses are not permitted. The proposed COP associated with agritourism and existing bonafide agricultural uses is within the allowable range of permitted non-residential uses in the Suburban FLU. Staff finds the request is consistent with **Policy 1.1.5 of the Lee Plan**.

Lee Plan Policy 4.1.1 requires connection to a public water supply for projects having an excess of 30,000 square feet of gross leasable area. **Lee Plan Policy 4.1.2** requires commercial projects generating more than 5,000 gallons of sewage per day to connect to a sanitary sewer system. A letter of availability has been provided from Lee County Utilities (see Attachment "D") indicating infrastructure and capacity is available to serve the subject property. Staff finds the request is consistent with **Standard 4.1.1 and Standard 4.1.2**.

Lee Plan Policy 5.1.5 seeks to protect existing and future residential areas from encroachment of uses that may be destructive to the character and integrity of the residential environment. If such uses are proposed in the form of a Planned Development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. In this case, a special exception is being sought and any applicable conditions may be attached to minimize or eliminate the potential impacts. The proposed use is permitted in the underlying AG-2 zoning district. Land Development Code (LDC) Section 34-1264(a)(2)a. requires a special exception to permit the sale or service of alcoholic beverages for consumption on-premises in conjunction with limited food and beverage service accessory to an agritourism activity when located within 500 feet of a dwelling unit under separate ownership. The applicant has provided a site plan depicting proposed COP areas which are limited to the northern 2 acres of the site, approximately 1,100 feet away from Devonwood Estates and proximate to Hendry Creek Drive and the US 41 commercial corridor. As indicated on the site plan, the property includes a 5-foot-wide enhanced Type A buffer with a 6-foot-tall opaque wall, landscaped on the exterior side of the wall with 4 trees planted per 100 linear feet depicted along the western property boundary abutting the COP area. Staff recommends a condition of approval to continue this enhanced Type A buffer along the property's Hendry Creek Drive frontage to appropriately buffer additional residential uses across Hendry Creek Drive. Therefore, the site plan will need to be revised to depict a 5-foot-wide enhanced Type A buffer with a 6-foot-tall opaque wall landscaped on the exterior side of the wall with 4 trees planted per 100 linear feet along the northern property line abutting Hendry Creek Drive. Staff has included conditions related to the hours of operation and noise considerations to assure compliance with this policy. Staff finds the request, as conditioned, is consistent with **Lee Plan Policy 5.1.5**.

Lee Plan Goal 9 seeks to protect existing and potential agricultural lands from the encroachment of incompatible land uses and to discourage the introduction or expansion

of agricultural uses in the future urban areas. The subject property is utilized for Bonafide agricultural uses, and the request does not constitute an expansion of an existing agricultural use; rather, the applicant has requested on-premises consumption of alcoholic beverages in conjunction with limited food service accessory to an agritourism activity on a property located in a future suburban area. **Lee Plan Objective 9.1** seeks to place existing active and passive agricultural uses, that are zoned AG, have an agricultural exemption from the property appraiser's office, and are located outside of areas anticipated for urban use during the life of the plan on an Agricultural Overlay. Non-contiguous parcels less than 100 acres in size will not be included on this Overlay. The subject property is an existing agricultural use on agriculturally-zoned property, with an active Agricultural exemption from the property appraiser's office. The property is not located in the Agricultural Overlay but is in a future suburban area of the county. **Lee Plan Objective 9.2** intends to prevent the location of agricultural uses proximate to incompatible urban uses and to promote the efficient use of existing and programmed urban infrastructure, new agricultural uses should be directed away from future urban areas. The subject property is an existing agricultural use in an area comprised of existing residential uses, agricultural uses and commercial uses along Hendry Creek Drive, emphasizing the diverse land uses within the existing neighborhood. **Lee Plan Policy 9.2.1** prohibits rezoning to agricultural districts in future urban and suburban areas except for parcels five acres or larger designated Sub-Outlying Suburban or, if located within the Pine Island or Caloosahatchee Shores Community Plan area, designated Outlying Suburban or Suburban. Requests to rezone properties to an agricultural district within the Sub-Outlying Suburban, Outlying Suburban, or Suburban future land use categories will be reviewed on a case by-case basis with consideration of the following: current and future availability of public services; compatibility with surrounding land uses; acreage of the request; cumulative effect on County tax base; and, protection or mitigation of environmental features, including but not limited to flow-ways, protected species, and habitat. The subject property is not proposing a rezoning to the Agricultural zoning district; the property exists as an agriculturally-zoned property in the Suburban future land use category. Staff finds the request consistent with **Lee Plan Goal 9, Objective 9.1, Objective 9.2, and Policy 9.2.1.**

- b. Will protect, conserve or preserve environmentally critical and sensitive areas and natural resources, where applicable;

The special exception site plan does not propose any impact to Hendry Creek or impact environmentally sensitive areas of the site. The subject property is less than ten acres in size but the development footprint could be over 2 acres. If the total amount of impervious surfaces is over 2 acres, then the project would constitute a large development as defined in the LDC, requiring the need for a final calculation of all impervious surfaces to be detailed in any required development order plans, along with any other aspects of how the applicant intends to maintain the environmentally critical and sensitive areas of the property in conditions contained herein.

- c. Will be compatible with existing and planned uses in the surrounding area:

The applicant intends on continuing to maintain and operate the property's current use as an agricultural farm. The proposed special exception use will occur on a limited basis as

and, as conditioned, will remain compatible with the surrounding land use pattern. Landscape buffers will screen the views of the event space housing COP along and western and northern property lines. This includes a six-foot-tall opaque pre-cast wall as approved through FNC2024-03232 (See Attachment "N").

d. Will not be injurious to the neighborhood or detrimental to the public welfare; and

The applicant is proposing limitations to the agritourism use so as not to impact the surrounding residential uses. This includes proper management of noise levels, lighting, hours of event operations, and amount of guests per event. These limitations are included as recommended conditions of approval. The proposed use will not adversely affect surrounding properties. The site plan explicitly places the event area toward the Hendry Creek Drive frontage, and provides screening, thereby minimizing any potential disturbances. This design ensures adequate accommodation to help alleviate any potential impact on neighboring areas. Further, recommended conditions of approval seek to promote responsible consumption and maintain a peaceful environment. This includes proper management of noise levels, adherence to all local regulations, and consideration of nearby residents.

e. Will be in compliance with zoning regulations pertaining to the use and other applicable regulations.

The request allows the applicant to promote the primary use of the property as an aquaponics/hydroponic farming activity. The request for the special exception is in compliance with zoning regulations pertaining to the uses and will occur on a limited basis.

CONCLUSION

The requested special exception is consistent with the Lee Plan and Land Development Code. The requested special exception is consistent with the allowable consumption on premises in conjunction with limited food and beverage service offered as an agritourism activity within the Suburban future land use category. Staff has concluded that approval of the special exception, as conditioned, will not adversely affect environmentally critical or sensitive areas and natural resources, will be compatible with existing and planned uses, and will not be injurious to the neighborhood or detrimental to public welfare. Therefore, staff recommends **APPROVAL** of the applicant's request subject to the following conditions:

1. Development of the site must be substantially consistent with the site plan revised April 14, 2025, attached as Attachment "G". COP is limited to the areas depicted on the site plan.
2. Special exception approval does not establish a right to obtain permits from state or federal agencies. Further, approval does not establish county liability if Applicant: (a) does not obtain requisite approvals or fulfill obligations imposed by state or federal agencies; or (b) undertakes actions that result in a violation of state or federal laws.
3. COP License

Consumption on premises is limited to a 13CT, 2COP or 4COP (SFS) license in conjunction with limited food and beverage service as an accessory to the agritourism activity. Any change in use or license types will require separate approval in accordance with the LDC.

4. Development Order/ Permitting Requirements

- a. *Prior to sign-off of State alcoholic beverage licensing documents by Lee County, the applicant must amend or pursue a minor change to LDO2024-00187 (See Attachment "M") to demonstrate compliance with the following conditions:*
 1. *A calculation of the total amount of impervious surfaces.*
 2. *A 5-foot-wide enhanced Type A buffer to include a 6-foot-tall opaque wall landscaped on the exterior side of the wall with 4 trees planted per 100 linear feet must be depicted along the western property boundary abutting the COP area and along the northern property line abutting Hendry Creek Drive.*
- b. *Fence permit (FNC2024-03232) must be revised to relocate the 6-foot wall off of the western and northern property lines to allow for the planting of the required Type A buffer trees along the western boundary abutting the COP area and northern property line along Hendry Creek Drive.*
 - o *STAFF NOTE: The site plan will need to be revised as it does not depict the aforementioned buffer along Hendry Creek Drive.*

5. Hours of Operation

Events are limited to Sunday through Thursday 12 p.m. to 9 p.m. and Friday through Saturday 12 p.m. to 10 p.m.

6. Live Entertainment

Music and live entertainment are subject to the Lee County Noise Ordinance. Amplified music is prohibited in the open-air pole barn and is permitted only within the fully enclosed building labeled "Event Space" on the special exception site plan. All windows must be shut during events with amplified noise. Speakers within the enclosed event building must be oriented to the north and east.

ATTACHMENTS

A. *Expert Witness List*

- B. Case Maps*
- C. Applicant's Request Statement*
- D. Utility Letter of Availability*
- E. ADD2024-00152*
- F. Legal Description*
- G. Special Exception Site/Floor Plan*
- H. Lee County DOT Staff Memo*
- I. Lee County Environmental Staff Memo*
- J. Agricultural Use Affidavit*
- K. Existing Use List*
- L. Agricultural Exemption Renewal*
- M. LDO2024-00187 Site Plan*
- N. FNC2024-03232 Site Plan*

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

Case Number: SEZ2025-00001
Project Name: East Fork Creek Farm
Hearing Examiner Date: October 10, 2025

Kam Muhammad, Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Qualified as an expert witness in the Lee County Land Development Code and Lee Plan.
- 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.

Kate Burgess, AICP, Principal Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Qualified as an expert witness in the Lee County Land Development Code and Lee Plan.
- Staff reviewed and provided comments for sufficiency. 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.

Ally Hall, Plan Reviewer, Development Services, 1500 Monroe Street, Fort Myers, FL 33901

- Qualified as an expert witness in the Lee County Land Development Code and Lee Plan.
- Staff reviewed and provided comments for sufficiency. 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.

Jillian Scholler, Deputy Director, 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.
- 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.

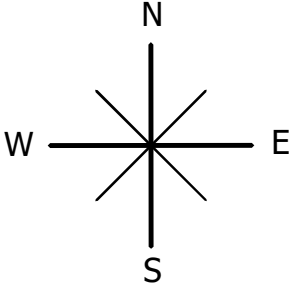
Nic DeFilippo, Senior Environmental Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- 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.

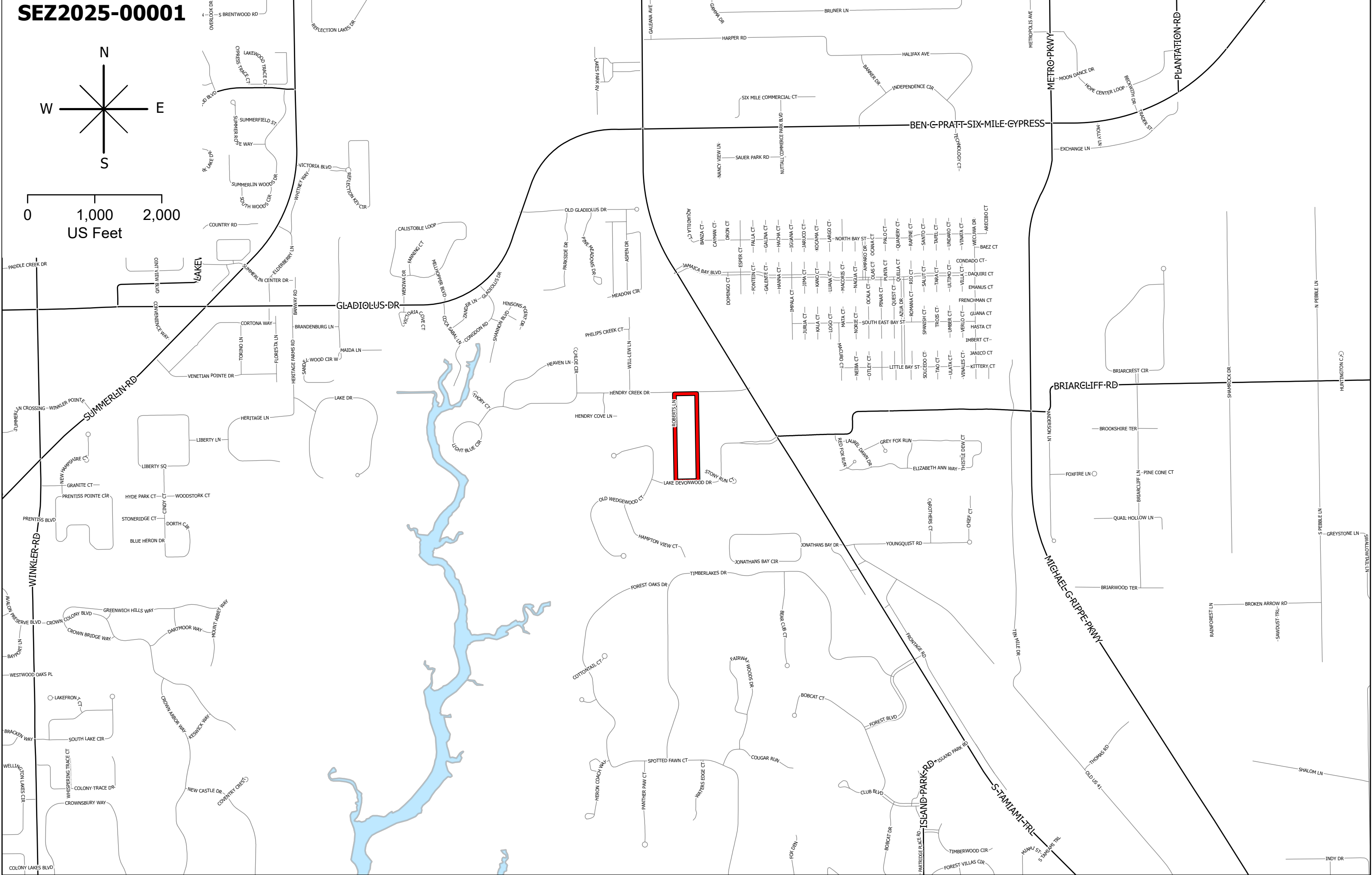
William Lange, Environmental Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- 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: Environmental Staff Memorandum along with the Lee County Land Development Code, the Lee Plan, and documentation submitted by the applicant as part of the subject application.

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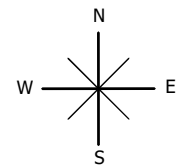




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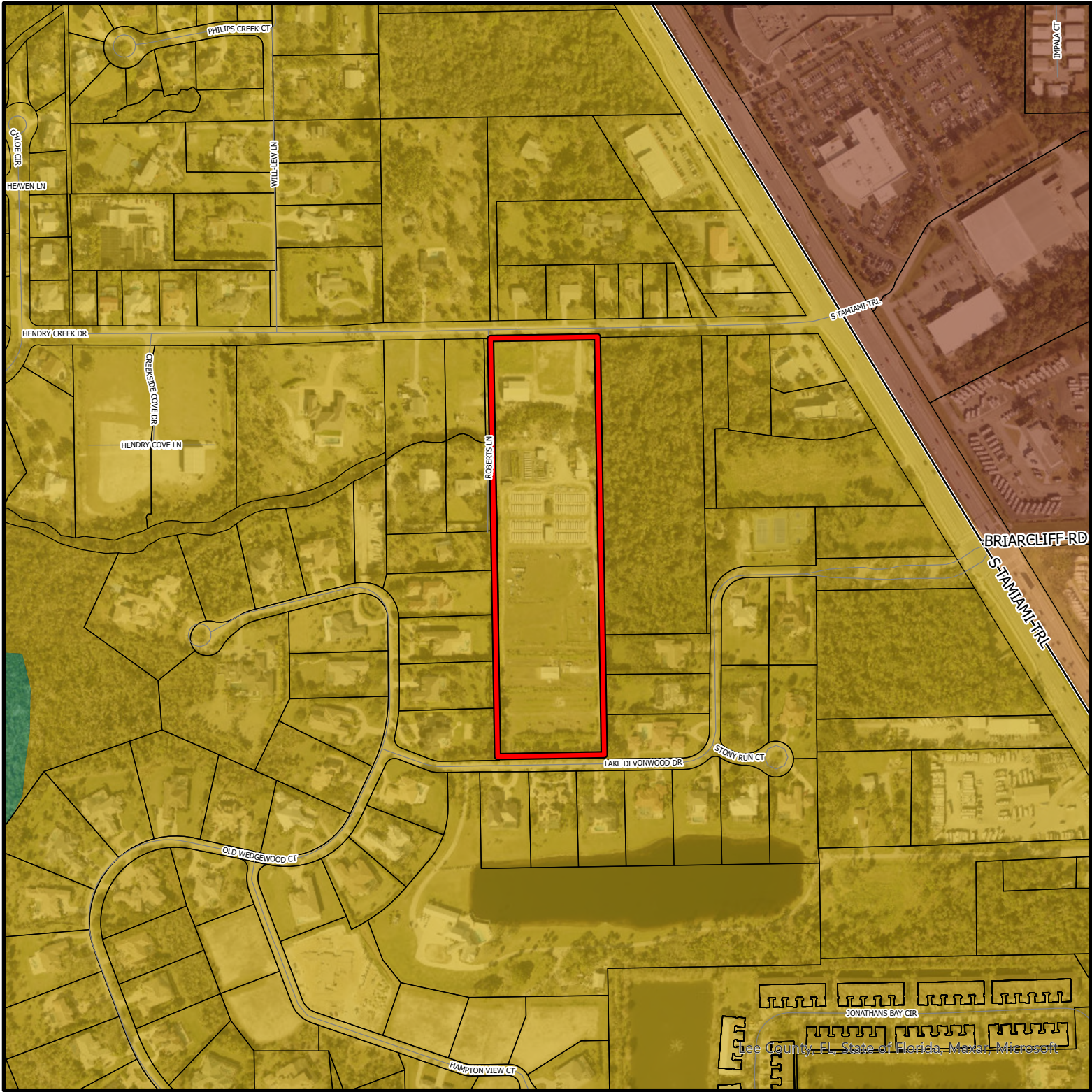
Aerial

 Subject Property



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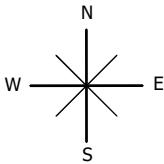
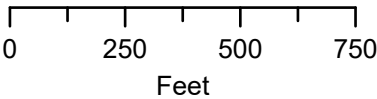


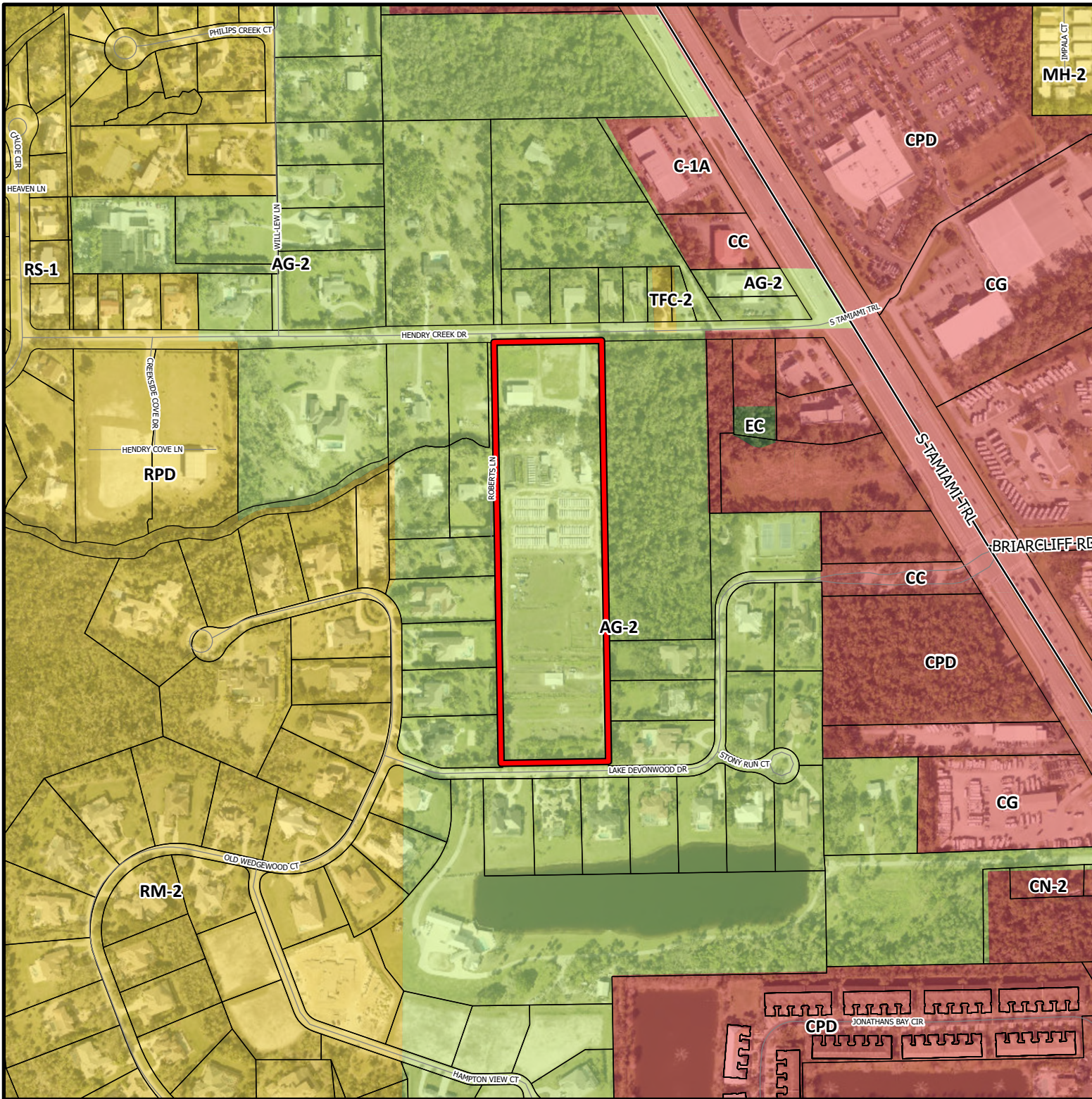


SEZ2025-00001

Future Land Use

-  Subject Property
-  Central Urban
-  Urban Community
-  Suburban
-  Wetlands

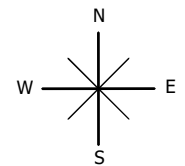
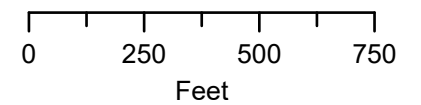




SEZ2025-00001

Zoning

 Subject Property





EAST FORK CREEK FARM SPECIAL EXCEPTION

REVISED SEPTEMBER 2025

I. Request Statement

East Fork Creek Farm, LLC (Applicant) is requesting a Special Exception in the Agricultural (AG-2) zoning district to allow indoor and outdoor consumption on premises (COP) in conjunction with limited Food and Beverage Service that is accessory to an Agritourism activity and within 500 feet of a dwelling unit under separate ownership. The request is specific to the subject property located at 6901 Hendry Creek Drive, which has an active Agricultural Exemption. The request includes on-premise COP subject to 13CT, 2COP or 4COP licenses.

The COP is proposed to support events hosted on the property and is necessary per Land Development Code (LDC) Section 34-1264 as the indoor and outdoor areas where the COP will take place are within 500 feet of a dwelling unit that is owned by a separate party. Initially, the Applicant intends serve alcohol via the caterer's licenses (13CT). However, should a 2COP or 4COP license be obtained by the Applicant, this Special Exception requests COP under those license types as well. All licenses would be subject to the Special Exception, and associated binding conceptual site plan and conditions/performance standards.

The Property is located at 6901 Hendry Creek Drive, a 10+/- acre parcel zoned Agricultural District (AG-2) within the Suburban future land use category. The request to allow for COP will be limited to the northern 2+/- acres of the property only, where events will primarily occur in the existing open-air pole barn and the newly constructed event building. No additional on-site facilities/areas will be used as event spaces or subject to this COP request.

II. Development Location

The subject property is located west of S. Tamiami Trail and south of Hendry Creek Drive. The parcel is bisected by East Fork Creek (also known as Phillips Creek). The property is in a developed "Future Urban Area" per the Lee Plan, just 600 feet east of the US 41 arterial corridor. Hendry Creek Drive has a varied development pattern that transitions from intensive commercial properties at the US 41 intersection, with single-family uses further west along the roadway.

To the immediate east of the site is a vacant property zoned for agricultural uses. The southern portion of the property abuts the Devonwood residential development. There is a separation of 1,100 feet from any residential areas in Devonwood to the proposed COP locations, which are well buffered by the primary agricultural operation. To the north of Hendry Creek Drive and to the west of the site are single-family dwellings under separate ownership. It is important to note that the two (2) single-family properties immediately across Hendry Creek Drive from the COP area are owned by the Applicant.

Please refer to Table 1 below for a detailed inventory of the adjacent Future Land Use Categories, zoning districts, and existing land uses.

Table 1: Inventory of Surrounding Lands

	FUTURE LAND USE	ZONING	EXISTING LAND USE
NORTH	Suburban	AG-2	Single Family Residential
SOUTH	Suburban	AG-2	Single Family Residential
EAST	Suburban	AG-2	Vacant
WEST	Suburban	AG-2	Single-Family Residential

III. Existing Conditions & Property History

The site consists of a single parcel located 600 feet west of S. Tamiami Trail and south of Hendry Creek Drive, adjacent to Roberts Lane on the western boundary. The property is currently an active farm subject to an Agricultural Exemption, and primarily utilized for aquaponics/hydroponic, greenhouse agricultural and additional sustainable farming practices with chickens, goats, and bees. Most of the farming activities take place within enclosed greenhouses to minimize water usage and maintain a controlled environment. The agricultural practices are concentrated in the southern part of the property, where several support structures for equipment are also located.

Improvements to the agriculture facilities were made in 2018 and 2020, with additional state-of-the-art greenhouses to be in completed July 2025. The current owners, David and Alise Bartley, acquired the property in October 2021 and are the owners and operators of East Fork Creek Farm. Currently, the northern portion of the site is under construction, which includes a 5,800-square-foot building and additional infrastructure to support the property. All of the above structures are permitted by right without zoning or development order approval pursuant to the “Right to Farm” Act. The Applicant’s Agricultural Exemption is included in the application materials.

IV. Public Infrastructure

The site currently utilizes Lee County Utilities for potable water service, which is supplied through an 8-inch water main along Hendry Creek Drive. The property is served by a septic system on-site, which is permitted by local and state regulations due to the low demand of the agricultural operation.

Primary access to the site is provided via Hendry Creek Drive, a two-lane county maintained local road, with two separate points for ingress and egress. The site also includes a dry detention area on the western side of the property to manage stormwater runoff and prevent any unintentional pollution from entering East Fork Creek. Access to the farming operations is facilitated by an existing bridge that crosses the creek. Parking for the north portion of the site will include approximately 83 spaces with handicap accessible areas includes. Fire/EMS services are provided by South Trail Fire Station #63. Lee County Sheriff’s Office serves the site via the station located northeast of the site along 6 Mile Cypress Pkwy, both services are approximately 2-miles from the site.

V. COP Request & Design Standards

The subject property is often sought out to host educational forums, corporate outings, charity events, weddings, holiday parties, and other family related gatherings. As permitted by the agritourism provisions of the LDC and state law, the Applicant is requesting indoor and outdoor COP to support continued agricultural use of the property.

There are several different COP license types regulated by the State of Florida, each license varies based on types of alcohol or venue type. For this Special Exception, the Applicant is requesting the allowance of on-premises consumption of alcoholic beverages through a 13CT, 2COP or 4COP licenses. The intent is to initially allow catering companies to serve alcohol on-site via their 13CT license, which permits beer, wine and liquor. Over time, the Applicant may apply for their own COP license via the State, which may be a 2COP (beer and wine) or 4COP (beer, wine and liquor).

Both the 13CT and 4COP license allow for the sale and consumption of beer, wine, and liquor. The key difference between the 13CT and the 4COP is that the 13CT permits catering companies to sell and serve alcohol at various locations, while the 4COP applies to a specific location/property. Thus, the type of COP permit has no bearing on the “intensity” or general use requested by this special exception, as both allow for the liquor, beer and wine sales. The 2COP is requested in the event that the 4COP license cannot be obtained. **Regardless of the type of alcohol license obtained, the Applicant’s proposed conditions outlined below will apply to the site to ensure compatibility with the neighborhood.**

The proposed Conceptual Site Plan demonstrates the limited location of the proposed COP and event areas, proposed buffering and other measures to ensure the proposed use will not negatively impact surrounding land uses.

The COP is requested within two (2) existing structures labeled on the conceptual site plan in the northern portion of the site – to the north of the farming area. The primary area for COP is the fully enclosed Event Center totaling 5,209 SF, set back 75+/- feet from the eastern property line and more than 100 feet from the Hendry Creek Drive right-of-way. The secondary area proposed for COP is an open-air pole bar totaling 5,000 SF, which is setback 35+/- feet from the eastern property line and 135 feet from the Hendry Creek Drive right-of-way.

All COP activities will occur in this northern portion of the site, whereas the southern 8 acres will remain in agricultural usage. The site design ensures no impact or vehicular crossing of East Fork Creek by guests on-site for events via sensitive location of the event buildings away from the Creek.

Access to the property is limited to two (2) existing points of ingress/egress from Hendry Creek Drive. Parking in compliance with the LDC, a total of 83 parking spaces, will be provided to accommodate the 8,335 sq. ft. area of the COP space.

Enhanced buffers are proposed where the COP areas interface with adjacent properties under separate ownership. The Hendry Creek Drive right-of-way will be screened from the COP activities via a 6-foot-tall-opaque wall. To the west is a “flag lot” with the property’s driveway, known as Roberts Lane, directly abutting the subject property. This property line is buffered by an existing 6-foot-tall opaque wall that extends the entire length of the COP use area, along with a proposed Type “A” landscape buffer. The eastern property line proposes no buffering other than existing vegetation, as lands to the east are zoned Agricultural (AG-2) and are undeveloped/vacant.

Via proposed conditions outlined in the Staff Report, the Applicant is limiting hours of operation, operational/performance standards relating to live entertainment and amplified music, as well as the above referenced landscaping conditions.

VI. Comprehensive Plan Compliance

The following is an analysis of the request’s consistency with goals, objectives and policies of the Lee County Comprehensive Plan.

Policy 1.1.5 The Suburban future land use category will consist of predominantly residential areas that are either on the fringe of the Central Urban or Urban Community future land use categories or in areas where it is appropriate to protect existing or emerging residential neighborhoods. This category provides housing near the more urban areas but does not provide the full mix of land uses typical of urban areas. Industrial land uses are not permitted.

RESPONSE: The proposed COP associated with agritourism is within the allowable range of permitted non-residential uses in the Suburban FLU. Moreover, the event use is permitted by right due to the property's agricultural exemption.

POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments.

RESPONSE: The proposed COP use, as limited by this application, will not negatively impact the surrounding residential and agricultural character of the area. The property has and will continue to be used primarily for agricultural farming activities. To preserve the residential atmosphere, the use of the property for events will be minimized as proposed by the above conditions, including limited hours of operation and the prohibition on outdoor amplified music/speakers. Further, the applicant has included a condition that requires all windows are to remain shut during events with amplified noise. It should be noted that windows in the event area are double-pane impact resistant hurricane windows that further reduce decibel levels. Additionally, the applicant has included a condition that prohibits amplified music in the open-air pole barn and that all music and live entertainment is subject to the Lee County Noise Ordinance.

The COP area is limited to the northern 2 acres of the site, 1,100+/-feet away from Devonwood and proximate to the US 41 commercial corridor. As indicated on the site plan, the property includes a 5' buffer in addition to opaque walls and landscaping where the property abuts residential lots. Not only are the opaque walls above code requirement, but are specifically chosen to further reduce noise and provide screening in the area of the site where the COP would be permitted. Also, as noted on the site plan, the western boundary features a 5' Type A Buffer. This type of buffer includes 4 trees per 100-feet and 20 shrubs per 100-feet. Lastly, the applicant has gated off the remaining agricultural area of the site to restrict event guest from accessing the additional 8 acres without proper authorization. Based upon the limitations on the use and the design standards proposed, compatibility with the adjacent residential land uses will be maintained.

POLICY 6.1.4: Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.

RESPONSE: This application requests ancillary COP to support agritourism uses allowed by right on the property per the "Right to Farm" Act. Moreover, this special exception does not propose daily commercial use of the property. As noted above, the request includes

limitation on hours of operation, prohibition on outdoor amplified music/speakers, landscape buffers and orientation of the event space to the Hendry Creek frontage to address compatibility.

Policy 6.1.5 Maintain land development regulations that require commercial development be designed to protect the traffic-carrying capacity of roads and streets. Methods to achieve this include, but are not limited to: frontage roads; clustering of activities; limiting access; sharing access; setbacks from existing rights-of-way; acceleration, deceleration and right-turn-only lanes; and, signalization and intersection improvements.

RESPONSE: Access will occur via ingress/egress from Hendry Creek Drive, which provides direct access to US 41, a state-maintained arterial roadway. There are no residential uses to the east of the property on the southside of Hendry Drive as all parcels are commercially developed or vacant. Traffic will pass three (3) residential lots on the north side of Hendry Creek Drive, as all other lots on the northside of the road to the east of the property are owned by the Applicant. Thus, the COP use will not negatively impact from a traffic standpoint as the event use is permitted by right, fully constructed and operational.

NATURAL RESOURCES

Policy 61.1.3: In the event that the timing and volume of freshwater discharges necessary to maintain the health and productivity of estuaries and other wetlands cannot be determined or supported by existing scientific data, the county will sponsor, in collaboration with other agencies, institutions, and organizations, adequate research programs to make such data available.

RESPONSE: As mentioned above, part of the approval for this special exception requires that the site remain unchanged, with no new facilities to be constructed. Since the site is divided by East Fork Creek, the request is limited to the northern portion of the site. Consequently, guests and their vehicles will not impact the site's natural resources or the creek.

VII. Decision-Making Compliance

34-145. (C) SPECIAL EXCEPTIONS.

(3) Findings/review criteria.

a. Prior to granting a special exception, the Hearing Examiner must find the Applicant has proven entitlement to the special exception by demonstrating the request:

1. Is consistent with the goals, objectives, policies and intent of the Lee Plan;

RESPONSE: The proposed request complies with the County's Lee Plan, as detailed in the comprehensive consistency section above. The Suburban FLU allows non-residential uses, including the proposed COP associated with event space. Policies relating to compatibility and neighborhood protection will be upheld based upon the limitation on the proposed use and the site design standards. Existing infrastructure exists to support the project.

2. Will protect, conserve or preserve environmentally critical and sensitive areas and natural resources, where applicable;

RESPONSE: The purpose of the Special Exception is to make use of the existing facilities without any additional development and support continued agricultural usage of the majority of the property. The special exception site plan does not propose any impact on East Fork Creek or impact environmentally sensitive areas of the site.

3. Will be compatible with existing and planned uses;

RESPONSE: The applicants will continue to maintain and operate the property's current use as an agricultural farm. The proposed special exception use will occur on a limited basis as proffered in the proposed conditions and will continue to be compatible with the surrounding land use pattern. Landscape buffers will screen the views of the event space housing COP along and western property line. This includes a six-foot-tall opaque pre-cast wall as approved through FNC2024-03232.

4. Will not be injurious to the neighborhood or detrimental to the public welfare; and,

RESPONSE: The Applicant is proposing limitations to the special exception use so as not to impact the surrounding residential uses. This includes proper management of noise levels, lighting, hours of event operations, and amount of guest per event.

5. Will be in compliance with zoning regulations pertaining to the use and other applicable regulations.

RESPONSE: The request for the special exception will assist with the opportunity to promote the primary use of the property of aquaponics/hydroponic farming activity. The request for the special exception will be in compliance with zoning regulations pertaining to the uses and will occur on a limited basis.

34-1264. SALE OR SERVICE FOR ON-PREMISES CONSUMPTION.

(a) Approval required. *The sale or service of alcoholic beverages for consumption on-premises is not permitted until the location has been approved by the County as follows:*

(2) Special exception

a. A special exception for consumption on the premises is required for:

1. Any establishment not covered by subsection (a)(1) of this section.

RESPONSE: The requested COP is for an agricultural property and subject to the agritourism provisions in LDC Section 34-1264(a)(1)j.

b. The burden of proof that the grant of the special exception will not have an adverse affect on surrounding properties lies with the applicant.

RESPONSE: The proposed use will not adversely affect surrounding properties. The site plan explicitly places the event area toward the Hendry Creek Drive frontage, minimizing any potential disturbances. This design ensures adequate accommodation to help alleviate any impact on neighboring areas. Further, the

applicants are committed to implementing measures that promote responsible consumption and maintain a peaceful environment. This includes proper management of noise levels, adherence to all local regulations, and consideration of nearby residents.

(b) Location; parking.

(1) Prohibited Locations

a. Except as may be exempted in subsections (a)(1) or (b)(2) of this section, no establishment for the sale or service of alcoholic beverages for consumption on the premises may be located within 500 feet of:

2. A dwelling unit under separate ownership, except when approved as part of a planned development.

RESPONSE: The proposed COP area abuts one (1) dwelling unit under separate ownership, approximately 240+/-feet away. Numerous conditions are proposed to mitigate any potential impact of the proposed COP, including provision of an opaque wall with Type A landscape buffer plantings along the abutting property line.

(3) Parking.

Establishments providing alcoholic beverages for consumption on the premises must comply with the parking requirements for the principal use set forth in section 34-2020(b).

34-2020. REQUIRED PARKING SPACES.

(b) Non-residential uses. Non-residential uses permitted under this chapter are subject to the following minimum requirements:

Use	Minimum Required Spaces for Single-Use Development
Recreation facilities (Group III), outdoor, commercial	Determined by the Director.

RESPONSE: The concept plan indicates that the proposed area for events involving on-premises consumption is situated away from the main property use. This section of the site includes approximately 83 parking spaces, which also incorporates handicapped parking, meeting the requirements of the LDC.

VIII. CONCLUSION

The request for a Special Exception for COP in the AG-2 zoning district will not negatively affect neighboring properties and will align with the goals, objectives, and policies outlined in the Lee Plan based upon the numerous proposed conditions relating to buffering, COP location, restrictions on amplified music, access and hours of operation. This request supports the County's commitment to promoting and protecting agricultural resources within the area. There will be no changes or increases in the intensity of current agricultural activities. As noted throughout the request, the COP, whether 13CT, 2COP or 4COP, would allow or the same type of alcohol consumption linked specifically to events held at the East Fork Creek Farms and subject to the conditions of approval and site plan. For these reasons, the Applicant respectfully requests approval based upon the application's consistency with the Lee Plan and LDC.



BOARD OF COUNTY COMMISSIONERS

Kevin Ruane
District One

December 27, 2024

Via E-Mail

Cecil L. Pendergrass
District Two

Patrick Murray
RVI Planning and Landscape Architecture
111 N. Magnolia Avenue
Orlando, FL 32801

David Mulicka
District Three

Brian Hamman
District Four

Mike Greenwell
District Five

RE: **Potable Water Availability**
East Fork Creek Farms – Special Exception – 6901 Hendry Creek Drive
STRAP # 36-45-24-00-00014.0000

Dave Harner, II
County Manager

Richard Wm. Wesch
County Attorney

To whom this may concern:

Donna Marie Collins
County Hearing Examiner

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 4A of the Lee County Comprehensive Land Use Plan. Potable water lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of two (2) commercial units and limited event space (maximum 225 people) with an estimated flow demand of approximately 432,000 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 our Green Meadows Water Treatment Plant.

Sanitary sewer service will be provided by Forest Utilities Water Reclamation Facility.

There are no reuse mains in the vicinity of this parcel.

Prior to beginning design work on this project, please meet with LCU Staff 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/or an executed service agreement, and the approval of all State and local regulatory agencies.



December 27, 2024

Page 2

Further, this letter of availability of potable water service is to be utilized for Special Exceptions only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

Ashanti Shahriyar

LEE COUNTY UTILITIES

Ashanti Shahriyar

Plan Reviewer

239-533-8531

UTILITIES ENGINEERING

Administrative Deviation: **ADD2024-00152**

**DSO ADMINISTRATIVE DEVIATION
LEE COUNTY, FLORIDA**

WHEREAS, RMEC, LLC, on behalf of JJDAZE HOLDINGS LLC, has filed an application for approval of an administrative deviation from the technical requirements of the Lee County Land Development Code, for property known as 6901 Hendry Creek Drive, Fort Myers, FL; and

WHEREAS, the applicant has indicated that the property's STRAP number is 36-45-24-00-00014.0000; and

WHEREAS, the property is zoned AG-2 (Agricultural) and is located in the Suburban Future Land Use Map designation in Lee County; and

WHEREAS, an application for an administrative deviation from the technical requirements of Chapter 10 of the Lee County Land Development Code has been filed; and

WHEREAS, Lee County Land Development Code (LDC), as amended, provides for administrative deviations from certain technical requirements for matters involving streets, access streets, intersections, rights-of-way, drainage swales, public water, public sewer, water mains, mass transit facilities, setbacks for water retention/detention excavations, indigenous native vegetation and similar matters not related to a change in use of the property in question; and

WHEREAS, a deviation is requested from Lee County Land Development Code Section 10-285(a), Table 1 which requires an intersection connection separation distance of 125 feet for local roadways in a future suburban land use designation with a speed limit less than 45 miles per hour to allow a connection separation of 111.6 feet as shown on the site plan enclosed as Exhibit "B"; and

WHEREAS, Hendry Creek Drive is a county-maintained, local roadway with a speed limit of 30 miles per hour serving primarily residential units with limited commercial use at the easter end near US 41; and

WHEREAS, the subject property frontage on Hendry Creek Drive is approximately 331.65 feet; and

WHEREAS, the existing driveways, as shown on the submitted Site Modifications Plan, formerly served Kelly's Nursery, a retail landscape nursery facility; and

WHEREAS, the current spacing of the two existing driveways is consistent with other existing driveway separation distances along Hendry Creek Drive and will not present any undue or unnecessary additional risk by retaining them at their present locations; and

WHEREAS, the proposed improvements are to provide a "customer" entrance for the market and assemblage facility via the western driveway and a farm access via the eastern driveway, and

Administrative Deviation: ADD2024-00152

WHEREAS, Lee County Department of Transportation (LCDOT) has reviewed the requested administrative deviation and has recommended approval; and

WHEREAS, the following findings of fact are offered:

- (a) That the proposed alternative to allow the minimum connection separation distance as shown on the site plan enclosed as Exhibit "B" is based on sound engineering practice in consideration of the following criteria:
 - i The existing driveway entrances are being re-constructed to comply with width, materials, radii, grading and drainage engineering standards. The spacing between the existing driveways is not changing.
 - ii Lee County Department of Transportation has reviewed the requested deviation and has no objection.
- (b) That said proposed alternative is no less consistent with the health, safety, and welfare of abutting land owners and the general public than the standard from which the deviation was requested; and
 - i The request is consistent with conditions found with abutting landowners all along Hendry Creek Drive. Retaining the existing drives at their present locations should not result in any adverse impacts to the neighborhood.
- (c) The granting of the deviation is not inconsistent with any specific directive of the Board of County Commissioners, any other ordinance, or any Lee Plan Provision.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for an Administrative Deviation from Lee County LDC Section 10-285(a), Table 1 is approved as conditioned:

- (a) That approval is subject to substantial compliance with the alternative proposal plan entitled "SITE MODIFICATIONS EFC FARMS 6901 HENDRY CREEK DRIVE", signed and sealed 09/12/2024 by Daniel V. Scippo, P.E. and attached as Exhibit "B"; and
- (b) **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Director may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 9/23/2024

Ohdet Kleinmann, Development Services Manager

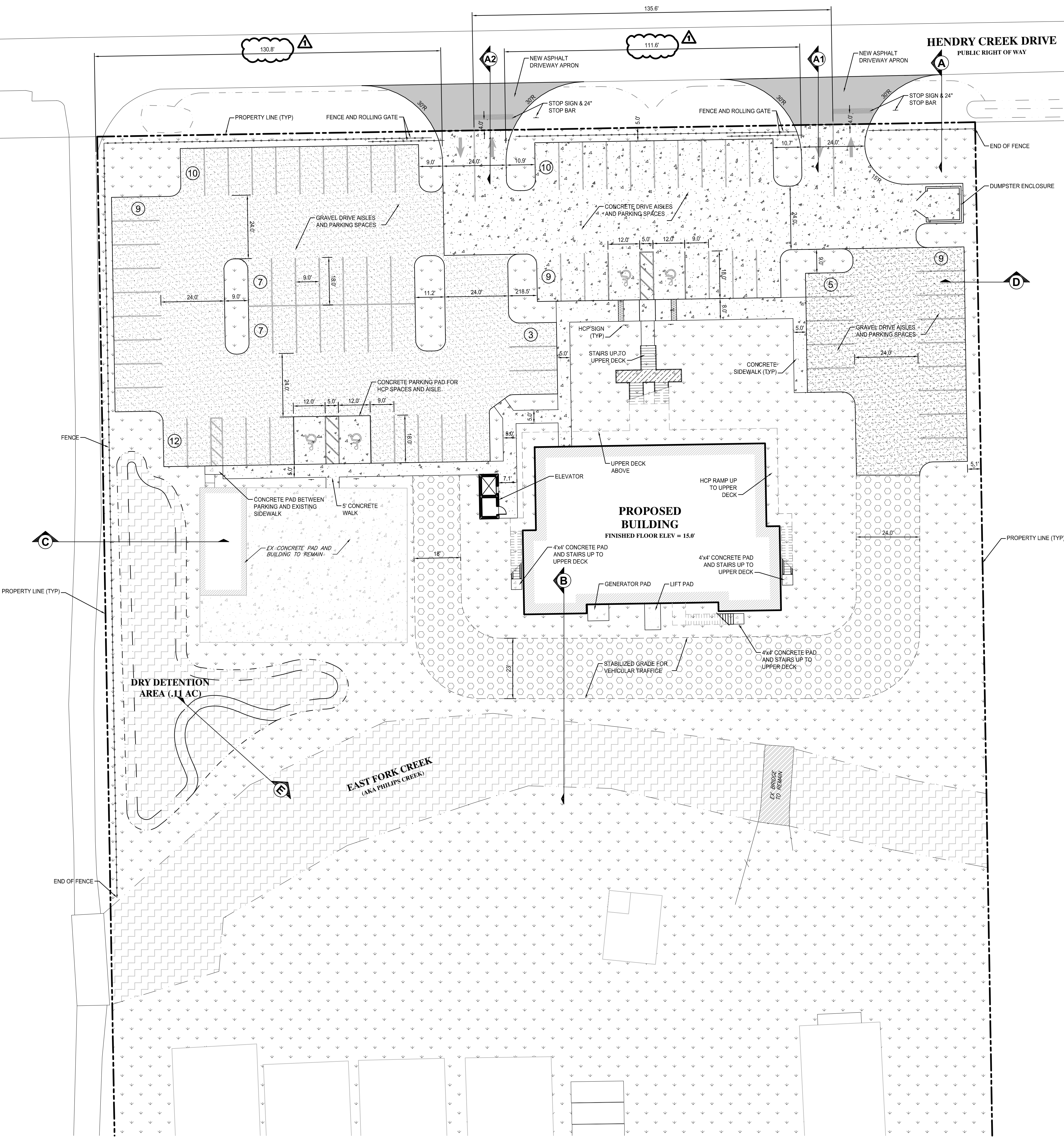
Exhibits

Exhibit A – Legal Description

Exhibit B – "SITE MODIFICATIONS EFC FARMS 6901 HENDRY CREEK DRIVE", signed and sealed 09/12/2024 by Daniel V. Scippo, P.E.

- ✕ = LIGHT POLE
- = POWER POLE
- ◇ = WATER METER
- ◇ = UNDERGROUND TELEPHONE BOX
- = CABLE TELEVISION SERVICE BOX
- ▽ = FLY INTRAP
- = FOUND CONC. MONUMENT
- = FOUND IRON ROD
- = FOUND NAIL
- = SET NAIL & TAB L5 & CAP
- = SET L21 IRON ROD 6220
- = L5C20
- = WATER VALVE
- = TRANSFORMER
- = SANITARY MANHOLE
- = WELL HEAD
- = APPROX. CENTER OF SEPTIC TANK
- = WOODEN PRIVACY FENCE
- = CHAIN LINK FENCE
- = OVERHEAD POWER LINES
- = CENTRAL LINE MALE
- = TOP OF BANK
- Δ = CENTRAL ANGLE
- R = RADIUS
- L = ARC LENGTH

Exhibit B



APPROVED
ADD2024-00152
Allyson Hall, Development Services Plan Reviewer
Lee County Development Services
9/19/2024

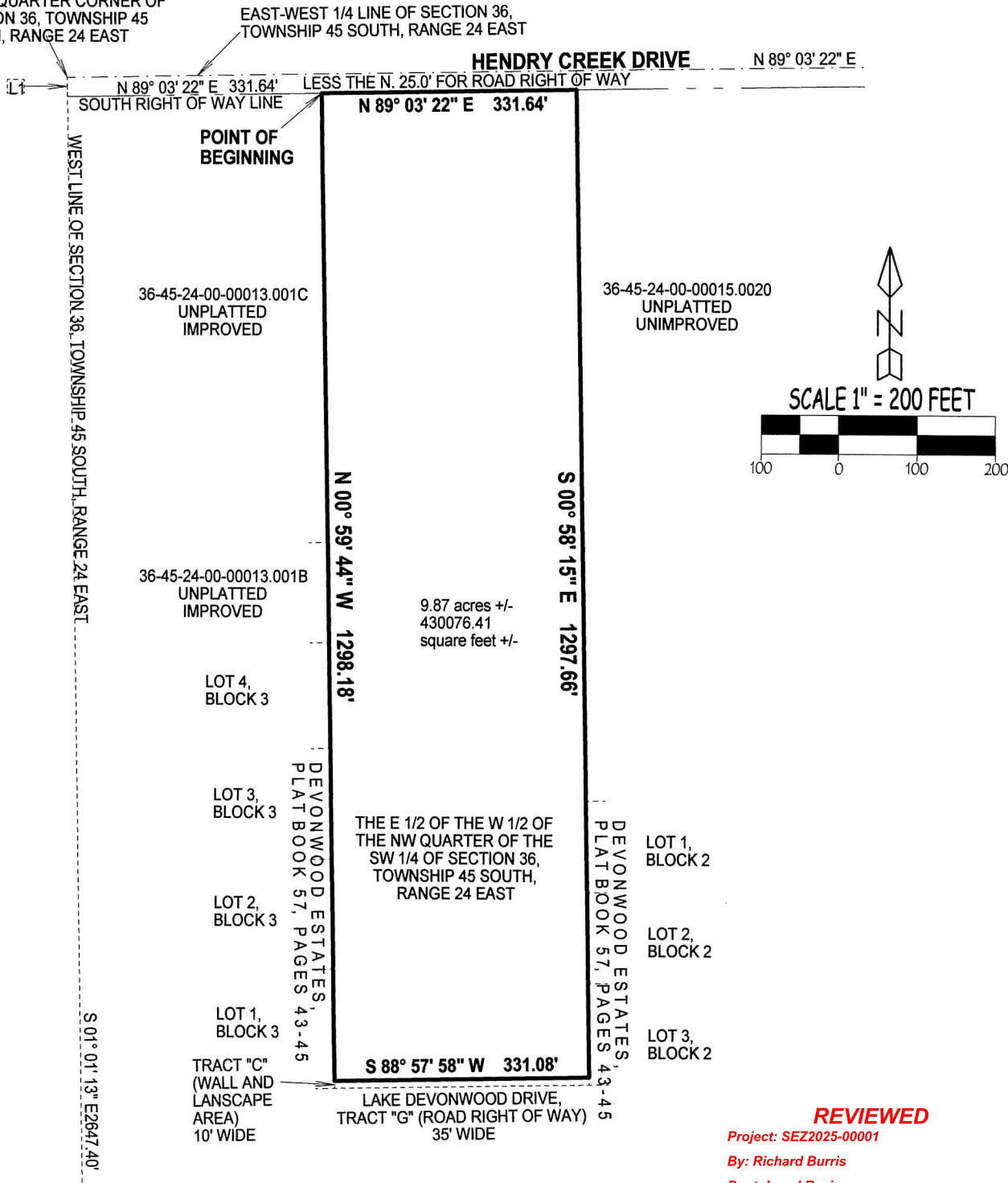
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MICHAEL YOUNG LAND SURVEYING
18714 SPRUCE DRIVE W.
FORT MYERS, FL. 33967
YOUNGSURVEYING@AOL.COM
TELEPHONE 239-267-1700

Exhibit A

SKETCH OF DESCRIPTION
FILE NO: 22297
DATE: 8-22-22

POINT OF COMMENCEMENT:
WEST QUARTER CORNER OF
SECTION 36, TOWNSHIP 45
SOUTH, RANGE 24 EAST



LEGAL DESCRIPTION:

THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LESS AND EXCEPT THE RIGHT-OF-WAY FOR HENDRY CREEK ROAD, LEE COUNTY, FLORIDA MORE FULLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE WEST QUARTER CORNER OF SAID SECTION 36: THENCE S 01° 01' 13" E FOR 25.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF HENDRY CREEK DRIVE; THENCE N 89° 03' 22" E ALONG THE SAID SOUTH RIGHT-OF-WAY LINE PARALLEL WITH THE EAST-WEST QUARTER LINE OF SAID SECTION 36 FOR 331.64 FEET TO THE POINT OF BEGINNING; THENCE N 89° 03' 22" E CONTINUE ALONG THE SAID SOUTH RIGHT-OF-WAY LINE FOR 331.64 FEET: THENCE S 00° 58' 15" E FOR 1297.66 FEET; THENCE S 88° 57' 58" W FOR 331.08 FEET; THENCE N 00° 59' 44" W FOR 1298.18 TO THE POINT OF BEGINNING.
CONTAINING 430076.41 SQUARE FEET, MORE OR LESS.

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

MICHAEL S. YOUNG Digitally signed by MICHAEL S. YOUNG
Date: 2022.08.22 08:36:06 -04'00'

MICHAEL S. YOUNG
PROFESSIONAL SURVEYOR AND MAPPER
LS 6730

8-22-22
DATE SIGNED

REVIEWED
Project: SEZ2025-00001
By: Richard Burris
Dept: Legal Review
Date: 05/23/2025

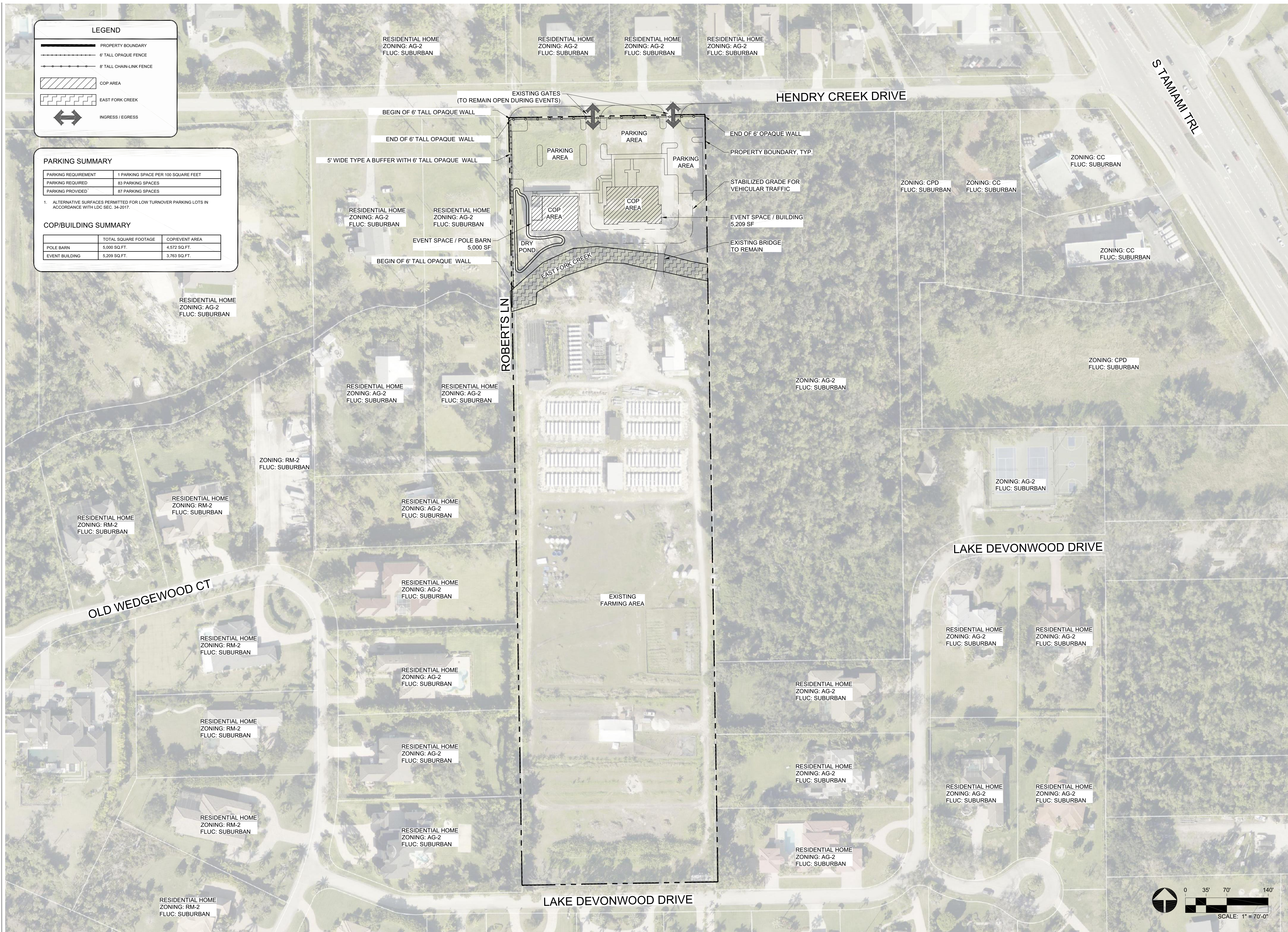
Id Bearing Distance
L1 S 01° 01' 13" E 25.000'

PROPERTY ADDRESS:
6901 HENDRY CREEK DRIVE
FORT MYERS, FLORIDA 33908



A1.2

L:\2024\24008758 - East Fork Creek Farms Special Exception\05 PLANNING\01 PLANS\04 EXHIBITS\01 CURRENT PLANS\00 DESIGN\24008758 - East Fork Creek Farms - CMP.dwg 4/14/2025 gmsa.shang



LEGEND

- PROPERTY BOUNDARY
- 6' TALL OPAQUE FENCE
- 8' TALL CHAIN-LINK FENCE
- COP AREA
- EAST FORK CREEK
- INGRESS / EGRESS

PARKING SUMMARY

PARKING REQUIREMENT	1 PARKING SPACE PER 100 SQUARE FEET
PARKING REQUIRED	83 PARKING SPACES
PARKING PROVIDED	87 PARKING SPACES

1. ALTERNATIVE SURFACES PERMITTED FOR LOW TURNOVER PARKING LOTS IN ACCORDANCE WITH LDC SEC. 34-2017.

COP/BUILDING SUMMARY

	TOTAL SQUARE FOOTAGE	COP/EVENT AREA
POLE BARN	5,000 SQ. FT.	4,572 SQ. FT.
EVENT BUILDING	5,209 SQ. FT.	3,763 SQ. FT.

RVI
111 North Magnolia Avenue
Suite 1350
Orlando, Florida 32801
Tel: 407.680.0650
www.rviplanning.com

Sunshine811
Call 811 or visit sunshine811.com two full business days before digging to have buried facilities located and marked. Check positive response codes before you dig!

EAST FORK CREEK FARMS
SPECIAL EXCEPTION CONCEPTUAL SITE PLAN
LEE COUNTY, FLORIDA

PROJECT NO.: 24008758
DATE: 04/14/2025
DRAWN: JH
REVIEWED: PM

REVISIONS

CONCEPTUAL SITE PLAN

L101



DEPARTMENT OF TRANSPORTATION

Memo

To: Khalil Muhammad, Planner

From: Lili Wu, Principal Planner

Date: July 3, 2025

Subject: SEZ2025-00001 Transportation-Related Analysis

This application is a request to allow for on-premises consumption of alcoholic beverages in association with the events hosted on a portion of the subject property. Since there is no transportation issue, Lee County DOT has no comment for this application.

If you have any questions, please let me know.

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ENVIRONMENTAL STAFF REPORT

CASE NUMBER: SEZ2025-00001
TYPE OF CASE: Special Exception
CASE NAME: Esat Fork Creek Farm
TOTAL ACREAGE: ±9.87 Acres
SUFFICIENCY DATE: July 2, 2025
HEARING EXAMINER DATE: August 21, 2025

Request

The applicant is requesting to allow a special exception pursuant to LDC section 34-1264(a)(2), to allow for on-premises consumption of alcoholic beverages in association with an agrotourism exemption. The property is located east of the Devonwood Estates subdivision, and west US 41. According to the Lee Plan, the parcels are in the Suburban Community Future Land Use Category and Coastal High Hazard Area.

Existing Conditions

Staff completed a desktop review and determined the site was developed for agricultural use by at least the 1950's. The surrounding development is a single-family residential neighborhood called Devonwood Estates subdivision. The development remained unchanged from the 1950's until around 2017 when the property was then sold, and the uses of the property began to shift under new ownership; still agricultural uses. The stormwater system is permitted under 36-109615-P by the SFWMD and is only for the northern portion of the site. The site historically was used for agricultural production and its current use is agricultural production.

OPEN SPACE

All development must contain the minimum percentage of open space. Projects which exceed 2 acres of impervious or are over 10 acres in area are defined as large projects. The amount of impervious surfaces should be totaled prior to the development order approval. If the impervious surfaces is over 2 acres, then the project would be considered a large project and be required to provide 30 percent open space.

INDIGENOUS OPEN SPACE

The Land Development Code requires that large developments must provide 50 percent of the required open space percentage through onsite preservation of existing native vegetation communities (LDC 10-415(b)). The subject property is less than ten acres in size but the development footprint could be over 2 acres. If the total amount of impervious surfaces was over 2 acres, then the project would constitute as a large development. Staff recommend the following condition.

Prior to the issuance of a development order permit, the development order plans must depict the total amount of impervious surfaces.

BUFFERS

Buffering and screening applies to existing landscapes that do not comply with the provisions of LDC 10-416(D) and must be brought into conformity to the maximum extent possible when the vehicular use area is altered or expanded. The buffers are as follows.

North – The northern property boundary abuts Hendry Creek Drive and the right-of-way. When agricultural use abuts a right-of-way, no buffer is required.

South – The southern property boundary abuts Devonwood Drive. When agricultural use abuts a right-of-way, no buffer is required.

West – The western property boundary abuts a vacant agriculturally zoned lot, previously used as a single-family residence. When single-family residential use abuts an agricultural use, no buffer is required. To provide additional compatibility to the special except, the applicant has proposed a Type-A buffer, with a six-foot-high opaque wall along the eastern property boundary to further separate uses. Staff recommend the following condition.

Prior to the issuance of a development order permit, the development order plans must depict along the western boundary, a Type-A buffer, five feet wide, with a 6-foot-high opaque wall, landscaped on the exterior side of the wall with 4 trees planted per 100 linear feet .

East – The property abuts an undeveloped lot. No Buffer required.

AGRICULTURAL USES AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned authority, on this 6th day of June, 2025, personally appeared David Bartley, who is personally known to me or who produced _____ as identification and who did take an oath, who deposes and says as follows: FL drivers license

1. That I am the Owner/Authorized Agent of the Following described property, to wit:
STRAP # 36-45-24-00-00014.0000
2. That the above-described property is used for bona fide agricultural purposes qualifying for the Agricultural Tax Classification of the property described above at the time of this Special Exception application.
3. The agricultural use of the property, Miscellaneous AG Land, is an existing bona fide agricultural use.

FURTHER AFFIANT SAYETH NAUGHT.

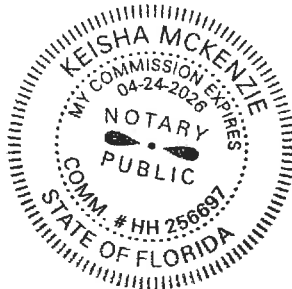
David Bartley

Authorized Agent for JJDAZE HOLDING LLC

SWORN TO and subscribed before me on the date and year first above written.

(Notary Seal)

Commission No.



Keisha McKenzie

Signature of Notary Public

Keisha McKenzie

(Print, type or stamp commissioned name of Notary Public)

LEGAL DESCRIPTION:

THE EAST HALF OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LESS AND EXCEPT THE RIGHT-OF-WAY FOR HENDRY CREEK ROAD, LEE COUNTY, FLORIDA MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST QUARTER CORNER OF SAID SECTION 36:

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CONTAINING 430076.41 SQUARE FEET, MORE OR LESS.

The principal use of the property is agricultural and the event center is an ancillary use. As noted by the Lee County Property Appraiser, the property has an agricultural exemption and includes a land use classification of Miscellaneous Ag Land (5375). As the principal use, the property's agricultural activities include aquaponics, greenhouse agriculture, and additional sustainable farming practices with chickens, goats, bees, and supportive pastureland.

2025 Agricultural Classification Renewal Receipt



Folio ID: 10219622 Site Address: 6901 HENDRY CREEK DR

According to our records, there were no changes in the agricultural use of this parcel that required you to submit a new application (Form DR-482). Based on that information, the agricultural classification for this parcel has been conditionally renewed for 2025.

To complete your tax year 2025 annual renewal, please visit our website at www.leepa.org and enter code **BDLMYK2025** to review/update your contact information and/or report any changes in the agricultural use of the property. Once you have completed the annual renewal, we will acknowledge your review and advise you if we require further follow-up.

If your property continues to be impacted by Hurricane Ian or the recent hurricanes in 2024, please let us know so that we can update our records. Simply go to www.leepa.org and enter the code from above to update/report your damage information.

In mid-August, you will receive your 2025 Notice of Proposed Property Taxes (TRIM Notice). Please review that Notice to verify your classification status for 2025.

Thank you in advance for your cooperation. If you are unable to review your information on the website or you have any questions or need additional information, please contact our office at (239) 533-6162, email agriculture@leepa.org, or visit our website at www.leepa.org.

Sincerely,

Matt Caldwell

Lee County Property Appraiser



Property Data

STRAP: 36-45-24-00-00014.0000 Folio ID: 10219622

Hurricanes Helene/Milton Tax Roll Value Letter

Hurricane Ian Tax Roll Value Letter

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Owner Of Record - Sole Owner
[Change Mailing Address]



JJDAZE HOLDING LLC
6901 HENDRY CREEK DR
FORT MYERS FL 33908

Site Address

Site Address maintained by **E911 Program Addressing**

6901 HENDRY CREEK DR
FORT MYERS FL 33908

Property Description

Do not use for legal documents!



E 1/2 OF W 1/2 OF NW 1/4 OF SW 1/4

Attributes and Location Details

Total Bedrooms / Bathrooms	0
Gross Building Area	2,820
1st Year Building on Tax Roll	1983
Historic Designation	No

Township	Range	Section	Block	Lot
45	24E	36		
Municipality	Latitude	Longitude		
Lee County Unincorporated - 0	26.51529	-81.86928		

[View Parcel on Google Maps](#)

[Tax Map Viewer] [View Comparables]



[Pictometry Aerial Viewer]

Image of Structure



◀ Photo Date February of 2025 ▶ ☐ View other photos

Last Inspection Date: 02/25/2025

Property Values / Exemptions / TRIM Notices

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Exemption

Amount

Agricultural	1,056,264.00
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TRIM Notices	Tax Year	Just	Land	Market Assessed	Capped Assessed	Exemptions	Classified Use	Taxable
2024 / Additional Info	2024 (Final Value)	1,180,340	4,422	124,076	124,076	0	1,056,264	124,076
2023 / Additional Info	2023 (Final Value)	1,060,696	4,510	4,520	4,520	0	1,056,176	4,520
2022 / Additional Info	2022 (Final Value)	1,262,019	4,675	206,008	206,008	0	1,056,011	206,008
2021 / Additional Info	2021 (Final Value)	1,148,706	9,081	97,101	97,101	0	1,051,605	97,101
2020 / Additional Info	2020 (Final Value)	932,841	8,909	93,201	93,201	0	839,640	93,201

2019 / Additional Info	2019 (Final Value)	930,428	560,396	642,275	642,275	0	288,153	642,275
2018 / Additional Info	2018 (Final Value)	925,936	762,807	840,194	840,194	0	85,742	840,194
2017 / Additional Info	2017 (Final Value)	965,674	94,545	189,019	189,019	0	776,655	189,019
2016	2016 (Final Value)	964,219	96,768	189,787	189,047	0	774,432	189,047
2015	2015 (Final Value)	975,144	92,880	196,824	168,850	0	778,320	168,850
2014	2014 (Final Value)	540,304	49,329	154,033	154,033	0	386,271	154,033
2013	2013 (Final Value)	541,064	51,381	156,845	156,845	0	384,219	156,845
2012	2012 (Final Value)	541,824	55,233	161,457	161,457	0	380,367	161,457
2011	2011 (Final Value)	542,612	54,099	161,111	161,111	0	381,501	161,111
2010	2010 (Final Value)	560,367	54,207	178,974	177,345	0	381,393	177,345
	2009 (Final Value)	646,540	70,520	167,060	167,060	0	479,484	167,060
	2008 (Final Value)	1,403,690	149,380	241,900	241,900	0	1,161,792	241,900
	2007 (Final Value)	1,404,050	147,160	0	240,030	0	1,164,015	240,030
	2006 (Final Value)	1,241,120	20,290	0	78,920	0	1,162,200	78,920
	2005 (Final Value)	273,050	17,030	0	76,040	0	197,013	76,040
	2004 (Final Value)	272,810	16,440	0	75,210	0	197,603	75,210
	2003 (Final Value)	253,120	16,020	0	55,100	0	198,023	55,100
	2002 (Final Value)	238,990	14,760	0	61,800	0	177,188	61,800
	2001 (Final Value)	231,180	14,860	0	54,090	0	177,088	54,090
	2000 (Final Value)	229,770	10,790	0	48,610	0	181,158	48,610
	1999 (Final Value)	229,860	9,440	0	47,350	0	182,508	47,350
	1998 (Final Value)	229,950	9,370	0	47,370	0	182,578	47,370
	1997 (Final Value)	229,700	10,820	0	48,570	0	181,128	48,570
	1996 (Final Value)	229,780	11,930	0	49,760	0	0	49,760
	1995 (Final Value)	232,460	10,670	0	50,830	0	0	50,830
	1994 (Final Value)	232,780	11,130	0	51,470	0	0	51,470
	1993 (Final Value)	242,090	9,450	0	61,060	0	0	61,060
	1992 (Final Value)	242,440	8,030	0	59,990	0	0	59,990

The **Just** value is the total parcel assessment (less any considerations for the cost of sale). This is the closest value to *Fair Market Value* we produce and is dated as of January 1st of the tax year in question ([F.A.C. 12D-1.002](#)).

The **Land** value is the portion of the total parcel assessment attributed to the land.

The **Market Assessed** value is the total parcel assessment (less any considerations for the cost of sale) based upon the assessment standard. Most parcels are assessed based either upon the *Highest and Best Use* standard or the *Present Use* standard ([F.S. 193.011](#)) . For *Agriculturally Classified* parcels (or parts thereof), only agricultural uses are considered in the assessment ([F.S. 193.461 \(6\)\(a\)](#)). The difference between the *Highest and Best Use/Present Use* and the *Agricultural Use* is often referred to as the *Agricultural Exemption*.
(i.e. Market Assessed = Just - Agricultural Exemption)

The **Capped Assessed** value is the *Market Assessment* after any *Save Our Homes* or *10% Assessment Limitation* cap is applied. This assessment cap is applied to all properties and limits year-to-year assessment increases to either the *Consumer Price Index* or 3%, whichever is lower for Homestead properties OR 10% for non-Homestead properties.

The **Exemptions** value is the total amount of all exemptions on the parcel.

The **Taxable** value is the *Capped Assessment* after exemptions (*Homestead, etc.*) are applied to it. This is the value that most taxing authorities use to calculate a parcel's taxes.
(i.e. Taxable = Capped Assessed - Exemptions)

Property Details (Current as of 3/27/2025)

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Land

Land Tracts

Use Code	Use Code Description	Number of Units	Unit of Measure
5375	Miscellaneous AG Land	9.74	Acres

Land Features

Description	Year Added	Units
FENCE - CHAIN LINK - 5 FOOT	1987	700
PAVILION/COVERED PICNIC AREA	2020	2,728

Buildings

Building 1 of 1

Building Characteristics

Improvement Type	Model Type	Stories	Living Units
82 - Warehouse - Metal/Frame	6 - WAREHOUSE/INDUSTRIAL	1.0	0
Bedrooms	Bathrooms	Year Built	Effective Year Built
0	0.0	1983	1983

Building Subareas

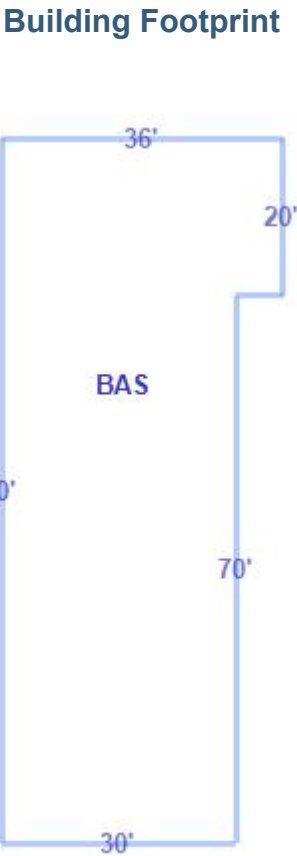
Description	Heated / Under Air	Area (Sq Ft)
BAS - BASE	Y	2,820

Building Features

Description	Year Added	Units
GREENHOUSE-FRAME ONLY BASIC POLE-FLAT R	2018	2,816
GREENHOUSE-VINYL 6MIL COVERING ONLY-CL/	2018	2,816
GREENHOUSE-FRAME ONLY BASIC POLE-FLAT R	2018	2,816
GREENHOUSE-VINYL 6MIL COVERING ONLY-CL/	2018	2,816
GREENHOUSE-FRAME ONLY BASIC POLE-FLAT R	2018	2,816
GREENHOUSE-VINYL 6MIL COVERING ONLY-CL/	2018	2,816
GREENHOUSE-FRAME ONLY BASIC POLE-FLAT R	2018	2,816
GREENHOUSE-VINYL 6MIL COVERING ONLY-CL/	2018	2,816
GREENHOUSE-FRAME ONLY BASIC POLE-FLAT R	2018	4,275
GREENHOUSE-SHADE CLOTH COVERING ONLY	2018	4,275
GREENHOUSE-VINYL 6MIL COVERING ONLY-CL/	2020	6,000
GREENHOUSE-VINYL 6MIL COVERING ONLY-CL/	2020	6,000
GREENHOUSE-VINYL 6MIL COVERING ONLY-CL/	2020	6,000
GREENHOUSE-VINYL 6MIL COVERING ONLY-CL/	2020	6,000
GREENHOUSE-FRAME ONLY BASIC POLE-FLAT R	2020	6,000
GREENHOUSE-FRAME ONLY BASIC POLE-FLAT R	2020	6,000
GREENHOUSE-FRAME ONLY BASIC POLE-FLAT R	2020	6,000
GREENHOUSE-FRAME ONLY BASIC POLE-FLAT R	2020	6,000
UTILITY - FINISHED	2020	1,536
UTILITY - FINISHED	2020	684



Photo Date: February of 2025



Property Details (2024 Tax Roll)



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Land

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Use Code	Use Code Description	Number of Units	Unit of Measure
5375	Miscellaneous AG Land	9.74	Acres

Land Features

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Building 1 of 1

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GREENHOUSE-VINYL 6MIL COVERING ONLY-CL/	2018	2,816
GREENHOUSE-FRAME ONLY BASIC POLE-FLAT R	2018	2,816
GREENHOUSE-VINYL 6MIL COVERING ONLY-CL/	2018	2,816
GREENHOUSE-FRAME ONLY BASIC POLE-FLAT R	2018	2,816
GREENHOUSE-VINYL 6MIL COVERING ONLY-CL/	2018	2,816
GREENHOUSE-FRAME ONLY BASIC POLE-FLAT R	2018	4,275
GREENHOUSE-SHADE CLOTH COVERING ONLY	2018	4,275
GREENHOUSE-VINYL 6MIL COVERING ONLY-CL/	2020	6,000

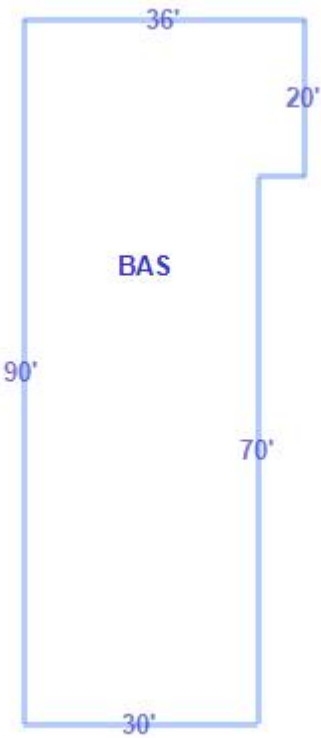
GREENHOUSE-VINYL 6MIL COVERING ONLY-CL/	2020	6,000
GREENHOUSE-VINYL 6MIL COVERING ONLY-CL/	2020	6,000
GREENHOUSE-VINYL 6MIL COVERING ONLY-CL/	2020	6,000
GREENHOUSE-FRAME ONLY BASIC POLE-FLAT R	2020	6,000
GREENHOUSE-FRAME ONLY BASIC POLE-FLAT R	2020	6,000
GREENHOUSE-FRAME ONLY BASIC POLE-FLAT R	2020	6,000
GREENHOUSE-FRAME ONLY BASIC POLE-FLAT R	2020	6,000
UTILITY - FINISHED	2020	1,536
UTILITY - FINISHED	2020	684

Building Front Photo



Photo Date: February of 2025

Building Footprint



Taxing Authorities

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SOUTH TRAIL FIRE / 047

Name / Code	Category	Mailing Address
LEE CO GENERAL REVENUE / 044	County	LEE COUNTY OFFICE OF MGMT & BUDGET PO BOX 398 FORT MYERS FL 33902-0398
LEE CO ALL HAZARDS PROTECTION DIST / 101	Dependent District	LEE COUNTY OFFICE OF MGMT & BUDGET PO BOX 398 FORT MYERS FL 33902-0398
LEE CO UNINCORPORATED MSTU / 020	Dependent District	LEE COUNTY OFFICE OF MGMT & BUDGET PO BOX 398 FORT MYERS FL 33902-0398
LEE COUNTY LIBRARY DIST / 052	Dependent District	LEE COUNTY OFFICE OF MGMT & BUDGET PO BOX 398 FORT MYERS FL 33902-0398
LEE CO HYACINTH CONTROL DIST / 051	Independent District	LEE CO HYACINTH CONTROL DIST 15191 HOMESTEAD RD LEHIGH ACRES FL 33971
LEE CO MOSQUITO CONTROL DIST / 053	Independent District	LEE CO MOSQUITO CONTROL DIST 15191 HOMESTEAD RD LEHIGH ACRES FL 33971
SOUTH TRAIL FIRE DISTRICT / 085	Independent District	SOUTH TRAIL FIRE DISTRICT 5531 HALIFAX AVE FORT MYERS FL 33912

WEST COAST INLAND NAVIGATION DIST / 098	Independent District	WEST COAST INLAND NAVIGATION DIST 200 MIAMI AVE E VENICE FL 34285-2408
PUBLIC SCHOOL - BY LOCAL BOARD / 012	Public Schools	LEE COUNTY SCHOOL BOARD BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966
PUBLIC SCHOOL - BY STATE LAW / 013	Public Schools	LEE COUNTY SCHOOL BOARD BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966
GREEN CORRIDOR PACE / 363	Special District	
SFWMD-DISTRICT-WIDE / 110	Water District	SFWMD 3301 GUN CLUB RD WEST PALM BEACH FL 33406
SFWMD-EVERGLADES CONSTRUCTION PROJECT / 084	Water District	SFWMD 3301 GUN CLUB RD WEST PALM BEACH FL 33406
SFWMD-OKEECHOBEE BASIN / 308	Water District	SFWMD 3301 GUN CLUB RD WEST PALM BEACH FL 33406

Sales / Transactions ⓘ					
Generated on 3/28/2025 1:40 PM					
Sale Price	Date	Clerk File Number	Type	Notes	Vacant/ Improved
1,000,000.00	10/07/2021	2021000337532	01		
0.00	08/15/2019	2019000190564	11		
950,000.00	08/15/2019	2019000190561	01		
10.00	11/09/2017	2017000237324	11		
10.00	04/30/2012	2012000105505	11	There are 1 additional parcel(s) with this document (may have been split after the transaction date)... 36-45-24-05-00029.A000	
10.00	04/30/2012	2012000105504	11		
100.00	12/16/2005	2006000032766	01		
100.00	12/16/2005	2006000032765	01		
100.00	12/16/2005	2006000032764	01		
100.00	12/16/2005	2006000032763	01		
100.00	11/04/2005	2005000106410	03	There are 1 additional parcel(s) with this document (may have been split after the transaction date)... 36-45-24-05-00029.A000	
100.00	12/01/1993	2456/69	01		
100.00	01/01/1984	1707/4275	01		
Help safeguard your home against property fraud. Sign up for the Lee Clerk's free Property Fraud Alert .					

Building / Construction Permit Data

Permit Number	Permit Type	Date
FIR2024-01666	Commercial	09/30/2024
FIR2024-00889	Utilities	08/22/2024
FIR2024-01505	Utilities	07/31/2024
MEC2024-04569	Building Remodel / Repair	07/24/2024
COM2023-02220	Building New Construction	03/25/2024
DEM2023-01505	Demolition	03/17/2023

IMPORTANT: THIS MAY NOT BE A COMPREHENSIVE OR TIMELY LISTING OF PERMITS ISSUED FOR THIS PROPERTY.
Note: The Lee County Property Appraiser’s Office does not issue or maintain any permit information. The Building / Construction permit data displayed here represents only those records this Office may find necessary to conduct Property Appraiser business. Use of this information is with the understanding that in no way is this to be considered a comprehensive listing of permits for this or any other parcel.

The Date field represents the date the property appraiser received information regarding permit activity; it may or not represent the actual date of permit issuance or completion.

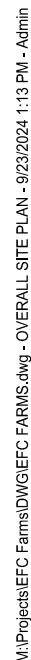
Full, accurate, active and valid permit information for parcels can only be obtained from the [appropriate permit issuing agency](#).

Solid Waste (Garbage) Roll Data
Generated on 3/28/2025 1:40 PM

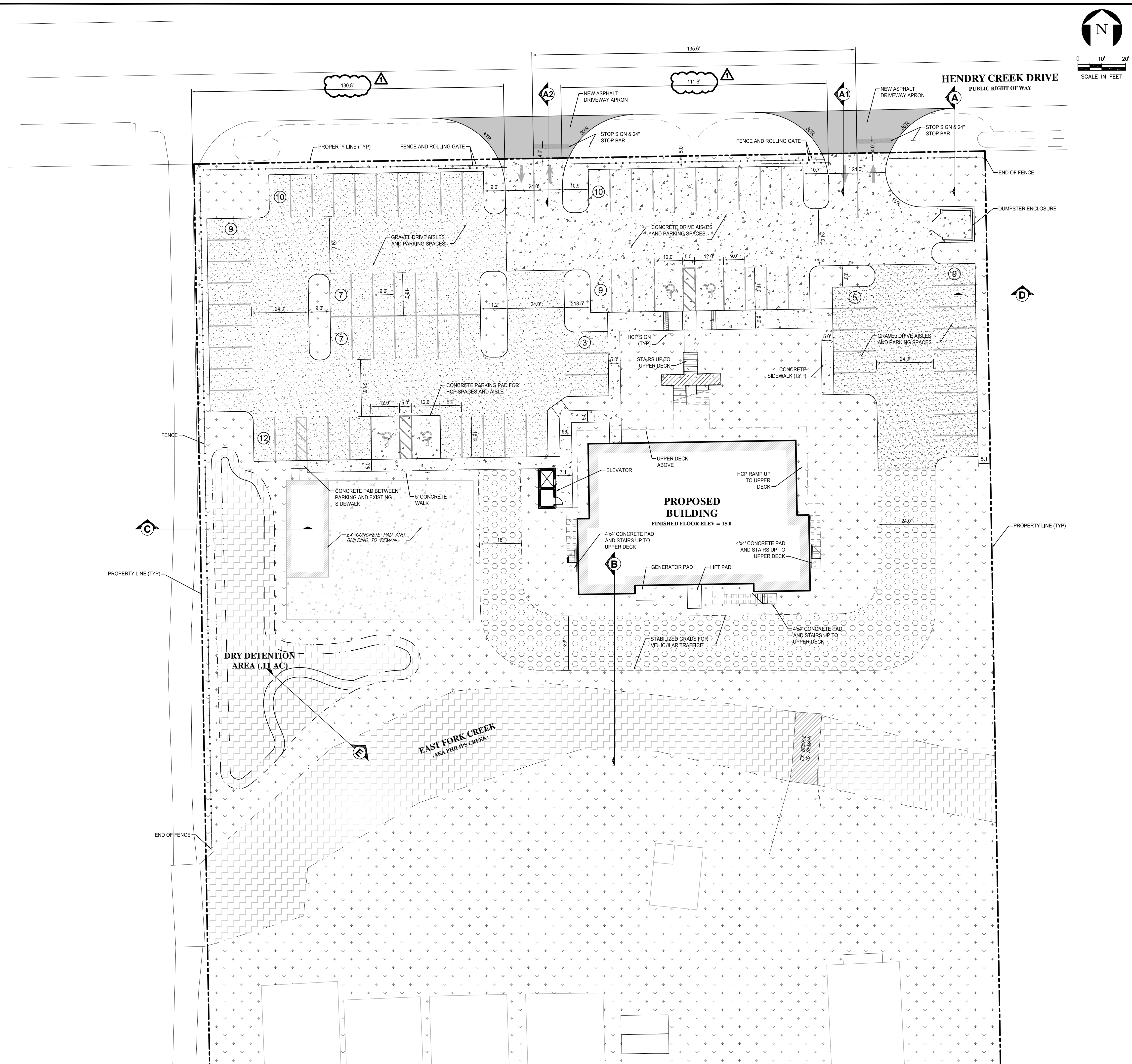
Solid Waste District	Roll Type	Category	Unit / Area	Tax Amount
002 - Service Area 2	C - Commercial Category	C	2820	88.53
Collection Days				
Garbage	Recycling	Horticulture		
Tuesday	Tuesday	Tuesday		

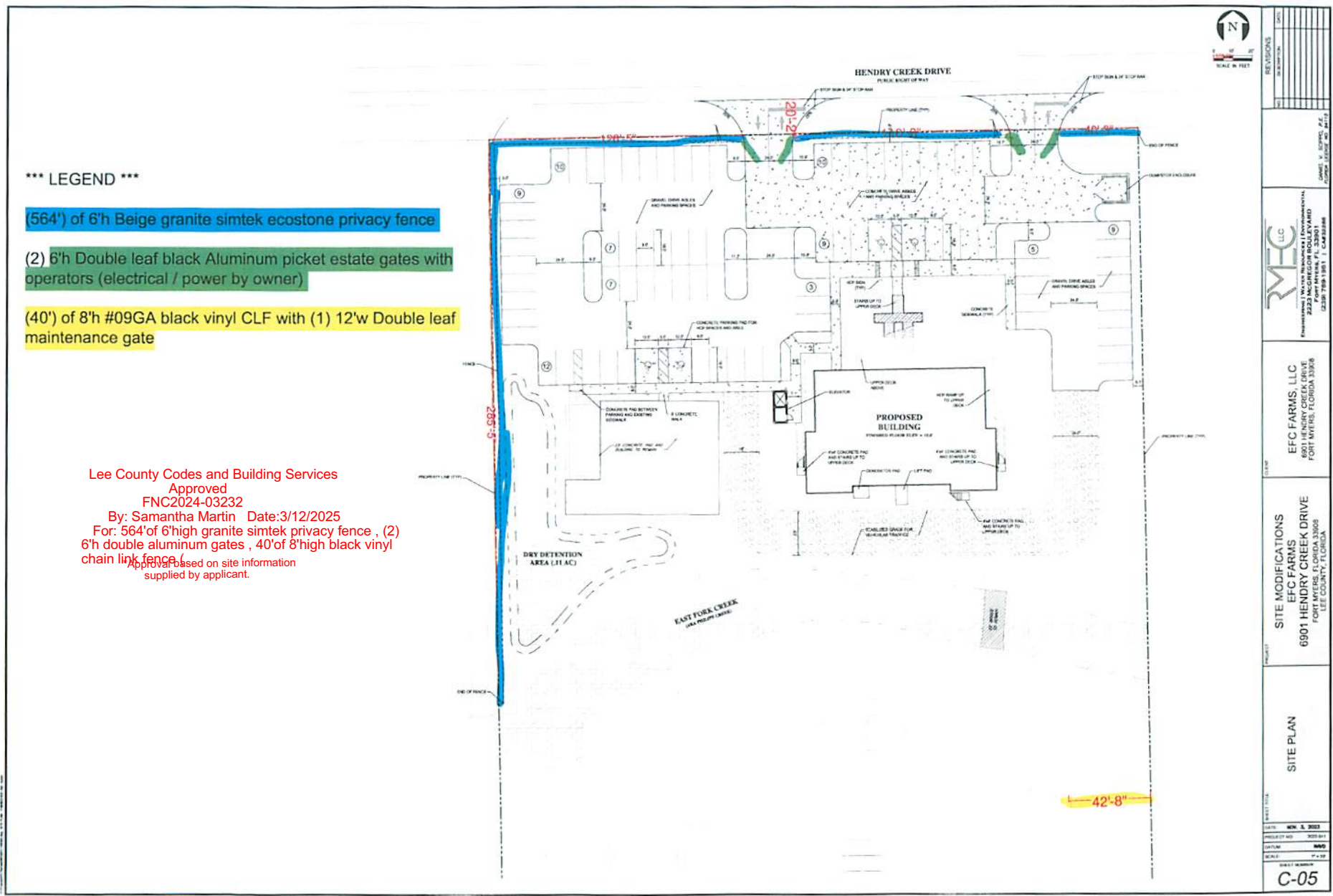
Flood and Storm Information
Generated on 3/28/2025 1:40 PM

Community		Flood Insurance	Find my flood zone	Evacuation Zone	
Panel	Version	Date			
071C	0438	H	11/17/2022	A	

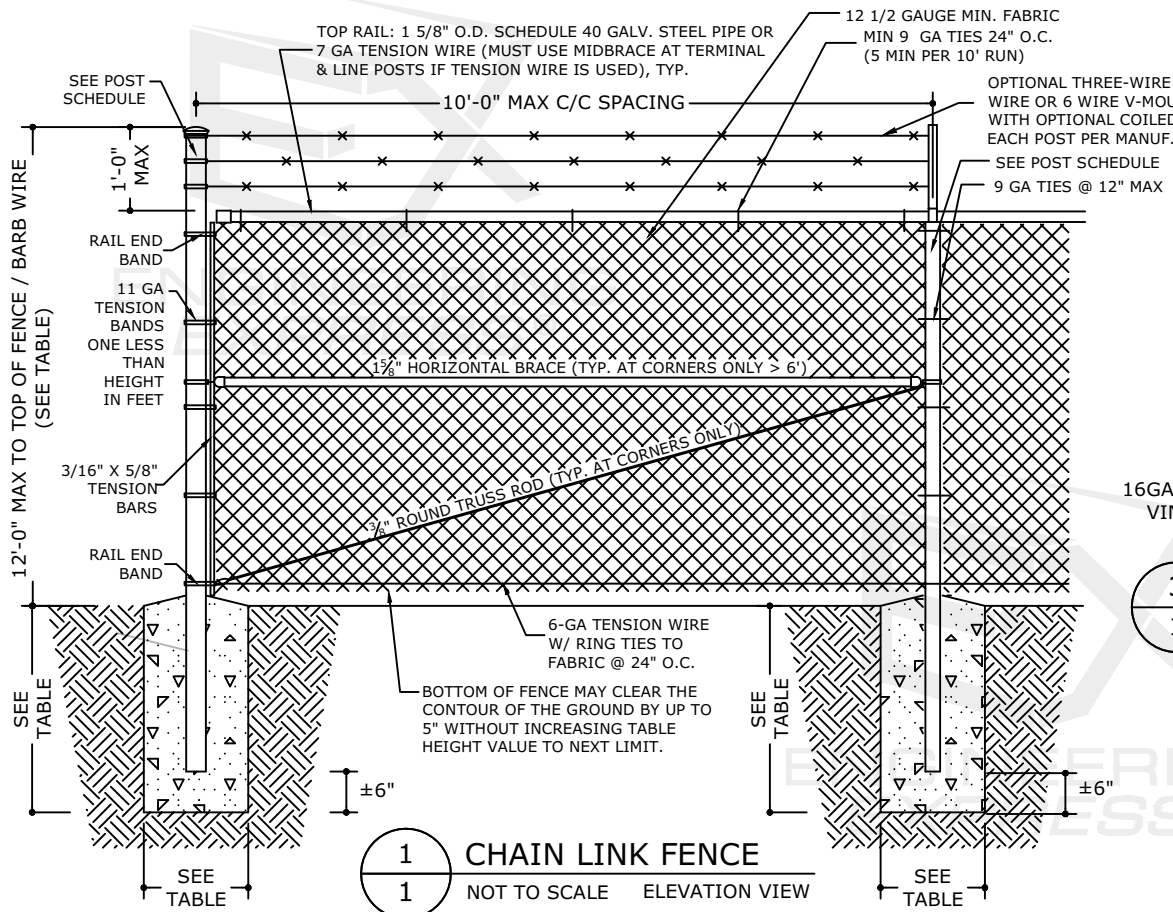
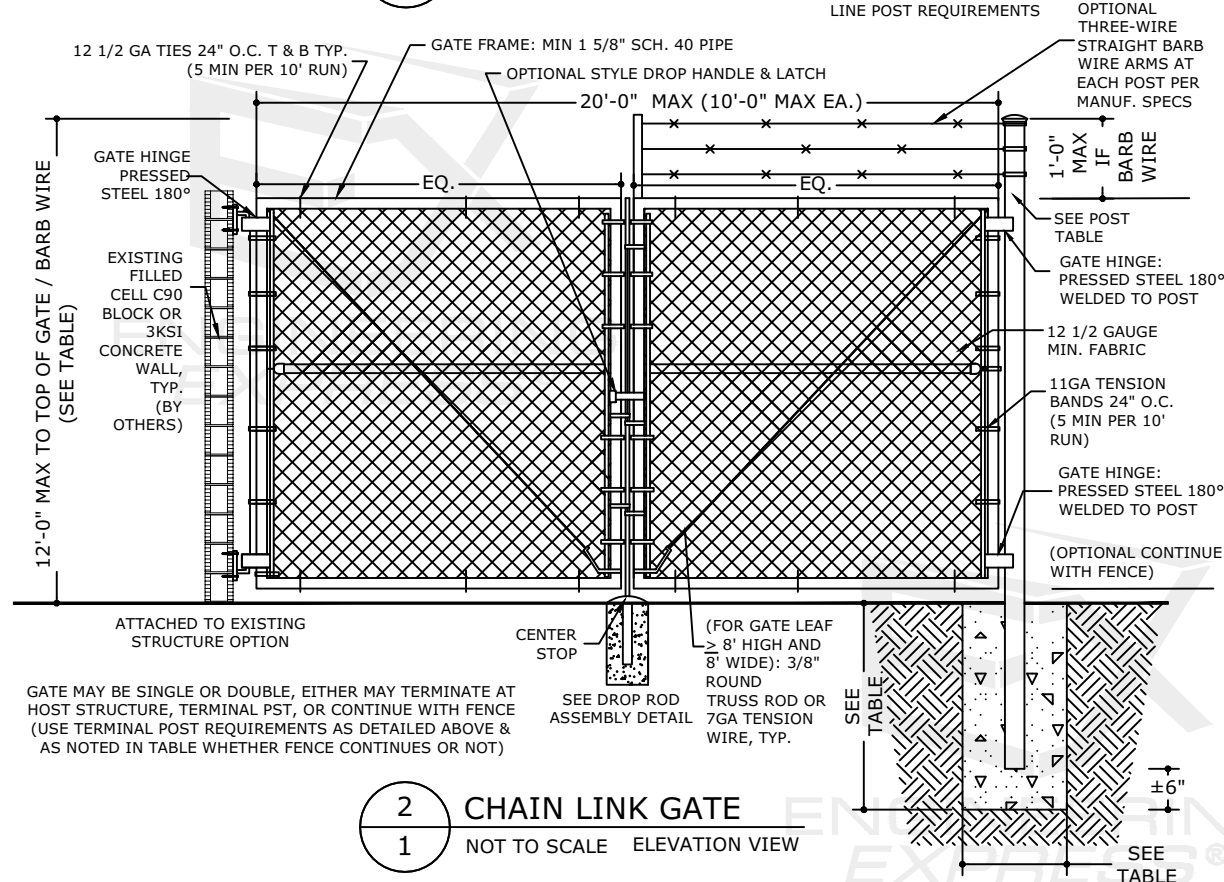
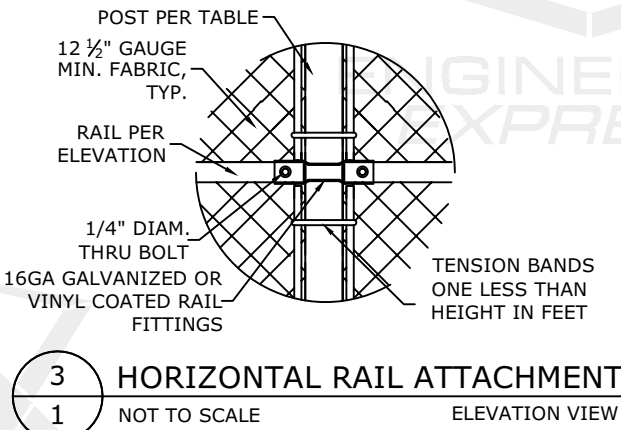
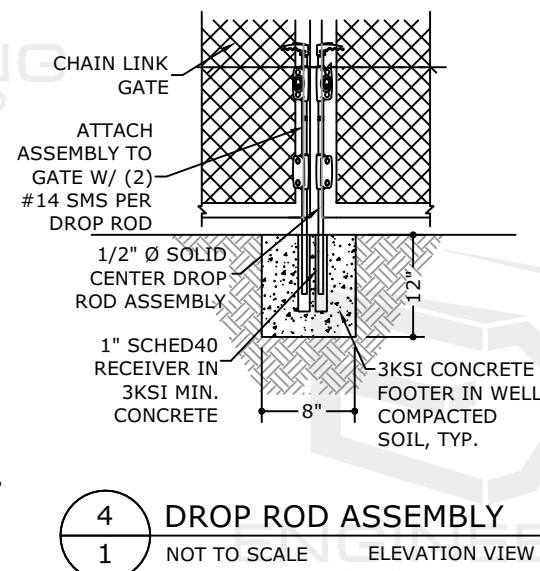


APPROVED
EDO2024-00187
Lee Werst, Plan Reviewer
Lee County DCD
11/12/2024

[illegible]



CHAIN LINK FENCE & GATE GENERAL PERFORMANCE EVALUATION



POST/FOOTING SIZE REQUIREMENTS TABLE					
HVHZ OR NON HVHZ * (BASED ON FBC TABLE 2224) (EXPOSURE C OR D)					
FENCE HEIGHT (FT)	MAX POST SPACING (FT)	TERMINAL POST DIMENSIONS (DIA. x THICKNESS, IN.)	TERMINAL POST FOOTER SIZE (DIA. x DEPTH, IN.)	LINE POST DIMENSIONS (DIA. x THICKNESS, IN.)	LINE POST FOOTER SIZE (DIA. x DEPTH, IN.)
UP TO 4	10	2-3/8 x 0.042	10 x 24	1-5/8 x 0.047	8 x 24
OVER 4 TO 5	10	2-3/8 x 0.042	10 x 24	1-7/8 x 0.055	8 x 24
OVER 5 TO 6	10	2-3/8 x 0.042	10 x 24	1-7/8 x 0.065	8 x 24
OVER 6 TO 8	10	2-3/8 x 0.110	10 x 36	2-3/8 x 0.095	10 x 36
OVER 8 TO 10	10	2-7/8 x 0.110	12 x 40	2-3/8 x 0.130	10 x 40
OVER 10 TO 12	10	2-7/8 x 0.160	12 x 42	2-7/8 x 0.120	12 x 42

THIS IS A GENERIC, NON-SITE-SPECIFIC PERFORMANCE EVALUATION. IT IS TO BE USED ALONG WITH A DESIGN PROFESSIONAL'S SITE-SPECIFIC EVALUATION & SPECIFICATION FOR NO CERTIFICATION IS OFFERED FOR USE WITHOUT A SITE SPECIFIC PLAN UNDER SEPARATE CERTIFICATION. VALID ONLY WHEN SEALED AS A GENERIC PERFORMANCE EVALUATION ONLY FOR UP TO **250 FT** OR **RESIDENTIAL** FENCING & 2 GATES AT (1) LOCATION.

DESIGN NOTES

- THIS SYSTEM HAS BEEN DESIGNED AND SHALL BE FABRICATED IN ACCORDANCE WITH THE REQUIREMENTS OF THE FLORIDA BUILDING CODE 7TH (2020) AND 8TH (2023) EDITIONS. ALSO APPLICABLE FOR, IBC/IRC (2018 & 2021), AS WELL AS CURRENT VERSIONS OF THE MN, NC, NJ, NY, OH, SC, & VA BUILDING CODES AS APPLICABLE. CODE ENFORCED COMPLIES WITH STATE OF SEAL AND IF MULTIPLE VERSIONS ARE LISTED THEN MOST STRINGENT APPLIES. CONTRACTOR SHALL INVESTIGATE AND CONFORM TO ALL LOCAL BUILDING CODE AMENDMENTS WHICH MAY APPLY AND GOVERN. DESIGN SHALL UTILIZE ASD DESIGN METHOD USING ASCE 7 DESIGN CODES FOR SITE SPECIFIC APPLICATIONS AS APPLICABLE.
- DESIGN BASED ON THE REQUIREMENTS OF THE FBC & ASCE 7 USING $V_{ult} = 115\text{MPH}$ / $V_{asd} = 90\text{MPH}$ 3 SEC GUST, UP TO 6'-0" WITHIN HVHZ, $V_{ult} = 156\text{MPH}$ / $V_{asd} = 121\text{MPH}$ 3 SEC GUST, ABOVE 6'-0" & OUTSIDE HVHZ, EXPOSURE 'D' & 'C', RISK CATEGORY I, USING THE 'OPEN SIGN METHOD'. 70% OPEN USED IN CALCULATIONS.
- PRODUCT APPROVED FOR USE IN SEISMIC DESIGN CATEGORY A-D PER REQUIREMENTS OF ASCE 7 AND CALIFORNIA BUILDING CODE 2019. FOR SEISMIC DESIGN CATEGORY D-F AND ANY CONCRETE CONNECTIONS, ADDITIONAL REVIEW BY THIRD-PARTY ENGINEERS IS REQUIRED FOR THE VALIDITY OF THE DESIGN.

FENCE & GATE NOTES

- SPECIFICATIONS APPLY ONLY TO FENCES WITH UNRESTRICTED AIR FLOW ONLY. USE OF FABRIC, SLATS, OR OTHER WIND INHIBITING MATERIAL IS NOT PERMITTED FOR USE WITH THIS PLAN & INVALIDATE OUR CERTIFICATION.
- CHAIN LINK TO BE GREEN VINYL OR GALV OPTIONAL.
- TO BE INSTALLED ON FLAT TERRAIN, GROUND SURFACE ONLY.
- NOT FOR INSTALLATION OR USE AROUND OR NEAR POOLS.
- THIS FENCE IS NOT INTENDED TO MEET CODES GOVERNING ELEVATED BALCONIES OR STRUCTURAL RAILINGS.
- IT IS THE INTENTION OF THIS DESIGNER THAT THE FENCE MAY LIST IN CONDITIONS OF SATURATED SOIL & EXTREME WIND. CHAIN LINK MATERIAL: 12 1/2 GAUGE MINIMUM.
- TENSION BANDS: USE ONE LESS THAN THE HEIGHT OF THE FENCE IN FEET, EVENLY SPACED.
- FABRIC TIES: MUST BE MINIMUM THE SAME GAUGE OF THE FABRIC.
- FABRIC TIE SPACING ON THE TOP RAIL: (5) TIES BETWEEN POSTS, EVENLY SPACED
- FABRIC TIE SPACING ON LINE POSTS: ONE LESS THAN THE HEIGHT OF THE FENCE IN FT, EVENLY SPACED.
- EITHER TOP RAIL OR TOP TENSION WIRE SHALL BE USED.
- BRACES MUST BE USED AT TERMINAL POSTS IF TOP TENSION WIRE IS USED INSTEAD OF TOP RAIL.
- IN ORDER TO FOLLOW THE CONTOUR OF THE LAND, THE BOTTOM OF THE FENCE MAY CLEAR THE CONTOUR OF THE GROUND BY UP TO 5" WITHOUT INCREASING THE TABLE VALUES TO THE NEXT HIGHER LIMIT.

MATERIALS & CONNECTIONS

- ALL STEEL MEMBERS SHALL CONFORM TO ASTM A500 GRADE B AND CURRENT EDITION OF AISC W/ MINIMUM $F_y = 42\text{KSI}$. CONSTRUCTION/INSTALLATION OF CHAIN LINK FENCING SHALL BE AS PER ASTM F567 AND F1043 IN CONJUNCTION WITH THIS DOCUMENT.
- ALL FASTENERS TO BE #12 X 3/4" OR GREATER 2024-T4, 18-8 SERIES 300 NON-MAGNETIC STAINLESS STEEL, OR CADMIUM PLATED OR OTHERWISE CORROSION RESISTANT MATERIAL & APPLICABLE FEDERAL, STATE, & LOCAL CODES.
- ALL WELDING MUST BE DONE BY AN AWS CERTIFIED WELDER OR SHALL CONFORM TO AISC STEEL CONSTRUCTION MANUAL 13TH ED AS INSPECTED BY OTHERS. MIN. WELD IS 1/8" FULL FILLET WELD.
- THE CONTRACTOR IS RESPONSIBLE TO INSULATE ALL MEMBERS FROM DISSIMILAR MATERIALS TO PREVENT ELECTROLYSIS.

CONCRETE

- ALL CONCRETE AND EPOXY TO REACH A MINIMUM COMPRESSIVE STRENGTH OF 3000 PSI IN 7 DAYS. CONCRETE FOOTERS SHALL CONTAIN MINIMUM 0.1% FIBERMESH CONTENT PER CUBIC YARD. ANY EPOXY OR GROUT USED SHALL MEET OR EXCEED COMPRESSIVE STRENGTH OF THE CONCRETE AND SHALL BE IRON-FREE, NON-SHRINK AND NON-REACTIVE.

FOUNDATION & EARTHWORK

- SURROUNDING SOIL TO BE WELL COMPACTED BY MECHANICAL MEANS TO 90% OPTIMUM DENSITY, BE FREE OF MUCK AND ORGANICS, AND ACHIEVE 2000 PSF MIN BEARING PRESSURE AND LATERAL BEARING PRESSURE BELOW NATURAL GRADE OF 150 PSF.
- EXCAVATIONS NEAR ADJACENT FOOTINGS AND FOUNDATIONS SHALL NOT REMOVE LATERAL SUPPORT WITHOUT FIRST UNDERPINNING OR PROTECTING THE FOOTING OR FOUNDATION AGAINST SETTLEMENT OR LATERAL TRANSLATION.
- SOIL SHALL BE CLASSIFIED OR VERIFIED BY THE PROPER GEOTECHNICAL CLASS OR BETTER.

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PERFORMANCE EVALUATION
RESIDENTIAL OR COMMERCIAL USE
FLORIDA BUILDING CODE 7TH (2020) AND 8TH (2023) EDITIONS
INTERNATIONAL BUILDING CODE (2018/2023)
ASCE 7

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