

EXHIBITS

CASE # SEZ2025-00001

CASE NAME: EAST FORK CREEK FARM

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

ARE THERE ANY BOARD EXHIBITS?	YES	NO

LOCATION OF BOARDS

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

RECEIVED

AUG 13 2025

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING STAFF REPORT

BY: HEARING EXAMINER'S OFFICE

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

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) for consumption on premises of alcoholic beverages under a caterer's license (13CT), in conjunction with an agritourism activity.

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 an agricultural building 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) approved under permit 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 consumption on premises of alcoholic beverages under a caterer's license (13CT), in conjunction with an agritourism activity. The proposed request to allow consumption on premises will be 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 beer and wine to attendees of events held on site.

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 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 5- foot-wide buffers in addition to opaque walls and landscaping where the property abuts residential lots. Staff has included conditions related to the hours of operation and noise considerations to assure compliance with this policy. Staff finds the request 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 Policy 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, Policy 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 as a large development, requiring the need for the final calculation of all impervious surfaces to be detailed in 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 property line. This includes a six-foot-tall opaque pre-cast wall as approved through FNC2024-03232.

- 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 a recommended condition 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 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 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 June 2024, 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 license in conjunction with limited food and beverage service as an accessory to the agritourism activity.

4. Development Order Requirements

a. Indigenous Open Space

- (1) Prior to the issuance of a development order, the development order plans must depict the total amount of impervious surfaces.

b. Buffers

- (1) Prior to the issuance of a development order, the development order plans must depict along the eastern 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.
- (2) The portion of the western property line abutting the COP area shown on the special exception site plan must include a 5-foot-wide Type A buffer with 6-foot-tall opaque wall.
- (3) The northern buffer along Hendry Creek Drive must include a 6-foot-tall opaque wall.
- o STAFF NOTE: The site plan will need to be revised as it does not depict the aforementioned buffers.

5. Hours of Operation

Events are limited to Monday through Saturday from 12 p.m. to 10 p.m. and Sunday – 12 p.m. to 9 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 limited to 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*

ATTACHMENT A

**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: August 21, 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

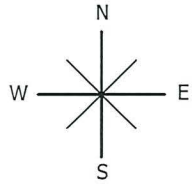
- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: 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

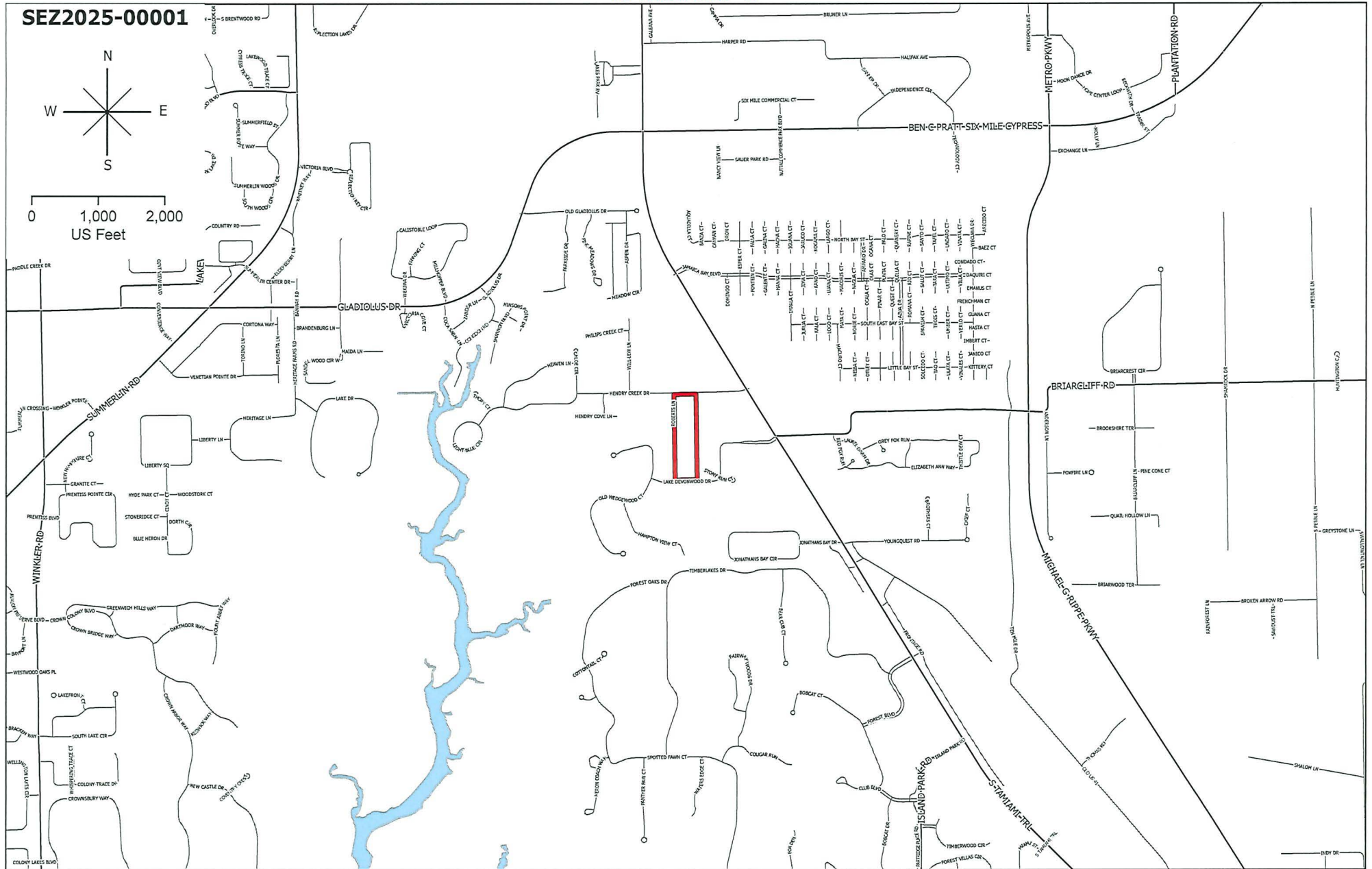
- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: 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.

ATTACHMENT B

SEZ2025-00001



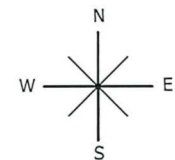
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US Feet



SEZ2025-00001

Aerial

 Subject Property



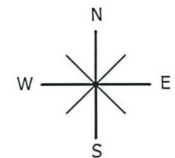
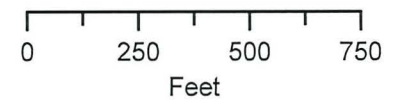
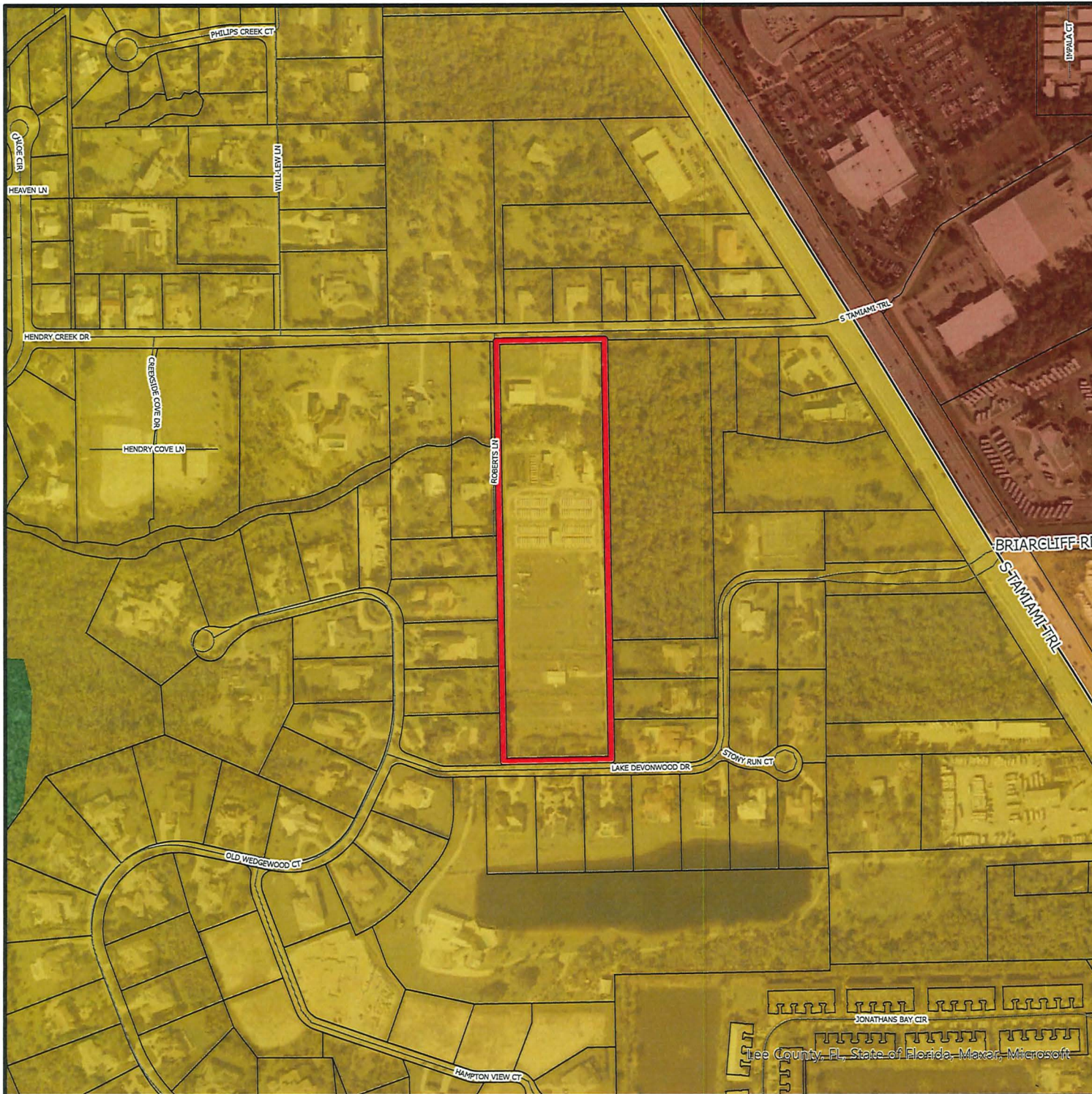
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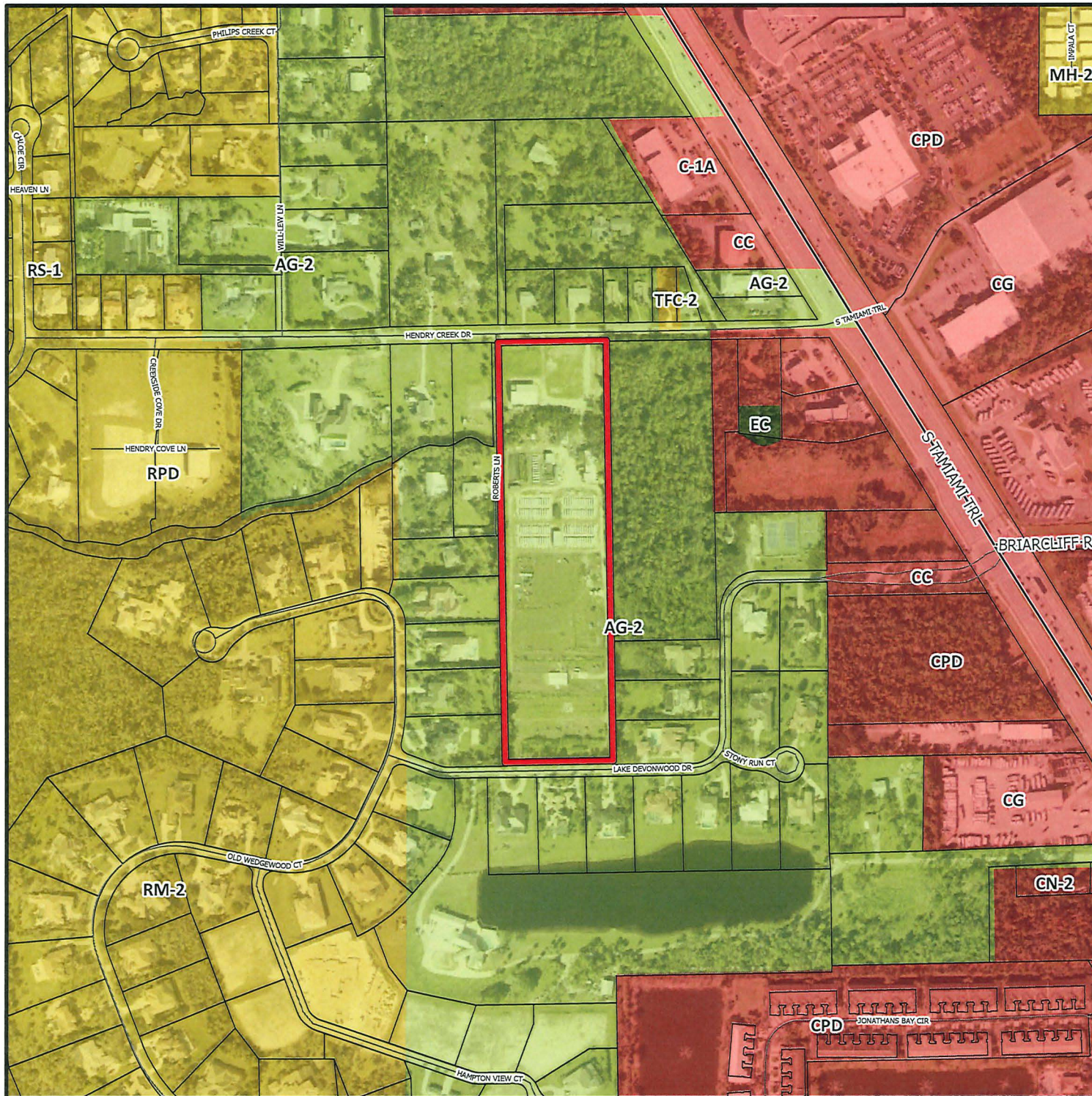


SEZ2025-00001

Future Land Use

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

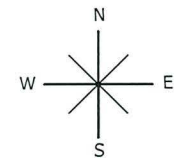




SEZ2025-00001

Zoning

 Subject Property



0 250 500 750
Feet





EAST FORK CREEK FARM SPECIAL EXCEPTION

REVISED JUNE 2025

I. Request Statement

David and Alise Bartley of East Fork Creek Farm, LLC (Applicant) are requesting a Special Exception to allow on-premises consumption of alcoholic beverages through a 13CT license. This license permits catering companies to serve beer, wine, and liquor in conjunction with food and non-alcoholic beverages at events hosted on a portion of the subject property, which is subject to an Agricultural Exemption and the "Right to Farm" Act relating to agritourism. The Special Exception is necessary because the event areas where the consumption will take place are within 500 feet of a dwelling unit that is owned by a separate party.

The Property is located at 6901 Hendry Creek Drive, a 10+/- acre parcel zoned as Agricultural District (AG-2). The proposed request to allow for consumption on premises will be limited to the northern part of the property, where events will primarily occur in the existing open-air pole barn and the newly constructed event building. No additional on-site facilities will be used as event spaces, and these areas will not be included in the designated on-premises consumption area.

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 transitional area with the US 41 arterial corridor 600' to the east, along with commercial properties, with single-family uses to along Hendry Creek Drive to the west.

The southern portion of the property abuts the Devonwood 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, across Hendry Creek Drive, the property is owned by the applicant. The only single-family dwelling that is under separate ownership is located to the west, where the 6-foot tall opaque wall and 5-foot Type A buffer are proposed.

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.

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

According to the Use Regulation Table in LDC Sec. 34-653 for the AG-2 zoning district, Consumption on Premises is allowed with either a Special Exception or Administrative Approval as accessory to Agritourism Activities per supplementary regulations in LDC Section 34-1264(a)(1)j. The applicant's request to permit consumption on the premises would enhance and contribute positively to the services offered on the property and is appropriately limited/conditioned to protect the neighborhood.

The overall goal is to create an event space that provides unique experiences for a variety of occasions. As a farm, the property is often sought out to host educational forums, corporate outings, charity events, weddings, holiday parties, and other family related gatherings. The allowed consumption on premises (13CT) would be limited to specific occasions, amount of recurrence, duration, and additional conditions as outlined below. The application and proposed Master Concept Plan to demonstrate how the proposed COP areas will interface with and not negatively impact surrounding land uses.

Access is limited to two (2) existing points of ingress/egress from Hendry Creek Drive. Parking in compliance with the LDC is provided between the right-of-way and the event structures containing COP uses.

The COP is requested in 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 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. There are no new structures planned as part of this special exception request and all structures shown are subject to building permits issued by Lee County.

In accordance with the Land Development Code Table 34-2020(b), the required number of parking spaces will be based on the total area where consumption on premise is permitted. This falls under the parking requirements for "Meeting Halls, Clubs (Fraternal and membership), and other places for group assembly not otherwise listed." A total of 83 parking spaces will be provided to accommodate the 8,335 sq. ft. area of the COP space.

Via proposed conditions, the Applicant is limiting hours of operation, hours for COP, and maximum guest capacity to address compatibility with the neighborhood. Further, to compatibility with the surrounding residential developments, the site's COP area will be buffered via a six-foot-tall opaque wall with Type "A" landscaping.

The Applicant offers the following conditions to limit the impact on surrounding residential land uses:

1. The Special Exception must be in substantial compliance with the site plan.
2. Events may not to exceed 178 event guests.
3. Events with COP are limited to Monday through Saturday from 12 p.m. to 10 p.m. and Sunday – 12 p.m. to 9 p.m.
4. Music and live entertainment are subject to the Lee County Noise Ordinance. Amplified music will be prohibited in the open-air pole barn. Amplified music will only be allowed within the fully enclosed building labeled "Event Center" on the conceptual 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.
5. Area south of East Fork Creek is to be secured by fence to prohibit access to the farm area, unless authorized as part of a guided tour or farming operations.
6. The portion of the western property line abutting the COP area shown on the MCP shall include a 5' wide Type A buffer with 6-foot-tall opaque wall.
7. The northern buffer along Hendry Creek Drive will include a 6-foot-tall opaque wall.

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 5' buffers 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.

VI. 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. 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 applicates 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. Numerous conditions are proposed to mitigate any potential impact of the proposed COP.

(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:*

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

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 Consumption On Premises in the Agriculture ("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 the current agricultural activities. The applicant respectfully requests approval of the Special Exception and reserves the right to modify this application during the review process to ensure compliance with all code requirements.



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.

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

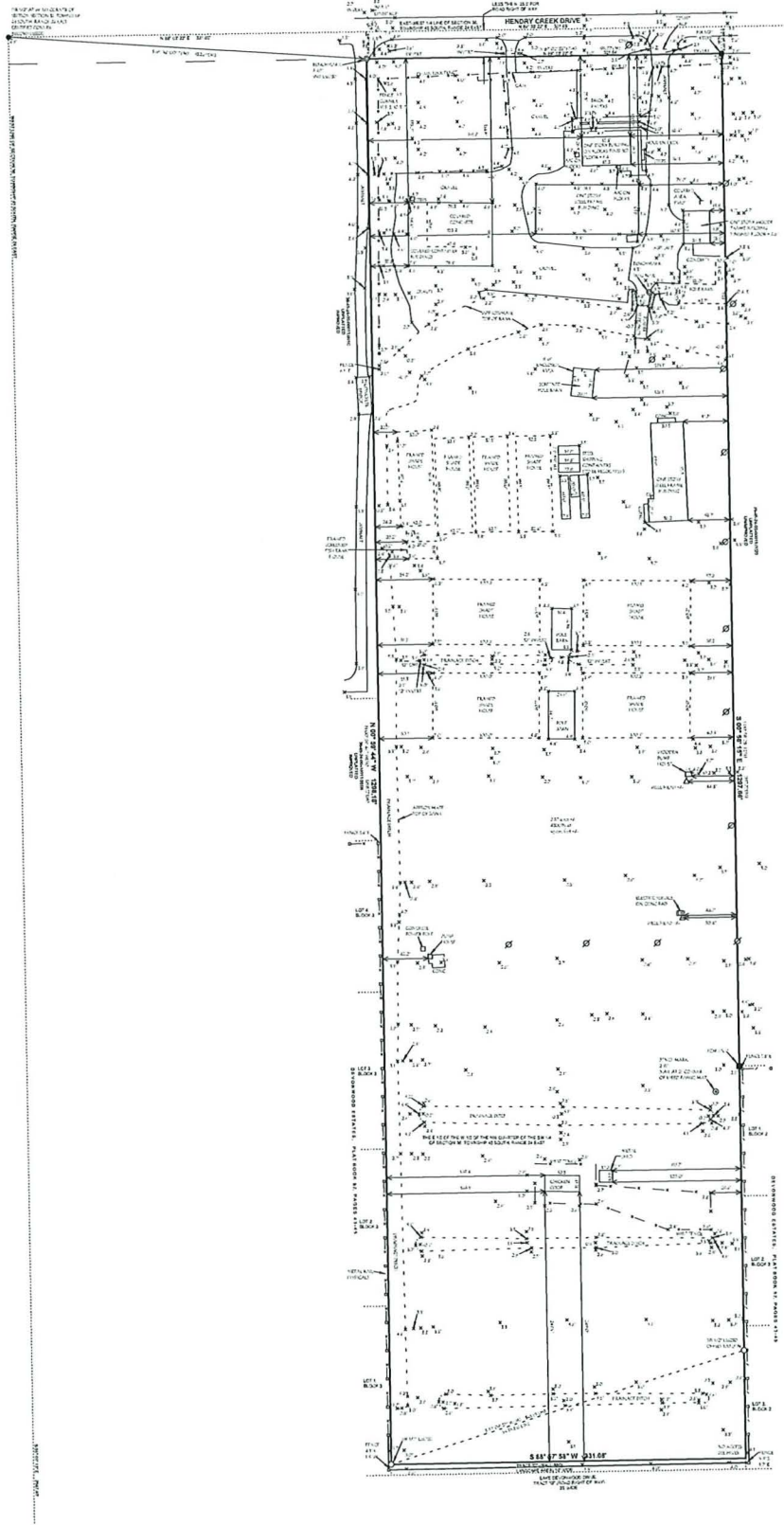
Exhibit A – Legal Description

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

MICHAEL YOUNG LAND SURVEYING
19714 SPRUCE DRIVE W.
FORT MYERS, FL 33907
YOUNG@YLSURVING.COM
TELEPHONE 239-267-1700
FAX 888-826-4094

Exhibit A

BOUNDARY SURVEY
FILE NO: 19243
SURVEY DATE: 7-26-19



REVIEWED
ADD2024-00152
Rick Burris, Principal
Planner
Lee County DCD/Planning
8/26/2024



CERTIFIED TO:
JIOAZE H&S, LLC

THIS SURVEY WAS PREPARED BY THE SURVEYOR AND THE CHARTING
BOARD OF SURVEYORS OF THE STATE OF FLORIDA. THE SURVEYOR
MICHAEL S. YOUNG, LICENSED SURVEYOR, NO. 12345, IS THE
AUTHOR OF THIS SURVEY. THE SURVEYOR'S OFFICE IS
MICHAEL S. YOUNG LAND SURVEYING, 19714 SPRUCE DRIVE W.,
FORT MYERS, FL 33907. THE SURVEYOR'S PHONE NUMBER IS
239-267-1700. THE SURVEYOR'S FAX NUMBER IS 888-826-4094.

NOTES

1. THIS SURVEY WAS PREPARED BY THE SURVEYOR AND THE CHARTING BOARD OF SURVEYORS OF THE STATE OF FLORIDA. THE SURVEYOR MICHAEL S. YOUNG, LICENSED SURVEYOR, NO. 12345, IS THE AUTHOR OF THIS SURVEY. THE SURVEYOR'S OFFICE IS MICHAEL S. YOUNG LAND SURVEYING, 19714 SPRUCE DRIVE W., FORT MYERS, FL 33907. THE SURVEYOR'S PHONE NUMBER IS 239-267-1700. THE SURVEYOR'S FAX NUMBER IS 888-826-4094.
2. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE SURVEY AND HAS FOUND THAT THE SURVEY IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE FLORIDA SURVEYING ACT.
3. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE SURVEY AND HAS FOUND THAT THE SURVEY IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE FLORIDA SURVEYING ACT.
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10. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE SURVEY AND HAS FOUND THAT THE SURVEY IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE FLORIDA SURVEYING ACT.

PROPERTY ADDRESS:
6001 HENRY CREEK DRIVE
FORT MYERS, FLORIDA 33908

LEGAL DESCRIPTION:
THE EAST HALF OF THE WEST HALF OF THE
NORTHWEST QUARTER OF THE SOUTHWEST
QUARTER OF SECTION 36, TOWNSHIP 4S
SOUTH, RANGE 24 EAST, LESS AND EXCEPT
THE RIGHT OF WAY FOR HENRY CREEK
ROAD, LEE COUNTY, FLORIDA.

LEGEND

- 1. SURVEYED BOUNDARY
- 2. UNDEVELOPED BOUNDARY
- 3. EXISTING BOUNDARY
- 4. PROPOSED BOUNDARY
- 5. EASEMENT
- 6. RIGHT OF WAY
- 7. ADJACENT PROPERTY
- 8. ADJACENT ROAD
- 9. ADJACENT WATER
- 10. ADJACENT AIRPORT
- 11. ADJACENT PARK
- 12. ADJACENT SCHOOL
- 13. ADJACENT CHURCH
- 14. ADJACENT HOSPITAL
- 15. ADJACENT GOVERNMENT
- 16. ADJACENT PRIVATE
- 17. ADJACENT PUBLIC
- 18. ADJACENT COMMERCIAL
- 19. ADJACENT RESIDENTIAL
- 20. ADJACENT INDUSTRIAL
- 21. ADJACENT AGRICULTURAL
- 22. ADJACENT FOREST
- 23. ADJACENT WETLAND
- 24. ADJACENT WOODLAND
- 25. ADJACENT SAVANNAH
- 26. ADJACENT TROPICAL
- 27. ADJACENT DESERT
- 28. ADJACENT MOUNTAIN
- 29. ADJACENT PLAIN
- 30. ADJACENT HILLS
- 31. ADJACENT VALLEY
- 32. ADJACENT COAST
- 33. ADJACENT ISLAND
- 34. ADJACENT LAKE
- 35. ADJACENT RIVER
- 36. ADJACENT CREEK
- 37. ADJACENT STREAM
- 38. ADJACENT POND
- 39. ADJACENT SWAMP
- 40. ADJACENT MIRE
- 41. ADJACENT BAY
- 42. ADJACENT GULF
- 43. ADJACENT OCEAN
- 44. ADJACENT SEA
- 45. ADJACENT ATLANTIC
- 46. ADJACENT PACIFIC
- 47. ADJACENT INDIAN OCEAN
- 48. ADJACENT ARABIAN SEA
- 49. ADJACENT BENGAL BAY
- 50. ADJACENT ANDAMAN SEA
- 51. ADJACENT BAY OF BENGAL
- 52. ADJACENT ANDAMAN SEA
- 53. ADJACENT BAY OF BENGAL
- 54. ADJACENT ANDAMAN SEA
- 55. ADJACENT BAY OF BENGAL
- 56. ADJACENT ANDAMAN SEA
- 57. ADJACENT BAY OF BENGAL
- 58. ADJACENT ANDAMAN SEA
- 59. ADJACENT BAY OF BENGAL
- 60. ADJACENT ANDAMAN SEA

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

[illegible]

<div style="text-align: center;"> </div>	<div style="display: flex; justify-content: space-between;"> <div> <p>DATE: NOV 3, 2022</p> <p>PROJECT: LND</p> <p>EDITH: MARISSA</p> <p>SCALE: 1"=20'</p> </div> <div> <p>SHEET NUMBER</p> </div> </div>	<div style="display: flex; justify-content: space-between;"> <div> <p>SHEET TITLE</p> <p style="text-align: center; font-size: 24px;">SITE PLAN</p> </div> <div> <p>PROJECT:</p> <p style="text-align: center;"> SITE MODIFICATIONS EFC FARMS 6901 HENDRY CREEK DRIVE FORT MYERS, FLORIDA 33908 LEE COUNTY, FLORIDA </p> </div> </div>	<div style="display: flex; justify-content: space-between;"> <div> <p>CLIENT:</p> <p style="text-align: center;"> EFC FARMS, LLC 6901 HENDRY CREEK DRIVE FORT MYERS, FLORIDA 33908 </p> </div> <div> <div style="text-align: center;"> <p>RMEC LLC</p> <p>ENGINEERING WATER RESOURCES ENVIRONMENTAL</p> <p>2223 MC GREGOR BOULEVARD</p> <p>FORT MYERS, FL 33901</p> <p>(239) 789-1951 CA322266</p> </div> <div style="text-align: center;"> </div> </div> </div>
	<div style="display: flex; justify-content: space-between;"> <div> <p>DANIEL V. SCIPIO, P.E.</p> <p>REGISTERED PROFESSIONAL ENGINEER</p> <p>NO. 12519</p> <p>STATE OF FLORIDA</p> </div> <div> <p>DANIEL V. SCIPIO, P.E.</p> <p>REGISTERED PROFESSIONAL ENGINEER</p> <p>NO. 12519</p> <p>STATE OF FLORIDA</p> </div> </div>		

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

Exhibit A

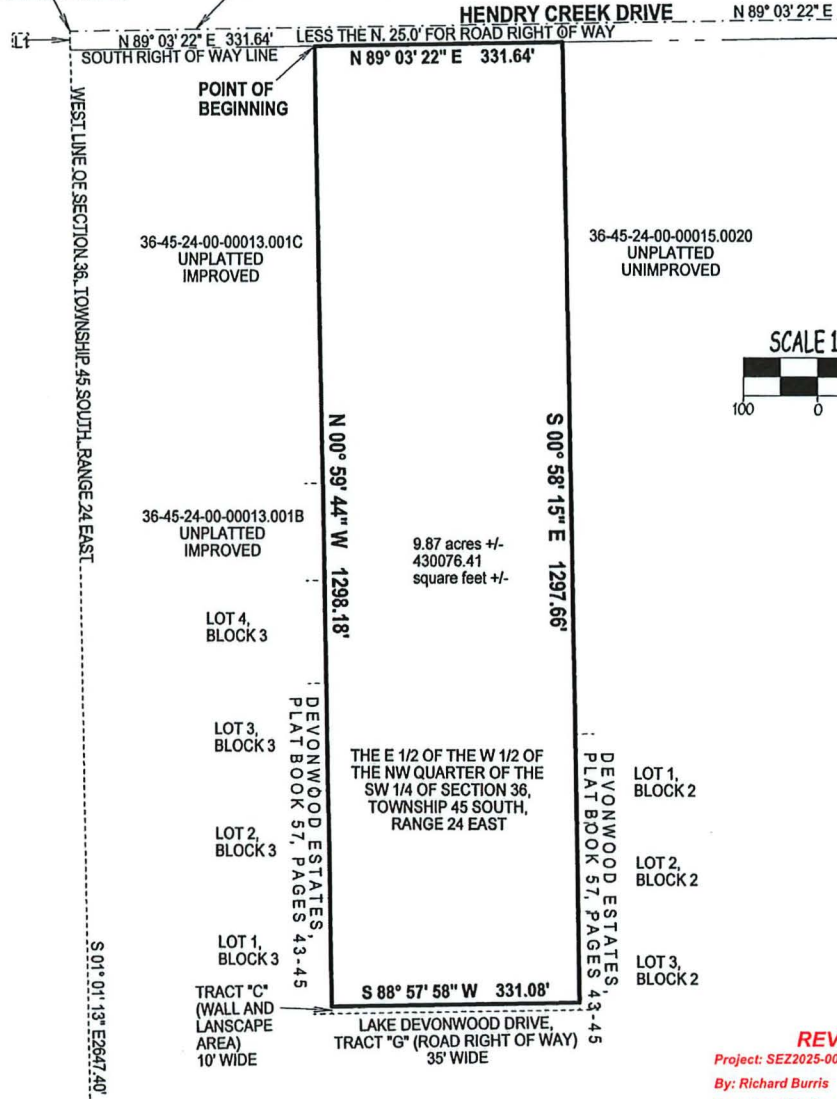
SKETCH OF DESCRIPTION

FILE NO: 22297
DATE: 8-22-22

POINT OF COMMENCEMENT:

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

EAST-WEST 1/4 LINE OF SECTION 36,
TOWNSHIP 45 SOUTH, RANGE 24 EAST



REVIEWED

Project: SEZ2025-00001

By: Richard Burris

Dept: Legal Review

Date: 05/23/2025

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 -0400

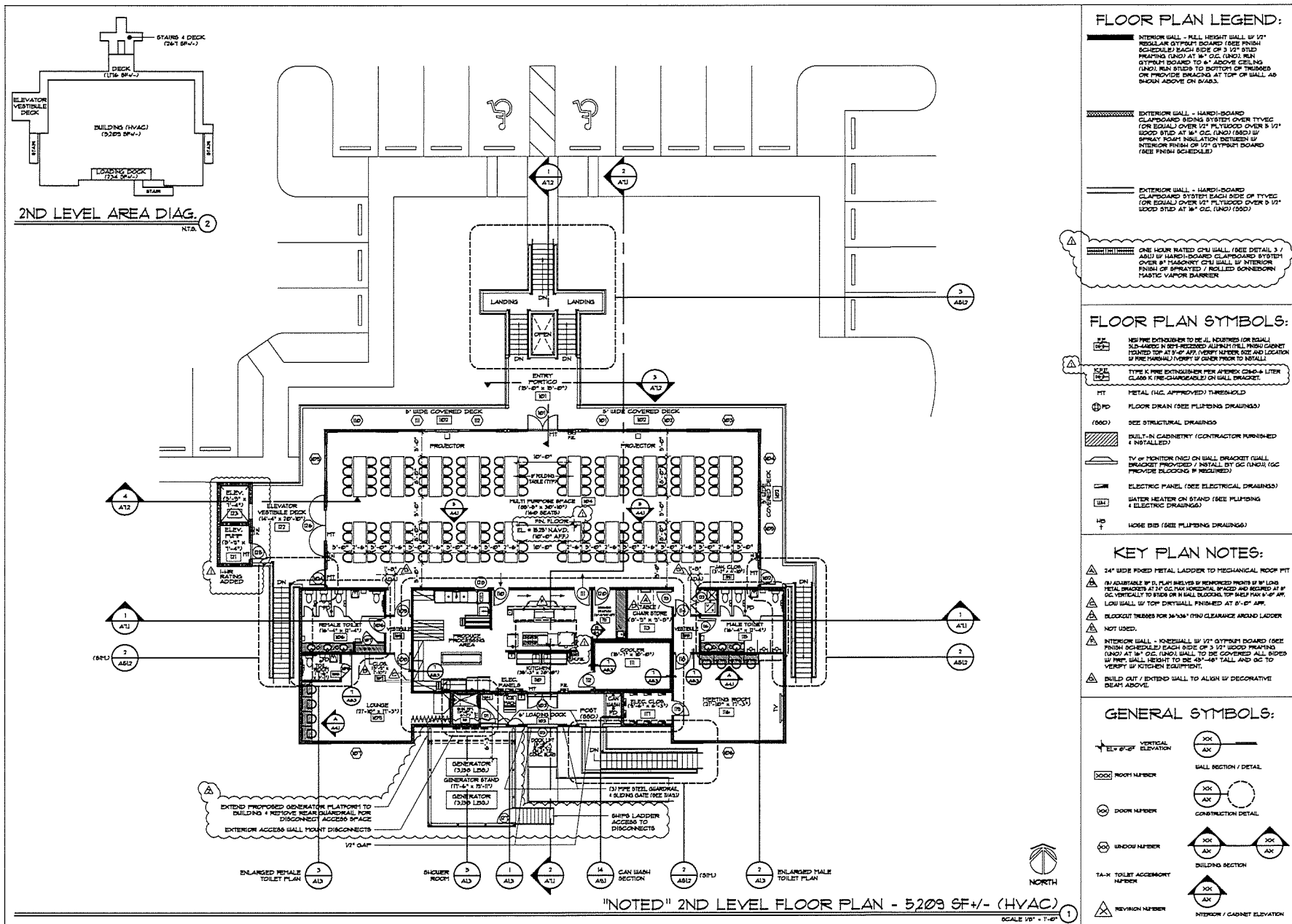
MICHAEL S. YOUNG
PROFESSIONAL SURVEYOR AND MAPPER
LS 6330

8-22-22
DATE SIGNED

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

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

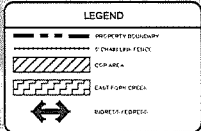
Drawing Log: 10/25/22 (AKS) 10/31/22 (AKS) 1/6/23 (AKS) 1/20/23 (AKS) 3/8/23 (AKS) 4/24/23 (AKS) 5/22/23 (AKS) 6/9/23 (AKS)
 7/27/23 (AKS) 1/3/24 (AKS) 1/18/24 (AKS)
 Andre K. Simpson, Moore and Spence Architects 10/25/2022 12:34 PM 22042-A01-2-Noted FP





1ST SUBMITTAL

CONCEPTUAL
SITE PLAN





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 eastern 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.

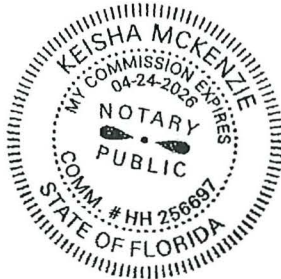
David Bartley

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:

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.

ATTACHMENT K

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

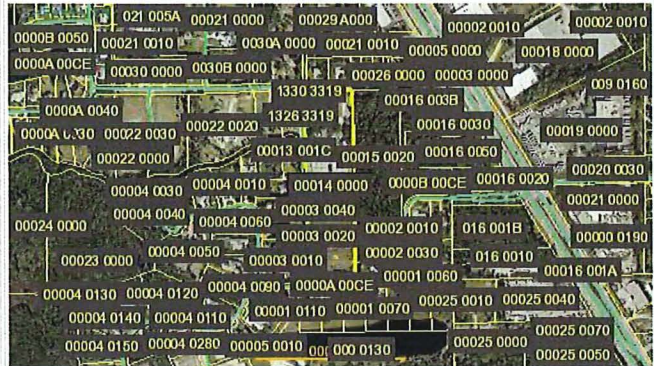
Attributes and Location Details

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

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

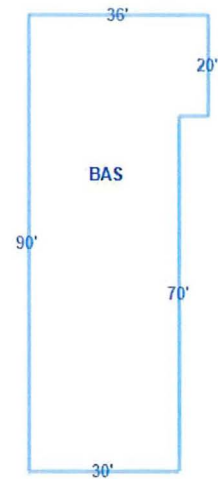
Description	Year Added	Units
GREENHOUSE-FRAME ONLY BASIC POLE-FLAT R	2018	2,816
GREENHOUSE-VINYL 6MIL COVERING ONLY-CL/	2018	2,816
GREENHOUSE-FRAME ONLY BASIC POLE-FLAT R	2018	2,816
GREENHOUSE-VINYL 6MIL COVERING ONLY-CL/	2018	2,816
GREENHOUSE-FRAME ONLY BASIC POLE-FLAT R	2018	2,816
GREENHOUSE-VINYL 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

Building Front Photo



Photo Date: February of 2025

Building Footprint



Property Details (2024 Tax Roll)

Generated on 3/28/2025 1:40 PM

Land

Land Tracts

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Building 1 of 1

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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

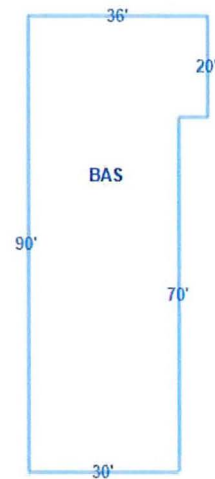
GREENHOUSE-VINYL 6MIL COVERING ONLY-CL/	2020	6,000
GREENHOUSE-VINYL 6MIL COVERING ONLY-CL/	2020	6,000
GREENHOUSE-VINYL 6MIL COVERING ONLY-CL/	2020	6,000
GREENHOUSE-FRAME ONLY BASIC POLE-FLAT R	2020	6,000
GREENHOUSE-FRAME ONLY BASIC POLE-FLAT R	2020	6,000
GREENHOUSE-FRAME ONLY BASIC POLE-FLAT R	2020	6,000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

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 ⁹

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Sale Price	Date	Clerk File Number	Type	Notes	Vacant/ Improved
1,000,000.00	10/07/2021	2021000337532	01		I
0.00	08/15/2019	2019000190564	11		I
950,000.00	08/15/2019	2019000190561	01		I
10.00	11/09/2017	2017000237324	11		I
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	I
10.00	04/30/2012	2012000105504	11		I
100.00	12/16/2005	2006000032766	01		I
100.00	12/16/2005	2006000032765	01		I
100.00	12/16/2005	2006000032764	01		I
100.00	12/16/2005	2006000032763	01		I
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	I
100.00	12/01/1993	2456/69	01		I
100.00	01/01/1984	1707/4275	01		I

Help safeguard your home against property fraud. Sign up for the Lee Clerk's free [Property Fraud Alert](#).

Building / Construction Permit Data

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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

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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	Date	Evacuation Zone
071C	Panel	Version			
	0438	H		11/17/2022	A

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Florida

GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Colleen Bennett *Zoning*
Lcbc-Dept Of Comm Development-D
1500 MONROE ST
Fort Myers FL 33901

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Lee County, Florida, or in a newspaper by print in the issues of, on:

08/07/2025

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.
Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 08/07/2025

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost:	\$181.14	
Tax Amount:	\$0.00	
Payment Cost:	\$181.14	
Order No:	11528381	# of Copies:
Customer No:	1124450	1
PO #:	900697	

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NICOLE JACOBS
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING

The Hearing Examiner of Lee County will hold public hearings on Thursday, August 21, 2025, in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL. An interested individual may appear and be heard with respect to the case(s) below. The Hearing Examiner's written decision becomes final on the date rendered. That decision may be appealed to Circuit Court in Lee County if an appeal is filed within 30 days of the date the decision is rendered. Copies of staff report(s) are available one week prior to the hearing. The file can be reviewed at the Zoning Section, 1500 Monroe St., Fort Myers, FL. Call (239) 533-8585 for additional information. In accordance with the Americans with Disabilities Act, Lee County will not discriminate against qualified individuals with disabilities in its services, programs, or activities. To request an auxiliary aid or service for effective communication or a reasonable modification to participate, contact the ADA Coordinator, Dr. Ranice Monroe, at (239) 533-8782, ADARequests@leegov.com or Florida Relay Service 711. Accommodation will be provided at no cost to the requestor. Requests should be made at least five business days in advance.

The following case(s) will be heard (Lee County Land Development Code is abbreviated below as LDC): SEZ2025-00001. East Fork Creek Farm. 9:00 am. Request for a Special Exception in the Agricultural (AG-2) zoning district pursuant to LDC §34-653 and §34-1264(a)(2) for consumption on premises of alcoholic beverages (2COP), in conjunction with an agritourism activity. Located at 6901 Hendry Creek Drive, San Carlos Planning Community, Lee County, FL.

August 7, 2025

RECEIVED
AUG 19 2025

COMMUNITY DEVELOPMENT

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING STAFF REPORT

RECEIVED

SEP 30 2025

BY: HEARING EXAMINER'S OFFICE

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.

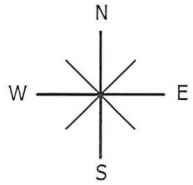
Nic DeFilippo, Senior Environmental Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

- 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.

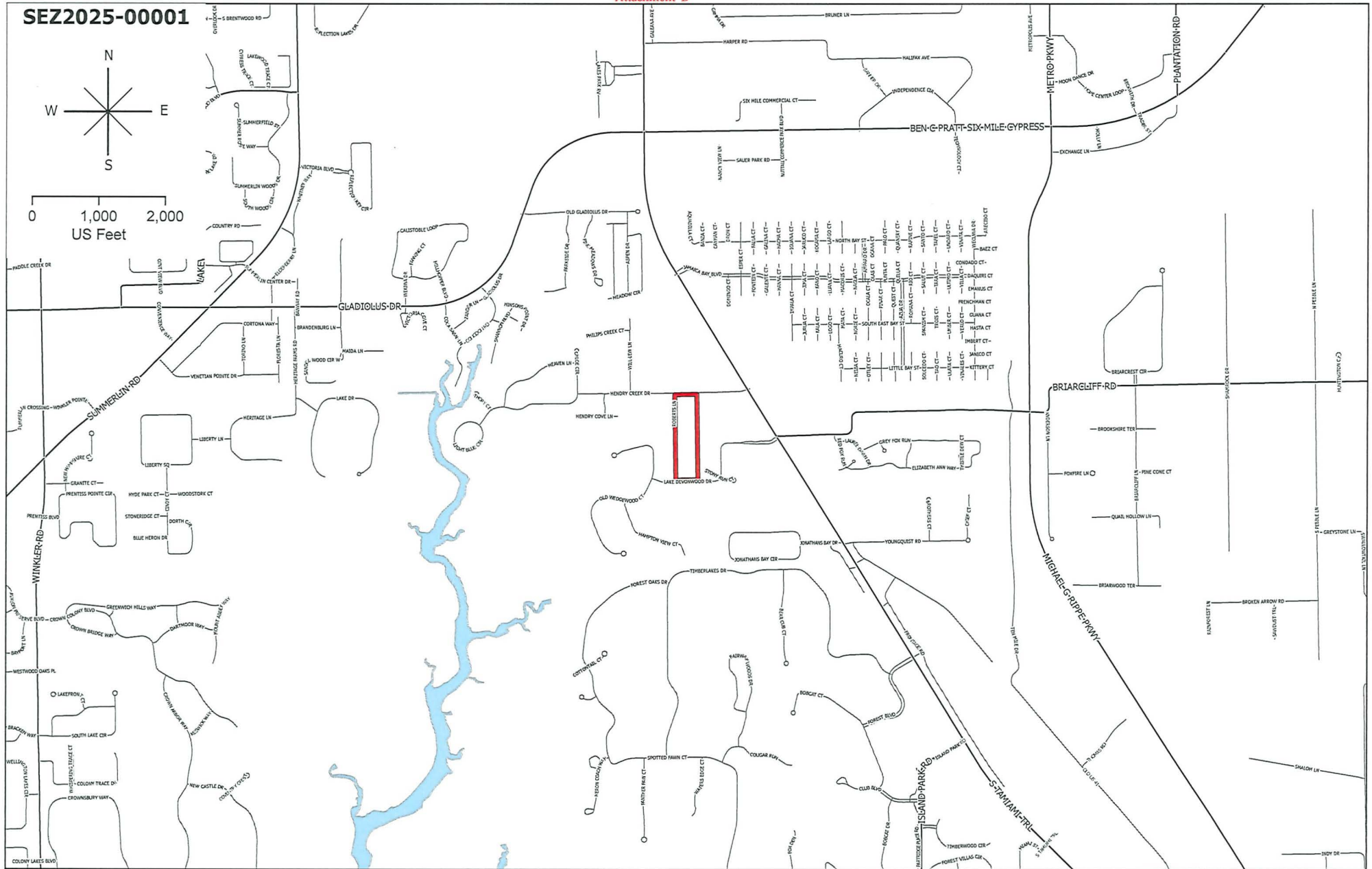
William Lange, Environmental Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

- 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.

SE22025-00001



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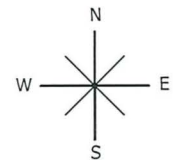




SEZ2025-00001

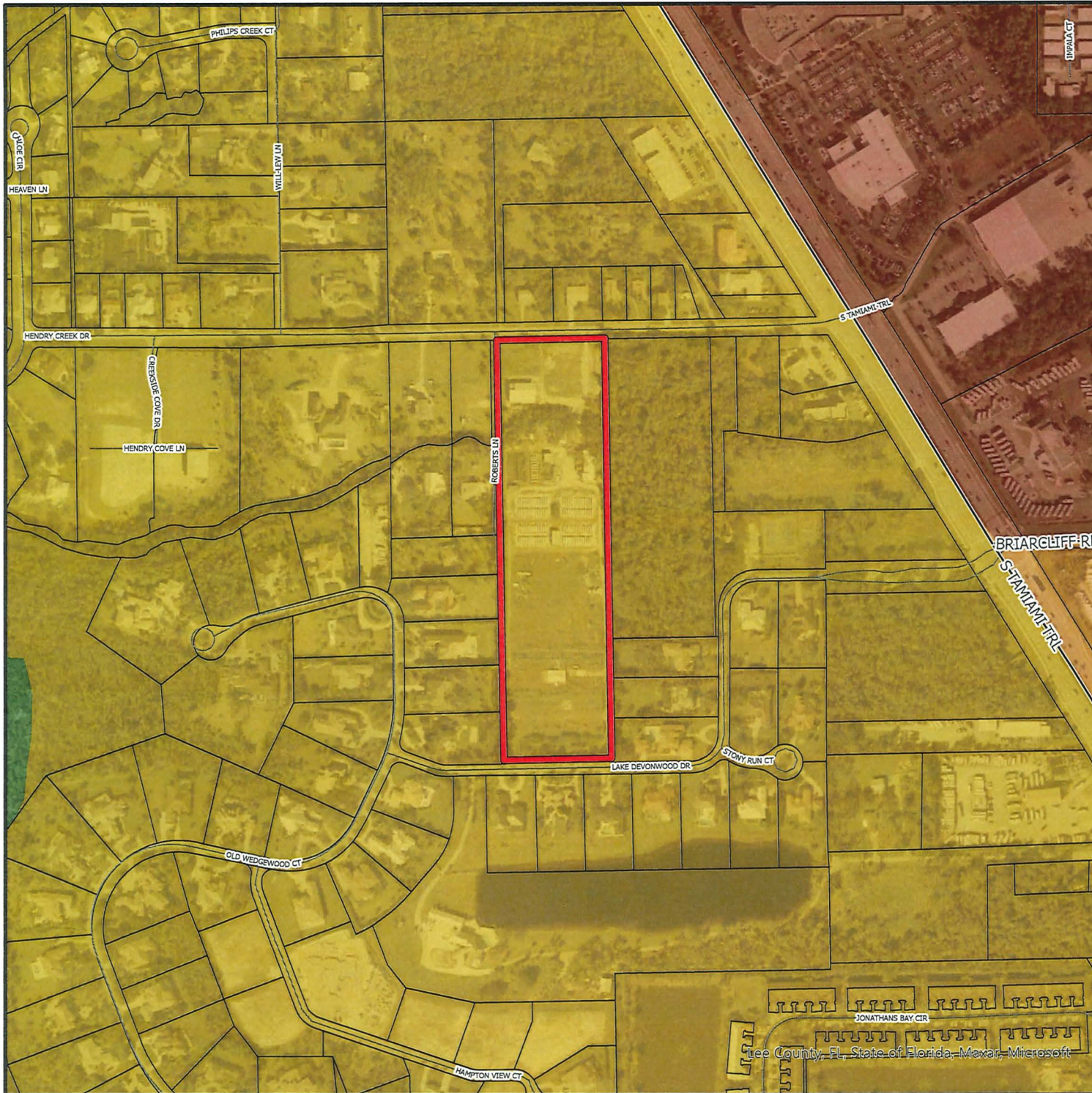
Aerial

 Subject Property



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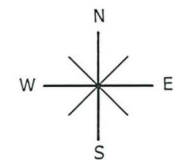
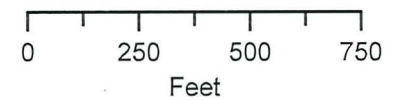


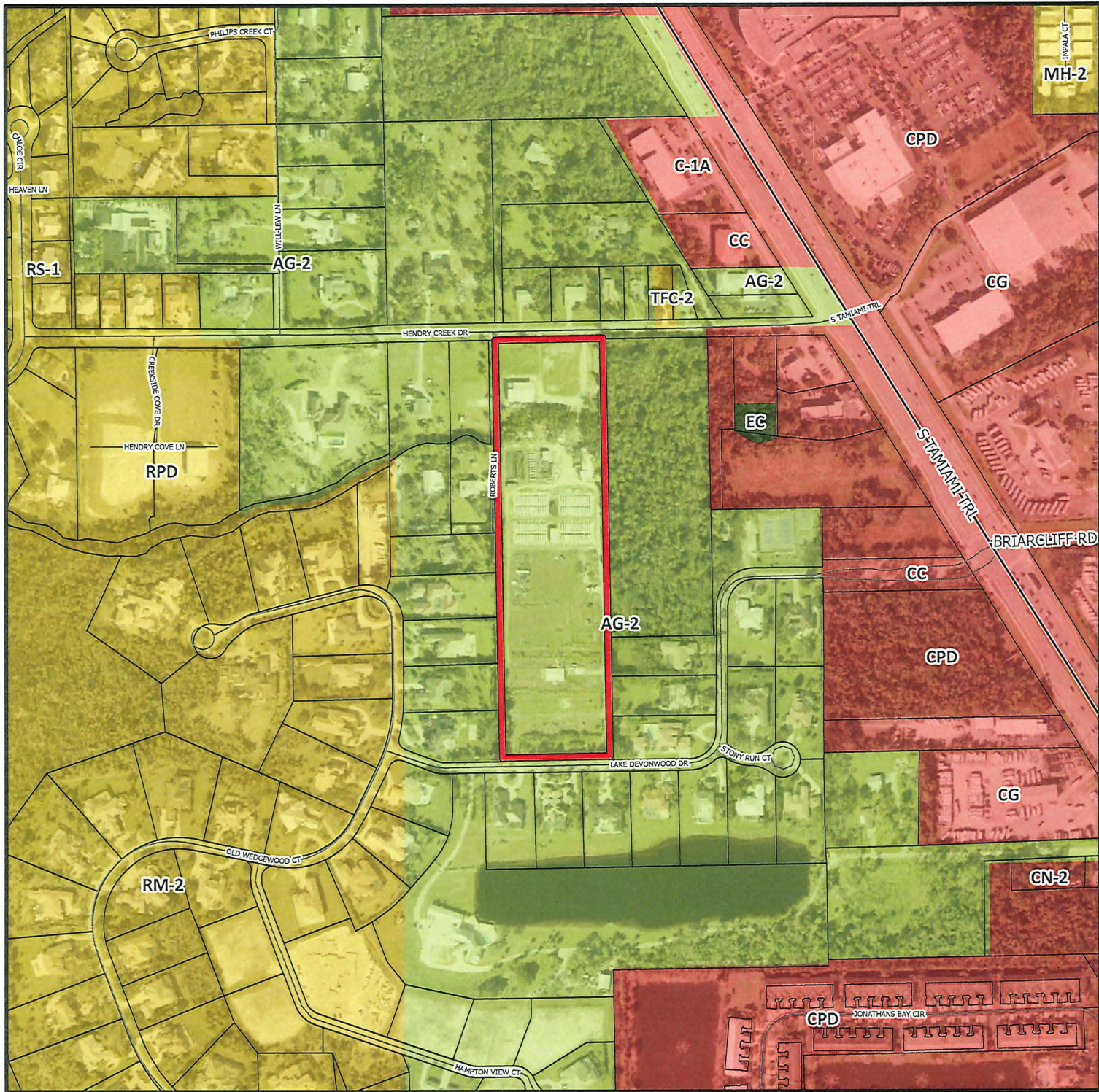


SEZ2025-00001

Future Land Use

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

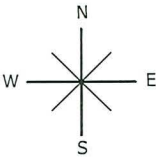
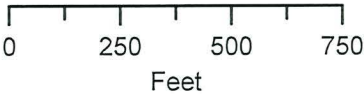




SEZ2025-00001

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 included. 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:

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

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

David Mulicka
District Three

RVI Planning and Landscape Architecture

Brian Hamman
District Four

111 N. Magnolia Avenue

Orlando, FL 32801

Mike Greenwell
District Five

RE: **Potable Water Availability**

Dave Harner, II
County Manager

East Fork Creek Farms – Special Exception – 6901 Hendry Creek Drive

STRAP # 36-45-24-00-00014.0000

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.

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

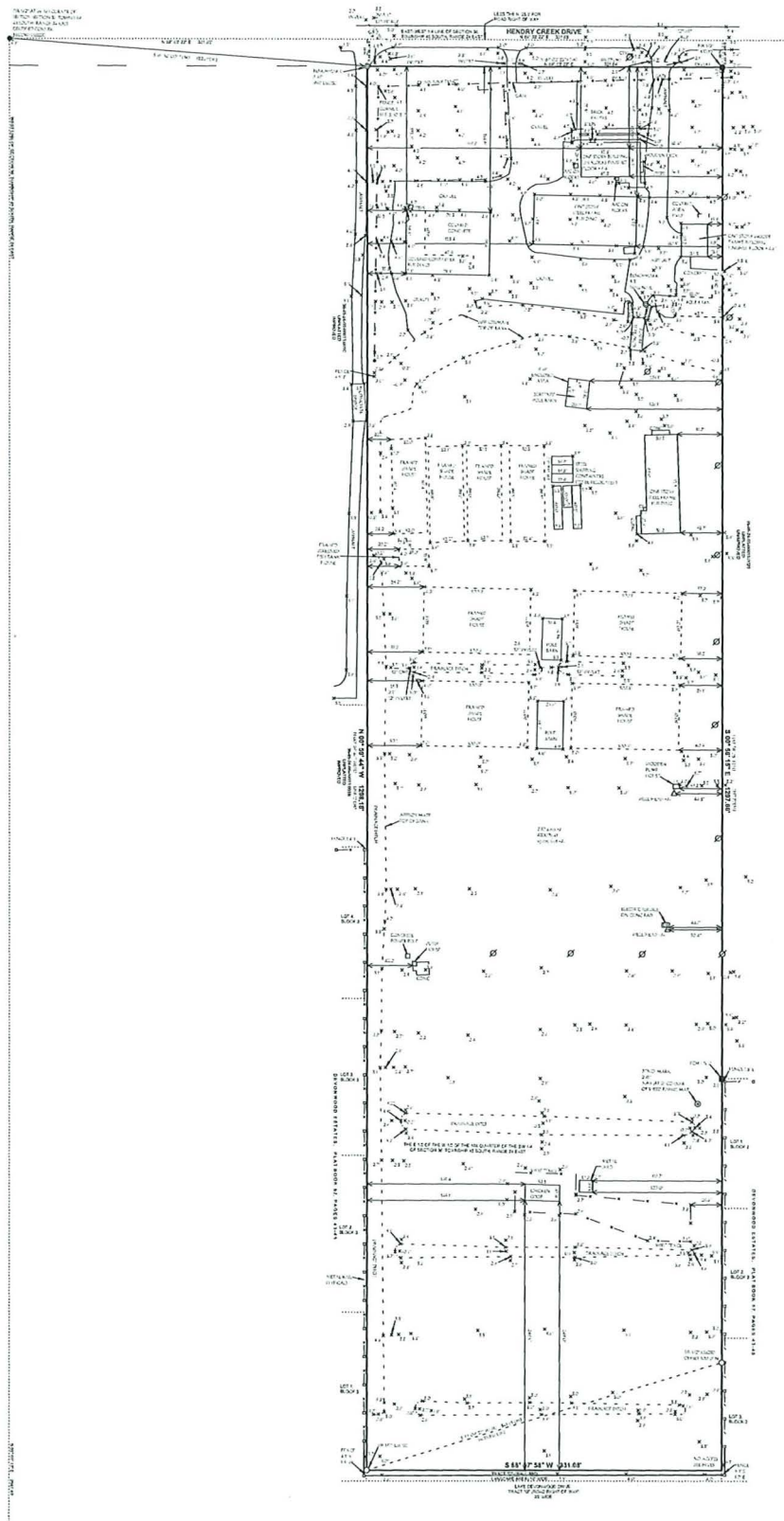
Ohdet Kleinmann, Development Services Manager

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.

BOUNDARY SURVEY
FILE NO: 19243
SURVEY DATE: 7-26-19



REVIEWED
ADD2024-00152
Rick Burris, Principal
Planner
Lee County DCD/Planning
8/26/2024



CERTIFIED TO:
JJOAZE Holdings, LLC

THANK YOU! JUST WALK WITH US TO THE SIGNING FOR THE CHANGING
 EARTH OF A CHANGING EARTH AND A CHANGING WORLD.

Michael S. Young Author, *Changing Earth* **10:30 AM**
 10:30 AM - 11:00 AM **11:00 AM**
 11:00 AM - 11:30 AM **11:30 AM**

NOTES:

[illegible]

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

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.

LEGEND:

[illegible]

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ADD2024-00152 Leo County ePlan



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

Exhibit A

SKETCH OF DESCRIPTION

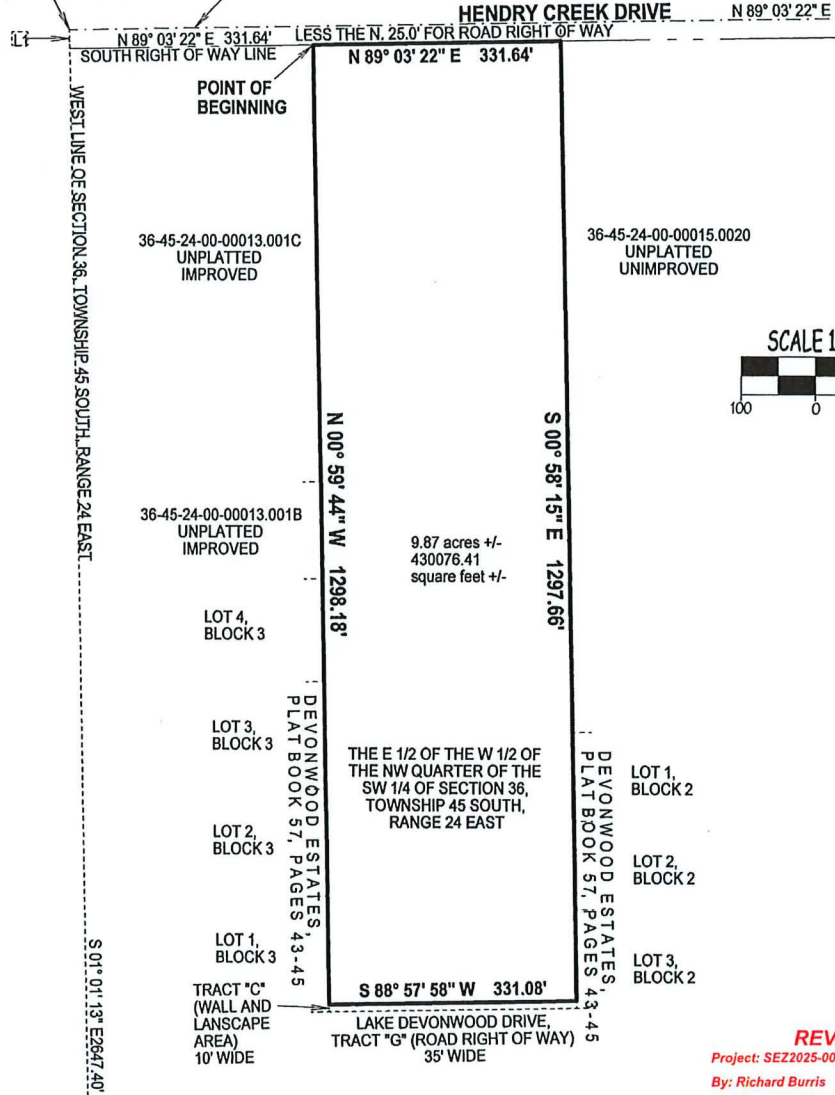
FILE NO: 22297

DATE: 8-22-22

POINT OF COMMENCEMENT:

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

EAST-WEST 1/4 LINE OF SECTION 36,
TOWNSHIP 45 SOUTH, RANGE 24 EAST



REVIEWED

Project: SEZ2025-00001

By: Richard Burris

Dept: Legal Review

Date: 05/23/2025

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 6130

8-22-22
DATE SIGNED

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

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



INTERIOR WALL - FULL HEIGHT WALL OF 1/2" REGULAR GYPSUM BOARD (SEE FINISH SCHEDULE) EACH SIDE OF 3 1/2" STUD FRAMING (UNO) AT 16" O.C. (UNO). RUN GYPSUM BOARD TO 6" ABOVE CEILING (UNO). RUN STUDS TO BOTTOM OF TRUSSES OR PROVIDE BRACING AT TOP OF WALL AS SHOWN ABOVE ON E/A/03.

EXTERIOR WALL - HANDI-BOARD
CLAPBOARD SIDING SYSTEM OVER TYPE C
(OR EQUAL) OVER 1/2" PLYWOOD OVER 3/4"
WOOD STUD AT 16" O.C. (UNO) (SSD) W/
SPRAY FOAM INSULATION BETWEEN W/
INTERIOR FINISH OF 1/2" GYPSUM BOARD

EXTERIOR WALL - HARDI-BOARD
CLAPBOARD SYSTEM EACH SIDE OF TYVEC
FOR EQUAL OVER 1/2" PLYWOOD OVER 5/8"
WOOD STUD AT 16" O.C. (UND) (SSD)

FLOOR PLAN SYMBOLS:

 NFI
NEW FIRE EXTINGUISHER TO BE LOCATED ON WALL
NEAR ENTRANCE TO NEAREST ALARMED UNIT. MINIMUM GALLON
RATED TO BE OF AT LEAST 10 GALLONS. SEE LOCATION
OF FIRE EXTINGUISHER PRIOR TO INSTALL.

 NFI
TYPE K FIRE EXTINGUISHER FOR ARMED CLASS 6 LITER
CLASS K (NE-CHARGEABLE) ON WALL BRACKET.

MT
METAL (H.C.) APPROVED THROUGHOUT

 FD
FLOOR DRAIN (SEE PLUMBING DRAWINGS)

(600)
SEE STRUCTURAL DRAWINGS


BUILT-IN GARNETRY (CONTRACTOR FURNISHED
& INSTALLED)


TV or MONITOR (ON WALL BRACKET (WALL
BRACKET PROVIDED / INSTALL BY GC (NFI)) (SEE
PREFAB BUILDING P&ID)


ELECTRIC PANEL (SEE ELECTRICAL DRAWINGS)

 WH
WATER HEATER ON STAND (SEE PLUMBING
DRAWINGS)

 HD
HOLE DRILL (SEE PLUMBING DRAWINGS)

KEY PLAN NOTES:

- ⚠ 2x4 W/END POKED METAL LADDER TO MECHANICAL ROOM PIP
- ⚠ (N) ADJUSTED BY D. PLANI W/ REMOVED PIP'S BY 8" LONG TIE BRACKET AT 24" ON WALL HEREINAFTER SPACED AND REQUIRED BY 8" VERTICALLY TO STAYS ON IN WALL BLOOMING TOP SHELF MAX 8'-0" AP, LOW WALL W/ TOP CURTAIN WALL FINISHED AT 8'-0" APP.
- ⚠ BLOOMING TRUBS FOR 3x3/4" MIN CLEARANCE AROUND LADDER
- ⚠ NOT USED.
- ⚠ INTERIOR WALL - KNEEWALL BY 1/2" OPTIMUM BOARD (ONE PLAN SCHEDULED) EACH SIDE OF 3 1/2" WOOD FRAMING (FUNG) AT 16" O.C (FUNG) WALL TO BE COVERED ALL SIDED W/ 1/2" WALL TRIM TO 16" O.C 1/4" TALL AND O.C TO VERYBY W/ KITCHEN EQUIPMENT.
- ⚠ BUILD OUT / EXTEND WALL TO ALIGN W/ DECORATIVE BEAM ABOVE.

GENERAL SYMBOLS:

VERTICAL ELEVATION

ROOT NUMBER

DOOR NUMBER

WINDOW NUMBER

TOILET ACCESSORY NUMBER

KEYWAY NUMBER


BALL SECTION / DETAIL

CONSTRUCTION DETAIL

BUILDING SECTION

INTERIOR / CABINET ELEVATION


301 NO:

REVISIONS:

1	1/15/24 (AKS)
2	(CODE REV. REDEF.)
3	2/16/24 (AKS)
4	(CODE REV. REDEF.)
5	
6	
7	

MSA MOORE & SPENCE ARCHITECTS, P.A.
12813 NEW BRITANNY BLVD.
FORT MYERS, FLORIDA 33907
(239) 278-3520 FAX (239) 278-3519
AR #0013983 / AR #0015335



COPYRIGHT 2013 / MOORE + BENDIS ARCHITECTS, P.A. / ALL RIGHTS RESERVED
 AN EDUCATION CENTER BUILDING
 FOR
 EAST FORK CREEK PARK
 FORT MYERS, FLORIDA
 "NOTED" 2ND LEVEL FLOOR PLAN / LEVEL SYMBOLS / NOTES

JOB No:

22042

1/2/83

SHEET No:
A1.2

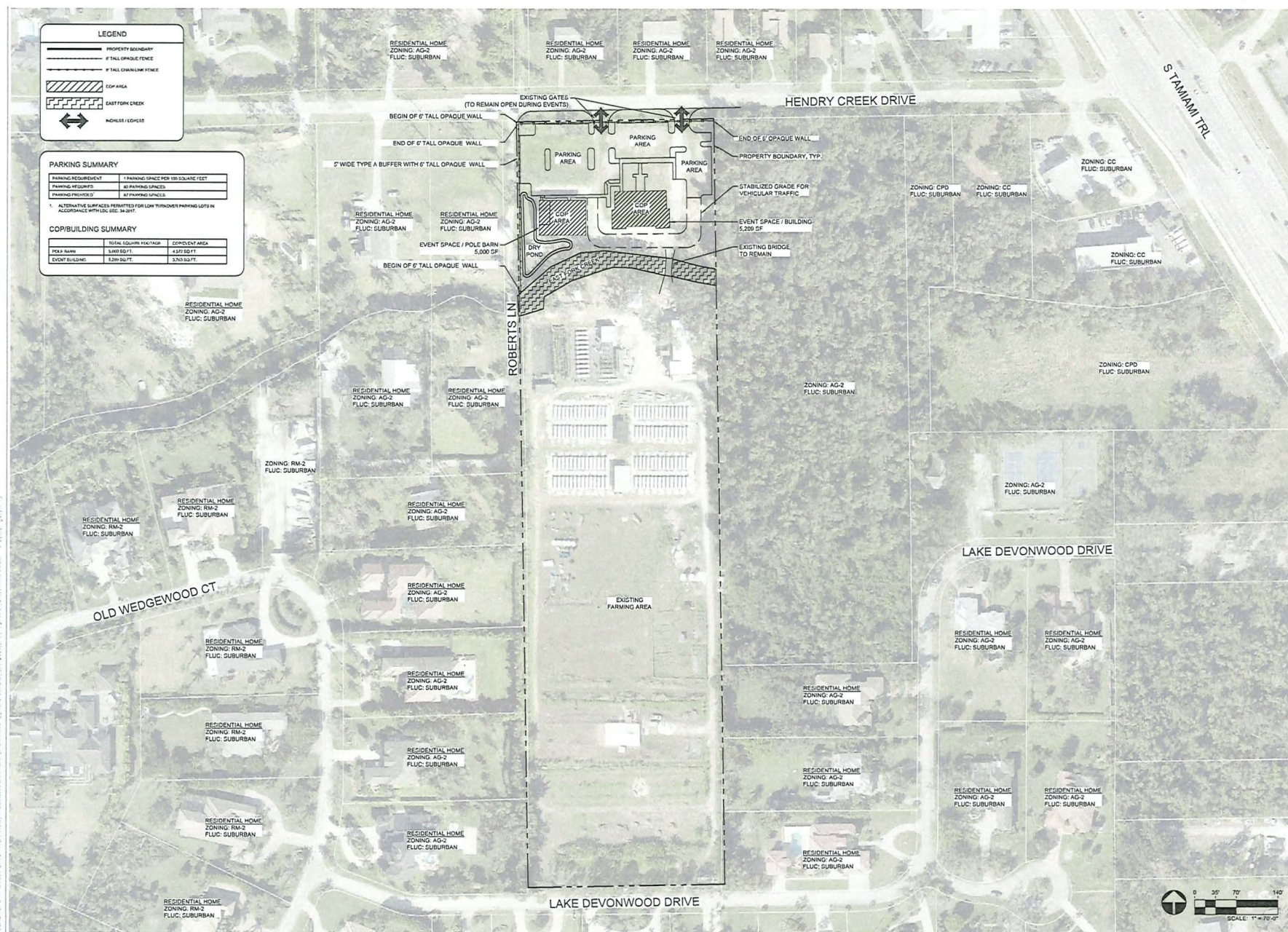
EAST FORK CREEK FARMS
SPECIAL EXCEPTION CONCEPTUAL SITE PLAN
LEE COUNTY, FLORIDA

PROJECT NO: 24008758
DATE: 04/14/202
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.



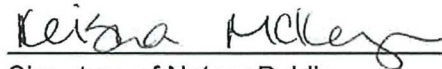
Authorized Agent for JJDAZE HOLDING LLC

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

(Notary Seal)

Commission No.





Signature of Notary Public



(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:

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.

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

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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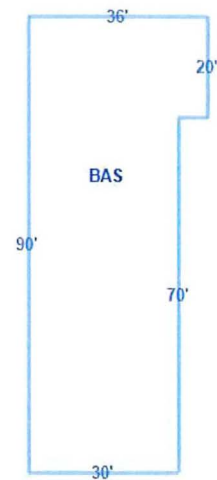
Land				
Land Tracts				
Use Code	Use Code Description	Number of Units	Unit of Measure	
5375	Miscellaneous AG Land	9.74	Acres	
Land Features				
Description		Year Added	Units	
FENCE - CHAIN LINK - 5 FOOT		1987	700	
PAVILION/COVERED PICNIC AREA		2020	2,728	
Buildings				
Building 1 of 1				
Building Characteristics				
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	
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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

**Property Details (2024 Tax Roll)**

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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
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Buildings**Building 1 of 1****Building Characteristics**

Improvement Type	Model Type	Stories	Living Units
82 - Warehouse - Metal/Frame	6 - WAREHOUSE/INDUSTRIAL	1.0	0
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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
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GREENHOUSE-SHADE CLOTH COVERING ONLY	2018	4,275
GREENHOUSE-VINYL 6MIL COVERING ONLY-CL/	2020	6,000

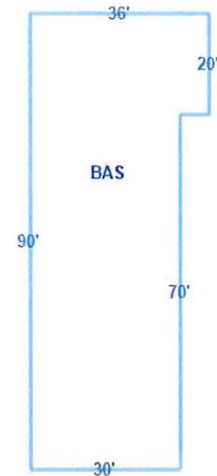
GREENHOUSE-VINYL 6MIL COVERING ONLY-CL/	2020	6,000
GREENHOUSE-VINYL 6MIL COVERING ONLY-CL/	2020	6,000
GREENHOUSE-VINYL 6MIL COVERING ONLY-CL/	2020	6,000
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UTILITY - FINISHED	2020	1,536
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Building Front 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 ⓘ

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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

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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

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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

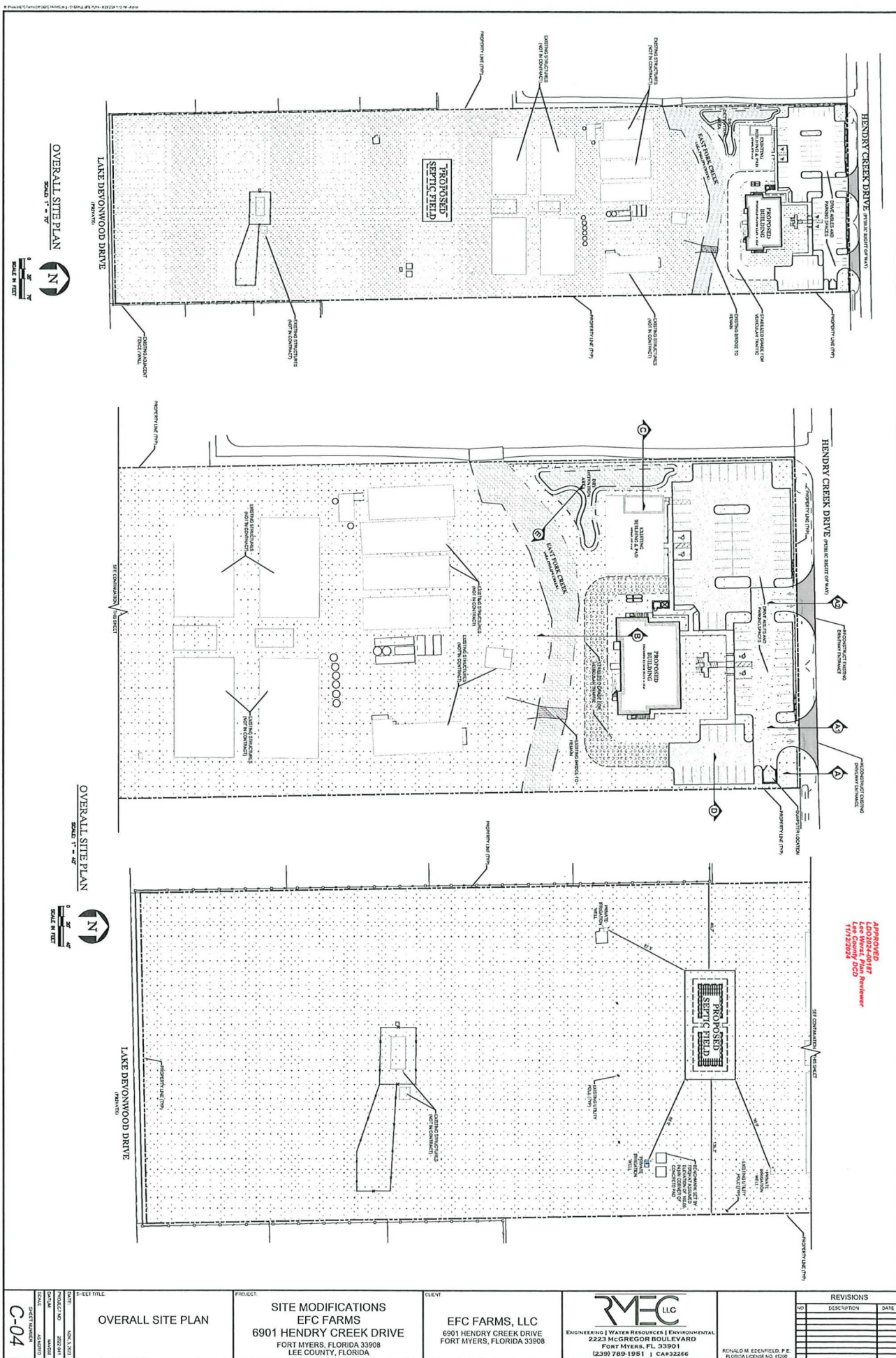
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Flood Insurance		Find my flood zone			
Community	Panel	Version	Date	Evacuation Zone	
071C	0438	H	11/17/2022	A	

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Architect: J.E.

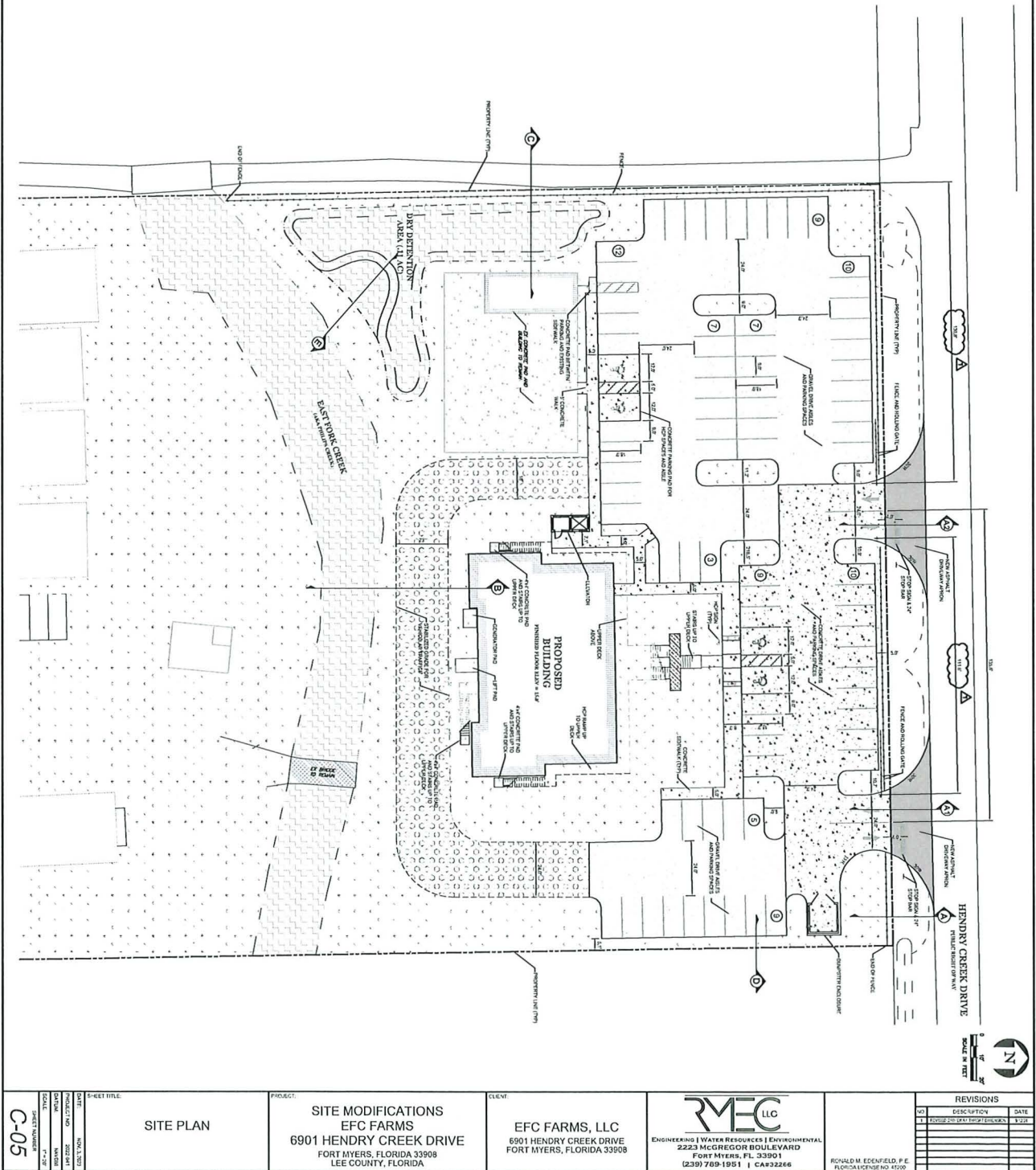
APPROVED BY
Lee County DCD
1/11/2024



REVISIONS		DATE
NO.	DESCRIPTION	

PROJECT:	SITE MODIFICATIONS EFC FARMS 6901 HENDRY CREEK DRIVE FORT MYERS, FLORIDA 33908 LEE COUNTY, FLORIDA	CLIENT:	EFC FARMS, LLC 6901 HENDRY CREEK DRIVE FORT MYERS, FLORIDA 33908
DATE:	02-11-2024	PROJECT NO.:	2023-047
DESIGNED BY:	ARCHITECT	CHECKED BY:	ARCHITECT
DRAWN BY:	ARCHITECT	SCALE:	AS SHOWN
SHEET NUMBER:	C-04	SHEET TITLE:	OVERALL SITE PLAN

RMEC LLC ENGINEERING & WATER RESOURCES CONSULTANTS 2223 MCGREGOR BOULEVARD FORT MYERS, FL 33901 (239) 789-1951 CAP32266	RONALD M. ECKENFELD, P.E. FLORIDA LICENSE NO. 45106
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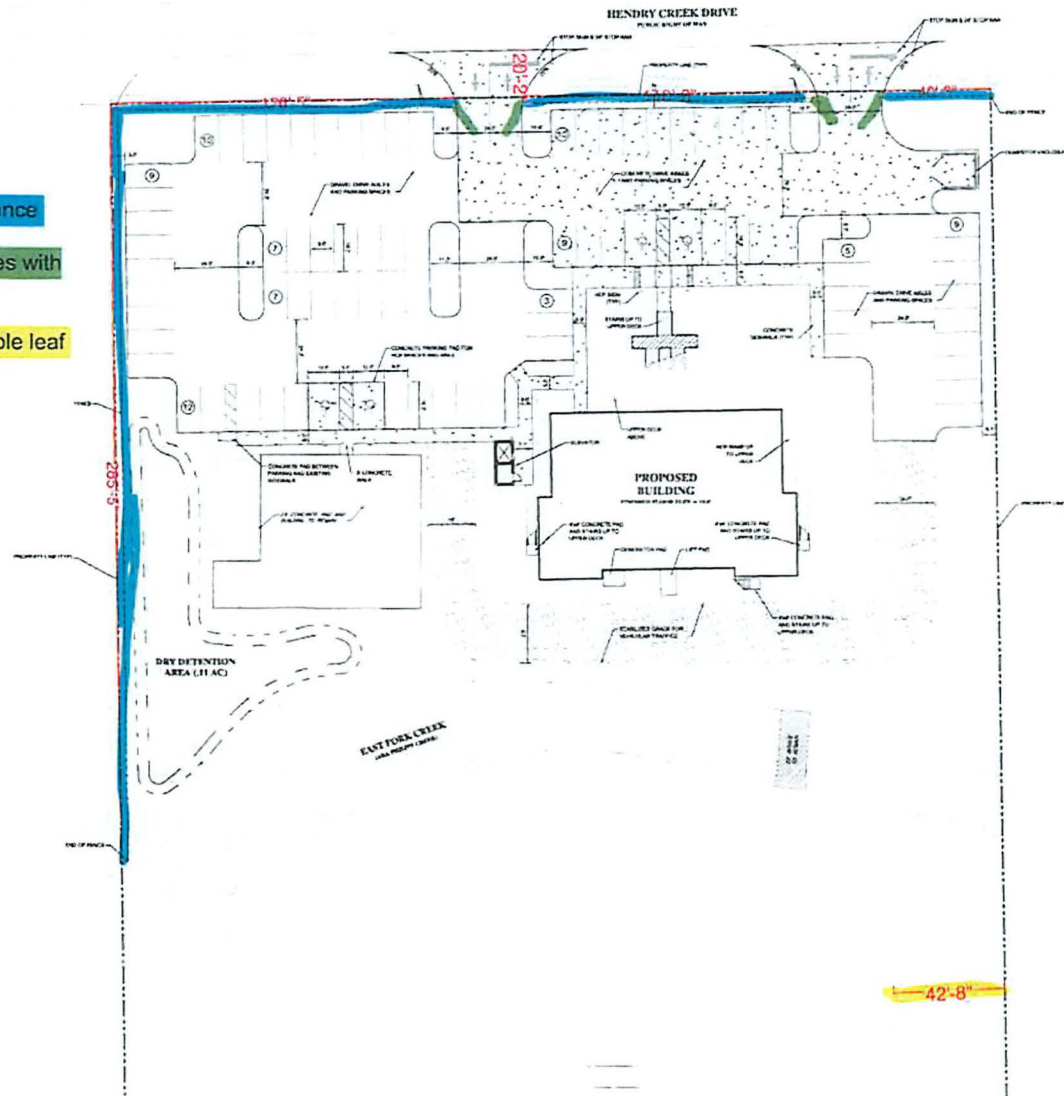
*** LEGEND ***

(564') of 6'h Beige granite simtek ecostone privacy fence

(2) 6'h Double leaf black Aluminum picket estate gates with operators (electrical / power by owner)

(40') of 8'h #09GA black vinyl CLF with (1) 12'w Double leaf maintenance gate

Lee County Codes and Building Services
Approved
FNC2024-03232
By: Samantha Martin Date: 3/12/2025
For: 564' of 6'h high granite simtek privacy fence, (2)
6'h double aluminum gates, 40' of 8'h high black vinyl
chain link fence.
Approved based on site information
supplied by applicant.



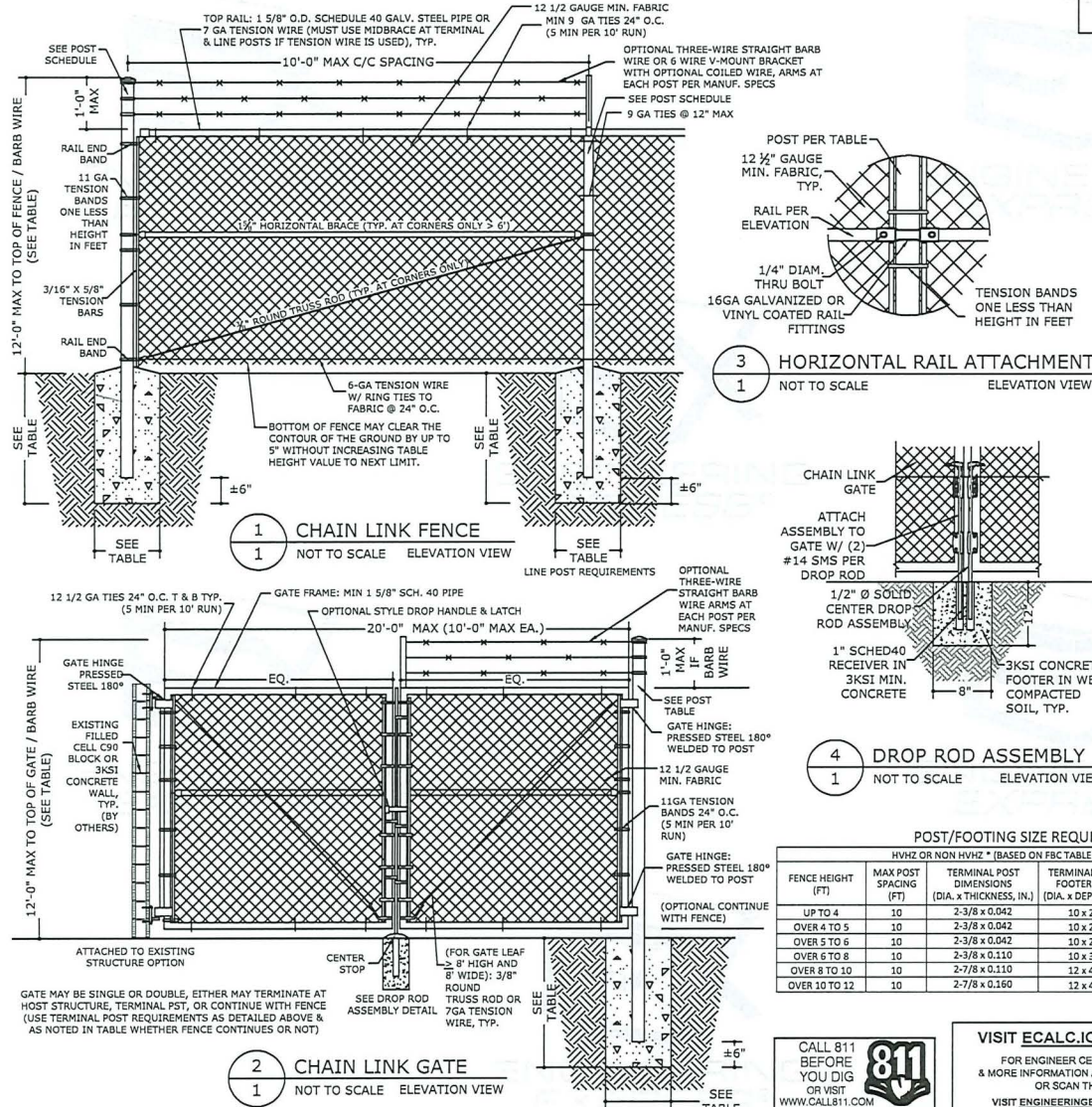
<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>3/12/2025</td> <td>ISSUED FOR PERMIT</td> </tr> </tbody> </table>		NO.	DATE	DESCRIPTION	1	3/12/2025	ISSUED FOR PERMIT
NO.	DATE	DESCRIPTION					
1	3/12/2025	ISSUED FOR PERMIT					
<p>PROJECT INFORMATION</p> <p>PROJECT NAME: EFC FARMS, LLC</p> <p>PROJECT ADDRESS: 6901 HENDRY CREEK DRIVE, FORT MYERS, FLORIDA 33908</p> <p>PROJECT OWNER: EFC FARMS, LLC</p> <p>PROJECT CONTACT: 2322 ANCHOR CIRCLE, FORT MYERS, FLORIDA 33908</p> <p>PROJECT PHONE: 239 759 1551</p> <p>PROJECT EMAIL: EFC@EFCFARMS.COM</p>							
<p>DESIGNER</p> <p>DESIGNER NAME: EFC FARMS, LLC</p> <p>DESIGNER ADDRESS: 6901 HENDRY CREEK DRIVE, FORT MYERS, FLORIDA 33908</p> <p>DESIGNER PHONE: 239 759 1551</p> <p>DESIGNER EMAIL: EFC@EFCFARMS.COM</p>							
<p>DATE: APRIL 11, 2024</p> <p>SCALE: 1" = 40' - 0"</p> <p>PROJECT NUMBER: C-05</p>							

CHAIN LINK FENCE & GATE GENERAL PERFORMANCE EVALUATION

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.

THIS DOCUMENT CAN ONLY BE USED FOR ONE PERMIT SUBMITTED BY Feb 5, 2025
VALID ONLY FOR ZIP CODE: 33308
FOR USE ONLY BY: USA Fence Company
Richard Neel FL PE66488 CA-9885
This form has been digitally signed and sealed by RICHARD NEEL on the date adjacent to the seal for the number of page(s) specified. Printed copies of this document are not considered signed and sealed. FRAUD ALERT: PRINTED ORIGINALS MUST HAVE RAISED SEAL & PDF PLANS MUST HAVE A VERIFIED ELECTRONIC SIGNATURE OR IT IS FRAUDULENT. TO VERIFY VISIT EALC.IO/DS TO LEARN MORE. REPORT FRAUDULENT USE OF THIS DOCUMENT TO TEAM@ENGINEERINGEXPRESS.COM

Digitally signed by Richard Neel
Reason: Printed or scanned copies of this document are not considered signed and sealed. FRAUD ALERT: PRINTED ORIGINALS MUST HAVE RAISED SEAL & PDF PLANS MUST HAVE A VERIFIED ELECTRONIC SIGNATURE OR IT IS FRAUDULENT. TO VERIFY VISIT EALC.IO/DS TO LEARN MORE. REPORT FRAUDULENT USE OF THIS DOCUMENT TO TEAM@ENGINEERINGEXPRESS.COM



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

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- 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 $V/Ult = 115MPH / V/Asd = 90MPH$ 3 SEC GUST, UP TO 6'-0" WITHIN HVHZ, $V/Ult = 156MPH / V/Asd = 121MPH$ 3 SEC GUST, ABOVE 6'-0" & OUTSIDE HVHZ, EXPOSURE 'D' & 'C', RISK CATEGORY 1, 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 $F_y = 42KSI$. 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 2" 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% FIBER REINFORCED CONCRETE 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 A GEOTECHNICAL ENGINEER OF A CLASS OR BETTER.

Reviewed for Code Compliance
By: Diana Brown Date: 1/25/2025
FNC2024-03232

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SCALE: NTS UNLESS NOTED

1

Perez, Maria

From: Muhammad, Khalil
Sent: Friday, October 10, 2025 9:31 AM
To: Perez, Maria
Cc: Patrick Murray; Alexis Crespo
Subject: Staff 48-Hour Letter SEZ2025-00001
Attachments: Staff 48-Hour LTR SEZ2025-00001.pdf

Good Morning,

Attached is Staff's 48-Hour Letter for the case SEZ2025-00001.

Respectfully,



Khalil "Kam" Muhammad | Planner

Department of Community Development

1500 Monroe St, Fort Myers, FL 33901

office: (239) 533-8542

email: KMuhammad@leegov.com

web: www.leegov.com/dcd

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STAFF'S EXHIBIT # 4

MEMORANDUM
FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT

TO: Amanda Rivera
Chief Hearing Examiner

DATE: October 10, 2025

FROM: Khalil Muhammad
Planner

RE: Staff 48-Hour Letter
East Fork Creek Farms
SEZ2025-00001

Please find attached the Affidavit of Publication for this case (SEZ2025-00001).

Respectfully Submitted,
Khalil Muhammad
Planner, Zoning Section

Attachments:

Affidavit of Publication

Cc:

Patrick Murray, RVi Planning and Landscape Architecture
Alexis Crespo, RVi Planning and Landscape Architecture



Florida

PO Box 631244 Cincinnati, OH 45263-1244

GANNETT

AFFIDAVIT OF PUBLICATION

Brienne Cherry
Lcbc-Dept Of Comm Development-D
1500 Monroe ST
Fort Myers FL 33901-5500

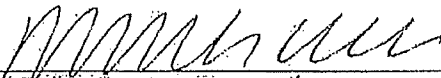
STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Lee County, Florida, or in a newspaper by print in the issues of, on:

FNP Fort Myers News-Press 09/25/2025
FNP news-press.com 09/25/2025

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 09/25/2025


Legal Clerk

Notary, State of WI, County of Brown

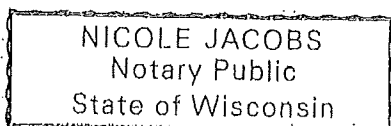
8-21-210

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NOTICE OF PUBLIC HEARING

The Hearing Examiner of Lee County will hold public hearings on Friday, October 10, 2025, in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL. An interested individual may appear and be heard with respect to the case(s) below. The Hearing Examiner's written decision becomes final on the date rendered. That decision may be appealed to Circuit Court in Lee County if an appeal is filed within 30 days of the date the decision is rendered. Copies of staff report(s) are available one week prior to the hearing. The file can be reviewed at the Zoning Section, 1500 Monroe St., Fort Myers, FL. Call (239) 633-8585 for additional information.

In accordance with the Americans with Disabilities Act, Lee County will not discriminate against qualified individuals with disabilities in its services, programs, or activities. To request an auxiliary aid or service for effective communication or a reasonable modification to participate, contact the ADA Coordinator, Dr. Ranice Mojica, (239) 633-8787. ADA requests@leegov.com or Florida Relay Service, 711. Accommodation will be provided at no cost to the requestor. Requests should be made at least five business days in advance.

The following case(s) will be heard (Lee County Land Development Code is abbreviated below as LDC):

Case: SEZ2024-00013/VAR2025-00016 / 2525 41st St W Lehigh Model Homes, 9:00 am. Property Owner: Maronda Homes LLC. Request for a Special Exception pursuant to LDC §34-004 and §34-1264(h)(2) to allow a model home and associated parking area in the Residential Single family (RS-1) zoning district together with a variance from LDC §34-1264(b)(2), which requires model homes to be connected to water and sewer, to allow the proposed model home to be served by well and septic. Located at 2525/2523 41st St W, Lehigh Acres Planning Community, Lee County, FL. Case: SEZ2025-00001 / East Fork Creek Farm, 1:00 pm. Property Owner: JJOAZE HOLDINGS LLC. Request for a Special Exception in the Agricultural (AG-2) zoning district pursuant to LDC §34-653 and §34-1264(a)(2) for consumption on premises in conjunction with an agritourism activity. Located at 6901 Monday Creek Drive, San Carlos Planning Community, Lee County, FL. 9/25/25



Lee County
Southwest Florida

SEZ2025-00001

East Fork Creek COP

Staff Presentation – October 10, 2025

No Content Here!

STAFF'S EXHIBIT # 5

Request Statement

The applicant is requesting a Special Exception to allow on-premises consumption of alcoholic beverages subject to 13CT, 2COP and 4COP(SFS) licenses in conjunction with Agritourism activities.



 Subject Property

No Content Here!

Property Information

6901 Hendry Creek Drive

+/- 9.87 acres

FLU: Suburban

STRAP #: 36-45-24-00-00014.0000

Zoning: Agricultural (AG-2)

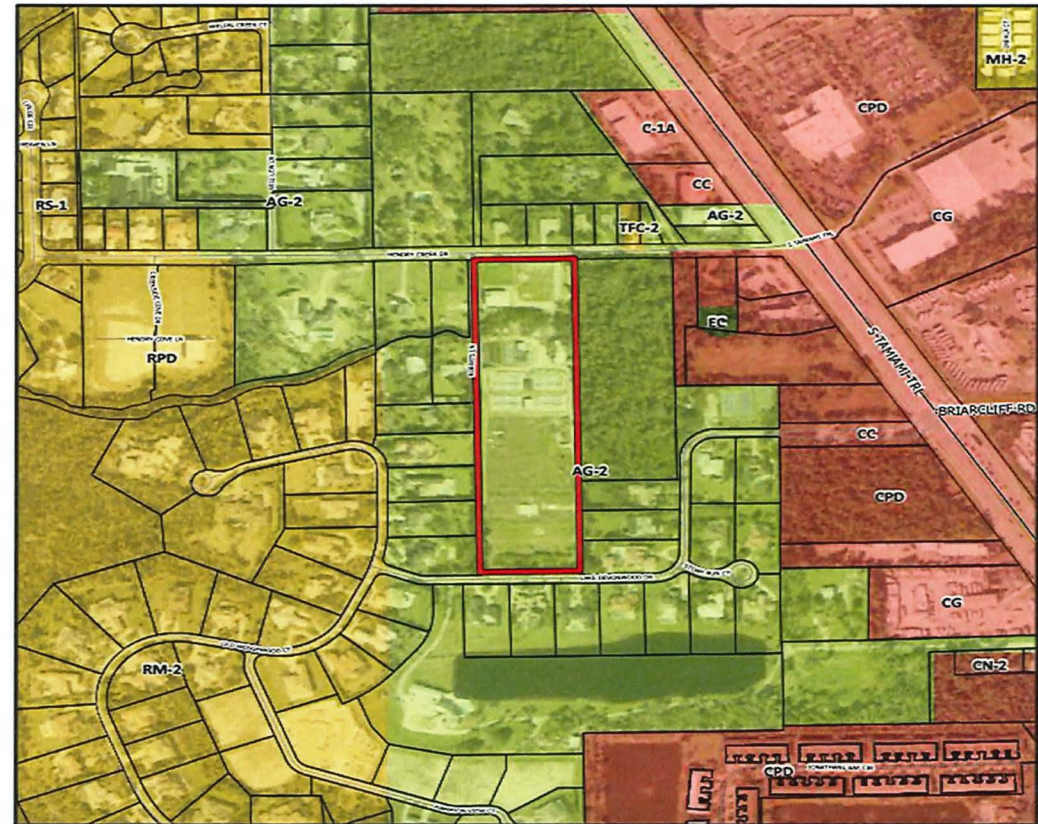


 Subject Property

No Content Here!

Parcel History

The subject 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.

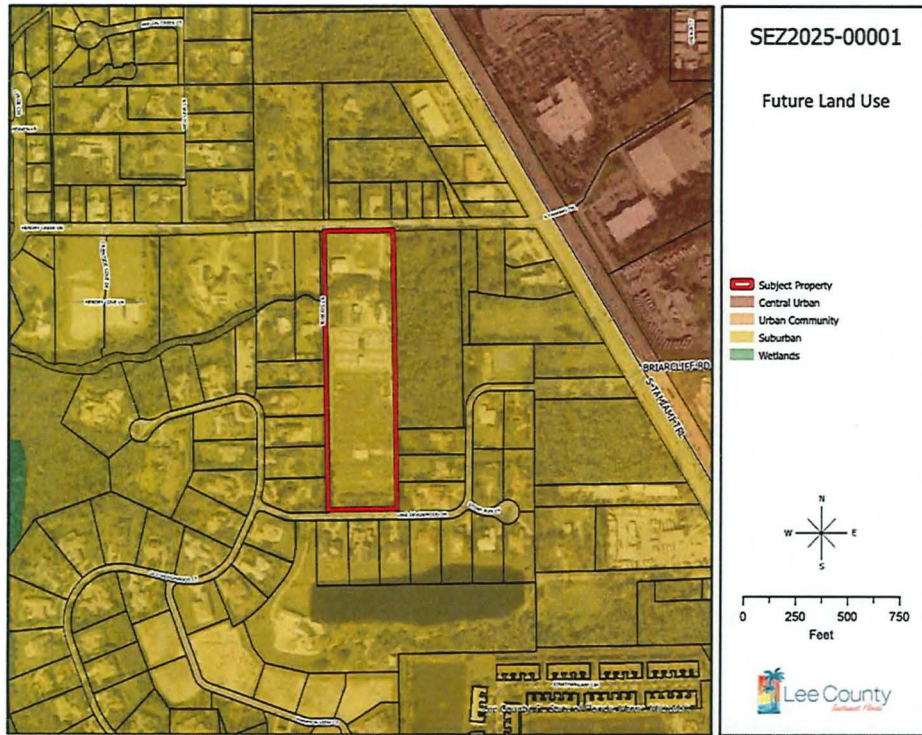


 Subject Property

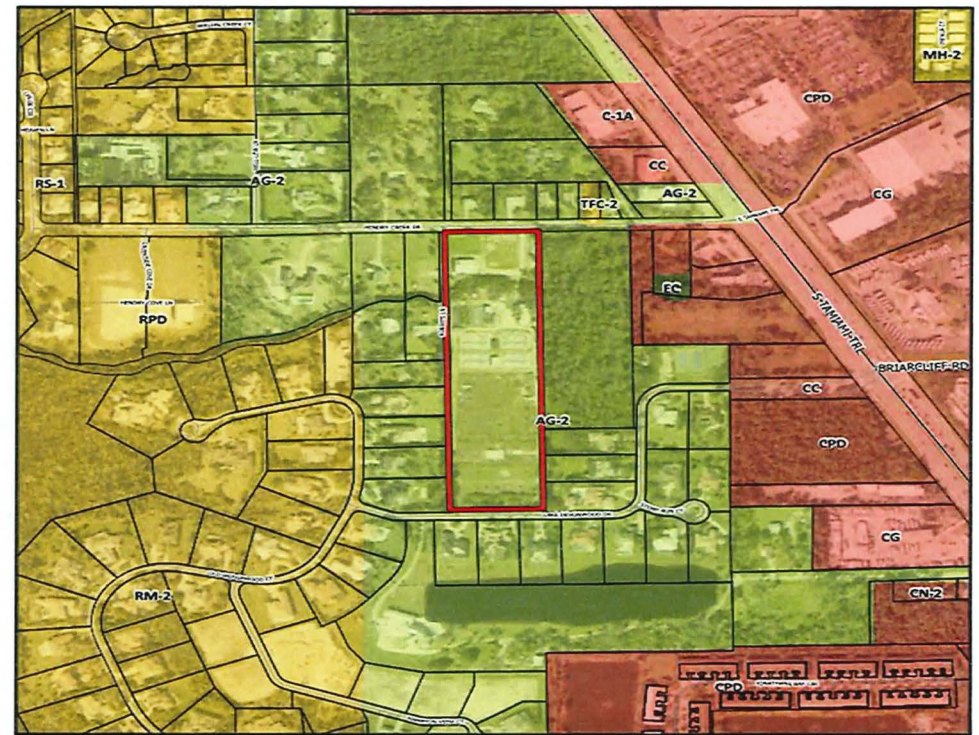
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Future Land Use

Current Zoning



 Subject Property

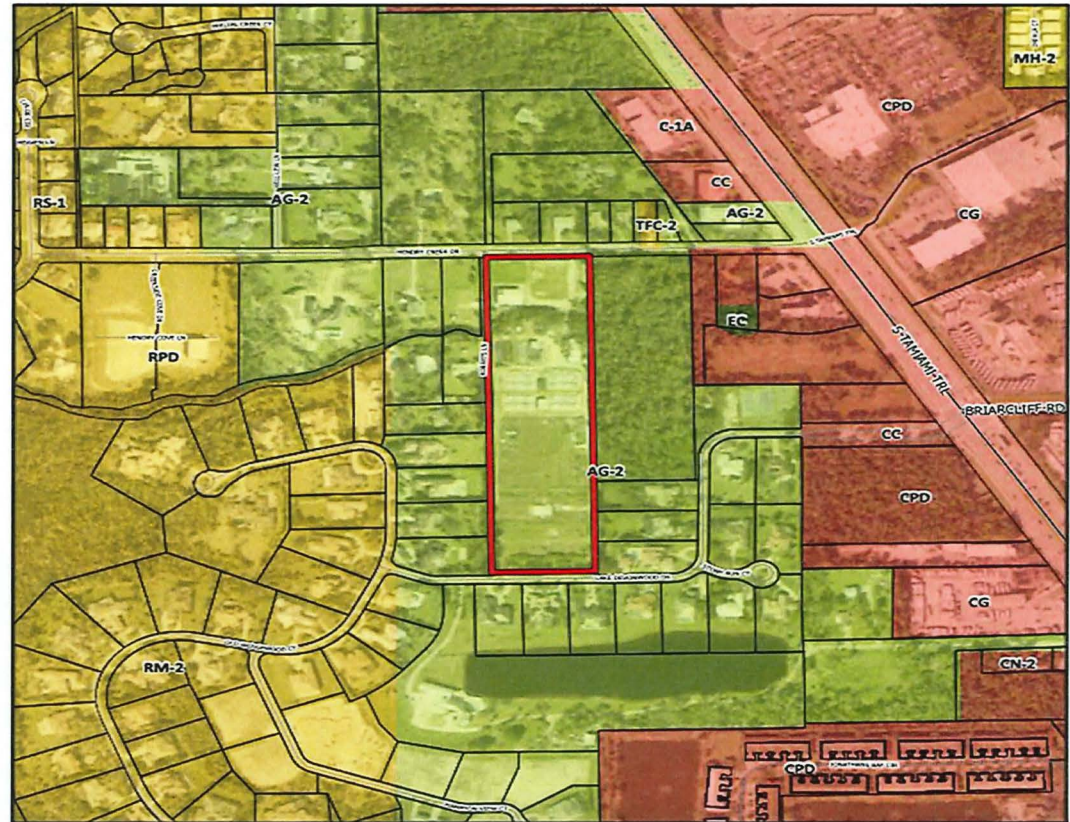


 Subject Property

No Content Here!

Zoning of Surrounding Properties

North	Agricultural (AG-2)
South	Agricultural (AG-2)
East	Agricultural (AG-2)
West	Agricultural (AG-2)



 Subject Property

No Content Here!

LDC Section 34-145(c) – Special Exception

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

Special Exception Review Criteria

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

The analysis of the compliance with the Lee Plan will be discussed in the following slides of the presentation.

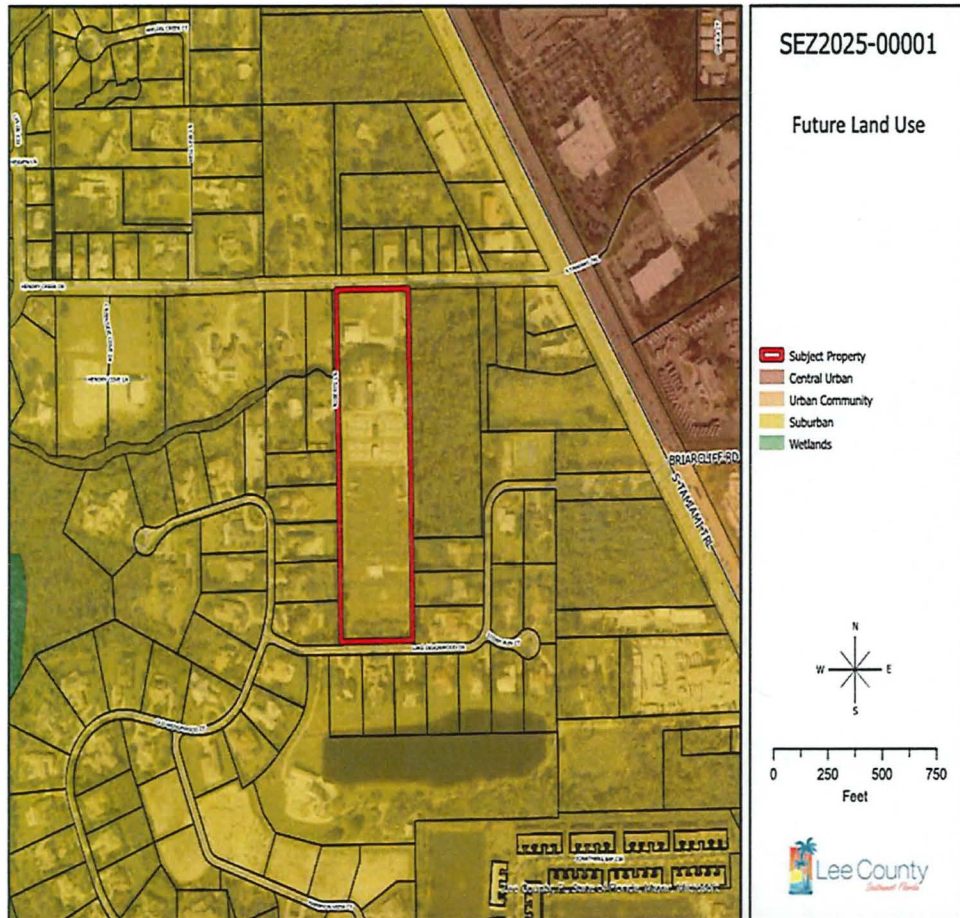
Agritourism Explained

Per 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.”

Land Development Code Allowance

Ordinance 15-11 amended Land Development Code (LDC) Section 34-653 to allow agritourism uses within the AG-2 (Agricultural) zoning district and establishes supplemental regulations governing agritourism. 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.

Lee Plan Future Land Use



Policy 1.1.5: The Lee Plan 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.

No Content Here!

Lee Plan Water and Sewer

Standard 4.1.1



Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system.

Standard 4.1.2



Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.

Lee Plan Residential Land Uses

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 the LDC, Chapter 10, 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 LDC will continue to require appropriate buffers for new developments

Lee Plan Agricultural Land Uses

Policy 9.1



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.

Policy 9.2



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.

Lee Plan Agricultural Land Uses (Cont...)

Policy 9.2.1

Rezoning to agricultural districts is prohibited 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.

Special Exception Review Criteria Cont...

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.*

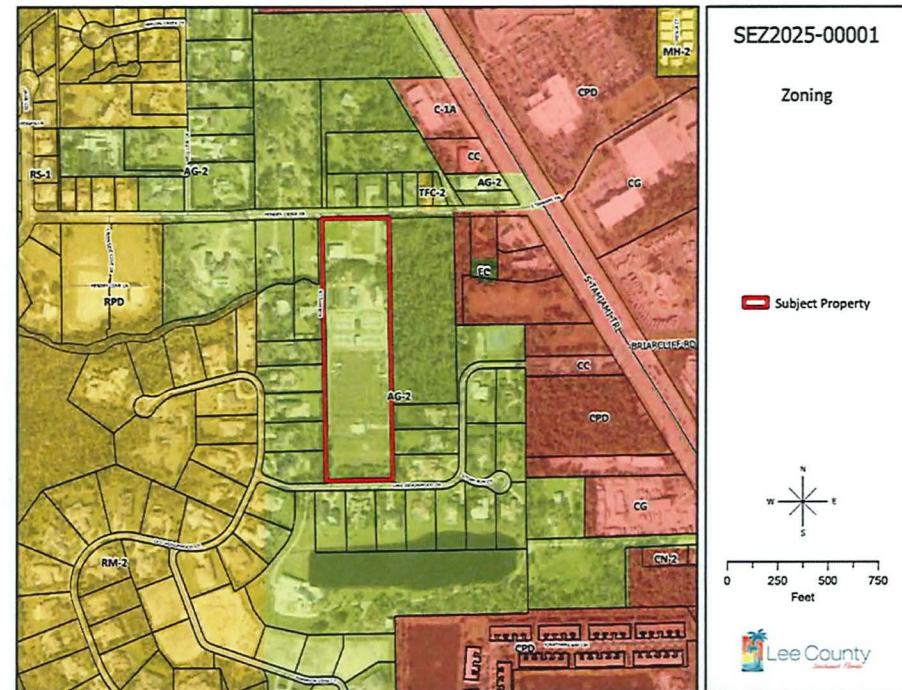
Special Exception Review Criteria Cont...

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, as conditioned will screen the views of the event space housing COP along the western and northern property lines. This includes a six-foot-tall opaque pre-cast wall as approved through FNC2024-03232.

Buffers

Direction	Existing Use	Required Buffer
North	Right-of-Way (ROW)	Staff recommends Type-A buffer to ensure compatibility
South	Right-of-Way (ROW)	None
West	Single Family Residential (AG-2)	*Applicant proposes and staff recommends Type-A buffer to ensure compatibility
East	Undeveloped (AG-2)	None



No Content Here!

Special Exception Review Criteria Cont...

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:

- 1. Noise levels*
- 2. Lighting*
- 3. Hours of event operations*
- 4. Number of guests per event.*

Staff has proposed condition of approval to ensure compatibility

Special Exception Review Criteria Cont...

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.

Conditions

1. Site Plan – 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 – 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 licenses 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

Conditions Cont...

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 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.

STAFF NOTE: The site plan will need to be revised as it does not depict the aforementioned buffer along Hendry Creek Drive.

Conditions Cont...

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. Staff has recommended this condition to maintain the harmony of the existing residential neighborhood.

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 limited to 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.

Staff Findings

- *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 an agritourism activity within the Suburban future land use category.*
- *Staff has concluded that the Special Exception will not result in negative impacts to urban services, infrastructure, or surrounding property.*
- *The request will not adversely affect environmentally critical or sensitive areas and natural resources.*
- *The proposed use is appropriate at the proposed location.*
- *The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.*
- *Therefore, staff recommends **APPROVAL** of the applicant's request, subject to conditions .*

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER DECISION

SPECIAL EXCEPTION: SEZ2016-00007

Regarding: SOUTHERN FRESH FARMS

Location: 8500 Penzance Boulevard

Daniels Parkway Planning Community
(District 2)

Hearing Date: August 23, 2018

Record Closed: September 6, 2018

I. Request:

Special Exception in the Agricultural (AG-2) zoning district to allow outdoor consumption on premises (2-COP for beer and wine) 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.

II. Hearing Examiner Decision:

Approval, subject to the conditions set forth in Section V.

III. Discussion:

Southern Fresh Farms is an agritourism operation¹ located north of Daniels Parkway, west of Palomino Lane, and south of Penzance Boulevard. It is situated directly across from the Paseo development. Residential and agricultural uses dominate the surrounding area. The property comprises nearly five acres, developed with a single family residence and accessory agricultural structures.

Operations on the farm include a petting zoo, farmer's market, aquaculture, cultivation of crops and hops, playground, and educational activities. The farm also hosts events such as weddings, birthday parties, and corporate outings. Although there are structures to host events, the property does not have a commercial kitchen. Catering trucks are needed to provide food and beverage service to attendees.

¹ Agritourism activities are governed by LDC 34-1711 and Florida Statutes § 570.85 et. seq. *Agritourism activity* 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, livestock operation, 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. LDC 34-2.

STAFF'S EXHIBIT # u

The applicant seeks to provide consumption on premises in conjunction with farm activities. For example, the applicant desires to serve alcoholic beverages to patrons while attending classes or gatherings like a "mom's day out." Staff supports this request if consumption is limited to a demarcated area and occurs during standard hours of operation.²

In addition, the applicant wants to allow alcoholic beverages to be consumed at special events such as weddings. These events are private and generally held outside normal hours of operation. Staff supports this request but proposes limits to the time and number of food trucks serving the event. Staff cites compatibility concerns with neighboring residential uses as the basis for these limitations.

Finally, the applicant proposes to host weekly "Farm-to-Food Truck" nights. These events would be open to the public and held on Friday evenings. Staff supports this request, again subject to limitations on time and number of food trucks.

Special Exception Criteria

Special exceptions are specified departures from the county's Land Development Code (LDC) that may be permitted when governed by conditions designed to promote public health, safety, welfare, order, comfort, convenience, appearance or prosperity.³

The Hearing Examiner must grant a request for special exception unless:

1. The request is contrary to the public interest and the health, safety, welfare, comfort, and convenience of the citizens of the county; or
2. The requested use conflicts with the findings necessary to grant a special exception.⁴ These findings include consistency with the Lee County Comprehensive Plan (Lee Plan), compatibility with existing and planned uses, no injury to the neighborhood, and compliance with the zoning provisions pertaining to the use as well as other applicable regulations.⁵

In reaching this decision, the Hearing Examiner may attach conditions necessary to protect the public.⁶ Such conditions must rationally relate to the special exception.⁷

The Hearing Examiner finds the request satisfies the special exception review criteria, as conditioned. Consideration of each criterion follows.

² See "COP Area" on the enclosed site plan.

³ LDC 34-2.

⁴ LDC 34-145(c)(3); LDC 34-145(c)(4)(a).

⁵ LDC 34-145(c)(3).

⁶ *Id.*

⁷ LDC 34-145(c)(4)(b).

Lee Plan Compliance

The property is zoned agricultural (AG-2) and has an agricultural property tax exemption on the majority of the site.⁸ It has a Rural future land use designation and is within the Daniels Parkway Planning Community.⁹

Properties with a Rural classification are to be predominantly residential and agricultural.¹⁰ Southern Fresh Farms is a bona fide agricultural operation.¹¹ The applicant also resides on the property.¹² These uses fit clearly within the Rural category. Consumption of alcohol with agritourism events is a step beyond mere agricultural or residential use that warrants further consideration.

The Lee Plan protects existing residential areas from the encroachment of potentially destructive uses to the character and integrity of the residential environment.¹³ Special events with consumption on premises is an intensification of the existing residential/agricultural use. Since the property is in an existing residential area, it is appropriate to condition approval to ensure consistency with the Lee Plan.¹⁴

Compatibility

A hallmark of zoning action is that the request must be compatible with the surrounding area.¹⁵

While agritourism activities are encouraged, they must be viewed in context of their surroundings. The farm is located within an established residential area. Daily farm operations currently exist in harmony with neighboring residences. However, special events potentially bring increased traffic and noise that would impact existing residents.

The proposed consumption on premises would be limited to an area internal to the site.¹⁶ Centrally locating this use helps to buffer potential offsite impacts to adjacent properties. Larger events, such as the "Farm-to-Food Truck" nights, present compatibility concerns with the wider neighborhood. Namely, increased traffic and noise create potential conflicts with surrounding residences.

Conditions limiting times of events, number of food trucks, and area where alcohol is served and consumed are appropriate to guard against potential offsite impacts.¹⁷

⁸ Lee County Property Appraiser records denote the property is 4.76 acres, with 1.0 acres under a homestead exemption and 3.76 acres under an agricultural exemption. (See <http://fieldcards.leepa.org/CurrentCostCard/Folio/10256348>).

⁹ Lee Plan Map 1, pg 1 and 2.

¹⁰ Lee Plan Policy 1.4.1.

¹¹ LDC 34-1711; *Supra* note 8.

¹² *Supra* note 8.

¹³ Lee Plan Policy 5.1.5.

¹⁴ *Id.*

¹⁵ LDC 34-2, 34-145(c)(3)(a)(3).

¹⁶ See "COP Area" on enclosed Site Plan.

¹⁷ See Testimony of Mr. and Mrs. McMahon. The applicant testified the "food truck" nights are on Fridays, while weddings are typically on Saturdays.

Injury to Neighborhood or Public Welfare

Numerous members of the public spoke at the hearing in support of the farm. Most speakers live in the immediate vicinity. Only one voiced opposition to the request, based on traffic and noise generated from special events.

As noted above, special events may present potential injury to the neighborhood. Special events bring increased traffic traversing through residential areas. Larger events also increase noise emanating from the site. It is customary to restrict times of events to limit potential detrimental effects to surrounding areas. The imposed conditions are intended to minimize potential offsite impacts.

Natural Resources/Environmental Areas

No additional development is sought with the proposed consumption on premises. The request does not impact environmentally critical or sensitive areas, or natural resources. Indeed, the applicant seeks to educate its patrons about natural resources through its many educational offerings.

Compliance with Zoning and Other Regulations

Agritourism is a permitted use in the AG-2 zoning district.¹⁸ Limited food and beverage service is permitted if accessory to an agritourism activity.¹⁹ Consumption on premises is permitted with limited food and beverage service when accessory to an agritourism activity.²⁰ This request could be approved administratively, except the proposed consumption of alcohol is within 500 feet of a residence under separate ownership.²¹

The request, as conditioned, complies with the LDC. Future site development or change of use must also comply with the LDC.

Public

Many members of the public spoke at the hearing. One offered objection to the request.

Conclusion

The Hearing Examiner concurs with staff's analysis and recommendation of approval. The special exception meets the criteria for approval as it is consistent with the property's Future Land Use designation and can be compatible with the surrounding community with conditions.

¹⁸ LDC 34-653, 34-1711. The underlying land must be classified as agricultural under F.S. § 193.461.

¹⁹ LDC 34-653, note (18).

²⁰ LDC 34-653, 34-1711, 34-2164(a)(1)(j).

²¹ LDC 34-2164(a)(1)(j).

As conditioned, the requested consumption on premises with limited food and beverage service will not be detrimental/injurious to the area. No negative impacts are anticipated to the health, safety, and welfare of the public.

IV. Findings and Conclusions:

Based upon the testimony and evidence, the Hearing Examiner finds and concludes that as conditioned herein, the requested special exception:

- A. Is consistent with the Lee Plan. See, Lee Plan Vision Statement Paragraph 11, Lee Plan Goal 9, and Policy 1.4.1;
- B. Does not impact natural resources or land that is environmentally critical/sensitive;
- C. Will be compatible with existing or planned uses. See, Lee Plan Policy 5.1.5;
- D. Will not be injurious to the neighborhood or detrimental to the public welfare. See Lee Plan Policy 5.1.5; and
- E. Will comply with all zoning provisions and supplemental regulations set forth in the LDC.

V. Conditions of Approval:

Outdoor consumption on premises (COP) is approved subject to the following:

- 1. The property must maintain an agricultural property tax exemption associated with a bona fide agricultural use.²² The single family residence is excluded from this requirement.
- 2. Location. Outdoor COP is limited to the area shown by the diagonal hatching and labeled "COP Area" on the site plan (Exhibit B). This area must be clearly demarcated on the site to demonstrate the COP limits. Food trucks must be oriented completely within in this area as well.
- 3. COP Hours of Operation.
 - a. Daily events (such as farm tours, petting zoo, "mommy days," field trips & day-to-day operations) limited to daily hours of operation, 9:00AM – 5:00PM.
 - b. Agritourism events (such as weddings, reunions, adoption and corporate events, etc.) limited to Thursday through Sunday:
 - i. Thursday through Saturday COP 12:00 PM until 9:00 PM.
 - ii. Sunday COP 12:00 PM until 6:00 PM.

²² This evidences compliance with statutory requirements that the property remains classified as agricultural under F.S. §193.461. LDC 34-2, 34-1711, F.S. §570.85.

- c. "Farm-to-Food Truck" events limited to Fridays 5:00 PM until 9:00 PM.
4. Food and Beverage Service. No more than three food trucks may be on the property.
5. Brewery/Winery operations. Brewery/Winery operations must be accessory to the agricultural use of the property and are further subject to the following:
 - a. Beer and wine products may be offered solely in conjunction with the events outlined in Condition 3.
6. Music and live entertainment.
 - a. Outdoor live entertainment is prohibited unless in conjunction with an agritourism-related event. Amplified speakers or other sound systems must be directed internal to the property.
 - b. Daily operations may offer recorded "background" music. Sound must be directed internal to the property.
 - c. Music and live entertainment are subject to the Lee County Noise Ordinance.
7. Parking. All parking must be on-site. Attendee parking is limited to the area shown by the paver hatching and labeled "Parking" on the site plan (Exhibit B).
8. Lighting. Lighting must be directed away from adjacent properties and comply with the LDC.
9. Modification. Subsequent changes to operations related to the COP or site development must obtain appropriate approvals to ensure consistency with the LDC.
10. Other Approvals. This approval does not establish a right to obtain permits from state or federal agencies. Further, this approval does not establish liability on the county if the developer: (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 law.

VI. Participants:

Staff:

1. Audra Ennis
2. Jessica Leatherman

Applicant Representatives:

1. Robert McMahon
2. Shelly McMahon
3. Amy Schwab

Public Participants:

1. Barbara Bastarache
2. Joette Brems
3. Susan Chrisenberry
4. Diane Gislason
5. David Haas
6. Nikki Haas
7. Debra Johnson
8. Kelly Lawrence
9. Andy Neuhofer
10. Roland Thompson
11. Tracie Thompson
12. Diane Stevens

VII. Legal Description:

See Exhibit A (scanned legal description with vicinity map).

The Strap # as furnished by the Applicant is: 16-45-25-03-00000.0010

VIII. Exhibits Submitted at Hearing:

Staff Exhibits

1. *DCD Staff Report with attachments:* Prepared by Jessica Leatherman, Senior Planner, date stamped received April 16, 2018 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. *Written Submissions:* Email from Jessica Leatherman, Senior Planner, to Hearing Examiner, dated Thursday, September 6, 2018 12:02 PM (3 pages – 8.5"x11" & 1 page – 11"x17"){post hearing submittal}

Applicant Exhibits

- a. *48-Hour Notice:* Email from McMahon, to Hearing Examiner, dated Monday, August 20, 2018 5:16 PM (1 page – 8.5"x11")

1. *Written Submissions:* Email from McMahon, to Hearing Examiner, dated Wednesday, September 5, 2018 12:35 PM (2 pages – 8.5"x11"){post hearing submittal}

IX. Unauthorized Communications:

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

X. Appeals:

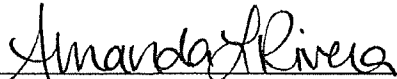
This Hearing Examiner Decision is final on the date rendered. The Decision may be appealed to the Circuit Court in Lee County within 30 days of the date rendered. Appeal is by Petition for *Writ of Certiorari* in accordance with LDC 34-146.

XI. Copies of Testimony and Transcripts:

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

B. A verbatim transcript may also be available for purchase from the court reporting service.

This Decision is rendered October 18, 2018.


AMANDA L. RIVERA
Deputy Hearing Examiner

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

Exhibits to Hearing Examiner Decision

A: Legal Description and Vicinity Map

B: Site Plan

EXHIBIT A

SEZ 2016-00007

Reliable Land Surveying, Inc.

Mailing Address: P.O. Box 1589, Ft. Myers, FL 33902
Toll Free Fax: (888) 215-9098
Phone: (239) 340-3318

Street Address: 13010 Palm Beach Blvd., Ft. Myers, FL 33905
Email: Info@ReliableSurveying.com
www.ReliableSurveying.com

Revision:
Label, certification & W.O.#
- 4/19/17
Note 3 - 4/2/18

Notes:

- 1) Parcel was surveyed from information supplied by the client or the clients agent.
- 2) Easements as shown hereon are from the recorded plat. Any other easement (s) pertaining to the hereon described parcel must be furnished to the surveyor by the client or the clients agent per Florida Administrative code 5J-17.052(2)(d)4.
- 3) The survey depicted hereon is based in part on information contained in the Certificate of Title prepared by Sultana Law, P.A., Dated 20 March 2018, bearing property address 8500 Penzance Boulevard, Fort Myers, FL 33912.
- 4) Parcel subject to easements, restrictions, reservations, and rights-of-ways of record.
- 5) Abstract not reviewed.
- 6) Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without the written consent of the signing party or parties.
- 7) The survey depicted hereon is not valid without the signature and original raised seal of a Florida licensed surveyor and mapper.
- 8) Well locations, when shown, are approximate and based on field observed surface evidence, unless otherwise noted.
- 9) Septic and/or drain field locations, when shown, are approximate and based on surface evidence, subsurface probes, or a combination thereof.
- 10) Underground utilities, structures and/or improvements other than those shown, if any, were not located.
- 11) The survey depicted hereon may not be communicated or relied on by any party to which it has not been certified without the prior written consent of the signing party.

Sketch of Description

W.O.# 14-2139

Date: 10 MAR 2017

DRAWN BY:

Sheet 1 of 2

Certified To:
Lee County

©Copyright by Reliable Land Surveying, Inc. and Keith D. Clay,
Fort Myers, Florida, 2017. Unauthorized use, publication, or
reproduction of this survey map and/or data thereon is subject
to criminal and civil prosecution.

SHEET 1 OF 2 IS INCOMPLETE AND
INVALID WITHOUT SHEET 2 OF 2
BEARING SAME DATE AND W.O.#

Parcel Description:

Lot one (1) of Colonial Farms, Inc., an unrecorded Subdivision,
located in Lee County, Florida, being the West half (W 1/2) of
the Northwest quarter (NW 1/4) of the Northwest quarter (NW 1/4)
of the Northeast quarter (NE 1/4), Section Sixteen (16),
Township Forty-five South (T45S), Range Twenty-five East (R25E),
containing Five (5) acres, more or less. Which lot is more
particularly described as follows:

Beginning at the Northwest corner of the Northeast one quarter
(NE 1/4) thence run N 88°41'49" E, along the Northerly line of
the above described fraction of a section, for 328.63 feet;
thence run S 0°05'53"E, along the Easterly line of the above
described fraction of a section, for 661.86 feet; thence run S
88°41'13"W, along the Southerly line of the above described
fraction of a section, for 330.02 feet; thence run N 0°01'20"E,
along the Westerly line of the above described fraction of a
section, for 661.95 feet, to the point of beginning.

RECEIVED
APR 16 2017

COMMUNITY DEVELOPMENT

SEZ 2016-00007

Applicant's Legal Checked
by MJL 4/12/18

Keith David Clay
Registered Surveyor & Mapper
Certificate No. 6267

SEZ 2016-0007

Reliable Land Surveying, Inc.

Mailing Address: P.O. Box 1589, Ft. Myers, FL 33902 Street Address: 13010 Palm Beach Blvd., Ft. Myers, FL 33905
Toll Free Fax: (888) 215-9098 Email: info@ReliableSurveying.com Certificate of
Phone: (239) 340-3318 www.ReliableSurveying.com Authorization No. LB 7373

Notes:

- 1) Parcel was surveyed from information supplied by the client or the clients agent.
- 2) Easements as shown hereon are from the recorded plat. Any other easement (s) pertaining to the hereon described parcel must be furnished to the surveyor by the client or the clients agent per Florida Administrative code 5J-17.052(2)(d)4.
- 3) The survey depicted hereon is based in part on information contained in the Certificate of Title prepared by Sultana Law, P.A., Dated 20 March 2018, bearing property address 8500 Penzance Boulevard, Fort Myers, FL 33912.
- 4) Parcel subject to easements, restrictions, reservations, and rights-of-ways of record.
- 5) Abstract not reviewed.
- 6) Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without the written consent of the signing party or parties.
- 7) The survey depicted hereon is not valid without the signature and original raised seal of a Florida licensed surveyor and mapper.
- 8) Well locations, when shown, are approximate and based on field observed surface evidence, unless otherwise noted.
- 9) Septic and/or drain field locations, when shown, are approximate and based on surface evidence, subsurface probes, or a combination thereof.
- 10) Underground utilities, structures and/or improvements other than those shown, if any, were not located.
- 11) The survey depicted hereon may not be communicated or relied on by any party to which it has not been certified without the prior written consent of the signing party.

Sketch of Description

W.O.# 14-2139

Date: 10 MAR 2017

DRAWN BY:

Sheet 2 of 2

©Copyright by Reliable Land Surveying, Inc. and Keith D. Clay, Fort Myers, Florida, 2017. Unauthorized use, publication, or reproduction of this survey map and/or data thereon is subject to criminal and civil prosecution.

SHEET 2 OF 2 IS INCOMPLETE AND
INVALID WITHOUT SHEET 1 OF 2
BEARING SAME DATE AND W.O.#

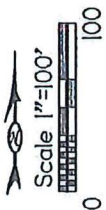
POINT OF BEGINNING

N 88°41'49"E BOB
328.63'

N 1/4 CORNER
OF SECTION
16-45-25

N 0°01'20"E
661.95'

S 0°05'53"E
661.86'



RECEIVED
APR 10 2018

COMMUNITY DEVELOPMENT

SEZ 2016-00007

Applicant's Legal Checked
by MJC 4/12/18

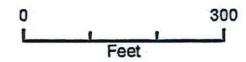
S 88°41'13"W
330.02'

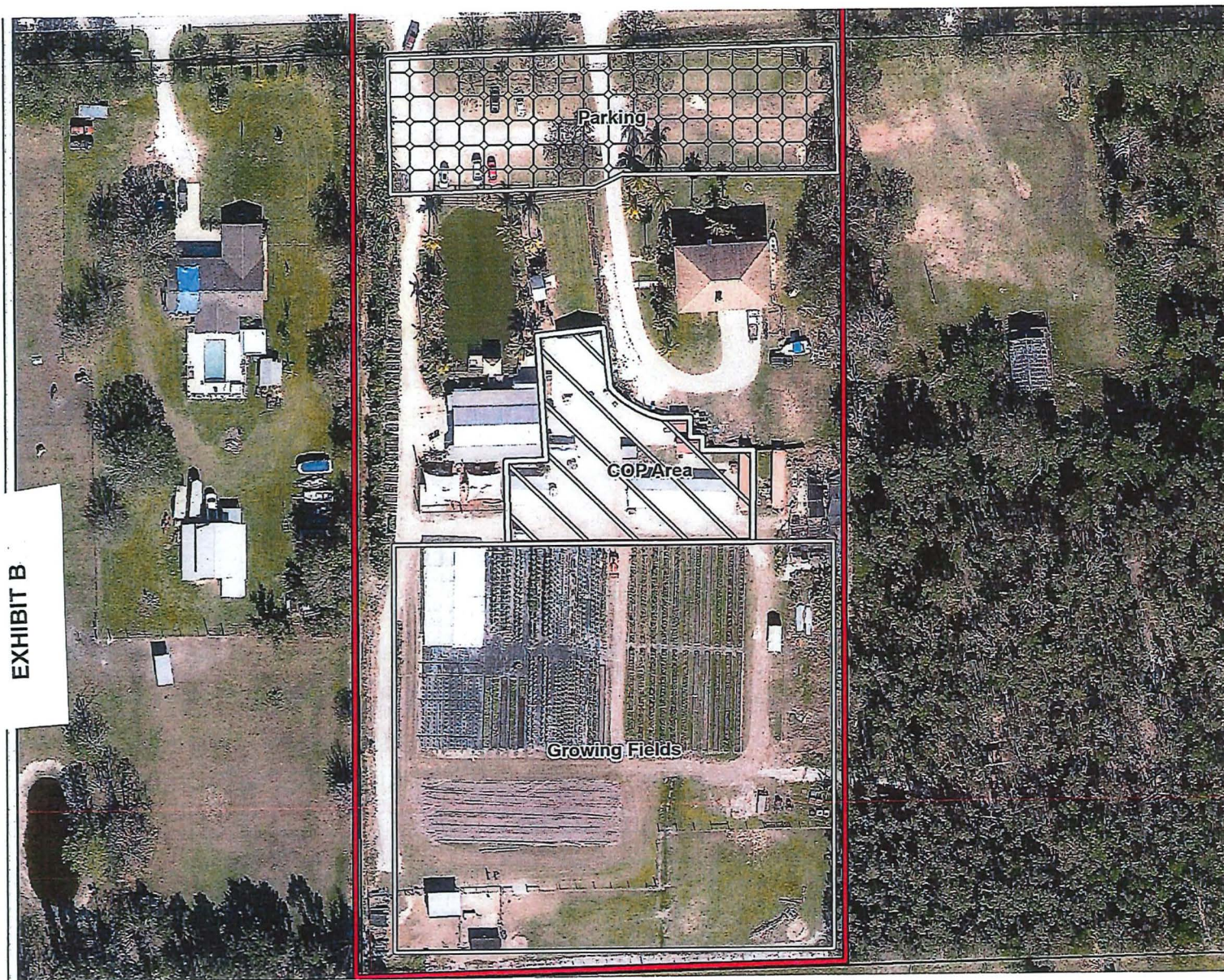


SEZ2016-00007 Zoning

Legend

- Subject Parcel
- Parcel Boundary
- City Limits





Fresh Farms

Legend

-  COP Area
-  Subject Parcel



0 100
Feet

Perez, Maria

From: Muhammad, Khalil
Sent: Friday, October 24, 2025 11:05 AM
To: Patrick Murray; Perez, Maria; Dwbartley2@gmail.com; Alexis Crespo; mwhitt@hahnlaw.com; garbois@hahnlaw.com; Hearing Examiner; Rodriguez, Anthony
Cc: Khaja, Masiuddin; Sweigert, Rebecca; Toussaint, Tracy; Workman, Elizabeth; Ennis, Audra; DeFilippo, Nicholas; Henderson, Abby; Werst, Lee; Hickey, Lindsay; Rodriguez, Jennifer; Cherry, Brienne; Gillogly, Phil; Baucom, Warren; Rozdolski, Mikki; Bodach, Robert
Subject: RE: CASE #SEZ2025-00001 CASE NAME: EAST FORK CREEK FARM
Attachments: Staff Post-Hearing Written SubmittalSEZ2025-00001.pdf

Good Morning,

Please find attached a response memo to the post-hearing written submittal provided by the applicant.

Respectfully,



Khalil "Kam" Muhammad | Planner

Department of Community Development

1500 Monroe St, Fort Myers, FL 33901

office: (239) 533-8542

email: KMuhammad@leegov.com

web: www.leegov.com/dcd

From: Patrick Murray <pmurray@rviplanning.com>
Sent: Friday, October 24, 2025 10:46 AM
To: Perez, Maria <MPerez@leegov.com>; Dwbartley2@gmail.com; Alexis Crespo <acrespo@rviplanning.com>; mwhitt@hahnlaw.com; garbois@hahnlaw.com; Muhammad, Khalil <KMuhammad@leegov.com>; Hearing Examiner <hex@leegov.com>; Rodriguez, Anthony <ARodriguez4@leegov.com>
Cc: Khaja, Masiuddin <MKhaja@leegov.com>; Sweigert, Rebecca <RSweigert@leegov.com>; Toussaint, Tracy <TToussaint@leegov.com>; Workman, Elizabeth <EWorkman@leegov.com>; Ennis, Audra <AEnnis@leegov.com>; DeFilippo, Nicholas <NDeFilippo@leegov.com>; Henderson, Abby <AHenderson@leegov.com>; Werst, Lee <LWerst@leegov.com>; Hickey, Lindsay <LHickey@leegov.com>; Rodriguez, Jennifer <JMRodriguez@leegov.com>; Cherry, Brienne <BCherry2@leegov.com>; Gillogly, Phil <PGillogly@leegov.com>; Baucom, Warren <WBaucom@leegov.com>; Rozdolski, Mikki <MRozdolski@leegov.com>; Bodach, Robert <RBodach@leegov.com>
Subject: RE: CASE #SEZ2025-00001 CASE NAME: EAST FORK CREEK FARM

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Good morning,

Please find the attached PDF that includes the proposed conditions for SEZ2025-00001. The case remained open following the October 10, 2025 hearing to allow for the applicant and staff to discuss revisions and additional conditions.

The Applicant respectfully requests that the Hearing Examiner consider the latest conditions. Should you have any questions or require further information, please let us know. Thank you,

Patrick Murray, AICP
Project Manager

RVi Planning + Landscape Architecture
111 N. Magnolia Avenue, Suite 1350 • Orlando, FL 32801
407.775.6523 Direct • 407.775.6500 Main
www.rviplanning.com

From: Perez, Maria <MPerez@leegov.com>
Sent: Friday, October 10, 2025 3:34 PM
To: Dwbartley2@gmail.com; Patrick Murray <pmurray@rviplanning.com>; Alexis Crespo <acrespo@rviplanning.com>; mwhitt@hahnlaw.com; garbois@hahnlaw.com; Khaja, Masiuddin <MKhaja@leegov.com>
Cc: Sweigert, Rebecca <RSweigert@leegov.com>; Toussaint, Tracy <TToussaint@leegov.com>; Workman, Elizabeth <EWorkman@leegov.com>; Ennis, Audra <AEnnis@leegov.com>; DeFilippo, Nicholas <NDeFilippo@leegov.com>; Henderson, Abby <AHenderson@leegov.com>; Werst, Lee <LWerst@leegov.com>; Hickey, Lindsay <LHickey@leegov.com>; Rodriguez, Jennifer <JMRodriguez@leegov.com>; Cherry, Brienne <BCherry2@leegov.com>; Gillogly, Phil <PGillogly@leegov.com>; Baucom, Warren <WBaucom@leegov.com>; Rozdolski, Mikki <MRozdolski@leegov.com>; Rodriguez, Anthony <ARodriguez4@leegov.com>; Bodach, Robert <RBodach@leegov.com>
Subject: CASE #SEZ2025-00001 CASE NAME: EAST FORK CREEK FARM

Attached is the Hearing Examiner's Order for the subject zoning case. Thank you.

MARIA D. PEREZ
EXECUTIVE ASSISTANT
LEE COUNTY HEARING EXAMINER'S OFFICE
BOARD OF COUNTY COMMISSIONERS
P.O. Box 398
(1500 Monroe Street)
Fort Myers, Florida 33902
Tel: (239) 533-8100

E-mail: perezmd@leegov.com

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure. Under Florida law, e-mail addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Please note our general office email address: hex@leegov.com

External Email: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

MEMORANDUM
FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT

TO: Amanda Rivera
Deputy Hearing Examiner

DATE: October 24, 2025

FROM: Khalil Muhammad
Zoning Planner

RE: East Fork Creek Farms (SEZ2025-00001)

Staff has reviewed the conditions of approval submitted by the applicant in accordance with your order for post-hearing written submission dated October 10, 2025. The applicant's post-hearing written submittal incorrectly indicates that staff and the applicant are in agreement with the conditions submitted by the applicant. Staff offers the following in response to this submittal.

1. No Objection to condition as proposed by the applicant.
2. No Objection to condition as proposed by the applicant.
3. No Objection to condition as proposed by the applicant.
4. No Objection to condition as proposed by the applicant.
5. Staff proposes the following modification to this condition:

Agritourism events (including without limitation, weddings, reunions, adoption and corporate events, farm-to-table dining experience, etc.) with COP are limited to the following hours:

- i. ~~Monday~~ Sunday through Saturday ~~Thursday~~ from 12:00 PM until ~~10:00~~ 9:00 PM.
- ii. ~~Sunday~~ Friday and Saturday 12:00 PM until ~~9:00~~ 10:00 PM.

6. No Objection to condition as proposed by the applicant.
7. No Objection to condition as proposed by the applicant.
8. No Objection to condition as proposed by the applicant.

Please contact me if you have any questions or concerns.

Respectfully Submitted,

Khalil Muhammad

Planner, Zoning Section

Perez, Maria

From: Patrick Murray <pmurray@rviplanning.com>
Sent: Monday, August 18, 2025 7:23 PM
To: Hearing Examiner
Cc: Perez, Maria; Muhammad, Khalil; Alexis Crespo
Subject: RE: CASE #SEZ2025-00001 CASE NAME: EAST FORK CREEK FARM
Attachments: HEX 48-Hour Letter SEZ2025-00001.pdf; 03. EFC Farms - Conceptual Site Plan (V02).pdf

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Good afternoon,

Please find the attached 48-hour notice for SEZ2025-00001 East Fork Creek Farm. In addition, the letter includes a list of applicants witnesses. Also attached is the latest conceptual site plan submitted to staff for review and deemed sufficient is dated April 14, 2025. The staff report included an outdated version that should be replaced with the attached conceptual site plan.

Should you have any questions or need these files in another format, please let me know.

Thank you,

Patrick Murray, AICP
Project Manager

RVi Planning + Landscape Architecture
111 N. Magnolia Avenue, Suite 1350 • Orlando, FL 32801
407.775.6523 Direct • 407.775.6500 Main
www.rviplanning.com

From: Perez, Maria <MPerez@leegov.com>
Sent: Wednesday, August 13, 2025 10:45 AM
To: Dwbartley2@gmail.com; Patrick Murray <pmurray@rviplanning.com>; Alexis Crespo <acrespo@rviplanning.com>; mwhitt@hahnlaw.com; Muhammad, Khalil <KMhammad@leegov.com>
Cc: Sweigert, Rebecca <RSweigert@leegov.com>; Toussaint, Tracy <TToussaint@leegov.com>; Workman, Elizabeth <EWorkman@leegov.com>; Ennis, Audra <AEnnis@leegov.com>; DeFilippo, Nicholas <NDeFilippo@leegov.com>; Henderson, Abby <AHenderson@leegov.com>; Werst, Lee <LWerst@leegov.com>; Hickey, Lindsay <LHickey@leegov.com>; Rodriguez, Jennifer <JMRodriguez@leegov.com>; Cherry, Brienne <BCherry2@leegov.com>; Gillogly, Phil <PGillogly@leegov.com>; Baucom, Warren <WBaucom@leegov.com>; Rozdolski, Mikki <MRozdolski@leegov.com>; Rodriguez, Anthony <ARodriguez4@leegov.com>
Subject: CASE #SEZ2025-00001 CASE NAME: EAST FORK CREEK FARM

Good afternoon. Ms. Amanda L. Rivera will be the Hearing Examiner presiding over the subject zoning case scheduled to be heard on August 21, 2025.

I have attached instructions on how to submit a 48-hour notice and the exhibit list. Please do not pre-label exhibits that will be submitted during the hearing.

A court reporter will not be present. The applicant may hire a court reporter if they wish to have one present. Thank you.

We have upgraded the equipment in our hearing room. I have attached the new project layout so that PowerPoint presentations can be prepared to fit the screen. Thank you.

MARIA D. PEREZ
EXECUTIVE ASSISTANT
LEE COUNTY HEARING EXAMINER'S OFFICE
BOARD OF COUNTY COMMISSIONERS
P.O. Box 398
(1500 Monroe Street)
Fort Myers, Florida 33902
Tel: (239) 533-8100

E-mail: perezmd@leegov.com

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure. Under Florida law, e-mail addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Please note our general office email address: hex@leegov.com

External Email: Do not click any links or open any attachments unless you trust the sender and know the content is safe.



August 18, 2025

VIA EMAIL (HEX@LEEGOV.COM)

The Honorable Ms. Rivera
Hearing Examiner
Office of the Lee County Hearing Examiner
1500 Monroe Street
Fort Myers, Florida 33902-0298

**RE: 48-HOUR LETTER – Hearing Examiner Hearing Date: August 21, 2025
SEZ2025-00001 (East Fork Creek Farm)**

Madam Hearing Examiner:

On behalf of the Applicant for SEZ2025-00001, I am pleased to submit the information required in the 48-Hour Notice and Exhibit List. In addition, enclosed is a list of applicant witnesses who we expect to be present and/or testify.

Exhibits include:

- 1) PowerPoint Presentation (to be provided at the hearing)
- 2) Conceptual Site Plan (11x17 and 24 x 36) (Dated 4/14/2025)

After reviewing the Staff Report and attachments, the applicant is in agreement with Staff's recommendation with the following changes:

- 1) Condition 1: *Development of the site must be substantially consistent with the site plan revised June-2024, attached as Attachment "G", COP is limited to the areas depicted on the site plan.*
 - The latest conceptual site plan submitted to staff for review and deemed sufficient is dated April 14, 2025. The staff report included an outdated version that should be replaced with the attached conceptual site plan.
- 2) Condition 4.b.1: *Prior to the issuance of a development order, the development order plans must depict along the eastern 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.*
 - The Applicant is in agreement with buffer conditions 4.b.2 and 3 relating to the northern and western buffers. However, is requesting removal of the requirement for the Type A buffer and wall on the eastern boundary. The eastern boundary abuts an Agricultural zoning designation (AG-2). This property is also vacant with no structures or agricultural activity. According to Sec. 10-416 of the Land Development Code, abutting Agriculturally zoned properties are not required to install a buffer. Due to the LDC and existing conditions, coupled with the proffered limitations on hours of operation and amplified speakers/sound, an eastern buffer is not required to address compatibility with the abutting property.



Thank you for your consideration of the above information. We look forward to presenting the case at the hearing.

Sincerely,

RVI Planning + Landscape Architecture

A handwritten signature in blue ink, appearing to read 'Patrick Murray'.

Patrick Murray, AICP
Project Manager

List of applicant witnesses – SEZ2025-00001

Patrick Murray, AICP – RVi Planning and Landscape Architecture

Alexis Crespo, AICP – RVi Planning and Landscape Architecture

David Bartley – Property Owner

Alise Bartley – Property Owner

Michael Whitt, Esq. – Hahn Loeser & Parks LLP



11110 W. 11TH AVE. SUITE 100
FORT MYERS, FL 33907
TEL: 888-888-8888
WWW.RVI-FL.COM

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

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

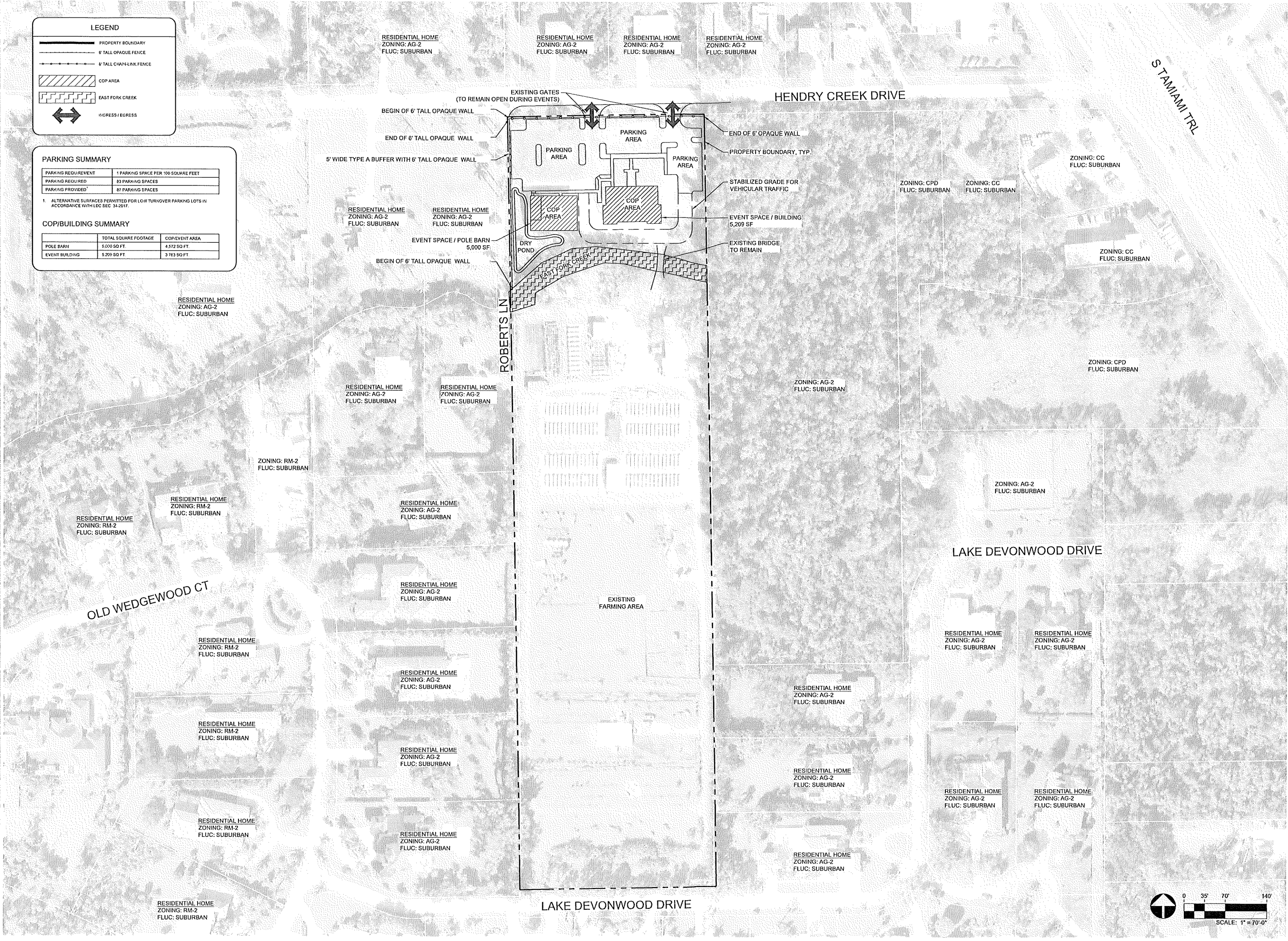
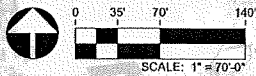
PROJECT NO.: 24008758
DATE: 04/14/2025
DRAWN: JH
REVIEWED: PM

REVISIONS

CONCEPTUAL
SITE PLAN

L101

2ND SUBMITTAL





August 18, 2025

VIA EMAIL (HEX@LEEGOV.COM)

The Honorable Ms. Rivera
Hearing Examiner
Office of the Lee County Hearing Examiner
1500 Monroe Street
Fort Myers, Florida 33902-0298

**RE: 48-HOUR LETTER – Hearing Examiner Hearing Date: August 21, 2025
SEZ2025-00001 (East Fork Creek Farm)**

Madam Hearing Examiner:

On behalf of the Applicant for SEZ2025-00001, I am pleased to submit the information required in the 48-Hour Notice and Exhibit List. In addition, enclosed is a list of applicant witnesses who we expect to be present and/or testify.

Exhibits include:

- 1) PowerPoint Presentation (to be provided at the hearing)
- 2) Conceptual Site Plan (11x17 and 24 x 36) (Dated 4/14/2025)

After reviewing the Staff Report and attachments, the applicant is in agreement with Staff's recommendation with the following changes:

- 1) Condition 1: *Development of the site must be substantially consistent with the site plan revised June 2024, attached as Attachment "G", COP is limited to the areas depicted on the site plan.*
 - The latest conceptual site plan submitted to staff for review and deemed sufficient is dated April 14, 2025. The staff report included an outdated version that should be replaced with the attached conceptual site plan.
- 2) Condition 4.b.1: ~~Prior to the issuance of a development order, the development order plans must depict along the eastern 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.~~
 - The Applicant is in agreement with buffer conditions 4.b.2 and 3 relating to the northern and western buffers. However, is requesting removal of the requirement for the Type A buffer and wall on the eastern boundary. The eastern boundary abuts an Agricultural zoning designation (AG-2). This property is also vacant with no structures or agricultural activity. According to Sec. 10-416 of the Land Development Code, abutting Agriculturally zoned properties are not required to install a buffer. Due to the LDC and existing conditions, coupled with the proffered limitations on hours of operation and amplified speakers/sound, an eastern buffer is not required to address compatibility with the abutting property.

APPLICANT'S EXHIBIT # _____



Thank you for your consideration of the above information. We look forward to presenting the case at the hearing.

Sincerely,

RVI Planning + Landscape Architecture

A handwritten signature in blue ink, appearing to read 'Patrick Murray'.

Patrick Murray, AICP
Project Manager

List of applicant witnesses – SEZ2025-00001

Patrick Murray, AICP – RVi Planning and Landscape Architecture

Alexis Crespo, AICP – RVi Planning and Landscape Architecture

David Bartley – Property Owner

Alise Bartley – Property Owner

Michael Whitt, Esq. – Hahn Loeser & Parks LLP



EAST FORK CREEK FARM

SPECIAL EXCEPTION – SEZ2025-00001

HEARING EXAMINER

August 21, 2025



APPLICANT'S EXHIBIT #___

2



- ☐ David & Alise Bartley: East Fork Creek Farm
- ☐ Michael Whitt, Esq: Hahn Loeser & Parks LLP
- ☐ Patrick Murray, AICP: RVi Planning + Landscape Architecture

PROJECT TEAM

East Fork Creek Farm
Special Exception

OVERVIEW OF REQUEST

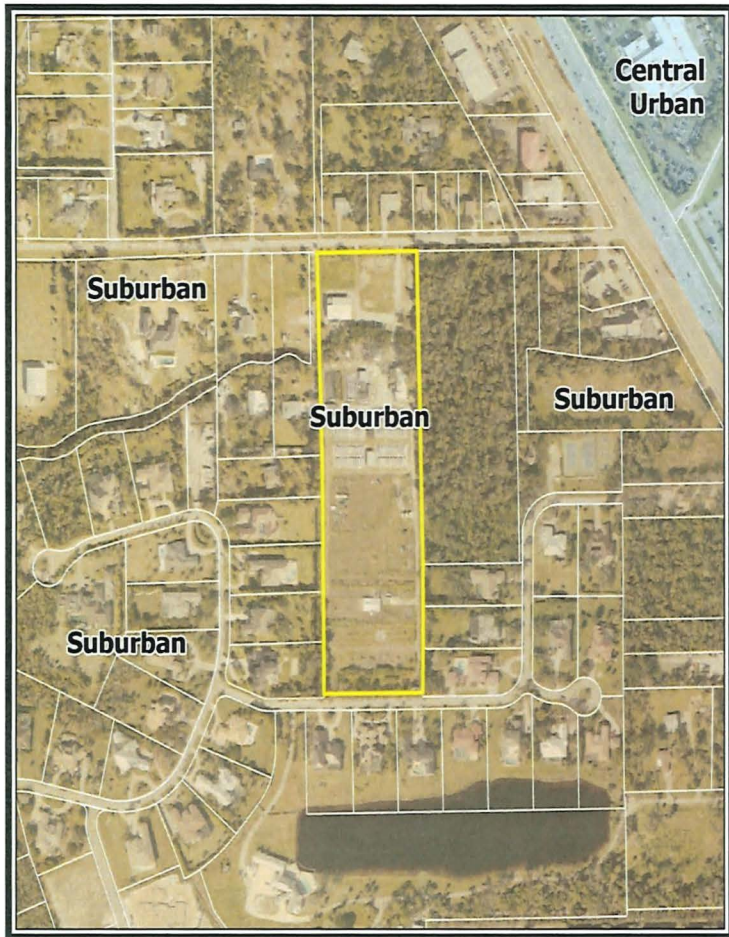
Special Exception in the Agricultural (AG-2) zoning district pursuant to LDC §34-653 and §34-1264(a)(2) for consumption on premises of alcoholic beverages under a caterer's license (13CT) and 4COP license, in conjunction with an agritourism activity.



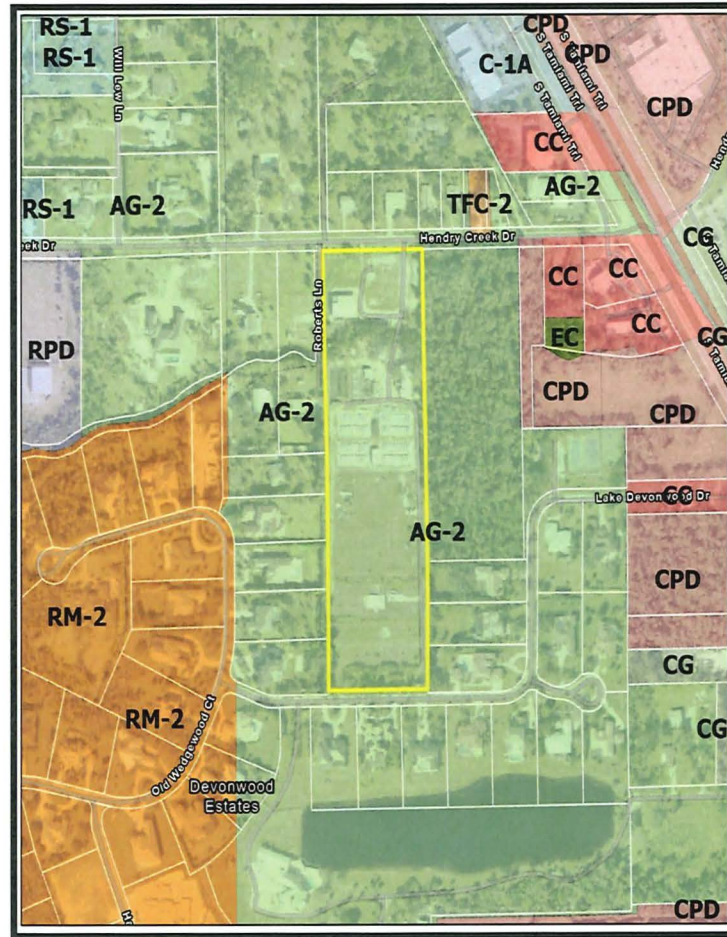
PROJECT LOCATION

EAST FORK CREEK FARM

- ☐ 10+/- Acres
- ☐ South of Hendry Creek Drive
- ☐ 800' west of S Tamiami Trail
 - ☐ 420' from South Trail Animal Hospital
- ☐ Subject to agricultural exemption
- ☐ Current use include:
 - Aquaponics/hydroponic farming activity
 - Greenhouse agricultural practices
 - Chickens, goats, and bees



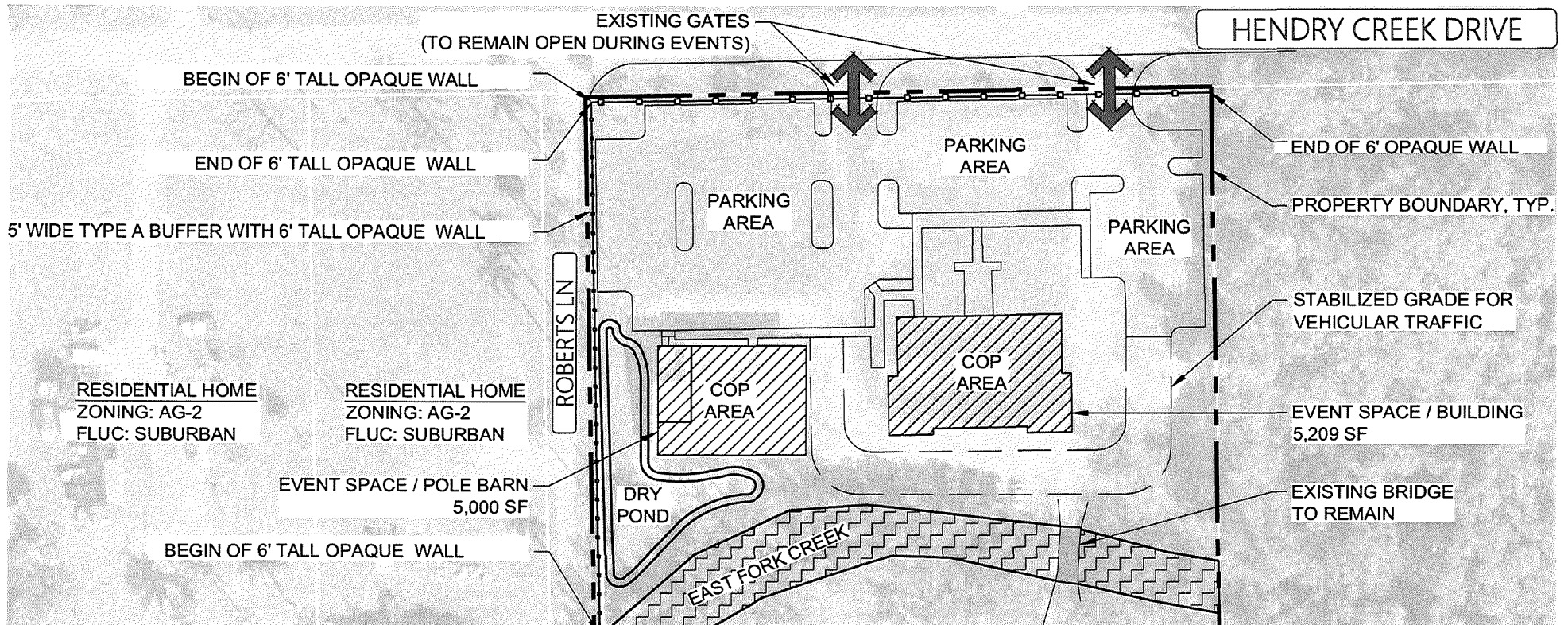
FUTURE LAND USE



ZONING



AUGUST 21, 2025



AUGUST 21, 2023

East Fork Creek Farm - Special Exception

KEY CONDITIONS

- Events limited to north portion of the site (approximately 2+/- acres)
 - ✓ On-premises consumption limited to Pole Barn and Event Center
- Buffers
 - ✓ 6-foot opaque wall (North & West boundaries)
 - ✓ Type A, five-foot-wide buffer (West boundary)
- Limited to specific days of the week and hours for services
 - ✓ Monday - Saturday: 12pm - 10PM
 - ✓ Sunday: 12pm - 9pm
- Amplified Music
 - ✓ Prohibited in the open-air pole barn
 - ✓ Only allowed within the fully enclosed event center building



AUGUST 21, 2025

East Fork Creek Farm - Special Exception



AUGUST 21, 2025

East Fork Creek Farm - Special Exception

LEE PLAN CONSISTENCY

- Special Exception in accordance LDC Section 34-145(c)(3) & Following Lee Plan Policies
 - *Policy 1.1.5 (Suburban future land use)* Proposed COP associated with agritourism is within the allowable use range of permitted non-residential uses
 - *Policy 5.1.5 (Compatibility)* Proposed conditions ensure no impacts. Improvements will not result in adverse impacts to surrounding properties
 - *Goal 9 (Agricultural Land Uses)* Aquaponics/hydroponic, greenhouse, and farming activities to remain and protecting agricultural lands from incompatible land uses
 - *Objective 2.1 (Development Location)* Compact growth that supports existing infrastructure and conserves agricultural land

FINDINGS AND CRITERIA

- Special Exception in accordance LDC Section 34-145(c)
 - *Will protect, conserve or preserve environmentally critical areas;*
 - ✓ Special Exception does not pose any impact to Hendry Creek
 - *Will be compatible with existing and planned uses;*
 - ✓ Continue to operate the property as an agricultural farm
 - *Will not be injurious to the neighborhood or detrimental to the public welfare;*
 - ✓ Specific conditions to manage noise levels, lighting, hours, and guest per event
 - *Will be in compliance with all zoning regulations;*
 - ✓ Request promotes the primary agricultural use of the property
 - ✓ Aquaponics/hydroponic, greenhouse, and farming activities to remain
 - ✓ Not seeking any variance from the LDC

48-HOUR LETTER UPDATES

- Applicant is in agreement with Staff's recommendation with the following changes:
 - ✓ Condition 1: Development of the site must be substantially consistent with the site plan revised June 2024 April 2025, attached as Attachment "G", COP is limited to the areas depicted on the site plan.
 - ✓ Condition 4.b.1: ~~Prior to the issuance of a development order, the development order plans must depict along the eastern 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.~~
 - ✓ Condition 3: Allow for on-premises consumption of alcoholic beverages through a 13CT & 4COP license (Should the a 4COP be obtained from the state) as an accessory to the agritourism activity.



AUGUST 21, 2025

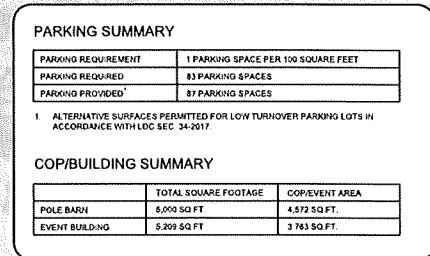
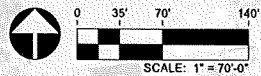
East Fork Creek Farm - Special Exception

CONCLUSION

- ✓ Staff Recommendation of APPROVAL
- ✓ Applicant in agreement with Staff Report and all Conditions except as outlined in 48-hour letter and addition of 4COP
- ✓ Consistent with the Lee Plan
- ✓ Consistent with the LDC
- ✓ Compatible with surrounding land use pattern
- ✓ Supports Agritourism & Ag uses

THANK YOU

QUESTIONS?



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

L101

Perez, Maria

From: Patrick Murray <pmurray@rviplanning.com>
Sent: Wednesday, October 8, 2025 1:17 PM
To: Hearing Examiner
Cc: Muhammad, Khalil; Alexis Crespo; Perez, Maria
Subject: RE: CASE #SEZ2025-00001 CASE NAME: EAST FORK CREEK FARM
Attachments: HEX 48-Hour Letter SEZ2025-00001.pdf

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Good afternoon,

Please find the attached 48-hour notice for SEZ2025-00001 East Fork Creek Farm. In addition to the 48-hour letter, a list of applicants witnesses will be provided momentarily for your records.

Should you have any questions or need these files in another format, please let me know.

Thank you,

Patrick Murray, AICP
Project Manager

RVi Planning + Landscape Architecture
111 N. Magnolia Avenue, Suite 1350 • Orlando, FL 32801
407.775.6523 Direct • 407.775.6500 Main
www.rviplanning.com

From: Perez, Maria <MPerez@leegov.com>
Sent: Tuesday, August 19, 2025 8:06 AM
To: Patrick Murray <pmurray@rviplanning.com>
Cc: Muhammad, Khalil <KMhammad@leegov.com>; Alexis Crespo <acrespo@rviplanning.com>
Subject: RE: CASE #SEZ2025-00001 CASE NAME: EAST FORK CREEK FARM

Received and thank you.

MARIA D. PEREZ
EXECUTIVE ASSISTANT
LEE COUNTY HEARING EXAMINER'S OFFICE
BOARD OF COUNTY COMMISSIONERS
P.O. Box 398
(1500 Monroe Street)
Fort Myers, Florida 33902
Tel: (239) 533-8100

E-mail: perezmd@leegov.com

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Please note our general office email address: hex@leegov.com

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Cc: Perez, Maria <MPerez@leegov.com>; Muhammad, Khalil <KMuhammad@leegov.com>; Alexis Crespo <acrespo@rviplanning.com>
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From: Perez, Maria <MPerez@leegov.com>
Sent: Wednesday, August 13, 2025 10:45 AM
To: Dwbartley2@gmail.com; Patrick Murray <pmurray@rviplanning.com>; Alexis Crespo <acrespo@rviplanning.com>; mwhitt@hahnlaw.com; Muhammad, Khalil <KMuhammad@leegov.com>
Cc: Sweigert, Rebecca <RSweigert@leegov.com>; Toussaint, Tracy <TToussaint@leegov.com>; Workman, Elizabeth <EWorkman@leegov.com>; Ennis, Audra <AEnnis@leegov.com>; DeFilippo, Nicholas <NDeFilippo@leegov.com>; Henderson, Abby <AHenderson@leegov.com>; Werst, Lee <LWerst@leegov.com>; Hickey, Lindsay <LHickey@leegov.com>; Rodriguez, Jennifer <JMRodriguez@leegov.com>; Cherry, Brienne <BCherry2@leegov.com>;

Gillogly, Phil <PGillogly@leegov.com>; Baucom, Warren <WBaucom@leegov.com>; Rozdolski, Mikki <MRozdolski@leegov.com>; Rodriguez, Anthony <ARodriguez4@leegov.com>

Subject: CASE #SEZ2025-00001 CASE NAME: EAST FORK CREEK FARM

Good afternoon. Ms. Amanda L. Rivera will be the Hearing Examiner presiding over the subject zoning case scheduled to be heard on August 21, 2025.

I have attached instructions on how to submit a 48-hour notice and the exhibit list. Please do not pre-label exhibits that will be submitted during the hearing.

A court reporter will not be present. The applicant may hire a court reporter if they wish to have one present. Thank you.

We have upgraded the equipment in our hearing room. I have attached the new project layout so that PowerPoint presentations can be prepared to fit the screen. Thank you.

MARIA D. PEREZ
EXECUTIVE ASSISTANT
LEE COUNTY HEARING EXAMINER'S OFFICE
BOARD OF COUNTY COMMISSIONERS
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E-mail: perezmd@leegov.com

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October 08, 2025

VIA EMAIL (HEX@LEEgov.COM)

The Honorable Ms. Rivera
Hearing Examiner
Office of the Lee County Hearing Examiner
1500 Monroe Street
Fort Myers, Florida 33902-0298

**RE: 48-HOUR LETTER – Hearing Examiner Hearing Date: October 10, 2025
SEZ2025-00001 (East Fork Creek Farm)**

Madam Hearing Examiner:

On behalf of the Applicant for SEZ2025-00001, I am pleased to submit the information required in the 48-Hour Notice and Exhibit List. The list of applicant witnesses who we expect to be present and/or testify is unchanged from the initial 48-hour letter sent August 18, 2025

Exhibits include:

- 1) PowerPoint Presentation (to be provided at the hearing)

After reviewing the Staff Report and attachments, the Applicant is in agreement with Staff's recommendation of approval with the exception of changes to Condition 4, as revised by Staff in their staff report distributed September 30, 2025. The Applicant is requesting the previous version of Condition 4, published in the August 21, 2025, staff report be maintained per below:

- 1) Condition 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.~~

- ~~○ STAFF NOTE: The site plan will need to be revised as it does not depict the aforementioned buffer along Hendry Creek Drive.~~

- a. Indigenous Open Space

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

- b. Buffers

1. ~~Prior to the issuance of a development order, the development order plans must depict along the eastern 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.~~
2. The portion of the western property line abutting the COP area shown on the special exception site plan must include a 5-foot-wide Type A buffer with 6-foot-tall opaque wall.
3. The northern buffer along Hendry Creek Drive must include a 6-foot-tall opaque wall.
 - STAFF NOTE: The site plan will need to be revised as it does not depict the aforementioned buffers.

APPLICANT DISCUSSION: In terms of housekeeping, Staff agreed during the initial hearing to strike the Condition 4.b.1 relating to the Type A buffer on the eastern property line.

The Applicant respectfully submits the original request for Consumption on Premises (COP) via the 13CT (caterer's license) allows for the same intensity of use as proposed via the expanded request for 2COP and 4COP. Both 13CT and 4COP allow for service of beer, wine and liquor. Both require 51% of sales from food. The only change is the property owner holds the license versus a caterer, which does not impact intensity of the use.

As shown on the Conceptual Site Plan dated April 14, 2025, the western boundary includes a 6-foot wall with Type A buffer plantings on the external side of the wall, and the northern boundary includes a 6-foot wall and no plantings. This 6-foot wall has been constructed along both property lines and the Type A plantings have been installed on the exterior of the western walls since the last hearing.

The Applicant disagrees the proposed addition of 2COP and 4COP necessitates the additional permitting, buffering and costly relocation of an existing wall to achieve compatibility with the neighborhood.

2) Condition 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.~~ Events are limited to Monday through Saturday from 12 p.m. to 10 p.m. and Sunday – 12p.m. to 9 p.m.

APPLICANT DISCUSSION: The Applicant is in agreement with the initial hours proposed in the August 21, 2025, staff's recommended conditions (*Monday through Saturday from 12 p.m. to 10 p.m. and Sunday – 12 p.m. to 9 p.m.*). As noted above, that the initial request for a COP through a 13CT license would include the consumption of beer, wine, and liquor. The latest proposal to allow for consumption on premise, subject to 13CT, 2COP, or 4COP, does not differ from the original request. Further, the subject property is to comply with Lee County Noise Ordinance as outlined in Article VI, Sec. 19-150 of the Land Development Code. The COP areas and amplified music/entertainment are strictly limited via the Staff conditions.

The Applicant respectfully requests that the Hearing Examiner consider the initial proposed hours of operations to include Monday-Saturday 12 p.m. – 10 p.m. and Sunday 12 p.m. – 9 p.m., as the proposed modifications since the original hearing have no impact on the intensity of the COP use.

Thank you for your consideration of the above information. We look forward to presenting the case at the hearing.

Sincerely,
RVi Planning + Landscape Architecture



Patrick Murray, AICP
Project Manager

Perez, Maria

From: Patrick Murray <pmurray@rviplanning.com>
Sent: Wednesday, October 8, 2025 1:40 PM
To: Perez, Maria
Cc: Muhammad, Khalil; Alexis Crespo
Subject: RE: CASE #SEZ2025-00001 CASE NAME: EAST FORK CREEK FARM
Attachments: List of applicant witnesses SEZ2025-00001.pdf

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Hi Maria –

I have included an updated list of applicant witnesses. The only change between this list and the August 21 applicant witness list is the addition of Gabriel Arbois with Hahn Loeser & Parks.

Please let us know if we can provide any additional information leading up to Friday. Thanks!

Patrick Murray, AICP
Project Manager

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From: Perez, Maria <MPerez@leegov.com>
Sent: Wednesday, October 8, 2025 1:19 PM
To: Patrick Murray <pmurray@rviplanning.com>
Cc: Muhammad, Khalil <KMuhammad@leegov.com>; Alexis Crespo <acrespo@rviplanning.com>
Subject: RE: CASE #SEZ2025-00001 CASE NAME: EAST FORK CREEK FARM

Received and thank you.

MARIA D. PEREZ
EXECUTIVE ASSISTANT
LEE COUNTY HEARING EXAMINER'S OFFICE
BOARD OF COUNTY COMMISSIONERS
P.O. Box 398
(1500 Monroe Street)
Fort Myers, Florida 33902
Tel: (239) 533-8100

E-mail: perezmd@leegov.com

APPLICANT'S EXHIBIT # 4

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To: Hearing Examiner <hex@leegov.com>
Cc: Muhammad, Khalil <KMuhammad@leegov.com>; Alexis Crespo <acrespo@rviplanning.com>; Perez, Maria <MPerez@leegov.com>
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Should you have any questions or need these files in another format, please let me know.

Thank you,

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Project Manager

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Project Manager

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From: Perez, Maria <MPerez@leegov.com>

Sent: Wednesday, August 13, 2025 10:45 AM

To: Dwbartley2@gmail.com; Patrick Murray <pmurray@rviplanning.com>; Alexis Crespo <acrespo@rviplanning.com>; mwhitt@hahnlaw.com; Muhammad, Khalil <KMuhammad@leegov.com>

Cc: Sweigert, Rebecca <RSweigert@leegov.com>; Toussaint, Tracy <TToussaint@leegov.com>; Workman, Elizabeth <EWorkman@leegov.com>; Ennis, Audra <AEnnis@leegov.com>; DeFilippo, Nicholas <NDeFilippo@leegov.com>; Henderson, Abby <AHenderson@leegov.com>; Werst, Lee <LWerst@leegov.com>; Hickey, Lindsay <LHickey@leegov.com>; Rodriguez, Jennifer <JMRodriguez@leegov.com>; Cherry, Brienne <BCherry2@leegov.com>; Gillogly, Phil <PGillogly@leegov.com>; Baucom, Warren <WBaucom@leegov.com>; Rozdolski, Mikki <MRozdolski@leegov.com>; Rodriguez, Anthony <ARodriguez4@leegov.com>

Subject: CASE #SEZ2025-00001 CASE NAME: EAST FORK CREEK FARM

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List of applicant witnesses – SEZ2025-00001

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Alexis Crespo, AICP – RVi Planning and Landscape Architecture

David Bartley – Property Owner

Alise Bartley – Property Owner

Michael Whitt, Esq. – Hahn Loeser & Parks LLP

Gabriel Arbois, Esq. – Hahn Loeser & Parks, LLP



EAST FORK CREEK FARM

SPECIAL EXCEPTION – SEZ2025-00001

HEARING EXAMINER

October 10, 2025





- ☐ David & Alise Bartley: East Fork Creek Farm
- ☐ Gabriel Arbois, Esq: Hahn Loeser & Parks LLP
- ☐ Patrick Murray, AICP: RVI Planning + Landscape Architecture

PROJECT TEAM

East Fork Creek Farm
Special Exception

OVERVIEW OF REQUEST

Special Exception in the Agricultural (AG-2) zoning district pursuant to LDC §34-653 and §34-1264(a)(2) for consumption on premises of alcoholic beverages in conjunction with agritourism activity.

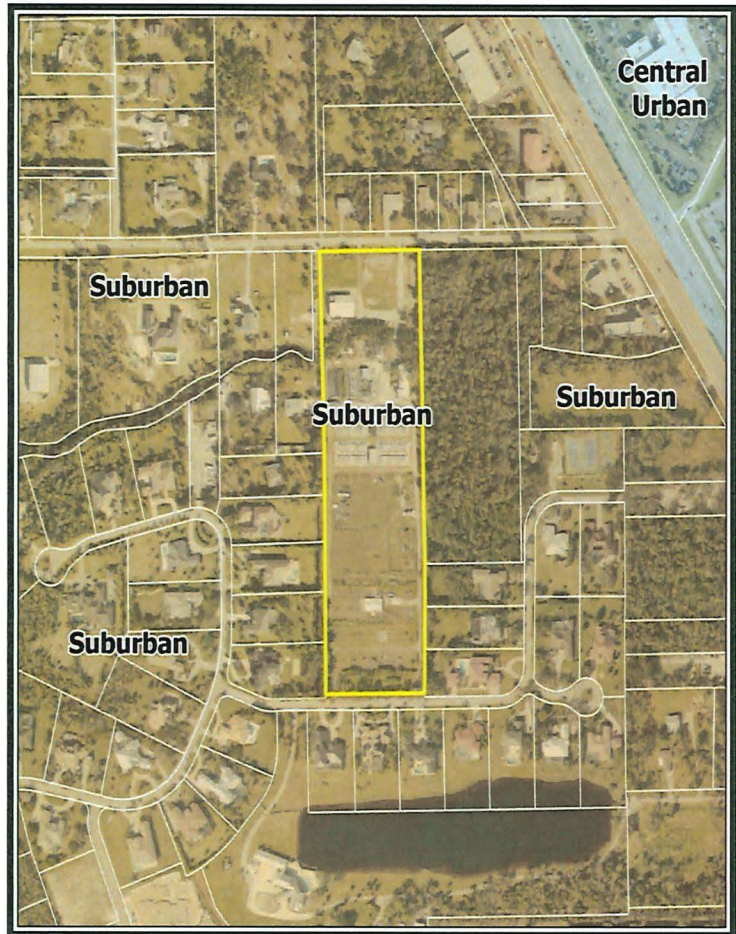
The request includes on-premises COP subject to 13CT, 2COP, or 4 COP licenses

PROJECT LOCATION

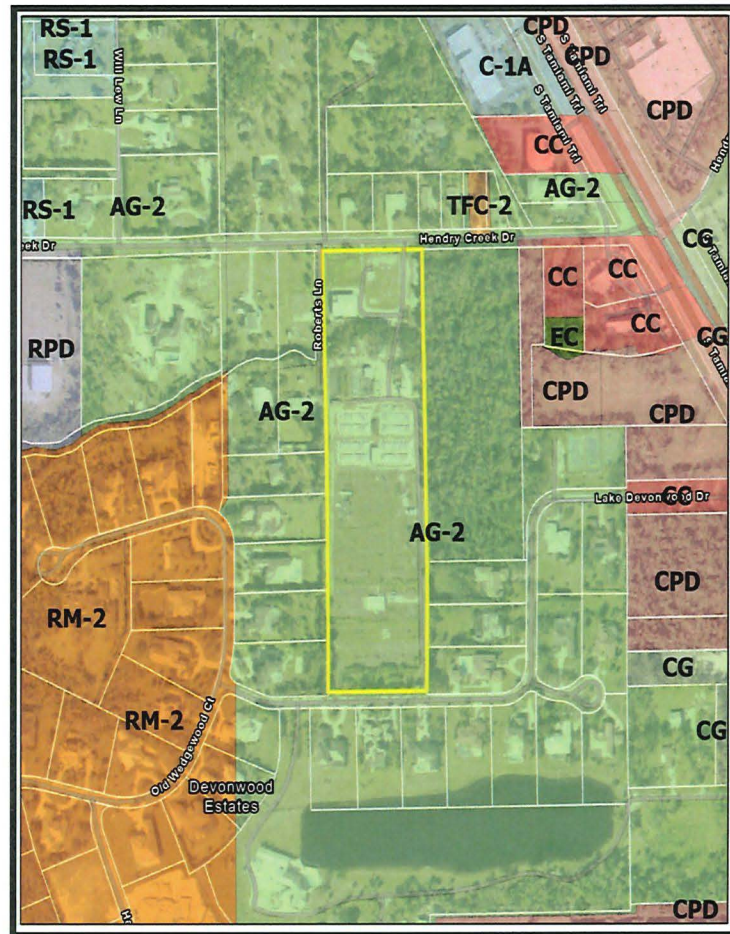
EAST FORK CREEK FARM



- ☐ 10+/- Acres
- ☐ South of Hendry Creek Drive
- ☐ 800' west of S Tamiami Trail
 - ☐ 420' from South Trail Animal Hospital
- ☐ Subject to agricultural exemption
- ☐ Current use include:
 - Aquaponics/hydroponic farming activity
 - Greenhouse agricultural practices
 - Chickens, goats, and bees



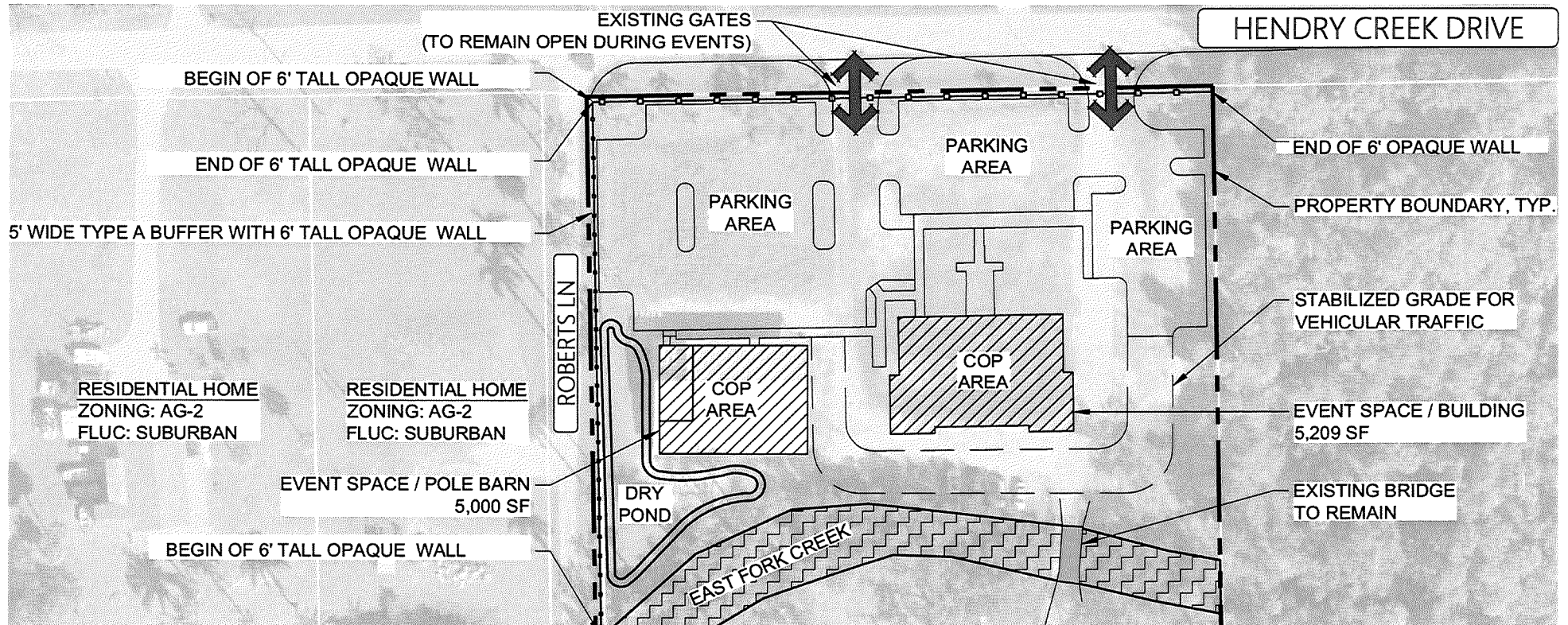
FUTURE LAND USE



ZONING



OCTOBER 10, 2025



East Fork Creek Farm - Special Exception

KEY CONDITIONS

- Condition 4: Buffers
 - ✓ 6-foot opaque wall (North & West boundaries)
 - ✓ Type A plantings, five-foot-wide buffer (West boundary)
- Condition 5: Hours of Operation
- Limited to specific days of the week and hours for services
 - ✓ ~~Friday - Saturday: 12PM-10PM~~; Monday - Saturday: 12pm - 10PM
 - ✓ ~~Sunday - Thursday: 12PM - 9PM~~; Sunday: 12pm - 9pm;
- Condition 6: Location & Amplified Music
 - ✓ Prohibited in the open-air pole barn
 - ✓ Only allowed within the fully enclosed event center building
- Events limited to north portion of the site (approximately 2+/- acres)
 - ✓ On-premises consumption limited to Pole Barn and Event Center

TYPES OF LICENSES

13 CT LICENSES

- ✓ Beer, Wine, & Liquor
- ✓ Third party caterer to hold the license
- ✓ 51% of gross food sales

4 COP LICENSES

- ✓ Beer, Wine, & Liquor
- ✓ Require to serve food
- ✓ 51% of gross food sales
- ✓ Alcoholic beverages must be served during the time of food serving or consumption of food

2 COP LICENSES

- ✓ Beer & Wine
- ✓ No requirements for food sales
- ✓ No requirements for minimum square footage



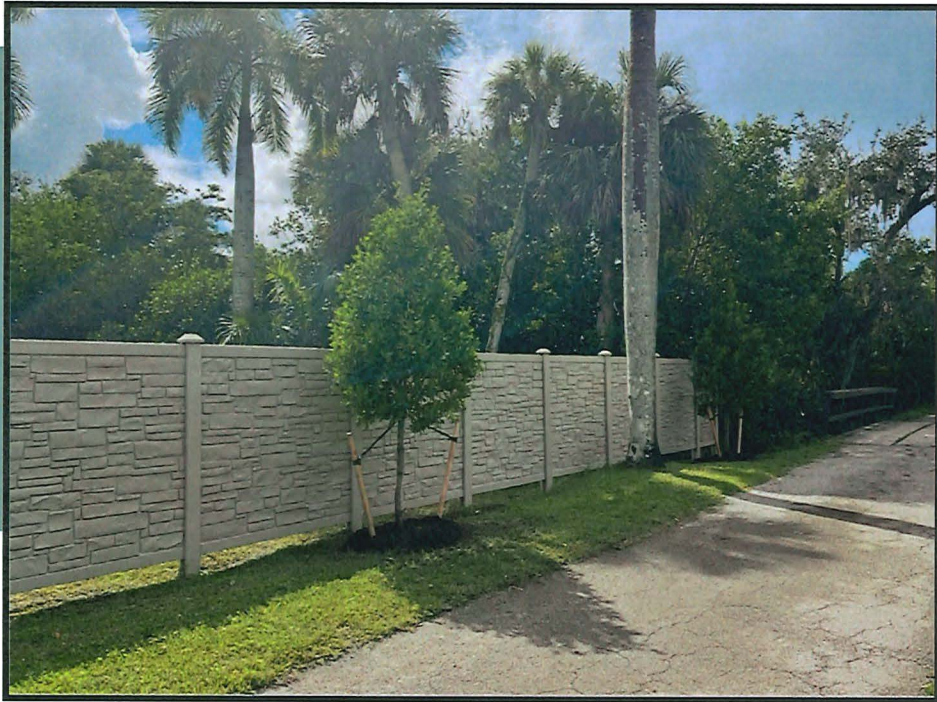
OCTOBER 10, 2025

East Fork Creek Farm - Special Exception



OCTOBER 10, 2025

East Fork Creek Farm - Special Exception



OCTOBER 10, 2025

East Fork Creek Farm - Special Exception



OCTOBER 10, 2025

East Fork Creek Farm - Special Exception

LEE PLAN CONSISTENCY

- Special Exception in accordance LDC Section 34-145(c)(3) & Following Lee Plan Policies
 - *Policy 1.1.5 (Suburban future land use)* Proposed COP associated with agritourism is within the allowable use range of permitted non-residential uses
 - *Policy 5.1.5 (Compatibility)* Proposed conditions ensure no impacts. Improvements will not result in adverse impacts to surrounding properties
 - *Goal 9 (Agricultural Land Uses)* Aquaponics/hydroponic, greenhouse, and farming activities to remain and protecting agricultural lands from incompatible land uses
 - *Objective 2.1 (Development Location)* Compact growth that supports existing infrastructure and conserves agricultural land

FINDINGS AND CRITERIA

- Special Exception in accordance LDC Section 34-145(c)
 - *Will protect, conserve or preserve environmentally critical areas;*
 - ✓ Special Exception does not pose any impact to Hendry Creek
 - *Will be compatible with existing and planned uses;*
 - ✓ Continue to operate the property as an agricultural farm
 - *Will not be injurious to the neighborhood or detrimental to the public welfare;*
 - ✓ Specific conditions to manage noise levels, lighting, hours, and guest per event
 - *Will be in compliance with all zoning regulations;*
 - ✓ Request promotes the primary agricultural use of the property
 - ✓ Aquaponics/hydroponic, greenhouse, and farming activities to remain
 - ✓ Not seeking any variance from the LDC

48-HOUR LETTER UPDATES

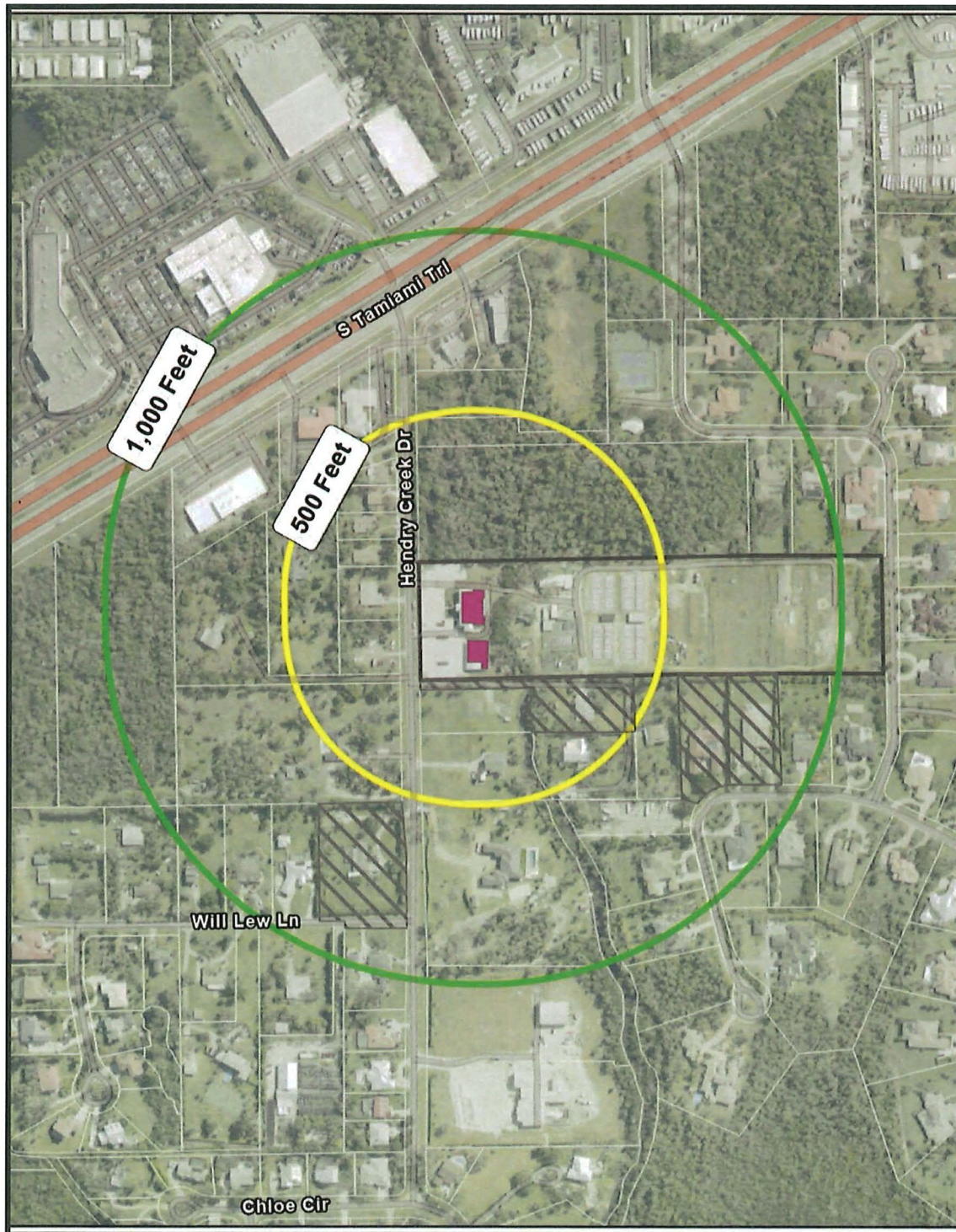
- Applicant is in agreement with Staff's recommendation with the following changes:
 - ❖ Condition 4:
 - ✓ ~~a: Prior to sign-off of State alcoholic beverage licensing documents by Lee County, the applicant must amend LDO2024-00187~~
 - ✓ ~~b: Fence permit (FNC2024-03232) must be revised to relocate the 6-foot wall off the western and northern property lines to allow for the planting of the required Type A buffer along the western boundary abutting the COP area and northern property line along Hendry Creek Drive.~~
 - Request consideration to maintain the initial Condition 4 outlined in the August 21, 2025, staff report. The western property line abutting the COP area must include a 5-foot-wide Type A plantings with a 6-foot-tall opaque wall. The northern buffer along Hendry Creek Drive must include a 6-foot-tall opaque wall.
 - ❖ Condition 5:
 - ✓ ~~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.~~
Events are limited to:
 - Monday through Saturday from 12 p.m. to 10 p.m.
 - Sunday – 12p.m. to 9 p.m.

CONCLUSION

- ✓ Staff Recommendation of APPROVAL
- ✓ Applicant in agreement with Staff Report and all Conditions except as outlined in 48-hour letter
- ✓ Consistent with the Lee Plan
- ✓ Consistent with the LDC
- ✓ Compatible with surrounding land use pattern
- ✓ Supports Agritourism & Ag uses

THANK YOU

QUESTIONS?





October 08, 2025
REVISED October 10, 2025

VIA EMAIL (HEX@LEE.GOV.COM)

The Honorable Ms. Rivera
Hearing Examiner
Office of the Lee County Hearing Examiner
1500 Monroe Street
Fort Myers, Florida 33902-0298

**RE: 48-HOUR LETTER – Hearing Examiner Hearing Date: October 10, 2025
SEZ2025-00001 (East Fork Creek Farm)**

Madam Hearing Examiner:

On behalf of the Applicant for SEZ2025-00001, I am pleased to submit the information required in the 48-Hour Notice and Exhibit List. The list of applicant witnesses who we expect to be present and/or testify is unchanged from the initial 48-hour letter sent August 18, 2025

Exhibits include:

- 1) PowerPoint Presentation (to be provided at the hearing)

After reviewing the Staff Report and attachments, the Applicant is in agreement with Staff's recommendation of approval with the exception of changes to Condition 4, as revised by Staff in their staff report distributed September 30, 2025. The Applicant is requesting the previous version of Condition 4, published in the August 21, 2025, staff report be maintained per below:

1) Condition 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.~~

a. Indigenous Open Space

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

b. Buffers

APPLICANT'S EXHIBIT # **6**

revised 48-hour

1. ~~Prior to the issuance of a development order, the development order plans must depict along the eastern 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.~~
2. The portion of the western property line abutting the COP area shown on the special exception site plan must include a 5-foot-wide Type A buffer plantings with 6-foot-tall opaque wall.
3. The northern buffer along Hendry Creek Drive must include a 6-foot-tall opaque wall.
 - o STAFF NOTE: The site plan will need to be revised as it does not depict the aforementioned buffers.

APPLICANT DISCUSSION: In terms of housekeeping, Staff agreed during the initial hearing to strike the Condition 4.b.1 relating to the Type A buffer on the eastern property line.

The Applicant respectfully submits the original request for Consumption on Premises (COP) via the 13CT (caterer's license) allows for the same intensity of use as proposed via the expanded request for 2COP and 4COP. Both 13CT and 4COP allow for service of beer, wine and liquor. Both require 51% of sales from food. The only change is the property owner holds the license versus a caterer, which does not impact intensity of the use.

As shown on the Conceptual Site Plan dated April 14, 2025, the western boundary includes a 6-foot wall with Type A buffer plantings on the external side of the wall, and the northern boundary includes a 6-foot wall and no plantings. This 6-foot wall has been constructed along both property lines and the Type A plantings have been installed on the exterior of the western walls since the last hearing.

The Applicant disagrees the proposed addition of 2COP and 4COP necessitates the additional permitting, buffering and costly relocation of an existing wall to achieve compatibility with the neighborhood.

The highlighted text change proposed is due to the location of the existing wall 2.5 feet off the property lines. While Type A buffer plantings are installed on the western property line, the plantable area is 2.5 feet in width vs. the 5-foot minimum plantable area required for a buffer.

2) Condition 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.~~ Events are limited to Monday through Saturday from 12 p.m. to 10 p.m. and Sunday – 12p.m. to 9 p.m.

APPLICANT DISCUSSION: The Applicant is in agreement with the initial hours proposed in the August 21, 2025, staff's recommended conditions (*Monday through Saturday from 12 p.m. to 10 p.m. and Sunday – 12 p.m. to 9 p.m.*). As noted above, that the initial request for a COP through a 13CT license would include the consumption of beer, wine, and liquor. The latest proposal to allow for consumption on premise, subject to 13CT, 2COP, or 4COP, does not differ from the original request. Further, the subject property is to comply with Lee County Noise Ordinance as outlined in Article VI, Sec. 19-150 of the Land Development Code. The COP areas and amplified music/entertainment are strictly limited via the Staff conditions.

The Applicant respectfully requests that the Hearing Examiner consider the initial proposed hours of operations to include Monday-Saturday 12 p.m. – 10 p.m. and Sunday 12 p.m. – 9 p.m., as the proposed modifications since the original hearing have no impact on the intensity of the COP use.

Thank you for your consideration of the above information. We look forward to presenting the case at the hearing.

Sincerely,

RVI Planning + Landscape Architecture

A handwritten signature in blue ink, appearing to read "Patrick Murray", with a stylized flourish at the end.

Patrick Murray, AICP
Project Manager

Perez, Maria

From: Patrick Murray <pmurray@rviplanning.com>
Sent: Friday, October 24, 2025 10:46 AM
To: Perez, Maria; Dwbartley2@gmail.com; Alexis Crespo; mwhitt@hahnlaw.com; garbois@hahnlaw.com; Muhammad, Khalil; Hearing Examiner; Rodriguez, Anthony Khaja, Masiuddin; Sweigert, Rebecca; Toussaint, Tracy; Workman, Elizabeth; Ennis, Audra; DeFilippo, Nicholas; Henderson, Abby; Werst, Lee; Hickey, Lindsay; Rodriguez, Jennifer; Cherry, Brienne; Gillogly, Phil; Baucom, Warren; Rozdolski, Mikki; Bodach, Robert
Subject: RE: CASE #SEZ2025-00001 CASE NAME: EAST FORK CREEK FARM
Attachments: SEZ2025-00001 East Fork Creek Farm Conditions (Rvi) 10.24.2025.pdf

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Good morning,

Please find the attached PDF that includes the proposed conditions for SEZ2025-00001. The case remained open following the October 10, 2025 hearing to allow for the applicant and staff to discuss revisions and additional conditions.

The Applicant respectfully requests that the Hearing Examiner consider the latest conditions. Should you have any questions or require further information, please let us know. Thank you,

Patrick Murray, AICP
Project Manager

RVi Planning + Landscape Architecture
111 N. Magnolia Avenue, Suite 1350 • Orlando, FL 32801
407.775.6523 Direct • 407.775.6500 Main
www.rviplanning.com

From: Perez, Maria <MPerez@leegov.com>
Sent: Friday, October 10, 2025 3:34 PM
To: Dwbartley2@gmail.com; Patrick Murray <pmurray@rviplanning.com>; Alexis Crespo <acrespo@rviplanning.com>; mwhitt@hahnlaw.com; garbois@hahnlaw.com; Khaja, Masiuddin <MKhaja@leegov.com>
Cc: Sweigert, Rebecca <RSweigert@leegov.com>; Toussaint, Tracy <TToussaint@leegov.com>; Workman, Elizabeth <EWorkman@leegov.com>; Ennis, Audra <AEnnis@leegov.com>; DeFilippo, Nicholas <NDeFilippo@leegov.com>; Henderson, Abby <AHenderson@leegov.com>; Werst, Lee <LWerst@leegov.com>; Hickey, Lindsay <LHickey@leegov.com>; Rodriguez, Jennifer <JMRodriguez@leegov.com>; Cherry, Brienne <BCherry2@leegov.com>; Gillogly, Phil <PGillogly@leegov.com>; Baucom, Warren <WBaucom@leegov.com>; Rozdolski, Mikki <MRozdolski@leegov.com>; Rodriguez, Anthony <ARodriguez4@leegov.com>; Bodach, Robert <RBodach@leegov.com>
Subject: CASE #SEZ2025-00001 CASE NAME: EAST FORK CREEK FARM

Attached is the Hearing Examiner's Order for the subject zoning case. Thank you.

MARIA D. PEREZ
EXECUTIVE ASSISTANT
LEE COUNTY HEARING EXAMINER'S OFFICE
BOARD OF COUNTY COMMISSIONERS
P.O. Box 398
(1500 Monroe Street)
Fort Myers, Florida 33902
Tel: (239) 533-8100

E-mail: perezmd@leegov.com

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure. Under Florida law, e-mail addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Please note our general office email address: hex@leegov.com

External Email: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

October 23, 2025

VIA EMAIL

The Honorable Ms. Rivera
Hearing Examiner
Office of the Lee County Hearing Examiner
1500 Monroe Street
Fort Myers, Florida 33902-0298
Email: hex@leegov.com

Re.: SEZ2025-00001 (East Fork Creek Farm)

Madam Hearing Examiner:

Hahn Loeser & Parks, LLP represents the Applicant for SEZ2025-00001, East Fork Creek Farm, which is owned and operated by David and Alise Bartley (the "Bartleys"). This memorandum is submitted contemporaneously with the revised conditions of approval for the above-referenced application for a special exception to permit consumption on premises through 13CT, 2COP, and 4COP, at the Bartleys' event venue, which operates as an accessory use to the property's ongoing agritourism activities.

The Bartleys' event venue qualifies as an agritourism activity because it is directly related to and incidental to the property's agricultural use, and it attracts visitors to participate in and enjoy that agricultural setting. *See* Fla. Stat. § 570.86(1) (defining "Agritourism activity"). Accordingly, any attempt by the County to impose conditions—such as restrictions on hours of operation—that would regulate or limit that agritourism activity is preempted by Florida state law. *See* Fla. Stat. § 570.85; *Griffis v. Bridle Oaks Estate, LLC*, 347 So. 3d 392, 393 (Fla. 5th DCA 2021) ("[Section 570.85, Florida Statutes] exempts agritourism from regulation by local governments").

The revised conditions submitted with this memorandum are mutually agreed upon by the Bartleys and County staff. Additional conditions, if considered, are not permitted and preempted by Florida state law. For these reasons, the Bartleys respectfully request that the Hearing Examiner recommend approval of the special exception subject only to those conditions mutually agreed upon by the Bartleys and County staff.

Thank you for your consideration.

Sincerely,



Gabriel Arbois, Esq.

Cc:
Lee County Staff
Alexis Crespo
Patrick Murray
Client

CONDITIONS

The requested special exception is consistent with Florida Agritourism laws (Section 570.85 – 570.89, Florida Statutes), 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. COP 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.

Agritourism events (including without limitation, weddings, reunions, adoption and corporate events, farm-to-table dining experience, etc.) with COP are limited to the following hours:

- i. Monday through Saturday from 12:00 PM until 10:00 PM.
- ii. Sunday 12:00 PM until 9:00 PM.

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.

7. Maximum Attendees

In compliance with COMM2023-02220, the event center is limited to a maximum of 178 occupants.

8. Parking

All parking must be on-site.

Intro

My name is David Ciccarello and I live in the same neighborhood where the property which is the subject of this hearing is located. My address is 15499 Thory Ct., Fort Myers, FL 33908. Unfortunately, I cannot attend the hearing scheduled for October 10th as I am out of town. I did attend the previously scheduled hearing and submitted a request to speak at that time. I am requesting that ~~Meagan~~ ^{GRAHAM} Belger be permitted to read this statement in my absence, and if possible, that this statement be admitted into evidence for the hearing examiner's consideration.

Background

I am an attorney licensed to practice law in the State of Florida and have been practicing in Lee County, Florida since 2009. In fact, I am well acquainted with counsel for the applicant, Mr. Whitt. Prior to this hearing, I received a voicemail message from Mr. Whitt asking me if I would be attending the hearing on behalf of my client who also lives in the neighborhood. To avoid any confusion, I am not acting as legal counsel to of any of the residents of the neighborhood other than myself, my wife, and my two young children.

Legal Standard

In preparation for this hearing, I researched the law applicable to a request for a Special Exception such as the one under consideration today. Under Florida's Land Development Code, it is the applicant seeking the Special Exception who bears the burden of proof to demonstrate the Special Exception requested meets the specific requirements of the Land Development Code. This includes, in pertinent part, the following:

1. The applicant must show that the Special Exception is consistent with the goals, objectives, policies and intent of the Lee Plan;
2. The applicant must show that the Special Exception will be compatible with existing and planned uses; and finally,
3. The variance cannot be detrimental to the public welfare or the character of the neighborhood.

In addition, Policy 5.1.5 of the Lee Plan is as follows: "To protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment."

EXHIBIT #
Belger 1

This is the law that the hearing examiner must follow in making her decision today.

Facts

Make no mistake, the subject property is located well within the single-family neighborhood in which I live. In fact, there are single-family homes located contiguously on all four sides of this property. Three on the East side in the single-family neighborhood of Devonwood, three on the South side (also in the Devonwood neighborhood), seven on the West side (five of which are in Devonwood, and two of which are in my single-family neighborhood of Hendry Creek), and at least two on the North side of the property in my neighborhood.

We drive by this property every day to take my kids to school. We walk our dogs past this property, and my kids ride their bikes by this property.

At the end of our neighborhood, where Hendry Creek Drive ends at U.S. 41, there are properties that are used for commercial purposes. This is not one of those properties.

Those properties sit directly on U.S. 41 and the people that access those properties do not go past those properties into the single-family neighborhood behind them. Those properties do not sell alcohol at all.

This property is located in the residential neighborhood well beyond those properties. In fact, there are at least four single-family residences between this property and those properties which are located directly on U.S. 41.

The subject property is currently zoned for agricultural use, and consistent with its zoning classification, is currently being operated as a farm.

The agricultural zoning designation does not permit the applicants to sell alcohol at their property under a 4COP license – and for good, sound policy reasons.

Analysis

1. The applicants have not shown and cannot show that the Special Exception is consistent with the goals, objectives, policies and intent of the Lee Plan.

Specifically, Policy 5.1.5 of the Lee Plan, which is: “To protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment.”

The applicants have failed to present evidence that this Special Exception would have a positive impact or even a neutral impact on the surrounding neighborhood. The fact is, this Special Exception can only have a negative impact. A negative impact to the safety of the neighborhood, the traffic within the neighborhood, and the noise within the neighborhood. The applicants have attempted to argue that they would incorporate measures or conditions to minimize these impacts, however, their conditions do not eliminate these increased burdens on the neighborhood. One day a week is still one more day a week that my kids cannot safely ride their bikes on the streets of my neighborhood.

For this reason alone, the requested Special Exception should be denied.

2. The applicants have not shown and cannot show that the Special Exception will be compatible with existing and planned uses.

On this point, their application simply states:

“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 property line. This includes a six-foot-tall opaque pre-cast wall as approved through FNC2024-03232.”

Simply stating that the special exception use will remain compatible with the surrounding land use pattern does not make it so. The applicants do not offer any evidence that the special exception is compatible with the surrounding use pattern – that of a single-family residential neighborhood. That is because the sale of alcohol is inherently not compatible within a single-family residential neighborhood – fence or no fence.

Therefore, the applicants have failed to meet their burden of proof on this point as well.

3. Finally, to say that this Special Exception will be detrimental to the character of the neighborhood would be an understatement. Our neighborhood does not currently have an establishment located within its boundaries that is selling and serving alcohol to the public. In the event one is permitted to do so, it will most definitely degrade the character of our neighborhood. It's simply not possible to argue otherwise.

Thank you for your time and attention.

Sincerely,

A handwritten signature in blue ink, appearing to read 'David Ciccarello', with a stylized, looping flourish at the end.

David Ciccarello