

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, US Home Corporation filed an application for administrative approval to a Mixed Use Planned Development on a project known as Osprey Cove within Estero Golf Resort MPD-5) to

1. **allow a reconfiguration of the indigenous preservation areas; and**
2. **deviate from LDC Section 10-415(6) and allow the use of indigenous restoration to count towards the indigenous preservation requirement for the project site; and**
3. **allow a deviation from LDC Section 10-296 (Table 3. Specifications for Privately Maintained Streets) reducing by 12-feet the required 40-foot right-of-way for the closed drainage private access street, resulting in a 28-foot right-of-way for the roadway adjacent to Building #10 spanning 825 linear feet as marked on the Master Concept Plan by two "end of 28' right-of-way" labels); and**
4. **deviate from LDC Section 34-2192, "Setbacks from Streets", which requires a minimum 20-foot setback for structures and buildings, to allow car port structures to be constructed at 0-foot setback from the right-of-way for the private street adjacent to Building #10 (identified by deviation "c" on the Master Concept Plan); and**
5. **deviate from LDC Section 34-2020(3)(d) and allow a 25-foot driveway length for the covered parking spaces in front of Building #10 (identified as deviation "d" on the Master Concept Plan), as measured from the north edge of the pavement of the accessway adjacent to Building #10 to the end of the parking space, therefore reducing by 2-feet the LDC Section's minimum required 27-foot driveway length of parking spaces where vehicles will back directly onto an internal roadway or accessway; and**
6. **utilize LDC Section 34-2017(d) "Reservation of Parking Spaces for Future Use", to leave up to 25 percent of the required residential parking spaces as landscaped areas for future use as paved parking for the multi-family condominium development;**

for property located on the corner of Estero Parkway and US 41, described more particularly as:

LEGAL DESCRIPTION: In Section 21, Township 46 South, Range 25 East, Lee County, Florida:

See Legal Description attached hereto as Attachment "A"

WHEREAS, the property was originally rezoned in case number Z-01-012 (with subsequent amendments in case number DCI2003-00058); and

WHEREAS, required parking spaces for this project are to be considered "high turnover"; and

WHEREAS, the Division of Environmental Sciences staff have reviewed the proposed revisions to the Master Concept Plan including a reconfiguration of the indigenous preservation areas; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Mixed Use Planned Development known as Osprey Cove to

1. allow a reconfiguration of the indigenous preservation areas; and
2. deviate from LDC Section 10-415(6) and allow the use of indigenous restoration to count towards the indigenous preservation requirement for the project site; and
3. allow a deviation from LDC Section 10-296 (Table 3. Specifications for Privately Maintained Streets) reducing by 12-feet the required 40-foot right-of-way for the closed drainage private access street, resulting in a 28-foot right-of-way for the roadway adjacent to Building #10 spanning 825 linear feet as marked on the Master Concept Plan by two "end of 28' right-of-way" labels); and
4. deviate from LDC Section 34-2192, "Setbacks from Streets", which requires a minimum 20-foot setback for structures and buildings, to allow car port structures to be constructed at 0-foot setback from the right-of-way for the

private street adjacent to Building #10 (identified by deviation "c" on the Master Concept Plan); and

5. deviate from LDC Section 34-2020(3)(d) and allow a 25-foot driveway length for the covered parking spaces in front of Building #10 (identified as deviation "d" on the Master Concept Plan), as measured from the edge of the north edge of the pavement of the accessway adjacent to Building #10 to the end of the parking space, therefore reducing by 2-feet the LDC Section's minimum required 27-foot driveway length of parking spaces where vehicles will back directly onto an internal roadway or accessway; and
6. utilize LDC Section 34-2017(d) "Reservation of Parking Spaces for Future Use", to leave up to 25 percent of the required residential parking spaces as landscaped areas for future use as paved parking for the multi-family condominium development;

is **APPROVED**, subject to the following conditions:

1. **The Development must be in compliance with the amended Master Concept Plan, dated July 2004 and stamped "RECEIVED" by the Zoning Counter on October 26, 2004. Master Concept Plan for ADD2004-00167 is hereby APPROVED and adopted. A reduced copy is attached hereto.**
2. **The document titled "Osprey Cove Indigenous Area Exotic Removal and Restoration Plan" (copy is attached hereto as Attachment "C") prepared by WilsonMiller, dated October 13, 2004, and stamped "RECEIVED" by the Zoning Counter on October 26, 2004 is hereby adopted with the following conditions as specified in Environmental Sciences Staff Report dated December 28, 2004 (copy attached hereto as Attachment "B"):**
  - a. **Mechanical removal of invasive exotic vegetation is appropriate within the four upland restoration areas. Only hand removal of invasive exotic vegetation is allowed within the gopher tortoise preserve. See attached plan entitled "Indigenous Preservation, Restoration, and Enhancement" with indigenous areas labeled.**
  - b. **Each acre of upland indigenous restoration must include 200 native trees (minimum 3-gallon container size), 900 native shrubs (minimum 1-gallon container size), and 3,000 native ground cover plants (minimum 1-gallon container size). The upland restoration areas must be mulched with pine straw (minimum 3-inch depth) and have a temporary irrigation system installed (to be removed after 1-year).**

3. Prior to local development order approval, the development order plans must include details to meet the indigenous preservation enhancement included in the adopted "Osprey Cove Indigenous Area Exotic Removal & Restoration Plan" document as conditioned above.
4. A reduction in right-of-way width for roadway adjacent to Building #10 does not create relief from the LDC's required construction standards for the roadway.
5. If Lee County determines that parking is not sufficient for the development, the developer, or current controlling entity of the property, must resurface up to 100 percent of the reserved parking spaces, identified on the Master Concept Plan as deviation "(e)", according to specifications set forth by the Lee County Land Development Code.
6. The terms and conditions of the original zoning resolution remain in full force and effect.

DULY SIGNED this 25<sup>th</sup> day of January, A.D., 2005.

BY: Pam Houck  
Pam Houck, Director  
Division of Zoning  
Department of Community Development

SKETCH AND DESCRIPTION

LEGAL DESCRIPTION

LEGAL DESCRIPTION (AS FURNISHED)

A PARCEL OF LAND LYING IN SECTIONS 21 AND 28, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21, THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45" W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461 - 3462) TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°46'45" W, ALONG SAID EAST LINE OF SECTION 21, A DISTANCE OF 2555.79 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 21; THENCE N 00°53'22" W, A DISTANCE OF 2646.37 FEET TO THE NORTHEAST CORNER OF SAID SECTION 21; THENCE N 89°29'23" W, ALONG THE NORTH LINE OF SECTION 21, A DISTANCE OF 1322.73 FEET TO THE EAST LINE OF THE VINTAGE GOLF AND COUNTRY CLUB AS RECORDED IN PLAT BOOK 37, PAGE 38 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S 00°53'13" E, ALONG SAID EAST LINE OF THE VINTAGE GOLF AND COUNTRY CLUB, A DISTANCE OF 1317.73 FEET; THENCE S 44°54'53" W, A DISTANCE OF 4738.55 FEET TO THE EASTERLY RIGHT-OF-WAY LINE (100.00 FEET FROM CENTERLINE) OF U.S. 41 (TAMIAMI TRAIL); THENCE S 37°45'31" E, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 17.52 FEET; THENCE S 37°10'00" E, A DISTANCE OF 955.60 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 50.00 FEET, A DELTA ANGLE OF 91°16'55", A CHORD DISTANCE OF 71.50 FEET AND A CHORD BEARING OF S 82°48'27" E; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 79.66 FEET TO A POINT OF TANGENCY, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD; THENCE N 51°33'05" E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 261.89 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1292.82 FEET, A DELTA ANGLE OF 15°53'11", A CHORD DISTANCE OF 357.31 FEET AND A CHORD BEARING OF N 59°29'40" E; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 358.46 FEET TO A POINT OF COMPOUND CURVATURE: A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 1175.00 FEET, A DELTA ANGLE OF 26°21'52", A CHORD DISTANCE OF 535.91 FEET, AND A CHORD BEARING OF N 80°37'11" E, THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 540.67 FEET TO A POINT OF TANGENCY; THENCE S 86°11'52" E, A DISTANCE OF 2476.17 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 11,425.00 FEET, A DELTA ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET AND A CHORD BEARING OF S 87°35'02" E; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 552.84 FEET TO THE POINT OF BEGINNING:

LESS AND EXCEPT THE SEABOARD COAST LINE RAILROAD RIGHT-OF-WAY.

PARCEL CONTAINS 314.60 ACRES, MORE OR LESS.

Applicant's Legal Checked

by 18 JAN 05

ABBREVIATION LEGEND:

P.R.M. - PERMANENT REFERENCE MONUMENT  
P.O.C. - POINT OF COMMENCEMENT  
P.C. - POINT OF CURVATURE  
P.R.C. - POINT OF REVERSE CURVATURE  
P.C.C. - POINT OF COMPOUND CURVATURE  
P.T. - POINT OF TANGENCY  
P.I. - POINT OF INTERSECTION  
P.C.P. - PERMANENT CONTROL POINT  
P.O.L. - POINT ON LINE  
C.B. - CHORD BEARING  
T.B. - TANGENT BEARING

C.M. - CONCRETE MONUMENT  
P.B. - PLAT BOOK  
Pg. - PAGE  
N.R. - NON-RADIAL  
RAD. - RADIAL  
R. - RADIUS  
L. - ARC LENGTH  
Δ - DELTA  
R.P. - RADIUS POINT  
R/W - RIGHT-OF-WAY  
C. - CENTER LINE

E.L. - ELEVATION  
A/C - AIR CONDITIONER  
TYP. - TYPICAL  
U.E. - UTILITY EASEMENT  
D.E. - DRAINAGE EASEMENT  
F.F. - FINISHED FLOOR  
B.S. - BUILDING SETBACK  
C.B.S. - CONCRETE BLOCK STRUCTURE  
(P) - PLAT  
(M) - MEASURED  
(C) - CALCULATED

CONC. - CONCRETE  
C.L.F. - CHAIN LINK FENCE  
W.F. - WOOD FENCE  
C & G - CURB & GUTTER  
CATV - CABLE TELEVISION RISER  
TELE - TELEPHONE RISER  
TRANS - TRANSFORMER PAD  
L.P. - LIGHT POLE  
P.P. - POWER POLE  
N.G. - NATURAL GROUND  
SQ. FT. - SQUARE FEET

W.M. - WATER METER  
F.H. - FIRE HYDRANT  
N & D - NAIL AND DISC  
B.M. - BENCH MARK  
P.V.M.T. - PAVEMENT  
F.B. - FIELD BOOK  
M.H. - MANHOLE  
(A) - ACTUAL  
NSI - NO SURVEYOR IDENTIFICATION  
FND - FOUND  
REC - RECOVERED

RECEIVED  
JAN 14 2005

DU  
ZONING COUNTER  
ADD 2004-00167

Survey Notes:

- "NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER".
- BEARINGS SHOWN HEREON ARE RELATIVE TO ASSUMED DATA AS BEING N 00°46'45" W ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST.
- THE "LEGAL DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR PER THE CLIENT'S REQUEST.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OR OPINION OF TITLE. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS NOTED.
- THIS IS NOT A BOUNDARY SURVEY, THIS SKETCH AND DESCRIPTION WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR, NO FIELD SURVEY WAS DONE TO DEFINE OWNERSHIP.

Surveyor's Certification:

I hereby certify that the attached "Sketch and Description" of the hereon-described property is true and correct to the best of my knowledge, information and belief as surveyed under my direction on December 16, 2003. I further certify that this "Sketch and Description" meets the minimum technical standards set forth in rule 61g17-6 of the Florida Administrative Code.

W. C. Elliott, P.S.M.  
Professional Surveyor and Mapper  
Florida Registration No. 5599

CLIENT: WAL-MART  
PROJECT NUMBER: W13303  
CADD DWG. FILE: SKETCH AND DESCRIPTION.DWG

NOT VALID WITHOUT SHEET 2  
SHEET 1 OF 2

**cph**  
Engineers  
Planners  
Landscape Architects  
Surveyors  
Construction Management  
www.cphengineers.com  
500 West Fulton Street, Sanford, FL 32771 P.O. Box 2808, Sanford, FL 32772-2808  
Phone 407.322.6641 Fax 407.330.0639

| Activity                              | Name   | Date  |
|---------------------------------------|--------|-------|
| Date of Field Survey:                 | N/A    | N/A   |
| Drawn by:                             | T.E.D. | 12/03 |
| Checked by:                           | T.J.G. | 12/03 |
| Approved by:                          | W.C.E. | 12/03 |
| Certificate of Authorization No. 7143 |        |       |

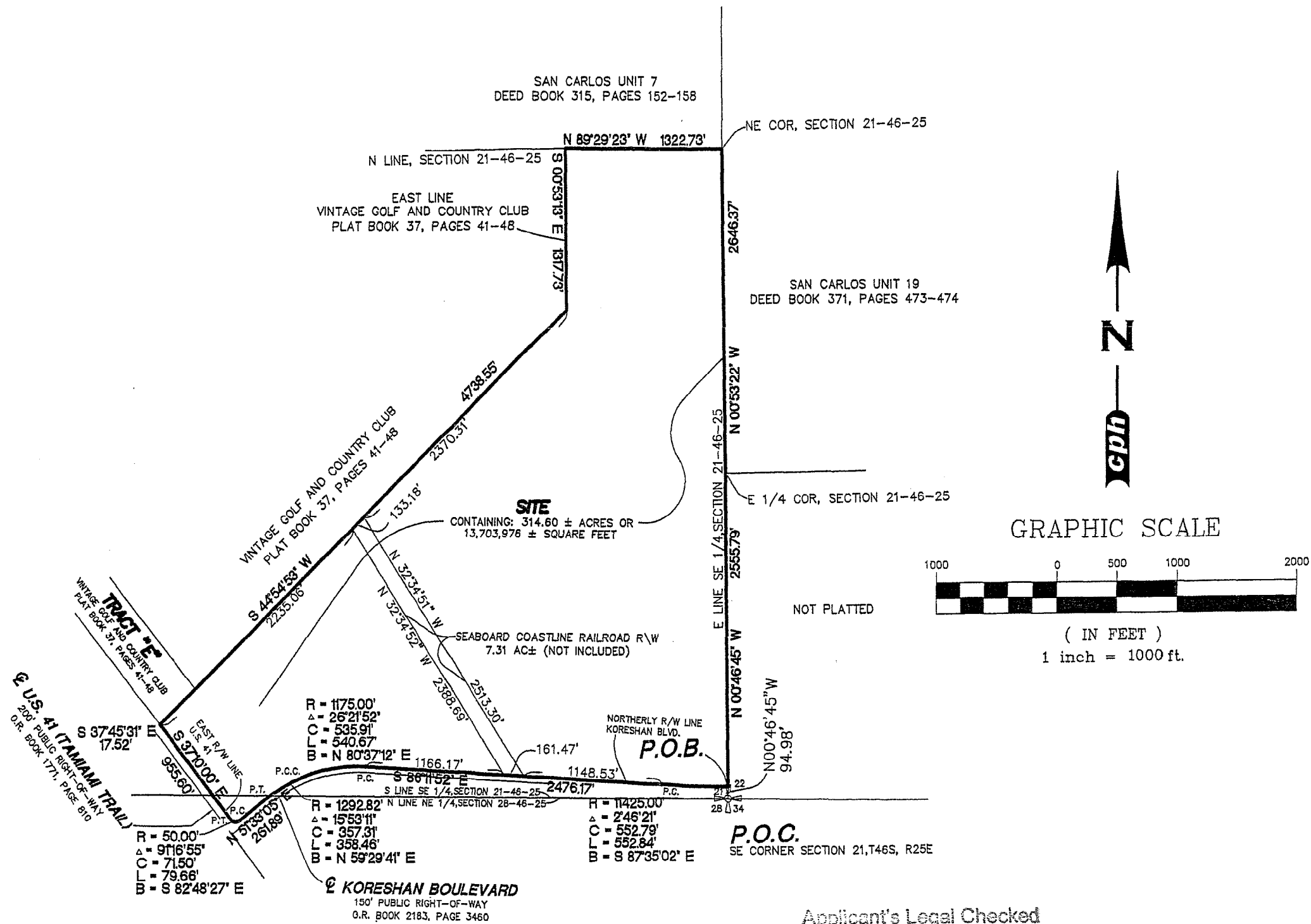
|                        |                |
|------------------------|----------------|
| SKETCH AND DESCRIPTION | Scale: N/A     |
| ESTERO GOLF RESORT MPD | Date: DEC 2003 |
|                        | Job No. W13303 |
|                        | File: SOD.DWG  |
|                        | Sheet 1 of 2   |

DEC 16 2003

FORT MYERS, LEE COUNTY, FLORIDA

# SKETCH AND DESCRIPTION

## LEGAL DESCRIPTION



Applicant's Legal Checked  
by *[Signature]* 18 JAN 05

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JAN 14 2005  
ZONING COUNTER  
ADD 2004-0016

NOT VALID WITHOUT SHEET 1  
SHEET 2 OF 2

CLIENT: WAL-MART  
PROJECT NUMBER: W13303  
CADD DWG. FILE: SKETCH AND DESCRIPTION.DWG

**cph** Engineers  
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Phone: 407.322.6841 Fax: 407.330.0639

| Activity              | Name   | Date  |
|-----------------------|--------|-------|
| Date of Field Survey: | N/A    | N/A   |
| Drawn by:             | T.E.D. | 12/03 |
| Checked by:           | T.J.G. | 12/03 |
| Approved by:          | W.C.E. | 12/03 |

Certificate of Authorization No. 7143

## SKETCH AND DESCRIPTION ESTERO GOLF RESORT MPD

FORT MYERS, LEE COUNTY, FLORIDA

|              |            |
|--------------|------------|
| Scale:       | 1" = 1000' |
| Date:        | DEC 2003   |
| Job No.      | W13303     |
| File:        | SOD.DWG    |
| Sheet 2 of 2 |            |

SCALE: 1" = 80'

VINTAGE GOLF & COUNTRY CLUB

FUTURE WAL\*MART No. 5347-00

**APPROVED**  
Amendment to  
Master Concept Plan  
Subject to Case #ADD2004-00167  
Date 1/25/05

NOTES:

PROPOSED IS AN ADMINISTRATIVE AMENDMENT TO THE APPROVED MASTER CONCEPT PLAN FOR OSPREY COVE RESORT, RESOLUTION 7-01-0126.

— PARKING SPACES TO BE RESERVED FOR FUTURE USE.

PROPOSED ADMINISTRATIVE AMENDMENTS

| LOCATION DESIGNATION | ADMINISTRATIVE AMENDMENT                                                                                                                                                                                                         |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a)                  | AN ADMINISTRATIVE AMENDMENT IS REQUESTED TO ALLOW THE RELOCATION OF THE REQUIRED INDIGENOUS AREA TO BE MORE CONTIGUOUS TO THE PROPOSED CONSERVATION AREA. THE INDIGENOUS AREA OUTSIDE THE CONSERVATION AREA PROVIDED IS 1.82 AC. |
| (b)                  | AN ADMINISTRATIVE AMENDMENT IS REQUESTED FOR A RELIEF FROM LOC SECTION 10-006 TO ALLOW A 20' RIGHT-OF-WAY.                                                                                                                       |
| (c)                  | AN ADMINISTRATIVE AMENDMENT IS REQUESTED FOR RELIEF FROM LOC SECTION 34-002 TO ALLOW A CHAPARRAL STRUCTURE TO BE LOCATED WITHIN 25 FEET OF THE RIGHT-OF-WAY ADJACENT TO BUILDING #10.                                            |
| (d)                  | AN ADMINISTRATIVE AMENDMENT IS REQUESTED FOR RELIEF FROM LOC SECTION 34-002 TO ALLOW A DISTANCE OF 25 FEET FROM THE USE OF THE DRIVEWAY TO THE EDGE OF THE TRAVEL LANE OF THE ROADWAY ADJACENT TO BUILDING #10.                  |
| (e)                  | AN ADMINISTRATIVE AMENDMENT IS REQUESTED FOR APPROVAL TO LOCATE ONE SECTION 34-002 TO PROVIDE UP TO 25 FEET OF THE REQUIRED PARKING SPACES AS RESERVED SPACES.                                                                   |
| (f)                  | AN ADMINISTRATIVE AMENDMENT IS REQUESTED FOR RELIEF FROM LOC SECTION 10-006 TO ALLOW THE USE OF INDIGENOUS RESTORATION TO COUNT TOWARD THE INDIGENOUS PRESERVATION REQUIREMENT.                                                  |

PRINTED

OCT 25 2004  
WilsonMiller, Inc.  
4573 Colonial Boulevard  
Ft. Myers, Florida 33917

RECEIVED  
OCT 26 2004

10/25/04  
10/25/04

|                                       |  |  |  |          |             |                     |                 |                                                                                                                                                                                                                                                                                                                                         |  |  |  |                               |                      |                                                                                             |                                                    |                                         |                               |                        |
|---------------------------------------|--|--|--|----------|-------------|---------------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|-------------------------------|----------------------|---------------------------------------------------------------------------------------------|----------------------------------------------------|-----------------------------------------|-------------------------------|------------------------|
| 1 REVISED PER ADDED AMENDMENT REQUEST |  |  |  | 10/15/04 | A.L.R./1708 | CONTRACT ADMIN. BY: | WM APPROVED BY: | WilsonMiller, Inc.<br>Planners • Engineers • Ecologists • Geographers • Landscape Architects • Transportation Consultants<br>Naples • Fort Myers • Sarasota • Bradenton • Tampa • Tallahassee<br>4573 Colonial Boulevard, Suite 100 • Fort Myers, Florida 33917 • Phone 239-439-3220 • Fax 239-439-7470 • Web Site www.wilsonmiller.com |  |  |  | CLIENT: U.S. HOME CORPORATION | PROJECT: OSPREY COVE | DATE: JULY 2004<br>REVISION: 1<br>1" = 80'<br>VERTICAL SCALE: 1/4" = 10'<br>SHEET: 21 OF 25 | TITLE: ADMINISTRATIVE AMENDMENT/ DEVIATION EXHIBIT | CROSS REFERENCE FILE NO.: 04505-002-001 | PROJECT NUMBER: 04505-002-001 | SHEET NUMBER: 21 OF 22 |
|---------------------------------------|--|--|--|----------|-------------|---------------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|-------------------------------|----------------------|---------------------------------------------------------------------------------------------|----------------------------------------------------|-----------------------------------------|-------------------------------|------------------------|

ADD 2004-00167

## ATTACHMENT B

**STAFF REPORT  
FROM  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
DIVISION OF ENVIRONMENTAL SCIENCES**

**Date:** December 28, 2004

**To:** Fred Drovdic, Senior Planner

**From:** Kim Trebatoski, Principal Environmental Planner

**Phone:** (239) 479-8183

**E-mail:** trebatkm@leegov.com

**Project:** Osprey Cove

**Case:** ADD2004-00167

**STRAP:** 21-46-25-00-00001.0020

The Division of Environmental Sciences staff have reviewed the proposed revisions to the Master Concept Plan including a reconfiguration of the indigenous preservation areas. A field inspection was conducted with WilsonMiller. The information submitted within the document entitled "Osprey Cove Indigenous Area Exotic Removal & Restoration Plan" prepared by WilsonMiller dated October 13, 2004, and stamped received October 26, 2004 accurately summarizes the discussions conducted onsite. However, the proposed number and sizes of plants within the upland restoration areas needs to be slightly adjusted. ES staff have found that plants in containers less than 1-gallon in size have a low survival rate. The proposed revision to indigenous preservation areas provide more contiguous preserve areas, therefore, Environmental Sciences staff recommend APPROVAL with CONDITIONS as follows:

*The document entitled "Osprey Cove Indigenous Area Exotic Removal & Restoration Plan" prepared by WilsonMiller dated October 13, 2004, and stamped received October 26, 2004 (attached), is hereby adopted with the following conditions:*

*Mechanical removal of invasive exotic vegetation is appropriate within the four upland restoration areas. Only hand removal of invasive exotic vegetation is allowed within the gopher tortoise preserve. See attached plan entitled "Indigenous Preservation, Restoration, and Enhancement" with indigenous areas labeled.*

*Each acre of upland indigenous restoration must include 200 native trees (minimum 3-gallon container size), 900 native shrubs (minimum 1-gallon container size), and 3,000 native ground cover plants (minimum 1-gallon container size). The upland restoration areas must be mulched with pine straw (minimum 3-inch depth) and have a temporary irrigation system installed (to be removed after 1-year).*

*Prior to local development order approval, the development order plans must include details to meet the indigenous preservation enhancement included in the adopted "Osprey Cove Indigenous Area Exotic Removal & Restoration Plan" document as conditioned above.*



*New Directions In Planning, Design & Engineering*

**Osprey Cove**  
**Indigenous Area Exotic Removal & Restoration Plan**

Prepared For:

U.S. HOME CORPORATION  
10481 SIX MILE CYPRESS PARKWAY  
SUITE 101  
FORT MYERS, FLORIDA 33912

Prepared By:

WILSONMILLER, INC.  
4571 COLONIAL BOULEVARD  
FORT MYERS, FLORIDA 33912-1062

October 13, 2004

A handwritten signature in cursive script, reading 'Craig D. Schmittler'.

Craig D. Schmittler, M.S., P.W.S.  
Environmental Consultant III

A handwritten signature in cursive script, reading 'Karen M. Johnson'.

Karen M. Johnson  
Project Manager

**RECEIVED**  
OCT 26 2004

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## Exhibits

**EXHIBIT A – Conservation and Indigenous Areas Location Map for Osprey Cove**

## 1. INTRODUCTION

This document serves to describe in detail the proposed components of the Indigenous Area Restoration and Management Plan for the Osprey Cove Development Site ("Project Site"). Also included are the details of the exotic removal methodologies to be used throughout the property (including the indigenous areas and the conservation areas). The project site is a 40-acre proposed residential community located north of Estero Boulevard and east of US 41 in Section 21, Township 46, Range 25 East, Lee County, Florida. Land management activities will primarily consist of exotic pest plant removal with associated native plant restoration, and enhancement of wildlife habitat. This document provides a detailed description of exotic pest plant removal & control, native plant restoration, wildlife habitat enhancement, and the indigenous habitat restoration measures planned for the project site. The proposed monitoring and maintenance activities and schedule, as well as the success criteria for the conservation areas and indigenous habitats are also provided in this document.

## 2. EXOTIC REMOVAL

### 2.1. Initial Eradication of Exotic Vegetation

The initial eradication of exotics in natural acres has two levels of effort:

Level 1: Hand removal of exotics in areas of critical wildlife habitat, indigenous habitat preservation areas or in areas containing <50% exotics - limited mechanized clearing.

Level 2: Mechanized removal of exotics in areas with no critical wildlife species present, limited or no indigenous plant species remaining or containing >50% exotics.

For the purpose of the following discussion, exotic species include those currently listed (defined) by the Florida Exotic Pest Plant Council. Nuisance species will include any invasive native plant species deemed undesirable due to aggressive growth or competitive effects. Of the exotic species, punk trees (*Melaleuca quinquenervia*) downy rose myrtle (*Rhodomyrtus tomentosus*) and Brazilian pepper (*Schinus terebinthifolius*) are the dominant species present on the property.

Level 1 Enhancement Areas: Level 1 enhancement will occur in areas with <50% cover by exotic or nuisance species. Exotic eradication (melaleuca, downy rose myrtle and Brazilian pepper) will be accomplished via hand removal; no mechanized clearing or use of heavy equipment will occur within these areas. Hand removal exotic clearing methods will include the use of implements such as chain saws, axes, and machetes to cut down exotic vegetation. This method allows for use of vehicles such as trucks and trailers, and chippers to process the debris.

Exotic plants within the conservation preserve areas will be cut down and removed from these mitigation areas. The stumps of these cut plants will be chemically treated with an appropriate herbicide immediately following, but no longer than 15 minutes of cutting. Debris generated during this phase of removal will be temporarily stockpiled in adjacent upland areas for later burning, chipping/spreading, or transport off-site for disposal. Where chipping is utilized, large mounds of chipped materials would either be removed or spread out so as to not inhibit development of desirable groundcover.

Only EPA-approved herbicides will be utilized and a visual tracer dye will be added if not already contained in the specific herbicide mixture to assure complete coverage and treatment of all cut vegetation. All herbicides will be applied in accordance with label specifications. Such applications will be conducted by or under the direction of an appropriately licensed applicator. Felled material that is not removed from the interior of conservation areas will be handled in general accordance with the SFWMD publication "*Draft Guidelines for Melaleuca Removal*" dated 9/14/98.

Although plantings will not be required, and are not anticipated to be needed in Level 1 enhancement areas under the proposed land management plan, the Applicant reserves the right to supplemental plantings of suitable native tree, shrub, or groundcover plant species in Level 1 enhancement areas in order to improve visual aesthetics and/or enhance habitat quality.

**Level 2 Enhancement Areas:** Level 2 enhancement will occur in areas with substantial invasion (>50%) by exotic or nuisance species (primarily melaleuca, downy rose myrtle and Brazilian pepper). Eradication methods in Level 2 areas will be via mechanized clearing using heavy machinery (e.g., front end loaders, trucks, hydro-axes, feller-bunchers, etc.). Level 1 enhancement methods could also be employed in areas designated as Level 2 where exotic infestations are >50% but where the use of mechanized clearing methods could adversely affect the remaining desirable plant assemblages. Mechanized equipment within the enhancement areas would be limited to rubber tire or rubber track tractors to minimize impacts to the ground surface. In order to accomplish this goal, such operations will be conducted when there is no standing water (i.e., during the dry season or during portions of the wet season when water levels are below ground).

Prior to initial exotic eradication, the limits of areas to be mechanically cleared will be marked with ropes, stakes, survey flagging, silt screens, enviro-fencing or a combination of these to avoid intrusion into adjacent areas. Machinery/vehicle ingress and egress routes (corridors) will be similarly marked. The protective barriers will remain in place and will be appropriately maintained until the use of mechanized equipment is completed. In addition, ecologists will be present periodically during the clearing operations to provide additional assurances that minimal desirable vegetation is removed and the conservation/indigenous areas are not disturbed during these clearing activities.

## 2.2. Maintenance of Exotic Vegetation

Natural areas will be maintained to suppress growth or re-infestation of exotic/nuisance species and to prevent reinfestation of these undesirable species. Ongoing (perpetual) control of exotic/nuisance species will be accomplished by direct herbicide applications, physical uprooting, or any combination of these methods. Ongoing exotic maintenance removal will consist solely of hand-removal; no heavy equipment will be operated within conservation areas. The management goals for Osprey Cove will be to control exotic and nuisance plants such that mitigation areas are: (a) exotic-free immediately following maintenance activities, and (b) exotic and nuisance plants constitute an average of no more than five (5) percent of the dominant vegetation.

Exotic plant control will occur on a semi-annual basis or as needed for the first 2 to 3 years following initial eradication efforts. Maintenance events may be conducted more frequently if field observations during the annual monitoring events identify exotic/nuisance infestations. The estimated schedule for construction, maintenance and monitoring events is provided in Section 6.0 below.

## 3. RESTORATION AND ENHANCEMENT OF INDIGENOUS AREAS - WILDLIFE HABITAT

It is anticipated that all four (4) proposed indigenous areas will require Level 2 enhancement methods (mechanical removal) for the initial eradication of the nuisance and exotic vegetation. These areas will then require supplemental planting and restoration efforts following the initial exotic eradication. At this time it is anticipated that virtually all of the indigenous areas will be re-planted to create upland forested communities. However, it is likely that some of the upland buffer included in the natural vegetation areas will also benefit from these plantings.

Table 1 below provides a list potential native species to be planted in upland forest habitats. No plant species included in the *Florida Exotic Pest Plant Council, 1999 List of Florida's Most Invasive Species* will be planted as part of the restoration. Specific species planted will depend on site conditions and market availability of the plant material at the time needed for installation. Planting densities are expected to vary depending on the degree of exotic infestation and the amount of viable native vegetation remaining following initial eradication of exotics. In worst-case situations (little remaining native vegetation), it is anticipated that trees will be planted on an average of 15-foot centers, subcanopy/shrub species on average 7-foot centers, and ground cover on 3-foot centers. Planted trees will be a minimum of 4 to 6 feet in height, with some of the trees being 6 to 8 feet in height or taller and 3 gallons in size. Shrub specimens will be a minimum of 24 inches in height and 1-gallon in size. Ground cover will be bare-root or containerized stock, as available. All plantings will be made in staggered rows, using the specified spacing as per plant type. This will decrease the time necessary to achieve the desired coverage in the replanted indigenous/conservation areas. Although not required, larger stock than specified above, to be planted at a reduced density, may be used to accelerate the enhancement process.

Restoration:

1 acre = 4,840 1gal container plants

194 trees x 3 = 582  
4,840 groundcover  
889 shrubs

1,471 1gal trees & shrubs

Here: Proposed

**Table 1 - Plant Species to be used in Indigenous Area Restoration**

| Common Name              | Scientific Name                    |
|--------------------------|------------------------------------|
| Saw Palmetto             | <i>Serenoa repens</i>              |
| Slash Pine               | <i>Pinus elliotii</i>              |
| Cabbage Palm             | <i>Sabal palmetto</i>              |
| Laurel Oak               | <i>Quercus Laurifolia</i>          |
| Pineland Three-Awn Grass | <i>Aristida Stricta</i>            |
| Wax Myrtle               | <i>Myrica cerifera</i>             |
| Myrsine                  | <i>Rapanea punctata</i>            |
| Shiny Blueberry          | <i>Vaccinium myrsinites</i>        |
| Goobergrass              | <i>Amphicarpum muhlenbergianum</i> |
| Rusty Lyonia             | <i>Lyonia ferruginea</i>           |
| Beauty Berry             | <i>Callicarpa americana</i>        |
| Gulf muhly               | <i>Muhlenbergia capillaris</i>     |
| Creeping bluestem        | <i>Schizachyrium stoloniferum</i>  |
| Sand cordgrass           | <i>Spartina bakeri</i>             |
| Red root                 | <i>Lachnanthes caroliniana</i>     |
| Wild cocoa               | <i>Eulophia alta</i>               |
| Bluestems                | <i>Andropogon spp.</i>             |
| Coco plum                | <i>Chrysobalanus icaco</i>         |
| Carpet grass             | <i>Axonopus compressus</i>         |

Supplemental plantings in the previously cleared and replanted areas will be conducted as necessary when and where survivorship, density, and/or percent cover goals specified in the permit are not achieved. The need for such re-plantings will typically be assessed on an annual basis during the annual monitoring events. Conservation Area management / maintenance activities will include removal of dead, dying, or diseased plants (both planted and existing plants) as deemed necessary.

### **3.1. MANAGEMENT OF WILDLIFE HABITAT**

Natural areas will be managed to enhance wildlife habitat. Specific management activities will include the measures described in the following paragraphs.

Conservation areas will be managed (semi-annually the first year, annually for five years, and as needed thereafter) to maintain exotic/nuisance plant species at <5% of total coverage. Ongoing control of undesirable species will be via directed herbicide applications, physical uprooting, or a combination of these methods. Maintenance will consist solely of hand-removal; no heavy equipment will be operated within conservation areas, except during the initial exotic removal.

Planting of desirable native trees will occur within the natural areas. Following initial eradication of exotic plants within the natural areas, planting of native tree species will occur as indicated in Section 3.0 above. Table 1 lists potential species that may be

planted. The specific species planted will depend on site conditions and market availability of plant material. The density of plantings and stock used will depend on site conditions. Re-planting would be conducted if the mortality of planted vegetation is deemed excessively high.

Prescribed burns will be conducted within the natural areas where feasible. Such burns may be conducted to remove accumulated un-decomposed organic matter ("duff") thereby promoting new plant growth, to reduce fuel loading which could minimize the potential adverse effects of un-controlled fires, and to thin-out ground cover and subcanopy vegetation. The burns would be performed on an "as needed" basis, and would be coordinated with the appropriate agencies.

The dead trees and snags (standing dead trees) on the site will be retained where feasible. Dead trees and snags provide food, safe nesting sites in the form of cavities and platforms, roosting and denning sites, hunting perches, display stations, and foraging sites for a wide variety of species. Many species, such as woodpeckers, forage for invertebrates in dead and dying trees. Woodpeckers, chickadees, tufted titmice, and eastern bluebirds are a few types of birds that nest in snag cavities. Birds of prey, such as the bald eagle and osprey, and insectivores, such as hawking flycatchers, use the branches of a snag as perches. Dead trees also serve an important role in replenishing the soil as they decompose.

Any trash or debris in the natural areas will be removed. The removal of the trash and debris will help to enhance the natural areas of the site.

## **4. NATURAL AREAS MONITORING**

### **4.1. Field Monitoring Methodology**

A monitoring transect will be established through the preserved wetland and the preserved upland to monitor the development and survival of the natural vegetation areas. In addition, each indigenous area will have a monitoring station with a fixed-point photo station located so the survival and success of each area can be documented through the photos taken during the annual monitoring events. At the time of baseline monitoring, the specific location and length of qualitative and quantitative transects will be established such that they maximize the collection of pertinent data.

Qualitative data regarding the success of the wetland enhancement efforts will be collected from at least two observation stations along each transect. Qualitative data to be collected will include plant species composition in each vegetative stratum, estimated percent cover by exotic/nuisance species, and general condition of native vegetation. General information on wetland hydrology (e.g., water depth, areal extent of inundation, degree of soil saturation, etc.) will also be recorded during each monitoring event. Two

(2) photostations will be established along each transect. The photostations, end points of each transect, will be adequately marked in the field for reliable location from one monitoring event to another.

The transects will serve as quantitative sampling points from which data is collected on planting survivorship and percent cover by exotic/nuisance species. Quantitative transects will be situated at permanent locations and will be employed to gather the following data:

- ★ For transects in Level 1 enhancement areas, sampling plots will be established at roughly equally spaced increments along each transect (minimum 4 plots per transect). Each sampling plot will be approximately 5 meters by 5 meters or larger in size. Parameters measured in each plot will include average percent cover by exotic species and average percent cover by nuisance species. Data from all sampling plots along a transect will be averaged for reporting.
- ★ For transects in Level 2 enhancement areas, additional sampling quadrats will be established (minimum of 3). Each sampling quadrat will be approximately 2 meters by 2 meters in size. Parameters measured in each quadrat will include average percent cover in the groundcover stratum by non-nuisance native species, by exotic species, and by nuisance species. Data from these sampling quadrats will be averaged for reporting.
- ★ For transects in Level 2 enhancement areas that pass through intensive exotic eradication areas that have been replanted with native trees and shrubs, estimates of the average percent survival of planted trees and shrubs will be made. These data will be gathered from a "belt" established along a given transect where it passes through the planted area (e.g., belt transect sampling method). A belt will have a minimum width of approximately 30 feet along the transect's length. If the belt transect sampling approach does not appear viable in a given area, estimates of tree and shrub survival will be made by taking a random sample of the planted area.

## **4.2. Monitoring Events and Reports**

Monitoring the success of exotic pest plant control, native plant restoration, enhancement of wildlife habitat, and restoration of appropriate hydrology will consist of one (1) baseline monitoring event, one (1) time-zero monitoring event, and annual monitoring events for 5 years thereafter. Baseline monitoring will document existing conditions on the property following the exotic removal, but prior to the initial planting. Time-zero monitoring will be conducted immediately after the installation of the planting of Level 2 enhancement areas is complete. The annual monitoring event will document changes from the baseline conditions as well as the success of the exotic eradication program at annual intervals following the completion of initial eradication. The proposed schedule for monitoring events is provided below.

Monitoring reports will be submitted within 45 days following the completion of monitoring and will provide the following information:

- ★ Brief description of maintenance work performed since the previous report along with discussion of any other significant occurrences.
- ★ Brief description of anticipated maintenance work to be conducted prior to the next monitoring event.
- ★ Monthly water level data collected during the wet season from piezometers within preserved wetlands.
- ★ A summary of the results of qualitative and/or quantitative monitoring.
- ★ Information on wildlife species observed.
- ★ Photographs documenting conditions in mitigation areas at the time of monitoring.
- ★ A plan view drawing of the preserve areas showing monitoring stations and photo stations.
- ★ An assessment that summarizes data, observations, and actions recommended to achieve success.

## **5. NATURAL AREAS SUCCESS CRITERIA**

### **5.1. Level 1 Enhancement Areas**

The following success criteria will apply to the Level 1 enhancement areas:

- ★ Completion of initial eradication of exotic and nuisance plant species.
- ★ Completion of necessary maintenance such that: a) the conservation/indigenous area is exotic-free immediately following maintenance activities, and b) exotic and nuisance plants constitute an average of no more than five (5) percent of the groundcover, midstory, and canopy strata combined at the end of the fifth year following the completion of initial exotic eradication.

### **5.2. Level 2 Enhancement Areas**

The following success criteria will apply to the Level 2 enhancement areas:

- ★ Completion of initial eradication of exotic and nuisance plant species.
- ★ Completion of initial planting of native trees, shrubs and ground cover in areas with minimal native vegetation following initial exotic eradication.
- ★ Completion of necessary maintenance such that: a) the conservation/indigenous area is exotic-free immediately following maintenance activities, and b) exotic and nuisance plants constitute an average of no more than five (5) percent of the

groundcover, midstory, and canopy strata combined at the end of the fifth year following the completion of initial exotic eradication.

- ★ Within approximately 3 years of the completion of initial plantings, at least an average 60% ground cover by desirable native plant species (e.g., non-nuisance plants). Thereafter, maintain at least this much cover by desirable native plants.
- ★ One year following initial planting of trees and shrubs or replanting of trees and shrubs, maintain a minimum average survival rate of 80 percent for these plantings.

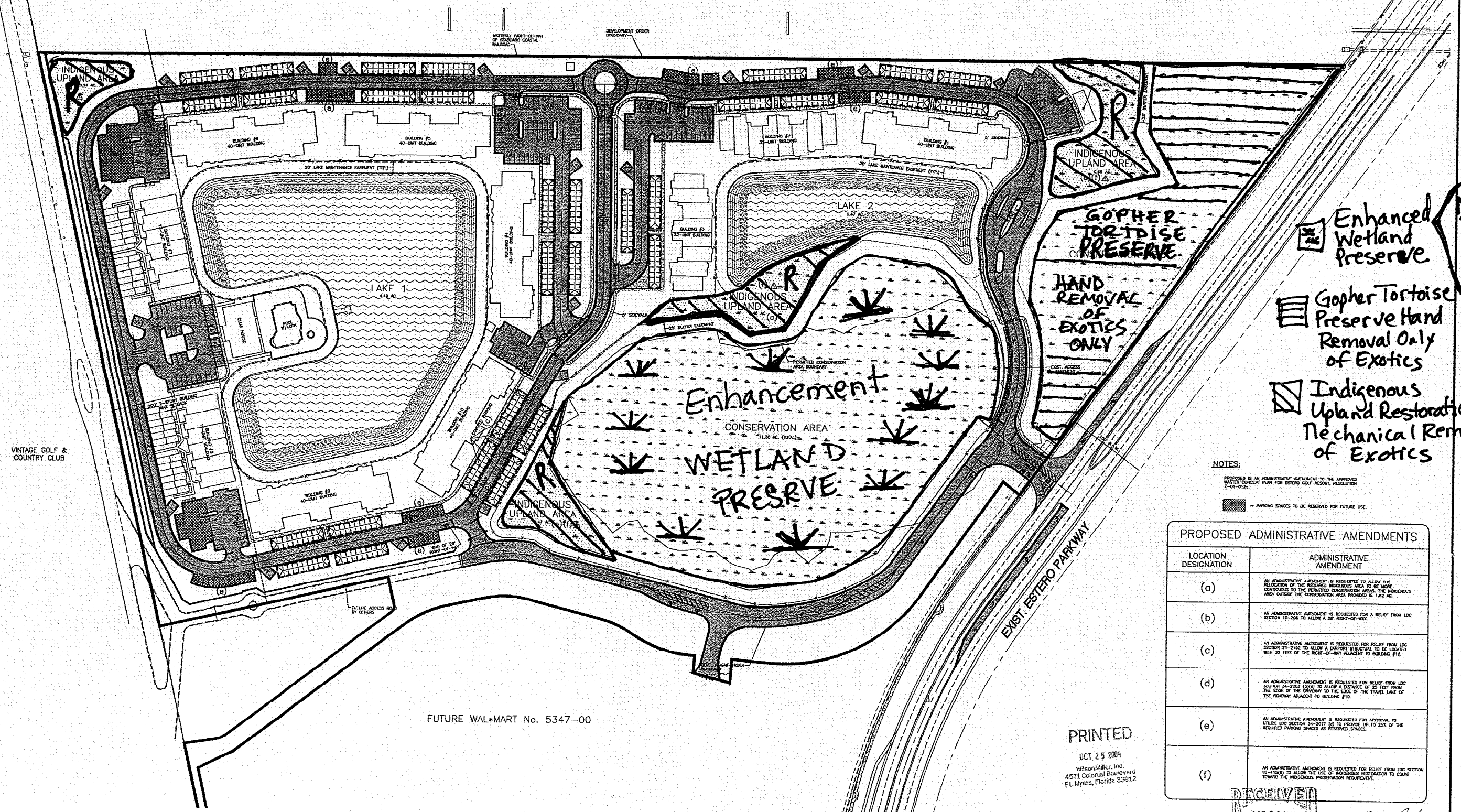
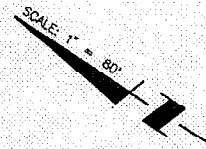
## 6. MONITORING AND MAINTENANCE SCHEDULE

Table 3 displays the proposed schedule for the Osprey Cove development. The permittee shall retain the ability to modify this monitoring program and monitoring schedule should it become necessary to make the program/schedule consistent with the progression of development, with monitoring requirements of other government agencies, or to improve the information provided by the monitoring program.

**Table 2 - Monitoring And Maintenance Schedule for Osprey Cove**

| Task                                                                                             | Date          |
|--------------------------------------------------------------------------------------------------|---------------|
| Initiate Construction / Exotic Removal                                                           | October 2004  |
| Installation of Gopher Tortoise Fencing                                                          | October 2004  |
| Exotic Eradication in Upland Conservation Area #1                                                | November 2004 |
| Relocation of Gopher Tortoises                                                                   | November 2004 |
| Completion of Exotic Removal on Site                                                             | February 2005 |
| Replanting of Indigenous Areas and Level 2 Exotic Removal Areas                                  | June 2005     |
| Time Zero Monitoring (Conservation and Indigenous Areas)                                         | June 2005     |
| Exotic/Nuisance Species Maintenance                                                              | June 2005     |
| Exotic/Nuisance Species Maintenance                                                              | December 2005 |
| 1 <sup>st</sup> Annual Monitoring                                                                | June 2006     |
| Exotic/Nuisance Species Maintenance                                                              | June 2006     |
| Exotic/Nuisance Species Maintenance                                                              | December 2006 |
| 2 <sup>nd</sup> Annual Monitoring                                                                | June 2007     |
| Exotic/Nuisance Species Maintenance                                                              | June 2007     |
| 3 <sup>rd</sup> Annual Monitoring                                                                | June 2008     |
| 4 <sup>th</sup> Annual Monitoring                                                                | June 2009     |
| 5 <sup>th</sup> Annual Monitoring                                                                | June 2010     |
| NOTES:<br>Monitoring Reports will be submitted within 45 days of completion of field monitoring. |               |

# Indigenous Preservation, Restoration and Enhancement Areas



| PROPOSED ADMINISTRATIVE AMENDMENTS |                                                                                                                                                                                                                                  |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LOCATION DESIGNATION               | ADMINISTRATIVE AMENDMENT                                                                                                                                                                                                         |
| (a)                                | AN ADMINISTRATIVE AMENDMENT IS REQUESTED TO ALLOW THE LOCATION OF THE REQUIRED INDIGENOUS AREA TO BE MORE CONTIGUOUS TO THE PERMITTED CONSERVATION AREAS. THE INDIGENOUS AREA OUTSIDE THE CONSERVATION AREA PROVIDED IS 1.32 AC. |
| (b)                                | AN ADMINISTRATIVE AMENDMENT IS REQUESTED FOR A RELIEF FROM LDC SECTION 10-285 TO ALLOW A 25' RIGHT-OF-WAY.                                                                                                                       |
| (c)                                | AN ADMINISTRATIVE AMENDMENT IS REQUESTED FOR RELIEF FROM LDC SECTION 11-218 TO ALLOW A CARPORT STRUCTURE TO BE LOCATED WITHIN 22 FEET OF THE RIGHT-OF-WAY ADJACENT TO BUILDING #10.                                              |
| (d)                                | AN ADMINISTRATIVE AMENDMENT IS REQUESTED FOR RELIEF FROM LDC SECTION 11-218 TO ALLOW A CARPORT STRUCTURE TO BE LOCATED WITHIN 22 FEET OF THE RIGHT-OF-WAY ADJACENT TO BUILDING #10.                                              |
| (e)                                | AN ADMINISTRATIVE AMENDMENT IS REQUESTED FOR APPROVAL TO UTILIZE LDC SECTION 34-2017 (G) TO PROVIDE UP TO 25% OF THE REQUIRED PARKING SPACES AS RESERVED SPACES.                                                                 |
| (f)                                | AN ADMINISTRATIVE AMENDMENT IS REQUESTED FOR RELIEF FROM LDC SECTION 10-415(4) TO ALLOW THE USE OF MECHANICAL RESTORATION TO COMPLY TOWARD THE INDIGENOUS PRESERVATION REQUIREMENT.                                              |

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| <b>WilsonMiller</b><br>Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants<br>WilsonMiller, Inc.<br>Naples • Fort Myers • Sarasota • Bradenton • Tampa • Tallahassee<br>4571 Colonial Boulevard, Suite 100 • Fort Myers, Florida 33912 • Phone 239-536-5225 • Fax 239-536-7426 • Web Site www.wilsonmiller.com |  | CLIENT: U.S. HOME CORPORATION<br>PROJECT: OSPREY COVE | DATE: JULY 2004<br>HORIZONTAL SCALE: 1" = 80'<br>VERTICAL SCALE: N/A<br>SHEET: 21 OF 25 | TITLE: ZONING COUNTER ADMINISTRATIVE AMENDMENT/ DEVIATION EXHIBIT<br>PROJECT NUMBER: 04505-002-001<br>SHEET NUMBER: 21 OF 22 |
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