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EXHIBITS

from HEX hearing

CASE #: DCT2001-00038

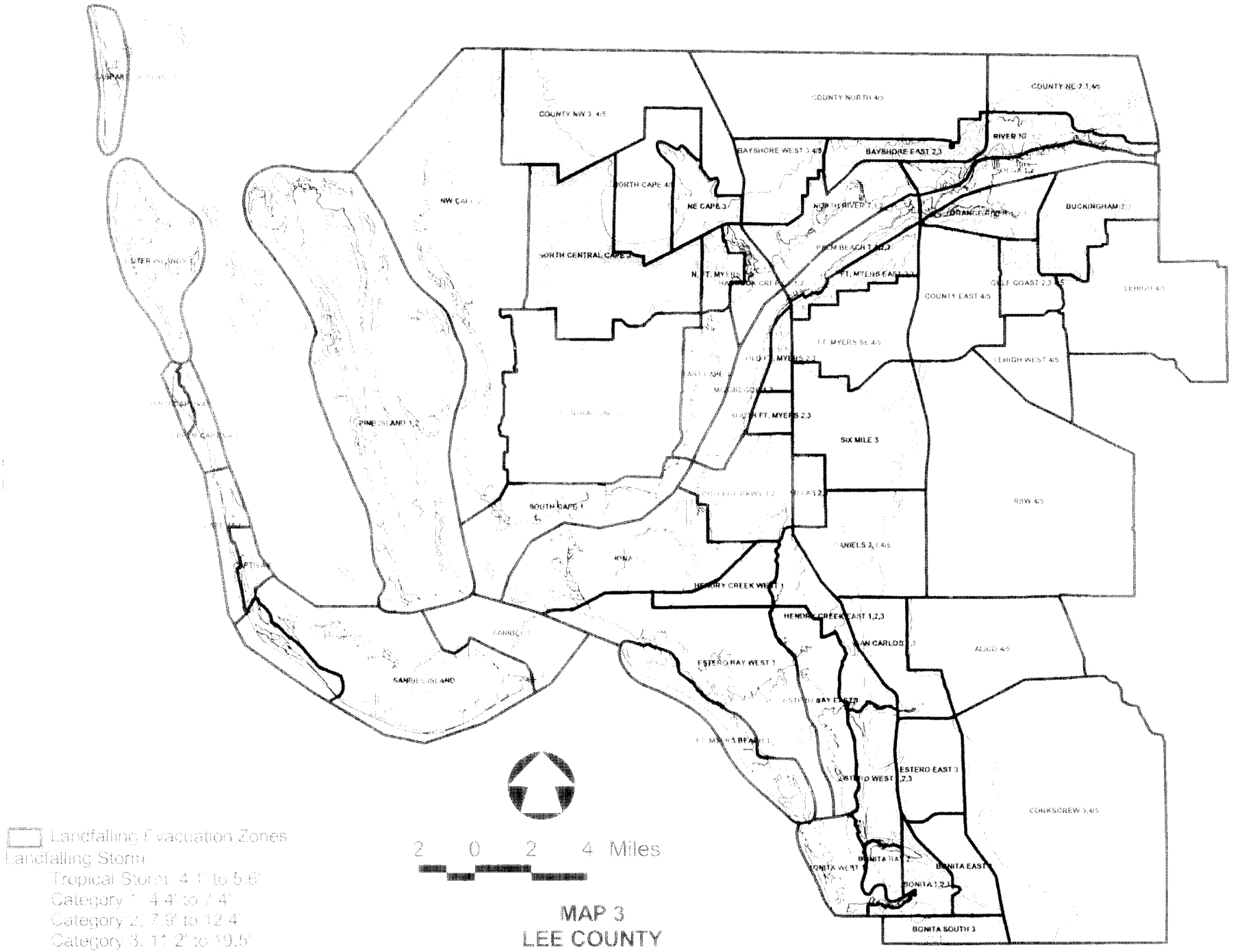
CASE NAME: Heritage Creek

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

ARE THERE ANY BOARD EXHIBITS? _V_ **YES** ___ **NO**

LOCATION OF BOARDS: Diana's Closet

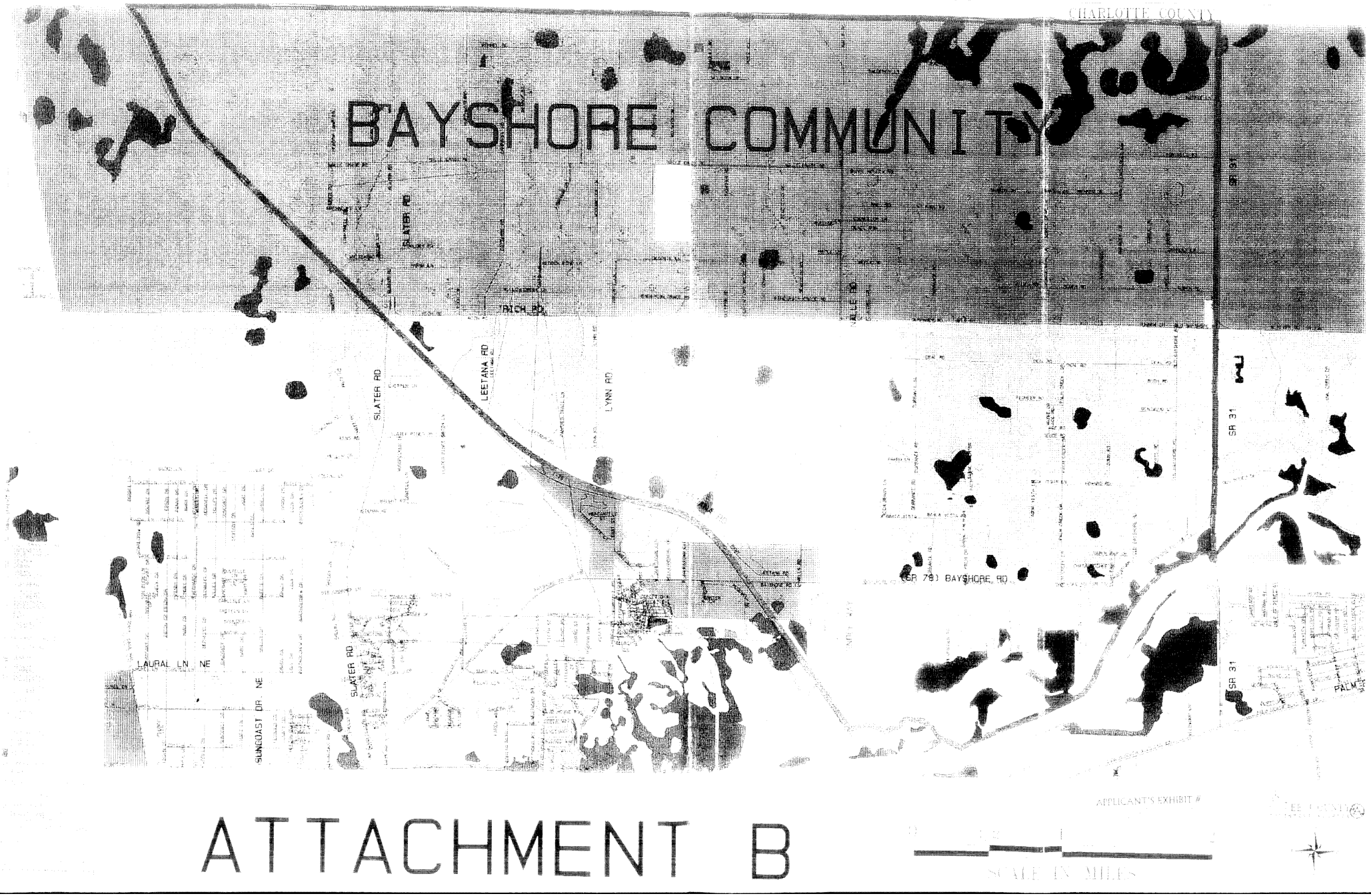
If there are any board exhibits, attach another copy of this form to boards for identification purposes.



MAP 3
LEE COUNTY
LANDFALLING STORM SURGE AND EVACUATION ZONES

APPLICANT'S EXHIBIT #


26



ATTACHMENT B



HUNTER'S GLEN

A

RESIDENTIAL

COMMUNITY

OF ESTATE SIZE

HOMESITES

◆◆◆◆

EXHIBIT A

Hunter's Glen offers exceptional value in a residential community of estate size homesites.

Located off Pritchett Parkway, just east of I-75 in North Fort Myers, Hunter's Glen is the first residential community to be built in North Creek Ranch, a 750 acre parcel owned by the Pritchett family, well known for their involvement in Southwest Florida real estate.

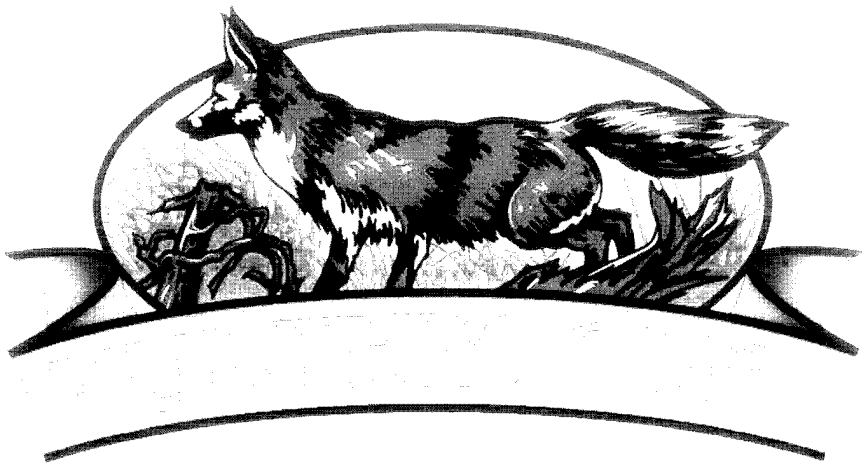
A lushly landscaped buffer area defines the entrance into Hunter's Glen. There are 54 homesites ranging in size from approximately 1/2 to 1 acre, with 18 of the homesites bordering Bayshore Creek. A three acre habitat preserve is located on the west side of Bayshore Creek. This devotion to native wildlife adds distinction and value to the neighborhood.

To further protect your investment, the developer has provided protective covenants that support individualistic use of each homesite, while preserving the overall character of the development. This includes a minimum requirement of 1950 square feet of enclosed (air conditioned) floor space. Additionally, all house plans are reviewed by the architectural control committee for compatibility. Select whichever builder you prefer to construct your new home.

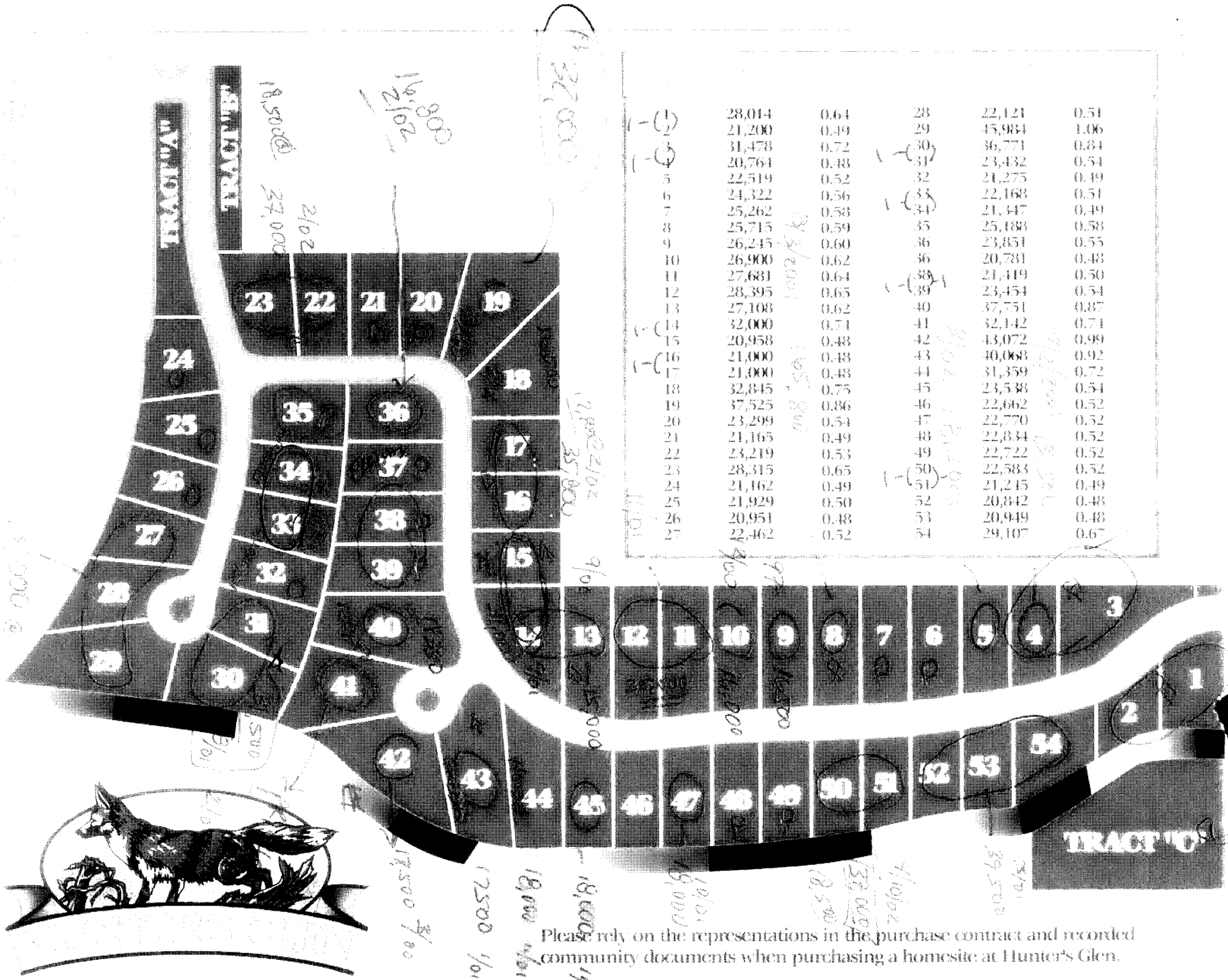
A complete copy of the Deed Of Covenants and Restrictions is readily available for your review.

Per square footage costs for a homesite in Hunter's Glen is substantially less than other comparable residential communities, such as south Lee County. Furthermore, we believe you'll find the location of Hunter's Glen to be very convenient for working families and retirees alike. The quiet country atmosphere of the North Creek Ranch area is a pleasant environment in which to live, away from the congestion of urban areas.

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FOR YOURSELF WHY



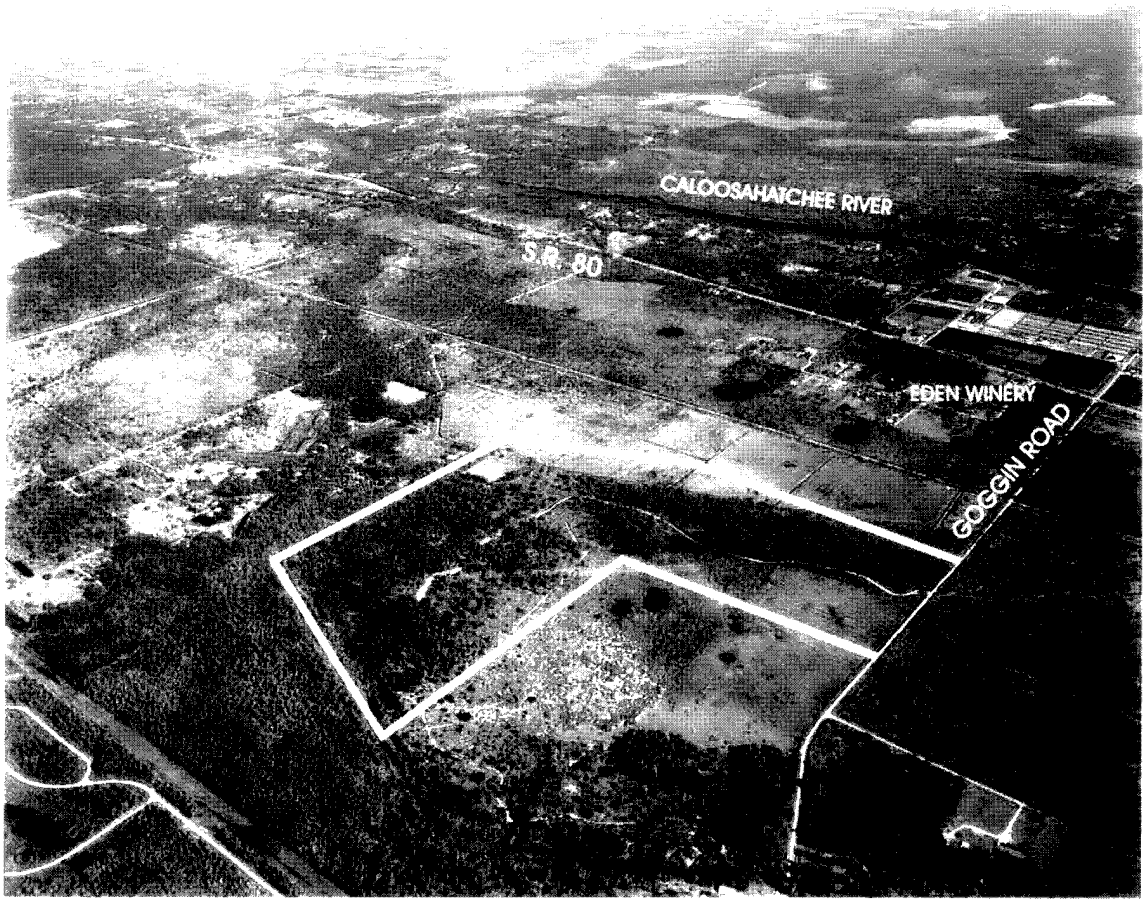
SHOULD BE
YOUR NEW
NEIGHBORHOOD

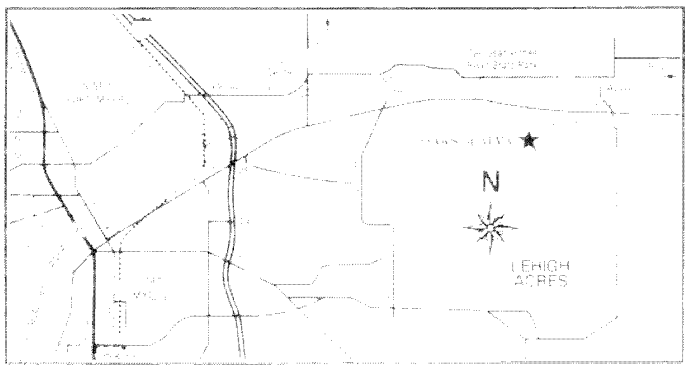


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27	22,462	0.52	54	29,107	0.67

Please rely on the representations in the purchase contract and recorded community documents when purchasing a homesite at Hunter's Glen.

Beautiful Oaks of Alva





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Oaks of Alva

- 10.5 miles east of I-75 (Exit-25) on SR 80 (Palm Beach Blvd.), Just past Eden Winery, turn south on Goggin Road one mile on the right side is the entrance.
- Only twenty-one lots are available and range in size from 10 acres up to 220 acres in irregular shapes.
- Zoning is AG - 2.
- Utilities are well and septic system. United Telephone and Florida Power & Light.
- The Oaks of Alva is subject to a deed of restrictions and a future home owners association.
- The rear 20 feet of each lot is being reserved to allow " Horse Riding Trails."
- 5 minutes to shopping

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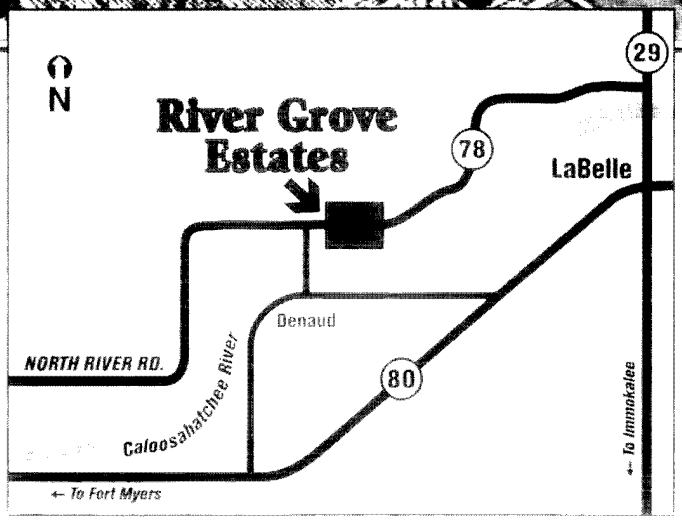
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Country estates on the scenic Caloosahatchee River, between Fort Myers and LaBelle, Florida

- Single family estates from 1.25 acres and larger
- On North River Road (78) west of LaBelle
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- In area of country estates, ranches and orange groves
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River Grove Estates

[illegible]

[illegible]

River Front Estates:

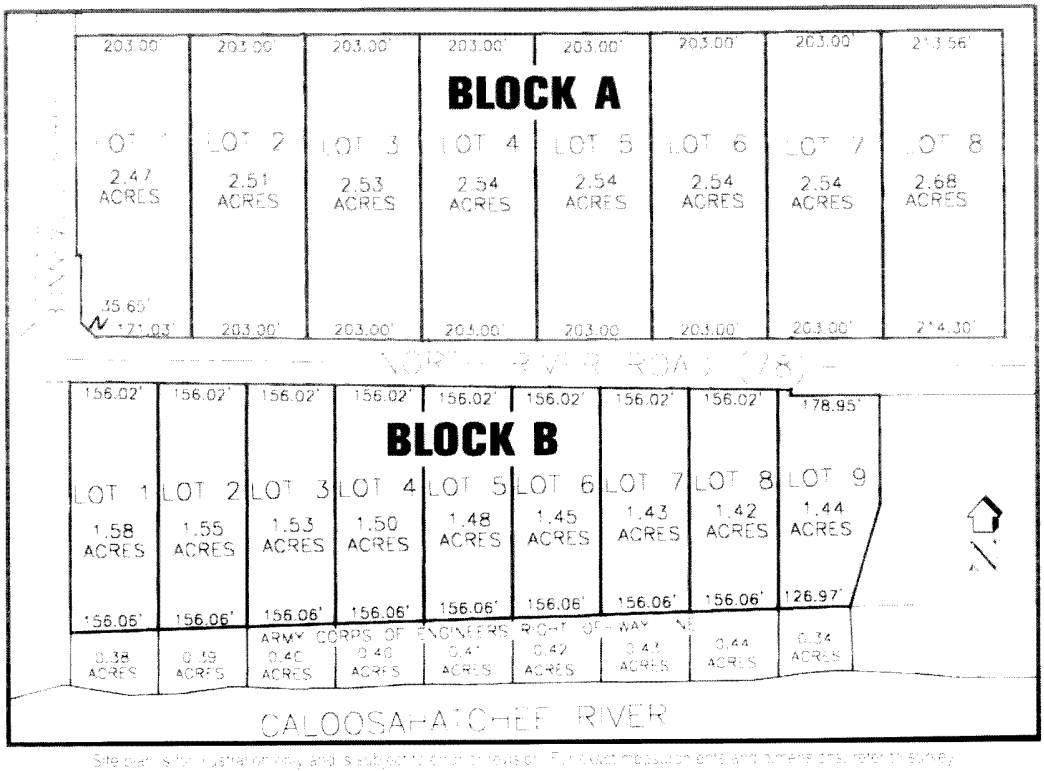
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Grove Estates:

- [illegible]
- [illegible]
- [illegible]

Quality Residential Community

- [illegible]
- Platted to prevent lot splits and preserve the integrity of the neighborhood
- [illegible]
- [illegible]
- [illegible]



Site plan is for illustrative only and is subject to [illegible]. Actual measurements and dimensions refer to survey.

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CAPE CORAL DAILY BREEZE



School district works to squeeze students into schools

District balances 'Choice' requests with available space

By CHRISTINE BRUBAKER
Daily Breeze Staff Writer

As class size reductions meet the demands of student growth head on, placing students in area schools has become a precarious balancing act this year for Lee County School District administrators.

Expecting a surge of approximately 7,200 new students into the district, officials are hard pressed to find the space needed to house new students as they make additional room for the old.

The statewide passage of the controversial Amendment 9 this year is requiring districts throughout Florida to slash their class sizes by an average of two students each for the 2003-2004 year, necessitating the creation of additional space for students already living within the district.

And the gaining of new space is costing schools essential services.

"We're using new spaces within the schools, such as art or choir rooms," Smith said.

All these competing demands are presenting the district with quite a formidable task.

"With the class size amendment the voters took away 25 percent of our student stations. This is as difficult as it gets. Plus, we have so many new students coming into the county ... the task is making room for them all," Smith said.

Nevertheless, placement officials affirm that all the students will be placed — even at the expense of compliance with class size.

"We will find places for all the new students no matter what; all the old students have already been placed. If student growth is more than we might ease back on the class size reductions," said consultant for the district Michael Smith.

The district has until 2005-06 to meet the full requirements of Amendment 9.

The School District of Lee County places students through a "School Choice" program. The district is divided into three zones and students may attend any school within their zone, provided there is space available at their school of choice. Although seats in school classrooms throughout the district still are available, officials say the continuing flow of new students into the county will quickly eat up the open slots.

See SQUEEZE, 6A

Gearing up

Teachers return to the classrooms, get ready for the new school year



77 teacher positions still open countywide

Number of vacancies no cause for concern, school officials say

By CHRISTINE BRUBAKER
Daily Breeze Staff Writer

With only five days left until the official start of school, district administrators are scram-

"The positions needed seem to be less than last year. We feel confident there will

POLICE BLOTTER

The police blotter contains information obtained from Cape Coral Police Department, the Lee County Sheriff's Office and the Lee County booking log. Arrests made are actions of crime(s) committed. persons are innocent until proven guilty in a court of law.)

Arrests

■ James Cleophas Burton III, 46, of 1502 Mirmar St., Apt. 217, was charged Monday with possession of cocaine with intent.

■ Anthony Mitch Wright, 46, of 2411 Parkview Dr., Fort Myers, was charged Monday with battery.

■ Russell W. Heroux Jr., 40, of 4003 SW 1st Pl., was charged Tuesday with operating a vehicle while drivers license is suspended.

Incidents

■ Unknown person(s) reportedly entered an unlocked residence in the 4000 block of Palm Tree Blvd., and removed three microwaves. The microwaves were valued at $750.

■ Unknown person(s) reportedly removed an air conditioning unit from a duplex in the 2000 block of NE 6th St. The unit was valued at $1,500.

■ Unknown person(s) reportedly removed a generator from the back of a truck parked in the 4000 block of SE 9th Ct. The generator was valued at $3,000.

■ Unknown person(s) reportedly did damage to a home under construction in the 600 block of SW 9th Ave. Damage to the building consisted of paint splattered on its floors, woodwork and floors. Damage was estimated at $580.

CAPE CORAL BREEZE

Cape Coral's Community Newspaper

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Visit Our Web site: Flguide.com



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JIM LINETTE
Sports Editor

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Labor Day, MLK Birthday
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OBITUARIES

Arthur Albert Lessard

Arthur Albert Lessard, 68, a North Fort Myers resident since 1999, formerly of Battle Creek, Mich., died Saturday, Aug. 2, 2003 at his residence. He was born in Skowhegan, Maine, on Oct. 23, 1934, to Alford and Kathleen Albee, now deceased. He was a retired U.S. Navy veteran, who served during the Korean conflict and the Vietnam war. He was a life member of the VFW, DAV and RATS.

Survivors include his loving wife, Violet; two children, Tina (Michael) Cohen of Cape Coral, and Katherine Lessard of Cape Coral; five grandchildren, Amanda Swann, Amber Brandi, Kayla Lessard, and Branden Cohen; and three sisters, Helen Bildeau of Skowhegan, Shirley Kershner of Waterville, Maine and Patricia Lessard, also of Waterville.

No service arrangements have been scheduled at this time. Arrangements by Fuller Funeral Home.

Edwin J. Sedwick



Edwin J. Sedwick

Edwin J. Sedwick, of Saginaw, Mich. and Arcadia, Fla., died Friday, Aug. 1, 2003 after a short battle of cancer, at the home of his daughter in Cape Coral.

Born March 8, 1928 in Lansing, Mich. to Edwin J. and Helen (Griffith) Sedwick, now deceased, he moved to Saginaw as a young boy.

Survivors include his loving wife of 54 years, former Alvina Leichner.; his loving daughters and their spouses, Diana (Bruce) Dow of New Mexico, Kathy (Tom) Wight, Jenneth (Kenneth) Ruszkowski, both of Cape Coral; his loving grandchildren, Heather Dow, Mesa, Ariz., Jeremy Dow, Flushing, Mich., Jackie (Dennis) Hackworth, Marty (Ashley) Wight, Erica and Katy Ruszkowski, all of Cape Coral; his adorable great-grandchildren, Chesny Wight, Riley and Mia Hackwork, all of Cape Coral; and Connor Dow, Mesa, Ariz.; one brother, four sisters, and many nieces and [illegible]

He was preceded in death by a brother.

Cremation has taken place and a memorial will be held in Saginaw, Mich. at a later date. Memorial contributions may be made to Hospice of Lee County.

Richard D. Honse

Richard D. Honse, Jr., 66, a Cape Coral resident since 1991, formerly of Falls Church, Va., died Aug. 4, 2003 in Cape Coral. He was born Sept. 11, 1936 in Washington, D.C. to Richard and Cathrine Honse, Sr., now deceased. He retired from the Falls Church police department, where he had served for over 21 years as a police officer before moving to Cape Coral.

Survivors include his loving wife of 27 years, Patricia Honse; two children, Rick (Michelle) Honse III of Cape Coral, and Rebecca (Tony) Couch, also of Cape Coral; two sisters, Nora Quade of Arlington, Va., and Elaine Stanley of Chantilly, Va.; a brother, Thomas Honse of New Ulm, Minn.; six grandchildren, Corrie, Gavin and Garrett Honse, and Darrel, Kortal and Austin Couch; and his father-in-law, Gerald Godfrey. He was preceded in death by a daughter, Donna Jean Honse in 1993 and a brother, George Honse in 1967.

Visitation will be held from 5 to 7 p.m. Friday at the Fuller Funeral Home, 1910 Del Prado Blvd., Cape Coral. No formal services are planned at this time. Memorial contributions may be made to Hope Hospice North, 2430 Diplomat Pkwy., East Cape Coral, FL 33909.

Vincent [Jim] Mancini, Sr.

Vincent (Jim) Mancini, Sr., 96, died Monday, Aug. 4, 2003 at Hope Hospice. He moved to Fort Myers in 1960 from New York City.

Survivors include his son, Vincent Mancini, Jr.; grandchildren, Denise Defoy, Deborah Woyden, Vince Mancini and Laura Mancini; and great-grandchildren, Adam and Daniel Defoy and Christa Woyden.

A memorial service will be held Sunday, Aug. 10, at 3 p.m. at Cape Christian Fellowship, 2110 Chiquita Blvd. South, with the Rev. Jerry Sprague officiating.

Memorial contributions may be made to Hope Hospice.

EXHIBIT #

Stoney brook
Gateway

Debbie Jackson
exhibit C

Keola high water 9-15-2001





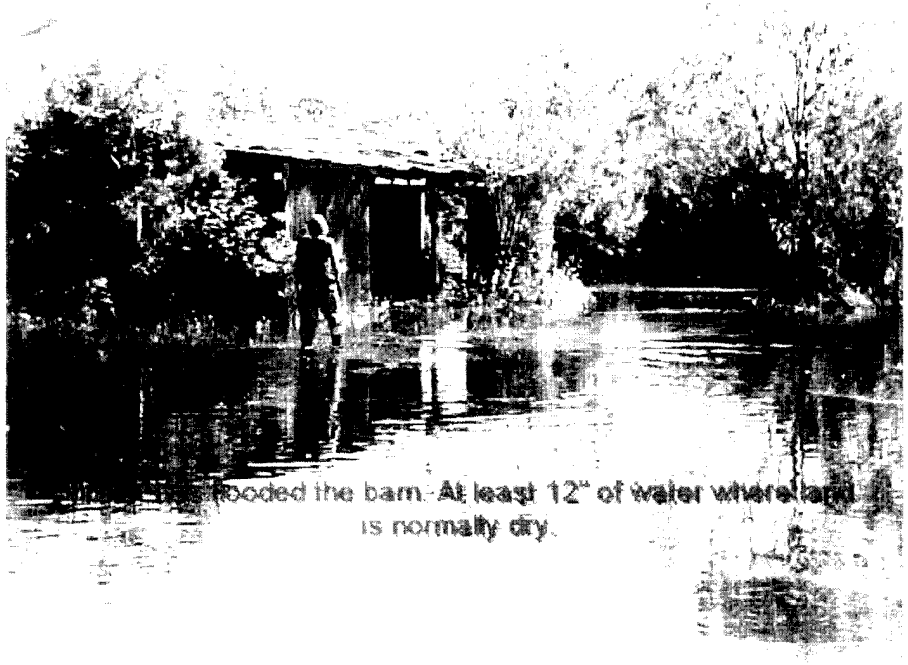




EXHIBIT A

EXHIBIT # ___

Russ Jacob Post
16970 Tarpon Way
N. Ft. Myers, Fla
33917

239-731-0546

Sept 15 2001

Russ Jacob Post
16970 Tarpon Way
N. Ft. Myers, Florida
33917

239-731-0546

Sept 16 2001

Russ Jacob Post
16970 Tarpon Way
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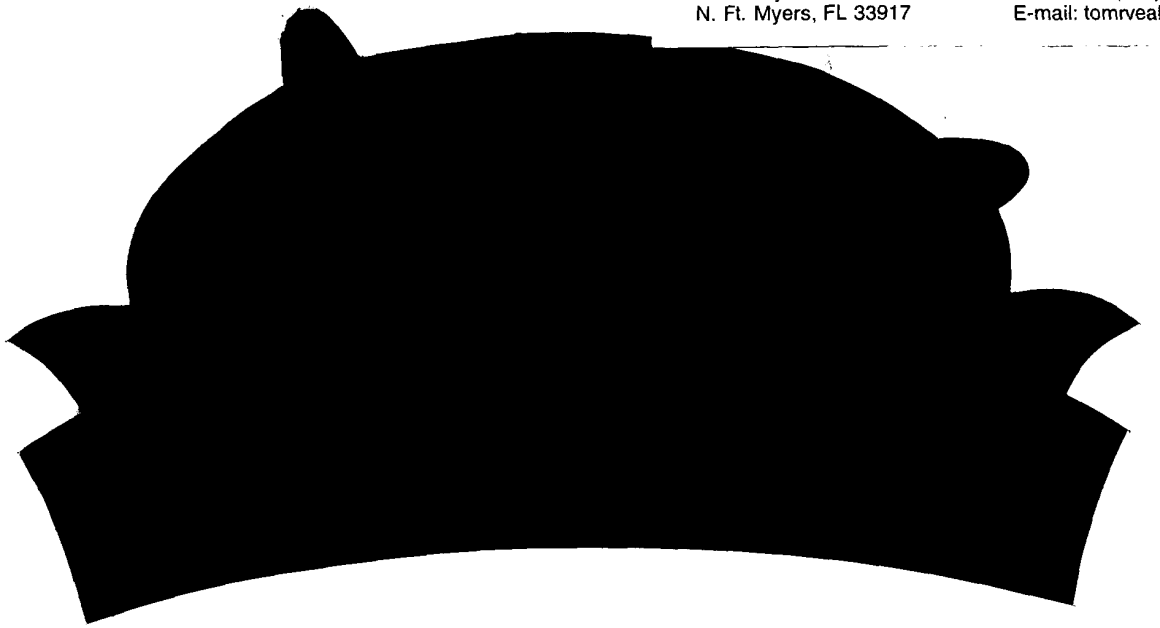


EXHIBIT
A

ANDREW J PRINCE
18270 HUNTERS GLEN RD.
N FT MYERS FL
33917.

PRINCE
EXHIBIT # 1
DC1 2001-00038



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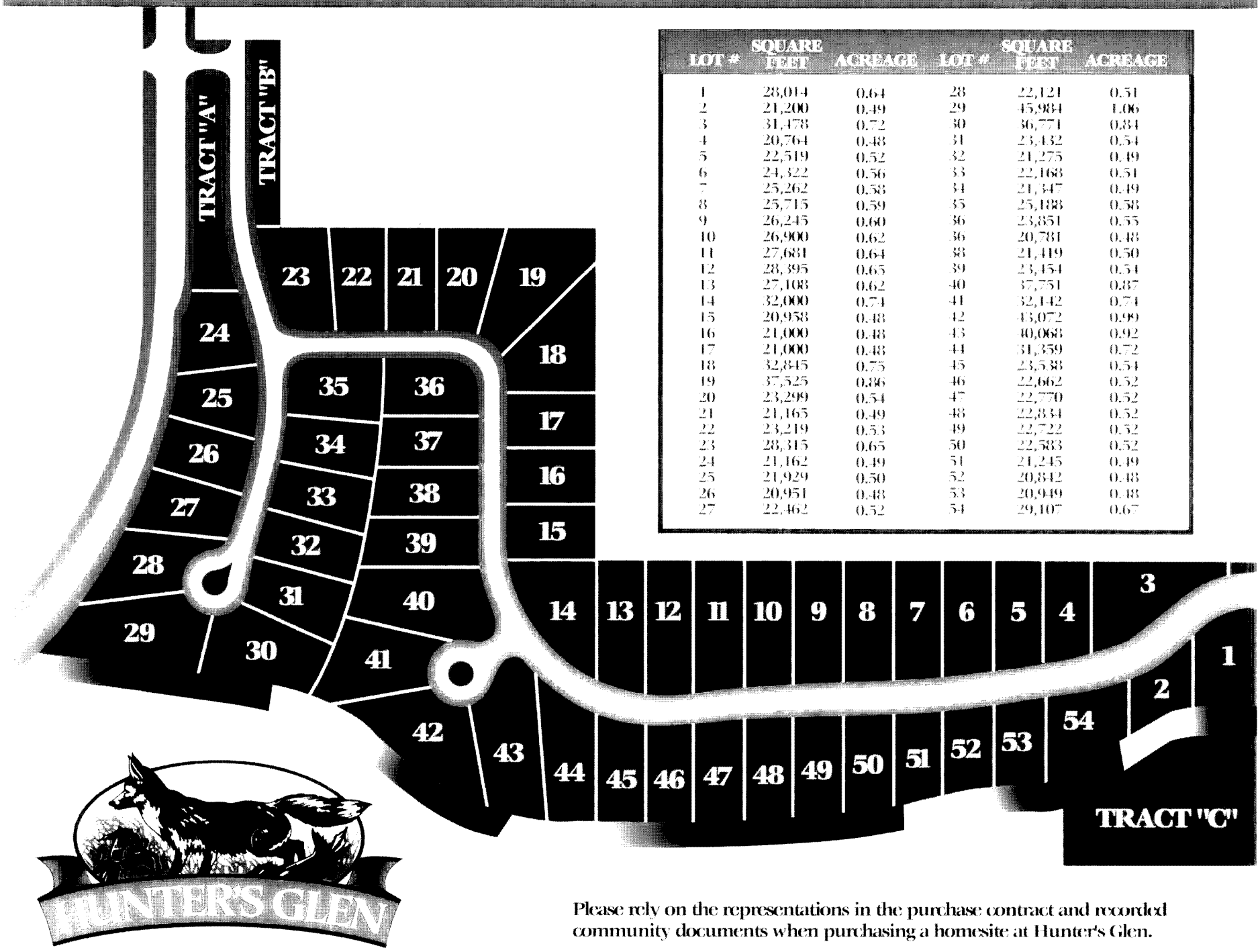
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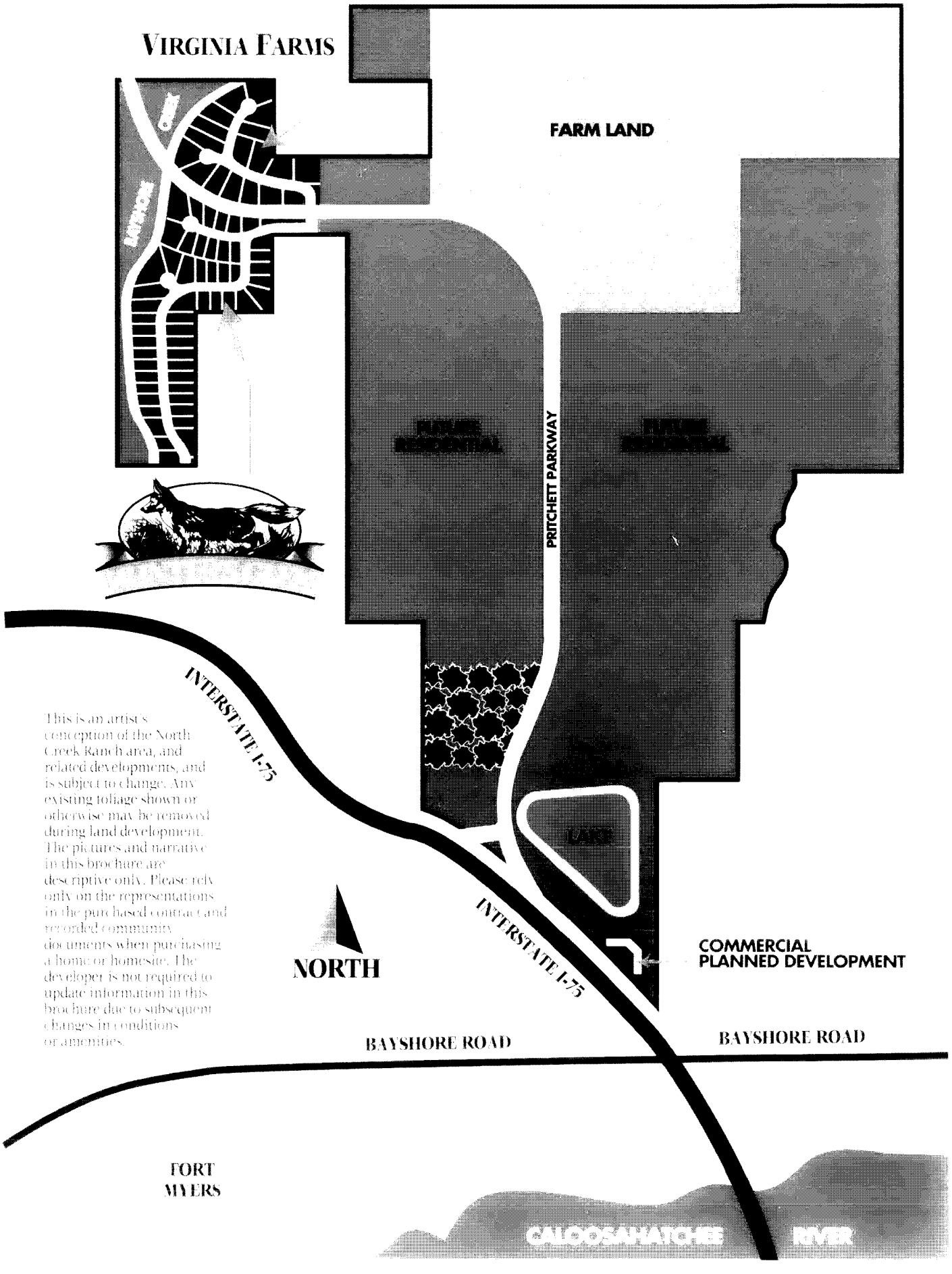
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Please rely on the representations in the purchase contract and recorded community documents when purchasing a homesite at Hunter's Glen.

VIRGINIA FARMS



This is an artist's conception of the North Creek Ranch area, and related developments, and is subject to change. Any existing foliage shown or otherwise may be removed during land development. The pictures and narrative in this brochure are descriptive only. Please rely only on the representations in the purchase contract and recorded community documents when purchasing a home or homesite. The developer is not required to update information in this brochure due to subsequent changes in conditions or amenities.



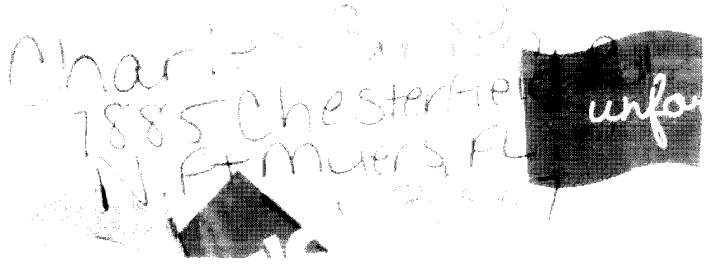
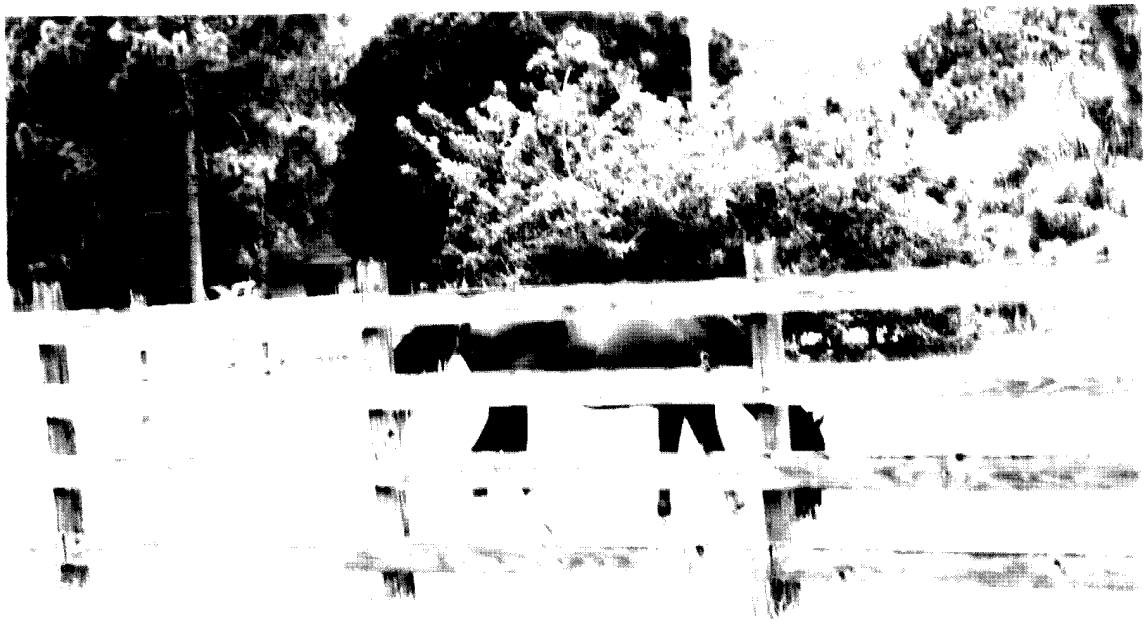


EXHIBIT #









MEMORANDUM
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF PLANNING: ENVIRONMENTAL SCIENCES

Date: July 27, 2001

To: Kay Deselem, Senior Planner
From: Gary Nychyk, Environmental Planner

Re: Heritage Creek CPD
DCI 2001-00038
STRAP 15-43-25-00-00001.0000 plus others

Upon field investigation by Lee County Environmental Sciences (ES) staff on July 26th and 27th of 2001, environmental questions beyond the initial items covered in the June 18, 2001 sufficiency checklist have arisen. These items pertain to an apparent flow way which exists between a proposed wetland preserve and Pop Ash Creek.

Through aerial photograph interpretation followed by field verification, a well defined flow way was observed beginning near the southeastern corner of the preserve located adjacent to the existing sewage treatment plant, and extending south until it converges with Pop Ash Creek near the Oak Mont residential subdivision. No mention of this conveyance was found in either the Florida Land Use and Cover Classification Systems (FLUCCS) map, or the Master Concept Plan (MCP). Currently the MCP shows golf holes, a lake and residential tracts J and K covering this flow way.

Additionally, ES staff noted that the aerial photographs supplied with the application do not include Pop Ash Creek along the eastern property boundary of Heritage Creek.

The following items need to be addressed for ES staff to find the submittal sufficient (in addition to the information requested through the ES staff sufficiency checklist dated June 18, 2001):

1. Please explain how this active flow way is being incorporated into the overall design of the project. Will the berm surrounding the proposed wetland preserve be removed to allow connection of the wetland and Pop Ash Creek? Is the flow way proposed to be removed? Why was the flow way not included in the FLUCCS delineation? How have the water management issues associated with the removal of this flow way been addressed?

   Please note that Lee County staff will find it difficult to support impacting this existing flow way, and encourage the applicant to meet with staff prior to resubmitting.

2. Please revise the FLUCCS map to include the flow way.

Copy: Carron Day, President, Florida Land Planning
Tyler King, Environmental Consultant, Bender and Associates.
Roland Ottolini, Deputy Director, Natural Resources
Rick Joyce, Deputy Director, Planning
Matt Noble, Principle Planner
Kim Trebatoski, Senior Environmental Planner

Brooks
EXHIBIT # 8
DCI2001.00038

From: A. Gary Nychyk
To: Deselem, Kay; Joyce, Rick; Noble, Matthew; Ottolini, Roland; Trebatoski, Kim
Date: Fri, Jul 27, 2001 3:55 PM
Subject: Heritage Creek Environmental Sciences Sufficiency

The attached memo addresses a flow way on the Heritage Creek RPD which was not mentioned in the submittal. If any clarification is needed, please let me know.

A. Gary Nychyk
Environmental Planner - DCD
nychykag@leegov.com
Phone: (941)478-8323
Fax: (941)479-8319

From: Kim Trebatoski
To: Deselem, Kay; Noble, Matthew; Nychyk, A. Gary; Ottolini, Roland
Date: Thu, Aug 23, 2001 9:34 AM
Subject: Heritage Creek RPD

FYI - The resubmittal does not address the flow-way that ES staff noted in the July 27th, 2001 memo (see attached). I spoke with Carron Day about this. The memo was not brought to her attention by Brian Bigelow or Tyler King. I have faxed her a copy. She wants to meet with staff to discuss the issue.

I also spoke to Craig Schmittler, SFWMD, to find out why this creek was not included on the JD. He is going back out to the site next week to determine if it is a natural system.

Kim Trebatoski
Senior Environmental Planner
DCD - Planning/Environmental Sciences
trebatkm@leegov.com
941-479-8183
FAX 941-479-8319

From: Matthew Noble
To: Ottolini, Roland; Pavese, Michael; Trebatoski, Kim; Vance, Brad
Date: Tue, Mar 25, 2003 9:03 AM
Subject: Heritage Creek MCP

Incrementally better on some issues, total failure on others. On-site flowways of course become lots, roads, and lakes...I don't believe the changes are substantial enough to overcome the earlier staff analysis, but, I guess that's just me! They essentially traded impacts to vegetation, probably slightly more preserved overall. The tortoises are probably in a slightly better position, but I did not compare the new conservation line to the existing burrows...I still believe the plan does not represent good sound management of the watershed, it really is an old form of development that should be discouraged to really help protect water quality in the estuary...

CC: Houck, Pam; O'Connor, Paul

Brookes
EXHIBIT # 9
DC/2003-00038

From: Michael Pavese
To: Trebatoski, Kim
Date: 5/29/03 10:50AM
Subject: Re: Heritage Creek

Soon. I'm going to need you to take a look at the policies they were previously inconsistent with with regard to wetlands and flow ways and rationalize how they are now consistent because I really have mixed emotions about doing it Kim. So yes we need to meet and chat for a bit, ok.

Michael P. Pavese
Principal Planner
Department of Public Works Administration
pavesemp@leegov.com
(239)479-8762
(239)479-8307 (fax)

>>> Kim Trebatoski 05/29/03 10:42AM >>>
Ian and Sam have indicated they will have the info I need to me today, so I will be able to review that and complete my report. When do you want to meet to discuss this project? I'm gone June 6-15th.

Kim Trebatoski
Principal Environmental Planner
DCD - Planning/Environmental Sciences
trebatkm@leegov.com
239-479-8183
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>>> Michael Pavese 05/29/03 09:32AM >>>
When do expect to have the addendum completed Kim?

Michael P. Pavese
Principal Planner
Department of Public Works Administration
pavesemp@leegov.com
(239)479-8762
(239)479-8307 (fax)

>>> Kim Trebatoski 05/28/03 10:41AM >>>
Deviation 3, 6 (now withdrawn) & 7 relate to ES issues. Deviation 16 is deferred to Zoning and Development Services as an issue relating to compatibility (buffer deviation). I've attached the ES staff report from Nov 2002. This report will remain with an addendum to address the flowways and littoral plantings.

Please let me know if you have any questions.

Kim Trebatoski
Principal Environmental Planner
DCD - Planning/Environmental Sciences
trebatkm@leegov.com
239-479-8183
FAX 239-479-8319

>>> Michael Pavese 05/27/03 04:04PM >>>
I know. It's their fault, they're still dragging their feet.. Can you e mail the deviations that you all reviewed when you have a chance? I think Gary previously reviewed them but I'm not sure.

Brodkes
EXHIBIT #10
DCI2001-00038

>>> Kim Trebatoski 05/27/03 03:49PM >>>
Hey Mike - I received some littoral planting numbers, but the lake labels don't match the MCP, so I've asked for clarification on lake labels in order to review the proposal. I'm trying to get an addendum to you...really, I am.

Kim Trebatoski
Principal Environmental Planner
DCD - Planning/Environmental Sciences
trebatkm@leegov.com
239-479-8183
FAX 239-479-8319

From: Matthew Noble
To: Ottolini, Roland; Pavese, Michael; Trebatoski, Kim
Date: Wed, Apr 9, 2003 10:42 AM
Subject: Heritage Creek (Stoneybrook North)

Of course, I think the project is still clearly inconsistent with Policy 40.1.3 as the project does not "incorporate, utilize, and where practicable restore" the onsite natural surface water flow-ways and associated habitats...I wonder several things about the new littoral planting plan, but will leave that for Kim. And of course this email is in the category of, for what its worth...

Brakes
EXHIBIT #11
DC/2001 00038

From: Michael Pavese
To: Gibbs, Mary; Houck, Pam
Date: 3/10/03 11:33AM
Subject: Heritage Creek aka Stoneybrook North

Hi Mary and Pam. I have been out sick for a couple of days. I am receiving calls from Steve Hartsell wanting to meet with me regarding this project.

As you recall, we meet with their entourage on 1/30/03.I'm not sure what you all agreed to with them as far as a deadline concerning resubmittal of a revised plan after I had left the meeting. Steve's voice mail indicates they are beyond the deadline you all have set. In speaking with Brad Vance last week, he indicated he had not heard from Sam Marshall since the last meeting. Steve, Carron Day, Dino Benetis, Sam Marshall, Randy Banks want to meet with me alone. I do not feel comfortable doing this especially in light of what transpired at the last meeting. Staff was discredited and criticized without an opportunity to defend ourselves, when, in fact, we had made our position crystal clear in numerous meetings with the applicant from the outset.

Mary, as I had told you previously, I am somewhat uncomfortable proceeding with this case as it appears we have done a major flip flop. In addition, I have been in constant communication with the neighbors regarding the issues, the staff recommendation of denial, removal of Matt Noble from the case, and limitation on Gary Nychyk's involvement at this stage of the process. In my opinion, it will be difficult to straight face an argument that now everything has suddenly changed and the project is acceptable. I would like to tell Steve to just submit the plan and we'll review it. In the alternative, I think Kim and Roland should be there as they seem to indicate acceptance of the environmental and flow way impacts at the last meeting. I also would feel more comfortable if we had Donna Marie there. Please let me know how you would like to proceed at this point and I will contact Steve. thanks.

Michael P. Pavese
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(239)479-8307 (fax)

CC: Collins, Donna Marie; Ottolini, Roland; Trebatoski, Kim

BROOKS
EXHIBIT # 12
DCI2001-00038

From: Roland Ottolini
To: Trebatoski, Kim; Vance, Brad
Date: 6/18/03 5:07PM
Subject: Re: Heritage Creek Conditions

we need to make sure the hydraulic capacity is there for flood conveyance. making it narrower and denser w/ vegetation might cause a problem.

>>> Kim Trebatoski 06/18/03 05:02PM >>>
Brad - Condition 4 in the Natural Resources memo dated June 17, 2003 is contrary to the LDC requirement to maintain a 25-foot natural waterway buffer, and contrary to the indigenous preservation requirement. Please see me before the hearing resumes at 9am on Thursday to discuss.

Kim Trebatoski
Principal Environmental Planner
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trebatkm@leegov.com
239-479-8183
FAX 239-479-8319

CC: Houck, Pam; Joyce, Rick

Brooks
EXHIBIT # 13
DC/2001-00038

From: Roland Ottolini
To: Noble, Matthew; Trebatoski, Kim
Date: 12/12/02 3:34PM
Subject: Re: Heritage Creek

I agree w/ the later. it would be impractical for them to manage the upstream area through their lake system. it would be an approach if we were seeking to develop a county-sponsored regional system. we should delineate the flow-ways and provide enough protection through setbacks to alllow offsite flows to pass unhindered.

>>> Kim Trebatoski 12/12/02 02:28PM >>>
A few things to consider:

1. If offsite flood relief is an objective of including flow-ways, either the lakes within the development will have to have the capacity to hold the offsite flow to bleed into the flow-ways (highly unlikely to achieve as it would take lots of acres) -or- the flow-way allows the waters to pass through the site which means the flow-way is not part of the water management system for the development (like in the Brooks).

2. ES staff never raised an issue of expanding or redesigning the gopher tortoise preserve. The preserve area has also been accepted by Florida Fish & Wildlife Conservation Commission.

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Principal Environmental Planner
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>>> Matthew Noble 12/12/02 12:48PM >>>
Kim,

I don't believe there is ever a need to dig up the flowways on the project. O.K., maybe minor impacts(such as restoration activities, or maybe a single crossing), but not such that we totally change the existing system. Development of the site could actually improve the flooding situation out there. Its a question of the manner in which the project is being proposed. I believe staff is concerned that the project may actually aggravate the situation. As you know, the applicant has chosen to ignore staff's suggestions, such as bringing more water thru the property from the north. I know I am questioning the whole design of the project. Lots of fill being proposed in areas that we know flood seasonally.

I believe the flowway areas that I am going to be depicting thru the public hearing process are areas that should be included in any open space plan for development of the site. The exhibit will show large areas where we deem that it is appropriate to impact for new development. The site engineering and planning should evolve to address these natural features of the site. I could envision a series of lakes outside of the existing (naturalized) flowway areas to control the amount, duration, velocity, and other characteristics as appropriate. In fact the lakes would essentially become part of the flowway, just as these existing areas currently provide drainage/water to the flowways. I believe this is sound from an engineering stand point as well as representing sound planning that recognizes the natural features of the site.

For the gopher torts, I am proposing we use the FLUCCS 415 scrubby stuff as the line. That preserves the largest concentration of burrows, as well as providing a large creek set back and buffer to the single family homes located on the east side of Popash Creek. All of this is a work in progress. In delineating the flowways we are looking at aerials from a variety of years, as well as info from the applicant such as the FLUCCS mapping. Which I note contains errors...I will share more as we move from the very drafty exhibit to something a little nicer to look at...

Brookes
EXHIBIT # 14
DCI 2001-00038

CC: Houck, Pam; Joyce, Rick; Nychyk, A. Gary; O'Connor, Paul; Pavese, Michael

RICHARD HAMPTON THOMPSON, P.E.

319 Inman Street
Lehigh Acres, Florida 33972
(239) 369-8900
E-mail: richard@richardhthompson.com

PROFESSIONAL REGISTRATION: Professional Engineer, State of Florida, No. 46720
Qualified Stormwater Management Inspector, FDEP # 4090

EDUCATION:

University of Florida – Gainesville, Florida

M.E. in Engineering – August, 1988
Thesis "Kinetic Reduction of Wastewater Constituents in Overland Flow"

B.S. in Agricultural Engineering – May, 1987

WORK EXPERIENCE:

JANUARY 2003 – PRESENT

Richard H. Thompson, P.E. – Lehigh Acres, FL
Owner
Provide Engineering Consultation to property owners nd developers and sub-consultant services to other engineering firms. Specializing in water management issues (Permitting and enforcement).

NOVEMBER 1996 - JANUARY 2003

South Florida Water Management District
Fort Myers Service Center, Fort Myers, Florida
Senior Supervising Engineer – Regulation
Supervise Surface Water Management permit review staff. Responsible for SWM and ERP Permitting in Lee, Collier, Hendry, Glades and Charlotte Counties.

JUNE 1994- NOVEMBER 1996

South Florida Water Management District
Fort Myers Service Center, Fort Myers, Florida
Staff Engineer – Regulation
Responsible for reviewing SWM and ERP Permit applications for all types of development in Lee, Collier, Hendry, Glades and Charlotte Counties.

1990 - 94

Lykes Bros. Inc.
Citrus Management Division – Lake Placid, Florida
Project Engineer
Responsible for drainage and irrigation design, bidding, construction inspection, wetlands delineation and operations trouble shooting.

1988 - 89

Hensley _ Schmidt, Inc. – Orlando, Florida
Project and Design Engineer
Responsible for design, construction and operation phase services for a major spray irrigation project for wastewater reclamation for the City of St. Cloud, Florida.

Brookes
EXHIBIT # 15
DC12001-00038

EXCERPT FROM USER MANUAL

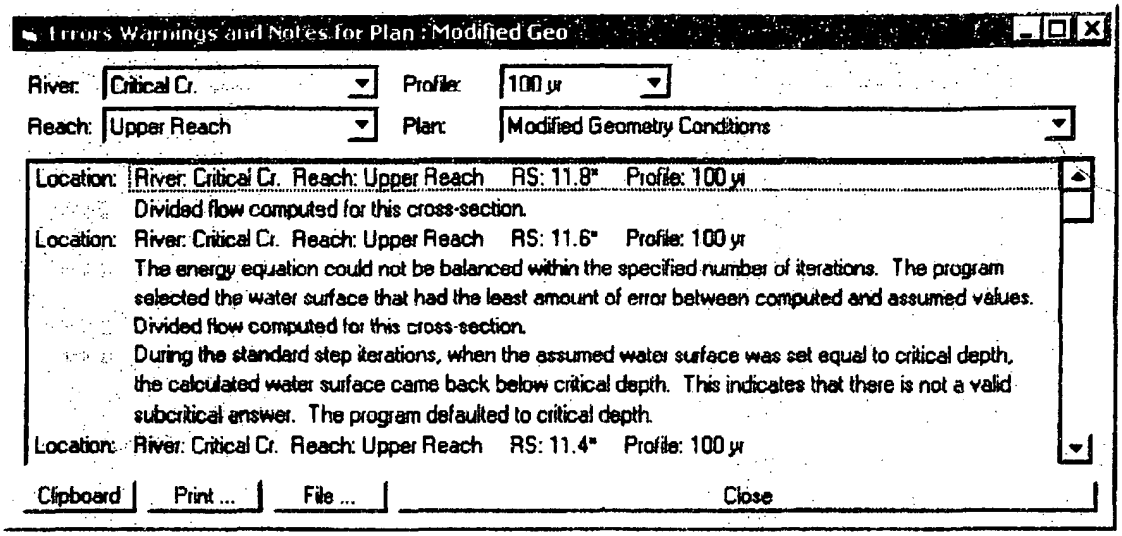


Figure 11.2 Summary of Errors, Warnings, and Notes Window

Besides the summary window, messages will automatically appear on the cross section specific tables. When a cross section or hydraulic structure is being displayed, any errors, warnings, or notes for that location and profile will show up in the Errors, Warnings, and Notes message box at the bottom of the table. An example of this table is shown in Figure 11.3.

In general, the errors, warnings, and notes messages should be self explanatory. The three categories of messages are the following:

ERRORS: Error messages are only sent when there are problems that prevent the program from being able to complete the run.

WARNINGS: Warning messages provide information to the user that may or may not require action on the user's part. In general, whenever a warning is set at a location, the user should review the hydraulic results at that location to ensure that the results are reasonable. If the hydraulic results are found to be reasonable, then the message can be ignored. However, in many instances, a warning level message may require the user to take some action that will cause the message to disappear on future runs. Many of the warning messages are caused by either inadequate or bad data. Some common problems that cause warning messages to occur are the following:

Cross sections spaced to far apart. This can cause several warning messages to be set.

Cross sections starting and ending stations not high enough. If a computed water surface is higher than either end point of the cross section, a warning message will appear.

Brookes
EXHIBIT # 16
DC1 2001-00038

Bad Starting Water Surface Elevation. If the user specifies a boundary condition that is not possible for the specified flow regime, the program will take action an set an appropriate warning message.

Bad Cross Section Data. This can cause several problems, but most often the program will not be able to balance the energy equation and will default to critical depth.

NOTES: Note level messages are set to provide information to the user about how the program is performing the computations.

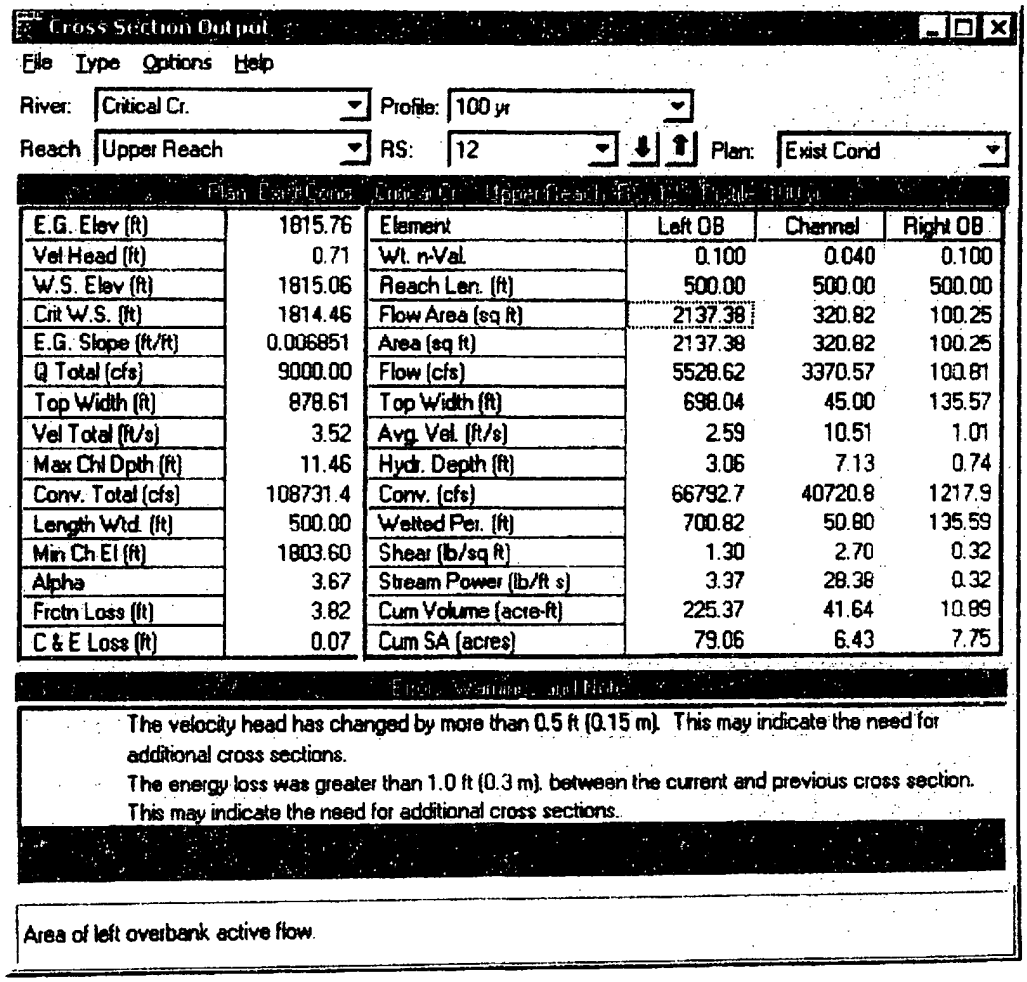


Figure 11.3 Cross Section Table with Errors, Warnings, and Notes

Bayshore Creek - Post Development
25yr

Errors Warnings and Notes for Plan : Imported Pla

Location:	River: Bayshore Creek Reach: Main RS: 22.4 Profile: 25-yr
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Bayshore Creek Reach: Main RS: 22.3 Profile: 25-yr
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Bayshore Creek Reach: Main RS: 22.25 Profile: 25-yr
Warning:	During subcritical analysis, while trying to calculate culvert and weir flow, the program could not get a
	balance of energy within the specified tolerance and number of trials. The program used the solution
	with the minimum error.
Location:	River: Bayshore Creek Reach: Main RS: 22.25 Profile: 25-yr Culv: □□¶A□½¶A#i¶A
Error:	The elevation of the cross section needed to be extended. Doubling the height of the cross section
	four times was not sufficient. The cross section should be examined and coded to a new height
Error:	Weir coefficient was not entered.
Error:	Drag pier coefficient was not entered.
Error:	Coefficient for full pressure flow was not entered.
Error:	Error - # 8
Error:	Error - # 10
Error:	Error - # 11
Error:	Error - # 13
Error:	Error - # 15
Error:	Error - # 16
Error:	Error - # 17
Error:	Error - # 18
Error:	Error - # 20
Error:	Error - # 21
Error:	Error - # 23
Error:	Error - # 24
Error:	Error - # 30
Warning:	User specified water surface is not possible for the specified flow regime. The program used critical
	depth as the starting water surface.
Warning:	The energy equation could not be balanced within the specified number of iterations. The program
	used critical depth for the water surface and continued on with the calculations.
Warning:	The energy equation could not be balanced within the specified number of iterations. The program
	selected the water surface that had the least amount of error between computed and assumed
	values.
Warning:	Multiple water surfaces were found that could balance the energy equation. The program selected
	the water surface whose main channel velocity head was the closest to the previously computed
	cross section.
Warning:	The cross-section end points had to be extended vertically for the computed water surface.
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Warning:	During the standard step calculations, the final energy answer that was computed is less than the
	downstream energy. This is not physically possible. Please check your data.
Warning:	The Yarnell method gave an invalid answer. The upstream energy was less than the downstream
	energy. The program defaulted to the next valid (user selected) method. If the Yarnell method was
	the only one selected, the program will default to an energy based solution.
Warning:	Momentum balance could not converge within 100 trials during bridge computations. The program
	used the trial with the minimum error.
Warning:	The program could not calculate a water surface from the given energy within 100 trials. The
	program used the water surface at minimum error.

NALLE GRADE ROAD

Errors Warnings and Notes for Plan : Imported Pla (Continued)

Warning:	The program cannot perform supercritical flow through multiple culverts. The program sets the water
	surface to critical depth at the downstream end of the culverts and continues on.
Warning:	Normal depth could not be obtained within the specified tolerance after 30 trials. The program
	assumed a normal depth equal to the iteration that had the minimum error.
Warning:	Culvert critical depth did not converge.
Warning:	During subcritical analysis, the iterative procedure for determining the depth just inside the culvert at
	the downstream end failed to converge (the procedure iterates to find an energy grade inside the
	culvert that equals the energy grade outside of the culvert plus the exit loss).
Warning:	Class B flow has occurred at the bridge during the supercritical calculations. For the best solution this
	profile should be run in mixed flow regime.
Warning:	Momentum balance could not converge within 100 trials during flow junction calculations. The
	program used the trial with the minimum error.
Warning:	Pressure flow using the sluice gate equation could not converge within the maximum allowable trials.
Warning:	Pier drag coefficient of 2.0 assumed for Class B flow.
Warning:	Slope too shallow for slope area to converge during supercritical flow calculations (normal depth is
	above critical depth). Water surface set to critical depth.
Warning:	During the supercritical pass of a mixed flow run, the momentum equation indicates that a hydraulic
	jump is occuring at the bridge. The program defaulted to the subcritical answer upstream of the
	bridge.
Warning:	The Yarnell/weir calculations did not converge within the given number of iterations.
Warning:	The pressure flow/weir calculations did not converge within the given number of iterations.
Warning:	The sluice gate calculations did not converge during the pressure flow only calculation.
Warning:	The sluice gate calculations did not converge during pressure/weir flow calculations.
Warning:	During the supercritical standard step calculations, the final energy answer that was computed is
	greater than the upstream energy. This is not physically possible. Please check your data.
Warning:	During subcritical analysis, the program could not converge on an answer during culvert and weir
	flow iterations (all of the flow is going over the weir). Reduce the weir flow coefficient to get a more
	realistic answer.
Warning:	During subcritical analysis, the water surface upstream of culvert went to critical depth.
Warning:	The multiple opening solution failed to converge. The program used the solution with the least error.
Warning:	The inline weir solution failed to converge. The program used the solution with the least error.
Warning:	During the supercritical analysis, the program could not balance the energy equation during the
	forewater calculations inside of the culvert. The program assumed critical depth at the outlet and
	continued on.
Warning:	During the supercritical analysis, the program could not complete the forewater calculations through
	the culvert within the given number of iterations. The program used normal depth at the outlet and
	continued on.
Warning:	Since the culvert has supercritical flow, the program should be run in mixed flow in order to check if
	the cross section downstream of the culvert has supercritical flow.
Warning:	During the supercritical analysis, there was not enough energy for supercritical flow going into the
	culvert. The program assumed critical depth at the inlet.
Warning:	During supercritical calculations, the culvert inlet depth is at or above critical depth and the culvert
	slope is mild. The outlet depth has defaulted to critical depth. For best results, this profile should be
	run in a mixed flow regime.
Warning:	During supercritical calculations, the culvert inlet is submerged and the energy in the cross section
	upstream of the culvert is above the road. This indicates that there may be flow over the road.
	Since the program cannot calculate weir flow when there is supercritical flow through the culvert, the
	program sets the culvert inlet to critical depth and continues on. If the program is in supercritical only
	mode, try running it in mixed mode.
Warning:	The program cannot perform supercritical flow through a multiple opening. The program sets the
	water surface to critical depth at the downstream cross section and continues on.

Errors Warnings and Notes for Plan : Imported Pla (Continued)

Warning:	The bottom of the bridge opening is either blocked by ineffective flow and/or a levee. The cross
	sections surrounding the bridge opening should be checked to make sure that the levee and/or
	ineffective flow areas are correct.
Warning:	The junction momentum weight force is very large. It may be advisable to turn the weight flag off.
Warning:	The junction momentum weight force was very large. Due to the large value of the weight force, the
	program ignored the weight force during the momentum calculations.
Warning:	The water surface upstream of the bridge computed by the Yarnell method was below critical depth.
	The Yarnell solution has been disregarded.
Warning:	There was not enough momentum to compute a supercritical answer through the bridge. The
	momentum answer has been disregarded.
Warning:	The energy upstream of the bridge computed by the orifice equation was below critical depth. The
	pressure solution has been disregarded.
Warning:	Global ice convergence criteria for this wide river jam was not satisfied. However, the convergence
	criteria was satisfied at this cross section.
Warning:	The global convergence criteria for this wide ice jam was NOT satisfied at this cross section.
Warning:	The encroachment extends past the centerline of this bridge opening. The bridge has been turned
	off and this opening has no flow.
Warning:	#92
Warning:	#94
Warning:	#95
Warning:	#97
Warning:	#98
Warning:	#100
Warning:	#101
Warning:	#102
Warning:	#103
Warning:	#104
Warning:	#105
Warning:	#109
Warning:	#110
Warning:	#111
Warning:	#113
Warning:	#114
Warning:	#120
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, water
	surface was used.
Note:	Hydraulic jump has occurred between this cross section and the previous upstream section.
Note:	Yarnell answer is not valid if the water surface is above the low chord or if there is weir flow. The
	Yarnell answer has been disregarded.
Note:	Momentum answer is not valid if the water surface is above the low chord or if there is weir flow. The
	momentum answer has been disregarded.
Note:	During subcritical analysis, critical depth was assumed at the outlet of the culvert because the
	tailwater energy was below critical energy.
Note:	During subcritical analysis, the backwater through the culvert the solution went to critical depth. The
	program then assumed critical depth at the inlet.
Note:	During subcritical analysis, the culvert direct step method, the solution went to normal depth.
Note:	During subcritical analysis, the water surface at the outlet was below critical depth and the culvert is
	steep. Therefore, the inlet will be at critical depth.
Note:	The energy method has computed a class B profile.
Note:	During supercritical analysis, the culvert direct step method went to normal depth. The program then
	assumed normal depth at the outlet.

Errors Warnings and Notes for Plan : Imported Pla (Continued)

Note:	During supercritical analysis, the culvert direct step method went to critical depth. The program then
	assumed critical depth at the outlet.
Note:	The downstream water surface is below the minimum elevation for pressure flow. The sluice gate
	equations were used for pressure flow.
Note:	The downstream water surface is above the minimum elevation for pressure flow. The orifice
	equations were used for pressure flow.
Note:	For the cross section inside the bridge at the downstream end, the water surface and energy have
	been projected from the downstream cross section. The selected bridge modeling method does not
	compute answers inside the bridge.
Note:	For the cross section inside the bridge at the downstream end, the water surface and energy are
	based on critical depth over the weir.
Note:	The culvert inlet is submerged and the culvert flows full over part or all of its length. Therefore, the
	culvert inlet equations are not valid and the supercritical result has been discarded. The outlet
	answer will be used.
Note:	Pressure flow was attempted because the energy, from the low flow method, was high enough.
	However, the pressure flow answer was below the low chord. Therefore, the pressure answer is not
	valid.
Note:	Pressure/weir flow was attempted because the energy, low flow method was high enough.
	However, the pressure/weir flow answer was below the low chord. Therefore, the pressure/weir
	answer is not valid.
Note:	The user has entered a known water surface elevation at this cross section.
Note:	The user has entered a known change in water surface.
Note:	For this profile, the conveyance opening does not have any flow.
Note:	The user has entered known energy, a known water surface, or a change in water surface.
	Therefore, no hydraulic properties were computed through the bridge.
Note:	The maximum under ice flow velocity criteria exceeded for this cross section. The ice thickness was
	adjusted to reduce the flow velocity.
Note:	Calculated wide river ice jam thickness is less than user specified minimum ice thickness at this cross
	section. Wide river ice jam thickness set to user minimum.
Note:	The user has entered a known energy, a known water surface, or a change in water surface.
	Therefore, the hydraulic properties for the cross section just upstream of the inline weir does not
	match the energy and water surface calculated from the inline weir equations.
Note:	#53
Note:	#54
Note:	#60
Location:	River: Bayshore Creek Reach: Main RS: 22.2 Profile: 25-yr
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Bayshore Creek Reach: Main RS: 22.1 Profile: 25-yr
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Bayshore Creek Reach: Main RS: 21 Profile: 25-yr
Warning:	Divided flow computed for this cross-section.
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Bayshore Creek Reach: Main RS: 20 Profile: 25-yr
Warning:	Divided flow computed for this cross-section.
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.

Errors Warnings and Notes for Plan : Imported Pla (Continued)

Location:	River: Bayshore Creek Reach: Main RS: 19.3 Profile: 25-yr
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Bayshore Creek Reach: Main RS: 19.25 Profile: 25-yr
Warning:	The weir over culvert is submerged.
Location:	River: Bayshore Creek Reach: Main RS: 19.25 Profile: 25-yr Culv: Ö/®A□0®A20®A Desonte Rd
Error:	Weir coefficient was not entered.
Error:	Yarnell pier coefficient was not entered.
Error:	Yarnell method was selected but no piers were entered.
Error:	Coefficient for full pressure flow was not entered.
Error:	No sluice coefficient. For sluice pressure flow, either a coefficient must be entered or the sluice table
	must be selected.
Error:	Error - # 12
Error:	Error - # 13
Error:	Error - # 17
Error:	Error - # 18
Error:	Error - # 19
Error:	Error - # 21
Error:	Error - # 23
Error:	Error - # 24
Error:	Error - # 30
Warning:	User specified water surface is not possible for the specified flow regime. The program used critical
	depth as the starting water surface.
Warning:	User defined rating curve had to be extrapolated in order to obtain a starting water surface elevation
	for the given flow.
Warning:	Multiple water surfaces were found that could balance the energy equation. The program selected
	the water surface whose main channel velocity head was the closest to the previously computed
	cross section.
Warning:	The cross-section end points had to be extended vertically for the computed water surface.
Warning:	Critical depth could not be determined within the specified number of iterations. The program used
	the iteration with the lowest energy.
Warning:	The cross section had to be extended vertically during the critical depth calculations.
Warning:	The flow regime calculated by the momentum equation shows class B flow. For the best solution, this
	profile should be run as a mixed flow problem.
Warning:	The calculated upstream energy is less than the downstream energy based on the user selected
	bridge method. The program defaulted to a pure energy solution in order to solve this problem.
Warning:	The Yarnell method gave an invalid answer. The upstream energy was less than the downstream
	energy. The program defaulted to the next valid (user selected) method. If the Yarnell method was
	the only one selected, the program will default to an energy based solution.
Warning:	The program could not calculate a water surface from the given energy within 100 trials. The
	program used the water surface at minimum error.
Warning:	The program cannot perform supercritical flow through multiple culverts. The program sets the water
	surface to critical depth at the downstream end of the culverts and continues on.
Warning:	Normal depth could not be obtained within the specified tolerance after 30 trials. The program
	assumed a normal depth equal to the iteration that had the minimum error.
Warning:	Culvert critical depth did not converge.
Warning:	Momentum balance could not converge within 100 trials during flow junction calculations. The
	program used the trial with the minimum error.
Warning:	Pressure flow using the sluice gate equation could not converge within the maximum allowable trials.
Warning:	Pier drag coefficient of 2.0 assumed for Class B flow.
Warning:	Slope too shallow for slope area to converge during supercritical flow calculations (normal depth is

Errors Warnings and Notes for Plan : Imported Pla (Continued)

	above critical depth). Water surface set to critical depth.
Warning:	During the supercritical pass of a mixed flow run, the momentum equation indicates that a hydraulic
	jump is occuring at the bridge. The program defaulted to the subcritical answer upstream of the
	bridge.
Warning:	The sluice gate calculations did not converge during the pressure flow only calculation.
Warning:	The sluice gate calculations did not converge during pressure/weir flow calculations.
Warning:	The parabolic search method failed to converge on critical depth. The program will try the cross
	section slice/secant method to find critical depth.
Warning:	The momentum calculations at the junction produced a lower upstream energy than downstream.
	Upstream energy set to the downstream energy.
Warning:	During the supercritical standard step calculations, the final energy answer that was computed is
	greater than the upstream energy. This is not physically possible. Please check your data.
Warning:	During subcritical analysis, the water surface upstream of culvert went to critical depth.
Warning:	The multiple opening solution failed to converge. The program used the solution with the least error.
Warning:	The inline weir solution failed to converge. The program used the solution with the least error.
Warning:	During the supercritical analysis, the program could not balance the energy equation during the
	forewater calculations inside of the culvert. The program assumed critical depth at the outlet and
	continued on.
Warning:	Since the culvert has supercritical flow, the program should be run in mixed flow in order to check if
	the cross section downstream of the culvert has supercritical flow.
Warning:	During momentum compuations at the bridge, the upstream energy was computed lower than
	downstream energy. This is not physically possible, try turning the momentum weight force off.
Warning:	The bridge momentum weight force is very large. It may be advisable to turn the weight flag off.
Warning:	The bridge momentum weight force was very large. Due to the large value of the weight force, the
	program ignored the weight force during the momentum calculations.
Warning:	The flow through the culvert is supercritical. However, since there is flow over the road (weir flow),
	the program cannot determine if the downstream cross section should be subcritical or supercritical.
	The program used the downstream subcritical answer, even though it may not be valid.
Warning:	The program cannot perform supercritical flow through an inline weir. The program sets the water
	surface to critical depth at the downstream cross section and continues on.
Warning:	The water surface upstream of the bridge computed by the Yarnell method was below critical depth.
	The Yarnell solution has been disregarded.
Warning:	The energy upstream of the bridge computed by the orifice equation was below critical depth. The
	pressure solution has been disregarded.
Warning:	Global ice convergence criteria for this wide river jam was not satisfied. However, the convergence
	criteria was satisfied at this cross section.
Warning:	The global convergence criteria for this wide ice jam was NOT satisfied at this cross section.
Warning:	The encroachment extends past the centerline of this bridge opening. The bridge has been turned
	off and this opening has no flow.
Warning:	The encroachment extends past the centerline of [all] the culvert(s). The culvert group has been
	turned off and this opening has no flow.
Warning:	#94
Warning:	#95
Warning:	#99
Warning:	#102
Warning:	#103
Warning:	#107
Warning:	#108
Warning:	#109
Warning:	#111
Warning:	#113

Errors Warnings and Notes for Plan : Imported Pla (Continued)

Warning:	#114
Warning:	#120
Note:	Manning's n values were composited to a single value in the main channel.
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, water
	surface was used.
Note:	The weir over a bridge is submerged, the energy answer was used.
Note:	Yarnell answer is not valid if the water surface is above the low chord or if there is weir flow. The
	Yarnell answer has been disregarded.
Note:	Momentum answer is not valid if the water surface is above the low chord or if there is weir flow. The
	momentum answer has been disregarded.
Note:	Culvert critical depth exceeds the height of the culvert.
Note:	During subcritical analysis, the culvert direct step method, the solution went to normal depth.
Note:	The water surface computed by the sluice gate equation (during pressure/weir calculations) is below
	the physical low chord of the bridge.
Note:	The momentum method has computed a class B profile.
Note:	The energy method has computed a class B profile.
Note:	During supercritical analysis, the culvert direct step method went to critical depth. The program then
	assumed critical depth at the outlet.
Note:	The downstream water surface is below the minimum elevation for pressure flow. The sluice gate
	equations were used for pressure flow.
Note:	The downstream water surface is above the minimum elevation for pressure flow. The orifice
	equations were used for pressure flow.
Note:	For the cross section inside the bridge at the downstream end, the water surface and energy have
	been projected from the downstream cross section. The selected bridge modeling method does not
	compute answers inside the bridge.
Note:	For the cross section inside the bridge at the downstream end, the water surface is based on critical
	depth over the weir. The energy has been projected.
Note:	For the cross section inside the bridge at the downstream end, the energy is based on critical depth
	over the weir. The water surface has been projected.
Note:	The culvert inlet is submerged and the culvert flows full over part or all of its length. Therefore, the
	culvert inlet equations are not valid and the supercritical result has been discarded. The outlet
	answer will be used.
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Note:	Pressure flow was attempted because the energy, from the low flow method, was high enough.
	However, the pressure flow answer was below the low chord. Therefore, the pressure answer is not
	valid.
Note:	Pressure/weir flow was attempted because the energy, low flow method was high enough.
	However, the pressure/weir flow answer was below the low chord. Therefore, the pressure/weir
	answer is not valid.
Note:	For this profile, the conveyance opening does not have any flow.
Note:	For this profile, the bridge opening does not have any flow.
Note:	The user has entered known energy, a known water surface, or a change in water surface.
	Therefore, no hydraulic properties were computed through the multiple opening.
Note:	For this culvert, the inlet control energy answer is based on a look-up chart. Since the value
	exceeded the chart, the answer was determined by extrapolating form the last two points in the table.
Note:	The maximum under ice flow velocity criteria exceeded for this cross section. The ice thickness was
	adjusted to reduce the flow velocity.
Note:	The user has entered a known energy, a known water surface, or a change in water surface.
	Therefore, the hydraulic properties for the cross section just upstream of the inline weir does not
	match the energy and water surface calculated from the inline weir equations.

Errors Warnings and Notes for Plan : Imported Pla (Continued)

Note:	#53
Note:	#54
Note:	#60
Location:	River: Bayshore Creek Reach: Main RS: 19.2 Profile: 25-yr
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Bayshore Creek Reach: Main RS: 19.1 Profile: 25-yr
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Bayshore Creek Reach: Main RS: 18.3 Profile: 25-yr
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Bayshore Creek Reach: Main RS: 18.25 Profile: 25-yr
Warning:	During subcritical analysis, while trying to calculate culvert and weir flow, the program could not get a
	balance of energy within the specified tolerance and number of trials. The program used the solution
	with the minimum error.
Warning:	The weir over culvert is submerged.
Location:	River: Bayshore Creek Reach: Main RS: 18.25 Profile: 25-yr Culv: +□®A3□®A;□®A HENDERSON GRADE
Error:	The elevation of the cross section needed to be extended. Doubling the height of the cross section
	four times was not sufficient. The cross section should be examined and coded to a new height
Error:	Yarnell pier coefficient was not entered.
Error:	Drag pier coefficient was not entered.
Error:	Coefficient for full pressure flow was not entered.
Error:	Error - # 8
Error:	Error - # 9
Error:	Error - # 10
Error:	Error - # 12
Error:	Error - # 17
Error:	Error - # 18
Error:	Error - # 19
Error:	Error - # 21
Error:	Error - # 23
Error:	Error - # 24
Error:	Error - # 30
Warning:	User specified water surface is not possible for the specified flow regime. The program used critical
	depth as the starting water surface.
Warning:	User defined rating curve had to be extrapolated in order to obtain a starting water surface elevation
	for the given flow.
Warning:	The energy equation could not be balanced within the specified number of iterations. The program
	selected the water surface that had the least amount of error between computed and assumed
	values.
Warning:	Multiple water surfaces were found that could balance the energy equation. The program selected
	the water surface whose main channel velocity head was the closest to the previously computed
	cross section.
Warning:	The cross-section end points had to be extended vertically for the computed water surface.
Warning:	The velocity head has changed by more than 0.5 ft (0.15 m). This may indicate the need for
	additional cross sections.
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Warning:	Critical depth could not be determined within the specified number of iterations. The program used
	the iteration with the lowest energy.

Errors Warnings and Notes for Plan : Imported Pla (Continued)

Warning:	The flow regime calculated by the momentum equation shows class B flow. For the best solution, this
	profile should be run as a mixed flow problem.
Warning:	The calculated upstream energy is less than the downstream energy based on the user selected
	bridge method. The program defaulted to a pure energy solution in order to solve this problem.
Warning:	The Yarnell method gave an invalid answer. The upstream energy was less than the downstream
	energy. The program defaulted to the next valid (user selected) method. If the Yarnell method was
	the only one selected, the program will default to an energy based solution.
Warning:	The program could not calculate a water surface from the given energy within 100 trials. The
	program used the water surface at minimum error.
Warning:	The program cannot perform supercritical flow through multiple culverts. The program sets the water
	surface to critical depth at the downstream end of the culverts and continues on.
Warning:	Normal depth could not be obtained within the specified tolerance after 30 trials. The program
	assumed a normal depth equal to the iteration that had the minimum error.
Warning:	Culvert critical depth did not converge.
Warning:	During subcritical analysis, the iterative procedure for determining the depth just inside the culvert at
	the downstream end failed to converge (the procedure iterates to find an energy grade inside the
	culvert that equals the energy grade outside of the culvert plus the exit loss).
Warning:	Pressure flow using the sluice gate equation could not converge within the maximum allowable trials.
Warning:	Pier drag coefficient of 2.0 assumed for Class B flow.
Warning:	Slope too shallow for slope area to converge during supercritical flow calculations (normal depth is
	above critical depth). Water surface set to critical depth.
Warning:	During the supercritical pass of a mixed flow run, the momentum equation indicates that a hydraulic
	jump is occuring at the bridge. The program defaulted to the subcritical answer upstream of the
	bridge.
Warning:	The pure energy/weir calculations did not converge within the given number of iterations.
Warning:	The Yarnell/weir calculations did not converge within the given number of iterations.
Warning:	The sluice gate calculations did not converge during the pressure flow only calculation.
Warning:	The parabolic search method failed to converge on critical depth. The program will try the cross
	section slice/secant method to find critical depth.
Warning:	The momentum calculations at the junction produced a lower upstream energy than downstream.
	Upstream energy set to the downstream energy.
Warning:	During the supercritical standard step calculations, the final energy answer that was computed is
	greater than the upstream energy. This is not physically possible. Please check your data.
Warning:	During subcritical analysis, the water surface upstream of culvert went to critical depth.
Warning:	The multiple opening solution failed to converge. The program used the solution with the least error.
Warning:	The inline weir solution failed to converge. The program used the solution with the least error.
Warning:	During the supercritical analysis, the program could not balance the energy equation during the
	forewater calculations inside of the culvert. The program assumed critical depth at the outlet and
	continued on.
Warning:	During the supercritical analysis, the program could not complete the forewater calculations through
	the culvert within the given number of iterations. The program used normal depth at the outlet and
	continued on.
Warning:	During supercritical flow in the culvert, a comparison of the energy at the outlet to the energy at
	critical depth in the downstream cross section reveals that a supercritical answer is not possible. The
	downstream cross section has defaulted to critical depth. For best results, this profile should be run in
	a mixed flow regime.
Warning:	During supercritical calculations, the culvert inlet depth is at or above critical depth and the culvert
	slope is mild. The outlet depth has defaulted to critical depth. For best results, this profile should be
	run in a mixed flow regime.
Warning:	During supercritical calculations, the culvert inlet is submerged and the energy in the cross section
	upstream of the culvert is above the road. This indicates that there may be flow over the road.

Errors Warnings and Notes for Plan : Imported Pla (Continued)

	Since the program cannot calculate weir flow when there is supercritical flow through the culvert, the
	program sets the culvert inlet to critical depth and continues on. If the program is in supercritical only
	mode, try running it in mixed mode.
Warning:	During momentum compuations at the bridge, the upstream energy was computed lower than
	downstream energy. This is not physically possible, try turning the momentum weight force off.
Warning:	The program cannot perform supercritical flow through a multiple opening. The program sets the
	water surface to critical depth at the downstream cross section and continues on.
Warning:	The bridge momentum weight force is very large. It may be advisable to turn the weight flag off.
Warning:	The flow through the culvert is supercritical. However, since there is flow over the road (weir flow),
	the program cannot determine if the downstream cross section should be subcritical or supercritical.
	The program used the downstream subcritical answer, even though it may not be valid.
Warning:	The program cannot perform supercritical flow through an inline weir. The program sets the water
	surface to critical depth at the downstream cross section and continues on.
Warning:	The water surface upstream of the bridge computed by the Yarnell method was below critical depth.
	The Yarnell solution has been disregarded.
Warning:	The energy upstream of the bridge computed by the orifice equation was below critical depth. The
	pressure solution has been disregarded.
Warning:	Global ice convergence criteria for this wide river jam was not satisfied. However, the convergence
	criteria was satisfied at this cross section.
Warning:	The global convergence criteria for this wide ice jam was NOT satisfied at this cross section.
Warning:	The encroachment extends past the centerline of this bridge opening. The bridge has been turned
	off and this opening has no flow.
Warning:	The encroachment extends past the centerline of [all] the culvert(s). The culvert group has been
	turned off and this opening has no flow.
Warning:	#94
Warning:	#97
Warning:	#98
Warning:	#99
Warning:	#100
Warning:	#102
Warning:	#107
Warning:	#108
Warning:	#109
Warning:	#111
Warning:	#113
Warning:	#114
Warning:	#120
Note:	Manning's n values were composited to a single value in the main channel.
Note:	Hydraulic jump has occurred between this cross section and the previous upstream section.
Note:	Program found supercritical flow starting at this cross section.
Note:	The weir over a bridge is submerged, the energy answer was used.
Note:	The computed water surface was based on low flow through the bridge and weir flow outside of the
	bridge.
Note:	Momentum answer is not valid if the water surface is above the low chord or if there is weir flow. The
	momentum answer has been disregarded.
Note:	The normal depth exceeds the height of the culvert. The program assumes that the normal depth is
	equal to the height of the culvert.
Note:	During subcritical analysis, critical depth was assumed at the outlet of the culvert because the
	tailwater energy was below critical energy.
Note:	Culvert critical depth exceeds the height of the culvert.
Note:	The water surface computed by the sluice gate equation (during pressure/weir calculations) is below

Errors Warnings and Notes for Plan : Imported Pla (Continued)

	the physical low chord of the bridge.
Note:	The momentum method has computed a class B profile.
Note:	The energy method has computed a class B profile.
Note:	During supercritical analysis, the culvert direct step method went to critical depth. The program then
	assumed critical depth at the outlet.
Note:	The downstream water surface is below the minimum elevation for pressure flow. The sluice gate
	equations were used for pressure flow.
Note:	The downstream water surface is above the minimum elevation for pressure flow. The orifice
	equations were used for pressure flow.
Note:	For the cross section inside the bridge at the downstream end, the water surface and energy have
	been projected from the downstream cross section. The selected bridge modeling method does not
	compute answers inside the bridge.
Note:	For the cross section inside the bridge at the downstream end, the water surface is based on critical
	depth over the weir. The energy has been projected.
Note:	Pressure flow was attempted because the energy, from the low flow method, was high enough.
	However, the pressure flow answer was below the low chord. Therefore, the pressure answer is not
	valid.
Note:	Pressure/weir flow was attempted because the energy, low flow method was high enough.
	However, the pressure/weir flow answer was below the low chord. Therefore, the pressure/weir
	answer is not valid.
Note:	The user has entered a known headloss for this cross section.
Note:	The user has entered a known water surface elevation at this cross section.
Note:	For this profile, the conveyance opening does not have any flow.
Note:	The user has entered known energy, a known water surface, or a change in water surface.
	Therefore, no hydraulic properties were computed through the multiple opening.
Note:	For this culvert, the inlet control energy answer is based on a look-up chart. Since the value
	exceeded the chart, the answer was determined by extrapolating form the last two points in the table.
Note:	The maximum under ice flow velocity criteria exceeded for this cross section. The ice thickness was
	adjusted to reduce the flow velocity.
Note:	The user has entered a known energy, a known water surface, or a change in water surface.
	Therefore, the hydraulic properties for the cross section just upstream of the inline weir does not
	match the energy and water surface calculated from the inline weir equations.
Note:	#53
Note:	#54
Note:	#60
Location:	River: Bayshore Creek Reach: Main RS: 18.2 Profile: 25-yr
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Bayshore Creek Reach: Main RS: 18.1 Profile: 25-yr
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Bayshore Creek Reach: Main RS: 17.4 Profile: 25-yr
Warning:	Divided flow computed for this cross-section.
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Bayshore Creek Reach: Main RS: 17.3 Profile: 25-yr
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Bayshore Creek Reach: Main RS: 17.25 Profile: 25-yr

Errors Warnings and Notes for Plan : Imported Pla (Continued)

Note:	The weir over a bridge is submerged, the energy answer was used.
Note:	The downstream water surface is above the minimum elevation for pressure flow. The orifice
	equations were used for pressure flow.
Location:	River: Bayshore Creek Reach: Main RS: 17.25 Profile: 25-yr Upstream
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Bayshore Creek Reach: Main RS: 17.25 Profile: 25-yr Downstream
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Bayshore Creek Reach: Main RS: 17.2 Profile: 25-yr
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Bayshore Creek Reach: Main RS: 17.1 Profile: 25-yr
Warning:	Divided flow computed for this cross-section.
Location:	River: Bayshore Creek Reach: Main RS: 17 Profile: 25-yr
Warning:	Divided flow computed for this cross-section.
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Bayshore Creek Reach: Main RS: 16.4 Profile: 25-yr
Warning:	Divided flow computed for this cross-section.
Location:	River: Bayshore Creek Reach: Main RS: 16.25 Profile: 25-yr
Warning:	During subcritical analysis, while trying to calculate culvert and weir flow, the program could not get a
	balance of energy within the specified tolerance and number of trials. The program used the solution
	with the minimum error.
Warning:	The weir over culvert is submerged.
Location:	River: Bayshore Creek Reach: Main RS: 16.2 Profile: 25-yr
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Bayshore Creek Reach: Main RS: 15.4 Profile: 25-yr
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Bayshore Creek Reach: Main RS: 15.3 Profile: 25-yr
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Bayshore Creek Reach: Main RS: 15.2 Profile: 25-yr
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Bayshore Creek Reach: Main RS: 15.1 Profile: 25-yr
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Bayshore Creek Reach: Main RS: 14 Profile: 25-yr
Warning:	The energy loss was greater than 1.0 ft (0.3 m). between the current and previous cross section.
	This may indicate the need for additional cross sections.
Location:	River: Bayshore Creek Reach: Main RS: 13 Profile: 25-yr
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Warning:	The energy loss was greater than 1.0 ft (0.3 m). between the current and previous cross section.

Errors Warnings and Notes for Plan : Imported Pla (Continued)

	This may indicate the need for additional cross sections.
Location:	River: Bayshore Creek Reach: Main RS: 12 Profile: 25-yr
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Bayshore Creek Reach: Main RS: 11.4 Profile: 25-yr
Warning:	Divided flow computed for this cross-section.
Location:	River: Bayshore Creek Reach: Main RS: 11.3 Profile: 25-yr
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Bayshore Creek Reach: Main RS: 11.2 Profile: 25-yr
Warning:	Divided flow computed for this cross-section.
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Bayshore Creek Reach: Main RS: 11.1 Profile: 25-yr
Warning:	Divided flow computed for this cross-section.
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Bayshore Creek Reach: Main RS: 10.4 Profile: 25-yr
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Bayshore Creek Reach: Main RS: 10.3 Profile: 25-yr
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Bayshore Creek Reach: Main RS: 10.2 Profile: 25-yr
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Bayshore Creek Reach: Main RS: 10.1 Profile: 25-yr
Warning:	Divided flow computed for this cross-section.
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Warning:	The energy loss was greater than 1.0 ft (0.3 m). between the current and previous cross section.
	This may indicate the need for additional cross sections.
Location:	River: Bayshore Creek Reach: Main RS: 9 Profile: 25-yr
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Bayshore Creek Reach: Main RS: 8 Profile: 25-yr
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Warning:	The energy loss was greater than 1.0 ft (0.3 m). between the current and previous cross section.
	This may indicate the need for additional cross sections.
Location:	River: Bayshore Creek Reach: Main RS: 7.3 Profile: 25-yr
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Bayshore Creek Reach: Main RS: 7.2 Profile: 25-yr
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Bayshore Creek Reach: Main RS: 7.1 Profile: 25-yr
Warning:	The velocity head has changed by more than 0.5 ft (0.15 m). This may indicate the need for
	additional cross sections.
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.

Errors Warnings and Notes for Plan : Imported Pla (Continued)

Warning:	The energy loss was greater than 1.0 ft (0.3 m). between the current and previous cross section.
	This may indicate the need for additional cross sections.
Location:	River: Bayshore Creek Reach: Main RS: 6.4 Profile: 25-yr
Warning:	The velocity head has changed by more than 0.5 ft (0.15 m). This may indicate the need for
	additional cross sections.
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, water
	surface was used.
Location:	River: Bayshore Creek Reach: Main RS: 6.3 Profile: 25-yr
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Bayshore Creek Reach: Main RS: 6.2 Profile: 25-yr
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Bayshore Creek Reach: Main RS: 6.1 Profile: 25-yr
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Warning:	The energy loss was greater than 1.0 ft (0.3 m). between the current and previous cross section.
	This may indicate the need for additional cross sections.
Location:	River: Bayshore Creek Reach: Main RS: 6 Profile: 25-yr
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Bayshore Creek Reach: Main RS: 5.4 Profile: 25-yr
Warning:	Divided flow computed for this cross-section.
Location:	River: Bayshore Creek Reach: Main RS: 5.3 Profile: 25-yr
Warning:	Divided flow computed for this cross-section.
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Bayshore Creek Reach: Main RS: 5.25 Profile: 25-yr
Note:	The weir over a bridge is submerged, the energy answer was used.
Note:	Yarnell answer is not valid if the water surface is above the low chord or if there is weir flow. The
	Yarnell answer has been disregarded.
Note:	The downstream water surface is above the minimum elevation for pressure flow. The orifice
	equations were used for pressure flow.
Location:	River: Bayshore Creek Reach: Main RS: 5.25 Profile: 25-yr Upstream
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Bayshore Creek Reach: Main RS: 5.25 Profile: 25-yr Downstream
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Bayshore Creek Reach: Main RS: 5.2 Profile: 25-yr
Warning:	Divided flow computed for this cross-section.
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Bayshore Creek Reach: Main RS: 5.1 Profile: 25-yr
Warning:	Divided flow computed for this cross-section.
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.

Errors Warnings and Notes for Plan : Imported Pla (Continued)

Location:	River: Bayshore Creek Reach: Main RS: 4 Profile: 25-yr
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Bayshore Creek Reach: Main RS: 3 Profile: 25-yr
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Warning:	The energy loss was greater than 1.0 ft (0.3 m). between the current and previous cross section.
	This may indicate the need for additional cross sections.
Location:	River: Bayshore Creek Reach: Main RS: 2 Profile: 25-yr
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Warning:	The energy loss was greater than 1.0 ft (0.3 m). between the current and previous cross section.
	This may indicate the need for additional cross sections.

Popash Creek 25yr
Post Development

Errors Warnings and Notes for Plan : Imported Pla

Location:	River: Popash Creek Reach: Main Stem RS: 38.4 Profile: 25-year
Warning:	Divided flow computed for this cross-section.
Location:	River: Popash Creek Reach: Main Stem RS: 38.3 Profile: 25-year
Warning:	The cross section had to be extended vertically during the critical depth calculations.
Location:	River: Popash Creek Reach: Main Stem RS: 38.25 Profile: 25-year
Warning:	During subcritical analysis, while trying to calculate culvert and weir flow, the program could not get a
	balance of energy within the specified tolerance and number of trials. The program used the solution
	with the minimum error.
Warning:	The weir over culvert is submerged.
Location:	River: Popash Creek Reach: Main Stem RS: 38.2 Profile: 25-year
Warning:	Divided flow computed for this cross-section.
Location:	River: Popash Creek Reach: Main Stem RS: 38.1 Profile: 25-year
Warning:	Divided flow computed for this cross-section.
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 36 Profile: 25-year
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 35 Profile: 25-year
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, water
	surface was used.
Location:	River: Popash Creek Reach: Main Stem RS: 34 Profile: 25-year
Warning:	Divided flow computed for this cross-section.
Location:	River: Popash Creek Reach: Main Stem RS: 33.4 Profile: 25-year
Warning:	Divided flow computed for this cross-section.
Location:	River: Popash Creek Reach: Main Stem RS: 33.25 Profile: 25-year
Warning:	The weir over culvert is submerged.
Location:	River: Popash Creek Reach: Main Stem RS: 33.2 Profile: 25-year
Warning:	Divided flow computed for this cross-section.
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Popash Creek Reach: Main Stem RS: 33.1 Profile: 25-year
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 32.3 Profile: 25-year
Warning:	Divided flow computed for this cross-section.
Location:	River: Popash Creek Reach: Main Stem RS: 32.25 Profile: 25-year
Note:	The weir over a bridge is submerged, the energy answer was used.
Note:	The downstream water surface is above the minimum elevation for pressure flow. The orifice
	equations were used for pressure flow.
Location:	River: Popash Creek Reach: Main Stem RS: 32.1 Profile: 25-year
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 31 Profile: 25-year
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Warning:	The energy loss was greater than 1.0 ft (0.3 m). between the current and previous cross section.
	This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 30.4 Profile: 25-year

Errors Warnings and Notes for Plan : Imported Pla (Continued)

Warning:	Divided flow computed for this cross-section.
Location:	River: Popash Creek Reach: Main Stem RS: 30.3 Profile: 25-year
Warning:	Divided flow computed for this cross-section.
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Popash Creek Reach: Main Stem RS: 30.25 Profile: 25-year
Warning:	The pressure flow/weir calculations did not converge within the given number of iterations.
Note:	Yarnell answer is not valid if the water surface is above the low chord or if there is weir flow. The
	Yarnell answer has been disregarded.
Note:	The downstream water surface is below the minimum elevation for pressure flow. The sluice gate
	equations were used for pressure flow.
Location:	River: Popash Creek Reach: Main Stem RS: 30.25 Profile: 25-year Upstream
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Popash Creek Reach: Main Stem RS: 30.25 Profile: 25-year Downstream
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Popash Creek Reach: Main Stem RS: 30.2 Profile: 25-year
Warning:	Divided flow computed for this cross-section.
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Popash Creek Reach: Main Stem RS: 30.1 Profile: 25-year
Warning:	Divided flow computed for this cross-section.
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 29 Profile: 25-year
Warning:	Divided flow computed for this cross-section.
Location:	River: Popash Creek Reach: Main Stem RS: 28.4 Profile: 25-year
Warning:	Divided flow computed for this cross-section.
Location:	River: Popash Creek Reach: Main Stem RS: 28.3 Profile: 25-year
Warning:	Divided flow computed for this cross-section.
Location:	River: Popash Creek Reach: Main Stem RS: 28.25 Profile: 25-year
Note:	The weir over a bridge is submerged, the energy answer was used.
Note:	The downstream water surface is above the minimum elevation for pressure flow. The orifice
	equations were used for pressure flow.
Location:	River: Popash Creek Reach: Main Stem RS: 28.2 Profile: 25-year
Warning:	Divided flow computed for this cross-section.
Location:	River: Popash Creek Reach: Main Stem RS: 28.1 Profile: 25-year
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 27.3 Profile: 25-year
Warning:	Divided flow computed for this cross-section.
Location:	River: Popash Creek Reach: Main Stem RS: 27.25 Profile: 25-year
Warning:	The pressure flow/weir calculations did not converge within the given number of iterations.
Note:	Yarnell answer is not valid if the water surface is above the low chord or if there is weir flow. The
	Yarnell answer has been disregarded.
Note:	The downstream water surface is below the minimum elevation for pressure flow. The sluice gate
	equations were used for pressure flow.
Location:	River: Popash Creek Reach: Main Stem RS: 27.25 Profile: 25-year Downstream

Errors Warnings and Notes for Plan : Imported Pla (Continued)

Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Popash Creek Reach: Main Stem RS: 27.2 Profile: 25-year
Warning:	Divided flow computed for this cross-section.
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 26.4 Profile: 25-year
Warning:	Divided flow computed for this cross-section.
Location:	River: Popash Creek Reach: Main Stem RS: 26.3 Profile: 25-year
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Popash Creek Reach: Main Stem RS: 26.25 Profile: 25-year
Warning:	During subcritical analysis, while trying to calculate culvert and weir flow, the program could not get a
	balance of energy within the specified tolerance and number of trials. The program used the solution
	with the minimum error.
Warning:	The weir over culvert is submerged.
Location:	River: Popash Creek Reach: Main Stem RS: 26.2 Profile: 25-year
Warning:	Divided flow computed for this cross-section.
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Popash Creek Reach: Main Stem RS: 26.1 Profile: 25-year
Warning:	Divided flow computed for this cross-section.
Location:	River: Popash Creek Reach: Main Stem RS: 25.3 Profile: 25-year
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Popash Creek Reach: Main Stem RS: 25.25 Profile: 25-year
Warning:	The weir over culvert is submerged.
Location:	River: Popash Creek Reach: Main Stem RS: 25.2 Profile: 25-year
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Popash Creek Reach: Main Stem RS: 25.1 Profile: 25-year
Warning:	Divided flow computed for this cross-section.
Location:	River: Popash Creek Reach: Main Stem RS: 24.4 Profile: 25-year
Warning:	Divided flow computed for this cross-section.
Location:	River: Popash Creek Reach: Main Stem RS: 24.3 Profile: 25-year
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Popash Creek Reach: Main Stem RS: 24.25 Profile: 25-year
Warning:	The weir over culvert is submerged.
Location:	River: Popash Creek Reach: Main Stem RS: 24.2 Profile: 25-year
Warning:	Divided flow computed for this cross-section.
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Popash Creek Reach: Main Stem RS: 24.1 Profile: 25-year
Warning:	Divided flow computed for this cross-section.
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 23.4 Profile: 25-year
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 23.25 Profile: 25-year

Errors Warnings and Notes for Plan : Imported Pla (Continued)

Warning:	The weir over culvert is submerged.
Location:	River: Popash Creek Reach: Main Stem RS: 23.25 Profile: 25-year Culv: V»žAÛ»žA_¼žA
Error:	Drag pier coefficient was not entered.
Error:	Yarnell method was selected but no piers were entered.
Error:	Coefficient for full pressure flow was not entered.
Error:	Error - # 9
Error:	Error - # 10
Error:	Error - # 11
Error:	Error - # 12
Error:	Error - # 13
Error:	Error - # 15
Error:	Error - # 17
Error:	Error - # 18
Error:	Error - # 19
Error:	Error - # 20
Error:	Error - # 23
Error:	Error - # 24
Error:	Error - # 30
Warning:	User defined rating curve had to be extrapolated in order to obtain a starting water surface elevation
	for the given flow.
Warning:	The energy equation could not be balanced within the specified number of iterations. The program
	used critical depth for the water surface and continued on with the calculations.
Warning:	The energy equation could not be balanced within the specified number of iterations. The program
	selected the water surface that had the least amount of error between computed and assumed
	values.
Warning:	Multiple water surfaces were found that could balance the energy equation. The program selected
	the water surface whose main channel velocity head was the closest to the previously computed
	cross section.
Warning:	The cross-section end points had to be extended vertically for the computed water surface.
Warning:	The velocity head has changed by more than 0.5 ft (0.15 m). This may indicate the need for
	additional cross sections.
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Warning:	During the standard step calculations, the final energy answer that was computed is less than the
	downstream energy. This is not physically possible. Please check your data.
Warning:	Critical depth could not be determined within the specified number of iterations. The program used
	the iteration with the lowest energy.
Warning:	The cross section had to be extended vertically during the critical depth calculations.
Warning:	During supercritical flow calculations a junction was encountered. During standard step calculations
	the program used the stream with the greatest momentum to balance the energy equation.
Warning:	The flow regime calculated by the momentum equation shows class B flow. For the best solution, this
	profile should be run as a mixed flow problem.
Warning:	The calculated upstream energy is less than the downstream energy based on the user selected
	bridge method. The program defaulted to a pure energy solution in order to solve this problem.
Warning:	The Yarnell method gave an invalid answer. The upstream energy was less than the downstream
	energy. The program defaulted to the next valid (user selected) method. If the Yarnell method was
	the only one selected, the program will default to an energy based solution.
Warning:	Momentum balance could not converge within 100 trials during bridge computations. The program
	used the trial with the minimum error.
Warning:	The program cannot perform supercritical flow through multiple culverts. The program sets the water
	surface to critical depth at the downstream end of the culverts and continues on.

HENDERSON GRADE

Errors Warnings and Notes for Plan : Imported Pla (Continued)

Warning:	Normal depth could not be obtained within the specified tolerance after 30 trials. The program
	assumed a normal depth equal to the iteration that had the minimum error.
Warning:	Culvert critical depth did not converge.
Warning:	Class B flow has occurred at the bridge during the supercritical calculations. For the best solution this
	profile should be run in mixed flow regime.
Warning:	Momentum balance could not converge within 100 trials during flow junction calculations. The
	program used the trial with the minimum error.
Warning:	Pressure flow using the sluice gate equation could not converge within the maximum allowable trials.
Warning:	Pier drag coefficient of 2.0 assumed for Class B flow.
Warning:	Slope too shallow for slope area to converge during supercritical flow calculations (normal depth is
	above critical depth). Water surface set to critical depth.
Warning:	During subcritical analysis, with the exit loss set =1.0, the projected WSEL in culvert has a lower
	energy than the downstream energy. Most likely, the downstream cross section blocks part of the
	culvert or the ineffective area is set too far in. Instead of projecting the WSEL, the program did an
	energy balance to get the WSEL inside the culvert at the downstream end.
Warning:	During the supercritical pass of a mixed flow run, the momentum equation indicates that a hydraulic
	jump is occuring at the bridge. The program defaulted to the subcritical answer upstream of the
	bridge.
Warning:	The pure energy/weir calculations did not converge within the given number of iterations.
Warning:	The Yarnell/weir calculations did not converge within the given number of iterations.
Warning:	The pressure flow/weir calculations did not converge within the given number of iterations.
Warning:	The sluice gate calculations did not converge during the pressure flow only calculation.
Warning:	The sluice gate calculations did not converge during pressure/weir flow calculations.
Warning:	The pressure flow only method gave an invalid answer. The upstream energy was less than the
	downstream energy. The program defaulted to an energy based solution.
Warning:	The parabolic search method failed to converge on critical depth. The program will try the cross
	section slice/secant method to find critical depth.
Warning:	The momentum calculations at the junction produced a lower upstream energy than downstream.
	Upstream energy set to the downstream energy.
Warning:	During the supercritical standard step calculations, the final energy answer that was computed is
	greater than the upstream energy. This is not physically possible. Please check your data.
Warning:	During subcritical analysis, the program could not converge on an answer during culvert and weir
	flow iterations (all of the flow is going over the weir). Reduce the weir flow coefficient to get a more
	realistic answer.
Warning:	The multiple opening solution failed to converge. The program used the solution with the least error.
Warning:	The inline weir solution failed to converge. The program used the solution with the least error.
Warning:	During the supercritical analysis, the program could not balance the energy equation during the
	forewater calculations inside of the culvert. The program assumed critical depth at the outlet and
	continued on.
Warning:	During supercritical flow in the culvert, a comparison of the energy at the outlet to the energy at
	critical depth in the downstream cross section reveals that a supercritical answer is not possible. The
	downstream cross section has defaulted to critical depth. For best results, this profile should be run in
	a mixed flow regime.
Warning:	During supercritical calculations, the culvert inlet depth is at or above critical depth and the culvert
	slope is mild. The outlet depth has defaulted to critical depth. For best results, this profile should be
	run in a mixed flow regime.
Warning:	During supercritical calculations, the culvert inlet is submerged and the energy in the cross section
	upstream of the culvert is above the road. This indicates that there may be flow over the road.
	Since the program cannot calculate weir flow when there is supercritical flow through the culvert, the
	program sets the culvert inlet to critical depth and continues on. If the program is in supercritical only
	mode, try running it in mixed mode.

Errors Warnings and Notes for Plan : Imported Pla (Continued)

Warning:	The junction momentum weight force is very large. It may be advisable to turn the weight flag off.
Warning:	The junction momentum weight force was very large. Due to the large value of the weight force, the
	program ignored the weight force during the momentum calculations.
Warning:	The flow through the culvert is supercritical. However, since there is flow over the road (weir flow),
	the program cannot determine if the downstream cross section should be subcritical or supercritical.
	The program used the downstream subcritical answer, even though it may not be valid.
Warning:	The program cannot perform supercritical flow through an inline weir. The program sets the water
	surface to critical depth at the downstream cross section and continues on.
Warning:	The water surface upstream of the bridge computed by the Yarnell method was below critical depth.
	The Yarnell solution has been disregarded.
Warning:	There was not enough momentum to compute a supercritical answer through the bridge. The
	momentum answer has been disregarded.
Warning:	Global ice convergence criteria for this wide river jam was not satisfied. However, the convergence
	criteria was satisfied at this cross section.
Warning:	The global convergence criteria for this wide ice jam was NOT satisfied at this cross section.
Warning:	The encroachment extends past the centerline of this bridge opening. The bridge has been turned
	off and this opening has no flow.
Warning:	The encroachment extends past the centerline of [all] the culvert(s). The culvert group has been
	turned off and this opening has no flow.
Warning:	#92
Warning:	#93
Warning:	#99
Warning:	#104
Warning:	#105
Warning:	#107
Warning:	#108
Warning:	#109
Warning:	#110
Warning:	#113
Warning:	#114
Warning:	#120
Note:	Yarnell answer is not valid if the water surface is above the low chord or if there is weir flow. The
	Yarnell answer has been disregarded.
Note:	During subcritical analysis, the water surface at the outlet was below critical depth and the culvert is
	steep. Therefore, the inlet will be at critical depth.
Note:	During subcritical analysis, the water surface at the outlet was within 0.01 feet of normal depth.
	Therefore, the inlet will be at normal depth.
Note:	The water surface computed by the sluice gate equation (during pressure/weir calculations) is below
	the physical low chord of the bridge.
Note:	The momentum method has computed a class B profile.
Note:	The energy method has computed a class B profile.
Note:	During supercritical analysis, the culvert direct step method went to normal depth. The program then
	assumed normal depth at the outlet.
Note:	The downstream water surface is below the minimum elevation for pressure flow. The sluice gate
	equations were used for pressure flow.
Note:	The downstream water surface is above the minimum elevation for pressure flow. The orifice
	equations were used for pressure flow.
Note:	For the cross section inside the bridge at the downstream end, the water surface and energy have
	been projected from the downstream cross section. The selected bridge modeling method does not
	compute answers inside the bridge.
Note:	For the cross section inside the bridge at the downstream end, the energy is based on critical depth

Errors Warnings and Notes for Plan : Imported Pla (Continued)

	over the weir. The water surface has been projected.
Note:	Pressure/weir flow was attempted because the energy, low flow method was high enough.
	However, the pressure/weir flow answer was below the low chord. Therefore, the pressure/weir
	answer is not valid.
Note:	For this profile, the culvert does not have any flow.
Note:	The user has entered known energy, a known water surface, or a change in water surface.
	Therefore, no hydraulic properties were computed through the bridge.
Note:	The user has entered known energy, a known water surface, or a change in water surface.
	Therefore, no hydraulic properties were computed through the multiple opening.
Note:	For this culvert, the inlet control energy answer is based on a look-up chart. Since the value
	exceeded the chart, the answer was determined by extrapolating form the last two points in the table.
Note:	The maximum under ice flow velocity criteria exceeded for this cross section. The ice thickness was
	adjusted to reduce the flow velocity.
Note:	Calculated wide river ice jam thickness is less than user specified minimum ice thickness at this cross
	section. Wide river ice jam thickness set to user minimum.
Note:	#53
Note:	#54
Note:	#60
Location:	River: Popash Creek Reach: Main Stem RS: 23.2 Profile: 25-year
Warning:	Divided flow computed for this cross-section.
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 23.1 Profile: 25-year
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 20.4 Profile: 25-year
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 20.25 Profile: 25-year Culv: Žp—A SEDGE FIELD
Error:	The elevation of the cross section needed to be extended. Doubling the height of the cross section
	four times was not sufficient. The cross section should be examined and coded to a new height
Error:	Weir coefficient was not entered.
Error:	Yarnell pier coefficient was not entered.
Error:	Drag pier coefficient was not entered.
Error:	Yarnell method was selected but no piers were entered.
Error:	Error - # 8
Error:	Error - # 9
Error:	Error - # 12
Error:	Error - # 19
Error:	Error - # 20
Error:	Error - # 23
Error:	Error - # 24
Error:	Error - # 30
Warning:	Slope-Area method could not converge on a starting water surface elevation within the specified
	number of trials. The program used critical depth as the starting water surface.
Warning:	The energy equation could not be balanced within the specified number of iterations. The program
	selected the water surface that had the least amount of error between computed and assumed
	values.
Warning:	The velocity head has changed by more than 0.5 ft (0.15 m). This may indicate the need for
	additional cross sections.
Warning:	During the standard step calculations, the final energy answer that was computed is less than the

Errors Warnings and Notes for Plan : Imported Pla (Continued)

	downstream energy. This is not physically possible. Please check your data.
Warning:	Critical depth could not be determined within the specified number of iterations. The program used
	the iteration with the lowest energy.
Warning:	The Yarnell method gave an invalid answer. The upstream energy was less than the downstream
	energy. The program defaulted to the next valid (user selected) method. If the Yarnell method was
	the only one selected, the program will default to an energy based solution.
Warning:	Momentum balance could not converge within 100 trials during bridge computations. The program
	used the trial with the minimum error.
Warning:	The program cannot perform supercritical flow through multiple culverts. The program sets the water
	surface to critical depth at the downstream end of the culverts and continues on.
Warning:	Normal depth could not be obtained within the specified tolerance after 30 trials. The program
	assumed a normal depth equal to the iteration that had the minimum error.
Warning:	Culvert critical depth did not converge.
Warning:	During subcritical analysis, the iterative procedure for determining the depth just inside the culvert at
	the downstream end failed to converge (the procedure iterates to find an energy grade inside the
	culvert that equals the energy grade outside of the culvert plus the exit loss).
Warning:	Class B flow has occurred at the bridge during the supercritical calculations. For the best solution this
	profile should be run in mixed flow regime.
Warning:	Pressure flow using the sluice gate equation could not converge within the maximum allowable trials.
Warning:	During subcritical analysis, with the exit loss set =1.0, the projected WSEL in culvert has a lower
	energy than the downstream energy. Most likely, the downstream cross section blocks part of the
	culvert or the ineffective area is set too far in. Instead of projecting the WSEL, the program did an
	energy balance to get the WSEL inside the culvert at the downstream end.
Warning:	During the supercritical pass of a mixed flow run, the momentum equation indicates that a hydraulic
	jump is occuring at the bridge. The program defaulted to the subcritical answer upstream of the
	bridge.
Warning:	The Yarnell/weir calculations did not converge within the given number of iterations.
Warning:	The pressure flow/weir calculations did not converge within the given number of iterations.
Warning:	The sluice gate calculations did not converge during the pressure flow only calculation.
Warning:	During the supercritical standard step calculations, the final energy answer that was computed is
	greater than the upstream energy. This is not physically possible. Please check your data.
Warning:	During subcritical analysis, the program could not converge on an answer during culvert and weir
	flow iterations (all of the flow is going over the weir). Reduce the weir flow coefficient to get a more
	realistic answer.
Warning:	The multiple opening solution failed to converge. The program used the solution with the least error.
Warning:	The inline weir solution failed to converge. The program used the solution with the least error.
Warning:	During the supercritical analysis, the program could not balance the energy equation during the
	forewater calculations inside of the culvert. The program assumed critical depth at the outlet and
	continued on.
Warning:	During the supercritical analysis, the program could not complete the forewater calculations through
	the culvert within the given number of iterations. The program used normal depth at the outlet and
	continued on.
Warning:	Since the culvert has supercritical flow, the program should be run in mixed flow in order to check if
	the cross section downstream of the culvert has supercritical flow.
Warning:	During supercritical flow in the culvert, a comparison of the energy at the outlet to the energy at
	critical depth in the downstream cross section reveals that a supercritical answer is not possible. The
	downstream cross section has defaulted to critical depth. For best results, this profile should be run in
	a mixed flow regime.
Warning:	During the supercritical analysis, there was not enough energy for supercritical flow going into the
	culvert. The program assumed critical depth at the inlet.
Warning:	During the supercritical analysis, the program could not converge on supercritical flow going into the

Errors Warnings and Notes for Plan : Imported Pla (Continued)

	culvert. The program used the answer with the least error.
Warning:	During supercritical calculations, the culvert inlet depth is at or above critical depth and the culvert
	slope is mild. The outlet depth has defaulted to critical depth. For best results, this profile should be
	run in a mixed flow regime.
Warning:	During supercritical calculations, the culvert inlet is submerged and the energy in the cross section
	upstream of the culvert is above the road. This indicates that there may be flow over the road.
	Since the program cannot calculate weir flow when there is supercritical flow through the culvert, the
	program sets the culvert inlet to critical depth and continues on. If the program is in supercritical only
	mode, try running it in mixed mode.
Warning:	During momentum compuations at the bridge, the upstream energy was computed lower than
	downstream energy. This is not physically possible, try turning the momentum weight force off.
Warning:	The program cannot perform supercritical flow through a multiple opening. The program sets the
	water surface to critical depth at the downstream cross section and continues on.
Warning:	The bridge momentum weight force was very large. Due to the large value of the weight force, the
	program ignored the weight force during the momentum calculations.
Warning:	The water surface upstream of the bridge computed by the Yarnell method was below critical depth.
	The Yarnell solution has been disregarded.
Warning:	There was not enough momentum to compute a supercritical answer through the bridge. The
	momentum answer has been disregarded.
Warning:	Global ice convergence criteria for this wide river jam was not satisfied. However, the convergence
	criteria was satisfied at this cross section.
Warning:	The global convergence criteria for this wide ice jam was NOT satisfied at this cross section.
Warning:	The encroachment extends past the centerline of this bridge opening. The bridge has been turned
	off and this opening has no flow.
Warning:	#95
Warning:	#96
Warning:	#98
Warning:	#99
Warning:	#101
Warning:	#103
Warning:	#109
Warning:	#110
Warning:	#113
Warning:	#114
Warning:	#120
Note:	Hydraulic jump has occurred between this cross section and the previous upstream section.
Note:	Momentum answer is not valid if the water surface is above the low chord or if there is weir flow. The
	momentum answer has been disregarded.
Note:	During subcritical analysis, the culvert direct step method, the solution went to normal depth.
Note:	The energy method has computed a class B profile.
Note:	During supercritical analysis, the culvert direct step method went to normal depth. The program then
	assumed normal depth at the outlet.
Note:	The downstream water surface is below the minimum elevation for pressure flow. The sluice gate
	equations were used for pressure flow.
Note:	The downstream water surface is above the minimum elevation for pressure flow. The orifice
	equations were used for pressure flow.
Note:	For the cross section inside the bridge at the downstream end, the water surface and energy have
	been projected from the downstream cross section. The selected bridge modeling method does not
	compute answers inside the bridge.
Note:	For the cross section inside the bridge at the downstream end, the energy is based on critical depth
	over the weir. The water surface has been projected.

Errors Warnings and Notes for Plan : Imported Pla (Continued)

Note:	For the cross section inside the bridge at the downstream end, the water surface and energy are
	based on critical depth over the weir.
Note:	The culvert inlet is submerged and the culvert flows full over part or all of its length. Therefore, the
	culvert inlet equations are not valid and the supercritical result has been discarded. The outlet
	answer will be used.
Note:	The user has entered an additional headloss for this cross section.
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Note:	The user has entered a known water surface elevation at this cross section.
Note:	For this profile, the bridge opening does not have any flow.
Note:	The maximum under ice flow velocity criteria exceeded for this cross section. The ice thickness was
	adjusted to reduce the flow velocity.
Note:	Calculated wide river ice jam thickness is less than user specified minimum ice thickness at this cross
	section. Wide river ice jam thickness set to user minimum.
Note:	#53
Note:	#54
Note:	#60
Location:	River: Popash Creek Reach: Main Stem RS: 20.2 Profile: 25-year
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 20.1 Profile: 25-year
Warning:	The energy loss was greater than 1.0 ft (0.3 m). between the current and previous cross section.
	This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 19 Profile: 25-year
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Warning:	The energy loss was greater than 1.0 ft (0.3 m). between the current and previous cross section.
	This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 18 Profile: 25-year
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Warning:	The energy loss was greater than 1.0 ft (0.3 m). between the current and previous cross section.
	This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 17 Profile: 25-year
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Warning:	The energy loss was greater than 1.0 ft (0.3 m). between the current and previous cross section.
	This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 16 Profile: 25-year
Warning:	The energy loss was greater than 1.0 ft (0.3 m). between the current and previous cross section.
	This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 15 Profile: 25-year
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Warning:	The energy loss was greater than 1.0 ft (0.3 m). between the current and previous cross section.
	This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 14 Profile: 25-year
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 12 Profile: 25-year
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7

Errors Warnings and Notes for Plan : Imported Pla (Continued)

	or greater than 1.4. This may indicate the need for additional cross sections.
Warning:	The energy loss was greater than 1.0 ft (0.3 m). between the current and previous cross section.
	This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 11.3 Profile: 25-year
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Popash Creek Reach: Main Stem RS: 11.25 Profile: 25-year Upstream
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Popash Creek Reach: Main Stem RS: 11.25 Profile: 25-year Downstream
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Popash Creek Reach: Main Stem RS: 11.2 Profile: 25-year
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Popash Creek Reach: Main Stem RS: 10.3 Profile: 25-year
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Popash Creek Reach: Main Stem RS: 10.25 Profile: 25-year Upstream
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Popash Creek Reach: Main Stem RS: 10.25 Profile: 25-year Downstream
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Popash Creek Reach: Main Stem RS: 10.2 Profile: 25-year
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Popash Creek Reach: Main Stem RS: 9 Profile: 25-year
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 8.3 Profile: 25-year
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Popash Creek Reach: Main Stem RS: 8.25 Profile: 25-year Upstream
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Popash Creek Reach: Main Stem RS: 8.25 Profile: 25-year Downstream
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Popash Creek Reach: Main Stem RS: 8.2 Profile: 25-year
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Popash Creek Reach: Main Stem RS: 7.4 Profile: 25-year
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 7.3 Profile: 25-year
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy

Errors Warnings and Notes for Plan : Imported Pla (Continued)

	was used.
Location:	River: Popash Creek Reach: Main Stem RS: 7.2 Profile: 25-year
Note:	Multiple critical depths were found at this location. The critical depth with the lowest, valid, energy
	was used.
Location:	River: Popash Creek Reach: Main Stem RS: 7.1 Profile: 25-year
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 5 Profile: 25-year
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 3 Profile: 25-year
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.
Location:	River: Popash Creek Reach: Main Stem RS: 2 Profile: 25-year
Warning:	The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7
	or greater than 1.4. This may indicate the need for additional cross sections.

LEE COUNTY
SOUTHWEST FLORIDA

DEPARTMENT OF COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

SUFFICIENCY CHECKLIST FOR PLANNED DEVELOPMENTS, AMENDMENTS, AND EXISTING DEVELOPMENTS REQUESTING PLANNED DEVELOPMENT ZONING

PROJECT NAME:	HERITAGE CREEK RPD	CASE #:	DCI2001-00038
REQUEST:	Rezone to Planned Development	DATE OF REVIEW:	11/7/01
REVIEWED BY:	Kay Deselem	SUFFICIENCY DETERMINATION:	INSUFFICIENT
X	MAJOR PLANNED DEVELOPMENT		EXISTING DEVELOPMENT
	MINOR PLANNED DEVELOPMENT		AMENDMENT

LEGEND:

OK - Requirement satisfied
N/A - Not applicable
REF - Referred to another agency for review
X - Requirement not satisfied
RW - Requirement waived by director

PART II GENERAL INFORMATION

1. The legal description is not sufficient. Jerry Murphy has the following questions:

   Has the director exercised her 34-201(b)(1) discretion to allow this application to cover the three non-abutting properties included in this application (Parcels A, B, and C)?

   What are the respective acreages for these parcels and how were they calculated, particularly with regard to the centerlines of the creeks and less and except parcel?

   Please provide 10- 8.5 x 11 sealed copies of the legal description prepared by Banks Engineering to accompany the survey, suitable for recording, including individual parcel acreages and overall aggregate acreage.

   PAGIS shows a number of easements encumbering the property, e.g. Rich Road. The survey notes that the parcel is "subject to easements, rights-of-way, restrictions and reservations of record."Please revised the survey accordingly to show the all existing "easements, rights-of-way, restrictions and reservations" encumbering the property. The Surveyor's note may then be removed. No opinion of title or other confirmation of ownership has been provided for county review, and the possibility of these easements without disclosure in the application raises the question of ownership suggesting that such document(s) be provided.

   Please contact Mr. Murphy with questions.

2. Staff has reviewed the explanation that you have provided regarding the separation distances from proposed uses in this project to adjacent development. No detail has been provided to explain the statements. For example, you state that "development is set back approximately 1,300 feet from the project boundary." No structures are shown on the MCP, so staff does not understand the statements regarding setbacks. The proposed Property Development Regulations Table only proposes a 20 foot rear setback for the clubhouse. The current MCP configuration appears to show that buildings could be within approximately 200 feet of a property line, not the 1,300 feet noted in the explanation.

Brookes
EXHIBIT # 16 17
DCI2001-00038

PART IV PROPOSED DEVELOPMENT

Questions about the Master Concept Plan (and Attachments)

The configuration for the "Existing STP" have changed. Part of the boundary of this use have been eliminated. Please correct.

It is not clear whether this STP is within the confines of this project. The legal description does not include it. Please make the issue more clear on the MCP by noting that the STP is NOT a part of the request.

Please explain the different between the R-1 and R-2 designations. R-2 proposed to have all uses allowed in R-1 PLUS multi-family buildings. What is the difference? R-1 also proposed multi-family dwelling units.

The proposed height in the different Tracts is not clear. The Property Development Regulations Table indicates that multi-family uses would not exceed 55 feet/4 stories. The MCP indicates that these buildings could go up to 60 feet in height.

Please provide both sizes of the MCP as required in LDC Section 34-373(a)6.

The revised MCP includes the note, "This tract may have internal water management areas." Please show wet retention areas for ALL tracts as required by LDC Section 34-373(a)6.i.

The application, on page 8, indicates that you have done the preliminary calculations for cuts and fills. Please provide the information.

The revised MCP shows a triangular parcel at the intersection of Pritchett Parkway and Leetana Road that was not included in previous versions. The parcel is noted as "Alternative entry sign location." Please explain. Alternative to what? Please provide detail about the proposed sign.

Please provide property development regulations for uses within Tract K. Please show the proposed buildings in the Recreational Facility area.

As we discussed, the MCP needs to provide some level of detail regarding the proposed uses for Tract K. Staff cannot ascertain whether the "no buffer required" statement on the MCP is correct because none of the uses are shown and no property development regulations for the list of uses has been submitted.

What parameters are proposed for the maintenance facility? Where will it be located?

Where will the Club, private be located?

Where are the "multi-purpose fields" going to be located? What are they? The MCP already includes soccer fields and baseball fields. What is left?

The same question arises in "multi-purpose courts." Tennis courts, shuffleboard courts and bocce courts are already being sought. What is left? Where will they be? How many will there be?

The MCP indicates that Tract K consists of 36 acres. Does that acreage include the existing lake along Pritchett Parkway? It appears that separate calculations are provided for water management areas, and the lake is not included. This raises another question. Please show the water upon which the water related uses in Tract K will be done. Fishing

piers, boat docks and an aqua range are proposed. Please show the water areas or adjust the MCP.

The Tract Information on the MCP does not specify where the townhouses, and two family units will be located or how many of these uses there will be.

The Tract Information does not appear to agree with the "Master List of Uses for the Entire Development" document.

The Tract Information on the MCP indicates that there could be a maximum of 1,016 multi-family units while the Master List of Uses for the Entire Development" document indicates that there will be a maximum of 330 multi-family dwelling units. Please rectify.

The MCP shows a typical Single Family Attached Lot. There is no such dwelling unit sought nor defined in the LDC. Please relabel this as a Two Family Attached Lot.

Please add townhouse and multi-family units to the typicals that are shown.

Please amend the typicals that are shown to show the proposed setbacks for each type unit.

The "Park" designation has not been removed form the Schedule of Uses as is claimed in the 9/16/01 letter. Please remove it.

Please provide the maintenance facility limitations noted in the 9/16/01 letter on the MCP.

Please show the traffic circulation within Tract K to accommodate the uses.

Attachment 1, the proposed Schedule of Uses, still includes references to the "Park" in the Recreational Facilities area. Since this area not longer exists the Park designation should be removed.

Deviations

Deviation #7 justification still references a golf course. Since there is no golf course in this project anymore, the deviation is no longer valid. Please explain the statement "Environmental considerations are also addressed in the conditions." What conditions?

The details regarding Deviation #9 have not been provided in response to staff's questions. Staff will not support this deviation based upon lack of specific detail and errors in the deviation request, i.e., there is no Tract M for which this deviation seeks relief.

The justification for Deviation #12 is no longer correct. It states there is only one multi-family tract, however there are now several areas where multi-family uses are proposed. Please correct.

The photo referenced in the 9/16/01 memo regarding the sign deviation was not attached.

To avoid confusion, please coordinate the project name in all documents. In some places this project is referred to as Heritage Creek, while in other documents the project is called Stoneybrook North.

Water Management Issues It is my understanding that there are still unanswered questions with Brad Vance regarding surface water management issues. Until that information is received and reviewed, this project cannot go forward. Please contact Mr. Vance.

Draft in process 6/3/03

LEE COUNTY, FLORIDA

DEVELOPMENT SERVICES DIVISION

REVISED STAFF REPORT

TYPE OF CASE: PLANNED DEVELOPMENT/DCI

CASE NUMBER: DCI 2001-00038

HEARING EXAMINER DATE: December 11, 2002

I. APPLICATION SUMMARY:

A. Applicant: U. S. Home Corporation in ref to Heritage Creek (aka Stoneybrook)

B. Request: Rezone from AG-2, CPD, & RVPD to RPD to permit the development of 1,525 residential units including a mixture of single-family, duplex, townhouse, two-family attached and multi-family units all not to exceed 35 feet in height.

C. Location: The subject property is located on Pritchett Parkway (in the northeast quadrant of the intersection of I-75 and Bayshore Blvd.), in S15, 16 & 21-T43S-R25E, Lee County, FL. (District #4)

D. Land Use Plan Designation: Outlying Suburban and Wetlands

E. Surrounding Land Use:

Existing Zoning & Land Use	Future Land Use Map
North: AG-2 developed with single family uses.	Open Lands and Density Reduction/Groundwater Resource
East: AG-2 and RS-1 vacant land and developed single family residential uses	Outlying Suburban
South: Leetana Drive, Pritchett Parkway AG-2, RV-3, RS-1 vacant land and developed single family residential uses	Outlying Suburban
West: AG-2, AG-3 developed with single family residential	Outlying Suburban

F. Size of Property: 741.22± acres

Bracco's EXHIBIT # 12
DCI 2001-00038

II. RECOMMENDATION:

Staff recommends **denial** of the Applicant's request for rezoning from AG-2 to RPD.

A. Conditions

1. The development of this project must be consistent with the one page Master Concept Plan entitled "Stoneybrook North," prepared by WilsonMiller, dated October 10, 2001, and stamped received at the zoning counter on April 7, 2003, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

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

a. Schedule of Uses

Administrative Offices
Accessory uses and structures
Club, Private (Limited to Tract K)
- Food and beverage service, limited
- Health Club and Spa
- Parking lot, accessory
- Rental or leasing establishment, Group I, limited to bicycles, tennis rackets and other small equipment for use by members of the private club

Specialty Retail Shop, Group I
Dwelling Unit:
- Conventional Single Family Residence
- Townhouse
- Two family attached
- Multiple Family Building (limited to Tract R-2)

Entrance Gate and Gatehouse, in compliance with LDC Section 34-1749
Essential Services
Essential Service Facilities, Group I
Excavation, water retention
Fences, walls
Golf Driving Range - Aqua Range (Limited to Tract K)
Home occupation
Model Home, Model Unit
Real Estate Sales Office (limited to Tract K and limited to the sale of lots or units within the development only)
Recreation Facilities, Personal
Recreation Facilities, Private on-site
- Parking lot, accessory

Residential Accessory Uses

Signs, in compliance with LDC Chapter 30 except as approved by deviation
Temporary uses (LDC Section 34-3041)

b. Site Development Regulations

~~See Attachment ——~~

3. The total density for the Stoneybrook North Development may not exceed 1.5 units per acre.

4. Any and all existing easements must be reflected on the proposed Master Concept Plan and incorporated into the design of the proposed development unless the existing easements are vacated in accordance with adopted county procedures.

5. The Master Concept Plan must be revised to incorporate facilities for equestrian trails.

6. The Master Concept Plan must be revised to incorporate a recreational area within the northern portion of the project. The recreational area must include at a minimum, one (1) tennis court, a playground, swimming pool and picnic area. Facilities for the safe passage of pedestrians cyclists from one side of Pritchett Parkway to the other as determined by the Director of Development Services at the time of local development order submittal must be provided

7. No residential lot lines may be located within 250 feet of the existing High Point sewage treatment plant property lines. In addition, a thirty-six foot wide buffer including a six - eight foot high berm must be placed along the perimeter of the High Point sewage treatment plant property lines excluding the easement which provides access to the plant. Plantings on the berm must include ten trees per hundred linear feet, five of which must be located on top of the berm and five of which must be located on the berm slope facing the residential development. Additional plantings must include 48 inch high shrubs planted 48 inches on center on top of the berm, and 3 gallon shrubs planted 3 foot on center over 50% of the berm slope on the residential side

Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff makes the following findings and conclusions:

1. The applicant has ~~not~~ proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.

2. The requested zoning as conditioned:

a) does not meet or exceed all performance and locational standards set forth for the potential uses allowed by the request;

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

c) is incompatible with existing or planned uses in the surrounding area; and

d) will adversely affect environmentally critical areas or natural resources.

3. Approval of the request may place an undue burden upon existing transportation or planned infrastructure facilities and the site may be served by streets with the capacity to carry traffic generated by the development.

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

5. The proposed use or mix of uses is in-appropriate at the subject location.

Deviations

Deviation # 1 is withdrawn.

Deviation # 2 is withdrawn.

Deviation 3, from LDC Section 10-418 10-418(2)b which requires the installation of one native wetland herbaceous plant per linear foot of lake shoreline and where trees and shrubs can be substituted for up to twenty five percent of the total number of herbaceous plants required; to allow the required plantings to include up to fifty percent trees in the Tract K lake is approved subject to Condition # .

Deviation # 4 is withdrawn.

Deviation # 5 is withdrawn.

Deviation # 6 is withdrawn.

Deviation # 7 is a request to deviate from LDC Section 10-329)e)(4) which requires excavations to be sloped at four horizontal to one vertical to a water depth of four feet below the dry season water table and two horizontal to one vertical thereafter, to allow 40% of the lake bank slopes within the development to utilize vertical bulkheads and/or rip rap is approved subject to Condition # .

Deviation # 8, from LDC Section 10-259 which prohibits the placement of buildings or structures within easements where the placing of buildings or structures within the easement is contrary to the terms of the easement or interferes with the use of the easement; to allow the placement of buildings or structures within easements limited to roof overhangs is denied.

Deviation # 9, from LDC Section 34-2020(1)c which requires minimum parking for multiple family buildings based on the number of bedrooms within each unit; to allow 1.25 spaces for all bedroom types with an additional 10 percent for guest parking is **denied.**.

Deviation # 10 is **withdrawn.**

Deviation # 11 is **withdrawn.**

Deviation # 12, from LDC Section 34-1954(a)(1) which requires administrative approval of locations for model homes in new developments; to allow model homes by right in any location within the development is **denied.**

Deviation # 13, from LDC Section 34-1954(f) which requires parking for model homes or model units to be located on the same premises and in compliance with the type of dwelling unit being displayed; to permit the development of accessory parking for model homes as low turnover and therefore permit development of these lots with alternative surfaces is **denied.**

Deviation # 14, from LDC Section 30-153(2)(a)(iv) which limits the text of additional subdivision or residential development identification signs to the subdivision or project name; to allow the additional signs for this project to include the notation "A US Home Community" in addition to the name of the development is **approved** subject to Condition # . The proposed project sign must be in substantial compliance with the rendering submitted in conjunction with the justification for Deviations 14 and 15 which was stamped received at Community Development on April 7, 2003.

Deviation # 15 seeks relief from LDC Section 30-152d2 which limits the size of project entrance signs and which limits the size and number of additional project signs to allow all of the permitted square footage for the number of permitted signs to be combined into the main project entrance sign and a deviation from LDC Section 30-94(h) which restricts double faced signs with opposing faces to an interior angle of less than 30 degrees; to allow the Heritage Creek project sign to have two sign faces of approximately 130 square feet in size and be located on a curvilinear wall is **approved** subject to Condition # .

Deviation # 16, from LDC Section 10-416(d)(6) which provides that if roads, drives, or parking areas are located less than 125 feet from an existing residential subdivision or residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet; to allow the two cul-de-sacs in Tract H and the short roadway segment in Tract E to be located and buffered as illustrated on the Master Concept Plan is **denied.**

III. BACKGROUND INFORMATION AND ANALYSIS:

Introduction/Synopsis

This is a request to rezone approximately 741.22± acres from AG-2, CPD, & RVPD to RPD to permit the development of ~~1,525~~ 1,475 dwelling units consisting of single-family, duplex, townhouse, two-family attached and multi-family units. The subject property is located in North Fort Myers east of Interstate 75 and north of Bayshore Road. The parcel is bisected by Pritchett Parkway and is contiguous to Bayshore and Popash Creeks at certain locations on its western and easterly boundaries respectively.

The project is being proposed around an existing Lee County utilities sewage treatment plant. The plan of development as proposed by the applicant includes project neighborhoods and streets contiguous to the property lines of the existing treatment plant. Staff had advised the applicant early in the process that the location of residential portions of this project in close proximity to the treatment plant was not acceptable. This proposal is contrary to the intent of the LDC to promote the health safety and welfare of the general public. It is also contrary to sound planning principals to plan residential uses near obnoxious and/or potentially hazardous uses. In addition, a design of this nature would precipitate complaints from future residents and may constrain the utility company from desired future development of its property. The applicant had requested that staff condition the proposed zoning on the removal of the sewage treatment plant operation. Staff does not agree and has taken the position that such a condition may result in an equitable estoppel claim in the future in addition to potentially compromising the ability of the utility company for future improvements or expansion of the existing site. The removal of an existing berm located on the subject parcel and separating an existing wetland area from the sewage treatment plant could potentially create a DEP compliance problem for Lee County utilities relative to the location of the existing percolation ponds and the referenced wetland.

After submitting the application for public hearing in this case, the developer held a public meeting and invited residents living in the area to receive information regarding the project. Concerns that were voiced by the residents included the proposed density, the potential for flooding, height of buildings and location of proposed multiple family units. The developer made some revisions to the plan which resulted in a reduction in height from 65 feet to 35 feet and a relocation of the proposed multiple family product internal to the project. This was a positive step by the developer in response to the concerns of affected residents. However, the other issues concerning density and potential flooding remain outstanding as of the writing of this staff report and will be addressed later in this report.

Subsequent to the release of the original staff report on November 2002, the applicant requested a continuance in this case. Further that applicant and their consultants held a meeting with the Director of Community Development , the Director of Zoning and other county staff members on January 30, 2003. It was agreed the applicant would submit a revised Master Concept Plan on or before February 17, 2003. Staff received the revised report on March 21, 2003. At the meeting Lee County Environmental Sciences staff indicated that they were accepting of the proposed revisions regarding existing flow ways and wetlands and the revisions would result in a finding of compliance with numerous policies of the Lee plan. ES staff also indicated at this time that they did not have any objection to the elimination

of the existing wetland area adjacent to the Pritchett Parkway drainage outfall. ES staff approved of the design of the project with respect to the incorporation of existing natural features of the site into the proposed development plan.

The applicant has met with Lee County Utilities staff and members of the County Attorneys regarding the High Point STP. It now appears as though the applicant has committed to purchase the existing plant. Regardless, Lee County Utilities has agreed to a minimum setback of 250 feet from the property lines of the existing plant to the property lines of any proposed residential lots within the development .Utilities staff has also indicated that this setback does not preclude the location of the proposed lakes as referenced on the Master Concept Plan.

Master Concept Plan

The proposed Master Concept Plan for the development is a one page document entitled "Stoneybrook" prepared by WilsonMiller dated October 10, 2001, and stamped received at Community Development on May 31, 2002. The subject parcel is divided into numerous development tracts labeled as Tracts A through L. The tracts are more specifically designated R-1 and R-2 permitting single family or multiple family uses respectively. The project is proposed as traditional neighborhoods developed on cul-de-sac streets extending from the main thoroughfare through the project (Pritchett Parkway) designed project consisting of. The project will incorporate numerous water features, wetland and upland conservation areas and created wetland areas. A community recreational facility including a lake and encompassing approximately 49 acres is also proposed adjacent to Pritchett Parkway.

As a basis of the staff recommendation for denial of the applicants request, it should be noted that the proposed Master Concept Plan represents a development plan that may not be achievable and as such, staff is precluded from making a recommendation which could potentially result in approval of this Master Concept Plan by the Board of County Commissioners. Reasons supporting this recommendation will be expounded on throughout this report.

The revised Master Concept Plan included changes to the roadway adjacent to Tract K which was relocated to avoid some existing gopher tortoise burrows. The total number of dwelling units was reduced to 1,475 and multiple family units was limited to a maximum of 250. Tracts L1 and L2 were reconfigured in an effort to incorporate more vegetation in the upland conservation area adjacent to Popash Creek as requested by Lee County Environmental Staff. Incorporated a 50 foot wide between Tracts D, E, and H and the property boundary.

Lee Plan Consistency Analysis:

The Lee Plan strives to protect natural resources. In fact, one of the visions of the plan is that the County will protect its natural resource base in order to maintain a high quality of life for its residents and visitors. This is the second bullet in the Lee Plan's Vision statement. The statement provides that this will be accomplished through an aggressive public land acquisition program and by maintaining and enforcing cost-effective land use and environmental regulations that supplement, where necessary, federal, state, and regional regulatory programs. Staff recognizes the difference between permitting functions of those agencies versus sound planning principles and the fact that the Lee Plan is implemented thru County processes such as this through this planned development rezoning request.

Goal 1: Future Land Use Map and Residential Density

Staff notes that Goal 1 of the Future Land Use Element establishes the Future Land Use Map in part to protect natural resources. The subject parcel is located in the Outlying Suburban category according to the future land use map. As referenced in Policy 1.1.6 of the Lee Plan:

> *The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area in North Fort Myers east of I-75 and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre). (Amended by Ordinance 91-19)*

On its face, the proposed residential development and density is generally consistent with the intent of the Outlying Suburban land use category. However, it should be noted that the applicant is seeking the maximum allowable density for the subject site, while providing the minimum amount of preservation and open space areas. The requested total dwelling unit count includes approximately 41 dwelling units derived from the area within the abutting Pritchett Parkway right of way.

Portions of the subject parcel are also located in the Wetlands land use category. As referenced in Policy 1.5.1 of the Lee Plan:

> *Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 84 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan.*

~~The proposed residential development is generally inconsistent with the intent of the Wetlands land use category. The proposed MCP proposes approximately 5 acres of impact in wetlands. Existing wetlands associated with onsite flowways are being removed as a result of the project's design. Staff finds that the proposed development will adversely affect the ecological functions of on-site wetlands as several will be filled and impacted and thus the request is inconsistent with Policy 1.5.1 of the Lee Plan. Staff notes that the applicant is utilizing the density calculation methodology specified in Table 1(a) footnote 9(c). This footnote allows density to be generated from the wetlands at the same underlying density as the adjacent uplands, which have a cap of 2 dwelling units per acre. Thus the applicant is generating 130 dwelling units from the approximately 65 acres of onsite wetlands.~~

Goal 84 of the Lee Plan strives to protect the fragile ecological characteristics of wetland systems with a regulatory program that complements federal and state permitting processes. Objective 84.1 provides that "the natural functions of wetlands and wetland systems will be protected and conserved through the enforcement of the county's wetland protection regulations and the goals, objectives, and policies in this plan." Policy 84.1.1 reiterates that "Development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions." Staff notes that the proposed design eliminates wetlands that are part of onsite flowways. Staff finds that the proposal is inconsistent with the intent of Policy 84.1.1.

Policy 84.1.2, in part, acknowledges that the County will not undertake an independent review of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a DEP or SFWMD dredge and fill permit or exemption. Further, no development in wetlands regulated by the State of Florida will be permitted by Lee County without the appropriate state agency permit or authorization. Staff directs attention to the fourth numbered paragraph of Policy 84.1.2, which provides that "Every reasonable effort will be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. On- or off-site mitigation will only be permitted in accordance with applicable state standards." Staff finds that the applicant has failed to avoid impacts to wetlands such as the 3.3 acre fresh water marsh located along Pritchett Parkway. This fresh water marsh is a part of one of the onsite flowways and a portion of Pritchett Parkway currently drains through this flowway system to Popash Creek.

Surrounding Densities

Another issue is whether or not the density proposed by the applicant, 2 dwelling units per acre, is consistent and compatible with the existing density in the area. The property contiguous to the northern boundary of Heritage Creek is located within the Outlying Suburban, Open Lands and Density Reduction/Groundwater Resource (DR/GR) categories according to the Future Land Use Map of Lee County. The Open Lands category has a maximum allowable density of one unit per 10 acres while the DR/GR category has a maximum allowable density of one unit per 10 acres. There are two small lots at 1.5 acres

and 3.4 acres, with all additional properties abutting to the north being parcels of 5 or more acres in size.

Property to the east of the proposed development is in the "Outlying Suburban" Future Land Use category. There are two subdivisions, High Point Subdivision and Oakmont Subdivision, that have densities of 2.26 units per acre and 1.85 units per acre respectively. The remaining properties east of the proposed development are parcels that vary in size from a minimum of 3 acres to a maximum of 32 acres.

Property to the southeast of the proposed development is in the "Outlying Suburban" Future Land Use category. This area is made up of parcels ranging in size from 0.9 to 3 acres. Directly abutting the lake in the southern portion of the subject property is a campground zoned RV-3. The southern tip of the subject property (a 3.8 acre tract of land) and parcels to the east and west of that southern tip are in the "General Interchange" Future Land Use category. The General Interchange land use areas are intended to be developed primarily for commercial uses that serve the traveling public. Property to the southwest of the subject property, south of I75, is in the "Suburban" Future Land Use category.

Property to the west of the proposed development is in the "Outlying Suburban" Future Land Use category. There are two subdivisions, Hunters Glen and Colonial Pines, that have residential densities of 1.34 units per acre and 1.2 units per acre respectively. The remaining parcels west of the subject property range in size from 0.8 acres to 15 acres. Based on existing surrounding densities, staff finds that a proposed density of 2 units per acre, the maximum allowed in this Outlying Suburban area of the county, may not be appropriate during the redesign of the project. The subsequent design must be evaluated further on its individual merit.

Staff finds that based on the surrounding existing and proposed densities that a density range of 1 to 1.5 units per acre is consistent for this project.

Goal 2: Growth Management

The request is **inconsistent** with Objective 2.1 which promotes contiguous and compact growth patterns through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. The request essentially spreads development "pods" across the subject property while providing the minimum amount of open space and preservation areas and ignoring the natural features of the site. Staff finds that the request does not minimize energy costs, conserve land, water, and natural resources. These issues are discussed further in latter sections of this report.

Staff believes that the subject site will eventually be developed, in keeping with the intent of Policy 2.1.1. Policy 2.1.1 maintains that most residential, commercial, industrial, and

public development is expected to occur within the designated Future Urban Areas on the Future Land Use Map. That being the case, the central issue is the design of proposed development for the site and how best to accommodate natural features of the site while not exacerbating known flooding problems in the area.

Policy 2.1.2 provides that "new land uses will be permitted only if they are consistent with the Future Land Use Map and the goals, objectives, policies, and standards of this plan." Based on a complete comprehensive analysis of this project with respect to Lee Plan compliance, staff finds that the request is **inconsistent** with the Lee Plan and consequently the request is **inconsistent** with this policy of the Plan as well. Staff believes the proposed development should not be permitted under the current design proposal.

Policy 2.2.1 requires rezoning proposals to be evaluated as to the proximity and availability of infrastructure and compatibility. The subject property is located in the proposed expansion area of the North Fort Myers Utilities franchise for sanitary sewer service. The proposed expansion of this franchise area must be approved by the Public Service Commission. The subject property is located in the Lee County Utilities franchise for potable water service. Existing potable water lines are existing and are available to serve the proposed development. Fire protection will be provided by the Bayshore Fire District and police protection by the Lee County Sheriff's Department. Given the availability of on-site and off-site facilities, the development would be adequately served.

Goal 4: Development Design

Staff has provided an attachment (Attachment F) that provides the MCP, FLUCCS, and protected species information overlaid on a current aerial photograph. This attachment, as well as field observation, was utilized in the following proposed development design analysis. Staff will also provide further photographic and other graphic evidence at the hearing examiner public hearing.

Goal 4 of the Lee Plan seeks to maintain innovative land development regulations which encourage creative site designs and mixed use developments. Policy 4.1.1 encourages site designs to be well-integrated, properly oriented, and functionally related to the topographic and natural features of the site. Policy 4.1.1 is reproduced below:

> ***POLICY 4.1.1:*** *Development designs shall be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements.*

Staff believes that the design of the project is **inconsistent** with Policy 4.1.1. The subject property contains active drainage flowways that have not been incorporated into the design of the project. There are several tracts/uses within the subject property that do not

acknowledge the presence of historic flow of water through the property. Staff cites the following examples of elements of the design of the project that ignore historic flowways:

Tract G;
Tract I, and;
several adjacent proposed lakes.

There are additional examples on the proposed Master Concept Plan, aside from flowways, were the proposed development ignores natural features of the site. For example, the large wetland at the very southern end of Pritchett Parkway, on the west side of the road, contains a Temperate Hardwood Hammock. This hammock wraps around the northern and western side of this relatively large wetland (about 8 acres) area and the hammock contains about 1.9 acres (FLUCCS 425). Staff notes that this FLUCCS type typically occurs in a transitional area adjacent to wetlands and that this FLUCCS type is becoming quite rare in Lee County due to agricultural and development practices. The Florida Land Use, Cover and Forms Classification System Handbook (January 1999) describes 425 Temperate Hardwood as follows:

> *This forest cover type is often referred to as either low or temperate hammock. Common components of this community may include, depending upon the location, a wide variety of oaks, red bay, sweetbay, magnolia, sweetgum, sugarberry, hickories, cabbage palm, hollies and cedar. Various pines are minor associates.*

The MCP proposes to impact this hammock area with a road, lake and "wetland creation area." Staff notes that there are existing single family homes adjacent to the subject site in this location. Staff believes a more sensitive design is called for, one that would preserve the existing hammock. Staff believes the location of the hammock, at the edge of the subject site, is such that impacts to this area are avoidable and the retention of the hammock would help to buffer the neighboring single family homes.

~~The proposed location of the "main internal roadway" just north of the Recreational Facility area is another instance of the insensitivity of the proposed MCP regarding natural features of the site. As can be seen on attachment F, this roadway is planned through an area of concentrated gopher tortoise burrows in the 415 FLUCCS coded area. Staff finds that this aspect of the design is inconsistent with Policy 77.8.1. Policy 77.8.1 provides that it is the county's policy "to protect gopher tortoise burrows wherever they are found." The policy continues that "if unavoidable conflicts make on-site protection infeasible, then off-site mitigation may be provided in accordance with Florida Game and Fresh Water Fish Commission requirements." Staff believes that these impacts are avoidable. This roadway facility could be moved slightly to the west and avoid this concentration of burrows.~~

As noted previously, one of the adopted visions of Lee County is the protection of the County's "natural resource base in order to maintain a high quality of life for its residents and visitors." The Lee Plan recognizes that this must be accomplished by properly

managing indigenous ecosystems. Goal 77, Resource Protection, seeks "to manage the county's wetland and upland ecosystems so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics." Objective 77.1, Resource Management Plan, directs that "The county will continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydroecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape." Policy 77.1.1 charges County staff with "identifying upland and wetland habitats/systems most suitable for protection, enhancement, reclamation, and conservation."

The submitted design fails to adequately protect the natural resources located on the subject parcel. The design fails to assure that the hydroecological systems will be maintained. Staff notes that the proposed development design eliminates the onsite hydroecological systems, that being the flowway's and associated habitats. The proposed design eliminates two historic flowways. Staff acknowledges that these flowways have been altered in the past, but the flowways are still functioning and are in a naturalized state. Staff finds that the proposed development is inconsistent with Goal 77 and Objective 77.1.

The Lee Plan recognizes that the various plant communities of the County are natural resources that are worthy of protection. Objective 77.2, Plant Communities, provides that "Lee County will maintain and routinely update an inventory of natural plant communities and will protect at various suitable locations remnant tracts of all important and representative natural plant communities occurring within Lee County." Policy 77.2.3 seeks to "Prevent water management and development projects from altering or disrupting the natural function of significant natural systems." Staff finds that the design of the project is inconsistent with Policy 77.2.3 as the design fails to assure that the onsite hydroecological systems will be maintained.

~~Policy 77.2.6 seeks to "Avoid needless destruction of upland vegetation communities including coastal and interior hammocks through consideration during the site plan review process of alternative layouts of permitted uses." The proposed design essentially eliminates the existing temperate hardwood hammock and cabbage palm hammocks, such as within tracts L, G, A, and C. Staff finds that the submitted design is inconsistent with Policy 77.2.6.~~

Goal 40, Coordinated Surface Water Management and Land Use Planning on a Watershed Basis, seeks to protect or improve the quality of receiving waters and surrounding natural areas and the functions of natural groundwater aquifer recharge areas while also providing flood protection for existing and future development. Policy 40.1.3 directs project designs to incorporate, utilize, and where practical, restore natural surface water flow ways and associated habitats. Objective 41.2, Mimicking the Functions of Natural System, provides that Lee County supports "a surface water management strategy that relies on natural features (flow ways, sloughs, strands, etc.) And natural systems to receive and otherwise

manage storm and surface water." Policy 41.2.4 encourages surface water management plans to mimic the functions of natural systems. This plan of development does not utilize the natural drainage patterns of the property. Staff believes that the project should have been designed to better accommodate the flow ways even while still maintaining the same number of dwelling units. This could have been accomplished through the clustering of residential units, leaving the natural drainage pattern in tact. Staff finds that the proposed plan of development is inconsistent with the intent of Policy 4.1.1, Goal 40, Objective 41.2, Policy 40.1.3, and Policy 41.2.4. Staff utilized a variety of historical aerials (such as the 1958 aerials) as well as field observations to confirm the presence, locations, and extent of the flowways. Staff will provide this information at the hearing examiner public hearing.

The design of the project will totally replace the naturally functioning system, with a hardened engineered system. Policy 41.3.7 states that channelization of natural streams and rivers is prohibited and channelization of other natural watercourses is discouraged. Staff notes that the proposed design goes beyond channelization, as the design eliminates the onsite flowways or creeks. This design fails to minimize or avoid impacts to these systems. Staff finds that the proposed plan of development has not been shown to provide flood protection for existing and future development and is thus inconsistent with Goal 40.

Policy 41.3.6 states that developments will have and maintain an adequate surface water management system, and provide for acceptable programs for operation and maintenance, and post-development runoff conditions which reflect the natural surface water flow in terms of rate, direction, quality, hydroperiod, and drainage basin. The design of the project ignores the natural features of the site. The project is inconsistent with Policy 4.1.1 in that the overall plan of development is not sensitive to the topographic and natural features of the site.

Objective 39.1 provides that Lee County will continue its efforts in developing a surface water management planning process designed to produce and maintain an up-to-date body of technical information, and, based on that information, the necessary surface water management plans, regulatory mechanisms, and facility proposals that will improve the protection of present and future uses of real property from storm water flooding, while preserving or enhancing the environmental and natural resource values of both land and water. Staff finds that the proposal does not improve the protection of present and future uses of real property from storm water flooding, while preserving or enhancing the environmental and natural resource values of both land and water. In fact, the proposal impacts much of the environmental and natural resources of the site.

Policy 39.1.5 requires that the county will, through appropriate land use and engineering regulations, continue to control the introduction of obstructions or impediments within floodways. (Amended by Ordinance No. 94-30, 00-22). The proposed project is inconsistent with this policy.

Policy 40.3.1 adopts surface water management standards as minimum acceptable levels of service for unincorporated Lee County (see Policy 70.1.3). Policy 40.3.1.D is reproduced below:

> *D. Regulation of Private and Public Development*
>
> *Surface water management systems in new private and public developments (excluding widening of existing roads) must be designed to SFWMD standards (to detain or retain excess storm water to match the predevelopment discharge rate for the 25-year, 3-day storm event [rainfall]). Storm water discharges from development must meet relevant water quality and surface water management standards as set forth in Chapters 17-3, 17-40, and 17-302, and rule 40E-4, F.A.C. New developments must be designed to avoid increased flooding of surrounding areas. Development must be designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to approximate the natural surface water systems in terms of rate, hydroperiod, basin and quality, and to eliminate the disruption of wetlands and flow-ways, whose preservation is deemed in the public interest.*

The proposed project is **inconsistent** with this policy as staff is unable to determine if the proposed project as depicted on the Master Concept Plan will be designed to avoid increased flooding of surrounding areas. (See Potential Flooding discussion) The project is clearly proposing to eliminate the onsite flowways, which is inconsistent with this provision of the Lee Plan. Staff finds that the proposal is **inconsistent** with Policy 40.3.1(D.).

Internal Traffic Circulation - Design

Policy 4.1.2 states that development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. In reviewing the design of the internal street system depicted on the Master Concept Plan, staff believes that it is clearly **inconsistent** with Policy 4.1.2 of the Lee Plan.

The proposed development has been submitted as an RPD with a relatively large recreational/club facility area. The recreational area and residential areas, however, have not been integrated in any way. The site plan does not provide for the efficient flow of pedestrians and vehicles from the residential areas to the recreational area. In fact, the recreational area has been separated from the residential areas. The recreational/club area is in the very southern part of the development, just north of the existing borrow pit at the intersection of Leetana Road and Pritchett Parkway, on the east side of Pritchett Parkway. Both the selected manner in which the applicant is providing recreational amenities and the location selected for the recreational facility have consequences. For instance, all of the residents on the west side of Pritchett Parkway will have to cross Pritchett Parkway if they want to utilize recreational amenities such as a pool or tennis court. This creates a potential safety issue that could be avoided through design changes such as also providing recreational amenities on the west side of Pritchett Parkway.

Staff also notes that the location of the proposed recreational facility will promote the use of automobiles within the proposed development for access to the decentralized recreational facility. For example the lots around the cul-de-sac in the northeast corner of the subject site are approximately a mile and a half from the proposed recreational facility site. The lots around the cul-de-sac in the northwest corner of the site, along Pritchett Parkway are approximately a mile and four tenths (1.42 miles) from the proposed recreational facility. Staff highlights the two above tracts, but also notes that many other residential areas in the project are proposed to be a mile or greater from the proposed recreational facility. This design assures dependency on the automobile by the project residents to utilize the recreational facility.

Staff believes that the site plan has not provided adequate opportunities for pedestrian/bicycle access between the residential and recreational area and the applicant has not made any commitments concerning pedestrian/bicycle facilities. Staff notes that the applicant has not made an effort to "fit in" with the existing development pattern in the area relating to the predominance of large lot residential estates and the large number of horse owners in the Bayshore Community. The applicant could provide a public amenity such as an equestrian trail along Pritchett Parkway or along Popash Creek.

LDC Section 34-612(2)d. states that one of the primary purposes of Planned Development zoning districts is to promote improved and unifying design techniques that reduce dependence on vehicular movement within the development. Staff believes that the internal circulation pattern does not accomplish this intent.

Staff notes that the plan of development calls for many cul-de-sac streets that do not promote the safe and efficient flow of vehicles. For example, one cul-de-sac road abuts the main spine road that runs through the project without providing access to the road. Also, two of the cul-de-sac roads are constrained in such a way that homes could not be placed around the cul-de-sac, which is the common practice. Staff believes that the internal street layout shown on the Master Concept Plan is inconsistent with Policy 4.1.2.

Staff finds the design of the project not to be in compliance with LDC Section 34-612(2). Paragraph d of this section, in part, provides that one of the purposes of Planned Developments is to promote "improved and unifying design techniques that reduce dependence on vehicular movement within the development." Contrary to this requirement, the plan of development will assure unnecessary vehicle dependence as discussed above.

Goal 5: Residential Uses

Policy 5.1.2 prohibits residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community. The project is inconsistent with Policy 5.1.2 based

on the proposed design of the project which locates residential uses contiguous to an existing sewage treatment plant.

Policy 5.1.5 requires the protection of existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. The project is inconsistent with Policy 5.1.5 due to the fact that the potential design of the project could initiate or exacerbate the potential for off-site flooding of existing residential areas.

Lee Plan Consistency Conclusions:

Staff believes that the proposed development, as designed, is inconsistent with the Lee Plan. The source of staff's objection to the project is the development design. The project has not been designed in a way that adequately takes into account the existing natural features of the site. Furthermore, staff is unable to propose conditions to address the inconsistencies with the Lee Plan because the issues can only be addressed by redesigning large portions of the project. The outstanding issues are not ones that can reasonably be addressed through zoning conditions, therefore staff recommends that the project be denied.

Neighborhood Compatibility

Staff does not find that the development of residential uses in this area in and of itself is incompatible. However, it must be recognized that the existing area remains predominantly rural in nature and lifestyle. The sprawling development proposed by the applicant and consisting of lengthy development pods accessed by streets terminating in cul-de-sacs is out of character when compared to the surrounding area. Further, the close proximity of some of the proposed residential pods to the perimeter of the project and agriculturally zoned property creates a potential for conflicts between proposed residential uses and permitted agricultural uses. The proposed development does not include equestrian trails and hiking trails which would be appropriate and complement the character of the existing area and benefit its current and future residents.

Environmental Issues

The Lee County Division of Environmental Sciences (ES) has reviewed the requested rezoning and has performed a site inspection of the subject parcel. A complete analysis of the ES staff findings is included in Attachment B.

The Heritage Creek RPD proposes a total of 98.6 acres of indigenous open space consisting of wetland conservation, wetland creation, upland conservation, and upland buffers. This equates to approximately 13% of the site. Due to the small lot sizes and increased lot coverage proposed in this development, this project must provide 20% (148

acres) of the site as indigenous open space. The Master Concept Plan must therefore be revised to delineate a minimum of 148 acres (additional 50 acres) of preserved indigenous vegetation in order to comply with the minimum requirements. Again, the Master Concept Plan as currently proposed is not achievable based on required indigenous open space.

Additionally, the Division of Environmental Sciences (ES) staff attended a meeting regarding the Heritage Creek project at the South Florida Water Management District (SFWMD) offices on October 18, 2002, with the applicant and SFWMD staff. It should be noted the plan under review at the SFWMD differs from the proposed Master Concept Plan in the northeast quadrant of the project (see Attachment C). The sewage treatment plant does not appear on the plan under review at SFWMD and the residential pods and lakes have a different configuration.

Deviation Discussion

Deviation # 1 has been **withdrawn** by the applicant.

Deviation # 2 has been **withdrawn** by the applicant.

Deviation 3 requests relief from LDC Section 10-418(2)b which requires the installation of one native wetland herbaceous plant per linear foot of lake shoreline and where trees and shrubs can be substituted for up to twenty five percent of the total number of herbaceous plants required; to allow the required plantings to include up to fifty percent trees in the Tract K lake . Justification for this request states that the usual low level wetland vegetation along the aqua-range's shoreline would interfere with the retrieval of range balls. Additionally, the littoral vegetation would inevitably be damaged due to the aqua-range activities. The unique nature of the aqua-range design lends support to the applicant's request. Staff recommends APPROVAL of Deviation 3 subject to Condition # ------.

Deviation # 4 seeks relief from LDC Section 10-291(3)(b) which requires, where practical, any residential development of least 10± acres to provide two (2) or more means of ingress and egress, to allow only one means of ingress and egress. The applicant was previously advised by Development Services staff that this deviation was not necessary. Therefore, staff recommends that the requested deviation be **withdrawn.**

Deviation # 5 has been **withdrawn** by the applicant.

Deviation # 6 has been **withdrawn** by the applicant.

Deviation # 7 is a request to deviate from LDC Section 10-329)e)(4) which requires excavations to be sloped at four horizontal to one vertical to a water depth of four feet below the dry season water table and two horizontal to one vertical thereafter, to allow 40% of the lake bank slopes within the development to utilize vertical bulkheads and/or rip rap. The applicant has requested this deviation to improve the projects open space by allowing

more flexibility regarding the design of the proposed lakes and the location of residential accessory structures. Bulkheads have been used planned developments to increase design flexibility especially around golf courses and where roads approach water management areas. The South Florida Water Management District allows the use of bulkheads on surface water management lakes provided that one linear foot of compensatory littoral zone with an 8:1 slope is provided for each linear foot of bulkhead. The 8:1 littoral area provides a good wading bird foraging area, and insures no decrease in littoral zone. Staff has conditioned approval of the deviation to insure that the intent of the regulations to preserve the health, safety and welfare of the general public will be maintained. Staff recommends **approval** of the requested deviation subject to Condition **# ------.**

Bulkheads are limited to roads and the clubhouse area. Bulkheads are not permitted along residential boundaries.

Prior to local development order approval, the plans must show the location of the bulkheads to confirm that no more than 20% of each lake shoreline consists of bulkhead or rip-rap. Lakes where bulkheads are proposed must be designed to provide one linear foot of compensatory littoral zone with an 8:1 slope for each linear foot of bulkhead. For lakes which utilize bulkheads, littoral plants must be calculated at two plants per linear foot of shoreline clustered within the 8:1 slope portion of the lake.

The development order must include a typical cross section detail of bulkhead and rip-rap areas on the paving and grading AND landscape plan.

Deviation # 8 seeks relief from LDC Section 10-259 which prohibits the placement of buildings or structures within easements where the placing of buildings or structures within the easement is contrary to the terms of the easement or interferes with the use of the easement; to allow the placement of buildings or structures within easements limited to roof overhangs. The applicant maintains that this deviation improves the project by reducing unnecessary cost to the development. This deviation in no way enhances the planned development and creates the potential for adverse impacts in the future. Staff recommends **denial** of the requested deviation.

Deviation # 9 is a request to deviate from LDC Section 34-2020(1)c which requires minimum parking for multiple family buildings based on the number of bedrooms within each unit to allow 1.25 spaces for **all** bedroom types with an additional 10 percent for guest parking. The parking regulations contained in this section have been in effect for quite some time and were developed generally to accommodate a multiple family type product where individual units all share a common parking lot with additional consideration for guest parking. However, the latest development trends typically include a much different type of multiple family product wherein each unit in the building has its own individual garage. Historically, parking problems with regard to guest parking have been commonplace for this type of development. The applicant has not provided any specificity as to the types of multiple family product that will be developed. Should the applicant propose a traditional type of development where the units do not have individual garages and all utilize a common parking area, it may then be appropriate to review the deviation request at that time when a specific plan could be analyzed. However, staff would not be inclined to support a parking deviation for multiple family units with garages appurtenant to them. Staff recommends **denial** of the requested deviation.

Deviation # 10 has been **withdrawn** by the applicant.

Deviation # 11 has been **withdrawn** by the applicant.

Deviation # 12 seeks relief from LDC Section 34-1954(a)(1) which requires administrative approval of locations for model homes in new developments; to allow model homes by right in any location within the development. As justification for this deviation, the applicant maintains that this deviation allows the county to determine that model homes are appropriate for the development now. However, this is not the case. Generally, model homes are appropriate within residential developments. This LDC regulation is to regulate the location of these uses so as not to jeopardize the health, safety and welfare of the general public as it relates to pedestrian and vehicular traffic, noise, etc. The LDC anticipates the development and utilization of model homes throughout the life of the development which is why approval of the locations for model homes is permitted through the Administrative Approval process. The applicant maintains that the planned development is enhanced because the use is allowed to exist within the project **while** it is under unified control. However, as referenced in Section 34-1954(a)(1), the project **must** be under unified control for the director to approve the location of a model home administratively. Moreover, the master concept plan in not specific enough to condition the use of model homes by right as is being requested. Therefore, staff recommends **denial** of the requested deviation.

Deviation # 13 is a request to deviate from LDC Section 34-1954(f) which requires parking for model homes or model units to be located on the same premises and in compliance with the type of dwelling unit being displayed. This deviation is being requested to permit the development of accessory parking for model homes as low turnover and therefore permit development of these lots with alternative surfaces. Staff recommends denial of this request

as these parking lots will be utilized on a daily basis for relatively short periods of time and are therefore appropriately classified as high turnover. In addition, these lots will be located in residential areas and, when developed as low turnover, are unsightly, have off site impacts and it is difficult for Lee County to enforce maintenance of these lots. Further, the applicant is requesting another deviation (Deviation # 12) to allow model homes by right which if approved, would then allow placement of model homes and accessory parking at the discretion of the developer. Staff recommends **denial** of the deviation request. Staff has recommended denial of Deviation # 12 which would allow the model homes for up to ten years creating an impact on adjacent properties.

Deviation # 14 seeks relief from LDC Section 30-153(2)(a)(iv) which limits the text of additional subdivision or residential development identification signs to the subdivision or project name; to allow the additional signs for this project to include the notation "A US Home Community" in addition to the name of the development. The applicant has maintained that it is critical for the developers name to be included and the signage will be low key and attractive. This deviation was previously approved for another US Home development (Stoneybrook). Staff recommends **approval** of the deviation request.

Deviation # 15 seeks relief from LDC Section 30-152d2 which limits the size of project entrance signs and which limits the size and number of additional project signs to allow all of the permitted square footage for the number of permitted signs to be combined into the main project entrance sign and a deviation from LDC Section 30-94(h) which restricts double faced signs with opposing faces to an interior angle of less than 30 degrees; to allow the Heritage Creek project sign to have two sign faces of approximately 130 square feet in size and be located on a curvilinear wall. The applicant justifies this request by maintaining that the increased square footage is necessary in order to provide exposure to the traveling public along Interstate 75. Typically, staff does not look favorably upon deviations to increase the size of project signage. However, based on the applicants previous developments within Lee County which included similar requests and sign products, staff is able to condition the request in order to maintain the and intent of the regulations. It is important to note that the proposed Master Concept Plan indicates one of the potential locations for this sign in a triangular shaped parcel formed by the intersection of the Leetana Road and the Pritchett Parkway right-of-ways. However this would not be permitted under current regulations and the deviation is not approved for that location. Staff recommends **approval** of the requested deviation subject to Condition # ------.

Deviation # 16 seeks relief from LDC Section 10-416(d)(6) which provides that if roads, drives, or parking areas are located less than 125 feet from an existing residential subdivision or residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet, to allow the two cul-de-sacs in Tract H and the short roadway segment in Tract E to be located and buffered as illustrated on the Master Concept Plan. As justification, the applicant has represented that Tract H is a small development tract with

limited design flexibility and that traffic on the road will be minimal. The applicant has also stated that roadway segment in Tract E qualifies for this deviation because of its location between the property line and a proposed wetland preservation area. This particular regulation was drafted with minimal residential traffic in mind. It applies to any residential traffic within a residential development of any size, without exception. This requirement was specifically added to the land development code to reduce the impact of residential drives and roads within 125 feet of adjacent residential areas. The subject property is currently undeveloped and has substantial design flexibility especially where individual residential lots are concerned. As an example, the proposed development pods could be designed to provide lots at the end of each cul-de-sac instead of the terminus of the roadway itself. The deviation would not be necessary except for the design of the pods which is under the control of the applicant. Staff is unable to support this deviation as there is no justification as to how the planned development is enhanced by this deviation and the health, safety, and welfare of the general public is not jeopardized. For these reasons, it is not appropriate to approve this deviation for either location. Staff recommends denial of the deviation request.

LDC Design Standards

LDC Section 34-411 provides general design standards for planned developments.

Section 34-411.(a) requires that:

All planned developments shall be consistent with the provisions of the Lee Plan.

As referenced in the Lee Plan Considerations section of this staff report, the proposed development is inconsistent with this section of the LDC.

Section 34-411.(f) requires that:

Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollutants.

The proposed development is inconsistent with this section of the LDC as there is no evidence to make and/or support a finding that the design of the proposed project will not increase hazards to persons or property, on or off the site, by increasing the probability or degree of flood, erosion or other danger.

Section 34-411.(g) requires that:

Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural, historic or archaeological features of the site, particularly mature native trees and other threatened or endangered native vegetation. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land, or destroys significant wildlife habitat is prohibited. That habitat is significant that is critical for the survival of rare, threatened or endangered species of flora or fauna.

The proposed development is **inconsistent** with this section of the LDC because the subject property contains active and historic drainage flow ways that have not been incorporated into the design of the project. As a result, proposed tracts and uses within the development will disrupt the historic flow of water through the property. In addition, as noted earlier, the proposed plan lacks approximately 50 acres of required indigenous open space which in and of itself will require revisions to the plan.

Section 34-411.(k) provides that:

Where the proposed planned development is surrounded by existing development or land use with which it is not compatible or which is of a significant higher or lower intensity of use (plus or minus ten percent of the gross floor area per acre if a commercial or industrial land use, or plus or minus 20 percent of the residential density), or is surrounded by undeveloped land or water, the design emphasis will be to separate and mutually protect the planned development and its environs.

Section 34-411.(l) provides that:

In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities which promote pedestrian activity and community interaction. The proposed development is **inconsistent** with this section of the LDC for the reasons identified in the Lee Plan analysis (Internal Traffic Circulation - Design)

In addition, Section 34-411.(m) provides that:

In order to enhance the viability and value of the resulting development, the designer shall ensure the internal buffering and separation of potentially conflicting uses within the planned development.

The proposed development is **inconsistent** with each of the aforementioned sections of the LDC based on the development design which places residential lots and streets contiguous to an existing sewage treatment plant located interior to the subject property.

Section 34-411.(n) requires that:

Density or type of use, height and bulk of buildings and other parameters of intensity should vary systematically throughout the planned development. This is intended to permit the location of intense or obnoxious uses away from incompatible land uses at the planned development's perimeter, or, conversely, to permit the concentration of intensity where it is desirable, e.g., on a major road frontage or at an intersection.

The proposed development is **inconsistent** with this section of the LDC because the proposed design does not incorporate clustering to internalize higher density residential areas. Although the applicant has made efforts to internalize the proposed multiple family product associated with this project, the development pods are consistently spread throughout the total subject parcel. As a result of this design flaw, the indigenous preservation requirement has not been satisfied and existing natural features have been impacted.

Based on the foregoing analysis staff finds that the overall design of the proposed development is **inconsistent** with the required design standards of the LDC. On numerous occasions staff had requested that the applicant provide an electronic version of the proposed master concept plan in order that staff may illustrate the design flaws of the proposed project relative to existing conditions of the subject property. However, as of the finalization of the staff report the applicant has failed to provide this information to staff.

Potential Flooding Issues

This project is located between the creeks of Popash and Bayshore. In previous years, an agricultural perimeter berm had been (permitted) and constructed around portions of that property proposed to be developed into a residential planned community, now known as Heritage Creek. Natural Resources staff has concerns that this previous berming activity may have introduced an adverse floodplain encroachment condition. In this condition, a disproportionate amount of flood flows may have been transferred to the opposing overbank and could have caused increased upstream flood elevations.

Staff had requested that the applicant provide an HEC-RAS model for Popash and Bayshore Creeks demonstrating that the proposed development would not induce any rise to the existing flood elevations, nor any increases in velocities, nor any transfer in overbank flows for the10 year, 25 year, and 100-year storm events (See Attachment D).

The applicant was advised early in the process that without the HEC-2/RAS flood modeling staff would be unable to make a determination as to the effects of the development with regards to potential flooding and floodplain issues. Staff also expressed reservations about proceeding to the Hearing Examiner public hearing and eventually to the Board of County Commissioners with a plan that in all likelihood would have to be substantially revised. The results of the initial HEC-RAS model provided by the applicant, including subsequent modifications, were inconclusive. Consequently, Natural Resources staff is unable to determine that the project is achievable as designed or substantiate any comments

regarding the effects of current versus future flooding limits or levels. Therefore, Natural Resources staff is unable to recommend approval of the proposed rezoning and Master Concept Plan (MCP).

Transportation

The Lee County Department of Transportation has reviewed the proposed heritage Creek RPD and has provided substantive comments which are attached as Attachment E.

The project has approximately two miles of frontage along Pritchett Parkway, a county maintained road with a current functional classification as a major collector. The applicant submitted a Traffic Impact Statement (TIS) prepared by Metro Transportation Group as part of this application.

Significant findings identified by Lee County DOT include a potential problem at the Bayshore Road intersection with Leetana Road/Pritchett Parkway as a result of this project. The specific reasons for the potential problems and possible remedies are specifically identified in Attachment E.

IV. ATTACHMENTS:

A. Map of surrounding zoning

B. Memorandum from the Lee County Division of Environmental Sciences dated November 20, 2002.

C. Memorandum from the Lee County Division of Environmental Sciences dated November 21, 2002.

D. Memorandums from the Lee County Division of Natural Resources Management dated June 6, 2002, and September 24, 2002.

E. Memorandum from the Lee County Department of Transportation dated January 28, 2002.

F. MCP, FLUCCS, Protected Species Information Overlaid on 1998 Aerial Photograph.

cc: Applicant
County Attorney
Zoning/DCI File

LEE COUNTY
HEARING EXAMINER
02 NOV 27 PM 3:27

LEE COUNTY, FLORIDA

DEVELOPMENT SERVICES DIVISION

STAFF REPORT

TYPE OF CASE: PLANNED DEVELOPMENT/DCI

CASE NUMBER: DCI 2001-00038

HEARING EXAMINER DATE: December 11, 2002

I. APPLICATION SUMMARY:

A. Applicant: U. S. Home Corporation in ref to Heritage Creek (aka Stoneybrook)

B. Request: Rezone from AG-2, CPD, & RVPD to RPD to permit the development of 1,525 residential units including a mixture of single-family, duplex, townhouse, two-family attached and multi-family units all not to exceed 35 feet in height.

C. Location: The subject property is located on Pritchett Parkway (in the northeast quadrant of the intersection of I-75 and Bayshore Blvd.), in S15, 16 & 21-T43S-R25E, Lee County, FL. (District #4)

D. Land Use Plan Designation: Outlying Suburban and Wetlands

E. Surrounding Land Use:

Existing Zoning & Land Use	Future Land Use Map
North: AG-2 developed with single family uses.	Open Lands and Density Reduction/Groundwater Resource
East: AG-2 and RS-1 vacant land and developed single family residential uses	Outlying Suburban
South: Leetana Drive, Pritchett Parkway AG-2, RV-3, RS-1 vacant land and developed single family residential uses	Outlying Suburban
West: AG-2, AG-3 developed with single family residential	Outlying Suburban

F. Size of Property: 741.22± acres

Brookes
EXHIBIT # 14
DCI 2001-00038

II. RECOMMENDATION:

Staff recommends **denial** of the Applicant's request for rezoning from AG-2 to RPD.

Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff makes the following findings and conclusions:

1. The applicant has not proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.

2. The requested zoning:

   a) does not meet or exceed all performance and locational standards set forth for the potential uses allowed by the request;

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

   c) is incompatible with existing or planned uses in the surrounding area; and

   d) will adversely affect environmentally critical areas or natural resources.

3. Approval of the request may place an undue burden upon existing transportation or planned infrastructure facilities and the site may be served by streets with the capacity to carry traffic generated by the development.

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

5. The proposed use or mix of uses is in-appropriate at the subject location.

III. BACKGROUND INFORMATION AND ANALYSIS:

Introduction/Synopsis

This is a request to rezone approximately 741.22± acres from AG-2, CPD, & RVPD to RPD to permit the development of 1,525 dwelling units consisting of single-family, duplex, townhouse, two-family attached and multi-family units. The subject property is located in North Fort Myers east of Interstate 75 and north of Bayshore Road. The parcel is bisected by Pritchett Parkway and is contiguous to Bayshore and Popash Creeks at certain locations on its western and easterly boundaries respectively.

The project is being proposed around an existing Lee County utilities sewage treatment plant. The plan of development as proposed by the applicant includes project neighborhoods and streets contiguous to the property lines of the existing treatment plant. Staff had advised the

applicant early in the process that the location of residential portions of this project in close proximity to the treatment plant was not acceptable. This proposal is contrary to the intent of the LDC to promote the health safety and welfare of the general public. It is also contrary to sound planning principals to plan residential uses near obnoxious and/or potentially hazardous uses. In addition, a design of this nature would precipitate complaints from future residents and may constrain the utility company from desired future development of its property. The applicant had requested that staff condition the proposed zoning on the removal of the sewage treatment plant operation. Staff does not agree and has taken the position that such a condition may result in an equitable estoppel claim in the future in addition to potentially compromising the ability of the utility company for future improvements or expansion of the existing site. The removal of an existing berm located on the subject parcel and separating an existing wetland area from the sewage treatment plant could potentially create a DEP compliance problem for Lee County utilities relative to the location of the existing percolation ponds and the referenced wetland.

After submitting the application for public hearing in this case, the developer held a public meeting and invited residents living in the area to receive information regarding the project. Concerns that were voiced by the residents included the proposed density, the potential for flooding, height of buildings and location of proposed multiple family units. The developer made some revisions to the plan which resulted in a reduction in height from 65 feet to 35 feet and a relocation of the proposed multiple family product internal to the project. This was a positive step by the developer in response to the concerns of affected residents. However, the other issues concerning density and potential flooding remain outstanding as of the writing of this staff report and will be addressed later in this report.

Master Concept Plan

The proposed Master Concept Plan for the development is a one page document entitled "Stoneybrook" prepared by WilsonMiller dated October 10, 2001, and stamped received at Community Development on May 31, 2002. The subject parcel is divided into numerous development tracts labeled as Tracts A through L. The tracts are more specifically designated R-1 and R-2 permitting single family or multiple family uses respectively. The project is proposed as traditional neighborhoods developed on cul-de-sac streets extending from the main thoroughfare through the project (Pritchett Parkway) designed project consisting of. The project will incorporate numerous water features, wetland and upland conservation areas and created wetland areas. A community recreational facility including a lake and encompassing approximately 49 acres is also proposed adjacent to Pritchett Parkway.

As a basis of the staff recommendation for denial of the applicants request, it should be noted that the proposed Master Concept Plan represents a development plan that may not be achievable and as such, staff is precluded from making a recommendation which could potentially result in approval of this Master Concept Plan by the Board of County Commissioners. Reasons supporting this recommendation will be expounded on throughout this report.

Lee Plan Consistency Analysis:

The Lee Plan strives to protect natural resources. In fact, one of the visions of the plan is that the County will protect its natural resource base in order to maintain a high quality of life for its residents and visitors. This is the second bullet in the Lee Plan's Vision statement. The statement provides that this will be accomplished through an aggressive public land acquisition program and by maintaining and enforcing cost-effective land use and environmental regulations that supplement, where necessary, federal, state, and regional regulatory programs. Staff recognizes the difference between permitting functions of those agencies versus sound planning principles and the fact that the Lee Plan is implemented thru County processes such as this through this planned development rezoning request.

Goal 1: Future Land Use Map and Residential Density

Staff notes that Goal 1 of the Future Land Use Element establishes the Future Land Use Map in part to protect natural resources. The subject parcel is located in the Outlying Suburban category according to the future land use map. As referenced in Policy 1.1.6 of the Lee Plan:

> *The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area in North Fort Myers east of I-75 and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre). (Amended by Ordinance 91-19)*

On its face, the proposed residential development and density is generally consistent with the intent of the Outlying Suburban land use category. However, it should be noted that the applicant is seeking the maximum allowable density for the subject site, while providing the minimum amount of preservation and open space areas. The requested total dwelling unit count includes approximately 41 dwelling units derived from the area within the abutting Pritchett Parkway right of way.

Portions of the subject parcel are also located in the Wetlands land use category. As referenced in Policy 1.5.1 of the Lee Plan:

> *Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 84 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan.*

The proposed residential development is generally inconsistent with the intent of the Wetlands land use category. The proposed MCP proposes approximately 5 acres of impact in wetlands. Existing wetlands associated with onsite flowways are being removed as a result of the project's design. Staff finds that the proposed development will adversely affect the ecological functions of on-site wetlands as several will be filled and impacted and thus the request is **inconsistent** with Policy 1.5.1 of the Lee Plan. Staff notes that the applicant is utilizing the density calculation methodology specified in Table 1(a) footnote 9(c). This footnote allows density to be generated from the wetlands at the same underlying density as the adjacent uplands, which have a cap of 2 dwelling units per acre. Thus the applicant is generating 130 dwelling units from the approximately 65 acres of onsite wetlands.

Goal 84 of the Lee Plan strives to protect the fragile ecological characteristics of wetland systems with a regulatory program that complements federal and state permitting processes. Objective 84.1 provides that "the natural functions of wetlands and wetland systems will be protected and conserved through the enforcement of the county's wetland protection regulations and the goals, objectives, and policies in this plan." Policy 84.1.1 reiterates that "Development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions." Staff notes that the proposed design eliminates wetlands that are part of onsite flowways. Staff finds that the proposal is **inconsistent** with the intent of Policy 84.1.1.

Policy 84.1.2, in part, acknowledges that the County will not undertake an independent review of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a DEP or SFWMD dredge and fill permit or exemption. Further, no development in wetlands regulated by the State of Florida will be permitted by Lee County without the appropriate state agency permit or authorization. Staff directs attention to the fourth numbered paragraph of Policy 84.1.2, which provides that "Every reasonable effort will be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. On- or off-site mitigation will only be permitted in accordance with applicable state standards." Staff finds that the applicant has failed to avoid impacts to wetlands such as the 3.3 acre fresh water marsh located along Pritchett Parkway. This fresh water marsh is a part of one of the onsite flowways and a portion of Pritchett Parkway currently drains through this flowway system to Popash Creek.

Surrounding Densities

Another issue is whether or not the density proposed by the applicant, 2 dwelling units per acre, is consistent and compatible with the existing density in the area. The property contiguous to the northern boundary of Heritage Creek is located within the Outlying Suburban, Open Lands and Density Reduction/Groundwater Resource (DR/GR) categories according to the Future Land Use Map of Lee County. The Open Lands category has a maximum allowable density of one unit per 10 acres while the DR/GR category has a maximum allowable density of one unit per 10 acres. There are two small lots at 1.5 acres and 3.4 acres, with all additional properties abutting to the north being parcels of 5 or more acres in size.

Property to the east of the proposed development is in the "Outlying Suburban" Future Land Use category. There are two subdivisions, High Point Subdivision and Oakmont Subdivision, that have densities of 2.26 units per acre and 1.85 units per acre respectively. The remaining properties east of the proposed development are parcels that vary in size from a minimum of 3 acres to a maximum of 32 acres.

Property to the southeast of the proposed development is in the "Outlying Suburban" Future Land Use category. This area is made up of parcels ranging in size from 0.9 to 3 acres. Directly abutting the lake in the southern portion of the subject property is a campground zoned RV-3. The southern tip of the subject property (a 3.8 acre tract of land) and parcels to the east and west of that southern tip are in the "General Interchange" Future Land Use category. The General Interchange land use areas are intended to be developed primarily for commercial uses that serve the traveling public. Property to the southwest of the subject property, south of I75, is in the "Suburban" Future Land Use category.

Property to the west of the proposed development is in the "Outlying Suburban" Future Land Use category. There are two subdivisions, Hunters Glen and Colonial Pines, that have residential densities of 1.34 units per acre and 1.2 units per acre respectively. The remaining parcels west of the subject property range in size from 0.8 acres to 15 acres. Based on existing surrounding densities, staff finds that a proposed density of 2 units per acre, the maximum allowed in this Outlying Suburban area of the county, may not be appropriate during the redesign of the project. The subsequent design must be evaluated further on its individual merit.

Goal 2: Growth Management

The request is **inconsistent** with Objective 2.1 which promotes contiguous and compact growth patterns through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. The request essentially spreads development "pods" across the subject property while providing the minimum amount of open space and preservation areas and ignoring the natural features of the site. Staff finds that the request does not minimize energy costs, conserve land, water, and natural resources. These issues are discussed further in latter sections of this report.

Staff believes that the subject site will eventually be developed, in keeping with the intent of Policy 2.1.1. Policy 2.1.1 maintains that most residential, commercial, industrial, and public development is expected to occur within the designated Future Urban Areas on the Future Land Use Map. That being the case, the central issue is the design of proposed development for the site and how best to accommodate natural features of the site while not exacerbating known flooding problems in the area.

Policy 2.1.2 provides that "new land uses will be permitted only if they are consistent with the Future Land Use Map and the goals, objectives, policies, and standards of this plan." Based on a complete comprehensive analysis of this project with respect to Lee Plan compliance, staff finds that the request is **inconsistent** with the Lee Plan and consequently

the request is **inconsistent** with this policy of the Plan as well. Staff believes the proposed development should not be permitted under the current design proposal.

Policy 2.2.1 requires rezoning proposals to be evaluated as to the proximity and availability of infrastructure and compatibility. The subject property is located in the proposed expansion area of the North Fort Myers Utilities franchise for sanitary sewer service. The proposed expansion of this franchise area must be approved by the Public Service Commission. The subject property is located in the Lee County Utilities franchise for potable water service. Existing potable water lines are existing and are available to serve the proposed development. Fire protection will be provided by the Bayshore Fire District and police protection by the Lee County Sheriff's Department. Given the availability of on-site and off-site facilities, the development would be adequately served.

Goal 4: Development Design

Staff has provided an attachment (Attachment F) that provides the MCP, FLUCCS, and protected species information overlaid on a current aerial photograph. This attachment, as well as field observation, was utilized in the following proposed development design analysis. Staff will also provide further photographic and other graphic evidence at the hearing examiner public hearing.

Goal 4 of the Lee Plan seeks to maintain innovative land development regulations which encourage creative site designs and mixed use developments. Policy 4.1.1 encourages site designs to be well-integrated, properly oriented, and functionally related to the topographic and natural features of the site. Policy 4.1.1 is reproduced below:

> *POLICY 4.1.1: Development designs shall be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements.*

Staff believes that the design of the project is **inconsistent** with Policy 4.1.1. The subject property contains active drainage flowways that have not been incorporated into the design of the project. There are several tracts/uses within the subject property that do not acknowledge the presence of historic flow of water through the property. Staff cites the following examples of elements of the design of the project that ignore historic flowways:

Tract G;
Tract I, and;
several adjacent proposed lakes.

There are additional examples on the proposed Master Concept Plan, aside from flowways, were the proposed development ignores natural features of the site. For example, the large wetland at the very southern end of Pritchett Parkway, on the west side of the road, contains a Temperate Hardwood Hammock. This hammock wraps around the northern and western side of this relatively large wetland (about 8 acres) area and the hammock contains about 1.9 acres (FLUCCS 425). Staff notes that this FLUCCS type typically occurs in a

transitional area adjacent to wetlands and that this FLUCCS type is becoming quite rare in Lee County due to agricultural and development practices. The Florida Land Use, Cover and Forms Classification System Handbook (January 1999) describes 425 Temperate Hardwood as follows:

> *This forest cover type is often referred to as either low or temperate hammock. Common components of this community may include, depending upon the location, a wide variety of oaks, red bay, sweetbay, magnolia, sweetgum, sugarberry, hickories, cabbage palm, hollies and cedar. Various pines are minor associates.*

The MCP proposes to impact this hammock area with a road, lake and "wetland creation area." Staff notes that there are existing single family homes adjacent to the subject site in this location. Staff believes a more sensitive design is called for, one that would preserve the existing hammock. Staff believes the location of the hammock, at the edge of the subject site, is such that impacts to this area are avoidable and the retention of the hammock would help to buffer the neighboring single family homes.

The proposed location of the "main internal roadway" just north of the Recreational Facility area is another instance of the insensitivity of the proposed MCP regarding natural features of the site. As can be seen on attachment F, this roadway is planned through an area of concentrated gopher tortoise burrows in the 415 FLUCCS coded area. Staff finds that this aspect of the design is **inconsistent** with Policy 77.8.1. Policy 77.8.1 provides that it is the county's policy "to protect gopher tortoise burrows wherever they are found." The policy continues that "if unavoidable conflicts make on-site protection infeasible, then off-site mitigation may be provided in accordance with Florida Game and Fresh Water Fish Commission requirements." Staff believes that these impacts are avoidable. This roadway facility could be moved slightly to the west and avoid this concentration of burrows.

As noted previously, one of the adopted visions of Lee County is the protection of the County's "natural resource base in order to maintain a high quality of life for its residents and visitors." The Lee Plan recognizes that this must be accomplished by properly managing indigenous ecosystems. Goal 77, Resource Protection, seeks "to manage the county's wetland and upland ecosystems so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics." Objective 77.1, Resource Management Plan, directs that "The county will continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydroecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape." Policy 77.1.1 charges County staff with "identifying upland and wetland habitats/systems most suitable for protection, enhancement, reclamation, and conservation."

The submitted design fails to adequately protect the natural resources located on the subject parcel. The design fails to assure that the hydroecological systems will be maintained. Staff notes that the proposed development design eliminates the onsite hydroecological systems, that being the flowway's and associated habitats. The proposed design eliminates two historic flowways. Staff acknowledges that these flowways have

been altered in the past, but the flowways are still functioning and are in a naturalized state. Staff finds that the proposed development is **inconsistent** with Goal 77 and Objective 77.1.

The Lee Plan recognizes that the various plant communities of the County are natural resources that are worthy of protection. Objective 77.2, Plant Communities, provides that "Lee County will maintain and routinely update an inventory of natural plant communities and will protect at various suitable locations remnant tracts of all important and representative natural plant communities occurring within Lee County." Policy 77.2.3 seeks to "Prevent water management and development projects from altering or disrupting the natural function of significant natural systems." Staff finds that the design of the project is **inconsistent** with Policy 77.2.3 as the design fails to assure that the onsite hydroecological systems will be maintained.

Policy 77.2.6 seeks to "Avoid needless destruction of upland vegetation communities including coastal and interior hammocks through consideration during the site plan review process of alternative layouts of permitted uses." The proposed design essentially eliminates the existing temperate hardwood hammock and cabbage palm hammocks, such as within tracts L, G, A, and C. Staff finds that the submitted design is **inconsistent** with Policy 77.2.6.

Goal 40, Coordinated Surface Water Management and Land Use Planning on a Watershed Basis, seeks to protect or improve the quality of receiving waters and surrounding natural areas and the functions of natural groundwater aquifer recharge areas while also providing flood protection for existing and future development. Policy 40.1.3 directs project designs to incorporate, utilize, and where practical, restore natural surface water flow ways and associated habitats. Objective 41.2, Mimicking the Functions of Natural System, provides that Lee County supports "a surface water management strategy that relies on natural features (flow ways, sloughs, strands, etc.) And natural systems to receive and otherwise manage storm and surface water." Policy 41.2.4 encourages surface water management plans to mimic the functions of natural systems. This plan of development does not utilize the natural drainage patterns of the property. Staff believes that the project should have been designed to better accommodate the flow ways even while still maintaining the same number of dwelling units. This could have been accomplished through the clustering of residential units, leaving the natural drainage pattern in tact. Staff finds that the proposed plan of development is **inconsistent** with the intent of Policy 4.1.1, Goal 40, Objective 41.2, Policy 40.1.3, and Policy 41.2.4. Staff utilized a variety of historical aerials (such as the 1958 aerials) as well as field observations to confirm the presence, locations, and extent of the flowways. Staff will provide this information at the hearing examiner public hearing.

The design of the project will totally replace the naturally functioning system, with a hardened engineered system. Policy 41.3.7 states that channelization of natural streams and rivers is prohibited and channelization of other natural watercourses is discouraged. Staff notes that the proposed design goes beyond channelization, as the design eliminates the onsite flowways or creeks. This design fails to minimize or avoid impacts to these systems. Staff finds that the proposed plan of development has not been shown to provide flood protection for existing and future development and is thus **inconsistent** with Goal 40.

Policy 41.3.6 states that developments will have and maintain an adequate surface water management system, and provide for acceptable programs for operation and maintenance, and post-development runoff conditions which reflect the natural surface water flow in terms of rate, direction, quality, hydroperiod, and drainage basin. The design of the project ignores the natural features of the site. The project is **inconsistent** with Policy 4.1.1 in that the overall plan of development is not sensitive to the topographic and natural features of the site.

Objective 39.1 provides that Lee County will continue its efforts in developing a surface water management planning process designed to produce and maintain an up-to-date body of technical information, and, based on that information, the necessary surface water management plans, regulatory mechanisms, and facility proposals that will improve the protection of present and future uses of real property from storm water flooding, while preserving or enhancing the environmental and natural resource values of both land and water. Staff finds that the proposal does not improve the protection of present and future uses of real property from storm water flooding, while preserving or enhancing the environmental and natural resource values of both land and water. In fact, the proposal impacts much of the environmental and natural resources of the site.

Policy 39.1.5 requires that the county will, through appropriate land use and engineering regulations, continue to control the introduction of obstructions or impediments within floodways. (Amended by Ordinance No. 94-30, 00-22). The proposed project is **inconsistent** with this policy.

Policy 40.3.1 adopts surface water management standards as minimum acceptable levels of service for unincorporated Lee County (see Policy 70.1.3). Policy 40.3.1.D is reproduced below:

> *D. Regulation of Private and Public Development*
>
> *Surface water management systems in new private and public developments (excluding widening of existing roads) must be designed to SFWMD standards (to detain or retain excess storm water to match the predevelopment discharge rate for the 25-year, 3-day storm event [rainfall]). Storm water discharges from development must meet relevant water quality and surface water management standards as set forth in Chapters 17-3, 17-40, and 17-302, and rule 40E-4, F.A.C. New developments must be designed to avoid increased flooding of surrounding areas. Development must be designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to approximate the natural surface water systems in terms of rate, hydroperiod, basin and quality, and to eliminate the disruption of wetlands and flow-ways, whose preservation is deemed in the public interest.*

The proposed project is **inconsistent** with this policy as staff is unable to determine if the proposed project as depicted on the Master Concept Plan will be designed to avoid increased flooding of surrounding areas. (See Potential Flooding discussion) The project is clearly proposing to eliminate the onsite flowways, which is inconsistent with this provision of the Lee Plan. Staff finds that the proposal is **inconsistent** with Policy 40.3.1(D.).

Internal Traffic Circulation - Design

Policy 4.1.2 states that development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. In reviewing the design of the internal street system depicted on the Master Concept Plan, staff believes that it is clearly **inconsistent** with Policy 4.1.2 of the Lee Plan.

The proposed development has been submitted as an RPD with a relatively large recreational/club facility area. The recreational area and residential areas, however, have not been integrated in any way. The site plan does not provide for the efficient flow of pedestrians and vehicles from the residential areas to the recreational area. In fact, the recreational area has been separated from the residential areas. The recreational/club area is in the very southern part of the development, just north of the existing borrow pit at the intersection of Leetana Road and Pritchett Parkway, on the east side of Pritchett Parkway. Both the selected manner in which the applicant is providing recreational amenities and the location selected for the recreational facility have consequences. For instance, all of the residents on the west side of Pritchett Parkway will have to cross Pritchett Parkway if they want to utilize recreational amenities such as a pool or tennis court. This creates a potential safety issue that could be avoided through design changes such as also providing recreational amenities on the west side of Pritchett Parkway.

Staff also notes that the location of the proposed recreational facility will promote the use of automobiles within the proposed development for access to the decentralized recreational facility. For example the lots around the cul-de-sac in the northeast corner of the subject site are approximately a mile and a half from the proposed recreational facility site. The lots around the cul-de-sac in the northwest corner of the site, along Pritchett Parkway are approximately a mile and four tenths (1.42 miles) from the proposed recreational facility. Staff highlights the two above tracts, but also notes that many other residential areas in the project are proposed to be a mile or greater from the proposed recreational facility. This design assures dependency on the automobile by the project residents to utilize the recreational facility.

Staff believes that the site plan has not provided adequate opportunities for pedestrian/bicycle access between the residential and recreational area and the applicant has not made any commitments concerning pedestrian/bicycle facilities. Staff notes that the applicant has not made an effort to "fit in" with the existing development pattern in the area relating to the predominance of large lot residential estates and the large number of horse owners in the Bayshore Community. The applicant could provide a public amenity such as an equestrian trail along Pritchett Parkway or along Popash Creek.

LDC Section 34-612(2)d. states that one of the primary purposes of Planned Development zoning districts is to promote improved and unifying design techniques that reduce dependence on vehicular movement within the development. Staff believes that the internal circulation pattern does not accomplish this intent.

Staff notes that the plan of development calls for many cul-de-sac streets that do not promote the safe and efficient flow of vehicles. For example, one cul-de-sac road abuts the

main spine road that runs through the project without providing access to the road. Also, two of the cul-de-sac roads are constrained in such a way that homes could not be placed around the cul-de-sac, which is the common practice. Staff believes that the internal street layout shown on the Master Concept Plan is **inconsistent** with Policy 4.1.2.

Staff finds the design of the project not to be in compliance with LDC Section 34-612(2). Paragraph d of this section, in part, provides that one of the purposes of Planned Developments is to promote "improved and unifying design techniques that reduce dependence on vehicular movement within the development." Contrary to this requirement, the plan of development will assure unnecessary vehicle dependence as discussed above.

Goal 5: Residential Uses

Policy 5.1.2 prohibits residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community. The project is **inconsistent** with Policy 5.1.2 based on the proposed design of the project which locates residential uses contiguous to an existing sewage treatment plant.

Policy 5.1.5 requires the protection of existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. The project is **inconsistent** with Policy 5.1.5 due to the fact that the potential design of the project could initiate or exacerbate the potential for off-site flooding of existing residential areas.

Lee Plan Consistency Conclusions:

Staff believes that the proposed development, as designed, is **inconsistent** with the Lee Plan. The source of staff's objection to the project is the development design. The project has not been designed in a way that adequately takes into account the existing natural features of the site. Furthermore, staff is unable to propose conditions to address the inconsistencies with the Lee Plan because the issues can only be addressed by redesigning large portions of the project. The outstanding issues are not ones that can reasonably be addressed through zoning conditions, therefore staff recommends that the project be denied.

Neighborhood Compatibility

Staff does not find that the development of residential uses in this area in and of itself is incompatible. However, it must be recognized that the existing area remains predominantly rural in nature and lifestyle. The sprawling development proposed by the applicant and consisting of lengthy development pods accessed by streets terminating in cul-de-sacs is out of character when compared to the surrounding area. Further, the close proximity of some of the proposed residential pods to the perimeter of the project and agriculturally zoned property creates a potential for conflicts between proposed residential uses and permitted agricultural uses. The proposed development does not include equestrian trails

and hiking trails which would be appropriate and complement the character of the existing area and benefit its current and future residents.

Environmental Issues

The Lee County Division of Environmental Sciences (ES) has reviewed the requested rezoning and has performed a site inspection of the subject parcel. A complete analysis of the ES staff findings is included in Attachment B.

The Heritage Creek RPD proposes a total of 98.6 acres of indigenous open space consisting of wetland conservation, wetland creation, upland conservation, and upland buffers. This equates to approximately 13% of the site. Due to the small lot sizes and increased lot coverage proposed in this development, this project must provide 20% (148 acres) of the site as indigenous open space. The Master Concept Plan must therefore be revised to delineate a minimum of 148 acres (additional 50 acres) of preserved indigenous vegetation in order to comply with the minimum requirements. Again, the Master Concept Plan as currently proposed is not achievable based on required indigenous open space.

Additionally, the Division of Environmental Sciences (ES) staff attended a meeting regarding the Heritage Creek project at the South Florida Water Management District (SFWMD) offices on October 18, 2002, with the applicant and SFWMD staff. It should be noted the plan under review at the SFWMD differs from the proposed Master Concept Plan in the northeast quadrant of the project (see Attachment C). The sewage treatment plant does not appear on the plan under review at SFWMD and the residential pods and lakes have a different configuration.

LDC Design Standards

LDC Section 34-411 provides general design standards for planned developments.

Section 34-411.(a) requires that:

All planned developments shall be consistent with the provisions of the Lee Plan.

As referenced in the Lee Plan Considerations section of this staff report, the proposed development is **inconsistent** with this section of the LDC.

Section 34-411.(f) requires that:

Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollutants.

The proposed development is **inconsistent** with this section of the LDC as there is no evidence to make and/or support a finding that the design of the proposed project will not increase hazards to persons or property, on or off the site, by increasing the probability or degree of flood, erosion or other danger.

Section 34-411.(g) requires that:

Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural, historic or archaeological features of the site, particularly mature native trees and other threatened or endangered native vegetation. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land, or destroys significant wildlife habitat is prohibited. That habitat is significant that is critical for the survival of rare, threatened or endangered species of flora or fauna.

The proposed development is **inconsistent** with this section of the LDC because the subject property contains active and historic drainage flow ways that have not been incorporated into the design of the project. As a result, proposed tracts and uses within the development will disrupt the historic flow of water through the property. In addition, as noted earlier, the proposed plan lacks approximately 50 acres of required indigenous open space which in and of itself will require revisions to the plan.

Section 34-411.(k) provides that:

Where the proposed planned development is surrounded by existing development or land use with which it is not compatible or which is of a significant higher or lower intensity of use (plus or minus ten percent of the gross floor area per acre if a commercial or industrial land use, or plus or minus 20 percent of the residential density), or is surrounded by undeveloped land or water, the design emphasis will be to separate and mutually protect the planned development and its environs.

Section 34-411.(l) provides that:

In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities which promote pedestrian activity and community interaction. The proposed development is **inconsistent** with this section of the LDC for the reasons identified in the Lee Plan analysis (Internal Traffic Circulation - Design)

In addition, Section 34-411.(m) provides that:

In order to enhance the viability and value of the resulting development, the designer shall ensure the internal buffering and separation of potentially conflicting uses within the planned development.

The proposed development is **inconsistent** with each of the aforementioned sections of the LDC based on the development design which places residential lots and streets contiguous to an existing sewage treatment plant located interior to the subject property.

Section 34-411.(n) requires that:

Density or type of use, height and bulk of buildings and other parameters of intensity should vary systematically throughout the planned development. This is intended to permit the location of intense or obnoxious uses away from incompatible land uses at the planned development's perimeter, or, conversely, to permit the concentration of intensity where it is desirable, e.g., on a major road frontage or at an intersection.

The proposed development is **inconsistent** with this section of the LDC because the proposed design does not incorporate clustering to internalize higher density residential areas. Although the applicant has made efforts to internalize the proposed multiple family product associated with this project, the development pods are consistently spread throughout the total subject parcel. As a result of this design flaw, the indigenous preservation requirement has not been satisfied and existing natural features have been impacted.

Based on the foregoing analysis staff finds that the overall design of the proposed development is **inconsistent** with the required design standards of the LDC. On numerous occasions staff had requested that the applicant provide an electronic version of the proposed master concept plan in order that staff may illustrate the design flaws of the proposed project relative to existing conditions of the subject property. However, as of the finalization of the staff report the applicant has failed to provide this information to staff.

Potential Flooding Issues

This project is located between the creeks of Popash and Bayshore. In previous years, an agricultural perimeter berm had been (permitted) and constructed around portions of that property proposed to be developed into a residential planned community, now known as Heritage Creek. Natural Resources staff has concerns that this previous berming activity may have introduced an adverse floodplain encroachment condition. In this condition, a disproportionate amount of flood flows may have been transferred to the opposing overbank and could have caused increased upstream flood elevations.

Staff had requested that the applicant provide an HEC-RAS model for Popash and Bayshore Creeks demonstrating that the proposed development would not induce any rise to the existing flood elevations, nor any increases in velocities, nor any transfer in overbank flows for the10 year, 25 year, and 100-year storm events (See Attachment D).

The applicant was advised early in the process that without the HEC-2/RAS flood modeling staff would be unable to make a determination as to the effects of the development with regards to potential flooding and floodplain issues. Staff also expressed reservations about proceeding to the Hearing Examiner public hearing and eventually to the Board of County Commissioners with a plan that in all likelihood would have to be substantially revised. The results of the initial HEC-RAS model provided by the applicant, including subsequent modifications, were inconclusive. Consequently, Natural Resources staff is unable to determine that the project is achievable as designed or substantiate any comments regarding the effects of current versus future flooding limits or levels. Therefore, Natural

Resources staff is unable to recommend approval of the proposed rezoning and Master Concept Plan (MCP).

Transportation

The Lee County Department of Transportation has reviewed the proposed heritage Creek RPD and has provided substantive comments which are attached as Attachment E.

The project has approximately two miles of frontage along Pritchett Parkway, a county maintained road with a current functional classification as a major collector. The applicant submitted a Traffic Impact Statement (TIS) prepared by Metro Transportation Group as part of this application.

Significant findings identified by Lee County DOT include a potential problem at the Bayshore Road intersection with Leetana Road/Pritchett Parkway as a result of this project. The specific reasons for the potential problems and possible remedies are specifically identified in Attachment E.

IV. ATTACHMENTS:

A. Map of surrounding zoning

B. Memorandum from the Lee County Division of Environmental Sciences dated November 20, 2002.

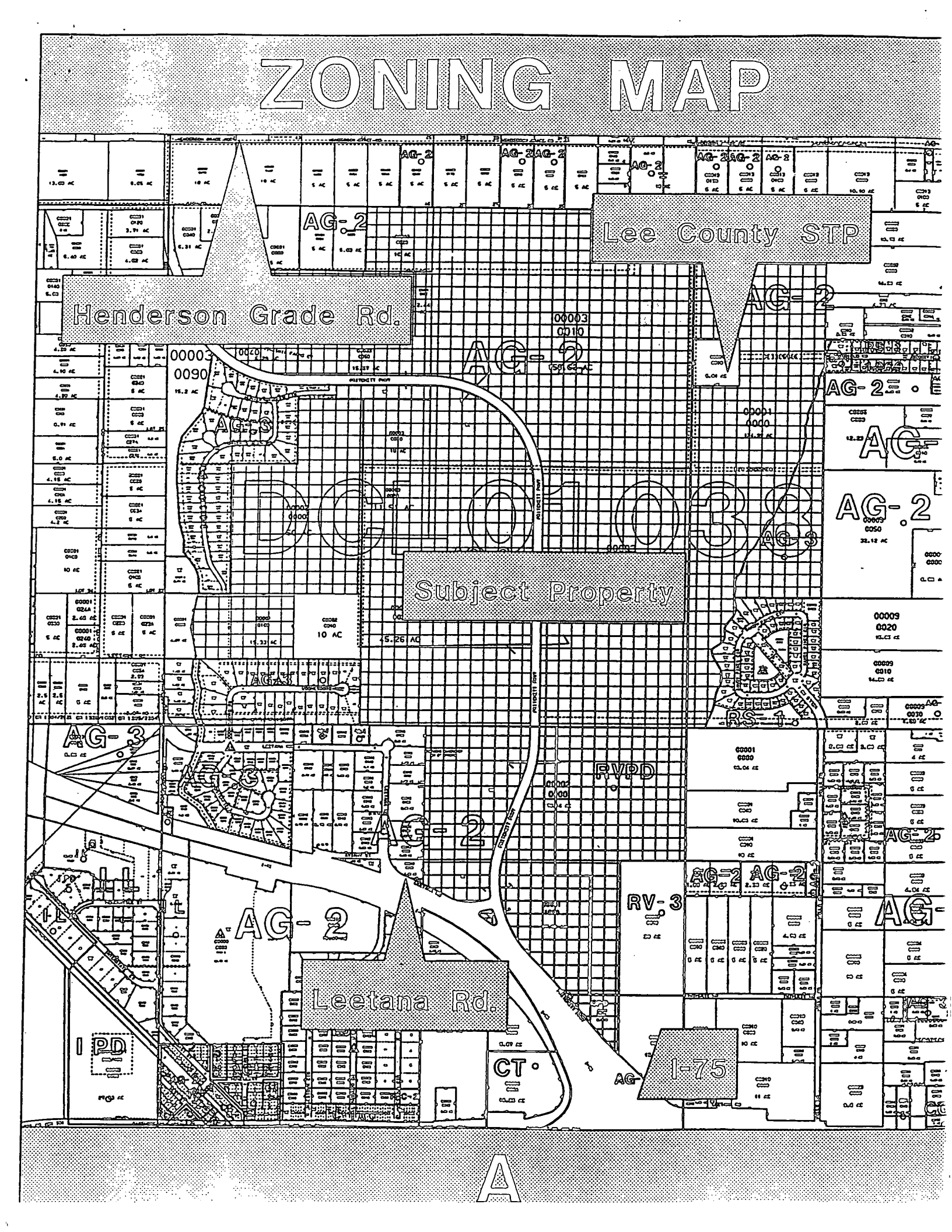
C. Memorandum from the Lee County Division of Environmental Sciences dated November 21, 2002.

D. Memorandums from the Lee County Division of Natural Resources Management dated June 6, 2002, and September 24, 2002.

E. Memorandum from the Lee County Department of Transportation dated January 28, 2002.

F. MCP, FLUCCS, Protected Species Information Overlaid on 1998 Aerial Photograph.

cc: Applicant
County Attorney
Zoning/DCI File


ZONING MAP
Lee County STP
Henderson Grade Rd.
Subject Property
Leetana Rd.
I-75
AG-2
AG-3
RS
RVPD
RV-3
CT
I PD
A

Zoning Staff Report From
Department of Community Development
Division of Environmental Sciences

Date	**November 20, 2002**
To:	**Mike Pavese, Principal Planner**
From:	**Gary Nychyk, Environmental Planner** AGN **Phone: (941) 473-8323** **Fax: (941) 479-8319**
Project:	**Heritage Creek RPD**
Case Number:	**DCI 2001-00038**
STRAP Number:	**15-43-25-00-00001.0000 et al.**

Vegetation:
W. Dexter Bender and Associates, Inc. staff compiled a vegetation classification map for the proposed Heritage Creek RPD property utilizing the Florida Land Use Cover Forms and Classification System (FLUCCS). Native plant communities on this site include 22.6 ac of palmetto prairie (FLUCCS 321), 275.7 ac of pine flatwoods (FLUCCS 411), 11.7 ac of pine - mesic oak/cabbage palm (FLUCCS 414/428), 9.2 ac of scrubby pine flatwoods (FLUCCS 415), 1 ac of live oak hammock (FLUCCS 417), 1.9 ac of temperate hardwood (FLUCCS 425), 13.1 ac of hydric willow (FLUCCS 429), 2.8 ac of sand live oak (FLUCCS 432), 0.7 ac of mixed wetland hardwood (FLUCCS 617), 7.3 ac of cypress (FLUCCS 621), and 42.8 ac of freshwater marsh (FLUCCS 641). A total of approximately 388.8 acres of the Heritage Creek development meet criteria for indigenous vegetation. The Master Concept Plan depicts the preservation of approximately 93.8 acres of indigenous vegetation communities.

This site contains large stands of sabal palms (Sabal palmetto). The eastern part of Tract I consists of a depressional area which naturally collects water from the adjacent agricultural fields and flows into Popash Creek, and is heavily vegetated with sabal palms. LDC Section 34-411(g) requires every effort be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural features of the site, particularly mature native trees and tree masses. The incorporation of this area would serve as a natural conveyance of water reaching Pop Ash Creek. ES staff recommend the following condition to ensure the protection of the sabal palm hammock in the vicinity of Tract I:

Common Open Space areas must be designed to incorporate the sabal palm hammock located in the vicinity of Tract I, as delineated in the attached exhibit. The area may be used as a natural conveyance between the lakes of the water management system, and Pop Ash Creek, but must be left in its natural state. The removal of native vegetation in this area is prohibited.

Additionally, the Heritage Creek site contains many native heritage trees (20-inch diameter at breast height or greater) and sabal palms lying outside of the preserve areas. The preservation and incorporation of such

large native trees into the overall site design would be a valuable amenity for the Heritage Creek project, while the protection of Florida's state tree, the cabbage palm, would provide habitat for local fauna and a link to Florida's past. The sabal palm, when relocated in a horticulturally correct manner, has a high survival rate, and can be used to meet and enhance Lee County landscape requirements. ES staff recommend the following condition to ensure the protection of the heritage trees and sabal palms:

Open space areas must be designed to incorporate as many of the native heritage trees and sabal palms as possible. Any sabal palms with a minimum eight foot clear trunk must be salvaged. The salvage efforts must be coordinated with the Division of Environmental Sciences staff whether used on-site or other wise. Any sabal palms being relocated must be moved in a horticulturally correct manner per Lee County Extension Services brochure Lee 8/2000A(attached). Prior to local development order approval, the preserved trees and any relocated palms must be delineated on the plans. Preserved trees and relocated sabal palms will receive protected tree credits per LDC Section 10-420(h).

Protected Species:
W. Dexter Bender and Associates, Inc. staff performed a survey for Lee County listed species meeting criteria set forth in Chapter 10, Division 8 of the Lee County Land Development Code (LDC). The survey identified 159 gopher tortoise burrows on the property and estimated 54 tortoises residing on the Heritage Creek site. A bald eagle was observed perched in a dead pine tree near the edge of the property. The Master Concept Plan denotes that the perch tree will be retained in its current condition. Additionally, a Big Cypress fox squirrel was observed near the Florida Power and Light easement. Several species of wading birds including great blue heron, tricolor heron, great egret, snowy egret, glossy ibis, wood stork, and little blue heron were also observed in the borrow areas on the site.

ES staff confirmed the species survey during the July 26, 2001 field verification. No management plan has been submitted at this point. ES staff recommend the following condition to ensure adequate protection of listed species:

A detailed protected species management plan for gopher tortoises, Big Cypress fox squirrels, and wading birds must be submitted with the development order.

Open Space:
LDC Section 10-415(a) requires a minimum of 40% open space for residential projects where lot sizes are less than 6500 square feet. LDC Section 34-935 (g)(1) further states that residential planned developments must provide 40 percent of the total area of the project as common open space. Additionally, LDC Section 10-415 (b) requires a minimum of 50% of the required open space to be provided as indigenous open space. The Master Concept Plan specifies three typical single family parcel designs to be below the 6500 square feet lot size threshold. The recreation area, typical townhouse, and typical multi-family lot designs also require open space. Additionally, the application proposes 60% lot coverage which exceeds the 45% maximum lot coverage considered in Section 34-695 of the Land Development Code for open space calculations. The increased lot coverage and small lot sizes will result in minimal open space left on each lot. While the open space has been sufficiently addressed through recreation areas, lakes, and other open areas, the indigenous open space required by Section 10-415 (b) has not been satisfied.

The Heritage Creek RPD proposes a total of 98.6 acres of indigenous open space consisting of wetland

conservation, wetland creation, upland conservation, and upland buffers. This equates to approximately 13% of the site. With the small lot sizes and higher lot coverage proposed, this project must provide 20% (148 acres) of the site as indigenous open space. ES staff recommend the following condition to ensure that adequate indigenous open space has been provided.

The Master Concept Plan must be revised to delineate a minimum of 148 acres of preserved indigenous open space. The incorporation of equestrian trails, hiking paths, viewing platforms and gazebos is encouraged within the indigenous area. Any uses within the indigenous preserve areas must be designed to protect native vegetation, and especially mature, native trees, and submitted with the development order for review and approval by ES staff.

Conservation Area Uses:
Attachment 1 titled "Heritage Creek Permitted Land Uses" lists several uses within the wetland and upland conservation areas that could provide an ideal setting for educational and passive recreational uses beneficial to the natural habitat, wildlife, and residents of the development. Although the utilization of recreational structures such as gazebos, foot trails, and boardwalks are attributes for the residents and plant communities, implementation of such uses must be carefully planned and executed to induce minimum disturbance to preserve areas. ES staff recommend the following conditions to ensure the protection of the preserve areas:

The use of cypress mulch is prohibited in preserve areas.

The maximum width of all boardwalks within the preserve areas must not exceed the minimum width requirements set forth by the Americans with Disabilities Act.

All boardwalks within the preserve areas must be designed to avoid mature native trees and protected species burrows, nests, or dens. The final layout of the boardwalks must be field verified by Division of Environmental Sciences staff. Minor adjustments to minimize impacts to native vegetation may be required.

The construction of gazebos or viewing platforms within conservation areas is limited to no more than 2 structures each having a footprint no larger than 200 square feet.

Prior to site work for any recreational use that requires the removal of vegetation within a conservation area, a development order showing impacts to the conservation area must be submitted for review and approval by Environmental Sciences and other applicable County Staff.

Tower:
The Master Concept Plan includes a tower surrounded by the Gopher Tortoise/Upland Preserve. This area is currently utilized by several species of native and migratory birds. The design and location of this tower could impact the utilization of the palmetto prairie and scrubby pine flatwood plant communities by resident birds. ES staff recommend the following condition to minimize impacts to surrounding habitat from the proposed tower:

The Communication Tower as denoted on the Master Concept Plan must be of a monopole design. The tower and its associated maintenance buildings must be designed to minimize impacts to birds.

Deviations:

Deviation 3 requests relief from LDC Section 10-418 (a)(2)(b) which requires the installation of one native wetland herbaceous plant per linear foot of lake shoreline to be installed, where trees and shrubs can be substituted for up to twenty five percent of the total number of herbaceous plants required, to allow the required plantings to include up to fifty percent trees in the Tract K lake.

Justification for this request states that the usual low level wetland vegetation along the aqua-range's shoreline would interfere with the retrieval of range balls. Additionally, the littoral vegetation would inevitably be damaged due to the aqua-range activities.

The unique nature of the aqua-range design lends support to the applicant's request. ES staff recommend APPROVAL of Deviation 3 with the following condition:

Lake littoral plantings within Tract K must be calculated at one littoral plant per linear foot of lake shoreline. One 10-foot tall tree or two 3-gallon shrubs may be substituted for 10 herbaceous plants. Trees and shrubs may used to count toward up to 50 % of the required lake littoral planting requirements. A minimum of two native wetland tree species and four native herbaceous plant species must be installed in the Tract K lake.

Deviation 6 requests relief from LDC Section 10-421 (a)(5) which requires that no portion of a buffer area consisting of trees and shrubs be located in an easement to allow planted buffers consisting of shrubs and non-required trees in easements provided that if any required landscaping within the easement is removed or damaged, then it will be replaced at no cost to the County.

Justification for this request states that it will enhance the development by improving its appearance with landscaping while providing access to any easements.

As per LDC Section 10-421 (a)(5) no trees or shrubs may be may be located in any utility, drainage or street easement or right-of-way. To avoid conflicts with overhead utility lines, only trees less than 20 feet in height at maturity may be used directly adjacent to an overhead line. Variances or deviations from the requirements of this subsection are prohibited except when included in an approved Alternate Landscape Betterment Plan. Therefore, ES staff cannot recommend approval of deviation 6. However, to ensure that the applicant is aware of requirements pertaining to an Alternate Landscape Betterment Plan with regard to planting vegetation within easements, ES staff recommend the following condition:

The placement of any required vegetation within a utility, power, or drainage easement must be clearly delineated on an Alternate Landscape Betterment Plan as per LDC Section 10-419 and submitted with the local development order. The placement of vegetation within any easement

BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, Petitioner, v. JACK R. SNYDER, et ux., Respondents.

No. 79,720

SUPREME COURT OF FLORIDA

627 So. 2d 469; 1993 Fla. LEXIS 1628; 18 Fla. L. Weekly S 522

October 7, 1993, Decided

SUBSEQUENT HISTORY: [**1]

As Revised December 23, 1993. Petition for Rehearing Denied December 23, 1993. Released for Publication January 18, 1994.

PRIOR HISTORY: Application for Review of the Decision of the District Court of Appeal - Direct Conflict of Decisions. Fifth District - Case No. 90-1214.

Orginial Opinion of March 20, 1992, Reported at: *1992 Fla. App. LEXIS 12297.*

CASE SUMMARY:

PROCEDURAL POSTURE: Petitioner filed an application for review of a decision of the Fifth District Court of Appeal (Florida) which ruled, in apparent conflict with another appellate court, that petitioner's denial of respondents request for a zoning change, which was based on petitioner's comprehensive plan, was arbitrary and unreasonable.

OVERVIEW: The court granted review of an appellate court decision relating to a zoning matter because it conflicted with another appellate decision. Respondent landowners owned a one-half acre parcel of property that was zoned for general use. The zoning classification allowed for the construction of a single-family residence. Respondents filed an application to rezone their property, which was denied by petitioner county commission. The appellate court granted relief to respondents and held that petitioner's denial was arbitrary and capricious. The court quashed the decision of the appellate court and held that, because petitioner's action on respondents' application was quasi-judicial, the practical effect was to review the case by strict scrutiny in the sense of strict compliance with the comprehensive zoning plan. Applying that principle, the court opined that respondents were charged with the burden of proving that their proposal was consistent with the comprehensive plan. Then the burden shifted to petitioner to show that maintaining the existing zoning plan accomplished a legitimate public purpose. Because the appellate court did not follow this rationale, its judgment was quashed.

OUTCOME: The judgment of the appellate court, which found that petitioner's denial of respondents' request for a zoning change was arbitrarily and unreasonably denied, was quashed because the appellate court did not follow the appropriate burden-shifting rationale in place for challenges to a local government's comprehensive plan.

LexisNexis (TM) HEADNOTES - Core Concepts:

Real & Personal Property Law > Zoning & Land Use > Zoning Generally

[HN1] Pursuant to the Growth Management Act, Fla. Stat. ch. 85-55, each county and municipality is required to prepare a comprehensive plan for approval by the Department of Community Affairs. The adopted local plan must include principles, guidelines, and standards for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the local government's jurisdictional area. At a minimum, the local plan must include elements covering future land use; capital improvements generally; sanitary sewer, solid waste, drainage, potable water, and natural ground water aquifer protection specifically; conservation; recreation and open space; housing; traffic circulation; intergovernmental coordination; coastal management (for local government in the coastal zone), and mass transit (for local jurisdictions with 50,000 or more people).

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EXHIBIT # 20
DCI 2001-00038

Real & Personal Property Law > Zoning & Land Use > Zoning Generally
[HN2] See *Fla. Stat. ch. 163.3194(3) (1991).*

Real & Personal Property Law > Zoning & Land Use > Zoning Generally
[HN3] See *Fla. Stat. ch. 163.3164 (1991).*

Real & Personal Property Law > Zoning & Land Use > Zoning Generally
[HN4] Because an order granting or denying rezoning constitutes a development order, and development orders must be consistent with the comprehensive plan, it is clear that orders on rezoning applications must be consistent with the comprehensive plan.

Administrative Law > Judicial Review > Standards of Review > Standards Generally
[HN5] A board's legislative action is subject to attack in circuit court. However, in deference to the policy-making function of a board when acting in a legislative capacity, its actions are sustained as long as they are fairly debatable. On the other hand, the rulings of a board acting in its quasi-judicial capacity are subject to review by certiorari and are upheld only if they are supported by substantial competent evidence.

Real & Personal Property Law > Zoning & Land Use > Zoning Generally
[HN6] Enactments of original zoning ordinances are considered legislative.

Administrative Law > Agency Adjudication > Hearings
[HN7] It is the character of the hearing that determines whether or not board action is legislative or quasi-judicial. Generally speaking, legislative action results in the formulation of a general rule of policy, whereas judicial action results in the application of a general rule of policy.

Administrative Law > Agency Adjudication > Hearings
[HN8] A judicial or quasi-judicial act determines the rules of law applicable, and the rights affected by them, in relation to past transactions. On the other hand, a quasi-legislative or administrative order prescribes what the rule or requirement of administratively determined duty shall be with respect to transactions to be executed in the future, in order that same shall be considered lawful. But even so, quasi-legislative and quasi-executive orders, after they have already been entered, may have a quasi-judicial attribute if capable of being arrived at and provided by law to be declared by the administrative agency only after express statutory notice, hearing, and consideration of evidence to be adduced as a basis for the making thereof.

Real & Personal Property Law > Zoning & Land Use > Judicial Review
[HN9] Rezoning actions which have an impact on a limited number of persons or property owners, on identifiable parties and interests, where the decision is contingent on a fact or facts arrived at from distinct alternatives presented at a hearing, and where the decision can be functionally viewed as policy application, rather than policy setting, are in the nature of quasi-judicial action.

Real & Personal Property Law > Zoning & Land Use > Judicial Review
[HN10] In practical effect, the review by strict scrutiny in zoning cases appears to be the same as that given in the review of other quasi-judicial decisions. The term as used in the review of land use decisions must be distinguished from the type of strict scrutiny review afforded in some constitutional cases.

Real & Personal Property Law > Zoning & Land Use > Zoning Generally
[HN11] A comprehensive plan only establishes a long-range maximum limit on the possible intensity of land use; a plan does not simultaneously establish an immediate minimum limit on the possible intensity of land use. The present use of land may, by zoning ordinance, continue to be more limited than the future use contemplated by the comprehensive plan.

Real & Personal Property Law > Zoning & Land Use > Judicial Review
[HN12] Absent the assertion of some enforceable property right, an application for rezoning appeals at least in part to local officials' discretion to accept or reject the applicant's argument that change is desirable. The right of judicial review does not ipso facto ease the burden on a party seeking to overturn a decision made by a local government, and certainly does not confer any property-based right upon the owner where none previously existed. Moreover, when it is the zoning classification that is challenged, the comprehensive plan is relevant only when the suggested use is inconsistent with that plan. Where any of several zoning classifications is consistent with the plan, the applicant seeking a change from one to the other is not entitled to judicial relief absent proof the status quo is no longer reasonable. It is not enough simply to be "consistent"; the proposed change cannot be inconsistent, and will be subject to "strict scrutiny" to insure this does not happen.

COUNSEL: Robert D. Guthrie, County Attorney and Eden Bentley, Assistant County Attorney, Melbourne, Florida, for Petitioner.

Frank J. Griffith, Jr. of Cianfrogna, Telfer, Reda & Faherty, P.A., Titusville, Florida, for Respondents.

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Richard E. Gentry, Florida Home Builders Association, Tallahassee, Florida; and Robert M. Rhodes and Cathy M. Sellers of Steel, Hector and Davis, Tallahassee, Florida, Amicus Curiae for Florida Home [**2] Builders Association.

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David J. Russ and Karen Brodeen, Assistant General Counsels, Tallahassee, Florida, Amicus Curiae for Florida Department of Community Affairs.

Richard Grosso, Legal Director, 1000 Friends of Florida, Tallahassee, Florida; and C. Allen Watts of Cobb, Cole and Bell, Daytona Beach, Florida, Amicus Curiae for 1000 Friends of Florida.

Neal D. Bowen, County Attorney, Kissimmee, Florida, Amicus Curiae for Osceola County.

M. Stephen Turner and David K. Miller of Broad and Cassel, Tallahassee, Florida, Amicus Curiae for Monticello Drug Company.

John J. Copelan, Jr., County Attorney and Barbara S. Monahan, Assistant County Attorney for Broward County, Fort Lauderdale, Florida; and Emeline Acton, County Attorney for Hillsborough County, Tampa, Florida, Amici Curiae for Broward County, Hillsborough County, and Florida Association of County Attorneys, Inc..

Thomas G. Pelham of Holland & Knight, Tallahassee, Florida, Amicus Curiae for Thomas G. Pelham, pro se.

JUDGES: GRIMES, [**3] BARKETT, OVERTON, McDONALD, KOGAN, HARDING, SHAW

OPINIONBY: GRIMES

OPINION: [*470] The Motion for Rehearing filed by Petitioner, having been considered in light of the revised opinion, is hereby denied.

GRIMES, J.

We review *Snyder v. Board of County Commissioners, 595 So. 2d 65 (Fla. 5th DCA 1991),* because of its conflict with *Schauer v. City of Miami Beach, 112 So. 2d 838 (Fla. 1959); City of Jacksonville Beach v. Grubbs, 461 So. 2d 160 (Fla. 1st DCA 1984),* review denied, *469 So. 2d 749 (Fla. 1985);* and *Palm Beach County v. Tinnerman, 517 So. 2d 699 (Fla. 4th DCA 1987),* review denied, [*471] *528 So. 2d 1183 (Fla. 1988).* We have jurisdiction under article V, section 3(b)(3) of the Florida Constitution. Jack and Gail Snyder owned a one-half acre parcel of property on Merritt Island in the unincorporated area of Brevard County. The property is zoned GU (general use) which allows construction of a single-family residence. The Snyders filed an application to rezone their property to the RU-2-15 zoning classification which allows the [**4] construction of fifteen units per acre. The area is designated for residential use under the 1988 Brevard County Comprehensive Plan Future Land Use Map. Twenty-nine zoning classifications are considered potentially consistent with this land use designation, including both the GU and the RU-2-15 classifications.

After the application for rezoning was filed, the Brevard County Planning and Zoning staff reviewed the application and completed the county's standard "rezoning review worksheet." The worksheet indicated that the proposed multifamily use of the Snyders' property was consistent with all aspects of the comprehensive plan except for the fact that it was located in the one-hundred-year flood plain in which a maximum of only two units per acre was permitted. For this reason, the staff recommended that the request be denied.

At the planning and zoning board meeting, the county planning and zoning director indicated that when the property was developed the land elevation would be raised to the point where the one-hundred-year-flood plain restriction would no longer be applicable. Thus, the director stated that the staff no longer opposed the application. The planning and zoning board [**5] voted to approve the Snyders' rezoning request.

When the matter came before the board of county commissioners, Snyder stated that he intended to build

only five or six units on the property. However, a number of citizens spoke in opposition to the rezoning request. Their primary concern was the increase in traffic which would be caused by the development. Ultimately, the commission voted to deny the rezoning request without stating a reason for the denial.

The Snyders filed a petition for certiorari in the circuit court. Three circuit judges, sitting en banc, reviewed the petition and denied it by a two-to-one decision. The Snyders then filed a petition for certiorari in the Fifth District Court of Appeal.

The district court of appeal acknowledged that zoning decisions have traditionally been considered legislative in nature. Therefore, courts were required to uphold them if they could be justified as being "fairly debatable." Drawing heavily on *Fasano v. Board of County Commissioners, 264 Ore. 574, 507 P.2d 23 (Or. 1973),* however, the court concluded that, unlike initial zoning enactments and comprehensive rezonings or rezonings affecting a large portion of the [**6] public, a rezoning action which entails the application of a general rule or policy to specific individuals, interests, or activities is quasi-judicial in nature. Under the latter circumstances, the court reasoned that a stricter standard of judicial review of the rezoning decision was required. The court went on to hold:

> (4) Since a property owner's right to own and use his property is constitutionally protected, review of any governmental action denying or abridging that right is subject to close judicial scrutiny. Effective judicial review, constitutional due process and other essential requirements of law, all necessitate that the governmental agency (by whatever name it may be characterized) applying legislated land use restrictions to particular parcels of privately owned lands, must state reasons for action that denies the owner the use of his land and must make findings of fact and a record of its proceedings, sufficient for judicial review of: the legal sufficiency of the evidence to support the findings of fact made, the legal sufficiency of the findings of fact supporting the reasons given and the legal adequacy, under applicable law (i.e., under general comprehensive [**7] zoning ordinances, applicable state and case law and state and federal constitutional provisions) of the reasons given for the result of the action taken.
>
> (5) The initial burden is upon the landowner to demonstrate that his petition or application for use of privately owned [*472] lands, (rezoning, special exception, conditional use permit, variance, site plan approval, etc.) complies with the reasonable procedural requirements of the ordinance and that the use sought is consistent with the applicable comprehensive zoning plan. Upon such a showing the landowner is presumptively entitled to use his property in the manner he seeks unless the opposing governmental agency asserts and proves by clear and convincing evidence that a specifically stated public necessity requires a specified, more restrictive, use. After such a showing the burden shifts to the landowner to assert and prove that such specified more restrictive land use constitutes a taking of his property for public use for which he is entitled to compensation under the taking provisions of the state or federal constitutions.

Snyder v. Board of County Commissioners, 595 So. 2d at 81 (footnotes omitted). [**8]

Applying these principles to the facts of the case, the court found (1) that the Snyders' petition for rezoning was consistent with the comprehensive plan; (2) that there was no assertion or evidence that a more restrictive zoning classification was necessary to protect the health, safety, morals, or welfare of the general public; and (3) that the denial of the requested zoning classification without reasons supported by facts was, as a matter of law, arbitrary and unreasonable. The court granted the petition for certiorari.

Before this Court, the county contends that the standard of review for the county's denial of the Snyders' rezoning application is whether or not the decision was fairly debatable. The county further argues that the opinion below eliminates a local government's ability to operate in a legislative context and impairs its ability to respond to public comment. The county refers to *Jennings v. Dade County, 589 So. 2d 1337 (Fla. 3d DCA 1991),* review denied, *598 So. 2d 75 (Fla. 1992),* for the proposition that if its rezoning decision is quasi-judicial, the commissioners will be prohibited from obtaining community [**9] input by way of ex parte communications from its citizens. In addition, the county suggests that the requirement to make findings in support of its rezoning decision will place an insurmountable burden on the zoning authorities. The county also asserts

that the salutary purpose of the comprehensive plan to provide controlled growth will be thwarted by the court's ruling that the maximum use permitted by the plan must be approved once the rezoning application is determined to be consistent with it.

The Snyders respond that the decision below should be upheld in all of its major premises. They argue that the rationale for the early decisions that rezonings are legislative in nature has been changed by the enactment of the Growth Management Act. Thus, in order to ensure that local governments follow the principles enunciated in their comprehensive plans, it is necessary for the courts to exercise stricter scrutiny than would be provided under the fairly debatable rule. The Snyders contend that their rezoning application was consistent with the comprehensive plan. Because there are no findings of fact or reasons given for the denial by the board of county commissioners, there is no basis [**10] upon which the denial could be upheld. Various amici curiae have also submitted briefs in support of their several positions.

Historically, local governments have exercised the zoning power pursuant to a broad delegation of state legislative power subject only to constitutional limitations. Both federal and state courts adopted a highly deferential standard of judicial review early in the history of local zoning. In *Village of Euclid v. Ambler Realty Co., 272 U.S. 365, 47 S. Ct. 114, 71 L. Ed. 303 (1926),* the United States Supreme Court held that "if the validity of the legislative classification for zoning purposes be fairly debatable, the legislative judgment must be allowed to control." *272 U.S. at 388.* This Court expressly adopted the fairly debatable principle in *City of Miami Beach v. Ocean & Inland Co., 147 Fla. 480, 3 So. 2d 364 (1941).*

Inhibited only by the loose judicial scrutiny afforded by the fairly debatable rule, local zoning systems developed in a markedly inconsistent manner. Many land use experts and practitioners [**11] have been critical of the local zoning system. Richard Babcock deplored the effect of "neighborhoodism" and [*473] rank political influence on the local decision-making process. Richard F. Babcock, The Zoning Game (1966). Mandelker and Tarlock recently stated that "zoning decisions are too often ad hoc, sloppy and self-serving decisions with well-defined adverse consequences without off-setting benefits." Daniel R. Mandelker and A. Dan Tarlock, Shifting the Presumption of Constitutionality in Land-Use Law, *24 Urb. Law. 1, 2 (1992).*

Professor Charles Harr, a leading proponent of zoning reform, was an early advocate of requiring that local land use regulation be consistent with a legally binding comprehensive plan which would serve long range goals, counteract local pressures for preferential treatment, and provide courts with a meaningful standard of review. Charles M. Harr, "In Accordance With A Comprehensive Plan," *68 Harv. L. Rev. 1154 (1955).* In 1975, the American Law Institute adopted the Model Land Development Code, which provided for procedural and planning reforms at the local level and increased state participation [**12] in land use decision-making for developments of regional impact and areas of critical state concern.

Reacting to the increasing calls for reform, numerous states have adopted legislation to change the local land use decision-making process. As one of the leaders of this national reform, Florida adopted the Local Government Comprehensive Planning Act of 1975. Ch. 75-257, Laws of Fla. This law was substantially strengthened in 1985 by the Growth Management Act. Ch. 85-55, Laws of Fla.

[HN1] Pursuant to the Growth Management Act, each county and municipality is required to prepare a comprehensive plan for approval by the Department of Community Affairs. The adopted local plan must include "principles, guidelines, and standards for the orderly and balanced future economic, social, physical, environmental, and fiscal development" of the local government's jurisdictional area. *§ 163.3177(1),* Fla. Stat. (1991). At the minimum, the local plan must include elements covering future land use; capital improvements generally; sanitary sewer, solid waste, drainage, potable water, and natural ground water aquifer protection specifically; conservation; recreation and open space; housing; traffic circulation; [**13] intergovernmental coordination; coastal management (for local government in the coastal zone); and mass transit (for local jurisdictions with 50,000 or more people). Id. § 163.3177(6).

Of special relevance to local rezoning actions, the future land use plan element of the local plan must contain both a future land use map and goals, policies, and measurable objectives to guide future land use decisions. This plan element must designate the "proposed future general distribution, location, and extent of the uses of land" for various purposes. Id. § 163.3177(6)(a). It must include standards to be utilized in the control and distribution of densities and intensities of development. In addition, the future land use plan must be based on adequate data and analysis concerning the local jurisdiction, including the projected population, the amount of land needed to accommodate the estimated population, the availability of public services and facilities, and the character of undeveloped land. Id. § 163.3177(6)(a).

The local plan must be implemented through the adoption of land development regulations that are consistent with the plan. Id. § 163.3202. In addition, all development, [**14] both public and private, and all development orders approved by local governments must be consistent with the adopted local plan. Id. § 163.3194(1)(a). [HN2] ***Section 163.3194(3)*, Florida Statutes (1991), explains consistency as follows:**

> **(a) A development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.**

[HN3] *Section 163.3164*, Florida Statutes (1991), reads in pertinent part:

> (6) "Development order" means any order granting, denying, or granting with conditions an application for a development permit.
>
> [*474] (7) "Development permit" includes any building permit, zoning permit, subdivision approval, **rezoning**, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

[HN4] Because an order granting or denying rezoning constitutes a development order and development [**15] orders must be consistent with the comprehensive plan, it is clear that orders on rezoning applications must be consistent with the comprehensive plan.

The first issue we must decide is whether the Board's action on Snyder's rezoning application was legislative or quasi-judicial. [HN5] A board's legislative action is subject to attack in circuit court. *Hirt v. Polk County Bd. of County Comm'rs, 578 So. 2d 415 (Fla. 2d DCA 1991).* However, in deference to the policy-making function of a board when acting in a legislative capacity, its actions will be sustained as long as they are fairly debatable. *Nance v. Town of Indialantic, 419 So. 2d 1041 (Fla. 1982).* On the other hand, the rulings of a board acting in its quasi-judicial capacity are subject to review by certiorari and will be upheld only if they are supported by substantial competent evidence. *De Groot v. Sheffield, 95 So. 2d 912 (Fla. 1957).*

[HN6] Enactments of original zoning ordinances have always been considered legislative. *Gulf & Eastern Dev. Corp. v. City of Fort Lauderdale, 354 So. 2d 57 (Fla. 1978); County of Pasco v. J. Dico, Inc., 343 So. 2d 83 (Fla. 2d DCA 1977).* [**16] In Schauer v. City of Miami Beach, this Court held that the passage of an amending zoning ordinance was the exercise of a legislative function. *112 So. 2d at 839.* However, the amendment in that case was comprehensive in nature in that it effected a change in the zoning of a large area so as to permit it to be used as locations for multiple family buildings and hotels. Id. In City of Jacksonville Beach v. Grubbs and Palm Beach County v. Tinnerman, the district courts of appeal went further and held that board action on specific rezoning applications of individual property owners was also legislative. *Grubbs, 461 So. 2d at 163; Tinnerman, 517 So. 2d at 700.*

[HN7] It is the character of the hearing that determines whether or not board action is legislative or quasi-judicial. *Coral Reef Nurseries, Inc. v. Babcock Co., 410 So. 2d 648 (Fla. 3d DCA 1982).* Generally speaking, legislative action results in the formulation of a general rule of policy, whereas judicial action results in the application of a general rule of policy. Carl J. Peckingpaugh, Jr., Comment, [**17] Burden of Proof in Land Use Regulations: A Unified Approach and Application to Florida, *8 Fla. St. U. L. Rev. 499, 504 (1980).* In *West Flagler Amusement Co. v. State Racing Commission, 122 Fla. 222, 225, 165 So. 64, 65 (1935),* we explained: [HN8]

> A judicial or quasi-judicial act determines the rules of law applicable, and the rights affected by them, in relation to past transactions. On the other hand, a quasi-legislative or administrative order prescribes what the rule or requirement of administratively determined duty shall be with respect to transactions to be executed in the future, in order that same shall be considered lawful. But even so, quasi-legislative and quasi-executive orders, after they have already been entered, may have a quasi-judicial attribute if capable of being arrived at and provided by law to be declared by the administrative agency only after express statutory notice,

> hearing and consideration of evidence to be adduced as a basis for the making thereof.

Applying this criterion, it is evident that comprehensive rezonings affecting a large portion of the public are legislative in nature. [**18] However, we agree with the court below when it said:

> [HN9] Rezoning actions which have an impact on a limited number of persons or property owners, on identifiable parties and interests, where the decision is contingent on a fact or facts arrived at from distinct alternatives presented at a hearing, and where the decision can be functionally viewed as policy application, rather than policy setting, are in the nature of . . . quasi-judicial action . . . .

Snyder, 595 So. 2d at 78. Therefore, the board's action on Snyder's application was in the nature of a quasi-judicial proceeding and [*475] properly reviewable by petition for certiorari. n1

> n1 One or more of the amicus briefs suggests that Snyder's remedy was to bring a de novo action in circuit court pursuant to *section 163.3215*, Florida Statutes (1991). However, in *Parker v. Leon County, Nos. 80,230 and 80,288, 627 So.2d 476* (Fla. Oct. 7, 1993), we explained that this statute only provides a remedy for third parties to challenge the consistency of development orders.

[**19]

We also agree with the court below that the review is subject to strict scrutiny. [HN10] In practical effect, the review by strict scrutiny in zoning cases appears to be the same as that given in the review of other quasi-judicial decisions. See *Lee County v. Sunbelt Equities, II, Ltd. Partnership, 619 So. 2d 996 (Fla. 2d DCA 1993)* (The term "strict scrutiny" arises from the necessity of strict compliance with comprehensive plan.). This term as used in the review of land use decisions must be distinguished from the type of strict scrutiny review afforded in some constitutional cases. Compare *Snyder v. Board of County Comm'rs, 595 So. 2d 65, 75-76 (Fla. 5th DCA 1991)* (land use), and *Machado v. Musgrove, 519 So. 2d 629, 632 (Fla. 3d DCA 1987),* review denied, *529 So. 2d 693 (Fla. 1988),* and review denied, *529 So. 2d 694 (Fla. 1988)* (land use), with *In re Estate of Greenberg, 390 So. 2d 40, 42-43 (Fla. 1980)* (general discussion of strict scrutiny review in context of fundamental rights), appeal dismissed, [**20] *450 U.S. 961, 101 S. Ct. 1475, 67 L. Ed. 2d 610 (1981), Florida High Sch. Activities Ass'n v. Thomas, 434 So. 2d 306 (Fla. 1983)* (equal protection), and *Department of Revenue v. Magazine Publishers of America, Inc., 604 So. 2d 459 (Fla. 1992)* (First Amendment).

At this point, we depart from the rationale of the court below. In the first place, the opinion overlooks the premise that the comprehensive plan is intended to provide for the future use of land, which contemplates a gradual and ordered growth. See *City of Jacksonville Beach, 461 So. 2d at 163,* in which the following statement from *Marracci v. City of Scappoose, 26 Ore. App. 131, 552 P.2d 552, 553 (Or. Ct. App. 1976),* was approved:

> [HN11] **[A] comprehensive plan only establishes a long-range maximum limit on the possible intensity of land use; a plan does not simultaneously establish an immediate minimum limit on the possible intensity of land use. The present use of land may, by zoning ordinance, continue to be more limited than the future use contemplated by the [**21] comprehensive plan.**

Even where a denial of a zoning application would be inconsistent with the plan, the local government should have the discretion to decide that the maximum development density should not be allowed provided the governmental body approves some development that is consistent with the plan and the government's decision is supported by substantial, competent evidence.

Further, we **cannot accept** the proposition that once the landowner demonstrates that the proposed use is consistent with the comprehensive plan, he is presumptively entitled to this use unless the opposing governmental agency proves by clear and convincing evidence that specifically stated public necessity requires a more restricted use. **We do not believe that a property owner is necessarily entitled to relief by proving consistency when the board action is also consistent with the plan.** As

noted in Lee County v. Sunbelt Equities II, Limited Partnership:

> [HN12] Absent the assertion of some enforceable property right, an application for rezoning appeals at least in part to local officials' discretion to accept or reject the applicant's argument that change is desirable. The right of judicial review [**22] does not ipso facto ease the burden on a party seeking to overturn a decision made by a local government, and certainly does not confer any property-based right upon the owner where none previously existed.
>
> . . . .
>
> Moreover, when it is the zoning classification that is challenged, the comprehensive plan is relevant only when the suggested use is inconsistent with that plan. Where any of several zoning classifications is consistent with the plan, the applicant seeking a change from one to the other is not entitled to judicial relief absent proof the status quo is no longer reasonable. It is not enough simply to be "consistent"; **the proposed change cannot be inconsistent, and will be subject to the "strict [*476] scrutiny" of Machado to insure this does not happen.**

619 So. 2d at 1005-06.

This raises a question of whether the Growth Management Act provides any comfort to the landowner when the denial of the rezoning request is consistent with the comprehensive plan. It could be argued that the only recourse is to pursue the traditional remedy of attempting to prove that the denial of the application was arbitrary, discriminatory, or [**23] unreasonable. *Burritt v. Harris, 172 So. 2d 820 (Fla. 1965); City of Naples v. Central Plaza of Naples, Inc., 303 So. 2d 423 (Fla. 2d DCA 1974).* Yet, **the fact that a proposed use is consistent with the plan means that the planners contemplated that that use would be acceptable at some point in the future. We do not believe the Growth Management Act was intended to preclude development but only to insure that it proceed in an orderly manner.**

Upon consideration, **we hold that a landowner seeking to rezone property has the burden of proving that the proposal is consistent with the comprehensive plan and complies with all procedural requirements of the zoning ordinance. At this point, the burden shifts to the governmental board to demonstrate that maintaining the existing zoning classification with respect to the property accomplishes a legitimate public purpose. In effect, the landowners' traditional remedies will be subsumed within this rule, and the board will now have the burden of showing that the refusal to rezone the property is not arbitrary, discriminatory, or unreasonable. If the board carries its burden, the application should be denied.**

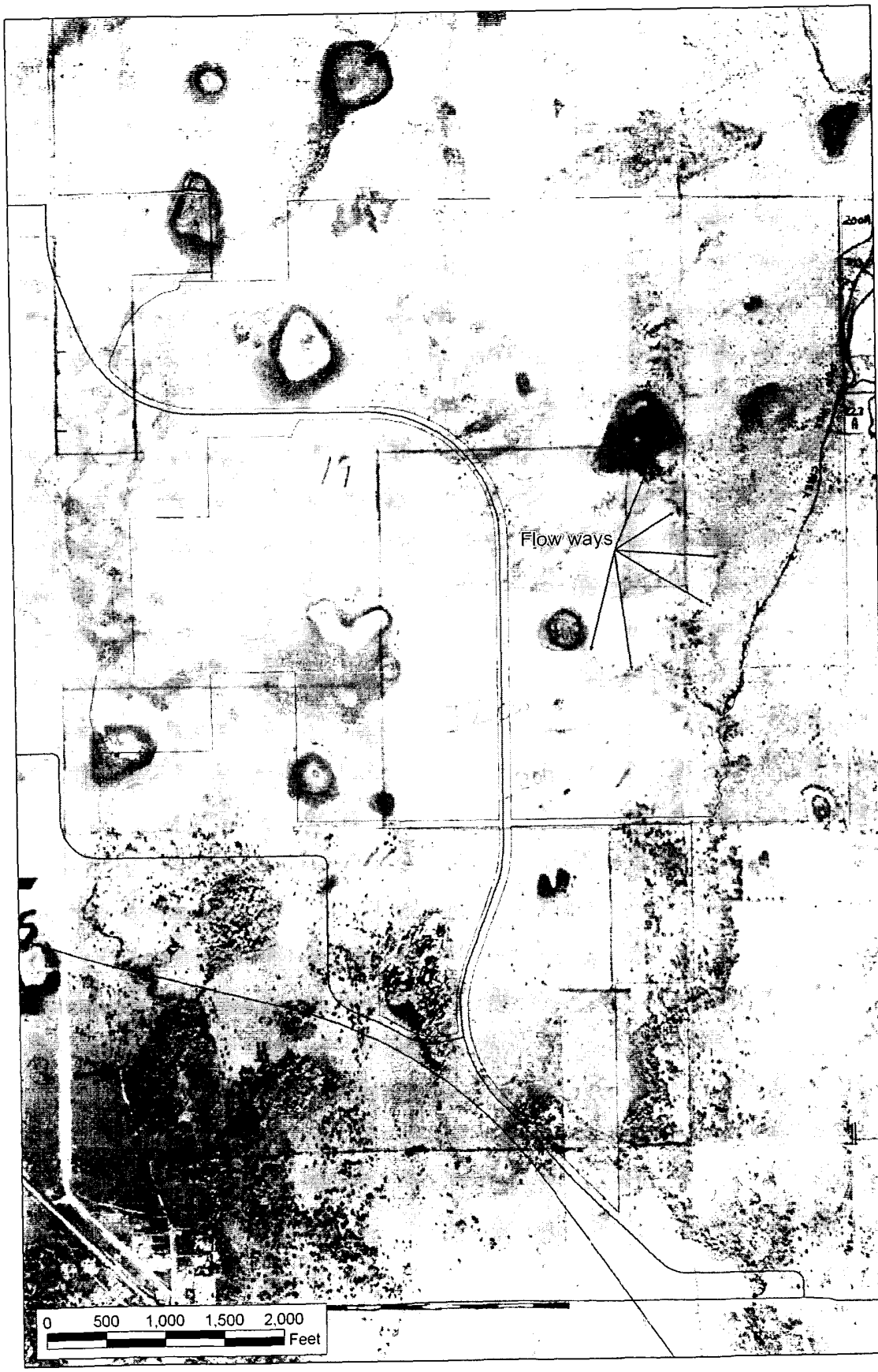
While they may be useful, the board will not be required to make findings of fact. However, in order to sustain the board's action, upon review by certiorari in the circuit court it must be shown that there was competent substantial evidence presented to the board to support its ruling. Further review in the district court of appeal will continue to be governed by the principles of *City of Deerfield Beach v. Vaillant, 419 So. 2d 624 (Fla. 1982).*

Based on the foregoing, we quash the decision below and disapprove City of Jacksonville Beach v. Grubbs and Palm Beach County v. Tinnerman, to the extent they are inconsistent with this opinion. However, in the posture of this case, we are reluctant to preclude the Snyders from any avenue of relief. Because of the possibility that conditions have changed during the extended lapse of time since their original application was filed, we believe that justice would be best served by permitting them to file a new application for rezoning of the property. The application will be without prejudice of the result reached by this decision and will allow the process to begin anew according to the [**25] procedure outlined in our opinion.

It is so ordered.

BARKETT, C.J., and OVERTON, McDONALD, KOGAN and HARDING, JJ., concur.
SHAW, J., dissents.

Heritage Creek 1958 Aerials



Brookes
EXHIBIT # 6
DCI 2001-00038

YOUR COMMENTS ARE IMPORTANT

During this hearing and 10 days afterward you will have the opportunity to present your views concerning these design changes. Your comments can be made in any of the following ways:

1. Make an oral statement during the formal portion of the public hearing.
2. Fill out the comment Form provided and place it in the comment box in the meeting room.
3. Fill out and mail the Comment Form or any statements and exhibits to the address shown on the form.

All comments submittals mailed by April 12, 2002 will become part of the official public hearing transcript. Regardless of the manner in which your comments are received, the FDOT will give equal consideration to all comments before they make a final recommendation and submit it to the Federal Highway Administration for approval. The complete official public hearing transcript will be available for public inspection and copying approximately three weeks after April 12, 2002 at the address provided on the comment form.

WHAT'S NEXT?

The Department will make a final evaluation of the proposed design changes and the associated impacts, finalize the documentation of these studies and then make recommendations. Documentation of this evaluation will then be sent to FHWA for acceptance. A legal display advertisement announcing the acceptance will appear in the Fort Myers News-Press.

Following acceptance, maps with the recommended conceptual design will be available for viewing at the Florida Department of Transportation Southwest Area Office, 2295 Victoria Avenue, Suite 292 Fort Myers, Florida 33901.

Subsequent phases of development for this segment of SR 78 are anticipated to be complete by 2005.

ADOPTED FIVE YEAR WORK PROGRAM

Design	Fiscal Year 2002/2003
Right-of-Way Acquisition	Fiscal Year 2002/2003
Construction	Fiscal Year 2003/2004

The Florida Department of Transportation would like to Thank You for your participation in this evening's public hearing.

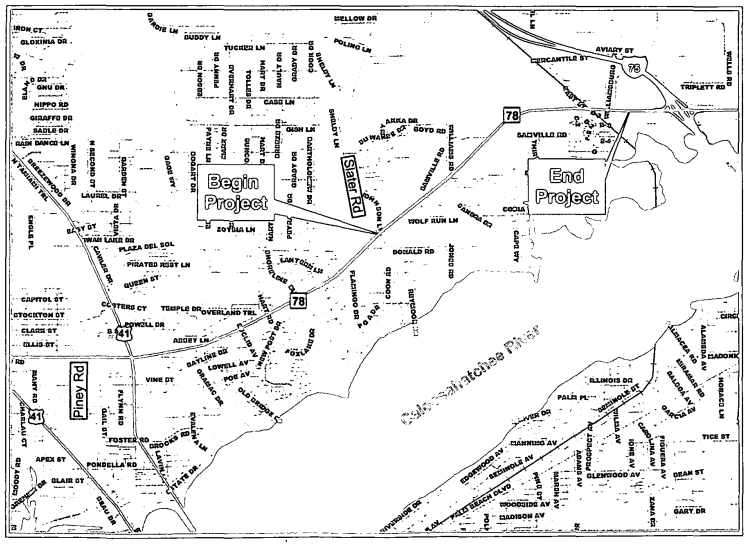
PUBLIC HEARING

SR 78 from Slater Road to I-75
Design Change Reevaluation
April 2, 2002

Financial Project ID Number: 19570515201

WELCOME TO THE SR 78 PUBLIC HEARING

Welcome to the Public Hearing for the SR 78 Design Change Reevaluation. This hearing is being conducted by the Florida Department of Transportation (FDOT) to present information and to obtain input from you regarding the proposed design changes. This hearing will include a series of display graphics that provide information regarding the proposed changes. FDOT staff members are available to answer your questions and receive your comments.



Project Location Map

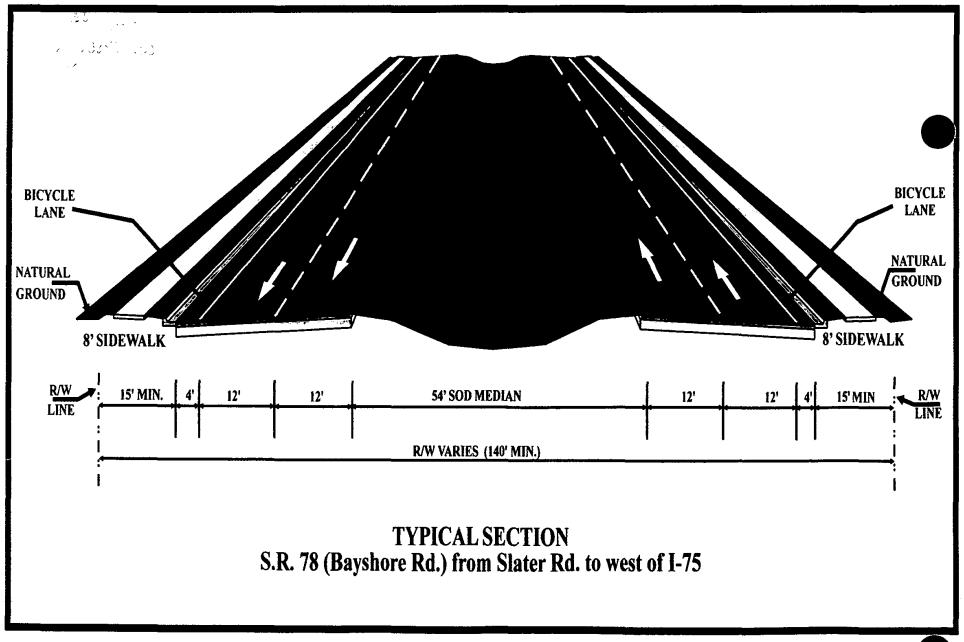
Brooks
EXHIBIT # 2
DC/2001-00038

PROJECT DESCRIPTION

Design Concepts for the originally proposed PD&E improvements from Piney Road to Interstate 75 were presented at a public hearing on November 12, 1991 and approved by the Federal Highway Administration on May 4, 1993. This design segment will focus on the 2.5-mile section of SR 78 from Slater Road to Interstate 75. The preferred PD&E study alternative recommended acquiring most of the right-of-way from the south side of SR 78. Since acceptance of the overall concept was obtained, design changes have been proposed which are necessary to meet current access management and design standards. This will require additional right-of-way from both the north and south sides of SR 78, which were not presented at the November 12, 1991 public hearing.

Included in this design change are intersection improvements at SR 78 and the cross streets of Samville Road West, Williams Road, and Samville Road. Frontage road connections and stormwater ponds near I-75 are being designed more to the west than originally proposed in 1993 and will impact more property than was originally anticipated. These improvements are proposed to increase the safety and traffic flow of SR 78 and are depicted in the concept plans on display here this evening.

The proposed typical section for the project, a four-lane curb and gutter section, has not changed (see Figure 1). It includes two 12-foot lanes in each direction, a 54-foot depressed median, four-foot bike lanes in each direction adjacent to the outside travel lanes, an outside curb and gutter for drainage, and a three-foot grass strip and eight-foot sidewalk on each side.



TYPICAL SECTION
S.R. 78 (Bayshore Rd.) from Slater Rd. to west of I-75

Figure 1

ENVIRONMENTAL ANALYSIS

The environmental impacts of the proposed design change were evaluated and compared to the originally accepted concept. Issues that were evaluated include potential historic and archaeological impacts, potential contamination sites, impacts to threatened and endangered species, air quality and noise impacts, and floodplain and wetland impacts. The results of these evaluations indicate that there are no major changes in impacts to these resources as a result of the design change.

In addition, potential impacts to residences, businesses and community and cultural facilities and economic development were also evaluated. Additional right-of way will be required both north and south of SR 78, however these impacts are necessary to meet current access management and design standards developed to insure the safety of the traveling public and adjacent property owners. These changes will result in an additional 11 parcels being impacted, however no additional relocations will be required. An evaluation matrix is contained in Figure 2, and depicts the costs and impacts associated with the segment of the 1993 approved concept approved from Slater Road to I-75, and the design change concepts for the same section of SR 78 from Slater to I-75.

ALTERNATIVES EVALUATION MATRIX
SR 78 from Slater Road to I-75

Right of Way	**$3,548,000**	**$12,578,000**
Design	**$699,000**	**$1,145,000**
Road Construction	**$5,378,000**	**$7,177,000**
Railroad Construction	**$0**	**$455,000**
Construction Engineering and Inspection	**$536,000**	**$1,145,000**
Number of Parcels Affected	**31**	**42**
Residential Relocations	**1**	**1**
Business Relocations	**1**	**1**

Figure 2

Since the time of the originally accepted concept, stormwater management ponds have been identified for the project area. These ponds were not considered as part of the PD&E completed in 1993. Several alternative pond location were developed and analyzed as part of the Final Pond Siting Report: *SR 78 from East of Slater Road to West of I-75 in Lee County, Florida July 2001* and *Addendum*. In addition, new pond locations in the vicinity of I-75 have been proposed and have been evaluated as part of this project reevaluation. The recommended pond sites are included in the design concepts on display here this evening.

LEE COUNTY
HEARING EXAMINER

LEE COUNTY, FLORIDA NOV 27 PM 3:27

DEVELOPMENT SERVICES DIVISION

STAFF REPORT

TYPE OF CASE: PLANNED DEVELOPMENT/DCI

CASE NUMBER: DCI 2001-00038

HEARING EXAMINER DATE: December 11, 2002

I. APPLICATION SUMMARY:

A. Applicant: U. S. Home Corporation in ref to Heritage Creek (aka Stoneybrook)

B. Request: Rezone from AG-2, CPD, & RVPD to RPD to permit the development of 1,525 residential units including a mixture of single-family, duplex, townhouse, two-family attached and multi-family units all not to exceed 35 feet in height.

C. Location: The subject property is located on Pritchett Parkway (in the northeast quadrant of the intersection of I-75 and Bayshore Blvd.), in S15, 16 & 21-T43S-R25E, Lee County, FL. (District #4)

D. Land Use Plan Designation: Outlying Suburban and Wetlands

E. Surrounding Land Use:

Existing Zoning & Land Use	Future Land Use Map
North: AG-2 developed with single family uses.	Open Lands and Density Reduction/Groundwater Resource
East: AG-2 and RS-1 vacant land and developed single family residential uses	Outlying Suburban
South: Leetana Drive, Pritchett Parkway AG-2, RV-3, RS-1 vacant land and developed single family residential uses	Outlying Suburban
West: AG-2, AG-3 developed with single family residential	Outlying Suburban

F. Size of Property: 741.22± acres

Brookes
EXHIBIT #3
DCI 2001-00038

II. RECOMMENDATION:

Staff recommends denial of the Applicant's request for rezoning from AG-2 to RPD.

Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff makes the following findings and conclusions:

1. The applicant has not proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.

2. The requested zoning:

   a) does not meet or exceed all performance and locational standards set forth for the potential uses allowed by the request;

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

   c) is incompatible with existing or planned uses in the surrounding area; and

   d) will adversely affect environmentally critical areas or natural resources.

3. Approval of the request may place an undue burden upon existing transportation or planned infrastructure facilities and the site may be served by streets with the capacity to carry traffic generated by the development.

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

5. The proposed use or mix of uses is in-appropriate at the subject location.

III. BACKGROUND INFORMATION AND ANALYSIS:

Introduction/Synopsis

This is a request to rezone approximately 741.22± acres from AG-2, CPD, & RVPD to RPD to permit the development of 1,525 dwelling units consisting of single-family, duplex, townhouse, two-family attached and multi-family units. The subject property is located in North Fort Myers east of Interstate 75 and north of Bayshore Road. The parcel is bisected by Pritchett Parkway and is contiguous to Bayshore and Popash Creeks at certain locations on its western and easterly boundaries respectively.

The project is being proposed around an existing Lee County utilities sewage treatment plant. The plan of development as proposed by the applicant includes project neighborhoods and streets contiguous to the property lines of the existing treatment plant. Staff had advised the

applicant early in the process that the location of residential portions of this project in close proximity to the treatment plant was not acceptable. This proposal is contrary to the intent of the LDC to promote the health safety and welfare of the general public. It is also contrary to sound planning principals to plan residential uses near obnoxious and/or potentially hazardous uses. In addition, a design of this nature would precipitate complaints from future residents and may constrain the utility company from desired future development of its property. The applicant had requested that staff condition the proposed zoning on the removal of the sewage treatment plant operation. Staff does not agree and has taken the position that such a condition may result in an equitable estoppel claim in the future in addition to potentially compromising the ability of the utility company for future improvements or expansion of the existing site. The removal of an existing berm located on the subject parcel and separating an existing wetland area from the sewage treatment plant could potentially create a DEP compliance problem for Lee County utilities relative to the location of the existing percolation ponds and the referenced wetland.

After submitting the application for public hearing in this case, the developer held a public meeting and invited residents living in the area to receive information regarding the project. Concerns that were voiced by the residents included the proposed density, the potential for flooding, height of buildings and location of proposed multiple family units. The developer made some revisions to the plan which resulted in a reduction in height from 65 feet to 35 feet and a relocation of the proposed multiple family product internal to the project. This was a positive step by the developer in response to the concerns of affected residents. However, the other issues concerning density and potential flooding remain outstanding as of the writing of this staff report and will be addressed later in this report.

Master Concept Plan

The proposed Master Concept Plan for the development is a one page document entitled "Stoneybrook" prepared by WilsonMiller dated October 10, 2001, and stamped received at Community Development on May 31, 2002. The subject parcel is divided into numerous development tracts labeled as Tracts A through L. The tracts are more specifically designated R-1 and R-2 permitting single family or multiple family uses respectively. The project is proposed as traditional neighborhoods developed on cul-de-sac streets extending from the main thoroughfare through the project (Pritchett Parkway) designed project consisting of. The project will incorporate numerous water features, wetland and upland conservation areas and created wetland areas. A community recreational facility including a lake and encompassing approximately 49 acres is also proposed adjacent to Pritchett Parkway.

As a basis of the staff recommendation for denial of the applicants request, it should be noted that the proposed Master Concept Plan represents a development plan that may not be achievable and as such, staff is precluded from making a recommendation which could potentially result in approval of this Master Concept Plan by the Board of County Commissioners. Reasons supporting this recommendation will be expounded on throughout this report.

Lee Plan Consistency Analysis:

The Lee Plan strives to protect natural resources. In fact, one of the visions of the plan is that the County will protect its natural resource base in order to maintain a high quality of life for its residents and visitors. This is the second bullet in the Lee Plan's Vision statement. The statement provides that this will be accomplished through an aggressive public land acquisition program and by maintaining and enforcing cost-effective land use and environmental regulations that supplement, where necessary, federal, state, and regional regulatory programs. Staff recognizes the difference between permitting functions of those agencies versus sound planning principles and the fact that the Lee Plan is implemented thru County processes such as this through this planned development rezoning request.

Goal 1: Future Land Use Map and Residential Density

Staff notes that Goal 1 of the Future Land Use Element establishes the Future Land Use Map in part to protect natural resources. The subject parcel is located in the Outlying Suburban category according to the future land use map. As referenced in Policy 1.1.6 of the Lee Plan:

> *The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area in North Fort Myers east of I-75 and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre). (Amended by Ordinance 91-19)*

On its face, the proposed residential development and density is generally consistent with the intent of the Outlying Suburban land use category. However, it should be noted that the applicant is seeking the maximum allowable density for the subject site, while providing the minimum amount of preservation and open space areas. The requested total dwelling unit count includes approximately 41 dwelling units derived from the area within the abutting Pritchett Parkway right of way.

Portions of the subject parcel are also located in the Wetlands land use category. As referenced in Policy 1.5.1 of the Lee Plan:

> *Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 84 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan.*

The proposed residential development is generally inconsistent with the intent of the Wetlands land use category. The proposed MCP proposes approximately 5 acres of impact in wetlands. Existing wetlands associated with onsite flowways are being removed as a result of the project's design. Staff finds that the proposed development will adversely affect the ecological functions of on-site wetlands as several will be filled and impacted and thus the request is **inconsistent** with Policy 1.5.1 of the Lee Plan. Staff notes that the applicant is utilizing the density calculation methodology specified in Table 1(a) footnote 9(c). This footnote allows density to be generated from the wetlands at the same underlying density as the adjacent uplands, which have a cap of 2 dwelling units per acre. Thus the applicant is generating 130 dwelling units from the approximately 65 acres of onsite wetlands.

Goal 84 of the Lee Plan strives to protect the fragile ecological characteristics of wetland systems with a regulatory program that complements federal and state permitting processes. Objective 84.1 provides that "the natural functions of wetlands and wetland systems will be protected and conserved through the enforcement of the county's wetland protection regulations and the goals, objectives, and policies in this plan." Policy 84.1.1 reiterates that "Development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions." Staff notes that the proposed design eliminates wetlands that are part of onsite flowways. Staff finds that the proposal is **inconsistent** with the intent of Policy 84.1.1.

Policy 84.1.2, in part, acknowledges that the County will not undertake an independent review of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a DEP or SFWMD dredge and fill permit or exemption. Further, no development in wetlands regulated by the State of Florida will be permitted by Lee County without the appropriate state agency permit or authorization. Staff directs attention to the fourth numbered paragraph of Policy 84.1.2, which provides that "Every reasonable effort will be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. On- or off-site mitigation will only be permitted in accordance with applicable state standards." Staff finds that the applicant has failed to avoid impacts to wetlands such as the 3.3 acre fresh water marsh located along Pritchett Parkway. This fresh water marsh is a part of one of the onsite flowways and a portion of Pritchett Parkway currently drains through this flowway system to Popash Creek.

Surrounding Densities

Another issue is whether or not the density proposed by the applicant, 2 dwelling units per acre, is consistent and compatible with the existing density in the area. The property contiguous to the northern boundary of Heritage Creek is located within the Outlying Suburban, Open Lands and Density Reduction/Groundwater Resource (DR/GR) categories according to the Future Land Use Map of Lee County. The Open Lands category has a maximum allowable density of one unit per 10 acres while the DR/GR category has a maximum allowable density of one unit per 10 acres. There are two small lots at 1.5 acres and 3.4 acres, with all additional properties abutting to the north being parcels of 5 or more acres in size.

Property to the east of the proposed development is in the "Outlying Suburban" Future Land Use category. There are two subdivisions, High Point Subdivision and Oakmont Subdivision, that have densities of 2.26 units per acre and 1.85 units per acre respectively. The remaining properties east of the proposed development are parcels that vary in size from a minimum of 3 acres to a maximum of 32 acres.

Property to the southeast of the proposed development is in the "Outlying Suburban" Future Land Use category. This area is made up of parcels ranging in size from 0.9 to 3 acres. Directly abutting the lake in the southern portion of the subject property is a campground zoned RV-3. The southern tip of the subject property (a 3.8 acre tract of land) and parcels to the east and west of that southern tip are in the "General Interchange" Future Land Use category. The General Interchange land use areas are intended to be developed primarily for commercial uses that serve the traveling public. Property to the southwest of the subject property, south of I75, is in the "Suburban" Future Land Use category.

Property to the west of the proposed development is in the "Outlying Suburban" Future Land Use category. There are two subdivisions, Hunters Glen and Colonial Pines, that have residential densities of 1.34 units per acre and 1.2 units per acre respectively. The remaining parcels west of the subject property range in size from 0.8 acres to 15 acres. Based on existing surrounding densities, staff finds that a proposed density of 2 units per acre, the maximum allowed in this Outlying Suburban area of the county, may not be appropriate during the redesign of the project. The subsequent design must be evaluated further on its individual merit.

Goal 2: Growth Management

The request is **inconsistent** with Objective 2.1 which promotes contiguous and compact growth patterns through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. The request essentially spreads development "pods" across the subject property while providing the minimum amount of open space and preservation areas and ignoring the natural features of the site. Staff finds that the request does not minimize energy costs, conserve land, water, and natural resources. These issues are discussed further in latter sections of this report.

Staff believes that the subject site will eventually be developed, in keeping with the intent of Policy 2.1.1. Policy 2.1.1 maintains that most residential, commercial, industrial, and public development is expected to occur within the designated Future Urban Areas on the Future Land Use Map. That being the case, the central issue is the design of proposed development for the site and how best to accommodate natural features of the site while not exacerbating known flooding problems in the area.

Policy 2.1.2 provides that "new land uses will be permitted only if they are consistent with the Future Land Use Map and the goals, objectives, policies, and standards of this plan." Based on a complete comprehensive analysis of this project with respect to Lee Plan compliance, staff finds that the request is **inconsistent** with the Lee Plan and consequently

the request is **inconsistent** with this policy of the Plan as well. Staff believes the proposed development should not be permitted under the current design proposal.

Policy 2.2.1 requires rezoning proposals to be evaluated as to the proximity and availability of infrastructure and compatibility. The subject property is located in the proposed expansion area of the North Fort Myers Utilities franchise for sanitary sewer service. The proposed expansion of this franchise area must be approved by the Public Service Commission. The subject property is located in the Lee County Utilities franchise for potable water service. Existing potable water lines are existing and are available to serve the proposed development. Fire protection will be provided by the Bayshore Fire District and police protection by the Lee County Sheriff's Department. Given the availability of on-site and off-site facilities, the development would be adequately served.

Goal 4: Development Design

Staff has provided an attachment (Attachment F) that provides the MCP, FLUCCS, and protected species information overlaid on a current aerial photograph. This attachment, as well as field observation, was utilized in the following proposed development design analysis. Staff will also provide further photographic and other graphic evidence at the hearing examiner public hearing.

Goal 4 of the Lee Plan seeks to maintain innovative land development regulations which encourage creative site designs and mixed use developments. Policy 4.1.1 encourages site designs to be well-integrated, properly oriented, and functionally related to the topographic and natural features of the site. Policy 4.1.1 is reproduced below:

> ***POLICY 4.1.1:*** *Development designs shall be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements.*

Staff believes that the design of the project is **inconsistent** with Policy 4.1.1. The subject property contains active drainage flowways that have not been incorporated into the design of the project. There are several tracts/uses within the subject property that do not acknowledge the presence of historic flow of water through the property. Staff cites the following examples of elements of the design of the project that ignore historic flowways:

Tract G;
Tract I, and;
several adjacent proposed lakes.

There are additional examples on the proposed Master Concept Plan, aside from flowways, were the proposed development ignores natural features of the site. For example, the large wetland at the very southern end of Pritchett Parkway, on the west side of the road, contains a Temperate Hardwood Hammock. This hammock wraps around the northern and western side of this relatively large wetland (about 8 acres) area and the hammock contains about 1.9 acres (FLUCCS 425). Staff notes that this FLUCCS type typically occurs in a

transitional area adjacent to wetlands and that this FLUCCS type is becoming quite rare in Lee County due to agricultural and development practices. The Florida Land Use, Cover and Forms Classification System Handbook (January 1999) describes 425 Temperate Hardwood as follows:

> *This forest cover type is often referred to as either low or temperate hammock. Common components of this community may include, depending upon the location, a wide variety of oaks, red bay, sweetbay, magnolia, sweetgum, sugarberry, hickories, cabbage palm, hollies and cedar. Various pines are minor associates.*

The MCP proposes to impact this hammock area with a road, lake and "wetland creation area." Staff notes that there are existing single family homes adjacent to the subject site in this location. Staff believes a more sensitive design is called for, one that would preserve the existing hammock. Staff believes the location of the hammock, at the edge of the subject site, is such that impacts to this area are avoidable and the retention of the hammock would help to buffer the neighboring single family homes.

The proposed location of the "main internal roadway" just north of the Recreational Facility area is another instance of the insensitivity of the proposed MCP regarding natural features of the site. As can be seen on attachment F, this roadway is planned through an area of concentrated gopher tortoise burrows in the 415 FLUCCS coded area. Staff finds that this aspect of the design is **inconsistent** with Policy 77.8.1. Policy 77.8.1 provides that it is the county's policy "to protect gopher tortoise burrows wherever they are found." The policy continues that "if unavoidable conflicts make on-site protection infeasible, then off-site mitigation may be provided in accordance with Florida Game and Fresh Water Fish Commission requirements." Staff believes that these impacts are avoidable. This roadway facility could be moved slightly to the west and avoid this concentration of burrows.

As noted previously, one of the adopted visions of Lee County is the protection of the County's "natural resource base in order to maintain a high quality of life for its residents and visitors." The Lee Plan recognizes that this must be accomplished by properly managing indigenous ecosystems. Goal 77, Resource Protection, seeks "to manage the county's wetland and upland ecosystems so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics." Objective 77.1, Resource Management Plan, directs that "The county will continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydroecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape." Policy 77.1.1 charges County staff with "identifying upland and wetland habitats/systems most suitable for protection, enhancement, reclamation, and conservation."

The submitted design fails to adequately protect the natural resources located on the subject parcel. The design fails to assure that the hydroecological systems will be maintained. Staff notes that the proposed development design eliminates the onsite hydroecological systems, that being the flowway's and associated habitats. The proposed design eliminates two historic flowways. Staff acknowledges that these flowways have

been altered in the past, but the flowways are still functioning and are in a naturalized state. Staff finds that the proposed development is **inconsistent** with Goal 77 and Objective 77.1.

The Lee Plan recognizes that the various plant communities of the County are natural resources that are worthy of protection. Objective 77.2, Plant Communities, provides that "Lee County will maintain and routinely update an inventory of natural plant communities and will protect at various suitable locations remnant tracts of all important and representative natural plant communities occurring within Lee County." Policy 77.2.3 seeks to "Prevent water management and development projects from altering or disrupting the natural function of significant natural systems." Staff finds that the design of the project is **inconsistent** with Policy 77.2.3 as the design fails to assure that the onsite hydroecological systems will be maintained.

Policy 77.2.6 seeks to "Avoid needless destruction of upland vegetation communities including coastal and interior hammocks through consideration during the site plan review process of alternative layouts of permitted uses." The proposed design essentially eliminates the existing temperate hardwood hammock and cabbage palm hammocks, such as within tracts L, G, A, and C. Staff finds that the submitted design is **inconsistent** with Policy 77.2.6.

Goal 40, Coordinated Surface Water Management and Land Use Planning on a Watershed Basis, seeks to protect or improve the quality of receiving waters and surrounding natural areas and the functions of natural groundwater aquifer recharge areas while also providing flood protection for existing and future development. Policy 40.1.3 directs project designs to incorporate, utilize, and where practical, restore natural surface water flow ways and associated habitats. Objective 41.2, Mimicking the Functions of Natural System, provides that Lee County supports "a surface water management strategy that relies on natural features (flow ways, sloughs, strands, etc.) And natural systems to receive and otherwise manage storm and surface water." Policy 41.2.4 encourages surface water management plans to mimic the functions of natural systems. This plan of development does not utilize the natural drainage patterns of the property. Staff believes that the project should have been designed to better accommodate the flow ways even while still maintaining the same number of dwelling units. This could have been accomplished through the clustering of residential units, leaving the natural drainage pattern in tact. Staff finds that the proposed plan of development is **inconsistent** with the intent of Policy 4.1.1, Goal 40, Objective 41.2, Policy 40.1.3, and Policy 41.2.4. Staff utilized a variety of historical aerials (such as the 1958 aerials) as well as field observations to confirm the presence, locations, and extent of the flowways. Staff will provide this information at the hearing examiner public hearing.

The design of the project will totally replace the naturally functioning system, with a hardened engineered system. Policy 41.3.7 states that channelization of natural streams and rivers is prohibited and channelization of other natural watercourses is discouraged. Staff notes that the proposed design goes beyond channelization, as the design elimnates the onsite flowways or creeks. This design fails to minimize or avoid impacts to these systems. Staff finds that the proposed plan of development has not been shown to provide flood protection for existing and future development and is thus **inconsistent** with Goal 40.

Policy 41.3.6 states that developments will have and maintain an adequate surface water management system, and provide for acceptable programs for operation and maintenance, and post-development runoff conditions which reflect the natural surface water flow in terms of rate, direction, quality, hydroperiod, and drainage basin. The design of the project ignores the natural features of the site. The project is **inconsistent** with Policy 4.1.1 in that the overall plan of development is not sensitive to the topographic and natural features of the site.

Objective 39.1 provides that Lee County will continue its efforts in developing a surface water management planning process designed to produce and maintain an up-to-date body of technical information, and, based on that information, the necessary surface water management plans, regulatory mechanisms, and facility proposals that will improve the protection of present and future uses of real property from storm water flooding, while preserving or enhancing the environmental and natural resource values of both land and water. Staff finds that the proposal does not improve the protection of present and future uses of real property from storm water flooding, while preserving or enhancing the environmental and natural resource values of both land and water. In fact, the proposal impacts much of the environmental and natural resources of the site.

Policy 39.1.5 requires that the county will, through appropriate land use and engineering regulations, continue to control the introduction of obstructions or impediments within floodways. (Amended by Ordinance No. 94-30, 00-22). The proposed project is **inconsistent** with this policy.

Policy 40.3.1 adopts surface water management standards as minimum acceptable levels of service for unincorporated Lee County (see Policy 70.1.3). Policy 40.3.1.D is reproduced below:

> *D. Regulation of Private and Public Development*
>
> *Surface water management systems in new private and public developments (excluding widening of existing roads) must be designed to SFWMD standards (to detain or retain excess storm water to match the predevelopment discharge rate for the 25-year, 3-day storm event [rainfall]). Storm water discharges from development must meet relevant water quality and surface water management standards as set forth in Chapters 17-3, 17-40, and 17-302, and rule 40E-4, F.A.C. New developments must be designed to avoid increased flooding of surrounding areas. Development must be designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to approximate the natural surface water systems in terms of rate, hydroperiod, basin and quality, and to eliminate the disruption of wetlands and flow-ways, whose preservation is deemed in the public interest.*

The proposed project is **inconsistent** with this policy as staff is unable to determine if the proposed project as depicted on the Master Concept Plan will be designed to avoid increased flooding of surrounding areas. (See Potential Flooding discussion) The project is clearly proposing to eliminate the onsite flowways, which is inconsistent with this provision of the Lee Plan. Staff finds that the proposal is **inconsistent** with Policy 40.3.1(D.).

Internal Traffic Circulation - Design

Policy 4.1.2 states that development designs will be evaluated to ensure that the internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive effect on the activities and functions contained within or adjacent to the development. In reviewing the design of the internal street system depicted on the Master Concept Plan, staff believes that it is clearly **inconsistent** with Policy 4.1.2 of the Lee Plan.

The proposed development has been submitted as an RPD with a relatively large recreational/club facility area. The recreational area and residential areas, however, have not been integrated in any way. The site plan does not provide for the efficient flow of pedestrians and vehicles from the residential areas to the recreational area. In fact, the recreational area has been separated from the residential areas. The recreational/club area is in the very southern part of the development, just north of the existing borrow pit at the intersection of Leetana Road and Pritchett Parkway, on the east side of Pritchett Parkway. Both the selected manner in which the applicant is providing recreational amenities and the location selected for the recreational facility have consequences. For instance, all of the residents on the west side of Pritchett Parkway will have to cross Pritchett Parkway if they want to utilize recreational amenities such as a pool or tennis court. This creates a potential safety issue that could be avoided through design changes such as also providing recreational amenities on the west side of Pritchett Parkway.

Staff also notes that the location of the proposed recreational facility will promote the use of automobiles within the proposed development for access to the decentralized recreational facility. For example the lots around the cul-de-sac in the northeast corner of the subject site are approximately a mile and a half from the proposed recreational facility site. The lots around the cul-de-sac in the northwest corner of the site, along Pritchett Parkway are approximately a mile and four tenths (1.42 miles) from the proposed recreational facility. Staff highlights the two above tracts, but also notes that many other residential areas in the project are proposed to be a mile or greater from the proposed recreational facility. This design assures dependency on the automobile by the project residents to utilize the recreational facility.

Staff believes that the site plan has not provided adequate opportunities for pedestrian/bicycle access between the residential and recreational area and the applicant has not made any commitments concerning pedestrian/bicycle facilities. Staff notes that the applicant has not made an effort to "fit in" with the existing development pattern in the area relating to the predominance of large lot residential estates and the large number of horse owners in the Bayshore Community. The applicant could provide a public amenity such as an equestrian trail along Pritchett Parkway or along Popash Creek.

LDC Section 34-612(2)d. states that one of the primary purposes of Planned Development zoning districts is to promote improved and unifying design techniques that reduce dependence on vehicular movement within the development. Staff believes that the internal circulation pattern does not accomplish this intent.

Staff notes that the plan of development calls for many cul-de-sac streets that do not promote the safe and efficient flow of vehicles. For example, one cul-de-sac road abuts the

main spine road that runs through the project without providing access to the road. Also, two of the cul-de-sac roads are constrained in such a way that homes could not be placed around the cul-de-sac, which is the common practice. Staff believes that the internal street layout shown on the Master Concept Plan is inconsistent with Policy 4.1.2.

Staff finds the design of the project not to be in compliance with LDC Section 34-612(2). Paragraph d of this section, in part, provides that one of the purposes of Planned Developments is to promote "improved and unifying design techniques that reduce dependence on vehicular movement within the development." Contrary to this requirement, the plan of development will assure unnecessary vehicle dependence as discussed above.

Goal 5: Residential Uses

Policy 5.1.2 prohibits residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community. The project is inconsistent with Policy 5.1.2 based on the proposed design of the project which locates residential uses contiguous to an existing sewage treatment plant.

Policy 5.1.5 requires the protection of existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. The project is inconsistent with Policy 5.1.5 due to the fact that the potential design of the project could initiate or exacerbate the potential for off-site flooding of existing residential areas.

Lee Plan Consistency Conclusions:

Staff believes that the proposed development, as designed, is inconsistent with the Lee Plan. The source of staff's objection to the project is the development design. The project has not been designed in a way that adequately takes into account the existing natural features of the site. Furthermore, staff is unable to propose conditions to address the inconsistencies with the Lee Plan because the issues can only be addressed by redesigning large portions of the project. The outstanding issues are not ones that can reasonably be addressed through zoning conditions, therefore staff recommends that the project be denied.

Neighborhood Compatibility

Staff does not find that the development of residential uses in this area in and of itself is incompatible. However, it must be recognized that the existing area remains predominantly rural in nature and lifestyle. The sprawling development proposed by the applicant and consisting of lengthy development pods accessed by streets terminating in cul-de-sacs is out of character when compared to the surrounding area. Further, the close proximity of some of the proposed residential pods to the perimeter of the project and agriculturally zoned property creates a potential for conflicts between proposed residential uses and permitted agricultural uses. The proposed development does not include equestrian trails

and hiking trails which would be appropriate and complement the character of the existing area and benefit its current and future residents.

Environmental Issues

The Lee County Division of Environmental Sciences (ES) has reviewed the requested rezoning and has performed a site inspection of the subject parcel. A complete analysis of the ES staff findings is included in Attachment B.

The Heritage Creek RPD proposes a total of 98.6 acres of indigenous open space consisting of wetland conservation, wetland creation, upland conservation, and upland buffers. This equates to approximately 13% of the site. Due to the small lot sizes and increased lot coverage proposed in this development, this project must provide 20% (148 acres) of the site as indigenous open space. The Master Concept Plan must therefore be revised to delineate a minimum of 148 acres (additional 50 acres) of preserved indigenous vegetation in order to comply with the minimum requirements. Again, the Master Concept Plan as currently proposed is not achievable based on required indigenous open space.

Additionally, the Division of Environmental Sciences (ES) staff attended a meeting regarding the Heritage Creek project at the South Florida Water Management District (SFWMD) offices on October 18, 2002, with the applicant and SFWMD staff. It should be noted the plan under review at the SFWMD differs from the proposed Master Concept Plan in the northeast quadrant of the project (see Attachment C). The sewage treatment plant does not appear on the plan under review at SFWMD and the residential pods and lakes have a different configuration.

LDC Design Standards

LDC Section 34-411 provides general design standards for planned developments.

Section 34-411.(a) requires that:

All planned developments shall be consistent with the provisions of the Lee Plan.

As referenced in the Lee Plan Considerations section of this staff report, the proposed development is **inconsistent** with this section of the LDC.

Section 34-411.(f) requires that:

Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollutants.

The proposed development is inconsistent with this section of the LDC as there is no evidence to make and/or support a finding that the design of the proposed project will not increase hazards to persons or property, on or off the site, by increasing the probability or degree of flood, erosion or other danger.

Section 34-411.(g) requires that:

Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural, historic or archaeological features of the site, particularly mature native trees and other threatened or endangered native vegetation. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land, or destroys significant wildlife habitat is prohibited. That habitat is significant that is critical for the survival of rare, threatened or endangered species of flora or fauna.

The proposed development is inconsistent with this section of the LDC because the subject property contains active and historic drainage flow ways that have not been incorporated into the design of the project. As a result, proposed tracts and uses within the development will disrupt the historic flow of water through the property. In addition, as noted earlier, the proposed plan lacks approximately 50 acres of required indigenous open space which in and of itself will require revisions to the plan.

Section 34-411.(k) provides that:

Where the proposed planned development is surrounded by existing development or land use with which it is not compatible or which is of a significant higher or lower intensity of use (plus or minus ten percent of the gross floor area per acre if a commercial or industrial land use, or plus or minus 20 percent of the residential density), or is surrounded by undeveloped land or water, the design emphasis will be to separate and mutually protect the planned development and its environs.

Section 34-411.(l) provides that:

In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities which promote pedestrian activity and community interaction. The proposed development is inconsistent with this section of the LDC for the reasons identified in the Lee Plan analysis (Internal Traffic Circulation - Design)

In addition, Section 34-411.(m) provides that:

In order to enhance the viability and value of the resulting development, the designer shall ensure the internal buffering and separation of potentially conflicting uses within the planned development.

The proposed development is inconsistent with each of the aforementioned sections of the LDC based on the development design which places residential lots and streets contiguous to an existing sewage treatment plant located interior to the subject property.

Section 34-411.(n) requires that:

Density or type of use, height and bulk of buildings and other parameters of intensity should vary systematically throughout the planned development. This is intended to permit the location of intense or obnoxious uses away from incompatible land uses at the planned development's perimeter, or, conversely, to permit the concentration of intensity where it is desirable, e.g., on a major road frontage or at an intersection.

The proposed development is **Inconsistent** with this section of the LDC because the proposed design does not incorporate clustering to internalize higher density residential areas. Although the applicant has made efforts to internalize the proposed multiple family product associated with this project, the development pods are consistently spread throughout the total subject parcel. As a result of this design flaw, the indigenous preservation requirement has not been satisfied and existing natural features have been impacted.

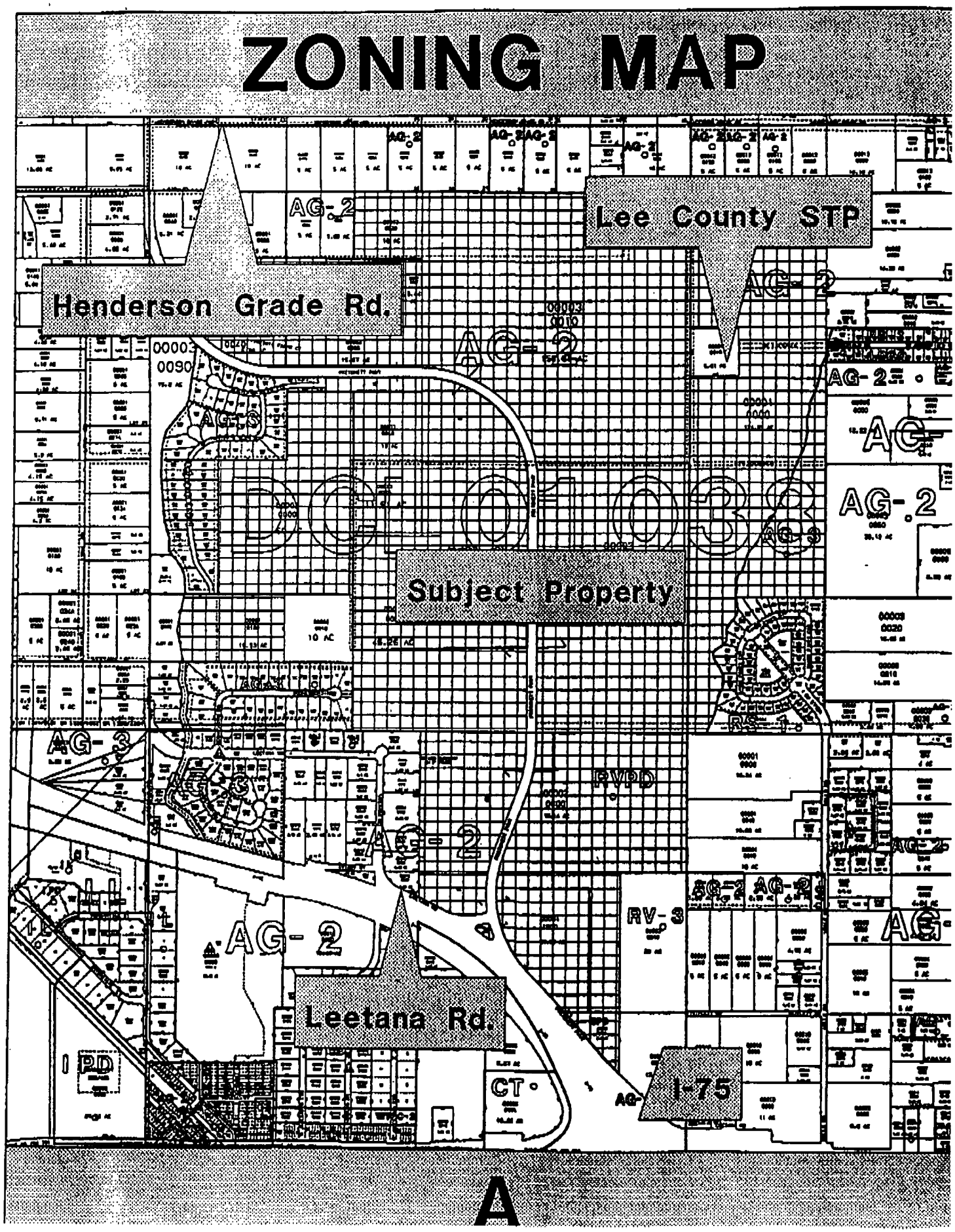
Based on the foregoing analysis staff finds that the overall design of the proposed development is **Inconsistent** with the required design standards of the LDC. On numerous occasions staff had requested that the applicant provide an electronic version of the proposed master concept plan in order that staff may illustrate the design flaws of the proposed project relative to existing conditions of the subject property. However, as of the finalization of the staff report the applicant has failed to provide this information to staff.

Potential Flooding Issues

This project is located between the creeks of Popash and Bayshore. In previous years, an agricultural perimeter berm had been (permitted) and constructed around portions of that property proposed to be developed into a residential planned community, now known as Heritage Creek. Natural Resources staff has concerns that this previous berming activity may have introduced an adverse floodplain encroachment condition. In this condition, a disproportionate amount of flood flows may have been transferred to the opposing overbank and could have caused increased upstream flood elevations.

Staff had requested that the applicant provide an HEC-RAS model for Popash and Bayshore Creeks demonstrating that the proposed development would not induce any rise to the existing flood elevations, nor any increases in velocities, nor any transfer in overbank flows for the10 year, 25 year, and 100-year storm events (See Attachment D).

The applicant was advised early in the process that without the HEC-2/RAS flood modeling staff would be unable to make a determination as to the effects of the development with regards to potential flooding and floodplain issues. Staff also expressed reservations about proceeding to the Hearing Examiner public hearing and eventually to the Board of County Commissioners with a plan that in all likelihood would have to be substantially revised. The results of the initial HEC-RAS model provided by the applicant, including subsequent modifications, were inconclusive. Consequently, Natural Resources staff is unable to determine that the project is achievable as designed or substantiate any comments regarding the effects of current versus future flooding limits or levels. Therefore, Natural


ZONING MAP
Lee County STP
Henderson Grade Rd.
Subject Property
Leetana Rd.
I-75
AG-2
AG-3
RS-1
RVPD
RV-3
CT
I PD
A

Resources staff is unable to recommend approval of the proposed rezoning and Master Concept Plan (MCP).

Transportation

The Lee County Department of Transportation has reviewed the proposed heritage Creek RPD and has provided substantive comments which are attached as Attachment E.

The project has approximately two miles of frontage along Pritchett Parkway, a county maintained road with a current functional classification as a major collector. The applicant submitted a Traffic Impact Statement (TIS) prepared by Metro Transportation Group as part of this application.

Significant findings identified by Lee County DOT include a potential problem at the Bayshore Road intersection with Leetana Road/Pritchett Parkway as a result of this project. The specific reasons for the potential problems and possible remedies are specifically identified in Attachment E.

IV. ATTACHMENTS:

A. Map of surrounding zoning

B. Memorandum from the Lee County Division of Environmental Sciences dated November 20, 2002.

C. Memorandum from the Lee County Division of Environmental Sciences dated November 21, 2002.

D. Memorandums from the Lee County Division of Natural Resources Management dated June 6, 2002, and September 24, 2002.

E. Memorandum from the Lee County Department of Transportation dated January 28, 2002.

F. MCP, FLUCCS, Protected Species Information Overlaid on 1998 Aerial Photograph.

cc: Applicant
County Attorney
Zoning/DCI File

IN RE: STONEYBROOK RPD

CASE NUMBER: DCI 2001-00038

_____/

AMENDED NOTICE OF APPEARANCE

The undersigned files this Notice of Appearance on behalf of the following individuals, who live adjacent to or in the vicinity of the proposed rezoning and residential development, in the hearing in the above referenced action:

Christine Abrams
Norman L. Abrams
Michael E. Auer
Joseph G. Baublis III
Michele Baublis
Cecil Berlien
Steven Brodkin
Douglas R. Caton
Vicki Caton
RICHARD COOLICK
Carroll Copping
LORI DAVIDSON
Rebecca Decker
Steven Decker
Dennis Erion
Jane Erion
J.P. Evans
Dorothy Farrington
William Farrington
Larry Ford
Sherryl Ford
Theresa Gill
Rosanne Gilles
Dean Gilles
Bill Hannong
Theresa Hannong
Paul Hart
James Hartman
Carol Hartman
Debbie Jackow
Frank Jackow
Sandra Hicks
Steve Hurst
Michele Hurst
K.A.Kingsbury

Brooks
EXHIBIT # 4
DCI2001-00038

James S. Kroeker
Linda Kroeker
John Lanier
Connie Lanier
Robbie Lanier
Lisa Lanier
John D. Martinie
Don Metrione
Denise Metrione
Michael T. Metzger
Stephen K. Miley
Donna J. Miley
Garth Miller
Grace Miller
Fred Miller
Diane Miller
Carolyn Morton
Christine M. Olsen
Don Paight
Nina Paight
Howard W. Parker
Helen Parker
Patrick Parr
Linda Parr
Mark Penfield
Armor Persons
Ralph H. Picking
Phyllis Picking
Russ Post
Andrew J. Prince
Cynthia Prince
Patricia Purdy
Richard Queen
Cathy Queen
Butch Ritter
Dr. Marshall Rogers
Mrs. Marshall Rogers
Cecilia Sheene
Trinda Shepard
Dan Shoap
Donna Shoap
Gene Simmons
Mary Simmons
Mark Slomski
Theresa Slomski
Linda Stanford
David Strasbaugh
Darrell J. Strasbaugh
Mr. J Paul Tinney
Mrs. Tinney
SHELLEY TRAURIG
Jacqueline A. Webster

Sheri Weinlauf
Gary Weinlauf
James Westberry
Patti Westberry

and under Chapter 119, Florida Statutes, and due process hereby requests continuing timely service of copies of any further action, submittals or notices provided in this case.

Respectfully submitted,

Ralf Brookes, Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above has been furnished by hand delivery to HEARING EXAMINER, 1500 Monroe Street, 2nd Floor and Lee County, 1500 Monroe Street, Fort Myers, Florida 33901 on this 31st day of July, 2003.

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Signature Theresa Slomski Date 7-8/10-03

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Signature Diane L. Miller Date July 14, 03

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Phone 5436004
Signature Connie Lanier Date 7/7/03

Robbie & Lisa Lane
9320 Maple Lane
N Ft. Myers Fl.
33917

Name John D. Martinie
Address 18420 Panther Trail Ln
N. Ft Myers, FL 33917
Phone 543.6672
Signature John D Martinie Date 14 July 03

Name Don and Denise Metrione
Address 8280 Boonesboro Rd
N. Ft Myers Fl 33917
Phone 239 543-7501 239 633 7095
Signature [signature] Date 7-15-03

Name Michael T Metzger
Address 8380 Boonesboro Rd
Ft. Myers Fl 33917
Phone 239-543-7146
Signature [signature] Date 7-17-03

Name Debbie Jackow
Address 19450 Meredith Rd
NFM
Phone 543-5402
Signature Debbie Jackow Date

Name Debbie & Frank Jackow
Address 19450 Meredith Rd
N FT Myers Fl
Phone
Signature Date 7-15-03

Name Sandra Nicks.

Address 18350 Lynx Rd

N Ft Myers Fl 33917

Phone 731-9139

Signature Sandra Nicks Date 7-7-03

Name Steve & Michele Hurst

Address 19250 Skipper Road

NFM 33917

Phone 731-7312

Signature Steve Hurst Date 7-7-3

Name Dennis & Jane Erion

Address 9163 Bonesboro Rd

N. Ft Myers, FL 33917

Phone 543-5399

Signature Dennis J. Erion Date 7-5-03
Jane E. Erion

Name Steven And Rebecca Decker

Address 9251 Sedgefield Rd

N Ft Myers FL 33917

Phone 731-0871e

Signature Rebecca Decker Date 07-15-03

Name J P EVANS
Address 8250 Dosanta Ln
N Fm
Phone 543-6789
Signature J P Evans Date 7-16-03

Name Dorothy Farrington
Address 17520 Durrance Rd
Phone 543-1300
Signature Dorothy Farrington Date 7/15/03

Name THERESA GILL
Address 17940 CHESTERFIELD RD
N. Ft. Myers, FL 33917
Phone 543-7703
Signature Theresa Gill Date 7-15-03

Name THERESA GILL
Address 17940 CHESTERFIELD RD.
N. Ft. Myers, FL 33917
Phone UNLISTED
Signature Theresa Gill Date 7/8/03
YOUR EMAIL ADDRESS IF YOU HAVE COMPUTER COOKYLADY@WEBTV.NET

Name Dean + Rosanne Gilles

Address 20101 Keola Ln
NFM FL 33917

Phone 567-3205

Signature Rosanne L Gilles Date 7/13/03

Name James + Carol Hartman

Address 8801 Nalle Grade Rd
N. Ft. Myers, Fl 33917

Phone

Signature Carol Hartman Date 7/24/03

Name HART'S MASONRY & CONCRETE, INC.

Address P.O. BOX 4392
NORTH FORT MYERS, FL 33918
PH: 941-997-9899, FAX: 941-997-9911

Phone

Signature Paul R. Hart Date 7-8-03

YOUR EMAIL ADDRESS IF YOU HAVE COMPUTER WWW.HARTSMASONRY@AOL.COM

Name Cecil Berlew

Address 8501 Toscana Ln.
N. Ft Myers FL. 33917

Phone 731-0595

Signature Cecil J Berlew Date 7-20-03

Name Steven Brodkin
Address 17720 Durrance Rd.
N. Ft. Myers FL 33917
Phone 543-6032
Signature Steven Brodkin Date 7-16-03

Name Carroll Copping.
Address 17925 Chesterfield Rd.
N. Ft. Myers, FL 33917
Phone 543-5223.
Signature Carroll Copping Date 7/15/03

Name Douglas R. & Vicki N. Caton
Address 18251 Caton Lane
N. Ft. Myers 33917-4303
Phone 543-2546
Signature Douglas R. Caton Date 7/15/03

Name Joseph Daly & Cheryl Stamper
Address 17920 Leeland Rd
N. Ft. Myers, Fla 33917
Phone 731-2878
Signature Joseph W Daly Date 7/1803

Name Christine Abrams

Address 8200 Henderson Grade Rd

N. Ft. Myers, FL. 33917

Phone 239-567-0537

Signature [signature] Date 3/23/03

Name MICHAEL E LUER

Address 16940 TARPON WY

FT. MYERS, FL. 33917

Phone 543-0839

Signature Michael E Luer Date 7-15-03

Name Norman L. Abrams

Address 8200 Henderson Gr. Rd

N. Ft. Myers, FL. 33917

Phone 239-995-5827 / 567-0537

Signature Norman L. Abrams Date 7-27-03

Check can be mailed [illegible]

Name JOSEPH G. BARTLIS III

Address 17351 Wells Rd

N. Ft. Myers FL 33917

Phone 567-1586

Signature Joseph G Bartlis III Date 7-15-03

59 page.

From: Don Blackburn
To: smarshall@bankseng.com
Date: 12/26/01 3:32PM
Subject: mtg and Heritage Creek

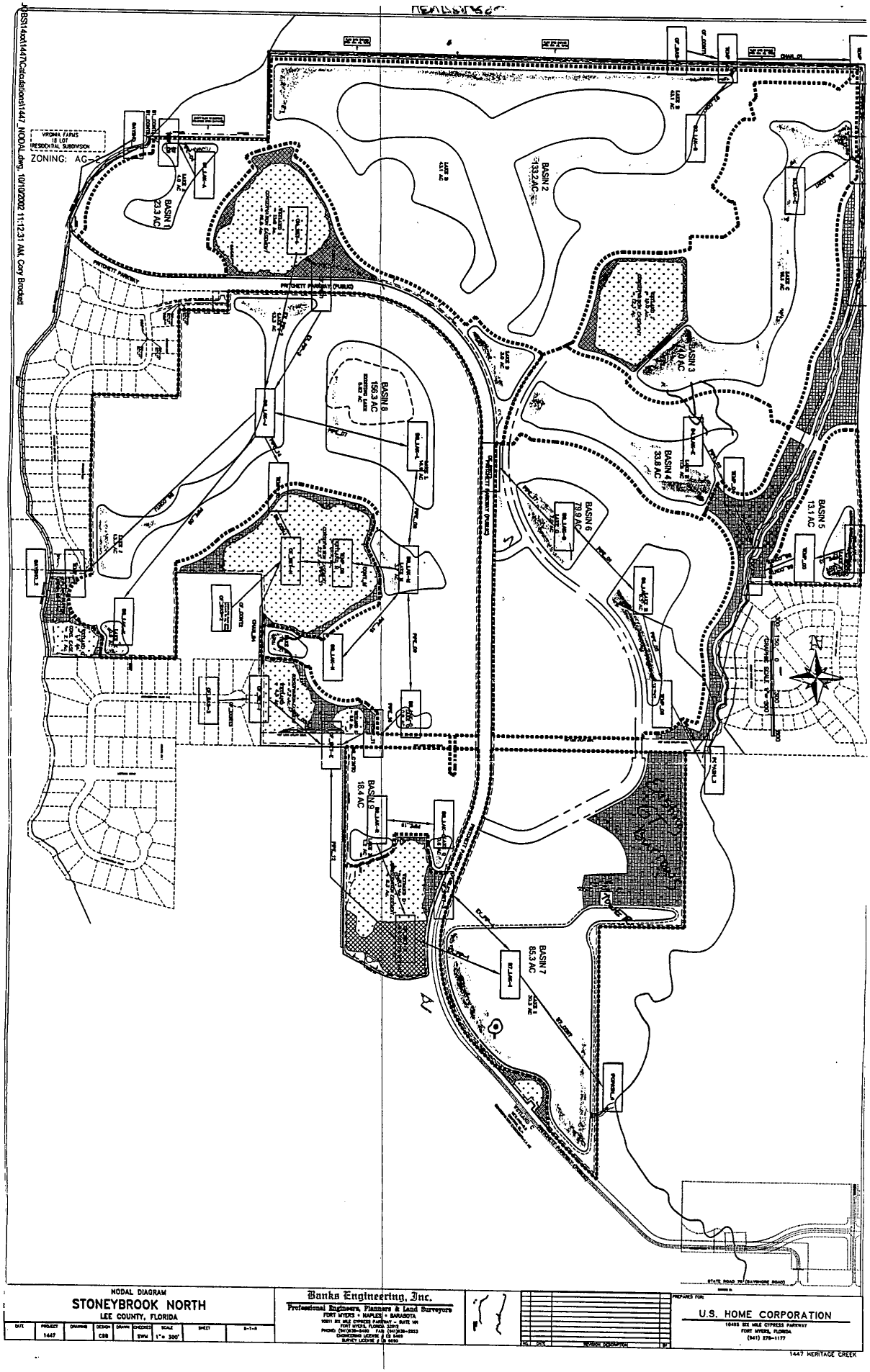
anytime tomorrow is good for me for Prosperity Point....

Can you give me a statement that the Heritage Creek Design will not increase pre-design high water elevations for Popash and Bayshore Creeks. Also, that the development will not result in any net loss of flood plain storage? Something signed and sealed will be sufficient.

Thanks Sam,

Don

Brooks
EXHIBIT # 5
DC1 2001-00038



NODAL DIAGRAM

STONEYBROOK NORTH

LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	S-T-R
	1447		CBB		SWM	1" = 300'		

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
FORT MYERS • NAPLES • SARASOTA
10511 BIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33913
PHONE: (941)939-5490 FAX: (941)939-2533
CERTIFICATE LICENSE # EB 0005
SURVEY LICENSE # LB 0690

PREPARED FOR:
U.S. HOME CORPORATION
10455 BIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA
(941) 278-1177

NO.	DATE	REVISION DESCRIPTION	BY

1447 HERITAGE CREEK

BROOKES
EXHIBIT # 1
DCI2001-00038

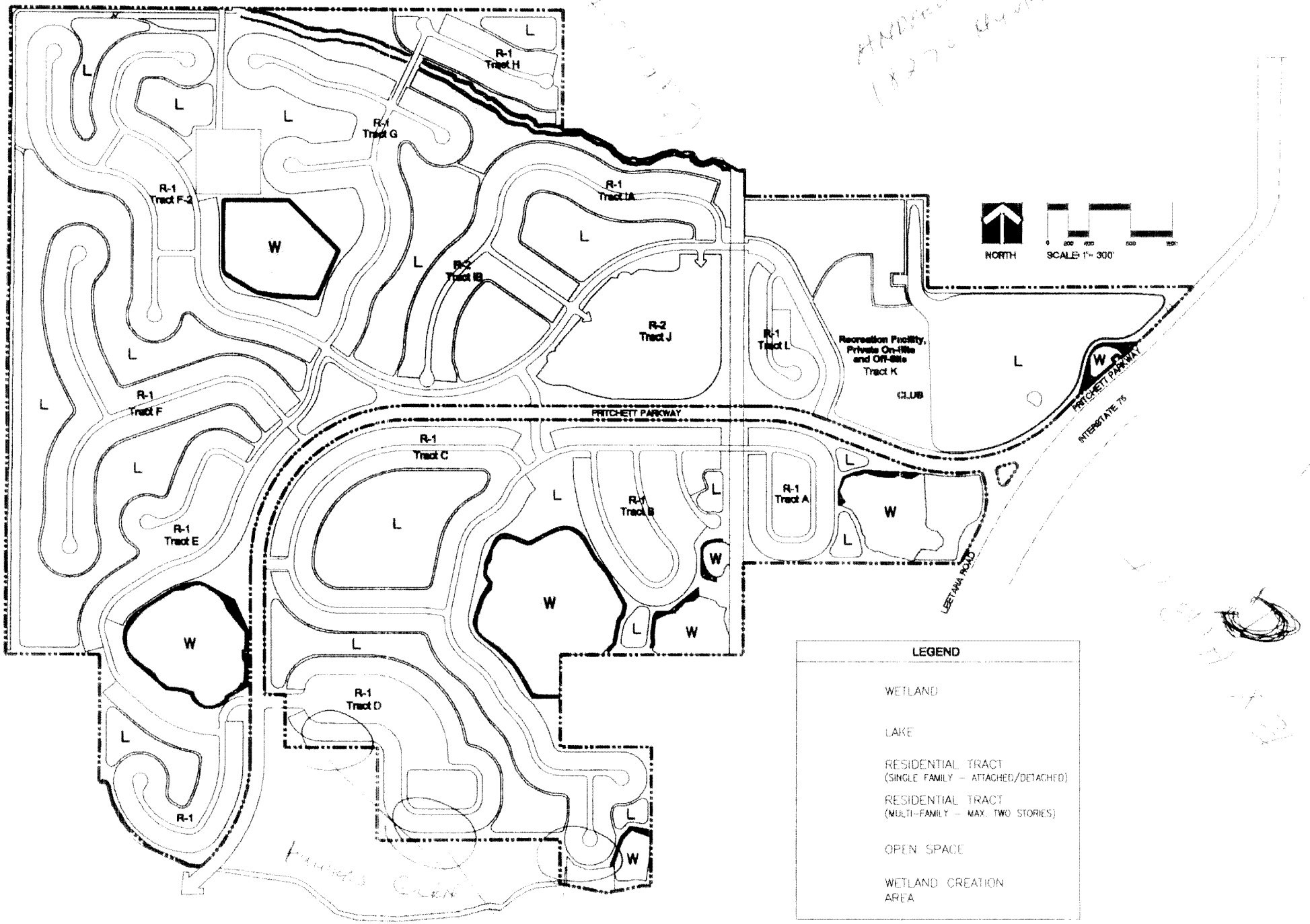

R-1 Tract H
R-1 Tract G
R-1 Tract F-2
R-1 Tract 1A
R-2 Tract 1B
R-2 Tract J
R-1 Tract L
Recreation Facility, Private On-Site and Off-Site Tract K
CLUB
R-1 Tract F
R-1 Tract C
R-1 Tract B
R-1 Tract A
R-1 Tract E
R-1 Tract D
PRITCHETT PARKWAY
INTERSTATE 75
LEETANA ROAD
NORTH
SCALE: 1" = 300'
L
W
LEGEND
WETLAND
LAKE
RESIDENTIAL TRACT (SINGLE FAMILY – ATTACHED/DETACHED)
RESIDENTIAL TRACT (MULTI-FAMILY – MAX. TWO STORIES)
OPEN SPACE
WETLAND CREATION AREA

EXHIBIT #

IA - MEETING June 20, 2002
DINO + MR SAM MARSHALL

Stoney Brook North/Heritage Creek Development
Meeting June 20, 2002

EXHIBIT B

I. Overall Requests

A. Lower density (number of houses per acre)

B. No multi-family at all

C. Surface water problems

D. Traffic (if you lower the density there will be fewer vehicles)

E. Buffers between surrounding homes/properties
   1. No walls
   2. No high dirt mounds
   3. Need to know the distance of all buffers surrounding the community?
   4. U.S. Homes put in vegetation native to this area in buffers (including Oaks, Pines, Myrtles)

F. Put in a sidewalk on Pritchett Parkway due to extra traffic for safety of citizens outside the development.

G. Lighting in the community
   1. Low residential lighting only
   2. All common areas, maintenance and recreational areas including fields, tennis courts, etc shall be daytime only and shall have no high lighting (which will be intrusive to surrounding properties/areas) or shall have low level lighting only

H. Maintenance areas shall be centralized within the community including horticulture/trash and other equipment

ANDREW J GRUNER
16270 HUNTERS GLEN RD

II. Additional questions/comments:

A. Is there a management plan for existing species or is a plan being created? FOX SQUIRELS. TURTLES —

B. What is the plan for preservation of existing vegetation throughout the development and including surrounding Pop Ash Creek?

C. Fencing surrounding entire development to be addressed

D. Deviation 16 / Tract E and H: what are plans surrounding these areas?

WALL ROADS JURISDICTION

1500'

E. If blasting is necessary for creation of lakes, how will any damage to surrounding properties/homes be handled?

PROPERTY

F. Is there an existing plan for the style of this development?

G. Please provide a list of the final deviations you are requesting

PRINCE
EXHIBIT # 2
DC1-2001-00038

Stoney Brook North/Heritage Creek Development
Meeting June 20, 2002

III Hunter's Glen Development requests:

A. Tract D to be redesigned to move lake to the border of Hunter's Glen or add larger buffer.

B. U.S. Homes put in a fence similar to Pritchett Parkway frontage fence for the entire back area of Hunter's Glen to separate the new development and Hunter's Glen

C. Add additional names of residents to the U.S. Homes mailing list (will be provided)

IV. Hunter's Glen questions:

A. Will the Entrance to Hunter's Glen be used to enter Tract D? If not, where will it be in comparison to the Hunter's Glen entrance?

B. Will the new development use the same road to enter Tract D?

SCOTT AND AMY HARRINGTON
18250 HUNTERS GLEN RD.
NORTH FORT MYERS FL.
33917 LOT#1+2

BETTSY AND DAVE STRASBAUGH
LOTS 13+14+15
6806 Autumn Ct
NFM FL 33903

FRED AND DAINE L. MILLER
P.O. BOX 2586
LABELLE FL. 33975-2586
LOTS 54+53+52

RAYMOND AND DAWN ROGERS
18320 HUNTERS GLEN RD.
NORTH FT. MYERS FL.
33917 LOT#8

ANDREW J. PRINCE
18270 HUNTERS GLEN RD.
NORTH FT. MYERS FL. 33917
LOTS 3+4

MARK AND DENISE FENICLE
18401 HUNTERS GLEN RD.
NORTH FT. MYERS FL. 33917
LOT#40

ALL THE ABOVE WANT TO RECEIVE MAIL ABOUT MEETING'S AND CHANGES IN PLANS.

Responsible
Growth
Management
Coalition, Inc.

P.O. Box 1826
Fort Myers, Florida 33902

Lee County Hearing Examiner

1500 Monroe St., Room 218, Ft. Myers, FL 33902-0398

July 31, 2003

RE: Zoning Case number: DCI 2001-00038

Bayshore Community Plan /Proposed Heritage Creek Development

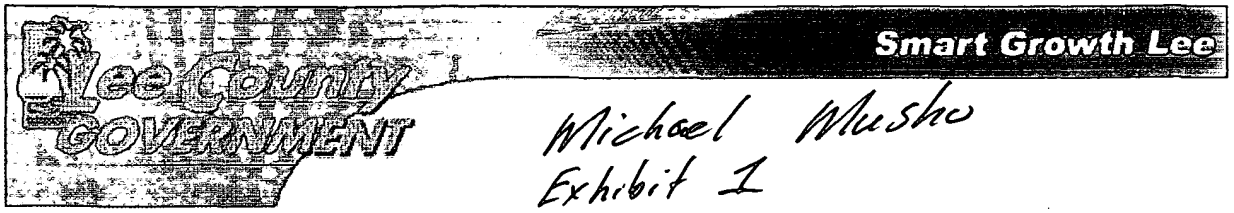
On behalf of the Responsible Growth Management Coalition, we ask you to deny the proposed Heritage Creek Development zoning changes requested in Bayshore. We believe that this rezoning request is inconsistent with the Bayshore Community Plan, which was adopted by the Lee County Board of County Commissioners in January of 2003. The proposed development is inconsistent and incompatible with the land use and community character as described in Goal 20 of the Bayshore Community Plan. Additionally, the intense development proposed fails to adequately address issues related to traffic, flooding, noise and lighting, all of which are inconsistent with the rural community plan for Bayshore. Popash Creek, which borders one side of the proposed development, is already listed as impaired by the Florida Department of Environmental Protection on the Draft Verified List of Impaired Waters for the Caloosahatchee Basin. In addition to not providing for adequate protection of environmental resources including habitat for a variety of protected species, intense development of this area will further impair local waterways.

We understand the importance of the rights of individual property owners; yet, the residents of the Bayshore Community are striving to plan for the future of their rural community and they have the right to expect the recently adopted community plan will be followed. Please follow the growth management rules in place and recommend that the BOCC deny this rezoning.

Thank You,

Nora Demers
17493 Laurel Valley Road
Ft. Myers, FL 33912

Demers
EXHIBIT # 1
DCI2001-00038



Michael Musho
Exhibit 1

Approved Products

Meeting Agendas

Minutes

Committee Members

Approved Products

Smart Growth Statements

Fact Sheet

Archives of the Smart Growth Task Force

HOME
Review and Discussion
County Links

IMPACT OF A THOUSAND NEW RESIDENTS

June 27, 2002

Estimating the impacts of growth is difficult-sometimes the impact is felt more than measured. And the "felt" measurement is usually applied to the last impact observed, rather than to each individual impact. However, for fun, this essay presumes the impacts are equal between equal numbers of people, regardless of when the population arrived. To this end, the impact of a 1000 new people equals:

254 retirement aged people (65+ years in age), being added, as well as
164 children age 14 and younger.

413 new laborers are added, regretfully
11 are unemployed.

40 laborers are in construction, which exceeds the
18 in manufacturing, which is less than the
24 in finance, insurance, or real estate, and these and all others are less than the
229 in service or trade.

556 new houses being built,
429 of which occupied by residents, and
127 seasonally or transitionally vacant.

$53 million is added to the taxable property values of the County, and
$13.5 million is added to the bank vaults, and
$25.3 million is added to County property income.

125,000 gallons of need for fresh water, and
100,000 gallons of sewerage needs to go "elsewhere," along with
4.5 tons of trash.

1300 more motor vehicles (huh?) will travel on the
2.5 miles of 2 lane road that should be built, that may lead to the
10 additional acres of parks, and
5 new classrooms we will need.

48 crimes more crimes will be committed, leading to
6 more persons residing in institutions maintained by the public, where the
2 persons employed by the County are oft believed to belong.

These impacts occurred 11 times last year.

MUSHO EXHIBIT
EXHIBIT # 1
DCD2001-00038

Alvin Chip Block - RE: revised Heritage Creek

From: "Keyes, Stephanie" <StephanieK@lee.k12.fl.us>
To: 'Alvin Chip Block' <BLOCKAH@leegov.com>
Date: 8/1/2003 10:19 AM
Subject: RE: revised Heritage Creek

The other one has a typo! This is not my day!

>Stephanie Keyes, AICP
>Lee County School District
>Facilities Planner, Department of Construction and Planning
>3308 Canal Street
>Fort Myers, FL 33916
>239-479-4205
>Fax 239-334-8637
>

-----Original Message-----
From: Alvin Chip Block [mailto:BLOCKAH@leegov.com]
Sent: Friday, August 01, 2003 10:12 AM
To: StephanieK@lee.k12.fl.us
Subject: Re: revised Heritage Creek

I expect to be in a public hearing all day and will respond as soon as I can.

Keyes
EXHIBIT # 1
DC/2001-00038

August 1, 2003

Mr. Chip Block
Lee County Development Services Division
P. O. Box 398
Ft. Myers, FL 33902-0398

Re: Revised Heritage Creek, DCI Substantive Review, DCI 2001-00038

Dear Chip:

Thank you for the opportunity to review the proposed U. S. Home Heritage Creek DCI in North Ft. Myers for substantive comments with regard to educational impacts. This proposed development is in the East Choice Region of the District. Based on the proposed maximum total of 1,475 residential dwelling units, the Lee County School District is estimating that the proposal could generate up to 465 additional school-aged children. This uses a generation rate of .315 students generated in the East region of Lee County. This would create the need for up to 23 new classrooms in the system along with additional staff and core facility needs, based on the new class size reduction constitutional amendment.

The applicant should be made aware that on November 27, 2001 the Lee County Board of County Commissioners adopted a school impact fee in Lee County, effective December 1, 2001. As such, the Heritage Creek RPD developers will be expected to pay the designated impact fees at the appropriate time, thereby meeting the requirements of the impact fee ordinance.

Thank you for your attention to this matter. If I may be of further assistance, please give me a call.

Sincerely,

Stephanie Keyes, AICP, Facilities Planner
Department of Construction and Planning

cc: Susan Waite, Interim Assistant Director, Department of Construction and

Alvin Chip Block - revised Heritage Creek

From: "Keyes, Stephanie" <StephanieK@lee.k12.fl.us>
To: 'Alvin Chip Block' <BLOCKAH@leegov.com>
Date: 8/1/2003 10:12 AM
Subject: revised Heritage Creek

<<HeritageCreekRevision8-1-03.doc>>

Stephanie Keyes, AICP

Lee County School District

Facilities Planner, Department of Construction and Planning

3308 Canal Street

Fort Myers, FL 33916

239-479-4205

Fax 239-334-8637

August 1, 2003

Mr. Chip Block
Lee County Development Services Division
P. O. Box 398
Ft. Myers, FL 33902-0398

Re: Revised Heritage Creek, DCI Substantive Review, DCI 2001-00038

Dear Chip:

Thank you for the opportunity to review the proposed U. S. Home Heritage Creek DCI in North Ft. Myers for substantive comments with regard to educational impacts. This proposed development is in the East Choice Region of the District. Based on the proposed maximum total of 1,4,75 residential dwelling units, the Lee County School District is estimating that the proposal could generate up to 465 additional school-aged children. This uses a generation rate of .315 students generated in the East region of Lee County. This would create the need for up to 23 new classrooms in the system along with additional staff and core facility needs, based on the new class size reduction constitutional amendment.

The applicant should be made aware that on November 27, 2001 the Lee County Board of County Commissioners adopted a school impact fee in Lee County, effective December 1, 2001. As such, the Heritage Creek RPD developers will be expected to pay the designated impact fees at the appropriate time, thereby meeting the requirements of the impact fee ordinance.

Thank you for your attention to this matter. If I may be of further assistance, please give me a call.

Sincerely,

Stephanie Keyes, AICP, Facilities Planner
Department of Construction and Planning

cc: Susan Waite, Interim Assistant Director, Department of Construction and

My name is Mark Fenicle and I reside at 18401 Hunters Glen Rd. in the Hunters Glen subdivision, which is adjacent to Tract D in the Stoneybrook North development.

My family and I moved from South Ft. Myers to NFM 3 years ago. We moved to NFM because we wanted to get away from the high density development and traffic that was occurring in the area where we previously lived. We knew that the surrounding area would eventually be developed. However, we did not anticipate the type of high density development that U.S Homes is proposing.

Our subdivision has 54 lots that range in size from half acre to a full acre. Many of the residents are building one home on two lots. In the neighborhood adjacent to ours, U.S. Homes plans to put in a minimum of 160 units! These 160 families would be using the same entrance from Pritchett Pkwy as we use. I am concerned about the shared use of our entrance road by this many people.

The Bayshore Community is one of the few rural areas remaining in Lee County. What US Homes is proposing may be compatible with Lee County development guidelines and land use. However, it is NOT compatible with the lifestyle and atmosphere of the community. While 2 units per acre may be allowed under county guidelines, is there anything that says you must allow developers to take it to the limit? I've done the math... When you look at each tract individually, without lakes and wetlands, the minimal density comes out to anywhere between 2.1 and 10.4 units per acre! It is my hope that you will preserve what little rural development is left in Lee County by decreasing the density of this proposed development and any future development that may occur in the Bayshore Community.

I would be more accepting of a development proposal that would take into account the lifestyle and atmosphere of the Bayshore Community: larger lot sizes, equestrian activities, and natural landscapes of pines and oaks. I am opposed to the planned development as it is currently written.

FENICLE
EXHIBIT # 1
DCI2001-00038

Western Bayshore Community Overlayed with Proposed Heritage Creek

In the ½ mile surrounding the perimeter of the site, the average density is 3.4 acres per unit. **Heritage Creek proposes over 6-1/2 times that density**: 0.50 acres per unit.

The local community steering committee recently mailed invitations to every household in the Bayshore area (I–75 to SR31; Charlotte County Line to the Caloosahatchee): 2,200 households in 16,800 acres. The applicant is proposing to add 1,475 more households in only 741 acres, effectively **increasing the number of households in the community by 67% by using less than 5% of the land.**

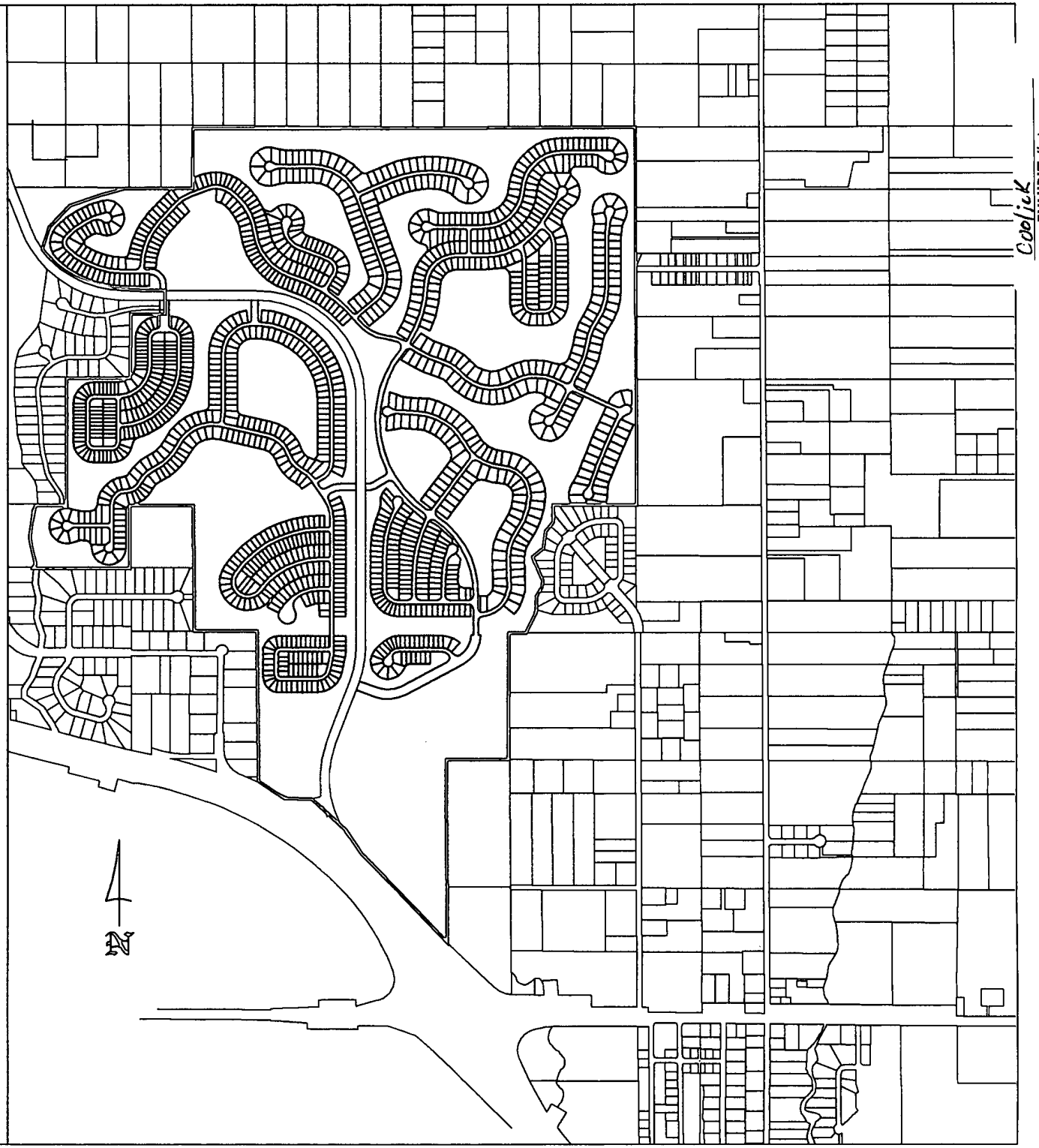
Area inside boundary from the applicant's proposed Site Construction Plans submitted to SFWMD. Though the plans will likely be amended, this demonstrates the level of density necessary to compress approx. 1390 units into 741 acres (the developer has since applied to increase this to 1475 units – **approximately 6% denser than this drawing.**

This drawing shows the large difference in density between the proposed development and the surrounding neighborhood. The large road right–of–way in the lower left is I–75. Bayshore Road (Rt 78) runs left and right at the bottom of the drawing.

Of the 2115 acres in the ½ mile area surrounding the site:

40.8 acres in parcels under ½ acre (2%)
87.8 acres in parcels ½ to 1 acre (4%)
649.9 acres in parcels 1 to 5 acres (31%)
1235.5 acres in parcels larger than 5 acres (58%)
101.0 acres in right–of–way (5%) (not including I–75)

Area outside boundary from digital data at the Lee County Property Appraiser's GIS Map Sales Department.



Coolick
EXHIBIT # 1
DCI2001-00038

Revised

Western Bayshore Community Overlayed with Proposed Heritage Creek

In the ½ mile surrounding the perimeter of the site, the average density is 3.4 acres per unit. **Heritage Creek proposes ~~over 6 1/2~~ times that density**: ~~0.50~~ 0.58 acres per unit. → approx. 6

The local community steering committee recently mailed invitations to every household in the Bayshore area (I–75 to SR31; Charlotte County Line to the Caloosahatchee): 2,200 households in 16,800 acres. The applicant is proposing to add ~~1,475~~ 1275 more households in only 741 acres, effectively **increasing the number of households in the community by ~~67%~~ 58% by using less than 5% of the land.**

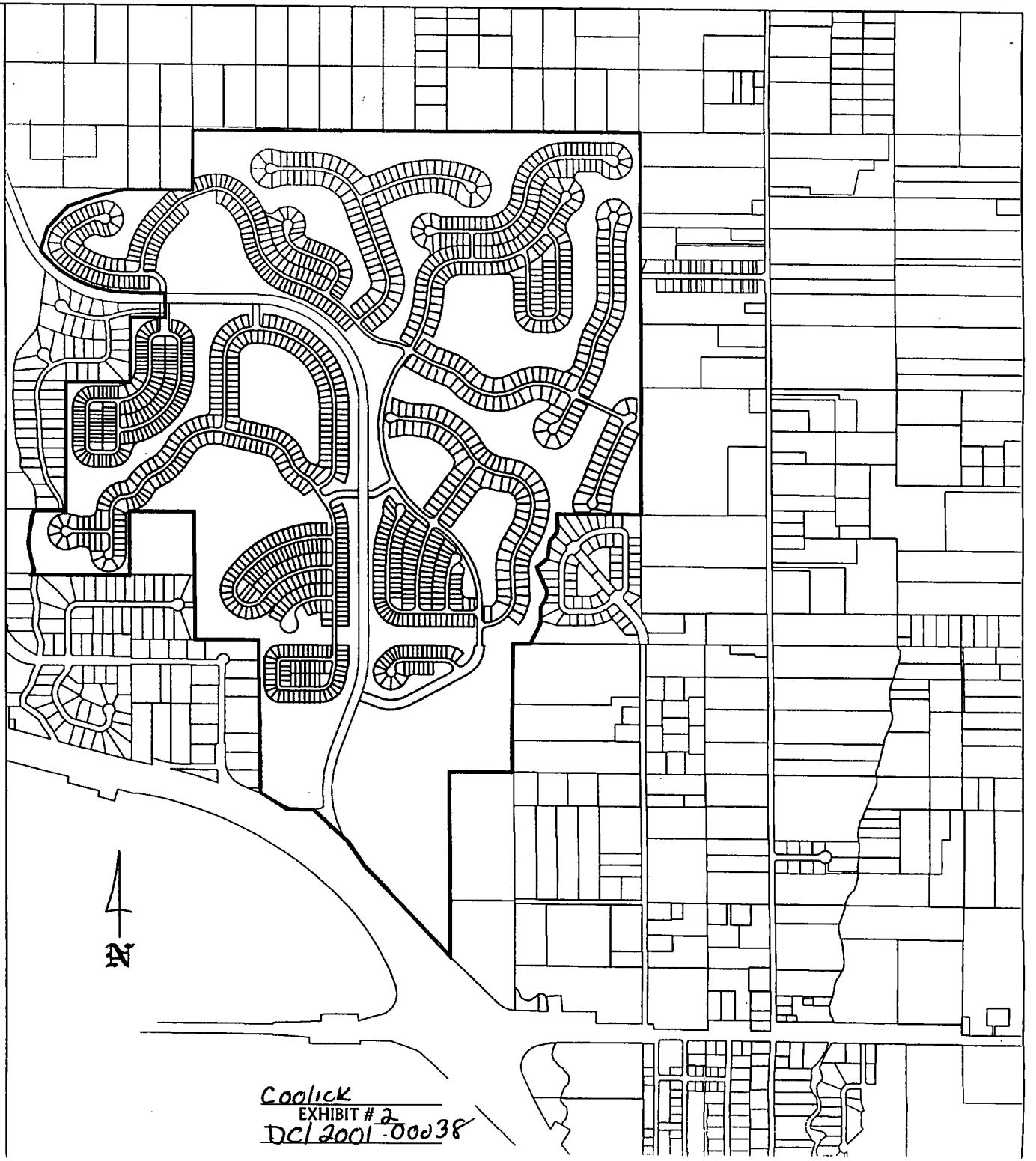
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Of the 2115 acres in the ½ mile area surrounding the site:

- 40.8 acres in parcels under ½ acre (2%)
- 87.8 acres in parcels ½ to 1 acre (4%)
- 649.9 acres in parcels 1 to 5 acres (31%)
- 1235.5 acres in parcels larger than 5 acres (58%)
- 101.0 acres in right–of–way (5%) (not including I–75)

Area outside boundary from digital data at the Lee County Property Appraiser's GIS Map Sales Department.



Coolick
EXHIBIT # 2
DCI2001-00038

MARIBEL PEREZ WADSWORTH
Metro Editor
335-0352
mwadsworth@news-press.com
10 a.m.-7 p.m. Monday-Friday

For breaking news, go to:
news-press.com

The News-Press
Local&State

SECTION B

THURSDAY, JULY 17, 2003

INSIDE: Local 2-3B ■ State 3B ■ Obituaries 9-10B ■ Opinion 12-13B ■ Weather 14B

Dirt removal plan riles residents

Buckingham neighbors opposed to mining

By DON RUANE
druane@news-press.com

Buckingham residents protested Wednesday to stop a businessman's plan to mine dirt and haul it away from his Orange River Boulevard tree farm.

An estimated 135 people from neighborhoods around the farm fought Russell Weintraub's request to rezone the property during a public hearing in front of Lee County Hearing Examiner Diana Parker, who will recommend a decision later for the Lee County Commission to consider.

The unexpected large turnout forced Parker to move the hearing from the usual conference room in the county's public works building to the Lee County Commission Chamber in the Old Courthouse.

Weintraub, who owns Treeco Palm Nursery, said he wants to enlarge a lake to hold water for irrigation.

"All I'm trying to do is get water for my palm trees," Weintraub said. "I'm not looking for houses. I'm not looking for strip mining."

The work will take about 18 months if workers can dig 10 hours a day, six days a week, according to his consultants. The work would require an average of 50 dump truck trips a day between the farm and Palm Beach Boulevard.

Treeco promised no blasting or materials processing will take place.

Residents who spoke against the plan called it dangerous and questioned Weintraub's motives. The county's planning staff also recommended the project be denied because it is incompatible with surrounding uses of the land.



The News-Press

Orange River Boulevard has no sidewalks, but children do play there and there are pedestrians, several residents said.

The road is too narrow for two dump trucks to pass, said Carl Pyatt, who reminded Parker of the collision between two dump trucks Tuesday on Alico Road that killed both drivers and tied up traffic for hours.

"We don't want to make Orange River Boulevard another Alico Road," said Pyatt, who lives in the Pine Ridge development.

Treeco's application said the company wants to remove the dirt and expand the 9-foot-deep lake to a depth of 17 feet and a surface area of 12 acres. No other development was planned.

"If he gets the zoning change, he can do what he wants," said Ellis Road resident Michael Cameron. "I just don't understand why a zoning change has to be made for a lake unless there is an intention other than what we've heard here today."

Florice Love summed up the quality of life concerns some of the two dozen people who spoke during the hearing.

"Are we going to give up the rural atmosphere?" she asked, adding that assurances the land won't be sold once a lake is created.

Buckingham's rural nature is under growth pressure on several fronts, and residents have to be involved to protect their quality of life, Buckingham Conservancy Vice President Bill Burdette said before the hearing.

JACKOW
EXHIBIT #4
DCI2001-00038

We the residents of the Bayshore Community are against the rezoning and intense development of Pritchett Parkway for the following reasons:

1. Incompatible land use/Community character: This area is solely surrounded by single family homes in a rural setting with ranch style homes. Multi-family, duplexes, townhouses and two-family attached housing is inappropriate for this rural area. Development's failure to address the Bayshore Community Plan Vision Statement which states "The Bayshore Community, bounded by I-75, SR 31, the Caloosahatchee River and Charlotte County, is predominantly a rural residential area of single family homes on large acreages...". "By and large, the residents of Bayshore want to see this land use pattern maintained". "Goal 20: To protect the existing rural residential, agricultural and equestrian-oriented character of the community by maintaining low residential densities and minimal commercial activities, while excluding incompatible uses that are destructive to the character of this rural residential environment."

2. Density: The density of 2 units per acre is inconsistent and incompatible with the surrounding rural area. Again Development's failure to address the Bayshore Community plan as stated in number 2 above.

3. Development's failure to address the Vision Statement of the Bayshore Community Plan adopted into the Lee County Comprehensive Plan in January of 2003, including lack of support for equestrian use and infrastructure and "the protection of existing agricultural and equestrian activities".

4. Traffic: The roads are inadequate to handle the large number of vehicles which would be generated from this intense development (of which Lee County Department of Transportation states 90% of the traffic in this area will be generated by this development). Again Development's failure to address the Bayshore Community Plan Objective 20.2 – "All road improvements within the Bayshore Community considered by the County will address the community's goal to maintain its rural character and give preference to alternatives that allow existing roads to function at their current capacity"

5. Flooding: This area is prone to sheet flow runoff from Charlotte County and experiences wide spread flooding, which Lee County has been unable to help the existing homeowners with. Such intense development may contribute to or exacerbate known flooding/surface water management problems.

6. Unnecessary Destruction of wetlands that can be preserved through re-alignment of roads and building pods or the reduction of units.

7. Needless Destruction of Wildlife Habitat: The proposed development could be redesigned to preserve more wildlife habitat on site, including moving building pod out of gopher tortoise colony, larger upland buffers and retaining wetlands and flow ways as part of surface water management. Again, Development's failure to address the Bayshore Community Plan Vision Statement "The protection of environmental resources...".

8. Lighting spill over into rural areas from the developments cul-de-sacs, recreational areas and two-story units.

9. Noise: Presently, the majority of the surrounding rural community is very peaceful and quiet. Such intense density will generate increased noise. The clearing of such a vast portion of the 741 acres proposed to be developed will also allow the noise from I-75 to reach areas that it presently does not.

10. Schools: The present number of area schools is insufficient to handle the influx of new students this project will add.

Jackow
EXHIBIT # 1
DCI 2001-00038

Debbie Jackow exhibit A

Case # DCI 2001-00038
Heritage Creek/Stoney Brook North

Name	Address	Signature
Rosanne Gilles	20101 Keola Ln	Rosanne L Gilles
Michael Auer	16940 TARPON WY ELKRIDGE	M. Auer
Kathie Smith	17885 Chesterfield Rd	Kathie Smith
Russ Foot	16970 Tarpon Way	Russ Foot
[illegible]	17600 Leetana	RICHARD GOLICK
Ralph H Pilchy	17760 Durrone Rd	R H Pilchy
Terry Gill	17940 Chesterfield Rd	Merry Gill
Suzanne Hummel	18751 Leetana Rd	Suzanne Hummel
Renate Link	17535 Wells Rd	Renate Link
Donna J. Miley	17840 CHESTERFIELD RD.	Donna J. Miley
Roger Good	17960 LEETANA RD	Roger Good
Doug Caton	18251 Caton Lane	Douglas R. Caton
Stephen K Miley	17840 Chesterfield Rd	Stephen K Miley
Michael T Metzger	8380 Boonesboro Rd	[illegible]
Linda Stanford	9471 Sedgefield Rd	Linda S. Stanford
Nina Paight	20150 Keola Ln.	Nina Paight
Neal Sheene	17901 Walle Rd.	Neal Sheene
William Sheene	17901 Walle Rd.	William Sheene
Don Paight	20150 Keola Ln	Don Paight

Case # DCI 2001-00038
HERITAGE CREEK/STONEY BROOK NORTH

Name	Address	Signature
Richard A. Ramos	17750 Wells Road N. Fort Myers FL 33917	Richard A. Ramos
Mark Penfield	18141 Nalle Rd	
Leland Ritter Jr	18051 Nalle Rd	
Gary Hummel	18751 Leetana Rd.	
Phyllis Ruckey	17760 Durrance Rd	Phyllis Ruckey
Judy Persons	10240 Deal Rd	Judy Persons
Armor Persons	"	
WALTER RUTH	9411 SCHOFIELD RD. 33917	Walter Ruth
Kimberly Taylor	17980 Leetana Rd 33917	Kimberly M Taylor
JAMES A TAYLOR	17980 Leetana Rd 33917	James A Taylor
Cynthia Snyder	8130 Dosonte Lane	Cynthia Snyder
LEON SABA	8130 DOSONTE LANE	Leon Saba
SANDY SABA	8130 DOSONTE LANE	Sandy Saba
Michael Musho	17350 Wells Rd. 33917	
Christine Abrams	8200 Henderson Cr. 33917	
Rachael Abrams	8200 Henderson Cr. Rd. 33917	Rachael Abrams
Mary Risner	8301 Rich Rd. 33917	Mary Risner
Dick Risner	8301 Rich Rd. 33917	Dick Risner
Sandy Sloan	8235 Boaveshaw Rd N Ft 33917	
Charlotte Graham	18151 Leetana Rd	

Case # DCI 2001-00038 Petition Heritage Creek/Stoney Brook North

Name	Address	Signature
J PEARS	8250 Desonte Ln	
Roger Rachel Griffin	18451 Lynn Rd	
Don Metrione	8280 Boonesboro Rd	
Mitchell Spainhower	17931 Leetana Rd	
Denise Metrione	8280 Boonesboro Rd.	
Charles H. Smith	17885 Chesterfield Rd	
Sandy Sloan	8235 Boonesboro Rd	
Lyle Sloan	8235 Boonesboro Rd	
Matt Smith	9801 W. Bch Va. State Rd	
CAROLYN MORTON	11480 Bayshore Rd	
Patti Purdy	9340 Sedgefield Rd	
Brian Dugo	9341 Sedgefield Ld	
Cecil Berlin	8501 DESONTE LN	
LINDA KROEKER L. Kroeker	8081 Nalle Grade Rd	
Jerome S—	18010 Leetana Rd	Jerome Payne
Rob Ryan	18010 Leetana Rd.	Rosie Payne

Case # DCI 2001-00038 Petition
Heritage Creek/Stoney Brook North

Name	Address	Signature
Robert Masquelier	18501 Lynn Rd. N. Fort Myers 33917	Robert E Masquelier
Christine M. Olsen	20080 Keela Lane NFM 33917	Christine M. Olsen
Donna Skinner	9801 Quail Hollow 33917	Donna Skinner
Sharon Rollins	18341 Hunters Glen Rd	Sharon E Rollins
Jim Walters	18200 LYNN RD	Jim E Walters
Devon Branch	16850 Tarpon WAY	Devon Branch
Shelly Tracy	8300 Henderson Shade	Shelly Tracy
Pat Yelet	19210 Gottarde Rd	Pat Yelet
Janette L. Ryan	17750 Wells Rd. 33917	Janette L. Ryan
D. Musto	17350 Wells Rd 33917	D. Musto
Peggy Swartzlander	20850 LANI LA DE 33917	Peggy Swartzlander
April Walker	8200 Dongate Ln	April Walker
Joe Redondo	8127 Booneshore Rd.	Joe Redondo
CHUCK SCHRAMM	18801 LEELANA RD	
Amy Fainer	20650 Bradley Rd. NFM	Amy Fainer
Kathrin Staab Weight	14501 W. Hal Ct. Ftmyers	Kathrin Staab Weight
Robert Bryant	8991 Treadwell RD, N, Ft Myers	
	8991 Treadwell Rd	
Annette Coughlin	8151 Henderson Gr.	Annette Coughlin
Carey Burke	1451 Davis Ct.	

CASE # DCI 2001-00038
HERITAGE Creek/Storey Brook/North

Name	Address	Signature
Barbara Copping	17925 Chesterfield Rd. NFM	Barbara Copping
Conrad Copping	17925 Chesterfield Rd. NFM	Conrad Copping
Tony Hitchcock	7031 Richard NFM	Tony Hitchcock
Becky Decker	9251 Sedgefield Rd NFM	Becky Decker
Steven Brodkin	17720 Durrance Rd. NFM.	Steven Brodkin
FRANK L. VEASLEY II	16921 TARPON WAY	Frank L. Veasley II
Dellie Jackson	19450 Meredith Rd NFM	Dellie Jackson
PATRICK PARR	18801 LYNN RD NFM	Patrick Parr
Linda Parr	18801 Lynn Rd. NFM	Linda Parr
Lori Davidson	8501 Henderson Dr NFM	
Wayne Conrad	19180 Ethel Dr	
Richard Gradoline	8991 Triplette Road	
Kenneth Matraw	18301 Way Dr	
Brooke Huffmaster	19801 Huber Rd. NFM 33917	Brooke Huffmaster
Kyle A DeGroot	6243 St Andrew	Kyle A. DeGroot
CECIL BERLIEN	8501 DOSONTEIN	Cecil Berlien
Susan Bochenek	14150 Reflection Lakes Dr, Ft Myers, FL	Susan M Bochenek
KEVIN E. SNYDER	17900 RICH BRANN LN. N.F.M.	Kevin E. Snyder
Bryan D. Nelson	17895 chesterfeild RD N.F.M. 33917	Bryan D Nelson
Bubb Post	16970 TARPON WAY 33917	Bubb Post

case# DCI 2001-00038, Heritage Creek/Stoney Brook North

Name	Address	Signature
Sean Baldwin	9310 Sedgefield Rd.	Sean Baldwin
Twada Madewell	9370 Sedgefield Rd	T. Madewell
Patricia Dugo	9341 Sedgefield Rd	Patricia Dugo
Brian Dugo	9341 Sedgefield rd	
Terry Johnson	9320 SEDGEFIELD RD	Terry Johnson
Brittain Conner	9260 Sedgefield Rd.	Brittain Conner
Frank Conner	9260 Sedgefield Rd.	Frank Conner
Rebecca Decker	9251 Sedgefield Rd	Rebecca Decker
Steve Decker	9251 Sedgefield Rd.	Steve Decker
Cathie Potts	9360 Sedgefield Rd	Cathie Potts
JACK L. POTTS	9360 SEDGEFIELD Rd	Jack L. Potts
BARB Swindler	9330 Sedgefield Rd	Barbara Swindler
Jim Swindler	9330 Sedgefield Rd	
DANE STEED	9321 Sedgefield Rd.	
Beverly Steed	9321 Sedgefield Rd	
Sandi Simonson	9331 Sedgefield Rd	S. Simonson
CLIFF CARDULLO	9361 Sedgefield Rd	Cliff Cardullo
Larry Cardullo	9361 sedge field Rd	Larry Cardullo
Chris Stark	9380 Sedge Field Dr.	
Diana Angelini	9380 Sedgefield Rd	Diana Angelina

Case# DCI 2001-00038
Heritage Creek/Stoney Brook North

Name	Address	Signature
Liz Starnes	9451 Swan Way DFW	
Chuck Matson	17180 E Lake Dr. N.F.M.	
Lynda Taylor	17160 E. Lake Dr. N.F.M	
	17021 Pelican Way	
O. Payton Orville Payton	16970 Pelican Way	
Charles + Evelyn Thompson	17141 E Lake Dr.	
Eula + Carroll Richards	17121 E Lake Drive	
Carroll Richards	17121 E Lake Drive	
Larry Hay	17100 E Lake Dr	
George Hawbaker	17060 E Lake Dr	
Lilla M. Coleman	9460 Colony Dr	
Jerry Brand	16850 Tarpon Way	
J Fletcher Joan L	16920 Tarpon Way	
J.R. Yantman	16780 Tarpon Way	
Elizabeth Strising	17071 Tarpon Way	
Doug Tranny	8300 Henderson Grade	
Christine Abrams	8200 Henderson Grade	
Norman L. Abrams	8200 Henderson Grade Rd	

Case # DCI 2001-00038 Heritage Creek / Stoney Brook North

Name	Address	Signature
Harold Fine	11358 Chattahoochee Dr	H Fine
Robert Usher	17374 Tallulah Falls Rd	Robert Usher
Eunice Usher	17374 Tallulah Falls	Eun Usher
Donald Fewell	11338 Chattahoochee Drive	Donald Fewell
Brian Harris	11337 Chattahoochee Drive	Brian Harris
Rosemary Speight	17434 Tallulah Falls N.E.M.	Rosemary C. Speight
Bob Kane	10991 Pioneer Rd N.E.M	Bob Kane
Earl Ragan	10850 Pioneer Rd	Earl Ragan
Sandy Banks	10951 Pioneer Rd.	Sandy Banks
Derek Stevens	10951 Pioneer Rd.	Derek Stevens
Chris Dean	10921 Pioneer Rd.	Chris Dean
John Graveline Wendy Graveline	18461 Wayne Drive 18461 Wayne Drive	John Graveline W Graveline
Brittany Hardgrave	18461 Wayne Drive	Brittany Hardgrave
Danny Miller	18441 Wayne Dr	Danny Miller
Norma Cody	18441 Ace Rd	Norma Cody
Terry Kugler	18381 N.E. Wayne Dr.	Terry Kugler
[illegible]	" "	William D Craft
Michelle Matraw	18341 Wayne Dr	Michelle N Matraw
Pat Bowker	18460 Ace Rd	Pat Bowker
Billie Christy	" " "	Billie Christy

Case # DCI 2001-00038 Heritage Creek / Stoney Brook North

Name	Address	Signature
Amy L. Harrington	18250 Hunters Glen Rd. NFM	Amy L. Harrington
Scott Harrington	18250 Hunters Glen Rd. NFM	
Fred L Mitt	18301	Fred L Mitt
Dione Mitt	18301 Hunter Glen	Dione Mitt
Sharon Rollins	18341 Hunters Glen Rd	Sharon Rollins
William Rollins	18341 Hunters Glen Rd	William Rollins
Peggie Strasbaugh	18370 Hunters Glen Rd	Peggie Strasbaugh
Donell J Strobert	18380 Hunters Glen Rd	Donell J Strobert
Betsy Strasbaugh	18390 Hunters Glen Rd	Betsy Strasbaugh
Karen Stephens Gatewood	18430 Hunters Glen Rd.	Karen Stephens Gatewood
Steve Gatewood	18430 Hunters Glen Rd.	Steve Gatewood
ANDREW J PRINCE	18270 HUNTERS GLEN RD	Andrew J Prince
Cynthia G. Prince	18270 Hunters Glen Rd.	Cynthia G. Prince
Denise Dillon	18621 Slater Rd.	Denise K. Dillon
KEVIN SANDS	18621 SLATER RD.	Kevin Sands
Marjorie LeLong	9101 Triplett Rd.	Marjorie LeLong
R.A. KINGSBURY SR.	8100 Rich Rd.	R.A. Kingsbury Sr.
Walter Barnhart	19300 Skippie Rd	Walter Barnhart
John D Mitt	18430 Panther Tr	John D Mitt
Tammie Hillman	17670 Sabal Palm Dr	Tammie Hillman

Case # DCI 2001-00038 Heritage Creek / Stoney Brook North

Name	Address	Signature
Don Derby	7241 Rich Rd	Don Derby
WINSTON TIPTON	18300 LYNN ROAD	Winston Tipton
JUDY TIPTON	18300 Lynn ROAD	Judy Tipton
Pamela Tipton	18310 Lynn rd	Pamela Tipton
Dani Ruder	18320 Lynn Rd	Dani Ruder
Bryan Ruder	18320 Lynn Rd	
ED Fry	18401 LYNN RD	
Paul Duff	18451 Lynn Rd	Paul Duff
Karen Jablonski	18551 Lynn Rd	Karen Jablonski
Joe Jablonski	18551 Lynn Rd	Joe Jablonski
Donald Alvarez	18900 Lynn Rd	Donald Alvarez
Laura Alvarez	18900 Lynn Rd	Laura Alvarez
CAROL WENIGER	18950 Lynn Rd	Carol Weniger
Roxanne Whitaker Roxanne Whitaker	18740 Lynn Rd	Roxanne Whitaker
Cody Whitaker	18740 Lynn Rd	Cody Whitaker
Travis Whitaker	18740 Lynn Rd	Travis Whitaker
Trish HURST Trish Hurst	18720 Lynn Rd	Trish Hurst
Ken Kuhl	18720 Lynn Rd.	Ken Kuhl
Jim Westberry	18700 LYNN RD	Jim E Westberry
Patti Westberry	18700 Lynn Rd.	Patti Westberry N. Ft. Myers

Case # DCI 2001-00038 Heritage Creek / Stoney Brook North

Name + phone	Address + E.Mail Add	Signature
Bobby Rosine 543-5810	7280 Rommel Rd NO. Ft. Myers	Bobby Rosine
Don Newenhouse 543-6230	18431 DURRANCE RD NFM.	Don Newenhouse
Sharon Lietz	18151 Durrance Rd NFM	Sharon Lietz
Roy Lietz	18151 Durrance Rd NFM	Roy Lietz
Jay K Collis	18101 Durrance NFM	Jay K Collis
Jessie Chapin	18021 Durrance Rd	Jessie Chapin
Kay Christ	[illegible]	Kay Christ
Kirby Christ 543-2479	7290 [illegible]	Kirby Christ
Dwayne Courtney 543-8350	18801 Durrance Rd., NFM 33917	Dwayne Courtney
Susan Newenhouse Susan Newenhouse	18451 Durrance Rd NFM 33917	Susan Newenhouse
DEL Holloway	17941 DURRANCE Rd. 33917	Del Holloway
MR. & MRS McCLAMEY	Betty & Wilbert McClamey	
Paul Hammons	17890 DURRANCE	Paul Hammons
Brad [illegible]	17891 DURRANCE	Brad [illegible]
Cheryl A Middleton	17600 Durrance Rd	Cheryl A Middleton
Bill Middleton	17600 Durrance Rd	Bill Middleton
Judy Strickland	17630 DURRANCE Rd	Judy Strickland
Robert Adams	17741 Durrance Rd	Robert Adams
JAMES R. STARNES	18531 DURRANCE RD. 18571 DURRANCE RD.	James R. Starnes
Steve Malenoski	10161 Deal RD	Steve Malenoski
Jessica Farmer	10161 Deal RD	Jessica Farmer

Case # DCI 2001-00038 Heritage Creek/Stoneybrook North

Name	Address	Signature
Carole A. Hall	8378 Boonesboro Rd.	Carole A. Hall
Bill Hannon	8200 Boonesboro Rd.	Bill Hannon
Theresa Hannon	8200 Boonesboro Rd.	Theresa Hannon
Patricia Kinter	8320 Boonesboro Rd	Patricia Kinter
James Kinter	8320 Boonesboro Rd	James Kinter
Paul Williams	17800 Chesterfield Rd.	Paul Williams
Vicki Williams	17800 Chesterfield Rd	Vicki Williams
Joe Burke	17825 Chesterfield Rd	Joe Burke
Leo Burke	17825 Chesterfield Rd	Leo Burke
Nathan Chouinard	17855 Chesterfield	Nathan Chouinard
Lorri Garlick	17865 Chesterfield Rd.	Lorri Garlick
Jeff Smith	17885 Chesterfield Rd	Jeff Smith
Paul & Katherine Hart	17915 Chesterfield Rd	Paul & Katherine Hart
Douglas W Daly	17920 Leetana	Douglas W Daly
Cheryl Stamper	17920 Leetana	Cheryl Stamper
Charles Reason	17961 Leetana Rd	Charles Reason
Deanna Reason	17961 Leetana Rd	Deanna Reason
Michael R Swift	8145 Boonesboro Rd	Michael R Swift
Susan J. Swift	8145 Boonesboro Rd.	Susan J. Swift
John D. Pierson	1685 Hermitage Rd.	John D. Pierson

Case # DCI 2001-00038 Heritage Creek / Stoney Brook North

Name	Address	Signature
Hershel Sexton	11585 Bentwood Ct Ft Myers	Hershel Sexton
Ron RenFroe	11537 Bentwood Ct. Ft. My	
Gordon Jaquiss	11560 Bentwood ct NFM.	Gordon Jaquiss
Amy Jaquiss	11560 Bentwood Ct NFM	Amy B. Jaquiss
Jeannie Nelson	11584 Bentwood Ct NFM	Jeannie Nelson
Richard Nelson	11584 Bentwood Ct NFM	Richard Nelson
L. Mae Sayre	11632 Bentwood Ct. NFM	L. Mae Sayre
John P Buchanan	11621 Bentwood ct NFM	John P Buchanan
Robyn Rice	11704 Bentwood Ct. NFM	Robyn Rice
Pam VanVetter	11727 Bentwood Ct NFM	
	11261 Howard RD	
David Ennis	11911 Howard RD	David Ennis
Wanda Ennis	11911 Howard Rd.	
Lee Baker	11261 Howard RD	LEE BAKER
Karen Chesnes	11141 Howard Rd	Karen Chesnes
	11378 HABERSHAM CT	JAMES BURROWS
	11426 Habersham Ct	M PAPKE
	11394 Habersham CT	
Norma McDaniel	17301 Tallulah Falls Rd.	NORMA M. McDANIEL
	17353 Tallulah Falls Rd	Robert Woods

Case # DCI 2001-00038 Heritage Creek / Stoney Brook North

Name	Address	Signature
Renee B. Fetrow	17500 Old Bayshore Rd. N. Ft. Myers, FL 33917	Renee B. Fetrow
Shirley A. Sellers	17540 Old Bayshore Rd N. Ft. Myers, Fl. 33917	Shirley A. Sellers
John Dejarnett	17626 OLD BAYSHORE N. FT. MYERS, FL 33917	
John Dejarnett Sr	" "	
LaDonne Sand		
Ray V. Gordon	16820 OLD BAYSHORE RD	Ray V. Gordon
JOAN KOSKIK	" "	
Luther C. Thompson	18190 Old Bayshore	
Andrew Thompson	18190 Old Bayshore Dr	
Raymond Flint	11610 Ruth Rd NFM	Raymond Flint
Carol Flint	11610 Ruth Rd N Myers	Carol Flint
Mark Jettie	11610 Ruth Rd	Mark Jettie
Minnie L Flint	11610 Ruth Rd.	Louise Flint
Luke D. Brown	11630 Ruth Rd.	Luke D. Brown
Janet J Brown	11630 Ruth Rd NFM	Janet J Brown
[illegible]	11650 Ruth Rd NFM	[illegible]
Sylvia Allenbaugh	11703 Bentwood Ct NFM	Sylvia Allenbaugh
[illegible]	11667 Bentwood Ct. NFM	Dana R St. John
Josephine St John	11667 Bentwood Ct.	Josephine St. John
LOUISE BURKETT	18601 Palm Cove Dr	[illegible]

Case # DCI-2001-00038 Heritage Creek/Stoney Brook North

Name	Address	Signature
JOHN MENOCA 694-2836	19651 HONEY BEAR LN N. FT. MYERS FL 33903	John Menoca
Michael Rumberger 691 6368	15210 DEUCE RD N FT Myers 33907	MRumberger
Terry F Yager 839-0119	19800 Nalle Rd N Ft Myers 33917	
Kirsten Moos 731-6605	15556 Crystal Lake Drive N. Ft. Myers FL 33917	KMoos
J Volker 656-1462	303 Crystal Lane N Ft Myers	
H. Volker 656-1462	303 Crystal Lane FT Myers	H. C Volker
J SHAW 543-2352	18200 Lynn Rd	Janice L Shaw
D. Cutler	17923 Chesterfield N. Ft Myers FL	Dale Cutler
Terry Haymond	18571 Hunters Glen N. Ft. Myers	
Joy Hunton	18381 Hunters Glen Rd N Ft Myers FL 33917	Joy Hunton
Steven Hunton	18381 Hunters Glen Rd N. Ft. Myers FL 33917	Steven R. Hunton
JACOB Johnson	18661 OLD BAYSHORE RD N. FT. MYERS FL 33917	
Robert F. OBrien	18280 PANTHER TRAIL LN N. FT MYERS	Robert F OBrien
D.J. LANSAW	20050 PEARCE ST N. FT. MYERS FL	DJ Lansaw
SANDRA DAVIS	8251 Aviary Rd N. Ft Myers	Sandra Davis
Rebecca DAVIS	8251 Audrey St N. FT. Myers	Rebecca Davis
Peggy Warner	17931 Wetstone Rd N Ft Myers FL 33917	Peggy Warner
Annette Durling	18000 Cetana Rd. N. Ft. Myers. FL. 33917	

NAME	ADDRESS	ZIP	PONE #	SIGNATURE
Frank Sipple Jary	18160 Nalle Rd.	33917	543-3752	Frank Sipple Jary
Jim Shankin	18180 NALLE Rd		731-6431	Jim Shankin
Eugene Fowler	18240 Nalle Road		980-0744	Eugene Fowler
[illegible]	18240 NALLE RD		543-6768	[illegible]
Tammy Shallow	18400 Nalle, Rd.		872-3397	Tammy Shallow
Rosmarie Garrett	18470 Nalle Rd		543-2840	Rosmarie Garrett
Ernest Maxey	19200 Nalle Rd.			Ernest Maxey
Rob Hyatt	19300 NALLE RD.		507-2932	Rob Hyatt
Donna McSorley	9551 Quail Run		543-8529	Donna McSorley
Sandra Martin	9671 Quail Run		731-9368	Sandra Martin
Mike Bills	9671 Quail Run		731-9368	Mike Bills
LINDA KARPPINEN	19751 Nalle Rd		543-5616	Linda Karppinen
CONNIE LANIER	19181 NALLE Rd.		543-6004	Connie Lanier
Woody McCoy	18310 Matt Rd		731-2110	Woody O. McCoy
Betty J. Gray	18551 NALLE RD.		731-7387	Betty J. Gray
SIDNEY WHITMAN	18501 NALLE RD		731-8111	[illegible]
Viana Kohler	17951 Nalle Rd		543-1787	Viana Kohler
Dawn Netsch	9540 Shadow Oak Lane		543-8517	[illegible]
Ann Hagar	6940 SAMVILLE RD W		543-6003	Ann Hagar
Dorothy Despori	9601 SHADOW OAK LANE		731-3499	[illegible]
[illegible]	9581 Shadow [illegible]		543-8740	[illegible]
Joyce Eidson	9580 Shadow Oak Lane		731-0903	Joyce Eidson
Larry W. Bolds	9561 SHADOW OAK		557-2267	Larry W. Bolds
Cecilia Sheene	17901 Nalle Rd		313-6131	Cecilia Sheene
Don Jones	17901 Nalle Rd		313-6131	Don Jones

Case # DCI 2001-00038
Heritage Creek/Stoney Brook North

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Print Name	Address	Signature
Dorothy Farrington	17520 Durrance Rd	Dorothy Farrington
ALEX SOMCHANHMASING	10490 DEAL Rd	Alex Somchanhmasing
YongPet Somchanhmasing	10490 Deal Rd	V Som
Lonnie Hotchkiss	10530 Deal Rd	
Ralph Canella	10600 Deal RD	Ralph Canella
David W Johnson	10651 DEAL RD	David W Johnson
Johnson	10651 Deal Rd	Cynthia L. Johnson
David Johnson	10651 Deal Rd	David Colby Johnson
Alean McDonald	10721 Deal Rd	Alean McDonald
Sarah Ann Law	10721 Deal Rd	Sarah Ann Law
ELIZABETH FOFRST	10720 Deal Rd	Elizabeth Forest
GILBERT BAILEY	" " "	Gilbert G. Bailey
Steve Hopkins	10760 Deal Rd	Steve Hopkins
George Shaw	10761 Deal Rd	George Shaw
Karen Gambrill	17741 Palm Creek Dr	Karen Gambrill
Robert Armstrong	115 Lee Blvd	Robert Armstrong
Sheila Flynn	10750 Deal Rd.	
John Gubata	10760 Deal Rd	John Gubata
Frank Cannon	10965 Deal Rd	Frank Cannon
William Farrington	17520 Durrance Rd	William Farrington
Karen Berman	2477 N. Westwood Dr. NPM	Karen Berman
JAMES P. BUFFINGTON	16809 CHURCH DR. NPM	James Buffington
MARY LEE BUFFINGTON	16809 CHURCH DR. N.P.M.	Mary Lee Buffington

Case # DCI 2001-00038 Heritage Creek / Stoney Brook North

Don Derby	7241 Rich Rd	267-2067
Winston Tipton	18300 1/3 Lynn Road	543-3550
Judy Tipton	18300 Lynn Road	543-3550
Pamela Tipton	18310 Lynn rd	543-3730
[illegible] Ruder	18320 Lynn Rd.	543-1311
Danaea Ruder	18320 Lynn Rd.	543-1311
Ed Ivy	18401 Lynn Rd	543-1606
Paul Off	18451 Lynn Rd.	567-1018
Joe Jablonski	18551 Lynn Rd	731-5204
Karen Jablonski	18551 Lynn Rd	731-5204
David Alley	18900 Lynn Rd	543-4921
Carol Werliger	18950 Lynn Rd	731-9065
Roxanne Whitaker	18740 Lynn Rd.	543-2144
Cody Whitaker	18740 Lynn Rd.	543-2144
Travis Whitaker	18740 Lynn Rd.	543-2144
Ken Kirk	18720 Lynn Rd.	
Trish Hurst	18720 Lynn Rd	392-0103
Jam E Arch	18700 Lynn Rd	731-8309
Patti Westberg	18700 Lynn Rd.	731-8309
Bonnie Johnson	18301 Panther Tr. Ln	731-5322
Willen T Cas		543-5315

Case# DCI 2001-00038 Heritage Creek / Stoney Brook North

Name	Address	Signature
Judy MEROHA 694-2836	5542 TICE ST FT. MYERS FL 33905	Judy C. Merola
Marlene Thibodeau	1809 Stevenson Rd NFM.	Marlene J. Thibodeau
Sadina Wilers	19300 Skipper Rd N.F. Myers 33917	Sadina Wilers
Cindy Roberts	11568 Tunda Dr, 33917 N. F. Myers FL	Cindy Roberts
Nancy Bright	19150 Tammy Lane N. Fort Myers	Nancy B. Bright
Donna Walker	8350 Henderson Grade N Ft. Myers	Donna Walker
WYATT WALKER	8350 HENDERSON GRADE 33917 N.F.M.	Wyatt Walker
Cathie Potts	9360 Sedgefield Ld NFM	Cathie Potts
JACK L. POTTS	9360 SEDGEFIELD NFM	Jack L. Potts
Tim Franz	12602 third st	
Tucker Watkins	8234 ccrington	Tucker Watkins
Jerry mitchell	12602 third st.	Jerry L. Mitchell
Sean Paradise	12602 third st	Sean Paradise
Donna Shoap	17910 heetana Rd.	Donna M. Shoap
Don Shoap	17910 Leetana Rd	Don L. Shoap
Ray Simpson	19201 matt Rd	Ray Simpson
LARK CAMPISANO	19201 Matt Rd	Lark Campisano
Sandra Hicks	18350 Lynn Rd	Sandra Hicks

Case# DCI 2001-00038, Heritage Creek/Storey Brook North

Name	Address	Signature
Burt Hardman	9471 Sedgefield Rd.	Burt Hardman
Linda Stanford	9471 Sedgefield Rd	Linda Stanford
Janice Botsford	9410 Sedgefield Rd.	Janice Botsford
Ted Teter	9361 Shadwell	Ted Teter
WALTER L. RUTH, JR.	9411 SEDGEFIELD RD	Walter L. Ruth, Jr.
MARGARET L. RUTH	9411 SEDGEFIELD RD	Margaret L. Ruth
Carie Dorsey	9431 Sedgefield Rd	C. Dorsey
Erik Dorsey	9431 Sedgefield Rd	Erik C. Dorsey
ALAN CLADE	9441 Sedgefield Rd	Alan Clade
LESLIE CLADE	9441 SEDGEFIELD RD.	Leslie J. Clade
James Waugh	9470 Sedgefield Rd.	
MARK ELLETT	6971 SLATER PINES DR	M Ellett
Sandra Ellett	6971 Slater Pines Dr	Sandra Ellett

Name	Address	Signature
JAY BRODENTHAL	11351 CHATTAHOOCHEE DR NFM, FL	
MARION HARRIS	11337 CHATTAHOOCHEE Dr. 33917	Marion Harris
Debbie Cyferri	11303 Chattahoochee Dr.	Debbie Cyferri
Cody Strong	11304 Chattahoochee Dr	
Kasey McBride	19600 Lan-Shell Dr.	Kasey McBride
Teresa Funk	11183 Robin Crest Dr.	Teresa Funk
George Vettman	11211 Robin Crest Dr	
Dan Gorton	13311 Apalachee Lane Ft Myers	

Case# DCI 2001-00038, Heritage Creek/Stoney Brook North

Name	Address	Signature
Debra Burnside	20257 Keola Lane	Debra Burnside
Robert PARSONS	20251 KEOLA LANE	Robert Parsons
RUSS VOUGHT	20300 KEOLA LANE	
Debbie Truitt	20095 Keola Lane	Debbie Truitt
Liz White	20100 Keola Ln.	Elizabeth L White
Tommy Jones	20100 Keola Ln.	Tommy Jones

Case # DCI 2001-00038
Heritage Creek/Stoney Brook North

Name	Address	Signature
Patricia Pierson	1685 Hermitage Rd	Patricia Pierson

Case # DCI 2001-00038, Heritage Creek/Stoney Brook North

Name	Address	Signature
Robert Cathell	19230 Poor LN.	Robert N Cathell
Bernice Cathell	N. FT. Myers. Fla.	Bernice K Cathell

Case # OCT 2001-00038 Heritage Creek/Stoney Brook North

Name	Address	Signature
Theresa Sipp	820 NE 15th Lane C.C.	Theresa Sipp
BOB & EVELYN LEBLANC	10460 DEAL RD, N.F.L.	Robert & Evelyn LeBlanc

Case # DCI 2001-00038 Heritage Creek / Stoney brook North

Name	Address	Signature
Bonnie Johnson	18301 Panther Tr. Ln	Bonnie Johnson

Name	Address	Signature
Sally Pearce	18361 Ace Rd. N. Ft Myers	Sally L. Pearce
Joe C. Pearce	18361 Ace Rd N FT. Myers	Joe C Pearce

Name	Address	Signature
margaret Walter Atchison	11631 Deal Rd N.Ft Myers 33917	Margaret Atchison
Clayton Atchison Jr	11701 Tundra Dr N Fm, Fl 33917	Clayton Atchison Jr
Carrie Atchisan	11701 Tundra Dr. NFt Myers FL	Carrie Atchisan
Shawn Jackow	19450 Meredith Rd N.Ft Myers, FL	
Carol Atchison	11701 Tundra Dr. NFM	Carol Atchison
Adam Atchisan	11701 Tundra Dr. NFt Myers	Adam Atchisan
Brandon Eaves	19350 Meredith Rd	
Frank Jackoes	19450 Meredith Rd N Fm	Frank Jackow
Chris Jackow	19450 Meredith Rd. N. Ft. Myers	Chris Jackow

July 24, 2003

Jacqueline A. Webster
19450 Skipper Road
N. Fort Myers, FL 33917

Sheri Weinlauf
18194 Sandy Pines Circle
N. Fort Myers, Fl 33917

Dear Ms. Weinlauf:

I received your packet of information from my daughter who lives at 18341 Wayne Drive and am interested in doing what I can to help keep multi-family, duplexes, townhouses and two-family attached housing out of the Bayshore Community.

I will not be able to attend the meeting as I will be out of town, but would like to give my vote to stopping the rezoning and intense development off of Pritchett Parkway. I understand that over time most of the land will be developed, but single family homes with a minimum of 5 acres (10 acres preferred) would be what I would like to see in the neighborhood. With each house requiring 5 to 10 acres it would keep the area from being overcrowded.

I have lived in my home for the past 10 years and each summer we have had standing water, as there is little or no drainage at this time. By putting up additional houses, especially the proposed number of house, it will only make the situation worse than it is.

I have also enclosed a check for $100.00 to help with the attorney's fee. Please let me know if I can be of further assistance.

Sincerely,

Jacqueline A Webster

Jacqueline A. Webster

Emergency Operations Center

For Immediate Release

LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

Incident/event: **Local Flooding** **Date:** **June 23, 2003**
Statement # **3** **Approved:** **Gerald Campbell**

FLOODING CONTINUES THROUGHOUT LEE COUNTY

Flooded Roads/Areas

Cape Coral Area
Burnt Store Road is closed from Van Buren Road to Burnt Store Marina due to flooding. Additional flooded roads in Cape Coral include James Walter Road, Embers Parkway and Chiquita Blvd.

North Fort Myers Area
Del Prado Extension West of Daughtry Creek including Herons Glen and Lakeville Subdivisions.

Bayshore Area
Nalle Road, Nalle Grade Road, Quail Run Road, Counseler Road and St. Paul Road.

San Carlos Park Area
Sea Island Road, Country Oaks Drive, Constitution Blvd, Cypress Point, Island Park Court, Morgan Road and Wood Drive.

Use caution while driving. Do not drive into standing water of unknown depth.

Stay tuned to NOAA weather radio and local media for additional details. Be prepared to take protective actions should conditions warrant.

LEE COUNTY EMERGENCY MANAGEMENT/DEPARTMENT OF PUBLIC SAFETY
BOX 398, FORT MYERS, FL 33902-0398 Internet: http://www.lee-county.com Phone: (239) 477-3600

W:\Images\89311.doc

JACKSON
EXHIBIT # 5
DC1 2001-00038

The Holland Sentinel online [printer friendly]
Our commitment to you is our commitment to the community.

New brochure really stinks

Scratch-and-sniff box captures manure odor to give new residents a sample of rural life

The latest brochure published by Ottawa County stinks -- and county officials wouldn't have it any other way.

The Ottawa County Planning Commission is handing out a publication designed to reduce nuisance complaints new homeowners sometimes make against farmers. The pamphlet includes a section where people can scratch a box, which emits a manure odor.

"It's an attention grabber -- it's generated quite a bit of interest," said Mark Knudsen, director of the county's planning and grants department. "The whole purpose is that people should not move into a rural area unless they are willing to accept and embrace the practices that happen on a farming operation."

The brochure, titled, "If You are Thinking About Moving to the Country, You May Want to Consider This ...," is targeted for new residents considering moving to the country to escape the noise, traffic and hassles of city life. The brochure dispels misconceptions about country living while also providing background about the importance of farming operations, standard work practices and Right-to-Farm laws, Knudsen said.

"This brochure is designed to caution potential rural homeowners that their image of country life may be considerably different from the actual conditions they'll find if they move into an agricultural area," said Betty Gajewski, chairwoman of the Ottawa County Planning Commission.

Ottawa County hired a Chattanooga, Tenn., firm to print the brochures.

County officials hope this brochure will provide people with enough facts to make a fully informed decision before moving near farms. Farmers are seeing an increasing number of complaints, mostly about manure odors.

"Operating a successful farm has always been a tough business because of weather, foreign competition, government regulation and long working hours," said Fred Walcott, Ottawa County Farm Bureau president. "But in recent years, a new even more formidable challenge has arisen for farmers: new residential homeowners who are unfamiliar with common farming practices."

Share the smell

JACKO
EXHIBIT #6
DCI2001-00038

Copies of the brochure are distributed by Realtors, the Ottawa County Farm Bureau and the Ottawa County Cooperative Extension office.

You can also get a copy by calling the Ottawa County Planning Department (616) 738-4852 or by e-mail at plan@co.ottawa.mi.us.

Click here to return to story:
http://www.thehollandsentinel.net/stories/080203/loc_080203001.shtml

Bayshore Steering Committee refines proposal



Photo by Leelo Kinnett

North Fort Myers residents attend the recent steering committee meeting about proposed future land use.

By Leelo Kinnett
Staff Writer

Members of the Bayshore Steering Committee are once again meeting to refine the proposal they set forth to the community at a recent public meeting.

Although the proposal met with nearly unanimous agreement from the crowd numbering more than 400, some of the wording needs to be refined to include comments from the attendees, organizers said.

"I was pleased with the amount of agreement we had," said Mike Rader, planning consultant to the Steering Committee. "The main point of potential disagreement involved the widening of area roads. I believe the Steering Committee will look at that some more."

Rader added that as long as the plan stays the way it is, residents would ask to have roads widened by an amendment to the comprehensive plan, similar to what we are now doing. However, there is wording that could make the process less cumbersome for the residents. He assured that would be looked at closely.

Another area of concern at the meeting was within the "goal" section of the proposal. Rader stated that as requested by residents in attendance, the words "such as mining" would be added to clarify incompatible uses of land.

With upcoming meetings scheduled for the Steering Committee, Rader said he thought the recent rezoning request by U.S. Home Corp. would be a topic of discussion.

The large home builder recently asked Lee County to rezone 740.08 acres east of I-75 off Bayshore Road in order to develop a planned golf course community called Heritage Creek.

Documents filed with Lee County describe the proposed community as one with "multiple neighborhoods, some with golf course emphasis, some with community park emphasis."

According to Rader, once the Steering Committee comes up with the final version of the proposed amendments to the comprehensive plan, an application fee of $1,250 must accompany the filing and be paid to Lee County. Rader added that the state did not charge fees to review the Lee County plan.

"We hope that anyone with a concern about the plan contacts the Steering Committee so we can finalize the documents. When our work is complete, as a courtesy we plan to mail the corrected version of the amendments to those who attended the meeting," said Rader.

The Steering Committee can be reached by calling Lydia Cassilly at 281-0171.

Penfield EXHIBIT # 2 DCI2001-00038

BAYSHORE FINAL ADOPTION LANGUAGE

VISION STATEMENT:

The Bayshore Community, bounded by I-75, SR 31, the Caloosahatcheee River and Charlotte County, is predominantly a rural residential area of single family homes on large acreages, small horse farms, citrus groves, and plant nurseries, interspersed by some larger cattle grazing operations. There are also scattered single family subdivisions and mobile homes on smaller lots which provide for a full range of housing prices. There is limited urban infrastructure and commercial uses. By and large, the residents of Bayshore want to see this land use pattern maintained. The vision of the future would include slow but steady growth with the building of larger single family homes on 2 ½ to 5 acre tracts, as well as some higher density development in the Outlying Suburban category (i.e, up to two units per acre with proper zoning), and continued support for the infrastructure necessary for the owners and breeders of horses. The protection of environmental resources and the maintenance of a wholesome family atmosphere is desired, as well as the protection of existing agricultural and equestrian activities. One community project that could serve these ends would be the development of an equestrian park in the community.

GOAL 20: BAYSHORE COMMUNITY. To protect the existing rural residential, agricultural and equestrian-oriented character of the community by maintaining low residential densities and minimal commercial activities, while excluding incompatible uses that are destructive to the character of this rural residential environment. For the purposes of this goal and related objectives and policies, the boundaries of the Bayshore Community will be I-75 on the west, SR 31 on the east, the Caloosahatchee River on the south and the Charlotte County line on the north.

OBJECTIVE 20.1: LAND USE. The existing land use designations of the Lee Plan (as of September 30, 2001) are appropriate to achieving the goal of the Bayshore Plan. No land use map amendments to a more intensive category will be permitted after *{scrivener will insert effective date of policy, if adopted}*, unless a finding of overriding public necessity is made by three members of the Board of County Commissioners.

POLICY 20.1.1: Retail commercial activity will be limited to the Interstate Interchange designation at Bayshore and I-75, plus minor commercial uses at the intersections of Nalle Road and Bayshore, SR 31 and Bayshore, and SR 31 and Old Bayshore. Non-retail commercial uses are permitted elsewhere consistent with the Lee Plan and the Land Development Code.

POLICY 20.1.2: Commercial stables or tack and feed stores are exempt from meeting commercial site location standards. The existing 7.1 acre +/- retail commercial center at 10440 Bayshore Road, the 0.66 acre +/- retail commercial property at 19451 SR 31, the 0.83 +/- acre retail commercial property at 17270 Durrance Road, and the 0.36 +/- acre retail commercial property described in resolution Z-72-93 which is part of the property at 6600 Nalle Grade Road will be deemed consistent with Policy 20.1.1.

POLICY 20.1.3: No new industrial activities or industrial rezonings are

Penfield #3 2 pages

Penfield
EXHIBIT #3
DCI2001-00038

permitted.

POLICY 20.1.4: No new mining uses or commercial excavations are permitted.

OBJECTIVE 20.2: TRANSPORTATION. All road improvements within the Bayshore Community considered by the County will address the community's goal to maintain its rural character and give preference to alternatives that allow existing roads to function at their current capacity.

POLICY 20.2.1: Any expansion of the state arterial roadways should include physically-separated provisions for bicyclists/pedestrians.

POLICY 20.2.2: Road capacity improvements needed within the Bayshore Comunity to serve demands generated outside the community will be designed to minimize the impacts on the community and its rural character.

POLICY 20.2.3: If a need to extend Del Prado Boulevard east of I-75 through the Bayshore Community is demonstrated, the corridor evaluation must include alternatives to using the existing Nalle Grade Road alignment. The evaluation will address (but not be limited to) access, safety and community character issues. Alternatives will be presented at evening public workshops within the Bayshore community.

OBJECTIVE 20.3: SEWER AND WATER. Given the desire to maintain a low residential density, new central sewage service is not economically feasible and is discouraged north of Bayshore Road within the future non-urban land use categories. Central water service for enhanced fire protection will be encouraged where economically feasible.

POLICY 20.3.1: Central sewage service will be encouraged for existing and future high density and intensity developments south of Bayshore Road within the future urban land use categories and for new developments that are required to provide such service under the provisions of Standard 11.2 of the Lee Plan.

POLICY 20.3.2: No landowner will be required to connect to central sewer or water utilities or be assessed for same unless a threat to public health can be documented, or if a new development proposes an intensity that exceeds the thresholds in Standards 11.1 and 11.2 of the Lee Plan.

OBJECTIVE 20.4: PARKS AND RECREATION. The County will explore, with the support of the residents of Bayshore, the feasibility of establishing an equestrian park as the primary recreation facility for this community.

POLICY 20.4.1: The support of the Bayshore residents may include assistance with development and maintenance of such a recreation facility.

Penfield #2

PLANNING DIVISION
MEMORANDUM

LEE COUNTY
SOUTHWEST FLORIDA

to: Mark Penfield

from: Brandy Gonzalez, Planner BG

subject: Lee Plan Objective 20.1

date: August 5, 2003

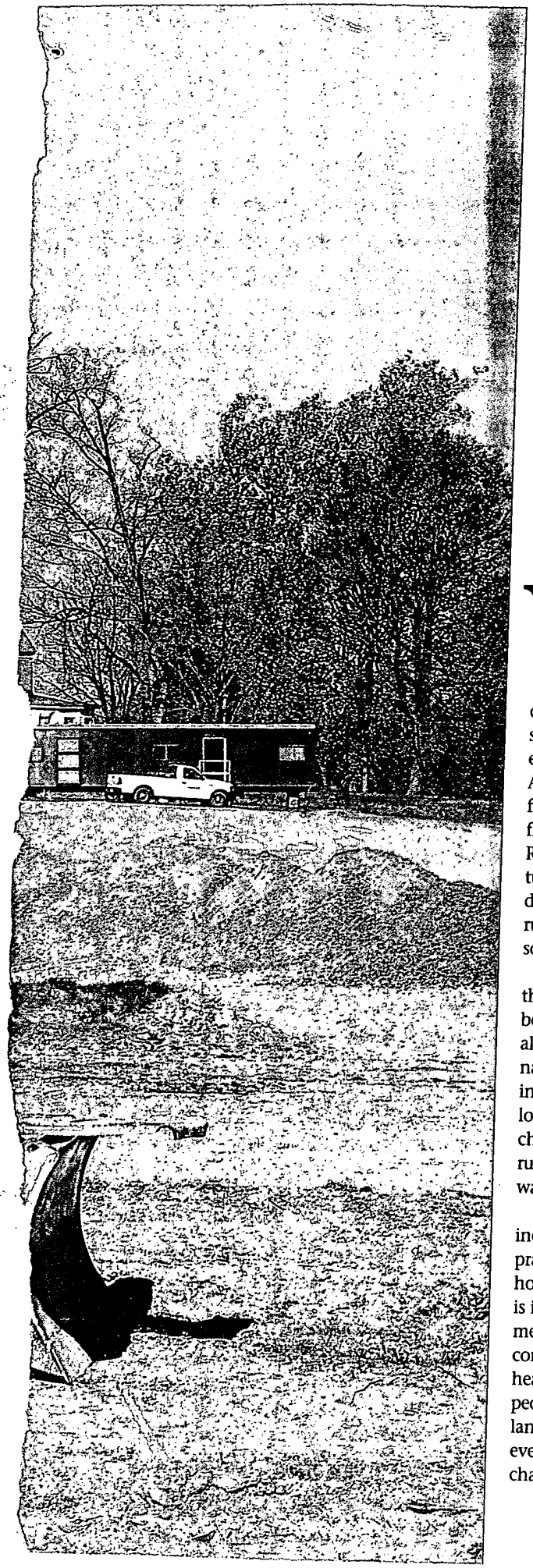
As requested, the following is Lee Plan Objective 20.1 adopted by the Board of County Commissioners as part of CPA 2001-09, the Bayshore Community Plan, on January 9, 2003. The language became effective on March 11, 2003 when the Department of Community Affairs published the notice of intent to find the proposed amendment In Compliance.

> ***OBJECTIVE 20.1: LAND USE.*** *The existing land use designations of the Lee Plan (as of September 30, 2001) are appropriate to achieving the goal of the Bayshore Plan. No land use map amendments to a more intensive category will be permitted after March 11, 2003, unless a finding of overriding public necessity is made by three members of the Board of County Commissioners. (Added by Ordinance No. 03-02)*

Staff is currently preparing an updated codification to include all effective amendments. Copies will be made available for purchase. If you have any questions, or if I can be of further assistance in this matter, please feel free to call me at (239) 479-8316.

Penfield # 4

Jan 2001



WHEN BULLDOZERS, CONSTRUCTION CREWS AND BRAND-NEW HOUSES APPEAR ON NEIGHBORING PROPERTY, TAKE STEPS FROM THE START TO PROTECT YOUR EQUESTRIAN INTERESTS.

By Sharon Le Schack with Emily Kilby

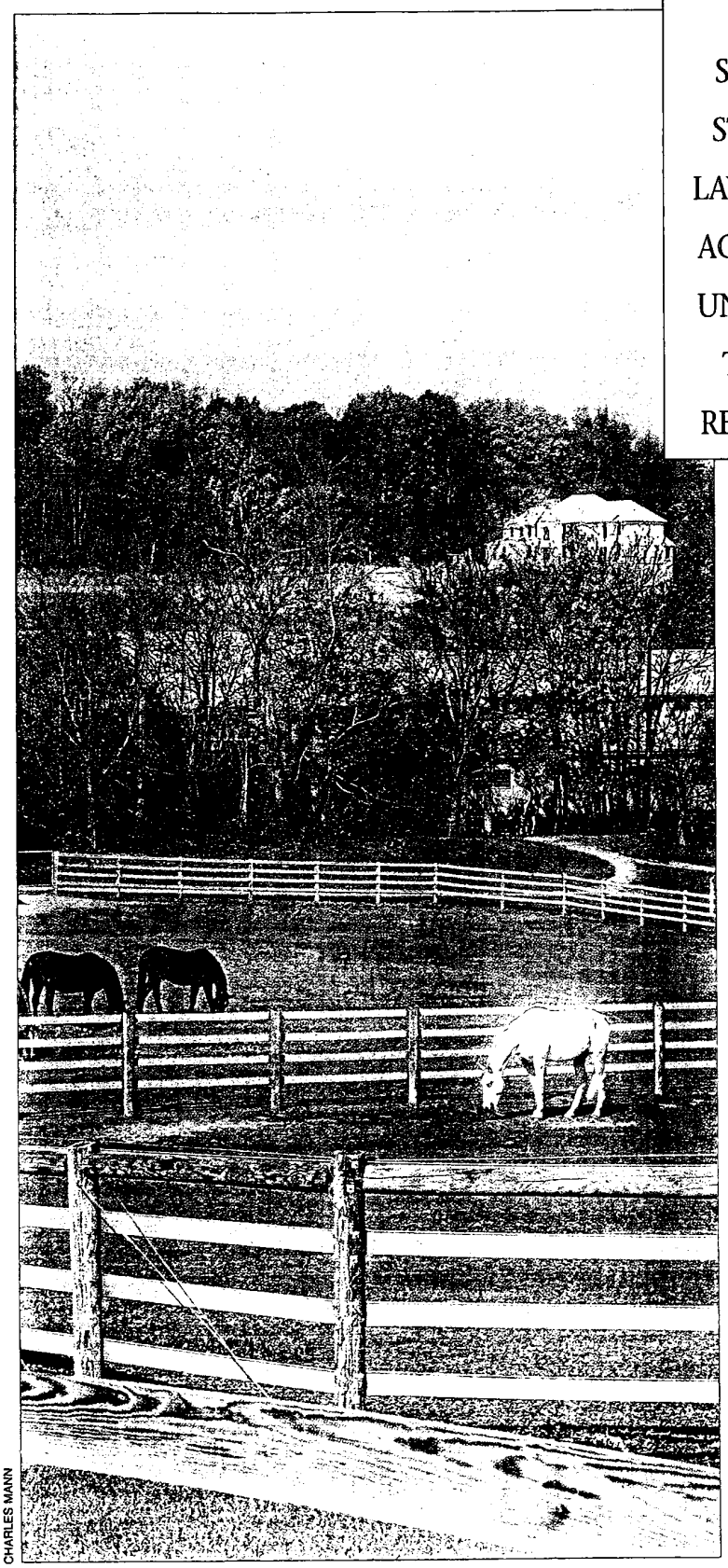
With the farmer's blessing, you've ridden around the outside of the neighboring corn- and hayfields almost daily for years. But one day on the way to your usual trail, your mount suddenly ducks to the left, and as you regain your seat, you scan the area, looking for the scary, hairy, horse-eating creature that would justify the horizontal leap. And there, marching along your usual track, are freshly planted surveyor's stakes tagged with the fluttering hot-pink plastic that spooked your horse. Realizing that you're probably now trespassing, you turn back with a heavy heart to share the day's discovery with your family of fellow boarders. The rumors must be true: The neighboring farm has been sold for development.

Imagining yourself in such a scenario isn't in the least farfetched. The rate at which farmland is being converted to housing tracts is accelerating alarmingly, says the American Farmland Trust, a national agricultural-land conservation group based in Washington, D.C. Last year's estimated farmland loss across the nation was 1.8 million acres, so chances are that if you currently enjoy horses in a rural setting, the building boom is marching your way—unless it's already there.

The suburbanizing of a once-rural neighborhood inevitably affects the locals' horsekeeping and riding practices, both during construction and as the new home owners take up residence. The obvious change is in the loss of open space for riding, but development sites, even those of responsible, community-conscious contractors, bring with them unanticipated health and safety consequences for nearby horse-people and their animals. The disturbance of the land, relocation of wildlife, increased traffic and eventually the nonfarming residents next door will change life as you've known it. You can protect your

CELIA STRAIN

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EXHIBIT # 1
DC1200I-000038



CHARLES MANN

IN THE PAST FEW DECADES, SUBURBAN SPRAWL HAS CAUSED STATES TO PASS RIGHT TO FARM LAWS, PROTECTING FARMERS FROM ACTIONS BROUGHT BY NEIGHBORS UNFAMILIAR WITH AND UNSYMPATHETIC TOWARD NORMAL AND REASONABLE FARMING PRACTICES.

environment and your interests when you are aware of the rights and responsibilities of the parties on both sides of the property line.

Your changing landscape

Property owners whose private or commercial stables adjoin land under development find their peace and routines disrupted by the changes taking place next door. Contractors build when their permits are in order, the weather cooperates, the machinery works and the supplies are available, which can mean from before dawn to dusk seven days a week. The noise of chain saws, bulldozers, dump trucks, nail guns and loud construction workers may distract you and your horse during training sessions or interfere with communication during riding lessons. Trail rides may become one startlement after another. Alarming sounds and unfamiliar activities can unnerve your horses during turnout. In other words, the accident rate is likely to rise.

In addition, the stripping away of trees and vegetation in your surroundings brings environmental trouble. The dry, bare earth, kept in turmoil with excavation and constant traffic, sends up billows of dust with every breeze. When rains come, mud prevails. Disturbance to the natural drainage fields, along with the absence of vegetative runoff filters, can redirect muddy rainwater down new channels. You may find yourself on the receiving end, with the result being flooded stables and storage buildings and saturated arenas and paddocks. You're not just inconvenienced by the mess; health problems for your animals increase with dustiness, mud and dampness, your operating costs rise, and unstable footing becomes a hazard to horses and handlers alike.

You and your animals aren't the only creatures who'll experience upheaval because of this new development. The wildlife inhabiting the adjoining acreage gets its eviction notices by way of bulldozers

and cement trucks, and as those natural habitats disappear, guess who'll be coming to dinner in your loft, paddocks, sheds, arenas and feed room. You may find this influx of critters taking a bigger chunk out of your stored feed, and their growing numbers could increase your horses' exposure to wildlife-carried infectious diseases, such as leptospirosis[0], Lyme[0] disease and equine[0] protozoal myeloencephalitis.

Eventually you'll have new human neighbors to consider, neighbors who have dreamed of settling into their new "rural" homes and enjoying the charms of a bucolic setting. The problem is that their daydreams don't often come with the smells and sounds, dust and lights, and all of the other things that accompany a working farm. If ill will arises between you and the development residents, you can bet that horse manure will be one of the issues: Excessive odors, polluting runoff and heavy insect populations resulting from mismanaged manure cross property lines with unpleasant consequences. In this altered environment, solid-waste management becomes a critical issue for you, especially when you've had an agreement with the previous property owner to spread your stall wastes on the neighboring fields that are being turned into a collection of lawns. The daily production of manure won't cease as you search for an alternate/improved disposal plan. If you've been slipshod in the past about managing your animal wastes, be assured that you won't get away with it when houses cluster next door.

Finally, some of those same neighbors and their visiting friends are likely to consider the nearby horses and pastureland to be a sort of public petting zoo and park. These "visitors" are often legally forgiven for their trespasses in case of injury if the horse-property owner doesn't take obvious steps to keep them out. Your horses grazing on your side of the property-line fence become "attractive nuisances" to those naive souls who don't realize the hazards of mingling with large animals. If you make no effort to reduce their temptation, you'll be considered an accomplice to any injury that occurs.

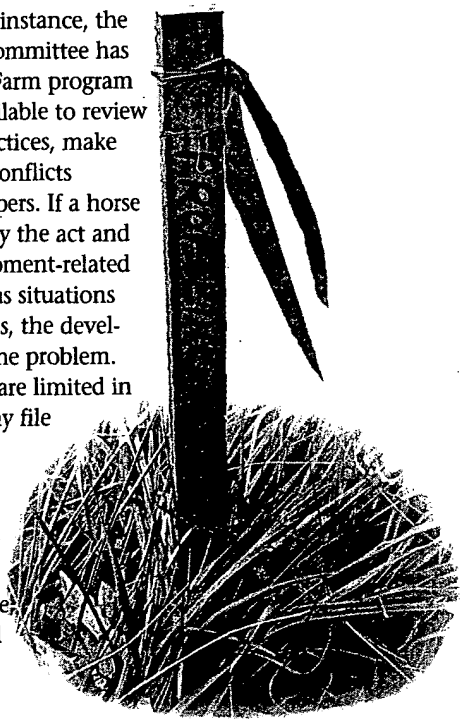
The laws on your side

All of this is not to say that development inevitably brings a heap of trouble to the original residents of a once-rural area. Responsible developers are perfectly aware that they gain no advantage by antagonizing neighboring property owners. Additionally, local ordinances and state laws are in effect almost universally, protecting both the environment and the locals' "we were here first" rights.

If you are concerned about the environmental implications the construction will have for the area in general and your property specifically, familiarize yourself with the local codes covering dust abatement, sediment control and water runoff. Contact the planning and zoning office in your county government center for a general overview of construction regulations and referrals to the specific agencies involved in monitoring the various environmental impacts of building. If yours is one of those horse properties on agriculturally marginal land at lower elevations where potential flooding prevents home building, runoff management and sediment control may well be your most crucial concerns. Knowing what's required of the neighboring developers in these matters will give you a head start in preserving the quality of your own land.

In the past few decades, suburban sprawl has caused states to pass Right to Farm laws, protecting farmers from actions brought by neighbors unfamiliar with and unsympathetic toward normal and reasonable farming practices. The laws are designed, first, to limit the circumstances in which neighbors can sue farmers for private nuisance and, second, to restrict the power of municipalities to adopt ordinances prohibiting certain farming practices when those practices do not threaten the welfare of the citizenry. Many states and municipalities require that developers give prospective buyers a copy of the local Right to Farm law, and some municipalities even require that rural home buyers sign copies of the law, stating that they have read and understood it. Horse farms meeting the specified criteria are included under the protective legislation, as long as they are using accepted farm-management practices.

Individual states have adapted the general framework of the Right to Farm Act to suit their agricultural constituencies, and municipalities can amend it even further. In New Jersey, for instance, the State Agriculture Development Committee has administered the state's Right to Farm program since 1983. The committee is available to review individual farm-management practices, make recommendations, and mediate conflicts between farm owners and developers. If a horse farm meets the criteria required by the act and the owner can prove that development-related conditions have created dangerous situations for the farm residents and animals, the developer can be required to contain the problem. Later, the development residents are limited in the nature of complaints they may file against nearby horse properties.


CHARLES MANN

Safeguards for your world

Take responsibility for making your surroundings safe for your family, clients and animals. Before the heavy equipment rolls in and turns the area into something



DOUBLE-CHECK THE SOLIDITY OF YOUR HORSE FENCING AT THE FIRST SIGN OF CONSTRUCTION NEXT DOOR, MAKING SURE THAT HORSES CANNOT BREAK OUT AND FIND THEIR WAY INTO TROUBLE.

resembling a war zone, meet with the foreman in charge of the construction site. Make him aware of your working farm/farmette next door, describing the number of animals and, in particular, any children who live there or visit regularly. Exchange phone numbers in the event a horse does get loose or a farm animal strays that way or a problem arises at the site that you should be aware of. Ask the foreman when the most disruptive construction activities are likely to be taking place. Will there be blasting, earth-moving machinery, felling of trees, trenching and grading close by the property line? Ask if he could give you fair warning about activities that could frighten turned-out stock or horses and riders so you can adjust your routine accordingly.

Rider safety: Make clear to your family and/or boarders at your barn that the building site is private property and that riding on it constitutes trespassing. Additionally, explain that the construction site contains a minefield of hazards, ranging from stray nails scattered on the ground to deceptively firm-looking footing over trenches and holes. In this new, spookier world, remind riders to wear their safety helmets at all times, to ride out only in pairs or groups and, if possible, to carry cellular phones just in case. If you run a boarding stable, you might ask your clients to sign a written amendment to their contract acknowledging their increased responsibility for riding safely and sensibly in the changing neighborhood. Finally, you can divert riders to still-peaceful trails and open spaces. Contact the local parks and recreation department, fellow barn owners and area riding clubs for suggestions on additional places to ride.

Horse safety: The horses themselves may adapt better than you'd expect to the construction upheavals. Repeated exposure takes the fright out of most sights and sounds, and you may discover that by the time the development is completed, your horses have been quite effectively bombproofed. But the risk of accidents is bound to rise early in the experience, obligating you and all the horse handlers on the place to practice safe leading and restraint in the stable and its environs. Riders on the property also need to remain consistently alert to their horses and

CHARLES MANN

surroundings to head off any dangerous reaction from their mounts to startling construction activities.

Horse health: Your horses' health can be affected both directly and secondarily by the construction. Excessive dust in the air, day in and day out, and smoke from rubble fires can irritate the airways of horses downwind and possibly trigger allergic responses in those with heaves[0] and other obstructive lung diseases. When possible, move your horses to paddocks out of the way of dust and mud. Be on the lookout for hazardous runoff from the construction site. Leakage from machinery and chemical spills that make their way onto your property have the potential for sickening your horses. Radiator coolant/antifreeze is a deadly substance for dogs and cats but much less of a threat for horses. Later, when the houses are finished, excessive application of yard-care products—herbicides and pesticides—could affect your pasture and water supplies.

Disease control: Familiarize yourself with wildlife-transmitted diseases and their early signs, because early detection is a crucial step in recovery from many of these ailments. Keep your horses' tetanus[0] and encephalitis[0] vaccinations current, and discuss with your veterinarian the advisability of adding others, such as rabies[0] and botulism[0], in the face of your horses' increased exposure to wildlife. "Eastern and western equine encephalitis [vaccines] are important because developments nearby may create pools of stagnant or standing water that could serve as breeding grounds for mosquitoes, the vector for these diseases," says Shari Kennedy, DVM, an equine practitioner with the Southern Maryland Equine Veterinary Service. "The risk of botulism could increase if more wildlife moved into the horses' environment and for whatever reason died. Their decomposing bodies are a perfect environment for the bacteria to produce the toxin that causes botulism. This toxin is very stable in the environment and could remain in the soil even after the decomposed body is removed."

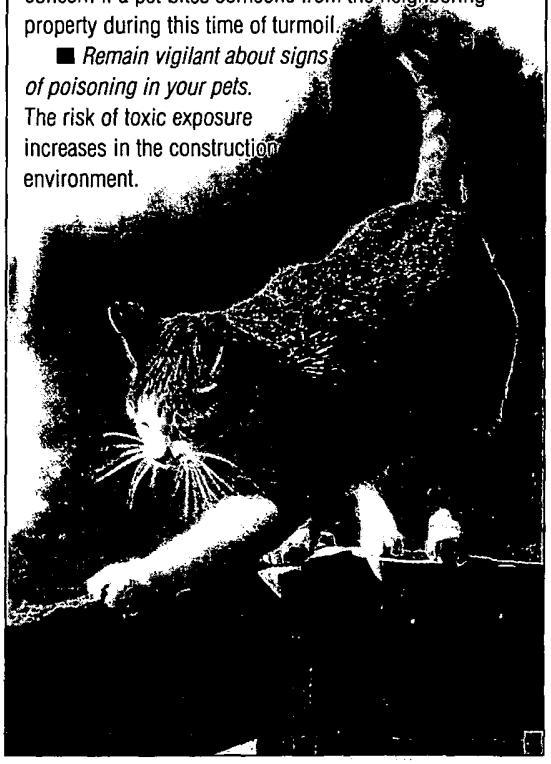
Wildlife management: To discourage uninvited dinner guests and disease carriers, store your feeds in sealed containers and keep feed-room and loft doors closed. Clean up any feed spillage, and do not leave grain in empty stalls while horses are being ridden or turned out for the day. Feed your barn dogs and cats once or twice a day, and store the uneaten portions rather than practice free-choice feeding, which is an open invitation for birds, raccoons, opossums and other scavengers. Strategically placed motion detectors wired to lights or noisemakers can scare off craftier nighttime visitors. Finally, you can create new habitats for the displaced wildlife in less used or horse-free areas of your property to divert the critters from your stable area. A U.S. Fish and Wildlife Service program called Partners for Fish and Wildlife provides

DOGS AND CATS AT RISK

Fascinating equipment, heaps of supplies, mysterious holes and topsy-turvy terrain have replaced the corn, hay and trees that used to be next door. Then there are those hordes of wild critters being displaced from their burrows to roam the area, just asking for a chase or a tangle. Sounds like seventh heaven to your adventurous farm dogs or cats. But, if you're a concerned pet owner, you recognize that nearby construction could be a devil's brew of trouble.

The following precautions will get your companion animals unscathed through the suburbanization of the neighborhood:

- *Confine your dogs and cats to your own property.* This action alone eliminates most of the dangers from next door. Too bad that your animals may have had free run of the neighborhood before; between today's digging and tomorrow's high-density housing, that era of worry-free freedom is gone for good.
- *Affix identification to your pets' collars (yes, cats can be tagged, too).* In the event the pets do leave home without you, they're more likely to be returned if you hang some contact information on them. The most important item is the telephone number(s) where you're reachable through the greatest part of the day.
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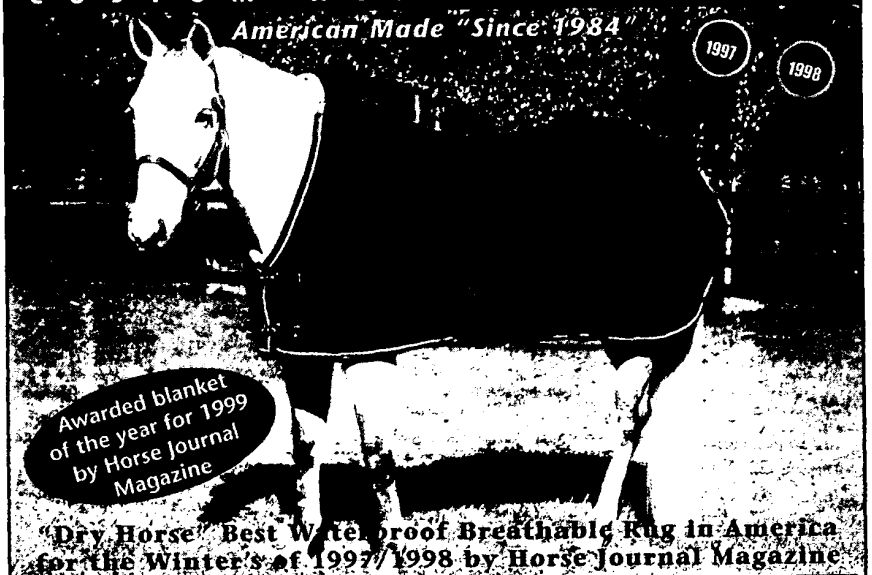
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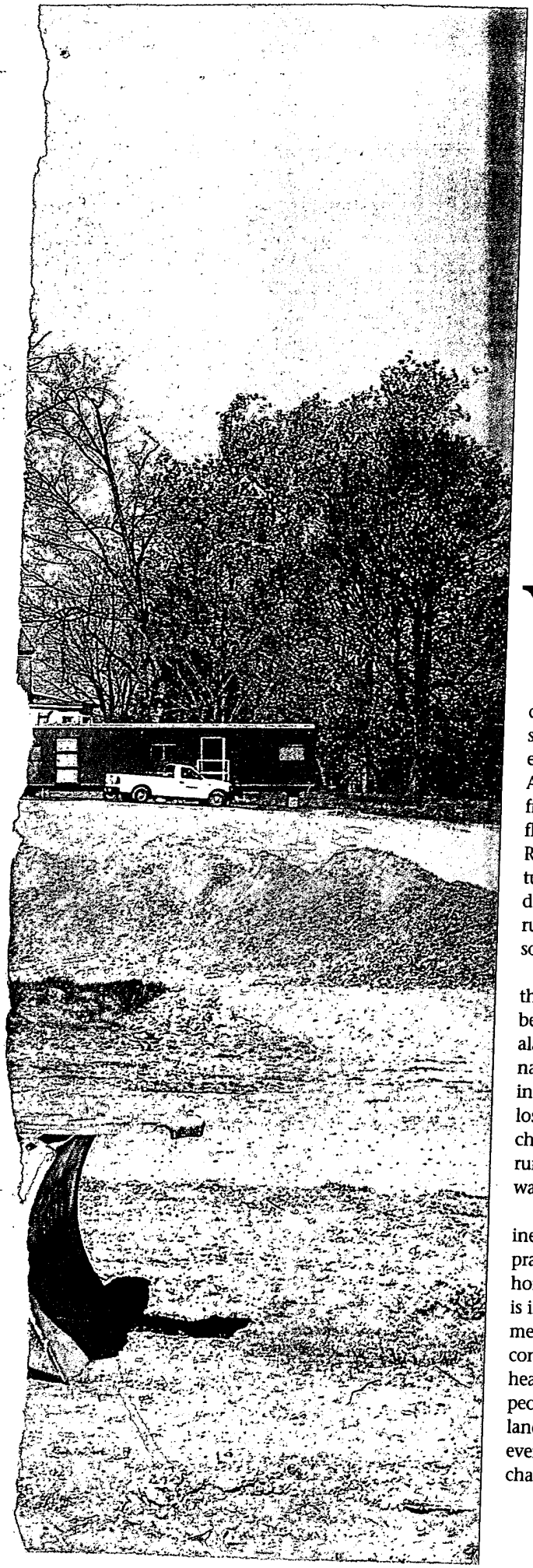
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Jan 2001



WHEN BULLDOZERS, CONSTRUCTION CREWS AND BRAND-NEW HOUSES APPEAR ON NEIGHBORING PROPERTY, TAKE STEPS FROM THE START TO PROTECT YOUR EQUESTRIAN INTERESTS.

By Sharon Le Schack with Emily Kilby

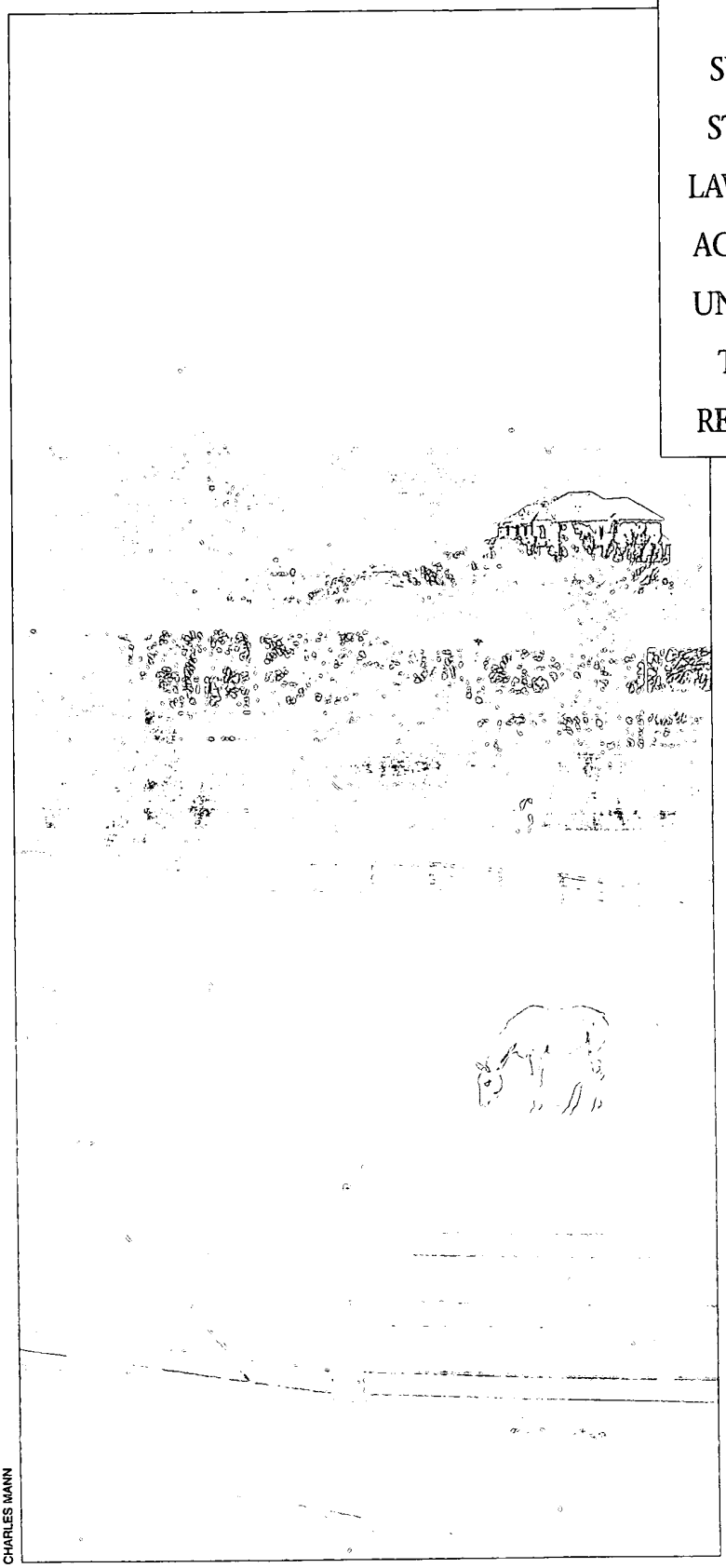
With the farmer's blessing, you've ridden around the outside of the neighboring corn- and hayfields almost daily for years. But one day on the way to your usual trail, your mount suddenly ducks to the left, and as you regain your seat, you scan the area, looking for the scary, hairy, horse-eating creature that would justify the horizontal leap. And there, marching along your usual track, are freshly planted surveyor's stakes tagged with the fluttering hot-pink plastic that spooked your horse. Realizing that you're probably now trespassing, you turn back with a heavy heart to share the day's discovery with your family of fellow boarders. The rumors must be true: The neighboring farm has been sold for development.

Imagining yourself in such a scenario isn't in the least farfetched. The rate at which farmland is being converted to housing tracts is accelerating alarmingly, says the American Farmland Trust, a national agricultural-land conservation group based in Washington, D.C. Last year's estimated farmland loss across the nation was 1.8 million acres, so chances are that if you currently enjoy horses in a rural setting, the building boom is marching your way—unless it's already there.

The suburbanizing of a once-rural neighborhood inevitably affects the locals' horsekeeping and riding practices, both during construction and as the new home owners take up residence. The obvious change is in the loss of open space for riding, but development sites, even those of responsible, community-conscious contractors, bring with them unanticipated health and safety consequences for nearby horse-people and their animals. The disturbance of the land, relocation of wildlife, increased traffic and eventually the nonfarming residents next door will change life as you've known it. You can protect your

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environment and your interests when you are aware of the rights and responsibilities of the parties on both sides of the property line.

Your changing landscape

Property owners whose private or commercial stables adjoin land under development find their peace and routines disrupted by the changes taking place next door. Contractors build when their permits are in order, the weather cooperates, the machinery works and the supplies are available, which can mean from before dawn to dusk seven days a week. The noise of chain saws, bulldozers, dump trucks, nail guns and loud construction workers may distract you and your horse during training sessions or interfere with communication during riding lessons. Trail rides may become one startlement after another. Alarming sounds and unfamiliar activities can unnerve your horses during turnout. In other words, the accident rate is likely to rise.

In addition, the stripping away of trees and vegetation in your surroundings brings environmental trouble. The dry, bare earth, kept in turmoil with excavation and constant traffic, sends up billows of dust with every breeze. When rains come, mud prevails. Disturbance to the natural drainage fields, along with the absence of vegetative runoff filters, can redirect muddy rainwater down new channels. You may find yourself on the receiving end, with the result being flooded stables and storage buildings and saturated arenas and paddocks. You're not just inconvenienced by the mess; health problems for your animals increase with dustiness, mud and dampness, your operating costs rise, and unstable footing becomes a hazard to horses and handlers alike.

You and your animals aren't the only creatures who'll experience upheaval because of this new development. The wildlife inhabiting the adjoining acreage gets its eviction notices by way of bulldozers

and cement trucks, and as those natural habitats disappear, guess who'll be coming to dinner in your loft, paddocks, sheds, arenas and feed room. You may find this influx of critters taking a bigger chunk out of your stored feed, and their growing numbers could increase your horses' exposure to wildlife-carried infectious diseases, such as leptospirosis[0], Lyme[0] disease and equine[0] protozoal myeloencephalitis.

Eventually you'll have new human neighbors to consider, neighbors who have dreamed of settling into their new "rural" homes and enjoying the charms of a bucolic setting. The problem is that their daydreams don't often come with the smells and sounds, dust and lights, and all of the other things that accompany a working farm. If ill will arises between you and the development residents, you can bet that horse manure will be one of the issues: Excessive odors, polluting runoff and heavy insect populations resulting from mismanaged manure cross property lines with unpleasant consequences. In this altered environment, solid-waste management becomes a critical issue for you, especially when you've had an agreement with the previous property owner to spread your stall wastes on the neighboring fields that are being turned into a collection of lawns. The daily production of manure won't cease as you search for an alternate/improved disposal plan. If you've been slipshod in the past about managing your animal wastes, be assured that you won't get away with it when houses cluster next door.

Finally, some of those same neighbors and their visiting friends are likely to consider the nearby horses and pastureland to be a sort of public petting zoo and park. These "visitors" are often legally forgiven for their trespasses in case of injury if the horse-property owner doesn't take obvious steps to keep them out. Your horses grazing on your side of the property-line fence become "attractive nuisances" to those naive souls who don't realize the hazards of mingling with large animals. If you make no effort to reduce their temptation, you'll be considered an accomplice to any injury that occurs.

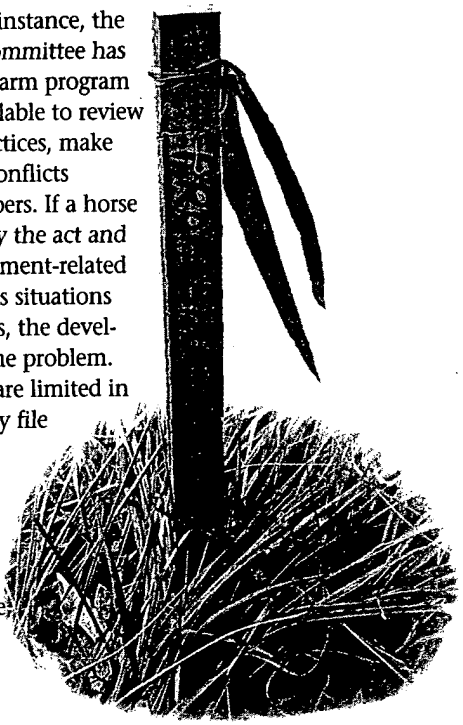
The laws on your side

All of this is not to say that development inevitably brings a heap of trouble to the original residents of a once-rural area. Responsible developers are perfectly aware that they gain no advantage by antagonizing neighboring property owners. Additionally, local ordinances and state laws are in effect almost universally, protecting both the environment and the locals' "we were here first" rights.

If you are concerned about the environmental implications the construction will have for the area in general and your property specifically, familiarize yourself with the local codes covering dust abatement, sediment control and water runoff. Contact the planning and zoning office in your county government center for a general overview of construction regulations and referrals to the specific agencies involved in monitoring the various environmental impacts of building. If yours is one of those horse properties on agriculturally marginal land at lower elevations where potential flooding prevents home building, runoff management and sediment control may well be your most crucial concerns. Knowing what's required of the neighboring developers in these matters will give you a head start in preserving the quality of your own land.

In the past few decades, suburban sprawl has caused states to pass Right to Farm laws, protecting farmers from actions brought by neighbors unfamiliar with and unsympathetic toward normal and reasonable farming practices. The laws are designed, first, to limit the circumstances in which neighbors can sue farmers for private nuisance and, second, to restrict the power of municipalities to adopt ordinances prohibiting certain farming practices when those practices do not threaten the welfare of the citizenry. Many states and municipalities require that developers give prospective buyers a copy of the local Right to Farm law, and some municipalities even require that rural home buyers sign copies of the law, stating that they have read and understood it. Horse farms meeting the specified criteria are included under the protective legislation, as long as they are using accepted farm-management practices.

Individual states have adapted the general framework of the Right to Farm Act to suit their agricultural constituencies, and municipalities can amend it even further. In New Jersey, for instance, the State Agriculture Development Committee has administered the state's Right to Farm program since 1983. The committee is available to review individual farm-management practices, make recommendations, and mediate conflicts between farm owners and developers. If a horse farm meets the criteria required by the act and the owner can prove that development-related conditions have created dangerous situations for the farm residents and animals, the developer can be required to contain the problem. Later, the development residents are limited in the nature of complaints they may file against nearby horse properties.


CHARLES MANN

Safeguards for your world

Take responsibility for making your surroundings safe for your family, clients and animals. Before the heavy equipment rolls in and turns the area into something



DOUBLE-CHECK THE SOLIDITY OF YOUR HORSE FENCING AT THE FIRST SIGN OF CONSTRUCTION NEXT DOOR, MAKING SURE THAT HORSES CANNOT BREAK OUT AND FIND THEIR WAY INTO TROUBLE.

resembling a war zone, meet with the foreman in charge of the construction site. Make him aware of your working farm/farmette next door, describing the number of animals and, in particular, any children who live there or visit regularly. Exchange phone numbers in the event a horse does get loose or a farm animal strays that way or a problem arises at the site that you should be aware of. Ask the foreman when the most disruptive construction activities are likely to be taking place. Will there be blasting, earth-moving machinery, felling of trees, trenching and grading close by the property line? Ask if he could give you fair warning about activities that could frighten turned-out stock or horses and riders so you can adjust your routine accordingly.

Rider safety: Make clear to your family and/or boarders at your barn that the building site is private property and that riding on it constitutes trespassing. Additionally, explain that the construction site contains a minefield of hazards, ranging from stray nails scattered on the ground to deceptively firm-looking footing over trenches and holes. In this new, spookier world, remind riders to wear their safety helmets at all times, to ride out only in pairs or groups and, if possible, to carry cellular phones just in case. If you run a boarding stable, you might ask your clients to sign a written amendment to their contract acknowledging their increased responsibility for riding safely and sensibly in the changing neighborhood. Finally, you can divert riders to still-peaceful trails and open spaces. Contact the local parks and recreation department, fellow barn owners and area riding clubs for suggestions on additional places to ride.

Horse safety: The horses themselves may adapt better than you'd expect to the construction upheavals. Repeated exposure takes the fright out of most sights and sounds, and you may discover that by the time the development is completed, your horses have been quite effectively bombproofed. But the risk of accidents is bound to rise early in the experience, obligating you and all the horse handlers on the place to practice safe leading and restraint in the stable and its environs. Riders on the property also need to remain consistently alert to their horses and

CHARLES MANN

surroundings to head off any dangerous reaction from their mounts to startling construction activities.

Horse health: Your horses' health can be affected both directly and secondarily by the construction. Excessive dust in the air, day in and day out, and smoke from rubble fires can irritate the airways of horses downwind and possibly trigger allergic responses in those with heaves[0] and other obstructive lung diseases. When possible, move your horses to paddocks out of the way of dust and mud. Be on the lookout for hazardous runoff from the construction site. Leakage from machinery and chemical spills that make their way onto your property have the potential for sickening your horses. Radiator coolant/antifreeze is a deadly substance for dogs and cats but much less of a threat for horses. Later, when the houses are finished, excessive application of yard-care products—herbicides and pesticides—could affect your pasture and water supplies.

Disease control: Familiarize yourself with wildlife-transmitted diseases and their early signs, because early detection is a crucial step in recovery from many of these ailments. Keep your horses' tetanus[0] and encephalitis[0] vaccinations current, and discuss with your veterinarian the advisability of adding others, such as rabies[0] and botulism[0], in the face of your horses' increased exposure to wildlife. "Eastern and western equine encephalitis [vaccines] are important because developments nearby may create pools of stagnant or standing water that could serve as breeding grounds for mosquitoes, the vector for these diseases," says Shari Kennedy, DVM, an equine practitioner with the Southern Maryland Equine Veterinary Service. "The risk of botulism could increase if more wildlife moved into the horses' environment and for whatever reason died. Their decomposing bodies are a perfect environment for the bacteria to produce the toxin that causes botulism. This toxin is very stable in the environment and could remain in the soil even after the decomposed body is removed."

Wildlife management: To discourage uninvited dinner guests and disease carriers, store your feeds in sealed containers and keep feed-room and loft doors closed. Clean up any feed spillage, and do not leave grain in empty stalls while horses are being ridden or turned out for the day. Feed your barn dogs and cats once or twice a day, and store the uneaten portions rather than practice free-choice feeding, which is an open invitation for birds, raccoons, opossums and other scavengers. Strategically placed motion detectors wired to lights or noisemakers can scare off craftier nighttime visitors. Finally, you can create new habitats for the displaced wildlife in less used or horse-free areas of your property to divert the critters from your stable area. A U.S. Fish and Wildlife Service program called Partners for Fish and Wildlife provides

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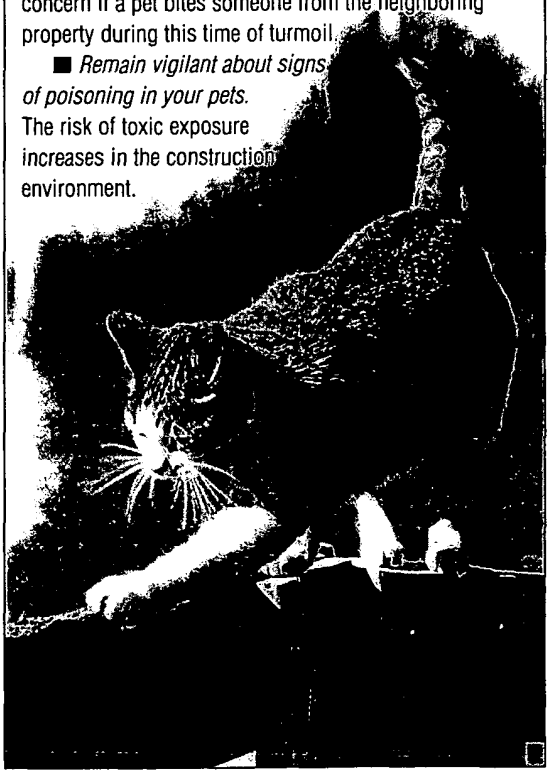
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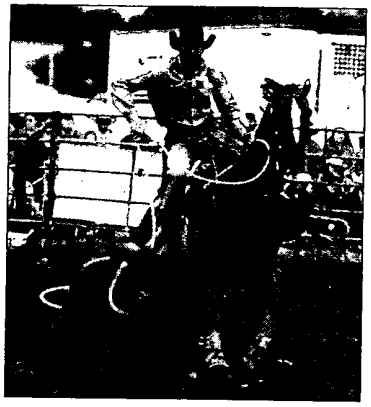
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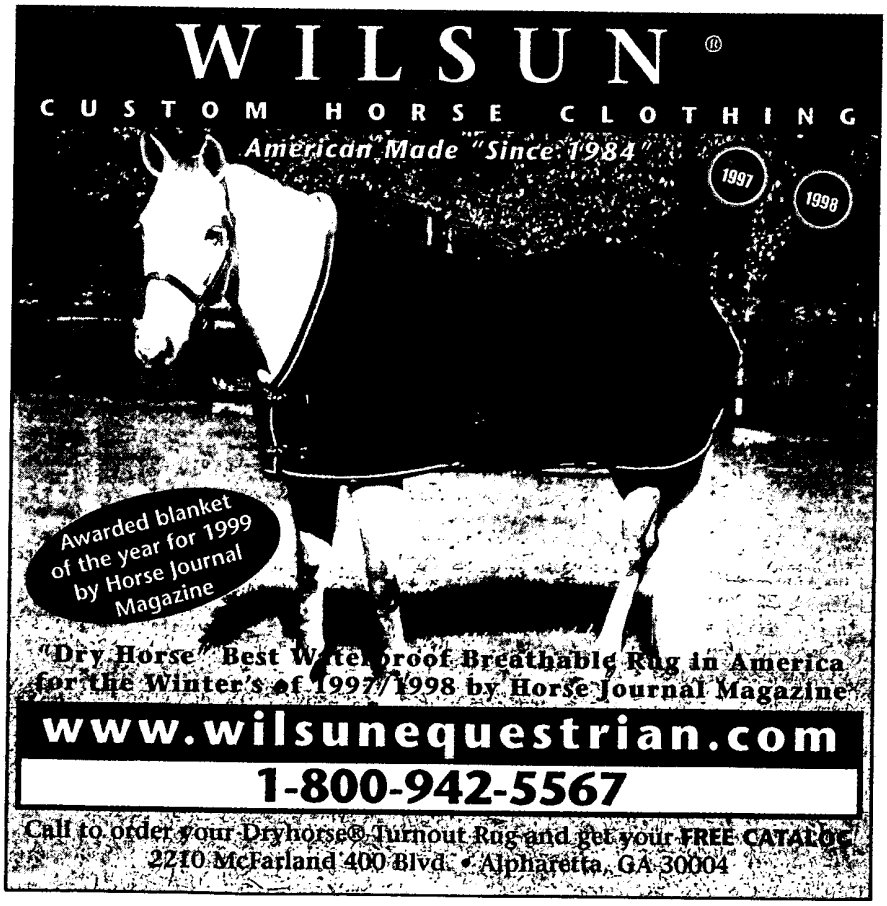
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DISTRICT 2

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DISTRICT 3

LISA POCKRUS
DISTRICT 5

BRUCE HARTER, PH.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

FILE COPY

June 7, 2001

Mr. Jeff Jenkins
Lee County Development Services Division
P. O. Box 398
Ft. Myers, FL 33902-0398

Re: Heritage Creek, DCI Sufficiency Review, DCI 2001-00038

Dear Jeff:

Thank you for the opportunity to review the proposed U. S. Home Heritage Creek DCI for sufficiency with regard to educational impacts. The following additional questions need to be addressed concerning the proposed 1,472 unit project, located off Bayshore Road, I-75, and Pritchett Parkway in North Fort Myers:

1. Will any of the 1,472 residential units be age restricted to those over 55 in accordance with HUD standards? If so, please provide the appropriate documentation.

2. Will any of the proposed multi-family units consist of rental apartments, and if so what will be the unit mix?

3. Is there a possibility of obtaining a more definitive breakdown of the unit mix between single and multi-family? It is difficult to assess the potential impacts without this information.

4. Please estimate the number of school aged children expected to reside in the proposed 1,472 unit development.

5. Will traffic generated by this project impact Bayshore Elementary School?

Thank you for your attention to this matter. If I may be of further assistance, please give me a call.

Sincerely,

Stephanie Keyes

Stephanie Keyes, AICP, Facilities Planner
Construction Services

cc: Tyler F. Patak, NCARB, Director

LEE COUNTY
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EXHIBIT # 1
DCI2001-00038

HeritageCreek6-7-01.doc

Cul-de-sac designs.
Both the cul-de-sac design depicted on the previous MCP and the one shown on the current MCP are viable options in master planned communities.

Provide information regarding access to golf maintenance facility.
N/A

Memo from DOT, dated 6/13/01

1. What is to prevent golf balls from landing in Pritchett ROW?
   The golf course has been removed.

2. Separation distances between Pritchett and Tracts D & F?
   A minimum of 25 feet and in most cases 50 feet is maintained between Pritchett Parkway and any residential tracts.

3. Is applicant willing to provide bike/pedestrian paths along Pritchett Pkwy?
   The applicant does not intend to redesign and provide these facilities along the existing county road.

4.-12 Include a legend for figures 5 & 6 of the TIS.
See attached information from Metro Transportation.

Memo from Natural Resources, dated 6/14/01

Please see response to Development Services Checklist, Part IV, item 9.

Memo from Public Works, dated 6/18/01

Potable water and sanitary sewer service issues
Please see response to Development Services Checklist, Part II, item 4.

Letter from The School District of Lee County, dated 6/7/01

- Response by the applicant to the School letter, see original - all pages - attached

1. Will any d/u's be age restricted?
   This is not an age-restricted community.

2. Will any multi-family units be rental apartments?
   US Home does not anticipate constructing any rental units.

3. Can unit mix be defined more definitively?
   This is a project with 1472 units of varying types. The applicant is

currently working diligently on the detailed plans for the proposed development. As each phase is submitted for Development Order review some more specific information will be available. It is premature to "guesstimate" that information at this time.

4. Estimate number of school aged children expected in project.
Based on comparable US Home communities, a preliminary estimate would be six to a maximum of fourteen school-aged children.

5. Will traffic generations impact Bayshore Elementary School?
See TIS prepared by Metro Transportation.

Miscellaneous

A copy of the SFWMD permit for the construction of Pritchett Parkway is attached. The project area for the permit/drainage area was 740 acres. This permit does not authorize the construction of the Heritage Creek proposed improvements. A new permit or permit modification will be necessary.

THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (941) 334-1102

FILE COPY

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DISTRICT 3

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DISTRICT 5

SHARON BENNER
INTERIM SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

August 23, 2001

Ms. Kay Deselem
Lee County Development Services Division
P. O. Box 398
Ft. Myers, FL 33902-0398

Re: Heritage Creek, DCI Sufficiency Review, DCI 2001-00038

Dear Kay:

Thank you for the opportunity to review the proposed U. S. Home Heritage Creek DCI for sufficiency with regard to educational impacts. It has been determined by the Lee County School District that the application is now sufficient for review. We will submit our substantive comments upon your request.

Thank you for your attention to this matter. If I may be of further assistance, please give me a call.

Sincerely,

Stephanie Keyes

Stephanie Keyes, AICP, Facilities Planner
Construction Services

cc: Tyler F. Patak, NCARB, Director

DCI 2001 00038

HeritageCreek8-23-01.doc

THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (941) 334-1102

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JOHN W. SANDERS, ED.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

December 11, 2001

Mr. Mike Pavese
Lee County Development Services Division
P. O. Box 398
Ft. Myers, FL 33902-0398

Re: Heritage Creek, DCI Sufficiency Review, DCI 2001-00038

Dear Mike:

Thank you for the opportunity to review the proposed U. S. Home Heritage Creek DCI for sufficiency with regard to educational impacts. It has been determined by the Lee County School District that the application is now sufficient for review. We will submit our substantive comments upon your request.

On November 27, 2001 the Lee County Board of County Commissioners adopted a school impact fee in Lee County, effective December 1, 2001. As such, the Bonita Villas developers will be expected to pay the designated impact fee at the appropriate time, thereby meeting the requirements of the impact fee ordinance.

Thank you for your attention to this matter. If I may be of further assistance, please give me a call.

Sincerely,

Stephanie Keyes

Stephanie Keyes, AICP, Facilities Planner
Construction Services

cc: Tyler F. Patak, NCARB, Director

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KEITH B. MARTIN
BOARD ATTORNEY

FILE COPY

January 16, 2002

Mr. Mike Pavese
Lee County Development Services Division
P. O. Box 398
Ft. Myers, FL 33902-0398

Re: Heritage Creek, DCI Sufficiency Review, DCI 2001-00038

Dear Mike:

Thank you for the opportunity to review the Heritage Creek RPD DCI for substantive comments with regard to educational impacts. This proposed development is in the East Region of the District, off I-75 and Bayshore Road. Based on the proposed maximum total of 1,525 dwelling units at the project, the Lee County School District is estimating that the proposal could generate up to 482 additional school-aged children. This uses a generation rate of .315 students generated in the East region of Lee County for single family homes, and is a worst case scenario. This would create the need for approximately twenty (20) new classrooms in the system, as well as additional staff and core facilities, or the equivalent of one small elementary school.

The schools in this region that would serve this development are operating at or above permanent student capacity levels. Those schools that exceed permanent student capacity levels are operating through the use of portable classroom buildings. The growth generated by this development will require either the addition of permanent student and auxiliary space or the placement of portable buildings. Either action imposes an impact on the District that should be mitigated by the applicant.

The Lee County Board of County Commissioners recently adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the Heritage Creek developers will be expected to pay their appropriate impact fees at the required time, thereby partially meeting their fiscal obligations noted above.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call.

Sincerely,

Stephanie Keyes

Stephanie Keyes, Facilities Planner
Construction Services

cc: Tyler F. Patak, NCARB, Director

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DCI 2001-00038

THE SCHOOL DISTRICT OF LEE COUNTY

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JOHN W. SANDERS, ED.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

June 10, 2002

FILE COPY

Mr. Mike Pavese
Lee County Development Services Division
P. O. Box 398
Ft. Myers, FL 33902-0398

Re: Heritage Creek, DCI Sufficiency Review, DCI 2001-00038

Dear Mike:

Thank you for the opportunity to review the proposed U. S. Home Heritage Creek DCI in North Ft. Myers for substantive comments with regard to educational impacts. This proposed development is in the East Choice Region of the District. Based on the proposed maximum total of 1,595 residential dwelling units, the Lee County School District is estimating that the proposal could generate up to 482 additional school-aged children. This uses a generation rate of .315 students generated in the East region of Lee County. This would create the need for up to 20 new classrooms in the system along with additional staff and core facility needs.

The applicant should be made aware that on November 27, 2001 the Lee County Board of County Commissioners adopted a school impact fee in Lee County, effective December 1, 2001. As such, the Heritage Creek RPD developers will be expected to pay the designated impact fees at the appropriate time, thereby meeting the requirements of the impact fee ordinance.

Thank you for your attention to this matter. If I may be of further assistance, please give me a call.

Sincerely,

Stephanie Keyes

Stephanie Keyes, AICP, Facilities Planner
Department of Construction and Planning

cc: Tyler F. Patak, NCARB, Director, Department of Construction and Planning

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DCI 2001-00038

Developer planning 1,599-home project

US Homes submits a proposal to build a subdivision on 1,188 acres north of State Road 54 in Land O'Lakes.

By JAMES THORNER

© St. Petersburg Times, published May 24, 2000

LAND O'LAKES -- The siren song of the Suncoast Parkway has helped lure another housing developer to central Pasco County.

US Homes Corp. has submitted plans to build a 1,599-home subdivision on the 1,188-acre LeDantec property north of State Road 54 in Land O'Lakes.

On the map, the LeDantec subdivision is nearly a mirror image of Oakstead, the 1,200-home development about to break ground on an adjoining 841 acres.

Both subdivisions have timed their arrival to the January opening of the parkway, the three-county toll road that promises an easy commute between central Pasco and Tampa.

Additionally, US Homes envisions a new north-south thoroughfare, called Sunlake Boulevard, to serve LeDantec and Oakstead.

Sunlake Boulevard currently starts at Dale Mabry Highway and ends in northern Hillsborough County at a ranch owned by Peter and Nick Geraci.

The Geracis have suggested building Long Lake Ranch, a massive commercial and housing development, south of the LeDantec property across SR 54. Sunlake Boulevard would serve the Geraci project as well.

But the LeDantec subdivision, as now configured, probably won't roll forward without a fight.

US Homes insists the land, rezoned in January 1988 to accommodate a master-planned unit development, can break ground as soon as the county approves construction plans.

County planners disagree. They want U.S. Homes to reapply to rezone the land under the stricter guidelines of the county's comprehensive land use plan, adopted after January 1988.

Citing the insufficiency of the old zoning, the county's development review division rejected preliminary site plans for LeDantec. A meeting this month between US Homes and county attorney Robert Sumner failed to resolve the differences.

Nevertheless, developer's blueprints show a tightly coiled subdivision built around the wetlands common to central Pasco. About half the land is high and dry enough to hold homes.

US Homes estimates that about 3,600 people will live in the 1,599 homes, including 345 school-age children. Some are expected to attend the new elementary school promised by Oakstead developers.

Amenities would include a recreation center, a storage center for recreational vehicles and an artificial lake.

US Homes contracted to buy the land in September 1998 from the descendents of Alexis LeDantec. The sale closing depends upon the county okaying the development.

Company representatives in Clearwater didn't immediately return calls from the Times.

THE NEWS-PRESS

ORIDA

WEDNESDAY, JULY 16, 2003

FINAL EDITION

50 CENTS

Schools can't cover growth

Revenue needed for long-term building

By DAVID E. PLAZAS
dplazas@news-press.com

The Lee County School District is short hundreds of millions of dollars for long-term school construction, and borrowing more money won't solve the problem.

District officials say there's not enough revenue coming in for construction, and they need to find other ways to pay for 41 to 43 new schools over the next nine years.

Even if it means holding a sales tax referendum.

Borrowing has raised the district's debt to the highest level ever — $536 million — to help pay for new schools required by rampant growth.

Five-year projections show the district expects to spend $552 million on school construction projects, but is short $370 million.



BROWDER

"We don't have the money, but we have the growth," said Superintendent James Browder.

"The debt we experience today is a direct result of growth. We've never been in this position in the history of the district," he added.

The school district is growing at a rate of 2,000 to 3,000 students per year.

The school board Tuesday agreed to start talking about finding new income, including holding a sales tax referendum.

The board also agreed to borrow up to $175 million in loans called certificates of participation to pay for five schools set to open in 2005.

The money pays for only the immediate two-year need, but the district is still behind. That's because of past poor planning compounded with growth.

Board members say they hope Browder can turn the situation around, which seems overwhelming now.

"It's pretty scary," said board member Jane Kuckel.

The district now pays for construction on a project-by-project basis. The lack of money prohibits making into reality long-term plans.

"We have started this plan as a pay-as-you go plan, which means we pay as we can afford it," said Budget Director Michael Olliff.

One phase of construction scheduled to start in 2005 won't start until 2008, Browder said.

As the need for schools rises, the construction budget balloons.

See CONSTRUCTION / 8A

☐ Budget near $1 billion / 8A

CONSTRUCTION: Revenue increase may be misleading

From Page 1A

The proposed construction and equipment budget for 2003-04 is $386.8 million — up 59 percent from last year's $228.5 million.

School construction costs alone are expected to rise from $128 million in 2002-03 to $215 million this upcoming year — a 68 percent jump.

But even as district officials say they are struggling for cash, the proposed budget rises to nearly $1 billion from last year's $840 million.

The tax roll is generating more revenue, and the state increased funding.

That worries board Vice Chairwoman Elinor Scricca, who said residents may get the impression that the school district has enough money for new schools.

"The naysayers will be saying with that stupendous tax growth, 'Why would we need any other money?'" she said.

Scricca and Browder mentioned the sales tax referendum possibility on Tuesday.

"The process we'll have to go through to get the support of the community will be a process of 12 to 18 months," Browder said.

A sales tax referendum to pay for emergency trauma care failed at the polls in November, and board members say they are aware they must persuade residents to buy school construction.

Construction and maintenance are taking up a large portion of Browder's time.

When he came on board in March, he reviewed the construction and facilities plan. He called for a temporary halt to school construction in order to fix rampant fire code problems.

Browder has worked to get his new construction team together.

The board on Tuesday approved the selection of businessman James Moore as chief business officer to oversee construction.

Browder said he will present to the board his choices for executive director for support services and plant management director on Tuesday, July 29.

Times also have changed during Browder's tenure because when the state legislators adopted a class-size reduction law this year, they repealed the small schools law, limiting the number of students in a school building.

That means the district could build fewer schools for bigger student populations.

Former Superintendent John Sanders had proposed a 10-year, $1.2 billion 58-school construction project before the repeal.

The district still faced the same problem then as today: not enough money, and few choice that won't mean going to the polls.

The board could continue to borrow more money, but they are limited in what they can borrow and the debt rises.

Another fund-raising instrument — school impact fees — falls short. Since the Lee County Commission approved them in the fall of 2001, new homeowners have paid a total of $22 million. The problem is that the money remains in escrow while a builders' lawsuit is ongoing.

Finally, the board could take its case to the public.

But Southwest Florida voters — who typically have frowned upon proposed tax increases — must decide whether a long-term plan for building new schools deserves any more of their money.

School district budget closes in on $1 billion

7/16/03

Construction costs rising by 59 percent this year

By DAVID E. PLAZAS
dplazas@news-press.com

The Lee County School District's proposed budget for 2003-04 nears $1 billion.

The tentative budget is $983 million — up 16 percent from the $840 million budget during the 2002-03 year.

Construction costs are rising by 59 percent, but the school property tax rate will fall from last year.

The school board reviewed the budget publicly on Tuesday. A tentative budget hearing is scheduled for Tuesday, July 29. The final budget hearing is Tuesday, Sept. 9.

The property tax rate will decrease slightly, but revenues will rise from $36.8 million to $43 million because of a larger tax roll.

The rate drop means a resident with a $250,000 home will pay $2,119.75 in 2003-04 as opposed to the $2,143 for a person with a $250,000 home in the 2002-03 year.

Budget Director Michael Olliff said the tax roll rose 17 percent, but student growth regionally did not grow at that same rate, which is the reason for the rate decrease.

Growth determines the money school districts will receive from the state.

Lee County alone expects 2,700 new students next school year for more than 65,000 students.

The bulk of the budget — $386.8 million, or about 39 percent — is for building projects, and it's a 59 percent increase from last year's $228.5 million.

The money will pay for five new schools, renovations, portable classrooms and technology.

About $374.6 million — or 38 percent of the budget — will go toward personnel costs, such as salaries and benefits.

The remainder includes money to pay off debt and operations.

The district expects to spend $43 million less in health insurance because the board agreed to switch from a self-insured program to a fully insured program, where a company handles claims. The proposed costs go from $44.8 million in 2002-03 to $1.25 million in 2003-04.

According to the proposed budget, schools are getting a $12 million decrease, but when a fund carryover applies, by September, schools will receive $13 million more than before. That's $346 million as opposed to $333.6 million last year.

A large carryover overall worried board members.

"That money will go back into the schools," Superintendent James Browder assured them.

"We need to make sure the dollars that are spent today are going to the schools today," Olliff said.

The schools will get 188 new teachers, he said.

"It appears a majority of employment growth is going to teachers," board member Robert Chilmonik said. "You're making a decision to put dollars into the classroom."

Local taxpayers are paying for nearly 40 percent of the budget with other revenue coming from the state and the federal government.

The state increased funding by $30.8 million, but one-third is for class-size reduction, mandated by voters.

Funding per student has increased on the surface over the past 10 years from $4,584 in the 1993-94 school year to $6,152 in 2003-04.

However, the real change in uninflated dollars is from $3,175 to $3,353, Olliff said.

...half in more trouble
...point in the market / 2D

Agencies help parents stock up
for their children's first day / 2D

Young beagle mix has some
tricks to entertain his lucky new owner / 3D

The Miami Herald

SECTION
D

Local & State

SUNDAY, JULY 27, 2003

INDEX Local 2-3B • Obituaries 4B • Opinion 8-9B • Weather 10B

District ow on money

$3.9 billion needed for school construction

By [illegible]
[illegible]@herald.com

The numbers have changed slightly, but the issue hasn't.

The latest construction needs projection shows the county school district [illegible] $3.9 billion short of what it needs to build new schools [illegible] the immediate needs for the next five years. Superintendent James Browder thinks the system needs to build 41 to 43 new schools within nine years.

For at least three years, administrators and school board members have grappled with the system's growth, construction needs and financial outlook, periodically releasing new and grim figures.

The problem has landed on Browder's lap. It's up to him, his new administration and the school board to get ahead of this space crunch. The system expects 2,000 to 3,000 more students a year for the next few years.

Browder's first reaction was to halt plans altogether, at least long enough to determine the extent of maintenance issues. Construction of new schools and maintenance of the old ones come from the same pot of money.

Now, Browder says he's pushing ahead with construction plans.

His options for financing schools are as limited as those of his predecessors -- borrow money, ask for a voter-approved sales tax and hope that a lawsuit over school impact fees gets settled in the district's favor.

He also could seek extreme space-saving measures, such as imposing year-round schools and double sessions, but those are off the table for now.

Instead, the board likely will borrow money to build. Last week members voted to allow administrators to pursue borrowing up to $175 million in loans for five new

See CONSTRUCTION / 2D

[illegible] AND AWAY

Two winning tickets sold as Lotto fever burns

Southwest Florida players benefit

Top 10 jackpots

Here's a look at Florida's eight largest lottery

Officials charge suspect with trying to smuggle drugs into county jail

By MIKE HOYEM
mhoyem@news-press.com

A man who allegedly tried to kill an acquaintance after accusing him of being the devil was charged with attempting to smuggle marijuana into jail after his arrest.

James Clifton Russell, 47, of 312 Detroit Ave. in south Fort Myers was arrested at 2:23 p.m. Friday, according to a report released Saturday.

The report said Russell was at the home of Herman Boyd, who lives off New York Drive, and was "having a discussion about the Bible and religion" when he "became very angry and began to call Boyd the devil."


RUSSELL

Russell, the report said, told Boyd, also 47, that he was going to kill him and threw a small table at him, cutting his lip. He then began to choke Boyd until Boyd was able to run out his door to a neighbor's house.

When Lee County sheriff's deputies arrived, Russell was still in the area.

Russell was taken to the Lee County Jail where, according to the report, officers found a small bag of marijuana in his pants pocket and a metal pipe.

Russell was charged with battery, possession of marijuana and narcotic equipment and attempting to smuggle contraband into the jail.

RIGHTS: Florida re

From Page 1D

who made appointments for this week.

"It was an incredible day," she said.

John Szymonik of North Fort Myers, who is president of the Lee County Chapter of the American Civil Liberties Union, was among the volunteers.

"It's important everybody in this country have the rights that are guaranteed them by the Constitution of the United States," Szymonik said. "Once you've served your time, you should be able to move back into society and

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CONSTRUCTION: School sizes expected to be larger

From Page 1D

schools. That's on top of $86 million borrowed last October.

Browder says the loan will buy him a year to figure out a game plan. He wants to research the most cost-effective way of building new schools and look into funding options, such as a sales tax.

This is where Browder can put his stamp on construction plans.

Browder said he wants to build multi-story schools, conserving hard-to-come-by school land, and he wants to have prototypes, which he believes could save millions in design, construction and maintenance fees.

The schools will be slightly larger than the ones Lee traditionally built. He's looking at 1,000-student elementary schools, 1,200-student middle schools and 2,000-student high schools.

Behind the scenes, district planners are scrambling to find land, seal land deals and collect bids from architects.

Facilities planner Stephanie Keyes said the district made two major land purchases since October, a 28-acre parcel off Plantation Road in south Fort Myers and a 40-acre piece in Bonita Springs.

Six properties are under contract in various locations across the county. Two others will be purchased in conjunction with the county — a site at Summerlin and Bass roads in the Iona-McGregor area and another on Williams Road in Estero.

The board also is set to ratify a contract with Cape Coral at the Academic Village site.

The next round of new schools consists of two high schools, a middle school and an elementary school. Keyes said one high school will be built at the Plantation Road site and the middle school at Summerlin Road. District officials know only the rough geographic locations of the other two schools.

Even so, administrators will start interviewing architects next week.

"We're four years behind in our planning. These issues were not adequately addressed by former superintendents and boards," member Robert Chilmonik said.

Board members once cringed at the idea of borrowing, but appear to be more willing to take direction from Browder than they were from previous superintendents.

Board member Elinor Scricca said she wants to see the administration carefully research plans, make the public aware of them and then seek input.

Board members also will have to convince the community of the extent of the district's need. The public is getting mixed messages — the district's budget is approaching $1 billion, but the system is short of construction funds.

"It's not enough for the public to see increase in the tax rolls. The increase in tax rolls are not commensurate with the growth and the student seats we are needing," Scricca said.



Wayne Isaacson, M.D.
Chronic & Cancer Pain Management

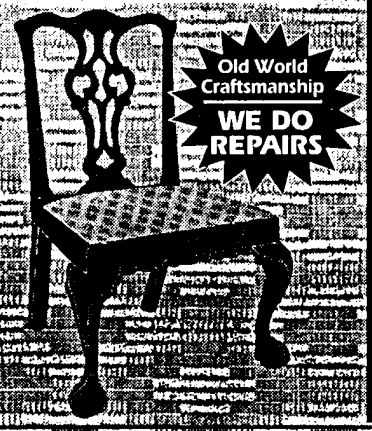
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FLORIDA LOTTERY RESULTS

LOTTO
JULY 26
12-13-21-31-37-47

The number of Lotto winners was not available at press time.

The next Lotto drawing is Wednesday, July 30; estimated $75 million

3

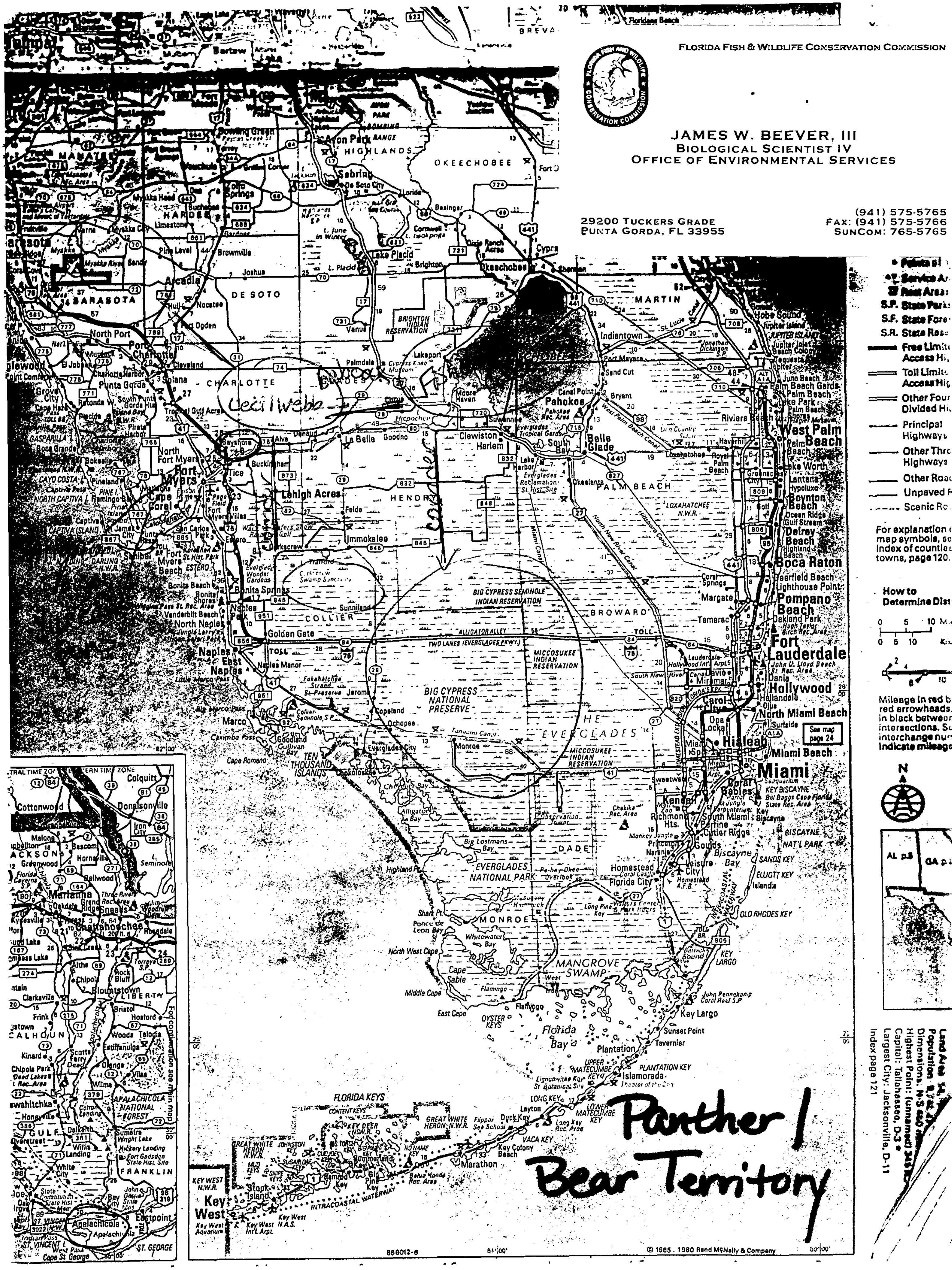
FANTASY 5

FLORIDA FISH & WILDLIFE CONSERVATION COMMISSION

JAMES W. BEEVER, III
BIOLOGICAL SCIENTIST IV
OFFICE OF ENVIRONMENTAL SERVICES

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PUNTA GORDA, FL 33955

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From: Amy Fainer

July 30, 2003

Conversation with Jim Beever of the Florida Fish and Wildlife Conservation Commission on the Pritchett Parkway property.

It is recommended to have an on site preserve plan stating who and how it will be managed. Take a survey in August and September to determine the extent of wetland use by wetland dependent species. The preserve will be associated with reparian forest and hammock and an area of xeric oak scrub and scrubby pine flatwoods located south of the power lines, east of Pritchett Pkwy., and north of the borrow pit (manmade lake). This would serve as the on site gopher tortoise relocation preserve.
Preserve the wetlands along Popash creek that protects a riverine quarter along Popash creek including full protection of the stream course. The creek is not to be touched except to remove exotic vegetation. ~~90% of oak scrub has been removed from the property.~~ Only 10% of scrub oak property left in Lee County

Conditions of the permit: specify who is responsible for the preserve and establish adaptive management review of the preserve management. These conditions have not been met at this time.

On Site Listed Species at Pritchett Pkwy. Property:

Woodstork
Florida Sandhill Crane
Sherman Fox Squirrel
Little Blue Heron
Snowy Egret
Tricolor Heron
White Ibis
Gopher Tortoise
★ Florida Scrub Jay
★ Florida Black Bear
★ SE American Kestrel (hawk)
★ E. Indigo Snake

approx: 200 Panthers
200-500 Black Bears
The areas North of Caloosahatchee River are needed for Young Male Panthers. Adult Male Panthers control the lower areas near Big Cypress Preserve.

All confirmed except where starred.★

Deaths:

Florida Black Bear – June 2003 – North Port on I-75, male
Florida Black Bear – October 2002 – Bayshore Rd. , male
Florida Panther – Thanksgiving Day 2002, Collier Fairgrounds and Immokalee Rd.
Florida Panther – December 2001 – US 27 near Palmdale, north of LaBelle (this panther was also tracked by FFWC near Colonial and MLK Dr.)

Sightings:

verified by Darrell Land FWC - Naples

Florida Black Bear – June 2003 – near Page Field (tracked by FFWC)
Florida Black Bear – Rich Rd., N.Ft.Myers near Pritchett Parkway (spotted by a neighbor)
Florida Panther - many years - Lakeville Development - US 41 + Lee/Charlotte line
- tracked by neighbors - panther hung out in a tree

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Bear Data - View

RecordId	12409
SearchableDate yyyy/mm/dd	2002/10/24
ID	12409
Type	CARCASS
LEC Complaint#	
Date	10/24/2002
Recorder	Mike Kemmerer
Region	SOUTHWEST
County	Lee
Locale	
TrackingNum	
Contact	
Phone	
Address	
City	
State	
Zip	
Observation Latitude	0
Observation Longitude	0
Observation Type	
Specific Observation Location	
Nature of Report	
Explain other nature of report	
Report Latitude	0
Report Longitude	0
Action Taken	
Date Killed	10/24/2002
Carcass Latitude	26.71519
Carcass Longitude	-81.8171
Specific Location of Carcass	Bayshore Road, West of I-75, app. .25 mile north of Racetrac gas station
Cause of Death	ROADKILL
Explain Other Cause of Death	
New Wounds	

Disposition of Carcass	Buried on Webb WMA
Necropsy	
Capture Reason	
Capture Method	
Original Capture	
Capture Foot	
Capture Injuries	
Specific Location of Capture	
Capture Latitude	0
Capture Longitude	0
Translocation	
Release Site County	
Specific Location of Release	
Release Latitude	0
Release Longitude	0
Drug1	
Dose1	
InjPoint1	
InjTime1	
Drug2	
Dose2	
InjPoint2	
InjTime2	
Drug3	
Dose3	
InjPoint3	
InjTime3	
Drug4	
Dose4	
InjPoint4	
InjTime4	
Drug5	
Dose5	
InjPoint5	
InjTime5	
Time of Release	
Release Comments	
Time1	
RespirationRate1	0
Pulse1	0

BodyTemp1	0
Time2	
RespirationRate2	0
Pulse2	0
BodyTemp2	0
Time3	
RespirationRate3	0
Pulse3	0
BodyTemp3	0
Sex	MALE
AgeClass	ADULT
Weight	320
WeightEst	ACTUAL
LipTattoo	
Tattoo Location	
Tattoo Status	
Right Ear Tag Num	
Right Ear Tag Status	
Left Ear Tag Num	
Left Ear Tag Status	
Radio Collar Frequency	0
Collar Type	
Collar Status	
Chest Girth	111.8
Total Length	192
Tail Length	5
FrontPadLength	6
FrontPadWidth	11
HindPadLength	14
HindPadWidth	10
General Condition	EXCELLENT
Tooth Wear	LIGHT
Tooth Collected	YES
Hair	YES
Blood	NO
Tissue	
Other Sample	
Old Scars Wounds	
Pelage	black, no blaze
Lactating	

Cubs	0
Yearlings	0
Notes	
BearSect Age	0
BearSect AgeMethod	
BearSect FollowUp Comments	

Amy Fainer

From: Land, Darrell [Darrell.Land@fwc.state.fl.us]
Sent: Wednesday, July 30, 2003 1:33 PM
To: amy@earthwingsmusic.com
Subject: roadkill bear in Lee Co.



Bear roadkill Lee County Oct. ...

Amy,

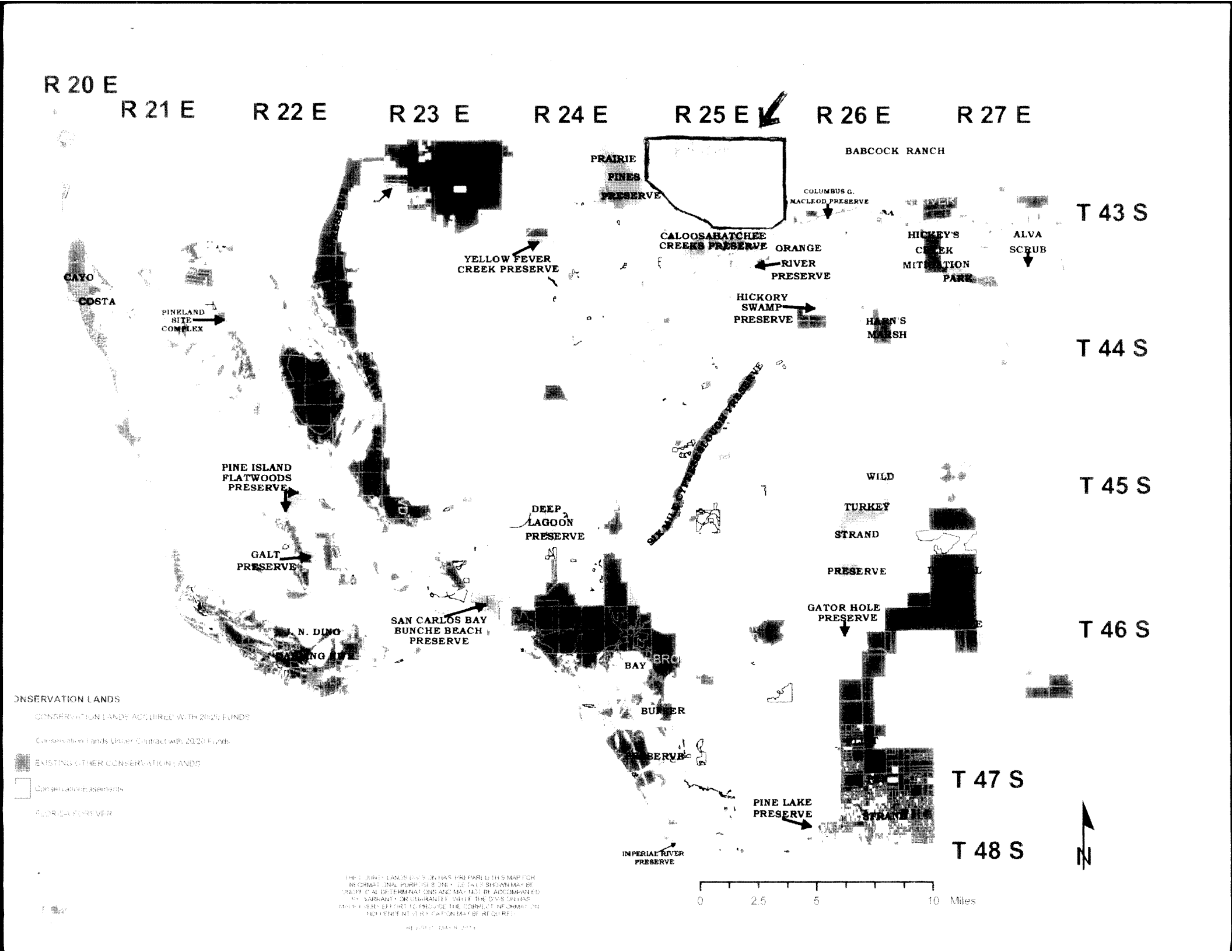
Attached is an Adobe Acrobat (PDF) file with the information on the roadkill bear in Lee County. If you do not have the Adobe Acrobat reader, you can download it for free from www.adobe.com.

Hope this helps!

Darrell

<<Bear roadkill Lee County Oct. 2002.pdf>>

Darrell Land
Florida Panther Section Leader
Florida Fish and Wildlife Conservation Commission
566 Commercial Blvd.
Naples, FL 34104-4709
phone 239.643.4220 fax 239.643.0385


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T 47 S
T 48 S
BABCOCK RANCH
PRAIRIE PINES PRESERVE
COLUMBUS G. MACLEOD PRESERVE
CALOOSAHATCHEE CREEKS PRESERVE
YELLOW FEVER CREEK PRESERVE
ORANGE RIVER PRESERVE
HICKEY'S CREEK MITIGATION PARK
ALVA SCRUB
CAYO COSTA
PINELAND SITE COMPLEX
HICKORY SWAMP PRESERVE
HARN'S MARSH
PINE ISLAND FLATWOODS PRESERVE
DEEP LAGOON PRESERVE
GALT PRESERVE
SAN CARLOS BAY BUNCHE BEACH PRESERVE
WILD TURKEY STRAND PRESERVE
GATOR HOLE PRESERVE
PINE LAKE PRESERVE
IMPERIAL RIVER PRESERVE
CONSERVATION LANDS
CONSERVATION LANDS ACQUIRED WITH 2020 FUNDS
Conservation Lands Under Contract with 2020 Funds
EXISTING / OTHER CONSERVATION LANDS
Conservation Easements
FLORIDA FOREVER
0 2.5 5 10 Miles
N

blue heron (SSC), snowy egret (SSC), tricolored heron (SSC), white ibis (SSC), and gopher tortoise (SSC).

Based on the material provided, the wildlife surveys for the proposed project are not yet sufficient, and a wet season site review in August/September should be performed to establish the extent of on-site wetlands and use by wetland-dependent species.

During site review with the applicant's biological consultant, we outlined an on-site preserve plan that protects a riverine corridor along Popash Creek, including full protection of the stream course, associated riparian forest and hammocks, and an area of xeric oak scrub and scrubby pine flatwoods located south of the power lines, east of Pritchett Parkway, and north of the borrow pit. This xeric area would serve as the location for an on-site gopher tortoise relocation. Wildlife surveys for Florida scrub jay, performed by W. Dexter Bender and Associates, did not identify scrub jays on the site in 2001.

Black bear are known from the Popash Creek drainage, and a 320-pound male black bear was road-killed on October 24, 2002 on Bayshore Road, within 0.25 miles of the intersection with Interstate 75. Because the project has the potential to adversely affect this wide-ranging species and sever the habitat connections along Popash Creek, we recommend that the applicant and their agents develop an onsite preservation plan, coordinated with the FWC, to protect this listed species and to mitigate associated impacts to foraging habitat on portions of the site not included in the preserve. Specifically, off-site mitigation needs to be provided for the development in native habitat areas outside of the on-site preserve. These were matters that were discussed at the beginning of the permitting process, and should be included in project design and permit specific conditions.

The change of the site from shallow hydroperiod flatwoods to deep stormwater retention lakes will result in a loss of foraging habitat for wading birds. Will the lake designs include drawdown pool features in littoral shelf slopes to favor use by wood stork and other wading birds? What mitigation will be provided to offset the loss of seasonal wetlands for woodstork foraging?

The project site is suitable habitat for the eastern indigo snake. We recommend that the applicant follow the Standard U.S. Fish and Wildlife Service Protection Measures for the Eastern Indigo Snake and prepare an Eastern Indigo Snake Protection Plan.

The permit should specify the entity responsible for the management of the on-site preserve. The on-site habitat preserve plan should specify the establishment of an adaptive management review of the initial preserve management plan, with annual reviews by regulatory permitting entities, including the FWC.

We will continue interagency coordination on these issues. Please contact me, or Mr. Jim Beever at (941) 575-5765, if you have any questions.

Sincerely,

Brian S. Barnett, Interim Director
Office of Environmental Services

BSB/JWB
ENV 1-12-2
a:\stoneybrooknorthwmd.doc

CC: Mr. Constantine Benetis
US Home Corporation
10481 Six Mile Cypress Parkway
Fort Myers, Florida 33912

Mr. Ian Vincent
W. Dexter Bender & Associates, Inc.
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Fort Myers, Florida 33901

Ms. Kim Trebatowski, Environmental Planner
Lee County Division of Community Development
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Mr. Dusty Perkins
U.S. Fish and Wildlife Service
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Southwest Florida Suboffice
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Mr. John H. Hankinson, Jr.
Regional Administrator
United States Environmental Protection Agency
Region 4
Water Management Division
South Florida Office
400 North Congress Avenue, Suite 120
West Palm Beach, Florida 33401

Seep. 11-12
Original Memo

LEE COUNTY
SOUTHWEST FLORIDA

DEPARTMENT OF COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

Answers to Lee Schools 6-7-01 Letter

SUFFICIENCY CHECKLIST FOR PLANNED DEVELOPMENTS, AMENDMENTS, AND EXISTING DEVELOPMENTS REQUESTING PLANNED DEVELOPMENT ZONING

PROJECT NAME:	HERITAGE CREEK RPD	CASE #:	DCI2001-00038
REQUEST:	Rezone to Planned Development	DATE OF REVIEW:	6/15/01
REVIEWED BY:	Kay Deselem	SUFFICIENCY DETERMINATION:	INSUFFICIENT

X MAJOR PLANNED DEVELOPMENT
____ MINOR PLANNED DEVELOPMENT
____ EXISTING DEVELOPMENT
____ AMENDMENT

LEGEND:

OK - Requirement satisfied
N/A - Not applicable
REF - Referred to another agency for review
X - Requirement not satisfied
RW - Requirement waived by director

PART I APPLICANT\PROPERTY OWNERSHIP INFORMATION

1. Sections A.3 and D.2 indicate that US Home Corporation is a contract purchaser. Please amend the disclosure forms to provide the required information for the Contract Purchaser.

2. The Disclosure of Interest and the Covenant of Unified Control forms must be signed by the authorized persons within the capacity within which they are acting. For example, Mr. Pritchett has signed the Disclosure Form for Pritchett Development Company, Ltd., but he has not indicated that capacity within which his signature is offered. Ms. Pritchett has not indicated her position as a trustee. Please revise the documents as required to comply.

3. It is not clear whether Albert and Frances Hansen are husband and wife. Without that clarification, both signatures must be provided.

4. The four separate covenants of unified control all referencing different STRAP numbers are not acceptable. To unify control, all owners must be listed on the same document referencing the overall boundary description of the subject property. There also appears to be some confusion about the attachments to the covenant that should be correct on the resubmitted document.

5. By virtue of the initials that appear on the Disclosure form after Mr. Hansen's signature, it appears that someone else has the this form for Mr. Hansen. Please provide the power of attorney documents to authorize the transaction.

6. It appears that a portion of the site may be platted, i.e., Virginia Farms. Are there deed restrictions for this subdivision?

PART II GENERAL INFORMATION

1. The legal description in not sufficient. A boundary survey must be submitted. Please located all existing structures on the boundary survey. Please provide an overall boundary description for the entire site. Please provide sufficient detail for Bayshore and Popash Creeks. Should you have questions about the legal description requirements, please contact Mr. Murphy.

2. The Lee Plan Land Use classification in E.1 should be revised to include Wetlands.

3. The Lee Plan narrative proposes a 2 upa density which is at the top of the density range. It appears that the surround densities are less. Please explain.

4. You have stated that this project is consistent with Lee Plan Policy 2.1 because it is located ". . .in an area where the requisite infrastructure exists and has capacity." Please explain and provide a response to Question #7 and each of its parts in Exhibit IV-M.

5. The narrative states that this project is consistent with Objective 2.1 saying that this project is ". . .surrounded by existing or approved development." Please explain how this project is consistent with the surrounding development. It appears that most surrounding development is either agricultural in nature or is rural residential development with homes on lots of at least one acre.

6. Policies 5.1.5 and 100.9.5 analyses indicate that "Adequate buffering is planned". Since this project proposes a density that appears to be at least twice the surrounding area, and the MCP indicates that no buffering will be provided along the majority of the perimeter boundary, please explain this statement. .

7. The cul-de-sac designs shown in most tracts are not in compliance with LDC Section 10-416(d)(6) because they are within 125 of residential lots.

8. Your discussion of Goal 11 seems contrary to the comments provided by Lee County Utilities' staff (copy attached). Please provide more information.

PART III EXISTING CONDITIONS

1. Exhibit III-A-2 appears to be missing from the application. Please submit it.

2. C.1 has not been checked. However, it appears that a large portion of this site is within the "A" flood zone on the FIRM documents. Please revise.

PART IV PROPOSED DEVELOPMENT

1. Vehicular ingress and egress from the golf course maintenance facility must be shown.

2. The buffer proposed for the southerly boundary of Tract L is not provided on the MCP. Please revise.

3. The MCP has divided the project into tracts however the tracts need to show the number and type of EACH unit proposed for EACH tract. The Master List of Uses for Entire Development does not provide adequate detail either.

4. The MCP Note # 3 and #4 are not adequate. This detail must be provided at time of zoning. Please provide the proposed square footages or other limitations for all uses proposed in the proposed schedule of uses such as the specialty retail uses and the restaurant.

5. The MCP contains the use "Park." This use, as explained in the schedule of uses, does not meet the definition of that use per the LDC. Please re-label the use on the MCP to reflect what is explained in the schedule of uses as Recreational Facilities.

6. The information provided on the various documents does not agree. For example, the MCP indicates that only single-family and multi-family units are proposed. In other documents, duplexes

and townhouses are also proposed. Please clarify.

7. The proposed height in the different documents do not agree. In the property development regulations, a maximum height of 55 feet of 4 stories is proposed whereas the "Mater List of Uses for Entire Development" proposed buildings up to 6 stories high. The proposed building height should be provided on the MCP, as well.

8. Attached are the e-mailed comments from Richard T. Coolick, an abutting property owner.

9. I have attached comments from Brad Vance regarding surface water management issues. Please respond to his questions via the zoning counter, with the appropriate number of copies provided to share the input with all staff reviewers.

10. Please provide the general location of service areas as is required in item H.10.

11. Please provide the density calculations for this project.

12. The lake configurations do not appear to meet the intent of "sinuous shorelines, as required by the LDC. Please reconfigure.

14. Please explain what the perimeter areas are to contain where the notation "No Buffer Required" is shown.

15. Please explain what the line along the north and eastern boundaries of Tract E represents. On some documents, lot lines are shown for Tract E, and it is referred to as Virginia Farms. What is the status of this Tract? Is it subdivided?

16. Please provide more information such as a cross-section of the proposed crossings of Popash Creek to access Tract L and to access the golf hole that traverses the creek.

17. Some of the golf course holes appear to be located very close to project perimeter boundaries. What measures do you propose to address errand golf balls crossing the project's eastern boundary?

16. Please provide documentation to show that you have authority to utilize Hunter's Glen Drive to access Tract D.

17. It does not appear that all the gates shown will be in compliance with the LDC Section 34-1748(1). Please provide detail of the gate designs for this project.

18. Deviations

    A. Please refer to the memo from Don Blackburn regarding the deviations.

    B. Please refer to Estero Golf Resort for the action on the deviations proposed. That project initially proposed many of the same deviations. Many of those deviations (#1, 2, 12, and 13) were subsequently withdrawn based upon staff's recommendation to deny.

    C. Please provide more information about Deviation #4. It appears that A already connects to Tract C, and minor design changes would allow some of the other tracts to interconnect. Please provide additional information and justification for this deviation in conjunction with the requirements of the LDC if you wish to pursue it.

- In addition, site checks reveal that the adjacent Hunter's Glen subdivision's cul-de-sac was designed as a temporary measure in anticipation of an interconnection into this project. Please review the plans and show the interconnection.

D. Deviation #8 has words missing. Please review this request.

E. Please provide details about Deviation #9. How many units of each bedroom type are proposed? What are the actual parking spaces that will be required and how many do you propose to provide? What is the parking design for the buildings? Please shown the location for this deviation on the MCP. Please provide graphics to support this request.

F. Please provide details for Deviation #10. Where is this deviation proposed on site? It's location is not shown or noted on the MCP or the deviation documents. The number of 64 units is mentioned, but no site plan detail is provided to document that number or show the layout of the parking areas. Is this for 64 units total, or it is seeking 64 units on each accessway segment as noted in the justification? What are the "segments"? Please provide the detailed site plan to support this request.

G. Deviation #11 is noted to be effective in "all residential tracts", however the deviation only seems to be appropriate for multi-family buildings. Please explain.

H. Deviation #14 seeks a sign deviation. Please provide exact drawing of the sign. Detail drawings need to show proposed text and landscaping. The MCP must show how many signs will be affected by this deviation and show the exact location of each sign. Please provide the justification for the request in the form required by the LDC.

Checklist from Development Services - Zoning Review, dated 6/15/01:

PART I

1. Amend disclosure forms for USH.
   Enclosed.

2. Amend and re-sign ownership authorizations.
   Enclosed.

3. Hansen authorization.
   Enclosed.

4. Amend convenants of unified control and re-sign by owners.
   Enclosed.

5. Provide power of attorney for Mr. Hansen.
   Amended disclosure and covenant have been authorized and are enclosed.

6. Deed restrictions for Virginia Farms.
   There are no deed restrictions for Virginia Farms.

PART II

1. Amend legal description/sketches.
   A boundary survey for the site is being prepared and will be forwarded when complete.

2. Amend section E.1 of the Planned Development application form.
   Enclosed.

3. Project Density.
   Overall Heritage Creek is proposing a density of two units per acre. By any definition this is a low-density project for Lee County. Heritage Creek functions as a transition between I-75, the Interchange land use category, a more dense development on Bayshore and other less dense developments to the north.

4. Answer question #7 of Exhibit IV-M.
   To determine the source of sanitary sewer service, a meeting was held on July 19, 2001 with U.S. Home, Banks Engineering, Inc., and Lee County Utilities. Follow up meetings are required to determine the utility provider. Once the utility provider is determined, Exhibit IV-M, question 7 will be provided.

5. Explain consistency with surrounding neighborhood.
   The applicant has been very careful in designing this project to be compatible with adjacent properties. Being a good neighbor is very important to US Home. Overall Heritage Creek is proposing a density of

two units per acre. Most of the tracts are designeated as Residential-1, which limits development to low intensity uses within the tracts. Even so, these tracts are separated from adjacent uses as indicated on the Master Concept Plan. Only three tracts allow multi family buildings (Tracts B, I and J). Each of these tracts is designed to provide more separation from adjacent uses. Height is limited in Tract I as indicated on the Master Concept Plan to two stories and a maximum height of 35 feet within 250 feet of the property's easterly boundary. It should be noted that between this tract and the property boundary is Popash Creek. A total of approximately 80 to 150 feet of upland and wetland preserve borders the east side of Tract I.

6. Project buffering.
The Master Concept Plan indicates the buffers that are required by the LDC. There is no requirement that single family uses be buffered from other single family uses or agricultural uses. Along the eastern property line a significant upland preserve has been incorporated into the site plan. In addition to its environmental significance, this vegetation will buffer uses to the east. Along the property" northern boundary an 80- wide strip with a berm is provided in addition to a lake with a minimum width of 120 feet. The applicant has provided sufficient space, as shown on the Master Concept Plan to accomplish any needed buffer.

7. Cul-de-sacs within 125' of residential lots.
The Master Concept Plan includes two locations where there are cul de sacs within 125 of the property boundary and one location where a small roadway segment is within that distance. We have added a deviation, Deviation 15, to address these locations and a Type D buffer has been added.

8. Provide more information to address Goal 11 of Lee Plan.:
Please see response to comment 4 above.

PART III

1. Submit Exhibit III-A-2.
This was submitted with the application originally. A copy is attached.

2. Address "A" flood zone issues.
The Flood Insurance Rate map panel 125124 0225c shows that the site is within the A, AE, and X zones.

PART IV

1. Show vehicular access for golf maintenance facility.
A golf maintenance facility is no longer included in the plan but an access to a smaller project maintenance facilitity within the Park has been shown.

2. Show buffer for Tract L.
See the amended MCP. The tract designations have been changed but the requested buffer information has been provided.

3. Provide detailed information for tracts and list of uses.
See the MCP and list of permitted uses (Attachment 1).

4. MCP notes #3 & #4.
Note 3 has been deleted, as requested, and the remaining notes on the Master Concept Plan renumbered accordingly. Note 4 reflects the reality of large-scale projects.

5. Address "Park" use on MCP.
As requested the label on Tract K has been changed from "Park" to Recreational Facilities, Private On-site or Off-site.

6. Clarify single-family and multi-family uses.
The list of uses (Attachment 1).has been corrected.

7. Clarify building heights.
The "Master List" is not correct. The maximum height proposed for any tract is four stories. See the amended MCP for the details of the heights proposed for each tract.

8. Comments from Richard T. Coolick
We appreciate Mr. Coolick taking the time to review Heritage Creek.

9. Comments from Brad Vance
The existing surface water management system for the site is currently being studied and the proposed system is being designed. Appropriate calculations and support documentation will be provided during the Development Order process.

10. Show service areas on MCP
N/A

11. Provide density calculations for this project.
As requested, see the attached Density Calculation Sheet.

12. Lake shorelines.
At 300 scale sinuosity may be difficult to observe, but the applicant intends to comply with LDC requirements regarding lake shorelines.

14. Explain the perimeter areas with "No Buffer Required".
As stated earlier, the Master Concept Plan indicates the buffers that are required by the LDC. There is no requirement that single family uses be

buffered from other single family uses or agricultural uses and there is no requirement that single family lots be buffered from streets.

We have accommodated the potential of providing vegetative buffers should they become necessary. As described in more detail later, there are some locations, notable to the north of our property boundary with Popash Creek and Bayshore Creek where the engineer has planned for berms and water management facilities to be located in these spaces. Along Pritchett Parkway we have provided space for berms and plantings in places where they are not required.

15. Explain Tract E (Virginia Farms.
See the revised Master Concept Plan. Virginia Farms is a single family development with an approved Lee County Development Order, (DOS95-05-078.000). It has not yet been subdivided and will be incorporated into Heritage Creek.

16. Provide cross-sections and more information for Popash Creek.
Access to Tract L (now Tract H) is across Popash Creek. It is proposed to utilize a culvert or multiple culverts to maintain the flow capacity of the creek, and construct a roadway over the culverts. Numerous similar crossings exist in the vicinity of the site, at the Seminole Campground, Sedgefield Road, Henderson Grade, and Nalle Grade Road. The golf course and golf course crossings have been eliminated.

17. Golf Course Comments
As noted previously the golf course has been removed from the Master Concept Plan.

16 B. Hunter's Glen Drive
An access easement from the Hunter's Glen Homeowner's Association is being pursued.

17B. Provide detail of gate designs per LDC Section 34-1748(1)
Entrance gates will be designed in compliance with the Lee County Land Development Code. Specific details will be submitted with Development Order submittals.

DEVIATIONS:

18 A. Don Blackburn memo.
See below.

18B. Consider Estero Golf Resort project as reason to withdraw certain deviations.
This is a different project with a different applicant and a different development team from the Estero Golf Resort. The planners are the same on both cases and it is their experience that each zoning case should be treated individually and that the county is not always consistent in how

DCT 2001-00038

these requests are treated. For those reasons we have requested these four deviations in good faith. To specifically address Deviations 1,2,12 and 13:

For Deviations 1 and 2 the staff said, in the Estero Golf Resort case, that it was more appropriate to request these at the time of local Development Order. We try very hard to avoid reaching the Development Order stage to have a reviewer then tell us that we should have asked for something at the zoning stage. It should be noted that this same applicant has requested these deviations previously and has had then approved through the zoning process. A written comment from staff to the effect that the request can be approved through the Development Order review process may result in this applicant withdrawing those two deviations.

Deviation 12 is very important to US Home and Lee County has approved this deviation for other US Home projects. Because of their extensive experience with model homes in Lee County, this developer is aware of the unnecessary inconvenience that it causes a developer to have to come back through the system to get these approved later.

Again, this same applicant has had Deviation 13 approved in other cases. There has been no change to the regulations since then.

18C. Deviation 4
See revised Exhibit IV-J-1 (Attachment 4)
The Master Concept Plan has been revised to eliminate this request in all but four tracts: Tract A, Tract D, Tract G and Tract H.

18D. Provide missing words from Deviation 8 request.
See revised Exhibit IV-J-1 (Attachment 4)

18E. Deviation 9.
We have indicated on the Master Concept Plan which Tracts will utilize this Deviation Tracts B, I and J). The requested details will be provided through the Development Order review process. We provided a survey of other US Home projects that are comparable and demonstrated that the parking requirements are excessive for this type of a development. Since we are not requesting a parking lot design deviation what graphic is possible.

18F. Deviation 10.
This Deviation is withdrawn.

18G. Deviation 11.
The Master Concept Plan has been amended to limit the application of this Deviation to two tracts. These "community" pools are located in tracts that will either have multi-family buildings or will be developed with small lots.

18H. Deviation 14.

This Deviation is simply to add a phrase to a sign. No change in the sign's size or location is requested. The requested information is not warranted.

DAT 2001-00038

Checklist from Development Services - plan review, dated 6/18/01:

8. Deviations and their locations on MCP
The Deviations are located on the Master Concept Plan. In other cases, the County has requested that the Deviations be submitted on 8 ½ x 11 sheets and we did that here. The rationale has been that the 8 ½ x 11 format was easier for the County reviewers, the text is easier to read when the Master Concept Plans are reduced and that information has been attached to the Resolutions. We will comply with either scenario, please let us know what the County's.

2. Re-visit each deviation request to comply with LDC 34-412.
See revised Exhibit IV-J-1 (Attachment 4)

3. Withdraw Deviation 5.
Withdrawn, as suggested. See revised Exhibit IV-J-1 (Attachment 4)

4. Provide cross-section of proposed bulkhead.
A cross section of the proposed bulkhead is provided.

5. Provide drawing for Deviation 10.
With the revised Master Concept Plan this deviation can be withdrawn. See revised Exhibit IV-J-1 (Attachment 4)

6. Deviation 11.
This Deviation has been located and a detail is provided for 26' deep parking spaces at community pool locations. If after this review the County is still comfortable that the issue can be approved during the Development Order review we will withdraw it. Please let us know.

7. Deviations 12
As mentioned above, this Deviation is very important to this applicant.

Deviations 13.
This applicant had previously been advised to request a deviation from this LDC Section. Please advise which section the County now feels is appropriate to accomplish this request.

Memo from Environmental Sciences, dated 6/18/01

2. Revise Protected Species Survey.
See Memo from W. Dexter Bender & Associates dated August 10, 2001.

3. Provide Protected Species Management Plan
See Memo from W. Dexter Bender & Associates dated August 10, 2001.

4. Provide SFWMD wetland jurisdictional.
See Memo from W. Dexter Bender & Associates dated August 10, 2001.

5. Provide open space and indigenous calculations.
See attached revised Open space and indigenous calculations (Attachment 3).

6. A. Answer questions regarding created wetland areas.
See Memo from W. Dexter Bender & Associates dated August 10, 2001.

6. B. How will preserves be protected.
See Memo from W. Dexter Bender & Associates dated August 10, 2001.

6. C. Can northern lake have more sinuous shoreline?
The applicant will comply with Lee County regulations regarding shorelines.

6. D. Provide information regarding current agricultural uses.
The site is an active grazing area with an agricultural exemption.

7. Delineate the natural waterway buffers on the MCP.
This information was provided on the MCP.

9. Provide more detail with regard to Deviation 6.
This deviation has been approved innumerable times by Lee County for large scale residential projects comparable to this one. In the past the county has expressed concern about the county's liability if plant material is removed because of work in the easements. We have provided language addressing that concern.

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Memo from Planning Department, dated 6/20/01

Provide number of acres within each future land use category.

Outlying Suburban	**681.79 acres**
Interchange	**2.92 acres**
Wetland	**55.37 acres**

Submit Comp. Plan amendment application to include residential accessory uses (golf course) in the General Interchange future land use category.

The attached amended MCP has removed the golf course from within this area.

Submit density calculations.

See the attached Density Calculation Sheet.

Submit SFWMD jurisdictional wetland verification.

See Memo from W. Dexter Bender & Associates dated August 10, 2001. The requested information is attached.

Address the availability of EMS, fire and police protection.

The sheriff sub station is currently located on Hancock Bridge Parkway in Cape Coral but will be moving soon to 121 Pondella Road in North Fort Myers. The Bayshore Fire District will provide both fire protection and EMS service. Their station is located on Nalle Road in North Fort Myers.

Address Popash Creek bridge and golf course crossings

See Memo from W. Dexter Bender & Associates dated August 10, 2001. The golf course and associated golf hole bridge has been removed.

Address LCEC easement conservation areas.

Conservation areas have been removed from the LCEC easement

Describe uses within 80 ft. wide strip running along north, east and west of project,

The 80- wide strip of land running along the north, east, and west property lines represent a water management berm and bypass ditch. The berm will be constructed to a minimum 25 year 3-day storm elevation, and the bypass ditch will allow neighboring properties' flow to reach Popash or Bayshore Creek. A cross section is attached.

Provide more detail regarding Wetland Creation Areas.

See Memo from W. Dexter Bender & Associates dated August 10, 2001.

Provide buffering around sewage treatment plant on MCP.

Lee County LDC Section 10-416 does not require a residential use to buffer itself from this facility.

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Cul-de-sac designs.
Both the cul-de-sac design depicted on the previous MCP and the one shown on the current MCP are viable options in master planned communities.

Provide information regarding access to golf maintenance facility.
N/A

Memo from DOT, dated 6/13/01

1. What is to prevent golf balls from landing in Pritchett ROW?
The golf course has been removed.

2. Separation distances between Pritchett and Tracts D & F?
A minimum of 25 feet and in most cases 50 feet is maintained between Pritchett Parkway and any residential tracts.

3. Is applicant willing to provide bike/pedestrian paths along Pritchett Pkwy?
The applicant does not intend to redesign and provide these facilities along the existing county road.

4.-12 Include a legend for figures 5 & 6 of the TIS.
See attached information from Metro Transportation.

Memo from Natural Resources, dated 6/14/01

Please see response to Development Services Checklist, Part IV, item 9.

Memo from Public Works, dated 6/18/01

Potable water and sanitary sewer service issues
Please see response to Development Services Checklist, Part II, item 4.

Letter from The School District of Lee County, dated 6/7/01

1. Will any d/u's be age restricted?
This is not an age-restricted community.

2. Will any multi-family units be rental apartments?
US Home does not anticipate constructing any rental units.

3. Can unit mix be defined more definitively?
This is a project with 1472 units of varying types. The applicant is

p.11

currently working diligently on the detailed plans for the proposed development. As each phase is submitted for Development Order review some more specific information will be available. It is premature to "guesstimate" that information at this time.

Answers Ques. 4 from 6-7-01 Lee School Memo

4. Estimate number of school aged children expected in project.
Based on comparable US Home communities, a preliminary estimate would be six to a maximum of fourteen school-aged children.

5. Will traffic generations impact Bayshore Elementary School?
See TIS prepared by Metro Transportation.

Miscellaneous

A copy of the SFWMD permit for the construction of Pritchett Parkway is attached. The project area for the permit/drainage area was 740 acres. This permit does not authorize the construction of the Heritage Creek proposed improvements. A new permit or permit modification will be necessary.

Create a Park or 20/20 Conservation Land and name it after Cornelius van der Linde.

van der Linde Park

Where can children see a natural creek + oak scrub habitat in Lee County?

Linda Riley of Lee Cty. 20/20 Conservation dept. emailed our committee that they were interested in this site for 20/20

Delay likely on incinerator bond vote

By SHARON KENNEDY
News-Press Staff Writer

Because of last minute negotiations it appeared likely late Monday night that Lee County commissioners would postpone approval of a $250 million bond issue and contract changes for the controversial garbage incinerator and landfill.

As of 11:30 p.m., commissioners had yet to vote on the issue because they were still taking comments from mostly opponents of the incinerator. But it didn't appear that enough commissioners were ready to vote for the bond issuance.

Commissioners were expected to delay bond approval because they hadn't had a chance to see some last minute changes in the contract. County staff was negotiating contract changes with Ogden Martin, the company hired to build the incinerator, until 5:30 p.m., less than two hours before the public hearing for the bond issuance.

Commissioners are expected to take a vote on the bond issuance at a May 29 meeting, said Randy Oliver, the county's financial analyst.

The hearing was required under the Tax Equity and Fiscal Responsibility Act of 1984 (TEFRA), which is a federal law that requires a public hearing on bond issues in which a private firm will benefit from tax exempt bonds.

Ogden Martin Systems Inc., a New Jersey-based company, has been hired to build and run the plant, to be at Buckingham Road and State Road 82.

Commissioners John Manning and Ray Judah said they were ready to vote, but Commissioner Doug St. Cerny said he had a problem with voting on the bond issue because he wanted to take time to read the contract changes.

Commissioner Vicki Lopez-Wolfe also had a question about the bond issue, while Commissioner Donald Slisher has been against the project.

Lee County commissioners took comment late into the night as opponents of garbage incineration pleaded with them not to approve the bond issue.

In a raucous meeting attended by more than 350 people, incineration was blasted as too expensive and too questionable a technology.

"Until they give us a referendum we'll send back our garbage bills for recycling," said Brad Collins of Cape Coral as he handed out green felt insignias for incinerator opponents to wear.

The few supporters of the waste energy plant were booed and hissed and shouted down until St. Cerny abruptly scolded the hecklers.

"Fear and intimidation is not a part of this process. You don't have to agree, but you can let them speak."

The crowd jumped to its feet after Cornelius van der Lind of Cape Coral said he was representing the Grim Reaper as he held a skull mounted on a tall stick.

By voting for the incinerator "they stand for the death-spewing waste incinerators," he told the commissioners. "Keep up the good work, I'll see you in Hell."

David Meo of Fort Myers acknowledged that recyling takes a lot of work, but "We have the citizenry that can do it and will do it if you just give them the leadership."

But a handful of people showed up to speak in favor of the incinerator.

See INCINERATOR, back page this sectio

ncinerator From page 1A

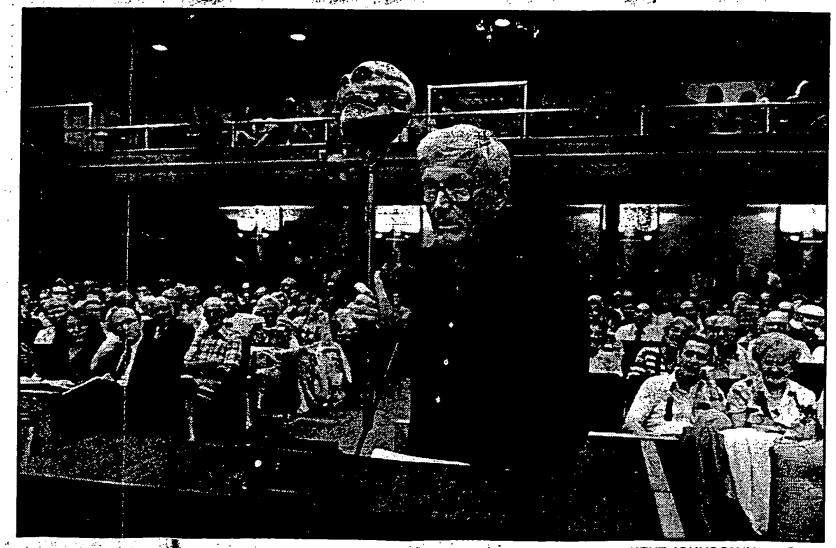
Some residents said the issue has een studied enough already.

"I don't like the idea of burning rbage either," said Brian George Cape Coral. "But give me a better lution. Just burying it is not the lution. We need a mixture of all nds of technologies."

The changes to Ogden Martin's contract will reduce the plant's garbage incineration from 1,200 tons a day, from the original plans for an 1,800-ton plant. Construction costs are expected to drop to $125.9 million, from the original $150 million.

The new contract will also includes mercury reduction technology and a clause that cuts in half a "put or pay" clause that would have penalized the county if it didn't deliver a certain amount of garbage. The county would be required to supply the plant with 373,000 tons of trash a year, down from 558,000 in the original contract.

Garbage rates will increase an estimated $60 per household to pay for the new landfill and incinerator, county officials said.



KENT JOHNSON/News-Press

Illustrating a point

Cornelius van der Linde, of Cape Coral, uses a death's-head mask to illustrate a point while speaking to Lee County Commissioners Monday night. Van der Linde was one of many people who spoke out during a public hearing concerning the county's bond hearing to raise money to build an incinerator.

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2216 Altamont Avenue • Fort Myers, Florida 33901 • (941) 337-3993 • FAX (941) 337-3994

PROFESSIONAL QUALIFICATIONS



David W. Depew, MA, AICP

President & Principal

EDUCATION

University of Florida, B.A., Honors, Political Science, 1972.
McMaster University, M.A., Comparative Political Development, 1973.
Johns Hopkins University, Policy Analysis and Public Administration, 1973-1976.

PROFESSIONAL REGISTRATION

Certified Planner, American Institute of Certified Planners.

AFFILIATIONS & HONORS

Member, American Institute of Certified Planners.
Member, American Planning Association.
Member, Florida Planning and Zoning Association.
Associate Member, Urban Land Institute.
Member, Association of Eminent Domain Professionals.
Member/Chairman, Fort Myers Historic Preservation Commission.
Member, Fort Myers Charter Review Commission.
Chairman, Lee County Local Planning Agency, 1982-1984.
Member, Real Estate Investment Society.

AREA OF EXPERTISE

Land planning, development permitting, zoning, comprehensive planning, transportation planning, traffic analysis, policy analysis, eminent domain-related planning issues, and statistical modeling.

CURRENT RESPONSIBILITIES

As a principal of Morris-Depew Associates, Mr. Depew is responsible for the management of all phases of land use planning and project permitting. He is also responsible for the development of research methodology, staff supervision, regulatory agency contacts, and client relations.

RELEVANT EXPERIENCE

Mr. Depew has acquired extensive experience over more than 20 years in the management of significant planning and permitting projects. Much of his experience has been acquired in Southwest Florida since 1980 where he has served as the primary planning manager and consultant for a number of large public and private organizations. He is an acknowledged expert on regional planning and permitting issues and has been certified as an expert witness in a variety of legal and administrative proceedings.

Prior to founding Morris-Depew Associates, he was a planning, permitting, and financial consultant to a variety of public and private clients throughout Southwest Florida.

Mr. Depew was previously the Director of Community Development for Lee County with responsibility for all planning and permitting activities. In this position, he successfully supervised major revisions to Lee County's Comprehensive Plan which was recognized state-wide for its quality as well as the development of a new series of site design criteria, permitting procedures, and sub-area studies. During that period of time, he served as Lee County's Local Planning Agency, supervised the Metropolitan Planning Organization's staff efforts, and initiated Lee County's first efforts at comprehensive growth management legislation.

He also served in the following high-level positions: Acting Director and Senior Planner, Long Range Planning Department, Lee County, Florida; Assistant Manager, and Research Associate II, Mayor's Office of Manpower Resources, Baltimore, Maryland; Computer Applications Consultant, Geneva, Switzerland; and Instructor, The American College, Leysin, Switzerland.

REPRESENTATIVE PROJECTS & CLIENTS

Litigation

Zemel vs. Lee County; inverse condemnation case and administrative hearing; representing owner.
Southern States Utilities vs. Collier Family Enterprises; condemnation case;, representing condemning authority.
FDOT vs. Swor; right of way condemnation; representing owner.
Fort Myers Beach, Conservation Association vs. Town of Fort Myers Beach and Pasev; land use dispute; representing plaintiffs.

DCPcw
EXHIBIT # 1
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REPRESENTATIVE PROJECTS & CLIENTS (continued)

Feinstein vs. Johnson Engineering, Inc., liability dispute, representing Johnson Engineering, Inc., defendant.
Lee County vs. Abdallah, inverse condemnation, representing owner.
City of Sanibel vs. Wilson, right of way acquisition, representing owner.
FDOT vs. The Landings Homeowners' Association, right of way acquisition, representing owners.
Lee County vs. Royal Palm Square Associates, Inc., right of way acquisition, representing condemning agency.
Lee County vs. Commerce Group, right of way acquisition, representing condemning agency.
In Re Seago Group, bankruptcy action, representing plaintiff.
FDOT vs. KB Holdings (Boulis), right of way acquisition, representing owner.
FDOT vs. Coral Ridge Cemetery, right of way acquisition, representing owner.
FDOT vs. Mobil Oil, right of way acquisition, representing condemning authority.
FDOT vs. TransNation Title Insurance Co., right of way acquisition, representing condemning authority.
Collier County vs. Fritchey, right of way acquisition, representing owner.
Charlotte County vs. Production Operators Corp., utility right of way acquisition, representing owner.
Schroeder vs. Lee County, access dispute, representing owner.
Stardial vs. Town of Fort Myers Beach, land use dispute, representing property owner.
Williams vs. Hendry County, land use dispute, representing owner.

Comprehensive & Site Planning

Lee County Port Authority, acquisition consultant for Airport Expansion.
Gulf Harbour Yacht and Country Club, golf course/marina/residential DRI.
Flex Bon Plaza, commercial center.
Pueblo Bonito, farm worker housing development.
International Center, mixed use commercial, industrial, residential development.
American U-Store It, urban redevelopment and re-use.
Sun Coast Acura Dealership, commercial development.
Manor Care Skilled Nursing Facility, ALF development.
Moss Marine, commercial marina.
Arden Courts of Fort Myers, ALF development.
McGregor Baptist Church, religious facility.
Temple Beth-El, religious facility.
Faith Fellowship Ministries, religious facility.
Presbyterian Retreat, religious facility.
Pineland Marina, commercial marina.
Corkscrew Woods, mining operation, to be reclaimed for residential development.
Bocilla Island Club West, residential infill development.
Sun Harvest Citrus, commercial development.
Coca Cola Distribution Facility, commercial/industrial development.
Kelly Greens Homeowners Association, land use consulting, comprehensive planning.
Edison Park Homeowners Association, land use consulting.
Anderson-Columbia, industrial permitting, Suwanee County, Madison County, Columbia County.
International Center, mixed use commercial and industrial development.
Airport Technology Center, industrial planned development.
D-75 Commerce Center, interchange commercial development.
ACT Shelter Expansion, community facility expansion.
Bonita Grande Mine, mining and re-use development planning and permitting.
University Lakes, mining and re-use development planning and permitting.
Palmas del Sol, DRI modification and NOPC processing.

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Proposed Conditions:
Heritage Creek RPD
Case #: DCI 2001-00038
July 31, 2003

It is proposed that the conditions be modified from those already proposed by Staff as follows:

"2. Schedule of Uses:

Administrative Offices
Agriculture - Subject to Condition 24
Accessory uses and structures
Club, Private (Limited to Tract K)
Food and beverage service, limited
Health Club and Spa
Parking lot, accessory
~~Rental or leasing establishment, Group I, limited to bicycles, tennis rackets and other small equipment for use by members of the private club~~
~~Specialty Retail Shop, Group I~~
Communication Tower (limited to one on the north side of Tract K and limited to a maximum of 35 feet in height)
Dwelling Unit , limited to a maximum of ~~1,475~~ **682** units, ~~(of which not more than 250 units may be multi family - See Note 1),~~ consisting of:
Conventional Single Family Residence **on lots not less than 20,000 square feet in size**
~~Townhouse~~
~~Two family attached~~
~~Multiple Family Building (limited to Tract R 2 J)~~
Entrance Gate and Gatehouse, in compliance with LDC Section 34-1749~~8~~
Essential Services
Essential Service Facilities, Group I
Excavation, water retention

2216 Altamont Avenue, Fort Myers, Florida 33901 Telephone: (239) 337-3993 Fax: (239) 337-3994

DePew
EXHIBIT # 2
DCI 2001-00038

Fences, walls
~~Golf Driving Range - Aqua Range (Limited to Tract K and in conjunction with Lake L1)~~
Home occupation
Model Home, Model Unit and Model Display Group
Real Estate Sales Office (Temporary sales office limited to Tract K and limited to the sale of lots or units within the development only)
Recreation Facilities, Personal
Recreation Facilities, Private on-site
Parking lot, accessory
Residential Accessory Uses
Signs, including one existing billboard located on the southwest side of Lake L1, all in compliance with LDC Chapter 30 ~~except as approved by deviation~~
Temporary uses (LDC Section 34-3041)"

Note 1 to be removed, along with the Site Development Regulations table, except for the clubhouse and the residential accessory use regulations. The site development regulations would read as follows:

"b. Site Development Regulations
Minimum lot area: 20,000 square feet
Minimum lot depth: 130 feet
Minimum lot width: 100 feet
Street setback: In accordance with LDC Section 34-2192
Side yard setback: 15 feet
Rear yard setback: 25 feet
Water body setback: 25 feet
Maximum height: 35 feet from finished grade
Maximum number of habitable stories: 2
Maximum lot coverage: 25%"

In addition to the Staff Conditions, new requirements would read as follows:

Internal Lighting: Street lights and common areas, if lighted, must have lighting done in a fashion that minimizes light pollution. Fixtures or the pole and fixture combination may not be greater than four (4) feet in

height, and lights must be baffled such that lighting is directed towards the ground, and the actual light source is not visible to a normal sized adult standing next to the light. Common recreation areas may not be lighted for nighttime use.

Bridle Paths: The developer shall construct a bridle path for the exclusive use of horses along the Pritchett Parkway frontage.

Perimeter Setbacks: There shall be a minimum 300' structure setback along the entire perimeter of the development. Within that setback, where natural vegetation does not exist in amounts sufficient to amount to a Type F buffer (double staggered row hedge and 10 trees per 100 linear feet), native vegetation must be planted to meet that requirement.

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TESTIMONY SUMMARY, HERITAGE CREEK RPD COMPATIBILITY AND CONSISTENCY ISSUES; PROPOSED CONDITIONS FOR APPROVAL CASE NO.: DCI 2001-00038

Prepared By: David W. Depew, AICP
Morris-Depew Associates, Inc.
2216 Altamont Avenue
Ft. Myers, FL 33901
July 31, 2003

Depew
EXHIBIT #3
DCI2001-00038

TESTIMONY SUMMARY, HERITAGE CREEK RPD COMPATIBILITY AND CONSISTENCY ISSUES; PROPOSED CONDITIONS FOR APPROVAL CASE NO.: DCI 2001-00038 JULY 31, 2003

Introduction

This report will analyze the request for development approval for the Development of County Impact zoning request designated as 'Heritage Creek RPD'. I will provide a brief overview of the project and relevant factors discussed later in the report. It is the purpose of this report to determine whether the proposed zoning amendment is consistent with applicable regulations and generally accepted zoning and planning principles, whether there is sufficient evidence to support the zoning amendment, whether it is reasonable, and to examine its relationship to the public health, safety, and general welfare. In preparing this report, I examined local land use decisions and recommendations, the Lee County Comprehensive Plan (called the 'Lee Plan'), the Lee County Land Development Code (LDC), and the various documents submitted on behalf of the Heritage Creek RPD. These are explained in greater detail below. I also applied generally accepted planning principles, knowledge of which was acquired through prior education and experience, as explained in my professional resume, submitted with this report. To the extent that this report states facts that are not derived from one of these aforementioned documents or other documents identified in the report, they are based upon my personal knowledge acquired through a study of the area and my professional experience as set forth in my resume. This request has raised issues relating primarily to compatibility, and an attempt will be made to provide examples of those standards of compatibility established locally in similar situations.

Background

The Heritage Creek RPD development is a proposed Development of County Impact (DCI) located on the northeast quadrant of the intersection of Bayshore Road and I-75. The parcel is an irregularly shaped parcel, roughly triangular, approximately 741.22 acres in size, and is accessed via Pritchett Parkway. The site also fronts on Nalle Road to the east. Pritchett Parkway also serves as primary access to single-family and agricultural land uses to the west and north of the subject property, while Nalle road permits access to the single-family, agricultural, and estate development to the east and north of the subject parcel. The subject property

is zoned AG-2, CPD, and RVPD. To the east of the subject property is RV-3, AG-2, and RS-1 zoning; to the north AG-2 zoning borders the subject property; to the west, AG-2, AG-3 zoning exists; and south of the subject property is I-75. The subject property is currently undeveloped. Although there are some traditional single-family subdivision uses in the vicinity of the subject property, the vast majority of land uses adjacent to the subject property are either agricultural in nature or large lot, estate residential uses. This portion of the Bayshore neighborhood is predominantly rural in character with single-family residences on larger parcels, some with horses and other farm animals.

The Lee Plan

The subject property is designated Outlying Suburban, Wetlands, and Interstate Interchange under the Future Land Use Map (FLUM) of the Lee Plan. Policy 1.1.6 states, " *The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed. In the Outlying Suburban area in North Fort Myers east of I-75 and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2 du/acre).*" As noted above, there are significant limitations on development in the Outlying Suburban areas, and the Policy describes the existing land use patters as rural or low-density in nature. The areas east of I-75 are singled out for special treatment with an additional density restriction of two (2) units per acre. This was done in recognition of the predominantly rural nature of the area in question, and was done to reflect more appropriate development densities than what was being proposed for other Outlying Suburban areas in Lee County.

Lee Plan Policy 1.3.2 states, "*The General Interchange areas are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurants, and gift shops. But because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial and light*

industrial/commercial." Policy 1.5.1 states, "*Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 84 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan.*" While these two land uses are significant in that they exist on the subject property, it is clear that the General Interchange portion of the site cannot be used for residential activities, and the Wetlands designated property must be integrated into the site development plan in accordance with the applicable portions of the Lee Plan.

Of greater interest is the newly adopted Bayshore Community Plan, now a part of the development regulations under which the approval is being requested. In the application material for the Bayshore Community Plan the applicant states, "...*the pattern of ownership and the existing land uses in Bayshore are definitely agricultural and rural residential...*" The adopted Vision Statement describes the area as, "...*predominantly a rural residential area of single family homes on large acreages, small horse farms, citrus groves, and plant nurseries, interspersed by some larger carrel grazing operations.*" The subject property is proposing a development with single-family residential uses on lots as small as 40' X 100', duplex development on lots as small as 35' X 100', and townhouses on lots as small as 22' X 80'. Additionally, multi-family development is requested on lots as small as 100' X 100'. In accordance with the research undertaken for the now adopted amendments, there are no land use patterns reflective of this development pattern in proximity to the subject property. Establishment of this type of land use in the Bayshore district will be a first for the area, and a review of the proposed site plan in comparison to the existing parcel map of the area demonstrates that there is nothing like it in the vicinity of the subject property.

Lee Plan Objective 2.1 states, "*Contiguous and compact growth patterns shall be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.*" Objective 2.1 directs growth to areas in which public services and infrastructure can best accommodate the demands that development places upon them. The concept of growth management embodied by the Lee Plan is one that attempts to minimize the necessity of additional public expenditures for providing the general health, safety,

and welfare of the County's residents as well as preserving the precious natural resources that have made the County such a magnet for growth. These policies are intended to direct development into areas that are most appropriate for the development pattern being proposed, not inject an enclave of urban development into a basically rural neighborhood.

Urban sprawl is a condition that is characterized by, among other things, spread-out residential development that has 'leap-frogged' into previously undeveloped areas. Sprawl results in the abandonment or underutilization of existing infrastructure in older neighborhoods, duplication of services, and new investments into previously undeveloped areas. Sprawl results in an inefficient use of public efforts to provide services to the residents based upon the demand for inexpensive land. Locating this development will increase demand for transportation infrastructure, drainage improvements, educational facilities, emergency and protective facilities, and other publicly provided services. Approval of the proposed development plan is contrary to the letter and the intent of Objective 2.1.

Objective 2.2 notes that Lee County will direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. There is no argument about the compact nature of the proposed development. It far exceeds any other development in the area on a "compactness" scale. However, it is not contiguous with similar types of development. There is nothing in the area that resembles the proposed project, and it has the effect of breaking into the neighborhood with a totally new development style. Policy 2.2.1 clearly notes that compatibility with surrounding land uses must be considered, and places that consideration in the context of the health, safety, and welfare of the general public. The proposed project violates the compatibility criteria, and further, given the traffic, surface water regime in the area, and rural lifestyle of the existing residents, is a threat to the general health, safety, and welfare of the Bayshore Community at large.

Policy 2.2.2 notes that although density ranges are established by the FLUM category, there is no guarantee that such uses will be immediately appropriate. The request must be considered in relation to its impacts upon public facilities and whether it is so far beyond existing development that approval should be delayed in an effort to encourage compact and efficient growth patterns. As already noted there are no other developments similar to this project in the area, so it is clearly a

'leapfrog' development seeking to push an urban landform into a rural area. The establishment of this urban enclave in the Bayshore Community is simply contrary to the intention of the Lee Plan.

Lee Plan Policy 4.1.1 states, "*Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements.*" Originally, Staff reviewed the applicant's proposal and found that the flowways existing on the subject property have not been adequately incorporated into the design of the project. The project did not acknowledge, according to Staff's original position, the presence of historic water flows through the property. Further, a review of the history of the area encompassing the subject property and the surrounding properties drained by Bayshore and Popash Creeks demonstrates that surface water flows in the area are significant, and the flowways that cross the subject property are a necessary component of the overall basin drainage regime. The establishment of a series of lakes surrounding residential peninsulas as demonstrated by the applicant on the Master Concept Plan does not demonstrate a development plan that is functionally related to the topographic and natural features of the site.

Policies 5.1.3 and 5.1.4 require that high density development be directed to areas that are most appropriate for such activity. The applicant has argued that the proposed development is only 2 dwelling units per acre. However, the gross density calculation is not necessarily the best way to view this particular development proposal. There has been no calculation of the net density for the project, but the Master Concept Plan notes that the residential tracts and miscellaneous open space amounts to 453.3 acres. For the requested 1,475 dwelling units, this amounts to 3.25 units per acre. Density must be viewed contextually, and for a rural neighborhood like the Bayshore Community, this density represents a figure significantly higher than anything existing or proposed. A review of surrounding land uses and densities further supports the conclusion that the proposed development is not in keeping with the neighborhood. To the north of the subject property is, in addition to Outlying Suburban, Open Lands and Density Reduction/Groundwater Resource designated lands. Except for two parcels, all properties north of the subject property are not less than five (5) acres in size. To the east of the subject property (Outlying Suburban) are two small subdivisions,

Oakmont and High Point, with densities of 1.85 and 2.26 units per acre respectively. All of the other development is are parcels not less than 3 acres and some as large as 30 acres in size. The property to the west of the subject parcel (Outlying Suburban) has the Hunters Glen and Colonial Pines developments with densities of 1.3 and 1.2 units per acre, respectively. Other parcels to the west range in size from 0.8 acres to as much as 15 acres in size. To the south is a campground zoned RV-3, but the residential parcels south of the subject property range in size from 0.9 up to 3 acres in size. Nowhere is there to be found parcels as small as 4,000 square feet, and nowhere are the duplexes, townhomes, and multi-family structures proposed by the applicant to be found. Although the Bayshore Vision Statement contemplates densities up to two (2) units per acre, the stacking of units in duplex, townhouse, and multi-family configurations are not part of that future picture. The project as proposed represents a clear violation of the intention articulated in Policies 5.1.3 and 5.1.4 to direct high density development to areas that are most appropriate.

Lee Plan Policy 5.1.5 states that the County will, "*Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. If such uses are proposed in the form of a planned development and generally applicable development regulations are deemed to be inadequate, conditions shall be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application shall be denied altogether. Requests for conventional rezonings shall 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. The Land Development Code shall continue to require appropriate buffers for new developments.*" The Heritage Creek RPD, as proposed, has not demonstrated a commitment to preserving the character and integrity of the Bayshore Community as it currently exists. The Lee Plan specifies that adequate conditions to protect the neighborhood from the intrusion of incompatible uses **must** be provided, and if the Heritage Creek RPD amendment cannot incorporate such conditions, it may not be approved. The applicant has proposed a land development plan that is the antithesis of the kind of development currently in place throughout the Bayshore Community, and one that will serve to destroy the life style that predominates in the Community through the introduction of standard subdivision tract housing on small lots, along with duplexes and townhomes, and multi-family dwelling units on parcels as small as 10,000 square feet. The essence of the development plan is in direct opposition to the

stated Goal of the Bayshore Community, and is simply inconsistent with the Lee Plan.

Lee Plan Map 20 shows significant amounts of agricultural lands within close proximity to the subject property, and even some agricultural lands contained on the subject property. Policy 9.1.4 requires Lee County to, "*Protect agricultural activities on lands designated as Agricultural on the agricultural overlay from the impacts of new natural resource extraction operations, recreational uses, and residential developments.*" Even if the agricultural land on the subject property is ignored, there are considerable amounts of agricultural land shown on Map 20 that will be affected by the injection of urban-style residential dwellings into the predominantly rural neighborhood in which the subject property is located. The establishment of small lot residential uses in such close proximity to rural, agricultural activities will certainly generate land use conflicts, to the detriment of the agricultural activities. The request is clearly contrary to the County's stated intention of protecting agricultural activities as noted on Map 20.

Policies 41.3.7 and 41.3.10 prohibit the channelization of natural streams and rivers, discourage channelization of other natural watercourses, and prohibit the channelization of runoff directly into natural waterbodies. The master concept plan demonstrates that the applicant has channelized the existing flowways on the subject property in an effort to redirect broad areas of sheet flow into a lake system and ultimately into natural waterbodies. The current effort is based upon a residential density that forces this kind of approach in order to achieve economic viability. This is not, however, consistent with the Lee Plan criteria for preservation of natural systems, and violates these policies. The Lee Plan goes on to state (Policy 77.2.3) that the County will, "*Prevent water management and development projects from altering or disrupting the natural function of significant natural systems.*" The idea that the surface water regime in this area does not constitute a "significant natural system" is not supportable, and the natural functions are clearly being disrupted as demonstrated by the Master Concept Plan. Testimony by Mr. Thompson has indicated that the model used for analysis of the water management system is incomplete. Further, testimony by the applicant's engineer as well as the County's experts has confirmed that surface water flows are being directed through pipes, swales, and on-site retention features. Given that the normal sheet flow regime existing on the site in its natural state is being disrupted so greatly by the development plan proposed, it seems clear that these Lee Plan policies are being violated.

The Lee Plan is also explicit regarding the need to protect viable tracts of high quality habitat. Policy 77.2.4 states that the County will, "*Encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments.*" Policy 77.2.6 requires that Lee County, "*Avoid needless destruction of upland vegetation communities including coastal and interior hammocks through consideration during the site plan review process of alternative layouts of permitted uses.*" As demonstrated by the Master Concept Plan, broad areas of viable tracts of sensitive and high-quality natural plant communities are being destroyed solely for the placement of more dwelling units than the area can support. Further, a reduction in density can address these issues through the development of alternative site layouts. The basic problem with the proposal is the establishment of a traditional suburban small lot single-family neighborhood in an area that cannot support it.

The eventual outcome of an approval will be the destruction of the rural residential lifestyle currently enjoyed by the residents of the Bayshore neighborhood. Policy 100.1.9 requires the County to ensure a mix of residential types and designs on a County-wide basis. This does not mean that all types of residential units will be available in all locations, but rather that across the County, a full range of unit types will exist. The intrusion of this development into the Bayshore Community will reduce the availability of the rural residential type of residence that has characterized this area of the County and is directly contrary to the idea of providing a mix of housing types across the County.

Policy 100.9.5 requires that, "*New development adjacent to areas of established residential neighborhoods must be compatible with or improve the area's existing character.*" It is without question that the introduction of small lot single-family, duplex, townhouse, and multi-family units into a rural residential neighborhood will be a detriment to the neighborhood. The Bayshore Community underwent a planning exercise during the last 2 years in order to establish the rural residential nature of the area as a component of the Lee Plan. To allow intrusion of this kind of subdivision development into this environment cannot improve the area's existing character. The County is further directed in Lee Plan Policy 100.9.6 to, "*...administer the planning, zoning, and development review process in such a manner that proposed land uses acceptably minimize adverse drainage, environmental, spatial, traffic, noise, and glare impacts, as specified in county*

development regulations, upon adjacent residential properties, while maximizing aesthetic qualities."

Finally, Lee Plan policy 100.9.7 states, "*The county will coordinate residential development within urban areas to coincide with existing or planned and programmed services and facilities so as to avoid premature or non-contiguous urbanization and the use of septic tanks and private wells for potable water within developed urban areas.*" Another restriction against urban sprawl, this policy will be violated through the establishment of non-contiguous urbanization on the subject property. The intrusion of an urban landform into the rural environment is clearly prohibited by this policy.

Lee County Land Development Code

In Section 34-2 of the Lee County Land Development Code (LDC), the term *compatible* is defined. It states, "in describing the relation between two land uses, buildings or structures, or zoning districts, the state wherein those two things exhibit either a positive relationship based on fit, similarity or reciprocity of characteristics, or a neutral relationship based on a relative lack of conflict (actual or potential) or on a failure to communicate negative or harmful influences one to another." Clearly the establishment of reduced buffers and increased development intensity demonstrates a potential conflict between the proposed use and the existing activities. Without conditions to address the relationship between the proposed activities and the existing uses, conflicts will be guaranteed.

For all planned developments such as the proposed Heritage Creek RPD, the LDC states, "*The tract or parcel proposed for development under this regulation shall be located so as to minimize the negative effects of the resulting land uses on surrounding properties and the public interest generally...*" (Section 34-411(c)). Development of the proposed Heritage Creek RPD has not been designed or located to minimize the impacts upon the Bayshore Community. The placement of small lot single-family, duplex, townhouse, and multi-family units will create direct and irreversible damage to the rural lifestyle and low density development patterns in the Bayshore neighborhood, and will be contrary to the public interest in that it will negatively affect the public health, safety and welfare.

Section 34-411(f) of the LDC states, "*Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion,*

or other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollutants." The establishment of this land use as an enclave within the Bayshore Community will clearly pose a nuisance through the increase in traffic and its attendant pollution, increase human activities and the noises associated with such, and the increase in ambient light in an area where such lighting has not heretofore existed. Additionally, this area of the County is afflicted by sever stormwater management difficulties that have resisted efforts directed at resolution for years. The additional population will only serve to exacerbate this problem despite assertions by the applicant to the contrary.

The provisions of LDC Section 34-411(g) indicate that efforts shall be made to protect, preserve, and not unnecessarily destroy or alter natural systems of the site. The applicant's site plan proposes a density and intensity of use that leaves no other option but to excavate natural areas, redirect surface water flows, alter vegetation, and re-contour the site. In short, the proposed development plan proposes maximum impacts to the natural systems as a result of the density and intensity of what is proposed.

In Section 34-411(i), LDC, the intention to minimize negative impacts is most clearly articulated. This section states, "*Site planning and design shall minimize any negative impacts of the planned development on surrounding land and land uses.*" The current site plan for the Heritage Creek RPD, showing the proposed layout of single-family, duplex, townhouse, and multi-family dwellings demonstrates a failure to understand the essential nature of the neighborhood into which the developer seeks to inject his product. The very nature of the area that is seeking to be tapped, the quiet peace of rural Lee County, will be destroyed by the approval of this project.

This principle is further supported in 34-411(k), LDC, which states, "Where the proposed planned development is surrounded by existing development . . . design emphasis will be to separate and mutually protect the planned development and its environs." The LDC recognizes that it is imperative to protect the environment, physical and social, into which a development wishes to be established in the best interests of both the existing adjacent uses as well as the proposed development itself. This will lessen conflicts that could occur in the future and could involve the expenditure of public resources for the settlement of neighborhood disputes. The

establishment of density and design restrictions must be undertaken if an approval is to be granted.

The LDC clearly states, in Section 34-413, that intensities of use in any planned development shall be determined on a case by case basis, and that one of the primary factors affecting that determination shall be, "*The nature of and the density and intensity of existing development surrounding the project.*" This means that the prior existence of development in the Bayshore Community must be considered as one element that will be factored into any final approval. This requirement has not been adequately provided for in the Heritage Creek RPD site design parameters, and has not been adequately addressed in the Staff Report in the suggested conditions. The County must establish design parameters as conditions of its development approval in order to assure continued compliance with compatibility standards.

Proposed Conditions

Of primary interest to the adjoining properties is the question of development intensity for the subject property. The request includes the small lot single-family development along with duplexes, townhomes, and multi-family units. These are simply not consistent with the surrounding uses, nor are they consistent with the provisions of the newly adopted Bayshore Community Plan. It is proposed that the conditions be modified from those already proposed by Staff as follows:

"2. Schedule of Uses:

Administrative Offices
Agriculture - Subject to Condition 24
Accessory uses and structures
Club, Private (Limited to Tract K)
Food and beverage service, limited
Health Club and Spa
Parking lot, accessory
~~Rental or leasing establishment, Group I, limited to bicycles, tennis rackets and other small equipment for use by members of the private club~~
~~Specialty Retail Shop, Group I~~
Communication Tower (limited to one on the north side of Tract K and limited to a maximum of 35 feet in height)
Dwelling Unit , limited to a maximum of ~~1,475~~ **682** units, ~~(of which not more than 250 units~~

~~may be multi-family - See Note 1),~~ consisting of:

Conventional Single Family Residence **on lots not less than 20,000 square feet in size**

~~Townhouse~~

~~Two family attached~~

~~Multiple Family Building (limited to Tract R-2 J)~~

Entrance Gate and Gatehouse, in compliance with LDC Section 34-1749~~8~~

Essential Services

Essential Service Facilities, Group I

Excavation, water retention

Fences, walls

~~Golf Driving Range - Aqua Range (Limited to Tract K and in conjunction with Lake L1)~~

Home occupation

Model Home, Model Unit and Model Display Group

Real Estate Sales Office (Temporary sales office limited to Tract K and limited to the sale of lots or units within the development only)

Recreation Facilities, Personal

Recreation Facilities, Private on-site

Parking lot, accessory

Residential Accessory Uses

Signs, including one existing billboard located on the southwest side of Lake L1, all in compliance with LDC Chapter 30 ~~except as approved by deviation~~

Temporary uses (LDC Section 34-3041)"

Note 1 to be removed, along with the Site Development Regulations table, except for the clubhouse and the residential accessory use regulations. The site development regulations would read as follows:

"b. Site Development Regulations

Minimum lot area: 20,000 square feet

Minimum lot depth: 130 feet

Minimum lot width: 100 feet

Street setback: In accordance with LDC Section 34-2192

Side yard setback: 15 feet
Rear yard setback: 25 feet
Water body setback: 25 feet
Maximum height: 35 feet from finished grade
Maximum lot coverage: 25%"

In addition to the Staff Conditions, new requirements would read as follows:

Internal Lighting: Street lights and common areas, if lighted, must have lighting done in a fashion that minimizes light pollution. Fixtures or the pole and fixture combination may not be greater than four (4) feet in height, and lights must be baffled such that lighting is directed towards the ground, and the actual light source is not visible to a normal sized adult standing next to the light. Common recreation areas may not be lighted for nighttime use.

Bridle Paths: The developer shall construct a bridle path for the exclusive use of horses along the Pritchett Parkway frontage.

Perimeter Setbacks: There shall be a minimum 300' structure setback along the entire perimeter of the development. Within that setback, where natural vegetation does not exist in amounts sufficient to amount to a Type F buffer (double staggered row hedge and 10 trees per 100 linear feet), native vegetation must be planted to meet that requirement.

Conclusion

The modifications to the conditions proposed to accompany the approval of the Heritage Creek RPD represent a necessary requirement for a project that is requesting significantly more intense development than that which it adjoins. While it is reasonable to expect that any development will impact an existing neighborhood, a review of the data and analysis accompanying the application demonstrates that unless the greatest care is taken in formulating a development plan to protect, preserve and enhance the existing natural and social features of the surrounding properties, and the Bayshore Community at large, irreparable damage will occur. The Staff conditions address buffering, screening, setbacks, and other elements of the proposed project, but fail to preserve neighborhood compatibility for the adjoining rural residential developments. Without the added conditions, the request may not be approved because the Lee Plan, the LDC, and generally accepted planning principals related to compatibility, would be violated. There is no mandate

to increase the intensity of use, the Lee Plan specifically contemplates agricultural uses within the Outlying Suburban land use category. Absent the establishment of added protections for the existing and emergent rural residential uses of the Bayshore Community, it is my professional opinion that there can be no rezoning approval granted to the Heritage Creek RPD without violating the Lee Plan and the LDC.



DAVID W. DEPEW, AICP

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DECLARATION OF COVENANTS & RESTRICTIONS OF HUNTER'S GLEN

• RECORD VERIFIED - CHARLIE GREEN, CLERK •
• BY: TRENT A. VOGES, D.C. •

MAGNER
EXHIBIT # 2
DC12003-0003P

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Exhibits

"A": Legal Description of Real Property
"B": Grading and Drainage Plan

Return to:
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DECLARATION OF COVENANTS AND RESTRICTIONS OF HUNTER'S GLEN

THIS DECLARATION OF Hunter's Glen is made this 15th day of September, 1997, by Pritchett Development Company, Ltd., as owner of the real property hereinafter described and of the improvements thereon for itself, its successors, grantees, assignees and/or their transferees.

WHEREAS, Pritchett Development Company, Ltd. hereinafter called Declarant, is the owner in fee simple of certain real property in Lee County, Florida, as described in Exhibit "A" attached hereto and made a part hereof.

It is the intent of Declarant to develop the real property described in Exhibit "A" in a planned development consisting of a residential subdivision (the "Subdivision"). For the purpose of enhancing and protecting the value, attractiveness and desirability of the Subdivision constituting the development, Declarant hereby declares that all of the real property described and each part thereof shall be developed and shall be held, sold and conveyed subject to the following easements, covenants, conditions and restrictions which shall constitute covenants running with the land and shall be binding on all parties hereafter having any right, title or interest in the real property described in Exhibit "A", or any part thereof, including their heirs, executors, administrators, successors and assigns. Both the burdens imposed and the benefits granted hereunder shall run with the land.

1. DEFINITIONS

The terms used in this Declaration of Hunter's Glen and in the Exhibits attached hereto shall be defined as follows:

1.1. Assessment means and refers to a share of the funds required for the payment of Common Expenses, which, from time to time, is assessed by the Association.

1.2. Association means and refers to the Hunter's Glen Homeowners' Association, Inc. (the "Association"), its successors and assigns, a non-profit corporation organized under the laws of the State of Florida, which is the entity responsible for the maintenance, operation, and control of the property, services and facilities within Hunter's Glen and includes any successor.

1.3. Association Maintenance means and refers to the exercise of reasonable care to maintain and repair the Common Area (as defined in 1.5) in a condition reasonably comparable to its original condition, normal wear and tear excepted. Maintenance of landscaping shall further mean the exercise of generally accepted garden

management practices necessary to promote a healthy environment for optimum plant growth. The Association shall have the sole responsibility of maintaining all Common Area.

1.4. By-Laws means and refers to the by-laws of the Association as they exist from time to time.

1.5. Common Area includes within its meaning the following:

(1) all real property owned by the Association for the common use and enjoyment of the Owners;

(2) the property and installations required for furnishing utilities and other services to one or more Lot or to the Common Area;

(3) the tangible personal property required by the Association to perform its duties even though owned by the Association;

(4) the storm water management system;

(5) any government required buffer areas, open space, parks and recreation areas if applicable, which may only be developed for the purposes and as allowed by government permit or order;

(6) the private Subdivision road, entryway and entrance, shown as Tract D of the Plat;

(7) any water or sewage system, if applicable; - U.S. Homes Brighton

(8) the conservation areas if required including the Tortoise Preserve shown as Tract C of the Plat;

(9) the landscaping and entry signage parcel shown as Tracts A and B of the Plat;

(10) any perimeter Subdivision walls, fences, buffers and landscaping; and

(11) street lights and lights for entry signage.

1.6. Common Expenses means and refers to expenses of administration, maintenance, operation, repair or replacement of the Common Area and improvements thereon, as well as the expenses of the Association performing its other duties.

1.7. Declarant means and refers to Pritchett Development Company, Ltd., its successors and assigns to which the rights of Declarant hereunder may be expressly assigned by a written instrument recorded in the Public Records of Lee County, Florida. Declarant may assign all or a portion of its rights hereunder, or all or a portion of its rights in connection with appropriate portions of the Development. In the event of a partial assignment, the assignee shall not be deemed the Declarant, but may exercise those rights of Declarant expressly assigned to it. Any assignment may be made on a nonexclusive basis. "Original Declarant" means and refers to only Pritchett Development Company, Ltd. The terms Declarant and Developer may be used interchangeably throughout this Declaration. Wherever either is used it shall mean Pritchett Development Company, Ltd. or, if applicable its successors or assigns.

1.8. Declaration means and refers to this Declaration of Covenants and Restrictions of Hunter's Glen applicable to the Development (as defined herein) and recorded in the Public Records of Lee County, Florida, together with the Exhibits attached hereto, as it may be amended from time to time in accordance herewith.

1.9. Deferred Maintenance Expense means and refers to an expense incurred for maintenance that will result in extending the life of an asset for a period of greater than one (1) year.

1.10. Development means and refers to the real property described in Exhibit "A" as attached and made a part hereof, and the development of that real property as a residential subdivision (the "Subdivision") under the Association for the purpose of enhancing, maintaining and protecting the value, attractiveness and desirability of the real property comprising the Development.

1.11. Lot means and refers to:

(1) any Lot or a portion thereof shown on the subdivision plat recorded in the Public Records of Lee County, Florida;

(2) any Lot shown upon any resubdivision of the subdivision plat referred to in (1) above; and.

(3) any other property hereafter declared as a Lot by Declarant and thereby made subject to this Declaration;

When a home (hereinafter "Home") has been constructed on a Lot any reference to a Lot shall include the Home and other improvements constructed thereon even though the Home is not referred to, and any reference to the Home shall include the Lot and other improvements constructed thereon even though the Lot is not referred to.

1.12. Member means and refers to every person or entity who holds membership in the Association.

1.13. Owner means and refers to a record owner of a Lot within this Development and may, if the context requires, include a tenant, occupant, or guest.

1.14. Plat means and refers to the recorded subdivision plat of Hunter's Glen recorded in Plat Book 59, Page 92, Public Records of Lee County, Florida.

1.15. Subdivision Facilities means and refers to if applicable, those facilities required by government development order or permit to be maintained and operated for the benefit of the Development, including any private roads, drainage, the storm water management system, utilities, public water, sewage systems, open space, parks, recreation areas and buffers. However, this description shall not imply or constitute a representation or commitment by the Declarant that any of these will be part of this Development unless required by a governmental order or permit.

1.16. Surface Water Management System means and refers to the natural and artificial conditions and improvements (including all retention areas, culverts, lakes, canals, grading, drainage structures and related appurtenances) for the management of surface water within the Development as described in and regulated pursuant to permit number 36-03155W issued by the South Florida Water Management District, as amended from time to time.

2. PROPERTY INITIALLY SUBJECT TO THIS DECLARATION; ADDITIONS THERETO AND WITHDRAWALS THEREFROM.

2.1. Legal Description. The real property initially submitted hereunder which shall be held, transferred, sold, conveyed and occupied subject to this Declaration is located in Lee County, Florida and is legally described in Schedule "A" attached hereto and made a part hereof, all of which real property (and all improvements

thereon), together with additions thereto, but less any withdrawals therefrom, is herein referred to collectively as "Hunter's Glen", the "Subdivision", or as the Development.

2.2. Addition By Supplement. In accordance with Declarant's current intention (but not obligation) to increase the real property constituting Hunter's Glen from time to time by adding additional Lots and/or Common Area, Declarant may from time to time submit and subject other real property to Hunter's Glen and to the provisions hereof by one or more recorded Supplemental Declaration (which shall not require the consent of the then existing Owners, the Association or any mortgagee other than that, if any, of the real property intended to be added to Hunter's Glen) and thereby add to Hunter's Glen. To the extent that additional real property shall be made a part of Hunter's Glen, reference herein to Hunter's Glen shall be deemed to include reference to all additional property where reference is intended to include real property in addition to that legally described in Schedule "A." Nothing herein, however, shall obligate Declarant to add to the initial real property, to develop any additional real property under this Declaration, or to prohibit Declarant (or the applicable Declarant-affiliated Owner) from rezoning and changing plans with respect to additional property. Declarant shall also have the right to add real property pursuant hereto which Declarant previously withdrew pursuant to Section 2.3 below.

2.3. Withdrawal by Amendment. Declarant reserves the right to amend this Declaration at any time, without prior notice and without the consent of any person or entity, for the purpose of removing certain portions of Hunter's Glen, then owned by Declarant, its affiliates or the Association, from the provisions of this Declaration: (1) to the extent included originally in error; or, (2) as a result of any changes whatsoever in the Declarant's plans for Hunter's Glen desired to be effected by Declarant; provided, however, that withdrawal is not unequivocally contrary to the overall uniform plan of development of Hunter's Glen. Any withdrawal of real property not owned by Declarant shall require the written consent or joinder of the then-Owner(s) and mortgagee(s) of the real property to be withdrawn, and of the Declarant prior to turnover, but not of any other person or entity. Notwithstanding the foregoing, no withdrawal which affects the operation and maintenance of the Surface Water Management System shall be made without the consent of the South Florida Water Management District.

2.4. Consent to Additions and Withdrawals. Each Owner, by acceptance of a deed to or other conveyance of its Lot, shall be deemed to have automatically consented to rezoning, change, addition or withdrawal thereafter made by Declarant (or the applicable Declarant-affiliated Owner) and shall evidence that consent in writing if requested to do so by Declarant at any time (provided, however, that the refusal to give written consent shall not obviate the general and automatic effect of this provision).

2.5. Variance from Declaration. In furtherance of the Declarant's plan of development of a community of distinct Neighborhoods, a Supplemental Declaration may vary the terms of this Declaration by addition, deletion or modification to reflect any unique characteristics of the Neighborhood and Common Area identified therein; provided, however, that no variance shall be directly contrary to the Declarant's overall uniform plan of development.

3. PURPOSE OF THE ASSOCIATION

3.1. Declarant, in order to provide that the Common Area (including Subdivision Facilities as applicable) will be maintained in a manner that will contribute to the comfort and enjoyment of the Owners, in order to comply with applicable government development orders and permits, and in order to provide for other matters described herein, has formed Hunter's Glen Homeowners' Association, Inc., a non-profit corporation (herein referred to as "the Association"). The purpose of the Association shall be to perform the Association's duties set forth in this Declaration (and in the Association's Articles of Incorporation, bylaws, and rules and regulations) and as required by applicable law, regulation, ordinance and permits, and to maintain and control the Common Area and other property owned by it. The Association shall operate, maintain and control the Common Area, whether or not title to that area has been formally conveyed to the Association. The Association shall have the power to establish and amend rules and regulations for the Development.

3.2. Common Area. The Declarant shall have the right at its discretion to add additional property to the Common Area or the Development by recording a supplemental declaration and plat (including an amended plat or replat) executed by the Declarant, alone, without the consent of the Association or any Owner or mortgagee of an Owner.

3.3. Surface Water Management System. The Association shall maintain the Surface Water Management System.

4. RIGHTS OF OWNERS. Every Owner, subject to the covenants, restrictions, limitations, conditions, reservations, easements, liens, charges and qualifications set forth in the plat, in this Declaration, and in Exhibits hereto, shall have the non-exclusive right and a non-exclusive easement of enjoyment in and to the Common Area, which shall be appurtenant to, and shall pass with the conveyance of title, to every Lot subject to the following:

4.1. The right of the Association to adopt at any time, and from time to time, and enforce Rules and Regulations governing the use of the Common Area at any time situated thereon, including the right to fine Members as hereinafter provided. Any rule and/or regulation so adopted by the Association shall apply until rescinded or modified as if originally set forth at length in this Declaration.

4.2. The right of the Association to suspend an Owner's right to use the Common Area for any period during which any Assessment against an Owner's Lot remains unpaid for more than thirty (30) days; and for a period not to exceed sixty (60) days for any infraction of this Declaration or the Association's lawfully adopted Rules and Regulations. However, suspension of Common Area use rights shall not impair the right of an Owner or Owner's tenant to have vehicular and pedestrian ingress to and egress from the Lot, including but not limited to, the right to park.

4.3. The right of the Declarant or the Association to dedicate or transfer all or any part of the Common Area to any public, quasi-public or private agency, authority or utility;

4.4. The right of Declarant and the Association to have, grant and use general ("blanket") and specific easements over, under and through the Common Area, which right is hereby reserved to Declarant and granted to Association, the former to control over the latter in the event of conflict. The right of the Association, by a vote of the Members, and with Declarant's written consent (prior to turnover), to dedicate or convey (subject to the Owner's easements as herein provided) portions of the Common Area to any other association having similar functions, or any public, quasi-public or private agency or similar entity under terms as the Association deems appropriate.

4.5. The right of the Association to otherwise deal with the Common Area.

4.6. The right of Declarant to permit persons as Declarant designates to use the Common Area.

5. USE RESTRICTIONS. The use of the real property subject to this Declaration shall be restricted as follows:

5.1. Common Area and Subdivision Facilities. No Owner may damage the Common Area or any part thereof, including but not limited to any Subdivision Facility;

5.2. Owner Activity. No Owner shall conduct any activity in violation of the Declaration, Articles, By-Laws, Rules and Regulations, any governmental development order or permit, or any activity which may become an unreasonable annoyance or nuisance to any other Owner or to the Declarant;

5.3. Rules and Regulations. No Owner shall violate the Rules and Regulations for the use of the Common Area, including but not limited to any Subdivision Facility, as may be promulgated from time to time by the Association;

5.4. Water Management Areas.

(1) No structure of any kind shall be constructed or erected, nor shall any Owner in any way change, alter, impede, revise or otherwise interfere with the flow and the volume of water, in any portion of any water management area reserved for, or intended by Declarant to be reserved for, drainage ways or for the accumulation of runoff water, as reflected in any plat or instrument of record, without the express written permission of Declarant and the applicable governmental entity.

(2) No Owner shall deny or prevent ingress and egress to water management areas for maintenance that may reasonably require any right of ingress and egress, and easements therefore are hereby specifically reserved and created.

(3) No Lot shall be increased in size by filling in any water, retention or drainage areas which it abuts or fill, dike, rip-rap, block, divert or change the established water retention or drainage areas that have been or may be created by easement or by plat without the prior written consent of Declarant and the applicable governmental entity.

5.5. Building Type.

(1) The Home to be constructed on a Lot shall contain no fewer than One Thousand Nine Hundred (1,900) square feet of enclosed air-conditioned residential floor area. The floor area of garages, porches, patios and similar areas shall not be included in calculating the floor area of a Home. The floor area of any accessory buildings shall not be included in calculating the floor area of a Home.

(2) Exterior Materials: Exterior surfaces may be of wood frame, stucco, brick or vinyl and shall be subject to architectural review in accordance with Article 7. Trim may be wood, stone, cedar, or other natural materials and shall be subject to architectural review in accordance with Article 7. Only wood shall be approved for the facia. Siding materials such as T-111, and aluminum are prohibited. Reflective glass is prohibited. The variety of a Home's exterior materials shall be kept to a minimum. Each exterior material may only be used in the manner commonly accepted for that particular material.

(b) Exterior Colors: Exterior Home colors shall be harmonious and compatible with colors of natural surroundings and other adjacent Homes. Proposed colors for exterior surfaces should not be incompatible with the colors already established in the community. Natural materials should be protected but remain natural. Like the material requirements, the variety of exterior colors should be kept to a minimum on a single Home or cluster of related structures. Exterior Home colors shall be subject to architectural review in accordance with Article 7. Approval or disapproval of exterior materials and colors may be made on purely aesthetic grounds, based solely on the subjective judgment of the person(s) or entity making the architectural review.

(c) Similar Exteriors: One of the goals of architectural review is to develop and maintain a subdivision with sufficient contrast between adjacent Homes. No Home shall be constructed with a substantially similar entry or front elevation as the Home on a contiguous Lot. All windows, porches, balconies, and exteriors of all Homes and accessory buildings shall at all times be maintained in a neat and orderly manner. All awnings, canopies, shutters, or other attachments shall be prohibited except as may be approved in writing in accordance with Article 7. Approval or disapproval of awnings, canopies, shutters, or other attachments to Homes and accessory buildings may be made on purely aesthetic grounds, based solely on the subjective judgment of the person(s) or entity making the architectural review.

(2) Accessory buildings, including but not limited to garages, barns and similar "out buildings," may be constructed by or on behalf of an Owner so long as the Owner uses substantially similar architecture and materials as used in the construction of the Owner's Home, and so long as the Owner submits to and obtains the approval of the plans from the appropriate person or entity as described in this Declaration in Article 7 related to architectural review.

(3) Each Home shall have a minimum two (2) car garage or carport which shall be attached and made an integral part of the Home. Each Home shall provide garage space for a minimum of two conventional sized automobiles.

(4) Each Home and accessory building shall have a minimum 5/12 pitched roof with a minimum of three dimensional shingle, tile or galvalume roofing material. Flat deck roofs shall not be permitted.

(5) No prefabricated or modular type houses or sheds shall be constructed or located upon any Lot.

(6) No mobile home shall be permitted on a Lot.

(7) No trailer, shack, tent, garage or other outbuilding shall be used as a permanent or temporary residence.

5.6. Residential Use. No Lot shall be used except for residential purposes. Commercial use of any Lot is strictly prohibited. Temporary uses by Declarant and its affiliates for model homes, sales displays, parking lots, sales offices and other offices, or any one or combination thereof, shall be permitted until the permanent cessation of those uses takes place. The use of a Lot which involves business activities shall not be deemed a violation hereof as long as Owner obtains the written approval of the Board of the Association and as long as that use conforms to applicable zoning requirements and does not involve customers, clients, patients, suppliers or others regularly visiting the Lot, although express service and similar deliveries shall be allowed. Notwithstanding the foregoing, the privilege of conducting business activities upon a Lot shall not entitle the Owner or other persons conducting the activities to any exemption or variance from, or special treatment under, the other use restrictions set forth herein or in Rules and Regulations.

5.7. Subdividing of Lots. No Lot may be further subdivided by its Owner; nor may an Owner convey a portion of a Lot, unless approved in writing by the Declarant as long as Declarant owns at least one Lot in the Subdivision.

5.8. Oil Development. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon any Lot. No oil wells, tanks, tunnels, mineral excavation or shafts shall be permitted upon any Lot.

5.9. Soil or Fill. No soil or fill dirt shall be removed from any Lot without the written consent of the Declarant as long as Declarant owns at least one Lot in the Subdivision.

5.10. Fences, Walls and Hedges. No fence, wall or hedge more than (5) five feet in height shall be erected or maintained on a Lot. Fences, walls and hedges may only be located on side and back property Lot lines and shall not extend along the side Lot lines any further than the back of the Home on the Lot; but in no case shall the fence, wall or hedge be located within the main building set-back from the front property line. No chain link fences shall be permitted. All air conditioning equipment, pool equipment, water well pumps, filters, and water conditioning equipment shall be screened from the view of adjoining residences and roads by privacy walls, fences, or hedges. All fences, hedges, walls, or other boundary structure or improvement shall be subject to architectural review in accordance with Article 7.

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or ARECA

5.11. Rubbish. No garbage, refuse, trash or rubbish, including materials for recycling (hereinafter collectively "garbage"), shall be placed on a Lot except as permitted by the Association. Owners shall follow the requirements of the applicable governmental authority or other company or association for disposal or collection of waste. Garbage containers shall be hidden or screened from view and kept in a clean and sanitary condition. Garbage containers must be constructed of rigid plastic, no less than 20 gallons or more than 32 gallons in capacity, and shall be well sealed. Garbage containers may not be placed out for collection sooner than 24 hours prior to scheduled collection and must be removed within 12 hours of collection. In the event that an Owner or occupant of a Lot keeps containers for recyclable materials thereon, those shall be deemed to be garbage containers for the purposes of this Section.

5.12. Signage. No sign of any kind shall be displayed on a Lot except the following: (1) Owner name sign, not more than two (2) square feet; and (2) one sign of not more than one square foot advertising the Owner's Lot for sale. This restriction shall not apply to the Declarant or its sales agents in connection with the Development and sale of Lots.

5.13. Pets. No animals, reptiles, wildlife, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except no more than four (4) household pets (in aggregate) may be kept, provided they are not kept, bred or maintained for any commercial purpose, and provided that they do not become a nuisance or annoyance to any neighbor by reason of barking or otherwise. For purposes hereof, "household pets" shall mean dogs, cats, birds and other animals expressly permitted by the Association, if any. ALL PETS SHALL BE KEPT ON A LEASH (OR FULLY FUNCTIONING "INVISIBLE FENCE" OR SIMILAR DEVICE) WHEN NOT IN THE APPLICABLE HOME. Pets shall also be subject to all applicable Rules and Regulations. Nothing contained herein shall prohibit the keeping of fish, as long as the latter are kept indoors and do not become an unreasonable source of annoyance to neighbors.

5.14. Activity. No noxious or offensive activity shall be allowed to take place upon any Lot. No Lot, or any building erected on any Lot, shall at any time be used for the purpose of manufacture; nor may any portion of any Home be used as an apartment for rent.

5.15. Vehicles.

(1) No trucks, boat trailers, motor homes, airboats, swamp buggies, or other recreational vehicles shall be kept on a Lot except in a fully enclosed garage, barn, carport or similar structure, nor shall any maintenance or repair be performed on any boat, motor vehicle, or trailer upon any Lot. At no time shall any vehicles be parked upon the street or road right-of-way.

(2) No trucks having more than four wheels shall be parked or stored on a Lot, except for the temporary parking of a pick-up and delivery vehicle; and in that event, the delivery vehicle shall not remain on the premises over night. Subject to applicable laws and ordinances, any vehicle parked in violation of these or other restrictions contained herein or in the Rules and Regulations now or hereafter adopted may be towed by the Association at the sole expense of the vehicle's Owner if the vehicle remains in violation for a period of 24 hours from the time a written notice of violation is placed on the vehicle. The Association shall not be liable to the vehicle's Owner for trespass, conversion or otherwise, or be guilty of any criminal act, by reason of towing and once the notice is posted, neither its removal, nor failure of the Owner to receive it for any other reason, shall be grounds for relief of any kind. For purposes of this paragraph, "vehicle" shall also mean boats and trailers. An affidavit of the person posting the aforesaid notice stating that it was properly posted shall be conclusive evidence of proper posting.

(3) At no time shall a recreational vehicle or camper be used as a residence whether temporary or otherwise.

(4) No immobile or "cannibalized" vehicles may be parked on or stored on a Lot.

5.16. Vacant Lot Maintenance. All vacant lots must be maintained by their Owner and be kept clear of rubbish, weeds and high grass. If the Owner cannot or does not provide adequate maintenance of its vacant Lot, the Association or its authorized agents, within ten (10) days after written notice to the Owner, will have the right (but not the duty) as it deems necessary to perform Lot maintenance. In the event, pursuant to this subparagraph, the Association provides Lot maintenance for the Owner's Lot, the Association shall be repaid the actual cost thereof plus thirty percent (30%) of the cost thereof by the Owner. The Association shall have the right, power and authority to file and enforce a claim of lien against the Owner and its Lot to recover the cost of maintenance as set forth herein in Article 9, including the right to additional costs, interest and attorneys' fees.

5.17. Plant Restrictions. No planting or growing of Brazilian Pepper or Melaleuca trees shall be permitted on any Lot or within the Common Area. No tree or shrub, the trunk of which exceeds four (4) inches in diameter, shall be cut down or otherwise destroyed without architectural review in accordance with Article 7. No artificial grass, plants, or other artificial vegetation shall be placed or maintained upon any Lot. Landscape plans must show proposed planting areas, sodded areas and all shrub and tree locations. Landscape plans must also show structures, driveways, walkways and any other landscape features as defined in this Declaration.

5.18. Clothes Lines. Clothes lines shall be allowed; but only within a Lot's building setback lines. Clothes lines must be sufficiently screened from view by adjoining property Owners and from the Subdivision road.

5.19. Satellite Dishes. An antenna or satellite dish may be permitted upon approval of its location and "screening" in accordance with the architectural review process in Article 7. Antenna and satellite dish equipment may only be placed and "screened" so as not to be visible from the immediate residential street.

5.20. Protection of Gopher Tortoises. Gopher Tortoises are known to inhabit Hunter's Glen. A Gopher Tortoise Preservation Area is set aside as Tract C of the Plat. Gopher Tortoises are protected by law and may not be molested or disturbed by Owners or their pets. All pets must be kept on a leash to assure that Gopher Tortoises are not molested or disturbed. Gopher Tortoises may also be present on a Lot. Gopher Tortoises use several burrows and move constantly, occupying different and new locations. If a Gopher Tortoise burrow is present on a Lot, it cannot be filled or disturbed unless proper permits are obtained from the Florida Game and Freshwater Fish Commission. Obtaining the permits and properly removing the Gopher Tortoises shall be the sole obligation of an Owner and shall be accomplished at the Owner's sole expense. Gopher Tortoises and their burrows shall be protected by an Owner from damage during the construction of the Owner's Home.

6. MAINTENANCE.

6.1. The Association shall at all times maintain, in good repair, manage, operate and insure as often as necessary, the Common Area (as defined in 1.2 of this Declaration); all of which shall be included in the term "Maintenance." Each Owner shall pay to the Association its pro-rata share of the expense of maintenance as part of its assessment to the Association.

6.2. Liability Insurance. The Association shall carry liability insurance covering the Common Area and all Subdivision Facilities. Each Owner shall pay its pro-rata share of the insurance expense as part of its assessment to the Association.

6.3. Permanent markers/signs for conservation status of protected areas. The Association shall install and perpetually maintain signs at the edge of the lot line/buffer to inform property Owners of the conservation status of any protected areas.

6.4. Surface Water Management System. Without limiting the generality of the foregoing, the Association shall assume all of Declarant's and its affiliates' responsibilities to the County, the South Florida Water Management District and other applicable governmental and quasi-governmental agencies and similar entities of any

kind with respect to the Surface Water Management System and shall indemnify and hold Declarant and its affiliates harmless with respect thereto in the event the Association fails to fulfill those responsibilities.

6.5. Gopher Tortoise Protection Area. Without limiting the generality of the foregoing, the Association shall assume all of Declarant's and its affiliates' responsibilities to the County, the Florida Game & Fresh Water Fish Commission and other applicable governmental and quasi-governmental agencies and similar entities of any kind with respect to the Gopher Tortoise Protection Area and shall indemnify and hold Declarant and its affiliates harmless with respect thereto in the event the Association fails to fulfill those responsibilities.

6.6. No Owner may waive or otherwise avoid liability for Assessments by non-use (whether voluntary or involuntary) of the Common Area or abandonment of use or right to use the Common Area.

6.7. The Association shall not abandon the Surface Water Management System or any duties with respect thereto or with respect to any Deed of Conservation Easement, except in accordance with all applicable SFWMD requirements and with the consent thereof including, without limitation, the requirement that those duties be transferred to a responsible entity meeting those requirements.

6.8. The Owner of a Lot shall have the responsibility to maintain at Owner's sole expense its Lot, Home and improvements located on the Lot (including driveway, sidewalk surfaces, fences and drainage easements) in a neat, orderly and attractive manner. The minimum (though not sole) standard for the foregoing shall be consistency with the general appearance of the Lot, Home and improvements when initially located on a Lot.

7. ARCHITECTURAL CONTROL; BUILDING AND CONSTRUCTION REQUIREMENT AND RESTRICTIONS.

7.1. Architectural Review. No structure or improvement or addition of any nature shall be erected, placed, altered or relocated on any Lot, or removed therefrom, until the construction plans and specifications (which shall include a plan showing the location of the structure, a landscaping plan and a lot grading plan), have been approved in writing by the Declarant, its successors or assigns while Declarant owns at least one Lot and thereafter by the Board of Directors of the Association (hereafter Board of Directors), and all necessary governmental permits are obtained. For the purpose of this Article 7 the term "Declarant" shall include the Board of Directors after the Declarant has sold all of its Lots in this Subdivision or after Declarant assigns its rights hereunder to the Association; the term "Declarant" shall also include Declarant's successors, assigns and appointees. Each building, wall, fence, or other structure or improvement of any nature, together with landscaping, shall be erected, placed, relocated, altered or removed only in accordance with the plans and specifications so approved and applicable governmental permits and requirements. Refusal of approval of plans and specifications may be based on any grounds, including purely aesthetic ones, are deemed sufficient. Any change in the appearance of any wall, fence or other structure or improvement, and any material change in the appearance of landscaping, shall be deemed an alteration requiring approval; provided, however, that lights, flags and other decorations customary for holidays shall not require approval hereunder (but may be regulated as to size, quantity, nature and length of time they may remain in place). Pursuant to the provisions of Lee County, Florida Ordinance 82-46 or any amendment thereto, or subsequent ordinance properly enacted by Lee County, each Owner must submit a landscape plan to the appropriate Lee County government agency prior to the issuance of a building permit.

7.1.1. The structures, improvements and additions requiring approval (including as to the alteration or removal thereof) described above shall include, but are not limited to, fences, walls, screen enclosures, patios or patio extensions, hedges, exterior paint or finish, awnings, shutters, hurricane protection, basketball hoops, swing sets or play apparatus, decorative plaques or accessories, statues, benches and other site furniture, planters, birdhouses, other pet houses, mail and/or newspaper boxes, exterior lighting, swales, asphalting, sidewalk/driveway surfaces or treatments or other improvements or changes of any kind, even if not permanently affixed to the real property or to other improvements. Outside storage sheds and structures may only be constructed and located on Lots upon compliance with the following: all requirements of this Declaration and governmental

permitting requirements shall have been complied with; all governmental permits shall have been obtained; the outside storage shed or structure shall be constructed by a licensed contractor on site (no prefabricated outside storage sheds or structures shall be allowed) and the outside storage shed or structure shall have siding as approved hereunder.

7.1.2. Declarant shall have the power to promulgate Rules and Regulations (which may be in the form of a manual) as it deems necessary to carry out the provisions and intent of this Article 7.

7.1.3. Declarant shall have the power to appoint an Architectural Review Committee to vest in it those powers under this Article 7.

7.1.4. The Declarant shall act on submissions to it within forty-five (45) days after receipt of the plans, specifications and all further documentation required by it, or else the request shall be deemed approved. Until receipt of all required plans and specifications, the Declarant may postpone review of any plans submitted for approval.

7.1.5. No request for approval shall be valid or require any action unless and until all Assessments on the applicable Lot (and any interest, costs and attorneys' fees due thereon) have been paid in full or if any other violation of this Declaration or the Association's Rules and Regulations remains uncured.

7.1.6. In the event that any new permanent improvement is added to a Lot, or any existing improvement on a Lot is altered, in violation of this Article 7, the Declarant shall have all rights and remedies lawfully available to it as well as the specific right (and an easement and license) to enter upon the applicable Lot and remove or otherwise remedy the applicable violation after giving the Owner of the Lot at least ten (10) days' prior written notice of, and opportunity to cure, the violation in question. The costs of remedial work and a surcharge of a minimum of $25.00 (but in no event more than thirty-five percent (35%) of the aforesaid costs) shall be an Individual Assessment against the Lot (and Owner), which Individual Assessment shall be payable upon demand and secured by the lien for Assessments provided for in Article 9 of this Declaration.

7.1.7. The approval of any plans and specifications shall not constitute a warranty or approval as to, and neither the Declarant nor any member or representative of an architectural review committee shall be liable for, the safety, soundness, workmanship, materials or usefulness for any purpose of any improvement or alteration or as to its compliance with governmental or industry codes or standards. By submitting a request for the approval of any permanent improvement or alteration, the requesting Owner shall be deemed to have automatically agreed to hold harmless and indemnify the aforesaid persons and entities from and for any loss, claim or damages connected with the aforesaid aspects of the improvements or alterations.

7.1.8. The Declarant may, but shall not be obligated to, require that any request for its approval be accompanied by the written consent of the Owners of the Lots [up to five (5)] adjoining or nearby the Lot proposed to be altered or further improved as described in the request.

7.1.9. Without limiting the generality of Section 1 of this Article 7, the foregoing provisions of Article 7 shall not be applicable to Declarant or its affiliates or designees.

7.2. Additional Construction Requirements and Restrictions.

7.2.1. Fire Sprinkler System: Each Home must include protection by an approved interior fire sprinkler system.

7.2.2. Lot Landscaping: No Home shall be considered complete until the Lot is reasonably landscaped, including the installation of an adequate sprinkler irrigation system (hereinafter collectively referred to as "lot landscaping"). An Owner and its contractors and agents shall take due care to preserve as much

natural vegetation as possible. Lot landscaping shall be maintained in a manner keeping with the general character of the Subdivision. Only mulch may be used in beds; no rocks, stone or similar materials shall be allowed. If an Owner neglects to adequately maintain its lot landscaping, Declarant, after ten (10) days written notice to the Owner, shall have the right (but not the duty) to perform lot landscaping maintenance. In that event, the Declarant shall be entitled to be reimbursed by the Owner in the same manner as the Association is entitled to be reimbursed by the Owner of a vacant lot as set forth in Article 5.16.

7.2.3. Building Locations. All Homes and other approved structures shall be located in compliance with all Subdivision, plat, Declaration, architectural review, Lee County and other state, federal and local applicable laws, permits and ordinances. The minimum front set back on all Lots shall be forty-five feet (45') unless otherwise approved pursuant to architectural review in accordance with Article 7. Side and rear setback lines shall conform to requirements as set forth in the Lee County Zoning Code and in the plat.

7.2.4. Lot Preparation. Each Owner shall be solely responsible at its own expense to fill the Lot in full compliance with the grading and drainage plan of the Subdivision which is attached hereto and incorporated herein by this reference as Exhibit "B". Each Owner shall, prior to commencing construction, have prepared and submit to the Declarant a drainage and grading plan pursuant to the grading and drainage plan and the architecture review requirements of this Declaration.

7.2.5. Temporary and Permanent Driveway Entrances and Driveways. In order to avoid damage to the Subdivision road including road shoulders and pavement edges, suitable temporary and permanent driveway entrances shall be constructed by or on behalf of an Owner prior to any trucks entering the Lot related to construction on that Lot. The Owner shall be fully responsible to the Declarant for any and all damage caused by Owner and its agents or contractors. In conjunction with the construction of its Home each Owner shall install a concrete driveway a minimum of sixteen (16) feet in width from the Subdivision road edge to the garage. All driveways shall be constructed only of brick, brick paver, or Bomanite (stamped concrete), concrete, asphalt or other materials as may be approved pursuant to architectural review in accordance with Article 7. All culvert pipes placed under driveways shall be constructed with headwalls for adequate support.

7.2.6. Before occupying an Owner's Home, a Owner shall construct and install sanitary installation designed, located, and constructed in accordance with the requirements, standards and recommendations of the Florida State Board of Health and the Lee County Board of Health, Lee County, Florida.

7.2.7. Each Owner shall be solely responsible to tie in and connect its Home to the appropriate utility source for underground electric, power, phone, TV, and other applicable utilities.

7.2.8. After an Owner (including the Owner's contractors and agents) begin the construction of a Home or other approved improvements or modifications on the Owner's Lot, construction shall proceed at a reasonable rate of progress and must be completed within twelve (12) consecutive calendar months of the date the building permit is issued.

7.2.9. Each Owner shall maintain the Home and other improvements thereon on a regular basis as is necessary in order to prevent deterioration and demise of the aesthetics of the Home and improvements.

8. RIGHTS AND DUTIES OF THE ASSOCIATION

8.1. Duties. The Association, subject to the rights of the Owners set forth in this Declaration, shall be responsible for the exclusive operation and control of Subdivision Facilities if any and of the Common Area. In addition, the Association shall be responsible for the maintenance described in Article 6 of this Declaration. The Association shall be responsible for the payment of all costs, charges and expenses incurred in connection with the maintenance, operation and control thereof and its performance of its other duties hereunder. If required, the

Association must provide an annual education seminar, at which the Division of Emergency Management will educate the Owners about hurricanes and other natural hazards.

8.2. Insurance. The Association shall at all times procure and maintain adequate policies of Subdivision liability and other insurance as it deems advisable or necessary. The Association additionally shall cause all persons responsible for collecting and disbursing Association funds to be insured or bonded with adequate fidelity insurance or bonds.

8.3. Implied Rights. The Declarant and the Association may exercise any other right or privilege given to it expressly by the Declaration, the Articles, the By-Laws, or by law and may exercise every other right or privilege reasonably implied from the existence of any right or privilege granted herein or therein, or reasonably necessary to effectuate the exercise of any right or privilege granted herein or therein.

9. COVENANT FOR ASSESSMENTS

9.1. Creation of the Lien and Owner's Personal Obligation for Assessments. The Owner of each Lot hereby covenants and agrees, and each Owner of a Lot by acceptance of a deed therefor, whether or not it shall be so expressed in the deed, is deemed to covenant and agree to pay to the Association in a timely manner the following: (1) annual assessments; (2) special assessments for capital improvements and unexpected operating costs, such as assessments to be established and collected as hereinafter provided; and (3) individual assessments as provided for in this Declaration. The annual, special, and individual assessments, together with interest at the highest rate then allowed by law, costs and reasonable attorneys' fees, shall be a continuing lien upon the Lot against which each Assessment is made. Each Assessment, together with interest at the highest rate then allowed by law, costs and reasonable attorneys' fees, shall also be the personal obligation of the person, persons, entity or entities who was (or were) the Owner (or Owners) of the Lot at the time the Assessment became due. The personal obligation for delinquent Assessments shall not pass to a successor in title unless expressly assumed by that successor.

9.2. Purpose of Annual Assessments. The annual assessments levied by the Association shall be used to promote the recreation, health, safety and welfare of the Owners of Lots within the Development and for the improvement and maintenance of the Common Area, including Subdivision Facilities. Without limiting the generality of the foregoing, annual assessment funds may be used for the acquisition, improvement and maintenance of property, services and facilities related to the use and enjoyment of the Common Area, including: the costs of repair, replacement and additions thereto; the cost of labor, equipment, materials, management and supervision thereof; the payment of taxes and assessments made or levied against the Common Area; the procurement and maintenance of insurance; the employment of attorneys, accountants and other professionals to represent the Association when necessary or useful; and other needs as may arise.

9.3. Special Assessments for Capital Expenses. In addition to the annual Assessments authorized above, the Association may levy, in any assessment year, a special Assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement upon the Common Area, and Subdivision Facilities, including fixtures and personal property related thereto and for the purposes as designated by the Association, provided that the Assessment shall have the assent of the Declarant so long as it owns a Lot within the Subdivision, and of 51% of the votes of Owners who are voting in person or by proxy at a meeting duly called for this purpose.

9.4. Special Assessment for Unexpected Common Expenses. The Board of Directors shall have the authority to vote and approve a special assessment to meet unexpected operating, repair or necessary replacement costs so as to insure that the Association does not operate at a deficit.

9.5. Declarant's Assessments. For any assessment year, notwithstanding anything herein to the contrary, Declarant shall have the option, in its sole discretion, to either:

9.5.1. pay Assessments on the Lots owned by it which have been initially submitted and are subject to this Declaration; however, Declarant shall under no circumstances have the duty to pay Assessments on any property whether Lots or not which have not been submitted by the Declarant by this Declaration or subsequently by a Supplemental Declaration; or

9.5.2. pay Assessments only on certain Lots designated by Declarant (e.g., those containing a Home for which a certificate of occupancy has been issued); or,

9.5.3. not pay Assessments on any Lots and in lieu thereof, for an assessment year, pay the Association's actual operating expenses incurred (either paid or payable) exclusive of capital improvement costs, reserves, depreciation, amortization and special assessments. The amount so determined shall then be reduced by revenues earned (either received or receivable) from all sources (including, without limitation, Assessments, interest, fines, working capital and similar contributions made by Lot purchasers, and incidental income) and any surplus carried forward from the preceding year(s). In computing the annual amount to be funded by the Declarant as aforesaid, revenues and expenses shall not be segregated or earmarked by type of Assessment or type of Common Area, but, instead, shall be taken as a whole. Also, depreciation and capital asset acquisition shall not be deemed a cost or expense for purposes of this Section and Declarant shall not be deemed to have in any manner guaranteed or obligated itself as to the types or levels of any inventory or goods or equipment existing at any time.

9.5.4. For any assessment year, Declarant may from time to time change the option (or combination thereof) under which Declarant is making payments to the Association by written notice to the Association. When all Lots have been sold and conveyed to purchasers by Declarant, neither Declarant nor its affiliates shall have further liability of any kind to the Association for the payment of Assessments, deficits or contributions. Without limiting the generality of Article 1.7 hereof, the Declarant's rights under this Section may be assigned by it in whole or in part and on an exclusive or non-exclusive basis.

9.6. No Owner may waive or otherwise avoid liability for Assessments by non-use (whether voluntary or involuntary) of the Common Area or abandonment of use or right to use the Common Area.

10. ENFORCEMENT OF THIS DECLARATION OF COVENANTS AND RESTRICTIONS. The Association, Declarant, or an Owner, shall have the standing and the right to enforce, by a proceeding at law or in equity, all covenants, restrictions, easements, limitations, conditions, reservations, liens, charges, qualifications, rights and duties (hereinafter collectively "these covenants") now or hereafter imposed by the provisions of this Declaration. The right and standing to enforce these covenants provided for herein shall include the right and standing to enforce the assurance that the Common Area easements and rights of way shall be continuously maintained. Failure to enforce any of these covenants shall in no event be deemed a waiver of the right to do so thereafter. If a person or entity is found in the proceedings to be in violation of, or attempting to violate, these covenants, that party shall bear all expenses of the litigation, including court costs and reasonable attorneys' fees, for all trial and appellate proceedings incurred by the party enforcing these covenants. Declarant shall not be obligated to enforce this Declaration and shall not in any way or manner be held liable or responsible for any violation of this Declaration by any person or entity.

11. EASEMENTS

11.1. Utility Easements. There is hereby reserved, for the purpose of installing, operating and maintaining governmental, public or private utility facilities, and for other purposes incidental to the Development, those easements shown upon the Plat and as may be shown on any future recorded plats; and there is also hereby reserved within those easements, areas and rights-of-way for use for other purposes as Declarant in its sole discretion may in the future determine. A Lot Owner who combines one or more contiguous Lots for one home may vacate the common side lot line utility easement area, except any drainage easements, as long as no utilities have been located within the utility easements shown on the side lot line of those Lots.

11.2. Declarant hereby reserves the right for itself and its assigns, or nominees, the power during a period of twenty-five (25) years from the date of the recordation of this Declaration, to declare and file of record, additional easements granting the full right, power and authority to lay, operate and maintain drainage facilities, sanitary sewer lines, potable and irrigation water lines, storm sewers, gas lines, electric lines, communication lines, cable television lines, lighting, garbage removal, fire, ambulance and police protection and other and further public service facilities as Declarant may deem necessary, along, through, in, over and under a strip of land up to six (6) feet in width from all sides, front and rear lines of any Lot and no permanent structure shall be placed on or within the six (6) foot strip. The duration of any easement shall be as set forth in an instrument of record. Easements and the rights granted shall not interfere with the then existing improvements (or use thereof) on the applicable portions of the Lot.

11.3. Declarant, for itself, its assigns or nominees reserves the right to impose upon the Common Area henceforth and from time to time easements and cross-easements for ingress, egress and the installation, maintenance, construction and repair of facilities, including, but not limited to those described in 11.2 above and the like as it deems necessary.

11.4. The Declarant, the utilities and applicable governmental agencies have jurisdiction thereover and their employees and agents shall have the right of reasonable access to any Lot or the Common Area in furtherance of those easements.

11.5. Within easement areas reserved pursuant to this section, no permanent structure, planting or other material, shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, the maintenance of drainage or water retention areas and courses, access, or which may change the direction or flow or obstruct or retard the flow of water through drainage channels in easement areas. The easement areas of each Lot and all improvements within easement areas, shall be maintained continuously by the Owner, except for those improvements for which a public authority or utility company is solely responsible. With regard to the specific easements for drainage, the Declarant shall have the right, but not the obligation, to alter or maintain drainage facilities in easement areas, including slough control areas. An Owner may plant shrubbery in easement areas subject, however, to the limitation that a utility company and Declarant, and the Association shall assume no risk therefore, in the conduct of work within an easement area.

12. DECLARANT'S RESERVED RIGHTS. Notwithstanding any provisions herein to the contrary or the easements created under this Article, all real property subject to this Declaration shall be subject to:

12.1. the rights of the Declarant to execute all documents and perform acts affecting the Development which, in the Declarant's sole discretion, are desirable or necessary to facilitate the Declarant's development plan, or the actual construction or development of the Development;

12.2. easements of record on the date hereof and subsequent easements which may hereafter be granted by Declarant to any public, quasi public or private utilities or entities for the installation and maintenance of utility services serving any Lot or other property within the Development; and

12.3. the Declarant shall have the full right of ingress and egress to, through, over and about the Development during any period of time as the Declarant is engaged in the construction of the Development and infrastructure, and of marketing the Lots, and shall further have an easement for the purpose of the storage of materials, vehicles, tools and equipment, which are being utilized in construction or marketing the Development and Lots therein.

13. DURATION. This Declaration shall run with and bind the land and shall inure to the benefit of and be enforceable as described in Article 10 for a period of fifteen (15) years from the date of recording in the Public Records of Lee County, Florida. Thereafter this Declaration shall be automatically extended for additional periods

of ten (10) years unless otherwise agreed to in writing by at least two thirds (2/3) of the then Owners and their first mortgagees.

14. COVENANTS RUN WITH THE LAND. This Declaration shall constitute covenants running with the land, and all grantees, devisees, or mortgagees, their heirs, personal representatives, successors and assigns, and all parties claiming by, through or under those persons and entities, shall be bound by the provisions of: (1) this Declaration; (2) the Articles of Incorporation and By-Laws of the Association; and (3) Rules and Regulations promulgated from time to time by the Association.

15. TITLE TO COMMON AREA. If not previously conveyed, the Common Area shall be conveyed by the Declarant to the Association on the date when the Declarant conveys the last Lot owned by Declarant.

16. AMENDMENT OF DECLARATION OF HUNTER'S GLEN.

16.1. By the Association. Except as elsewhere provided otherwise, this Declaration of Hunter's Glen may be amended by the Association.

16.2. By Declarant. Until the completion of the contemplated Development improvements and the Declarant's conveyance of all Lots, the Declarant (for itself and its successors and designated assigns) expressly reserves the right, without the joinder of any person or entity, to amend this Declaration and its Exhibits as may be required by any lender, governmental authority, or as may be in Declarant's judgment, necessary or desirable. This provision shall take precedence over any other provision of this Declaration or Exhibits. However, no amendment hereof shall be effective to impair the security or priority of an institutional first mortgagee.

16.3. Limitations on Amendment.

(1) Any amendment pursuant to 15.1 or 15.2 which affects the Surface Water Management System, including the water management portions of the Common Area, must have the prior approval of the South Florida Water Management District.

(2) Any amendment which affects Subdivision Facilities or their required operation and maintenance must have the prior approval of applicable governmental entity.

(3) Any amendment pursuant to 15.1 shall require the written consent of Declarant, or its successor or designated assignee, so long as Declarant, or its successor or designated assignee owns a Lot. The consent of Declarant may be withheld in its sole discretion.

17. ELEVATION AND FLOODING.

17.1 Notice Regarding Elevation. Owners are hereby notified that portions of their Lots which are not filled above elevation 19.5 feet, may have a tendency to hold stormwater after periods of heavy rains. The detention areas and areas of the Lots below elevation 19 feet may hold water for extended periods during periods of heavy rainfall and during the rainy season. The Development has been designed to protect the roadways, Lots and Homes from flooding in accordance with the South Florida Water Management District's procedures and regulations.

17.2. DISCLAIMER REGARDING FLOODING. HOWEVER, THE DECLARANT DOES NOT GUARANTY OR WARRANT, EXPRESSLY OR IMPLIEDLY, THE MERCHANTABILITY OR FITNESS FOR USE OF THE DESIGN INTENDED TO PROTECT THE ROADWAYS, LOTS AND HOMES FROM FLOODING. EACH OWNER (BY VIRTUE OF OWNER'S ACCEPTANCE

OF TITLE TO ITS LOT AND EACH OTHER PERSON OR ENTITY HAVING AN INTEREST OR LIEN UPON, MAKING USE OR TAKING POSSESSION OF, ANY PORTION OF A LOT OR THE COMMON AREA (BY VIRTUE OF ACCEPTING THAT INTEREST OR LIEN, MAKING USE OR TAKING POSSESSION THEREOF) HEREBY ACKNOWLEDGES AND AGREES THAT THE DECLARANT, THE ASSOCIATION AND THEIR SUCCESSORS AND ASSIGNS SHALL NOT BE LIABLE TO ANY PERSON OR ENTITY FOR DAMAGES OR INJURIES RESULTING, EITHER DIRECTLY OR INDIRECTLY, FROM FLOODING. EACH OWNER (BY VIRTUE OF OWNER'S ACCEPTANCE OF TITLE TO ITS LOT AND EACH OTHER PERSON OR ENTITY HAVING AN INTEREST OR LIEN UPON, MAKING USE OR TAKING POSSESSION OF, ANY PORTION OF A LOT OR THE COMMON AREA (BY VIRTUE OF ACCEPTING THAT INTEREST OR LIEN MAKING USE OR TAKING POSSESSION THEREOF) SHALL BE BOUND BY THIS DISCLAIMER AND SHALL BE DEEMED TO HAVE AUTOMATICALLY WAIVED ANY AND ALL RIGHTS, CLAIMS, DEMANDS AND CAUSE OF ACTION AGAINST DECLARANT, THE ASSOCIATION, INCLUDING THEIR SUCCESSORS AND ASSIGNS, ARISING FROM OR IN CONNECTION WITH ANY MATTER FOR WHICH THE LIABILITY OF THE DECLARANT HAS BEEN DISCLAIMED IN THIS ARTICLE.

18. DISCLAIMER REGARDING CONSTRUCTION, DEVELOPMENT AND SALE.

EXCEPT AS DECLARANT MAY OTHERWISE EXPRESSLY PROVIDE BY WRITTEN CONTRACT, THE CONSTRUCTION, DEVELOPMENT AND SALE BY DECLARANT OF ANY LOT, COMMON AREA OR OTHER PROPERTY OR IMPROVEMENT WITHIN THE DEVELOPMENT IS WITHOUT WARRANTY, AND NO WARRANTY OF FITNESS, HABITABILITY OR MERCHANTABILITY AS TO ANY PORTION OF A LOT, COMMON AREA, OR SUBDIVISION FACILITY CONSTRUCTED BY DECLARANT THEREON OR IN CONNECTION THEREWITH MAY BE IMPLIED. EXCEPT AS DECLARANT MAY EXPRESSLY PROVIDE BY WRITTEN CONTRACT, DECLARANT HEREBY EXPRESSLY DISCLAIMS ANY AND ALL WARRANTIES, INCLUDING, BUT NOT LIMITED TO, ANY COMMON LAW IMPLIED WARRANTIES OF FITNESS FOR A PARTICULAR PURPOSE, MERCHANTABILITY, HABITABILITY AND CONFORMITY OF ANY IMPROVEMENTS WITH PLANS AND SPECIFICATIONS FILED WITH ANY GOVERNMENTAL AUTHORITY. DECLARANT MAKES NO WARRANTY, EXPRESS OR IMPLIED, WITH RESPECT TO THE EXISTENCE OR LEVELS OF LOW FREQUENCY ELECTROMAGNETIC FIELDS, RADON, RADON PROGENY, OR ANY OTHER

POLLUTANT WITHIN THE DEVELOPMENT WITH RESPECT TO ANY PROPERTY OR IMPROVEMENT CREATED FOR, CONVEYED TO, DEDICATED TO, OR MADE AVAILABLE FOR THE USE OF THE ASSOCIATION OR ANY OWNER PURSUANT TO THIS DECLARATION OR ANY OTHER INSTRUMENT.

EXECUTED as of the date first above written.

PRITCHETT DEVELOPMENT COMPANY, LTD.

Witness

Witness name printed

Witness

Witness name printed

By: Richard H. Pritchett, III, its General Partner

STATE OF FLORIDA)
)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this 15th day of September, 1997 by Richard H. Pritchett, III, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

Kimberly T Reshey
My Commission CC107231
Expires December 27, 2000

Notary Public

(Typed name)

My commission expires: 12/27/00

C:\WPDOCS\REV\PRITCHET\HUNTER5.DF4 (7-22-97)

EXHIBIT "A"

TO DECLARATION OF COVENANTS & RESTRICTIONS
OF HUNTER'S GLEN

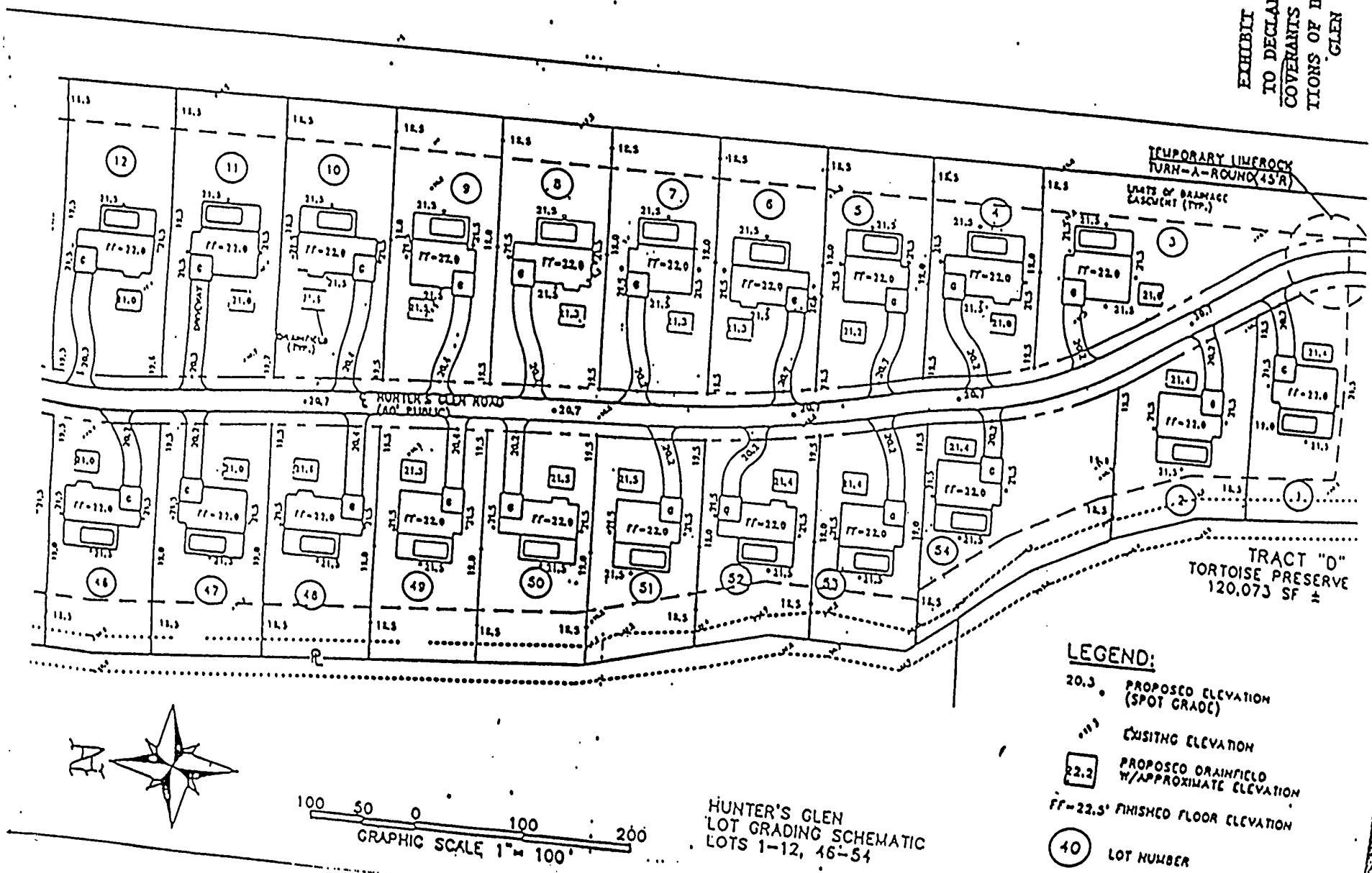
LEGAL DESCRIPTION

A parcel of land lying in Section 16, Township 43 South, Range 25 East, Lee County, Florida, being further bounded and described as follows:

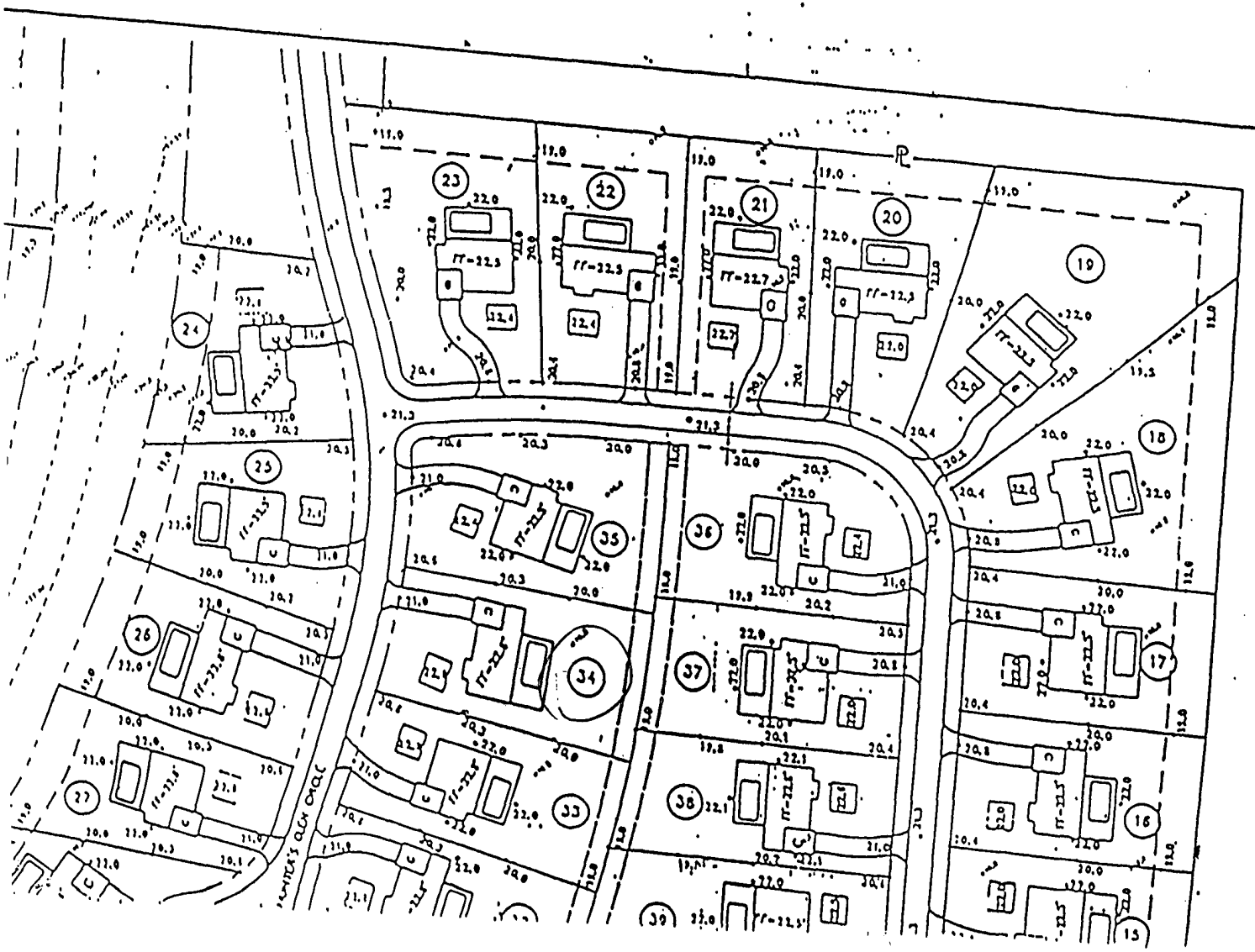
Commencing at the Northwest corner of Section 16, Township 43 South, Range 25 East; thence S00°27'57"E along the West line of said Section 16 for 2659.26 feet to the West quarter (W 1/4) corner of said Section 16; thence S00°27'59"E along said West line for 949.01 feet to the point of beginning; thence continue S00°27'59"E along said West line for 380.89 feet to the Southwest corner of the Northwest quarter (NW 1/4) of the Southwest quarter (SW 1/4) of said Section 16; thence S89°49'35"E along the South line of said Northwest quarter (NW 1/4) of the Southwest quarter (SW 1/4) for 664.46 feet; thence N00°20'58"W for 1329.62 feet to the South line of said Northwest quarter (NW 1/4); thence S89°48'19"E along said South line for 667.17 feet; thence N00°13'53"W for 666.28 feet; thence S89°52'09"E for 378.83 feet; thence N00°03'40"E for 150.56 feet to the South right-of-way line of Pritchett Parkway (100' wide); thence N89°56'20"W along said South right-of-way line for 456.55 feet to the beginning of a curve, concave to the Northeast having a radius of 1150.00 feet; thence Northwesterly along said curve and said South right-of-way line through a central angle of 44°09'16" for 886.24 feet; thence S07°48'42"W non-radially along the approximate centerline of Bayshore Creek for 555.73 feet; thence S23°33'39"W along said approximate centerline for 70.70 feet; thence S39°20'32"W along said approximate centerline for 299.78 feet; thence S14°47'24"W along said approximate centerline for 149.79 feet; thence S02°00'15"W along said approximate centerline for 297.12 feet; thence S04°28'16"E along said approximate centerline for 452.11 feet; thence S15°34'28"E along said approximate centerline for 178.01 feet; thence S00°44'45"W along approximate centerline for 129.75 feet; thence S39°09'19"E along approximate centerline for 59.85 feet; thence N89°49'35"W for 222.30 feet to the point of beginning.

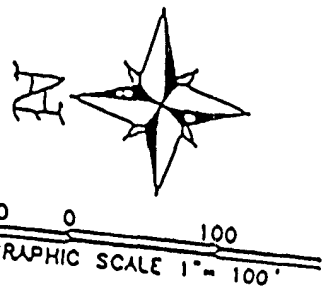
OR 2867 PG 3200

EXHIBIT "B"
TO DECLARATION OF
COVENANTS & RESTRICTIONS OF HUNTER'S GLEN



HUNTER'S GLEN
LOT GRADING SCHEMATIC
LOTS 1-12, 46-54





HUNTER'S GLEN
LOT GRADING SCHEMATIC
LOTS 16-27, 32-39

LEGEND:

20.3 PROPOSED ELEVATION (SPOT GRADE)

EXISITNG ELEVATION

PROPOSED DRAINAGE

Shelley Traurig's

June 13, 2003

Hand-delivery

Hearing Examiner
1500 Monroe Street
2nd Floor
Fort Myers, Florida 33901

Re: Case Number: DCI2001-00038
Heritage Creek/Stoney Brook North

Dear Sir/Madam:

I am writing this letter to request that the hearing scheduled for June 18th and 19th in the above matter be rescheduled to a later date. After reading the first staff report which recommended denial of the MCP as it existed, I felt I was protected since it clearly followed the Lee County Comprehensive Plan and Lee County Land Development Regulations. However, with the new staff report dated June 4, 2003 recommending approval of the same MCP with only minor modifications adding litoral plantings and slightly shifting 2 areas to avoid gopher tortoises, I am astonished.

I have been waiting for the analysis from Brad Vance at the Division of Natural Resources to see how this planned development will impact the already existing drainage/flow way/flooding problems in the area. To date, the report has not been completed. If this hearing goes forward as scheduled, I will be denied adequate time to have the analysis reviewed prior to the hearing if need be or to obtain adequate representation to protect my interests as an existing property owner.

If possible, I am requesting that you please advise me by Monday, June 16, 2003 as to your decision for the rescheduling of this hearing.

Thank you,

Shelley Traurig
8300 Henderson Grade
North Fort Myers, FL 33917
731-0309

Cc: Mr. Michael Pavese
File

TRAUR19
EXHIBIT # 1
DCI2001-00038

EXHIBIT A

Shelley Traurig's

CPA2001-09
PRIVATELY SPONSORED AMENDMENT TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585

January 9, 2003

Exhibit B

LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2001-00009

[✓] Text Amendment [ ] Map Amendment

✓	This Document Contains the Following Reviews:
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
✓	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
✓	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: April 18, 2002

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:
BAYSHORE STEERING COMMITTEE c/o Larry Frappier
1901 Pine Echo Rd.
North Fort Myers, FL 33917

2. AGENT:
Mike Roeder c/o Knott, Consoer, Ebelini, Hart & Swett, P.A.

3. REQUEST:
Amend the Future Land Use Element text of the Lee Plan to incorporate the recommendations of the Bayshore Steering Committee, establishing a Vision Statement, Goal and subsequent Objectives and Policies specific to the Bayshore Community.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. REVISED RECOMMENDATION: Subsequent to the April 22 LPA public hearing, staff and the applicant discussed, on several occasions, revised language for the proposed Bayshore Lee Plan Amendment. After considering concerns raised at the March 25 and April 22 LPA public hearings,

staff suggestions, and public comments on the proposal, the applicant submitted a revised Goal and Objective, and several new or revised policies. Staff generally supports the revisions as they are listed below. Old language that remains unchanged from the previous public hearings is shown underlined. New or revised language is shown double underlined or in strike thru. Language that was previously shown in strike-through has been omitted by the applicant and is not shown below. The strike-through language shown below is a result of staff recommendations for modification to the revised language submitted by the applicant. Contrary to the Local Planning Agency (LPA) recommendation, staff recommends that the following language be transmitted to the Florida Department of Community Affairs:

VISION STATEMENT:

The Bayshore Community, bounded by I-75, SR 31, the Caloosahatcheee River and Charlotte County, is predominantly a rural residential area of single family homes on large acreages, small horse farms, citrus groves, and plant nurseries, interspersed by some larger cattle grazing operations. There are also scattered single family subdivisions and mobile homes on smaller lots which provide for a full range of housing prices. There is limited urban infrastructure and commercial uses. By and large, the residents of Bayshore want to see this land use pattern maintained. The vision of the future would include slow but steady growth with the building of larger single family homes on 2 ½ to 5 acre tracts, as well as some higher density development in the Outlying Suburban category (i.e. up to two units per acre with proper zoning), and continued support for the infrastructure necessary for the owners and breeders of horses. The protection of environmental resources and the maintenance of a wholesome family atmosphere is desired, as well as the protection of existing agricultural and equestrian activities. One community project that could serve these ends would be the development of an equestrian park in the community.

GOAL 20: BAYSHORE COMMUNITY. To protect the existing rural residential, agricultural and equestrian-oriented character of the community by maintaining low residential densities and minimal commercial activities, while excluding incompatible uses that are destructive to the character of this rural residential environment. For the purposes of this goal and related objectives and policies, the boundaries of the Bayshore Community will be I-75 on the west, SR 31 on the east, the Caloosahatchee River on the south and the Charlotte County line on the north.

OBJECTIVE 20.1: LAND USE. The existing land use designations of the Lee Plan (as of September 30, 2001) are appropriate to achieving the goal of the Bayshore Plan. No land use map amendments to a more intensive category will be permitted after *{scrivener will insert effective date of policy, if adopted}*, unless a finding of overriding public necessity is made by three members of the Board of County Commissioners.

POLICY 20.1.1: Retail commercial activity ~~shall~~ will be limited to the Interstate Interchange designation at Bayshore and I-75, plus minor commercial uses at the intersections of Nalle Road and Bayshore, SR 31 and Bayshore, and SR 31 and Old Bayshore. Non-retail commercial uses are permitted elsewhere consistent with the Lee Plan and the Land Development Code.

POLICY 20.1.2: "Minor" commercial will be as defined in the Lee Plan and will not include commercial stables or tack and feed stores. The existing 7.1 acre +/- retail commercial center at

10440 Bayshore Road and the .66 acre +/- retail commercial property at 19451 SR 31 will be deemed consistent with this Policy 20.1.1. ~~but will not be permitted to expand beyond their existing building footprints.~~

POLICY 20.1.3: No new industrial activities or industrial rezonings are permitted.

POLICY 20.1.4: No new mining uses or commercial excavations are permitted.

OBJECTIVE 20.2: TRANSPORTATION. All road improvements within the Bayshore Community considered by the County will address the community's goal to maintain its rural character and give preference to alternatives that allow existing roads to function at their current capacity.

~~POLICY 20.2.1: Routine maintenance of existing County roads will be continued.~~

POLICY 20.2.~~1~~1: Any expansion of the state arterial roadways should include physically-separated provisions for bicyclists/pedestrians.

POLICY 20.2.~~3~~2: Road capacity improvements needed within the Bayshore Comunity to serve demands generated outside the community will be designed to minimize the impacts on the community and its rural character.

POLICY 20.2.~~4~~3: If a need to extend Del Prado Boulevard east of I-75 through the Bayshore Community is demonstrated, the corridor evaluation must include alternatives to using the existing Nalle Grade Road alignment. The evaluation will address (but not be limited to) access, safety and community character issues. Alternatives will be presented at evening public workshops within the Bayshore community.

OBJECTIVE 20.3: SEWER AND WATER. Given the desire to maintain a low residential density, new central sewage service is not economically feasible and is discouraged north of Bayshore Road. Central water service for enhanced fire protection will be encouraged where economically feasible.

POLICY 20.3.1: Central sewage service will be encouraged for existing high density developments south of Bayshore Road and for new developments that are required to provide such service under the provisions of Standard 11.2 of the Lee Plan.

POLICY 20.3.2: No landowner will be required to connect to central sewer or water utilities or be assessed for same unless a threat to public health can be documented, or if a new development proposes an intensity that exceeds the thresholds in Standards 11.1 and 11.2 of the Lee Plan.

OBJECTIVE 20.4: PARKS AND RECREATION. The County will explore, with the support of the residents of Bayshore, the feasibility of establishing an equestrian park as the primary recreation facility for this community.

POLICY 20.4.1: The support of the Bayshore residents may include assistance with development and maintenance of such a recreation facility.

2. ORIGINAL RECOMMENDATION **(superceded):** Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, with the modifications proposed by staff. Staff's recommended language is provided below, with recommended changes from the applicant's language highlighted in strike-thru or double underline format.

VISION STATEMENT:

The Bayshore Community, bounded by I-75, SR 31, the Caloosahatcheee River and Charlotte County, is predominantly a rural residential area of single family homes on large acreages, small horse farms, citrus groves, and plant nurseries, interspersed by some larger cattle grazing operations. There are also scattered single family subdivisions and mobile homes on smaller lots which provide for a full range of housing prices. There is limited urban infrastructure and commercial uses. By and large, the residents of Bayshore want to see this land use pattern maintained. The vision of the future would include slow but steady growth with the building of larger single family homes on 2 ½ to 5 acre tracts, and continued support for the infrastructure necessary for the owners and breeders of horses. The protection of environmental resources and the maintenance of a wholesome family atmosphere is desired, as well as the protection of existing agricultural and equestrian activities. One community project that could serve these ends would be the development of an equestrian park in the community.

GOAL 20: BAYSHORE COMMUNITY. To protect the existing rural, agricultural and equestrian-oriented character of the community by maintaining low residential densities and minimal commercial activities, while excluding incompatible uses~~, such as mining,~~ that are destructive to the character of this rural residential environment. For the purposes of this goal and related objectives and policies, the boundaries of the Bayshore Community will be I-75 on the west, SR 31 on the east, the Caloosahatchee River on the south and the Charlotte County line on the north.

OBJECTIVE 20.1: The existing land use designations of the Lee Plan (as of September 30, 2001) are appropriate to achieving the goal of the Bayshore Plan. No land use map amendments to a more intensive category will be permitted after ~~the adoption of this amendment~~ *{scrivener will insert effective date of policy, if adopted}*, unless a finding of overriding public necessity is made by three members of the Board of County Commissioners.

POLICY 20.1.1: Retail commercial activity shall be limited to the Interstate Interchange designation at Bayshore and I-75, plus minor commercial uses at the intersections of Nalle Road and Bayshore, SR 31 and Bayshore, and SR 31 and Old Bayshore. Non-retail commercial uses are permitted elsewhere consistent with the Lee Plan and the Land Development Code.

POLICY 20.1.2: "Minor" commercial will be as defined in the Lee Plan and will not include commercial stables or tack and feed stores. ~~In addition,~~ The existing 7.1-acre +/- retail commercial center at 10440 Bayshore Road and the 0.66-acre +/- retail commercial property at 19451 S.R. 31 will be deemed consistent with ~~this objective~~ Policy 20.1.1, but will not be permitted to expand beyond ~~its~~ their existing building footprints.

POLICY 20.1.3: No new industrial activities or industrial rezonings are permitted.

POLICY 20.1.4: No new mining uses or commercial excavations ~~is~~ are permitted.

~~OBJECTIVE 20.2: TRANSPORTATION. To protect and maintain the rural character of the Bayshore community, no new arterial or collector roads will be constructed nor existing collector roads widened or extended, with the exception of the widening of Bayshore Road in the future. Public transportation expenditures shall be limited to routine maintenance and bike paths and/or bridle paths. New local roads may be constructed with private funds or municipal service taxing or benefit units.~~

~~POLICY 20.2.1: This objective does not preclude the widening of State Road 31 or I-75 since they are not entirely contained within the boundaries of the Bayshore Community Plan.~~

~~POLICY 20.2.2: The widening of arterial roads shall include provision for bike paths/sidewalks.~~

OBJECTIVE 20.~~3~~2: SEWER AND WATER. Given the desire to maintain a low residential density, new central sewage service is not economically feasible and ~~should be~~ is discouraged north of Bayshore Road. Central water service for enhanced fire protection will be encouraged where economically feasible.

POLICY 20.~~3~~2.1: Central sewage service will be encouraged for existing high density developments south of Bayshore Road, and for new commercial developments ~~that require such service in the Outlying Suburban land use category~~ that are required to provide such service under the provisions of Standard 11.2 of the Lee Plan.

POLICY 20.~~3~~2.2: No landowner will be required to ~~hook into~~ connect to central sewer or water utilities or be assessed for same unless a threat to public health can be documented, or if a new development proposes commercial intensity that exceeds the thresholds provided in Standard 11.1 and 11.2 of the Lee Plan.

OBJECTIVE 20.~~4~~3: PARKS AND RECREATION. The County will explore, with the support of the residents of Bayshore, the feasibility of establishing an equestrian park as the primary recreation facility for this community.

POLICY 20.~~4~~3.1: The support of the Bayshore residents may include assistance with development and maintenance of such a recreation facility.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The proposed amendments to the Lee Plan were initiated by a group of Bayshore residents who were concerned that the existing Lee Plan does not provide adequate protection of their rural lifestyle.

- One particular case, a proposed mine near the intersection of Nalle Road and Nalle Grade Road, made many Bayshore residents begin to question Lee County's existing land use policies.

- The Bayshore planning effort originated as a grass-roots effort by citizens of the Bayshore area who took an active interest in the County's current policies regarding land use issues in their community. The proposed amendments have been driven by the interests of the community.

- Currently, the Lee Plan contains few regulations that are specific to the Bayshore Community.

- The Board of County Commissioners has provided support to several community planning efforts in Lee County over the past year.

- The Bayshore Community planning process consisted of two public meetings, one on June 6th, 2001, and one on June 5th, 2002. The first meeting was attended by approximately 400 residents, at which time the proposed amendments were presented by the planning consultant to the residents. The residents in attendance voted on each proposed goal, objective, and policy, and all were found by the majority of people in attendance to be acceptable. The second meeting was attended by approximately 120 residents, at which time the revisions to the proposed amendments were presented by members of the committee to the residents. The language was approved by a majority of the residents.

- This community planning effort was fully funded by the residents of the Bayshore Community. The community received no financial support from the County in this planning effort.

- Mining uses and/or commercial excavations are incompatible with the rural residential character of the Bayshore Community.

C. BACKGROUND INFORMATION

The proposed privately initiated plan amendment was formally submitted to staff on September 25, 2001. This amendment is a grass roots effort originating from the Bayshore Community. Staff believes that the Bayshore Community planning process originated as a result of a rezoning application that proposed to establish a commercial mine near the intersection of Nalle Road and Nalle Grade Road. Many residents of the community opposed the mine on the basis that it was incompatible with the existing land uses in the area. During the course of the review of this mining application, the Bayshore residents began to believe that the existing Lee Plan did not effectively represent the interests of their particular community. The mining case developed a general interest in zoning and land use planning issues in the Bayshore area, and prompted the community to review the existing planning and zoning regulations. The Bayshore Community did not believe that the existing Lee Plan did enough to protect their rural lifestyle, and decided to initiate this amendment to the Lee Plan in order to add specific goals, objectives, and policies that are specific to the Bayshore area.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The proposed privately-initiated amendment application was received by the County on September 25, 2001. The amendment is text-only, and is not proposing any changes to the Future Land Use Map.

Planning staff provided copies of the proposed amendment and requested comments from various County departments, including:

- Public Safety
- EMS Division
- Lee County Sheriff
- Natural Resources Division
- Lee Tran
- Parks and Recreation
- School District of Lee County
- Lee County Department of Transportation
- Development Services Division
- Environmental Sciences Division
- Lee County Port Authority
- Economic Development
- Public Works Department
- Utilities Division
- Zoning Division
- Bayshore Fire District

Due to the limited scope of the proposed amendments, many of the above-listed agencies did not have any specific comments concerning the Bayshore Plan, but for those that did comment, staff has incorporated their comments into the staff analysis.

Staff's review of the proposed amendment focuses on the vision statement and the subsequent goals, objectives, and policies, and how they fit in with the existing Lee Plan and other County regulations

Lee County DOT Review

Lee County Department of Transportation (LCDOT) has reviewed the proposed Bayshore Community Plan and has provided written comments dated April 17, 2002 (see Attachment 1). LCDOT had indicated a concern about proposed Objective 20.2, which attempts to prohibit any future arterial or collector road widenings or expansions, other than the widening of Bayshore Road in the future. Lee County DOT has identified the following roads that would be subject to this objective:

Arterials
Bayshore Road
State Road 31

Major Collectors
Leetana Drive (SR 78 to Pritchett Parkway)
Nalle Grade Road (Slater Road to Nalle Road)
Nalle Road (SR 78 to Nalle Grade Road)
Pritchett Parkway (Leetana Drive to Rich Road)
Rich Road (Slater Road to Pritchett Parkway)

Minor Collectors
Deal Road (Durrance Road to Old Bayshore Road)
Durrance Road (SR 78 to Deal Road)
Old Bayshore Road (SR 78 to SR 31)
Palm Creek Drive (SR 78 to Deal Road)

None of these roads have been identified for improvement in the latest version of the 2020 Financially Feasible Transportation Plan, but the extension of Nalle Grade Road west to a new interstate interchange and the Del Prado Boulevard extension has been identified as a need by 2020, if additional funds are available. Also, an extension of Nalle Grade Road east to State Road 31 has been suggested as something to consider in a proposed corridor alignment study for the Del Prado extension and new interchange. The eastern extension of Nalle Grade Road would improve area traffic circulation, access to a new interstate interchange, and hurricane evacuation capacity. Neither the eastern or western extensions of Nalle Grade would be possible if the proposed Objective 20.2 is adopted. This objective limits the County's ability to explore all options in developing a regional road network.

Objective 20.2 limits road improvements to "routine maintenance." LCDOT questions what is meant by "routine maintenance" in this objective. The Bayshore community and Lee County might differ on their opinion of what constitutes routine maintenance of a road. LCDOT also disagrees with the statement in Objective 20.2 that implies that public transportation funds will be spent on bridle paths, noting that County transportation funds have never been and likely never will be spent to develop bridle paths.

LCDOT has recommended that Objective 20.2, Policy 20.2.1 and 20.2.2 be deleted from the proposed community plan. Planning staff agrees with this recommendation and believes that this objective and policies, if adopted, would hinder the County's long range transportation planning efforts for the Bayshore Area and for the entire county.

Fire District Review

The Bayshore Fire Protection and Rescue Service District has reviewed the proposed Bayshore Community Plan and has provided written comments dated December 13, 2001 (see Attachment 2). The District had a concern about the proposed new objective (Objective 20.2) that would preclude the construction of new arterial or collector roads, and the expansion of existing collector roads. District staff was concerned that a limitation on road improvements would hinder their ability to function effectively as a fire district. The response times of the fire crews are directly impacted by the condition of the roads on which their fire trucks travel. For this reason, the District specifically opposes any new policies that would prohibit the County from making planned road improvements, as needed.

School District Review

The School District of Lee County has reviewed the proposed Bayshore Community Plan and has provided written comments dated December 6, 2001 (see Attachment 3). According to district staff, the proposed plan amendments would not have any significant impact on the School District's ability to address the educational needs of the community.

Planning Staff Comments on Proposed Goals, Objectives, and Policies

VISION STATEMENT:

The Bayshore Community, bounded by I-75, SR 31, the Caloosahatcheee River and Charlotte County, is predominantly a rural residential area of single family homes on large acreages, small horse farms, citrus groves, and plant nurseries, interspersed by some larger cattle grazing operations. There are also scattered single family subdivisions and mobile homes on smaller lots which provide for a full range of housing prices. There is limited urban infrastructure and commercial uses. By and large, the residents of Bayshore want to see this land use pattern maintained. The vision of the future would include slow but steady growth with the building of larger single family homes on 2 ½ to 5 acre tracts, and continued support for the infrastructure necessary for the owners and breeders of horses. The protection of environmental resources and the maintenance of a wholesome family atmosphere is desired, as well as the protection of existing agricultural and equestrian activities. One community project that could serve these ends would be the development of an equestrian park in the community.

Staff Comment: Staff is in agreement with the applicant on the proposed Vision Statement.

GOAL 20: BAYSHORE COMMUNITY. To protect the existing rural, agricultural and equestrian-oriented character of the community by maintaining low residential densities and minimal commercial activities, while excluding incompatible uses~~, such as mining,~~ that are destructive to the character of this rural residential environment. For the purposes of this goal and related objectives and policies, the boundaries of the Bayshore Community will be I-75 on the west, SR 31 on the east, the Caloosahatchee River on the south and the Charlotte County line on the north.

Staff Comment: Staff does not believe that mining should be specifically called out as being an incompatible use. There are many other incompatible uses that could be destructive to the character of the existing rural residential environment. Mining has been addressed through proposed Policy 20.1.4, which prohibits new mining uses and commercial excavations. The specific reference to mining in Goal 20 is duplication of Policy 20.1.4, and staff recommends that it be deleted as shown above.

OBJECTIVE 20.1: The existing land use designations of the Lee Plan (as of September 30, 2001) are appropriate to achieving the goal of the Bayshore Plan. No land use map amendments to a more intensive category will be permitted after ~~the adoption of this amendment~~ *{scrivener will insert effective date of policy, if adopted}*, unless a finding of overriding public necessity is made by three members of the Board of County Commissioners.

Staff Comment: For purposes of clarity, staff believes that Objective 20.1 should reference the effective date of the objective rather than the adoption of this amendment. If the objective is adopted, staff will insert the effective date into the policy as shown above. Also, once the amendment is adopted, it can no longer be referred to as an amendment in the Objective language, but should instead be referred to as an objective within the Lee Plan. Staff recommends the changes shown above.

POLICY 20.1.1: Retail commercial activity shall be limited to the Interstate Interchange designation at Bayshore and I-75, plus minor commercial uses at the intersections of Nalle Road

and Bayshore, SR 31 and Bayshore, and SR 31 and Old Bayshore. Non-retail commercial uses are permitted elsewhere consistent with the Lee Plan and the Land Development Code.

Staff Comment: Staff has no comments on this policy, and agrees with the proposed language.

POLICY 20.1.2: "Minor" commercial will be as defined in the Lee Plan and will not include commercial stables or tack and feed stores. ~~In addition,~~ The existing 7.1-acre +/- retail commercial center at 10440 Bayshore Road and the 0.66-acre +/- retail commercial property at 19451 S.R. 31 will be deemed consistent with ~~this objective~~ Policy 20.1.1, but will not be permitted to expand beyond ~~its~~ their existing building footprints.

Staff Comment: This policy is simply a reflection of the existing Lee Plan provisions under Goal 6. It restates what Goal 6 already says and adds a specific reference to make existing retail property consistent with the proposed policy 20.1.1. Staff generally agrees with this policy, but there are a couple of items that should be clarified. With regard to the reference to the property at 10440 Bayshore Road, staff recommends adding a specific reference to the size of this parcel (7.1 acres) because it is possible that more land could be added to this parcel while maintaining the same street address. Staff simply wants additional assurance that this particular development parcel will not expand in the future. Staff has also discovered another existing retail commercial property at 19451 S.R. 31 that is used as a convenience store. This property is in the DR/GR land use category and is zoned C-1. Staff believes that this property should also be deemed consistent with Policy 20.1.1 since it is pre-existing. Additionally, staff believes that it is somewhat confusing to say that the property will be deemed consistent with "this objective," because it seems like the policy should actually refer to proposed Policy 20.1.1, and not Objective 20.1. Staff recommends modifying this reference as shown above.

POLICY 20.1.3: No new industrial activities or industrial rezonings are permitted.

Staff Comment: This proposed policy will have implications for existing property in the Bayshore area. According to the County's existing land use data (see Attachment 4), there is one parcel in the Bayshore community that contains an industrial use. This parcel is about 2 acres in size and contains an open-air warehouse that is used for the wholesale of produce. The property is zoned AG-2 and is located in the Rural land use category. If this use is truly industrial in nature, then its expansion would be prohibited by this policy.

The only other area in the Bayshore Community where industrial uses would be allowed is within the General Interchange area at Bayshore Road and I-75. The General Interchange land use category allows limited light industrial uses, which would now be prohibited by this new policy. There is no existing industrial zoning in these areas, however, so a rezoning would be required in order to establish any new industrial uses. Such a rezoning would be prohibited by this new policy. There is a potential for conflict between Policy 20.1.3 and the General Interchange descriptor policy (Policy 1.3.2). The proposed policy may change development expectations for property owners at the Bayshore/I-75 interchange, in that the light industrial uses currently allowed by the Lee Plan in this area would now be precluded by this policy. Staff believes that the proposed Policy 20.1.3 would control in this case because it is the more restrictive policy and it only applies to a specific sub-area of the County. Staff is in agreement with the applicant on the proposed policy.

POLICY 20.1.4: No new mining uses or commercial excavations ~~is~~ are permitted.

Staff Comment: Staff is generally in agreement with this proposed policy, but is recommending minor changes to the applicant's language as shown above. Staff does not believe it was the applicant's intent for this policy to shut down existing commercial excavations, therefore staff modified the policy so that it prohibits *new* commercial excavations.

~~OBJECTIVE 20.2: TRANSPORTATION. To protect and maintain the rural character of the Bayshore community, no new arterial or collector roads will be constructed nor existing collector roads widened or extended, with the exception of the widening of Bayshore Road in the future. Public transportation expenditures shall be limited to routine maintenance and bike paths and/or bridle paths. New local roads may be constructed with private funds or municipal service taxing or benefit units.~~

Staff Comment: As stated previously in this report, DOT staff strongly opposes this objective. Staff believes that a prohibition on new road construction and existing road widenings or extensions has several potential negative impacts for the County. This policy limits County-wide and regional transportation planning efforts because of the desires of one sub area of the county to limit future growth. The prohibition on road network improvements also impacts the fire district's ability to provide timely service to its citizens. The proposed objective also prevents future road improvements that would improve hurricane evacuation times for the County. Additionally, staff anticipates confusion over what would constitute a routine maintenance project. This has not been defined. Also, the County does not, and likely will never ,expend transportation funds for the development of bridle paths. For these reasons, LCDOT staff recommend the deletion of the proposed Objective 20.2.

~~POLICY 20.2.1: This objective does not preclude the widening of State Road 31 or I-75 since they are not entirely contained within the boundaries of the Bayshore Community Plan.~~

Staff Comment: Staff does not oppose this policy by itself, but given the opposition to the parent objective, staff is also recommending the deletion of Policy 20.2.1.

~~POLICY 20.2.2: The widening of arterial roads shall include provision for bike paths/sidewalks.~~

Staff Comment: Once again, staff does not oppose this policy by itself, but given the opposition to the parent objective, staff is recommending the deletion of Policy 20.2.2.

OBJECTIVE 20.~~3~~2: SEWER AND WATER. Given the desire to maintain a low residential density, new central sewage service is not economically feasible and ~~should be~~ is discouraged north of Bayshore Road. Central water service for enhanced fire protection will be encouraged where economically feasible.

Staff Comment: Staff is generally in agreement with the proposed objective, but recommends the minor modification shown above in order to make the intent of the objective more clear. It should also be noted that there are some areas north of Bayshore Road that are currently connected to central sewer service. Staff therefore recommends modifying the proposed objective to state that *new* central sewage service is discouraged north of Bayshore Road. This change would account for the existing areas on central sewer.

POLICY 20.32.1: Central sewage service will be encouraged for existing high density developments south of Bayshore Road, and for new commercial developments ~~that require such service in the Outlying Suburban land use category~~ that are required to provide such service under the provisions of Standard 11.2 of the Lee Plan.

Staff Comment: Standard 11.2 of the Lee Plan requires that central sewer service be provided for any residential development that exceeds 2.5 dwelling units per acre, and any commercial or industrial development that generates more than 5,000 gallons of sewage per day. The Outlying Suburban areas of the Bayshore community would only allow up to 2 dwelling units per acre under the existing Lee Plan, which would not trigger the central sewer requirement. New industrial developments are not permitted under the proposed Bayshore Plan, so industrial developments will not trigger the central sewer requirement. New commercial development, however, might exceed the threshold for central sewer. Staff believes that the applicant recognized this fact, and attempted to account for this situation in the proposed policy. Staff recommends taking the applicant's language a step further, and adding a specific reference to Standard 11.2 in order to make it clear that central sewer will be *required* for any development that exceeds the thresholds contained in Standard 11.2. Without this additional language, it may appear that the County simply *encourages* central sewer service in these areas, when in fact, it may be required under Standard 11.2. Staff recommends the changes to the applicant's language as shown above.

POLICY 20.32.2: No landowner will be required to ~~hook into~~ connect to central sewer or water utilities or be assessed for same unless a threat to public health can be documented, or if a new development proposes commercial intensity that exceeds the thresholds provided in Standard 11.1 and 11.2 of the Lee Plan.

Staff Comment: Once again, staff wants to ensure that the existing Standard 11.1 for water and Standard 11.2 for sewer will not be superceded by this policy. Staff understands the intent of the policy that existing landowners will not be required to hook into new water or sewer lines, but staff believes it should be made clear that, if new development is proposed which exceeds the thresholds contained in Standards 11.1 and 11.2, and central water and sewer are available, the new development will be required to hook into the system. As stated previously, there are no areas in the Bayshore Community that would allow residential densities that would exceed the threshold. Staff recommends that additional language be added to the proposed policy as shown above.

OBJECTIVE 20.43: PARKS AND RECREATION. The County will explore, with the support of the residents of Bayshore, the feasibility of establishing an equestrian park as the primary recreation facility for this community.

Staff Comment: Staff has no comment or objection to the inclusion of the proposed objective.

POLICY 20.43.1: The support of the Bayshore residents may include assistance with development and maintenance of such a recreation facility.

Staff Comment: Staff has no comment or objection to the inclusion of the proposed policy.

B. CONCLUSIONS

Staff has reviewed the proposed Bayshore amendment, and is in agreement with the majority of the new goals, objectives, and policies. Staff believes that most of the new regulations generally support the community vision as stated in the proposed Vision Statement. In some cases, staff thought that certain policies should be clarified or reworded in order to simplify future implementation, and these clarifications have been proposed in strike-out and double underline form in Part I Section B of this report. With regard to the proposed transportation objective and policies, staff is strongly opposed to the adoption of any Lee Plan regulations that would limit the County's ability to develop a sound regional road network. Staff believes that Objective 20.2 and its subsequent policies would hinder local and regional transportation objectives, and should not be transmitted. Staff believes that the balance of the proposed amendment should be transmitted as modified by staff.

C. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners transmit the proposed amendment with staff's recommended language as shown in Part I, Section B.1. of this report.

PART III - LOCAL PLANNING AGENCY REVIEW

DATE OF PUBLIC HEARING: March 25, 2002

A. LOCAL PLANNING AGENCY REVIEW

The Local Planning Agency held an informational hearing on this date, no staff report was presented and no formal action took place by the LPA. The stated purpose of the hearing was to brief the LPA members on the status of the request, allow the applicant to discuss the proposal, and to allow the public to have the opportunity to provide comments concerning the proposed language. Planning staff introduced the proposed request to amend the Future Land Use element of the Lee Plan. Staff stated that the request was being made by the Bayshore Steering Committee and that their request is to establish a new goal and subsequent objectives and policies. Staff distributed revised language that had recently been submitted by the applicant. Staff noted that the Bayshore Community had been incorporated into Lee Plan Map 16 in the previous amendment cycle. Staff also stated that staff had met with members of the Steering Committee a week or so in advance of the LPA hearing to continue discussing the proposed language. Staff informed the LPA that staff had suggested to the Steering Committee that it would be appropriate to include a vision statement as one was not included with the previous amendment or with this proposal. Staff indicated that the formal staff report would be provided for the next months LPA public hearing.

The applicant's consultant provided a brief presentation to the LPA. This consultant provided background information to the LPA, he stated that the Steering Committee spent last summer developing a community plan for their area, which is privately funded. He also noted that the County has looked at Bayshore in the past. He provided that there were very extensive studies of the Bayshore area in 1982 and in 1987 and that these were briefly covered in the background report attached to the request. He noted that all of the "previous studies have pointed in the same direction, and that is that this is a very rural, low density type of area, has serious flooding problems, and that the people that live there want to keep it that way." The consultant then proceeded to review recent language changes as a result of several discussions with planning and transportation staff. The consultant noted the similarities to the Buckingham plan and that the amendment was keeping the land use categories and densities the same as they are today. He also noted that mining and commercial excavations were not appropriate in the Bayshore community as the area had mostly been divided into ten acre, five acre, and two and a half acre residential tracks. The consultant further provided that Section 20.2 caused some controversy because of the extension proposed for Nalle Grade east of 31. He stated that the community believes this extension is not needed and would cause serious dysfunction to the area. He noted that the community has no objection to the extension of Del Prado Boulevard to I-75, jut to a continued extension to the east.

One member asked for a clarification concerning proposed Objective 20.1 concerning "overriding public necessity" and "super majority." The consultant responded that its not a super majority, it requires votes by three commissioners. This LPA member also asked if the County had undertaken some type of comprehensive mining project? Staff responded that staff is undertaking such a study. This LPA member then asked the County attorney if one of the three DRGR permitted uses be a precarious action without the type of data and analysis that the County is developing. The County Attorney responded that they would have to examine it closely. The County Attorney agreed with this LPA member that, from a legal perspective, it would be prudent to have a detailed analysis before going forward with precluding that type of use. This member also asked if Goal 20 should refer to rural residential to be more exact and because

"there's a lot of residential out there." This member also asked how many meetings or town forums or public hearing type processes were held. The consultant responded that there were four Steering Committee meetings and one large public event. This LPA member asked if the four Steering Committee meetings were "notified." The consultant responded: "no, this is a privately-funded plan."

One LPA member asked if there were people at these meetings that identified any concerns with the plan as proposed. The consultant responded "Yes," and he indicated that the transportation policies had generated quite a bit of discussion and that about 25 people voted against them "because some felt that it was too restrictive to say no widening, no extension. He also indicated that people on the other side of the issue indicated that the problem is speed and that if the roads are widened or made better, then people will just go even faster. This LPA member also referred to "a lot of mines out on Highway 31 and asked if "the community feels there's not any areas that would be appropriate for mining within this planning area." The consultant responded that the planning area is mostly divided up into smaller parcels and that the existing mines are in Charlotte County and are probably meeting a local need for that material. He also indicated that "We've never heard any interest" in doing a mine on the "big ranch land near I-75."

One LPA member noted that he thought flooding is the biggest issue out in that area and that should receive a major part of the focus. The consultant respond with the following: "And we agree. That's why the natural environment really re-enforces this land use pattern because with the flooding, you really don't want any more density than what you're getting right now."

One member asked what efforts were made to reach some of the larger land owners. The consultant responded that he could not tell you for sure if every large track owner was notified, he did not have anybody come and complain from that perspective. He also noted that the Steering Committee took care of that detail.

At this point in the public hearing the LPA chairman asked for public input in the order of the request cards that he had received. One member of the public indicated that he was not in favor of this amendment as "people had relied upon the comprehensive plan since 1985 and future roadways." This person also asked for clarification as to whether or not plan amendments could be made if this proposal was incorporated into the plan. One LPA member noted that there is a new criteria that seemingly elevate public interest considerations and "that the language is probably similar to what's in the Lee Plan for DRGR." Staff clarified that it is very similar to the Buckingham language. This member of the public expressed concerns with eliminating mining and industrial uses. This member of the public also stated that there were large land owners that were not contacted. One LPA member asked about the earlier comment by this member of the public concerning future roadways. This person responded that "There's a comprehensive road use map, Henderson Grade Extension, Pritchett Parkway Extension, all these roads are designated so that everyone since 1985 knew where they were going. This LPA member then asked planning staff what roads this proposal would directly effect, excluding Bayshore, I-75, and State Road 31. Planning staff responded that the citizen was, believed to be, referring to the Official Trafic Ways map, which showed a far greater number of roads than what the County ever really planned on constructing. Lee County DOT staff responded that there are not any roads that are being affected from the standpoint of 2020. DOT staff noted that the Official Traffic Ways map has a longer horizon than 2020.

Another member of the public addressed the LPA and noted that he had not been notified about the June 6th meeting but that he had learned about it from an ad in the news paper. He noted that the Steering Committee was self appointed and that they were upset over the mine request and that the proposal is a knee-jerk reaction to his mine proposal.

One member of the Bayshore Steering Committee addressed the LPA. This person stated that "Mostly I guess there are people that are doers and people that stand by and don't do and we were one of the doers and got involved in it." This committee member stated that the request did initially start with the mining issue and what could possibly happen in the community, and that the Steering Committee was "spun off" "so that we could try to address and protect what we've all bought into in the Bayshore area." This speaker noted that both of the previous public speakers were provided information and that one of them actually attended the June 6th 2001 public meeting. This Steering Committee member noted that there were approximately 400 to 500 people in attendance and that "very few, if any were against the policies." This person stated that "so this is really just a plan, just a simple version of a plan to try to keep what we've all bought into out there...whether it's a living off of horses or farming or citrus or just a hobby, that's the area we've chose and we've all spent a lot of money there and we're not trying to hinder the County from maintaining our roads or helping us with our water problem and we would love to see that. But we don't want to see the widening of our roads. We don't want to see the extension of them." One member of the LPA asked this speaker if the Steering Committee would mind delaying consideration of the mining prohibition and have staff address the issue with the wider study. The Steering Committee member replied that there's no industrial on the east side of I-75 and the industrial zoning that's on the west side of I-75 is really the place to develop it. One LPA member stated that he thought that "there are a few things that are missing in the plan." The items mentioned were (1) revised language to incorporate the transportation planning that has been made already in that area; (2) a need for a "interchange area plan" for the proposed Del Prado interchange area; (3) inventory of any suitable industrial land within the planning area; (4) more contact with the large land owners; and, (5) assessment of the location of potentially mineable materials. The Steering Committee member responded that "the issue of the roads is way beyond 2020." He also pointed out the Committee's concern related to the extension of Naul Road and that State Route 31 is not a good hurricane evacuation route due to frequent flooding and the lack of any planned improvements. He also stated that the Committee has mailed the land owners and that "we would be happy to have them participate with us." He again stated that there is no industrial land within the area and that there was industrial lands located on the west side of I-75.

Another member of the Steering Committee addressed the LPA and stated that she was a 27 - year resident of the area, and a 42 - year resident of Lee County. This Committee member pointed out that "I moved to that area for the rural life style. She indicated a desire to preserve the rural area. She also stated that they had "been doing broad based mailings to make sure the land owners receive notice."

A representative from the "Babcock Florida Company" addressed the LPA. This representative read the following prepared statement: "Babcock Florida are long time land owners in the area. Babcock believes that issues such as hurricane evacuations and regional access are critical and transportation officials and planning experts must have the ability to respond to such needs. Therefore, Babcock objects to the limiting – any limits to the improvements of State Road 78."

Another member of the Steering Committee addressed the LPA and expressed support for the amendment. This Steering Committee member noted that he "bought into that rural area and this plan really talks or speaks to a very small area." This individual questioned why the community would "want to throw an industrial park in the center of 13,000 acres that is primarily made up with equestrian owners." The speaker referred to an earlier speaker's knee-jerk reaction comment and stated that a lot of people were concerned with children riding on horses in the area when blasting would occur at the proposed mine. He provided that activity could "spook a horse and injure a child, or injure an adult for that matter."

PART IV - LOCAL PLANNING AGENCY CONTINUED REVIEW

DATE OF PUBLIC HEARING: April 22, 2002

A. LOCAL PLANNING AGENCY REVIEW

One LPA member disclosed that he had been contacted by "a number of people both for and against." Discussion concerning member contacts occurred and it was decided that each member would disclose these contacts after the staff presentation and before the public hearing. Planning staff provided a brief presentation concerning the request. Staff reviewed the staff report, proposed language changes, and the overall staff recommendation that the amendment should be transmitted to the Florida Department of Community Affairs. Staff also highlighted the changes to the transportation polices.

One LPA member raised the prohibition of mining issue and his concern that mining is one of only three permitted uses in the DRGR. This member asked whether or not staff believed this issue should be looked at in a countywide context and where staff is on that issue. Staff responded that staff supported the policy that would preclude mining in the community. Staff referred to attachment #4 of the staff report which provides the generalized existing land use map for the community. Staff stated that this attachment demonstrates that the community has been subdivided into large lot estates. Staff stated that the land use pattern demonstrates that a mine has a large compatibility hurdle and staff believes that a mine would fail "the compatibility test" when viewing the location of existing residential uses and the widespread nature of the residential uses. This LPA member asked if the applicant provided attachment 4. Staff responded that staff generated the map utilizing the County's existing land use database. Staff pointed out that there are only a couple of areas in the community in which there are larger land tracts. Staff identified parcels in the northwest corner of the community along I-75, the proposed mine site (Chateau Estates), properties along Pritchett Parkway, and properties in the northeast corner of the community along State Road 31. Staff also stated that mining in the planning area did not pass the compatibility test given the existing pattern of residential uses in the community.

One LPA member asked if the community plan attempted to integrate itself with countywide issues such as surface water management. Staff responded that surface water management had not been addressed as part of this plan. This LPA member also stated that there was no data and analysis presented addressing septic system usage in the community and "the systematic high water tables of the Bayshore area." Staff responded that staff did struggle with the sewer and water language as staff does not like to discourage these types of services. Staff did note that the objective would not preclude more intense developments from actually "hooking up" to these services.

One LPA member observed that he thought interstate/interchange areas were to serve the traveling public, not to serve neighborhood commercial and community commercial objectives. Staff noted that there are other intersections that would be able to accommodate neighborhood commercial needs. Staff explained that the General Interchange land use category does allow general retail uses, although those uses might not be neighborhood type commercial. This LPA member asked if the applicant attempted to do a commercial land study that "matches the population rate to the downscale of commercial opportunities in this area." Staff responded that no analysis was done. Staff further provided that the plan amendment incorporates the rural community character. In further clarification staff stated the following: "So more so than a strict data and analysis of trying to make the Bayshore community be some holistic type community where they can do their neighborhood commercial shopping, they are willing to, in their rural lifestyle, have to make that trip into town to the grocery store to get those kinds of items and that's part of the rural character that they are trying to preserve." Staff also provided that most of these neighborhood commercial services are available in relative proximity to the community.

One LPA member asked about the public participation process and whether or not the proposal meets state requirements for data and analysis. Staff responded that they believe that it does.

One LPA member referred to Policy 20.1.2 and asked if this was the first time that staff cited specific street addresses in the comprehensive plan. Staff did not know of any other instance or any other way to address this issue. Staff did not want to create a problem, such as discouraging further investment by the property owners.

Two Local Planning Agency members asked several questions concerning Objective 20.1, specifically relating to the language that states that no land use map amendments will be amended to a more intensive category after a specified date unless a finding of overriding public necessity is made by three County Commissioners. The questions were related to the process that would be used in the finding; whether this requirement is appropriate for small scale amendments; if the language is unique or similar to language already in the Plan. Staff responded that the plan amendment process would be utilized, going through the LPA, and a majority vote of the Board of County Commissioners with a finding of overriding public necessity. Staff also responded that the finding would be appropriate for small scale amendments. For existing similar Lee Plan language staff discussed Objective 17.1, and Density Reduction/Groundwater Resources language.

At this point in the hearing the LPA members disclosed communications that the members had with the public on this topic. The Chairman of the Local Planning Agency then opened the meeting for public testimony. The planning consultant representing the Steering Committee distributed revised language and provided a brief presentation concerning the request. The planning consultant referred the LPA to the background report, Attachment D of the application. The consultant highlighted changes made as a result of the previous LPA hearing. The consultant addressed flooding and stated that was one of the reasons why the low density pattern is appropriate. The consultant discussed mining and the conclusion that it is not an appropriate use in the community. The consultant also addressed commercial uses and noted that there were 53 acres of land "under the planning table for commercial in this area, and given the slow rate of growth...we feel that's more than enough for the commercial needs." The consultant also discussed transportation issues. The consultant also announced that the Steering Committee would host another

community wide public meeting at the civic center on June 5th and that every land owner would be notified by mail.

In addition to the planning consultant mentioned above, a total of thirty four persons spoke. Twenty persons stated their support for the proposed amendment. Ten persons stated their opposition to the proposed amendment. One local land use attorney representing the Babcock Florida Company stated that his client was not opposed to the Bayshore plan with the exception of Objective 20.2. One local consultant representing Southwest Florida Transportation Initiative (SWFTI) stated that SWFTI was opposed to Objective 20.2, but otherwise have no position on the other elements of the plan. One local land use attorney and local consulting engineer stated that the County should exempt a pending rezoning project that is located in the community from these regulations.

One member of the public raised an issue that one member of the LPA, Mr. Greg Stuart, might have a conflict of interest in these proceedings and asked the County Attorney's office for some direction. A discussion was held concerning the nature of this conflict. The Assistant County Attorney felt that there was a conflict of interest under the rules of ethics. It was stated that Mr. Stuart would need to disclose the conflict of interest and abstain from voting.

After the public presentations a lengthy discussion ensued between the LPA, the planning consultant, and the staff regarding transportation, the public participation process, and the applicant working further with County staff to resolve issues. The LPA deferred further action on the item to a time and date to be announced in the future.

PART V - LOCAL PLANNING AGENCY CONTINUED REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: June 10, 2002

A. LOCAL PLANNING AGENCY REVIEW

Planning staff provided a brief presentation concerning the proposed amendment. Staff discussed the major changes that occurred to the proposed language since the last LPA hearing. Staff noted that the language pertaining to transportation changed substantially and that staff had worked with the applicant in arriving at the now proposed language. Lee County DOT staff noted that the language now recommended was "a good compromise" and does not preclude the County from doing long range planning.

The Steering Committee's planning consultant also provided a brief presentation concerning the revised amendment language. The consultant also stated that additional background information has been submitted to address the various issues that the LPA members have raised in the past hearings. The consultant also provided a discussion of the community wide meeting held by the Steering Committee on June 5th. The consultant stated that everybody at the June 5th meeting was asked to fill out a card and vote on the plan. The consultant reported the results as: 87 votes in favor (including 11 households where two people voted on one ballot); 11 negative votes; and, 4 undecided votes.

The Chairman of the LPA opened the meeting to public comment and a total of twenty-one persons spoke in turn. Fourteen persons stated their support for the proposed amendment. Two persons stated their opposition to the proposed amendment. Four persons stated their preference that the plan language should be stronger. Several of the speakers noted that they had voted against the proposal at the June 5th public meeting only because of there desire for stronger language.

One member of the LPA stated that he felt that all of the concerns that have been raised by the LPA and staff were adequately addressed. He also believed the public notification issues and transportation issues had been addressed. This LPA member made a motion to recommend transmittal of the Bayshore Community plan as outlined in the June 6, 2002 memorandum from Matt Noble. The motion was seconded and discussion took place. The motion failed on a vote of 2 to 2.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION: Per Administrative Code AC-13-6, the recommendation of the LPA is to not transmit the proposed amendment. Administrative Code AC-13-6 provides that in "those instances where the vote results in a tie vote...the recommendation of the LPA will be conclusively presumed to be a recommendation not to transmit the proposal and will satisfy the requirements of Section 163.3174(1) and (4)(a), Florida Statutes."

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS	NAY
MATT BIXLER	AYE
SUSAN BROOKMAN	AYE
RONALD INGE	NAY
GORDON REIGELMAN	ABSENT
ROBERT SHELDON	ABSENT
GREG STUART	ABSENT

PART VI - BOARD OF COUNTY COMMISSIONERS HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT

DATE OF TRANSMITTAL HEARING: September 4, 2002

A. BOARD REVIEW:

Staff presented a summary of this amendment before the Board on September 4, 2002. Fifty members of the public addressed the Board concerning the proposed amendment. Eight members of the public stated their opposition to the proposed amendment. They generally expressed concerns about property rights, and that additional study was needed prior to any adoption. Forty-two members of the public spoke in favor of the amendment. Six persons recommended that the language of "up to two units per acre with proper zoning" in the Outlying Suburban future land use category be removed from the proposed Vision Statement. These persons felt such language would encourage higher densities. All in favor of the amendment emphasized maintaining their current quality of life by maintaining the Bayshore rural area. Most in favor of the amendment noted their concerns over the impacts mining would create in the area. Others promoting the plan also voiced their concerns over the availability of utilities such as sewer and water, finding that such provisions would encourage the development of the area. The Board did discuss some language offered by a local engineer concerning stormwater management. The County Attorney offered an opinion that this language could not be transmitted as it had not been reviewed by the LPA. After some discussion the Board voted to transmit the amendment with Policy 20.1.4 subject to the results of a mining study performed by staff as well as some minor revisions to Objective 20.3, Policy 20.3.1, and Policy 20.3.2.

The Board voted to transmit the proposed amendment per the staff recommendation as contained above in Part I, B.1. with the exception of Objective 20.3, Policy 20.3.1, and Policy 20.3.2. The Board transmitted the following language for these items:

OBJECTIVE 20.3: SEWER AND WATER. Given the desire to maintain a low residential density, new central sewage service is not economically feasible and is discouraged north of Bayshore Road within the future non-urban land use categories. Central water service for enhanced fire protection will be encouraged where economically feasible.

POLICY 20.3.1: Central sewage service will be encouraged for existing and future high density and intensity developments south of Bayshore Road within the future urban land use categories and for new developments that are required to provide such service under the provisions of Standard 11.2 of the Lee Plan.

POLICY 20.3.2: No landowner will be required to connect to central sewer or water utilities or be assessed for same unless a threat to public health can be documented, or if a new development proposes an intensity that exceeds the thresholds in Standards 11.1 and 11.2 of the Lee Plan.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION: The Board voted to transmit the proposed amendment to the Florida Department of Community Affairs.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff.

C. VOTE:

JOHN ALBION	**AYE**
ANDREW COY	**AYE**
BOB JANES	**AYE**
RAY JUDAH	**AYE**
DOUG ST. CERNY	**AYE**

PART VII - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT

DATE OF ORC REPORT: November 22, 2002

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The Department of Community Affairs provided no objections, recommendations, or comments concerning the proposed amendment.

B. STAFF RESPONSE

Adopt the amendment as transmitted to the Florida DCA.

PART VIII - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT

DATE OF ADOPTION HEARING: January 9, 2003

A. BOARD REVIEW: Staff presented the staff recommendation to adopt the amendment as transmitted to the DCA. One Board member asked several questions concerning the proposal and Burt Harris implications. This Board member stated that Policies 20.1.2, 20.1.3, and 20.1.4 have been identified as having Burt Harris implications. The Assistant County Attorney stated that any regulatory action of the County that changes the currently foreseeable reasonable expectations for development on a parcel creates liability for takings. The Assistant County Attorney further provided that zoning is not the benchmark for the Burt Harris Act. Staff provided a handout that identified 5 existing commercially zoned properties that are located outside of the commercial nodes as identified by proposed Policy 20.1.1.

After further discussing the hand-out, the chairman called for public input. Several members of the public spoke in support of the amendment. One person expressed concern about a piece of commercial property that he owned. Staff responded that the property in question was located within one of the commercial nodes as specified by proposed Policy 20.1.1. The Assistant County Attorney asked to clarify the intent of the first sentence in Policy 20.1.2. The Assistant County Attorney, in part, stated that it was his "understanding that the sense of this first sentence is that commercial stables or tack and feed stores are exempt from commercial site location standards." The Assistant County Attorney proposed modifying this first sentence to read as follows: "Commercial stables or tack and feed stores are exempt from meeting commercial site location standards." The planning consultant for the Bayshore Steering Committee stated that "I think we would have no problem with that if it makes it clearer."

The Board further discussed the existing (non-County owned) commercially zoned properties that are located outside of the commercial nodes as identified by proposed Policy 20.1.1. The Board decided to "exempt" two of the identified parcels. The first parcel is the "Farm Store" parcel, zoned CN-1, located at the intersection of Durrance Road and Bayshore Road. The second parcel, zoned C-1A, located at the intersection of Slater Road and Nalle Grade Road.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION: The Board voted unanimously to adopt the transmittal language with revisions to Policy 20.1.2. The revised policy reads as follows:

   Policy 20.1.2: Commercial stables or tack and feed stores are exempt from meeting commercial site location standards. The existing 7.1 acre +/- retail commercial center at 10440 Bayshore Road, the 0.66 acre +/- retail commercial property at 19451 SR 31, the 0.83 +/- acre retail commercial property at 17270 Durrance Road, and the 0.36 +/- acre retail commercial property described in resolution Z-72-93 which is part of the property at 6600 Nalle Grade Road will be deemed consistent with Policy 20.1.1.

   The amendment was approved as part of the Board's Community Plan agenda. The final adoption language is shown in Part VIII, Item D below.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff.

C. VOTE:

JOHN ALBION	AYE
ANDREW COY	AYE
BOB JANES	AYE
RAY JUDAH	AYE
DOUG ST. CERNY	AYE

D. FINAL ADOPTION LANGUAGE:

VISION STATEMENT:

The Bayshore Community, bounded by I-75, SR 31, the Caloosahatcheee River and Charlotte County, is predominantly a rural residential area of single family homes on large acreages, small horse farms, citrus groves, and plant nurseries, interspersed by some larger cattle grazing operations. There are also scattered single family subdivisions and mobile homes on smaller lots which provide for a full range of housing prices. There is limited urban infrastructure and commercial uses. By and large, the residents of Bayshore want to see this land use pattern maintained. The vision of the future would include slow but steady growth with the building of larger single family homes on 2 ½ to 5 acre tracts, as well as some higher density development in the Outlying Suburban category (i.e. up to two units per acre with proper zoning), and continued support for the infrastructure necessary for the owners and breeders of horses. The protection of environmental resources and the maintenance of a wholesome family atmosphere is desired, as well as the protection of existing agricultural and equestrian activities. One community project that could serve these ends would be the development of an equestrian park in the community.

GOAL 20: BAYSHORE COMMUNITY. To protect the existing rural residential, agricultural and equestrian-oriented character of the community by maintaining low residential densities and minimal commercial activities, while excluding incompatible uses that are destructive to the character of this rural residential environment. For the purposes of this goal and related objectives and policies, the boundaries of the Bayshore Community will be I-75 on the west, SR 31 on the east, the Caloosahatchee River on the south and the Charlotte County line on the north.

OBJECTIVE 20.1: LAND USE. The existing land use designations of the Lee Plan (as of September 30, 2001) are appropriate to achieving the goal of the Bayshore Plan. No land use map amendments to a more intensive category will be permitted after *{scrivener will insert effective date of policy, if adopted}*, unless a finding of overriding public necessity is made by three members of the Board of County Commissioners.

POLICY 20.1.1: Retail commercial activity will be limited to the Interstate Interchange designation at Bayshore and I-75, plus minor commercial uses at the intersections of Nalle Road and Bayshore, SR 31 and Bayshore, and SR 31 and Old Bayshore. Non-retail commercial uses are permitted elsewhere consistent with the Lee Plan and the Land Development Code.

POLICY 20.1.2: Commercial stables or tack and feed stores are exempt from meeting commercial site location standards. The existing 7.1 acre +/- retail commercial center at 10440 Bayshore Road, the 0.66 acre +/- retail commercial property at 19451 SR 31, the 0.83 +/- acre retail commercial property at 17270 Durrance Road, and the 0.36 +/- acre retail commercial property described in resolution Z-72-93 which is part of the property at 6600 Nalle Grade Road will be deemed consistent with Policy 20.1.1.

POLICY 20.1.3: No new industrial activities or industrial rezonings are permitted.

POLICY 20.1.4: No new mining uses or commercial excavations are permitted.

OBJECTIVE 20.2: TRANSPORTATION. All road improvements within the Bayshore Community considered by the County will address the community's goal to maintain its rural character and give preference to alternatives that allow existing roads to function at their current capacity.

POLICY 20.2.1: Any expansion of the state arterial roadways should include physically-separated provisions for bicyclists/pedestrians.

POLICY 20.2.2: Road capacity improvements needed within the Bayshore Comunity to serve demands generated outside the community will be designed to minimize the impacts on the community and its rural character.

POLICY 20.2.3: If a need to extend Del Prado Boulevard east of I-75 through the Bayshore Community is demonstrated, the corridor evaluation must include alternatives to using the existing Nalle Grade Road alignment. The evaluation will address (but not be limited to) access, safety and community character issues. Alternatives will be presented at evening public workshops within the Bayshore community.

OBJECTIVE 20.3: SEWER AND WATER. Given the desire to maintain a low residential density, new central sewage service is not economically feasible and is discouraged north of Bayshore Road within the future non-urban land use categories. Central water service for enhanced fire protection will be encouraged where economically feasible.

POLICY 20.3.1: Central sewage service will be encouraged for existing and future high density and intensity developments south of Bayshore Road within the future urban land use categories and for new developments that are required to provide such service under the provisions of Standard 11.2 of the Lee Plan.

POLICY 20.3.2: No landowner will be required to connect to central sewer or water utilities or be assessed for same unless a threat to public health can be documented, or if a new development proposes an intensity that exceeds the thresholds in Standards 11.1 and 11.2 of the Lee Plan.

OBJECTIVE 20.4: PARKS AND RECREATION. The County will explore, with the support of the residents of Bayshore, the feasibility of establishing an equestrian park as the primary recreation facility for this community.

POLICY 20.4.1: The support of the Bayshore residents may include assistance with development and maintenance of such a recreation facility.

VISION STATEMENT: Shelley Traurig's

The Bayshore Community, bounded by I-75, SR 31, the Caloosahatchee River and Charlotte County, is predominantly a rural residential area of single family homes on large acreages, small horse farms, citrus groves, and plant nurseries, interspersed by some larger cattle grazing operations. There are also scattered single family subdivisions and mobile homes on smaller lots which provide for a full range of housing prices. There is limited urban infrastructure and commercial uses. By and large, the residents of Bayshore want to see this land use pattern maintained. The vision of the future would include slow but steady growth with the building of larger single family homes on 2 ½ to 5 acre tracts, and continued support for the infrastructure necessary for the owners and breeders of horses. The protection of environmental resources and the maintenance of a wholesome family atmosphere is desired, as well as the protection of existing agricultural and equestrian activities. One community project that could serve these ends would be the development of an equestrian park in the community.

GOAL 20: BAYSHORE COMMUNITY. To protect the existing rural, agricultural and equestrian-oriented character of the community by maintaining low residential densities and minimal commercial activities, while excluding incompatible uses, such as mining, that are destructive to the character of this rural residential environment. For the purposes of this goal and related objectives and policies, the boundaries of the Bayshore Community will be I-75 on the west, SR 31 on the east, the Caloosahatchee River on the south and the Charlotte County line on the north.

OBJECTIVE 20.1: The existing land use designations of the Lee Plan (as of September 30, 2001) are appropriate to achieving the goal of the Bayshore Plan. No land use map amendments to a more intensive category will be permitted after the adoption of this amendment, unless a finding of overriding public necessity is made by three members of the Board of County Commissioners.

POLICY 20.1.1: Retail commercial activity shall be limited to the Interstate Interchange designation at Bayshore and I-75, plus minor commercial uses at the intersections of Nalle Road and Bayshore, SR 31 and Bayshore, and SR 31 and Old Bayshore. Non-retail commercial uses are permitted elsewhere consistent with the Lee Plan and the Land Development Code.

POLICY 20.1.2: "Minor" commercial will be as defined in the Lee Plan and will not include commercial stables or tack and feed stores. In addition, the existing retail commercial center at 10440 Bayshore Road will be deemed consistent with this objective but will not be permitted to expand beyond its existing footprint.

POLICY 20.1.3: No new industrial activities or industrial rezonings are permitted

OBJECTIVE 20.2: TRANSPORTATION. To protect and maintain the rural character of the Bayshore community, no new arterial or collector roads will be constructed nor existing collector roads widened or extended, with the exception of the widening of Bayshore Road in the future. Public

POLICY 20.2.1: This objective does not preclude the widening of State Road 31 or I-75 since they are not entirely contained within the boundaries of the Bayshore Community Plan.

POLICY 20.2.2: The widening of arterial roads shall include provision for bike paths/sidewalks.

OBJECTIVE 20.3: SEWER AND WATER. Given the desire to maintain a low residential density, central sewage service is not economically feasible and should be discouraged north of Bayshore Road. Central water service for enhanced fire protection will be encouraged where economically feasible.

POLICY 20.3.1: Central sewage service will be encouraged for existing high density developments south of Bayshore and for new developments that require such service in the outlying suburban land use category.

POLICY 20.3.2: No landowner will be required to hook into central sewer or water utilities or be assessed for same unless a threat to public health can be documented.

OBJECTIVE 20.4: PARKS AND RECREATION. The County will explore, with the support of the residents of Bayshore, the feasibility of establishing an equestrian park as the primary recreation facility for this community.

POLICY 20.4.1: The support of the Bayshore residents may include assistance with development and maintenance of such a recreation facility.

EXHIBIT C

SEPTEMBER 04, 2002

A Meeting of the Board of Lee County Commissioners was held this date, to conduct a Public Hearing to consider the transmittal of the 2001/ 2002 Regular Lee Plan Amendments to the Lee County Comprehensive Plan, with the following Commissioners present:

Robert P. Janes, Chairman
Ray Judah, Vice-Chairman
John E. Albion
Douglas R. St. Cerny
Andrew W. Coy

ON FILE IN THE MINUTES OFFICE:
THE LEE PLAN AMENDMENTS, INCLUDING STAFF REPORTS, RECOMMENDATIONS, AND MAPS; AND RECOMMENDATIONS FROM THE LOCAL PLANNING AGENCY (LPA).

1. Call to Order; Certification of Affidavit of Publication

The Chairman called the meeting to order at 9:30 a.m. Assistant County Attorney Timothy Jones approved as to legal form and sufficiency, the Affidavit of Publication regarding this item.

2. Proposed Community Plans

A. CPA 2001-09
Amend the Future Land Use Element text of the Lee Plan to incorporate the recommendations of the Bayshore Steering Committee, establishing a Vision Statement, Goal, and subsequent Objectives and Policies specific to the Bayshore Community.

RECOMMENDATIONS:

Per Administrative Code AC-13-6, the recommendation of the LPA is to not transmit the proposed amendment. Administrative Code AC-13-6 provides that in "those instances where the vote results in a tie vote...the recommendation of the LPA will be conclusively presumed to be a recommendation not to transmit the proposal and will satisfy the requirements of Section 163.3174(1) and (4)(a), Florida Statutes."

Staff recommends that the Board of County Commissioners transmit the proposed amendment with staff's recommended language as shown in the Staff Report (Part I, Section B.1).

Shelley Traurig's EXHIBIT D

Community Development Planner Matt Noble explained that the privately-sponsored Community Planning effort began after a mine request caused some community residents to question Lee County's land use policies. He noted that the matter of "due process" was not a substantive issue because two public information meetings were well-attended, the Steering Committee mailed several notices to residents, and the plan was discussed at three duly-advertised LPA public hearings. He added that, if the proposal is transmitted to the Florida Department of Community Affairs (DCA), another public hearing will be held to consider adoption after the DCA review. Mr. Noble then briefly reviewed the language of the proposed Vision Statement and Goal, which convey the community's desire to protect the rural, agricultural, equestrian, and residential character of the area. Utilizing a color-coded Future Land Use Map (FLUM), he described the allowable densities of the various areas within the Planning Community boundaries; and emphasized that no FLUM categories would be changed by the amendment. Referring to Objective 20.1, Mr. Noble stated that the language was identical to existing Lee Plan language concerning Buckingham (Objective 17.1), which would prohibit land use map amendments to a more intensive category "unless a finding of overriding public necessity is made by three members of the Board of County Commissioners". He then briefly explained each of the proposed Policies 20.1.1 through 20.1.4, dealing with limitations and/or prohibitions of new commercial, industrial, mining, and excavation uses; and observed that "Minor Commercial", as defined by the Lee Plan, would not include commercial stables or tack and feed stores. Referring to the graphic land use map (Attachment B to the Amendment Application), included in the backup material for this item, Mr. Noble described the predominantly residential nature of the community; and clarified staff's conclusion that mining activities would not be compatible with the existing land use pattern. He then explained that staff's concerns with the original transportation language have been addressed; that the language has been substantially revised; and that the proposed Objective 20.2 and Policies 20.2.1 through 20.2.3 constitute direction to the County to actively solicit input from residents for future road projects. Referring to Objective 20.3 and Policies 20.3.1 and 20.3.2, Mr. Noble pointed out that there are no allowable densities in the community in excess of the threshold that would require connection to a public water system or sanitary sewer system; described the concerns of the residents about potential costs and assessments; and added that connection to public systems would be encouraged for development at the interstate interchange. Mr. Noble then distributed and reviewed a handout describing "Recommendations Regarding Surface Water Management" (copy is on file in the Minutes Office), which had been recently received from Mr. Rick Barber. He pointed out that the proposed language for Objective 20.5: Stormwater Management, was received too late to be reviewed by either the LPA or the community; and that staff has reviewed and is in support of the language,. He added that Mr. Barber had withdrawn the recommendation for Policy 20.5.3, and that the language is consistent with the existing Lee Plan and with an amendment to be considered later in the meeting. Following brief remarks by Commissioner Judah regarding the importance of effective

stormwater management, Commissioner Coy noted that Mr. Barber's ideas had been given last week to the principal community plan proposers. Referring to data and analysis requirements, Mr. Noble clarified that the Florida Statutes and Administrative Code only require the use of best available data; and that the planning effort included review of County-sponsored studies from 1982 and 1987. He concluded by stating staff's recommendation that the Board transmit the proposed Community Plan, as contained in the staff report, to the DCA. In response to Commissioner Coy's questions, Mr. Noble confirmed that the language in Objective 20.1 is the same as Objective 17.1 of the Buckingham Community Plan; and Attorney Jones advised that the term "overriding public necessity" refers to whatever is designated as such by the Board. Mr. Noble clarified that the language in Policy 20.1.2 was not intended to prohibit commercial stables or tack and feed stores, but was meant to exempt those operations from the Lee Plan standards for "Minor Commercial" uses. Commissioner Albion asked whether a Board decision to transmit this amendment, with its prohibition of mining uses, would influence the Strategic Mining Plan study currently being conducted. After Attorney Jones noted that planning staff would probably consider transmittal as an indication of the Board's wish to prohibit mining, Community Development Planning Director Paul S. O'Connor pointed out staff's opinion that mining is not compatible with the character of the community. In response to Commissioner Judah's question, Attorney Jones confirmed that legal issues could arise from removal of a use allowed by previous regulations. Brief Board discussion ensued regarding the timeline for completion of the mining study relative to the amendment adoption hearing after DCA review and the possibility of County liability under the Bert Harris Act from both the proposed amendment and the eventual Strategic Mining Plan. The Chairman called for public input and the following concerned citizens came forward to speak in opposition to the proposed Community Plan:

Scott Carter presented a petition signed by several Bayshore Community landowners (copy is on file in the Minutes Office), requesting additional study prior to Plan approval.
James R. Smith
Jim Cochran
A. Ernest Hansen
Joseph McFarland on behalf of Dorene McFarland
Ric Pritchett
Russ Atlee
Andy Tilton

The following concerned citizens came forward to speak in support of the proposed Community Plan as presented:

Troy Dunn
Joseph Brown
Patricia Brown

Jean Kendrick
Andrew Jamison
Amy Fainner distributed information about area wildlife (copy is on file in the Minutes Office).
Dusty Glaze
Linda Carpenter
Shari Shifrin
James Bartleson
Patricia Boyden
Kathy Corlieto
Doris Maitland
Kevin Schappert
Mary Zettel
Russ Vought
Larry Webb
Arthur Pohle
Matt Smith
Victor Hein
Piper Hunt
Dianna James
Helen Johns
Ralph Ruckle
Gary Simmons
Linda Ritter
Lee Ritter
Butch Ritter
James Minick
Bonnie Rose
Paul Rose
Larry Frappier submitted a copy of the list used for mailing notices (on file in the Minutes Office).
Nick Mellis
Jeanne Cornele
Mark Penfield

The following concerned citizens came forward to request deletion of a parenthetical phrase, in the Vision Statement, regarding future allowable density; and to express support for the remainder of the proposed Community Plan:

Stephanie Smith
Steven Brodkin
Kim Bryant
Lynne Bryant
Shelley Traurig
Richard Coolick

The following concerned citizens, who planned to speak on Adminstrative Agenda Item 6.B., expressed their concerns about the possible inclusion of the stormwater management language submitted by Mr. Barber:

Sam Marshall
Mitch Hutchcraft

One concerned citizen who submitted a card indicating opposition, and twenty-two concerned citizens who submitted cards indicating support, did not speak. Commissioner Judah left the meeting briefly during the public comment period. Among the concerns expressed by those in opposition were: the potential loss of individual property rights,
the insufficient notice to non-resident property owners, the "last-minute" nature of Mr. Barber's recommendation, the severe restrictions placed on development, the removal of previously allowed uses, the potential for Bert Harris Act litigation, the need for an independent Strategic Mining Study, the possible shortage of local building materials, and the proposed limitations on utility systems. Proponents cited the need to preserve wildlife habitat, the incompatibility of intensive development, the adverse effects of additional truck traffic, and the property rights of current residents. Mr. Mike Roeder, Consultant for the Bayshore Steering Committee, commented that the Committee had considered language similar to that suggested by Mr. Barber; that the consensus had been that no specific Bayshore component was needed; and that the Committee was neutral on whether to transmit language that had not been thoroughly reviewed. Those speakers who were concerned about the inclusion in the Vision Statement of the parenthetical phrase "(i.e., up to two units per acre with proper zoning)" asserted that the language was unnecessary and might be incorrectly construed as an indication that residents approved of the higher density. Attorney Steven C. Hartsell, of the law firm of Pavese, Haverfield, et al., representing U.S. Homes Corporation, explained that his client is in the process of requesting zoning on approximately 750 acres, at the currently allowable density of two units per acre, in Outlying Suburban areas; and that the parenthetical phrase clarified that the Vision Statement was not intended to change the densities in those areas. He opined that the additional language submitted by Mr. Barber should not be transmitted; commented that the plan was privately funded; pointed out that the proposed plan represents much consensus-building and compromise; and remarked on the concern of some residents that County public works projects were exempt from notice requirements. In response to Commissioner Coy's questions, Mr. O'Connor confirmed that no plan change would be required to allow the County to build, widen, improve, or extend roads; and that the County could approve gated golf course communities that were consistent with allowable densities and other plan policies. After Mr. Noble clarified the plan's limitations on public water and sewer systems, Mr. O'Connor described the residents' concern that improved infrastructure would increase pressure for additional development. Commissioner Coy asked whether the plan should address the flooding issue; and Mr. O'Connor responded that either flooding was not considered a pressing

concern or the plan designers perceived a lack of expertise to address the issue. Mr. O'Connor confirmed Commissioner Coy's understanding that the plan would not prohibit a Wal-Mart, Publix, or other similar large project that was otherwise consistent with legal requirements. Attorney Jones stated that Bert Harris liability could arise from the plan's total prohibition of mining, that any new application for a mining operation would have to come before the Board, and that the pending rezoning application for a mine in the Bayshore area had been deemed sufficient. Attorney Jones and Mr. Noble briefly discussed misunderstandings as to whether the subject application had been deemed withdrawn or scheduled for a hearing. In reply to Commissioner Coy's questions, Attorney Jones confirmed that the private planning group would not be subject to Sunshine Law requirements; and that any future change to the Community Plan would be made through the public Comprehensive Plan Amendment process. Attorney Jones further clarified that, although the Land Use category boundaries would not be changed, the uses allowed within those categories would be changed. After remarking on the possibility that some mining land use areas might become Conservation 2020 lands, Commissioner Coy asked Commissioner Judah to comment on the language "discouraging" central sewer in new developments. Commissioner Judah observed that the area's low density would make it difficult to connect to a central system, and expressed concern that the language encourages central sewers south of Bayshore Road but discourages them north of Bayshore Road. Commissioner Albion suggested, and Commissioners Coy and Judah concurred, that the plan's language could discourage central sewers in areas with less than two units per acre and remain silent on higher density areas. General discussion ensued regarding conditions under which expansion of an existing commercial facility would require connection to an available central system, after which Commissioner Judah requested that staff develop alternate language to reflect Commissioner Albion's suggestions. After Commissioner Judah commented on the desire of the residents to ensure that no mining would occur in the area, Commissioner St. Cerny requested clarification of the time line for the Strategic Mining Study, the DCA review, and the Board's adoption hearing. Attorney Jones emphasized that neither the plan's prohibition nor the study would become effective until final adoption by the Board, unless the Board directs staff to implement the Smith v. Clearwater ruling to put a hold on any new applications for development that would be inconsistent with the pending study; and noted that the ruling is normally not used for pending plan amendment issues. He added that adoption of the implementation ordinance would not occur for some months after the DCA review is complete, and that adoption of the Strategic Mining Study would involve at least LDC amendments. Extensive Board discussion followed regarding the advantages and disadvantages of including the mining prohibition in the transmitted amendment, the Board's options for dealing with amendments after DCA review, and the need for an unbiased mining study. Commissioner Judah suggested that the language in Policy 20.1.4 could be transmitted with the addition of the phrase, "subject to the outcome of the mining study currently being conducted by the County Department of Community Development". In response to questions from the Commissioners, Attorney

Jones explained that the language submitted by Mr. Barber could not be transmitted because it had not been considered by the LPA; reviewed the legal requirements of the amendment process; confirmed that addition of the un-reviewed language could jeopardize approval of the entire Community Plan; and emphasized that an addendum would not be permitted. Following brief Board discussion of Mr. O'Connor's suggested wording for Objective 20.3, Mr. O'Connor read the following into the record: "Given the desire to maintain a low residential density, new central sewage service is not economically feasible and is discouraged north of Bayshore Road within the future non- urban land use categories", with the second sentence to remain as written. His suggestion for the revised wording of Policy 20.3.1: "Central sewage service will be encouraged for existing and future high density and intensity developments south of Bayshore Road within the future urban land use categories". Commissioner Coy made a motion to transmit, for DCA's opinion, the Bayshore Community Plan as written, except for the changes to Objective 20.3 as read by Mr. O'Connor, with the understanding that, if any new or different information is received within the next three to six months, the Board has the full right and responsibility to make additional changes as needed prior to adoption. Commissioner Judah seconded the motion for discussion. Commissioner Judah clarified that any language in the Bayshore Community Plan amendment to the Comprehensive Plan pertaining to mining uses would be subject to the findings of the mining study being conducted by the Department of Community Development. The maker of the motion agreed. Commissioner Albion suggested that simpler language would be that "it must be consistent with the findings from the study agreed upon by the Board of County Commissioners". The maker and seconder of the motion agreed. Commissioner Albion pointed out that the Bayshore residents should continue to work toward consensus on remaining issues, and suggested that the Board be made aware of any unwillingness to cooperate on either side. After Commissioner Coy agreed to monitor the situation, the motion was called and carried. Commissioner Albion noted that Board approval of the Community Plan was not intended to bias the results of the Strategic Mining Study.

The Chairman recessed the meeting until 1:30 p.m. The Chairman called the meeting back to order at 1:34 p.m. with all Commissioners present with the exception of Commissioner Coy, who arrived at 1:50 p.m.

however, due to their geographic size, a planning community could not be created based on its boundaries. These communities and their anticipated evolutions are as follows:
(Amended by Ordinance No. 99-15)

1. **Alva** - This Community is located in the northeast corner of the county and is focused around the rural community of Alva. This community roughly includes lands in Township 43 South/Range 27 East, lands north of the Caloosahatchee River in Township 43 South/Range 26 East, and, lands north of the Caloosahatchee River in Sections 1,2, 11-14, and 23-27 of Township 43 South/Range 26 East. The majority of this area is designated as Rural, Open Lands, or Density Reduction/Groundwater Resource. The lands surrounding the Alva "Center", which lie north and south of the Caloosahatchee River at the intersections of the Broadway (the bridge at Alva) and SR 78 and SR 80, are designated as Urban Community. There are some lands designated as Outlying Suburban within the Alva Planning Community, most of which are located south of Bayshore Road west of SR 31. The Bayshore area has characteristics of both the Alva and the North Fort Myers Community. The division between these communities was drawn to reflect census geography. If this geography is altered, this community boundary should also be reviewed. This area currently has a rural character similar to the rest of the Alva Planning Community; however, its location/accessibility to I-75 may, in the future, render it more closely related to the North Fort Myers Community.

   While the Alva community does offer some commercial opportunities, residents satisfy most of their commercial needs outside of this community in the more urbanized communities to the west and south. For the most part, these conditions are expected to remain through the life of this plan. The population of Alva is projected to grow from an estimated 4,260 in 1996 to 4,818 in 2020. Commercially, Alva will double its available square footage to nearly 150,000sf. In the year 2020, the Alva community will remain largely rural/agricultural in nature with over half of its total acreage being used for this purpose. The Alva Community will also strive to protect its historic resources.

   There are no distinct sub-communities within the Alva Community. (Added by Ordinance No. 99-15)

2. **Boca Grande** – This community includes the portions of Gasparilla Island within Lee County and the surrounding smaller islands. The smaller islands in this community have minimal if any development. The core of this community is the unincorporated town of Boca Grande. This community is unique in that it has no direct road access to the rest of Lee County. All access to Boca Grande is via Charlotte County or by boat. The Boca Community is designated as Urban Community, Outer Islands, and Public Facilities; however, the Urban Community category is restricted to 3 units per acre within this community. The population of Boca Grande is expected to increase from 888 people in 1996 to 1,201 in 2020. The seasonal influx will remain high in this community with an expected seasonal population in 2020 of 2,834. Currently, less than 15% of Boca Grande is vacant. By the year 2020, this community is expected to build out. The community of Boca Grande is dedicated to preserving its historic character and the community will look largely the same in 2020 as it does today.

   There are no sub-communities within the Boca Grande Community. (Added by Ordinance No. 99-15)

3. **Bonita** - This Community is located in south Lee County from the Estero River and the northern boundary of the Brooks of Bonita development south to the Collier County line. It is generally west of I-75 except south of Bonita Beach Road where it extends to the east county line. The Community contains all the islands south of the Town of Fort Myers Beach including those in the

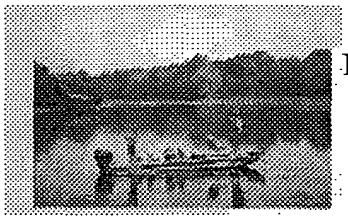
Shelley Traurigs Exhibit E

Public Facilities, the entire community is designated as Density Reduction/Groundwater Resource, Conservation Lands (both upland and wetlands), and Wetlands on the Future Land Use Map. This "community" consists of mining operations, agricultural uses, and very large lot residential home sites. The one exception is the Citrus Park Community. This community will not change in character by the year 2020 and will continue to have a population of approximately 2000 residents. (Added by Ordinance No. 99-15)

19. **North Fort Myers** - This Community is located north of the Caloosahatchee River between the Alva Planning Community and the City of Cape Coral. This community includes a wide mix of Future Land Use designations from Intensive Development to Density Reduction/Groundwater Resource. The area between the two US 41 routes near the river will remain the core of this community. The old US 41 corridor will be redeveloped with new commercial uses and waterfront development taking advantage of this areas close proximity to downtown Fort Myers and its riverfront location. The US 41 corridor from Pondella Road north will continue to attract new commercial development that will serve the North Fort Myers community and other surrounding communities. Total commercial, service, and industrial uses will have doubled from the amount existing in 1996. These areas are surrounded by residential uses. Most of the North Fort Myers community will develop at residential densities less than what is allowed by the Lee Plan Future Land Use Map. Furthermore, much of this community is designated for low density development of less than one unit per acre. This community will not be one of the fastest growing areas, residentially, in Lee County. This area will add fewer than 3,000 new residents by the year 2020. However, with a total permanent population of over 50,000 residents and nearly 65,000 residents in season, the North Fort Myers community will be the fourth largest community, in population, in the year 2020. As stated in the Alva community, the Bayshore area does have characteristics differing from both the Alva and North Fort Myers community. The split in the Bayshore area between Alva and North Fort Myers was done to include properties which were most closely related to those respective communities. (Added by Ordinance No. 99-15)

20. **Buckingham**- This Community is located between Lehigh Acres and the City of Fort Myers and Buckingham Road and the Orange River. It is considered the Buckingham Rural Community Preserve. The property in this community is predominantly designated Rural Community Preserve with some pockets of Public Facilities, Rural, and Outlying Suburban. The residents will continue to work to maintain the rural nature of this area of the county. The residents have limited the commercial activity within the community to a node focused around the intersections of Buckingham Road and Cemetery Road and Buckingham Road and Orange River Road. It is their preference that the majority of the communities commercial needs be met outside of their community. They also have concerns with any transportation projects which increase the volume of traffic through their community. The population of Buckingham will not change substantially during the life of this plan. (Added by Ordinance No. 99-15)

21. **Estero** - To establish a community that embraces its historic heritage, while carefully planning for future growth resulting from Florida Gulf Coast University, the Southwest Florida International Airport, growing population and a unique natural environment. Estero's growth will be planned as a village, establishing defined areas for tasteful shopping, service and entertainment, while protecting and encouraging residential neighborhoods that encourage a sense of belonging. Weaving the community together will be carefully crafted limitations on strip commercial uses, inappropriate signage and certain undesired commercial uses, while additional design guidelines will be established to ensure attractive landscaping, streetscaping, architectural standards, and unified access points. The implementation of this Vision will help reduce the conflict between residential and commercial areas, as well as allow Estero to emerge as a vibrant Lee County Village.



NORTH FORT MYERS, FLORIDA

North Fort Myers

Click Here For A List Of N. Fort Myers Accommodations

Other Destinations

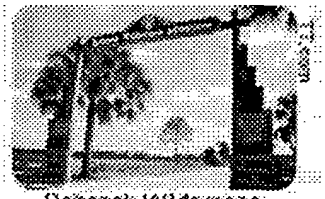
- Arcadia
- Bonita Springs
- Cape Coral
- Captiva
- Clewiston
- Ft. Myers
- Ft. Myers Beach
- Gasparilla Island /
- Boca Grande
- Marco Island
- Naples
- N.Fort Myers
- Pine Island
- Punta Gorda
- Sanibel

A trip to North Fort Myers means a visit to Southwest Florida's pioneer past, an era longsince gone and often remembered only in stories of homesteading families. These pioneers established towns such as New Prospect, Samville, and Slater - none of which exist today. But the rugged spirit of the early settlers has given North Fort Myers its unique flavor.



Bridge to North Fort Myers
Click Photo To Enlarge

The first settler in North Fort Myers, John Powell, had originally moved to the old fort site in Fort Myers in 1867. Having started an orange grove across the Caloosahatchee River from seeds he had collected at the old fort, Powell moved into what became North Fort Myers, naming his town New Prospect. The village had grown to only 50 residents by 1910 while Fort Myers boasted 2,463 inhabitants. New Prospect faded away and all that exists today to remind the visitor of Powell is Powell's Creek and the resting place of many of the county's pioneers, New Prospect Cemetery.



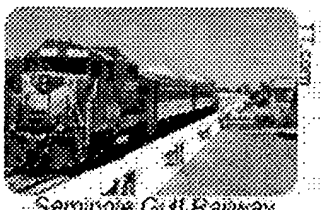
Babcock Wilderness
Click Photo To Enlarge

Today, much of North Fort Myers remains as these homesteaders knew it, with open grasslands dotted with massive live oaks, yellow pine and cabbage palms. One of the best ways to see wildlife and the area's natural beauty is by swamp buggy at the **Babcock Wilderness Adventures**. Experienced naturalists lead 90-minute tours through the Crescent B Ranch, the largest contiguous cattle operation east of the Mississippi River at 90,000 acres. A typical tour takes a visitor through five ecosystems, from an open prairie to Telegraph Cypress Swamp. Wild animals such as alligators, panther, deer, wild turkey, and boar can be seen as well as countless Florida birds. A herd of bison and horses are also on view. The ranch, located on SR 31 about 11 miles northeast of Fort Myers, has a restaurant on site that serves lunch.

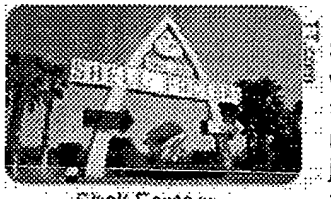


Lulu
Click Photo To Enlarge

Another way to see Florida the way it used to be is with the **Seminole Gulf Railway**. Founded in 1888, this short line eventually ran from Arcadia through Fort Myers to Naples. Today, it runs excursions and dinner trains along the same routes, giving the rider a great view of the less populated areas of North Fort Myers and Southwest Florida. Jazz trains and murder mystery rides provide additional variety. The trains depart Fort Myers from the Colonial Station, a small blue building on the western edge of the old Metro Mall's parking lot on Colonial Boulevard at Metro Parkway.



Seminole Gulf Railway
Click Photo To Enlarge



Shell Factory
Click Photo To Enlarge

For those tired of searching for seashells themselves, the **Shell Factory** in North Fort Myers claims to house the world's largest collection of shells, corals, sponges and fossils. An institution for more than 50 years, the recently refurbished attraction has entire sections devoted to shell jewelry, shell lamps, natural and sculpted driftwood, books and numerous other gift items. Located 4 miles north of Fort Myers on U.S. 41, the 65,000-square-foot Shell

Shelley Traurig's Exhibit F

Factory has many souvenirs that cost less than $10.

Echo - Seeds for the World



Free Stock Daily

A visit to ECHO makes for an interesting and unusual outing. ECHO, the Educational Concerns for Hunger Organization, began in the 1970's as an effort to help farmers in Haiti. Based in North Fort Myers, this Christian organization serves as a laboratory of low-tech farming techniques for the Third World. Supported by charitable donations, ECHO's information network shares ideas and solutions to regional agricultural problems, such as: How can I keep baboons out of the garden? What plants can be grown in arid regions? What techniques can I use to improve the soil? Often answers come from someone who has had the same problem but in another region. The networking of practical agricultural information from 140 countries is available free of charge in print or on their website www.echonet.org.

In their fight against world hunger, ECHO operates a 21-acre training farm and experimental laboratory. Tours of the site will bring visitors close to a wide variety of unusual seldom-seen plants and demonstrations of innovative agricultural techniques with plants and animals. Taste a leaf of the stevia plant - 10 times sweeter than sugar. Check out the odd-looking lipstick tree with its furry berries that contain seeds used to dye butter. Some of these plants can be purchased at the Edible Landscape Nursery. ECHO's seed bank contains over 450 varieties of hard-to-find plants, multi-purpose trees, and other tropical crops. Free trial packets of seeds are sent out to its overseas network.

ECHO offers a free tour only on Tuesday, Friday and Saturday at 10 AM. After the 1 ½-hour-guided tour, visitors can browse through the Edible Landscape Nursery and the Book Shop. A stroll through the ECHO farm is truly a walk through a world of practical solutions to international hunger.



ECHO's Edible Landscape Nursery

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I. Overall Requests

A. Lower density (number of houses per acre) !! much lower

B. No multi-family at all

C. Surface water problems

D. Traffic (if you lower the density there will be fewer vehicles)

E. Buffers between surrounding homes/properties

1. No walls
2. No high dirt mounds
3. Need to know the distance of all buffers surrounding the community?
4. U.S. Homes put in vegetation native to this area in buffers (including Oaks, Pines, Myrtles-no palm trees)

F. Put in a sidewalk on Pritchett Parkway due to extra traffic for safety of citizens outside the development.

G. Lighting in the community

1. Low residential lighting only - only minimal to NONE - WE HAVE NONE
2. All common areas, maintenance and recreational areas including fields, tennis courts, etc shall be daytime only! and shall have no high lighting (which will be intrusive to surrounding properties/areas) or shall have low level lighting only

H. Maintenance areas shall be centralized within the community including horticulture/trash and other equipment

II. **Hunter's Glen Development requests:**

A. Tract D to be redesigned to move lake to the border of Hunter's Glen or add larger buffer.

B. U.S. Homes put in a fence similar to Pritchett Parkway frontage fence for the entire back area of Hunter's Glen to separate the new development and Hunter's Glen — use this fencing + vegetation only

C. Add additional names of residents to the U.S. Homes mailing list (will be provided)

III. **Hunter's Glen questions:**

A. Will the Entrance to Hunter's Glen be used to enter Tract D? If not, where will it be in comparison to the Hunter's Glen entrance?

B. Will the new development use the same road to enter Tract D?

IV. Do something different - plan this area to be an upscale country development

V. agree w/ all of the above - & especially marked w/ O

Name: Norman + Christine Abrams

Address: 8200 Henderson Creek Rd.
N. Ft. Myers, FL 339

Telephone: 239-567-0537

Signed: [signature] Norman Abrams Date: 6/14/02

Shelley Trawrig's

EXHIBIT 6

I. **Overall Requests**
   A. Lower density (number of houses per acre)
   B. No multi-family at all
   C. Surface water problems
   D. Traffic (if you lower the density there will be fewer vehicles)
   E. Buffers between surrounding homes/properties
      1. No walls
      2. No high dirt mounds
      3. Need to know the distance of all buffers surrounding the community?
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   F. Put in a sidewalk on Pritchett Parkway due to extra traffic for safety of citizens outside the development.
   G. Lighting in the community
      1. Low residential lighting only
      2. All common areas, maintenance and recreational areas including fields, tennis courts, etc shall be daytime only and shall have no high lighting (which will be intrusive to surrounding properties/areas) or shall have low level lighting only
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   C. Add additional names of residents to the U.S. Homes mailing list (will be provided)

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   B. Will the new development use the same road to enter Tract D?

IV. _____

_____

V. _____

_____

Name: Ronald & Gloria Blesen

Address: 8201 Henderson Gr. Rd.
N. Ft. Myers, FL. 33917

Telephone: 239-543-8676

Signed: Ronald Blesen Date: 6/10/02

I. **Overall Requests**

A. Lower density (number of houses per acre)
B. No multi-family at all
C. Surface water problems
D. Traffic (if you lower the density there will be fewer vehicles)
E. Buffers between surrounding homes/properties
   1. No walls
   2. No high dirt mounds
   3. Need to know the distance of all buffers surrounding the community?
   4. U.S. Homes put in vegetation native to this area in buffers (including Oaks, Pines, Myrtles-no palm trees)
F. Put in a sidewalk on Pritchett Parkway due to extra traffic for safety of citizens outside the development.
G. Lighting in the community
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B. Will the new development use the same road to enter Tract D?

IV. _____

_____

V. _____

_____

Name: DON CAMERON

Address: 8400 HENDERSON GRADE
N. FT. MYERS FL 33917

Telephone: 731-8429

Signed: [signature]

Date: 6/11/02

I. **Overall Requests**

A. Lower density (number of houses per acre)
B. No multi-family at all
C. Surface water problems
D. Traffic (if you lower the density there will be fewer vehicles)
E. Buffers between surrounding homes/properties
   1. No walls
   2. No high dirt mounds
   3. Need to know the distance of all buffers surrounding the community?
   4. U.S. Homes put in vegetation native to this area in buffers (including Oaks, Pines, Myrtles-no palm trees)
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A. Will the Entrance to Hunter's Glen be used to enter Tract D? If not, where will it be in comparison to the Hunter's Glen entrance?

B. Will the new development use the same road to enter Tract D?

IV. _____

_____

V. _____

_____

Name: Tish Campobasso

Address: 18185 Sandy Pines Circle
N. Ft. Myers FL

Telephone: 731-3482

Signed: _____ Date: 6-5-02

I. **Overall Requests**

A. Lower density (number of houses per acre)
B. No multi-family at all
C. Surface water problems
D. Traffic (if you lower the density there will be fewer vehicles)
E. Buffers between surrounding homes/properties
   1. No walls
   2. No high dirt mounds
   3. Need to know the distance of all buffers surrounding the community?
   4. U.S. Homes put in vegetation native to this area in buffers (including Oaks, Pines, Myrtles~~, Palm trees~~)
F. Put in a sidewalk on Pritchett Parkway due to extra traffic for safety of citizens outside the development.
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H. Maintenance areas shall be centralized within the community including horticulture/trash and other equipment

* the Cabbo palm is native & is our "state" tree very nat to this area As is th saw palmet (benefic to man birds & animal

II. **Hunter's Glen Development requests:**

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B. U.S. Homes put in a fence similar to Pritchett Parkway frontage fence for the entire back area of Hunter's Glen to separate the new development and Hunter's Glen
C. Add additional names of residents to the U.S. Homes mailing list (will be provided)

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A. Will the Entrance to Hunter's Glen be used to enter Tract D? If not, where will it be in comparison to the Hunter's Glen entrance?

B. Will the new development use the same road to enter Tract D?

IV. What will happen to the existing gopher tortoises on the property?

V. _____

_____

Name: Annette & Dennis Coughlin

Address: 8151 Henderson Grade
N. Fort Myers Fl 33917

Telephone: 731-1665

Signed: Annette Coughlin
Dennis Coughlin

Date: 6-9-05

I. **Overall Requests**

A. Lower density (number of houses per acre)
B. No multi-family at all
C. Surface water problems
D. Traffic (if you lower the density there will be fewer vehicles)
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C. Add additional names of residents to the U.S. Homes mailing list (will be provided)

III. **Hunter's Glen questions:**

A. Will the Entrance to Hunter's Glen be used to enter Tract D? If not, where will it be in comparison to the Hunter's Glen entrance?

B. Will the new development use the same road to enter Tract D?

IV. _____

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V. _____

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Name: Clayton + Ashley Cox

Address: 18141 Sandy Pines Cir
N. Ft. Myers FL 33917

Telephone: (941) 543-8741

Signed: Ashley Cox Date: 6-6-02

I. **Overall Requests**
   A. Lower density (number of houses per acre)
   B. No multi-family at all
   C. Surface water problems
   D. Traffic (if you lower the density there will be fewer vehicles)
   E. Buffers between surrounding homes/properties
      1. No walls
      2. No high dirt mounds
      3. Need to know the distance of all buffers surrounding the community?
      4. U.S. Homes put in vegetation native to this area in buffers (including Oaks, Pines, Myrtles-no palm trees)
   F. Put in a sidewalk on Pritchett Parkway due to extra traffic for safety of citizens outside the development.
   G. Lighting in the community
      1. Low residential lighting only
      2. All common areas, maintenance and recreational areas including fields, tennis courts, etc shall be daytime only and shall have no high lighting (which will be intrusive to surrounding properties/areas) or shall have low level lighting only
   H. Maintenance areas shall be centralized within the community including horticulture/trash and other equipment

II. **Hunter's Glen Development requests:**
   A. Tract D to be redesigned to move lake to the border of Hunter's Glen or add larger buffer.
   B. U.S. Homes put in a fence similar to Pritchett Parkway frontage fence for the entire back area of Hunter's Glen to separate the new development and Hunter's Glen
   C. Add additional names of residents to the U.S. Homes mailing list (will be provided)

III. **Hunter's Glen questions:**
   A. Will the Entrance to Hunter's Glen be used to enter Tract D? If not, where will it be in comparison to the Hunter's Glen entrance?

   B. Will the new development use the same road to enter Tract D?

IV. _____

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V. _____

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Name: _____

Address: Kori Dawdson
Scott Dawdson
8501 Henderson Grade
N St Marys GA

Telephone: _____

Signed: Kori Dawdson Date: 6/10/02

I. **Overall Requests**
   A. Lower density (number of houses per acre)
   B. No multi-family at all
   C. Surface water problems
   D. Traffic (if you lower the density there will be fewer vehicles)
   E. Buffers between surrounding homes/properties
      1. No walls
      2. No high dirt mounds
      3. Need to know the distance of all buffers surrounding the community?
      4. U.S. Homes put in vegetation native to this area in buffers (including Oaks, Pines, Myrtles-no palm trees)
   F. Put in a sidewalk on Pritchett Parkway due to extra traffic for safety of citizens outside the development.
   G. Lighting in the community
      1. Low residential lighting only
      2. All common areas, maintenance and recreational areas including fields, tennis courts, etc shall be daytime only and shall have no high lighting (which will be intrusive to surrounding properties/areas) or shall have low level lighting only
   H. Maintenance areas shall be centralized within the community including horticulture/trash and other equipment

II. **Hunter's Glen Development requests:**
   A. Tract D to be redesigned to move lake to the border of Hunter's Glen or add larger buffer.
   B. U.S. Homes put in a fence similar to Pritchett Parkway frontage fence for the entire back area of Hunter's Glen to separate the new development and Hunter's Glen
   C. Add additional names of residents to the U.S. Homes mailing list (will be provided)

III. **Hunter's Glen questions:**
   A. Will the Entrance to Hunter's Glen be used to enter Tract D? If not, where will it be in comparison to the Hunter's Glen entrance?

   B. Will the new development use the same road to enter Tract D?

IV. _____

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V. _____

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Name: Barbara Lee Dean

Address: 8271 Bromeliad Ct

Ft. Myers, FL. 33917

Telephone: 941-543-6408

Signed: B. Lee Dean Date: 6-5-02

I. **Overall Requests**
   A. Lower density (number of houses per acre)
   B. No multi-family at all
   C. Surface water problems
   D. Traffic (if you lower the density there will be fewer vehicles)
   E. Buffers between surrounding homes/properties
      1. No walls
      2. No high dirt mounds
      3. Need to know the distance of all buffers surrounding the community?
      4. U.S. Homes put in vegetation native to this area in buffers (including Oaks, Pines, Myrtles-no palm trees)
   F. Put in a sidewalk on Pritchett Parkway due to extra traffic for safety of citizens outside the development.
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   H. Maintenance areas shall be centralized within the community including horticulture/trash and other equipment

II. **Hunter's Glen Development requests:**
   A. Tract D to be redesigned to move lake to the border of Hunter's Glen or add larger buffer.
   B. U.S. Homes put in a fence similar to Pritchett Parkway frontage fence for the entire back area of Hunter's Glen to separate the new development and Hunter's Glen
   C. Add additional names of residents to the U.S. Homes mailing list (will be provided)

III. **Hunter's Glen questions:**
   A. Will the Entrance to Hunter's Glen be used to enter Tract D? If not, where will it be in comparison to the Hunter's Glen entrance?

   B. Will the new development use the same road to enter Tract D?

IV. Concerns about blasting for lakes.

V. _____

Name: Mark & Denise Fenicle

Address: 18401 Hunter's Glen Rd
N. Ft Myers Fl 33917

Telephone: 567-1021

Signed: _____ Date: 6-20-02

Sorry this did not reach you by the 14th. We were on vacation.

I. **Overall Requests**
   A. Lower density (number of houses per acre)
   B. No multi-family at all
   C. Surface water problems
   D. Traffic (if you lower the density there will be fewer vehicles)
   E. Buffers between surrounding homes/properties
      1. No walls
      2. No high dirt mounds
      3. Need to know the distance of all buffers surrounding the community?
      4. U.S. Homes put in vegetation native to this area in buffers (including Oaks, Pines, Myrtles-no palm trees)
   F. Put in a sidewalk on Pritchett Parkway due to extra traffic for safety of citizens outside the development.
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   H. Maintenance areas shall be centralized within the community including horticulture/trash and other equipment

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   A. Tract D to be redesigned to move lake to the border of Hunter's Glen or add larger buffer.
   B. U.S. Homes put in a fence similar to Pritchett Parkway frontage fence for the entire back area of Hunter's Glen to separate the new development and Hunter's Glen
   C. Add additional names of residents to the U.S. Homes mailing list (will be provided)

III. **Hunter's Glen questions:**
   A. Will the Entrance to Hunter's Glen be used to enter Tract D? If not, where will it be in comparison to the Hunter's Glen entrance?

   B. Will the new development use the same road to enter Tract D?

IV. definitely suggest surrounding property be fenced at least six foot

V. Chainlink -

Name: William + Betty Gray

Address: 18551 NALLE ROAD
N. FORT MYERS, FL 33917

Telephone: 731-7381

Signed: Betty Gray Date: 6/14/02

I. **Overall Requests**

A. Lower density (number of houses per acre)
B. No multi-family at all
C. Surface water problems
D. Traffic (if you lower the density there will be fewer vehicles)
E. Buffers between surrounding homes/properties
   1. No walls
   2. No high dirt mounds
   3. Need to know the distance of all buffers surrounding the community?
   4. U.S. Homes put in vegetation native to this area in buffers (including Oaks, Pines, Myrtles-no palm trees)
F. Put in a sidewalk on Pritchett Parkway due to extra traffic for safety of citizens outside the development.
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H. Maintenance areas shall be centralized within the community including horticulture/trash and other equipment

II. **Hunter's Glen Development requests:**

A. Tract D to be redesigned to move lake to the border of Hunter's Glen or add larger buffer.
B. U.S. Homes put in a fence similar to Pritchett Parkway frontage fence for the entire back area of Hunter's Glen to separate the new development and Hunter's Glen
C. Add additional names of residents to the U.S. Homes mailing list (will be provided)

III. **Hunter's Glen questions:**

A. Will the Entrance to Hunter's Glen be used to enter Tract D? If not, where will it be in comparison to the Hunter's Glen entrance?

B. Will the new development use the same road to enter Tract D?

IV. _____

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V. _____

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Name: BILL HANNONG

Address: 8200 Boaes Boro Rd.
Ft Myers, FL. 33917

Telephone: 941-731-7380

Signed: Bill Hannong Date: 10/11/02

I. **Overall Requests**

A. Lower density (number of houses per acre)
B. No multi-family at all
C. Surface water problems
D. Traffic (if you lower the density there will be fewer vehicles)
E. Buffers between surrounding homes/properties
   1. No walls
   2. No high dirt mounds
   3. Need to know the distance of all buffers surrounding the community?
   4. U.S. Homes put in vegetation native to this area in buffers (including Oaks, Pines, Myrtles-no palm trees)
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H. Maintenance areas shall be centralized within the community including horticulture/trash and other equipment

II. **Hunter's G**

A. Tract
Hunter
B. U.S. H
fronta
to sep
C. Add ad
mailin

of

ay
Glen

Everything sounds great!
Thanks for all of your time, money, and hard work.

Thanks,
Scott & Amy

III. **Hunter's G**

A. Will t
Tract
Hunter

B. Will t
Tract

the

Longaberger®

IV. _____ _____

V. _____

Name: Amy & Scott Harrington

Address: 18250 Hunters Glen Rd.
NFM, FL 33917

Telephone: (239) 543-3685

Signed: Amy K. Harrington Date: 6/11/02

I. Overall Requests
- A. Lower density (number of houses per acre)
- B. No multi-family at all
- C. Surface water problems
- D. Traffic (if you lower the density there will be fewer vehicles)
- E. Buffers between surrounding homes/properties
  1. No walls
  2. No high dirt mounds
  3. Need to know the distance of all buffers surrounding the community?
  4. U.S. Homes put in vegetation native to this area in buffers (including Oaks, Pines, Myrtles-no palm trees)
- F. Put in a sidewalk on Pritchett Parkway due to extra traffic for safety of citizens outside the development.
- G. Lighting in the community
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- H. Maintenance areas shall be centralized within the community including horticulture/trash and other equipment

II. **Hunter's Glen Development requests:**
- A. Tract D to be redesigned to move lake to the border of Hunter's Glen or add larger buffer.
- B. U.S. Homes put in a fence similar to Pritchett Parkway frontage fence for the entire back area of Hunter's Glen to separate the new development and Hunter's Glen
- C. Add additional names of residents to the U.S. Homes mailing list (will be provided)

III. **Hunter's Glen questions:**
- A. Will the Entrance to Hunter's Glen be used to enter Tract D? If not, where will it be in comparison to the Hunter's Glen entrance?
- B. Will the new development use the same road to enter ~~Tract~~ D?

IV. FENCING IS IMPERATIVE – ALSO IT MUST BE EFFECTIVE THIS WAY WE CAN MAKE TRESPASSING

V. A NON-ISSUE!

Name: RICHARD LEVINE

Address: 8550 HENDERSON GRADE

N.F.M., FL. 33917.

Telephone: 543·1041

Signed: Richard Levine Date: 6·9·02.

THANK YOU!

I. **Overall Requests**

A. Lower density (number of houses per acre)
B. No multi-family at all } MOST DEFFENT.
C. Surface water problems }
D. Traffic (if you lower the density there will be fewer vehicles)
E. Buffers between surrounding homes/properties
   1. No walls
   2. No high dirt mounds
   3. Need to know the distance of all buffers surrounding the community?
   4. U.S. Homes put in vegetation native to this area in buffers (including Oaks, Pines, Myrtles-no palm trees)
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C. Add additional names of residents to the U.S. Homes mailing list (will be provided)

III. **Hunter's Glen questions:**

A. Will the Entrance to Hunter's Glen be used to enter Tract D? If not, where will it be in comparison to the Hunter's Glen entrance?

B. Will the new development use the same road to enter Tract D?

IV. _____

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V. _____

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Name: LOU & BARBARA LOPEZ
Address: 8121 RICH RD
N. FT. MYERS, FL #33917
Telephone: FAX 731-7270

Signed: Barbara Lopez Date: 6-10-02

I. **Overall Requests**

A. Lower density (number of houses per acre)
B. No multi-family at all
C. Surface water problems
D. Traffic (if you lower the density there will be fewer vehicles)
* E. Buffers between surrounding homes/properties
   1. No walls
   2. No high dirt mounds
   3. Need to know the distance of all buffers surrounding the community?
   4. U.S. Homes put in vegetation native to this area in buffers (including Oaks, Pines, Myrtles-no palm trees)
F. Put in a sidewalk on Pritchett Parkway due to extra traffic for safety of citizens outside the development.
G. Lighting in the community
   1. Low residential lighting only
   2. All common areas, maintenance and recreational areas including fields, tennis courts, etc shall be daytime only and shall have no high lighting (which will be intrusive to surrounding properties/areas) or shall have low level lighting only
H. Maintenance areas shall be centralized within the community including horticulture/trash and other equipment

II. **Hunter's Glen Development requests:**

A. Tract D to be redesigned to move lake to the border of Hunter's Glen or add larger buffer.
B. U.S. Homes put in a fence similar to Pritchett Parkway frontage fence for the entire back area of Hunter's Glen to separate the new development and Hunter's Glen
C. Add additional names of residents to the U.S. Homes mailing list (will be provided)

III. **Hunter's Glen questions:**

A. Will the Entrance to Hunter's Glen be used to enter Tract D? If not, where will it be in comparison to the Hunter's Glen entrance?

B. Will the new development use the same road to enter Tract D?

IV. _____

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V. _____

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Name: Denise Metrione

Address: 8280 Boonesboro Rd.
N. Ft. Myers, FL 33917

Telephone: (941) 543-7501

Signed: Denise Metrione Date: 6-11-02

* Especially important

I. **Overall Requests**
   A. Lower density (number of houses per acre)
   B. No multi-family at all
   C. Surface water problems
   D. Traffic (if you lower the density there will be fewer vehicles)
   E. Buffers between surrounding homes/properties
      1. No walls
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      1. Low residential lighting only
      2. All common areas, maintenance and recreational areas including fields, tennis courts, etc shall be daytime only and shall have no high lighting (which will be intrusive to surrounding properties/areas) or shall have low level lighting only
   H. Maintenance areas shall be centralized within the community including horticulture/trash and other equipment

II. **Hunter's Glen Development requests:**
   A. Tract D to be redesigned to move lake to the border of Hunter's Glen or add larger buffer.
   B. U.S. Homes put in a fence similar to Pritchett Parkway frontage fence for the entire back area of Hunter's Glen to separate the new development and Hunter's Glen
   C. Add additional names of residents to the U.S. Homes mailing list (will be provided)

III. **Hunter's Glen questions:**
   A. Will the Entrance to Hunter's Glen be used to enter Tract D? If not, where will it be in comparison to the Hunter's Glen entrance?

   B. Will the new development use the same road to enter Tract D?

IV. Concerned about ground water due to dewatering during the excavation of utilities + Lakes

V. Depletion of native areas for the endangered wild life that now inhabit this space - Red Cockhead woodpeckers Fox squirrels Bald EAGLES WOODSTORK

Name: Don Metrione

Address: 8280 Boonesboro Rd
N. FT Myers Fl. 33917

Telephone: 543-7501

Signed: [signature] Date: 6-13-02

I. **Overall Requests**
   A. Lower density (number of houses per acre)
   B. No multi-family at all
   C. Surface water problems
   D. Traffic (if you lower the density there will be fewer vehicles)
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      1. No walls
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   A. Tract D to be redesigned to move lake to the border of Hunter's Glen or add larger buffer.
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   C. Add additional names of residents to the U.S. Homes mailing list (will be provided)

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   A. Will the Entrance to Hunter's Glen be used to enter Tract D? If not, where will it be in comparison to the Hunter's Glen entrance?

   B. Will the new development use the same road to enter Tract D?

IV. _____

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V. _____

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Name: FRED & DIANE MILLER

Address: P.O. BOX 2586

LABELLE, FLORIDA 33975

Telephone: 863-674-0115

Signed: (Diane) L. Miller Date: June 14, 02

I. **Overall Requests**
   A. Lower density (number of houses per acre)
   B. No multi-family at all
   C. Surface water problems
   D. Traffic (if you lower the density there will be fewer vehicles)
   E. Buffers between surrounding homes/properties
      1. No walls
      2. No high dirt mounds
      3. Need to know the distance of all buffers surrounding the community?
      4. U.S. Homes put in vegetation native to this area in buffers (including Oaks, Pines, Myrtles-no palm trees)
   F. Put in a sidewalk on Pritchett Parkway due to extra traffic for safety of citizens outside the development.
   G. Lighting in the community
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II. **Hunter's Glen Development requests:**
   A. Tract D to be redesigned to move lake to the border of Hunter's Glen or add larger buffer.
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   C. Add additional names of residents to the U.S. Homes mailing list (will be provided)

III. **Hunter's Glen questions:**
   A. Will the Entrance to Hunter's Glen be used to enter Tract D? If not, where will it be in comparison to the Hunter's Glen entrance?

   B. Will the new development use the same road to enter Tract D?

IV. Being 7th generation Floridian and Being Born and raised in N.F.M, I personally would

V. Like this area to be Like the Buckingham Community - Kept as rural as possible. No outsiders

Name: Jon Miller

Address: 18233 Sandy Pine Circle
N.F.T. Myers, FL. 33917

Telephone: 543-4036

Signed: Jon Miller Date: 6-5-02

I. **Overall Requests**

A. Lower density (number of houses per acre)

✓ B. No multi-family at all GREAT!

C. Surface water problems

D. Traffic (if you lower the density there will be fewer vehicles)

E. Buffers between surrounding homes/properties

1. No walls
2. No high dirt mounds
3. Need to know the distance of all buffers surrounding the community?
4. ✓ U.S. Homes put in vegetation native to this area in buffers (including Oaks, Pines, Myrtles-no palm trees)

✓ F. Put in a sidewalk on Pritchett Parkway due to extra traffic for safety of citizens outside the development.

G. Lighting in the community

1. ✓ Low residential lighting only
2. All common areas, maintenance and recreational areas including fields, tennis courts, etc shall be daytime only and shall have no high lighting (which will be intrusive to surrounding properties/areas) or shall have low level lighting only

✓ H. Maintenance areas shall be centralized within the community including horticulture/trash and other equipment

II. **Hunter's Glen Development requests:**

A. Tract D to be redesigned to move lake to the border of Hunter's Glen or add larger buffer.

B. U.S. Homes put in a fence similar to Pritchett Parkway frontage fence for the entire back area of Hunter's Glen to separate the new development and Hunter's Glen

C. Add additional names of residents to the U.S. Homes mailing list (will be provided)

III. **Hunter's Glen questions:**

A. Will the Entrance to Hunter's Glen be used to enter Tract D? If not, where will it be in comparison to the Hunter's Glen entrance?

B. Will the new development use the same road to enter Tract D?

IV. FENCE (SEPARATE) ENTIRE DEVELOPMENT FROM SURROUNDING AREAS — HOW CLOSE SETBACKS, TREES FENCE ETC

V. NO DIRT BIKE OR 4-WHEELER TRACKS
JOGGING TRAIL = OK

VI. NO RENTAL UNITS - ALL HOME OWNERS
NO SEPTIC - US HOMES TO BUILD NEW SEWAGE FACILITY
WITH ENOUGH CAPACITY FOR ENTIRE AREA

Name: DON & SHIRLEY MOHLER

Address: 18218 SANDY PINES CIR.
N. FT. MYERS, FL 33917

Telephone: 543-8396 543-5107

Signed: Don Mohler

Date: 6-5-02

Shirley Mohler

I. **Overall Requests**
   A. Lower density (number of houses per acre)
   B. No multi-family at all
   C. Surface water problems
   D. Traffic (if you lower the density there will be fewer vehicles)
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   F. Put in a sidewalk on Pritchett Parkway due to extra traffic for safety of citizens outside the development.
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   C. Add additional names of residents to the U.S. Homes mailing list (will be provided)

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   B. Will the new development use the same road to enter Tract D?

IV. _____

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V. _____

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Name: Andrew & Cynthia G Prince

Address: 18270 Hunters Glen Rd -
Ft Myers FL 33917

Telephone: 567-7938

Signed: Cynthia G. Prince
Andrew J Prince

Date: 06-12-02

I. **Overall Requests**
   A. Lower density (number of houses per acre)
   B. No multi-family at all
   C. Surface water problems
   D. Traffic (if you lower the density there will be fewer vehicles)
   E. Buffers between surrounding homes/properties
      1. No walls
      2. No high dirt mounds
      3. Need to know the distance of all buffers surrounding the community?
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   C. Add additional names of residents to the U.S. Homes mailing list (will be provided)

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   A. Will the Entrance to Hunter's Glen be used to enter Tract D? If not, where will it be in comparison to the Hunter's Glen entrance?

   B. Will the new development use the same road to enter Tract D?

IV. How will Potash Creek be affected?

V. While the vegetation be maintained as is?

Name: Richard + Cathy Queen

Address: 18178 Sandy Pines Circle
N Ft Myers, FL 33917

Telephone: 239 567-0091

Signed: Cathy Queen Date: 6-10-02

I. **Overall Requests**
   A. Lower density (number of houses per acre)
   B. No multi-family at all
   C. Surface water problems
   D. Traffic (if you lower the density there will be fewer vehicles)
   E. Buffers between surrounding homes/properties
      1. No walls
      2. No high dirt mounds
      3. Need to know the distance of all buffers surrounding the community?
      4. U.S. Homes put in vegetation native to this area in buffers (including Oaks, Pines, Myrtles-no palm trees)
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   G. Lighting in the community
      1. Low residential lighting only
      2. All common areas, maintenance and recreational areas including fields, tennis courts, etc shall be daytime only and shall have no high lighting (which will be intrusive to surrounding properties/areas) or shall have low level lighting only
   H. Maintenance areas shall be centralized within the community including horticulture/trash and other equipment

II. **Hunter's Glen Development requests:**
   A. Tract D to be redesigned to move lake to the border of Hunter's Glen or add larger buffer.
   B. U.S. Homes put in a fence similar to Pritchett Parkway frontage fence for the entire back area of Hunter's Glen to separate the new development and Hunter's Glen
   C. Add additional names of residents to the U.S. Homes mailing list (will be provided)

III. **Hunter's Glen questions:**
   A. Will the Entrance to Hunter's Glen be used to enter Tract D? If not, where will it be in comparison to the Hunter's Glen entrance?

   B. Will the new development use the same road to enter Tract D?

IV. STILL DO NOT AGREE WITH DENSITY, 1 ACRE LOTS WOULD BE STILL TO MUCH BUT WOULD CONCEED TO THAT

V. WHAT HAPPENED TO HORSE TRAILS OR WHATEVER THAT THIS AREA WANT?

Name: Richard + Mary Risner

Address: 8301 Rich Rd.
N. Ft. Myers, Fl 33917

Telephone: 239-731-9907

Signed: Richard Risner, Jr. Date: 6-6-02
Mary Risner

I. **Overall Requests**

A. Lower density (number of houses per acre)

B. No multi-family at all

C. Surface water problems

D. Traffic (if you lower the density there will be fewer vehicles)

E. Buffers between surrounding homes/properties
   1. No walls
   2. No high dirt mounds
   3. Need to know the distance of all buffers surrounding the community?
   4. U.S. Homes put in vegetation native to this area in buffers (including Oaks, Pines, Myrtles-no palm trees)

F. Put in a sidewalk on Pritchett Parkway due to extra traffic for safety of citizens outside the development.

G. Lighting in the community
   1. Low residential lighting only
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A. Will the Entrance to Hunter's Glen be used to enter Tract D? If not, where will it be in comparison to the Hunter's Glen entrance?

B. Will the new development use the same road to enter Tract D?

IV. Separate bike and walk/bike sidewalks throughout entire area of what is now called Stonybrook-North.

V. _____

_____

Name: _____

Address: _____

_____

Telephone: 567-2501

Signed: _____ Date: 6/6/02

I. **Overall Requests**
   A. Lower density (number of houses per acre)
   B. No multi-family at all
   C. Surface water problems
   D. Traffic (if you lower the density there will be fewer vehicles)
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   B. Will the new development use the same road to enter Tract D?

IV. _____

_____

V. _____

_____

Name: Raymond E. Rogers IV

Address: 18320 Hunters Glen Rd
Ft. Myers FL 33917

Telephone: 941-567-0467

Signed: [signature] Date: 6-13-02

I. **Overall Requests**
   A. Lower density (number of houses per acre)
   B. No multi-family at all
   C. Surface water problems
   D. Traffic (if you lower the density there will be fewer vehicles)
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   A. Will the Entrance to Hunter's Glen be used to enter Tract D? If not, where will it be in comparison to the Hunter's Glen entrance?

   B. Will the new development use the same road to enter Tract D?

IV. _____

_____

V. _____

_____

Name: Charles & Kathie Smith

Address: 17885 Chesterfield Rd
NFM FL 33917

Telephone: 731-9199

Signed: Charles Smith Date: 6/10/02

I. **Overall Requests**
   A. Lower density (number of houses per acre)
   B. No multi-family at all
   C. Surface water problems
   D. Traffic (if you lower the density there will be fewer vehicles)
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   A. Will the Entrance to Hunter's Glen be used to enter Tract D? If not, where will it be in comparison to the Hunter's Glen entrance?

   B. Will the new development use the same road to enter Tract D?

IV. I SUPPORT YOUR CAUSE, BUT AM NOT IN THE AREA BEING Developed

V. MY MAJOR CONCERN IS THE ADDITIONAL TRAFFIC ON BAYSHORE COMING FROM PRITCHETT PKWY.

Name: J. Paul Tinney

Address: 9051 Triplett Rd
North Fort Myers, FL 33917

Telephone: 543-1122 - Between 8:AM & 5:PM ONLY

Signed: J. Paul Tinney Date: 6-6-02

I. **Overall Requests**
   A. Lower density (number of houses per acre)
   B. No multi-family at all
   C. Surface water problems
   D. Traffic (if you lower the density there will be fewer vehicles)
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   B. Will the new development use the same road to enter Tract D?

IV. _____

_____

V. _____

_____

Name: Larry Pamela Williams

Address: 8343 Boonesboro Rd.
N. Ft. Myers

Telephone: 543-7912

Signed: Pamela Williams Date: 06/05/02

Shelley Traurig's

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

Obviously, a multi-family development has the potential to impact our community in many ways. Therefore, I/we would request that you consider and address the following concerns during the consideration of granting the re-zoning request:

1. Surface Water Management (which several of us already have terrible problems with during rainy season)
2. Height of apartment/duplexes & townhouses
3. The developments consistency with surrounding properties.
4. The developments consistency with the "Bayshore Community Plan" which is in the process of being submitted for implementation.
5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Name: Norman Leroy & Christine Abrams

Address: 8200 Henderson Grade Rd.
N. Ft. Myers, Fl. 33917

Telephone: 941-567-0537

Signed: [signature] Date: 9/12/01

EXHIBIT H

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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3. The developments consistency with surrounding properties.
4. The developments consistency with the "Bayshore Community Plan" which is in the process of being submitted for implementation.
5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.
7. Increased Crime

Name: Margaret Alice

Address: 17670 Gothard Rd
N. Ft. Myers FL 33917

Telephone: 941-543-6548

Signed: Margaret A. Alice Date: 9/16/01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

Obviously, a multi-family development has the potential to impact our community in many ways. Therefore, I/we would request that you consider and address the following concerns during the consideration of granting the re-zoning request:

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5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Name: Ralph L Anderson
Address: 17840 Leetana Rd.
N. Ft Myers FL 33917
Telephone: 543-4655
Signed: Ralph L Anderson Date: 9-20-2001

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Name: PETERS, ANGELO & CHARLOTTE

Address: 17871 LEETANA
N FT MYERS FL 33917

Telephone: 543-3734

Signed: Angelo Peters
Charlotte Peters

Date: 9/18/01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/We moved here to enjoy.

Obviously, a multi-family development has the potential to impact our community in many ways. Therefore, I/we would request that you consider and address the following concerns during the consideration of granting the re-zoning request:

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5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Please contact me about this

Name: Brian Beller

Address: 9011 Triplett Rd
N. Ft Myers, Fl.

Telephone: 941-543-9177

Signed: Brian Beller

Date: 9-14-01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

Obviously, a multi-family development has the potential to impact our community in many ways. Therefore, I/we would request that you consider and address the following concerns during the consideration of granting the re-zoning request:

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5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

WE DON'T HAVE ENOUGH WATER NOW AND YOU WANT TO PUT MORE HOMES HERE WHERE ARE YOU GOING TO GET IT?

Name: LORETTA BERWICK

Address: 17831 LEETANA RD
NO. FT MYERS, FL. 33917

Telephone: _____

Signed: Loretta Berwick Date: 9/14/01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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WE ARE ON WATER RESTRICTIONS NOW AND ARE THINKING OF PUTTING US ON MORE RESTRICTIONS SO WHERE WILL THEY GET THE WATER WITH ALL OF THE CONSTRUCTION THAT THEY INTEND TO DO? WHAT ABOUT FIRE PROTECTION? WILL THEY BUY ALL OF THE EQUIPMENT THAT WILL BE NEEDED.

Name: LORETTA BERWICK

Address: 17331 LEE TANA RD
NO. FT. MYERS FL 33917

Telephone: 941-543-4528

Signed: Loretta Berwick Date: 9/12/01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Name: Thomas Robert & Morrey Bertram III

Address: 10870 Rocky Point Circle
N. Ft. Myers, Florida 33917

Telephone: 941 543-1314

Signed: Thomas Robert Date: 9-10-01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

Obviously, a multi-family development has the potential to impact our community in many ways. Therefore, I/we would request that you consider and address the following concerns during the consideration of granting the re-zoning request:

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Name: Kenneth Blesey + Gloria Blesey

Address: 8201 Henderson Cr. Rd.
N. Ft. Myers, FL 33917

Telephone: 941-543-8676

Signed: Kenneth Blesey
Gloria Blesey

Date: 9/14/2001

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/(we) am writing this letter as a concerned citizen(s). My/(our) intent is to maintain the rural lifestyle I/(we) moved here to enjoy.

Obviously, a multi-family development has the potential to impact our community in many ways. Therefore, I/(we) would request that you consider and address the following concerns during the consideration of granting the re-zoning request:

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3. The developments consistency with surrounding properties.

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5. Traffic/roads

6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Back in the 1970's this Property was zone only for 1 House Per 10 acres, at the County meeting I have lived on Henderson Creek Rd. from 1973 to 2001 and still living here and the water problems are still as bad now as then, so if this Housing, Apartment, and Townhouse come in the water problem will be Twice as bad, and the road traffic will really be bad

The answer is leave Bayshore Complete rural. Check it out back in 1970's Lee County.

Name: James Allen & Glenda S. Burke

Address: 9200 Henderson Creek Rd.
N. Ft Myers Fla. 33917

Telephone: 941-543-1113

Signed: James Allen Burke Date: 9/16/2001

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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PLACEMENT OF BALL FIELDS TO HAVE NO IMPACT ON EXISTING HOMES, RE: LIGHTING AND NOISE

Name: DON + BONNIE CAMERON

Address: 8400 HENDERSON GRADE
N. FT. MYERS FL. 33917

Telephone: 731-8429

Signed: [signature]

Date: _____

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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I am concerned that the current plans have deviated from the original proposal that was sent to homeowners in the area. A large development on Pritchett Pkwy. has the potential for improving property values if done appropriately. however Duplexes / Multi-family units could have the opposite effect. Congestion on Bayshore road is already a concern and a large complex will only add to it. I hope Lee County will also take into consideration the rural character of this area & work to maintain & preserve the natural appeal of this community.

Name: Joseph + Patricia Campobasso

Address: 18185 Sandy Pines Circle
N. Ft. Myers, FL 33917

Telephone: 731-3482

Signed: [signature]

Date: 9-15-01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

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Name: CARLEE (DICK) CHASTAIN

Address: 17901 WELLS RD.

Telephone: 941-543-5286

Signed: Carlee Chastain Date: 2/13/01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Traffic will be a big problem Bayshore is only a two lane road and has problems. Putting more cars will be a disaster. Also we have only single family homes occupied by owners in our subdivision.

Name: Bob (Bill) + Norma Cook

Address: 18166 Sandy Pines Cir.
N. Ft. Myers, FL 33917

Telephone: 941-731-1598

Signed: Bill Cook - Norma Cook Date: 9-14-01

Re: Heritage Creek
Case No. DCI 2001-00038

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Name: Ashley + Clayton Cox

Address: 1841 Sandpines Circle
N. Ft. Myers FL 33917

Telephone: (941) 543-8741

Signed: Clayton Cox Date: 9/18/2001

Ashley Cox

SEP 15 2001

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

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5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Name: Gene & Mary Darlin

Address: 17710 Leetana Road
North Fort Myers, FL 33917

Telephone: 731-9483

Signed: Mary Darlin Gene Darlin

Date: 9-18-01

Re: Heritage Creek
Case No. DCI 2001-00038

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Name: Dennis R. Ellis + Jane E. Ellis

Address: 8163 Bonnellieu Rd.
North Myers, Fl 33917

Telephone: 543-5399

Signed: Dennis R. Ellis Date: 9-19-01
Jane E. Ellis

Re: Heritage Creek
Case No. DCI 2001-00038

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4. The developments consistency with the "Bayshore Community Plan" which is in the process of being submitted for implementation.
5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

- DRINKING WATER SUPPLIES
- SEWERS - WASTE TREATMENT + Their Location
- LAKE EXCAVATION (Blasting) Drying up WELLS
- ENVIRONMENTAL ISSUES - RCW's, JAYS, FOX Squirles, BALD EAGLES
- DRAINAGE - Impermiable Surface AREA.

Name: Donald METRIONE

Address: 8280 BOONESBORO RD
N. FT MYERS 33917

Telephone: 543-7501

Signed: [signature] Date: 9-20-01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

Obviously, a multi-family development has the potential to impact our community in many ways. Therefore, I/we would request that you consider and address the following concerns during the consideration of granting the re-zoning request:

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2. Height of apartment/duplexes & townhouses
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5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Name: M. M. Smith
Address: P.O. Box 51033
Ft. Myers FL 33994
Telephone: 543-1258
Signed: [signature] Date: 9/20/01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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4. The developments consistency with the "Bayshore Community Plan" which is in the process of being submitted for implementation.
5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

I own land on which I hope to build a house, but I may change my mind now.

Name: Beverly S. Thompson

Address: 3033 Clifford St.
Pt. Charlotte, FL 33980

Telephone: 941-629-0748

Signed: Beverly S. Thompson Date: 09/18/01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/(we) am writing this letter as a concerned citizen(s). My/(our) intent is to maintain the rural lifestyle I/(we) moved here to enjoy.

Obviously, a multi-family development has the potential to impact our community in many ways. Therefore, I/(we) would request that you consider and address the following concerns during the consideration of granting the re-zoning request:

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5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Name: WYATT WALKER

Address: 8350 HENDERSON GRADE
N. FORT MYERS FL 33917

Telephone: (941) 567-1622

Signed: W L Walker

Date: 9/15/01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Name: Michael YANOSIK

Address: 18197 Sandy Pines Circle
N. Ft. Myers, FL 33917

Telephone: (941) 543-5009

Signed: [signature]

Date: 9/14/01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

All of the Above

Name: Sandra D Williams

Address: 17911 Leeland Rd.
Ft. Myers, Fla 33917

Telephone: (941) 567-0636

Signed: Sandra D Williams Date: 9/19/01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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Name: JAVIER GARCIA

Address: 18000 Leetana RD
N. Ft Myers FL

Telephone: 941-850-8466

Signed: [signature]

Date: 9/16/01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Name: Scott Cook

Address: 18214 Sandy Pines Circle
N. Fort Myers, Fl 33917

Telephone: (941) 567-4409

Signed: Scott Cook Date: 9/19/01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

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5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.
7. Enormous difference in density Proposed versus the Surrounding area.

Name: Richard T. Coolick

Address: P. O. Box 3797
N. Ft. Myers, FL 33917

Telephone: (941) 731-8596

Signed: [signature] Date: 9/19/01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Name: Dennis + Annette Coughlin
Address: 8151 Henderson Circle
N. Fort Myers FL 33917
Telephone: 941-731-1665

Signed: Dennis Coughlin Date: 9-16-01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.
7. Water Flow, water Flow, water Flow
8. #2 - Limit height to no more than 2 stories

Name: Lori DAVIDSON - Donald DAVIDSON

Address: 8501 HENDERSON GR
FT MYERS FL

Telephone: 567-1500

Signed: Lori Da

Date: 9/25/01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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5. Traffic/roads - Current roads are in bad shape already
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.
7. Destruction of natural habitat for fox, Whooping cranes and gopher tortoises who now exist in this area,
8. Do not want Sedgefield Rd extended to Pritchett Pkwy
9. Do not want increased noise level

Name: Steven & Rebecca Decker

Address: 9251 Sedgefield Rd
N Ft Myers FL 33917

Telephone: (941) 731-0876

Signed: Steven & Rebecca Decker Date: 09-13-01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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5. Traffic/roads

6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Name: Connie Deschenes

Address: 18161 Sandy Pines Circle N.E.
N. Fort Myers, Florida 33917

Telephone: 941-543-3558

Signed: C. Deschenes Date: 9-17-01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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Name: John Deschenes

Address: 18161 Sandy Pines Circle N.E.
N. Fort Myers, Florida 33917

Telephone: 941-543-3558

Signed: John Deschenes Date: 9-17-01

V

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

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5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.
7. Do not want Boonesboro to be connected to the development.
8. We have no need for city water and sewer since we have our own. We do not want to be forced to put it in.

Name: REBECCA DOUGLAS

Address: 8199 BOONESBORO RD
Ft. MYERS, FL. 33917

Telephone: (941) 567-0756

Signed: Rebecca Douglas Date: 9-19-01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

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We like the country 5 acre tracs
We have horses we need land
not more traffic

Name: Sheron Elmore

Address: 17765 Wells Rd
N. Ft Myers Fl 33917

Telephone: 941-543-6536

Signed: Sheron Elmore Date: 9-18-2001

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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5. Traffic/roads

6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

THE GROWTH IN THIS AREA SHOULD CONTINUE WITH SINGLE FAMILY HOUSES ON NO LESS THAN HALF ACRE LOTS, NO CONDOS, NO HIGH RISES, NO APARTMENTS.

Name: CLARENCE W. HANNON

Address: 8200 BOONESBORO RD.
N. FT. MYERS, FL. 33917

Telephone: 941-731-7380

Signed: C W Hannon Date: 9/16/01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

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5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Waste Management

Impact of Property Taxes

Property Value

Name: Bill & Martha Hillman

Address: 1833 Sandy Pine Cir.
N. Ft. Myers FL 33917

Telephone: _____

Signed: Bill E Hillman Date: 9/17/01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

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5. Traffic/roads
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7- THE NOISE AND ODORS THAT FARM ANIMALS WILL MAKE MAY BE A PROBLEM FOR PEOPLE MOVING FROM THE CITY

Name: RICHARD A.+ ANNELIESE R. HUNTER

Address: 8450 HENDERSON GRADE ROAD
N. FT MYERS, FL 33917

Telephone: 543-2565

Signed: Richard A Hunter
Anneliese R. Hunter

Date: 9-16-01
9-16-01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

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5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

WE DO NOT MIND SINGLE FAMILY HOMES, MULTI FAMILY + DUPLEXES ARE NOT FOR OUR AREA.

Name: RONALD, VELMA & JACOB JACKMAN

Address: 17750 LEETANA RD
N.F.M FL 33917

Telephone: 9417316768

Signed: Ronald A Jackman Date: 9-15-01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Name: Jenny Jones

Address: 18202 Sandy Pines Cr.
N. Ft. Myers, FL

Telephone: 543-6466

Signed: Jenny Jones Date: 9/18/01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/ intent is to maintain the rural lifestyle I/we moved here t enjoy.

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5. Traffic/roads
6. Bright lights that may be put throughout this community at their parks, pools and parking lots.
7. PRESERVING AN IRREPLACABLE HOME FOR WILDLIFE IN THIS AREA OF LEE COUNTY, FLORIDA. I MOVED HERE FOR ITS RURAL BEAUTY.

Name: RICHARD LEVINE

Address: 8550 Henderson
N. Ft. Myers Fl. 33917

Telephone: 543-1041

Signed: Richard Levine. Date: 9.20.01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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Name: Dorothy Maddox

Address: 17950 Williamsburg Dr.
Ft. Myes Fl. 33917

Telephone: 543-3587

Signed: Dorothy Maddox Date: 09-14-2001

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Name: Doris Maitland

Address: 18381 Panther Trail Lane
N. Fort Myers, Fl 33917

Telephone: 731-7703

Signed: Doris Maitland

Date: 9/20/01

Re: Heritage Creek
Case No. DCI 2001-00038

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6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

High buildings are absolutely unneccessary if a golf course doesn't exist! You have plenty of room for nice single family homes. Don't bring down our property value.

Name: Denise Metrione

Address: 8280 Boonesboro Road
N. Ft. Myers, FL 33917

Telephone: 543-7501

Signed: Denise Metrione Date: 9-20-01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

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5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

I was born & raised in this community And would like to see it remain rural. I would like to see it as the Buckingham Community is protected from the likes of what is planned at this time.

Name: Jon Miller

Address: 18233 Sandy Pine Circle
N. Ft. Myers, Fl 33917

Telephone: 941-543-4036

Signed: Jon D. Miller Date: 9-19-01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

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6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Name: Myrtle S. Miller

Address: 17901 Leetana Rd. NE
N. Ft. Myers, FL 33917

Telephone: 941 543 2977

Signed: Myrtle S Miller Date: 09/15/01

Re: Heritage Creek
Case No. DCI 2001-00038

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6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Name: DON MOHLER

Address: 18218 SANDY PINES CIRCLE
N. FT. MYERS, FL 33917

Telephone: 941-543-8396

Signed: [signature]

Date: 09-15-2001

Re: Heritage Creek
Case No. DCI 2001-00038

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Name: Debbie Morton

Address: 457 Ellis St
N. Ft. Myers, FL 33903

Telephone: 995-6847

Signed: Debbi Morton Date: 9-16-01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

Obviously, a multi-family development has the potential to impact our community in many ways. Therefore, I/we would request that you consider and address the following concerns during the consideration of granting the re-zoning request:

1. Surface Water Management (which several of us already have terrible problems with during rainy season)
2. Height of apartment/duplexes & townhouses
3. The developments consistency with surrounding properties;
4. The developments consistency with the "Bayshore Community Plan" which is in the process of being submitted for implementation.
5. Traffic/roads
6. ~~Bright lights that may be put throughout this community and at their parks, pools and parking lots.~~

7. We at 8100 - 8200 Rich Rd. have hands on experience of water flow mis-management. i.e. Pinch # flow — i.e tomato grove - i.e. wells caving up. When the earth is moved around it affects us. (5) 1500 rooftops means 1500 more vehicles from 7:30 to 9 A.M. traveling our rural neighborhood roads.

Name: Richard and Mary
Address: 8181 & 8185 Rich Rd.
N. Ft. Myers 33917
Telephone: 543-6597

Signed: [signature] Date: 9-14-01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

OWN LOTS 3+4 IN HUNTERS GLEN- MOVED FROM CAPE CORAL. 2915 SW 22ND AV. WAS THERE 17 YEARS, MOVED TO COUNTRY NOW THEY WANT TO MOVE CAPE CORAL TO MY BACKYARD.

Name: Andrew J Prince

Address: NOW - 40 SERENDIPITY BLVD. N FT MYERS 33903
IN 2 TO 3 WEEKS 18270 HUNTERS GLEN ROAD

Telephone: NOW - 656-1085

Signed: Andrew J Prince Date: 09-17-01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Name: Anthony & Dawna Pabon
Address: 18172 Sandy Pines Cir
N. Fort Myers, FL 33917
Telephone: (941) 567-2343
Signed: Dawna E Pabon Date: 9-17-01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Keep The Area Looking Country.

Name: Jerome & Robin Payne

Address: 18010 Lee Mar. Rd
N. Ft. Myers, Fl. 33917

Telephone: 543-5784

Signed: Jerome [illegible]

Date: 2-18-01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Name: Mark Penfield

Address: 18141 Nalle Rd.
N. Ft. Myers FL

Telephone: 543-0846

Signed: Mark Penfield

Date: 9/24/01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Name: JOSEPH N. & JANET J. REDONDO JR.

Address: 8127 BOONESBORO Rd
N. FT MYERS FL 33917

Telephone: 941-543-3661

Signed: Joseph Redondo Jr
Janet J Redondo

Date: 9-20-01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.
7. AREA DENSITY SHOULD NOT EXCEED /ESS THAN 5 ACRES PER UNIT AS WE WERE ALL TOLD WHEN WE PURCHASED OUR PROPERTIES IE #3
8. LAW ENFORCEMENT AND FIRE DEPT IMPACT ARE OUR TAXES GOING UP TO SUPPORT THIS DEVELOPMENT?
9. ARE LEE COUNTY PLANNERS STUPID OR BEING PAID OFF?

Name: RICHARD RISNER JR

Address: 830 RICH RD
NFT MYERS FL 33917

Telephone: 851-2882

Signed: Richard Risner Jr Date: 9.20.01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Name: Michael + Melodi - John + Heather

Address: 9100 HENDERSON GR.

Telephone: 941-543-1248

Signed: Michael W Ross Date: 9-16-01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Name: Bob & Marlene Shaw

Address: 8401 Henderson Cr. Rd.
N. Ft. Myers, Fl. 33917

Telephone: 731-8632

Signed: Bob Shaw
Marlene Shaw

Date: 9-20-01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Name: David C. Stoops

Address: 17910 Leetana Rd
N. Ft. Myers FL 33917

Telephone: 941-731-2171

Signed: [signature] Date: 9/21/2001

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

Obviously, a multi-family development has the potential to impact our community in many ways. Therefore, I/we would request that you consider and address the following concerns during the consideration of granting the re-zoning request:

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I moved to North Fort Myer to enjoy a County setting. If I wanted to move to City setting I would have moved into a zero lot line community This multe-family project does not fit in with the surrounding community that is here now

Name: Joseph W. DALY/Cheryl K. Stamper

Address: 17920 LEETANA ROAD
N.Ft. MYERS, FL 33918

Telephone: 731-2878 (PLEASE CALL)

Signed: Joseph W Daly/Cheryl K. Stamper Date: 9/13/01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Name: DANE & BEVERLY STEED

Address: 9321 SEDGEFIELD RD.
N. FT. MYERS, FL. 33917

Telephone: 941-543-2510

Signed: [signature] Date: 9/17/01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

Name: Tim Walker

Address: 8200 Dosonte Lane
N. Ft. Myers, FL

Telephone: _____

Signed: Timothy Walker Date: 9/12/01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

I just spent a good deal of money for a piece of property with trees & creek behind it, I do not want to see bright lights and parking lots.

Name: Gary & Sheri Weinlauf

Address: 1419 SE 10th Terr
Cape Coral FL. 33990

Telephone: 772-5941

Signed: Sheri DiCarf Date: 9-25-01

Re: Heritage Creek
Case No. DCI 2001-00038

Dear Sir or Madam:

I/we am writing this letter as a concerned citizen(s). My/our intent is to maintain the rural lifestyle I/we moved here to enjoy.

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5. Traffic/roads
6. Bright lights that may be put throughout this community and at their parks, pools and parking lots.

THE BURM NOW PRESENT IS NOT ALLOWING SHEET FLOW, BACK WATER UP ON MY PROPERTY AT PRESENT, THE BURM AND SWALE WAS BUILT IN SUCH A FASHION THAT IT FORCES WATER NORTH RATHER THAN SOUTH. COME LOOK - I WILL EXPLAIN.

MY RIGHTS AS LANDOWNER ARE BEING INFRINGED UPON!

Name: Ronald and Jean Vreenigo (Bayshore Dust Fighters)

Address: 8251 RICH RD.
N. Ft. MYERS FL

Telephone: 543-4468

Signed: Ronald J Vreenigo Date: 9-16-01

Shelley Traurig's

September 11, 2001

Via Facsimile: 941-479-8341

Lee County Planning Department
Attn: Ms. Kay Deselem

Re: Heritage Creek
Case No. DCI 2201-00038

Dear Ms. Deselem:

We are writing this letter as concerned citizens. Our intent is to maintain the rural lifestyle we moved here to enjoy.

Obviously, a multi-family development has the potential to impact our community in many ways. Therefore, we would request that you consider and address the following concerns during the consideration of granting the re-zoning request:

1. Surface Water Management (which several of us already have terrible problems with during rainy season). Pictures can be provided that depict standing water in roadways and ditches that do not flow anywhere. I would also reference Gary Nychyk, Environmental Planner's July 27, 2001 letter regarding "apparent flow way which exists between a proposed wetland preserve and Pop Ash Creek". How has this been resolved? Any other flow ways that may be potentially blocked?

2. Considering amount of sheet flow, what will happen on northern borders when swale is full, surface water will remain on northern properties or lay stagnant in swale? Who will maintain swale? ***Chapter 10, article 1, #8 - Drainage and stormwater management. The development must be designed in accordance with applicable county and water management district's runoff, retention and attenuation requirements and any other state and local drainage laws. The development must also be designed to avoid flooding or erosion damage to adjacent property and the county drainage system and to avoid the creation of stagnant pools that would encourage mosquito breeding.*** The development must provide a method of continual maintenance and operation through legal documentation and must ensure proper stormwater management so as to reduce the potential impacts of flooding.

3. Part IV #16 road that shall cross Popash Creek, current roads that already cross these creeks, surrounding properties have significant surface water problems during rainy season since the creeks to not handle the surface water.

Shelley Traurig's Exhibit I

4. Who is going to do the routine maintenance of Popash & Bayshore Creeks that US Homes proposes to "assure existing flow capacities are not diminished by overgrown vegetation. Also, US Homes will put in upland preservation buffers along the creeks in order to prevent the creeks from overflowing into their "new development" which would obviously force or keep the water to the north.

5. The developments consistency with surrounding properties.

   a. Height of apartment/duplexes & townhouses. If townhouses or apartments are in this plan we would request that they are in an area where they are not visible to adjacent/surrounding properties

   b. Bright lights that may be put throughout this community and at their parks, tennis courts, pools and parking lots, etc. Part II #5 - lowering the density and changing the zoning to non-agricultural is not consistent with surrounding properties. So in order to reduce impact on surrounding properties, we are requesting: lighting/height and brightness to be addressed. ***Chapter 10, article 1, #9 Open space, parks and recreation. Sufficient open space must be provided for the use of the occupants of the development. Recreation facilities and parks must be located so as to avoid nuisance conditions affecting adjacent and nearby properties, and must be of a sufficient size and variety for all occupants of the development. Every effort must be made to locate required open space so as to protect archaeological sites.***

   c. Throughout applicant's responses to Lee County, they state that no buffers are required between residential/residential or residential/agricultural, although LDC states: ***Chapter 10, article 1, in general, #10 Landscaping and buffering. Adequate landscaping, including screens and buffers to preserve compatibility with uses outside the proposed development must be provided, and as a furtherance of the ecological preservation goal, vegetation, trees and signs must be in accordance with this chapter and must be aesthetically pleasing.*** Applicant is requesting to change the density and zoning, considering the fact that the subdivision is not consistent with surrounding properties, ie will not be zoned agricultural, we would request that vegetative buffers be in place especially on the northern and eastern borders.
   14. Part IV #14 notable plants vegetative buffers along north of property boundary with Popash Creek & Bayshore Creek engineer has planned for berms & water management facilities to be located in these areas. What type of water management facilities?

6. Traffic/Roads ***Section 10-8-2. Ensure that safe and efficient access is provided to the development and 3. Minimize the proposed development's adverse traffic impacts and minimize traffic congestion on the road system.***

7. US Homes does not intend to put sidewalks on Pritchett Parkway, although their development will obviously increase traffic flow, which will not ensure safety for the residents who do ride bikes or walk. You will also need to take into consideration that since this is an agricultural area, several people ride horses along the edge of the roadway. If sidewalks are not on **the "official bikeways/walkways facilities plan map for the county dated July 12, 1995,** how and who will ensure the safety of the citizens who use this area considering there is no shoulder?

8. How far from the property line of the northern boundary will the 80 foot buffer start, plan is not clear?

9. Where is lake located on northern boundary, not visible on new plan submitted in August, 2001.

10. What is the facility on northern border of subdivision? Would request that no operating or other facilities be in sight of existing surrounding agricultural/single family residences.

11. The developments consistency with the "Bayshore Community Plan" which is in the process of being submitted for implementation.

I would request that you phone me when you are able to locate attachment 1 where applicant is supposed to clarify single and multi-family tracts which may also show where pools, parking lots and other structures will be located.

Respectfully,

Douglas and Shelley Traurig
8300 Henderson Grade
North Fort Myers, FL 33917
(941) 226-1200 day time
(941) 731-0309 evening





EXHIBIT J








8300



****
*** TX REPORT ***
****

TRANSMISSION OK

TX/RX NO	3484
CONNECTION TEL	2780883
SUB-ADDRESS	
CONNECTION ID	
ST. TIME	06/20 09:51
USAGE T	00'54
PGS.	4
RESULT	OK

Attention: Deno / US Homes

6-20-02 @ 7:00pm

Church at corner of

Bayshore and Tarpon Way

Shelley Traurig's Exhibit JK

Stoney Brook North/Heritage Creek Development
Meeting June 20, 2002

I. Overall Requests

A. Lower density (number of houses per acre) Lot 40-75 range

B. No multi-family at all - restrict rentals

C. Surface water problems - 2 - public forum to complain to City Engr + comm. to stand to speak about our problem

D. Traffic (if you lower the density there will be fewer vehicles) look @ alternatives to resolve

E. Buffers between surrounding homes/properties
1. No walls - none
2. No high dirt mounds - can't built green area up
3. Need to know the distance of all buffers surrounding the community? will setback 50 to 75
4. U.S. Homes put in vegetation native to this area in buffers (including Oaks, Pines, Myrtles) will put in vegetation on northern border

F. Put in a sidewalk on Pritchett Parkway due to extra traffic for safety of citizens outside the development. lake on north 50 to

G. Lighting in the community
1. Low residential lighting only - take a look @ other parks to see about options
2. All common areas, maintenance and recreational areas including fields, tennis courts, etc shall be daytime only and shall have no high lighting (which will be intrusive to surrounding properties/areas) or shall have low level lighting only

H. Maintenance areas shall be centralized within the community including horticulture/trash and other equipment intrusive to the project near ball field

II. Additional questions/comments:

A. Is there a management plan for existing species or is a plan being created? will be required monitor reports Gopher Tortoises 32 acres in Cane East

B. What is the plan for preservation of existing vegetation throughout the development and including surrounding Pop Ash Creek?

C. Fencing surrounding entire development to be addressed no decision yet see about comm.

D. Deviation 16 / Tract (E) and (H): what are plans surrounding these areas? will get back to us

E. If blasting is necessary for creation of lakes, how will any damage to surrounding properties/homes be handled? pre-blast survey to surr

F. Is there an existing plan for the style of this development? several months Stall + CO regulations Certain radius Some owners required by focus on the project will see other available

G. Please provide a list of the final deviations you are requesting will provide

Real Shallow will possibly 10 feet by up

close areas Law Trenton has to give tape Notice free of Charge Survey

Stoney Brook North/Heritage Creek Development
Meeting June 20, 2002

III Hunter's Glen Development requests:

A. Tract D to be redesigned to move lake to the border of Hunter's Glen or add larger buffer. won't move lake more than will likely

B. U.S. Homes put in a fence similar to Pritchett Parkway frontage fence for the entire back area of Hunter's Glen to separate the new development and Hunter's Glen Buffer not sure will look for additional buffering

C. Add additional names of residents to the U.S. Homes mailing list (will be provided) will look at

IV. Hunter's Glen questions:

A. Will the Entrance to Hunter's Glen be used to enter Tract D? If not, where will it be in comparison to the Hunter's Glen entrance? will look into who owns entrance + will get back to us

B. Will the new development use the same road to enter Tract D? yes Tract D ~~not gated~~

SCOTT AND AMY HARRINGTON
18250 HUNTERS GLEN RD.
NORTH FORT MYERS FL.
33917 LOT#1+2

BETTSY AND DAVE STRASBAUGH
LOTS 13+14+15
6806 Autumn Ct
NFM FL 33903

FRED AND DAINE L. MILLER
P.O. BOX 2586
LABELLE FL. 33975-2586
LOTS 54+53+52

RAYMOND AND DAWN ROGERS
18320 HUNTERS GLEN RD.
NORTH FT. MYERS FL.
33917 LOT#8

ANDREW J. PRINCE
18270 HUNTERS GLEN RD.
NORTH FT. MYERS FL. 33917
LOTS 3+4

MARK AND DENISE FENICLE
18401 HUNTERS GLEN RD.
NORTH FT. MYERS FL. 33917
LOT#40

ALL THE ABOVE WANT TO RECEIVE MAIL ABOUT MEETING'S AND CHANGES IN PLANS.



Please [illegible] Estate [illegible]



Please [illegible] entire community [illegible]



















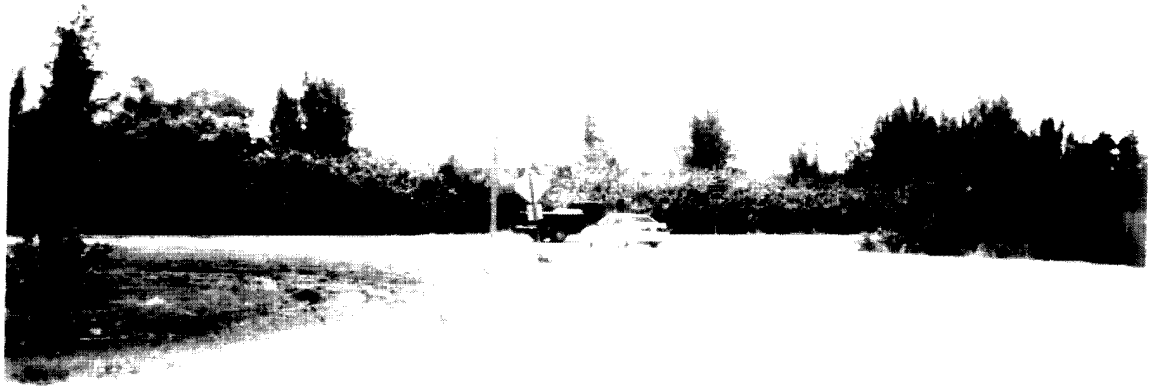
Facing South on Desert [illegible]

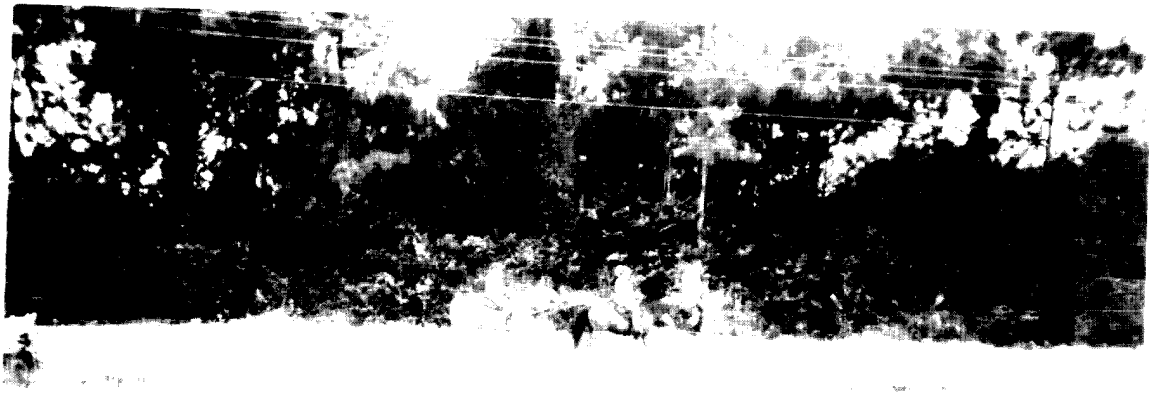


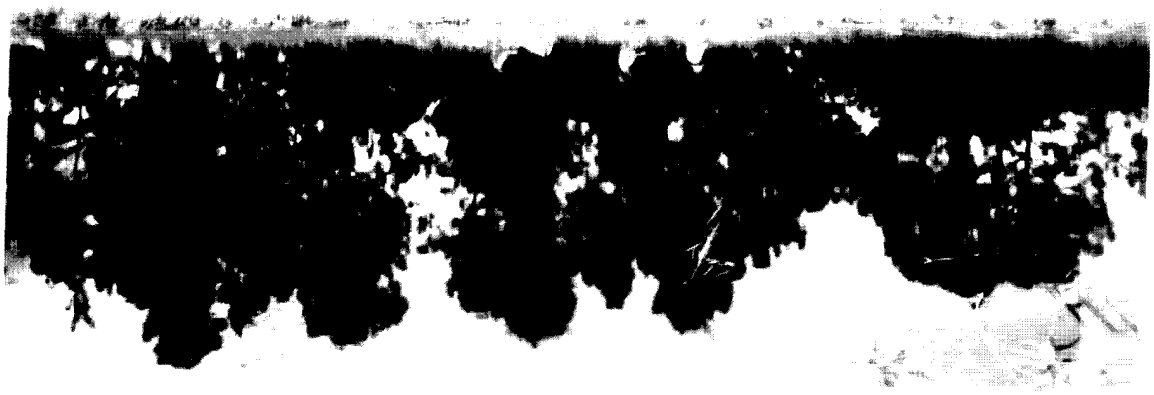
[illegible]











THE NEWS-PRESS
FINAL EDITION
50 CENTS
LORIDA SATURDAY, JULY 6, 2002

North Fort Myers plagued by flooding

Sheet flow heads south from Charlotte County

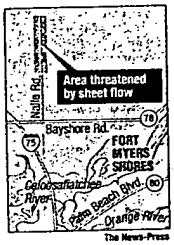
By ROGER WILLIAMS
Special to The News-Press

Shelly Cronin idled her big pickup on Nalle Road, studied the pavement's vanishing act in a sheet of silvery water ahead of her and weighed her options.

Move 10 horses south or bed them down in their stalls — still untouched Friday night by a flowing sheet of southbound water as certain as Sherman's army to reach its goal: the Caloosahatchee River east of Interstate 75.

Hundreds of Bayshore homes in a neatly platted warren of public and private roads off Nalle, and situated both north and south of State Road 78, stand in the water's path.

One of them is Cronin's. "My round ring is unusable," she said. "This morning it was dry and now it's a foot under. But the stalls are still dry. They gonna stay that way?"



The insidious water fell for a month on the Cecil M. Webb Wildlife Management Area in Charlotte County and nearby countryside before overwhelming creeks and ditches, said Kurt Harclerode, spokesman for the South Florida Water Management District.

Now that water is threatening the Bayshore section of North Fort Myers with its worst flooding in seven years.

"About 27 inches fell on Babcock (Ranch), and our people think more than that fell on Cecil Webb," he said, adding the June average is about 5 inches.

See FLOODING / 10A



MARC BEAUDIN/ The News-Press

FLOATING DOWN STREET: Jeremy Strong, 8, pushes his boat across flooded Quail Hollow Road in North Fort Myers on Friday afternoon.



MARC BEAUDIN/The News-Press

UNDERWATER PROPERTY: Nalle Road resident Kevin Blake stands in his flooded driveway Friday afternoon. Heavy rains in the last few days flooded the neighborhood yards.

FLOODING: Water rekindles memories of 1995 episode

From Page 1A

The pattern has repeated itself for years, most recently in 1995, when the sheet flow joined some families in their living rooms. That flood followed a one-day deluge of 15 inches in Charlotte County.

Portions of Bonita Springs flooded so badly that year that national news reports described it, and local officials fixed the problem with huge infusions of cash and new engineering.

But Bayshore residents just accepted the damage and moved quietly on, said Chad Jorgensen, the Bayshore fire chief.

So why hasn't the flooding problem been solved in Bayshore?

"There isn't really a bad guy in this," Jorgensen said. "And I don't want to play the blame game, but this has been a long-term problem. Remember Bonita? Well, at what point does it become politically expedient for us to get taken care of, too?"

In 1998, Lee County voters turned their thumbs down when officials proposed increasing taxes to pay for flooding.

Saddled with that history, Friday night Jorgensen prepared to do the taking-care-of himself. He brought in sand bags (without the sand — that hasn't been approved yet, he said) and scouted the most troublesome spots.

Jorgensen worried about not being able to get his ambulance into some areas, and he called his efforts "a Band-Aid."

"I'm not an engineer, but you don't have to be one to see that the water isn't flowing through some of these culverts. So if you widen the culverts under the ditches ..."

After the 1995 flood, said Harclerode, officials did make some changes, clearing debris and cleaning out exotic vegetation from three key creeks that couldn't contain the water then — Powell, Pop Ash and Stroud Creek.

"The waters there are flowing better than in the past, so we're hoping the duration of this flood will be less," Harclerode said.

By 4:30 p.m. Friday, however, the waters were flowing out of those creeks, with more coming.

But there's another problem on Babcock Ranch, Harclerode said: two threatened dams. If they break under the pressure, the dams would release a southward surge that could flood S.R. 78.

Ranch workers were buttressing the dams with stone on Friday, Harclerode said.

Neither Jorgensen nor Cronin appeared reassured by that information.

"I wish somebody would take a hard look and say, 'Hey guys, if it didn't work seven years ago, should we do something different?'" Jorgensen said.

Cronin, who had loaded five bags of pressed shavings into her truck, decided to bed her animals in their stalls Friday night and hope for the best.

"I saw the same thing today I saw last time (in 1995)," she said. "These guys come out in their suits and little belts and they stop and stare at the water and scratch their heads."

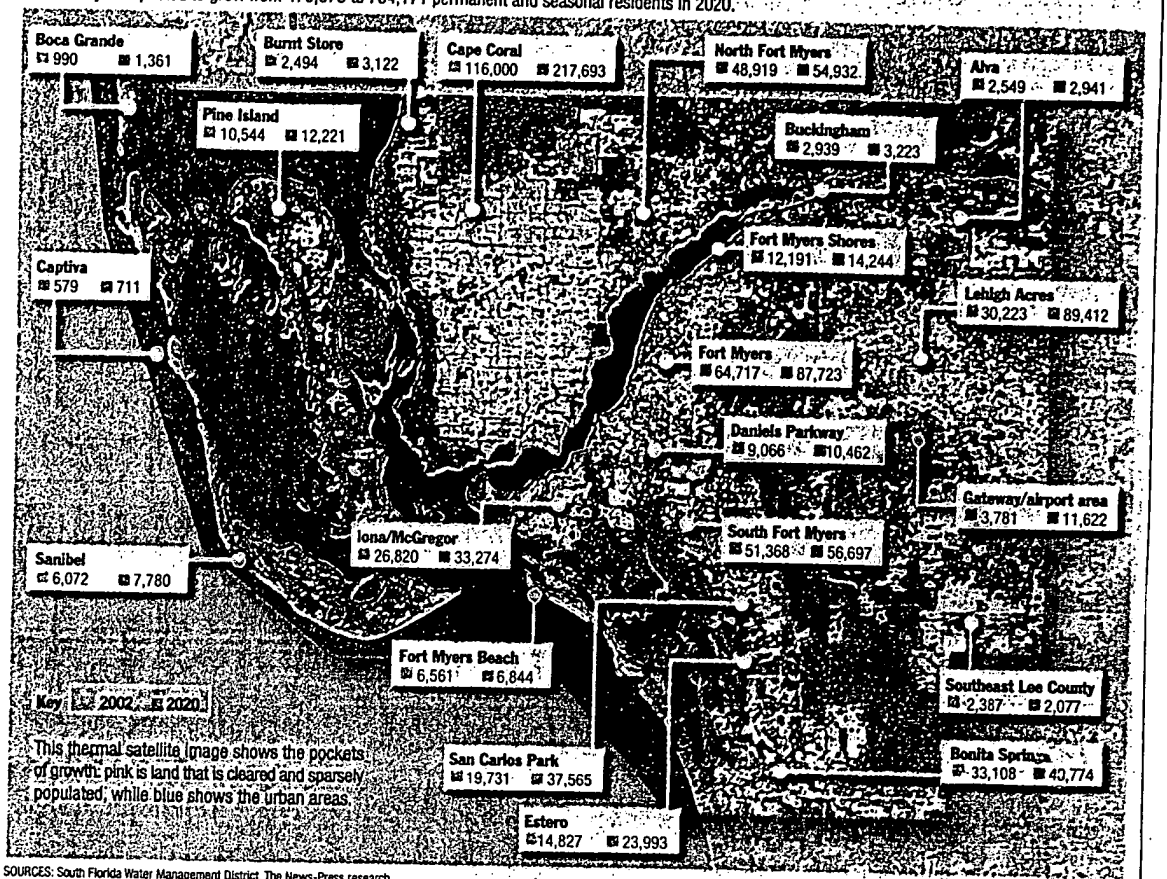
— Staff writers Don Ruane and Pamela Smith Hayford contributed to this story.

Shelley Trawings Exhibit M

THE NEWS-PRESS
EE COUNTY, FLORIDA
MONDAY, APRIL 21, 2003
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EDITI
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Lee County in 2020

Lee County is expected to grow from 475,073 to 764,171 permanent and seasonal residents in 2020.



SOURCES: South Florida Water Management District, The News-Press research

SHAN STUMPF/The News-Press

Lee quantity, quality on collision course

Planners tackle tomorrow's needs.

By WENDY FULLERTON
wfullerton@news-press.com

When Deb Halcomb moved here 25 years ago, getting to her house on the southeastern fringes of the county was like going to Egypt, she said.

"It was so far out of town. Now everything's coming at us."

And it's going to keep coming.

Lee's population is expected to grow from 475,073 to more than 764,000 people by 2020.

Lee is at a crossroads. Where does a hemmed-in place with boundaries fixed by the Gulf of Mexico and the Everglades put nearly 300,000 more people? Already, there are failing roads, crowded classrooms and overtapped water supplies.

"How are we going to fund such an increase in terms of infrastructure?" said Florida Gulf Coast University professor John Fitch. "How are we going to maintain public safety? What about quality of life?"

Those are among the questions planners are asking as they review the county's comprehensive plan, a blueprint for growth through 2020. They wrapped up a month's worth of public meetings to find out what residents see in their future. And they'll spend the next six months making changes that reshape that future.

"The question is not if we want continuous growth into the future, but it's asking ourselves about quality of life," said Fitch, director of the university's Institute for Sustainability, which focuses on balancing social, economic and environmental issues in communities. "That's the big challenge."

For years, successful public policies encouraging home ownership, highway construction and suburban expansion have led to the acceleration of land development across the nation.

Land is being developed at twice the rate of population growth, according to a 2000 report by the U.S. Department of Housing and Urban Development.

Lee County saw a 20 percent increase in the acreage developed in the last decade, from 76,310 acres in 1994 to 91,772 last year.

Segregated land uses and dependency on automobiles are other contributing factors because they separate people from where they work, shop and play.

Quite simply, Lee is a growth management laboratory.

And people living in the communities pay the price

See GROWTH / 10A

Shelley Travis's Exhibit No

GROWTH: Paradise has high price tag

From Page 1A

for unmanaged growth: increased property taxes, expensive infrastructure and budget shortfalls. They lose open space, community character, wetlands, water quality and wildlife habitat.

"The question you really raise is — with that many people, who here would want to stay?" said Wayne Daltry, director of Lee County's Smart Growth initiative. "That's the basic smart growth challenge we are trying to answer."

Price of population

Accommodating all of those people comes with a hefty price tag.

"The only way to make them stop coming is to make it cloudy, stop spraying for mosquitoes and institute a state income tax," said Lee County transportation planner Dave Loveland. "I don't know if there's a magic switch you can shut off.

"They may be coming anyway regardless of what we do."

Lee's 2020 transportation plan costs $860 million, and includes another $435 million in unfunded needs. Toll roads and a light rail system are likely in the county's future.

"I don't think we want to concrete the entire county," Commission Chairman Ray Judah said.

The county already has identified four roads that have too many cars on them: Alico Road, from U.S. 41 to Lee Road; Estero Boulevard on Fort Myers Beach; and U.S. 41 in North Fort Myers, from the Fort Myers city limits to Hancock Bridge Parkway and Interstate 75, and from Bonita Beach Road south to the Collier County line.

Fourteen more roads will be more congested than normal from development that has been approved but not yet constructed.

One thing that's more than likely, "We may just have to live with traffic in the future," Loveland said.

The county's garbage incinerator has hit its maximum and a third burner is needed to the tune of $80 million.

The school system is grappling with how to accommodate nearly 37,000 more students by the year 2015.

It says it needs 58 more schools at a cost of $1.2 billion.

Water managers expect the demand on Southwest Florida's supply to increase by 30 percent in the next 20 years.

That would be more than a billion gallons of water a day.

Officials are counting on a better storage system. The idea is to take partially treated stormwater runoff in the wet season and pump it underground about 1,000 feet. The aquifer at that depth is somewhat salty, and the fresh water would form a bubble in it and can be pumped up for future use.

The cost: about $26.4 million the first year.

Adding green space is essential to maintaining quality of life, Judah said.

Lee voters approved Conservation 20/20 in November 1996 through a referendum that increased property taxes by 50 cents for every $1,000 of taxable property value. That raises about $15 million a year to buy, restore and maintain environmentally sensitive lands for long-term preservation. So far, more than 10,000 acres have been purchased. Judah said he'd like to see the amount of green space doubled.

The library and parks systems are benefiting from the growth, with regular expansions thanks to impact fees, one-time charges on development designed so that growth pays for growth.

Then there's the $438 million expansion of Southwest Florida International Airport, which is sure to make it easier for more people to travel to Lee County.

And all those people have driven hurricane evacuation times up past 18 hours for a Category 3 storm, and caused a major deficiency in shelter space.

"I think we're managing," said Jim Lavender, the county's public works director. "Does keeping up mean you only sit through one light change at an intersection? I think keeping up means at a reasonable cost, but every year those costs go up."

Judah is optimistic.

"I see really a bright future, as long as we understand the importance of maintaining a balance of responsible stewardship of natural resources," he said.

Ensuring quality growth

Fitch likened finding paradise to the discovery of a quaint fishing village. It's very rustic, with a few local businesses and a few places to stay. People slowly discover it.

Word gets around. There are more restaurants, even a hotel or two opens and people are actually thinking about building homes and condos.

Suddenly, the so-called golden age hits, Fitch said. The area is home to national hotel and restaurant chains. Real estate prices begin to soar. Governments spend more and more on infrastructure to try desperately to keep up.

"Everything really looks rosy," Fitch said. "People that can live anywhere are very happy to live here."

Then comes the fork in the road, Fitch said. Communities can either take a very strong look at growth and growth management and ask some very important questions about where they're going or they can say 'it's wonderful,' relax and let it happen."

If they sit back, paradise begins to unravel.

Governments struggle to keep up with infrastructure needs. Outlying malls pull businesses away from the downtown cores, which begin to die.

Suddenly, "a lot of amenities that first brought people to the area begin to disappear just because of the pressure.

"The people who could afford to live anywhere begin to leave."

Real estate prices begin to fall. People begin to move away and government is left holding the bag.

So where does Fitch put some of Lee's treasured troves?

About halfway between heaven and hell.

"If there were wake-up calls this is it," he said.

"You have to understand as a community, we cannot expect these things to be figured out by default. So many sit back and assume that if we just add to the tax base, they'll be fine."

Plan for the future

The county's state-mandated review of its growth plan comes once every seven years.

It's the time when changes can be made to reshape the county's future.

The plan is the result of the 1985 Growth Management Act, the state's attempt to rein in runaway growth by requiring every city and county to plan ahead for development's impacts on roads, parks, schools, water quality and wildlife habitat.

It establishes maximum numbers of houses allowed in certain areas and minimum numbers of parks. It also identifies failing roads based on traffic counts and requires a five-year plan to solve them or forbids future development in the area.

But the plan has been changed over the years, making room for FGCU, golf courses and an airport expansion in what have been considered environmentally sensitive lands.

Comp plans are predicated on managing the growth, not controlling it, said Jim Murley, head of the Florida Atlantic University/Florida International University Joint Center for Environmental and Urban Problems, and a former secretary of the state Department of Community Affairs. They were never supposed to be set in stone, he said.

"We have to be honest and learn from what actually is happening," he said.

There's plenty of room for all these people in Cape Coral and Lehigh Acres, Daltry said.

Cape Coral expects another 100,000 people by 2020, and Lehigh is expected to triple its growth, from 38,000 people to 90,000 in 2020.

The goal now is to create enough incentive to build there among the thousands of individually platted sites, he said. The trick is how to bundle them for mixed-use and residential development. That and other recommendations are expected in the coming months from the county's Smart Growth Committee, a group of 15 citizens appointed by commissioners.

Some communities aren't waiting around, using community-based planning. Lee has been divided into 22 planning communities and each has its own unique planning characteristics.

Pine Island, for example, limits development based on traffic counts.

Estero has set its sight on regulating commercial development.

Estero resident Don Eslick, a member of Estero's Community Planning Panel, is optimistic about his community's future but admits it wasn't always that way.

If there was no community planning, Estero would be facing a future with strip malls, unattractive big boxes and lots of uncoordinated "stuff," Eslick said.

Instead, standards for the big boxes are being developed, tougher sign laws are in place and roadway landscaping has become a major focus.

Fort Myers resident Leslie Simon wants to help. She figures that if you don't get involved, you can't complain. A new Fort Myers resident, Simon watched as her Coral Springs community grew from 20,000 people to 120,000.

"When we moved there (in 1978) it was just like Lee County is now," she said.

As she drives down Colonial Boulevard toward her home east of Interstate 75, there's vacant land on either side, "which will not be forever, and I know that but I got to thinking, will Lee be Broward? It probably will."

But, she said, "we have a real chance. Everybody in Lee County has a great chance to participate and shape their future."

For every 1,000 new residents, regional planners point to their impacts:

- 556 new houses will be built — 429 occupied by residents, and 127 seasonally.
- 125,000 gallons of fresh water will be needed and 100,000 gallons of sewerage will have to be hauled "elsewhere," along with 4.5 tons of trash.
- 1,300 more motor vehicles will travel on the 2.5 miles of two-lane road that should be built that may lead to the 10 additional acres of parks and five new classrooms needed.

Lee quantity, quality on collision course

Planners tackle tomorrow's needs

By WENDY FULLERTON, wfullerton@ney[illegible]ress.com

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Lee's population is expected to grow from 475,073 to more than 764,000 people by 2020.

[redacted]

View graph showing projected growth in Lee County

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These pet baby pigs were not planned they were literally taken in off the street



Priority Marketing

US HOME CORPORATION
South Florida Land Division • 10481 Six Mile Cypress Parkway • Fort Myers, Florida 33912 • Administration 941-278-1177 • Fax 941-278-0883

Stoneybrook North Fact Sheet

February 28, 2002

Lena, Copies list Benetis call re: committee 931-3850

The Developer

U.S. Home, part of the Lennar Family of Builders, is a national leader in first-time, move-up and active adult homes in 15 states and 500 U.S. communities. In Southwest Florida, the company has built more than 30,000 homes during its 40-year history. The company's high-quality contributions in Lee County are evident in more than 30 developments including many well-known communities such as Whiskey Creek, Cross Creek, Brookshire, Stoneybrook and Heritage Palms, just to name a few.

U.S. Home likes to select land and design new projects in a way that coordinates with the existing community and minimizes impacts on surrounding areas. Throughout the permitting process, the company works closely with local planning and resource experts to ensure that each project complies with the area's Comprehensive Plan and complements the areas neighborhoods. This holds true with Stoneybrook North.

Stoneybrook North Neighborhood

Although it will not have a golf course, Stoneybrook North in North Fort Myers is modeled after the residential portion of the attractive Stoneybrook family golf course community on Corkscrew Road in Estero. Stoneybrook North encompasses approximately 750 acres bounded by I-75 and Pritchett Parkway on the west, Bayshore Road on the south, the communities of Oakmont and Sedgefield/Highpoint on the east and the Henderson Road neighborhood on the north.

The majority of Stoneybrook's 1525 units will be single-family homes. U.S. Home also plans to build, at most 330 low-rise multifamily condominiums of no more than four stories. These will be located in the center of the Stoneybrook North property, surrounded by new single-family houses and the furthest distance away from the majority of the surrounding homes. The entire project will comply with the Lee County Comprehensive Plan, which requires an average of two units per acre or less.

The community will be comprised of single family and multi-family areas, recreational areas, conservation areas and water management areas. The land use summary is as follows:

Residential Tracts, Misc. Open Space Space and Buffers	**453.3 acres**
Recreation Facility	**49.1 acres**
Water Management (Includes 30 acres in Tract K)	**140.7 acres**

Shelley Traurig's Exhibit P

Conservation Areas		**98.6 acres**
Wetland Conservation	53.37 acres	
Wetland Creation	4.8 acres	
Upland Conservation	33.3 acres	
Wetland/Upland Buffers	7.1 acres	
Property Total		**741.72 acres**

(Note: All acreage figures are approximate)

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US HOME CORPORATION
South Florida Land Division • 10481 Six Mile Cypress Parkway • Fort Myers, Florida 33912 • Administration 941-278-1177 • Fax 941-278-0883

March 14, 2002

Mr. and Mrs. Douglas E. Traurig
8300 Henderson Grade
N. Fort Myers, FL 33917

Dear Mr. and Mrs. Traurig:

Thank you for attending our informational presentation about Stoneybrook North. We appreciate the opportunity to open lines of communications with you. Your attendance shows that you care about the future of your community and we hope that we demonstrated our concern for it too.

We look forward to continuing dialogue as we move forward in development and will keep you posted on our plans and progress.

Thank you again for your time and suggestions.

Sincerely,

Deno Benetis
Senior Vice President
US Home Land Division

DCI2001-00038

US·HOME®
A LENNAR COMPANY

South Florida Land Division • 10481 Ben C. Pratt Six Mile Cypress Parkway • Fort Myers, Florida 33912 • Administration 239-278-1177 • Fax 239-278-0883

April 11, 2002

Mr. Michael Pavese
1500 Monroe St.
Fort Myers, FL 33901

Dear Mr. Pavese:

In late February, we met with area residents to address questions and concerns about the planned Stoneybrook North community. That meeting provided valuable insight and information for our development team who has since met to discuss solutions. We are pleased to update you on our latest plans.

Four story Condominiums – After carefully considering resident concerns, we have eliminated plans to build four-story condominiums in Stoneybrook North. We have also lowered the maximum to two-story buildings and pulled back the multi-family from the east side of the property. The master concept development plan has been revised to reflect this change and will be resubmitted to the County. Enclosed is a copy of the revised site plan.

Drainage – We have had several discussions with Lee County DOT Road and Ditch Maintenance Department regarding drainage problems in the surrounding area. The department has committed to send an inspector out to review identified trouble spots and will take action accordingly if warranted.

Traffic – Although it will take time to develop solutions for the Bayshore traffic issues, we are pursuing discussions with both the Florida and the Lee Departments of Transportation to explore future options. We will keep you posted as discussions ensue and action plans are created.

Gatehouses – Based on follow up discussions with some residents, it is evident there was confusion surrounding the placement of gatehouses. To clarify, no gatehouses will be built on Pritchett Parkway, all will be located directly on private roads inside Stoneybrook North.

Community Advisory Group – We are pleased with the continued feedback we have received from neighborhood residents and are optimistic about developing long-term productive relationships. As we discussed at the resident meeting, we support and will participate in an area resident advisory group to serve as a liaison between our company and the surrounding neighbors. It is my understanding by Mr. Ron Wierengo that a group has been formed and has already met.

As promised at the February meeting, we will continue to keep you posted on our progress. In the meantime, we are available for questions anytime and welcome your calls and letters.

Sincerely,

Deno Benetis
US Home Corporation
Sr. VP Project Manager

LEE COUNTY
RECEIVED
02 APR 15 AM 11:35
COMM. DEV/
PUB. WRKS. CNTR.
SECOND FLOOR

From: John Fredyma
To: COLLINSD@leegov.com; Jones, Timothy
Date: 6/6/03 3:10PM
Subject: Stoneybrook North - Heritage Creek DCI2001-00038

F.Y.I.

I checked with Margaret at the HEX office this afternoon about this hearing on June 18th and 19th. Margaret said Suzanne has already booked the Comm.'s Chambers for both days.

She also said that the other day Steve Hartsell told them he didn't expect a crowd since his client has reduced the scope of the original project. He told them his client has made peace with a group of about 80 property owners or residents in the project area and doesn't expect much, if any opposition. Regardless, the HEX has booked the Comm.'s Chambers for both days.

Shelley Traurig's Exhibit Q

INSTRUCTIONS

(Section C.1.c., Lee County Administrative Code AC 2-8)

A zoning sign must be posted on the parcel subject to any zoning application for a minimum of ten (10) days in advance of the Hearing Examiner's Public Hearing and maintained through the Board of County Commissioners Hearing, if any. This sign will be provided by the Development Services Division in the following manner:

a. Signs for case **#DCI2001-00038** must be posted by **November 26, 2002.**
b. The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
c. The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
d. The applicant must make a good faith effort to maintain the sign in place, and readable condition until the requested action has been heard and a final decision rendered.
e. If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Development Services Division, and obtain duplicate copies of the sign from the Development Services Division.

The Division may require the applicant to erect additional signs where large parcels are involved with street frontages extending over considerable distances. If required, such additional signs must be placed not more than three hundred (300) feet apart.

When a parcel abuts more than one (1) street, the applicant must post signs along each street. When a subject parcel does not front a public road, the applicant must post the sign at a point on a public road which leads to the property, and the sign must include a notation which generally indicates the distance and direction to the parcel boundaries and the dimensions of the parcel.

NOTE: AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE INITIAL HEARING DATE TO LEE COUNTY DEVELOPMENT SERVICES DIVISION, 1500 MONROE ST., FT. MYERS, FL 33901.

(Return the completed Affidavit below to the Development Services Division as indicated in previous paragraph.)

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED Douglas J. Widmer

WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 34-236(b) OF THE LEE COUNTY LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN THE ZONING APPLICATION REFERENCED BELOW:

Douglas J. Widmer
SIGNATURE OF APPLICANT OR AGENT

DOUGLAS J. WIDMER
NAME (TYPED OR PRINTED)

4571 COLONIAL BLVD,
ST. OR PO BOX

FT. MYERS, FL 33912
CITY, STATE & ZIP

#DCI2001-00038/Heritage Creek / 12/11/02 (rt)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 25th day of November, 2002, by Douglas J. Widmer, personally known to me or who produced _____ as identification and who did/did not take an oath.

Bernadette Rashford
Signature of Notary Public

Bernadette Rashford
Printed Name of Notary Public

BERNADETTE RASHFORD
MY COMMISSION # DD 039122
EXPIRES: May 16, 2005
Bonded Thru Atlantic Bonding Co., Inc.
Notary Public Underwriters

My Commission Expires:
(Stamp with serial number)

U:\200211\DCI20010.003\8\affidavit.wpd

TRAN 19
EXHIBIT # 3
DCI2001-00038

Sec. 34-413. Density or intensity of use.

Density or intensity of use permitted in any planned development shall be determined on a case-by-case basis in accordance with the following:

(1) The range of **density** or the uses permitted or encouraged under the Lee Plan at that location;

(2) The availability of adequate capacity of all public facilities and services (in order of precedence, roads, water, sewer, surface water management, public safety, schools and other public services);

(3) The level of public services to be provided by the development; and

(4) The nature of and the **density** and intensity of existing development surrounding the project.

In no case, however, shall the **density** of a planned development be permitted to exceed six units per acre in areas designated as rural or open lands by the Lee Plan.

(Zoning Ord. 1993, § 804.02(B))

Search

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TRAVIS
EXHIBIT #3
DC/2001-00038

development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)

POLICY 2.2.1: Rezonings and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. (Amended by Ordinance No. 94-30, 00-22)

POLICY 2.2.2: Map 1 of the Future Land Use Map series indicates the uses and density ranges that will ultimately be permitted on a given parcel. However, it is not a guarantee that such densities or uses are immediately appropriate, as the map provides for the county's growth over the coming 26 years. During the rezoning process the Board of County Commissioners will balance the overall standards and policies of this plan with three additional factors:

1. Whether a given proposal would further burden already overwhelmed existing and committed public facilities such that the approval should be delayed until the facilities can be constructed; and

2. Whether a given proposal is for land so far beyond existing development or adequate public facilities that approval should be delayed in an effort to encourage compact and efficient growth patterns; and

3. Whether a given proposal would result in unreasonable development expectations which may not be achievable because of acreage limitations contained in the Acreage Allocation Table (see Policy 1.7.6, Map 16 and Table 1(b)).

In all cases where rezoning is approved, such approval does not constitute a determination that the minimum acceptable levels of service (see Policy 70.1.3) will be available concurrent with the impacts of the proposed development. Such a determination must be made prior to the issuance of additional development permits, based on conditions which exist at that time, as required by Lee County's concurrency management system. (Amended by Ordinance No. 94-30, 98-09)

POLICY 2.2.3: When an area within the county is approaching the capacity of the necessary facilities as described above, requested rezonings to increase densities and intensities may be deferred or denied to give preference to existing vacant lots and other valid development approvals, provided that a constitutionally mandated reasonable use of land would still be permitted.

OBJECTIVE 2.3: PUBLIC PROVISION OF INFRASTRUCTURE. The Capital Improvements Program will give the highest priority to the planning, programming, and construction of urban services and facilities in the existing developed areas where facilities are inadequate. Next priority will be given to service expansions in existing developed areas, followed by further expansion into other portions of the Future Urban Areas. Sufficient land will be identified and protected for utility facilities that will be necessary to support the proposed level of development. Other infrastructure planning priorities are contained in Policy 23.2.4 and Policy 70.1.1. (Amended by Ordinance No. 94-30, 00-22)

POLICY 85.1.5: No garbage or untreated sewage will be discharged into coastal and interior surface waters. (Amended by Ordinance No. 00-22)

POLICY 85.1.6: The county will initiate a wellfield protection program to prevent the contamination of shallow wells by pollutant generating development including surface water runoff (see Goal 41). (Amended by Ordinance No. 00-22)

POLICY 85.1.7: Valid permits and inspection will be required prior and subsequent to drilling operations for wells, elevator shafts, foundation holes, and test borings. (Amended by Ordinance No. 00-22)

POLICY 85.1.8: The county will continue its program of plugging improperly constructed wells which are detrimental to groundwater resources. (Amended by Ordinance No. 94-30, 00-22)

GOAL 86: [RESERVED]

GOAL 87: WATER RESOURCES.

To conserve, manage, and protect the natural hydrologic system of Lee County to insure continued water resource availability. (Amended by Ordinance No. 94-30)

OBJECTIVE 87.1: WATER SUPPLIES. Insure water supplies of sufficient quantity and quality to meet the present and projected demands of all consumers and the environment, based on the capacity of the natural systems.

POLICY 87.1.1: Natural water system features which are essential for retention, detention, purification, runoff, recharge, and maintenance of stream flows and groundwater levels shall be identified, protected, and managed.

POLICY 87.1.2: The county will recognize and encourage water and wastewater management, provided that such management does not exceed the natural assimilative capacity of the environment or applicable health standards. Appropriate water and wastewater management includes, but is not limited to, aquifer recharge, dual water systems, use of low volume irrigation systems, use of water-conserving vegetation, and other conservation and recycling techniques. (Amended by Ordinance No. 94-30, 00-22)

POLICY 87.1.3: Freshwater resources will be managed in order to maintain adequate freshwater supplies during dry periods and to conserve water. (Amended by Ordinance No. 00-22)

POLICY 87.1.4: Development designs must provide for maintaining surface water flows, groundwater levels, and lake levels at or above existing conditions. (Amended by Ordinance No. 00-22)

POLICY 87.1.5: The county will cooperate with the United States Geological Survey, South Florida Water Management District, and state agencies to develop an area-wide water resources plan emphasizing planning and management of water resources on the basis of drainage basins; and addressing the needs of the existing and potential built environment, natural hydrologic system requirements, and freshwater flow impacts on estuarine systems. (Amended by Ordinance No. 00-22)

c. SURFACE WATER MANAGEMENT

GOAL 39: PROTECTION OF LIFE AND PROPERTY. To reduce the hazards to life, health, and property created by flooding due to rainfall in a manner consistent with the community's criteria for the preservation of environmental values and the conservation of natural resources.

OBJECTIVE 39.1: Lee County will continue its efforts in developing a surface water management planning process designed to produce and maintain an up-to-date body of technical information, and, based on that information, the necessary surface water management plans, regulatory mechanisms, and facility proposals that will improve the protection of present and future uses of real property from stormwater flooding, while preserving or enhancing the environmental and natural resource values of both land and water. (Amended by Ordinance No. 94-30, 00-22)

POLICY 39.1.1: The County will continue to prepare and implement a comprehensive county-wide surface water management master plan, with full attention to issues of regional water quality and environmental integrity. The County will complete basin plans for all of the remaining watersheds in Lee County by 2005. As each basin plan is completed, it will be scheduled for adoption by the Board of County Commissioners. (Amended by Ordinance No. 98-09)

POLICY 39.1.2: From technical data underlying the surface water management plan, criteria will be established and utilized to identify floodways and other areas of special flood risk not already identified by the Federal Flood Hazard Map and Flood Insurance Study. (Amended by Ordinance No. 00-22)

POLICY 39.1.3: By 1995, Lee County will update its flood plain regulations in accordance with the 1984 Flood Plain Management Study and other available sources. (Amended by Ordinance No. 94-30)

POLICY 39.1.4: Continue to develop, update, and improve technical information, with the assistance of the U.S.D.A. Natural Resources Conservation Service, United States Geological Survey, Federal Emergency Management Agency, South Florida Water Management District, and other agencies, in order to better determine the current flooding risks associated with severe rainfall events. (Amended by Ordinance 91-19, 94-30, 99-15, 02-02)

POLICY 39.1.5: The county will, through appropriate land use and engineering regulations, continue to control the introduction of obstructions or impediments within floodways. (Amended by Ordinance No. 94-30, 00-22)

POLICY 39.1.6: The county will, through appropriate regulations, continue to provide standards for construction of artificial drainageways compatible with natural flow ways and otherwise provide for the reduction of the risk of flood damage to new development. (Amended by Ordinance No. 94-30, 00-22)

POLICY 39.1.7: Priorities in public investment in surface water management facilities will be limited to new or expanded facilities serving the future urban areas, existing development, public facilities, and the maintenance of existing infrastructure; and outside the future urban areas, only to the prevention or reversal of environmental degradation, or the alleviation of bona fide health and safety emergencies. (Amended by Ordinance No. 00-22)

POLICY 39.1.8: The County will continue to monitor water quality in the Imperial River and navigational access and tidal flushing through New Pass and Big Hickory Pass. (Relocated by Ordinance No. 02-02, Amended by Ordinance No. 94-30, 02-02)

GOAL 40: COORDINATED SURFACE WATER MANAGEMENT AND LAND USE PLANNING ON A WATERSHED BASIS.

To protect or improve the quality of receiving waters and surrounding natural areas and the functions of natural groundwater aquifer recharge areas while also providing flood protection for existing and future development.

OBJECTIVE 40.1: COUNTY-WIDE PROGRAM. Lee County will continue its efforts in developing a surface water management program that is multi-objective in scope and is geographically based on basin boundaries. (Amended by Ordinance No. 94-30, 00-22)

POLICY 40.1.1: The detailed Surface Water Management Master Plan that was initiated in 1989 to identify the existing watershed basin boundaries within Lee County, to evaluate the storm capacity and establish design criteria, and to determine costs for surface water management within each basin to meet applicable design storm standards will be completed by 2005. (Amended by Ordinance No. 98-09)

POLICY 40.1.2: Develop surface water management systems in such a manner as to protect or enhance the groundwater table as a possible source of potable water.

POLICY 40.1.3: Incorporate, utilize, and where practicable restore natural surface water flow-ways and associated habitats.

POLICY 40.1.4: The county will examine steps necessary to restore principal flow-way systems, if feasible, to assure the continued environmental function, value, and use of natural surface water flow-ways and associated wetland systems. (Amended by Ordinance No. 00-22)

POLICY 40.1.5: Additional public hearings on Lee Plan amendments will be held to incorporate each phase of the Surface Water Management Master Plan. These amendments will specifically address:

(a) incorporating the additions to the database into the Lee Plan;

(b) modifying the interim level-of-service standards; and

(c) modifying the Future Land Use, Community Facilities and Services, and Capital Improvements elements as necessary to incorporate the study's initial findings. (Amended by Ordinance No. 94-30)

POLICY 40.1.6: Lee County will maintain in its land development regulations requirements that proper stormwater management systems be installed when land is being redeveloped. Appropriate exemptions will be provided to this requirement for individual residential structures and for historic districts. The regulations may also provide modified stormwater management standards for publicly sponsored projects within community redevelopment areas (as defined by Chapter 163, Part III, Florida Statutes). However, this policy will not be interpreted so as to waive any concurrency level-of-service standards. (Amended by Ordinance No. 94-30, 00-22)

GOAL 5: RESIDENTIAL LAND USES. To provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year 2020 in attractive and safe neighborhoods with a variety of price ranges and housing types. (Amended by Ordinance No. 94-30)

OBJECTIVE 5.1: To provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year 2020 in attractive and safe neighborhoods with a variety of price ranges and housing types. (Amended by Ordinance No. 94-30)

POLICY 5.1.1: Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned residential developments. (Amended by Ordinance No. 00-22)

POLICY 5.1.2: Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.

POLICY 5.1.3: During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. (Amended by Ordinance No. 94-30)

POLICY 5.1.4: During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. (Amended by Ordinance No. 94-30)

POLICY 5.1.5: Protect existing and future residentialareas 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. (Amended by Ordinance No. 94-30, 99-15, 00-22)

POLICY 5.1.6: Maintain development regulations that require high-density, multi-family, cluster, and mixed-use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design. (Amended by Ordinance No. 94-30)

POLICY 5.1.7: Maintain development regulations that require that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. These pathways must be interconnected with adjoining developments and public pathways whenever possible. Townhouses, condominiums, apartments, and other types of multi-family residential development must have directly accessible common open space. (Amended by Ordinance No. 94-30, 00-22)

POLICY 1.3.4: The Industrial Commercial Interchange areas are designated to permit a mixture of light industrial and/or commercial uses. This category does not permit heavy industrial uses.

POLICY 1.3.5: The University Village Interchange land use category is designed to accommodate both interchange land uses and non-residential land uses related to the University. Development within this interchange area may or may not be related to, or justified by the land use needs of the University. Land uses allowed within this area include those allowed in the Industrial Commercial Interchange category and the associated support development allowed in the University Village. The overall average intensity of non-residential development will be limited to 10,000 square feet of building area per non-residential acre allowed pursuant to Map 16 and Table 1(b). See the definition of Associated Support Development in the Glossary. Cooperative master planning and approval by the Board of Regents will be required prior to development within this land use category. Additionally, any development within this land use category which meets or exceeds the Development of Regional Impact thresholds, either alone or through aggregation, must conform to the requirements of Chapter 380 F.S. (Added by Ordinance No. 92-47, Amended by Ordinance No. 94-30, 00-22)

POLICY 1.3.6: Lee County recognizes that development immediately adjoining the I-75 ramps could render future interchange improvements extremely costly if not prohibitive. To assist the county in evaluating the impacts of specific rezoning proposals located within 1000 feet of I-75 ramps, county staff will estimate the possible right-of-way needs for interchange improvements in that quadrant and present this information during the rezoning process. Where possible, development approvals must be phased to protect land critical for future interchange improvements. (Relocated by Ordinance No. 99-18, Amended by Ordinance No. 00-22)

POLICY 1.3.7: The following access control standards will apply to the interstate interchange areas of Luckett Road, Alico Road, Corkscrew Road, and Bonita Beach Road. Access control issues for Daniels Parkway west of I-75 are governed by the controlled access resolution adopted by the Board of County Commissioners on October 4, 1989, as may be amended from time to time. The other interchange areas are state roads where access is controlled by the Florida Department of Transportation under the provisions of Rule 14-97.003, FAC. This standard is a strict requirement during the rezoning and development order processes for cases after the effective date of this policy. Access Control Standards for Luckett Road, Alico Road and Bonita Beach Road

1. The distance to the first connection will be at least 880 feet, provided such location is outside the federal limited access right-of-way line. A connection is generally defined as a driveway or roadway, limited to right-in/right-out movements, but can include a directional median opening. This distance will be measured from the end of the upstream interchange ramp or the beginning of the downstream interchange ramp, whichever is farther from the centerline of the interstate. A single connection per property not meeting this connection spacing standard may be provided, pursuant to the connection permit process, if no reasonable access to the property exists, and if permitting authority review of the connection permit application provided by the applicant determines that the connection does not create a safety, operational or weaving hazard.

2. The minimum distance to the first full movement median opening will be at least 1760 feet as measured from the end of the upstream interchange ramp or the beginning of the downstream interchange ramp, whichever is farther from the centerline of the interstate.

the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre).

The property consisting of Sections 1, 2, and 3, Township 48 South, Range 26 East must be developed only in accordance with the following standards:

1. The Property may be developed only in accordance with the following conditions. Pre-development activities such as rezonings, zoning permits, certifications, special exceptions, and variances must be consistent with the following conditions, but need not implement them until application is made for a development order that would authorize physical, on-the-ground development on the Property.

    a) The Property, or any part of it, will only be developed as a Planned Development, as defined by Chapter XIII of the Lee County Comprehensive Plan at page XII-6. Should development occur in a series of increments by different developers, each development must receive planned development approval. Residential development will be clustered in order to maximize opportunities to provide open spaces and natural areas. A maximum of five acres of the property will be reserved for commercial uses of the type which serve neighborhood needs. Commercial development may be aggregated on any portion of the Property. Clustering will be achieved by requiring homesites to be platted or designed in contiguous groups, adjacent to open spaces. Clustering of residential development will also be achieved by limiting the areas on the Property available for residential homesites in the following fashion.

        (1) Residential development. Single and/or multiple family homesite acreage may account for no more than 45% of the gross area of the Property. Homesite acreage includes the entire site for all single family houses, multi-family dwellings, and any other residential structure, including the house or building pad, the yard, and any driveway, parking areas, landscaped areas, and the like upon the homesite.

        (2) Open Spaces. These areas will include preserved natural areas, buffers, lakes, parks, golf courses, nature trails, retention areas, conservation areas, scenic resources, green belts, wetlands and associated areas and must account for a minimum of 40% of the Property. Golf course fairways will account for no more than fifty percent (50%) of the open space of the subject property.

        (3) Non-residential Development. These areas will include vehicular and pedestrian ways, commercial and institutional areas, club houses and associated facilities, utility buildings, maintenance areas, tennis courts and associated non-residential uses and will be a maximum of 15% of the Property.

    b) All naturally occurring wetlands, which have not been significantly degraded, must be designated as preserve areas and be subject to a conservation easement similar to that set forth in Section 704.06, Florida Statutes. Limited uses in preserve areas such as nature trails, bike paths, cart paths, boardwalks and the like will be allowed when permitted by appropriate State and Federal agencies. The use of wetland areas for water management, to the extent allowed by law, will not be precluded. Wetland areas being used as water management areas on the Property may be relocated if (1) all approvals are obtained form

Ralf Brookes

From: John Fredyma [FREDYMJJ@leegov.com]
Sent: Monday, August 04, 2003 1:24 PM
To: ralf@ralfbrookesattorney.com
Cc: Timothy Jones
Subject: RE: Heritage Creek

Ralf,

I am faxing a copy of the item that you've requested.

John

>>> rbroo07@dellepro.com 08/04/03 12:45PM >>>
Dear Lee County c/o County Attorney,

Please provide me a copy per this public records request filed under Chapter 119 a copy of any memorandum, electronic correspondence, or documents between Tim Jones or BOCC and the Hearing Examiner(s) concerning the extent of evidence to be accepted in hearings held by the Hearing Examiner's Office. It is my understanding based upon information and belief that such a letter from Tim Jones or BOCC to Hearing Examiner exists and addresses introduction of evidence or comp plan policies not contained in staff reports.

Ralf Brookes

Ralf Brookes, Attorney

please visit http://www.ralfbrookesattorney.com

1217 E. Cape Coral Parkway, #107

Cape Coral Florida 33904

(239) 910-5464 direct line

(239) 541-2774 fax ;

(208) 441-5423 efax to Ralf's laptop email

(239) 945-2008 assistant/office line

practicing land use and environmental law throughout florida

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MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

DATE: May 30, 2003

To: Diana Parker
Hearing Examiner

FROM: Timothy Jones
Chief Assistant County Attorney

RE: Comprehensive Plan Consistency Issues in Zoning Hearings

This will confirm our discussion on this subject. At the County Commission meeting on May 13, 2003, the Board discussed the issues raised in Assistant County Attorney Donna Marie Collins' memorandum to you dated March 5, 2003. The Board ultimately adopted a motion directing that all comprehensive plan consistency issues must be allowed full consideration during the zoning hearings held by your office. Testimony addressing relevant comprehensive plan issues must not be banned, even if not specifically addressed in the staff report. The Board agreed that completeness of the record for the purpose of Board review is paramount.

Please let me know if you have any questions.

TJ/amp
Attachments: BOCC Written Minutes of May 13, 2003
Donna Marie Collins Memo to Hearing Examiner dated March 5, 2003

cc: w/attachments
James G. Yaeger, County Attorney
Sal Territo, Hearing Examiner
Mary Gibbs, Director, Department of Community Development

FILE
LU-565

Re: Comprehensive Plan Consistency Issues in Zoning Hearings

bcc: w/attachments
Robert P. Janes, County Commissioner, District 1
Douglas R. St. Cerny, County Commissioner, District 2
Ray Judah, County Commissioner, District 3
Andrew Coy, County Commissioner, District 4
John Albion, County Commissioner, District 5
Donna Marie Collins, Assistant County Attorney
Matt Noble, Planning Division

Commissioner Albion moved approval, seconded by Commissioner Coy, called and carried with Commissioner Janes absent.

CARRY-OVER ITEM NO. 2

10. UTILITIES

ACTION REQUESTED:
Approve Bid Waiver #W-030452, to waive the formal quoting process; and accept three quotes obtained on an informal basis, to allow Lee County Utilities (LCU) to rebuild and recondition the Belt Klampress located at the Fort Myers Beach Wastewater Treatment Plant. The work will be done by Johnson Environmental Services at the competitively quoted best price of $72,500.00. Authorize the expenditure of an amount not to exceed $10,000.00 to cover freight costs, which are still to be determined. Authorize the expenditure of an amount not to exceed $10,000.00 to hire a third-party crane service to remove and reinstall the unit. A bid waiver has been requested due to time constraints. The work needs to be completed quickly during the low peak season.
WHY ACTION IS NECESSARY:
According to Section 9.4.1 of the Lee County Purchasing and Payment Procedures Manual, approved by the Board on July 9, 2002, purchases over $50,000.00 must be approved by the Board.
WHAT THE ACTION ACCOMPLISHES:
Allows LCU to have the work performed during the low peak season when raw sewage flows are at a minimum. (#20030433-Utilities)
REASON FOR CARRY-OVER:
Directed at the Regular Board Meeting of May 6, 2003.

Commissioner Coy moved approval, seconded by Commissioner Albion, called and carried with Commissioner Janes absent.

COMMISSIONER ITEMS

COMMUNICATIONS TOWER LAWSUIT Commissioner Judah commended Assistant County Attorney John S. Turner on the dismissal of a lawsuit, which could have cost the County $21 million, regarding a 1,500-foot communications tower.

HEARING EXAMINER - Commissioner Judah pointed out that the policy of the Hearing Examiner was to consider only the Comprehensive Plan policies included in the Staff Report on rezoning cases, and suggested that the information provided to the Board should include consideration of the entire Comprehensive Plan at the Hearing Examiner level. Assistant County Attorney Timothy Jones explained that the purpose of the Hearing Examiner process was to bring forward all information that might have informative or probative bearing on any Hearing Examiner or Board decision; and added that it was not appropriate to exclude information regarding Comprehensive Plan policies, objectives, and goals. Following brief Board discussion, Attorney Jones explained that the Hearing Examiner policy prohibited staff from discussing any item of the Comprehensive Plan that was not mentioned in the Staff Report. Commissioner Coy moved that the Hearing Examiners be directed to allow discussion of all of the Comprehensive Plan that was approved by the County Commissioners, regardless of what was submitted in the Staff Report in rezoning cases, seconded by Commissioner St. Cerny. After Attorney Jones and Community Development Director Mary Gibbs confirmed that the County Attorney's Office and staff concurred, the motion was called and carried with Commissioner Janes absent.

FLORIDA BEACH PRESERVATION TRUST FUND - Commissioner Judah reported that the Tourist Development Council (TDC) has recommended that the Board request that the state legislature refrain from raiding the Florida Beach Preservation Trust Fund during the Special Legislative Session. Commissioner Coy so moved, seconded by Commissioner Albion, called and carried with Commissioner Janes absent.

STATE HOUSING TRUST FUND - Commissioner Judah suggested that the Board should request that the state legislature refrain from raiding the Housing Trust Fund. Commissioner Coy so moved, seconded by Commissioner Albion, called and carried with Commissioner Janes absent.

IMMEDIATELY PRIOR TO CONSIDERATION OF 5:00 P.M. AGENDA ITEM (1):

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

DATE: March 5, 2003

TO: Diana Parker
Chief Hearing Examiner

FROM: Donna Marie Collins
Assistant County Attorney

RE: Hearing Examiner Policy Precluding Testimony on Comprehensive Plan Consistency Issues Not Discussed in the Staff Report

The Office of the County Attorney wishes to express concern with regard to a Hearing Examiner policy and offer an alternative for your consideration. The troubling policy is the prohibition of testimony and evidence relative to Lee Plan consistency if a specific Lee Plan policy was not discussed in the staff report. At first blush, this policy appears to ensure a level playing field. In practice, however, it deprives the Board of County Commissioners of a complete record, which is essential to informed decision-making. Precluding testimony on the applicability of a relevant comprehensive plan policy leaves the Board's final determination vulnerable to challenge under 163.3215, F.S.

The Board of County Commissioners is free to consider all relevant Lee Plan policies in rendering a final determination on a zoning application. They are not limited by the record below. However, a comprehensive evaluation of a zoning request is not possible without a complete record containing information on all relevant Lee Plan issues. For this reason, we submit that testimony addressing relevant comprehensive plan policies should not be barred simply because the planner did not address a specific policy in the staff report.

We agree that the belated introduction of a Lee Plan consistency issue can be disconcerting for an applicant. For this reason, we respectfully request that the Hearing Examiner consider an alternative policy that will ameliorate concerns pertaining to fairness. The alternative is to allow a limited continuance for the purpose of addressing specific Lee Plan issues not included in the staff report. A limited continuance will allow the case to go forward on the day of hearing, and will also allow staff and the applicant the opportunity to present evidence and arguments for the record on a subsequent hearing date. The subsequent hearing could be strictly limited in scope to avoid repetition of testimony previously offered on the original hearing date.

The completeness of the record for the purpose of Board review is paramount. Precluding testimony on the applicability of relevant comprehensive plan policies leaves the Board's final determination at risk of challenge. This risk outweighs the temporary inconvenience a limited continuance may create or the additional delay that would result from a remand. We respectfully

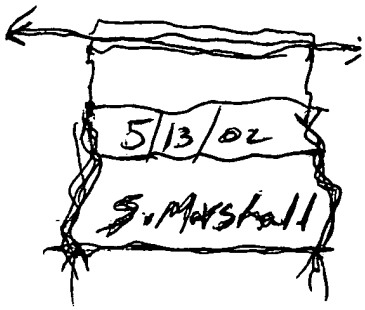
525.C

Re: Hearing Examiner Policy that Precludes Testimony on Matters not Discussed in the Staff Report

request that your office give thoughtful consideration to the proposed alternative or another approach that would not have the effect of compromising the record.

DMC/amp

cc: James Yaeger, County Attorney
Timothy Jones, Chief Assistant County Attorney
Mary Gibbs, Director, Department of Community Development
Sal Territo, Hearing Examiner



Heritage Creek

HECTL Modeling - Provide modeling or provide required setbacks from Bayshore + Popash Creeks
Natural features of the site Historic Flow ways

Required Setbacks 50' ℄ or ½ width from TOB whichever is greater.

Flooding caused by farm field
Applicant is not reestablishing historic, flow ways,
" " " hurting the drainage of this property.
Lee Plan Policies —
40.1.3. —
Blasting - Possible - Verandah condition

FILE COPY

MEMORANDUM
DEPARTMENT OF PUBLIC WORKS
NATURAL RESOURCES DIVISION

TO: Mike Pavese
Community Development

FROM: Brad Vance BSV

Lori

DATE: February 6, 2002

RE: HERITAGE CREEK
DCI 2001-00038

In reference to the above project, we recommend the following conditions for the zoning resolution, to read as follows:

NR-1:

The applicant must maintain Popash and Bayshore Creeks on a biannual basis (May and October) in perpetuity by removing all non-native vegetation and all brushy type material within the property limits for which they lie. This same language must be contained within the Home Owners Association (HOA) documents and said language must be approved by the Division of Natural Resources.

NR-2:

The applicant must provide an HEC-RAS model for Popash and Bayshore Creeks demonstrating that the development will not induce any rise to the existing flood elevations, nor any increases in velocities, nor any transfer in overbank flows for the 10-, 25-, and 100-year storms. In addition, the development will not create more than a one (1) foot rise in the base flood elevation utilizing method 4 in the HEC-RAS model. This same model must be concurrently submitted to the County and the SFWMD for review and approval.

pc: Roland Ottolini
Kim Trebatoski

Metro Widening / SR 78

Heritage Creek 11/4/02

Open Space
for 741 Ac., Need 148 Ac Ind.

Provide 98.6. = 493 Ac. development requiring Ind OS.

- Fill.
- Open Space (Need 50 Ac. Ind)
- Lot Coverage

Denial w/ Conditions.

$A = \pi R^2$ $R^2 = A/\pi$

$R = \sqrt{A/\pi}$

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

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Pensacola

RODNEY BARRETO
Miami

SANDRA T. KAUPE
Palm Beach

H.A. "HERKY" HUFFMAN
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KENNETH D. HADDAD, Executive Director
VICTOR J. HELLER, Assistant Executive Director

BRIAN S. BARNETT, INTERIM DIRECTOR
OFFICE OF ENVIRONMENTAL SERVICES
(850)488-6661 TDD (850)488-9542
FAX (850)922-5679

August 4, 2003

Ms. Laura Montes de Oca
South Florida Water Management District
2301 McGregor Boulevard
Fort Myers, Florida 33901

RE: SFWMD Applic. # 010418-12, Lee County, Stoneybrook North, FKA Heritage Creek RPD, Sections 16 and 21, Township 43S, Range 25E

Dear Ms. Montes de Oca:

The Office of Environmental Services of the Florida Fish and Wildlife Conservation Commission (FWC) has reviewed this application, and has the following comments and requests for additional information. Our response to this application was coordinated with interagency staff, including the U.S. Fish and Wildlife Service (USFWS) staff. A copy of this letter will be provided directly to the applicant and the applicant's consultant.

The applicant proposes to construct a new residential development on 741.22 acres of native and range land. The property is bounded on the southwest by Interstate 75, on the east by Popash Creek, and on the south by Leetania Parkway. Pritchett Parkway also divides the property on a north south axis.

The project site currently consists of improved and unimproved pasture; shrub and brushland; palmetto prairie; xeric, mesic and hydric pine flatwoods; hydric cabbage palm hammock; drainage canal; cypress; riparian mixed swamp forest; freshwater marsh; wet prairie; disturbed land and borrow areas; and a large borrow pit lake.

Materials provided by the South Florida Water Management District are inadequate for a full review of the project site impacts and do not include acreage figures for the various habitats. Figures consist principally of an outline map of the total site.

The site is potential habitat for the wood stork (endangered - E), Florida scrub jay (threatened - T), Florida black bear (T), southeastern American kestrel (T), Florida sandhill crane (T), eastern indigo snake (T), Sherman's fox squirrel (species of special concern - SSC), little

blue heron (SSC), snowy egret (SSC), tricolored heron (SSC), white ibis (SSC), and gopher tortoise (SSC).

Based on the material provided, the wildlife surveys for the proposed project are not yet sufficient, and a wet season site review in August/September should be performed to establish the extent of on-site wetlands and use by wetland-dependent species.

During site review with the applicant's biological consultant, we outlined an on-site preserve plan that protects a riverine corridor along Popash Creek, including full protection of the stream course, associated riparian forest and hammocks, and an area of xeric oak scrub and scrubby pine flatwoods located south of the power lines, east of Pritchett Parkway, and north of the borrow pit. This xeric area would serve as the location for an on-site gopher tortoise relocation. Wildlife surveys for Florida scrub jay, performed by W. Dexter Bender and Associates, did not identify scrub jays on the site in 2001.

Black bear are known from the Popash Creek drainage, and a 320-pound male black bear was road-killed on October 24, 2002 on Bayshore Road, within 0.25 miles of the intersection with Interstate 75. Because the project has the potential to adversely affect this wide-ranging species and sever the habitat connections along Popash Creek, we recommend that the applicant and their agents develop an onsite preservation plan, coordinated with the FWC, to protect this listed species and to mitigate associated impacts to foraging habitat on portions of the site not included in the preserve. Specifically, off-site mitigation needs to be provided for the development in native habitat areas outside of the on-site preserve. These were matters that were discussed at the beginning of the permitting process, and should be included in project design and permit specific conditions.

The change of the site from shallow hydroperiod flatwoods to deep stormwater retention lakes will result in a loss of foraging habitat for wading birds. Will the lake designs include drawdown pool features in littoral shelf slopes to favor use by wood stork and other wading birds? What mitigation will be provided to offset the loss of seasonal wetlands for woodstork foraging?

The project site is suitable habitat for the eastern indigo snake. We recommend that the applicant follow the Standard U.S. Fish and Wildlife Service Protection Measures for the Eastern Indigo Snake and prepare an Eastern Indigo Snake Protection Plan.

The permit should specify the entity responsible for the management of the on-site preserve. The on-site habitat preserve plan should specify the establishment of an adaptive management review of the initial preserve management plan, with annual reviews by regulatory permitting entities, including the FWC.

We will continue interagency coordination on these issues. Please contact me, or Mr. Jim Beever at (941) 575-5765, if you have any questions.

Sincerely,

Brian S. Barnett, Interim Director
Office of Environmental Services

BSB/JWB
ENV 1-12-2
a:\stoneybrooknorthwmd.doc

CC: Mr. Constantine Benetis
US Home Corporation
10481 Six Mile Cypress Parkway
Fort Myers, Florida 33912

Mr. Ian Vincent
W. Dexter Bender & Associates, Inc.
2052 Virginia Avenue
Fort Myers, Florida 33901

Ms. Kim Trebatowski, Environmental Planner
Lee County Division of Community Development
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398

Mr. Dusty Perkins
U.S. Fish and Wildlife Service
Office of Ecological Services
Southwest Florida Suboffice
3860 Tollgate Boulevard, Suite 300
Naples, Florida 34114

Mr. Daniel L. Trescott
DRI Coordinator
Southwest Florida Regional Planning Council
4980 Bayline Drive, 4th Floor
North Ft. Myers, Florida 33917-3909

Mr. Steve Sullivan
Army Corps of Engineers
Fort Myers Regulatory Office
2301 McGregor Blvd., Suite 300
Fort Myers, Florida 33901

Mr. John H. Hankinson, Jr.
Regional Administrator
United States Environmental Protection Agency
Region 4
Water Management Division
South Florida Office
400 North Congress Avenue, Suite 120
West Palm Beach, Florida 33401

From: COY DIST4
To: FLOODING, LCFPO12.BRANCIRA, LCFPO04.GILBERSM, LCFPO04.TAYLORCC, LCFPO12.WOODJL
Date: 7/2/99 10:55AM
Subject: CITIZEN REQUEST FOR ACTION

THE FLOODS HAVE BEGUN....

I HAVE RECEIVED MANY CALLS REGARDING FLOODING IN NORTH FORT MYERS.

SOME HAVE SUGGESTIONS AS TO WHAT WE COULD CHECK TO ALLEVIATE WATER BACKING UP ONTO ROADS AND PROPERTY.

SOME OF THE FOLLOWING SUGGESTIONS HAVE ALREADY BEEN CHECKED BUT I INCLUDE THEM IN THIS MEMO SO YOU ARE AWARE OF ALL CALLERS.

JUNE 30

#1 MR. MICHAEL WALL - PHONE: 997-6646
10211 DEAL RD. NFM

NORTH SIDE OF DEAL RD FLOODING - BLOCKAGE AT DEAL & DURRANCE RD. (CHECKED ON JUNE 30 BY OPERATIONS)

JULY 1 CALLS

#1 MR. CHUCK KLUMP - PHONE 939-2622

1. WATER OVER NALLE RD. - 50-100' JUST N. OF NALLE GRADE RD. AND IT IS WASHING OUT BAUGHMAN LN. ON THE NE SIDE.
2. DITCH ON EAST SIDE OF NALLE ROAD NEVER CLEANED OUT
3. NEED BIGGER CULVERT ON NE CORNER OF QUAIL HOLLAR & NALLE RD.
4. BELIEVES THAT BERM ON NE CORNER OF NALLE RD. AND NALLE GRADE RD. SHOULD BE REMOVED - HE BELIEVES THAT THIS PROPERTY IS OVER FIVE (5) ACRES TOTAL.

#2 JIM TEZYK

COMPLAINTS REGARDING WATER ON NALLE ROAD (COUNTY MAINTAINED) AND HENDERSON GRADE RD. (NON-COUNTY MAINTAINED)

JULY 2 CALLS

#1 RON WRANGLE - PHONE: 543-4466
8251 RICH RD.

FEELS WE NEED A 5' CULVERT UNDER PRITCHETT PARKWAY
PLEASE CHECK THE COUNTY MAINTAINED PORTIONS OF LEETANA RD.

#2 CINDY HARRIS - PHONE: 567-2820
GEORGE L. DAVIS POT BELLY PIG SANCTUARY
501C CHARITABLE ORGANIZATION - NON PROFIT - OPENED 1997

1. HAS EMERGENCY FILL COMING IN

RECEIVED
MAY 31 2001
COMMUNITY DEVELOPMENT

LEE COUNTY

APPLICATION FOR PUBLIC HEARING FOR PLANNED DEVELOPMENT UNINCORPORATED AREAS ONLY

Applicant's Name: US Home Corporation

Project Name: Heritage Creek

STRAP Number(s): 15-43-25-00-00001.0000, 15-43-25-00-00001.0010, 16-43-25-00-00001.0060 16-43-25-00-00001.006A 16-43-25-00-00001.006B, 16-43-25-00-00001.006C, 16-43-25-00-00001.0100, 16-43-25-00-00002.0000,16-43-25-00-00003.0000 16-43-25-00-00003.0010, 16-43-25-00-00003.0020, 16-43-25-00-00003.0030, 16-43-25-00-00003.0040, 16-43-25-00-00003.0050 16-43-25-00-00003.0070, 16-43-25-00-00003.0080, 21-43-25-00-00001.1000, 21-43-25-00-00002.0000, 21-43-25-00-00006.0020

****

STAFF USE ONLY

Commissioner District:	AG-2 RVPD, CPD	*Case Number:*	DCI 2001-00038
Planning Community		*Date of Application:*	
Current Zoning:		*Date found sufficient:*	
Land Use Classification(s):	Outlying Suburban	*Date HEX Public Hearing:*	
Lee Plan Density Range:	General	*Fee:*	20,820.00
		Planner in charge:	

TYPE OF APPLICATION

____	*DRI*	✓	*DCI - Major*	____	*DCI - Minor*
____	*PD - Existing Development*	____	*PD - Amendment*		

****

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (941) 479-8585

PART I
APPLICANT\PROPERTY OWNERSHIP INFORMATION

A. **Application Initiated By:**

A.1. N/A Application is owner-initiated or applicant is authorized by a Covenant of Unified Control. A copy of the Covenant of Unified control is attached as **Exhibit I-A-1.** *[34-202(b)(1)b.]*

A.2. N/A Applicant has been authorized by the owner(s) to represent them for this action. A copy of the Notarized Authorization form is attached as **Exhibit I-A-2.** *[34-202(b)(1)c.]*

A.3. X Applicant is a contract purchaser/vendee. A copy of the Notarized Authorization form is attached as **Exhibit I-A-3.** *[34-202(b)(1)d.]*

B. **Name of applicant:** US Home Corporation

Mailing Address: Street 10481 Six Mile Cypress Pkwy

City: Fort Myers State: Florida Zip: 33912

Phone Area Code: 941 Number: 278-1199 Ext:

Fax Area Code: 941 Number 278-1914

E-mail: please direct inquiries to agents listed

C. **Property Ownership**

C.1. Name of property owner(s) See Exhibit I-C-2 Subject Property Owners List enclosed.

Mailing Address: Street:

City: State: Zip:

Phone Area Code: Number: Ext:

Fax Area Code: Number

E-mail:

C.2. X **Property owners list:** A list of all owners of the subject property and their mailing addresses, is attached as **Exhibit I-C-2.** *[34-202(a)(5)]*

D. **Date property was acquired by present owner(s):** See Exhibit I-C-2 enclosed.

D.1. X The owner(s) is/are required to file a disclosure form. The completed disclosure form is attached as **Exhibit I- D-1.** *[34-202(b)(1)a]*

D.2. N/A The property is subject to a sales contract or sales option and the contract purchaser(s) is/are required to file a disclosure form. The completed disclosure form is attached as **Exhibit I-D-2.** *[34-202(b)(1)a]*

E. **Deed Restrictions:**

E.1. N/A Existing deed restrictions or other covenants on this property may affect this request. A copy of the deed restrictions or other covenants is attached as **Exhibit I-E-1.** *[34-202(b)2]*

DCI 2001-00038

E.2. N/A A narrative statement explaining how the restrictions may affect the requested action is attached as **Exhibit I-E-2.** *[34-202(b)2]*

F.1. **Authorized Agent: This is the person who will receive all county-initiated correspondence regarding this application.** *[34-202(b)(1)c.]*

Company Name: WilsonMiller
Address: New Directions in Planning, Design & Engineering
4571 Colonial Boulevard
Suite 100
Fort Myers, Florida
33912-1062
www.wilsonmiller.com
FL LIC # LC-C000170

Contact Person: 3907
Senior Planner

Phone Number: (941) 278-4466
E-mail:

***Carron Day,** AICP*
Senior Project Manager
Community & Regional Planning
carronday@wilsonmiller.com
941-939-1020 ☎
941-939-7479

F.2. **Additional Agent(s): List the names of other authorized agents the county may contact concerning this application.** *[34-202(b)(1)c.]*

F.2.a. Company Name: **Pavese Law Firm**
Address: **1833 Hendry Street, Fort Myers, Florida 33902**
Contact Person: **Steven Hartsell, Esquire**
Phone Number: **(941) 336-6244** Fax Number: **(941) 332-2243**
E-mail: **SteveHartsell@paveselaw.com**

PART II
GENERAL INFORMATION

A. **Action Requested**

X **Rezoning** from: AG-2, CPD, RVPD TO: RPD

___ **Other** - Provide specific details: _____

B. **Legal Description and Certified sketch of description:**

B.1. X Attached is a legible copy of the legal description labeled **Exhibit II-B-1.A.** *[34-202(a)(1)]*

_____ Attached is an electronic copy of the legal description labeled **Exhibit II-B-1.B.**

B.2. X Attached is a Certified sketch of description as set out in chapter 61G 17-6.006 FAC. labeled **Exhibit II-B-2.** *[34-202(a)(2)]*

B.3. _____ The property consists only of one or more undivided lots within a platted subdivision recorded in the Official Plat Books of Lee County. Attached is a copy of the Plat Book Page labeled **Exhibit II-B-3**, with the subject property clearly marked. *[34-202(a)(2)]*

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B.4. **Subdivision Name:** _____

Plat Book: _____ Page _____ Unit _____ Block _____ Lot(s) _____

Section: _____ Township _____ Range _____

B.5. **STRAP Number** See answer provided on page 1.

C. **Property Location** Within an unincorporated area of Lee County commonly known as "North Fort Myers".

C.1. **Project Street Address:** Pritchett Parkway

C.2. **General Location Of Property:**

In the northeast quadrant of the intersection of I-75 and Bayshore Blvd.

D. **Notice Information**

D.1. X Planning Community(ies) in which located: *North Fort Myers*

D.2. X Area Location Map: An area location map, 8 by 11 inches in size, is attached as **Exhibit II-D-2**: *[34-202(a)(4)]*

D.3. X A list of surrounding property owners is attached as **Exhibit II-D-3.** *[34-202(a)(6)]*

D.4. X A map displaying all surrounding parcels attached as **Exhibit II-D-4.** *[34-202(a)(7)]*

D.5. X Two copies of mailing labels attached as **Exhibit II-D-5.**

E. **The Lee Plan & Other Narrative Statements**

E.1. X The Land Use Classification(s) is/are: Outlying Suburban and General Interchange

E.2 X Attached as **Exhibit II-E-2**, is a narrative explanation as to how the proposed development complies with the Lee Plan. *[34-373(a)(5)*

E.3. N/A The attached proposed amendment to the Lee Plan may affect this property. The proposed amendments and a statement as to how the proposed amendment will affect the property is attached as **Exhibit II-E-3.**

E.4 X Attached as **Exhibit II-E-4**, is a narrative explanation as to how the proposed development complies with the Design Standards set forth in Section 34-411. *[34-373(a)(5)]*

E.5 N/A Attached as **Exhibit II-E-5**, is a narrative explanation as to how the proposed development complies with the guidelines for decision-making embodied in sections 34-145(c)(2)a and e., and 34-145(d)(3). *[34-373(a)(5)]*

F. **Waivers from Application Submission Requirements**

N/A The following waivers have been approved by the Director of Development Services. Copies of the approved waiver(s) are attached as **Exhibit II-F-1.**

Section Number	Name of item

PART III
EXISTING CONDITIONS

A. **Location, Zoning and Surrounding land uses.**

A.1. X Attached as **Exhibit III-A-1** is a map showing the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property. *[34-373(a)(4)a.]*

A.2. X Attached as **Exhibit III-A-2** is a map or other depiction of the existing zoning and current land uses surrounding the tract or parcel to a distance of 500 feet. *[34-373(a)(4)b.]*

A.3. X Attached as **Exhibit III-A-3** is an aerial photograph with the site clearly delineated. *[34-373(a)(4)c.]*

B. **Archaeological/Historical** Enclosed is memo to Gloria Sajgo which was submitted to the Planning Department simultaneously with the filing of this application.

B.1 ____ Attached as **Exhibit III-B-1** is a map indicating the nature and location of known or recorded historical or archaeological sites and the location of any part of the property that is located within level 1 or level 2 zones of archaeological sensitivity pursuant to chapter 22. The plan shows the outline of historic buildings and approximate extent of archaeological sites. *[34-373(a)(4)f.]*

B.2. ____ Attached as **Exhibit III-B-2** is a description of proposed improvements that may impact archaeological or historical resources. *[34-373(a)(4)f.]*

C. **Drainage, Water Control and Environmental Issues**

C.1. X The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s. A, AE & X

See 8/20/ memo from Gar Daig

C.2 X The minimum elevation required for the first habitable floor is *varies* NGVD (MSL)

C.3. X Attached is **Exhibit III-C-3,** the Environmental Assessment Report required by Section 34-1573.

C.4. X Environmentally sensitive lands on the subject property are delineated on the following maps.

C.5. X **Exhibit III-C-5:** Soils, classified in accordance with the USDA/SCS System;

C.6. X **Exhibit III-C-6:** Vegetation and ground cover in accordance with the FLUCCS.

C.7. X **Exhibit III-C-7:** Topography or a USGS quadrangle map showing the subject property.

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C.8. __X__ **Exhibit III-C-8:** Protected Species Survey (if applicable) as required by Section 10-473.

D. **Public Transit**

D.1. __X__ Property is within the Lee Tran public transit service area.

D.2. __X__ **Exhibit III-D-1** shows the property in relation to existing and proposed public transit routes, including bus stops.

E. **Property Dimensions** *[34-202(a)(8)]*

E.1	Width (average if irregular parcel)	*70 +/-*	Feet		
E.2	Depth (average if irregular parcel):	*140 +/-*	Feet		
E.3	Frontage on road or street:	*7700*	Feet	Street Name:	*Pritchett Parkway*
E.4.	Total land area:	*740.08 ac*	Acres or Square Feet		

F. **Land Area Calculations** ***(Based on total property)***

F.1 Undevelopable Areas:

a.	Existing natural and manmade waterbodies.	*23.6 acres*
b.	Freshwater wetland areas:	*N/A*
c.	Other wetland areas:	*55.6 acres*
d.	Submerged land subject to tidal influence	*N/A*
e.	Total (a + b + c + d):	*79.2 acres*

F.2 Remaining developable land (E.4 less F.1.e): *660.88 acres*

G. **Present Use of Property**

G.1. __X__ The property is not vacant. The owner or applicant's signature on this application indicates that the Owner agrees to either remove all existing buildings and structures, OR that the proposed use of the building or structure(s)will be in compliance with all applicable requirements of the Land Development Code. *[34-202(b)(3)]*

G.2. __X__ Briefly describe current use of the property:

Agricultural uses which include farming and cattle grazing.

PART IV
PROPOSED DEVELOPMENT

A. **Copies of Master Concept Plan**

A.1. __X__ Attached are copies of **Exhibit IV-A-1** entitled "Proposed Master Concept Plan" drawn to scale on 24 inch by 36 inch medium. *[34-373(a)(6)]*

A.2. __X__ Attached are copies of **Exhibit IV-A-2.** entitled "Proposed Master Concept Plan" drawn to scale on 11 inch by 17 inch medium. *[34-373(a)(6)]*

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B. **Vehicular Ingress & Egress, Public Transit**

B.1. __X__ The master concept plan indicates the exact location of all points of vehicular ingress and egress from existing easements or rights-of-way into the development. *[34-373(a)(6)a]*

B.2. __X__ The proposed development includes plans for subdividing. The master concept plan shows the general location of all proposed internal street rights-of-way or easements *[34-373(a)(6)a]*

B.3. __X__ The master concept plan indicates the general location from the proposed internal rights-of-way or easements into multiple-family, commercial and industrial lots. *[34-373(a)(6)a]*

B.4. __X__ Proposed access and public transit facilities have been indicated on the master concept plan as required by Sections 34-411(e) and 10-442. *[34-373(a)(4)e]*

C. **Parks, Open Space and Indigenous areas.**

C.1. __X__ The general location of proposed parks and recreation areas and facilities, has been shown and identified on the master concept plan. *[34-373(a)(6)e]*

C.2. __X__ The general location of indigenous areas to be preserved has been shown and identified on the master concept plan. *[34-373(a)(6)e]*

C.3. __N/A__ The development is a subdivision consisting solely of conventional single-family units on lots of no less than 6,500 square feet. *[34-373(a)(6)f]*

C.4. __X__ Approximately __forty__ percent of the property will be open space. *[34-373(a)(6)f]*

C.5. __N/A__ The minimum open space required by Section 10-329(f)(7) for commercial and industrial lots and outlots has been indicated on the master concept plan. *[34-373(a)(6)f]*

D. **Buffers**

D.1. __X__ The master concept plan indicates the types and minimum widths of buffers proposed along the perimeter of the property as well as between the individual development areas where required. *[34-373(a)(6)g]*

D.2. __X__ All buffer types shown refer to buffers described in Chapter 10 of the Land Development Code unless clearly noted otherwise. *[34-373(a)(6)g]*

E. **Surface Water Management**

E.1. __X__ The property is located within a flood plain or flow way and compensation for impacts to flood storage capacity or flow ways due to filling of the site will be made at the time of local development order or district permitting . *[34-373(b)(1)]*

E.2. __X__ A written description of the proposed surface water master plan is submitted as **Exhibit E.2.**

F. **Excavations**

F.1. __X__ The general location of excavations for on-site fill and wet retention have been indicated on the master concept plan. *[34-373(a)(6)i]*

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F.2. X Preliminary calculations for cuts and fills have been made and:

F.3. No excavated materials will be removed from the site.

F.4. X Excavated materials to be removed from the site will comply with the definition of "surplus material" or will not exceed ten percent of the total material excavated.

F.5. _____ Excavated materials to be removed from the premises exceed the definition of "surplus materials" or will exceed ten percent of the total material excavated. Calculations have been submitted as **Exhibit IV-F-5**. *[34-373(a)(6)i]*

F.6. N/A This application includes "mining" as a requested use and a "general mining permit" has been requested in accordance with section 10-329(f)(7). *[34-373(a)(6)i]*

G. **Subdivisions**

G.1. X The proposed development will be divided into lots or parcels. *[34-373(a)(6)b]*

G.2. X The uses proposed for each lot or parcel have been indicated and keyed to the proposed list of uses submitted with the application. *[34-373(a)(6)b]*

G.3. X The master concept plan indicates the general location, configuration, and approximate dimensions of the lots or parcels (including outparcels), lot coverage, and the minimum proposed setbacks for principal buildings. *[34-373(a)(6)b]*

X Special property development regulations are proposed for this development and are setforth in Exhibit IV-G-4. To the extent a property development is not indicated in the exhibit, the regulations of the Land Development Code will be used.

_____ The property development regulations for the _____ zoning district will be used. *[34-373(a)(6)b]*

H. **Individual Development Areas** *[34-373(a)(6)c]*

H.1. X The boundary of each individual development area within which buildings, parking or other uses will be located has been delineated on the master concept plan indicating:

H.2. X Residential uses by type for each development area have been indicated (if applicable) including the maximum number of living units by type.

H.3. N/A Development areas proposed for hotel or motel use have been indicated as well as the number of hotels/motels and the maximum number of rooms by size.

H.4. N/A Development areas proposed to contain health care facilities have been indicated as well as the maximum number of beds.

H.5. N/A Commercial uses by type for each development area have been indicated (if applicable) including the maximum floor area proposed. Where the use includes outdoor areas for display or storage, the outdoor area has been indicated separately from the floor area.

H.6. N/A Industrial uses by type for each development area have been indicated (if applicable) including the maximum floor area proposed. Where the use includes outdoor areas for display or storage, the outdoor area has been indicated separately from the floor area.

H.7. N/A Parking under the building(s) is proposed and the number of parking stories has been indicated.

H.8. X The total number of living stories has been indicated.

H.9. X The maximum height of the buildings, including parking stories, has been indicated.

H.10 X The general location of service areas for delivery of goods or services has been delineated on the master concept plan.

I. **Summary list of uses.**

I.1. X A list of all uses, including types and number of units for residential, hotel/motel and assisted living facilities as well as square footage of each type of commercial and industrial use, proposed for the entire development is attached as **Exhibit IV-I-1.** *[34-373(a)(8)]*

J. **Master list of deviations.** **[34-373(a)(6)]]**

J.1. X A list of all deviations requested as well as a written justification for the deviation, has been submitted as **Exhibit IV-J-1.**

J.2. X The proposed location for each requested deviation, keyed to the schedule of requested deviations (Exhibit IV-J-1), has been indicated on the master concept plan.

J.3. N/A Drawings demonstrating the effect of the requested deviations are submitted as **Exhibit IV-J-3.**

J.4. _____ No deviations are requested.

K. **Traffic Impact Statement** *[34-373(a)(7)]*

K.1. X The Traffic Impact statement has been submitted as **Exhibit IV-K-1.**

K.2. _____ The director has waived the requirement for this minor planned development. The signed waiver is attached hereto as **Exhibit I-F-1.**

L **Phasing Plan**

L.1. N/A The project will be developed in phases OR the Traffic Impact Statement utilized phasing . A description of the phasing plan has been submitted as **Exhibit IV-L-1.** *[34-376(b)(3)]*

M. **Special Concerns** N/A

M.1. _____ This project includes a private port facility. Attached is a Hazardous Materials Emergency Plan labeled **Exhibit IV-M-1.** *[34-202(b)(4)]*

M-2 _____ This project includes rezoning of a mobile home park. Attached as **Exhibit IV-M-2** is the information required by section 34-203(d). *[34-203(d)].*

M-3 _____ This project includes a request to use Bonus Density units. Attached as **Exhibit IV-M-3** is information on the type of bonus density units to be used, the source of the bonus density units, and the effect on the overall project. *[34-202(b)(5)]*

M-4 _____ The project is a Residential Planned Development located in either a Rural or Outer Island land use classification. Attached as **Exhibit IV-M-4** is the impact analysis. *[34-442]*

M-5 _____ This project is subject to the airport hazard regulations. Attached is **Exhibit IV-M-5.** *[34-1001]*

DCI 2001-00038

RECEIVED
MAY 31 2001
COMMUNITY DEVELOPMENT

PART V

AFFIDAVIT

I, James E. Curry certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application.

Signature of Owner or Owner-authorized Agent — Date: 5/1/01

James E. Curry, President Land Division;
US HOME Corporation
Typed or printed name and title

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 1 day of May 2001, by James E. Curry, who is personally known to me or who has produced _____ as identification.

(SEAL)

Constantine B Bonatis
My Commission CC938803
Expires September 09, 2004

Signature of notary public

Constantine Bonatis
Printed name of notary public

DCI 2001-00038

PART VI
SUBMITTAL REQUIREMENTS

COPIES REQUIRED including 1 original					Exhibit #	Item
SUB	NR	DRI	DCI	MINOR		
✓		12	11	11		Completed application [34-201(b) & 34-373(a)(1)]
✓		3	3	3	I-A-1	Covenant Of Unified Control [34-202(b)(1)b & 34-373(a)(3)]
✓		3	3	3	I-A-2, I-A-3	Authorization Form [34-201(a)(1)] & [34-202(b)(1)c]
✓		2	2	2	I-C-2	Subject property owners list [34-202(a)(5)]
✓		3	3	3	I-D-1, I-D-2	Disclosure Form [34-201(b)(1)a]
✓		3	3	3	I-E-1	Deed Restrictions [34-202(b)(2)]
✓		3	3	3	I-E-2	Deed Restrictions Narrative [34-202(b)(2)]
✓		3	3	3	II-B-1-A	Legal Description [34-202(a)(1)]
N/A		1	1	1	II-B-1-B	Electronic version of legal description
✓		3	3	3	II-B-2	Certified sketch of description [34-202(a)(2)]
N/A		3	3	3	II-B-3	Plat Book Page [34-202(a)(1)]
✓		2	2	2	II-D-2	Area Location Map on 8 ½ by 11 paper [34-202(a)(4)]
✓		2	2	2	II-D-3	Surrounding Property Owners List [34-202(a)(6)]
✓		2	2	2	II-D-4	Surrounding parcels Map [34-202(a)(7)]
✓		2	2	2	II-D-5	Mailing labels (sets)
✓		12	11	11	II-E-2	Compliance with Lee Plan. [34-373(a)(5) & 34-491]
N/A		12	11	11	II-E-3	Lee Plan Amendment [34-373(a)(5) & 34-491]
✓		3	3	3	II-E-4	Compliance with design standards of 34-411. [34-373(a)(5)]
✓		3	3	3	II-E-5	Compliance with decision-making guidelines. [34-373(a)(5)]
✓		12	11	11	III-A-1	Existing easements and r-o-w map. [34-373(a)(4)a.] legal
✓		12	11	11	III-A-2	Exist. zoning & current land use map/photo [34-373(a)(4)b]
✓		3	3	3	III-A-3	Aerial photograph [34-373(a)(4)c]
		3	3	3	III-B-1	Map of Historical & Archaeological sites [34-373(a)(4)f] Submitted to Division
		3	3	3	III-B-2	Possible impacts on Hist. & Arch. sites [34-373(a)(4)f] " "
✓		12	11	4	III-C-3	Environmental Assessment Report
✓		12	11	4	III-C-5	Soils [34-373(a)(4)d.i]
✓		12	11	4	III-C-6	Vegetation\ground cover [34-373(a)(4)d]
✓		12	11	4	III-C-7	Topography. [34-373(a)(4)d.iv]
✓		4	4	-	III-C-8	Protected Species Survey (if applicable) [34-373(b)(2)]
✓		12	11	4	III-D-1	Public transit routes map (if applicable) [34-373(a)(4)e.]
✓		12	11	11	IV-A-1	Master Concept Plan 24 X 36 inches [34-373(a)(6)a.]
✓		3	3	3	IV-A-2	Master Concept Plan 11 X 17 inches [34-373(a)(6)a.]
✓		4	4	-	IV-E-2	Surface Water Management Plan [34-373(b)(1)]
N/A		4	4	4	IV-F-5	Excavation calculations [34-373(a)(6)i]
✓		12	11	11	IV-I-1	Master List of uses for entire development [34-373(a)(8)]
✓		12	11	11	IV-J-1	List of deviations & justification [34-373(a)(9)]
N/A		12	11	11	IV-J-3	Drawings demonstrating deviations [34-373(a)(6)j]
✓		4	4	4*	IV-K-1	Traffic Imp. Statement [34-373(a)(7)]
N/A		12	11	11	IV-L-1	Program for phased development [34-373(b)(3)]
✓		12	11	11	IV-M	Facilities for the development
N/A		4	4	4	IV-M-1	Haz. Mat Emer Plan [34-202(b)(4)]
N/A		4	4	4	IV-M-2	Mobile Home Park Information [34-203(d)]
N/A		4	4	4	IV-M-3	Bonus Density units 34-202(b)(5)
N/A		4	4	4	IV-M-4	Sanitary Sewer Facilities

DCI 2001-00038

MEMORANDUM
DEPARTMENT OF PUBLIC WORKS
NATRUAL RESOURCES DIVISION

TO: Jeff Jenkins
Community Development

FROM: Brad Vance

DATE: June 14, 2001

RE: **HERITAGE CREEK**
DCI 2001-00038

The application is insufficient. Please submit the electronic copy of an HEC 2 model with 100 year floodway utilizing method 4 with a target increase of 1.0 feet. Cross sections must be surveyed sections across the entire floodplain and be no further apart than 1000 feet. The limits of the modeling for Bayshore must be from I-75 to Henderson Grade and Popash must be from Leetana to Henderson Grade. Delineate these lines on the Master Concept Plan.

Please call with any questions or comments regarding the above.

Cc: Roland Ottolini

INSTRUCTIONS

(Section C.1.c., Lee County Administrative Code AC 2-8)

A zoning sign must be posted on the parcel subject to any zoning application for a minimum of ten (10) days in advance of the Hearing Examiner's Public Hearing and maintained through the Board of County Commissioners Hearing, if any. This sign will be provided by the Development Services Division in the following manner:

a. Signs for case **#DCI2001-00038** must be posted by **November 26, 2002.**
b. The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
c. The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
d. The applicant must make a good faith effort to maintain the sign in place, and readable condition until the requested action has been heard and a final decision rendered.
e. If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Development Services Division, and obtain duplicate copies of the sign from the Development Services Division.

The Division may require the applicant to erect additional signs where large parcels are involved with street frontages extending over considerable distances. If required, such additional signs must be placed not more than three hundred (300) feet apart.

When a parcel abuts more than one (1) street, the applicant must post signs along each street. When a subject parcel does not front a public road, the applicant must post the sign at a point on a public road which leads to the property, and the sign must include a notation which generally indicates the distance and direction to the parcel boundaries and the dimensions of the parcel.

NOTE: AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE INITIAL HEARING DATE TO LEE COUNTY DEVELOPMENT SERVICES DIVISION, 1500 MONROE ST., FT. MYERS, FL 33901.

(Return the completed Affidavit below to the Development Services Division as indicated in previous paragraph.)

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED Douglas J. Widmer

WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 34-236(b) OF THE LEE COUNTY LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN THE ZONING APPLICATION REFERENCED BELOW:

Douglas J. Widmer
SIGNATURE OF APPLICANT OR AGENT

DOUGLAS J. WIDMER
NAME (TYPED OR PRINTED)

4571 COLONIAL BLVD.
ST. OR PO BOX

FT. MYERS, FL 33912
CITY, STATE & ZIP

#DCI2001-00038/Heritage Creek / 12/11/02 (rt)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 25th day of November, 2002 by Douglas J. Widmer, personally known to me or who produced _____ as identification and who did/did not take an oath.

Bernadette Rashford
Signature of Notary Public

Bernadette Rashford
Printed Name of Notary Public

BERNADETTE RASHFORD
MY COMMISSION # DD 039122
EXPIRES: May 16, 2005
Bonded Thru Atlantic Bonding & Public Underwriters

My Commission Expires:
(Stamp with serial number)

U:\200211\DCI20010.003\8\affidavit.wpd

TRAV 19
EXHIBIT # 3
DCI2001-00038

Sec. 34-413. Density or intensity of use.

Density or intensity of use permitted in any planned development shall be determined on a case-by-case basis in accordance with the following:

(1) The range of **density** or the uses permitted or encouraged under the Lee Plan at that location;

(2) The availability of adequate capacity of all public facilities and services (in order of precedence, roads, water, sewer, surface water management, public safety, schools and other public services);

(3) The level of public services to be provided by the development; and

(4) The nature of and the **density** and intensity of existing development surrounding the project.

In no case, however, shall the **density** of a planned development be permitted to exceed six units per acre in areas designated as rural or open lands by the Lee Plan.

(Zoning Ord. 1993, § 804.02(B))

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TRAUB
EXHIBIT #3
DC|2001-00038

Ralf Brookes

From: John Fredyma [FREDYMJJ@leegov.com]
Sent: Monday, August 04, 2003 1:24 PM
To: ralf@ralfbrookesattorney.com
Cc: Timothy Jones
Subject: RE: Heritage Creek

Ralf,

I am faxing a copy of the item that you've requested.

John

>>> rbroo07@dellepro.com 08/04/03 12:45PM >>>
Dear Lee County c/o County Attorney,

Please provide me a copy per this public records request filed under Chapter 119 a copy of any memorandum, electronic correspondence, or documents between Tim Jones or BOCC and the Hearing Examiner(s) concerning the extent of evidence to be accepted in hearings held by the Hearing Examiner's Office. It is my understanding based upon information and belief that such a letter from Tim Jones or BOCC to Hearing Examiner exists and addresses introduction of evidence or comp plan policies not contained in staff reports.

Ralf Brookes

Ralf Brookes, Attorney

please visit http://www.ralfbrookesattorney.com

1217 E. Cape Coral Parkway, #107

Cape Coral Florida 33904

(239) 910-5464 direct line

(239) 541-2774 fax ;

(208) 441-5423 efax to Ralf's laptop email

(239) 945-2008 assistant/office line

practicing land use and environmental law throughout florida

The information contained in this email transmission is privileged and confidential. If you are not the intended recipient, nor the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this transmission (including any attachments) is strictly prohibited. If you have received this E-mail in error, please notify the sender by email reply. Thank you.

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

DATE: May 30, 2003

To: Diana Parker
Hearing Examiner

FROM: Timothy Jones
Chief Assistant County Attorney

RE: **Comprehensive Plan Consistency Issues in Zoning Hearings**

This will confirm our discussion on this subject. At the County Commission meeting on May 13, 2003, the Board discussed the issues raised in Assistant County Attorney Donna Marie Collins' memorandum to you dated March 5, 2003. The Board ultimately adopted a motion directing that all comprehensive plan consistency issues must be allowed full consideration during the zoning hearings held by your office. Testimony addressing relevant comprehensive plan issues must not be banned, even if not specifically addressed in the staff report. The Board agreed that completeness of the record for the purpose of Board review is paramount.

Please let me know if you have any questions.

TJ/amp
Attachments: BOCC Written Minutes of May 13, 2003
Donna Marie Collins Memo to Hearing Examiner dated March 5, 2003

cc: w/attachments
James G. Yaeger, County Attorney
Sal Territo, Hearing Examiner
Mary Gibbs, Director, Department of Community Development

FILE
LU-565

Diana Parker
May 30, 2003
Page 2

Re: Comprehensive Plan Consistency Issues in Zoning Hearings

bcc: w/attachments
Robert P. Janes, County Commissioner, District 1
Douglas R. St. Cerny, County Commissioner, District 2
Ray Judah, County Commissioner, District 3
Andrew Coy, County Commissioner, District 4
John Albion, County Commissioner, District 5
Donna Marie Collins, Assistant County Attorney
Matt Noble, Planning Division

Commissioner Albion moved approval, seconded by Commissioner Coy, called and carried with Commissioner Janes absent.

CARRY-OVER ITEM NO. 2

10. UTILITIES

ACTION REQUESTED:
Approve Bid Waiver #W-030452, to waive the formal quoting process; and accept three quotes obtained on an informal basis, to allow Lee County Utilities (LCU) to rebuild and recondition the Belt Klampress located at the Fort Myers Beach Wastewater Treatment Plant. The work will be done by Johnson Environmental Services at the competitively quoted best price of $72,500.00. Authorize the expenditure of an amount not to exceed $10,000.00 to cover freight costs, which are still to be determined. Authorize the expenditure of an amount not to exceed $10,000.00 to hire a third-party crane service to remove and reinstall the unit. A bid waiver has been requested due to time constraints. The work needs to be completed quickly during the low peak season.
WHY ACTION IS NECESSARY:
According to Section 9.4.1 of the Lee County Purchasing and Payment Procedures Manual, approved by the Board on July 9, 2002, purchases over $50,000.00 must be approved by the Board.
WHAT THE ACTION ACCOMPLISHES:
Allows LCU to have the work performed during the low peak season when raw sewage flows are at a minimum. (#20030433-Utilities)
REASON FOR CARRY-OVER:
Directed at the Regular Board Meeting of May 6, 2003.

Commissioner Coy moved approval, seconded by Commissioner Albion, called and carried with Commissioner Janes absent.

COMMISSIONER ITEMS

COMMUNICATIONS TOWER LAWSUIT Commissioner Judah commended Assistant County Attorney John S. Turner on the dismissal of a lawsuit, which could have cost the County $21 million, regarding a 1,500-foot communications tower.

HEARING EXAMINER - Commissioner Judah pointed out that the policy of the Hearing Examiner was to consider only the Comprehensive Plan policies included in the Staff Report on rezoning cases, and suggested that the information provided to the Board should include consideration of the entire Comprehensive Plan at the Hearing Examiner level. Assistant County Attorney Timothy Jones explained that the purpose of the Hearing Examiner process was to bring forward all information that might have informative or probative bearing on any Hearing Examiner or Board decision; and added that it was not appropriate to exclude information regarding Comprehensive Plan policies, objectives, and goals. Following brief Board discussion, Attorney Jones explained that the Hearing Examiner policy prohibited staff from discussing any item of the Comprehensive Plan that was not mentioned in the Staff Report. Commissioner Coy moved that the Hearing Examiners be directed to allow discussion of all of the Comprehensive Plan that was approved by the County Commissioners, regardless of what was submitted in the Staff Report in rezoning cases, seconded by Commissioner St. Cerny. After Attorney Jones and Community Development Director Mary Gibbs confirmed that the County Attorney's Office and staff concurred, the motion was called and carried with Commissioner Janes absent.

FLORIDA BEACH PRESERVATION TRUST FUND - Commissioner Judah reported that the Tourist Development Council (TDC) has recommended that the Board request that the state legislature refrain from raiding the Florida Beach Preservation Trust Fund during the Special Legislative Session. Commissioner Coy so moved, seconded by Commissioner Albion, called and carried with Commissioner Janes absent.

STATE HOUSING TRUST FUND - Commissioner Judah suggested that the Board should request that the state legislature refrain from raiding the Housing Trust Fund. Commissioner Coy so moved, seconded by Commissioner Albion, called and carried with Commissioner Janes absent.

IMMEDIATELY PRIOR TO CONSIDERATION OF 5:00 P.M. AGENDA ITEM (1):

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

DATE: March 5, 2003

TO: Diana Parker
Chief Hearing Examiner

FROM: Donna Marie Collins
Assistant County Attorney

RE: Hearing Examiner Policy Precluding Testimony on Comprehensive Plan Consistency Issues Not Discussed in the Staff Report

The Office of the County Attorney wishes to express concern with regard to a Hearing Examiner policy and offer an alternative for your consideration. The troubling policy is the prohibition of testimony and evidence relative to Lee Plan consistency if a specific Lee Plan policy was not discussed in the staff report. At first blush, this policy appears to ensure a level playing field. In practice, however, it deprives the Board of County Commissioners of a complete record, which is essential to informed decision-making. Precluding testimony on the applicability of a relevant comprehensive plan policy leaves the Board's final determination vulnerable to challenge under 163.3215, F.S.

The Board of County Commissioners is free to consider all relevant Lee Plan policies in rendering a final determination on a zoning application. They are not limited by the record below. However, a comprehensive evaluation of a zoning request is not possible without a complete record containing information on all relevant Lee Plan issues. For this reason, we submit that testimony addressing relevant comprehensive plan policies should not be barred simply because the planner did not address a specific policy in the staff report.

We agree that the belated introduction of a Lee Plan consistency issue can be disconcerting for an applicant. For this reason, we respectfully request that the Hearing Examiner consider an alternative policy that will ameliorate concerns pertaining to fairness. The alternative is to allow a limited continuance for the purpose of addressing specific Lee Plan issues not included in the staff report. A limited continuance will allow the case to go forward on the day of hearing, and will also allow staff and the applicant the opportunity to present evidence and argumente for the record on a subsequent hearing date. The subsequent hearing could be strictly limited in scope to avoid repetition of testimony previously offered on the original hearing date.

The completeness of the record for the purpose of Board review is paramount. Precluding testimony on the applicability of relevant comprehensive plan policies leaves the Board's final determination at risk of challenge. This risk outweighs the temporary inconvenience a limited continuance may create or the additional delay that would result from a remand. We respectfully

SCS.C.

Re: Hearing Examiner Policy that Precludes Testimony on Matters not Discussed in the Staff Report

request that your office give thoughtful consideration to the proposed alternative or another approach that would not have the effect of compromising the record.

DMC/amp

cc: James Yaeger, County Attorney
Timothy Jones, Chief Assistant County Attorney
Mary Gibbs, Director, Department of Community Development
Sal Territo, Hearing Examiner

LEE COUNTY
SOUTHWEST FLORIDA

DEPARTMENT OF COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

SUFFICIENCY CHECKLIST FOR PLANNED DEVELOPMENTS, AMENDMENTS, AND EXISTING DEVELOPMENTS REQUESTING PLANNED DEVELOPMENT ZONING

PROJECT NAME: HERITAGE CREEK RPD
CASE #: DCI2001-00038
REQUEST: Rezone to Planned Development
DATE OF REVIEW: 6/15/01
REVIEWED BY: Kay Deselem
SUFFICIENCY DETERMINATION: INSUFFICIENT

X MAJOR PLANNED DEVELOPMENT
___ MINOR PLANNED DEVELOPMENT
___ EXISTING DEVELOPMENT
___ AMENDMENT

LEGEND:

OK - Requirement satisfied
N/A - Not applicable
REF - Referred to another agency for review
X - Requirement not satisfied
RW - Requirement waived by director

PART I APPLICANT\PROPERTY OWNERSHIP INFORMATION

1. Sections A.3 and D.2 indicate that US Home Corporation is a contract purchaser. Please amend the disclosure forms to provide the required information for the Contract Purchaser.

2. The Disclosure of Interest and the Covenant of Unified Control forms must be signed by the authorized persons within the capacity within which they are acting. For example, Mr. Pritchett has signed the Disclosure Form for Pritchett Development Company, Ltd., but he has not indicated that capacity within which his signature is offered. Ms. Pritchett has not indicated her position as a trustee. Please revise the documents as required to comply.

3. It is not clear whether Albert and Frances Hansen are husband and wife. Without that clarification, both signatures must be provided.

4. The four separate covenants of unified control all referencing different STRAP numbers are not acceptable. To unify control, all owners must be listed on the same document referencing the overall boundary description of the subject property. There also appears to be some confusion about the attachments to the covenant that should be correct on the resubmitted document.

5. By virtue of the initials that appear on the Disclosure form after Mr. Hansen's signature, it appears that someone else has the this form for Mr. Hansen. Please provide the power of attorney documents to authorize the transaction.

6. It appears that a portion of the site may be platted, i.e., Virginia Farms. Are there deed restrictions for this subdivision?

PART II GENERAL INFORMATION

1. The legal description in not sufficient. A boundary survey must be submitted. Please located all existing structures on the boundary survey. Please provide an overall boundary description for the entire site. Please provide sufficient detail for Bayshore and Popash Creeks. Should you have questions about the legal description requirements, please contact Mr. Murphy.

2. The Lee Plan Land Use classification in E.1 should be revised to include Wetlands.

LEE COUNTY
SOUTHWEST FLORIDA

DEPARTMENT OF COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

SUFFICIENCY CHECKLIST FOR PLANNED DEVELOPMENTS, AMENDMENTS, AND EXISTING DEVELOPMENTS REQUESTING PLANNED DEVELOPMENT ZONING

PROJECT NAME:	HERITAGE CREEK RPD	CASE #:	DCI2001-00038
REQUEST:	Rezone to Planned Development	DATE OF REVIEW:	6/15/01
REVIEWED BY:	Kay Deselem	SUFFICIENCY DETERMINATION:	INSUFFICIENT

X	MAJOR PLANNED DEVELOPMENT		EXISTING DEVELOPMENT
	MINOR PLANNED DEVELOPMENT		AMENDMENT

LEGEND:

OK - Requirement satisfied
N/A - Not applicable
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2. The Lee Plan Land Use classification in E.1 should be revised to include Wetlands.

3. The Lee Plan narrative proposes a 2 upa density which is at the top of the density range. It appears that the surround densities are less. Please explain.

4. You have stated that this project is consistent with Lee Plan Policy 2.1 because it is located ". . .in an area where the requisite infrastructure exists and has capacity." Please explain and provide a response to Question #7 and each of its parts in Exhibit IV-M.

5. The narrative states that this project is consistent with Objective 2.1 saying that this project is ". . .surrounded by existing or approved development." Please explain how this project is consistent with the surrounding development. It appears that most surrounding development is either agricultural in nature or is rural residential development with homes on lots of at least one acre.

6. Policies 5.1.5 and 100.9.5 analyses indicate that "Adequate buffering is planned". Since this project proposes a density that appears to be at least twice the surrounding area, and the MCP indicates that no buffering will be provided along the majority of the perimeter boundary, please explain this statement. .

7. The cul-de-sac designs shown in most tracts are not in compliance with LDC Section 10-416(d)(6) because they are within 125 of residential lots.

8. Your discussion of Goal 11 seems contrary to the comments provided by Lee County Utilities' staff (copy attached). Please provide more information.

PART III EXISTING CONDITIONS

1. Exhibit III-A-2 appears to be missing from the application. Please submit it.

2. C.1 has not been checked. However, it appears that a large portion of this site is within the "A" flood zone on the FIRM documents. Please revise.

PART IV PROPOSED DEVELOPMENT

1. Vehicular ingress and egress from the golf course maintenance facility must be shown.

2. The buffer proposed for the southerly boundary of Tract L is not provided on the MCP. Please revise.

3. The MCP has divided the project into tracts however the tracts need to show the number and type of EACH unit proposed for EACH tract. The Master List of Uses for Entire Development does not provide adequate detail either.

4. The MCP Note # 3 and #4 are not adequate. This detail must be provided at time of zoning. Please provide the proposed square footages or other limitations for all uses proposed in the proposed schedule of uses such as the specialty retail uses and the restaurant.

5. The MCP contains the use "Park." This use, as explained in the schedule of uses, does not meet the definition of that use per the LDC. Please re-label the use on the MCP to reflect what is explained in the schedule of uses as Recreational Facilities.

6. The information provided on the various documents does not agree. For example, the MCP indicates that only single-family and multi-family units are proposed. In other documents, duplexes

and townhouses are also proposed. Please clarify.

7. The proposed height in the different documents do not agree. In the property development regulations, a maximum height of 55 feet of 4 stories is proposed whereas the "Mater List of Uses for Entire Development" proposed buildings up to 6 stories high. The proposed building height should be provided on the MCP, as well.

8. Attached are the e-mailed comments from Richard T. Coolick, an abutting property owner.

9. I have attached comments from Brad Vance regarding surface water management issues. Please respond to his questions via the zoning counter, with the appropriate number of copies provided to share the input with all staff reviewers.

10. Please provide the general location of service areas as is required in item H.10.

11. Please provide the density calculations for this project.

12. The lake configurations do not appear to meet the intent of "sinuous shorelines, as required by the LDC. Please reconfigure.

14. Please explain what the perimeter areas are to contain where the notation "No Buffer Required" is shown.

15. Please explain what the line along the north and eastern boundaries of Tract E represents. On some documents, lot lines are shown for Tract E, and it is referred to as Virginia Farms. What is the status of this Tract? Is it subdivided?

16. Please provide more information such as a cross-section of the proposed crossings of Popash Creek to access Tract L and to access the golf hole that traverses the creek.

17. Some of the golf course holes appear to be located very close to project perimeter boundaries. What measures do you propose to address errand golf balls crossing the project's eastern boundary?

16. Please provide documentation to show that you have authority to utilize Hunter's Glen Drive to access Tract D.

17. It does not appear that all the gates shown will be in compliance with the LDC Section 34-1748(1). Please provide detail of the gate designs for this project.

18. Deviations

A. Please refer to the memo from Don Blackburn regarding the deviations.

B. Please refer to Estero Golf Resort for the action on the deviations proposed. That project initially proposed many of the same deviations. Many of those deviations (#1, 2, 12, and 13) were subsequently withdrawn based upon staff's recommendation to deny.

C. Please provide more information about Deviation #4. It appears that A already connects to Tract C, and minor design changes would allow some of the other tracts to interconnect. Please provide additional information and justification for this deviation in conjunction with the requirements of the LDC if you wish to pursue it.

- In addition, site checks reveal that the adjacent Hunter's Glen subdivision's cul-de-sac was designed as a temporary measure in anticipation of an interconnection into this project. Please review the plans and show the interconnection.

D. Deviation #8 has words missing. Please review this request.

E. Please provide details about Deviation #9. How many units of each bedroom type are proposed? What are the actual parking spaces that will be required and how many do you propose to provide? What is the parking design for the buildings? Please shown the location for this deviation on the MCP. Please provide graphics to support this request.

F. Please provide details for Deviation #10. Where is this deviation proposed on site? It's location is not shown or noted on the MCP or the deviation documents. The number of 64 units is mentioned, but no site plan detail is provided to document that number or show the layout of the parking areas. Is this for 64 units total, or it is seeking 64 units on each accessway segment as noted in the justification? What are the "segments"? Please provide the detailed site plan to support this request.

G. Deviation #11 is noted to be effective in "all residential tracts", however the deviation only seems to be appropriate for multi-family buildings. Please explain.

H. Deviation #14 seeks a sign deviation. Please provide exact drawing of the sign. Detail drawings need to show proposed text and landscaping. The MCP must show how many signs will be affected by this deviation and show the exact location of each sign. Please provide the justification for the request in the form required by the LDC.

Checklist from Development Services - Zoning Review, dated 6/15/01:

PART I

1. Amend disclosure forms for USH.
   Enclosed.

2. Amend and re-sign ownership authorizations.
   Enclosed.

3. Hansen authorization.
   Enclosed.

4. Amend convenants of unified control and re-sign by owners.
   Enclosed.

5. Provide power of attorney for Mr. Hansen.
   Amended disclosure and covenant have been authorized and are enclosed.

6. Deed restrictions for Virginia Farms.
   There are no deed restrictions for Virginia Farms.

PART II

1. Amend legal description/sketches.
   A boundary survey for the site is being prepared and will be forwarded when complete.

2. Amend section E.1 of the Planned Development application form.
   Enclosed.

3. Project Density.
   Overall Heritage Creek is proposing a density of two units per acre. By any definition this is a low-density project for Lee County. Heritage Creek functions as a transition between I-75, the Interchange land use category, a more dense development on Bayshore and other less dense developments to the north.

4. Answer question #7 of Exhibit IV-M.
   To determine the source of sanitary sewer service, a meeting was held on July 19, 2001 with U.S. Home, Banks Engineering, Inc., and Lee County Utilities. Follow up meetings are required to determine the utility provider. Once the utility provider is determined, Exhibit IV-M, question 7 will be provided.

5. Explain consistency with surrounding neighborhood.
   The applicant has been very careful in designing this project to be compatible with adjacent properties. Being a good neighbor is very important to US Home. Overall Heritage Creek is proposing a density of

two units per acre. Most of the tracts are designeated as Residential-1, which limits development to low intensity uses within the tracts. Even so, these tracts are separated from adjacent uses as indicated on the Master Concept Plan. Only three tracts allow multi family buildings (Tracts B, I and J). Each of these tracts is designed to provide more separation from adjacent uses. Height is limited in Tract I as indicated on the Master Concept Plan to two stories and a maximum height of 35 feet within 250 feet of the property's easterly boundary. It should be noted that between this tract and the property boundary is Popash Creek. A total of approximately 80 to 150 feet of upland and wetland preserve borders the east side of Tract I.

6. Project buffering.
The Master Concept Plan indicates the buffers that are required by the LDC. There is no requirement that single family uses be buffered from other single family uses or agricultural uses. Along the eastern property line a significant upland preserve has been incorporated into the site plan. In addition to its environmental significance, this vegetation will buffer uses to the east. Along the property" northern boundary an 80- wide strip with a berm is provided in addition to a lake with a minimum width of 120 feet. The applicant has provided sufficient space, as shown on the Master Concept Plan to accomplish any needed buffer.

7. Cul-de-sacs within 125' of residential lots.
The Master Concept Plan includes two locations where there are cul de sacs within 125 of the property boundary and one location where a small roadway segment is within that distance. We have added a deviation, Deviation 15, to address these locations and a Type D buffer has been added.

8. Provide more information to address Goal 11 of Lee Plan.:
Please see response to comment 4 above.

PART III

1. Submit Exhibit III-A-2.
This was submitted with the application originally. A copy is attached.

2. Address "A" flood zone issues.
The Flood Insurance Rate map panel 125124 0225c shows that the site is within the A, AE, and X zones.

PART IV

1. Show vehicular access for golf maintenance facility.
A golf maintenance facility is no longer included in the plan but an access to a smaller project maintenance facilitity within the Park has been shown.

2. Show buffer for Tract L.
See the amended MCP. The tract designations have been changed but the requested buffer information has been provided.

3. Provide detailed information for tracts and list of uses.
See the MCP and list of permitted uses (Attachment 1).

4. MCP notes #3 & #4.
Note 3 has been deleted, as requested, and the remaining notes on the Master Concept Plan renumbered accordingly. Note 4 reflects the reality of large-scale projects.

5. Address "Park" use on MCP.
As requested the label on Tract K has been changed from "Park" to Recreational Facilities, Private On-site or Off-site.

6. Clarify single-family and multi-family uses.
The list of uses (Attachment 1).has been corrected.

7. Clarify building heights.
The "Master List" is not correct. The maximum height proposed for any tract is four stories. See the amended MCP for the details of the heights proposed for each tract.

8. Comments from Richard T. Coolick
We appreciate Mr. Coolick taking the time to review Heritage Creek.

9. Comments from Brad Vance
The existing surface water management system for the site is currently being studied and the proposed system is being designed. Appropriate calculations and support documentation will be provided during the Development Order process.

10. Show service areas on MCP
N/A

11. Provide density calculations for this project.
As requested, see the attached Density Calculation Sheet.

12. Lake shorelines.
At 300 scale sinuosity may be difficult to observe, but the applicant intends to comply with LDC requirements regarding lake shorelines.

14. Explain the perimeter areas with "No Buffer Required".
As stated earlier, the Master Concept Plan indicates the buffers that are required by the LDC. There is no requirement that single family uses be

buffered from other single family uses or agricultural uses and there is no requirement that single family lots be buffered from streets.

We have accommodated the potential of providing vegetative buffers should they become necessary. As described in more detail later, there are some locations, notable to the north of our property boundary with Popash Creek and Bayshore Creek where the engineer has planned for berms and water management facilities to be located in these spaces. Along Pritchett Parkway we have provided space for berms and plantings in places where they are not required.

15. Explain Tract E (Virginia Farms.
See the revised Master Concept Plan. Virginia Farms is a single family development with an approved Lee County Development Order, (DOS95-05-078.000). It has not yet been subdivided and will be incorporated into Heritage Creek.

16. Provide cross-sections and more information for Popash Creek.
Access to Tract L (now Tract H) is across Popash Creek. It is proposed to utilize a culvert or multiple culverts to maintain the flow capacity of the creek, and construct a roadway over the culverts. Numerous similar crossings exist in the vicinity of the site, at the Seminole Campground, Sedgefield Road, Henderson Grade, and Nalle Grade Road. The golf course and golf course crossings have been eliminated.

17. Golf Course Comments
As noted previously the golf course has been removed from the Master Concept Plan.

16 B. Hunter's Glen Drive
An access easement from the Hunter's Glen Homeowner's Association is being pursued.

17B. Provide detail of gate designs per LDC Section 34-1748(1)
Entrance gates will be designed in compliance with the Lee County Land Development Code. Specific details will be submitted with Development Order submittals.

DEVIATIONS:

18 A. Don Blackburn memo.
See below.

18B. Consider Estero Golf Resort project as reason to withdraw certain deviations.
This is a different project with a different applicant and a different development team from the Estero Golf Resort. The planners are the same on both cases and it is their experience that each zoning case should be treated individually and that the county is not always consistent in how

DCI 2001-00038

these requests are treated. For those reasons we have requested these four deviations in good faith. To specifically address Deviations 1,2,12 and 13:

For Deviations 1 and 2 the staff said, in the Estero Golf Resort case, that it was more appropriate to request these at the time of local Development Order. We try very hard to avoid reaching the Development Order stage to have a reviewer then tell us that we should have asked for something at the zoning stage. It should be noted that this same applicant has requested these deviations previously and has had then approved through the zoning process. A written comment from staff to the effect that the request can be approved through the Development Order review process may result in this applicant withdrawing those two deviations.

Deviation 12 is very important to US Home and Lee County has approved this deviation for other US Home projects. Because of their extensive experience with model homes in Lee County, this developer is aware of the unnecessary inconvenience that it causes a developer to have to come back through the system to get these approved later.

Again, this same applicant has had Deviation 13 approved in other cases. There has been no change to the regulations since then.

18C. Deviation 4
See revised Exhibit IV-J-1 (Attachment 4)
The Master Concept Plan has been revised to eliminate this request in all but four tracts: Tract A, Tract D, Tract G and Tract H.

18D. Provide missing words from Deviation 8 request.
See revised Exhibit IV-J-1 (Attachment 4)

18E. Deviation 9.
We have indicated on the Master Concept Plan which Tracts will utilize this Deviation Tracts B, I and J). The requested details will be provided through the Development Order review process. We provided a survey of other US Home projects that are comparable and demonstrated that the parking requirements are excessive for this type of a development. Since we are not requesting a parking lot design deviation what graphic is possible.

18F. Deviation 10.
This Deviation is withdrawn.

18G. Deviation 11.
The Master Concept Plan has been amended to limit the application of this Deviation to two tracts. These "community" pools are located in tracts that will either have multi-family buildings or will be developed with small lots.

18H. Deviation 14.

This Deviation is simply to add a phrase to a sign. No change in the sign's size or location is requested. The requested information is not warranted.

Checklist from Development Services - plan review, dated 6/18/01:

8. Deviations and their locations on MCP
The Deviations are located on the Master Concept Plan. In other cases, the County has requested that the Deviations be submitted on 8 ½ x 11 sheets and we did that here. The rationale has been that the 8 ½ x 11 format was easier for the County reviewers, the text is easier to read when the Master Concept Plans are reduced and that information has been attached to the Resolutions. We will comply with either scenario, please let us know what the County's.

2. Re-visit each deviation request to comply with LDC 34-412.
See revised Exhibit IV-J-1 (Attachment 4)

3. Withdraw Deviation 5.
Withdrawn, as suggested. See revised Exhibit IV-J-1 (Attachment 4)

4. Provide cross-section of proposed bulkhead.
A cross section of the proposed bulkhead is provided.

5. Provide drawing for Deviation 10.
With the revised Master Concept Plan this deviation can be withdrawn. See revised Exhibit IV-J-1 (Attachment 4)

6. Deviation 11.
This Deviation has been located and a detail is provided for 26' deep parking spaces at community pool locations. If after this review the County is still comfortable that the issue can be approved during the Development Order review we will withdraw it. Please let us know.

7. Deviations 12
As mentioned above, this Deviation is very important to this applicant.

Deviations 13.
This applicant had previously been advised to request a deviation from this LDC Section. Please advise which section the County now feels is appropriate to accomplish this request.

Memo from Environmental Sciences, dated 6/18/01

2. Revise Protected Species Survey.
See Memo from W. Dexter Bender & Associates dated August 10, 2001.

3. Provide Protected Species Management Plan
See Memo from W. Dexter Bender & Associates dated August 10, 2001.

4. Provide SFWMD wetland jurisdictional.
See Memo from W. Dexter Bender & Associates dated August 10, 2001.

5. Provide open space and indigenous calculations.
See attached revised Open space and indigenous calculations (Attachment 3).

6. A. Answer questions regarding created wetland areas.
See Memo from W. Dexter Bender & Associates dated August 10, 2001.

6. B. How will preserves be protected.
See Memo from W. Dexter Bender & Associates dated August 10, 2001.

6. C. Can northern lake have more sinuous shoreline?
The applicant will comply with Lee County regulations regarding shorelines.

6. D. Provide information regarding current agricultural uses.
The site is an active grazing area with an agricultural exemption.

7. Delineate the natural waterway buffers on the MCP.
This information was provided on the MCP.

9. Provide more detail with regard to Deviation 6.
This deviation has been approved innumerable times by Lee County for large scale residential projects comparable to this one. In the past the county has expressed concern about the county's liability if plant material is removed because of work in the easements. We have provided language addressing that concern.

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Memo from Planning Department, dated 6/20/01

Provide number of acres within each future land use category.

Outlying Suburban	**681.79 acres**
Interchange	**2.92 acres**
Wetland	**55.37 acres**

Submit Comp. Plan amendment application to include residential accessory uses (golf course) in the General Interchange future land use category.

The attached amended MCP has removed the golf course from within this area.

Submit density calculations.

See the attached Density Calculation Sheet.

Submit SFWMD jurisdictional wetland verification.

See Memo from W. Dexter Bender & Associates dated August 10, 2001. The requested information is attached.

Address the availability of EMS, fire and police protection.

The sheriff sub station is currently located on Hancock Bridge Parkway in Cape Coral but will be moving soon to 121 Pondella Road in North Fort Myers. The Bayshore Fire District will provide both fire protection and EMS service. Their station is located on Nalle Road in North Fort Myers.

Address Popash Creek bridge and golf course crossings

See Memo from W. Dexter Bender & Associates dated August 10, 2001. The golf course and associated golf hole bridge has been removed.

Address LCEC easement conservation areas.

Conservation areas have been removed from the LCEC easement

Describe uses within 80 ft. wide strip running along north, east and west of project,

The 80- wide strip of land running along the north, east, and west property lines represent a water management berm and bypass ditch. The berm will be constructed to a minimum 25 year 3-day storm elevation, and the bypass ditch will allow neighboring properties' flow to reach Popash or Bayshore Creek. A cross section is attached.

Provide more detail regarding Wetland Creation Areas.

See Memo from W. Dexter Bender & Associates dated August 10, 2001.

Provide buffering around sewage treatment plant on MCP.

Lee County LDC Section 10-416 does not require a residential use to buffer itself from this facility.

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Cul-de-sac designs.
Both the cul-de-sac design depicted on the previous MCP and the one shown on the current MCP are viable options in master planned communities.

Provide information regarding access to golf maintenance facility.
N/A

Memo from DOT, dated 6/13/01

1. What is to prevent golf balls from landing in Pritchett ROW?
The golf course has been removed.

2. Separation distances between Pritchett and Tracts D & F?
A minimum of 25 feet and in most cases 50 feet is maintained between Pritchett Parkway and any residential tracts.

3. Is applicant willing to provide bike/pedestrian paths along Pritchett Pkwy?
The applicant does not intend to redesign and provide these facilities along the existing county road.

4.-12 Include a legend for figures 5 & 6 of the TIS.
See attached information from Metro Transportation.

Memo from Natural Resources, dated 6/14/01

Please see response to Development Services Checklist, Part IV, item 9.

Memo from Public Works, dated 6/18/01

Potable water and sanitary sewer service issues
Please see response to Development Services Checklist, Part II, item 4.

Letter from The School District of Lee County, dated 6/7/01

1. Will any d/u's be age restricted?
This is not an age-restricted community.

2. Will any multi-family units be rental apartments?
US Home does not anticipate constructing any rental units.

3. Can unit mix be defined more definitively?
This is a project with 1472 units of varying types. The applicant is

currently working diligently on the detailed plans for the proposed development. As each phase is submitted for Development Order review some more specific information will be available. It is premature to "guesstimate" that information at this time.

4. Estimate number of school aged children expected in project.
Based on comparable US Home communities, a preliminary estimate would be six to a maximum of fourteen school-aged children.

5. Will traffic generations impact Bayshore Elementary School?
See TIS prepared by Metro Transportation.

Miscellaneous

A copy of the SFWMD permit for the construction of Pritchett Parkway is attached. The project area for the permit/drainage area was 740 acres. This permit does not authorize the construction of the Heritage Creek proposed improvements. A new permit or permit modification will be necessary.

MEMORANDUM
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF PLANNING: ENVIRONMENTAL SCIENCES

Date: **July 27, 2001**

To: **Kay Deselem, Senior Planner**
From: **Gary Nychyk, Environmental Planner**

Re: **Heritage Creek CPD**
DCI 2001-00038

Upon field investigation by Lee County Environmental Sciences (ES) staff on July 26th and 27th of 2001, environmental questions beyond the initial items covered in the June 18, 2001 sufficiency checklist have arisen. These items pertain to an apparent flow way which exists between a proposed wetland preserve and Pop Ash Creek.

Through aerial photograph interpretation followed by field verification, a well defined flow way was observed beginning near the southeastern corner of the preserve located adjacent to the existing sewage treatment plant, and extending south until it converges with Pop Ash Creek near the Oak Mont residential subdivision. No mention of this conveyance was found in either the FLUCCS map, or the Master Concept Plan (MCP). Currently the MCP shows golf holes, a lake and residential tracts J and K covering this flow way.

Additionally, ES staff noted that the aerial photographs supplied with the application do not include Pop Ash Creek along the eastern property boundary of Heritage Creek.

Please include the following items with the ES staff sufficiency report.

Please explain how this active flow way is being incorporated into the overall design of the project. Will the berm surrounding the proposed wetland preserve be removed to allow connection of the wetland and Pop Ash Creek? Is the flow way proposed to be removed? Why was the flow way not included in the FLUCCS delineation? How have the water management issues associated with the removal of this flow way been addressed?

Please provide an aerial photograph depicting the eastern property line and please revise the FLUCCS map to include the flow way.

Copy: Carron Day, President, Florida Land Planning
Tyler King, Environmental Consultant, Bender and Associates.
Roland Ottolini, Deputy Director, Natural Resources
Rick Joyce, Deputy Director, Planning
Matt Noble, Principle Planner
Kim Trebatoski, Senior Environmental Planner

MEMORANDUM
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF PLANNING: ENVIRONMENTAL SCIENCES

Date: **July 27, 2001**

To: **Kay Deselem, Senior Planner**
From: **Gary Nychyk, Environmental Planner**

Re: **Heritage Creek CPD**
DCI 2001-00038
STRAP 15-43-25-00-00001.0000 plus others

Upon field investigation by Lee County Environmental Sciences (ES) staff on July 26th and 27th of 2001, environmental questions beyond the initial items covered in the June 18, 2001 sufficiency checklist have arisen. These items pertain to an apparent flow way which exists between a proposed wetland preserve and Pop Ash Creek.

Through aerial photograph interpretation followed by field verification, a well defined flow way was observed beginning near the southeastern corner of the preserve located adjacent to the existing sewage treatment plant, and extending south until it converges with Pop Ash Creek near the Oak Mont residential subdivision. No mention of this conveyance was found in either the Florida Land Use and Cover Classification Systems (FLUCCS) map, or the Master Concept Plan (MCP). Currently the MCP shows golf holes, a lake and residential tracts J and K covering this flow way.

Additionally, ES staff noted that the aerial photographs supplied with the application do not include Pop Ash Creek along the eastern property boundary of Heritage Creek.

The following items need to be addressed for ES staff to find the submittal sufficient (in addition to the information requested through the ES staff sufficiency checklist dated June 18, 2001):

1. Please explain how this active flow way is being incorporated into the overall design of the project. Will the berm surrounding the proposed wetland preserve be removed to allow connection of the wetland and Pop Ash Creek? Is the flow way proposed to be removed? Why was the flow way not included in the FLUCCS delineation? How have the water management issues associated with the removal of this flow way been addressed?

   Please note that Lee County staff will find it difficult to support impacting this existing flow way, and encourage the applicant to meet with staff prior to resubmitting.

2. Please revise the FLUCCS map to include the flow way.

Copy: Carron Day, President, Florida Land Planning
Tyler King, Environmental Consultant, Bender and Associates.
Roland Ottolini, Deputy Director, Natural Resources
Rick Joyce, Deputy Director, Planning
Matt Noble, Principle Planner
Kim Trebatoski, Senior Environmental Planner

From: Kim Trebatoski
To: Deselem, Kay; Noble, Matthew; Nychyk, A. Gary; Ottolini, Roland
Date: Thu, Aug 23, 2001 9:34 AM
Subject: Heritage Creek RPD

FYI - The resubmittal does not address the flow-way that ES staff noted in the July 27th, 2001 memo (see attached). I spoke with Carron Day about this. The memo was not brought to her attention by Brian Bigelow or Tyler King. I have faxed her a copy. She wants to meet with staff to discuss the issue.

I also spoke to Craig Schmittler, SFWMD, to find out why this creek was not included on the JD. He is going back out to the site next week to determine if it is a natural system.

Kim Trebatoski
Senior Environmental Planner
DCD - Planning/Environmental Sciences
trebatkm@leegov.com
941-479-8183
FAX 941-479-8319

From: Brad Vance
To: Deselem, Kay
Date: 9/5/01 2:20PM
Subject: Heritage Creek DCI2001-00038

Kay,

Being that the limits of the floodways can adversely affect the MCP, we cannot find it sufficient or deal with this issue at the time of Development Order.

The applicant will need to submit an HEC-2 model for the base flood with the limits of the floodway established using the equal conveyance reduction method with a target increase of one foot. Anay increases in flow velocity would also need to be reviewed.

Brad

CC: Ottolini, Roland

From: Brad Vance
To: Blackburn, Don; Deselem, Kay; Getch, Andrew; Murphy, Jerry; Ottolini, Roland
Date: Tue, Nov 6, 2001 7:53 AM
Subject: Re: Heritage Creek, DCI2001-00038

Kay,

I cannot find the project sufficient. I should have the models from the FEMA contractor next week. Sam Marshall is aware of this and this is the cause of delay, not the engineer. I don't know how you might handle this, but I do not want to have another Varandah. Should we all pow wow on this??

Brad

>>> Kay Deselem 11/05/01 05:08PM >>>
Comments were due last Friday. Please let me know whether or not this project is sufficient.

Thanks!

Kay Deselem, Sr. Planner
Development Services Division
Dept. of Community Development
Lee County Government, Ft. Myers, FL
e-mail address: deselekl@leegov.com
Phone: 941-479-8336; Fax 941-479-8341

59 Pages

From: Don Blackburn
To: smarshall@bankseng.com
Date: 12/26/01 3:32PM
Subject: mtg and Heritage Creek

anytime tomorrow is good for me for Prosperity Point....

Can you give me a statement that the Heritage Creek Design will not increase pre-design high water elevations for Popash and Bayshore Creeks. Also, that the development will not result in any net loss of flood plain storage? Something signed and sealed will be sufficient.

Thanks Sam,

Don

From: Brad Vance
To: O'Connor, Paul; Ottolini, Roland; Pavese, Michael
Date: Thu, Jan 3, 2002 1:46 PM
Subject: Heritage Creek RPD DCI2001-00038

Mike,

The response by the applicant to deal with the floodplain issues for Posash and Bayshore Creeks at the time of development order is not acceptable. We are not willing to find the project sufficient due to the implications to the MCP and offsite adverse effects. As in the case of the Verandah, we will be notifing the SFWMD of our concerns.

Advise of any staff and/or applicant meeting that may be necessary.

Brad

From: Jerry Murphy
To: Pavese, Michael
Date: 3/10/02 3:05PM
Subject: Fwd: Re: Heritage Creek, DCI2001-00038

Mike, FYI, I've attached a copy of my last email on this project. Since that time, the following issues have been resolved or raised. Not sure what the status of this project is from Tidemark, but probably time for an update from me.

1. Project is bisected by Pritchett Parkway, a 100' ROW. Don't know if Director has exercised discretion to allow these two physically separated parcels to be treated as one PD, but believe that a request was made. Matt and I have previously discussed with you--as I recall--the pedestrian problems this may pose for this project, depending on how self-contained amenities are in each parcel.

2. 8.5x11 copies of the description have been received.

3. Defer covenant issues to John F.

4, My understanding is that the access to Hunter's Glen sketch and description are informational and not a part of this project

5. The Fund commitment provided raises an issue about Vacation of a Collector Road (Schedule A, #11; also Schedule B, #20). Has this been resolved to the satifaction of the commitment provider and what was the result? PAGIS still shows easements not reflected on the boundary survey, and the survey still notes that it is subject ot easements, rights-of-way, restrictions, and reservations of record. The survey should show all of these record encumbrances and that note should be unnecessary and removed. The most problematic of the easements is the apparent occupation of Rich Road on the Northwestern boundaries of the property. The commitment also excepts state sovereignty lands (Sch B #4), Riparian and littoral rights (Sch B #18), and lands lying waterward of the ordinary high water mark of Popash Creek. The property description follows the centerline of the creek.

6. The status of DOS950507800D, the covenant of unified control for that DO, and the covenant of unified control for the RVPD portion of the property also raise issues of the need to terminate these development approval prior to conflicting approvals.

Keep me posted. THanks.

CC: Deselem, Kay; FREDYMJJ@leegov.com

LEE COUNTY
SOUTHWEST FLORIDA

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(239) 479-8132
Writer's Direct Dial Number:

June 4, 2002

Ms. Carol Senne
South Florida Water Management District
Fort Myers Service Center
2301 McGregor Blvd.
Fort Myers, FL 33901

RE: HERITAGE CREEK
FLOODPLAIN ENCROACHMENT

Dear Ms. Senne:

This project is located between the creeks of Popash and Bayshore. In previous years, an agricultural perimeter berm had been (permitted) constructed around portions of that property proposed to be developed into a residential planned community, now known as Heritage Creek. We have concerns that this previous berming activity may have introduced an adverse floodplain encroachment condition. In this condition, a disproportionate amount of flood flows may have been transferred to the opposing overbank and could have caused increased upstream flood elevations.

These creeks, for which a possible encroachment to flood flows exist, need to be evaluated to determine the extent of those effects to both existing and future single family homes. We believe that the current plan as proposed has not considered these effects for those storms to include the 5-, 10- 25- and 100- year recurrence intervals. There are also stream crossings, both existing and proposed, that need to be included in this evaluation.

As of this date, there is an updated Flood Insurance Study (FIS) for Lee County being prepared for this community that will include these streams. Currently, it is my understanding that the preliminary findings should be published in about six to eight months. Given the imminent time frame of this FIS restudy compared to this projects' time frame, it is our position to consider the analysis in conjunction with the FIS, as well as, the flood compensation criteria of the South Florida Water Management District (SFWMD).

Ms. Senne
HERITAGE CREEK
June 4, 2002

In view of the above, I would like to request a meeting of our representatives, your staff, and the applicant to discuss these issues in a more indepth manner. Please contact me at the above listed telephone number to have that meeting scheduled at the earliest convenient time.

Sincerely,
LEE COUNTY NATURAL RESOURCES

Bradley S. Vance
Engineering Manager I

Cc: Antony Waterhouse, SFWMD
Richard Thompson, SFWMD
Roland Ottolini, Lee County
Mike Pavese, Lee County
Peter Eckenrode, Lee County
Sam Marshall, Banks Engineering

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Last ~~Submitted~~ document in file as of 6/18/03 per Susan Milburn @ SFWMD 338-2929

CON 24-06

August 7, 2002

Constantine Benetis
Vice President
U.S. Home Corporation
10481 Six Mile Cypress Parkway
Fort Myers, Florida 33912

Subject: Stoneybrook North (Heritage Creek)
Application No: 011121-14
Lee County Sections 15, 16, 21, Township 43S, Range 25E

Dear Mr. Benetis:

The staff has completed review of the additional information received on May 13, 2002 regarding the above referenced application. The District's project analysts are Ricardo Valera, EI and Lisa Earhart. The information received was incomplete and did not adequately address the following items. According to Rule 40E-0.103, Florida Administrative Code (FAC), the District requests the following information needed to complete the application.

The following comments request information necessary for this project to receive a recommendation for approval. Failure to provide this information may result in the project being recommended for denial.

1. As previously commented, revised calculations and drawings are essential in order to adequately conduct the review of this application. These items are of particular concern since the submissions to-date continues to provided only a minimum of information regarding the overall impacts that the proposed project will have on the surrounding communities and waterways. There are adjacent areas that already experience adverse flooding under certain pre-project conditions. Please provide detailed information to demonstrate that the project design will meet the needs of the local community and meet the requirements of the regulatory entities. The referenced material, and other material required for review include the following.

   a. As previously requested, please provide a revised Water Management Report with Calculations. Such report must provide information regarding water quality calculations, control structure design, required vs. provided pretreatment, allowable discharge rate, input data, FEMA elevation, stage-storage computations, tail water considerations and applicable storm routings. For routings, please enclose the 100 year – 3 day – zero discharge, the 25 year – 3 day – with allowable discharge and finally the 10 year – 1 day event – with allowable discharge. Please provide an extended simulation for the 25 year – 3 day event

Shelley Traurig's Exhibit J

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showing the recovery time, i.e. required time for the model to stage back to control elevation following the 72 hour storm event and a pre vs. post development discharge analysis. The response states that additional copies of previously submitted ICPR routings were being provided. Staff has reviewed these routing once again and this comment remains non-addressed.

b. As previously requested, please provide backwater computations and/or profiles for Popash Creek. The Lee County watershed information is outdated and it is recommended that backwater runs be provided based on the most recent conditions. Please include watershed boundaries defining the Popash and Bayshore watersheds. Please provide this information graphically on a master plan of the project showing the basin divide through the project area: both pre and post project divides. Please extend the master plan area to include offsite areas of the two watersheds. From historic drainage data, or in their absence, simulations of historic drainage data, provide comparisons to show how the implementation of the project will affect basin flood storage, stages, and flow patterns in and adjacent to the project. Please provide a detailed narrative describing the design conditions and model assumptions. The response states that the information was previously submitted and than no significant changes have occurred. Staff has reviewed all previously submitted information as well as the one accompanying the most recent response and the comment remains non-addressed.

c. As previously requested, pre-project and post-project calculations and comparisons for historic flood storage on the project. This needs to include flood plain data/flood plain storage for both the Bayshore and Popash watersheds in their existing conditions and the proposed project conditions. The affects the project will have on the flood plains on the two waterways requires significant analysis. For projects of this magnitude, flood plain impacts have been one of the most important and one of the more complex issues to resolve during the permitting process. Please provide importer/exporter calculations to demonstrate the extent of historic basin storage issues for this project. Historic storage volumes and conveyances must be maintained or improved. The historic flood plains of each waterway must be defined as a baseline for evaluating change. Please provide plans and descriptions of each of the flood plains to include watershed drainage areas, historic discharges and stages. The response states that the information is still being reviewed and will be forthcoming at a later date. Please note that this issue should have such an effect over the region and the project that routings and calculations will require further more revisions. Staff has reviewed all previously submitted information as well as the one accompanying the most recent response and the comment remains non-addressed.

d. Staff has reviewed a sketch depicting the offsite contributing areas. Field observations and existing regional drainage conditions indicate that the extent of the offsite contributing areas goes well beyond the identified boundaries. As previously commented, offsite basin boundaries are needed in order to determine offsite flows to the project; and related computations of offsite flows are essential.

This information is needed to quantify the contributions coming from Charlotte County into the project area. It will also indicate the quantities of flows going to each of the two watersheds: Peposh and Bayshore. Please revise to include all boundaries and appropriate computations. Staff has reviewed all previously submitted information as well as the one accompanying the most recent response and the comment remains non-addressed.

2. As previously commented, the disclosure of Interest form provided with the first submittal indicates that U.S. Home Corporation has contracts for purchase of the project lands, with contract dates of July 6 and 12, 2001. A permit may be issued in the name of U.S. Home Corporation as the contractual buyer. The District, however, must be furnished with copies of the sales agreements to establish U.S. Home Corporation as the contractual buyer. Please note that permits issued to the contractual buyer will contain a special condition that prohibits commencement of work until the permittee provides proof of ownership to the District. Please provide copies of the sales agreement(s) or subsequent proof of ownership, such as warranty deeds.

3. As previously commented, the disposition of the Lee County package treatment plant must be resolved prior to permitting. Previous response letters state that the plant will be removed at a later time and that a permit modification will accompany as needed. The most recent response states that the plant will stay. Should the plant be removed, please furnish documentation regarding the sale/vacation of the property or a letter of intent from the County containing language to the effect. Should the plant stay, please provide information regarding water quality and attenuation for the facility as well as measures to avoid any accidental spills into the surface water system and revise the homeowners documents to contain language granting access and applicable operating agreements between the property owners and Lee County. Please clarify.

4. Should the status of the treatment plant change, please provide documentation from the Department of Environmental Protection authorizing plant dismantle activities and provide information describing the re-mediation activities on the site and how any polluted material will be handled and disposed.

5. As previously commented, the Pritchett Parkway Permit (Application Number 930427-8) appears to undergo changes to its surface water management system due to the proposed project. The response states that this is a County project and that improvements are limited to access turn lanes for which water quality is being provided. Please submit water quality calculation's computing the amount of required water quality for the turn lanes and revise the drawings to showing the location of the turn lanes in question. In addition, please revise the drawings to show how runoff from these road sections will enter the master system for treatment. Staff has reviewed all previously submitted information as well as the one accompanying the most recent response and the comment remains non-addressed.

6. As previously commented, please revise the submitted draft property owner's association documents (declaration of covenants and restrictions/articles of incorporation) to include language by which the homeowner's association accepts the responsibility for perpetual

maintenance of the master surface water management system. The submitted material states that the CDD, if one is created, will undertake such activity; however, it fails to designate an entity responsible for the operation and maintenance in the event that a CDD shall not come to be. The response states that neither the HOA nor the CDD exist; however the request has been made to revise the draft documents. Please revise.

6. As previously commented, the submitted aerials are very dark and of very limited value in the review. Please revise.

7. As previously commented, resolution of what is needed in the way of authorization to perform work in, over and around Popash Creek is needed. Please clarify and revise accordingly. It appears that at a right-of-way permit allowing the bridge crossing will be required.

8. The submitted plans show, according to submitted topographic information, that current drainage basins for Wetland C, D, E, F, H, I and J will not be maintained post development. These wetland impacts are unacceptable and pose direct, secondary and cumulative impacts to the basin.

Pursuant to Section 4.2.1. of the Basis of Review, please provide information regarding design alternatives considered to reduce or eliminate wetland impacts. The current design when reviewed with the topographic information indicates impacts to Wetlands I and J due to isolation from the water management system or a natural flowway and alteration of wetland drainage areas. As previously requested, please provide a pre and post development drainage map demonstrating the current and proposed hydrologic regime within the wetland preserve/ enhancement areas. Specifically, drainage on the north end (majority of farm field area) of the property will be routed to the north and into Popash Creek, avoiding Wetland J. Wetland I appears to have minimal onsite flows and Wetland H appears to have a reduced drainage area, even though it is connected with offsite areas. Wetlands D, E, F, and G do not appear to receive an adequate amount of water from onsite lakes. Staff recommends the design be revised to maintain existing wetland hydroperiod. Design alternatives should include maintaining a wetland drainage area for each of the wetlands and connecting them within the system or outside the system.

9. Please submit hydrographs for wetlands C, D, E, F, H, I and J which graphically display the routing information.

10. Unavoidable adverse impacts to wetlands will necessitate some compensatory measures to offset wetland losses or impairment of function caused by construction activities. Please provide an evaluation of the suitability of the proposed mitigation areas and a comparison of the wetland functions and values to be lost and those to be created. The mitigation provided within the proposal does not appear to offset the impact. The mitigation plan only accounts for impacts to Wetlands A and B, however the plans show impacts to Wetlands C, D, E F, H, I and J.

Please provide a revised mitigation, monitoring, and maintenance plan to include the updated mitigation information.

11. Please address the following potential secondary and cumulative impacts to the water resource as defined by Section 4.2.6, Basis of Review.

    a. Please address all wetland impacts by eliminating the impact or providing mitigation.The mitigation plan only accounts for impacts to Wetlands A and B, however the plans show impacts to Wetlands C, D, E F, H, I and J.
    b. The Florida Department of State, Division of Historical Resources stated in a letter dated December 20, 2001 that potentially significant archaeological and historic sites may be present and it is their recommendation that, prior to initiating any project related land clearing or ground disturbing activities within the project area, it should be subjected to a systematic, professional archeological and historical survey. Please provide the DHR with the survey results and copy this District office.

12. The following comments pertain to the mitigation and maintenance activities.
    a. Please provide water level monitoring within Wetlands F, G, H, I, and J as part of the basic monitoring and maintenance plan.
    b. Please revise the mitigation success criteria to represent the amount of Bahia grass that would be acceptable in the upland compensation area. In order for this area to be used as mitigation a target of 30% would be acceptable. Please provide an appropriate planting plan of suitable native vegetation in order to maintain Gopher tortoise habitat. Upland compensation ratios were determined by the functional lift associated with enhancement of the upland areas. Enhancement activities include the removal of exotics and planting new areas.

13. Cross section and plan Question:
    a. Please show the buffers and extended buffers within the conservation area on cross section M-M.

14. Please provide a draft executed conservation easement. In order to issue the permit the draft conservation easement must be executed (signed). In addition, please provide a map/ legal sketch and description of the conservation easement areas.

15. Please revise and submit a preliminary plat that shows the conservation easement areas.

Please be advised that insufficient information was submitted and staff was unable to complete the review of this application. Additional comments may be forthcoming upon the review of the response to this letter.

In accordance with 40E-1.603(1)(c) FAC, if the requested information is not received within 30 days of the date of this letter, this application may be processed for denial, if not withdrawn by the applicant. Please provide four (4) copies of the requested information to Ricardo Valera, EI and Lisa Earhart of this office. If you have any questions about the above comments, please contact the appropriate analysts at (941) 338-2929.

Sincerely,

Richard H. Thompson, P.E.
Supervising Professional
Fort Myers Service Center

C: Lee County Development Services, w/o enclosures
Banks Engineering, Samuel W. Marshall, P.E.
Richard T. Cooldck

Susan Milburn

File: Bayshore Comm. Plan

From: "Stephen Sposato" <sposato@abbinc.com>
To: <NOBLEMA@leegov.com>
Date: 9/3/02 12:01PM
Subject: Bayshore Community Plan - Proposed Revision 9-3-02

Matt,

Please accept the attached revision to the document we sent last week. After additional review, we decided to delete Policy 20.5.3 since it was redundant to that for Policy 20.5.1.

Thank you and please let me know if I can be of assistance.

Stephen Sposato, ABB

CC: "Rick Barber" <barberr@abbinc.com>

Bayshore Community Plan (Revision Dated 9/03/02)

Recommendations Regarding Surface Water Management

Addition to Goal 20: Bayshore Community:

To protect and enhance natural and constructed surface water systems, including creeks, flow-ways, and adjoining wetlands.

Objective 20.5: Stormwater Management

Given the extent of seasonal flooding in the Bayshore Community and the desire to protect and enhance natural and constructed water systems (improved water quality, storage, recharge, wildlife habitat and recreational opportunities), including creeks, flow-ways, and adjoining wetlands, these resources will be appropriately mapped, protected and enhanced.

Policy 20.5.1: In accordance with Objective 40.1 of the Lee Plan, a surface water master plan will be adopted for the Bayshore Community Planning District. This plan will provide for additions to the database for the Lee Plan, level of service standards, and amendments to the Future Land Use, Community Facilities and Services, and Capital Improvements elements.

Policy 20.5.2: Lee County will pursue acquisition through voluntary programs, conservation easements and/or fee simple ownership of these systems for protection, maintenance, and restoration.

~~Policy 20.5.3:~~ ~~As part of the regulatory process, new development in the Bayshore Community will be encouraged to design surface water management systems that preserve existing flow-ways and restore historic flow-ways and utilize green infrastructure (i.e. filtration marshes, grassed swales, retention lakes with enlarged littoral zones, preserved or restored wetlands).~~

From: "Rick Barber" <barberr@abbinc.com>
To: "Andy Coy (E-mail)" <dist4@leegov.com>, "Ray Judah (E-mail)" <dist3@leegov.com>
Date: 8/29/02 11:30AM
Subject: FW: Bayshore Community Plan

-----Original Message-----
From: Stephen Sposato
Sent: Wednesday, August 28, 2002 4:34 PM
To: Rick Barber
Subject: Bayshore Community Plan

Please review.

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Bayshore Community Plan

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From: Matthew Noble
To: Pavese, Michael
Date: 9/16/02 9:34AM
Subject: Heritage Creek

Mike,
You should've attended the field day, very interesting. Staff observed the on-site flowways functioning. Staff also discovered that Pritchett Pkwy drains thru a flowway to Popash Creek. Water also crosses the property from the other side of I-75 as well, at the very southern tip of the project. Have we requested a digital copy of the MCP? We really need to overlay that with a current aerial...The project should be redesigned. The request is not consistent with a host of Lee Plan policies such as Policy 4.1.1, 41.2.1, 40.1.3, 39.1.5, 39.1.7, 40.3.1(D.), etc...

CC: Houck, Pam; O'Connor, Paul

From: Mary Gibbs
To: Noble, Matthew
Date: 9/17/02 11:18AM
Subject: Fwd: Heritage Creek RPD - Flowway Mapping Site-work Day

is the applicant going to complain about this? Im feeling some trepidation.

CC: Houck, Pam

File

MEMORANDUM
DEPARTMENT OF PUBLIC WORKS
NATURAL RESOURCES DIVISION

TO: Mike Pavese
Community Development

FROM: Brad Vance

DATE: September 24, 2002

RE: HERITAGE CREEK
DCI 2001-00038

In regards to the modeling effort submitted by Banks Engineering, the modifications to the HEC-RAS model provided to the applicant were inconclusive. At this point, I cannot state that the project is achievable or substantiate any comments regarding the effects to current versus future flooding limits or levels.

It is our intent to have the applicants demonstrate no impacts prior to scheduling for the Hearing Examiner to resolve any question(s) concerning that matter. However, as with past experiences, applicants are not willing to provide such information. Thus, proceeding to the Hearing Examiner and then eventually the Board of County Commissioners is the remaining course action. Below will be one of our conditions of the rezoning. As such, it will also have to be acknowledged that this plan may have to be substantially revised should the applicant be unable to meet these conditions.

"The applicant must provide an HEC-RAS model for Popash and Bayshore Creeks demonstrating that the development will not induce any rise to the existing flood elevations, nor any increases in velocities, nor any transfer in overbank flows for the 10-, 25-, and 100-year storms. In addition, the development will not create more than a one (1) foot rise in the base flood elevation utilizing encroachment method 4 in the HEC-RAS model. This same model must be concurrently submitted to the County and the SFWMD for review and approval."

pc: Roland Ottolini

From: Matthew Noble
To: Davies, Allen; Matthew Noble; Nychyk, A. Gary; Pavese, Michael; Wooten, Wanda
Date: 9/27/02
Time: 7:30AM - 4:00PM
Subject: Heritage Creek RPD - Flowway Mapping Site-work Day
Place: Heritage Creek GPS Flowway Mapping trip...

Per my conversation with Roland, I am proposing that we do the field work on this day, let me know if there is any scheduling conflicts....

CC: Houck, Pam; O'Connor, Paul; Ottolini, Roland

Lee COUNTY

Department of Community Development
MEETING NOTES

FILE: _____ SHEET _____ OF _____

COPIES TO: _____

SUBJECT: Heritage Creek

MEETING DATE: 10/10/09 LOCATION CR2C

ATTENDEES:

NOTES BY: K Trebatoski
NAME TITLE/DIVISION

TOPICS DISCUSSED	ISSUES:	ACTION/NOTES

HEC 2 MODELING → Sam & Brad working on this.
→ Modeling was inconclusive
→ Cross Sections – current conds.
→ Sam wants to agree on methodology.
Only Bayshore & Popash creeks.
Addresses
(Final Info to Mike W/in 2 weeks)

(cont. reverse side)

Lee County

Department of Community Development
MEETING NOTES

FILE: _____ SHEET 1 OF _____

COPIES TO: _____

SUBJECT: Stoneybrook North aka Heritage Creek RPD

MEETING DATE: 10-18-02 LOCATION SFWMD

ATTENDEES:

NOTES BY: KF NAME _____ TITLE/DIVISION

TOPICS DISCUSSED	ACTION/NOTES

(2) Package Plant - trying to buy it & dismantle
SFWMD permit shows Pkg Plant existing & will need a modification to remove & replace w/ lots

(3) RAI. Aug 7th letter

(1) a. Submitted (SWMgt & Routings. Permit Appl)

District: *Potential for passage of offsite flows
- Don't agree with modeling presented - pattern?
- Tail Water
- Impact to Offsite
- Justify how obtained model parameters.

Bayshore Creek * 100yr. elevation needed * → Both Creeks
- Berm Existing

Need lag times on creeks from watershed
peak → recovery.
HEC2 for peak
HEC1 for timing.
Hec2 pre vs. post development.

Needs Zero Rise in Creeks.
Zero Loss of Floodplain Capacity.

(cont. reverse side)

Lee COUNTY

Department of Community Development
MEETING NOTES

FILE: _____ SHEET 2 OF _____

COPIES TO: _____

SUBJECT: Stoneybrook North aka Heritage Creek

MEETING DATE: 10-18-02 LOCATION SFWMD

ATTENDEES:

NOTES BY: _____ NAME _____ TITLE/DIVISION

TOPICS DISCUSSED	ACTION/NOTES
Samy have staging info from onsite monitoring Controls elevations set at 1 foot below 25yr. event	
Karen SFWMD — Contributing areas to each wetland. — Pre & Post Info.	

(cont. reverse side)

DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF PLANNING/ENVIRONMENTAL SCIENCES
PLANNED DEVELOPMENT REZONING SUFFICIENCY CHECKLIST

PROJECT NAME: Heritage Creek RPD

CASE NUMBER: DCI 2001-00038

STRAP NUMBER(S): 15-43-25-00-00001.0000, .0010, and 16-43-25-00-00001.0060, .006A, .006B, .006C, .0100, 00002.0000, 00003.0000, .0010, .0020, .0030, .0040, .0050, .0070, .0080, and 21-43-25-00-00001.1000, 00002.0000, and 00006.0020

ACREAGE: 740.1 Ac [79.2 Ac Wetlands]

SUBMITTAL DATE: October 19, 2001

END DATE OF REVIEW: November 2, 2001

REVIEWED BY: Gary Nychyk, Environmental Planner AGN
Phone: (941)479-8323; FAX 941-479-8319
E-mail: nychykag@leegov.com

RECOMMENDATION: X - Please see notes below

OK =Sufficiency requirement satisfied.
OK/A=sufficiency satisfied, but additional information needed.
X=Sufficiency requirement not satisfied.
N/A=Not applicable to this submittal.
N/R=Not a requirement for Sufficiency Submittal: Minor PD.

This checklist is for sufficiency of information to review for planned development rezoning. It does not grant or imply any approvals.

ADDITIONAL INFORMATION MAY BE REQUESTED BEFORE ANY HEARINGS.

---

1. **Soils, Vegetation FLUCCS, Topography** - Aerial with the site clearly delineated. Maps or aerial photographs marked or overprinted to show soils, vegetation and ground cover, and a Lee county topographic map (required if available) or a USGS quadrangle map showing the subject property at the same scale as the Master Concept Plan. Soils and vegetation, etc. should be classified in accordance with USDA/SCS system and the Florida Land Use and Cover classification system, respectively.
[34-373(a)(4) c.&d.]
SUFFICIENCY STATUS: OK

2. **Protected Species Survey** - For large developments, a protected species survey as required by Chapter 10, Division 8 of the Lee County Land Development Code. [34-373(b)(2)]

SUFFICIENCY STATUS: OK

3. **Protected Species Management Plan** - A management plan as required by Chapter 10, Division 8 of the Lee County Land Development Code. Protected species preserve areas must be indicated on the master concept plan; a final management plan is not required until time of local development order. [10-474]
SUFFICIENCY STATUS: X - ES staff require more information regarding the protected species management plan for this project. Please provide preliminary scrub jay and gopher tortoise management plans locating preserve areas and future management procedures.

4. **Environmentally Sensitive Areas:** - The location of any environmentally sensitive land and water, based upon standard environmental data and verified by the South Florida Water Management District staff, unless waived by the director. [34-373(4)d.]
SUFFICIENCY STATUS: OK

5. **Open Space** - Open space must be stated on the plans, unless the proposed development is in a development area consisting solely of conventional single family dwelling units on lots of no less than 6500 square feet. For commercial and industrial developments, the percent of open space within each lot or outparcel shall be as set forth in 34-414(c). [34-373(a)(6)f.]
SUFFICIENCY STATUS: OK

6. **Design Standards: Preservation Areas, Environmentally Sensitive Areas, and Conservation Easements** - Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural features of the site, particularly mature native trees and threatened or endangered native vegetation. [34-411(g)] All preservation areas and/or conservation easements must be delineated on the plan and labeled as such. [34-373(a)(6)e.], [34-414(d)], [34-932(b)]. *Note flow-ways: to be reviewed by Division of Natural Resources* [10-253(1),(2)&(3)]
SUFFICIENCY STATUS: Please see notes below.
A. Created Wetland Areas: X - Please provide details on wetland creation including proposed plant coverage, plant density, plant species used, etc.

B. Flow-way: OK/A - The revised Master Concept Plan does not address the flow way as noted by ES staff. Please note that County staff is considering incorporation of this feature into the preserve / water management system. Several County departments have expressed interest in the natural features, and flood control aspects of the flow way.

C. Lake Design: X - As stated previously in the ES staff sufficiency report, the rezoning application states that some fill will be removed from site during the excavation process. Please provide information as to the maximum requested depth for lake excavation. Can the northern most lake be designed to provide a more sinuous shoreline along the north bank? If not, a deviation, along with justification, will need to be requested.

D. List of Uses: X - The proposed list of uses includes continuation of existing agricultural uses. Review of this use requires knowledge of the types and extent of

existing agricultural uses. Since this request could have a dramatic effect on property taxes, more information is needed. Please provide details which clarify existing uses and their locations and what uses would be proposed.

7. **Natural Waterways** - 25 foot natural waterway buffer ; 50 foot in the Greater Pine Island Area abutting state-designated aquatic preserves and associated natural tributaries. [10-416(d)(9)]
SUFFICIENCY STATUS: OK

8. **Dock & Shoreline Structures** - Location and dimensions of proposed structure(s). How will protected species, the natural waterway buffer, and adjacent waterways be affected? [10-474; 10-416(d)(9); Chapter 26]
SUFFICIENCY STATUS: N/A

9. **Deviations** - All environmental deviation requests must be shown on the master concept plan and explained by documentation. [34-412(a)][34-373(a)(9)]
SUFFICIENCY STATUS: X
- Deviation 6 requests relief from the requirement that no required buffer plant material be planted within easements, to allow required shrubs and non-required trees to be planted in easements. ES staff has found that vegetation planted within easements could be deleterious to public welfare. Trees having large root systems are capable of damaging underground utility structures and trees planted near power lines often must be severely pruned which violates the tree protection ordinance. The replacement of dead vegetation to meet LDC requirements can also lead to cut or damaged communication or power lines. Please provide justification which provides assurances that utilities will not be negatively impacted by the placement of trees and shrubs within easements. ES staff cannot approve a generic request to plant within easements, but if specific easements and locations are proposed, a more specific deviation request could possibly be approved.

MEMORANDUM
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES

Date: November 21, 2002

To: Mike Pavese, Principal Planner
From: Kim Trebatoski, Principal Environmental Planner

Re: Heritage Creek RPD aka Stoneybrook North

The Division of Environmental Sciences (ES) staff attended a meeting regarding Heritage Creek at the South Florida Water Management District (SFWMD) on October 18, 2002, with the applicant and SFWMD staff.

The plan under review at the SFWMD differs from the proposed Master Concept Plan in the northeast quadrant of the project (see attached plans). The sewage treatment plant does not appear on the plan under review at SFWMD. Additionally, the residential pods and lakes have a different configuration.

Issues discussed at the SFWMD meeting include:

- The status of the sewage treatment plant.
- Potential for passage of offsite flows.
- Impacts to offsite properties.
- Justification needed for how the surface water modeling parameters were obtained.
- 100 year flood level evaluation needed for both creeks.
- Evaluation of peak flood to recovery for the creeks.
- The surface water management system must be designed to have a zero rise in the creeks and zero loss of flood plain capacity.
- Pre and post construction information pertaining to the contributing areas for each wetland.

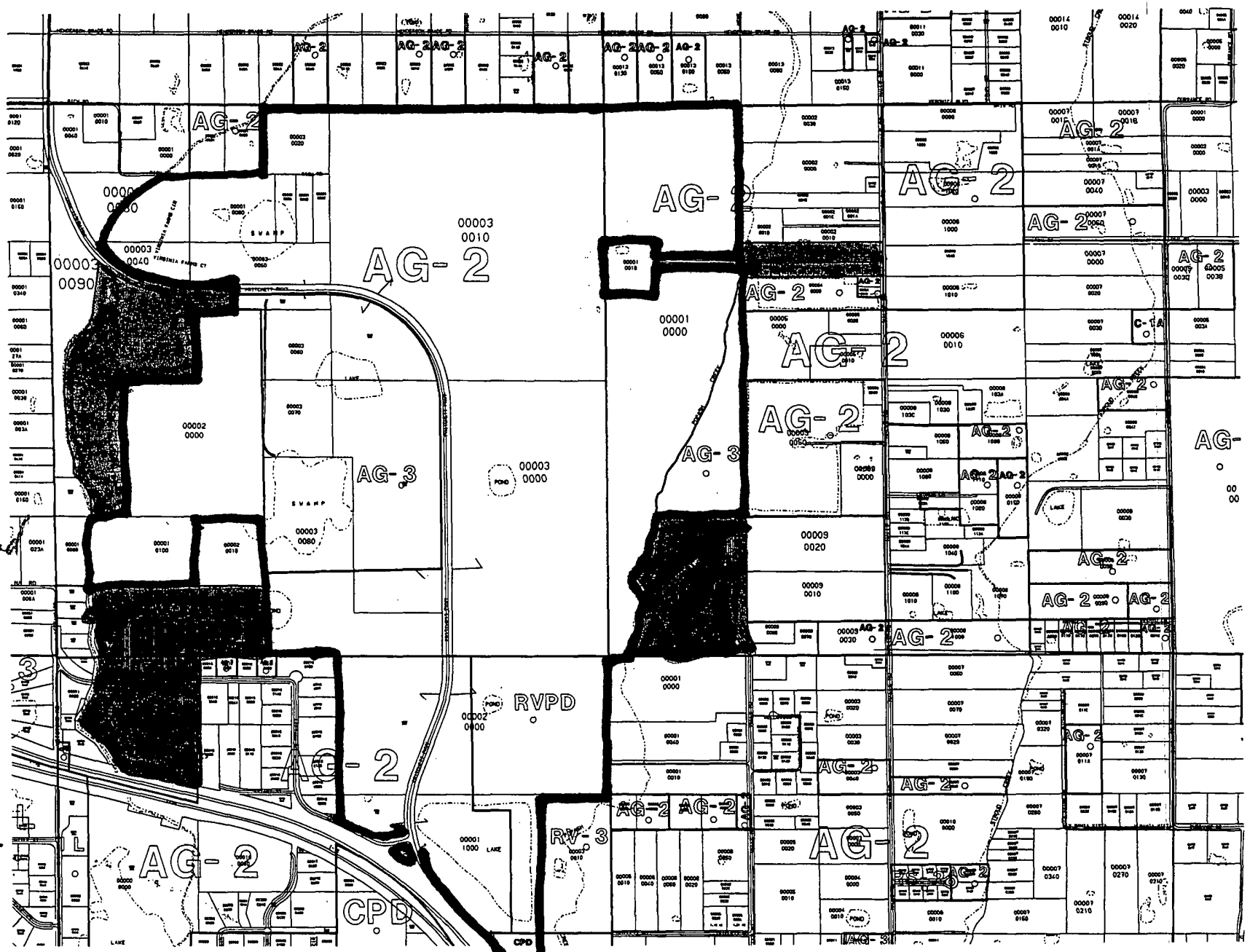
SURROUNDING LAND DENSITIES FOR HERITAGE CREEK RPD

Property to the north of the proposed development is in both the "Outlying Suburban" and the "Density Reduction/Groundwater Resource" categories according to the Future Land Use Map of Lee County. There are two small lots at 1.5 acres and 3.4 acres, with all additional properties abutting to the north being parcels of 5 or more acres in size.

Property to the east of the proposed development is in the "Outlying Suburban" Future Land Use category. There are two subdivisions, High Point Subdivision and Oakmont Subdivision, that have densities of 2.26 units per acre and 1.85 units per acre respectively. The remaining properties east of the proposed development are parcels that vary in size from a minimum of 3 acres to a maximum of 32 acres.

Property to the southeast of the proposed development is in the "Outlying Suburban" Future Land Use category. This are is made up of parcels ranging in size from 0.9 to 3 acres. Directly abutting the lake in the southern portion of the subject property is a campground zoned RV-3. The southern tip of the subject property (a 3.8 acre tract of land) and parcels to the east and west of that southern tip are in the "General Interchange" Future Land Use category. The General Interchange land use areas are intended to be developed primarily for commercial uses that serve the traveling public. Property to the southwest of the subject property, south of I75, is in the "Suburban" Future Land Use category.

Property to the west of the proposed development is in the "Outlying Suburban" Future Land Use category. There are two subdivisions, Hunters Glen and Colonial Pines, that have residential densities of 1.34 units per acre and 1.2 units per acre respectively. The remaining parcels west of the subject property range in size from 0.8 acres to 15 acres.



To North:
RE 1.5, one 3.5 ac w/ rest + barns
5-10 acre parcels

To East:
2 subdivisions, least min. 3 ac. with most 10-32 acre parcels

To South:
RV3 Campground
0.9 to 3 acre lots
I 75

To: West
2 subdivisions
1.5 to 15 ac. lots

FLUC: DRGR

FLUC: General Interchange

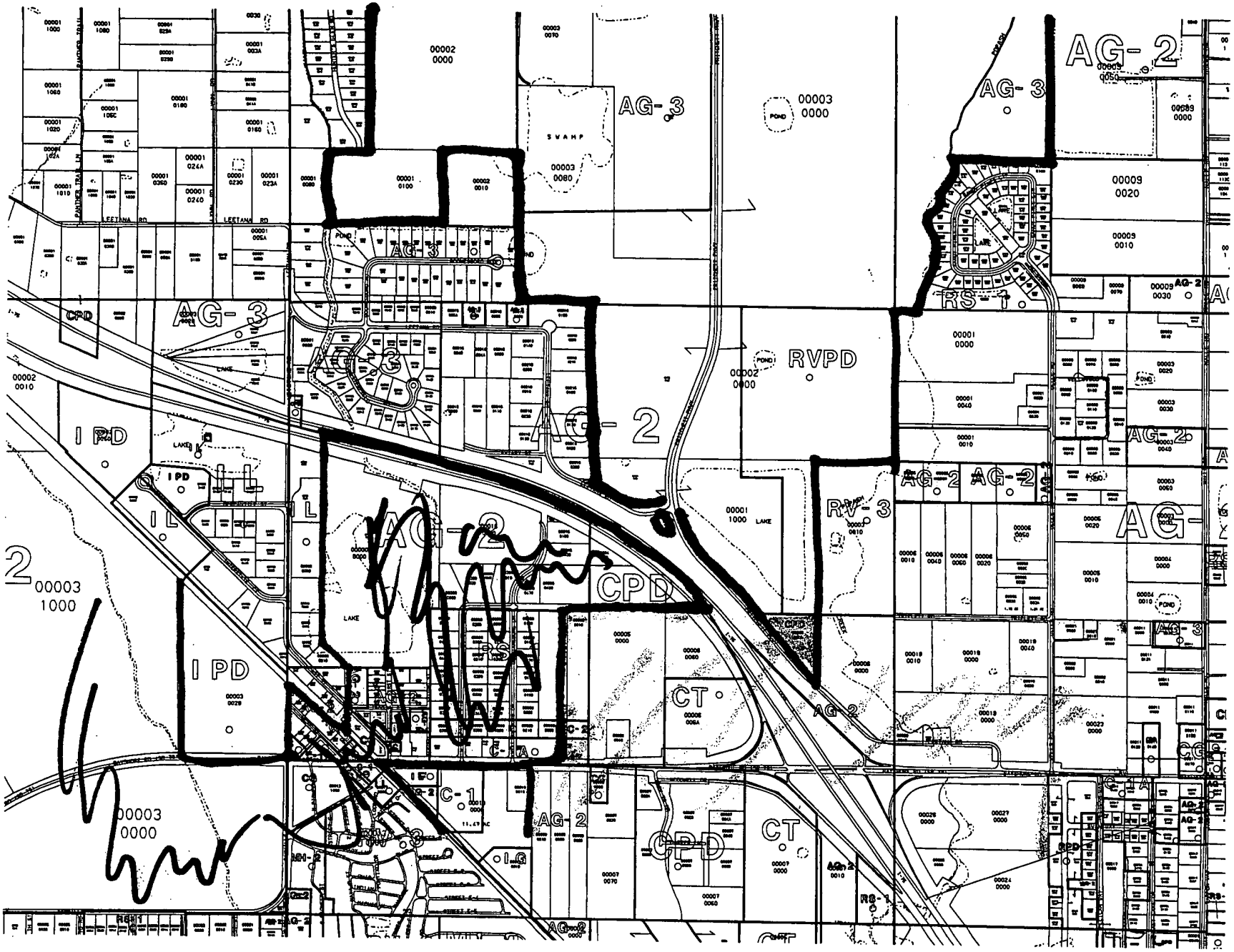
FLUC: Suburban

Oakmont Subdivision (PB 34/PG 162-164)
30.8 ac., 57 lots → 1.85 units/acre

Colonial Pines Subdivision (PB 36/PG 25-27)
51.6 ac., 62 lots → 1.2 units/acre

High Point Subdivision (PB 30/PG 64)

Hunters Glenn Subdivision (PB 59/PG 93-94)
40.4 ac., 54 lots → 1.34 units/acre


AG-3
AG-2
RVPD
CPD
IPD
CT
RS-1
RV-3
C-1
IG
00002 0000
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00003 1000
00001 1000
00009 0020
00009 0010
SWAMP
POND
LAKE
LEETANA RD

From: Michael Pavese
To: Noble, Matthew
Date: 12/12/02 1:11PM
Subject: Re: Heritage Creek

Well put sir. Make sure you give Ray a call back.

Michael P. Pavese
Principal Planner
Department of Construction and Design
pavesemp@leegov.com
(239)479-8762
(239)479-8307 (fax)

>>> Matthew Noble 12/12/02 12:48PM >>>
Kim,

I don't believe there is ever a need to dig up the flowways on the project. O.K., maybe minor impacts(such as restoration activities, or maybe a single crossing), but not such that we totally change the existing system. Development of the site could actually improve the flooding situation out there. Its a question of the manner in which the project is being proposed. I believe staff is concerned that the project may actually aggravate the situation. As you know, the applicant has chosen to ignore staff's suggestions, such as bringing more water thru the property from the north. I know I am questioning the whole design of the project. Lots of fill being proposed in areas that we know flood seasonally.

I believe the flowway areas that I am going to be depicting thru the public hearing process are areas that should be included in any open space plan for development of the site. The exhibit will show large areas where we deem that it is appropriate to impact for new development. The site engineering and planning should evolve to address these natural features of the site. I could envision a series of lakes outside of the existing (naturalized) flowway areas to control the amount, duration, velocity, and other characteristics as appropriate. In fact the lakes would essentially become part of the flowway, just as these existing areas currently provide drainage/water to the flowways. I believe this is sound from an engineering stand point as well as representing sound planning that recognizes the natural features of the site.

For the gopher torts, I am proposing we use the FLUCCS 415 scrubby stuff as the line. That preserves the largest concentration of burrows, as well as providing a large creek set back and buffer to the single family homes located on the east side of Popash Creek. All of this is a work in progress. In delineating the flowways we are looking at aerials from a variety of years, as well as info from the applicant such as the FLUCCS mapping. Which I note contains errors...I will share more as we move from the very drafty exhibit to something a little nicer to look at...

From: Roland Ottolini
To: Noble, Matthew; Trebatoski, Kim
Date: 12/12/02 3:34PM
Subject: Re: Heritage Creek

I agree w/ the later. it would be impractical for them to manage the upstream area through their lake system. it would be an approach if we were seeking to develop a county-sponsored regional system. we should delineate the flow-ways and provide enough protection through setbacks to alllow offsite flows to pass unhindered.

>>> Kim Trebatoski 12/12/02 02:28PM >>>
A few things to consider:

1. If offsite flood relief is an objective of including flow-ways, either the lakes within the development will have to have the capacity to hold the offsite flow to bleed into the flow-ways (highly unlikely to achieve as it would take lots of acres), -or- the flow-way allows the waters to pass through the site which means the flow-way is not part of the water management system for the development (like in the Brooks).

2. ES staff never raised an issue of expanding or redesigning the gopher tortoise preserve. The preserve area has also been accepted by Florida Fish & Wildlife Conservation Commission.

Kim Trebatoski
Principal Environmental Planner
DCD - Planning/Environmental Sciences
trebatkm@leegov.com
239-479-8183
FAX 239-479-8319

>>> Matthew Noble 12/12/02 12:48PM >>>
Kim,

I don't believe there is ever a need to dig up the flowways on the project. O.K. maybe minor impacts(such as restoration activities, or maybe a single crossing), but not such that we totally change the existing system. Development of the site could actually improve the flooding situation out there. Its a question of the manner in which the project is being proposed. I believe staff is concerned that the project may actually aggravate the situation. As you know, the applicant has chosen to ignore staff's suggestions, such as bringing more water thru the property from the north. I know I am questioning the whole design of the project. Lots of fill being proposed in areas that we know flood seasonally.

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CC: Houck, Pam; Joyce, Rick; Nychyk, A. Gary; O'Connor, Paul; Pavese, Michael

From: Michael Pavese
To: Carpenter, Deborah; Collins, Donna Marie
Date: Fri, Jan 24, 2003 10:23 AM
Subject: Re: Stoneybrook North

Roland O. and Matt Noble must also be included in any meeting regarding this project.

Michael P. Pavese
Principal Planner
Department of Construction and Design
pavesemp@leegov.com
(239)479-8762
(239)479-8307 (fax)

>>> Donna Marie Collins 01/24/03 10:20AM >>>
Good morning Debbie
This case is scheduled on my calendar for next month. So I will be pleased to attend all meetings on the case if counsel is required. However I have not received the revised staff report as of yet. Would it be possible to send it to me electronically?
Thank you.
dmc

Donna Marie Collins
Assistant County Attorney
Lee County Attorney's Office
Phone: 941-335-2236
Fax: 941-335-2606
Email: collinsd@leegov.com

>>> Deborah Carpenter 01/24/03 09:59AM >>>
I've had a request from Steve Hartsell to schedule a meeting for Stoneybrook North to include Mike Pavese, Pam Houck and Mary, to discuss staff report just out. Mary has suggested I invite an attorney. You sat in on a meeting for "Miromar Design Center/Stoneybrook DRI" on 1/3. Do you wish to be invited since you attended the other meeting, or should I invite someone else? Meeting would also include Carron Day, Jim Curry and Deno DeBenetis, US Home and Randy Banks.

Deborah Carpenter
DCD-Administrative Services
1500 Monroe Street
Fort Myers, FL 33901
ph (239) 479-8585 ex 5916
fax: 239-479-8341

CC: Noble, Matthew; Ottolini, Roland; Polito, Ann

1/30/03

Heritage Creek / Stoneybrook North

11:45

J. Curry
S. Hartsell
D. Benefis
C. Dorr
R. Banks
S. Marshal
M. Gibbs

Staff report "tenor"

Revisions

Lee Plan consistency

39.1.5

Resolve if we can

Curry "we've been here for 40 years" ——

"We want to do what is right" ——

Sam Marshall:

"Anywhere we can help out out there we've tried to help"

Bayshore + Popash

Flow ways

Wetland can be deleted at Pritchett outfall site/retain function -

→ Reduce 10 lots by moving road away from burrows -

From: Matthew Noble
To: Ottolini, Roland; Pavese, Michael; Trebatoski, Kim; Vance, Brad
Date: 3/25/03 9:03AM
Subject: Heritage Creek MCP

Incrementally better on some issues, total failure on others. On-site flowways of course become lots, roads, and lakes...I don't believe the changes are substantial enough to overcome the earlier staff analysis, but, I guess that's just me! They essentially traded impacts to vegetation, probably slightly more preserved overall. The tortoises are probably in a slightly better position, but I did not compare the new conservation line to the existing burrows...I still believe the plan does not represent good sound management of the watershed, it really is an old form of development that should be discouraged to really help protect water quality in the estuary...

CC: Houck, Pam; O'Connor, Paul

From: Michael Pavese
To: Osterhout, Thom
Date: 3/31/03 8:48AM
Subject: Re: Fwd: Stoneybrook North

I do not know Thom. I'm blown away.

>>> Thom Osterhout 03/31/03 08:44AM >>>
What the heck man? Why did she do that?

Thom Osterhout
Development Review Manager
Lee County Utilities
E-mail address Osterhth@leegov.com
Phone (239) 479-8165
Fax (239) 479-8176

>>> Michael Pavese 03/31/03 08:42AM >>>
FYI men. Lets talk about this when you all have a chance. I will not speak to the applicant on this issue until we've had a chance to talk. I did not expect Mary to send this message until we had met but.....

Michael P. Pavese
Principal Planner
Department of Public Works Administration
pavesemp@leegov.com
(239)479-8762
(239)479-8307 (fax)

From: Matthew Noble
To: Ottolini, Roland; Pavese, Michael; Trebatoski, Kim
Date: 4/9/03 10:42AM
Subject: Heritage Creek (Stoneybrook North)

Of course, I think the project is still clearly inconsistent with Policy 40.1.3 as the project does not "incorporate, utilize, and where practicable restore" the onsite natural surface water flow-ways and associated habitats...I wonder several things about the new littoral planting plan, but will leave that for Kim. And of course this email is in the category of, for what its worth...

From: Matthew Noble
To: Ottolini, Roland; Pavese, Michael; Trebatoski, Kim
Date: Wed, Apr 9, 2003 10:42 AM
Subject: Heritage Creek (Stoneybrook North)

Of course, I think the project is still clearly inconsistent with Policy 40.1.3 as the project does not "incorporate, utilize, and where practicable restore" the onsite natural surface water flow-ways and associated habitats...I wonder several things about the new littoral planting plan, but will leave that for Kim. And of course this email is in the category of, for what its worth...

Brad Vance - Stoneybrook North HEC RAS

From: Sam Marshall <SMarshall@BanksEng.com>
To: "'vancebs@leegov.com'" <vancebs@leegov.com>
Date: 04/15/2003 6:32 PM
Subject: Stoneybrook North HEC RAS

Brad:

Sorry the summary sheets are taking so long. I did find the existing (survey corrected) and proposed conditions previously e-mailed to you, but combining the custom output is giving me some difficulty. If I can't solve it today, I'll call you tomorrow and maybe we can discuss an alternate format.

Thanks,

Sam

BRAD VANCE
LEE COUNTY.

Sam Marshall

From: Sam Marshall
Sent: Friday, May 23, 2003 8:00 AM
To: 'vancebs@leegov.com'
Cc: 'Steve Hartsell'
Subject: Stoneybrook North

Brad:

HEC-RAS output tables for Bayshore Creek, Bayshore Creek Floodway, Popask Creek and Popash Creek Floodway will be delivered to your office today. As we have discussed, the tables for the proposed (developed) output reflect a Mannings roughness of 0.03 in the channel and 0.07 in the overbank. These numbers are based upon an initial cleaning by the developer and ongoing maintenance by the property owners association. I am attaching all of the electronic files for the existing conditions with this e-mail. I will immediately send a second e-mail with proposed conditions files.

Thank You,

Sam

LEE COUNTY DIV. OF
NATURAL RESOURCES
MAY 2 3 2003
RECEIVED

please copy with sticky notes on separate page before it data page it refers to. Thanks. Barb

Heritage Creek HEC-RAS model file 03092 76 pgs

Copies of notes + data in order

Brad Vance - Stoneybrook North

From: Sam Marshall <SMarshall@BanksEng.com>
To: "'vancebs@leegov.com'" <vancebs@leegov.com>
Date: 05/23/2003 8:01 AM
Subject: Stoneybrook North
CC: 'Steve Hartsell' <SteveHartsell@PaveseLaw.com>

Brad:

HEC-RAS output tables for Bayshore Creek, Bayshore Creek Floodway, Popask Creek and Popash Creek Floodway will be delivered to your office today. As we have discussed, the tables for the proposed (developed) output reflect a Mannings roughness of 0.03 in the channel and 0.07 in the overbank. These numbers are based upon an initial cleaning by the developer and ongoing maintenance by the property owners association. I am attaching all of the electronic files for the existing conditions with this e-mail. I will immediately send a second e-mail with proposed conditions files.

Thank You,

Sam

From: "Ian Vincent" <ivincent@dexbender.com>
To: "Kim Trebatoski" <TREBATKM@leegov.com>
Date: 5/27/03 4:29PM
Subject: Re: Heritage Creek

I'm working on it, waiting for an answer from Sam.
----- Original Message -----
From: "Kim Trebatoski" <TREBATKM@leegov.com>
To: <ivincent@dexbender.com>
Sent: Tuesday, May 27, 2003 3:35 PM
Subject: Re: Heritage Creek

Ian - The Lake ID (A-U) doesn't match the Lake labels on the MCP (L1-19), and the littoral planting plan doesn't have any lake labels. Please fax or e-mail a plan with lake labels that match the database so I can review the plan closer.

It would require a deviation to allow no planting in the lake surrounded by residential lots and/or to have less than 1 plant per 100 lf in some lakes and more plantings in others.

Kim Trebatoski
Principal Environmental Planner
DCD - Planning/Environmental Sciences
trebatkm@leegov.com
239-479-8183
FAX 239-479-8319

>>> "Ian Vincent" <ivincent@dexbender.com> 05/27/03 02:31PM >>>
Kim,
I have tabulated the lit plants and we are a little shy over the whole project. Some lakes have a deficit and some have a surplus. The only big question that I have is if we will be required to place the 1 plant per linear foot in lakes that are completely surrounded by development or next to development in lakes that do not have a lit zone large enough to support the required plants?

Give me a call when you are in the office. I am attaching the preliminary tabulation. keep in mind that is preliminary and I have not yet met with Sam to work on fixing the deficits.

----- Original Message -----
From: "Kim Trebatoski" <TREBATKM@leegov.com>
To: <ivincent@dexbender.com>
Sent: Friday, May 23, 2003 2:29 PM
Subject: Heritage Creek

Hey Ian - First of all, Congratulations!!!! I hear your baby daughter arrived, and that all is well with daughter and mom.

Our schedules just aren't matching, so I decided to e-mail. I need to get my staff report addendum to Mike Pavese ASAP as the hearing is set for June 18th. The overall report must be ready for distribution June 4th, and Mike

needs at least an additional week to pull all the divisions comments together. So, what I'm looking for is details of the number of littoral plants to be installed. The plan submitted shows large littoral shelves and states plants will be installed 3 foot on center. A tabulation by lake would make the addendum much easier to write.

Please call or e-mail me on Tuesday morning. I will be out of my office from 11-4:30pm on Tuesday, and in & out on Wednesday.

Kim Trebatoski
Principal Environmental Planner
DCD - Planning/Environmental Sciences
trebatkm@leegov.com
239-479-8183
FAX 239-479-8319

LAKE ID	LINEAR FEET	PLANTS REQUIRED	LIT ZONE AC.	PLANTS PROPOSED at 3' O.C.	DEFICIT OR SURPLUS(PLANTS REQUIRED-PLANTS PROPOSED
1. A	2,404	2,404	0.23	1,113	-1,291
2. B	18,105	18,105	2.19	10,600	-7,505
3. C*	2,104	2,104	0.19	920	-1,184
4. D	1,662	1,662	0.00	0	-1,662
5. E	4,255	4,255	0.21	1,016	-3,239
6. F	1,394	1,394	0.34	1,646	252
7. G	2,131	2,131	2.11	10,212	8,081
8. H	1,819	1,819	0.09	436	-1,383
9. I	6,422	6,422	2.49	12,052	5,630
10. J	6,870	6,870	0.23	1,113	-5,757
11. K	820	820	0.17	823	3
12. L*	3,541	3,541	0.00	0	-3,541
13. M	1,781	1,781	0.33	1,597	-184
14. N	856	856	1.10	5,324	4,468
15. O	783	783	0.10	484	-299
16. Q	670	670	0.22	1,065	395
17. R	1,174	1,174	0.14	678	-496
18. S	1,794	1,794	0.24	1,162	-632
19. T	2,643	2,643	0.36	1,742	-901
20. U	1,334	1,334	0.10	484	-850
TOTALS	62,562	62,562	10.84	52,466	-10,096

2003 Vegetation Removal Permit Log					
Date	Permit #	STRAP	Project Name	DO Number	Fee
6/18/03	8267/2003-00192	29-43-26-00-00006.0000	Villa Vincente	DOS2002-00151	N/C
6/18/03	8268/2003-00191	02-48-25-B3-00400.0230	Greyhound Commerce Park	DOS2003-00030	N/C
6/23/03	8269/2003-00186	34-47-25-B4-04800.0010	Beach Road Parnerships LLP	DOS2003-00014	N/C
6/24/03	8270/2003-00073	06-45-26-00-00001.0000	Stoney Brook @ Gateway	DOS2002-00254	N/C
6/24/03	8271/2003-00190	35-45-23-00-00008.0010 02-46-23-00-00007.0000	Colonial Shores	DOS2001-00145 LDO2002-00081	N/C
6/26/03	8272/2003-00200	06-44-22-03-00000.5830		N/A	$60
6/30/03	8273/2003-00206	20-46-25-01-00001.0020	Grand Bay Plaza	DOS2002-00176	N/A
7/1/03	8274/2003-00189	26-45-24-01-00000.0020	Riva Del Lago Dev., Inc.	DOS97-09-120.00D	N/C
7/1/03	8275/2003-00082	20-46-26-00-00001.0010	The Habitat	DOS2001-00036	N/C
7/1/03	8276/2003-00197	06-48-26-B2-00003.0000	South Trust Bank	DOS2002-00191	N/C
7/1/03	8277/2003-00201	04-46-25-04-00000.008A	L & W Development Area	DOS2002-00252	N/C
7/2/03	8278/2003-00203	03-44-24-02-00000.0150	Wal-Mart Plaza II	DOS2003-00096	N/C
7/2/03	8279/2003-00180	04-46-24-13-00000.0030	5/3 Bank @ Health Park	DOS2003-00064	N/A
7/2/03	8280/2003-00208	20-45-25-13-00000.004A	First Church of the Nazarene	DOS2002-00271	N/C

From: Michael Pavese
To: Trebatoski, Kim
Date: 5/29/03 10:50AM
Subject: Re: Heritage Creek

Soon. I'm going to need you to take a look at the policies they were previously inconsistent with with regard to wetlands and flow ways and rationalize how they are now consistent because I really have mixed emotions about doing it Kim. So yes we need to meet and chat for a bit, ok.

Michael P. Pavese
Principal Planner
Department of Public Works Administration
pavesemp@leegov.com
(239)479-8762
(239)479-8307 (fax)

>>> Kim Trebatoski 05/29/03 10:42AM >>>
Ian and Sam have indicated they will have the info I need to me today, so I will be able to review that and complete my report. When do you want to meet to discuss this project? I'm gone June 6-15th.

Kim Trebatoski
Principal Environmental Planner
DCD - Planning/Environmental Sciences
trebatkm@leegov.com
239-479-8183
FAX 239-479-8319

>>> Michael Pavese 05/29/03 09:32AM >>>
When do expect to have the addendum completed Kim?

Michael P. Pavese
Principal Planner
Department of Public Works Administration
pavesemp@leegov.com
(239)479-8762
(239)479-8307 (fax)

>>> Kim Trebatoski 05/28/03 10:41AM >>>
Deviation 3, 6 (now withdrawn) & 7 relate to ES issues. Deviation 16 is deferred to Zoning and Development Services as an issue relating to compatibility (buffer deviation). I've attached the ES staff report from Nov 2002. This report will remain with an addendum to address the flowways and littoral plantings.

Please let me know if you have any questions.

Kim Trebatoski
Principal Environmental Planner
DCD - Planning/Environmental Sciences
trebatkm@leegov.com
239-479-8183
FAX 239-479-8319

>>> Michael Pavese 05/27/03 04:04PM >>>
I know. It's their fault, they're still dragging their feet.. Can you e mail the deviations that you all reviewed when you have a chance? I think Gary previously reviewed them but I'm not sure.

>>> Kim Trebatoski 05/27/03 03:49PM >>>
Hey Mike - I received some littoral planting numbers, but the lake labels don't match the MCP, so I've asked for clarification on lake labels in order to review the proposal. I'm trying to get an addendum to you...really, I am.

Kim Trebatoski
Principal Environmental Planner
DCD - Planning/Environmental Sciences
trebatkm@leegov.com
239-479-8183
FAX 239-479-8319

From: Michael Pavese
To: Gibbs, Mary
Date: 5/30/03 1:26PM
Subject: Re: Stoneybrook north

Staff report is not complete. When do you and Pam have time to chat?

>>> Mary Gibbs 05/30/03 01:15PM >>>
is staff report done? I talked to Steve and it was my understanding we agreed with the 25o feet. Let me know whats up, thanks

From: Michael Pavese
To: Houck, Pam
Date: 6/3/03 9:00AM
Subject: Re: Herritage Creek

Called yesterday and this a.m. Waiting for a return call. Status is no go Pam. I will let Steve know all the issues when we talk.

>>> Pam Houck 06/03/03 08:42AM >>>
What is the status. Did you talk to Steve?

From: Michael Pavese
To: Trebatoski, Kim
Date: 6/3/03 9:19AM
Subject: Re: Heritage Creek

The hearing is not going to happen on the 18th because they're so late with everything. She needs to submit an original revised copy of the property development regulations through the counter.

>>> Kim Trebatoski 06/03/03 09:14AM >>>
I spoke to Carron Day about the lot coverage. She said she would fax me a revised property development regulations if that would be appropriate. How do you want to handle this?

The driving range is meant to be part of the amenities at the park/recreational center.

Kim Trebatoski
Principal Environmental Planner
DCD - Planning/Environmental Sciences
trebatkm@leegov.com
239-479-8183
FAX 239-479-8319

>>> Michael Pavese 06/03/03 09:06AM >>>
Kim, do you have a copy of the revised property development regulations referenced in your report? Also, with regard to deviation # 3, do you know why they are still planning on having a driving range when there will be no golf course as part of the project?

>>> Kim Trebatoski 06/02/03 11:23AM >>>
Please find the revised ES staff report attached including a section on Design Standards.

Kim Trebatoski
Principal Environmental Planner
DCD - Planning/Environmental Sciences
trebatkm@leegov.com
239-479-8183
FAX 239-479-8319

Findings and Conclusions:

Based upon an analysis of the application for Residential Planned Development and the standards for approval of planned development rezonings, staff offers the following findings and conclusions:

1. The applicant has proven entitlement to the rezoning to RPD by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.

2. The requested RPD zoning, as conditioned:

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

   b) is compatible with existing or planned uses in the surrounding area; and

   c) will not adversely affect environmentally critical areas or natural resources.

3. Approval of the requested RPD zoning, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.

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

5. The proposed mix of uses, as conditioned, is appropriate at the subject location.

6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.

7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

8. The deviations, recommended for approval, as conditioned:

   a) enhance the objectives of the planned development; and

   b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

STAFF'S EXHIBIT
1
DCI2001-00038

LAKE ID	LINEAR FEET	PLANTS REQUIRED	LIT ZONE AC.	PLANTS PROPOSED at 3' O.C.
A	2,404	2,404	0.50	2,420
B	18,105	18,105	3.74	18,105
C	2,104	2,104	0.43	2,104
D	1,662	0*	0.00	0
E	4,255	4,255	0.88	4,259
F	1,394	1,394	0.34	1,646
G	2,131	2,131	2.11	10,212
H	1,819	1,819	0.38	1,839
I	6,422	6,422	2.49	12,052
J	6,870	6,870	1.42	6,873
K	820	820	0.17	823
L	3,541	3,541	0.73	3,541
M	1,781	1,781	0.37	1,791
N	856	856	1.10	5,324
O	783	783	0.16	783
Q	670	670	0.22	1,065
R	1,174	1,174	0.24	1,174
S	1,794	1,794	0.37	1,794
T	2,643	2,643	0.55	2,662
U	1,334	1,334	0.28	1,355
TOTALS	**62,562**	**60,900**	**16.48**	**79,821**

* Lake D is an irrigation lake that is not included in the stormwater management system. No littoral plantings are proposed for lake D.

RECEIVED
MAY 29 2003
COMMUNITY DEVELOPMENT

STAFF'S EXHIBIT # 2
DC/2001-00038

CONDITIONS & DEVIATIONS AS OF AUGUST 1, 2003 (080103/0800)
[changes are shown in strike-through and underline format]

TYPE OF CASE: PLANNED DEVELOPMENT/DCI
CASE NUMBER: DCI 2001-00038

I. APPLICATION SUMMARY:

A. Applicant: U. S. Home Corporation in ref to Heritage Creek (aka Stoneybrook North)

B. Request: Rezone from AG-2, CPD, & RVPD to RPD to permit the development of ~~1,525~~ a maximum of 1,475 residential units including a mixture of single-family, duplex, townhouse, two-family attached and multi-family units all not to exceed 35 feet in height.

C. Location: The subject property is located on Pritchett Parkway (in the northeast quadrant of the intersection of I-75 and Bayshore Blvd.), in S15, 16 & 21-T43S-R25E, Lee County, FL. (District #4)

D. Land Use Plan Designation: Outlying Suburban, General Interchange and Wetlands

E. Surrounding Land Use:

	Existing Zoning & Land Use	Future Land Use Map
North:	AG-2 developed with single family uses.	Open Lands and Density Reduction/Groundwater Resource
East:	AG-2 and RS-1 vacant land and developed single family residential uses	Outlying Suburban
South:	Leetana Drive, Pritchett Parkway, I-75, AG-2, RV-3, RS-1 vacant land and developed single family residential uses	Outlying Suburban
West:	AG-2, AG-3 developed with single family residential uses	Outlying Suburban

F. Size of Property: 741.22± acres

II. RECOMMENDATION:

Staff recommends **approval** of the Applicant's request for rezoning from AG-2, CPD, and RVPD to RPD, subject to the following conditions and deviations:

STAFF'S EXHIBIT # 3
DCI 2001-00038

A. Conditions

1. The development of this project must be consistent with the one page Master Concept Plan entitled "Stoneybrook North," prepared by WilsonMiller, dated October ~~10~~ 01, 2001, last revised July 11, 2003 and stamped ~~received at the zoning counter on April 7, 2003~~ "Received JUL 11 2003 Community Development,", except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (LDC) at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

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

   a. Schedule of Uses

Administrative Offices
Agriculture - Subject to Condition 24
Accessory uses and structures
Club, Private (Limited to Tract K)
    Food and beverage service, limited
    Health Club and Spa
    Parking lot, accessory
    Rental or leasing establishment, Group I, limited to bicycles, tennis rackets and other small equipment for use by members of the private club
Specialty Retail Shop, Group I
Communication Tower (limited to one on the north side of Tract K and limited to a maximum of 35 feet in height)
Dwelling Unit , limited to a maximum of 1,475 units, (of which not more than 250 units may be multi-family - See Note 1), consisting of:
    Conventional Single Family Residence
    Townhouse
    Two family attached
    Multiple Family Building (limited to Tract ~~R-2~~ J)
Entrance Gate and Gatehouse, in compliance with LDC Section 34-1749~~8~~
Essential Services
Essential Service Facilities, Group I
Excavation, water retention
Fences, walls
Golf Driving Range - Aqua Range (Limited to Tract K and in conjunction with Lake L1)
Home occupation
Model Home, Model Unit and Model Display Group
Real Estate Sales Office (Temporary sales office limited to Tract K and limited to the sale of lots or units within the development only)
Recreation Facilities, Personal

Recreation Facilities, Private on-site
Parking lot, accessory
Residential Accessory Uses
Signs, including one existing billboard located on the southwest side of Lake L1, all in compliance with LDC Chapter 30 except as approved by deviation
Temporary uses (LDC Section 34-3041)

Note 1: Single-family, two-family attached and townhouse dwelling units may be constructed on all R-1 and R-2 residential tracts. Multi-family dwelling units may be constructed only on Tract J and limited to a maximum of 250 units.

b. Site Development Regulations

	Minimum Lot			Minimum Setback (ft.)								
					Rear (ft.)			Front (ft.)				
LAND USES	Area (sq. ft.)	Min. Width (ft.)	Min. Depth (ft.)	Side Including Corner Lots (ft.) *	Lots	Wetland	Acc.	Front Entry Garage	Bldg. or Side Entry Garage	Water Body (ft.)	Max. Bldg. Height (ft.)	Min. Bld. Separation (ft.)	Max Lot Coverage (%)
Single-family Detached	4,000	40	100	5	20	20	5	20	12	25	35 or 2 stories	10	45
Two-family Attached	3,500	35	100	0 or 10	20	20	5	20	12	25	35 or 2 stories	10	45
Townhouse	2,000	22	80	0 or 10	20	20	5	20	15	25	35 or 2 stories	20	n/a
Multi-family	10,000	100	100	10	20	20	5	20	20	25	35 or 2 stories	20	45
Clubhouse	20,000	80	100	10	20	20	5	n/a	20	25	35 or 2 Stories	20	45
Accessory Recreation Buildings	n/a	n/a	n/a	n/a	20	20	n/a	n/a	n/a	n/a	35 or 1 story	20	n/a

* Applies to lots of all widths and to corner lots. Each lot, including corner lots, will have only one front yard.

3. ~~Any and all existing easements must be reflected on the proposed Master Concept Plan and incorporated into the design of the proposed development unless the existing easements are vacated in accordance with adopted county procedures.~~ **[CONDITION #3 HAS BEEN DELETED AS IT IS NO LONGER NECESSARY.]**

4. ~~The Master Concept Plan must be revised to incorporate a recreational area within the northern portion of the project.~~ The Tract M recreational area must include at a minimum, one (1) tennis court, a playground~~, swimming pool~~ and picnic area. Facilities for the safe passage of pedestrians cyclists from one side

of Pritchett Parkway to the other as determined by the Director of Development Services at the time of local development order submittal must be provided

5. No residential lots ~~lines~~ may be located within 250 feet of the existing High Point sewage treatment plant property lines until the sewage treatment plant is no longer in operation. If the High Point sewage treatment plant is still in operation when the plat is approved for any lots located in Tracts F-2 and G, ~~that are located within 250 feet of the existing 5-acre sewage treatment plant site,~~ ~~T~~the applicant must include ~~In addition,~~ a thirty-~~six~~ foot wide Type F buffer ~~including a six to eight foot high berm that must be placed along~~ around the perimeter of the High Point sewage treatment plant property lines, excluding the easement ~~which~~ that provides access to the plant. ~~Plantings on the berm must include ten trees per one hundred linear feet, five of which must be located on top of the berm and five of which must be located on the berm slope facing the residential development. Additional plantings must include 48 inch high shrubs planted 48 inches on center on top of the berm, and 3 gallon shrubs planted 3 feet on center over 50% of the berm slope on the residential side.~~

6. Common area ~~O~~open space ~~areas~~ must be designed to incorporate as many of the native heritage trees and sabal palms as possible. Any healthy sabal palms with a minimum eight foot clear trunk must be salvaged if conditions (e.g., no rock) and sequence of construction allows. If sequence of construction does not allow the on-site relocation of sabal palms, effort must be made to identify an off-site recipient site. Sabal palms that are located in wet areas typically do not respond well to transplanting and will not be subject to this condition. The salvage efforts must be coordinated with the Division of Environmental Sciences staff whether used on-site or otherwise. Any sabal palms being relocated must be moved in a horticulturally correct manner per Lee County Extension Services brochure Lee 8/2000A ~~(attached)~~ and attached as Exhibit [ ]. Prior to local development order approval, the preserved trees and any relocated palms must be delineated on the plans. Preserved trees and relocated sabal palms will receive protected tree credits per LDC Section 10-420(h).

7. A detailed protected species management plan for gopher tortoises, Big Cypress fox squirrels, and wading birds must be submitted with the initial development order for any portion of this project. The gopher tortoise management plan must include either a permanent fence or a continuous hedge of native shrubs where the gopher tortoise preserve abuts the road and park to protect the tortoises from the vehicular traffic and active recreation area.

   A pedestrian/bicycle trail, with a maximum 4-foot width, is permissible within the gopher tortoise preserve. The trail must be designed to avoid impacting existing gopher tortoise burrows and large native trees. Two access points to the trail may be incorporated into the fence, provided the openings are designed to minimize the potential for tortoises to disperse from the preserve. Details of the trail and fence must be included in the development order plans.

8. Prior to any local development order approval, an open space table must be included ~~which~~ that details the residential unit type with lot size per tract, required open space, provided open space, required indigenous preservation and provided

indigenous preservation. The project must preserve at a minimum the approximately 100.1 acres of conservation area including the wetland creation area. If more than 500 acres of the project is developed with residential tracts (including roads and lakes) requiring open space, then the development order must delineate the additional required indigenous preservation for the Division of Environmental Sciences staff review and approval.

9. The use of cypress mulch is prohibited in preserve areas.

10. The maximum width of all boardwalks within the preserve areas ~~must~~ may not exceed the minimum width requirements set forth by the Americans with Disabilities Act.

11. All boardwalks within the preserve areas must be designed to avoid mature native trees and protected species burrows, nests, or dens. The final layout of the boardwalks must be field verified by Division of Environmental Sciences staff prior to construction. Minor adjustments to minimize impacts to native vegetation may be required.

12. The construction of gazebos or viewing platforms within conservation areas is limited to no more than 2 structures each having a footprint no larger than 200 square feet.

13. Prior to site work for any recreational use that requires the removal of vegetation within a conservation area, a development order showing impacts to the conservation area must be submitted for review and approval by Environmental Sciences and other applicable County Staff.

14. Prior to local development order approval, the development order plans must include a littoral planting areas in substantial compliance with the "Stoneybrook North Littoral Planting Exhibit" stamped received April 7, 2003, and attached as Exhibit [ ]. All lake littoral zones must be constructed as depicted in Cross-Section B-B. Littoral planting quantities must be consistent with the "Littoral Planting Plan Exhibit Stoneybrook North" and accompanying table stamped received May 29, 2003, and attached as Exhibit [ ]. The planting area along the northern ditch expansion must also provide native wetland plants installed 3-foot on-center.

15. The Communication Tower as denoted on the Master Concept Plan must be of a monopole design and limited to 35 feet in height. The tower and its associated maintenance buildings must be designed to minimize impacts to birds.

16. Lake littoral plantings within Tract K must be calculated at one littoral plant per linear foot of lake shoreline. One 10-foot tall tree or two 3-gallon shrubs may be substituted for 10 herbaceous plants. Trees and shrubs may used to count toward up to 50 % of the required lake littoral planting requirements. A minimum of two native wetland tree species and four native herbaceous plant species must be installed in the ~~Tract K lake~~ Lake L1 (contained within Tract K).

17. The placement of any required vegetation within a utility, power, or drainage easement must be clearly delineated on an Alternate Landscape Betterment Plan as per LDC Section 10-419 and submitted with the local development order. The placement of vegetation within any easement must be approved by Lee County Environmental Sciences staff AND any other affected Division (Utilities, Zoning, etc.). If the easement is to an entity other than Lee County, then written approval of the location of vegetation from any affected easement holder must be submitted to ES staff as part of the development order. Approval from all affected parties must be obtained prior to approval of the local development order.

18. Lake ~~B~~bulkheads are limited to roads and the clubhouse area. Bulkheads are not permitted along residential boundaries.

    Prior to local development order approval, the plans must show the location of the bulkheads to confirm that no more than 20% of each lake shoreline consists of bulkhead or rip-rap. Lakes where bulkheads are proposed must be designed to provide one linear foot of compensatory littoral zone with an 8:1 slope for each linear foot of bulkhead. For lakes ~~which~~ that utilize bulkheads, littoral plants must be calculated at two plants per linear foot of shoreline clustered within the 8:1 slope portion of the lake.

    The development order must include a typical cross-section detail of bulkhead and rip-rap areas on the paving and grading AND landscape plan.

19. ~~No development order for this project will be issued if the development contemplated thereunder will precipitate a drop in the level of service on the links numbers 16 and 17 of Bayshore Road, below the adopted level of service.~~ Transportation Concurrency for this project will be measured pursuant to the Lee Plan and LDC standards in place at the time of the development order. This must include evaluating Bayshore Road from Nalle Road to I-75 for transportation concurrency. Prior to development order approval, the developer must demonstrate that the Level of Service (LOS) will not fall below the adopted level of service on the identified links. In determining that level of service, only road improvements with committed funding, as provided in FAC 9J-2.045, may be considered.

20. The developer ~~will~~ must provide intersection improvements to the intersection of Bayshore Road and Pritchett Parkway. At a minimum, the developer will construct a southbound right turn lane as a site-related improvement, and not eligible for road impact fee credits. In cooperation with the Florida Department of Transportation and the County, the developer may realign Pritchett Parkway to address future operational problems caused by project traffic.

21. **Staff and the Applicant each have submitted a condition on this issue.**

The Staff's original condition is as follows:

The developer ~~will~~ must construct an eight-foot wide bicycle path or two five-foot wide sidewalks along Pritchett Parkway from Bayshore Road to Rich Road. The bicycle/pedestrian facilities improvement will be considered a site-related improvement and not eligible for road impact fee credits.

The Applicant's proposed condition is as follows:

The developer must construct an eight-foot wide bicycle path or two five-foot wide sidewalks along Pritchett Parkway from Bayshore Road to Rich Road. The bicycle/pedestrian improvements will be considered a site-related improvement for the portion of the improvement constructed between the southernmost and northernmost entrances to the project site as shown on the approved Master Concept Plan. The portions of the bicycle/pedestrian improvements constructed 1) between Bayshore Road and the southernmost site entrance, and 2) between Rich Road and the northernmost site entrance, will be eligible for road impact fee credits.

22. Blasting is prohibited on this project site; however, if it is found during development that the excavations cannot be performed without blasting, the developer must obtain an amendment to this zoning resolution.

23. The excavation of material from the lake areas does not constitute construction materials mining as defined under Section 552.30, Florida Statutes.

24. AGRICULTURAL USES: Agriculture is not approved as a permanent use in the Schedule of Uses for this property. All agricultural uses must cease upon approval of the requested rezoning, EXCEPT as follows:

    (a) Existing bona fide agricultural uses as shown on attached Exhibit [ ] may continue until approval of a local development order for the area of the project containing those uses.

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

    (c) The property owner must terminate the agricultural tax exemption for any portion of the property that receives a local development order. The agricultural use must cease by December 31st of the calendar year in which the local development order is issued. The exemption termination must be filed with the Property Appraiser's Office by December 31st of the calendar year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.

~~25. Single-family, two-family attached and townhouse dwelling units may be constructed on all R-1 and R-2 residential tracts. Multi-family dwelling units may be constructed only on Tract J and limited to a maximum of 250 units.~~
[Condition #25 has been relocated to become a note at the end of the Schedule of Uses in Condition #2a.]

~~26. Recommendations from the Lee County Division of Natural Resources, including comments on HEC-2RAS flood modeling, is pending as of the date of this June 18,2003 hearing. Subsequent changes may be required to the Master Concept Plan as a result of the flood modeling along the areas of both Bayshore Creek and Popash Creek, including a reduction of residential dwelling units. If staff determines subsequent changes to the Master Concept Plan result in any impact outside of the project boundaries, then a public hearing will be required to effect those changes.~~

[THE ABOVE CONDITION #26 HAS BEEN DELETED AND IS BEING REPLACED BY A REVISED CONDITION FROM NATURAL RESOURCES.]

26. Development along Popash and Bayshore Creeks:

General Conditions:

a. Prior to issuance of the first Development Order (or any early work, clearing, filling permits), the applicant must submit the following information for review and approval by the Lee County Natural Resources Division:

1. If the development parameters change from those modeled and approved during the rezoning, then developer must provide an HEC-RAS model pursuant to the same modeling parameters established during the rezoning process for the Popash and Bayshore Creeks demonstrating that the revised development will not induce any rise to the existing flood elevations, nor any increases in velocities, nor any transfer in overbank flows for the 10-, 25-, and 100-year storms.

2. Show the location and extent of the existing and proposed cross sections from the HEC-RAS model on the Development Order plans, as well as, defining the existing top of bank station/elevation, overbank elevations, roadway elevations, and bridge dimensions and elevations. Sufficient details or sections showing continuity and capacity of flows in the overbank must be clearly demonstrated.

3. All plans and documents related to the above must include the statement: "This is to certify that I am a duly qualified engineer licensed to practice in the State of Florida. It is to further certify that these design plans, drawings, and associated technical calculations and/or data demonstrate that no adverse affects to the existing flood elevations will occur as a result of this development."

4. The above information must be submitted to the South Florida Water Management District (SFWMD) for review, consideration, and inclusion in their permit files.

5. The developer or its assigns must dedicate a drainage/maintenance easement to Lee County for Popash and Bayshore Creeks for all that portion(s) of the channel and its overbanks included in the HEC-RAS modeling and that lie within its property limits. The easement may be apart of any conservation easement dedicated to Lee County and the South Florida Water Management District (SFWMD), but must be consistent with the maintenance activities anticipated and outlined in these conditions. The easement must also give the county the right, but not the obligation of maintenance and provide for maintenance access along the creeks. As a part of the easement, the developer agrees to a monthly maintenance schedule to include an initial and ongoing maintenance for these creeks that is to include removal of all exotics including, but not limited to, grape vines (above three feet in height above ground) and rosary pea, any deposited debris, fencing, fallen trees, or eroded vegetation. The basic ground cover within the easement area is to remain in its current grassed condition. The relocation of onsite sabal palms from other parts of the property to the easement area is permissible, but must not be collocated closer than a ten (10) foot spacing. No saw palmetto or shrubbery of any type is to be planted within the easement area. Said easement must be reviewed and approved by the County Attorney and Natural Resources during the platting process. This same drainage/maintenance easement language must be contained within the Community Development District or Home Owners Association documents (eg: CDD, HOA, etc).

6. All modifications and exotic vegetation removal outlined herein for Popash and Bayshore Creeks must be completed before the issuance of the first Certification of Completion for the first Development Order.

7. The east-west ditch proposed along the northerly boundary of the development must not provide for an interconnection between Popash and Bayshore Creeks.

Popash Creek:

b. Prior to issuance of the first Development Order (or any early work, clearing, filling permits) containing the bridged crossing, the developer must provide complete construction plans for the bridge for review and approval by the Lee County Natural Resources Division and be in accordance with the following:

1. The bridge crossing of Popash Creek must be a pile-supported structure.

2. No more that 2 rows of pilings (or supports) are permitted in the overbank and none may be closer than 10 feet to the existing top of bank. Each row must be perpendicular to the direction of flood flows and each must have a maximum dimension of twenty-four inches (24").

3. The low chord of the bridge must be at or above the 100-year floodwater surface elevation and the abutments for the bridge may not be closer than fifty feet (50') to the existing top of bank. Additionally, the low chord must be at least two feet (2') above the highest overbank elevation within the fifty-foot offset areas (total of 100'+).

4. No berming, filling, planting, or other above ground construction/amenities are permitted within fifty feet (50') of the existing top of banks for Popash Creek, except as elsewhere permitted in these conditions by Lee County Natural Resources.

Bayshore Creek:

c. All modifications and exotic vegetation removal outlined below for Bayshore Creek must be completed before the issuance of the first Certification of Completion for the first Development Order.

1. Along Bayshore Creek for that portion upstream of Prichett Parkway and within the fifty (50) foot offset from the existing top of bank, the spoil is to be removed down to an elevation of 18.0 feet NGVD and then sloped in conjunction with the perimeter berm.

2. No berming, filling, planting, or other above ground construction/amenities are permitted within fifty feet (50') of the existing top of bank for Bayshore Creek, except as elsewhere permitted in these conditions by Lee County Natural Resources.

27. **[The following condition was provided by the Department of Public Works. It has been modified from the condition as originally suggested in the 7-11-03 memo to the Hearing Examiner from Michael Pavese. The disclosure is only being requested for the lots adjacent to the WWTP site, rather than the whole project, and the "hold harmless" language has been removed. The applicant has not yet commented on this revised condition.]**

In light of the potential for the existing High Point wastewater treatment plant (WWTP) to continue operation, the developer must disclose the existence, location and operation of the sewage treatment plant to any purchasers of property immediately adjacent to a line 250 feet from the perimeter boundary of the WWTP site (excluding that portion of the site containing the access road into the WWTP site).

Any and all agreements for the sale of property immediately adjacent to the 250-foot dimension must include this disclosure statement. The following disclosure statement must appear in bold face and conspicuous type that is larger than the type in the remaining text of the contract:

"Lot owners immediately adjacent to the line 250 feet from the perimeter boundary of the WWTP site within the Stoneybrook North (f/k/a Heritage Creek) Planned Development acknowledge the presence of the High Point Sewage Treatment Plant."

DEVIATIONS:

Deviation # 1 is withdrawn.

Deviation # 2 is withdrawn.

Deviation #3 seeks relief from LDC Section ~~10-418~~ 10-418(2)b which requires the installation of one native wetland herbaceous plant per linear foot of lake shoreline and where trees and shrubs can be substituted for up to twenty-five percent of the total number of herbaceous plants required; to allow the required plantings to include up to fifty percent trees in the Tract K lake (Lake L1) is approved subject to Condition #16.

Deviation #4 is withdrawn.

Deviation #5 is withdrawn.

Deviation # 6 is withdrawn.

Deviation #7 ~~is a request to deviate~~ seeks relief from LDC Section 10-329)e)(4) which requires excavations to be sloped at four horizontal to one vertical to a water depth of four feet below the dry season water table and two horizontal to one vertical thereafter, to allow 40% of the lake bank slopes within the development to utilize vertical bulkheads and/or rip rap is approved subject to Condition #18.

Deviation #8 is withdrawn. ~~from LDC Section 10-259 which prohibits the placement of buildings or structures within easements where the placing of buildings or structures within the easement is contrary to the terms of the easement or interferes with the use of the easement; to allow the placement of buildings or structures within easements limited to roof overhangs is denied.~~

Deviation # 9 is withdrawn. ~~seeks relief from LDC Section 34-2020(1)c which requires minimum parking for multiple family buildings based on the number of bedrooms within each unit; to allow 1.25 1.5 spaces for all bedroom types with an additional 10 percent for guest parking only for those multi-family units where garage parking is available is denied.~~

Deviation #10 is withdrawn.

Deviation #11 is withdrawn.

Deviation #12 seeks relief from LDC Section 34-1954(a)(1) which requires administrative approval of locations for model homes in new developments; to allow model homes by right in ~~any~~ the locations within the development ~~is denied~~ as shown on the MCP is approved.

Deviation #13: The Staff is recommending denial of the requested deviation. The Applicant has proposed additional conditions to supplement their original request and is seeking approval of the deviation.

The following is Staff's recommended denial of the deviation.

Deviation #13 seeks relief from LDC Section 34-1954(f) which requires parking for model homes or model units to be located on the same premises and in compliance with the type of dwelling unit being displayed; to permit the development of accessory parking for model homes as low turnover and therefore permit development of these lots with alternative surfaces is denied.

The following is the Applicant's requested deviation with additional conditions:

Deviation #13 seeks relief from LDC Section 34-1954(f) which requires parking for model homes or model units to be located on the same premises and in compliance with the type of dwelling unit being displayed; to permit the development of accessory parking for model homes as low turnover and therefore permit development of these lots with alternative surfaces is approved subject to the following conditions:

1. The entrance apron into each parking lot would be paved.

2. The handicapped parking space(s) in each lot would be paved.

3. The applicant will keep the portion of the street in front of each model free from gravel or shell that may have been tracked out the model home parking area(s) by departing vehicles.

Deviation #14 seeks relief from LDC Section 30-153(2)(a)(iv) which limits the text of additional subdivision or residential development identification signs to the subdivision or project name; to allow the additional signs for this project to include the notation "A US Home Community" in addition to the name of the development is approved. The proposed project sign must be in substantial compliance with the rendering submitted in conjunction with the justification for Deviations 14 and 15 which was stamped received at Community Development on April 7, 2003, and as attached as Exhibit [ ].

Deviation #15 seeks relief from LDC Section ~~30-152d2~~ 30-152(2)(d) which limits the size of project entrance signs and which limits the size and number of additional project signs to allow all of the permitted square footage for the number of permitted signs to be combined into the main project entrance sign and a deviation from LDC Section 30-94(h) which restricts double faced signs with opposing faces to an interior angle of less than 30 degrees; to allow the Heritage Creek project sign to have two sign faces of approximately 130 square feet in size and be located on a curvilinear wall is approved. The proposed project sign must be in substantial compliance with the rendering submitted in conjunction with the justification for Deviations 14 and 15 which was stamped received at Community Development on April 7,

2003, and attached as Exhibit [ ].

Deviation #16 is withdrawn. ~~from LDC Section 10-416(d)(6) which provides that if roads, drives, or parking areas are located less than 125 feet from an existing residential subdivision or residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet; to allow the two cul-de-sacs in Tract H and the short roadway segment in Tract E to be located and buffered as illustrated on the Master Concept Plan is denied.~~

Findings and Conclusions:

Based upon an analysis of the application for Residential Planned Development and the standards for approval of planned development rezonings, staff offers the following findings and conclusions:

1. The applicant has proven entitlement to the rezoning to RPD by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.

2. The requested RPD zoning, as conditioned:

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

   b) is compatible with existing or planned uses in the surrounding area; and

   c) will not adversely affect environmentally critical areas or natural resources.

3. Approval of the requested RPD zoning, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.

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

5. The proposed mix of uses, as conditioned, is appropriate at the subject location.

6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.

7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

8. The deviations, recommended for approval, as conditioned:

a) enhance the objectives of the planned development; and

b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT - ZONING DIVISION

LEE COUNTY
HEARING EXAMINER

03 AUG 25 PM 3:11

DATE: August 25, 2003

TO: Mr. Sal Territo, Hearing Examiner

FROM: Alvin Block, AICP
Principal Planner

RE: DC I2001-00038, Heritage Creek (aka Stoneybrook North)

Attached you will find what I believe is the most complete compilation of the staff recommendation for this case.

I have included:

1. A strike-through and underlined copy of the conditions and deviations (in Word).

2. A clean copy of the conditions and deviations (in Word).

3. A clean copy of the conditions and deviations (in WordPerfect).

The Hearing Examiner should have already received a copy of the rest of the documentation which was requested from the applicant.

If I can be of any further assistance, please feel free to contact me.

STAFF'S EXHIBIT # 4
DC I2001-00038

CONDITIONS & DEVIATIONS AS OF AUGUST 25, 2003 (081903/1600)
[changes are shown in strike-through and underline format]

TYPE OF CASE: PLANNED DEVELOPMENT/DCI
CASE NUMBER: DCI 2001-00038

I. APPLICATION SUMMARY:

A. Applicant: U. S. Home Corporation in ref to Heritage Creek (aka Stoneybrook North)

B. Request: Rezone from AG-2, CPD, & RVPD to RPD to permit the development of ~~1,525~~ ~~1,475~~ a maximum of 1,275 residential units including a mixture of single-family, duplex, townhouse, two-family attached and multi-family units all not to exceed 35 feet in height.

C. Location: The subject property is located on Pritchett Parkway (in the northeast quadrant of the intersection of I-75 and Bayshore Blvd.), in S15, 16 & 21-T43S-R25E, Lee County, FL. (District #4)

D. Land Use Plan Designation: Outlying Suburban, General Interchange and Wetlands

E. Surrounding Land Use:

Existing Zoning & Land Use	Future Land Use Map
North: AG-2 developed with single family uses.	Open Lands and Density Reduction/Groundwater Resource
East: AG-2 and RS-1 vacant land and developed single family residential uses	Outlying Suburban
South: Leetana Drive, Pritchett Parkway, I-75, AG-2, RV-3, RS-1 vacant land and developed single family residential uses	Outlying Suburban
West: AG-2, AG-3 developed with single family residential uses	Outlying Suburban

F. Size of Property: 741.22± acres

II. RECOMMENDATION:

Staff recommends **approval** of the Applicant's request for rezoning from AG-2, CPD, and RVPD to RPD, subject to the following conditions and deviations:

A. Conditions

1. The development of this project must be consistent with the one page Master Concept Plan entitled "Stoneybrook North," prepared by WilsonMiller, dated October ~~10~~ 01, 2001, last revised ~~July 11,~~ August 16, 2003 and stamped ~~received at the zoning counter on April 7, 2003~~ "Received AUG 25 2003 Community Development,", except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (LDC) at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

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

   a. Schedule of Uses

Administrative Offices
Agriculture - Subject to Condition 24
Accessory uses and structures
Club, Private (Limited to Tract K)
Food and beverage service, limited
Health Club and Spa
Parking lot, accessory
Rental or leasing establishment, Group I, limited to bicycles, tennis rackets and other small equipment for use by members of the private club
Specialty Retail Shop, Group I
Communication Tower (limited to one on the north side of Tract K and limited to a maximum of 35 feet in height)
Dwelling Unit , limited to a maximum of ~~1,475~~ 1,275 units - See Note 1 ~~(of which not more than 250 units may be multi-family - See Note 1),~~ consisting of:

Conventional Single Family Residence

(Ma

~~Townhouse~~
Two family attached (Limited to Tracts I-1, I-2 & J)
~~Multiple Family Building (limited to Tract R-2 J)~~
Entrance Gate and Gatehouse, in compliance with LDC Section 34-1749~~8~~
Essential Services
Essential Service Facilities, Group I
Excavation, water retention
Fences, walls
~~Golf Driving Range - Aqua Range (Limited to Tract K and in conjunction with Lake L1)~~
Home occupation
Model Home, Model Unit and Model Display Group
Real Estate Sales Office (Temporary sales office limited

to Tract K and limited to the sale of lots or units within the development only)
Recreation Facilities, Personal
Recreation Facilities, Private on-site
Parking lot, accessory
Residential Accessory Uses
Signs, including one existing billboard located on the southwest side of Lake L1, all in compliance with LDC Chapter 30 except as approved by deviation
Temporary uses (LDC Section 34-3041)

Note 1: Single-family and two-family attached ~~and townhouse dwelling units~~ may be constructed on all R-1 and R-1A residential tracts. Two-family attached dwelling units may be constructed only on Tracts I-1, I-2 and J.

b. Site Development Regulations

LAND USES	Minimum Lot			Minimum Setback (ft.)							Max. Bldg. Height (ft.)	Min. Bld. Separation (ft.)	Max Lot Coverage (%)
	Area (sq. ft.)	Min. Width (ft.)	Min. Depth (ft.)	Side Including Corner Lots (ft.) *	Rear (ft.)			Front (ft.)		Water Body (ft.)			
					Lots	Wetland	Acc.	Front Entry Garage	Bldg. or Side Entry Garage				

Single-family Detached	4,000	40	100	5	20	20	5	20	12	25	35 or 2 stories	10	45
Two-family Attached	3,500 per unit	35 per unit	100	0 or 10	20	20	5	20	12	25	35 or 2 stories	10	45
~~Townhouse~~	~~2,000~~	~~22~~	~~80~~	~~0 or 10~~	~~20~~	~~20~~	~~5~~	~~20~~	~~15~~	~~25~~	~~35 or 2 stories~~	~~20~~	~~n/a~~
~~Multi-family~~	~~10,000~~	~~100~~	~~100~~	~~10~~	~~20~~	~~20~~	~~5~~	~~20~~	~~20~~	~~25~~	~~35 or 2 stories~~	~~20~~	~~45~~
Clubhouse	20,000	80	100	10	20	20	5	n/a	20	25	35 or 2 Stories	20	45

Accessory Recreation Buildings	n/a	n/a	n/a	n/a	20	20	n/a	n/a	n/a	n/a	35 or 1 story	20	n/a

* Applies to lots of all widths and to corner lots. Each lot, including corner lots, will have only one front yard.

3. ~~Any and all existing easements must be reflected on the proposed Master Concept Plan and incorporated into the design of the proposed development unless the existing easements are vacated in accordance with adopted county procedures.~~ **[CONDITION #3 HAS BEEN DELETED AS IT IS NO LONGER NECESSARY.]**

4. ~~The Master Concept Plan must be revised to incorporate a recreational area within the northern portion of the project.~~ The Tract M recreational area must include at a minimum, one (1) ~~tennis court~~ multi-purpose field, a playground~~,~~ ~~swimming pool~~ and picnic area. Facilities for the safe passage of pedestrians cyclists from one side of Pritchett Parkway to the other as determined by the Director of Development Services at the time of local development order submittal must be provided

5. No residential lots ~~lines~~ may be located within 250 feet of the existing High Point sewage treatment plant property lines until the sewage treatment plant is no longer in operation. If the High Point sewage treatment plant is still in operation when the plat is approved for any lots located in Tracts F-2 and G~~,~~ ~~that are located within 250 feet of the existing 5-acre sewage treatment plant site,~~ ~~T~~the applicant must include ~~In addition,~~ a thirty-~~six~~ foot wide Type F buffer ~~including a six to eight foot high berm that must be placed along~~ around the perimeter of the High Point sewage treatment plant property lines~~,~~ excluding the easement ~~which~~ that provides access to the plant. ~~Plantings on the berm must include ten trees per one hundred linear feet, five of which must be located on top of the berm and five of which must be located on the berm slope facing the residential development. Additional plantings must include 48 inch high shrubs planted 48 inches on center on top of the berm, and 3 gallon shrubs planted 3 feet on center over 50% of the berm slope on the residential side.~~

6. Common area ~~O~~open space ~~areas~~ must be designed to incorporate as many of the native heritage trees and sabal palms as possible. Any healthy sabal palms with a minimum eight foot clear trunk must be salvaged if conditions (e.g., no rock) and sequence of construction allows. If sequence of construction does not allow the on-site relocation of sabal palms, effort must be made to identify an off-site recipient site. Sabal palms that are located in wet

areas typically do not respond well to transplanting and will not be subject to this condition. The salvage efforts must be coordinated with the Division of Environmental Sciences staff whether used on-site or otherwise. Any sabal palms being relocated must be moved in a horticulturally correct manner per Lee County Extension Services brochure Lee 8/2000A ~~(attached)~~ and attached as Exhibit [ ]. Prior to local development order approval, the preserved trees and any relocated palms must be delineated on the plans. Preserved trees and relocated sabal palms will receive protected tree credits per LDC Section 10-420(h).

7. A detailed protected species management plan for gopher tortoises, Big Cypress fox squirrels, and wading birds must be submitted with the initial development order for any portion of this project. The gopher tortoise management plan must include either a permanent fence or a continuous hedge of native shrubs where the gopher tortoise preserve abuts the road and park to protect the tortoises from the vehicular traffic and active recreation area.

   A pedestrian/bicycle trail, with a maximum 4-foot width, is permissible within the gopher tortoise preserve. The trail must be designed to avoid impacting existing gopher tortoise burrows and large native trees. Two access points to the trail may be incorporated into the fence, provided the openings are designed to minimize the potential for tortoises to disperse from the preserve. Details of the trail and fence must be included in the development order plans.

8. Prior to any local development order approval, an open space table must be included ~~which~~ that details the residential unit type with lot size per tract, required open space, provided open space, required indigenous preservation and provided indigenous preservation. The project must preserve at a minimum the approximately 100.1 acres of conservation area including the wetland creation area. If more than 500 acres of the project is developed with residential tracts (including roads and lakes) requiring open space, then the development order must delineate the additional required indigenous preservation for the Division of Environmental Sciences staff review and approval.

9. The use of cypress mulch is prohibited in preserve areas.

10. The maximum width of all boardwalks within the preserve areas ~~must~~ may not exceed the minimum width requirements set forth by the Americans with Disabilities Act.

11. All boardwalks within the preserve areas must be designed to avoid mature native trees and protected species burrows, nests, or dens. The final layout of the boardwalks must be field verified by Division of Environmental Sciences staff prior to construction. Minor adjustments to minimize impacts to native vegetation may be required.

12. The construction of gazebos or viewing platforms within conservation areas is limited to no more than 2 structures each having a footprint no larger than 200 square feet.

13. Prior to site work for any recreational use that requires the removal of vegetation within a conservation area, a development order showing impacts to the conservation area must be submitted for review and approval by Environmental Sciences and other applicable County Staff.

14. Prior to local development order approval, the development order plans must include a littoral planting areas in substantial compliance with the "Stoneybrook North Littoral Planting Exhibit" stamped received April 7, 2003, and attached as Exhibit [ ]. All lake littoral zones must be constructed as depicted in Cross-Section B-B. Littoral planting quantities must be consistent with the "Littoral Planting Plan Exhibit Stoneybrook North" and accompanying table stamped received May 29, 2003, and attached as Exhibit [ ]. The planting area along the northern ditch expansion must also provide native wetland plants installed 3-foot on-center.

15. The Communication Tower as denoted on the Master Concept Plan must be of a monopole design and limited to 35 feet in height. The tower and its associated maintenance buildings must be designed to minimize impacts to birds.

16. Lake littoral plantings within Tract K must be calculated at one littoral plant per linear foot of lake shoreline. One 10-foot tall tree or two 3-gallon shrubs may be substituted for 10 herbaceous plants. Trees and shrubs may used to count toward up to 50 % of the required lake littoral planting requirements. A minimum of two native wetland tree species and four native herbaceous plant species must be installed in the ~~Tract K lake~~ Lake L1 (contained within Tract K).

17. The placement of any required vegetation within a utility, power, or drainage easement must be clearly delineated on an Alternate Landscape Betterment Plan as per LDC Section 10-419 and submitted with the local development order. The placement of vegetation within any easement must be approved by Lee County Environmental Sciences staff AND any other affected Division (Utilities, Zoning, etc.). If the easement is to an entity other than Lee County, then written approval of the location of vegetation from any affected easement holder must be submitted to ES staff as part of the development order. Approval from all affected parties must be obtained prior to approval of the local development order.

18. Lake ~~B~~bulkheads are limited to roads and the clubhouse area. Bulkheads are not permitted along residential boundaries.

    Prior to local development order approval, the plans must show the location of the bulkheads to confirm that no more than 20% of each lake shoreline consists of bulkhead or rip-rap. Lakes where bulkheads are proposed must be designed to provide one linear foot of compensatory littoral zone with an 8:1

slope for each linear foot of bulkhead. For lakes ~~which~~ that utilize bulkheads, littoral plants must be calculated at two plants per linear foot of shoreline clustered within the 8:1 slope portion of the lake.

The development order must include a typical cross-section detail of bulkhead and rip-rap areas on the paving and grading AND landscape plan.

19. ~~No development order for this project will be issued if the development contemplated thereunder will precipitate a drop in the level of service on the links numbers 16 and 17 of Bayshore Road, below the adopted level of service.~~ Transportation Concurrency for this project will be measured pursuant to the Lee Plan and LDC standards in place at the time of the development order. This must include evaluating Bayshore Road from Nalle Road to I-75 for transportation concurrency. Prior to development order approval, the developer must demonstrate that the Level of Service (LOS) will not fall below the adopted level of service on the identified links. In determining that level of service, only road improvements with committed funding, as provided in FAC 9J-2.045, may be considered.

20. The developer ~~will~~ must provide intersection improvements to the intersection of Bayshore Road and Pritchett Parkway. At a minimum, the developer will construct a southbound right turn lane as a site-related improvement, and not eligible for road impact fee credits. In cooperation with the Florida Department of Transportation and the County, the developer may realign Pritchett Parkway to address future operational problems caused by project traffic.
21. **Staff and the Applicant each have submitted a condition on this issue.**

The Staff's original condition is as follows:

The developer ~~will~~ must construct an eight-foot wide bicycle path or two five-foot wide sidewalks along Pritchett Parkway from Bayshore Road to Rich Road. The bicycle/pedestrian facilities improvement will be considered a site-related improvement and not eligible for road impact fee credits.

The Applicant's proposed condition is as follows:

The developer must construct an eight-foot wide bicycle path or two five-foot wide sidewalks along Pritchett Parkway from Bayshore Road to Rich Road. The bicycle/pedestrian improvements will be considered a site-related improvement for the portion of the improvement constructed between the southernmost and northernmost entrances to the project site as shown on the approved Master Concept Plan. The portions of the bicycle/pedestrian improvements constructed 1) between Bayshore Road and the southernmost site entrance, and 2) between Rich Road and the northernmost site entrance, will be eligible for road impact fee credits.

22. Blasting is prohibited on this project site; however, if it is found during development that the excavations cannot be performed without blasting, the developer must obtain an amendment to this zoning resolution.

23. The excavation of material from the lake areas does not constitute construction materials mining as defined under Section 552.30, Florida Statutes.

24. AGRICULTURAL USES: Agriculture is not approved as a permanent use in the Schedule of Uses for this property. All agricultural uses must cease upon approval of the requested rezoning, EXCEPT as follows:

(a) Existing bona fide agricultural uses as shown on attached Exhibit [ ] may continue until approval of a local development order for the area of the project containing those uses.

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

(c) The property owner must terminate the agricultural tax exemption for any portion of the property that receives a local development order. The agricultural use must cease by December 31st of the calendar year in which the local development order is issued. The exemption termination must be filed with the Property Appraiser's Office by December 31st of the calendar year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.

~~25. Single-family, two-family attached and townhouse dwelling units may be constructed on all R-1 and R-2 residential tracts. Multi-family dwelling units may be constructed only on Tract J and limited to a maximum of 250 units.~~

[Condition #25 has been relocated to become a note at the end of the Schedule of Uses in Condition #2a.]

~~26. Recommendations from the Lee County Division of Natural Resources, including comments on HEC-2RAS flood modeling, is pending as of the date of this June 18,2003 hearing. Subsequent changes may be required to the Master Concept Plan as a result of the flood modeling along the areas of both Bayshore Creek and Popash Creek, including a reduction of residential dwelling units. If staff determines subsequent changes to the Master Concept Plan result in any impact outside of the project boundaries, then a public hearing will be required to effect those changes.~~

[THE ABOVE CONDITION #26 HAS BEEN DELETED AND IS BEING REPLACED BY A REVISED CONDITION FROM NATURAL RESOURCES.]

26. Development along Popash and Bayshore Creeks:

General Conditions:

a. Prior to issuance of the first Development Order (or any early

work, clearing, filling permits), the applicant must submit the following information for review and approval by the Lee County Natural Resources Division:

1. If the development parameters change from those modeled and approved during the rezoning, then developer must provide an HEC-RAS model pursuant to the same modeling parameters established during the rezoning process for the Popash and Bayshore Creeks demonstrating that the revised development will not induce any rise to the existing flood elevations, nor any increases in velocities, nor any transfer in overbank flows for the 10-, 25-, and 100-year storms.

2. Show the location and extent of the existing and proposed cross sections from the HEC-RAS model on the Development Order plans, as well as, defining the existing top of bank station/elevation, overbank elevations, roadway elevations, and bridge dimensions and elevations. Sufficient details or sections showing continuity and capacity of flows in the overbank must be clearly demonstrated.

3. All plans and documents related to the above must include the statement: "This is to certify that I am a duly qualified engineer licensed to practice in the State of Florida. It is to further certify that these design plans, drawings, and associated technical calculations and/or data demonstrate that no adverse affects to the existing flood elevations will occur as a result of this development."

4. The above information must be submitted to the South Florida Water Management District (SFWMD) for review, consideration, and inclusion in their permit files.

5. The developer or its assigns must dedicate a drainage/maintenance easement to Lee County for Popash and Bayshore Creeks for all that portion(s) of the channel and its overbanks included in the HEC-RAS modeling and that lie within its property limits. The easement may be apart of any conservation easement dedicated to Lee County and the South Florida Water Management District (SFWMD), but must be consistent with the maintenance activities anticipated and outlined in these conditions. The easement must also give the county the right, but not the obligation of maintenance and provide for maintenance access along the creeks. As a part of the easement, the developer agrees to a monthly maintenance schedule to include an initial and ongoing maintenance for these creeks that is to include removal of all exotics including, but not limited to, grape vines (above three feet in height above ground) and rosary pea, any deposited debris, fencing, fallen trees, or eroded vegetation. The basic ground cover within the easement area is to remain in

its current grassed condition. The relocation of onsite sabal palms from other parts of the property to the easement area is permissible, but must not be collocated closer than a ten (10) foot spacing. No saw palmetto or shrubbery of any type is to be planted within the easement area. Said easement must be reviewed and approved by the County Attorney and Natural Resources during the platting process. This same drainage/maintenance easement language must be contained within the Community Development District or Home Owners Association documents (eg: CDD, HOA, etc).

6. All modifications and exotic vegetation removal outlined herein for Popash and Bayshore Creeks must be completed before the issuance of the first Certification of Completion for the first Development Order.

7. The east-west ditch proposed along the northerly boundary of the development must not provide for an interconnection between Popash and Bayshore Creeks.

Popash Creek:

b. Prior to issuance of the first Development Order (or any early work, clearing, filling permits) containing the bridged crossing, the developer must provide complete construction plans for the bridge for review and approval by the Lee County Natural Resources Division and be in accordance with the following:

1. The bridge crossing of Popash Creek must be a pile-supported structure.

2. No more than 2 rows of pilings (or supports) are permitted in the overbank and none may be closer than 10 feet to the existing top of bank. Each row must be perpendicular to the direction of flood flows and each must have a maximum dimension of twenty-four inches (24").

3. The low chord of the bridge must be at or above the 100-year floodwater surface elevation and the abutments for the bridge may not be closer than fifty feet (50') to the existing top of bank. Additionally, the low chord must be at least two feet (2') above the highest overbank elevation within the fifty-foot offset areas (total of 100'+).

4. No berming, filling, planting, or other above ground construction/amenities are permitted within fifty feet (50') of the existing top of banks for Popash Creek, except as elsewhere permitted in these conditions by Lee County Natural Resources.

Bayshore Creek:

c. All modifications and exotic vegetation removal outlined below for Bayshore Creek must be completed before the issuance of the first Certification of Completion for the first Development Order.

1. Along Bayshore Creek for that portion upstream of Prichett Parkway and within the fifty (50) foot offset from the existing top of bank, the spoil is to be removed down to an elevation of 18.0 feet NGVD and then sloped in conjunction with the perimeter berm.

2. No berming, filling, planting, or other above ground construction/amenities are permitted within fifty feet (50') of the existing top of bank for Bayshore Creek, except as elsewhere permitted in these conditions by Lee County Natural Resources.

27. [The following condition was provided by the Department of Public Works. It has been modified from the condition as originally suggested in the 7-11-03 memo to the Hearing Examiner from Michael Pavese. The disclosure is only being requested for the lots adjacent to the WWTP site, rather than the whole project, and the "hold harmless" language has been removed. The applicant has not yet commented on this revised condition.]

In light of the potential for the existing High Point wastewater treatment plant (WWTP) to continue operation, the developer must disclose the existence, location and operation of the sewage treatment plant to any purchasers of property immediately adjacent to a line 250 feet from the perimeter boundary of the WWTP site (excluding that portion of the site containing the access road into the WWTP site).

Any and all agreements for the sale of property immediately adjacent to the 250-foot dimension must include this disclosure statement. The following disclosure statement must appear in bold face and conspicuous type that is larger than the type in the remaining text of the contract:

"Lot owners immediately adjacent to the line 250 feet from the perimeter boundary of the WWTP site within the Stoneybrook North (f/k/a Heritage Creek) Planned Development acknowledge the presence of the High Point Sewage Treatment Plant."

28. The maintenance of Popash and Bayshore Creeks within the property limits, which is required in Condition 26, will be assured by the provision of a surety for the annual cost of maintenance. Evidence of the surety must be provided to the County prior to certificate of completion of the first development order for the drainage infrastructure for the project.

29. In an effort to cooperate in achieving the reduction of the regional flooding problem, the applicant must provide a drainage easement to Lee County for the drainage ditch along the north boundary of the property. This easement is for

the purpose of allowing the existing ditch to accept the quantity of stormwater that is approved pursuant to a South Florida Water Management District permit addressing the regional flooding problem.

30. Except as otherwise noted on the MCP, perimeter buffers around the outside perimeter of the property will require 10 trees per 100 linear feet and a double staggered hedge. The hedge will be installed at 36" high and maintained at 60" high. 75% of the shrubs and 50% of the trees will be native species.

31. Lighting

a. This project must comply with the recently adopted "Outdoor Lighting Standards" adopted in LDC §34-625.

b. Outdoor ballfield lights for the baseball field located on Tract K are prohibited.

c. Outdoor recreational lighting for any multi-purpose courts or fields located on Tract K and Tract M must be on timers and must meet the requirements of LDC §34-625 and must be done in a fashion to minimize light pollution, glare and light trespass. Lighting impacts will be measured at the boundary of Tracts K and M, and not at the boundary of any adjacent lakes or preserve areas.

DEVIATIONS:

Deviation # 1 is withdrawn.

Deviation # 2 is withdrawn.

Deviation #3 seeks relief from LDC Section ~~10-418~~ 10-418(2)b which requires the installation of one native wetland herbaceous plant per linear foot of lake shoreline and where trees and shrubs can be substituted for up to twenty-five percent of the total number of herbaceous plants required; to allow the required plantings to include up to fifty percent trees in the Tract K lake (Lake L1) is approved subject to Condition #16.

Deviation #4 is withdrawn.

Deviation #5 is withdrawn.

Deviation # 6 is withdrawn.

Deviation #7 ~~is a request to deviate~~ seeks relief from LDC Section 10-329)e)(4) which requires excavations to be sloped at four horizontal to one vertical to a water depth of four feet below the dry season water table and two horizontal to one vertical thereafter, to allow 40% of the lake bank slopes within the development to utilize vertical bulkheads and/or rip rap is approved subject to Condition #18.

Deviation #8 is withdrawn. ~~from LDC Section 10-259 which prohibits the placement of buildings or structures within easements where the placing of buildings or structures within the easement is contrary to the terms of the easement or interferes with the use of the easement; to allow the placement of buildings or structures within easements limited to roof overhangs is denied.~~

Deviation # 9 is withdrawn. ~~seeks relief from LDC Section 34-2020(1)c which requires minimum parking for multiple family buildings based on the number of bedrooms within each unit; to allow 1.25 1.5 spaces for all bedroom types with an additional 10 percent for guest parking only for those multi-family units where garage parking is available is denied.~~

Deviation #10 is withdrawn.

Deviation #11 is withdrawn.

Deviation #12 seeks relief from LDC Section 34-1954(a)(1) which requires administrative approval of locations for model homes in new developments; to allow model homes by right in ~~any~~ the locations within the development ~~is denied~~ as shown on the MCP is approved.

Deviation #13: The Staff is recommending denial of the requested deviation. The Applicant has proposed additional conditions to supplement their original request and is seeking approval of the deviation.

The following is Staff's recommended denial of the deviation.

Deviation #13 seeks relief from LDC Section 34-1954(f) which requires parking for model homes or model units to be located on the same premises and in compliance with the type of dwelling unit being displayed; to permit the development of accessory parking for model homes as low turnover and therefore permit development of these lots with alternative surfaces is denied.

The following is the Applicant's requested deviation with additional conditions:

Deviation #13 seeks relief from LDC Section 34-1954(f) which requires parking for model homes or model units to be located on the same premises and in compliance with the type of dwelling unit being displayed; to permit the development of accessory parking for model homes as low turnover and therefore permit development of these lots with alternative surfaces is approved subject to the following conditions:

1. The entrance apron into each parking lot would be paved.

2. The handicapped parking space(s) in each lot would be paved.

3. The applicant will keep the portion of the street in front of each model free from gravel or shell that may have been tracked out the model home parking area(s) by departing vehicles.

Deviation #14 seeks relief from LDC Section 30-153(2)(a)(iv) which limits the text of additional subdivision or residential development identification signs to the subdivision or project name; to allow the additional signs for this project to include the notation "A US Home Community" in addition to the name of the development is approved. The proposed project sign must be in substantial compliance with the rendering submitted in conjunction with the justification for Deviations 14 and 15 which was stamped received at Community Development on April 7, 2003, and as attached as Exhibit [ ].

Deviation #15 seeks relief from LDC Section ~~30-152d2~~ 30-152(2)(d) which limits the size of project entrance signs and which limits the size and number of additional project signs to allow all of the permitted square footage for the number of permitted signs to be combined into the main project entrance sign and a deviation from LDC Section 30-94(h) which restricts double faced signs with opposing faces to an interior angle of less than 30 degrees; to allow the Heritage Creek project sign to have two sign faces of approximately 130 square feet in size and be located on a curvilinear wall is approved. The proposed project sign must be in substantial compliance with the rendering submitted in conjunction with the justification for Deviations 14 and 15 which was stamped received at Community Development on April 7, 2003, and attached as Exhibit [ ].

Deviation #16 is withdrawn. ~~from LDC Section 10-416(d)(6) which provides that if roads, drives, or parking areas are located less than 125 feet from an existing residential subdivision or residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet; to allow the two cul-de-sacs in Tract H and the short roadway segment in Tract E to be located and buffered as illustrated on the Master Concept Plan is denied.~~

Findings and Conclusions:

Based upon an analysis of the application for Residential Planned Development and the standards for approval of planned development rezonings, staff offers the following findings and conclusions:

1. The applicant has proven entitlement to the rezoning to RPD by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.

2. The requested RPD zoning, as conditioned:

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

   b) is compatible with existing or planned uses in the surrounding area; and

   c) will not adversely affect environmentally critical areas or natural resources.

3. Approval of the requested RPD zoning, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.

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

5. The proposed mix of uses, as conditioned, is appropriate at the subject location.

6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.

7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

8. The deviations, recommended for approval, as conditioned:

   a) enhance the objectives of the planned development; and

   b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

CONDITIONS & DEVIATIONS AS OF AUGUST 25, 2003 (082003/1045)

TYPE OF CASE: PLANNED DEVELOPMENT/DCI
CASE NUMBER: DCI 2001-00038

I. APPLICATION SUMMARY:

A. Applicant: U. S. Home Corporation in ref to Heritage Creek (aka Stoneybrook North)

B. Request: Rezone from AG-2, CPD, & RVPD to RPD to permit the development of a maximum of 1,275 residential units including a mixture of single-family and two-family attached dwelling unit types, all not to exceed 35 feet in height.

C. Location: The subject property is located on Pritchett Parkway (in the northeast quadrant of the intersection of I-75 and Bayshore Blvd.), in S15, 16 & 21-T43S-R25E, Lee County, FL. (District #4)

D. Land Use Plan Designation: Outlying Suburban, General Interchange and Wetlands

E. Surrounding Land Use:

Existing Zoning & Land Use	Future Land Use Map
North: AG-2 developed with single family uses.	Open Lands and Density Reduction/Groundwater Resource
East: AG-2 and RS-1 vacant land and developed single family residential uses	Outlying Suburban
South: Leetana Drive, Pritchett Parkway, I-75, AG-2, RV-3, RS-1 vacant land and developed single family residential uses	Outlying Suburban
West: AG-2, AG-3 developed with single family residential uses	Outlying Suburban

F. Size of Property: 741.22± acres

II. RECOMMENDATION:

Staff recommends approval of the Applicant's request for rezoning from AG-2, CPD, and RVPD to RPD, subject to the following conditions and deviations:

A. Conditions

1. The development of this project must be consistent with the one page Master Concept Plan entitled "Stoneybrook North," prepared by WilsonMiller, dated October 01, 2001, last revised August 16, 2003 and stamped "Received AUG 25 2003 Community Development,", except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (LDC) at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary. ***[The last revised date and submission date of this MCP will change with the submission of the newest MCP referenced in the HEX's continuance.]***

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

   a. Schedule of Uses

Administrative Offices
Agriculture - Subject to Condition 24
Accessory uses and structures
Club, Private (Limited to Tract K)
    Food and beverage service, limited
    Health Club and Spa
    Parking lot, accessory
    Rental or leasing establishment, Group I, limited to
        bicycles, tennis rackets and other small
        equipment for use by members of the private club
Specialty Retail Shop, Group I
Communication Tower (limited to one on the north
    side of Tract K and limited to a
    maximum of 35 feet in height)
Dwelling Unit , limited to a maximum of 1,275 units consisting of:
    Conventional Single Family Residence
        (May be constructed
        on all R-1 and R-1A residential tracts) *See Note 1.*
    Two family attached (Limited to Tracts I-1, I-2 & J)
        See Note 1.
Entrance Gate and Gatehouse, in compliance with LDC Section 34-1748
Essential Services
Essential Service Facilities, Group I
Excavation, water retention
Fences, walls
Home occupation
Model Home, Model Unit and Model Display Group
Real Estate Sales Office (Temporary sales office limited
    to Tract K and limited to the sale of lots
    or units within the development only)
Recreation Facilities, Personal
Recreation Facilities, Private on-site
    Parking lot, accessory
Residential Accessory Uses

Signs, including one existing billboard located on the southwest side of Lake L1, all in compliance with LDC Chapter 30 except as approved by deviation
Temporary uses (LDC Section 34-3041)

Note 1: Single-family and two-family attached dwelling units may be constructed on all R-1 and R-1A residential tracts. Two-family attached dwelling units may be constructed only on Tracts I-1, I-2 and J.

b. Site Development Regulations

LAND USES	Minimum Lot			Minimum Setback (ft.)							Max. Bldg. Height (ft.)	Min. Bld. Separation (ft.)	Max Lot Coverage (%)
					Rear (ft.)			Front (ft.)					
	Area (sq. ft.)	Min. Width (ft.)	Min. Depth (ft.)	Side Including Corner Lots (ft.) *	Lots	Wetland	Acc.	Front Entry Garage	Bldg. or Side Entry Garage	Water Body (ft.)			
Single-family Detached	4,000	40	100	5	20	20	5	20	12	25	35 or 2 stories	10	45
Two-family Attached	3,500 per unit	35 per unit	100	0 or 10	20	20	5	20	12	25	35 or 2 stories	10	45
Clubhouse	20,000	80	100	10	20	20	5	n/a	20	25	35 or 2 Stories	20	45
Accessory Recreation Buildings	n/a	n/a	n/a	n/a	20	20	n/a	n/a	n/a	n/a	35 or 1 story	20	n/a

* Applies to lots of all widths and to corner lots. Each lot, including corner lots, will have only one front yard.

3. ***CONDITION #3 HAS BEEN DELETED.***

4. The Tract M recreational area must include at a minimum, one multi-purpose field, a playground and picnic area. Facilities for the safe passage of pedestrians cyclists from one side of Pritchett Parkway to the other as determined by the Director of Development Services at the time of local development order submittal must be provided

5. No residential lots may be located within 250 feet of the existing High Point sewage treatment plant property lines until the sewage treatment plant is no longer in operation. If the High Point sewage treatment plant is still in operation when the plat is approved for any lots located in Tracts F-2 and G, the applicant must include a thirty-foot wide Type F buffer around the perimeter of the High Point sewage treatment plant property lines, excluding the easement that provides access to the plant.

6. Common area open space must be designed to incorporate as many of the native heritage trees and sabal palms as possible. Any healthy sabal palms with a minimum eight foot clear trunk must be salvaged if conditions (e.g., no rock) and sequence of construction allows. If sequence of construction does not allow the on-site relocation of sabal palms, effort must be made to identify an off-site recipient site. Sabal palms that are located in wet areas typically do not respond well to transplanting and will not be subject to this condition. The salvage efforts must be coordinated with the Division of Environmental Sciences staff whether used on-site or otherwise. Any sabal palms being relocated must be moved in a horticulturally correct manner per Lee County Extension Services brochure Lee 8/2000A and attached as Exhibit [ ]. Prior to local development order approval, the preserved trees and any relocated palms must be delineated on the plans. Preserved trees and relocated sabal palms will receive protected tree credits per §10-420(h).

7. A detailed protected species management plan for gopher tortoises, Big Cypress fox squirrels, and wading birds must be submitted with the initial development order for any portion of this project. The gopher tortoise management plan must include either a permanent fence or a continuous hedge of native shrubs where the gopher tortoise preserve abuts the road and park to protect the tortoises from the vehicular traffic and active recreation area.

   A pedestrian/bicycle trail, with a maximum 4-foot width, is permissible within the gopher tortoise preserve. The trail must be designed to avoid impacting existing gopher tortoise burrows and large native trees. Two access points to the trail may be incorporated into the fence, provided the openings are designed to minimize the potential for tortoises to disperse from the preserve. Details of the trail and fence must be included in the development order plans.

8. Prior to any local development order approval, an open space table must be included that details the residential unit type with lot size per tract, required open space, provided open space, required indigenous preservation and provided indigenous preservation. The project must preserve at a minimum the approximately 100.1 acres of conservation area including the wetland creation area. If more than 500 acres of the project is developed with residential tracts (including roads and lakes) requiring open space, then the development order must delineate the additional required indigenous preservation for the Division of Environmental Sciences staff review and approval.

9. The use of cypress mulch is prohibited in preserve areas.

10. The maximum width of all boardwalks within the preserve areas may not exceed the minimum width requirements set forth by the Americans with Disabilities Act.

11. All boardwalks within the preserve areas must be designed to avoid mature native trees and protected species burrows, nests, or dens. The final layout of the boardwalks must be field verified by Division of Environmental Sciences

staff prior to construction. Minor adjustments to minimize impacts to native vegetation may be required.

12. The construction of gazebos or viewing platforms within conservation areas is limited to no more than 2 structures each having a footprint no larger than 200 square feet.

13. Prior to site work for any recreational use that requires the removal of vegetation within a conservation area, a development order showing impacts to the conservation area must be submitted for review and approval by Environmental Sciences and other applicable County Staff.

14. Prior to local development order approval, the development order plans must include a littoral planting areas in substantial compliance with the "Stoneybrook North Littoral Planting Exhibit" stamped received April 7, 2003, and attached as Exhibit [ ]. All lake littoral zones must be constructed as depicted in Cross-Section B-B. Littoral planting quantities must be consistent with the "Littoral Planting Plan Exhibit Stoneybrook North" and accompanying table stamped received May 29, 2003, and attached as Exhibit [ ]. The planting area along the northern ditch expansion must also provide native wetland plants installed 3-foot on-center.

15. The Communication Tower as denoted on the Master Concept Plan must be of a monopole design and limited to 35 feet in height. The tower and its associated maintenance buildings must be designed to minimize impacts to birds.

16. Lake littoral plantings within Tract K must be calculated at one littoral plant per linear foot of lake shoreline. One 10-foot tall tree or two 3-gallon shrubs may be substituted for 10 herbaceous plants. Trees and shrubs may used to count toward up to 50 % of the required lake littoral planting requirements. A minimum of two native wetland tree species and four native herbaceous plant species must be installed in the Lake L1 (contained within Tract K).

17. The placement of any required vegetation within a utility, power, or drainage easement must be clearly delineated on an Alternate Landscape Betterment Plan as per §10-419 and submitted with the local development order. The placement of vegetation within any easement must be approved by Lee County Environmental Sciences staff AND any other affected Division (Utilities, Zoning, etc.). If the easement is to an entity other than Lee County, then written approval of the location of vegetation from any affected easement holder must be submitted to ES staff as part of the development order. Approval from all affected parties must be obtained prior to approval of the local development order.

18. Lake bulkheads are limited to roads and the clubhouse area. Bulkheads are not permitted along residential boundaries.

    Prior to local development order approval, the plans must show the location of the bulkheads to confirm that no more than 20% of each lake shoreline

consists of bulkhead or rip-rap. Lakes where bulkheads are proposed must be designed to provide one linear foot of compensatory littoral zone with an 8:1 slope for each linear foot of bulkhead. For lakes that utilize bulkheads, littoral plants must be calculated at two plants per linear foot of shoreline clustered within the 8:1 slope portion of the lake.
The development order must include a typical cross-section detail of bulkhead and rip-rap areas on the paving and grading AND landscape plan.

19. Transportation Concurrency for this project will be measured pursuant to the Lee Plan and LDC standards in place at the time of the development order. This must include evaluating Bayshore Road from Nalle Road to I-75 for transportation concurrency. Prior to development order approval, the developer must demonstrate that the Level of Service (LOS) will not fall below the adopted level of service on the identified links. In determining that level of service, only road improvements with committed funding, as provided in FAC 9J-2.045, may be considered.

20. The developer must provide intersection improvements to the intersection of Bayshore Road and Pritchett Parkway. At a minimum, the developer will construct a southbound right turn lane as a site-related improvement, and not eligible for road impact fee credits. In cooperation with the Florida Department of Transportation and the County, the developer may realign Pritchett Parkway to address future operational problems caused by project traffic.

21. ***Staff and the Applicant have each submitted a condition on this issue.***

The Staff's original condition is as follows:

The developer must construct an eight-foot wide bicycle path or two five-foot wide sidewalks along Pritchett Parkway from Bayshore Road to Rich Road. The bicycle/pedestrian facilities improvement will be considered a site-related improvement and not eligible for road impact fee credits.

The Applicant's proposed condition is as follows:

The developer must construct an eight-foot wide bicycle path or two five-foot wide sidewalks along Pritchett Parkway from Bayshore Road to Rich Road. The bicycle/pedestrian improvements will be considered a site-related improvement for the portion of the improvement constructed between the southernmost and northernmost entrances to the project site as shown on the approved Master Concept Plan. The portions of the bicycle/pedestrian improvements constructed 1) between Bayshore Road and the southernmost site entrance, and 2) between Rich Road and the northernmost site entrance, will be eligible for road impact fee credits.

22. Blasting is prohibited on this project site; however, if it is found during development that the excavations cannot be performed without blasting, the developer must obtain an amendment to this zoning resolution.

23. The excavation of material from the lake areas does not constitute construction materials mining as defined under Section 552.30, Florida Statutes.

24. AGRICULTURAL USES: Agriculture is not approved as a permanent use in the Schedule of Uses for this property. All agricultural uses must cease upon approval of the requested rezoning, EXCEPT as follows:

(a) Existing bona fide agricultural uses as shown on attached Exhibit [ ] may continue until approval of a local development order for the area of the project containing those uses.

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

(c) The property owner must terminate the agricultural tax exemption for any portion of the property that receives a local development order. The agricultural use must cease by December 31st of the calendar year in which the local development order is issued. The exemption termination must be filed with the Property Appraiser's Office by December 31st of the calendar year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.

25. ***[Condition #25 has been relocated to become a note at the end of the Schedule of Uses in Condition #2a.]***

26. Development along Popash and Bayshore Creeks:

General Conditions:

a. Prior to issuance of the first Development Order (or any early work, clearing, filling permits), the applicant must submit the following information for review and approval by the Lee County Natural Resources Division:

1. If the development parameters change from those modeled and approved during the rezoning, then developer must provide an HEC-RAS model pursuant to the same modeling parameters established during the rezoning process for the Popash and Bayshore Creeks demonstrating that the revised development will not induce any rise to the existing flood elevations, nor any increases in velocities, nor any transfer in overbank flows for the 10-, 25-, and 100-year storms.

2. Show the location and extent of the existing and proposed cross sections from the HEC-RAS model on the Development Order plans, as well as, defining the existing top of bank station/elevation, overbank elevations, roadway elevations, and

bridge dimensions and elevations. Sufficient details or sections showing continuity and capacity of flows in the overbank must be clearly demonstrated.

3. All plans and documents related to the above must include the statement: "This is to certify that I am a duly qualified engineer licensed to practice in the State of Florida. It is to further certify that these design plans, drawings, and associated technical calculations and/or data demonstrate that no adverse effects to the existing flood elevations will occur as a result of this development."

4. The above information must be submitted to the South Florida Water Management District (SFWMD) for review, consideration, and inclusion in their permit files.

5. The developer or its assigns must dedicate a drainage/maintenance easement to Lee County for Popash and Bayshore Creeks for all that portion(s) of the channel and its overbanks included in the HEC-RAS modeling and that lie within its property limits. The easement may be apart of any conservation easement dedicated to Lee County and the South Florida Water Management District (SFWMD), but must be consistent with the maintenance activities anticipated and outlined in these conditions. The easement must also give the county the right, but not the obligation of maintenance and provide for maintenance access along the creeks. As a part of the easement, the developer agrees to a monthly maintenance schedule to include an initial and ongoing maintenance for these creeks that is to include removal of all exotics including, but not limited to, grape vines (above three feet in height above ground) and rosary pea, any deposited debris, fencing, fallen trees, or eroded vegetation. The basic ground cover within the easement area is to remain in its current grassed condition. The relocation of onsite sabal palms from other parts of the property to the easement area is permissible, but must not be collocated closer than a ten (10) foot spacing. No saw palmetto or shrubbery of any type is to be planted within the easement area. Said easement must be reviewed and approved by the County Attorney and Natural Resources during the platting process. This same drainage/maintenance easement language must be contained within the Community Development District or Home Owners Association documents (eg: CDD, HOA, etc).

6. All modifications and exotic vegetation removal outlined herein for Popash and Bayshore Creeks must be completed before the issuance of the first Certification of Completion for the first Development Order.

7. The east-west ditch proposed along the northerly boundary

of the development must not provide for an interconnection between Popash and Bayshore Creeks.

Popash Creek:

b. Prior to issuance of the first Development Order (or any early work, clearing, filling permits) containing the bridged crossing, the developer must provide complete construction plans for the bridge for review and approval by the Lee County Natural Resources Division and be in accordance with the following:

1. The bridge crossing of Popash Creek must be a pile-supported structure.

2. No more than 2 rows of pilings (or supports) are permitted in the overbank and none may be closer than 10 feet to the existing top of bank. Each row must be perpendicular to the direction of flood flows and each must have a maximum dimension of twenty-four inches (24").

3. The low chord of the bridge must be at or above the 100-year floodwater surface elevation and the abutments for the bridge may not be closer than fifty feet (50') to the existing top of bank. Additionally, the low chord must be at least two feet (2') above the highest overbank elevation within the fifty-foot offset areas (total of 100'+).

4. No berming, filling, planting, or other above ground construction/amenities are permitted within fifty feet (50') of the existing top of banks for Popash Creek, except as elsewhere permitted in these conditions by Lee County Natural Resources.

Bayshore Creek:

c. All modifications and exotic vegetation removal outlined below for Bayshore Creek must be completed before the issuance of the first Certification of Completion for the first Development Order.

1. Along Bayshore Creek for that portion upstream of Prichett Parkway and within the fifty (50) foot offset from the existing top of bank, the spoil is to be removed down to an elevation of 18.0 feet NGVD and then sloped in conjunction with the perimeter berm.

2. No berming, filling, planting, or other above ground construction/amenities are permitted within fifty feet (50') of the existing top of bank for Bayshore Creek, except as elsewhere permitted in these conditions by Lee County Natural Resources.

27. In light of the potential for the existing High Point wastewater treatment plant (WWTP) to continue operation, the developer must disclose the existence, location and operation of the sewage treatment plant to

any purchasers of property immediately adjacent to a line 250 feet from the perimeter boundary of the WWTP site (excluding that portion of the site containing the access road into the WWTP site).

Any and all agreements for the sale of property immediately adjacent to the 250-foot dimension must include this disclosure statement. The following disclosure statement must appear in bold face and conspicuous type that is larger than the type in the remaining text of the contract:

"Lot owners immediately adjacent to the line 250 feet from the perimeter boundary of the WWTP site within the Stoneybrook North (f/k/a Heritage Creek) Planned Development acknowledge the presence of the High Point Sewage Treatment Plant."

28. The maintenance of Popash and Bayshore Creeks within the property limits, which is required in Condition 26, will be assured by the provision of a surety for the annual cost of maintenance. Evidence of the surety must be provided to the County prior to certificate of completion of the first development order for the drainage infrastructure for the project.

29. In an effort to cooperate in achieving the reduction of the regional flooding problem, the applicant must provide a drainage easement to Lee County for the drainage ditch along the north boundary of the property. This easement is for the purpose of allowing the existing ditch to accept the quantity of stormwater that is approved pursuant to a South Florida Water Management District permit addressing the regional flooding problem.

30. Except as otherwise noted on the MCP, perimeter buffers around the outside perimeter of the property will require 10 trees per 100 linear feet and a double staggered hedge. The hedge will be installed at 36" high and maintained at 60" high. 75% of the shrubs and 50% of the trees will be native species.

31. Lighting

a. This project must comply with the recently adopted "Outdoor Lighting Standards" adopted in LDC §34-625.

b. Outdoor ballfield lights for the baseball field located on Tract K are prohibited.

c. Outdoor recreational lighting for any multi-purpose courts or fields located on Tract K and Tract M must be on timers and must meet the requirements of LDC §34-625 and must be done in a fashion to minimize light pollution, glare and light trespass. Lighting impacts will be measured at the boundary of Tracts K and M, and not at the boundary of any adjacent lakes or preserve areas.

DEVIATIONS:

Deviation # 1 is withdrawn.

Deviation # 2 is withdrawn.

Deviation #3 seeks relief from §10-418(2)b which requires the installation of one native wetland herbaceous plant per linear foot of lake shoreline and where trees and shrubs can be substituted for up to twenty-five percent of the total number of herbaceous plants required; to allow the required plantings to include up to fifty percent trees in the Tract K lake (Lake L1) is approved subject to Condition #16.

Deviation #4 is withdrawn.

Deviation #5 is withdrawn.

Deviation # 6 is withdrawn.

Deviation #7 seeks relief from §10-329)e)(4) which requires excavations to be sloped at four horizontal to one vertical to a water depth of four feet below the dry season water table and two horizontal to one vertical thereafter, to allow 40% of the lake bank slopes within the development to utilize vertical bulkheads and/or rip rap is approved subject to Condition #18.

Deviation #8 is withdrawn.

Deviation # 9 is withdrawn.

Deviation #10 is withdrawn.

Deviation #11 is withdrawn.

Deviation #12 seeks relief from §34-1954(a)(1) which requires administrative approval of locations for model homes in new developments; to allow model homes by right in the locations within the development as shown on the MCP is approved.

Deviation #13: ***The Staff is recommending denial of the requested deviation. The Applicant has proposed additional conditions to supplement their original request and is seeking approval of the deviation.***

The following is Staff's recommended denial of the deviation.

Deviation #13 seeks relief from §34-1954(f) which requires parking for model homes or model units to be located on the same premises and in compliance with the type of dwelling unit being displayed; to permit the development of accessory parking for model homes as low turnover and therefore permit development of these lots with alternative surfaces is denied.

The following is the Applicant's requested deviation with additional conditions:

Deviation #13 seeks relief from §34-1954(f) which requires parking for model homes or model units to be located on the same premises and in compliance with the type of dwelling unit being displayed; to permit the development of accessory parking for model homes as low turnover and therefore permit development of these lots with alternative surfaces is approved subject to the following conditions:

1. The entrance apron into each parking lot would be paved.

2. The handicapped parking space(s) in each lot would be paved.

3. The applicant will keep the portion of the street in front of each model free from gravel or shell that may have been tracked out the model home parking area(s) by departing vehicles.

Deviation #14 seeks relief from §30-153(2)(a)(iv) which limits the text of additional subdivision or residential development identification signs to the subdivision or project name; to allow the additional signs for this project to include the notation "A US Home Community" in addition to the name of the development is approved. The proposed project sign must be in substantial compliance with the rendering submitted in conjunction with the justification for Deviations 14 and 15 which was stamped received at Community Development on April 7, 2003, and as attached as Exhibit [ ].

Deviation #15 seeks relief from §30-152(2)(d) which limits the size of project entrance signs and which limits the size and number of additional project signs to allow all of the permitted square footage for the number of permitted signs to be combined into the main project entrance sign and a deviation from §30-94(h) which restricts double faced signs with opposing faces to an interior angle of less than 30 degrees; to allow the Heritage Creek project sign to have two sign faces of approximately 130 square feet in size and be located on a curvilinear wall is approved. The proposed project sign must be in substantial compliance with the rendering submitted in conjunction with the justification for Deviations 14 and 15 which was stamped received at Community Development on April 7, 2003, and attached as Exhibit [ ].

Deviation #16 is withdrawn.

Findings and Conclusions:

Based upon an analysis of the application for Residential Planned Development and the standards for approval of planned development rezonings, staff offers the following findings and conclusions:

1. The applicant has proven entitlement to the rezoning to RPD by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.

2. The requested RPD zoning, as conditioned:

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

b) is compatible with existing or planned uses in the surrounding area; and

c) will not adversely affect environmentally critical areas or natural resources.

3. Approval of the requested RPD zoning, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.

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

5. The proposed mix of uses, as conditioned, is appropriate at the subject location.

6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.

7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

8. The deviations, recommended for approval, as conditioned:

a) enhance the objectives of the planned development; and

b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

CONDITIONS & DEVIATIONS AS OF AUGUST 25, 2003 (082003/1045)

TYPE OF CASE: PLANNED DEVELOPMENT/DCI
CASE NUMBER: DCI 2001-00038

I. APPLICATION SUMMARY:

A. Applicant: U. S. Home Corporation in ref to Heritage Creek (aka Stoneybrook North)

B. Request: Rezone from AG-2, CPD, & RVPD to RPD to permit the development of a maximum of 1,275 residential units including a mixture of single-family and two-family attached dwelling unit types, all not to exceed 35 feet in height.

C. Location: The subject property is located on Pritchett Parkway (in the northeast quadrant of the intersection of I-75 and Bayshore Blvd.), in S15, 16 & 21-T43S-R25E, Lee County, FL. (District #4)

D. Land Use Plan Designation: Outlying Suburban, General Interchange and Wetlands

E. Surrounding Land Use:

Existing Zoning & Land Use	Future Land Use Map
North: AG-2 developed with single family uses.	Open Lands and Density Reduction/Groundwater Resource
East: AG-2 and RS-1 vacant land and developed single family residential uses	Outlying Suburban
South: Leetana Drive, Pritchett Parkway, I-75, AG-2, RV-3, RS-1 vacant land and developed single family residential uses	Outlying Suburban
West: AG-2, AG-3 developed with single family residential uses	Outlying Suburban

F. Size of Property: 741.22± acres

II. RECOMMENDATION:

Staff recommends approval of the Applicant's request for rezoning from AG-2, CPD, and RVPD to RPD, subject to the following conditions and deviations:

A. Conditions

1. The development of this project must be consistent with the one page Master Concept Plan entitled "Stoneybrook North," prepared by WilsonMiller, dated October 01, 2001, last revised August 16, 2003 and stamped "Received AUG 25 2003 Community Development,", except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (LDC) at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary. ***[The last revised date and submission date of this MCP will change with the submission of the newest MCP referenced in the HEX's continuance.]***

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

   a. Schedule of Uses

Administrative Offices
Agriculture - Subject to Condition 24
Accessory uses and structures
Club, Private (Limited to Tract K)
    Food and beverage service, limited
    Health Club and Spa
    Parking lot, accessory
    Rental or leasing establishment, Group I, limited to
        bicycles, tennis rackets and other small
        equipment for use by members of the private club
Specialty Retail Shop, Group I
Communication Tower (limited to one on the north
    side of Tract K and limited to a
    maximum of 35 feet in height)
Dwelling Unit , limited to a maximum of 1,275 units consisting of:
    Conventional Single Family Residence
        (May be constructed on all R-1 and R-1A residential tracts)
        See Note 1.
    Two family attached (Limited to Tracts I-1, I-2 & J)
        See Note 1.
Entrance Gate and Gatehouse, in compliance with LDC Section 34-1748
Essential Services
Essential Service Facilities, Group I
Excavation, water retention
Fences, walls
Home occupation
Model Home, Model Unit and Model Display Group
Real Estate Sales Office (Temporary sales office limited

to Tract K and limited to the sale of lots or units within the development only)
Recreation Facilities, Personal
Recreation Facilities, Private on-site
Parking lot, accessory
Residential Accessory Uses
Signs, including one existing billboard located on the southwest side of Lake L1, all in compliance with LDC Chapter 30 except as approved by deviation
Temporary uses (LDC Section 34-3041)

Note 1: Single-family and two-family attached dwelling units may be constructed on all R-1 and R-1A residential tracts. Two-family attached dwelling units may be constructed only on Tracts I-1, I-2 and J.

b. Site Development Regulations

	Minimum Lot			Minimum Setback (ft.)									
					Rear (ft.)			Front (ft.)					
LAND USES	Area (sq. ft.)	Min. Width (ft.)	Min. Depth (ft.)	Side Including Corner Lots (ft.) *	Lots	Wetland	Acc.	Front Entry Garage	Bldg. or Side Entry Garage	Water Body (ft.)	Max. Bldg. Height (ft.)	Min. Bld. Separation (ft.)	Max Lot Coverage (%)
Single-family Detached	4,000	40	100	5	20	20	5	20	12	25	35 or 2 stories	10	45
Two-family Attached	3,500 per unit	35 per unit	100	0 or 10	20	20	5	20	12	25	35 or 2 stories	10	45
Clubhouse	20,000	80	100	10	20	20	5	n/a	20	25	35 or 2 Stories	20	45
Accessory Recreation Buildings	n/a	n/a	n/a	n/a	20	20	n/a	n/a	n/a	n/a	35 or 1 story	20	n/a

* Applies to lots of all widths and to corner lots. Each lot, including corner lots, will have only one front yard.

3. ***CONDITION #3 HAS BEEN DELETED.***

4. The Tract M recreational area must include at a minimum, one multi-purpose field, a playground and picnic area. Facilities for the safe passage of pedestrians cyclists from one side of Pritchett Parkway to the other as determined by the Director of Development Services at the time of local development order submittal must be provided

5. No residential lots may be located within 250 feet of the existing High Point sewage treatment plant property lines until the sewage treatment plant is no longer in operation. If the High Point sewage treatment plant is still in operation when the plat is approved for any lots located in Tracts F-2 and G, the applicant must include a thirty-foot wide Type F buffer around the perimeter of the High Point sewage treatment plant property lines, excluding the easement that provides access to the plant.

6. Common area open space must be designed to incorporate as many of the native heritage trees and sabal palms as possible. Any healthy sabal palms with a minimum eight foot clear trunk must be salvaged if conditions (e.g., no rock) and sequence of construction allows. If sequence of construction does not allow the on-site relocation of sabal palms, effort must be made to identify an off-site recipient site. Sabal palms that are located in wet areas typically do not respond well to transplanting and will not be subject to this condition. The salvage efforts must be coordinated with the Division of Environmental Sciences staff whether used on-site or otherwise. Any sabal palms being relocated must be moved in a horticulturally correct manner per Lee County Extension Services brochure Lee 8/2000A and attached as Exhibit [ ]. Prior to local development order approval, the preserved trees and any relocated palms must be delineated on the plans. Preserved trees and relocated sabal palms will receive protected tree credits per §10-420(h).

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   A pedestrian/bicycle trail, with a maximum 4-foot width, is permissible within the gopher tortoise preserve. The trail must be designed to avoid impacting existing gopher tortoise burrows and large native trees. Two access points to the trail may be incorporated into the fence, provided the openings are designed to minimize the potential for tortoises to disperse from the preserve. Details of the trail and fence must be included in the development order plans.

8. Prior to any local development order approval, an open space table must be included that details the residential unit type with lot size per tract, required open space, provided open space, required indigenous preservation and provided indigenous preservation. The project must preserve at a minimum the approximately 100.1 acres of conservation area including the wetland creation area. If more than 500 acres of the project is developed with residential tracts (including roads and lakes) requiring open space, then the development order must delineate the additional required indigenous preservation for the Division of Environmental Sciences staff review and approval.

9. The use of cypress mulch is prohibited in preserve areas.

10. The maximum width of all boardwalks within the preserve areas may not exceed the minimum width requirements set forth by the Americans with Disabilities Act.

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17. The placement of any required vegetation within a utility, power, or drainage easement must be clearly delineated on an Alternate Landscape Betterment Plan as per §10-419 and submitted with the local development order. The placement of vegetation within any easement must be approved by Lee County Environmental Sciences staff AND any other affected Division (Utilities, Zoning, etc.). If the easement is to an entity other than Lee County, then written approval of the location of vegetation from any affected easement holder must be submitted to ES staff as part of the development order. Approval from all affected parties must be obtained prior to approval of the local development order.

18. Lake bulkheads are limited to roads and the clubhouse area. Bulkheads are not permitted along residential boundaries.

    Prior to local development order approval, the plans must show the location of the bulkheads to confirm that no more than 20% of each lake shoreline consists of bulkhead or rip-rap. Lakes where bulkheads are proposed must be designed to provide one linear foot of compensatory littoral zone with an 8:1 slope for each linear foot of bulkhead. For lakes that utilize bulkheads, littoral plants must be calculated at two plants per linear foot of shoreline clustered within the 8:1 slope portion of the lake.

    The development order must include a typical cross-section detail of bulkhead and rip-rap areas on the paving and grading AND landscape plan.

19. Transportation Concurrency for this project will be measured pursuant to the Lee Plan and LDC standards in place at the time of the development order. This must include evaluating Bayshore Road from Nalle Road to I-75 for transportation concurrency. Prior to development order approval, the developer must demonstrate that the Level of Service (LOS) will not fall below the adopted level of service on the identified links. In determining that level of service, only road improvements with committed funding, as provided in FAC 9J-2.045, may be considered.

20. The developer must provide intersection improvements to the intersection of Bayshore Road and Pritchett Parkway. At a minimum, the developer will construct a southbound right turn lane as a site-related improvement, and not eligible for road impact fee credits. In cooperation with the Florida Department of Transportation and the County, the developer may realign Pritchett Parkway to address future operational problems caused by project traffic.

21. ***Staff and the Applicant have each submitted a condition on this issue.***

The Staff's original condition is as follows:

The developer must construct an eight-foot wide bicycle path or two five-foot wide sidewalks along Pritchett Parkway from Bayshore Road to Rich Road. The bicycle/pedestrian facilities improvement will be considered a site-related improvement and not eligible for road impact fee credits.

The Applicant's proposed condition is as follows:

The developer must construct an eight-foot wide bicycle path or two five-foot wide sidewalks along Pritchett Parkway from Bayshore Road to Rich Road. The bicycle/pedestrian improvements will be considered a site-related improvement for the portion of the improvement constructed between the southernmost and northernmost entrances to the project site as shown on the approved Master Concept Plan. The portions of the bicycle/pedestrian improvements constructed 1) between Bayshore Road and the southernmost site entrance, and 2) between Rich Road and the northernmost site entrance, will be eligible for road impact fee credits.

22. Blasting is prohibited on this project site; however, if it is found during development that the excavations cannot be performed without blasting, the developer must obtain an amendment to this zoning resolution.

23. The excavation of material from the lake areas does not constitute construction materials mining as defined under Section 552.30, Florida Statutes.

24. AGRICULTURAL USES: Agriculture is not approved as a permanent use in the Schedule of Uses for this property. All agricultural uses must cease upon approval of the requested rezoning, EXCEPT as follows:

    (a) Existing bona fide agricultural uses as shown on attached Exhibit [ ] may continue until approval of a local development order for the area of the project containing those uses.

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

(c) The property owner must terminate the agricultural tax exemption for any portion of the property that receives a local development order. The agricultural use must cease by December 31st of the calendar year in which the local development order is issued. The exemption termination must be filed with the Property Appraiser's Office by December 31st of the calendar year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.

25. ***[Condition #25 has been relocated to become a note at the end of the Schedule of Uses in Condition #2a.]***

26. Development along Popash and Bayshore Creeks:

General Conditions:

a. Prior to issuance of the first Development Order (or any early work, clearing, filling permits), the applicant must submit the following information for review and approval by the Lee County Natural Resources Division:

1. If the development parameters change from those modeled and approved during the rezoning, then developer must provide an HEC-RAS model pursuant to the same modeling parameters established during the rezoning process for the Popash and Bayshore Creeks demonstrating that the revised development will not induce any rise to the existing flood elevations, nor any increases in velocities, nor any transfer in overbank flows for the 10-, 25-, and 100-year storms.

2. Show the location and extent of the existing and proposed cross sections from the HEC-RAS model on the Development Order plans, as well as, defining the existing top of bank station/elevation, overbank elevations, roadway elevations, and bridge dimensions and elevations. Sufficient details or sections showing continuity and capacity of flows in the overbank must be clearly demonstrated.

3. **All plans and documents related to the above must include the statement: "This is to certify that I am a duly qualified engineer licensed to practice in the State of Florida. It is to further certify that these design plans, drawings, and associated technical calculations and/or data demonstrate that no adverse effects to the existing flood elevations will occur as a result of this development."**

4. The above information must be submitted to the South Florida Water Management District (SFWMD) for review, consideration, and inclusion in their permit files.

5. The developer or its assigns must dedicate a drainage/maintenance easement to Lee County for Popash and Bayshore Creeks for all that portion(s) of the channel and its overbanks included in the HEC-RAS modeling and that lie within its property limits. The easement may be apart of any conservation easement dedicated to Lee County and the South Florida Water Management District (SFWMD), but must be consistent with the maintenance activities anticipated and outlined in these conditions. The easement must also give the county the right, but not the obligation of maintenance and provide for maintenance access along the creeks. As a part of the easement, the developer agrees to a monthly maintenance schedule to include an initial and ongoing maintenance for these creeks that is to include removal of all exotics including, but not limited to, grape vines (above three feet in height above ground) and rosary pea, any deposited debris, fencing, fallen trees, or eroded vegetation. The basic ground cover within the easement area is to remain in its current grassed condition. The relocation of onsite sabal palms from other parts of the property to the easement area is permissible, but must not be collocated closer than a ten (10) foot spacing. No saw palmetto or shrubbery of any type is to be planted within the easement area. Said easement must be reviewed and approved by the County Attorney and Natural Resources during the platting process. This same drainage/maintenance easement language must be contained within the Community Development District or Home Owners Association documents (eg: CDD, HOA, etc).

6. All modifications and exotic vegetation removal outlined herein for Popash and Bayshore Creeks must be completed before the issuance of the first Certification of Completion for the first Development Order.

7. The east-west ditch proposed along the northerly boundary of the development must not provide for an interconnection between Popash and Bayshore Creeks.

Popash Creek:

b. Prior to issuance of the first Development Order (or any early work, clearing, filling permits) containing the bridged crossing, the developer must provide complete construction plans for the bridge for review and approval by the Lee County Natural Resources Division and be in accordance with the following:

1. The bridge crossing of Popash Creek must be a pile-supported structure.

2. No more than 2 rows of pilings (or supports) are permitted in the overbank and none may be closer than 10 feet to the existing top of bank. Each row must be perpendicular to the direction of flood flows and each must have a maximum dimension of twenty-four inches (24").

3. The low chord of the bridge must be at or above the 100-year floodwater surface elevation and the abutments for the bridge may not be closer than fifty feet (50') to the existing top of bank. Additionally, the low chord must be at least two feet (2') above the highest overbank elevation within the fifty-foot offset areas (total of 100'+).

4. No berming, filling, planting, or other above ground construction/amenities are permitted within fifty feet (50') of the existing top of banks for Popash Creek, except as elsewhere permitted in these conditions by Lee County Natural Resources.

Bayshore Creek:

c. All modifications and exotic vegetation removal outlined below for Bayshore Creek must be completed before the issuance of the first Certification of Completion for the first Development Order.

1. Along Bayshore Creek for that portion upstream of Prichett Parkway and within the fifty (50) foot offset from the existing top of bank, the spoil is to be removed down to an elevation of 18.0 feet NGVD and then sloped in conjunction with the perimeter berm.

2. No berming, filling, planting, or other above ground construction/amenities are permitted within fifty feet (50') of the existing top of bank for Bayshore Creek, except as elsewhere permitted in these conditions by Lee County Natural Resources.

27. In light of the potential for the existing High Point wastewater treatment plant (WWTP) to continue operation, the developer must disclose the existence, location and operation of the sewage treatment plant to any purchasers of property immediately adjacent to a line 250 feet from the perimeter boundary of the WWTP site (excluding that portion of the site containing the access road into the WWTP site).

Any and all agreements for the sale of property immediately adjacent to the 250-foot dimension must include this disclosure statement. The following disclosure statement must appear in bold face and conspicuous type that is larger than the type in the remaining text of the contract:

"Lot owners immediately adjacent to the line 250 feet from the perimeter boundary of the WWTP site within the Stoneybrook North (f/k/a Heritage Creek) Planned Development acknowledge the presence of the High Point Sewage Treatment Plant."

28. The maintenance of Popash and Bayshore Creeks within the property limits, which is required in Condition 26, will be assured by the provision of a surety for the annual cost of maintenance. Evidence of the surety must be provided to the County prior to certificate of completion of the first development order for the drainage infrastructure for the project.

29. In an effort to cooperate in achieving the reduction of the regional flooding problem, the applicant must provide a drainage easement to Lee County for the drainage ditch along the north boundary of the property. This easement is for the purpose of allowing the existing ditch to accept the quantity of stormwater that is approved pursuant to a South Florida Water Management District permit addressing the regional flooding problem.

30. Except as otherwise noted on the MCP, perimeter buffers around the outside perimeter of the property will require 10 trees per 100 linear feet and a double staggered hedge. The hedge will be installed at 36" high and maintained at 60" high. 75% of the shrubs and 50% of the trees will be native species.

31. Lighting

    a. This project must comply with the recently adopted "Outdoor Lighting Standards" adopted in LDC §34-625.

    b. Outdoor ballfield lights for the baseball field located on Tract K are prohibited.

    c. Outdoor recreational lighting for any multi-purpose courts or fields located on Tract K and Tract M must be on timers and must meet the requirements of LDC §34-625 and must be done in a fashion to minimize light pollution, glare and light trespass. Lighting impacts will be measured at the boundary of Tracts K and M, and not at the boundary of any adjacent lakes or preserve areas.

DEVIATIONS:

Deviation # 1 is withdrawn.

Deviation # 2 is withdrawn.

Deviation #3 seeks relief from §10-418(2)b which requires the installation of one native wetland herbaceous plant per linear foot of lake shoreline and where trees and shrubs can be substituted for up to twenty-five percent of the total number of herbaceous plants required; to allow the required plantings to include up to fifty percent trees in the Tract K lake (Lake L1) is approved subject to Condition #16.

Deviation #4 is withdrawn.

Deviation #5 is withdrawn.

Deviation # 6 is withdrawn.

Deviation #7 seeks relief from §10-329)e)(4) which requires excavations to be sloped at four horizontal to one vertical to a water depth of four feet below the dry season water table and two horizontal to one vertical thereafter, to allow 40% of the lake bank slopes within the development to utilize vertical bulkheads and/or rip rap is approved subject to Condition #18.

Deviation #8 is withdrawn.

Deviation # 9 is withdrawn.

Deviation #10 is withdrawn.

Deviation #11 is withdrawn.

Deviation #12 seeks relief from §34-1954(a)(1) which requires administrative approval of locations for model homes in new developments; to allow model homes by right in the locations within the development as shown on the MCP is approved.

Deviation #13: ***The Staff is recommending denial of the requested deviation. The Applicant has proposed additional conditions to supplement their original request and is seeking approval of the deviation.***

The following is Staff's recommended denial of the deviation.

Deviation #13 seeks relief from §34-1954(f) which requires parking for model homes or model units to be located on the same premises and in compliance with the type of dwelling unit being displayed; to permit the development of accessory parking for model homes as low turnover and therefore permit development of these lots with alternative surfaces is denied.

The following is the Applicant's requested deviation with additional conditions:

Deviation #13 seeks relief from §34-1954(f) which requires parking for model homes or model units to be located on the same premises and in compliance with the type of dwelling unit being displayed; to permit the development of accessory parking for model homes as low turnover and therefore permit development of these lots with alternative surfaces is approved subject to the following conditions:

1. The entrance apron into each parking lot would be paved.

2. The handicapped parking space(s) in each lot would be paved.

3. The applicant will keep the portion of the street in front of each model free from gravel or shell that may have been tracked out the model home parking area(s) by departing vehicles.

Deviation #14 seeks relief from §30-153(2)(a)(iv) which limits the text of additional subdivision or residential development identification signs to the subdivision or project name; to allow the additional signs for this project to include the notation "A US Home Community" in addition to the name of the development is approved. The proposed project sign must be in substantial compliance with the rendering submitted in conjunction with the justification for Deviations 14 and 15 which was stamped received at Community Development on April 7, 2003, and as attached as Exhibit [ ].

Deviation #15 seeks relief from §30-152(2)(d) which limits the size of project entrance signs and which limits the size and number of additional project signs to allow all of the permitted square footage for the number of permitted signs to be combined into the main project entrance sign and a deviation from §30-94(h) which restricts double faced signs with opposing faces to an interior angle of less than 30 degrees; to allow the Heritage Creek project sign to have two sign faces of approximately 130 square feet in size and be located on a curvilinear wall is approved. The proposed project sign must be in substantial compliance with the rendering submitted in conjunction with the justification for Deviations 14 and 15 which was stamped received at Community Development on April 7, 2003, and attached as Exhibit [ ].

Deviation #16 is withdrawn.

Findings and Conclusions:

Based upon an analysis of the application for Residential Planned Development and the standards for approval of planned development rezonings, staff offers the following findings and conclusions:

1. The applicant has proven entitlement to the rezoning to RPD by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.

2. The requested RPD zoning, as conditioned:

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

   b) is compatible with existing or planned uses in the surrounding area; and

   c) will not adversely affect environmentally critical areas or natural resources.

3. Approval of the requested RPD zoning, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.

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

5. The proposed mix of uses, as conditioned, is appropriate at the subject location.

6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.

7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

8. The deviations, recommended for approval, as conditioned:

   a) enhance the objectives of the planned development; and

   b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

From: John Fredyma
To: Hunter-Galvan, Suzanne
Date: 8/27/03 9:26AM
Subject: DCI2001-00038 Heritage Creek (Stoneybrook North)

Suzanne,

Would you please share with Sal Territo my agreement with Steve Hartsell's letter of 8-25-03. The clean WordPerfect Copy of the revised conditions and deviations appears to be the most accurate of the three documents provided.

Unfortunately, I had some computer problems in trying to produce the strike-through and underlined version for the Hearing Examiner (my produced copy was sent to Chip Block, who in turn actually submitted it to the Hearing Examiner).

Consequently, I would agree with Steve and I would use the clean WordPerfect version of the conditions and deviations from Staff and the Applicant.

Thanks.

John

CC: Block, Alvin Chip; Hartsell, Steve

03 AUG 27 AM 11:44
LEE COUNTY
HEARING EXAMINER

STAFF'S
EXHIBIT # 5
DCI2001-00038

IAN M. VINCENT
ECOLOGIST

Current Responsibilities:

Performs wetlands jurisdictional determinations and protected species assessments associated with land development permitting. Responsible for design and preparation of mitigation plans, monitoring plans, wildlife management plans, planting plans, exotic removal plans and vegetation removal plans. Assembly and tracking of wetland permit applications for local, state and federal agencies. Field data collection including mitigation monitoring, water quality monitoring, submerged resource surveys, well and staff gauge readings, seasonal high water determinations and compliance monitoring. Report preparation including development suitability reports, protected species assessments, wildlife management plans, mitigation plans and various analyses relating to the permitting process.

Experience:

Experience resolving environmental concerns arising from development through the permitting process in Florida's upland and wetland environments since 1997. Prior experience as project manager with environmental consulting firms in Southwest Florida. Supervised various water quality and biological monitoring programs in marine and estuarine waters. Experienced with habitat and land use mapping. Area of expertise is resolution of issues relative to wetland and wildlife permitting. Possesses knowledge and experience with wetland permitting and wildlife issues including management plans and/or appropriate permits relating to Bald Eagle, Gopher Tortoise, Eastern Indigo Snake, Florida Scrub Jay, Red-Cockaded Woodpecker and protected plants.

Education:

B.S. - Natural Resource Conservation and Management
University of Kentucky, 1995

Affiliations:

Florida Association of Environmental Professionals, International Snook Federation, Coastal Conservation Association

APPLICANT'S EXHIBIT
#5
DC12001-00038

Samuel W. Marshall, P.E.

10511 – 101 Six Mile Cypress Parkway
Fort Myers, Florida 33912
(239) 939-5490
Email:Smarshall@bankseng.com

PROFESSIONAL REGISTRATION & EDUCATION:

Professional Engineer, Florida Certificate No. 48881
Bachelor of Science in Civil Engineering, The University of Florida, August 1990

EXPERIENCE:

Project Manager, Banks Engineering, Inc. (1995- Present)

- Heritage Palms, 540 acre RPD/CPD in Lee County (then annexed into the City of Fort Myers) including design, permitting and construction services for the roadways, drainage, stormwater management system, potable water and irrigation distribution systems and the wastewater collection system.
- The Campus, 240 acre Industrial Subdivision in Charlotte County including design and permitting for the roadway, drainage and stormwater management system within the project, as well as for the four-laning and realignment of Piper Road.
- Miromar Factory Outlets, 75 acre 500,000 square foot Outlet Mall including coordination with mechanical engineering and architectural professionals for the design and permitting of the potable water distribution, wastewater collection, drainage and roadway systems, and construction services for the 200,000 square foot first phase of construction.
- Burnt Store Marina Hotel, 100 room Resort Hotel including design, permitting and construction services for the drainage system, potable water distribution and wastewater collection systems to serve an eight story, sixty unit building and twenty duplex units.
- Storgard Industrial Planned Development including design, permitting and construction services for the roadway, drainage, potable water distribution and wastewater collection system, serving the 15 acre mini-warehouse project.

Project Engineer, Wilson, Miller, Barton and Peek, Inc. (1990-1995)

- Pelican Landing DRI, 2050 acre Mixed Use Planned Community in Lee County including design, permitting and construction services for the roadways, stormwater management system, potable water and irrigation distribution systems, wastewater collection system.
- Various residential parcels within Spring Creek West DRI and Pelican Landing DRI including Costa del Sol, Sandpiper Isle, Sandpiper Greens design, permitting and construction services for roadway, drainage and utility infrastructure.
- Edison Community College, Charlotte County Campus assisted with the design and permitting of roadway, drainage and stormwater management systems, potable water system and wastewater collection system.
- Bayside Improvement CDD and Bay Creek CDD, including assistance in preparing Engineering Reports for the creation of the Chapter 190 Taxing Districts; ongoing engineering services for Review and Acceptance of Infrastructure by the CDD's and Monthly Engineering Status Reports.

COMMUNITY & PROFESSIONAL ACTIVITIES:

Member, Florida Engineering Society (1991-present)
Member, National Society of Professional Engineers (1991-present)
Member, Lee County Land Development Advisory Committee (1996-present)

APPLICANT'S EXHIBIT
9
DCI2001-00038

ENGINEER'S PRELIMINARY ESTIMATE OF EXCAVATION
FOR
STONEYBROOK NORTH
10-Jun-03
BASED UPON SITE PLAN AS OF JUNE 2003

FILL REQUIREMENTS:	**1,947,000 Cubic Yards**
PROPOSED REQUIREMENTS:	**1,947,000 Cubic Yards**

6/18/03

Sam W. Marshall, P.E. 48881
Banks Engineering, Inc.

S:\admin\Jobs\14xx\1447\Documents/TakeOff/1447-FillEstimate.xls

APPLICANT'S EXHIBIT
#10
DC1200I-0003P

STONEYBROOK NORTH

POPASH CREEK & BAYSHORE CREEK

HEC-RAS STREAM ROUTINGS

6/18/2003

This is to certify that I am a duly qualified engineer licensed to practice in the State of Florida. It is to further certify that these design plans, drawings, and associated technical calculations and/or data demonstrate that no adverse affects to the existing flood elevations will occur as a result of this development.

SAMUEL H MARSHALL P.E.
FLA REG # 48881

6/18/03

APPLICANT'S EXHIBIT
#11
DC18001-00038

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	22.4	171.00	19.82	23.22		23.22	0.000001	0.06	8504.74	4650.00	0.01
Main	22.4	226.00	19.82	23.41		23.41	0.000001	0.08	9390.32	4650.00	0.01
Main	22.4	309.00	19.82	23.42		23.42	0.000002	0.10	9425.59	4650.00	0.01
Main	22.4	405.00	19.82	23.45		23.45	0.000003	0.13	9598.25	4650.00	0.01
Main	22.3	171.00	17.43	23.22	19.16	23.22	0.000003	0.16	5434.70	4646.00	0.01
Main	22.3	226.00	17.43	23.41	19.50	23.41	0.000003	0.18	6319.50	4646.00	0.01
Main	22.3	309.00	17.43	23.41	19.97	23.41	0.000006	0.24	6318.93	4646.00	0.02
Main	22.3	405.00	17.43	23.45	20.45	23.45	0.000009	0.30	6508.52	4646.00	0.02
Main	22.25	Culvert									
Main	22.2	171.00	17.43	21.87	19.16	21.99	0.000795	2.79	61.21	1394.44	0.24
Main	22.2	226.00	17.43	22.09	19.50	22.28	0.001180	3.52	64.29	1394.79	0.29
Main	22.2	309.00	17.43	22.41	19.97	22.42	0.000159	1.07	1687.65	4646.00	0.10
Main	22.2	405.00	17.43	22.66	20.45	22.67	0.000090	0.84	2863.24	4646.00	0.08
Main	22.1	171.00	17.42	21.88		21.92	0.000396	1.49	324.85	1394.47	0.15
Main	22.1	226.00	17.42	22.14		22.16	0.000285	1.33	680.96	1394.87	0.13
Main	22.1	309.00	17.42	22.40		22.41	0.000174	1.09	1646.52	4646.00	0.10
Main	22.1	405.00	17.42	22.66		22.66	0.000095	0.84	2839.19	4646.00	0.08
Main	21	171.00	17.42	21.47		21.53	0.000764	1.93	88.50	32.80	0.21
Main	21	226.00	17.42	21.73		21.81	0.000999	2.32	101.47	74.21	0.24
Main	21	309.00	17.42	22.13		22.19	0.000809	2.25	664.14	4214.62	0.22
Main	21	405.00	17.42	22.57		22.58	0.000128	0.97	2567.10	4312.00	0.09
Main	20	171.00	17.42	20.86		20.86	0.000216	0.93	982.03	1999.13	0.11
Main	20	226.00	17.42	20.98		20.98	0.000223	0.97	1242.13	2254.98	0.11
Main	20	309.00	17.42	21.60		21.60	0.000048	0.52	3038.95	3553.23	0.05
Main	20	405.00	17.42	22.49		22.49	0.000008	0.26	6887.60	4640.00	0.02
Main	19.4	243.00	16.12	20.48		20.49	0.000408	0.79	1392.71	2831.86	0.08
Main	19.4	320.00	16.12	20.62		20.63	0.000343	0.74	1796.86	2868.59	0.08
Main	19.4	438.00	16.12	21.55		21.55	0.000034	0.27	4926.29	4012.00	0.03
Main	19.4	574.00	16.12	22.48		22.48	0.000010	0.18	8665.98	4012.00	0.01

Bayshore Creek Existing

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	19.3	243.00	16.42	20.47	18.53	20.47	0.000190	0.61	1975.49	4002.76	0.06
Main	19.3	320.00	16.42	20.62	19.50	20.62	0.000160	0.57	2548.66	4003.48	0.06
Main	19.3	438.00	16.42	21.54	19.50	21.54	0.000018	0.22	6255.62	4006.00	0.02
Main	19.3	574.00	16.42	22.48	20.21	22.48	0.000007	0.16	10009.92	4006.00	0.01
Main	19.25	Culvert									
Main	19.2	243.00	16.42	20.47	18.53	20.47	0.000192	0.61	1961.20	3975.77	0.06
Main	19.2	320.00	16.42	20.61	19.50	20.62	0.000162	0.57	2528.54	3977.75	0.06
Main	19.2	438.00	16.42	21.54	19.50	21.54	0.000019	0.23	6209.38	3984.80	0.02
Main	19.2	574.00	16.42	22.48	20.21	22.48	0.000007	0.16	9945.96	3984.80	0.01
Main	19.1	243.00	16.52	20.46		20.46	0.000165	0.54	2097.79	3960.37	0.06
Main	19.1	320.00	16.52	20.60		20.61	0.000141	0.51	2668.53	3962.04	0.05
Main	19.1	438.00	16.52	21.53		21.53	0.000017	0.21	6351.88	3968.00	0.02
Main	19.1	574.00	16.52	22.48		22.48	0.000007	0.15	10092.72	3968.00	0.01
Main	18.4	243.00	16.02	20.24		20.24	0.000135	0.58	1672.01	4008.00	0.06
Main	18.4	320.00	16.02	20.42		20.43	0.000096	0.51	2417.67	4008.00	0.05
Main	18.4	438.00	16.02	21.52		21.52	0.000008	0.18	6805.62	4008.00	0.02
Main	18.4	574.00	16.02	22.48		22.48	0.000003	0.13	10641.77	4008.00	0.01
Main	18.3	243.00	16.02	20.23	18.02	20.23	0.000385	0.99	1046.93	4008.00	0.10
Main	18.3	320.00	16.02	20.41	18.41	20.42	0.000218	0.77	1791.94	4008.00	0.08
Main	18.3	438.00	16.02	21.52	19.50	21.52	0.000011	0.21	6222.40	4008.00	0.02
Main	18.3	574.00	16.02	22.48	19.50	22.48	0.000004	0.15	10066.04	4008.00	0.01
Main	18.25	Culvert									
Main	18.2	243.00	16.02	20.23	18.02	20.23	0.000376	0.97	1064.00	4009.00	0.10
Main	18.2	320.00	16.02	20.41	18.41	20.41	0.000214	0.77	1805.40	4009.00	0.08
Main	18.2	438.00	16.02	21.52	19.50	21.52	0.000011	0.21	6240.60	4009.00	0.02
Main	18.2	574.00	16.02	22.48	19.50	22.48	0.000004	0.15	10084.80	4009.00	0.01
Main	18.1	243.00	15.42	20.18		20.19	0.000649	1.28	585.88	2422.85	0.13

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev.	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	18.1	320.00	15.42	20.38		20.39	0.000416	1.07	1085.81	2423.17	0.11
Main	18.1	438.00	15.42	21.52		21.52	0.000027	0.33	3834.15	2424.90	0.03
Main	18.1	574.00	15.42	22.48		22.48	0.000009	0.23	6920.36	4014.00	0.02
Main	17.4	284.00	14.82	19.95		19.98	0.000944	1.65	344.05	498.37	0.16
Main	17.4	375.00	14.82	20.30		20.31	0.000251	0.89	2390.67	6662.63	0.08
Main	17.4	513.00	14.82	21.51		21.51	0.000006	0.16	10461.22	6679.41	0.01
Main	17.4	673.00	14.82	22.48		22.48	0.000002	0.11	16897.25	6692.35	0.01
Main	17.3	284.00	14.82	19.85	17.26	19.95	0.002397	2.58	110.92	93.65	0.25
Main	17.3	375.00	14.82	20.28	17.65	20.30	0.000865	1.65	1015.95	3155.27	0.15
Main	17.3	513.00	14.82	21.51	18.16	21.51	0.000024	0.33	4987.88	3236.48	0.03
Main	17.3	673.00	14.82	22.48	18.67	22.48	0.000009	0.22	8112.61	3242.54	0.02
Main	17.25	Bridge									
Main	17.2	284.00	14.82	19.67	17.26	19.78	0.002799	2.73	103.99	32.58	0.27
Main	17.2	375.00	14.82	20.04	17.65	20.19	0.003241	3.09	252.18	3020.99	0.29
Main	17.2	513.00	14.82	21.51	18.16	21.51	0.000025	0.34	4834.62	3160.65	0.03
Main	17.2	673.00	14.82	22.48	18.67	22.48	0.000009	0.23	7903.75	3166.53	0.02
Main	17.1	284.00	14.82	19.67		19.68	0.000080	0.46	2100.11	2406.16	0.05
Main	17.1	375.00	14.82	20.06		20.06	0.000063	0.43	3318.89	6542.92	0.04
Main	17.1	513.00	14.82	21.50		21.50	0.000003	0.11	12961.57	6687.59	0.01
Main	17.1	673.00	14.82	22.48		22.48	0.000001	0.09	19467.22	6698.97	0.01
Main	17	284.00	15.92	19.67		19.67	0.000009	0.15	5060.49	3695.21	0.01
Main	17	375.00	15.92	20.05		20.05	0.000010	0.17	6659.69	6535.89	0.02
Main	17	513.00	15.92	21.50		21.50	0.000001	0.08	16377.79	6720.09	0.01
Main	17	673.00	15.92	22.48		22.48	0.000001	0.07	22928.56	6731.89	0.00
Main	16.4	317.00	13.82	19.66		19.66	0.000003	0.15	8472.17	5545.88	0.01
Main	16.4	419.00	13.82	20.05		20.05	0.000003	0.16	10696.39	7162.06	0.01
Main	16.4	573.00	13.82	21.50		21.50	0.000001	0.10	21111.28	7171.58	0.01
Main	16.4	751.00	13.82	22.47		22.47	0.000000	0.09	28112.59	7178.00	0.01

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	16.3	317.00	16.42	19.66	18.15	19.66	0.000003	0.13	8486.59	6075.30	0.01
Main	16.3	419.00	16.42	20.04	18.18	20.04	0.000003	0.13	10907.52	7157.90	0.01
Main	16.3	573.00	16.42	21.50	18.22	21.50	0.000001	0.08	21334.55	7167.36	0.01
Main	16.3	751.00	16.42	22.47	18.25	22.47	0.000000	0.08	28345.71	7175.00	0.01
Main	16.25	Culvert									
Main	16.2	317.00	16.42	19.66	18.24	19.66	0.000032	0.40	3379.75	3770.00	0.04
Main	16.2	419.00	16.42	20.04	18.34	20.04	0.000035	0.46	5090.15	7160.23	0.05
Main	16.2	573.00	16.42	21.50	18.44	21.50	0.000002	0.14	15522.76	7167.62	0.01
Main	16.2	751.00	16.42	22.47	18.53	22.47	0.000001	0.12	22534.12	7177.00	0.01
Main	16.1	317.00	12.72	19.64		19.65	0.000067	0.78	1403.79	1431.67	0.07
Main	16.1	419.00	12.72	20.03		20.03	0.000062	0.79	2151.89	7126.31	0.06
Main	16.1	573.00	12.72	21.49		21.49	0.000003	0.22	12644.00	7156.08	0.02
Main	16.1	751.00	12.72	22.47		22.47	0.000002	0.16	19662.97	7173.00	0.01
Main	15.4	317.00	12.72	19.61		19.61	0.000004	0.18	5550.34	2384.54	0.02
Main	15.4	419.00	12.72	20.00		20.00	0.000004	0.20	6474.83	2410.20	0.02
Main	15.4	573.00	12.72	21.49		21.49	0.000001	0.13	15307.77	6020.37	0.01
Main	15.4	751.00	12.72	22.47		22.47	0.000001	0.13	21360.61	6287.86	0.01
Main	15.3	317.00	12.72	19.47	15.56	19.58	0.000506	2.69	117.85	2269.45	0.20
Main	15.3	419.00	12.72	19.77	15.97	19.95	0.000749	3.38	123.87	2285.80	0.24
Main	15.3	573.00	12.72	21.21	16.52	21.43	0.000698	3.75	152.67	4980.29	0.24
Main	15.3	751.00	12.72	22.47	17.10	22.47	0.000001	0.15	18633.33	5219.99	0.01
Main	15.25	Culvert									
Main	15.2	317.00	12.72	19.16	15.56	19.29	0.000604	2.84	111.76	311.98	0.21
Main	15.2	419.00	12.72	19.22	15.97	19.43	0.001021	3.71	112.86	316.62	0.28
Main	15.2	573.00	12.72	20.06	16.52	20.37	0.001199	4.41	129.79	1808.27	0.31
Main	15.2	751.00	12.72	20.13	17.10	20.64	0.001994	5.73	131.05	1809.25	0.39
Main	15.1	317.00	12.72	19.20		19.22	0.000180	1.19	477.77	295.26	0.11
Main	15.1	419.00	12.72	19.28		19.31	0.000285	1.51	502.68	298.65	0.13

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	15.1	573.00	12.72	20.18		20.20	0.000141	1.22	2238.56	4062.00	0.10
Main	15.1	751.00	12.72	20.33		20.35	0.000158	1.32	2849.61	4062.00	0.10
Main	14	317.00	14.12	19.13		19.16	0.000495	1.74	497.32	410.42	0.17
Main	14	419.00	14.12	19.17		19.21	0.000801	2.23	514.75	412.90	0.22
Main	14	573.00	14.12	20.12		20.14	0.000416	1.87	1191.15	1752.29	0.16
Main	14	751.00	14.12	20.26		20.29	0.000517	2.13	1434.19	1758.22	0.18
Main	13	317.00	13.02	18.02	15.61	18.16	0.001377	2.97	190.04	4368.87	0.28
Main	13	419.00	13.02	18.32	16.02	18.35	0.000476	1.82	1503.30	4375.51	0.17
Main	13	573.00	13.02	19.85		19.85	0.000008	0.30	8213.11	4391.85	0.02
Main	13	751.00	13.02	19.92		19.93	0.000013	0.37	8541.62	4392.40	0.03
Main	12	317.00	9.22	16.93		16.93	0.000003	0.17	7739.10	4378.59	0.01
Main	12	419.00	9.22	17.92		17.92	0.000001	0.13	12103.32	4427.79	0.01
Main	12	573.00	9.22	19.85		19.85	0.000000	0.09	20747.87	4486.00	0.01
Main	12	751.00	9.22	19.92		19.92	0.000001	0.12	21047.04	4486.00	0.01
Main	11.4	429.00	10.82	16.93		16.93	0.000026	0.51	4200.37	4707.54	0.04
Main	11.4	566.00	10.82	17.91		17.91	0.000005	0.25	9208.03	5445.30	0.02
Main	11.4	774.00	10.82	19.85		19.85	0.000001	0.13	20126.90	5672.57	0.01
Main	11.4	1014.00	10.82	19.92		19.92	0.000001	0.16	20504.98	5674.54	0.01
Main	11.3	429.00	10.82	16.92	13.20	16.92	0.000023	0.47	4380.45	4633.56	0.04
Main	11.3	566.00	10.82	17.90	13.57	17.90	0.000005	0.24	9272.24	5332.27	0.02
Main	11.3	774.00	10.82	19.85	14.08	19.85	0.000001	0.12	20179.48	5645.67	0.01
Main	11.3	1014.00	10.82	19.92	14.60	19.92	0.000001	0.16	20555.48	5647.60	0.01
Main	11.25	Culvert									
Main	11.2	429.00	10.82	15.69	13.20	15.83	0.001174	2.97	144.37	53.48	0.27
Main	11.2	566.00	10.82	17.31	13.57	17.31	0.000014	0.38	6710.69	5214.54	0.03
Main	11.2	774.00	10.82	19.85	14.08	19.85	0.000001	0.12	20527.11	5506.95	0.01
Main	11.2	1014.00	10.82	19.92	14.60	19.92	0.000001	0.15	20889.95	5509.06	0.01
Main	11.1	429.00	8.82	15.68		15.75	0.000481	2.20	198.80	57.39	0.17

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	11.1	566.00	8.82	17.30		17.30	0.000013	0.40	6663.01	5134.95	0.03
Main	11.1	774.00	8.82	19.85		19.85	0.000001	0.13	20259.99	5396.54	0.01
Main	11.1	1014.00	8.82	19.91		19.91	0.000001	0.16	20615.27	5398.43	0.01
Main	10.4	451.00	9.12	15.47		15.47	0.000052	0.34	3773.07	2570.28	0.03
Main	10.4	595.00	9.12	17.29		17.29	0.000007	0.14	9945.00	3750.62	0.01
Main	10.4	814.00	9.12	19.85		19.85	0.000001	0.09	19920.58	4062.99	0.01
Main	10.4	1067.00	9.12	19.91		19.91	0.000002	0.11	20188.11	4071.70	0.01
Main	10.3	451.00	4.82	15.34	8.00	15.44	0.000928	2.53	178.28	1312.77	0.14
Main	10.3	595.00	4.82	17.13	8.61	17.25	0.000929	2.83	210.44	2718.49	0.15
Main	10.3	814.00	4.82	19.85	9.42	19.85	0.000002	0.17	16358.46	3885.20	0.01
Main	10.3	1067.00	4.82	19.91	10.21	19.91	0.000004	0.21	16614.16	3895.86	0.01
Main	10.25	Culvert									
Main	10.2	451.00	4.82	13.36	8.00	13.52	0.001949	3.16	142.70	335.28	0.20
Main	10.2	595.00	4.82	13.64	8.61	13.89	0.003029	4.03	147.63	356.62	0.25
Main	10.2	814.00	4.82	14.07	9.42	14.49	0.004784	5.24	155.35	864.38	0.31
Main	10.2	1067.00	4.82	14.18	10.21	14.89	0.007886	6.78	157.30	917.67	0.40
Main	10.1	451.00	8.82	13.39		13.42	0.002188	2.01	531.23	494.19	0.20
Main	10.1	595.00	8.82	13.70		13.73	0.002227	2.02	698.46	570.88	0.20
Main	10.1	814.00	8.82	14.22		14.24	0.002492	1.98	1157.90	1317.95	0.21
Main	10.1	1067.00	8.82	14.45		14.47	0.002404	1.90	1474.16	1389.64	0.21
Main	9	451.00	6.72	12.14		12.15	0.000397	1.13	1518.54	1347.31	0.09
Main	9	595.00	6.72	12.46		12.46	0.000352	1.11	1958.70	1428.71	0.09
Main	9	814.00	6.72	12.85		12.85	0.000325	1.12	2532.94	1528.41	0.09
Main	9	1067.00	6.72	13.10		13.11	0.000372	1.24	2928.45	1593.45	0.09
Main	8	451.00	7.32	11.37		11.41	0.001334	1.66	293.04	148.14	0.16
Main	8	595.00	7.32	11.70		11.76	0.001618	1.96	346.80	175.11	0.18
Main	8	814.00	7.32	12.09		12.17	0.001967	2.32	744.98	3610.60	0.21
Main	8	1067.00	7.32	12.28		12.35	0.001943	2.38	1414.67	3615.07	0.21

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	7.4	551.00	4.22	10.38		10.39	0.000520	1.46	2105.11	3643.83	0.14
Main	7.4	734.00	4.22	10.42		10.43	0.000788	1.82	2249.38	3647.58	0.17
Main	7.4	1020.00	4.22	10.54		10.55	0.000975	2.07	2686.24	3658.92	0.19
Main	7.4	1332.00	4.22	10.66		10.68	0.001092	2.24	3143.80	3670.76	0.21
Main	7.3	551.00	4.22	10.37	7.21	10.38	0.000260	1.24	2064.23	3604.03	0.11
Main	7.3	734.00	4.22	10.40	7.65	10.42	0.000420	1.58	2182.18	3607.11	0.13
Main	7.3	1020.00	4.22	10.51	8.25	10.54	0.000597	1.92	2582.56	3617.53	0.16
Main	7.3	1332.00	4.22	10.63	9.32	10.66	0.000744	2.18	3010.69	3628.64	0.18
Main	7.25	Culvert									
Main	7.2	551.00	4.22	10.16	7.21	10.21	0.000679	1.94	1264.26	3590.78	0.17
Main	7.2	734.00	4.22	10.33	7.65	10.37	0.000676	1.99	1862.41	3604.26	0.17
Main	7.2	1020.00	4.22	10.47	8.25	10.51	0.000834	2.25	2355.95	3615.35	0.19
Main	7.2	1332.00	4.22	10.62	8.79	10.66	0.000889	2.38	2920.46	3628.00	0.20
Main	7.1	551.00	4.02	10.10	7.97	10.14	0.000919	2.01	1330.71	3537.64	0.19
Main	7.1	734.00	4.02	10.27	8.39	10.30	0.000808	1.95	1952.88	3559.89	0.18
Main	7.1	1020.00	4.02	10.39	9.41	10.43	0.001006	2.22	2385.20	3575.26	0.20
Main	7.1	1332.00	4.02	10.54	9.60	10.57	0.001047	2.33	2925.37	3594.38	0.21
Main	6.4	562.00	1.59	8.01	6.79	8.47	0.007647	5.48	181.33	1348.44	0.53
Main	6.4	750.00	1.59	7.88	7.59	8.70	0.014872	7.44	144.56	172.23	0.73
Main	6.4	1043.00	1.59	8.55		8.75	0.004877	4.84	988.22	1625.24	0.43
Main	6.4	1363.00	1.59	8.88		8.99	0.003304	4.20	1541.64	1790.52	0.36
Main	6.3	562.00	1.50	8.10	6.82	8.24	0.001317	3.06	327.11	1343.69	0.23
Main	6.3	750.00	1.50	8.02	6.82	8.30	0.002574	4.23	221.00	1308.10	0.32
Main	6.3	1043.00	1.50	8.39	6.82	8.66	0.002790	4.60	734.57	1472.37	0.33
Main	6.3	1363.00	1.50	8.62	6.82	8.89	0.003033	4.92	1087.48	1575.34	0.35
Main	6.25	Culvert									
Main	6.2	562.00	1.50	7.34	6.82	7.54	0.002144	3.61	155.78	31.49	0.29
Main	6.2	750.00	1.50	7.93	6.82	8.21	0.002685	4.29	182.03	62.07	0.32

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	6.2	1043.00	1.50	8.34	6.82	8.65	0.003044	4.79	653.31	1436.01	0.35
Main	6.2	1363.00	1.50	8.57	6.82	8.88	0.003372	5.17	990.38	1533.96	0.37
Main	6.1	562.00	1.42	7.08	5.02	7.38	0.004090	4.41	127.37	31.18	0.38
Main	6.1	750.00	1.42	7.66	5.51	8.03	0.004498	4.96	239.41	456.86	0.41
Main	6.1	1043.00	1.42	8.13	6.20	8.48	0.004512	5.26	600.24	1502.83	0.41
Main	6.1	1363.00	1.42	8.40	6.88	8.69	0.004273	5.31	1027.53	1591.72	0.41
Main	6	562.00	-0.58	3.41		3.44	0.000922	1.96	922.88	732.34	0.19
Main	6	750.00	-0.58	3.78		3.80	0.000856	2.03	1195.31	769.12	0.19
Main	6	1043.00	-0.58	4.25		4.27	0.000816	2.15	1569.60	821.84	0.19
Main	6	1363.00	-0.58	4.69		4.72	0.000793	2.26	1944.31	875.48	0.19
Main	5.4	562.00	-3.28	3.00		3.01	0.000404	1.40	1393.64	1277.91	0.13
Main	5.4	750.00	-3.28	3.40		3.41	0.000336	1.34	1916.24	1304.31	0.12
Main	5.4	1043.00	-3.28	3.90		3.91	0.000300	1.33	2571.02	1336.66	0.11
Main	5.4	1363.00	-3.28	4.36		4.37	0.000275	1.36	3329.24	1740.27	0.11
Main	5.3	562.00	-3.28	2.99	0.31	3.00	0.000344	1.29	1612.23	1514.95	0.12
Main	5.3	750.00	-3.28	3.39	0.71	3.40	0.000279	1.22	2224.40	1549.90	0.11
Main	5.3	1043.00	-3.28	3.89	1.25	3.90	0.000242	1.20	3006.38	1593.42	0.10
Main	5.3	1363.00	-3.28	4.35	2.46	4.36	0.000227	1.23	3787.04	1726.25	0.10
Main	5.25	Bridge									
Main	5.2	562.00	-3.28	2.96	0.31	2.97	0.000329	1.26	1702.10	1635.32	0.11
Main	5.2	750.00	-3.28	3.36	0.71	3.37	0.000258	1.17	2361.78	1653.67	0.10
Main	5.2	1043.00	-3.28	3.86	1.25	3.87	0.000217	1.13	3198.73	1676.66	0.10
Main	5.2	1363.00	-3.28	4.32	2.49	4.32	0.000212	1.19	4070.11	2030.00	0.10
Main	5.1	562.00	-3.28	2.88		2.94	0.001043	2.22	667.09	874.81	0.20
Main	5.1	750.00	-3.28	3.30		3.34	0.000929	2.20	1085.89	1147.99	0.20
Main	5.1	1043.00	-3.28	3.82		3.85	0.000769	2.12	1771.13	1490.65	0.18
Main	5.1	1363.00	-3.28	4.28		4.31	0.000640	2.05	2613.17	2004.00	0.17
Main	4	562.00	-3.28	2.50		2.50	0.000052	0.56	3347.52	1394.41	0.05

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	4	750.00	-3.28	2.95		2.95	0.000054	0.61	3978.59	1401.92	0.05
Main	4	1043.00	-3.28	3.52		3.52	0.000058	0.68	4778.02	1411.38	0.05
Main	4	1363.00	-3.28	4.02		4.03	0.000064	0.76	5498.73	1419.44	0.06
Main	3	562.00	-3.68	2.32		2.37	0.001009	2.68	709.18	374.19	0.20
Main	3	750.00	-3.68	2.76		2.81	0.001053	2.88	880.27	395.19	0.21
Main	3	1043.00	-3.68	3.32		3.37	0.001139	3.17	1105.84	421.27	0.22
Main	3	1363.00	-3.68	3.81		3.86	0.001232	3.46	1318.04	444.42	0.23
Main	2	562.00	-3.68	0.56		0.67	0.001798	3.04	469.03	520.58	0.27
Main	2	750.00	-3.68	0.79		0.93	0.002245	3.53	600.12	604.74	0.30
Main	2	1043.00	-3.68	1.12	0.11	1.28	0.002678	4.05	812.71	720.61	0.33
Main	2	1363.00	-3.68	1.44	0.58	1.61	0.002863	4.38	1061.76	836.19	0.35
Main	1	622.00	-4.18	-0.18	-3.29	-0.16	0.000212	1.06	998.05	914.50	0.09
Main	1	840.00	-4.18	-0.18	-3.09	-0.15	0.000386	1.43	998.05	914.50	0.13
Main	1	1171.00	-4.18	-0.18	-2.82	-0.12	0.000751	2.00	998.05	914.50	0.18
Main	1	1542.00	-4.18	-0.18	-2.56	-0.08	0.001301	2.63	998.05	914.50	0.23

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	22.4	171.00	19.82	23.22		23.22	0.000001	0.06	8504.48	4650.00	0.01
Main	22.4	226.00	19.82	23.41		23.41	0.000001	0.08	9376.06	4650.00	0.01
Main	22.4	309.00	19.82	23.42		23.42	0.000002	0.10	9445.75	4650.00	0.01
Main	22.4	405.00	19.82	23.41		23.41	0.000003	0.13	9418.65	4650.00	0.01
Main	22.3	171.00	17.43	23.22	19.16	23.22	0.000003	0.16	5434.44	4646.00	0.01
Main	22.3	226.00	17.43	23.41	19.50	23.41	0.000003	0.18	6305.24	4646.00	0.01
Main	22.3	309.00	17.43	23.41	19.97	23.41	0.000006	0.24	6342.06	4646.00	0.02
Main	22.3	405.00	17.43	23.41	20.45	23.41	0.000010	0.31	6328.91	4646.00	0.03
Main	22.25	Culvert									
Main	22.2	171.00	17.43	21.87	19.16	21.99	0.000795	2.79	61.21	1394.44	0.24
Main	22.2	226.00	17.43	22.09	19.50	22.28	0.001179	3.51	64.30	1394.79	0.29
Main	22.2	309.00	17.43	22.43	19.97	22.44	0.000147	1.03	1765.92	4646.00	0.09
Main	22.2	405.00	17.43	22.66	20.45	22.67	0.000091	0.84	2856.04	4646.00	0.08
Main	22.1	171.00	17.42	21.88		21.92	0.000396	1.49	324.77	1394.47	0.15
Main	22.1	226.00	17.42	22.14		22.16	0.000285	1.33	681.50	1394.87	0.13
Main	22.1	309.00	17.42	22.42		22.43	0.000160	1.05	1727.77	4646.00	0.10
Main	22.1	405.00	17.42	22.66		22.66	0.000095	0.85	2831.82	4646.00	0.08
Main	21	171.00	17.42	21.47		21.53	0.000764	1.93	88.49	32.80	0.21
Main	21	226.00	17.42	21.73		21.82	0.000998	2.32	101.55	74.41	0.24
Main	21	309.00	17.42	22.23		22.26	0.000430	1.67	1113.16	4237.80	0.16
Main	21	405.00	17.42	22.57		22.57	0.000130	0.98	2548.79	4311.07	0.09
Main	20	171.00	17.42	20.86		20.86	0.000216	0.93	981.61	1998.70	0.11
Main	20	226.00	17.42	20.99		20.99	0.000219	0.96	1253.61	2265.61	0.11
Main	20	309.00	17.42	21.95		21.95	0.000019	0.35	4430.50	4298.09	0.03
Main	20	405.00	17.42	22.48		22.48	0.000009	0.26	6855.53	4640.00	0.02
Main	19.4	243.00	16.12	20.48		20.48	0.000419	0.80	1379.83	2830.64	0.08
Main	19.4	320.00	16.12	20.67		20.67	0.000278	0.67	1926.58	2868.72	0.07
Main	19.4	438.00	16.12	21.94		21.94	0.000015	0.19	6495.89	4012.00	0.02
Main	19.4	574.00	16.12	22.47		22.47	0.000011	0.18	8637.75	4012.00	0.01

Bayshore Creek Proposed

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	19.3	243.00	16.42	20.47	18.53	20.47	0.000195	0.62	1956.39	4002.74	0.06
Main	19.3	320.00	16.42	20.66	19.50	20.66	0.000130	0.52	2736.77	4003.71	0.05
Main	19.3	438.00	16.42	21.93	19.50	21.93	0.000009	0.17	7823.06	4006.00	0.01
Main	19.3	574.00	16.42	22.47	20.21	22.47	0.000007	0.16	9981.56	4006.00	0.01
Main	19.25	Culvert									
Main	19.2	243.00	16.42	20.47	18.53	20.47	0.000198	0.62	1942.19	3975.70	0.06
Main	19.2	320.00	16.42	20.66	19.50	20.66	0.000131	0.52	2716.83	3978.41	0.05
Main	19.2	438.00	16.42	21.93	19.50	21.93	0.000009	0.17	7776.56	3984.80	0.01
Main	19.2	574.00	16.42	22.47	20.21	22.47	0.000007	0.16	9920.77	3984.80	0.01
Main	19.1	243.00	16.52	20.46		20.46	0.000169	0.54	2077.98	3960.31	0.06
Main	19.1	320.00	16.52	20.65		20.65	0.000114	0.46	2863.07	3962.61	0.05
Main	19.1	438.00	16.52	21.93		21.93	0.000008	0.16	7912.64	3968.00	0.01
Main	19.1	574.00	16.52	22.47		22.47	0.000007	0.15	10067.47	3968.00	0.01
Main	18.4	243.00	16.02	20.20		20.20	0.000168	0.65	1506.44	4008.00	0.07
Main	18.4	320.00	16.02	20.52		20.52	0.000066	0.43	2782.10	4008.00	0.04
Main	18.4	438.00	16.02	21.92		21.92	0.000004	0.14	8419.68	4008.00	0.01
Main	18.4	574.00	16.02	22.47		22.47	0.000003	0.14	10616.08	4008.00	0.01
Main	18.3	243.00	16.02	20.18	18.02	20.19	0.000529	1.14	856.16	4008.00	0.12
Main	18.3	320.00	16.02	20.51	18.41	20.51	0.000135	0.62	2169.06	4008.00	0.06
Main	18.3	438.00	16.02	21.92	19.50	21.92	0.000005	0.16	7823.92	4008.00	0.01
Main	18.3	574.00	16.02	22.47	19.50	22.47	0.000004	0.15	10040.18	4008.00	0.01
Main	18.25	Culvert									
Main	18.2	243.00	16.02	20.18	18.02	20.19	0.000512	1.13	877.17	4009.00	0.12
Main	18.2	320.00	16.02	20.50	18.41	20.51	0.000133	0.61	2182.63	4009.00	0.06
Main	18.2	438.00	16.02	21.91	19.50	21.91	0.000005	0.16	7825.65	4009.00	0.01
Main	18.2	574.00	16.02	22.47	19.50	22.47	0.000004	0.15	10058.29	4009.00	0.01
Main	18.1	243.00	15.42	20.11		20.14	0.000891	1.48	423.24	2422.75	0.15

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	18.1	320.00	15.42	20.48		20.49	0.000269	0.88	1326.16	2423.32	0.09
Main	18.1	438.00	15.42	21.91		21.91	0.000013	0.25	4785.43	2425.50	0.02
Main	18.1	574.00	15.42	22.47		22.47	0.000010	0.23	6893.64	4014.00	0.02
Main	17.4	284.00	14.82	19.82		19.86	0.001158	1.79	296.34	246.73	0.17
Main	17.4	375.00	14.82	20.44		20.44	0.000106	0.59	3306.99	6664.87	0.05
Main	17.4	513.00	14.82	21.90		21.90	0.000003	0.12	13061.32	6684.61	0.01
Main	17.4	673.00	14.82	22.47		22.47	0.000002	0.11	16852.41	6692.26	0.01
Main	17.3	284.00	14.82	19.71	17.26	19.82	0.002704	2.70	105.31	32.76	0.27
Main	17.3	375.00	14.82	20.43	17.65	20.44	0.000386	1.12	1500.26	3202.20	0.10
Main	17.3	513.00	14.82	21.90	18.16	21.90	0.000012	0.24	6237.66	3239.27	0.02
Main	17.3	673.00	14.82	22.47	18.67	22.47	0.000009	0.22	8090.74	3242.51	0.02
Main	17.25	Bridge									
Main	17.2	284.00	14.82	19.51	17.26	19.64	0.003194	2.87	99.11	31.93	0.29
Main	17.2	375.00	14.82	20.40	17.65	20.41	0.000484	1.25	1344.72	3120.48	0.11
Main	17.2	513.00	14.82	21.88	18.16	21.88	0.000013	0.25	6025.40	3163.09	0.02
Main	17.2	673.00	14.82	22.47	18.67	22.47	0.000009	0.23	7882.48	3166.49	0.02
Main	17.1	284.00	14.82	19.52		19.52	0.000123	0.56	1750.82	2191.04	0.06
Main	17.1	375.00	14.82	20.40		20.40	0.000018	0.24	5563.09	6640.67	0.02
Main	17.1	513.00	14.82	21.88		21.88	0.000002	0.09	15460.03	6691.85	0.01
Main	17.1	673.00	14.82	22.47		22.47	0.000001	0.09	19422.86	6698.89	0.01
Main	17	284.00	15.92	19.52		19.52	0.000012	0.17	4506.48	3560.05	0.02
Main	17	375.00	15.92	20.39		20.39	0.000005	0.12	8927.48	6712.75	0.01
Main	17	513.00	15.92	21.87		21.87	0.000001	0.06	18867.03	6722.54	0.00
Main	17	673.00	15.92	22.47		22.47	0.000001	0.07	22884.62	6731.89	0.00
Main	16.4	317.00	13.82	19.51		19.51	0.000004	0.17	7628.25	5451.10	0.02
Main	16.4	419.00	13.82	20.39		20.39	0.000002	0.12	13148.60	7164.30	0.01
Main	16.4	573.00	13.82	21.87		21.87	0.000000	0.08	23745.28	7173.99	0.01
Main	16.4	751.00	13.82	22.47		22.47	0.000000	0.09	28066.39	7178.00	0.01

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	16.3	317.00	16.42	19.51	18.15	19.51	0.000005	0.15	7561.21	5923.52	0.02
Main	16.3	419.00	16.42	20.38	18.18	20.38	0.000002	0.11	13365.03	7160.13	0.01
Main	16.3	573.00	16.42	21.86	18.22	21.86	0.000000	0.07	23944.57	7169.72	0.01
Main	16.3	751.00	16.42	22.47	18.25	22.47	0.000000	0.08	28300.21	7175.00	0.01
Main	16.25	Culvert									
Main	16.2	317.00	16.42	19.50	18.24	19.50	0.000049	0.47	2823.18	3427.02	0.05
Main	16.2	419.00	16.42	20.38	18.34	20.38	0.000011	0.27	7552.10	7161.97	0.03
Main	16.2	573.00	16.42	21.86	18.44	21.86	0.000001	0.12	18132.55	7169.47	0.01
Main	16.2	751.00	16.42	22.47	18.53	22.47	0.000001	0.12	22488.61	7177.00	0.01
Main	16.1	317.00	12.72	19.48		19.49	0.000047	0.85	1188.94	1302.84	0.07
Main	16.1	419.00	12.72	20.37		20.38	0.000031	0.79	1282.22	549.69	0.06
Main	16.1	573.00	12.72	21.86		21.86	0.000015	0.65	2114.55	572.57	0.05
Main	16.1	751.00	12.72	22.47		22.47	0.000001	0.15	19618.15	7173.00	0.01
Main	15.4	317.00	12.72	19.47		19.47	0.000005	0.20	5199.34	2374.73	0.02
Main	15.4	419.00	12.72	20.36		20.36	0.000003	0.19	7379.21	4457.98	0.01
Main	15.4	573.00	12.72	21.85		21.85	0.000001	0.12	17470.89	6070.66	0.01
Main	15.4	751.00	12.72	22.47		22.47	0.000001	0.13	21321.31	6287.86	0.01
Main	15.3	317.00	12.72	19.31	15.56	19.43	0.000553	2.76	114.74	2265.27	0.20
Main	15.3	419.00	12.72	20.16	15.97	20.31	0.000612	3.18	131.62	141.59	0.22
Main	15.3	573.00	12.72	21.59	16.52	21.79	0.000592	3.57	160.36	5070.59	0.22
Main	15.3	751.00	12.72	22.47	17.10	22.47	0.000001	0.15	18600.72	5219.59	0.01
Main	15.25	Culvert									
Main	15.2	317.00	12.72	19.01	15.56	19.15	0.000661	2.91	108.77	299.45	0.22
Main	15.2	419.00	12.72	19.58	15.97	19.77	0.000828	3.49	120.20	111.35	0.25
Main	15.2	573.00	12.72	20.43	16.52	20.70	0.001000	4.18	137.05	1813.89	0.28
Main	15.2	751.00	12.72	20.12	17.10	20.63	0.002000	5.74	130.93	1809.15	0.40
Main	15.1	317.00	12.72	19.05		19.07	0.000216	1.27	434.20	289.24	0.12
Main	15.1	419.00	12.72	19.64		19.67	0.000224	1.42	496.01	276.52	0.12

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	15.1	573.00	12.72	20.54		20.54	0.000053	0.79	3693.60	4062.00	0.06
Main	15.1	751.00	12.72	20.33		20.34	0.000160	1.33	2824.84	4062.00	0.11
Main	14	317.00	14.12	18.95		18.99	0.000685	1.99	427.05	400.27	0.20
Main	14	419.00	14.12	19.56		19.60	0.000536	1.94	551.35	339.93	0.18
Main	14	573.00	14.12	20.52		20.53	0.000170	1.27	1889.75	1769.29	0.11
Main	14	751.00	14.12	20.25		20.28	0.000526	2.14	1421.15	1757.90	0.18
Main	13	317.00	13.02	17.71		17.88	0.001030	3.30	96.21	29.39	0.32
Main	13	419.00	13.02	18.53		18.70	0.000844	3.32	162.02	111.61	0.30
Main	13	573.00	13.02	20.10		20.20	0.000369	2.72	351.45	132.00	0.21
Main	13	751.00	13.02	19.92		19.92	0.000006	0.35	8506.23	4392.35	0.03
Main	12	317.00	9.22	16.93		16.93	0.000001	0.16	7739.10	4378.59	0.01
Main	12	419.00	9.22	17.92		17.92	0.000001	0.16	7904.50	2280.98	0.01
Main	12	573.00	9.22	19.85		19.85	0.000000	0.13	12410.01	2339.18	0.01
Main	12	751.00	9.22	19.92		19.92	0.000000	0.11	21047.04	4486.00	0.01
Main	11.4	429.00	10.82	16.93		16.93	0.000026	0.51	4200.37	4707.54	0.04
Main	11.4	566.00	10.82	17.91		17.91	0.000005	0.25	9208.03	5445.30	0.02
Main	11.4	774.00	10.82	19.85		19.85	0.000001	0.13	20126.90	5672.57	0.01
Main	11.4	1014.00	10.82	19.92		19.92	0.000001	0.16	20504.98	5674.54	0.01
Main	11.3	429.00	10.82	16.92	13.20	16.92	0.000023	0.47	4380.45	4633.56	0.04
Main	11.3	566.00	10.82	17.90	13.57	17.90	0.000005	0.24	9272.24	5332.27	0.02
Main	11.3	774.00	10.82	19.85	14.08	19.85	0.000001	0.12	20179.48	5645.67	0.01
Main	11.3	1014.00	10.82	19.92	14.60	19.92	0.000001	0.16	20555.48	5647.60	0.01
Main	11.25	Culvert									
Main	11.2	429.00	10.82	15.69	13.20	15.83	0.001174	2.97	144.37	53.48	0.27
Main	11.2	566.00	10.82	17.31	13.57	17.31	0.000014	0.38	6710.69	5214.54	0.03
Main	11.2	774.00	10.82	19.85	14.08	19.85	0.000001	0.12	20527.11	5506.95	0.01
Main	11.2	1014.00	10.82	19.92	14.60	19.92	0.000001	0.15	20889.95	5509.06	0.01
Main	11.1	429.00	8.82	15.68		15.75	0.000481	2.20	198.80	57.39	0.17

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	11.1	566.00	8.82	17.30		17.30	0.000013	0.40	6663.01	5134.95	0.03
Main	11.1	774.00	8.82	19.85		19.85	0.000001	0.13	20259.99	5396.54	0.01
Main	11.1	1014.00	8.82	19.91		19.91	0.000001	0.16	20615.27	5398.43	0.01
Main	10.4	451.00	9.12	15.47		15.47	0.000052	0.34	3773.07	2570.28	0.03
Main	10.4	595.00	9.12	17.29		17.29	0.000007	0.14	9945.00	3750.62	0.01
Main	10.4	814.00	9.12	19.85		19.85	0.000001	0.09	19920.58	4062.99	0.01
Main	10.4	1067.00	9.12	19.91		19.91	0.000002	0.11	20188.11	4071.70	0.01
Main	10.3	451.00	4.82	15.34	8.00	15.44	0.000928	2.53	178.28	1312.77	0.14
Main	10.3	595.00	4.82	17.13	8.61	17.25	0.000929	2.83	210.44	2718.49	0.15
Main	10.3	814.00	4.82	19.85	9.42	19.85	0.000002	0.17	16358.46	3885.20	0.01
Main	10.3	1067.00	4.82	19.91	10.21	19.91	0.000004	0.21	16614.16	3895.86	0.01
Main	10.25	Culvert									
Main	10.2	451.00	4.82	13.36	8.00	13.52	0.001949	3.16	142.70	335.28	0.20
Main	10.2	595.00	4.82	13.64	8.61	13.89	0.003029	4.03	147.63	356.62	0.25
Main	10.2	814.00	4.82	14.07	9.42	14.49	0.004784	5.24	155.35	864.38	0.31
Main	10.2	1067.00	4.82	14.18	10.21	14.89	0.007886	6.78	157.30	917.67	0.40
Main	10.1	451.00	8.82	13.39		13.42	0.002188	2.01	531.23	494.19	0.20
Main	10.1	595.00	8.82	13.70		13.73	0.002227	2.02	698.46	570.88	0.20
Main	10.1	814.00	8.82	14.22		14.24	0.002492	1.98	1157.90	1317.95	0.21
Main	10.1	1067.00	8.82	14.45		14.47	0.002404	1.90	1474.16	1389.64	0.21
Main	9	451.00	6.72	12.14		12.15	0.000397	1.13	1518.54	1347.31	0.09
Main	9	595.00	6.72	12.46		12.46	0.000352	1.11	1958.70	1428.71	0.09
Main	9	814.00	6.72	12.85		12.85	0.000325	1.12	2532.94	1528.41	0.09
Main	9	1067.00	6.72	13.10		13.11	0.000372	1.24	2928.45	1593.45	0.09
Main	8	451.00	7.32	11.37		11.41	0.001334	1.66	293.04	148.14	0.16
Main	8	595.00	7.32	11.70		11.76	0.001618	1.96	346.80	175.11	0.18
Main	8	814.00	7.32	12.09		12.17	0.001967	2.32	744.98	3610.60	0.21
Main	8	1067.00	7.32	12.28		12.35	0.001943	2.38	1414.67	3615.07	0.21

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	7.4	551.00	4.22	10.38		10.39	0.000520	1.46	2105.11	3643.83	0.14
Main	7.4	734.00	4.22	10.42		10.43	0.000788	1.82	2249.38	3647.58	0.17
Main	7.4	1020.00	4.22	10.54		10.55	0.000975	2.07	2686.24	3658.92	0.19
Main	7.4	1332.00	4.22	10.66		10.68	0.001092	2.24	3143.80	3670.76	0.21
Main	7.3	551.00	4.22	10.37	7.21	10.38	0.000260	1.24	2064.23	3604.03	0.11
Main	7.3	734.00	4.22	10.40	7.65	10.42	0.000420	1.58	2182.18	3607.11	0.13
Main	7.3	1020.00	4.22	10.51	8.25	10.54	0.000597	1.92	2582.56	3617.53	0.16
Main	7.3	1332.00	4.22	10.63	9.32	10.66	0.000744	2.18	3010.69	3628.64	0.18
Main	7.25	Culvert									
Main	7.2	551.00	4.22	10.16	7.21	10.21	0.000679	1.94	1264.26	3590.78	0.17
Main	7.2	734.00	4.22	10.33	7.65	10.37	0.000676	1.99	1862.41	3604.26	0.17
Main	7.2	1020.00	4.22	10.47	8.25	10.51	0.000834	2.25	2355.95	3615.35	0.19
Main	7.2	1332.00	4.22	10.62	8.79	10.66	0.000889	2.38	2920.46	3628.00	0.20
Main	7.1	551.00	4.02	10.10	7.97	10.14	0.000919	2.01	1330.71	3537.64	0.19
Main	7.1	734.00	4.02	10.27	8.39	10.30	0.000808	1.95	1952.88	3559.89	0.18
Main	7.1	1020.00	4.02	10.39	9.41	10.43	0.001006	2.22	2385.20	3575.26	0.20
Main	7.1	1332.00	4.02	10.54	9.60	10.57	0.001047	2.33	2925.37	3594.38	0.21
Main	6.4	562.00	1.59	8.01	6.79	8.47	0.007647	5.48	181.33	1348.44	0.53
Main	6.4	750.00	1.59	7.88	7.59	8.70	0.014872	7.44	144.56	172.23	0.73
Main	6.4	1043.00	1.59	8.55		8.75	0.004877	4.84	988.22	1625.24	0.43
Main	6.4	1363.00	1.59	8.88		8.99	0.003304	4.20	1541.64	1790.52	0.36
Main	6.3	562.00	1.50	8.10	6.82	8.24	0.001317	3.06	327.11	1343.69	0.23
Main	6.3	750.00	1.50	8.02	6.82	8.30	0.002574	4.23	221.00	1308.10	0.32
Main	6.3	1043.00	1.50	8.39	6.82	8.66	0.002790	4.60	734.57	1472.37	0.33
Main	6.3	1363.00	1.50	8.62	6.82	8.89	0.003033	4.92	1087.48	1575.34	0.35
Main	6.25	Culvert									
Main	6.2	562.00	1.50	7.34	6.82	7.54	0.002144	3.61	155.78	31.49	0.29
Main	6.2	750.00	1.50	7.93	6.82	8.21	0.002685	4.29	182.03	62.07	0.32

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	6.2	1043.00	1.50	8.34	6.82	8.65	0.003044	4.79	653.31	1436.01	0.35
Main	6.2	1363.00	1.50	8.57	6.82	8.88	0.003372	5.17	990.38	1533.96	0.37
Main	6.1	562.00	1.42	7.08	5.02	7.38	0.004090	4.41	127.37	31.18	0.38
Main	6.1	750.00	1.42	7.66	5.51	8.03	0.004498	4.96	239.41	456.86	0.41
Main	6.1	1043.00	1.42	8.13	6.20	8.48	0.004512	5.26	600.24	1502.83	0.41
Main	6.1	1363.00	1.42	8.40	6.88	8.69	0.004273	5.31	1027.53	1591.72	0.41
Main	6	562.00	-0.58	3.41		3.44	0.000922	1.96	922.88	732.34	0.19
Main	6	750.00	-0.58	3.78		3.80	0.000856	2.03	1195.31	769.12	0.19
Main	6	1043.00	-0.58	4.25		4.27	0.000816	2.15	1569.60	821.84	0.19
Main	6	1363.00	-0.58	4.69		4.72	0.000793	2.26	1944.31	875.48	0.19
Main	5.4	562.00	-3.28	3.00		3.01	0.000404	1.40	1393.64	1277.91	0.13
Main	5.4	750.00	-3.28	3.40		3.41	0.000336	1.34	1916.24	1304.31	0.12
Main	5.4	1043.00	-3.28	3.90		3.91	0.000300	1.33	2571.02	1336.66	0.11
Main	5.4	1363.00	-3.28	4.36		4.37	0.000275	1.36	3329.24	1740.27	0.11
Main	5.3	562.00	-3.28	2.99	0.31	3.00	0.000344	1.29	1612.23	1514.95	0.12
Main	5.3	750.00	-3.28	3.39	0.71	3.40	0.000279	1.22	2224.40	1549.90	0.11
Main	5.3	1043.00	-3.28	3.89	1.25	3.90	0.000242	1.20	3006.38	1593.42	0.10
Main	5.3	1363.00	-3.28	4.35	2.46	4.36	0.000227	1.23	3787.04	1726.25	0.10
Main	5.25	Bridge									
Main	5.2	562.00	-3.28	2.96	0.31	2.97	0.000329	1.26	1702.10	1635.32	0.11
Main	5.2	750.00	-3.28	3.36	0.71	3.37	0.000258	1.17	2361.78	1653.67	0.10
Main	5.2	1043.00	-3.28	3.86	1.25	3.87	0.000217	1.13	3198.73	1676.66	0.10
Main	5.2	1363.00	-3.28	4.32	2.49	4.32	0.000212	1.19	4070.11	2030.00	0.10
Main	5.1	562.00	-3.28	2.88		2.94	0.001043	2.22	667.09	874.81	0.20
Main	5.1	750.00	-3.28	3.30		3.34	0.000929	2.20	1085.89	1147.99	0.20
Main	5.1	1043.00	-3.28	3.82		3.85	0.000769	2.12	1771.13	1490.65	0.18
Main	5.1	1363.00	-3.28	4.28		4.31	0.000640	2.05	2613.17	2004.00	0.17
Main	4	562.00	-3.28	2.50		2.50	0.000052	0.56	3347.52	1394.41	0.05

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	4	750.00	-3.28	2.95		2.95	0.000054	0.61	3978.59	1401.92	0.05
Main	4	1043.00	-3.28	3.52		3.52	0.000058	0.68	4778.02	1411.38	0.05
Main	4	1363.00	-3.28	4.02		4.03	0.000064	0.76	5498.73	1419.44	0.06
Main	3	562.00	-3.68	2.32		2.37	0.001009	2.68	709.18	374.19	0.20
Main	3	750.00	-3.68	2.76		2.81	0.001053	2.88	880.27	395.19	0.21
Main	3	1043.00	-3.68	3.32		3.37	0.001139	3.17	1105.84	421.27	0.22
Main	3	1363.00	-3.68	3.81		3.86	0.001232	3.46	1318.04	444.42	0.23
Main	2	562.00	-3.68	0.56		0.67	0.001798	3.04	469.03	520.58	0.27
Main	2	750.00	-3.68	0.79		0.93	0.002245	3.53	600.12	604.74	0.30
Main	2	1043.00	-3.68	1.12	0.11	1.28	0.002678	4.05	812.71	720.61	0.33
Main	2	1363.00	-3.68	1.44	0.58	1.61	0.002863	4.38	1061.76	836.19	0.35
Main	1	622.00	-4.18	-0.18	-3.29	-0.16	0.000212	1.06	998.05	914.50	0.09
Main	1	840.00	-4.18	-0.18	-3.09	-0.15	0.000386	1.43	998.05	914.50	0.13
Main	1	1171.00	-4.18	-0.18	-2.82	-0.12	0.000751	2.00	998.05	914.50	0.18
Main	1	1542.00	-4.18	-0.18	-2.56	-0.08	0.001301	2.63	998.05	914.50	0.23

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	22.4	309.00	19.82	23.42		23.42	0.000002	0.10	9425.59	4650.00	0.01
Main	22.4	309.00	19.82	23.69		23.69	0.000004	0.16	5341.71	2154.03	0.02
Main	22.3	309.00	17.43	23.41	19.97	23.41	0.000006	0.24	6318.93	4646.00	0.02
Main	22.3	309.00	17.43	23.67	19.97	23.68	0.000115	1.07	808.49	475.92	0.09
Main	22.25	Culvert									
Main	22.2	309.00	17.43	22.41	19.97	22.42	0.000159	1.07	1687.65	4646.00	0.10
Main	22.2	309.00	17.43	23.20	19.97	23.22	0.000226	1.41	585.00	475.92	0.12
Main	22.1	309.00	17.42	22.40		22.41	0.000174	1.09	1646.52	4646.00	0.10
Main	22.1	309.00	17.42	23.19		23.21	0.000252	1.46	563.76	465.70	0.12
Main	21	309.00	17.42	22.13		22.19	0.000809	2.25	664.14	4214.62	0.22
Main	21	309.00	17.42	22.85		22.93	0.000691	2.29	135.19	34.00	0.20
Main	20	309.00	17.42	21.60		21.60	0.000048	0.52	3038.95	3553.23	0.05
Main	20	309.00	17.42	22.41		22.41	0.000069	0.68	1555.18	918.90	0.06
Main	19.4	438.00	16.12	21.55		21.55	0.000034	0.27	4926.29	4012.00	0.03
Main	19.4	438.00	16.12	22.33		22.33	0.000045	0.35	3021.60	1293.27	0.03
Main	19.3	438.00	16.42	21.54	19.50	21.54	0.000018	0.22	6255.62	4006.00	0.02
Main	19.3	438.00	16.42	22.33	19.50	22.33	0.000025	0.28	4029.91	1697.24	0.02
Main	19.25	Culvert									
Main	19.2	438.00	16.42	21.54	19.50	21.54	0.000019	0.23	6209.38	3984.80	0.02
Main	19.2	438.00	16.42	22.32	19.50	22.32	0.000025	0.28	4015.83	1697.24	0.02
Main	19.1	438.00	16.52	21.53		21.53	0.000017	0.21	6351.88	3968.00	0.02
Main	19.1	438.00	16.52	22.32		22.32	0.000023	0.27	4193.48	1776.31	0.02
Main	18.4	438.00	16.02	21.52		21.52	0.000008	0.18	6805.62	4008.00	0.02
Main	18.4	438.00	16.02	22.30		22.30	0.000011	0.24	4532.95	1821.61	0.02

Bayshore Creek Boundary Existing

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	18.3	438.00	16.02	21.52	19.50	21.52	0.000011	0.21	6222.40	4008.00	0.02
Main	18.3	438.00	16.02	22.29	19.50	22.29	0.000015	0.28	3967.20	1667.76	0.02
Main	18.25	Culvert									
Main	18.2	438.00	16.02	21.52	19.50	21.52	0.000011	0.21	6240.60	4009.00	0.02
Main	18.2	438.00	16.02	22.29	19.50	22.29	0.000015	0.27	3982.56	1667.76	0.02
Main	18.1	438.00	15.42	21.52		21.52	0.000027	0.33	3834.15	2424.90	0.03
Main	18.1	438.00	15.42	22.29		22.29	0.000035	0.41	2412.85	982.82	0.03
Main	17.4	513.00	14.82	21.51		21.51	0.000006	0.16	10461.22	6679.41	0.01
Main	17.4	513.00	14.82	22.29		22.29	0.000008	0.20	6716.76	2789.54	0.02
Main	17.3	513.00	14.82	21.51	18.16	21.51	0.000024	0.33	4987.88	3236.48	0.03
Main	17.3	513.00	14.82	22.29	18.16	22.29	0.000032	0.41	3197.96	1366.73	0.03
Main	17.25	Bridge									
Main	17.2	513.00	14.82	21.51	18.16	21.51	0.000025	0.34	4834.62	3160.65	0.03
Main	17.2	513.00	14.82	22.28	18.16	22.28	0.000034	0.42	3081.74	1318.60	0.03
Main	17.1	513.00	14.82	21.50		21.50	0.000003	0.11	12961.57	6687.59	0.01
Main	17.1	513.00	14.82	22.28		22.28	0.000004	0.14	9305.15	3503.35	0.01
Main	17	513.00	15.92	21.50		21.50	0.000001	0.08	16377.79	6720.09	0.01
Main	17	513.00	15.92	22.27		22.27	0.000002	0.09	12581.33	4061.55	0.01
Main	16.4	573.00	13.82	21.50		21.50	0.000001	0.10	21111.28	7171.58	0.01
Main	16.4	573.00	13.82	22.27		22.27	0.000001	0.11	16487.12	4360.73	0.01
Main	16.3	573.00	16.42	21.50	18.22	21.50	0.000001	0.08	21334.55	7167.36	0.01
Main	16.3	573.00	16.42	22.27	18.30	22.27	0.000001	0.13	13020.15	3415.48	0.01
Main	16.25	Culvert									

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	16.2	573.00	16.42	21.50	18.44	21.50	0.000002	0.14	15522.76	7167.62	0.01
Main	16.2	573.00	16.42	22.27	18.73	22.27	0.000003	0.18	10684.65	3415.48	0.01
Main	16.1	573.00	12.72	21.49		21.49	0.000003	0.22	12644.00	7156.08	0.02
Main	16.1	573.00	12.72	22.26		22.26	0.000004	0.26	7962.56	2666.10	0.02
Main	15.4	573.00	12.72	21.49		21.49	0.000001	0.13	15307.77	6020.37	0.01
Main	15.4	573.00	12.72	22.26		22.26	0.000002	0.16	13140.39	4075.32	0.01
Main	15.3	573.00	12.72	21.21	16.52	21.43	0.000698	3.75	152.67	4980.29	0.24
Main	15.3	573.00	12.72	22.22	16.52	22.25	0.000143	1.44	396.66	58.00	0.10
Main	15.25	Culvert									
Main	15.2	573.00	12.72	20.06	16.52	20.37	0.001199	4.41	129.79	1808.27	0.31
Main	15.2	573.00	12.72	20.89	16.52	21.13	0.000805	3.92	146.23	58.00	0.26
Main	15.1	573.00	12.72	20.18		20.20	0.000141	1.22	2238.56	4062.00	0.10
Main	15.1	573.00	12.72	20.97		21.00	0.000172	1.47	674.64	260.33	0.11
Main	14	573.00	14.12	20.12		20.14	0.000416	1.87	1191.15	1752.29	0.16
Main	14	573.00	14.12	20.95		20.96	0.000135	1.20	1475.88	709.30	0.10
Main	13	573.00	13.02	19.85		19.85	0.000008	0.30	8213.11	4391.85	0.02
Main	13	573.00	13.02	20.86		20.86	0.000008	0.33	6066.41	2095.20	0.02
Main	12	573.00	9.22	19.85		19.85	0.000000	0.09	20747.87	4486.00	0.01
Main	12	573.00	9.22	20.86		20.86	0.000000	0.10	17231.64	2812.36	0.01
Main	11.4	774.00	10.82	19.85		19.85	0.000001	0.13	20126.90	5672.57	0.01
Main	11.4	774.00	10.82	20.86		20.86	0.000001	0.14	16503.99	3567.40	0.01
Main	11.3	774.00	10.82	19.85	14.08	19.85	0.000001	0.12	20179.48	5645.67	0.01
Main	11.3	774.00	10.82	20.86	14.08	20.86	0.000001	0.14	16042.85	3446.54	0.01

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	11.25	Culvert									
Main	11.2	774.00	10.82	19.85	14.08	19.85	0.000001	0.12	20527.11	5506.95	0.01
Main	11.2	774.00	10.82	20.86	14.08	20.86	0.000001	0.13	16792.98	3446.54	0.01
Main	11.1	774.00	8.82	19.85		19.85	0.000001	0.13	20259.99	5396.54	0.01
Main	11.1	774.00	8.82	20.85		20.85	0.000001	0.14	16610.99	3406.02	0.01
Main	10.4	814.00	9.12	19.85		19.85	0.000001	0.09	19920.58	4062.99	0.01
Main	10.4	814.00	9.12	20.85		20.85	0.000001	0.09	16095.82	2337.48	0.01
Main	10.3	814.00	4.82	19.85	9.42	19.85	0.000002	0.17	16358.46	3885.20	0.01
Main	10.3	814.00	4.82	20.68	9.42	20.81	0.001810	2.97	274.30	18.00	0.13
Main	10.25	Culvert									
Main	10.2	814.00	4.82	14.07	9.42	14.49	0.004784	5.24	155.35	864.38	0.31
Main	10.2	814.00	4.82	14.82	9.42	15.18	0.006160	4.82	168.93	18.00	0.28
Main	10.1	814.00	8.82	14.22		14.24	0.002492	1.98	1157.90	1317.95	0.21
Main	10.1	814.00	8.82	14.92		14.95	0.002488	1.95	709.87	382.29	0.21
Main	9	814.00	6.72	12.85		12.85	0.000325	1.12	2532.94	1528.41	0.09
Main	9	814.00	6.72	13.52		13.53	0.000389	1.33	1320.82	339.77	0.10
Main	8	814.00	7.32	12.09		12.17	0.001967	2.32	744.98	3610.60	0.21
Main	8	814.00	7.32	12.85		12.89	0.000863	1.70	846.19	571.76	0.14
Main	7.4	1020.00	4.22	10.54		10.55	0.000975	2.07	2686.24	3658.92	0.19
Main	7.4	1020.00	4.22	11.50		11.58	0.001941	3.24	772.56	297.92	0.27
Main	7.3	1020.00	4.22	10.51	8.25	10.54	0.000597	1.92	2582.56	3617.53	0.16
Main	7.3	1020.00	4.22	11.45	8.25	11.54	0.001065	2.84	701.20	297.03	0.22
Main	7.25	Culvert									

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	7.2	1020.00	4.22	10.47	8.25	10.51	0.000834	2.25	2355.95	3615.35	0.19
Main	7.2	1020.00	4.22	11.39	8.25	11.46	0.000846	2.52	835.52	297.03	0.19
Main	7.1	1020.00	4.02	10.39	9.41	10.43	0.001006	2.22	2385.20	3575.26	0.20
Main	7.1	1020.00	4.02	11.32	9.39	11.37	0.000909	2.39	948.52	347.18	0.20
Main	6.4	1043.00	1.59	8.55		8.75	0.004877	4.84	988.22	1625.24	0.43
Main	6.4	1043.00	1.59	9.26		9.74	0.006756	6.13	279.90	109.45	0.50
Main	6.3	1043.00	1.50	8.39	6.82	8.66	0.002790	4.60	734.57	1472.37	0.33
Main	6.3	1043.00	1.50	9.33	6.82	9.54	0.001754	4.02	485.88	220.00	0.27
Main	6.25	Culvert									
Main	6.2	1043.00	1.50	8.34	6.82	8.65	0.003044	4.79	653.31	1436.01	0.35
Main	6.2	1043.00	1.50	9.30	6.82	9.52	0.001807	4.08	471.65	220.00	0.28
Main	6.1	1043.00	1.42	8.13	6.20	8.48	0.004512	5.26	600.24	1502.83	0.41
Main	6.1	1043.00	1.42	8.87	6.20	9.33	0.004260	5.52	212.71	51.74	0.41
Main	6	1043.00	-0.58	4.25		4.27	0.000816	2.15	1569.60	821.84	0.19
Main	6	1043.00	-0.58	5.23		5.28	0.000830	2.50	1000.52	312.79	0.19
Main	5.4	1043.00	-3.28	3.90		3.91	0.000300	1.33	2571.02	1336.66	0.11
Main	5.4	1043.00	-3.28	4.89		4.90	0.000306	1.52	1712.16	557.17	0.12
Main	5.3	1043.00	-3.28	3.89	1.25	3.90	0.000242	1.20	3006.38	1593.42	0.10
Main	5.3	1043.00	-3.28	4.88	1.25	4.89	0.000247	1.36	2093.58	745.83	0.10
Main	5.25	Bridge									
Main	5.2	1043.00	-3.28	3.86	1.25	3.87	0.000217	1.13	3198.73	1676.66	0.10
Main	5.2	1043.00	-3.28	4.84	1.25	4.85	0.000202	1.23	2312.52	771.67	0.09
Main	5.1	1043.00	-3.28	3.82		3.85	0.000769	2.12	1771.13	1490.65	0.18
Main	5.1	1043.00	-3.28	4.76		4.83	0.000780	2.39	1110.71	680.33	0.18

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	4	1043.00	-3.28	3.52		3.52	0.000058	0.68	4778.02	1411.38	0.05
Main	4	1043.00	-3.28	4.50		4.50	0.000044	0.66	4403.25	931.27	0.05
Main	3	1043.00	-3.68	3.32		3.37	0.001139	3.17	1105.84	421.27	0.22
Main	3	1043.00	-3.68	4.30		4.38	0.001079	3.38	752.32	152.37	0.22
Main	2	1043.00	-3.68	1.12	0.11	1.28	0.002678	4.05	812.71	720.61	0.33
Main	2	1043.00	-3.68	1.98		2.30	0.002930	4.76	295.70	73.62	0.36
Main	1	1171.00	-4.18	-0.18	-2.82	-0.12	0.000751	2.00	998.05	914.50	0.18
Main	1	1171.00	-4.18	0.82	-2.82	0.87	0.000439	1.75	669.80	136.00	0.14

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main

Reach	River Sta	Q Total (cfs)	Min Ch El (ft)	W.S. Elev (ft)	Crit W.S. (ft)	E.G. Elev (ft)	E.G. Slope (ft/ft)	Vel Chnl (ft/s)	Flow Area (sq ft)	Top Width (ft)	Froude # Chl
Main	22.4	309.00	19.82	23.41		23.41	0.000002	0.10	9404.08	4650.00	0.01
Main	22.4	309.00	19.82	23.42		23.42	0.000002	0.10	9420.76	4650.00	0.01
Main	22.3	309.00	17.43	23.40	19.97	23.40	0.000006	0.24	6297.38	4646.00	0.02
Main	22.3	309.00	17.43	23.41	19.97	23.41	0.000006	0.24	6314.12	4646.00	0.02
Main	22.25	Culvert									
Main	22.2	309.00	17.43	22.41	19.97	22.42	0.000159	1.07	1686.27	4646.00	0.10
Main	22.2	309.00	17.43	22.41	19.97	22.42	0.000159	1.07	1688.17	4646.00	0.10
Main	22.1	309.00	17.42	22.40		22.41	0.000175	1.09	1645.08	4646.00	0.10
Main	22.1	309.00	17.42	22.40		22.41	0.000174	1.09	1647.05	4646.00	0.10
Main	21	309.00	17.42	22.12		22.19	0.000822	2.26	652.46	4214.01	0.22
Main	21	309.00	17.42	22.13		22.19	0.000804	2.24	668.43	4214.84	0.22
Main	20	309.00	17.42	21.59		21.59	0.000050	0.53	3000.31	3530.31	0.05
Main	20	309.00	17.42	21.60		21.60	0.000048	0.52	3053.01	3561.54	0.05
Main	19.4	438.00	16.12	21.53		21.53	0.000035	0.28	4875.74	4012.00	0.03
Main	19.4	438.00	16.12	21.55		21.55	0.000034	0.27	4944.55	4012.00	0.03
Main	19.3	438.00	16.42	21.53	19.50	21.53	0.000019	0.23	6204.93	4006.00	0.02
Main	19.3	438.00	16.42	21.55	19.50	21.55	0.000018	0.22	6274.27	4006.00	0.02
Main	19.25	Culvert									
Main	19.2	438.00	16.42	21.53	19.50	21.53	0.000019	0.23	6166.89	3984.80	0.02
Main	19.2	438.00	16.42	21.54	19.50	21.54	0.000018	0.22	6229.57	3984.80	0.02
Main	19.1	438.00	16.52	21.52		21.52	0.000018	0.21	6309.37	3968.00	0.02
Main	19.1	438.00	16.52	21.54		21.54	0.000017	0.21	6372.41	3968.00	0.02
Main	18.4	438.00	16.02	21.51		21.51	0.000008	0.19	6762.28	4008.00	0.02
Main	18.4	438.00	16.02	21.52		21.52	0.000008	0.18	6827.68	4008.00	0.02

Bayshore Creek Roadway Proposed

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	18.3	438.00	16.02	21.51	19.50	21.51	0.000011	0.22	6181.95	4008.00	0.02
Main	18.3	438.00	16.02	21.52	19.50	21.52	0.000011	0.21	6247.01	4008.00	0.02
Main	18.25	Culvert									
Main	18.2	438.00	16.02	21.51	19.50	21.51	0.000011	0.21	6199.92	4009.00	0.02
Main	18.2	438.00	16.02	21.52	19.50	21.52	0.000011	0.21	6256.03	4009.00	0.02
Main	18.1	438.00	15.42	21.51		21.51	0.000027	0.34	3811.30	2424.88	0.03
Main	18.1	438.00	15.42	21.52		21.52	0.000026	0.33	3845.04	2424.91	0.03
Main	17.4	513.00	14.82	21.50		21.50	0.000006	0.16	10403.09	6679.30	0.01
Main	17.4	513.00	14.82	21.52		21.52	0.000006	0.16	10495.46	6679.48	0.01
Main	17.3	513.00	14.82	21.50	18.16	21.50	0.000024	0.33	4962.04	3236.43	0.03
Main	17.3	513.00	14.82	21.52	18.16	21.52	0.000023	0.33	5006.52	3236.53	0.03
Main	17.25	Bridge									
Main	17.2	513.00	14.82	21.50	18.16	21.50	0.000026	0.34	4816.22	3160.62	0.03
Main	17.2	513.00	14.82	21.51	18.16	21.51	0.000025	0.34	4858.87	3160.70	0.03
Main	17.1	513.00	14.82	21.50		21.50	0.000003	0.11	12927.47	6687.54	0.01
Main	17.1	513.00	14.82	21.51		21.51	0.000003	0.11	13017.15	6687.69	0.01
Main	17	513.00	15.92	21.50		21.50	0.000001	0.08	16348.37	6720.06	0.01
Main	17	513.00	15.92	21.51		21.51	0.000001	0.08	16437.92	6720.15	0.01
Main	16.4	573.00	13.82	21.50		21.50	0.000001	0.10	21085.06	7171.56	0.01
Main	16.4	573.00	13.82	21.51		21.51	0.000001	0.09	21180.02	7171.64	0.01
Main	16.3	573.00	16.42	21.49	18.22	21.49	0.000001	0.08	21313.51	7167.34	0.01
Main	16.3	573.00	16.42	21.51	18.22	21.51	0.000001	0.08	21407.81	7167.42	0.01
Main	16.25	Culvert									

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	16.2	573.00	16.42	21.49	18.44	21.49	0.000002	0.14	15501.72	7167.61	0.01
Main	16.2	573.00	16.42	21.51	18.44	21.51	0.000002	0.14	15596.02	7167.68	0.01
Main	16.1	573.00	12.72	21.49		21.49	0.000002	0.21	12628.15	7156.03	0.01
Main	16.1	573.00	12.72	21.51		21.51	0.000002	0.22	11475.91	6328.93	0.02
Main	15.4	573.00	12.72	21.49		21.49	0.000001	0.13	15298.78	6020.16	0.01
Main	15.4	573.00	12.72	21.50		21.50	0.000001	0.13	15376.99	6021.99	0.01
Main	15.3	573.00	12.72	21.21	16.52	21.43	0.000698	3.75	152.64	4979.91	0.24
Main	15.3	573.00	12.72	21.22	16.52	21.44	0.000694	3.75	152.92	4983.21	0.24
Main	15.25	Culvert									
Main	15.2	573.00	12.72	20.06	16.52	20.37	0.001200	4.42	129.76	1808.24	0.31
Main	15.2	573.00	12.72	20.08	16.52	20.38	0.001192	4.41	130.02	1808.45	0.30
Main	15.1	573.00	12.72	20.18		20.19	0.000142	1.22	2232.40	4062.00	0.10
Main	15.1	573.00	12.72	20.19		20.21	0.000136	1.20	2285.96	4062.00	0.10
Main	14	573.00	14.12	20.12		20.14	0.000418	1.87	1188.01	1752.21	0.16
Main	14	573.00	14.12	20.13		20.16	0.000403	1.84	1215.14	1752.87	0.16
Main	13	573.00	13.02	19.85		19.85	0.000004	0.28	8213.11	4391.85	0.02
Main	13	573.00	13.02	19.87		19.87	0.000005	0.30	7614.96	4015.61	0.02
Main	12	573.00	9.22	19.85		19.85	0.000000	0.08	20747.87	4486.00	0.01
Main	12	573.00	9.22	19.87		19.87	0.000000	0.09	20013.95	4268.24	0.01
Main	11.4	774.00	10.82	19.85		19.85	0.000001	0.13	20126.90	5672.57	0.01
Main	11.4	774.00	10.82	19.87		19.87	0.000001	0.12	20265.69	5673.29	0.01
Main	11.3	774.00	10.82	19.85	14.08	19.85	0.000001	0.12	20179.48	5645.67	0.01
Main	11.3	774.00	10.82	19.87	14.08	19.87	0.000001	0.12	20317.62	5646.38	0.01

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	11.25	Culvert									
Main	11.2	774.00	10.82	19.85	14.08	19.85	0.000001	0.12	20527.11	5506.95	0.01
Main	11.2	774.00	10.82	19.87	14.08	19.87	0.000001	0.12	20662.87	5507.74	0.01
Main	11.1	774.00	8.82	19.85		19.85	0.000001	0.13	20259.99	5396.54	0.01
Main	11.1	774.00	8.82	19.87		19.87	0.000001	0.13	20393.03	5397.25	0.01
Main	10.4	814.00	9.12	19.85		19.85	0.000001	0.09	19920.58	4062.99	0.01
Main	10.4	814.00	9.12	19.87		19.87	0.000001	0.09	20020.79	4066.25	0.01
Main	10.3	814.00	4.82	19.85	9.42	19.85	0.000002	0.17	16358.46	3885.20	0.01
Main	10.3	814.00	4.82	19.87	9.42	19.87	0.000002	0.17	16454.30	3889.20	0.01
Main	10.25	Culvert									
Main	10.2	814.00	4.82	14.07	9.42	14.49	0.004784	5.24	155.35	864.38	0.31
Main	10.2	814.00	4.82	14.07	9.42	14.49	0.004784	5.24	155.35	864.37	0.31
Main	10.1	814.00	8.82	14.22		14.24	0.002492	1.98	1157.90	1317.95	0.21
Main	10.1	814.00	8.82	14.22		14.24	0.002492	1.98	1157.90	1317.95	0.21
Main	9	814.00	6.72	12.85		12.85	0.000325	1.12	2532.94	1528.41	0.09
Main	9	814.00	6.72	12.85		12.85	0.000325	1.12	2532.92	1528.40	0.09
Main	8	814.00	7.32	12.09		12.17	0.001967	2.32	744.98	3610.60	0.21
Main	8	814.00	7.32	12.09		12.17	0.001967	2.32	744.77	3610.59	0.21
Main	7.4	1020.00	4.22	10.54		10.55	0.000975	2.07	2686.24	3658.92	0.19
Main	7.4	1020.00	4.22	10.54		10.55	0.000974	2.07	2687.07	3658.94	0.19
Main	7.3	1020.00	4.22	10.51	8.25	10.54	0.000597	1.92	2582.56	3617.53	0.16
Main	7.3	1020.00	4.22	10.51	8.25	10.54	0.000597	1.92	2583.45	3617.55	0.16
Main	7.25	Culvert									

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	7.2	1020.00	4.22	10.47	8.25	10.51	0.000834	2.25	2355.95	3615.35	0.19
Main	7.2	1020.00	4.22	10.47	8.25	10.51	0.000834	2.25	2355.87	3615.35	0.19
Main	7.1	1020.00	4.02	10.39	9.41	10.43	0.001006	2.22	2385.20	3575.26	0.20
Main	7.1	1020.00	4.02	10.39	9.41	10.43	0.001006	2.22	2385.10	3575.26	0.20
Main	6.4	1043.00	1.59	8.55		8.75	0.004877	4.84	988.22	1625.24	0.43
Main	6.4	1043.00	1.59	8.55		8.75	0.004874	4.84	988.51	1625.33	0.43
Main	6.3	1043.00	1.50	8.39	6.82	8.66	0.002790	4.60	734.57	1472.37	0.33
Main	6.3	1043.00	1.50	8.39	6.82	8.66	0.002790	4.60	734.68	1472.40	0.33
Main	6.25	Culvert									
Main	6.2	1043.00	1.50	8.34	6.82	8.65	0.003044	4.79	653.31	1436.01	0.35
Main	6.2	1043.00	1.50	8.34	6.82	8.65	0.003044	4.79	653.46	1436.06	0.35
Main	6.1	1043.00	1.42	8.13	6.20	8.48	0.004512	5.26	600.24	1502.83	0.41
Main	6.1	1043.00	1.42	8.13	6.20	8.48	0.004513	5.26	599.97	1502.77	0.41
Main	6	1043.00	-0.58	4.25		4.27	0.000816	2.15	1569.60	821.84	0.19
Main	6	1043.00	-0.58	4.24		4.26	0.000828	2.16	1560.85	820.55	0.19
Main	5.4	1043.00	-3.28	3.90		3.91	0.000300	1.33	2571.02	1336.66	0.11
Main	5.4	1043.00	-3.28	3.88		3.89	0.000307	1.35	2547.86	1335.53	0.11
Main	5.3	1043.00	-3.28	3.89	1.25	3.90	0.000242	1.20	3006.38	1593.42	0.10
Main	5.3	1043.00	-3.28	3.87	1.25	3.88	0.000248	1.21	2978.41	1591.89	0.10
Main	5.25	Bridge									
Main	5.2	1043.00	-3.28	3.86	1.25	3.87	0.000217	1.13	3198.73	1676.66	0.10
Main	5.2	1043.00	-3.28	3.85	1.25	3.85	0.000223	1.14	3168.12	1675.83	0.10
Main	5.1	1043.00	-3.28	3.82		3.85	0.000769	2.12	1771.13	1490.65	0.18
Main	5.1	1043.00	-3.28	3.79		3.83	0.000794	2.15	1741.34	1477.41	0.18

HEC-RAS Plan: Imported Pla River: Bayshore Creek Reach: Main (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main	4	1043.00	-3.28	3.52		3.52	0.000058	0.68	4778.02	1411.38	0.05
Main	4	1043.00	-3.28	3.48		3.48	0.000060	0.69	4733.47	1410.85	0.05
Main	3	1043.00	-3.68	3.32		3.37	0.001139	3.17	1105.84	421.27	0.22
Main	3	1043.00	-3.68	3.28		3.33	0.001182	3.22	1089.81	419.47	0.22
Main	2	1043.00	-3.68	1.12	0.11	1.28	0.002678	4.05	812.71	720.61	0.33
Main	2	1043.00	-3.68	1.49		1.58	0.001559	3.26	1104.94	854.64	0.26
Main	1	1171.00	-4.18	-0.18	-2.82	-0.12	0.000751	2.00	998.05	914.50	0.18
Main	1	1171.00	-4.18	0.82	-2.82	0.84	0.000233	1.30	1920.47	930.34	0.10

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	38.4	687.00	23.32	24.92		24.92	0.000093	0.47	4786.74	5591.30	0.07
Main Stem	38.4	912.00	23.32	25.05		25.05	0.000104	0.53	5539.67	5722.49	0.08
Main Stem	38.4	1258.00	23.32	25.23		25.23	0.000117	0.61	6577.42	5898.52	0.08
Main Stem	38.4	1663.00	23.32	25.41		25.41	0.000129	0.68	7654.90	6075.89	0.09
Main Stem	38.3	687.00	23.32	24.92	24.91	24.92	0.000093	0.47	4778.76	5589.90	0.07
Main Stem	38.3	912.00	23.32	25.05	24.91	25.05	0.000105	0.53	5530.33	5720.88	0.08
Main Stem	38.3	1258.00	23.32	25.23	24.91	25.23	0.000118	0.61	6566.38	5896.67	0.08
Main Stem	38.3	1663.00	23.32	25.41	24.92	25.41	0.000130	0.68	7642.22	6073.83	0.09
Main Stem	38.25	Culvert									
Main Stem	38.2	687.00	23.42	24.92	24.91	24.92	0.000061	0.38	5200.75	6157.28	0.06
Main Stem	38.2	912.00	23.42	25.05	24.91	25.05	0.000070	0.43	6038.79	6354.43	0.06
Main Stem	38.2	1258.00	23.42	25.23	24.92	25.23	0.000080	0.50	7189.69	6615.62	0.07
Main Stem	38.2	1663.00	23.42	25.41	24.92	25.41	0.000089	0.57	8400.62	6879.73	0.07
Main Stem	38.1	687.00	23.42	24.92		24.92	0.000062	0.38	5191.97	6155.18	0.06
Main Stem	38.1	912.00	23.42	25.05		25.05	0.000070	0.43	6028.42	6352.03	0.06
Main Stem	38.1	1258.00	23.42	25.23		25.23	0.000081	0.50	7177.31	6612.86	0.07
Main Stem	38.1	1663.00	23.42	25.41		25.41	0.000090	0.57	8386.26	6876.65	0.07
Main Stem	37	687.00	21.62	24.81		24.81	0.000238	1.02	3478.54	4789.88	0.12
Main Stem	37	912.00	21.62	24.93		24.93	0.000269	1.12	4061.98	5062.86	0.13
Main Stem	37	1258.00	21.62	25.09		25.09	0.000300	1.24	4899.86	5430.95	0.14
Main Stem	37	1663.00	21.62	25.25		25.25	0.000322	1.34	5823.05	5809.57	0.14
Main Stem	36	687.00	19.42	24.55		24.55	0.000157	1.00	4594.53	8030.00	0.10
Main Stem	36	912.00	19.42	24.64		24.64	0.000179	1.09	5303.41	8030.00	0.11
Main Stem	36	1258.00	19.42	24.77		24.77	0.000199	1.18	6311.68	8030.00	0.12
Main Stem	36	1663.00	19.42	24.91		24.91	0.000208	1.24	7434.51	8030.00	0.12
Main Stem	35	687.00	19.12	24.16		24.25	0.001535	3.00	1462.13	8011.61	0.32
Main Stem	35	912.00	19.12	24.26	23.28	24.32	0.001281	2.80	2259.20	8012.61	0.30
Main Stem	35	1258.00	19.12	24.40	24.27	24.43	0.001011	2.57	3338.41	8013.96	0.27
Main Stem	35	1663.00	19.12	24.55	24.32	24.57	0.000766	2.32	4588.50	8015.52	0.23

Popash Creek Existing

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	34	687.00	18.52	23.20		23.20	0.000039	0.54	5730.92	4767.41	0.05
Main Stem	34	912.00	18.52	23.44		23.44	0.000039	0.57	6877.74	4805.81	0.05
Main Stem	34	1258.00	18.52	23.74		23.74	0.000042	0.62	8292.39	4852.76	0.06
Main Stem	34	1663.00	18.52	24.04		24.04	0.000048	0.70	9868.17	7920.00	0.06
Main Stem	33.4	733.00	16.82	23.16		23.16	0.000035	0.52	7174.74	6842.84	0.05
Main Stem	33.4	969.00	16.82	23.40		23.40	0.000033	0.51	8859.05	7144.13	0.05
Main Stem	33.4	1329.00	16.82	23.69		23.69	0.000033	0.52	10995.63	7508.94	0.05
Main Stem	33.4	1764.00	16.82	23.99		23.99	0.000033	0.53	13263.80	7877.76	0.05
Main Stem	33.3	733.00	16.82	23.16	22.26	23.16	0.000035	0.52	7171.34	6842.22	0.05
Main Stem	33.3	969.00	16.82	23.40	22.31	23.40	0.000033	0.51	8855.70	7143.54	0.05
Main Stem	33.3	1329.00	16.82	23.69	22.37	23.69	0.000033	0.52	10992.10	7508.36	0.05
Main Stem	33.3	1764.00	16.82	23.99	22.43	23.99	0.000033	0.53	13260.09	7877.17	0.05
Main Stem	33.25	Culvert									
Main Stem	33.2	733.00	15.52	23.06	19.66	23.16	0.000628	2.71	746.24	1055.76	0.22
Main Stem	33.2	969.00	15.52	23.28	20.37	23.39	0.000787	3.13	996.98	1266.72	0.25
Main Stem	33.2	1329.00	15.52	23.56	21.07	23.69	0.000949	3.56	1388.15	1539.15	0.28
Main Stem	33.2	1764.00	15.52	23.85	22.92	23.98	0.001048	3.89	1874.95	1822.15	0.29
Main Stem	33.1	733.00	15.52	23.00		23.12	0.000761	2.96	568.74	889.24	0.24
Main Stem	33.1	969.00	15.52	23.18		23.34	0.001032	3.53	745.73	1082.98	0.29
Main Stem	33.1	1329.00	15.52	23.41		23.61	0.001376	4.21	1020.41	1328.84	0.33
Main Stem	33.1	1764.00	15.52	23.68		23.91	0.001564	4.65	1428.76	1627.07	0.36
Main Stem	32.4	702.00	16.52	22.83		22.84	0.000230	1.52	2481.83	2932.40	0.13
Main Stem	32.4	917.00	16.52	22.96		22.97	0.000271	1.69	2866.73	2984.31	0.14
Main Stem	32.4	1225.00	16.52	23.12		23.14	0.000318	1.87	3358.64	3049.37	0.16
Main Stem	32.4	1715.00	16.52	23.35		23.36	0.000371	2.09	4056.51	3139.35	0.17
Main Stem	32.3	702.00	17.42	22.82	22.35	22.84	0.000450	1.88	1897.17	2325.63	0.18
Main Stem	32.3	917.00	17.42	22.95	22.43	22.97	0.000521	2.06	2201.42	2362.66	0.19
Main Stem	32.3	1225.00	17.42	23.11	22.53	23.13	0.000600	2.26	2589.59	2409.08	0.20

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	32.3	1715.00	17.42	23.34	22.64	23.36	0.000690	2.50	3139.33	2473.33	0.22
Main Stem	32.25	Bridge									
Main Stem	32.2	702.00	17.42	22.79	22.35	22.81	0.000481	1.94	1927.91	2589.70	0.18
Main Stem	32.2	917.00	17.42	22.92	22.44	22.93	0.000537	2.09	2264.16	2610.93	0.19
Main Stem	32.2	1225.00	17.42	23.08	22.52	23.10	0.000592	2.25	2686.45	2610.95	0.20
Main Stem	32.2	1715.00	17.42	23.30	22.64	23.32	0.000651	2.44	3272.68	2610.97	0.21
Main Stem	32.1	702.00	17.42	22.77		22.79	0.000435	1.90	2073.94	2909.29	0.18
Main Stem	32.1	917.00	17.42	22.90		22.92	0.000479	2.04	2451.60	2960.64	0.18
Main Stem	32.1	1225.00	17.42	23.06		23.08	0.000523	2.20	2934.97	3025.07	0.19
Main Stem	32.1	1715.00	17.42	23.28		23.30	0.000566	2.37	3624.23	3114.66	0.20
Main Stem	31	702.00	17.32	22.34	21.38	22.44	0.001640	3.57	1169.61	3034.61	0.34
Main Stem	31	917.00	17.32	22.47	22.36	22.55	0.001490	3.49	1580.39	3042.50	0.32
Main Stem	31	1225.00	17.32	22.64	22.44	22.70	0.001361	3.44	2082.59	3052.11	0.31
Main Stem	31	1715.00	17.32	22.87	22.54	22.92	0.001199	3.36	2803.98	3065.87	0.30
Main Stem	30.4	694.00	17.02	21.22		21.22	0.000412	1.51	1998.24	2036.22	0.16
Main Stem	30.4	905.00	17.02	21.43		21.43	0.000412	1.57	2438.54	2185.51	0.16
Main Stem	30.4	1199.00	17.02	21.64		21.64	0.000434	1.68	2905.60	2254.64	0.17
Main Stem	30.4	1703.00	17.02	21.97		21.97	0.000423	1.78	3653.10	2259.51	0.17
Main Stem	30.3	694.00	16.62	21.21	20.47	21.22	0.000377	1.59	1971.89	1979.98	0.16
Main Stem	30.3	905.00	16.62	21.42	20.55	21.43	0.000387	1.66	2399.38	2118.19	0.16
Main Stem	30.3	1199.00	16.62	21.63	20.83	21.64	0.000430	1.80	2856.41	2250.53	0.17
Main Stem	30.3	1703.00	16.62	21.96	20.83	21.97	0.000424	1.88	3601.11	2250.91	0.17
Main Stem	30.25	Bridge									
Main Stem	30.2	694.00	16.62	21.19	20.37	21.19	0.000058	0.62	4968.30	4124.80	0.06
Main Stem	30.2	905.00	16.62	21.40	20.43	21.40	0.000059	0.65	5829.22	4127.85	0.06
Main Stem	30.2	1199.00	16.62	21.61	20.51	21.61	0.000066	0.70	6695.55	4130.92	0.07
Main Stem	30.2	1703.00	16.62	21.94	20.61	21.94	0.000073	0.78	8058.89	4133.54	0.07

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	30.1	694.00	16.62	21.19		21.19	0.000059	0.63	4943.66	4129.13	0.06
Main Stem	30.1	905.00	16.62	21.40		21.40	0.000060	0.65	5805.60	4133.14	0.06
Main Stem	30.1	1199.00	16.62	21.61		21.61	0.000067	0.71	6674.31	4137.17	0.07
Main Stem	30.1	1703.00	16.62	21.93		21.94	0.000074	0.78	8038.58	4140.00	0.07
Main Stem	29	694.00	17.32	21.17		21.18	0.000334	1.44	2003.78	1942.28	0.15
Main Stem	29	905.00	17.32	21.38		21.38	0.000344	1.52	2419.88	2045.80	0.15
Main Stem	29	1199.00	17.32	21.59		21.60	0.000384	1.67	2862.98	2150.58	0.17
Main Stem	29	1703.00	17.32	21.92		21.93	0.000401	1.81	3588.17	2226.00	0.17
Main Stem	28.4	694.00	14.42	21.13		21.15	0.000539	2.11	1910.60	1885.43	0.19
Main Stem	28.4	903.00	14.42	21.34		21.36	0.000571	2.21	2314.53	1980.42	0.20
Main Stem	28.4	1197.00	14.42	21.56		21.58	0.000645	2.40	2756.70	2079.44	0.21
Main Stem	28.4	1702.00	14.42	21.88		21.90	0.000713	2.60	3461.59	2199.94	0.22
Main Stem	28.3	694.00	14.42	21.13	20.43	21.15	0.000674	2.28	1822.63	1769.45	0.19
Main Stem	28.3	903.00	14.42	21.34	20.82	21.36	0.000699	2.36	2200.21	1844.30	0.19
Main Stem	28.3	1197.00	14.42	21.55	20.82	21.57	0.000792	2.55	2593.40	1919.08	0.20
Main Stem	28.3	1702.00	14.42	21.87	20.89	21.89	0.000877	2.75	3240.20	2036.13	0.21
Main Stem	28.25	Bridge									
Main Stem	28.2	694.00	14.42	21.10	20.43	21.12	0.000743	2.38	1748.08	1742.95	0.20
Main Stem	28.2	903.00	14.42	21.29	20.82	21.31	0.000795	2.50	2089.00	1812.50	0.20
Main Stem	28.2	1197.00	14.42	21.49	20.82	21.52	0.000898	2.71	2469.40	1886.99	0.22
Main Stem	28.2	1702.00	14.42	21.82	20.90	21.84	0.000981	2.90	3104.09	2005.11	0.22
Main Stem	28.1	694.00	15.52	21.09		21.11	0.000531	2.01	1982.42	2318.37	0.19
Main Stem	28.1	903.00	15.52	21.28		21.30	0.000557	2.12	2458.67	2652.76	0.20
Main Stem	28.1	1197.00	15.52	21.49		21.51	0.000588	2.27	3032.30	2917.92	0.21
Main Stem	28.1	1702.00	15.52	21.81		21.83	0.000588	2.39	4055.32	3338.94	0.21
Main Stem	27.4	691.00	13.72	20.84		20.85	0.000152	1.35	3477.11	4009.46	0.11
Main Stem	27.4	898.00	13.72	21.02		21.03	0.000163	1.43	4188.65	4010.00	0.11
Main Stem	27.4	1186.00	13.72	21.21		21.22	0.000182	1.55	4964.61	4010.00	0.12
Main Stem	27.4	1697.00	13.72	21.53		21.54	0.000199	1.69	6231.54	4010.00	0.13

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	27.3	691.00	13.72	20.84	17.30	20.85	0.000154	1.38	3385.00	3914.76	0.11
Main Stem	27.3	898.00	13.72	21.02	17.80	21.03	0.000168	1.47	4082.50	3950.12	0.11
Main Stem	27.3	1186.00	13.72	21.21	18.43	21.22	0.000190	1.59	4849.40	3988.15	0.12
Main Stem	27.3	1697.00	13.72	21.52	20.51	21.53	0.000209	1.73	6104.79	4010.00	0.13
Main Stem	27.25	Bridge									
Main Stem	27.2	691.00	13.62	20.82		20.83	0.000160	1.26	3509.85	4001.47	0.11
Main Stem	27.2	898.00	13.62	21.00		21.00	0.000171	1.33	4219.48	4008.27	0.11
Main Stem	27.2	1186.00	13.62	21.19		21.20	0.000190	1.44	4989.79	4015.21	0.12
Main Stem	27.2	1697.00	13.62	21.49		21.50	0.000211	1.58	6197.55	4020.00	0.13
Main Stem	26.4	690.00	16.32	20.79		20.82	0.000501	1.98	1943.01	2431.54	0.19
Main Stem	26.4	897.00	16.32	20.97		21.00	0.000538	2.06	2381.98	2493.56	0.20
Main Stem	26.4	1185.00	16.32	21.16		21.19	0.000602	2.18	2867.04	2560.57	0.21
Main Stem	26.4	1697.00	16.32	21.47		21.49	0.000664	2.31	3657.83	2666.14	0.22
Main Stem	26.3	690.00	16.32	20.78	19.06	20.81	0.000462	1.90	2250.77	3284.19	0.18
Main Stem	26.3	897.00	16.32	20.96	20.38	20.98	0.000468	1.95	2858.22	3541.30	0.18
Main Stem	26.3	1185.00	16.32	21.15	20.50	21.17	0.000494	2.05	3561.42	3817.37	0.19
Main Stem	26.3	1697.00	16.32	21.45	20.65	21.46	0.000490	2.13	4708.35	3949.76	0.19
Main Stem	26.25	Culvert									
Main Stem	26.2	690.00	12.52	20.80	17.24	20.81	0.000189	1.51	3233.39	3996.51	0.12
Main Stem	26.2	897.00	12.52	20.97	18.00	20.98	0.000201	1.59	3925.57	4006.90	0.12
Main Stem	26.2	1185.00	12.52	21.16	18.57	21.17	0.000221	1.70	4692.88	4010.00	0.13
Main Stem	26.2	1697.00	12.52	21.45	20.55	21.46	0.000248	1.86	5843.25	4010.00	0.14
Main Stem	26.1	690.00	12.52	20.75		20.78	0.000308	1.92	2400.93	3585.99	0.15
Main Stem	26.1	897.00	12.52	20.92		20.95	0.000333	2.03	3041.88	3858.83	0.16
Main Stem	26.1	1185.00	12.52	21.12		21.14	0.000357	2.15	3801.63	4010.00	0.16
Main Stem	26.1	1697.00	12.52	21.40		21.43	0.000374	2.28	4957.26	4010.00	0.17
Main Stem	25.4	690.00	12.32	20.45		20.51	0.000363	2.25	2040.67	4080.00	0.17

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	25.4	897.00	12.32	20.58		20.64	0.000421	2.46	2569.11	4080.00	0.18
Main Stem	25.4	1185.00	12.32	20.76		20.81	0.000456	2.61	3280.23	4080.00	0.19
Main Stem	25.4	1697.00	12.32	21.04		21.08	0.000476	2.75	4410.85	4080.00	0.19
Main Stem	25.3	690.00	15.11	20.44	17.57	20.49	0.000516	2.41	1937.06	4080.00	0.19
Main Stem	25.3	897.00	15.11	20.58	18.04	20.63	0.000537	2.51	2541.39	4080.00	0.19
Main Stem	25.3	1185.00	15.11	20.76	18.63	20.80	0.000556	2.61	3249.91	4080.00	0.20
Main Stem	25.3	1697.00	15.11	21.03	20.52	21.07	0.000550	2.68	4381.13	4080.00	0.20
Main Stem	25.25	Culvert									
Main Stem	25.2	690.00	15.06	20.42	17.58	20.48	0.000543	2.48	1870.52	4040.00	0.19
Main Stem	25.2	897.00	15.06	20.59	18.05	20.64	0.000538	2.52	2529.00	4040.00	0.19
Main Stem	25.2	1185.00	15.06	20.74	18.65	20.78	0.000596	2.71	3136.28	4040.00	0.21
Main Stem	25.2	1697.00	15.06	21.00	20.52	21.04	0.000606	2.82	4200.17	4040.00	0.21
Main Stem	25.1	690.00	11.12	20.39		20.45	0.000451	2.38	1747.22	4026.14	0.18
Main Stem	25.1	897.00	11.12	20.55		20.61	0.000477	2.49	2395.35	4028.83	0.18
Main Stem	25.1	1185.00	11.12	20.69		20.75	0.000562	2.74	2963.43	4030.00	0.20
Main Stem	25.1	1697.00	11.12	20.96		21.01	0.000587	2.89	4035.30	4030.00	0.21
Main Stem	24.4	685.00	14.32	20.14		20.20	0.000585	2.43	1882.74	4667.19	0.21
Main Stem	24.4	888.00	14.32	20.31		20.36	0.000523	2.34	2702.96	4668.61	0.20
Main Stem	24.4	1165.00	14.32	20.39		20.44	0.000706	2.74	3039.27	4669.20	0.23
Main Stem	24.4	1688.00	14.32	20.66		20.70	0.000646	2.71	4332.12	4671.44	0.23
Main Stem	24.3	685.00	14.32	20.09	17.83	20.18	0.000985	3.07	1605.15	4672.69	0.26
Main Stem	24.3	888.00	14.32	20.30	19.06	20.35	0.000693	2.62	2609.60	4677.39	0.22
Main Stem	24.3	1165.00	14.32	20.38	19.39	20.43	0.000890	2.99	2981.76	4679.13	0.25
Main Stem	24.3	1688.00	14.32	20.65	19.77	20.69	0.000769	2.89	4255.29	4680.00	0.24
Main Stem	24.25	Culvert									
Main Stem	24.2	685.00	14.32	20.06	17.83	20.18	0.001223	3.41	1237.39	4673.55	0.30
Main Stem	24.2	888.00	14.32	20.28	19.05	20.34	0.000853	2.90	2286.67	4683.69	0.25
Main Stem	24.2	1165.00	14.32	20.37	19.43	20.44	0.001069	3.28	2685.70	4687.54	0.28

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	24.2	1688.00	14.32	20.63	19.87	20.68	0.000927	3.16	3922.24	4690.00	0.26
Main Stem	24.1	685.00	13.72	19.88		20.06	0.001776	3.57	296.14	709.44	0.33
Main Stem	24.1	888.00	13.72	20.10		20.24	0.001631	3.53	824.90	4463.75	0.32
Main Stem	24.1	1165.00	13.72	20.32		20.36	0.000723	2.43	1846.67	4565.77	0.22
Main Stem	24.1	1688.00	13.72	20.60		20.62	0.000399	1.87	3142.27	4691.94	0.16
Main Stem	23.4	682.00	10.82	19.59		19.60	0.000114	1.21	1394.94	1381.70	0.09
Main Stem	23.4	884.00	10.82	19.81		19.83	0.000129	1.32	1724.29	1565.00	0.10
Main Stem	23.4	1158.00	10.82	20.15		20.17	0.000161	1.53	2635.89	4010.00	0.11
Main Stem	23.4	1684.00	10.82	20.50		20.51	0.000123	1.39	4033.05	4010.00	0.10
Main Stem	23.3	682.00	14.62	19.55	17.49	19.59	0.000549	2.05	788.14	861.41	0.18
Main Stem	23.3	884.00	14.62	19.78	18.79	19.81	0.000563	2.13	997.48	982.49	0.19
Main Stem	23.3	1158.00	14.62	20.12	19.03	20.16	0.000764	2.58	1696.30	4010.00	0.22
Main Stem	23.3	1684.00	14.62	20.49	19.31	20.50	0.000320	1.77	3192.58	4010.00	0.14
Main Stem	23.25	Culvert									
Main Stem	23.2	682.00	14.62	19.52	17.49	19.55	0.000452	1.86	920.54	1051.83	0.17
Main Stem	23.2	884.00	14.62	19.78	18.78	19.80	0.000422	1.84	1208.64	1221.19	0.16
Main Stem	23.2	1158.00	14.62	20.13	18.99	20.16	0.000540	2.17	2028.23	4000.00	0.18
Main Stem	23.2	1684.00	14.62	20.49	19.24	20.50	0.000258	1.59	3468.19	4000.00	0.13
Main Stem	23.1	682.00	13.52	19.47		19.52	0.000553	2.21	688.44	952.15	0.19
Main Stem	23.1	884.00	13.52	19.73		19.77	0.000527	2.25	962.61	1170.90	0.19
Main Stem	23.1	1158.00	13.52	20.06		20.12	0.000697	2.71	1549.72	4000.00	0.22
Main Stem	23.1	1684.00	13.52	20.47		20.49	0.000280	1.81	3208.41	4000.00	0.14
Main Stem	22	682.00	13.22	19.28		19.29	0.000168	1.28	2903.32	2241.71	0.11
Main Stem	22	884.00	13.22	19.53		19.54	0.000193	1.43	3489.81	2462.07	0.12
Main Stem	22	1158.00	13.22	19.83		19.84	0.000214	1.57	4271.04	2728.08	0.12
Main Stem	22	1684.00	13.22	20.31		20.33	0.000253	1.81	6006.41	3990.00	0.14
Main Stem	21	682.00	11.72	19.06		19.09	0.000336	1.99	2058.99	1490.00	0.15
Main Stem	21	884.00	11.72	19.28		19.31	0.000388	2.20	2384.08	1490.00	0.16

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	21	1158.00	11.72	19.55		19.58	0.000437	2.41	2791.64	1490.00	0.17
Main Stem	21	1684.00	11.72	19.98		20.01	0.000520	2.75	3428.34	1490.00	0.19
Main Stem	20.4	673.00	11.92	18.67		18.71	0.001073	2.68	1755.78	2510.00	0.24
Main Stem	20.4	868.00	11.92	18.88		18.91	0.000923	2.58	2284.80	2510.00	0.23
Main Stem	20.4	1127.00	11.92	19.16		19.19	0.000740	2.42	2996.93	2510.00	0.21
Main Stem	20.4	1669.00	11.92	19.56		19.58	0.000700	2.50	3998.51	2510.00	0.20
Main Stem	20.3	673.00	12.22	18.68	16.82	18.69	0.000181	1.33	2354.96	2510.00	0.11
Main Stem	20.3	868.00	12.22	18.88	16.82	18.90	0.000206	1.47	2872.66	2510.00	0.12
Main Stem	20.3	1127.00	12.22	19.16	16.82	19.18	0.000217	1.56	3576.77	2510.00	0.12
Main Stem	20.3	1669.00	12.22	19.56	16.82	19.58	0.000265	1.82	4562.35	2510.00	0.14
Main Stem	20.25	Culvert									
Main Stem	20.2	673.00	12.22	18.67	16.82	18.69	0.000224	1.48	1770.33	1814.98	0.12
Main Stem	20.2	868.00	12.22	18.87	16.82	18.90	0.000269	1.67	2150.31	1913.70	0.14
Main Stem	20.2	1127.00	12.22	19.14	16.82	19.17	0.000305	1.85	2675.37	2042.29	0.15
Main Stem	20.2	1669.00	12.22	19.54	16.82	19.58	0.000384	2.18	3534.50	2236.80	0.17
Main Stem	20.1	673.00	11.92	18.43		18.62	0.002035	4.07	789.89	1655.70	0.34
Main Stem	20.1	868.00	11.92	18.71		18.85	0.001702	3.88	1270.99	1801.81	0.31
Main Stem	20.1	1127.00	11.92	19.03		19.12	0.001381	3.65	1874.14	1969.73	0.29
Main Stem	20.1	1669.00	11.92	19.46		19.54	0.001276	3.70	2777.73	2197.41	0.28
Main Stem	19	673.00	10.22	17.23		17.34	0.001073	3.08	742.98	902.84	0.26
Main Stem	19	868.00	10.22	17.67		17.77	0.000936	3.07	1205.76	1190.83	0.25
Main Stem	19	1127.00	10.22	18.16		18.24	0.000795	3.01	2063.76	2738.01	0.23
Main Stem	19	1669.00	10.22	18.74		18.78	0.000584	2.77	3655.87	2741.79	0.20
Main Stem	18	673.00	8.22	14.94		15.22	0.002497	4.33	170.51	76.91	0.39
Main Stem	18	868.00	8.22	15.44		15.80	0.002670	4.87	214.43	97.33	0.42
Main Stem	18	1127.00	8.22	16.01		16.46	0.002879	5.49	276.18	129.76	0.44
Main Stem	18	1669.00	8.22	16.85		17.37	0.002984	6.22	868.80	1283.18	0.46
Main Stem	17	673.00	7.02	13.12		13.17	0.000549	1.76	390.24	160.55	0.18

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	17	868.00	7.02	13.53		13.59	0.000584	1.98	459.97	180.06	0.19
Main Stem	17	1127.00	7.02	13.98		14.05	0.000638	2.26	545.36	201.40	0.21
Main Stem	17	1669.00	7.02	14.71		14.83	0.000735	2.73	912.74	814.71	0.23
Main Stem	16	673.00	5.22	11.56		11.75	0.002173	4.32	643.97	598.68	0.37
Main Stem	16	868.00	5.22	11.92		12.10	0.002109	4.50	882.70	714.99	0.37
Main Stem	16	1127.00	5.22	12.31		12.48	0.002059	4.70	1179.99	828.89	0.37
Main Stem	16	1669.00	5.22	12.94		13.09	0.001996	5.01	1758.80	1011.32	0.38
Main Stem	15	673.00	1.22	8.08		8.20	0.002237	2.75	247.05	143.65	0.34
Main Stem	15	868.00	1.22	8.49		8.62	0.002220	2.89	322.35	219.57	0.35
Main Stem	15	1127.00	1.22	8.95		9.09	0.002171	3.03	440.65	302.54	0.35
Main Stem	15	1669.00	1.22	9.67		9.82	0.002092	3.24	707.87	435.18	0.35
Main Stem	14	673.00	-0.58	6.14		6.19	0.000537	1.97	639.01	515.13	0.18
Main Stem	14	868.00	-0.58	6.56		6.62	0.000553	2.15	870.51	588.25	0.19
Main Stem	14	1127.00	-0.58	7.04		7.11	0.000559	2.34	1175.84	672.63	0.20
Main Stem	14	1669.00	-0.58	7.77		7.85	0.000616	2.71	1711.38	799.42	0.21
Main Stem	12	673.00	-0.92	5.12	4.15	5.35	0.003242	4.08	364.28	391.17	0.43
Main Stem	12	868.00	-0.92	5.56	4.57	5.77	0.002766	4.15	560.90	505.80	0.40
Main Stem	12	1127.00	-0.92	6.12	4.98	6.30	0.002117	4.04	885.19	636.85	0.36
Main Stem	12	1669.00	-0.92	6.83		7.00	0.001891	4.27	1370.20	732.48	0.35
Main Stem	11.4	711.00	-7.18	3.37		3.53	0.000936	3.38	361.07	256.00	0.24
Main Stem	11.4	938.00	-7.18	3.90		4.11	0.001099	3.87	519.74	335.63	0.27
Main Stem	11.4	1275.00	-7.18	4.59		4.84	0.001266	4.44	843.86	642.99	0.29
Main Stem	11.4	1796.00	-7.18	5.29		5.57	0.001406	4.98	1421.29	995.42	0.31
Main Stem	11.3	711.00	-4.58	3.36	-0.09	3.45	0.001494	2.49	285.32	121.83	0.29
Main Stem	11.3	938.00	-4.58	3.90	0.49	4.01	0.001314	2.66	352.61	123.74	0.28
Main Stem	11.3	1275.00	-4.58	4.60	1.22	4.73	0.001200	2.90	439.43	126.16	0.27
Main Stem	11.3	1796.00	-4.58	5.29	2.87	5.47	0.001337	3.41	526.92	128.56	0.30
Main Stem	11.25	Bridge									

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	11.2	711.00	-4.58	3.34	-0.09	3.44	0.001522	2.51	283.69	121.79	0.29
Main Stem	11.2	938.00	-4.58	3.89	0.49	4.00	0.001336	2.67	350.79	123.69	0.28
Main Stem	11.2	1275.00	-4.58	4.58	1.22	4.71	0.001219	2.92	437.26	126.10	0.28
Main Stem	11.2	1796.00	-4.58	5.26	2.87	5.44	0.001363	3.43	523.74	128.47	0.30
Main Stem	10.4	711.00	-3.68	3.19		3.24	0.000455	1.71	520.26	302.60	0.17
Main Stem	10.4	938.00	-3.68	3.76		3.81	0.000438	1.87	715.45	385.18	0.17
Main Stem	10.4	1275.00	-3.68	4.47		4.53	0.000423	2.06	1026.70	492.97	0.17
Main Stem	10.4	1796.00	-3.68	5.15		5.23	0.000485	2.42	1395.64	597.82	0.19
Main Stem	10.3	711.00	-4.18	3.18	-0.35	3.22	0.000360	1.52	466.76	144.05	0.15
Main Stem	10.3	938.00	-4.18	3.75	0.20	3.79	0.000374	1.71	549.17	146.79	0.16
Main Stem	10.3	1275.00	-4.18	4.46	0.77	4.51	0.000398	1.95	654.23	150.21	0.16
Main Stem	10.3	1796.00	-4.18	5.11	1.38	5.20	0.000507	2.38	753.89	153.38	0.19
Main Stem	10.25	Bridge									
Main Stem	10.2	711.00	-4.18	3.18	-0.35	3.21	0.000361	1.52	466.25	144.03	0.15
Main Stem	10.2	938.00	-4.18	3.74	0.20	3.79	0.000375	1.71	548.49	146.77	0.16
Main Stem	10.2	1275.00	-4.18	4.45	0.77	4.51	0.000400	1.95	653.31	150.18	0.16
Main Stem	10.2	1796.00	-4.18	5.10	1.38	5.19	0.000510	2.39	752.44	153.34	0.19
Main Stem	10.1	711.00	-4.78	3.10		3.13	0.000639	1.43	506.19	302.64	0.18
Main Stem	10.1	938.00	-4.78	3.68		3.71	0.000448	1.43	765.29	600.39	0.16
Main Stem	10.1	1275.00	-4.78	4.40		4.43	0.000325	1.44	1359.57	1098.41	0.14
Main Stem	10.1	1796.00	-4.78	5.06		5.09	0.000304	1.58	2259.43	1637.41	0.14
Main Stem	9	711.00	-4.68	2.80		2.87	0.000324	2.30	686.31	450.54	0.15
Main Stem	9	938.00	-4.68	3.40		3.49	0.000371	2.61	1014.64	640.18	0.17
Main Stem	9	1275.00	-4.68	4.09		4.22	0.000474	3.13	1685.70	2456.04	0.19
Main Stem	9	1796.00	-4.68	4.83		4.91	0.000378	2.95	3507.53	2503.80	0.17
Main Stem	8.4	711.00	-3.68	2.38		2.48	0.000955	2.59	290.57	116.67	0.25
Main Stem	8.4	939.00	-3.68	2.92		3.05	0.001007	2.93	361.92	147.69	0.26
Main Stem	8.4	1276.00	-3.68	3.49		3.67	0.001152	3.44	456.81	180.88	0.28
Main Stem	8.4	1799.00	-3.68	4.15		4.41	0.001413	4.17	591.15	247.79	0.32

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	8.3	711.00	-4.08	2.36	-0.71	2.45	0.000630	2.42	332.71	113.84	0.21
Main Stem	8.3	939.00	-4.08	2.90	-0.29	3.02	0.000724	2.82	397.83	127.41	0.23
Main Stem	8.3	1276.00	-4.08	3.47	0.24	3.64	0.000901	3.38	473.13	141.58	0.26
Main Stem	8.3	1799.00	-4.08	4.12	0.90	4.37	0.001185	4.19	563.26	155.58	0.30
Main Stem	8.25	Bridge									
Main Stem	8.2	711.00	-4.08	2.35	-0.71	2.44	0.000620	2.40	358.33	135.32	0.21
Main Stem	8.2	939.00	-4.08	2.89	-0.29	3.01	0.000704	2.77	432.54	143.40	0.22
Main Stem	8.2	1276.00	-4.08	3.45	0.24	3.62	0.000871	3.32	511.48	151.80	0.25
Main Stem	8.2	1799.00	-4.08	4.10	0.90	4.34	0.001147	4.11	603.89	160.48	0.30
Main Stem	7.4	709.00	-4.18	2.35		2.38	0.000319	1.43	541.20	263.34	0.14
Main Stem	7.4	936.00	-4.18	2.89		2.93	0.000320	1.59	690.31	283.70	0.15
Main Stem	7.4	1275.00	-4.18	3.46		3.52	0.000359	1.85	858.13	304.99	0.16
Main Stem	7.4	1783.00	-4.18	4.13		4.20	0.000420	2.21	1067.90	328.45	0.17
Main Stem	7.3	709.00	-2.88	2.23	-0.21	2.33	0.000913	2.63	374.15	289.60	0.24
Main Stem	7.3	936.00	-2.88	2.76	0.17	2.88	0.000924	2.90	521.32	312.21	0.25
Main Stem	7.3	1275.00	-2.88	3.30	0.66	3.45	0.001043	3.34	682.40	335.17	0.27
Main Stem	7.3	1783.00	-2.88	3.91	1.28	4.12	0.001231	3.94	880.36	361.36	0.30
Main Stem	7.25	Bridge									
Main Stem	7.2	709.00	-2.88	2.22	-0.21	2.32	0.000909	2.62	379.84	352.18	0.24
Main Stem	7.2	936.00	-2.88	2.75	0.17	2.87	0.000922	2.89	513.38	357.51	0.25
Main Stem	7.2	1275.00	-2.88	3.29	0.66	3.44	0.001053	3.35	650.67	362.90	0.27
Main Stem	7.2	1783.00	-2.88	3.90	1.28	4.11	0.001264	3.99	809.57	369.03	0.31
Main Stem	7.1	709.00	-2.88	2.15		2.26	0.000996	2.72	316.71	212.62	0.25
Main Stem	7.1	936.00	-2.88	2.67		2.81	0.001044	3.05	448.52	293.38	0.27
Main Stem	7.1	1275.00	-2.88	3.19		3.37	0.001206	3.55	622.34	374.10	0.29
Main Stem	7.1	1783.00	-2.88	3.79		4.02	0.001417	4.18	874.27	466.96	0.32
Main Stem	6	709.00	-4.68	1.82		1.88	0.000329	2.14	1051.98	613.81	0.15

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	6	936.00	-4.68	2.34		2.40	0.000359	2.36	1389.91	677.29	0.16
Main Stem	6	1275.00	-4.68	2.81		2.88	0.000443	2.74	1716.74	714.85	0.18
Main Stem	6	1783.00	-4.68	3.34		3.44	0.000565	3.24	2109.50	757.53	0.20
Main Stem	5	709.00	-4.68	1.58		1.60	0.000205	1.65	2147.69	1533.31	0.12
Main Stem	5	936.00	-4.68	2.03		2.07	0.000289	2.05	2959.53	3430.00	0.14
Main Stem	5	1275.00	-4.68	2.52		2.54	0.000218	1.87	4614.97	3430.00	0.12
Main Stem	5	1783.00	-4.68	3.03		3.04	0.000192	1.84	6372.82	3430.00	0.12
Main Stem	4	709.00	-3.78	1.20		1.29	0.001042	2.87	955.67	1093.23	0.26
Main Stem	4	936.00	-3.78	1.59		1.67	0.000957	2.94	1441.28	1375.31	0.25
Main Stem	4	1275.00	-3.78	2.15		2.22	0.000861	3.03	2421.69	2404.43	0.24
Main Stem	4	1783.00	-3.78	2.75		2.79	0.000564	2.65	3867.28	2422.40	0.20
Main Stem	3	709.00	-4.68	0.60		0.67	0.000472	2.21	486.31	308.06	0.18
Main Stem	3	936.00	-4.68	0.93		1.03	0.000625	2.67	598.85	363.46	0.21
Main Stem	3	1275.00	-4.68	1.40		1.54	0.000802	3.20	786.81	440.72	0.24
Main Stem	3	1783.00	-4.68	2.02		2.21	0.000982	3.80	1091.16	544.61	0.27
Main Stem	2	709.00	-4.98	0.24		0.33	0.001076	2.45	289.47	100.69	0.25
Main Stem	2	936.00	-4.98	0.44		0.58	0.001597	3.02	310.06	106.05	0.31
Main Stem	2	1275.00	-4.98	0.72		0.94	0.002341	3.74	340.63	112.44	0.38
Main Stem	2	1783.00	-4.98	1.11		1.44	0.003228	4.61	401.43	222.91	0.45
Main Stem	1	709.00	-4.68	-0.13	-3.60	-0.12	0.000110	0.84	844.10	298.81	0.08
Main Stem	1	936.00	-4.68	-0.13	-3.40	-0.11	0.000193	1.11	844.10	298.81	0.11
Main Stem	1	1274.00	-4.68	-0.13	-3.13	-0.09	0.000357	1.51	844.10	298.81	0.15
Main Stem	1	1781.00	-4.68	-0.13	-2.79	-0.06	0.000697	2.11	844.10	298.81	0.21

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	38.4	687.00	23.32	24.92		24.92	0.000093	0.47	4786.74	5591.30	0.07
Main Stem	38.4	912.00	23.32	25.05		25.05	0.000104	0.53	5539.67	5722.49	0.08
Main Stem	38.4	1258.00	23.32	25.23		25.23	0.000117	0.61	6577.43	5898.52	0.08
Main Stem	38.4	1663.00	23.32	25.41		25.41	0.000129	0.68	7654.89	6075.89	0.09
Main Stem	38.3	687.00	23.32	24.92	24.91	24.92	0.000093	0.47	4778.76	5589.90	0.07
Main Stem	38.3	912.00	23.32	25.05	24.91	25.05	0.000105	0.53	5530.33	5720.88	0.08
Main Stem	38.3	1258.00	23.32	25.23	24.91	25.23	0.000118	0.61	6566.39	5896.67	0.08
Main Stem	38.3	1663.00	23.32	25.41	24.92	25.41	0.000130	0.68	7642.20	6073.83	0.09
Main Stem	38.25	Culvert									
Main Stem	38.2	687.00	23.42	24.92	24.91	24.92	0.000061	0.38	5200.75	6157.28	0.06
Main Stem	38.2	912.00	23.42	25.05	24.91	25.05	0.000070	0.43	6038.79	6354.43	0.06
Main Stem	38.2	1258.00	23.42	25.23	24.92	25.23	0.000080	0.50	7189.71	6615.62	0.07
Main Stem	38.2	1663.00	23.42	25.41	24.92	25.41	0.000089	0.57	8400.61	6879.72	0.07
Main Stem	38.1	687.00	23.42	24.92		24.92	0.000062	0.38	5191.97	6155.18	0.06
Main Stem	38.1	912.00	23.42	25.05		25.05	0.000070	0.43	6028.42	6352.03	0.06
Main Stem	38.1	1258.00	23.42	25.23		25.23	0.000081	0.50	7177.32	6612.86	0.07
Main Stem	38.1	1663.00	23.42	25.41		25.41	0.000090	0.57	8386.24	6876.65	0.07
Main Stem	37	687.00	21.62	24.81		24.81	0.000238	1.02	3478.54	4789.88	0.12
Main Stem	37	912.00	21.62	24.93		24.93	0.000269	1.12	4061.99	5062.87	0.13
Main Stem	37	1258.00	21.62	25.09		25.09	0.000300	1.24	4899.88	5430.96	0.14
Main Stem	37	1663.00	21.62	25.25		25.25	0.000322	1.34	5823.04	5809.57	0.14
Main Stem	36	687.00	19.42	24.55		24.55	0.000157	1.00	4594.53	8030.00	0.10
Main Stem	36	912.00	19.42	24.64		24.64	0.000179	1.09	5303.47	8030.00	0.11
Main Stem	36	1258.00	19.42	24.77		24.77	0.000199	1.18	6311.76	8030.00	0.12
Main Stem	36	1663.00	19.42	24.91		24.91	0.000208	1.24	7434.48	8030.00	0.12
Main Stem	35	687.00	19.12	24.16		24.25	0.001535	3.00	1462.13	8011.61	0.32
Main Stem	35	912.00	19.12	24.26	23.28	24.32	0.001280	2.80	2260.33	8012.61	0.30
Main Stem	35	1258.00	19.12	24.40	24.27	24.43	0.001010	2.57	3338.85	8013.96	0.27
Main Stem	35	1663.00	19.12	24.55	24.32	24.57	0.000766	2.32	4588.31	8015.52	0.23

Popash Creek Proposed

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	34	687.00	18.52	23.20		23.20	0.000039	0.54	5730.92	4767.41	0.05
Main Stem	34	912.00	18.52	23.44		23.45	0.000039	0.57	6881.39	4805.94	0.05
Main Stem	34	1258.00	18.52	23.74		23.74	0.000042	0.62	8293.71	4852.80	0.06
Main Stem	34	1663.00	18.52	24.04		24.04	0.000048	0.70	9867.34	7920.00	0.06
Main Stem	33.4	733.00	16.82	23.16		23.16	0.000035	0.52	7174.74	6842.84	0.05
Main Stem	33.4	969.00	16.82	23.40		23.40	0.000033	0.51	8865.06	7145.18	0.05
Main Stem	33.4	1329.00	16.82	23.69		23.69	0.000033	0.51	10997.85	7509.31	0.05
Main Stem	33.4	1764.00	16.82	23.99		23.99	0.000033	0.53	13262.90	7877.62	0.05
Main Stem	33.3	733.00	16.82	23.16	22.26	23.16	0.000035	0.52	7171.34	6842.22	0.05
Main Stem	33.3	969.00	16.82	23.40	22.31	23.40	0.000033	0.51	8861.72	7144.59	0.05
Main Stem	33.3	1329.00	16.82	23.69	22.37	23.69	0.000033	0.52	10994.35	7508.73	0.05
Main Stem	33.3	1764.00	16.82	23.99	22.43	23.99	0.000033	0.53	13259.19	7877.03	0.05
Main Stem	33.25	Culvert									
Main Stem	33.2	733.00	15.52	23.06	19.66	23.16	0.000628	2.71	746.24	1055.76	0.22
Main Stem	33.2	969.00	15.52	23.28	20.37	23.39	0.000787	3.13	996.98	1266.73	0.25
Main Stem	33.2	1329.00	15.52	23.56	21.07	23.69	0.000947	3.56	1390.06	1540.36	0.28
Main Stem	33.2	1764.00	15.52	23.85	22.92	23.98	0.001049	3.89	1874.66	1822.00	0.29
Main Stem	33.1	733.00	15.52	23.00		23.12	0.000761	2.96	568.74	889.24	0.24
Main Stem	33.1	969.00	15.52	23.18		23.34	0.001032	3.53	745.74	1082.99	0.29
Main Stem	33.1	1329.00	15.52	23.41		23.62	0.001372	4.20	1022.88	1330.84	0.33
Main Stem	33.1	1764.00	15.52	23.68		23.91	0.001565	4.65	1428.30	1626.77	0.36
Main Stem	32.4	702.00	16.52	22.83		22.84	0.000230	1.52	2481.83	2932.40	0.13
Main Stem	32.4	917.00	16.52	22.96		22.97	0.000271	1.69	2866.74	2984.31	0.14
Main Stem	32.4	1225.00	16.52	23.12		23.14	0.000315	1.86	3367.98	3050.59	0.15
Main Stem	32.4	1715.00	16.52	23.35		23.36	0.000371	2.09	4054.64	3139.11	0.17
Main Stem	32.3	702.00	17.42	22.82	22.35	22.84	0.000450	1.88	1897.17	2325.63	0.18
Main Stem	32.3	917.00	17.42	22.95	22.43	22.97	0.000521	2.06	2201.43	2362.66	0.19
Main Stem	32.3	1225.00	17.42	23.12	22.53	23.13	0.000595	2.25	2597.18	2409.98	0.20

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Cri W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	32.3	1715.00	17.42	23.34	22.64	23.36	0.000691	2.50	3137.80	2473.15	0.22
Main Stem	32.25	Bridge									
Main Stem	32.2	702.00	17.42	22.79	22.35	22.81	0.000481	1.94	1927.91	2589.70	0.18
Main Stem	32.2	917.00	17.42	22.92	22.44	22.93	0.000537	2.09	2264.18	2610.93	0.19
Main Stem	32.2	1225.00	17.42	23.08	22.52	23.10	0.000587	2.24	2695.61	2610.95	0.20
Main Stem	32.2	1715.00	17.42	23.30	22.64	23.32	0.000652	2.44	3270.79	2610.97	0.21
Main Stem	32.1	702.00	17.42	22.77		22.79	0.000435	1.90	2073.94	2909.29	0.18
Main Stem	32.1	917.00	17.42	22.90		22.92	0.000479	2.04	2451.63	2960.64	0.18
Main Stem	32.1	1225.00	17.42	23.06		23.08	0.000518	2.19	2946.11	3026.54	0.19
Main Stem	32.1	1715.00	17.42	23.28		23.30	0.000567	2.37	3621.83	3114.35	0.20
Main Stem	31	702.00	17.32	22.34	21.38	22.44	0.001640	3.57	1169.63	3034.61	0.34
Main Stem	31	917.00	17.32	22.47	22.36	22.55	0.001490	3.49	1580.67	3042.51	0.32
Main Stem	31	1225.00	17.32	22.64	22.44	22.70	0.001358	3.44	2084.47	3052.15	0.31
Main Stem	31	1715.00	17.32	22.87	22.54	22.91	0.001208	3.37	2796.65	3065.73	0.30
Main Stem	30.4	694.00	17.02	21.22		21.22	0.000413	1.52	1995.87	2035.39	0.16
Main Stem	30.4	905.00	17.02	21.43		21.43	0.000411	1.56	2440.68	2186.21	0.16
Main Stem	30.4	1199.00	17.02	21.64		21.65	0.000427	1.67	2920.21	2254.73	0.17
Main Stem	30.4	1703.00	17.02	21.95		21.96	0.000436	1.80	3619.69	2259.29	0.17
Main Stem	30.3	694.00	16.62	21.21	20.47	21.22	0.000378	1.60	1969.53	1979.19	0.16
Main Stem	30.3	905.00	16.62	21.42	20.55	21.43	0.000386	1.66	2401.50	2118.85	0.16
Main Stem	30.3	1199.00	16.62	21.64	20.83	21.65	0.000423	1.79	2871.20	2250.54	0.17
Main Stem	30.3	1703.00	16.62	21.95	20.83	21.95	0.000437	1.91	3567.36	2250.91	0.17
Main Stem	30.25	Bridge									
Main Stem	30.2	694.00	16.62	21.19	20.37	21.19	0.000058	0.62	4963.07	4124.78	0.06
Main Stem	30.2	905.00	16.62	21.40	20.43	21.40	0.000059	0.65	5833.58	4127.87	0.06
Main Stem	30.2	1199.00	16.62	21.62	20.51	21.62	0.000065	0.70	6723.86	4131.02	0.07
Main Stem	30.2	1703.00	16.62	21.93	20.61	21.93	0.000075	0.79	7994.28	4133.44	0.07

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	30.1	694.00	16.62	21.19		21.19	0.000059	0.63	4938.32	4129.11	0.06
Main Stem	30.1	905.00	16.62	21.40		21.40	0.000060	0.65	5810.05	4133.16	0.06
Main Stem	30.1	1199.00	16.62	21.61		21.61	0.000066	0.70	6703.05	4137.30	0.07
Main Stem	30.1	1703.00	16.62	21.92		21.92	0.000076	0.79	7972.99	4140.00	0.07
Main Stem	29	694.00	17.32	21.17		21.17	0.000335	1.44	2001.12	1941.60	0.15
Main Stem	29	905.00	17.32	21.38		21.39	0.000343	1.52	2422.20	2046.37	0.15
Main Stem	29	1199.00	17.32	21.59		21.60	0.000378	1.66	2878.55	2154.16	0.16
Main Stem	29	1703.00	17.32	21.90		21.91	0.000414	1.84	3551.46	2225.22	0.17
Main Stem	28.4	694.00	14.42	21.13		21.15	0.000541	2.11	1907.73	1884.73	0.19
Main Stem	28.4	903.00	14.42	21.34		21.36	0.000569	2.21	2317.00	1980.99	0.20
Main Stem	28.4	1197.00	14.42	21.56		21.58	0.000635	2.38	2772.84	2082.97	0.21
Main Stem	28.4	1702.00	14.42	21.87		21.89	0.000737	2.63	3422.63	2199.92	0.22
Main Stem	28.3	694.00	14.42	21.13	20.43	21.15	0.000676	2.28	1819.93	1768.90	0.19
Main Stem	28.3	903.00	14.42	21.34	20.82	21.36	0.000697	2.35	2202.51	1844.75	0.19
Main Stem	28.3	1197.00	14.42	21.55	20.82	21.57	0.000780	2.53	2608.61	1921.92	0.20
Main Stem	28.3	1702.00	14.42	21.86	20.89	21.87	0.000905	2.79	3203.45	2029.66	0.22
Main Stem	28.25	Bridge									
Main Stem	28.2	694.00	14.42	21.10	20.43	21.12	0.000746	2.39	1745.73	1742.46	0.20
Main Stem	28.2	903.00	14.42	21.29	20.82	21.31	0.000792	2.50	2091.63	1813.03	0.20
Main Stem	28.2	1197.00	14.42	21.50	20.82	21.53	0.000882	2.68	2486.31	1890.23	0.21
Main Stem	28.2	1702.00	14.42	21.80	20.90	21.82	0.001017	2.95	3063.42	1997.75	0.23
Main Stem	28.1	694.00	15.52	21.09		21.11	0.000533	2.02	1979.24	2315.67	0.19
Main Stem	28.1	903.00	15.52	21.28		21.30	0.000554	2.12	2462.69	2654.71	0.20
Main Stem	28.1	1197.00	15.52	21.49		21.51	0.000576	2.25	3059.04	2929.69	0.20
Main Stem	28.1	1702.00	15.52	21.79		21.81	0.000613	2.44	3985.96	3312.09	0.21
Main Stem	27.4	691.00	13.72	20.84		20.85	0.000153	1.36	3466.44	4009.44	0.11
Main Stem	27.4	898.00	13.72	21.02		21.03	0.000162	1.43	4200.33	4010.00	0.11
Main Stem	27.4	1186.00	13.72	21.22		21.23	0.000181	1.55	4979.61	4010.00	0.12
Main Stem	27.4	1697.00	13.72	21.49		21.50	0.000213	1.74	6079.65	4010.00	0.13

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	27.3	691.00	13.72	20.84	17.30	20.85	0.000155	1.38	3374.41	3914.21	0.11
Main Stem	27.3	898.00	13.72	21.02	17.80	21.03	0.000167	1.46	4094.15	3950.70	0.11
Main Stem	27.3	1186.00	13.72	21.21	18.43	21.22	0.000189	1.59	4864.49	3988.90	0.12
Main Stem	27.3	1697.00	13.72	21.49	20.51	21.50	0.000224	1.78	5959.46	4010.00	0.13
Main Stem	27.25	Bridge									
Main Stem	27.2	691.00	13.62	20.82		20.82	0.000162	1.27	3498.19	4000.70	0.11
Main Stem	27.2	898.00	13.62	21.00		21.01	0.000169	1.33	4232.06	4008.38	0.11
Main Stem	27.2	1186.00	13.62	21.19		21.20	0.000189	1.44	5005.89	4015.35	0.12
Main Stem	27.2	1697.00	13.62	21.46		21.47	0.000222	1.61	6089.36	4020.00	0.13
Main Stem	26.4	690.00	16.32	20.79		20.82	0.000505	1.99	1935.33	2430.47	0.19
Main Stem	26.4	897.00	16.32	20.98		21.00	0.000533	2.05	2390.41	2494.74	0.20
Main Stem	26.4	1185.00	16.32	21.17		21.19	0.000597	2.17	2877.99	2562.06	0.21
Main Stem	26.4	1697.00	16.32	21.44		21.46	0.000703	2.37	3579.20	2655.83	0.22
Main Stem	26.3	690.00	16.32	20.78	19.06	20.81	0.000466	1.91	2240.02	3279.47	0.18
Main Stem	26.3	897.00	16.32	20.97	20.38	20.99	0.000463	1.94	2870.54	3546.33	0.18
Main Stem	26.3	1185.00	16.32	21.16	20.50	21.18	0.000489	2.04	3578.19	3823.71	0.19
Main Stem	26.3	1697.00	16.32	21.43	20.65	21.44	0.000514	2.17	4627.73	3946.47	0.20
Main Stem	26.25	Culvert									
Main Stem	26.2	690.00	12.52	20.79	17.24	20.81	0.000191	1.52	3220.37	3996.31	0.12
Main Stem	26.2	897.00	12.52	20.97	18.00	20.99	0.000199	1.58	3939.42	4007.10	0.12
Main Stem	26.2	1185.00	12.52	21.16	18.57	21.17	0.000220	1.70	4700.02	4010.00	0.13
Main Stem	26.2	1697.00	12.52	21.43	20.55	21.44	0.000256	1.89	5772.31	4010.00	0.14
Main Stem	26.1	690.00	12.52	20.75		20.78	0.000311	1.93	2387.19	3579.91	0.15
Main Stem	26.1	897.00	12.52	20.93		20.96	0.000329	2.02	3057.82	3865.37	0.16
Main Stem	26.1	1185.00	12.52	21.12		21.14	0.000355	2.14	3809.85	4010.00	0.16
Main Stem	26.1	1697.00	12.52	21.38		21.41	0.000391	2.32	4877.65	4010.00	0.17
Main Stem	25.4	690.00	12.32	20.44		20.50	0.000377	2.29	1988.60	4080.00	0.17

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	25.4	897.00	12.32	20.62		20.67	0.000381	2.35	2714.07	4080.00	0.17
Main Stem	25.4	1185.00	12.32	20.77		20.81	0.000448	2.59	3308.20	4080.00	0.19
Main Stem	25.4	1697.00	12.32	20.97		21.03	0.000547	2.93	4162.13	4080.00	0.21
Main Stem	25.3	690.00	15.11	20.42	17.57	20.48	0.000542	2.47	1878.89	4080.00	0.19
Main Stem	25.3	897.00	15.11	20.62	18.04	20.66	0.000481	2.38	2683.26	4080.00	0.18
Main Stem	25.3	1185.00	15.11	20.76	18.63	20.81	0.000545	2.58	3276.55	4080.00	0.19
Main Stem	25.3	1697.00	15.11	20.97	20.52	21.02	0.000640	2.87	4130.80	4080.00	0.21
Main Stem	25.25	Culvert									
Main Stem	25.2	690.00	15.06	20.42	17.58	20.48	0.000547	2.49	1859.88	4040.00	0.19
Main Stem	25.2	897.00	15.06	20.61	18.05	20.65	0.000506	2.45	2607.61	4040.00	0.19
Main Stem	25.2	1185.00	15.06	20.75	18.65	20.80	0.000568	2.65	3204.96	4040.00	0.20
Main Stem	25.2	1697.00	15.06	20.97	20.52	21.01	0.000658	2.93	4066.59	4040.00	0.22
Main Stem	25.1	690.00	11.12	20.39		20.45	0.000456	2.39	1732.00	4026.08	0.18
Main Stem	25.1	897.00	11.12	20.57		20.63	0.000446	2.41	2491.76	4029.23	0.18
Main Stem	25.1	1185.00	11.12	20.71		20.77	0.000530	2.67	3052.61	4030.00	0.19
Main Stem	25.1	1697.00	11.12	20.91		20.97	0.000649	3.02	3867.12	4030.00	0.22
Main Stem	24.4	685.00	14.32	20.13		20.19	0.000614	2.48	1822.10	4667.08	0.22
Main Stem	24.4	888.00	14.32	20.37		20.40	0.000431	2.14	2970.20	4669.08	0.18
Main Stem	24.4	1165.00	14.32	20.45		20.49	0.000569	2.48	3353.17	4669.74	0.21
Main Stem	24.4	1688.00	14.32	20.53		20.59	0.000957	3.24	3690.69	4670.33	0.27
Main Stem	24.3	685.00	14.32	20.06	17.83	20.17	0.001105	3.24	1478.52	4672.09	0.28
Main Stem	24.3	888.00	14.32	20.36	19.06	20.39	0.000557	2.36	2884.33	4678.67	0.20
Main Stem	24.3	1165.00	14.32	20.44	19.39	20.48	0.000723	2.72	3257.83	4680.00	0.23
Main Stem	24.3	1688.00	14.32	20.52	19.77	20.58	0.001147	3.46	3649.91	4680.00	0.29
Main Stem	24.25	Culvert									
Main Stem	24.2	685.00	14.32	20.00	17.83	20.17	0.001483	3.73	989.54	4671.16	0.32
Main Stem	24.2	888.00	14.32	20.35	19.05	20.39	0.000669	2.59	2590.17	4686.62	0.22
Main Stem	24.2	1165.00	14.32	20.42	19.43	20.48	0.000877	2.98	2945.65	4690.00	0.25

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	24.2	1688.00	14.32	20.51	19.87	20.59	0.001340	3.74	3378.81	4690.00	0.31
Main Stem	24.1	685.00	13.72	19.84		20.04	0.001887	3.66	273.10	646.34	0.34
Main Stem	24.1	888.00	13.72	20.04	18.29	20.27	0.002254	4.12	572.06	4438.14	0.38
Main Stem	24.1	1165.00	13.72	20.39		20.42	0.000501	2.04	2160.70	4596.67	0.18
Main Stem	24.1	1688.00	13.72	20.47		20.50	0.000720	2.47	2516.86	4631.47	0.22
Main Stem	23.4	682.00	10.82	19.53		19.55	0.000125	1.26	1323.49	1338.62	0.10
Main Stem	23.4	884.00	10.82	19.67		19.69	0.000166	1.47	1508.90	1447.75	0.11
Main Stem	23.4	1158.00	10.82	20.27		20.28	0.000112	1.29	3106.19	4010.00	0.09
Main Stem	23.4	1684.00	10.82	20.27		20.30	0.000232	1.87	3126.12	4010.00	0.13
Main Stem	23.3	682.00	14.62	19.51	17.49	19.54	0.000611	2.15	747.87	836.11	0.19
Main Stem	23.3	884.00	14.62	19.63	18.79	19.68	0.000772	2.45	859.41	904.45	0.22
Main Stem	23.3	1158.00	14.62	20.25	19.03	20.27	0.000397	1.90	2236.70	4010.00	0.16
Main Stem	23.3	1684.00	14.62	20.25	19.31	20.29	0.000851	2.78	2225.73	4010.00	0.23
Main Stem	23.25	Culvert									
Main Stem	23.2	682.00	14.62	19.38	17.49	19.42	0.000642	2.18	775.11	954.99	0.20
Main Stem	23.2	884.00	14.62	19.60	18.78	19.63	0.000638	2.22	999.94	1101.11	0.20
Main Stem	23.2	1158.00	14.62	20.26	18.99	20.27	0.000303	1.66	2525.87	4000.00	0.14
Main Stem	23.2	1684.00	14.62	20.25	19.24	20.28	0.000647	2.42	2515.82	4000.00	0.20
Main Stem	23.1	682.00	13.52	19.30		19.38	0.000792	2.58	538.05	799.71	0.23
Main Stem	23.1	884.00	13.52	19.51		19.59	0.000848	2.76	728.97	987.54	0.24
Main Stem	23.1	1158.00	13.52	20.23		20.25	0.000328	1.90	2236.02	4000.00	0.15
Main Stem	23.1	1684.00	13.52	20.16		20.24	0.000922	3.16	1967.53	4000.00	0.25
Main Stem	22	682.00	13.22	19.03		19.05	0.000251	1.51	2375.76	2023.09	0.13
Main Stem	22	884.00	13.22	19.19		19.22	0.000323	1.76	2720.84	2168.58	0.15
Main Stem	22	1158.00	13.22	20.09		20.10	0.000182	1.49	5101.30	3990.00	0.11
Main Stem	22	1684.00	13.22	19.76		19.79	0.000496	2.36	4095.59	2670.65	0.19
Main Stem	21	682.00	11.72	18.86		18.87	0.000154	1.75	1754.15	1490.00	0.13
Main Stem	21	884.00	11.72	18.97		18.99	0.000204	2.04	1919.13	1490.00	0.16

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	21	1158.00	11.72	19.97		19.98	0.000092	1.54	2772.70	1176.15	0.11
Main Stem	21	1684.00	11.72	19.39		19.42	0.000334	2.75	2547.99	1490.00	0.20
Main Stem	20.4	673.00	11.92	18.72		18.73	0.000266	1.80	1882.16	2510.00	0.16
Main Stem	20.4	868.00	11.92	18.79		18.80	0.000350	2.09	2049.34	2510.00	0.19
Main Stem	20.4	1127.00	11.92	19.91		19.92	0.000065	1.06	3895.73	1994.12	0.08
Main Stem	20.4	1669.00	11.92	19.11		19.13	0.000486	2.59	2871.12	2510.00	0.22
Main Stem	20.3	673.00	12.22	18.72	16.82	18.73	0.000062	1.05	2458.02	2510.00	0.09
Main Stem	20.3	868.00	12.22	18.78	16.82	18.80	0.000090	1.27	2627.74	2510.00	0.10
Main Stem	20.3	1127.00	12.22	19.90	16.82	19.91	0.000057	1.18	2726.27	1085.90	0.09
Main Stem	20.3	1669.00	12.22	19.11	16.82	19.13	0.000173	1.85	3442.32	2510.00	0.15
Main Stem	20.25	Culvert									
Main Stem	20.2	673.00	12.22	18.71	16.82	18.73	0.000083	1.21	1849.89	1836.08	0.10
Main Stem	20.2	868.00	12.22	18.77	16.82	18.79	0.000124	1.49	1958.15	1864.43	0.12
Main Stem	20.2	1127.00	12.22	19.90	16.82	19.91	0.000057	1.18	2727.46	1085.90	0.09
Main Stem	20.2	1669.00	12.22	19.06	16.82	19.10	0.000273	2.31	2517.57	2004.51	0.18
Main Stem	20.1	673.00	11.92	18.03	16.24	18.56	0.002684	5.88	169.71	1406.84	0.51
Main Stem	20.1	868.00	11.92	18.28	16.88	18.67	0.002300	5.64	551.54	1578.32	0.48
Main Stem	20.1	1127.00	11.92	19.11		19.72	0.002612	6.76	268.64	128.00	0.53
Main Stem	20.1	1669.00	11.92	18.92		19.05	0.001261	4.58	1667.77	1913.93	0.36
Main Stem	19	673.00	10.22	16.73		16.93	0.001096	3.82	375.92	580.42	0.34
Main Stem	19	868.00	10.22	17.13		17.29	0.000937	3.78	658.24	839.48	0.32
Main Stem	19	1127.00	10.22	17.88		18.13	0.001054	4.46	432.36	166.20	0.35
Main Stem	19	1669.00	10.22	18.26		18.33	0.000478	3.16	2352.21	2738.70	0.24
Main Stem	18	673.00	8.22	14.41		14.81	0.002337	5.05	135.85	55.76	0.49
Main Stem	18	868.00	8.22	14.85		15.35	0.002502	5.69	164.42	73.64	0.52
Main Stem	18	1127.00	8.22	15.35		15.97	0.002688	6.42	205.52	93.55	0.55
Main Stem	18	1669.00	8.22	16.19	15.05	17.09	0.003077	7.76	323.03	381.69	0.61
Main Stem	17	673.00	7.02	12.85		12.91	0.000428	1.94	348.87	147.76	0.21

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	17	868.00	7.02	13.23		13.31	0.000451	2.18	408.58	165.91	0.22
Main Stem	17	1127.00	7.02	13.65		13.75	0.000485	2.47	482.65	185.97	0.24
Main Stem	17	1669.00	7.02	14.36		14.50	0.000555	3.00	679.96	513.77	0.26
Main Stem	16	673.00	5.22	11.56		11.75	0.002173	4.32	643.97	598.68	0.37
Main Stem	16	868.00	5.22	11.92		12.10	0.002109	4.50	882.70	714.99	0.37
Main Stem	16	1127.00	5.22	12.31		12.48	0.002059	4.70	1179.99	828.89	0.37
Main Stem	16	1669.00	5.22	12.94		13.09	0.001996	5.01	1758.80	1011.32	0.38
Main Stem	15	673.00	1.22	8.08		8.20	0.002237	2.75	247.05	143.65	0.34
Main Stem	15	868.00	1.22	8.49		8.62	0.002220	2.89	322.35	219.57	0.35
Main Stem	15	1127.00	1.22	8.95		9.09	0.002171	3.03	440.65	302.54	0.35
Main Stem	15	1669.00	1.22	9.67		9.82	0.002092	3.24	707.87	435.18	0.35
Main Stem	14	673.00	-0.58	6.14		6.19	0.000537	1.97	639.01	515.13	0.18
Main Stem	14	868.00	-0.58	6.56		6.62	0.000553	2.15	870.51	588.25	0.19
Main Stem	14	1127.00	-0.58	7.04		7.11	0.000559	2.34	1175.84	672.63	0.20
Main Stem	14	1669.00	-0.58	7.77		7.85	0.000616	2.71	1711.38	799.42	0.21
Main Stem	12	673.00	-0.92	5.12	4.15	5.35	0.003242	4.08	364.28	391.17	0.43
Main Stem	12	868.00	-0.92	5.56	4.57	5.77	0.002766	4.15	560.90	505.80	0.40
Main Stem	12	1127.00	-0.92	6.12	4.98	6.30	0.002117	4.04	885.19	636.85	0.36
Main Stem	12	1669.00	-0.92	6.83		7.00	0.001891	4.27	1370.20	732.48	0.35
Main Stem	11.4	711.00	-7.18	3.37		3.53	0.000936	3.38	361.07	256.00	0.24
Main Stem	11.4	938.00	-7.18	3.90		4.11	0.001099	3.87	519.74	335.63	0.27
Main Stem	11.4	1275.00	-7.18	4.59		4.84	0.001266	4.44	843.86	642.99	0.29
Main Stem	11.4	1796.00	-7.18	5.29		5.57	0.001406	4.98	1421.29	995.42	0.31
Main Stem	11.3	711.00	-4.58	3.36	-0.09	3.45	0.001494	2.49	285.32	121.83	0.29
Main Stem	11.3	938.00	-4.58	3.90	0.49	4.01	0.001314	2.66	352.61	123.74	0.28
Main Stem	11.3	1275.00	-4.58	4.60	1.22	4.73	0.001200	2.90	439.43	126.16	0.27
Main Stem	11.3	1796.00	-4.58	5.29	2.87	5.47	0.001337	3.41	526.92	128.56	0.30
Main Stem	11.25	Bridge									

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	11.2	711.00	-4.58	3.34	-0.09	3.44	0.001522	2.51	283.69	121.79	0.29
Main Stem	11.2	938.00	-4.58	3.89	0.49	4.00	0.001336	2.67	350.79	123.69	0.28
Main Stem	11.2	1275.00	-4.58	4.58	1.22	4.71	0.001219	2.92	437.26	126.10	0.28
Main Stem	11.2	1796.00	-4.58	5.26	2.87	5.44	0.001363	3.43	523.74	128.47	0.30
Main Stem	10.4	711.00	-3.68	3.19		3.24	0.000455	1.71	520.26	302.60	0.17
Main Stem	10.4	938.00	-3.68	3.76		3.81	0.000438	1.87	715.45	385.18	0.17
Main Stem	10.4	1275.00	-3.68	4.47		4.53	0.000423	2.06	1026.70	492.97	0.17
Main Stem	10.4	1796.00	-3.68	5.15		5.23	0.000485	2.42	1395.64	597.82	0.19
Main Stem	10.3	711.00	-4.18	3.18	-0.35	3.22	0.000360	1.52	466.76	144.05	0.15
Main Stem	10.3	938.00	-4.18	3.75	0.20	3.79	0.000374	1.71	549.17	146.79	0.16
Main Stem	10.3	1275.00	-4.18	4.46	0.77	4.51	0.000398	1.95	654.23	150.21	0.16
Main Stem	10.3	1796.00	-4.18	5.11	1.38	5.20	0.000507	2.38	753.89	153.38	0.19
Main Stem	10.25	Bridge									
Main Stem	10.2	711.00	-4.18	3.18	-0.35	3.21	0.000361	1.52	466.25	144.03	0.15
Main Stem	10.2	938.00	-4.18	3.74	0.20	3.79	0.000375	1.71	548.49	146.77	0.16
Main Stem	10.2	1275.00	-4.18	4.45	0.77	4.51	0.000400	1.95	653.31	150.18	0.16
Main Stem	10.2	1796.00	-4.18	5.10	1.38	5.19	0.000510	2.39	752.44	153.34	0.19
Main Stem	10.1	711.00	-4.78	3.10		3.13	0.000639	1.43	506.19	302.64	0.18
Main Stem	10.1	938.00	-4.78	3.68		3.71	0.000448	1.43	765.29	600.39	0.16
Main Stem	10.1	1275.00	-4.78	4.40		4.43	0.000325	1.44	1359.57	1098.41	0.14
Main Stem	10.1	1796.00	-4.78	5.06		5.09	0.000304	1.58	2259.43	1637.41	0.14
Main Stem	9	711.00	-4.68	2.80		2.87	0.000324	2.30	686.31	450.54	0.15
Main Stem	9	938.00	-4.68	3.40		3.49	0.000371	2.61	1014.64	640.18	0.17
Main Stem	9	1275.00	-4.68	4.09		4.22	0.000474	3.13	1685.70	2456.04	0.19
Main Stem	9	1796.00	-4.68	4.83		4.91	0.000378	2.95	3507.53	2503.80	0.17
Main Stem	8.4	711.00	-3.68	2.38		2.48	0.000955	2.59	290.57	116.67	0.25
Main Stem	8.4	939.00	-3.68	2.92		3.05	0.001007	2.93	361.92	147.69	0.26
Main Stem	8.4	1276.00	-3.68	3.49		3.67	0.001152	3.44	456.81	180.88	0.28
Main Stem	8.4	1799.00	-3.68	4.15		4.41	0.001413	4.17	591.15	247.79	0.32

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	8.3	711.00	-4.08	2.36	-0.71	2.45	0.000630	2.42	332.71	113.84	0.21
Main Stem	8.3	939.00	-4.08	2.90	-0.29	3.02	0.000724	2.82	397.83	127.41	0.23
Main Stem	8.3	1276.00	-4.08	3.47	0.24	3.64	0.000901	3.38	473.13	141.58	0.26
Main Stem	8.3	1799.00	-4.08	4.12	0.90	4.37	0.001185	4.19	563.26	155.58	0.30
Main Stem	8.25	Bridge									
Main Stem	8.2	711.00	-4.08	2.35	-0.71	2.44	0.000620	2.40	358.33	135.32	0.21
Main Stem	8.2	939.00	-4.08	2.89	-0.29	3.01	0.000704	2.77	432.54	143.40	0.22
Main Stem	8.2	1276.00	-4.08	3.45	0.24	3.62	0.000871	3.32	511.48	151.80	0.25
Main Stem	8.2	1799.00	-4.08	4.10	0.90	4.34	0.001147	4.11	603.89	160.48	0.30
Main Stem	7.4	709.00	-4.18	2.35		2.38	0.000319	1.43	541.20	263.34	0.14
Main Stem	7.4	936.00	-4.18	2.89		2.93	0.000320	1.59	690.31	283.70	0.15
Main Stem	7.4	1275.00	-4.18	3.46		3.52	0.000359	1.85	858.13	304.99	0.16
Main Stem	7.4	1783.00	-4.18	4.13		4.20	0.000420	2.21	1067.90	328.45	0.17
Main Stem	7.3	709.00	-2.88	2.23	-0.21	2.33	0.000913	2.63	374.15	289.60	0.24
Main Stem	7.3	936.00	-2.88	2.76	0.17	2.88	0.000924	2.90	521.32	312.21	0.25
Main Stem	7.3	1275.00	-2.88	3.30	0.66	3.45	0.001043	3.34	682.40	335.17	0.27
Main Stem	7.3	1783.00	-2.88	3.91	1.28	4.12	0.001231	3.94	880.36	361.36	0.30
Main Stem	7.25	Bridge									
Main Stem	7.2	709.00	-2.88	2.22	-0.21	2.32	0.000909	2.62	379.84	352.18	0.24
Main Stem	7.2	936.00	-2.88	2.75	0.17	2.87	0.000922	2.89	513.38	357.51	0.25
Main Stem	7.2	1275.00	-2.88	3.29	0.66	3.44	0.001053	3.35	650.67	362.90	0.27
Main Stem	7.2	1783.00	-2.88	3.90	1.28	4.11	0.001264	3.99	809.57	369.03	0.31
Main Stem	7.1	709.00	-2.88	2.15		2.26	0.000996	2.72	316.71	212.62	0.25
Main Stem	7.1	936.00	-2.88	2.67		2.81	0.001044	3.05	448.52	293.38	0.27
Main Stem	7.1	1275.00	-2.88	3.19		3.37	0.001206	3.55	622.34	374.10	0.29
Main Stem	7.1	1783.00	-2.88	3.79		4.02	0.001417	4.18	874.27	466.96	0.32
Main Stem	6	709.00	-4.68	1.82		1.88	0.000329	2.14	1051.98	613.81	0.15

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	6	936.00	-4.68	2.34		2.40	0.000359	2.36	1389.91	677.29	0.16
Main Stem	6	1275.00	-4.68	2.81		2.88	0.000443	2.74	1716.74	714.85	0.18
Main Stem	6	1783.00	-4.68	3.34		3.44	0.000565	3.24	2109.50	757.53	0.20
Main Stem	5	709.00	-4.68	1.58		1.60	0.000205	1.65	2147.69	1533.31	0.12
Main Stem	5	936.00	-4.68	2.03		2.07	0.000289	2.05	2959.53	3430.00	0.14
Main Stem	5	1275.00	-4.68	2.52		2.54	0.000218	1.87	4614.97	3430.00	0.12
Main Stem	5	1783.00	-4.68	3.03		3.04	0.000192	1.84	6372.82	3430.00	0.12
Main Stem	4	709.00	-3.78	1.20		1.29	0.001042	2.87	955.67	1093.23	0.26
Main Stem	4	936.00	-3.78	1.59		1.67	0.000957	2.94	1441.28	1375.31	0.25
Main Stem	4	1275.00	-3.78	2.15		2.22	0.000861	3.03	2421.69	2404.43	0.24
Main Stem	4	1783.00	-3.78	2.75		2.79	0.000564	2.65	3867.28	2422.40	0.20
Main Stem	3	709.00	-4.68	0.60		0.67	0.000472	2.21	486.31	308.06	0.18
Main Stem	3	936.00	-4.68	0.93		1.03	0.000625	2.67	598.85	363.46	0.21
Main Stem	3	1275.00	-4.68	1.40		1.54	0.000802	3.20	786.81	440.72	0.24
Main Stem	3	1783.00	-4.68	2.02		2.21	0.000982	3.80	1091.16	544.61	0.27
Main Stem	2	709.00	-4.98	0.24		0.33	0.001076	2.45	289.47	100.69	0.25
Main Stem	2	936.00	-4.98	0.44		0.58	0.001597	3.02	310.06	106.05	0.31
Main Stem	2	1275.00	-4.98	0.72		0.94	0.002341	3.74	340.63	112.44	0.38
Main Stem	2	1783.00	-4.98	1.11		1.44	0.003228	4.61	401.43	222.91	0.45
Main Stem	1	709.00	-4.68	-0.13	-3.60	-0.12	0.000110	0.84	844.10	298.81	0.08
Main Stem	1	936.00	-4.68	-0.13	-3.40	-0.11	0.000193	1.11	844.10	298.81	0.11
Main Stem	1	1274.00	-4.68	-0.13	-3.13	-0.09	0.000357	1.51	844.10	298.81	0.15
Main Stem	1	1781.00	-4.68	-0.13	-2.79	-0.06	0.000697	2.11	844.10	298.81	0.21

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	38.4	1258.00	23.32	25.23		25.23	0.000117	0.61	6577.42	5898.52	0.08
Main Stem	38.4	1258.00	23.32	26.23		26.23	0.000118	0.83	4827.26	3015.56	0.09
Main Stem	38.3	1258.00	23.32	25.23	24.91	25.23	0.000118	0.61	6566.38	5896.67	0.08
Main Stem	38.3	1258.00	23.32	26.23	24.92	26.23	0.000119	0.83	4819.12	3014.53	0.09
Main Stem	38.25	Culvert									
Main Stem	38.2	1258.00	23.42	25.23	24.92	25.23	0.000080	0.50	7189.69	6615.62	0.07
Main Stem	38.2	1258.00	23.42	26.23	24.92	26.23	0.000081	0.69	4307.32	2679.75	0.07
Main Stem	38.1	1258.00	23.42	25.23		25.23	0.000081	0.50	7177.31	6612.86	0.07
Main Stem	38.1	1258.00	23.42	26.22		26.23	0.000082	0.69	4297.19	2677.52	0.07
Main Stem	37	1258.00	21.62	25.09		25.09	0.000300	1.24	4899.86	5430.95	0.14
Main Stem	37	1258.00	21.62	26.08		26.08	0.000302	1.55	2571.02	1074.20	0.15
Main Stem	36	1258.00	19.42	24.77		24.77	0.000199	1.18	6311.68	8030.00	0.12
Main Stem	36	1258.00	19.42	25.75		25.75	0.000209	1.38	3454.39	1929.49	0.12
Main Stem	35	1258.00	19.12	24.40	24.27	24.43	0.001011	2.57	3338.41	8013.96	0.27
Main Stem	35	1258.00	19.12	25.28		25.38	0.001231	3.33	1061.02	696.59	0.30
Main Stem	34	1258.00	18.52	23.74		23.74	0.000042	0.62	8292.39	4852.76	0.06
Main Stem	34	1258.00	18.52	24.53		24.53	0.000018	0.45	10339.67	4469.22	0.04
Main Stem	33.4	1329.00	16.82	23.69		23.69	0.000033	0.52	10995.63	7508.94	0.05
Main Stem	33.4	1329.00	16.82	24.51		24.52	0.000012	0.33	14285.42	6638.37	0.03
Main Stem	33.3	1329.00	16.82	23.69	22.37	23.69	0.000033	0.52	10992.10	7508.36	0.05
Main Stem	33.3	1329.00	16.82	24.16	23.40	24.43	0.003219	5.27	675.23	664.94	0.48
Main Stem	33.25	Culvert									
Main Stem	33.2	1329.00	15.52	23.56	21.07	23.69	0.000949	3.56	1388.15	1539.15	0.28
Main Stem	33.2	1329.00	15.52	24.35	21.07	24.41	0.000431	2.64	1476.55	680.89	0.19

Popash Creek Roadway Existing

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	33.1	1329.00	15.52	23.41		23.61	0.001376	4.21	1020.41	1328.84	0.33
Main Stem	33.1	1329.00	15.52	24.27		24.38	0.000613	3.12	1055.97	452.28	0.23
Main Stem	32.4	1225.00	16.52	23.12		23.14	0.000318	1.87	3358.64	3049.37	0.16
Main Stem	32.4	1225.00	16.52	24.09		24.12	0.000337	2.12	1926.87	829.92	0.16
Main Stem	32.3	1225.00	17.42	23.11	22.53	23.13	0.000600	2.26	2589.59	2409.08	0.20
Main Stem	32.3	1225.00	17.42	24.09	22.88	24.12	0.000628	2.61	1722.27	1010.19	0.21
Main Stem	32.25	Bridge									
Main Stem	32.2	1225.00	17.42	23.08	22.52	23.10	0.000592	2.25	2686.45	2610.95	0.20
Main Stem	32.2	1225.00	17.42	24.05	22.85	24.07	0.000384	2.07	2164.93	1117.53	0.17
Main Stem	32.1	1225.00	17.42	23.06		23.08	0.000523	2.20	2934.97	3025.07	0.19
Main Stem	32.1	1225.00	17.42	24.02		24.05	0.000570	2.54	1688.96	861.27	0.20
Main Stem	31	1225.00	17.32	22.64	22.44	22.70	0.001361	3.44	2082.59	3052.11	0.31
Main Stem	31	1225.00	17.32	23.56		23.66	0.001256	3.70	1067.39	587.27	0.30
Main Stem	30.4	1199.00	17.02	21.64		21.64	0.000434	1.68	2905.60	2254.64	0.17
Main Stem	30.4	1199.00	17.02	22.64		22.65	0.000438	1.98	2109.33	1093.52	0.17
Main Stem	30.3	1199.00	16.62	21.63	20.83	21.64	0.000430	1.80	2856.41	2250.53	0.17
Main Stem	30.3	1199.00	16.62	22.62	21.35	22.64	0.000435	2.10	2062.00	1095.53	0.18
Main Stem	30.25	Bridge									
Main Stem	30.2	1199.00	16.62	21.61	20.51	21.61	0.000066	0.70	6695.55	4130.92	0.07
Main Stem	30.2	1199.00	16.62	22.57	20.83	22.57	0.000069	0.83	4701.81	1818.62	0.07
Main Stem	30.1	1199.00	16.62	21.61		21.61	0.000067	0.71	6674.31	4137.17	0.07
Main Stem	30.1	1199.00	16.62	22.56		22.56	0.000071	0.85	4660.23	1808.90	0.07
Main Stem	29	1199.00	17.32	21.59		21.60	0.000384	1.67	2862.98	2150.58	0.17

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	29	1199.00	17.32	22.53		22.55	0.000428	2.02	1961.73	1011.96	0.18
Main Stem	28.4	1197.00	14.42	21.56		21.58	0.000645	2.40	2756.70	2079.44	0.21
Main Stem	28.4	1197.00	14.42	22.47		22.51	0.000736	2.84	1903.93	1045.89	0.23
Main Stem	28.3	1197.00	14.42	21.55	20.82	21.57	0.000792	2.55	2593.40	1919.08	0.20
Main Stem	28.3	1197.00	14.42	22.48	21.26	22.51	0.000886	2.89	2003.89	1175.10	0.21
Main Stem	28.25	Bridge									
Main Stem	28.2	1197.00	14.42	21.49	20.82	21.52	0.000898	2.71	2469.40	1886.99	0.22
Main Stem	28.2	1197.00	14.42	22.41	21.11	22.43	0.000686	2.53	2323.11	1346.05	0.19
Main Stem	28.1	1197.00	15.52	21.49		21.51	0.000588	2.27	3032.30	2917.92	0.21
Main Stem	28.1	1197.00	15.52	22.41		22.42	0.000312	1.86	2881.91	1374.50	0.15
Main Stem	27.4	1186.00	13.72	21.21		21.22	0.000182	1.55	4964.61	4010.00	0.12
Main Stem	27.4	1186.00	13.72	22.23		22.24	0.000180	1.74	3043.31	1322.84	0.12
Main Stem	27.3	1186.00	13.72	21.21	18.43	21.22	0.000190	1.59	4849.40	3988.15	0.12
Main Stem	27.3	1186.00	13.72	22.22	18.43	22.24	0.000196	1.81	2897.72	1304.34	0.13
Main Stem	27.25	Bridge									
Main Stem	27.2	1186.00	13.62	21.19		21.20	0.000190	1.44	4989.79	4015.21	0.12
Main Stem	27.2	1186.00	13.62	22.22		22.24	0.000182	1.62	2989.52	1223.77	0.12
Main Stem	26.4	1185.00	16.32	21.16		21.19	0.000602	2.18	2867.04	2560.57	0.21
Main Stem	26.4	1185.00	16.32	22.18		22.22	0.000590	2.28	1754.01	860.15	0.21
Main Stem	26.3	1185.00	16.32	21.15	20.50	21.17	0.000494	2.05	3561.42	3817.37	0.19
Main Stem	26.3	1185.00	16.32	22.13	20.28	22.19	0.000690	2.78	1825.96	1299.00	0.23
Main Stem	26.25	Culvert									
Main Stem	26.2	1185.00	12.52	21.16	18.57	21.17	0.000221	1.70	4692.88	4010.00	0.13

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	26.2	1185.00	12.52	22.16	18.57	22.18	0.000221	1.91	2848.81	1299.00	0.13
Main Stem	26.1	1185.00	12.52	21.12		21.14	0.000357	2.15	3801.63	4010.00	0.16
Main Stem	26.1	1185.00	12.52	22.10		22.15	0.000363	2.43	2202.64	1257.39	0.17
Main Stem	25.4	1185.00	12.32	20.76		20.81	0.000456	2.61	3280.23	4080.00	0.19
Main Stem	25.4	1185.00	12.32	21.73		21.81	0.000472	2.93	1533.88	781.58	0.20
Main Stem	25.3	1185.00	15.11	20.76	18.63	20.80	0.000556	2.61	3249.91	4080.00	0.20
Main Stem	25.3	1185.00	15.11	21.71	18.63	21.79	0.000637	3.00	1475.73	767.54	0.21
Main Stem	25.25	Culvert									
Main Stem	25.2	1185.00	15.06	20.74	18.65	20.78	0.000596	2.71	3136.28	4040.00	0.21
Main Stem	25.2	1185.00	15.06	21.72	18.65	21.80	0.000634	3.01	1477.46	767.54	0.21
Main Stem	25.1	1185.00	11.12	20.69		20.75	0.000562	2.74	2963.43	4030.00	0.20
Main Stem	25.1	1185.00	11.12	21.71		21.76	0.000399	2.57	1863.83	987.43	0.17
Main Stem	24.4	1165.00	14.32	20.39		20.44	0.000706	2.74	3039.27	4669.20	0.23
Main Stem	24.4	1165.00	14.32	21.42		21.51	0.000719	2.97	946.77	282.52	0.23
Main Stem	24.3	1165.00	14.32	20.38	19.39	20.43	0.000890	2.99	2981.76	4679.13	0.25
Main Stem	24.3	1165.00	14.32	21.34	19.32	21.49	0.001150	3.82	751.03	225.76	0.29
Main Stem	24.25	Culvert									
Main Stem	24.2	1165.00	14.32	20.37	19.43	20.44	0.001069	3.28	2685.70	4687.54	0.28
Main Stem	24.2	1165.00	14.32	21.30	19.31	21.44	0.001144	3.79	757.98	225.76	0.29
Main Stem	24.1	1165.00	13.72	20.32		20.36	0.000723	2.43	1846.67	4565.77	0.22
Main Stem	24.1	1165.00	13.72	21.27		21.35	0.000779	2.86	633.28	279.08	0.23
Main Stem	23.4	1158.00	10.82	20.15		20.17	0.000161	1.53	2635.89	4010.00	0.11
Main Stem	23.4	1158.00	10.82	21.10		21.13	0.000174	1.69	993.20	255.77	0.11

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	23.3	1158.00	14.62	20.12	19.03	20.16	0.000764	2.58	1696.30	4010.00	0.22
Main Stem	23.3	1158.00	14.62	21.11	18.97	21.13	0.000227	1.61	1215.16	490.76	0.12
Main Stem	23.25	Culvert									
Main Stem	23.2	1158.00	14.62	20.13	18.99	20.16	0.000540	2.17	2028.23	4000.00	0.18
Main Stem	23.2	1158.00	14.62	21.10	18.95	21.12	0.000155	1.33	1436.53	490.76	0.10
Main Stem	23.1	1158.00	13.52	20.06		20.12	0.000697	2.71	1549.72	4000.00	0.22
Main Stem	23.1	1158.00	13.52	20.95		21.08	0.000782	3.15	483.60	140.70	0.23
Main Stem	22	1158.00	13.22	19.83		19.84	0.000214	1.57	4271.04	2728.08	0.12
Main Stem	22	1158.00	13.22	20.76		20.77	0.000121	1.32	3414.34	964.47	0.10
Main Stem	21	1158.00	11.72	19.55		19.58	0.000437	2.41	2791.64	1490.00	0.17
Main Stem	21	1158.00	11.72	20.55		20.59	0.000470	2.51	1789.64	548.06	0.17
Main Stem	20.4	1127.00	11.92	19.16		19.19	0.000740	2.42	2996.93	2510.00	0.21
Main Stem	20.4	1127.00	11.92	20.13		20.17	0.000775	2.84	1770.89	796.01	0.22
Main Stem	20.3	1127.00	12.22	19.16	16.82	19.18	0.000217	1.56	3576.77	2510.00	0.12
Main Stem	20.3	1127.00	12.22	20.11	16.82	20.16	0.000321	2.09	1070.47	285.07	0.15
Main Stem	20.25	Culvert									
Main Stem	20.2	1127.00	12.22	19.14	16.82	19.17	0.000305	1.85	2675.37	2042.29	0.15
Main Stem	20.2	1127.00	12.22	20.08	16.82	20.14	0.000327	2.11	1061.70	285.07	0.15
Main Stem	20.1	1127.00	11.92	19.03		19.12	0.001381	3.65	1874.14	1969.73	0.29
Main Stem	20.1	1127.00	11.92	19.89		20.07	0.001644	4.27	840.89	375.67	0.31
Main Stem	19	1127.00	10.22	18.16		18.24	0.000795	3.01	2063.76	2738.01	0.23
Main Stem	19	1127.00	10.22	18.82		18.98	0.001068	3.63	662.62	194.35	0.26
Main Stem	18	1127.00	8.22	16.01		16.46	0.002879	5.49	276.18	129.76	0.44
Main Stem	18	1127.00	8.22	16.33		16.77	0.002838	5.32	211.72	41.00	0.41

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	17	1127.00	7.02	13.98		14.05	0.000638	2.26	545.36	201.40	0.21
Main Stem	17	1127.00	7.02	14.47		14.53	0.000447	2.01	559.97	132.00	0.17
Main Stem	16	1127.00	5.22	12.31		12.48	0.002059	4.70	1179.99	828.89	0.37
Main Stem	16	1127.00	5.22	12.90		13.24	0.003159	5.69	460.57	132.42	0.43
Main Stem	15	1127.00	1.22	8.95		9.09	0.002171	3.03	440.65	302.54	0.35
Main Stem	15	1127.00	1.22	9.37		9.48	0.001456	2.59	434.57	171.55	0.29
Main Stem	14	1127.00	-0.58	7.04		7.11	0.000559	2.34	1175.84	672.63	0.20
Main Stem	14	1127.00	-0.58	8.02		8.10	0.000459	2.37	512.45	97.27	0.18
Main Stem	12	1127.00	-0.92	6.12	4.98	6.30	0.002117	4.04	885.19	636.85	0.36
Main Stem	12	1127.00	-0.92	7.02		7.37	0.002599	4.77	236.47	50.00	0.39
Main Stem	11.4	1275.00	-7.18	4.59		4.84	0.001266	4.44	843.86	642.99	0.29
Main Stem	11.4	1275.00	-7.18	5.13		5.51	0.001727	4.97	256.76	33.00	0.31
Main Stem	11.3	1275.00	-4.58	4.60	1.22	4.73	0.001200	2.90	439.43	126.16	0.27
Main Stem	11.3	1275.00	-4.58	5.22	1.22	5.32	0.000708	2.46	518.74	128.33	0.22
Main Stem	11.25	Bridge									
Main Stem	11.2	1275.00	-4.58	4.58	1.22	4.71	0.001219	2.92	437.26	126.10	0.28
Main Stem	11.2	1275.00	-4.58	5.21	1.22	5.31	0.000714	2.46	517.35	128.30	0.22
Main Stem	10.4	1275.00	-3.68	4.47		4.53	0.000423	2.06	1026.70	492.97	0.17
Main Stem	10.4	1275.00	-3.68	5.13		5.19	0.000340	1.96	650.28	126.00	0.15
Main Stem	10.3	1275.00	-4.18	4.46	0.77	4.51	0.000398	1.95	654.23	150.21	0.16
Main Stem	10.3	1275.00	-4.18	5.12	0.77	5.17	0.000254	1.69	755.50	153.43	0.13
Main Stem	10.25	Bridge									
Main Stem	10.2	1275.00	-4.18	4.45	0.77	4.51	0.000400	1.95	653.31	150.18	0.16

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	10.2	1275.00	-4.18	5.12	0.77	5.16	0.000255	1.69	754.83	153.41	0.13
Main Stem	10.1	1275.00	-4.78	4.40		4.43	0.000325	1.44	1359.57	1098.41	0.14
Main Stem	10.1	1275.00	-4.78	5.09		5.11	0.000195	1.26	1013.49	260.00	0.11
Main Stem	9	1275.00	-4.68	4.09		4.22	0.000474	3.13	1685.70	2456.04	0.19
Main Stem	9	1275.00	-4.68	4.75		4.94	0.000621	3.50	410.83	51.35	0.21
Main Stem	8.4	1276.00	-3.68	3.49		3.67	0.001152	3.44	456.81	180.88	0.28
Main Stem	8.4	1276.00	-3.68	4.22		4.36	0.000814	3.03	420.73	80.00	0.23
Main Stem	8.3	1276.00	-4.08	3.47	0.24	3.64	0.000901	3.38	473.13	141.58	0.26
Main Stem	8.3	1276.00	-4.08	4.19	0.24	4.34	0.000717	3.09	413.38	68.10	0.22
Main Stem	8.25	Bridge									
Main Stem	8.2	1276.00	-4.08	3.45	0.24	3.62	0.000871	3.32	511.48	151.80	0.25
Main Stem	8.2	1276.00	-4.08	4.17	0.24	4.32	0.000725	3.10	412.03	68.10	0.22
Main Stem	7.4	1275.00	-4.18	3.46		3.52	0.000359	1.85	858.13	304.99	0.16
Main Stem	7.4	1275.00	-4.18	4.19		4.23	0.000239	1.64	777.21	155.00	0.13
Main Stem	7.3	1275.00	-2.88	3.30	0.66	3.45	0.001043	3.34	682.40	335.17	0.27
Main Stem	7.3	1275.00	-2.88	4.00	0.66	4.17	0.000920	3.28	388.50	72.00	0.25
Main Stem	7.25	Bridge									
Main Stem	7.2	1275.00	-2.88	3.29	0.66	3.44	0.001053	3.35	650.67	362.90	0.27
Main Stem	7.2	1275.00	-2.88	3.98	0.66	4.15	0.000930	3.29	387.16	72.00	0.25
Main Stem	7.1	1275.00	-2.88	3.19		3.37	0.001206	3.55	622.34	374.10	0.29
Main Stem	7.1	1275.00	-2.88	3.92		4.09	0.000947	3.31	384.76	72.00	0.25
Main Stem	6	1275.00	-4.68	2.81		2.88	0.000443	2.74	1716.74	714.85	0.18
Main Stem	6	1275.00	-4.68	3.57		3.69	0.000499	3.11	860.38	172.70	0.19

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	5	1275.00	-4.68	2.52		2.54	0.000218	1.87	4614.97	3430.00	0.12
Main Stem	5	1275.00	-4.68	3.24		3.28	0.000276	2.11	1912.78	467.12	0.13
Main Stem	4	1275.00	-3.78	2.15		2.22	0.000861	3.03	2421.69	2404.43	0.24
Main Stem	4	1275.00	-3.78	2.69		2.86	0.001252	3.82	733.70	216.41	0.29
Main Stem	3	1275.00	-4.68	1.40		1.54	0.000802	3.20	786.81	440.72	0.24
Main Stem	3	1275.00	-4.68	1.85		2.02	0.000855	3.30	386.09	64.00	0.24
Main Stem	2	1275.00	-4.98	0.72		0.94	0.002341	3.74	340.63	112.44	0.38
Main Stem	2	1275.00	-4.98	1.33		1.48	0.001378	3.09	412.67	121.61	0.30
Main Stem	1	1274.00	-4.68	-0.13	-3.13	-0.09	0.000357	1.51	844.10	298.81	0.15
Main Stem	1	1274.00	-4.68	0.87	-3.13	0.89	0.000145	1.15	1108.25	265.00	0.10

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	38.4	1258.00	23.32	25.23		25.23	0.000117	0.61	6577.41	5898.52	0.08
Main Stem	38.4	1258.00	23.32	26.23		26.23	0.000119	0.84	4832.98	3050.04	0.09
Main Stem	38.3	1258.00	23.32	25.23	24.91	25.23	0.000118	0.61	6566.36	5896.67	0.08
Main Stem	38.3	1258.00	23.32	26.22	24.92	26.23	0.000120	0.83	4806.09	3014.53	0.09
Main Stem	38.25	Culvert									
Main Stem	38.2	1258.00	23.42	25.23	24.92	25.23	0.000080	0.50	7189.68	6615.61	0.07
Main Stem	38.2	1258.00	23.42	26.22	24.92	26.23	0.000081	0.69	4284.51	2671.69	0.08
Main Stem	38.1	1258.00	23.42	25.23		25.23	0.000081	0.50	7177.29	6612.86	0.07
Main Stem	38.1	1258.00	23.42	26.22		26.22	0.000082	0.69	4274.20	2669.39	0.08
Main Stem	37	1258.00	21.62	25.09		25.09	0.000300	1.24	4899.86	5430.95	0.14
Main Stem	37	1258.00	21.62	26.07		26.08	0.000304	1.55	2567.47	1074.94	0.15
Main Stem	36	1258.00	19.42	24.77		24.77	0.000199	1.18	6311.67	8030.00	0.12
Main Stem	36	1258.00	19.42	25.74		25.75	0.000208	1.45	3411.50	1887.49	0.13
Main Stem	35	1258.00	19.12	24.40	24.27	24.43	0.001011	2.57	3338.30	8013.96	0.27
Main Stem	35	1258.00	19.12	25.27		25.38	0.001223	3.37	1056.76	697.15	0.30
Main Stem	34	1258.00	18.52	23.74		23.74	0.000042	0.62	8292.04	4852.75	0.06
Main Stem	34	1258.00	18.52	24.53		24.53	0.000018	0.47	10370.01	4508.86	0.04
Main Stem	33.4	1329.00	16.82	23.69		23.69	0.000033	0.52	10995.03	7508.84	0.05
Main Stem	33.4	1329.00	16.82	24.51		24.51	0.000012	0.33	14284.71	6638.31	0.03
Main Stem	33.3	1329.00	16.82	23.69	22.37	23.69	0.000033	0.52	10991.50	7508.26	0.05
Main Stem	33.3	1329.00	16.82	24.16	23.40	24.43	0.003220	5.27	674.98	664.72	0.48
Main Stem	33.25	Culvert									
Main Stem	33.2	1329.00	15.52	23.56	21.07	23.69	0.000949	3.56	1388.16	1539.15	0.28
Main Stem	33.2	1329.00	15.52	24.34	21.07	24.41	0.000433	2.65	1472.65	680.69	0.19

Popash Creek Flooding Proposed

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	33.1	1329.00	15.52	23.41		23.61	0.001376	4.21	1020.41	1328.84	0.33
Main Stem	33.1	1329.00	15.52	24.27		24.37	0.000616	3.13	1053.13	452.10	0.23
Main Stem	32.4	1225.00	16.52	23.12		23.14	0.000318	1.87	3358.67	3049.37	0.16
Main Stem	32.4	1225.00	16.52	24.09		24.11	0.000331	2.17	1926.92	834.28	0.16
Main Stem	32.3	1225.00	17.42	23.11	22.53	23.13	0.000600	2.26	2589.61	2409.08	0.20
Main Stem	32.3	1225.00	17.42	24.08	22.88	24.12	0.000633	2.64	1727.99	1055.85	0.21
Main Stem	32.25	Bridge									
Main Stem	32.2	1225.00	17.42	23.08	22.52	23.10	0.000592	2.25	2686.47	2610.95	0.20
Main Stem	32.2	1225.00	17.42	24.04	22.85	24.06	0.000388	2.09	2168.93	1166.76	0.17
Main Stem	32.1	1225.00	17.42	23.06		23.08	0.000523	2.20	2934.99	3025.08	0.19
Main Stem	32.1	1225.00	17.42	24.00		24.04	0.000570	2.64	1678.69	865.55	0.21
Main Stem	31	1225.00	17.32	22.64	22.44	22.70	0.001361	3.44	2082.71	3052.12	0.31
Main Stem	31	1225.00	17.32	23.54		23.64	0.001262	3.82	1056.22	589.55	0.31
Main Stem	30.4	1199.00	17.02	21.64		21.64	0.000433	1.68	2906.54	2254.64	0.17
Main Stem	30.4	1199.00	17.02	22.60		22.62	0.000459	2.08	2088.40	1137.57	0.18
Main Stem	30.3	1199.00	16.62	21.63	20.83	21.64	0.000430	1.80	2857.36	2250.53	0.17
Main Stem	30.3	1199.00	16.62	22.59	21.36	22.61	0.000455	2.14	2046.38	1138.16	0.18
Main Stem	30.25	Bridge									
Main Stem	30.2	1199.00	16.62	21.61	20.51	21.61	0.000066	0.70	6697.37	4130.93	0.07
Main Stem	30.2	1199.00	16.62	22.55	20.83	22.55	0.000071	0.84	4658.18	1818.78	0.07
Main Stem	30.1	1199.00	16.62	21.61		21.61	0.000067	0.71	6676.16	4137.18	0.07
Main Stem	30.1	1199.00	16.62	22.55		22.55	0.000072	0.86	4634.81	1809.24	0.07
Main Stem	29	1199.00	17.32	21.59		21.60	0.000384	1.67	2863.98	2150.81	0.17

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	29	1199.00	17.32	22.51		22.53	0.000431	2.09	1964.39	1040.40	0.18
Main Stem	28.4	1197.00	14.42	21.56		21.58	0.000644	2.40	2757.74	2079.67	0.21
Main Stem	28.4	1197.00	14.42	22.45		22.50	0.000751	2.89	1901.97	1092.98	0.23
Main Stem	28.3	1197.00	14.42	21.55	20.82	21.57	0.000792	2.55	2594.38	1919.26	0.20
Main Stem	28.3	1197.00	14.42	22.46	21.26	22.50	0.000912	2.93	1998.72	1221.32	0.21
Main Stem	28.25	Bridge									
Main Stem	28.2	1197.00	14.42	21.50	20.82	21.52	0.000897	2.70	2470.50	1887.20	0.22
Main Stem	28.2	1197.00	14.42	22.39	21.11	22.41	0.000711	2.57	2295.34	1346.19	0.19
Main Stem	28.1	1197.00	15.52	21.49		21.51	0.000587	2.27	3034.06	2918.69	0.21
Main Stem	28.1	1197.00	15.52	22.39		22.40	0.000315	1.91	2896.04	1412.33	0.16
Main Stem	27.4	1186.00	13.72	21.21		21.23	0.000182	1.55	4968.81	4010.00	0.12
Main Stem	27.4	1186.00	13.72	22.20		22.22	0.000185	1.76	3014.66	1323.91	0.12
Main Stem	27.3	1186.00	13.72	21.21	18.43	21.22	0.000190	1.59	4853.62	3988.36	0.12
Main Stem	27.3	1186.00	13.72	22.20	18.43	22.22	0.000201	1.83	2866.96	1304.34	0.13
Main Stem	27.25	Bridge									
Main Stem	27.2	1186.00	13.62	21.19		21.20	0.000190	1.44	4994.28	4015.25	0.12
Main Stem	27.2	1186.00	13.62	22.20		22.22	0.000187	1.63	2963.37	1224.97	0.12
Main Stem	26.4	1185.00	16.32	21.17		21.19	0.000601	2.18	2870.09	2560.98	0.21
Main Stem	26.4	1185.00	16.32	22.16		22.20	0.000607	2.31	1734.08	858.36	0.21
Main Stem	26.3	1185.00	16.32	21.15	20.50	21.17	0.000493	2.05	3566.09	3819.14	0.19
Main Stem	26.3	1185.00	16.32	22.10	20.28	22.16	0.000722	2.84	1790.38	1298.57	0.24
Main Stem	26.25	Culvert									
Main Stem	26.2	1185.00	12.52	21.16	18.57	21.17	0.000221	1.70	4691.21	4010.00	0.13

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	26.2	1185.00	12.52	22.14	18.57	22.16	0.000226	1.93	2822.03	1298.57	0.13
Main Stem	26.1	1185.00	12.52	21.12		21.14	0.000358	2.15	3799.70	4010.00	0.16
Main Stem	26.1	1185.00	12.52	22.08		22.13	0.000373	2.46	2174.15	1256.77	0.17
Main Stem	25.4	1185.00	12.32	20.76		20.81	0.000458	2.61	3273.53	4080.00	0.19
Main Stem	25.4	1185.00	12.32	21.69		21.78	0.000491	2.98	1502.18	779.43	0.20
Main Stem	25.3	1185.00	15.11	20.76	18.63	20.80	0.000558	2.61	3243.98	4080.00	0.20
Main Stem	25.3	1185.00	15.11	21.68	18.63	21.77	0.000644	3.11	1435.41	758.11	0.22
Main Stem	25.25	Culvert									
Main Stem	25.2	1185.00	15.06	20.73	18.65	20.78	0.000607	2.73	3110.58	4040.00	0.21
Main Stem	25.2	1185.00	15.06	21.68	18.65	21.76	0.000646	3.14	1430.95	758.11	0.22
Main Stem	25.1	1185.00	11.12	20.68		20.74	0.000576	2.77	2927.53	4030.00	0.20
Main Stem	25.1	1185.00	11.12	21.67		21.73	0.000418	2.62	1824.59	987.43	0.18
Main Stem	24.4	1165.00	14.32	20.35		20.41	0.000789	2.89	2882.56	4668.92	0.25
Main Stem	24.4	1165.00	14.32	21.35		21.45	0.000794	3.21	845.21	248.55	0.25
Main Stem	24.3	1165.00	14.32	20.34	19.39	20.40	0.001042	3.23	2778.61	4678.18	0.27
Main Stem	24.3	1165.00	14.32	21.28	19.28	21.43	0.001193	3.92	741.77	228.60	0.30
Main Stem	24.25	Culvert									
Main Stem	24.2	1165.00	14.32	20.31	19.43	20.41	0.001293	3.59	2443.48	4685.20	0.31
Main Stem	24.2	1165.00	14.32	21.04	19.30	21.25	0.001630	4.44	622.39	228.60	0.35
Main Stem	24.1	1165.00	13.72	20.19	18.77	20.30	0.001596	3.54	1235.46	4505.02	0.32
Main Stem	24.1	1165.00	13.72	20.78		21.10	0.002363	4.69	298.80	152.00	0.40
Main Stem	23.4	1158.00	10.82	19.87		19.89	0.000201	1.66	1813.95	1611.29	0.12
Main Stem	23.4	1158.00	10.82	20.40		20.45	0.000289	2.11	804.00	244.61	0.15

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	23.3	1158.00	14.62	19.83	19.03	19.88	0.000863	2.65	1050.70	1010.96	0.23
Main Stem	23.3	1158.00	14.62	20.40	18.97	20.44	0.000559	2.30	868.95	490.76	0.19
Main Stem	23.25	Culvert									
Main Stem	23.2	1158.00	14.62	19.83	18.99	19.86	0.000640	2.28	1277.40	1258.25	0.20
Main Stem	23.2	1158.00	14.62	20.36	18.95	20.38	0.000389	1.91	1068.59	490.76	0.16
Main Stem	23.1	1158.00	13.52	19.74		19.82	0.000874	2.90	980.78	1183.97	0.24
Main Stem	23.1	1158.00	13.52	20.07		20.30	0.001657	4.18	369.03	158.35	0.34
Main Stem	22	1158.00	13.22	19.39		19.41	0.000409	2.03	3155.23	2338.90	0.17
Main Stem	22	1158.00	13.22	19.56		19.60	0.000468	2.23	1908.64	767.29	0.18
Main Stem	21	1158.00	11.72	19.09		19.11	0.000274	2.41	2098.10	1490.00	0.18
Main Stem	21	1158.00	11.72	19.25		19.27	0.000247	2.33	2010.50	1233.29	0.17
Main Stem	20.4	1127.00	11.92	18.84		18.86	0.000497	2.51	2177.92	2510.00	0.22
Main Stem	20.4	1127.00	11.92	19.04		19.06	0.000372	2.24	2219.66	2058.58	0.19
Main Stem	20.3	1127.00	12.22	18.84	16.82	18.86	0.000135	1.57	2761.05	2510.00	0.13
Main Stem	20.3	1127.00	12.22	19.02	16.82	19.05	0.000163	1.77	1873.53	1185.96	0.14
Main Stem	20.25	Culvert									
Main Stem	20.2	1127.00	12.22	18.83	16.82	18.86	0.000188	1.85	2063.25	1891.54	0.15
Main Stem	20.2	1127.00	12.22	18.95	16.82	18.98	0.000183	1.86	1786.58	1185.96	0.15
Main Stem	20.1	1127.00	11.92	18.51		18.77	0.001857	5.25	931.47	1700.01	0.43
Main Stem	20.1	1127.00	11.92	18.61		18.89	0.001870	5.34	778.46	1066.27	0.44
Main Stem	19	1127.00	10.22	17.55		17.67	0.000758	3.62	1069.68	1113.90	0.30
Main Stem	19	1127.00	10.22	17.63		17.76	0.000783	3.72	762.24	449.96	0.30
Main Stem	18	1127.00	8.22	15.35		15.97	0.002688	6.42	205.52	93.55	0.55
Main Stem	18	1127.00	8.22	15.49		16.06	0.002381	6.17	218.92	99.17	0.52

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	17	1127.00	7.02	13.65		13.75	0.000485	2.47	482.65	185.97	0.24
Main Stem	17	1127.00	7.02	14.08		14.15	0.000322	2.18	562.28	187.82	0.20
Main Stem	16	1127.00	5.22	12.31		12.48	0.002059	4.70	1179.99	828.89	0.37
Main Stem	16	1127.00	5.22	12.78		13.18	0.002990	6.02	442.05	124.14	0.46
Main Stem	15	1127.00	1.22	8.95		9.09	0.002171	3.03	440.65	302.54	0.35
Main Stem	15	1127.00	1.22	9.10		9.22	0.001840	2.84	440.17	211.17	0.32
Main Stem	14	1127.00	-0.58	7.04		7.11	0.000559	2.34	1175.84	672.63	0.20
Main Stem	14	1127.00	-0.58	7.42		7.50	0.000541	2.43	679.61	186.00	0.19
Main Stem	12	1127.00	-0.92	6.12	4.98	6.30	0.002117	4.04	885.19	636.85	0.36
Main Stem	12	1127.00	-0.92	6.43		6.69	0.002332	4.46	449.40	150.00	0.39
Main Stem	11.4	1275.00	-7.18	4.59		4.84	0.001266	4.44	843.86	642.99	0.29
Main Stem	11.4	1275.00	-7.18	4.90		5.16	0.001198	4.44	513.21	133.00	0.28
Main Stem	11.3	1275.00	-4.58	4.60	1.22	4.73	0.001200	2.90	439.43	126.16	0.27
Main Stem	11.3	1275.00	-4.58	4.93	1.22	5.04	0.000895	2.65	481.82	127.33	0.24
Main Stem	11.25	Bridge									
Main Stem	11.2	1275.00	-4.58	4.58	1.22	4.71	0.001219	2.92	437.26	126.10	0.28
Main Stem	11.2	1275.00	-4.58	4.92	1.22	5.03	0.000905	2.66	480.15	127.28	0.24
Main Stem	10.4	1275.00	-3.68	4.47		4.53	0.000423	2.06	1026.70	492.97	0.17
Main Stem	10.4	1275.00	-3.68	4.83		4.89	0.000352	1.98	815.02	220.17	0.16
Main Stem	10.3	1275.00	-4.18	4.46	0.77	4.51	0.000398	1.95	654.23	150.21	0.16
Main Stem	10.3	1275.00	-4.18	4.82	0.77	4.87	0.000310	1.80	708.69	151.95	0.15
Main Stem	10.25	Bridge									
Main Stem	10.2	1275.00	-4.18	4.45	0.77	4.51	0.000400	1.95	653.31	150.18	0.16

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	10.2	1275.00	-4.18	4.81	0.77	4.86	0.000311	1.80	707.92	151.93	0.15
Main Stem	10.1	1275.00	-4.78	4.40		4.43	0.000325	1.44	1359.57	1098.41	0.14
Main Stem	10.1	1275.00	-4.78	4.77		4.80	0.000237	1.33	1105.40	360.00	0.12
Main Stem	9	1275.00	-4.68	4.09		4.22	0.000474	3.13	1685.70	2456.04	0.19
Main Stem	9	1275.00	-4.68	4.50		4.63	0.000437	3.10	750.98	140.00	0.19
Main Stem	8.4	1276.00	-3.68	3.49		3.67	0.001152	3.44	456.81	180.88	0.28
Main Stem	8.4	1276.00	-3.68	4.05		4.18	0.000765	3.02	526.65	150.23	0.24
Main Stem	8.3	1276.00	-4.08	3.47	0.24	3.64	0.000901	3.38	473.13	141.58	0.26
Main Stem	8.3	1276.00	-4.08	4.03	0.24	4.16	0.000630	3.02	550.60	155.13	0.22
Main Stem	8.25	Bridge									
Main Stem	8.2	1276.00	-4.08	3.45	0.24	3.62	0.000871	3.32	511.48	151.80	0.25
Main Stem	8.2	1276.00	-4.08	4.02	0.24	4.15	0.000611	2.97	579.69	138.14	0.22
Main Stem	7.4	1275.00	-4.18	3.46		3.52	0.000359	1.85	858.13	304.99	0.16
Main Stem	7.4	1275.00	-4.18	4.03		4.07	0.000235	1.63	953.88	255.00	0.13
Main Stem	7.3	1275.00	-2.88	3.30	0.66	3.45	0.001043	3.34	682.40	335.17	0.27
Main Stem	7.3	1275.00	-2.88	3.88	0.66	4.02	0.000770	3.10	593.72	172.00	0.24
Main Stem	7.25	Bridge									
Main Stem	7.2	1275.00	-2.88	3.29	0.66	3.44	0.001053	3.35	650.67	362.90	0.27
Main Stem	7.2	1275.00	-2.88	3.87	0.66	4.02	0.000804	3.17	538.81	146.02	0.24
Main Stem	7.1	1275.00	-2.88	3.19		3.37	0.001206	3.55	622.34	374.10	0.29
Main Stem	7.1	1275.00	-2.88	3.82		3.97	0.000798	3.15	575.10	172.00	0.24
Main Stem	6	1275.00	-4.68	2.81		2.88	0.000443	2.74	1716.74	714.85	0.18
Main Stem	6	1275.00	-4.68	3.48		3.60	0.000521	3.15	837.64	165.96	0.20

HEC-RAS Plan: Imported Pla River: Popash Creek Reach: Main Stem (Continued)

Reach	River Sta	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
		(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Main Stem	5	1275.00	-4.68	2.52		2.54	0.000218	1.87	4614.97	3430.00	0.12
Main Stem	5	1275.00	-4.68	3.14		3.18	0.000276	2.23	1856.32	454.95	0.14
Main Stem	4	1275.00	-3.78	2.15		2.22	0.000861	3.03	2421.69	2404.43	0.24
Main Stem	4	1275.00	-3.78	2.56		2.75	0.001346	4.01	717.09	250.71	0.31
Main Stem	3	1275.00	-4.68	1.40		1.54	0.000802	3.20	786.81	440.72	0.24
Main Stem	3	1275.00	-4.68	1.79		1.93	0.000685	3.09	598.09	164.00	0.22
Main Stem	2	1275.00	-4.98	0.72		0.94	0.002341	3.74	340.63	112.44	0.38
Main Stem	2	1275.00	-4.98	1.33		1.48	0.001366	3.08	434.06	171.55	0.30
Main Stem	1	1274.00	-4.68	-0.13	-3.13	-0.09	0.000357	1.51	844.10	298.81	0.15
Main Stem	1	1274.00	-4.68	0.87	-3.13	0.89	0.000142	1.14	1162.33	321.56	0.10

The proposed zoning request, as it is proposed to be conditioned, provides less impact to the roadway facilities than the current zoning or other prior approvals in the area. Further, the site possesses a functional sewer system that was properly permitted and installed. Access to water, EMS, fire protection, police protection, and all other public facilities has not been disputed. Development of the site involving impacts upon the existing public infrastructure beyond those that already exist is proposed to be delayed until such time as improvements have been made.

The Staff's arguments associated with Objective 2.1 and Policies 2.1.1 and 2.1.2 are even more curious. Objective 2.1 calls for development to be in contiguous and compact patterns, promoted through the rezoning process to minimize sprawl and the situation where large tracts of land are bypassed in favor of development more distant from services and existing communities. The Pineland area is a recognized community, and is designated Urban Community on the FLUM. The prior zoning is a clearly urban land use form, as is the C-2 and CS-1 zoning to the north of the subject property. The site has been viewed as part of the urban community of Pineland since the first FLUM was established in 1984, and has been carried forward as such in every FLUM since that time. Urban sprawl cannot, by definition, exist in an urban category because it is precisely in that urban category that development is directed to take place. Likewise, Policy 2.1.1 and 2.1.2 discuss whether development can be permitted outside the urban boundary. The subject property is within the urban boundary, and has been for the last 17 years. The Urban Community area in which the site is located has been accessed via Waterfront Drive and Pineland Road since that area was first

APPLICANT'S EXHIBIT #16
DC/2001-00038

MD
MORRIS-DEPEW ASSOCIATES, INC.
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2216 Altamont Avenue • Fort Myers, Florida 33901 • (941) 337-3993 • FAX (941) 337-3994

APPLICANT'S REZONING ANALYSIS:

THE BUCKINGHAM 320 RPD

CASE #: DCI964568

Prepared By: David W. Depew, AICP
Morris-Depew Associates, Inc.
2216 Altamonte Avenue
Ft. Myers, FL 33901
May 24, 2000

APPLICANT'S EXHIBIT #18
DCI2001-00038

APPLICANT'S REZONING ANALYSIS:
THE BUCKINGHAM 320 RPD
MAY 24, 2000

Introduction

This report will analyze the request for a rezoning of a parcel designated as The Buckingham 320 Residential Planned Development (RPD). I will provide a brief overview of the project and relevant factors discussed later in the report. It is the purpose of this report to determine whether the proposed rezoning is consistent with applicable regulations and generally accepted zoning and planning principles, whether there is sufficient evidence to support the requested amendment, whether it is reasonable, and to examine its relationship to the public health, safety, and general welfare. In preparing this report, I examined local land use decisions and recommendations, the Lee County Comprehensive Plan (called the 'Lee Plan'), the Lee County Land Development Code (LDC), and the various documents submitted on behalf of the Buckingham 320 RPD. These are explained in greater detail below. I also applied generally accepted planning principles, knowledge of which was acquired through prior education and experience, as explained in my professional resume, submitted with this report. To the extent that this report states facts that are not derived from one of these aforementioned documents or other documents identified in the report, they are based upon my personal knowledge acquired through a study of the area and my professional experience as set forth in my resume. This request has raised

issues relating primarily to compatibility, and an attempt will be made to provide examples of those standards of compatibility established locally in similar situations.

Background

Proposed is a rezoning from AG-2 to Residential Planned Development on a 325 +/- acre parcel in eastern Lee County. The proposed development is located on the East Side of Buckingham Road, approximately 1-½ miles south of State Route 80. The Master Concept Plan proposes several types of residential development for a maximum of 1,320 units on the subject property. The Lee County School District Exceptional Learning Center is located adjacent to the northwestern boundary of the site, while the southeastern boundary of the site abuts the northern end of the Rancho Eighty and Skates Circle unrecorded subdivisions. The remainders of the northern, eastern and southern boundaries abut agricultural use, and as mentioned above, the western boundary abuts Buckingham Road. The existing use of the subject parcel is agriculture and residential. A vegetation survey with the attached FLUCCS report indicates approximately 8.3 acres of the parcel is occupied by cypress wetlands, while the remainder of the property consists of pasture and pockets of exotic and indigenous vegetation. The wetland areas established by the SFWMD have been designated and total 15.2 acres over the entire site. Of this total wetland acreage, 13.8 acres is located in the Suburban Land Use designation and 1.4 acres located in the Rural Land Use designation.

The Lee County Comprehensive Land Use Plan (Lee Plan) designations for the parcel are Suburban and Rural. Approximately 203.2 acres are located in the

Suburban Lee Plan designation, with a maximum density of 6 units per acre and 121.4 +/- acres are located in the Rural Lee Plan designation, which has a maximum density of 1 unit pre acre. Approximately 13.8 acres of the Suburban area contains jurisdictional wetlands and 1.4 acres of the Rural area are occupied by wetlands. The wetlands located within the Suburban areas are eligible for a density transfer to adjacent uplands and the wetland in the Rural area have been subtracted from the acreage figure (see exhibit III-A-2). Consistent with the density ranges for the two applicable Lee Plan designations, up to 1,340 units could be permitted on the subject property. The proposed maximum number of units being requested by the applicant (1,320) on the subject property equates to an overall density of approximately 4 units per acre and is consistent with the density ranges of the Lee Plan.

As stated above, the project is located on Buckingham Road, south of its intersection with SR 80. Development at that intersection consists of various commercial projects, including a supermarket, fast food restaurants, retail shopping centers, convenience store, gasoline station and bank. Numerous additional commercial developments occupy both sides of SR 80 in this vicinity. Immediately south of the commercial development at the intersection is Riverdale High School, on the West Side of Buckingham Road. Directly across Buckingham Road from Riverdale High School are Riverdale Shores and Riverdale Shores Estates, two residential developments. To the east of Buckingham Road and northeast of the subject property is Hawk's Haven, a recently approved Residential Planned Development. Southeast of the property is a portion of Lehigh Acres, zoned RS-1

and at a residential density of approximately 3.5 units per acre. Directly south of the Suburban portion of the subject property is the Buckingham Community Rural Preserve area. West of the subject, across Buckingham Road, is the property formerly owned by Ruth Baucom, now under ownership of the same development company responsible for the Bonita Bay development. Buckingham Road, a two-lane arterial, is the parcel's main access. The traffic impacts from the project are spelled out in the applicant's Traffic Impact Statement, submitted as part of the application.

The 1998 Lee County Traffic Count Report states that 5,300 vehicles were documented at count station 11, which is located on Buckingham Road between SR 80 and the subject property. This represents an increase of only 300 vehicles since the 1989 count. The most recent Lee County Concurrency Management report indicates that Buckingham Road is currently operating at level of service standard "C" and the TIS concludes this project will not cause adverse impacts to the system. Several site related improvements such as turn lanes at the project entrance and at affected intersections will be warranted. A Lee County Utilities 10" force main is located adjacent to the project in the Buckingham Road. Potable water service is not available at the property boundaries, but can be extended to the site when required. Road impact fees will be assessed to offset additional traffic added to the street system, while fire (Ft. Myers Shores) and park impact fees will also be collected to offset any impacts. There will be private recreational facilities for the development's residents as well, although no golf course is planned for the development.

There are an estimated 25 acres of environmentally sensitive land contained within the project. The majority of that acreage (+/- 23 acres) are located in the southwest corner of the property and designated as preserve areas. The remaining 2 acres are located along the southerly property line and will be worked into the buffer area if possible once the development plans are finalized. No deviations have been requested as part of the rezoning application.

The Lee Plan

The subject property is located in both the Suburban and Rural categories of the Lee Plan's Future Land Use Map (FLUM). The Lee Plan states, "*The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed.*" Regarding the Rural area of the site, the Lee Plan states, "*The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural*

area is one dwelling unit per acre (1 du/acre)." The proposed uses are permitted in the Suburban and Rural land use categories, and Staff has recognized the compatibility and consistency of similar developments in these land use categories. The density range for the project is within the standard density range for the two categories, and it is compatible with adjoining residential activities and approvals.

According to Objective 2.1 of the Lee Plan, "*Contiguous and compact growth patterns shall be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.*" The current request is for a project in close proximity to similar intensities of development and with all required urban services and infrastructure available at the property boundaries. As described above, this parcel is located within close proximity to the existing development at Buckingham Road and S. R. 80, adjacent to a Lee County School District property. Only one other large undeveloped tract lies between the existing residential development to the north and the subject parcel.

Objective 2.2 discusses the need to target development timeframes in order to take advantage of concurrency availability. Objective 2.2 states that Lee County will, "*Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined*

in F.S. 163.3164(7)) shall be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance." Given that the current request has access to all the necessary urban services, is in close proximity to existing development, and will not place a burden upon any existing services or facilities, it is clear that it complies with this Objective. Similarly, it is noted that the proposal complies with Policy 2.2.1 which states, "*Rezonings and development-of-regional-impact proposals shall be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.*" The application materials submitted on behalf of the request have shown that the project is in close proximity to commercial development and community facilities such as Riverdale High School, and the commercial facilities at Buckingham and S. R. 80, demonstrating the availability of urban services as required by Lee Plan Policy 2.2.1.

Policy 4.1.1 of the Lee Plan states, "*Development designs shall be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements.*" Through environmental and engineering studies, the applicant has determined that the proposed development plan can best integrate the natural features of the site with the demands of the

development process. Preservation and enhancement of existing native species of flora and fauna, removal of exotic vegetation, and the establishment of the proposed infrastructure on the site will serve to implement this policy of the Lee Plan.

Lee Plan Policy 5.1.5 states that the County will, "*Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. If such uses are proposed in the form of a planned development and generally applicable development regulations are deemed to be inadequate, conditions shall be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application shall be denied altogether. Requests for conventional rezonings shall 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. The Land Development Code shall continue to require appropriate buffers for new developments.*" The Buckingham 320 RPD, as proposed, has demonstrated a commitment to preserving the character and integrity of surrounding development through the use of buffer areas, use of indigenous species of plants for buffering and internal landscaping, increased structure setbacks and open space areas along the perimeters of the property, the removal of exotic species of vegetation, the preservation of habitat for endangered species, limitation of access to Buckingham Road, and the incorporation of dry retention areas and drainage cross-easements into the setbacks, open spaces, and buffers.

Lee Plan Policy 5.1.11 requires that any development straddling two land use designations meet certain criteria. Given that the density in the Rural area of the site does not exceed the maximum density allowed in that category, the request meets the standards articulated by the Lee Plan policy.

Staff has noted that the Lee Plan has established acreage allocation figures for this planning community. Currently the system is one that involves an effort by the County to determine the acreage for a parcel associated with a residential dwelling unit certificate of occupancy. This acreage is aggregated once per year in late September or early October. As long as the aggregated acreage for a planning community does not exceed the proposed maximum as articulated by the Lee Plan, development orders and building permits may still be issued for the next 12 months, until the next aggregation effort. In the current situation, the allocation for the Suburban acreage may not allow the full development of the Suburban portion of the site without a reassessment of the Lee Plan thresholds. In the case of the Rural acreage, the current acreage appears adequate for the entirety of the development. The Staff is in the process of reevaluating the acreage for the Suburban portion of the planning community, and an addition to the acreage allocation for residential uses is anticipated. With that addition, the balance of that portion of the Buckingham 320 project contained within the Suburban designation will be developable. Given the time periods that will be used in obtaining the balance of the permits for the project, this should have no impact upon the future permitting or development schedule.

Lee County Land Development Code

In Section 34-2 of the Lee County Land Development Code, the term *compatible* is defined. It states, "*in describing the relation between two land uses, buildings or structures, or zoning districts, the state wherein those two things exhibit either a positive relationship based on fit, similarity or reciprocity of characteristics, or a neutral relationship based on a relative lack of conflict (actual or potential) or on a failure to communicate negative or harmful influences one to another.*" The site plan's limitation of uses can be seen as one element in assuring that the proposed development is compatible with adjoining residential uses. The subject property has a proposed site plan that will include vegetative screening, increased setbacks, preservation areas, enhanced open space, perimeter retention and detention areas, private recreation facilities, and other development conditions that serve to demonstrate that this project has worked to provide compatibility with adjoining properties and developments.

For all planned developments such as the proposed Buckingham 320 RPD, the LDC states, "*The tract or parcel proposed for development under this regulation shall be located so as to minimize the negative effects of the resulting land uses on surrounding properties and the public interest generally...*" (Section 34-411(c)). Development within the proposed Buckingham 320 RPD has been designed or located to minimize the impacts upon surrounding residential development. The creation of visual screens, restrictions upon the site access, and the location of the preservation areas and open space insure that the proposed development activity will be insulated from adjoining uses in the area.

Turning to Section 34-411(f), LDC, it states, "Development and subsequent use of the planned development shall not...impose a nuisance on surrounding land uses or the public's interest, generally, through emissions of noise, glare, dust, odor, air or water pollutants." The location and orientation of the residential uses behind setbacks, buffers, open space/preservation areas, and visual screens insures that no significant noise or other impacts will be generated from the proposed development to impact any adjoining uses.

In Section 34-411(i), LDC, the intention to minimize negative impacts is most clearly articulated. This section states, "*Site planning and design shall minimize any negative impacts of the planned development on surrounding land and land uses.*" The current site plan for The Buckingham 320 RPD, showing the open space/preservation area, setbacks, visual screening, buffering, limitations on uses, and voluntary development restrictions, demonstrates a successful realization of techniques for minimizing negative or intrusive impacts during the development of two similar land uses.

Staff Conditions

For the most part, the applicant agrees with the proposed Staff conditions, conclusions, and observations. There are three areas, however, that need to be discussed and modified. First, Condition 2.a.(2) limits the unit mix to exactly that depicted on the site plan and noted in the Traffic Impact Statement. Detailed engineering studies have not yet been undertaken for this development, however, and while the application materials attempts to study a detailed scenario, it is by no means certain that the total number of units requested will be constructed, nor in exactly the same proportions as stated on the

plans. The effect of mandating only 120 single family units, and requiring the additional 1,200 remaining units to be either zero lot line or multi-family would be an unreasonable restriction upon the applicant. Although additional zero lot line or multi-family units are not anticipated, it is conceivable that all of the property could eventually be developed as single family dwelling units. The eventual development plan would be significantly below the proposed 1,320 total units, lowering infrastructure impacts, but if the Staff condition is adopted the developer would not be able to proceed in such a fashion without an application to amend the Master Concept Plan and the conditions.

Rather than the proposed Staff language, it is suggested that the density of the project be tied to the traffic impacts as submitted with the zoning application. The TIS has analyzed 8,759 daily trips as the eventual impact at build-out for the project. It is reasonable to limit development on the site to a mix of unit types, to be decided upon by the developer, so long as the total daily traffic impacts do not exceed 8,759 trips. The proposed wording for Condition 2.a.(2) is, "***Any number (up to a maximum of 1,320 dwelling units) and mix of the various types of units shall be allowed, pursuant to any Lee Plan restrictions or any other conditions added as part of this approval, subject to the restriction that the total traffic impacts of the various dwelling units may not exceed 8,759 ADT's, which is the maximum number of trips generated by the overall project as described in the Zoning Traffic Statement submitted as part of the application material for this project.***"

As noted above, no deviations have been requested as part of the rezoning application. The inclusion of Condition 4, page 4 of 13, is superfluous and unnecessary. The

regulations already limit the proximity of retention ponds to rights of way. The proposed condition is unnecessary and changes nothing related to either the request or the current regulations.

Finally, Condition 9 allows agricultural uses to be retained on the subject property until such time as the initial development activities are undertaken. Because the size and shape of the property dictate a phased development approach, and because the easterly portion of the site is located in the Rural land use designation, it is requested that this condition also be modified. It is requested that this condition be modified to allow the continuation of bona fide agricultural activities on a phase-by-phase basis. In other words, as each phase begins the development process, the agricultural use would be discontinued. Proposed wording for this condition would be modified as follows, "*Bona fide agricultural uses that are now in existence may continue in a given phase until the development of that phase commences. However, ...*"

Conclusion

The development proposal for The Buckingham 320 RPD represents a significant step beyond the minimum necessary effort required to implement the Lee Plan policies, LDC requirements, and past policy decisions of the Lee County Staff and Board of Commissioners. Although it is reasonable to expect that the construction of any development will impact existing adjoining uses, a review of the data and analysis accompanying the application demonstrates that great care has been taken in formulating the development plan to protect, preserve, and enhance the existing natural and social features of the subject property and the surrounding properties. The site plan

submitted has minimized any potential impact upon both the environment and the adjoining properties. The proposed conditions, combined with visual screening, setbacks, and buffers combine to provide significant protection for the proposed project

It is my conclusion, based upon the foregoing analysis, that the proposed request is consistent with the applicable Lee Plan Goals, Objectives, and Policies, the LDC, and all other applicable ordinances, codes, and policies. The request is compatible with surrounding development, and the proposed uses, species management plans, landscaping and buffer conditions and access limitations insure that the project will remain compatible. Finally, my review of the LDC and the application materials submitted on behalf of the applicant lead me to conclude that the application material is complete and is consistent with other similar applications that have been approved by Lee County in the past.

David W. Depew, AICP

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PLEASE REPLY TO
FORT MYERS OFFICE

August 8, 2003

Mr. Alvin "Chip" Block, Senior Planner
Lee County Department of Community Development
1500 Monroe Street, P. O. Box 398
Fort Myers, Florida 33901-0398

RE: Stoneybrook North RPD, Case No. DCI 2001-000038

Dear Chip:

In an effort to address concerns raised by the neighbors, U. S. Home has once again expressed a willingness to revise the proposed plan. However, from discussions yesterday with some of the members of the public who have hired an attorney, it appears that they have decided that their demands to reduce density from 1,475 units down to a maximum 682 dwelling units with minimum 20,000 s.f. lot sizes are conditions which are not negotiable. Those two conditions are unreasonable under these circumstances and are not acceptable to U. S. Home. Nonetheless, U. S. Home has again unilaterally agreed to make substantial concessions in a good faith effort to address concerns that have been raised by various members of the public throughout the hearing process. Enclosed with this letter is a revised Master Concept Plan dated August 7, 2003, which incorporates the following revisions:

1. Eliminated multi-family use from the development;

2. Eliminated townhouse use from the development;

3. Limited US Home "Twin Villas" (two family attached) to three tracts;

4. Decreased Development Unit Total from 1,475 homes to 1,275 homes;

5. Increased perimeter buffers to 10 trees per 100 feet and a double row of hedges which will be maintained at 60 inches in height;

6. Increased all parcel setbacks to a minimum of 50 feet from the property boundary;

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APPLICANT'S EXHIBIT #19
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7. Increased the parcel setbacks to a minimum of 200 feet from the property line abutting the Rural and Density Reduction/Groundwater Recharge land use category (part of the development's northern property line);

8. Limited residential homes within 500 feet of the property line abutting the Rural and Density Reduction/Groundwater Recharge land use category to single family detached with a minimum lot size of 7,500 square feet;

9. Provided street trees along Pritchett Parkway;

10. Eliminated baseball field lights;

11. Provided stringent conditions limiting lighting on all courts in Tracts K and M.

In addition to the revisions above which are shown on the Master Concept Plan, U. S. Home proposes the following conditions to be added to the existing 27 conditions contained in the 14-page document, "CONDITIONS AND DEVIATIONS AS OF AUGUST 1, 2003," provided by Assistant County Attorney John Fredyma. [The same condition numbers will be used for ease of reference.]

1. [The MCP date will be revised to reflect the August 7, 2003, MCP received August 8, 2003 by Community Development.]

2. a. Schedule of Uses [only those which are being changed are included. The others remain unchanged.]

Dwelling unit, limited to a maximum of ~~1,475~~ 1,275 units, ~~of which not more than 250 units may be multi-family = [See Note 1~~] consisting of:

Conventional single-family residence
~~Townhouse~~
Two family attached [limited to Tracts I-1, I-2, J]
~~Multi-family building [limited to Tract J]~~
[Delete golf driving range]

Note 1: [Change to as follows] Single-family dwelling units may be constructed on all R-1 and R-1A residential tracts. Two family attached dwelling units may be constructed only on Tracts I-1, I-2 and J.

b. Site Development Regulations: See Attachment 2 - Property Development Regulations

4. [Clarify that Tract M does not require a tennis court, but will require a "multi-purpose field" to allow greater flexibility for the type of court that residents would desire:] "The Tract M recreational area must include at a minimum, one (1) multi-

purpose field, a playground and picnic area. Facilities for the safe passage of pedestrians/cyclists from one side of Pritchett Parkway to the other as determined by the Director of Development Services at the time of local development order submittal must be provided."

28. The maintenance of Popash and Bayshore Creek within the property limits which is required pursuant to Condition #26 will be assured by the provision of a surety for the annual cost of maintenance. Evidence of the surety must be provided to Lee County prior to certificate of completion of the first development order for the drainage infrastructure for the project.

29. In an effort to cooperate in achieving the reduction of the regional flooding problem, the Applicant must provide a drainage easement to Lee County for the drainage ditch along the north boundary of the property. This is for the purpose of allowing the ditch to accept the quantity of stormwater that is approved pursuant to a South Florida Water Management District permit addressing the regional flood problem.

30. Except as otherwise noted on the MCP, perimeter buffers around the outside perimeter of the property will require 10 trees per 100 linear feet and a double staggered hedge. The hedge will be installed at 36" high and maintained at 60" high. 75% of the shrubs and 50% of the trees will be native species.

31. Lighting:

    a. This project must comply with the recently adopted "Outdoor Lighting Standards" adopted in Lee County Land Development Code §34-625.

    b. Outdoor ball field lights for the baseball field located on Tract K are prohibited.

    c. Outdoor recreational lighting for any multi-purpose courts located on Tract K and Tract M must be on timers and shall meet the requirements of LDC §34-625 and shall be done in a fashion to minimize light pollution, glare, and light trespass. Lighting impacts will be measured at the boundary of Tracts K and M, and not at the boundary of any adjacent lakes or preserve areas.

With these conditions and revisions to the Master Concept Plan, U. S. Home has once again made a good faith effort to address concerns of the neighbors. We will address these in the

presentation to the Hearing Examiner at the continued hearing. Please feel free to call me if you have any questions.

Very truly yours,

Steven C. Hartsell

SCH:llg
Enclosures
cc: Lee County Hearing Examiner
Deno Benetis
John Fredyma
Ralph Brooks
Carron Day
Sam Marshall
Ted Treesh
Ian Vincent

F:\WPDATA\SCH\U.S.Home\StoneybrookNorth\Block lt2.wpd

Attachment 2

Stoneybrook North
PROPERTY DEVELOPMENT REGULATIONS

Revised August 5, 2003

LAND USES	Minimum Lot			Minimum Setback (ft)							Max Building Height (ft)	Min Bldg Separation (ft)	Max Lot Coverage (%)
	Area (sq ft)	Min Width (ft)	Min Depth (ft)	Side Including. Corner Lots (ft)*	Rear (ft)			Front (ft)		Water Body (ft)			
					Lots	Wetland	Acc	Front Entry Garage	Bldg or Side Entry Garage				
Single Family Detached	4,000	40	100	5	20	20	5	20	12	25	35 or 2 stories	10	45
Two Family Attached	3,500 per unit	35 per unit	100	0 or 10	20	20	5	20	12	25	35 or 2 stories	10	45
~~Townhouse~~	~~2,000~~	~~22~~	~~80~~	~~0 or 10~~	~~20~~	~~20~~	~~5~~	~~20~~	~~15~~	~~25~~	~~35 or 2 stories~~	~~20~~	~~n/a~~
~~Multi-Family~~	~~10,000~~	~~100~~	~~100~~	~~10~~	~~20~~	~~20~~	~~5~~	~~20~~	~~20~~	~~25~~	~~35 or 2 stories~~	~~20~~	~~45~~
Clubhouse	20,000	80	100	10	20	20	5	n/a	20	25	35 or 2 stories	20	45
~~Maintenance~~	~~8,000~~	~~80~~	~~100~~	~~n/a~~	~~100~~	~~20~~	~~5~~	~~n/a~~	~~n/a~~	~~25~~	~~1story~~	~~20~~	~~45~~
Accessory Recreation Buildings	n/a	n/a	n/a	n/a	20	20	n/a	n/a	n/a	n/a	1story	20	n/a

* Applies to lots of all widths and to corner lots. Each lot, including corner lots, will have only one front yard.

Knott, Consoer, Ebelini
Hart & Swett, P.A.
ATTORNEYS-AT-LAW

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George L. Consoer, Jr.**
Mark A. Ebelini
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Matthew D. Uhle
Aaron A. Haak

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

May 21, 2002

Mr. Jim Curry
US-Home Corporation
10481 Six Mile Cypress Parkway
Fort Myers, Florida 33912

Re: Bayshore Community Plan

Dear Jim:

Enclosed please find the latest draft language for the Bayshore Community Plan which we will be presenting at the public meeting on June 5th. You will note that we have revised the Vision Statement to include a reference to projects up to two units per acre in the Outlying Suburban category as we discussed. I hope this version is satisfactory to you. We have also slightly modified Policy 20.3.1 where the Staff language had referred to sewage service for new commercial developments, and we made it applicable to all new developments which would include Stoneybrook North. I can assure you that our group has no objection to Stoneybrook North receiving sewer service from North Fort Myers Utilities, and we indicated that position in our correspondence to the Public Service Commission.

I hope you can come to the public meeting on June 5th at 7:00 p.m. at the Lee County Civic Center, but more importantly I hope you or your representative will be at the Local Planning Agency meeting on June 10th at 8:30 a.m. As you know, some of the LPA members were very concerned about what effect the proposed Bayshore Plan would have on your project, and it would be much appreciated by us if you could at least say that US-Home no longer has any objection to this Plan as proposed. Thank you very much

APPLICANT'S EXHIBIT #25
DC12001-00038

for your cooperation in this matter, and we look forward to working with you in the future.

Very truly yours,

KNOTT, CONSOER, EBELINI, HART & SWETT, P.A.

for
Michael E. Roeder
MER:ma
Enclosures

cc: Bayshore Steering Committee

Attachment "D"

BAYSHORE COMMUNITY PLAN

BACKGROUND REPORT

I. INTRODUCTION AND DESCRIPTION OF THE BAYSHORE COMMUNITY

II. CHARACTERISTICS OF THE LAND

III. CHARACTERISTICS OF THE POPULATION

IV. CHARACTERISTICS OF THE INFRASTRUCTURE

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APPLICANT'S EXHIBIT
#27
DC/2001-00038

I. INTRODUCTION AND DESCRIPTION OF THE BAYSHORE COMMUNITY

This study and recommended Community Plan are the result of an initiative by a group of Bayshore residents who were concerned that the existing county comprehensive plan (Lee Plan) did not provide adequate protection for the quality of their rural lifestyle. This problem was brought to their attention in a dramatic fashion by an application in early 2000 to request zoning approval of 160 acres for a commercial mining operation. That request has still not been heard by Lee County, but it was clear that the Lee Plan did not provide any guarantee that such an undesirable use could not be approved. This group of concerned citizens formed a Steering Committee to explore creating a section within the Lee Plan for the Bayshore area. Despite two earlier staff studies conducted for the Bayshore area, one in 1982 and one in 1987, no provisions were ever made to recognize the Bayshore community in the text of the Lee Plan. The Steering Committee hired a consultant and met several times to discuss possible amendments to the Lee Plan. On June 6, 2001, after a concerted outreach effort and an extensive publicity campaign, a public meeting was held at the Lee County Civic Center to present and ratify the proposed Bayshore Plan. The Goal, Objectives and Policies were presented and explained by the steering committee, and then approved overwhelmingly be a group of approximately 400 local residents. The present report is intended to provide the appropriate background information for that plan amendment.

The Bayshore Community is located within unincorporated North Ft. Myers, east of I-75 and west of the unincorporated community of Alva. Its precise boundaries have never been officially established, and it exists more as a state of mind than a formal geographic place. There is a Bayshore Fire District which was created by the Florida Legislature in 1976, and its boundaries generally extend from the Alva fire district to I-75, east to west, and from the Charlotte County line to the Caloosahatchee River, north to south. However, portions of the North Ft. Myers Fire District extend east of I-75, and portions of sections 21 and 28 are within the Bayshore Fire Dstrict on the west side of I-75. Bayshore Rd. (SR 78), which lends its name to the community, runs from Old US 41 to SR 31, east of which SR 78 becomes North River Road. The Bayshore Fire District actually extends almost three miles east of SR 31, but everyone living east of SR 31 has an Alva mailing address, and generally consider themselves to be residents of Alva. People who live west of SR 31 have a North Ft. Myers mailing address, as there is no Bayshore Post Office.

After much discussion, the boundaries for the Bayshore Community Plan were determined by the Steering Committee to be I-75 on the west, SR 31 on the east, Charlotte County on the north, and the Caloosahatchee River on the south. These boundaries have the advantage of being very obvious in the landscape and encompass a geographic area that faces common problems and whose residents share a consensus regarding solutions. Some people may consider the Bayshore community to extend as far west as Slater Rd., although the Fire District boundaries do not go

quite that far west. On the other side, while the Fire District extends almost three miles east of SR 31, the people living east of SR 31 are considered to be residents of Alva. In order to focus on the relative handful of issues which most residents had in common, I-75 and SR 31 were chosen as the west and east boundaries of the Bayshore Community Plan. The Alva Community Plan will cover the area east of SR 31, and it is anticipated that a future North Ft. Myers Community Plan will pick up any land west of I-75.

The County Planning Department staff has added the Bayshore Community to Map 16 and Table 1(b) of the Lee Plan as part of its "housekeeping" amendments to the 2020 Planning Communities data base to implement policy 1.7.6 of the Lee Plan. This is a complex monitoring system which allows the County to measure and regulate development in individual communities. In their report accompanying these amendments, the staff made these observations about the Bayshore Community Planning effort:

> **Bayshore (new).** This community will foster two purposes. First, in the spring of 2001 the Bayshore residents initiated a "grass roots" planning effort. Creating this planning community will help identify a community that is working to plan its future. Secondly, the two areas that are being re-designated to form a single community are more homogeneous to each other than to the communities in which they are now included. There are subtle differences between the Bayshore area and North Ft. Myers, as well as the Bayshore area and Alva. In fact, staff struggled with creating a Bayshore Community on the original Map. Since staff had been given the task to create no more than 20 communities and there are no census tract lines that create a logical boundary for Bayshore, this community was split into other communities. The proposed Bayshore Community uses the centerline of I-75 as its western boundary and SR 31 as its eastern boundary. This is also the boundary being used by the Bayshore residents for their planning effort. The new planning community will contain areas reassigned from the Alva Community and the North Fort Myers Planning Communities.

The amendment containing this change was transmitted to the Department of community Affairs by the Lee County Commission on August 27, 2001. It should become an officially adopted amendment to the Lee Plan sometime in early 2002. Although the Census Tracts still do not match the new boundaries for Bayshore, Traffic Analysis Zones (TAZ), which are subsets of the Census Tracts, do match the boundaries, so official demographic information is available for the area.

II. CHARACTERISTICS OF THE LAND

The Bayshore Community Plan encompasses approximately 13,500 acres within 30 sections of Township 43S and Ranges 24 and 25E. Much of the land has been divided into parcels of 2 1/2 to 20 acres, and most of these parcels are used for single family residential purposes. Approximately 4,500 acres are used for agriculture, mostly passive grazing, but with

some large nurseries as well. There are four major watersheds is the area: Daughtery, Popash, Owl and Stroud Creeks, and these streams are subject to flooding in the rainy season. In fact, Map 9 of the Lee Plan shows the entire study area as being subject to flooding by the 100-year storm. Residents can testify that much of the area floods for lesser events. The existing low density residential land use pattern is able to accommodate this occasional seasonal flooding with an acceptable level of inconvenience. Aside from these streams and their associated streamside habitats, there are few large natural areas of critical environmental sensitivity, although there are some extensive wetland systems in sections 1, 2, 3, 25 and 26 of Range 25. Most of the uplands exhibit the typical pine/palmetto vegetative association. The Community has approximately three miles of frontage on the north shore of the Caloosahatchee River, and the County's Conservation 2020 program recently made a significant acquisition of 1220 acres straddling I-75 on the river. Of that acquisition, almost 500 acres are east of I-75 in the Bayshore Community, and overnight became the most important natural public preserve in the Bayshore area.

The Bayshore Community has seven separate land use designations on the future land use map of the Lee Plan. These designations and their acreage breakdown are as follows:

Density Reduction/Groundwater Resource (DR/GR)	4062 acres
Open Lands	3222
Rural	2772
Wetlands	843
Outlying Suburban	2307
General Interchange	97
Public Facilities	181

Of the approximately 13,500 acres in the Bayshore Community, 81% are in a non-urban land use category that would favor agriculture and low density residential uses. This accurately reflects the existing land uses in the area and also the preference of the Bayshore residents regarding future land use.

The largest category by size is the Density Reduction/Groundwater Resource (DR/GR) area. This category was created in 1990 as part of the settlement of an appeal by the Department of Community Affairs of the proposed 1989 amendments to the Lee Plan. The land use category has a dual purpose as indicated by its title, and its imposition on Lee County was very controversial. In the Bayshore and North Ft. Myers portion of the plan, the Density Reduction aspect was much more significant than the Groundwater Resource aspect, since all of the hydrological studies to date have indicated that the most important water resources are to be found in the southeast portions of Lee County. In spite of this, the DR/GR designation was not challenged by any landowners in Bayshore, presumably because much of the land had already been subdivided into larger acreage parcels for rural home sites.

In other parts of Lee County that were designated DR/GR, ownership patterns were very different, with fewer owners and much larger parcels. This has particular significance when

considering the range of possible uses as specified in Policy 1.4.5 of the Lee Plan which defines the DR/GR. Basically the only uses that are permitted are agriculture, mining and residential at a density of one unit per ten acres. However, any lots of less than ten acres which were created before the adoption of the 1990 amendments are "grandfathered" in, whether there was a house on them or not. There was thus a minimal disruption by the DR/GR designation to the existing pattern of rural residential land use that had already been established. Elsewhere in the County, the mining potential of the DR/GR is much more significant, because the larger parcels do not readily lend themselves to subdivisions of ten acre lots, but do lend themselves to large scale mining. As a result, most mining applications in the southeast part of the County have been approved, and mining has almost come to be viewed as a "use by right" in the DR/GR even though zoning approval is still necessary.

The relevant point is that the DR/GR (as well as the Open Lands category) is different in Bayshore from other parts of Lee County. Almost indistinguishable from the Rural and Open Lands (and much of the Outlying Suburban for that matter), the pattern of ownership and the existing land uses in Bayshore are definitely agricultural and rural residential, and the introduction of a quasi-industrial activity like mining would definitely be an unwelcome and inappropriate change. Mining always involves heavy truck traffic, and it can often include blasting and rock crushing. Whereas the ultimate fate of much of the other DR/GR lands in Lee County is uncommitted at present and thereby potentially suitable for mining, the character of the Bayshore DR/GR has been settled for many years and is not in dispute. It should not be placed in danger by an overly generous reading of the Lee Plan, especially in light of Policy 10.1.4 of the Lee Plan.

III. CHARACTERISTICS OF THE POPULATION

The results of the 2000 census are starting to come in, and they indicate that the study area has a population of 4,970, most of them permanent residents. The population in the 1990 census was 4,594, so there has been an increase of 376 residents, or 8.2%, over the last decade. The Bayshore Community is comprised predominantly of working households, in that there are a relatively small number of retirees or seasonal residents (12%), the Bay Point Yacht and Racquet Club and Upriver Campgrounds being notable exceptions. The Bayshore Community has experienced slow but steady growth for the past fifty years or more, with the gradual development of several single family subdivisions and the continued construction of single family homes on larger parcels. There are also a significant number of mobile homes on larger parcels (approximately 400) and one unrecorded mobile home subdivision (Palm Creek Park), but the current trend is definitely in the direction of quality single family homes as the quiet rural lifestyle attracts more families. Many households keep horses on their property and there are nine commercial stables in the Community. Bayshore is probably the most equestrian-focused area in Lee County.

There are approximately twenty subdivisions within the Bayshore Community which provide an

opportunity for almost every type of single family and mobile home situation on smaller lots. Some of these developments like Northdale are older and more established and are mostly built out. Others like Hunter's Glen are quite new and have an abundance of building sites. All of the subdivisions have some vacant sites and among them they offer a wide choice in housing types and price ranges.

There are several land uses in the Bayshore area that lend a unique dimension to the Community, are dependent on its rural qualities, and deserve special recognition. Perhaps the most well-known of these is ECHO, or Educational Concerns for Hunger Organization. This non-denominational Christian organization, begun by Dick Dugger in 1981 as a project to combat hunger in Haiti, has grown into a 47 acre research institute with a worldwide clientele. The executive director since it inception has been Dr. Martin Price. It conducts experiments on agricultural practices that would be appropriate in developing or underdeveloped regions of the world, and it shares that information with aid workers and missionaries in 166 countries. It also trains graduate agronomists as interns for eventual assignment in overseas positions. ECHO now has 22 employees, 7 interns, over 250 volunteers and has managed to become one of Lee County's more popular tourist attractions; it is in the process of preparing master development plan. It is located on both sides of Durrance Road, with its entrance 200 yards north of Bayshore Rd. ECHO also has an on-site edible nursery and bookstore to support its activities.

Another special place in Bayshore is the Lee County Civic Center at the northwest corner of Bayshore Rd. and SR 31, which was completed in 1978. This complex on 105 acres includes the main Expo Building which seats approximately 7,800 for concerts, eight accessory buildings and barns and extensive parking facilities. It is the site every winter of the SW Florida and Lee County Fair which includes major agricultural and livestock exhibitions. It is the host of regular shows by the Lee County Horseman's Association and the S.W. Florida Dressage Association. It is also the site for numerous trade shows, expos, concerts and other special events throughout the year. It is owned by Lee County and managed under contract by the S.W. Florida and Lee County Fair Association, Inc., a non-profit corporation (The Fair Board). The Civic Center has been designated as a shelter for domestic animals in the event of a hurricane, and it would also serve as a "hosting facility" for hurricane evacuees from the east coast. The buildings are not up to hurricane standards as a primary shelter for west coast storms.

The Girl Scouts of Gulf Coast Florida operate Camp Caloosa on the west side of SR 31, one mile south of the Charlotte County line. There are eight weekend cabins on this 80 acre site, and scouts from seven different counties in the region camp at the facility. It is supported fees charged to the individual Girl Scout troops.

The Animal Refuge Center of Lee County is a not-for-profit animal welfare society that will not utilize euthanasia for any animal which it accepts for care. Its twenty acre site is located on Old Bayshore Rd., and it adopts out over 100 dogs and 200 cats per year.

The Posse Arena is a five acre site on Palm Creek Dr. that holds rodeos and other equestrian events on a regular basis. Formerly the Sheriff's Posse Rodeo, it was organized over thirty years ago and is owned and operated by Lee County Posse, Inc., a non-profit corporation. It promotes an equestrian experience and interest in horsemanship among the youth of Lee County

There are four churches within the community, including the Temple Baptist Church and School on SR 31 near Old Bayshore. The school was established in 1976 and has approximately 120 students in grades K-12. Student transportation is provided by the parents. There are no public schools in the study boundary, the closest one being Bayshore Elementary, located on Williams Rd. west of I-75.

IV. CHARACTERISTICS OF THE INFRASTRUCTURE

Utilities. Bayshore is a rural community and as a consequence there is limited urban infrastructure. A 24" water line from Lee County Utilities runs along the south side of Bayshore Rd., dropping to 16" east of Palm Creek Drive. There is a 10" extension of this line north along Nalle Rd. extending to the north side of Nalle Grade Rd. There are smaller lines along Wells Rd., Cypress Creek Dr., Shadow Oak Lane, Durrance Rd., Tallulah Falls Rd., Bay Point Blvd., and Castleview Dr. to serve existing subdivisions and other developments such as ECHO and the Bay Point Yacht and Racquet Club. Sewer service is more limited, with an existing package treatment plant with a capacity of 25,000 GPD to serve the Oakmont subdivision. There is also a 6" inch sewer line extending along Sr 31 from Lee County Utilities to provide service to the Lee County Civic Center.

Lee County is currently planning to develop a 5 million gallon per day (MGD) regional water treatment plant to be located in the SW portion of Section 14 on the east side of Durrance Road. This would be an membrane softening treatment facility with support infrastructure that would allow for an expansion up to 10 MGD. The ultimate design could be for a plant up to 20 MGD in size. It would be supplied with raw water from a wellfield tapping the Sandstone Aquifer in Sections 9, 10 and 11 in T43 R26 in Alva. Construction is scheduled to begin in 2002 and be completed by the end of 2003. Disposal of treatment residuals is being proposed by means of a 3000 foot deep injection well.

Fire Protection. The Bayshore Fire District provides the fire protection services to the study area, and its boundaries actually extend further east and west than the study boundaries. Created by the state legislature in 1976, it is governed by an elected five member board which meets monthly. It presently has four paid professional staff (only two full time) including chief Chad Jorgensen, and 28 volunteer firefighters. It has a millage cap of 2.50 which generates an annual budget of approximately $530,000. The County's recent purchase of the River Run property for the Conservation 2020 program had the effect of reducing by almost $55,000 the annual revenue of the fire district.

Parks. In addition to the Lee Civic Center, there is one 75 acre public park in Bayshore, located on the south side of Nalle Grade Rd. in Section 9, just west of Skipper Rd., which is managed as an archery range by the Ft. Myers Bowhunters archery club. There are no facilities at this park for the general public, and it has very limited public use as a result. There is some interest in establishing an equestrian park in the area.

Roads. There are two major arterial roads in the area, SR 78 (Bayshore Rd.) and SR 31, along the eastern boundary of the Bayshore Community; I-75 forms the western boundary of the community. Bayshore Rd., a two lane facility, is currently operating at level of service "C" between I-75 and SR 31. SR 31, a two lane facility, is operating at level of service "A" between the Caloosahatchee River and the Charlotte County line. I-75 is operating at level of service "B" north of the river to the Charlotte County line. The FDOT has plans to widen Bayshore to four lanes from Slater Rd. to west of I-75 during the 2003-2004 fiscal year. The entire stretch of I-75 in Lee County is currently being studied by the Florida Department of Transportation for future improvements.

In this regard, one of the most significant proposed long range improvements to I-75 is a new interchange in the general vicinity of Nalle Grade Rd. Currently, the distance between the Tucker's Grade interchange in Charlotte County and the Bayshore Rd. interchange in Lee County is approximately 15 miles, the longest stretch on I-75 in Florida without an interchange. The plan is to link this new interchange to the extension of Del Prado Blvd. and thereby provide the City of Cape Coral with its most direct route to I-75. Map 3A of the Lee Plan (Financially Feasible 2020 Plan) shows the proposed interchange and a connection to the existing portion of Nalle Grade Rd. A future extension of Nalle Grade road east to SR 31 was recently added to the MPO 2020 "Needs Plan" without an identified funding source. The justification for this improvement in Table D-3 of the MPO Plan is to "reduce circuitry" and provide an evacuation route, but at an estimated cost of $10.5 million, the primary justification would be to provide additional traffic to support the proposed interchange by opening up new land to development to the east. This would be contrary to the intent of the existing Lee County (and Charlotte County) comprehensive plan.

There is a fairly extensive network of collector and local roads within the Bayshore Community, but they are designed, whether intentionally or not, to discourage through traffic. As a result, almost everyone traveling on one of the interior collector roads either lives in the area or has business there. The only collector roads which the County monitors are Nalle Rd. and Nalle Grade Rd., both of which are operating at level of service "B".

V. MAJOR DEVELOPMENT ISSUES AND TRENDS

The Bayshore area has been a quiet backwater in the decades-long tempest of development that has engulfed most of coastal Lee County. Growth has been modest, and what

growth there was has been overwhelmingly single family residential, whether in conventional dwellings or mobile homes. The Bay Point Yacht and Racquet Club was approved for zoning in 1981, and it developed throughout the 1980's. It is the only multi-story, multi-family condominium project in Bayshore. There are also two campgrounds in the area, the Seminole Campground near I-75 and approved in 1970, and the Upriver Campground on the Caloosahatchee, also approved in 1970 and recently given approval to expand. However, small squalls of controversy have periodically shattered the Bayshore calm.

1981 BAYSHORE NORTH STUDY

On February 11, 1981, the Board of County Commissioners adopted an emergency zoning moratorium for portions of Bayshore, in response to "numerous" applications for rezonings in the Nalle Rd., Nalle Grade Rd. and Slater Rd. areas. The purpose of the moratorium was to develop a plan to "maintain the characteristics of that community". On April 18, 1981 the County Commission adopted an ordinance establishing a building permit moratorium on any property that was not zoned AG or AGR (these zoning categories no longer exist) in anticipation of the results of the Bayshore North Area Study which they had requested. The boundaries of this study were Bayshore Rd. on the south, SR 31 on the east, Charlotte County on the north, and Slater Rd. and the westerly section line of section 6 on the west. On May 19, 1981 the County planning staff presented the County Commission with preliminary recommendations for the Bayshore North Area, pending the completion of a comprehensive Flood Hazard study which was then underway. The major recommendations presented were the following:

1) Restrict future residential rezonings to a density of five units per acres within a ½ mile to the north of Bayshore Rd. From that point to the section line, a maximum of one unit per acre, and beyond that line, no more than one unit per five acres. Staff recommended against any future industrial rezonings.

2) The staff recommended restrictions on access to Bayshore Rd., and a requirement for a frontage road parallel to Bayshore. They recommended a collector road system for the area, but did not recommend a new interchange at that time.

3) They recommended a number of rezonings to bring properties into compliance with the existing comprehensive plan.

Some of the residents and landowners testified that they would prefer more gradations in the allowable density, and some requested an opportunity for two units per acre. The Board of County Commissioners voted to approve the recommendations of the study in concept, with some refinement of the density guidelines as follows: the first 1/4 mile north of Bayshore would be 3 units per acre, and the next ½ mile would be two units per acre. When the final study was released in May of 1982, it included these revised density gradations as its primary land use recommendation.

The final study also discussed then current plans for improving roads in the area. The study made reference to the fact that the 1974 Thoroughfare Policy Plan identified a need for improvements to SR 78 from US 41 to SR 31. (In fact, Bayshore Rd. was widened to four lanes from Business 41 to Hart Rd. in 1982-83.) The 1983-87 CIP proposed to continue the four laning of Bayshore Rd. all the way to SR 31 at a cost of $20 million. Construction drawings were completed in 1980 by Ink Engineering for the six-laning of Bayshore from Business 41 to I-75. The four laning of Bayshore from Hart to Slater was completed in 1996, and the extension of this four lane improvement to I-75 is scheduled for construction in the 2003-2004 fiscal year. No further improvements to Bayshore east of I-75 are planned at this time, although the intersection of SR 31 and Bayshore Rd. was recently reconfigured by FDOT in response to numerous accidents at that location.

1987 BAYSHORE CORRIDOR STUDY

In 1984 Lee County adopted a new comprehensive plan which for the first time included a future land use map. This map designated virtually all of the proposed Bayshore Community, with the exception of the I-75 interchange area, as "Rural" with an allowable density of one unit per acre. This had the effect of making several undeveloped properties with existing zoning approvals inconsistent with the plan. There were also a number of property owners who quickly requested amendments to the new plan, and this prompted the County Commission to request another study of the Bayshore Area. The boundaries of this study were the river on the south, SR 31 on the east, a line one mile north and parallel to Bayshore on the north, and a line parallel to and just west of Slater Rd. on the west. The purpose of the study was to evaluate different scenarios for the future land use map in light of growth trends in the area. The major recommendations of this study were the following:

-The Board should file a Lee Plan amendment as recommended in Section IX of the study.

-The Board should take steps to protect rights-of-way needed in the widening of Bayshore Rd. by using the preliminary alignment prepared by the Florida Department of Transportation when administering the County's development regulations.

-The Board should consider regulations to protect the natural contours and vegetation along the creeks in the study area.

-The Board should direct the drafting of amendments to the County's Flood Plain Management Regulations to incorporate the findings of the 1984 Flood Plain Management Study as prepared by the Soil Conservation Service.

The Study endorsed alternative #4 for the future land use map, which recommended that the area south of Bayshore Rd. be designated as Outlying Suburban (although at three units per acre), and

the area north of Bayshore be designated as Rural. The Board of County Commissioners adopted a refinement of the map which was recommended by the LPA that included more Outlying Suburban land in the area north of Bayshore Rd. and west of Nalle Rd. At the same time, the Board reduced the density of all of the Outlying Suburban areas east of I-75 to two units per acre.

Recent Developments. The latest land use controversy in the Bayshore area occurred when the owners of 160 acres of land at the northwest corner Nalle Rd. and Nalle Grade Rd. In early 2000 requested zoning approval to permit the development of a commercial mine that included the potential for blasting and rock crushing. Hundreds of people signed petitions in opposition to this request, and a network of concerned citizens was established. The public hearing was looking to be fairly animated when it was postponed indefinitely--at the request of the applicant--in the face of community opposition and concerns expressed by the county staff. The applicant has represented that the final configuration of the property would be an upscale subdivision of sixteen homes (consistent with the DR/GR land use density limits) around a large lake. There would be no avoiding the significant disruption to the community that would be created by years of mining activity, however.

Since the initiation of this study and plan amendment, two new major development proposals have been announced, one within the Bayshore Community and one immediately to the east. The one within Bayshore is a request by US Homes to rezone 740 acres for a golf course community (the golf course has since been deleted from the request) and 1472 residential units. This application will raise many significant planning issues, although the request is just within the density limits of the current land use plan. There is an existing package sewer plant in the area that would either be expanded or replaced by possible service from North Ft. Myers Utility. Although the Bayshore plan does not contemplate or encourage developments that would require central sewer, especially north of Bayshore Rd., if the Board of County Commissioners were to approve this zoning, central sewer service would be necessary and the location within the Outlying Suburban land use category would allow for this density.

The second proposal was a public announcement by the Florida Babcock Corporation to sell a portion of their property for conservation purposes in exchange for development rights on 20,000 acres. Babcock owns approximately 90,000 acres, of which 80,000 are in Charlotte County and only 10,000 are in Lee County. However, almost 6,500 of the 20,000 acres they seek to develop are in Lee County, east of and in close proximity to SR 31 This land is within the boundaries of the proposed Alva Community plan, and the development contemplated by Babcock would require significant amendments to "intensify" the Lee Plan in that area. The primary impact on the Bayshore Community would be any attempt to connect Nalle Grade Rd. to the proposed new I-75 interchange and link it to SR 31 on the east. If there is a need to provide better access to the Babcock property, the proposed Bayshore Plan would allow the widening of Bayshore Rd. to SR 31 as was contemplated by the adopted CIP in the mid 80's.

VI. DESCRIPTION OF THE PROPOSED COMMUNITY PLAN

The overriding intent of this plan amendment for the Bayshore Community is to maintain and protect the existing rural lifestyle. It does this primarily by reinforcing the existing land use categories and policies of the current Lee Plan. It is not a "no growth" plan, but contemplates slow but steady growth that will protect the quality of life of the Bayshore residents.

GOAL 20: BAYSHORE COMMUNITY

To protect the existing rural, agricultural and equestrian-oriented character of the community by maintaining low residential densities and minimal commercial activities, while excluding incompatible uses, such as mining, that are destructive to the character of this rural residential environment. For the purposes of this goal and related objectives and policies, the boundaries of the Bayshore Community will be I-75 on the west, SR 31 on the east, the Caloosahatchee River on the south and the Charlotte County line on the north.

This goal is very straightforward and establishes the underlying rationale for the rest of the plan amendment. Two changes were made at the public meeting on June 6, 2001 at the Lee Civic Center. "Agriculture" was added to the first sentence to acknowledge that the rural atmosphere is not exclusively the result of horse-related activities, but other agricultural pursuits as well. Except for the areas designated Outlying Suburban on the land use map, residents of Bayshore need to recognize and accept that rural activities and agriculture receive priority in this plan. Also, the phrase "such as mining" was added as one example of an incompatible use, because many people questioned how this plan would affect the mining proposal.

OBJECTIVE 20.1: LAND USE

The existing land use designations of the Lee Plan (as of September 30, 2001) are appropriate to achieving the goal of the Bayshore Plan. No land use map amendments to a more intensive category will be permitted after the adoptions of this amendment, unless a finding of overriding public necessity is made by three members of the Board of County Commissioners.

There are a total of seven separate land use categories on the presently adopted Lee Plan, and they allow for a wide variety of housing types and residential densities consistent with the overall Bayshore goal. These land use designations also allow for an ample amount of commercial development, given that the plan seeks to maintain a rural ambiance with low densities. (The proposed amendments to Table 1(b) of the Lee Plan would allocate 53 additional commercial acres in the Bayshore Community.) This objective would elevate the significance of any proposed land use change by requiring a specific finding by at least three of the elected County Commissioners. While a plan amendment is never a simple task, this objective is intended to raise the standard for any such change to something that would be necessary to preserve the

health, safety or welfare of the community.

POLICY 20.1.1: Retail commercial activity shall be limited to the Interstate Interchange designation at Bayshore and I-75, plus minor commercial uses at the intersections of Nalle Rd. and Bayshore, SR 31 and Bayshore, and SR 31 and Old Bayshore.

There is no obvious village center or commercial core in Bayshore, and this plan does not attempt to create one. The intersection of Bayshore Rd. and Nalle Rd. probably comes closest, with the Lawhon Market and the Fire Station in close proximity. There are other small commercial establishments scattered in various locations. The existing Lee Plan already restricts retail commercial to intersections of a defined significance. The proposed policy further restricts these potential retail locations by specifying certain intersections where retail commercial will be permitted. Since under the Lee Plan, "minor" commercial is defined to be up to 30,000 sq. ft. of floor area, this policy should allow more than adequate commercial opportunities in the future. Non-retail commercial uses such as offices can be located at other locations with the proper zoning approvals.

Policy 20.1.2: No new industrial activities or industrial rezonings are permitted.

This policy is somewhat redundant, since none of the existing land use designations would encourage industrial activities at the present time. However, it is viewed as insurance against future amendments or interpretations of the Plan, as well as a further elaboration of the Bayshore goal, especially since Policy 7.1.7 does allow for certain agriculturally related industrial uses in the Rural and Open Lands category if they meet certain conditions and will serve the rural and agricultural community.

OBJECTIVE 20.2: TRANSPORTATION

To protect and maintain the rural character of the Bayshore community, no new arterial or collector roads will be constructed nor existing arterial roads widened or extended, with the exception of the widening of Bayshore Rd. in the future. Public transportation expenditures shall be limited to routine maintenance and bike paths and/or bridle paths. New local roads may be constructed with private funds or municipal service taxing or benefit units.

This objective generated the most discussion and disagreement at the June 6 public meeting to discuss the plan. Approximately 25 people of the almost 400 in attendance voted against this objective because they were concerned it would put too many restrictions on the County's ability or willingness to improve roads in the future. Some people expressed the opinion that many of the area roads are too narrow and of poor quality, creating safety hazards. Others expressed the

opinion that it was the high speeds that created the hazard, and that improving the roads would only encourage people to drive faster. (Improved law enforcement is often a recommended solution for speeding problems, but it is unlikely that the Bayshore area will ever warrant more intensive traffic patrols, given the small traffic volumes and the budget limitations of the sheriff's department.)

It was explained that the proposed policy does not preclude routine maintenance or even the paving of existing public roads. (The roads that are "private" present an entirely different set of challenges which are beyond the scope of this plan. They may well require the creation of a special taxing district to remedy deficiencies.) A road could be widened if it were done to accommodate a bike lane. The reality is that the County is not about to come into Bayshore to improve existing local and collector roads when they can barely find the money to keep up with the demands to maintain and improve the arterial network. The only way these interior collector and/or local roads would be improved is if some private entity were willing to foot the bill in order to build or improve a road that would be required by some large new development. That is precisely the type of situation this plan amendment seeks to avoid.

In addition to recognizing the future improvements to Bayshore Rd., this Objective would also permit the widening of I-75 and SR 31, since they are not "within" the boundaries of the Plan.

OBJECTIVE 20.3: SEWER AND WATER

Given the desire to maintain a low residential density, central sewage service is not economically feasible and should be discouraged north of Bayshore Rd. Central water service for enhanced fire protection will be encouraged where economically feasible.

This objective also raised a fair amount of discussion, because some people were concerned that if water lines were extended in the future, the County might force people to connect to pay for them, and they would be stuck with assessments and a monthly water bill. However, the County has no ordinance requiring mandatory hookup to potable water lines and no plans to adopt such an ordinance. Most people north of Bayshore Rd. utilize well and septic and are quite satisfied, but the fire chief is concerned about the adequacy of water supplies and his ability to fight fires. As a result of this discussion, the objective was revised by removing the word "especially" from before the word "for" to emphasize that fire protection was about the only reason to extend these lines. The audience was also assured that it was not the intent of this policy to require anyone to hook into these water lines.

Subsequent to the public meeting on June 6, a "Notice of Application for an Extension of Wastewater Service Area" was sent by North Ft. Myers Utility to several residents in the Bayshore Area. This is a request to the Public Service Commission of Florida to permit the expansion of the current franchise area for this privately-owned utility. Although there are some areas outside of the study boundaries which are included in the request, it appears that the area

within the Bayshore Community to be included is generally south of Rich Rd., west of Nalle Rd. and extending to I-75, plus the area south of a line running 500 ft north of Bayshore Rd, which would include all of the property fronting the river. It is likely that this request was precipitated by the proposed Heritage Creek development which could result in as many as 1472 units if approved by Lee County, some of them in fairly high density, multi-family configurations. This would clearly be appropriate for central sewer service if approved, and the existing High Point package plant is not adequate to the task. The request would also seek to provide service to that area south of Bayshore Rd. along the river, such as Bay Point Yacht and Racquet Club and the Upriver Campground. These type of developments would also be appropriate for central sewer service. However, it is the clear intent of this plan that future amendments to intensify the land use categories not be justified on the back of this franchise expansion. This plan supports providing existing and reasonably planned developments with the necessary utilities, but the availability of the utilities should not be an excuse to encourage unwanted urban development.

OBJECTIVE 20.4: PARKS AND RECREATION

The county will explore, with the residents of Bayshore, the feasibility of establishing an equestrian park as the primary recreation facility for this community.

There are no public parks or recreation areas in the Bayshore Community, other than the archery range and the Lee Civic Center, both of which are very specialized facilities. There is not much demand for parks either, with the low population and rural lifestyle, but there is an interest in developing a public area for equestrian activities. The archery range is one possibility, although the existing use is not particularly compatible with horses, and it is not ideal from a physical standpoint. The committee would like to explore with the County the level of interest in jointly developing such a facility, which could also have other recreational opportunities for non-equestrians.

VII. CONCLUSION

The overall purpose and intent of the proposed Bayshore Plan should be evident from the preceding discussion. In the context of the larger Lee Plan, it is essentially an attempt to further elaborate the significance of Policies 5.1.2 and 5.1.5 in the Bayshore area and to fulfill the intent of Policy 100.1.9 on a Countywide basis. **Policy 5.1.2** addresses natural hazards such as flooding and reads as follows:

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

As described above, many areas of the Bayshore Community experience seasonal flooding, and the entire study area is designated on Map 9 of the Lee Plan as being subject to flooding in the 100-yr storm. As a consequence, the existing low density residential/agricultural land use pattern not only reflects the preference of the local residents, it is also very appropriate in light of the physical constraints and flooding hazard.

Policy 5.1.5 reads as follows:

> **Protect existing and future residential areas from any encroachment of uses that are potentially destructive of the character and integrity of the residential environment. If such uses are proposed in the form of a planned development and generally applicable development regulations are deemed to be inadequate, conditions shall be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application shall be denied altogether. Requests for conventional rezonings shall 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. The Land Development code shall continue to require appropriate buffers for new development.**

Bayshore is a predominantly residential area, but it is a residential area with a specific rural agricultural and equestrian focus. The purpose of this plan amendment is to recognize and protect that valuable character. This is important not only to the people who are living there now, but also important to the people who would desire that type of rural lifestyle in the future. In this respect, it is a response to Policy **100.1.9** which reads as follows:

> **The county shall insure a mix of residential types and designs on a county-wide basis by providing for a wide variety of allowable housing densities and types through the planned development process and a sufficiently flexible Future Land Use Map.**

There are many locales in Lee County that offer an urban or suburban community and lifestyle. Golf course communities are also abundant. The areas that can offer a true rural alternative, with serious agriculture, large acreage home sites and family orientation, are in short supply. The obvious candidates are Buckingham, Alva, and Bayshore. Buckingham has had a successful community plan for the past nine years, and Alva is currently organizing to prepare a community plan in the coming year. These communities are essential to provide the rural alternative for those who prefer that lifestyle. To maintain this variety, it is important that the Future Land Use Map not be too flexible, because future amendments to intensify the map would only undermine this rural ambiance. The residents of Bayshore have given the matter careful consideration and have come to the conclusion that they support the existing Future Land Use Map the way it is.

Bayshore already provides for a wide variety of housing types within its borders, from mid-rise condominiums on the river to mobile home subdivisions to every variety of single family housing

at all price levels. There has been some suggestion that these areas are not true communities if they are not equipped with certain prescribed shopping facilities or community amenities, but that suggestion would be to deny the preference of that portion of the population who do not necessarily want to live in an area with all the urban creature comforts. The County should not be defining what constitutes a community according to some bureaucratic cookbook. The people who live in a particular area are the best judges of whether they have made a community or not.

Finally, given the genesis of this Bayshore Plan amendment, it is appropriate to make reference to **Policy 10.1.4** of the Lee Plan which reads in part as follows:

> **Mineral extraction activities (and industrial uses which are ancillary to mineral extraction) may be permitted in areas indicated on the Future land Use Map as Rural, Open lands, and Density Reduction/Groundwater Resources, provided they have adequate fire protection, transportation facilities, wastewater treatment and water supply, and provided further that they have no significant adverse effects such as dust and noise on surrounding land uses and natural resources. . .**

While mineral extraction activities are allowed in these non-urban land use categories, they are only permitted subject to several very specific conditions. It is clear that the residents of Bayshore do not believe that such activities can be conducted without adversely affecting the existing rural residential community.

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LEE COUNTY
HEARING EXAMINER
03 AUG 22 PM 4:40

STEVEN C. HARTSELL
(239) 336-6244

PLEASE REPLY TO
FORT MYERS OFFICE

August 22, 2003

Mr. Salvatore Territo, Lee County Hearing Examiner
1500 Monroe Street
Fort Myers, Florida 33902-0398

VIA HAND DELIVERY

RE: Heritage Creek (a/k/a Stoneybrook North) RPD, Case #DCI-2001-00038

Dear Mr. Territo:

Pursuant to your order following the hearing on August 8th, 2003, enclosed please find the Master Concept Plan corrected as noted during the hearing on August 8th as well as a colored and mounted copy of that Master Concept Plan (which simply makes it easier to read at a distance). Also enclosed is a summary of the changes made to the Master Concept Plan in response to the residents' concerns and in response to the Staff's concerns. That summary is captioned "Stoneybrook North – Site Plan Changes Since the February 28, 2002, Neighborhood Meeting."

The final summary of the conditions and deviations was coordinated through the County Attorney's Office and I have reviewed those conditions and deviations with Chip Block, and Chip will be submitting the final document which incorporates those changes which were discussed at the hearing on August 8th, 2003.

I am sending a copy of this letter and the enclosures to all of those who are listed at the end of the letter.

Very truly yours,

Steven C. Hartsell

SCH:llg
Enclosures
cc: Alvin "Chip" Block w/encl.
John Fredyma w/encl.
Ralf Brookes w/encl.
Deno Benetis w/encl.
Carron Day w/encl.
Sam Marshall w/encl.
Ian Vincent w/encl.
Ted Treesh w/encl.

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APPLICANTS
EXHIBIT # 30
DCI2001-00038
1 of 3

LEE COUNTY
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Stoneybrook North
Site Plan Changes
Since the February 28, 2002 Neighborhood Meeting

IN RESPONSE TO RESIDENTS' CONCERNS:

April 2002
- Removed the golf course and eliminated the 4-story condominiums
- Lowered building height to 2 stories across the property
- Located the multiple family tracts so that they are internal to the property

July 2003
Revised Site Plan to pull Tract A back 50 feet from the west property line, consistent with the other tracts.

August 2003
- Eliminated multi-family use from the development.
- Eliminated townhouse use from the development.
- Limited US Home "Twin Villas" (two family attached) to three tracts.
- Decreased Development Unit Total from 1,475 homes to 1,275 homes.
- Except as otherwise noted on the MCP, increased the perimeter buffers to 10 trees per 100 linear feet and a double staggered hedge. The hedge will be installed at 36" high and maintained at 60" high. 75% of the shrubs and 50% of the trees will be native species.
- Increased all parcel setbacks to a minimum of 50 feet from the property boundary.
- Increased the parcel setbacks to a minimum of 200 feet from the property line abutting the Open Lands and Density Reduction Groundwater Recharge land use category (part of the development's northern property line).
- Limited residential homes within Tracts F1 and F3, which are the only tracts abutting the Open Lands and Density Reduction Groundwater Recharge land use category (this amounts to a distance of more than 500 feet from the Open Lands and Density Reduction Groundwater Recharge land use category), to single family detached with a minimum lot size of 7,500 square feet.
- Provided street trees along Pritchett Parkway.
- Eliminated baseball field lights.
- Provided stringent conditions limiting lighting on all courts in Tract K.
- Eliminated the golf driving range.

IN RESPONSE TO STAFF CONCERNS:

May 2002
Increased the preserve and open space area between Popash Creek and the rear property line of the lots in this area.

March 2003
- Lot coverage reduced to 45% for all single family parcels.
- Relocated the roadway adjacent to Tract K to avoid gopher tortoise burrows.
- Reconfigured the "Upland Conservation" area adjacent to the Popash Creek to incorporate the "flowway" vegetation as requested by Lee County.

- Increased the amount of Upland Conservation Area by deleting a lake and adding a "rare and unique" area south of Tract A.
- Provided a Type D Buffer between the boundary of the existing Wastewater Treatment facility and any residential lot within Stoneybrook North.
- Pulled back lots in the area within 100 feet of the Wastewater Treatment facility property lines.
- Increased the buffer along the north property line and adjacent to Tract H to Type E.
- Decreased the number of Model Unit locations and deleted all of those that were internal to the development tracts.
- Deleted Deviation #16 and provide required buffer/setback.

May 2003

- Provided a minimum 50-foot setback between development in Tract H, E and D and the Property Boundary.
- Limited the maximum number of multi-family to 250 (the number set for Tract J.).
- Reduced the total number of units requested to 1475.

June 2003

- Provided a 250-foot setback and the buffer requested by the county staff between the boundary of the existing Wastewater Treatment facility and any residential lot within Stoneybrook North. This resulted in pulling back the lots in this area.
- Added the satellite park (Tract M).
- Changed site plan around the STP to move tracts and lakes back 250 feet.

POLICY 7.1.8: Land development regulations will require that industrial uses be adequately buffered and screened from adjacent existing or proposed residential areas so as to prevent visual blight and noise pollution. (Amended by Ordinance No. 00-22)

POLICY 7.1.9: Industrial development will not be permitted if it allows industrial traffic to travel through predominantly residential areas. (Amended by Ordinance No. 00-22)

POLICY 7.1.10: All county actions relating to industrial land uses must be consistent with the goals, objectives, and policies of the Economic element of this Plan. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

GOAL 8: MARINE-ORIENTED LAND USES.

To designate prime locations for marine-oriented land uses and protect them from incompatible or pre-emptive land uses.

OBJECTIVE 8.1: Existing marinas, fish houses, and port facilities indicated on the Future Land Use Map as having water-dependent overlay zones will be reclassified by the county to commercial and industrial marine zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing. (See Map 12) (Amended by Ordinance No. 94-30, 00-22)

OBJECTIVE 8.2: All development approvals for marine-oriented land uses must also comply with requirements in the Ports, Aviation and Related Facilities sub-element, Objective 98.5: Marina Siting Criteria, and Objective 98.6: Marina Design Criteria. (Amended by Ordinance No. 94-30, 00-22)

GOAL 9: AGRICULTURAL LAND USES.

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. (Amended by Ordinance No. 00-22)

OBJECTIVE 9.1: Place all existing active and passive agricultural uses on all parcels in excess of 100 acres, zoned AG, and located outside of Future Urban areas on an agricultural overlay. (Amended by Ordinance No. 94-30)

POLICY 9.1.1: In accordance with F.S. 187.201(23)(b)1, nothing in this plan will be construed to permanently prohibit the conversion of agricultural uses to other land uses. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

POLICY 9.1.2: Encourage the utilization of energy and soil conservation management practices in agricultural activities.

POLICY 9.1.3: Continue to encourage agricultural operations to meet adopted water quality and surface water management standards by providing advisory water management plans through the Lee Soil and Water Conservation District. (Amended by Ordinance No. 94-30)

POLICY 9.1.4: Protect agricultural activities on lands designated as Agricultural on the agricultural overlay from the impacts of new natural resource extraction operations, recreational uses, and residential developments. (Amended by Ordinance No. 94-30, 02-02)

POLICY 9.1.5: Amend the Noise Ordinance by 1995 to provide exemptions for crop dusting and other essential agricultural activities. (Added by Ordinance No. 94-30)

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POLICY 9.1.6: Continue to update and analyze agricultural land use data. (Added by Ordinance No. 94-30)

POLICY 9.1.7: Lee County will work with an agricultural advisory committee to establish incentives to encourage the continuation of existing agricultural operations. The county, with the assistance of the committee, will investigate the feasibility of a Purchase of Development Rights (PDR) program for agricultural property by 1995. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

OBJECTIVE 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. (Added by Ordinance No. 00-22)

POLICY 9.2.1: Rezoning of land to agricultural zoning districts is prohibited in those areas designated by the Lee Plan as Future Urban Areas, with the exception of those areas designated as Outlying Suburban. In Outlying Suburban areas, such requests will be reviewed on a case by case basis, and recommendations will be made based on current and future availability of urban infrastructure and compatibility with existing and future land uses. (Added by Ordinance No. 00-22)

POLICY 9.2.2: Planned Development rezonings within the Future Urban Areas must not establish new, or expand existing, agricultural uses. Bona fide agricultural uses that exist at the time of rezoning may be approved and the use allowed to continue until development commences. The approved existing agricultural uses must not expand beyond the boundaries that existed at the time of rezoning. Existing agricultural uses within any tract or phase must be discontinued upon local development order approval including that tract or phase. (Added by Ordinance No. 00-22)

GOAL 10: NATURAL RESOURCE EXTRACTION. To protect areas containing identified natural resources from incompatible urban development, while insuring that natural resource extraction operations minimize or eliminate adverse effects on surrounding land use and natural resources. (Amended by Ordinance No. 02-02)

OBJECTIVE 10.1: Designate through the rezoning process sufficient lands suitable for providing fill material, limerock, and other natural resource extraction materials to meet the county's needs and to export to other communities, while providing adequate protection for the county's natural resources. (Amended by Ordinance No. 94-30, 02-02)

POLICY 10.1.1: Natural resource extraction operations intending to withdraw groundwater for any purpose must provide a monitoring system to measure groundwater impacts. (Amended by Ordinance No. 02-02)

POLICY 10.1.2: Applications for natural resource extraction permits for new or expanding areas must include an environmental assessment. The assessment will include (but not be limited to) consideration of air emissions, impact on environmental and natural resources, effect on nearby land uses, degradation of water quality, depletion of water quantity, drainage, fire and safety, noise, odor, visual impacts, transportation including access roads, sewage disposal, and solid waste disposal. (Amended by Ordinance No. 00-22, 02-02)

Article VI. DISTRICT REGULATIONS.

Division 1. Generally

Sec. 34-622. Use activity groups.

(a) and (b) **No change**

(c) (1) thru (12) **No change**

(13) Essential service facilities. This group includes buildings or above-ground structures, exceeding 27 cubic feet in volume, required to provide essential services, including electricity, communications, telephone, cable television, gas, water, sewage, solid waste and resource recovery. This does not include wireless communication facilities which are regulated by section 34-1441 et seq. ~~or telephone booths or pay phone stations which are addressed in section 34-3070.~~

GROUPS I, II, and III **No change**

(c) (14) through (56) **No change**

Sec. 34-624. Performance standards, creation of nuisance.

All uses and activities permitted by right, special exception or temporary permit in any zoning district, including planned development and PUD districts, must be constructed, maintained, placed, conducted, and operated so as to:

1. Not be injurious or offensive and thereby constitute a nuisance to owners or occupants of adjacent premises, nearby residents, or to the community, by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious waste materials, odors, fire or explosive hazard, light pollution, or glare; and

2. and 3. **No change**

Sec. 34-625. Outdoor Lighting Standards.

1. *Purpose.* The purpose of this provision is to curtail and reverse the degradation of the night time visual environment by minimizing light pollution, glare, and light trespass through regulation of the form and use of outdoor lighting; and to conserve energy and resources while maintaining night-time safety, utility, security and productivity.

2. *Applicability.* All new luminaires, regardless of whether a development order is required, must comply with the provisions and standards of this section.

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3. *General exemptions.* The following are generally exempt from the provisions of this section:

   a. Emergency lighting required for public safety and hazard warning luminaires required by federal or state regulatory agencies;

   b. Outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene and gasoline;

   c. Low wattage holiday decorative lighting fixtures (comprised by incandescent bulbs of less than 8 watts each or other lamps of output less than 100 lumens each) used for holiday decoration; and

   d. Lighting for public roads except as provided in section 14-77.

4. *Standards and Criteria.* In addition to the standards and criteria for outdoor lighting established in this subsection, there are standards for sea turtle lighting in chapter 14, Article I, division 2 of this code and further technical standards are specified in a related county administrative code. When specific standards are not addressed in these sources, the standards of the Illuminating Engineering Society of North America (IESNA) will apply.

   a. *Illuminance.* Table 1 is provided as a general synopsis of the illumination level requirements. These levels are based upon general use or task categories and are measured in footcandles on the task surface (for example the parking lot or area surface) with a light meter held parallel to the ground or other surface, facing up, unless otherwise specifically stated.

Table 1. Illumination Level Requirements (1)

Use/Task	Initial Actual Footcandles (2),(4)	Initial Uniformity Avg. (3)
Parking, multi-family		
Low vehicular/pedestrian activity	0.3 min.	4:1
Medium vehicular/pedestrian activity	0.8 min.	4:1
Parking, industrial/commercial/ institutional, municipal		
High activity, e.g.,shopping centers, fast food facilities, major athletic/civic, cultural events.	1.2 min.	4:1
Medium activity, e.g., office parks, hospitals, commuter lots, cultural/civic/recreational events	0.8 min.	4:1
Low activity, e.g., neighborhood shopping, industrial employee parking, school, church parking	0.3 min.	4:1
Non-residential walkways and bikeways	0.3 min.	5:1
Canopy, drive-thru, fuel pumps, overhang	6.0 min	5:1

Notes:

(1) These specified illumination level criteria are the initial actual levels to be measured at the time of final inspection for a certificate of compliance. The outdoor lighting must be maintained so the average illumination levels do not increase above the specified values. The minimum illumination levels may decreased over time consistent with the Light Loss Factor (LLF) associated with the installed fixtures.

(2) In no case may the illumination exceed 0.5 footcandle measured at the property line. The amount of illumination projected onto a residentially zoned property or use from another property, may not exceed 0.2 footcandle measured at 10 feet from the property line onto the adjacent residential property.

(3) Uniformity ratios dictate that the average illumination values may not exceed initial values by more than the product of the initial value and the specific ratio. For example, in the case of commercial parking and high activity, the initial average illuminance may not be in excess of 4.8 footcandles (1.2 x 4).

(4) Where all night safety or security lighting is to be provided, the lighting intensity levels should provide the lowest possible illumination to discourage crime and undesirable activity and to

effectively allow surveillance but may not exceed 50% of the levels normally permitted for the use as specified in this code.

b. *Lamp Standards.* Lamp types and colors must be in harmony with the adjacent community, any special circumstances existing on the site, and with surrounding installations. Lamp types must be consistent with the task and setting and should not create a mix of colors unless otherwise specifically approved by the director for a cause shown. Specifically, mercury vapor lamps are prohibited. The installation, sale, offering for sale, lease or purchase of any mercury vapor light fixture or lamp for use as outdoor lighting in the county is specifically prohibited.

(1) Lighting of outdoor recreational facilities (public or private) such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, etc. are exempt from the lamp type standards provided that all other applicable provisions are met.

c. *Luminaire Standards.* Fully shielded, full cutoff luminaires with recessed bulbs and flat lenses are the only permitted fixtures for outdoor lighting, with the following exceptions.

(1) Luminaires that have a maximum output of 260 lumens per fixture (the approximate output of one 20 watt incandescent bulb), regardless of number of bulbs, may be left unshielded provided the fixture has an opaque top to keep light from shining directly up.

(2) Luminaires that have a maximum output of 1,000 lumens per fixture (the approximate output of one 60 watt incandescent bulb), regardless of number of bulbs, may be partially shielded, provided the bulb is not visible, and the fixture has an opaque top to keep light from shining directly up.

(3) Sensor activated lighting may be unshielded provided it is located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and provided the light is set to only go on when activated and to go off within five minutes after activation has ceased, and the light must not be triggered by activity off the property.

(4) Flood or spot luminaires with a lamp or lamps rated at 900 lumens or less may be used except that no spot or flood luminaire may be aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, or directed skyward, or directed towards the shoreline areas, The luminaire must be redirected or aimed so that illumination is directed to the designated areas and its light

output controlled as necessary to eliminate such conditions. Illumination resulting from such lighting must be considered as contributing to the illumination levels specified herein.

(5) All externally illuminated billboards and signs must be lighted by shielded fixtures mounted at the top of the sign and aimed downward. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols is preferred to minimize detrimental effects. Illumination resulting from sign lighting must be considered as contributing to the illumination levels specified herein.

(6) Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping, or art must be located , aimed and shielded so that light is directed only on those features. Such fixtures must be aimed or shielded to minimize light spill onto adjacent properties or into the night sky in conformance with illumination and luminaire standards.

(7) All non-essential exterior commercial lighting must be turned off after business hours.

d. *Luminaire Mount Standards.* The following standards apply to luminaire mountings.

(1) *Free Standing Luminaires.* Light poles must be placed on the interior of the site. When light poles are proposed to be placed on the perimeter of the site, specific consideration should be addressed to compliance with the illumination standards at the property line and off the property onto adjacent residential property. The maximum height of light poles for parking lots and vehicular use areas may not exceed twenty five (25) feet measured from the ground level directly below the luminaire to the bottom of the lamp itself. Light poles located within fifty (50) feet of a residentially zoned property or use may not exceed fifteen (15) feet. Poles used to illuminate pedestrian walkways may not exceed fifteen (15) feet. Lighting for outdoor recreational facilities (public or private) such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, etc., are exempt from the mounting height standards provided that all other applicable provisions are met.

(2) *Building Mounted Luminaires.* These luminaires may only be attached to the building walls and the top of the fixture may not exceed the height of the parapet, or the roof, or twenty five (25) feet, whichever is the lowest.

(3) *Canopy Lighting.* Light fixtures mounted on the underside of a canopy must be recessed or shielded full cutoff type so that the light is restrained to eighty

five (85) degrees or less from the vertical. As an alternative (or supplement) to the canopy ceiling lights, indirect lighting may be used where the light is beamed upward and then reflected down from the underside of the canopy. When this method is used, light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy. No part of the canopy may be back-lighted. Lights may not be mounted on the top or sides (fascias) of the canopy. The sides (fascias) of the canopy may not be illuminated in any manner.

(4) *Trees and Landscaping.* To avoid conflicts, locations of all light poles and fixtures must be coordinated with the locations of all trees and landscaping whether existing or shown on the landscaping plan. Vegetation screens may not be employed to serve as the means for controlling glare. Glare control must be achieved through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.

5. *Development Order and Permit Criteria.* The applicant for any development order or building permit, as applicable under the provisions of this code involving outdoor lighting fixtures, must submit as part of the application evidence that the proposed work will comply with the outdoor lighting standards of this code. Specifically the submission must include the following:

a. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices.

b. A detailed description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description must include manufacturer's catalogue cuts and drawings, including pictures, sections, and proposed wattages for each fixture.

c. All applications for development orders or building permits, except for single family and duplex building permits, must provide photometric data, such as that furnished by the manufacturer of the proposed illuminating devices, showing the angle of cut-off and other characteristics of the light emissions including references to the standards contained herein.

d. All applications for development orders or building permits, except for single family and duplex building permits, must provide photometrics in initial footcandles output for all proposed and existing fixtures on-site shown on a 20 foot by 20 foot grid on an appropriately scaled plan. On-site lighting to be included in the calculations must include, but is not limited to, lighting for parking lot, canopies, and building mounted and recessed lighting along the building facades and overhangs. The photometric plan must include a table showing the average, minimum, and

maximum foot-candles of illumination on the site and within 50 feet of the site and the calculations deriving the averages. Evidence must be provided demonstrating that the proposed lighting plan will comply with the requirements of this code. The use of a Light Loss Factor (LLF) is not permitted in these photometrics. This photometric plan must be coordinated with the landscape plan to identify the location of trees and other landscaping features with respect to the lighting devices. Rejection or acceptance of the photometric plan will be based on this code.

6. *Compliance.*

   a. Prior to the final inspection for a certificate of compliance pursuant to section 10-183, site verified foot-candle readings must be provided demonstrating that the outdoor lighting, as installed, conforms with the proposed photometrics and the letter of substantial compliance provided by a registered professional engineer must include a certification that the outdoor lighting is in compliance with this code.

   b. If any outdoor light fixture or the type of light source therein, is changed after the permit or development order has been issued, a change request or development order amendment must be submitted for approval together with adequate information to assure compliance with this code. This request or amendment must be approved prior to the installation of the proposed change.

   c. Outdoor lighting must be maintained in compliance with this code.

7. *Existing Outdoor Lighting.* Light pole height requirements do not apply to existing light poles. Existing light fixtures must be brought into compliance with this code within ten (10) years of the adoption of this code (June 24, 2003). Any fixtures replaced after the date of the adoption of this code (June 24, 2003) must be replaced with fixtures that comply with the standards established herein. Illuminance levels specified in this code apply to all outdoor lighting.

Secs. 34-624626–34-650. Reserved.

BAYSHORE COMMUNITY PLAN

DRAFT - MAY 15, 200
REVISED BASED ON LOCAL PLANNING AGENCY & COUNTY STAFF COMMENTS

VISION STATEMENT

The Bayshore Community, bounded by I-75, SR 31, the Caloosahatchee River and Charlotte County, is predominately a rural residential area of single family homes on large acreages, small horse farms, citrus groves, and plant nurseries, interspersed by some larger cattle grazing operations. There are also scattered single family subdivisions and mobile homes on smaller lots which provide for a full range of housing prices. There is limited urban infrastructure and commercial uses. By and large, the residents of Bayshore want to see this land use pattern maintained. The vision of the future would include slow but steady growth with the building of larger single family homes on 2 ½ to 5 acre tracts, as well as some higher density development in the Outlying Suburban category (i.e. up to two units per acre with the proper zoning), and continued support for the infrastructure necessary for the owners and breeders of horses. The protection of environmental resources and the maintenance of a wholesome family atmosphere is desired, as well as the protection of existing agricultural and equestrian activities. One community project that could serve these ends would be the development of an equestrian park in the community.

GOAL 20: BAYSHORE COMMUNITY

To protect the existing rural residential, agricultural and equestrian-oriented character of the community by maintaining low residential densities and minimal commercial activities, while excluding incompatible uses that are destructive to the character of this rural residential environment. For the purposes of this goal and related objectives and policies, the boundaries of the Bayshore Community will be I-75 on the west, SR 31 on the east, the Caloosahatchee River on the south and the Charlotte County line on the north.

OBJECTIVE 20.1: LAND USE

The existing land use designations of the Lee Plan (as of September 30, 2001) are appropriate to achieving the goal of the Bayshore Plan. No land use map amendments to a more intensive category will be permitted after (scrivener will insert effective date), unless a finding of overriding public necessity is made by three members of the Board of County Commissioners.

POLICY 20.1.1: Retail commercial activity shall be limited to the Interstate Interchange designation at Bayshore and I-75, plus minor commercial uses at the intersections of Nalle Road and Bayshore, SR 31 and Bayshore, and SR 31 and Old Bayshore. Non-retail commercial uses are permitted elsewhere consistent with the Lee Plan and the Land Development Code.

POLICY 20.1.2: "Minor" commercial will be as defined in the Lee Plan and will not include commercial stables or tack and feed stores. The existing 7.1 acre+/- retail commercial center at 10440 Bayshore Road and the .66 acre+/- retail commercial property at 19451 SR 31 will be deemed consistent with this Policy 20.1.1 but will not be permitted to expand beyond their existing building footprints.

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POLICY 20.1.3: No new industrial activities or industrial rezonings are permitted.

POLICY 20.1.4: No new mining uses or commercial excavations are permitted.

OBJECTIVE 20.2: TRANSPORTATION

All road improvements within the Bayshore Community considered by the County, will address the community's goal to maintain its rural character and give preference to alternatives that allow existing roads to function at their current capacity.

POLICY 20.2.1: Routine maintenance of existing County roads will be continued.

POLICY 20.2.2: Any expansion of the state arterial roadways should include physically-separated provisions for bicyclists/pedestrians.

POLICY 20.2.3: Road capacity improvements needed within the Bayshore Community to serve demands generated outside the community will be designed to minimize the impacts on the community and its rural character.

POLICY 20.2.4: If a need to extend Del Prado Boulevard east of I-75 through the Bayshore Community is demonstrated, the corridor evaluation must include alternatives to using the existing Nalle Grade Road alignment. The evaluation will address (but not be limited to) access, safety and community character issues. Alternatives will be presented at evening public workshops within the Bayshore community.

OBJECTIVE 20.3: SEWER AND WATER

Given the desire to maintain a low residential density, new central sewage service is not economically feasible and is discouraged north of Bayshore Road. Central water service for enhanced fire protection will be encouraged where economically feasible.

POLICY 20.3.1: Central sewage service will be encouraged for existing high density developments south of Bayshore Road and for new developments that are required to provide such service under the provisions of Standard 11.2 of the Lee Plan.

POLICY 20.3.2: No landowner will be required to connect to central sewer or water utilities or be assessed for same unless a threat to public health can be documented, or if a new development proposes an intensity that exceeds the thresholds in Standards 11.1 and 11.2 of the Lee Plan.

OBJECTIVE 20.4: PARKS AND RECREATION

The County will explore, with the support of the residents of Bayshore, the feasibility of establishing an equestrian park as the primary recreation facility for this community.

POLICY 20.4.1: The support of the Bayshore residents may include assistance with development and maintenance of such a recreation facility.

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