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COMMUNITY DEVELOPMENT

March 23, 2021

Mrs. Sharon Jenkins-Owen, AICP
Lee County Development Services
1500 Monroe Street
Fort Myers, Florida 33901

REFERENCE: OWL CREEK - COMPREHENSIVE PLAN AMENDMENT
CPA2020-00004 (Map) & CPA2020-00005 (Text)

Dear Sharon:

This letter is written in response to the review comments dated October 21, 2020. With this letter we are submitting the following additional information requested for the project:

1. Revised Map Amendment List of Exhibits
2. Revised Map Application Page 1 (M1)
3. Revised Existing & Proposed Future Land Use Maps (M4)
4. Revised Metes & Bounds Legal Description (M7)
5. Revised Lee Plan Consistency, State & Regional Policy Plan Narrative (M11 & M18)/(T6, T9 & T10)
6. Revised Vegetation Map & Pending Wetland Jurisdictional Map (M12) & (T7)
7. Revised Public Facilities Impact Narrative (M14 & M16) & (T5)
 - a. Letter of No Objection from FGUA
8. Response from TR Transportation Consultants, Inc. (M15)/(T5)
9. Revised Justification of Proposed Amendment (M19)
10. North Olga and Alva Community Meeting Packages (M20)
11. Revised Preliminary Development Footprint
12. Hurricane Evacuation Analysis
13. Hydrogeologic Water Resources Report
14. Revised Text Amendment List of Exhibits
15. Revised Text Application Page 1 (T1)
16. Revised Proposed Text Changes including Tables 1(a) & 1(b) - (T4)
17. Revised Justification of Proposed Text Amendment

Presented below are responses to each review comment:

APPLICATION

Comment 1: Application Page 3. The subject property is within the Northeast Lee and North Olga Community planning areas. We understand that the North Olga meeting has been scheduled and the Alva community meeting is in the process of being scheduled. Please provide the public informational session summary documents per Lee Plan Policy 17.3.3 when available.

Response: *Please see attached public informational session summary documents for North Olga and Alva Community Plan areas.*

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TABLE 1(b)

Comment 2: Table 1(b) provides the population allotted to each Planning Community by Future Land Use category. The overall population is a number approved by the BOCC and the population must remain the same. When residential acreage is added to a category, the population increases, and a corresponding decrease is necessary in order to maintain the same population number.

As proposed, the community acreage has been increased over the amount of acreage available in the overall community. Also, the proposed Table 1(b) allocates more acreage to the Sub-Outlying Suburban than needed. Only the acreage within each lot should be reflected in the allocation acreage. The roadways and water management lakes should not be included in the acreage allocation. Since the population allocation in the Northeast Lee County community will be increased, a corresponding population reduction needs to be shown somewhere either in Northeast Lee or another Community. You may wish to contact Rick Burris at rburris@leegov.com (239-533-8526) for assistance with the population allocation.

Response: *Please see attached revised proposed Table 1(b) to show only the lot acreage of 80 acres instead of the 343 acres. Table 1(b) is a planning tool to help the County guide infrastructure planning as well as a system that was created to address State concerns in the overall accommodation capacity of the Lee Plan's Future Land Use Map. The Board of County Commissioners has not historically required this balancing out as projects such as the instant request take substantial time to fully develop and are subject to market conditions over multiple years with several opportunities to update the data in Table 1(b). If approved the applicant would expect the same treatment as other projects that have been approved in the past and have the staff be diligent in continually updating the data to assure that approved projects can be built. The Board of County Commissioners has not used this Table to stop approved development.*

LEGAL DESCRIPTION

Comment 3: The submitted legal description is not a metes and bounds description of the perimeter of the property. The sketch included does have calls for the perimeter of the parcels on the north and south sides of Owl and Trout Creeks. These descriptions should be incorporated into certified legal descriptions. If descriptions for the individual future land use categories are not included, the current wetland designations will remain as mapped.

Response: *Please see attached certified legal descriptions for the parcels on the north and south sides of Owl and Trout Creeks. The current wetland designation mapping is acknowledged since the wetland jurisdictional lines are still in the process of being determined. Please see updated Vegetation Map and pending wetland jurisdictional map. The pending jurisdictional wetlands onsite have changed so application page 1, narratives M11/M18 T6/T9/T10, M14/M16/T5 & M19, preliminary development footprint and proposed text changes have been revised and are attached.*

TRAFFIC CIRCULATION ANALYSIS

Comment 4: Table 2A: The trip generation for this project in PM peak hour will be 421 trips. This project is within TAZ3883 in the 2040 transportation model which is used for background traffic for the Year 2040. TAZ3883 only includes 17 single-family dwelling units and 2 multi-family units in the 2040 transportation model and does not reflect the current land uses requested. Therefore, 421 trips shall be used for 2040 PM peak hour level of service analysis (Table 2A).

Response: *Please see attached response from TR Transportation Consultants, Inc.*

Comment 5: Table 4A: 421 trips shall be also used for the 5-year level of service analysis.

Response: *Please see attached response from TR Transportation Consultants, Inc.*

Comment 6: Tables 2A and 4A: Buckingham Road needs to be revised to south of SR 80 in Tables 2A and 4A, not south of SR 31.

Response: *Please see attached response from TR Transportation Consultants, Inc.*

Comment 7: Table 2A: A 0.62 D-factor (Permanent #5) shall be used for North River Road in Table 2A.

Response: *Please see attached response from TR Transportation Consultants, Inc.*

UTILITIES

Comment 8: As required by Policy 56.1.1, please provide written confirmation that they do not object to the project receiving sanitary sewer service FGUA.

Response: *Please see attached letter from Lee County Utilities confirming they do not object to sanitary sewer service from FGUA for the project.*

Comment 9: The Public Facilities Impact Narrative for sanitary sewer states that the FGUA Del Prado plant's capacity is 4.25 MGD and the 2019 actual average daily flow was 5.205 MGD. Please explain how they are able to handle the additional Owl Creek flows.

Response: *The 5.205 MGD was the maximum average daily flow over a 12 month period in August 2019. The maximum three-month average daily flow was 4.087 in September 2019. The permitted capacity of 4.250 is annual average daily flow and not maximum. The submitted letter of availability from FGUA demonstrates that they have sufficient treatment capacity to accommodate the flows of up to 110,000 GPD which exceeds the 88,000 GPD. The Public Facilities Impact Narrative has been revised.*

Comment 10: Please revise the statement "Connection to the Lee County system would require constructing facilities on the existing SR 31 bridge which is not desired by LCU." LCU acknowledges that the connection is not possible since it's a draw bridge.

Response: *Please see revised Public Facilities Impact Narrative.*

LEE PLAN

Comment 11: Please update the Lee Plan Consistency narrative to include how the request is meeting Objective 17.1 and associated Policies with regards to amending the North Olga community plan text. Please note that proposed policy changes need to be supported by data and analysis.

Response: *Please see revised Lee Plan Consistency narrative, Hurricane Evacuation Analysis and Hydrogeological Water Resources Report.*

ENVIRONMENTAL

Comment 12: The wetland boundary lines provided do not appear to have been verified by an appropriate state agency. In order to change Wetlands on the FLUM, those wetlands need to be verified in accordance with Objective 1.5. Please address.

Response: *The current wetland designation mapping is acknowledged since the wetland jurisdictional lines are still in the process of being determined.*

Comment 13: Please discuss how the proposed project is consistent with Policy 101.3.2 as a portion of the development impacts wetlands which are within the Coastal High Hazard Area.

Response: *Wetland impacts have been adjusted so that the minimally impacted areas are for provision of public facilities such as storm water management or access only and not for any residential lots. Please see attached revised narrative.*

MISCELLANEOUS

Comment 14: Exhibits M-4 Existing & Proposed Future Land Use maps: The section of Policy 6.1.2 that allows for Neighborhood Commercial within ¼ mile of SR 31 only pertains to the North Olga Community Planning Area. Please delete the hatching associated with Policy 6.1.2 that extends into the Bayshore Planning Community Area.

Response: *Please see attached revised Exhibits M-4 Existing & Proposed Future Land Use maps.*

Comment 15: Staff is recommending a concurrent planned development rezoning be filed prior to being deemed sufficient to assist with the project analysis. At this time, it appears some of the proposed text amendments might be better addressed through the planned development site conditioning process. Once a concurrent planned development is submitted, staff and the applicant should continue to discuss the proposed text amendments.

Response: *Acknowledged. A concurrent planned development zoning is being filed.*

If you have any questions or I may be of further assistance, please feel free to contact me at our Fort Myers office.

Sincerely,
BANKS ENGINEERING



Stacy Ellis Hewitt, AICP
Director of Planning

SEH:jms



Professional Engineers, Planners & Land Surveyors

OWL CREEK
Comprehensive Plan Amendment
List of Exhibits by Application Section
CPA2020-00004
Revised March 2021

Revisions this submittal shown in bold underline text.

1. Exhibit M1 – Application **Page 1 revised March 2021**
2. Exhibit M2 - Filing Fee
3. Exhibit M3 - Disclosure of Interest
 - a. Talon Ventures, LLC
 - b. D.R. Horton, Inc.
4. Exhibit M3 - Variance Report
 - a. Surrounding Property Owners List
 - b. Mailing Labels
 - c. Map of Parcels within 500 Feet
5. Exhibit M4 - Future Land Use Map
 - a. Existing **Revised March 2021**
 - b. Proposed **Revised March 2021**
6. Exhibit M5 & M6 - Map & Designation of Existing Land Uses & Zoning, including
 - a. Map of Existing Land Uses
 - b. Map of Existing Zoning
 - c. Description Narrative of Existing Land Uses & Zoning
 - d. Partial Release of Conservation Easement – parcel adjacent to west
7. Exhibit M7 - Signed/Sealed Legal Description & Sketch for each FLUC Proposed
 - a. Legal Descriptions **Revised March 2021**
 - b. Boundary Survey
8. Exhibit M8 - Deed of Subject Property
9. Exhibit M9 - Aerial Map Showing the Subject Property & Surrounding Properties
10. Exhibit M10 - Authorization Letter from the Property Owner, including
 - a. Talon Ventures, LLC
 - b. D.R Horton, Inc.
11. Exhibit M11 & M18 - Lee Plan Consistency & State-Regional Plans **Revised March 2021**
12. Exhibit M12 - Environmental Impacts Analysis **Revised Vegetation Map & Wetland Map March 2021**
13. Exhibit M13 - Historical Resources Impact Analysis, including
 - a. Archaeological Sensitivity Map
 - b. Analysis of Potential Impacts to Cultural Resources Report
14. Exhibit M14 & M16 - Public Facilities Impact Analysis & Existing & Future Conditions Analysis **Revised March 2021**
 - a. **Letter of no objection from LCU for sanitary sewer connection to FGUA**
15. Exhibit M15 - Traffic Circulation Analysis **Supplemented March 2021**
16. Exhibit M17 - Letters of Determination for Adequacy and copies of requests

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- a. Bayshore Fire Protection & Rescue Service District
 - b. Division of Emergency Medical Services
 - c. Lee County Utilities
 - d. Lee County Transit
 - e. School District of Lee County
 - f. Lee County Sheriff's Office
 - g. Lee County Solid Waste Department
 - h. FGUA Wastewater
17. Exhibit M19 - Justification of Proposed Amendment **Revised March 2021**
18. Exhibit M20 - Planning Community Requirements **Revised March 2021**
- a. **Summary of North Olga Planning Community Public Information Meeting**
 - b. **Summary of Alva Planning Community Public Information Meeting**
19. Additional Support Document:
- a. Amendment to Lee Plan Map 6 - Future Water Service Areas
 - b. Preliminary Development Footprint **Revised March 2021**
 - c. Proposed Text Amendment Language
 - i. North Olga Community Plan New Objectives and Policies **Revised March 2021**
 - ii. Table 1(a) **Revised March 2021**
 - iii. Table 1(b) **Revised March 2021**
 - d. **Hurricane Evacuation Analysis**
 - e. **Water Resources Report**

Application

(Exhibit M1)

CPA2020-00004

Page 1 Revised March 2021



APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - MAP

Project Name: Owl Creek

Project Description: FLUM amendment from Rural/Wetlands to Sub-Outlying Suburban with associated text amendments to accommodate up to 440 residential dwelling units (increase of 213 dwelling units) and include within Lee County Utilities Future Water Service area.

Map(s) to Be Amended: Map 1, Page 1 (FLUM), Map 6 – Lee County Utilities Future Water Service Area

State Review Process: ☐ Small-Scale Review ☐ State Coordinated Review ☒ Expedited State Review

1. Name of Applicant: D.R. Horton, Inc.

Address: 10541 Six Mile Cypress Pkwy

City, State, Zip: Fort Myers, FL 33966

Phone Number: 239-225-2600

E-mail: JWEverett@drhorton.com

2. Name of Contact: Stacy Ellis Hewitt, AICP – Banks Engineering

Address: 10511 Six Mile Cypress Pkwy

City, State, Zip: Fort Myers, FL 33966

Phone Number: (239) 770-2527/(239) 939-5490

E-mail: SHewitt@bankseng.com

3. Owner(s) of Record: Talon Ventures, LLC

Address: 10 Wimbledon Court

City, State, Zip: Frisco, TX 75034

Phone Number: _____

E-mail: _____

4. Property Location:

1. Site Address: 12850 N. River Road, 18420 & 17900 Owl Creek Drive

2. STRAP(s): 18-43-26-00-00002.0020; 18-43-26-00-00002.0000 & 19-43-26-00-00002.1020

5. Property Information:

Total Acreage of Property: ±342.68

Total Acreage Included in Request: ±342.68

Total Uplands: ±217.65 ac & ±3.69 ac ditches Total Wetlands: ±114.84 ac & ±6.5 ac natural SW/OSW Current Zoning: AG-2

Current Future Land Use Category(ies): Rural & Wetlands

Area in Each Future Land Use Category: Rural: ±217.65±3.69 ac ditches=±221.34/Wetlands: ±114.84 ac & ±6.5 ac SW/OSW

Existing Land Use: Agricultural Grazing Lands

6. Calculation of maximum allowable development under current Lee Plan:

Residential Units/Density: 227*

Commercial Intensity: _____

Industrial Intensity: _____

*Uplands including artificial ditches @ 1du/ac & Wetlands @ 1du/20 ac (no density for natural SW/OSW)

7. Calculation of maximum allowable development with proposed amendments:

Residential Units/Density: 440

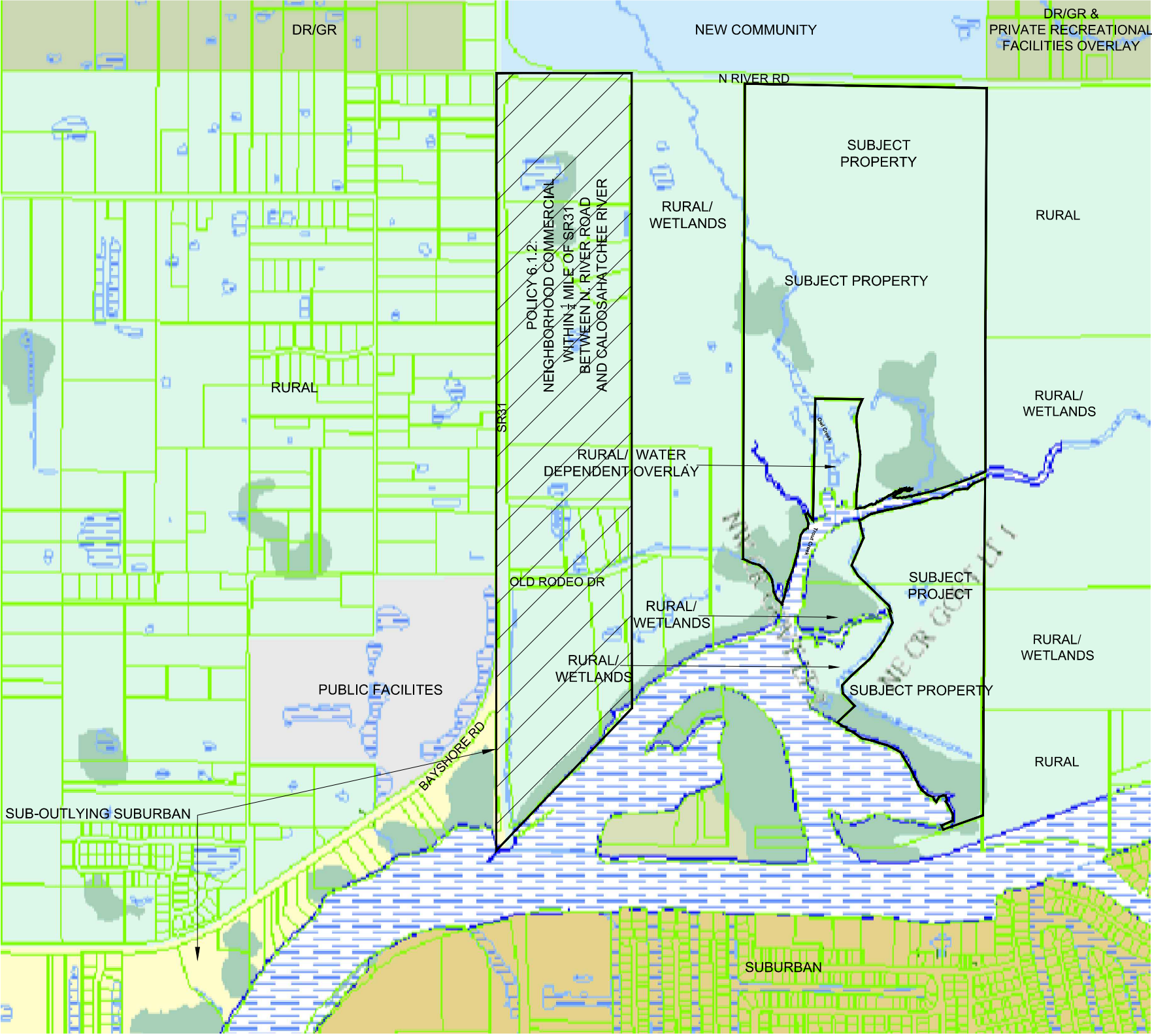
Commercial Intensity: _____

Industrial Intensity: _____

Future Land Use Map - Existing & Proposed (Exhibit M4)

CPA2020-00004
Revised March 2021

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☒ Future Urban Areas

- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Outlying Suburban
- Sub-Outlying Suburban
- Commercial
- Industrial
- Public Facilities
- University Community
- Burnt Store Marina Village

☒ Non-Urban Areas

- Rural
- Rural Community Preserve
- Coastal Rural
- Outer Island
- Open Lands
- Density Reduction/Groundwater Resource
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland

☒ Special Urban Areas

- Industrial Interchange
- General Interchange
- General Commercial Interchange
- Industrial Commercial Interchange
- University Village Interchange
- New Community
- Tradeport
- Airport

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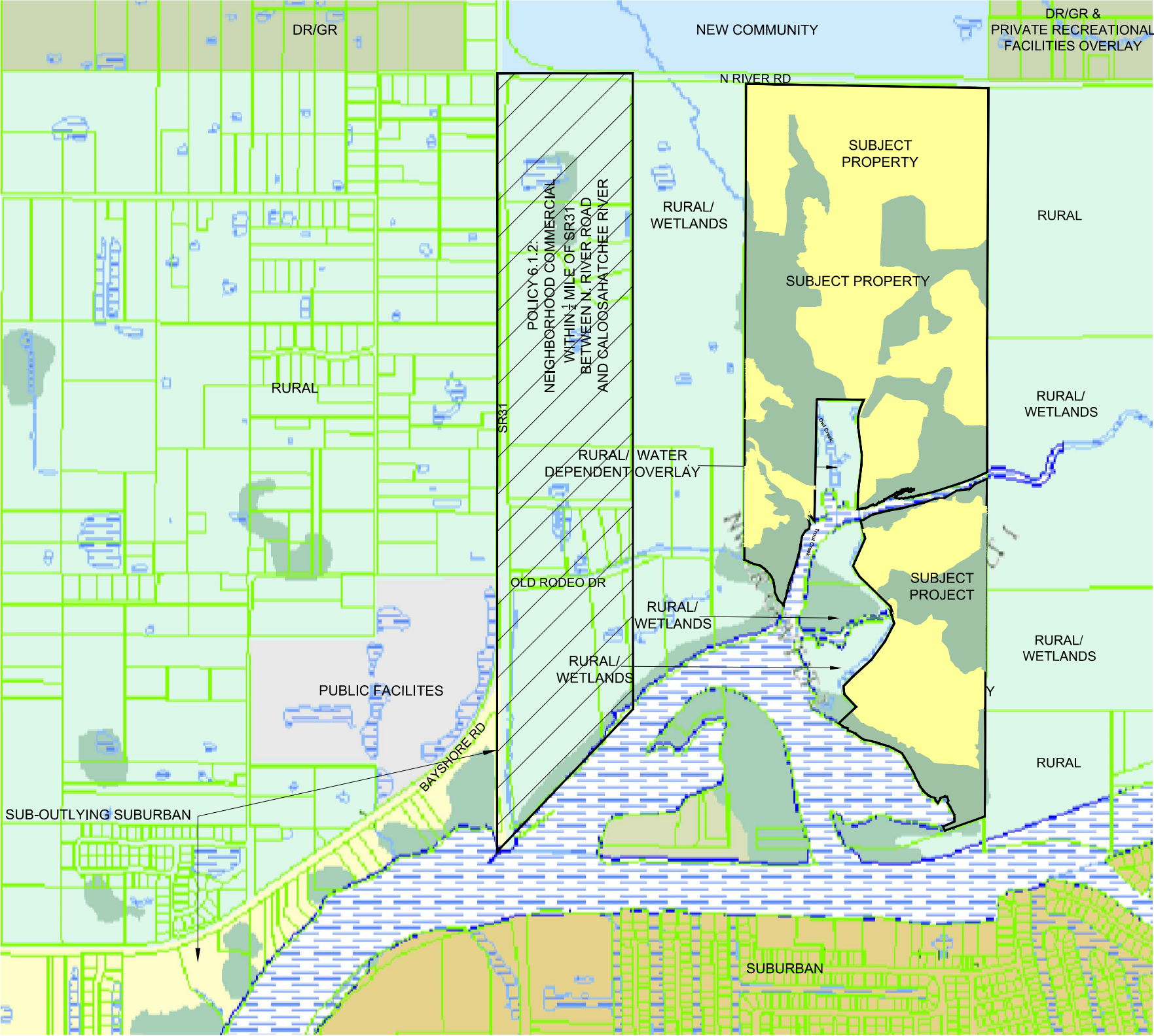
10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

EXISTING FUTURE LAND USE MAP EXHIBIT-M4
OWL CREEK
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
08/24/2020	8504	_EXHIBIT	KG	KG	DRU	N.T.S.	01

REVISED 01/05/2021

S:\JOBS\85XX\8504\EXHIBITS\8504_FUTURE LAND USED.DWG 1/6/2021 7:55 AM KEVIN GONZALEZ



☒ Future Urban Areas

- ☐ Intensive Development
- ☐ Central Urban
- ☐ Urban Community
- ☐ Suburban
- ☐ Outlying Suburban
- ☐ Sub-Outlying Suburban
- ☐ Commercial
- ☐ Industrial
- ☐ Public Facilities
- ☐ University Community
- ☐ Burnt Store Marina Village

☒ Non-Urban Areas

- ☐ Rural
- ☐ Rural Community Preserve
- ☐ Coastal Rural
- ☐ Outer Island
- ☐ Open Lands
- ☐ Density Reduction/Groundwater Resource
- ☐ Conservation Lands - Upland
- ☐ Wetlands
- ☐ Conservation Lands - Wetland

☒ Special Urban Areas

- ☐ Industrial Interchange
- ☐ General Interchange
- ☐ General Commercial Interchange
- ☐ Industrial Commercial Interchange
- ☐ University Village Interchange
- ☐ New Community
- ☐ Tradeport
- ☐ Airport

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PROPOSED FUTURE LAND USE MAP EXHIBIT-M4

OWL CREEK
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
08/24/2020	8504	_EXHIBIT	KG	KG	DRU	N.T.S.	01

REVISED 01/05/2021

Signed & Sealed Legal Description & Sketch for Each FLUC Proposed (Exhibit M7)

CPA2020-00004

M7-1 Legal Description & Sketch Revised March 2021

BBL SURVEYORS, INC.
8860 TERRENE COURT,
BONITA SPRINGS, FLORIDA 34135
TELEPHONE: (239) 597-1315
FAX: (239) 597-5207

LEGAL DESCRIPTION

OWL CREEK

A PORTION OF SECTIONS 18 AND 19, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.01°16'39"W., ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, FOR A DISTANCE OF 50.01 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF NORTH RIVER ROAD (STATE ROAD 78), A 100 FOOT WIDE RIGHT OF WAY, THE SAME BEING THE **POINT OF BEGINNING** OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.88°52'22"E., ALONG SAID SOUTHERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 2,392.11 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 11,509.16 FEET AND A CENTRAL ANGLE OF 00°53'50"; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE, A DISTANCE OF 180.24 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE RUN S.00°23'24"W., ALONG SAID EAST LINE, FOR A DISTANCE OF 2,608.43 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE RUN S.00°20'37"W., ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, FOR A DISTANCE OF 1,447.29 FEET TO A POINT HEREINAFTER REFERED TO AS **POINT "A"**, THE SAME BEING A POINT ON THE MEAN HIGH WATER LINE OF TROUT CREEK (ELEVATION 0.03 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE RUN S.63°09'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 68.12 FEET; THENCE RUN S.66°53'17"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 63.33 FEET; THENCE RUN S.70°27'15"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.63 FEET; THENCE RUN S.64°37'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.06 FEET; THENCE RUN S.77°10'24"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.94 FEET; THENCE RUN S.67°19'24"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 49.00 FEET; THENCE RUN S.66°42'36"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF

31.31 FEET; THENCE RUN S.80°37'35"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.70 FEET; THENCE RUN S.49°00'39"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 25.62 FEET; THENCE RUN S.65°48'12"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 63.16 FEET; THENCE RUN S.74°36'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 79.06 FEET; THENCE RUN S.73°49'33"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 76.39 FEET; THENCE RUN S.77°28'30"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 81.85 FEET; THENCE RUN S.82°44'45"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 86.96 FEET; THENCE RUN S.69°49'00"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 63.53 FEET; THENCE RUN S.83°38'00"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 84.05 FEET; THENCE RUN N.64°43'19"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 10.65 FEET; THENCE RUN N.10°04'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 17.28 FEET; THENCE RUN N.67°36'56"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 63.76 FEET; THENCE RUN N.75°31'42"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 84.91 FEET; THENCE RUN N.67°43'57"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 42.46 FEET; THENCE RUN N.48°46'12"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 15.77 FEET; THENCE RUN N.22°03'58"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.88 FEET; THENCE RUN N.67°46'02"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 56.48 FEET; THENCE RUN N.53°42'12"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 56.78 FEET; THENCE RUN N.09°10'30"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 71.37 FEET; THENCE RUN N.18°38'24"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 45.27 FEET; THENCE RUN N.36°09'14"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 54.90 FEET; THENCE RUN N.35°53'09"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 55.09 FEET; THENCE RUN N.01°19'19"E. ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.41 FEET; THENCE RUN N.32°33'04"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 51.20 FEET; THENCE RUN N.07°39'06"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 57.91 FEET; THENCE RUN N.06°39'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 79.50 FEET; THENCE RUN N.36°15'06"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 133.80 FEET; THENCE RUN N.13°17'04"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 69.67 FEET; THENCE RUN N.51°38'20"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 56.94 FEET; THENCE RUN N.09°17'06"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 57.33 FEET; THENCE RUN S.47°33'50"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.48 FEET; THENCE RUN S.52°35'15"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 71.39 FEET; THENCE RUN S.26°00'04"W., ALONG SAID MEAN HIGH WATER LINE, FOR A

DISTANCE OF 44.07 FEET; THENCE RUN S.05°32'36"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 123.25 FEET; THENCE RUN S.35°01'53"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 91.33 FEET; THENCE RUN S.50°35'34"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 85.61 FEET; THENCE RUN S.10°34'53"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.93 FEET; THENCE RUN S.21°26'11"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 36.72 FEET; THENCE RUN S.40°17'20"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.23 FEET; THENCE RUN S.35°18'25"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 42.17 FEET; THENCE RUN S.42°33'03"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 45.18 FEET; THENCE RUN S.41°13'28"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.71 FEET; THENCE RUN S.18°57'53"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 40.71 FEET; THENCE RUN S.02°39'27"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 43.57 FEET; THENCE RUN S.18°07'05"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.46 FEET; THENCE RUN S.67°10'19"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 48.51 FEET; THENCE RUN S.75°56'36"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.05 FEET; THENCE RUN S.56°00'26"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 40.96 FEET; THENCE RUN S.04°07'53"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 15.13 FEET; THENCE RUN S.02°20'53"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.76 FEET; THENCE RUN S.83°41'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 17.10 FEET; THENCE RUN N.81°54'26"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 32.46 FEET; THENCE RUN S.72°46'26"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 51.87 FEET; THENCE RUN N.79°37'03"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 77.30 FEET; THENCE RUN S.43°53'28"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 29.96 FEET; THENCE RUN S.64°51'44"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.22 FEET; THENCE RUN S.67°25'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.97 FEET; THENCE RUN S.63°29'01"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 21.10 FEET; THENCE RUN S.63°09'28"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 50.02 FEET; THENCE RUN S.55°16'21"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 81.31 FEET; THENCE RUN S.61°20'10"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 66.81 FEET; THENCE RUN S.67°49'59"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 48.47 FEET; THENCE RUN S.72°10'03"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 58.79 FEET; THENCE RUN S.78°14'00"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 49.72 FEET; THENCE RUN S.64°42'00"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.28 FEET; THENCE RUN S.38°23'32"W., ALONG SAID MEAN HIGH WATER

LINE, FOR A DISTANCE OF 10.59 FEET; THENCE RUN N.89°16'27"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 20.26 FEET; THENCE LEAVING SAID MEAN HIGH WATER LINE, RUN N.00°43'09"E., FOR A DISTANCE OF 121.86 FEET; THENCE RUN N.07°03'43"E., FOR A DISTANCE OF 300.00 FEET; THENCE RUN N.02°16'53"E., FOR A DISTANCE OF 100.00 FEET; THENCE RUN N.07°27'32"W., FOR A DISTANCE OF 299.99 FEET; THENCE RUN N.01°23'52"W., FOR A DISTANCE OF 100.00 FEET; THENCE RUN N.13°23'08"E., FOR A DISTANCE OF 100.00 FEET; THENCE RUN N.23°42'08"E., FOR A DISTANCE OF 99.22 FEET; THENCE RUN N.88°52'07"W., FOR A DISTANCE OF 500.00 FEET; THENCE RUN S.01°07'53"W., FOR A DISTANCE OF 1,252.34 FEET TO SAID MEAN HIGH WATER LINE OF TROUT CREEK (ELEVATION 0.03 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE RUN S.59°33'49"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 66.58 FEET; THENCE RUN S.19°55'43"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 17.96 FEET; THENCE RUN S.53°18'36"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.47 FEET; THENCE RUN S.26°06'00"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 82.56 FEET; THENCE RUN S.05°34'19"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 68.70 FEET; THENCE RUN S.07°11'04"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 29.90 FEET; THENCE RUN S.07°54'16"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 11.85 FEET; THENCE RUN S.12°21'57"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 78.12 FEET; THENCE RUN S.10°40'48"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.89 FEET; THENCE RUN S.21°15'12"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 20.19 FEET; THENCE RUN S.10°05'07"W. ALONG SAID MEAN HIGH WATER LINE,, FOR A DISTANCE OF 34.32 FEET; THENCE RUN S.16°26'09"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 51.67 FEET; THENCE RUN S.20°15'30"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 28.82 FEET; THENCE RUN S.18°57'28"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 36.38 FEET; THENCE RUN S.15°47'44"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 34.13 FEET; THENCE RUN S.16°28'26"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 59.42 FEET; THENCE RUN S.12°32'34"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.60 FEET; THENCE RUN S.23°08'17"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 62.09 FEET; THENCE RUN S.15°16'02"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.53 FEET; THENCE RUN S.18°12'29"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 115.02 FEET; THENCE RUN S.03°19'16"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 4.78 FEET; THENCE LEAVING SAID MEAN HIGH WATER LINE, RUN N.47°23'44"W., FOR A DISTANCE OF 78.47 FEET; THENCE RUN N.24°12'11"W., FOR A DISTANCE OF 91.43 FEET; THENCE RUN N.03°48'12"W., FOR A DISTANCE OF 29.62 FEET; THENCE RUN N.06°50'11"W., FOR A DISTANCE OF 34.61 FEET; THENCE RUN N.08°54'45"W., FOR A DISTANCE OF 28.95 FEET;

THENCE RUN N.12°43'52"W., FOR A DISTANCE OF 39.18 FEET; THENCE RUN N.28°20'46"W. ,FOR A DISTANCE OF 39.90 FEET; THENCE RUN N.32°06'08"W., FOR A DISTANCE OF 30.67 FEET; THENCE RUN N.45°59'51"W., FOR A DISTANCE OF 43.84 FEET; THENCE RUN N.40°53'39"W., FOR A DISTANCE OF 33.01 FEET; THENCE RUN N.53°48'26"W., FOR A DISTANCE OF 60.20 FEET; THENCE RUN N.75°05'44"W., FOR A DISTANCE OF 54.64 FEET; THENCE RUN N.71°07'07"W., FOR A DISTANCE OF 40.46 FEET; THENCE RUN N.62°42'59"W., FOR A DISTANCE OF 34.22 FEET; THENCE RUN N.66°57'30"W., FOR A DISTANCE OF 51.84 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE RUN N.00°16'39"E., ALONG SAID WEST LINE, AND THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18, FOR A DISTANCE OF 5,052.72 FEET TO THE **POINT OF BEGINNING**. CONTAINING 11,154,906 SQUARE FEET OR 256.083 ACRES, MORE OR LESS.

AND

COMMENCE AT THE AFOREMENTIONED **POINT "A"**; THENCE RUN S.00°20'37"W., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 18, FOR A DISTANCE OF 77.70 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL OF LAND HEREIN DESCRIBED, THE SAME BEING A POINT ON THE MEAN HIGH WATER LINE OF TROUT CREEK (ELEVATION 0.03 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988) ;THENCE LEAVING SAID MEAN HIGH WATER LINE RUN S.00°20'37"W., FOR A DISTANCE OF 1,134.17 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 19; THENCE RUN S.00°18'34"W., ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 19, FOR A DISTANCE OF 2,480.58 FEET TO THE NORTHERLY LINE OF SOUTH FLORIDA WATER MANAGEMENT DISTRICT CANAL 43 RIGHT OF WAY (A 800.00 FOOT WIDE RIGHT OF WAY); THENCE RUN S.71°02'37"W., ALONG SAID NORTHERLY LINE, FOR A DISTANCE OF 384.61 FEET TO THE MEAN HIGH WATER LINE OF THE CALOOSAHATCHEE RIVER (ELEVATION 0.23 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE RUN N.52°44'09"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 86.87 FEET; THENCE RUN N.23°50'54"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 68.13 FEET; THENCE RUN N.10°38'48"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.58 FEET; THENCE RUN N.09°06'55"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 42.95 FEET; THENCE RUN N.32°14'07"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.88 FEET; THENCE RUN N.43°39'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.79 FEET; THENCE RUN N.34°08'38"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 41.08 FEET; THENCE RUN N.54°52'16"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 60.65 FEET; THENCE RUN N.87°04'33"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 55.75 FEET; THENCE RUN N.49°55'04"E., ALONG SAID MEAN

HIGH WATER LINE, FOR A DISTANCE OF 45.69 FEET; THENCE RUN N.28°07'43"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 46.00 FEET; THENCE RUN N.56°19'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 17.93 FEET; THENCE RUN S.36°51'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.99 FEET; THENCE RUN S.71°55'20"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.45 FEET; THENCE RUN S.89°48'27"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 25.16 FEET; THENCE RUN N.63°29'40"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.19 FEET; THENCE RUN S.77°12'19"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 81.07 FEET; THENCE RUN S.87°13'04"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 71.51 FEET; THENCE RUN S.86°14'38"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 51.39 FEET; THENCE RUN N.32°39'35"W. ALONG SAID MEAN HIGH WATER LINE,, FOR A DISTANCE OF 39.89 FEET; THENCE RUN N.46°07'12"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 55.49 FEET; THENCE RUN N.48°12'13"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 67.15 FEET; THENCE RUN N.30°38'49"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.85 FEET; THENCE RUN N.25°28'33"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 64.46 FEET; THENCE RUN N.28°26'17"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 48.85 FEET; THENCE RUN N.24°27'43"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 67.21 FEET; THENCE RUN N.23°43'59"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 68.49 FEET; THENCE RUN N.44°29'30"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.93 FEET; THENCE RUN N.32°47'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.03 FEET; THENCE RUN N.37°30'31"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.12 FEET; THENCE RUN N.72°02'02"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 37.99 FEET; THENCE RUN N.66°54'09"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 50.25 FEET; THENCE RUN N.76°40'16"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.57 FEET; THENCE RUN N.62°41'50"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 29.07 FEET; THENCE RUN N.57°22'45"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.85 FEET; THENCE RUN S.81°19'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 24.79 FEET; THENCE RUN S.86°10'29"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 20.72 FEET; THENCE RUN N.68°13'44"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 70.32 FEET; THENCE RUN N.62°52'25"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 25.24 FEET; THENCE RUN N.76°26'43"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 42.82 FEET; THENCE RUN N.86°37'33"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.07 FEET; THENCE RUN N.66°30'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.15 FEET; THENCE RUN N.59°53'05"W.,

ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.24 FEET; THENCE RUN N.63°30'36"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.41 FEET; THENCE RUN N.56°41'32"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 40.31 FEET; THENCE RUN N.61°46'56"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 24.48 FEET; THENCE RUN N.71°57'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.15 FEET; THENCE RUN N.60°34'35"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 28.45 FEET; THENCE RUN N.52°43'10"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.94 FEET; THENCE RUN N.40°26'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 13.97 FEET; THENCE RUN N.69°12'09"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 50.97 FEET; THENCE RUN N.75°09'23"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.53 FEET; THENCE RUN N.71°05'34"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 29.39 FEET; THENCE RUN N.50°55'57"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 7.35 FEET; THENCE LEAVING SAID MEAN HIGH WATER LINE, RUN N.48°06'50"E., FOR A DISTANCE OF 270.43 FEET; THENCE RUN N.42°11'10"W., FOR A DISTANCE OF 184.68 FEET; THENCE RUN N.03°40'10"W., FOR A DISTANCE OF 86.00 FEET; THENCE RUN N.44°50'41"E., FOR A DISTANCE OF 140.43 FEET; THENCE RUN N.48°53'50"E., FOR A DISTANCE OF 266.81 FEET; THENCE RUN N.37°56'50"E., FOR A DISTANCE OF 235.27 FEET; THENCE RUN N.28°49'50"E., FOR A DISTANCE OF 219.46 FEET; THENCE RUN N.15°00'10"W., FOR A DISTANCE OF 137.17 FEET; THENCE RUN S.74°59'50"W., FOR A DISTANCE OF 18.55 FEET; THENCE RUN N.15°00'10"W., FOR A DISTANCE OF 53.03 FEET; THENCE RUN N.44°37'10"W., FOR A DISTANCE OF 466.55 FEET; THENCE RUN N.29°52'10"W., FOR A DISTANCE OF 128.59 FEET; THENCE RUN N.24°50'50"E., FOR A DISTANCE OF 318.05 FEET; THENCE RUN N.13°28'44"W., FOR A DISTANCE OF 177.41 FEET TO SAID MEAN HIGH WATER LINE OF TROUT CREEK (ELEVATION 0.03 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE RUN N.68°36'37"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 118.44 FEET; THENCE RUN N.64°26'22"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.89 FEET; THENCE RUN N.64°03'20"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 59.04 FEET; THENCE RUN N.75°59'50"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 70.51 FEET; THENCE RUN N.73°52'12"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 36.64 FEET; THENCE RUN N.81°37'22"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 38.71 FEET; THENCE RUN N.76°10'56"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 61.09 FEET; THENCE RUN N.81°10'49"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 43.63 FEET; THENCE RUN N.79°19'30"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.70 FEET; THENCE RUN N.76°16'15"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 54.20 FEET; THENCE RUN N.78°48'20"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF

120.20 FEET; THENCE RUN N.79°41'31"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.54 FEET; THENCE RUN N.75°23'35"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 99.29 FEET; THENCE RUN N.71°46'47"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 45.73 FEET; THENCE RUN N.77°14'48"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.77 FEET; THENCE RUN N.73°38'17"E. ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 131.49 FEET; THENCE RUN N.64°38'32"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 113.85 FEET; THENCE RUN N.64°07'37"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.99 FEET; THENCE RUN N.64°53'28"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 84.52 FEET; THENCE RUN N.64°11'02"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 86.91 FEET; THENCE RUN N.64°11'54"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 80.97 FEET TO **THE POINT OF BEGINNING.**

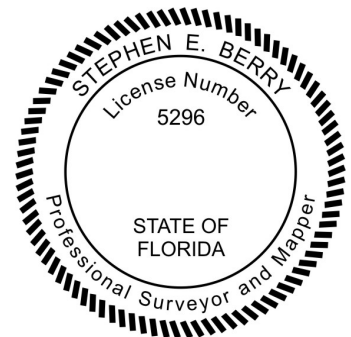
CONTAINING 3,772,203 SQUARE FEET OR 86.598 ACRES, MORE OR LESS.

TOTAL AREA OR PROPERTY DESCRIBED HEREIN IS 14,927,109 SQUARE FEET OR 342.68 ACRES, MORE OR LESS.

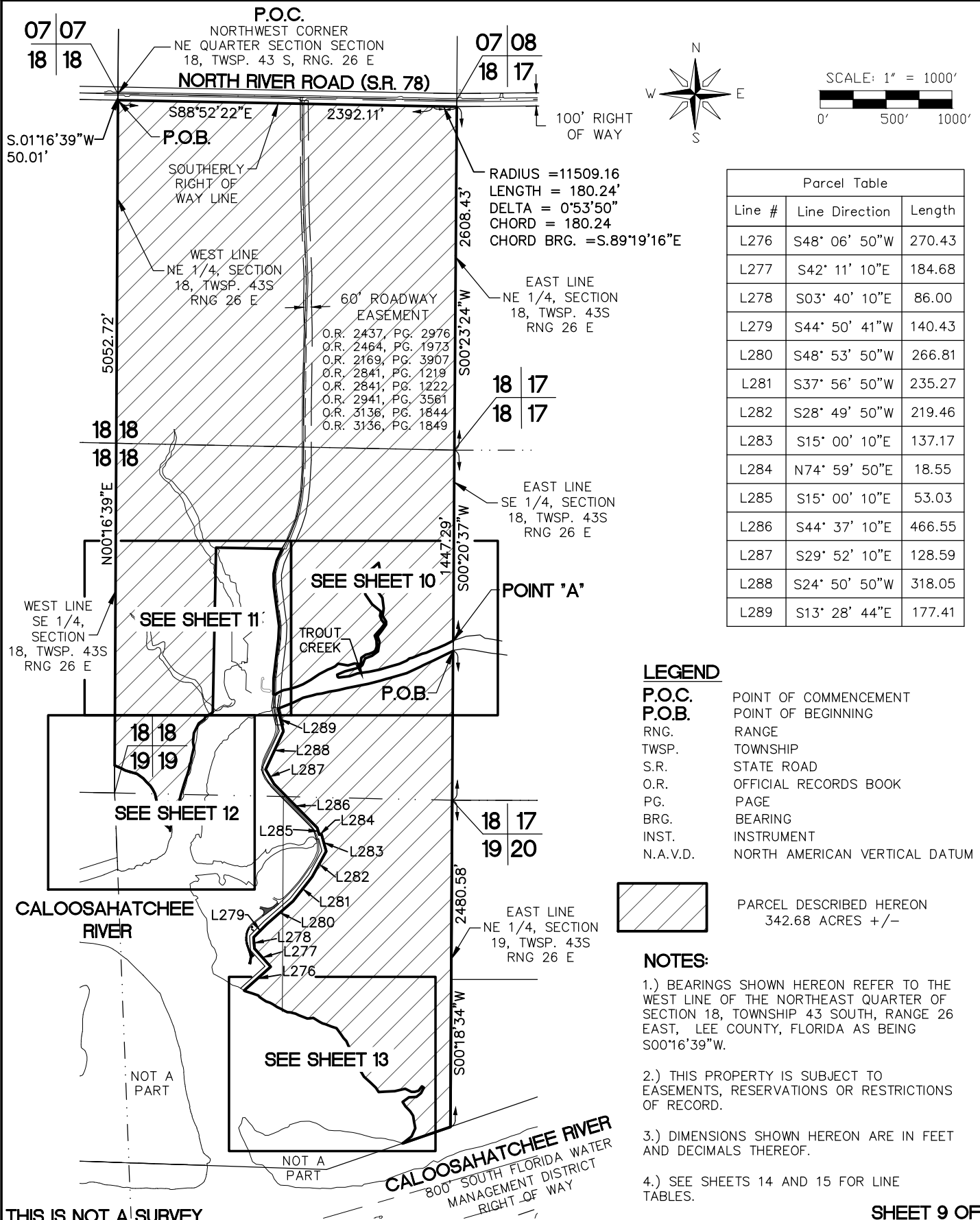
BEARINGS REFER TO THE WEST LINE THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, HAVING A BEARING OF S.00°16'39"W.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

_____, 01/25/21
STEPHEN E. BERRY, STATE OF FLORIDA, (L.S. #5296)
BBL SURVEYORS, INC., (L.B. #8033)
PROOFED BY SEB



SEE ATTACHED SKETCH (SHEET 9 OF 15 THROUGH SHEET 15 OF 15)



THIS IS NOT A SURVEY

SHEET 9 OF 15

SCALE: AS NOTED APPROVED: SEB DRAWN BY: SEB FILE: SEE DAYSTAMP DATE: 01/21/21	SKETCH TO ACCOMPANY LEGAL DESCRIPTION OWL CREEK A PORTION OF SECTIONS 18 AND 19, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA	BBL'S SURVEYORS, INC. 8860 TERRENE COURT BONITA SPRINGS, FLORIDA 34135 (239) 597-1315
--	--	---

\\NAS\DATA\PROJECTS\2020\2020\30 DVL CREEK\LEGAL & SKETCH\01 21\2020 DVL CREEK LEGAL & SKETCH.DWG

SEE SHEET 1

18 17
18 17SCALE: 1" = 200'
0' 100' 200'EAST LINE
SE 1/4, SECTION
18, TWP. 43S
RNG 26 E**LEGEND****P.O.C.**
P.O.B.

POINT OF COMMENCEMENT
POINT OF BEGINNING
RNG. RANGE
TWP. TOWNSHIP
S.R. STATE ROAD
O.R. OFFICIAL RECORDS BOOK
PG. PAGE
BRG. BEARING
INST. INSTRUMENT
N.A.V.D. NORTH AMERICAN VERTICAL DATUM

P.O.C.
'POINT A'S.00°20'37"W
77.70'**P.O.B.**PARCEL DESCRIBED HEREON
342.68 ACRES +/-**NOTES:**

- 1.) BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA AS BEING S00°16'39"W.
- 2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
- 4.) SEE SHEETS 14 AND 15 FOR LINE TABLES.

18 17
19 20

SEE SHEET 1

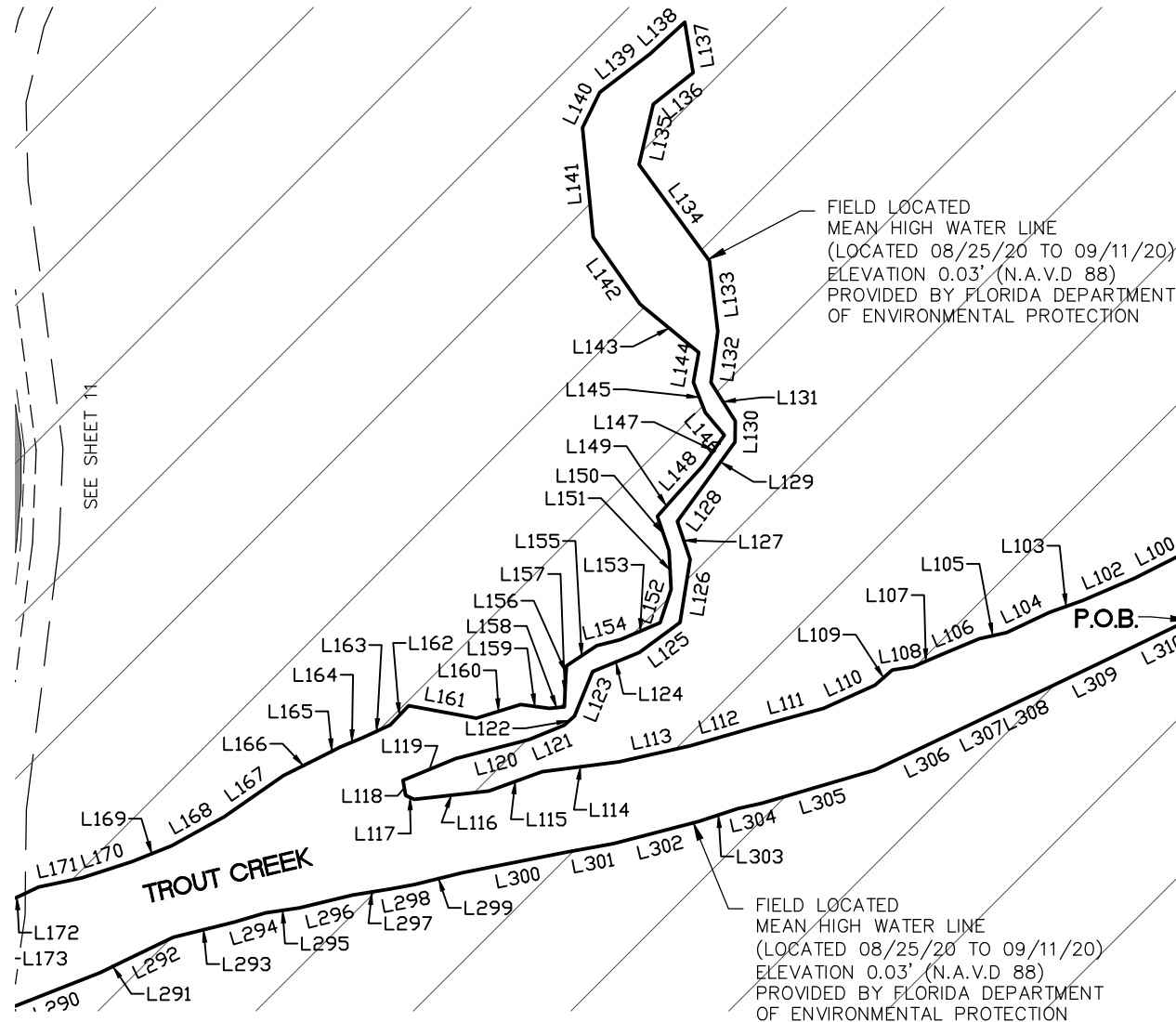
SHEET 10 OF 15**SKETCH TO ACCOMPANY LEGAL DESCRIPTION
OWL CREEK**

A PORTION OF SECTIONS 18 AND 19,
TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

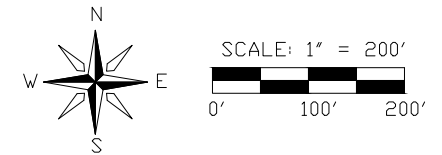
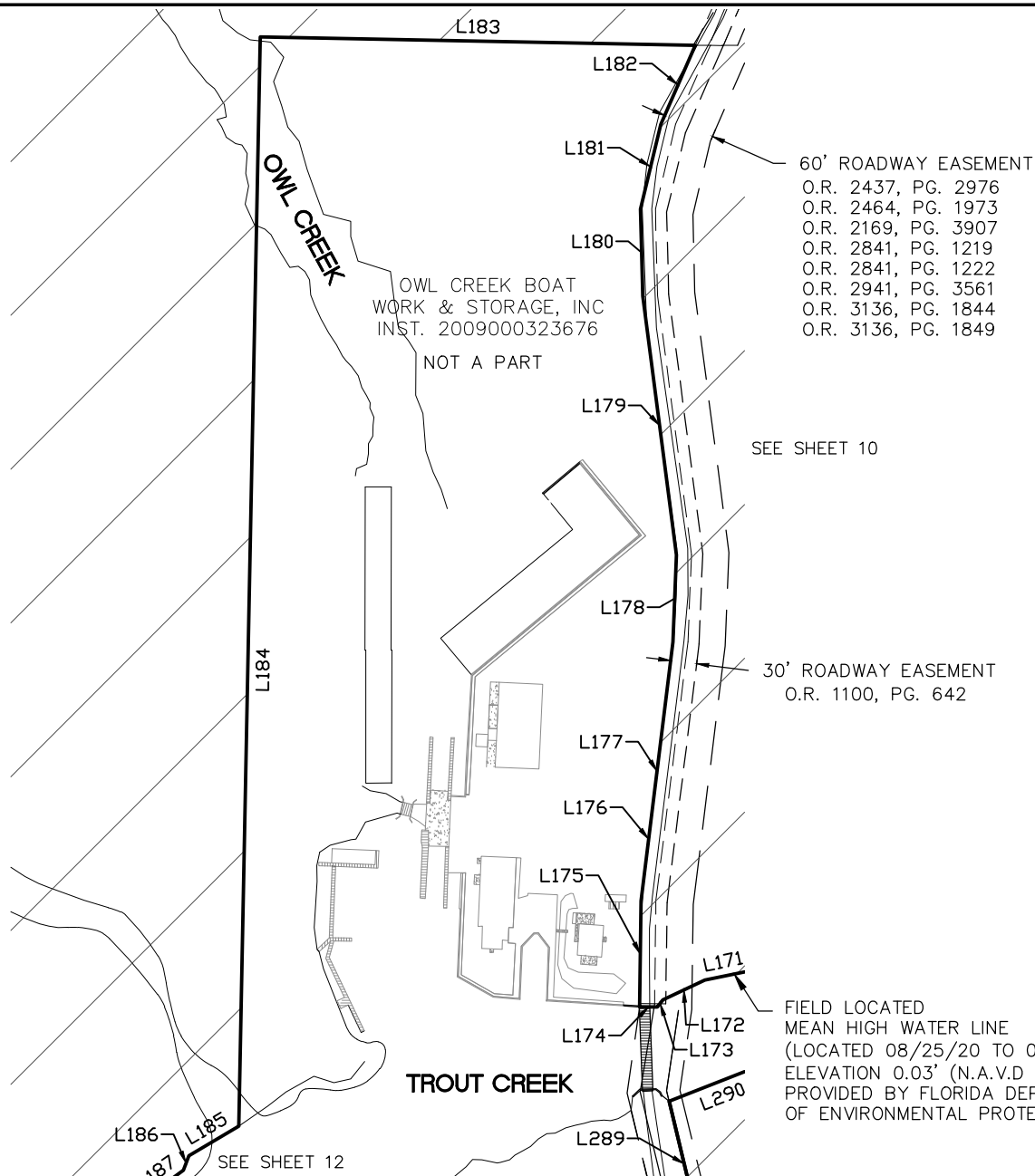
BBL'S SURVEYORS, INC.
8860 TERRENE COURT
BONITA SPRINGS,
FLORIDA 34135
(239) 597-1315

THIS IS NOT A SURVEY

SCALE: AS NOTED
APPROVED: SEB
DRAWN BY: SEB
FILE: SEE DAYSTAMP
DATE: 01/21/21



\\NAS\DATA\PROJECTS\2020\2030 DWL CREEK\LEGAL & SKETCH 01 21 21\2030 DWL CREEK\LEGAL & SKETCH.DWG



LEGEND

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
RNG.	RANGE
TWSP.	TOWNSHIP
S.R.	STATE ROAD
O.R.	OFFICIAL RECORDS BOOK
PG.	PAGE
BRG.	BEARING
INST.	INSTRUMENT
N.A.V.D.	NORTH AMERICAN VERTICAL DATUM



PARCEL DESCRIBED HEREON
342.68 ACRES +/-

NOTES:

- 1.) BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA AS BEING S00°16'39"W.
- 2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
- 4.) SEE SHEETS 14 AND 15 FOR LINE TABLES.

FIELD LOCATED
MEAN HIGH WATER LINE
(LOCATED 08/25/20 TO 09/11/20)
ELEVATION 0.03' (N.A.V.D 88)
PROVIDED BY FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

THIS IS NOT A SURVEY

SCALE:	AS NOTED
APPROVED:	SEB
DRAWN BY:	SEB
FILE:	SEE DAYSTAMP
DATE:	01/21/21

SKETCH TO ACCOMPANY LEGAL DESCRIPTION OWL CREEK

**A PORTION OF SECTIONS 18 AND 19,
TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA**

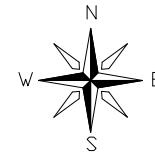
BBL'S SURVEYORS, INC.
8860 TERRENE COURT
BONITA SPRINGS,
FLORIDA 34135
(239) 597-1315

SHEET 11 OF 15

\\NAS\DATA\PROJECTS\2020\2030 DWL CREEK\LEGAL & SKETCH 01 21\2030 DWL CREEK LEGAL & SKETCH.DWG

SEE SHEET 9

SEE SHEET 11



SCALE: 1" = 200'

0' 100' 200'

LEGEND

P.O.C.
P.O.B.

RNG.
TWSP.
S.R.
O.R.
PG.
BRG.
INST.
N.A.V.D.

POINT OF COMMENCEMENT
POINT OF BEGINNING
RANGE
TOWNSHIP
STATE ROAD
OFFICIAL RECORDS BOOK
PAGE
BEARING
INSTRUMENT
NORTH AMERICAN VERTICAL DATUM



PARCEL DESCRIBED HEREON
342.68 ACRES +/-

NOTES:

- 1.) BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA AS BEING S00°16'39"W.
- 2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
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- 4.) SEE SHEETS 14 AND 15 FOR LINE TABLES.

WEST LINE
SE 1/4, SECTION
18, TWSP. 43S
RNG 26 E

FIELD LOCATED
MEAN HIGH WATER LINE
(LOCATED 08/25/20 TO 09/11/20)
ELEVATION 0.03' (N.A.V.D 88)
PROVIDED BY FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

18 18
19 19

WEST LINE
NE 1/4, SECTION
19, TWSP. 43S
RNG 26 E

LAWSON
DONALD
INST. 2012000208045
(NOT A PART)

APPROXIMATE
EDGE OF VEGETATION
(SCALED)

SHEET 12 OF 15

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
OWL CREEK

A PORTION OF SECTIONS 18 AND 19,
TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

BBLs SURVEYORS, INC.
8860 TERRENE COURT
BONITA SPRINGS,
FLORIDA 34135
(239) 597-1315

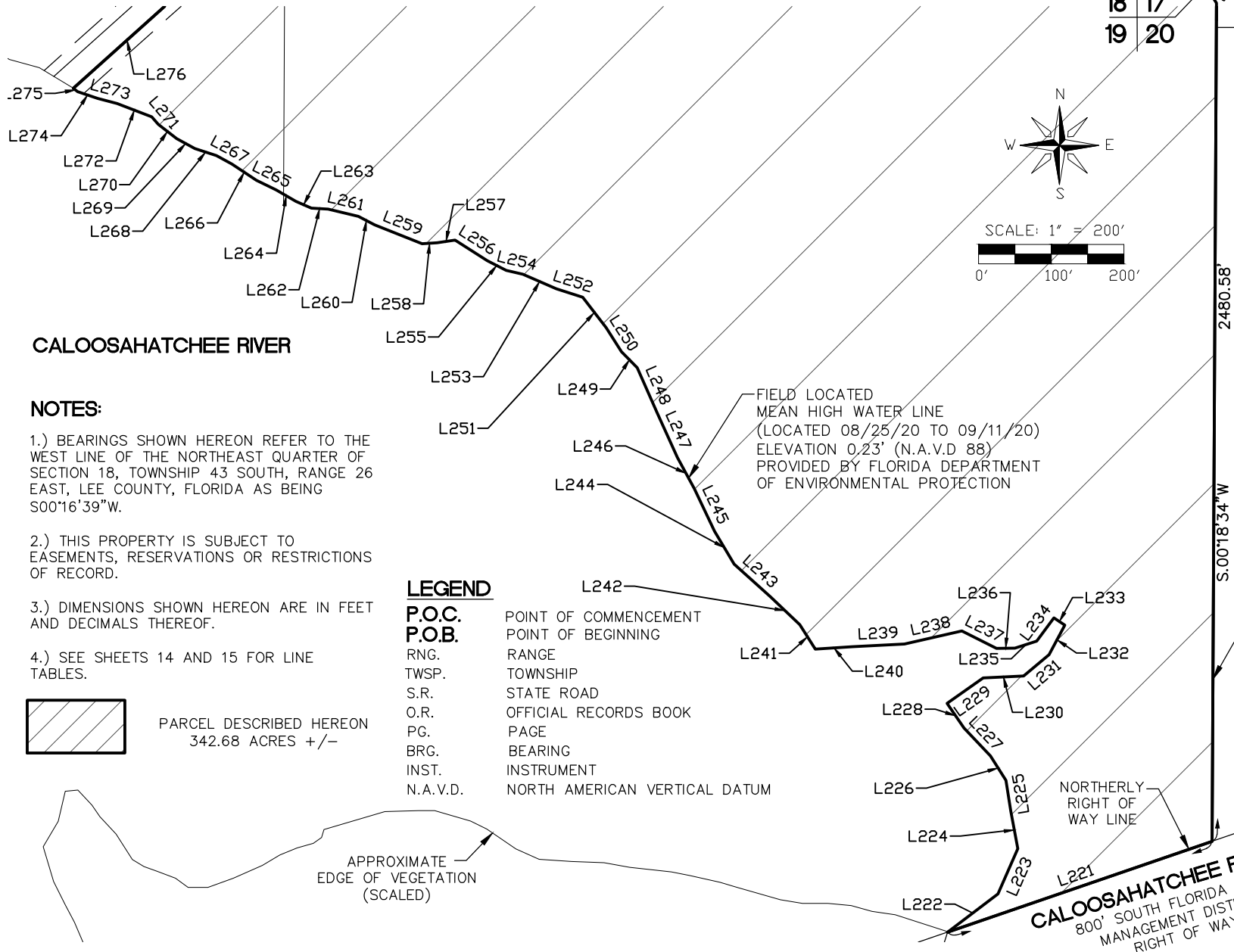
THIS IS NOT A SURVEY

SCALE: AS NOTED
APPROVED: SEB
DRAWN BY: SEB
FILE: SEE DAYSTAMP
DATE: 01/21/21

\\NAS\DATA\PROJECTS\2020\2030 DVL CREEK\LEGAL & SKETCH 01 21 21\2030 DVL CREEK LEGAL & SKETCH.DWG

SEE SHEET 9

SEE SHEET 9

18 17
19 20

CALOOSA HATCHEE RIVER

NOTES:

1.) BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA AS BEING $S00^{\circ}16'39''W$.

2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

4.) SEE SHEETS 14 AND 15 FOR LINE TABLES.



PARCEL DESCRIBED HEREON
342.68 ACRES +/-

APPROXIMATE
EDGE OF VEGETATION
(SCALED)

LEGEND

P.O.C.
P.O.B.

RNG.
TWSP.
S.R.
O.R.
PG.
BRG.
INST.
N.A.V.D.

POINT OF COMMENCEMENT
POINT OF BEGINNING
RANGE
TOWNSHIP
STATE ROAD
OFFICIAL RECORDS BOOK
PAGE
BEARING
INSTRUMENT
NORTH AMERICAN VERTICAL DATUM

THIS IS NOT A SURVEY

SCALE:	AS NOTED
APPROVED:	SEB
DRAWN BY:	SEB
FILE:	SEE DAYSTAMP
DATE:	01/21/21

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
OWL CREEK

A PORTION OF SECTIONS 18 AND 19,
TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

BBLs SURVEYORS, INC.
8860 TERRENE COURT
BONITA SPRINGS,
FLORIDA 34135
(239) 597-1315

Parcel Table		
Line #	Line Direction	Length
L100	S63° 09' 11"W	68.12
L102	S66° 53' 17"W	63.33
L103	S70° 27' 15"W	39.63
L104	S64° 37' 58"W	53.06
L105	S77° 10' 24"W	31.94
L106	S67° 19' 24"W	49.00
L107	S66° 42' 36"W	31.31
L108	S80° 37' 35"W	23.70
L109	S49° 00' 39"W	25.62
L110	S65° 48' 12"W	63.16
L111	S74° 36' 11"W	79.06
L112	S73° 49' 33"W	76.39
L113	S77° 28' 30"W	81.85
L114	S82° 44' 45"W	86.96
L115	S69° 49' 00"W	63.53
L116	S83° 38' 00"W	84.05
L117	N64° 43' 19"W	10.65
L118	N10° 04' 22"W	17.28
L119	N67° 36' 56"E	63.76
L120	N75° 31' 42"E	84.91

Parcel Table		
Line #	Line Direction	Length
L121	N67° 43' 57"E	42.46
L122	N48° 46' 12"E	15.77
L123	N22° 03' 58"E	53.88
L124	N67° 46' 02"E	56.48
L125	N53° 42' 12"E	56.78
L126	N09° 10' 30"E	71.37
L127	N18° 38' 24"W	45.27
L128	N36° 09' 14"E	54.90
L129	N35° 53' 09"E	55.09
L130	N01° 19' 19"E	23.41
L131	N32° 33' 04"W	51.20
L132	N07° 39' 06"E	57.91
L133	N06° 39' 11"W	79.50
L134	N36° 15' 06"W	133.80
L135	N13° 17' 04"E	69.67
L136	N51° 38' 20"E	56.94
L137	N09° 17' 06"W	57.33
L138	S47° 33' 50"W	52.48
L139	S52° 35' 15"W	71.39
L140	S26° 00' 04"W	44.07

Parcel Table		
Line #	Line Direction	Length
L141	S05° 32' 36"E	123.25
L142	S35° 01' 53"E	91.33
L143	S50° 35' 34"E	85.61
L144	S10° 34' 53"W	33.93
L145	S21° 26' 11"E	36.72
L146	S40° 17' 20"E	33.23
L147	S35° 18' 25"W	42.17
L148	S42° 33' 03"W	45.18
L149	S41° 13' 28"W	30.71
L150	S18° 57' 53"E	40.71
L151	S02° 39' 27"E	43.57
L152	S18° 07' 05"W	39.46
L153	S67° 10' 19"W	48.51
L154	S75° 56' 36"W	27.05
L155	S56° 00' 26"W	40.96
L156	S04° 07' 53"W	15.13
L157	S02° 20' 53"W	30.76
L158	S83° 41' 22"W	17.10
L159	N81° 54' 26"W	32.46
L160	S72° 46' 26"W	51.87

Parcel Table		
Line #	Line Direction	Length
L161	N79° 37' 03"W	77.30
L162	S43° 53' 28"W	29.96
L163	S64° 51' 44"W	33.22
L164	S67° 25' 22"E	27.97
L165	S63° 29' 01"W	21.10
L166	S63° 09' 28"W	50.02
L167	S55° 16' 21"W	81.31
L168	S61° 20' 10"W	66.81
L169	S67° 49' 59"W	48.47
L170	S72° 10' 03"W	58.79
L171	S78° 14' 00"W	49.72
L172	S64° 42' 00"W	53.28
L173	S38° 23' 32"W	10.59
L174	N89° 16' 27"W	20.26
L175	N00° 43' 09"E	121.86
L176	N07° 03' 43"E	300.00
L178	N02° 16' 53"E	100.00
L179	N07° 27' 32"W	299.99

Parcel Table		
Line #	Line Direction	Length
L180	N01° 23' 52"W	100.00
L181	N13° 23' 08"E	100.00
L182	N23° 42' 08"E	99.22
L183	N88° 52' 07"W	500.00
L184	S01° 07' 53"W	1252.34
L185	S59° 33' 49"W	66.58
L186	S19° 55' 43"W	17.96
L187	S53° 18' 36"W	53.47
L188	S26° 06' 00"W	82.56
L189	S05° 34' 19"W	68.70
L190	S07° 11' 04"E	29.90
L191	S07° 54' 16"E	11.85
L192	S12° 21' 57"W	78.12
L193	S10° 40' 48"W	33.89
L194	S21° 15' 12"W	20.19
L195	S10° 05' 07"W	34.32
L196	S16° 26' 09"W	51.67
L197	S20° 15' 30"W	28.82
L198	S18° 57' 28"W	36.38
L199	S15° 47' 44"W	34.13

NOTES:

1.) BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA AS BEING S00°16'39"W.

2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

THIS IS NOT A SURVEY

SCALE: AS NOTED	APPROVED: SEB	DRAWN BY: SEB	FILE: SEE DAYSTAMP	DATE: 01/21/21
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**SKETCH TO ACCOMPANY LEGAL DESCRIPTION
OWL CREEK**

**A PORTION OF SECTIONS 18 AND 19,
TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA**

**BBL SURVEYORS, INC.
8860 TERRENE COURT
BONITA SPRINGS,
FLORIDA 34135
(239) 597-1315**

SHEET 14 OF 15

\\NAS\DATA\PROJECTS\2020\20.30 OWL CREEK\LEGAL & SKETCH 01 21\20.30 OWL CREEK LEGAL & SKETCH.DWG

Parcel Table		
Line #	Line Direction	Length
L200	S16° 28' 26"W	59.42
L201	S12° 32' 34"W	53.60
L202	S23° 08' 17"W	62.09
L203	S15° 16' 02"W	33.53
L204	S18° 12' 29"W	115.02
L205	S03° 19' 16"E	4.78
L206	N47° 23' 44"W	78.47
L207	N24° 12' 11"W	91.43
L208	N03° 48' 12"W	29.62
L209	N06° 50' 11"W	34.61
L210	N08° 54' 45"W	28.95
L211	N12° 43' 52"W	39.18
L212	N28° 20' 46"W	39.90
L213	N32° 06' 08"W	30.67
L214	N45° 59' 51"W	43.84
L215	N40° 53' 39"W	33.01
L216	N53° 48' 26"W	60.20
L217	N75° 05' 44"W	54.64
L218	N71° 07' 07"W	40.46
L219	N62° 42' 59"W	34.22

Parcel Table		
Line #	Line Direction	Length
L220	N66° 57' 30"W	51.84
L221	S71° 02' 37"W	384.61
L222	N52° 44' 09"E	86.87
L223	N23° 50' 54"E	68.13
L224	N10° 38' 48"W	52.58
L225	N09° 06' 55"W	42.95
L226	N32° 14' 07"W	39.88
L227	N43° 39' 22"W	52.79
L228	N34° 08' 38"W	41.08
L229	N54° 52' 16"E	60.65
L230	N87° 04' 33"E	55.75
L231	N49° 55' 04"E	45.69
L232	N28° 07' 43"E	46.00
L233	N56° 19' 58"W	17.93
L234	S36° 51' 22"W	39.99
L235	S71° 55' 20"W	31.45
L236	S89° 48' 27"W	25.16
L237	N63° 29' 40"W	53.19
L238	S77° 12' 19"W	81.07
L239	S87° 13' 04"W	71.51

Parcel Table		
Line #	Line Direction	Length
L240	S86° 14' 38"W	51.39
L241	N32° 39' 35"W	39.89
L242	N46° 07' 12"W	55.49
L243	N48° 12' 13"W	67.15
L244	N30° 38' 49"W	52.85
L245	N25° 28' 33"W	64.46
L246	N28° 26' 17"W	48.85
L247	N24° 27' 43"W	67.21
L248	N23° 43' 59"W	68.49
L249	N44° 29' 30"W	30.93
L250	N32° 47' 22"W	39.03
L251	N37° 30' 31"W	53.12
L252	N72° 02' 02"W	37.99
L253	N66° 54' 09"W	50.25
L254	N76° 40' 16"W	23.57
L255	N62° 41' 50"W	29.07
L256	N57° 22' 45"W	52.85
L257	S81° 19' 58"W	24.79

Parcel Table		
Line #	Line Direction	Length
L258	S86° 10' 29"W	20.72
L259	N68° 13' 44"W	70.32
L260	N62° 52' 25"W	25.24
L261	N76° 26' 43"W	42.82
L262	N86° 37' 33"W	23.07
L263	N66° 30' 11"W	23.15
L264	N59° 53' 05"W	31.24
L265	N63° 30' 36"W	30.41
L266	N56° 41' 32"W	40.31
L267	N61° 46' 56"W	24.48
L268	N71° 57' 11"W	31.15
L269	N60° 34' 35"W	28.45
L270	N52° 43' 10"W	31.94
L271	N40° 26' 58"W	13.97
L272	N69° 12' 09"W	50.97
L273	N75° 09' 23"W	27.53
L274	N71° 05' 34"W	29.39
L275	N50° 55' 57"W	7.35
L276	N48° 06' 50"E	270.43
L277	N42° 11' 10"W	184.68

Parcel Table		
Line #	Line Direction	Length
L278	N03° 40' 10"W	86.00
L279	N44° 50' 41"E	140.43
L280	N48° 53' 50"E	266.81
L281	N37° 56' 50"E	235.27
L282	N28° 49' 50"E	219.46
L283	N15° 00' 10"W	137.17
L284	S74° 59' 50"W	18.55
L285	N15° 00' 10"W	53.03
L286	N44° 37' 10"W	466.55
L287	N29° 52' 10"W	128.59
L288	N24° 50' 50"E	318.05
L289	N13° 28' 44"W	177.41
L290	N68° 36' 37"E	118.44
L291	N64° 26' 22"E	31.89
L292	N64° 03' 20"E	59.04
L293	N75° 59' 50"E	70.51
L294	N73° 52' 12"E	36.64
L295	N81° 37' 22"E	38.71
L296	N76° 10' 56"E	61.09
L297	N81° 10' 49"E	43.63

Parcel Table		
Line #	Line Direction	Length
L298	N79° 19' 30"E	27.70
L299	N76° 16' 15"E	54.20
L300	N78° 48' 20"E	120.20
L301	N79° 41' 31"E	52.54
L302	N75° 23' 35"E	99.29
L303	N71° 46' 47"E	45.73
L304	N77° 14' 48"E	27.77
L305	N73° 38' 17"E	131.49
L306	N64° 38' 32"E	113.85

Parcel Table		
Line #	Line Direction	Length
L307	N64° 07' 37"E	23.99
L308	N64° 53' 28"E	84.52
L309	N64° 11' 02"E	86.91
L310	N64° 11' 54"E	80.97

THIS IS NOT A SURVEY

SCALE: AS NOTED	APPROVED: SEB	DRAWN BY: SEB	FILE: SEE DAYSTAMP	DATE: 01/21/21
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**SKETCH TO ACCOMPANY LEGAL DESCRIPTION
OWL CREEK**

**A PORTION OF SECTIONS 18 AND 19,
TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA**

NOTES:

1.) BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA AS BEING S00°16'39"W.

2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

SHEET 15 OF 15

**BBLs SURVEYORS, INC.
8860 TERRENE COURT
BONITA SPRINGS,
FLORIDA 34135
(239) 597-1315**

Lee Plan Consistency & State-Regional Plans (Exhibits M11 & M18)

CPA2020-00004
Revised March 2021



Professional Engineers, Planners & Land Surveyors

OWL CREEK
Comprehensive Plan Amendment
Lee Plan Consistency
State & Regional Policy Plan Compliance
EXHIBITS "M11 & M18" / "T6, T9 & T10"
CPA2020-00004 & CPA2020-00005
Revised March 2021

INTRODUCTION

The Owl Creek property is ±342.68 acres located on the south side of N. River Road approximately ½ mile east of its intersection with SR 31 within the North Olga area of the Northeast Lee County Planning Community. The property is zoned Agricultural (AG-2) and is used for agricultural/grazing purposes. Lee Plan Map 1, Page 1 of 7 identifies the property as Rural and Wetlands Future Land Use Categories (FLU).

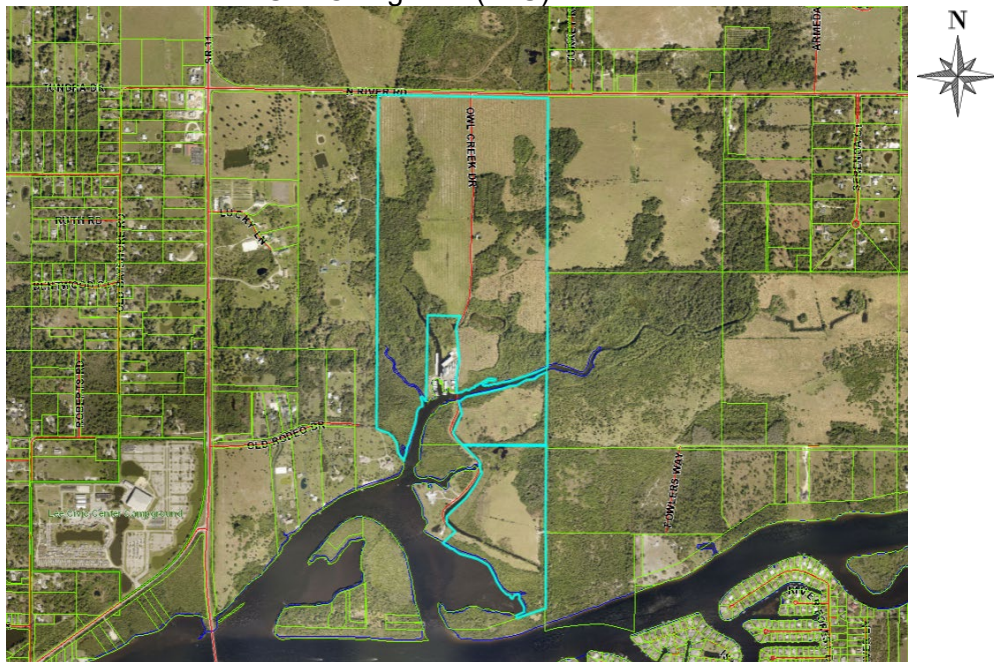


Figure 1. Location of Subject Property

This amendment proposes to change the FLU category from Rural and Wetlands to Sub-Outlying Suburban to accommodate the clustered development of up to 440 single-family dwelling units and internal amenities while providing for significant environmental, historical, storm water, water quality and infrastructure enhancements. This request will allow an increase of 213 dwelling units from the 227 dwelling units that could be developed under the existing FLU categories. The Owl Creek application includes the following requests:

- Amendment to the Future Land Use Map (Lee Plan Map 1, Page 1 of 7) to change the FLU category from Rural and Wetlands to Sub-Outlying Suburban and Wetlands
- Amendment to Future Water Service Areas, Lee County Utilities (Lee Plan Map 6) to place the property within the Lee County Utilities Future Water Service Area to allow for
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privately funded expansion of water service.

- Note: Wastewater will be provided by Florida Governmental Utility Authority (FGUA) with privately funded expansion of sewer service.
- Associated Text Amendment to following:
 - North Olga Community Plan – New Objective 29.10 and Policies 29.10.1 and 29.10.2 to provide requirements for development with Sub-Outlying Suburban areas within North Olga Planning Community including a maximum of 440 dwelling units.
 - Table 1(a) – add footnote 20 to Sub-Outlying Suburban to limit density to a gross density of 1.283 dwelling units per acre within the North Olga Planning Community
 - Table 1(b) – revise Northeast Lee County to remove 80 acres from the Rural category and add 80 acres to the Sub-Outlying Suburban category

The following summarizes benefits that will be accomplished by approval of this request through compliance with the proposed text amendment:

1. Provide a connection between the existing New Community FLU to the north and Caloosahatchee River to the south that will continue the environmental preservation and enhanced drainage ways that will be improved by reduced runoff rate and reduced nutrient runoff
2. Amendment will result in clustered development as encouraged in area as demonstrated by the Preliminary Development Footprint exhibit
3. Provide Wetland Protection and Enhancements including exotic removal and maintenance
4. Historical Resource preservation of the 3 recommended sites
5. ±165.58 acres (48% of property) placed into conservation easement including the convergence of two natural waterways on the Great Calusa Blueway (Owl Creek and Trout Creek) where they connect to the Caloosahatchee River
6. Wildlife/recreation connection from portion of Trout Creek located on potential Conservation 20/20 lands to Caloosahatchee River
7. Connection to adjacent SFWMD owned lands to the east and south
8. Potential public canoe/kayak launch area to Trout Creek
9. Wildlife management and co-existence plans
10. Enhanced lake management plan
11. Florida Friendly Landscaping with the low irrigation requirements in common areas
12. 60% open space
13. Preserve minimum 93% of wetlands
14. Water Quality enhancements and monitoring
15. Remove potential for up to 227 septic tanks and wells
16. Removal of cattle grazing will significantly reduce onsite nutrient generation
17. Additional 50% water quality treatment
18. Reduced rate of run-off and associated nutrient loads
19. Stormwater enhancements
20. Green infrastructure
21. Privately funded expansion of water and sewer to the area (as encouraged/anticipated by existing Lee Plan policies)
22. Minimum 50' perimeter setback/buffer
23. Minimum 100' setback from Owl Creek Boat Works property line to single-family lots
24. Provide area for multi-use path along North River Road
25. Protect existing groundwater levels and improve existing wetland hydroperiods in onsite preserve areas

VISION STATEMENT

A concurrent Planned Development Application will be filed for the Owl Creek property to incorporate a specific development plan with conditions of approval to ensure compliance with

environmental stewardship, enhancement of the area's historic heritage and rural character, and proactively and appropriately plan for future growth within the area consistent with the Vision Statements for Northeast Lee County and North Olga and the implemented Goals, Objectives and Policies for these areas, including the proposed text amendments. The subject property abuts the existing Owl Creek Boat Works facility and will provide for compatible adjacent development to protect this identifying feature of the community.

FUTURE LAND USE

The 342.68± acre subject property is currently within the Rural and Wetlands FLU categories. Policy 1.4.1 provides that maximum density in the Rural category is 1 dwelling unit per acre for the ±217.65 acres of uplands plus ±3.69 acres of ditches allowing 221 dwelling units. Policy 1.5.1 provides that the Wetlands category has a maximum density of 1 dwelling unit per 20 acres for the ±114.84 acres of wetlands allowing an additional 6 dwelling units for a total maximum density of 227 dwelling units. The remaining ±6.5 acres of surface waters and other surface waters consisting of natural bodies of water were not included for density calculations.

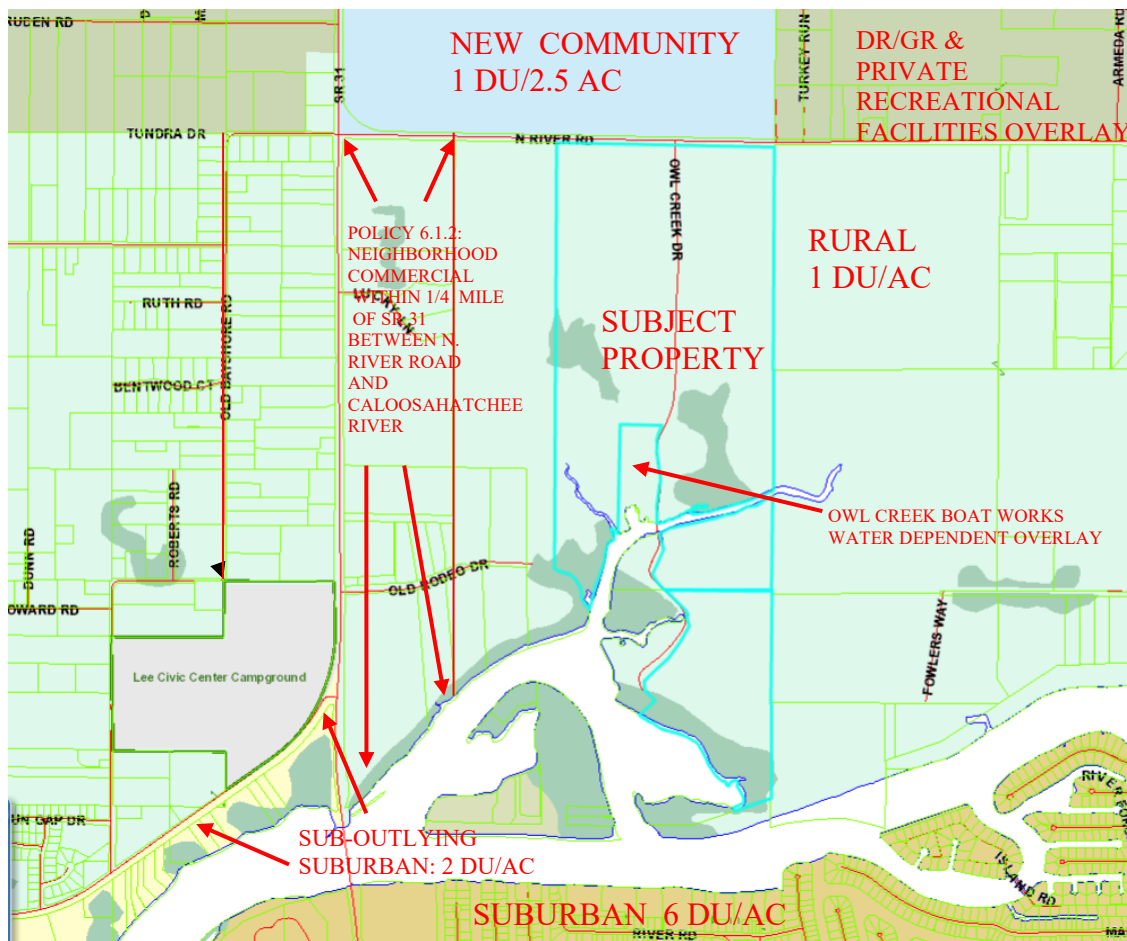


Figure 3. Existing Future Land Use Designation

The property adjacent to the west and properties adjacent to the east are also within the Rural and Wetlands FLU categories. The property to the north across North River Road is within the New Community FLU category (Babcock Mixed Use Planned Development) which allows 1 dwelling unit per 2.5 gross acres up to 1,630 dwelling units, 600 hotel rooms and 1,170,000 square feet of commercial office and retail uses. To the northeast is within the Density Reduction/Groundwater Resource (DR/GR) FLU and is within the Private Recreational Facilities Overlay. Adjacent to the south and surrounded by the property is the existing Owl Creek Boat Works and Storage marina and yacht refinishing which is within the Water Dependent Overlay. This industrial marine use was established in 1953 and is Southwest Florida's premiere yacht

service center offering full service and specializing in yacht refinishing, repowering, customization and maintenance. They also offer in-water covered, uncovered and dry storage for yachts up to 100'. Individuals come from all over the region for yacht refinishing at this location. South across the Caloosahatchee River is within the Suburban FLU category which allows a maximum density of 6 dwelling units per acre. Sub-Outlying Suburban FLU category is a little over ½ mile to the west of the property at the southwest corner of the intersection of Bayshore Road and SR 31 which allows a maximum density of 2 dwelling units per acre. There is a commercial node within ¼ mile of SR 31 between North River Road and the Caloosahatchee River described in Policy 6.1.2 that connects the New Community area at SR 31 and North River Road to the Lee Civic Center and the Sub-Outlying Suburban area. This area contains several non-residential uses such as a gas station, veterinarian office, feed store, church, SR 31 Produce market, u-pick and café. See attached Exhibits M5 and M6 for further description of the subject property and surrounding properties.

The Owl Creek property's proximity to the New Community FLU category to the north (Babcock Mixed Use Planned Development) and the commercial node to the west and the adjacent industrial marine facility furthers the appropriateness of the request which will accommodate clustered development with ample view of wooded areas, open spaces, and river fronts and will allow for the protection of environmentally sensitive lands and historic heritage. The proposed clustered project will provide a connection between the Babcock Ranch MPD to the north and the Caloosahatchee River to the south, expanding the significant environmental, historical, storm water, water quality and infrastructure enhancements required in the North Olga Community Plan New Community area. A concurrent Planned Development Application will be submitted to provide additional details regarding the development of the requested units and provide conditions of approval to ensure compliance with the stringent requirements provided in the concurrent Text Amendment for this request within the North Olga Community Plan area.

The Owl Creek property will be consistent with Sub-Outlying Suburban Policy 1.1.11 upon approval of the proposed map amendment. The forthcoming concurrent Planned Development zoning application will allow conditions to be included to ensure that the subject property is developed at a low residential density in the North Olga Community Plan area where there is a desire to retain a low-density community character. Although the Sub-Outlying Suburban FLU allows up to two dwelling units per acre, the associated Text Amendment will add further limitations to the density including a Text Amendment to Table 1(a) – add footnote 20 to Sub-Outlying Suburban to limit density to a gross density of 1.283 dwelling units per acre within the North Olga Planning Community and new Objective 29.10 and Policies 29.10.1 and 29.10.2 to provide requirements for development with Sub-Outlying Suburban areas within North Olga Planning Community.

POPULATION PROJECTIONS & TABLE 1(B) DISCUSSION

The Owl Creek project could develop 227 dwelling units under its current land use designations. Utilizing 2.35 persons per household, the site could currently accommodate a population of approximately 533 people. The proposed plan amendment would result in a total of 440 dwelling units, an increase of 213 units or a theoretical additional 501 people.

Lee County had a population of 618,754, according to the 2010 U.S. Census. The Florida Office of Economic and Demographic Research (OEDR) projected a countywide population of 892,108 in 2030 and 999,851 in 2040. In the context of the existing and projected population for the subject property, the population increase of approximately 501 people is the minimum. The proposed population increase is estimated at less than a 1% increase beyond the OEDR projected population for Lee County. This is well within accepted error ranges and represents no real additional population increase for the Lee Plan's Future Land Use Map. The proposed amendment is consistent with the most recent growth management legislation which suggests that establishment of minimum development intensity is appropriate methodology for local government planning efforts. The development footprint for the Owl Creek property, including

lots, roads, and water management lakes would be limited to ± 177.10 acres.

The proposed plan amendment includes a proposed amendment to Table 1(b) for Northeast Lee County to remove the 80 acres of residential lots from the Rural category and add 80 acres of residential lots to the Sub-Outlying Suburban category. These revisions are demonstrated in strike-through/underline below.

Future Land Use Category		Lee County Totals	Northeast Lee County
Residential By Future Land Use Category	Intensive Development	1,361	
	Central Urban	14,766	
	Urban Community	16,515	520
	Suburban	16,623	
	Outlying Suburban	4,113	30
	Sub-Outlying Suburban	1,880 <u>1,960</u>	80
	Commercial		
	Industrial	79	
	Public Facilities	1	
	University Community	850	
	Destination Resort Mixed Use Water Dependent	8	
	Burnt Store Marina Village	4	
	Industrial Interchange		
	General Interchange	169	
	General Commercial Interchange		
	Industrial Commercial Interchange		
	University Village Interchange		
	Mixed Use Interchange		
	New Community	2,100	1,200
	Airport		
	Tradeport	9	
	Rural	8,313 <u>8,233</u>	1,948 <u>1,868</u>
	Rural Community Preserve	3,100	
	Coastal Rural	1,300	
	Outer Island	202	5
	Open Lands	2,805	250
	Density Reduction/ Groundwater Resource	6,905	711
	Conservation Lands Upland		
	Wetlands		
	Conservation Lands Wetland		
	Unincorporated County Total Residential	81,103	4,664
	Commercial	12,793	177
	Industrial	7,527	26

Figure 2. Proposed Revisions to Lee Plan Table 1(b)

GROWTH MANAGEMENT

The request is consistent with Development Location Objective 2.1, Policies 2.1.1 and 2.1.2. The Owl Creek property is located in a transitioning area as evidenced by recent changes to the Lee Plan for New Community FLU in the North Olga Community Plan area and the commercial node along S.R. 31 encouraging privately funded utility expansion to the area. Approval of the request will result in the privately funded expansion of water and sewer to the property, minimizing the public cost of services. The proposed project promotes contiguous and compact growth pattern by providing a connection between the approved Babcock Ranch MPD to the

north and the Caloosahatchee River to the south, extending the conservation of land and natural resources required in the North Olga Community Plan. The proposed project does not constitute urban sprawl which is defined in the Lee Plan Glossary as “*The uncontrolled, premature, or untimely expansion and spreading out of urban levels of density or intensity into outlying non-urban areas.*” The development will be required to be controlled by Planned Development zoning approval with conditions to ensure compliance with the stringent requirements proposed with the requested Text Amendment and compliance with the goals, objectives policies, and standards of the Lee Plan.

The request is consistent with Development Timing Objective 2.2, Policy 2.2.1. The Owl Creek development will have or assure access to all required public facilities. Please see attached separate Public Facilities Impacts Analysis (Exhibit – M14) and Letters of Determination of the Adequacy/Provision of Existing/Proposed Support Facilities - Fire Protection, Emergency Medical Service, Law Enforcement, Solid Waste, Mass Transit, Schools (Exhibit – M17). These exhibits demonstrate that there is adequate capacity to accommodate an additional 219 dwelling units, exceeding the 213 associated with this request. The proposed privately funded expansion of utilities to the area is already encouraged and anticipated by existing Lee Plan policies.

The project will comply with Historic Resources Objective 2.7. Please see attached separate Historic Resources Impact Analysis (Exhibit – M13). There are three archaeological sites in good to excellent condition (8LL2397, 8LL2398 and 8LL2399) that are eligible for listing in the National Register of Historic Places (NRHP) and should and will be avoided by future development by preserving within a minimum 25 foot buffer. A fourth site (8LL2825) that, based on the level of intense disturbance and lack of significant cultural materials or context, is not regarded as eligible for listing on the NRHP and will not be preserved.

GENERAL DEVELOPMENT STANDARDS

The request is consistent with Standard 4.1.1: Water as well as Policies 53.1.2 and 95.1.3. The Owl Creek property's existing and proposed density does not meet those required for connection and is not located within a franchised service area. The property could be developed today with up to 227 private well systems. An amendment to Lee Plan Map 6 is proposed to place the property within the Lee County Utilities Future Water Service Area to allow for privately funded expansion of water service. A letter of availability from Lee County Utilities is attached demonstrating sufficient capacity exists and that the site will be serviced by North Lee County Water Treatment Plant.

The request is consistent with Standard 4.1.2: Sewer. The Owl Creek property's existing and proposed density does not meet those required for connection and the site is not located within a franchised service area. The property could be developed today with up to 227 private septic systems. The project proposes wastewater to be provided by Florida Governmental Utility Authority (FGUA) with privately funded expansion of sewer service. A letter of availability has been submitted with the application.

The request is consistent with Standard 4.1.4: Environmental Factors. Please see attached Environmental Impacts Analysis (Exhibit – M12) demonstrating the environmentally sensitive areas of the site. The concurrent Planned Development Application will ensure that the clustered development is well integrated, properly oriented and functionally related to the natural features of the site.

RESIDENTIAL LAND USES

The northern ±51 acres of the Owl Creek property are outside of the Coastal High Hazard Area and the southern ±292 acres are within. This amendment provides Text Amendments with stringent development criteria that will allow a concurrent Planned Development application to

be filed including conditions ensuring the adjusted site design and clustered density development with environmental, historical, water quality and infrastructure enhancements. Letters of Determination are attached demonstrating provision of support facilities. The site proposes to place a minimum of 48% of the site into conservation easements and provide a minimum perimeter setback/buffer of 50 feet to ensure compatibility with adjacent agricultural, single-family, preservation and marina uses. The request will be consistent with Policies 5.1.2 and 5.1.5.

The request will be consistent with Policies 5.1.6 and 5.1.7. The proposed Text Amendments included with the application and forthcoming concurrent Owl Creek Planned Development application conditions of approval will include development regulations for the clustered development to provide open space, preservation areas and recreation areas. These areas will be appropriate for the density and design and will be functionally related to all dwelling units. No multi-family residential is proposed for the site.

GOAL 17: COMMUNITY PLANNING

The request is consistent with Objective 17.1 and Policies 17.1.1, 17.1.2 and 17.1.3. The requested associated text amendment addresses specific physical, historical and environmental conditions unique to the North Olga community plan. The text amendment proposes objectives and policies that are required to be implemented by a planned development zoning action which will be the regulating document implementing the proposed policies within the North Olga community plan. Analysis is provided within that addresses regional plan consistency, population accommodation, transportation, and infrastructure needs. Analysis is provided that addresses specific conditions unique to the North Olga area that are physical, historical and environmental in nature.

GOAL 27: NORTHEAST LEE COUNTY COMMUNITY PLAN

The Owl Creek property is located in Northeast Lee County. Goal 27 of the Lee Plan is specific to this area of Lee County and represents Lee County's goal to maintain, enhance, and support the heritage and rural character and natural resources. Alva and North Olga work cooperatively toward this goal through the objectives and policies of Goal 27 and through their individual community plans.

The Owl Creek property proposes to preserve large open space areas and will retain the rural character by proposing clustered development with ample views of wooded areas, open spaces and river fronts, while balancing the removal of agricultural grazing lands and the enhancement and protection of environmentally sensitive lands, historic resources water quality and connectivity. The provided Water Resources Report demonstrates the subject property's strategic location proximate to the Caloosahatchee Estuary watershed and its ability to implement and further the County's long-term goals of protecting groundwater and improving surface water management in northern Lee County. These enhancements are required by the proposed Text Amendments and will be conditioned as part of the concurrent Planned Development Application, consistent with Objective 27.1 and Policies 27.1.1, 27.1.5 and 27.1.6.

The Owl Creek property is located within the Northeast Lee County community plan area and has held public information meetings within both the Alva and North Olga community plan area boundaries. A meeting summary document has been submitted containing the date, time and location of each meeting, a list of attendees, a summary of any concerns raised and the applicant's response. The applicant has complied with Objective 17.3, Policies 17.3.1, 17.3.2, 17.3.3, 17.3.4 and Policy 27.1.8.

Objective 27.2 and its attendant policies direct Lee County to work with Alva and North Olga to develop and use a rural planning toolbox of incentives, programs and regulations that enhance and maintain the sense of place and provide for long-term preservation of contiguous natural

resource and open space areas. The Owl Creek property will be required to provide long-term preservation areas by placing a minimum of 48% of the site into a conservation easement.

The Owl Creek property is situated at the convergence of two waterways: Owl Creek and Trout Creek where they join the Caloosahatchee River. Although there are existing agricultural uses of cattle grazing on site, the Owl Creek amendment proposes to preserve large open space areas by proposing clustered development with ample views of wooded areas, open spaces and river fronts, while balancing the removal of agricultural grazing lands and the enhancement and protection of environmentally sensitive lands, historic resources water quality and connectivity. The request is consistent with Objective 27.3 and Policies 27.3.2 by balancing efforts to protect and enhance the community's water quality and will not preclude potential uses listed in Policy 27.3.3 from the preservation areas on site.

The Owl Creek amendment includes stringent development criteria in the proposed Text Amendments and will incorporate conditions of approval in the forthcoming concurrent Planned Development Application that accommodate the location of a multipurpose path along North River Road, consistent with Objective 27.4, Policies 27.4.1 and 27.4.4. The two creeks on the subject property are included on the blueways map and conditions of the zoning approval will not preclude potential access as part of the preservation, consistent with Policy 27.4.2.

GOAL 29: NORTH OLGA COMMUNITY PLAN

The request protects and enhances the rural character and aesthetic qualities of the area, preserves natural and historic resources and promotes clustered development areas that preserves large, contiguous tracts of open space and preservation areas, consistent with Objective 29.1 and Policy 29.1.1. The Owl Creek property is situated at the convergence of two natural waterways: Owl Creek and Trout Creek where they join the Caloosahatchee River. Although there are existing agricultural uses of cattle grazing on site, the Owl Creek property proposes to preserve large open space areas by proposing clustered development, balancing efforts to protect and enhance the community's water quality.

The Owl Creek amendment will accommodate clustered development with ample views of wooded areas, open spaces and river fronts, offsite agricultural uses and will allow for the protection of environmentally sensitive lands and historic heritage. The proposed clustered project will provide a connection between the Babcock Ranch Mixed Use Planned Development to the north and the Caloosahatchee River to the south, expanding the significant environmental, historical, water quality and infrastructure enhancements required for this area. A concurrent Planned Development application will be submitted to provide additional details regarding the development of the requested units and provide conditions of approval to ensure compliance with the stringent development requirements included with the proposed Text Amendments within the North Olga Community Plan. There will be a minimum 50-foot perimeter setback/buffer providing separation to adjacent uses. Community gardens will be included in the schedule of uses for the forthcoming concurrent Planned Development application. The request is consistent with Objective 29.2 and Policies 29.2.1, 29.2.2 and 29.2.3 as well as Policies 29.5.1 and 29.5.2.

The Greenways Master Plan depicts a multipurpose path along North River Road and depicts Owl Creek and Trout Creek on the Great Calusa Blueway. The Owl Creek property will incorporate conditions of approval in the forthcoming concurrent Planned Development Application that accommodate the location of a multipurpose path along North River Road and a potential public kayak/canoe launch area, consistent with Objective 29.6, Policies 29.6.1, 29.6.2, 29.6.3, 29.6.4 and 29.6.6.

Through the stringent requirements associated with this request and conditioning of the forthcoming planned development, the Owl Creek project will preserve 93% of the onsite wetlands providing protection and enhancements through exotic removal and maintenance and

upland buffers. A minimum of 48 percent of the property (± 165.58 acres) will be placed into a conservation easement including the convergence of two natural waterways on the Great Calusa Blueway (Owl Creek and Trout Creek) where they connect to the Caloosahatchee River. The conservation area will include preservation of 3 recommended historical sites and the project will provide a potential public canoe/kayak launch area to Trout Creek. The request is consistent with Objective 29.7 and Policies 29.7.1 and 29.7.2.

The request is consistent with Objective 29.8 and the Water Dependent Overlay as the project proposes a minimum 100-foot setback from Owl Creek Boat Works property line to single-family lots within the development.

The proposed Text Amendment associated with this request are attached in Exhibit T4 and provide a new Objective 29.10 and Policies 29.10.1 and 29.10.2 to provide stringent requirements for development within Sub-Outlying Suburban areas within North Olga Community Plan area.

TRANSPORTATION AND WATERWAYS

A Traffic Impact Statement prepared by TR Transportation Consultants, Inc. is attached to the request as Exhibit M15. This analysis demonstrates that the proposed land use change will not impact the results of the Level of Service analysis as reported in the adopted 2040 travel model. Therefore, no changes to the adopted long-range transportation plan are required as a result of the proposed land use change. The additional trips caused by the request to the projected 2025 volumes will not cause any roadway link to fall below the minimum acceptable Level of Service standards. No modifications will be necessary to the Lee County or FDOT short term capital improvement programs.

Map 3D-Lee County Walkways & Bikeways shows an on-road bikeway and a multi-use path along North River Road. The request includes providing an area for a multi-use path along North River Road as shown on Maps 3D and 22 which will accommodate pedestrian and bicycle usage consistent with Objective 39.2 and Policy 39.2.3 as well as Objective 39.6 and Policies 39.6.1, 39.6.2 and 39.6.3.

Map 22-Lee County Greenways Master Plan shows a shared use path along North River Road and Owl Creek and Trout Creek are shown on the Great Calusa Blueway. The Owl Creek Text Amendment provides development criteria required to be incorporated into conditions of approval in the forthcoming concurrent Planned Development Application that accommodate a potential public canoe/kayak launch area to Trout Creek which connects to the Caloosahatchee River, furthering Goal 80, Objective 80.1, Policies 80.1.1 and 80.1.2.

SURFACE WATER MANAGEMENT

The Owl Creek project furthers Lee County's efforts in coordinating land use on a watershed basis contained in Goal 60, Objective 60.1 and implementing Policies. The proposed clustered development provides for preservation of natural waterways and associated wetland habitats, in furtherance of Policy 60.1.2. The requirements contained in the language associated with the request and in the conditions in the forthcoming planned development will protect existing groundwater levels and improve existing wetland hydroperiods in onsite preserve areas, provide an additional 50% water quality treatment, water quality monitoring, reduced rate of runoff, remove nutrient producing grazing lands adjacent to waterways, preserve 93% of on-site wetlands, and replacing the potential 227 private well and septic systems with privately funded extensions and connection to public water and sewer. Please see submitted Water Resources Report.

GREEN INFRASTRUCTURE

The Lee Plan includes an objective and policies that encourage development to incorporate green infrastructure in the surface water management systems. The Owl Creek project will incorporate green infrastructure by utilizing vegetated swales and treatment areas, Florida Friendly Landscaping with the low irrigation requirements in common areas, retention/detention lakes, and preserved and enhanced wetlands. These requirements will be required as conditions of the forthcoming concurrent Planned Development application. The request is consistent with Objective 60.4, Policies 60.4.1 and 60.4.2.

CONSERVATION AND COASTAL MANAGEMENT ELEMENT

The northern ±51 acres of the Owl Creek property are outside of the Coastal High Hazard Area and the southern ±292 acres are within. This amendment provides Text Amendments with stringent development criteria that will allow a concurrent Planned Development application to be filed including conditions ensuring the adjusted site design and clustered density development with environmental, historical, water quality and infrastructure enhancements. The applicant will enter into a development agreement prior to adoption of the plan amendment to memorialize appropriate mitigation as determined by Lee County Public Safety, which may include the payment of money or construction of hurricane shelters and transportation facilities in accordance with Lee Plan Policy 101.1.4.3.

The request is consistent with Policy 101.3.2. The proposed development plan restricts development in the Coastal High Hazard Area to uplands except as needed for the provision of public facilities such as stormwater management or transportation. Minor wetland impacts for the provision of these public facilities is limited to a maximum of 7% and surface water/other surface water impacts are limited to a maximum of 29%.

Please refer to attached Hurricane Evacuation Analysis for further compliance with the following Goals, Objectives and Policies: Goals 73, 95, 101, Objectives 73.1, 101.1 and 101.3 and Policies 5.1.2, 72.2.2, 73.2.2, 101.1.1, 101.1.4, 101.3.2, 101.3.4, 101.3.5 and 128.6.6.

RESOURCE PROTECTION, WETLANDS AND WATER QUALITY

The Owl Creek project will further Goal 123, which seeks to manage Lee County's wetland and upland ecosystems to protect habitats, floral and faunal species, water quality and natural surface water characteristics. As previously stated, through the stringent requirements associated with this request and conditioning of the forthcoming planned development, the Owl Creek project will preserve 93% of the onsite wetlands providing protection and enhancements. A minimum of 48 percent of the property (±165.58 acres) will be placed into a conservation easement including the convergence of two natural waterways on the Great Calusa Blueway (Owl Creek and Trout Creek) where they connect to the Caloosahatchee River. The request will provide a connection between the Babcock Ranch Mixed Use Planned Development to the north and the Caloosahatchee River to the south, consistent with Policies 123.1.5 and 123.1.7. It will also provide a connection from the adjacent SFWMD owned lands to the east and south as well as the potential Conservation 20/20 lands to the east that contain a portion of Trout Creek which will provide a connection through the subject property to the Caloosahatchee River.

The Lee Plan also seeks to preserve native plant communities in the County. The request will be consistent with Lee Plan Objective 123.2 and Policy 123.2.2. The restrictive language associated with this request as well as conditions in the forthcoming Planned Development application will protect, enhance and preserve environmentally sensitive lands and plant communities and will result in a compatible clustered development.

The Owl Creek project will preserve high-quality natural plant communities in the conservation and open space area outside of the development footprint. Please see attached Environmental Impact Analysis (Exhibit M12). The project will provide enhancement of natural systems of the

property and a conservation easement will be placed over 48% of the property. The pasture areas and most heavily altered nonnative plant communities are targeted for the clustered development. The project is consistent with Policies 123.2.4, 123.2.5, 123.2.7 and 123.2.8. Long-term management (e.g., exotic vegetation removal, trash/refuse removal, signage, etc.) of the preservation areas will be in accordance with Lee County-approved plans and the conservation easement. Long-term management of the conservation areas will occur in perpetuity. Invasive exotic plants will be removed from the property, prohibited from being planted and controlled in perpetuity, consistent with Policies 123.2.9 and 123.2.11.

The Owl Creek project will minimize impacts to on-site wetlands by clustering development and limiting impacts to 7% or less and will protect, enhance and preserve the remaining 93%. The project will be permitted through the South Florida Water Management District and will be consistent with Goal 124, Objective 124.1 and Policies 124.1.1 and 124.1.2.

The proposed project will be consistent with Goal 125, Objective 125.1, and Policies 125.1.1 and 125.1.2. The stringent requirements associated with this application and the forthcoming concurrent Planned Development application conditions will provide an additional 50% water quality treatment, water quality monitoring, reduced rate of runoff, remove nutrient producing grazing lands adjacent to waterways, preserve 93% of on-site wetlands, and replacing the potential 227 private well and septic systems with privately funded extensions and connection to public water and sewer. Please see attached Water Resources Report.

HOUSING

Goal 135 addresses meeting housing needs of the present and future residents of the county. Objective 135.1 provides that Lee County will work with private and public housing providers to ensure that there is an adequate supply of housing in the future in a variety of types, costs, and locations to meet the needs of the Lee County population. The Objective provides that Lee County will need 114,927 additional dwelling units, 39,637 of these units will be needed in unincorporated Lee County. The proposed amendment helps, in part, to fulfill this identified housing need. The proposed clustered development will utilize the planned development process. The proposed plan amendment for Owl Creek is consistent and furthers Goal 135, Objective 135.1 and Policy 135.1.9.

CONCLUSIONS

The plan amendment is consistent with and in furtherance of the intent of the Lee Plan as discussed in this analysis. The plan amendment for Owl Creek represents an opportunity to incentivize the preservation of significant on-site natural resources such as natural waterways and adjacent wetlands, rare and unique upland habitat and historical resources on the property by providing a clustered development that incorporates potential public access to the Caloosahatchee River via access to Trout Creek.

ADJACENT LOCAL GOVERNMENTS & THEIR COMPREHENSIVE PLANS

The plan amendment for Owl Creek will have no affect on existing adjacent local governments and their comprehensive plans. The closest adjacent local government to the subject property is Charlotte County.

REQUESTS MOVING LANDS FROM A NON-URBAN AREA TO A SUBURBAN AREA URBAN SPRAWL

In accordance with 163.3177(6)(a)9.b, Florida Statutes, the proposed Owl Creek plan discourages the proliferation of urban sprawl by achieving the following criteria:

- (I) Directs or locates economic growth and associated land development to geographic

- areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
- (II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
- (III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
- (IV) Promotes conservation of water and energy.
- (VI) Preserves open space and natural lands and provides for public open space and recreation needs.
- (VII) Creates a balance of land uses based upon demands of residential population for the nonresidential needs of an area.

The proposed Owl Creek clustered development will not have an adverse impact on and protects natural resources and ecosystems and preserves open space and natural lands and provides for public open space and recreation needs. The project will remove nutrient producing cattle grazing and the potential for 227 private septic systems while preserving and enhancing the majority of the onsite wetlands, placing a minimum of 48% of the property into a conservation easement including the convergence of two natural waterways on the Great Calusa Blueway (Owl Creek and Trout Creek) where they connect to the Caloosahatchee River. The request will also provide a connection from the adjacent SFWMD owned lands to the east and south as well as the potential Conservation 20/20 lands to the east that contain a portion of Trout Creek which will provide a connection through the subject property to the Caloosahatchee River. The project will provide an area for the multi-use path along North River Road as well as a potential public canoe/kayak launch area to Trout Creek, providing public open space and recreation needs. The multi-use path along North River Road promotes walkable and connected communities and promotes multimodal transportation including pedestrian and bicycle opportunities since transit is not available in this location. The proposal provides compact development providing an alternate single-family housing choice than the existing large lots in the area. The development will promote conservation of water and energy by incorporating energy efficiency or other low impact development (LID) performance standards within the development. The amendment promotes efficient and cost-effective provision for public infrastructure by proposed privately funded expansion of water and sewer to the area which is already encouraged and anticipated by existing Lee Plan policies. The project is located in an area that provides for a balance of residential, industrial marine and commercial land uses to the west along S.R. 31 and planned to the north within the Babcock MPD, continuing to prevent urban sprawl.

STATE POLICY PLAN AND REGIONAL POLICY PLAN

State Comprehensive Plan

Although the Community Planning Act of 2011 eliminated the requirement for consistency of the local comprehensive plan with the state comprehensive plan, the following analysis is included for further justification of the request. The plan amendment for Owl Creek is consistent and furthers the adopted State Comprehensive Plan. Relevant portions are discussed below.

187.201(4) Housing

(a) Goal – The public and private sectors shall increase the affordability and availability of housing for low-income and moderate-income persons, including citizens in rural areas, while at the same time encouraging self-sufficiency of the individual and assuring environmental and structural quality and cost-effective operations.

(b) Policies – 3. Increase the supply of safe, affordable, and sanitary housing for low-income and moderate-income persons and elderly persons by alleviating housing

shortages, recycling older houses and redeveloping residential neighborhoods, identifying housing needs, providing incentives to the private sector to build affordable housing, encouraging public-private partnerships to maximize the creation of affordable housing, and encouraging research into low-cost housing construction techniques, considering life-cycle operating costs.

The Owl Creek project will increase the availability of moderate-income single-family housing in this area of Lee County. The plan amendment includes stringent development criteria assuring environmental quality through significant onsite preservation of land including wetlands, rare and unique uplands and historical sites. The plan amendment seeks to incentivize these preservation activities to allow the appropriately clustered residential development to offset the cost of preservation of the property.

187.201(6) Public Safety

(a) Goal – Florida shall protect the public by preventing, discouraging, and punishing criminal behavior, lowering the highway death rate, and protecting lives and property from natural and manmade disasters.

(b) Policies –

- 9. Increase crime prevention efforts to enhance the protection of individual personal safety and property.*

The Lee County Sheriff's Office, Bayshore Fire Rescue and Lee County Emergency Medical Services have reviewed the request and provided letters which are included in attached Exhibit M17. These exhibits demonstrate that there is adequate capacity to accommodate an additional 219 dwelling units, exceeding the 213 associated with this request.

187.201(9) Natural Systems and Recreational Lands

(a) Goal - Florida shall protect and acquire unique natural habitats and ecological systems, such as wetlands, tropical hardwood hammocks, palm hammocks, and virgin longleaf pine forests, and restore degraded natural systems to a functional condition.

(b) Policies -

- 1. Conserve forests, wetlands, fish, marine life, and wildlife to maintain their environmental, economic, aesthetic, and recreational values.*
- 3. Prohibit the destruction of endangered species and protect their habitats.*
- 4. Establish an integrated regulatory program to assure the survival of endangered and threatened species within the state.*
- 6. Encourage multiple use of forest resources, where appropriate, to provide for timber production, recreation, wildlife habitat, watershed protection, erosion control, and maintenance of water quality.*
- 7. Protect and restore the ecological functions of wetlands systems to ensure their long- term environmental, economic, and recreational value.*
- 8. Promote restoration of the Everglades system and of the hydrological and ecological functions of degraded or substantially disrupted surface waters.*
- 10. Emphasize the acquisition and maintenance of ecologically intact systems in all land and water planning, management, and regulation.*

Through the stringent requirements associated with this request and conditioning of the forthcoming planned development, the Owl Creek project will preserve 93% of the onsite wetlands providing protection and enhancements. A minimum of 48 percent of the property (± 165.58 acres) will be placed into a conservation easement including the convergence of two natural waterways on the Great Calusa Blueway (Owl Creek and Trout Creek) where they connect to the Caloosahatchee River. The conservation area will include preservation of 3

recommended historical sites and the project will provide a potential public canoe/kayak launch area to Trout Creek. The Owl Creek project furthers these provisions of the State Comprehensive Plan.

187.201(12) Hazardous and Nonhazardous Materials and Waste

(a) Goal. - All solid waste, including hazardous waste, wastewater, and all hazardous materials, shall be properly managed, and the use of landfills shall be eventually eliminated.

(b) Policies. -

- 2. By 1994, provide in all counties a countywide solid waste collection system to discourage littering and the illegal dumping of solid waste.*

The Owl Creek project has been reviewed by the Lee County Solid Waste Division and they have provided a review letter dated August 10, 2020. This letter provides that Lee County Solid Waste Division is capable of providing solid waste collection service for the Owl Creek project.

187.201(14) Property Rights

Goal. - Florida shall protect private property rights and recognize the existence of legitimate and often competing public and private interests in land use regulations and other government action.

Policies. -

- 1. Provide compensation, or other appropriate relief as provided by law, to a landowner for any governmental action that is determined to be an unreasonable exercise of the state's police power so as to constitute a taking.*
- 2. Determine compensation or other relief by judicial proceeding rather than by administrative proceeding.*
- 3. Encourage acquisition of lands by state or local government in cases where regulation will severely limit practical use of real property.*

The proposed preservation and conservation areas and associated comprehensive plan amendment represents a balancing of public and private interests concerning the use of the Owl Creek property. Approval of the amendment will result in significant preservation of the Owl Creek property at no cost to the public.

187.201(15) Land Use

Goal. - In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.

Policies. -

- 1. Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce.*
- 2. Develop a system of incentives and disincentives which encourages a separation of urban and rural land uses while protecting water supplies, resource development, and fish and wildlife habitats.*

There are, or will be by privately funded extensions, adequate services available to the Owl Creek property to accommodate the proposed clustered development in an environmentally

acceptable manner, preserving natural resources such as wetlands, rare and unique uplands, and 3 historical sites in conservation easements. The clustered development will provide for preservation, enhancement and conservation of fish and wildlife habitats while providing perimeter separation to adjacent rural land uses.

187.201(17) Public Facilities

Goal. - Florida shall protect the substantial investments in public facilities that already exist and shall plan for and finance new facilities to serve residents in a timely, orderly, and efficient manner.

Policies. -

- 1. Provide incentives for developing land in a way that maximizes the uses of existing public facilities.*
- 2. Promote rehabilitation and reuse of existing facilities, structures, and buildings as an alternative to new construction.*
- 3. Allocate the costs of new public facilities on the basis of the benefits received by existing and future residents.*

There are or will be adequate public facilities to provide service to the Owl Creek project. The Owl Creek project will pay all required permit and impact fees, as well as all utility connection fees. Privately funded water and sewer extensions are proposed to the property which will provide fire protection to the existing and future residents and properties, including the Owl Creek project. The plan amendment for Owl Creek is consistent with these provisions of the State Comprehensive Plan.

Conclusion

The proposed plan amendment for Owl Creek is consistent with and generally furthers the State Comprehensive Plan.

Strategic Regional Policy Plan (SRPP)

The following Strategic Regional Policy Plan goals, strategies and actions are relevant to this plan amendment.

Affordable Housing Element

Goal 1: Supply a variety of housing types in various price ranges to ensure that all residents have access to decent and affordable housing.

The proposed development will increase the supply of housing and provide additional housing type options to the area, furthering this goal.

Economic Development

Goal 2: A well-educated, well-trained work force.

Strategy: Ensure a wide range of employment for all Southwest Floridians.

Actions:

- 1. Identify employment sectors that create jobs appropriate to this Region.*

Approval of the plan amendment and clustered development for Owl Creek will increase employment opportunities in the housing construction industry which is an important component

of the local employment sector. The plan amendment will also result in significant environmental enhancement of the property and privately funded extension of utilities which will result in additional employment opportunities during the construction of the project.

Strategy: To identify and include within a land conservation or acquisition program, those lands identified as being necessary for the sustainability of Southwest Florida, utilizing all land preservation tools available.

Strategy: Maintain and improve the natural, historic, cultural and tourist-related resources as primary regional economic assets.

Strategy: Ensure sustainable volumes of natural resources for economic productivity.

Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.

Strategy: Promote through the Council's review roles community design and development principles that protect the Region's natural resources and provide for an improved quality of life.

Actions:

- 9. Insure that opportunities for governmental partnerships and public/private partnerships in preserving wildlife habitats are maximized.*

Through the stringent requirements associated with this request and conditioning of the forthcoming planned development, the Owl Creek project will preserve 93% of the onsite wetlands providing protection and enhancements. A minimum of 48 percent of the property (± 165.58 acres) will be placed into a conservation easement including the convergence of two natural waterways on the Great Calusa Blueway (Owl Creek and Trout Creek) where they connect to the Caloosahatchee River. The conservation area will include preservation of 3 recommended historical sites and the project will provide a potential public canoe/kayak launch area to Trout Creek. The proposed preservation and conservation areas and associated comprehensive plan amendment represents a balancing of public and private interests concerning the use of the Owl Creek property. Approval of the amendment will result in significant preservation of the Owl Creek property at no cost to the public.

Conclusion

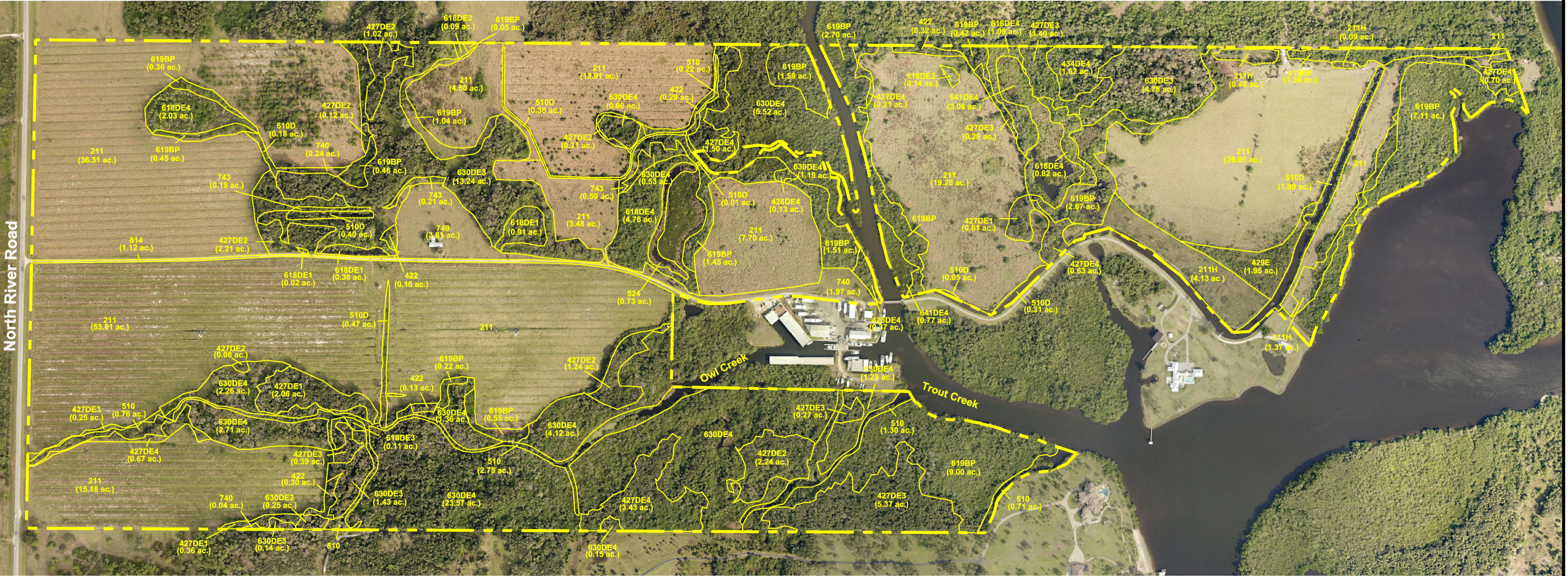
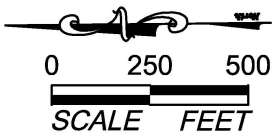
The plan amendment for Owl Creek is consistent with and generally furthers the Strategic Regional Policy Plan.

Environmental Impacts Analysis (Exhibit M12)

CPA2020-00005

Supplement - Revised Vegetation Map & Revised Pending Wetland Jurisdictional Map
March 2021

SECTIONS: 18 & 19
TOWNSHIP: 43 S
RANGE: 26 E



- * Surface Waters
** Potential jurisdictional other surface waters
*** Potential jurisdictional wetland
- Notes:
1. Property boundary was obtained from Banks Engineering.
2. Mapping based on photointerpretation of 2019 aerial photography and ground truthing in February 2020.
3. Delineation of jurisdictional wetlands is preliminary and subject to field review/approval by applicable regulatory agencies.

FOR CONCEPTUAL PLANNING PURPOSES ONLY
March 17, 2021 4:19:56 p.m.
Drawing: DRHOR455PLAN.DWG

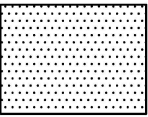
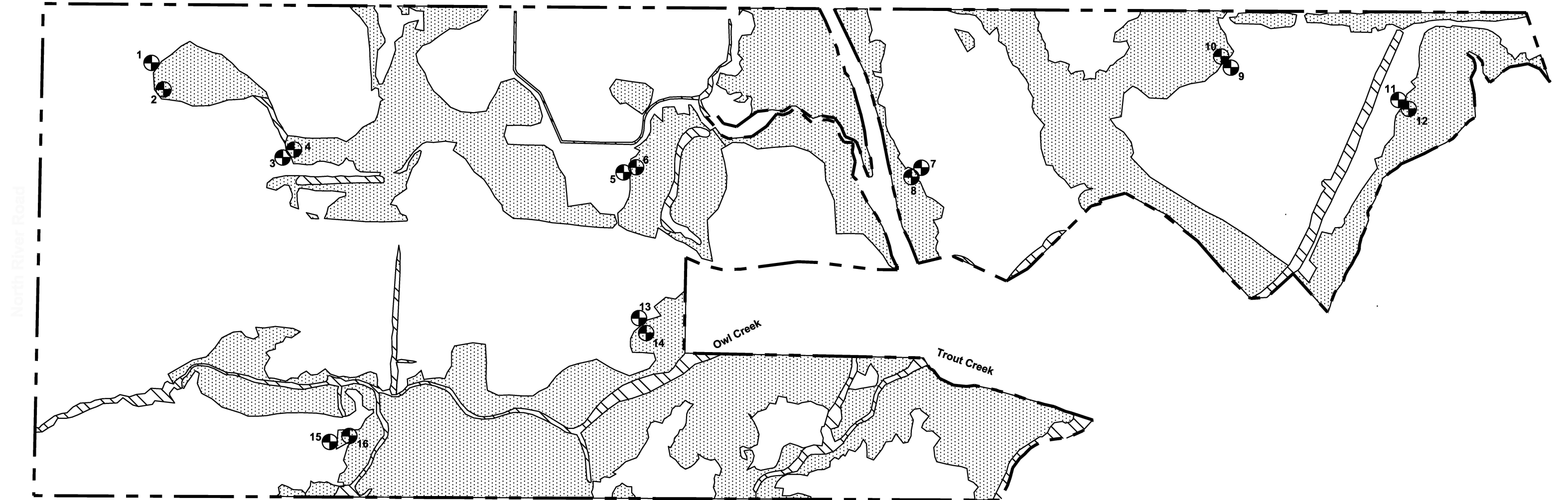
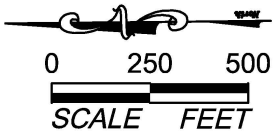
FLUCCS	Description	Acreage
211	Improved Pastures	179.35 ac.
***211H	Improved Pastures - hydric	6.07 ac.
422	Brazilian Pepper	1.20 ac.
427DE1	Live Oak, Disturbed, Invaded by Exotics (10-25%)	3.03 ac.
427DE2	Live Oak, Disturbed, Invaded by Exotics (26-50%)	7.12 ac.
427DE3	Live Oak, Disturbed, Invaded by Exotics (51-75%)	7.97 ac.
427DE4	Live Oak, Disturbed, Invaded by Exotics (76-90%)	7.24 ac.
***428DE4	Cabbage Palm, Disturbed, Invaded by Exotics (76-90%)	0.50 ac.
429E	Wax Myrtle, Invaded by Exotics (5-9%)	1.95 ac.
434DE4	Hardwood- Coniferous Mixed, Disturbed, Invaded by Exotics (76-90%)	1.62 ac.
*510	Streams and Waterways	5.77 ac.
**510D	Ditches	3.69 ac.
**524	Lakes less than 10 acres which are dominant features	0.73 ac.

FLUCCS	Description	Acreage
***618DE1	Willow, Disturbed, Invaded by Exotics (10-25%)	1.29 ac.
***618DE2	Willow, Disturbed, Invaded by Exotics (26-50%)	0.23 ac.
***618DE3	Willow, Disturbed, Invaded by Exotics (51-75%)	0.11 ac.
***618DE4	Willow, Disturbed, Invaded by Exotics (75-90%)	8.70 ac.
***619BP	Hydric Brazilian Pepper	30.97 ac.
***630DE3	Wetland Forested Mixed, Disturbed, Invaded by Exotics (51-75%)	19.84 ac.
***630DE4	Wetland Forested Mixed, Disturbed, Invaded by Exotics (76-90%)	43.30 ac.
***641DE4	Freshwater Marsh, Disturbed, Invaded by Exotics (76-90%)	3.83 ac.
740	Disturbed Land	6.06 ac.
743	Spoil Area	0.99 ac.
814	Roads and Highways	1.12 ac.
Total		342.68 ac.

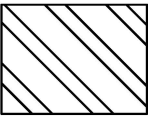
Vegetation Map

Owl Creek Parcel

SECTIONS: 18 & 19
TOWNSHIP: 43 S
RANGE: 26 E



Jurisdictional Wetlands (114.84 ac.)



Jurisdictional Surface Waters and Other
Surface Waters (10.19 ac.)



Uplands (217.65 ac.)



Data Sheet Point (16)(typ.)

Property Line

FOR CONCEPTUAL PLANNING PURPOSES ONLY

March 17, 2021 4:18:43 p.m.
Drawing: WETLAND JD MAP.DWG

Owl Creek Parcel

DEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680

Public Facilities Impact Narrative (Exhibit M14)

CPA2020-00004

Revised March 2021

Includes LCU No Objection Letter for FGUA Sanitary Service



Professional Engineers, Planners & Land Surveyors

OWL CREEK
Comprehensive Plan Amendment
Public Facilities Impacts Narrative
EXHIBIT "M14 & 16" / "T5"
CPA2020-00004 & CPA2020-00005
Revised March 2021

This analysis utilizes the data provided in the 2019 Lee County Public Facilities Level of Service and Concurrency Report.

The Owl Creek property is located on the south side of N. River Road approximately ½ mile east of the intersection of SR 31 and N. River Road within the North Olga area of the Northeast Lee County Planning Community. The plan amendment for Owl Creek proposes to remove the property from the existing future land use map designation of Rural and Wetlands and adopt the Sub-Outlying Suburban future land use designation and associated text amendment for properties located within the North Olga Community Plan area within this designation. The resultant density for the subject property will be a maximum of 440 single-family dwelling units which is an increase of 213 dwelling units that could be developed under the existing classifications. A concurrent Planned Development application will be filed to allow for conditions of approval. The following analysis establishes that the additional proposal will not adversely impact public services.

Sanitary Sewer

The Owl Creek property's existing and proposed density does not meet those required for connection and the site is not located within a franchised service area. Placing the Owl Creek property on centralized sanitary sewer service is a benefit to the public given the location of the adjacent waterways. Given that the Owl Creek property is not currently in a sanitary sewer service area, if single-family residences were developed on the property, each unit would have to be on an individual septic system that would be subject to individual maintenance or lack of maintenance at the whim of the individual homeowner.

The project proposes that the project area be added to the Florida Governmental Utility Authority (FGUA) service area with privately funded expansion of sewer infrastructure to serve the project. A letter of availability dated September 3, 2020 is attached demonstrating that FGUA presently has sufficient treatment capacity to accommodate the proposed flows. The letter further indicated that FGUA has wastewater lines in operation in the vicinity of the site, however, developer funded system enhancements such as line extensions may be required. The closest sewer forcemain is 16" located approximately 2.75 miles away at Bayshore Rd. & Bay Point Blvd. A letter of no objection from Lee County Utilities has been obtained and is attached. During design, the FGUA Utilities Operations Manual requires the project engineer to perform hydraulic computations to determine what impact, if any, this project will have on their existing water and wastewater systems.

Although Lee County Utilities has indicated in the submitted letter of availability that it presently

• SERVING THE STATE OF FLORIDA •

has sufficient capacity to provide sanitary sewer service which would be provided by the City of Fort Myers North Water Reclamation Facility, the nearest wastewater mains are located on the south side of the Caloosahatchee River along S.R. 80 (Palm Beach Blvd). Connection to the Lee County system would require constructing facilities on the existing SR 31 bridge which is not possible since it is a draw bridge. Since FGUA's wastewater facilities are located in the same vicinity of the nearest Lee County Utilities water facilities, connection to FGUA is the most economically viable option. Lee County Utilities has issued a letter of no objection to FGUA providing sanitary sewer service to the site. The 2019 Concurrency Report states that all systems are operating within capacity and meet the LOS standard for unincorporated Lee County.

The plant has a permitted treatment capacity of 4.25 million gallons per day (MGD). The Level of Service (LOS) Standard, per Lee Plan Policy 95.1.3, is 200 gallons per day per Equivalent Residential Connection (ERC) or for the purposes of this analysis, per each residential dwelling unit that is connected to the system. The Owl Creek project proposes to connect a maximum of 440 residential dwelling units to the FGUA sewer system.

Existing Development Potential: 227 maximum residential
227 ERC x 200 GPD = 45,400 GPD

Proposed Development Potential: 213 additional (440 maximum residential):
213 ERC x 200 GPD = 42,600 GPD

Total: 88,000 GPD

According to the 2019 Lee County Concurrency Report, major regional central systems providing service in unincorporated Lee County includes BSU, FGUA, City of Fort Myers (FM), GIWA, and LCU and all systems are operating within capacity and meet the LOS standard for unincorporated Lee County.

The Del Prado Wastewater Treatment Plant had a maximum average daily flow over a 12 month period of 5.205 MGD in August 2019. The maximum three-month average daily flow was 4.087 in September 2019. The permitted capacity of 4.250 is annual average daily flow and not maximum. The submitted letter of availability from FGUA demonstrates that they have sufficient treatment capacity to accommodate the flows of up to 110,000 GPD which exceeds the 88,000 GPD. FGUA has programmed plant expansions and expansion of the disposal of treated effluent, including providing effluent to the City of Cape Coral for irrigation uses. These plant expansions will allow FGUA to continue to expand the sewer service they provide to North Fort Myers, including to the Owl Creek project.

Potable Water

The Owl Creek property's existing and proposed density does not meet those required for connection and the site is not located within a franchised service area. Placing the Owl Creek project on centralized potable water service is a public benefit given it would eliminate individual wells with their associated impacts. An amendment to Lee Plan Map 6 is proposed to place the property within the Lee County Utilities Future Water Service Area to allow for privately funded expansion of water infrastructure to serve the project. A letter of availability from Lee County Utilities is attached demonstrating sufficient capacity exists and that the site will be serviced by North Lee County Water Treatment Plant. The LOS standard for Potable Water is 250 gallons (per Policy 95.1.3) per residential connection or unit.

Existing Development Potential: 227 maximum residential
227 ERC x 250 GPD = 56,750 GPD

Proposed Development Potential: 213 additional (440 maximum residential):
213 ERC x 250 GPD = 53,250 GPD

Total: 110,000 GPD

According to the 2019 Concurrency report, Lee County Utilities has a capacity of 50.9 MGD and planned capacity of 55.3 MGD. In 2016, 158,611 ERCs were served by LCU. The number of ERCs projected for 2023 are 177,652 units with 223,893 units projected for 2040. Lee County Utilities has excess capacity to accommodate the currently approved maximum dwelling units and the additional proposed 440 dwelling units. The additional units are well within the projected growth of 177,652 ERCs to be served by 2023 and 223,893 ERCs to be served by 2040. Therefore, Lee County Utilities has adequate capacity to service the proposed development.

Surface Water/Drainage Basins

Lee Plan Map 18 identifies the subject property as being within the Trout Creek and Owl Creek Watershed areas. These creeks traverse the property and are tidally influenced in the area of the project. These creeks connect to the Caloosahatchee River just south of the project area. LOS standards for surface water management are contained in Lee Plan Policy 95.1.3 which provides a system requirement to prevent the flooding of designated evacuation routes on Lee Plan Map 15 from the 25-year, 3-day storm event (rainfall) for more than 24 hours. Runoff from the developed site will continue to discharge to tidal creeks and rivers and will not cross any public road or evacuation route. The developed site will contain increased site storage and decreased discharge compared to the current site conditions. The 2019 Concurrency Report confirms that none of the evacuation routes in the studied watersheds are anticipated to be flooded for more than 24 hours, and that new developments that receive approval from the South Florida Water Management District will be deemed concurrent with the Lee Plan's surface water management LOS. The Owl Creek project will receive approval for an Environmental Resource Permit from the South Florida Water Management District and, as such, will be concurrent with the surface water management Level of Service standards of the Lee Plan.

Parks, Recreation, and Open Space

The Lee Plan measures the minimum acceptable Level of Service for Parks, Recreation, and Open Space by two standards, Regional Parks and Community Parks. Policy 95.1.3 provides the minimum acceptable levels of service. For Regional Parks, it is 6 acres of developed regional park land open for public use per 1,000 total seasonal county population. For Community Parks, it is .8 acres of developed standard community parks open for public use per 1,000 permanent population, unincorporated Lee County. The non-regulatory Desired Future Level of Service for Community Parks is two (2) acres per 1,000 permanent population.

Regional Parks

The 2019 Lee County Concurrency report states there are 3,029 acres of existing Regional Parks by Lee County, representing roughly 43% of the existing regional park acreage when considering all jurisdictions. The inventory of existing regional parks operated by local, state and federal governments totals 7,051 acres which is sufficient to meet the required standard of 6 acres per 1,000 total seasonal county population:

$$842,000 \text{ [seasonal county population]} (6 \text{ acres}/1,000) = 5,052 \text{ acres}$$

The report further states that the existing inventory meets the regional park level of service standard in the county for the year 2018 and will continue to do so at least through the next five years of the CIP.

The requested 440 dwelling units (increase of 213 units) will not negatively impact the regional parks level of service. The non-regulatory level of service standard is 5,052 acres of Regional Parks is far exceeded with the existing 7,051 acres. There is

adequate acreage within the existing Regional Parks to meet the needs of the additional 440 dwelling units.

Community Parks

The non-regulatory Level of Service Standard for Community Parks is currently eight-tenths (0.8) acres of developed standard Community Parks open for public use per 1,000 permanent population in the unincorporated area of each district. The 2019 Concurrency Report states that there are 743 acres of existing Community Parks within unincorporated Lee County. The capacity needed to meet the Lee Plan non-regulatory level of service standard is equal to:

$$355,737 \text{ [permanent county population/unincorporated areas only]} (0.8 \text{ acres}/1,000) = 285 \text{ acres}$$

The report further states that the existing inventory exceeds the community park level of service standard in the county for the year 2018 and will continue to do so at least through the next five years of the CIP.

The requested 440 dwelling units (increase of 213 units) will not negatively impact the community parks level of service. The non-regulatory level of service standard of 285 acres of Community Parks is far exceeded with the existing 743 acres. There is adequate acreage within the existing Community Parks to meet the needs of the additional 440 dwelling units.

Public Schools

The Owl Creek project is located within the East Zone, E2. Lee Plan Policy 67.1.1 and Policy 95.1.3(6) provide that the level of service standards for Elementary School, Middle School, High School and Special Purpose Facilities is 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

The 2019 Concurrency Report shows the following for the east zone: elementary schools: 448 total available capacity, middle schools: 439 deficit in available capacity, high schools: 524 deficit in available capacity on January 23, 2019 and projected capacity for 2019-2020 shows the same capacity for elementary schools, a deficit of 219 for middle schools and a deficit of 28 for high schools. Interim deficits are met by adding 220 portable middle school seats and an addition at Lehigh High which added 496 high school seats. LOS standards will be met by the construction of a new middle school to open in 2021-2022 which will add 1,210 seats and new high school to open portables in 2020-2021 with 380 freshman seats followed by opening in 2021-2022 creating 1,520 additional seats. This will result in all zones meeting the adopted LOS standard.

The School District of Lee County uses a generation rate of .297 students per each single-family dwelling unit. This rate is further broken down by school type, with a rate of .149 for elementary, .071 for middle school, and .077 for high school. Utilizing these rates results in a demand of 131 school-aged children, 66 elementary students, 31 middle school students, and 34 high school students for the Owl Creek project. The attached letter from The School District of Lee County demonstrates that although capacity is an issue within the Concurrency Service Area (CSA) at the high school level, capacity is available in the adjacent CSA. The concurrency system allows contiguous districts to provide capacity when capacity in the project's District is not available.

Solid Waste

Solid waste services for the property will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.

LOS Standard: 7 pounds per day per capita

Current Available Capacity: 8.3 pounds per day per capita

Existing Development Potential: 227 maximum residential

227 dwelling units x 2.35 persons per unit = 533 persons

533 persons x 7 lbs/day = 3,731 lbs

Proposed Development Potential: 213 additional (440 maximum residential):

213 dwelling units x 2.35 persons per unit = 501 persons

501 persons x 7 lbs/day = 3,507 lbs

Total: 7,238 lbs

The 2019 Concurrency Report provides that all unincorporated areas of Lee County are concurrent with the Level of Service standard set forth in the Lee Plan for solid waste. The report further states, *"At the total available system capacity of 1,134,667 tons per year, the Lee County IWMS would be capable of providing a 7.0 lb/capita/day level of service to a full-time combined Lee and Hendry County population of 888,000."* The proposed increase in density will result in the generation of an additional 3,605 pounds per day which can be accommodated by the capacity of the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.

Conclusions

As this analysis demonstrates, there are adequate public facilities to support the development of the Owl Creek property as proposed. The plan amendment for Owl Creek will not cause any public facility deficiencies.



Kevin Ruane
District One

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

January 25, 2021

Via E-Mail

Stacy Ellis Hewitt, AICP
Banks Engineering
10511 Six Mile Cypress Parkway
Fort Myers, FL 33966

**RE: Letter of No Objection for sewer service by FGUA
Owl Creek; 12850 N. River Road, 18420 and 17900 Owl Creek Drive
Strap #s: 18-43-26-00-00002.0020, 18-43-26-00-00002.0000, and 19-43-
26-00-00002.1020**

Dear Ms. Hewitt:

This letter is in response to your request for a Letter of No Objection to Florida Governmental Utility Authority (FGUA) providing sanitary sewer service to the above referenced addresses.

Please be advised that the subject addresses are not located within Lee County Utilities' (LCU) service area and we have no sanitary sewer lines in operation adjacent to the site.

Per Lee Plan Policy 56.1.1, LCU may object to sanitary sewer utilities applying to provide or expand service to areas within unincorporated Lee County that are not included in the areas illustrated on Map 7.

LCU has no objection to the FGUA providing sanitary sewer service to the subject addresses.

If you should have any questions, or require further assistance, please do not hesitate to contact our office at (239)533-8181.

Sincerely,

A handwritten signature in blue ink, appearing to read "N. Beals".

Nathan Beals, PMP
Utilities Planning Manager
(239) 533-8157
LEE COUNTY UTILITIES

Traffic Circulation Analysis (Exhibit M15)

CPA2020-00004
Supplemental Response March 2021

October 27, 2020

Ms. Stacy Hewitt, AICP
Banks Engineering
10511 Six Mile Cypress Pkwy, Suite 101
Fort Myers, FL 33966

RE: Owl Creek Map & Text Amendment
CPA2020-00004 & CPA2020-00005

Dear Ms. Hewitt:

TR Transportation Consultants, Inc. has reviewed the Traffic Impact Statement (TIS) comments issued by the Lee County Department of Community Development regarding the above project. The comments and TR Transportation's response to those comments are listed below for reference.

LC T.I.S. Application Sufficiency Checklist:

4. *Table 2A: The trip generation for this project in PM peak hour will be 421 trips. This project is within TAZ3883 in the 2040 transportation model which is used for background traffic for the Year 2040. TAZ3883 only includes 17 single-family dwelling units and 2 multi-family units in the 2040 transportation model, and does not reflect the current land uses requested. Therefore, 421 trips shall be used for 2040 PM peak hour level of service analysis (Table 2A).*

Acknowledged. Attached Table 2A has been revised to satisfy this comment.

5. *Table 4A: 421 trips shall be also used for the 5 year level of service analysis.*

Acknowledged. Attached Table 4A has been revised to satisfy this comment.

6. *Table 2A and 4A: Buckingham Road needs to be revised to south of SR 80 in Tables 2A and 4A, not south of SR 31.*

Acknowledged. Attached Tables 1A-4A has been revised to satisfy this comment.

7. *Table 2A: A 0.62 D-factor (Permanent #5) shall be used for North River Road in Table 2A.*

Acknowledged. Attached Table 2A has been revised to satisfy this comment.

If you have any additional questions, please do not hesitate to contact us.

Sincerely,



Yury Bykau, E.I.
Transportation Consultant

Attachments

TABLE 1A
LEVEL OF SERVICE THRESHOLDS
2040 LONG RANGE TRANSPORTATION ANALYSIS - OWL CREEK

<u>ROADWAY</u>	<u>ROADWAY SEGMENT</u>	<u>2040 E + C NETWORK LANES</u>		<u>GENERALIZED SERVICE VOLUMES</u>				
		<u># Lanes</u>	<u>Roadway Designation</u>	<u>LOS A</u>	<u>LOS B</u>	<u>LOS C</u>	<u>LOS D</u>	<u>LOS E</u>
				<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>
N. River Rd	E. of Owl Creek Dr	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,640
	W. of Owl Creek Dr	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,640
SR 31	N. of N. River Rd.	4LD	Uninterrupted Flow Highway	0	1,800	2,600	3,280	3,730
	S. of N. River Rd.	4LD	Arterial	0	0	1,910	2,000	2,000
	S. of SR 78	4LD	Arterial	0	0	1,910	2,000	2,000
SR 78 (Bayshore Rd)	W. of SR 31	2LU	Arterial	0	0	872	924	924
SR 80 (Palm Beach Blvd)	W. of SR 31	6LD	Arterial	0	0	3,087	3,171	3,171
	E. of SR 31	4LD	Arterial	0	0	2,006	2,100	2,100
	E. of Buckingham Rd	4LD	Uninterrupted Flow Highway	0	1,800	2,600	3,280	3,730
Buckingham Rd	S. of SR 80	2LU	Arterial	0	140	800	860	860

- Denotes the LOS Standard for each roadway segment

* Level of Service Thresholds for Lee County arterials were taken from the Generalized Peak Hour Directional Service Volume tables for Urbanized Areas (dated April 2016)

* Level of Service Thresholds for state maintained roadways were taken from FDOT's Generalized Peak Hour Directional Volumes for Florida's Urbanized Areas Table 7.

TABLE 2A
2040 ROADWAY LINK LEVEL OF SERVICE CALCULATIONS
OWL CREEK

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 421 VPH IN= 265 OUT= 156

2040														2040 BACKGROUND PLUS PROJ	
ROADWAY	ROADWAY SEGMENT	2040	COUNTY PCS /	MOCF	AADT	K-100	100TH HIGHEST	D	PM PK HR	PEAK DIRECTION		PROJECT	PK DIR	PEAK DIRECTION	
		FSUTMS			BACKGROUND		HOUR PK DIR		PEAK	TRAFFIC VOLUMES & LOS			TRAFFIC	PM PROJ	TRAFFIC VOLUMES & LOS
		PSWDT	FDOT SITE #	FACTOR ¹	TRAFFIC	FACTOR	2-WAY VOLUME	FACTOR	DIRECTION	VOLUME	LOS	DIST.	TRAFFIC	VOLUME	LOS
N. River Rd	E. of Owl Creek Dr	5,548	124650	0.93	5,160	0.095	490	0.62	EAST	304	B	5%	13	317	B
	W. of Owl Creek Dr	5,568	124650	0.93	5,178	0.095	492	0.62	EAST	305	B	95%	252	557	C
SR 31	N. of N. River Rd.	36,889	120273	0.94	34,676	0.095	3,294	0.521	NORTH	1,716	B	20%	53	1,769	B
	S. of N. River Rd.	35,534	121001	0.94	33,402	0.095	3,173	0.54	NORTH	1,713	C	75%	199	1,912	D
	S. of SR 78	29,867	120030	0.94	28,075	0.090	2,527	0.54	NORTH	1,365	C	50%	133	1,498	C
SR 78	W. of SR 31	15,365	121002	0.94	14,443	0.090	1,300	0.54	EAST	702	C	25%	66	768	C
SR 80	W. of SR 31	54,543	126005	0.94	51,270	0.090	4,614	0.54	EAST	2,492	C	35%	93	2,585	C
	E. of SR 31	30,577	120085	0.94	28,742	0.090	2,587	0.54	EAST	1,397	C	10%	27	1,424	C
	E. of Buckingham Rd	19,690	120012	0.94	18,509	0.090	1,666	0.54	EAST	900	B	3%	8	908	B
Buckingham Rd	S. of SR 80	21,036	11	0.93	19,563	0.089	1,741	0.53	NORTH	923	F	4%	11	934	F

¹ Model Output Conversion Factor was utilized to obtain the AADT Volumes for all roadways.

* The K-100 and D factors for County maintained roadways were obtained from Lee County Traffic Count Report.

Note Due to insufficient traffic data in the Lee County Traffic Count Report, the K-100 and D factors for North River Road were obtained from Florida Traffic Online resource.

* The K-100 and D factors for FDOT maintained roadways were obtained from Florida Traffic Online resource.

**TABLE 3A
LEVEL OF SERVICE THRESHOLDS
OWL CREEK**

<u>ROADWAY</u>	<u>ROADWAY SEGMENT</u>	<u># LANES</u>	<u>ROADWAY DESIGNATION</u>	LOS A	LOS B	LOS C	LOS D	LOS E
				<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>	<u>VOLUME</u>
N. River Rd	E. of Owl Creek Dr	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,640
	W. of Owl Creek Dr	2LU	Uninterrupted Flow Highway	130	420	850	1,210	1,640
SR 31	N. of N. River Rd.	4LD	Uninterrupted Flow Highway	0	1,800	2,600	3,280	3,730
	S. of N. River Rd.	4LD	Arterial	0	0	1,910	2,000	2,000
	S. of SR 78	2LU	Arterial	0	0	830	880	880
SR 78 (Bayshore Rd)	W. of SR 31	2LU	Arterial	0	0	872	924	924
SR 80 (Palm Beach Blvd)	W. of SR 31	6LD	Arterial	0	0	3,087	3,171	3,171
	E. of SR 31	4LD	Arterial	0	0	2,006	2,100	2,100
	E. of Buckingham Rd	4LD	Uninterrupted Flow Highway	0	1,800	2,600	3,280	3,730
Buckingham Rd	S. of SR 80	2LU	Arterial	0	140	800	860	860

- Denotes the LOS Standard for each roadway segment

* Level of Service Thresholds for Lee County arterials/collectors taken from the Generalized Peak Hour Directional Service Volume tables for Urbanized Areas (dated April 2016)

* Level of Service Thresholds for State maintained roadways were taken from FDOT's Generalized Peak Hour Directional Volumes for Florida's Urbanized Areas Table 7.

**TABLE 4A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
OWL CREEK**

											FDOT Sta. #	K	D							
TOTAL PROJECT TRAFFIC AM =		317	VPH	IN =	79	OUT=	238													
TOTAL PROJECT TRAFFIC PM =		421	VPH	IN=	265	OUT=	156													
											120273	0.095	0.521							
											121001	0.095	0.540							
											120030	0.090	0.540							
											121002	0.090	0.540							
											126005	0.090	0.540							
											120085	0.090	0.540							
											120012	0.090	0.540							
											2018/2019	2025	2025	2025	2025	2025	2025	2025	2025	
											PK HR	PK HR	PK SEASON	PERCENT	BCKGRND			BCKGRND		
											PK HR	PK HR	PK SEASON	PERCENT	AM PROJ	PM PROJ	+ AM PROJ	V/C	+ PM PROJ	V/C
ROADWAY	ROADWAY SEGMENT	FDOT SITE #	ADT	ADT	GROWTH. ¹	RATE	PEAK DIR. ²	VOLUME	LOS	Ratio	TRAFFIC	TRAFFIC	TRAFFIC	VOLUME	LOS	Ratio	VOLUME	LOS	Ratio	
N. River Rd	E. of Owl Creek Dr	348	2,200	2,900	8	3.51%	166	211	B	0.13	5%	12	13	223	B	0.14	225	B	0.14	
	W. of Owl Creek Dr	348	2,200	2,900	8	3.51%	166	211	B	0.13	95%	226	252	437	C	0.27	463	C	0.28	
SR 31	N. of N. River Rd.	120273	4,937	9,292	15	4.31%	460	592	B	0.23	20%	48	53	640	B	0.25	645	B	0.25	
	S. of N. River Rd.	121001	9,500	11,000	15	2.00%	564	635	C	0.33	75%	179	199	814	C	0.43	834	C	0.44	
	S. of SR 78	120030	9,800	13,500	15	2.16%	656	746	C	0.85	50%	119	133	865	D	0.98	878	D	1.00	
SR 78 (Bayshore Rd)	W. of SR 31	121002	7,700	10,600	15	2.15%	515	585	C	0.63	25%	60	66	645	C	0.70	652	C	0.71	
SR 80 (Palm Beach Blvd)	W. of SR 31	126005	26,004	35,000	11	2.74%	1,701	2,000	C	0.63	35%	83	93	2,084	C	0.66	2,093	C	0.66	
	E. of SR 31	120085	29,500	36,500	15	2.00%	1,774	1,998	C	0.95	10%	24	27	2,021	D	0.96	2,024	D	0.96	
	E. of Buckingham Rd	120012	19,200	28,000	15	2.55%	1,361	1,582	B	0.48	3%	7	8	1,590	B	0.48	1,590	B	0.48	
Buckingham Rd	S. of SR 80	11	8,400	11,400	9	3.45%	529	671	C	0.78	4%	10	11	680	C	0.79	681	C	0.79	

Justification of Proposed Amendment (Exhibit M19)

CPA2020-00004
Revised March 2021



Professional Engineers, Planners & Land Surveyors

OWL CREEK
Comprehensive Plan Amendment
Justification of Proposed Amendment
EXHIBIT "M19"
CPA2020-00004 & CPA2020-00005
Revised March 2021

The plan amendment and the environmental, water quality, hydrological, infrastructure, and community character enhancement criteria to allow for the clustered development of the Owl Creek property represents sound planning principles.

The following summarizes benefits that will be accomplished by approval of this request through compliance with the proposed text amendment:

1. Provide a connection between the existing New Community FLU to the north and Caloosahatchee River to the south that will continue the environmental preservation and enhanced drainage ways that will be improved by reduced runoff rate and reduced nutrient runoff
2. Amendment will result in clustered development as encouraged in area as demonstrated by the Preliminary Development Footprint exhibit
3. Provide Wetland Protection and Enhancements including exotic removal and maintenance
4. Historical Resource preservation of the 3 recommended sites
5. ±165.58 acres (48% of property) placed into conservation easement including the convergence of two natural waterways on the Great Calusa Blueway (Owl Creek and Trout Creek) where they connect to the Caloosahatchee River
6. Wildlife/recreation connection from portion of Trout Creek located on potential Conservation 20/20 lands to Caloosahatchee River
7. Connection to adjacent SFWMD owned lands to the east and south
8. Potential public canoe/kayak launch area to Trout Creek
9. Wildlife management and co-existence plans
10. Enhanced lake management plan
11. Florida Friendly Landscaping with the low irrigation requirements in common areas
12. 60% open space
13. Preserve 93% of wetlands
14. Water Quality enhancements and monitoring
15. Remove potential for up to 227 potential septic tanks and wells
16. Removal of cattle grazing will significantly reduce onsite nutrient generation
17. Additional 50% water quality treatment
18. Reduced rate of run-off and associated nutrient loads
19. Stormwater enhancements
20. Green infrastructure
21. Privately funded expansion of water and sewer to the area (as encouraged/anticipated by existing Lee Plan policies)
22. Minimum 50' perimeter setback/buffer
23. Minimum 100' setback from Owl Creek Boat Works property line to single-family lots

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24. Provide area for multi-use path along North River Road
25. Protect existing groundwater levels and improve existing wetland hydroperiods in onsite preserve areas

The Lee Plan recognizes that enhancement and conservation of environmental, historical, stormwater, public water access and enhanced water quality is a public priority. The plan amendment balances this public interest with those of the property owner. The plan amendment represents a kind of public-private partnership. The public interests for Owl Creek outlined above will be conditioned in the concurrent Planned Development Zoning application. The private interest in utilizing and developing the property is satisfied in a responsible environmental manner. This represents sound planning.

The plan amendment utilizes the planning principle of clustered development. Clustered development is a development arrangement that stresses people living in harmony with nature and locates buildings in concentrated portions of a site, leaving the remainder of the site undeveloped. Typically this form of development is utilized to limit sprawling development patterns while protecting such things as open space, environmentally sensitive areas and natural resources. The project design protects a least 93% of the wetlands, provides preservation of a minimum of 48% of the site including areas along Owl Creek and Trout Creek and provides enhanced setbacks to adjacent uses.

The Owl Creek project also utilizes the planning principle of conservation design or designing with nature. The process of selecting the appropriate preservation and development scenario for the property utilized an analysis of the property's attributes such as property location and location of adjacent uses, soils, topography, previous uses and associated impacts and natural resources. One guiding principle of conservation design is that environmentally sensitive areas must be first identified and designated as non-buildable. The analysis of the property identified the location of wetlands, rare and unique uplands and 3 historical sites recommended for listing and preservation on the property and incorporated these areas into the project's preservation and open space plan. Through the stringent requirements associated with this request and conditioning of the forthcoming planned development, the Owl Creek project will preserve 93% of the onsite wetlands providing protection and enhancements through exotic removal and upland buffers. A minimum of 48 percent of the property (± 165.58 acres) will be placed into a conservation easement including the convergence of two natural waterways on the Great Calusa Blueway (Owl Creek and Trout Creek) where they connect to the Caloosahatchee River. The conservation area will include preservation of 3 recommended historical sites and the project will provide a potential public canoe/kayak launch area to Trout Creek. This process represents sound planning for the subject site, its natural resources and existing surrounding uses.

The Owl Creek project represents compatible land uses with existing surrounding uses which include agricultural uses, preservation and single family uses. The project's residential uses will be clustered inside the property with enhanced setbacks/buffers to adjacent uses and properties. The project's open spaces and preservation areas compliment and enhance adjacent existing and pending public and private preserve areas. The Owl Creek project residential uses are clustered and separated from the perimeter by a minimum 50 foot setback/buffer area. The project's compatibility with nearby land uses represents sound planning for the region in which the property is located.

The Owl Creek project will be connected to and serviced by a centralized water and sewer system via privately funded extensions. Connecting this property to a centralized water and sewer system represents sound planning with the removal of potential for 227 septic systems and private wells will provide fire protection to the existing and future residents and properties, including the Owl Creek project. The proposed privately funded expansion of utilities to the area

is already encouraged and anticipated by existing Lee Plan policies.

The Owl Creek project represents a high quality master planned project. The applicant respectfully asks that the proposed plan amendment for the Owl Creek property be approved to realize these regional benefits.

The Lee County Sheriff's Office has reviewed the request and has provided a review letter dated August 4, 2020 that provides that the proposed development does not affect their ability to provide core services and that they have no objection to the requested increase in density. The Sheriff's Office letter states that law enforcement services will be provided from their North District substation in North Fort Myers. This letter also provides that the applicant provide a Crime Prevention Through Environmental Design (CPTED) report at the time of application for a development order.

Bayshore Fire Rescue reviewed the request and provided a letter dated August 11, 2020. This letter provides that Bayshore Fire Rescue will be able to adequately serve the development as proposed and that the District will require residential sprinklers within homes if the area is not serviced by an adequate pressurized fire hydrant system. Privately funded potable water will be extended to the site to provide adequate pressurized fire hydrant system.

The Lee County Division of Emergency Medical Services reviewed the request and provided a review letter dated August 19, 2020 indicating that the service availability for the proposed development of this property is adequate at this time. Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the address you have provided. Because we currently serve this area and have a sufficient response data sample, we evaluated response times in this vicinity to simulate the anticipated demand and response. The primary ambulance for this location is Medic 11, located 5.1 miles southwest; there is a second EMS station within six miles of the proposed location. These locations are projected to be able to meet existing service standards, as required in County Ordinance 08-16, and no additional impacts are anticipated at this time.

The Owl Creek project represents a high quality master planned project. The applicant respectfully asks that the proposed plan amendment for the Owl Creek property be approved to realize these regional benefits.

Planning Community Requirements (Exhibit M20)

CPA2020-00004
Revised March 2021



Professional Engineers, Planners & Land Surveyors

**Owl Creek
Comprehensive Plan Amendment
Case Nos. CPA2020-00004 & CPA2020-00005
Exhibit "M20" and
Summary of North Olga Planning Community Public Information
Meeting**

In compliance with Lee County Comprehensive Plan Policies 17.3.2, 17.3.3, 17.3.4 and 27.1.8, two Public Information Meetings have been held to provide a general overview of the map and text amendment and effect thereof as well as the proposed planned development rezoning application (in compliance with Lee County Land Development Code Section 33-1663). The Public Information Meeting within the North Olga Planning Community was held on Thursday, October 15, 2020 at 6:00 pm at the North Olga Planning Panel meeting held at the Bayshore Fire Station, 17350 Nalle Rd., Fort Myers, FL 33917. The development proposal was described in detail including but not limited to the existing conditions, proposed map amendment and proposed text amendment with proposed uses, intensity and preliminary master concept plan. There were members of the public present for the meeting.

Attached please find the following items for reference:

- Sign-in Sheet
- Affidavit of Notice
- Exhibits and Handouts at the meeting

The following meeting minutes summarize comments received by those in attendance about the development proposal, and applicant's responses.

Question: What happens to Owl Creek? Does it stay Owl Creek?

- Response: Yes it stays Owl Creek.

Question: What are the historic sites?

- Response: Prehistoric sites where prior civilizations had eaten and pieces of bone and shell were found showing activity in these areas.

Question: So, you are going through this process and you're really only increasing the density from 1-unit acre to 1.28 acre, so you really aren't asking for 2 units?

- Response: That is correct. The request is limited to 2 du per upland acre or 1.28 du per gross acre.

Comment: Looking at this for the first time, they basically took Babcock high criteria and applying to a much smaller property and surprised able to do all of it.

Question: No commercial in here?

- Response: No commercial with the request. Adjacent Owl Creek Boat Works will remain.

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Question: How many units in the Intensive Development future land use.

- Response: Not within the Intensive Development future land use designation – the handout of Table 1(a) was only to demonstrate the proposed limitation language in red.

Question: They are all single-family homes?

- Response: Single-family and two-family attached.

Question: And it's 440?

- Response: 440 is the maximum dwelling units for request.

Question: Did you go to Alva?

- Response: Yes, we held a meeting in Alva and mailed notices to the surrounding properties within 500 feet and interested parties listed with Lee County.

Question: How did it go?

- Response: We received a lot of good feedback from the community and desire to maintain communication.

Question: Does it say in here how many dwellings will be in there?

- Response: Yes, the maximum is 440 dwelling units.

Question: Is the 440 dwelling units based on the proposed amendment or original limit?

- Response: Yes, the amendment is for 440 dwelling units as there can be 221 today under current designation

Question: Is that specific to this piece of land?

- Response: Yes the request is for just this property.

Question: This is not a gated community, correct?

- Response: It could be, but it would have to be semi-public since there are public facilities possibly 9am to 6 in evening and a guard would let you in.

Question: Is the Owl Creek Boat Works part of this or are they separate?

- Response: They are existing and separate.

Question: You will have public access to the river?

- Response: We are proposing a potential canoe/kayak launch on Trout Creek.

Question: So everybody in there would be using North River Road to get to 31 with no other access?

- Response: Correct, there is no other access to SR 31.

Question: Do you have turning lanes?

- Response: Something that we will look at during the Development Order stage when we know exact number of units

Comment: Could mean we get that stop light.

Question: Where are you at in the process?

- Response: We have filed the comprehensive plan amendment and awaiting comments and will file planned development zoning when we respond.

Comment: So by time it goes to the Board of County Commissioners, the zoning will be filed so everyone can see the development plan.

- Response: That is correct, the applications will run concurrently.

North Olga Community Planning Panel

Sign-in October 15, 2020

#	Name	Address	E-mail	Phone #
	Dean Mont	17160 WaterEdge Cir ³³⁹¹⁷	GDEANWANT@ADL.COM	239-565-3091
	Wayne Everett	10541 6 mile Cypress Pkwy	jweverett@drhurlb.com	239-225-2631
	Stacy Hewitt	10511 SIX MILE CYPRESS PKWY, Fort Myers, FL 33906	shewitt@bankseng.com	239-770-2527
	Megan Bishop	10511 Six mile Cypress Pkwy, Fort Myers, FL 33906	mbishop@bankseng.com	239-939-5490
	Suzanne Armada			
	Yury Bykau		yury@trtrans.net	
	Clark Cary			
	Russell Schropp	PO Box 280 Ft. Myers 33902	russell.schropp@henlaw.com	239-344-1100
	Dinnie VanRokel			
	Wibbe VanRokel			
	Justin Thibaut		jthibaut@lsicompanies.com	239-489-4066

The News-Press media group

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Attn:

**BANKS ENGINEERING
10511 BEN C PRATT/6 MILE
FORT MYERS, FL 33966**

STATE OF FLORIDA COUNTY OF LEE:

Before the undersigned authority personally appeared Nicholas Penstrom, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

PUBLIC INFORMATION MEETING North Olga Planning Community The public is invited to attend a Public Information Meeting presentation to the North Olga Planning P

In the Twentieth Judicial Circuit Court was published in said newspaper in the issues of:

10/05/2020

Affiant further says that the said News-Press is a paper of general circulation daily in Lee County and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 5th of October 2020, by legal clerk who is personally known to me.

Affiant

Notary State of Wisconsin, County of Brown

My commission expires

PUBLIC INFORMATION MEETING North Olga Planning Community

The public is invited to attend a Public Information Meeting presentation to the North Olga Planning Panel by Banks Engineering, at their meeting held on:

Thursday, October 15, 2020 at 6:00 pm at the Bayshore Fire Station, 17350 Nalle Rd, Fort Myers, FL 33917

The 342.68 acre± subject property is located at 12850 N. River Road, 18420 & 17900 Owl Creek Drive on the south side of N. River Road approximately 1/2 mile east of S.R. 31. (Babcock Ranch Road) within the North Olga Community Plan Area.

Owl Creek is a proposed Future Land Use Map amendment from Rural/Wetlands to Sub-Outlying Suburban with associated text amendment to accommodate up to 440 residential dwelling units (increase of 219 dwelling units), include in Lee County Future Water Service Area, and a concurrent Planned Development Zoning application.

During the meeting, the agent will provide a general overview of the project for any interested citizens. Should you have questions or comments, they can be directed by mail, phone, or e-mail to: Stacy Ellis Hewitt, Banks Engineering, 10511 Six Mile Cypress Pkwy, Fort Myers, FL 33966, (239) 770-2527, shewitt@bankseng.com. AD# 4400357 10/5/2020

of Affidavits 1

This is not an invoice

NANCY HEYRMAN
Notary Public
State of Wisconsin



Professional Engineers, Planners & Land Surveyors

OWL CREEK

Comprehensive Plan Amendment

Proposed Text Changes
Exhibit T4

The Owl Creek application includes the following requests:

- Amendment to the Future Land Use Map (Lee Plan Map 1, Page 1 of 7) to change the FLU category from Rural and Wetlands to Sub-Outlying Suburban
- Amendment to Future Water Service Areas, Lee County Utilities (Lee Plan Map 6) to place the property within the Lee County Utilities Future Water Service Area to allow for privately funded expansion of water service.
 - Note: Wastewater will be provided by Florida Governmental Utility Authority (FGUA) with privately funded expansion of sewer service.
- Associated Text Amendment to following:
 - North Olga Community Plan – New Objective 29.10 and Policies 29.10.1 and 29.10.2 to provide requirements for development with Sub-Outlying Suburban areas within North Olga Planning Community
 - Table 1(a) – add footnote 20 to Sub-Outlying Suburban to limit density to 2 dwelling units per 1 acre of uplands or a gross density of 1.28 dwelling units per gross acre within the North Olga Planning Community
 - Table 1(b) for Northeast Lee County to remove 343 acres from the Rural category and add 343 acres to the Sub-Outlying Suburban category

OBJECTIVE 29.10: SUB-OUTLYING SUBURBAN. Land designated as Sub-Outlying Suburban on the Future Land Use Map within the North Olga Community Plan area will be developed utilizing the planned development process in order to achieve conservation and enhancement of important environmental resources; initiate areawide surface water management; prevent sprawling land use patterns through clustered development; create critical hydrological and wildlife corridors and connections; and protect rural character of the surrounding community.

POLICY 29.10.1: Residential densities for land within the Sub-Outlying Suburban future land use category may be permitted up to a maximum of 2 dwelling units per upland acre or a gross density of 1.28 dwelling units per acre. In no case shall the unit count in the Sub-Outlying Suburban future land use category in North Olga exceed 440 dwelling units.

POLICY 29.10.2: Prior to development, a planned development rezoning must be approved, and include conditions and requirements that demonstrate the following:

a. Environmental Enhancements.

- 1. A minimum of 60% open space, inclusive of onsite preserve, to accommodate the following:**

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- i. Water quality enhancement areas, including but not limited to natural systems-based stormwater management facilities, filter marshes, and wetland buffers to reduce the rate of run-off and associated nutrient loads;
 - ii. Existing regional flow-ways;
 - iii. Preservation of 93% of the onsite wetlands with exotic vegetation removal;
 - iv. Critical wildlife connection(s) through on-site preserve areas where adjacent to conservation areas
 - v. Roadway setbacks and perimeter buffers or preserves; and
 - vi. Passive recreational areas that comply with the definition of open space, as set forth in the Land Development Code.
 2. Open space areas must be platted in separate tracts, outside of privately owned lots, and dedicated to an appropriate maintenance entity. A Community Development District (CDD), Independent Special District (ISD), or a master property owners association must be created to accept responsibility for perpetually maintaining the open space areas identified in the planned development.
 3. Record a conservation easement for a minimum of 48% of the planned development area benefiting a public agency acceptable to Lee County, or Lee County itself, and dedicated to an appropriate maintenance entity. Land subject to conservation easement(s) can be used for on-site mitigation and will be recorded as development orders are issued. The timing of conservation easement(s) and restoration may be phased so long as the area dedicated to conservation easement is equal to or greater than the area of land approved for development on a cumulative basis.
 4. Provide a protected species management plan to address human wildlife coexistence, including educational programs and development standards.
 6. Not preclude recreational connections to adjacent public and private conservation and preserve land, subject to approval by the appropriate agencies,
 7. Incorporate Florida Friendly Landscaping with the low irrigation requirements in common areas.
 9. Incorporate energy efficiency or other low impact development (LID) performance standards within the development.
 10. Minimize impacts to natural areas and native habitat by clustering development primarily in areas previously impacted by agricultural uses and other development activities.
- b. Water Quality & Hydrological Enhancements.**
1. The stormwater management system must demonstrate through design or other means that water leaving the development meets current state and federal water quality standards. Outfall monitoring will be required on a quarterly basis for a minimum of 5 years from the date of acceptance of construction of the water management system by the South Florida Water Management District. Monitoring may be eliminated after 5 years if the water quality standards are met.
 2. Demonstrate an additional 50% water quality treatment beyond the treatment required by the SFWMD for the on-site stormwater management basins.
 3. Protect existing groundwater levels and improve existing wetland hydroperiods in onsite preserve areas, as applicable by SFWMD permits.
 4. Provide a lake management plan that requires best management practices for the following:
 - i. fertilizers and pesticides;
 - ii. erosion control and bank stabilization; and

iii. lake maintenance requirements and deep lake management for lakes exceeding 12 feet below lake surface (BLS).

5. Provide a site-specific ecological and hydrological plan, which includes at a minimum the following: preliminary excavation and grading plans, exotic removal and maintenance plan, supplemental planting plan, and success criteria for meeting established goals.
6. Provide site-specific mitigation and enhancements to reduce discharge rates.
7. Utilize reuse and surface water generated by the development to meet the irrigation demands of the recreation and development areas, to the extent such reuse is available.
8. Demonstrate that the proposed planned development will not result in significant detrimental impacts on present or future water resources.

c. Infrastructure Enhancements.

1. All development within the planned development must connect to centralized water and sewer services, with the exception of interim facilities used on a temporary basis during construction, and for unmanned essential services on a temporary basis until water and sewer service is extended to the development.
2. Written verification as to adequate public services for the planned development from the sheriff, EMS, fire district, and Lee County School District, or via interlocal agreements with adjacent jurisdictions and/or special districts.
3. Civic space or recreational area such as a canoe/kayak launch, boardwalk, jogging path, fishing platform, or waterside park for use by the general public, to be maintained by the property owners' association or similar entity.
4. Sufficient right-of-way to accommodate an 8-foot wide multi-purpose pathway along the roadway frontages, where the planned development abuts SR 31 and CR 78.

d. Community Character.

1. Provide minimum 50 foot perimeter setback/buffer area
2. Enhanced buffers and setbacks along external roadways to preserve rural vistas and viewsheds that are at least 50% wider than the Land Development Code requirements.
3. Locate access points onto adjacent arterial roadways to minimize impact to the surrounding rural community.
4. Preservation of archaeological sites in good to excellent condition that are regarded as eligible for listing on the National Register of Historic Places within a minimum 25-foot buffer. An archaeological monitor should confirm the location of the buffer/temporary silt fencing placed around each site and confirm that the sites are avoided during construction activities.
5. Provide a minimum 100' setback from Water Dependent Overlay to proposed internal residential lot lines.

TABLE 1(a)
SUMMARY OF RESIDENTIAL DENSITIES¹

FUTURE LAND USE CATEGORY	STANDARD OR BASE DENSITY RANGE		BONUS DENSITY
	MINIMUM ² (Dwelling Units per Gross Acre)	MAXIMUM (Dwelling Units per Gross Acre)	MAXIMUM TOTAL DENSITY ³ (Dwelling Units per Gross Acre)
Intensive Development ¹⁴	8	14	22
General Interchange ²	8	14	22
Central Urban ¹⁵	4	10	15
Urban Community ^{4,5,16}	1	6	10
Suburban ¹⁷	1	6	No Bonus
Outlying Suburban	1	3	No Bonus
Sub-Outlying Suburban ²⁰	1	2	No Bonus
Rural ¹⁰	No Minimum	1	No Bonus
Outer Islands	No Minimum	1	No Bonus
Rural Community Preserve ⁶	No Minimum	1	No Bonus
Open Lands ⁷	No Minimum	1 du/5 acres	No Bonus
Density Reduction/Groundwater Resource ¹³	No Minimum	1 du/10 acres	No Bonus
Wetlands ⁸	No Minimum	1 du/20 acres	No Bonus
New Community ¹⁹	No Minimum	6	No Bonus
University Community ⁹	1	2.5	No Bonus
Destination Resort Mixed Use Water Dependent ¹¹	6	9.36	No Bonus
Burnt Store Marina Village ¹²	No Minimum	160 Dwelling Units; 145 Hotel Units	No Bonus
Coastal Rural ¹⁸	No Minimum	1 du/2.7 acres	No Bonus

CLARIFICATIONS AND EXCEPTIONS

¹See the glossary in Chapter XII for the full definition of “density”.

²Except in the General Interchange future land use category adherence to minimum densities is not mandatory but is recommended to promote compact development.

³These maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Bonus Density Program identified in Chapter 2 of the Land Development Code.

⁴Within the Future Urban Areas of Pine Island Center, rezonings that will allow in excess of 3 dwelling units per gross acre must “acquire” the density above 3 dwelling units per gross acre utilizing TDUs that were created from Greater Pine Island (see Objective 24.6), or transfer dwelling units in accordance with Policy 24.3.4.

⁵In all cases on Gasparilla Island, the maximum density must not exceed 3 du/acre.

⁶Within the Buckingham area, new residential lots must have a minimum of 43,560 square feet.

⁷The maximum density of 1 unit per 5 acres can only be approved through the planned development process (see Policy 1.4.4), except in the approximately 135 acres of land lying east of US41 and north of Alico Road in the northwest corner of Section 5, Township 46, Range 25.

⁸Higher densities may be allowed under the following circumstances where wetlands are preserved on the subject site:

(a) If the dwelling units are relocated off-site through the provision of Transfer of Development Rights Ordinance 86-18, as amended or replaced; or

(b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, Outlying Suburban, Sub-Outlying Suburban, and New Community from preserved freshwater wetlands at the same underlying density as permitted for those uplands. Impacted wetlands will be calculated at the standard Wetlands density of 1 dwelling units per 20 acres. Planned Developments or Development Orders approved prior to October 20, 2010 are permitted the density approved prior to the adoption of CPA2008-18.

⁹Overall average density for the University Village sub-district must not exceed 2.5 du/acre.

¹⁰In the Rural category located in Section 24, Township 43 South, Range 23 East and south of Gator Slough, the maximum density is 1 du/2.25 acres.

¹¹Overall number of residential dwelling units is limited to 271 units in the Destination Resort Mixed Use Water Dependent district.

¹²The residential dwelling units and hotel development portions of this redevelopment project must be located outside of the designated Coastal High Hazard Area in accordance with Lee Plan, Map 5.

¹³See Policies 33.3.2, 33.3.3, and 33.3.4 for potential density adjustments resulting from concentration or transfer of development rights.

¹⁴The maximum total density may be increased to 30 du/acre utilizing Greater Pine Island TDUs.

¹⁵The maximum total density may be increased to 20 du/acre utilizing Greater Pine Island TDUs.

¹⁶The maximum total density may be increased to 15 du/acre utilizing Greater Pine Island TDUs.

¹⁷The maximum total density may be increased to 8 du/acre utilizing Greater Pine Island TDUs.

¹⁸The standard maximum density is 1 du/2.7 acres unless the “Adjusted Maximum Density” of 1 du/acre is achieved in accordance with requirements of Policy 1.4.7 and Chapter 33 of the Land Development Code.

¹⁹Maximum density in the New Community future land use category is limited to 1 du/2.5 acres in the North Olga Community Plan area in accordance with Policy 1.6.1.

²⁰Maximum density in the Sub-Outlying Suburban future land use category is limited to 2 du/1 acre of uplands or a gross density of 1.28 dwelling units per acre in the North Olga Community Plan area in accordance with Policy 29.10.1.

TABLE 1(b) Year 2030 Allocation

Future Land Use Category		Lee County Totals	Northeast Lee County	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/ Airport	Daniels Parkway
Residential By Future Land Use Category	Intensive Development	1,361				5		27		250			
	Central Urban	14,766				225				230			
	Urban Community	16,515	520	485		637						250	
	Suburban	16,623				1,810				85			
	Outlying Suburban	4,113	30			310	20	2	500				1,438
	Sub-Outlying Suburban	1,880 2,223	343			472						227	
	Commercial												
	Industrial	79								39		20	
	Public Facilities	1							1				
	University Community	850											
	Destination Resort Mixed Use Water Dependent	8											
	Burnt Store Marina Village	4					4						
	Industrial Interchange												
	General Interchange	169										29	58
	General Commercial Interchange												
	Industrial Commercial Interchange												
	University Village Interchange												
	Mixed Use Interchange												
	New Community	2,100	1,200									900	
	Airport												
	Tradeport	9										9	
	Rural	8,313 7,970	1,948 1,605			1,400	636						1,500
	Rural Community Preserve	3,100											
	Coastal Rural	1,300											
	Outer Island	202	5			1			150				
	Open Lands	2,805	250				590						120
	Density Reduction/ Groundwater Resource	6,905	711									94	
	Conservation Lands Upland												
	Wetlands												
	Conservation Lands Wetland												
Unincorporated County Total Residential		81,103	4,664	485		4,860	1,250	29	651	604		1,529	3,116
Commercial		12,793	177	52		400	50	17	125	150		1,100	440
Industrial		7,527	26	3		400	5	26		300		3,100	10
Non Regulatory Allocations													
Public		82,565	7,100	421		2,000	7,000	20	1,961	350		7,752	2,477
Active AG		23,301	5,100			550	150						20
Passive AG		43,591	12,229			2,305	109					1,241	20
Conservation		81,933	2,214	611		1,142	3,236	133	1,603	748		2,947	1,733
Vacant		24,361	1,953			61	931	34		45		282	151
Total		357,174	33,463	1,572		11,718	12,731	259	4,340	2,197		17,951	7,967
Population Distribution (unincorporated Lee County)		495,000	9,266	1,531		33,348	3,270	225	530	5,744		19,358	16,375

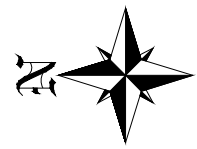
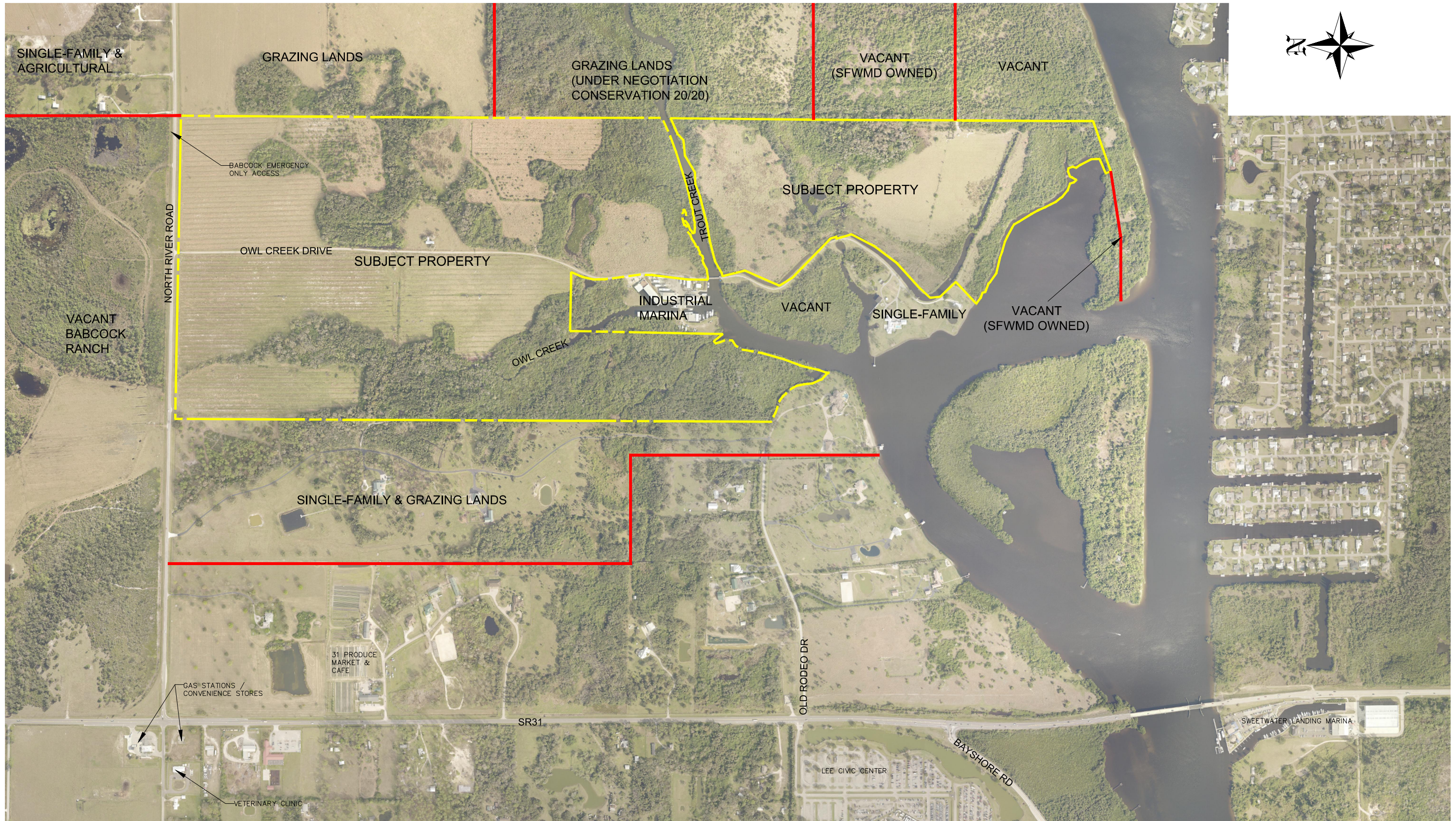
TABLE 1(b) Year 2030 Allocation

Future Land Use Category		Iona/ McGregor	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres	Southeast Lee County	North Fort Myers	Buckingham	Estero	Bayshore
Residential By Future Land Use Category	Intensive Development				660	3	42		365		9	
	Central Urban	375	17		3,140		8,179		2,600			
	Urban Community	850	1,000		860	500	10,854			110	450	
	Suburban	2,488	1,975		1,200	675			6,690		1,700	
	Outlying Suburban	377				600			382		454	
	Sub-Outlying Suburban		25						140	66		950
	Commercial											
	Industrial	5	5		10							
	Public Facilities											
	University Community		850									
	Destination Resort Mixed Use Water Dependent	8										
	Burnt Store Marina Village											
	Industrial Interchange											
	General Interchange							15	31		6	30
	General Commercial Interchange											
	Industrial Commercial Interchange											
	University Village Interchange											
	Mixed Use Interchange											
	New Community											
	Airport											
	Tradeport											
	Rural		90			190	14		500	50	635	1,350
	Rural Community Preserve									3,100		
	Coastal Rural					1,300						
	Outer Island	1				45						
	Open Lands								45			1,800
	Density Reduction/ Groundwater Resource							4,000				2,100
	Conservation Lands Upland											
	Wetlands											
	Conservation Lands Wetland											
Unincorporated County Total Residential		4,104	3,962		5,870	3,313	19,088	4,015	10,753	3,326	3,254	6,230
Commercial		1,100	1,944		2,100	226	1,300	68	1,687	18	1,700	139
Industrial		320	450		900	64	300	972	554	5	87	5
Non Regulatory Allocations												
Public		3,550	3,059		3,500	2,100	15,289	12,000	4,000	1,486	7,000	1,500
Active AG						2,400		13,445	200	411	125	900
Passive AG						815		17,521	1,532	3,619	200	4,000
Conservation		9,306	2,969		188	14,767	1,541	31,210	1,317	336	5,068	864
Vacant		975	594		309	3,781	10,385	470	2,060	1,000	800	530
Total		19,355	12,978		12,867	27,466	47,904	79,701	22,103	10,201	18,234	14,168
Population Distribution (unincorporated Lee County)		34,538	36,963		58,363	13,265	149,500	1,270	71,001	6,117	25,577	8,760

The following summarizes benefits that will be accomplished by approval of this request through compliance with the proposed text amendment (see attached):

1. Provide a connection between the existing New Community FLU to the north and Caloosahatchee River to the south that will continue the environmental preservation and enhanced drainage ways that will be improved by reduced runoff rate and reduced nutrient runoff.
2. Amendment will result in clustered development as encouraged in area as demonstrated by the Preliminary Development Footprint exhibit attached.
3. Provide Wetland Protection and Enhancements including exotic removal and maintenance.
4. Historical Resource preservation of the 3 recommended sites.
5. ±165.6 acres (48% of property) placed into conservation easement including the convergence of two natural waterways on the Great Calusa Blueway (Owl Creek and Trout Creek) where they connect to the Caloosahatchee River.
6. Wildlife/recreation connection from portion of Trout Creek located on potential Conservation 20/20 lands to Caloosahatchee River.
7. Connection to adjacent SFWMD owned lands to the east and south.
8. Potential public canoe/kayak launch area to Trout Creek.
9. Wildlife management and co-existence plans.
10. Enhanced lake management plan.
11. Florida Friendly Landscaping with the low irrigation requirements in common areas.
12. 60% open space.
13. Preserve 93% of wetlands.
14. Water Quality enhancements and monitoring.
15. Remove potential for up to 221 potential septic tanks and wells.
16. Removal of cattle grazing will significantly reduce onsite nutrient generation.
17. Additional 50% water quality treatment.
18. Reduced rate of run-off and associated nutrient loads.
19. Stormwater enhancements.
20. Remove potential for additional single-family driveways along Owl Creek.
21. Green infrastructure.
22. Privately funded expansion of water and sewer to the area (as encouraged/anticipated by existing Lee Plan policies).
23. Minimum 50' perimeter setback/buffer.
24. Minimum 100' setback from Owl Creek Boat Works property line to single-family lots.
25. Provide area for multi-use path along North River Road.
26. Protect existing groundwater levels and improve existing wetland hydroperiods in onsite preserve areas.

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LEGEND:

- = APPROXIMATE ADJACENT PROPERTY LINE
- = SUBJECT PROPERTY

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MAP OF EXISTING LAND USES EXHIBIT-M5

OWL CREEK
LEE COUNTY, FLORIDA

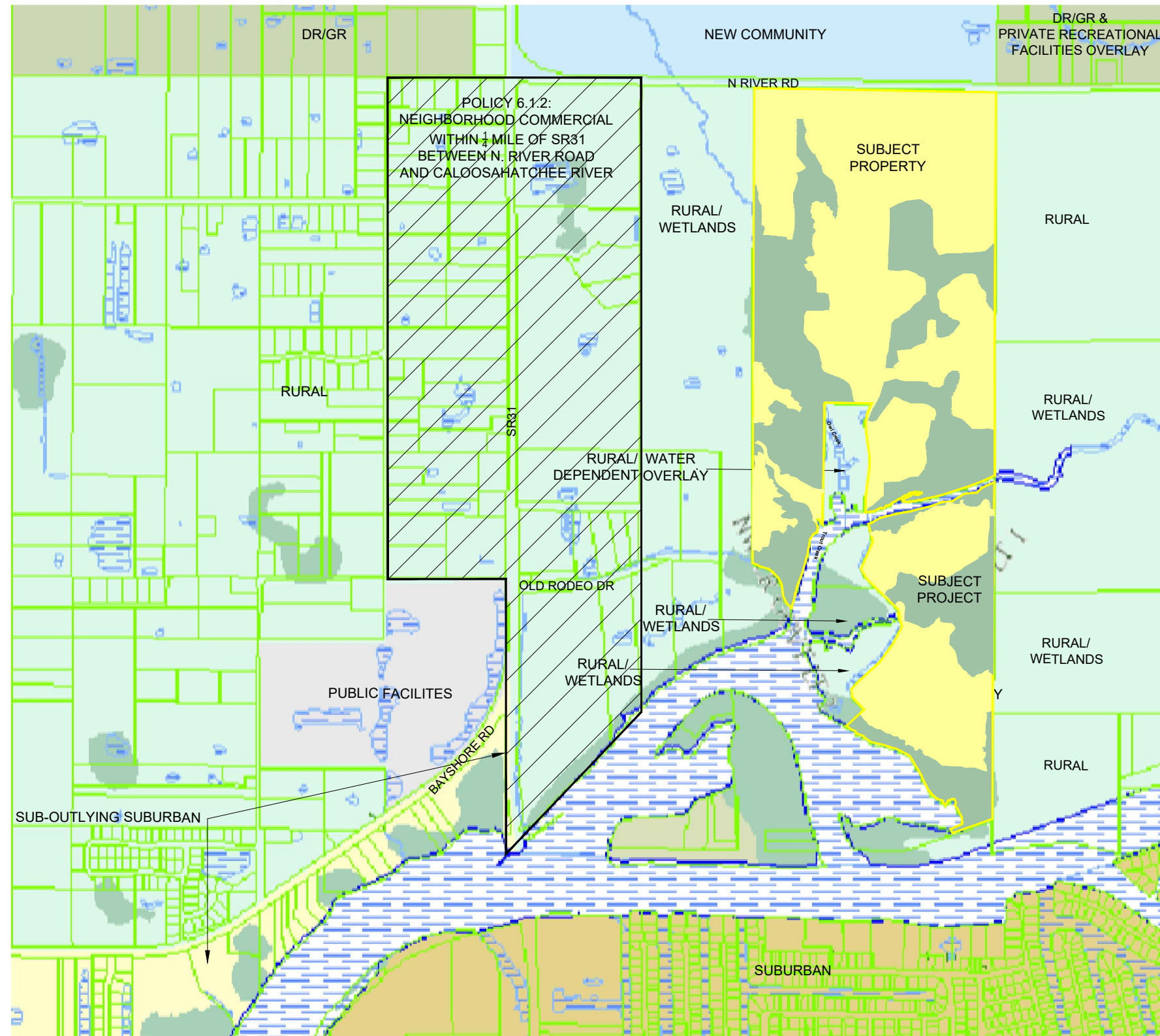
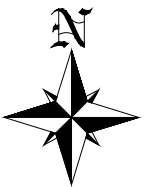
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OWL CREEK

Comprehensive Plan Amendment & Planned Development Zoning

- 342.68 acre± amendment to Future Land Use Map category from Rural and Wetlands to Sub-Outlying Suburban
- Amendment to place within the Lee County Utilities Future Water Service Area
 - Note: Wastewater will be provided by Florida Governmental Utility Authority (FGUA) with privately funded expansion of sewer service.
- Associated Text Amendment to following:
 - North Olga Community Plan – New Objective 29.10 and Policies 29.10.1 and 29.10.2
 - Table 1(a) –footnote 20 to further limit density within North Olga Planning Community
 - Table 1(b) - NE Lee County move 343-ac from Rural to Sub-Outlying Suburban
- Connection between New Community and Caloosahatchee continuing environmental preservation and enhanced drainage ways
- OBJECTIVE 29.10 – Require Planned Development process for Sub-Outlying Suburban in North Olga
- POLICY 29.10.1: Residential densities maximum of 2 DU per upland acre or 1.28 DU per gross acre - maximum 440 DU (increase of 219 DU – PD will contain single-family and two-family attached)
- POLICY 29.10.2: Planned development conditions must demonstrate:
 - a. Environmental Enhancements
 - 1. Min. 60% open space, inclusive of onsite preserve
 - i. Water quality enhancement areas to reduce the rate of run-off and associated nutrient loads (natural systems-based, filter marshes, wetland buffers, removal of cattle grazing)
 - ii. Existing regional flow-ways;
 - iii. Preserve 93% of wetlands with exotic vegetation removal & maintenance
 - iv. Critical wildlife connection(s) through on-site preserve areas where adjacent to conservation areas
 - v. Roadway setbacks and perimeter buffers or preserves; and
 - vi. Passive recreational areas (PD will include private and public amenities)
 - 2. Open space areas platted/dedicated for perpetual maintenance
 - 3. Conservation easement min. 48% of site benefiting public agency (±165.6 AC- portions of Owl & Trout creeks on Great Calusa Blueway to Caloosahatchee)
 - 4. Protected species management plan/co-existence plan
 - 6. Not preclude recreational connections to adjacent preserves (potential 20/20 lands to east with portion of Trout creek & SFWMD lands to east and south)
 - 7. Florida Friendly Landscaping/low irrigation requirements in common areas.
 - 9. Energy efficiency or other low impact development (LID) performance standards
 - 10. Clustering development primarily previously impacted areas (as encouraged in area)
 - b. Water Quality & Hydrological Enhancements.
 - 1. Outfall monitoring quarterly for a minimum of 5 years
 - 2. Additional 50% water quality treatment beyond SFWMD requirements
 - 3. Protect existing groundwater levels and improve existing wetland hydroperiods in onsite preserve areas
 - 4. Lake management plan with best management practices:
 - 5. Ecological and hydrological plan
 - 6. Mitigation & enhancements to reduce discharge rates.
 - 7. Reuse and surface water to meet irrigation demands to extent available
 - 8. Demonstrate that will not result in significant detrimental impacts on present or future water resources.
 - c. Infrastructure Enhancements.
 - 1. Connect to centralized water and sewer services already encouraged by Lee Plan (privately funded - will remove 221 potential wells/septic tanks & provide fire protection to existing and proposed residences)
 - 2. Verification as to adequate public services (Sheriff, EMS, Fire, School)
 - 3. Civic space or recreational area such as a canoe/kayak launch (Trout Creek), boardwalk, jogging path, fishing platform, or waterside park for use by general public
 - 4. Right-of-way for 8-foot multi-purpose pathway along CR 78/North River Road
 - d. Community Character.
 - 1. Min. 50 foot perimeter setback/buffer area
 - 2. Enhanced buffers (50% wider than LDC) along external roadways to preserve rural vistas and viewsheds
 - 3. Access points onto arterial roadways minimize impact to rural community.
 - 4. Preservation of archaeological sites regarded as eligible for listing within min. 25-foot buffer (3 recommended sites)
 - 5. Min. 100' setback from Water Dependent Overlay (Owl Creek Boat Works) to internal residential lot lines.
- Traffic - Sufficient capacity and no adverse impacts to surrounding roadways, acceptable level of service

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☒ Future Urban Areas

- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Outlying Suburban
- Sub-Outlying Suburban
- Commercial
- Industrial
- Public Facilities
- University Community
- Burnt Store Marina Village

☒ Non-Urban Areas

- Rural
- Rural Community Preserve
- Coastal Rural
- Outer Island
- Open Lands
- Density Reduction/Groundwater Resour
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland

☒ Special Urban Areas

- Industrial Interchange
- General Interchange
- General Commercial Interchange
- Industrial Commercial Interchange
- University Village Interchange
- New Community
- Tradeport
- Airport

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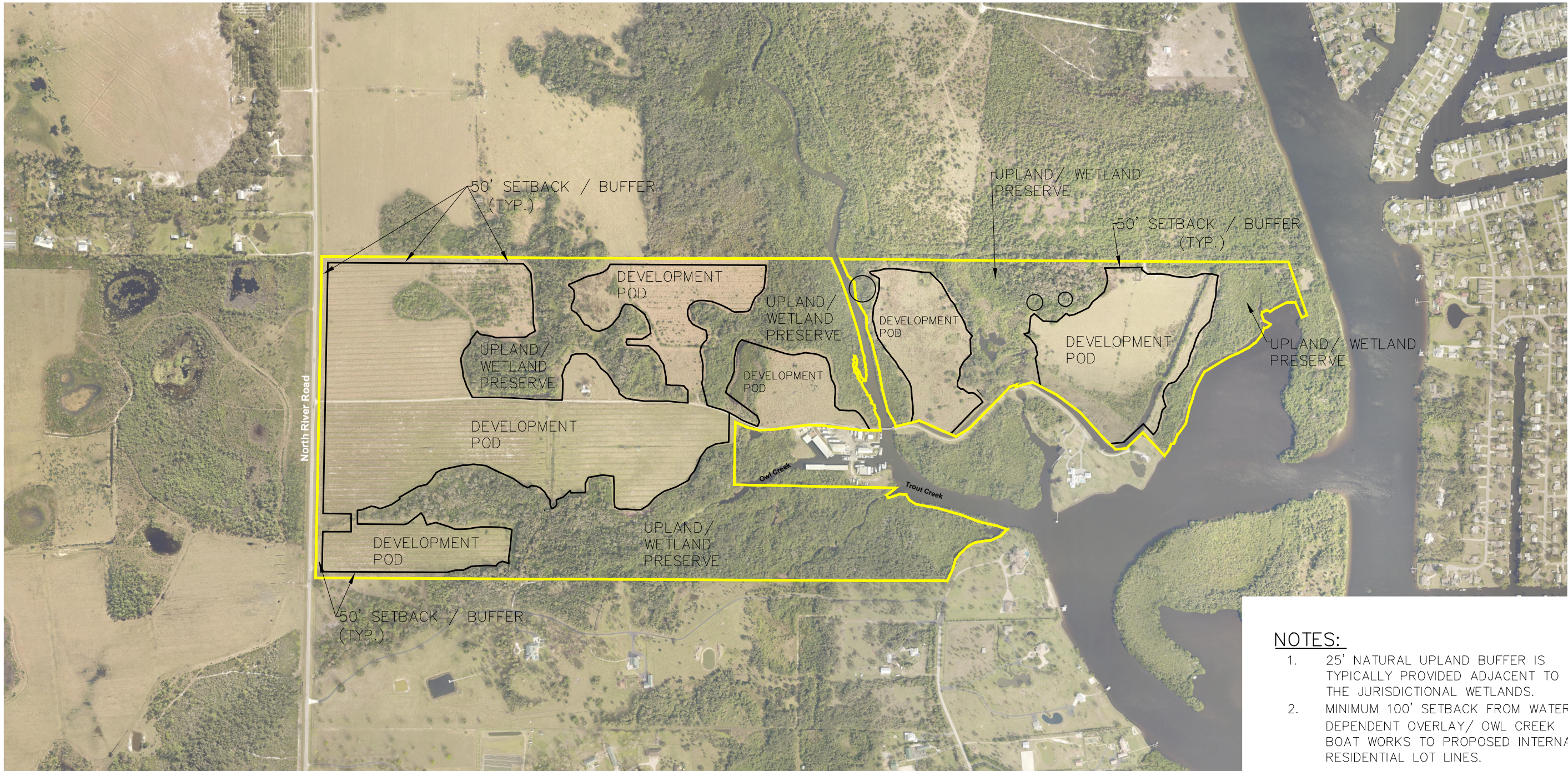
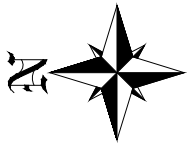
PROPOSED FUTURE LAND USE MAP EXHIBIT-M4

OWL CREEK

LEE COUNTY, FLORIDA

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- NOTES:**
1. 25' NATURAL UPLAND BUFFER IS TYPICALLY PROVIDED ADJACENT TO THE JURISDICTIONAL WETLANDS.
 2. MINIMUM 100' SETBACK FROM WATER DEPENDENT OVERLAY/ OWL CREEK BOAT WORKS TO PROPOSED INTERNAL RESIDENTIAL LOT LINES.



APPROXIMATE PRESERVED
HISTORICAL SITE

DEVELOPMENT BOUNDARY

PROPERTY LINE

NO.	DATE	REVISION DESCRIPTION	BY

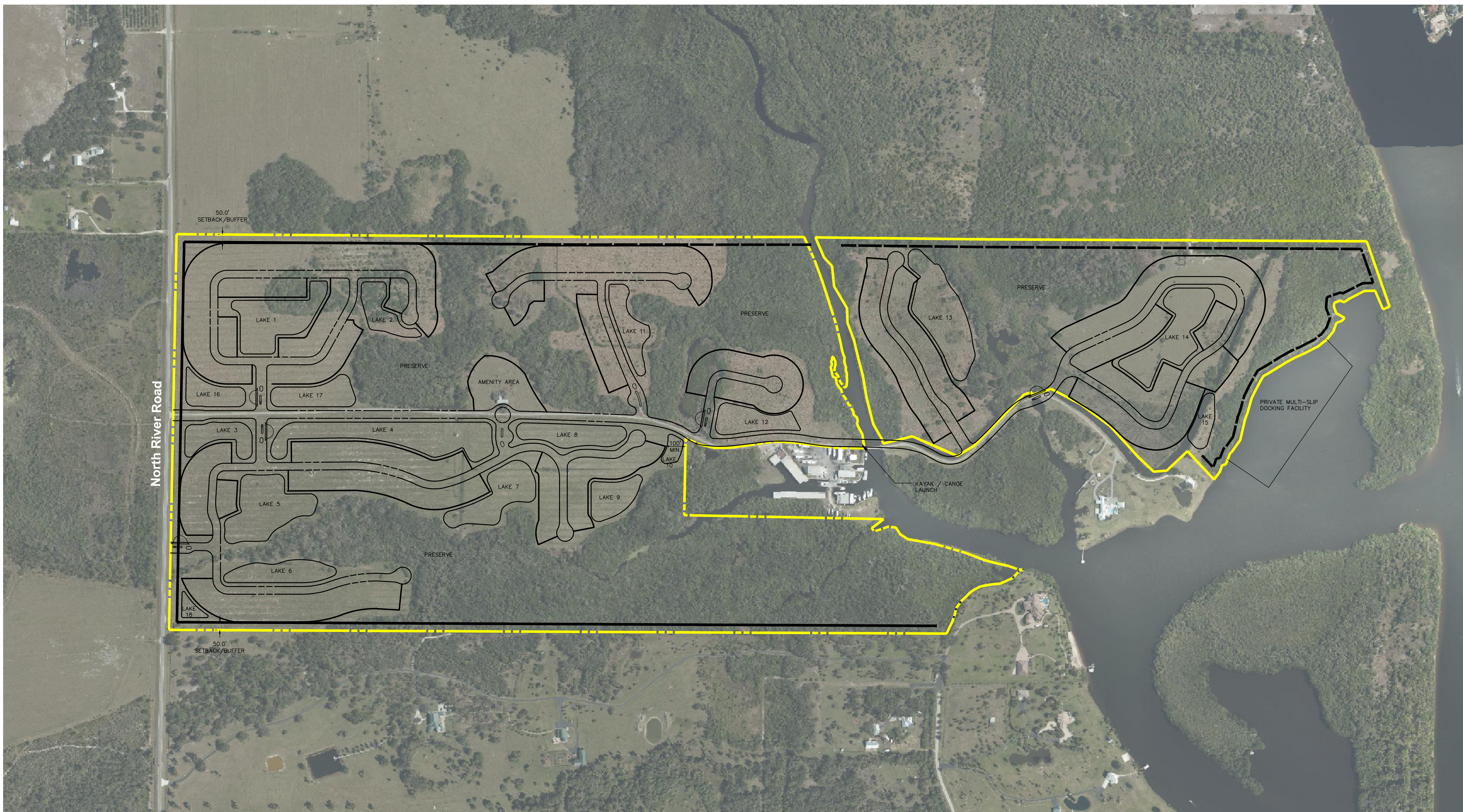
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PRELIMINARY DEVELOPMENT FOOTPRINT						
OWL CREEK LEE COUNTY, FLORIDA						
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						SHEET 01



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**Owl Creek
Comprehensive Plan Amendment
Case Nos. CPA2020-00004 & CPA2020-00005
Exhibit "M20" and
Summary of Alva Planning Community Public Information Meeting**

In compliance with Lee County Comprehensive Plan Policies 17.3.2, 17.3.3, 17.3.4 and 27.1.8, two Public Information Meetings have been held to provide a general overview of the map and text amendment and effect thereof as well as the proposed planned development rezoning application (in compliance with Lee County Land Development Code Section 33-1663). The Public Information Meeting within the Alva Planning Community was held on Tuesday, October 6, 2020 at 5:30 pm at the First Baptist Church of Alva, 2790 Joel Boulevard, Alva, FL 33920. Due to the COVID-19 pandemic, special accommodations were made to allow attendance in person or remotely by streaming online via Microsoft Teams. The development proposal was described in detail including but not limited to the existing conditions, proposed map amendment and proposed text amendment with proposed uses, intensity and preliminary master concept plan. There were members of the public present for the meeting in person and online and a copy of the sign-in sheet and online attendance documentation is attached for the record.

Attached please find the following items for reference:

- Sign-in Sheet
- Affidavit of Notice
- Public Notice mailed on September 25, 2020
- List of property owners within 500 feet of the property that were mailed the notice and interested parties on file with Lee County for notice of applications filed within Northeast Lee County Planning Community
- Exhibits and Handouts at the meeting

The following meeting minutes summarize comments received by those in attendance about the development proposal, and applicant's responses.

Question: How long will development permits take?

- Responded with 9-12 months to complete Comprehensive Plan Amendment and Rezoning. Development permits would be approximately 6 months.

Question: Have studies been done for the historic drainage through area, sheet flow across land? Creeks flood with excessive rain events.

- Responded that part of permitting through South Florida Water Management District will be looking at historic drainage patterns and accommodate any offsite flows and review creeks which are tidal.

Question: What is the elevation of property?

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- Responded that elevation varies significantly across the property and ranges up near N. River Road approximately elevation ± 8 and drops down to elevation ± 2 by the river.

Question: Who is Developer? Do they own the property yet?

- Responded that DR Horton, Inc. is the applicant and the property is under contract to purchase pending entitlements.

Question: Aren't there concerns about increasing density in Coastal High Hazard flood areas with hurricanes? In other areas around gulf coast think they have regretted all the development in low lying areas. Keep making same mistakes.

- Responded that an analysis and review of increase and have received letters of support and review and recommendation demonstrating adequate public facilities exist. Increased changes and development patterns in the area make the request appropriate.

Question: Will product be 2-story

- Responded with maximum height is 35', which could accommodate 2-story.

Question: Owl Creek very polluted, have waters been cleaned up?

- Responded that request will be removing existing cattle grazing and remove potential for future septic tanks since utilities brought to area and the onsite wetlands will have exotics removed which will result in improved water quality discharge from the site than what exists today.

Question: Are we open to more meetings with Alva community? Would like more time to go over information on project.

- Responded Yes. Contact information has been provided and would like to keep communication open. Have tried to reach out to Alva contacts and would like better communication line.

Question: What effect on Owl Creek boat works?

- Responded that not proposing any impacts to Owl Creek Boat Works. Minimum 100' separation between any proposed single-family lots and Owl Creek Boat works. Access will be semi-public and may or may not have a gate house but being that it is public facilities access will not be prevented for individuals traveling to Owl Creek Boat Works within reasonable hours such as 9 to 6 or so.

Question: What are the historical locations onsite?

- Responded primarily places where previous populations had stopped to eat there were oyster shells and small pieces of bone. Prehistoric sites and 3 will be preserved within 25 foot buffer.

Question: What is happening with 7% of wetland impacts? What is acreage being impacted? How will mitigation be handled? What are total wetlands on site?

- Responded that 7% will be impacted as part of the development of the site. Primarily existing wetlands being preserved will be enhanced and mitigated as negotiated through SFWMD and ACOE by removing exotic vegetation and placing in conservation easement. Impacts are limited to exotic infested low quality wetlands. Total wetlands on site are 101.7 $\pm$ acres.

Question: Questions on wetlands category on FLUM. Usually from Rural and Wetlands to Sub-Outlying Suburban and Wetlands

- Responded that the request will provide Sub-Outlying Suburban and Wetlands Future Land Use Categories once jurisdictional lines and conservation easement lines are defined through development permitting process.

Question: Will this be multi-family/condos? Price point yet?

- Responded no – limited to single-family and two-family attached. No townhomes. Price has not yet been determined.

Question: Water & Sewer improvements - who is paying? Where will it connect to?

- Responded that developer will be paying for utility extensions then turn them over to public utilities. We are exploring all options possibly from Lee Civic Center area up SR 31 and N River Road, possibly Old Rodeo Drive boring under wetlands – still looking at design.

Question: 29.10.1 - Written specific for this property, but does not mention it? Will the 440 units be for all other future developments?

- Responded the Policy is within North Olga Community Plan. The 2 dwelling units per upland acre or 1.28 per gross acre and 440 unit limitation is specifically for Sub-Outlying Suburban within North Olga Community Plan. The 440 accommodates this property and an amendment would be required if another property desired to add dwelling units in Sub-Outlying Suburban in North Olga.

Question: Where will stormwater retention areas be located?

- Responded that the preliminary site plan/MCP demonstrates the proposed lakes.

Question: Where will stormwater discharge go to?

- Responded that each development pod will discharge where it discharges today – maintain water that is currently naturally draining to each area to keep wetlands and creeks functioning per permitting requirements.

Question: How many outfalls will the development have?

- Responded there will be 1 or 2 or more per 5 or 6 development pods, approximately 10-12 discharge points.

Question: Will retention ponds be manmade?

- Responded there are no existing lakes all will be manmade lakes and also pre-treatment measures such as dry detention to further treat the runoff before the lakes.

Question: Asked for case numbers for amendment

- Responded CPA2020-00004 – map amendment, CPA2020-00005-text amendment.

Question: Regarding the minimum perimeter setback - what will it be constructed of? Asked not to be too high - no building a large berm and planting on top of it. Desire natural rural view for public driving past.

- Responded that some areas are within conservation and remaining may have required SFWMD perimeter berm, but do not anticipate a large berm.

Comment: Desire view to stay rural view setting. Do not want Cape Coral.

- Responded that we appreciate feedback and understand desire.

Question: Who is the reviewer at Lee County.

- Responded that we did not have this information readily available.

Question: Can unpaved area within roadways be counted as part of 60% open space.

- Responded that yes areas that meet the definition of open space will count towards the requirement. Typical residential developments require 40% open space so we are proposing 150% of the typical requirement.

OWL CREEK

Public Information Meeting: October 6, 2020 @ 5:30 PM

Please Sign In

Thank you for coming! Please leave your name and contact information.

[illegible]

The News-Press media group

news-press.com A GANNETT COMPANY

Attn:
BANKS ENGINEERING
10511 BEN C PRATT/6 MILE
FORT MYERS, FL 33966

STATE OF FLORIDA COUNTY OF LEE:

Before the undersigned authority personally appeared
Nicholas Rasmussen, who on oath says that
he or she is a Legal Assistant of the News-Press, a daily
newspaper published at Fort Myers in Lee County, Florida; that
the attached copy of advertisement, being a Legal Ad in the
matter of

PUBLIC INFORMATION MEETING Alva Planning Communi
The public is invited to attend a Public Information Meeting held
by Banks Engineering, on: Tuesday, October

In the Twentieth Judicial Circuit Court was published in said
newspaper in the issues of:

09/26/2020

Affiant further says that the said News-Press is a paper of
general circulation daily in Lee County and published at Fort
Myers, in said Lee County, Florida, and that the said newspaper
has heretofore been continuously published in said Lee County,
Florida each day and has been entered as periodicals matter at
the post office in Fort Myers, in said Lee County, Florida, for a
period of one year next preceding the first publication of the
attached copy of advertisement; and affiant further says that
he or she has never paid nor promised any person, firm or
corporation any discount, rebate, commission or refund for the
purpose of securing this advertisement for publication in the
said newspaper.

Sworn to and Subscribed before me this 26th of September
2020, by legal clerk who is personally known to me.

Affiant

Notary State of Wisconsin, County of Brown

My commission expires

PUBLIC INFORMATION MEETING Alva Planning Community

The public is invited to attend a Public
Information Meeting held by Banks
Engineering, on: Tuesday, October 6,
2020 at 5:30 pm at the
First Baptist Church of Alva,
2790 Joel Boulevard, Alva, FL 33920

The 342.68 acre± subject property is lo-
cated at 12850 N. River Road, 18420 &
17900 Owl Creek Drive on the south
side of N. River Road approximately ½
mile east of S.R. 31. (Babcock Ranch
Road) within the North Olga Communi-
ty Plan Area.

Owl Creek is a proposed Future Land
Use Map amendment from
Rural/Wetlands to Sub-Outlying Subur-
ban with associated text amendment
to accommodate up to 440 residential
dwelling units (increase of 219 dwell-
ing units), include in Lee County Future
Water Service Area, and a concurrent
Planned Development Zoning applica-
tion.

WE VALUE YOUR INPUT

Business and property owners, resi-
dents and visitors are welcome to at-
tend the presentation and discuss the
project with the owner's representa-
tives. Due to the COVID-19 pandemic,
special accommodations will be made
to allow you to attend in person or re-
motely. The meeting will allow social
distancing and will also be streamed
online via Microsoft Teams. Should
you like to attend and participate in
the Microsoft Teams meeting, please
notify us by October 2nd via email at
shewitt@bankseng.com to register and
to allow us to send you login instruc-
tions. Should you be unable to attend
this meeting, but have questions or
comments, they can be directed by
mail, phone, or e-mail to: 10511 Six
Mile Cypress Pkwy, Fort Myers, FL
33966, (239) 770-2527,
shewitt@bankseng.com.
AD#4390123

9/26/2020

of Affidavits 1

This is not an invoice

NANCY HEYRMAN
Notary Public
State of Wisconsin

PUBLIC INFORMATION MEETING
Alva Planning Community

You are invited to attend a Public Information Meeting held by Banks Engineering, on:

Tuesday, October 6, 2020 at 5:30 pm at the First Baptist Church of Alva,
2790 Joel Boulevard, Alva, FL 33920

The 342.68 acre± subject property is located at 12850 N. River Road, 18420 & 17900 Owl Creek Drive on the south side of N. River Road approximately ½ mile east of S.R. 31. (Babcock Ranch Road) within the North Olga Community Plan Area.

Owl Creek is a proposed Future Land Use Map amendment from Rural/Wetlands to Sub-Outlying Suburban with associated text amendment to accommodate up to 440 residential dwelling units (increase of 219 dwelling units), include in Lee County Future Water Service Area, and a concurrent Planned Development Zoning application.

WE VALUE YOUR INPUT

Business and property owners, residents and visitors are welcome to attend the presentation and discuss the project with the owner's representatives. Due to the COVID-19 pandemic, special accommodations will be made to allow you to attend in person or remotely. The meeting will allow social distancing and will also be streamed online via Microsoft Teams. Should you like to attend and participate in the Microsoft Teams meeting, please notify us by October 2nd via email at shewitt@bankseng.com to register and to allow us to send you login instructions. Should you be unable to attend this meeting, but have questions or comments, they can be directed by mail, phone, or e-mail to: 10511 Six Mile Cypress Pkwy, Fort Myers, FL 33966, (239) 770-2527, shewitt@bankseng.com.

The following summarizes benefits that will be accomplished by approval of this request through compliance with the proposed text amendment (see attached):

1. Provide a connection between the existing New Community FLU to the north and Caloosahatchee River to the south that will continue the environmental preservation and enhanced drainage ways that will be improved by reduced runoff rate and reduced nutrient runoff.
2. Amendment will result in clustered development as encouraged in area as demonstrated by the Preliminary Development Footprint exhibit attached.
3. Provide Wetland Protection and Enhancements including exotic removal and maintenance.
4. Historical Resource preservation of the 3 recommended sites.
5. ±165.6 acres (48% of property) placed into conservation easement including the convergence of two natural waterways on the Great Calusa Blueway (Owl Creek and Trout Creek) where they connect to the Caloosahatchee River.
6. Wildlife/recreation connection from portion of Trout Creek located on potential Conservation 20/20 lands to Caloosahatchee River.
7. Connection to adjacent SFWMD owned lands to the east and south.
8. Potential public canoe/kayak launch area to Trout Creek.
9. Wildlife management and co-existence plans.
10. Enhanced lake management plan.
11. Florida Friendly Landscaping with the low irrigation requirements in common areas.
12. 60% open space.
13. Preserve 93% of wetlands.
14. Water Quality enhancements and monitoring.
15. Remove potential for up to 221 potential septic tanks and wells.

16. Removal of cattle grazing will significantly reduce onsite nutrient generation.
17. Additional 50% water quality treatment.
18. Reduced rate of run-off and associated nutrient loads.
19. Stormwater enhancements.
20. Remove potential for additional single-family driveways along Owl Creek.
21. Green infrastructure.
22. Privately funded expansion of water and sewer to the area (as encouraged/anticipated by existing Lee Plan policies).
23. Minimum 50' perimeter setback/buffer.
24. Minimum 100' setback from Owl Creek Boat Works property line to single-family lots.
25. Provide area for multi-use path along North River Road.
26. Protect existing groundwater levels and improve existing wetland hydroperiods in onsite preserve areas.



Professional Engineers, Planners & Land Surveyors

MEMO TO FILE

Owl Creek - Comprehensive Plan Amendment

Notice of Meeting for the Alva Community were sent out 9/25/20 via USPS to the following persons:

ONEILL MICHAEL
13033 N RIVER RD
ALVA FL 33920

BABCOCK PROPERTY HOLDINGS LLC
KITSON AND PARTNERS
4500 PGA BLVD STE 400
PALM BEACH GARDENS FL 33418

Debbie Jackow
Concerned Citizens of Bayshore Community
19450 Meredith Drive
N. Fort Myers, FL 33917

CARY + DUKE PROPERTIES LLC
PO BOX 718
FORT MYERS FL 33902

PIPKINS DAVID S &
19100 TURKEY RUN LN
ALVA FL 33920

Mitch Hutchcraft
Consolidated Citrus/King Ranch, Inc.
3602 Colonial Court
Fort Myers, FL 33913

WINTER RYAN G +
12251 OLD RODEO DR
ALVA FL 33920

NORTH RIVER COMMUNITIES LLC
9990 COCONUT RD STE 200
BONITA SPRINGS FL 34135

Ruby Daniels, President
Alva, Inc.
P.O. Box 2022
Alva, FL 33920

VERSPEETEN RONALD
20 STUBBS CR
TILLSONBURG ON N4G 4P5
CANADA

OWL CREEK BOAT WORKS +
18251 OWL CREEK DR
ALVA FL 33920

Steven Brodtkin
Concerned Citizens of Bayshore Community
17720 Durrance Road
N. Fort Myers, FL 33917

SOUTH FLA WATER MGMT DIST
LAND MANAGEMENT
PO BOX 24680
WEST PALM BEACH FL 33416

DIORETO THOMAS N & DIANA L
12290 OLD RODEO DR
ALVA FL 33920

Emily Smith, Treasurer
Alva, Inc.
P.O. Box 2022
Alva, FL 33920

VERSPEETEN RONALD
20 STUBBS CR
TILLSONBURG ON N4G 4P5
CANADA

VERSPEETEN RONALD
20 STUBBS CR
TILLSONBURG ON N4G 4P5
CANADA

Ron Inge
Inge & Associates, Inc.
5571 Halifax Avenue
Fort Myers, FL 33912

SOUTH FLA WATER MGMT DIST
LAND MANAGEMENT
PO BOX 24680
WEST PALM BEACH FL 33416

CLARE LAND LLC
PO BOX 131391
HOUSTON TX 77219

Karen Kamener
Concerned Citizens of Bayshore Community
20777 Bradley Road
N. Fort Myers, FL 33917



Professional Engineers, Planners & Land Surveyors

OWL CREEK

Comprehensive Plan Amendment

Proposed Text Changes
Exhibit T4

The Owl Creek application includes the following requests:

- Amendment to the Future Land Use Map (Lee Plan Map 1, Page 1 of 7) to change the FLU category from Rural and Wetlands to Sub-Outlying Suburban
- Amendment to Future Water Service Areas, Lee County Utilities (Lee Plan Map 6) to place the property within the Lee County Utilities Future Water Service Area to allow for privately funded expansion of water service.
 - Note: Wastewater will be provided by Florida Governmental Utility Authority (FGUA) with privately funded expansion of sewer service.
- Associated Text Amendment to following:
 - North Olga Community Plan – New Objective 29.10 and Policies 29.10.1 and 29.10.2 to provide requirements for development with Sub-Outlying Suburban areas within North Olga Planning Community
 - Table 1(a) – add footnote 20 to Sub-Outlying Suburban to limit density to 2 dwelling units per 1 acre of uplands or a gross density of 1.28 dwelling units per gross acre within the North Olga Planning Community
 - Table 1(b) for Northeast Lee County to remove 343 acres from the Rural category and add 343 acres to the Sub-Outlying Suburban category

OBJECTIVE 29.10: SUB-OUTLYING SUBURBAN. Land designated as Sub-Outlying Suburban on the Future Land Use Map within the North Olga Community Plan area will be developed utilizing the planned development process in order to achieve conservation and enhancement of important environmental resources; initiate areawide surface water management; prevent sprawling land use patterns through clustered development; create critical hydrological and wildlife corridors and connections; and protect rural character of the surrounding community.

POLICY 29.10.1: Residential densities for land within the Sub-Outlying Suburban future land use category may be permitted up to a maximum of 2 dwelling units per upland acre or a gross density of 1.28 dwelling units per acre. In no case shall the unit count in the Sub-Outlying Suburban future land use category in North Olga exceed 440 dwelling units.

POLICY 29.10.2: Prior to development, a planned development rezoning must be approved, and include conditions and requirements that demonstrate the following:

a. Environmental Enhancements.

- 1. A minimum of 60% open space, inclusive of onsite preserve, to accommodate the following:**

- SERVING THE STATE OF FLORIDA •

- i. Water quality enhancement areas, including but not limited to natural systems-based stormwater management facilities, filter marshes, and wetland buffers to reduce the rate of run-off and associated nutrient loads;
 - ii. Existing regional flow-ways;
 - iii. Preservation of 93% of the onsite wetlands with exotic vegetation removal;
 - iv. Critical wildlife connection(s) through on-site preserve areas where adjacent to conservation areas
 - v. Roadway setbacks and perimeter buffers or preserves; and
 - vi. Passive recreational areas that comply with the definition of open space, as set forth in the Land Development Code.
2. Open space areas must be platted in separate tracts, outside of privately owned lots, and dedicated to an appropriate maintenance entity. A Community Development District (CDD), Independent Special District (ISD), or a master property owners association must be created to accept responsibility for perpetually maintaining the open space areas identified in the planned development.
 3. Record a conservation easement for a minimum of 48% of the planned development area benefiting a public agency acceptable to Lee County, or Lee County itself, and dedicated to an appropriate maintenance entity. Land subject to conservation easement(s) can be used for on-site mitigation and will be recorded as development orders are issued. The timing of conservation easement(s) and restoration may be phased so long as the area dedicated to conservation easement is equal to or greater than the area of land approved for development on a cumulative basis.
 4. Provide a protected species management plan to address human wildlife coexistence, including educational programs and development standards.
 6. Not preclude recreational connections to adjacent public and private conservation and preserve land, subject to approval by the appropriate agencies.
 7. Incorporate Florida Friendly Landscaping with the low irrigation requirements in common areas.
 9. Incorporate energy efficiency or other low impact development (LID) performance standards within the development.
 10. Minimize impacts to natural areas and native habitat by clustering development primarily in areas previously impacted by agricultural uses and other development activities.
- b. Water Quality & Hydrological Enhancements.**
1. The stormwater management system must demonstrate through design or other means that water leaving the development meets current state and federal water quality standards. Outfall monitoring will be required on a quarterly basis for a minimum of 5 years from the date of acceptance of construction of the water management system by the South Florida Water Management District. Monitoring may be eliminated after 5 years if the water quality standards are met.
 2. Demonstrate an additional 50% water quality treatment beyond the treatment required by the SFWMD for the on-site stormwater management basins.
 3. Protect existing groundwater levels and improve existing wetland hydroperiods in onsite preserve areas, as applicable by SFWMD permits.
 4. Provide a lake management plan that requires best management practices for the following:
 - i. fertilizers and pesticides;
 - ii. erosion control and bank stabilization; and

iii. lake maintenance requirements and deep lake management for lakes exceeding 12 feet below lake surface (BLS).

5. Provide a site-specific ecological and hydrological plan, which includes at a minimum the following: preliminary excavation and grading plans, exotic removal and maintenance plan, supplemental planting plan, and success criteria for meeting established goals.
6. Provide site-specific mitigation and enhancements to reduce discharge rates.
7. Utilize reuse and surface water generated by the development to meet the irrigation demands of the recreation and development areas, to the extent such reuse is available.
8. Demonstrate that the proposed planned development will not result in significant detrimental impacts on present or future water resources.

c. Infrastructure Enhancements.

1. All development within the planned development must connect to centralized water and sewer services, with the exception of interim facilities used on a temporary basis during construction, and for unmanned essential services on a temporary basis until water and sewer service is extended to the development.
2. Written verification as to adequate public services for the planned development from the sheriff, EMS, fire district, and Lee County School District, or via interlocal agreements with adjacent jurisdictions and/or special districts.
3. Civic space or recreational area such as a canoe/kayak launch, boardwalk, jogging path, fishing platform, or waterside park for use by the general public, to be maintained by the property owners' association or similar entity.
4. Sufficient right-of-way to accommodate an 8-foot wide multi-purpose pathway along the roadway frontages, where the planned development abuts SR 31 and CR 78.

d. Community Character.

1. Provide minimum 50 foot perimeter setback/buffer area
2. Enhanced buffers and setbacks along external roadways to preserve rural vistas and viewsheds that are at least 50% wider than the Land Development Code requirements.
3. Locate access points onto adjacent arterial roadways to minimize impact to the surrounding rural community.
4. Preservation of archaeological sites in good to excellent condition that are regarded as eligible for listing on the National Register of Historic Places within a minimum 25-foot buffer. An archaeological monitor should confirm the location of the buffer/temporary silt fencing placed around each site and confirm that the sites are avoided during construction activities.
5. Provide a minimum 100' setback from Water Dependent Overlay to proposed internal residential lot lines.

TABLE 1(a)
SUMMARY OF RESIDENTIAL DENSITIES¹

FUTURE LAND USE CATEGORY	STANDARD OR BASE DENSITY RANGE		BONUS DENSITY
	MINIMUM ² (Dwelling Units per Gross Acre)	MAXIMUM (Dwelling Units per Gross Acre)	MAXIMUM TOTAL DENSITY ³ (Dwelling Units per Gross Acre)
Intensive Development ¹⁴	8	14	22
General Interchange ²	8	14	22
Central Urban ¹⁵	4	10	15
Urban Community ^{4,5,16}	1	6	10
Suburban ¹⁷	1	6	No Bonus
Outlying Suburban	1	3	No Bonus
Sub-Outlying Suburban ²⁰	1	2	No Bonus
Rural ¹⁰	No Minimum	1	No Bonus
Outer Islands	No Minimum	1	No Bonus
Rural Community Preserve ⁶	No Minimum	1	No Bonus
Open Lands ⁷	No Minimum	1 du/5 acres	No Bonus
Density Reduction/Groundwater Resource ¹³	No Minimum	1 du/10 acres	No Bonus
Wetlands ⁸	No Minimum	1 du/20 acres	No Bonus
New Community ¹⁹	No Minimum	6	No Bonus
University Community ⁹	1	2.5	No Bonus
Destination Resort Mixed Use Water Dependent ¹¹	6	9.36	No Bonus
Burnt Store Marina Village ¹²	No Minimum	160 Dwelling Units; 145 Hotel Units	No Bonus
Coastal Rural ¹⁸	No Minimum	1 du/2.7 acres	No Bonus

CLARIFICATIONS AND EXCEPTIONS

- ¹See the glossary in Chapter XII for the full definition of “density”.
- ²Except in the General Interchange future land use category adherence to minimum densities is not mandatory but is recommended to promote compact development.
- ³These maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Bonus Density Program identified in Chapter 2 of the Land Development Code.
- ⁴Within the Future Urban Areas of Pine Island Center, rezonings that will allow in excess of 3 dwelling units per gross acre must “acquire” the density above 3 dwelling units per gross acre utilizing TDUs that were created from Greater Pine Island (see Objective 24.6), or transfer dwelling units in accordance with Policy 24.3.4.
- ⁵In all cases on Gasparilla Island, the maximum density must not exceed 3 du/acre.
- ⁶Within the Buckingham area, new residential lots must have a minimum of 43,560 square feet.
- ⁷The maximum density of 1 unit per 5 acres can only be approved through the planned development process (see Policy 1.4.4), except in the approximately 135 acres of land lying east of US41 and north of Alico Road in the northwest corner of Section 5, Township 46, Range 25.
- ⁸Higher densities may be allowed under the following circumstances where wetlands are preserved on the subject site:
- (a) If the dwelling units are relocated off-site through the provision of Transfer of Development Rights Ordinance 86-18, as amended or replaced; or
 - (b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, Outlying Suburban, Sub-Outlying Suburban, and New Community from preserved freshwater wetlands at the same underlying density as permitted for those uplands. Impacted wetlands will be calculated at the standard Wetlands density of 1 dwelling units per 20 acres. Planned Developments or Development Orders approved prior to October 20, 2010 are permitted the density approved prior to the adoption of CPA2008-18.
- ⁹Overall average density for the University Village sub-district must not exceed 2.5 du/acre.
- ¹⁰In the Rural category located in Section 24, Township 43 South, Range 23 East and south of Gator Slough, the maximum density is 1 du/2.25 acres.
- ¹¹Overall number of residential dwelling units is limited to 271 units in the Destination Resort Mixed Use Water Dependent district.
- ¹²The residential dwelling units and hotel development portions of this redevelopment project must be located outside of the designated Coastal High Hazard Area in accordance with Lee Plan, Map 5.
- ¹³See Policies 33.3.2, 33.3.3, and 33.3.4 for potential density adjustments resulting from concentration or transfer of development rights.
- ¹⁴The maximum total density may be increased to 30 du/acre utilizing Greater Pine Island TDUs.
- ¹⁵The maximum total density may be increased to 20 du/acre utilizing Greater Pine Island TDUs.
- ¹⁶The maximum total density may be increased to 15 du/acre utilizing Greater Pine Island TDUs.
- ¹⁷The maximum total density may be increased to 8 du/acre utilizing Greater Pine Island TDUs.
- ¹⁸The standard maximum density is 1 du/2.7 acres unless the “Adjusted Maximum Density” of 1 du/acre is achieved in accordance with requirements of Policy 1.4.7 and Chapter 33 of the Land Development Code.
- ¹⁹Maximum density in the New Community future land use category is limited to 1 du/2.5 acres in the North Olga Community Plan area in accordance with Policy 1.6.1.
- ²⁰Maximum density in the Sub-Outlying Suburban future land use category is limited to 2 du/1 acre of uplands or a gross density of 1.28 dwelling units per acre in the North Olga Community Plan area in accordance with Policy 29.10.1.

TABLE 1(b) Year 2030 Allocation

Future Land Use Category		Lee County Totals	Northeast Lee County	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/ Airport	Daniels Parkway
Residential By Future Land Use Category	Intensive Development	1,361				5		27		250			
	Central Urban	14,766				225				230			
	Urban Community	16,515	520	485		637						250	
	Suburban	16,623				1,810				85			
	Outlying Suburban	4,113	30			310	20	2	500				1,438
	Sub-Outlying Suburban	1,880 2,223	343			472						227	
	Commercial												
	Industrial	79								39		20	
	Public Facilities	1							1				
	University Community	850											
	Destination Resort Mixed Use Water Dependent	8											
	Burnt Store Marina Village	4					4						
	Industrial Interchange												
	General Interchange	169										29	58
	General Commercial Interchange												
	Industrial Commercial Interchange												
	University Village Interchange												
	Mixed Use Interchange												
	New Community	2,100	1,200									900	
	Airport												
	Tradeport	9										9	
	Rural	8,313 7,970	1,948 1,605			1,400	636						1,500
	Rural Community Preserve	3,100											
	Coastal Rural	1,300											
	Outer Island	202	5			1			150				
	Open Lands	2,805	250				590						120
	Density Reduction/ Groundwater Resource	6,905	711									94	
	Conservation Lands Upland												
	Wetlands												
	Conservation Lands Wetland												
Unincorporated County Total Residential		81,103	4,664	485		4,860	1,250	29	651	604		1,529	3,116
Commercial		12,793	177	52		400	50	17	125	150		1,100	440
Industrial		7,527	26	3		400	5	26		300		3,100	10
Non Regulatory Allocations													
Public		82,565	7,100	421		2,000	7,000	20	1,961	350		7,752	2,477
Active AG		23,301	5,100			550	150						20
Passive AG		43,591	12,229			2,305	109					1,241	20
Conservation		81,933	2,214	611		1,142	3,236	133	1,603	748		2,947	1,733
Vacant		24,361	1,953			61	931	34		45		282	151
Total		357,174	33,463	1,572		11,718	12,731	259	4,340	2,197		17,951	7,967
Population Distribution (unincorporated Lee County)		495,000	9,266	1,531		33,348	3,270	225	530	5,744		19,358	16,375

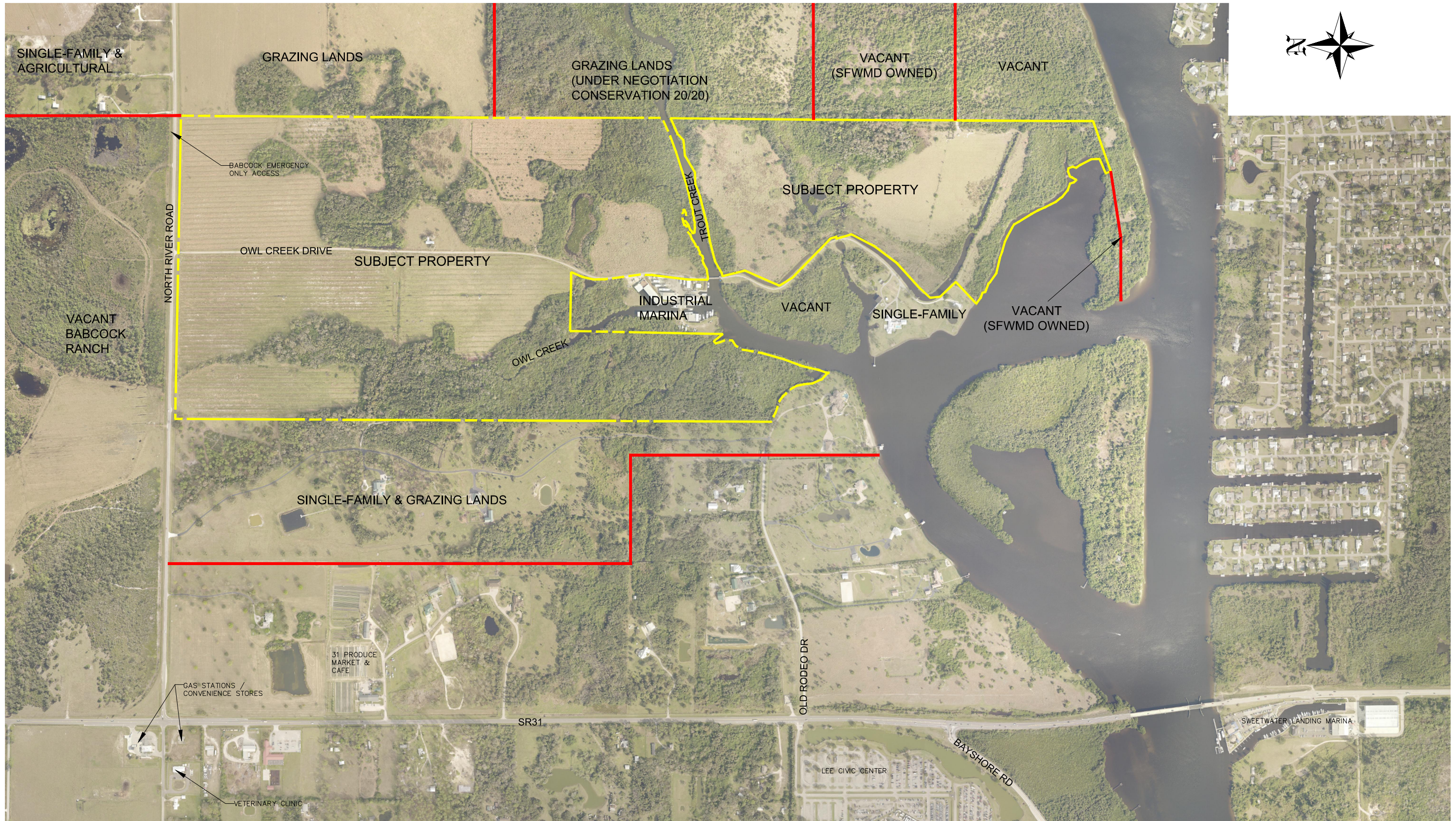
TABLE 1(b) Year 2030 Allocation

Future Land Use Category		Iona/ McGregor	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres	Southeast Lee County	North Fort Myers	Buckingham	Estero	Bayshore
Residential By Future Land Use Category	Intensive Development				660	3	42		365		9	
	Central Urban	375	17		3,140		8,179		2,600			
	Urban Community	850	1,000		860	500	10,854			110	450	
	Suburban	2,488	1,975		1,200	675			6,690		1,700	
	Outlying Suburban	377				600			382		454	
	Sub-Outlying Suburban		25						140	66		950
	Commercial											
	Industrial	5	5		10							
	Public Facilities											
	University Community		850									
	Destination Resort Mixed Use Water Dependent	8										
	Burnt Store Marina Village											
	Industrial Interchange											
	General Interchange							15	31		6	30
	General Commercial Interchange											
	Industrial Commercial Interchange											
	University Village Interchange											
	Mixed Use Interchange											
	New Community											
	Airport											
	Tradeport											
	Rural		90			190	14		500	50	635	1,350
	Rural Community Preserve									3,100		
	Coastal Rural					1,300						
	Outer Island	1				45						
	Open Lands								45			1,800
	Density Reduction/ Groundwater Resource							4,000				2,100
	Conservation Lands Upland											
	Wetlands											
	Conservation Lands Wetland											
Unincorporated County Total Residential		4,104	3,962		5,870	3,313	19,088	4,015	10,753	3,326	3,254	6,230
Commercial		1,100	1,944		2,100	226	1,300	68	1,687	18	1,700	139
Industrial		320	450		900	64	300	972	554	5	87	5
Non Regulatory Allocations												
Public		3,550	3,059		3,500	2,100	15,289	12,000	4,000	1,486	7,000	1,500
Active AG						2,400		13,445	200	411	125	900
Passive AG						815		17,521	1,532	3,619	200	4,000
Conservation		9,306	2,969		188	14,767	1,541	31,210	1,317	336	5,068	864
Vacant		975	594		309	3,781	10,385	470	2,060	1,000	800	530
Total		19,355	12,978		12,867	27,466	47,904	79,701	22,103	10,201	18,234	14,168
Population Distribution (unincorporated Lee County)		34,538	36,963		58,363	13,265	149,500	1,270	71,001	6,117	25,577	8,760

The following summarizes benefits that will be accomplished by approval of this request through compliance with the proposed text amendment (see attached):

1. Provide a connection between the existing New Community FLU to the north and Caloosahatchee River to the south that will continue the environmental preservation and enhanced drainage ways that will be improved by reduced runoff rate and reduced nutrient runoff.
2. Amendment will result in clustered development as encouraged in area as demonstrated by the Preliminary Development Footprint exhibit attached.
3. Provide Wetland Protection and Enhancements including exotic removal and maintenance.
4. Historical Resource preservation of the 3 recommended sites.
5. ±165.6 acres (48% of property) placed into conservation easement including the convergence of two natural waterways on the Great Calusa Blueway (Owl Creek and Trout Creek) where they connect to the Caloosahatchee River.
6. Wildlife/recreation connection from portion of Trout Creek located on potential Conservation 20/20 lands to Caloosahatchee River.
7. Connection to adjacent SFWMD owned lands to the east and south.
8. Potential public canoe/kayak launch area to Trout Creek.
9. Wildlife management and co-existence plans.
10. Enhanced lake management plan.
11. Florida Friendly Landscaping with the low irrigation requirements in common areas.
12. 60% open space.
13. Preserve 93% of wetlands.
14. Water Quality enhancements and monitoring.
15. Remove potential for up to 221 potential septic tanks and wells.
16. Removal of cattle grazing will significantly reduce onsite nutrient generation.
17. Additional 50% water quality treatment.
18. Reduced rate of run-off and associated nutrient loads.
19. Stormwater enhancements.
20. Remove potential for additional single-family driveways along Owl Creek.
21. Green infrastructure.
22. Privately funded expansion of water and sewer to the area (as encouraged/anticipated by existing Lee Plan policies).
23. Minimum 50' perimeter setback/buffer.
24. Minimum 100' setback from Owl Creek Boat Works property line to single-family lots.
25. Provide area for multi-use path along North River Road.
26. Protect existing groundwater levels and improve existing wetland hydroperiods in onsite preserve areas.

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LEGEND:

- = APPROXIMATE ADJACENT PROPERTY LINE
- = SUBJECT PROPERTY

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MAP OF EXISTING LAND USES EXHIBIT-M5

OWL CREEK
LEE COUNTY, FLORIDA

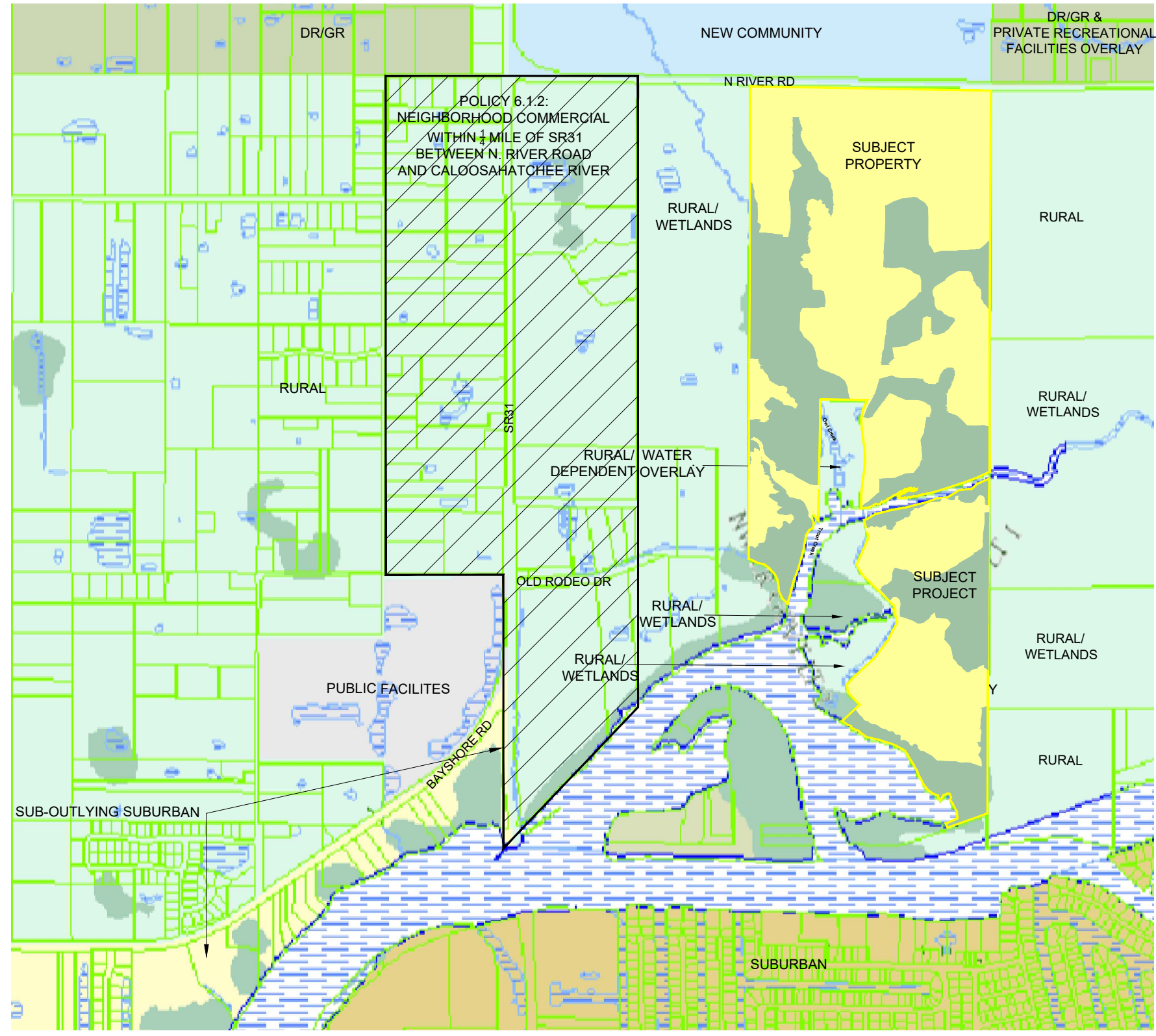
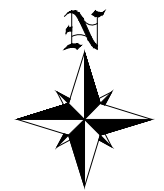
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08/24/2020	8504	_EXHIBIT	KG	KG	DRU	N.T.S.	01

OWL CREEK

Comprehensive Plan Amendment & Planned Development Zoning

- 342.68 acre± amendment to Future Land Use Map category from Rural and Wetlands to Sub-Outlying Suburban
- Amendment to place within the Lee County Utilities Future Water Service Area
 - Note: Wastewater will be provided by Florida Governmental Utility Authority (FGUA) with privately funded expansion of sewer service.
- Associated Text Amendment to following:
 - North Olga Community Plan – New Objective 29.10 and Policies 29.10.1 and 29.10.2
 - Table 1(a) –footnote 20 to further limit density within North Olga Planning Community
 - Table 1(b) - NE Lee County move 343-ac from Rural to Sub-Outlying Suburban
- Connection between New Community and Caloosahatchee continuing environmental preservation and enhanced drainage ways
- OBJECTIVE 29.10 – Require Planned Development process for Sub-Outlying Suburban in North Olga
- POLICY 29.10.1: Residential densities maximum of 2 DU per upland acre or 1.28 DU per gross acre - maximum 440 DU (increase of 219 DU – PD will contain single-family and two-family attached)
- POLICY 29.10.2: Planned development conditions must demonstrate:
 - a. Environmental Enhancements
 - 1. Min. 60% open space, inclusive of onsite preserve
 - i. Water quality enhancement areas to reduce the rate of run-off and associated nutrient loads (natural systems-based, filter marshes, wetland buffers, removal of cattle grazing)
 - ii. Existing regional flow-ways;
 - iii. Preserve 93% of wetlands with exotic vegetation removal & maintenance
 - iv. Critical wildlife connection(s) through on-site preserve areas where adjacent to conservation areas
 - v. Roadway setbacks and perimeter buffers or preserves; and
 - vi. Passive recreational areas (PD will include private and public amenities)
 - 2. Open space areas platted/dedicated for perpetual maintenance
 - 3. Conservation easement min. 48% of site benefiting public agency (±165.6 AC- portions of Owl & Trout creeks on Great Calusa Blueway to Caloosahatchee)
 - 4. Protected species management plan/co-existence plan
 - 6. Not preclude recreational connections to adjacent preserves (potential 20/20 lands to east with portion of Trout creek & SFWMD lands to east and south)
 - 7. Florida Friendly Landscaping/low irrigation requirements in common areas.
 - 9. Energy efficiency or other low impact development (LID) performance standards
 - 10. Clustering development primarily previously impacted areas (as encouraged in area)
 - b. Water Quality & Hydrological Enhancements.
 - 1. Outfall monitoring quarterly for a minimum of 5 years
 - 2. Additional 50% water quality treatment beyond SFWMD requirements
 - 3. Protect existing groundwater levels and improve existing wetland hydroperiods in onsite preserve areas
 - 4. Lake management plan with best management practices:
 - 5. Ecological and hydrological plan
 - 6. Mitigation & enhancements to reduce discharge rates.
 - 7. Reuse and surface water to meet irrigation demands to extent available
 - 8. Demonstrate that will not result in significant detrimental impacts on present or future water resources.
 - c. Infrastructure Enhancements.
 - 1. Connect to centralized water and sewer services already encouraged by Lee Plan (privately funded - will remove 221 potential wells/septic tanks & provide fire protection to existing and proposed residences)
 - 2. Verification as to adequate public services (Sheriff, EMS, Fire, School)
 - 3. Civic space or recreational area such as a canoe/kayak launch (Trout Creek), boardwalk, jogging path, fishing platform, or waterside park for use by general public
 - 4. Right-of-way for 8-foot multi-purpose pathway along CR 78/North River Road
 - d. Community Character.
 - 1. Min. 50 foot perimeter setback/buffer area
 - 2. Enhanced buffers (50% wider than LDC) along external roadways to preserve rural vistas and viewsheds
 - 3. Access points onto arterial roadways minimize impact to rural community.
 - 4. Preservation of archaeological sites regarded as eligible for listing within min. 25-foot buffer (3 recommended sites)
 - 5. Min. 100' setback from Water Dependent Overlay (Owl Creek Boat Works) to internal residential lot lines.
- Traffic - Sufficient capacity and no adverse impacts to surrounding roadways, acceptable level of service

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☒ Future Urban Areas

- ☒ Intensive Development
- ☒ Central Urban
- ☒ Urban Community
- ☒ Suburban
- ☒ Outlying Suburban
- ☒ Sub-Outlying Suburban
- ☒ Commercial
- ☒ Industrial
- ☒ Public Facilities
- ☒ University Community
- ☒ Burnt Store Marina Village

☒ Non-Urban Areas

- ☒ Rural
- ☒ Rural Community Preserve
- ☒ Coastal Rural
- ☒ Outer Island
- ☒ Open Lands
- ☒ Density Reduction/Groundwater Resour
- ☒ Conservation Lands - Upland
- ☒ Wetlands
- ☒ Conservation Lands - Wetland

☒ Special Urban Areas

- ☒ Industrial Interchange
- ☒ General Interchange
- ☒ General Commercial Interchange
- ☒ Industrial Commercial Interchange
- ☒ University Village Interchange
- ☒ New Community
- ☒ Tradeport
- ☒ Airport

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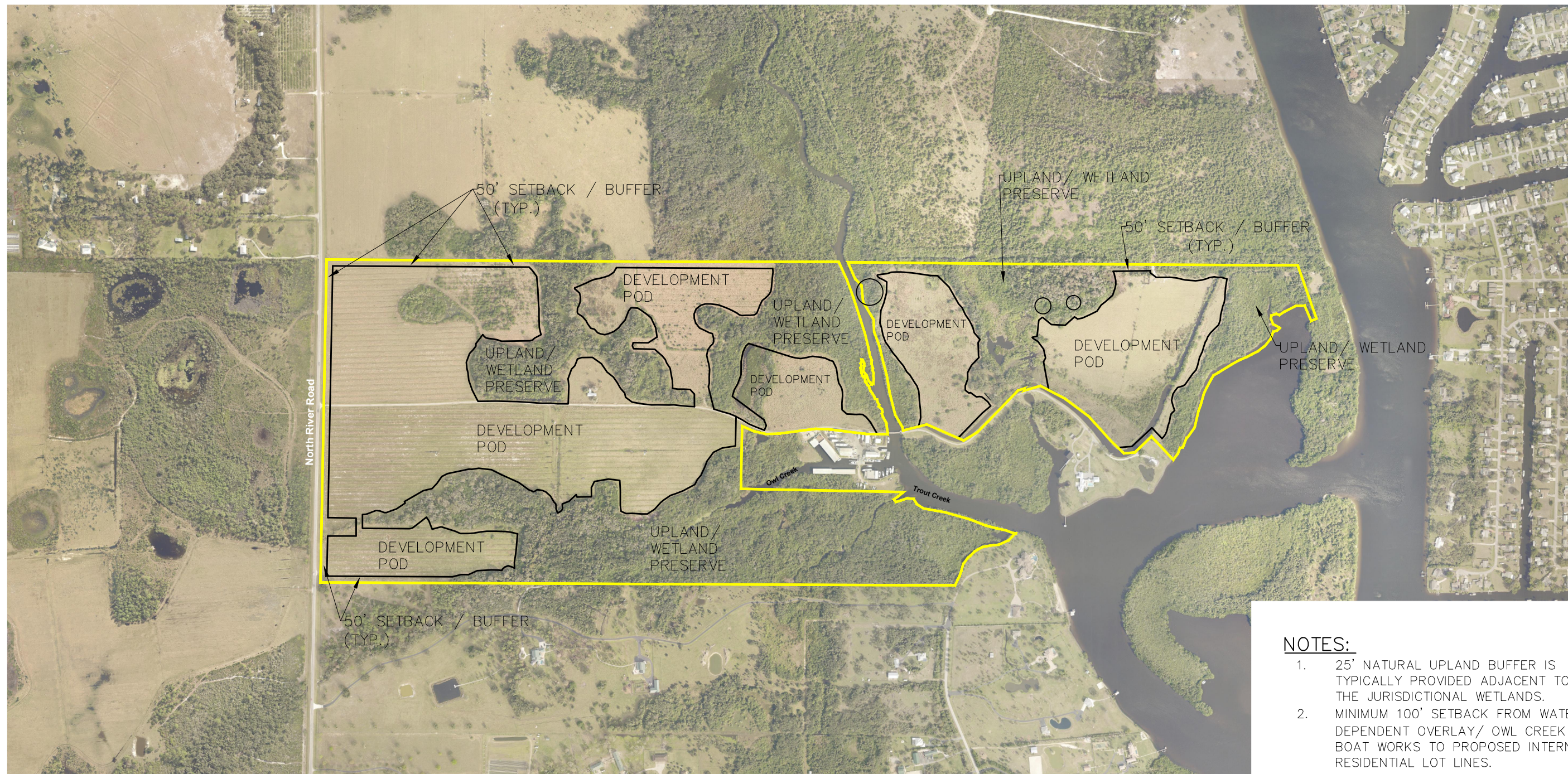
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PROPOSED FUTURE LAND USE MAP EXHIBIT-M4

OWL CREEK
LEE COUNTY, FLORIDA

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NOTES:

1. 25' NATURAL UPLAND BUFFER IS TYPICALLY PROVIDED ADJACENT TO THE JURISDICTIONAL WETLANDS.
2. MINIMUM 100' SETBACK FROM WATER DEPENDENT OVERLAY/ OWL CREEK BOAT WORKS TO PROPOSED INTERNAL RESIDENTIAL LOT LINES.



APPROXIMATE PRESERVED
HISTORICAL SITE

DEVELOPMENT BOUNDARY

PROPERTY LINE

NO.	DATE	REVISION DESCRIPTION	BY

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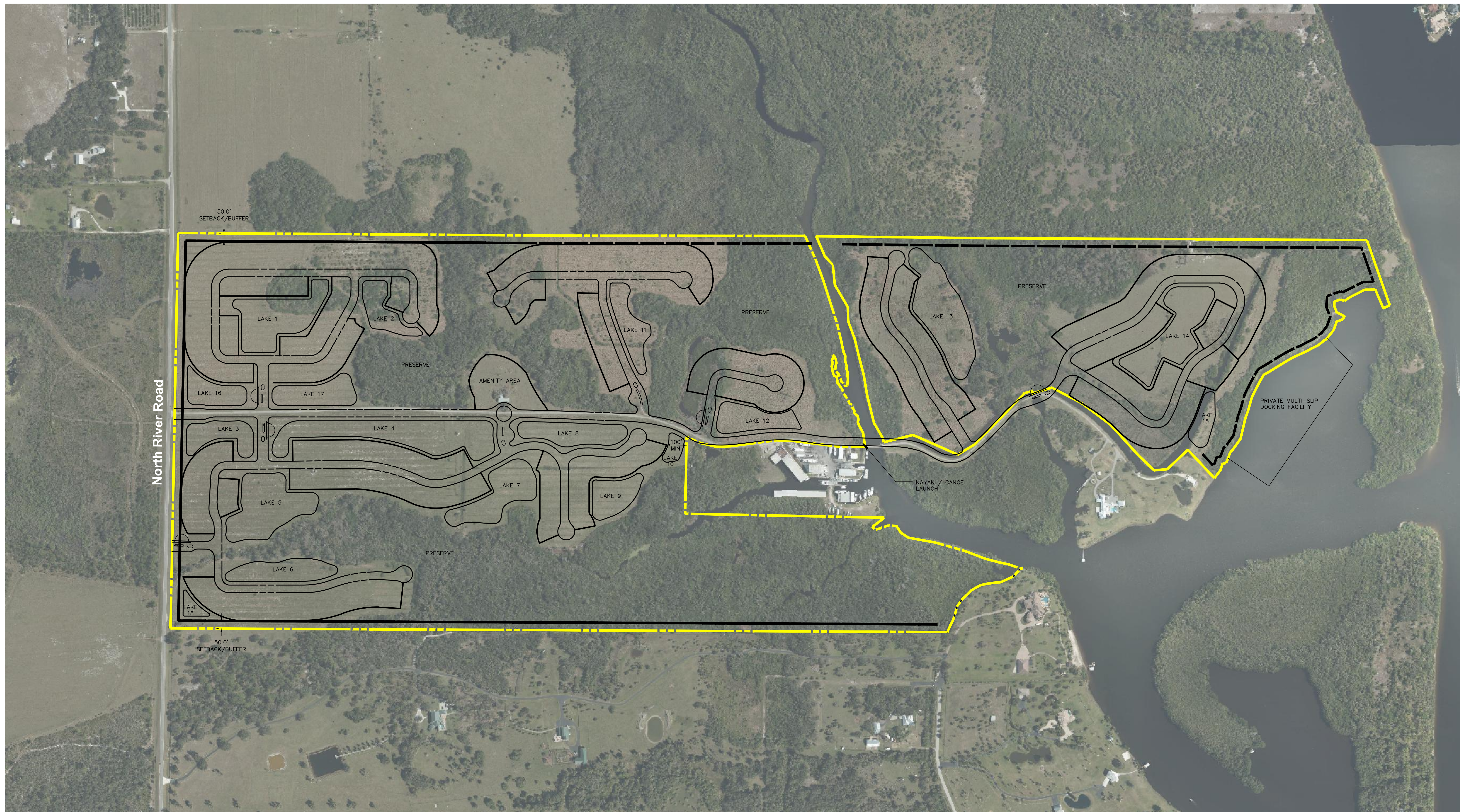
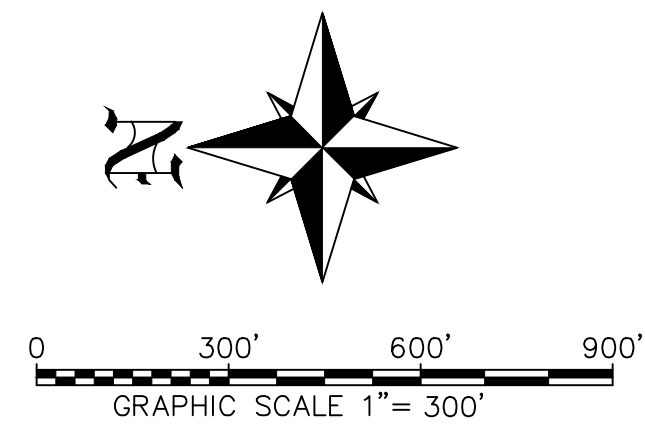
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PRELIMINARY DEVELOPMENT FOOTPRINT

OWL CREEK
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
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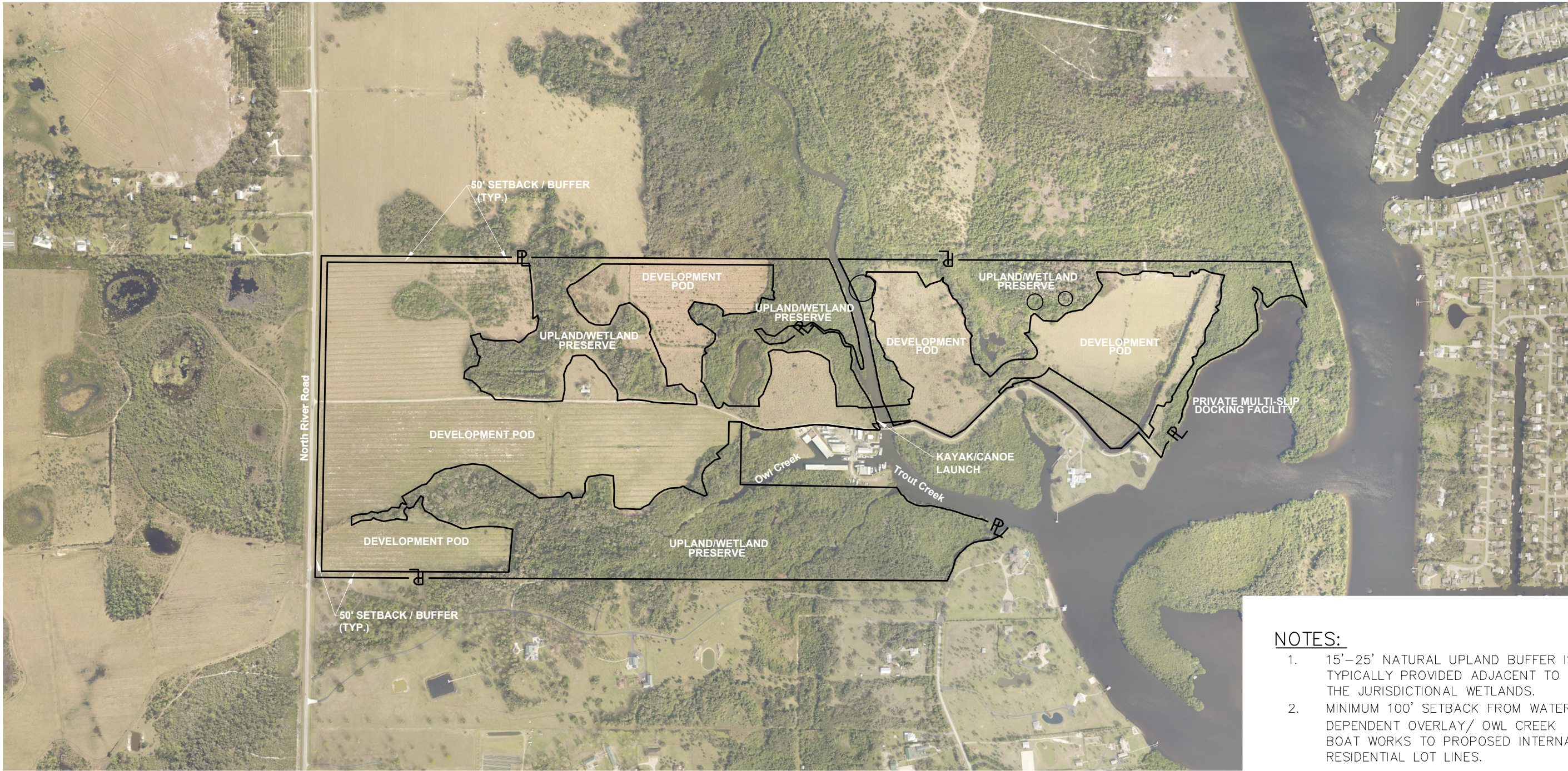
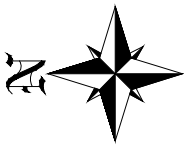
PRELIMINARY SITE PLAN
OWL CREEK
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
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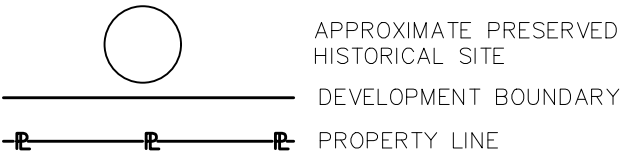
Preliminary Development Footprint

CPA2020-00004
Revised March 2021

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- NOTES:**
1. 15'-25' NATURAL UPLAND BUFFER IS TYPICALLY PROVIDED ADJACENT TO THE JURISDICTIONAL WETLANDS.
 2. MINIMUM 100' SETBACK FROM WATER DEPENDENT OVERLAY/ OWL CREEK BOAT WORKS TO PROPOSED INTERNAL RESIDENTIAL LOT LINES.



NO.	DATE	SUFFICIENCY RESPONSE	REVISION DESCRIPTION	KG	BY
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PRELIMINARY DEVELOPMENT FOOTPRINT OWL CREEK LEE COUNTY, FLORIDA							
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03/23/2021	8504	_EXHIBIT	KG	KG	DRU	N.T.S.	01

Proposed Text Changes

(Exhibit T4)

CPA2020-00005
Revised March 2021



Professional Engineers, Planners & Land Surveyors

OWL CREEK
Comprehensive Plan Amendment
Proposed Text Changes
Exhibit T4
CPA2020-00004 & CPA2020-00005
Revised March 2021

The Owl Creek application includes the following requests:

- Amendment to the Future Land Use Map (Lee Plan Map 1, Page 1 of 7) to change the FLU category from Rural and Wetlands to Sub-Outlying Suburban
- Amendment to Future Water Service Areas, Lee County Utilities (Lee Plan Map 6) to place the property within the Lee County Utilities Future Water Service Area to allow for privately funded expansion of water service.
 - Note: Wastewater will be provided by Florida Governmental Utility Authority (FGUA) with privately funded expansion of sewer service.
- Associated Text Amendment to following:
 - North Olga Community Plan – New Objective 29.10 and Policies 29.10.1 and 29.10.2 to provide requirements for development with Sub-Outlying Suburban areas within North Olga Planning Community
 - Table 1(a) – add footnote 20 to Sub-Outlying Suburban to limit density to a gross density of 1.283 dwelling units per acre within the North Olga Planning Community
 - Table 1(b) for Northeast Lee County to remove 80 acres from the Rural category and add 80 acres to the Sub-Outlying Suburban category

OBJECTIVE 29.10: SUB-OUTLYING SUBURBAN. Land designated as Sub-Outlying Suburban on the Future Land Use Map within the North Olga Community Plan area will be developed utilizing the planned development process in order to achieve conservation and enhancement of important environmental resources; initiate areawide surface water management; prevent sprawling land use patterns through clustered development; create critical hydrological and wildlife corridors and connections; and protect rural character of the surrounding community.

POLICY 29.10.1: Residential densities for land within the Sub-Outlying Suburban future land use category may be permitted up to a gross density of 1.283 dwelling units per acre. In no case shall the unit count in the Sub-Outlying Suburban future land use category in North Olga exceed 440 dwelling units.

POLICY 29.10.2: Prior to development, a planned development rezoning must be approved, and include conditions and requirements that demonstrate the following:

a. Environmental Enhancements.

1. A minimum of 60% open space, inclusive of onsite preserve, to

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accommodate the following:

- i. Water quality enhancement areas, including but not limited to natural systems-based stormwater management facilities, filter marshes, and wetland buffers to reduce the rate of run-off and associated nutrient loads;
 - ii. Existing regional flow-ways;
 - iii. Preservation of 93% of the onsite wetlands with exotic vegetation removal;
 - iv. Critical wildlife connection(s) through on-site preserve areas where adjacent to conservation areas
 - v. Roadway setbacks and perimeter buffers or preserves; and
 - vi. Passive recreational areas that comply with the definition of open space, as set forth in the Land Development Code.
2. Open space areas must be platted in separate tracts, outside of privately owned lots, and dedicated to an appropriate maintenance entity. A Community Development District (CDD), Independent Special District (ISD), or a master property owners association must be created to accept responsibility for perpetually maintaining the open space areas identified in the planned development.
 3. Record a conservation easement for a minimum of 48% of the planned development area benefiting a public agency acceptable to Lee County, or Lee County itself, and dedicated to an appropriate maintenance entity. Land subject to conservation easement(s) can be used for on-site mitigation and will be recorded as development orders are issued. The timing of conservation easement(s) and restoration may be phased so long as the area dedicated to conservation easement is equal to or greater than the area of land approved for development on a cumulative basis.
 4. Provide a protected species management plan to address human wildlife coexistence, including educational programs and development standards.
 6. Not preclude recreational connections to adjacent public and private conservation and preserve land, subject to approval by the appropriate agencies.
 7. Incorporate Florida Friendly Landscaping with the low irrigation requirements in common areas.
 9. Incorporate energy efficiency or other low impact development (LID) performance standards within the development.
 10. Minimize impacts to natural areas and native habitat by clustering development primarily in areas previously impacted by agricultural uses and other development activities.

b. Water Quality & Hydrological Enhancements.

1. The stormwater management system must demonstrate through design or other means that water leaving the development meets current state and federal water quality standards. Outfall monitoring will be required on a quarterly basis for a minimum of 5 years from the date of acceptance of construction of the water management system by the South Florida Water Management District. Monitoring may be eliminated after 5 years if the water quality standards are met.
2. Demonstrate an additional 50% water quality treatment beyond the treatment required by the SFWMD for the on-site stormwater management basins.
3. Protect existing groundwater levels and improve existing wetland hydroperiods in onsite preserve areas, as applicable by SFWMD permits.
4. Provide a lake management plan that requires best management practices for the following:
 - i. fertilizers and pesticides;

ii. erosion control and bank stabilization; and

iii. lake maintenance requirements and deep lake management for lakes exceeding 12 feet below lake surface (BLS).

5. Provide a site-specific ecological and hydrological plan, which includes at a minimum the following: preliminary excavation and grading plans, exotic removal and maintenance plan, supplemental planting plan, and success criteria for meeting established goals.
6. Provide site-specific mitigation and enhancements to reduce discharge rates.
7. Utilize reuse and surface water generated by the development to meet the irrigation demands of the recreation and development areas, to the extent such reuse is available.
8. Demonstrate that the proposed planned development will not result in significant detrimental impacts on present or future water resources.

c. Infrastructure Enhancements.

1. All development within the planned development must connect to centralized water and sewer services, with the exception of interim facilities used on a temporary basis during construction, and for unmanned essential services on a temporary basis until water and sewer service is extended to the development.
2. Written verification as to adequate public services for the planned development from the sheriff, EMS, fire district, and Lee County School District, or via interlocal agreements with adjacent jurisdictions and/or special districts.
3. Civic space or recreational area such as a canoe/kayak launch, boardwalk, jogging path, fishing platform, or waterside park for use by the general public, to be maintained by the property owners' association or similar entity.
4. Sufficient right-of-way to accommodate an 8-foot wide multi-purpose pathway along the roadway frontages, where the planned development abuts SR 31 and CR 78.

d. Community Character.

1. Provide minimum 50 foot perimeter setback/buffer area
2. Enhanced buffers and setbacks along external roadways to preserve rural vistas and viewsheds that are at least 50% wider than the Land Development Code requirements.
3. Locate access points onto adjacent arterial roadways to minimize impact to the surrounding rural community.
4. Preservation of archaeological sites in good to excellent condition that are regarded as eligible for listing on the National Register of Historic Places within a minimum 25-foot buffer. An archaeological monitor should confirm the location of the buffer/temporary silt fencing placed around each site and confirm that the sites are avoided during construction activities.
5. Provide a minimum 100' setback from Water Dependent Overlay to proposed internal residential lot lines.

TABLE 1(a)
SUMMARY OF RESIDENTIAL DENSITIES¹

FUTURE LAND USE CATEGORY	STANDARD OR BASE DENSITY RANGE		BONUS DENSITY
	MINIMUM ² (Dwelling Units per Gross Acre)	MAXIMUM (Dwelling Units per Gross Acre)	MAXIMUM TOTAL DENSITY ³ (Dwelling Units per Gross Acre)
Intensive Development ¹⁴	8	14	22
General Interchange ²	8	14	22
Central Urban ¹⁵	4	10	15
Urban Community ^{4,5,16}	1	6	10
Suburban ¹⁷	1	6	No Bonus
Outlying Suburban	1	3	No Bonus
Sub-Outlying Suburban ²⁰	1	2	No Bonus
Rural ¹⁰	No Minimum	1	No Bonus
Outer Islands	No Minimum	1	No Bonus
Rural Community Preserve ⁶	No Minimum	1	No Bonus
Open Lands ⁷	No Minimum	1 du/5 acres	No Bonus
Density Reduction/Groundwater Resource ¹³	No Minimum	1 du/10 acres	No Bonus
Wetlands ⁸	No Minimum	1 du/20 acres	No Bonus
New Community ¹⁹	No Minimum	6	No Bonus
University Community ⁹	1	2.5	No Bonus
Destination Resort Mixed Use Water Dependent ¹¹	6	9.36	No Bonus
Burnt Store Marina Village ¹²	No Minimum	160 Dwelling Units; 145 Hotel Units	No Bonus
Coastal Rural ¹⁸	No Minimum	1 du/2.7 acres	No Bonus

CLARIFICATIONS AND EXCEPTIONS

- ¹See the glossary in Chapter XII for the full definition of “density”.
- ²Except in the General Interchange future land use category adherence to minimum densities is not mandatory but is recommended to promote compact development.
- ³These maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Bonus Density Program identified in Chapter 2 of the Land Development Code.
- ⁴Within the Future Urban Areas of Pine Island Center, rezonings that will allow in excess of 3 dwelling units per gross acre must “acquire” the density above 3 dwelling units per gross acre utilizing TDUs that were created from Greater Pine Island (see Objective 24.6), or transfer dwelling units in accordance with Policy 24.3.4.
- ⁵In all cases on Gasparilla Island, the maximum density must not exceed 3 du/acre.
- ⁶Within the Buckingham area, new residential lots must have a minimum of 43,560 square feet.
- ⁷The maximum density of 1 unit per 5 acres can only be approved through the planned development process (see Policy 1.4.4), except in the approximately 135 acres of land lying east of US41 and north of Alico Road in the northwest corner of Section 5, Township 46, Range 25.
- ⁸Higher densities may be allowed under the following circumstances where wetlands are preserved on the subject site:
- (a) If the dwelling units are relocated off-site through the provision of Transfer of Development Rights Ordinance 86-18, as amended or replaced; or
 - (b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, Outlying Suburban, Sub-Outlying Suburban, and New Community from preserved freshwater wetlands at the same underlying density as permitted for those uplands. Impacted wetlands will be calculated at the standard Wetlands density of 1 dwelling units per 20 acres. Planned Developments or Development Orders approved prior to October 20, 2010 are permitted the density approved prior to the adoption of CPA2008-18.
- ⁹Overall average density for the University Village sub-district must not exceed 2.5 du/acre.
- ¹⁰In the Rural category located in Section 24, Township 43 South, Range 23 East and south of Gator Slough, the maximum density is 1 du/2.25 acres.
- ¹¹Overall number of residential dwelling units is limited to 271 units in the Destination Resort Mixed Use Water Dependent district.
- ¹²The residential dwelling units and hotel development portions of this redevelopment project must be located outside of the designated Coastal High Hazard Area in accordance with Lee Plan, Map 5.
- ¹³See Policies 33.3.2, 33.3.3, and 33.3.4 for potential density adjustments resulting from concentration or transfer of development rights.
- ¹⁴The maximum total density may be increased to 30 du/acre utilizing Greater Pine Island TDUs.
- ¹⁵The maximum total density may be increased to 20 du/acre utilizing Greater Pine Island TDUs.
- ¹⁶The maximum total density may be increased to 15 du/acre utilizing Greater Pine Island TDUs.
- ¹⁷The maximum total density may be increased to 8 du/acre utilizing Greater Pine Island TDUs.
- ¹⁸The standard maximum density is 1 du/2.7 acres unless the “Adjusted Maximum Density” of 1 du/acre is achieved in accordance with requirements of Policy 1.4.7 and Chapter 33 of the Land Development Code.
- ¹⁹Maximum density in the New Community future land use category is limited to 1 du/2.5 acres in the North Olga Community Plan area in accordance with Policy 1.6.1.
- ²⁰Maximum density in the Sub-Outlying Suburban future land use category is limited to a gross density of 1.283 dwelling units per acre in the North Olga Community Plan area in accordance with Policy 29.10.1.

TABLE 1(b) Year 2030 Allocation

Future Land Use Category		Lee County Totals	Northeast Lee County	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/ Airport	Daniels Parkway
Residential By Future Land Use Category	Intensive Development	1,361				5		27		250			
	Central Urban	14,766				225				230			
	Urban Community	16,515	520	485		637						250	
	Suburban	16,623				1,810				85			
	Outlying Suburban	4,113	30			310	20	2	500				1,438
	Sub-Outlying Suburban	1,880 1,960	80			472						227	
	Commercial												
	Industrial	79								39		20	
	Public Facilities	1							1				
	University Community	850											
	Destination Resort Mixed Use Water Dependent	8											
	Burnt Store Marina Village	4					4						
	Industrial Interchange												
	General Interchange	169										29	58
	General Commercial Interchange												
	Industrial Commercial Interchange												
	University Village Interchange												
	Mixed Use Interchange												
	New Community	2,100	1,200									900	
	Airport												
	Tradeport	9										9	
	Rural	8,313 8,233	1,948 1,868			1,400	636						1,500
	Rural Community Preserve	3,100											
	Coastal Rural	1,300											
	Outer Island	202	5			1			150				
	Open Lands	2,805	250				590						120
	Density Reduction/ Groundwater Resource	6,905	711									94	
	Conservation Lands Upland												
	Wetlands												
	Conservation Lands Wetland												
Unincorporated County Total Residential		81,103	4,664	485		4,860	1,250	29	651	604		1,529	3,116
Commercial		12,793	177	52		400	50	17	125	150		1,100	440
Industrial		7,527	26	3		400	5	26		300		3,100	10
Non Regulatory Allocations													
Public		82,565	7,100	421		2,000	7,000	20	1,961	350		7,752	2,477
Active AG		23,301	5,100			550	150						20
Passive AG		43,591	12,229			2,305	109					1,241	20
Conservation		81,933	2,214	611		1,142	3,236	133	1,603	748		2,947	1,733
Vacant		24,361	1,953			61	931	34		45		282	151
Total		357,174	33,463	1,572		11,718	12,731	259	4,340	2,197		17,951	7,967
Population Distribution (unincorporated Lee County)		495,000	9,266	1,531		33,348	3,270	225	530	5,744		19,358	16,375

TABLE 1(b) Year 2030 Allocation

Future Land Use Category		Iona/ McGregor	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres	Southeast Lee County	North Fort Myers	Buckingham	Estero	Bayshore
Residential By Future Land Use Category	Intensive Development				660	3	42		365		9	
	Central Urban	375	17		3,140		8,179		2,600			
	Urban Community	850	1,000		860	500	10,854			110	450	
	Suburban	2,488	1,975		1,200	675			6,690		1,700	
	Outlying Suburban	377				600			382		454	
	Sub-Outlying Suburban		25						140	66		950
	Commercial											
	Industrial	5	5		10							
	Public Facilities											
	University Community		850									
	Destination Resort Mixed Use Water Dependent	8										
	Burnt Store Marina Village											
	Industrial Interchange											
	General Interchange							15	31		6	30
	General Commercial Interchange											
	Industrial Commercial Interchange											
	University Village Interchange											
	Mixed Use Interchange											
	New Community											
	Airport											
	Tradeport											
	Rural		90			190	14		500	50	635	1,350
	Rural Community Preserve									3,100		
	Coastal Rural					1,300						
	Outer Island	1				45						
	Open Lands								45			1,800
	Density Reduction/ Groundwater Resource							4,000				2,100
	Conservation Lands Upland											
	Wetlands											
	Conservation Lands Wetland											
Unincorporated County Total Residential		4,104	3,962		5,870	3,313	19,088	4,015	10,753	3,326	3,254	6,230
Commercial		1,100	1,944		2,100	226	1,300	68	1,687	18	1,700	139
Industrial		320	450		900	64	300	972	554	5	87	5
Non Regulatory Allocations												
Public		3,550	3,059		3,500	2,100	15,289	12,000	4,000	1,486	7,000	1,500
Active AG						2,400		13,445	200	411	125	900
Passive AG						815		17,521	1,532	3,619	200	4,000
Conservation		9,306	2,969		188	14,767	1,541	31,210	1,317	336	5,068	864
Vacant		975	594		309	3,781	10,385	470	2,060	1,000	800	530
Total		19,355	12,978		12,867	27,466	47,904	79,701	22,103	10,201	18,234	14,168
Population Distribution (unincorporated Lee County)		34,538	36,963		58,363	13,265	149,500	1,270	71,001	6,117	25,577	8,760

Hurricane Evacuation Analysis

Trescott Planning Solutions, LLC

Urban and Regional Planning



421 Norwood Court • Fort Myers, Florida 33919
Cell 239-850-7163 • Office 239-433-4067
Email: trescottplanningsolutions@gmail.com

February 13, 2021

Stacy Ellis Hewitt, AICP
Director of Planning
Banks Engineering
10511 Six Mile Cypress Parkway
Fort Myers, Florida 33966

Dear Stacy:

As requested, this document provides my consulting services to addressing Coastal High Hazard Area (CHHA) and Hurricane Preparedness/Mitigation for the Owl Creek Map and Text amendments to change the Future Land Use category from Rural and Wetlands to Sub-Outlying Suburban and Wetland to accommodate the clustered development of up to 440 single-family dwelling units and internal amenities. This request will allow an increase of 219 dwelling units from the 221 dwelling units that could be developed under the existing FLU categories. The Owl Creek property is ±342.68 acres located on the south side of N. River Road approximately ½ mile east of its intersection with SR 31 within the North Olga area of the Northeast Lee County Planning Community. The property is zoned Agricultural (AG-2) and is used for agricultural/grazing purposes. It is my expert opinion the proposed Owl Creek project Map and Text Amendments are consistent with Lee Plan Goals, Policies and Objectives, Land Development Code (LDC) and state law relative to addressing the protection of human life along with current and future development from the impacts of coastal flooding.

Hurricane Storm Surge/Tide Analysis/Flood Insurance Rate Map Flood Level

The CHHA definition is found in Florida Statutes 163.3178(2)(h) and is as follows.

“Designation of coastal high-hazard areas and the criteria for mitigation for a comprehensive plan amendment in a coastal high-hazard area as defined in subsection (8). The coastal high-hazard area is the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. Application of mitigation and the application of development and redevelopment policies, pursuant to s. 380.27(2), and any rules adopted thereunder, shall be at the discretion of local government.”

The Owl Creek project site is within the Hurricane Category 1 Storm Surge/Tide area (see Attachment I 10/23/2020 Lee SLOSH Map and Attachment II Map 5 CHHA in Lee Plan) and Lee County Evacuation Zone Level A (see Attachment III). The Lee SLOSH Map Category 1 red area defines the Coastal High Hazard Area as defined by state statute. Attachment II Map 5 CHHA in Lee Plan is not consistent with the most updated South Florida SLOSH Model in that a little less area is within the Category 1 area. Table I below shows the Category 1 Storm Surge/Tide Heights at mean and high tides for the project site and Attachment IV shows the South Florida SLOSH Model Display map.

Table I

Potential Storm Tide Heights* for Project Site (In feet above ground** and Sea Level***)

Category		
Hurricane	High Tide	Mean Tide
1**	5.7 – 6.7	4.8 – 5.8
1***	8.6	7.9

*2017 South Florida (SLOSH) Model Display Program (1.79) Category

Hurricane Based on the Saffir-Simpson Hurricane Wind Scale

Storm tide heights represents the maximum values from SLOSH

MOMs (Max of the Max tide heights)

Protection of Property Mitigation Measures

To mitigate the effects and impacts on loss of life, property and evacuation issues the new development including the residential units will have to elevate the first floor to 7 feet above means sea level to meet the Federal Flood Insurance 100-year floodplain requirement (See Attachment V FIRMs). The applicant has committed in the application to not fill within any regulatory floodway and all homes will be constructed a minimum of one foot above the base flood elevation in effect at the time of construction. The FIRM elevation is for flood insurance minimum floor elevation purposes to mitigate loss of property whereas, the SLOSH Model elevations are for mitigating the loss of life used for evacuation planning. The 7 feet first floor FIRM elevation requirement plus the one foot extra to 8 feet applicant commitment essentially elevates the residential units above of the CHHA storm surge elevation of 7.9 feet during a mean tide storm surge. This is a mitigation measure that protects property in the CHHA.

Another property protection mitigation measure is the applicant agreeing to place approximately ±165.6 acres (48% of property) into a conservation easement including the convergence of two natural waterways on the Great Calusa Blueway (Owl Creek and Trout Creek) where they connect to the Caloosahatchee River. The project will be 60% open space and will preserve 93% of the wetlands on site (See Attachment VI, Enhancement and Preservation Map). This adjusted site design and clustered density with the wetland preserves on the development site, protect the proposed project from the effects of velocity flooding and wave action associated with storm events. These wetland preserves will serve their function by dissipating wave energy and storm surge.

In Lee County the Florida Building Code 7th Edition (2020) is another property protection measure that now requires residential construction in this area to be designed to withstand 150 mph “ultimate design wind speed”, which is equivalent to Category 4 hurricane wind levels. Further, because the development proposal includes a multi-slip docking facility the applicant must prepare hurricane plans with the assistance of the county which describe measures to be taken to minimize damage to marina sites, neighboring properties, and the environment. This hurricane plan is subject to county approval as required in Policy 128.6.6.

The building elevation, strong wind code construction, protection of 165.6 acres of conservation easements (60% open space 93% of the wetlands preserved) and hurricane plan for marina are property mitigation measures that are **consistent with Goal 101, Objectives 101.1 and 101.3 and Policies 5.1.2, 101.1.1, 101.3.2, 101.3.5 and 128.6.6).**

Protection of Life Mitigation Measures

The applicant will enter into a development agreement prior to adoption of the plan amendment to memorialize appropriate mitigation as determined by Lee County Public Safety, which may include the payment of money or construction of hurricane shelters and transportation facilities in accordance with Lee Plan Policy 101.1.4.

POLICY 101.1.4: Require that comprehensive plan amendments which increase density within the Coastal High Hazard Area or on islands meet one of the following criteria in accordance with § 163.3178(8), F.S.:

1. Will not result in an out of county hurricane evacuation time that exceeds 16 hours for a Category 5 storm event (Level E storm surge threat); or
2. Will maintain a 12-hour evacuation time to shelter for a Category 5 storm event (Level E storm surge threat) and ensure shelter space is available to accommodate the additional population; or
3. Will provide appropriate mitigation as determined by Lee County Department of Public Safety to satisfy both criteria above, which may include the payment of money or construction of hurricane shelters and transportation facilities. The applicant must enter into a development agreement to memorialize the mitigation plan prior to adoption of the plan amendment.

This policy permits plan amendments which increase density in the CHHA if one of three criteria are met which is also consistent with Florida Statutes 163.3178(8)(a) Coastal Management states the following.

“(8)(a) A proposed comprehensive plan amendment shall be found in compliance with state coastal high-hazard provisions if:

1. The adopted level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale; or
2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; or
3. Appropriate mitigation is provided that will satisfy subparagraph 1. or subparagraph 2. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation may not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan.”

Lee County is not currently meeting two of the criteria in the Policy that out of County evacuation time will not exceed 16 hours, or to maintain a 12-hour evaluation time to shelter. Because Lee County cannot meet these Planning Standards, the applicant does have the option to provide appropriate mitigation to satisfy either option 1 or 2 as provide for in 163.3178(8)(a)3. The viable mitigation option is to provide mitigation for additional shelter space. LDC Article XI – Hurricane Preparedness Section 2-485(b)(3) provides the formula for calculating the appropriate mitigation for payment in lieu of physically creating additional sheltering space. Based on the LDC adopted methodology, the total shelter impact mitigation would be **\$33,264.38**. The project will also generate additional funding for hurricane preparedness mitigation by future residents providing yearly Ad Valorem tax funding to Lee County’s All Hazard MSTU fund, typically used to improve hurricane shelter capacity in the county.

Based on the LDC Article XI – Hurricane Preparedness Section 2-484(c) determining evacuation impacts, the assumption is that a total of 484 vehicles would result from the 440-unit development. The statewide

evacuation model does not measure less than half hour increases and as such is not designed to analyze the impact for a small 440 dwelling unit project as proposed. Based on the methodology I applied in previous Lee County cases I have worked on the 484 evacuating vehicles is de minimis and would have no consequential impact to countywide evacuation times (6.9-minute increase). Furthermore, because the project is close to the northern and eastern boundaries of the county and will have easy access to State Roads 31 (future 6 lanes), 78 and 80 to leave the county, residents will be able to evacuate the county quickly.

The applicant will provide evacuation route mitigation in accordance with LDC Article XI – Hurricane Preparedness Section(c) “Evacuation impacts. One or a combination of the following options may be used to address the impacts on hurricane evacuation routes with respect to evacuation timing and infrastructure precipitated by the proposed residential development. Acceptability and appropriateness of the type of mitigation proposed will be determined by the Division and the Lee County Department of Transportation (DOT).

(1) Roadway elevation or improvements. Acceptability and appropriateness of this option will be determined by the DOT based upon the residential development vulnerability conditions. Mitigation under this option may include one or more of the following:

- a. Construction of roads in the development or subdivision will be built to meet the same elevation of the nearest segment of a designated evacuation route. Determination as to the applicable route or segment will be made by the division in consultation with the Lee County DOT.
- b. Construction of the main access or spine road in the development or subdivision to an elevation meeting the one in ten to the one in 25-year storm event. The Lee County DOT will determine the applicable storm event standard.

The combination of a LDC shelter mitigation payment requirement, future residents paying yearly Ad Valorem tax funding to Lee County’s All Hazard MSTU fund, high evacuation route capacities in the project area and evacuation impact mitigation the community residents loss of life can be prevented. These losses of life mitigation measures will continue to protect the public’s health, safety and welfare in the surrounding area from the proposed development’s minor impact on hurricane shelter and evacuation. These loss of life mitigation measures are **consistent with Goals 73, 95, 101, Objectives 73.1, 101.3, Policies 72.2.2, 73.2.2, 101.1.4, 101.3.4 and 101.3.5.**

Conclusion

In conclusion, it is my expert opinion the proposed project is **consistent with the Lee Plan Goals 73, 95, 101, Objectives 73.1, 101.3, 101.3, Policies 5.1.2, 72.2.2, 73.2.2, 101.1.1, 101.1.4, 101.3.2, 101.3.4, 101.3.5, 128.6.6, LDC** and state law related to CHHAs and hurricane preparedness/mitigation. The Lee Plan or state law do not preclude development in the CHHA as long there is consistency with the Future Land Use Map, Goals, Objectives and Policies. The combination of loss of life and property mitigation measures listed below will ensure the protection of the public health, safety and welfare.

- FIRM elevation requirement plus one-foot applicant commitment for new construction at the CHHA mean tide SLOSH Model level of 8 feet (**consistent with Policy 5.1.2 Goal 101, Objectives 101.1 and 101.3 and Policies 101.1.1, 101.3.2 and 101.3.5).**
- Preservation of ±165.6 acres (48% of property) into a conservation easement. The project will be 60% open space and will preserve 93% of the wetlands on site that will dissipate wave energy and storm surge and protect the proposed project from the effects of velocity flooding and wave action associated with storm events (**consistent with Goal 101, Objectives 101.1 and 101.3 and Policies 5.1.2, 101.1.1**

and 101.3.2).

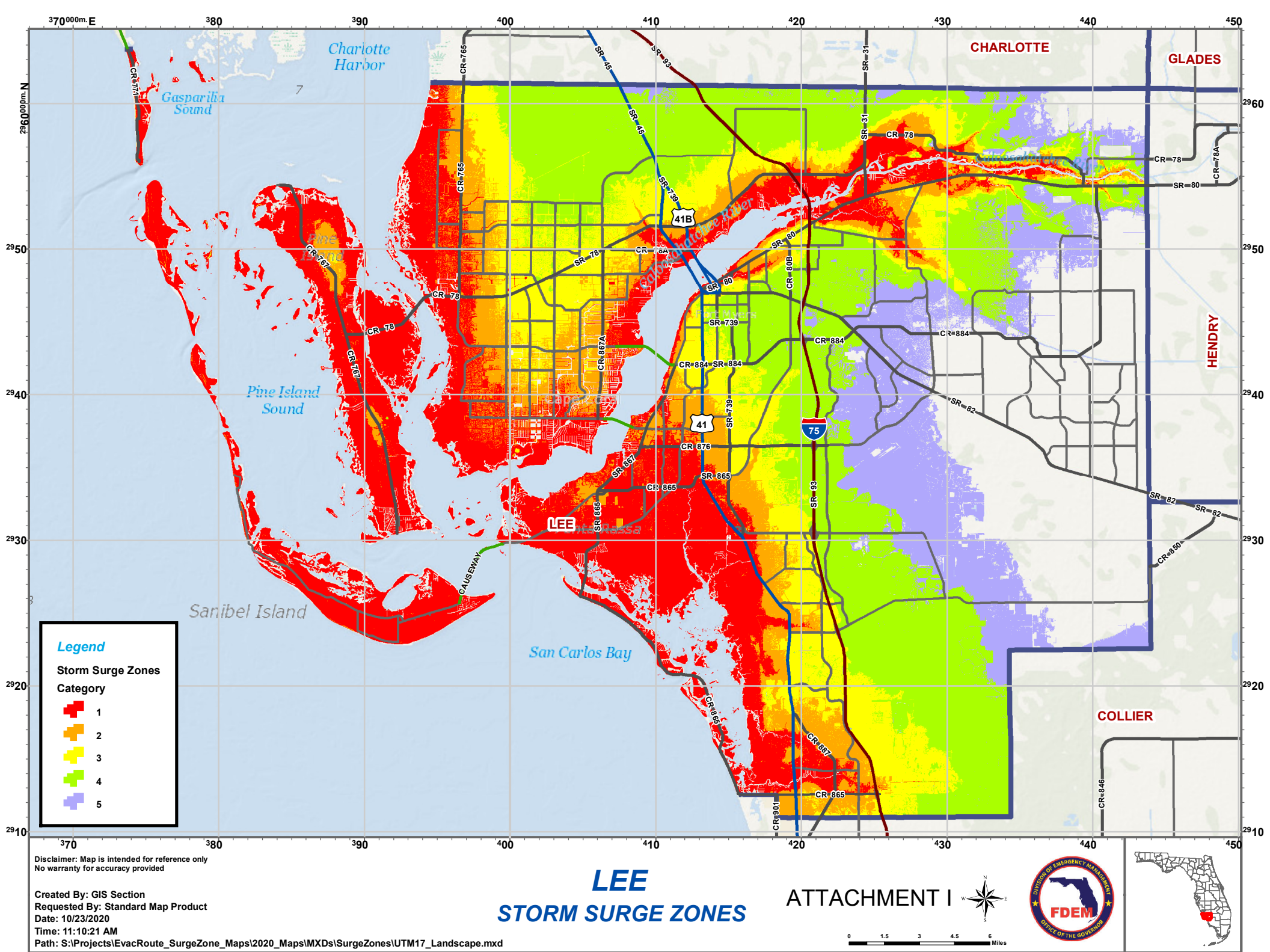
- Category 4 hurricane wind building code construction standards **(consistent with Goal 101 and Objective 101.3).**
- Development of a hurricane plan with county assistance for the multi-slip docking facility which describe measures to be taken to minimize damage to marina sites, neighboring properties, and the environment **(consistent with Goal 101, Objective 101.3 and Policies 101.1.1, 101.3.2, and 128.6.6).**
- De Minimis evacuation time increase where there is adequate evacuation road capacity in project area of the county to evacuate the storm surge area **(consistent with Goals 73, 101, Objectives 73.1, 101.3, Policies 72.2.2 and 101.1.4)**
- LDC shelter impact mitigation payment of \$33,264.38 **(consistent with LDC Article XI – Hurricane Preparedness Section 2-485(b)(3) and Lee Plan Goals 73, 95, 101, Objectives 73.1, 101.3, Policies 72.2.2, 73.2.2, 101.1.4, 101.3.4 and 101.3.5).**
- LDC evacuation impact mitigation **(consistent with LDC Article XI – Hurricane Preparedness Section 2-485(c)(1) and Lee Plan Goals 73, 101, Objectives 73.1, 101.3).**
- Future residents paying yearly Ad Valorem tax funding to Lee County’s All Hazard MSTU fund will mitigate for any additional demand on sheltering and evacuation in the county **(consistent with Goals 73, 95, 101, Objectives 73.1, 101.3, Policies 72.2.2, 73.2.2 and 101.3.4).**
- The project will comply with Florida Statutes Chapter 163.3178(8)(a)3. Coastal Management **(consistent with Goals 73, 95, 101, Objectives 73.1, 101.3, Policies 72.2.2, 73.2.2, 101.1.4 and 101.3.5).**

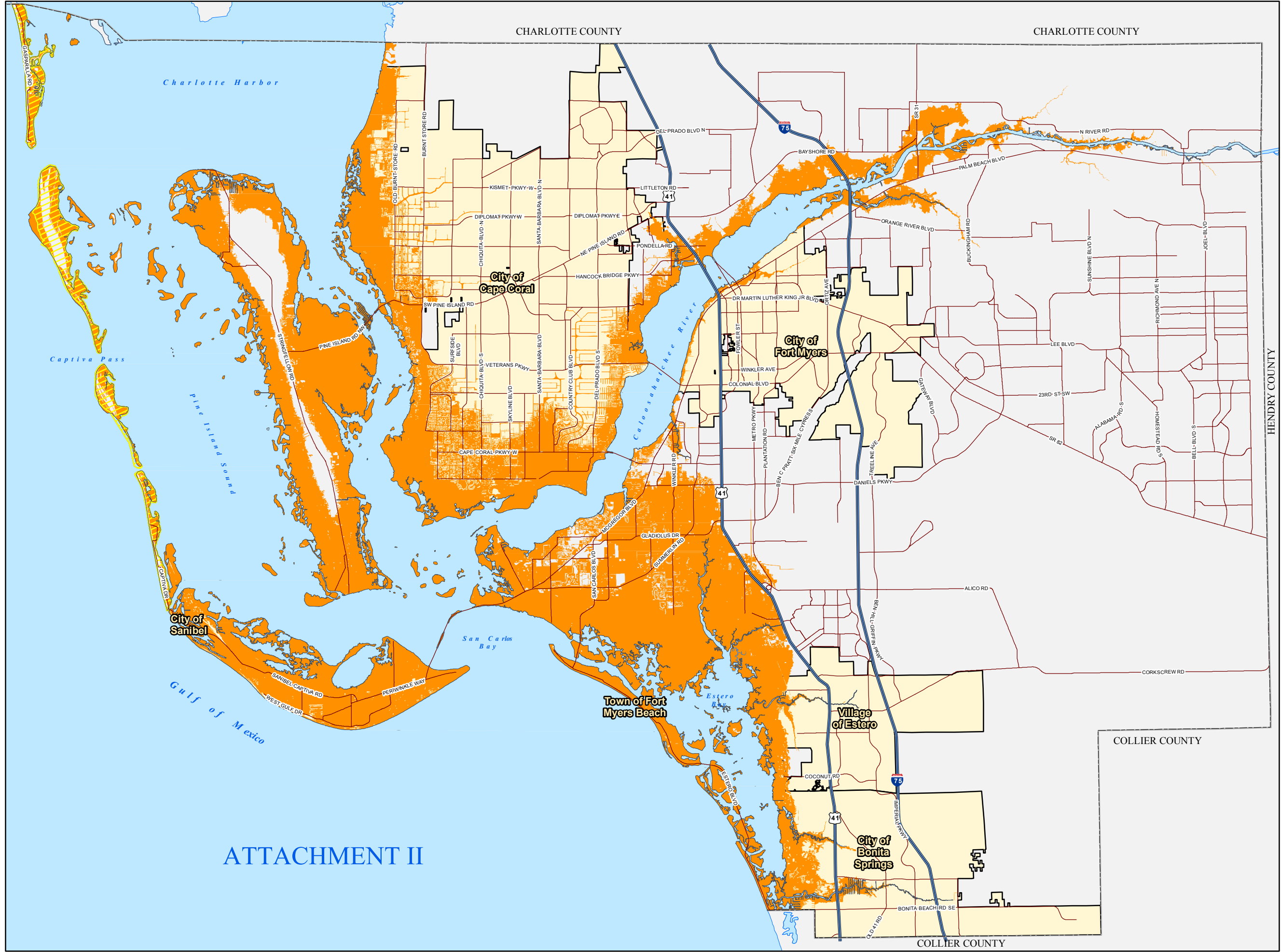
If you have any questions, please let me know.

Sincerely,



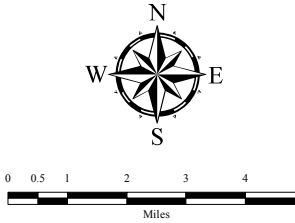
Daniel L. Trescott, MSP
President



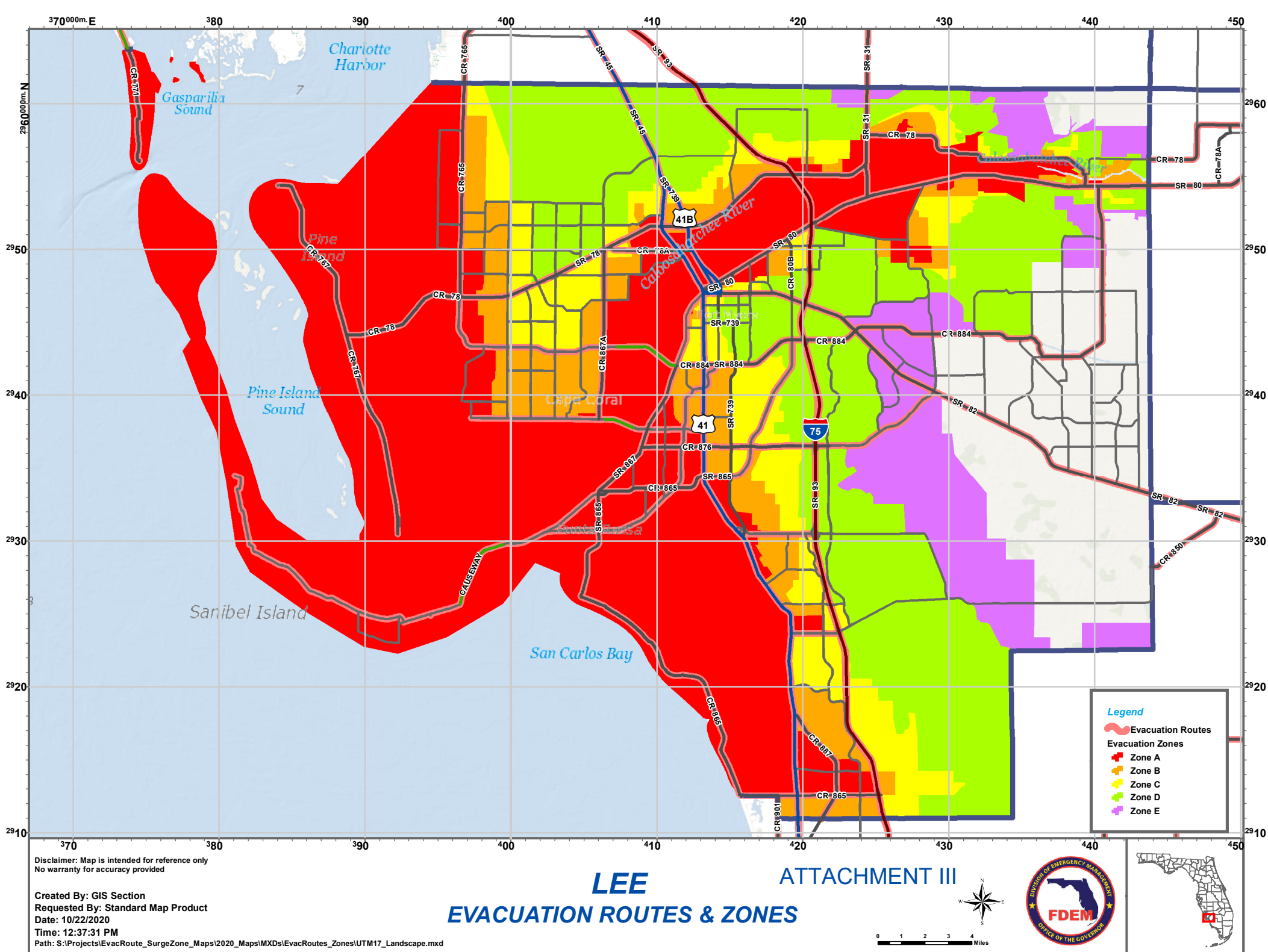


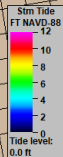
LEE COUNTY COASTAL HIGH HAZARD AREA (CHHA) AND COASTAL BUILDING ZONE

-  Coastal High Hazard Area
-  Coastal Building Zone
-  County Line
-  City Limits



Map Generated: May 2019
City Limits current to date of map generation
Source: 2010 Evacuation Study
Florida Statewide Regional Evacuation Study
Storm Tide Atlas for Lee County
Ordinance No. 99-17, 09-17, 16-13, 18-28

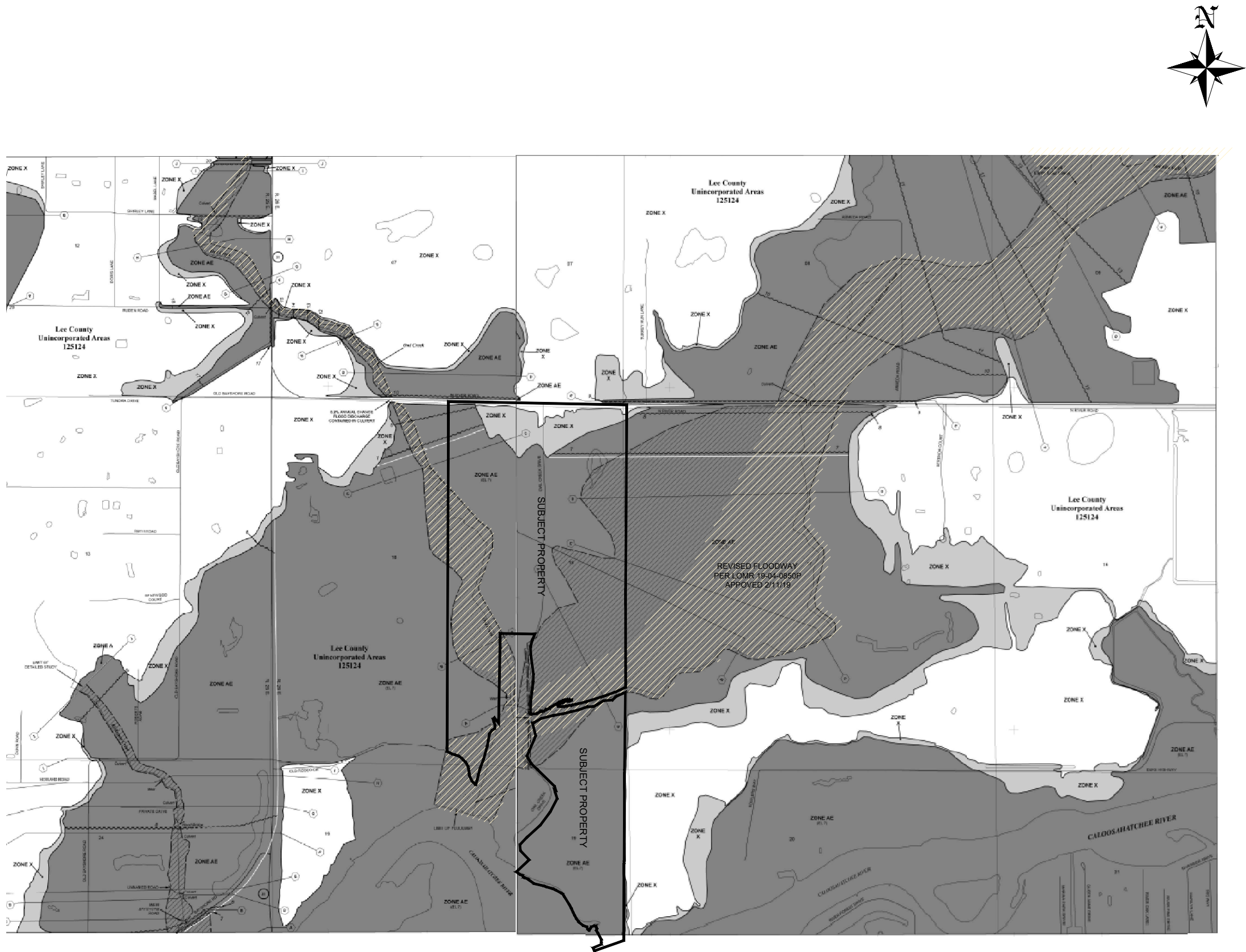




ATTACHMENT IV



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LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

ZONE A No Base Flood Elevations determined.

ZONE AE Base Flood Elevations determined.

ZONE AH Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.

ZONE AO Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of annual rain flooding, velocities also determined.

ZONE AR Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently designated. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.

ZONE A99 Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.

ZONE V Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

ZONE VE Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE D Areas determined to be outside the 0.2% annual chance floodplain.

ZONE I Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

— Floodplain boundary

— Floodway boundary

--- Zone D boundary

..... CBRS and OPA boundary

— Boundary dividing Special Flood Hazard Area zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.

— Base Flood Elevation line and value; elevation in feet*

— Base Flood Elevation value where uniform within zone; elevation in feet*

* Referenced to the North American Vertical Datum of 1988

— Cross section line

— Transsect line

87°07'45", 32°22'30" Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere

1900-meter Universal Transverse Mercator grid values, zone 17

600000 FT 5000-foot grid ticks: Florida State Plane coordinate system, West zone (FIPS202NAD 83), Transverse Mercator projection

DX5510 X North arrow (see explanation in Notes to Users section of this FPM manual)

1/8"=1' Scale bar

BANKS ENGINEERING

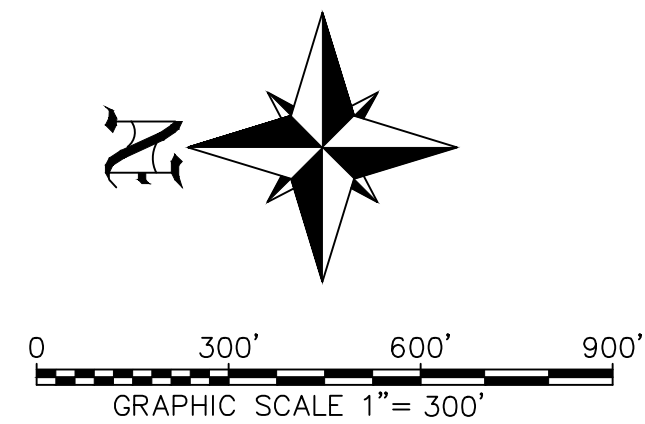
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FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523

ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

WWW.BANKSENG.COM

MAP DELINEATING MOST RECENT FLOOD INSURANCE EXHIBIT-M-12-4						
OWL CREEK LEE COUNTY, FLORIDA						
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SHEET
08/24/2020	8504	_EXHIBIT	KG	KG	DRU	01



- AREAS:**
- UPLAND & WETLAND PRESERVATION: ±165.58AC
 - WETLAND IMPACT: ±7.69AC
 - SURFACE WATER IMPACT: ±2.86AC
(510=±0.13AC) (510D=±2.67AC) (524=±0.06AC)
 - LOTS: ±80AC
 - DEVELOPMENT FOOTPRINT: ±177.10AC
 - TOTAL PROPERTY AREA: ±342.68AC

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SURVEY LICENSE # LB 6690
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ENHANCEMENT & PRESERVATION MAP							
OWL CREEK							
LEE COUNTY, FLORIDA							
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
3/23/2021	8504	_EXHIBIT	DRU	KG	DRU	1"=300'	1

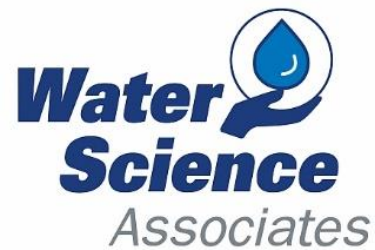
Water Resources Report

Water Resources Report Owl Creek Alva, Lee County, Florida

Banks Engineering, Inc.
10511 Six Mile Cypress Parkway, Suite 101
Fort Myers, Florida 33966



MARCH 2021



13620 Metropolis Avenue, Suite 110
Fort Myers, Florida 33912
O 239.204.5300 - F 866.398.2426
www.waterscienceassociates.com

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
INTRODUCTION.....	2
GROUNDWATER RESOURCES.....	5
SURFACE WATER RESOURCES	8
WATER DEMANDS	10
IRRIGATION IMPACT ASSESSMENT	12
SURFACE WATER AND GROUNDWATER MONITORING PLAN	14

FIGURES

Figure 1.	Location of the Owl Creek Project
Figure 2.	Owl Creek Project Site, Regional Watershed Setting
Figure 3.	Aquifer System Underlying Owl Creek in North Lee County
Figure 4	Typical Stormwater Management Lake
Figure 5.	Conceptual Site Plan
Figure 6.	Location of Nearby Water Level Monitoring Stations
Figure 7.	Hydrographs of Nearby Water Level Monitoring Stations

TABLES

Table 1.	Summary of Historic and Proposed Allocations
Table 2.	Summary of Surface Water and Groundwater Sampling Parameters

SECTION A

EXECUTIVE SUMMARY

The Owl Creek project is a proposed residential development located in Sections 18 and 19, Township 43 South, Range 26 East in Alva, Lee County Florida. The project is situated immediately south of State Road 78 and approximately 0.5 miles east of State Road 31 between the Caloosahatchee River to the south, Babcock Ranch Community to the north, and rural and agricultural areas to the east and west. The site consists of approximately 340 acres of predominantly farm fields and undisturbed areas. The fields have a historic agricultural irrigation water use extending from the 1950's through present with water use exceeding 700,000 gallons per day from the Sandstone Aquifer.

Projected irrigation water demands for the project are lower than the historic agricultural use and proposed irrigation supplies will be developed from a combination of stormwater harvesting of the project stormwater management system with supplements from the Sandstone Aquifer. Neither of the proposed irrigation water sources are currently used or projected to be used by Lee County Utilities in the vicinity of the project area. Potable water supplies will be provided by Lee County Utilities and wastewater utility services will be provided by Florida Governmental Utility Authority (FGUA) with the privately funded expansion of services to the project site.

The proposed Owl Creek development currently lies within the North Olga Community Planning area and is designated within the Future Land Use Map (Lee Plan Map 1, page 1 of 7) as Rural and Wetland categories. The North Olga Community Planning area provides protections to the rural character of the community through restrictions on residential density. A new Future Land Use Category called the Sub-Outlying Suburban use is proposed for the County's comprehensive plan. The proposed category recognizes that low-density residential development is appropriate for the area and can contribute to the County's water resource improvement initiatives through enhanced onsite water management design. The plan amendment has provisions of development that achieve conservation and enhancement of important environmental resources, including water quality, hydrological, and infrastructure enhancements, and protection of the rural character of the surrounding community. The Sub-Outlying Suburban category specifically recognizes the subject property's strategic location proximate to the Caloosahatchee Estuary watershed and its ability to implement and further the County's long-term goals of protecting groundwater and improving surface water management in northern Lee County.

SECTION B INTRODUCTION

Project Overview

The Owl Creek project is an approximately 340 acre proposed residential development located in Sections 18 and 19, Township 43 South, Range 26 East in Alva, Lee County Florida within the North Olga Community Planning area. The property was formerly used for agricultural purposes and consists of fallow farm fields and heavily impacted wetland areas. The project historically maintained an agricultural water use permit and currently maintains a livestock water use permit for the Blackburn Groves project.

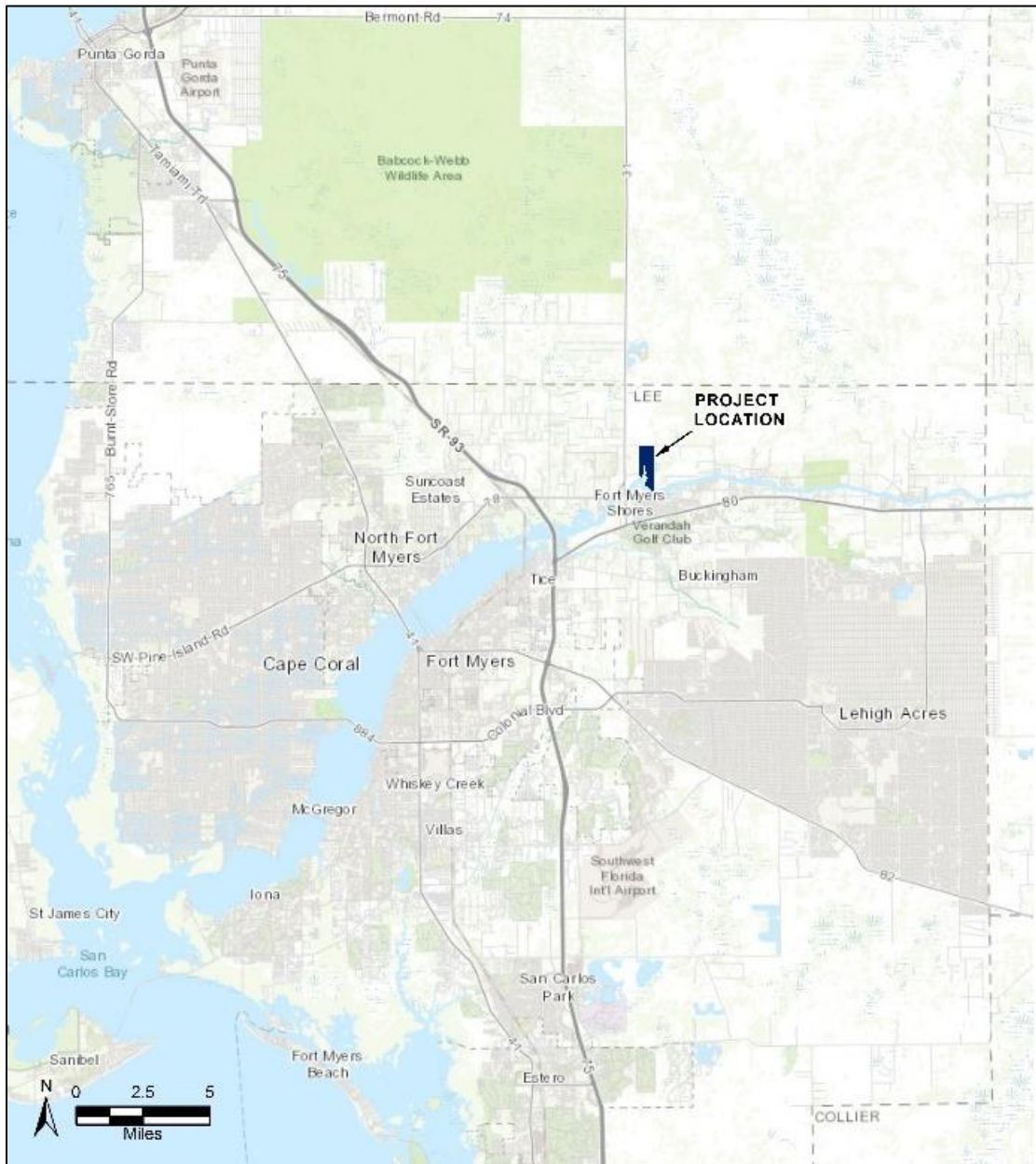


Figure 1. Location of the Owl Creek Project

The project is situated immediately south of State Road 78 and approximately 0.5 miles east of State Road 31 between the Caloosahatchee River to the south, Babcock Ranch Community to the north, and rural and agricultural areas to the east and west. The project lies within the Tidal North watershed and the Trout Creek sub-watershed of the Caloosahatchee Estuary. Tributaries of the Caloosahatchee Estuary watershed including Trout Creek and Owl Creek, flow through the project area from the north and northeast. The Owl Creek project will include a number of stormwater management lakes to provide improved flood management and water quality treatment of stormwater runoff. A number of onsite design and control features are planned to protect and enhance the water quality in the onsite lakes prior to leaving the development into the adjacent watersheds. The stormwater management system will be designed to meet or exceed state and local water quality standards.

Past Land Use and Water Use

The Owl Creek project falls within three parcels that have been used in the past for agricultural production. The project site was largely undisturbed land until the early 1950's when it was converted to agricultural use. Review of aerial photography indicates that active agricultural activity continued through the mid to late 2000's. The project site, known as Blackburn Groves, maintained a water use permit (WUP No. 36-00594-W) for irrigation through the South Florida Water Management District (SFWMD) since the mid 1980's. Information on file with the SFWMD indicates that the farm irrigated up to 115 acres of citrus groves until October 1996 where the permit was allowed to expire. The permit was renewed in 2008 for the continued agricultural operations and most recently modified in 2013 for the conversion of citrus grove irrigation to a livestock water supply. Permitted allocations are from the Sandstone Aquifer via two existing groundwater wells. Prior to the conversion to livestock water supply, the facility was permitted for a peak allocation of 22.6 million gallons per month (0.73 mgd) on a maximum monthly basis and 105 million gallons per year (0.29 mgd) on an annual average basis.

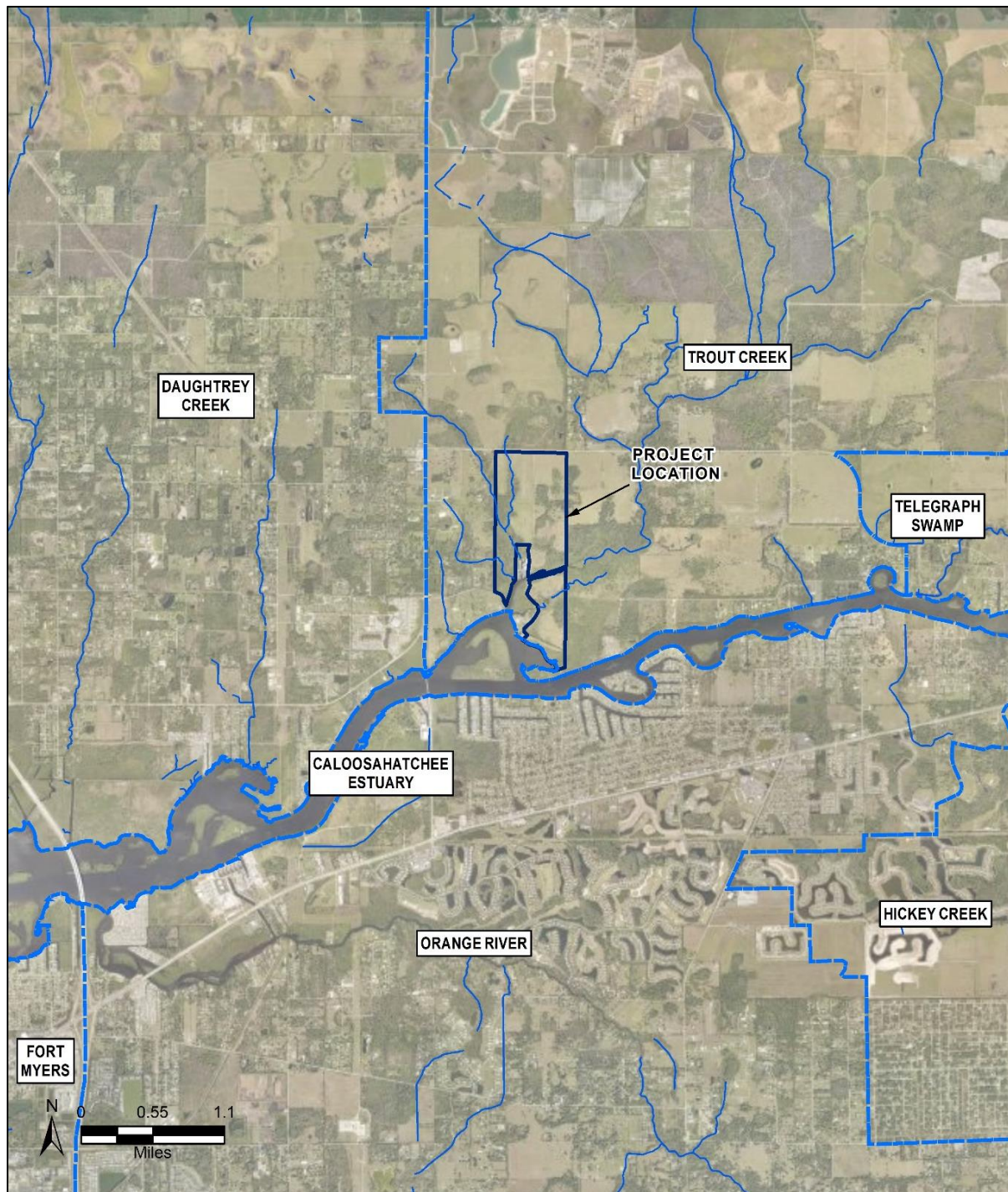


Figure 2. Owl Creek Project Site, Regional Watershed Setting

SECTION C

GROUNDWATER RESOURCES

Introduction

The hydrostratigraphy underlying the Owl Creek project is typical for northern Lee County with a series of aquifers and confining beds occupying the Surficial, Intermediate, and Floridan Aquifer Systems. Figure 3 provides a schematic showing the groundwater sources in north Lee County. In general, freshwater sources are the Water Table and the Sandstone Aquifers. The underlying Mid-Hawthorn Aquifer of the Intermediate Aquifer System is slightly to moderately brackish and generally low yielding and inconsistent in occurrence and continuity in the project area. Highly brackish and saline water sources include the Lower Hawthorn Aquifer and underlying zones of the Upper Floridan Aquifer.

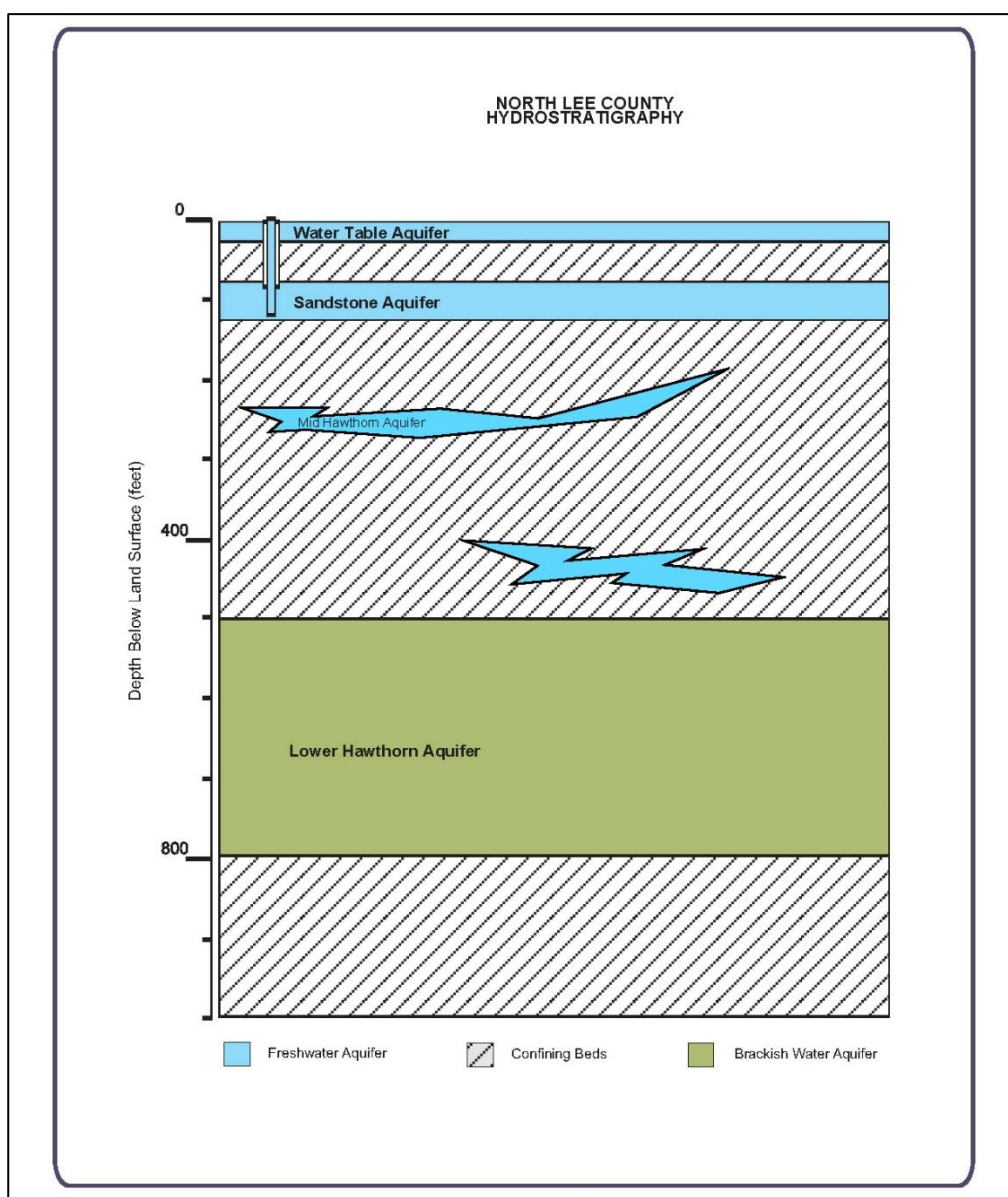


Figure 3. Aquifer System Underlying Owl Creek in North Lee County

Four primary aquifers are of significance beneath the Owl Creek project site and are described below in order of increasing depth. These are the Water Table, the Sandstone, the Mid-Hawthorn, and the Lower Hawthorn Aquifers. Deeper underlying aquifers are too saline for direct use at the site. The primary sources of information used to characterize the groundwater resources include information from Lee County, South Florida Water Management District, and U. S. Geological Society.

Water Table Aquifer

The Water Table aquifer is an unconfined aquifer that covers all of Lee County. The aquifer is defined as occurring at or near land surface downward to the top of the first regional confining bed. Beneath the Owl Creek project, the thickness of the aquifer is approximately 10 to 20 feet. The aquifer generally consists of sand and shell overlying porous limestone beneath the project site. The limestone portions of the aquifer typically have a moderate to low permeability and relatively thin in the project area making the aquifer unsuitable for medium to large capacity water production wells. Further the Water Table Aquifer in the vicinity of the project site is over drained by the influences of its topography and vicinity to the Caloosahatchee River. Use of the aquifer is typically limited by the potential for impacts to natural wetland areas from drawdown in the aquifer water level. The aquifer is recharged directly by rainfall with discharges occurring by way of natural or man-made surface drainage features, evaporation and transpiration, and by pumpage from wells. Groundwater flow and levels in the aquifer fluctuate seasonally in response to climatic conditions but are also impacted by local and regional drainage features. Water quality in the aquifer is generally very good and useful for both drinking water and irrigation water needs although high concentrations of naturally occurring iron and organic material are common. Lake extraction is the most efficient use of this aquifer for irrigation purposes, which also typically results in less iron and organic staining, as well as reduced impact to area water levels. Approximately 60-80 feet of confining beds consisting of low permeable clays and silts of the Upper Hawthorn Confining unit are encountered at the base of the Water Table Aquifer.

Sandstone Aquifer

The Sandstone Aquifer underlies the Hawthorn Confining unit and Water Table Aquifer in the northern portion of Lee County. Review of lithologic logs of nearby wells indicates that in the area of the project site, the top of the Sandstone is expected to occur approximately 100 feet below land surface. The Sandstone Aquifer is the uppermost aquifer in the Intermediate Aquifer System and consists of unconsolidated sands and poorly consolidated sandstone. The unit varies in thickness in the area of the project site, ranging from about 30 and 45 feet. The Sandstone aquifer is predominately fresh and can become slightly to moderately brackish closer to the Caloosahatchee River. Salinities however, are generally low enough for either general irrigation supply or blending with fresher water sources for irrigation supply. Productivity of the aquifer is moderate and is the typical water source used in the area of the Owl Creek project. The aquifer is recharged where overlying confining beds are thin or absent in Hendry and Glades County. Discharge from the aquifer generally occurs as pumpage from wells. Fluctuations in seasonal water levels are common near the Owl Creek project project site with wet season levels near their historic highs (near land surface) and dry season water levels often at depths of 10 feet. However, dry season water levels can be found at depths of excess of 30 feet in the Lehigh Acres area due to excessive usage. Use of the Sandstone Aquifer to supplement stormwater from the onsite lake system is proposed to meet irrigation demands at the Owl Creek project.

Mid Hawthorn Aquifer

The Mid-Hawthorn Aquifer is the lowermost aquifer in the Intermediate Aquifer System in Lee County. It consists of moderately permeable limestones of the Arcadia Formation and is separated from the overlying Sandstone Aquifer and underlying Lower Hawthorn Aquifer by thick clay confining beds of the Peace River and Arcadia Formations. It has moderate yield characteristics in western Lee County and exists as a sequence of interbedded limestones and marls that occur at depths between 200 and 300 feet below land surface. The interbedded limestone units generally thin moving eastward in north Lee County, making the aquifer unsuitable for medium to large capacity water production wells. This aquifer is recharged north of Charlotte County where the aquifer is much nearer to land surface and overlying confinement is thin or nonexistent.

Lower Hawthorn Aquifer

The Lower Hawthorn Aquifer is the uppermost water bearing unit in the Upper Floridan Aquifer System. The aquifer has good yield potential but contains brackish water that is only useful for irrigation if blended with other freshwater resources and is only useful for public water supply using reverse osmosis or other desalination technologies. The top of this aquifer is anticipated to be encountered at depths between about 500 and 600 feet below grade at the Owl Creek project site. The aquifer is separated from the overlying Mid-Hawthorn Aquifer by the Lower Hawthorn Confining Zone which consists of marine silts and clays of very low permeability. The Lower Hawthorn Confining Zone has a thickness of about 200 feet. The aquifer is recharged in the central Florida highlands area between Tampa and Orlando where the aquifer beds are near land surface and confining beds are thin or absent. In general, the South Florida Water Management District supports increased use of the Lower Hawthorn/Upper Floridan aquifer especially for public water supply use. Lee County Utilities uses the Lower Hawthorn Aquifer to feed a reverse osmosis water treatment plant for development of public water supply. The Owl Creek project proposes no use of the Lower Hawthorn Aquifer.

SECTION D

SURFACE WATER RESOURCES

Onsite Lakes

The development will include stormwater management lakes to provide flood control and water quality treatment. A number of design and control features are planned for the Owl Creek project to protect and enhance the quality of water in the lakes and adjacent watersheds and provide for hydrological improvements on the project site (refer to Figure 5 for a conceptual site plan). These elements include collection, treatment, and conveyance of stormwater within the project's water management system, the use of filter marshes, and other water treatment BMP's, and centralized control over the application of irrigation water.



Figure 4. Typical Stormwater Management Lake

The stormwater management system will include the collection and detention of all stormwater generated on the site and will provide stormwater treatment through various dry and wet detention elements within the development footprint that meet or exceed water quality requirements of the South Florida Water Management District, the Florida Department of Environmental Protection, and Lee County. The Owl Creek project will include a Lake Management Plan following BMP's for erosion control and bank stabilization; deep lake management; and fertilizer and pesticide use to reduce nitrogen and phosphorous loading to the stormwater management system. Additionally, the project will incorporate multiple required best management practices to ensure a maximum potential treatment stormwater including a water quality treatment train consisting of a combination of sediment traps, dry / wet detention, and planted filter marshes that provides a high level of treatment of both onsite generated stormwater and regional flow-through of surrounding area watersheds.

Centralized control of the operation of the irrigation system results in improved adherence to Best Management Practices and water use compliance than if individual homeowners have control of these functions or the ability to override irrigation programming. Application of fertilizers and pesticides within the common areas in the yards of lots/parcels will be controlled and managed by the Homeowners Association. Similarly, the irrigation of residential lots and common areas will be centrally controlled to meet conditions of applicable water use permits, local ordinances, and periodic water use restrictions. Individual homeowners will not have the ability to override irrigation times or quantities.



- NOTES:**
1. 15'-25' NATURAL UPLAND BUFFER IS TYPICALLY PROVIDED ADJACENT TO THE JURISDICTIONAL WETLANDS.
 2. MINIMUM 100' SETBACK FROM WATER DEPENDENT OVERLAY/ OWL CREEK BOAT WORKS TO PROPOSED INTERNAL RESIDENTIAL LOT LINES.

○ APPROXIMATE PRESERVED HISTORICAL SITE
— DEVELOPMENT BOUNDARY
— PROPERTY LINE

BANKS ENGINEERING	
10701 W. HILLY CREEK DRIVE FORT MYERS, FL 33907 PHONE: 888-444-4444 FAX: 239-334-4444 WWW.BANKSENG.COM	
Professional Engineers, Planners, & Land Scientists Serving The South Coast Region	

PRELIMINARY DEVELOPMENT FOOTPRINT							
OWL CREEK							
LEE COUNTY, FLORIDA							
DATE	PROJECT	DRAWING	REVISION	BY	CHKD	CRKDR	SCALE
03/24/2021	0604	_D00001	NO	NO	NO	DRW	N.T.S.
							SHEET 01

Figure 5. Conceptual Site Plan

SECTION E

WATER DEMANDS

Water demands at the proposed project will consist of in-house potable water and outside irrigation uses. An amendment to Lee County's Future Water Service Areas, Lee County Utilities (Lee Plan Map 6) is proposed to include the Owl Creek project to allow for privately funded expansion of water service to the development. Potable water service will be provided by Lee County Utilities and Wastewater service will be provided by Florida Governmental Utility Authority (FGUA) with privately funded expansion of the utility services. Irrigation demands will be met with onsite sources including harvesting stormwater from the onsite stormwater lake system with re-supply by groundwater withdrawals. The lake withdrawals will provide an efficient and low impact method for tapping the Water Table Aquifer underlying the project site and effectively harvest available stormwater supplies. Lake volume storage will minimize potential impacts to surface and groundwater levels. Recharge of the lakes from the Sandstone Aquifer will minimize the potential for wetland impacts and provide an effective blending system for slightly brackish water known to occur in the aquifer near the River. The project has a long history of permitted agricultural withdrawals from the Sandstone Aquifer that are larger than the proposed irrigation demands for the Owl Creek project.

Potable Water and Wastewater

Lee County Utilities and FGUA will provide potable water and wastewater services respectively to the project. This will eliminate the need for individual domestic self-supply wells and individual onsite sewage treatment and disposal systems (septic tanks) which are common for many rural areas of Lee County. Provision of central public utilities to the Owl Creek project will provide a number of desirable environmental and hydrological advantages. Supplying potable water to the project from the nearby water treatment facility will remove a potentially competing water use from the freshwater aquifers and allow for improved planning and control of area water resources. Similarly, provision of a central sewer system will eliminate septic tank discharges in the area providing a higher level of protection to the existing water resources.

Irrigation Water

The project was historically permitted for Sandstone Aquifer withdrawals for agricultural production. Water use permit WUP No. 36-00594-W was established in the mid 1980's and later modified in 2013 for the conversion of citrus grove irrigation to a livestock water supply. Permitted allocations are from the Sandstone Aquifer via two existing groundwater wells. Prior to the conversion to livestock water supply, the facility was permitted for 0.73 million gallons per day on a maximum monthly basis and 0.29 million gallons per day on an annual average basis.

The Owl Creek project will include stormwater management lakes that are hydraulically connected to the Water Table Aquifer. The proposed irrigation system will consist of stormwater harvesting from the stormwater lake management system with these withdrawals re-supplied by groundwater. The proposed source of groundwater to supplement lake withdrawals will be fresh to mildly brackish groundwater from the Sandstone Aquifer. Actual percentages of lake and groundwater withdrawals will be determined during the water use permitting process with the SFWMD. However, the combination of any use of mildly brackish

groundwater and fresh stormwater will maintain a chloride level of less than 200 mg/l in compliance with SFWMD policy. Use of stormwater as a primary irrigation resource reduces use of potable water supplies, provides additional stormwater treatment, reduces offsite discharges of stormwater, reduces nutrient levels of the stormwater outfalls, and reduces reliance on groundwater systems being used to supply potable water to Lee County Utilities and home sites on individual wells.

Irrigated area for the Owl Creek project is estimated to be 70 acres of turf grass and landscaping. Using standard Blaney-Criddle calculations used by the SFWMD for irrigation supply permitting, this acreage will result in irrigation water demands of 11.27 million gallons per month (MGM) on a maximum monthly basis (or about 0.36 million gallons per day) and 80.15 million gallons per year on an average annual basis (0.22 million gallons per day). Table 1 provides a summary of historic water use on the property and proposed allocations for the Owl Creek project. Projected irrigation demands for the Owl Creek project indicate a reduction in the historic maximum monthly use by approximately 50%.

Table 1. Summary of Historic and Proposed Allocations.

Allocation	Historically Permitted 36-00594-W	Proposed Total Allocations	Change form Historic Allocations
Maximum Monthly (MGM)	22.6 MG	11.27 MG	-11.33 MG
Annual Average (MGY)	105 MG	80.15 MG	-24.85 MG

The proposed project will also explore the use of computerized irrigation systems that incorporate onsite data and conditions to provide irrigation on an as-needed bases rather than simply on a scheduled basis. Such systems have been shown to result in reductions in irrigation water use by over 30% in Southwest Florida. In general, these systems operate based on computer software that takes into account soil moisture, rainfall, and elements that influence evaporation and transpiration to determine which locations require irrigation, how much irrigation is needed, and when to apply irrigation water.

SECTION F

IRRIGATION IMPACT ASSESSMENT

Water Levels

Water Science Associates reviewed hydrographs of nearby monitoring wells maintained by Lee County Division of Natural Resources (LCDNR) and surface water data maintained by the SFWMD for the Caloosahatchee River Station (S79_T), located approximately 3.5 miles east of the project and west of the Franklin Lock site shown on Figure 6. The nearest wells to the project site with long term water level data (1992 to present) are 27-GW2, located about 1.25 miles northwest of the project site in the Trout Creek sub-watershed and wells 26-GW2 and 26-GW1 located about 1.6 miles west and 1.1 miles southwest of the project site respectively in the Daughtrey Creek sub-watershed, was also reviewed.

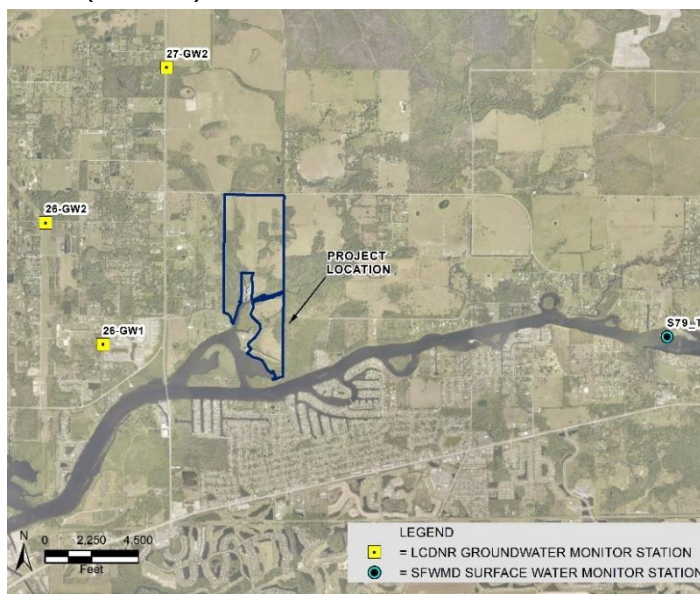


Figure 6. Location of Nearby Water Level Monitoring Stations

The topography in the area of the project site, which influences water elevations, drops significantly from north to south approaching the tidally influenced Caloosahatchee River. In the vicinity of the project site, water level elevations generally range between 0 and 5 feet below land surface depending upon season. The Caloosahatchee Estuary sub-watershed acts as a natural drainage feature for the surrounding areas including surface water from the Trout Creek and Owl Creek within the project area. Groundwater elevations in the upstream monitoring well (27-GW2) show water levels ranging seasonally between +18 and +23 feet NAVD88 with a slight decline trending over the period of record from 1992 to present. Groundwater elevations in well 26-GW2, located laterally to the west of the project site show season water levels ranging between +13 and +18 feet NAVD88 with a steady range over the period of record from 1996 to present. The downstream monitor well 26-GW-1 shows seasonal water levels ranging from 0 and +5 feet NAVD88 reflecting close proximity to regional drainage feature of the Caloosahatchee River. This data shows a steady range over the period of record from 1996 to present. Surface water elevations from the Caloosahatchee River Station S79_T show elevations ranging from -2 feet NAVD to +3 feet NAVD88 and a rising trend for the period of record from late1990 to present.

One hundred percent of the irrigation withdrawals from the stormwater lake management system will be re-supplied with groundwater from the Sandstone Aquifer. Therefore, there is no impact on the water levels in the Water Table Aquifer from the proposed use. Additionally, the project's water management system will provide enhanced water quality treatment and storage thereby providing a positive impact to groundwater recharge and regional water quality.

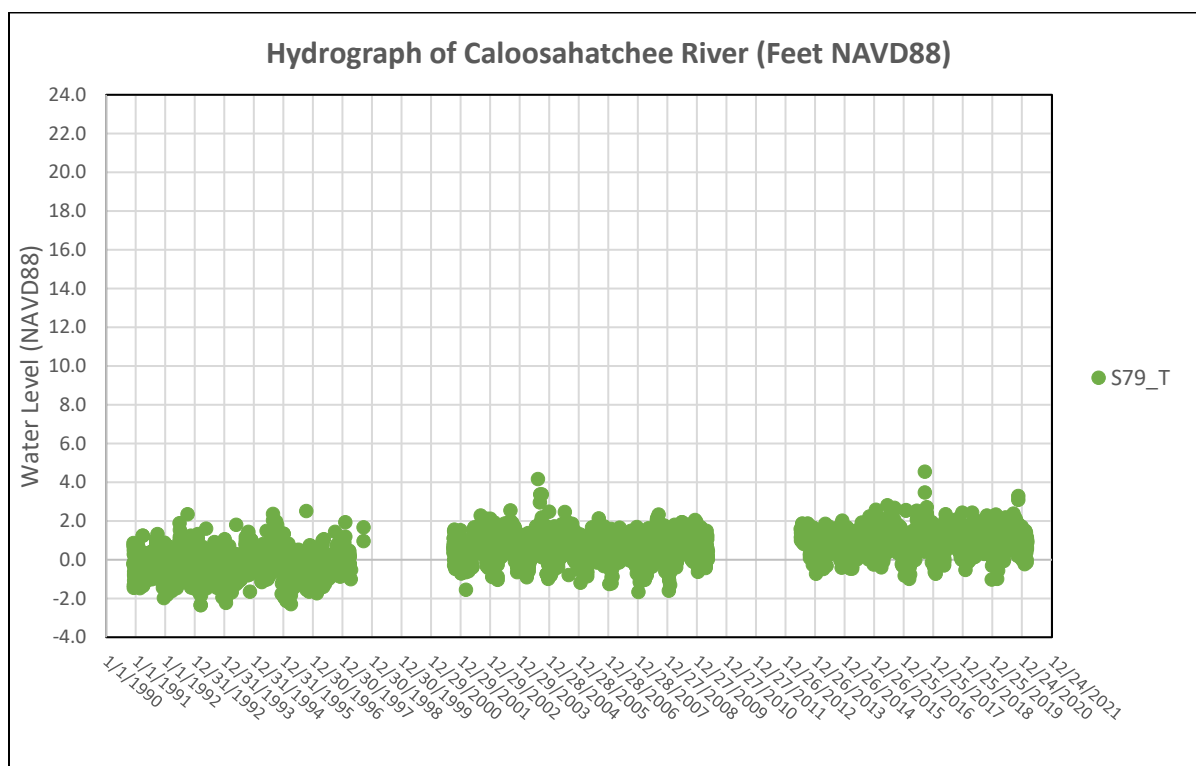
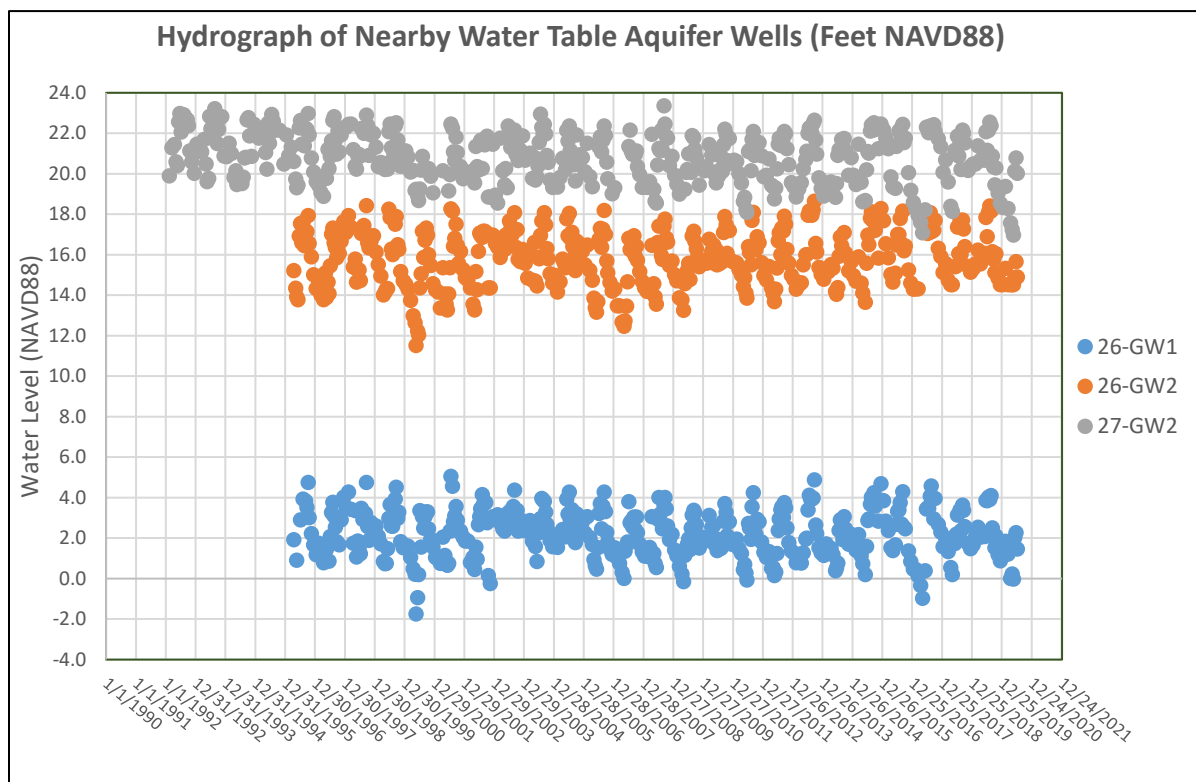


Figure 7. Hydrographs of Nearby Water Level Monitoring Stations

SURFACE WATER AND GROUNDWATER MONITORING PLAN

Purpose

This Surface Water and Groundwater Monitoring Plan will be initiated to establish baseline conditions for the project site and to quantify potential adverse impacts as a result of the proposed residential development. The Surface Water and Groundwater Monitoring Plan includes sampling locations, sampling frequency, reporting requirements, and evaluations of the water level and water quality within the Owl Creek project site. The proposed monitoring plan may be further refined during the Development Order process.

Monitoring

The Surface Water and Groundwater Monitoring Plan includes the installation of a shallow monitor well tapping the upper portion of the Water Table Aquifer (MW-1), a deeper monitor well tapping the upper portion of the Sandstone Aquifer (MW-1A), and one staff gauge installed within the outfall lake system (SG-1) upon operational completion. The locations of the groundwater monitoring wells will be between the proposed stormwater management outfall structure and nearest wetland area. Both monitor wells and the staff gauge will be equipped with electronic water level transducers set to record water levels every 24 hours. Surface water and groundwater monitoring parameters are provided in Table 2 and include contaminant target levels where applicable for surface water and groundwater.

The proposed Surface Water and Groundwater Monitor Plan includes a baseline sampling event followed by subsequent quarterly sampling events. Two quarterly sampling events will be performed during the wet season (June through September) and two sampling events will be performed during the dry season (October through May).

Quality Assurance

Water samples will be collected and handled following protocols contained in Florida Department of Environmental Protection (FDEP) Quality Assurance Rule F.A.C. 62-160 and adopted as the 2014 FDEP Standard Operating Procedures for Field Activities (DEP-SOP-001/01), effective 7/30/2014. Water Quality samples will be collected from both monitor wells and the staff gauge monitoring station. One field blank and a field duplicate will be collected during each sampling event for quality assurance purposes. Chain of custody forms and laboratory analysis reports will be provided in corresponding quarterly reports.

Water samples will be tested by a certified laboratory under the National Environmental Laboratory Accreditation Program (NELAP) using approved test methods and QA testing requirements (i.e. blanks, sample duplicates, surrogates, matrix spikes etc.) as contained in F.A.C 62-160 QA Rules.

Table 2. Summary of Surface Water and Groundwater Sampling Parameters

PARAMETER	UNITS	BASELINE	Quarterly	Groundwater Target Level	Surface Water Target Levels	ANALYSIS TYPE
Total Kjeldahl Nitrogen (TKN)	mg/L as N	x	x	NA	NON-NUMERIC	Laboratory
Ammonia (un-ionized)	mg/L as N	x	x	NA	0.02	Laboratory
Nitrite+Nitrate as Nitrogen (NOX)	mg/L as N	x	x	10	NON-NUMERIC	Laboratory
Nitrite	mg/L as N	x		1	NON-NUMERIC	Laboratory
Nitrate	mg/L as N	x		10	10	Laboratory
Total Phosphorus	mg/L as P	x	x	NA	NON-NUMERIC	Laboratory
Chloride	mg/L	x	x	250	250	Laboratory
Total Dissolved Solids (TDS)	mg/L	x	x	500	500 Average	Laboratory
Florida PRO (TRPH)	mg/L	x		5	5	Laboratory
Arsenic	mg/L	x		0.01	0.01	Laboratory
Copper	mg/L	x	x	1	NON-NUMERIC	Laboratory
Mercury	mg/L	x	x	0.002	0.012	Laboratory
Lead	mg/L	x	x	0.015	NON-NUMERIC	Laboratory
Fecal coliform	MPN	x		NA	200 Average	Laboratory
Temperature	C	x	x	NA	NA	Field
Specific Conductance	mhos/cm	x	x	NA	1275 or <50% Increase	Field
pH	pH units	x	x	6.5-8.5	1 unit from background	Field
Dissolved Oxygen (DO)	mg/L	x	x	NA	>5.0	Field
Lake Stage	ft NGVD	x	x	NA	NA	Field/Recorder
Water Table Aquifer Elevation	ft NGVD	x	x	NA	NA	Field/Recorder
Sandstone Aquifer Elevation	ft NGVD	x	x	NA	NA	Field/Recorder

NA=Not Applicable

Note - Groundwater Target Levels per Chapter 62-550 and Rule 62-520.420, FAC with exception of FL-PRO. FL-PRO is a petroleum screening parameter with a target level of 5 mg/l listed in Chapter 62-777, FAC. Surface Water Target Levels per Chapter 62-302.

Water Monitoring Reporting and Analysis

The Quarterly Surface Water and Groundwater Monitoring Reports will provide evaluation of the analytical results and include conclusions and recommendations. The Quarterly Reports will include a continuous hydrograph of the recorded water levels and updated tables of quarterly water quality sampling results. The data will be reported to the Lee County Department of Natural Resources (LCDNR) in their approved comma delimited electronic format within 30 days of receipt of results from the laboratory. Conclusions and recommendations will be based on applicable target levels and statistical analyses and trends of measured constituents.

Results of water sampling will be compared to applicable target levels, if listed. Parameters that do not have numeric target levels will be evaluated for trends. The surface water and groundwater laboratory results will undergo statistical analyses for the development of conclusions and recommendations within the Surface Water and Groundwater Monitoring Reports. Statistical methods to be used include determination of standard deviations, linear regressions, and calculation of confidence intervals. Once a sufficient data population of laboratory results of sample analyses has been compiled, these statistical tools will be employed to assist in analyzing the data to identify trends and aid in identifying potential concerns.

Once sufficient data is obtained, a 95% confidence interval and a standard deviation value will be calculated and updated with each sampling event. If an analytical result falls outside either the 95% confidence interval, or two standard deviations from the mean, the data will be further evaluated to aid in determining potential anomalous data. Additionally, a linear regression analysis will be performed on each data set to signify trends in the data. If the r^2 value of the regression analysis falls below 0.8, further investigation will be performed to determine the cause of the variability in the results. If the variability is due to seasonal variations, the data will be segregated into seasonal sets, and linear regression analysis will be performed separately on each set, with the above parameters followed.

Should indications of water level or water quality concerns be identified by exceeding target levels or through statistical trend analyses, site conditions will be reviewed and assessed and if indicated, additional samples will be collected. Following any re-sampling event, the LCDNR will be notified of necessary corrective actions. Should potential areas of concern be identified, the Applicant will coordinate with the LCDNR to aid in identifying potential causes and potential needs to modify monitoring parameters, frequency, and/or reporting.

Water Quality Monitoring will continue for a minimum of 5 years from the date of completion of the stormwater management system and may be discontinued if applicable water quality standards are met.