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Examiner

April 22, 2021

STACY HEWITT
BANKS ENGINEERING
10511 SIX MILE CYPRESS PKWY
SUITE 101
FORT MYERS, FL 33966
Re: Owl Creek Minor RPD
DCI2021-00011 - Minor PD

Dear STACY HEWITT:

The Zoning Section has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

A public hearing date will not be scheduled until a complete application is submitted.

If you do not provide the requested supplements or corrections within 30 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Section

Electronically signed on 4/22/2021 by
Dirk A Danley Jr, Planner, Senior

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Zoning Review:

1. The Master Concept Plan, The single family tracts appear to have additional line work breaking up the residential areas. Are these erroneous lines, or is there an intended purpose?
2. There are several areas on the Master Concept Plan that are darkened, but there is not a correlating reference in the Legend. The most notable area is in the southern portion of tract 7. Please identify the intended purpose of these areas on the Master Concept Plan.
3. The north arrow on the Master Concept Plan is oriented incorrectly, please update.
4. Please provide evidence of consistency with the Manatee Protection Plan as it relates to the proposed Multi-slip Docking Facility.
5. Please provide evidence of parking for the proposed Multi-slip docking facility as required in LDC Section 34-2020(b).
6. It is unclear from the Master Concept Plan, but it appears that Tract 7 will be gated. Please provide the required design requirements in LDC Section 34-1748.
7. It appears that the public information meetings were specific to the Comprehensive Plan Amendment Case Numbers CPA2020-00004 and CPA2020-00005. Please provide evidence of compliance with LDC Section 33-1663 and Lee Plan Policy 27.1.8.
8. In your request statement, it is stated that the request proposes conditions of approval that accommodate the location of the multipurpose path along North River Road. Would this be located outside of the boundary of the Planned Development, or within the boundaries of the subject property?
9. Will there be a location for a clubhouse or other amenities within the community?
10. Staff note: Are any Deviations requested as part of this Planned Development? Policy 29.1.4 states that deviations can only be approved when variance criteria of LDC Section 34-145 are met.
11. Staff note: In the request statement, the applicant states that stringent conditions of approval will be provided for consideration, and staff was not able to locate a document the provided these conditions of approval. Will there be additional documentation aside from property development regulations and schedule of uses?
12. Staff Note: This review may be subject to additional comments as the review of CPA2020-00004 and CPA2020-00005 continues.

Planning Review:

1. Please provide a new Lee Plan analysis with updated language once the companion CPA case has been found sufficient.

Environmental Sciences Review:

1. Provide correspondence with SFWMD as it pertains to the jurisdictional wetland determination and proposed mitigation for wetland impacts. If jurisdictional wetland determination has been issued, please provide a copy.
2. Please provide an indigenous management plan that includes the preserve areas that meet the definition of indigenous per LDC Section 10-1 and demonstrate how the other preserve areas will be restored/enhanced to provide habitat for wildlife, water quality, wildlife connections, and onsite mitigation.
3. The surface water management plan depicts the preserve areas to be utilized for drainage. The MCP depicts upland preservation outlining each wetland preserve. Please depict the impact to the upland for drainage and discuss how the wetland preserves will not be negatively impacted by the influx of surface water.
4. Please include information on the water levels within the wetland preserve, how the development may or may not affect the hydroperiods, and how the change in water levels post

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development will affect the existing and future protected species, such as wading birds.

5. The indigenous management plan must include details with supporting maps to depict how the preserve areas will be restored by means of mechanical or non-mechanical.
6. Include a preserve restoration phasing schedule and map.
7. Provide a species management plan to include specific information regarding Florida panther, Florida Black Bear, wading birds, small tooth sawfish, and any other species that may utilize the site post development in accordance with the FLUCCS.
8. Provide details/correspondence of how the wetland and possible species habitat will be mitigated. If onsite, please provide restoration details and if offsite please state the requirements per the state agencies.
9. Provide a critical wildlife connection map.
10. Provide a human-wildlife coexistence plan to include educational programs and development standards.
11. Courtesy Comment: Prior to the issuance of a vegetation removal permit for any phase of development, an acoustic Bonneted Bat and tree cavity surveys must be submitted.
12. The narrative states that a 50-foot setback and buffer will be provided. Please provide a buffer detail as part of the MCP to depict the proposed landscape enhancements, fencing (if applicable), berm (if applicable), multi-use path along North River Road, and how the proposed enhanced buffer interfaces with the wetland/upland preserve depicted along the property lines.
13. Provide a 50-foot natural waterway detail as part of the MCP to depict Owl Creek and Trout Creek 50-foot buffer as measured from top of bank or mean high water, whichever is further landward and demonstrate how the landscaping/indigenous complies with compliance with LDC Section 10-416(d)(9). Please indicate in the 50-foot natural waterway detail where the proposed canoe/kayak launch is proposed. Provide cross sections for clarity.
14. The narrative states that the site will be designed to incorporate green infrastructure within the proposed swales, dry detention, and lakes. Provide a green infrastructure detail to depict these planned development components to be located in common element and provide landscape planting details to support water quality.
15. CPA2020-00005 is pending and the application proposes 60% open space of which 48% must be in a conservation easement. Demonstrate how the proposed open space areas provide habitat for wildlife, on-site mitigation, and restoration to support the CPA2020-00005. Currently, the applicant states that the restoration is limited to exotic removal. Some of the proposed preserve areas are not indigenous with the FLUCCS indicating pasture or areas that are predominantly exotic. Indicate how the non-indigenous areas will support wildlife and water quality to enhance the proposed project.

Development Services Review:

1. 10-256(a) All development and redevelopment proposed within future urban areas or future suburban areas as defined by the Lee Plan, or along trails depicted on the Greenways Master Plan (Lee Plan Map 22) are required to provide for bikeways and pedestrian ways.
 - The Comprehensive Plan change to sub-outlying suburban will require the proposed development to provide for bikeways and pedestrian ways.
2. [10-296(k)(1)] Cul-de-Sacs. Dead-end streets, designed to be so permanently, must be closed at one end by a circular turnaround for vehicles and constructed in compliance with the LCLDC.

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- The MCP shows dead-end streets in Tract 7 near the proposed boat slips and a T intersection with dead-ends. Tract 1 also contains a dead-end. Please revise the MCP or request a deviation as applicable.
- 3. [10-418(1) Surface water Management Systems. The design of the shoreline of excavations must be sinuous rather than straight
 - Several of the lakes do not appear to meet this requirement.
 - The MCP shows a lake boundary. What does that boundary represent? Control elevation or TOB?
- 4. [10-329(d)(1)a.1.] Excavation Setback from Local Street. Excavations must be set back twenty-five (25) feet from any existing or proposed local street right-of-way line or easement.
 - Please ensure that this requirement is met or a deviation is requested. Given the scale of the drawing it is hard to tell if Lake 1, 4, 6, 8, and 9 meet this requirement.
 - The MCP differs from the plan presented at the community information meeting. Specifically, the access point to North River Road has been shifted to the south. Has a follow up meeting been conducted?
 - Owl Creek Road is privately maintained and provides access to the existing marina and a single family residence. Will the existing easement be vacated? Has the applicant had discussions with the existing marina and single-family residence concerning access?
- 5. Will Owl Creek Road be gated or have restricted access?

DOT Review:

1. Owl Creek Boat Works & Storage is located at south of this project and connects to N River Rd via Owl Creek Dr. The Master Concept Plan shows Owl Creek Dr will be relocated and a gate be placed on Owl Creek Dr just south of N River Rd. The applicant needs to clarify how Owl Creek Boat Work & Storage will access to N River Rd.

TIS Review:

1. N River Rd from Owl Creek Dr to SR 31 is significant impacted by the project. An intersection LOS analysis is required for the intersection of SR 31/N River Rd.
2. The four lane widening of SR 31 from SR 78 to County Line is only PD&E study. The 4 lane service volumes cannot be used for the link LOS analysis.
3. The Master Concept Plan shows Owl Creek Dr will be relocated and will be on the west of the other proposed project's driveway. Figure 2 needs to be revised.
4. The proposed project's build-out year is within 5 years (2025). The existing service volumes of N River Rd shall be used for the LOS analysis.

Natural Resources Review:

1. Please provide supporting hydrologic and hydraulic models to ensure the conveyance capacity of the proposed flowway will improve or provide the same capacity as existing conditions.
2. Please provide details, including calculations and exhibits that demonstrate how the contributing area, existing flows, and proposed flows were determined.
3. Please provide an analysis of Lee Plan Objective 128.5.
4. Please provide a Lee Plan analysis of Lee Plan Policy 60.1.3, 60.4.3, 61.3.1, 61.3.3, 61.3.6, and 125.1.4.

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5. Please provide a sampling location map attachment for the Surface Water and Groundwater Monitoring Plan located within the Hydrogeologic Water Resources Report for review.
6. Please contact Lesli Haynes with the Lee County Department of Natural Resources to obtain a Manatee Protection Plan evaluation.
7. The Schedule of Uses includes "Marina: Private Multi-slip docking facility". Marina and Private Multi-slip docking facility are two independent uses; please clarify which use is being purposed.
8. Please provide additional information on the proposed multi slip docking facility.
9. How many boat slips (wet and dry) are proposed?
10. How will residents access the multi slip docking facility? Where will residents park?
11. How far into the Caloosahatchee River will the docking facility extend?
12. The Schedule of Uses includes a boat ramp; please identify the proposed boat ramp location on the MCP.
13. Please provide a detail of the proposed kayak launch.
14. Please revise the "Existing Historic Flow-ways" exhibit to "Existing Historic Floodways", as the exhibit depicts the FEMA Floodway not historic Flow-ways.
15. Please expand on how the impacts to the FEMA Floodway will be addressed. Please provide an exhibit with the Floodway overlaid on the MCP.
16. How will filling of the canals near Lakes 10 and 11 effect surrounding properties? Does this canal system provide offsite conveyance for surrounding properties or drainage for adjacent properties?
17. Please note a drainage easement is required per LDC 10-328 to allow the County to access the flowway for the right but not the obligation to maintain the flowway. Please address this on the MCP.
18. Please revise the Hydrogeologic Water Resources Report to provide analysis on how water use will be effected based on the existing livestock water use. Row crops have not been active for the last 7 years.
19. Please provide details for all proposed creek and surface water crossings. What is the proposed height of the Trout Creek bridge crossing?
20. Please include all existing culverts and stormwater structures on the site plan or stormwater narrative maps.
21. Please clarify whether the existing Owl Creek Drive will remain. Will there be one or two roads crossing Trout Creek?
22. Please address Administrative Code 7-7 for emergency preparedness.
23. Please note the Master Concept Plans must match in DCI2021-00011 and CPA2020-00004/00005.
24. Please provide details and demonstrate how the proposed irrigation system will comply with Lee County Ordinance 17-04.
25. Please provide details why the applicant has not investigated the use of the Lower Hawthorn as a source, since this area was irrigated by this source at one time.