



Professional Engineers, Planners & Land Surveyors

Owl Creek Reserve Minor RPD

Schedule of Deviations and Justifications

DCI2021-00011 – Revised April 2022

Deviation (1): Deviation 1 seeks relief from Lee County Land Development Code (LDC) Section 34-1748(5) requirement that a paved turn-around, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current addition, must be provided on the ingress side of the gate or gatehouse; to allow no turnaround at the eastern resident only entrance gate on North River Road.

Justification: This deviation is requested to accommodate the secondary nature and minimum traffic associated with the resident only eastern access point on North River Road. The primary access point for the project is located at the western access point with the gatehouse where guests, trucks, and most residents will enter the project. The western main entrance is designed to comply with the required truck turn-around. The secondary eastern access will be restricted to residents only with minimal use and will have 20-foot wide entrance and exit lanes. The applicant proposes a condition that, as part of the local development order approval, the developer shall provide signage stating that this secondary access is limited for use by residents only and direct all other traffic to please use the main entrance located to the west and must demonstrate no objection from the Bayshore Fire Protection and Rescue Service District. All other requirements under LDC Section 34-1748 will be met. The gate will be located on an internal private street and will be setback a minimum of 100 feet from North River Road right-of-way. Access for emergency vehicles will be accommodated. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare.

Deviation (2): Deviation 2 seeks relief from LDC Section 10-296(k)(1), which requires dead-end streets to provide a circular turnaround, to allow a dead-end street with a t-intersection in Tract 1 as shown on the MCP.

Justification: The requested deviation is included in LDC Section 10-104(a)(9) list of provisions where the Development Services Director is authorized to grant administrative deviations. This deviation is requested to allow a t-turnaround in Tract 1 as shown on the MCP. The t-turnaround in Tract 1 is $\pm 135'$ in length in lieu of a cul-de-sac to access approximately 4 lots in the northeastern portion of the development. Access to these few lots do not require a turn-around per NFPA standards. This short street only serves 4 units. The t-turnaround provides adequate access to the units and for emergency vehicles. Attached please find an email providing no objection from the Bayshore Fire Protection and Rescue Service District. The requested deviation is internal to the site and enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare. The alternative proposed is based on sound engineering practices and is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested. The granting of

the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision.

Deviation (3): Deviation 3 seeks relief from LDC Section 10-416(d)(9), which requires a 50-foot wide vegetative buffer landward of nonseawalled natural waterways; to allow the following encroachments as shown on the Master Concept Plan:

- 3A – Tributary to Owl Creek: Tract 3 access road crossing and any necessary improvements on N River Road
- 3B – Trout Creek: Tract 7 access bridge crossing and existing bridge
- 3C – Natural basin of Caloosahatchee River: Flushing connection
- 3D – Trout Creek: Flushing connection

Justification:

3A – Tributary to Owl Creek: Tract 3 access road crossing and any necessary improvements on N River Road: The site design minimally impacts ± 0.13 acre of the tributary to Owl Creek for filling for a road crossing required to provide access to Tract 3. $140' \pm$ of the natural waterway buffer on the east and $145' \pm$ on the west of the tributary to Owl Creek will be impacted to allow detail A and cross sections B-B and C-C on sheet 3 of the Master Concept Plan in this location. The crossing is necessary due to the location of the existing natural surface waters on the site and the impact has been minimized to the maximum extent possible. The crossing will maintain the existing flow by providing twin 48" culverts which matches the upstream culvert sizing provided for the North River Road crossing of this same tributary. There is also $25' \pm$ of the natural waterway buffer on the east and $25' \pm$ on the west of this tributary along North River Road to allow for potential compensating right-of-way and/or berms and swales associated with any turn lane and multi-use path easement. See Section A-A on sheet 2 and Detail A on sheet 3 of the Master Concept Plan. The natural waterway buffer will be provided for the remaining areas of this tributary. The proposed site design allows the development to enhance or restore and preserve $186.10 \pm$ acres of wetlands, uplands, and surface waters to re-establish functional wetland and upland ecosystems. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare.

3B – Trout Creek: Tract 7 access bridge crossing and existing bridge: The site design minimally impacts the natural waterway buffer area on a portion of Trout Creek to provide for a new bridge crossing to provide access to Tract 7 and for the existing bridge to remain. $190' \pm$ of the natural waterway buffer on the north and $170' \pm$ on the south of Trout Creek will be impacted to allow detail B and cross section D-D on sheet 3 and the proposed bridge cross section view on sheet 2 of the Master Concept Plan in this location. The crossing is necessary to provide safer access for emergency vehicles and to accommodate pedestrian access which increases safety. The new bridge is proposed to provide larger spans and more vertical clearance compared to the existing bridge. The natural waterway buffer will be provided for the remaining areas of this tributary. The proposed site design allows the development to enhance or restore and preserve $186.10 \pm$ acres of wetlands, uplands, and surface waters to re-establish functional wetland and upland ecosystems. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare.

3C – Natural basin of Caloosahatchee River: Flushing connection: The site design minimally impacts the natural waterway buffer area along the natural basin connected to the Caloosahatchee River to connect the interior wetlands and tidal lagoon/surface water restoration area. 108'± of the natural waterway buffer will be impacted to allow cross section B3-B3 on Hans Wilson & Associates sheet 14-21 as shown on detail B on sheet 6-21. The impacted area is existing hydric Brazilian Pepper or hydric pasture. The interior tidal lagoons create significant wetland and wildlife habitat, are an enhancement to tidal flushing of the marina basin, and also reduce potential flooding of the headwaters of Trout Creek by increasing the available floodway width. The creation of the flushing channels, almost 12± acres of tidal lagoons, and almost 3 acres of quality tidal wetlands/littoral shelf will improve the wetland functions and the ecosystem. It will create habitat for wading birds and a breeding ground for fisheries. The natural waterway buffers will be provided for the remaining areas along natural surface waters within and abutting the site. The enhancements to the site by exotic removal and restoration areas associated with the proposed development plan will result in a public benefit by improving the quality of existing natural flowways and wildlife corridors and providing public access to Trout Creek and the River. The littoral marsh and flushing basin have been designed to improve water quality of Trout Creek and will connect the wetland restoration areas to the south to the wetland preservation and restoration areas of Trout Creek. The proposed site design allows the development to enhance or restore and preserve 186.10± acres of wetlands, uplands, and surface waters to re-establish functional wetland and upland ecosystems. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare.

3D – Trout Creek: Flushing connection:

The site design minimally impacts the south natural waterway buffer area on a portion of Trout Creek to provide for a flushing cut from Trout Creek including surface water/littoral marsh wetland restoration. 300'± of the natural waterway buffer will be impacted to allow cross section B2-B2 on Hans Wilson & Associates sheet 14-21 as shown on detail B on sheet 6-21 and sheet 3 of 3 of the Master Concept Plan. The impacted area is existing pasture land or hydric Brazilian Pepper. The flushing cut provides access to the recreational area for the proposed canoe launch with sandy beach area to allow public access to the Caloosahatchee River. The creation of the flushing channels, almost 12± acres of tidal lagoons, and almost 3 acres of quality tidal wetlands/littoral shelf will improve the wetland functions and the ecosystem. It will create habitat for wading birds and a breeding ground for fisheries. The natural waterway buffers will be provided for the remaining areas along natural surface waters within and abutting the site. The enhancements to the site by exotic removal and restoration areas associated with the proposed development plan will result in a public benefit by improving the quality of existing natural flowways and wildlife corridors and providing public access to Trout Creek and the River. The littoral marsh and flushing basin have been designed to improve water quality of Trout Creek and will connect the wetland restoration areas to the south to the wetland preservation and restoration areas of Trout Creek. 186.10± acres of wetlands, uplands, and surface waters to re-establish functional wetland and upland ecosystems. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare.

Deviation (4): Deviation 4 seeks relief from LDC Section 10-416(d)(6), which requires where proposed roads, drives, or parking areas are located less than 125 feet from existing single-family residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet or a 30-foot wide Type F buffer with the hedge planted a minimum of 20 feet from the abutting property; to allow no buffer where the proposed internal road will be constructed within 125' of the adjacent single family lot as shown on the MCP.

OUTFALL (TYPICAL)

LAKE 10
1.8± AC

TRACT 7
SINGLE FAMILY

TRACT 7
SINGLE FAMILY

TIDAL
LAGOON/RESTORED
SURFACE
WATER

50' NATURAL
WATERWAY
BUFFER

APPROXIMATE
LOCATION
OF EXISTING
DITCH

RURAL/WETLANDS
AG-2
SINGLE FAMILY

RURAL/WETLANDS
AG-2
VACANT

EX. OWL
CREEK
EASE.

800'±

125'

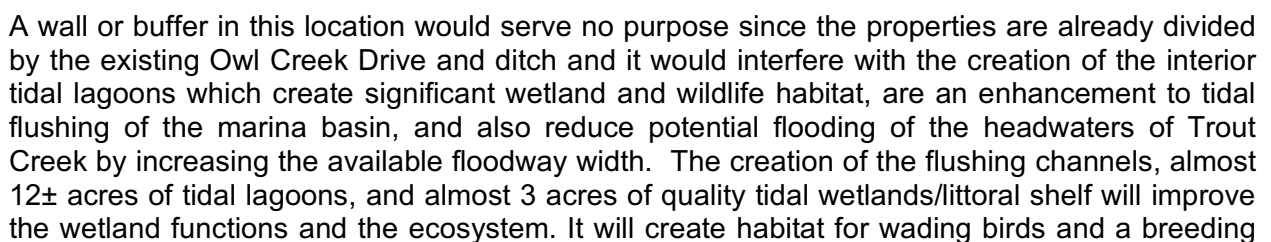
345'±

4

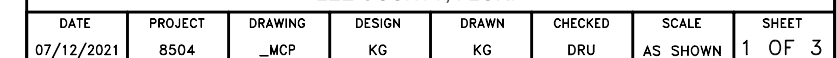
PUBLIC
KAYAK/CANOE
LAUNCH

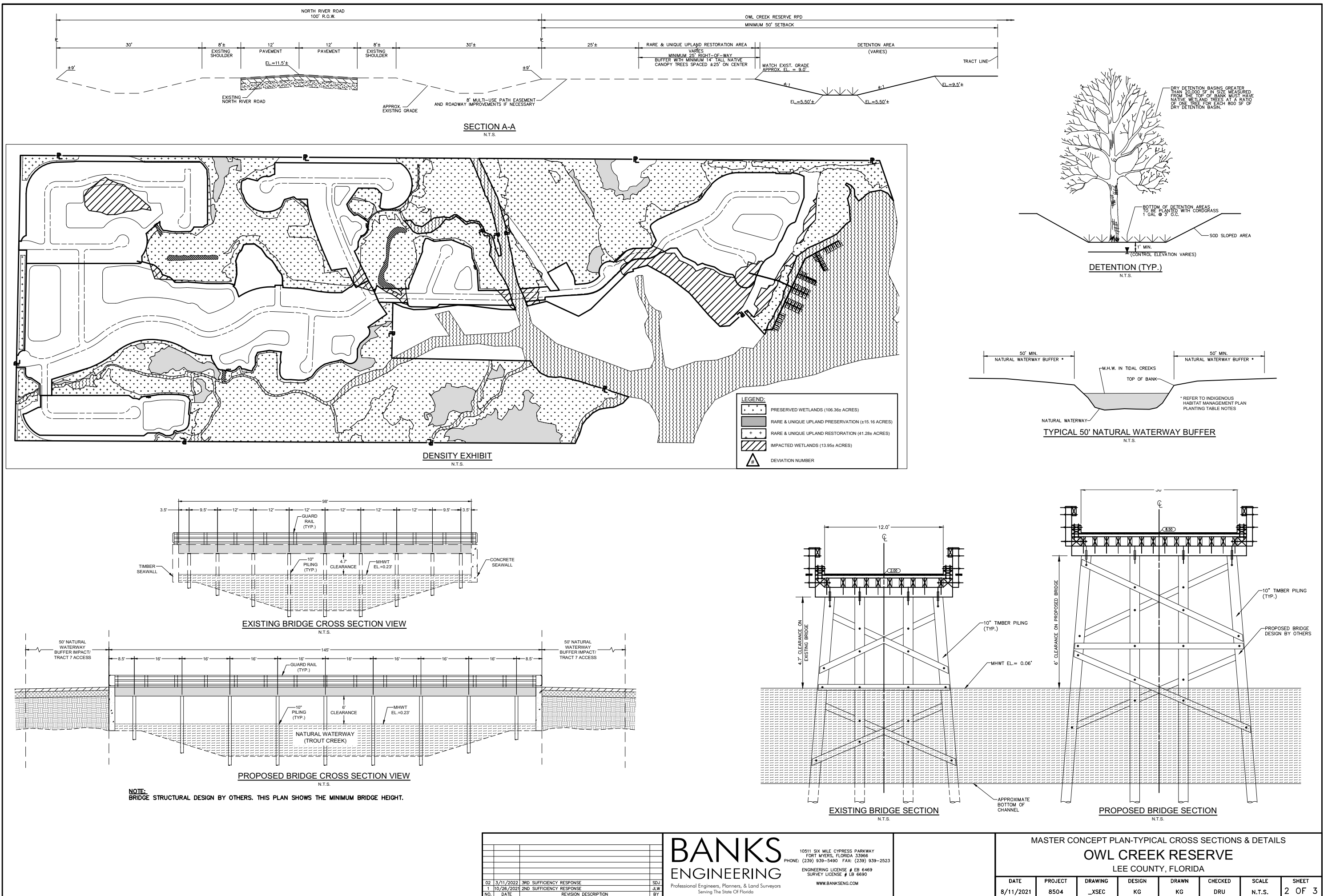
PROPOSED 50' PRIVATE R.O.W.

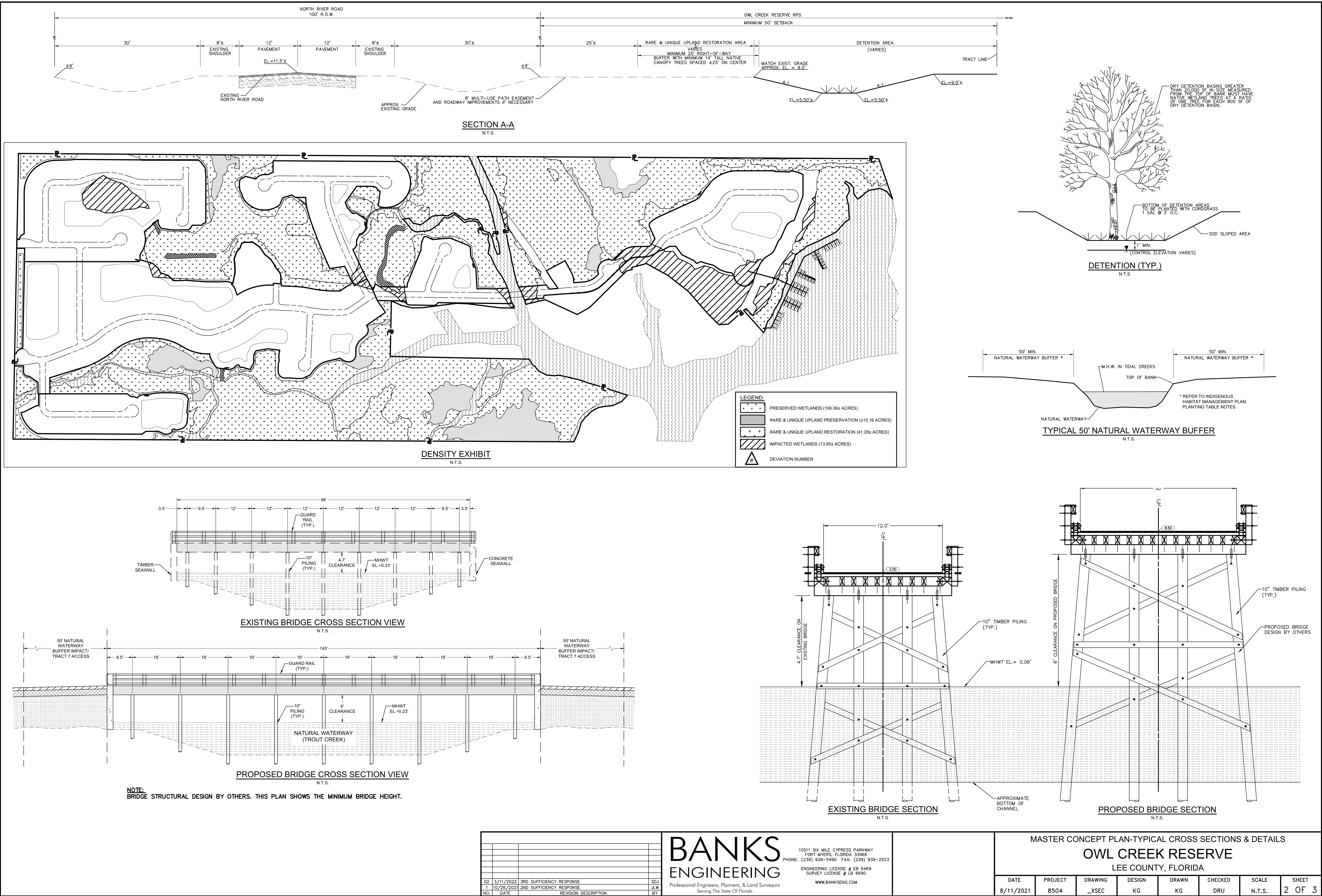
EX. OWL CREEK DRIVE

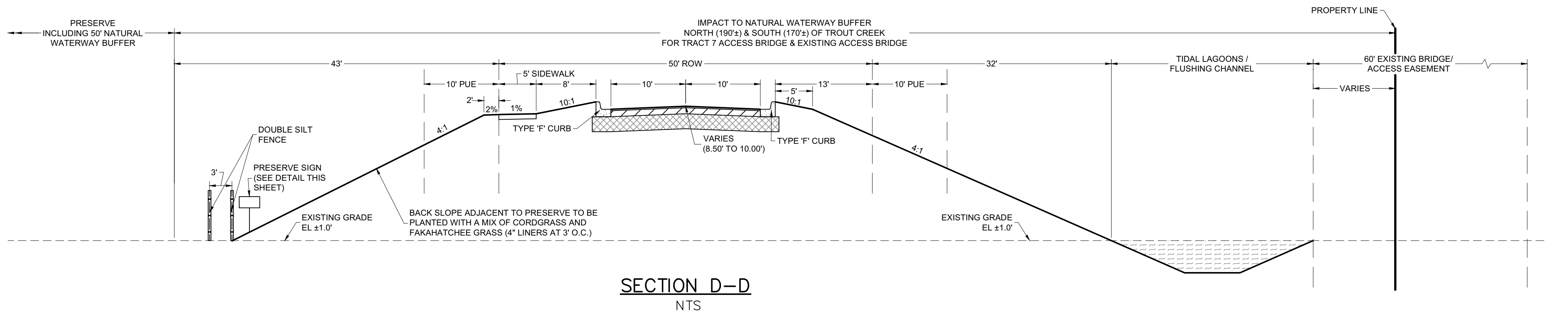
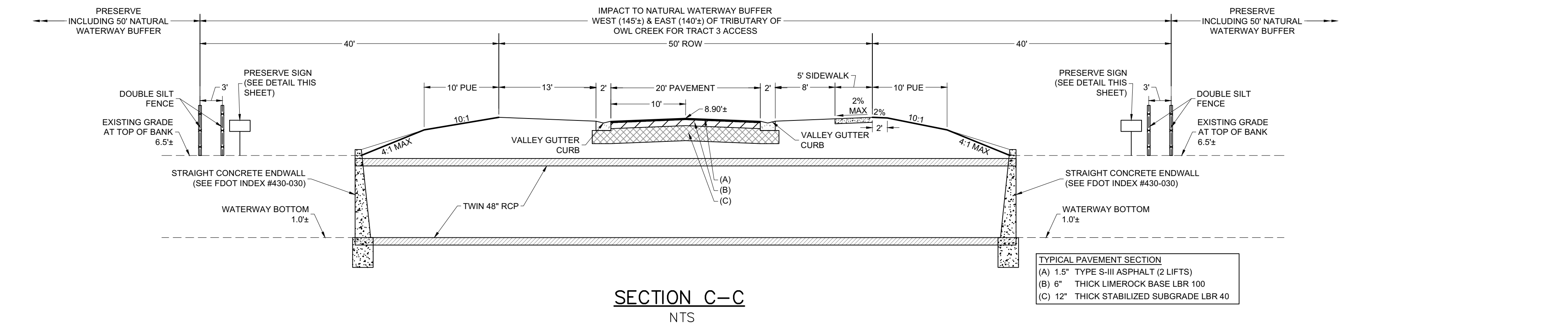
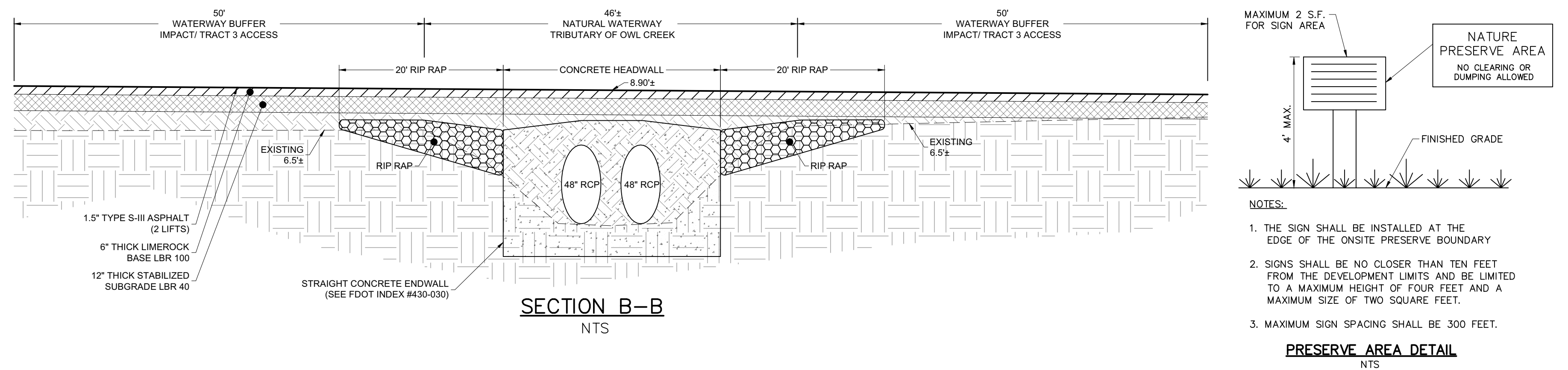
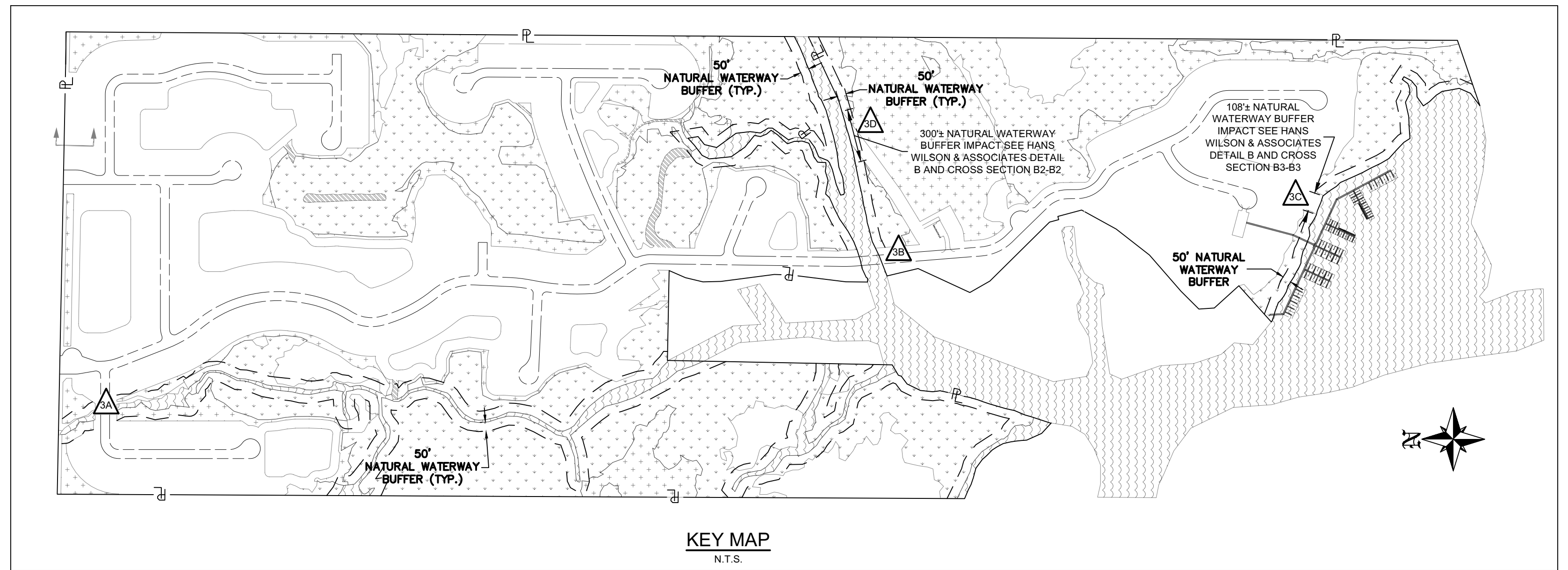
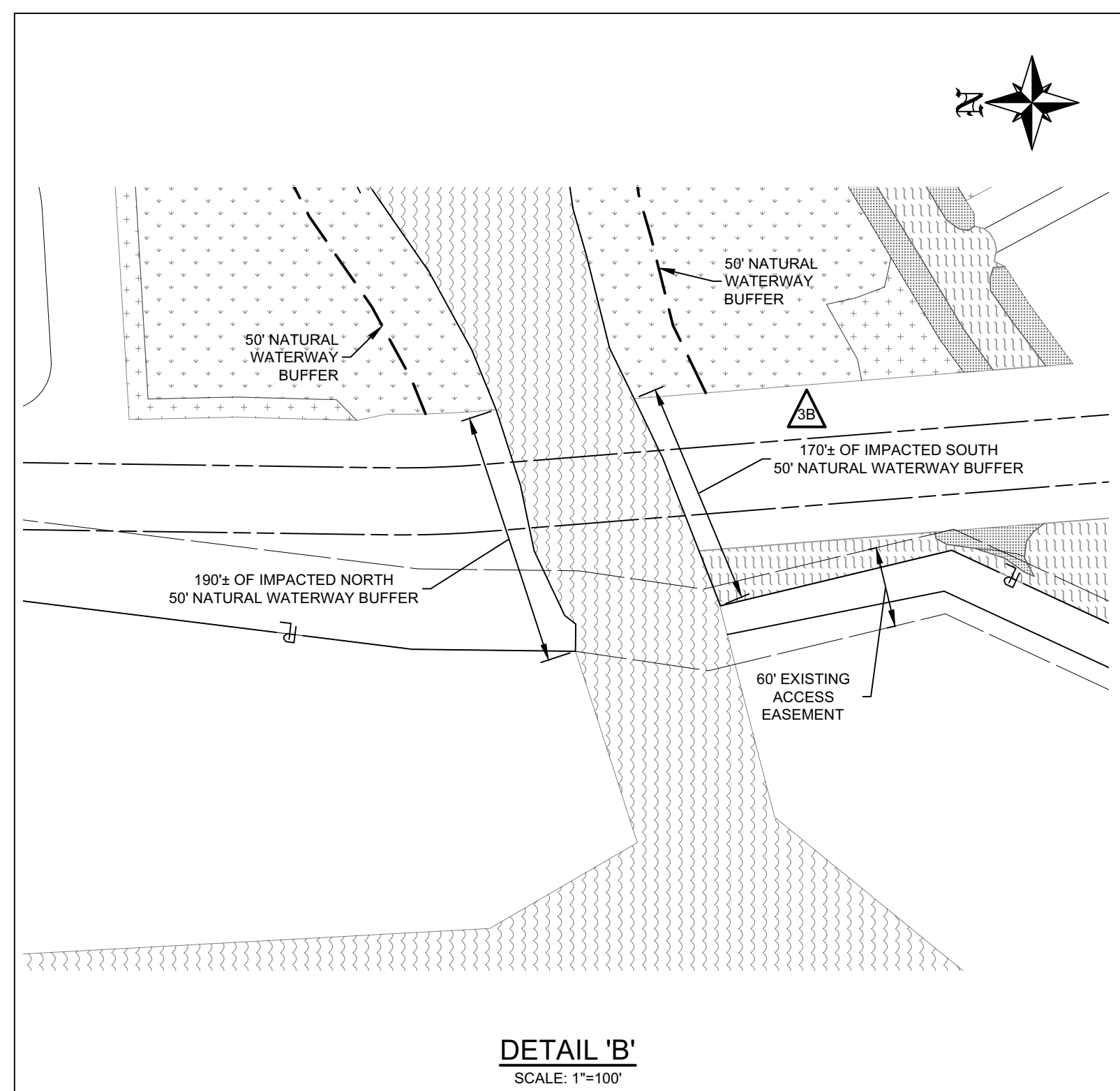
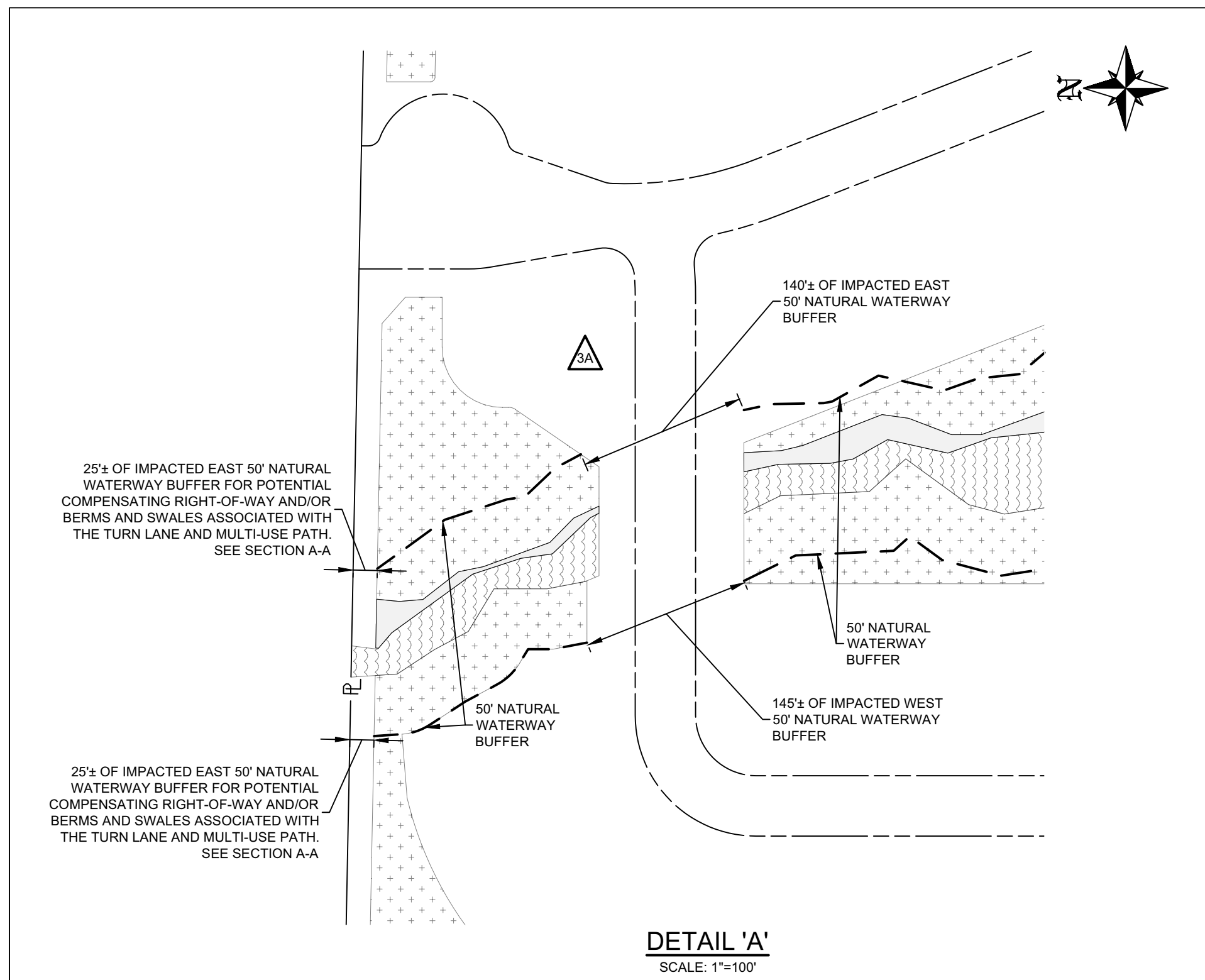
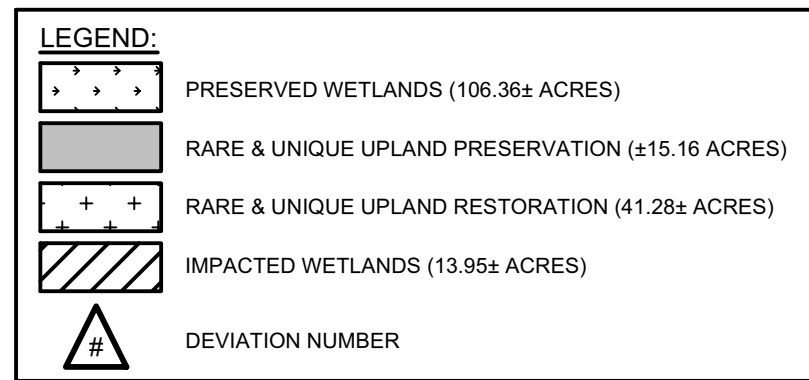


ground for fisheries. The enhancements to the site by exotic removal and restoration areas associated with the proposed development plan will result in a public benefit by improving the quality of existing natural flowways and wildlife corridors and providing public access to Trout Creek and the River. The littoral marsh and flushing basin have been designed to improve water quality of Trout Creek and will connect the wetland restoration areas to the south to the wetland preservation and restoration areas of Trout Creek. The proposed site design allows the development to enhance or restore and preserve 186.10± acres of wetlands, uplands, and surface waters to re-establish functional wetland and upland ecosystems. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare. The alternative proposed is based on sound engineering practices and is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested. The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision.









NO.	DATE	REVISION	DESCRIPTION	BY
02	3/11/2022	3RD SUFFICIENCY RESPONSE		SDJ
01	10/26/2021	2ND SUFFICIENCY RESPONSE		ALW

BANKS ENGINEERING

Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

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

MASTER CONCEPT PLAN-TYPICAL CROSS SECTIONS & DETAILS
OWL CREEK RESERVE
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
8/11/2021	8504	_XSEC	KG	KG	DRU	N.T.S.	3 OF 3