

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

CASE NUMBER: DCI2021-00011

CASE NAME: OWL CREEK RESERVE MINOR RPD

TYPE OF CASE: MINOR RESIDENTIAL PLANNED DEVELOPMENT

HEARING EXAMINER DATE: JUNE 23, 2022

SUFFICIENCY DATE: APRIL 14, 2022

REQUEST:

The applicant seeks a rezoning of ±342.68 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to allow development of a clustered residential community containing up to 380 dwelling units consisting of single-family and two-family attached dwellings with associated amenities. Maximum building height is 35 feet.

The subject property is located at 12850 North River Road, 18420 Owl Creek Drive, and 17900 Owl Creek Drive, Northeast Lee County Planning Community, Lee County, FL. (District #5). The legal description for this property can be found in Attachment E.

SUMMARY:

Staff recommends **APPROVAL** of the applicant's request, with the Conditions found in Attachment C. The applicant seeks four deviations from the requirements of truck turnarounds at entrance gates, cul-de-sac requirements, vegetative buffers for natural waterways, and berm/wall requirements for roads within 125 feet of residential uses. Staff recommends approval of these four deviations with conditions.

HISTORY OF PARCEL AND CHARACTER OF THE AREA:

The subject property is located in the southeast quadrant of State Route 31 and North River Road. The property is approximately 342.68 acres in area and is currently characterized as agricultural land and wetland marsh areas. There is no significant zoning on the property other than a special exception for a mobile home approved under resolution ZB-86-2 (Attachment H). The subject property fronts North River Road, a County-maintained arterial road, and is bisected by Owl Creek Road, a non-County-maintained local road. At the southern boundary, the subject property surrounds a marina called Owl Creek Boat Works. This marina utilizes Owl and Trout Creeks as a means of access to the Caloosahatchee River. Adjacent to the southern boundary of the of the subject property, there is also an existing residential dwelling under separate ownership. This property utilizes Owl Creek Road for access. Surrounding properties are generally characterized as agricultural uses on the south side of North River Road, while property to the north of North River Road is part of the Babcock Ranch development.

The following are the zoning districts and existing land uses that surround the subject property:

North:

Property to the north is separated by North River Road and is zoned Mixed Use Planned Development. This property is part of the Babcock Ranch Mixed Use Planned Development approved under Resolution Z-17-026, as amended (Attachment I) and is in the New Community Future Land Use Category.

East:

Properties to the east are zoned Agricultural (AG-2) and are in the Rural and Wetlands Future Land Use Categories. These properties consist of primarily agricultural land and land owned by the South Florida Water Management District. Further east are large lot residential and agricultural uses.

South:

There is not significant land to the south of the subject property, other than the two properties previously discussed. The first is home to an existing marina called Owl Creek Boat Works, which is within the Water Dependent Overlay and is zoned Marine Industrial (IM). This marina has been in existence since 1953. The second property is an existing 12.19 acre parcel zoned Agricultural (AG-2) that contains two dwelling units. This property has a Special Exception approved for a mobile home approved under Resolution Z-80-397 (Attachment J).

West:

Properties to the west are zoned Agricultural (AG-2) and are located in the Rural and Wetlands Future Land Use Categories. The majority of this land is used for agriculture and large lot residential development.

ANALYSIS

The applicant has provided a request statement that describes nature of the application (Attachment D). In the request statement, the applicant notes the intent of the project is to rezone approximately 342.6 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to allow up to 380 dwelling units with associated amenities at a maximum height of 35 feet. The request contemplates a mix of single-family and two-family attached dwelling units.

Concurrent Comprehensive Plan Amendment

The applicant has filed concurrent applications for a Comprehensive Plan Amendment under Case Numbers CPA2020-00004 and CPA2020-00005. These cases have been transmitted by the Board of County Commissioners to Florida Department of Economic Opportunity for review and comment (Attachment K). The amendment, if adopted, will amend Lee Plan Map 4-A (Future Water Service Area) to allow for a privately-funded extension of water service, and an amendment to Policy 29.2.4 which incentivizes the preservation of indigenous rare and unique upland habitats in the Rural Future Land Use Category in the North Olga Community Plan Area by allowing an additional one dwelling unit for each acre

of created preserved or restored Rare and Unique upland habitat if approved as a unified planned development, subject to certain criteria. Additionally, this amendment will update Policy 124.1.1 to allow for the transfer density from preserved freshwater wetlands to developable contiguous uplands under common ownership in Rural Areas.

Notable requirements of draft Policy 29.2.4, as amended, include the provision of 60 percent open space for the development, including 50 percent indigenous preserve, minimum planting standards for the preservation and restoration of indigenous Rare and Unique upland habitats, and conservation easement requirements over upland habitats.

Staff's review of this rezoning request will include analysis of the proposed comprehensive plan amendment language to ensure consistency with the Lee Plan should CPA2020-00004 and CPA2020-00005 be adopted.

Development Density

The applicant has provided a density calculation to demonstrate how density is calculated for the development (Attachment L):

Future Land Use Category/Restoration activity	Density	Acreage	Dwelling Units
Rural Future Land Use Category – including Uplands and manmade ditches and lakes	1 unit per acre	216.63 acres	216.63 DU
Preserved Wetlands for density to be transferred to adjacent uplands*	1 unit per acre	106.36 acres	106.36 DU
Impacted Wetlands	1 unit per 20 acres	13.95 acres	0.70 DU
Preserve Rare and Unique Upland Habitat*	1 additional unit per acre	15.16 acres	15.16 DU
Restored Rare and Unique Upland Habitat*	1 additional unit per acre	41.28 acres	41.28 DU
Total Project Density			380 DU

**As proposed by CPA2020-00004 and CPA2020-00005*

Because some of the density proposed for the project is dependent on restoration activities within the development, the applicant has also provided a condition that ensures the development remain consistent with Lee Plan Policy 29.2.4, as amended (Attachment G).

The developer may plat up to 339 dwelling units upon recording of a conservation easement over a minimum of 106.36 ac. of preserved wetlands and 15.16 acres of Rare & Unique upland Preservation

areas as shown on MCP Sheet 2 Density Exhibit. Plat approval for the remaining 41 dwelling units cannot be issued until (1) the site preservation and restoration of the 41.28 ac. of Rare & Unique upland restoration as shown on MCP Sheet 2 Density Exhibit is completed and a Certificate of Completion is issued by Lee County, and (2) a conservation easement is recorded over the 41.28 ac. of Rare & Unique upland restoration areas. Alternatively, the cost of the restoration work on the 41.28 ac. restoration area may be bonded to permit approval of the plat for the additional 41 dwelling units.

Master Concept Plan:

The applicant has provided a Master Concept Plan (MCP) which depicts planned development proposed by the applicant. The MCP shows development tracts, buffers and open space areas, including restoration locations of Rare and Unique habitat, access points, lakes, deviation locations, and tracts from which development density will be transferred to other internal development tracts (Attachment X).

Planned Development Rezoning:

Section 34-612 of the Lee County Land Development Code (LDC) describes the intent of the utilization of the Planned Development zoning district. The purpose of planned developments is to further implement the goals, objectives, and policies of the Lee Plan, while providing some degree of flexibility in the planning and design of proposed developments.

Section 34-145 of the Land Development Code (LDC) establishes the review criteria for all rezoning requests. Before recommending approval of a rezoning request, the Hearing Examiner must find the request:

- a) Complies with the Lee Plan;
- b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
- c) Is compatible with existing and planned uses in the surrounding area;
- d) Will provide access sufficient to support the proposed development intensity;
- e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
- f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban Area category.

For Planned Development rezoning requests, the Hearing Examiner must also find:

- a) The proposed use or mix of uses is appropriate at the proposed location;
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- c) That each requested deviation:
 - 1) Enhances the achievement of the objectives of the planned development; and

- 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

Development Pattern Considerations:

Portions of the subject property are located in the Rural Future Land Use Category as described in Lee Plan Policy 1.4.1. These areas are described as low density residential uses and agricultural land. Maximum standard density considered for the Rural Future Land Use Category is one unit per acre. The proposed planned development exceeds the one unit per acre in density as a result of the unique upland habitat restoration, creation, and restoration permitted by draft Policy 29.2.4. Staff finds that the proposed request is consistent with Policy 1.4.1 subject to the approval of CPA2020-00004 and CPA2020-00005.

Portions of the development are located in the Wetlands Future Land Use Category as defined in Objective 1.5 of the Lee Plan. The applicant notes that there are approximately 106.36 acres of the wetlands that are proposed to be preserved as part of this planned development, with approximately 13.95 acres of wetlands proposed to be impacted. Based on the amended Comprehensive plan language in CPA2020-00004 and CPA2020-00005, the applicant intends to utilize density from the preserved wetlands to be used in the upland areas of the project. Staff finds the proposed request consistent with Objective 1.5 and Goal 124.

Objectives 2.1 and 2.2 encourage new growth in future urban areas where adequate facilities exist or are assured and where compact and contiguous development patterns can be created. Policy 2.2.1 states that rezonings will be evaluated as to the availability of the road network, central water and sewer lines, and public facilities and services. The project is located in an area that has historically been utilized for agricultural and low density residential uses. This area of the county sits between the Babcock Community to the north and more urban development to the south of the Caloosahatchee River. The area is in transition of county-wide development pressure. However, the project must remain consistent with the requirements of the Rural Future Land Use Category and the Northeast Lee County Community Plan Area. Staff finds meets the intent of the Rural Future Land Use Category while providing similar urban services as the Babcock Community to the north and more urban development pattern to the south of the river. This is evidenced by the letters of utility availability, which notes the requirement of privately funded expansions to the utility system, and the Traffic Impact Statement (Attachments S and M). Staff finds this request, as conditioned, consistent with Objective 2.1, Objective 2.2, and Policy 2.2.1.

Policy 5.1.2 prohibits residential development where natural physical constraints or hazards exist, including hurricane and flood hazards, soil or geologic conditions, environmental limitations, or aircraft noise. The northern 51 acres of subject property are not within the Coastal High Hazard Area, but the southern 292 acres are within the Coastal High Hazard Area. Flood zones for this property include AE-EL7, AE-EL8, X (shaded), X, and AE-EL10. Portions of the property along Trout and Owl Creeks are in the FEMA floodway and are subject to all FEMA regulations. The design of the Master Concept Plan focuses areas for residential development away from the Floodways and in previously impacted upland areas. Existing and restored preserve areas will separate residential areas in the development from the floodways. Additionally, the open space areas (both upland and wetland) will assist in lessening the impacts of

flooding events to the residents of the community. Staff finds that the proposed development is consistent with Policy 5.1.2.

Policy 5.1.5 of the Lee Plan intends to protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. The Master Concept Plan shows clusters residential uses interior to the property thereby minimizing the visual impact on surrounding properties. The applicant notes that the enhanced open space will provide for enhanced water retention and a perimeter to minimize risk of flooding and degradation of water quality to protect adjacent land uses. Staff finds this request consistent with Policy 5.1.5.

Goal 27 of the Lee Plan represents Lee County's goal to maintain, enhance, and support the heritage, rural character, and natural resources in the Alva and North Olga community plans.

Objective 27.1 aims to maintain and enhance the viability of the existing and evolving commercial agricultural operations, preserve open space, and retain the rural character of Northeast Lee County. Policies 27.1.1 and 27.1.6 supports rural character within Northeast Lee County by encouraging new development to be clustered to conserve large areas of open lands. Policy 29.1.1 similarly states the importance of compact or clustered development areas that maintain large, contiguous tracts of open space in the North Olga Community Plan Area. Policy 29.2.2 states that proposed residential development adjacent to an existing large lot residential area or commercial agriculture business will provide appropriate separation. The proposed development clusters residential development to the interior of the property to maintain the rural character of the area. Staff finds the proposed request consistent with Objective 27.1, Policy 27.1.1, Policy 27.1.6, Policy 29.1.1, and Policy 29.2.2.

Policy 27.1.8 requires that all rezoning applications within the Northeast Lee County Community Plan Area to conduct two public information meetings in accordance with Policies 17.3.3 and 17.3.4, and the applicant held two separate community information meetings in accordance with this policy. Requisite documentation has been provided in the application materials (Attachment U). Members of the public inquired about the gated access, how the stormwater management system will work and be monitored, clarification on dwelling unit types, how this proposed community is impacted by Babcock Ranch, and traffic concerns on SR31 and North River Road. The applicant provided responses to each inquiry in the attended documentation. Staff finds the request consistent with Policy 27.1.8.

Policy 29.2.1 states that proposed planned developments should provide a mix of unit types and flexible lot sizes to allow for clustering, affordability, preservation of open space, natural assets, and diversity of choice within the community. The proposed development plan includes a mix of single-family detached and two-family detached dwelling units. Staff finds the proposed request consistent with Policy 29.2.1.

Goal 60 intends to reduce the hazards to life, health, and property created by flooding due to rainfall in a manner that preserves environmental and natural resources. This includes the incorporation or restoration of natural surface water flow ways into the surface water management system. The applicant states the natural wetlands and the offsite flows are being preserved, with only minimal impacts where

unavoidable. Additionally, the storm water management system has been designed to mimic the natural sheet flow pattern. Staff finds this amendment consistent with Goal 60.

Policy 115.1.2 requires new development and additions to existing development to not degrade surface and ground water quality. Future development of the property will require an Environmental Resource Permit from the South Florida Water Management District and must address water quality impacts as part of Development Order Approval. Conditions are proposed by staff to address potential impacts to water quality as it relates to this development (Attachment Q). Staff finds this request consistent with Policy 115.1.2.

Goal 124 establishes Objectives and Policies for development in wetlands that works with existing state and federal permitting processes, while protecting the fragile ecological characteristics of wetland systems. Objective 124.1 aims to protect and conserve wetlands by limiting uses in wetland areas to low density residential uses, low impact recreational uses, and conservation areas. The applicant's proposed Master Concept Plan aims to protect and preserve wetlands and designate these areas as open space and preserve areas while configuring development around existing wetland areas. During the Development Order process, the applicant will be required to demonstrate compliance with the criteria in state and federal permitting procedures, while demonstrating compliance with the criteria found in Chapters 10, 14 and 34 of the LDC for open space and wetland areas. Conditions are also proposed by staff to address potential impacts to water quality as it relates to this development (Attachment Q). Staff finds the proposed rezoning consistent with Goal 124, Objective 124.1.

Goal 135 of the Lee Plan addresses the necessity to meet housing needs as Lee County grows in population. Policy 135.1.9 states that the county will ensure a mix of residential housing types on a county wide basis through the planned development process. This request provides for a mix of single-family and two-family attached dwelling units. This request is consistent with Goal 135 and 135.1.9.

Environmental Considerations:

Environmental staff has reviewed this request and has provided a report containing an analysis of the request (Attachment P). The staff report details the environmental characteristics associated with the rezoning, including the requirements to become consistent with Policy 29.2.4 and Policy 124.1.1 as proposed to be amended. Policy 29.2.4 requires the creation of additional density on preserved Rare and Unique upland habitat to contingent upon the preservation of 60 percent open space, of which 50 percent must be indigenous preserve. Staff notes that the following condition is necessary to address the open space requirement of this policy:

Prior to the issuance of the first development order, the development order plans must depict 60% open space and provide a phasing schedule demonstrating how the open space requirement will be met to support the proposed dwelling units.

Policy 29.2.4 also allows a density increase of one unit per acre beyond the Rural Future Land Use Category's standard density of one unit per acre, with the preservation and restoration of indigenous Rare and Unique upland habitats. Amended Policy 124.1.1 also will allow for the transfer of density from

preserved freshwater wetlands to developable contiguous uplands. The proposed development includes 168.41 acres of preserved wetlands, Rare and Unique upland habitat, and surface water/flowway. Based on further analysis provided by Environmental staff, the following condition is recommended to demonstrate consistency with Lee Plan Policy 29.2.4 and 123.1.1 as amended .

Prior to the issuance of the first development order, the development order plans must depict a total of 168.41 acres of indigenous open space in substantial compliance with the Master Concept Plan dated July 12, 2021, last revised April 22, 2022 per the following breakdown:

- a) Rare and Unique Upland Preservation 15.16 acres;*
- b) Rare and Unique Upland Restoration 41.28 acres ;*
- c) Upland Restoration 1.62 acres ;*
- d) Wetland Preservation 23.56 acres;*
- e) Wetland Restoration 82.80 acres; and*
- f) Surface Waters 5.61 acres.*

A conservation easement must be recorded for all areas used towards density incentive. The conservation easements must be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency acceptable to Lee County with third party enforcement rights. All Conservation Easements required as part of the planned development must be recorded within 5 years at the date of the first development order approval.

Prior to the issuance of the first development order, the applicant must submit a copy of the mitigation receipt of payment or mitigation plans for the 13.99 acres of wetland impacts to the Lee County Department of Community Development.

Based on the restoration and preservation activities on the project, the applicant provided an Indigenous Habitat Management Plan that details the activities to create, preserve, and restore habitat areas and provide for a long-term monitoring and maintenance to the open space areas to ensure consistency with the requirements of Policy 29.2.4. Subsequent to additional analysis by environmental staff, the following conditions are recommended to correlate the Indigenous Habitat Management Plan for future work on the property:

Prior to the issuance of the first development order, the development order plans must be in substantial compliance with the Indigenous Habitat Management Plan Revised March 2022 and received March 15, 2022.

Prior to the issuance of the first development order, the development order plans must include a schedule for the indigenous preservation and restoration to be completed within at least five consecutive years.

Prior to the issuance of the first development order, the development order plans must include a map depicting where mechanical and hand-removal methods of exotic vegetation removal will be located.

The applicant must submit with the vegetation removal permit survey point maps depicting the preservation and restoration areas and mechanical clearing limits.

The applicant must submit with the vegetation removal permit application a surveyed point map depicting the flushing canal and littoral marsh clearing limits.

Environmental staff also notes an inconsistency between the northern buffer planting requirements and the planting for restoration areas. The area constituting the northern buffer would be subject to both of these requirements. To remedy this inconsistency staff recommends the following condition:

Prior to the issuance of the first development order, the development order plans must depict a 25-foot wide buffer within the restoration area that includes 14-foot-in-height native canopy trees, spaced approximately 25-feet-on-center, to comply with LDC Section 33-1673.

Natural Resources Considerations:

Natural Resources reviewed and analyzed the request and provided a memorandum regarding the proposed Planned Development rezoning request (Attachment Q). Staff notes that the proposed development is within the Owl Creek watershed, an impaired waterway, and the Trout Creek watershed, which is under review for exceedances in Dissolved Oxygen and fecal coliform. In the report, staff details stormwater system of the project based on the Stormwater Management Plan (Attachment V), and how the surface water is proposed to be used as an irrigation source, which will be supplemented by groundwater. Staff notes that there are several Lee Plan Policies regarding surface and groundwater degradation that must be considered in reviewing for consistency with the Lee Plan.

Lee Plan policy 125.1.2 states, new development and additions to existing development must not degrade surface and ground water quality. Lee Plan policy 125.1.4 states, developments which have the potential of lowering existing water quality below state and federal water quality standards will provide standardized appropriate monitoring data. Policy 60.1.1 requires the design of surface water management systems to protect or enhance groundwater. Policy 126.1.4 requires development designs provide for maintaining or improving surface water flows, groundwater levels, and lake levels at or above existing conditions. The northern portion of the property is also located in the Wellfield Protection Zone and must remain consistent with Lee Plan Policy 125.1.6. In order to remain consistent with the above mentioned Lee Plan Policies, staff recommends the following conditions:

Prior to local development order approval, the developer must provide the attached Surface Water and Groundwater Monitoring Plan with the following modifications:

- I. A Surface Water and Groundwater Monitoring Plan for review and approval by the Lee County Division of Natural Resources. At a minimum, the Surface Water and Groundwater Monitoring Plan must establish the following:*
 - i) The overall Goals and Objectives of the Surface Water and Groundwater Monitoring Plan;*
 - ii) An outfall monitoring schedule during “wet” season of June through September and “dry” season of October through May, for Total Kjeldahl Nitrogen, Ammonia, Total Nitrogen, Nitrite, Nitrate, Chlorophyll A, Total Phosphorus, Chloride, Total Dissolved Solids, Florida PRO, Arsenic, Copper, Mercury, Lead, E. coli, Total Hardness, Field Temperature, Specific Conductance, pH, Dissolved Oxygen, Lake Stage, Water Table Aquifer Elevation, and Sandstone Aquifer Elevation Turbidity and Stage.*

- iii) *A baseline monitoring event to be part of the monitoring plan that must be completed prior to commencement of construction.*
- iv) *Identify the monitoring point locations*
- v) *Water quality monitoring data must be provided to the Division of Natural Resources annually for a minimum of 5 years and must include a report with a comparison of State water quality standards, plots of parameters, and recommendations. After five years of meeting or exceeding state water quality monitoring standards, the developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.*
- vi) *A contingency plan in the event an exceedance of State Water Quality Standards is discovered. This plan must include notification to impacted residents and applicable authorities.*

Prior to local development order approval, the development must connect to public utilities.

Staff notes that A majority of the property is located within the Coastal High Hazard Area (CHHA) and is subject to Lee Plan policy 101.1.1 which requires that development within the CHHA be compatible with natural systems, such as, water retention and purification, wildlife habitat, primary productivity, and defense against coastal flooding. In order to remain consistent with the above mentioned Lee Plan Policies, staff recommends the following condition:

Prior to issuance of a local development order, a drainage and access easement must be submitted for review and approval that permits Lee County access to the floodway to allow for the right but not the obligation to maintain the floodway per LDC 10-328.

Natural Resources staff also reviewed the proposed 96 slip multislip-docking facility in accordance with Lee Plan Policy 128.4.6 and the Manatee Protection Plan. Staff notes that a Submerged Aquatic Vegetation (SAV) survey was completed on September 24, 2021 within the multi-slip docking facility footprint (Attachment X). Staff also notes that some dredging will be required to accommodate the facility, which is discouraged by Lee Plan Policy 128.4.8. The Manatee Protection Plan assessment ranks the subject property as Conditional allowing up to 330 boat slips. The applicant has offered to limit the docking facility to 96 boat slips and that the remaining 234 slips cannot be transferred. Staff recommends the following conditions to ensure that the proposed multi-slip docking facility remains consistent with Lee Plan Policy 128.4.6 and Policy 128.4.8:

At time of local development order, the multi-slip docking facility is limited to 96 boat slips and the remaining 234 boat slips cannot be created into slip credits.

Prior to issuance of a local development order, the developer must demonstrate that the project complies with the standard manatee construction conditions, provides manatee education program. Prior to issuance of a dock and shore permit, the applicant must pay \$546 per slip for enhanced marine law enforcement.

Lee Plan Policy 128.4.7 states that boat access facilities, including multi-slip docking facilities and boat ramps, which would disturb or destroy wetlands or grassbeds, to demonstrate a pressing need for the proposed facility and provide for continued use by the general public. Staff notes that there will be no impacted grassbeds per Submerged Aquatic Vegetation (SAV) survey. In order to enhance the condition of the lagoon and protect wetlands from boating activities, staff proposes the following condition:

Prior to issuance of a local development order, the Indigenous Habitat Management Plan, received March 15, 2022, littoral marsh plant list must be updated to include red mangroves installed at 1 gallon 8' on center around the perimeter of the tidal lagoon.

There is a proposed kayak launch within the development on Trout Creek. Staff notes that this launch brings greater consistency with Policy 128.4.7 and also is consistent with Policies 27.3.2, 27.3.3, 29.6.2, 29.6.3, and 82.1.2, which encourage public access to the Caloosahatchee River. Staff proposes the following condition regarding the launch:

Prior to issuance of a local development order, the developer must demonstrate that the boat ramp, limited to kayak and canoe launch, has been included on The Great Calusa Blueway. The boat ramp, limited to kayak and canoe launch, must remain open to the public and cannot be for the exclusive use of the residents.

Transportation Considerations:

The applicant has provided a traffic impact statement for the proposed development and has provided analysis of the surrounding transportation system (Attachment M). Infrastructure planning staff has provided analysis of the applicant's traffic impact statement (Attachment N). Staff concludes that all intersections significantly impacted by the proposed project will operate at acceptable Levels of Service (LOS) at the time of build out in the year 2025.

Development Services staff provided a memorandum (Attachment O), and recommended a condition to address access to Owl Creek Drive for travelers to Owl Creek Boat Works and the residential use to the south:

Prior to development order approval, the developer must provide an access easement subject to approval by the County Attorney's Office. This easement must provide access for the existing development that currently utilizes Owl Creek Road. Prior to development order approval the easement must be properly recorded in the public records of the county at the developer's expense.

Bicycle and Pedestrian Facilities:

The subject property fronts North River Road, which is designated as a future bike/pedestrian way on the Lee Plan Map 3-D. At the time of development order approval, the applicant must comply with the bicycle and pedestrian facilities requirements of LDC Chapter 10.

Urban Services:

The subject property is serviced by Bayshore Fire Station, which is approximately 4.8 miles from the site, EMS approximately 5.1 to the southwest of the site, and the nearest Sheriff's station is approximately 11.3 miles west of the property. The proposed development will have access to the Florida Governmental Utility Authority's water and wastewater after the applicant's proposed privately funded improvements to the utility system (Attachment S). The request, as conditioned, is consistent with Lee Plan Standards 4.1.1 and 4.1.2.

Deviation Requests:

The applicant has requested four deviations and provided analysis of these deviation requests (Attachment G). Staff provides the following analysis of the proposed deviations:

1. Deviation (1) seeks relief from Lee County Land Development Code (LDC) Section 34-1748(5) which requires 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 to 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.

Development Services staff reviewed this deviation (Attachment O) and requests that the deviation be amended to read as follows:

"Deviation (1) seeks relief from Land Development Code (LDC) Section 34-1748(5), which requires 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 to be provided on the ingress side of the gate or gatehouse, to allow ~~no turn-around~~ a paved turn-around, having a turning radius sufficient to accommodate a passenger car as specified in the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) current edition at the eastern resident only gate on North River Road."

Staff recommends **APPROVAL** of the amended deviation, subject to the following conditions:

As part of the local development order approval, the developer shall provide signage stating that the eastern access point is a resident only access.

Prior to local development order approval that includes the resident only access gate as designated on the Master Concept Plan, the developer must provide a letter of no objection from the Bayshore Fire Protection and Rescue Service District.

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.

Development Services staff reviewed this deviation and recommends **APPROVAL** of this deviation based on the letter of no objection provided by William Underwood, Fire Chief, Bayshore Fire & Rescue dated October 14, 2021 (Attachment W).

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 North River Road;

3B – Trout Creek: Tract 7 access bridge crossing and existing bridge;

3C – Natural basin of Caloosahatchee River: Flushing connection; and

3D – Trout Creek: Flushing connection.

Environmental and Natural Resources staff reviewed this deviation and recommend **APPROVAL** of this deviation subject to the following conditions:

3A - Prior to approval of a development order that includes impacts to the Owl Creek natural waterway and its tributaries, the development order plans must provide detail drawings (including cross sections) of the impacts, limited to 140 feet on the east side and 145 feet on the west side of the Owl Creek tributary accessing Tract 3 and impacts of 25 feet to the east and west of the Owl Creek tributary along North River Road in substantial compliance with sheet 2 and sheet 3 of the Master Concept Plan.

3B - Prior to approval of a development order that includes impacts to Trout Creek natural waterway, the development order plans must provide detail drawings of the proposed bridge and existing bridge (including cross sections) that are in substantial compliance with sheet 2 and 3 of the Master Concept Plan. The impacts for the new bridge are limited to 190-feet on the north side and 170 feet along the south side of Trout Creek.

3C - Prior to approval of a development order that includes impacts to Trout Creek and/or the Caloosahatchee River, the development order plans must be in substantial compliance with the Private Multi-Slip Docking Facility Tidal Lagoon received March 15, 2022 and attached as Attachment T.

3D - Prior to approval of a development order that includes impacts to Trout Creek and/or the Caloosahatchee River, the development order plans must be in substantial compliance with the Private Multi-Slip Docking Facility Tidal Lagoon received March 15, 2022 and attached as Attachment T.

4. Deviation (4) seeks relief from LDC Section 10-416(d)(6), which where proposed roads, drives, or parking areas located less than 125 feet from existing single-family residential lots to be buffered by a solid wall or combination berm and solid wall not less than eight feet in height 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 feet of the adjacent single family lot as shown on the MCP.

Environmental staff reviewed this deviation (Attachment P) and recommends **APPROVAL** of this deviation.

CONCLUSION:

Based on the analysis provided above, staff offers the following review of the decision-making criteria for the planned development rezoning request. Staff finds that the proposed request, as conditioned:

- a) Complies with the Lee Plan;

Based on the analysis above, staff finds that the request is consistent with the Lee Plan. The proposed use and density is compatible with existing and proposed uses, and meets or exceeds the objectives and policies above.

- b) Meets this Code and other applicable County regulations or qualifies for deviations;

The applicant seeks four deviations from requirement for truck turnarounds, culs de sac at the end of a roadway, waterway buffers, and buffer requirements for roads adjacent residential properties under separate ownerships. Staff recommends approval of the four requested, as conditioned above.

- c) Is compatible with existing and planned uses in the surrounding area;

The mix of uses surrounding the subject property includes residential uses and agricultural land. The proposed uses, as designated on the Master Concept Plan, are consistent with surrounding existing and planned uses.

- d) Will provide access sufficient to support the proposed development intensity;

Access is proposed on North River Road at two separate locations. Staff finds that there is sufficient access to the proposed development, subject to the recommended conditions of approval.

- e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

Staff has reviewed the transportation impacts of the development, and has concluded that with the roadway impacts expected by the proposed development, the roadways will still operate at an acceptable level of service.

- f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and

Staff has reviewed the potential environmental impacts and has determined that the requirements of the Land Development Code and Lee Plan, as well as recommended conditions of approval, sufficiently protect existing environmentally critical areas.

- g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

Additionally,

- a) The proposed use or mix of uses is appropriate at the proposed location;

The proposed residential and recreational uses are appropriate at their location given the consistency with the Lee Plan Policies for development in the Rural Future Land Use Category, and the northeast Lee County Community Plan Area.

- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and

Staff finds the proposed conditions appropriate for approval and as conditioned the public's interests are sufficiently addressed.

- c) That each requested deviation enhances the achievement of the objectives of the planned development; and preserves and promotes the general intent of this Code to protect the public health, safety and welfare:

There are four requested deviations and staff recommends approval of these deviations.

Staff, therefore, recommends approval of this planned development rezoning request, as conditioned in Attachment C.

ATTACHMENTS:

- A. Expert Witness Information
- B. Maps: Surrounding Zoning, Future Land Use and Aerial Photograph
- C. Recommended Conditions and Deviations
- D. Request Statement
- E. Legal Description
- F. Proposed Schedule of Uses and Property Development Regulations
- G. Applicant Proposed Conditions and Deviations
- H. Resolution ZB-86-2
- I. Resolution Z-17-026
- J. Resolution Z-80-397
- K. CPA2020-00004 and CPA2020-00005
- L. Density Analysis
- M. Traffic Impact Statement
- N. Infrastructure Planning Memorandum

- O. Development Services Memorandum
- P. Environmental Staff Report
- Q. Natural Resources Memorandum
- R. Indigenous Management Plan
- S. Letters of Utility Availability
- T. Private Multi-Slip Docking Facility
- U. Northeast Lee County Public Information Meetings
- V. Stormwater Management Plan
- W. Letter of no Objection Bayshore Fire District
- X. Submerged Aquatic Survey
- Y. HWA Post Sufficiency Response
- Z. Master Concept Plan

ATTACHMENT A

LEE COUNTY STAFF EXPERT WITNESS INFORMATION
PROVIDED PURSUANT TO AC-2-6, SECTION 2.2.b(5)(f)3.

Dirk Danley, AICP, Principal Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Elizabeth Workman, Senior Environmental Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Marcus Evans P.E., Senior Engineer, Development Services, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in Traffic Engineering and Transportation Planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Brandon Dunn, Principal Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee Plan and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Rebecca Sweigert, Principal Environmental Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee Plan and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Nicholas DeFilippo, Senior Environmental Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee Plan and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

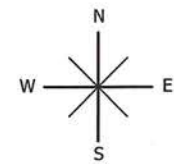
Lee Werst, Natural Resources Supervisor, Natural Resources, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee Plan and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

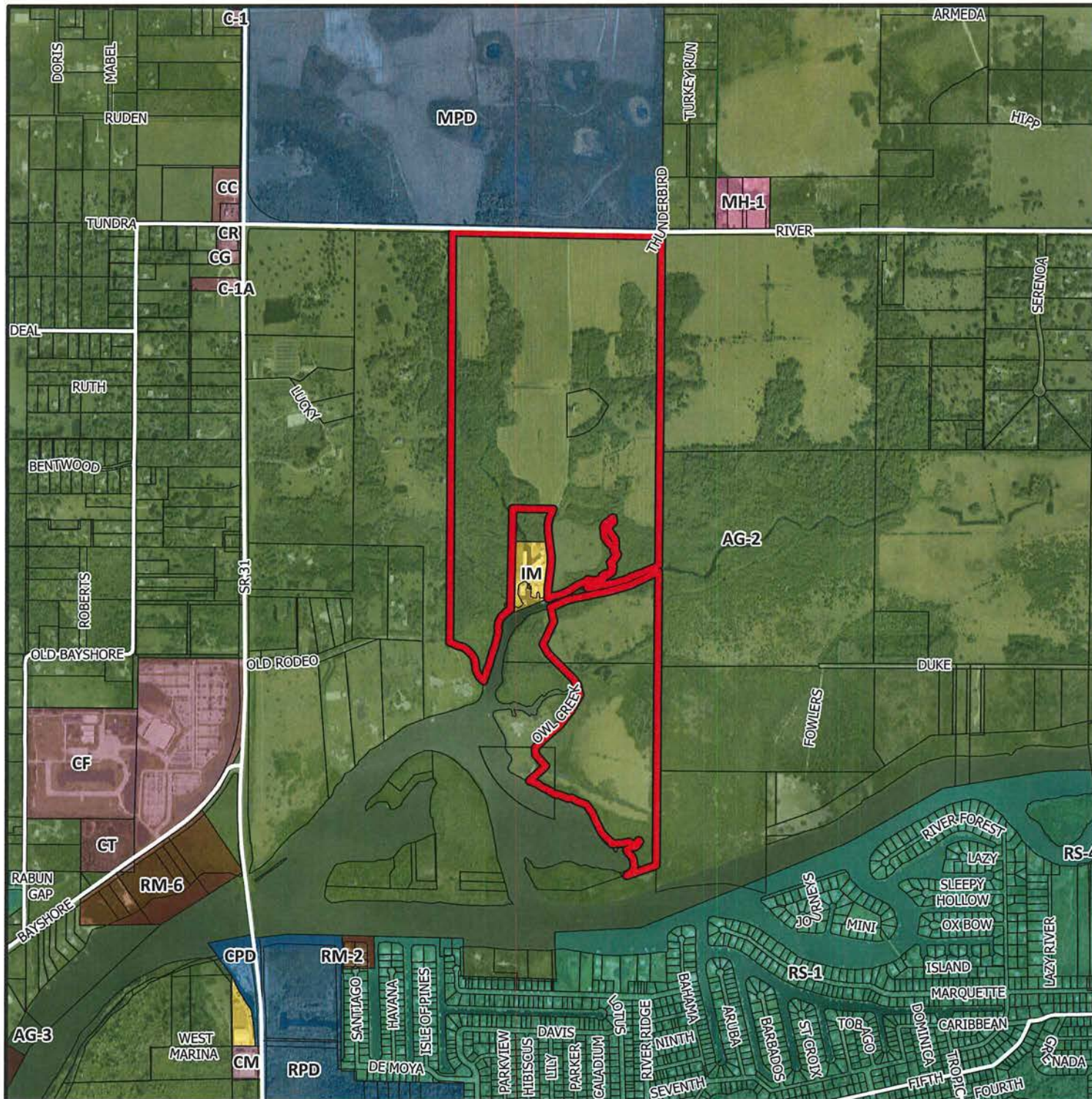
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Zoning

 Subject Property

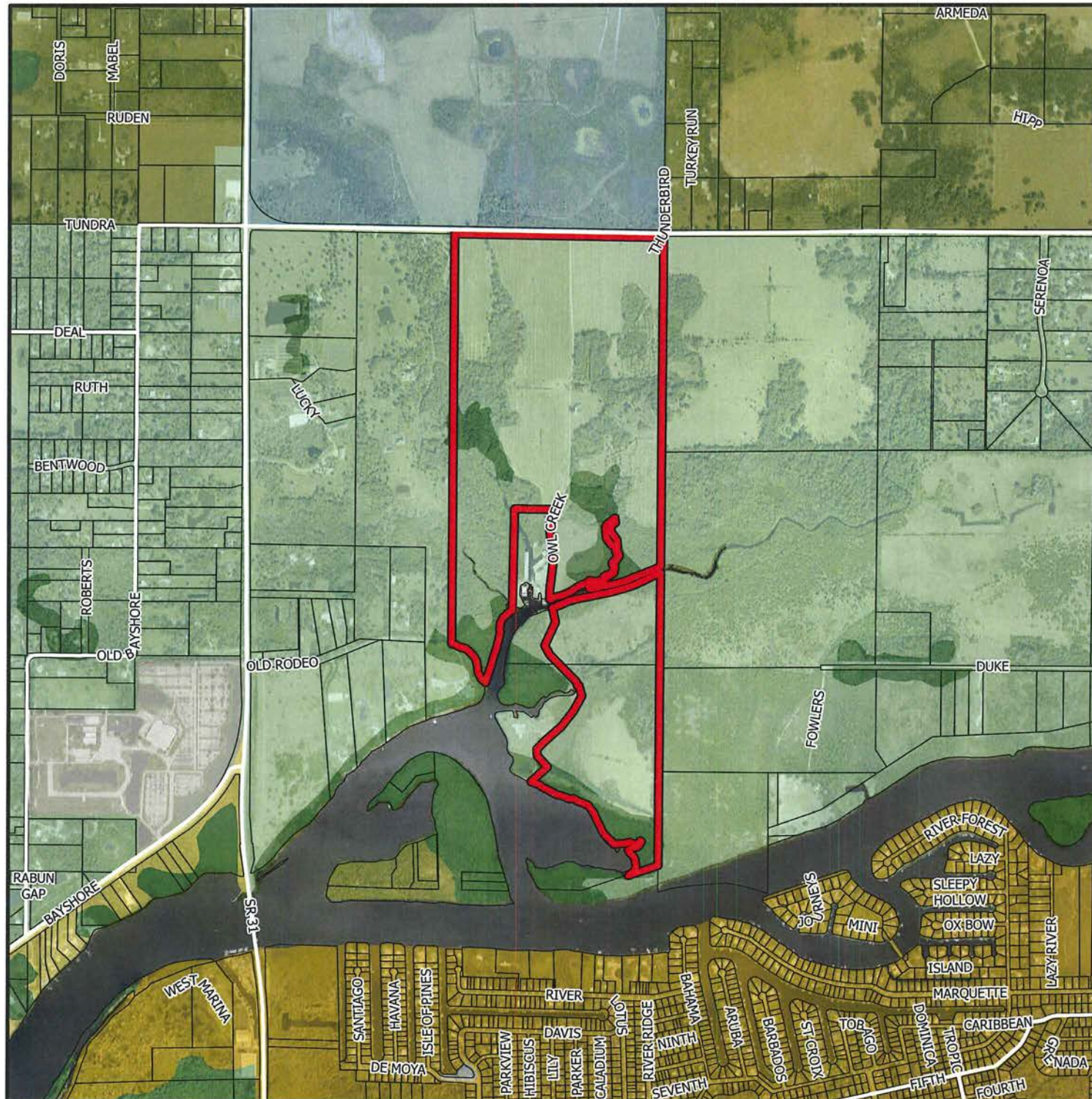


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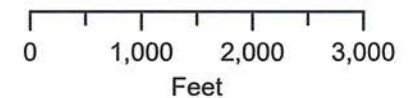
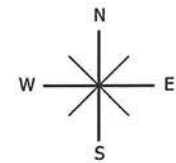


DCI2021-00011

Future Land Use



- Subject Property
- Suburban
- Sub-Outlying Suburban
- Public Facilities
- New Community
- Rural
- Outer Island
- Density Reduction/Groundwater Resource
- Wetlands
- Conservation Lands - Wetland

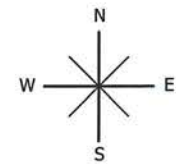




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Aerial

 Subject Property



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Owl Creek RPD – DCI2021-00011

Attachment C – Conditions

Section A. - Conditions

1. The development of this project must be consistent with the three-page Master Concept Plan (MCP) entitled “Owl Creek Reserve Minor RPD,” prepared by Banks Engineering, Inc., dated last revised 4/12/2022, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at the time of local development order, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

This project is limited to a total of 380 dwelling units, accessory uses, a boat ramp for paddlecraft, and 96 private boat slips within a multi-slip docking facility.

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

- a. Schedule of Uses

Accessory Uses and Structures

Administrative Offices

Boat dockage

Boat ramp, limited to the use of paddlecraft

Clubs, private

Community Gardens

Community Residential Home

Consumption on Premises, clubhouse (indoor and outdoor)

Dwelling Unit -

Single-Family

Two-Family Attached (limited to Tract 1)

Entrance Gate and Gatehouse

Essential Services

Essential Service Facilities, Group I only

Excavation, Water Retention

Fences, Walls

Home care facility

Home occupation

Models: Display center, display group, model home

Multi-slip docking facility (Private on-site recreation facility only)

Parks, Group I

Parking Lot: Accessory

Real Estate Sales Office

Recreational Facilities: Personal, Private-on-site

Residential accessory uses

Signs

Stable: Boarding, Private, limited to lots 40,000 SF or greater in area

Temporary Uses, temporary construction trailers and equipment storage sheds

b. Site Development Regulations

Development Perimeter Setback: 50 feet

Minimum Open Space: (Per Lee Plan Policy 29.2.4): Minimum 60% of which 50% must be indigenous

Single Family

Minimum lot size: 6,500 square feet

Minimum lot width: 40 feet

Minimum lot depth: 100 feet

Minimum Setbacks:

Private Street: 20 feet (15 feet for side-loading garage)

Public Street: 20 feet

Side: 5 feet

Rear: 20 feet (5 feet for accessory structure)

Waterbody: 25 feet

Preserve: 20 feet (10 feet for accessory structure), 30 feet for communities subject to fire

Maximum building height: 35 feet

Maximum lot coverage: 55 percent

Setback for lot line from Owl Creek Boat Works: 100 feet to internal residential lot lines

Two-Family Attached

Minimum lot size: 3,750 square feet

Minimum lot width: 32 feet

Minimum lot depth: 100 feet

Minimum Setbacks:

Private Street: 20 feet (15 feet for side-loading garage)

Public Street: 20 feet

Side: 5 feet (0 feet for common wall unit)

Rear: 20 feet (5 feet for accessory structure)

Waterbody: 25 feet

Preserve: 20 feet (10 feet for accessory structure), 30 feet for communities subject to fire

Maximum building height: 35 feet

Maximum lot coverage: 55 percent

Setback for property line from Owl Creek Boat Works: 100 feet to internal residential lot lines

Recreation Area

Minimum lot size: N/A

Minimum lot width: N/A

Minimum lot depth: N/A

Minimum Setbacks:

Private Street: 20 feet

Public Street: 20 feet

Side: 5 feet

Rear: 20 feet (5 feet for accessory structure)

Waterbody: 25 feet

Preserve: 20 feet (10 feet for accessory structure), 30 feet for communities subject to fire

Maximum building height: 35 feet

Maximum lot coverage: 55 percent

Parking for Private Multi-Slip Docking Facility: 1 parking space for every 3.5 slips

3. Density Derived from Rare and Unique Habitat

The developer may plat up to 339 residential lots upon recording of a conservation easement over a minimum of 106.36 ac. of preserved wetlands and 15.16 acres of Rare & Unique upland Preservation areas as shown on MCP Sheet 2 Density Exhibit. Plat approval for the remaining 41 dwelling units cannot be issued until:

- a) The site preservation and restoration of the 41.28 ac. of Rare & Unique upland restoration as shown on MCP Sheet 2 Density Exhibit is completed and a Certificate of Completion is issued by Lee County; and
- b) A conservation easement is recorded over the 41.28 ac. of Rare & Unique upland restoration areas. Alternatively, the cost of the restoration work on the 41.28 ac. restoration area may be bonded to permit approval of the plat for the additional 41 dwelling units.

4. Owl Creek Road Access

- a. Prior to development order approval, the developer must provide an access easement subject to approval by the County Attorney's Office. This easement must provide access for the existing development that currently utilizes Owl Creek Road. Prior to development order approval, the easement must be properly recorded in the public records of the county at the developer's expense.
- b. The project entrance gate on North River Road at Owl Creek Drive must remain open to allow public access during daylight hours. Access to Owl Creek Boatworks and the existing single-family residence must still be provided 24 hours a day.

5. Secondary Access Signage

As part of the local development order approval proposing the second access from North River Road, the developer must provide signage stating that the secondary access on North River Road is limited for use by residents only and direct all other traffic the main entrance located to the west.

6. Drainage Easement

A drainage easement must be granted at the time of the first plat for the project to allow the County to access the flow-way for the right but not the obligation to maintain the flow-way.

7. FEMA Floodway

At the time of local development order approval, areas located in FEMA Regulatory floodways must provide a FEMA No Rise analysis, or the site plan must be revised to avoid the floodway.

8. Open Space

Prior to the issuance of the first development order, the development order plans must depict a total of 168.41 acres of indigenous open space in substantial compliance with the Master Concept Plan dated July 12, 2021, last revised April 22, 2022 per the following breakdown:

- a. Rare and Unique Upland Preservation 15.16 acres;
- b. Rare and Unique Upland Restoration 41.28 acres;
- c. Upland Restoration 1.62 acres;
- d. Wetland Preservation 23.56 acres;
- e. Wetland Restoration 82.80 acres; and
- f. Surface Waters 5.61 acres.

9. Open Space Phasing

Prior to the issuance of the first development order, the development order plans must depict 60% open space and provide a phasing schedule demonstrating how the open space requirement will be met to support the proposed dwelling units.

10. Recording of Conservation Easement

A conservation easement must be recorded for all areas used towards a density incentive. The conservation easements must be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency acceptable to Lee County with third party enforcement rights. All conservation easements required as part of the planned development must be recorded within five years of the date of the first development order approval.

11. Wetland Impacts

Prior to the issuance of the first development order, the applicant must submit a copy of the mitigation receipt of payment or mitigation plans for the 13.99 acres of wetland impacts to the Lee County Department of Community Development.

12. Indigenous Habitat Management Plan

- a. Prior to the issuance of the first development order, the development order plans must be in substantial compliance with the Indigenous Habitat Management Plan received March 15, 2022.
- b. Prior to the issuance of the first development order, the development order plans must include a schedule for the indigenous preservation and restoration to be completed within at least five consecutive years.
- c. Prior to the issuance of the first development order, the development order plans must include a map depicting where mechanical and hand-removal methods of exotic vegetation removal will be located.
- d. The applicant must submit with the vegetation removal permit survey point maps depicting the preservation and restoration areas and mechanical clearing limits.
- e. The applicant must submit with the vegetation removal permit application a surveyed point map depicting the flushing canal and littoral marsh clearing limits.

13. Northern Buffer Planting Material

Prior to the issuance of the first development order, the development order plans must depict a 25-foot wide buffer within the restoration area that includes 14-foot-in-height native canopy trees, spaced approximately 25-feet-on-center to comply with LDC Section 33-1673.

14. Surface and Ground Water Monitoring

Prior to local development order approval, the developer must provide the attached Surface Water and Groundwater Monitoring Plan with the following modifications:

- a) A Surface Water and Groundwater Monitoring Plan for review and approval by the Lee County Division of Natural Resources. At a minimum, the Surface Water and Groundwater Monitoring Plan must establish the following:
 - I. The overall Goals and Objectives of the Surface Water and Groundwater Monitoring Plan;
 - II. An outfall monitoring schedule during “wet” season of June through September and “dry” season of October through May, for Total Kjeldahl Nitrogen, Ammonia, Total Nitrogen, Nitrite, Nitrate, Chlorophyll A, Total Phosphorus, Chloride, Total Dissolved Solids, Florida PRO, Arsenic, Copper, Mercury, Lead, E. coli, Total Hardness, Field Temperature, Specific Conductance, pH, Dissolved Oxygen, Lake Stage, Water Table Aquifer Elevation, and Sandstone Aquifer Elevation Turbidity and Stage.
 - III. A baseline monitoring event to be part of the monitoring plan that must be completed prior to commencement of construction.
 - IV. Identify the monitoring point locations
 - V. Water quality monitoring data must be provided to the Division of Natural Resources annually for a minimum of 5 years and must include a report with a comparison of State water quality standards, plots of parameters, and recommendations. After five years of meeting or exceeding state water quality monitoring standards, the developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.

- VI. A contingency plan in the event an exceedance of State Water Quality Standards is discovered. This plan must include notification to impacted residents and applicable authorities.

15. Utility Connection

Prior to local development order approval, the development must connect to public utilities for water and wastewater services.

16. Drainage and Access Easement

Prior to issuance of a local development order, a drainage and access easement must be submitted for review and approval that permits Lee County access to the floodway to allow for the right but not the obligation to maintain the floodway per LDC 10-328.

17. Maximum Boat Slips

At time of local development order, the multi-slip docking facility is limited to 96 boat slips and the remaining 234 boat slips cannot be created into slip credits.

18. Manatee Protection Plan

Prior to issuance of a local development order, the developer must demonstrate:

- a) The project complies with the standard manatee construction conditions;
- b) provides manatee education program; and
- c) Prior to issuance of a dock and shore permit, the applicant must pay \$546 per slip for enhanced marine law enforcement.

19. Indigenous Habitat Management Plan

Prior to issuance of a local development order, the Indigenous Habitat Management Plan, received March 15, 2022, littoral marsh plant list must be updated to include red mangroves installed at 1 gallon 8-foot on center around the perimeter of the tidal lagoon.

20. Great Calusa Blueway Designation

Prior to issuance of a local development order, the developer must demonstrate that the boat ramp, limited to kayak and canoe launch, has been included on The Great Calusa Blueway. The boat ramp, limited to kayak and canoe launch, must remain open to the public and cannot be for the exclusive use of the residents.

Section B. – Deviations

1. "Deviation (1) seeks relief from Land Development Code (LDC) Section 34-1748(5), which requires 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 to be provided on the ingress side of the gate or gatehouse, to allow no turn-around a paved turn-around, having a turning radius sufficient to accommodate a

passenger car as specified in the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) current edition at the eastern resident only gate on North River Road.”

This deviation is APPROVED, subject to the following conditions:

- a. As part of the local development order approval, the developer shall provide signage stating that the eastern access point is a resident only access.
 - b. Prior to local development order approval that includes the resident only access gate as designated on the Master Concept Plan, the developer must provide a letter of no objection from the Bayshore Fire Protection and Rescue Service District.
1. 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.

This deviation is APPROVED.

2. 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 North River Road;
 - 3B – Trout Creek: Tract 7 access bridge crossing and existing bridge;
 - 3C – Natural basin of Caloosahatchee River: Flushing connection; and
 - 3D – Trout Creek: Flushing connection.

This deviation is APPROVED, subject to the following conditions:

- a. 3A - Prior to approval of a development order that includes impacts to the Owl Creek natural waterway and its tributaries, the development order plans must provide detail drawings (including cross sections) of the impacts, limited to 140 feet on the east side and 145 feet on the west side of the Owl Creek tributary accessing Tract 3 and impacts of 25 feet to the east and west of the Owl Creek tributary along North River Road in substantial compliance with sheet 2 and sheet 3 of the Master Concept Plan.
- b. 3B - Prior to approval of a development order that includes impacts to Trout Creek natural waterway, the development order plans must provide detail drawings of the proposed bridge and existing bridge (including cross sections) that are in substantial compliance with sheet 2 and 3 of the Master Concept Plan. The impacts for the new bridge are limited to 190-feet on the north side and 170 feet along the south side of Trout Creek.
- c. 3C - Prior to approval of a development order that includes impacts to Trout Creek and/or the Caloosahatchee River, the development order plans must be in substantial compliance with the Private Multi-Slip Docking Facility Tidal Lagoon received March 15, 2022 and attached as Attachment T.

- d. 3D - Prior to approval of a development order that includes impacts to Trout Creek and/or the Caloosahatchee River, the development order plans must be in substantial compliance with the Private Multi-Slip Docking Facility Tidal Lagoon received March 15, 2022 and attached as Attachment T.
3. 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.

This deviation is APPROVED.



Professional Engineers, Planners & Land Surveyors

Owl Creek Reserve Minor RPD

Narrative of Request

DCI2021-00011

Revised March 2022

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). There are concurrent Comprehensive Plan Map and Text amendments under review (CPA2020-00004 & CPA2020-00005) associated with this application.

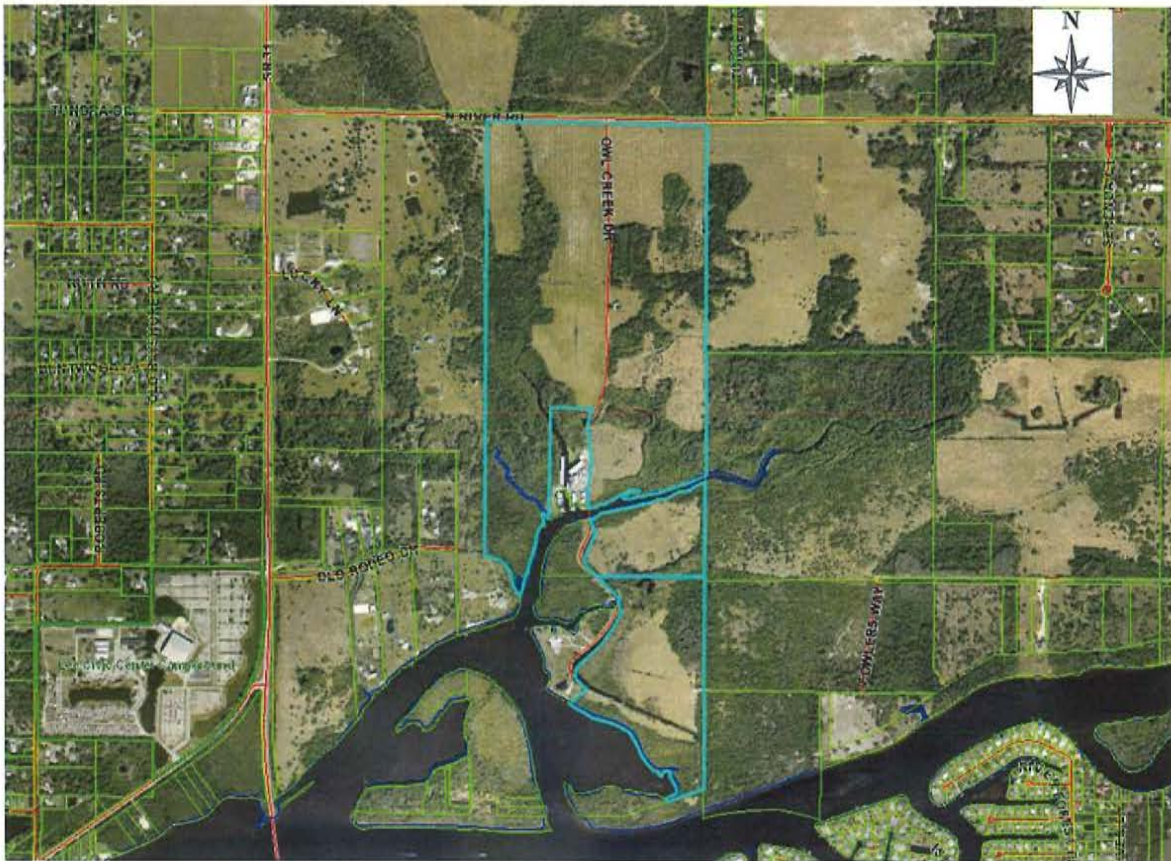


Figure 1. Location of Subject Property

• SERVING THE STATE OF FLORIDA •

Request

The applicant requests to rezone 342.6±8 acres from Agricultural (AG-2) to minor Residential Planned Development (RPD) to allow development of a clustered residential community containing up to 380 dwelling units consisting of single-family and two-family attached with associated amenities while providing for significant environmental, historical, storm water and water quality enhancements. Maximum building height is 35 feet.

The concurrent Comprehensive Plan Amendments include the following requests:

- Amendment to Future Water Service Areas, Lee County Utilities (Lee Plan Map 4-A) 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:
 - Policy 124.1.1 – The applicant initially proposed language to allow preserved wetlands adjacent to Rural areas within North Olga Planning Community to be transferred to developable adjacent uplands and Lee County staff has proposed revised language to apply to all Rural areas.
 - Table 1(a) – Amend footnote 8 for wetlands adjacent to Rural areas consistent with above
 - North Olga Community Plan – As amended with Lee County staff, add new Policy 29.2.4: As an incentive to preserve, enhance, and restore indigenous Rare and Unique upland habitats on land within the Rural future land use category, one (1) additional dwelling unit may be created for each one (1) acre of created, preserved and/or restored indigenous Rare and Unique upland habitats if approved and developed as a unified planned development that meets all the following criteria:
 1. Development is clustered so as to maintain large, contiguous tracts of open space and protect environmentally sensitive areas. To comply with this criteria, a minimum of 60% open space is required, of which 50% must be indigenous preserve. The indigenous preserve may consist of preserved existing indigenous wetlands and/or uplands and/or created or restored wetlands, flowways, or Rare and Unique upland habitats. Management and monitoring of the indigenous preserve must be in compliance with the indigenous management plan required by the LDC. Monitoring timelines will be extended as needed to assure success criteria established in the indigenous management plan is achieved for at least five consecutive years.
 2. Creation, preservation, and/or restoration of indigenous Rare and Unique upland habitats, as defined, must meet the following:
 - a. The area of the Rare and Unique upland habitats must comply with the minimum dimensions required for indigenous open space areas set forth in the LDC.
 - b. The land where creation and/or restoration of indigenous Rare and Unique upland habitats will occur must contain the soil(s) needed to support the establishment and success of the indigenous Rare and Unique upland habitats.
 - c. Habitats impacted by logging, drainage, and/or exotic infestation may not count towards the density incentive unless restored to standards established in an approved site specific ecological

restoration plan. The ecological restoration plan must include, at a minimum, a replanting plan, habitat restoration plan, success criteria, and long-term monitoring and maintenance criteria.

- d. A Conservation Easement, to be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency, acceptable to Lee County, with third party enforcement rights must be recorded for areas used towards the density incentive. All Conservation Easements required as part of the planned development must be recorded within 5 years from first development order approval.
- o Policy 1.4.1 – Add language to Rural: See Policy 29.2.4 for potential density adjustments resulting from preservation and restoration of Rare and Unique Upland Habitat.
- o Table 1(a) – Add footnote 20 for Rural: See Policy 29.2.4 for potential density adjustments.

The following summarizes benefits that will be accomplished by approval of this application:

1. Provide a connection between Babcock Ranch property 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 this area as demonstrated by the proposed Master Concept Plan
3. Provide Wetland Protection and Enhancements including exotic removal and maintenance and restoration areas
4. Historical Resource preservation of the 3 recommended sites
5. Minimum 186.10± acres (54% 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 (139.64± acre onsite wildlife corridor)
7. Connection to adjacent SFWMD owned lands to the east and south
8. 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 (205.6± acres)
13. Preserve minimum 88% (106.36± acres) of wetlands
14. Water Quality enhancements and monitoring
15. Remove potential for up to 223 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
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
26. Provide Rare and Unique Upland habitat preservation (15.16± acres) and restoration (41.28± acres)
 27. Preservation of historic flow-ways associated with Owl and Trout Creeks and associated wetlands

Background

Subject Property

The Owl Creek property is situated in an area of rapid change with fairly intensive existing and historic uses such as the Lee Civic Center to industrial marine uses such as Owl Creek Boat Works and Storage where individuals come from all over the region for yacht refinishing and Sweetwater Landing Marina. The property is located on the edge of the urban area. The rapid changes include the continuing development of the new Babcock Ranch community to the north and commercial development and redevelopment along the SR 31 corridor including the 31 Produce Market, café and attraction; Sweetwater Landing Marina's redevelopment in 2018 resulting in a 275-slip marina, boater lounge and restaurant and bar; a gas station and market development in 2017 at the northwest corner of SR 31 and North River Road and veterinary clinic in 2018 just west of this gas station; and a convenience store and gas station development in 2020 at the southwest corner of North River Road and SR 31.

The Owl Creek property consists of existing grazing lands and natural areas, including portions of Owl Creek and Trout Creek. The site has been partially cleared for agricultural activity since prior to 1953 and has historically been used for a variety of agricultural and farming uses such as citrus groves, row cropping, and cattle grazing. The submitted environmental analysis identifies the potential jurisdictional wetlands and rare/unique uplands that exist on site. The submitted historic analysis demonstrates four historic sites identified on the subject property, three of which are considered potentially eligible for listing on the National Register of Historic Places (NRHP).

West

The property immediately adjacent to the west is within the Rural and Wetlands FLU categories and zoned Agricultural (AG-2). Owl Creek crosses this property from N. River Road and continues onto the subject property. There is a conservation easement on the property but a partial release recorded in Instrument Number 2006000412915 (attached) has resulted in only a small portion being covered by this easement along the eastern property line. The site contains 3 single-family residences and agricultural grazing lands. Two houses are generally located in the center of the property: one setback ±515 feet and the other ±620 feet. The third house is located at the southern tip.

Further west there are existing agricultural and large single-family lots ±1.39 acres and larger. There is a commercial node within ¼ mile of SR 31 between North River Road and the Caloosahatchee River described in Lee Plan Policy 6.1.2 that connects the New Community area at SR 31 and North River Road to the Lee Civic Center, Sweetwater Landing Marina and the Sub-Outlying Suburban area to the south. This area contains several non-residential uses such as the gas stations and convenience stores developed in 2017 and 2020, veterinarian office developed in 2018, feed store, church, SR 31 Produce market, u-pick and café developed around 2010 with continuing improvements. The Bayshore Community Planning area is west of SR 31 and contains large lot residential development as well as ¼-acre lot subdivisions west of the commercial node. Sub-Outlying Suburban FLU category is a little over ½ mile to the west of the Owl Creek 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.

North

To the north is North River Road, a 2-lane county maintained arterial roadway then property within the New Community FLU category. This property is the southern portion of the Babcock Mixed Use Planned Development (MPD), approved by zoning resolution number Z-17-026/case number DCI2016-00022 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. There is an emergency only access planned across the street from the Owl Creek property. The entrance to the mixed-use areas of Babcock Ranch MPD is $\pm\frac{1}{2}$ mile north of SR 31 and North River Road across from Shirley Lane. To the northeast is within the Density Reduction/Groundwater Resource (DR/GR) FLU and is within the Private Recreational Facilities Overlay, zoned AG-2 and Mobile Home residential MH-1 and developed with single-family lots ± 2.12 acres and larger and agricultural uses.

East

The properties adjacent to the east are within the Rural and Wetlands FLU categories, zoned AG-2 and consist of existing agricultural grazing lands, a vacant parcel owned by South Florida Water Management District, then a vacant privately owned parcel along the Caloosahatchee River. A portion of the adjacent agricultural grazing lands that contain a portion of Trout Creek is currently under negotiation with Conservation 20/20 (nomination number 597). Further East are properties zoned AG-2 and developed with large agricultural tracts then some single-family lots ± 4.45 acres and larger and agricultural uses.

South

Properties to the south are within the Rural and Wetlands FLU. Adjacent to the south and surrounded by the property is the existing Owl Creek Boat Works and Storage industrial marina and yacht refinishing which is within the Water Dependent Overlay and zoned Marine Industrial (IM). 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'. South across Trout Creek from Owl Creek Boat Works and Storage is a vacant parcel zoned AG-2 then a ± 12.19 -acre parcel developed with two single-family residences. South of the subject property is another SFWMD owned parcel that extends into the Caloosahatchee River. Fort Myers Shores within the Caloosahatchee Shores Community Plan area is located south across the Caloosahatchee River which is within the Suburban FLU category which allows a maximum density of 6 dwelling units per acre. Sweetwater Landing Marina is located at the Caloosahatchee River and SR 31 and offers boat storage, service, rental and sales and was redeveloped in 2018 resulting in a 275-slip marina, boater lounge and restaurant and bar.

Comprehensive Plan Consistency Analysis

VISION STATEMENT

The requested rezoning and Master Concept Plan will comply with the proposed 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. 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 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 212.24± acres of uplands plus 4.39± acres of other surface waters consisting of artificial ditches and a lake allowing 216.63 dwelling units. Policy 1.5.1 provides that the Wetlands category has a maximum density of 1 dwelling unit per 20 acres for the 120.31± acres of wetlands allowing an additional 6.02 dwelling units for a total maximum density of 223 dwelling units. The remaining 5.74± acres of surface waters consisting of existing natural bodies of water were not included for density calculations.

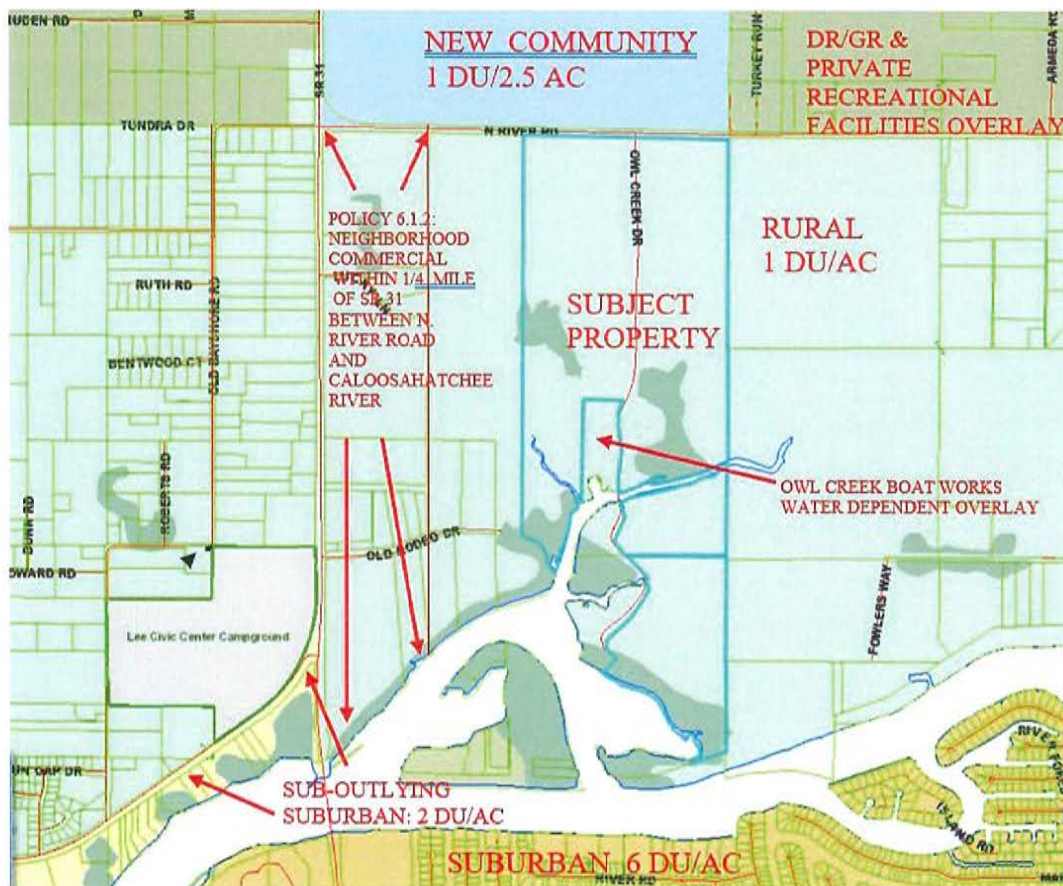


Figure 2. Future Land Use Designation

The property adjacent to the west and properties adjacent to the east are 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.

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.

The proposed rezoning will remain consistent with the Rural future land use category Policy 1.4.1 and the Wetlands future land use category Policy 1.5.1 upon adoption of the proposed text amendments. The proposed conditions of approval 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.

The preliminary density calculations associated with the request are provided below and included on the proposed Master Concept Plan:

Uplands (212.24± AC) & Manmade ditches/lake (4.39± AC)=	216.63 AT 1 DU/AC:	216.63 DU
Preserved Wetlands 106.36± AC transferred to adjacent uplands at 1 DU/AC:		106.36 DU
Impacted Wetlands 13.95± AC at 1 DU/20 AC:		0.70 DU
5.74± AC Natural Open Water not eligible for density		
Additional 1 DU/AC Preserved Rare and Unique Upland Habitat 15.16± AC:		15.16 DU
Additional 1 DU/AC for Restored Rare and Unique Upland Habitat 41.28± AC:		<u>41.28 DU</u>
Total Maximum Density:		380 DU

Lee Plan Policy 1.7.6 establishes the Planning Communities Map and Acreage Allocation Table 1(b). The Rural FLU has 1,948 acres allocated for residential development within the Northeast Lee County Planning Community with 1,312 acres existing. There are 636 acres remaining to be developed as residential which accommodates the subject request. The requested rezoning is consistent with Policy 1.7.6.

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 proposed conditions of approval will ensure compliance with the North Olga Community Plan 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. Letters of Determination of the Adequacy/Provision of Existing/Proposed Support Facilities from Fire Protection, Emergency Medical Service, Law Enforcement, Solid Waste, Mass Transit and Schools are attached. These exhibits demonstrate that there is adequate capacity to accommodate the proposed 380 dwelling units. 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. 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. These sites are demonstrated on the submitted Master Concept Plan and preservation is outlined in the submitted Indigenous Habitat Management Plan. 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 223 private well systems. A concurrent amendment to Lee Plan Map 4-A 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 223 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 is attached with the application. Lee County Utilities has issued a letter of no objection to FGUA providing sanitary sewer service to the site.

The request is consistent with Standard 4.1.4: Environmental Factors. The Master Concept Plan demonstrates that only 13.95± acres of exotic infested wetlands of the existing 120.31± acres of jurisdictional wetlands will be impacted for public facilities such as transportation or storm water management areas. To mitigate these impacts, 186.10± acres of wetlands, uplands and surface waters will be enhanced by removal of exotic vegetation or restored and preserved by the placement of a conservation easement re-establishing functional wetland and upland ecosystems. The submitted Indigenous Habitat Management Plan demonstrates the preservation of the highest quality indigenous habitat onsite, the enhancement and restoration of indigenous habitats onsite, the restoration and connection of Owl Creek and Trout Creek Wildlife Corridors and flow-ways and the reconnection of public conservation lands through the subject property. Although the property development regulations require lot sizes that do not typically require open space pursuant to the Land Development Code, the proposed Text Amendment will require 60% open space of which 50% must be indigenous which is exceeded by the proposed development plan. A minimum of 54% of the site will be placed into conservation easement. The Master Concept Plan and proposed conditions of approval 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. The site design provides for clustered density with environmental, historical, water quality and infrastructure enhancements. Letters of Determination have been submitted demonstrating provision of support facilities and a hurricane evacuation analysis is attached. The project's residential uses will be clustered inside the property with enhanced setbacks to adjacent uses and properties. The project's open spaces and preservation areas complement and enhance adjacent existing and pending public and private preserve areas. The site proposes to place a minimum of 54% of the site into conservation easements and provide a minimum perimeter setback of 50 feet consisting of either conservation areas or planted detention areas and perimeter berm to ensure compatibility with adjacent agricultural, single-family, preservation and marina uses. The request is consistent with Policies 5.1.2 and 5.1.5.

The request is consistent with Policies 5.1.6 and 5.1.7 even though it is single-family and two-family attached development. The proposed Master Concept Plan and property development regulations for the clustered development provide open space, preservation areas and recreation areas. These areas are appropriate for the density and design and are functionally related to all dwelling units. No multi-family residential is proposed for the site.

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 included in the proposed conditions of approval for this rezoning request, 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 multiple public information meetings within both the Alva and North Olga community plan area boundaries. Meeting summary documents have 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 Policies 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 proposes to provide long-term preservation areas by placing a minimum of 54% of the site into a conservation easement. Approval of the proposed rezoning will result in the preservation of natural assets such as facilitating the restoration and connection of Owl Creek and Trout Creek Wildlife Corridors and flow-ways.

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 rezoning 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, flow-ways, 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. A public kayak/canoe launch area is proposed as part of development of the subject property. The proposed conditions provide preservation and restoration of existing habitats along with creation of additional native vegetation in the form of rare and unique upland habitat creation and long-term conservation. The project also includes restoring 11.83± acres of surface waters and 2.88± acres of littoral marsh wetlands/littoral shelf to create a flushing channel that will increase the conveyance and water quality of Trout Creek.

The rezoning proposes conditions of approval that include stringent development criteria 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 proposed conditions require a public kayak/canoe launch and will not preclude potential access as part of the preservation, consistent with Policy 27.4.2.

GOAL 29: NORTH OLGA COMMUNITY PLAN

The requested rezoning proposes protection and enhancement of natural resources including wetlands, flow-ways and rare and unique upland habitat. 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 and flow-ways: 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 rezoning 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 including flow-ways, wetlands, rare and unique upland habitat 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. The proposed conditions of approval ensure compliance with stringent development criteria to ensure compliance with the North Olga Community Plan. There will be a minimum 50-foot perimeter setback providing separation to adjacent uses. Community gardens are included in the schedule of uses. 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 request proposes conditions of approval that accommodate the location of a multipurpose path along North River Road and a 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 the proposed conditions of approval, the Owl Creek project will preserve a minimum of 88% of the onsite wetlands providing protection and enhancements through exotic removal, and maintenance and upland buffers. A minimum of 54 percent of the property (186.10± 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 results in preservation and restoration of wetlands, flow-ways and wildlife corridors, and rare and unique upland habitat and provide long-term conservation. The conservation area will include preservation of 3 recommended historical sites and the project will provide a 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 concurrent Text Amendments associated with this request, as amended with Lee County staff, provide a new Policy 29.2.4: As an incentive to preserve, enhance, and restore indigenous Rare and Unique upland habitats on land within the Rural future land use category, one (1) additional dwelling unit may be created for each one (1) acre of created, preserved and/or restored

indigenous Rare and Unique upland habitats if approved and developed as a unified planned development that meets all the following criteria:

1. Development is clustered so as to maintain large, contiguous tracts of open space and protect environmentally sensitive areas. To comply with this criteria, a minimum of 60% open space is required, of which 50% must be indigenous preserve. The indigenous preserve may consist of preserved existing indigenous wetlands and/or uplands and/or created or restored wetlands, flowways, or Rare and Unique upland habitats. Management and monitoring of the indigenous preserve must be in compliance with the indigenous management plan required by the LDC. Monitoring timelines will be extended as needed to assure success criteria established in the indigenous management plan is achieved for at least five consecutive years.
2. Creation, preservation, and/or restoration of indigenous Rare and Unique upland habitats, as defined, must meet the following:
 - a. The area of the Rare and Unique upland habitats must comply with the minimum dimensions required for indigenous open space areas set forth in the LDC.
 - b. The land where creation and/or restoration of indigenous Rare and Unique upland habitats will occur must contain the soil(s) needed to support the establishment and success of the indigenous Rare and Unique upland habitats.
 - c. Habitats impacted by logging, drainage, and/or exotic infestation may not count towards the density incentive unless restored to standards established in an approved site specific ecological restoration plan. The ecological restoration plan must include, at a minimum, a replanting plan, habitat restoration plan, success criteria, and long-term monitoring and maintenance criteria.
 - d. A Conservation Easement, to be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency, acceptable to Lee County, with third party enforcement rights must be recorded for areas used towards the density incentive. All Conservation Easements required as part of the planned development must be recorded within 5 years from first development order approval.

The request is consistent with this proposed language as demonstrated in the submitted Indigenous Habitat Management Plan, Master Concept Plan and proposed conditions of approval.

TRANSPORTATION AND WATERWAYS

A Traffic Impact Statement prepared by TR Transportation Consultants, Inc. is attached to the request. This analysis demonstrates that the roadway links analyzed will not be adversely impacted as a result of the rezoning request. All roadway segments analyzed will maintain the minimum recommended Level of Service. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic generated by the request.

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. Proposed conditions of approval accommodate an area for a multi-use path and a 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, existing and historic flow-ways and associated wetland habitats. Owl Creek and Trout Creek and their adjacent wetland systems will be maintained as regional flow-ways and enhanced by exotic removal in furtherance of Policy 60.1.2, 60.1.3 and 60.4.3. The natural wetlands and the offsite flows are being preserved with only minimal impacts where unavoidable. The requirements contained in the proposed conditions 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 a minimum of 88% of on-site wetlands, and replacing the potential 223 private well and septic systems with privately funded extensions and connection to public water and sewer. Consistent with Policy 60.1.1, the stormwater management system will be designed to meet or exceed water quality and water level management requirements of the South Florida Water Management District (SFWMD), The Florida Department of Environmental Protection, and Lee County. Please see submitted Water Resources Report and Stormwater Planning 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 natural waterways and associated wetlands as flow-ways. The natural wetlands and the offsite flows are being preserved with only minimal impacts where unavoidable. The wetland preserves will not be part of the controlled surface water management system. This will allow the offsite flows to pass through the site without being affected by the project. The storm water management system has been designed to mimic the natural sheet flow pattern. The discharge from the storm water management system basins from the developed site will be controlled and will be limited to predevelopment discharge rates and directed to mimic natural flows. The discharge from the storm water system will help to hydrate the wetland systems and improve water levels. These wetland systems can provide additional polishing of runoff prior to entering the natural waterways functioning as a filter marsh. The preservation areas will have exotics removed and maintained keeping the flow-ways as unobstructed as possible. These enhancements will be required as conditions of approval. The request is consistent with Objective 60.4, Policies 60.4.1 and 60.4.2, as well as Policies 61.3.1, 61.3.3 and 61.3.6. Reuse water is not currently available. Consistent with Policy 61.1.6, the use of reclaimed water will be pursued to meet a portion or all of the irrigation needs as soon as it is available. The proposed irrigation system will consist of stormwater harvesting from the stormwater management lakes that are hydraulically connected to the Water Table Aquifer. Consistent with Policy 60.1.1, the stormwater management system will be designed to meet or exceed water quality and water level management requirements of the South Florida Water Management District (SFWMD), The Florida Department of Environmental Protection, and Lee County. Lake system irrigation

withdrawals will be re-supplied by groundwater from the fresh to mildly brackish Sandstone Aquifer. Actual percentages of lake and groundwater withdrawals will be determined during the water use permitting process with the SFWMD and will ensure that its use will not result in adverse impacts to the water resource. 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. Policy 60.4.5 states, in part, that the county will assist in the development of incentives for implementation of surface water management systems that address water quality/environmental enhancement such as those proposed with the proposed conditions of approval.

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. The proposed conditions of approval ensure the adjusted site design and clustered density development with environmental, historical, water quality and infrastructure enhancements. 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 12%.

Please refer to attached Hurricane Evacuation Analysis and Marina Emergency Preparedness Plan 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, 101.3.2, 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 proposed conditions of approval with this request, the Owl Creek project will preserve a minimum of 88% of the onsite wetlands providing protection and enhancements and will result in the protection and integration of 56.44± acres of preserved/restored rare and unique upland habitat, consistent with Policy 123.1.1. A minimum of 54 percent of the property (186.10± acres) will be placed into a conservation easement including the convergence of two natural waterways/existing flow-ways 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 submitted Indigenous Habitat Management Plan and proposed conditions of approval with this request 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 Indigenous Habitat Management Plan. The project will provide enhancement of natural systems of the property and a conservation easement will be placed over a minimum of 54% of the property. The pasture areas and most heavily altered nonnative plant communities are targeted for the clustered development. Although single-family developments with lots a minimum of 6,500 square feet in size do not normally require open space nor the 50% indigenous open space, the proposed conservation areas include preserved and restored wetland and rare and unique upland habitats. The proposed text amendment as amended by staff will require 60% open space with 50% indigenous which is met as demonstrated on the Master Concept Plan. 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 proposed rezoning results in preserving and restoring rare and unique upland habitats limiting impacts to the maximum extent possible, consistent with Policies 123.2.15.

The proposed rezoning provides the potential to have a vital significance to wildlife, as it is located at the southern extent of the Owl and Trout Creek Wildlife Corridors. The preservation areas will become part of a contiguous wetland and upland corridor and flow-way along Trout and Owl Creeks. The Trout Creek Wildlife Corridor connects the subject parcel to Babcock and Lee County (Telegraph Creek Preserve) Conservation Lands. Unfortunately, the current land use practices within the property and exotic vegetation infestation significantly diminish wildlife utilization. Approval of this request will result in the enhancement and preservation of this important piece of land. The resultant development will provide habitat diversity and promote wildlife conservation consistent with Objective 123.3 and Policy 123.3.1. The resultant development will protect wildlife through the creation and implementation of a human-wildlife coexistence plan consistent with Policy 123.3.3.

The Owl Creek project will minimize impacts to on-site wetlands by clustering development and limiting impacts to 12% or less and will protect, enhance and preserve the remaining 88% by exotic vegetation removal and placement within a conservation easement. The project will be permitted through the South Florida Water Management District and is consistent with Goal 124, Objective 124.1 and Policies 124.1.1 and 124.1.2.

The proposed project is consistent with Goal 125, Objective 125.1, and Policies 125.1.1 and 125.1.2. The stringent requirements in the proposed conditions of approval provide an additional 50% water quality treatment, water quality monitoring, reduced rate of runoff, remove nutrient producing grazing lands adjacent to waterways, preserve a minimum of 88% of on-site wetlands, and replacing the potential 223 private well and septic systems with privately funded extensions and connection to public water and sewer. A Surface Water and Groundwater Monitoring Plan will be initiated consistent with Lee Plan Policy 125.1.4 to establish baseline conditions for the site and to quantify any potential adverse impacts of the proposed residential development. Please see attached Water Resources Report.

MARINE FACILITIES SITING CRITERA

In accordance with the Marine Facilities Sighting Requirements contained in Lee Plan Objective 128.4, HWA is applying for all permits in relation to Federal, State, and Local regulations. The site is less than 3 miles away from the Florida Power and Light powerplant. The warm water discharge is located along the Orange River, nearly 6 miles away. In the area of the subject site abundance and mortality of manatees are low, and would not be of concern. There is no seagrass or submerged aquatic vegetation near or around the subject site and should not be considered a limiting aspect of the project. A bathymetric survey has been submitted and dredging is proposed to -5 MLW once the necessary permits are approved. Going through the Marina Facilities Sighting Criteria, it is anticipated that the subject area will fall into the Conditional category. The subject property is located east of State Road 31 Bridge and not located within the Caloosahatchee River Area of Special Concern.

Consistent with Policy 128.4.7, the proposed flushing cut, approximately 110' wide, extends through a shoreline that is classified at Brazilian Pepper - Hydric. There are no impacts to seagrasses. There are no seagrass beds within the proposed marina basin, the dredging footprint, or associated with either flushing cuts. The interior tidal lagoon/surface water restoration impacts 5.82± acres of uplands, and 7.64± acres of wetlands. The wetlands that are proposed to be impacted are less than ideal. They are inundated improved pastures, a man-made ditch, and primarily hydric Brazilian pepper. 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. There will be minor wetland impacts needed to create a major wetland habitat and tidal lagoon area, which is clearly in the public interest and addresses a pressing need to create more wetlands.

According to the Lee Plan policy 128.4.8 "Boat access facilities should be located in areas of maximum physical advantage. Adequate existing water depths between the proposed facility and any navigational channel, inlet, or deep water, are preferred, as new dredging is discouraged." The existing channel on the west side of the subject property, that runs north and south from the Caloosahatchee, towards Trout Creek, does have enough adequate water depth that can support the boats that are present on the Caloosahatchee. Once leaving the navigational channel, the water depths are no longer adequate in the proposed work area. Dredging is proposed to avoid unnecessary and harmful prop dredging and bottom scaring. Dredging needs to be completed to support the proposed docks and vessels, and to meet the minimum requirements of -4 MLW according to the Manatee Protection Plan of Lee County. The proposed work area is in a location of maximum advantage area due to the fact there is no presence of seagrass. Due to the low light penetration (<1-2 ft), and the mucky/silty bottom soils, seagrass growth in this area would lean towards unlikely. The soils are too soft to be able to support seagrass roots, and the tannic colored water does not allow light penetration to allow seagrasses to photosynthesis.

With all considered the proposed boat facility is located in an area of maximum advantage. It's location along the Caloosahatchee will be of public interest, and not effect any navigational channels, nor will it impact or effect any natural resources.

Consistent with Policy 128.4.11, there are 212.24± acres of uplands within the site. No rare and unique upland systems are proposed to be impacted. The wetlands that are proposed to be impacted are less than ideal. They are inundated improved pastures, a man-made ditch, and

primarily hydric Brazilian pepper. The creation of the flushing channels, almost 12 acres of tidal lagoons/surface water restoration, 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. There will be minor wetland impacts needed to create a major wetland habitat and tidal lagoon area, which is clearly in the public interest and addresses a pressing need to create more wetlands. The request will result in the restoration of 41.28 ± acres of rare and unique upland habitat and 82.8± acres of wetland restoration in addition to the littoral shelf.

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 rezoning helps, in part, to fulfill this identified housing need. The proposed clustered development is utilizing the planned development process. The proposed rezoning is consistent with and furthers Goal 135, Objective 135.1 and Policy 135.1.9.

HISTORIC PRESERVATION

Goal 143 provides local preservation techniques for historic resources in Lee County. Policy 143.2.2 encourages the preservation of archaeological sites. Please see attached separate Historic Resources Impact Analysis. 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. These sites are demonstrated on the submitted Master Concept Plan. 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. The Indigenous Habitat Management Plan includes language to protect these areas.

CONCLUSIONS

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

Land Development Code Analysis

The proposed amendment complies with the findings provided in the Land Development Code Section 34-145(d)(4)a.1 as follows:

- a. Complies with the Lee Plan;*

The request complies with the Lee Plan as demonstrated in the above analysis.

b. Meets this Code and other applicable County regulations or qualifies for deviations;

The proposed minor RPD is in compliance with the Lee Plan, the Land Development Code and any other applicable County regulations or qualifies for deviations.

c. Is compatible with existing and planned uses in the surrounding area;

The proposed rezoning is compatible with existing and planned uses in the surrounding area. The project's residential uses will be clustered inside the property with enhanced setbacks to adjacent uses and properties. The project's open spaces and preservation areas complement and enhance adjacent existing and pending public and private preserve areas. The site proposes to place a minimum of 54% of the site into conservation easements and provide a minimum perimeter setback of 50 feet consisting of either conservation areas or planted detention areas and perimeter berm to ensure compatibility with adjacent agricultural, single-family, preservation and marina uses. The project also proposes a minimum 100-foot setback from Owl Creek Boat Works property line to single-family lots within the development.

d. Will provide access sufficient to support the proposed development intensity;

Please see Traffic Impact Statement submitted with the application. This analysis demonstrates that the roadway links analyzed will not be adversely impacted as a result of the rezoning request. All roadway segments analyzed will maintain the minimum recommended Level of Service. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic generated by the request.

e. The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

Please see Traffic Impact Statement provided with the application. The expected impacts will be addressed by existing County regulations by payment of impact fees.

f. Will not adversely affect environmentally critical or sensitive areas and natural resources; and

The proposed rezoning will not adversely affect environmentally critical or sensitive areas and will provide further enhancements. The Master Concept Plan demonstrates that only a maximum of 13.95± acres of exotic infested wetlands of the existing 120.31± acres of jurisdictional wetlands will be impacted for public facilities such as transportation or storm water management areas. To mitigate these impacts, 186.10± acres of wetlands, uplands including rare and unique uplands and surface waters will be enhanced by removal of exotic vegetation or restored and preserved by the placement of a conservation easement re-establishing functional wetland and upland ecosystems. The submitted Indigenous Habitat Management Plan demonstrates the preservation of the highest quality indigenous habitat onsite, the enhancement and restoration of indigenous

habitats onsite, the restoration and connection of Owl Creek and Trout Creek Wildlife Corridors and flow-ways and the reconnection of public conservation lands through the subject property. Although single-family developments with lots a minimum of 6,500 square feet in size do not normally require open space nor the 50% indigenous open space, the proposed conservation areas include preserved and restored wetland and rare and unique upland habitats. The proposed text amendment as amended by staff will require 60% open space with 50% indigenous which is met as demonstrated on the Master Concept Plan. A minimum of 54% of the site will be placed into conservation easement. Conditions of approval will ensure that the clustered development is well integrated, properly oriented and functionally related to the natural features of the site.

g. Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

Although the subject property is not located within a Future Urban area, it will be served by adequate urban services. Review letters submitted with the application were based upon a maximum density of 440 dwelling units which has since been reduced to a maximum of 380 dwelling units. Bayshore Fire Rescue is located ± 4.8 miles from the site and has 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 and has a sufficient response data sample. 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 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. River Hall Elementary is ± 7.5 miles from the property and Riverdale High School is ± 6.2 miles from the property.

2. Planned Development Rezoning. The Hearing Examiner must also find:

- a) The proposed use or mix of uses is appropriate at the proposed location;*
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.*

c) If the application includes deviations pursuant to section 34-373(a)(9), that each requested deviation:

- 1) Enhances the achievement of the objectives of the planned development; and*
- 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.*

The proposed mix of uses is appropriate at the subject location. The proposed single-family and two-family attached uses are appropriate for the area located between the Babcock Ranch MPD and the Owl Creek Boat Works and the Caloosahatchee River. The proposed conditions of approval include several stringent requirements that provide sufficient safeguards to the public interest and are reasonable related to any potential impacts on the public's interest expected from the proposed development and result in a high-quality development providing for significant environmental, historical, storm water, water quality and infrastructure enhancements as part of development of the clustered residential development. The requested deviations enhance the achievement of the objectives of the planned development and preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

In conclusion, the requested rezoning from Agricultural (AG-2) to the Owl Creek Reserve Minor RPD is in compliance with the Lee Plan, the Land Development Code with approval of the requested deviations, and other applicable codes and regulations; is compatible with existing and planned uses in the surrounding area; will provide access sufficient to support the proposed development intensity; the expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval; will not adversely affect environmentally critical or sensitive areas and natural resources; efficiently uses and will be served by existing urban services, defined in the Lee Plan. The proposed use or mix of uses is appropriate at the proposed location; proposed conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development. The requested deviations enhance the achievement of the objectives of the planned development and preserve and promote the general intent of the LDC to protect the public health, safety and welfare. For these reasons, the applicant respectfully submits that the requested rezoning to RPD should be approved.

ATTACHMENT E

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.00°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; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE, HAVING A RADIUS OF 11,509.16 FEET THROUGH A CENTRAL ANGLE OF 00°53'50", SUBTENDED BY A CHORD OF 180.24 FEET, AT A BEARING OF S.89°19'16"E., FOR A DISTANCE OF 180.24 FEET TO THE END OF SAID CURVE, THE SAME BEING A POINT ON 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 CALOOSAHAATCHEE 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.

Stephen Berry

Digitally signed by Stephen Berry
DN: cn=US, ou=L5 5296, o=BBLs
Surveyors, Inc., cn=Stephen Berry,
email=sberry@bblsinc.net
Date: 2021.11.16 15:31:52 -05'00'

04/15/21

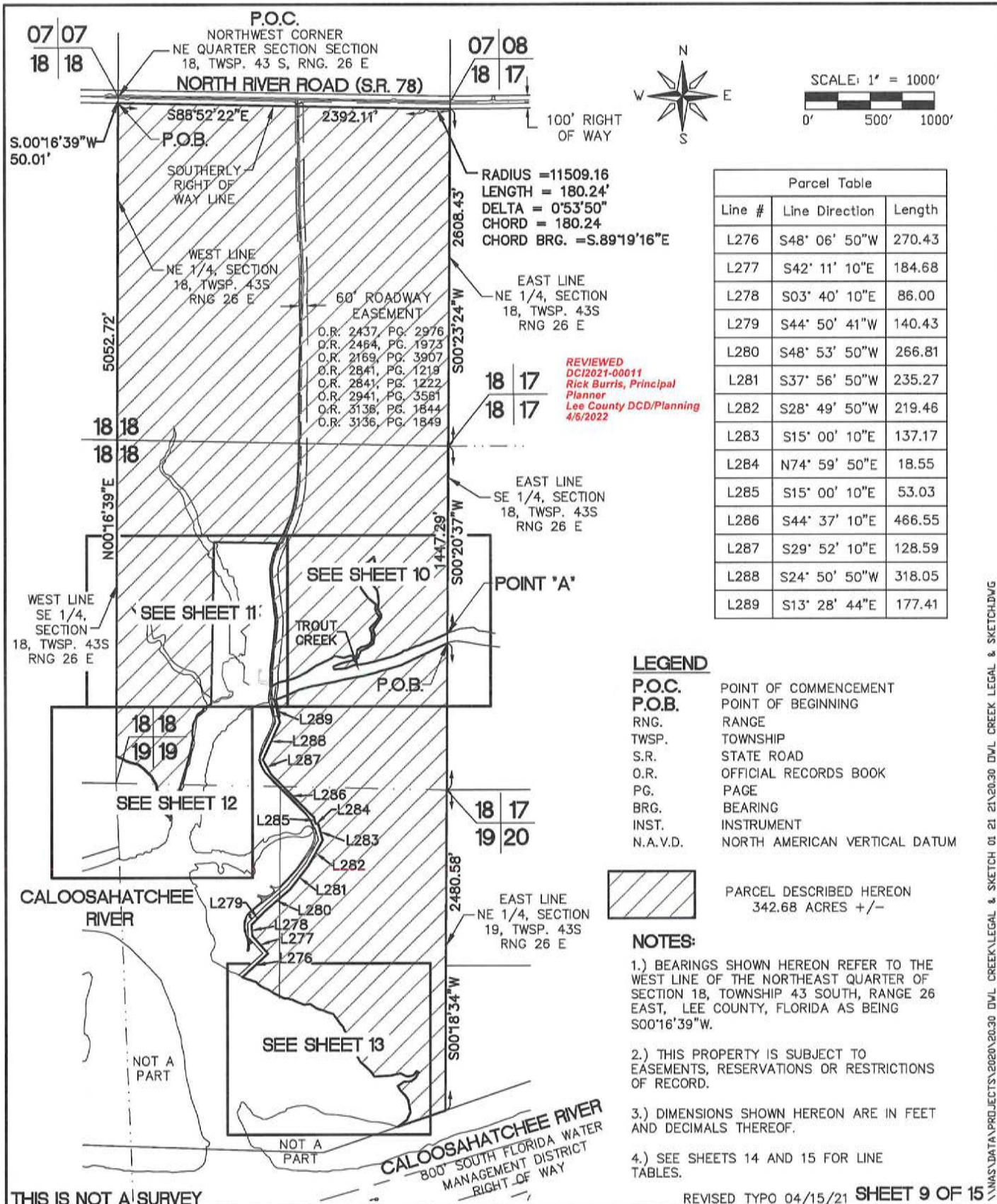
STEPHEN E. BERRY, STATE OF FLORIDA, (L.S. #5296)
BBLs SURVEYORS, INC., (L.B. #8033)

PROOFED BY SEB
REVISED TYPO 04 15 21
REVISED CURVE 11 16 21

REVIEWED
DCI2021-00011
Rick Burris, Principal
Planner
Lee County DCD/Planning
4/6/2022



SEE ATTACHED SKETCH (SHEET 9 OF 15 THROUGH SHEET 15 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 SURVEYORS, INC. 8860 TERRENE COURT BONITA SPRINGS, FLORIDA 34135 (239) 597-1315
---	--	---

SEE SHEET 1

18	17
18	17



SCALE: 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.
TOWNSHIP
STATE ROAD
OFFICIAL RECORDS BOOK
PAGE
BEARING
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:

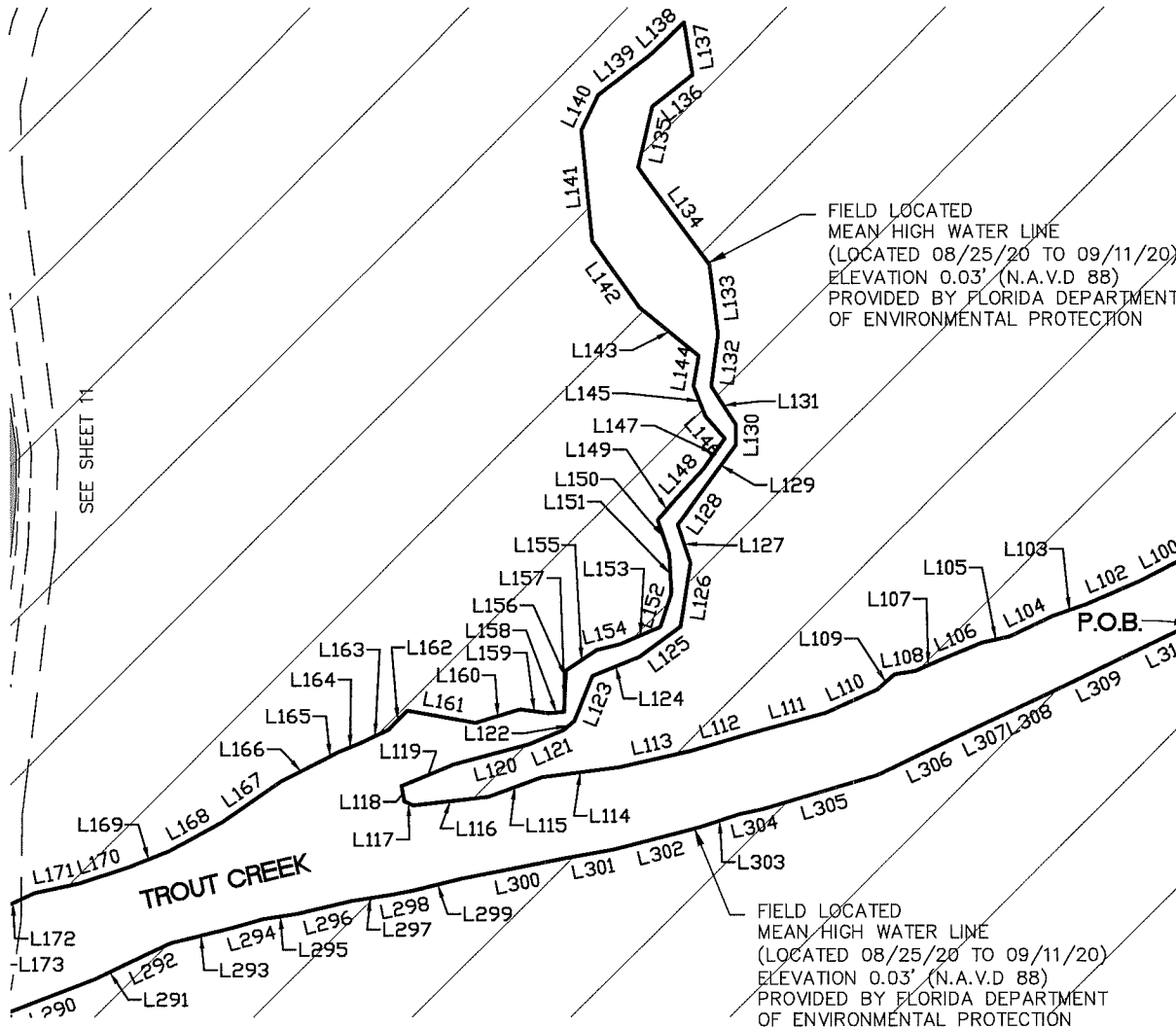
- 1.) BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA AS BEING S00°16'39"W.
- 2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS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

18	17
19	20

SEE SHEET 1

SHEET 10 OF 15

SEE SHEET 11



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

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

TROUT CREEK

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
OWL CREEK

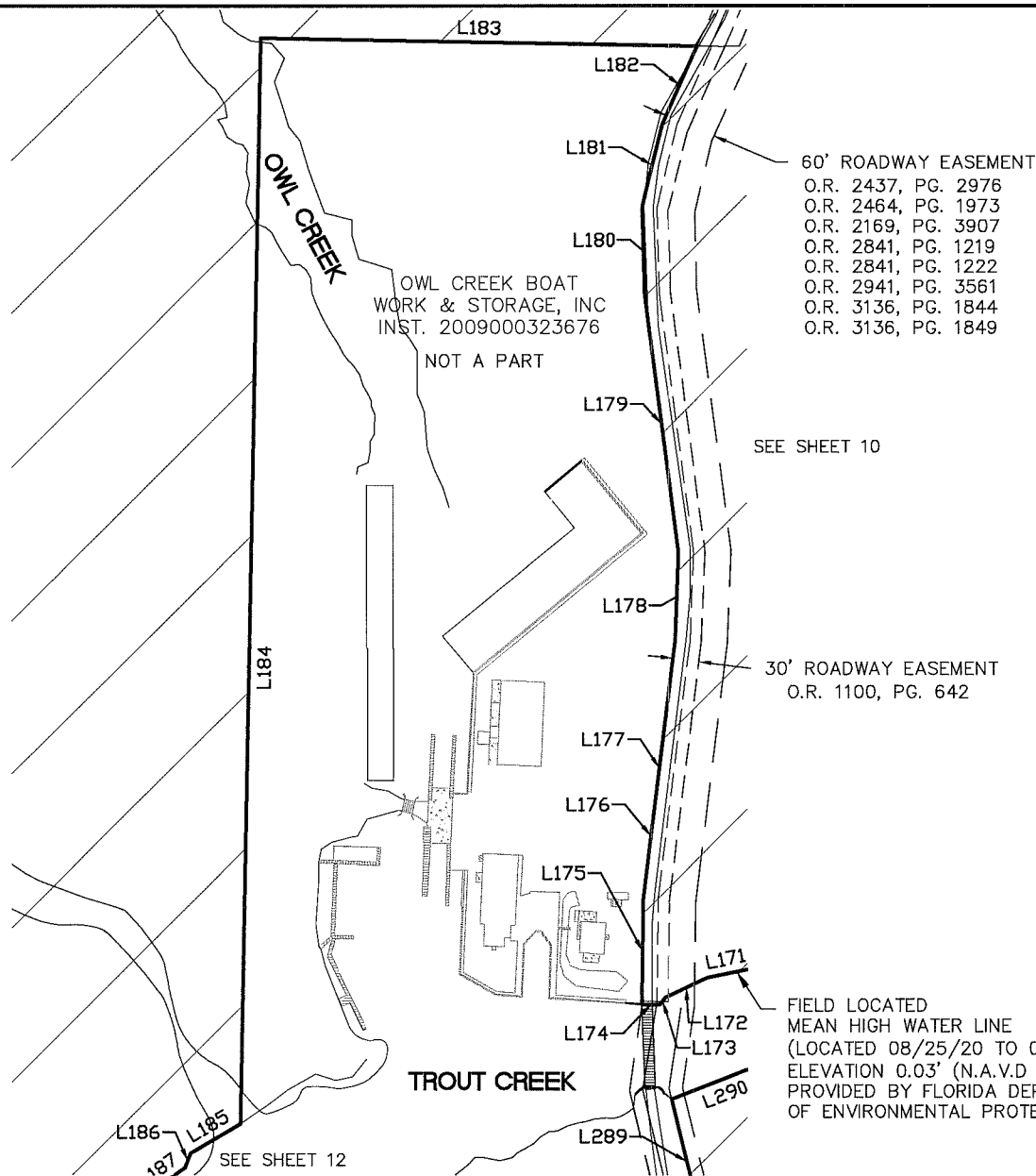
A PORTION OF SECTIONS 18 AND 19,
TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

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 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.

SHEET 11 OF 15

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

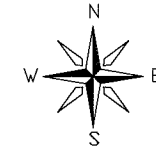
**A PORTION OF SECTIONS 18 AND 19,
TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA**

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

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

SEE SHEET 9

SEE SHEET 11



SCALE: 1" = 200'

0' 100' 200'

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.

SHEET 12 OF 15

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

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

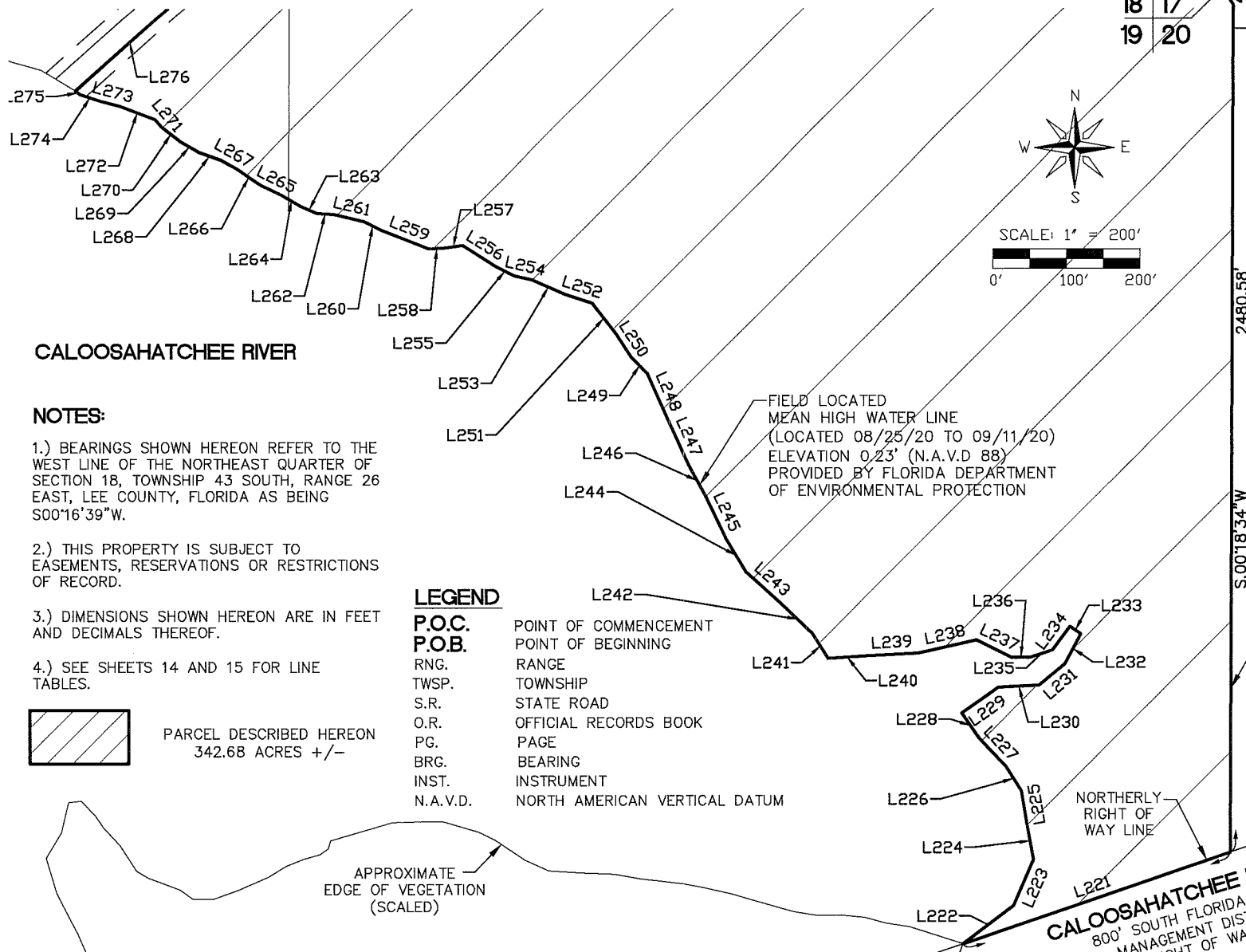
LAWSON
DONALD
INST. 2012000208045
(NOT A PART)

APPROXIMATE
EDGE OF VEGETATION
(SCALED)

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

SEE SHEET 9

SEE SHEET 9



CALOOSAHATCHEE 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°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 +/-

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

APPROXIMATE
EDGE OF VEGETATION
(SCALED)

FIELD LOCATED
MEAN HIGH WATER LINE
(LOCATED 08/25/20 TO 09/11/20)
ELEVATION 0.23' (N.A.V.D 88)
PROVIDED BY FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

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

CALOOSAHATCHEE RIVER
800' SOUTH FLORIDA WATER
MANAGEMENT DISTRICT
RIGHT OF WAY

SHEET 13 OF 15

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

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

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

**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 14 OF 15

\\NAS\DATA\PROJECTS\2020\20-30 DVL CREEK\LEGAL & SKETCH 01 21 21\20-30 DVL 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

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION
OWL CREEK**

**A PORTION OF SECTIONS 18 AND 19,
TOWNSHIP 43 SOUTH, RANGE 26 EAST,
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SHEET 15 OF 15

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

ATTACHMENT F



Professional Engineers, Planners & Land Surveyors

Owl Creek Reserve Minor RPD

DCI2021-00011

Revised August 2021

Schedule of Uses

Accessory Uses and Structures
Administrative Offices
Agricultural uses, existing only until time of DO
Boat dockage
Clubs, private
Community Gardens
Community Residential Home
Consumption on Premises, clubhouse (indoor and outdoor)
Dwelling Unit
 Single-Family
 Two-Family Attached (limited to Tract 1)
Entrance Gate and Gatehouse
Essential Services
Essential Service Facilities, Group I only.
Excavation, Water Retention.
Fences, Walls
Fishing piers
Home care facility
Home occupation
Private Multi-slip docking facility
Models: Display center, display group, model home
Parks, Group I
Parking Lot: Accessory
Public canoe/kayak launch
Real Estate Sales Office
Recreational Facilities: Personal, Private-on-site
Residential accessory uses
Signs, in accordance with Chapter 30
Stable: Boarding, Private, limited to lots 40,000 SF or greater in area
Temporary Uses, temporary construction trailers and equipment storage sheds

• SERVING THE STATE OF FLORIDA •



Professional Engineers, Planners & Land Surveyors

Owl Creek Reserve Minor RPD

DCI2021-00011

Revised March 2022

Property Development Regulations

Development Perimeter Setback: 50 feet

Minimum Open Space: Per Policy 29.2.4: Minimum 60% of which 50% must be indigenous

Single Family

Minimum lot size: 6,500 square feet

Minimum lot width: 40 feet*

Minimum lot depth: 100 feet*

*Minimum width or depth may be utilized, but lots must meet minimum lot size of 6,500 SF

Minimum Setbacks:

Private Street: 20 feet (15 feet for side-loading garage)

Public Street: 20 feet

Side: 5 feet

Rear: 20 feet (5 feet for accessory structure)

Waterbody: 25 feet

Preserve: 20 feet (10 feet for accessory structure), 30 feet for communities subject to fire

Maximum building height: 35 feet

Maximum lot coverage: 55 percent

Setback for lot line from Owl Creek Boat Works: 100 feet to internal residential lot lines

Two-Family Attached

Minimum lot size: 3,750 square feet

Minimum lot width: 32 feet**

Minimum lot depth: 100 feet**

**Minimum width or depth may be utilized, but lots must meet minimum lot size of 3,750 SF

Minimum Setbacks:

Private Street: 20 feet (15 feet for side-loading garage)

Public Street: 20 feet

Side: 5 feet (0 feet for common wall unit)

Rear: 20 feet (5 feet for accessory structure)

Waterbody: 25 feet

Preserve: 20 feet (10 feet for accessory structure), 30 feet for communities subject to fire

Maximum building height: 35 feet
Maximum lot coverage: 55 percent
Setback for property line from Owl Creek Boat Works: 100 feet to internal residential lot lines

Recreation Area

Minimum lot size: N/A
Minimum lot width: N/A
Minimum lot depth: N/A

Minimum Setbacks:

Private Street: 20 feet
Public Street: 20 feet
Side: 5 feet
Rear: 20 feet (5 feet for accessory structure)
Waterbody: 25 feet
Preserve: 20 feet (10 feet for accessory structure), 30 feet for communities subject to fire

Maximum building height: 35 feet
Maximum lot coverage: 55 percent

Parking for Private Multi-Slip Docking Facility: 1 parking space for every 3.5 slips



Professional Engineers, Planners & Land Surveyors

OWL CREEK RESERVE MINOR RPD

DCI2020-00011

Revised March 2022

Proposed Conditions of Approval

The Owl Creek application proposes the following conditions of approval:

1. Development Order plans must demonstrate the following environmental enhancements:
 - a. A minimum of 60% open space must be provided, of which 50% must be indigenous preserve, inclusive of onsite preserve and restoration, to accommodate the following:
 - i. Water quality enhancement areas, including but not limited to natural systems-based stormwater management facilities, filter marshes or planted detention areas, and wetland buffers to reduce the rate of run-off and associated nutrient loads;
 - ii. Preservation of existing regional flow-ways to the maximum extent possible;
 - iii. Preservation of a minimum of 88% of the onsite wetlands with exotic vegetation removal and maintenance;
 - iv. Critical wildlife connection(s) through on-site preserve areas where adjacent to conservation areas
 - v. Minimum 50-foot perimeter setbacks which may consist of preserves; and
 - vi. Passive recreational areas that comply with the definition of open space, as set forth in the Land Development Code.
 - b. 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.
 - c. A conservation easement for a minimum *(54% of property)* ± 186.10 acres of the development area to be recorded 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 and must be in compliance with the Schedule provided in the Indigenous Habitat Management Plan.
 - d. Provide a protected species management plan to address human wildlife coexistence, including educational programs and development standards.
 - e. Not preclude recreational connections to adjacent public and private conservation and preserve land, subject to approval by the appropriate agencies,
 - f. Incorporate Florida Friendly Landscaping with the low irrigation requirements in common areas.
 - g. Incorporate energy efficiency or other low impact development (LID) performance standards within the development.
 - h. Minimize impacts to natural areas and native habitat by clustering development primarily in areas previously impacted by agricultural uses and other development activities.
2. Development Order plans must demonstrate the following water quality & hydrological

enhancements:

- a. 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.
 - b. Demonstrate an additional 50% water quality treatment beyond the treatment required by the SFWMD for the on-site stormwater management basins.
 - c. Protect existing groundwater levels and improve existing wetland hydroperiods in onsite preserve areas, as applicable by SFWMD permits.
 - d. 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).
 - iv. Native plantings and aeration
 - e. 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 and must be in compliance with the Ecological Performance Standards provided in the Indigenous Habitat Management Plan.
 - f. Provide site-specific mitigation and enhancements to reduce discharge rates.
 - g. 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.
 - h. Demonstrate that the proposed development will not result in significant detrimental impacts on present or future water resources.
3. Development Order plans must demonstrate the following infrastructure enhancements:
- a. 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.
 - b. Written verification as to adequate public services for the development from the sheriff, EMS, fire district, and Lee County School District, or via interlocal agreements with adjacent jurisdictions and/or special districts.
 - c. 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.
 - d. Provide a minimum 8-foot wide easement to accommodate an 8-foot wide multi-purpose pathway along North River Road/CR 78.
4. Development Order plans must demonstrate the following community character enhancements:
- a. Provide minimum 50 foot perimeter setback area to internal residential lot lines
 - b. 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.
 - c. Locate access points onto adjacent arterial roadways to minimize impact to the surrounding rural community.
 - d. 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.
 - e. Provide a minimum 100' setback from Water Dependent Overlay to proposed internal residential lot lines.
5. As part of the local development order approval, the developer shall provide signage stating that the eastern secondary access on North River Road is limited for use by residents only and direct all other traffic to please use the main entrance located to the west.

6. As part of the local development order approval, the developer shall demonstrate no objection to Deviations 1 and 2 from the Bayshore Fire Protection and Rescue Service District.
7. A drainage easement must be granted at the time of the first plat for the project to allow the County to access the flow-way for the right but not the obligation to maintain the flow-way.
8. Western project entrance gate on North River Road will allow public access during the day. After dark the gate will close for security. Access will remain available for Owl Creek Boatworks and the existing single-family residence.
9. If the FEMA Regulatory floodways are still in place at the time of Development Order permitting, a FEMA No Rise analysis will be provided, or the site plan revised to avoid the floodway.



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.

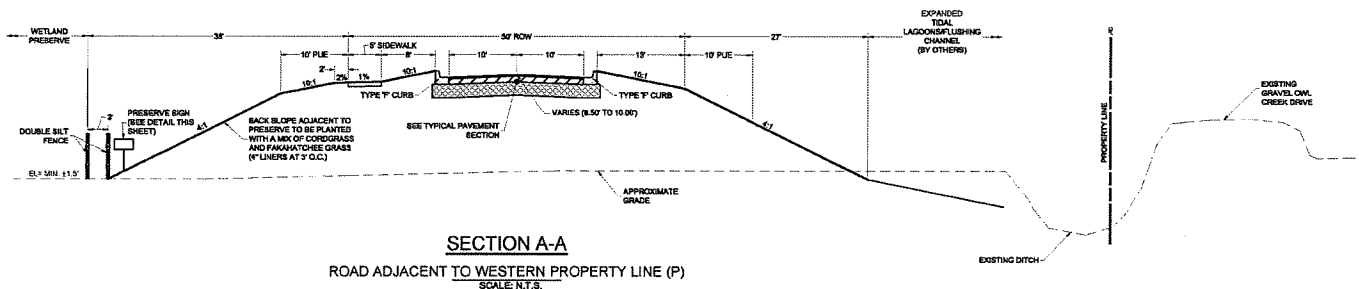
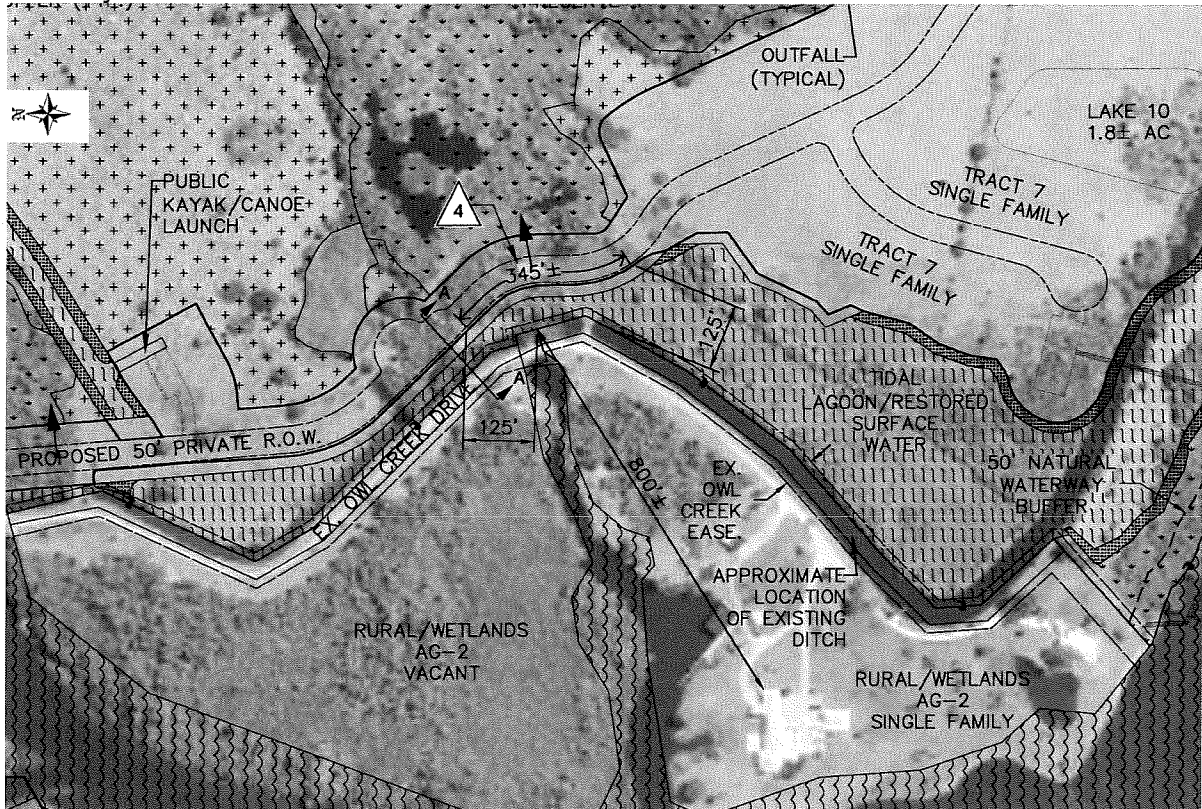
3C – Natural basin of Caloosahatchee River: Flushing connection: The site design minimally impacts the natural waterway buffer area along the natural basin connected to the Caloosahatchee River to connect the interior wetlands and tidal lagoon/surface water restoration area. 108'± of the natural waterway 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.

Justification: This deviation is requested to allow the proposed internal spine road to be constructed to Lee County LDC standards while retaining the existing Owl Creek Drive access drives for the Owl Creek Boat Works and the adjacent single-family lot and vacant AG-2 zoned parcels. Approximately 345 feet of the proposed right-of-way will be within 125 feet of the existing single-family property line. The proposed road provides safer access for emergency vehicles and to accommodate pedestrian access. Existing Owl Creek Drive and drainage ditches meander back and forth generally following the common property line at this location. Please see below aerial overlay and cross section that shows the proposed road and proposed restored surface water/Tidal Lagoon adjacent to the existing Owl Creek Drive and expanding the existing ditch. The existing residence is located approximately 800 feet from the property line. There are existing wetlands on site that provide constraints for the location of the proposed roadway.



A wall or buffer in this location would serve no purpose since the properties are already divided by the existing Owl Creek Drive and ditch and it would interfere with the creation of the interior tidal lagoons which 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 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.

Danley Jr, Dirk

From: Stacy Hewitt <SHewitt@BanksEng.com>
Sent: Wednesday, May 25, 2022 3:14 PM
To: Danley Jr, Dirk
Subject: [EXTERNAL] RE: Owl Creek Minor RPD

Good afternoon Dirk ☺ Hope all is well. Please see below discussion/draft condition on the restoration and call me to discuss when able. Thank you.

- We believe we should be entitled to an immediate density increase once a C/E is placed on the wetlands and the R&U habitat that does not need to be restored.
 - Uplands (216.63 du) + impacted wetlands (0.7 du) = 217.33 du
 - Preserved wetlands (106.36) + preserved R&U upland habitat (15.16 du) = 121.52 duIt seems we should be able to immediately plat and develop up to 339 du (217.33+121.52) upon recording of a C/E concurrent with issuance of a DO.
- The remaining density bump for the restored R&U (41.28 ac) seems to be the timing issue you mentioned. We suspect the restoration can be done and cc'd in relatively short order, so please see below draft condition to delay plat issuance for the remaining 41 du until the restoration work is done, or the work bonded.

DRAFT CONDITION:

The developer may plat up to 339 dwelling units upon recording of a conservation easement over a minimum of 106.36 ac. of preserved wetlands and 15.16 acres of rare & unique upland preservation as shown on MCP Sheet 2 Density Exhibit. Plat approval for the remaining 41 dwelling units cannot be issued until (1) the site preservation and restoration of the 41.28 ac. of rare & unique upland restoration as shown on MCP Sheet 2 Density Exhibit is completed and a Certificate of Completion issued by Lee County, and (2) a conservation easement is recorded over the 41.28 ac. of rare & unique upland restoration. Alternatively, the cost of the restoration work on the 41.28 ac. restoration area may be bonded to permit approval of the plat for the additional 41 dwelling units.



Stacy Ellis Hewitt, AICP

Director of Planning

C: 239-770-2527

P: 239-939-5490

F: 239-939-2523

E: shewitt@bankseng.com

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Fort Myers, FL 33966

www.banksengfla.com

9.00
BILLED

ATTACHMENT H

RESOLUTION NUMBER ZB-86-2

2076073

RESOLUTION OF THE ZONING BOARD

OF LEE COUNTY, FLORIDA

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: H. FERNSTROM, D.C.

REC 1838PG0001

WHEREAS, Kathlyn K. Blackburn, has properly filed an application for a special exception in the AG district for a single family mobile home on a piece of property located on Route 2, Box 300, Alva, described more particularly as;

LEGAL DESCRIPTION: Section 18, Township 43 South, Range 26 East, Lee County, Florida.

From the northeast corner of said Section 18 run WEST along the north line of said Section 18 for 1173.37 feet to the centerline of a 30 foot roadway easement as described in Official Record Book 1100 at page 642, Lee County Records; thence run along the centerline of said 30 foot roadway easement S 01° 24' 15" E for 755.54 feet, S 03° 01' 45" E for 200.00 feet, S 03° 51' 00" E for 399.99 feet, S 00° 04' 15" E for 200.00 feet, S 02° 42' 45" E for 200.00 feet and S 00° 32' 08" E for 213.64 feet to the Point of Beginning. From said Point of Beginning run N 76° 48' 22" E for 277.92 feet; thence run S 60° 48' 44" E for 91.00 feet; thence run S 44° 10' 18" E for 229.65 feet; thence run S 29° 38' 15" W for 260.87 feet; thence run S 51° 25' 48" W for 160.48 feet; thence run S 70° 03' 42" W for 151.52 feet; thence run S 85° 33' 14" W for 108.40 feet to the centerline of said roadway easement (30 feet wide); thence run along the centerline of said roadway easement N 01° 03' 00" W for 146.21 feet N 00° 11' 00" W for 200.00 feet and N 00° 32' 08" W for 186.36 feet to the Point of Beginning.

Containing 5.00 acres more or less

SUBJECT TO and TOGETHER WITH said roadway easement.

Bearings hereinabove mentioned are derived from those in deed recorded in Official Record Book 1100 at page 642, Lee County Records.

WHEREAS, proper authorization has been given to Joseph J. Rider, by Kathlyn K. Blackburn, the owner of the subject parcel, to act as agent to pursue this zoning application;

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Zoning Board; and

WHEREAS, in the legislative process the Lee County Zoning Board gave full and complete consideration to the recommendations of the Staff, the Local Planning Agency, the documents on file with the County, and the testimony of all interested persons:

LEGISLATIVE HISTORY:

The Local Planning Agency found the request consistent with the Lee County Comprehensive Plan. The applicant wishes to place one mobile home on a five acre parcel currently zoned AG. The request is in compliance with all of the criteria set forth in the Zoning Regulations for considering a special exception. The 5-acre site is on

the east side of the access road to the Owl Creek Marina, just south of Route 78-A and north of the Caloosahatchee. The site has been cleared for agricultural purposes, and adjoins the Owl Creek wetlands. Staff recommended approval of the request, and the Zoning Board concurred.

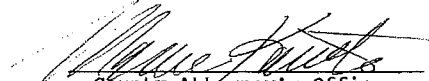
NOW, THEREFORE, BE IT RESOLVED BY THE LEE COUNTY ZONING BOARD that the Zoning Board does hereby grant a special exception in the AG district for a single family mobile home.

The foregoing Resolution was adopted by the Lee County Zoning Board upon a motion by Zoning Board Member Ruth Kaune-Baucom, and seconded by Zoning Board Member Marie Keohane and, upon being put to a vote, was as follows:

Emily Barefield	Absent
Leonard J. Howell	Aye
Thad Taylor	Aye
Ruth Kaune-Baucom	Aye
Harry Flint	Aye
Truman A. Morris	Absent
Marie E. Keohane	Aye

DULY PASSED AND ADOPTED this 27th day of January, A.D., 1986.

Approved as to form by:


County Attorney's Office

REF 1838P60002

RECORDED AND RECORD VERIFIED
Shirley Jones
CLERK CIRCUIT COURT
LEE COUNTY FLA
APR 3 3 22 PM '86

ATTACHMENT I

RESOLUTION NUMBER Z-17-026

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA

WHEREAS, an application was filed by the property owner, Babcock Property Holdings, LLC, to rezone a 4,157.2± acre parcel from Agriculture (AG-2) to Mixed Use Planned Development (MPD), in reference to Babcock Mixed Use Planned Development; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on November 2, 2017. At the conclusion of the hearing, the Hearing Examiner left the record open and requested Staff and the Applicant to submit written submissions to her Office on or before November 17, 2017; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2016-00022 and recommended approval of the Request; and

WHEREAS, a second public hearing was advertised and held on February 7, 2018, before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone a 4,157.2± acre parcel from AG-2 to MPD, to allow development of a maximum of 1,630 dwelling units, 1,170,000 square feet of commercial uses and 600 hotel rooms. Maximum building heights will be 65 feet.

The property is located in the Density Reduction/Groundwater Resource (DR/GR) and Wetlands Future Land Use Categories and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. Master Concept Plan/Development Parameters

Development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Babcock MPD," stamped received June 22, 2017, last revised June 21, 2017, and attached hereto as Exhibit C, except as modified by the conditions below.

Development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned

development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

Approved development parameters: **(Subject to Condition 12)*

1,630 residential dwelling units,
600 hotel rooms, and
1,170,000 square feet of commercial office and retail uses.

2. Uses and Site Development Regulations

a. Schedule of Uses

Mixed-Use/Residential (MU-1/R) & Mixed-Use (MU-1 & MU-2)

Accessory uses and structures

Accessory apartment

Administrative offices

Agricultural uses

Animals, clinic or kennel

Assisted living facilities

ATM

Auto parts store

Automobile repair and service

Automobile service station

Bait and tackle shop

Banks and financial establishments, Group I

Bar or cocktail lounge

Bed and breakfast, *included in 1,630 residential dwelling units*

Boat parts store

Building material sales

Business services, Group I

Caretaker's residence

Car wash

Cleaning and maintenance services

Clothing stores, general

Clubs:

Commercial

Fraternal, membership organization

Private

Community gardens

Computers, data processing

Consumption on premises

Convenience food and beverage store with fuel pumps, limited to 4 stores, each
with up to 24 fuel pumps.

Cultural facilities

Day Care, child and adult

Department store

Dormitory

Drive-through facility for any permitted use

Drugstore, pharmacy

Dwelling units:
 Live work
 Single-family
 Two-family attached
 Townhouse
 Multiple-family building
 Zero lot line
 EMS, fire, or sheriff's station
 Essential Services
 Essential Service Facilities, Groups I and II
 Entrance gates and gatehouses
 Excavation, water retention
 Farm equipment, sales, storage, rental or service
 Fences, walls
 Flea market, open and indoor
 Food and beverage services, limited
 Food stores, Group I
 Forestry tower
 Gift and souvenir shop
 Golf driving range
 Hardware store
 Healthcare facilities, Groups I, II & III
 Hobby, toy and game shops
 Home occupation
 Hospice
 Hotel/motel - limited to 600 rooms
 Household and office furnishings, Group I
 Insurance Companies
 Laundry and dry cleaning, Group I
 Lawn & garden supply store
 Library
 Manufacturing, food and kindred products, Group II (limited to malt beverages,
 wine, brandy, and brandy sprits)
 Medical office
 Model homes, model display center
 Night Clubs
 Non-store retailers, Group I
 Package store
 Paint, glass and wallpaper stores
 Parks, Groups I, II
 Parking Lot,
 Accessory
 Commercial
 Park-and-ride
 Temporary
 Personal Services, Groups I, II (excluding massage parlors and steam or Turkish
 bath)
 Pet services
 Pet shop
 Photofinishing laboratory
 Place of worship

Post Office
Printing and publishing
Real estate sales office
Recreation facilities, commercial, Groups I - IV
Recreational facilities, personal, private on-site, private off-site
Religious facilities
Rental or leasing establishments, Groups I, II, III
Repair shops, all groups
Research and development laboratories, Groups I, II
Residential accessory uses
Restaurant, fast food
Restaurants, all groups
Schools, commercial and non-commercial
Self-service fuel pumps
Signs
Social services, all groups
Specialty retail shops, all groups
Stable:
 Boarding
 Commercial
 Private
Storage, Indoor
Studios
Temporary uses, limited to seasonal farmers' market, Christmas tree sales, and
 temporary contractor's office and equipment storage shed
Theater, indoor and outdoor
Timeshare units
Transportation services, Groups II, III
Used merchandise store, Group I
Variety store
Vehicle and equipment dealers, Groups II, III
Warehouse:
 Public
 Private
 Mini

RESIDENTIAL TOWN CENTER (R-1)

Accessory uses and structures
Administrative office
Agricultural uses
Clubs, private
Community gardens
Consumption on Premises in conjunction with recreational facilities
Dwelling units:
 Single-family detached
 Two-family attached
 Townhome
 Multi-family buildings
 Zero lot line
EMS, Fire, or Sheriff's Station

- Entrance gates and gatehouses
- Essential services
- Essential service facilities, Group I
- Excavation - water retention
- Fences, walls
- Home occupation
- Models, model home, display center, sales center
- Parking lot:
 - Accessory
 - Temporary
- Real estate sales office
- Recreational facilities, personal & private, on-site and off-site
- Residential accessory uses and structures
- Signs
- Stable:
 - Boarding
 - Commercial
 - Private
- Temporary Uses, limited to temporary contractor's office and equipment storage shed

RESIDENTIAL NEIGHBORHOOD (R-2):

- Accessory uses and structures
- Administrative office
- Agricultural uses
- Clubs, private
- Community gardens
- Consumption on Premises in conjunction with recreational facilities
- Dwelling units:
 - Single-family detached
 - Two-family attached
 - Townhouse
 - Zero lot line
- Entrance gates and gatehouses
- Essential services
- Essential service facilities, Group I
- Excavation – water retention
- Fences, walls
- Home occupation
- Models, model home, display center, sales center
- Parking lot:
 - Accessory
 - Temporary
- Real estate sales office
- Recreational facilities, personal & private, on-site and off-site
- Residential accessory uses and structures
- Signs
- Stable:
 - Boarding
 - Commercial

Private
Temporary Uses, limited to temporary contractor's office and equipment storage shed

RESIDENTIAL ESTATES (R-3):

Accessory uses and structures
Agricultural uses
Clubs, private
Community administrative office
Community gardens
Consumption on Premises in conjunction with recreational facilities
Dwelling units:
 Single-family detached only
Entrance gates and gatehouses
Essential services
Essential service facilities, Group I
Excavation - water retention
Fences, walls
Home occupation
Models, model home, display center, sales center
Parking lot:
 Accessory
 Temporary
Real estate sales office
Recreational facilities, personal & private, on-site and off-site
Residential accessory uses and structures
Signs
Stable:
 Boarding
 Commercial
 Private
Temporary Uses, limited to temporary contractor's office and equipment storage shed

b. **Property Development Regulations**

~~See Exhibit C.~~ See Exhibit E. (See County Attorney Memo dated 5/21/2018)

3. **Environmental Conditions**

- a. **Human-Wildlife Coexistence and Protected Species Management Plans.** The local development order approval must include a Human-Wildlife Coexistence Plan and Protected Species Management Plan. These plans must include the following items:
- i. **Lighting.** The developer and future property owners must ensure lighting from developed areas does not directly illuminate indigenous preserve and restoration areas by shielding fixtures and eliminating up lighting. The developer must include these lighting standards in the indigenous management plan, deed restrictions, and on development order plans.

- ii. Prescribed Burning. Prior to prescribed burn management activities on adjacent public preserve lands, if notified by park staff, the Homeowner's Association must notify all residents of the prescribed burn activities. The developer must include in the deed restrictions information on prescribed burning land management techniques for the subject property as well as the Conservation 20/20 Lands.
 - iii. Internal Trail System. Provide documentation from Lee County Conservation 20/20 regarding proposed recreational connections to adjacent public conservation lands and show connections on development order plans.
 - iv. Wildlife Crossings. The development order plans must illustrate wildlife crossings within the Lee County portion of the Babcock Ranch Community to promote wildlife movement.
 - v. Panther and Black Bear. The developer must submit a Florida Panther and Florida Black Bear Management plan for approval. This management plan must require the developer to provide the residents with educational brochures that details how the preserve will be maintained as panther and bear habitat and also require bear-proof dumpsters and bear-proof individual trash receptacles for residential units. The developer must include these requirements in the deed restrictions.
 - vi. American Alligator/Wading Birds. The developer must submit management plans for the American alligator and listed wading bird species in compliance with the LDC for review and approval by Lee County Division of Environmental Sciences. The management plans must include informational brochures for residents on living with alligators and wading birds as well as the importance of the littoral areas and adjacent preserves that provide for nesting and foraging habitat.
 - vii. Informational Signs. The development order plans must include the location and details of the signs installed between the lake, preserve, and residential buildings warning residents and members of the public that alligators may be present and that it is dangerous and illegal to feed or harass alligators. The developer must also include these warnings in the deed restrictions.
- b. Vegetation Removal Permit. The developer must submit updated species surveys identifying the location of protected species nests and clearing limit protection zones prior to the approval of Vegetation Removal Permits for each phase of development.
 - c. Open Space. Prior to development order approval, development order plans must demonstrate 60% open space; 50% of the property as indigenous preserve area; and 10% open space per development area.
 - d. Native Landscaping. Prior to each development order approval, all required landscaping proposed in common open space areas must 100% native species.

- e. Compliance with Management Plans. Prior to development order approval, development order plans must be in substantial compliance with the following:
 - i. Protected Species Management Plan stamped received June 1, 2017;
 - ii. Indigenous Management Plan and Mitigation Plans stamped received June 1, 2017; and
 - iii. Supplemental Planting Plan and Success Criteria stamped received June 1, 2017.
- f. Conservation Easement Phasing Schedule. Prior to each development order approval, the phasing schedule must provide the following Conservation Easement ratios and indigenous management plan to be equal to or greater than the area of land approved for development on a cumulative basis:
 - i. 125% of Mixed Use/Residential (MU-1/R) proposed;
 - ii. 150% of Mixed Use 1 (MU-1) proposed;
 - iii. 200% of Mixed Use 2 (MU-2) proposed;
 - iv. 125% of Residential 1 (R-1);
 - v. 50% of Residential 2 (R-2);
 - vi. 15% of Residential 3 (R-3); and
 - vii. Preserve restoration must be completed within five years of development order approval.
- g. Platting and Maintenance of Open Space. Prior to each development order approval, the developer must plat open space areas in separate tracts, outside of privately owned lots, and dedicated to an appropriate maintenance entity. The developer must create a Community Development District (CDD), Independent Special District (ISD), or a master property owners' association to accept responsibility for perpetual maintenance of project open space areas.
- h. State Road 31 Buffer. Prior to development order approval, the developer must provide an enhanced, 50-foot wide Type D buffer adjacent to State Road 31 (SR-31) containing the following:
 - i. Ten trees per 100 linear feet installed at 14 feet, 4-inch caliper, and 8-foot canopy spread;
 - ii. Twenty-five shrubs per 100 linear feet installed at 48 inches in height,
 - iii. Height of plant material must be measured from grade of SR-31;
 - iv. Plant material must be 100% native and provided with an automatic irrigation system with rain sensor; and
 - v. The use of existing native vegetation to meet buffer requirements is permissible at a 1:1 ratio as long as the existing vegetation is healthy and meets code-mandated heights.

- i. Prior to development order approval, an enhanced 100-foot wide buffer must be provided adjacent to North River Road consisting of the following:
 - i. Ten trees per 100 linear feet installed at 14 feet, 4-inch caliper, and 8-foot canopy spread;
 - ii. Twenty-five shrubs per 100 linear feet installed at 48 inches in height;
 - iii. Height of plant material must be measured from the grade of North River Road;
 - iv. Plant material must be 100% native and provided with an automatic irrigation system with rain sensor; and
 - v. The developer may use existing native vegetation to satisfy buffer conditions at a 1:1 ratio as long as the vegetation meets the height requirement and is healthy.
- j. Buffering Adjacent Property. Prior to development order approval, a tree survey must be provided to demonstrate that the existing vegetation along the north and eastern boundary adjacent to the residential use meet the LDC buffer requirements. If this area cannot meet the LDC, the landscape plan must illustrate buffer plantings to meet code.
- k. Enhanced Buffering of Adjacent Property. Prior to development order approval, the boundary adjacent to Turkey Run Lane (residential use) must provide a Type F buffer to meet the LDC. The developer may use the existing native vegetation to meet this buffer requirement at 1:1 ratio, as long as the vegetation meets the height requirement and is healthy.
- l. Indigenous Preserves. Prior to local development order approval for portions of the project that include indigenous preserves, the developer must:
 - i. Submit a detailed site plan depicting the location of pedestrian trails, kiosks, shelters, and offsite connections, and
 - ii. Submit an indigenous management plan with a long-term plan for maintenance of pedestrian trail systems.

4. Natural Resources

- a. Surface Water and Groundwater Monitoring Plan. The developer must submit a Water Quality and Quantity Monitoring Plan for review and approval by County staff prior to the first development order approval. The design of the storm water management system must demonstrate through construction, monitoring or other means that water leaving the development meets state and federal water quality standards. The Water Quality Monitoring Plan must, at a minimum, address issues related to quality of reclaimed water used for landscape irrigation, annual assessment of water quality data, trend analysis, identification of potential problems, and recommended corrective actions.

The developer must start annual monitoring of groundwater levels and water quality in the Sandstone Aquifer at least one year prior to developing that aquifer as a supplemental irrigation source. The developer must provide all monitoring data to the Division of Natural Resources (DNR), in an approved Electronic Data Deliverable (EDD) format upon request.

- b. Storm Water Management System. The storm water management system must demonstrate at the time of development order approval that water leaving the development will meet or exceed the requirements set forth in South Florida Water Management District Permit No. 08-00004-S-05.
- c. Function of Water Management Systems. The developer must design the water management system to reduce existing flow rates prior to leaving the property to move the system towards the function of a natural system.
- d. Pre-Treatment of Storm Water. The project will use the South Florida Water Management District standard for water quality treatment volume equal to the greater of 1 inch of runoff from the entire drainage area or 2.5 time the percent impervious. Development order plans must demonstrate the improvements will provide an additional 50% treatment beyond the required treatment for individual control basins.
- e. Discharge Rates. The developer must design the project to reduce the peak allowable discharge across the developed Lee County lands to 82.2CMS from the existing 194.9CSM allowable discharge rate.
- f. Central Water and Sewer Service. The project must connect to centralized potable water and sewer service, with the exception of interim facilities used on a temporary basis during construction and unmanned essential services on a temporary basis until water and sewer is extended to the development. The project must connect to reclaimed water, if available at the time of development order approval.
- g. Water Quality Monitoring Plan. The developer must demonstrate that the design of the water management system ensures water leaving the project meets 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. The County will re-evaluate the frequency of monitoring after 5 years if the water quality standards are met. The local development order submittal for the first phase of development must include a Water Quality Monitoring Plan. Approval of the Water Quality Monitoring Plan by Lee County Division of Natural Resource is required prior to discharging project storm water in the County's MS4 system.
- h. Lake Management Plan.
 - i. The developer must submit a Lake Management Plan for review and approval by the County DNR staff prior to the first development order approval. The Lake Management Plan must incorporate the Lake

Maintenance Plan and the Water Quality Monitoring Plan. The developer or its successors must review the Lake Management Plan annually and take remedial actions, if necessary. Changes to the Lake Management Plan are subject to the approval of County DNR staff.

ii. The developer must submit a Lake Management Plan at the time of local development order application that:

- (1) Applies best management practices (BMPs) fertilizers and pesticides:
- (2) Provides erosion control and bank stabilization: and
- (3) Establishes lake maintenance requirements and deep lake management for lakes exceeding 12 feet below lake surface (BLS).

i. Landscape Management Plan. The developer must submit a Landscape Management Plan for review and approval by the County DNR staff prior to the first development order approval. Homeowners Association documents including Declarations and Covenants must allow only licensed landscape or other professionals authorized by Lee County to perform activities including application of fertilizers, pesticides, insecticides, herbicides, nematocides, or other chemicals on the property. The Landscape Management Plan must include a list of BMP's to address potential degradation of surface or groundwater due to use of regulated substances on site.

j. Ecological and Hydrological Plan. The developer must submit a site-specific Ecological and Hydrological Plan that includes the following: preliminary excavation and grading plans, exotic removal and maintenance plan, supplemental planting plan, and success criteria for meeting established goals.

k. Irrigation. The developer and its successors must first utilize reuse and then surface water generated by the project to meet the irrigation demands of the recreation and development areas, if reuse is available. Until reuse is available, the developer must meet the requirements of the Water Conservation Ordinance (Ord. # 17-04).

5. Vehicular/Pedestrian Impacts

- a. The access points shown on the MCP are conceptual and subject to change/shift based upon final approval by the Florida Department of Transportation.
- b. The access from North River Road/County Road 78 (CR-78) is limited to emergency access.
- c. Entrance gates and gatehouses are limited to internal sub-neighborhoods. The developer may not gate the access to the MPD from SR-31. Access to the MPD from SR-31 must be open to the public. The developer must install a gate at the emergency only access from North River Road, but must facilitate ingress/egress for Fire, Sheriff, and EMS.

- d. The project must provide public access to internal trail systems. The developer must coordinate external connections to Lee County conservation lands with Lee County Parks and Recreation and Conservation 20/20.
- e. The project must provide sufficient right-of-way to accommodate an 8-foot wide multi-purpose pathway along the SR-31 and CR-78 roadway frontages.
- f. Zoning approval does not address mitigation of vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

6. Lee Plan Consistency

Zoning approval does not guarantee local development order approval. Future development orders must comply with the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1 (b), as well the remainder of the Lee Plan.

7. Concurrency

Zoning approval does not constitute a finding that the proposed project meets the concurrency requirements of the Lee Plan or LDC. The developer must demonstrate compliance with concurrency requirements prior to issuance of a local development order.

8. Agricultural Uses

Agricultural Uses: Existing bona fide agricultural uses may continue as follows:

- a. Bona fide agricultural uses consisting of grazing, sod farming, and row cropping in existence at the time the zoning application, may continue in areas depicted on Exhibit D until local development order approval for the area containing the agricultural uses.
- b. Clearing or injury of native trees or other native vegetation, including understory, in agricultural areas is prohibited. Areas of bona fide agricultural use that include existing grass pasture(s) may be mowed, but may not be cleared or expanded. Violations of this condition will require restoration in accordance with the LDC. The prohibition on clearing or expansion of agricultural use does not preclude County approved requests for removal of invasive exotic vegetation.
- c. Prior to issuance of a local development order over land areas with agricultural uses, for the portion that contains the agricultural use, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:
 - i. Termination of agricultural uses on the property included in the development order application/approval. Proof must include a sworn affidavit from the property titleholder specifically providing:
 - (1) The date agricultural use ceased;

- (2) The legal description of the property subject to the development order approval;
- (3) An affirmative statement by the owner acknowledging and agreeing that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the County not to allow agricultural uses until the property is rezoned to permit agricultural uses; and
- (4) That the affidavit constitutes a covenant between the owner and the County that is binding on the owner, their assignees and successors in interest.

The affidavit must be properly recorded in the public records of Lee County at the owner's expense.

- ii. Proof of termination of the agricultural tax exemption for the portion of the property included in the development order application/approval. Proof of termination must include a copy of the owner's request to terminate the tax exemption provided to the Property Appraiser.

9. Development Permits

Issuance of a county development permit does not establish a right to obtain permits from state or federal agencies. Further, it does not establish liability on the part of the County if the developer: (a) does not obtain requisite approvals or fulfill obligations imposed by state or federal agencies or (b) undertakes actions that result in a violation of state or federal law.

10. EMS

Prior the first development order approval for vertical development, the developer must enter into a development agreement with the County to ensure that Emergency Medical Services will be available to serve the project within adopted response times. If site work commences before finalizing the development agreement, the developer must communicate the site access and access limitations to the Lee County Department of Public Safety.

11. Blasting

Prior to the issuance of a blasting permit, the developer must provide soils boring reports to Lee County, during the development order process, identifying the blasting area and the presence of hard limestone, or other supportive geotechnical data, to demonstrate blasting is required. The report must also include details on the mitigation of negative impacts.

12. Development limits

- a. Commercial Use. The commercial uses permitted within this MPD may not exceed 1,170,000 square feet and 600 hotel rooms. Further, when combined with commercial development in the Charlotte County Babcock Ranch DRI, commercial

development within the MPD may not exceed the total commercial use approved in the Babcock Ranch Community Master Development of Regional Impact (DRI) Development Order (4,900,000 square feet, as may be modified by the DRI's adopted conversion matrix).

The developer must submit the following monitoring reports to Lee County to demonstrate compliance with this condition until project build out:

- i. With every Lee County development order application for commercial use, the developer must submit a report itemizing the square footage of commercial use permitted to date in Charlotte and Lee Counties.
- iii. The developer must submit a biennial tabulation documenting the cumulative total of commercial development permitted in Lee and Charlotte Counties.

Based upon the above documentation, the County may require additional assurances the developer will not exceed these limitations before permitting further commercial development. Assurances may include: (1) a binding development agreement between the developer and Lee County further limiting commercial development within the MPD; or (2) an administrative reduction of the commercial development parameters approved by this MPD. The County may discontinue further commercial development permitting until the developer provides these assurances.

- b. Residential Use. The residential unit count may not exceed 1,630 dwelling units using the LDC density equivalents for dormitories, timeshare units, assisted living facilities, independent living facilities, accessory apartments and caretaker residences.

13. Waterbody setback

A maximum of 20% of individual lake shorelines may have a 0-foot setback for private on-site recreational facilities and other amenities. See, Deviation 7.

DEVIATIONS:

1. Buffering Adjacent Property. Deviation (1) seeks relief from the LDC §10-416(d)(1) requirement to provide a buffer along the entire perimeter of the development whenever the development abuts a different use, to allow no perimeter buffer where the proposed development abuts future development within the Town of Babcock Ranch in Charlotte County. This deviation will allow necessary surface water connections from the north to the south when the restoration and preserve management is proposed. This deviation is APPROVED.
2. Buffering Adjacent Property. Deviation (2) seeks relief from the LDC §10-416(d)(1) requirement to provide internal buffers within the MPD boundary, to allow for no internal perimeter buffers around different use areas within the Mixed Use areas (MU-1 & MU-2), and the western-most Residential Town Center (R-1). The deviation will allow for a cohesive and unified development. This deviation is APPROVED.

3. Buffering Adjacent Property. Deviation (3) seeks relief from the LDC §10-416(d) requirement to provide a 30-foot wide Type "F" buffer where development abuts public preserve lands, to allow retention of existing, native vegetation along the southern and eastern MPD boundaries where proposed preserve areas abuts 20/20 conservation lands. The deviation encourages habitat connectivity. This deviation is APPROVED.
4. North River Road Plantings. Deviation (4) seeks relief from the LDC §33-1673 requirement to provide new developments with frontage on North River Road to provide a 25-foot wide right-of-way buffer, planted with native canopy trees, such as Live Oaks and Laurel Oaks, to allow retention of the existing native vegetation along the North River Road frontage where proposed preserve areas abut right-of-way. This deviation is APPROVED SUBJECT TO condition 3i.
5. Setbacks of Structures/Buildings from Development Perimeter Boundaries. Deviation (5) seeks relief from the LDC §34-935(b)(1) requirement to provide a minimum of 25-foot setbacks for all structures and buildings from the planned development boundary, to allow no perimeter setback where the development abuts future development areas within the Town of Babcock Ranch in Charlotte County. This deviation is APPROVED.
6. Building Height. Deviation (6) seeks relief from the LDC §34-935(f) requirement which limits maximum building height in Suburban, Outlying Suburban, and Rural land use categories, and in other land use categories to 45 feet/three stories above minimum flood elevation, to allow maximum building heights of 65 feet/five stories in Mixed Use areas (MU-1 & MU-2). The requested building height applies to two mixed-use development pods that are set back a large distance from external roadways and private properties outside the project. This deviation is APPROVED.
7. Waterbody Setbacks. Deviation (7) seeks relief from the LDC §34-2194(b) requirement to provide a minimum 25-foot setback between buildings and structures and bodies of water, to allow a 0-foot setback between private on-site and off-site recreational facilities and internal artificial bodies of water. This deviation will allow recreational facilities and other amenities to be closer to the edge of water and take advantage of the view and allow for recreational activities such as fishing, boating, etc. This deviation is APPROVED SUBJECT TO Condition 13.
8. Required Street Access. Deviation (8) seeks relief from the LDC §10-291 (3) requirement to provide residential developments of more than five acres to provide more than one means of ingress or egress for the development, to allow one (1) access point from Charlotte County for Tracts R-1, R-2 and R-3. The deviation applies to four individual development pods that are components of larger development pods in Charlotte County with multiple access points. Preserve areas surrounding the four pods makes it impossible to access those pods from Lee County. This deviation is APPROVED.
9. Buffering Adjacent Property. Deviation (9) seeks relief from the LDC §10-416(d) requirement to provide 30-foot wide Type "F" buffer where proposed commercial and mixed use development areas abut single-family residential dwelling units, to allow retention of existing, native vegetation along the eastern and southern MPD boundaries where proposed preserve areas abut existing single-family residential uses on Turkey Run Lane. This deviation is APPROVED for north and eastern cutout subject to Conditions 3.j and 3.k. If at the time of development order application, the developer demonstrates existing native vegetation along the western boundary meets the Type F 30-foot buffer

standards, then the deviation is also approved along that boundary in lieu of installing the code-required buffer.

SECTION C. EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Bona Fide Agricultural Uses
- Exhibit E: Property Development Regulations (See County Attorney Memo dated 5/21/2018)**

SECTION D. FINDINGS AND CONCLUSIONS:

1. The requested MPD zoning is consistent with the Lee Plan. See, Lee Plan Vision Statement – Paragraphs 24 and 25 (Northeast Lee County and North Olga Planning Communities), Goals 2, 5, 6, 34, 35, 60, 61, 107, 114; Objectives 1.5, 1.6, 2.2, 4.1, 11.1, 34.5, 35.4, 35.7, 35.8, 35.10, 35.11 and Policies 1.1.11, 34.3.1, 35.2.1, 35.3.4, 114.1.1; Lee Plan Map 16 and Table 1(a).
2. As conditioned, the MPD zoning designation:
 - a. is consistent with County regulations or qualifies for deviations. LDC §§ 33-1484, 33-1665, 34-341(a), 34-411, 34-612(2) and 34-373(a)(9);
 - b. is compatible with existing or planned uses in the surrounding area. Lee Plan Objectives 2.2, 35.1, 35.2 and Policies 2.1.1, 5.1.5, 5.2.4, 6.1.4, 35.3.4, 135.9.5, 158.1.7; LDC §34-413, and
 - c. will not adversely affect environmentally sensitive areas or natural resources. See, Lee Plan Goals 60, 61, 107, 115, Objectives 34.3, 35.7, 35.8, 60.5, 61.2, 61.3, 114.1, Policies 1.5.1, 1.6.1, 6.1.6, 34.3.2, 34.4.3, 35.8.2, 35.11.3, 60.5.1, 60.5.2, 60.5.3, 61.3.6, 61.3.8, 61.3.11, 107.2.4, 115.1.2, 158.1.7, and Standard 4.1.3.
3. There is sufficient road access to support the proposed development intensity.
4. Impacts on transportation facilities will be addressed by County regulations and conditions of approval. See, Lee Plan Objective 35.5, Policies 6.1.5, 36.3.3, 38.1.1, 38.1.5, 39.1.1; See also, LDC 2-261 *et seq.*, §§ 34-411(d) and (e).
5. Urban services will be available to serve the development. See, Standards 4.1.1, 4.1.2; Objectives 2.2, 4.1.
6. The proposed uses are appropriate at the subject location. See, Lee Plan Goals 5, 6; Policies 1.1.1, 2.1.1.
7. The County regulations and recommended conditions of approval provide sufficient safeguards to protect the public interest. See, Lee Plan Policies 5.1.5, 5.2.2, 6.1.3, 6.1.6, 35.1.1, 35.2.2, 35.3.3, 115.1.3, 135.9.6; LDC §§ 34-377(a)(3), and 34-411(c).

8. The recommended conditions reasonably relate to the impacts expected from the proposed development. Lee Plan Policies 5.1.5, 6.1.3, 34.4.3, 35.11.3, 135.9.5, 158.1.7; LDC §§ 34-145(d)(4)a.2.(b), 34-411, and 34-932(c).
9. The deviations recommended for approval herein enhance the planned development and preserve the intent of the LDC to protect the public health, safety and welfare. LDC §§ 34-373(a)(9), 34-377(a)(4).

SECTION E. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

Commissioner Manning made a motion to adopt the foregoing resolution, seconded by Commissioner Kiker. The vote was as follows:

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Absent
Frank Mann	Nay

DULY PASSED AND ADOPTED this 7th day of February, 2018.

ATTEST:
LINDA DOGGETT, CLERK

BY: Chris Du
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Larry Kiker
Cecil Pendergrass, Chair

Vice Chairman



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

Michael D. Jacob
Deputy County Attorney
County Attorney's Office

2018 FEB 21 PM 2:36

MINUTES OFFICE

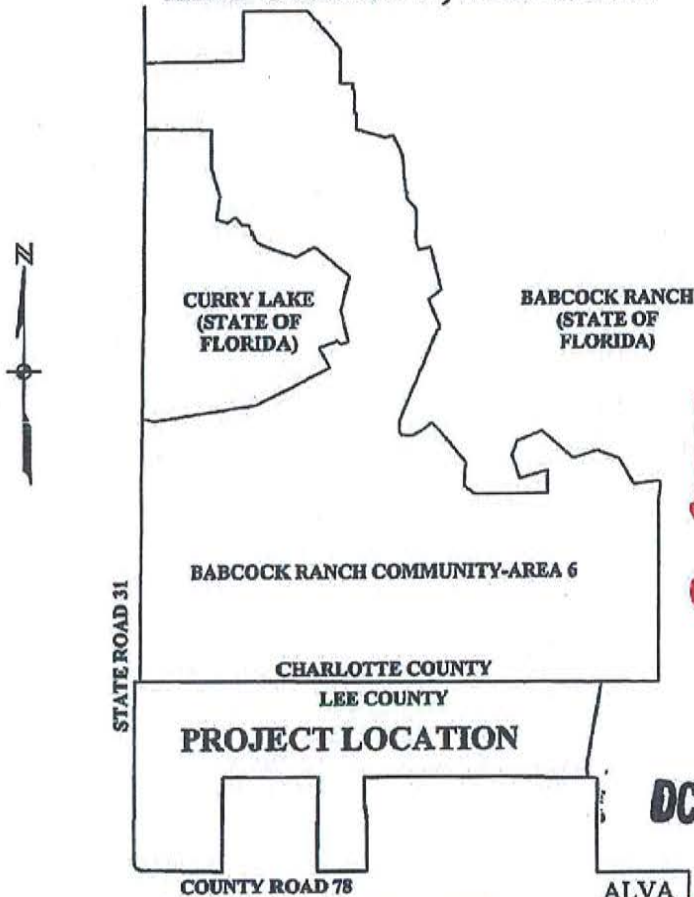
Case No. DC12016-00022

SKETCH AND DESCRIPTION

LEE COUNTY BABCOCK RANCH COMMUNITY

SECTIONS 1-7 & 9, TOWNSHIP 43 SOUTH, RANGE 26 EAST

LEE COUNTY, FLORIDA



RECEIVED

NOV 17 2016

COMMUNITY DEVELOPMENT

DCI 2016-00022

INDEX OF PLANS

SHEET NO.	DESCRIPTION
1	COVER & NOTES
2	DESCRIPTION
3-5	SKETCH

NOTES:

1. Sketch of Description, prepared as requested by Kilson and Partners.
2. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
3. Bearing Reference: State Plane Coordinate, Florida West Zone, NAD 83(99). Bearing of S89°41'45"E on the north line of Section 6, Township 43 South, Range 26 East.
4. This Sketch of Description is subject to easements, restrictions, reservations and rights-of-way of record.
5. This Sketch of Description is not a determination of the limits of ownership.
6. Description on sheet 2.
7. Not valid unless accompanied by all sheets in set.
8. Dimensions are grid values.

NOT A SURVEY

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE LEGAL DESCRIPTION AND ATTACHED SKETCH WERE PREPARED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 422, FLORIDA STATUTES.


 MATTHEW M. HOWARD (FOR THE FIRM L.B. 642)
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 4912

DATE SIGNED: 11/28/16

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

JOHNSON

ENGINEERING

JOHNSON ENGINEERING, INC.
 2122 JOHNSON STREET
 P.O. BOX 1550
 FORT MYERS, FLORIDA 33902-1550
 PHONE: (239) 334-0046
 FAX: (239) 334-3661
 E.B. #642 & L.B. #642

SKETCH AND DESCRIPTION

LEE COUNTY BABCOCK RANCH COMMUNITY

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
AUG. 2016	20160204-001	1-43-26	As Shown	1 OF 5

EXHIBIT A

DESCRIPTION:

LEE COUNTY PARCEL:

A parcel of land lying within Sections 1 through 7 and Section 9, Township 43 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

Commence at the Northwest corner of Section 6, Township 43 South, Range 26 East and run S89°41'45"E, along the North line of said Section 6, a distance of 50.00 feet to a point on the East right-of-way line of State Road No. 31, said point also being the Point of Beginning of the parcel of land herein described; Thence continue S89°41'45"E a distance of 5189.75 feet to the Northeast corner of Section 6, Township 43 South, Range 26 East; Thence S89°41'45"E a distance of 5306.08 feet to the Northeast corner of Section 5, Township 43 South, Range 26 East; Thence S89°37'16"E a distance of 5289.11 feet to the Northeast corner of Section 4, Township 43 South, Range 26 East; Thence S89°35'44"E a distance of 5294.60 feet to the Northeast corner of Section 3, Township 43 South, Range 26 East; Thence S89°35'44"E a distance of 5294.60 feet to the Northeast corner of Section 2, Township 43 South, Range 26 East; Thence S89°35'44"E, along the North line of Section 1, Township 43 South, Range 26 East, a distance of 155.76 feet; Thence S09°58'52"W a distance of 4667.96 feet; Thence S04°10'14"W a distance of 283.52 feet; Thence S03°53'19"E a distance of 515.32 feet to a point on the South line of Section 2, Township 43 South, Range 26 East (said point being 558.41 feet West of the Southeast corner of said Section 2); Thence N88°38'22"W a distance of 2084.07 feet to the South one-quarter corner of said Section 2; Thence N88°38'42"W a distance of 2642.06 feet to the Southwest corner of said Section 2; Thence N89°51'49"W a distance of 5300.09 feet to the Southwest corner of Section 3, Township 43 South, Range 26 East; Thence N89°51'54"W a distance of 2650.09 feet to the South one-quarter corner of Section 4, Township 43 South, Range 26 East; Thence S00°23'25"W a distance of 1330.65 feet to the Southwest corner of the North one-half of the Northeast one-quarter of Section 9, Township 43 South, Range 26 East; Thence S06°02'41"E a distance of 1338.36 feet to a point on the North line of the Southeast one-quarter of said Section 9 (said point being 150.00 feet East of the Northwest corner of the Southeast one-quarter of said Section 9); Thence S00°22'58"W, parallel with and 150.00 feet East of the West line of the Southeast one-quarter of said Section 9, a distance of 2611.56 feet to a point on the North right-of-way line of County Road No. 78; Thence along said right-of-way line the following courses and distances, N89°54'54"W a distance of 150.26 feet and N89°54'44"W a distance of 2648.95 feet to a point on the West line of said Section 9; Thence N00°22'31"E a distance of 2612.02 feet to the West one-quarter corner of said Section 9; Thence N00°21'56"E a distance of 2663.13 feet to the Southeast corner of Section 5, Township 43 South, Range 26 East; Thence N89°52'00"W a distance of 2666.70 feet to the South one-quarter corner of said Section 5; Thence N89°50'47"W a distance of 2667.42 feet to the Southwest corner of said Section 5; Thence S00°23'16"W, along the East line of Section 7, Township 43 South, Range 26 East, a distance of 5294.00 feet to a point on the North right-of-way line of County Road No. 78; Thence Westerly along the curved right-of-way line, (said curve being curved concave to the North, having a delta angle of 00°53'52" and a radius of 11339.17 feet, with a chord bearing of N89°19'12"W and a chord length of 177.69 feet) a distance of 177.69 feet to the end of the curve; Thence N88°52'16"W, along said North right-of-way line, a distance of 4406.31 feet to the beginning of a curve to the right; Thence along the arc of the curved right-of-way line, (said curve being curved concave to the Northeast, having a delta angle of 89°12'05" and a radius of 522.94 feet, with a chord bearing of N44°16'14"W and a chord length of 734.38 feet) a distance of 814.14 feet to a point on the East right-of-way line of State Road No. 31; Thence along the East right-of-way line for State Road No. 31, the following courses and distances, N00°19'49"E a distance of 4776.07 feet, N00°18'54"E a distance of 5313.41 feet and N00°36'46"E a distance of 0.14 feet to the Point of Beginning.

Containing 4,157.2 acres, more or less.

Bearings hereinabove mentioned are based on the North line of Section 6, Township 43 South, Range 26 East to bear S89°41'45"E.

DCI 2016-00022

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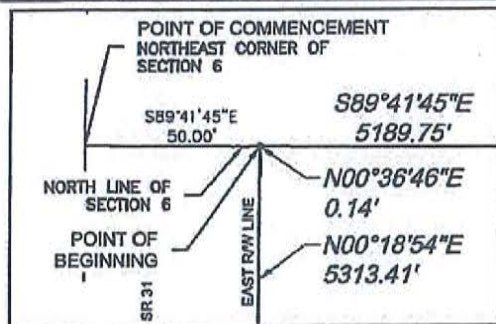
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SKETCH AND DESCRIPTION
LEE COUNTY BABCOCK RANCH COMMUNITY

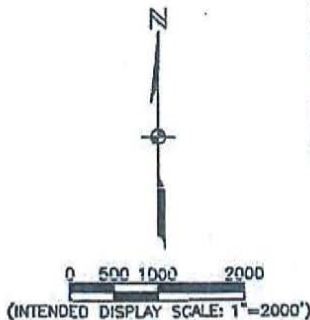
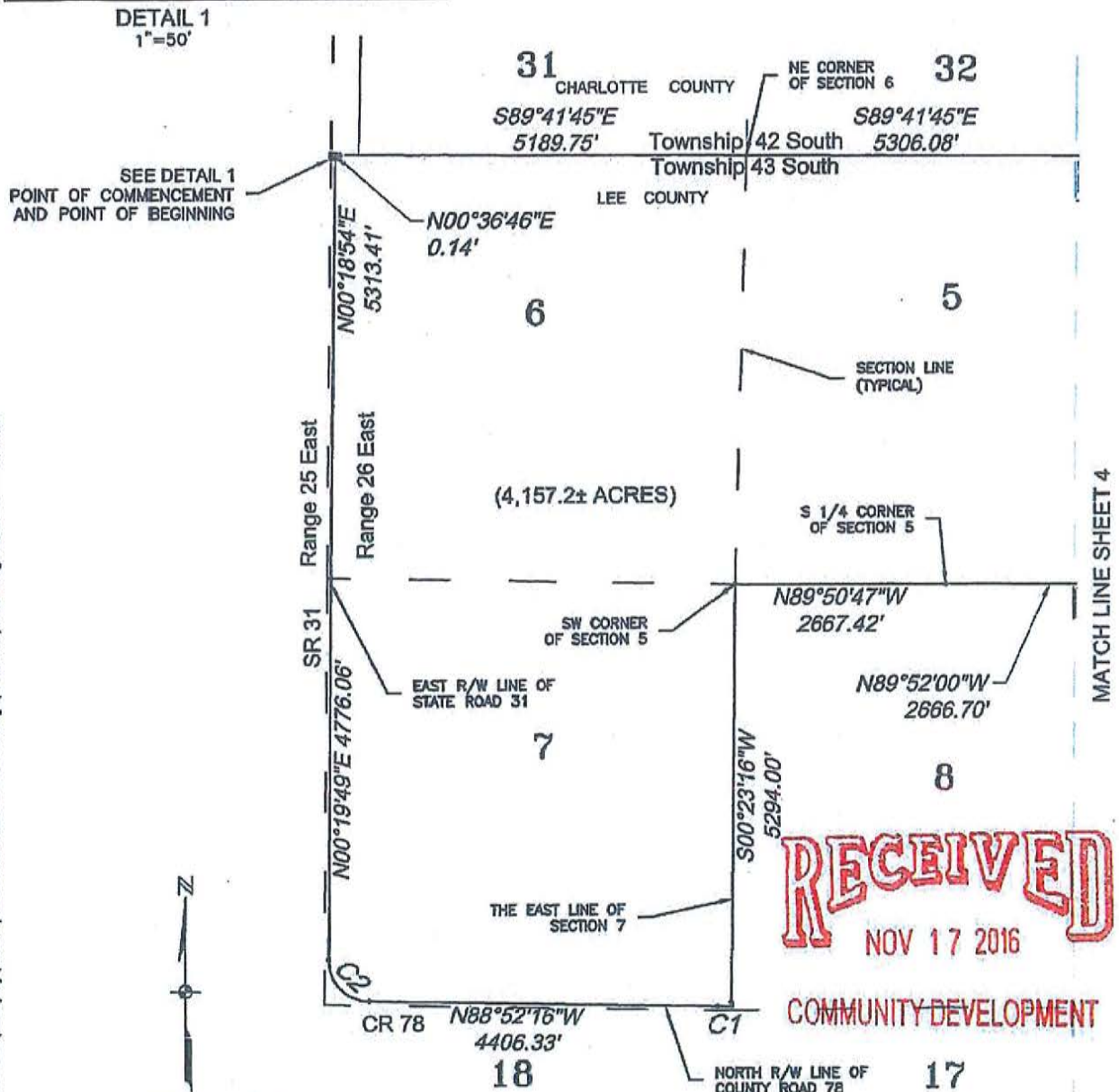
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
AUG. 2016	20160204-001	1-43-26	As Shown	2 OF 5

NOV 17 2016

COMMUNITY DEVELOPMENT



CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	11339.17'	0°53'52"	N89°19'12"W	177.69'	177.69'
C2	522.94'	89°12'05"	N44°16'14"W	734.38'	814.14'



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COMMUNITY DEVELOPMENT

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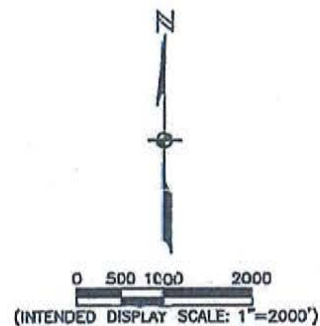
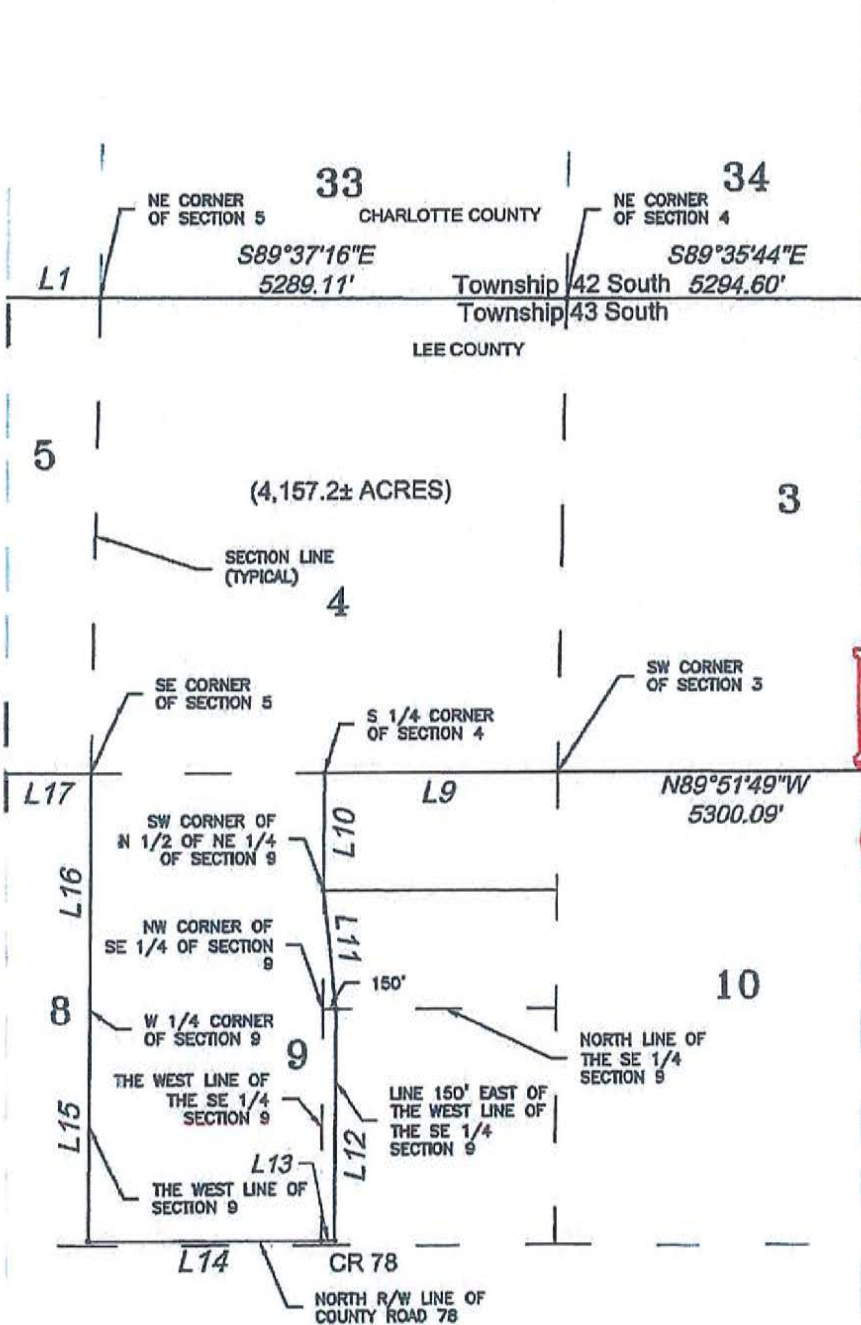
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SKETCH AND DESCRIPTION
LEE COUNTY BABCOCK RANCH COMMUNITY

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
AUG. 2016	20160204-001	1-43-26	As Shown	3 OF 5

C:\2016\20160204-000\Surveying\Sketch\LEE COUNTY AREA 6 SKETCH.dwg (4 SKETCH) MATH Aug 09, 2016 - 10:57am

MATCH LINE SHEET 3



RECEIVED
NOV 17 2016

COMMUNITY DEVELOPMENT

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°41'45"E	5306.08'
L9	N89°51'54"W	2650.09'
L10	S00°23'25"W	1330.65'
L11	S06°02'41"E	1338.36'
L12	S00°22'58"W	2611.56'
L13	N89°54'54"W	150.26'
L14	N89°54'44"W	2648.95'
L15	N00°22'31"E	2612.02'
L16	N00°21'56"E	2663.13'
L17	N89°52'00"W	2666.70'

DCI 2016-00022

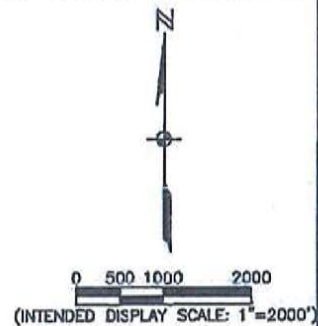
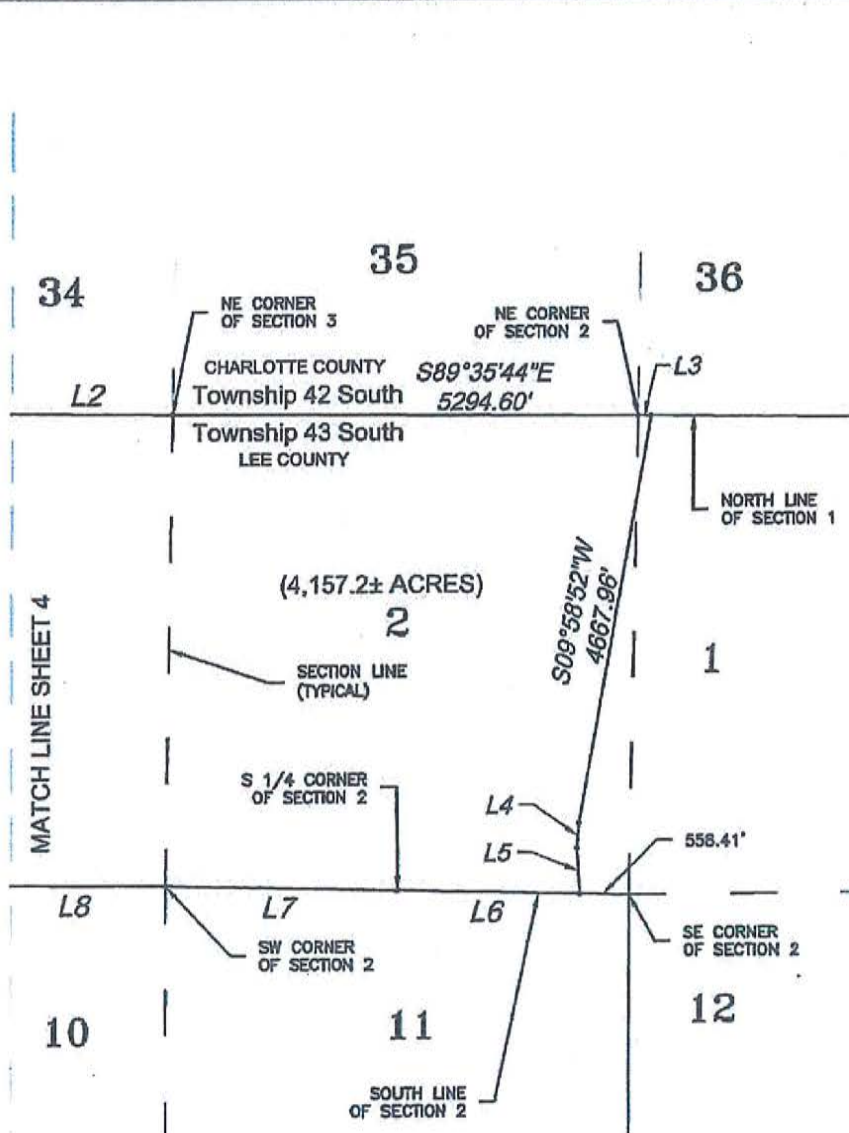
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E.B. #642 & L.B. #642

SKETCH AND DESCRIPTION
LEE COUNTY BABCOCK RANCH COMMUNITY

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
AUG. 2016	20160204-001	1-43-26	As Shown	4 OF 5

C:\2016\20160204-000\Surveying\Sketch\LEE COUNTY AREA 6 SKETCH.dwg (5 SKETCH) MMH Aug 03, 2016 -- 10:57am



LINE TABLE		
LINE	BEARING	DISTANCE
L2	S89°35'44"E	5294.60'
L3	S89°35'44"E	155.76'
L4	S04°10'14"W	283.52'
L5	S03°53'19"E	515.32'
L6	N88°38'22"W	2084.07'
L7	N88°38'42"W	2642.06'
L8	N89°51'49"W	5300.09'

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NOV 17 2016

COMMUNITY DEVELOPMENT

DCI 2016-00022

JOHNSON
ENGINEERING

JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE: (239) 334-0046
FAX: (239) 334-3661
E.B. #642 & L.B. #642

SKETCH AND DESCRIPTION
LEE COUNTY BABCOCK RANCH COMMUNITY

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
AUG. 2016	20160204-001	1-43-26	As Shown	5 OF 5

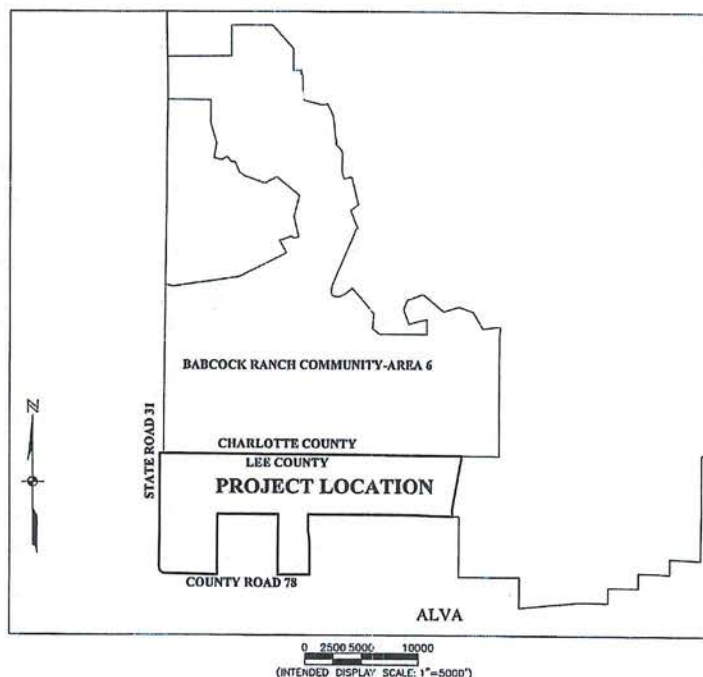
JOHNSON
ENGINEERING
JOHNSON ENGINEERING, INC.
2127 JOHNSON STREET
P.O. BOX 1860
FORT MYERS, FLORIDA 33901-11
PHONE: (239) 334-0348
FAX: (239) 334-3881
E.B. #942 & L.B. #942

BABCOCK PROPERTY HOLDINGS, LLC

LEE COUNTY PORTION OF
BABCOCK RANCH COMMUNITY

SECTIONS 1-7 & 9, TOWNSHIP 43 SOUTH, RANGE 26 EAST

SHEET NO.	DESCRIPTION
1	COVER, NOTES, & DESCRIPTION
2	BOUNDARY SURVEY
3	BOUNDARY SURVEY



LEE COUNTY PARCEL:
A parcel of land lying within Sections 1 through 7 and Section 9, Township 43 South, Range 29 East, Lee County, Florida, being more particularly described as follows:

[illegible]

Bearings hereinafter mentioned are based on the North line of Section 8, Township 4 South, Range 25 East to bear S80°41'45"E.

2. Date of last field work: April 15, 2016.
3. Survey for boundary description.
4. Survey performed as required by Kansas & Partners.
5. Improvements and utilities (shown or underground) are not located as shown on this survey.
6. Fences are located on boundary corners only, unless otherwise shown.
7. Only essential natural features that cross the boundary line are shown on this survey, unless otherwise noted.
8. Accurate bearings and distances from survey, along the boundaries, are shown.
9. All references in official records lie in the Public Records of Las Cruces, Florida.
10. Ownership shall be as on the 2016 Las Cruces, Florida, Geographic Information Systems website.
11. Bearing Reference Florida State Plane Coordinate System, NAD 83, Zone 18N.
12. Date of 2016/2017 on the North Face of Section 8, Township 23N, Range 23E.
13. Dimensions and acreage shown on survey map are per given values.
14. Survey made with the system of a "Public Records Survey" prepared by Citigrid Title Insurance Company, Order Ref: 5954561, Customer Reference: 220515732-02000/Las Cruces, FL, 2016, 4/15/2016.

BABCOCK PROPERTY HOLDINGS, L.L.C.
LEE COUNTY
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY.

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CHAPTER 53-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472, FLORIDA STATUTES.

MATTHEW A. HENARD FOR THE FRUIT B. 64
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 4512
DATE

DATE: 1/27/2011
SIGNED: [Signature]
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. THIS CERTIFICATION IS TO THE DATE OF LAST FIELD WORK AS SHOWN ON NOTE 1 AND NOT THE SIGNATURE DATE.

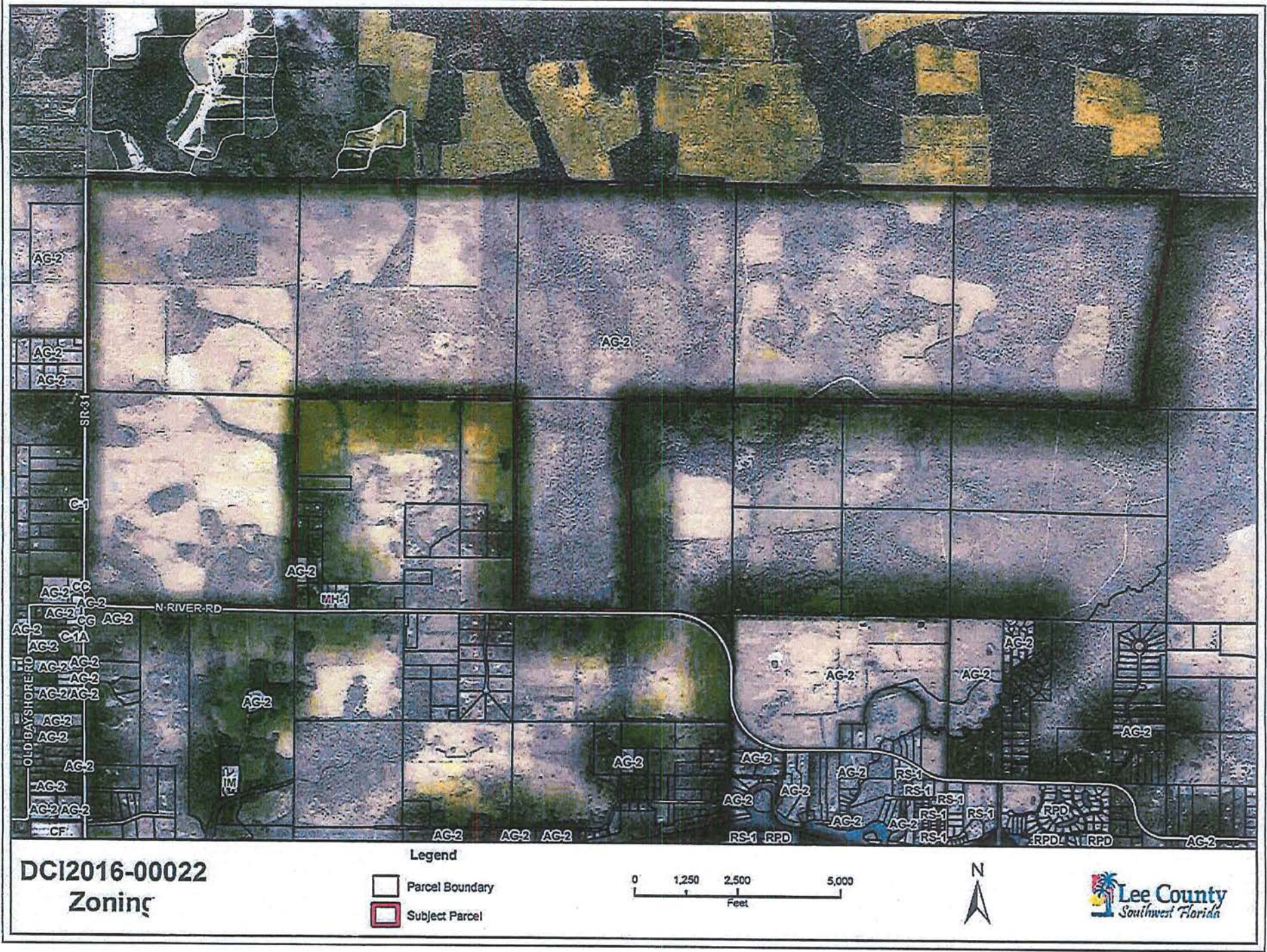
DATE	DESCRIPTION
	REVISIONS
	REVISED CIFICATIONS

DATE: AUG. 20
PROJECT NO. 20100204-4
FILE NO. 1-43
SCALE: 1"=50'

BOUNDARY SURVEY

SHEET NUMBER

1 OF 3



AGRICULTURAL USE AFFIDAVIT

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COMMUNITY DEVELOPMENT

DCI 2016-00022

**AGRICULTURAL USES AT TIME OF ZONING APPLICATION
AFFIDAVIT**

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned authority, on this 6th day of Sept, 2016, personally appeared Erica S. Woods, who is personally known to me or who produced _____ as identification and who did take an oath, who deposes and says as follows:

1. That I am the Authorized Representative of the following described property, to wit:

See attached Exhibit "A"

2. That the above described property was used for bona fide agricultural purposes, to wit pasture/cattle grazing, sod farming, and row crops, at the time of the Lee County Board of County Commissioners review and consideration of the rezoning of the property described in the attached Exhibit "A".
3. The agricultural use of the property is an existing bona fide agricultural use.
4. The agricultural use is being conducted on the entire 4,157+/- acres. The entire property described on the attached Exhibit "A" is being used for the pasture/cattle grazing, sod farming and row crops.
5. Affiant further states that he is familiar with the nature of an oath; and with the penalties as provided by the laws of the State of aforesaid for falsely swearing to statements made in an instrument of this nature. Affiant further certifies that he has read, or has heard and read to him, the full facts of this affidavit and understands its meaning and context.

DCI 2016-00022

FURTHER AFFIANT SAYETH NAUGHT.

Erica Woods

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Vice President of Babcock Property Holdings, LLC

COMMUNITY DEVELOPMENT

SWORN TO and subscribed before me on the date and year first above written.

(Notary Seal)

Commission No.

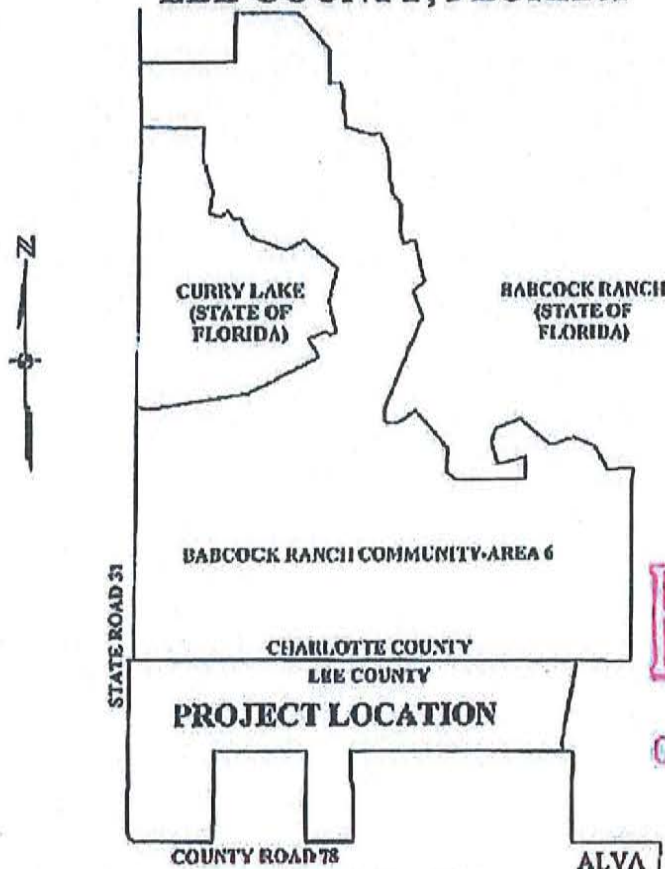


Kathleen Ellen Valentine
Signature of Notary Public

Kathleen Ellen Valentine
(Print, type or stamp commissioned name of
Notary Public)

EXHIBIT "A"

SKETCH AND DESCRIPTION LEE COUNTY BABCOCK RANCH COMMUNITY SECTIONS 1-7 & 9, TOWNSHIP 43 SOUTH, RANGE 26 EAST LEE COUNTY, FLORIDA



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NOV 17 2016

COMMUNITY DEVELOPMENT

INDEX OF PLANS

SHEET NO.	DESCRIPTION
1	COVER & NOTES
2	DESCRIPTION
3-5	SKETCH

NOTES:

1. Sketch of Description, prepared as requested by Kilson and Partners.
2. THIS IS NOT A BOUNDARY SURVEY, NOR IS IT INTENDED TO BE USED AS ONE.
3. Bearing Reference: State Plane Coordinate, Florida West Zone, NAD 83(99). Bearing of S89°41'45"E on the north line of Section 6, Township 43 South, Range 26 East.
4. This Sketch of Description is subject to easements, restrictions, reservations and rights-of-way of record.
5. This Sketch of Description is not a determination of the limits of ownership.
6. Description on sheet 2.
7. Not valid unless accompanied by all sheets in set.
8. Dimensions are grid values.

NOT A SURVEY

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE LEGAL DESCRIPTION AND ATTACHED SKETCH WERE PREPARED IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472, FLORIDA STATUTES.

Matthew M. Howard
MATTHEW M. HOWARD (FOR THE FIRM L.B. 642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 4912

DATE SIGNED: 8-9-16

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**JOHNSON
ENGINEERING**

JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
P.O. BOX 1650
FORT MYERS, FLORIDA 33902-1550
PHONE: (239) 334-0346
FAX: (239) 334-3661
E.B. #642 & L.B. #642

SKETCH AND DESCRIPTION LEE COUNTY BABCOCK RANCH COMMUNITY

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
AUG. 2016	20160204-001	1-43-26	As Shown	1 OF 5

04/2016/20160204-001/Surveying/Sketch/LEE COUNTY AREA 6 SKETCH/Long (1 COVER) UNIT Aug 09, 2016 - 10:55am

DESCRIPTION:

LEE COUNTY PARCEL:

A parcel of land lying within Sections 1 through 7 and Section 9, Township 43 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

Commence at the Northwest corner of Section 6, Township 43 South, Range 26 East and run S89°41'45"E, along the North line of said Section 6, a distance of 50.00 feet to a point on the East right-of-way line of State Road No. 31, said point also being the Point of Beginning of the parcel of land herein described; Thence continue S89°41'45"E a distance of 5189.75 feet to the Northeast corner of Section 6, Township 43 South, Range 26 East; Thence S89°41'45"E a distance of 5308.08 feet to the Northeast corner of Section 6, Township 43 South, Range 26 East; Thence S89°37'16"E a distance of 5289.11 feet to the Northeast corner of Section 4, Township 43 South, Range 26 East; Thence S89°35'44"E a distance of 5294.60 feet to the Northeast corner of Section 3, Township 43 South, Range 26 East; Thence S89°35'44"E a distance of 5294.60 feet to the Northeast corner of Section 2, Township 43 South, Range 26 East; Thence S89°35'44"E, along the North line of Section 1, Township 43 South, Range 26 East, a distance of 155.76 feet; Thence S00°58'52"W a distance of 4667.95 feet; Thence S04°10'14"W a distance of 283.52 feet; Thence S03°53'19"E a distance of 515.32 feet to a point on the South line of Section 2, Township 43 South, Range 26 East (said point being 558.41 feet West of the Southeast corner of said Section 2); Thence N88°38'22"W a distance of 2084.07 feet to the South one-quarter corner of said Section 2; Thence N88°38'42"W a distance of 2642.06 feet to the Southwest corner of said Section 2; Thence N89°51'49"W a distance of 5300.09 feet to the Southwest corner of Section 3, Township 43 South, Range 26 East; Thence N89°51'54"W a distance of 2650.09 feet to the South one-quarter corner of Section 4, Township 43 South, Range 26 East; Thence S00°23'25"W a distance of 1330.65 feet to the Southwest corner of the North one-half of the Northeast one-quarter of Section 9, Township 43 South, Range 26 East; Thence S06°02'41"E a distance of 1338.36 feet to a point on the North line of the Southeast one-quarter of said Section 9 (said point being 150.00 feet East of the Northwest corner of the Southeast one-quarter of said Section 9); Thence S00°22'58"W, parallel with and 150.00 feet East of the West line of the Southeast one-quarter of said Section 9, a distance of 2611.56 feet to a point on the North right-of-way line of County Road No. 78; Thence along said right-of-way line the following courses and distances, N89°54'54"W a distance of 150.28 feet and N89°54'44"W a distance of 2648.95 feet to a point on the West line of said Section 9; Thence N00°22'31"E a distance of 2612.02 feet to the West one-quarter corner of said Section 9; Thence N00°21'56"E a distance of 2663.13 feet to the Southeast corner of Section 5, Township 43 South, Range 26 East; Thence N89°52'00"W a distance of 2656.70 feet to the South one-quarter corner of said Section 5; Thence N89°50'47"W a distance of 2667.42 feet to the Southwest corner of said Section 5; Thence S00°23'16"W, along the East line of Section 7, Township 43 South, Range 26 East, a distance of 5294.00 feet to a point on the North right-of-way line of County Road No. 78; Thence Westerly along the curved right-of-way line, (said curve being curved concave to the North, having a delta angle of 00°53'52" and a radius of 11339.17 feet, with a chord bearing of N89°19'12"W and a chord length of 177.89 feet) a distance of 177.89 feet to the end of the curve; Thence N88°52'16"W, along said North right-of-way line, a distance of 4406.31 feet to the beginning of a curve to the right; Thence along the arc of the curved right-of-way line, (said curve being curved concave to the Northeast, having a delta angle of 89°12'05" and a radius of 522.94 feet, with a chord bearing of N44°16'14"W and a chord length of 734.38 feet) a distance of 814.14 feet to a point on the East right-of-way line of State Road No. 31; Thence along the East right-of-way line for State Road No. 31, the following courses and distances, N00°19'49"E a distance of 4776.07 feet, N00°18'54"E a distance of 5313.41 feet and N00°36'46"E a distance of 0.14 feet to the Point of Beginning.

Containing 4,157.2 acres, more or less.

Bearings hereinabove mentioned are based on the North line of Section 6, Township 43 South, Range 26 East to bear S89°41'45"E.

RECEIVED
NOV 17 2016

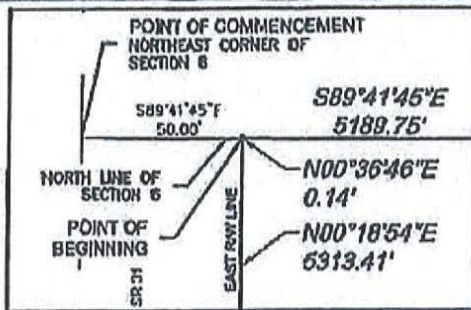
DCI 2016-00022

JOHNSON
ENGINEERING

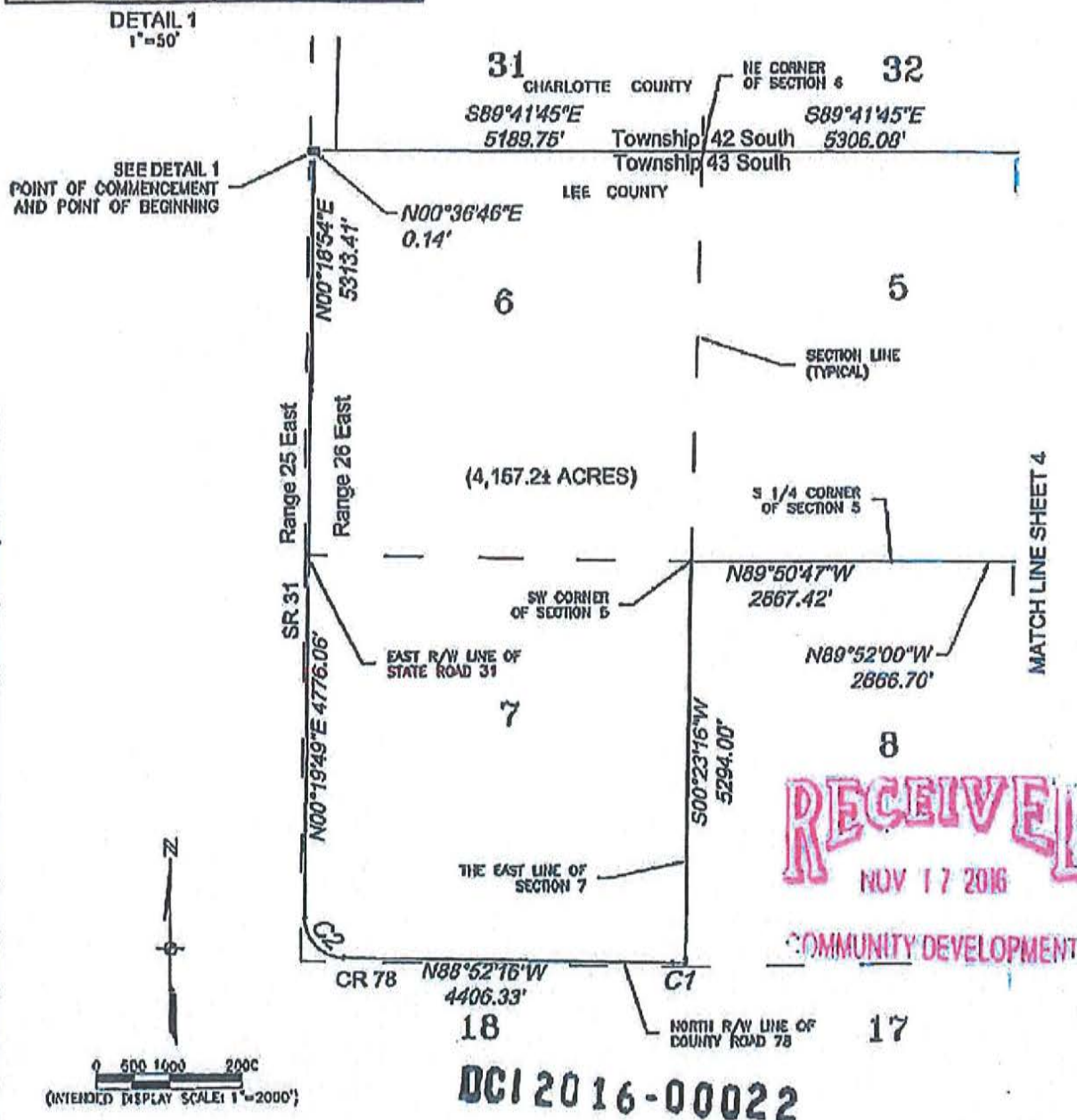
JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
P.O. BOX 1650
FORT MYERS, FLORIDA 33902-1550
PHONE: (239) 334-0046
FAX: (239) 334-3601
E.B. #642 & L.D. #642

SKETCH AND DESCRIPTION LEE COUNTY BABCOCK RANCH COMMUNITY

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
AUG. 2016	20160204-001	1-43-26	As Shown	2 OF 6



CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	11339.17'	0°53'52"	N89°19'12"W	177.69'	177.69'
C2	522.94'	89°12'05"	N44°16'14"W	734.38'	814.14'



C:\2016\20160204-001\Surveying\Sketch\LEE COUNTY AS2A 6 SKETCH.dwg (3 SKETCH) WML Aug 05, 2016 - 10:58am

**JOHNSON
ENGINEERING**

JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE: (239) 334-0040
FAX: (239) 334-3861
E.B. #642 & L.B. #642

SKETCH AND DESCRIPTION
LEE COUNTY BABCOCK RANCH COMMUNITY

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
AUG. 2016	20160204-001	1-43-26	As Shown	3 OF 5



RECEIVED
NOV 17 2016

DCI 2016-00022

JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE: (239) 334-0040
FAX: (239) 334-3661
E.B. #842 & L.B. #842

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
AUG. 2016	20160704-001	1-43-26	As Shown	5 OF 5

Babcock MPD

Site Development Regulations

MPD PERIMETER SETBACKS ⁽¹⁾	
State Road 31 ⁽²⁾	100'
North River Road/County Road 78	1,000'
Conservation 20/20 Lands	750'
Other (All Other PD boundaries) ⁽³⁾⁽⁴⁾	50'

(1) Excludes accessory structures, signage, essential services, and essential service facilities

(2) Setback measured from future SR 31 right-of-way after conveyance of additional right-of-way for roadway widening

(3) No setback required from northern boundary (Lee/Charlotte county line) where development abuts Town of Babcock Ranch development areas. See Deviation 2.

EXHIBIT E

RESIDENTIAL TOWN CENTER - RESIDENTIAL (R-1)											
Dwelling Type	Min. Lot Size	Min. Lot Width	Min. Lot Depth	Min. Front Setback ⁽¹⁾	Side Setback	Rear Setback	Accessory Setback ⁽²⁾	Max. Bldg. Height	Min. Bldg. Separation	Max. Lot Coverage	Waterbody ⁽⁴⁾
Single-Family Detached	3,500 SF	35'	100'	20'/15'/10'	5'	10'/0' ⁽⁵⁾	5'/0'	35'	10'	55%	20'/0'
Zero Lot Line	3,500 SF	35'	100'	20'/15'/10'	10'/0'	10'	5'/0'	35'	10'	60%	20'/0'
Two-Family Attached	3,000 SF	30'	100'	20'/10'	5'/0'	10'	5'/0'	35'	10'	60%	20'/0'
Townhouse	1,800 SF	18'	100'	20'/10'	7.5'/0'	10'	5'/0'	45'	15' ⁽³⁾	65%	20'/0'
Multi-Family Building	7,500 SF	75'	100'	20'	N/A	10'	5'/0'	65'	15' ⁽³⁾	50%	20'/0'
Recreation Buildings/ Clubhouse	N/A	N/A	N/A	20'	10'	10'	5'/0'	45'	10'	50%	20'/0'

(1) 20' min. front setback for front-loaded garages. 15' min. front setback for side loaded garages. 10' min. front setback for rear-loaded/alley lots and secondary front setback on corner lots

(2) 0' accessory setback where rear lot line abuts platted lake maintenance easement or landscape buffer easement

(3) 15' minimum building separation for structures 35' in height or less. For structures greater than 35' in height, the minimum building separation will be 1/2 of the building height.

(4) 0' waterbody setback for recreational/amenity structures at the lake control elevation for non-sea walled artificial bodies of water. See Deviation 7.

(5) 0' rear yard setback only for rear-loaded/alley accessible lots.

RESIDENTIAL NEIGHBORHOOD - RESIDENTIAL (R-2)											
Dwelling Type	Min. Lot Size	Min. Lot Width	Min. Lot Depth	Min. Front Setback ⁽¹⁾	Side Setback	Rear Setback	Accessory Setback ⁽²⁾	Max. Bldg. Height	Min. Bldg. Separation	Max. Lot Coverage	Waterbody ⁽⁴⁾
Single-Family Detached	4,000 SF	40'	100'	20'/15'/10'	5'	10'	5'/0'	35'	10'	55%	20'/0'
Zero Lot Line	3,500 SF	30'	100'	20'/10'	10'/0'	10'	5'/0'	35'	10'	60%	20'/0'
Two-Family Attached	3,000 SF	30'	100'	20'/10'	5'/0'	10'	5'/0'	35'	10'	60%	20'/0'
Townhouse	1,800 SF	18'	100'	20'/10'	7.5'/0'	10'	5'	45'	15' ⁽³⁾	65%	20'/0'
Recreation Buildings/ Clubhouse	N/A	N/A	N/A	20'	10'	10'	5'/0'	45'	10'	50%	20'/0'

(1) 20' min. front setback for front-loaded garages. 15' min. front setback for side loaded garages. 10' min. front setback for rear-loaded/alley lots and secondary front setback on corner lots

(2) 0' accessory setback where rear lot line abuts platted lake maintenance easement or landscape buffer easement

(3) 15' minimum building separation for structures 35' in height or less. For structures greater than 35' in height, the minimum building separation will be 1/2 of the building height.

(4) 0' waterbody setback for recreational/amenity structures at the lake control elevation for non-sea walled artificial bodies of water. See Deviation 7.

RESIDENTIAL ESTATES - RESIDENTIAL (R-3)

Dwelling Type	Min. Lot Size	Min. Lot Width	Min. Lot Depth	Min. Front Setback	Side Setback	Rear Setback	Accessory Setback	Max. Bldg. Height	Min. Bldg. Separation	Max. Lot Coverage	Waterbody ⁽²⁾
Single-Family Detached	1 acre	100'	100'	20'	10'	20'	10'	35'	N/A	30%	20'/0'
Recreation Buildings/ Clubhouse	N/A	N/A	N/A	20'	10'	10'	5'/0' ⁽¹⁾	35'	10'	50%	20'/0'

(1) 0' accessory setback where rear lot line abuts platted lake maintenance easement or landscape buffer easement

(2) 0' waterbody setback for recreational/amenity structures at the lake control elevation for non-sea walled artificial bodies of water. See Deviation 7.

RESIDENTIAL – MIXED USE TOWN CENTERS (MU-1 & MU-2) AND MIXED USE RESIDENTIAL (MU-1/R)											
Dwelling Type	Min. Lot Size	Min. Lot Width	Min. Lot Depth	Min. Front Setback ⁽¹⁾	Side Setback	Rear Setback	Accessory Setback ⁽²⁾	Max. Bldg. Height	Min. Bldg. Separation	Max. Lot Coverage	Waterbody ⁽⁴⁾
Single-Family Detached	3,500 SF	35'	100'	20'/15'/10'	5'	10'/0' ⁽⁵⁾	5'/0'	35'	10'	55%	20'/0'
Zero Lot Line	3,500 SF	35'	100'	20'/15'/10'	10'/0'	10'	5'/0'	35'	10'	60%	20'/0'
Two-Family Attached	3,000 SF	30'	100'	20'/10'	5'/0'	10'	5'/0'	35'	10'	60%	20'/0'
Townhouse	1,800 SF	18'	100'	20'/10'	7.5'/0'	10'	5'/0'	45'	15' ⁽³⁾	65%	20'/0'
Multi-Family Building	7,500 SF	75'	100'	20'	N/A	10'	5'/0'	65'	15' ⁽³⁾	50%	20'/0'
Recreation Buildings/ Clubhouse	N/A	N/A	N/A	20'	10'	10'	5'/0'	45'	10'	50%	20'/0'

(1) 20' min. front setback for front-loaded garages. 15' min. front setback for side loaded garages. 10' min. front setback for rear-loaded/alley lots and secondary front setback on corner lots

(2) 0' accessory setback where rear lot line abuts platted lake maintenance easement or landscape buffer easement

(3) 15' minimum building separation for structures 35' in height or less. For structures greater than 35' in height, the minimum building separation will be 1/2 of the building height.

(4) 0' waterbody setback for recreational/amenity structures at the lake control elevation for non-sea walled artificial bodies of water. See Deviation 7.

(5) 0' rear yard setback only for rear-loaded/alley accessible lots.

NON-RESIDENTIAL – MIXED USE TOWN CENTERS (MU-1 & MU-2) AND MIXED USE RESIDENTIAL (MU-1/R)										
Land Use	Min. Lot Size	Min. Street Setback (SR 31) (1)	Min. Street Setback (CR 78) (1)	Min. Street Setback (Private/Internal)	Side Setback	Rear Setback	Accessory Setback	Max. Building Height (2)	Max. Lot Coverage	Waterbody (3)
Recreation	N/A	100'	1,000'	0'	0'	0'	0'	65'	50%	20'/0'
Retail	N/A	100'	1,000'	0'	0'	0'	0'	65'	50%	20'/0'
Office	N/A	100'	1,000'	0'	0'	0'	0'	65'	50%	20'/0'
Hotel	N/A	100'	1,000'	0'	0'	0'	0'	65'	50%	20'/0'
Mixed Use Buildings	N/A	100'	1,000'	0'	0'	0'	0'	65'	50%	20'/0'

(1) Excludes accessory structures, essential services, essential service facilities, and signage

(2) Minimum setback from future SR 31 is 100' for structures 35' in height or less. For structures exceeding 35' in height, the minimum setback will be increased 2 feet for every foot in excess of 35'.

(3) 0' waterbody setback for recreational/amenity structures at the lake control elevation for non-sea walled artificial bodies of water. See Deviation 7.

ATTACHMENT J

RESOLUTION NUMBER Z-80-397

The following resolution was adopted by the Lee County Zoning Board upon motion by Zoning Board Member Morris, and seconded by Zoning Board Member Smith, and upon poll of the members present the vote was as follows:

Thomas C. Smith AYE
Thad Taylor AYE
Chuck Ross AYE
Monty Bishop AYE

Robert Terrell AYE
Truman A. Morris AYE
Tom Cox AYE

WHEREAS Mrs. G. W. Keller has requested a

Special Exception in an AG zone for one Mobile Home

SUBJECT PROPERTY: (SEE ATTACHED)

WHEREAS, A Public Hearing of the Lee County Zoning Board was duly advertised and held as required by law, and after hearing all interested parties, after being duly sworn, and upon due and proper consideration having been given to the matter,

NOW THEREFORE BE IT RESOLVED by the Lee County Zoning Board, Lee County, Florida, that the petition be approved with the stipulation for the lifetime use of Mrs.

Keller only.

UPON APPEAL, the following resolution was offered by Commissioner _____, and seconded by Commissioner _____, and upon poll of the members present the vote was as follows:

R. Doug Taylor
Harry Rodda
Roland Q. Roberts
Wade H. Scaffa
R.L. Steele

WHEREAS, an appeal was filed by an aggrieved person and a Public Hearing of the Lee County Commissioners was duly advertised and held, as required by law, this Board after reviewing the records and the motion made by the Zoning Board and having given an opportunity to all interested persons to be heard, after being duly sworn, and upon due and proper consideration having been given to this matter, NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners, Lee County, Florida, that the motion of the Zoning Board (No appeal filed)

PASSED AND ADOPTED THIS 24th DAY OF November, 1980 by the Lee County Zoning Board

PASSED AND ADOPTED THIS _____ DAY OF _____, 19____ by the Lee County Commission

RESOLUTION NUMBER Z-80-397

APPRO

IRM

By Thomas M. Brundage
OFFICE OF COUNTY ATTORNEY

HEARING NUMBER 80-11-25

STAFF REPORT FOR CPA2020-00004 & CPA2020-00005: OWL CREEK



Privately Initiated Map & Text Amendments to the Lee Plan

Recommendation:

Transmit

Applicant:

D.R. Horton, Inc.

Representatives:

Stacy Ellis Hewitt, AICP
Banks Engineering

Hearing Dates:

LPA: 2/28/2022
BoCC #1: 4/20/2022
BoCC #2: TBD

Attachments:

1: Proposed Amendments
2: Applicant Materials

SUMMARY OF AMENDMENTS

- Add a new policy, Policy 29.2.4, to the Lee Plan that provides incentives for preservation or restoration of Rare and Unique Upland Habitats in developments that are located in the North Olga Community Plan area, clustered, and approved through the planned development process.
- Amend Lee Plan Policy 124.1.1 and Table 1(a), Note 8 to allow for the capture of density from preserved wetlands when adjacent to the Rural future land use category.
- Amend the Lee County Utilities Future Water Service Areas (Lee Plan Map 4A) to add property to the Lee County Utilities Future Water Service Area.

PROJECT LOCATION

- The proposed text amendments for the Rare and Unique Upland Habitats incentives will apply to the North Olga Community Plan area.
- The amendments for the preserved wetlands density calculations adjacent to land designated Rural will be applied county wide.
- The proposed amendment to Lee County Utilities Future Water Service Areas (Lee Plan Map 4A) is specific to property shown on the map below.



The property is approximately 342.68 acres in size and is located on the south side of North River Road about 0.5 miles east of SR31.

PART 1 - STAFF REVIEW

CONCURRENT APPLICATION REVIEW

The applicant has filed a companion rezoning application (DCI2021-00011) that is being reviewed concurrently with this plan amendment application. Chapter 163.3184(12), F.S. provides: "At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this subsection."

The concurrent rezoning request is to rezone ±342.68 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to allow development of a clustered residential community containing up to 380 dwelling units.

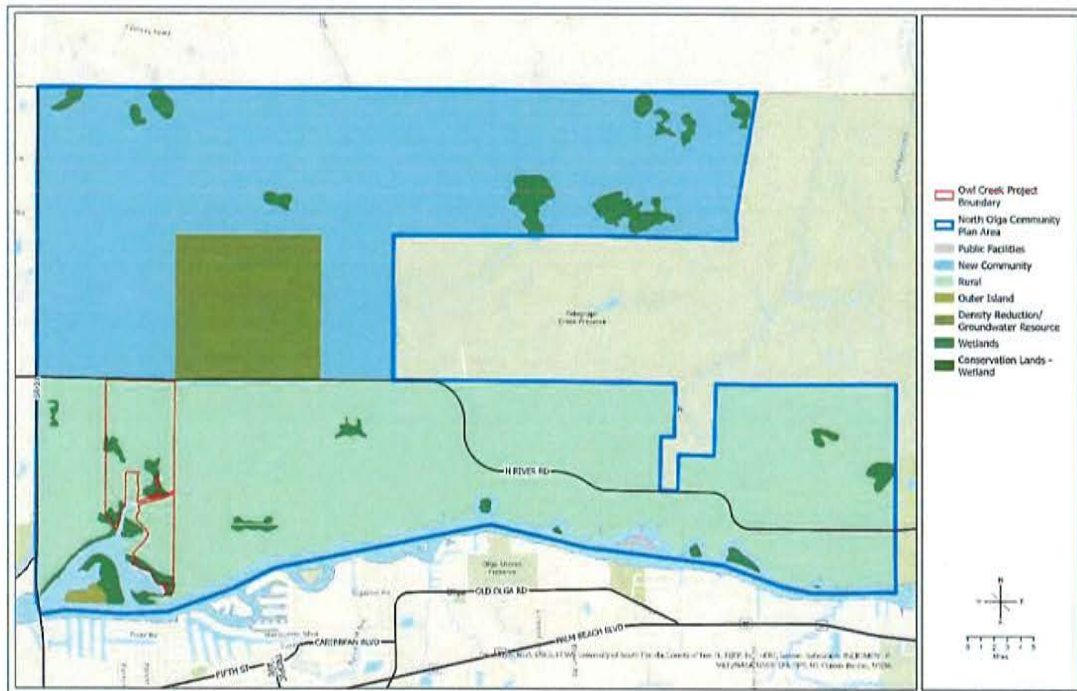
If the Board of County Commissioners amends the Lee Plan to incorporate the proposed changes discussed in this report, the applicant MUST demonstrate consistency with the Lee Plan, as amended, prior to rezoning approval.

DISCUSSION AND ANALYSIS – TEXT AMENDMENT

The intent of the text amendments is to provide an incentive to preserve, enhance, and restore Rare and Unique Upland Habitats within the North Olga Community Plan area and to expand the incentive for preserving wetlands to include wetlands adjacent to developable contiguous uplands in the Rural future land use category.

Rare and Unique Upland Habitats

The proposed text amendments for preserving, enhancing and restoring Rare and Unique Upland Habitats are specific to property within the North Olga Community Plan area and designated Rural on the Future Land Use Map. See map of the North Olga Community Plan area below.



The Rural future land use category, is described in **Policy 1.4.1:**

POLICY 1.4.1: The Rural areas are to remain predominantly rural – that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with Policy 10.1.4. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre).

The **Northeast Lee County Community Plan, Lee Plan Goal 27**, provides objectives and policies applicable to both the Alva and North Olga Community Plan areas in order to “maintain, enhance, and support the heritage and rural character, natural resources, and agricultural lands” in Northeast Lee County. Objective 27.1 and Policy 27.1.1 of the Lee Plan discusses the need to maintain and enhance the rural character of Northeast Lee County, including through the use of clustered development in order to conserve “large areas of open lands.” Additionally **Objective 27.2** and **Policy 27.2.1** direct applicants to develop and refine rural planning tools in order to “enhance and maintain Northeast Lee County’s sense of place and provide for the long-term preservation of large tracts of contiguous natural resource and open space areas.”

The **North Olga Community Plan, Lee Plan Goal 29**, is to: “Promote and support the unique rural character, heritage, economy, quality of life, and natural resources in the North Olga Community Plan area.” Residential land uses within the Community Plan area are described in Objective 29.2:

OBJECTIVE 29.2: RESIDENTIAL LAND USES. Protect and enhance the rural character of the North Olga Community by evaluating residential development proposals for consistency with the community’s rural character and sense of community. Rural character is defined as those characteristics that convey the rural lifestyle such as: large lots or clustered development, ample view of wooded areas, open spaces, and river fronts, working farms, productive agricultural uses, and the protection of environmentally sensitive lands.

Furthermore, **Policy 29.2.1** encourages the design of planned developments to include a mix of unit types and flexible lot sizes to allow for clustering, affordability, preservation of open space, natural assets and diversity of choice within the community.

Rare and Unique Upland Habitats such as sand scrub, tropical hardwood hammock, live oak hammock, and cabbage palm hammocks are indigenous to Northeast Lee County. These upland habitats are often easier to develop (than wetlands) as mitigation for impacting the upland communities is not required. The definition of Rare and Unique Upland Habitats is provided in the Lee Plan Glossary. Amendments to the definition are proposed to clarify what qualifies as “high-quality”:

RARE AND UNIQUE UPLAND HABITATS (RU) – High-quality native upland habitats categorized as “mature” due to the absence of severe impacts caused by logging, drainage, and exotic infestation. ~~as identified by the Lee County Coastal Study (Godschalk and Associates, 1988).~~ These habitat types include those classified as: sand scrub (320); coastal scrub (322); pine flatwoods (411) ~~which can be categorized as “mature” due to the absence of severe impacts caused by logging, drainage, and exotic infestation;~~ slash pine/midstory oak (412); tropical hardwood (426); live oak hammock (427); and, cabbage palm hammock (428). The numbered references are to the Florida Land Use Cover and Forms Classification System (FLUCFCS) Level III (Florida Department of Transportation, 1985).

The text amendments below provide a density incentive for the preservation, creation, and/or restoration of Rare and Unique Upland Habitats:

POLICY 29.2.4: As an incentive to preserve, enhance, and restore indigenous Rare and Unique upland habitats on land within the Rural future land use category, one (1) additional dwelling unit may be created for each one (1) acre of created, preserved and/or restored indigenous Rare and Unique upland habitats if approved and developed as a unified planned development that meets all the following criteria:

1. Development is clustered so as to maintain large, contiguous tracts of open space and protect environmentally sensitive areas. To comply with this criteria, a minimum of 60% open space is required, of which 50% must be indigenous preserve. The indigenous preserve may consist of created or restored wetlands, flowways, or Rare and Unique upland habitats. Management and monitoring of the indigenous preserve must be in compliance with the indigenous management plan required by the LDC. Monitoring timelines will be extended as needed to assure success criteria established in the indigenous management plan is achieved for at least five consecutive years.
2. Creation, preservation, and/or restoration of indigenous Rare and Unique upland habitats, as defined, must meet the following:
 - a. The area of the Rare and Unique upland habitats must comply with the minimum dimensions required for indigenous open space areas set forth in the LDC.
 - b. The land where creation and/or restoration of indigenous Rare and Unique upland habitats will occur must contain the soil(s) needed to support the establishment and success of the indigenous Rare and Unique upland habitats.
 - c. Habitats impacted by logging, drainage, and/or exotic infestation may not count towards the density incentive unless restored to standards established in an approved site specific ecological restoration plan. The ecological restoration plan must include, at a minimum, a replanting plan, habitat restoration plan, success criteria, and long-term monitoring and maintenance criteria.
 - d. A Conservation Easement, to be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency, acceptable to Lee County, with third party enforcement rights must be recorded for areas used towards the density incentive. All Conservation Easements required as part of the planned development must be recorded within 5 years from first development order approval.

These amendments establish standards to ensure the success and protection of the Rare and Unique Upland Habitats being preserved, created and/or restored by requiring evidence of appropriate soils to support the plant community where habitat restoration or creation is proposed and by requiring an ecological restoration plan containing long-term monitoring requirements. In addition, the amendments ensure that projects implementing this policy provide a minimum of 60% open space of which 50% must be indigenous preserve.

The proposed amendments are consistent with the Goals, Objectives and Policies within the Northeast Lee County and North Olga Community Plans by incentivizing the use of clustered development with large, contiguous tracts of open space, preserved in perpetuity, that contribute to the unique rural character, heritage, and natural resources of the North Olga Community Plan area.

Wetlands

While it is evident that the goals for both Northeast Lee County (Goal 27) and North Olga (Goal 29) support incentives that allow for clustered developments in order to protect “ample views of wooded areas” and open space¹, protection of wetlands are addressed county-wide within the Lee Plan².

Policy 124.1.1 (summarized in Table 1(a), Note 8) specifically allow for preserved freshwater wetlands adjacent to the Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, New Community, Outlying Suburban and Sub-Outlying Suburban future land use categories to transfer densities, at the adjacent upland density, to developable contiguous uplands under common ownership. The proposed amendments will expand the applicability of this policy to include preserved wetlands contiguous to uplands designated Rural on the Future Land Use Map:

POLICY 124.1.1: Ensure that development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII, ~~and except that owners~~ Owners of wetlands adjacent to Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, New Community, Outlying Suburban, ~~and Sub-Outlying Suburban, areas and Rural~~ future land use categories may transfer ~~densities~~ dwelling units from preserved freshwater wetlands to developable contiguous uplands under common ownership at the same underlying density as permitted for those uplands (see Table 1(a)).

TABLE 1(A) – SUMMARY OF RESIDENTIAL DENSITIES

⁸ Higher 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 TDR program provided in LDC, Chapter 2; 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, Rural, and New Community from preserved freshwater wetlands at the same underlying density as permitted for those uplands (see Policy 124.1.1). Impacted wetlands will be calculated at the standard Wetlands density of 1 du/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.

Areas within the Rural land use category, as described in **Policy 1.4.1**, are to remain predominantly rural, with low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. The proposed text amendment provides a density incentive for development within the Rural future land use category to develop in a manner that contributes to the preservation, enhancement, and restoration of wetland habitats. As stated in **Policy 1.5.1**, the Wetlands land use category identifies lands that are designated as wetlands, and consists of very low density residential use and recreational uses which will not adversely affect ecological functions.

¹ Objectives 27.1 & 29.2 and Policies 27.1.2 & 29.1.3.

² Objectives 124.1 & 124.2, Policies 60.4.1, 101.1.2, 123.1.1, 123.3.1, 124.1.1, 124.1.2, & 158.1.7, and Table 1(a), Note 8.

The current density calculations for Wetlands located adjacent to Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, New Community, Outlying Suburban and Sub-Outlying Suburban future land use categories were established in 2010, through Ordinance 10-39 (CPA2008-00018). The intent of those amendments was to incentivize wetlands preservation by allowing the density of adjacent (urban and suburban) upland areas to be calculated for the area of freshwater wetlands preserved. Prior to adoption Ordinance 10-39, the density of wetlands was calculated at 1 unit per 20 acres regardless of the wetlands being preserved or impacted; there was no incentive to preserve wetlands. The proposed amendment expands the wetlands preservation incentive to all property designated Rural on the Future Land Use Map, of which there are approximately 24,300 acres.

Growth Management

Objective 2.1 of the Lee Plan states that “Contiguous and compact growth patterns will be promoted to... contain urban sprawl... [and] conserve land, water, and natural resources...” The proposed amendments allow for slight increases in density for properties in the Rural future land use category as an incentive to preserve wetlands and for properties in the North Olga Community Plan area that preserve, create, or restore Rare and Unique Upland Habitats. Implementation of the proposed amendments will not detract from the distinction between future non-urban areas and future suburban or future urban areas as envisioned by the Lee Plan. Policies that encourage both the continued use of the Rural future land use categories in appropriate areas and the protection of wetlands and other natural resources and systems are consistent with Objective 2.1 and 163.3177(6)(a)9 of the Florida Statutes.

DISCUSSION AND ANALYSIS – MAP AMENDMENT

The resulting gross density of the subject property, if the proposed Lee Plan amendments and concurrent rezoning is approved, is approximately 1.1 dwelling units an acre, which does not exceed the 2.5 dwelling units an acre that would require connection to public potable water system or sanitary sewer system.³ However, Lee County Utilities (LCU) has water mains in close proximity to the subject property and the applicant has proposed to add the property to the Lee County Future Water Service Area, Map 4-A.

The proposed amendment to Map 4-A is applicable to 342.68 acres located on the south side of North River Road, approximately 0.5 miles from the intersection of SR31 and North River Road. Lee County Utilities has capacity to serve the proposed project. Amending the Lee Plan to allow for connection to LCU’s potable water is consistent with **Policy 126.1.4** of the Lee Plan, which requires development designs must maintain groundwater levels at or above existing levels. Connecting to the LCU’s potable water system, will reduce stress on the shallow aquifer and help to maintain or improve groundwater levels near the subject property. This is particularly important for the subject property, as the surrounding properties rely on shallow residential wells for their potable water needs. Conditions may also be required to the concurrent rezoning request, DCI2021-00011, in order to demonstrate consistency with Policy 126.1.4.

DISCUSSION AND ANALYSIS – OWL CREEK PROJECT

The proposed Lee Plan amendments are being contemplated in conjunction with a concurrent request to rezone ±342.68 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to allow development of a clustered residential community containing up to 380 dwelling units.

³ Lee Plan Standard 4.1.1

Surrounding Properties

West - The property immediately to the west is within the Rural and Wetlands Future Land Use Categories and zoned Agricultural (AG-2). The site contains 3 large lot single-family residences and agricultural grazing lands.

Further west there is additional agricultural uses including agritourism uses and large single-family lots ± 1.39 acres and larger. Policy 6.1.2 of the Lee Plan allows for these properties, within $\frac{1}{4}$ mile of SR 31 within the North Olga Community Plan Area, to be developed with neighborhood commercial uses.

North - To the north is North River Road, a 2-lane county maintained arterial roadway. North of North River Road is the Babcock Community, within the New Community future land use category, zoned Mixed Use Planned Development (MPD) by zoning resolution number Z-17-026.

To the northeast is property within the Density Reduction/Groundwater Resource (DR/GR) future land use category zoned AG-2 and Mobile Home residential MH-1. These properties are developed with single-family homes on lots ± 2.12 acres and larger as well as agricultural uses.

East - The properties adjacent to the east are within the Rural and Wetlands Future Land Use Categories, zoned AG-2, and consist of existing agricultural grazing lands, a vacant parcel owned by South Florida Water Management District, and a vacant privately owned parcel along the Caloosahatchee River.

Further East are properties zoned AG-2 and developed with large agricultural tracts then some single-family lots ± 4.45 acres and larger as well as agricultural uses.

South/Internal - The Caloosahatchee River lies to the south of the southern extent of the subject property. At the south end of the subject property there are two privately owned properties that will share an access from North River Road through the proposed Owl Creek development. These properties are within the Rural and Wetlands future land use categories and include:

- Owl Creek Boat Works and Storage, an industrial marina and yacht refinishing establishment located within the Water Dependent Overlay and zoned Marine Industrial (IM).
- Further south, across Trout Creek from Owl Creek Boat Works and Storage, is a vacant parcel and a ± 12 acre parcel developed with two single-family residences. Both of these parcels are zoned AG-2.

Impaired Waters

The property is in the Owl Creek and Trout Creek watersheds with offsite flows conveyed through the property before discharging into the Caloosahatchee River at the southern end of the subject property.

- Owl Creek and a tributary convey water from the northwest corner of the property south to the Caloosahatchee River. The Owl Creek watershed is impaired for Fecal Coliform.
- Trout Creek conveys water from the eastern property line southwest to the Caloosahatchee River. The Trout Creek watershed has a TMDL for fecal coliform and is on the study list for Dissolved Oxygen (percent saturation) based on the number of exceedances for the sample size.
- The Caloosahatchee River is impaired for Fecal Coliform and Iron and has a TMDL for Total Phosphorus, Total Nitrogen, Chlorophyll-a, and Dissolved Oxygen (percent saturation).

In addition to the proposed amendment to Lee Plan Map 4A, the applicant has stated their intent, in the application materials, to connect to sanitary sewer service provided by FGUA in order to address the proximity to Owl Creek, Trout Creek and the Caloosahatchee River. This will ensure water leaving the site is maintained or improved for the protection of the environment and the people of Lee County, consistent with Lee Plan Goal 125. It is recommended that connection to potable water and sanitary sewer services be required through conditions to the concurrent rezoning, if approved. The applicant could also prepare groundwater and surface water monitoring plans to demonstrate consistency with Goal 125 and following policies.

Floodways

The project is proposing to preserve and restore onsite wetlands, consistent with Objective 29.7 to “preserve, protect, and, where possible, enhance the physical integrity, rural character, ecological values, and natural beauty of the North Olga Community Plan area, focusing upon the Caloosahatchee River, native vegetation, wildlife resources, and areas designated for long-term conservation.” Most of the onsite wetlands are comprised of natural flowways and/or are within in FEMA regulatory floodways. The preservation and long-term maintenance of these wetlands will help retain natural flow patterns for lessening flooding impacts consistent with Lee Plan policies 60.4.3 and 61.3.3.

Wellfield Protection Zones

The northern portion of the property is within a future Wellfield Protection Zone (see CPA2021-00006, transmitted to the state on February 16, 2021). Any future development within the wellfield protection zone must comply with the wellfield protection zone ordinance, which requires a valid operating permit for all activity involving the storage, use, handling or production of hazardous substances in order to protect shallow wells. Compliance with the wellfield protection zone ordinance will protect Lee County wellfields consistent with Lee Plan Policy 125.1.6.

Archeological Resources

The proposed areas for preservation of Rare and Unique Upland Habitats contain three known archeological sites, which were documented as part of a cultural resource study conducted on the property. The preservation of the Rare and Unique Upland Habitat will protect these archeological sites.

Public Facilities Impacts

- Fire: The subject property is served by Bayshore Fire Rescue, who has indicated an adequate level of service.
- Emergency Medical Services: Lee County Emergency Medical Services will provide service to the subject property. Lee County EMS has indicated that they can sufficiently serve the property. The primary ambulance for the location is Medic 11, located 5.1 miles southwest. There is a second EMS station located within 6 miles of the property.
- Utilities: The subject property is not currently located within the Lee County Utilities Future Service Area. Potable water and sanitary sewer lines are not in operation at the vicinity, and thus, developer-funded system enhancements are required. Sanitary sewer service will be provided by the City of Fort Myers North Water Reclamation Facility.
- Public Transit: The subject property does not meet applicability standards for LeeTran. The property is not within one quarter mile of a fixed route corridor, and there is no identified need for enhanced or additional transit services in the area.

- Schools: The School District of Lee County has determined that capacity is an issue within the Concurrency Service Area (CSA) at the high school level, however capacity is available within the adjacent CSA.
- Police: The Lee County Sheriff's Office will serve the subject property, and has indicated that there are no problems regarding service. Law enforcement will be provided from the North District substation in North Fort Myers.
- Solid Waste: Lee County Solid Waste is capable of providing solid waste collection service to the subject property. Service will be provided through franchised hauling contractors, with disposal of waste accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.

CONCLUSIONS

The amendments are consistent with the Lee Plan:

- The proposed amendments incentivize the clustering of residential development in order to protect and preserve large areas of open space, natural resources, unique habitats and rural aesthetic qualities, consistent with Goals 27 and 29 of the Lee Plan.
- The proposed amendments incentivize the preservation of wetlands that are adjacent to uplands in the Rural future land use category and is consistent with the County's overall wetland protection policies.
- The proposed amendments preserve the distinction between future non-urban and suburban areas, consistent with the vision of the Lee Plan.
- The proposed amendment to Map 4-A helps to ensure area groundwater levels will be maintained at or above existing levels, consistent with the Lee Plan.

Staff recommends that the Board of County Commissioners ***transmit*** the proposed amendment as shown in Amendment 1.

PART 2
LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: February 28, 2022

A. LOCAL PLANNING AGENCY REVIEW

The applicant's representatives provided a presentation of the proposed amendments, the subject property, surrounding properties, availability of public facilities, surrounding properties, environmental benefits, and consistency with the Lee Plan. Following the applicant's presentation, members of the LPA asked for clarification about density requirements, traffic impacts, community input, what could be developed today without the proposed amendments, compatibility with surrounding uses, required plantings, and timing of the conservation areas.

Staff provided a brief presentation discussing the proposed amendments, consistency with the Lee Plan, and staff's recommendation. Following staff's presentation, LPA members asked questions regarding Policies 1.4.1 and 124.1.1, the nature of the proposed development, and parcel size. Staff provided clarification regarding the current use of density incentives throughout the County, referencing the Environmental Enhancement and Preservation Communities Overlay (EEPCO), and required restoration standards.

Two members of the public addressed the LPA concerning the proposed amendment. One member of the public, representing a nearby property owner, spoke in favor of the proposed amendments, but suggested the proposed incentives for preserving Rare and Unique habitats should be modified and apply county wide. The other member of the public did not support the proposed amendments citing concerns with traffic, and impacts to the environment and community character.

Following public input staff and LPA members discussed allowing for wider applicability of the density incentive for preserving or restoring Rare and Unique upland habitats, but agreed that due to lack of analysis the change was not appropriate at this time.

B. LOCAL PLANNING AGENCY RECOMMENDATION:

A motion was made to recommend that the Board of County Commissioners transmit CPA2020-00004 (MAP). The motion passed 3 to 1.

RAYMOND BLACKSMITH	<u>AYE</u>
DUSTIN GARDNER	<u>ABSENT</u>
JAMES M. INK	<u>NAY</u>
ALICIA OLIVO	<u>ABSENT</u>
DON SCHROTENBOER	<u>AYE</u>
STAN STODER	<u>ABSTAIN</u>
HENRY ZUBA	<u>AYE</u>

A motion was made to recommend that the Board of County Commissioners transmit CPA2020-00005 (TEXT). The motion passed 4 to 0.

RAYMOND BLACKSMITH	AYE
DUSTIN GARDNER	ABSENT
JAMES M. INK	AYE
ALICIA OLIVO	ABSENT
DON SCHROTENBOER	AYE
STAN STOUDE	ABSTAIN
HENRY ZUBA	AYE

C. STAFF RESPONSE TO LOCAL PLANNING AGENCY DISCUSSION AND RECOMMENDATION:

Based on the LPAs discussion and questions to staff and the applicant, staff recommends additional changes be made to provide a cross reference to the new Policy (29.2.4) in Policy 1.4.1, which describes the Rural future land use category, and clarify indigenous requirements in Policy 29.2.4. These additions are shown below in double-underline, and have been added to Attachment 1.

POLICY 1.4.1: The Rural future land use category are areas that are to remain predominantly rural – that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with Policy 10.1.4. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural ~~area~~ future land use category is one dwelling unit per acre (1 du/acre). See Policy 29.2.4 for a potential density incentive resulting from preservation and/or restoration of Rare and Unique Upland Habitat.

POLICY 29.2.4: As an incentive to preserve, enhance, and restore indigenous Rare and Unique upland habitats on land within the Rural future land use category, one (1) additional dwelling unit may be created for each one (1) acre of created, preserved and/or restored indigenous Rare and Unique upland habitats if approved and developed as a unified planned development that meets all the following criteria:

1. Development is clustered so as to maintain large, contiguous tracts of open space and protect environmentally sensitive areas. To comply with this criteria, a minimum of 60% open space is required, of which 50% must be indigenous preserve. The indigenous preserve may consist of preserved existing indigenous wetlands and/or uplands and/or created or restored wetlands, flowways, or Rare and Unique upland habitats. Management and monitoring of the indigenous preserve must be in compliance with the indigenous management plan required by the LDC. Monitoring timelines will be extended as needed to assure success criteria established in the indigenous management plan is achieved for at least five consecutive years.

The remaining text for proposed Policy 29.2.4 remains unchanged and is shown in its entirety in Attachment 1. Staff recommends that the Board of County Commissioners **transmit** the proposed amendment as shown in Amendment 1.

PART 3
BOARD OF COUNTY COMMISSIONERS
TRANSMITTAL HEARING

DATE OF PUBLIC HEARING: April 20, 2022

A. BOARD REVIEW:

Staff provided a brief presentation for the proposed amendment which included an overview of the proposed amendment, consistency with the Lee Plan and staff recommendation.

An applicant's representative provided a presentation of the proposed amendments, consistency with the Lee Plan, concurrent rezoning request, environmental benefits, and the recommendations of staff and the LPA.

One member of the public addressed the BoCC concerning the proposed amendment. The member of the public did not support the proposed amendments citing concerns with traffic, and impacts to the environment appropriateness of the subject property for residential use, and community character.

B. Transmittal Hearing:

A motion was made to **transmit** the proposed amendments as recommended by staff and the LPA. The motion passed 4 to 1.

VOTE:

BRIAN HAMMAN	<u>AYE</u>
FRANK MANN	<u>NAY</u>
JOHN MANNING	<u>AYE</u>
CECIL L. PENDERGRASS	<u>AYE</u>
RAY SANDELLI	<u>AYE</u>

ATTACHMENT 1

- **Text Amendments**

- **Map 4-A**

- **Existing**
- **Proposed**

PROPOSED TEXT AMENDMENTS

FUTURE LAND USE ELEMENT

POLICY 1.4.1: The Rural future land use category are areas that are to remain predominantly rural – that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with Policy 10.1.4. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area future land use category is one dwelling unit per acre (1 du/acre). See Policy 29.2.4 for a potential density incentive resulting from preservation and/or restoration of Rare and Unique Upland Habitat.

POLICY 29.2.4: As an incentive to preserve, enhance, and restore indigenous Rare and Unique upland habitats on land within the Rural future land use category, one (1) additional dwelling unit may be created for each one (1) acre of created, preserved and/or restored indigenous Rare and Unique upland habitats if approved and developed as a unified planned development that meets all the following criteria:

1. Development is clustered so as to maintain large, contiguous tracts of open space and protect environmentally sensitive areas. To comply with this criteria, a minimum of 60% open space is required, of which 50% must be indigenous preserve. The indigenous preserve may consist of preserved existing indigenous wetlands and/or uplands and/or created or restored wetlands, flowways, or Rare and Unique upland habitats. Management and monitoring of the indigenous preserve must be in compliance with the indigenous management plan required by the LDC. Monitoring timelines will be extended as needed to assure success criteria established in the indigenous management plan is achieved for at least five consecutive years.
2. Creation, preservation, and/or restoration of indigenous Rare and Unique upland habitats, as defined, must meet the following:
 - a. The area of the Rare and Unique upland habitats must comply with the minimum dimensions required for indigenous open space areas set forth in the LDC.
 - b. The land where creation and/or restoration of indigenous Rare and Unique upland habitats will occur must contain the soil(s) needed to support the establishment and success of the indigenous Rare and Unique upland habitats.
 - c. Habitats impacted by logging, drainage, and/or exotic infestation may not count towards the density incentive unless restored to standards established in an approved site specific ecological restoration plan. The ecological restoration plan must include, at a minimum, a replanting plan, habitat restoration plan, success criteria, and long-term monitoring and maintenance criteria.
 - d. A Conservation Easement, to be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency, acceptable to Lee County, with third party enforcement rights must be recorded for areas used towards the density incentive. All

ATTACHMENT 1

Conservation Easements required as part of the planned development must be recorded within 5 years from first development order approval.

CONSERVATION & COASTAL MANAGEMENT ELEMENT

POLICY 124.1.1: Ensure that development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII, ~~and except that owners~~ Owners of wetlands adjacent to Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, New Community, Outlying Suburban, ~~and Sub-Outlying Suburban, areas~~ and Rural future land use categories may transfer densities ~~dwelling units from preserved freshwater wetlands~~ to developable contiguous uplands under common ownership at the same underlying density as permitted for those uplands (see Table 1(a)).

GLOSSARY

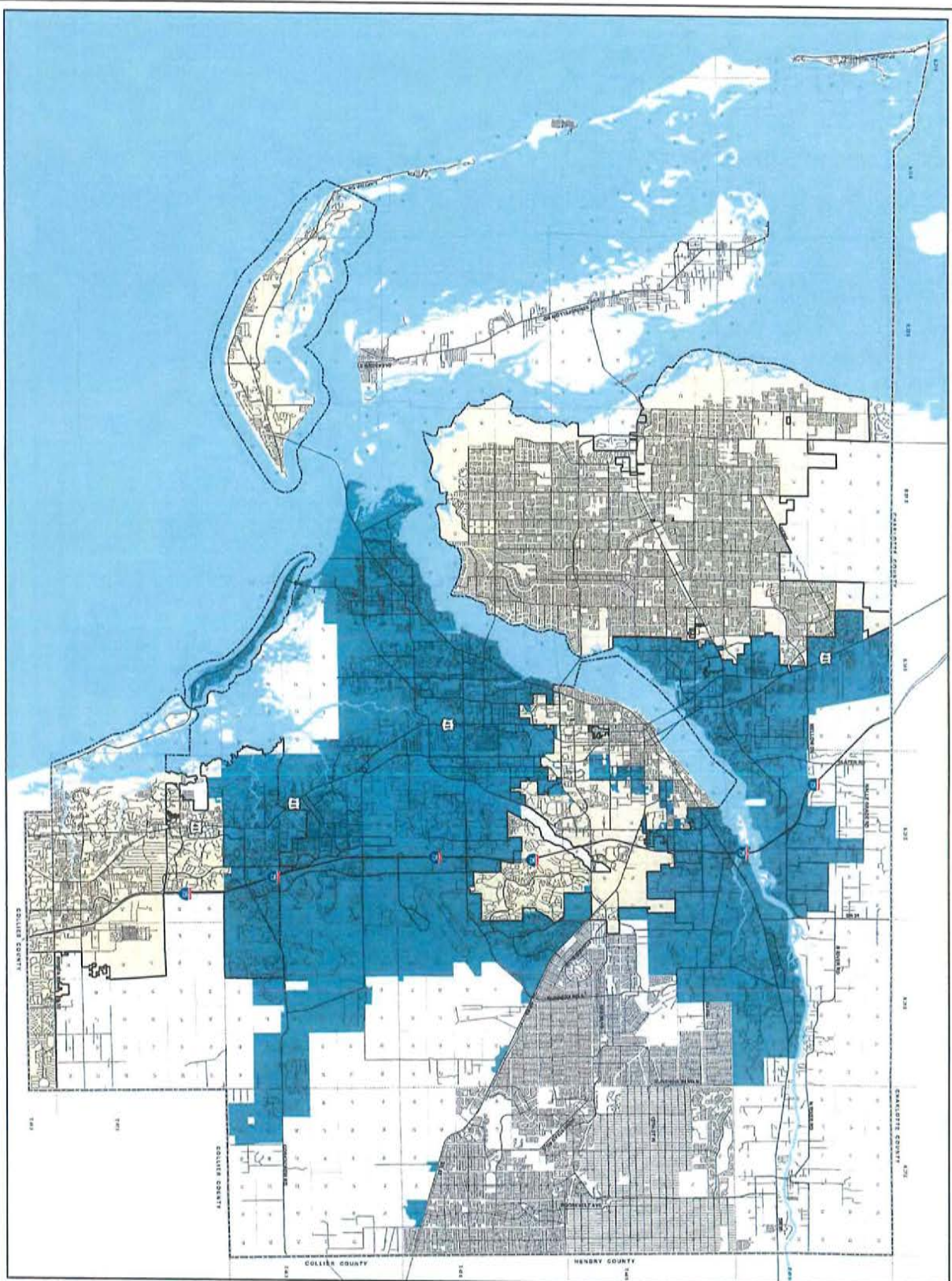
RARE AND UNIQUE UPLAND HABITATS (RU) – High-quality native upland habitats categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation, ~~as identified by the Lee County Coastal Study (Godschalk and Associates, 1988).~~ These habitat types include those classified as: sand scrub (320); coastal scrub (322); pine flatwoods (411) ~~which can be categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation;~~ slash pine/midstory oak (412); tropical hardwood (426); live oak hammock (427); and, cabbage palm hammock (428). The numbered references are to the Florida Land Use Cover and Forms Classification System (FLUCFCS) Level III (Florida Department of Transportation, 1985).

TABLE 1(A)

⁸ Higher 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 TDR program provided in LDC, Chapter 2; or

Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, Outlying Suburban, Sub-Outlying Suburban, Rural, and New Community from preserved freshwater wetlands at the same underlying density as permitted for those uplands (see Policy 124.1.1). Impacted wetlands will be calculated at the standard Wetlands density of 1 du/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.

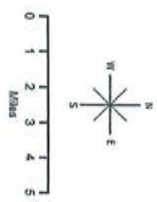


LEE COUNTY UTILITIES FUTURE WATER SERVICE AREAS

Existing

- Future Water Service Areas
- City Limits

Ord. No. 87-02, 05-22, 05-15, 05-06, 10-08, 10-01, 12-24, 13-16, 14-21, 15-11, 15-14, 17-06, 17-23, 18-10, 18-23, 21-09



Map Generated: November 2021
City limits current to date of map generation
Lee Plan Map 4-A

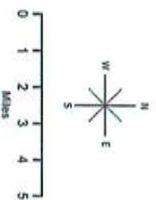


Proposed

Future Water Service Areas

City Limits

Ord. No. 88-07, 08-27, 09-12, 10-06, 10-40, 10-43, 12-24, 13-16,
14-21, 15-12, 15-14, 17-06, 17-23, 19-10, 19-25, 21-09



Map Generated: February 2022
City limits current to date of map generation

Lee Plan Map 4-A



Professional Engineers, Planners & Land Surveyors

ATTACHMENT L

Owl Creek Reserve Minor RPD Preliminary Density Calculations

DCI2021-00011- Revised March 2022

The site is within the Rural Future Land Use Category and there are concurrent Lee Plan Map and Text Amendments pending under case numbers CPA2020-00004 & CPA2020-00005 to propose an amendment to Map 4-A to include ± 342.68 acres within the Lee County Utilities Future Water Service Area to allow for privately funded expansion of water service and associated Text Amendments to provide incentives to encourage wetland preservation and rare and unique upland habitat preservation or restoration in the Rural future land use category for clustered developments utilizing the planned development process within the North Olga Planning Community. The proposed Text Amendment language is attached and below are the preliminary density calculations upon approval of the proposed language:

Please refer to the Master Concept Plan Notes and Density Exhibit:

Uplands ($212.24 \pm$ AC) & Manmade ditches/lake ($4.39 \pm$ AC)=	216.63 AT 1 DU/AC:	216.63 DU
Preserved Wetlands $106.36 \pm$ AC transferred to adjacent uplands at 1 DU/AC:		106.36 DU
Impacted Wetlands $13.95 \pm$ AC at 1 DU/20 AC:		0.70 DU
$5.74 \pm$ AC Natural Open Water not eligible for density		
Additional 1 DU/AC Preserved Rare and Unique Upland Habitat $15.16 \pm$ AC:		15.16 DU
Additional 1 DU/AC for Restored Rare and Unique Upland Habitat $41.28 \pm$ AC:		<u>41.28 DU</u>
Total Maximum Density:		380 DU

August 13, 2021

ATTACHMENT M

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

RE: Owl Creek RPD
DCI2021-00011

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:

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.*

Acknowledged. See attached intersection analysis. Note, the proposed rezoning request is now for 385 single-family dwelling units. The trip generation for this request is shown below. Intersection analysis at the site access drives has also been revised based on the new proposed intensity. Note, all analyzed intersections were shown to operate at acceptable Level of Service both with and without project traffic.

**Trip Generation
Proposed Rezoning
Owl Creek Reserve Minor RPD**

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Single-Family Detached Housing (385 Dwelling Units)	70	208	278	234	137	371	3,594

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 in link LOS analysis.*

Acknowledged. Attached Table 5A has been revised to satisfy this comment.

3. *The Master Concept Plan shows Owl Creek Dr will be relocated and will be on the west of the proposed project's driveway. Figure 2 needs to be revised.*

Acknowledged. Attached Figure 2 has been revised to satisfy this comment. Note, Figure 3 and Table 6A have also been revised based on the latest traffic data.

4. *The proposed project's build-out is within 5 years (2025). The existing service volumes of N River Rd shall be used for the LOS analysis.*

Acknowledged. Attached Table 5A 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

TABLES 5A & 6A
REZONING ANALYSIS

**TABLE 5A
LEVEL OF SERVICE THRESHOLDS
OWL CREEK RESERVE MINOR RPD**

TOTAL AM PEAK HOUR PROJECT TRAFFIC =	278 VPH	IN=	70	OUT=	208
TOTAL PM PEAK HOUR PROJECT TRAFFIC =	371 VPH	IN=	234	OUT=	137

									PERCENT		
<u>ROADWAY</u>	<u>ROADWAY SEGMENT</u>	<u># LANES</u>	<u>ROADWAY DESIGNATION</u>	<u>LOS A</u> <u>VOLUME</u>	<u>LOS B</u> <u>VOLUME</u>	<u>LOS C</u> <u>VOLUME</u>	<u>LOS D</u> <u>VOLUME</u>	<u>LOS E</u> <u>VOLUME</u>	<u>PROJECT</u> <u>TRAFFIC</u>	<u>PROJECT</u> <u>TRAFFIC</u>	<u>PROJ/</u> <u>LOS C</u>
N. River Rd	E. of Owl Creek Dr	2LU	Uninterrupted Flow Highway	170	370	620	860	1,140	5%	12	1.9%
	W. of Owl Creek Dr	2LU	Uninterrupted Flow Highway	170	370	620	860	1,140	95%	222	35.9%
SR 31	N. of N. River Rd.	2LU	Uninterrupted Flow Highway	0	580	890	1,200	1,610	20%	47	5.3%
	S. of N. River Rd.	2LU	Arterial	0	0	830	880	880	75%	176	21.1%
	S. of SR 78	2LU	Arterial	0	0	830	880	880	50%	117	14.1%
SR 78 (Bayshore Rd)	W. of SR 31	2LU	Arterial	0	0	872	924	924	25%	59	6.7%
SR 80 (Palm Beach Blvd)	W. of SR 31	6LD	Arterial	0	0	3,087	3,171	3,171	35%	82	2.7%
	E. of SR 31	4LD	Arterial	0	0	2,006	2,100	2,100	10%	23	1.2%

- Denotes the LOS Standard for each roadway segment

* Level of Service Thresholds for Lee County arterials/collectors taken from the Lee County Link-Specific Service Volumes Table.

* 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 6A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
OWL CREEK RESERVE MINOR RPD**

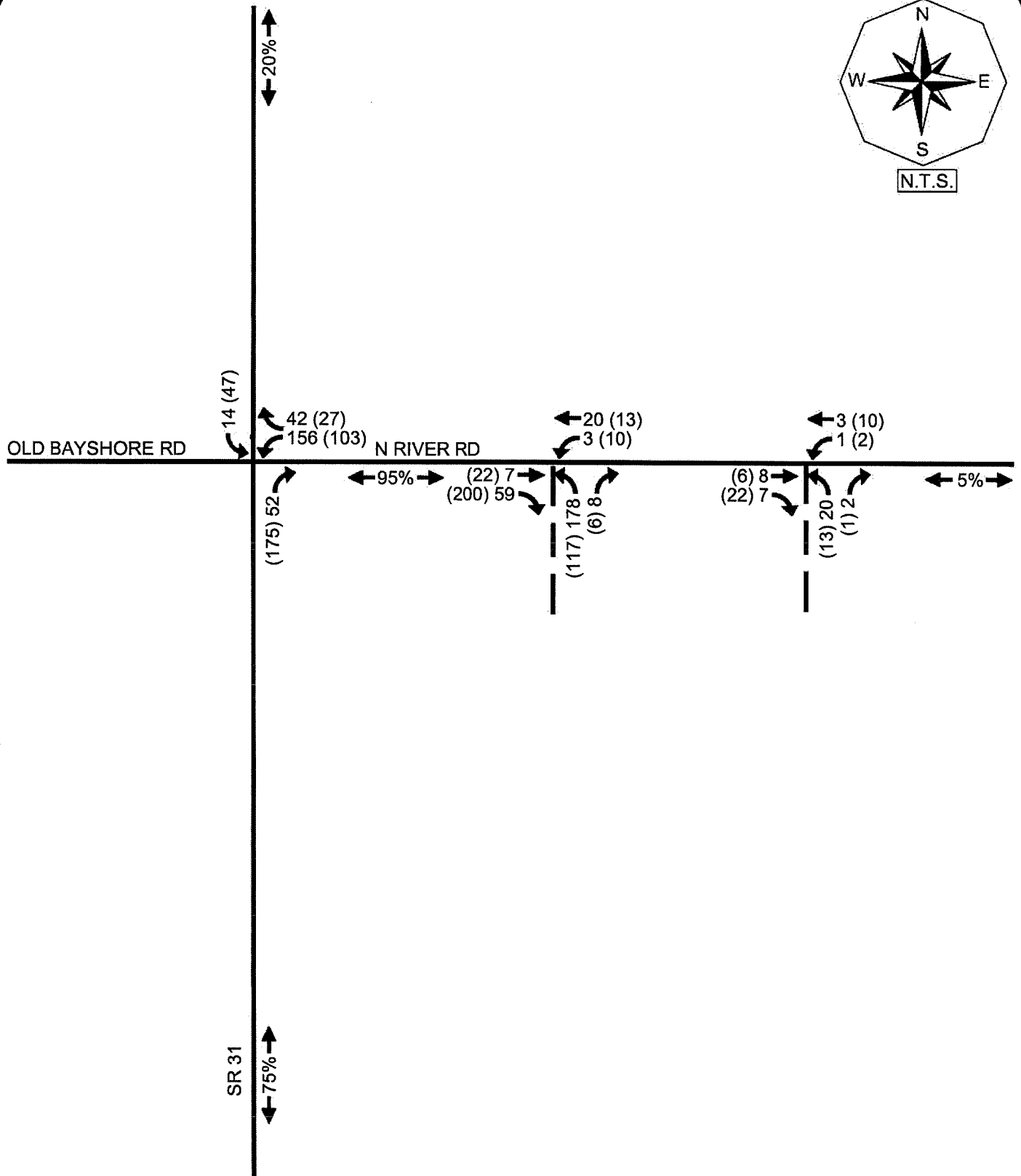
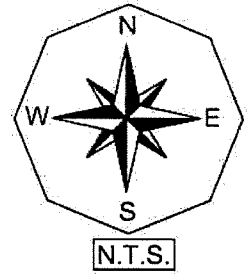
											<u>FDOT Sta. #</u>	<u>K</u>	<u>D</u>									
TOTAL PROJECT TRAFFIC AM =		278	VPH	IN =	70	OUT=	208				120273	0.095	0.527									
TOTAL PROJECT TRAFFIC PM =		371	VPH	IN=	234	OUT=	137				121001	0.095	0.537									
											120030	0.090	0.537									
											121002	0.090	0.537									
											126005	0.090	0.537									
											120085	0.090	0.537									
														2025			2025					
														PERCENT			BCKGRND			BCKGRND		
														PK HR			PK SEASON			PK SEASON		
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¹ AGR for all roadways was calculated based the historical traffic data obtained from Lee County Traffic Count Report and Florida Traffic Online webpage.

² Current peak hour peak season peak direction traffic volumes for all County roadways were obtained from the 2020 Lee County Public Facilities Level of Service and Concurrency Report.

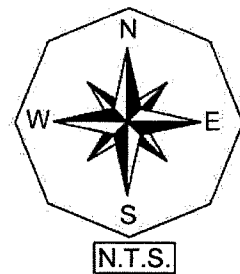
² Current peak hour peak season peak direction traffic volumes for state maintained roadways were obtained by adjusting the 2020 AADT by the appropriate K and D factors.

FIGURE 2 & FIGURE 3



LEGEND

- ← 000 WEEKDAY AM PEAK HOUR SITE TRAFFIC
- ← (000) WEEKDAY PM PEAK HOUR SITE TRAFFIC
- ← 20% → PERCENT TRIP DISTRIBUTION



N. RIVER RD.

544 - "B"
(586 - "C")
[591 - "C"]

192 - "B"
(390 - "C")
[414 - "C"]

192 - "B"
(202 - "B")
[204 - "B"]

OWL CREEK DR.

S.R. 31

620 - "C"
(776 - "C")
[795 - "C"]

LEGEND

XXX - "X" 2025 PEAK SEASON PEAK
HOUR PEAK DIRECTION
BACKGROUND TRAFFIC AND
LEVEL OF SERVICE
DESIGNATION

(XXX - "X") 2025 PEAK SEASON PEAK
HOUR PEAK DIRECTION
BACKGROUND TRAFFIC PLUS
AM PEAK PROJECT TRAFFIC
AND LEVEL OF SERVICE
DESIGNATION

[XXX - "X"] 2025 PEAK SEASON PEAK
HOUR PEAK DIRECTION
BACKGROUND TRAFFIC PLUS
PM PEAK PROJECT TRAFFIC
AND LEVEL OF SERVICE
DESIGNATION

S.R. 78
(BAYSHORE RD.)

587 - "C"
(639 - "C")
[645 - "C"]

736 - "C"
(840 - "D")
[853 - "D"]

S.R. 80 (PALM BEACH BLVD.)

1,799 - "C"
(1,872 - "C")
[1,881 - "C"]

1,948 - "C"
(1,968 - "D")
[1,971 - "D"]

**LEE COUNTY LINK SPECIFIC
SERVICE VOLUMES**

LINK-SPECIFIC SERVICE VOLUMES ON ARTERIALS IN LEE COUNTY (2015 DATA)

ROAD SEGMENT	FROM	TO	TRAFFIC DISTRIC	LENGTH (MILE)	ROAD TYPE	SERVICE VOLUMES (PEAK HOUR PEAK DIRECTION)					SERVICE VOLUMES (PEAK HOUR—BOTH DIRECTIONS)				
						A	B	C	D	E	A	B	C	D	E
McGREGOR BLVD	COLLEGE PKWY	WINKLER RD	4	1.4	2LN	0	830	900	900	900	0	1,630	1,780	1,780	1,780
	WINKLER RD	BRENTWOOD	1	0.8	2LN	0	830	900	900	900	0	1,630	1,780	1,780	1,780
	BRENTWOOD	COLONIAL BLVD	1	0.8	2LN	0	830	900	900	900	0	1,630	1,780	1,780	1,780
METRO PKWY	US 41	SIX MILE PKWY	4	2.5	6LD	0	2,280	2,280	2,280	2,280	0	4,060	4,060	4,060	4,060
	SIX MILE PKWY	DANIELS PKWY	4	1.3	6LD	0	0	2,060	2,060	2,060	0	0	3,670	3,670	3,670
	DANIELS PKWY	CRYSTAL DR	4	1.3	4LD	0	1,340	1,660	1,660	1,660	0	2,400	2,980	2,980	2,980
	CRYSTAL DR	DANLEY DR	4	1.1	4LD	0	1,340	1,660	1,660	1,660	0	2,400	2,980	2,980	2,980
	DANLEY DR	COLONIAL BLVD	1	1.2	4LD	0	1,340	1,660	1,660	1,660	0	2,400	2,980	2,980	2,980
DR. MARTIN LUTHER KING, JR. BLVD (SR 82)	MICHIGAN LINK	ORTIZ AVE	1	0.8	4LD	260	1,700	1,700	1,700	1,700	450	2,940	2,940	2,940	2,940
	ORTIZ AVE	I-75	1	0.6	6LD	400	2,560	2,560	2,560	2,560	690	4,430	4,430	4,430	4,430
	I-75	BUCKINGHAM RD	1	1.5	6LD	0	2,740	2,740	2,740	2,740	0	4,730	4,730	4,730	4,730
	BUCKINGHAM RD	COLONIAL BLVD	1	1.0	6LD	0	2,740	2,740	2,740	2,740	0	4,730	4,730	4,730	4,730
	COLONIAL BLVD	GATEWAY BLVD	3	1.0	2LN	700	1,160	1,160	1,160	1,160	1,210	2,010	2,010	2,010	2,010
	GATEWAY BLVD	GUNNERY RD	3	3.5	2LN	1,040	1,040	1,040	1,040	1,040	1,670	1,670	1,670	1,670	1,670
	GUNNERY RD	ALABAMA RD	3	3.5	2LN	140	450	860	1,210	1,360	230	730	1,390	1,960	2,200
	ALABAMA RD	BELL BLVD	3	4.2	2LN	140	450	860	1,210	1,360	230	730	1,390	1,960	2,200
	BELL BLVD	COUNTY LINE	3	2.7	2LN	140	450	860	1,210	1,360	230	730	1,390	1,960	2,200
NORTH RIVER RD	SR 31	FRANKLIN LOCK RD	2	4.5	2LN	170	370	620	860	1,140	280	610	1,020	1,410	1,870
	FRANKLIN LOCK RD	BROADWAY RD	2	5.7	2LN	170	370	620	860	1,140	280	610	1,020	1,410	1,870
	BROADWAY RD	COUNTY LINE	2	3.6	2LN	170	370	620	860	1,140	280	610	1,020	1,410	1,870
ORANGE RIVER BLVD	SR 80	STALEY RD	3	1.3	2LN	110	260	430	590	1,000	210	500	820	1,120	1,890
	STALEY RD	BUCKINGHAM RD	3	3.0	2LN	110	260	430	590	1,000	210	500	820	1,120	1,890
ORTIZ AVE	COLONIAL BLVD	SR 82	1	1.7	2LN	0	790	900	900	900	0	1,340	1,520	1,520	1,520
	SR 82	BALLARD ST	1	1.1	2LN	0	790	900	900	900	0	1,340	1,520	1,520	1,520
	BALLARD ST	TICE ST	1	1.3	2LN	0	790	900	900	900	0	1,340	1,520	1,520	1,520
	TICE ST	SR 80	1	0.3	2LN	0	790	900	900	900	0	1,340	1,520	1,520	1,520
PINE ISLAND RD/ BAYSHORE RD (SR 78)	STRINGFELLOW RD	BURNT STORE RD	5 & 6	5.4	2LN	70	220	380	530	950	140	440	750	1,040	1,870
	BURNT STORE RD	CHIQUITA BLVD	5	2.0	4LD	1,230	1,820	1,820	1,820	1,820	2,280	3,370	3,370	3,370	3,370
	CHIQUITA BLVD	SANTA BARBARA BLVD	5	2.3	4LD	1,250	2,020	2,020	2,020	2,020	2,320	3,760	3,760	3,760	3,760

**LEE COUNTY PUBLIC FACILITIES
LEVEL OF SERVICE AND
CONCURRENCY REPORT**

5/25/2020

LEE COUNTY Road Link Volumes (County- and State-Maintained Roadways)

LINK NO.	NAME	ROADWAY LINK		ROAD TYPE	PERFORMANCE STANDARD		2019 160TH HIGHEST HOUR		FORECAST FUTURE		NOTES
		FROM	TO		LOS	CAPACITY	LOS	VOLUME	LOS	VOLUME	
13500	IMPERIAL PKWY	COUNTY LINE	BONITA BEACH RD	4LD	E	1,920	B	1,017	B	1,069	*
13550	IMPERIAL PKWY	E TERRY ST	COCONUT RD	4LD	E	1,920	B	1,015	B	1,067	
13600	IONA RD	DAVIS RD	MCGREGOR BLVD	2LN	E	860	C	381	C	460	
13700	ISLAND PARK RD	PARK RD	US 41	2LN	E	860	C	79	C	251	
13800	JOEL BLVD	BELL BLVD	18TH ST	4LN	E	2,120	B	660	B	876	Joel Blvd CPD
13900	JOEL BLVD	18TH ST	SR 80	2LN	E	1,010	D	495	D	520	
14000	JOHN MORRIS RD	BUNCHE BEACH	SUMMERLIN RD	2LN	E	860	C	62	C	72	old count projection
14100	JOHN MORRIS RD	SUMMERLIN RD	IONA RD	2LN	E	860	C	256	C	267	
14200	KELLY RD	MCGREGOR BLVD	SAN CARLOS BLVD	2LN	E	860	C	277	C	291	
14300	KELLY RD	SAN CARLOS BLVD	PINE RIDGE RD	2LN	E	860	C	106	C	120	old count projection(2010)
14500	LAUREL DR	BUS 41	BREEZE DR	2LN	E	860	C	324	C	340	*
14600	LEE BLVD	SR 82	ALVIN AVE	6LD	E	2,840	B	2,202	B	2,318	
14700	LEE BLVD	ALVIN AVE	GUNNERY RD	6LD	E	2,840	B	2,161	B	2,340	
14800	LEE BLVD	GUNNERY RD	HOMESTEAD RD	6LD	E	2,840	B	2,131	B	2,240	
14900	LEE BLVD	HOMESTEAD RD	WILLIAMS AVE	4LD	E	1,980	B	630	B	662	
14930	LEE BLVD	WILLIAMS AVE	LEELAND HEIGHTS	2LN	E	1,020	B	630	B	665	
15000	LEE RD	SAN CARLOS BLVD	ALICO RD	2LN	E	860	C	544	D	614	old count projection(2015)
15100	LEELAND HEIGHTS	HOMESTEAD RD	JOEL BLVD	4LN	E	1,800	B	832	B	867	*
15200	LEONARD BLVD	GUNNERY RD	WESTGATE BLVD	2LN	E	860	D	650	D	706	
15300	LITTLETON RD	CORBETT RD	US 41	2LN	E	860	C	470	C	494	
15400	LITTLETON RD	US 41	BUS 41	2LN	E	860	C	417	C	439	*
15500	LUCKETT RD	ORTIZ AVE	I-75	2LN	E	880	B	326	B	401	4 Ln design & ROW
15600	LUCKETT RD	I-75	COUNTRY LAKES DR	2LN	E	860	C	273	C	287	
15700	MAPLE DR*	SUMMERLIN RD	2ND AVE	2LN	E	860	C	77	C	89	old count projection
15800	MCGREGOR BLVD	SANBELT PLAZA	HARBOR DR	4LD	E	1,960	B	1,153	B	1,212	
15900	MCGREGOR BLVD	HARBOR DR	SUMMERLIN RD	4LD	E	1,960	B	1,114	B	1,170	
16000	MCGREGOR BLVD	SUMMERLIN RD	KELLY RD	4LD	E	1,960	A	964	B	1,022	
16100	MCGREGOR BLVD	KELLY RD	GLADIOLUS DR	4LD	E	1,960	A	964	A	1,013	
16200	MCGREGOR BLVD (SR 867)	OLD MCGREGOR BLVD/G	IONA LOOP RD	4LD	D	2,100	C	1,594	C	1,731	
16300	MCGREGOR BLVD (SR 867)	IONA LOOP RD	PINE RIDGE RD	4LD	D	2,100	C	1,594	C	1,731	
16400	MCGREGOR BLVD (SR 867)	PINE RIDGE RD	CYPRESS LAKE DR	4LD	D	2,100	C	1,832	D	2,082	
16500	MCGREGOR BLVD (SR 867)	CYPRESS LAKE DR	COLLEGE PKWY	4LD	D	2,100	C	1,832	D	2,082	
16600	MCGREGOR BLVD (SR 867)	COLLEGE PKWY	WINKLER RD	2LN	D	924	C	792	C	861	Constrained
16700	MCGREGOR BLVD (SR 867)	WINKLER RD	TANGLEWOOD BLVD	2LN	D	970		1,187		1,260	Constrained
16800	MCGREGOR BLVD (SR 867)	TANGLEWOOD BLVD	COLONIAL BLVD	2LN	D	970		1,187		1,260	Constrained
16900	METRO PKWY (SR 739)	SIX MILE PKWY	DANIELS PKWY	6LD	D	3,171	C	1,423	C	1,391	
17000	METRO PKWY (SR 739)	DANIELS PKWY	CRYSTAL DR	4LD	D	2,100	C	1,493	C	1,441	
17100	METRO PKWY (SR 739)	CRYSTAL DR	DANLEY DR	4LD	D	2,100	C	1,544	C	1,764	
17200	METRO PKWY (SR 739)	DANLEY DR	COLONIAL BLVD	4LD	D	2,100	C	1,615	C	1,845	
	MICHAEL RIPPE PKWY	US 41	SIX MILES PKWY	6LD	D	3,171	C	1,381	C	1,945	
17600	MILWAUKEE BLVD	ALABAMA BLVD	BELL BLVD	2LN	E	860	C	171	C	180	
17700	MILWAUKEE BLVD	BELL BLVD	COLUMBUS BLVD	2LN	E	860	C	171	C	183	
17800	MOODY RD	HANCOCK B. PKWY	PONDELLA RD	2LN	E	860	C	182	C	206	old count projection(2009)
17900	NALLE GRADE RD	SLATER RD	NALLE RD	2LN	E	860	C	68	C	71	
18000	NALLE RD	SR 78	NALLE GRADE RD	2LN	E	860	C	114	C	134	
18100	NEAL RD	ORANGE RIVER BLVD	BUCKINGHAM RD	2LN	E	860	C	120	C	126	
18200	NO RIVER RD	SR 31	FRANKLIN LOCK RD	2LN	E	1,140	A	156	B	275	
18300	NO RIVER RD	FRANKLIN LOCK RD	BROADWAY RD	2LN	E	1,140	A	156	B	301	
18400	NO RIVER RD	BROADWAY RD	COUNTY LINE	2LN	E	1,140	A	108	A	141	
18900	OLGA RD*	SR 80 W	SR 80 E	2LN	E	860	C	82	C	95	old count projection
19100	ORANGE GROVE BLVD	CLUB ENTR.	HANCOCK B. PKWY	2LN	E	860	C	393	C	488	old count(2009)
19200	ORANGE GROVE BLVD	HANCOCK B. PKWY	PONDELLA RD	4LN	E	1,790	C	590	C	620	
19300	ORANGE RIVER BLVD	SR 80	STALEY RD	2LN	E	1,000	C	427	C	449	
19400	ORANGE RIVER BLVD	STALEY RD	BUCKINGHAM RD	2LN	E	1,000	C	427	C	461	
19500	ORIOLE RD	SAN CARLOS BLVD	ALICO RD	2LN	E	860	C	130	C	136	
19600	ORTIZ AVE	COLONIAL BLVD	SR 82	2LN	E	900	B	764	C	803	
19700	ORTIZ AVE	SR 82	LUCKETT RD	2LN	E	900	B	749	C	788	4 Ln design & ROW
19800	ORTIZ AVE	LUCKETT RD	SR 80	2LN	E	900	B	382	B	402	4 Ln design & ROW
19900	PALM BEACH BLVD (SR 80)	PROSPECT AVE	ORTIZ AVE	4LD	D	2,100	C	1,175	C	1,310	
20000	PALM BEACH BLVD (SR 80)	ORTIZ AVE	I-75	6LD	D	3,171	C	1,199	C	1,310	
20100	PALM BEACH BLVD (SR 80)	I-75	SR 31	6LD	D	3,171	C	1,701	C	2,056	
20200	PALM BEACH BLVD (SR 80)	SR 31	BUCKINGHAM RD	4LD	D	2,100	C	1,774	C	1,824	
20300	PALM BEACH BLVD (SR 80)	BUCKINGHAM RD	WERNER DR	4LD	D	3,280	B	1,361	B	1,421	
20330	PALM BEACH BLVD (SR 80)	WERNER DR	JOEL BLVD	4LD	C	1,607	C	1,180	C	1,254	
20400	PALM BEACH BLVD (SR 80)	JOEL BLVD	HENDRY CO. LINE	4LD	C	2,210	B	954	B	1,006	
20500	PALOMINO LN	DANIELS PKWY	PENZANCE BLVD	2LN	E	860	C	395	C	418	
20600	PARK MEADOWS DR	SUMMERLIN RD	US 41	2LN	E	860	C	197	C	207	
20800	PENZANCE BLVD	RANCHETTE RD	SIX MILE PKWY	2LN	E	860	C	173	C	185	
20900	PINE ISLAND RD	STRINGFELLOW RD	BURNT STORE RD	2LN	E	950	E	607	E	657	Constrained

TRAFFIC DATA
FDOT FLORIDA TRAFFIC ONLINE

2020 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL
 CATEGORY: 1200 LEE COUNTYWIDE

WEEK	DATES	SF	MOCF: 0.90 PSCF
* 1	01/01/2020 - 01/04/2020	0.91	1.01
* 2	01/05/2020 - 01/11/2020	0.89	0.99
* 3	01/12/2020 - 01/18/2020	0.86	0.96
* 4	01/19/2020 - 01/25/2020	0.85	0.94
* 5	01/26/2020 - 02/01/2020	0.84	0.93
* 6	02/02/2020 - 02/08/2020	0.83	0.92
* 7	02/09/2020 - 02/15/2020	0.82	0.91
* 8	02/16/2020 - 02/22/2020	0.85	0.94
* 9	02/23/2020 - 02/29/2020	0.88	0.98
*10	03/01/2020 - 03/07/2020	0.91	1.01
*11	03/08/2020 - 03/14/2020	0.95	1.06
*12	03/15/2020 - 03/21/2020	0.98	1.09
*13	03/22/2020 - 03/28/2020	1.08	1.20
14	03/29/2020 - 04/04/2020	1.18	1.31
15	04/05/2020 - 04/11/2020	1.28	1.42
16	04/12/2020 - 04/18/2020	1.38	1.53
17	04/19/2020 - 04/25/2020	1.31	1.46
18	04/26/2020 - 05/02/2020	1.25	1.39
19	05/03/2020 - 05/09/2020	1.18	1.31
20	05/10/2020 - 05/16/2020	1.12	1.24
21	05/17/2020 - 05/23/2020	1.11	1.23
22	05/24/2020 - 05/30/2020	1.11	1.23
23	05/31/2020 - 06/06/2020	1.10	1.22
24	06/07/2020 - 06/13/2020	1.09	1.21
25	06/14/2020 - 06/20/2020	1.09	1.21
26	06/21/2020 - 06/27/2020	1.09	1.21
27	06/28/2020 - 07/04/2020	1.10	1.22
28	07/05/2020 - 07/11/2020	1.11	1.23
29	07/12/2020 - 07/18/2020	1.11	1.23
30	07/19/2020 - 07/25/2020	1.10	1.22
31	07/26/2020 - 08/01/2020	1.08	1.20
32	08/02/2020 - 08/08/2020	1.06	1.18
33	08/09/2020 - 08/15/2020	1.05	1.17
34	08/16/2020 - 08/22/2020	1.04	1.16
35	08/23/2020 - 08/29/2020	1.04	1.16
36	08/30/2020 - 09/05/2020	1.03	1.14
37	09/06/2020 - 09/12/2020	1.03	1.14
38	09/13/2020 - 09/19/2020	1.02	1.13
39	09/20/2020 - 09/26/2020	1.00	1.11
40	09/27/2020 - 10/03/2020	0.99	1.10
41	10/04/2020 - 10/10/2020	0.97	1.08
42	10/11/2020 - 10/17/2020	0.96	1.07
43	10/18/2020 - 10/24/2020	0.95	1.06
44	10/25/2020 - 10/31/2020	0.95	1.06
45	11/01/2020 - 11/07/2020	0.95	1.06
46	11/08/2020 - 11/14/2020	0.95	1.06
47	11/15/2020 - 11/21/2020	0.95	1.06
48	11/22/2020 - 11/28/2020	0.94	1.04
49	11/29/2020 - 12/05/2020	0.93	1.03
50	12/06/2020 - 12/12/2020	0.92	1.02
51	12/13/2020 - 12/19/2020	0.91	1.01
52	12/20/2020 - 12/26/2020	0.89	0.99
53	12/27/2020 - 12/31/2020	0.86	0.96

* PEAK SEASON

27-FEB-2021 10:29:53

830UPD

1_1200_PKSEASON.TXT

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0273 - SR-31, 202' NORTH OF FOXHILL ROAD, LEE CO.

YEAR	AADT		DIRECTION 1		DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2020	9182 C	N	4508	S	4674	9.50	52.70	23.40
2019	9292 C	N	4645	S	4647	9.50	52.10	25.30
2018	7959 C	N	4032	S	3927	9.50	54.10	26.90
2017	7337 C	N	3712	S	3625	9.50	53.40	28.20
2016	6620 C	N	3338	S	3282	9.50	53.90	26.60
2015	5216 C	N	2618	S	2598	9.50	55.60	28.00
2014	4653 C	N	2325	S	2328	9.50	55.60	27.00
2013	4195 C	N	2099	S	2096	9.50	55.90	29.00
2012	4217 C	N	2149	S	2068	9.50	56.40	26.90
2011	4126 C	N	2094	S	2032	9.50	55.10	25.60
2010	4034 C	N	2041	S	1993	9.79	54.46	26.00
2009	3964 C	N	1994	S	1970	9.81	52.26	25.10
2008	4232 C	N	2124	S	2108	9.88	55.53	23.50
2007	6039 C	N	3027	S	3012	10.95	51.84	43.50
2006	5719 C	N	2850	S	2869	10.95	51.84	43.50
2005	5532 C	N	2773	S	2759	10.30	51.10	43.80

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE

S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE

V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN

*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 1001 - SR 31, SOUTH OF CR 78/NORTH RIVER ROAD (LC393)

YEAR	AADT		DIRECTION 1		DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
----	-----		-----		-----	-----	-----	-----
2020	11000 C	N	5500	S	5500	9.50	53.70	23.40
2019	11000 C	N	5500	S	5500	9.50	54.00	25.30
2018	9400 C	N	4700	S	4700	9.50	55.20	26.90
2017	8800 C	N	4500	S	4300	9.50	54.40	20.20
2016	8600 F	N	4200	S	4400	9.50	57.70	20.20
2015	7800 C	N	3800	S	4000	9.50	57.50	20.20
2014	7200 F	N	3600	S	3600	9.50	56.80	20.50
2013	7000 C	N	3500	S	3500	9.50	56.50	20.50
2012	7500 C	N	3800	S	3700	9.50	54.20	22.60
2011	7300 F	N	3700	S	3600	9.50	56.20	17.60
2010	7300 C	N	3700	S	3600	9.91	56.34	17.60
2009	7100 C	N	3600	S	3500	9.98	55.90	19.70
2008	7700 C	N	3900	S	3800	10.16	57.01	23.50
2007	9200 C	N	4600	S	4600	10.16	54.76	32.60
2006	11100 C	N	5500	S	5600	8.81	55.95	43.90
2005	10400 C	N	5200	S	5200	9.60	53.80	33.40

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
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V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN

*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0030 - SR 31, NORTH OF SR 80/PALM BEACH BOULEVARD LC391

YEAR	AADT		DIRECTION 1		DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
----	-----		-----		-----	-----	-----	-----
2020	13800 C	N	6600	S	7200	9.00	53.70	17.80
2019	13500 C	N	6600	S	6900	9.00	54.00	20.80
2018	11500 C	N	5600	S	5900	9.00	55.20	18.60
2017	11200 C	N	5500	S	5700	9.00	54.40	19.00
2016	11100 F	N	5500	S	5600	9.00	57.70	12.50
2015	10100 C	N	5000	S	5100	9.00	57.50	12.50
2014	8700 F	N	4300	S	4400	9.00	56.80	14.90
2013	8500 C	N	4200	S	4300	9.00	56.50	14.90
2012	8700 C	N	4400	S	4300	9.00	54.20	13.80
2011	8500 F	N	4200	S	4300	9.00	56.20	13.70
2010	8500 C	N	4200	S	4300	9.91	56.34	13.70
2009	7800 C	N	3800	S	4000	9.98	55.90	13.40
2008	8500 C	N	4200	S	4300	10.16	57.01	12.80
2007	8700 C	N	4300	S	4400	10.16	54.76	10.80
2006	12500 C	N	6100	S	6400	10.23	54.38	33.20
2005	10500 C	N	5200	S	5300	10.30	54.10	23.30

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
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*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 1002 - SR 78/BAYSHORE ROAD, SOUTHWEST OF SR 31

YEAR	AADT		DIRECTION 1		DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
----	-----		-----		-----	-----	-----	-----
2020	11000 C	E	5700	W	5300	9.00	53.70	18.90
2019	10600 C	E	5500	W	5100	9.00	54.00	22.00
2018	9600 C	E	5000	W	4600	9.00	55.20	21.60
2017	9200 C	E	4600	W	4600	9.00	54.40	13.00
2016	8600 F	E	4300	W	4300	9.00	57.70	13.00
2015	7800 C	E	3900	W	3900	9.00	57.50	13.00
2014	7300 F	E	3700	W	3600	9.00	56.80	14.00
2013	7100 C	E	3600	W	3500	9.00	56.50	14.00
2012	7500 C	E	3800	W	3700	9.00	54.20	16.40
2011	6800 F	E	3500	W	3300	9.00	56.20	14.90
2010	6800 C	E	3500	W	3300	9.91	56.34	14.90
2009	6900 C	E	3500	W	3400	9.98	55.90	17.00
2008	7500 C	E	3800	W	3700	10.16	57.01	19.30
2007	8400 C	E	4300	W	4100	10.16	54.76	23.30
2006	8400 C	E	4300	W	4100	10.23	54.38	21.60
2005	8600 C	E	4400	W	4200	10.30	54.10	25.10

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
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 V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
 *K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 6005 - SR 80/PALM BEACH BLVD, 0.25 MI W OF SR 31. PTMS 104, LCPR 05

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
----	-----	-----	-----	-----	-----	-----
2020	33500 S	0	0	9.00	53.70	11.50
2019	35000 F	0	0	9.00	54.00	12.30
2018	35091 C	0	0	9.00	64.90	12.60
2017	34000 F	0	0	9.00	64.90	11.10
2016	32970 C	E 16326	W 16644	9.00	64.90	10.40
2015	30167 C	E 14945	W 15222	9.00	63.20	11.00
2014	27785 C	E 13885	W 13900	9.00	62.60	5.90
2013	26228 C	E 12981	W 13247	9.00	61.80	9.50
2012	25563 C	E 12791	W 12772	9.00	61.60	10.80
2011	26888 C	E 13397	W 13491	9.00	61.60	12.40
2010	26743 C	E 13334	W 13409	9.89	61.01	8.90
2009	25939 C	E 12914	W 13025	9.90	62.73	9.60
2008	26004 C	E 12909	W 13095	10.24	63.18	9.20

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
 V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
 *K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2020 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0085 - SR 80/PALM BEACH BLVD, EAST OF SR 31

LC360

YEAR	AADT		DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
----	-----		-----	-----	-----	-----	-----
2020	36500 C	E	18000	W 18500	9.00	53.70	8.30
2019	36500 C	E	18000	W 18500	9.00	54.00	9.00
2018	33500 C	E	16500	W 17000	9.00	55.20	9.30
2017	33500 C	E	16500	W 17000	9.00	54.40	8.50
2016	35000 C	E	17500	W 17500	9.00	57.70	8.20
2015	32000 C	E	16000	W 16000	9.00	57.50	9.00
2014	29500 S	E	15000	W 14500	9.00	56.80	9.20
2013	28500 F	E	14500	W 14000	9.00	56.50	9.20
2012	28500 C	E	14500	W 14000	9.00	54.20	9.20
2011	29500 F	E	14500	W 15000	9.00	56.20	9.40
2010	29500 C	E	14500	W 15000	9.91	56.34	9.40
2009	29500 C	E	14500	W 15000	9.98	55.90	9.50
2008	30000 C	E	15000	W 15000	10.16	57.01	8.10
2007	34000 C	E	17000	W 17000	10.16	54.76	8.50
2006	36000 C	E	18000	W 18000	10.23	54.38	11.00
2005	31500 C	E	15500	W 16000	10.30	54.10	12.10

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE

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V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN

*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

TRAFFIC COUNTS
SR 31 @ N. RIVER RD

SR 31 @ North River Rd 6-30-2021 AM

File Name: SR 31 @ North River Rd 6-30-2021 AM

Location:

All Vehicles

Site Code:

Study Date: 06/30/2021

	SR 31 Southbound					North River Rd Westbound					SR 31 Northbound					Old Bayshore Rd Eastbound					
Time	Right	Thru	Left	U-Turn	Appr Total	Right	Thru	Left	U-Turn	Appr Total	Right	Thru	Left	U-Turn	Appr Total	Right	Thru	Left	U-Turn	Appr Total	Int Total
07:00	3	91	0	0	94	8	8	26	0	42	11	93	3	0	107	3	5	14	0	22	265
07:15	3	132	6	0	141	5	2	20	0	27	17	81	5	0	103	5	5	12	0	22	293
07:30	2	112	1	0	115	4	5	27	0	36	13	66	5	0	84	3	0	8	0	11	246
07:45	2	104	10	0	116	5	10	35	0	50	12	94	4	0	110	2	6	15	0	23	299
Total	10	439	17	0	466	22	25	108	0	155	53	334	17	0	404	13	16	49	0	78	1103
08:00	3	100	3	0	106	3	6	27	0	36	13	75	1	0	89	4	4	13	0	21	252
08:15	3	92	6	0	101	7	7	19	0	33	17	77	3	0	97	7	2	12	0	21	252
08:30	1	90	6	0	97	5	8	27	0	40	16	85	3	0	104	2	3	6	0	11	252
08:45	4	105	0	0	109	9	5	14	0	28	13	107	5	0	125	4	4	7	0	15	277
Total	11	387	15	0	413	24	26	87	0	137	59	344	12	0	415	17	13	38	0	68	1033
Grand Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Appr %	21	826	32	0	879	46	51	195	0	292	112	678	29	0	819	30	29	87	0	146	2136
Total %	02.4	94.0	03.6	00.0		15.8	17.5	66.8	00.0		13.7	82.8	03.5	00.0		20.5	19.9	59.6	00.0		
% Trucks	01.0	38.7	01.5	00.0		02.2	02.4	09.1	00.0		05.2	31.7	01.4	00.0		01.4	01.4	04.1	00.0		
	00.0	00.0	00.0	-	00.0	00.0	00.0	00.0	-	00.0	00.0	00.0	00.0	-	00.0	00.0	00.0	00.0	-	00.0	00.0
AM Pk Hr	07:00	07:00	07:00	07:00	07:00	07:00	07:00	07:00	07:00	07:00	07:00	07:00	07:00	07:00	07:00	07:00	07:00	07:00	07:00	07:00	07:00
AM Pk Vol	10	439	17	0	466	22	25	108	0	155	53	334	17	0	404	13	16	49	0	78	1103
AM PHF	0.833	0.831	0.425	NaN	0.826	0.688	0.625	0.771	NaN	0.775	0.779	0.888	0.850	NaN	0.918	0.650	0.667	0.817	NaN	0.848	0.922

SR 31 @ North River Rd 6-30-2021 AM

File Name: SR 31 @ North River Rd 6-30-2021 AM

Location:

All Vehicles

Site Code:

Study Date: 06/30/2021

Old Bayshore Rd	0	U-Turn	
	49	Left	
	16	Thru	
	13	Right	

SR 31			
10	439	17	0
Right	Thru	Left	U-Turn
			

AM Peak Hour Statistics
AM Peak Hour Begins: 07:00
AM Peak Hour Volume: 1103
AM Peak Hour Factor: 0.922

			
U-Turn	Left	Thru	Right
0	17	334	53
SR 31			

North River Rd	22	Right	
	25	Thru	
	108	Left	
	0	U-Turn	

SR 31 @ North River Rd 6-30-2021 PM

File Name: SR 31 @ North River Rd 6-30-2021 PM

Location:

All Vehicles

Site Code:

Study Date: 06/30/2021

	SR 31 Southbound					Old Bayshore Rd Westbound					SR 31 Northbound					North River Rd Eastbound					
Time	Right	Thru	Left	U-Turn	Appr Total	Right	Thru	Left	U-Turn	Appr Total	Right	Thru	Left	U-Turn	Appr Total	Right	Thru	Left	U-Turn	Appr Total	Int Total
16:00	3	112	10	0	125	4	4	13	0	21	33	70	1	0	104	6	6	5	0	17	267
16:15	4	92	7	0	103	2	3	15	0	20	19	80	5	0	104	7	3	8	0	18	245
16:30	3	100	9	0	112	1	4	20	0	25	28	121	12	0	161	8	8	9	0	25	323
16:45	2	87	7	0	96	5	5	16	0	26	30	91	5	0	126	1	6	13	0	20	268
Total	12	391	33	0	436	12	16	64	0	92	110	362	23	0	495	22	23	35	0	80	1103
17:00	3	83	17	0	103	6	6	17	0	29	36	115	14	0	165	2	7	8	0	17	314
17:15	0	89	7	0	96	4	3	16	0	23	35	102	7	0	144	3	5	6	0	14	277
17:30	3	87	11	0	101	4	2	10	0	16	37	94	5	0	136	7	4	2	0	13	266
17:45	4	77	4	0	85	1	1	11	0	13	31	98	4	0	133	4	5	8	0	17	248
Total	10	336	39	0	385	15	12	54	0	81	139	409	30	0	578	16	21	24	0	61	1105
18:00	0	6	2	0	8	0	0	2	0	2	1	7	0	0	8	0	0	0	0	0	18
Total	14	419	45	0	478	16	13	67	0	96	171	514	34	0	719	20	26	32	0	78	1371
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Grand Total	22	733	74	0	829	27	28	120	0	175	250	778	53	0	1081	38	44	59	0	141	2226
Appr %	02.7	88.4	08.9	00.0		15.4	16.0	68.6	00.0		23.1	72.0	04.9	00.0		27.0	31.2	41.8	00.0		
Total %	01.0	32.9	03.3	00.0		01.2	01.3	05.4	00.0		11.2	35.0	02.4	00.0		01.7	02.0	02.7	00.0		
% Trucks	00.0	00.0	00.0	-	00.0	00.0	00.0	00.0	-	00.0	00.0	00.0	00.0	-	00.0	00.0	00.0	00.0	-	00.0	00.0
PM Pk Hr	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30
PM Pk Vol	8	359	40	0	407	16	18	69	0	103	129	429	38	0	596	14	26	36	0	76	1182
PM PHF	0.667	0.898	0.588	NaN	0.908	0.667	0.750	0.863	NaN	0.888	0.896	0.886	0.679	NaN	0.903	0.438	0.813	0.692	NaN	0.760	0.915

SR 31 @ North River Rd 6-30-2021 PM

File Name: SR 31 @ North River Rd 6-30-2021 PM

Location:

All Vehicles

Site Code:

Study Date: 06/30/2021

North River Rd	0	U-Turn	
	36	Left	
	26	Thru	
	14	Right	

SR 31			
8	359	40	0
Right	Thru	Left	U-Turn
			

PM Peak Hour Statistics
 PM Peak Hour Begins: 16:30
 PM Peak Hour Volume: 1182
 PM Peak Hour Factor: 0.915

			
U-Turn	Left	Thru	Right
0	38	429	129
SR 31			

Old Bayshore Rd	16	Right	
	18	Thru	
	69	Left	
	0	U-Turn	

**DEVELOPMENT OF FUTURE YEAR
BACKGROUND TURNING VOLUMES**

Development of Future Year Background Turning Volumes

Intersection
Count Date
Build-Out Year

North River Rd @ SR 31
June 30, 2021
2025

AM Peak Hour												
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	17	334	53	17	439	10	49	16	13	108	25	22
Peak Season Correction Factor	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22
Current Peak Season Volumes	21	407	65	21	536	12	60	20	16	132	31	27
Growth Rate	2.00%	2.00%	2.00%	3.44%	3.44%	3.44%	2.00%	2.00%	2.00%	3.51%	3.51%	3.51%
Years to Build-out	4	4	4	4	4	4	4	4	4	4	4	4
2025 Background Turning Volumes	23	441	70	24	614	14	65	22	17	152	36	31
Project Turning Volumes	0	0	52	14	0	0	0	0	0	156	0	42
2025 Background + Project	23	441	122	38	614	14	65	22	17	308	36	73

PM Peak Hour												
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	38	429	129	40	359	8	36	26	14	69	18	16
Peak Season Correction Factor	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22
Current Peak Season Volumes	46	523	157	49	438	10	44	32	17	84	22	20
Growth Rate	2.00%	2.00%	2.00%	3.44%	3.44%	3.44%	2.00%	2.00%	2.00%	3.51%	3.51%	3.51%
Years to Build-out	4	4	4	4	4	4	4	4	4	4	4	4
2025 Background Turning Volumes	50	566	170	56	501	11	48	35	18	96	25	23
Project Turning Volumes	0	0	175	47	0	0	0	0	0	103	0	27
2025 Background + Project	50	566	345	103	501	11	48	35	18	199	25	50

Development of Future Year Background Turning Volumes

Intersection
Count Date
Build-Out Year

North River Rd @ West Site Access
June 30, 2021
2025

AM Peak Hour												
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	0	0	0	0	0	0	0	86	0	0	155	0
Peak Season Correction Factor	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22
Current Peak Season Volumes	0	0	0	0	0	0	0	105	0	0	189	0
Growth Rate	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	3.51%	0.00%	0.00%	3.51%	0.00%
Years to Build-out	4	4	4	4	4	4	4	4	4	4	4	4
2025 Background Turning Volumes	0	0	0	0	0	0	0	121	0	0	217	0
Project Turning Volumes	178	0	8	0	0	0	0	7	59	3	20	0
2025 Background + Project	178	0	8	0	0	0	0	128	59	3	237	0

PM Peak Hour												
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	0	0	0	0	0	0	0	195	0	0	103	0
Peak Season Correction Factor	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22
Current Peak Season Volumes	0	0	0	0	0	0	0	238	0	0	126	0
Growth Rate	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	3.51%	0.00%	0.00%	3.51%	0.00%
Years to Build-out	4	4	4	4	4	4	4	4	4	4	4	4
2025 Background Turning Volumes	0	0	0	0	0	0	0	273	0	0	145	0
Project Turning Volumes	117	0	6	0	0	0	0	22	200	10	13	0
2025 Background + Project	117	0	6	0	0	0	0	295	200	10	158	0

Development of Future Year Background Turning Volumes

Intersection
Count Date
Build-Out Year

N. River Rd @ East Site Access
June 30, 2021
2025

AM Peak Hour												
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	0	0	0	0	0	0	0	86	0	0	155	0
Peak Season Correction Factor	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22
Current Peak Season Volumes	0	0	0	0	0	0	0	105	0	0	189	0
Growth Rate	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	3.51%	0.00%	0.00%	3.51%	0.00%
Years to Build-out	6	6	6	6	6	6	6	6	6	6	6	6
2025 Background Turning Volumes	0	0	0	0	0	0	0	129	0	0	232	0
Project Turning Volumes	20	0	2	0	0	0	0	8	7	1	3	0
2025 Background + Project	20	0	2	0	0	0	0	137	7	1	235	0

PM Peak Hour												
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	0	0	0	0	0	0	0	195	0	0	103	0
Peak Season Correction Factor	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22	1.22
Current Peak Season Volumes	0	0	0	0	0	0	0	238	0	0	126	0
Growth Rate	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	3.51%	0.00%	0.00%	3.51%	0.00%
Years to Build-out	6	6	6	6	6	6	6	6	6	7	7	7
2025 Background Turning Volumes	0	0	0	0	0	0	0	293	0	0	160	0
Project Turning Volumes	13	0	1	0	0	0	0	6	22	2	10	0
2025 Background + Project	13	0	1	0	0	0	0	299	22	2	170	0

HCS RESULTS
NORTH RIVER RD @
WEST SITE ACCESS

HCS7 Two-Way Stop-Control Report

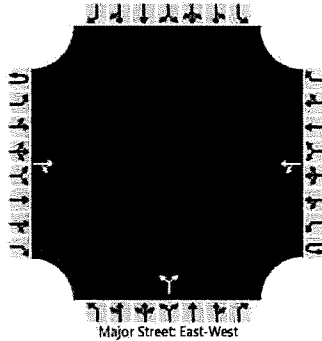
General Information

Analyst	
Agency/Co.	TR Transportation Consult
Date Performed	8/13/2021
Analysis Year	2025
Time Analyzed	AM Pk Hr
Intersection Orientation	East-West
Project Description	F2006.14

Site Information

Intersection	N. River Rd/W. Access
Jurisdiction	Lee County
East/West Street	N. River Rd
North/South Street	W. Site Access
Peak Hour Factor	0.92
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	0	0	0	1	0		0	1	0		0	0	0
Configuration				TR		LT					LR					
Volume (veh/h)			128	59		3	237			178		8				
Percent Heavy Vehicles (%)						3				3		3				
Proportion Time Blocked																
Percent Grade (%)									0							
Right Turn Channelized																
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1				7.1		6.2				
Critical Headway (sec)						4.13				6.43		6.23				
Base Follow-Up Headway (sec)						2.2				3.5		3.3				
Follow-Up Headway (sec)						2.23				3.53		3.33				

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						3					202					
Capacity, c (veh/h)						1362					583					
v/c Ratio						0.00					0.35					
95% Queue Length, Q ₉₅ (veh)						0.0					1.5					
Control Delay (s/veh)						7.6					14.4					
Level of Service (LOS)						A					B					
Approach Delay (s/veh)					0.1				14.4							
Approach LOS									B							

HCS7 Two-Way Stop-Control Report

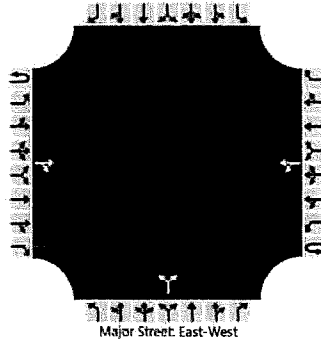
General Information

Analyst	
Agency/Co.	TR Transportation Consult
Date Performed	8/13/2021
Analysis Year	2025
Time Analyzed	PM Pk Hr
Intersection Orientation	East-West
Project Description	F2006.14

Site Information

Intersection	N. River Rd/W. Access
Jurisdiction	Lee County
East/West Street	N. River Rd
North/South Street	W. Site Access
Peak Hour Factor	0.92
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	0	0	0	1	0		0	1	0		0	0	0
Configuration				TR		LT					LR					
Volume (veh/h)			295	200		10	158			117		6				
Percent Heavy Vehicles (%)						3				3		3				
Proportion Time Blocked																
Percent Grade (%)									0							
Right Turn Channelized																
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1				7.1		6.2				
Critical Headway (sec)						4.13				6.43		6.23				
Base Follow-Up Headway (sec)						2.2				3.5		3.3				
Follow-Up Headway (sec)						2.23				3.53		3.33				

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						11					134					
Capacity, c (veh/h)						1025					449					
v/c Ratio						0.01					0.30					
95% Queue Length, Q ₉₅ (veh)						0.0					1.2					
Control Delay (s/veh)						8.5					16.4					
Level of Service (LOS)						A					C					
Approach Delay (s/veh)					0.6				16.4							
Approach LOS									C							

HCS RESULTS
NORTH RIVER RD @
EAST SITE ACCESS

HCS7 Two-Way Stop-Control Report

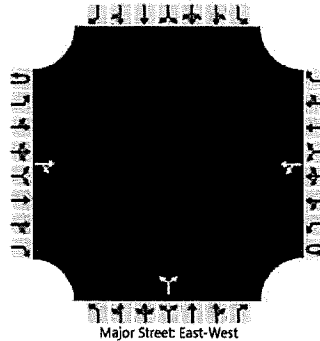
General Information

Analyst	
Agency/Co.	TR Transportation Consult
Date Performed	8/13/2021
Analysis Year	2025
Time Analyzed	AM Pk Hr
Intersection Orientation	East-West
Project Description	F2006.14

Site Information

Intersection	N. River Rd/E. Access
Jurisdiction	Lee County
East/West Street	N. River Rd
North/South Street	E. Site Access
Peak Hour Factor	0.92
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	0	0	0	1	0		0	1	0		0	0	0
Configuration				TR		LT					LR					
Volume (veh/h)			137	7		1	235			20		2				
Percent Heavy Vehicles (%)						3				3		3				
Proportion Time Blocked																
Percent Grade (%)									0							
Right Turn Channelized																
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1				7.1		6.2				
Critical Headway (sec)						4.13				6.43		6.23				
Base Follow-Up Headway (sec)						2.2				3.5		3.3				
Follow-Up Headway (sec)						2.23				3.53		3.33				

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						1					24					
Capacity, c (veh/h)						1417					614					
v/c Ratio						0.00					0.04					
95% Queue Length, Q ₉₅ (veh)						0.0					0.1					
Control Delay (s/veh)						7.5					11.1					
Level of Service (LOS)						A					B					
Approach Delay (s/veh)					0.0				11.1							
Approach LOS									B							

HCS7 Two-Way Stop-Control Report

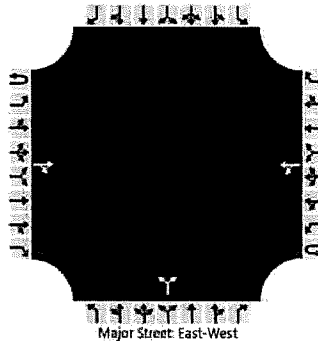
General Information

Analyst	
Agency/Co.	TR Transportation Consult
Date Performed	8/13/2021
Analysis Year	2025
Time Analyzed	PM Pk Hr
Intersection Orientation	East-West
Project Description	F2006.14

Site Information

Intersection	N. River Rd/E. Access
Jurisdiction	Lee County
East/West Street	N. River Rd
North/South Street	E. Site Access
Peak Hour Factor	0.92
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	1	0	0	0	1	0		0	1	0		0	0	0
Configuration				TR		LT					LR					
Volume (veh/h)			299	22		2	170			13		1				
Percent Heavy Vehicles (%)						3				3		3				
Proportion Time Blocked																
Percent Grade (%)									0							
Right Turn Channelized																
Median Type Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)						4.1				7.1		6.2				
Critical Headway (sec)						4.13				6.43		6.23				
Base Follow-Up Headway (sec)						2.2				3.5		3.3				
Follow-Up Headway (sec)						2.23				3.53		3.33				

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)						2					15					
Capacity, c (veh/h)						1204					520					
v/c Ratio						0.00					0.03					
95% Queue Length, Q ₉₅ (veh)						0.0					0.1					
Control Delay (s/veh)						8.0					12.1					
Level of Service (LOS)						A					B					
Approach Delay (s/veh)					0.1				12.1							
Approach LOS									B							

SYNCHRO RESULTS
SR 31 @
N. RIVER RD
(BACKGROUND CONDITIONS)

Lanes, Volumes, Timings
3: SR 31 & Old Bayshore Rd/N. River Rd

2025 AM Pk Hr Background
08/13/2021

	↖	→	↘	↙	←	↖	↙	↑	↘	↙	↓	↘
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕		↖	↑	↖	↖	↖	
Traffic Volume (vph)	65	22	17	152	36	31	23	441	70	24	614	14
Future Volume (vph)	65	22	17	152	36	31	23	441	70	24	614	14
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	0		0	635		635	610		0
Storage Lanes	0		0	0		0	1		1	1		0
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.978			0.981				0.850		0.997	
Flt Protected		0.970			0.966		0.950			0.950		
Satd. Flow (prot)	0	1767	0	0	1765	0	1770	1863	1583	1770	1857	0
Flt Permitted		0.721			0.724		0.251			0.421		
Satd. Flow (perm)	0	1313	0	0	1323	0	468	1863	1583	784	1857	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		11			10				76			2
Link Speed (mph)		35			55			60			60	
Link Distance (ft)		1221			1772			857			907	
Travel Time (s)		23.8			22.0			9.7			10.3	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	71	24	18	165	39	34	25	479	76	26	667	15
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	113	0	0	238	0	25	479	76	26	682	0
Turn Type	Perm	NA		Perm	NA		Perm	NA	Perm	Perm	NA	
Protected Phases		4			8			2			6	
Permitted Phases	4			8			2		2	6		
Detector Phase	4	4		8	8		2	2	2	6	6	
Switch Phase												
Minimum Initial (s)	5.0	5.0		5.0	5.0		5.0	5.0	5.0	5.0	5.0	
Minimum Split (s)	24.0	24.0		24.0	24.0		24.0	24.0	24.0	24.0	24.0	
Total Split (s)	33.0	33.0		33.0	33.0		57.0	57.0	57.0	57.0	57.0	
Total Split (%)	36.7%	36.7%		36.7%	36.7%		63.3%	63.3%	63.3%	63.3%	63.3%	
Maximum Green (s)	27.0	27.0		27.0	27.0		51.0	51.0	51.0	51.0	51.0	
Yellow Time (s)	4.0	4.0		4.0	4.0		4.0	4.0	4.0	4.0	4.0	
All-Red Time (s)	2.0	2.0		2.0	2.0		2.0	2.0	2.0	2.0	2.0	
Lost Time Adjust (s)		0.0			0.0		0.0	0.0	0.0	0.0	0.0	
Total Lost Time (s)		6.0			6.0		6.0	6.0	6.0	6.0	6.0	
Lead/Lag												
Lead-Lag Optimize?												
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0	3.0	3.0	3.0	
Recall Mode	None	None		None	None		Min	Min	Min	Min	Min	
Walk Time (s)	7.0	7.0		7.0	7.0		7.0	7.0	7.0	7.0	7.0	
Flash Dont Walk (s)	11.0	11.0		11.0	11.0		11.0	11.0	11.0	11.0	11.0	
Pedestrian Calls (#/hr)	0	0		0	0		0	0	0	0	0	
Act Effct Green (s)		15.5			15.5		28.2	28.2	28.2	28.2	28.2	
Actuated g/C Ratio		0.27			0.27		0.50	0.50	0.50	0.50	0.50	
v/c Ratio		0.31			0.64		0.11	0.52	0.09	0.07	0.74	
Control Delay		19.2			27.8		10.0	12.4	2.8	8.9	17.5	
Queue Delay		0.0			0.0		0.0	0.0	0.0	0.0	0.0	
Total Delay		19.2			27.8		10.0	12.4	2.8	8.9	17.5	

Lanes, Volumes, Timings
3: SR 31 & Old Bayshore Rd/N. River Rd

2025 AM Pk Hr Background
08/13/2021

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS		B			C		A	B	A	A	B	
Approach Delay		19.2			27.8			11.0			17.1	
Approach LOS		B			C			B			B	
Queue Length 50th (ft)		24			61		4	92	0	4	154	
Queue Length 95th (ft)		82			175		19	224	18	18	369	
Internal Link Dist (ft)		1141			1692			777			827	
Turn Bay Length (ft)							635		635	610		
Base Capacity (vph)		679			683		410	1634	1398	688	1629	
Starvation Cap Reductn		0			0		0	0	0	0	0	
Spillback Cap Reductn		0			0		0	0	0	0	0	
Storage Cap Reductn		0			0		0	0	0	0	0	
Reduced v/c Ratio		0.17			0.35		0.06	0.29	0.05	0.04	0.42	

Intersection Summary

Area Type: Other

Cycle Length: 90

Actuated Cycle Length: 56.6

Natural Cycle: 60

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.74

Intersection Signal Delay: 16.7

Intersection LOS: B

Intersection Capacity Utilization 58.2%

ICU Level of Service B

Analysis Period (min) 15

Splits and Phases: 3: SR 31 & Old Bayshore Rd/N. River Rd

 Ø2	 Ø4
 Ø6	 Ø8

Lanes, Volumes, Timings
3: SR 31 & Old Bayshore Rd/N. River Rd

2025 PM Pk Hr Background
08/13/2021

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	48	35	18	96	25	23	50	566	170	56	501	11
Future Volume (vph)	48	35	18	96	25	23	50	566	170	56	501	11
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	0		0	635		635	610		0
Storage Lanes	0		0	0		0	1		1	1		0
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.975			0.978				0.850		0.997	
Flt Protected		0.977			0.968		0.950			0.950		
Satd. Flow (prot)	0	1774	0	0	1763	0	1770	1863	1583	1770	1857	0
Flt Permitted		0.804			0.733		0.376			0.328		
Satd. Flow (perm)	0	1460	0	0	1335	0	700	1863	1583	611	1857	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		13			11				185		2	
Link Speed (mph)		35			55			60			60	
Link Distance (ft)		1221			1772			857			907	
Travel Time (s)		23.8			22.0			9.7			10.3	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	52	38	20	104	27	25	54	615	185	61	545	12
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	110	0	0	156	0	54	615	185	61	557	0
Turn Type	Perm	NA		Perm	NA		Perm	NA	Perm	Perm	NA	
Protected Phases		4			8			2			6	
Permitted Phases	4			8			2		2	6		
Detector Phase	4	4		8	8		2	2	2	6	6	
Switch Phase												
Minimum Initial (s)	5.0	5.0		5.0	5.0		5.0	5.0	5.0	5.0	5.0	
Minimum Split (s)	24.0	24.0		24.0	24.0		24.0	24.0	24.0	24.0	24.0	
Total Split (s)	33.0	33.0		33.0	33.0		57.0	57.0	57.0	57.0	57.0	
Total Split (%)	36.7%	36.7%		36.7%	36.7%		63.3%	63.3%	63.3%	63.3%	63.3%	
Maximum Green (s)	27.0	27.0		27.0	27.0		51.0	51.0	51.0	51.0	51.0	
Yellow Time (s)	4.0	4.0		4.0	4.0		4.0	4.0	4.0	4.0	4.0	
All-Red Time (s)	2.0	2.0		2.0	2.0		2.0	2.0	2.0	2.0	2.0	
Lost Time Adjust (s)		0.0			0.0		0.0	0.0	0.0	0.0	0.0	
Total Lost Time (s)		6.0			6.0		6.0	6.0	6.0	6.0	6.0	
Lead/Lag												
Lead-Lag Optimize?												
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0	3.0	3.0	3.0	
Recall Mode	None	None		None	None		Min	Min	Min	Min	Min	
Walk Time (s)	7.0	7.0		7.0	7.0		7.0	7.0	7.0	7.0	7.0	
Flash Dont Walk (s)	11.0	11.0		11.0	11.0		11.0	11.0	11.0	11.0	11.0	
Pedestrian Calls (#/hr)	0	0		0	0		0	0	0	0	0	
Act Effct Green (s)		11.2			11.2		25.1	25.1	25.1	25.1	25.1	
Actuated g/C Ratio		0.23			0.23		0.52	0.52	0.52	0.52	0.52	
v/c Ratio		0.32			0.50		0.15	0.64	0.20	0.19	0.58	
Control Delay		17.5			21.8		8.2	12.7	2.0	8.9	11.5	
Queue Delay		0.0			0.0		0.0	0.0	0.0	0.0	0.0	
Total Delay		17.5			21.8		8.2	12.7	2.0	8.9	11.5	

Baseline

Synchro 10 Report
Page 1

Lanes, Volumes, Timings
3: SR 31 & Old Bayshore Rd/N. River Rd

2025 PM Pk Hr Background
08/13/2021

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS		B			C		A	B	A	A	B	
Approach Delay		17.5			21.8			10.1			11.3	
Approach LOS		B			C			B			B	
Queue Length 50th (ft)		20			31		7	105	0	8	91	
Queue Length 95th (ft)		68			98		26	245	23	30	212	
Internal Link Dist (ft)		1141			1692			777			827	
Turn Bay Length (ft)							635		635	610		
Base Capacity (vph)		843			770		668	1778	1519	583	1773	
Starvation Cap Reductn		0			0		0	0	0	0	0	
Spillback Cap Reductn		0			0		0	0	0	0	0	
Storage Cap Reductn		0			0		0	0	0	0	0	
Reduced v/c Ratio		0.13			0.20		0.08	0.35	0.12	0.10	0.31	

Intersection Summary

Area Type: Other

Cycle Length: 90

Actuated Cycle Length: 48.7

Natural Cycle: 55

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.64

Intersection Signal Delay: 12.0

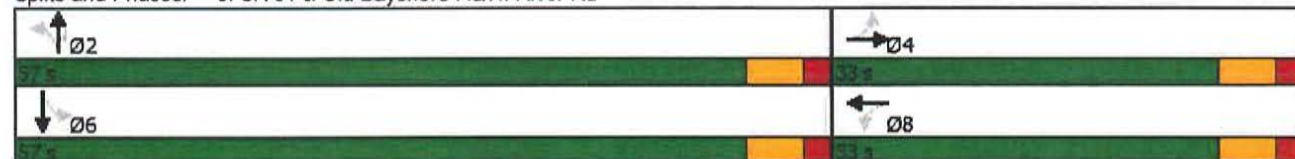
Intersection LOS: B

Intersection Capacity Utilization 60.7%

ICU Level of Service B

Analysis Period (min) 15

Splits and Phases: 3: SR 31 & Old Bayshore Rd/N. River Rd



SYNCHRO RESULTS
SR 31 @
N. RIVER RD
(BACKGROUND + PROJECT
CONDITIONS)

Lanes, Volumes, Timings
3: SR 31 & Old Bayshore Rd/N. River Rd

2025 AM Pk Hr With Project

08/13/2021

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↔			↔		↗	↗	↗	↗	↗	
Traffic Volume (vph)	65	22	17	308	36	73	23	441	122	38	614	14
Future Volume (vph)	65	22	17	308	36	73	23	441	122	38	614	14
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	0		0	635		635	610		0
Storage Lanes	0		0	0		0	1		1	1		0
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.978			0.976				0.850		0.997	
Flt Protected		0.970			0.964		0.950			0.950		
Satd. Flow (prot)	0	1767	0	0	1753	0	1770	1863	1583	1770	1857	0
Flt Permitted		0.682			0.711		0.170			0.359		
Satd. Flow (perm)	0	1242	0	0	1293	0	317	1863	1583	669	1857	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		11			12				133		2	
Link Speed (mph)		35			55			60			60	
Link Distance (ft)		1221			1772			857			907	
Travel Time (s)		23.8			22.0			9.7			10.3	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	71	24	18	335	39	79	25	479	133	41	667	15
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	113	0	0	453	0	25	479	133	41	682	0
Turn Type	Perm	NA		Perm	NA		Perm	NA	Perm	Perm	NA	
Protected Phases		4			8			2			6	
Permitted Phases	4			8			2		2	6		
Detector Phase	4	4		8	8		2	2	2	6	6	
Switch Phase												
Minimum Initial (s)	5.0	5.0		5.0	5.0		5.0	5.0	5.0	5.0	5.0	
Minimum Split (s)	24.0	24.0		24.0	24.0		24.0	24.0	24.0	24.0	24.0	
Total Split (s)	33.0	33.0		33.0	33.0		57.0	57.0	57.0	57.0	57.0	
Total Split (%)	36.7%	36.7%		36.7%	36.7%		63.3%	63.3%	63.3%	63.3%	63.3%	
Maximum Green (s)	27.0	27.0		27.0	27.0		51.0	51.0	51.0	51.0	51.0	
Yellow Time (s)	4.0	4.0		4.0	4.0		4.0	4.0	4.0	4.0	4.0	
All-Red Time (s)	2.0	2.0		2.0	2.0		2.0	2.0	2.0	2.0	2.0	
Lost Time Adjust (s)		0.0			0.0		0.0	0.0	0.0	0.0	0.0	
Total Lost Time (s)		6.0			6.0		6.0	6.0	6.0	6.0	6.0	
Lead/Lag												
Lead-Lag Optimize?												
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0	3.0	3.0	3.0	
Recall Mode	None	None		None	None		Min	Min	Min	Min	Min	
Walk Time (s)	7.0	7.0		7.0	7.0		7.0	7.0	7.0	7.0	7.0	
Flash Dont Walk (s)	11.0	11.0		11.0	11.0		11.0	11.0	11.0	11.0	11.0	
Pedestrian Calls (#/hr)	0	0		0	0		0	0	0	0	0	
Act Effct Green (s)		27.4			27.4		31.1	31.1	31.1	31.1	31.1	
Actuated g/C Ratio		0.39			0.39		0.44	0.44	0.44	0.44	0.44	
v/c Ratio		0.23			0.89		0.18	0.58	0.17	0.14	0.83	
Control Delay		17.8			45.5		14.4	17.5	2.6	11.9	26.9	
Queue Delay		0.0			0.0		0.0	0.0	0.0	0.0	0.0	
Total Delay		17.8			45.5		14.4	17.5	2.6	11.9	26.9	

Baseline

Synchro 10 Report

Page 1

Lanes, Volumes, Timings
3: SR 31 & Old Bayshore Rd/N. River Rd

2025 AM Pk Hr With Project
08/13/2021

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS		B			D		B	B	A	B	C	
Approach Delay		17.8			45.5			14.3			26.1	
Approach LOS		B			D			B			C	
Queue Length 50th (ft)		28			172		6	148	0	10	246	
Queue Length 95th (ft)		83			#454		21	225	24	27	371	
Internal Link Dist (ft)		1141			1692			777			827	
Turn Bay Length (ft)							635		635	610		
Base Capacity (vph)		488			509		232	1365	1195	490	1361	
Starvation Cap Reductn		0			0		0	0	0	0	0	
Spillback Cap Reductn		0			0		0	0	0	0	0	
Storage Cap Reductn		0			0		0	0	0	0	0	
Reduced v/c Ratio		0.23			0.89		0.11	0.35	0.11	0.08	0.50	

Intersection Summary

Area Type: Other

Cycle Length: 90

Actuated Cycle Length: 70.7

Natural Cycle: 70

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.89

Intersection Signal Delay: 26.3

Intersection LOS: C

Intersection Capacity Utilization 72.7%

ICU Level of Service C

Analysis Period (min) 15

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 3: SR 31 & Old Bayshore Rd/N. River Rd



Lanes, Volumes, Timings
3: SR 31 & Old Bayshore Rd/N. River Rd

2025 PM Pk Hr With Project

08/13/2021

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	48	35	18	199	25	50	50	566	345	103	501	11
Future Volume (vph)	48	35	18	199	25	50	50	566	345	103	501	11
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0		0	0		0	635		635	610		0
Storage Lanes	0		0	0		0	1		1	1		0
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.975			0.975				0.850		0.997	
Flt Protected		0.977			0.965		0.950			0.950		
Satd. Flow (prot)	0	1774	0	0	1753	0	1770	1863	1583	1770	1857	0
Flt Permitted		0.780			0.716		0.334			0.284		
Satd. Flow (perm)	0	1417	0	0	1300	0	622	1863	1583	529	1857	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		13			13				375		2	
Link Speed (mph)		35			55			60			60	
Link Distance (ft)		1221			1772			857			907	
Travel Time (s)		23.8			22.0			9.7			10.3	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	52	38	20	216	27	54	54	615	375	112	545	12
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	110	0	0	297	0	54	615	375	112	557	0
Turn Type	Perm	NA		Perm	NA		Perm	NA	Perm	Perm	NA	
Protected Phases		4			8			2			6	
Permitted Phases	4			8			2		2	6		
Detector Phase	4	4		8	8		2	2	2	6	6	
Switch Phase												
Minimum Initial (s)	5.0	5.0		5.0	5.0		5.0	5.0	5.0	5.0	5.0	
Minimum Split (s)	24.0	24.0		24.0	24.0		24.0	24.0	24.0	24.0	24.0	
Total Split (s)	33.0	33.0		33.0	33.0		57.0	57.0	57.0	57.0	57.0	
Total Split (%)	36.7%	36.7%		36.7%	36.7%		63.3%	63.3%	63.3%	63.3%	63.3%	
Maximum Green (s)	27.0	27.0		27.0	27.0		51.0	51.0	51.0	51.0	51.0	
Yellow Time (s)	4.0	4.0		4.0	4.0		4.0	4.0	4.0	4.0	4.0	
All-Red Time (s)	2.0	2.0		2.0	2.0		2.0	2.0	2.0	2.0	2.0	
Lost Time Adjust (s)		0.0			0.0		0.0	0.0	0.0	0.0	0.0	
Total Lost Time (s)		6.0			6.0		6.0	6.0	6.0	6.0	6.0	
Lead/Lag												
Lead-Lag Optimize?												
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0	3.0	3.0	3.0	
Recall Mode	None	None		None	None		Min	Min	Min	Min	Min	
Walk Time (s)	7.0	7.0		7.0	7.0		7.0	7.0	7.0	7.0	7.0	
Flash Dont Walk (s)	11.0	11.0		11.0	11.0		11.0	11.0	11.0	11.0	11.0	
Pedestrian Calls (#/hr)	0	0		0	0		0	0	0	0	0	
Act Effct Green (s)		17.9			17.9		27.8	27.8	27.8	27.8	27.8	
Actuated g/C Ratio		0.30			0.30		0.47	0.47	0.47	0.47	0.47	
v/c Ratio		0.25			0.73		0.18	0.70	0.40	0.45	0.63	
Control Delay		17.5			31.3		11.4	17.3	2.6	17.9	15.6	
Queue Delay		0.0			0.0		0.0	0.0	0.0	0.0	0.0	
Total Delay		17.5			31.3		11.4	17.3	2.6	17.9	15.6	

Baseline

Synchro 10 Report

Page 1

Lanes, Volumes, Timings
3: SR 31 & Old Bayshore Rd/N. River Rd

2025 PM Pk Hr With Project
08/13/2021

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
LOS		B			C		B	B	A	B	B	
Approach Delay		17.5			31.3			11.7			16.0	
Approach LOS		B			C			B			B	
Queue Length 50th (ft)		24			84		10	151	0	23	131	
Queue Length 95th (ft)		76			#223		35	319	39	76	276	
Internal Link Dist (ft)		1141			1692			777			827	
Turn Bay Length (ft)							635		635	610		
Base Capacity (vph)		710			651		542	1623	1427	461	1618	
Starvation Cap Reductn		0			0		0	0	0	0	0	
Spillback Cap Reductn		0			0		0	0	0	0	0	
Storage Cap Reductn		0			0		0	0	0	0	0	
Reduced v/c Ratio		0.15			0.46		0.10	0.38	0.26	0.24	0.34	

Intersection Summary

Area Type: Other

Cycle Length: 90

Actuated Cycle Length: 58.7

Natural Cycle: 60

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.73

Intersection Signal Delay: 16.1

Intersection LOS: B

Intersection Capacity Utilization 72.5%

ICU Level of Service C

Analysis Period (min) 15

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 3: SR 31 & Old Bayshore Rd/N. River Rd





DEPARTMENT OF COMMUNITY
DEVELOPMENT

Memo

To: Dirk Danley JR, Planner, Senior

From: Lili Wu, Planner, Senior

Date: May 16, 2022

Subject: Owl Creek Minor RPD (DCI2021-00011) Transportation-Related Analysis

Proposed Development

This application is requesting a rezoning from AG-2 to RPD to allow up to 385 residential dwelling units.

Site Location

The subject site is located on the south side of North River Road and approximately ½ mile to the east of SR 31.

Site Access

Access to the proposed development will be provided via two connections to North River Road.

North River Road is an arterial maintained by County.

Trip Generation Review

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) Trip Generation 11th Edition Report. Table 1 outlines the proposed project's trip generation for weekday A.M and P.M peak hour and daily traffic volumes.

Table 1
Trip Generation (New Trips)

Land Use	Weekday A.M Peak Hour			Weekday P.M Peak Hour			Daily (2-Way)
	In	Out	Total	In	Out	Total	
Single-family (385 DU)	70	208	278	234	137	371	3,594

Roadway Section Traffic Operation Level of Service Analysis

It was assumed that the proposed development would be completed by 2025 (build-out year). Therefore, the roadway links significant impacted by the proposed development were analyzed for the 2025 projected traffic conditions without the proposed development and with the proposed development (Table 2).

Table 2
Arterial/Collector Roadway Section(s) Adjacent to Site
Expected to be Significant Impacted by the Proposed Development

Roadway	Location	Significant Impact Expected	Level of Service		
			Existing	Future 2025	Future + Project
North River Rd	East of Site	No	A	B	B
North River Rd	West of Site	Yes	A	B	C
SR 31	North of North River Rd	Yes	B	C	C
SR 31	South of North River Rd	Yes	B	C	C

Roadway Intersection Traffic Operation Level of Service Analysis

New trips were assigned to the surrounding road network in order to assess LOS impact as necessary at site accesses, and intersections expected to be significant impacted by the proposed development. In this case, using trip assignment described in the applicant's final traffic study, the following intersections are expected to be significantly impacted by the proposed development:

1. North River Rd/West Site Access
2. North River Rd/East Site Access
3. SR 31/North River Rd

Table 3 describes the intersections that are expected to be significantly impacted by the proposed zoning along with their corresponding pre- and post-project built-out level of service.

Table 3
Roadway Intersection(s) Expected to be
significantly Impacted by Proposed Development

Intersection		Significant Impact Expected	Existing Traffic Control	Peak Hour	Level of Service (2025)		
Roadway A	Roadway B				Existing	Future	Future + Project
North River Rd	West Site Access	Yes	2-Way Stop Controlled	PM	--	--	C
North River Rd	East Site Access	Yes	2-Way Stop Controlled	PM	--	--	B
SR 31	North River Rd	Yes	Traffic Signal	PM	--	B	B

Conclusion

The roadway and intersection level of service analysis indicates all the roadways and the intersections significantly impacted by the proposed project will operate at acceptable LOS standard in build-out year (2025).

MEMORANDUM

Date: 06/02/2022

ATTACHMENT O

To: Dirk Danley, AICP

From: Brian Roberts 

Subject: DCI2021-00011 Owl Creek Minor RPD

The applicant is proposing to rezone 342.8+/- acres from Agricultural (AG-2) to Residential Planned Development to allow development of a 380 unit residential community containing single-family and two-family attached dwelling units with associated amenities. Development Services has reviewed the Master Concept Plan and requested deviations with respect to Chapter 10 technical standards as well as entrance gate requirements detailed in Land Development Code (LDC) Section 34-1748 and offers the following comments:

The MCP submitted by the applicant depicts an existing Owl Creek Easement that runs north to south roughly through the middle of the site. This easement follows Owl Creek Drive and provides access to Owl Creek Boat Works and Storage as well as two single family residences further south. The MCP proposes a realignment of Owl Creek Drive with access being provided via a 50' private roadway. Additionally, it is the applicant's intent that the development be gated. Staff recommends the following condition:

Prior to development order approval the developer must provide an access easement subject to approval by the County Attorney's Office. This easement must provide access for the existing development that currently utilizes Owl Creek Road. Prior to development order approval the easement must be properly recorded in the public records of the county at the developer's expense.

Deviation (1) seeks relief from Land Development Code (LDC) Section 34-1748(5), which requires 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, to be provided on the ingress side of the gate or gatehouse to allow no turn-around at the eastern resident entrance gate on North River Road.

Staff recommends **APPROVAL** of the applicant's request, as written below, **with conditions**:

Deviation (1) seeks relief from Land Development Code (LDC) Section 34-1748(5), which requires 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, to be provided on the ingress side of the gate or gatehouse to allow ~~no turn-around~~ **a paved turn-around, having a turning radius sufficient to accommodate a passenger car as specified in the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) current addition** at the eastern resident only gate on North River Road.

Staff recommends the following conditions:

As part of the local development order approval, the developer shall provide signage stating

MEMORANDUM

that the eastern access point is a resident only access.

Prior to local development order approval that includes the resident only access gate as designated on the Master Concept Plan, the developer must provide a letter of no objection from the Bayshore Fire Protection and Rescue Service District.

Staff is largely in agreement with the applicant's justification for relief from the requirement to provide a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) at the secondary resident only access. The secondary access is intended for resident access only, the main entrance will provide the required paved turn-around as specified in LDC Section 34-1748(5), and the main gate will be designated as the required entrance for delivery and service vehicles seeking access to the site. Staff does, however, request that the deviation be revised to provide a paved turn-around having a sufficient radius to accommodate a passenger car. Although signage can be provided it is not completely effective in preventing access to the gate by non-residents and guests inadvertently using the access point. In the event that this occurs a suitable turn-around should be provided to prevent backing maneuvers in the private right-of-way or within the right-of-way of North River Road to protect health, safety and welfare of the general public.

Deviation (2) seeks relief from LDC Section 10-296(k)(1), which requires dead-end streets, designed to be so permanently, to be closed at one end by a circular turnaround to allow a dead-end street with a t-intersection in Tract 1 as shown on the MCP.

Staff recommends **APPROVAL** of the applicant's request.

During the sufficiency review period for the requested rezoning the applicant provided an e-mail from William Underwood, Fire Chief, Bayshore Fire & Rescue that did not object to the proposed t-intersection turn around.

Please contact me if you have any further questions.

ATTACHMENT P

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ENVIRONMENTAL STAFF REPORT

CASE NUMBER: DCI2021-00011
TYPE OF CASE: Minor Residential Planned Development
CASE NAME: Owl Creek
TOTAL ACREAGE: 342.68
SUFFICIENCY DATE: April 14, 2022
HEARING EXAMINER DATE: June 23, 2022

Request

The applicant is requesting to rezone the subject property from Agricultural (AG-2) to Residential Planned Development (RPD) to develop 380 dwelling units consisting of single-family and two-family attached. The property is located in Alva, is east of State Road 31, and south of North River Road. According to the Lee Plan, the parcels are located in the Wetlands and Rural Future Land Use Category. The proposed development is within the Northeast Lee County Planning Community, specifically within the North Olga Community Planning area. The applicant has requested two Comprehensive Plan Amendments (CPA). CPA2020-00004 (Map Amendment) is being requested to amend Lee Plan Map 4A to add the property to the Lee County Utilities Future Water Service Area. CPA2020-00005 (Text Amendment) is being requested to add a new policy, Policy 29.2.4, to the Lee Plan that provides incentives for preservation or restoration of Rare and Unique Habitats in developments that are located in the North Olga Community Plan area, clustered and approved through the planned development process. This CPA also includes an amendment to Lee Plan Policy 124.1.1 and Table 1(a), Note 8 to allow for the capture of density from preserved wetlands when adjacent to the Rural future land use category. Both CPA's are ready to go before the Board of County Commissioners for adoption. The proposed CPA text amendments will affect how Environmental Sciences zoning staff review the concurrent rezoning request. The proposed language changes are as follows:

RARE AND UNIQUE UPLAND HABITATS (RU) – High-quality native upland habitats categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation. These habitat types include those classified as: sand scrub (320); coastal scrub (322); pine flatwoods (411); slash pine/midstory oak (412); tropical hardwood (426); live oak hammock (427); and, cabbage palm hammock (428). The numbered references are to the Florida Land Use Cover and Forms Classification System (FLUCFCS) Level III (Florida Department of Transportation, 1985).

POLICY 29.2.4: As an incentive to preserve, enhance, and restore indigenous Rare and Unique upland habitats on land within the Rural future land use category, one (1) additional dwelling unit may be created for each one (1) acre of created, preserved and/or restored indigenous Rare and Unique upland habitats if approved and developed as a unified planned development that meets all the following criteria:

1. Development is clustered so as to maintain large, contiguous tracts of open space and protect environmentally sensitive areas. To comply with this criteria, a minimum of 60% open space is required, of which 50% must be indigenous preserve. The indigenous

preserve may consist of created or restored wetlands, flowways, or Rare and Unique upland habitats. Management and monitoring of the indigenous preserve must be in compliance with the indigenous management plan required by the LDC. Monitoring timelines will be extended as needed to assure success criteria established in the indigenous management plan is achieved for at least five consecutive years.

2. Creation, preservation, and/or restoration of indigenous Rare and Unique upland habitats, as defined, must meet the following:

a. The area of the Rare and Unique upland habitats must comply with the minimum dimensions required for indigenous open space areas set forth in the LDC.

b. The land where creation and/or restoration of indigenous Rare and Unique upland habitats will occur must contain the soil(s) needed to support the establishment and success of the indigenous Rare and Unique upland habitats.

c. Habitats impacted by logging, drainage, and/or exotic infestation may not count towards the density incentive unless restored to standards established in an approved site specific ecological restoration plan. The ecological restoration plan must include, at a minimum, a replanting plan, habitat restoration plan, success criteria, and long-term monitoring and maintenance criteria.

d. A Conservation Easement, to be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency, acceptable to Lee County, with third party enforcement rights must be recorded for areas used towards the density incentive. All Conservation Easements required as part of the planned development must be recorded within 5 years from first development order approval.

POLICY 124.1.1: Ensure that development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII. Owners of wetlands adjacent to Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, New Community, Outlying Suburban, Sub-Outlying Suburban, and Rural future land use categories may transfer dwelling units from preserved freshwater wetlands to developable contiguous uplands under common ownership at the same underlying density as permitted for those uplands.

Existing Conditions

As mentioned the site is located east of S.R. 31 and south of North River Road within the North Olga Community Plan area. Staff conducted a site inspection on November 17, 2021. The site is currently being used for agricultural purposes, specifically cattle grazing. There were cattle

present on the site during the site inspection. The grazing pastures are located outside of the wetland, transitional wetland, and natural waterbody areas (Owl and Trout Creeks). The applicant has submitted a Protected Species Survey that includes the Florida Land Use Cover and Classification System (FLUCCS) map depicting the meandering transects methodology used to survey the project and a detailed FLUCCS for the mangrove fringe abutting the Caloosahatchee (see Attachment A and B). During staff's inspection, there were no protected species observed on the site. The applicant has indicated in the protected species survey that there are a total of five snags identified containing potential roost cavities. No evidence of the Florida bonneted bat was observed. The manatee review will be included in the Natural Resources staff memorandum pertaining to the Manatee Protection Plan and the multi-slip docking facility / flushing canal development.

Open Space

The applicant is requesting 380 single-family and two-family attached residential dwelling units. Per CPA2020-00005, the applicant may transfer dwelling units located in the Rural FLUC from preserved wetlands to developable uplands under common ownership at the same underlying density as permitted for those uplands. In addition, one additional dwelling unit may be created for each one acre created, preserved and/or restored indigenous Rare and Unique upland habitats if approved and developed as a unified planned development that meets 60% open space, of which 50% must be indigenous preserve. The applicant has provided a Master Concept Plan (MCP) dated July 12, 2021. The MCP depicts 205.6 acres of open space and complies with the 60% open space requirement.

Staff recommends the following open space condition to ensure that 60% open space is provided:

Prior to the issuance of the first development order, the development order plans must depict 60% open space and provided a phasing schedule demonstrating how the open space will support the proposed dwelling units.

Indigenous Open Space Preservation

Policy 29.2.4 is a new Lee Plan Policy being proposed (CPA2020-00005) that requires an applicant seeking to increase density within the North Olga Community Plan Area to provide 60% open space, of which 50% must be indigenous. A further increase in density of one additional dwelling unit may be sought per acre of created, preserved and/or restored indigenous Rare and Unique upland habitats. The applicant is required to provide 102.8 acres of indigenous open space and is providing 168.41 acres of preserved wetlands, rare and unique upland habitat, and surface water/flowway. The applicant has provided a MCP dated July 12, 2021 that depicts 168.41 acres of indigenous open space and depicts the density.

Wetlands

The applicant was issued a formal jurisdictional wetland determination (Permit # 36-106032-P) on November 12, 2021 (see Attachment C). Wetlands delineated on the property totaled 121.43 acres consisting of wetland forested mixed, mangrove, and marsh habitats with varying degrees of exotic vegetation (see Attachment D). Other surface waters that were identified on the site included Owl Creek and tributaries, and agricultural ditches, totaling 10.12 acres. The applicant provided a FLUCCS map as part of the protected species survey and the formal jurisdictional wetland determination (see Attachment E). The applicant has indicated in the planned development application that

13.99 acres of wetland will be impacted. Lee Plan Policy 124.1.2 (3-5) states that Lee County will incorporate the terms and conditions of the state permits into County permits, on or offsite mitigation will only be permitted in accordance with the applicable state standards, and mitigation banks and the issuance and use of mitigation credits will be permitted. Staff has recommended a condition to ensure that Lee County receives a copy of the receipt of payment or mitigation plans prior to development order approval to ensure that the County is not permitting impacts to State wetlands without required mitigation.

Rare and Unique Uplands

The applicant has provided a Rare and Unique Upland (RU) map depicting the areas where high quality native upland habitat exist in accordance with the Lee Plan (see Attachment F). Approximately 15.16 acres of RU will be preserved on the site and 41.28 acres of RU will be restored (see Attachment F).

Staff recommends the following indigenous open space condition to ensure the proposed indigenous open space is provided:

Prior to the issuance of the first development order, the development order plans must depict a total of 168.41 acres of indigenous open space in substantial compliance with the Master Concept Plan dated July 12, 2021 per the following breakdown:

- a) Rare and Unique Upland Preservation 15.16 acres;***
- b) Rare and Unique Upland Restoration 41.28 acres ;***
- c) Upland Restoration 1.62 acres ;***
- d) Wetland Preservation 23.56 acres;***
- e) Wetland Restoration 82.80 acres; and***
- f) Surface Waters 5.61 acres.***

Conservation easement must be recorded for all areas used towards density incentive. The conservation easements must be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency, acceptable to Lee County, with third party enforcement rights. All Conservation Easements required as part of the planned development must be recorded within 5 years from first development order approval.

Prior to the issuance of the first development order, the applicant must submit a copy of the mitigation receipt of payment or mitigation plans for the 13.99 acres of wetland impacts.

Indigenous Habitat Management Plan

The applicant has provided an Indigenous Habitat Management Plan (IHMP) the provides the detailed restoration and preservation replanting plans, habitat restoration plans, long-term monitoring and maintenance plans in order for the indigenous preserved and restored open space to be successful and support the increased density per Lee Plan Policy 29.2.4 (see Attachment G). The IHMP is separated into areas that will be preserved and enhanced with additional plant material once exotic vegetation is removed or restoration areas where the site

was used for agricultural purposes and has very little native seed source. The habitat types are Wetland, Upland, RU, Littoral Marsh, Flushing Basin, and Surface Water and Other Surface Water. The IHMP provides detailed specifications for the plant material within each type of habitat preservation enhancement or restoration area. Attachment F depicts the type of management that is proposed and where the various areas are located.

Wetland Preservation (23.56 acres)

This area of preservation consists of areas that consist of less than 75% invasive exotic vegetation and meet the indigenous definition per LDC Section 10-1. These areas will be preserved and exotic vegetation treated or removed. No planting or mechanical clearing is proposed.

Wetland Restoration (82.50 acres)

These areas consist of over 75% invasive exotic vegetation and require removal with machines and restoration per the planting schedule, Table 1. Wetland restoration within 50-foot of a natural waterbody must comply with the buffering and plant specifications per LDC Section 10-416(d)(9). Staff have proposed a condition to cover all restoration or preservation areas to demonstrate compliance with LDC Section 10-416(d)(9).

Upland Restoration (1.62 acres)

These areas consist of over 75% invasive exotic vegetation and require removal with machines and restoration per the planting schedule, Table 2.

Rare and Unique Upland Preservation (15.16 acres)

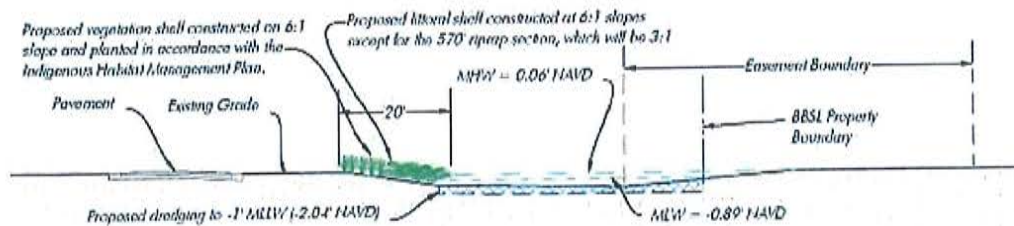
This area of preservation consists of areas that consist of rare and unique sensitive lands that is less than 75% invasive exotic vegetation and meet the indigenous definition per LDC Section 10-1. These areas will be preserved and exotic vegetation treated or removed. No planting or mechanical clearing is proposed.

Rare and Unique Upland Restoration (41.28 acres)

These areas consist of some areas that are 75% invasive exotic vegetation and require removal with machines and some areas that are less than 75% invasive exotic vegetation. The applicant has provided a restoration planting schedule per Table 3. Staff have proposed a condition to require a map depicting the areas where mechanical verses hand-removal of invasive exotics within the restoration areas will occur.

Littoral Marsh Restoration (2.88 acres)

The applicant is proposing a littoral marsh south of Trout Creek. The 2.88 acres of hydric and upland pasture is proposed to be restored to littoral marsh wetlands. The plan is to excavate and slope the area in order to transition from the uplands to the created flushing basin. The area in between will be the littoral marsh with approximately 1.86 acres of the littoral marsh located within the flushing basin. The applicant has provided a cross section depicting the proposed plan (see below).



The IHMP, Table 4 provides a restoration planting table depicting the plant species and specifications for the littoral marsh. The plant specification will be required to be increases in areas within the 50-foot natural waterway buffer in order to comply with LDC Sections 10-416(d)(9) and 10-420.

Flushing Basin (11.83 acres)

The applicant is proposing to restore 11.83 acres of hydric pasture, upland pasture, and non-indigenous wetlands to surface water habitat as part of the flushing basin to support the proposed docking facility. The flushing basin will act as a tidal pump between a portion of Trout Creek east of the access bridge and to the Trout Creek and Caloosahatchee River interface. The flushing canal is supposed to provide water quality around the multi-slip docking facility. The grading and construction of this area to support passive and active watercraft is under review by Lee County Natural Resources.

Surface Water (5.61 acres) and Other Surface Water (1.36 acres) Preservation

These areas will be preserved to support water quality and provide required natural waterway buffers per LDC Section 10-416(d)(9).

Wildlife Habitat Corridor

Once these areas have been preserved/enhance or restored, the indigenous areas will support a plethora of wildlife from wading birds to large mammals to utilize these areas for nesting, raising young, foraging, and providing cover. The preservation and restoration of uplands adjacent to wetlands supports Lee Plan Policies 123.2.9, 123.2.13, 123.2.15, and 123.3.1. As a result of the preservation and restoration, two wildlife habitat corridors totaling 139.64 acres will be established (see Attachment H). The Owl Creek and Trout Creek wildlife habitat corridors average approximately 770 feet and 1,350 feet-in-width.

Staff provide the following conditions to ensure that the development order and vegetation removal permits provide the necessary documentation and demonstrate compliance with Lee Plan Policy 29.2.4:

Prior to the issuance of the first development order, the development order plans must be in substantial compliance with the Indigenous Habitat Management Plan Revised March 2022 and received March 15, 2022.

Prior to the issuance of the first development order, the development order plans must include a schedule for the indigenous preservation and restoration to be completed within at least five consecutive years.

Prior to the issuance of the first development order, the development order plans must include a map depicting where mechanical and hand-removal methods of exotic vegetation removal will be located.

The applicant must submit with the vegetation removal permit survey point maps depicting the preservation and restoration areas and mechanical clearing limits.

The applicant must submit with the vegetation removal permit application a surveyed point map depicting the flushing canal and littoral marsh clearing limits.

Buffers

The proposed development abuts agriculturally zoned land along the east, single family along west property line, natural waterway along the south property line, and right-of-way along the north property line. The required buffers are as follows:

East - No buffer required.

West - No buffer required along a portion of the west property line where the proposed road is more than 125-feet away from the single family property. Where the road is within 125-feet of a residential use, the applicant must provide a Type-C or Type-F buffer per LDC Section 10-416(d)(6). The applicant has requested a deviation from this section of the code to allow no buffer.

North - The north property line abuts North River Road right-of-way. Per LDC Section 33-1673 requires a 25-foot buffer along North River Road. The applicant is providing a 25-foot buffer and proposing restoration within this area. The restoration plant material is specified at heights less than what the code requires for buffers. Staff have provided a condition to ensure that the 25-foot wide buffer consists of 14-feet-in-height native canopy trees spaced approximately 25-feet-on-center in accordance with LDC Section 33-1673. Page 2 of the MCP depicts cross section A-A noting the 14-foot-in-height native canopy trees within the RU restoration area.

South - The south property line zig zags along a natural shoreline abutting Owl and Trout Creeks. The applicant must provide a 50-foot natural waterway buffer in compliance with LDC Section 10-416(d)(9), except for where deviations are being granted.

Staff recommend the following condition pertaining to the right-of-way buffer abutting North River Road:

Prior to the issuance of the first development order, the development order plans must depict a 25-foot wide buffer within the restoration area that includes 14-foot-in-height native canopy trees, space approximately 25-feet-on-center to comply with LDC Section 33-1673.

Deviations

Deviation 3 - The applicant has requested a deviation from LDC Section 10-416(d)(9) that requires a 50-foot-in-width natural waterway buffer landward of waterways that do not have a seawall. The applicant is proposing encroachments in four different areas:

3A - Tributary to Owl Creek for access road crossing in Tract 3 and any necessary improvements on North River Road. The design will impact 0.13 acres of Owl Creek tributary in order to construct the road crossing for access to Tract 3. The natural waterway buffer will be impacted by 140 feet on the east side and 145 feet on the west side of the tributary to Owl Creek. Sheet 3 of the MCP provides detail A and depicts two cross sections to describe the impact and the design. There will be two-48-inch culverts to match the culverts provided for the North River Road crossing for the same tributary. The necessary improvements in this location are 25-foot impacts to the natural waterway buffer along the east and west portions of the tributary along North River Road. These impacts are due to the right-of-way turn lane and multi-use path easement along with berms and/or swales to compensate for the improvements. Cross section A-A on sheet 2 and Detail A on sheet 3 of the MCP depict these improvements. The applicant proposed to comply with the natural waterway buffer in the remaining areas of this tributary. The applicant states that the 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.

Staff recommends approving Deviation 3A with the following condition:

Prior to approval of a development order that includes impacts to the Owl Creek natural waterway and its tributaries, the development order plans must provide detail drawings (including cross sections) of the impacts limited to 140 feet on the east side and 145 feet on the west side of the Owl Creek tributary accessing Tract 3 and impacts of 25-feet to the east and west areas of the Owl Creek tributary along North River Road in substantial compliance with sheet 2 and sheet 3 of the Master Concept Plan.

3B - The proposed site design has a minimal impact to Trout Creek in order to provide a new bridge crossing to access Tract 7 and to recognize the impacts by the existing bridge. The new bridge is necessary to provide a safer access for emergency vehicles and enhance the access for pedestrian crossing to protect the public's health and safety. The impact to the Trout Creek natural waterway buffer are proposed to be 190-feet on the north side and 170-feet on the south side. The applicant has provided detailed cross sections on sheet 2 and 3 of the MCP. The remaining natural waterway area of Trout Creek will comply with the natural waterway buffer requirements.

Staff recommends approving Deviation 3B with the following condition:

Prior to approval of a development order that includes impacts to Trout Creek natural waterway, the development order plans must provide detail drawings of the proposed bridge and existing bridge (including cross sections) that are in substantial compliance with sheet 2 and 3 of the Master Concept Plan. The impacts for the new bridge are limited to 190-feet on the north side and 170-feet along the south side of Trout Creek.

3C - The applicant is proposing to impact the Caloosahatchee River natural waterway to connect the interior wetlands and tidal lagoon/surface water restoration area. The proposed impacts will be limited to 108-feet of natural waterway buffer. The Private Multi-Slip Docking Facility Tidal Lagoon Plans by Hans Wilson and Associates have

provided details of the flushing connection and tidal lagoon (see Attachment I). Detail B depicts the natural waterway buffer and the locations where the buffer will be impacted by the cut to connect the channel. The applicant is providing littoral shelves and tidal marshes to restore the areas impacted by the connections.

Staff recommends approving Deviation 3C with the following condition:

Prior to approval of a development order that includes impacts to Trout Creek and/or the Caloosahatchee River, the development order plans must be in substantial compliance with the Private Multi-Slip Docking Facility Tidal Lagoon received March 15, 2022 and attached as Attachment I.

3D - The applicant is proposing to impact the south natural waterway buffer area on a portion of Trout Creek to provide a flushing cut to gain access to the Caloosahatchee River. The flushing cut along the Trout Creek natural waterway buffer is approximately 300 feet. The applicant is proposing to enhance the flushing channels with tidal lagoons and tidal wetlands/littoral shelves.

Staff recommends approving Deviation 3C with the following condition:

Prior to approval of a development order that includes impacts to Trout Creek and/or the Caloosahatchee River, the development order plans must be in substantial compliance with the Private Multi-Slip Docking Facility Tidal Lagoon received March 15, 2022 and attached as Attachment I.

Deviation 4 - The applicant is requesting a deviation from LDC Section 10-416(d)(6) where the proposed road is within 125-feet from the existing single-family residential lot to the west and requires a 25-foot wide buffer with a wall setback 25-feet or a 30-foot Type-F buffer. The applicant is requesting to allow no buffer where the internal road will be constructed within 125-feet to the adjacent single family lot. See depiction below:

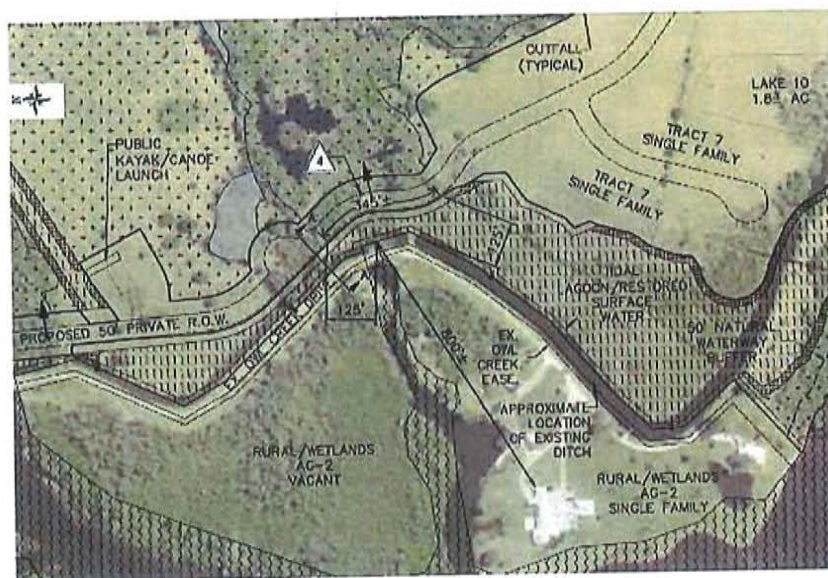


Exhibit C.2.2

Owl Creek Parcel

Sections 18 & 19, Township 43 South, Range 26 East
Lee County, Florida

Protected Species Assessment & Florida Bonneted Bat Roost Survey

**November 2020
revised October 2021
revised January 2022**

Prepared for:

**D.R. Horton Homes
10541 Six Mile Cypress Pkwy., Suite 100
Fort Myers, FL 33966**

Prepared by:

***DexBender*
4470 Camino Real Way, Suite 101
Fort Myers, FL 33966
(239) 334-3680**

INTRODUCTION

The 342.68± acre Owl Creek property consists of Strap Numbers 18-43-26-00-00002.0020, 18-43-26-00-00002.0000, and 19-43-26-00-00002.1020. The parcel is located within a portion of Sections 18 & 19, Township 43 South, Range 26 East, Lee County, Florida (see Figure 1). The property is bisected by Trout Creek.

This project consists of three separate parcels. Based on a review of historic aerial photography, the property had been primarily used for row crop farming. By early 2014 farming operations had ceased. This area is currently being used as improved pasture for cattle.

SITE CONDITIONS

This project consists of three separate parcels. Based on a review of historic aerial photography, the property had been primarily used for row crop farming. By early 2014 farming operations had ceased. This area is currently being used as improved pasture by cattle. Many of the forested areas have been disturbed by cattle and primitive surface water management.

VEGETATIVE CLASSIFICATIONS

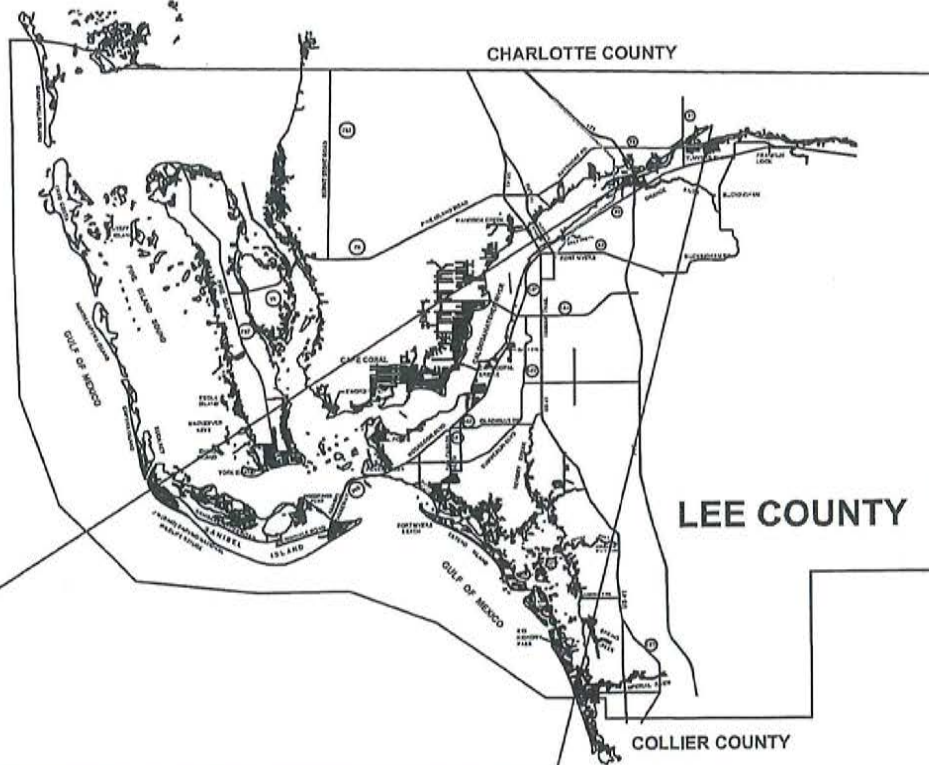
The predominant vegetation associations were mapped based on 2010 digital 1" = 120' scale aerial photography. In order to minimize redundancy only the base FLUCCS Codes are described (i.e. description provided for FLUCCS Code 427D but not for FLUCCS Codes 427DE1, 427DE2, 427DE3, and 427DE4). Twenty-six vegetation associations were identified using the Florida Land Use, Cover and Forms Classification System (FLUCCS). The attached map (see Figure 2) depicts the approximate location and configuration of these vegetation associations and the acreages are summarized by FLUCCS code in Table 1. A brief description of each FLUCCS code is also provided below.

Table 1. Acreage Summary by FLUCCS

FLUCCS CODE	DESCRIPTION	ACREAGE
211	Improved Pastures	178.11
***211H	Improved Pastures – hydric	7.36
422	Brazilian pepper	1.20
427DE1	Live Oak, Disturbed, Invaded by Exotics (10-25%)	3.03
427DE2	Live Oak, Disturbed, Invaded by Exotics (26-50%)	4.92
427DE3	Live Oak, Disturbed, Invaded by Exotics (51-75%)	7.97
427DE4	Live Oak, Disturbed, Invaded by Exotics (76-90%)	7.23
***428DE4	Cabbage Palm, Disturbed, Invaded by Exotics (76-90%)	0.50
***429HE	Wax Myrtle - hydric, Invaded by Exotics (5-9%)	1.86
434DE4	Hardwood – Coniferous Mixed, Disturbed, Invaded by Exotics (76-90%)	1.62
*510	Streams and Waterways	5.74
**510D	Ditches	3.66
**524	Lakes less than 10 acres which are dominant features	0.73

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

Owl Creek Parcel



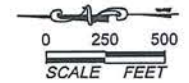
Project Location

*PERMIT USE ONLY,
NOT FOR CONSTRUCTION*

November 10, 2020 10:51:05 a.m.
Drawing: DRH0455LOCATION.DWG

Figure 1. Location Map

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



☒ Tree with Cavity (5)

Notes:

1. Property boundary was obtained from Banks Engineering.
2. Mapping based on photointerpretation of 2019 aerial photography and ground truthing in February 2020. Map includes 2021 aerial photography.
3. Limits of wetlands were approved by SFWMD via a Formal Determination dated November 12, 2021.
4. Protected species assessment conducted on October 20, 27, and 29, 2020.

December 28, 2021 8:47:55 a.m.
Drawing: DRHOR455PLAN111521.DWG

PERMIT USE ONLY, NOT FOR CONSTRUCTION

FLUCCS	Description	Acreage
211	Improved Pastures	178.11 ac.
211H	Improved Pastures - hydric	7.36 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%)	4.92 ac.
427DE3	Live Oak, Disturbed, Invaded by Exotics (51-75%)	7.97 ac.
427DE4	Live Oak, Disturbed, Invaded by Exotics (76-90%)	7.23 ac.
428HDE4	Disturbed Hydric Cabbage Palm Invaded by Exotics (76-90%)	0.50 ac.
429HE	Hydric Wax Myrtle Invaded by Exotics (5-9%)	1.86 ac.
434DE4	Hardwood- Coniferous Mixed, Disturbed, Invaded by Exotics (76-90%)	1.62 ac.
510	Streams and Waterways	5.74 ac.
510D	Ditches	3.66 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%)	0.29 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	30.94 ac.
630DE2	Wetland Forested Mixed, Disturbed, Invaded by Exotics (26-50%)	2.30 ac.
630DE3	Wetland Forested Mixed, Disturbed, Invaded by Exotics (51-75%)	19.83 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	6.21 ac.
743	Spoil Area	0.82 ac.
814	Roads and Highways	1.13 ac.
Total		342.68 ac.

Figure 2. Protected Species Assessment Map

Owl Creek Parcel

BDEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680

***618DE1	Willow, Disturbed, Invaded by Exotics (10-25%)	1.29
***618DE2	Willow, Disturbed, Invaded by Exotics (26-50%)	0.29
***618DE3	Willow, Disturbed, Invaded by Exotics (51-75%)	0.11
***618DE4	Willow, Disturbed, Invaded by Exotics (76-90%)	8.70
***619BP	Hydric Brazilian Pepper	30.94
***630DE2	Wetland Forested Mixed, Disturbed, Invaded by Exotics (26-50%)	2.30
***630DE3	Wetland Forested Mixed, Disturbed, Invaded by Exotics (51-75%)	19.83
***630DE4	Wetland Forested Mixed, Disturbed, Invaded by Exotics (76-90%)	43.30
***641DE4	Freshwater Marsh, Disturbed, Invaded by Exotics (76-90%)	3.83
740	Disturbed Land+	6.21
743	Spoil Area	0.82
814	Roads and Highways	1.13
Upland Subtotal		212.24
Wetland Subtotal		120.31
Surface Waters		5.74
Other Surface Waters Subtotal		4.39
Total		342.68

FLUCCS Code 211, Improved Pastures

These upland areas are currently being utilized for cattle grazing. Based on a review of historical aerial photography, it appears that the majority of these areas were once used for row crop farming. Areas mapped as this FLUCCS Code contain a greater percentage of upland species as compared to areas mapped as FLUCCS Code 211H described below. Vegetation present in this association includes bahia grass (*Paspalum notatum*), broomsedge (*Andropogon* spp.), smutgrass (*Sporobolus indicus*), false buttonweed (*Spermacoce verticillata*), and scattered wiregrass (*Aristida* sp.).

FLUCCS Code 211H, Improved Pastures – hydric

Areas mapped as this association contain greater coverage of wetland species and more significant signs of hydrology as compared to areas mapped as FLUCCS Code 211 described above. Beakrush (*Rhynchospora* sp.), lovegrass (*Eragrostis* sp.), red ludwigia (*Ludwigia repens*), frog-fruit (*Phyla* sp.), coinwort (*Centella asiatica*), scattered torpedo grass (*Panicum repens*), fringe-rush (*Fimbristylis* sp.), water hyssop (*Bacopa* sp.), scattered slash pine (*Pinus elliotii*), false buttonweed, bahia grass, Brazilian pepper (*Schinus terebinthifolius*), wax myrtle (*Myrica cerifera*), and cabbage palm (*Sabal palmetto*) are present.

FLUCCS Code 422, Brazilian Pepper

This upland is dominated by the exotic, Brazilian pepper and contains scattered cabbage palm and wax myrtle.

FLUCCS Code 427D, Live Oak, Disturbed

The canopy of this upland area contains live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), pop ash (*Fraxinus caroliniana*), and cabbage palm. The shrub and ground cover strata consist of wax myrtle, saw palmetto (*Serenoa repens*), beauty berry

(*Callicarpa americana*), myrsine (*Rapanea punctata*), Spanish stopper (*Eugenia foetida*), Boston fern (*Nephrolepis* sp.), carpet grass (*Axonopus* sp.), wild coffee (*Psychotria nervosa*), swamp bay (*Persea palustris*), grape vine (*Vitis* sp.), green briar (*Smilax* sp.), pepper-vine (*Ampelopsis arborea*), poison ivy (*Toxicodendron radicans*), Brazilian pepper, bahia grass and caesar weed (*Urena lobata*).

FLUCCS Code 428D, Cabbage Palm

These mesic wetlands are dominated by cabbage palm, with scattered live oak, saw palmetto, beggar tick (*Bidens* sp.), wax myrtle, wild coffee, dog fennel (*Eupatorium capillifolium*), guineagrass (*Panicum maximum*), foxtail grass (*Setaria* sp.), broomsedge, and swamp fern (*Blechnum serrulatum*) and Brazilian pepper.

FLUCCS Code 429, Wax Myrtle

This shrub community is dominated by wax myrtle. Scattered cabbage palm, melaleuca, saltbush (*Baccharis halimifolia*), willow (*Salix caroliniana*), and Brazilian pepper are also present. The ground cover consists of swamp fern, marsh pennywort (*Hydrocotyle umbellata*), coinwort, and water hyssop.

FLUCCS Code 434D, Hardwood – Coniferous Mixed, Disturbed

The canopy of this upland consists of live oak, slash pine, and cabbage palm. The shrub stratum includes saw palmetto, wax myrtle, Brazilian pepper, saltbush, beauty berry, and cabbage palm. Ground cover includes bahia grass, broomsedge, smutgrass, marsh pennywort, caesar weed, green briar, and dayflower (*Commelina diffusa*).

FLUCCS Code 510, Streams and Waterways

Owl and Trout Creeks are located along the southern portion of the site.

FLUCCS Code 510D, Ditches

Several ditches are present on the site. These ditches contained standing water approximately three feet below grade at the time of our site inspection. Scattered clumps of red mangrove (*Rhizophora mangle*) are located along the banks of the ditches.

FLUCCS Code 524, Lakes less than 10 acres which are dominant features

This open water area is located on the east side of Owl Creek Drive, north of Trout Creek. The banks are lined with willow and Brazilian pepper.

FLUCCS Code 618D, Willow, Disturbed

Willow is the predominant species in these wetlands with cabbage palm, Brazilian pepper, and wax myrtle in the canopy and sub-canopy. Ground cover includes smartweed (*Polygonum* sp.), cattail (*Typha* spp.), dayflower, primrose willow (*Ludwigia peruviana*), and white-top sedge (*Rhynchospora colorata*).

FLUCCS Code 619BP, Hydric Brazilian Pepper

This area is dominated by Brazilian pepper. Cordgrass (*Spartina bakeri*), cabbage palm, pond apple (*Annona glabra*), melaleuca, marsh pennywort, leather fern (*Acrostichum* sp.), climbing hemp weed (*Mikania scandens*), elephant ears (*Colocasia esculenta*), and wax myrtle are also present. There are a few small clumps of red mangroves along the shoreline. There are a few individual trees in these clumps. The clumps are one tree

wide at approximately 10-20' in width and almost all of each clump is in state sovereign lands which is not applicant owned.

FLUCCS Code 630D, Wetland Forested Mixed, Disturbed

Live oak, laurel oak, pop ash, cabbage palm, slash pine, willow, and swamp bay are found within the canopy of these areas. The sub-canopy includes Brazilian pepper, myrsine, saltbush, cabbage palm, wild coffee, primrose willow, swamp dogwood, swamp bay, and buckthorn (*Sideroxylon* sp.). The ground cover consists of beauty berry, swamp fern, royal fern (*Osmunda regalis*), shield fern (*Thelypteris* sp.), arrowhead (*Sagittaria* sp.), water hyssop, smartweed, caesar weed, torpedo grass, pepper-vine, grape vine, poison ivy, green briar, and cattail.

FLUCCS Code 641D, Freshwater Marsh, Disturbed

This wetland includes cattail, primrose willow, leather fern, wax myrtle, marsh pennywort, Brazilian pepper, saw-grass (*Cladium jamaicense*), and saltbush in the sub-canopy and herbaceous strata.

FLUCCS Code 740, Disturbed Land

These disturbed uplands include Brazilian pepper with scattered pop ash, live oak, buckthorn, swamp fern, grape vine, and green briar.

FLUCCS Code 743, Spoil Area

These upland areas consist of spoil material that was displaced during the creation of the adjacent ditches.

FLUCCS Code 814, Roads and Highways

Owl Creek Drive is centrally located in the northern parcel bisecting the property.

SURVEY METHOD

Lee County Protected Species Ordinance No. 89-34 lists several protected species of animals that could potentially occur on-site based on the general vegetative associations found on the subject parcel. Each habitat type was surveyed for the occurrence of these and any other listed species likely to occur in the specific habitat types. The survey was conducted using meandering linear pedestrian belt transects. This survey methodology is based on the Lee County administratively approved Meandering Transect Methodology and US Fish and Wildlife Service (FWS) guidance on Florida bonneted bat roost surveys. In order to provide at least 80 percent visual coverage of habitat types listed in Ordinance No. 89-34, the transects were spaced approximately 100 feet apart. The approximate location of all direct sighting or signs (such as tracks, nests, and droppings) of a listed species, were denoted on the aerial photography. The attached 1" = 500' scale aerial Protected Species Assessment Map depicts the approximate location of the survey transects and the results of the survey. The listed species survey was conducted during October 20, 27 and 29, 2020. During the survey the weather was mild and sunny.

Species listed as endangered, threatened, or species of special concern by the Florida Fish and Wildlife Conservation Commission (FWC) or the United States Fish and Wildlife Service (FWS) that could potentially occur on the subject parcel according to the Lee County Protected Species Ordinance are shown in Table 2. This list from the

Lee County Protected Species Ordinance is general in nature, does not necessarily reflect existing conditions within or adjacent to the property, and is provided for general informational purposes only.

Prior to conducting the protected species survey, a search of the FWC species database (updated in 2019) was conducted to determine the known occurrence of listed species in the project area. This search revealed no known protected species occurring on or immediately adjacent to the site.

Table 2. Listed Species That Could Potentially Occur On-site

FLUCCS CODE	Percent Survey Coverage	Species Name	Present	Absent
211& 211H	80	Florida Sandhill Crane (<i>Grus canadensis pratensis</i>) Florida Panther (<i>Felis concolor coryi</i>)		√ √
422	20	none		
427	80	Eastern Indigo Snake (<i>Drymarchon corais couperi</i>) Gopher Tortoise (<i>Gopherus polyphemus</i>) Florida Panther (<i>Felis concolor coryi</i>) Hand Adder's Tongue Fern (<i>Ophioglossum palmatum</i>) Simpson's Stopper (<i>Myrcianthes frangrans</i> var. <i>simpsonii</i>) Twisted Air Plant (<i>Tillandsia flexuosa</i>) Florida Bonneted Bat (<i>Eumops floridanus</i>)		√ √ √ √ √ √ √
428	80	Eastern Indigo Snake (<i>Drymarchon corais couperi</i>) Audubon's Crested Caracara (<i>Polyborus plancus audubonii</i>) Florida Panther (<i>Felis concolor coryi</i>) Simpson's Stopper (<i>Myrcianthes frangrans</i> var. <i>simpsonii</i>)		√ √ √ √
429H	80	None		
434	80	Florida Panther (<i>Felis concolor coryi</i>)		√
510, 510D, & 524	80	American Alligator (<i>Alligator mississippiensis</i>) Little Blue Heron (<i>Egretta caerulea</i>) Reddish Egret (<i>Egretta rufescens</i>) Roseate Spoonbill (<i>Ajaia ajaja</i>) Tricolored Heron (<i>Egretta tricolor</i>) Everglades Mink (<i>Mustela vison evergladensis</i>)		√ √ √ √ √ √

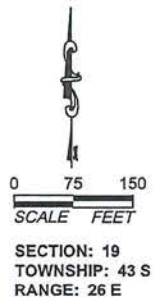
618	80	American Alligator (<i>Alligator mississippiensis</i>) Little Blue Heron (<i>Egretta caerulea</i>) Reddish Egret (<i>Egretta rufescens</i>) Tricolored Heron (<i>Egretta tricolor</i>) Wood Stork (<i>Mycteria americana</i>) Big Cypress Fox Squirrel (<i>Sciurus niger avicennia</i>) Everglades Mink (<i>Mustela vison evergladensis</i>)		✓ ✓ ✓ ✓ ✓ ✓ ✓
619BP	20	None		
630	80	American Alligator (<i>Alligator mississippiensis</i>) Little Blue Heron (<i>Egretta caerulea</i>) Tricolored Heron (<i>Egretta tricolor</i>) Wood Stork (<i>Mycteria americana</i>) Everglades Mink (<i>Mustela vison evergladensis</i>) Florida Panther (<i>Felis concolor coryi</i>) Florida Bonneted Bat (<i>Eumops floridanus</i>)		✓ ✓ ✓ ✓ ✓ ✓ ✓
641	80	American Alligator (<i>Alligator mississippiensis</i>) Florida Sandhill Crane (<i>Grus canadensis pratensis</i>) Little Blue Heron (<i>Egretta caerulea</i>) Reddish Egret (<i>Egretta rufescens</i>) Snail Kite (<i>Rostrhamus sociabilis</i>) Tricolored Heron (<i>Egretta tricolor</i>) Wood Stork (<i>Mycteria americana</i>) Everglades Mink (<i>Mustela vison evergladensis</i>)		✓ ✓ ✓ ✓ ✓ ✓ ✓
740	80	None		
743	80	None		
747	80	None		
814	80	None		

SURVEY RESULTS

No species listed by either the FWS or the FWC were observed on the site during the protected species survey or during other site visits. There is the potential for periodic opportunistic foraging by both listed and non listed species of wading birds within the wetlands on-site. In addition to the site inspections, a search of the FWC species database (updated in 2019) revealed no additional known protected species within or immediately adjacent to the project limits.

A total of 5 snags were identified containing potential roost cavities. No cavities were found in living trees. The snags with potential roost cavities were all dead cabbage palms. All potential trees on the site within and adjacent to the impact areas were surveyed for the presence of cavities. No evidence of Florida bonneted bats or their guano was observed in or around the base of any of the potential roost cavity trees on-site.

Y:\DRHOR-455\PSA\PSA10-2020.doc



FLUCCS	Description	Acreage
612	Mangrove Swamps	0.24 ac.

- Notes:
1. Property boundary was obtained from Banks Engineering.
 2. Mapping based on photointerpretation of 2021 aerial photography.

PERMIT USE ONLY, NOT FOR CONSTRUCTION January 25, 2022 2:33:02 p.m.
Drawing: DRHOR455MANGROVES.DWG

Mangrove Areas - 2021

Owl Creek

BDEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

November 12, 2021

** Delivered via email*

Belinda Ulrich *
Talon Ventures LLC
10 Wimbledon Court
Frisco, TX 75034

Subject: Owl Creek Parcel
Petition for Formal Determination of Wetlands and Surface Waters
Permit No. 36-106032-P
Application No. 201211-4858
Lee County

Your petition for a formal determination of wetlands and other surface waters is approved. This action is taken based on Chapter 373, Part IV of Florida Statutes (F.S.) and the rules in Chapters 62-330 and 62-340, Florida Administrative Code (F.A.C.). Please read this entire agency action thoroughly and understand its contents.

This action is subject to:

- Not receiving a filed request for a Chapter 120, F.S., administrative hearing.
- All referenced Exhibits.

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance to the "Notice of Rights", we will assume that you concur with the District's action.

CERTIFICATE OF SERVICE

I hereby certify that this Formal Wetland Determination and Notice of Rights have been mailed or electronically submitted to the addressee (and the persons listed on the attached distribution list) on November 11, 2021 in accordance with Section 120.60(3), F.S. Notice was also electronically posted on this date through a link on the home page of the District's website (www.sfwmd.gov/ePermitting).

Sincerely,

A handwritten signature in blue ink, appearing to read "Gary R. Priest", is written over a horizontal line.

Gary R. Priest, P.E.
Engineering Section Administrator, Environmental Resource Bureau

**South Florida Water Management District
Formal Wetland Determination Permit No. 36-106032-P
Date Issued: November 12, 2021**

Project Name: Owl Creek Parcel

Petitioner: Belinda Ulrich
Talon Ventures LLC
10 Wimbledon Court
Frisco, TX 75034

Application No. 201211-4858

Location: Lee County, See Exhibit 1

Acres: 342.68

Expiration Date: November 12, 2026

Type: Certified Survey

Project Summary

This application is for a formal determination of the landward extent of wetlands and other surface waters (OSW), pursuant to Rule 62-330.201 Florida Administrative Code (F.A.C.), for a 342.68 acre property known as Owl Creek. The methodology used for the determination is consistent with Rule 62-340 F.A.C.

Project Site Description

The 342.68 acre property is located in Sections 18 & 19, Township 43 South, Range 26 East, Lee County, Florida. More specifically, the property is bisected by Owl Creek Drive, is south of N. River Road, and approximately 0.75 miles east of S.R. 31, in North Fort Myers, FL. A Location Map is attached as Exhibit No. 1.0. The property is surrounded by S.R. 31, pastureland and forested land to the north; pastureland, upland forest and mangroves to the east; Owl Creek and the Caloosahatchee River to the south; and low-density single family homes to the west. An aerial photograph depicting the inspection boundary and Florida Land Use, Cover and Forms Classification System (FLUCCS) is attached as Exhibit No. 2.0.

Background

The 342.68 acre Owl Creek project was previously part of a much larger project known as North River Village, ERP Application No. 080519-2. North River Village totaled 1,232 acres, with 231 acres of wetlands, and 26 acres of OSW. The wetland and OSW lines were established by Passarella & Associates Inc. On September 3 and 5, 2008, District staff reviewed and approved the wetland lines. North River Village never obtained an ERP and the application was withdrawn in March 2009.

Formal Determination of Wetlands and Other Surface Waters

On February 11, 2021, the District received a request for a formal determination of the boundary of wetlands and OSW on a 342.68 acre property known as Owl Creek. The landward extent of wetlands and OSW was originally established by Passarella & Associates, Inc., under North River Village (Application No. 080519-2). DexBender Environmental Consulting submitted the

previously approved lines as part of the Owl Creek formal determination. The lines were verified by Certified Wetland Evaluator (CWE) Matt Brosious of the South Florida Water Management District on March 30 2021. On September 16, 2021, Matt Brosious and CWE Matt Czahor of the Florida Department of Environmental Protection (DEP), jointly reviewed the wetland line and filled out the wetland data forms.

Wetlands and other surface waters (OSW), as defined by Subsection 373.019(27) F.S. and Rule 62-340 F.A.C., were identified on the property. Wetlands and OSW on the property were delineated using the methods established in Rule 62-340 F.A.C.; more specifically, the wetlands were delineated using the A, B and D tests. Wetlands delineated on the property totaled 121.43 acres. A wetland and OSW line survey is attached as Exhibit No. 3.0. Wetland delineation information, including wetland data point location map, wetland data forms, and representative photographs of the wetlands and upland areas can be found in the permit file.

Other surface waters identified and delineated on the property included Owl Creek and tributaries, and agricultural ditches, totaling 10.12 acres. Owl Creek and associated tributaries totaled 5.52 acres; and agricultural ditches totaled 4.60 acres.

Wetland Description:

The wetlands identified on the property totaled 121.43 acres (Exhibit Nos. 2.0 and 3.0). In general, wetlands on the property consisted of wetland forested mixed, mangrove, and marsh habitats with varying degrees of exotic vegetation. Exhibit No. 2.0 (attached) provides the acreage breakdown of the wetland habitats present on the property. The wetlands were delineated using the A, B, and D tests.

Based on the National Resource Conservation Service (NRCS) data, the property contains seven historically mapped hydric soils. The mapped hydric soil on the property included Hallandale Fine Sand (Map Unit 6), Felda Fine Sand (Map Unit 12), Boca Fine Sand (Map Unit 13), Anclote Sand, Frequently Pondered (Map Unit 40), Copeland Fine Sandy Loam, Frequently Pondered (Map Unit 45), Felda Fine Sand, Frequently Pondered (Map Unit 49), and Floridana Sand, Frequently Pondered (Map Unit 51). A soils map is attached as Exhibit No. 4.0. Soil pit data is included within the wetland delineation data forms, which were field reviewed on September 16, 2021.

Numerous hydrologic Indicators were identified during the September 16, 2021 inspection, including but not limited to standing water; hydric soil indicators A7 (5cm Mucky Mineral), A8 (Muck Presence), and S7 (Dark Surface) all starting at the soil surface. Hydrologic indicator details can be found in the data forms and corresponding photos in the permit file.

This Formal Determination of Wetlands and Other Surface Waters is the District's determination of the landward extent (boundaries) of wetlands and other surface waters within the property based on the documentation submitted by the Petitioner and field application of Chapter 62-340, F.A.C. This action does not authorize any construction activities or constitute conceptual approval of any anticipated projects or activities in wetlands or other surface waters. It does not in any way establish boundaries of sovereign submerged lands, high water elevations or other elevations/ boundaries.

Pursuant to Subsection 373.421 (4), F.S., the Governing Board may revoke the Formal Wetland Determination upon a finding that the Petitioner has submitted inaccurate information to the District.

The Formal Wetland Determination shall be binding for the stated duration provided physical conditions on the property do not change so as to alter the boundaries of wetlands and other surface waters during that period.

Distribution List

Wayne Everett, DR Horton, Inc. *

Paul Owen, Dex Bender *

Florida Department of Environmental Protection SLERC *

Lee County Property Appraiser *

Florida Department of Environmental Protection - Environmental Administrator *

Exhibits

The following exhibits to this permit are incorporated by reference. The exhibits can be viewed by clicking on the links below or by visiting the District's ePermitting website (<http://my.sfwmd.gov/ePermitting>) and searching under this application number 201211-4858 .

[Exhibit No. 1.0 Location Map](#)

[Exhibit No. 2.0 Vegetation Map](#)

[Exhibit No. 3.0 Wetland Survey](#)

[Exhibit No. 4.0 Soils Map](#)

NOTICE OF RIGHTS

As required by Chapter 120, Florida Statutes, the following provides notice of the opportunities which may be available for administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, or judicial review pursuant to Section 120.68, Florida Statutes, when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Some of the legal proceedings detailed below may not be applicable or appropriate for your situation. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which affects or may affect their substantial interests shall file a petition for hearing in accordance with the filing instructions set forth herein within 21 days of receipt of written notice of the decision unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Florida Statutes; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Florida Statutes. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, posting, or publication that the District has taken or intends to take final agency action. Any person who receives written notice of a District decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

If the District takes final agency action that materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Florida Statutes, shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The District may grant the request for good cause. Requests for extension of time must be filed with the District prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and whether the District and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

FILING INSTRUCTIONS

A petition for administrative hearing must be filed with the Office of the District Clerk. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at the District's headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day.

Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.
- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the District's security desk does not constitute filing. It will be necessary to request that the District's security officer contact the Office of the District Clerk. An employee of the District's Clerk's office will receive and process the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at clerk@sfwmd.gov. The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document.

INITIATION OF ADMINISTRATIVE HEARING

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the District in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other District identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner, petitioner's attorney or qualified representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the District's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the District's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the District's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the District to take with respect to the District's proposed action.

MEDIATION

The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401–.405, Florida Administrative Code. The District is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Section 120.68, Florida Statutes, and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final District action may seek judicial review of the District's final decision by filing a notice of appeal with the Office of the District Clerk in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the appropriate district court of appeals via the Florida Courts E-Filing Portal.

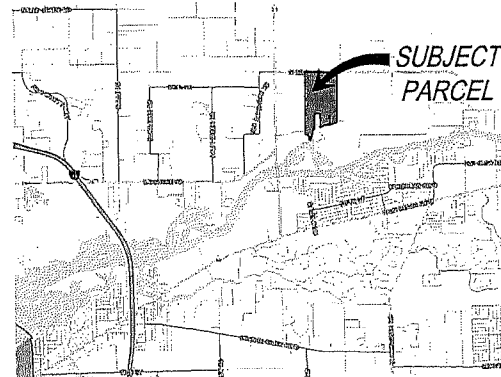
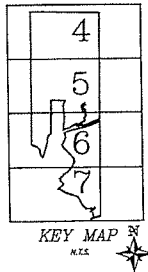
OWL CREEK PARCEL

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

FORMAL WETLAND & SURFACE WATER DETERMINATION

SFWMD ERP APPLICATION # 201211-4858

EXHIBIT
OF
A PARCEL OF LAND LYING IN
SECTIONS 18 AND 19, TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA



AREA SUMMARY

OTHER SURFACE WATER	ACRES
AREA OSW1	0.40
AREA OSW2	0.60
AREA OSW3	0.73
AREA OSW4	1.83
AREA OSW5	0.31
AREA OSW6	0.47
AREA OSW7	0.04
AREA OSW8	0.18
TOTAL	4.60

SURFACE WATER	ACRES
AREA SW1	3.51
AREA SW2	1.31
AREA SW3	0.70
TOTAL	5.52

WETLANDS	ACRES
AREA W1	2.26
AREA W2	2.71
AREA W3	0.39
AREA W5	4.25
AREA W6	0.15
AREA W7	11.81
AREA W8	1.29
AREA W9	9.01
AREA W10	2.84
AREA W13	10.66
AREA W14	0.60
AREA W15	7.12
AREA W16	3.47
AREA W17	0.14
AREA W19	0.48
AREA W20	1.48
AREA W21	8.49
AREA W22	1.54
AREA W4	11.75
AREA W12	18.87
AREA W18	20.13
TOTAL	121.43

LEGEND:

- = JURISDICTIONAL WETLANDS
- = JURISDICTIONAL SURFACE WATERS
- = JURISDICTIONAL OTHER SURFACE WATERS

SURVEYOR'S CERTIFICATION

I, the undersigned, being a duly qualified and licensed Surveyor in the State of Florida, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner or his agent, and that the same has been compared with the original survey and found to be correct.

ALL DIMENSIONS AND LOCATIONS ARE GIVEN IN FEET AND DECIMALS THEREOF.
DATE: 10-10-2011
BY: [Signature]
FLORIDA CERTIFICATION NO. 4009
DATE: 10-10-2011



Richard W. Ritz, S.E.
12345
10-10-2011

NO.	DATE	REVISION DESCRIPTION
1	10-10-2011	ISSUED FOR REVIEW
2	10-10-2011	REVISED AS PER COMMENTS
3	10-10-2011	REVISED AS PER COMMENTS

BANKS ENGINEERING
Professional Engineering, Planning & Survey Services
12345 Main Street
Tampa, FL 33601
Phone: (813) 123-4567
Fax: (813) 123-4568
www.banks-engineering.com

EXHIBIT OWL CREEK PARCEL LEE COUNTY, FLORIDA									
DATE	PROJECT	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO.	DATE	BY
10-10-2011	ERP	BRN-JR	CLJ	N/A	1	2	10-10-2011		

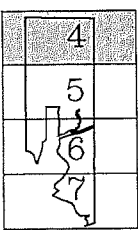
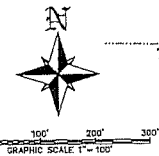
EXHIBIT

A PARCEL OF LAND LYING IN
SECTIONS 16 & 19, TOWNSHIP 43 SOUTH, RANGE 28 EAST,
LEE COUNTY, FLORIDA

18 17

NORTH RIVER ROAD

S. 88°52'21" E. 200.11'



KEY MAP
A-15

LINE	BEARING	DISTANCE
L1	S 88°52'21" E	200.11'
L2	S 87°09'41" W	21.30'
L3	S 41°12'58" W	12.80'
L4	S 42°56'06" W	40.40'
L5	S 30°36'06" W	40.40'
L6	S 18°06'52" E	41.30'
L7	S 04°04'52" E	26.43'
L8	S 42°54'52" E	43.30'
L9	S 01°09'11" E	43.97'
L10	S 02°08'02" E	30.71'
L11	S 23°00'02" E	26.89'
L12	S 02°04'02" E	41.68'
L13	S 01°02'53" E	29.37'
L14	S 01°04'41" E	18.47'
L15	S 01°01'41" E	32.81'
L16	S 12°13'09" W	31.09'
L17	S 02°13'09" W	32.96'
L18	S 02°13'09" W	44.13'
L19	S 40°21'51" E	42.25'
L20	S 01°19'14" E	30.22'
L21	S 01°17'14" E	34.34'
L22	S 29°20'18" E	18.09'
L23	S 38°44'41" E	15.71'
L24	S 12°04'41" E	20.48'
L25	S 08°34'03" E	14.80'
L26	S 37°48'45" E	34.53'
L27	S 31°34'36" E	35.41'
L28	S 26°02'41" E	41.74'
L29	S 27°50'17" E	18.44'
L30	S 43°30'00" E	21.86'
L31	S 02°22'10" E	37.25'
L32	S 06°01'00" E	26.40'
L33	S 24°06'10" E	101.99'
L34	S 03°04'27" W	41.04'
L35	S 12°04'27" W	11.81'
L36	S 11°04'27" W	62.41'
L37	S 21°33'18" W	48.80'
L38	S 02°02'41" W	31.31'
L39	S 02°42'48" W	118.40'
L40	S 06°00'00" W	30.88'
L41	S 10°10'04" W	36.16'
L42	S 01°22'10" W	43.60'
L43	S 04°04'27" W	36.80'
L44	S 12°04'27" W	34.09'
L45	S 42°54'52" W	18.80'
L46	S 02°08'02" W	12.87'
L47	S 24°00'00" W	1.93'
L48	S 06°00'00" W	6.24'
L49	S 06°00'00" W	10.00'
L50	S 06°00'00" W	30.30'
L51	S 30°12'18" W	28.85'

LEGEND:
 = JURISDICTIONAL WETLANDS
 = JURISDICTIONAL SURFACE WATERS
 = JURISDICTIONAL OTHER SURFACE WATERS

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L199	N 06°24'51" E	22.84'	L200	N 49°00'45" E	38.11'	L201	N 22°34'19" W	43.40'	L202	N 24°24'49" E	41.83'	L203	N 83°19'57" E	26.83'	L204	N 83°19'57" E	26.83'
L205	N 10°13'10" E	80.01'	L206	N 04°42'51" E	41.18'	L207	S 00°21'17" W	33.17'	L208	N 01°01'00" E	42.58'	L209	N 01°01'00" E	42.58'	L210	N 01°01'00" E	42.58'
L211	N 12°52'10" E	77.85'	L212	N 22°22'27" W	87.00'	L213	S 07°16'40" E	38.50'	L214	N 04°26'06" E	22.10'	L215	N 03°15'00" E	09.78'	L216	N 03°15'00" E	09.78'
L217	N 00°01'00" E	42.47'	L218	N 04°26'06" E	81.13'	L219	S 04°26'06" E	85.89'	L220	S 04°26'06" E	85.89'	L221	S 04°26'06" E	85.89'	L222	S 04°26'06" E	85.89'
L223	N 00°01'00" E	42.47'	L224	N 04°26'06" E	81.13'	L225	S 04°26'06" E	85.89'	L226	S 04°26'06" E	85.89'	L227	S 04°26'06" E	85.89'	L228	S 04°26'06" E	85.89'
L229	N 00°01'00" E	42.47'	L230	N 04°26'06" E	81.13'	L231	S 04°26'06" E	85.89'	L232	S 04°26'06" E	85.89'	L233	S 04°26'06" E	85.89'	L234	S 04°26'06" E	85.89'
L235	N 00°01'00" E	42.47'	L236	N 04°26'06" E	81.13'	L237	S 04°26'06" E	85.89'	L238	S 04°26'06" E	85.89'	L239	S 04°26'06" E	85.89'	L240	S 04°26'06" E	85.89'
L241	N 00°01'00" E	42.47'	L242	N 04°26'06" E	81.13'	L243	S 04°26'06" E	85.89'	L244	S 04°26'06" E	85.89'	L245	S 04°26'06" E	85.89'	L246	S 04°26'06" E	85.89'
L247	N 00°01'00" E	42.47'	L248	N 04°26'06" E	81.13'	L249	S 04°26'06" E	85.89'	L250	S 04°26'06" E	85.89'	L251	S 04°26'06" E	85.89'	L252	S 04°26'06" E	85.89'
L253	N 00°01'00" E	42.47'	L254	N 04°26'06" E	81.13'	L255	S 04°26'06" E	85.89'	L256	S 04°26'06" E	85.89'	L257	S 04°26'06" E	85.89'	L258	S 04°26'06" E	85.89'
L259	N 00°01'00" E	42.47'	L260	N 04°26'06" E	81.13'	L261	S 04°26'06" E	85.89'	L262	S 04°26'06" E	85.89'	L263	S 04°26'06" E	85.89'	L264	S 04°26'06" E	85.89'
L265	N 00°01'00" E	42.47'	L266	N 04°26'06" E	81.13'	L267	S 04°26'06" E	85.89'	L268	S 04°26'06" E	85.89'	L269	S 04°26'06" E	85.89'	L270	S 04°26'06" E	85.89'
L271	N 00°01'00" E	42.47'	L272	N 04°26'06" E	81.13'	L273	S 04°26'06" E	85.89'	L274	S 04°26'06" E	85.89'	L275	S 04°26'06" E	85.89'	L276	S 04°26'06" E	85.89'
L277	N 00°01'00" E	42.47'	L278	N 04°26'06" E	81.13'	L279	S 04°26'06" E	85.89'	L280	S 04°26'06" E	85.89'	L281	S 04°26'06" E	85.89'	L282	S 04°26'06" E	85.89'
L283	N 00°01'00" E	42.47'	L284	N 04°26'06" E	81.13'	L285	S 04°26'06" E	85.89'	L286	S 04°26'06" E	85.89'	L287	S 04°26'06" E	85.89'	L288	S 04°26'06" E	85.89'
L289	N 00°01'00" E	42.47'	L290	N 04°26'06" E	81.13'	L291	S 04°26'06" E	85.89'	L292	S 04°26'06" E	85.89'	L293	S 04°26'06" E	85.89'	L294	S 04°26'06" E	85.89'
L295	N 00°01'00" E	42.47'	L296	N 04°26'06" E	81.13'	L297	S 04°26'06" E	85.89'	L298	S 04°26'06" E	85.89'	L299	S 04°26'06" E	85.89'	L300	S 04°26'06" E	85.89'

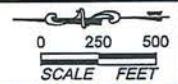
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E 729133.916

LINE TABLE

LINE	BEARING	DISTANCE
L301	N 06°24'51" E	41.11'
L302	S 43°27'12" E	26.29'
L307	S 10°05'00" E	19.66'
L308	S 27°11'46" E	14.00'
L309	S 20°53'51" E	46.81'
L310	N 38°36'15" E	27.71'
L311	N 28°10'20" E	43.86'
L312	S 89°51'40" E	35.33'
L313	N 01°10'30" E	33.34'
L314	N 73°25'17" E	24.05'
L315	N 48°10'40" E	26.92'
L316	S 32°44'19" E	54.80'
L317	N 36°17'12" E	37.29'
L318	N 27°21'10" E	65.42'
L319	S 04°48'13" E	35.17'
L320	S 23°12'30" E	38.34'
L321	S 24°38'24" E	40.77'
L322	S 24°48'43" E	53.73'
L323	N 89°42'58" E	84.50'
L324	S 26°30'11" E	12.65'
L325	N 34°20'43" E	25.36'
L326	N 30°39'14" E	45.62'
L327	S 12°02'59" E	11.25'
L328	S 62°30'52" E	41.93'
L329	S 24°46'07" E	26.94'
L330	S 01°10'24" E	22.74'
L339	N 58°13'20" E	6.38'
L367	N 02°49'11" E	82.11'
L368	N 03°12'54" E	44.72'
L369	N 02°28'18" E	06.17'
L370	N 01°12'34" E	47.42'
L371	N 01°52'53" E	85.45'
L372	N 04°42'50" E	63.41'



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



* Surface Waters
** Potential jurisdictional other surface waters
*** Potential jurisdictional wetland

FLUCCS	Description	Acreage
211	Improved Pastures	178.11 ac.
***211H	Improved Pastures - hydric	7.29 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%)	4.91 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.
***429HE	Wax Myrtle, Invaded by Exotics (5-9%)	1.96 ac.
434DE4	Hardwood- Coniferous Mixed, Disturbed, Invaded by Exotics (76-90%)	1.62 ac.
*510	Streams and Waterways	5.74 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.
***630DE2	Wetland Forested Mixed, Disturbed, Invaded by Exotics (26-50%)	2.44 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	0.80 ac.
814	Roads and Highways	1.12 ac.
		Total 342.68 ac.

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

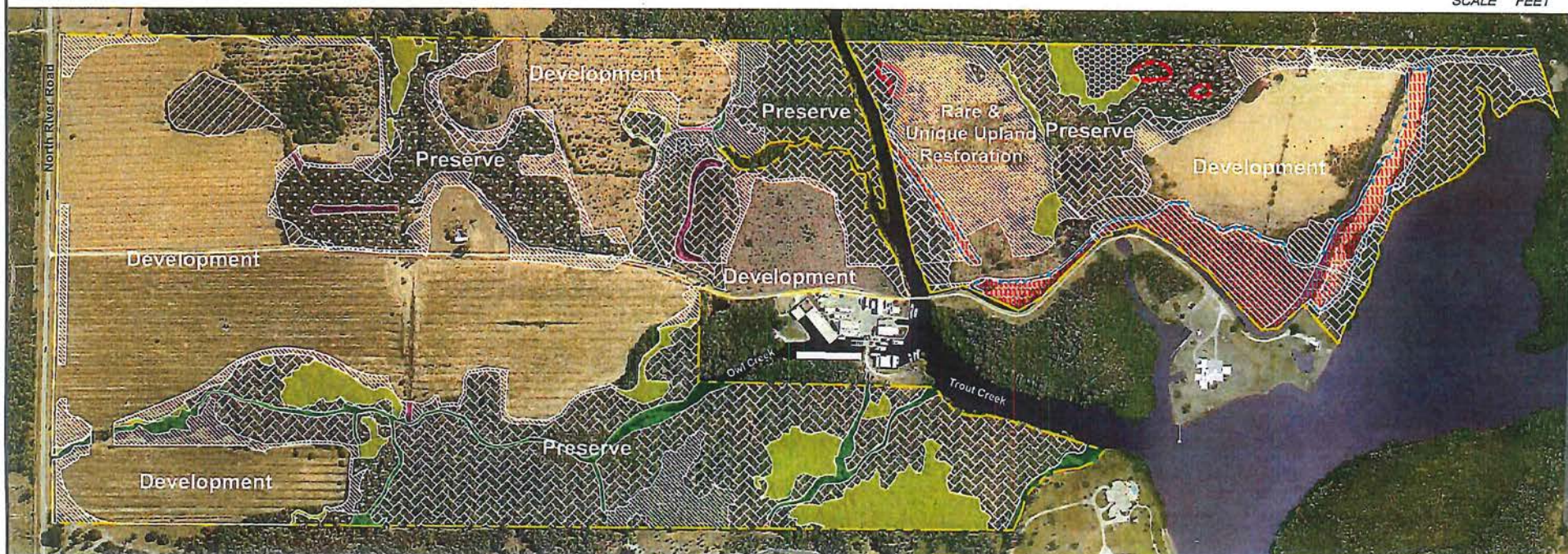
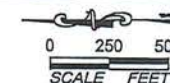
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Drawing: DRHOR-455 VEG - WET.DWG

Vegetation Map

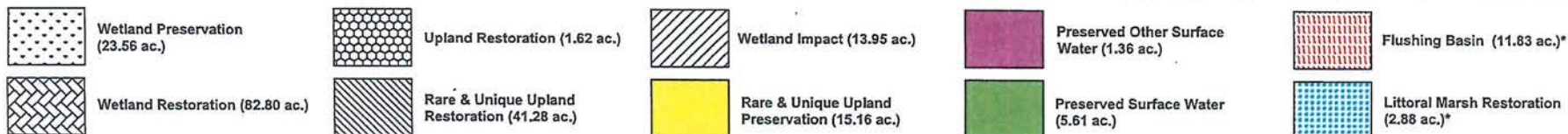
Owl Creek Parcel

BDEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680

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



ATTACHMENT F



 Archeological Historic Preservation Areas (0.78 ac.)

* Does not include areas outside of property or conservation easement boundaries. Does not include areas of overlap between flushing basin and littoral marsh.

Notes:
1. Property boundary and development footprint obtained from Banks Engineering.
2. Limits of wetlands were approved by SPWMD via a Formal Determination dated November 12, 2021.

PERMIT USE ONLY, NOT FOR CONSTRUCTION

March 11, 2022 11:18:16 a.m.
Drawing: DRHOR455ENH-PRES031122.DWG

Figure 2. Enhancement & Preservation Map

Owl Creek Parcel

DEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680

Owl Creek Reserve

Sections 18 & 19, Township 43 South, Range 26 East
Lee County, Florida

Indigenous Habitat Management Plan

August 2021
revised October 2021
revised March 2022

Prepared for:

D.R. Horton Homes
10541 Six Mile Cypress Pkwy., Suite 100
Fort Myers, FL 33966

Prepared by:

DexBender
4470 Camino Real Way, Suite 101
Fort Myers, FL 33966
(239) 334-3680

Introduction

The applicant proposes to construct a residential community at this location. This will include home sites, an amenity center, roads, a surface water management system, and a 186.10± acre wetland/upland preservation and upland/wetland restoration, and surface water areas. The preserved and enhanced indigenous and non-indigenous habitat areas are located throughout the site.

The goal of the wetland mitigation plan is to enhance or restore and preserve 186.10± acres of wetlands, uplands, and surface waters to meet Lee County Land Development Code Chapter 10-415 and to mitigate for impacts to wetlands and wildlife habitat. Exotics (as defined by the Florida Exotic Pest Plant Council's List of Invasive Species, Categories 1 and 2), which are present within the proposed preserves, will be removed to re-establish functional wetland and upland ecosystems.

The Owl Creek property has the potential to have a vital significance to wildlife, as it is located at the southern extent of the Owl and Trout Creek Wildlife Corridors. The preservation areas will become part of a contiguous wetland and upland corridor and flowway along Trout and Owl Creeks (Figure 1). The Trout Creek Wildlife Corridor connects the subject parcel to Babcock and Lee County (Telegraph Creek Preserve) Conservation Lands. Unfortunately, the current land use practices within the property and exotic vegetation infestation significantly diminish wildlife utilization. The indigenous habitat management plan (IHMP) provides an avenue for the enhancement and preservation of this important piece of land.

The wetland preservation and restoration areas consist of willow and forested habitats that contain moderate to high densities of exotics, primarily Brazilian pepper. The site development plan was designed to preserve the almost all of the wetlands throughout the site which are adjacent to Owl and Trout Creeks. The proposed activities in the wetland mitigation area which include the elimination of the exotic species seed source and supplemental planting will result in a net improvement for the wetland plant communities onsite.

The upland restoration, rare and unique upland preservation, and rare and unique upland restoration areas consist of pasture and forested habitats that contain moderate to high densities of exotics, primarily Brazilian pepper. The site development plan was designed to preserve almost all of the forested uplands throughout the site which are adjacent to Owl and Trout Creeks. The proposed activities in the upland areas which include the elimination of the exotic species seed source and supplemental planting as appropriate will result in a net improvement for the upland plant communities onsite.

Rare and unique upland habitats are defined per the Lee Plan as follows:

RARE AND UNIQUE UPLAND HABITATS (RU) High-quality native upland habitats categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation. These habitat types include those classified as sand

scrub (320); coastal scrub (322); those pine flatwoods (411) which can be categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation; slash pine/midstory oak (412); tropical hardwood (426); live oak hammock (427); and, cabbage palm hammock (428). The numbered references are to the Florida Land Use Cover and Forms Classification System (FLUCFCS) Level III (Florida Department of Transportation, 1985).

The Lee County Coastal Study (1988) includes definitions of oak hammocks and cabbage palm hammocks as follows:

Oak hammocks occupy 86 acres or 0.4% of the study area's lands. Oak hammocks are usually small in size and were once scattered throughout the study area. Usually located on a topographic rise, they are often associated with archeological features as are tropical hardwoods. This community is usually dominated by large live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), water oak (*Quercus nigra*), cabbage palm (*Sabal palmetto*), blue beech (*Carpinus caroliniana*), dahoon (*Ilex cassine*), myrsine (*Myrsine quianensis*), marlberry (*Ardisia escallonioides*), wild coffee (*Psychotria nervosa sulzneri*), and a number of ferns and epiphytes. Listed species found in these areas include the gopher tortoise (*Gopherus polyphemus* -SSC) and the eastern indigo snake (*Drymarchon corais couperi* -T). Listed flora found in oak hammocks include golden polypody fern (*Phlebodium aureum* - T), hand or adder's tongue fern (*Ophioglossum palmatum* - E), *Tillandsia valenzuela* (T), setacea (T), paucifolia (T), flexuosa (T), shoestring fern (*Vittaria lineata* - T), and butterfly orchid (*Encyclia tampensis*- T).

Cabbage palm hammocks occupy 1,000 acres or 5.1 % of the study area's lands. This upland to mesic habitat is often difficult to distinguish from the oak hammock where oaks are the dominant canopy. Cabbage palms, oaks (*Quercus* spp.) and slash pine are usually equally dominant in the well developed canopy of the cabbage palm hammock. The hammock floor may be wet or dry but always open and vegetated by ferns and grasses. Listed fauna of this habitat include the eastern indigo snake (*Drymarchon corais couperi* - T). Listed flora include goldenpolypody fern (*Phlebodium aureum* - T) and hand or adder's fern (*Ophioglossum palmatum* - E). This habitat is found most extensively on Cayo Costa and North Captive Island, the Deep Lagoon watershed and the area between the Coconut and Imperial River watersheds.

Preservation and Restoration Area Plans

Wetland Preservation

Approximately 23.56 acres of wetlands will be preserved as shown on the Enhancement and Preservation Map and Indigenous Habitat Management Monitoring Plan Map (Figures 2 and 3). Exotic vegetation will be treated and/or removed per the Initial Exotic Vegetation Treatment section below.

Wetland Restoration

A total of 82.80 acres of wetlands infested with exotic vegetation will be restored as shown on the Enhancement and Preservation Map, Indigenous Habitat Management Monitoring

Plan Map, Exotic Treatment Map, and Restoration Area Planting Map (Figures 2 - 5). Exotic vegetation will be treated and/or removed per the Initial Exotic Vegetation Treatment section below. The restoration areas will then be planted with native ground cover, shrubs, and trees, as listed in the Wetland Restoration Planting Table (Table 1). The final species list will be based upon site specific conditions and on plant material availability at the time of planting. A total of 11,121 trees, 11,121 shrubs, and 56,301 herbaceous plants will be planted in the restoration area shown on the attached Restoration Planting Plan Map (Figure 4).

Table 1. *Wetland Restoration Planting Table

Botanical Name	Common Name	Minimum Size/Container	Maximum Spacing	Quantity
Trees				
<i>Persea palustris</i>	Swamp Bay	6' tall/BR	18 Feet Centers	3,707
<i>Quercus laurifolia</i>	Laurel Oak	6' tall/BR	18 Feet Centers	3,707
<i>Fraxinus caroliniana</i>	Pop Ash	6' tall/BR	18 Feet Centers	3,707
Shrubs				
<i>Rapanea punctata</i>	Myrsine	1 Gallon	18 Feet Centers	2,780
<i>Myrica cerifera</i>	Wax Myrtle	1 Gallon	18 Feet Centers	2,780
<i>Psychotria nervosa</i>	Wild Coffee	1 Gallon	18 Feet Centers	2,780
<i>Cornus foemina</i>	Swamp Dogwood	1 Gallon	18 Feet Centers	2,780
Ground Cover				
<i>Blechnum serrulatum</i>	Swamp Fern	Liner	8 Feet Centers	14,075
<i>Osmunda regalis</i>	Royal Fern	Liner	8 Feet Centers	14,075
<i>Acrostichum sp.</i>	Leather Fern	Liner	8 Feet Centers	14,075
<i>Sagittaria sp.</i>	Arrowhead	Liner	8 Feet Centers	14,075

*Additional plant species may be included in the planting table prior to development order approval

At the time of development order, areas within the 50' or provided natural waterway buffer must demonstrate if the existing native vegetation to be retained meets the requirement of six native canopy trees and 50 native shrubs per 100 linear feet at a 1:1 credit ratio. If supplemental trees or shrubs are required to meet the required buffer plantings, trees must comply with LDC Section 10-420 and be a minimum 10' in height and shrubs must

be a minimum 24" in height at time of planting. At the time of development order, the area along North River Road must contain native canopy trees a minimum of 14' in height spaced approximately 25 feet on center per LDC Section 33-1673.

Upland Restoration

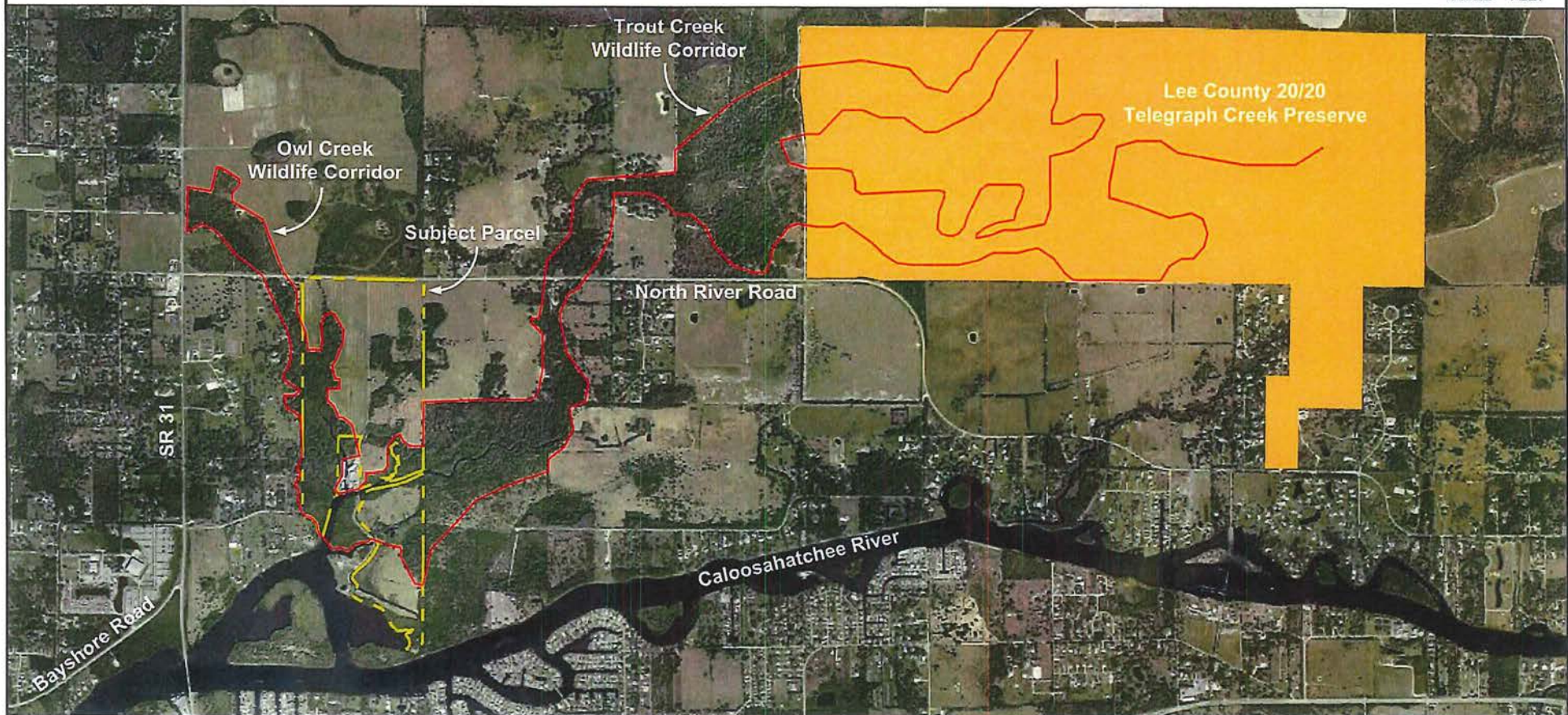
Approximately 1.62 acres of Hardwood-Coniferous Mixed, Disturbed, Invaded by Exotics (76-90%) (FLUCCS 434DE4) uplands will be restored as shown on the Enhancement and Preservation Map, Indigenous Habitat Management Monitoring Plan Map, Exotic Treatment Map, and Restoration Area Planting Map (Figures 2 - 5). Exotic vegetation will be treated and/or removed per the Initial Exotic Vegetation Treatment section below. The upland restoration area will then be planted with native ground cover, shrubs, and trees, as listed in the Upland Restoration Planting Table (Table 2). The final species list will be based upon site specific conditions and on plant material availability at the time of planting. A total of 220 trees, 220 shrubs, and 1,109 herbaceous plants will be planted in the restoration area shown on the attached Restoration Area Planting Map (Figures 4). Cabbage palms from the development footprint may be relocated and used for the restoration planting plan below.

Table 2. *Upland Restoration Planting Table

Botanical Name	Common Name	Minimum Size/Container	Maximum Spacing	Quantity
Trees				
<i>Quercus virginiana</i>	Live Oak	6' tall/BR	18 Feet Centers	55
<i>Quercus laurifolia</i>	Laurel Oak	6' tall/BR	18 Feet Centers	55
<i>Sabal palmetto</i>	Cabbage Palm	6' tall/FG	18 Feet Centers	55
<i>Pinus elliottii</i>	Slash Pine	6' tall/FG	18 Feet Centers	55
Shrubs				
<i>Rapanea punctata</i>	Myrsine	1 Gallon	18 Feet Centers	44
<i>Myrica cerifera</i>	Wax Myrtle	1 Gallon	18 Feet Centers	44
<i>Psychotria nervosa</i>	Wild Coffee	1 Gallon	18 Feet Centers	44
<i>Eugenia foetida</i>	Spanish Stopper	1 Gallon	18 Feet Centers	44
<i>Callicarpa americana</i>	Beauty Berry	1 Gallon	18 Feet Centers	44
Ground Cover				
<i>Serenoa repens</i>	Saw Palmetto	Liner	8 Feet Centers	222

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

0 250 500
SCALE FEET



Notes:

1. Owl Creek development property boundary was obtained from Banks Engineering.
2. Telegraph Creek Preserve property boundary is approximate and was obtained from the Lee County Property Appraisers website.
3. Mapping based on photo interpretation of 2019 aerial photography and ground truthing in February 2020.

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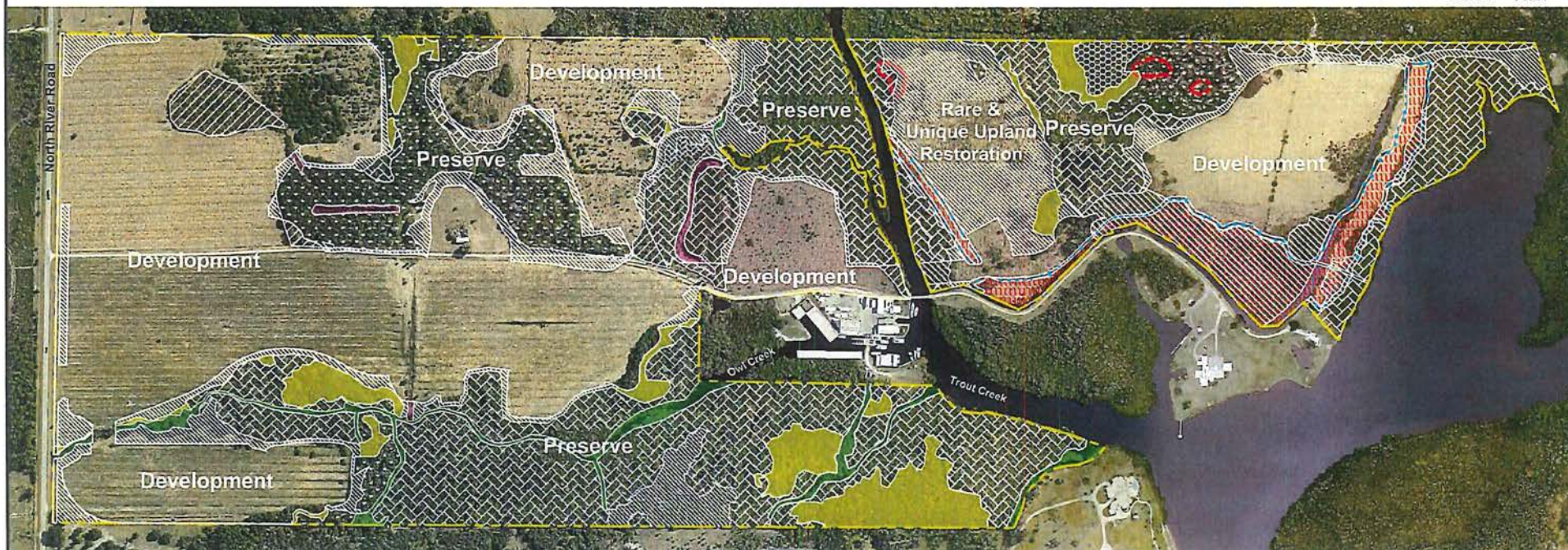
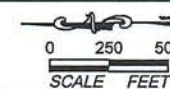
July 09, 2021 2:22:50 p.m.
Drawing: DR10R-455 WILDLIFE CORRIDOR.DWG

Figure 1. Owl Creek Wildlife Corridor Map

Owl Creek Parcel

BDEXBENDER
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FORT MYERS 239-334-3680

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



 Archeological Historic Preservation Areas (0.78 ac.)

* Does not include areas outside of property or conservation easement boundaries. Does not include areas of overlap between flushing basin and littoral marsh.

Notes:
1. Property boundary and development footprint obtained from Banks Engineering.
2. Limits of wetlands were approved by SFWMD via a Formal Determination dated November 12, 2021.

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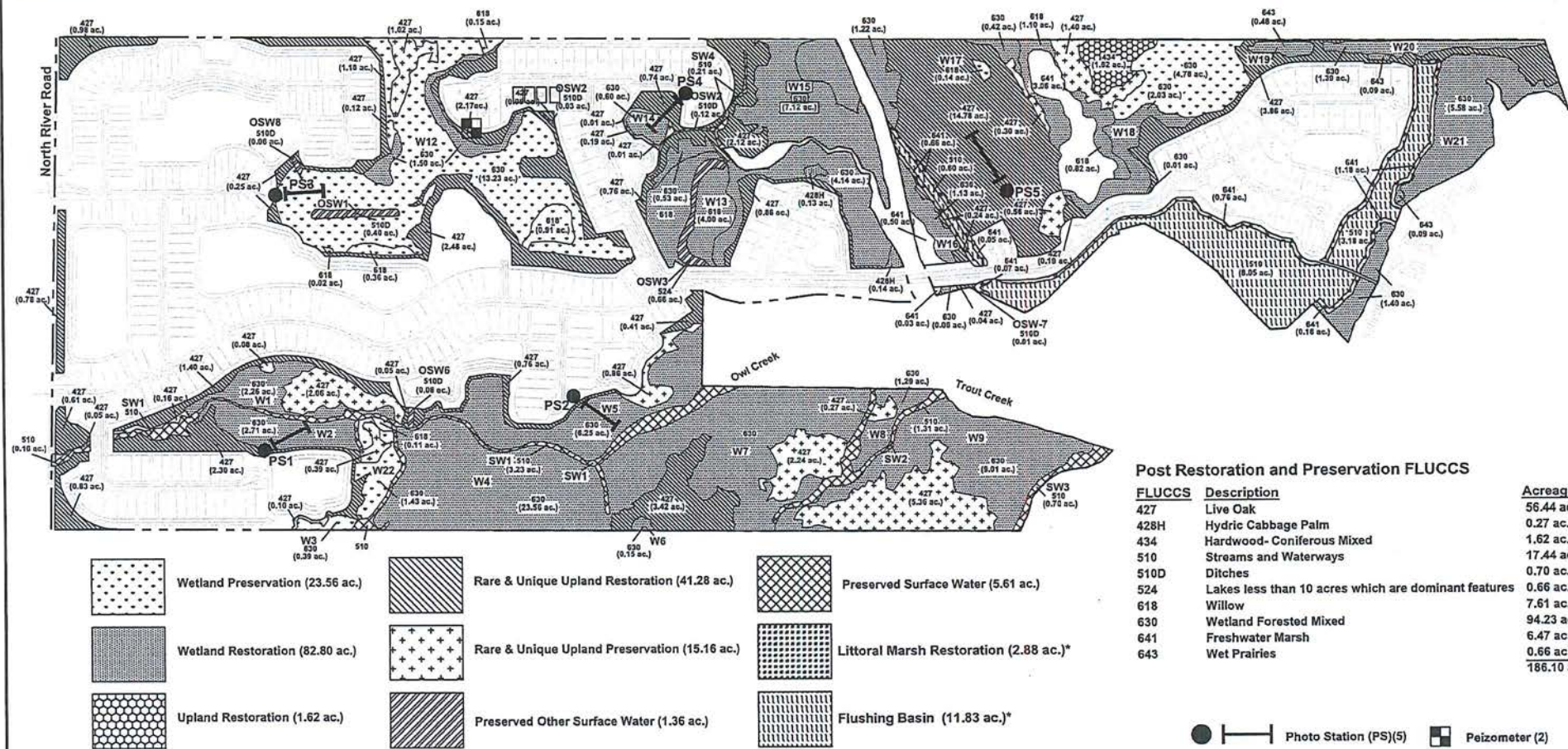
March 11, 2022 11:18:16 a.m.
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Figure 2. Enhancement & Preservation Map

Owl Creek Parcel

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



Post Restoration and Preservation FLUCCS

FLUCCS	Description	Acreage
427	Live Oak	56.44 ac.
428H	Hydric Cabbage Palm	0.27 ac.
434	Hardwood- Coniferous Mixed	1.62 ac.
510	Streams and Waterways	17.44 ac.
510D	Ditches	0.70 ac.
524	Lakes less than 10 acres which are dominant features	0.66 ac.
618	Willow	7.61 ac.
630	Wetland Forested Mixed	94.23 ac.
641	Freshwater Marsh	6.47 ac.
643	Wet Prairies	0.66 ac.
	Total	186.10 ac.

● Photo Station (PS)(5) ■ Peizometer (2)

* Does not include areas outside of property or conservation easement boundaries. Does not include areas of overlap between flushing basin and littoral marsh.

- Notes:
1. Property boundary and site plan were obtained from Banks Engineering.
 2. Mapping based on photointerpretation of 2019 aerial photography and ground truthing in February 2020.
 3. Limits of wetlands were approved by SPWMD via a Formal Determination dated November 12, 2021.
 4. FLUCCS table includes preserved wetlands, surface waters, other surface waters, and uplands.

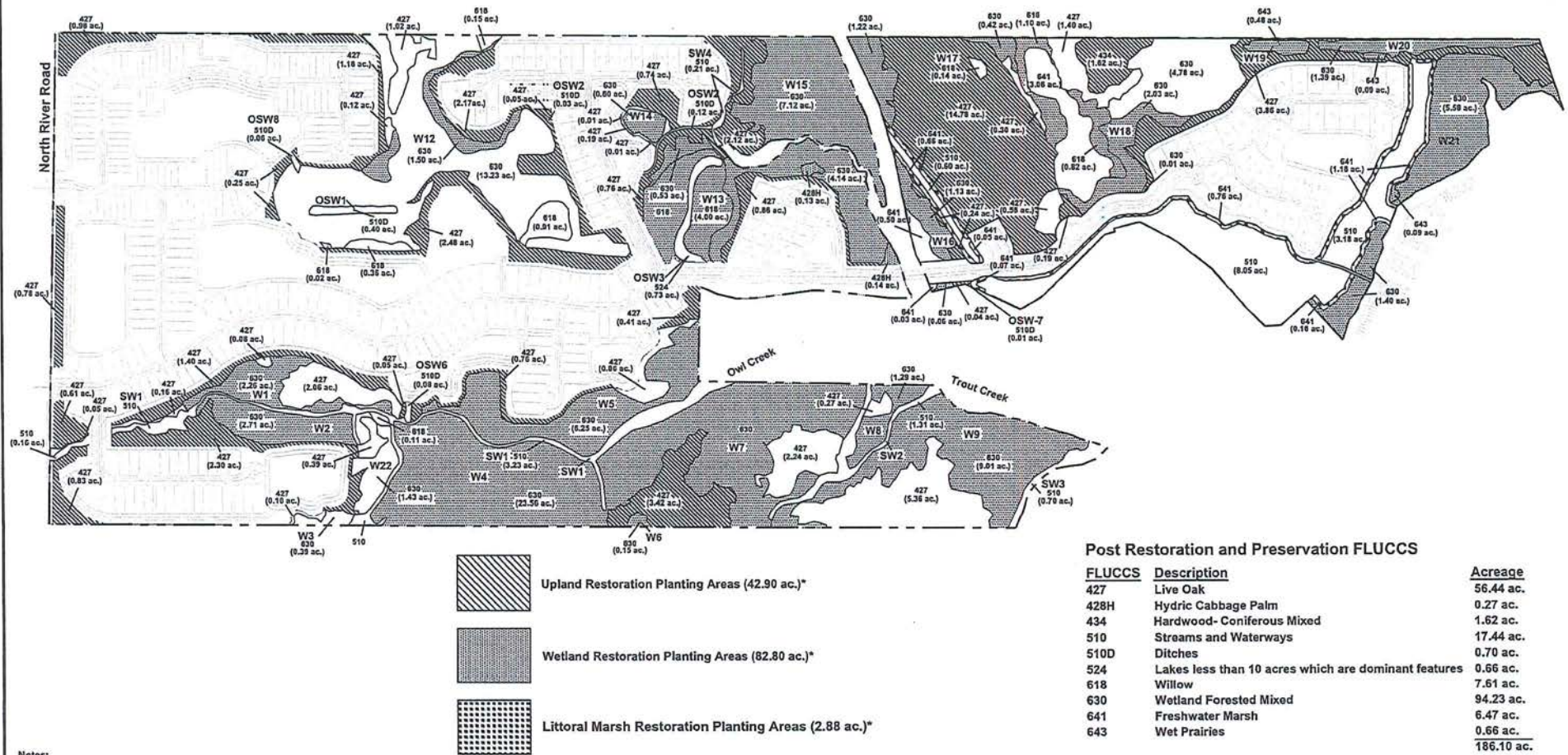
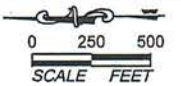
PERMIT USE ONLY, NOT FOR CONSTRUCTION March 11, 2022 9:58:54 a.m. Drawing: DRHOR452NDIG030822.DWG

Figure 3. Indigenous Habitat Management Monitoring Plan Map

Owl Creek Parcel

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FORT MYERS 239-334-3680

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



- Notes:
1. Property boundary and site plan were obtained from Banks Engineering.
 2. Mapping based on photointerpretation of 2019 aerial photography and ground truthing in February 2020.
 3. Limits of wetlands were approved by SFWMD via a Formal Determination dated November 12, 2021.
 4. FLUCCS table includes preserved wetlands, surface waters, other surface waters, and uplands.

*See the Indigenous Habitat Management Plan for the proposed planting details including species and spacing. Plantings will be installed following initial exotic vegetation treatment.

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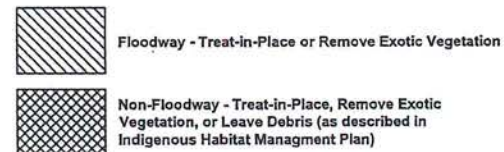
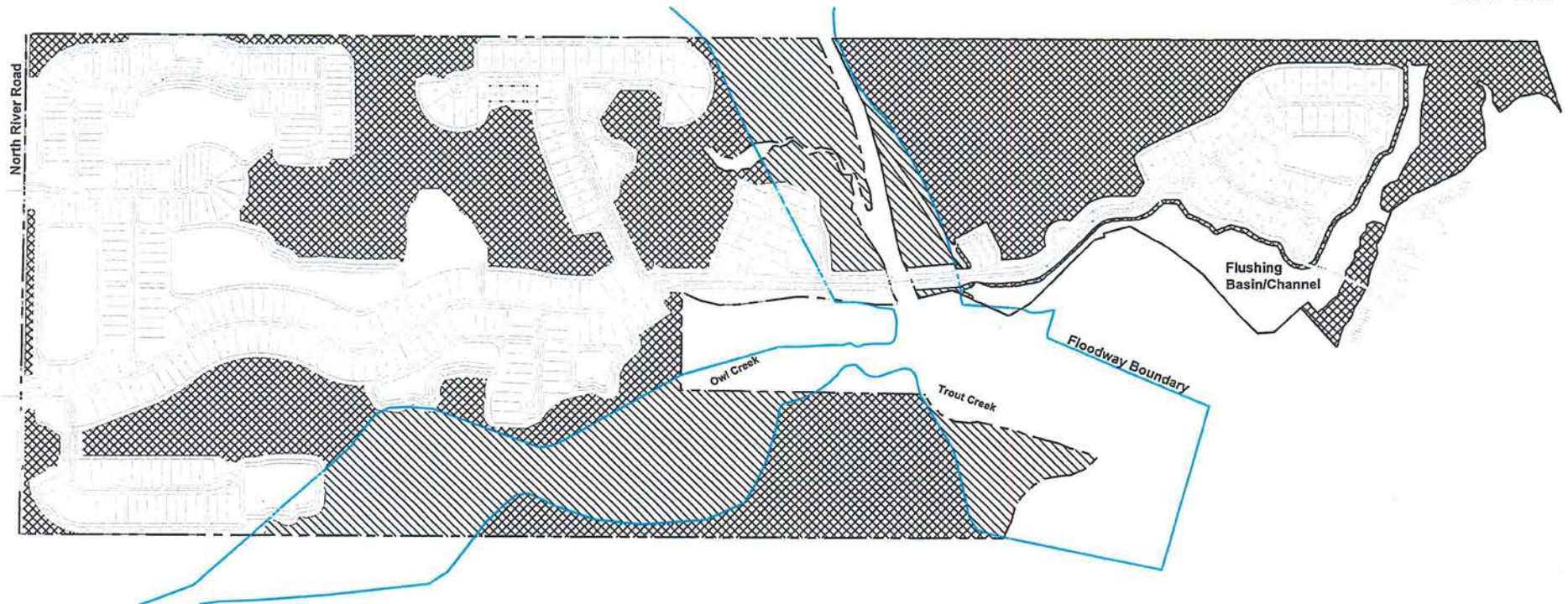
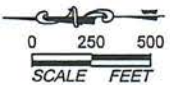
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Drawing: DRH0455PLANTING031122.DWG

Figure 4. Restoration Areas Planting Plan Map

Owl Creek Parcel

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



- Notes:
1. Property boundary, site plan, and floodway boundary were obtained from Banks Engineering.
 2. Limits of wetlands were approved by SFWMD via a Formal Determination dated November 12, 2021.
 3. Access for the initial exotic vegetation treatment to the Indigenous vegetation preserves will be via the existing farm fields.

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March 11, 2022 11:33:01 a.m.
Drawing: DRHOR455FLOODWAY031122.DWG

Figure 5. Exotic Vegetation Treatment Map

Owl Creek Parcel

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<i>Muhlenbergia</i> sp.	Muhley Grass	Liner	8 Feet Centers	222
<i>Andropogon virginicus</i>	Broom Sedge	Liner	8 Feet Centers	222
<i>Aristida beyrichiana</i>	Wiregrass	Liner	8 Feet Centers	222
<i>Spartina bakeri</i>	Cordgrass	Liner	8 Feet Centers	222

*Additional plant species may be included in the planting table prior to development order approval

Rare and Unique Upland Preservation

Approximately 15.16 acres of rare and unique uplands will be preserved as shown on the Enhancement and Preservation Map and Indigenous Habitat Management Plan Map (Figures 2 and 3). Exotic vegetation will be treated and/or removed per the Initial Exotic Vegetation Treatment section below.

Rare and Unique Upland Restoration

Approximately 41.28 acres of existing upland pastures and disturbed exotic vegetation infested uplands will be restored to live oak hammocks (FLUCCS 427) which are Rare and Unique Uplands per the definition in the Lee Plan as shown on the Enhancement and Preservation Map, Indigenous Habitat Management Monitoring Plan Map, Exotic Treatment Map, and Restoration Area Planting Map (Figures 2 - 5). The upland pastures that are proposed to be restored to rare and unique uplands currently have very few native plants which would be considered typical of the live oak hammock community. The disturbed exotic vegetation infested uplands include live oak hammocks and hydric Brazilian pepper and have approximately 10-25% coverage by native plant species typical of the live oak hammock community. The non-native herbaceous plants will be treated in place and the non-native shrubs and trees will be removed prior to planting.

The only fill that will be placed in these areas will be at North River Road buffer and some minor grading may be necessary in the other areas onsite. The existing soils should support the restoration to live oak hammocks as these communities were present in these locations historically. If any of the planting areas have compacted soils, the soil area around each planting will be loosened. This may be accomplished by hand or mechanical means. Exotic vegetation will be treated and/or removed per the Initial Exotic Vegetation Treatment section below. The restoration area will then be planted with native ground cover and trees, as listed in the Rare and Unique Upland Restoration Planting Table (Table 3). The final species list will be based upon site specific conditions and on plant material availability at the time of planting. A total of 5,539 trees, 5,539 shrubs, and 28,042 herbaceous plants will be planted in the restoration area shown on the attached Restoration Area Planting Plan Map (Figure 4). Cabbage palms from the development footprint may be relocated and used for the restoration planting plan below.

Table 3. *Rare and Unique Upland Restoration Planting Table

Botanical Name	Common Name	Minimum Size/Container	Maximum Spacing	Quantity
Trees				
<i>Quercus virginiana</i>	Live Oak	6' tall/BR	18 Feet Centers	2,770
<i>Quercus laurifolia</i>	Laurel Oak	6' tall/BR	18 Feet Centers	1,385
<i>Sabal palmetto</i>	Cabbage Palm	6' tall/FG	18 Feet Centers	1,385
Shrubs				
<i>Rapanea punctata</i>	Myrsine	1 Gallon	18 Feet Centers	1,108
<i>Myrica cerifera</i>	Wax Myrtle	1 Gallon	18 Feet Centers	1,108
<i>Psychotria nervosa</i>	Wild Coffee	1 Gallon	18 Feet Centers	1,108
<i>Eugenia foetida</i>	Spanish Stopper	1 Gallon	18 Feet Centers	1,108
<i>Callicarpa americana</i>	Beauty Berry	1 Gallon	18 Feet Centers	1,108
Ground Cover				
<i>Serenoa repens</i>	Saw Palmetto	Liner	8 Feet Centers	5,608
<i>Muhlenbergia</i> sp.	Muhley Grass	Liner	8 Feet Centers	5,608
<i>Andropogon virginicus</i>	Broom Sedge	Liner	8 Feet Centers	5,608
<i>Aristida beyrichiana</i>	Wiregrass	Liner	8 Feet Centers	5,608
<i>Spartina bakeri</i>	Cordgrass	Liner	8 Feet Centers	5,608

*Additional plant species may be included in the planting table prior to development order approval

At the time of development order, areas within the 50' or provided natural waterway buffer must demonstrate if the existing native vegetation to be retained meets the requirement of six native canopy trees and 50 native shrubs per 100 linear feet at a 1:1 credit ratio. If supplemental trees or shrubs are required to meet the required buffer plantings, trees must comply with LDC Section 10-420 and be a minimum 10' in height and shrubs must be a minimum 24" in height at time of planting. At the time of development order, the area along North River Road must contain native canopy trees a minimum of 14' in height spaced approximately 25 feet on center per LDC Section 33-1673.

Littoral Marsh Restoration

Approximately 2.88 acres of hydric and upland pasture will be restored to littoral marsh wetlands as shown on the Enhancement and Preservation Map, Indigenous Habitat Management Monitoring Plan Map, Exotic Treatment Map, and Restoration Area Planting Map (Figures 2 - 5). Approximately 1.86 acres of the littoral marsh are included in the flushing basin. The existing pasture will be excavated and sloped appropriately to transition from the uplands to the created flushing basin. Spoil material will be removed and used in development areas of the site. The restoration area will then be planted with native ground cover and trees, as listed in the Wetland Restoration Planting Table (Table 4). The final species list will be based upon site specific conditions and on plant material availability at the time of planting. A total of 1,961 herbaceous plants will be planted in the restoration area shown on the attached Restoration Area Planting Plan Map (Figure 4). The plantings will be installed in the 18'-20' wide littoral marsh restoration (vegetation shelf) area shown in the cross-section below. The slope of the littoral shelf will be 6:1 except where it will be 3:1 in the proposed riprap.

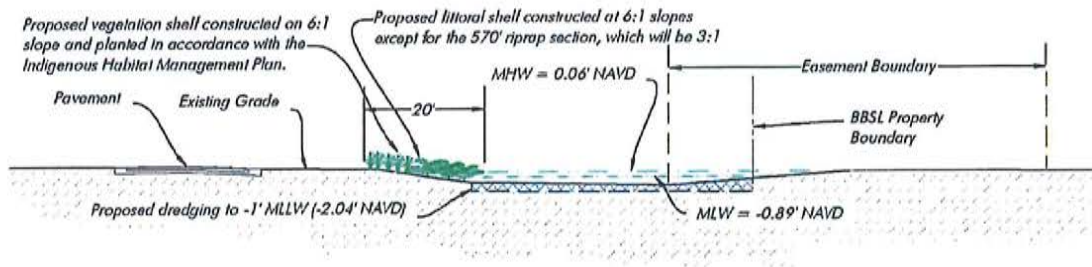


Table 4. *Wetland Restoration Planting Table

Botanical Name	Common Name	Minimum Size/Container	Maximum Spacing	Quantity
Ground Cover				
<i>Acrostichum</i> sp.	Leather Fern	Liner	8 Feet Centers	245
<i>Juncus roemerianus</i>	Black Needle Rush	Liner	8 Feet Centers	245
<i>Thalia geniculata</i>	Fire Flag	Liner	8 Feet Centers	245
<i>Osmunda regalis</i>	Royal Fern	Liner	8 Feet Centers	245
<i>Nuphar luteum</i>	Spatterdock	Liner	8 Feet Centers	245
<i>Spartina bakeri</i>	Sand Cordgrass	Liner	8 Feet Center	245
<i>Pontederia cordata</i>	Pickerelweed	Liner	8 Feet Centers	245
<i>Sagittaria</i> sp.	Arrowhead	Liner	8 Feet Centers	245

*Additional plant species may be included in the planting table prior to development order approval

At the time of development order, areas within the 50' or provided natural waterway buffer must demonstrate if the existing native vegetation to be retained meets the requirement of six native canopy trees and 50 native shrubs per 100 linear feet at a 1:1 credit ratio. If supplemental trees or shrubs are required to meet the required buffer plantings, trees must comply with LDC Section 10-420 and be a minimum 10' in height and shrubs must be a minimum 24" in height at time of planting.

Flushing Basin

Additionally, 11.83 acres of hydric pasture, upland pasture, and exotic vegetation dominated wetlands will be restored to surface water habitat as part of the flushing basin associated with the proposed docking facility. Approximately 1.86 acres of the littoral shelf are within the flushing basin. This flushing basin will act as a tidal pump and will connect to Trout Creek east of the proposed access bridge and to the interface of Trout Creek and the Caloosahatchee River at the proposed docking facility in the south of the site, improving the water quality in the vicinity of the docking facility. These areas will be excavated to appropriate grades and will transition into the wetland restoration area. Spoil material will be removed and used in development areas of the site. Please see Figure 3. Please see the cross section of the proposed flushing basin and littoral marsh restoration area above.

Surface Water and Other Surface Water Preservation

Approximately 5.61 acres of surface waters and 1.36 acres of other surface waters will be preserved as shown on the Enhancement and Preservation Map and Indigenous Habitat Management Plan Map (Figures 2 and 3).

Initial Exotic Vegetation Treatment

All exotic and nuisance species (defined per LDC Sec. 10-420(f) and Category I and II species on the Florida Exotic Pest Plant Council's List of Invasive Species) within the upland and wetland preservation areas will be treated as shown on the Exotic Vegetation Treatment Map (Figure 5). A vegetation removal permit associated with the development order is required for the initial exotic vegetation treatment.

Non-native trees and shrubs will be cut by chainsaw or machete just above natural grade and the stump treated with an appropriate herbicide suitable for aquatic application. Treatment will occur immediately following cutting to ensure maximal uptake of the herbicide. All preserved areas will have the resulting vegetative material from the Conservation Easement and disposed of in accordance with local regulations. If non-woody exotics, such as cattail, are present within the preserve they will be treated by a foliar application of an appropriate herbicide suitable for aquatic application. Herbicides will be used in strict accordance with label directions by trained applicators. Care will be taken to reduce damage to non-target native species to the maximum extent practical. The owner or his designee shall conduct vegetation control through the management of exotic, invasive and nuisance vegetation. Treatment efforts of the forested and herbaceous areas will include removal, monitoring and maintenance of invasive vegetation. The primary species to be eradicated include melaleuca, Brazilian pepper,

and torpedo grass.

Exotic control of melaleuca and Brazilian pepper in the areas outside of the FEMA floodways will be accomplished by chainsaw or machete as shown on the Exotic Vegetation Treatment Map (Figure 5) and Exhibit A. Large trees (greater than four-inch diameter at breast height (DBH)) may be girdled and killed in place with a stump specific herbicide suitable for aquatic application. The four inch DBH and smaller trees and shrubs will be cut just above natural grade and the stump treated with an appropriate herbicide suitable for aquatic application. The resulting vegetative material will be disposed of by one or more of the following methods: 1) cut into four to six foot sections and stacked on the ground with alternating layers of trees at right angles to each other (log cabin) with the stacks no higher than 5± feet and spaced a minimum of 100± feet apart, 2) cut and placed into piles (tee-pee) with piles spaced a minimum of 100± feet apart, 3) where exotic density is less than 25 percent the exotics may be cut into two to four foot sections and scattered on the ground, and 4) woody exotic vegetation may be removed from the preserves.

No cut debris will be placed within the FEMA floodways of Owl or Trout Creek as shown on the Exotic Vegetation Treatment Map (Figure 5) and Exhibit A. Exotic vegetation in the floodways will either be cut and removed or treated in-place as described above.

Herbicides will be used in strict accordance with label directions by trained applicators. Care will be taken to reduce damage to non-target native species to the maximum extent practical. Access for the initial exotic vegetation treatment to the indigenous vegetation preserves will be via the existing farm fields.

Coverage by exotic vegetation within these areas will be maintained below five percent aerial cover. A marker dye will be added to the spray solution to help visualize where the solution is being applied. An appropriately licensed herbicide applicator will supervise the crew. Herbicides will be used carefully in accordance with the label provided.

Barricading

Prior to commencement of construction activities, the mitigation areas will be staked in the field and the required erosion control barriers installed. These barriers will be inspected by County staff prior to commencement of construction activities. The operation of construction equipment, storage of equipment, and stockpiling of fill and construction material will be prohibited within the preservation areas. The staking identifying the limits of the preservation area will be maintained for the duration of adjacent construction activities.

Schedule

The wetland preservation must be within a recorded conservation easement and the rare and unique upland preservation and restoration areas must be completed prior to the Certificate of Compliance for the infrastructure.

Conservation Easement

A Conservation Easement will be recorded and placed over the upland, wetland, and surface waters preservation areas totaling 186.10± acres. Approximately 1.86 acres of the littoral shelf are within the flushing basin. Signs demarking the preservation areas will be posted at 100 foot intervals along the outer edge of all preservation areas.

Ecological Performance Standards

To meet the objective of this plan, the following performance standards will apply to the onsite wetland and upland preservation and restoration areas:

1. At least 80 percent cover by appropriate wetland species (i.e. facultative wet or obligate) within the wetlands and the restored littoral marsh and 80 percent coverage by appropriate upland species in the upland preservation and restoration areas.
2. The conservation easement areas are free of exotics immediately following maintenance treatment events. All exotic and nuisance species (defined as Category I and II species on the Florida Exotic Pest Plant Council's List of Invasive Species) within these wetlands will be treated. The nuisance species dog fennel (*Eupatorium capillifolium*), Caesar weed (*Urena lobata*), primrose willow (*Ludwigia peruviana*), grape vine (*Vitis* sp.), and cattail (*Typha* spp.) as well as exotic species shall total less than five percent combined between maintenance events.
3. Monitoring of the preserve areas shall be conducted for a minimum of 5 years with annual reports submitted to the County. After the initial restoration plantings described above, if native wetland, transitional, and upland species (do not achieve 80% coverage within the initial two years of the monitoring program (obligate and facultative wet species exceed facultative species in wetland areas), native species shall be planted in accordance with the maintenance program. At the end of the monitoring program the entire mitigation area shall contain an 80% survival rate of planted vegetation and an 80% coverage of desirable obligate and facultative wetland species.
4. The preserve areas shall be maintained in perpetuity to ensure coverage by native desirable vegetation and the target habitat types and success criteria are maintained as specified in the permit.
5. The preserve areas shall be managed such that exotic/nuisance vegetation species do not dominate any one section of areas within the preserves.

These performance standards will be achieved by the end of the five year monitoring period.

Long Term Management

The applicant and/or the homeowners association will be responsible for the long term maintenance of the onsite preservation areas. Vegetation removal permits are required for ongoing management activities associated with this approved Indigenous Habitat Management Plan that is preserve area specific for the type of management that is being requested.

Adaptive Management

If during monitoring of the onsite preservation area, areas do not appear to be trending toward meeting the above ecological performance standards, the methods for treating exotic vegetation will be re-evaluated.

Maintenance

A routine maintenance program will be initiated upon the completion of the initial exotic treatment and native plant installation. A vegetation removal permit will be required for preserve maintenance. For the first two years following the initial treatment, the preservation areas will be inspected twice a year (late spring and fall) and all exotic and/or nuisance species will be treated. During these inspections the preservation areas will be qualitatively evaluated, potential problems (if any) identified, and corrective actions recommended. After the second year, inspections and treatments will be conducted annually during the dry season. The property owner will be responsible for long term management of the preserves.

Pruning and trimming activities will not be performed in the preserve however invasive exotic vegetation may have to be treated within planting areas. The frequency of maintenance will be based on how successful the new plantings are and the extent to which nuisance pest species enter into the newly planted area. Semi-annual monitoring will be conducted in each newly planted area for one year to carefully evaluate these parameters. Herbicide maintenance will be conducted semi-annually during the first year following implementation of the pest control program and at least annually thereafter, in accordance with LDC 10-420(h).

If monitoring events reveal severe deer grazing or other disturbance from wild hogs, the affected planting area will be temporarily isolated with a fence to keep out larger animals until the plantings are well established. Once success criteria are achieved, all temporary fencing will be removed from the preserve.

Newly planted areas will be included in the invasive pest control program. The herbicide maintenance areas shall expand to control exotic and nuisance species as necessary where native vegetation is being established. Periodic management of the planting areas is required to ensure that the plants will survive and thrive. This will guarantee success and allow desirable indigenous species an opportunity to recruit into the planting areas. As part of ongoing management of the site, the owner or his designee shall treat and/or remove exotic species (per LDC Sec. 10-420(h) and nuisance species as necessary at least semiannually for one year and annually thereafter. Nuisance species shall mean those species of flora whose noxious characteristics or presence in sufficient number, biomass, or areal extent may reasonably be expected to prevent, or unreasonably interfere with, the designated use of the waters under consideration, as defined in rules 62-312.310(8) and 62-302.200(14), F.A.C.. Invasive exotic species include at a minimum the species listed in LDC Sec. 10-420(h).

Protected Species

The November 2020 Protected Species Assessment resulted in no observations of listed species.

While no nesting areas for any listed wading birds have been observed onsite during any site visits, the following species recognized as Species of Special Concern (SSC) by the State may forage on the subject property. Little blue herons (*Egretta caerulea*), roseate spoonbills (*Ajaia ajaja*), snowy egrets (*Egretta thula*), and tricolored herons (*Egretta tricolor*), may foraging in wetland areas and ditches throughout the property.

Given the habitat types present there is also a potential for Big Cypress fox squirrels (*Sciurus niger avicennia*) to utilize the property. These squirrels, listed as threatened by the FWC, are typically found nesting in melaleuca trees in areas with sparse or open ground cover.

The Florida sandhill crane is listed as threatened by the FWC and potentially may forage in the pasture areas. While suitable habitat occurs throughout the property and within the designated County buffer, no sandhill crane nesting activity was observed.

The wood stork (*Mycteria americana*), is listed as threatened by the FWC and the FWS. Although no wood storks were observed they may forage in the wetlands and ditches. Nesting has not been documented onsite, nor do wood storks appear there in the most recent FWC listed species occurrence database. Wood stork colony locations provided by FWC show two colonies within a 25-mile radius of the property. The closest colony location is approximately three miles to the west of the subject parcel.

The American alligator was not observed, however, the ditches provide potential habitat. According to the FWC list of Florida's Endangered Species, Threatened Species and Species of Special Concern published in November 2007, the American alligator has a SSC status because it is vulnerable to environmental impacts and loss of habitat.

Audubon's crested caracara is a raptor that typically nests in solitary or small groups of cabbage palms within larger areas of open grasslands. This species is listed as threatened by both the FWC and FWS. Although the quality of the potential habitat onsite is poor, Audubon's crested caracara were observed foraging along North River Road during the nesting survey for this species in winter 2021. The closest known caracara nest is located approximately 1 mile to the east of the subject parcel.

The property is not located within the primary and secondary zones of the 2007 Florida Panther Focus Area or in the 2003 Panther Consultation Area identified by the FWS. The Florida panther (*Felis concolor coryi*) is listed as endangered by both the FWS and FWC. There is one FWC telemetry points located approximately 3 miles south of the subject property, with none onsite. This telemetry point occurs south of the Caloosahatchee River.

A review of the FWC listed species occurrence database (updated in June 2020) indicated that a Florida black bear (*Ursus americanus floridanus*) had been recorded approximately 1 mile to the north of the property. The Florida black bear delisted in 2012, is still protected by the Florida Black Bear Management Plan and is not listed by the FWS.

The project is located within the National Marine Fishery Service's (NMFS) defined critical habitat area for the smalltooth sawfish. NMFS issued their Jacksonville Biological Opinion (JAXBO) on November 20, 2017. The JAXBO analyzes the effects from 10 categories of minor in-water activities occurring in Florida and the U.S. Caribbean on sea turtles, smalltooth sawfish, Nassau grouper, scalloped hammerhead shark, Johnson's seagrass, sturgeon, corals, whales, and their designated critical habitat.

Protected Species Management Plans

Several measures have been taken to reduce potential impact to wildlife. Adverse impacts to wildlife including listed wildlife are not anticipated as a result of the proposed residential project. All agricultural activities will cease in the Preserve Areas once construction commences, with human disturbance in those areas limited to activities consistent with the conservation easement.

The habitat improvements and preservation resulting from implementation of this plan are expected to encourage transient wildlife species to utilize the Preserve Lands onsite as shown on the Enhancement and Preservation Map (Figure 2). The applicant has committed to placing the preservation areas under a conservation easement prior to construction of the residential units, consistent with state law, as a condition of the zoning approval, which means 38.72 acres of native upland and wetland habitats, 1.36 acres of other surface waters, and 5.61 acres of surface waters of this area will be permanently protected (preservation) for wildlife usage. A total of 41.28 acres of farm fields and exotic infested uplands will be restored to rare and unique uplands by the removal of the exotic species and planting with native species. Also, 1.62 acres of exotic infested uplands will be restored by the removal of exotic species and planting. A total of 82.8 acres of exotic infested wetlands will be restored by the removal of exotic species and planting with native species. Additionally, 2.88 acres of hydric and upland pasture will be restored as littoral marsh wetlands and 11.83 acres of flushing basin will be created. This restoration and preservation of 186.10 acres will enhance the value of the Preserve Areas for wildlife and provide a permanent link between the surrounding wildlife corridor areas and a permanent refuge for wildlife if the project is approved as proposed. (See Figures 1 and 2).

If the zoning is approved as proposed, additional wildlife surveys will be conducted as required by state, federal, and county requirements when the plans are submitted for permitting/development approval.

Should the zoning be approved as proposed, both FWC and FWS will be consulted relative to any state or federally listed species potentially occurring on site and listed species guidelines implemented as applicable prior to any construction.

Wading Bird Management Plan

Wood storks were not found during wildlife surveys of the property and no nesting activities were observed. Suitable foraging habitat occurs throughout the property. Additionally, the property occurs within 18.6 miles of two known wood stork colonies. Based on the FWS "Effect Determination Key", dated November 9, 2007 (Service Consultation Code 41420-2007-I-0964), the proposed project may affect the wood stork. Formal consultation for the wood stork is anticipated to be required by the FWS. On behalf of the applicant, at the appropriate time, we will be coordinating with FWS to develop a wood stork mitigation plan which will effectively offset any potential impacts to foraging habitat of this federally listed species. Additionally, it is expected that existing foraging habitat for the wood stork will be enhanced by the removal and maintenance of invasive exotic plants and protected by implementation of the wetland enhancement and preservation plan and the reclamation plan. The proposed littoral marsh wetland restoration which includes 2.88 acres of littoral shelves described above will also benefit the wood stork by adding a significant amount of foraging area.

Existing wading bird foraging habitat will be enhanced through removal and maintenance of exotic invasive plants. The proposed site conditions will result in a total of over 106.36 of preserved and restored wetlands and 2.88 acres of restored littoral marsh habitat on the property. Implementation of the proposed wetland preservation plan would assure that any potential temporary impacts to these species would be offset. This plan would meet applicable requirements of South Florida Water Management District and Lee County as well as the FWS and FWC.

The enhancement of the property will ultimately provide increased acreage of higher quality habitat for wading birds in preservation and areas as well as within the littoral marsh restoration areas. Additionally, protection provided by the wetland preservation plan will provide long-term viability for wading birds.

Big Cypress Fox Squirrel Management Plan

Appropriate habitat for the Big Cypress fox squirrel (*Sciurus niger avicennia*) occurs in the forested portion the property. However, no fox squirrel nests were observed within the project boundaries. Prior to clearing the site, a qualified biologist will survey the construction limits for the presence of Big Cypress fox squirrels or their nests. Any potential nests will be monitored to determine if they are currently being utilized by Big Cypress fox squirrels. Nests found to be utilized by a Big Cypress fox squirrel will be temporarily protected from clearing by a 125 foot radius undisturbed buffer. These nests will be taken outside of the February 1st to May 30th nesting season once the absence of young fox squirrels within the nests is confirmed. The required authorization from the FWC will be obtained prior to removing the nest tree.

Forested habitat suitable for this species will be preserved and restored via treatment of invasive exotic plant species and planting with native species where appropriate and described above in 164.26 acres (FLUCCS 427, 428, 434, 618, and 630). The protection provided by implementation of the Indigenous Habitat Management Plan will provide long-term viability for the Big Cypress fox squirrel and would assure that any impacts to this

species are offset.

Florida Sandhill Crane Management Plan

Florida sandhill cranes or their nests were not observed during wildlife surveys of the property. Suitable habitat occurs throughout the property and within the designated County buffer. A total of 3.56 acres of existing foraging habitat (FLUCCS 641) for the sandhill crane will be restored through removal and maintenance of invasive exotic plants. Additionally, 2.88 acres of littoral marsh wetlands will be restored. Implementation of the proposed Indigenous Habitat Management Plan would assure that any impacts to the foraging pattern of this species are offset.

American Alligator Management Plan

Potential habitat for American alligators on-site consists of the open water area and surrounding marsh. The property includes numerous ditches and scattered wetlands which provide refuge for this species. The property was thoroughly inspected for gator nests, which are often conspicuous on the bank of waterways. No alligator nests were ever found on the property during protected species surveys. If the proposed project is approved, the wetland enhancement and restoration in the Indigenous Habitat Management Plan will ultimately provide increased acreage of higher quality habitat for the alligator. The proposed site conditions will result in a total of over 106.36 acres of preserved and restored wetlands (FLUCCS 618, 630, and 641), 2.88 acres of restored littoral marsh wetlands, 1.36 acres of preserved other surface waters, 5.61 acres of preserved surface waters, and 11.83 acres of created flushing basin habitat on the property.

Alligators will commonly move from water body to water body in response to factors such as season, disturbances, food supply, etc. In the event that an alligator is present within the limits of construction at the time of site clearing, work within the immediate vicinity of the alligator will be halted and the animal will be allowed to move out of harms way. Once the American alligator has moved work can be restarted. The protection provided by implementation of the Indigenous Habitat Management Plan will provide long-term viability for the American alligator onsite.

Audubon's Crested Caracara Management Plan

Although crested caracaras are known to forage in the vicinity of the subject property, no evidence of nesting of this species was found onsite. To minimize the potential of impacts to nesting habitat, the cabbage palms located in the proposed development areas will be relocated to the rare and unique upland restoration area and appropriate preservation areas prior to construction activity initiation, if feasible. The proposed Indigenous Habitat Management Plan includes the preservation of 15.16 acres of uplands (FLUCCS 427 and 428), the restoration of 1.62 acres of uplands, and the restoration of 41.28 acres of rare and unique uplands. The implementation of this Indigenous Habitat Management Plan will provide long-term viability for Audubon's crested caracara and will assure that any impacts to this species are offset.

Florida Panther and Florida Black Bear Management Plan

No Florida panthers or black bears or their signs were observed during wildlife surveys of the property. The project is not in any FWS Florida panther zones and the nearest FWC telemetry point is 3 miles to the south of the project and across the Caloosahatchee River. Black bears have been documented approximately 1 mile north of the property per the FWC listed species occurrence database. It is expected that existing forage and prey habitat for the Florida panther and black bear will be enhanced through removal and maintenance of invasive exotic plants and protected by implementation of this IHMP.

The preservation and restoration of 186.10± acres of uplands (FLUCCS 427, 428, and 434), wetlands (FLUCCS 618, 630, and 641), other surface waters (FLUCCS 510D), and surface waters (FLUCCS 510) will link the surrounding conservation lands, restoring a link that has been disrupted by the extensive exotic vegetation infestation in that area and will allow movement of wildlife across the Owl Creek property. Please see the Owl Creek Wildlife Corridor Map (Figure 1).

Smalltooth Sawfish Management Plan

The project is located within the National Marine Fishery Service's (NMFS) defined critical habitat area for the smalltooth sawfish. There will be minor impacts to the shallow euryhaline habitat along the shore to accommodate the flushing improvements for the proposed docking facility. The project includes the restoration of 11.83 acres of created flushing basin habitat on the property which potentially will function as smalltooth sawfish habitat.

The applicant will coordinate with NMFS during the federal permitting process for the project and will obtain the required permits. All required construction methods will be followed. Please see Exhibit B for NMFS's Sea Turtle and Smalltooth Sawfish Construction Conditions dated March 23, 2006.

Wildlife Habitat Area Corridors

Two Wildlife Corridors totaling 139.64+/- acres will be established as part of the proposed Indigenous Habitat Management Plan. Please see Figures 1 and 2. The Owl Creek and Trout Creek corridors currently consists of active pasture, Owl Creek, and exotic vegetation infested uplands and wetlands. These areas will be enhanced and preserved as described above. The Rare and Unique Upland restoration areas will be planted as described above and shown in the Restoration Area Planting Plan Map (Figure 2).

The Owl Creek and Trout Creek wildlife corridors average approximately 770' and 1,350' in width, respectively. Prior to the Certificate of Compliance for the infrastructure, 186.10 acres which includes the onsite wildlife corridors, will be placed under a Conservation Easement.

Human Coexistence with Wildlife Plan

The following Human Coexistence with Wildlife Plan will be incorporated into the project's Homeowners Association documents.

Residential Areas

American Alligator

Signs will be posted on the subject property adjacent to the water management lakes and bodies of water advising residents that feeding or harassing the American alligators is punishable by state law. An educational brochure, such as the attached "A Guide to Living with Alligators" prepared by the FWC (Exhibit C), will be provided to residents. Residents, commercial tenants, and property maintenance staff will be instructed to contact the FWC for assistance in the event a nuisance alligator is present within the lakes.

Florida Black Bear

An educational brochure, such as the attached "A Guide to Living in Bear County" (Exhibit C) prepared by the FWC, will be provided to residents and commercial tenants. Residents will be instructed to contact the FWC for assistance in the event a nuisance black bear is present on-site.

Florida Panther

An educational brochure, such as the attached "A Guide to Living with Florida Panthers" (Exhibit C) prepared by the FWC, will be provided to residents and commercial tenants. This brochure provides advice for residents on how to keep their family and pets safe and suggestions on how to handle encounters with panthers.

Multi-Slip Docking Facility

American Alligator

Signs will be posted on the subject property adjacent to the docking facility advising residents that feeding or harassing the American alligators is punishable by state law. An educational brochure, such as the attached "A Guide to Living with Alligators" prepared by the FWC (Exhibit C), will be provided to residents. Residents, commercial tenants, and property maintenance staff will be instructed to contact the FWC for assistance in the event a nuisance alligator is present within docking facility.

West Indian Manatee

At least two manatee educational signs or a kiosk will be placed at the docking facility.

Public Canoe Launch

American Alligator

Signs will be posted on the subject property adjacent to the public canoe launch advising the public that feeding or harassing the American alligators is punishable by state law. An educational brochure, such as the attached "A Guide to Living with Alligators"

prepared by the FWC (Exhibit C), will be provided to the public at the launch. Residents, commercial tenants, and property maintenance staff will be instructed to contact the FWC for assistance in the event a nuisance alligator is present at the canoe launch.

West Indian Manatee

At least one manatee educational sign or a kiosk will be placed at the canoe launch.

Monitoring Plan

The proposed monitoring of the preserved wetlands will consist of baseline monitoring, time-zero monitoring, and annual monitoring of vegetation. The baseline monitoring documents the pre-exotic removal conditions within the wetlands. The time-zero report will document the conditions immediately following wetland exotic removal and planting. The annual reports will document the extent of success of the project and, if needed, identify specific actions to be taken to improve conditions within the project area. Sampling stations and methodology of data collection will remain the same for all monitoring events.

The owner or his designee shall also monitor and record water elevations at staff gauges and monitoring wells within the undeveloped wetland areas to provide reasonable assurance to the agencies that no significant hydrological impacts to wetlands resulted from mining. Hydrologic monitoring shall occur monthly during the dry season (November through May) and biweekly during the wet season (June through October) in all of the preserved onsite wetlands. The staff gauges and monitoring wells shall be visually inspected. If the water level at any staff gauge is below the land surface for more than 60 days, the below-ground water level would be used for that location. Hydrologic monitoring shall begin within 12 months of mining commencing.

An important component of the monitoring reports will be the before and after pictures. All monitoring reports will include panoramic photographs from photo stations as shown on Figure 3.

The results of monitoring events within the preserve areas will be reported as stated in this plan. Specific maintenance requirements will be explained in the monitoring report(s). Monitoring reports will describe if/where herbicide treatment is necessary to control nuisance species. The report will also explain if/where plantings need to be replaced or if new plantings should be added to a specific area to improve diversity or percent coverage. Prior to any preserve maintenance, Lee County Division of Environmental Sciences will be notified in writing.

The proposed monitoring of the planted littoral zone and Rare and Unique Uplands will consist of baseline monitoring, time-zero monitoring, and annual monitoring of vegetation, wildlife, rainfall, and wetland water levels. Baseline monitoring will document the conditions as they exist prior to initiating the proposed planting/enhancement effort. The time-zero report will document the conditions immediately following completion of

planting/enhancement activities. In addition, a monitoring report will be submitted annually to the Lee County Division of Environmental Sciences for five consecutive years starting one year from the date of the Certificate of Compliance issued for the project's infrastructure. The annual reports will document the extent of success of the created wetlands and, if needed, identify specific actions to be taken to improve the conditions within the project area.

A baseline monitoring report is required for approval of the development order. Please see Exhibit D for baseline conditions photographs from the five photo points. The baseline monitoring report will include a description of each of the specific areas and a map depicting the location of each photo station. Copies of the baseline reports will be submitted to regulating agencies, including Lee County.

The time-zero monitoring report will be provided prior to certification of compliance. Vegetation removal permits are required for ongoing management activities associated with this approved Indigenous Habitat Management Plan that is preserve area specific for the type of management that is being requested. This report will include the date the planting activity was completed and color photographs to provide an accurate representation of the specific area. The photographs shall be taken from fixed reference points described in the baseline monitoring report and shown on a scaled plan view. A table depicting numbers, spacing, and sizes of each species planted will also be provided. The tree height will be used to measure the size of saplings until the tree is mature enough to enable the diameter-breast height (DBH) to be measured. Subsequent annual monitoring reports will be submitted to requesting agencies within thirty (30) days after each monitoring event. The monitoring reports will include a general qualitative and quantitative characterization of the areas. Any pertinent climatological conditions preceding the monitoring event will be described. Qualitative parameters may include estimates of % bare ground, % desirable species, % undesirable species (nuisance and exotic), notations regarding faunal presence and use, and an overall numerical ranking (1-lowest, 10-highest) of the conditions of the system. This numerical ranking is done annually, preferably by the same evaluators, and takes into consideration all parameters of the qualitative assessment. The monitoring will be completed by September of every year (toward the end of the growing season) and an annual report submitted to the reviewing agencies by the end of October. All data collected and analyzed will be included in the report.

Vegetation Monitoring

The vegetation within the uplands and wetlands will be monitored using the line intercept methodology. Six (6) 100 feet long transects will be established in representative portions of each upland and wetland area (Figure 3). A measuring tape will be stretched along the transect and the plants occurring directly below (ground cover) and above (midstory and canopy) the tape will be recorded at three feet intervals along the transect. Ground cover species include woody vegetation less than three feet in height and all non-woody plants. Midstory vegetation consists of all woody plants greater than three feet in height and less than four inches DBH. Canopy species consist of woody vegetation greater than four inches DBH. Bare ground and open sky will also be recorded in this manner. The

resulting data will be used to calculate percent cover of the three strata.

Wildlife Monitoring

Regular observations of fish and wildlife will be made during all monitoring events by qualified ecologists. This will consist of recording evidence and signs of wildlife (i.e., direct sighting, vocalization, nests, tracks, droppings, etc.).

Photographic Documentation

Permanent fixed-point photograph stations will be established in each of the monitored areas thereby providing physical documentation of the condition and appearance of an area, as well as any changes taking place. Panoramic photographs will accompany vegetation data in each report. Locations of photo stations will remain the same throughout the duration of the monitoring program.

Report

The methodology and results of each monitoring event will be documented in an annual monitoring report. Data will typically be collected towards the end of the growing season (September - October) and submitted to the agencies with 90± days of data collection.

Method and Frequency of Pruning and Trimming

No pruning or thinning of native vegetation within the indigenous vegetation preserves is proposed at this time. In the event that trimming becomes necessary to meet the ecological goals of this management plan, the trimming will be accomplished by hand using chainsaws or machetes and will be restricted to no more than 25 percent of an area during any particular one year interval. Cut vegetation will remain on-site.

The Lee County Division of Environmental Sciences will be notified prior to any preserve maintenance (other than routine annual exotic maintenance events).

Garbage Management

All garbage will be removed from the preserves prior to the issuance of the Certificate of Compliance for any part of the development. The preserves will be surveyed for garbage semi-annually.

Archeological Historic Preservation Areas

Please see Exhibit E for the archeologist recommended guidelines for the three archeological historic preservation areas. These three areas are also shown in Figure 2. They are located in preserved uplands and wetlands with a very small area within a rare and unique upland restoration area. These archeological historic preservation areas are all within areas that will be placed under a conservation easement. The exotic vegetation removal and planting outlined in this plan will adhere to the archeologist recommend guidelines for work in these areas.

Proposed Work Schedule

The invasive exotic and nuisance plant control program will commence after approval of this project's development order. The initial exotic treatment will be initiated during the first dry season following issuance of all required federal, state, and local authorizations. It is anticipated that the initial treatment will be completed in less than three months. The supplemental plantings will be initiated within approximately two months of the completion of the initial exotic removal, weather permitting.

Summary

The foregoing IHMP provides for preservation and enhancement of existing natural flowways that the County deems important for local or regional water resource management, restoration of Rare and Unique Uplands that the County deems important, preservation of indigenous areas that are occupied wildlife habitat to the maximum extent possible, and interconnection to off-site preserves and conservation lands via indigenous preservation, flowway preservation or restoration, and appropriate planted open space or buffer areas per Lee LDC 10-415. Additionally, this IHMP provides for preservation and restoration of natural resources, including but not limited to wetlands, natural existing and historic flowway corridors, sloughs, creeks, ponds and lakes, and native plant communities and native trees per Lee LDC 10-474

It exceeds the open space requirements and the Indigenous Preservation requirements of Lee LDC 10-415 by providing over 54% of the site as preservation, creation, and restoration areas.

It details and exceeds the Invasive Exotic Removal requirements including exotic removal and long term maintenance continuing in perpetuity in Lee LDC 10-420(h). This IHMP includes details of preservation, enhancement, and restoration within buffers per Lee LDC 10-415.

This IHMP provides for interconnectivity of wildlife habitat areas, including Florida black bear habitat and to allow this large mammal to move locally within their range, as this project has been designed to allow movement of Florida black bear through indigenous preserves or appropriately planted buffer and open space areas per Lee LDC 10-474

The wetland mitigation that is proposed for impacts associated with the project is outlined in detail above in this IHMP, consists of the preservation of the highest quality indigenous habitat onsite, the enhancement and restoration of indigenous habitats onsite, the restoration and connection of Owl Creek and Trout Creek Wildlife Corridors and flowways and the reconnection of public conservation lands through the subject property.

The proposed site plan impacts 13.95+/- acres of exotic infested wetlands, 3.01 acres of ditches, and 0.13 acres of surface waters which are proposed to be mitigated on-site as detailed in the IHMP. In summary, the IHMP includes:

- (i) Preservation of 45.69 acres of existing high quality habitat, existing native tree areas (none is required by LDC Section 10-415), other surface waters, and surface waters;
 - a. 23.56 acres of wetlands
 - b. 15.16 acres of rare and unique uplands
 - c. 5.61 acres of surface waters (Owl and Trout Creeks)
 - d. 1.36 acres of other surface waters
- (ii) Restoration of 42.90 acres of Uplands and Rare and Unique Uplands;
- (iii) Restoration of 82.80 acres of wetlands
- (iv) Restoration of 2.88 acres of littoral shelf wetlands;
- (v) Creation of 11.83 acres of flushing basin
- (vi) Preservation of historic flowways associated with Owl and Trout Creeks; and
- (vii) Connection of existing county conservation lands through the subject property (see Figure 1).

The overall effect of the proposed preservation and restoration described in items (i) through (v) above will be a total of 186.10± acres of uplands, wetlands, other surface waters, and surface waters on-site.

This IHMP was designed to consider the unique aspects of the proposed development, including but not limited to, restored wetlands, restored uplands, restored Rare and Unique Uplands, restored littoral zone wetlands, preservation areas, wildlife habitat and the interplay between proposed future uses, including associated impacts on the environment.

Exhibit A
FEMA Floodway Map

Exhibit B

NMFS's Sea Turtle and Smalltooth Sawfish Construction Conditions dated March 23,
2006.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc



Exhibit C

A Guide to Living with Alligators
A Guide to Living in Bear County
A Guide to Living with Florida Panthers

■ Never feed alligators – it's dangerous and illegal. When fed, alligators can overcome their natural wariness and learn to associate people with food. When this happens, some of these alligators have to be removed and killed.

■ Dispose of fish scraps in garbage cans at boat ramps and fish camps. Do not throw them into the water. Although you are not intentionally feeding alligators when you do this, the result can be the same.

■ Seek immediate medical attention if you are bitten by an alligator. Alligator bites can result in serious infections.

■ Observe and photograph alligators only from a distance. Remember, they're an important part of Florida's natural history as well as an integral component of aquatic ecosystems.

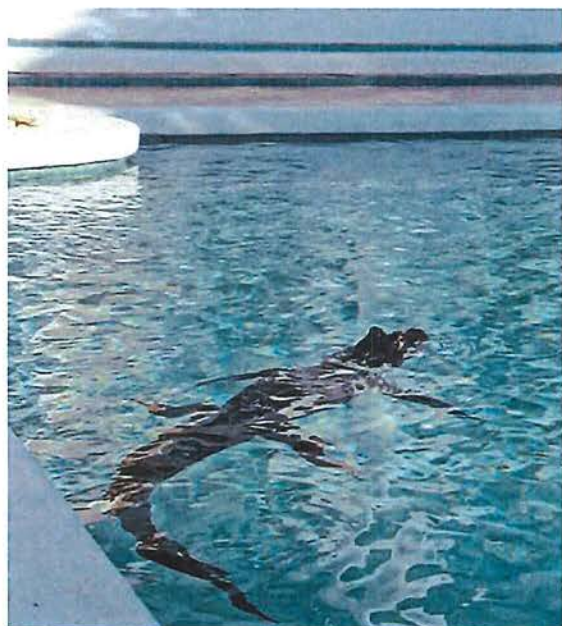


Janice Plain

To report nuisance alligators call
866-FWC-GATOR (866-392-4286).



MyFWC.com/Alligator



Tim Donohue, FWC

Call 866-FWC-GATOR (392-4286) to report nuisance alligators.

A Guide to Living with **Alligators**



Jamie Feddersen

 Printed on recycled content.

02/2012



Florida Fish and Wildlife
Conservation Commission
MyFWC.com



Lizabeth West, FWC

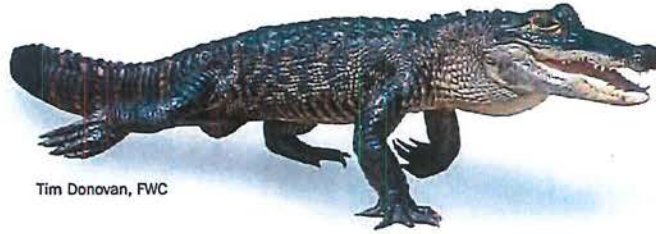
Do not swim outside of posted swimming areas or in waters that may be inhabited by alligators.

Living with Alligators

In Florida, the growing number of people living and recreating near water has led to a steady rise in the number of alligator-related complaints. The majority of these complaints relate to alligators being where they simply aren't wanted. Because of these complaints, the Florida Fish and Wildlife Conservation Commission's Statewide Nuisance Alligator Program permits the killing of approximately 7,000 nuisance alligators each year. Using this approach, and through increased public awareness, the rate of alligator bites on people has remained constant despite the increased potential for alligator-human interactions as Florida's human population has grown.

Alligators are an important part of Florida's landscape and play a valuable role in the ecology of our state's wetlands. Alligators are predators and help keep other aquatic animal populations in balance. A better understanding of the facts and information presented in this brochure will help ensure that people and alligators can continue to coexist.

Visit MyFWC.com/Gators for more information about alligators and the latest nuisance alligator program statistics.



Tim Donovan, FWC

Alligators and People

Alligators are a fundamental part of Florida's wetlands, swamps, rivers and lakes, and they are found in all 67 counties. Florida continues to experience human population growth. Many new residents seek waterfront homes, resulting in increased interactions between people and alligators.

Although most Floridians understand that we have alligators living in our state, the potential for conflict exists. Because of their predatory nature, alligators may target pets and livestock as prey. Unfortunately, people also are occasionally bitten. Since 1948, Florida has averaged about five unprovoked bites per year. During that period, a little more than 300 unprovoked bites to people have been documented in Florida, with 22 resulting in deaths.

In the past 10 years, the Florida Fish and Wildlife Conservation Commission has received an average of nearly 16,000 alligator-related complaints per year. Most of these complaints deal with alligators occurring in places such as backyard ponds, canals, ditches and streams, but other conflicts occur when alligators wander into garages, swimming pools and golf course ponds. Sometimes, alligators come out of the water to bask in the sun or move between wetlands. In many cases, if left alone, these alligators will eventually move on to areas away from people.

Safety Tips

■ Generally, alligators less than four feet in length are not large enough to be dangerous unless handled. However, if you encounter any alligator that you believe poses a threat to people, pets or property,

call the Nuisance Alligator Hotline at 866-FWC-GATOR (866-392-4286). Please be aware, nuisance alligators are killed, not relocated.

- Be aware of the possibility of alligators when you are in or near fresh or brackish water. Bites may occur when people do not pay close enough attention to their surroundings when working or recreating near water.
- Do not swim outside of posted swimming areas or in waters that might be inhabited by large alligators.
- Alligators are most active between dusk and dawn. Therefore, avoid swimming at night.
- Dogs and cats are similar in size to the natural prey of alligators. Don't allow pets to swim, exercise or drink in or near waters that may contain alligators. Dogs often attract an alligator's interest, so do not swim with your dog.
- Leave alligators alone. State law prohibits killing, harassing or possessing alligators. Handling even small alligators can result in injury.



Tim Donovan, FWC

A young alligator wanders onto a porch in a residential neighborhood.



Discouraging bears from visiting your home

Properly storing or securing residential garbage and other attractants is a proven method of discouraging bears and preventing bear conflicts around homes, farms and neighborhoods. The following items attract bears and should be protected by an electric fence, wildlife resistant container, or stored in a secure place, such as a garage or sturdy shed:

- Trash and recycling containers
- Bird and squirrel feeders
- Game feeders
- Pet foods and bowls
- Barbeque grills and smokers
- Pets and small livestock
- Livestock feed
- Compost piles
- Beehives
- Fruit and nut-bearing trees and shrubs

Funds from the "Conserve Wildlife" license plate help support efforts to reduce human-bear conflicts. Buy one today at your local tax collector's office or online at BuyAPlate.com.

Secure common bear attractants

- Use electric fencing to protect gardens, compost piles, apiaries, fruit trees and livestock.
- Store garbage and recyclables in bear-resistant containers or in a secure area until the morning of pick up.
- Feed pets indoors or bring food dishes (even if empty) inside before dark.
- Store pet and livestock feed in bear-resistant containers or inside a secure area.
- Remove bird and wildlife feeders. Ensure the area is free of all seed, corn, or other wild animal feed.
- Keep gardens and fruiting trees and shrubs tidy. Remove rotten fruit and harvest ripe nuts, fruits and vegetables.
- Clean meat smokers and barbeque grills with a degreasing detergent. Properly dispose of food remnants after each use.

Learn more about black bears with the Florida Black Bear Curriculum Guide. The guide is designed to educate teachers and students in 3rd to 8th grade and offers a comprehensive series of lessons on Florida's black bear.

To get tips on how to secure bear attractants, watch videos about bears or how to install electric fencing, and learn more about bear-resistant containers, visit MyFWC.com/Bear.



Bear range in Florida



If you are experiencing bear problems, please contact the nearest FWC regional office.

North Central, Lake City	386-758-0525
Northeast, Ocala	352-732-1225
Northwest, Panama City	850-265-3676
South, West Palm Beach	561-625-5122
Southwest, Lakeland	863-648-3200

If you suspect illegal activity, call FWC's Wildlife Alert Hotline at 1-888-404-3922.

Follow us on:



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Florida Fish and Wildlife
Conservation Commission
MyFWC.com

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A guide to living in bear country



Florida Fish and Wildlife
Conservation Commission
MyFWC.com



Ashley Hockenberry

If you live in Florida, you should know

Florida black bear populations have been recovering from historically low numbers in most areas of the state. At the same time, the human population is rapidly expanding in and around bear range. As a result, bears and humans are encountering each other more than ever.

Calls to the Florida Fish and Wildlife Conservation Commission (FWC) about human-bear encounters have increased from 1,000 in 2001 to over 4,000 in 2010. The most common calls refer to bears in yards and getting into garbage.

The mere presence of a black bear does not represent a problem. In fact, living in bear country can provide unique and rewarding experiences for residents.

While feeding bears is illegal in Florida, bears are still often fed by humans, either intentionally or unintentionally. When black bears have access to pet food, garbage, birdseed, livestock feed or other human-provided items, they quickly learn to associate people with food. Bears that have become

too comfortable around people are more likely to be killed, either by vehicle collisions, illegal shooting, or as a result of bear management actions.

People ask why problem bears can't simply be relocated to a "wild area where they won't bother anyone." Unfortunately, areas large and remote enough for bears to avoid people are rare in Florida. Also, most relocated bears typically leave the new area, either to return to their original home or to leave an area already occupied by other bears. Some bears will wander through unfamiliar areas and cross busy roads, creating a danger to the bear and to motorists. In addition, bears remaining in the relocation area often exhibit the same, unwanted behavior, thus shifting the problem to a new location. As a result, relocation is not a desirable or effective solution to bear conflicts. Wildlife biologists can provide technical advice to residents who live in bear country to help them take actions to discourage bears from becoming a problem. The FWC is committed to addressing the safety concerns of residents and visitors while ensuring the long-term well-being of black bears.

If a bear comes into your yard

If you encounter a black bear at close range, remain standing upright, back up slowly and speak to the bear in a calm, assertive voice.

- Do not intentionally feed or attract bears. If a bear is eating something on your property, take note of what it is and secure it after the bear has left the area.



Charles Towne



Ashley Hockenberry

- Never approach or surprise a bear. Keep as much distance between you and the bear as possible.
- Make sure you are in a secure area and the bear has a clear escape route to leave the area - then yell, bang pots and pans, or use an air horn to scare the bear away.
- Do not turn your back, play dead or run from a black bear. Back away slowly into a house, car or building.
- Report any bear threatening the safety of humans, pets or livestock, or causing property damage to the FWC (see back panel).
- Warning! It is illegal to injure or kill black bears under Florida state law. If you are found guilty, you could face fines and/or jail time.

Climbing trees is a bear's natural escape route. If the bear climbs a tree, keep people and pets away. The bear will come down the tree and leave when it feels safe, usually after dark.

Did you know?

Black bears are shy animals and generally not aggressive towards people. When a bear stands on its hind legs, it is merely trying to get a better view, rather than acting in a threatening way. Black bears may huff, snap their jaws, swat the ground or "bluff charge" when cornered, threatened or caught stealing food. Stand your ground and then slowly back away. Always respect bears - they are large and powerful wild animals and can act unpredictably. Bears used to getting food from humans may lose their natural fear of people and are more likely to damage property or become a safety threat.

The bear facts

Black bears are the only species of bear in Florida and once roamed the entire state.

- FWC biologists estimate there are 2,500-3,000 black bears in Florida.
- Florida bears are generally black with a brown muzzle and may have a white chest marking called a blaze.
- Adult black bears typically weigh between 150 to 400 pounds; males are usually larger than females.
- Female bears have their first litter at about 3½ years of age and generally have one to three cubs every other year.
- In Florida, the breeding season runs from June to August and cubs are born in late January or early February.
- Bears of all ages are excellent climbers and will climb trees when they are frightened or looking for food (e.g., acorns).
- About 80 percent of a black bear's diet comes from plants (e.g., fruits, nuts, berries), 15 percent from insects (e.g., termites, ants, yellow jackets) and 5 percent from meat (e.g., opossums, armadillos, carrion).

It is illegal to intentionally place food or garbage out that attracts bears and causes conflicts. Anything that attracts dogs, cats or raccoons also will attract bears!



You live in Florida panther country

Florida panthers are reclusive and rarely seen by people. They normally live in remote, undeveloped areas. However, as the number of people in southern Florida grows, there is an increased chance of an encounter with a Florida panther.

This brochure contains some guidelines to help you live safely in Florida panther country.



Keep children within sight and close to you, especially outdoors between dusk and dawn.

If you feel threatened by a panther, or have lost pets or livestock to a panther, please call the Florida Fish and Wildlife Conservation Commission's Wildlife Alert Hotline at 1-888-404-FWCC (3922).

If you see a Florida panther

The Florida panther moves primarily at night. The chances of seeing a panther are slim. But if you live in Florida panther country, you need to know what to do if you see one.

-  **Keep children within sight and close to you.** Pick up any small children so they don't panic and run. Try to do this without bending over or turning away from the Florida panther.
-  **Give them space.** Florida panthers typically will avoid a confrontation. Give them a way to escape.
-  **Do not run.** Running may stimulate a panther's instinct to chase. Stand and face the animal. Make eye contact to let the panther know you are aware of its presence.
-  **Avoid crouching or bending over.** Squatting or bending makes you look smaller, resembling a prey-sized animal.
-  **Appear larger.** Make gestures that indicate you are not prey and that you may be a danger to the panther. Raise your arms. Open your jacket. Throw stones, branches or whatever you can reach without crouching or turning your back. Wave your arms slowly and speak firmly in a loud voice.
-  **Fight back if attacked.** There has never been a reported panther attack in Florida. In western states, where attacks by cougars have occurred very rarely, potential victims have fought back successfully with rocks, sticks, caps, jackets, garden tools and their bare hands. Since large cats usually try to bite the head or neck, try to remain standing and face the animal.



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Florida Fish and Wildlife
Conservation Commission
620 S. Meridian Street
Tallahassee, FL 32399-1600
MyFWC.com/Panther

A guide to living with Florida Panthers



© Lynn Stone

MyFWC.com/Panther

7 ways to live safely in Florida panther country

While these guidelines are meant to help you live safely in Florida panther habitat, they also apply to living with more commonly encountered wildlife, including raccoons, snakes, bears and alligators.

1. Be alert from dusk 'til dawn (and whenever deer are active)

Florida panthers primarily are active at night. Exercise more caution at dawn, dusk or dark.

2. Keep panther prey away

Deer, raccoons, rabbits, armadillos and wild hogs are prey for the Florida panther. By feeding deer or other wildlife, people inadvertently may attract panthers. Do not leave potential wildlife food outside, such as unsecured garbage or pet food. Consider fencing vegetable gardens.

3. Keep pets secure

Free-roaming pets, or pets that are tethered and unfenced, are easy prey for predators, including panthers. Bring pets inside or keep them in a secure and covered kennel at night. Feeding pets outside also may attract raccoons and other panther prey; do not leave uneaten pet food available to wildlife.



Keep livestock safe and secure.

4. Keep domestic livestock secure

Where practical, place chickens, goats, hogs or other livestock in enclosed structures at night. Electric fencing can be an effective predator deterrent.

5. Landscape for safety

Remove dense or low-lying vegetation that would provide hiding places for panthers and other predatory animals near your house.

- Remove plants that deer like to eat.
- Choose plants that do not attract deer or other panther prey species. For information on plants that deer do not like to eat, visit edis.ifas.ufl.edu/UW137.
- Appropriate fencing will make your yard or play area uninviting to prey animals such as deer.

6. Consider other deterrents

Outdoor lighting, motion sensors and electric fencing also may deter prey animals and panthers from entering your yard. Outdoor lighting also will make approaching prey and panthers more visible to you.

7. Hike or bike with a friend

When recreating outdoors, it's a good practice to let friends or family know your whereabouts and when you expect to return. Better yet, take a friend with you!



Keep your pets safe and secure. Bring pets inside or keep them in a secure and covered kennel at night.

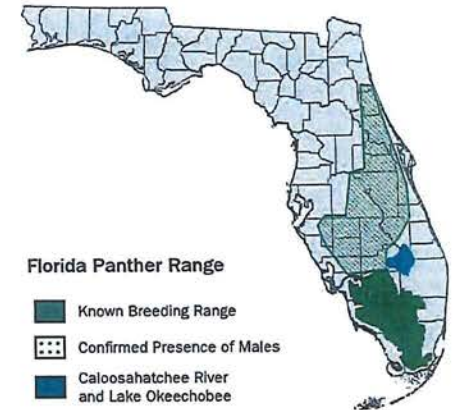
Florida panther facts

- 🐾 The Florida panther is a subspecies of puma, also known as a mountain lion or cougar. It is the last subspecies still surviving in the eastern United States.
- 🐾 Biologists estimate roughly 100-160 adult and subadult Florida panthers remain in the wild. Most panthers live in southwest Florida, south of the Caloosahatchee River, although some panthers have been documented traveling as far north as central Georgia.
- 🐾 The Florida panther's decline occurred prior to 1950, when it still was legal to hunt panthers. It was listed as endangered in 1967 and is protected under federal and state laws.
- 🐾 Florida panther numbers declined to roughly 30 cats by the early 1980s. Severe inbreeding resulted in many health and physical problems. A genetic restoration project in 1995 was successful in improving the genetic health and vigor of the panther population.
- 🐾 Florida panthers are found primarily in the Big Cypress/Everglades ecosystem in Collier, Lee, Hendry, Monroe and Miami-Dade counties.
- 🐾 Florida panthers' home range sizes vary by sex and by individual. Female home ranges are typically 60-75 square miles whereas males' are typically 160-200 square miles.



FLC panther team

- 🐾 There is no record of a Florida panther attacking a person. Florida panthers are rarely seen.
- 🐾 The biggest threat to the future of the Florida panther is habitat loss. A number of panthers also die each year due to vehicle strikes on roadways.
- 🐾 The Florida panther was chosen as the State Animal of Florida in 1982 by a vote of elementary school students throughout the state.



This brochure was produced through a partnership of the Audubon Society of Florida, Conservancy of Southwest Florida, Defenders of Wildlife, Florida Fish and Wildlife Conservation Commission, Florida Wildlife Federation, Friends of the Florida Panther Refuge, Mountain Lion Foundation, National Park Service, National Wildlife Federation, Seminole Tribe of Florida, University of Florida and the U.S. Fish and Wildlife Service.

Funding provided by the Florida Fish and Wildlife Conservation Commission, Friends of the Florida Panther Refuge and the National Fish and Wildlife Foundation.

Exhibit D

Baseline Conditions Photographs from Photo Points

Owl Creek Reserve Baseline Conditions

Photo Station 1



Photo Station 1: Facing North



Photo Station 1: Facing East



Photo Station 1: Facing South



Photo Station 1: Facing West

Photo Station 2

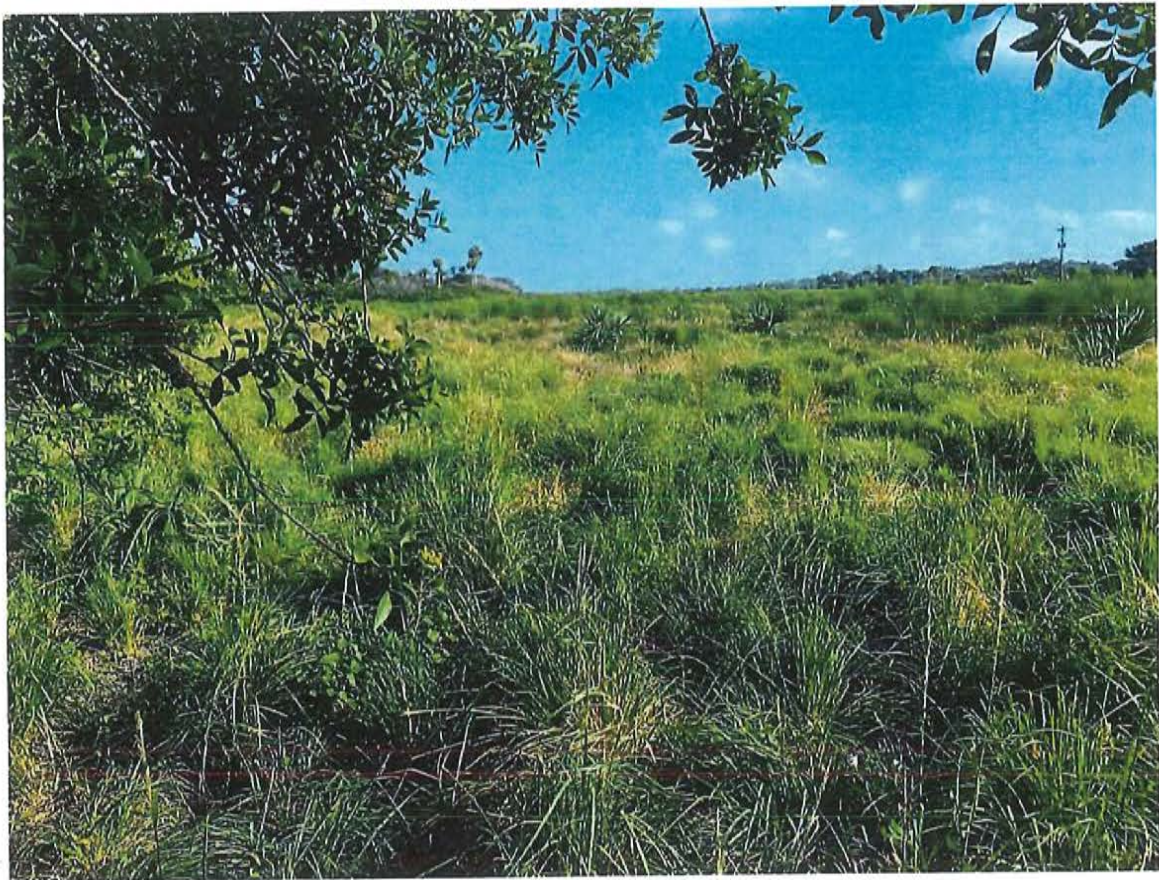


Photo Station 2: Facing North



Photo Station 2: Facing East



Photo Station 2: Facing South



Photo Station 2: Facing West

Photo Station 3



Photo Station 3: Facing North



Photo Station 3: Facing East



Photo Station 3: Facing South



Photo Station 3: Facing West

Photo Station 4



Photo Station 4: Facing North



Photo Station 4: Facing East



Photo Station 4: Facing South

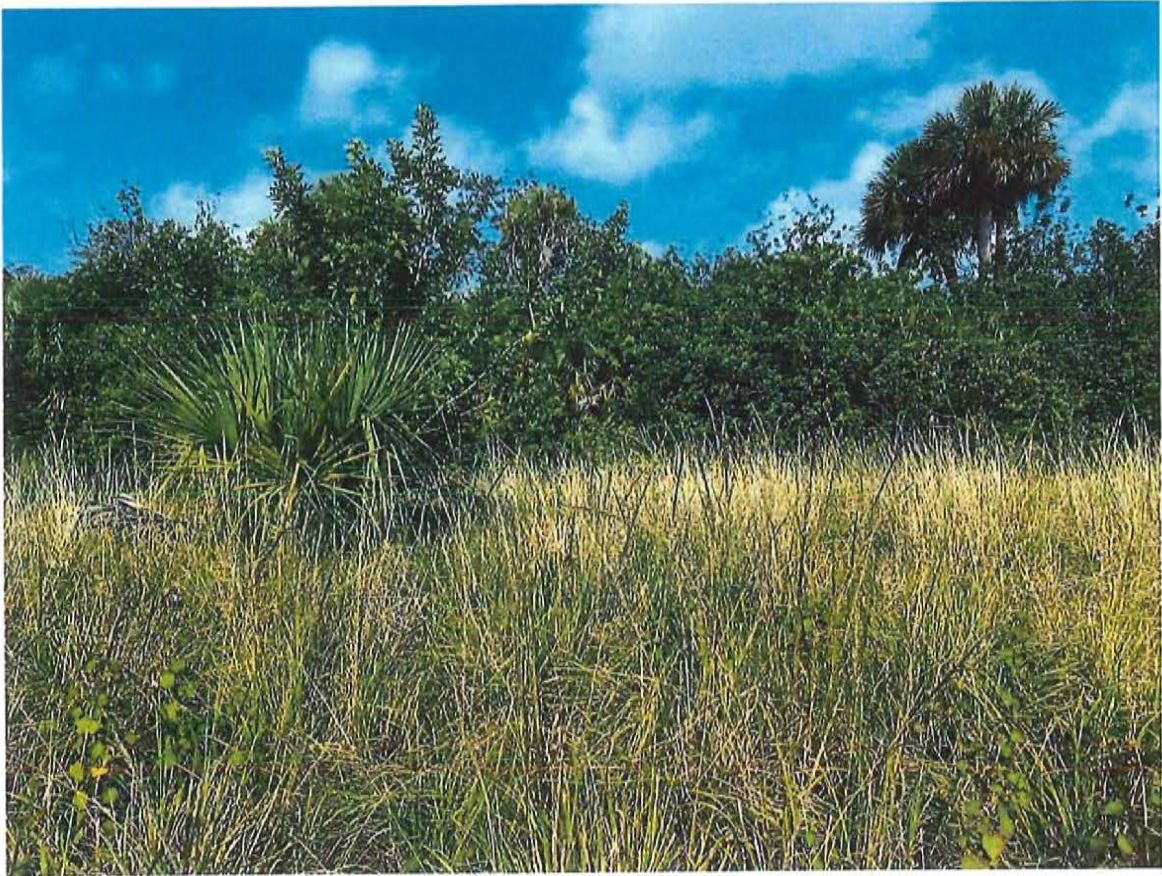


Photo Station 4: Facing West

Photo Station 5



Photo Station 5: Facing North



Photo Station 5: Facing East

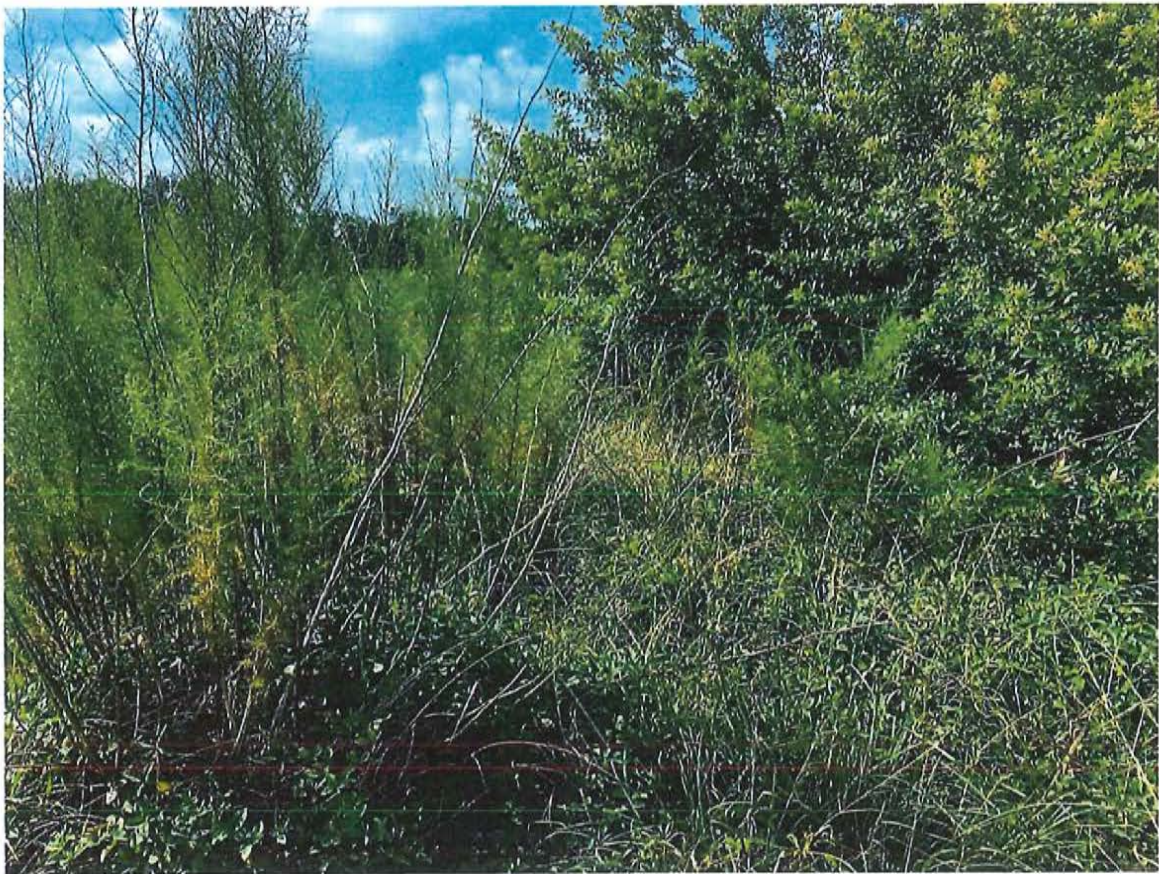


Photo Station 5: Facing South

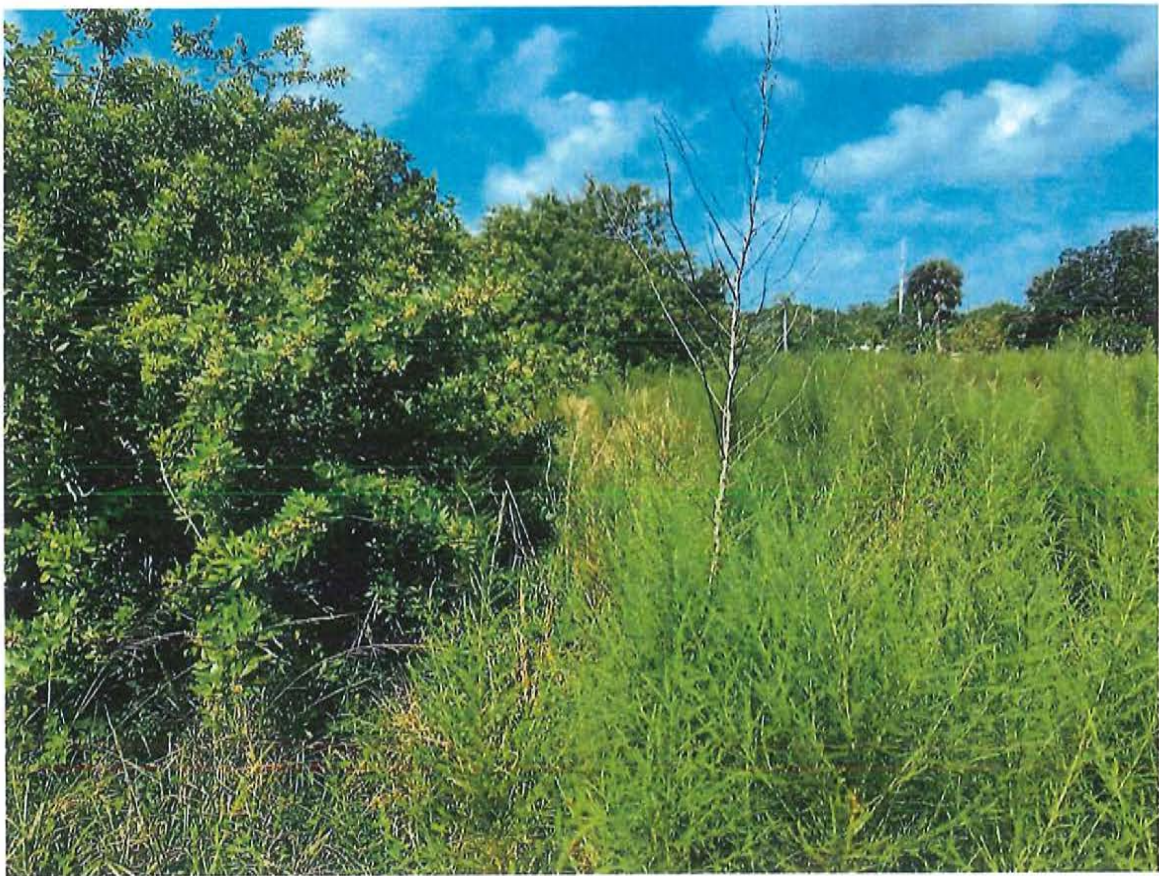


Photo Station 5: Facing West

Exhibit E

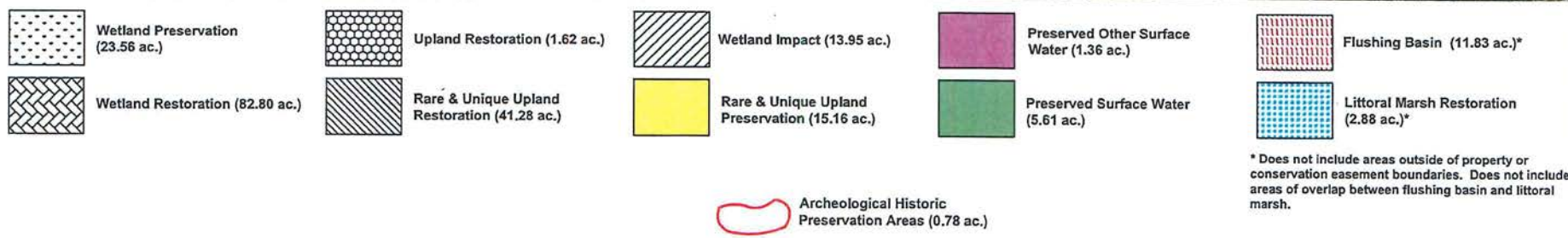
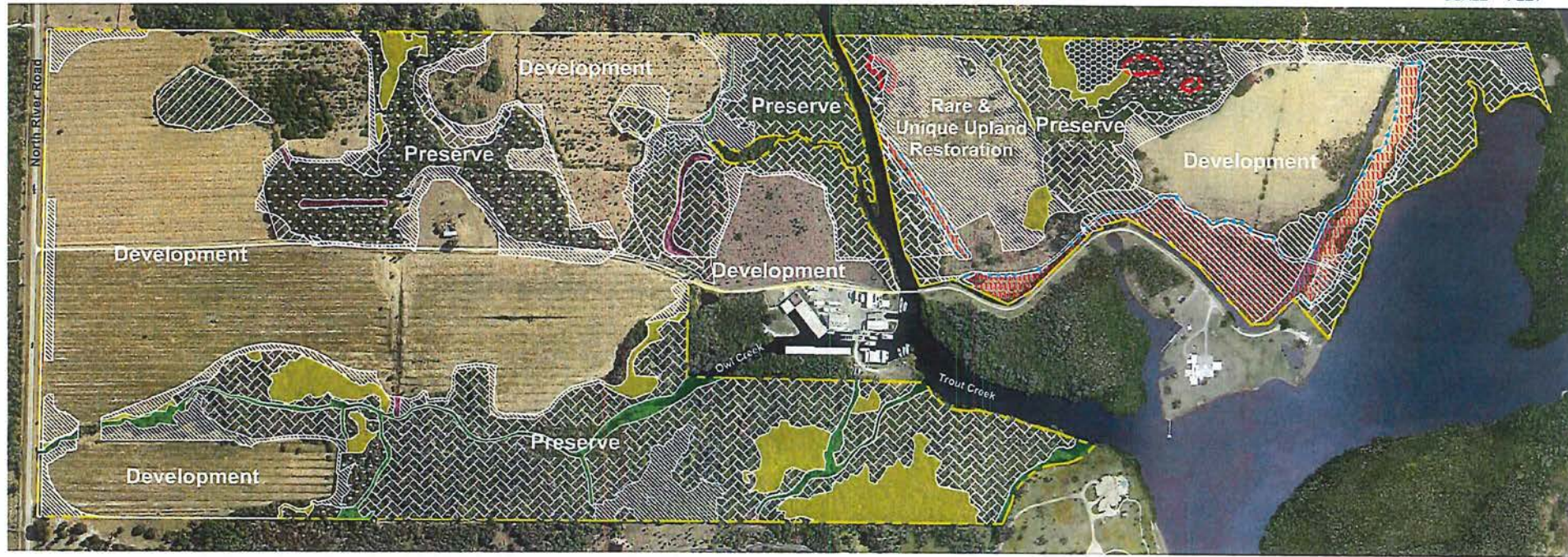
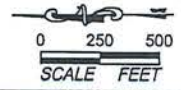
Archeologist Recommended Guidelines

In October 2021, an AHC archaeologist visited three archaeological sites (8LL2397, 8LL2398, and 8LL2399) at the Owl Creek parcel. Each site was bounded with wooden stakes at a 25' buffer around the site. Staking was done to allow for a survey crew to accurately survey the sites.

In order to ensure the maintenance and preservation of 8LL2397, 8LL2398 and 8LL2399, the following guidelines are recommended:

1. If construction or ground disturbing activities are in proximity to the sites, the site boundaries should be marked by orange construction fencing prior to improvements or clearing to ensure that they are visible and avoid inadvertent impacts;
2. Any clearing of vegetation within the sites should be done by hand;
3. It is important to avoid machines running over the sites since the deposits are shallow and the movement of machines can create substantial disturbances;
4. Within the sites, vegetation should not be pulled from the ground, but should be cut above the ground surface;
5. No storage of equipment, fill, or other materials should occur within the sites;
6. New planting within the site boundaries should be small as possible, with planting holes not exceeding 1 foot depth.
7. Intermittent archaeological monitoring should be conducted for all ground disturbances within 25m of the marked sites;
8. If a significant cultural deposit or feature is discovered during monitoring, the consultant archaeologist should be contacted within 48 hours for consultation, and the work should cease at that location;
9. If human remains are identified then that discovery will be subject to the provisions of Florida Statute 872.05.

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



Notes:
 1. Property boundary and development footprint obtained from Banks Engineering.
 2. Limits of wetlands were approved by SPWMD via a Formal Determination dated November 12, 2021.

PERMIT USE ONLY, NOT FOR CONSTRUCTION

March 11, 2022 11:18:16 a.m.
 Drawing: DRHOR455ENH-PRES031122.DWG

Figure 2. Enhancement & Preservation Map

Owl Creek Parcel

DEXBENDER
 ENVIRONMENTAL CONSULTING
 FORT MYERS 239-334-3680

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

0 250 500
SCALE FEET



Upland Preservation (1.63 ac.)



Rare & Unique Upland
Restoration (24.92 ac.)



Rare and Unique Uplands
Preservation (21.49 ac.)

Notes:
1. Property boundary is approximate and was obtained from the Lee County Property Appraiser's Website.
2. Development footprint provided by Banks Engineering.
3. The rare & unique upland and wetland restoration must be complete before recording the plat containing the 325th dwelling unit.

FOR CONCEPTUAL PLANNING PURPOSES ONLY

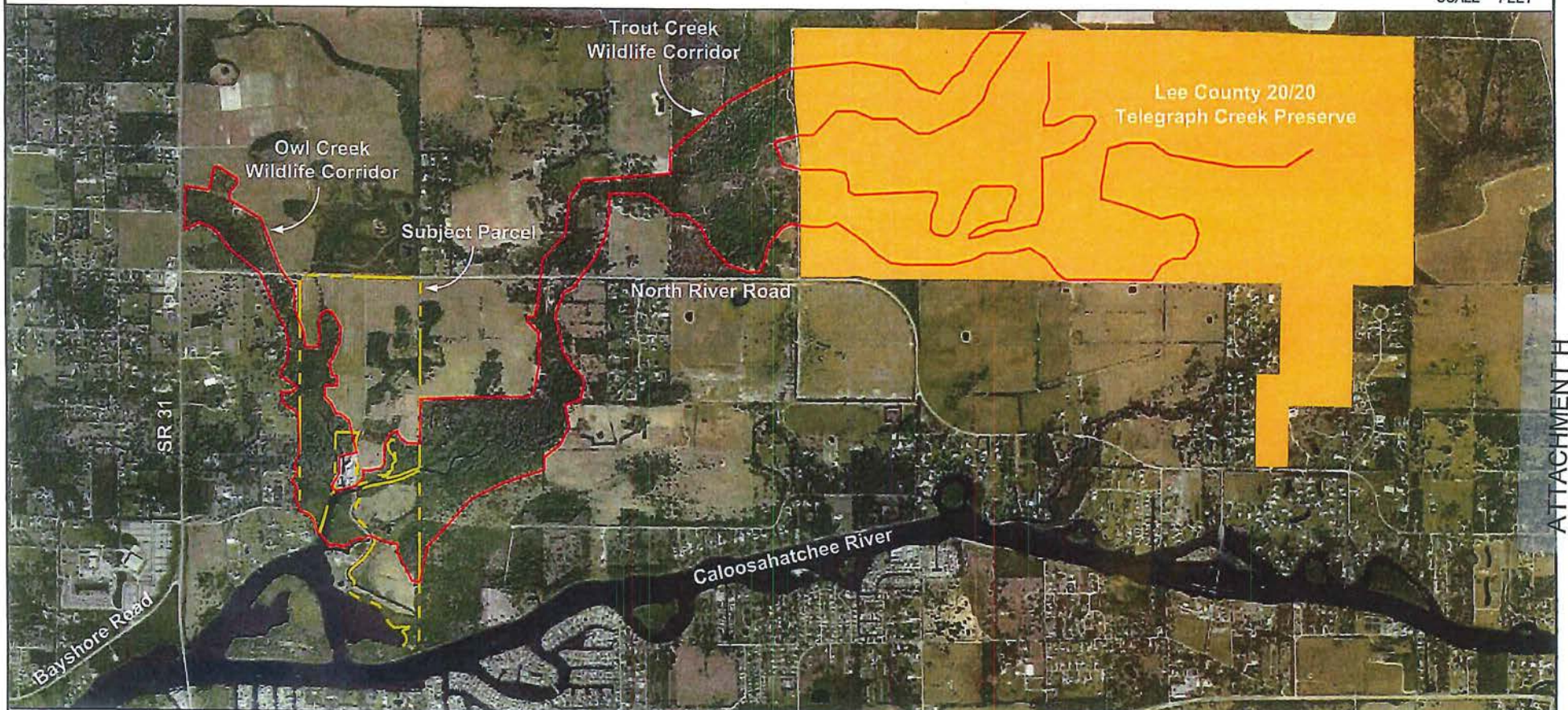
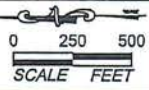
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Drawing: DRHCR-455 RARE AND UNIQUE MAP.DWG

Rare & Unique Upland Preservation Map

Owl Creek Reserve

BDEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 238-334-3680

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



Notes:

1. Owl Creek development property boundary was obtained from Banks Engineering.
2. Telegraph Creek Preserve property boundary is approximate and was obtained from the Lee County Property Appraisers website.
3. Mapping based on photointerpretation of 2019 aerial photography and ground truthing in February 2020.

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July 08, 2021 2:22:50 p.m.
Drawing: DRHOR-455 WILDLIFE CORRIDOR.DWG

Figure 1. Owl Creek Wildlife Corridor Map

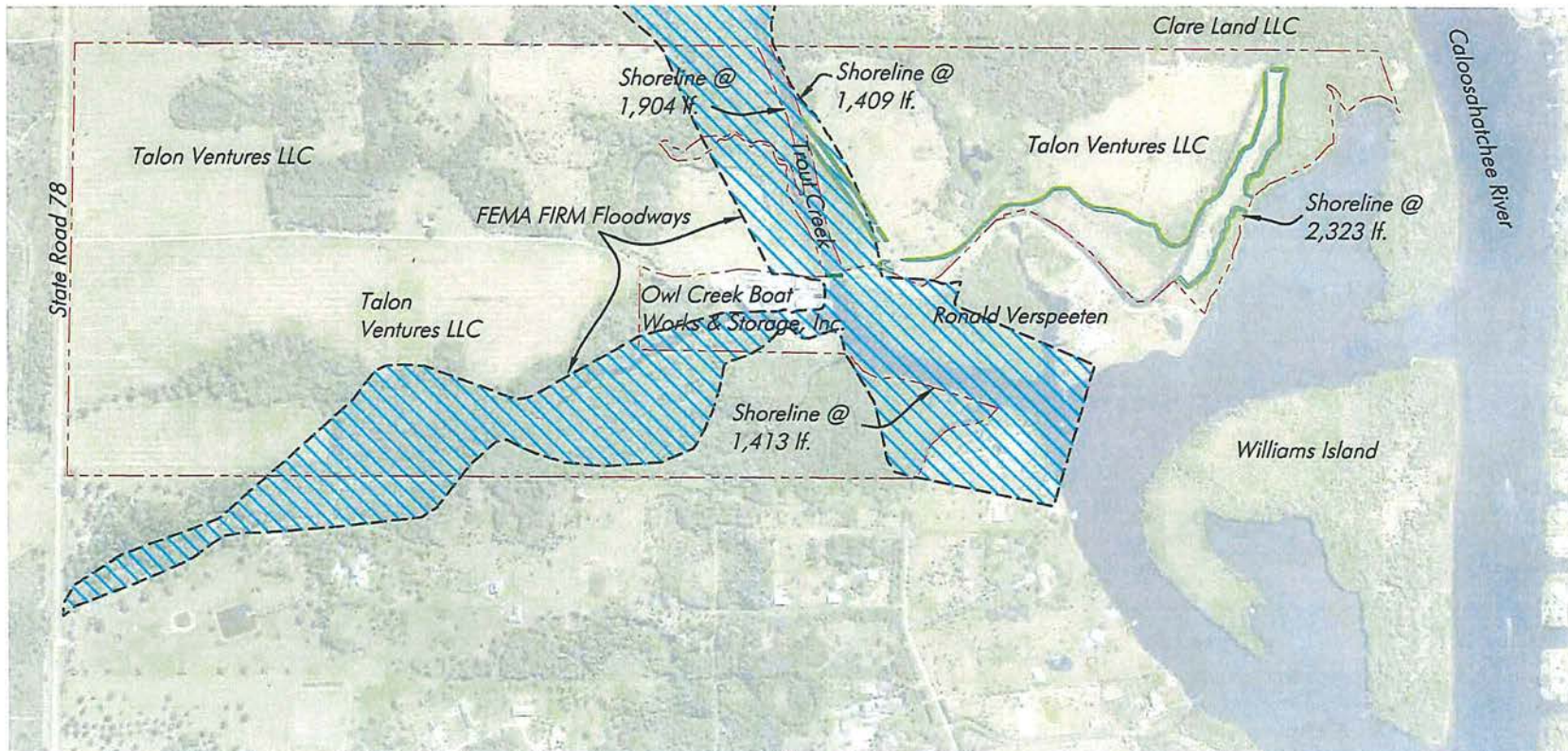
Owl Creek Parcel

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ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial

0' 500' 1,000'
SCALE FEET



Overall Site Plan

SCALE: 1" = 1,000'

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REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: March 14, 2022 4:18:08 p.m.
Drawing: HORTON3MASTER.DWG

Total project shoreline @ 7,049 lf.

Note: Property lines per Lee County Property Appraiser

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1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

3-14-22

JWA

D R Horton

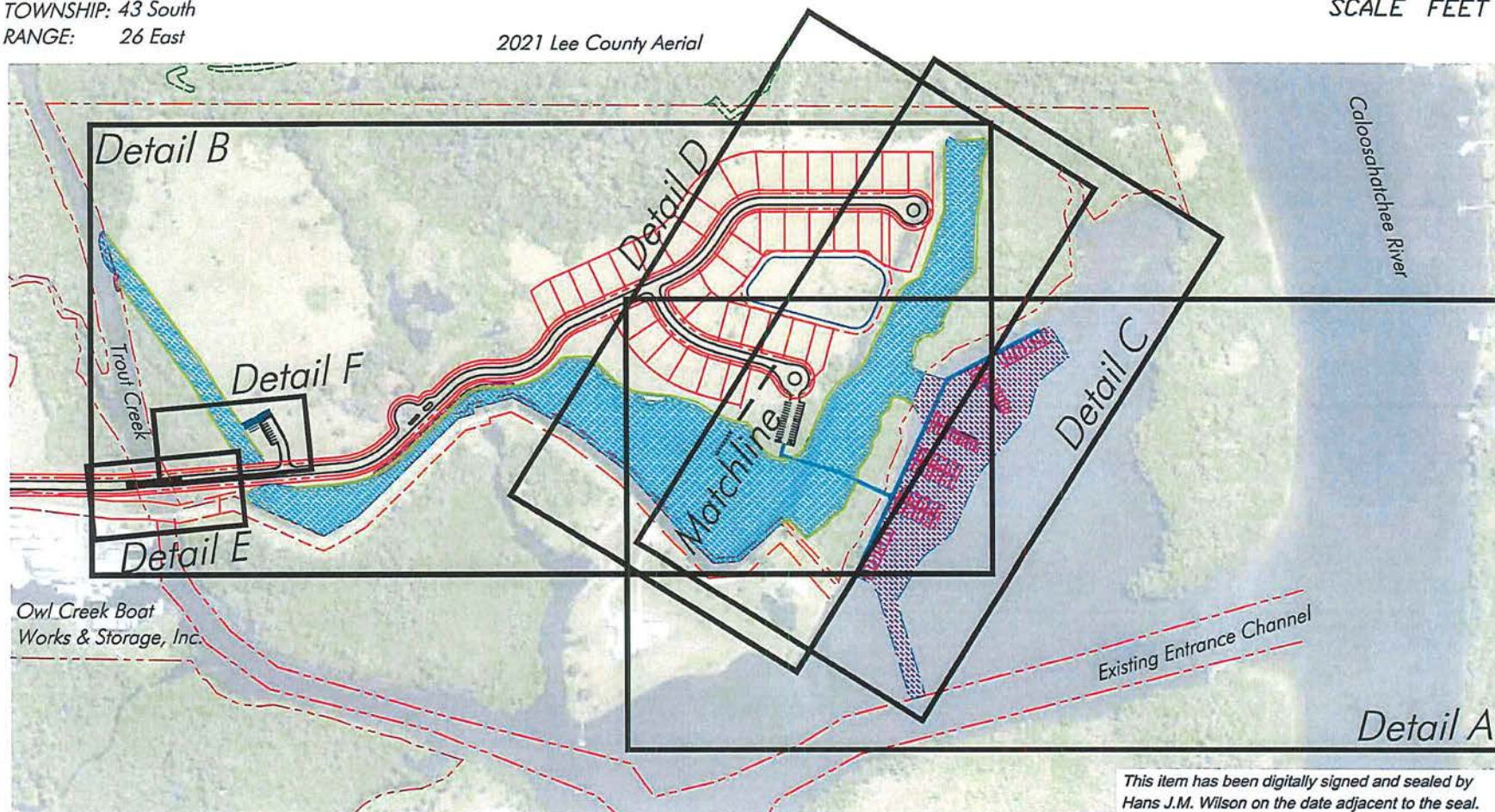
SHEET
2-21

ATTACHMENT I

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial

0' 250' 500'
SCALE FEET



Total project shoreline @ 7,049 lf.

Note: Property lines per Lee County Property Appraiser

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Proposed Site Plan

SCALE: 1" = 500'

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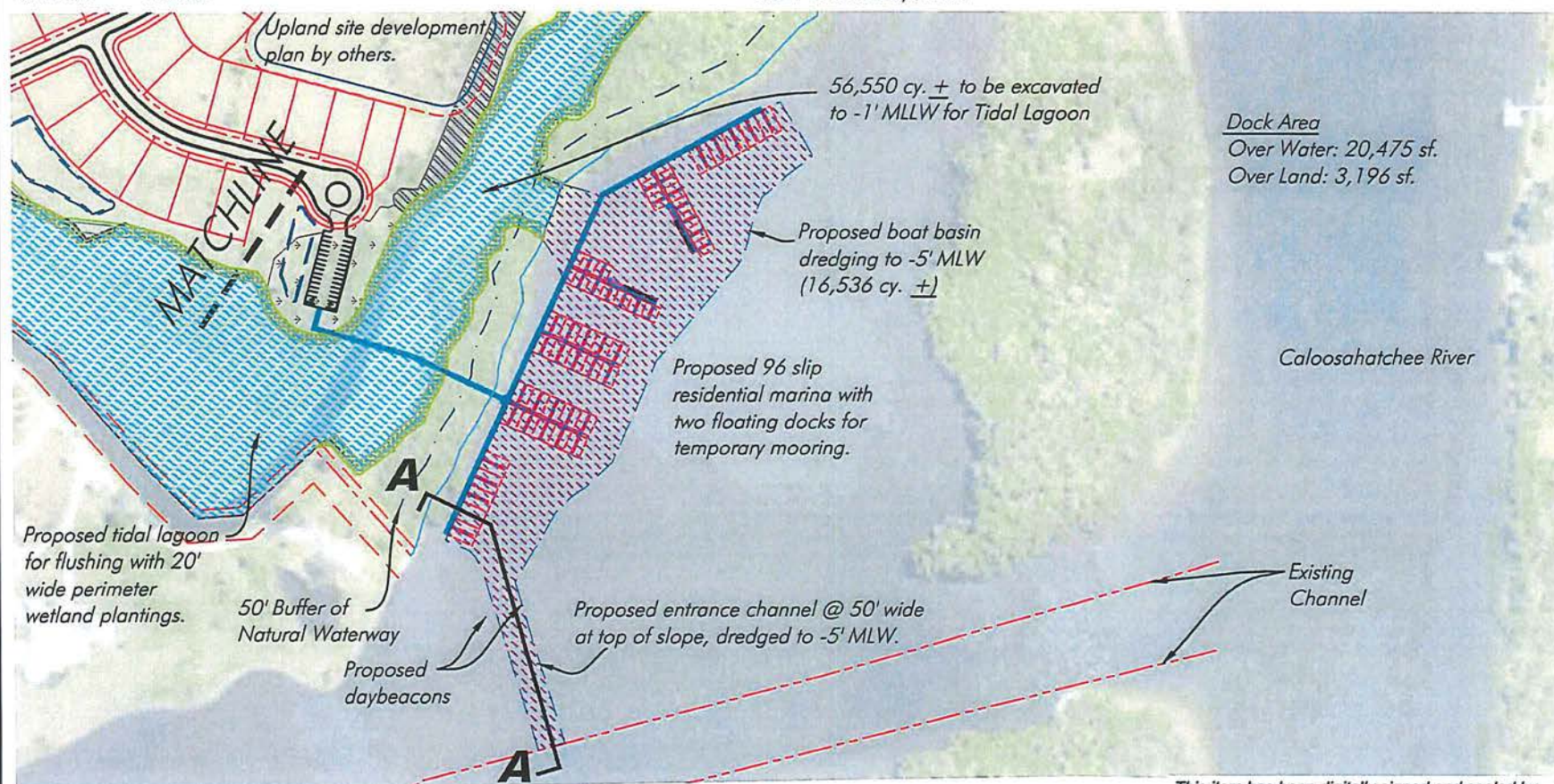
D R Horton

SHEET
4-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial

0' 150' 300'
SCALE FEET



Detail A - Proposed Dock Plan

SCALE: 1" = 300'

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Note: Property lines per Lee County Property Appraiser

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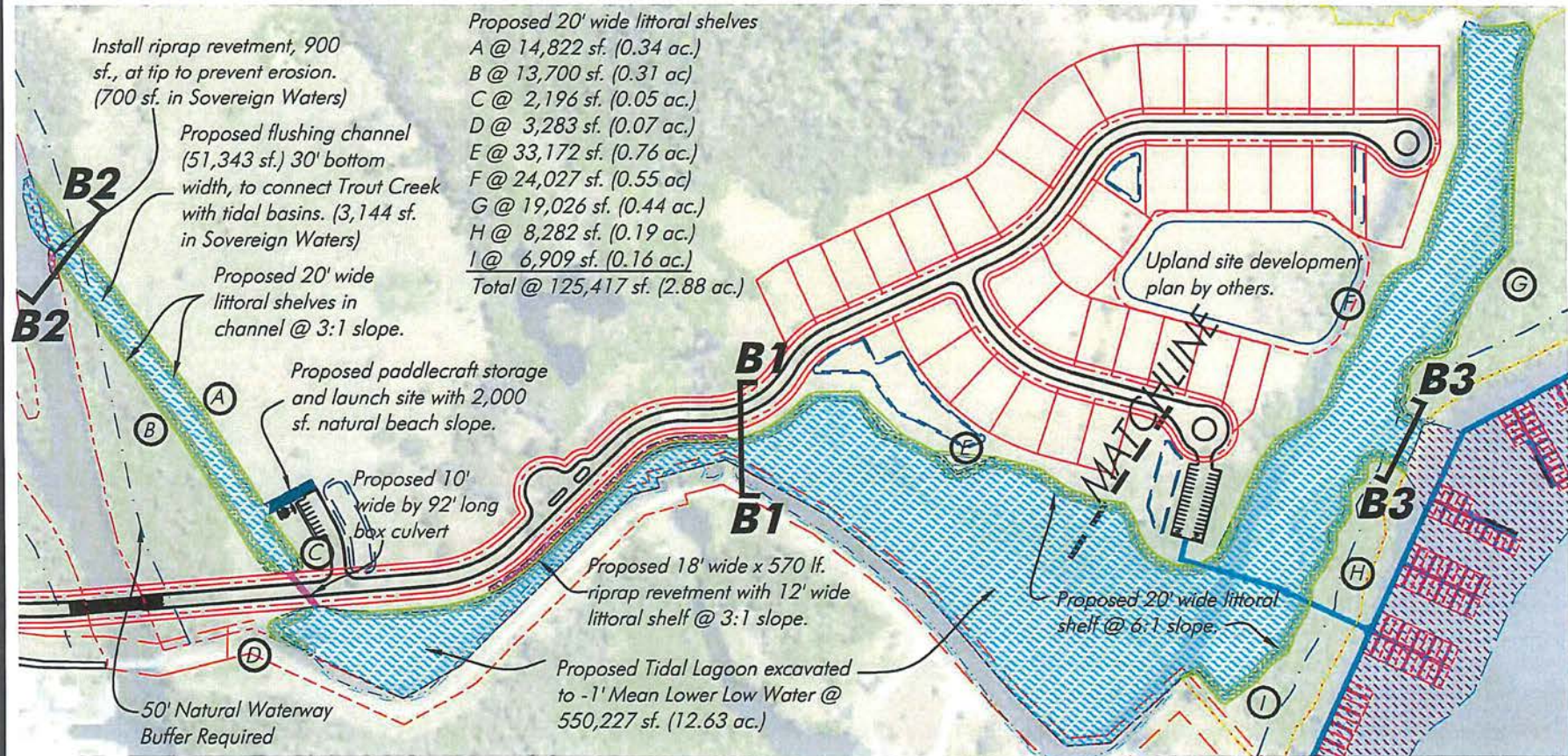
JWA

D R Horton

SHEET
5-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial



Notes: Depths reference MLW based on DEP Tide Station 872-5520.

MHW @ 0.06' NAVD.
MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

Note: Property lines per Lee County Property Appraiser

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Detail B - Tidal Lagoon/Tidal Channel

SCALE: 1" = 300'



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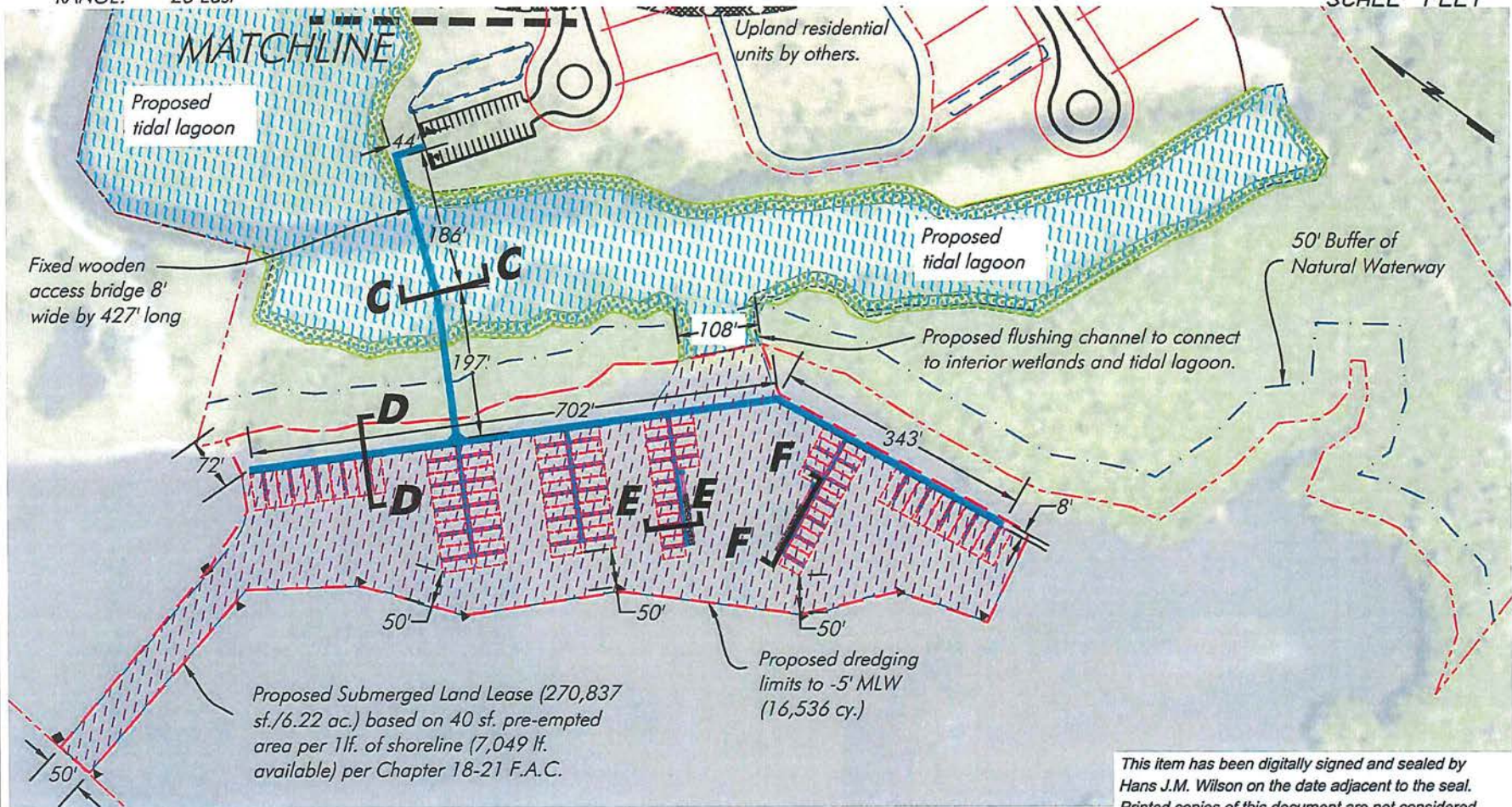
D R Horton

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6-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial

0 100 200
SCALE FEET



Detail C - Proposed Dredging Plan

SCALE: 1" = 200'

Note: Property lines per Lee County Property Appraiser
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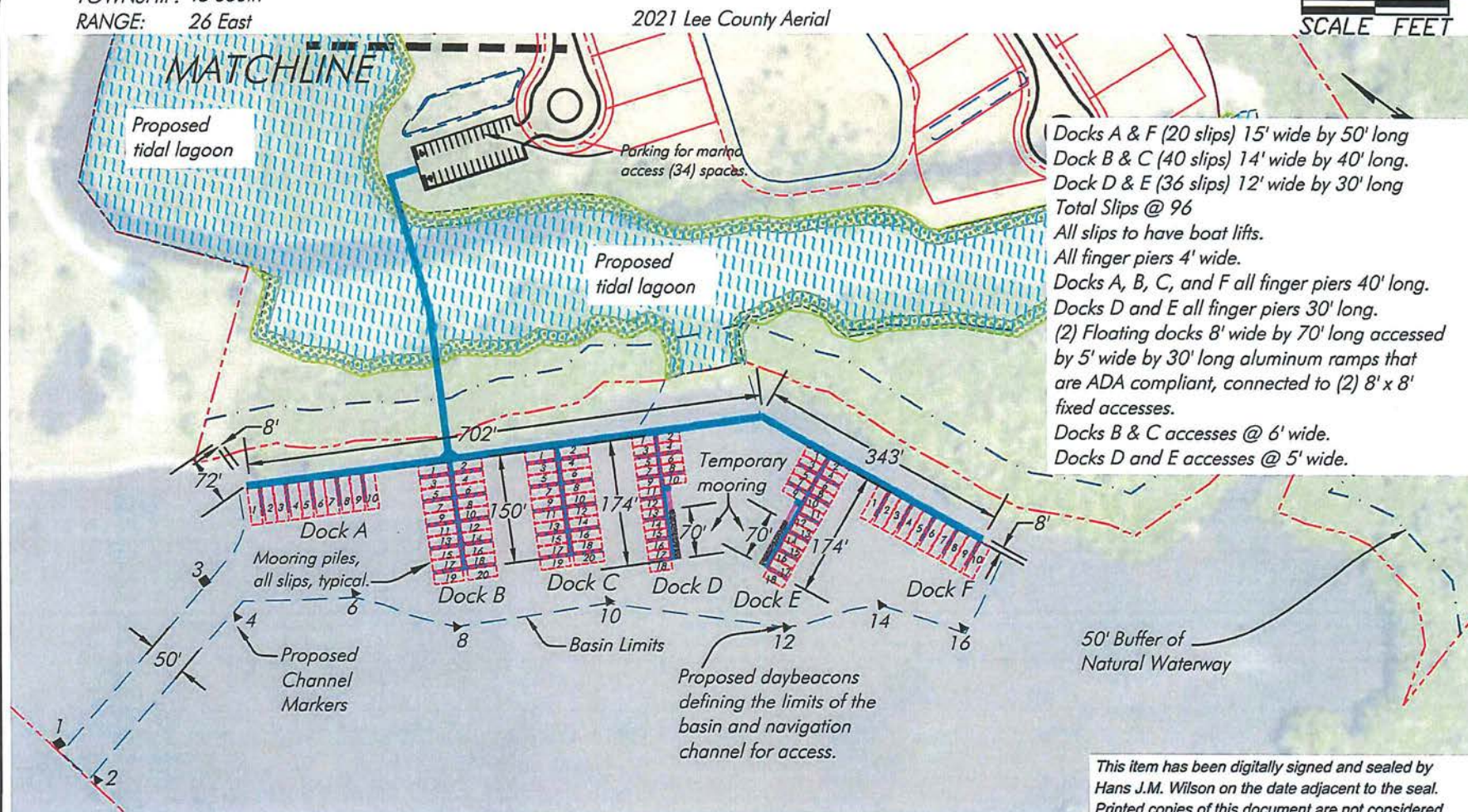
JWA

D R Horton

SHEET
8-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

0 100 200
SCALE FEET



Detail C - Proposed Marina Plan

SCALE: 1" = 200'

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Drawing: HORTON3MASTER.DWG



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Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

3-14-22

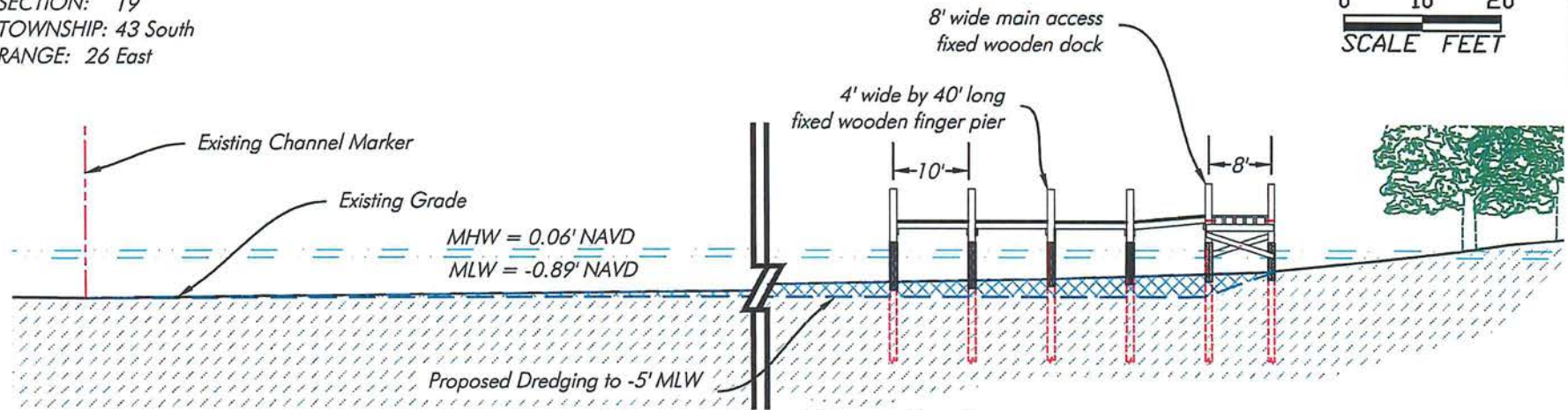
JWA

D R Horton

SHEET
9-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

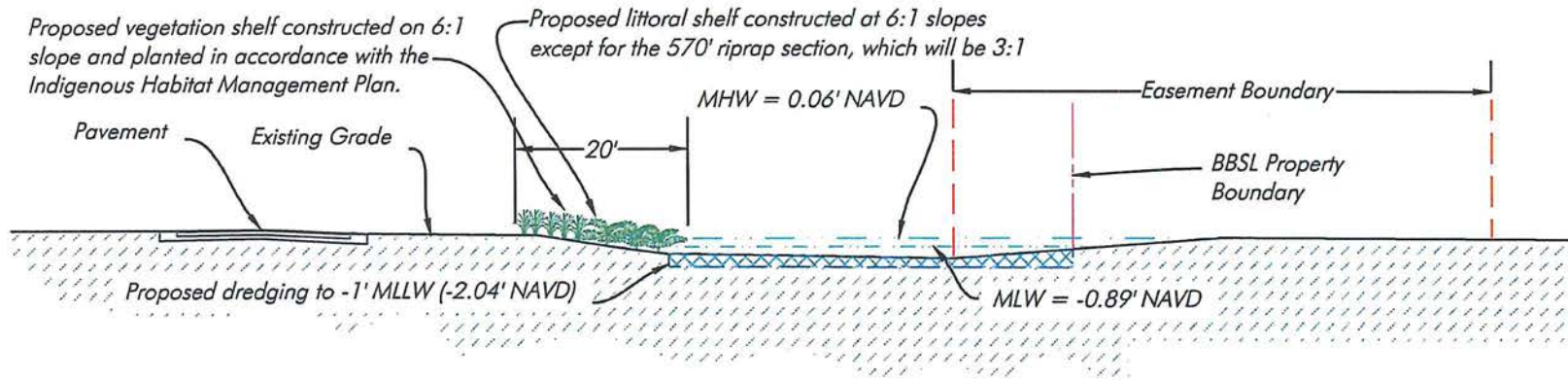
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SCALE FEET



Cross Section A-A

SCALE: 1" = 20'

0 10 20
SCALE FEET



Cross Section B1-B1

SCALE: 1" = 20'

Notes: Depths reference MLW based on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

Note: Property lines per Lee County Property Appraiser

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HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: March 14, 2022 4:18:08 p.m.
Drawing: HORTON3MASTER.DWG



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3-14-22

JWA

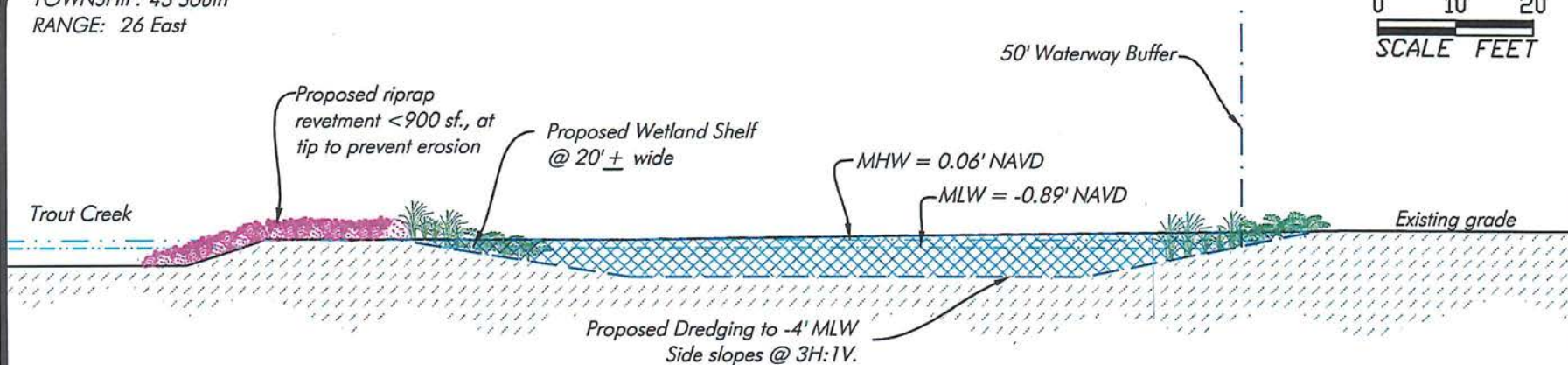
D R Horton

SHEET

13-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

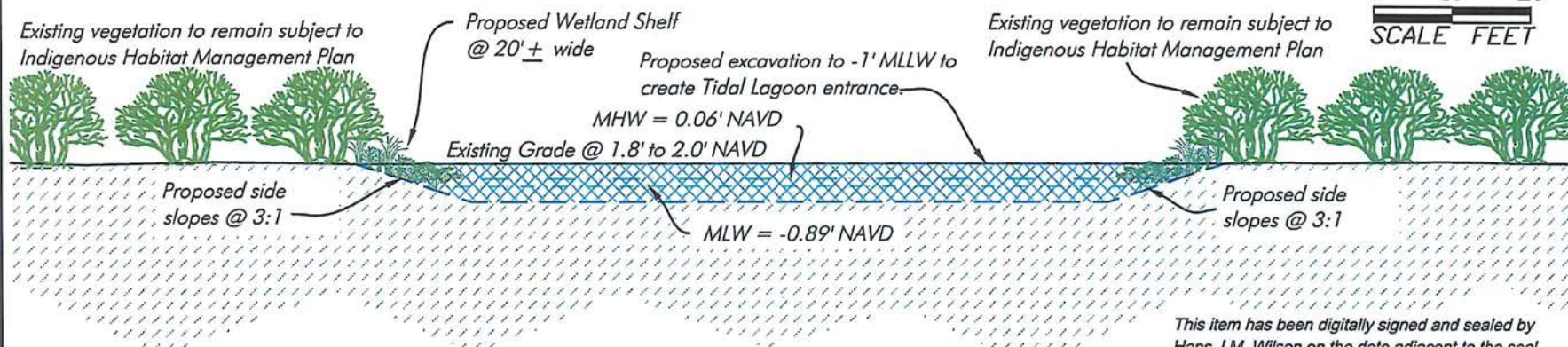
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SCALE FEET



Cross Section B2-B2

SCALE: 1" = 20'

0 10 20
SCALE FEET



Notes: Depths reference MLW based
on DEP Tide Station 872-5520.
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MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

Cross Section B3-B3

SCALE: 1" = 20'

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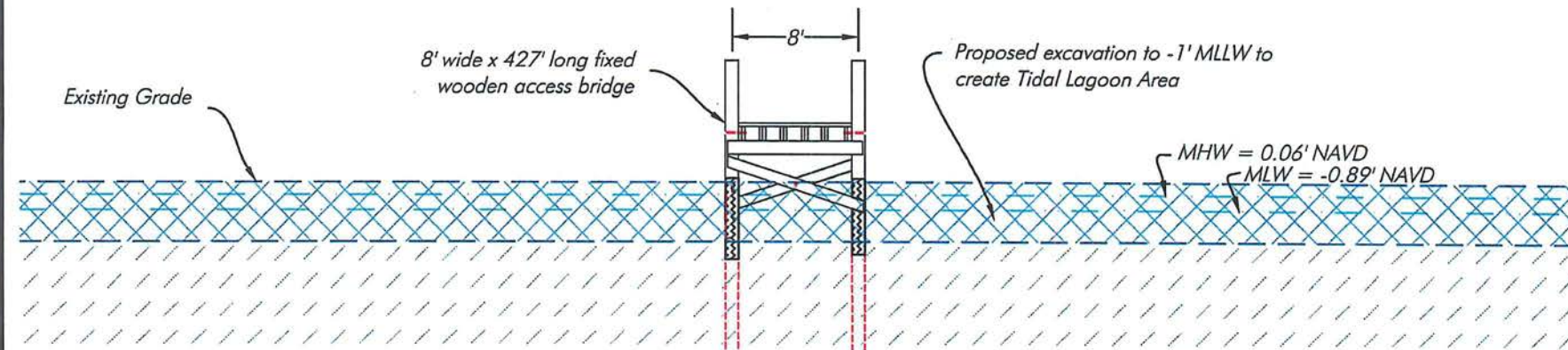
JWA

D R Horton

SHEET
14-21

SECTION: 19
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RANGE: 26 East

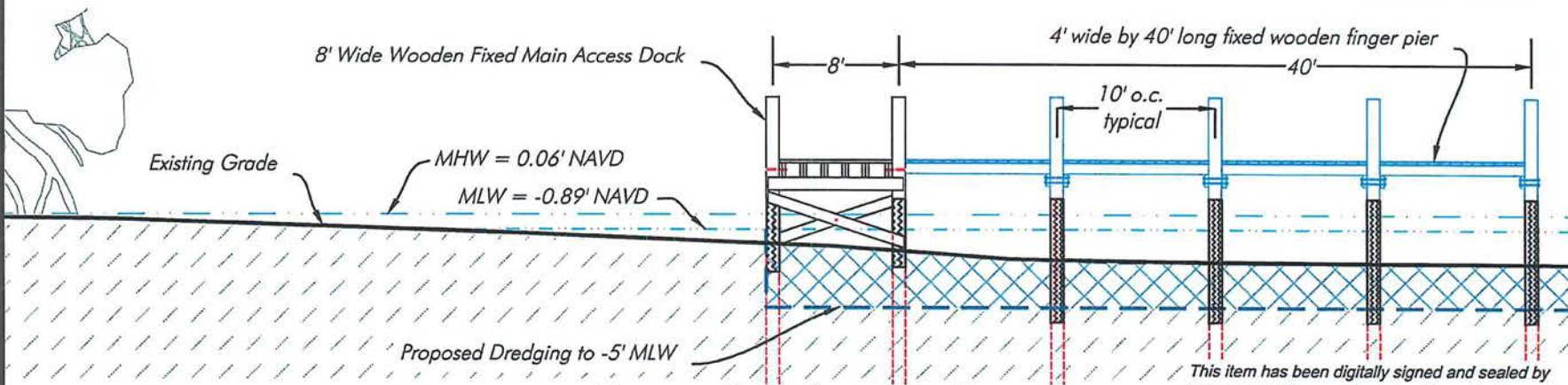
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SCALE FEET



Cross Section C-C

SCALE: 1" = 10'

0 5 10
SCALE FEET



Cross Section D-D

SCALE: 1" = 10'

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Drawing: HORTON3MASTER.DWG

Notes: Depths reference MLW based
on DEP Tide Station 872-5520.

MHW @ 0.06' NAVD.

MLW -0.89' NAVD

MLLW @ -1.04' NAVD.

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3-14-22

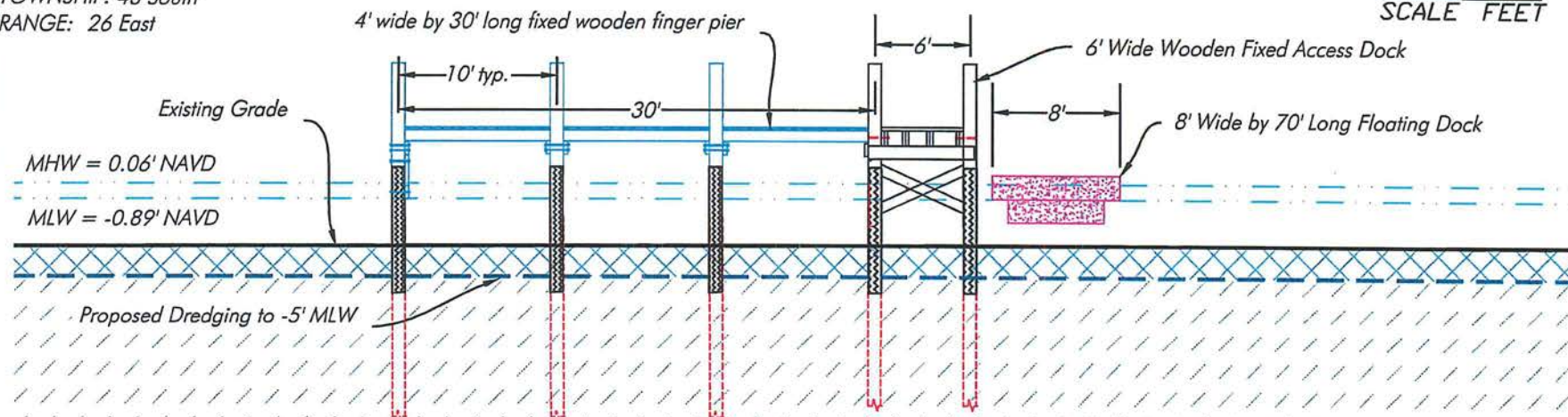
JWA

D R Horton

SHEET
15-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

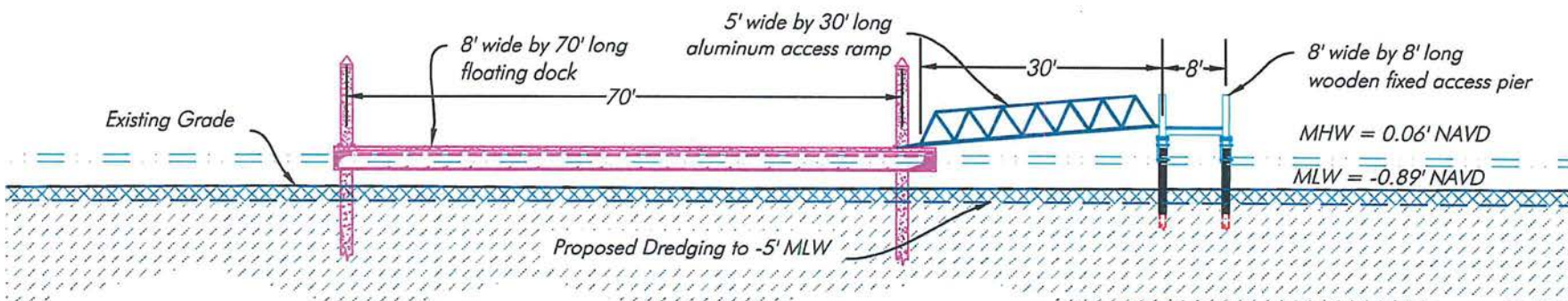
0 5 10
SCALE FEET



Cross Section E-E

SCALE: 1" = 10'

0 10 20
SCALE FEET



Cross Section F-F

SCALE: 1" = 20'

Notes: Depths reference MLW based
on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
MLW -0.89' NAVD
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3-14-22

JWA

D R Horton

SHEET

16-21



Professional Engineers, Planners & Land Surveyors

May 18, 2022

Mr. Dirk A. Danley, Jr., AICP, Senior Planner
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

**REFERENCE: OWL CREEK RESERVE MINOR RPD
DCI2021-00011
Post Sufficiency Response**

Dear Dirk:

This letter is written in response to the sufficiency letter dated April 14, 2022, which identified the following issues to be addressed during the substantive review prior to hearing.

With this letter we are submitting the following items which are referenced in the below analysis for ease of review.

1. Updated Submerged Aquatic Vegetation Survey
2. Manatee Protection Plan Assessment (previously submitted)
3. Private Multi-Slip Docking Facility and Tidal Lagoon Plans and Details (previously submitted)
4. Canoe-Kayak Launch Details (previously submitted)
5. Overall Site Bathymetry with Contours
6. Overall Site Bathymetry Text

Comment 1: Proposed dredging for the multi-slip docking facility is inconsistent with Lee Plan policy 128.4.8. Policy 128.4.8 states, "Boat access facilities should be located in areas of maximum physical advantage. Adequate existing water depths between the proposed facility and any navigational channel, inlet, or deep water, are preferred, as new dredging is discouraged." This project as designed requires dredging to obtain water depth of -4MLWL. Furthermore, Lee Plan policy 128.4.6 requires that proposed boat access facilities and expansion of existing facilities be evaluated in accordance with Section 8, Marine Facility Siting Requirements, of the Lee County Manatee Protection Plan (MPP). Per Section 8 of the MPP, a facility must first meet success criteria for both seagrass and water depth to qualify for boat slips.

Comment 2: Proposed dredging for the multi-slip docking facility is inconsistent with Policy 128.4.7 states "Boat access facilities, including multi-slip docking facilities and boat ramps which would disturb or destroy wetlands or grassbeds must demonstrate a pressing need for the proposed facility and must provide for continued use by the general public." The project proposes wetland impacts for the use of private multi-slip docking facility.

Response: *The referenced Lee Plan Policies are provided below for reference.*

POLICY 128.4.6: Proposed boat access facilities and expansion of existing facilities will be evaluated in

accordance with the Lee County MPP, dated June 17, 2004 and approved by the Board of County Commissioners on June 29, 2004. Specifically, Section 8 of the MPP, Marine Facility Siting Requirements, will be used to determine the appropriate number of slips as defined by the MPP for each new project or allowable expansion.

Response: Specific to Section 8 of the MPP, the success criteria for seagrass and water depth is met. In the report dated October 7, 2021 HWA was unable to find any seagrasses within the footprint of either the proposed docks, the dredging limits for the basin, or the access channel. This mapping was completed on September 24, 2021 during seagrass growing season. In addition, an updated depth survey was conducted that mapped the top of the silt layer. A survey rod was placed at select locations to map the thickness of the silt. It varied but when added to the top of silt recorded electronically the depths on the average are at or deeper than the -4' MLW criteria. There is only one area where the depth is less than -4' MLW with a hard bottom. This is a shoal area that runs parallel to the access channel. As allowed in the Manatee Protection Plan this would constitute the minimal dredging required to secure access to the site. Dredging is not prohibited in the Manatee Protection Plan and the term "minimal" is not defined.

POLICY 128.4.7: Boat access facilities, including multi-slip docking facilities and boat ramps which would disturb or destroy wetlands or grassbeds must demonstrate a pressing need for the proposed facility and must provide for continued use by the general public.

Response: There are no direct impacts to grassbeds associated with the multi-slip docking facility. The Tidal Lagoons, which are proposed for multiple purposes, impact disturbed low quality wetlands (7.64± acres). The pressing need for these impacts is to create opportunity for the establishment of native vegetation in the littoral zones for nutrient uptake and the greater potential for seagrass establishment in the shallower water where light penetration has a greater chance of reaching the bottom. Additional benefits include a reduction in the upstream flood elevations during tropical events by adding an additional discharge outlet for Trout Creek.

POLICY 128.4.8: Boat access facilities should be located in areas of maximum physical advantage (e.g. adequate water depth). Adequate existing water depths between the proposed facility and any navigational channel, inlet, or deep water, are preferred, as new dredging is discouraged.

Response: While new dredging is discouraged, it is not prohibited. The shorelines of the Caloosahatchee River are naturally shallow and the locations with nice deep water close to shore are very limited. While it is understood that dredging should be discouraged, particularly if there are direct resource impacts, this also needs to be balanced against the ongoing need for water access and leveraging every reasonable opportunity to create this access.

Net Gain of Wetland Function

The proposed private multi-slip docking facility completely avoids any impacts to grassbeds and minimally impacts disturbed low quality wetlands (7.64± acres). Mitigation for these impacts is permissible with the state resulting in a net gain of more productive wetlands. The areas to be impacted provide for a very low environmental contribution and no true natural function. These minimal impacts will be mitigated by preservation and enhancement of 106.36± acres of onsite wetlands and creation of an 11.83± acre tidal lagoon/flushing basin with 2.88± acres of littoral marsh around its perimeter (1.86± acres of the littoral marsh are within the tidal lagoon/flushing basin).

This tidal lagoon serves multiple purposes. The tidal lagoon area will be dredged to -1 Mean Lower Low Water which will naturally recruit submerged and emergent vegetation, resulting in 12.85± acres of significantly expanded intertidal wetland fringe creating habitat for wading birds and a breeding ground for fisheries. It increases the open channel flow out of Trout creek, reducing the potential for flooding upstream. The SFWMD permit calculations for the overall development site demonstrate 5.8 surplus functional gain credits further demonstrating the net gain of wetland function on the property as a result

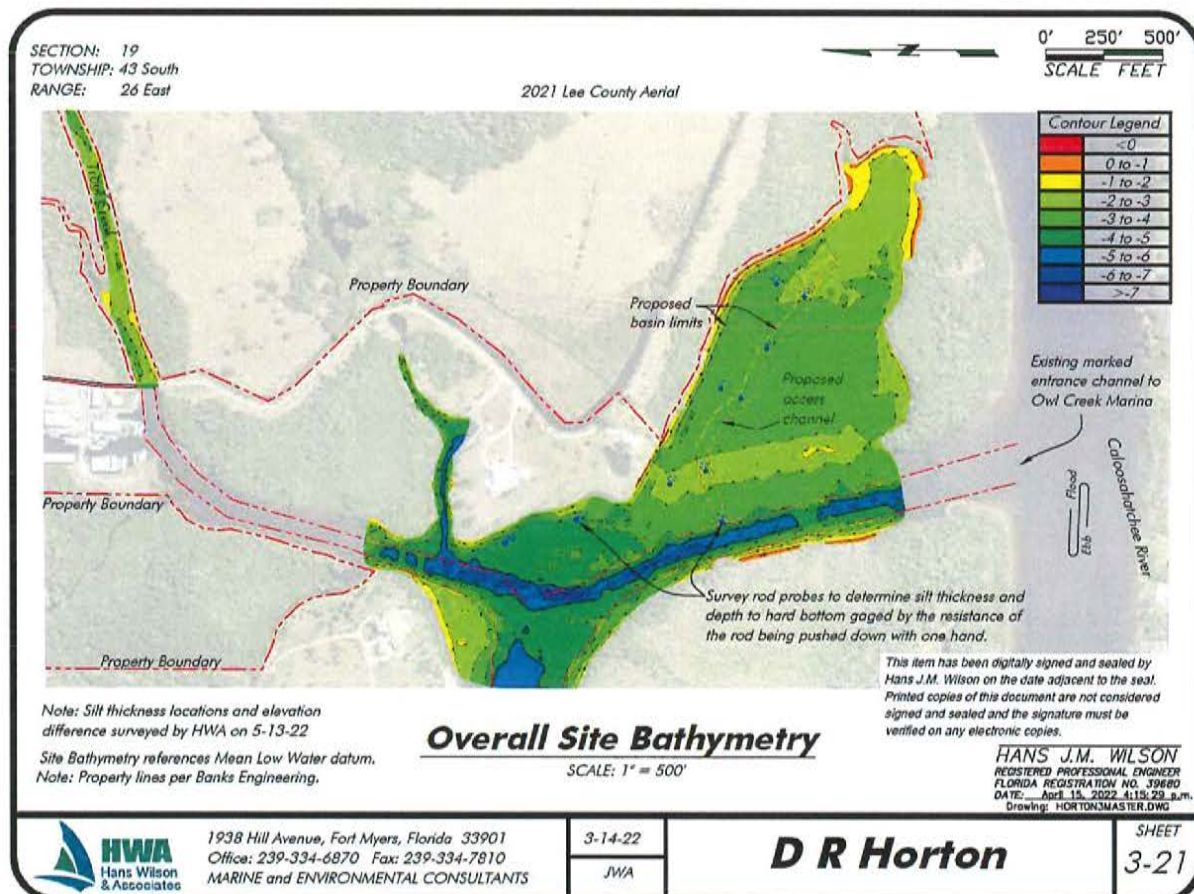
of the proposed project.

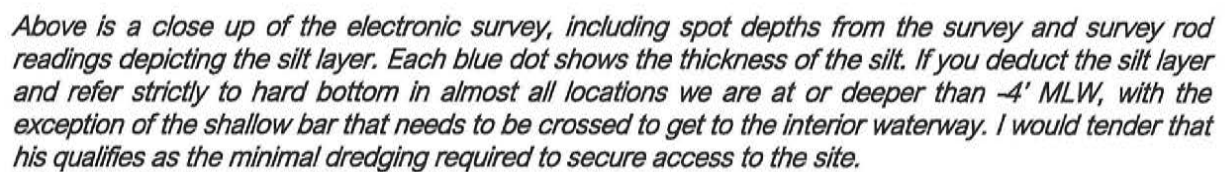
Seagrass

Please refer to Submerged Aquatic Vegetation (SAV) survey completed 9-24-21 during seagrass growing season. There is no seagrass or submerged aquatic vegetation within the private multi-slip docking facility basin or entrance channel. The soils below the surface are too soft to support growth or stabilization of seagrass roots and extremely low water clarity with little to no light penetrating results in very low chance for seagrass to photosynthesize and survive. This is unfortunate considering the site's location within the easternmost portion of the Small-tooth Sawfish Critical Habitat area. The proposed 12.85± acre tidal lagoon described above will provide Small-tooth Sawfish habitat within the Critical Habitat area where none currently exists, resulting in a net gain.

Water Depth

Please see the updated Bathymetric Survey completed on 5-11-22. The survey shows an existing marked channel that runs north from the river to Owl Creek Boat Works, located on the west side of the subject property. The channel has water depths of -5 and -6 MLW. The proposed multi-slip docking facility and 50' wide access channel will connect to the existing Owl Creek Boat Works channel. Minimal dredging is proposed to avoid unnecessary scour of the bottom from prop wash and to allow the use of the slips and boat slips year round. The dredging also provides sufficient water depth for the long-term use of the private multi-slip docking facility, reducing maintenance dredging frequency and providing better clearance for any potential manatees occupying the site. Although new dredging is discouraged by Policy 128.4.8, it is not prohibited. The proposed location of the private multi-slip docking facility is protected from boat wakes generated by vessels operating in the Caloosahatchee River Water. It is also protected from wind waves and has a very short travel distance to the river.





Number of Boat Slips

The Florida Power and Light plant, about 3.5 miles away, is located on the Caloosahatchee River and discharges warm water into the Orange River. Manatee abundance and mortality at the project site is relatively low but ranks as Conditional according to the Manatee Protection Plan. The subject property is located east of State Road 31 Bridge and not located within the Caloosahatchee River Area of Special Concern. Please refer to the Lee County Division of Natural Resources Manatee Protection Plan (MPP) Assessment attached which ranked the project as Conditional category allowing 330 boat slips. According to the MPP the subject site is allowed 5 slips per 100 linear feet of shoreline. The private multi-slip docking facility design provides slips for approximately 25% of the residents in the development desiring boat access, the minimal amount. The site plan has a total of 96 proposed residential slips, which is well under the maximum number of 330 slips allowed. The applicant agrees that upon approval of the rezoning, the remaining 234 slips will not be transferred as credits.

Public Use and Pressing Need

Although the above analysis demonstrates no net loss of wetland function and no impact on grassbeds, there is a pressing need for the proposed facility and the proposed development includes the creation of a public canoe/kayak launch providing access to Trout Creek connecting to the Caloosahatchee River for continued use by the general public. The launch is located on the flushing channel which provides a connection to Trout Creek or the option to pass through 10'x92'± culvert and access the tidal lagoon which connects to the private multi-slip docking facility area and Owl Creek Boat Works channel connection to the Caloosahatchee River. Several existing Lee Plan Policies encourage public access to the Caloosahatchee and a public canoe/kayak launch (Policies 27.3.2, 27.3.3, 27.4.2, Objective 29.6, Policies 29.6.2, 29.6.3, 29.6.4, 29.7.1, and 82.1.2). The proposed development meets the demonstrated pressing need for a public canoe/kayak launch and furthers the Goals, Objectives and Policies of the Lee Plan. The demand for boating access is underserved in Lee County. Population growth for Lee County, with an estimated population of 787,976 (July, 2021), is around 4% from April 2020. Charlotte County, our immediate neighbor to the north, has similar population growth rate, demographics and natural resources in terms of open waters and coastlines. The University of Florida – Sea Grant performed a study of "Marine Boating Access for 2010 through 2050 for Charlotte County" (report #TP-186) and estimated that vessel registrations in Charlotte County will increase 38%. There will be a need for 1,118 additional boat slips by 2050. Lee County has a much larger population with a similar growth rate and a ratio of one vessel for six residents. Given observations that the amount of available water access facilities is relatively consistent, it can be concluded that there will be an increase in demand (pressing need) for additional wet and dry slips. By allowing the project to provide its own private multi-slip docking facility, the residents will not be utilizing public facilities, creating opportunity for 96 boaters, that may otherwise not live on the water, to access our waterways. This is creating at least some equity in access for the population of Lee County.

If you have any questions or I may be of further assistance, please do not hesitate to contact me at (239) 770-2527 or shewitt@bankseng.com.

Sincerely,
BANKS ENGINEERING



Stacy Ellis Hewitt, AICP
Director of Planning

Attachments

SEH:jms

Attachments

cc: Russell Schropp
Richard Akin
Becky Sweigert
Steve Boutelle
Joseph Adams

ATTACHMENT Q

Date: June 3, 2022

To: Dirk Danley Jr., Principal Planner

From: Nic DeFilippo, Senior Environmental Planner
239.533.8983
ndefilippo@leegov.com

Subject: DCI2021-00011
Natural Resources Staff Report and Conditions for Owl Creek RPD
STRAP# 19-43-26-00-00002.1020

The request is to rezone 342.6± acres from Agricultural (AG-2) to minor Residential Planned Development (RPD) to allow for a maximum of 380 dwelling units. The proposed development is within the Owl Creek and Trout Creek watersheds. The Owl Creek watershed is impaired for Fecal Coliform while the Trout Creek watershed has a Total Maximum Daily Load (TMDL) for fecal coliform and is on the study list for Dissolved Oxygen (percent saturation) based on the number of exceedances for the sample size. Owl Creek and a tributary as well as Trout Creek flow through the property before discharging into the Caloosahatchee River. The Caloosahatchee River is impaired for Fecal Coliform and Iron and has a TMDL for Total Phosphorus, Total Nitrogen, Chlorophyll-a, and Dissolved Oxygen (percent saturation). The proposed stormwater management system will incorporate both wet and dry detention prior to discharging into the onsite wetlands. The stormwater will discharge from the wetlands to the onsite Creeks and ultimately to the Caloosahatchee River. Lee Plan policy 125.1.2 states, new development and additions to existing development must not degrade surface and ground water quality. Lee Plan policy 125.1.4 states, developments which have the potential of lowering existing water quality below state and federal water quality standards will provide standardized appropriate monitoring data.

Reuse water is not available at this time to meet the irrigation needs for any potential development. Lee Plan policy 61.1.6 states, surface water or low quality groundwater should be utilized for irrigation. Policy 60.1.1 requires the design of surface water management systems to protect or enhance groundwater. Policy 126.1.4 requires development designs provide for maintaining or improving surface water flows, groundwater levels, and lake levels at or above existing conditions. This project proposes the use of surface water as an irrigation source utilizing wet detention lakes in the community, that are resupplied by groundwater, to irrigate the development. Surrounding residential homes use the Sandstone aquifer as a domestic drinking water source. The proposed use of the Sandstone Aquifer to resupply community lakes has the potential for adverse impacts on the surrounding rural resident's domestic water supply.

The northern portion of the property on the Wellfield Protection Zone Map that was recently adopted by the Board of County Commissioners. Any future development within the wellfield protection zone must comply with the wellfield protection zone ordinance, which prohibits all activity involving the storage, use, handling or production of hazardous substances to protect shallow wells unless a valid operating permit is obtained. Compliance with the wellfield protection zone ordinance will protect Lee County wellfields consistent with Lee Plan policy 125.1.6.

The property has requested to be included on Map 4-A (Lee County Future Water service area) but not on Map 4-B (Lee County Future Sewer service area). The Lee Plan text amendment, CPA2020-00005, will allow increased density for each acre of preserved, restored, or created Rare and Unique uplands. If future development at the property does not meet the residential thresholds, 2.5 unit/acre, for connection to

sewer, the additional septic tanks have the potential to further degrade surface and ground water quality. The applicant has purposed to extend water and sewer lines to this project.

In order to maintain consistency with these policies staff recommends the following conditions:

Prior to local development order approval, the developer must provide the attached Surface Water and Groundwater Monitoring Plan with the following modifications:

- I. A Surface Water and Groundwater Monitoring Plan for review and approval by the Lee County Division of Natural Resources. At a minimum, the Surface Water and Groundwater Monitoring Plan must establish the following:**
 - i) The overall Goals and Objectives of the Surface Water and Groundwater Monitoring Plan;**
 - ii) An outfall monitoring schedule during “wet” season of June through September and “dry” season of October through May, for Total Kjeldahl Nitrogen, Ammonia, Total Nitrogen, Nitrite, Nitrate, Chlorophyll A, Total Phosphorus, Chloride, Total Dissolved Solids, Florida PRO, Arsenic, Copper, Mercury, Lead, E. coli, Total Hardness, Field Temperature, Specific Conductance, pH, Dissolved Oxygen, Lake Stage, Water Table Aquifer Elevation, and Sandstone Aquifer Elevation Turbidity and Stage.**
 - iii) A baseline monitoring event to be part of the monitoring plan that must be completed prior to commencement of construction.**
 - iv) Identify the monitoring point locations**
 - v) Water quality monitoring data must be provided to the Division of Natural Resources annually for a minimum of 5 years and must include a report with a comparison of State water quality standards, plots of parameters, and recommendations. After five years of meeting or exceeding state water quality monitoring standards, the developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.**
 - vi) A contingency plan in the event an exceedance of State Water Quality Standards is discovered. This plan must include notification to impacted residents and applicable authorities.**

Prior to local development order approval, the development must connect to public utilities.

A majority of the property is located within the Coastal High Hazard Area (CHHA). Lee Plan policy 101.1.1 requires that development within the CHHA be compatible with natural systems, such as, water retention and purification, wildlife habitat, primary productivity, and defense against coastal flooding. The project is proposing the preservation, restoration, and creation of wetland and rare and unique habitat within the CHHA consistent with Lee Plan policy 101.1.1. The preservation and restoration includes the Owl Creek and Trout Creek flowways which are primarily wetlands and within FEMA regulatory floodways. The preservation of these areas is consistent with Lee Plan policy 60.4.3 which encourages the preservation of existing natural flowways and the restoration of historic flowways. In addition, the applicant will remove exotic vegetation and be responsible for the long-term maintenance of these floodways consistent with Lee Plan policy 61.3.3 which requires that floodways be as unobstructed as possible. These improvements within the FEMA floodways will lesson flooding impacts in the area. In order to maintain consistency with Policy 61.3.3 and LDC 10-328 for drainage easements, staff suggested the following condition to insure the floodway is protected and drainage easement is provided:

Prior to issuance of a local development order, a drainage and access easement must be submitted for review and approval that permits Lee County access to the floodway to allow for the right but not the obligation to maintain the floodway per LDC 10-328.

Owl Creek RPD is proposing a 96 slip multi-slip docking facility with a tidal lagoon and flushing canal which are necessary to meet State minimum flushing requirements. Lee Plan policy 128.4.6 requires that proposed boat access facilities be evaluated in accordance with the Lee County Manatee Protection Plan (MPP). Specifically Section 8 of the MPP, Marine Facility Siting Requirements, to determine the appropriate number of slips. Per Section 8 of the MPP, a proposed facility must first meet success criteria for both seagrass and water depth to qualify for boat slips. Hans Wilson and Associates (HWA) conducted a Submerged Aquatic Vegetation (SAV) survey on 9/24/21 within the proposed Owl Creek RPD multi-slip docking facility footprint. The survey occurred during the seagrass growing season, consistent with the Section 8 seagrass survey requirements, and demonstrated that no submerged aquatic vegetation was present.

The proposed multi-slip docking facility is located east of an existing marked channel, with water depths of -5 and -6 MLW, which runs north from the Caloosahatchee River to Owl Creek Boat Works. The proposed multi-slip facility and 50' access channel will connect to this existing marked channel. Water depths within the multi-slip docking footprint fluctuate between -3' and -4' MLW and are covered in a layer of muck, which ranges from -0.4' to -2.5' thick. HWA determined the location and thickness of the organic muck by performing additional detailed surveys as detailed in the HWA Post Sufficiency Response dated May 18, 2022. This organic muck inhibits seagrass growth and depletes oxygen levels in the sediment and water. The applicant is proposing to remove the muck and once completed the proposed facility will meet the -4 MLW requirement outlined in the MPP and restore the natural bottom. A portion of the proposed access channel crosses a shoal that does not have muck and proposes dredging from -2.3' to -4' MLW. Although new dredging is discouraged by Lee Plan policy 128.4.8 it is not prohibited.

The MPP assessment ranked the project as Conditional allowing up to 330 boat slips. The Conditional ranking means that the project presents a medium risk to manatees and requires additional mitigation measures. Section 8.4.5 of the MPP requires standard manatee construction conditions, manatee education activities, and funding for enhanced marine law enforcement. In addition to these mitigation measures, the applicant has offered to limit the multi-slip docking facility to a maximum of 96 boat slips and that the remaining 234 slips cannot be transferred elsewhere in the County. To ensure that these mitigation measures are met staff recommends following condition:

At time of local development order, the multi-slip docking facility is limited to 96 boat slips and the remaining 234 boat slips cannot be created into slip credits.

Prior to issuance of a local development order, the developer must demonstrate that the project complies with the standard manatee construction conditions, provides manatee education program. Prior to issuance of a dock and shore permit, the applicant must pay \$546 per slip for enhanced marine law enforcement.

Lee Plan policy 128.4.7 requires that boat access facilities, including multi-slip docking facilities and boat ramps, which would disturb or destroy wetlands or grassbeds to demonstrate a pressing need for the proposed facility and provide for continued use by the general public. As stated above, there are no impacts to grassbeds associated with the multi-slip docking facility per the SAV survey completed by HWA.

The proposed tidal lagoon will impact 7.64±acres of wetlands and 5.82±acres of uplands. Wetland impacts consist of hydric pasture, hydric Brazilian pepper, and a man-made ditch. The tidal lagoon will create wetland and wildlife habitat and also reduce potential flooding of the headwaters of Trout Creek by increasing the available floodway width. The proposed tidal lagoon, approximately 12± acres, will be excavated to -1MLLW and contain 3± acres of 20' wide littoral plantings per the Indigenous Habitat Management Plan received March 15, 2022. At this time, the applicant is not proposing to include mangrove plantings within the shallow tidal lagoon to supplement natural recruitment. To ensure the proposed tidal lagoon results in a net gain of wetland habitat staff recommends the following condition:

Prior to issuance of a local development order, the Indigenous Habitat Management Plan, received March 15, 2022, littoral marsh plant list must be updated to include red mangroves installed at 1 gallon 8' on center around the perimeter of the tidal lagoon.

Consistent with Lee Plan policy 128.4.7, the proposed multi-slip docking facility will provide a public boat ramp (limited to kayak and canoe launch) providing access to Trout Creek and the Caloosahatchee River for continued use by the general public. At this time, there are limited Great Calusa Blueway public access locations north of the river. The addition of a public boat ramp (limited to kayak and canoe launch) at Trout Creek will satisfy a pressing need for more general public access points north of the river and will enhance a local paddling trail. In addition, this proposal is consistent with Lee Plan policies 27.3.3, 29.6.2, 29.6.3, and 82.1.2 that encourage public access to the Caloosahatchee River. To ensure that the general public is aware of the boat ramp (limited to kayak and canoe launch) staff recommends the following condition:

Prior to issuance of a local development order, the developer must demonstrate that the boat ramp, limited to kayak and canoe launch, has been included on The Great Calusa Blueway. The boat ramp, limited to kayak and canoe launch, must remain open to the public and cannot be for the exclusive use of the residents.

Attachments

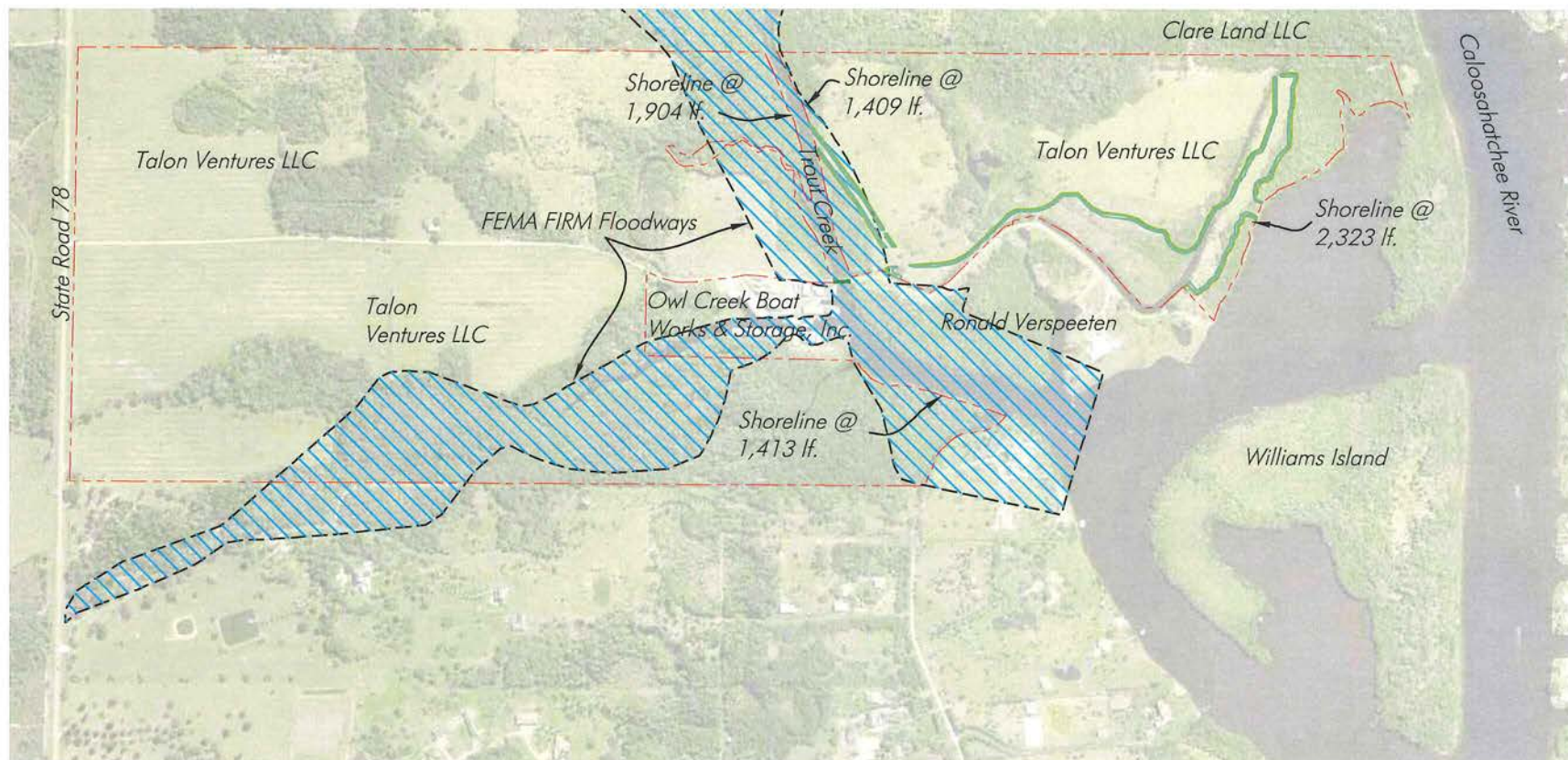
- I. Private Multi Slip Docking Facility Tidal Lagoon received March 15, 2022
- II. Post Sufficiency Response dated May 18, 2022

Attachment I

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East



2021 Lee County Aerial

**Overall Site Plan**

SCALE: 1" = 1,000'

Total project shoreline @ 7,049 lf.

Note: Property lines per Lee County Property Appraiser

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HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: March 14, 2022 4:18:08 p.m.
Drawing: HORTON3MASTER.DWG



1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

3-14-22

JWA

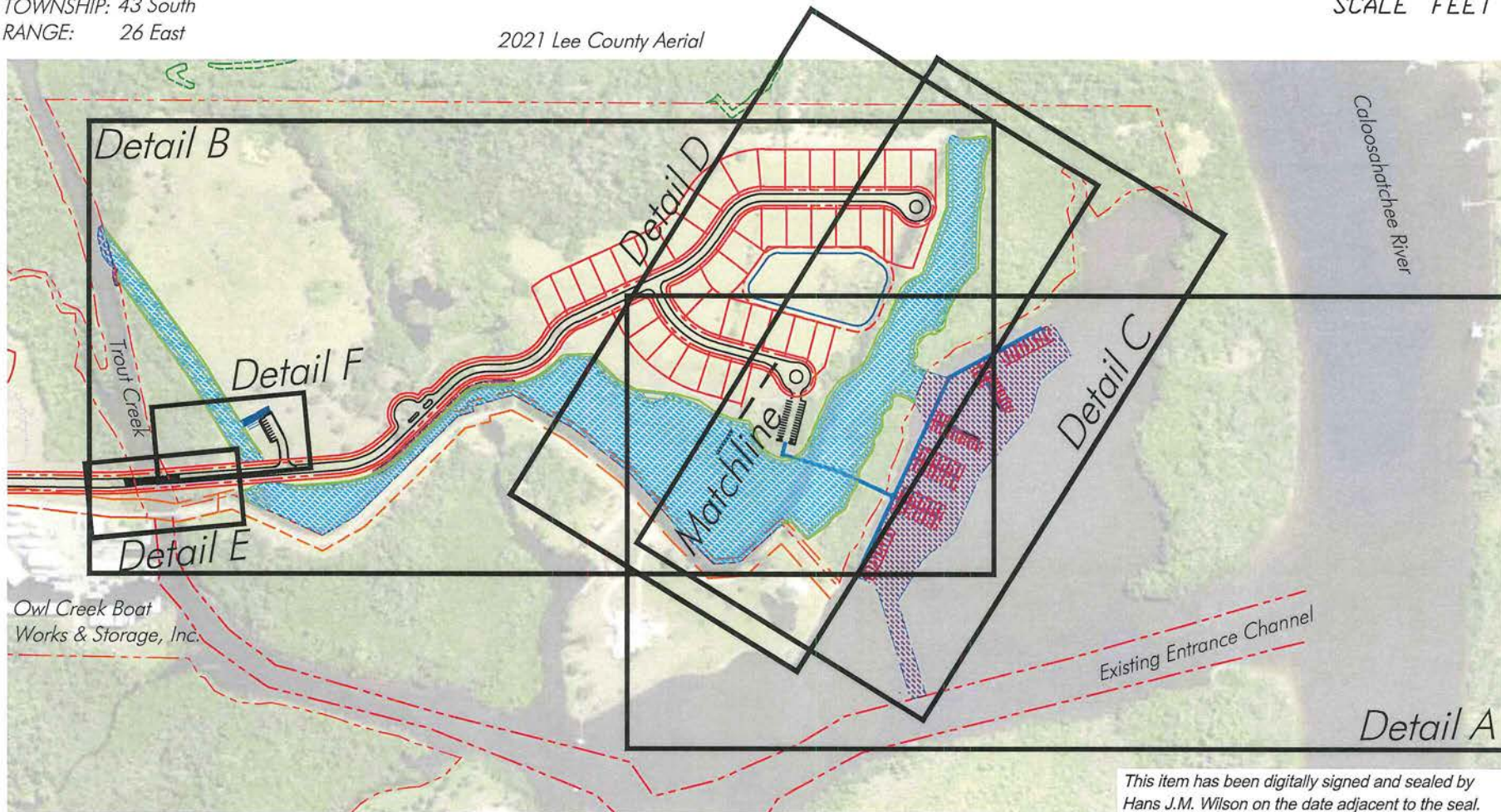
D R Horton

SHEET

2-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial



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Total project shoreline @ 7,049 lf.

Note: Property lines per Lee County Property Appraiser

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Proposed Site Plan

SCALE: 1" = 500'



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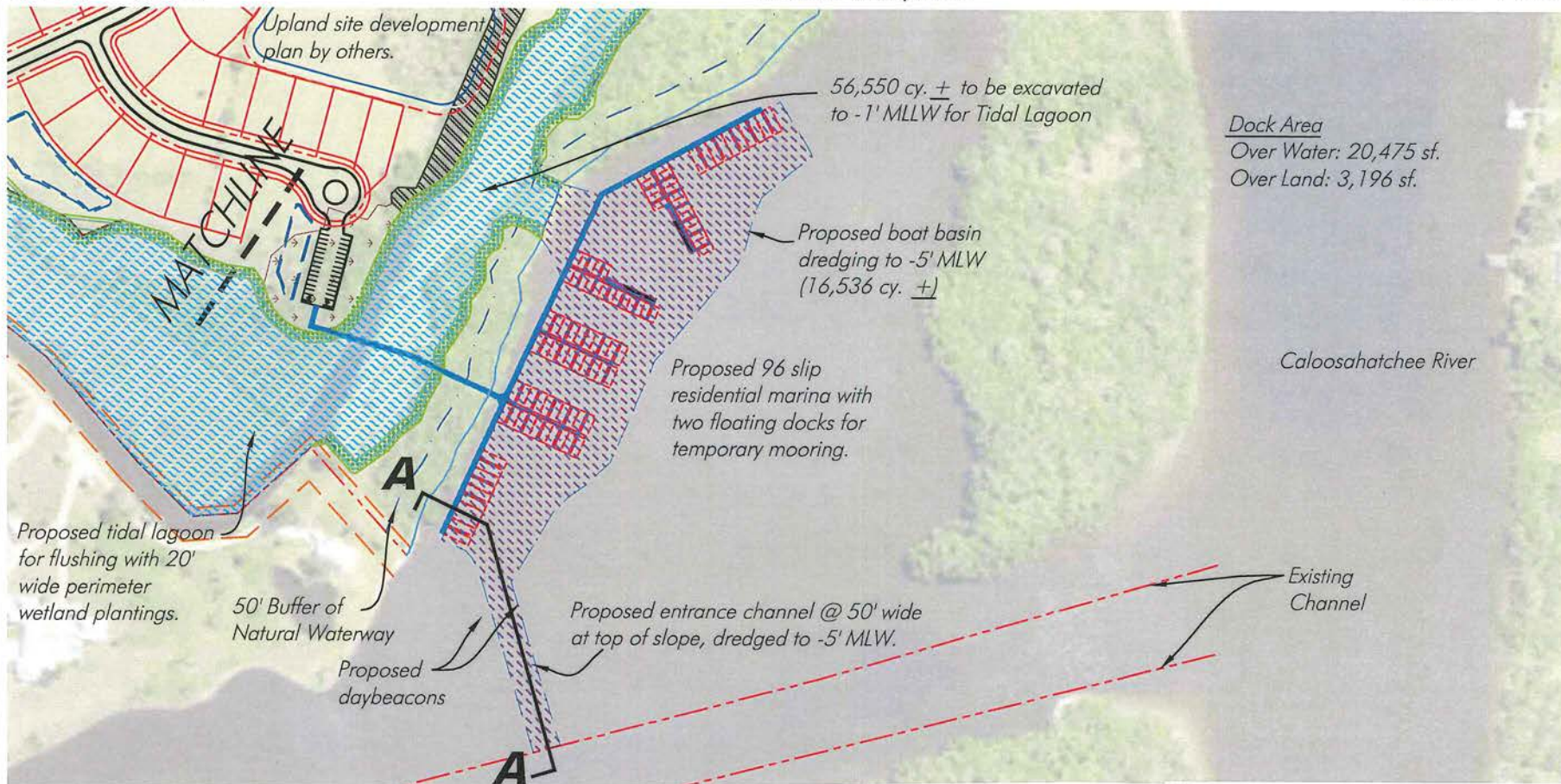
SHEET
4-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial



0' 150' 300'
SCALE FEET



Detail A - Proposed Dock Plan

SCALE: 1" = 300'

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Note: Property lines per Lee County Property Appraiser

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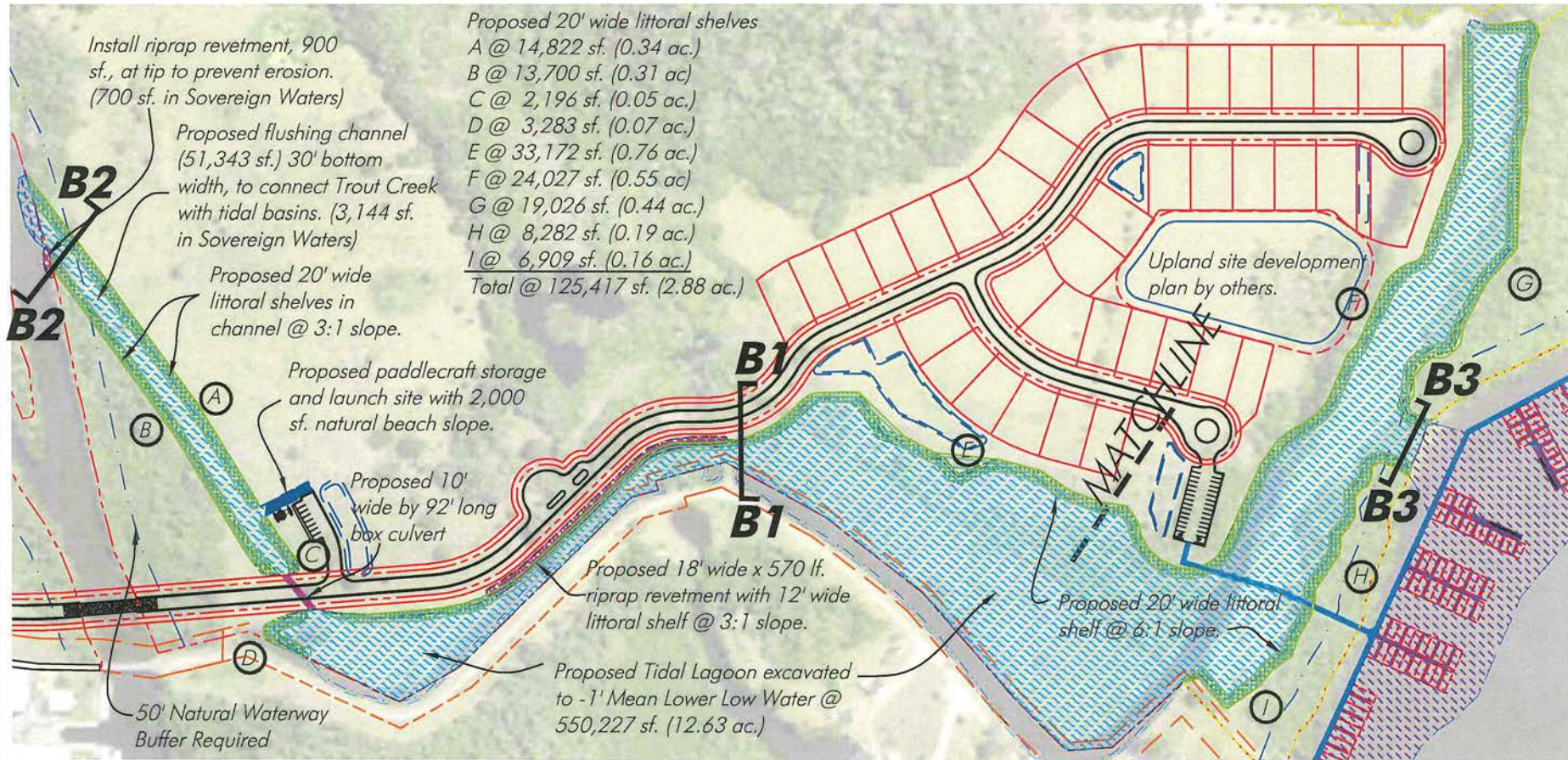
D R Horton

SHEET
5-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial

0' 150' 300'
SCALE FEET



Notes: Depths reference MLW based on DEP Tide Station 872-5520.

MHW @ 0.06' NAVD.

MLW -0.89' NAVD

MLLW @ -1.04' NAVD.

Note: Property lines per Lee County Property Appraiser

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Detail B - Tidal Lagoon/Tidal Channel

SCALE: 1" = 300'

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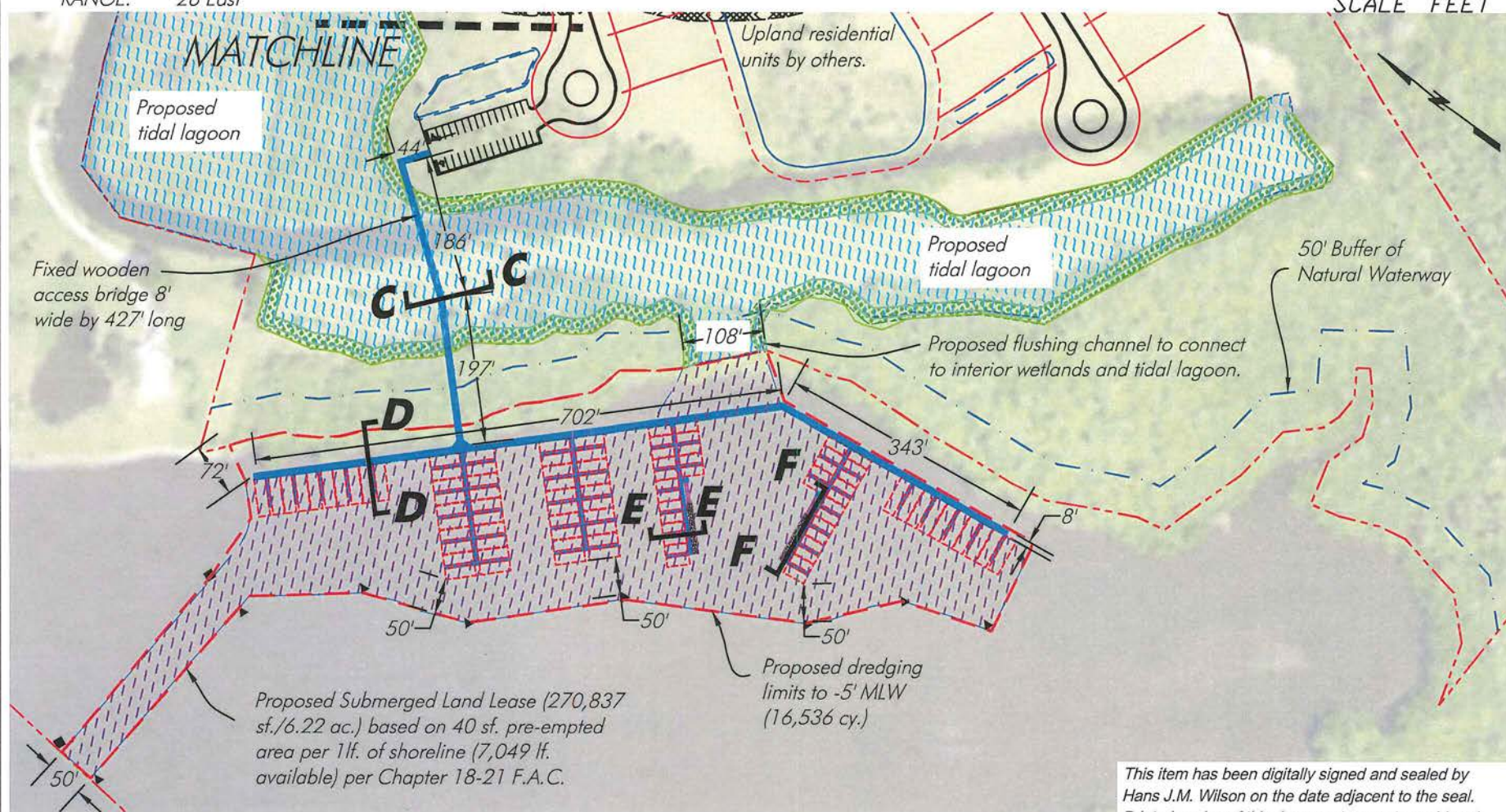
SHEET

6-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial

0 100 200
SCALE FEET



Detail C - Proposed Dredging Plan

SCALE: 1" = 200'

Note: Property lines per Lee County Property Appraiser

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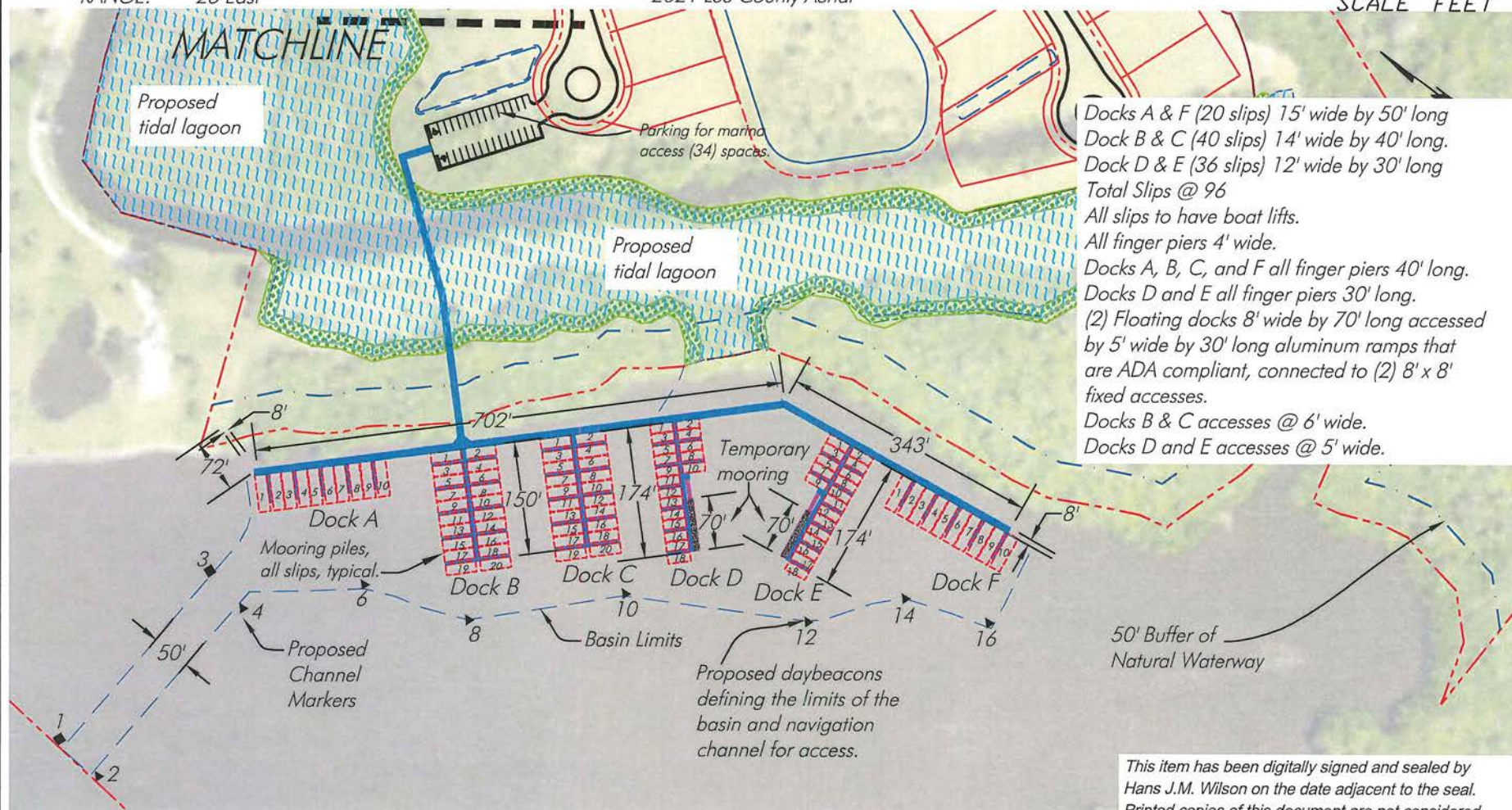
SHEET

8-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial

0 100 200
SCALE FEET



Detail C - Proposed Marina Plan

SCALE: 1" = 200'

Note: Property lines per Lee County Property Appraiser

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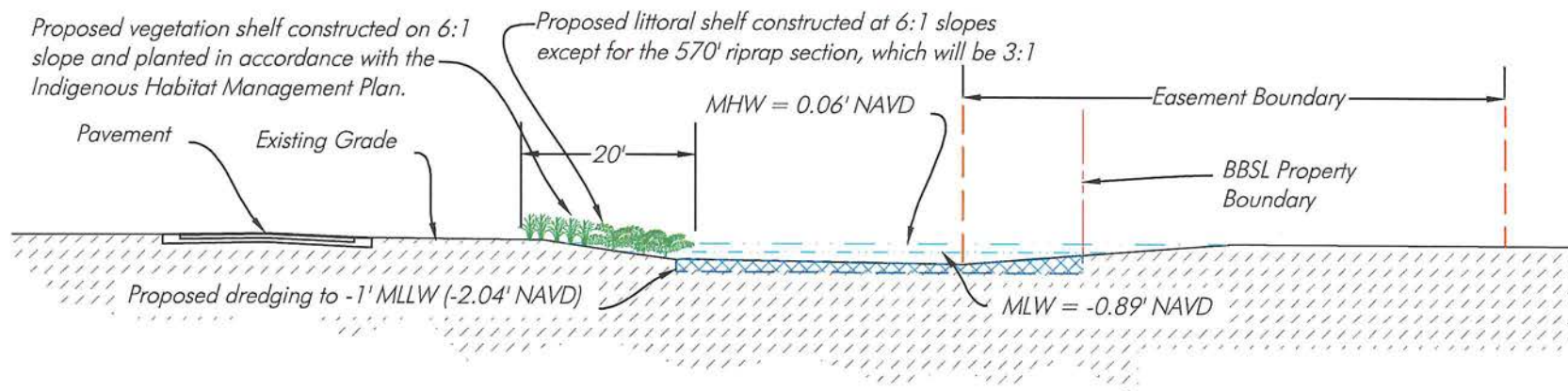
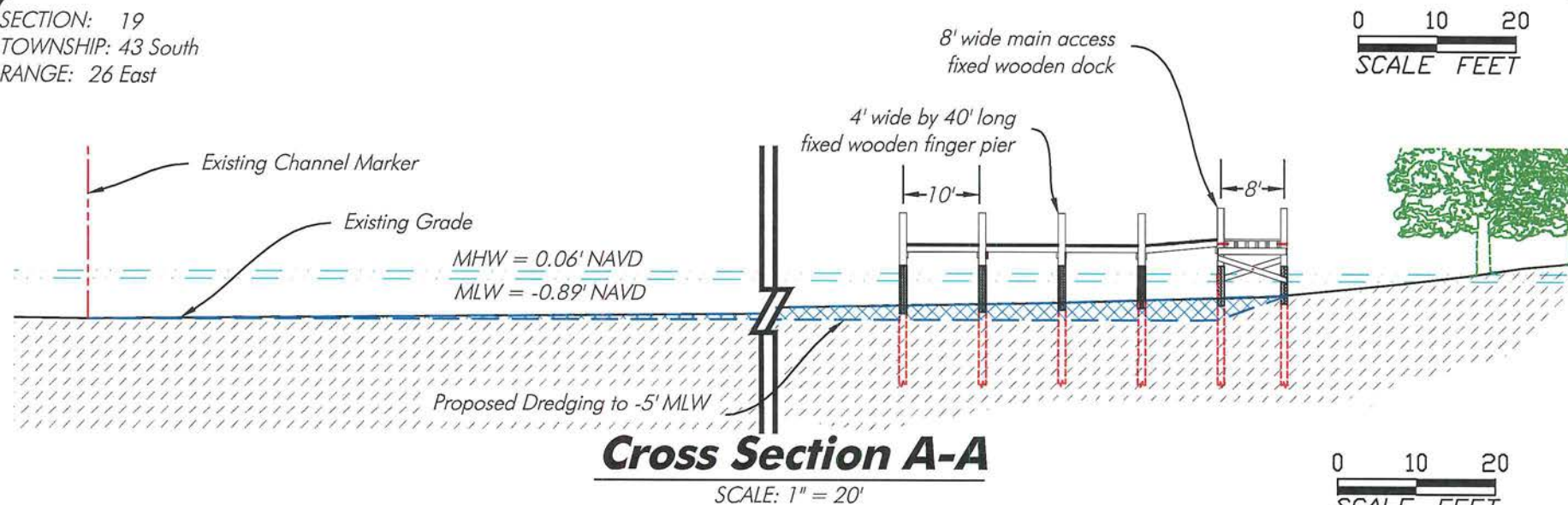
3-14-22

JWA

D R Horton

SHEET
 9-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East



Notes: Depths reference MLW based on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

Note: Property lines per Lee County Property Appraiser

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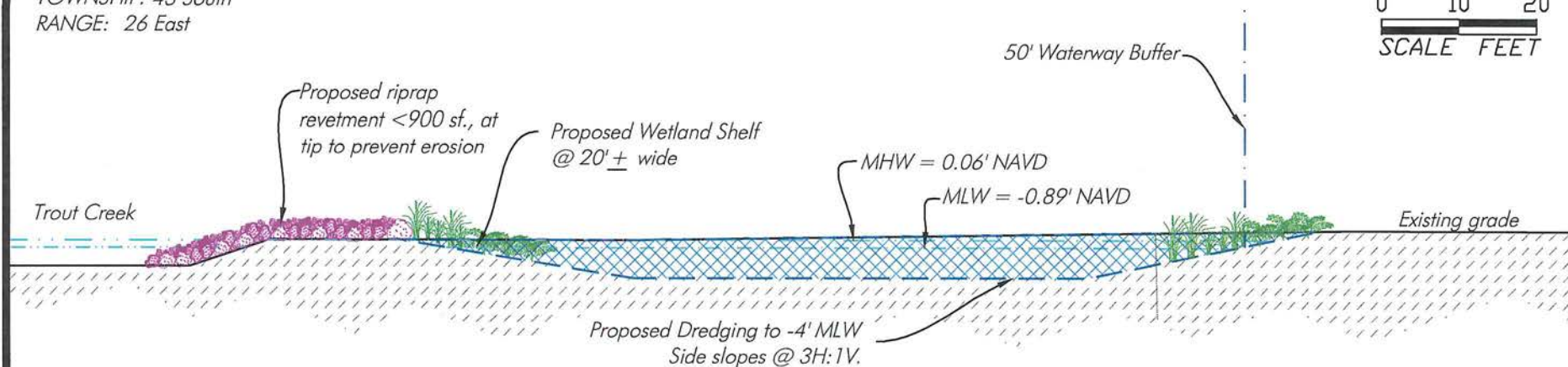
JWA

D R Horton

SHEET
13-21

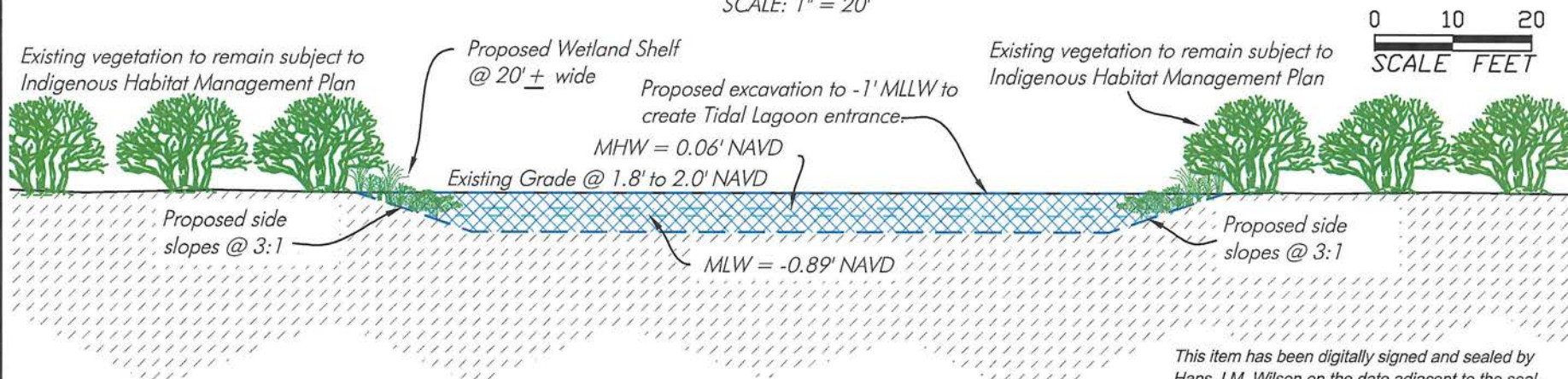
SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

0 10 20
SCALE FEET



Cross Section B2-B2

SCALE: 1" = 20'



Cross Section B3-B3

SCALE: 1" = 20'

Notes: Depths reference MLW based on DEP Tide Station 872-5520.

MHW @ 0.06' NAVD.

MLW -0.89' NAVD

MLLW @ -1.04' NAVD.

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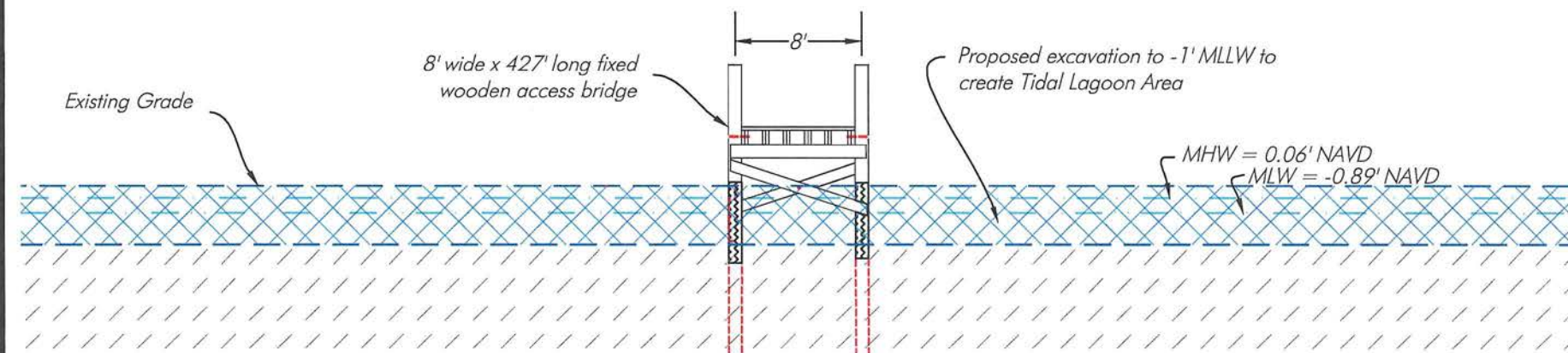
JWA

D R Horton

SHEET
14-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

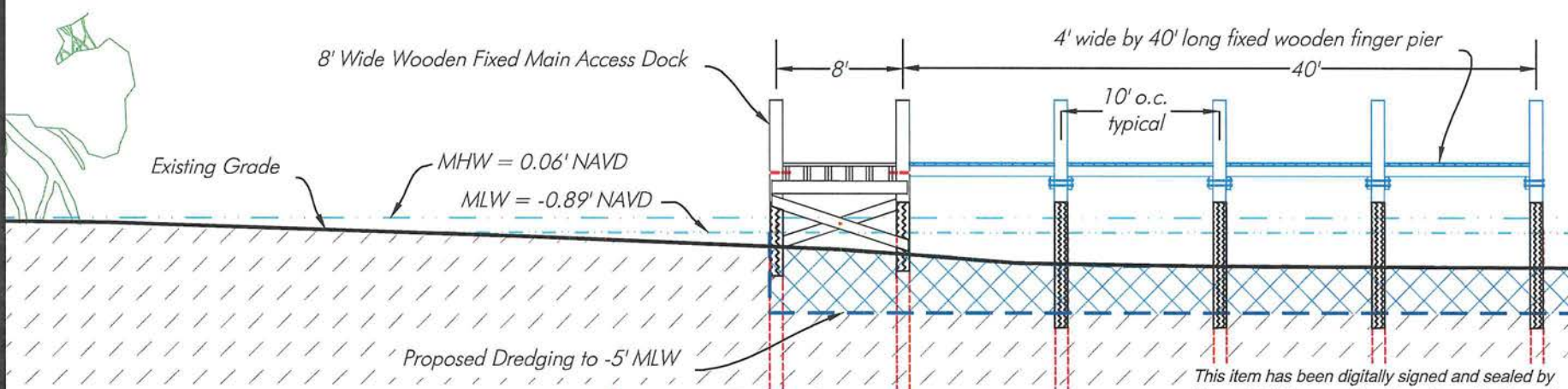
0 5 10
SCALE FEET



Cross Section C-C

SCALE: 1" = 10'

0 5 10
SCALE FEET



Cross Section D-D

SCALE: 1" = 10'

Notes: Depths reference MLW based
on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

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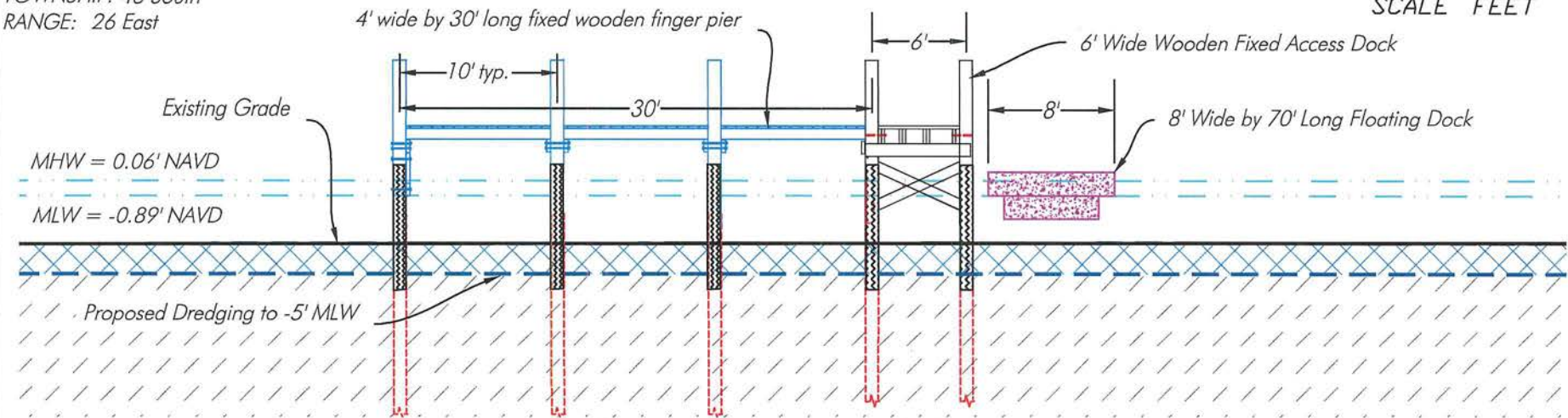
JWA

D R Horton

SHEET

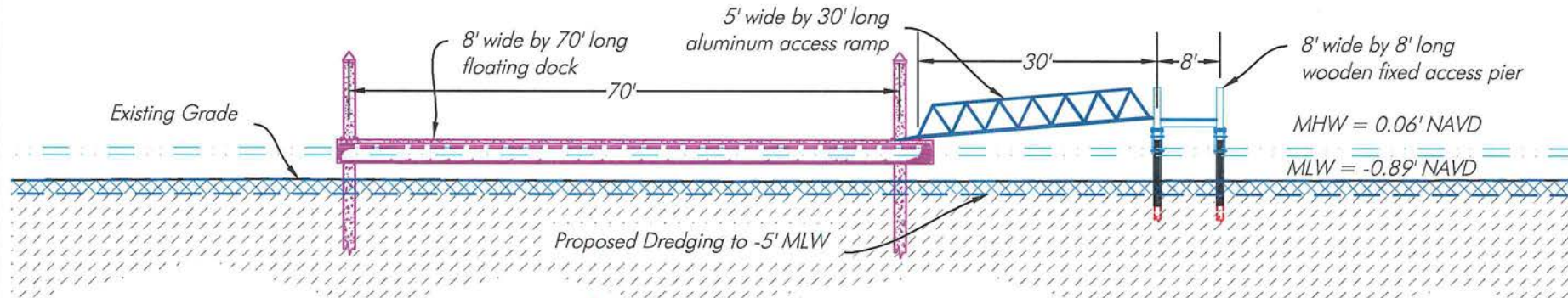
15-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East



Cross Section E-E

SCALE: 1" = 10'



Cross Section F-F

SCALE: 1" = 20'

Notes: Depths reference MLW based on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

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3-14-22

JWA

D R Horton

SHEET

16-21

Attachment II



Professional Engineers, Planners & Land Surveyors

May 18, 2022

Mr. Dirk A. Danley, Jr., AICP, Senior Planner
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

**REFERENCE: OWL CREEK RESERVE MINOR RPD
DCI2021-00011
Post Sufficiency Response**

Dear Dirk:

This letter is written in response to the sufficiency letter dated April 14, 2022, which identified the following issues to be addressed during the substantive review prior to hearing.

With this letter we are submitting the following items which are referenced in the below analysis for ease of review.

1. Updated Submerged Aquatic Vegetation Survey
2. Manatee Protection Plan Assessment (previously submitted)
3. Private Multi-Slip Docking Facility and Tidal Lagoon Plans and Details (previously submitted)
4. Canoe-Kayak Launch Details (previously submitted)
5. Overall Site Bathymetry with Contours
6. Overall Site Bathymetry Text

Comment 1: Proposed dredging for the multi-slip docking facility is inconsistent with Lee Plan policy 128.4.8. Policy 128.4.8 states, "Boat access facilities should be located in areas of maximum physical advantage. Adequate existing water depths between the proposed facility and any navigational channel, inlet, or deep water, are preferred, as new dredging is discouraged." This project as designed requires dredging to obtain water depth of -4MLWL. Furthermore, Lee Plan policy 128.4.6 requires that proposed boat access facilities and expansion of existing facilities be evaluated in accordance with Section 8, Marine Facility Siting Requirements, of the Lee County Manatee Protection Plan (MPP). Per Section 8 of the MPP, a facility must first meet success criteria for both seagrass and water depth to qualify for boat slips.

Comment 2: Proposed dredging for the multi-slip docking facility is inconsistent with Policy 128.4.7 states "Boat access facilities, including multi-slip docking facilities and boat ramps which would disturb or destroy wetlands or grassbeds must demonstrate a pressing need for the proposed facility and must provide for continued use by the general public." The project proposes wetland impacts for the use of private multi-slip docking facility.

Response: *The referenced Lee Plan Policies are provided below for reference.*

POLICY 128.4.6: Proposed boat access facilities and expansion of existing facilities will be evaluated in

accordance with the Lee County MPP, dated June 17, 2004 and approved by the Board of County Commissioners on June 29, 2004. Specifically, Section 8 of the MPP, Marine Facility Siting Requirements, will be used to determine the appropriate number of slips as defined by the MPP for each new project or allowable expansion.

Response: Specific to Section 8 of the MPP, the success criteria for seagrass and water depth is met. In the report dated October 7, 2021 HWA was unable to find any seagrasses within the footprint of either the proposed docks, the dredging limits for the basin, or the access channel. This mapping was completed on September 24, 2021 during seagrass growing season. In addition, an updated depth survey was conducted that mapped the top of the silt layer. A survey rod was placed at select locations to map the thickness of the silt. It varied but when added to the top of silt recorded electronically the depths on the average are at or deeper than the -4' MLW criteria. There is only one area where the depth is less than -4' MLW with a hard bottom. This is a shoal area that runs parallel to the access channel. As allowed in the Manatee Protection Plan this would constitute the minimal dredging required to secure access to the site. Dredging is not prohibited in the Manatee Protection Plan and the term "minimal" is not defined.

POLICY 128.4.7: Boat access facilities, including multi-slip docking facilities and boat ramps which would disturb or destroy wetlands or grassbeds must demonstrate a pressing need for the proposed facility and must provide for continued use by the general public.

Response: There are no direct impacts to grassbeds associated with the multi-slip docking facility. The Tidal Lagoons, which are proposed for multiple purposes, impact disturbed low quality wetlands (7.64± acres). The pressing need for these impacts is to create opportunity for the establishment of native vegetation in the littoral zones for nutrient uptake and the greater potential for seagrass establishment in the shallower water where light penetration has a greater chance of reaching the bottom. Additional benefits include a reduction in the upstream flood elevations during tropical events by adding an additional discharge outlet for Trout Creek.

POLICY 128.4.8: Boat access facilities should be located in areas of maximum physical advantage (e.g. adequate water depth). Adequate existing water depths between the proposed facility and any navigational channel, inlet, or deep water, are preferred, as new dredging is discouraged.

Response: While new dredging is discouraged, it is not prohibited. The shorelines of the Caloosahatchee River are naturally shallow and the locations with nice deep water close to shore are very limited. While it is understood that dredging should be discouraged, particularly if there are direct resource impacts, this also needs to be balanced against the ongoing need for water access and leveraging every reasonable opportunity to create this access.

Net Gain of Wetland Function

The proposed private multi-slip docking facility completely avoids any impacts to grassbeds and minimally impacts disturbed low quality wetlands (7.64± acres). Mitigation for these impacts is permissible with the state resulting in a net gain of more productive wetlands. The areas to be impacted provide for a very low environmental contribution and no true natural function. These minimal impacts will be mitigated by preservation and enhancement of 106.36± acres of onsite wetlands and creation of an 11.83± acre tidal lagoon/flushing basin with 2.88± acres of littoral marsh around its perimeter (1.86± acres of the littoral marsh are within the tidal lagoon/flushing basin).

This tidal lagoon serves multiple purposes. The tidal lagoon area will be dredged to -1 Mean Lower Low Water which will naturally recruit submerged and emergent vegetation, resulting in 12.85± acres of significantly expanded intertidal wetland fringe creating habitat for wading birds and a breeding ground for fisheries. It increases the open channel flow out of Trout creek, reducing the potential for flooding upstream. The SFWMD permit calculations for the overall development site demonstrate 5.8 surplus functional gain credits further demonstrating the net gain of wetland function on the property as a result

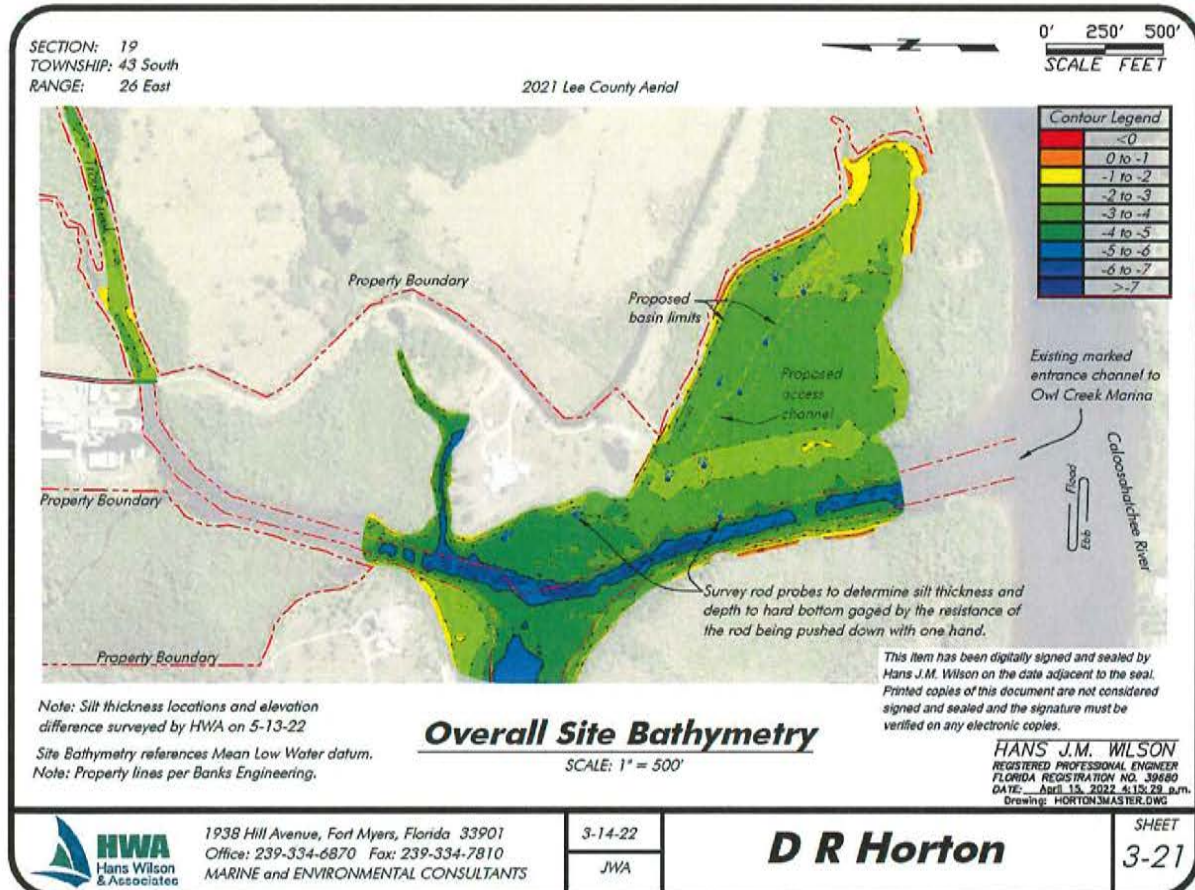
of the proposed project.

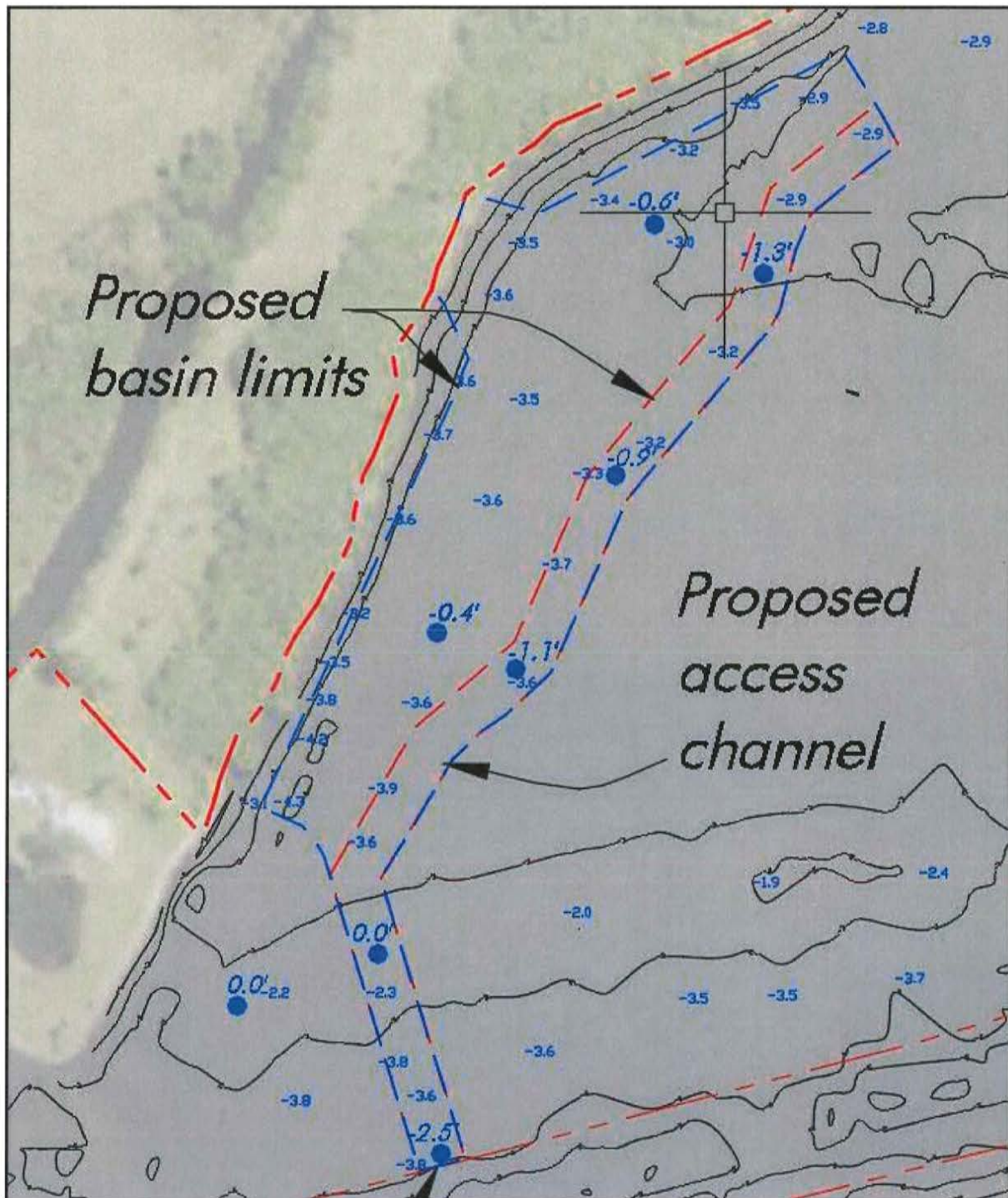
Seagrass

Please refer to Submerged Aquatic Vegetation (SAV) survey completed 9-24-21 during seagrass growing season. There is no seagrass or submerged aquatic vegetation within the private multi-slip docking facility basin or entrance channel. The soils below the surface are too soft to support growth or stabilization of seagrass roots and extremely low water clarity with little to no light penetrating results in very low chance for seagrass to photosynthesize and survive. This is unfortunate considering the site's location within the easternmost portion of the Small-tooth Sawfish Critical Habitat area. The proposed 12.85± acre tidal lagoon described above will provide Small-tooth Sawfish habitat within the Critical Habitat area where none currently exists, resulting in a net gain.

Water Depth

Please see the updated Bathymetric Survey completed on 5-11-22. The survey shows an existing marked channel that runs north from the river to Owl Creek Boat Works, located on the west side of the subject property. The channel has water depths of -5 and -6 MLW. The proposed multi-slip docking facility and 50' wide access channel will connect to the existing Owl Creek Boat Works channel. Minimal dredging is proposed to avoid unnecessary scour of the bottom from prop wash and to allow the use of the slips and boat slips year round. The dredging also provides sufficient water depth for the long-term use of the private multi-slip docking facility, reducing maintenance dredging frequency and providing better clearance for any potential manatees occupying the site. Although new dredging is discouraged by Policy 128.4.8, it is not prohibited. The proposed location of the private multi-slip docking facility is protected from boat wakes generated by vessels operating in the Caloosahatchee River Water. It is also protected from wind waves and has a very short travel distance to the river.





Above is a close up of the electronic survey, including spot depths from the survey and survey rod readings depicting the silt layer. Each blue dot shows the thickness of the silt. If you deduct the silt layer and refer strictly to hard bottom in almost all locations we are at or deeper than -4' MLW, with the exception of the shallow bar that needs to be crossed to get to the interior waterway. I would tender that this qualifies as the minimal dredging required to secure access to the site.

Number of Boat Slips

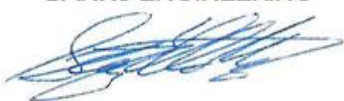
The Florida Power and Light plant, about 3.5 miles away, is located on the Caloosahatchee River and discharges warm water into the Orange River. Manatee abundance and mortality at the project site is relatively low but ranks as Conditional according to the Manatee Protection Plan. The subject property is located east of State Road 31 Bridge and not located within the Caloosahatchee River Area of Special Concern. Please refer to the Lee County Division of Natural Resources Manatee Protection Plan (MPP) Assessment attached which ranked the project as Conditional category allowing 330 boat slips. According to the MPP the subject site is allowed 5 slips per 100 linear feet of shoreline. The private multi-slip docking facility design provides slips for approximately 25% of the residents in the development desiring boat access, the minimal amount. The site plan has a total of 96 proposed residential slips, which is well under the maximum number of 330 slips allowed. The applicant agrees that upon approval of the rezoning, the remaining 234 slips will not be transferred as credits.

Public Use and Pressing Need

Although the above analysis demonstrates no net loss of wetland function and no impact on grassbeds, there is a pressing need for the proposed facility and the proposed development includes the creation of a public canoe/kayak launch providing access to Trout Creek connecting to the Caloosahatchee River for continued use by the general public. The launch is located on the flushing channel which provides a connection to Trout Creek or the option to pass through 10'x92'± culvert and access the tidal lagoon which connects to the private multi-slip docking facility area and Owl Creek Boat Works channel connection to the Caloosahatchee River. Several existing Lee Plan Policies encourage public access to the Caloosahatchee and a public canoe/kayak launch (Policies 27.3.2, 27.3.3, 27.4.2, Objective 29.6, Policies 29.6.2, 29.6.3, 29.6.4, 29.7.1, and 82.1.2). The proposed development meets the demonstrated pressing need for a public canoe/kayak launch and furthers the Goals, Objectives and Policies of the Lee Plan. The demand for boating access is underserved in Lee County. Population growth for Lee County, with an estimated population of 787,976 (July, 2021), is around 4% from April 2020. Charlotte County, our immediate neighbor to the north, has similar population growth rate, demographics and natural resources in terms of open waters and coastlines. The University of Florida – Sea Grant performed a study of "Marine Boating Access for 2010 through 2050 for Charlotte County" (report #TP-186) and estimated that vessel registrations in Charlotte County will increase 38%. There will be a need for 1,118 additional boat slips by 2050. Lee County has a much larger population with a similar growth rate and a ratio of one vessel for six residents. Given observations that the amount of available water access facilities is relatively consistent, it can be concluded that there will be an increase in demand (pressing need) for additional wet and dry slips. By allowing the project to provide its own private multi-slip docking facility, the residents will not be utilizing public facilities, creating opportunity for 96 boaters, that may otherwise not live on the water, to access our waterways. This is creating at least some equity in access for the population of Lee County.

If you have any questions or I may be of further assistance, please do not hesitate to contact me at (239) 770-2527 or shewitt@bankseng.com.

Sincerely,
BANKS ENGINEERING



Stacy Ellis Hewitt, AICP
Director of Planning

Attachments

SEH:jms

Attachments

cc: Russell Schropp
Richard Akin
Becky Sweigert
Steve Boutelle
Joseph Adams



Marine Engineers and Environmental Consultants

October 25, 2021

To: Project File

Hans Wilson
From: Hans Wilson, P.E.

Subject: Owl Creek Development – Seagrass Survey Report

Introduction - On September 24, 2021, Hans Wilson & Associates (HWA) conducted an environmental assessment at the proposed marina basin and entrance channel associated with the Owl Creek Development. The site is located on the north side of the Caloosahatchee River at 17900 Owl Creek Drive, within Section 19, Township 43 South, Range 26 East, in Lee County, Florida.

The purpose of this site visit was to complete a benthic survey and map any seagrasses that could be in the impact area. Seagrass surveys must be completed during seagrass growing season, June 1st through September 30th. If a survey is not completed during the growing season, the U.S. Army Corps of Engineers (COE) will assume you DO have seagrasses at your project location and you will be required to construct to the standards set forth in "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" (USACE/NMFS 2017). This means a dock elevation at +5' Mean High Water, which can make vessel access difficult.

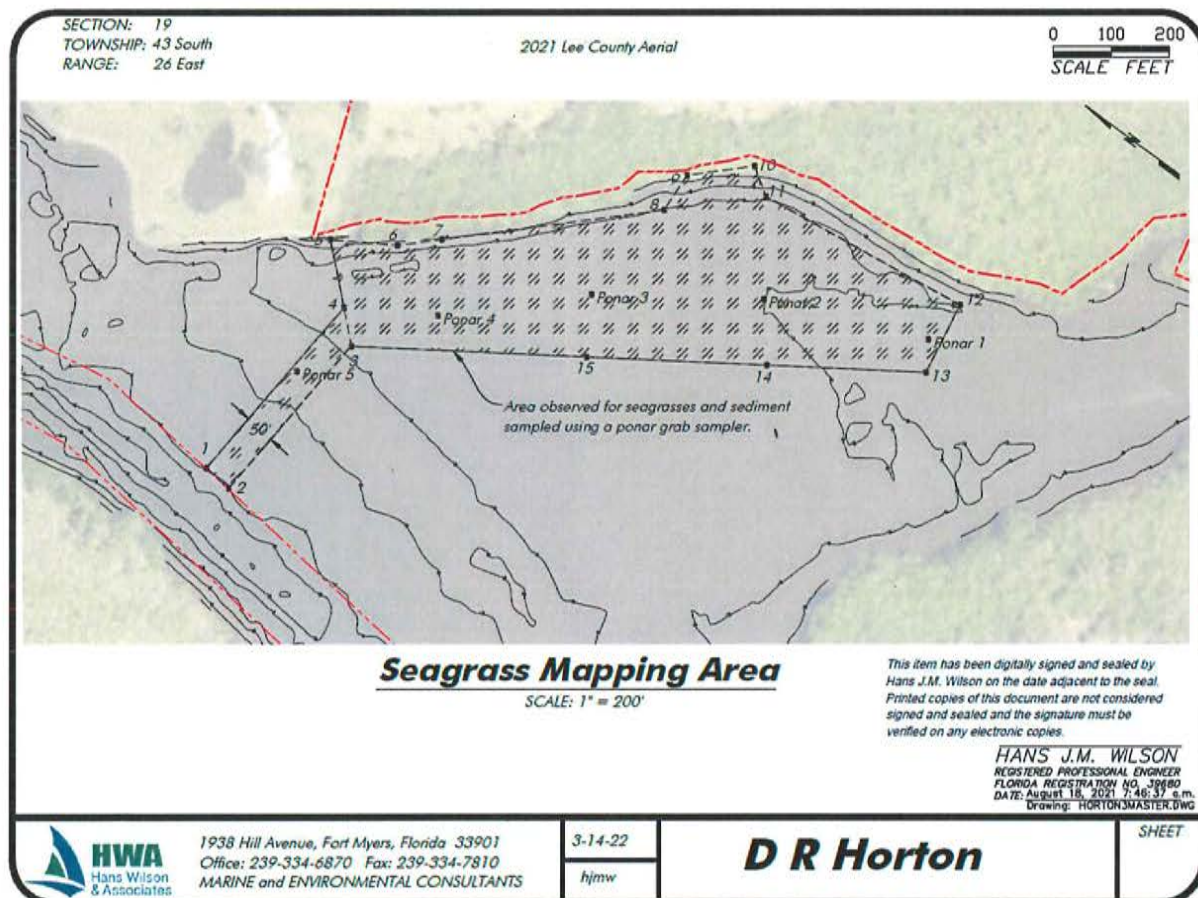
Area Description – The project site is located along the north bank of the Caloosahatchee River at the outfalls of Owl and Trout Creeks. There is an existing marked channel that runs north to south from the Caloosahatchee River to Owl Creek Boat Yard. The water had a visibility of almost zero, with light penetration less than 1 to 2 feet. The substrate of the project area was extremely mucky, made up of broken shells, mud/silt, and debris.

Methodology – An engineer and a biologist were deployed to the site, setting PVC pipes via DGPS to define the proposed dredging footprint of the basin and channel and the survey area. The biologist was deployed to swim transects within the proposed survey area. The biologist swam the perimeter of the area, then began transects running north and south, then doubled over with transects running east and west. The PVC pipes that were placed in the water were used as points of reference to keep transects straight and consistent.

In addition, five ponar grab samples were taken within the footprint of the survey area at select locations marked with DGPS for replication if necessary. The samples were photographed before and after washing through the sieve. Finally, the biologist took random samples of the substrate to show via photos the consistency of the bottom.

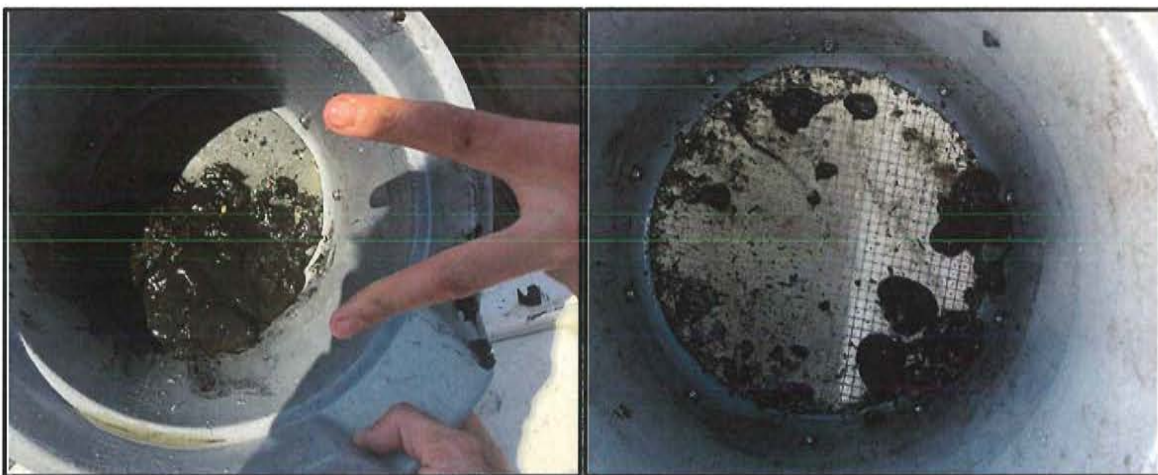
Survey Results – The substrate of the project area was extremely mucky, consisted of broken shells, mud/silt, and debris. The site had unsuitable conditions for seagrass growth, which include poor water visibility. The bottom soils were too soft to support the growth and stabilization of seagrass roots. Adjacent to the site were seagrass test plots installed by Sea and Shoreline. None of the caged housings exhibited any seagrass growth.

Summary – After surveying the entirety of the proposed dredging footprint, it is our professional opinion that seagrass is not present. Seagrass is very unlikely to grow or survive in this area mainly from the poor visibility and water depths approaching -4' Mean Low Water. The bottom substate is unconsolidated making the establishment of seagrass roots/rhizomes difficult.





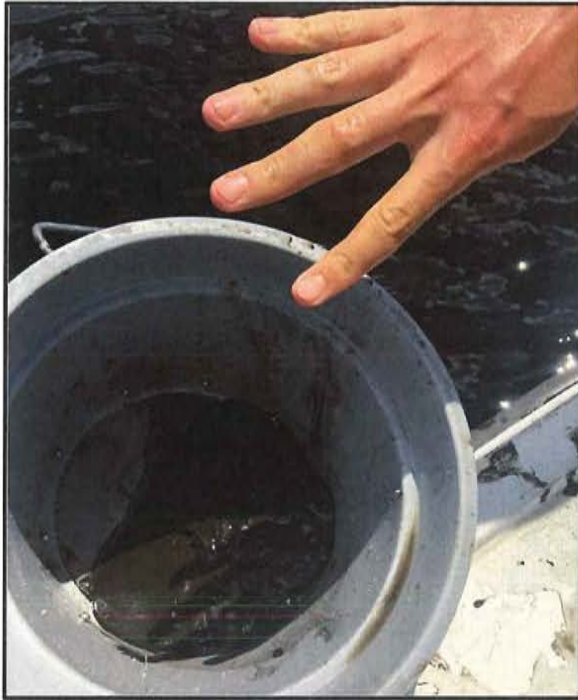
Ponar grab sample #1, on the left, and washed on the right with only shell fragments and organic debris evidenced in the substrate.



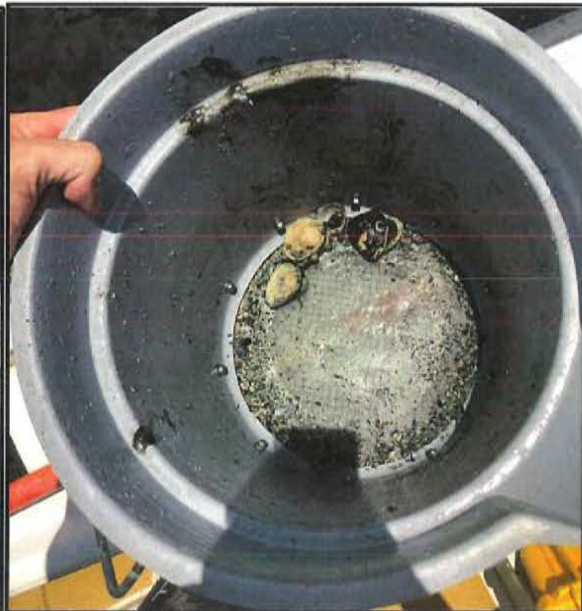
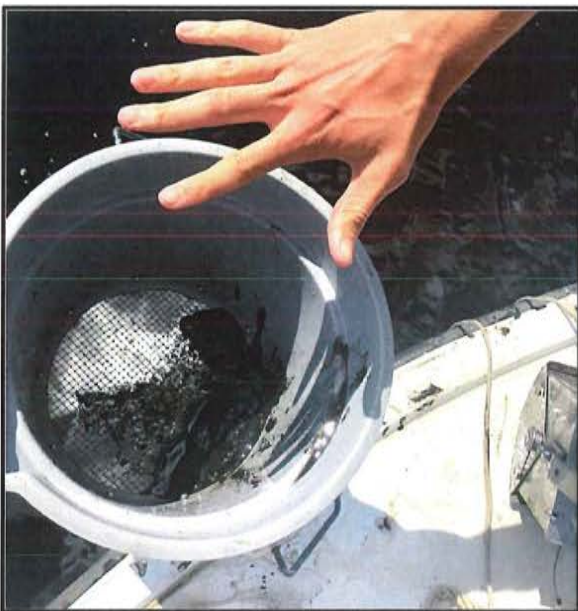
Ponar grab sample #2, on left and washed on the right. Similar results.



Ponar grab sample #3, on left and washed on the right. Bivalves were all dead.



Ponar grab sample #4, black goopy muck on the left and shell fragments when washed through the sieve on the right.



Ponar grab sample #5, similar substrate, shell fragments and remnants of bivalves.



This is a typical example of the substrate that constitutes the bottom within the footprint of the propose marina basin and entrance channel. Hand grab samples were consistently the same, fine silty sand, with organics and shell fragments.

Stacy Hewitt

From: Hans Wilson <hans@hanswilson.com>

From: Haynes, Lesli <LHaynes@leegov.com>

Sent: Wednesday, June 17, 2020 10:17 AM

To: Paul Owen <powen@dexbender.com>

Cc: Boutelle, Stephen <SBoutelle@leegov.com>

Subject: RE: LCMPP Analysis Request

Hi Paul,

It was nice speaking with you this morning. As stated, we had evaluated these 3 parcels as one project and based on current data and conditions, they rank as **Conditional**. I've attached the full score sheet and a map. In the map, you will see the qualified shoreline highlighted in purple. Mitigation measures for new slips at this property include but are not limited to: 1. Standard manatee construction conditions; 2. Manatee education activities as required per section 8.4.5; and 3. Funding for enhanced marine law enforcement per section 8.4.5. Note that the MPP determination does not alleviate the need to comply with zoning and all other applicable local, state and federal regulations, some or all of which may be more restrictive. Let me know if you need any additional information.

Thank you,

Lesli

5/10/2019

Facility	Corps reach	Shore ft	existing "slips"	ratio	rounded	Slips per 100'	max slip	expansion
Owl Creek_TalonVentures (3parcels)	32	6,595	0	65.95	66	5	330	
transferred rights				0	0			

Lesli Haynes
Marine Environmental Specialist, Sr
Lee County Natural Resources
Marine Services
1500 Monroe Street
Ft. Myers, FL 33901
239-533-8566
lhaynes@leegov.com

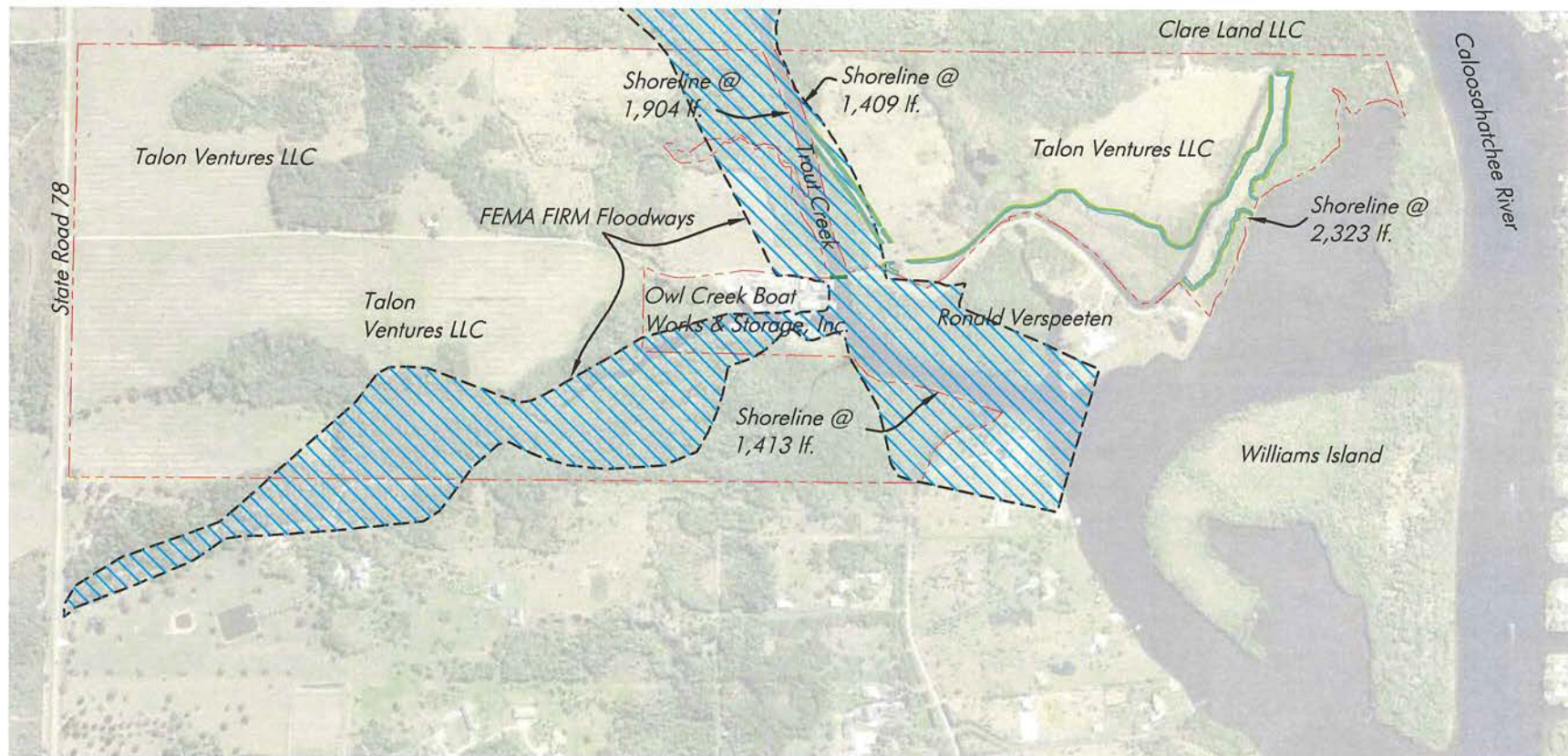
Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial

0' 500' 1,000'
SCALE FEET



Overall Site Plan

SCALE: 1" = 1,000'

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HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: March 14, 2022 4:18:08 p.m.
Drawing: HORTON3MASTER.DWG

Total project shoreline @ 7,049 lf.

Note: Property lines per Lee County Property Appraiser

PERMIT PLANS, NOT FOR CONSTRUCTION



1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

3-14-22

JWA

D R Horton

SHEET

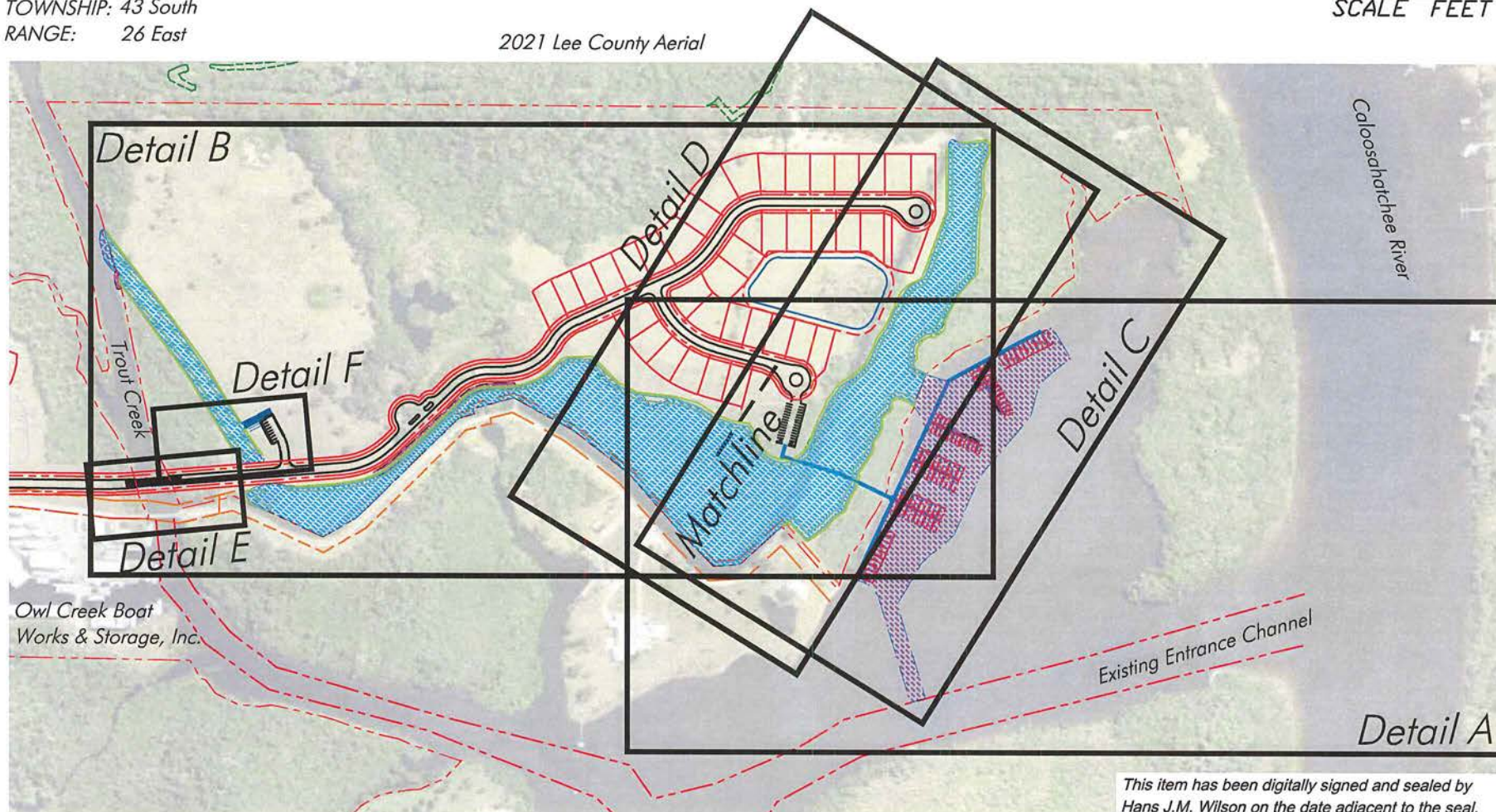
2-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial



0' 250' 500'
SCALE FEET



Total project shoreline @ 7,049 lf.

Note: Property lines per Lee County Property Appraiser

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Proposed Site Plan

SCALE: 1" = 500'

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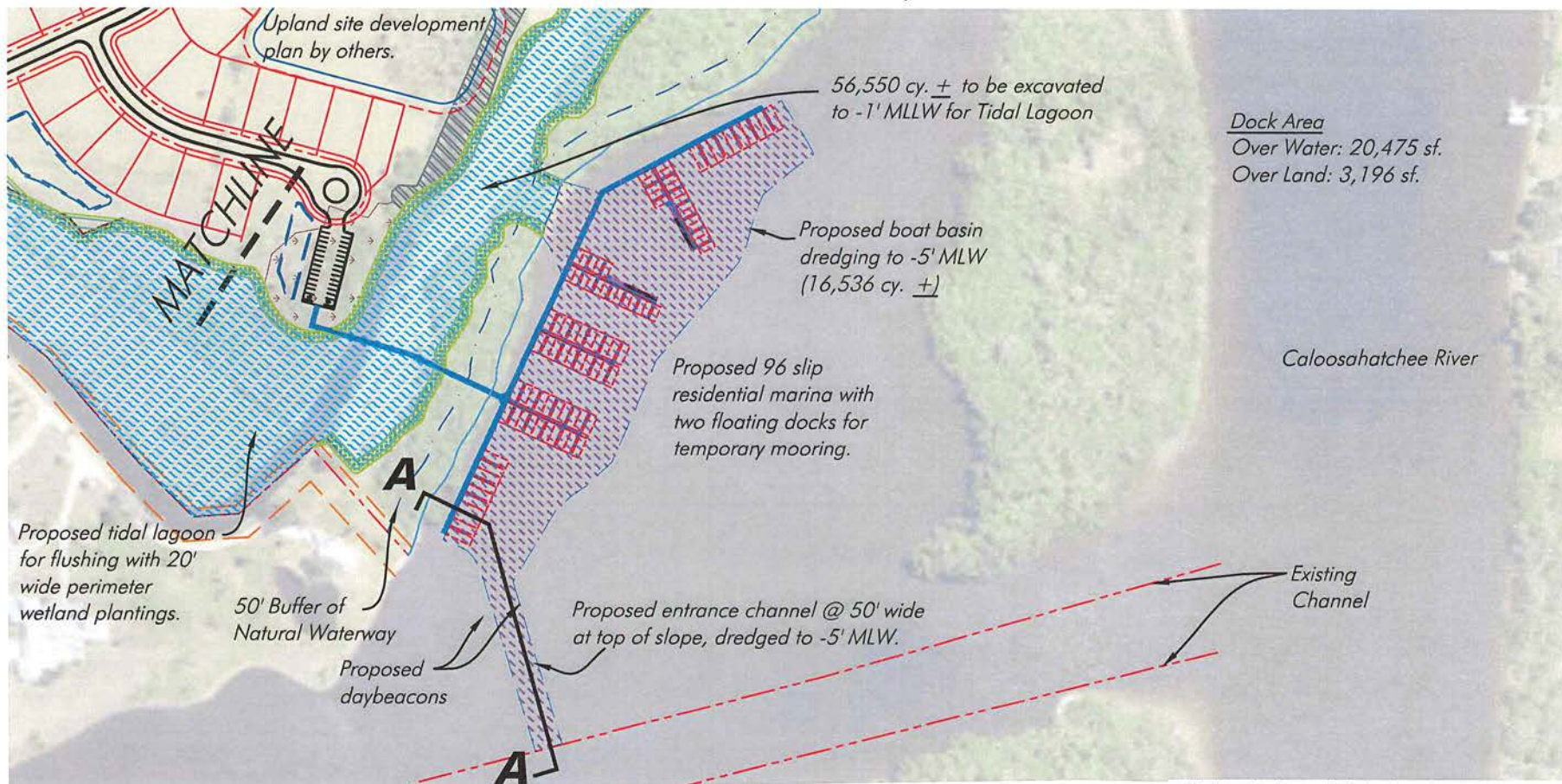
4-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial



0' 150' 300'
SCALE FEET



Detail A - Proposed Dock Plan

SCALE: 1" = 300'

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DATE: March 14, 2022 4:18:08 p.m.
Drawing: HORTON3MASTER.DWG

Note: Property lines per Lee County Property Appraiser

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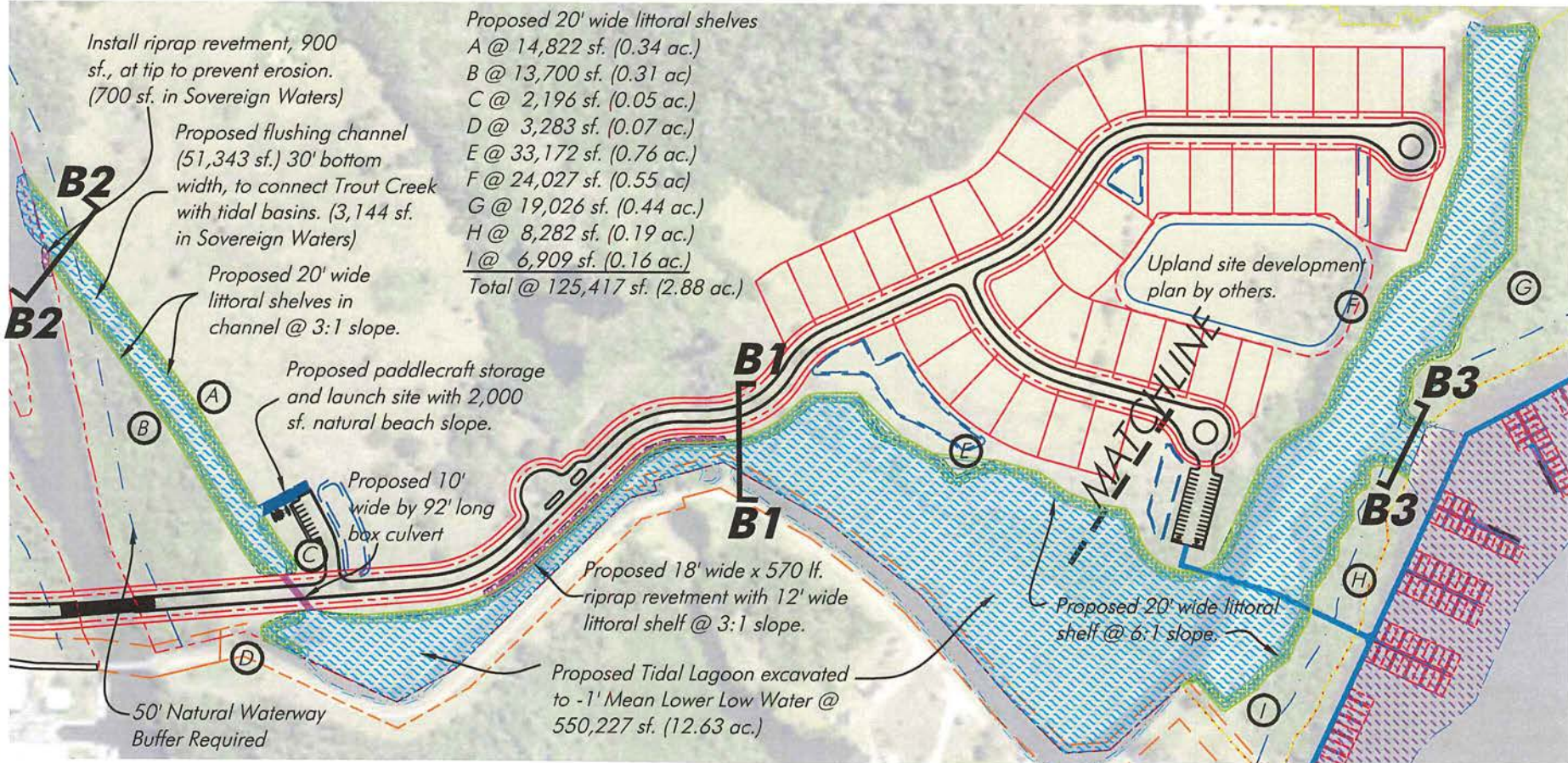
D R Horton

SHEET

5-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial



Notes: Depths reference MLW based on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

Note: Property lines per Lee County Property Appraiser

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Detail B - Tidal Lagoon/Tidal Channel

SCALE: 1" = 300'

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Drawing: HORTON3MASTER.DWG



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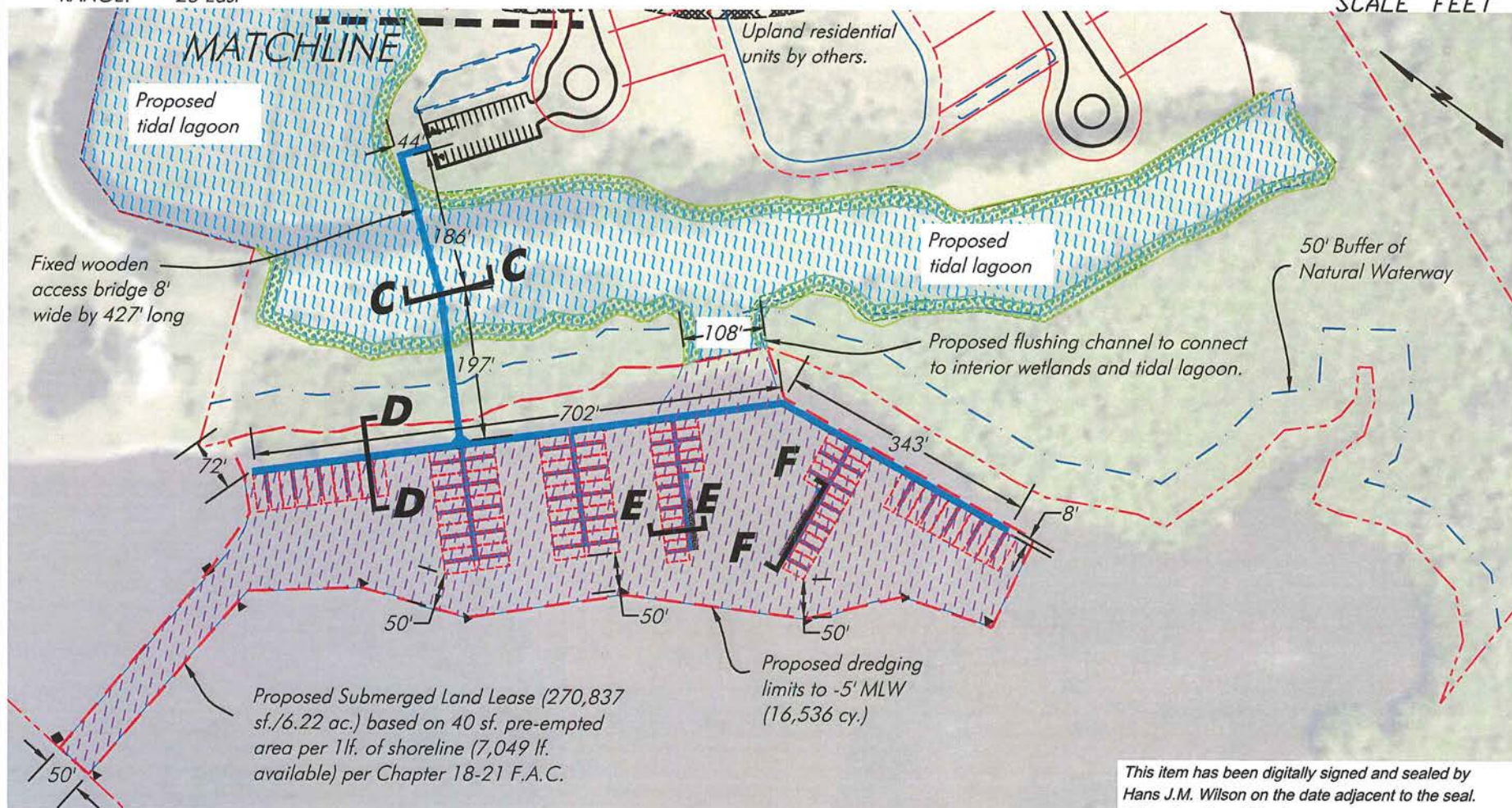
SHEET

6-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial

0 100 200
SCALE FEET



Detail C - Proposed Dredging Plan

SCALE: 1" = 200'

Note: Property lines per Lee County Property Appraiser

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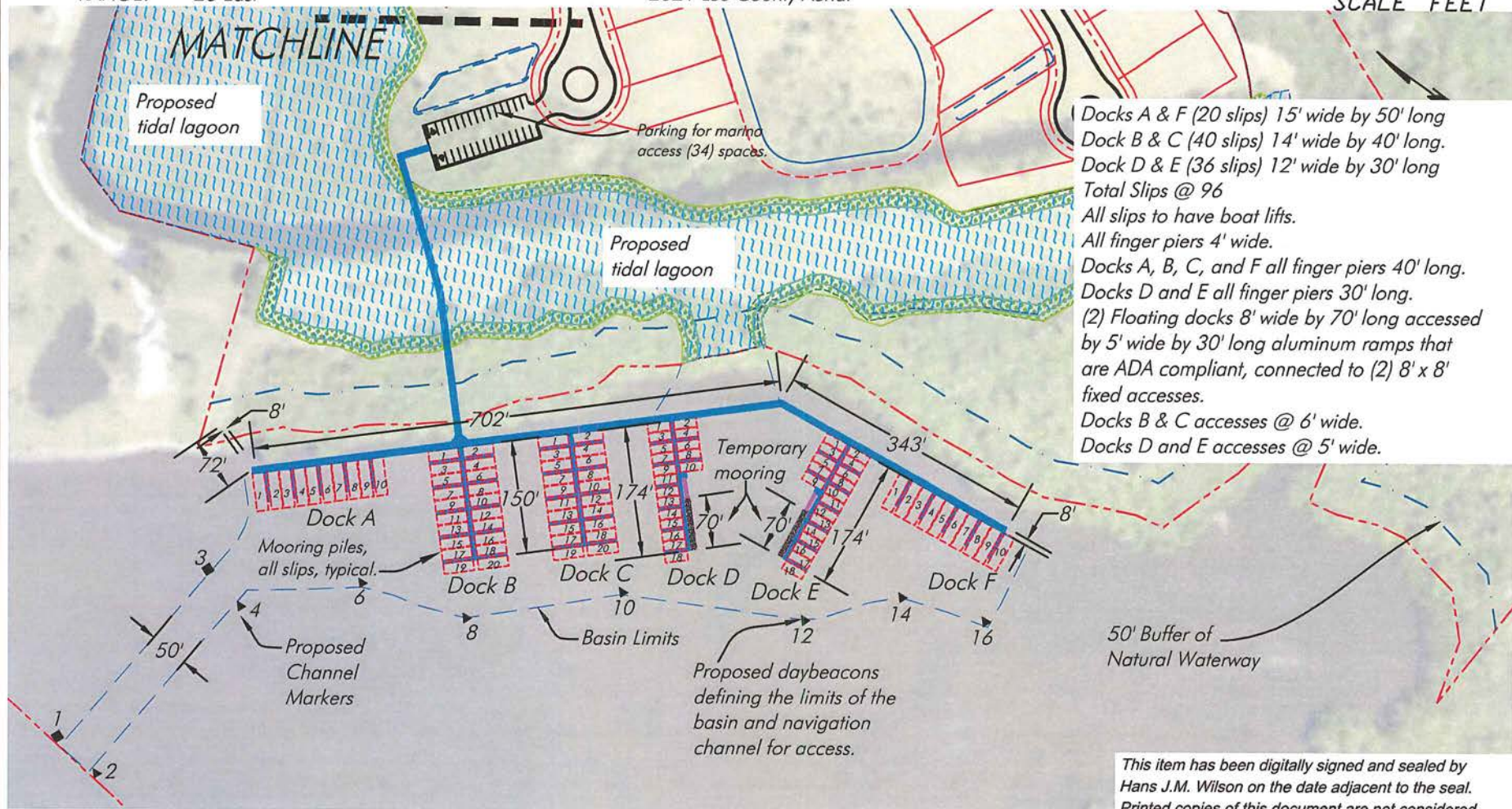
D R Horton

SHEET
8-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial

0 100 200
SCALE FEET



Detail C - Proposed Marina Plan

SCALE: 1" = 200'

Note: Property lines per Lee County Property Appraiser
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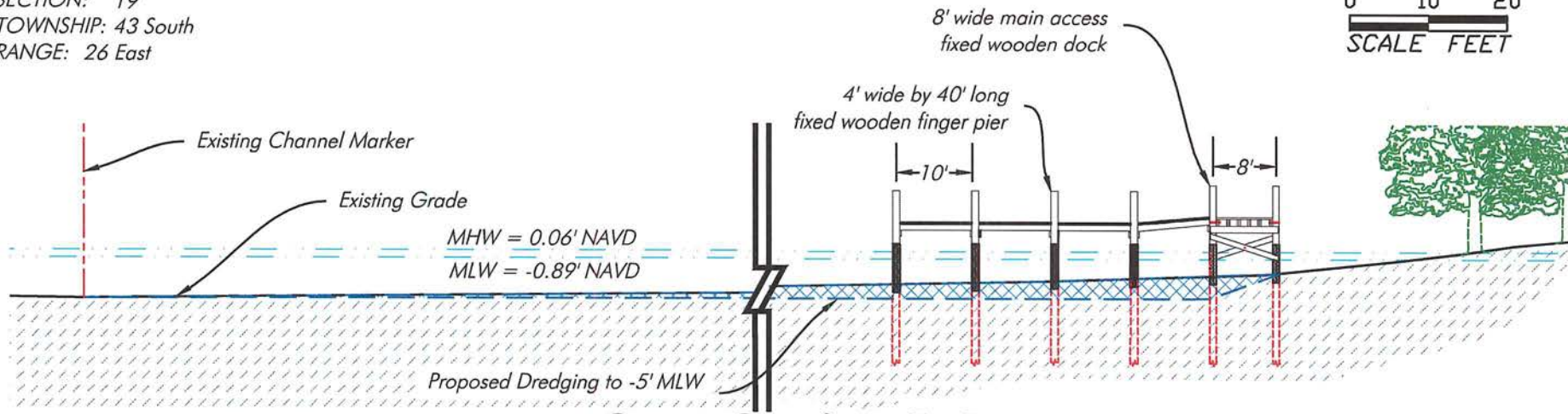
JWA

D R Horton

SHEET
9-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

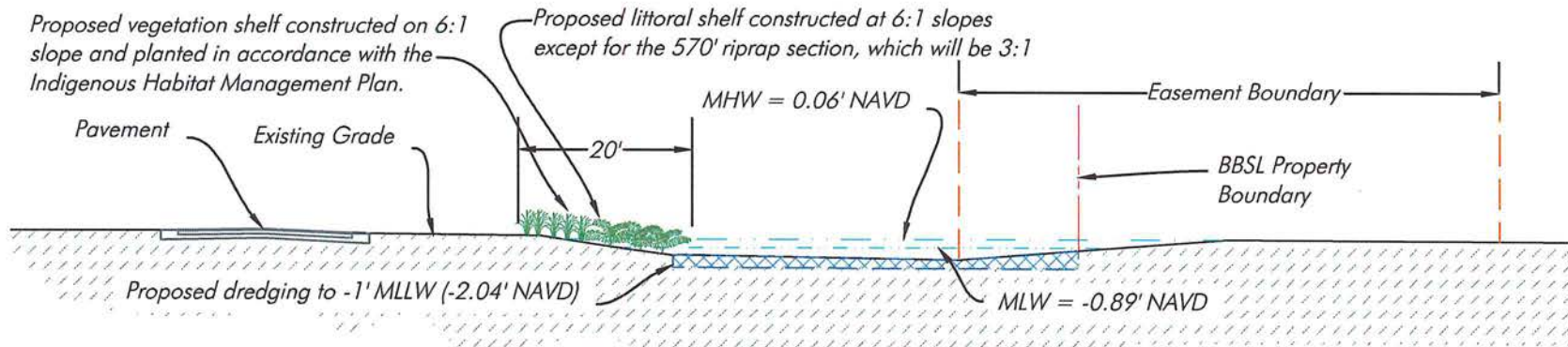
0 10 20
SCALE FEET



Cross Section A-A

SCALE: 1" = 20'

0 10 20
SCALE FEET



Cross Section B1-B1

SCALE: 1" = 20'

Notes: Depths reference MLW based on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

Note: Property lines per Lee County Property Appraiser

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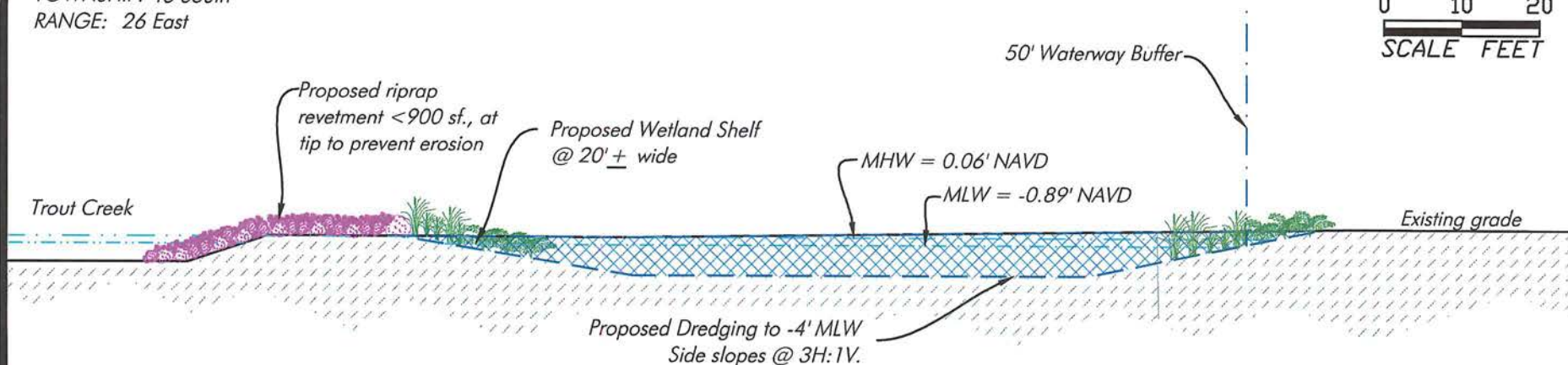
D R Horton

SHEET

13-21

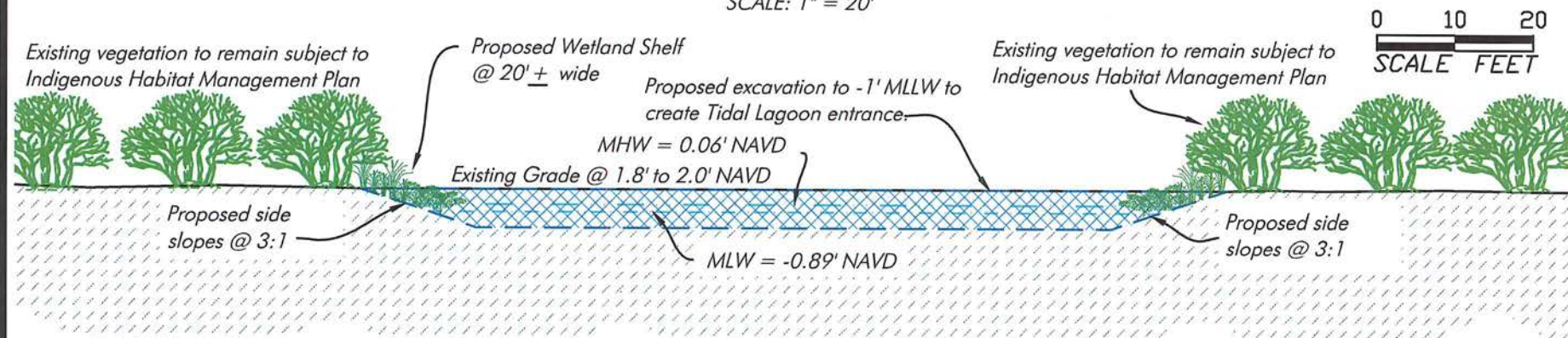
SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

0 10 20
SCALE FEET



Cross Section B2-B2

SCALE: 1" = 20'



Cross Section B3-B3

SCALE: 1" = 20'

Notes: Depths reference MLW based
on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

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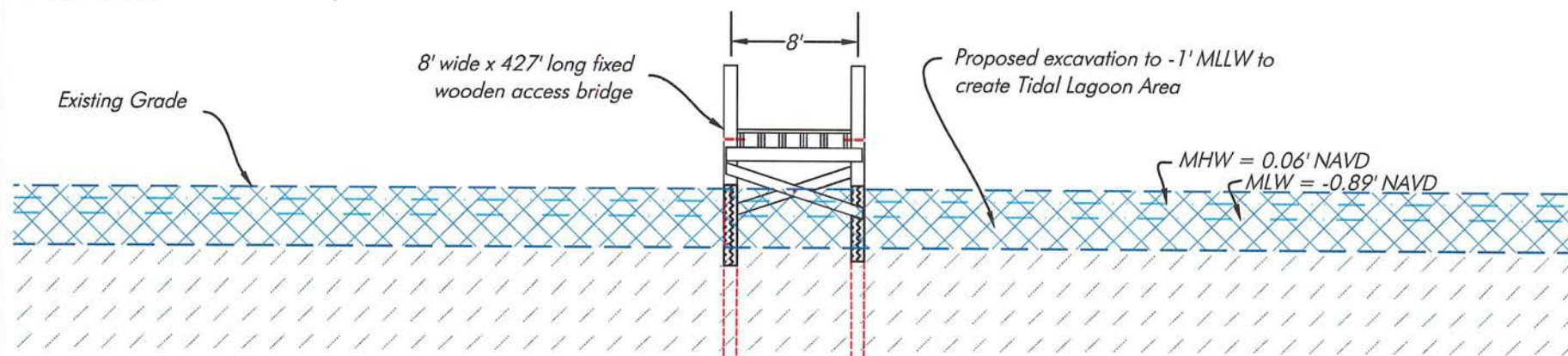
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SHEET
14-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

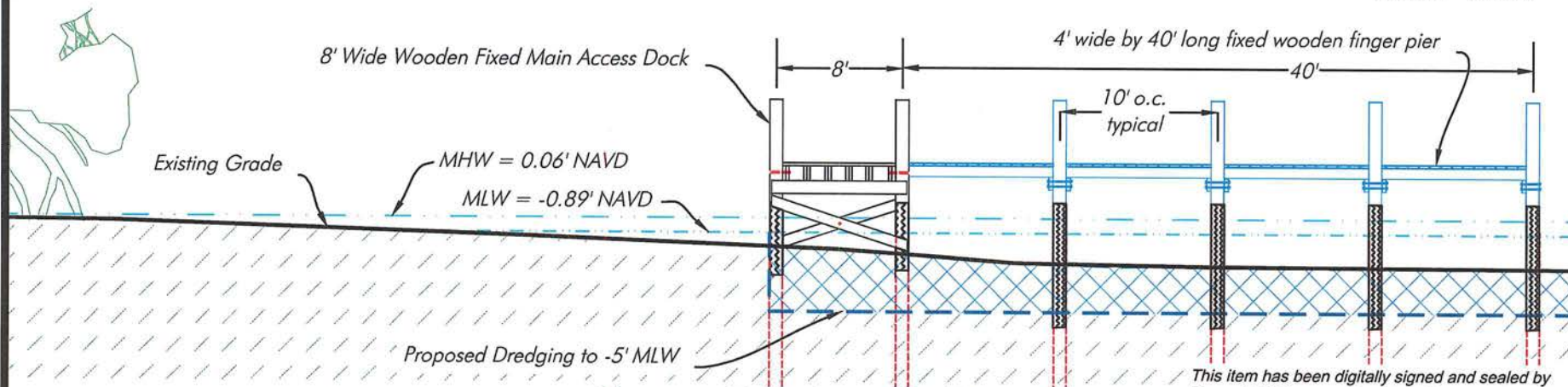
0 5 10
SCALE FEET



Cross Section C-C

SCALE: 1" = 10'

0 5 10
SCALE FEET



Cross Section D-D

SCALE: 1" = 10'

Notes: Depths reference MLW based
on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

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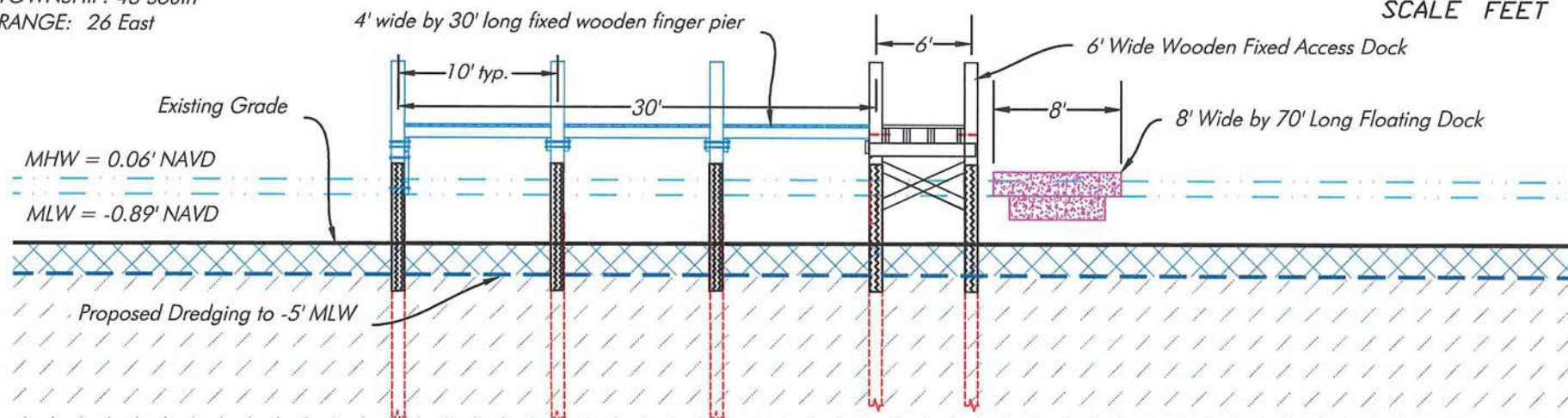
D R Horton

SHEET

15-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

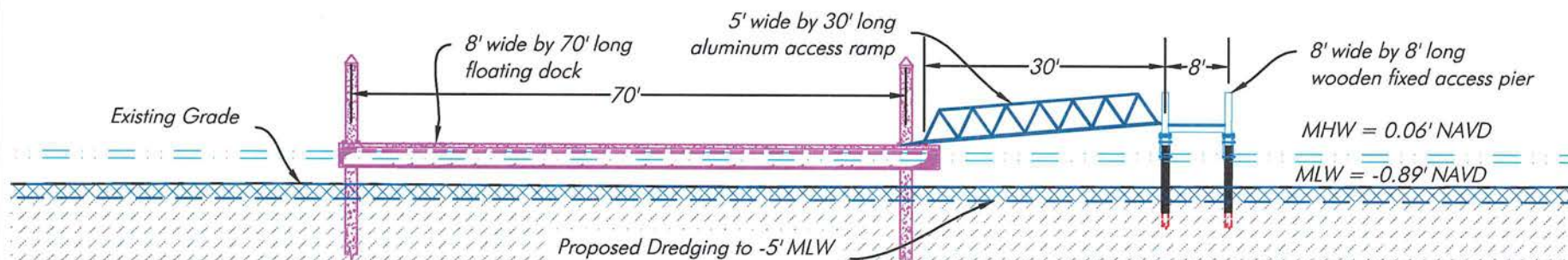
0 5 10
SCALE FEET



Cross Section E-E

SCALE: 1" = 10'

0 10 20
SCALE FEET



Cross Section F-F

SCALE: 1" = 20'

Notes: Depths reference MLW based
on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

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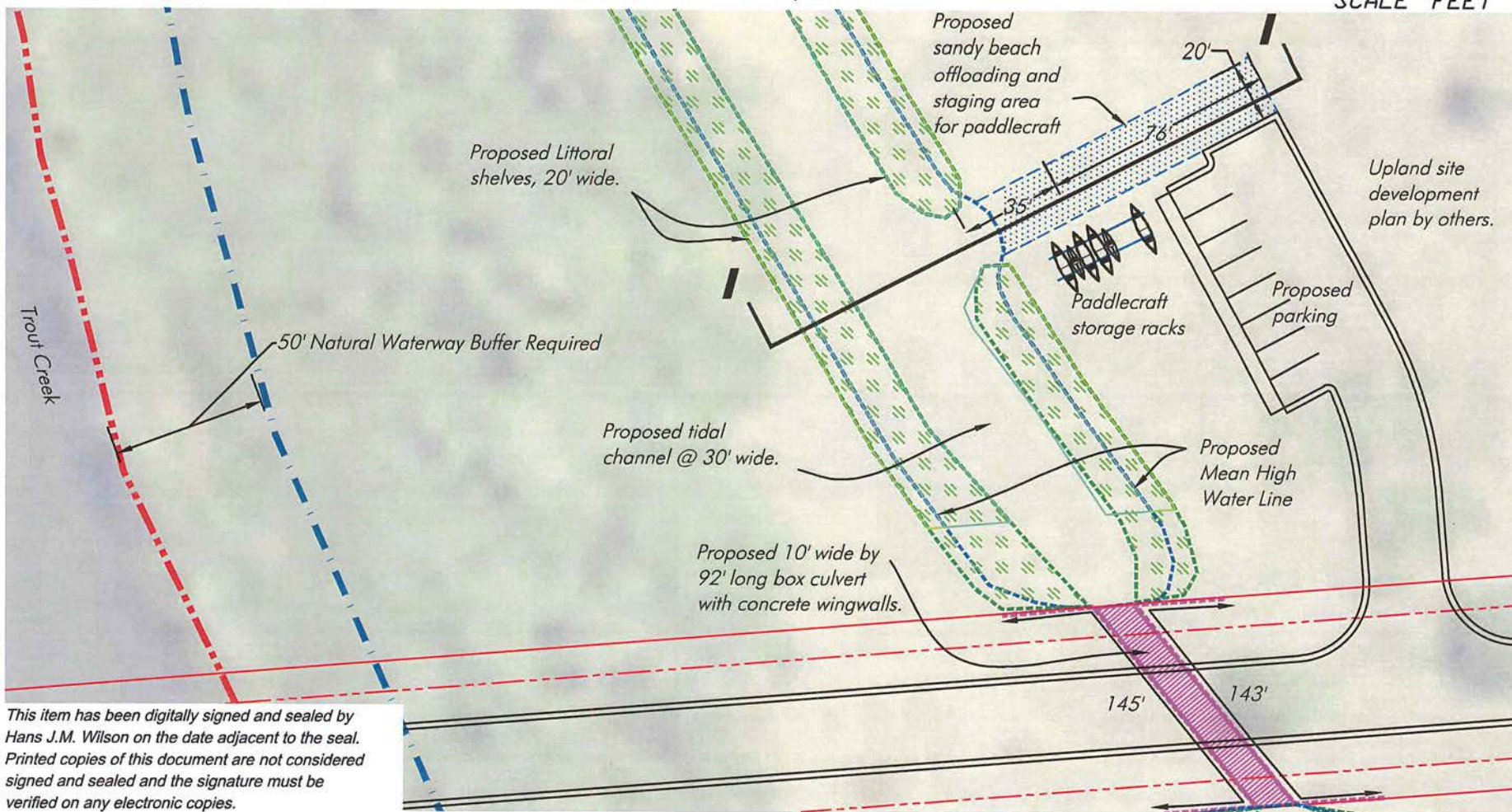
SHEET

16-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2019 Lee County Aerial

0' 25' 50'
SCALE FEET



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Detail F - Proposed Paddlecraft Ramp

SCALE: 1" = 50'

Note: Property lines per Lee County Property Appraiser

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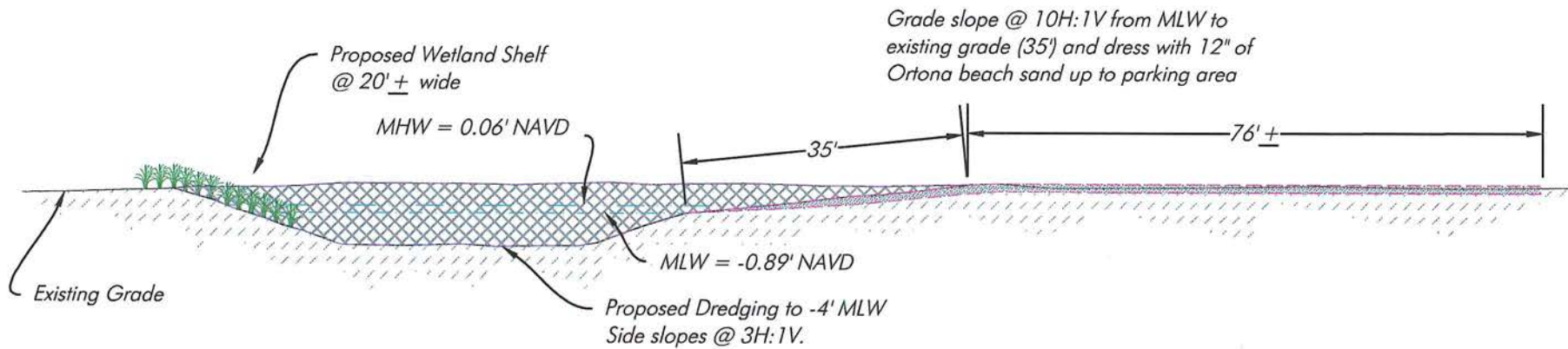
HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: March 14, 2022 4:18:08 p.m.
Drawing: HORTON3MASTER.DWG

SHEET

12-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

0 10 20
SCALE FEET



Cross Section I-I

SCALE: 1" = 20'

Notes: Depths reference MLW based
on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

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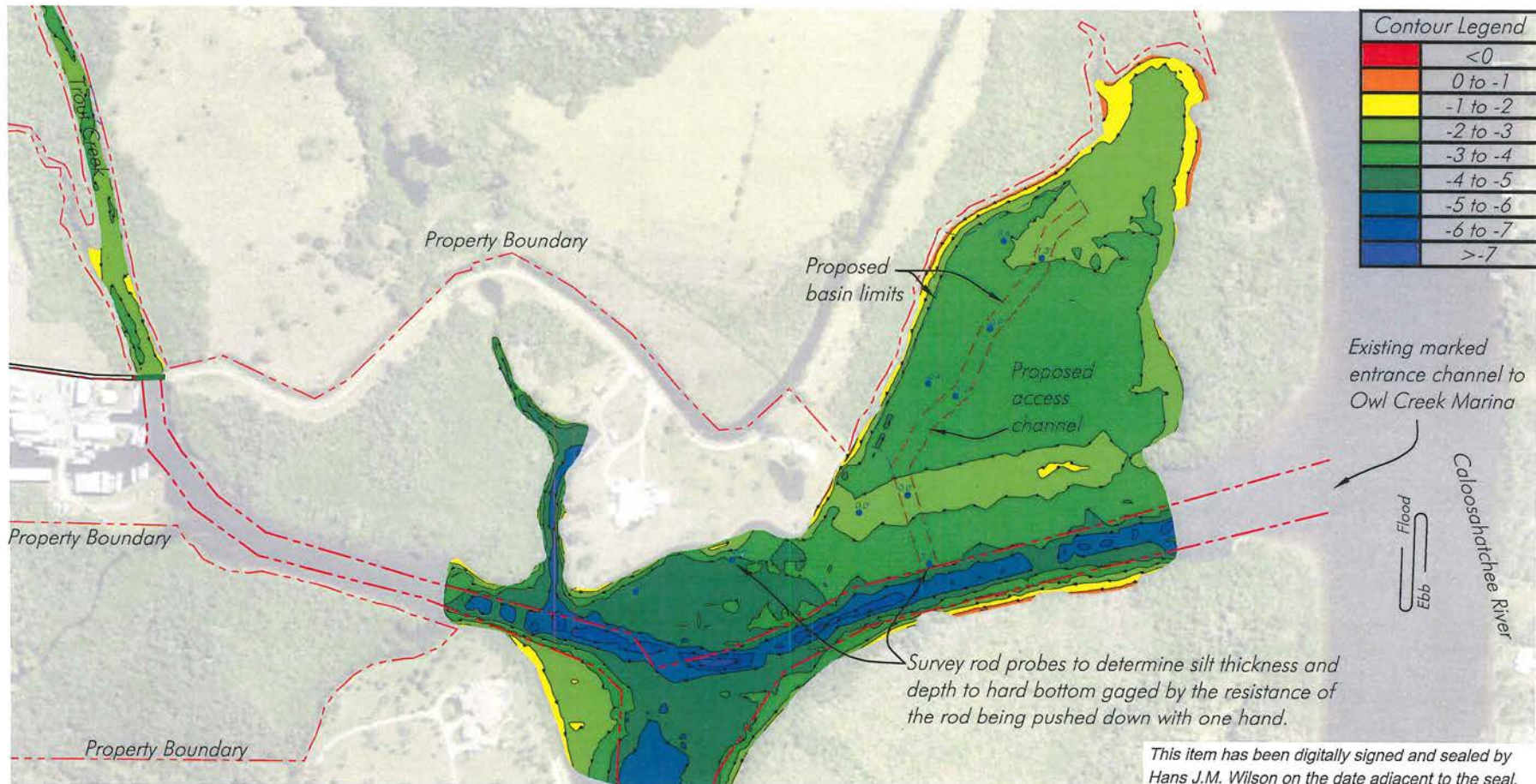
SHEET
18-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial



0' 250' 500'
SCALE FEET



Note: Silt thickness locations and elevation difference surveyed by HWA on 5-13-22

Site Bathymetry references Mean Low Water datum.

Note: Property lines per Banks Engineering.

Overall Site Bathymetry

SCALE: 1" = 500'

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FLORIDA REGISTRATION NO. 39680
DATE: April 15, 2022 4:15:29 p.m.
Drawing: HORTON3MASTER.DWG



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3-14-22

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D R Horton

SHEET

3-21

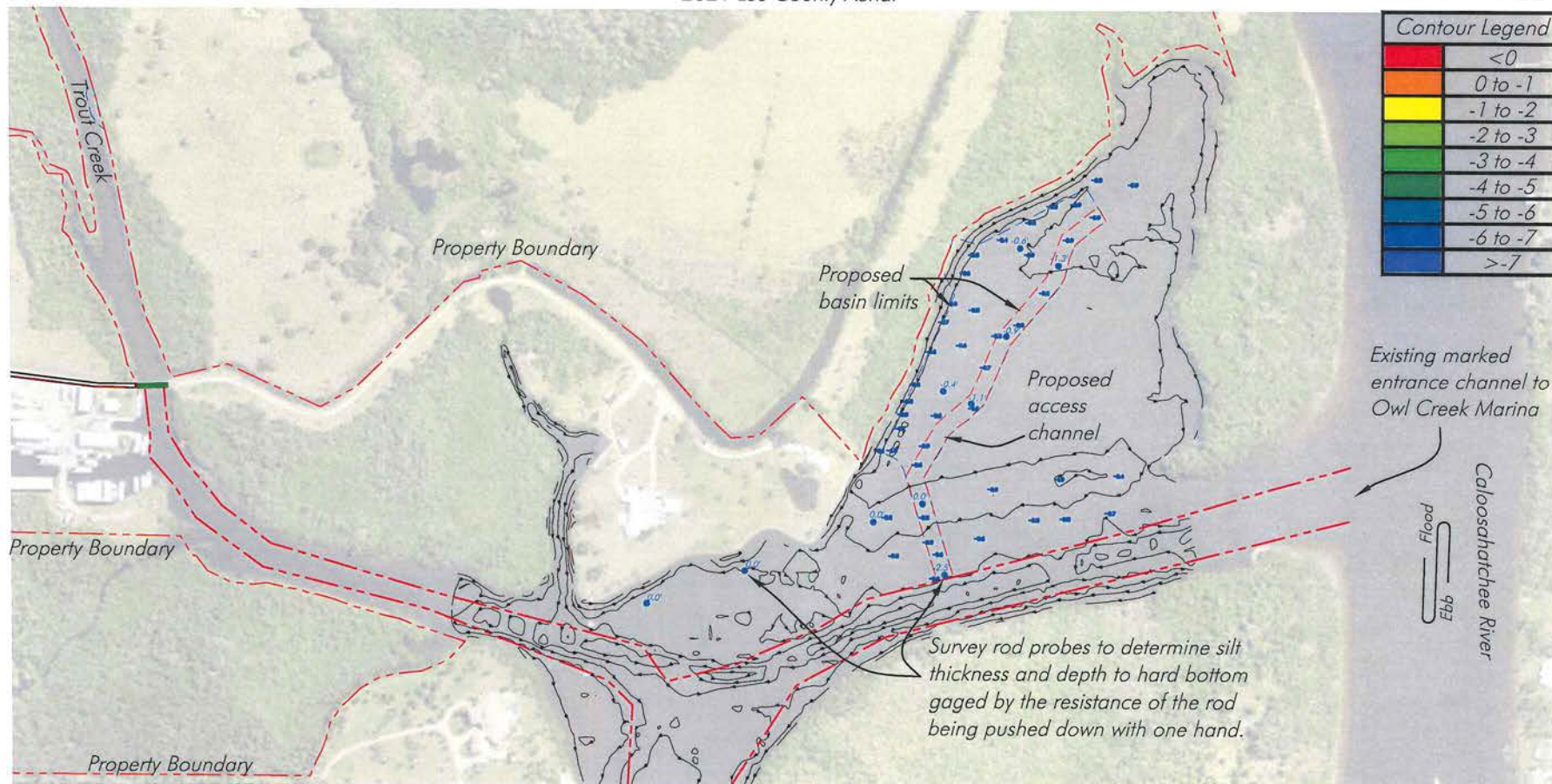
SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial



0' 250' 500'
SCALE FEET

Contour Legend	
	<0
	0 to -1
	-1 to -2
	-2 to -3
	-3 to -4
	-4 to -5
	-5 to -6
	-6 to -7
	>-7



Overall Site Bathy Text

SCALE: 1" = 500'

Note: Silt thickness locations and elevation difference surveyed by HWA on 5-13-22

Site Bathymetry references Mean Low Water datum.

Note: Property lines per Banks Engineering.

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DATE: April 15, 2022 4:15:29 p.m.
Drawing: HORTON3MASTER.DWG



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3-14-22

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SHEET

3-21

Owl Creek Reserve

Sections 18 & 19, Township 43 South, Range 26 East
Lee County, Florida

Indigenous Habitat Management Plan

August 2021
revised October 2021
revised March 2022

Prepared for:

D.R. Horton Homes
10541 Six Mile Cypress Pkwy., Suite 100
Fort Myers, FL 33966

Prepared by:

DexBender
4470 Camino Real Way, Suite 101
Fort Myers, FL 33966
(239) 334-3680

Introduction

The applicant proposes to construct a residential community at this location. This will include home sites, an amenity center, roads, a surface water management system, and a 186.10± acre wetland/upland preservation and upland/wetland restoration, and surface water areas. The preserved and enhanced indigenous and non-indigenous habitat areas are located throughout the site.

The goal of the wetland mitigation plan is to enhance or restore and preserve 186.10± acres of wetlands, uplands, and surface waters to meet Lee County Land Development Code Chapter 10-415 and to mitigate for impacts to wetlands and wildlife habitat. Exotics (as defined by the Florida Exotic Pest Plant Council's List of Invasive Species, Categories 1 and 2), which are present within the proposed preserves, will be removed to re-establish functional wetland and upland ecosystems.

The Owl Creek property has the potential to have a vital significance to wildlife, as it is located at the southern extent of the Owl and Trout Creek Wildlife Corridors. The preservation areas will become part of a contiguous wetland and upland corridor and flowway along Trout and Owl Creeks (Figure 1). The Trout Creek Wildlife Corridor connects the subject parcel to Babcock and Lee County (Telegraph Creek Preserve) Conservation Lands. Unfortunately, the current land use practices within the property and exotic vegetation infestation significantly diminish wildlife utilization. The indigenous habitat management plan (IHMP) provides an avenue for the enhancement and preservation of this important piece of land.

The wetland preservation and restoration areas consist of willow and forested habitats that contain moderate to high densities of exotics, primarily Brazilian pepper. The site development plan was designed to preserve the almost all of the wetlands throughout the site which are adjacent to Owl and Trout Creeks. The proposed activities in the wetland mitigation area which include the elimination of the exotic species seed source and supplemental planting will result in a net improvement for the wetland plant communities onsite.

The upland restoration, rare and unique upland preservation, and rare and unique upland restoration areas consist of pasture and forested habitats that contain moderate to high densities of exotics, primarily Brazilian pepper. The site development plan was designed to preserve almost all of the forested uplands throughout the site which are adjacent to Owl and Trout Creeks. The proposed activities in the upland areas which include the elimination of the exotic species seed source and supplemental planting as appropriate will result in a net improvement for the upland plant communities onsite.

Rare and unique upland habitats are defined per the Lee Plan as follows:

RARE AND UNIQUE UPLAND HABITATS (RU) High-quality native upland habitats categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation. These habitat types include those classified as sand

scrub (320); coastal scrub (322); those pine flatwoods (411) which can be categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation; slash pine/midstory oak (412); tropical hardwood (426); live oak hammock (427); and, cabbage palm hammock (428). The numbered references are to the Florida Land Use Cover and Forms Classification System (FLUCFCS) Level III (Florida Department of Transportation, 1985).

The Lee County Coastal Study (1988) includes definitions of oak hammocks and cabbage palm hammocks as follows:

Oak hammocks occupy 86 acres or 0.4% of the study area's lands. Oak hammocks are usually small in size and were once scattered throughout the study area. Usually located on a topographic rise, they are often associated with archeological features as are tropical hardwoods. This community is usually dominated by large live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), water oak (*Quercus nigra*), cabbage palm (*Sabal palmetto*), blue beech (*Carpinus caroliniana*), dahoon (*Ilex cassine*), myrsine (*Myrsine quianensis*), marlberry (*Ardisia escallonioides*), wild coffee (*Psychotria nervosa sulzneri*), and a number of ferns and epiphytes. Listed species found in these areas include the gopher tortoise (*Gopherus polyphemus* -SSC) and the eastern indigo snake (*Drymarchon corais couperi* -T). Listed flora found in oak hammocks include golden polypody fern (*Phlebodium aureum* - T), hand or adder's tongue fern (*Ophioglossum palmatum* - E), *Tillandsia valenzuela* (T), setacea (T), paucifolia (T), flexuosa (T), shoestring fern (*Vittaria lineata* - T), and butterfly orchid (*Encyclia tampensis*- T).

Cabbage palm hammocks occupy 1,000 acres or 5.1 % of the study area's lands. This upland to mesic habitat is often difficult to distinguish from the oak hammock where oaks are the dominant canopy. Cabbage palms, oaks (*Quercus* spp.) and slash pine are usually equally dominant in the well developed canopy of the cabbage palm hammock. The hammock floor may be wet or dry but always open and vegetated by ferns and grasses. Listed fauna of this habitat include the eastern indigo snake (*Drymarchon corais couperi* - T). Listed flora include goldenpolypody fern (*Phlebodium aureum* - T) and hand or adder's fern (*Ophioglossum palmatum* - E). This habitat is found most extensively on Cayo Costa and North Captive Island, the Deep Lagoon watershed and the area between the Coconut and Imperial River watersheds.

Preservation and Restoration Area Plans

Wetland Preservation

Approximately 23.56 acres of wetlands will be preserved as shown on the Enhancement and Preservation Map and Indigenous Habitat Management Monitoring Plan Map (Figures 2 and 3). Exotic vegetation will be treated and/or removed per the Initial Exotic Vegetation Treatment section below.

Wetland Restoration

A total of 82.80 acres of wetlands infested with exotic vegetation will be restored as shown on the Enhancement and Preservation Map, Indigenous Habitat Management Monitoring

Plan Map, Exotic Treatment Map, and Restoration Area Planting Map (Figures 2 - 5). Exotic vegetation will be treated and/or removed per the Initial Exotic Vegetation Treatment section below. The restoration areas will then be planted with native ground cover, shrubs, and trees, as listed in the Wetland Restoration Planting Table (Table 1). The final species list will be based upon site specific conditions and on plant material availability at the time of planting. A total of 11,121 trees, 11,121 shrubs, and 56,301 herbaceous plants will be planted in the restoration area shown on the attached Restoration Planting Plan Map (Figure 4).

Table 1. *Wetland Restoration Planting Table

Botanical Name	Common Name	Minimum Size/Container	Maximum Spacing	Quantity
Trees				
<i>Persea palustris</i>	Swamp Bay	6' tall/BR	18 Feet Centers	3,707
<i>Quercus laurifolia</i>	Laurel Oak	6' tall/BR	18 Feet Centers	3,707
<i>Fraxinus caroliniana</i>	Pop Ash	6' tall/BR	18 Feet Centers	3,707
Shrubs				
<i>Rapanea punctata</i>	Myrsine	1 Gallon	18 Feet Centers	2,780
<i>Myrica cerifera</i>	Wax Myrtle	1 Gallon	18 Feet Centers	2,780
<i>Psychotria nervosa</i>	Wild Coffee	1 Gallon	18 Feet Centers	2,780
<i>Cornus foemina</i>	Swamp Dogwood	1 Gallon	18 Feet Centers	2,780
Ground Cover				
<i>Blechnum serrulatum</i>	Swamp Fern	Liner	8 Feet Centers	14,075
<i>Osmunda regalis</i>	Royal Fern	Liner	8 Feet Centers	14,075
<i>Acrostichum sp.</i>	Leather Fern	Liner	8 Feet Centers	14,075
<i>Sagittaria sp.</i>	Arrowhead	Liner	8 Feet Centers	14,075

*Additional plant species may be included in the planting table prior to development order approval

At the time of development order, areas within the 50' or provided natural waterway buffer must demonstrate if the existing native vegetation to be retained meets the requirement of six native canopy trees and 50 native shrubs per 100 linear feet at a 1:1 credit ratio. If supplemental trees or shrubs are required to meet the required buffer plantings, trees must comply with LDC Section 10-420 and be a minimum 10' in height and shrubs must

be a minimum 24" in height at time of planting. At the time of development order, the area along North River Road must contain native canopy trees a minimum of 14' in height spaced approximately 25 feet on center per LDC Section 33-1673.

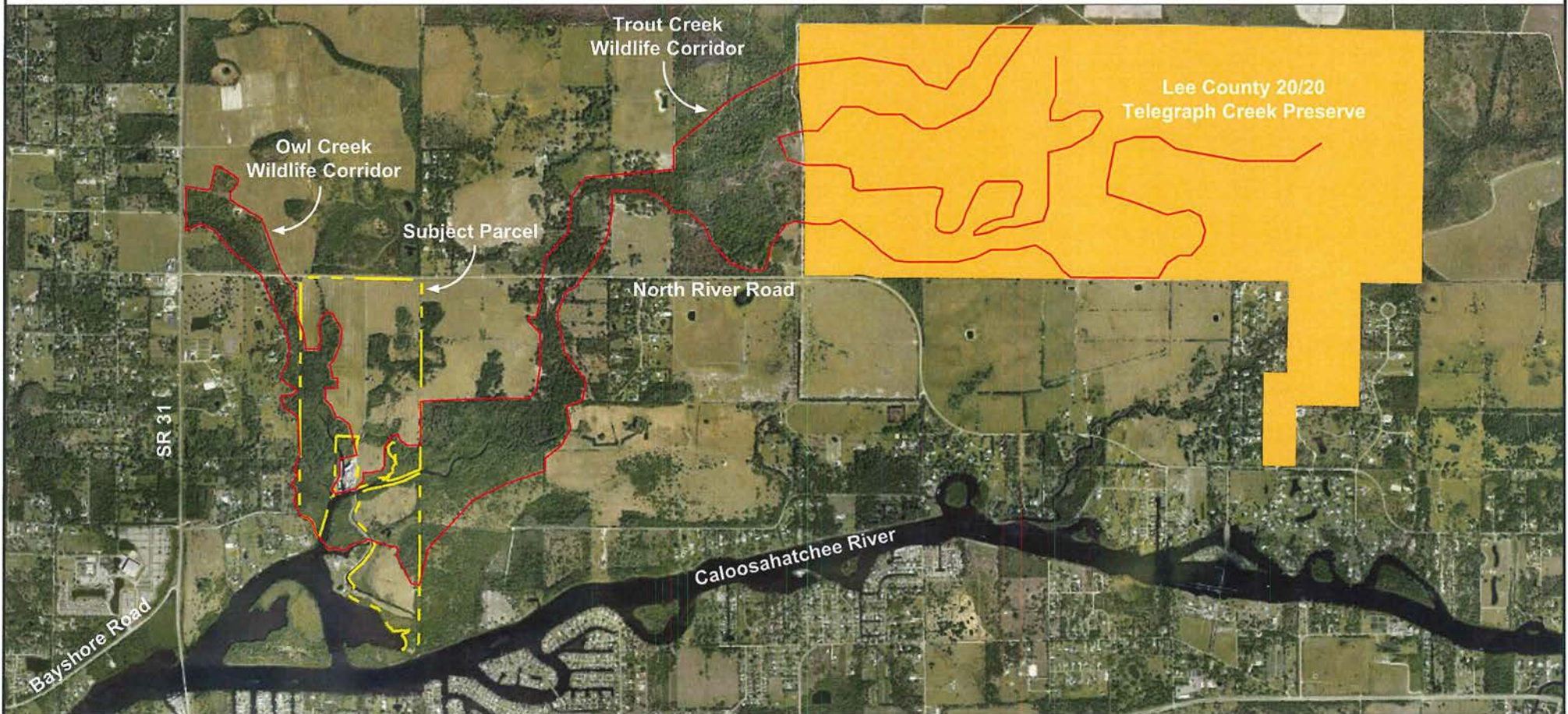
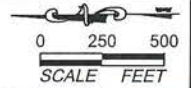
Upland Restoration

Approximately 1.62 acres of Hardwood-Coniferous Mixed, Disturbed, Invaded by Exotics (76-90%) (FLUCCS 434DE4) uplands will be restored as shown on the Enhancement and Preservation Map, Indigenous Habitat Management Monitoring Plan Map, Exotic Treatment Map, and Restoration Area Planting Map (Figures 2 - 5). Exotic vegetation will be treated and/or removed per the Initial Exotic Vegetation Treatment section below. The upland restoration area will then be planted with native ground cover, shrubs, and trees, as listed in the Upland Restoration Planting Table (Table 2). The final species list will be based upon site specific conditions and on plant material availability at the time of planting. A total of 220 trees, 220 shrubs, and 1,109 herbaceous plants will be planted in the restoration area shown on the attached Restoration Area Planting Map (Figures 4). Cabbage palms from the development footprint may be relocated and used for the restoration planting plan below.

Table 2. *Upland Restoration Planting Table

Botanical Name	Common Name	Minimum Size/Container	Maximum Spacing	Quantity
Trees				
<i>Quercus virginiana</i>	Live Oak	6' tall/BR	18 Feet Centers	55
<i>Quercus laurifolia</i>	Laurel Oak	6' tall/BR	18 Feet Centers	55
<i>Sabal palmetto</i>	Cabbage Palm	6' tall/FG	18 Feet Centers	55
<i>Pinus elliottii</i>	Slash Pine	6' tall/FG	18 Feet Centers	55
Shrubs				
<i>Rapanea punctata</i>	Myrsine	1 Gallon	18 Feet Centers	44
<i>Myrica cerifera</i>	Wax Myrtle	1 Gallon	18 Feet Centers	44
<i>Psychotria nervosa</i>	Wild Coffee	1 Gallon	18 Feet Centers	44
<i>Eugenia foetida</i>	Spanish Stopper	1 Gallon	18 Feet Centers	44
<i>Callicarpa americana</i>	Beauty Berry	1 Gallon	18 Feet Centers	44
Ground Cover				
<i>Serenoa repens</i>	Saw Palmetto	Liner	8 Feet Centers	222

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



Notes:

1. Owl Creek development property boundary was obtained from Banks Engineering.
2. Telegraph Creek Preserve property boundary is approximate and was obtained from the Lee County Property Appraisers website.
3. Mapping based on photo interpretation of 2019 aerial photography and ground truthing in February 2020.

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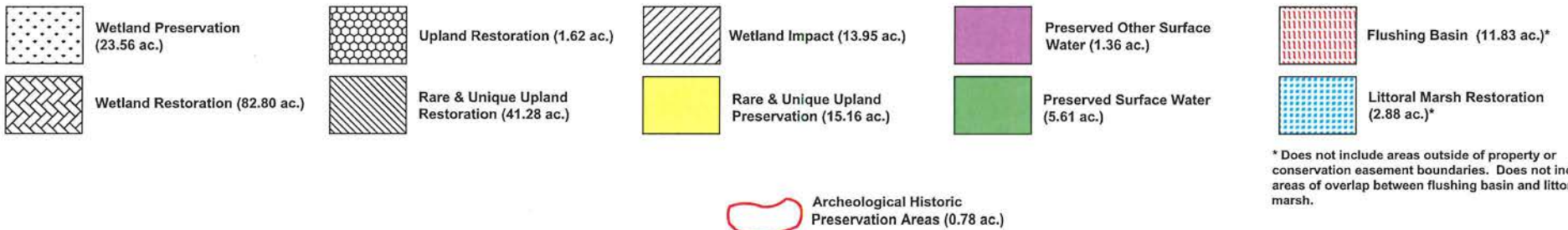
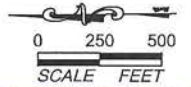
July 09, 2021 2:22:50 p.m.
Drawing: DRHOR-455 WILDLIFE CORRIDOR.DWG

Figure 1. Owl Creek Wildlife Corridor Map

Owl Creek Parcel

BDEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680

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



* Does not include areas outside of property or conservation easement boundaries. Does not include areas of overlap between flushing basin and littoral marsh.

Notes:

1. Property boundary and development footprint obtained from Banks Engineering.
2. Limits of wetlands were approved by SFWMD via a Formal Determination dated November 12, 2021.

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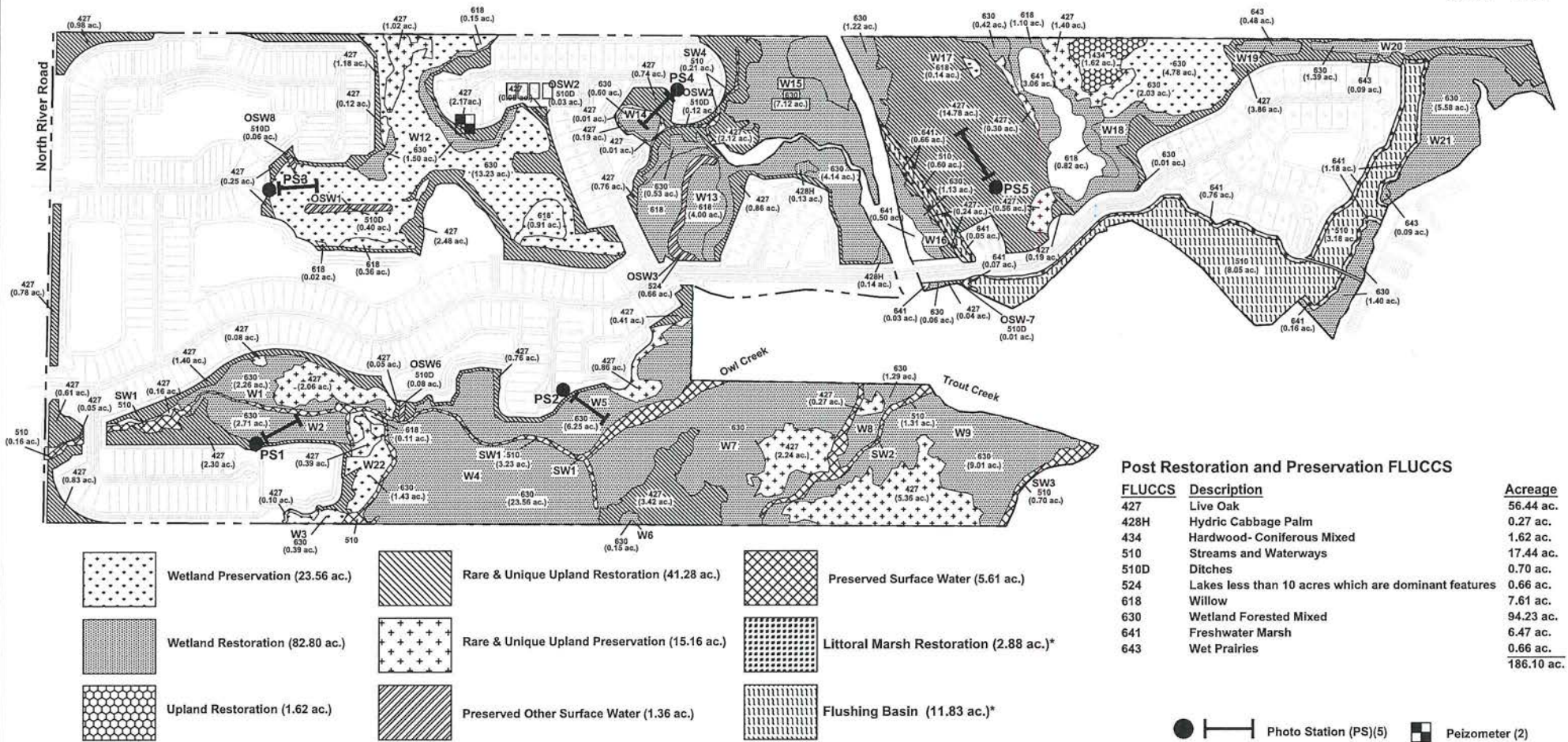
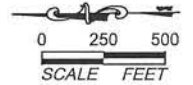
March 11, 2022 11:18:16 a.m.
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Figure 2. Enhancement & Preservation Map

Owl Creek Parcel

BDEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680

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



Notes:
1. Property boundary and site plan were obtained from Banks Engineering.
2. Mapping based on photointerpretation of 2019 aerial photography and ground truthing in February 2020.
3. Limits of wetlands were approved by SFWMD via a Formal Determination dated November 12, 2021.
4. FLUCCS table includes preserved wetlands, surface waters, other surface waters, and uplands.

* Does not include areas outside of property or conservation easement boundaries. Does not include areas of overlap between flushing basin and littoral marsh.

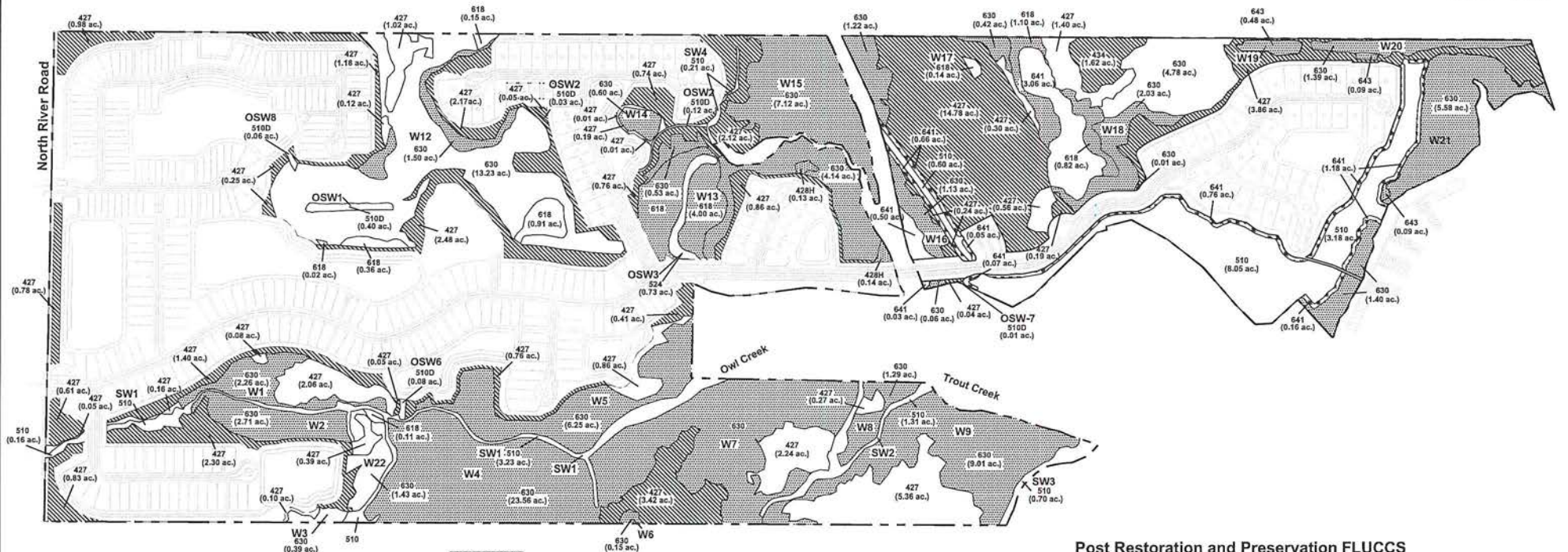
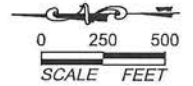
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Figure 3. Indigenous Habitat Management Monitoring Plan Map

Owl Creek Parcel

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



Post Restoration and Preservation FLUCCS

FLUCCS	Description	Acreage
427	Live Oak	56.44 ac.
428H	Hydrich Cabbage Palm	0.27 ac.
434	Hardwood- Coniferous Mixed	1.62 ac.
510	Streams and Waterways	17.44 ac.
510D	Ditches	0.70 ac.
524	Lakes less than 10 acres which are dominant features	0.66 ac.
618	Willow	7.61 ac.
630	Wetland Forested Mixed	94.23 ac.
641	Freshwater Marsh	6.47 ac.
643	Wet Prairies	0.66 ac.
		186.10 ac.

Notes:
1. Property boundary and site plan were obtained from Banks Engineering.
2. Mapping based on photointerpretation of 2019 aerial photography and ground truthing in February 2020.
3. Limits of wetlands were approved by SFWMD via a Formal Determination dated November 12, 2021.
4. FLUCCS table includes preserved wetlands, surface waters, other surface waters, and uplands.

*See the Indigenous Habitat Management Plan for the proposed planting details including species and spacing. Plantings will be installed following initial exotic vegetation treatment.

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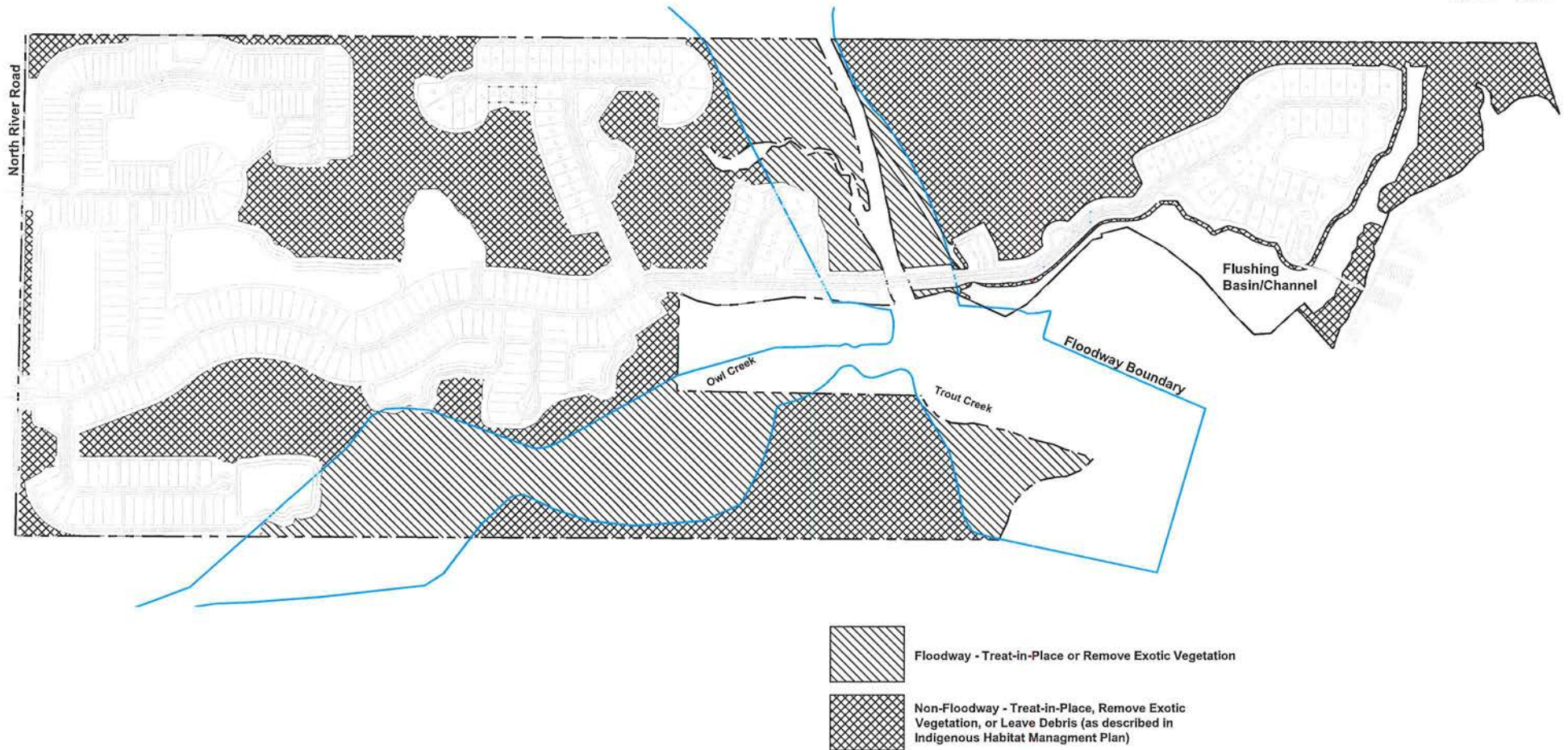
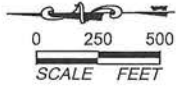
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Figure 4. Restoration Areas Planting Plan Map

Owl Creek Parcel

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



Notes:

1. Property boundary, site plan, and floodway boundary were obtained from Banks Engineering.
2. Limits of wetlands were approved by SFWMD via a Formal Determination dated November 12, 2021.
3. Access for the initial exotic vegetation treatment to the Indigenous vegetation preserves will be via the existing farm fields.

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March 11, 2022 11:33:01 a.m.
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Figure 5. Exotic Vegetation Treatment Map

Owl Creek Parcel

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FORT MYERS 239-334-3680

<i>Muhlenbergia</i> sp.	Muhley Grass	Liner	8 Feet Centers	222
<i>Andropogon virginicus</i>	Broom Sedge	Liner	8 Feet Centers	222
<i>Aristida beyrichiana</i>	Wiregrass	Liner	8 Feet Centers	222
<i>Spartina bakeri</i>	Cordgrass	Liner	8 Feet Centers	222

*Additional plant species may be included in the planting table prior to development order approval

Rare and Unique Upland Preservation

Approximately 15.16 acres of rare and unique uplands will be preserved as shown on the Enhancement and Preservation Map and Indigenous Habitat Management Plan Map (Figures 2 and 3). Exotic vegetation will be treated and/or removed per the Initial Exotic Vegetation Treatment section below.

Rare and Unique Upland Restoration

Approximately 41.28 acres of existing upland pastures and disturbed exotic vegetation infested uplands will be restored to live oak hammocks (FLUCCS 427) which are Rare and Unique Uplands per the definition in the Lee Plan as shown on the Enhancement and Preservation Map, Indigenous Habitat Management Monitoring Plan Map, Exotic Treatment Map, and Restoration Area Planting Map (Figures 2 - 5). The upland pastures that are proposed to be restored to rare and unique uplands currently have very few native plants which would be considered typical of the live oak hammock community. The disturbed exotic vegetation infested uplands include live oak hammocks and hydric Brazilian pepper and have approximately 10-25% coverage by native plant species typical of the live oak hammock community. The non-native herbaceous plants will be treated in place and the non-native shrubs and trees will be removed prior to planting.

The only fill that will be placed in these areas will be at North River Road buffer and some minor grading may be necessary in the other areas onsite. The existing soils should support the restoration to live oak hammocks as these communities were present in these locations historically. If any of the planting areas have compacted soils, the soil area around each planting will be loosened. This may be accomplished by hand or mechanical means. Exotic vegetation will be treated and/or removed per the Initial Exotic Vegetation Treatment section below. The restoration area will then be planted with native ground cover and trees, as listed in the Rare and Unique Upland Restoration Planting Table (Table 3). The final species list will be based upon site specific conditions and on plant material availability at the time of planting. A total of 5,539 trees, 5,539 shrubs, and 28,042 herbaceous plants will be planted in the restoration area shown on the attached Restoration Area Planting Plan Map (Figure 4). Cabbage palms from the development footprint may be relocated and used for the restoration planting plan below.

Table 3. *Rare and Unique Upland Restoration Planting Table

Botanical Name	Common Name	Minimum Size/Container	Maximum Spacing	Quantity
Trees				
<i>Quercus virginiana</i>	Live Oak	6' tall/BR	18 Feet Centers	2,770
<i>Quercus laurifolia</i>	Laurel Oak	6' tall/BR	18 Feet Centers	1,385
<i>Sabal palmetto</i>	Cabbage Palm	6' tall/FG	18 Feet Centers	1,385
Shrubs				
<i>Rapanea punctata</i>	Myrsine	1 Gallon	18 Feet Centers	1,108
<i>Myrica cerifera</i>	Wax Myrtle	1 Gallon	18 Feet Centers	1,108
<i>Psychotria nervosa</i>	Wild Coffee	1 Gallon	18 Feet Centers	1,108
<i>Eugenia foetida</i>	Spanish Stopper	1 Gallon	18 Feet Centers	1,108
<i>Callicarpa americana</i>	Beauty Berry	1 Gallon	18 Feet Centers	1,108
Ground Cover				
<i>Serenoa repens</i>	Saw Palmetto	Liner	8 Feet Centers	5,608
<i>Muhlenbergia</i> sp.	Muhley Grass	Liner	8 Feet Centers	5,608
<i>Andropogon virginicus</i>	Broom Sedge	Liner	8 Feet Centers	5,608
<i>Aristida beyrichiana</i>	Wiregrass	Liner	8 Feet Centers	5,608
<i>Spartina bakeri</i>	Cordgrass	Liner	8 Feet Centers	5,608

*Additional plant species may be included in the planting table prior to development order approval

At the time of development order, areas within the 50' or provided natural waterway buffer must demonstrate if the existing native vegetation to be retained meets the requirement of six native canopy trees and 50 native shrubs per 100 linear feet at a 1:1 credit ratio. If supplemental trees or shrubs are required to meet the required buffer plantings, trees must comply with LDC Section 10-420 and be a minimum 10' in height and shrubs must be a minimum 24" in height at time of planting. At the time of development order, the area along North River Road must contain native canopy trees a minimum of 14' in height spaced approximately 25 feet on center per LDC Section 33-1673.

Littoral Marsh Restoration

Approximately 2.88 acres of hydric and upland pasture will be restored to littoral marsh wetlands as shown on the Enhancement and Preservation Map, Indigenous Habitat Management Monitoring Plan Map, Exotic Treatment Map, and Restoration Area Planting Map (Figures 2 - 5). Approximately 1.86 acres of the littoral marsh are included in the flushing basin. The existing pasture will be excavated and sloped appropriately to transition from the uplands to the created flushing basin. Spoil material will be removed and used in development areas of the site. The restoration area will then be planted with native ground cover and trees, as listed in the Wetland Restoration Planting Table (Table 4). The final species list will be based upon site specific conditions and on plant material availability at the time of planting. A total of 1,961 herbaceous plants will be planted in the restoration area shown on the attached Restoration Area Planting Plan Map (Figure 4). The plantings will be installed in the 18'-20' wide littoral marsh restoration (vegetation shelf) area shown in the cross-section below. The slope of the littoral shelf will be 6:1 except where it will be 3:1 in the proposed riprap.

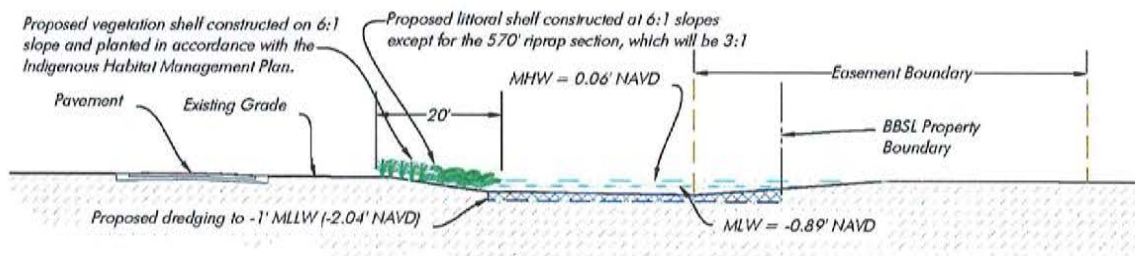


Table 4. *Wetland Restoration Planting Table

Botanical Name	Common Name	Minimum Size/Container	Maximum Spacing	Quantity
Ground Cover				
<i>Acrostichum</i> sp.	Leather Fern	Liner	8 Feet Centers	245
<i>Juncus roemerianus</i>	Black Needle Rush	Liner	8 Feet Centers	245
<i>Thalia geniculata</i>	Fire Flag	Liner	8 Feet Centers	245
<i>Osmunda regalis</i>	Royal Fern	Liner	8 Feet Centers	245
<i>Nuphar luteum</i>	Spatterdock	Liner	8 Feet Centers	245
<i>Spartina bakeri</i>	Sand Cordgrass	Liner	8 Feet Center	245
<i>Pontederia cordata</i>	Pickerelweed	Liner	8 Feet Centers	245
<i>Sagittaria</i> sp.	Arrowhead	Liner	8 Feet Centers	245

*Additional plant species may be included in the planting table prior to development order approval

At the time of development order, areas within the 50' or provided natural waterway buffer must demonstrate if the existing native vegetation to be retained meets the requirement of six native canopy trees and 50 native shrubs per 100 linear feet at a 1:1 credit ratio. If supplemental trees or shrubs are required to meet the required buffer plantings, trees must comply with LDC Section 10-420 and be a minimum 10' in height and shrubs must be a minimum 24" in height at time of planting.

Flushing Basin

Additionally, 11.83 acres of hydric pasture, upland pasture, and exotic vegetation dominated wetlands will be restored to surface water habitat as part of the flushing basin associated with the proposed docking facility. Approximately 1.86 acres of the littoral shelf are within the flushing basin. This flushing basin will act as a tidal pump and will connect to Trout Creek east of the proposed access bridge and to the interface of Trout Creek and the Caloosahatchee River at the proposed docking facility in the south of the site, improving the water quality in the vicinity of the docking facility. These areas will be excavated to appropriate grades and will transition into the wetland restoration area. Spoil material will be removed and used in development areas of the site. Please see Figure 3. Please see the cross section of the proposed flushing basin and littoral marsh restoration area above.

Surface Water and Other Surface Water Preservation

Approximately 5.61 acres of surface waters and 1.36 acres of other surface waters will be preserved as shown on the Enhancement and Preservation Map and Indigenous Habitat Management Plan Map (Figures 2 and 3).

Initial Exotic Vegetation Treatment

All exotic and nuisance species (defined per LDC Sec. 10-420(f) and Category I and II species on the Florida Exotic Pest Plant Council's List of Invasive Species) within the upland and wetland preservation areas will be treated as shown on the Exotic Vegetation Treatment Map (Figure 5). A vegetation removal permit associated with the development order is required for the initial exotic vegetation treatment.

Non-native trees and shrubs will be cut by chainsaw or machete just above natural grade and the stump treated with an appropriate herbicide suitable for aquatic application. Treatment will occur immediately following cutting to ensure maximal uptake of the herbicide. All preserved areas will have the resulting vegetative material from the Conservation Easement and disposed of in accordance with local regulations. If non-woody exotics, such as cattail, are present within the preserve they will be treated by a foliar application of an appropriate herbicide suitable for aquatic application. Herbicides will be used in strict accordance with label directions by trained applicators. Care will be taken to reduce damage to non-target native species to the maximum extent practical. The owner or his designee shall conduct vegetation control through the management of exotic, invasive and nuisance vegetation. Treatment efforts of the forested and herbaceous areas will include removal, monitoring and maintenance of invasive vegetation. The primary species to be eradicated include melaleuca, Brazilian pepper,

and torpedo grass.

Exotic control of melaleuca and Brazilian pepper in the areas outside of the FEMA floodways will be accomplished by chainsaw or machete as shown on the Exotic Vegetation Treatment Map (Figure 5) and Exhibit A. Large trees (greater than four-inch diameter at breast height (DBH)) may be girdled and killed in place with a stump specific herbicide suitable for aquatic application. The four inch DBH and smaller trees and shrubs will be cut just above natural grade and the stump treated with an appropriate herbicide suitable for aquatic application. The resulting vegetative material will be disposed of by one or more of the following methods: 1) cut into four to six feet sections and stacked on the ground with alternating layers of trees at right angles to each other (log cabin) with the stacks no higher than 5± feet and spaced a minimum of 100± feet apart, 2) cut and placed into piles (tee-pee) with piles spaced a minimum of 100± feet apart, 3) where exotic density is less than 25 percent the exotics may be cut into two to four foot sections and scattered on the ground, and 4) woody exotic vegetation may be removed from the preserves.

No cut debris will be placed within the FEMA floodways of Owl or Trout Creek as shown on the Exotic Vegetation Treatment Map (Figure 5) and Exhibit A. Exotic vegetation in the floodways will either be cut and removed or treated in-place as described above.

Herbicides will be used in strict accordance with label directions by trained applicators. Care will be taken to reduce damage to non-target native species to the maximum extent practical. Access for the initial exotic vegetation treatment to the indigenous vegetation preserves will be via the existing farm fields.

Coverage by exotic vegetation within these areas will be maintained below five percent aerial cover. A marker dye will be added to the spray solution to help visualize where the solution is being applied. An appropriately licensed herbicide applicator will supervise the crew. Herbicides will be used carefully in accordance with the label provided.

Barricading

Prior to commencement of construction activities, the mitigation areas will be staked in the field and the required erosion control barriers installed. These barriers will be inspected by County staff prior to commencement of construction activities. The operation of construction equipment, storage of equipment, and stockpiling of fill and construction material will be prohibited within the preservation areas. The staking identifying the limits of the preservation area will be maintained for the duration of adjacent construction activities.

Schedule

The wetland preservation must be within a recorded conservation easement and the rare and unique upland preservation and restoration areas must be completed prior to the Certificate of Compliance for the infrastructure.

Conservation Easement

A Conservation Easement will be recorded and placed over the upland, wetland, and surface waters preservation areas totaling 186.10± acres. Approximately 1.86 acres of the littoral shelf are within the flushing basin. Signs demarking the preservation areas will be posted at 100 feet intervals along the outer edge of all preservation areas.

Ecological Performance Standards

To meet the objective of this plan, the following performance standards will apply to the onsite wetland and upland preservation and restoration areas:

1. At least 80 percent cover by appropriate wetland species (i.e. facultative wet or obligate) within the wetlands and the restored littoral marsh and 80 percent coverage by appropriate upland species in the upland preservation and restoration areas.
2. The conservation easement areas are free of exotics immediately following maintenance treatment events. All exotic and nuisance species (defined as Category I and II species on the Florida Exotic Pest Plant Council's List of Invasive Species) within these wetlands will be treated. The nuisance species dog fennel (*Eupatorium capillifolium*), Caesar weed (*Urena lobata*), primrose willow (*Ludwigia peruviana*), grape vine (*Vitis* sp.), and cattail (*Typha* spp.) as well as exotic species shall total less than five percent combined between maintenance events.
3. Monitoring of the preserve areas shall be conducted for a minimum of 5 years with annual reports submitted to the County. After the initial restoration plantings described above, if native wetland, transitional, and upland species (do not achieve 80% coverage within the initial two years of the monitoring program (obligate and facultative wet species exceed facultative species in wetland areas), native species shall be planted in accordance with the maintenance program. At the end of the monitoring program the entire mitigation area shall contain an 80% survival rate of planted vegetation and an 80% coverage of desirable obligate and facultative wetland species.
4. The preserve areas shall be maintained in perpetuity to ensure coverage by native desirable vegetation and the target habitat types and success criteria are maintained as specified in the permit.
5. The preserve areas shall be managed such that exotic/nuisance vegetation species do not dominate any one section of areas within the preserves.

These performance standards will be achieved by the end of the five year monitoring period.

Long Term Management

The applicant and/or the homeowners association will be responsible for the long term maintenance of the onsite preservation areas. Vegetation removal permits are required for ongoing management activities associated with this approved Indigenous Habitat Management Plan that is preserve area specific for the type of management that is being requested.

Adaptive Management

If during monitoring of the onsite preservation area, areas do not appear to be trending toward meeting the above ecological performance standards, the methods for treating exotic vegetation will be re-evaluated.

Maintenance

A routine maintenance program will be initiated upon the completion of the initial exotic treatment and native plant installation. A vegetation removal permit will be required for preserve maintenance. For the first two years following the initial treatment, the preservation areas will be inspected twice a year (late spring and fall) and all exotic and/or nuisance species will be treated. During these inspections the preservation areas will be qualitatively evaluated, potential problems (if any) identified, and corrective actions recommended. After the second year, inspections and treatments will be conducted annually during the dry season. The property owner will be responsible for long term management of the preserves.

Pruning and trimming activities will not be performed in the preserve however invasive exotic vegetation may have to be treated within planting areas. The frequency of maintenance will be based on how successful the new plantings are and the extent to which nuisance pest species enter into the newly planted area. Semi-annual monitoring will be conducted in each newly planted area for one year to carefully evaluate these parameters. Herbicide maintenance will be conducted semi-annually during the first year following implementation of the pest control program and at least annually thereafter, in accordance with LDC 10-420(h).

If monitoring events reveal severe deer grazing or other disturbance from wild hogs, the affected planting area will be temporarily isolated with a fence to keep out larger animals until the plantings are well established. Once success criteria are achieved, all temporary fencing will be removed from the preserve.

Newly planted areas will be included in the invasive pest control program. The herbicide maintenance areas shall expand to control exotic and nuisance species as necessary where native vegetation is being established. Periodic management of the planting areas is required to ensure that the plants will survive and thrive. This will guarantee success and allow desirable indigenous species an opportunity to recruit into the planting areas. As part of ongoing management of the site, the owner or his designee shall treat and/or remove exotic species (per LDC Sec. 10-420(h)) and nuisance species as necessary at least semiannually for one year and annually thereafter. Nuisance species shall mean those species of flora whose noxious characteristics or presence in sufficient number, biomass, or areal extent may reasonably be expected to prevent, or unreasonably interfere with, the designated use of the waters under consideration, as defined in rules 62-312.310(8) and 62-302.200(14), F.A.C.. Invasive exotic species include at a minimum the species listed in LDC Sec. 10-420(h).

Protected Species

The November 2020 Protected Species Assessment resulted in no observations of listed species.

While no nesting areas for any listed wading birds have been observed onsite during any site visits, the following species recognized as Species of Special Concern (SSC) by the State may forage on the subject property. Little blue herons (*Egretta caerulea*), roseate spoonbills (*Ajaia ajaja*), snowy egrets (*Egretta thula*), and tricolored herons (*Egretta tricolor*), may foraging in wetland areas and ditches throughout the property.

Given the habitat types present there is also a potential for Big Cypress fox squirrels (*Sciurus niger avicennia*) to utilize the property. These squirrels, listed as threatened by the FWC, are typically found nesting in melaleuca trees in areas with sparse or open ground cover.

The Florida sandhill crane is listed as threatened by the FWC and potentially may forage in the pasture areas. While suitable habitat occurs throughout the property and within the designated County buffer, no sandhill crane nesting activity was observed.

The wood stork (*Mycteria americana*), is listed as threatened by the FWC and the FWS. Although no wood storks were observed they may forage in the wetlands and ditches. Nesting has not been documented onsite, nor do wood storks appear there in the most recent FWC listed species occurrence database. Wood stork colony locations provided by FWC show two colonies within a 25-mile radius of the property. The closest colony location is approximately three miles to the west of the subject parcel.

The American alligator was not observed, however, the ditches provide potential habitat. According to the FWC list of Florida's Endangered Species, Threatened Species and Species of Special Concern published in November 2007, the American alligator has a SSC status because it is vulnerable to environmental impacts and loss of habitat.

Audubon's crested caracara is a raptor that typically nests in solitary or small groups of cabbage palms within larger areas of open grasslands. This species is listed as threatened by both the FWC and FWS. Although the quality of the potential habitat on-site is poor, Audubon's crested caracara were observed foraging along North River Road during the nesting survey for this species in winter 2021. The closest known caracara nest is located approximately 1 mile to the east of the subject parcel.

The property is not located within the primary and secondary zones of the 2007 Florida Panther Focus Area or in the 2003 Panther Consultation Area identified by the FWS. The Florida panther (*Felis concolor coryi*) is listed as endangered by both the FWS and FWC. There is one FWC telemetry points located approximately 3 miles south of the subject property, with none onsite. This telemetry point occurs south of the Caloosahatchee River.

A review of the FWC listed species occurrence database (updated in June 2020) indicated that a Florida black bear (*Ursus americanus floridanus*) had been recorded approximately 1 mile to the north of the property. The Florida black bear delisted in 2012, is still protected by the Florida Black Bear Management Plan and is not listed by the FWS.

The project is located within the National Marine Fishery Service's (NMFS) defined critical habitat area for the smalltooth sawfish. NMFS issued their Jacksonville Biological Opinion (JAXBO) on November 20, 2017. The JAXBO analyzes the effects from 10 categories of minor in-water activities occurring in Florida and the U.S. Caribbean on sea turtles, smalltooth sawfish, Nassau grouper, scalloped hammerhead shark, Johnson's seagrass, sturgeon, corals, whales, and their designated critical habitat.

Protected Species Management Plans

Several measures have been taken to reduce potential impact to wildlife. Adverse impacts to wildlife including listed wildlife are not anticipated as a result of the proposed residential project. All agricultural activities will cease in the Preserve Areas once construction commences, with human disturbance in those areas limited to activities consistent with the conservation easement.

The habitat improvements and preservation resulting from implementation of this plan are expected to encourage transient wildlife species to utilize the Preserve Lands onsite as shown on the Enhancement and Preservation Map (Figure 2). The applicant has committed to placing the preservation areas under a conservation easement prior to construction of the residential units, consistent with state law, as a condition of the zoning approval, which means 38.72 acres of native upland and wetland habitats, 1.36 acres of other surface waters, and 5.61 acres of surface waters of this area will be permanently protected (preservation) for wildlife usage. A total of 41.28 acres of farm fields and exotic infested uplands will be restored to rare and unique uplands by the removal of the exotic species and planting with native species. Also, 1.62 acres of exotic infested uplands will be restored by the removal of exotic species and planting. A total of 82.8 acres of exotic infested wetlands will be restored by the removal of exotic species and planting with native species. Additionally, 2.88 acres of hydric and upland pasture will be restored as littoral marsh wetlands and 11.83 acres of flushing basin will be created. This restoration and preservation of 186.10 acres will enhance the value of the Preserve Areas for wildlife and provide a permanent link between the surrounding wildlife corridor areas and a permanent refuge for wildlife if the project is approved as proposed. (See Figures 1 and 2).

If the zoning is approved as proposed, additional wildlife surveys will be conducted as required by state, federal, and county requirements when the plans are submitted for permitting/development approval.

Should the zoning be approved as proposed, both FWC and FWS will be consulted relative to any state or federally listed species potentially occurring on site and listed species guidelines implemented as applicable prior to any construction.

Wading Bird Management Plan

Wood storks were not found during wildlife surveys of the property and no nesting activities were observed. Suitable foraging habitat occurs throughout the property. Additionally, the property occurs within 18.6 miles of two known wood stork colonies. Based on the FWS "Effect Determination Key", dated November 9, 2007 (Service Consultation Code 41420-2007-I-0964), the proposed project may affect the wood stork. Formal consultation for the wood stork is anticipated to be required by the FWS. On behalf of the applicant, at the appropriate time, we will be coordinating with FWS to develop a wood stork mitigation plan which will effectively offset any potential impacts to foraging habitat of this federally listed species. Additionally, it is expected that existing foraging habitat for the wood stork will be enhanced by the removal and maintenance of invasive exotic plants and protected by implementation of the wetland enhancement and preservation plan and the reclamation plan. The proposed littoral marsh wetland restoration which includes 2.88 acres of littoral shelves described above will also benefit the wood stork by adding a significant amount of foraging area.

Existing wading bird foraging habitat will be enhanced through removal and maintenance of exotic invasive plants. The proposed site conditions will result in a total of over 106.36 of preserved and restored wetlands and 2.88 acres of restored littoral marsh habitat on the property. Implementation of the proposed wetland preservation plan would assure that any potential temporary impacts to these species would be offset. This plan would meet applicable requirements of South Florida Water Management District and Lee County as well as the FWS and FWC.

The enhancement of the property will ultimately provide increased acreage of higher quality habitat for wading birds in preservation and areas as well as within the littoral marsh restoration areas. Additionally, protection provided by the wetland preservation plan will provide long-term viability for wading birds.

Big Cypress Fox Squirrel Management Plan

Appropriate habitat for the Big Cypress fox squirrel (*Sciurus niger avicennia*) occurs in the forested portion the property. However, no fox squirrel nests were observed within the project boundaries. Prior to clearing the site, a qualified biologist will survey the construction limits for the presence of Big Cypress fox squirrels or their nests. Any potential nests will be monitored to determine if they are currently being utilized by Big Cypress fox squirrels. Nests found to be utilized by a Big Cypress fox squirrel will be temporarily protected from clearing by a 125 foot radius undisturbed buffer. These nests will be taken outside of the February 1st to May 30th nesting season once the absence of young fox squirrels within the nests is confirmed. The required authorization from the FWC will be obtained prior to removing the nest tree.

Forested habitat suitable for this species will be preserved and restored via treatment of invasive exotic plant species and planting with native species where appropriate and described above in 164.26 acres (FLUCCS 427, 428, 434, 618, and 630). The protection provided by implementation of the Indigenous Habitat Management Plan will provide long-term viability for the Big Cypress fox squirrel and would assure that any impacts to this

species are offset.

Florida Sandhill Crane Management Plan

Florida sandhill cranes or their nests were not observed during wildlife surveys of the property. Suitable habitat occurs throughout the property and within the designated County buffer. A total of 3.56 acres of existing foraging habitat (FLUCCS 641) for the sandhill crane will be restored through removal and maintenance of invasive exotic plants. Additionally, 2.88 acres of littoral marsh wetlands will be restored. Implementation of the proposed Indigenous Habitat Management Plan would assure that any impacts to the foraging pattern of this species are offset.

American Alligator Management Plan

Potential habitat for American alligators on-site consists of the open water area and surrounding marsh. The property includes numerous ditches and scattered wetlands which provide refuge for this species. The property was thoroughly inspected for gator nests, which are often conspicuous on the bank of waterways. No alligator nests were ever found on the property during protected species surveys. If the proposed project is approved, the wetland enhancement and restoration in the Indigenous Habitat Management Plan will ultimately provide increased acreage of higher quality habitat for the alligator. The proposed site conditions will result in a total of over 106.36 acres of preserved and restored wetlands (FLUCCS 618, 630, and 641), 2.88 acres of restored littoral marsh wetlands, 1.36 acres of preserved other surface waters, 5.61 acres of preserved surface waters, and 11.83 acres of created flushing basin habitat on the property.

Alligators will commonly move from water body to water body in response to factors such as season, disturbances, food supply, etc. In the event that an alligator is present within the limits of construction at the time of site clearing, work within the immediate vicinity of the alligator will be halted and the animal will be allowed to move out of harms way. Once the American alligator has moved work can be restarted. The protection provided by implementation of the Indigenous Habitat Management Plan will provide long-term viability for the American alligator onsite.

Audubon's Crested Caracara Management Plan

Although crested caracaras are known to forage in the vicinity of the subject property, no evidence of nesting of this species was found onsite. To minimize the potential of impacts to nesting habitat, the cabbage palms located in the proposed development areas will be relocated to the rare and unique upland restoration area and appropriate preservation areas prior to construction activity initiation, if feasible. The proposed Indigenous Habitat Management Plan includes the preservation of 15.16 acres of uplands (FLUCCS 427 and 428), the restoration of 1.62 acres of uplands, and the restoration of 41.28 acres of rare and unique uplands. The implementation of this Indigenous Habitat Management Plan will provide long-term viability for Audubon's crested caracara and will assure that any impacts to this species are offset.

Florida Panther and Florida Black Bear Management Plan

No Florida panthers or black bears or their signs were observed during wildlife surveys of the property. The project is not in any FWS Florida panther zones and the nearest FWC telemetry point is 3 miles to the south of the project and across the Caloosahatchee River. Black bears have been documented approximately 1 mile north of the property per the FWC listed species occurrence database. It is expected that existing forage and prey habitat for the Florida panther and black bear will be enhanced through removal and maintenance of invasive exotic plants and protected by implementation of this IHMP.

The preservation and restoration of 186.10± acres of uplands (FLUCCS 427, 428, and 434), wetlands (FLUCCS 618, 630, and 641), other surface waters (FLUCCS 510D), and surface waters (FLUCCS 510) will link the surrounding conservation lands, restoring a link that has been disrupted by the extensive exotic vegetation infestation in that area and will allow movement of wildlife across the Owl Creek property. Please see the Owl Creek Wildlife Corridor Map (Figure 1).

Smalltooth Sawfish Management Plan

The project is located within the National Marine Fishery Service's (NMFS) defined critical habitat area for the smalltooth sawfish. There will be minor impacts to the shallow euryhaline habitat along the shore to accommodate the flushing improvements for the proposed docking facility. The project includes the restoration of 11.83 acres of created flushing basin habitat on the property which potentially will function as smalltooth sawfish habitat.

The applicant will coordinate with NMFS during the federal permitting process for the project and will obtain the required permits. All required construction methods will be followed. Please see Exhibit B for NMFS's Sea Turtle and Smalltooth Sawfish Construction Conditions dated March 23, 2006.

Wildlife Habitat Area Corridors

Two Wildlife Corridors totaling 139.64+/- acres will be established as part of the proposed Indigenous Habitat Management Plan. Please see Figures 1 and 2. The Owl Creek and Trout Creek corridors currently consists of active pasture, Owl Creek, and exotic vegetation infested uplands and wetlands. These areas will be enhanced and preserved as described above. The Rare and Unique Upland restoration areas will be planted as described above and shown in the Restoration Area Planting Plan Map (Figure 2).

The Owl Creek and Trout Creek wildlife corridors average approximately 770' and 1,350' in width, respectively. Prior to the Certificate of Compliance for the infrastructure, 186.10 acres which includes the onsite wildlife corridors, will be placed under a Conservation Easement.

Human Coexistence with Wildlife Plan

The following Human Coexistence with Wildlife Plan will be incorporated into the project's Homeowners Association documents.

Residential Areas

American Alligator

Signs will be posted on the subject property adjacent to the water management lakes and bodies of water advising residents that feeding or harassing the American alligators is punishable by state law. An educational brochure, such as the attached "A Guide to Living with Alligators" prepared by the FWC (Exhibit C), will be provided to residents. Residents, commercial tenants, and property maintenance staff will be instructed to contact the FWC for assistance in the event a nuisance alligator is present within the lakes.

Florida Black Bear

An educational brochure, such as the attached "A Guide to Living in Bear County" (Exhibit C) prepared by the FWC, will be provided to residents and commercial tenants. Residents will be instructed to contact the FWC for assistance in the event a nuisance black bear is present on-site.

Florida Panther

An educational brochure, such as the attached "A Guide to Living with Florida Panthers" (Exhibit C) prepared by the FWC, will be provided to residents and commercial tenants. This brochure provides advise for residents on how to keep their family and pets safe and suggestions on how to handle encounters with panthers.

Multi-Slip Docking Facility

American Alligator

Signs will be posted on the subject property adjacent to the docking facility advising residents that feeding or harassing the American alligators is punishable by state law. An educational brochure, such as the attached "A Guide to Living with Alligators" prepared by the FWC (Exhibit C), will be provided to residents. Residents, commercial tenants, and property maintenance staff will be instructed to contact the FWC for assistance in the event a nuisance alligator is present within docking facility.

West Indian Manatee

At least two manatee educational signs or a kiosk will be placed at the docking facility.

Public Canoe Launch

American Alligator

Signs will be posted on the subject property adjacent to the public canoe launch advising the public that feeding or harassing the American alligators is punishable by state law. An educational brochure, such as the attached "A Guide to Living with Alligators"

prepared by the FWC (Exhibit C), will be provided to the public at the launch. Residents, commercial tenants, and property maintenance staff will be instructed to contact the FWC for assistance in the event a nuisance alligator is present at the canoe launch.

West Indian Manatee

At least one manatee educational sign or a kiosk will be placed at the canoe launch.

Monitoring Plan

The proposed monitoring of the preserved wetlands will consist of baseline monitoring, time-zero monitoring, and annual monitoring of vegetation. The baseline monitoring documents the pre-exotic removal conditions within the wetlands. The time-zero report will document the conditions immediately following wetland exotic removal and planting. The annual reports will document the extent of success of the project and, if needed, identify specific actions to be taken to improve conditions within the project area. Sampling stations and methodology of data collection will remain the same for all monitoring events.

The owner or his designee shall also monitor and record water elevations at staff gauges and monitoring wells within the undeveloped wetland areas to provide reasonable assurance to the agencies that no significant hydrological impacts to wetlands resulted from mining. Hydrologic monitoring shall occur monthly during the dry season (November through May) and biweekly during the wet season (June through October) in all of the preserved onsite wetlands. The staff gauges and monitoring wells shall be visually inspected. If the water level at any staff gauge is below the land surface for more than 60 days, the below-ground water level would be used for that location. Hydrologic monitoring shall begin within 12 months of mining commencing.

An important component of the monitoring reports will be the before and after pictures. All monitoring reports will include panoramic photographs from photo stations as shown on Figure 3.

The results of monitoring events within the preserve areas will be reported as stated in this plan. Specific maintenance requirements will be explained in the monitoring report(s). Monitoring reports will describe if/where herbicide treatment is necessary to control nuisance species. The report will also explain if/where plantings need to be replaced or if new plantings should be added to a specific area to improve diversity or percent coverage. Prior to any preserve maintenance, Lee County Division of Environmental Sciences will be notified in writing.

The proposed monitoring of the planted littoral zone and Rare and Unique Uplands will consist of baseline monitoring, time-zero monitoring, and annual monitoring of vegetation, wildlife, rainfall, and wetland water levels. Baseline monitoring will document the conditions as they exist prior to initiating the proposed planting/enhancement effort. The time-zero report will document the conditions immediately following completion of

planting/enhancement activities. In addition, a monitoring report will be submitted annually to the Lee County Division of Environmental Sciences for five consecutive years starting one year from the date of the Certificate of Compliance issued for the project's infrastructure. The annual reports will document the extent of success of the created wetlands and, if needed, identify specific actions to be taken to improve the conditions within the project area.

A baseline monitoring report is required for approval of the development order. Please see Exhibit D for baseline conditions photographs from the five photo points. The baseline monitoring report will include a description of each of the specific areas and a map depicting the location of each photo station. Copies of the baseline reports will be submitted to regulating agencies, including Lee County.

The time-zero monitoring report will be provided prior to certification of compliance. Vegetation removal permits are required for ongoing management activities associated with this approved Indigenous Habitat Management Plan that is preserve area specific for the type of management that is being requested. This report will include the date the planting activity was completed and color photographs to provide an accurate representation of the specific area. The photographs shall be taken from fixed reference points described in the baseline monitoring report and shown on a scaled plan view. A table depicting numbers, spacing, and sizes of each species planted will also be provided. The tree height will be used to measure the size of saplings until the tree is mature enough to enable the diameter-breast height (DBH) to be measured. Subsequent annual monitoring reports will be submitted to requesting agencies within thirty (30) days after each monitoring event. The monitoring reports will include a general qualitative and quantitative characterization of the areas. Any pertinent climatological conditions preceding the monitoring event will be described. Qualitative parameters may include estimates of % bare ground, % desirable species, % undesirable species (nuisance and exotic), notations regarding faunal presence and use, and an overall numerical ranking (1-lowest, 10-highest) of the conditions of the system. This numerical ranking is done annually, preferably by the same evaluators, and takes into consideration all parameters of the qualitative assessment. The monitoring will be completed by September of every year (toward the end of the growing season) and an annual report submitted to the reviewing agencies by the end of October. All data collected and analyzed will be included in the report.

Vegetation Monitoring

The vegetation within the uplands and wetlands will be monitored using the line intercept methodology. Six (6) 100 feet long transects will be established in representative portions of each upland and wetland area (Figure 3). A measuring tape will be stretched along the transect and the plants occurring directly below (ground cover) and above (midstory and canopy) the tape will be recorded at three feet intervals along the transect. Ground cover species include woody vegetation less than three feet in height and all non-woody plants. Midstory vegetation consists of all woody plants greater than three feet in height and less than four inches DBH. Canopy species consist of woody vegetation greater than four inches DBH. Bare ground and open sky will also be recorded in this manner. The

resulting data will be used to calculate percent cover of the three strata.

Wildlife Monitoring

Regular observations of fish and wildlife will be made during all monitoring events by qualified ecologists. This will consist of recording evidence and signs of wildlife (i.e., direct sighting, vocalization, nests, tracks, droppings, etc.).

Photographic Documentation

Permanent fixed-point photograph stations will be established in each of the monitored areas thereby providing physical documentation of the condition and appearance of an area, as well as any changes taking place. Panoramic photographs will accompany vegetation data in each report. Locations of photo stations will remain the same throughout the duration of the monitoring program.

Report

The methodology and results of each monitoring event will be documented in an annual monitoring report. Data will typically be collected towards the end of the growing season (September - October) and submitted to the agencies with 90± days of data collection.

Method and Frequency of Pruning and Trimming

No pruning or thinning of native vegetation within the indigenous vegetation preserves is proposed at this time. In the event that trimming becomes necessary to meet the ecological goals of this management plan, the trimming will be accomplished by hand using chainsaws or machetes and will be restricted to no more than 25 percent of an area during any particular one year interval. Cut vegetation will remain on-site.

The Lee County Division of Environmental Sciences will be notified prior to any preserve maintenance (other than routine annual exotic maintenance events).

Garbage Management

All garbage will be removed from the preserves prior to the issuance of the Certificate of Compliance for any part of the development. The preserves will be surveyed for garbage semi-annually.

Archeological Historic Preservation Areas

Please see Exhibit E for the archeologist recommended guidelines for the three archeological historic preservation areas. These three areas are also shown in Figure 2. They are located in preserved uplands and wetlands with a very small area within a rare and unique upland restoration area. These archeological historic preservation areas are all within areas that will be placed under a conservation easement. The exotic vegetation removal and planting outlined in this plan will adhere to the archeologist recommend guidelines for work in these areas.

Proposed Work Schedule

The invasive exotic and nuisance plant control program will commence after approval of this project's development order. The initial exotic treatment will be initiated during the first dry season following issuance of all required federal, state, and local authorizations. It is anticipated that the initial treatment will be completed in less than three months. The supplemental plantings will be initiated within approximately two months of the completion of the initial exotic removal, weather permitting.

Summary

The foregoing IHMP provides for preservation and enhancement of existing natural flowways that the County deems important for local or regional water resource management, restoration of Rare and Unique Uplands that the County deems important, preservation of indigenous areas that are occupied wildlife habitat to the maximum extent possible, and interconnection to off-site preserves and conservation lands via indigenous preservation, flowway preservation or restoration, and appropriate planted open space or buffer areas per Lee LDC 10-415. Additionally, this IHMP provides for preservation and restoration of natural resources, including but not limited to wetlands, natural existing and historic flowway corridors, sloughs, creeks, ponds and lakes, and native plant communities and native trees per Lee LDC 10-474

It exceeds the open space requirements and the Indigenous Preservation requirements of Lee LDC 10-415 by providing over 54% of the site as preservation, creation, and restoration areas.

It details and exceeds the Invasive Exotic Removal requirements including exotic removal and long term maintenance continuing in perpetuity in Lee LDC 10-420(h). This IHMP includes details of preservation, enhancement, and restoration within buffers per Lee LDC 10-415.

This IHMP provides for interconnectivity of wildlife habitat areas, including Florida black bear habitat and to allow this large mammal to move locally within their range, as this project has been designed to allow movement of Florida black bear through indigenous preserves or appropriately planted buffer and open space areas per Lee LDC 10-474

The wetland mitigation that is proposed for impacts associated with the project is outlined in detail above in this IHMP, consists of the preservation of the highest quality indigenous habitat onsite, the enhancement and restoration of indigenous habitats onsite, the restoration and connection of Owl Creek and Trout Creek Wildlife Corridors and flowways and the reconnection of public conservation lands through the subject property.

The proposed site plan impacts 13.95+/- acres of exotic infested wetlands, 3.01 acres of ditches, and 0.13 acres of surface waters which are proposed to be mitigated on-site as detailed in the IHMP. In summary, the IHMP includes:

- (i) Preservation of 45.69 acres of existing high quality habitat, existing native tree areas (none is required by LDC Section 10-415), other surface waters, and surface waters;
 - a. 23.56 acres of wetlands
 - b. 15.16 acres of rare and unique uplands
 - c. 5.61 acres of surface waters (Owl and Trout Creeks)
 - d. 1.36 acres of other surface waters
- (ii) Restoration of 42.90 acres of Uplands and Rare and Unique Uplands;
- (iii) Restoration of 82.80 acres of wetlands
- (iv) Restoration of 2.88 acres of littoral shelf wetlands;
- (v) Creation of 11.83 acres of flushing basin
- (vi) Preservation of historic flowways associated with Owl and Trout Creeks; and
- (vii) Connection of existing county conservation lands through the subject property (see Figure 1).

The overall effect of the proposed preservation and restoration described in items (i) through (v) above will be a total of 186.10± acres of uplands, wetlands, other surface waters, and surface waters on-site.

This IHMP was designed to consider the unique aspects of the proposed development, including but not limited to, restored wetlands, restored uplands, restored Rare and Unique Uplands, restored littoral zone wetlands, preservation areas, wildlife habitat and the interplay between proposed future uses, including associated impacts on the environment.

Exhibit A
FEMA Floodway Map



Exhibit B

NMFS's Sea Turtle and Smalltooth Sawfish Construction Conditions dated March 23,
2006.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc



Exhibit C

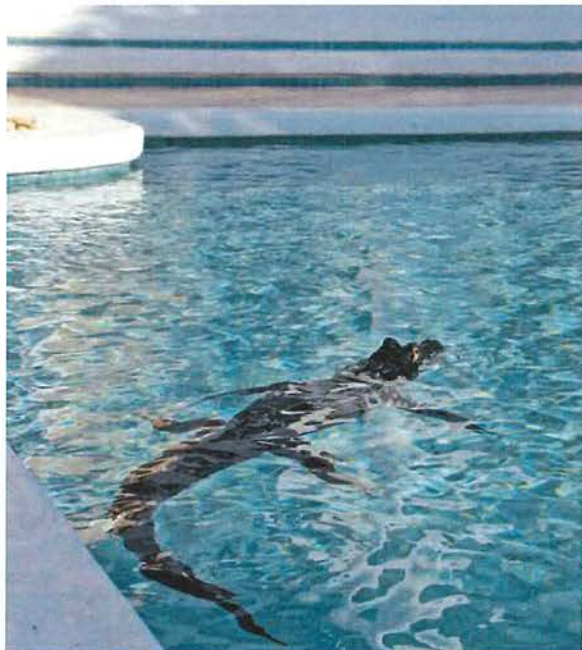
A Guide to Living with Alligators
A Guide to Living in Bear County
A Guide to Living with Florida Panthers

■ Never feed alligators – it's dangerous and illegal. When fed, alligators can overcome their natural wariness and learn to associate people with food. When this happens, some of these alligators have to be removed and killed.

■ Dispose of fish scraps in garbage cans at boat ramps and fish camps. Do not throw them into the water. Although you are not intentionally feeding alligators when you do this, the result can be the same.

■ Seek immediate medical attention if you are bitten by an alligator. Alligator bites can result in serious infections.

■ Observe and photograph alligators only from a distance. Remember, they're an important part of Florida's natural history as well as an integral component of aquatic ecosystems.



Tim Donovan, FWC

Call 866-FWC-GATOR (392-4286) to report nuisance alligators.



Janice Plain

To report nuisance alligators call
866-FWC-GATOR (866-392-4286).



MyFWC.com/Alligator



Jamie Feddersen



Florida Fish and Wildlife
Conservation Commission

MyFWC.com



Do not swim outside of posted swimming areas or in waters that may be inhabited by alligators.

Living with Alligators

In Florida, the growing number of people living and recreating near water has led to a steady rise in the number of alligator-related complaints. The majority of these complaints relate to alligators being where they simply aren't wanted. Because of these complaints, the Florida Fish and Wildlife Conservation Commission's Statewide Nuisance Alligator Program permits the killing of approximately 7,000 nuisance alligators each year. Using this approach, and through increased public awareness, the rate of alligator bites on people has remained constant despite the increased potential for alligator-human interactions as Florida's human population has grown.

Alligators are an important part of Florida's landscape and play a valuable role in the ecology of our state's wetlands. Alligators are predators and help keep other aquatic animal populations in balance. A better understanding of the facts and information presented in this brochure will help ensure that people and alligators can continue to coexist.

Visit MyFWC.com/Gators for more information about alligators and the latest nuisance alligator program statistics.



Tim Donovan, FWC

Alligators and People

Alligators are a fundamental part of Florida's wetlands, swamps, rivers and lakes, and they are found in all 67 counties. Florida continues to experience human population growth. Many new residents seek waterfront homes, resulting in increased interactions between people and alligators.

Although most Floridians understand that we have alligators living in our state, the potential for conflict exists. Because of their predatory nature, alligators may target pets and livestock as prey. Unfortunately, people also are occasionally bitten. Since 1948, Florida has averaged about five unprovoked bites per year. During that period, a little more than 300 unprovoked bites to people have been documented in Florida, with 22 resulting in deaths.

In the past 10 years, the Florida Fish and Wildlife Conservation Commission has received an average of nearly 16,000 alligator-related complaints per year. Most of these complaints deal with alligators occurring in places such as backyard ponds, canals, ditches and streams, but other conflicts occur when alligators wander into garages, swimming pools and golf course ponds. Sometimes, alligators come out of the water to bask in the sun or move between wetlands. In many cases, if left alone, these alligators will eventually move on to areas away from people.

Safety Tips

■ Generally, alligators less than four feet in length are not large enough to be dangerous unless handled. However, if you encounter any alligator that you believe poses a threat to people, pets or property,

call the Nuisance Alligator Hotline at 866-FWC-GATOR (866-392-4286). Please be aware, nuisance alligators are killed, not relocated.

- Be aware of the possibility of alligators when you are in or near fresh or brackish water. Bites may occur when people do not pay close enough attention to their surroundings when working or recreating near water.
- Do not swim outside of posted swimming areas or in waters that might be inhabited by large alligators.
- Alligators are most active between dusk and dawn. Therefore, avoid swimming at night.
- Dogs and cats are similar in size to the natural prey of alligators. Don't allow pets to swim, exercise or drink in or near waters that may contain alligators. Dogs often attract an alligator's interest, so do not swim with your dog.
- Leave alligators alone. State law prohibits killing, harassing or possessing alligators. Handling even small alligators can result in injury.



Tim Donovan, FWC

A young alligator wanders onto a porch in a residential neighborhood.



Matt Fox

Discouraging bears from visiting your home

Properly storing or securing residential garbage and other attractants is a proven method of discouraging bears and preventing bear conflicts around homes, farms and neighborhoods. The following items attract bears and should be protected by an electric fence, wildlife resistant container, or stored in a secure place, such as a garage or sturdy shed:

- Trash and recycling containers
- Bird and squirrel feeders
- Game feeders
- Pet foods and bowls
- Barbeque grills and smokers
- Pets and small livestock
- Livestock feed
- Compost piles
- Beehives
- Fruit and nut-bearing trees and shrubs

Funds from the "Conserve Wildlife" license plate help support efforts to reduce human-bear conflicts. Buy one today at your local tax collector's office or online at BuyAPlate.com.

Secure common bear attractants

- Use electric fencing to protect gardens, compost piles, apiaries, fruit trees and livestock.
- Store garbage and recyclables in bear-resistant containers or in a secure area until the morning of pick up.
- Feed pets indoors or bring food dishes (even if empty) inside before dark.
- Store pet and livestock feed in bear-resistant containers or inside a secure area.
- Remove bird and wildlife feeders. Ensure the area is free of all seed, corn, or other wild animal feed.
- Keep gardens and fruiting trees and shrubs tidy. Remove rotten fruit and harvest ripe nuts, fruits and vegetables.
- Clean meat smokers and barbeque grills with a degreasing detergent. Properly dispose of food remnants after each use.

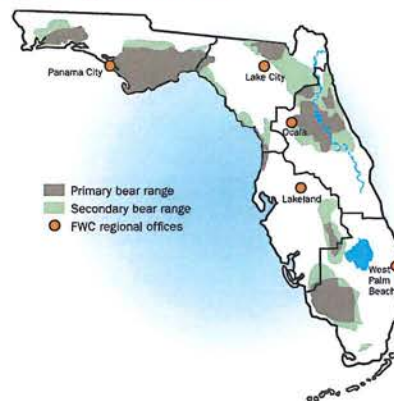
Learn more about black bears with the Florida Black Bear Curriculum Guide. The guide is designed to educate teachers and students in 3rd to 8th grade and offers a comprehensive series of lessons on Florida's black bear.

To get tips on how to secure bear attractants, watch videos about bears or how to install electric fencing, and learn more about bear-resistant containers, visit MyFWC.com/Bear.



Rock Shinnott

Bear range in Florida



If you are experiencing bear problems, please contact the nearest FWC regional office.

North Central, Lake City	386-758-0525
Northeast, Ocala	352-732-1225
Northwest, Panama City	850-265-3676
South, West Palm Beach	561-625-5122
Southwest, Lakeland	863-648-3200

If you suspect illegal activity, call FWC's Wildlife Alert Hotline at 1-888-404-3922.

Follow us on:



Cover photo by Ashley Hockenberry



Florida Fish and Wildlife
Conservation Commission
MyFWC.com

printed on recycled paper

A guide to living in bear country



Florida Fish and Wildlife
Conservation Commission
MyFWC.com



Ashley Hockenberry

If you live in Florida, you should know

Florida black bear populations have been recovering from historically low numbers in most areas of the state. At the same time, the human population is rapidly expanding in and around bear range. As a result, bears and humans are encountering each other more than ever.

Calls to the Florida Fish and Wildlife Conservation Commission (FWC) about human-bear encounters have increased from 1,000 in 2001 to over 4,000 in 2010. The most common calls refer to bears in yards and getting into garbage.

The mere presence of a black bear does not represent a problem. In fact, living in bear country can provide unique and rewarding experiences for residents.

While feeding bears is illegal in Florida, bears are still often fed by humans, either intentionally or unintentionally. When black bears have access to pet food, garbage, birdseed, livestock feed or other human-provided items, they quickly learn to associate people with food. Bears that have become

too comfortable around people are more likely to be killed, either by vehicle collisions, illegal shooting, or as a result of bear management actions.

People ask why problem bears can't simply be relocated to a "wild area where they won't bother anyone." Unfortunately, areas large and remote enough for bears to avoid people are rare in Florida. Also, most relocated bears typically leave the new area, either to return to their original home or to leave an area already occupied by other bears. Some bears will wander through unfamiliar areas and cross busy roads, creating a danger to the bear and to motorists. In addition, bears remaining in the relocation area often exhibit the same, unwanted behavior, thus shifting the problem to a new location. As a result, relocation is not a desirable or effective solution to bear conflicts. Wildlife biologists can provide technical advice to residents who live in bear country to help them take actions to discourage bears from becoming a problem. The FWC is committed to addressing the safety concerns of residents and visitors while ensuring the long-term well-being of black bears.

If a bear comes into your yard

If you encounter a black bear at close range, remain standing upright, back up slowly and speak to the bear in a calm, assertive voice.

- Do not intentionally feed or attract bears. If a bear is eating something on your property, take note of what it is and secure it after the bear has left the area.



Charles Thomas



Ashley Hockenberry

- Never approach or surprise a bear. Keep as much distance between you and the bear as possible.
- Make sure you are in a secure area and the bear has a clear escape route to leave the area - then yell, bang pots and pans, or use an air horn to scare the bear away.
- Do not turn your back, play dead or run from a black bear. Back away slowly into a house, car or building.
- Report any bear threatening the safety of humans, pets or livestock, or causing property damage to the FWC (see back panel).
- Warning! It is illegal to injure or kill black bears under Florida state law. If you are found guilty, you could face fines and/or jail time.

Climbing trees is a bear's natural escape route. If the bear climbs a tree, keep people and pets away. The bear will come down the tree and leave when it feels safe, usually after dark.

Did you know?

Black bears are shy animals and generally not aggressive towards people. When a bear stands on its hind legs, it is merely trying to get a better view, rather than acting in a threatening way. Black bears may huff, snap their jaws, swat the ground or "bluff charge" when cornered, threatened or caught stealing food. Stand your ground and then slowly back away. Always respect bears - they are large and powerful wild animals and can act unpredictably. Bears used to getting food from humans may lose their natural fear of people and are more likely to damage property or become a safety threat.

The bear facts

Black bears are the only species of bear in Florida and once roamed the entire state.

- FWC biologists estimate there are 2,500-3,000 black bears in Florida.
- Florida bears are generally black with a brown muzzle and may have a white chest marking called a blaze.
- Adult black bears typically weigh between 150 to 400 pounds; males are usually larger than females.
- Female bears have their first litter at about 3½ years of age and generally have one to three cubs every other year.
- In Florida, the breeding season runs from June to August and cubs are born in late January or early February.
- Bears of all ages are excellent climbers and will climb trees when they are frightened or looking for food (e.g., acorns).
- About 80 percent of a black bear's diet comes from plants (e.g., fruits, nuts, berries), 15 percent from insects (e.g., termites, ants, yellow jackets) and 5 percent from meat (e.g., opossums, armadillos, carrion).

It is illegal to intentionally place food or garbage out that attracts bears and causes conflicts. Anything that attracts dogs, cats or raccoons also will attract bears!



You live in Florida panther country

Florida panthers are reclusive and rarely seen by people. They normally live in remote, undeveloped areas. However, as the number of people in southern Florida grows, there is an increased chance of an encounter with a Florida panther.

This brochure contains some guidelines to help you live safely in Florida panther country.



Keep children within sight and close to you, especially outdoors between dusk and dawn.

If you feel threatened by a panther, or have lost pets or livestock to a panther, please call the Florida Fish and Wildlife Conservation Commission's Wildlife Alert Hotline at 1-888-404-FWCC (3922).

If you see a Florida panther

The Florida panther moves primarily at night. The chances of seeing a panther are slim. But if you live in Florida panther country, you need to know what to do if you see one.

-  **Keep children within sight and close to you.** Pick up any small children so they don't panic and run. Try to do this without bending over or turning away from the Florida panther.
-  **Give them space.** Florida panthers typically will avoid a confrontation. Give them a way to escape.
-  **Do not run.** Running may stimulate a panther's instinct to chase. Stand and face the animal. Make eye contact to let the panther know you are aware of its presence.
-  **Avoid crouching or bending over.** Squatting or bending makes you look smaller, resembling a prey-sized animal.
-  **Appear larger.** Make gestures that indicate you are not prey and that you may be a danger to the panther. Raise your arms. Open your jacket. Throw stones, branches or whatever you can reach without crouching or turning your back. Wave your arms slowly and speak firmly in a loud voice.
-  **Fight back if attacked.** There has never been a reported panther attack in Florida. In western states, where attacks by cougars have occurred very rarely, potential victims have fought back successfully with rocks, sticks, caps, jackets, garden tools and their bare hands. Since large cats usually try to bite the head or neck, try to remain standing and face the animal.



Mark Lotz

printed on recycled paper



Florida Fish and Wildlife
Conservation Commission
620 S. Meridian Street
Tallahassee, FL 32399-1600
MyFWC.com/Panther

A guide to living with Florida Panthers



© Lynn Stone

MyFWC.com/Panther

7 ways to live safely in Florida panther country

While these guidelines are meant to help you live safely in Florida panther habitat, they also apply to living with more commonly encountered wildlife, including raccoons, snakes, bears and alligators.

1. Be alert from dusk 'til dawn (and whenever deer are active)

Florida panthers primarily are active at night. Exercise more caution at dawn, dusk or dark.

2. Keep panther prey away

Deer, raccoons, rabbits, armadillos and wild hogs are prey for the Florida panther. By feeding deer or other wildlife, people inadvertently may attract panthers. Do not leave potential wildlife food outside, such as unsecured garbage or pet food. Consider fencing vegetable gardens.

3. Keep pets secure

Free-roaming pets, or pets that are tethered and unfenced, are easy prey for predators, including panthers. Bring pets inside or keep them in a secure and covered kennel at night. Feeding pets outside also may attract raccoons and other panther prey; do not leave uneaten pet food available to wildlife.



Keep your pets safe and secure. Bring pets inside or keep them in a secure and covered kennel at night.



Keep livestock safe and secure.

4. Keep domestic livestock secure

Where practical, place chickens, goats, hogs or other livestock in enclosed structures at night. Electric fencing can be an effective predator deterrent.

5. Landscape for safety

Remove dense or low-lying vegetation that would provide hiding places for panthers and other predatory animals near your house.

- Remove plants that deer like to eat.
- Choose plants that do not attract deer or other panther prey species. For information on plants that deer do not like to eat, visit edis.ifas.ufl.edu/UW137.
- Appropriate fencing will make your yard or play area uninviting to prey animals such as deer.

6. Consider other deterrents

Outdoor lighting, motion sensors and electric fencing also may deter prey animals and panthers from entering your yard. Outdoor lighting also will make approaching prey and panthers more visible to you.

7. Hike or bike with a friend

When recreating outdoors, it's a good practice to let friends or family know your whereabouts and when you expect to return. Better yet, take a friend with you!

Florida panther facts

- 🐾 The Florida panther is a subspecies of puma, also known as a mountain lion or cougar. It is the last subspecies still surviving in the eastern United States.
- 🐾 Biologists estimate roughly 100-160 adult and subadult Florida panthers remain in the wild. Most panthers live in southwest Florida, south of the Caloosahatchee River, although some panthers have been documented traveling as far north as central Georgia.
- 🐾 The Florida panther's decline occurred prior to 1950, when it still was legal to hunt panthers. It was listed as endangered in 1967 and is protected under federal and state laws.
- 🐾 Florida panther numbers declined to roughly 30 cats by the early 1980s. Severe inbreeding resulted in many health and physical problems. A genetic restoration project in 1995 was successful in improving the genetic health and vigor of the panther population.
- 🐾 Florida panthers are found primarily in the Big Cypress/Everglades ecosystem in Collier, Lee, Hendry, Monroe and Miami-Dade counties.
- 🐾 Florida panthers' home range sizes vary by sex and by individual. Female home ranges are typically 60-75 square miles whereas males' are typically 160-200 square miles.



FWC panther team

- 🐾 There is no record of a Florida panther attacking a person. Florida panthers are rarely seen.
- 🐾 The biggest threat to the future of the Florida panther is habitat loss. A number of panthers also die each year due to vehicle strikes on roadways.
- 🐾 The Florida panther was chosen as the State Animal of Florida in 1982 by a vote of elementary school students throughout the state.



Florida Panther Range

- Known Breeding Range
- Confirmed Presence of Males
- Caloosahatchee River and Lake Okeechobee



This brochure was produced through a partnership of the Audubon Society of Florida, Conservancy of Southwest Florida, Defenders of Wildlife, Florida Fish and Wildlife Conservation Commission, Florida Wildlife Federation, Friends of the Florida Panther Refuge, Mountain Lion Foundation, National Park Service, National Wildlife Federation, Seminole Tribe of Florida, University of Florida and the U.S. Fish and Wildlife Service.

Funding provided by the Florida Fish and Wildlife Conservation Commission, Friends of the Florida Panther Refuge and the National Fish and Wildlife Foundation.

Exhibit D

Baseline Conditions Photographs from Photo Points

Owl Creek Reserve Baseline Conditions

Photo Station 1



Photo Station 1: Facing North



Photo Station 1: Facing East



Photo Station 1: Facing South



Photo Station 1: Facing West

Photo Station 2

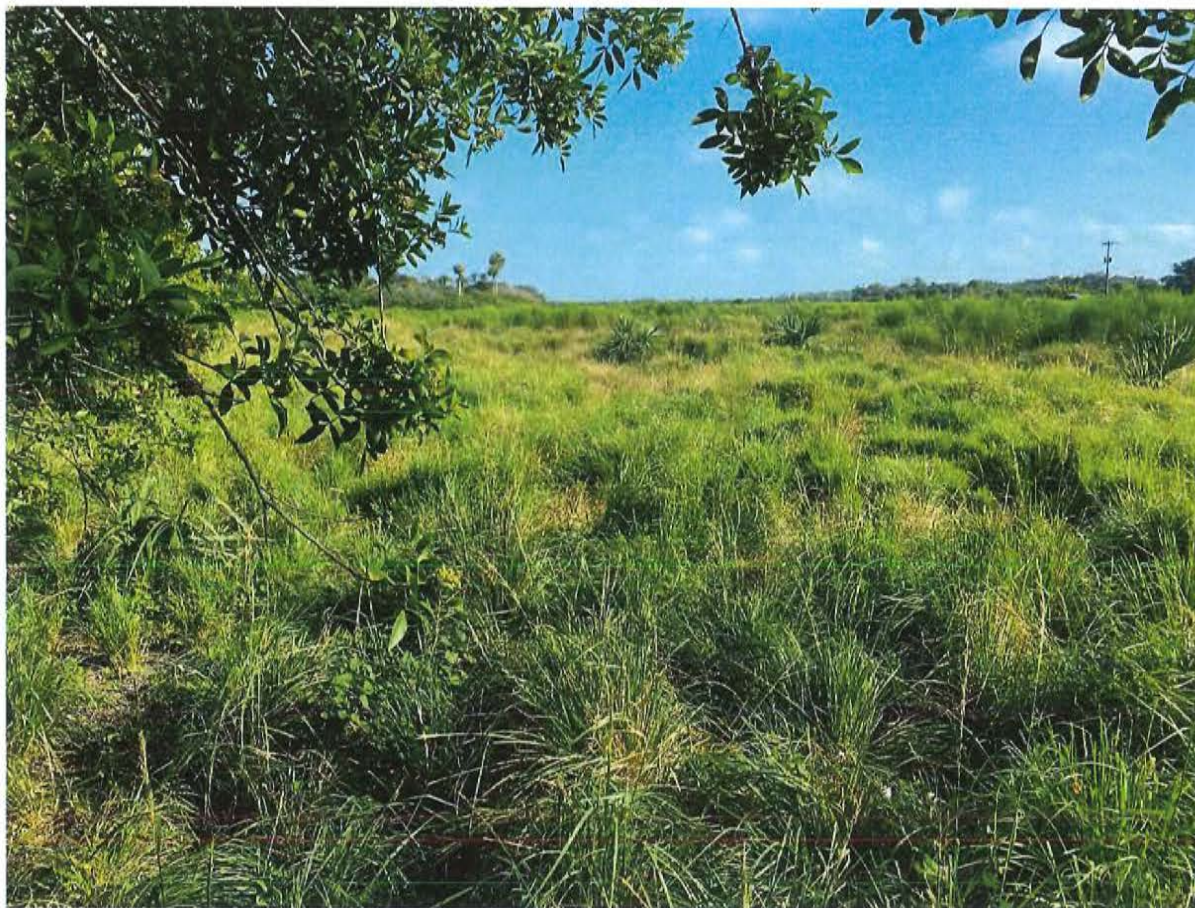


Photo Station 2: Facing North



Photo Station 2: Facing East



Photo Station 2: Facing South



Photo Station 2: Facing West

Photo Station 3



Photo Station 3: Facing North



Photo Station 3: Facing East



Photo Station 3: Facing South



Photo Station 3: Facing West

Photo Station 4



Photo Station 4: Facing North



Photo Station 4: Facing East



Photo Station 4: Facing South



Photo Station 4: Facing West

Photo Station 5



Photo Station 5: Facing North



Photo Station 5: Facing East



Photo Station 5: Facing South



Photo Station 5: Facing West

Exhibit E

Archeologist Recommended Guidelines

In October 2021, an AHC archaeologist visited three archaeological sites (8LL2397, 8LL2398, and 8LL2399) at the Owl Creek parcel. Each site was bounded with wooden stakes at a 25' buffer around the site. Staking was done to allow for a survey crew to accurately survey the sites.

In order to ensure the maintenance and preservation of 8LL2397, 8LL2398 and 8LL2399, the following guidelines are recommended:

1. If construction or ground disturbing activities are in proximity to the sites, the site boundaries should be marked by orange construction fencing prior to improvements or clearing to ensure that they are visible and avoid inadvertent impacts;
2. Any clearing of vegetation within the sites should be done by hand;
3. It is important to avoid machines running over the sites since the deposits are shallow and the movement of machines can create substantial disturbances;
4. Within the sites, vegetation should not be pulled from the ground, but should be cut above the ground surface;
5. No storage of equipment, fill, or other materials should occur within the sites;
6. New planting within the site boundaries should be small as possible, with planting holes not exceeding 1 foot depth.
7. Intermittent archaeological monitoring should be conducted for all ground disturbances within 25m of the marked sites;
8. If a significant cultural deposit or feature is discovered during monitoring, the consultant archaeologist should be contacted within 48 hours for consultation, and the work should cease at that location;
9. If human remains are identified then that discovery will be subject to the provisions of Florida Statute 872.05.



John E. Manning
District One

Cecil L. Pendergrass
District Two

Raymond Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
*County Chief
Hearing Examiner*

August 7, 2020

Via E-Mail

Jennifer Sheppard
Banks Engineering
10511 Six Mile Cypress Parkway
Fort Myers, FL 33066

RE: **Potable Water and Wastewater Availability**
Owl Creek, 12850 N. River Road, 18420 and 17900 Owl Creek Drive
STRAP # 18-43-26-00-00002.0020; .0000 & 19-43-26-00-00002.1020

Dear Ms. Sheppard:

The subject property is not located within Lee County Utilities Future Service Area as depicted on Maps 6 and 7 of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are not in operation in the vicinity to the property mentioned above. The nearest water main is located on Bayshore Road approximately 1 mile west of S.R.31 and the nearest wastewater mains are located on the south side of the Caloosahatchee River along S.R. 80 (Palm Beach Blvd).

In order to provide service to the subject parcels, developer funded system enhancements such as line extensions will be required along with a Map 6 and 7 Comprehensive Plan Amendment.

Your firm has indicated that this project will consist of 440 single family residential units with an estimated flow demand of approximately 110,000 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our North Lee County Water Treatment Plant.

Sanitary sewer service will be provided by the City of Fort Myers North Water Reclamation Facility. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on the existing system.

Prior to beginning design work on this project, please meet with LCU Staff to determine the best point of connection and discuss requirements for construction.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, this letter of availability of potable water and sanitary sewer service is to be utilized for Comprehensive Plan Amendment only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES



Mary McCormic
Technician Senior
239-533-8532
UTILITIES ENGINEERING



LEE COUNTY UTILITIES
REQUEST FOR LETTERS OF AVAILABILITY

DATE: SEPTEMBER 3, 2020

TO: Nathan Beals, PMP
Principal Planner

FROM: JENNIFER SHEPPARD

FIRM: BANKS ENGINEERING

ADDRESS: 10511 SIX MILE CYPRESS PKWY

ADDRESS: FORT MYERS, FL 33966 -

PHONE#: (239)939-5490 FAX: (239)939-2523

E-MAIL ADDRESS: JSHEPPARD@BANKSENG.COM

PROJECT NAME: OWL CREEK

PREVIOUS PROJECT NAME(S):

STRAP NUMBER(S): 18-43-26-00-00002.0020; .0000 & 19-43-26-00-00002.1020

PRIOR STRAP NUMBER(S) (IF ANY):

LOCATION/SITE ADDRESS: 12850 N. RIVER RD AND 18420 & 17900 OWL CREEK DR

PURPOSE OF LETTER:

- ☐ DEVELOPMENT ORDER SUBMITTAL ☐ FINANCING ☐ EFFLUENT REUSE
☐ PERMITTING OF SURFACE WATER MANAGEMENT (SOUTH FLORIDA WATER MANAGEMENT DISTRICT)
☒ OTHER: (PLEASE SPECIFY) COMP PLAN AMENDMENT

PLANNED USE:

- ☐ COMMERCIAL ☐ INDUSTRIAL ☒ RESIDENTIAL - (☒ SINGLE-FAMILY ☐ MULTI-FAMILY)
☐ OTHER: (PLEASE SPECIFY) _____

PLANNED # OF COMMERCIAL/INDUSTRIAL BUILDINGS: _____ TOTAL SQUARE FOOTAGE: _____

RESIDENTIAL UNITS: SINGLE-FAMILY: 440 MULTI-FAMILY: _____

AVERAGE ESTIMATED DAILY FLOW (GPD): 110000 (☒ WATER ☒ WASTE-WATER) (GPD): _____ ☐ REUSE

PLEASE SHOW CALCULATION USED TO DETERMINE AVERAGE ESTIMATED DAILY FLOW (GPD) PER CRITERIA SET FORTH IN LEE COUNTY UTILITIES DESIGN MANUAL: _____

440 Sf Units X 250 Gpd = 110,000 Gpd

Please e-mail the completed form at Nbeals@leegov.com . If you are unable to e-mail the completed form, please fax to (239) 485-8385. If you should have any questions or require assistance, please feel free to call our office at (239) 533-8157.





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", written over a light blue horizontal line.

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



FGUA Operations Office

Government Services Group, Inc.
280 Wekiva Springs Rd., Ste 2070
Longwood, FL 32779-6026

(877) 552-3482 Toll Free
(407) 629-6900 Tel
(407) 629-6963 Fax

September 3, 2020

Jennifer Sheppard
Banks Engineering
10511 Six Mile Cypress Parkway, Suite 101
Fort Myers, FL 33966
jsheppard@bankseng.com

RE: Wastewater Availability – LOA ID#: 20-56 NFMD

Parcel ID No.: 18-43-26-00-00002.0020, 18-43-26-00-00002.0000, & 19-43-26-00-00002.1020

12850 N. River Rd, 18420 OwlCreek Dr., & 17900 Owl Creek Dr., North Fort Myers, FL 33903

Owl Creek

Dear Ms, Sheppard:

Pursuant to the submitted Application for Service Availability, please be advised that wastewater lines are in operation in the vicinity of the address mentioned above, and a site map showing the approximate location of the utilities is included for your reference. However, in order to provide service to the subject parcel(s), developer funded system enhancements such as line extensions may be required. A letter of no objection will also need to be obtained from the current utility provider in that service area for FGUA to provide service to this property.

Your firm has indicated that this project will consist of 440 residential homes with estimated wastewater flows of 110,000 GPD. FGUA presently has sufficient treatment capacity to accommodate these flows. Please note that 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 our existing water and wastewater systems.

This letter should not be construed as a commitment to serve, but only as a statement of the availability of service and is effective for twelve (12) months from the date hereof. The FGUA will commit to serve only upon final acceptance of the utility infrastructure constructed by the developer, receipt of all appropriate capacity (impact) and project fees, an executed Utility Infrastructure Conveyance and Service Agreement (CSA), the approval of all state and local regulatory agencies and proper project closeout. Further, this Letter of Availability is to be utilized for development review for this project only.

FGUA Board of Directors

LEA ANN THOMAS, Chair, Polk County / CHRISTINE BRADY, Lee County / KEN CHEEK, P.E., Citrus County
SHANE PARKER, P.E., Hendry County / MICHAEL CARBALLA, P.E., BCEE, Pasco County / ANGEL ROUSSEL, P.E., Marion County

When you are ready to move forward with your project, please contact Paul Arnett, Development Review Utility Connection Coordinator at 407-629-6900 ext. 109 or via email at PArnett@govmserv.com to schedule a pre-development meeting. Please note that this meeting is **MANDATORY** prior to submitting construction plans for review by the FGUA.

Sincerely,

FLORIDA GOVERNMENTAL UTILITY AUTHORITY

Douglas W. Black, PSM, PLS
Property & Development Manager

CC: Mike Currier, South Region Area Manager

Encl.

1. Mandatory Pre-Development Meeting Information
2. Utility Locates
3. Fee Statement/Receipt



Development Services Division

Mandatory Pre-Development Meeting Request

Purpose:

The mandatory pre-development meeting is designed to be an informative discussion, specifically geared toward assisting the applicant (owner/developer/engineer) understand the FGUA's policies and development process. A pre-development meeting is required prior to the formal submission and review of any utility construction plans by the Development Division.

It is our goal to assist you through the FGUA development process as smoothly as possible, and for your development to be a success. This mandatory pre-development meeting will provide you with the details you need to make this a successful and stress-free process.

What to Expect:

At the meeting, you will be provided with a variety of both general and specific information regarding the FGUA's development process. This will include, but not be limited to staff contact information, plan review guidelines, current fees, conveyance and closeout procedures.

Who Should Attend:

It is encouraged that a representative from the property owner, developer and engineer, at a minimum, attend this meeting. Representatives of the FGUA's Development Division, including the project coordinator, real property coordinator and utility system service area manager will also be in attendance as required.

In an effort to accommodate the potential long-distance commute between the FGUA's Operations Office in Longwood, Florida and the FGUA system areas, these meetings may take place at the local office and/or via video conference call.

Meeting Requests:

Please call or e-mail Paul Arnett, Utility Connection Coordinator to request a meeting at PArnett@govmserv.com, office: (407) 629-6900, or cell: (407) 885-1756.

Please have your FGUA Letter of Availability (LOA) Number (included on the first page of your previously issued Letter of Availability) ready when you call or email to schedule this meeting.

You will also be requested to provide a preliminary site utility plan for staff review.

Prior to submitting utility construction plans for approval, you MUST request a pre-development meeting. Plans submitted to the FGUA without scheduling and attending this meeting will not be reviewed until this meeting takes place.



ALL UTILITY LOCATIONS SHOWN HERE ARE APPROXIMATE. THE DEVELOPER IS SOLELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS VIA POTHOLING OR OTHER ACCEPTABLE MEANS.



FLORIDA GOVERNMENTAL UTILITY AUTHORITY

Development Services Department

APPLICATION FOR DEVELOPER/COMMERCIAL UTILITY SERVICE AVAILABILITY

(FORM A)

The following application package should be completed and submitted to the FGUA's Development Services Department as instructed below if an applicant is looking for utility locations and a statement of availability related to the prospective development of a parcel of land that is not currently connected to public utilities.

Effective October 1, 2012 the following fees are associated with a Commercial Service Availability Request

Section 1 - UTILITY LOCATE MAP ONLY: \$75

Section 2 - LETTER OF UTILITY LOCATION AVAILABILITY AND LOCATE MAP: \$100

(Please note that an LOA cannot be issued without the locate map, unless a locate map was previously issued for the property by the FGUA.)

Please return the completed application package and payment to:

FGUA Operations Office
280 Wekiva Springs Road, Suite 2070
Longwood, FL 32779

Phone: 407-629-6900

Fax: 407-629-6963

A **complete application and remittance of payment** are required prior to the FGUA processing this application. Providing the required information expedites the review process and enables a response within **20-working days** from the date of receipt of a completed application and payment.

Please make checks payable to Florida Governmental Utility Authority (FGUA)



FLORIDA GOVERNMENTAL UTILITY AUTHORITY

Development Services Department

APPLICATION FOR DEVELOPER/COMMERCIAL UTILITY SERVICE AVAILABILITY

(FORM A)

UTILITY LOCATES

By completing Section 1 of the application, you will be provided with approximate utility locations only in the vicinity of the listed property. Should you need a project specific Letter of Availability, please complete Sections 1 & 2.

SECTION 1.

1) Property Information: **This information is available on the county property appraiser's website**

a) PROPERTY ID (Folio/STRAP NO.): 18-43-26-00-00002.0020; 18-43-26-00-00002.0000 & 19-43-26-00-00002.1020

b) PROPERTY PHYSICAL ADDRESS: 12850 N. River Road; 18420 & 17900 Owl Creek Drive

2) **ATTACH** a copy of the property appraiser information/map with the completed application

3) **Design Professional** contact information for FGUA Response:

Name: David R. Underhill, Jr. Date: 7/28/20

Company Name: Banks Engineering Title: Vice President

Full Address (including city, state and zip code): 10511 Six Mile Cypress Parkway, Ft. Myers, FL 33966

Email: dunderhill@bankseng.com & jsheppard@bankseng.com Telephone: 239-939-5490

CONTACT INFORMATION MUST BE PROVIDED FOR ALL INQUIRIES

SECTION 2.

DO YOU NEED A FORMAL LETTER OF AVAILABILITY?

By completing Sections 1 & 2 of the application, you will be provided with approximate utility locations in the vicinity of the listed property AND a formal LOA. The following information is required if further permitting with FGUA is desired (i.e. if project is contemplated for construction).

4) Name and address of **APPLICANT**:

a) NAME and COMPANY NAME (if applicable):

Jennifer Sheppard - Banks Engineering

b) MAILING ADDRESS (including city, state and zip code):

10511 Six Mile Cypress Parkway, Suite 101

Fort Myers, FL 33966

c) PHONE NUMBER and EMAIL ADDRESS:

239-939-5490 jsheppard@bankseng.com

d) Is the **APPLICANT**: ☐ Property Owner ☐ Developer ☐ Prospective Buyer

Mark all that apply

☐ Other: Consultant (please specify)

5) Service(s) requested: ☒ Water ☒ Wastewater ☐ Reclaim ☐ Fire Protection

6) Project Information:

a) PROJECT NAME: Owl Creek

b) PROPOSED USAGE (i.e. retail, offices, residential subdivision, etc.) residential subdivision

c) SIZE (square footage or number of homes): 440

d) PHASES (if applicable): _____

7) Engineer's estimate of average daily flows:

WATER: 110,000 GPD WASTEWATER: 110,000 GPD

RECLAIMED WATER: _____ GPD FIRE PROTECTION: _____ GPM

Incomplete
Applications
Will Not Be
Processed



BAYSHORE FIRE PROTECTION AND RESCUE SERVICE DISTRICT

17350 Nalle Road, North Fort Myers, Florida 33917

Business: 239-543-3443 Fax: 239-543-7075

"Serving With Pride"

August 11, 2020

To: Jennifer M. Sheppard

Banks Engineering

10511 Six Mile Cypress Parkway, suite 101

Fort Myers, Florida 33966

From: Lawrence Nisbet

Fire Chief

Regarding: Owl Creek

Jennifer,

Bayshore Fire Rescue has reviewed the comprehensive plan amendment proposal for the Owl Creek property. In reference the ability to provide service to the proposed project, Bayshore Fire Rescue will be able to adequately serve the development as proposed. However, the District will require residential sprinklers within the homes if the area is not serviced by an adequate pressurized fire hydrant system. Furthermore, the District reserves the right to enforce all applicable fire codes and ordinances. Please feel free to contact us if we can be of any further assistance.

Sincerely,

Lawrence Nisbet



LEE COUNTY

SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

August 19, 2020

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

Re: Letter of Service Availability

Ms. Hewitt,

I am in receipt of your letter requesting a Letter of Service Availability for STRAP 18-43-26-00-00002.0020; 18-43-26-00-00002.0000 19-43-26-00-00002.1020.

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.

It is our opinion that the service availability for the proposed development of this property is adequate at this time. Should the plans change, especially the density, a new analysis of this impact would be required.

Sincerely,

Benjamin Abes
Chief
Division of Emergency Medical Services



THE SCHOOL DISTRICT OF LEE COUNTY

Cindy Leal Brizuela

Senior Planner

2855 Colonial Boulevard, Fort Myers, FL 33966 | O: 239.335.1432

August 7, 2020

Jennifer M. Sheppard
Permitting Manager & Planner
Banks Engineering
10511 Six Mile Cypress Parkway, Suite 101
Fort Myers, FL 33966

RE: Owl Creek Comprehensive Plan Amendment

Dear Ms. Sheppard:

This letter is in response to your request for concurrency review dated August 3, 2020 for the subject property in unincorporated Lee County in regard to educational impact. The project is located in the East Choice Zone, E2.

This development is a request for 440 single-family housing units. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For single-family homes, the generation rate is .297 and further broken down by grade level into the following, .149 for elementary, .071 for middle and .077 for high. A total of 131 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development.

The Concurrency Analysis attached, displays the impact of this development. Capacity is an issue within the Concurrency Service Area (CSA) at the high school level, however, capacity is available in the adjacent CSA.

Thank you and if I may be of further assistance, please contact me at 239-335-1432

Sincerely,

Cindy Leal Brizuela, Senior Planner

LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITY Lee County School District
NAME/CASE NUMBER Owl Creek CPA
OWNER/AGENT Banks Engineering
ITEM DESCRIPTION All impacts in East CSA, sub area E2

PROPOSED DENSITY 440 units
LOCATION NE Lee County (South of N. River Road, East of SR 31)
ACRES 348.80
CURRENT FLU Rural & Wetlands
CURRENT ZONING AG-2

PROPOSED DWELLING UNITS BY TYPE

Single Family	Multi Family	Mobile Home
440	0	0

STUDENT GENERATION

Student Generation Rates			
SF	MF	MH	Projected Students
Elementary School	0.149		65.56
Middle School	0.071		31.24
High School	0.077		33.88
Source: Lee County School District, September 7, 2018 letter			

CSA SCHOOL NAME 2022/23

	CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Available Capacity W/Impact	LOS is 100% Perm FISH Capacity	Adjacent CSA Available Capacity w/Impact
West CSA, Elementary	13,328	11,648	1,680	66	1614	88%	
West CSA, Middle	7,030	6,668	362	31	331	95%	
West CSA, High	8,920	9,629	-709	34	-743	108%	Yes
(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan							
(2) Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity)							
(3) Available Adjacent CSA capacity is subject to adjacency criteria as outlined in the Interlocal Agreement and the School District's School Concurrency Manual							

Prepared by:

Cindy Leal Brizuela, Senior Planner

Carmine Marceno
Sheriff



"Proud to Serve"

State of Florida
County of Lee

August 4, 2020

Jennifer M. Sheppard
Banks Engineering
10511 Six Mile Cypress Parkway Suite 101
Fort Myers, Florida 33966

Ms. Sheppard,

The requested Comprehensive Plan Amendment for a 348.8 +/- acre site at the proposed Owl Creek Development (STRAP No. 18-43-26-00-00002.0020, 18-43-26-00-00002.0000 and 19-43-26-00-00002.1020) does not affect the ability of the Lee County Sheriff's Office to provide core services at this time. Therefore, we have no objections to increasing housing density to a maximum of 440 residential units and changing the property's land use designation from Rural and Wetlands to New Community.

This agency will provide law enforcement services from our North District substation in North Fort Myers. At the time of application for new development orders or building permits, the applicant shall provide a Crime Prevention Through Environmental Design (CPTED) report done by the applicant and given to the Lee County Sheriff's Office for review and comments. Please contact Community Relations Supervisor Beth Schell at (239) 258-3287 with any questions regarding the CPTED study.

Respectfully,

MAT. R Snyder 86-013

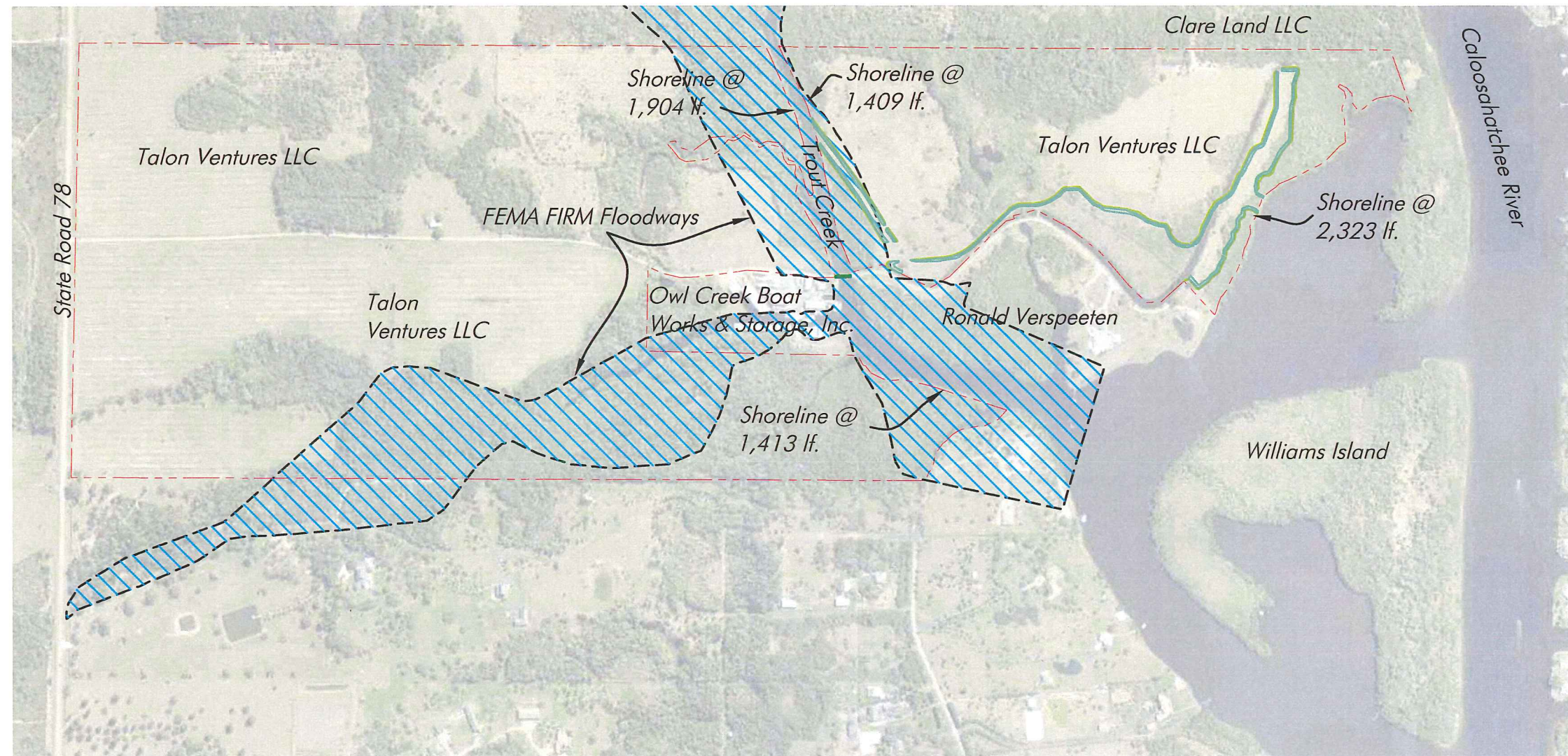
Rich Snyder
Major, Patrol Bureau



"The Lee County Sheriff's Office is an Equal Opportunity Employer"
14750 Six Mile Cypress Parkway • Fort Myers, Florida 33912-4406 • (239) 477-1000

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial



Overall Site Plan

SCALE: 1" = 1,000'

This item has been digitally signed and sealed by
Hans J.M. Wilson on the date adjacent to the seal.
Printed copies of this document are not considered
signed and sealed and the signature must be
verified on any electronic copies.

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: March 14, 2022 4:18:08 p.m.
Drawing: HORTON3MASTER.DWG

Total project shoreline @ 7,049 lf.

Note: Property lines per Lee County Property Appraiser

PERMIT PLANS, NOT FOR CONSTRUCTION



1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

3-14-22

JWA

D R Horton

SHEET
2-21

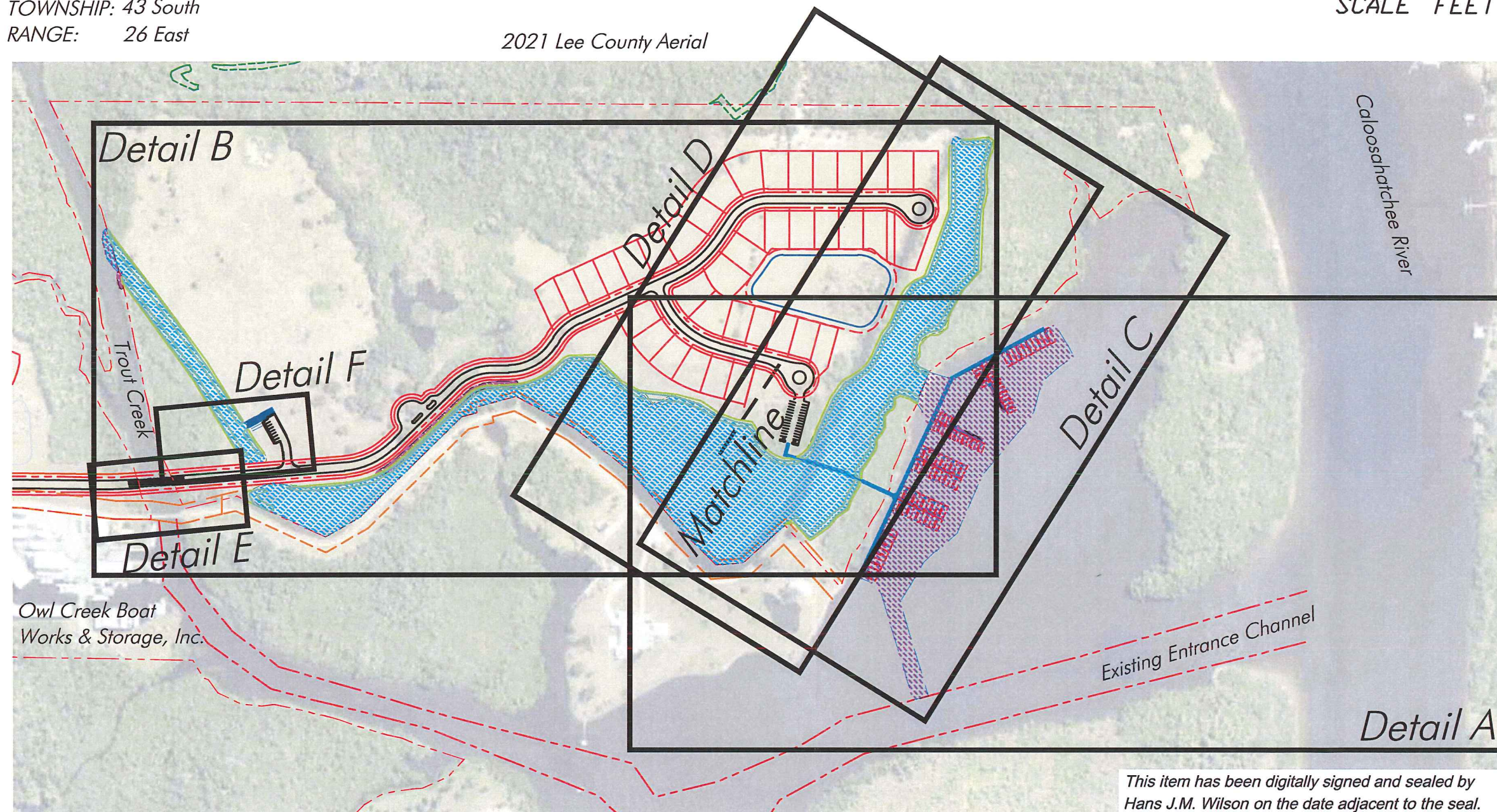
ATTACHMENT T

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial



0' 250' 500'
SCALE FEET



Owl Creek Boat
Works & Storage, Inc.

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Total project shoreline @ 7,049 lf.

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PERMIT PLANS, NOT FOR CONSTRUCTION

Proposed Site Plan

SCALE: 1" = 500'

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3-14-22

JWA

D R Horton

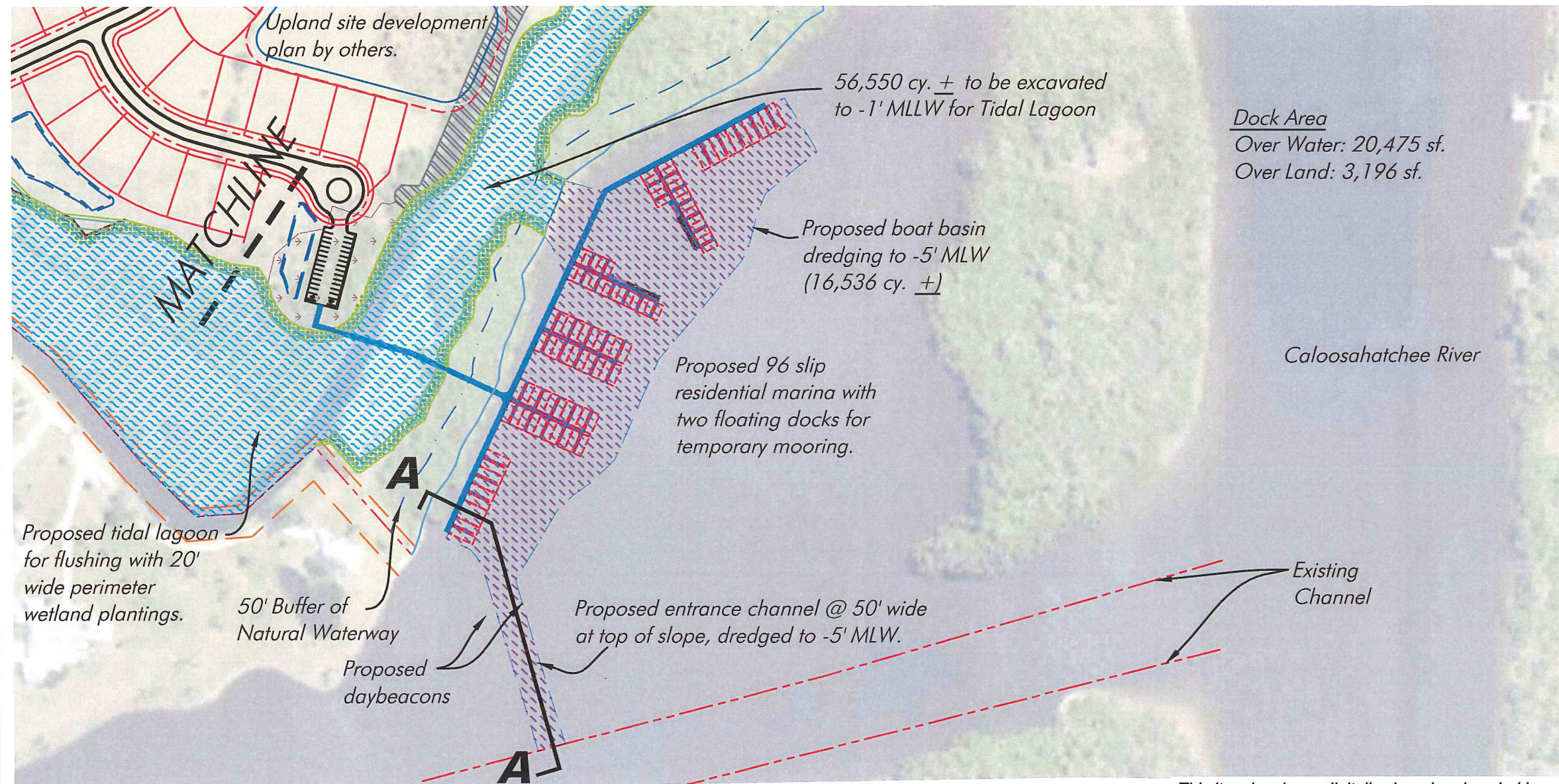
SHEET
4-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial



0' 150' 300'
SCALE FEET



Detail A - Proposed Dock Plan

SCALE: 1" = 300'

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Note: Property lines per Lee County Property Appraiser

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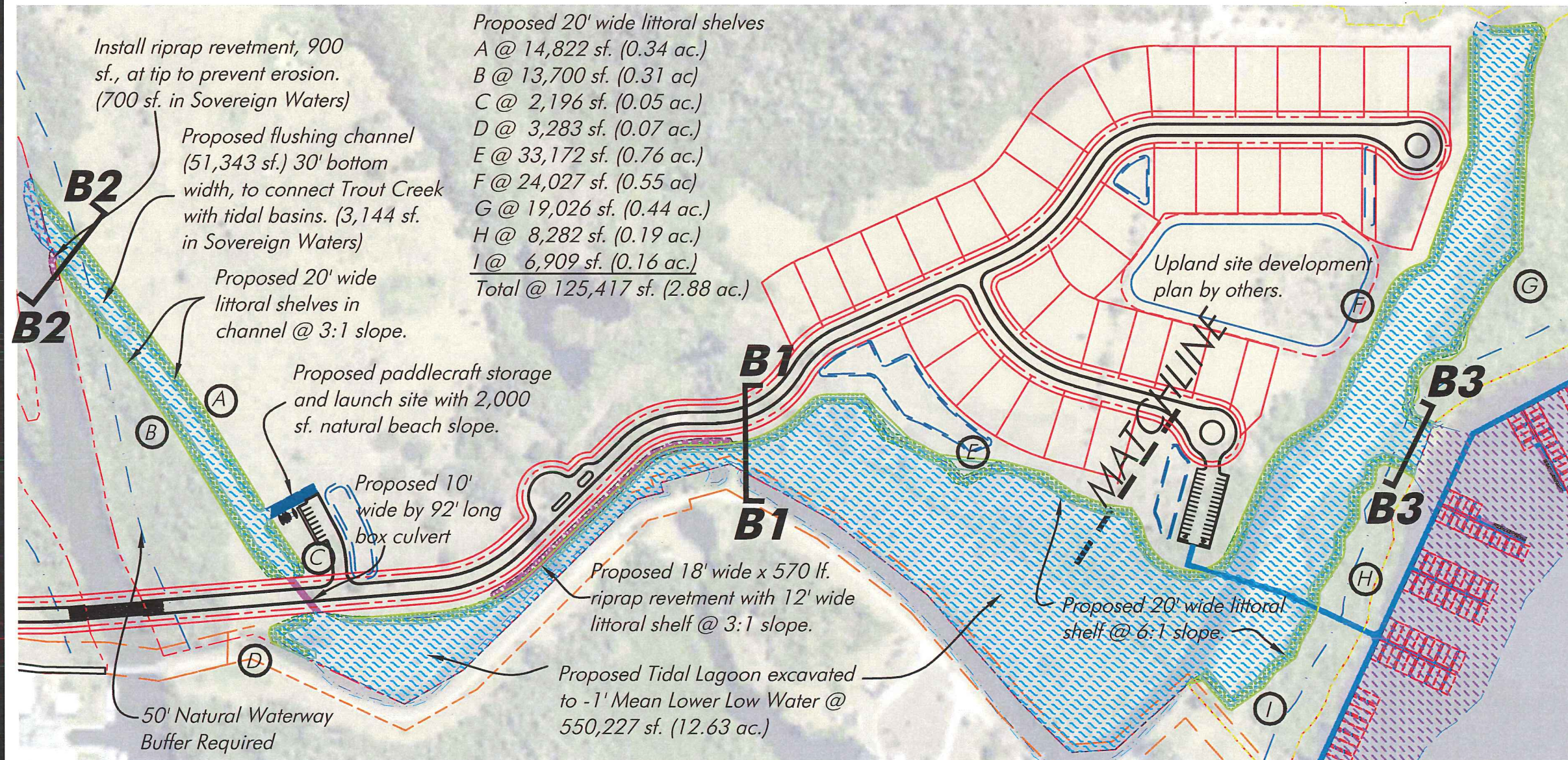
D R Horton

SHEET
5-21

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: March 14, 2022 4:18:08 p.m.
Drawing: HORTON3MASTER.DWG

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial



Notes: Depths reference MLW based
on DEP Tide Station 872-5520.

MHW @ 0.06' NAVD.

MLW -0.89' NAVD

MLLW @ -1.04' NAVD.

Note: Property lines per Lee County Property Appraiser

Detail B - Tidal Lagoon/Tidal Channel

SCALE: 1" = 300'

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3-14-22

JWA

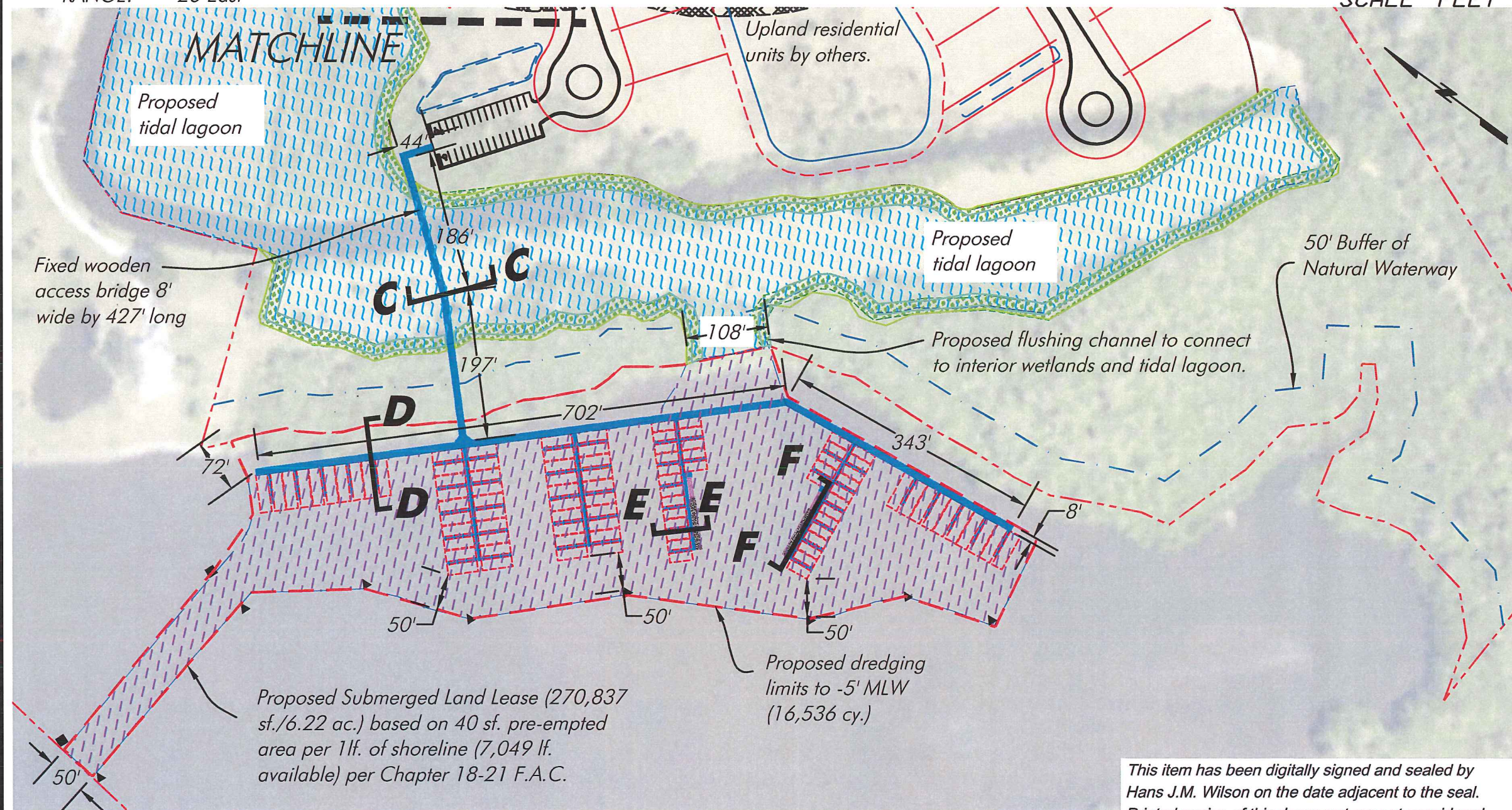
D R Horton

SHEET
6-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial

0 100 200
SCALE FEET



Detail C - Proposed Dredging Plan

SCALE: 1" = 200'

Note: Property lines per Lee County Property Appraiser
PERMIT PLANS, NOT FOR CONSTRUCTION

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3-14-22

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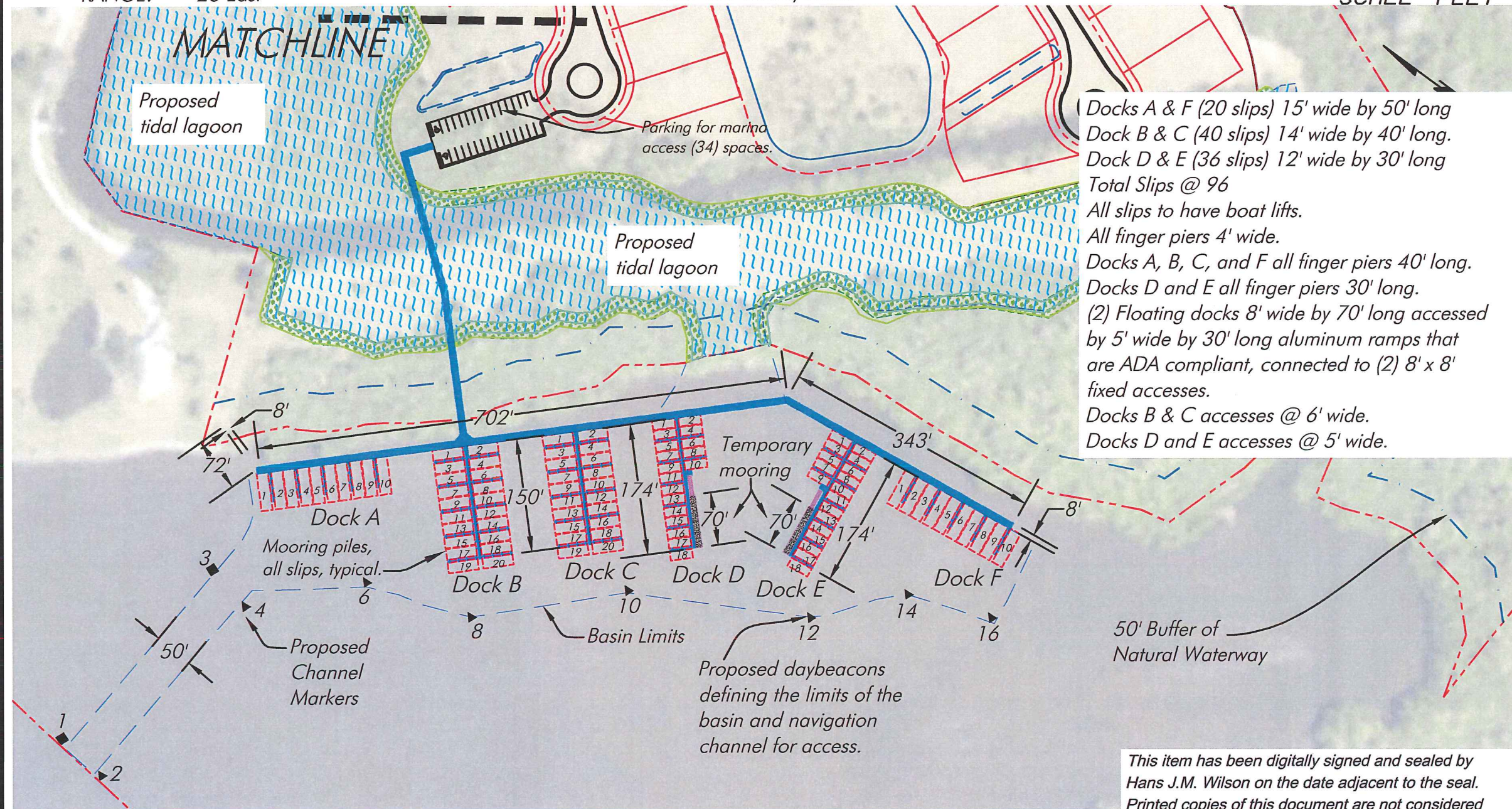
D R Horton

SHEET
8-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial

0 100 200
SCALE FEET



Detail C - Proposed Marina Plan

SCALE: 1" = 200'

Note: Property lines per Lee County Property Appraiser
PERMIT PLANS, NOT FOR CONSTRUCTION

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MARINE and ENVIRONMENTAL CONSULTANTS

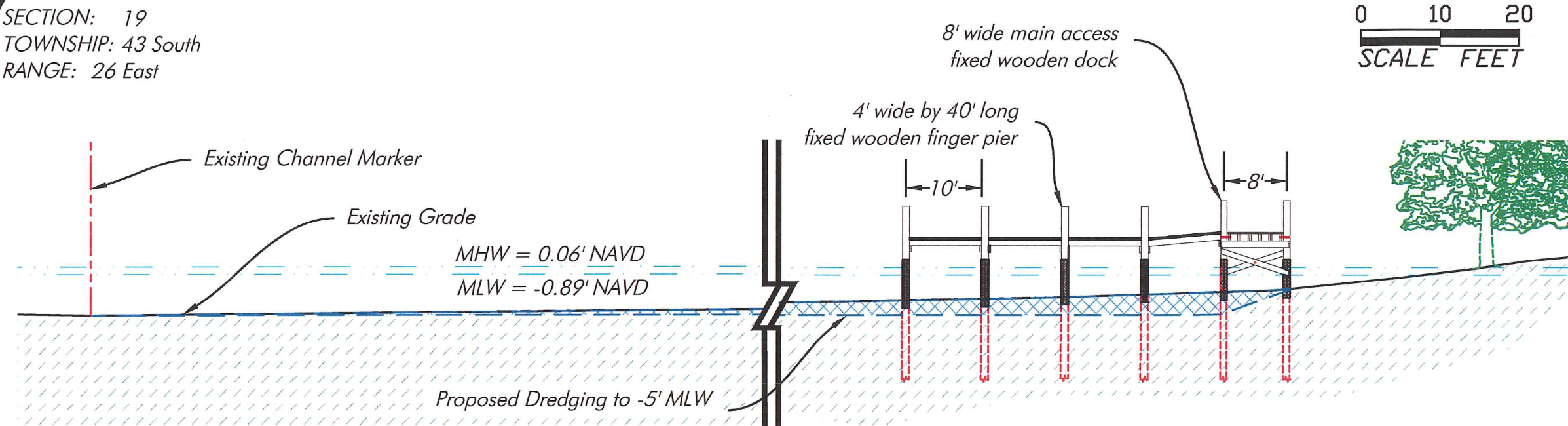
3-14-22

JWA

D R Horton

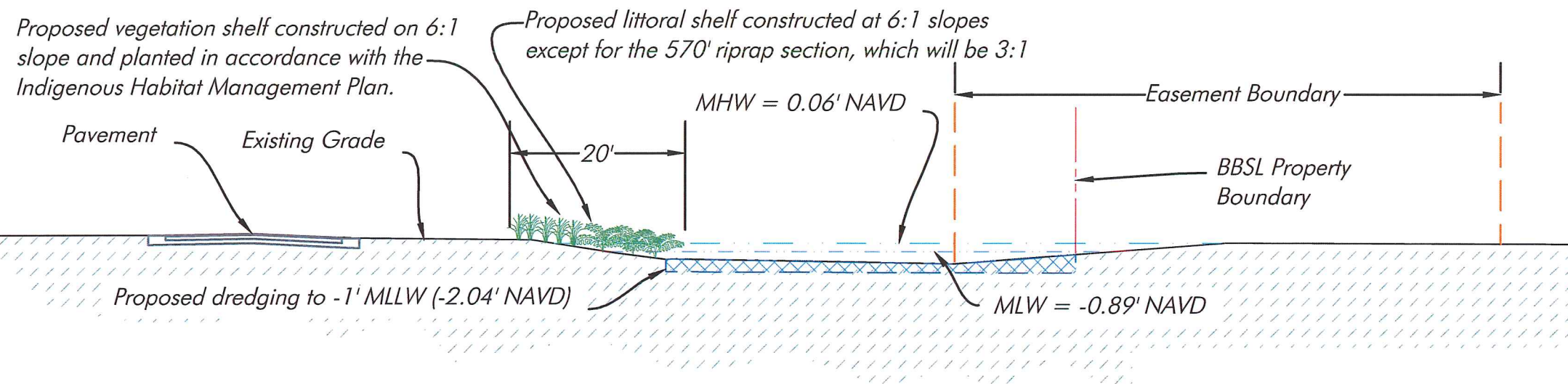
SHEET
9-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East



Cross Section A-A

SCALE: 1" = 20'



Cross Section B1-B1

SCALE: 1" = 20'

Notes: Depths reference MLW based on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

Note: Property lines per Lee County Property Appraiser

PERMIT PLANS, NOT FOR CONSTRUCTION

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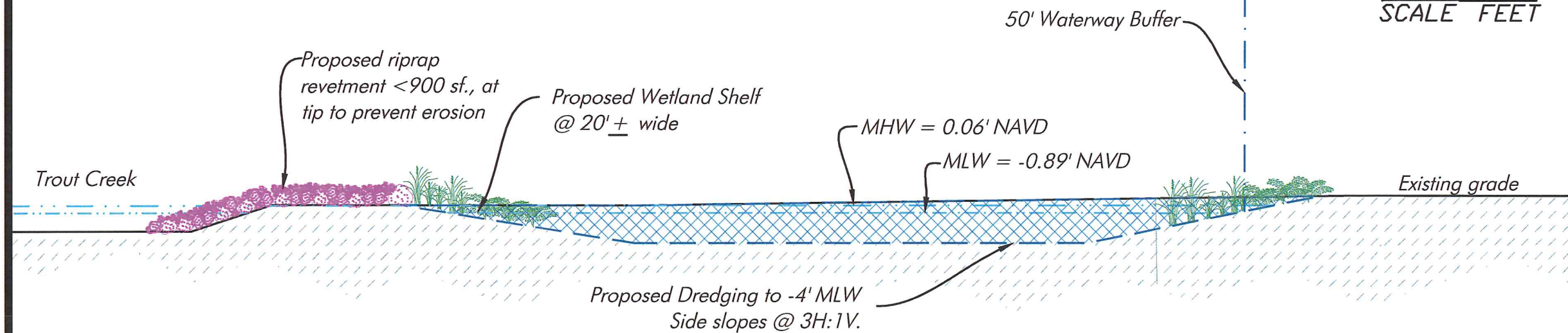
JWA

D R Horton

SHEET
13-21

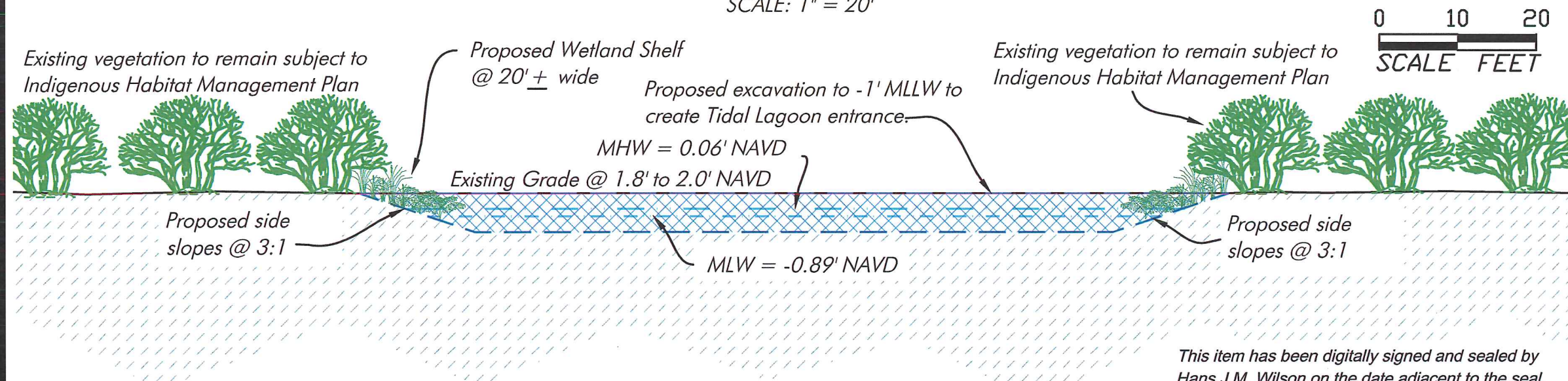
SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

0 10 20
SCALE FEET



Cross Section B2-B2

SCALE: 1" = 20'



Cross Section B3-B3

SCALE: 1" = 20'

Notes: Depths reference MLW based
on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

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3-14-22

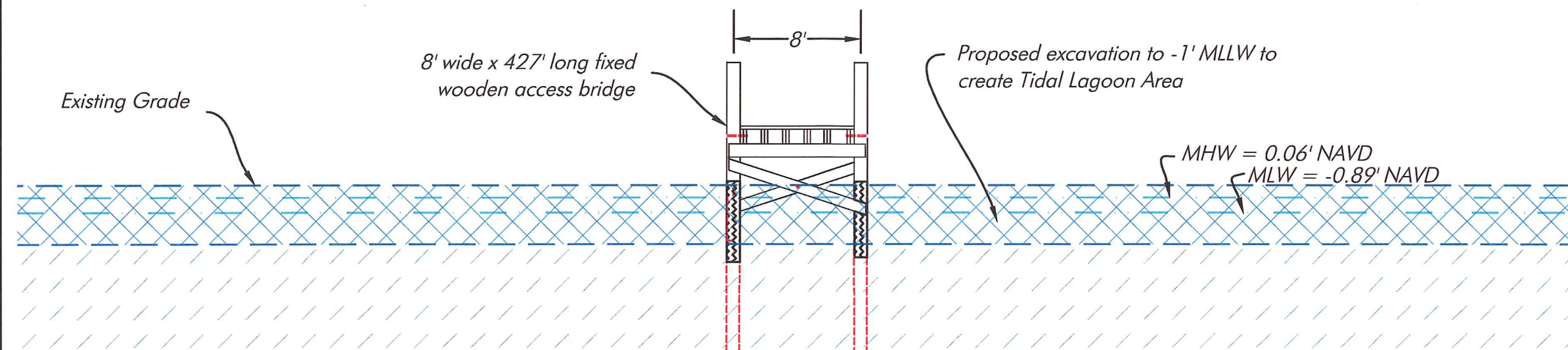
JWA

D R Horton

SHEET
14-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

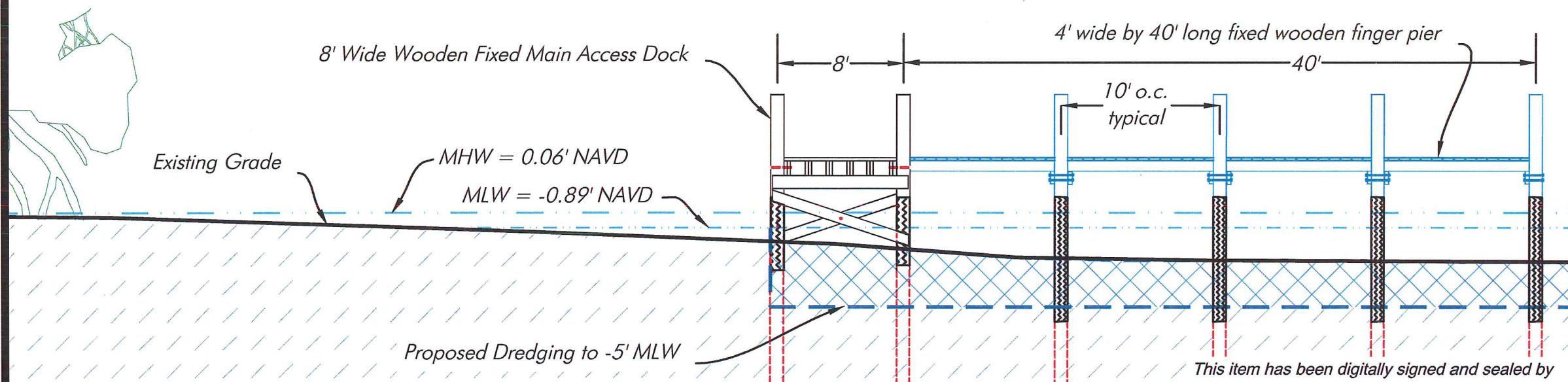
0 5 10
SCALE FEET



Cross Section C-C

SCALE: 1" = 10'

0 5 10
SCALE FEET



Cross Section D-D

SCALE: 1" = 10'

Notes: Depths reference MLW based
on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

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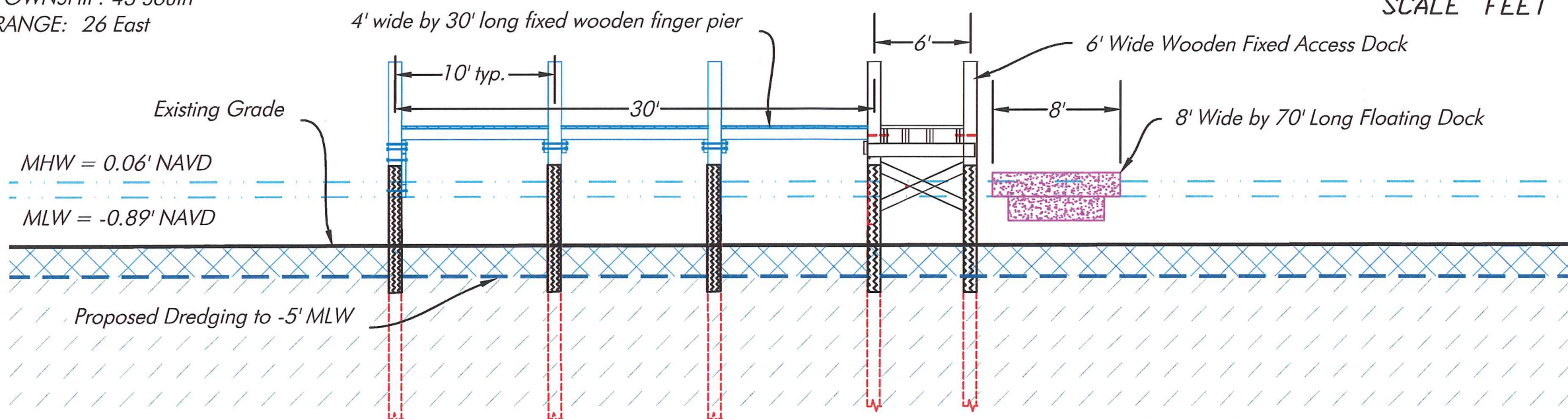
JWA

D R Horton

SHEET
15-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

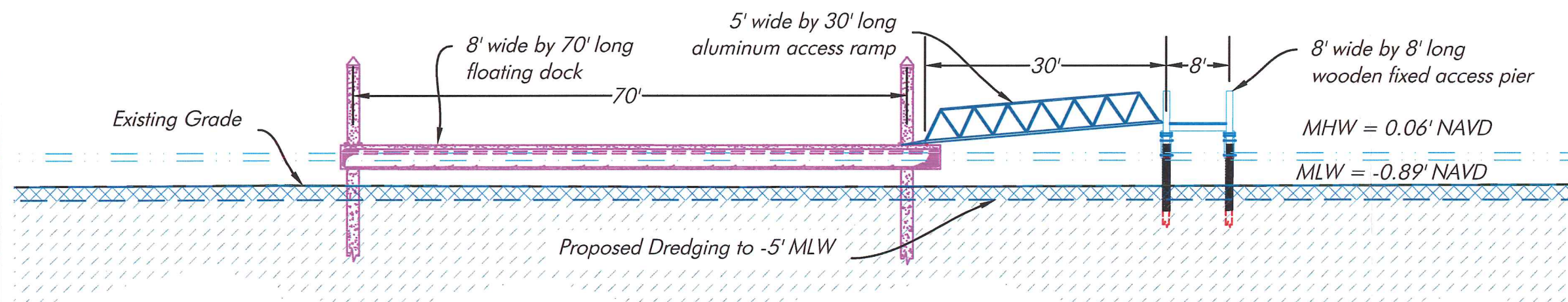
0 5 10
SCALE FEET



Cross Section E-E

SCALE: 1" = 10'

0 10 20
SCALE FEET



Cross Section F-F

SCALE: 1" = 20'

Notes: Depths reference MLW based
on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
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MARINE and ENVIRONMENTAL CONSULTANTS

3-14-22

JWA

D R Horton

SHEET

16-21



Professional Engineers, Planners & Land Surveyors

**ATTACHMENT U Owl Creek Reserve RPD
DCI2021-00011**

**Summary of North Olga Planning Community
Second Public Information Meeting**

In compliance with Lee County Comprehensive Plan Policy 27.1.8 and Lee County Land Development Code Section 33-1663 and pursuant to staff's request, two follow up Public Information Meetings were held to update the public regarding zoning application. The applicant also provided an update regarding revisions to the comprehensive plan amendment applications and the pending development order application. Please see separate Summary of Alva Planning Community Public Information Meetings.

The Second Public Information Meeting within the North Olga Planning Community was held on Wednesday, December 1, 2021 at 6:00 pm at a special North Olga Planning Panel meeting held at the Bayshore Fire Station, 17350 Nalle Rd., Fort Myers, FL 33917. Due to the COVID-19 pandemic, special accommodations were made to allow attendance in person or remotely by streaming online via Microsoft Teams. The updated development proposal was described in detail including but not limited to the existing conditions, revisions to the proposed comprehensive plan amendments to remove request for future land use map change and instead propose incentives to encourage wetland preservation and rare and unique upland habitat preservation/restoration, proposed RPD rezoning including uses, intensity (± 380 dwelling units), deviations and master concept plan, and the pending proposed development order plan was presented. There were members of the public present online and in person for the meeting.

Attached please find the following items for reference:

- Sign-in Sheet
- Affidavit of Notice
- Summary of Public Information Meeting October 15, 2020

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

Question: Okay, so you have 342 acres, and 100 acres is going to be revived and 139 acres is going to be for wildlife preservation? Is that 139 part of the 186 preservation?

- Response: Yes.

Question: Are those areas all together rather than broken up? Because wildlife doesn't survive well when things are all broken up.

- Response: There are two separate wildlife corridors within the 139 acres. One associated with Owl Creek and one associated with Trout Creek.

• SERVING THE STATE OF FLORIDA •

Question: So, if the 60% is open space, that's 205 acres out of the 342 acres is going to be open space. So, what is the density? I mean I know how many units you're going to be building in there but are they all 100 by 100 lots or half acre lots?

- Response: Density is approximately 1.1/1/11 units per acre. Lot sizes vary; with minimum of 6,500 square feet for single-family and minimum 3,750 square feet for two-family attached.

Question: Is that like a duplex? Is that you're talking about the two-family attached? Like townhouses?

- Response: It is similar to a duplex except ownership is different, the duplex is normally located on one lot and the two family attached each unit is on its own lot.

Question: Single or double story?

- Response: There is no limitation on the stories, but proposing same height allowed under today's existing zoning of maximum height 35 feet

Question: And what are the prehistoric preserves?

- Response: There survey is on file with the application – they are prehistoric sites and three sites determined worthy of preservation are incorporated within the preservation area.

Question: You said there were two access points, one of them on North River Road and I didn't catch where the other one is located.

- Response: Two gated access points are proposed on North River Road, with the eastern access resident only.

Question: Have you done any water testing on Trout Creek since you've been involved with this property?

- Response: Not that we are aware of. There is a water monitoring and quality monitoring plan proposed to be incorporated as part of the project.

Question: Has it been implemented yet?

- Response: No, it would be implemented as part of the project approval.

Question: You're making no improvements to the intersection at North River Road and SR. 31? Is that because of the traffic problem now or is it because the future road plans?

- Response: That is an off-site intersection. The application will pay road impact fees that cover any off-site improvements for the project. We did an analysis with traffic counts of that intersection as part of the traffic study and it is shown as an appropriate level of service with our project.

Comment: At 7 am it takes about four lights just to get through that intersection, there's already a traffic problem there so adding 400 will obviously add to that. Obviously, I'm aware of that they're going to widen the road and correct that but obviously what may happen with that. I think we'll have some issues out there, I think a lot of the residents are going to have some issues, but it is openly being corrected.

- Response: Acknowledged.

Question: The privately funded utilities now that's the water and sewer, correct? So, these houses are not going to have well water and septic tanks?

- Response: Although they could have well and septic today under the existing zoning, we are proposing as part of the project to extend water and sewer lines to the project.

Question: So where is the water coming from if it is not coming from that property per say? Are you going to have your own well there that's going to supply the water for everyone cause Duke County already has a water problem out there.

- Response: We will connect to Lee County Utilities existing water located near Bayshore/Old Bayshore.

Question: For the North River Road widening, what will it look like after the process? Like one more lane, turning lanes? No lights here, just the stop signs?

- Response: North River Road is not proposed to be widened. No lights proposed. Potentially at least a right turn line at the main entrance.

Question: Do you have a start/beginning date? I mean I know you are still going through the process. But what's is you anticipated start date?

- Response: We hope to have entitlements including State which is longest lead time by October next year to hopefully get started by next fall.

Question: Will you be like just selling individual lots in there or will y'all be building and developing houses and selling the houses after you develop them? Or bringing in builders and building them?

- Response: D.R. Horton will be the developer and home builder.

Question: Do you have an estimated minimum price to high price at this time?

- Response: It's too early to tell as it is still a year and a half away.

Question: Is that a marina will that be part of it?

- Response: Yes, this is private slip amenity for the facility as part of the request and not truly a marina. There is also a private amenity site.

Question: What's happening with the Owl Creek boat works there?

- Response: They are staying and are not part of the project.

Question: What kind of setback would you say from North River Road before you are going to have houses there?

- Response: There is a minimum 50-foot perimeter setback per code.

Question: What is that called on North River Road, the 25-foot-wide enhancement and what will that look like?

- Response: There is a 25' buffer with 14' tall trees and preservation areas along the road.

Question: So, it won't be a berm?

- Response: There will not be much of a stormwater berm along North River Road because the grade up there is higher.

Online Question: Can you share where you intend to run the utility expansion and confirm whether it will run up 31 and then turn East down N River Rd?

- Response: That is the proposal.

North Olga Community Planning Panel

Dec. 1, 2021

Sign-in

#	Name	Address	E-mail	Phone #
	Stacy Hewitt	Banks Eng. 10511 Six Mile Cypress Pkwy	shewitt@bankseng.com	239-776-2527
	Nelva VanRunkel	18321 N OLA	DVRDVM1@AOL.COM	239-671-9394
	Mary Povea	5991 Buckingham Rd.		
	Adelle Smiel	18140 Riverchase Ct	Fiesty68@live.com	305 799 4651
	Suzanne Armeda	19040 Armeda Rd. 33920	nsarmeda@aol.com	(239) 543-3284
	Ken Dellalt	7 Jute St. Alva 33920	ken.dellalt1@gmail.com	610-223-8630
	Alexis Crespo	28100 Bonita Grade	alexisc@walshp-engineering.com	405 1777
	Jeremy Arnold	"	"	"
	Joey Medina	"	"	"
	Matt McLean	"	"	"
	Russell Schropp	POB 280 Ft. Myers 33902	russell.schropp@kenlaw.com	344-1280
	Wayne Everett	10541 6 Mile Cypress 33966	jweverette@drhorton.com	239 225 2631

Microsoft Teams Online attendee: Justin Thibaut

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
Nicole Jacobs, 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

Notice Public Hearing

In the Twentieth Judicial Circuit Court was published in said
newspaper editions dated or by publication on the newspaper's
website, if authorized, on:

11/19/2021

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 2nd of February 2022,
by legal clerk who is personally known to me.

Nicole Jacobs
Affiant

Amy Kokott
Notary State of Wisconsin, County of Brown
6/30/2025
My commission expires

AMY KOKOTT
Notary Public
State of Wisconsin

of Affidavits: 1

This is not an invoice

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 a special meet-
ing held on:

Wednesday, December 1st at 6:00 pm
at the Bayshore Fire Station,
17350 Nalle Rd, Fort Myers, FL 33917

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 Reserve proposes a Com-
prehensive Plan Text amendment (Case
No. CPA2020-00005) to allow incentives
for wetland preservation and rare and
unique upland habitat preservation or
restoration for clustered developments
utilizing the planned development
process within the North Olga Planning
Community and a Map amendment
(Case No. CPA2020-00004) to include in
Lee County Future Water Service Area.
The applicant is also proposing to
rezone the property from Agricultural
(AG-2) to minor Residential Planned
Development (RPD) (Case No. DC(2021-
00011) to allow a clustered residential
community containing up to 380 dwell-
ing units (reduced from original 440
units) consisting of single-family and t-
wo-family attached with associated
amenities and a maximum height of 35
feet. There is also a pending Develop-
ment Order Application for the 380-
unit residential community with ameni-
ties and associated infrastructure. This
is an update from the prior meeting
held on October 15, 2020.

All are welcome to attend the presen-
tation to discuss these project applica-
tions with the applicant'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 November 29th via email
at shewitt@bankseng.com to register
and to allow us to send you login in-
structions. Should you be unable to at-
tend 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@banks-
eng.com.
AD# 5009162 11/19/2021



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.

• SERVING THE STATE OF FLORIDA •

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 Hunt	17160 WaterEdge Cir ³³⁹¹⁷	Gdeanwiant@Ad.com	239-565-3091
	Wayne Everett	10541 6 mile Cypress Pkwy	jweverett@drhorton.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	339-344-1100
	Dennis VanRackel			
	Walter VanRackel			
	Justin Thibaut		jthibaut@siliconcompanies.com	239-484-4066

Also noted present per email but not signed in: Mary Povia, Adele Smith, John Brodrick, Deana Armada

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 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

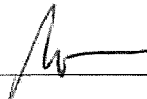
PUBLIC INFORMATION MEETING North Olga Planning Community The public is invited to attend a Public Information Meeting presentation to the North Olga Planning P

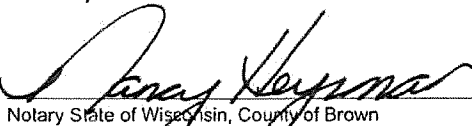
In the Twentieth Judicial Circuit Court was published in said newspaper in the issues of:

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

10.15.23
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 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.

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 Reserve RPD

DCI2021-00011

Summary of Alva Planning Community Second Public Information Meeting

In compliance with Lee County Comprehensive Plan Policy 27.1.8 and Lee County Land Development Code Section 33-1663 and pursuant to staff's request, two follow up Public Information Meetings were held to update the public regarding the zoning application. The applicant also provided an update regarding revisions to the comprehensive plan amendment applications and the pending development order application. Please see separate Summary of North Olga Planning Community Public Information Meetings.

The Second Public Information Meeting within the Alva Planning Community was held on Thursday, December 9, 2021 at 6:00 pm at the Alva Community Center, 21471 North River Road, 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 updated development proposal was described in detail including but not limited to the existing conditions, revisions to the proposed comprehensive plan amendments to remove request for future land use map change and instead propose incentives to encourage wetland preservation and rare and unique upland habitat preservation/restoration, proposed RPD rezoning including uses, intensity (± 380 dwelling units), deviations and master concept plan, and the pending proposed development order plan was presented. There were members of the public present in person for the meeting and no online public attendees.

Attached please find the following items for reference:

- Sign-in Sheet
- Affidavit of Notice
- Summary of Public Information Meeting October 6, 2020

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

Question: What exactly is a turn around?

- Response: A turn around is a cul-de-sac, circular turnaround for if someone couldn't get in the gate, they have a place to turn around to leave. The main entrance would provide the turnaround to accommodate trucks like a UPS truck, but the deviation would allow the secondary resident only access without the full turnaround. It will provide a place where a passenger car or pickup truck could turn around.

• **SERVING THE STATE OF FLORIDA** •

Question: How would you public access that if it's a gated community?

- Response: They would be granted access at the gate house.

Question: You'd have a guard there? Would they recognize public access to the public ramp?

- Response: There could be a guard or the gate could be open daytime hours for example 7 am to 7 pm and public access to the canoe/kayak launch would be provided.

Question: You were going to have 400 plus houses, now you're going down to 380, what were those lots that were being used what are those going to be used for now?

- Response: Made some of the lots bigger so that reduced the lot count.

Question: On the retention ponds where are they going to discharge?

- Response: They generally will discharge into the wetlands that are onsite and that connect to either Owl Creek or Trout Creek. The ones that are south of Trout Creek will ultimately discharge to the Caloosahatchee.

Question: Traffic from this development and another one being planned just off US 31 being built by Pulte Homes and another development that is south over the bridge that's on 31, that's supposed to be completing construction later this year. That's over 1,000 new homes altogether so traffic situation here is only affected by your development but some discussion at North Olga about the red light on 31 after multiple accidents and deaths there. Do you know of anything else that's being planned for that kind of increase in the next 3 years traffic wise?

- Response: SR 31 is being widened to 4 lanes as part of Babcock Ranch development.

Question: Do you have any idea what the plan for the bridge are? Imagine no draw bridge and it would be higher and longer entries.

- Response: Plans are still being worked on.

Question: The prehistoric area, in the research to discover them was any human remains found?

- Response: No.

Question: Where is the upland preserve area on the plan?

- Response: The various preservation areas are demonstrated by different hatch patterns on the plan depicted in the legend.

Question: Are the dotted lines trails?

- Response: The lines are creeks and other tributaries, natural waterways and the black lines show where the natural waterway buffers are provided.

Question: Will people have access to the area?

- Response: These areas will be placed in a conservation easement to Lee County or another agency that is acceptable to Lee County.

Question: You mentioned something about grass, how big are the lots? There's so much pollution going into the river already and now all this - are there measures in place?

- Response: The project has submitted a water quality monitoring program with safety measurements in place. There are existing cattle grazing on site which will be removed as part of the request which significantly reduces pollutants from that use.

Question: Who does the monitoring and what happens?

- Response: It will be monitored by Lee County. The association will have to prepare the collected data, collected samples, get it tested and then provide the results to Lee County. So, there will be a mechanism for the water quality treatment, so if it does not improve or if it exceeds the thresholds for what the loading rates are for various pollutants, there will be measure that will need to be implemented through the County that will correct it.

Question: Is it unique to have a heavy industrial use in the middle of an upscale community? Is it an upscale community? They build and repair boats, how will that be kept safe for children in our development?

- Response: We like to think of it as an upscale community. Proposed is a minimum 6-foot to 8-foot wall and berm separating Owl Creek Boat Works. .

Question: Have you gone as far as to design the houses?

- Response: The homes are the same homes we build throughout the whole tri county area. Lee, Charlotte, Sarasota County and Collier County. Similar to Hickey's Creek.

Question: So, these are single family and two family attached? What is that exactly? Is that like a duplex?

- Response: A duplex is two units on one lot, a two-family attached has each unit on its own lot.

Question: Another project representative and their engineers thought that their homes would be selling somewhere between 300K and 600K, I know you don't want to put a number out there but is that probably what we're looking at hear?

- Response: If it were starting today maybe, we can't predict the real estate prices.

Question: Are these exhibits available online

- Response: The comprehensive plan amendments and the zoning are online with Lee County, but the development order has not yet been submitted.

Question: Where exactly is the canoe launch area?

- Response: It's right down by Trout Creek.

Question: Are the docks on the Caloosahatchee?

- Response: It is not on the main portion of the Caloosahatchee. It is in a separate basin off of the main river where the historical line followed before the current river configuration.

Question: Can we look up online and check on it?

- Response: Yes – the application numbers were provided in the advertisement.

PROJECT NAME:	Owl Creek Reserve RPD-Alva Community Meeting	MEETING DATE:	December 9, 2021	JOB NUMBER:	8504
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PRINT NAME	PHONE	COMPANY (IF APPLICABLE)	EMAIL
Connie Dennis	239-738-2472	Alva Inc	ahkee128@gmail.com
Kenneth Dellalt	610 223 8630	on the River	kendewalt1@gmail.com
Roxanne Gause	239-247-0193	Alva Inc	Gause_RL @ gmail yahoo.com
Russell Schroger	239-344-1280	Hendrum Franch	russell.schroger@hendrum.com
Yury Bykan	239-692-0589	Tr Transportation	yury@trtrans.net
Jennifer Sheppard	239-939-5490	Banks Eng.	jshppard@bankseng.com
Stacy Ellishewitt	239-770-2527	Banks Eng.	shewitt@bankseng.com
Dave Underhill	940 8687	Banks Eng	dunderhill@bankseng.com
Wayne Everett	239-2252631	DR Horton	jweverett@drhorton.com
Mark Brumfield	"	"	mabrumfield@drhorton.com
B. Schropp	734 3322944	Self	
P. FURBAY	340-8610	ALVA INC.	p.furbay@NETZERO.NET
C. FERNANDES	239 3408610	ALVA INC.	" " "



Professional Engineers, Planners & Land Surveyors

Owl Creek Reserve RPD

DCI2021-00011

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Question: Can we look up online and check on it?

- Response: Yes – the application numbers were provided in the advertisement.

PROJECT NAME:	Owl Creek Reserve RPD-Alva Community Meeting	MEETING DATE:	December 9, 2021	JOB NUMBER:	8504
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PRINT NAME	PHONE	COMPANY (IF APPLICABLE)	EMAIL
Connie Dennis	239-728-2472	Alva Inc	ahkeell28@gmail.com
Kenneth Dellalt	610 223 8630	on the River	keudewalt1@gmail.com
Roxanne Gause	239-247-0193	Alva Inc	Gause_RL@smarter.yahoo.com
Russell Schroger	239-344-1280	Hendrum Travel	russell.schroger@hendrum.com
Yury Bykan	239-692-0589	Tr Transportation	yury@trtrans.net
Jennifer Sheppard	239-939-5490	Banks Eng.	j.sheppard@bankseng.com
Stacy Ellis Hewitt	239-770-2527	Banks Eng.	shewitt@bankseng.com
Dave Underhill	940 8687	Banks Eng	dunderhill@bankseng.com
Wayne Everett	239-225-2631	DR Horton	jweverett@drhorton.com
Mark Brumfield	"	"	mabrumfield@drhorton.com
B. Schropp	734 332-2949	scf	
P. FURBAY	340-8610	ALVA INC.	p.furbay@NETZERO.NET
C FERNANDES	239 390 8610	ALVA INC.	" " "

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
Nicole Jacobs, 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: Thursday, Decembe

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

11/27/2021

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 said
newspaper editions dated:

Sworn to and Subscribed before me this 27th of November
2021, by legal clerk who is personally known to me.

Nicole Jacobs
Affiant

Shelly Hora
Notary State of Wisconsin, County of Brown

8-25-23
My commission expires

PUBLIC INFORMATION MEETING

Alva Planning Community
The public is invited to attend a Public
Information Meeting held by Banks En-
gineering, on:
Thursday, December 9, 2021 at 6:00 pm
at the Alva Community Center,
21471 N. River Road 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 1/2
mile east of S.R. 31, (Babcock Ranch
Road) within the North Olga Communi-
ty Plan Area.

Owl Creek Reserve proposes a Compre-
hensive Plan Text amendment (Case
No. CPA2020-00005) to allow incentives
for wetland preservation and rare and
unique upland habitat preservation or
restoration for clustered developments
utilizing the planned development
process within the North Olga Planning
Community and a Map amendment
(Case No. CPA2020-00004) to include in
Lee County Future Water Service Area.
The applicant is also proposing to
rezone the property from Agricultural
(AG-2) to minor Residential Planned
Development (RPD) (Case No. DC2021-
00011) to allow a clustered residential
community containing up to 380 dwell-
ing units (reduced from original 440
units) consisting of single-family and t-
wo-family attached with associated
amenities and a maximum height of 35
feet. There is also a pending Develop-
ment Order Application for the 380-
unit residential community with ameni-
ties and associated infrastructure. This
is an update from the prior meeting
held on October 6, 2020.

All are welcome to attend the presen-
tation to discuss these project applica-
tions with the applicant'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 December 7th 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@bankse-
ng.com.
AD# 5018078 11/27/2021

SHELLY HORA
Notary Public
State of Wisconsin

of Affidavits 1

This is not an invoice



Professional Engineers, Planners & Land Surveyors

**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?

• SERVING THE STATE OF FLORIDA •

- 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 Knstrom, 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

Nancy Heyrman
 Notary State of Wisconsin, County of Brown

5.15.23
 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 Affidavits1

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

DILORETO 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

LAWSON DONALD
SHUMAKER LOOP + KENDRICK LLP
240 S PINEAPPLE AVE
SARASOTA FL 34236

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

CLARE LAND LLC
PO BOX 131391
HOUSTON TX 77219

ATTACHMENT V

STORMWATER PLANNING REPORT

PREPARED FOR:

Owl Creek Reserve Minor RPD

DCI2021-00011

Revised October 2021

DR Horton
10541 Six Mile Cypress Pkwy
Fort Myers, FL 33966

PREPARED BY:



Professional Engineers, Planners & Land Surveyors

10511 Six Mile Cypress Parkway, Suite 101
Fort Myers, Florida 33966

Existing Conditions

The **Owl Creek** development is located in Lee County, Florida, between North River Road and the Caloosahatchee River, approximately one mile east of SR 31. The project is located in Sections 18 and 19, Township 43 South, Range 26 East. The project area is located within the Owl Creek and Trout Creek Drainage Basins. These natural creeks traverse the project and connect to the Caloosahatchee River and are tidally influenced within the project. The site has historically been used for agriculture (cattle grazing) and has been partially cleared. The property slopes from North to South and the existing grade varies from elevation 8 in the north, to elevation 2 in the south. Owl Creek and Trout Creek flow across North River Road and through the project.



Figure 1: Existing Drainage Map

These creeks and the other onsite wetlands are shown as flow-ways in the County system (see Figure 2) and are prioritized for preservation and restoration. The elevation of the uplands south of Trout Creek range from 2'-3'. The onsite wetlands are primarily along the Trout Creek and Owl Creek. The hydroperiod of the wetlands is controlled by the water table in these creeks that drain upstream areas north of North River Road.

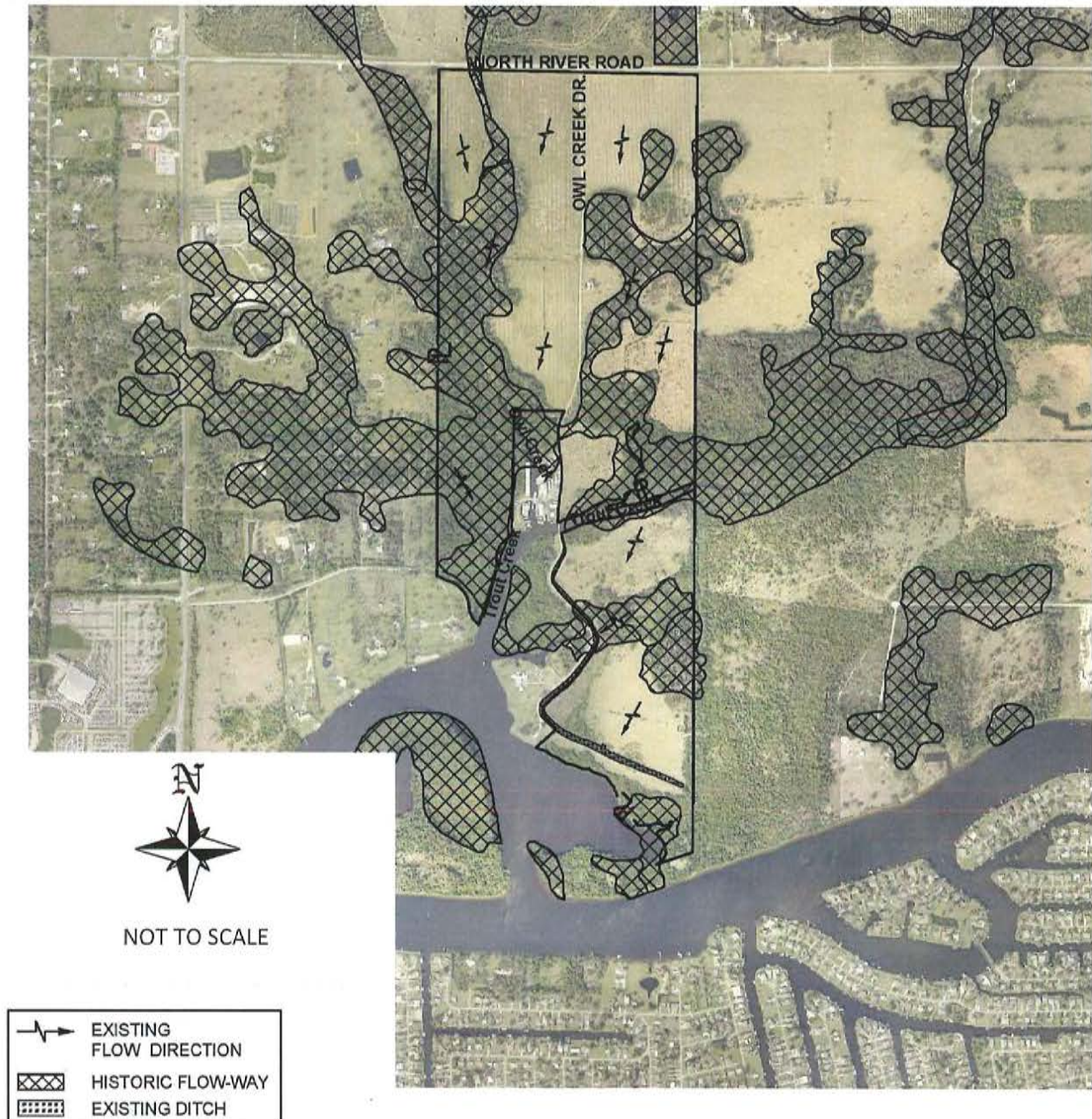


Figure 2: Existing and Historic Flow-ways Map

Proposed Water Management System

The proposed **Owl Creek** project will provide significant wetland and upland preservation and restoration areas with clustered residential development. The development areas will include lakes with residential tracts surrounding these lakes. An amenity area is also planned within the development. The development will primarily occur in the previously cleared areas with a majority of the existing vegetation being preserved. Owl Creek and Trout Creek and their adjacent wetland systems will be maintained as regional flow-ways (See Figure 3).

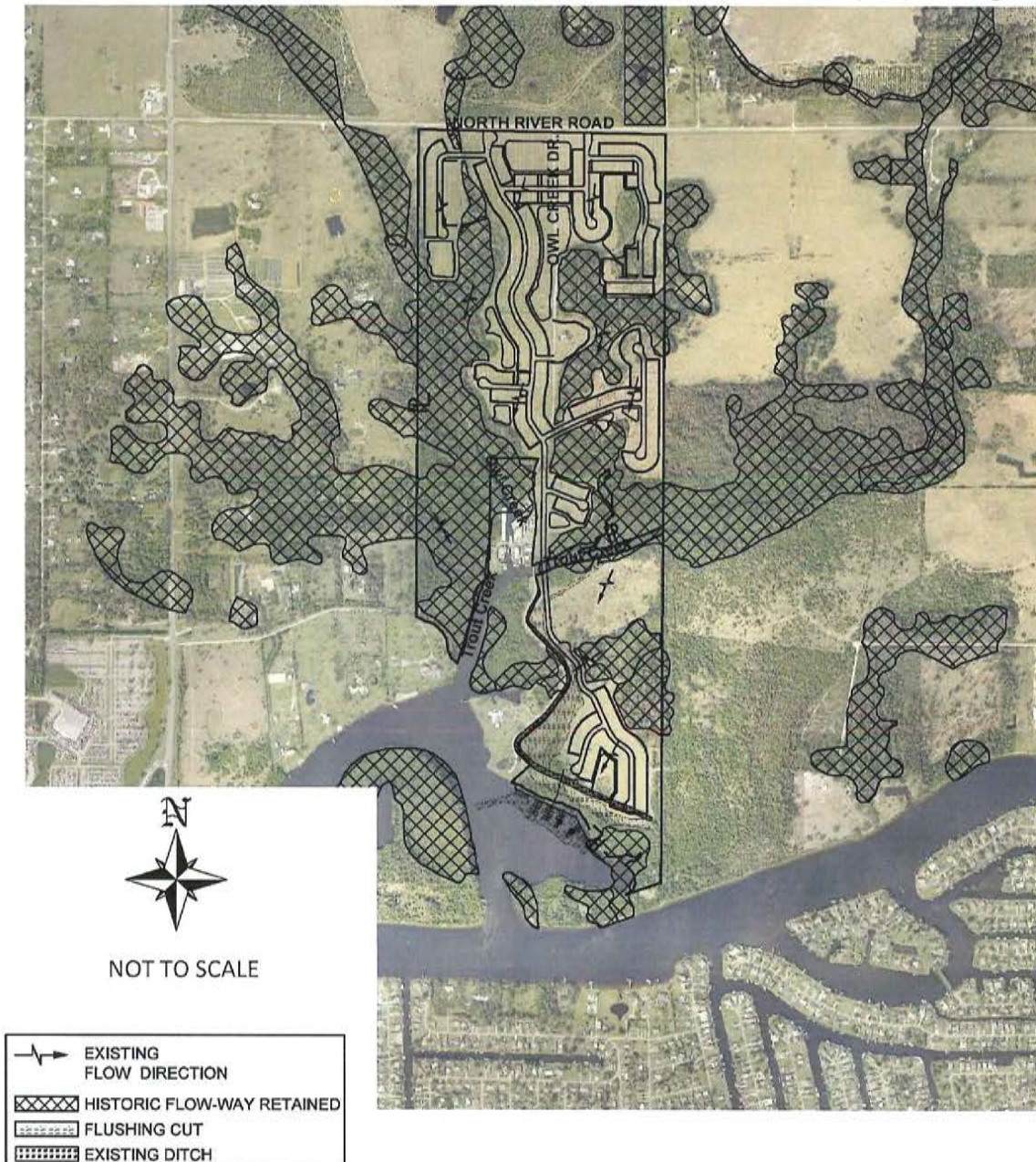


Figure 3: Post Development Historic Flow-ways Map

The natural wetlands and the offsite flows are being preserved with only minimal impacts where unavoidable. The wetland preserves will not be part of the controlled surface water management system. This will allow the offsite flows to pass through the site without being affected by the project. The storm water management system has been designed to mimic the natural sheet flow pattern. The discharge from the storm water management system basins from the developed site will be controlled and will be limited to predevelopment discharge rates and directed to mimic natural flows. The discharge from the storm water system will help to hydrate the wetland systems and improve water levels. These wetland systems can provide additional polishing of runoff prior to entering the natural waterways functioning as a filter marsh. No negative impacts to water levels or wetland hydroperiods are expected.

The water management system will include both wet and dry detention areas planted with wetland plant species. Runoff from the developed site will be routed to these detention areas for treatment and storage (See Figure 4). Since the site elevation and therefore the wet season water table varies across the site from north to south, the water management system will be divided into several separated basins. These separate basins will be used to help maintain onsite water elevations within the wetland systems.

Runoff will first be routed to planted dry detention areas for initial treatment. These dry detention areas will overflow to the wet detention areas (lakes). This will maximize water treatment and nutrient removal, which will exceed SFWMD, FDEP and Lee County requirements. The Owl Creek Project will include a lake management plan following BMP's for erosion control and bank stabilization, deep lake management the includes native plantings and aeration of the lakes, and limitations on fertilizer and pesticide application. These features help to improve water quality in the lakes, and therefore improving the discharges to the wetlands.

After treatment, runoff will be discharged at pre development rates to the onsite wetlands in order to help maintain wetland hydration and provided additional polishing and nutrient uptake. These wetland systems connect to Trout Creek and Owl Creek which discharge to the Caloosahatchee River and are tidally influenced in the project area.

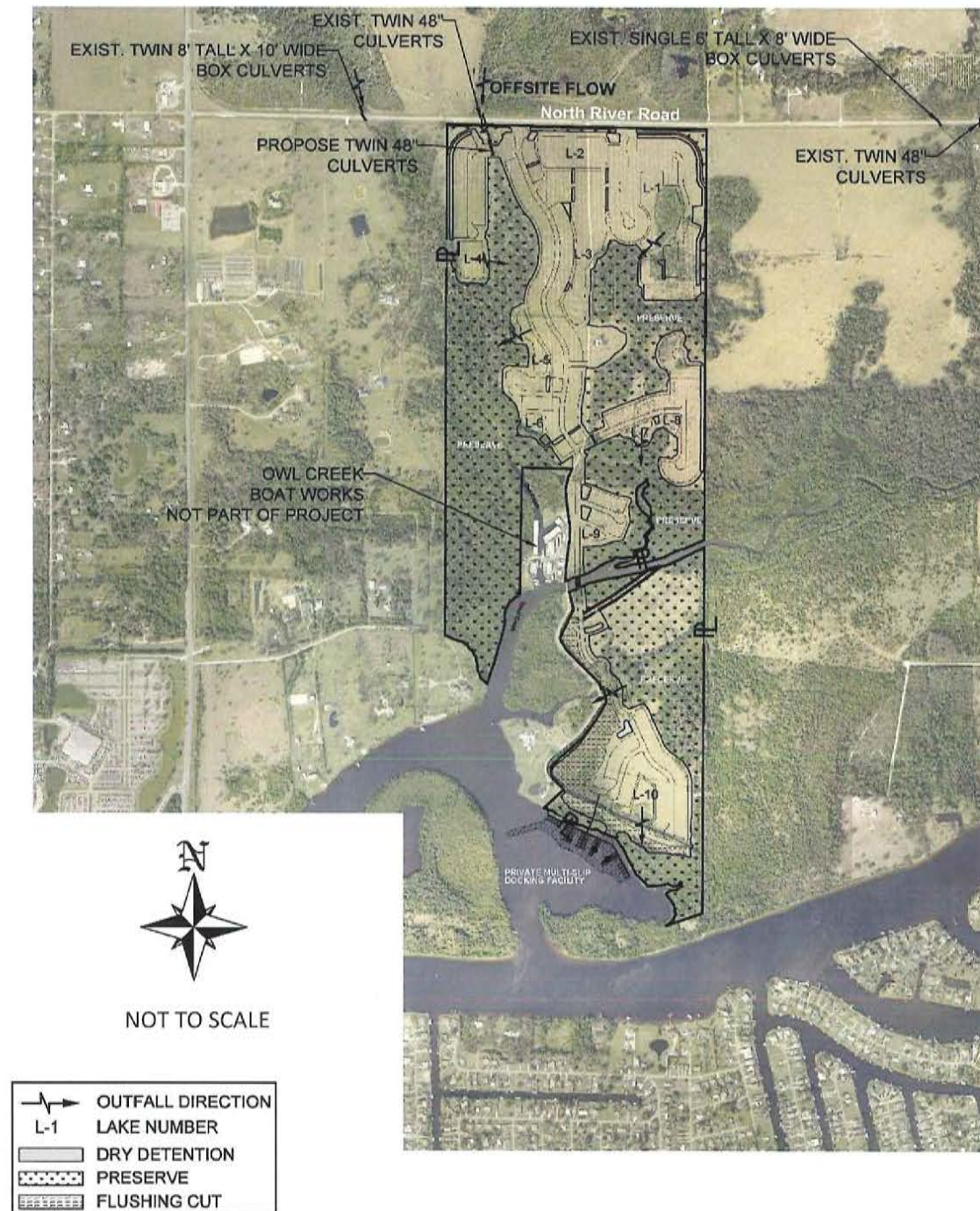


Figure 4: Post Development Drainage Map

FEMA Floodplain - Pre-Development

The project is located within the FEMA (Federal Emergency Management Agency) 100-year floodplain. The project includes the Owl Creek on the west side and the Trout Creek on the southeastern side of the proposed site. These natural creeks flow through the project. The creeks are tidally influenced by the Caloosahatchee in the project area and the FEMA elevations with

the Floodway range from 0.90' to 9.00'. These flood elevations for the rainfall driven flood event were obtained from the 2018 FEMA FIS (Flood Insurance Study) for Lee County. These creeks and the adjacent lands are also part of the regulatory FEMA flow-way adopted by FEMA and Lee County in 2008 (See Figure 5). These flow-way areas represent the historic floodplain and can not be filled unless the floodplain impacts are reviewed and approved by FEMA or the floodplain manager. Fema assumes that the flow-way area is the conveyance for the creek, and that all the property surrounding the flow-way has been filled and is not available for drainage.

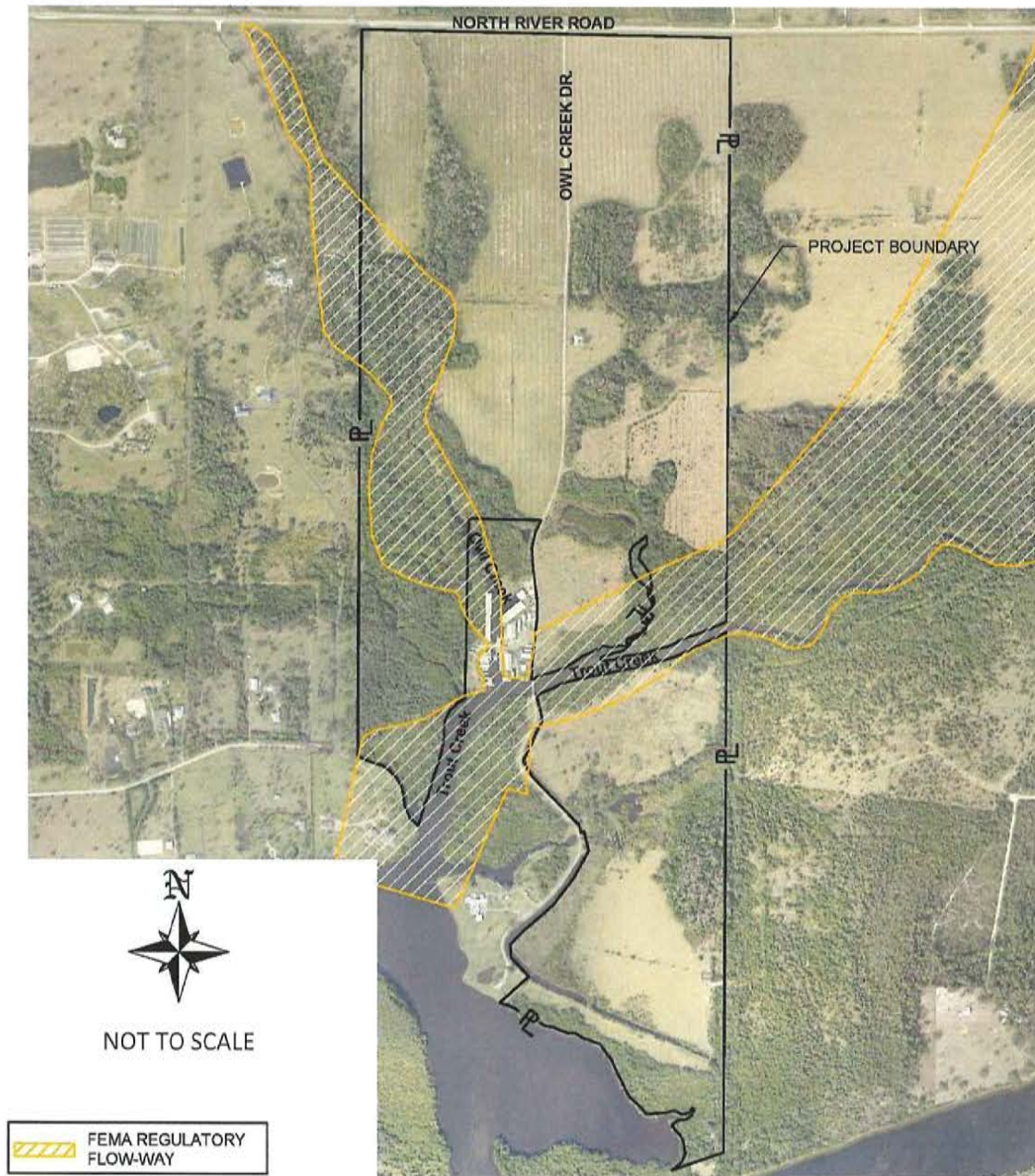


Figure 5: Existing FEMA Flow-way Map

The elevations from the FEMA models do not top North River Road in the project area. Therefore, the offsite flows must pass through the culverts under the road. There are twin 8'x10' box culverts across North River Road at Owl Creek and a 6'x8' box culvert across North River Road at Trout Creek. The flow-way is hundreds of feet wide and has significantly more flow capacity than the culverts.

Recently FEMA has completed (not implemented) the Unincorporated Lee County Coastal Risk MAP, which according to the Lee County website “builds on the previous Map Modernization program with a closer consideration of coastal wave action.”. FEMA and the local jurisdictions have coordinated proactively on flood map updates in 2008, 2012 and 2018. The new Risk Map also “used storm surge and wave analysis models to update flood zones and base flood elevations for coastal areas and the banks of the Caloosahatchee River.” The new Risk Map categorizes the proposed project area as Coastal A, rather than AE (See Figure 6) and eliminates the FEMA floodway within the Coastal A zone. These Coastal A areas are within the Limit of Moderate Wave Action (LiMWA) inside of which the wave action can be as high as 1.5 ft. The proposed project falls inside this limit and this wave action during flooding is indicative of a tidally influenced flood area. Flooding in these tidal areas does not affect upstream flood elevations.

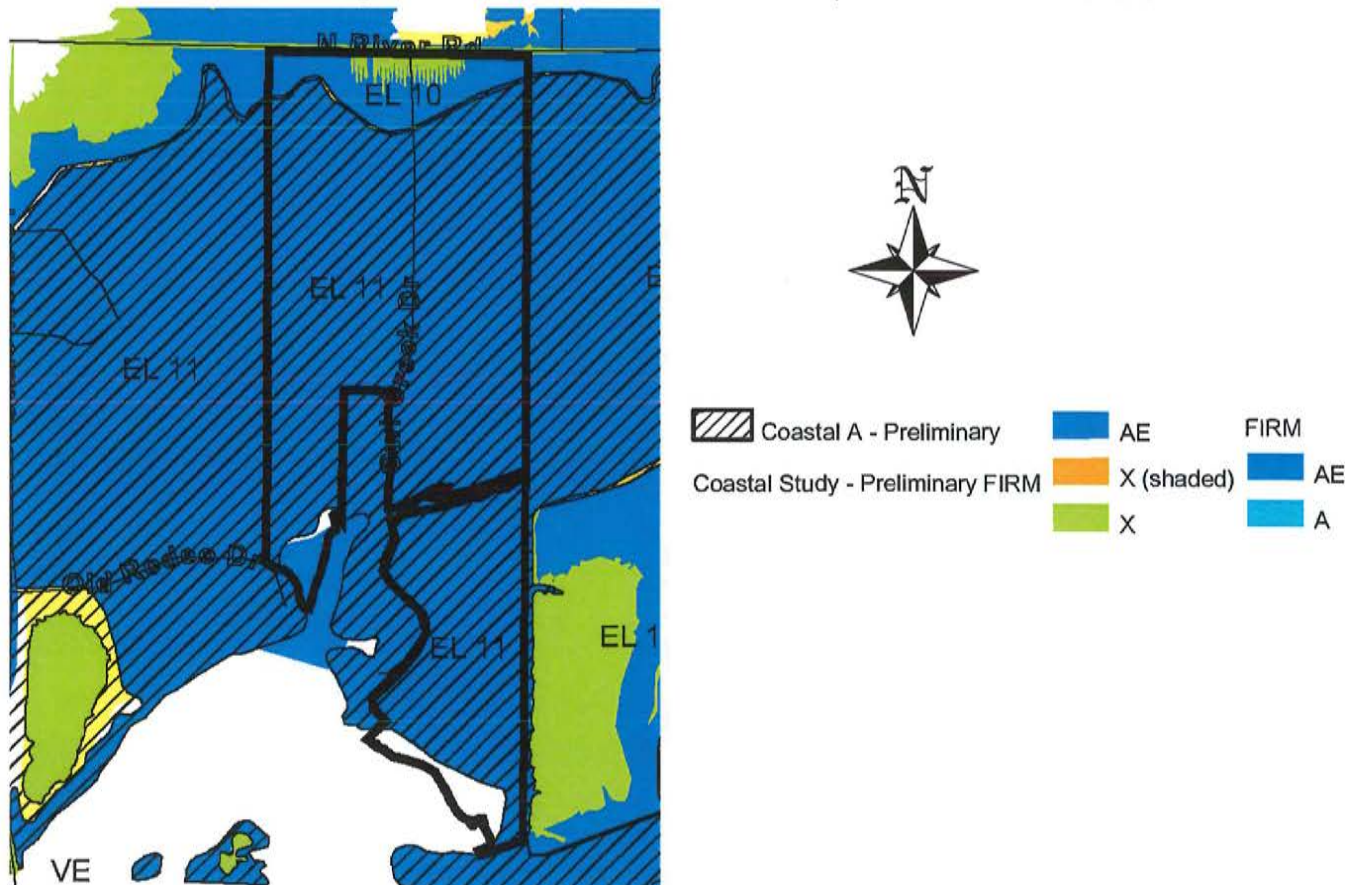


Figure 6: Preliminary Proposed FEMA Map (not implemented)

FEMA Flood Plain – Post Development

In the proposed project of 342.68-acres a total of almost 200 acres of wetlands, easements, and open space will not be developed. The areas currently serve as a collection and distribution system for runoff, and these drainage corridors (Trout Creek and Owl Creek) will be preserved. We believe that by the time the project is fully permitted and developed, the new FEMA study will be in affect. If not, the site plan can be adjusted to eliminate any encroachments into the regulatory flow-way on the current FEMA maps (See Figure 7). The Owl Creek project will comply with the requirements of the FEMA map in affect at the time of Development Order permitting.

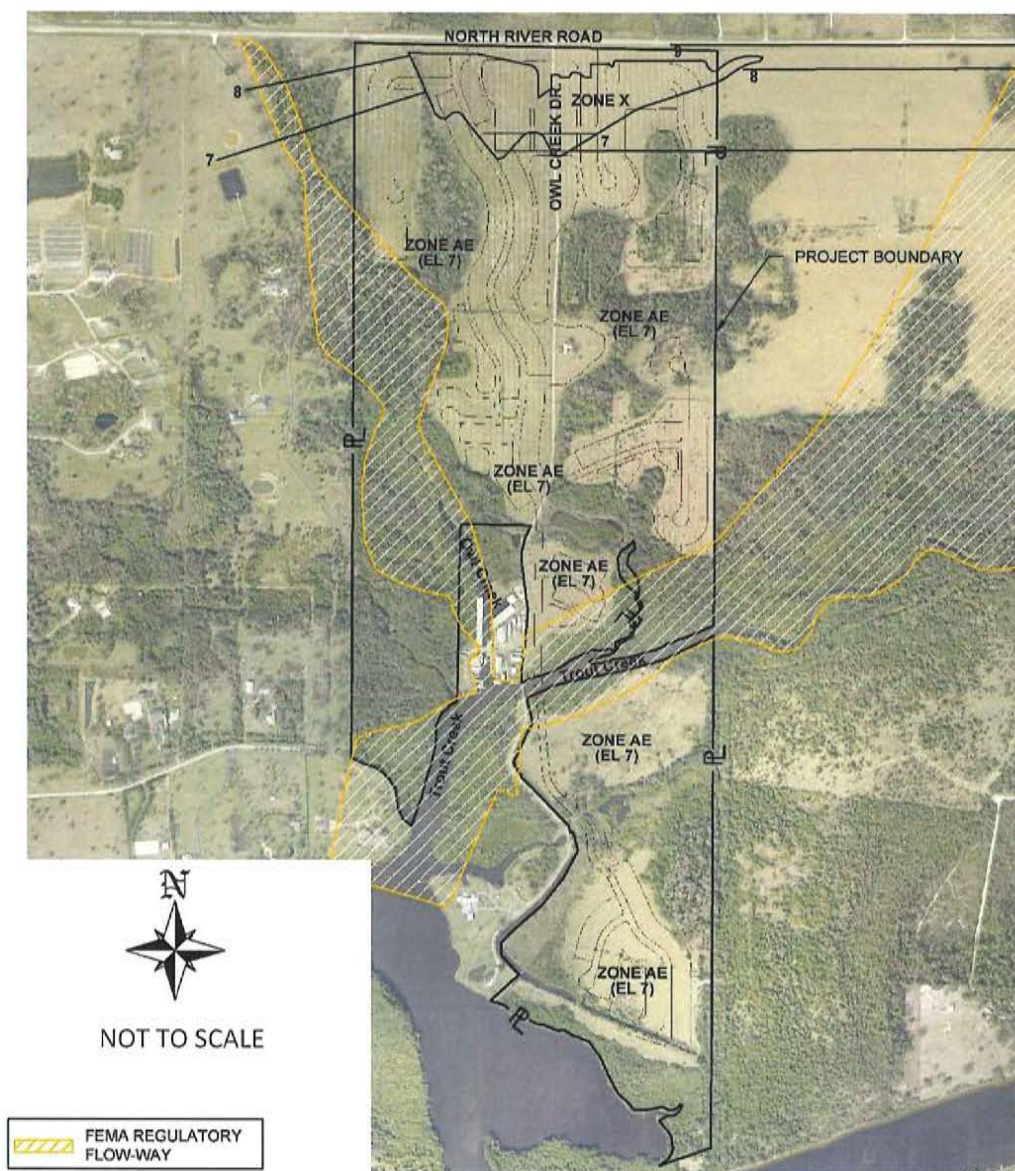


Figure 7: Post Development FEMA Flow-way

ATTACHMENT W

From: dunderwood@bayshorefire.org
To: [Stacy Hewitt](#)
Subject: RE: Owl Creek Reserve RPD
Date: Thursday, October 14, 2021 9:53:40 AM



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender dunderwood@bayshorefire.org

Good morning Stacy,

Bayshore Fire District has no objections to the proposed t turn-around as proposed. Please let me know if you have any further questions or needs on this.

William "Doug" Underwood, BPA

Fire Chief

Fire Investigator

Commander, Lee County Arson Task Force

Bayshore Fire & Rescue

www.bayshorefire.org

dunderwood@bayshorefire.org

239-543-3443 office

239-980-8492 cell

239-543-7075 fax

From: tsharp@bayshorefire.org <tsharp@bayshorefire.org>
Sent: Tuesday, October 12, 2021 5:44 PM
To: dunderwood@bayshorefire.org
Subject: FW: Owl Creek Reserve RPD

From: Stacy Hewitt <SHewitt@BanksEng.com>
Sent: Tuesday, October 12, 2021 5:00 PM
To: chief@bayshorefire.org
Cc: tsharp@bayshorefire.org
Subject: Owl Creek Reserve RPD

Good afternoon Chief Nisbet. I hope all is well.

We are working on the planned development zoning application for the above referenced project that is located on the south side of N. River Road approximately ½ mile east of its intersection with SR 31. You provided us a letter of review and recommendation for the Comprehensive Plan amendment back in August 2020. Lee County has requested that we provide a letter of no objection from Bayshore Fire Protection and Rescue Service District regarding a proposed deviation from the Lee County Land Development Code to allow a t-turnaround as shown on the attached Master Concept Plan identified by the red circle and per below deviation language and justification and site plan excerpt image.

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 ±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. 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.



Please do not hesitate to contact me via cell or email if you have any questions or require further information.

Thank you and please take care,

Stacy

Stacy Ellis Hewitt, AICP

Director of Planning



10511 Six Mile Cypress Parkway

Fort Myers, Florida 33966

Office: (239) 939-5490

Cell: (239) 770-2527

Fax: (239) 939-2523

E-Mail: shewitt@bankseng.com

ATTACHMENT X



Marine Engineers and Environmental Consultants

October 7, 2021

D.R. Horton
10541 Ben C. Pratt Six Mile Cypress Parkway
Fort Myers, Florida 33966

Subject: **Owl Creek Development – Seagrass Survey Report**

During September 24, 2021, Hans Wilson & Associates (HWA) conducted an environmental assessment at Owl Creek Development. The site is located on the north side of the Caloosahatchee River at 17900 Owl Creek Drive, within Section 19, Township 43 South, Range 26 East, in Lee County, Florida. This environmental assessment includes the following elements:

- Determination of the seagrass presence at Owl Creek Development

Seagrass Survey Results

The US Army Corps of Engineers (ACOE) has revised their State Programmatic General Permit (SPGP), effective July 27th 2021. The key revision is that all seagrass surveys for future dock construction must be done during seagrass growing season, which falls between June 1st and September 30th. The ACOE is now including artificial waterways, like manmade canals, as areas of possible concern for seagrass growth. Whether constructing a dock in a manmade canal, or natural body of water, a survey must be done during the seagrass growing season. If a survey is not completed during the growing season, the ACOE will assume you DO have seagrasses at your project location and you will be required to construct to the standards set forth in "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" (USACE/NMFS 2017). This means a dock elevation at +5' Mean High Water.

On September 24, 2021, HWA mobilized to the subject site to complete a benthic survey to identify any submerged aquatic vegetation or any other resources that could prohibit, restrict, or effect proposed dredging or dock construction. After surveying the entirety of the dredging footprint, it is our professional opinion that no seagrass is currently present. This should not restrict any future dredging or dock construction. The site did not have ideal conditions for seagrass growth, which include poor water visibility, mucky/silty bottom, along with a bottom covered in broken shells and rotting debris. The water has a visibility of practically zero, with light penetration only going less than 1-2 feet past the surface. The soils below the surface were too soft to support the growth and stabilization of seagrass roots.

Summary – After surveying the entirety of the dredging footprint, it is our professional opinion that no seagrass is currently present, and there should be no restrictions in dock construction or dredging plans. Seagrass is very unlikely to grow or survive in this area, due to the on-site conditions. The bottom substate soils are extremely mucky/silty, and because of this seagrass roots/rhizomes have a hard time taking root and staying in place. The water clarity is also extremely low, and with little to no light penetrating through the water, seagrass has a very low chance to photosynthesize and survive.

Regards,

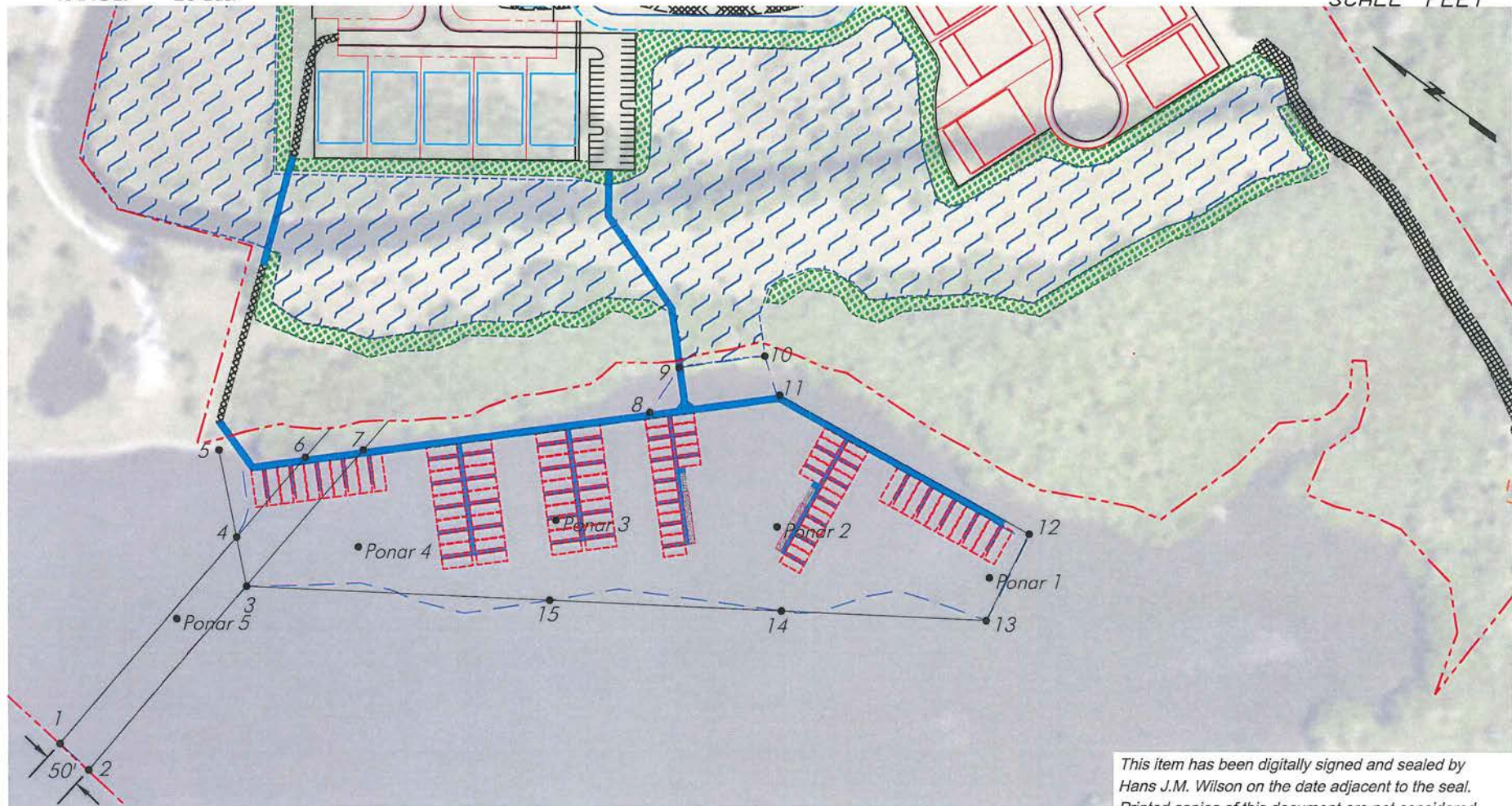


Clayton Wasson
Environmental Specialist

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial

0 100 200
SCALE FEET



Seagrass Mapping Coordinates

SCALE: 1" = 200'

Note: Property lines per Lee County Property Appraiser

PERMIT PLANS, NOT FOR CONSTRUCTION

This item has been digitally signed and sealed by
Hans J.M. Wilson on the date adjacent to the seal.
Printed copies of this document are not considered
signed and sealed and the signature must be
verified on any electronic copies.

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: August 18, 2021 7:46:37 a.m.
Drawing: HORTON3MASTER.DWG



1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

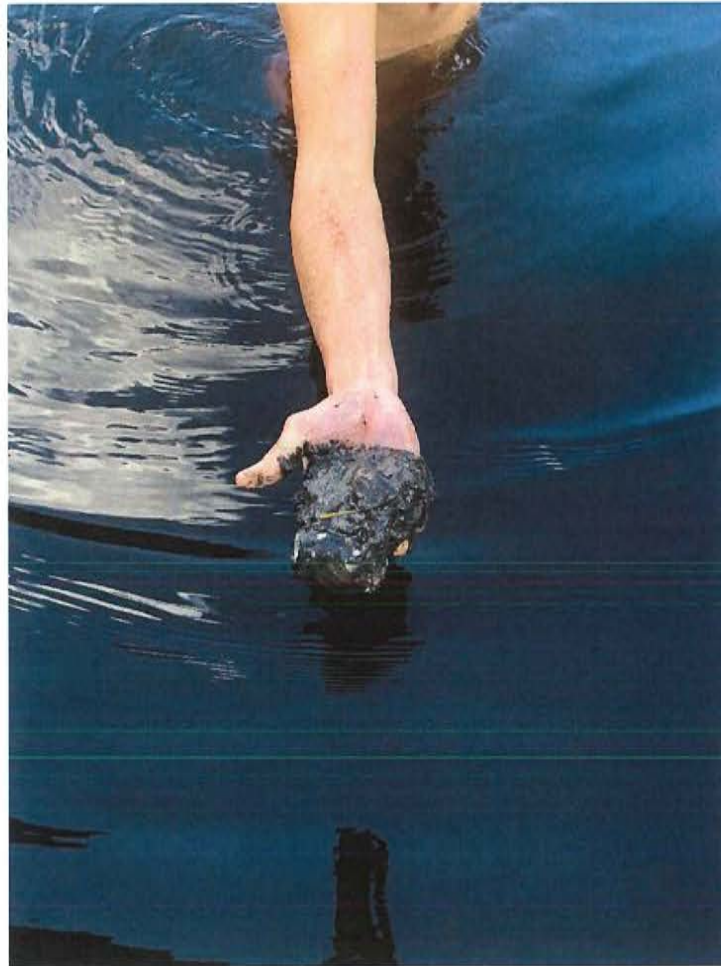
10.08.2021

hjmw

D R Horton

SHEET

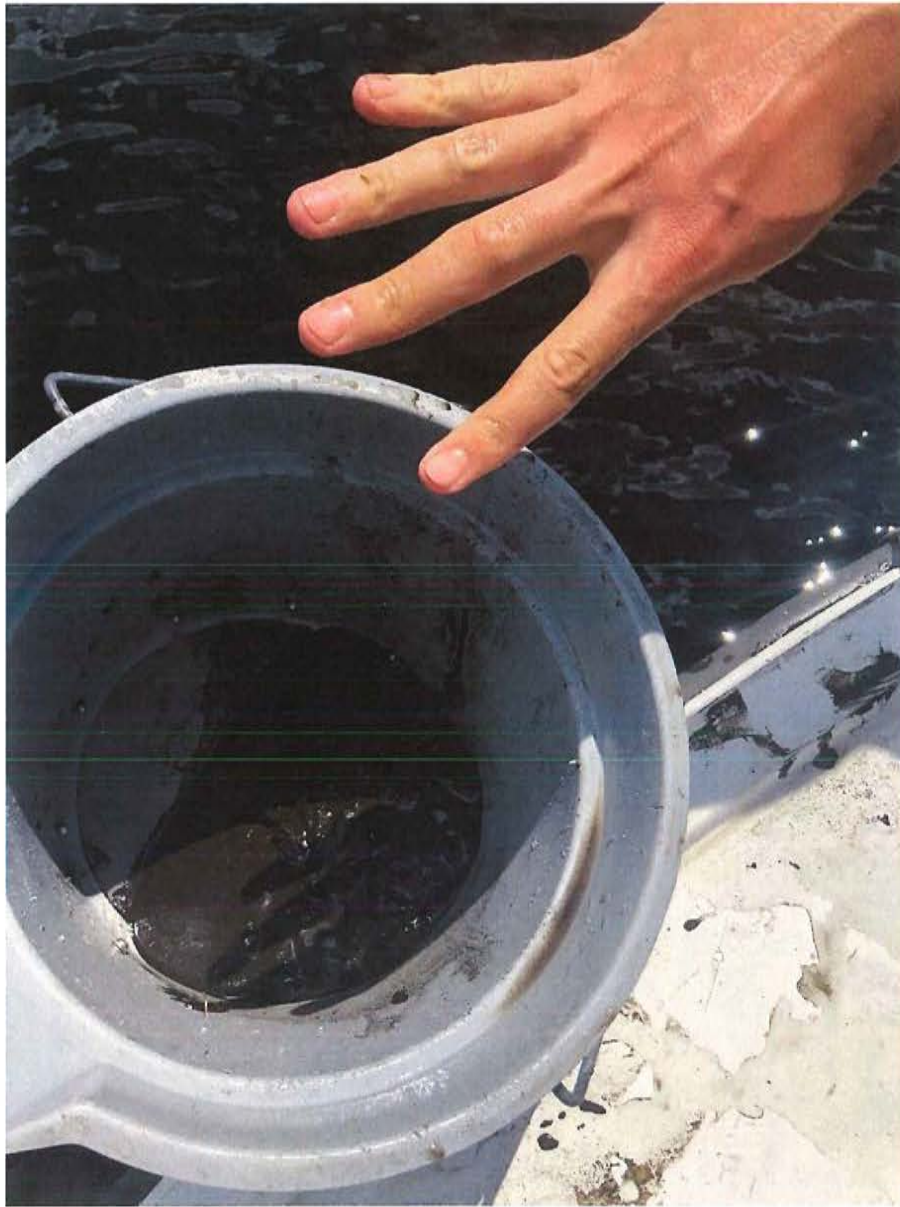
BOTTOM MAKEUP



BOTTOM MAKEUP



BOTTOM MAKEUP





Professional Engineers, Planners & Land Surveyors

May 18, 2022

Mr. Dirk A. Danley, Jr., AICP, Senior Planner
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

**REFERENCE: OWL CREEK RESERVE MINOR RPD
DCI2021-00011
Post Sufficiency Response**

Dear Dirk:

This letter is written in response to the sufficiency letter dated April 14, 2022, which identified the following issues to be addressed during the substantive review prior to hearing.

With this letter we are submitting the following items which are referenced in the below analysis for ease of review.

1. Updated Submerged Aquatic Vegetation Survey
2. Manatee Protection Plan Assessment (previously submitted)
3. Private Multi-Slip Docking Facility and Tidal Lagoon Plans and Details (previously submitted)
4. Canoe-Kayak Launch Details (previously submitted)
5. Overall Site Bathymetry with Contours
6. Overall Site Bathymetry Text

Comment 1: Proposed dredging for the multi-slip docking facility is inconsistent with Lee Plan policy 128.4.8. Policy 128.4.8 states, "Boat access facilities should be located in areas of maximum physical advantage. Adequate existing water depths between the proposed facility and any navigational channel, inlet, or deep water, are preferred, as new dredging is discouraged." This project as designed requires dredging to obtain water depth of -4MLWL. Furthermore, Lee Plan policy 128.4.6 requires that proposed boat access facilities and expansion of existing facilities be evaluated in accordance with Section 8, Marine Facility Siting Requirements, of the Lee County Manatee Protection Plan (MPP). Per Section 8 of the MPP, a facility must first meet success criteria for both seagrass and water depth to qualify for boat slips.

Comment 2: Proposed dredging for the multi-slip docking facility is inconsistent with Policy 128.4.7 states "Boat access facilities, including multi-slip docking facilities and boat ramps which would disturb or destroy wetlands or grassbeds must demonstrate a pressing need for the proposed facility and must provide for continued use by the general public." The project proposes wetland impacts for the use of private multi-slip docking facility.

Response: *The referenced Lee Plan Policies are provided below for reference.*

POLICY 128.4.6: Proposed boat access facilities and expansion of existing facilities will be evaluated in

accordance with the Lee County MPP, dated June 17, 2004 and approved by the Board of County Commissioners on June 29, 2004. Specifically, Section 8 of the MPP, Marine Facility Siting Requirements, will be used to determine the appropriate number of slips as defined by the MPP for each new project or allowable expansion.

Response: Specific to Section 8 of the MPP, the success criteria for seagrass and water depth is met. In the report dated October 7, 2021 HWA was unable to find any seagrasses within the footprint of either the proposed docks, the dredging limits for the basin, or the access channel. This mapping was completed on September 24, 2021 during seagrass growing season. In addition, an updated depth survey was conducted that mapped the top of the silt layer. A survey rod was placed at select locations to map the thickness of the silt. It varied but when added to the top of silt recorded electronically the depths on the average are at or deeper than the -4' MLW criteria. There is only one area where the depth is less than -4' MLW with a hard bottom. This is a shoal area that runs parallel to the access channel. As allowed in the Manatee Protection Plan this would constitute the minimal dredging required to secure access to the site. Dredging is not prohibited in the Manatee Protection Plan and the term "minimal" is not defined.

POLICY 128.4.7: Boat access facilities, including multi-slip docking facilities and boat ramps which would disturb or destroy wetlands or grassbeds must demonstrate a pressing need for the proposed facility and must provide for continued use by the general public.

Response: There are no direct impacts to grassbeds associated with the multi-slip docking facility. The Tidal Lagoons, which are proposed for multiple purposes, impact disturbed low quality wetlands (7.64± acres). The pressing need for these impacts is to create opportunity for the establishment of native vegetation in the littoral zones for nutrient uptake and the greater potential for seagrass establishment in the shallower water where light penetration has a greater chance of reaching the bottom. Additional benefits include a reduction in the upstream flood elevations during tropical events by adding an additional discharge outlet for Trout Creek.

POLICY 128.4.8: Boat access facilities should be located in areas of maximum physical advantage (e.g. adequate water depth). Adequate existing water depths between the proposed facility and any navigational channel, inlet, or deep water, are preferred, as new dredging is discouraged.

Response: While new dredging is discouraged, it is not prohibited. The shorelines of the Caloosahatchee River are naturally shallow and the locations with nice deep water close to shore are very limited. While it is understood that dredging should be discouraged, particularly if there are direct resource impacts, this also needs to be balanced against the ongoing need for water access and leveraging every reasonable opportunity to create this access.

Net Gain of Wetland Function

The proposed private multi-slip docking facility completely avoids any impacts to grassbeds and minimally impacts disturbed low quality wetlands (7.64± acres). Mitigation for these impacts is permittable with the state resulting in a net gain of more productive wetlands. The areas to be impacted provide for a very low environmental contribution and no true natural function. These minimal impacts will be mitigated by preservation and enhancement of 106.36± acres of onsite wetlands and creation of an 11.83± acre tidal lagoon/flushing basin with 2.88± acres of littoral marsh around its perimeter (1.86± acres of the littoral marsh are within the tidal lagoon/flushing basin).

This tidal lagoon serves multiple purposes. The tidal lagoon area will be dredged to -1 Mean Lower Low Water which will naturally recruit submerged and emergent vegetation, resulting in 12.85± acres of significantly expanded intertidal wetland fringe creating habitat for wading birds and a breeding ground for fisheries. It increases the open channel flow out of Trout creek, reducing the potential for flooding upstream. The SFWMD permit calculations for the overall development site demonstrate 5.8 surplus functional gain credits further demonstrating the net gain of wetland function on the property as a result

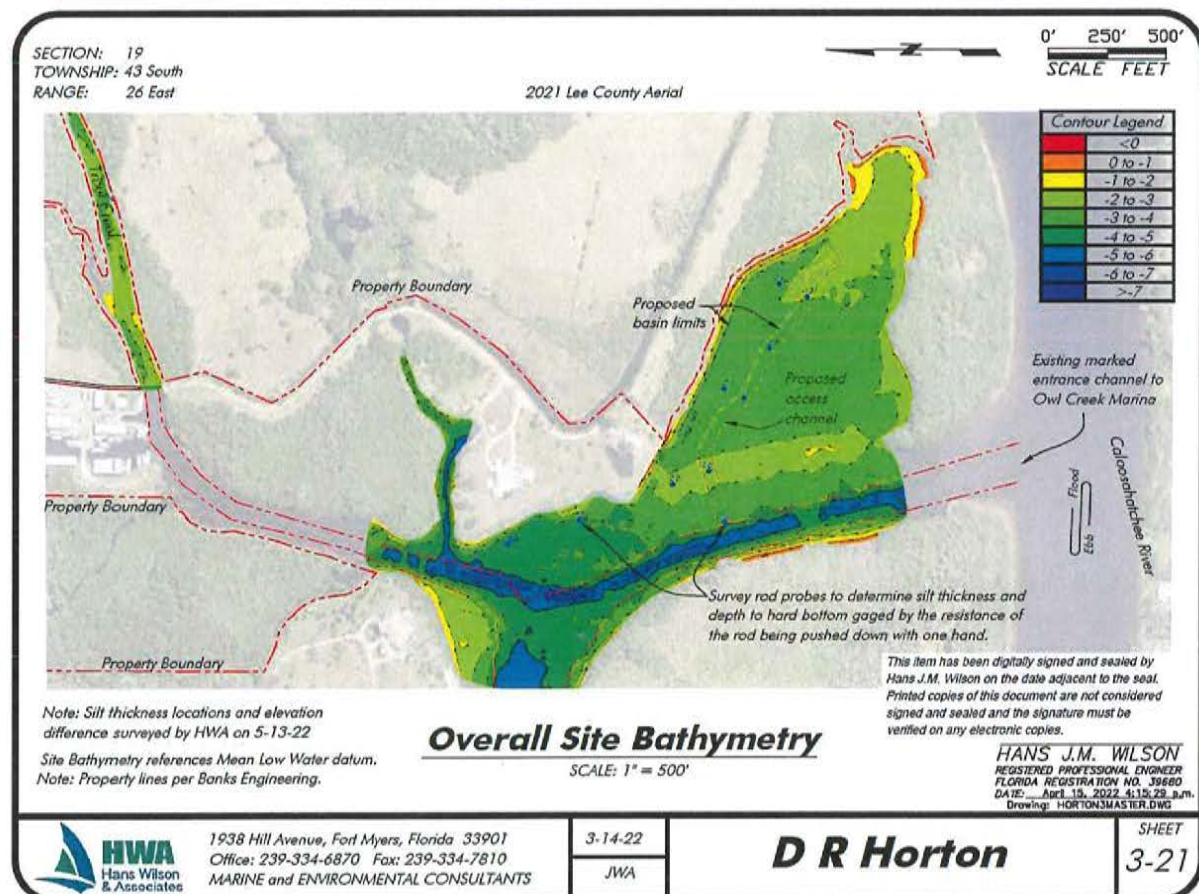
of the proposed project.

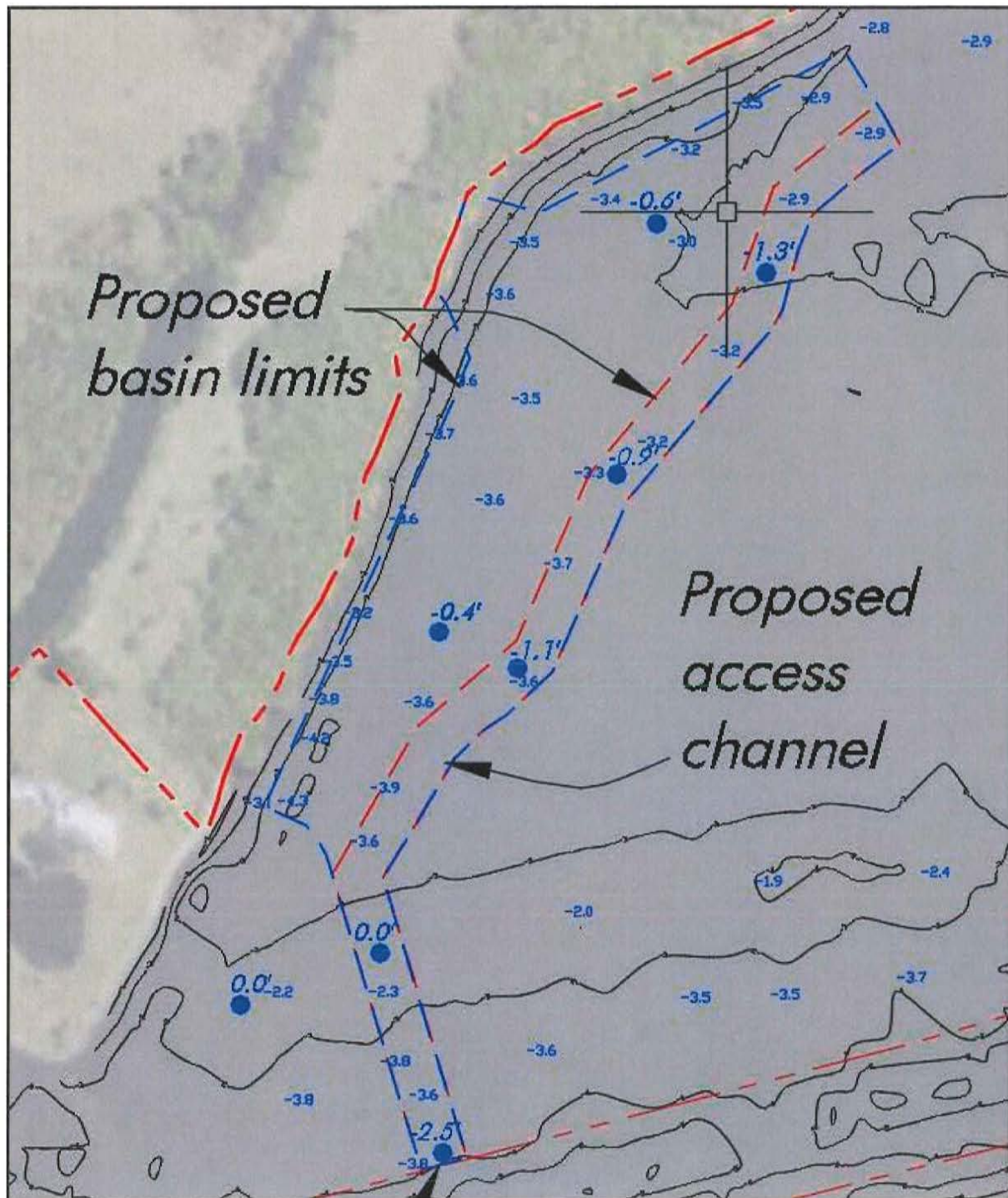
Seagrass

Please refer to Submerged Aquatic Vegetation (SAV) survey completed 9-24-21 during seagrass growing season. There is no seagrass or submerged aquatic vegetation within the private multi-slip docking facility basin or entrance channel. The soils below the surface are too soft to support growth or stabilization of seagrass roots and extremely low water clarity with little to no light penetrating results in very low chance for seagrass to photosynthesize and survive. This is unfortunate considering the site's location within the easternmost portion of the Small-tooth Sawfish Critical Habitat area. The proposed 12.85± acre tidal lagoon described above will provide Small-tooth Sawfish habitat within the Critical Habitat area where none currently exists, resulting in a net gain.

Water Depth

Please see the updated Bathymetric Survey completed on 5-11-22. The survey shows an existing marked channel that runs north from the river to Owl Creek Boat Works, located on the west side of the subject property. The channel has water depths of -5 and -6 MLW. The proposed multi-slip docking facility and 50' wide access channel will connect to the existing Owl Creek Boat Works channel. Minimal dredging is proposed to avoid unnecessary scour of the bottom from prop wash and to allow the use of the slips and boat slips year round. The dredging also provides sufficient water depth for the long-term use of the private multi-slip docking facility, reducing maintenance dredging frequency and providing better clearance for any potential manatees occupying the site. Although new dredging is discouraged by Policy 128.4.8, it is not prohibited. The proposed location of the private multi-slip docking facility is protected from boat wakes generated by vessels operating in the Caloosahatchee River Water. It is also protected from wind waves and has a very short travel distance to the river.





Above is a close up of the electronic survey, including spot depths from the survey and survey rod readings depicting the silt layer. Each blue dot shows the thickness of the silt. If you deduct the silt layer and refer strictly to hard bottom in almost all locations we are at or deeper than -4' MLW, with the exception of the shallow bar that needs to be crossed to get to the interior waterway. I would tender that this qualifies as the minimal dredging required to secure access to the site.

Number of Boat Slips

The Florida Power and Light plant, about 3.5 miles away, is located on the Caloosahatchee River and discharges warm water into the Orange River. Manatee abundance and mortality at the project site is relatively low but ranks as Conditional according to the Manatee Protection Plan. The subject property is located east of State Road 31 Bridge and not located within the Caloosahatchee River Area of Special Concern. Please refer to the Lee County Division of Natural Resources Manatee Protection Plan (MPP) Assessment attached which ranked the project as Conditional category allowing 330 boat slips. According to the MPP the subject site is allowed 5 slips per 100 linear feet of shoreline. The private multi-slip docking facility design provides slips for approximately 25% of the residents in the development desiring boat access, the minimal amount. The site plan has a total of 96 proposed residential slips, which is well under the maximum number of 330 slips allowed. The applicant agrees that upon approval of the rezoning, the remaining 234 slips will not be transferred as credits.

Public Use and Pressing Need

Although the above analysis demonstrates no net loss of wetland function and no impact on grassbeds, there is a pressing need for the proposed facility and the proposed development includes the creation of a public canoe/kayak launch providing access to Trout Creek connecting to the Caloosahatchee River for continued use by the general public. The launch is located on the flushing channel which provides a connection to Trout Creek or the option to pass through 10'x92'± culvert and access the tidal lagoon which connects to the private multi-slip docking facility area and Owl Creek Boat Works channel connection to the Caloosahatchee River. Several existing Lee Plan Policies encourage public access to the Caloosahatchee and a public canoe/kayak launch (Policies 27.3.2, 27.3.3, 27.4.2, Objective 29.6, Policies 29.6.2, 29.6.3, 29.6.4, 29.7.1, and 82.1.2). The proposed development meets the demonstrated pressing need for a public canoe/kayak launch and furthers the Goals, Objectives and Policies of the Lee Plan. The demand for boating access is underserved in Lee County. Population growth for Lee County, with an estimated population of 787,976 (July, 2021), is around 4% from April 2020. Charlotte County, our immediate neighbor to the north, has similar population growth rate, demographics and natural resources in terms of open waters and coastlines. The University of Florida – Sea Grant performed a study of "Marine Boating Access for 2010 through 2050 for Charlotte County" (report #TP-186) and estimated that vessel registrations in Charlotte County will increase 38%. There will be a need for 1,118 additional boat slips by 2050. Lee County has a much larger population with a similar growth rate and a ratio of one vessel for six residents. Given observations that the amount of available water access facilities is relatively consistent, it can be concluded that there will be an increase in demand (pressing need) for additional wet and dry slips. By allowing the project to provide its own private multi-slip docking facility, the residents will not be utilizing public facilities, creating opportunity for 96 boaters, that may otherwise not live on the water, to access our waterways. This is creating at least some equity in access for the population of Lee County.

If you have any questions or I may be of further assistance, please do not hesitate to contact me at (239) 770-2527 or shewitt@bankseng.com.

Sincerely,
BANKS ENGINEERING



Stacy Ellis Hewitt, AICP
Director of Planning

Attachments

SEH:jms

Attachments

cc: Russell Schropp
Richard Akin
Becky Sweigert
Steve Boutelle
Joseph Adams



Marine Engineers and Environmental Consultants

October 25, 2021

To: Project File

Hans Wilson

From: Hans Wilson, P.E.

Subject: **Owl Creek Development – Seagrass Survey Report**

Introduction - On September 24, 2021, Hans Wilson & Associates (HWA) conducted an environmental assessment at the proposed marina basin and entrance channel associated with the Owl Creek Development. The site is located on the north side of the Caloosahatchee River at 17900 Owl Creek Drive, within Section 19, Township 43 South, Range 26 East, in Lee County, Florida.

The purpose of this site visit was to complete a benthic survey and map any seagrasses that could be in the impact area. Seagrass surveys must be completed during seagrass growing season, June 1st through September 30th. If a survey is not completed during the growing season, the U.S. Army Corps of Engineers (COE) will assume you DO have seagrasses at your project location and you will be required to construct to the standards set forth in "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" (USACE/NMFS 2017). This means a dock elevation at +5' Mean High Water, which can make vessel access difficult.

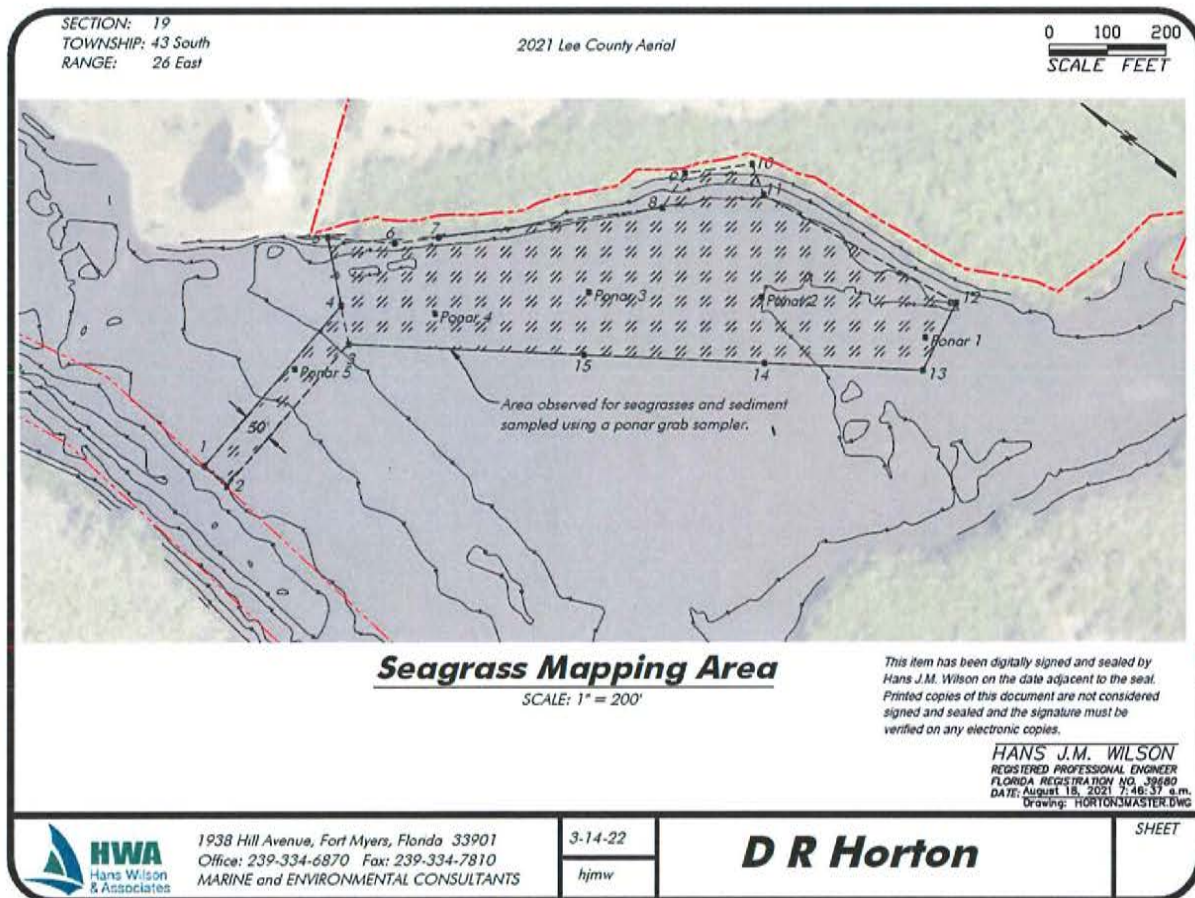
Area Description – The project site is located along the north bank of the Caloosahatchee River at the outfalls of Owl and Trout Creeks. There is an existing marked channel that runs north to south from the Caloosahatchee River to Owl Creek Boat Yard. The water had a visibility of almost zero, with light penetration less than 1 to 2 feet. The substrate of the project area was extremely mucky, made up of broken shells, mud/silt, and debris.

Methodology – An engineer and a biologist were deployed to the site, setting PVC pipes via DGPS to define the proposed dredging footprint of the basin and channel and the survey area. The biologist was deployed to swim transects within the proposed survey area. The biologist swam the perimeter of the area, then began transects running north and south, then doubled over with transects running east and west. The PVC pipes that were placed in the water were used as points of reference to keep transects straight and consistent.

In addition, five ponar grab samples were taken within the footprint of the survey area at select locations marked with DGPS for replication if necessary. The samples were photographed before and after washing through the sieve. Finally, the biologist took random samples of the substrate to show via photos the consistency of the bottom.

Survey Results – The substrate of the project area was extremely mucky, consisted of broken shells, mud/silt, and debris. The site had unsuitable conditions for seagrass growth, which include poor water visibility. The bottom soils were too soft to support the growth and stabilization of seagrass roots. Adjacent to the site were seagrass test plots installed by Sea and Shoreline. None of the caged housings exhibited any seagrass growth.

Summary – After surveying the entirety of the proposed dredging footprint, it is our professional opinion that seagrass is not present. Seagrass is very unlikely to grow or survive in this area mainly from the poor visibility and water depths approaching -4' Mean Low Water. The bottom substrate is unconsolidated making the establishment of seagrass roots/rhizomes difficult.





Ponar grab sample #1, on the left, and washed on the right with only shell fragments and organic debris evidenced in the substrate.



Ponar grab sample #2, on left and washed on the right. Similar results.



Ponar grab sample #3, on left and washed on the right. Bivalves were all dead.



Ponar grab sample #4, black goopy muck on the left and shell fragments when washed through the sieve on the right.



Ponar grab sample #5, similar substrate, shell fragments and remnants of bivalves.



This is a typical example of the substrate that constitutes the bottom within the footprint of the propose marina basin and entrance channel. Hand grab samples were consistently the same, fine silty sand, with organics and shell fragments.

Stacy Hewitt

From: Hans Wilson <hans@hanswilson.com>

From: Haynes, Lesli <LHaynes@leegov.com>

Sent: Wednesday, June 17, 2020 10:17 AM

To: Paul Owen <powen@dexbender.com>

Cc: Boutelle, Stephen <SBoutelle@leegov.com>

Subject: RE: LCMPP Analysis Request

Hi Paul,

It was nice speaking with you this morning. As stated, we had evaluated these 3 parcels as one project and based on current data and conditions, they rank as **Conditional**. I've attached the full score sheet and a map. In the map, you will see the qualified shoreline highlighted in purple. Mitigation measures for new slips at this property include but are not limited to: 1. Standard manatee construction conditions; 2. Manatee education activities as required per section 8.4.5; and 3. Funding for enhanced marine law enforcement per section 8.4.5. Note that the MPP determination does not alleviate the need to comply with zoning and all other applicable local, state and federal regulations, some or all of which may be more restrictive. Let me know if you need any additional information.

Thank you,

Lesli

5/10/2019

Facility	Corps reach	Shore ft	existing "slips"	ratio	rounded	Slips per 100'	max slip	expansion
Owl Creek_TalonVentures (3parcels)	32	6,595	0	65.95	66	5	330	
transferred rights				0	0			

Lesli Haynes

Marine Environmental Specialist, Sr

Lee County Natural Resources

Marine Services

1500 Monroe Street

Ft. Myers, FL 33901

239-533-8566

lhaynes@leegov.com

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

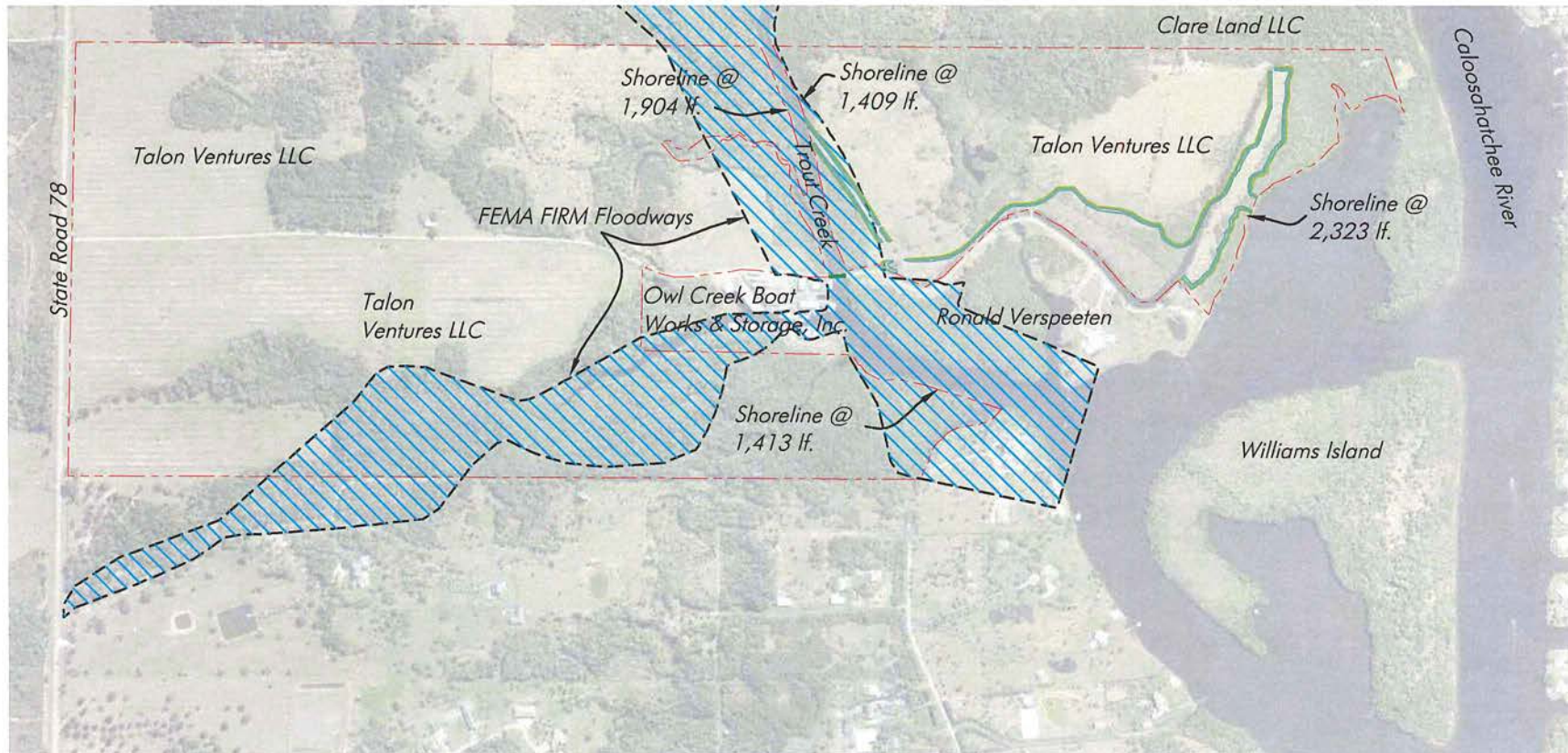
Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial



0' 500' 1,000'
SCALE FEET



Overall Site Plan

SCALE: 1" = 1,000'

Total project shoreline @ 7,049 lf.

Note: Property lines per Lee County Property Appraiser

PERMIT PLANS, NOT FOR CONSTRUCTION

This item has been digitally signed and sealed by
Hans J.M. Wilson on the date adjacent to the seal.
Printed copies of this document are not considered
signed and sealed and the signature must be
verified on any electronic copies.

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: March 14, 2022 4:18:08 p.m.
Drawing: HORTON3MASTER.DWG



1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

3-14-22

JWA

D R Horton

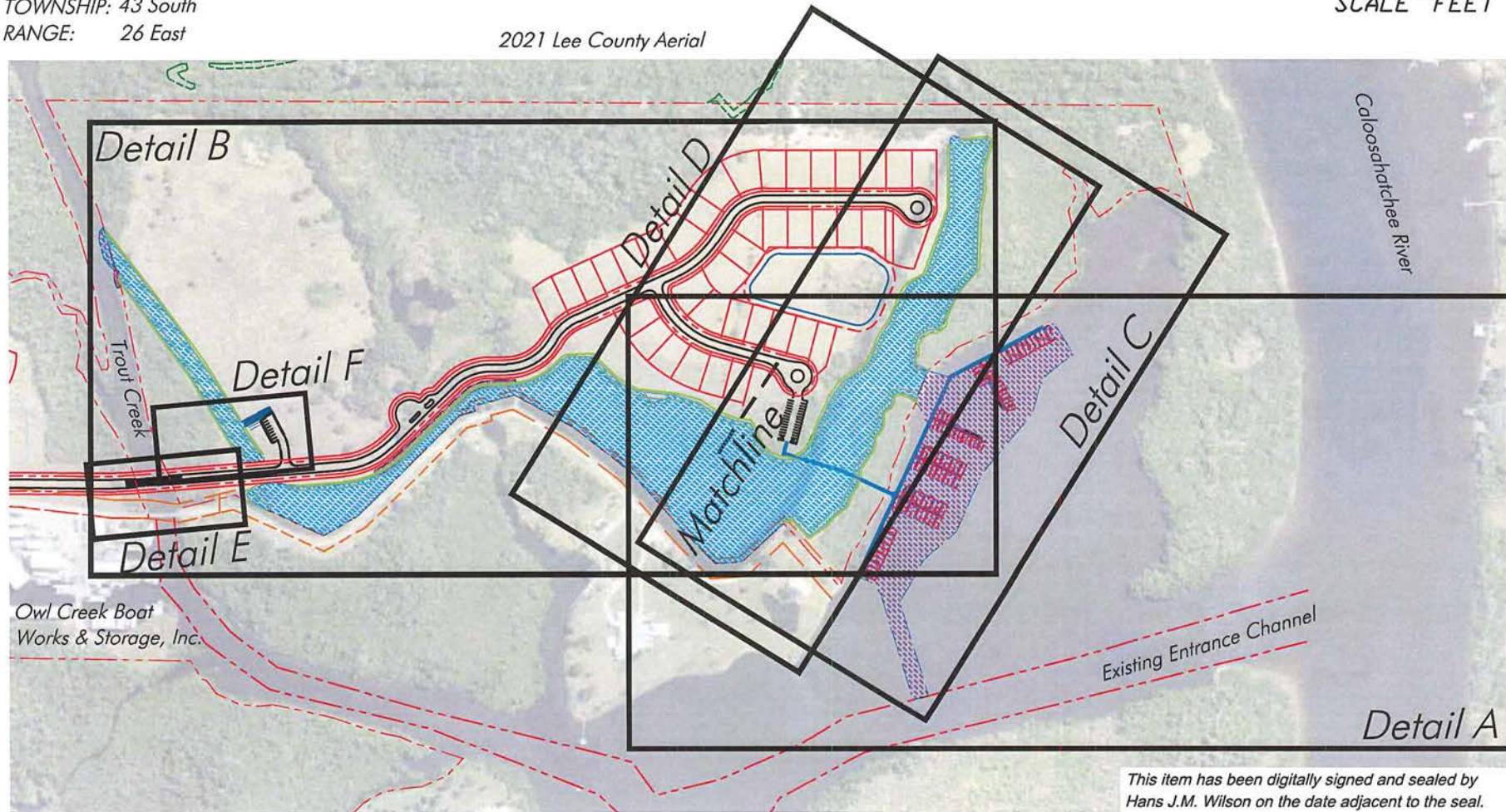
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2-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial



0' 250' 500'
SCALE FEET



Total project shoreline @ 7,049 lf.

Note: Property lines per Lee County Property Appraiser

PERMIT PLANS, NOT FOR CONSTRUCTION

Proposed Site Plan

SCALE: 1" = 500'

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verified on any electronic copies.

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39660
DATE: March 14, 2022 4:18:08 p.m.
Drawing: HORTON3MASTER.DWG



1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

3-14-22

JWA

D R Horton

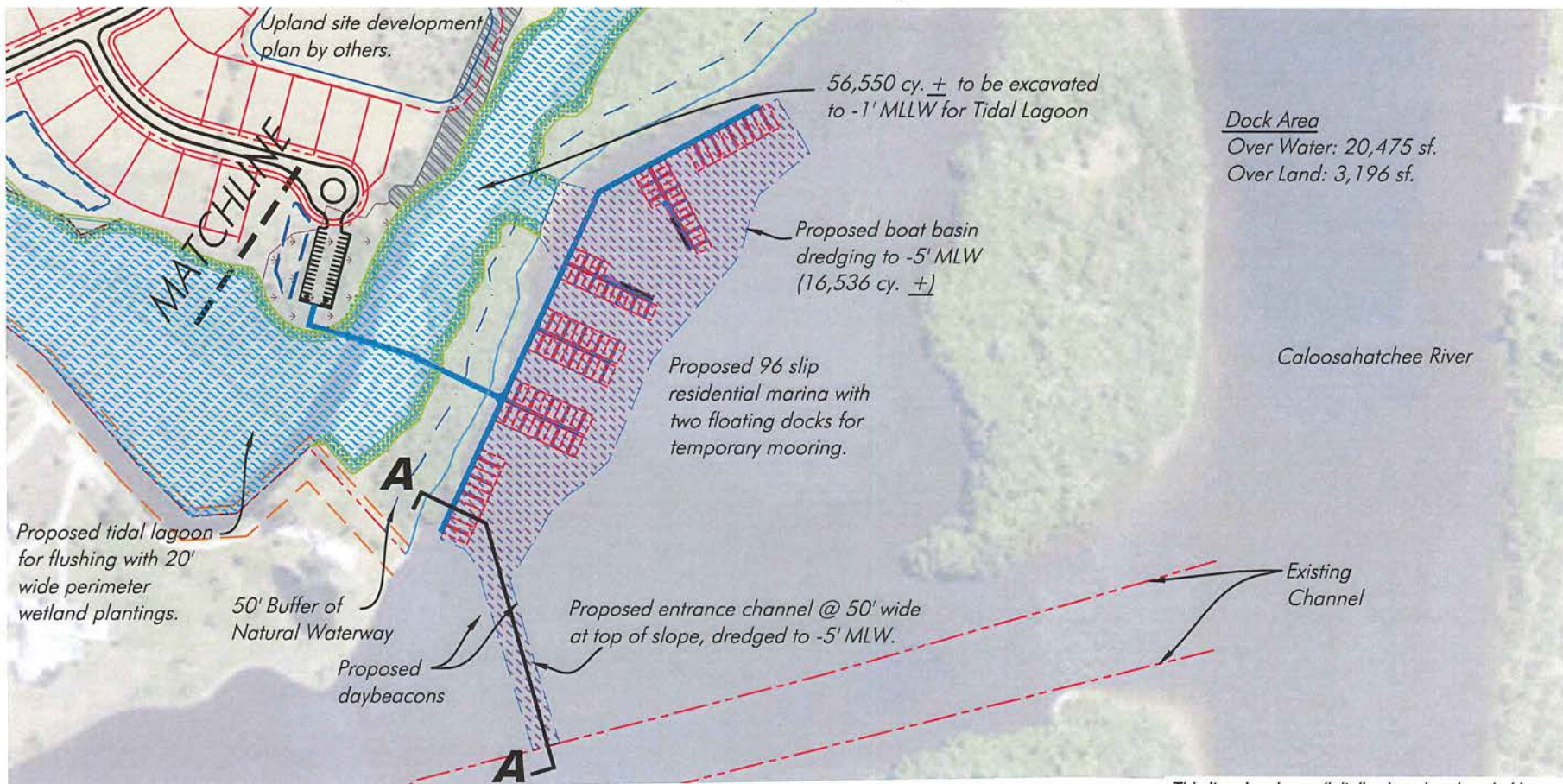
SHEET

4-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial

0' 150' 300'
SCALE FEET



Detail A - Proposed Dock Plan

SCALE: 1" = 300'

This item has been digitally signed and sealed by Hans J.M. Wilson on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39660
DATE: March 14, 2022 4:18:08 p.m.
Drawing: HORTON3MASTER.DWG

Note: Property lines per Lee County Property Appraiser

PERMIT PLANS, NOT FOR CONSTRUCTION



1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

3-14-22

JWA

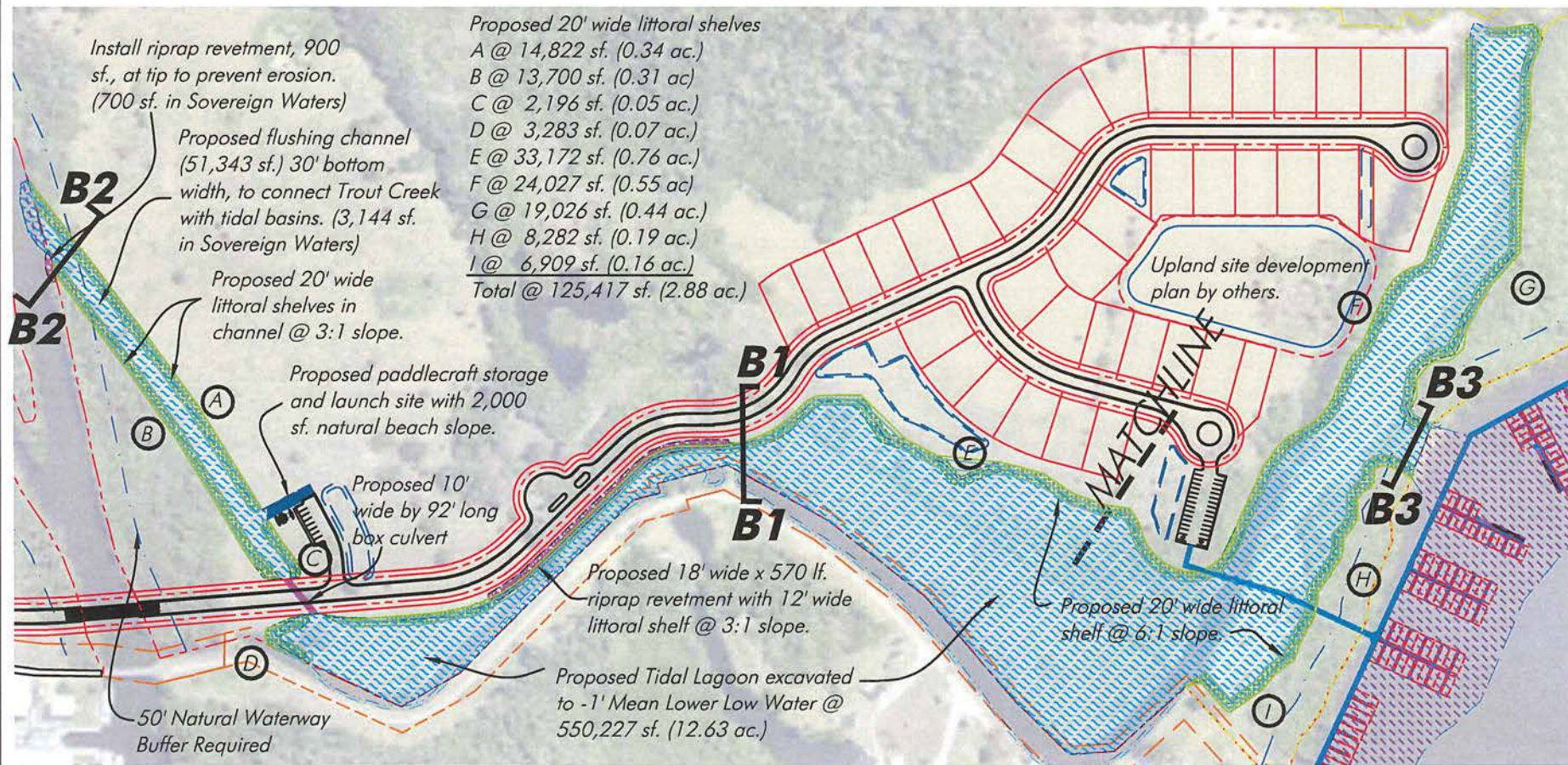
D R Horton

SHEET
5-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial

0' 150' 300'
SCALE FEET



Notes: Depths reference MLW based on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

Note: Property lines per Lee County Property Appraiser

Detail B - Tidal Lagoon/Tidal Channel

SCALE: 1" = 300'

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HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: March 14, 2022 4:18:08 p.m.
Drawing: HORTON3MASTER.DWG

PERMIT PLANS, NOT FOR CONSTRUCTION



1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

3-14-22

JWA

D R Horton

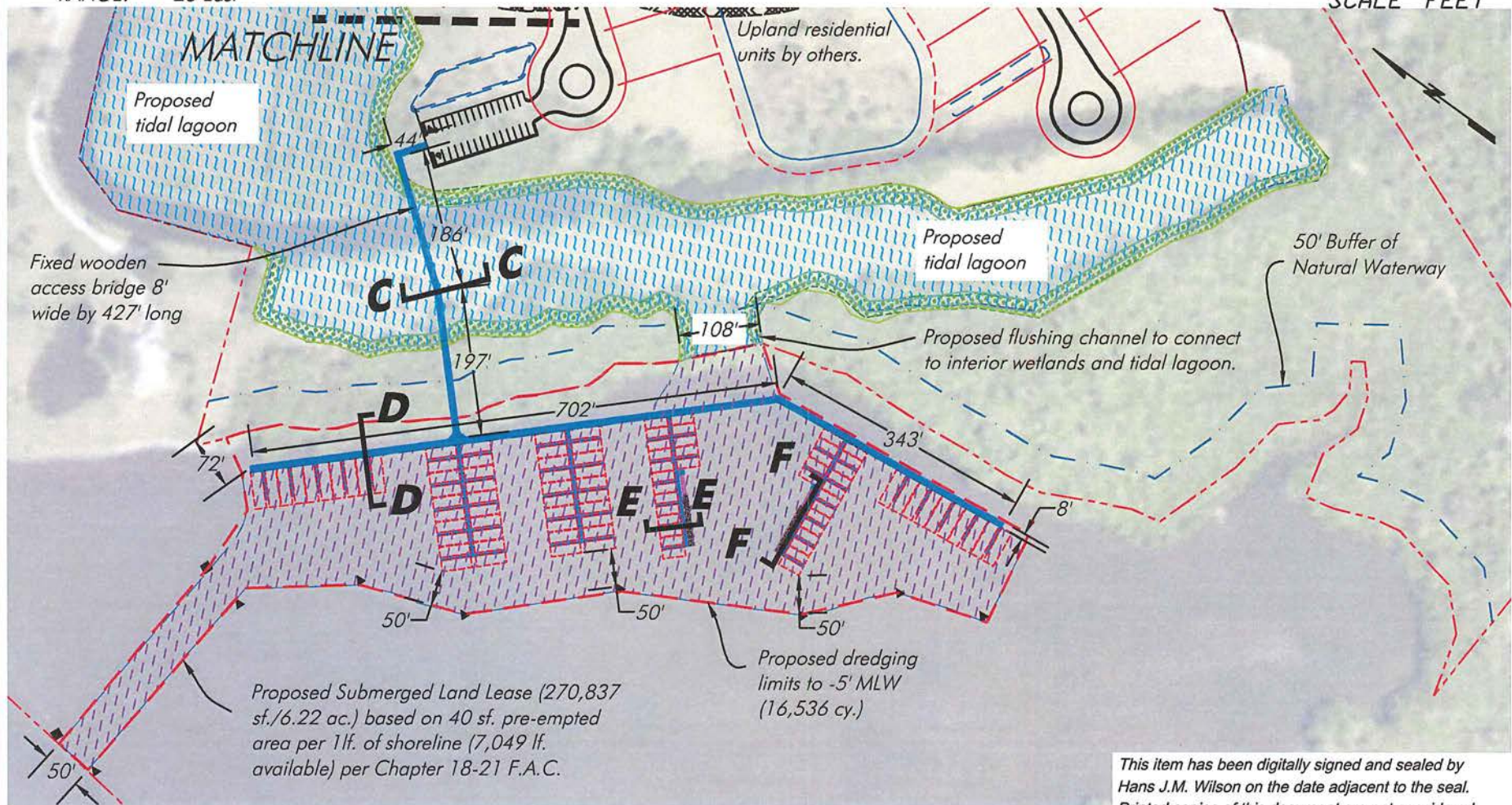
SHEET

6-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial

0 100 200
SCALE FEET



Detail C - Proposed Dredging Plan

SCALE: 1" = 200'

Note: Property lines per Lee County Property Appraiser
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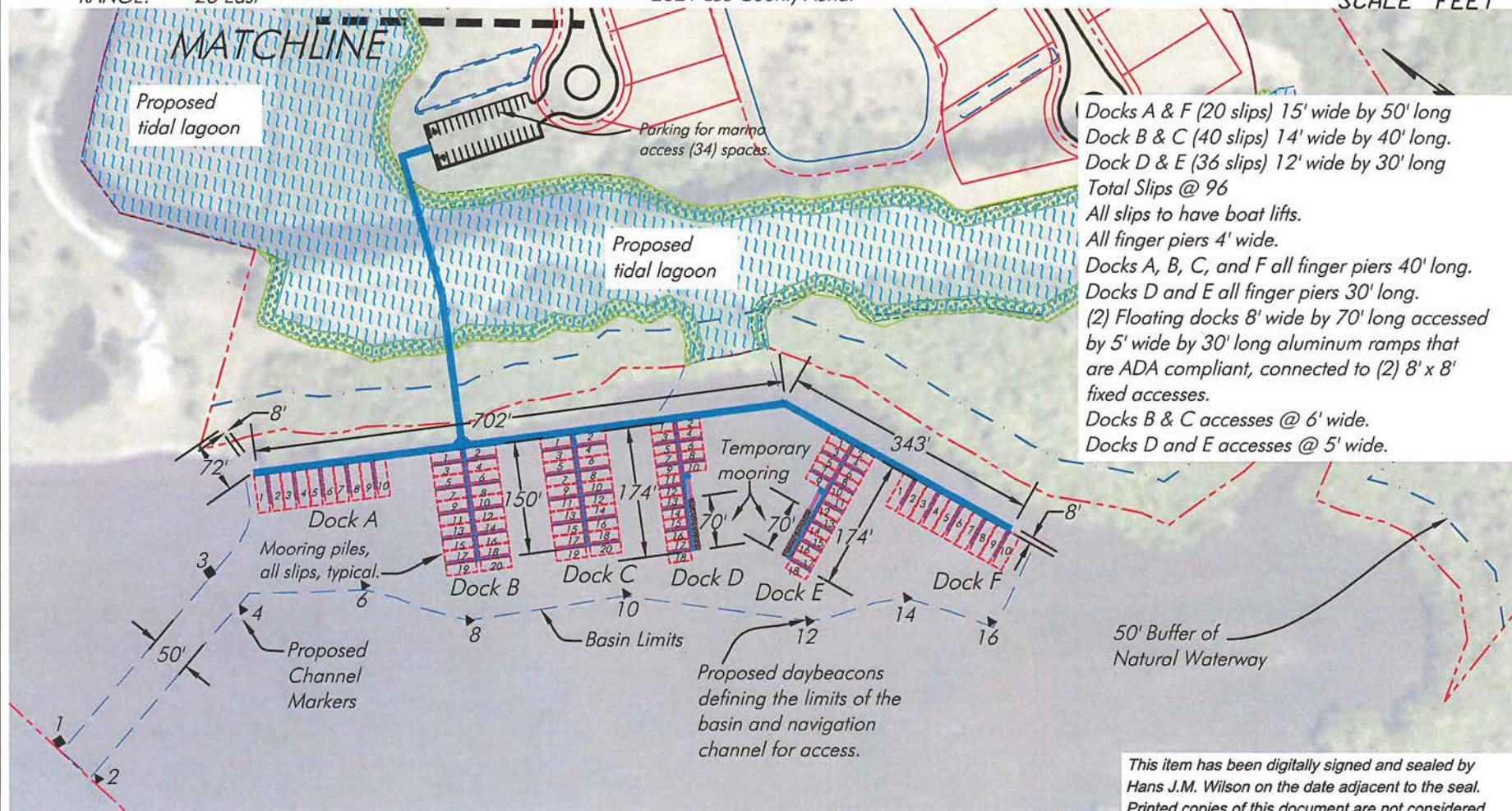
D R Horton

SHEET
8-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial

0 100 200
SCALE FEET



Detail C - Proposed Marina Plan

SCALE: 1" = 200'

Note: Property lines per Lee County Property Appraiser

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Drawing: HORTON3MASTER.DWG



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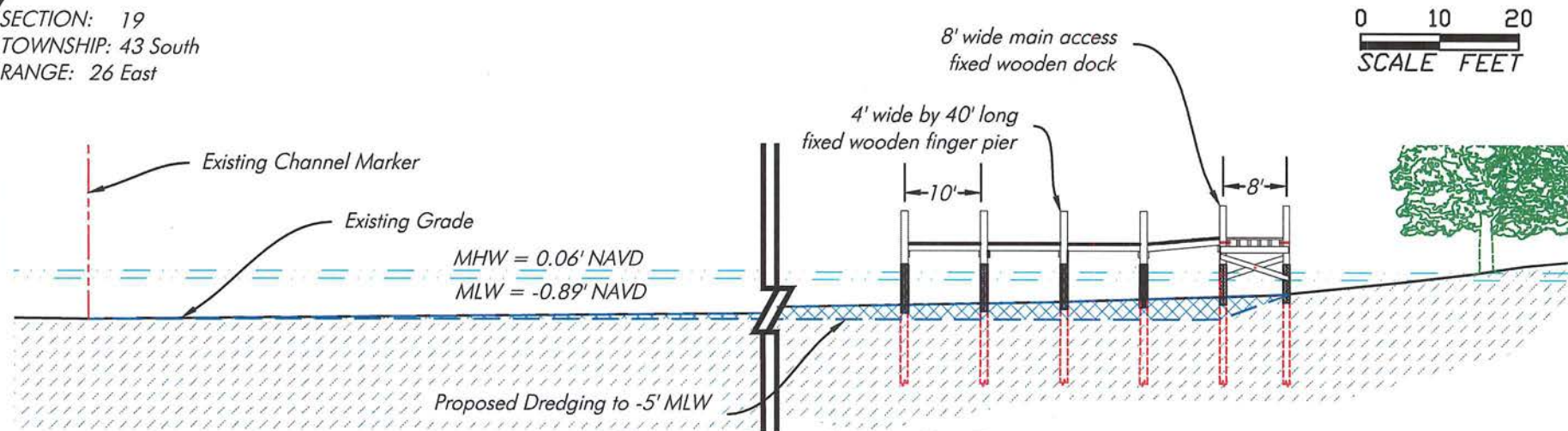
3-14-22

JWA

D R Horton

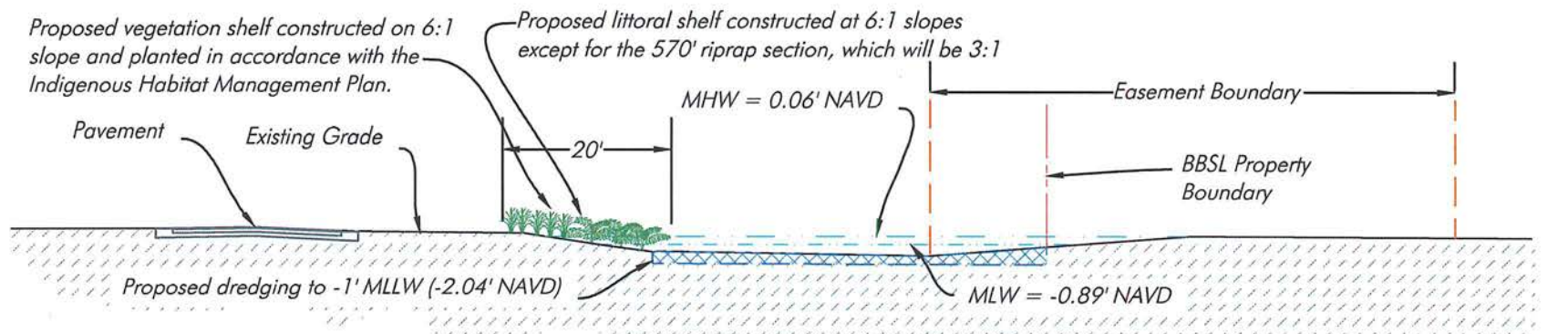
SHEET
9-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East



Cross Section A-A

SCALE: 1" = 20'



Cross Section B1-B1

SCALE: 1" = 20'

Notes: Depths reference MLW based
on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

Note: Property lines per Lee County Property Appraiser

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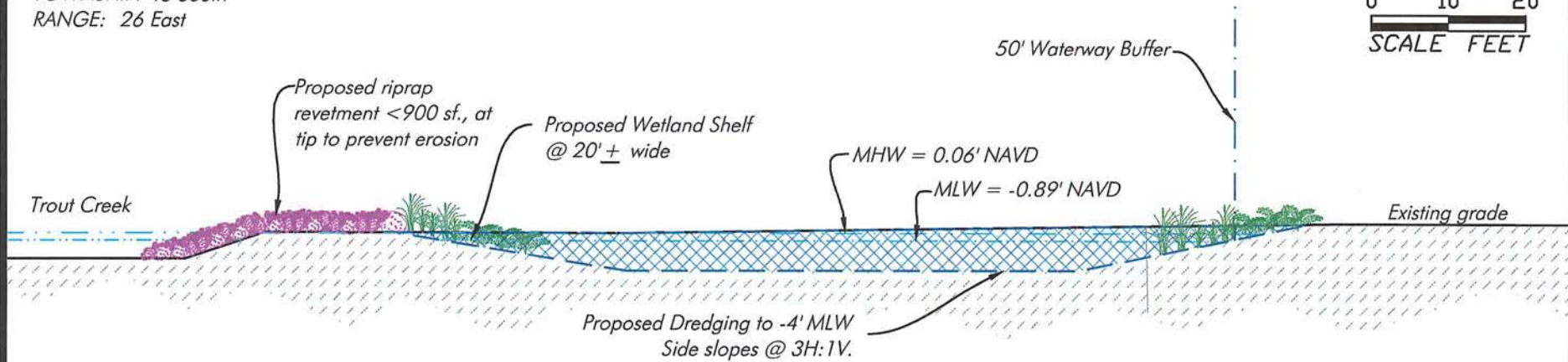
D R Horton

SHEET

13-21

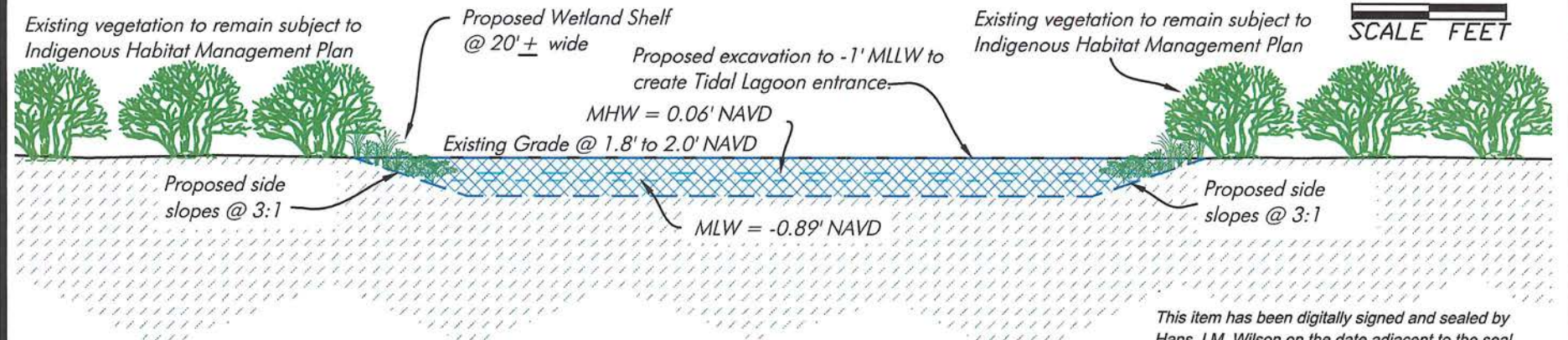
SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

0 10 20
SCALE FEET



Cross Section B2-B2

SCALE: 1" = 20'



0 10 20
SCALE FEET

Notes: Depths reference MLW based
on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

Cross Section B3-B3

SCALE: 1" = 20'

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Drawing: HORTON3MASTER.DWG

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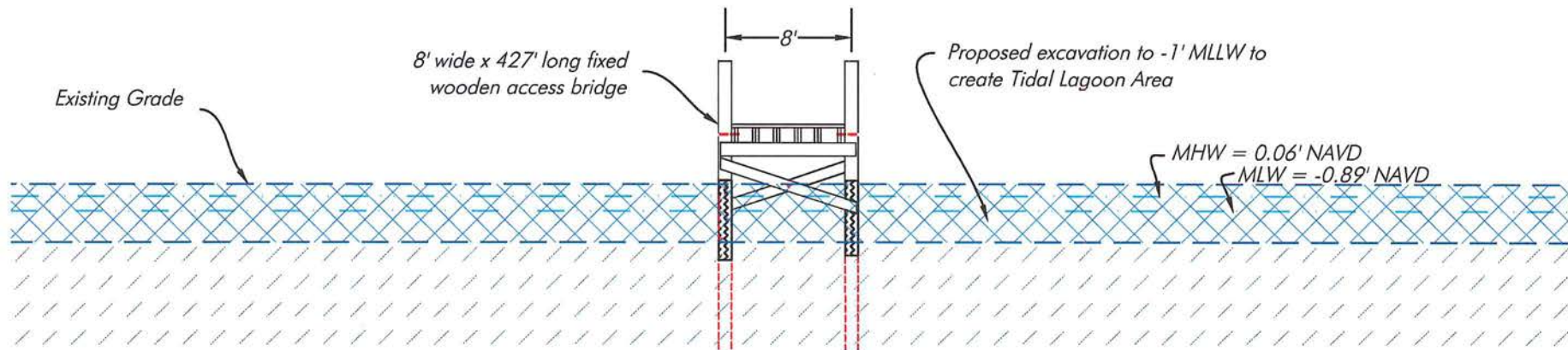
JWA

D R Horton

SHEET
14-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

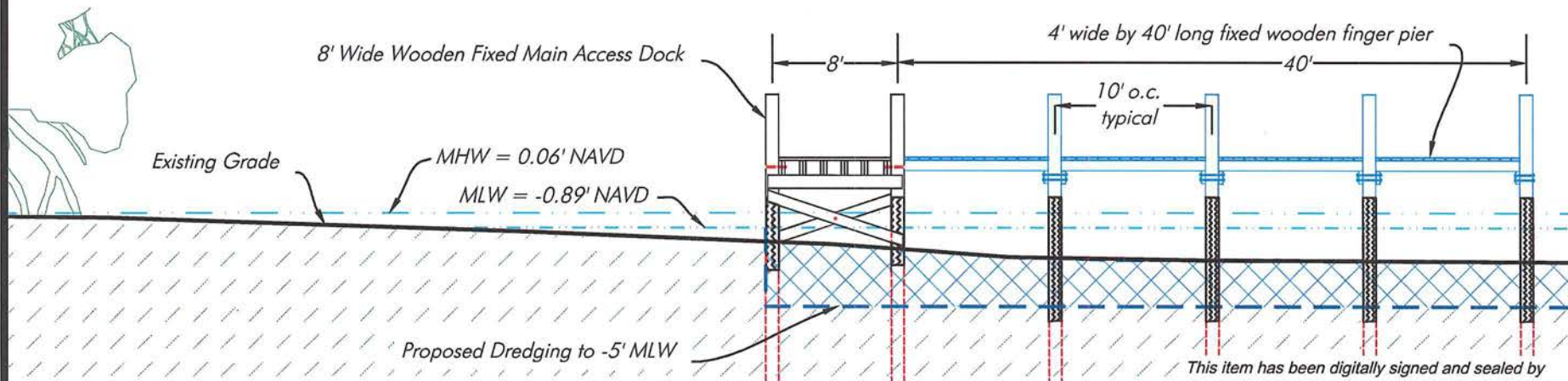
0 5 10
SCALE FEET



Cross Section C-C

SCALE: 1" = 10'

0 5 10
SCALE FEET



Cross Section D-D

SCALE: 1" = 10'

Notes: Depths reference MLW based
on DEP Tide Station 872-5520.

MHW @ 0.06' NAVD.

MLW -0.89' NAVD

MLLW @ -1.04' NAVD.

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3-14-22

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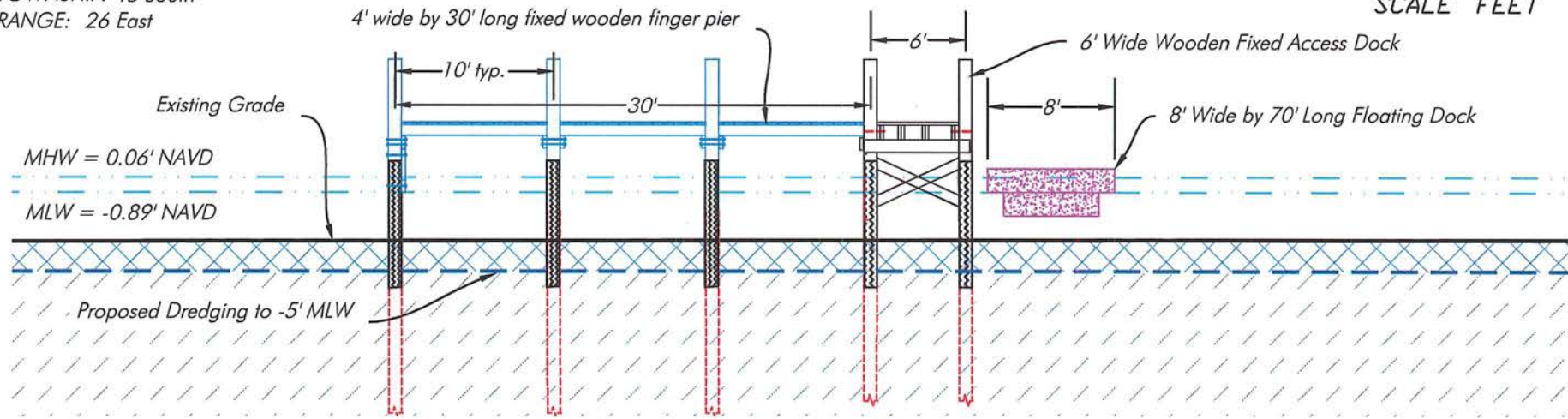
D R Horton

SHEET

15-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

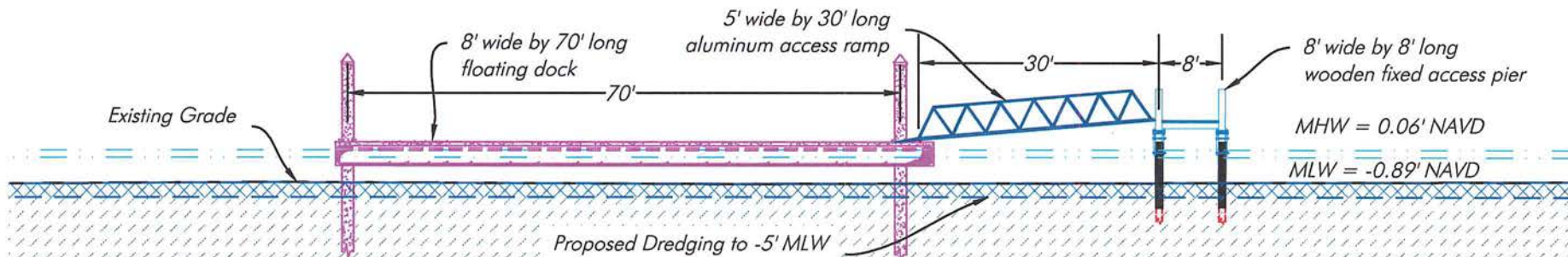
0 5 10
SCALE FEET



Cross Section E-E

SCALE: 1" = 10'

0 10 20
SCALE FEET



Cross Section F-F

SCALE: 1" = 20'

Notes: Depths reference MLW based
on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

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3-14-22

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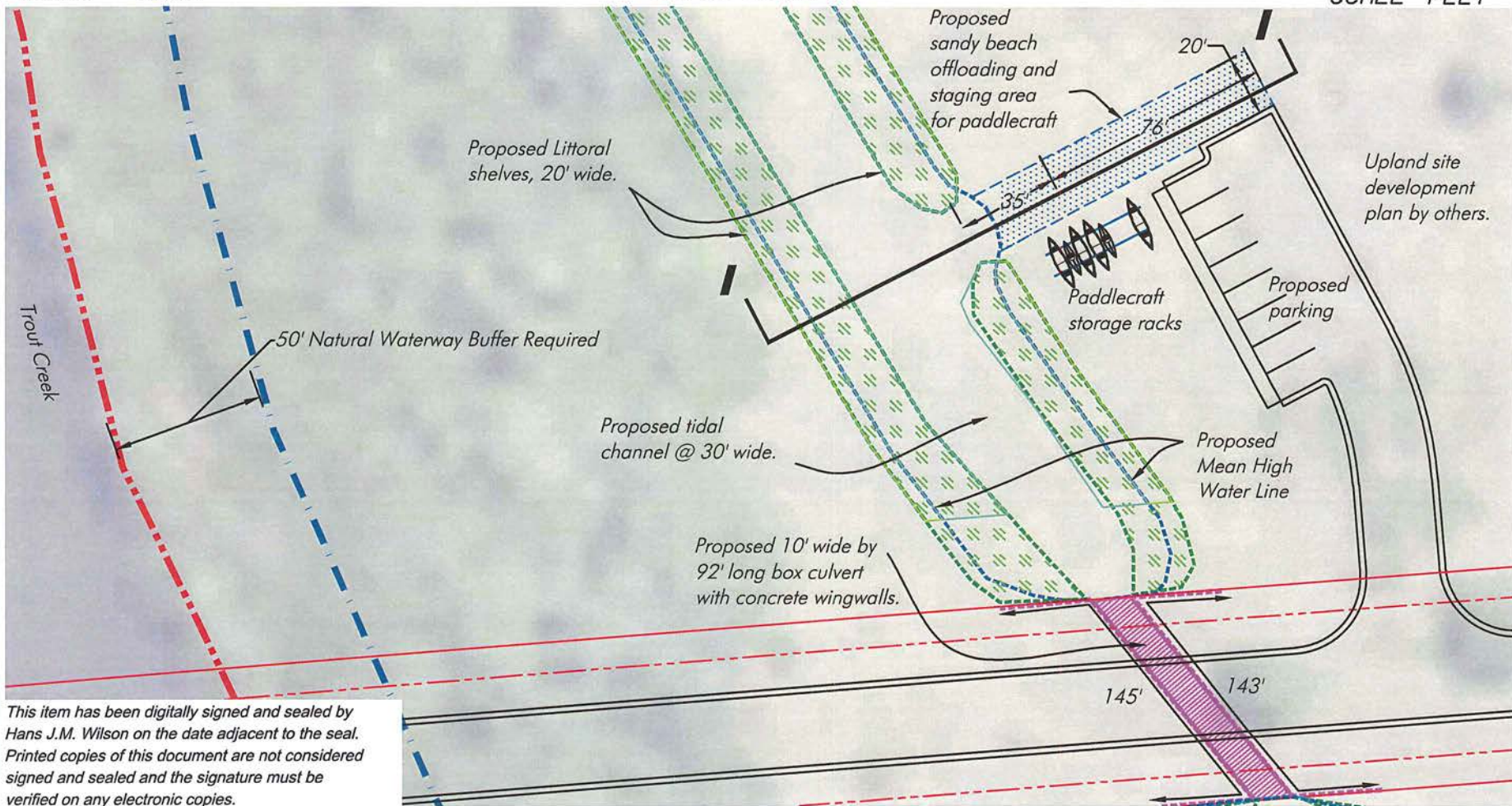
D R Horton

SHEET

16-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

0' 25' 50'
SCALE FEET



Detail F - Proposed Paddlecraft Ramp

SCALE: 1" = 50'

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Note: Property lines per Lee County Property Appraiser

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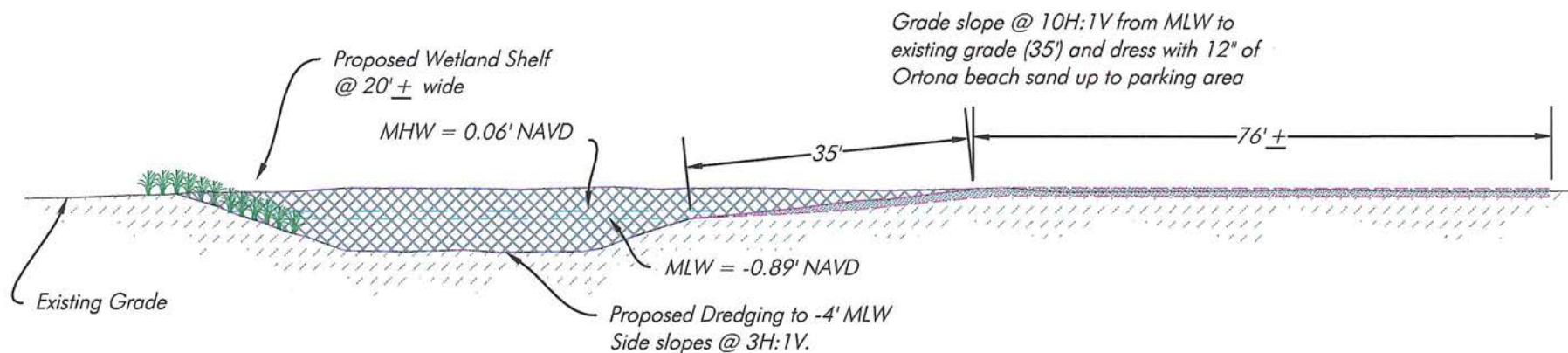
JWA

D R Horton

SHEET
12-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

0 10 20
SCALE FEET



Cross Section I-I

SCALE: 1" = 20'

Notes: Depths reference MLW based
on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

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JWA

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SHEET

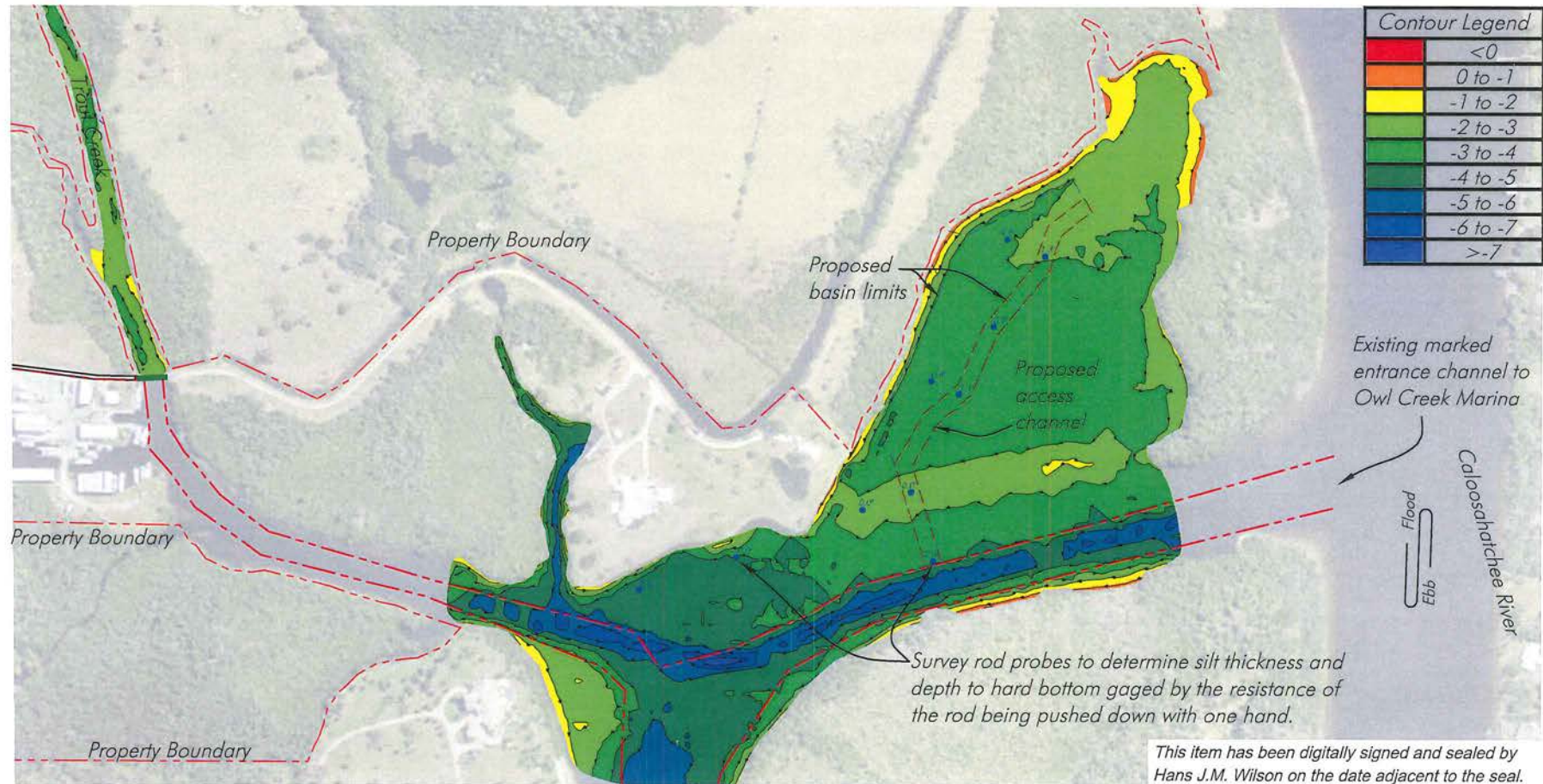
18-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial



0' 250' 500'
SCALE FEET



Note: Silt thickness locations and elevation difference surveyed by HWA on 5-13-22

Site Bathymetry references Mean Low Water datum.
Note: Property lines per Banks Engineering.

Overall Site Bathymetry

SCALE: 1" = 500'

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HANS J.M. WILSON
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FLORIDA REGISTRATION NO. 39680
DATE: April 15, 2022 4:15:29 p.m.
Drawing: HORTON3MASTER.DWG



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3-14-22

JWA

D R Horton

SHEET

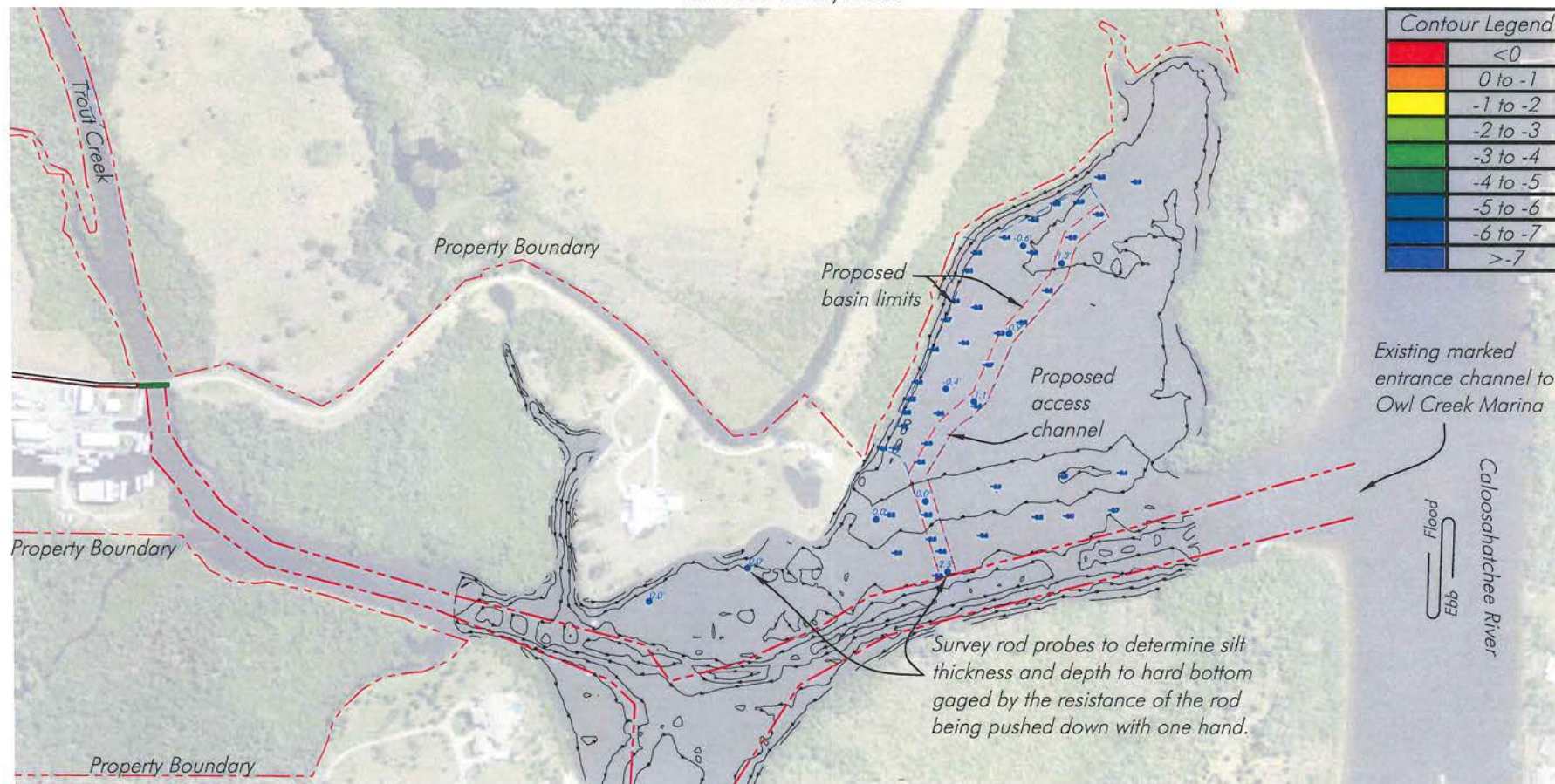
3-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial



0' 250' 500'
SCALE FEET



Overall Site Bathy Text

SCALE: 1" = 500'

Note: Silt thickness locations and elevation difference surveyed by HWA on 5-13-22

Site Bathymetry references Mean Low Water datum.

Note: Property lines per Banks Engineering.

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FLORIDA REGISTRATION NO. 39680
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Drawing: HORTON3MASTER.DWG



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3-14-22

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SHEET

3-21

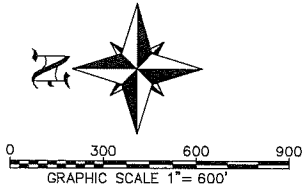
DR/GR &
PRIVATE RECREATIONAL
FACILITIES OVERLAY

RURAL
AG-2
GRAZING LANDS

RURAL/
WETLANDS
AG-2
GRAZING LANDS
(UNDER NEGOTIATION CONSERVATION 2020)

RURAL/
WETLANDS
AG-2
VACANT
SFVMD OWNED

RURAL
AG-2
VACANT



AG-2
SINGLE FAMILY & AGRICULTURAL

BABCOCK EMERGENCY
ONLY ACCESS

50' SETBACK WITH MINIMUM 25' BUFFER

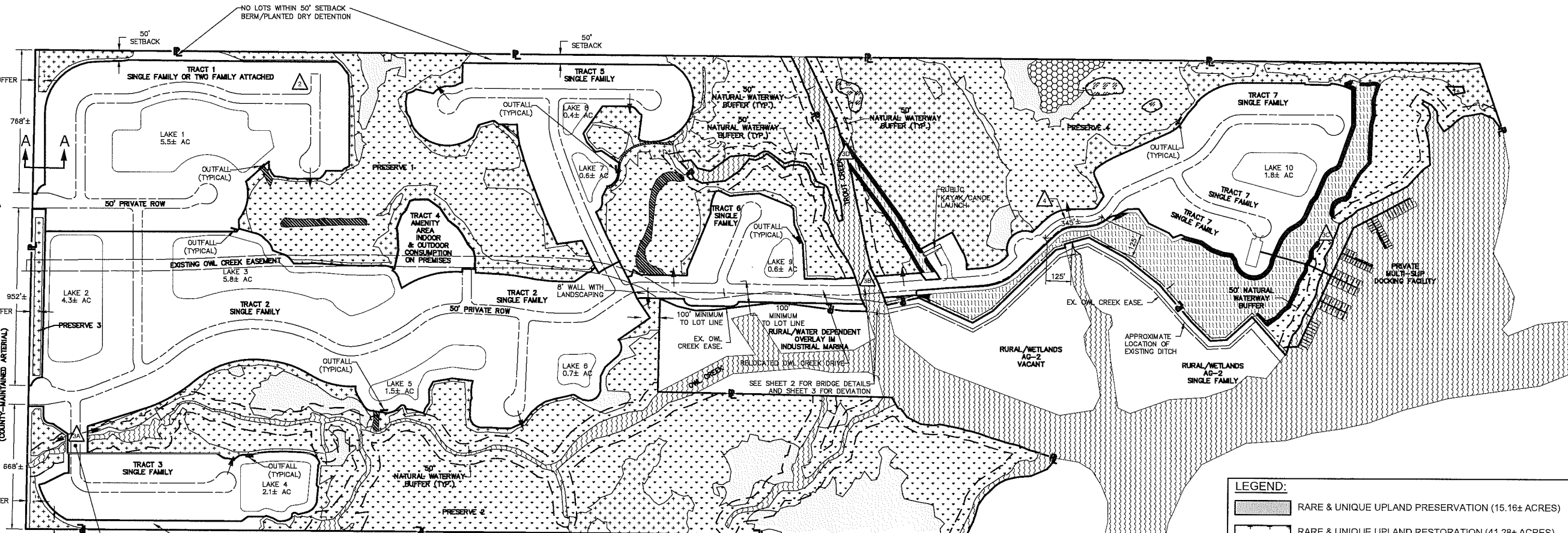
RESIDENT ONLY ENTRY
WITH GATE

50' SETBACK WITH MINIMUM 25' BUFFER

NEW COMMUNITY
MPD
BABCOCK RANCH

50' SETBACK WITH MINIMUM 25' BUFFER

NORTH RIVER ROAD
(COUNTY-MAINTAINED ARTERIAL)



NOTES:

SITE AREA: 342.68± ACRES
REQUIRED OPEN SPACE PER POLICY 29.2.4.1: 60% OF WHICH 50% MUST BE INDIGENOUS
OPEN SPACE PROVIDED: MINIMUM 60% 342.68 X 0.6= 205.6± ACRES
MINIMUM 50% INDIGENOUS REQUIRED: ±205.6 X 0.5 = 102.8± ACRES
INDIGENOUS PROVIDED:
WETLANDS: (23.56± AC PRESERVED & 82.80± AC RESTORED) = 106.36± AC
RARE & UNIQUE UPLAND HABITAT: (15.16± AC PRESERVED & 41.28± AC RESTORED) = 56.44± AC
PRESERVED SURFACE WATER/FLOWWAY: 5.61± AC
TOTAL INDIGENOUS PROVIDED: 168.41± AC
MAXIMUM 25% OR 51.4 AC OF OPEN SPACE AREAS PROVIDED BY LAKE: 23.3± ACRES
MINIMUM 54% (186.10± AC) CONSERVATION EASEMENT (SEE LEGEND)

OPEN SPACE PROVIDED: 209.4± ACRES

DENSITY PER PENDING CPA2020-00004 & CPA2020-00005 TRANSFERRING PRESERVED WETLAND DENSITY & ADDING 1

DU/ACRE FOR PRESERVED OR RESTORED RARE & UNIQUE UPLANDS:

UPLANDS (212.24± AC) & MANMADE DITCHES/LAKE (4.39± AC)=216.63 AT 1 DU/AC: 216.63 DU
**PRESERVED WETLANDS 106.36± AC TRANSFERRED TO ADJACENT UPLANDS AT 1 DU/AC: 106.36 DU
**IMPACTED WETLANDS 13.95± AC AT 1 DU/20 AC: 0.70 DU

5.74± AC NATURAL OPEN WATER NOT ELIGIBLE FOR DENSITY

**ADDITIONAL 1 DU/AC PRESERVED RARE AND UNIQUE UPLAND HABITAT 15.16± AC: 15.16 DU

**ADDITIONAL 1 DU/AC FOR RESTORED RARE AND UNIQUE UPLAND HABITAT 41.28± AC: 41.28 DU

(**SEE DENSITY EXHIBIT ON PAGE 2)

TOTAL MAXIMUM DENSITY: 380 DWELLING UNITS

ATTACHMENT Z

NO.	DATE	REVISION DESCRIPTION	BY
04	4/12/2022	ADD DEVIATION 4	J.W
03	3/11/2022	3RD SUFFICIENCY RESPONSE	SDJ
02	10/26/2021	2ND SUFFICIENCY RESPONSE	J.W
01	8/11/2021	1ST SUFFICIENCY RESPONSE	KC

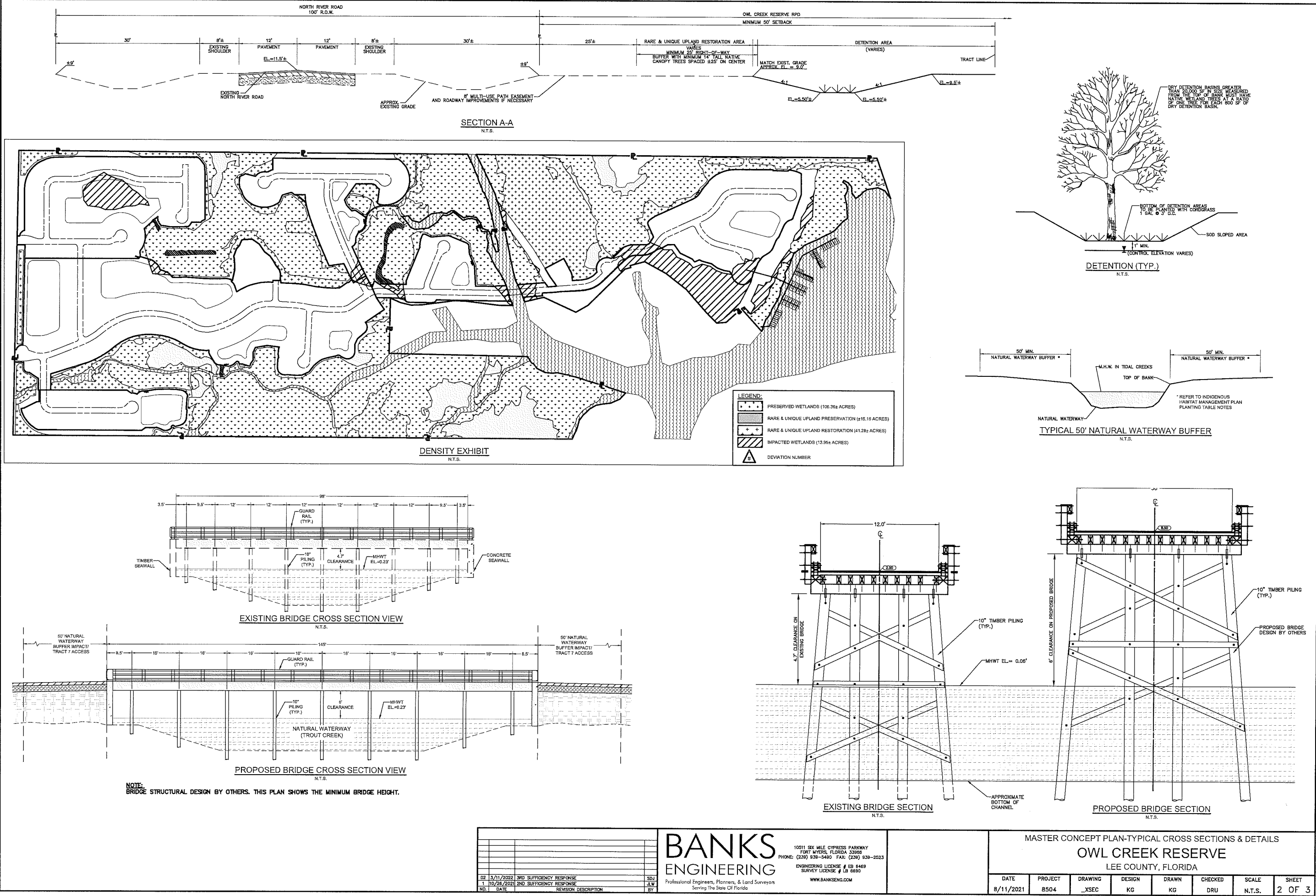
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Serving The State Of Florida

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FORT MYERS, FLORIDA 33966
PHONE: (239) 838-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6468
SURVEY LICENSE # LS 6690
WWW.BANKSENG.COM

MASTER CONCEPT PLAN
OWL CREEK RESERVE MINOR RPD
LEE COUNTY, FLORIDA

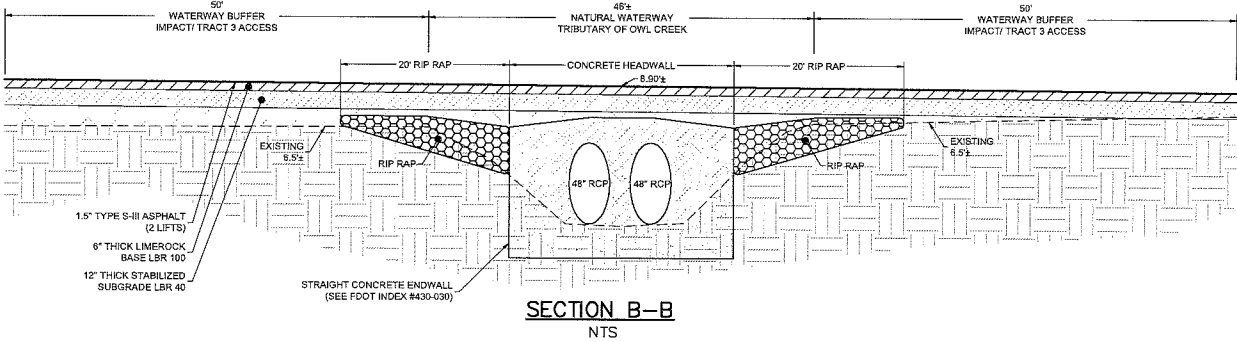
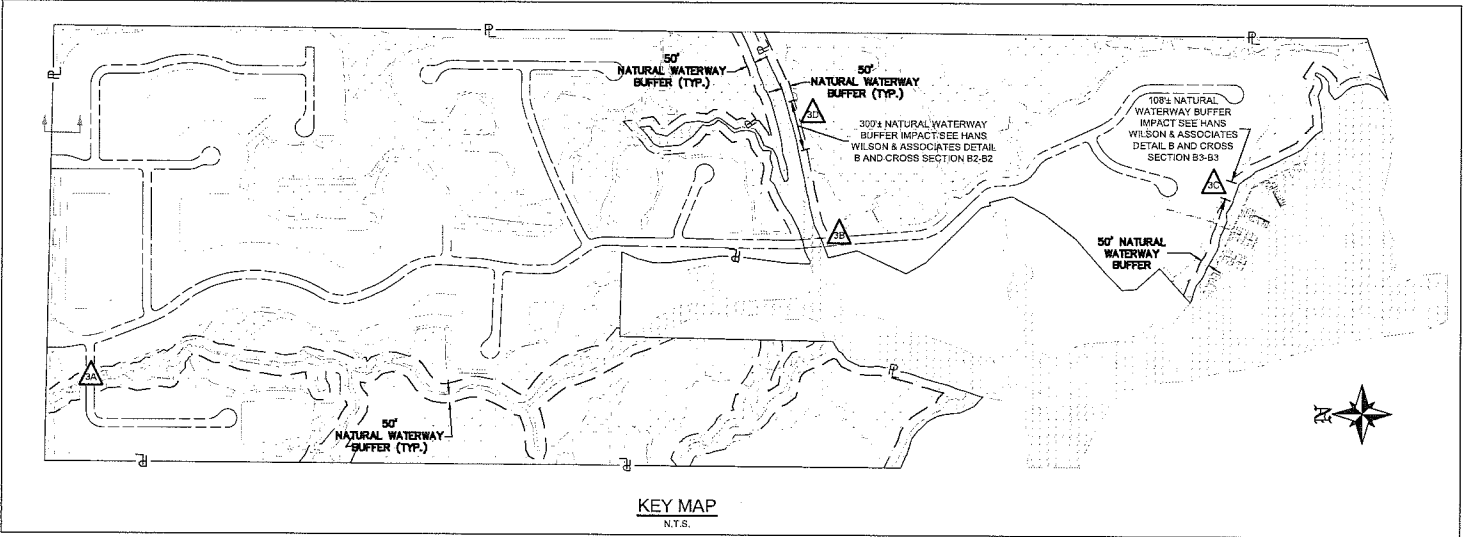
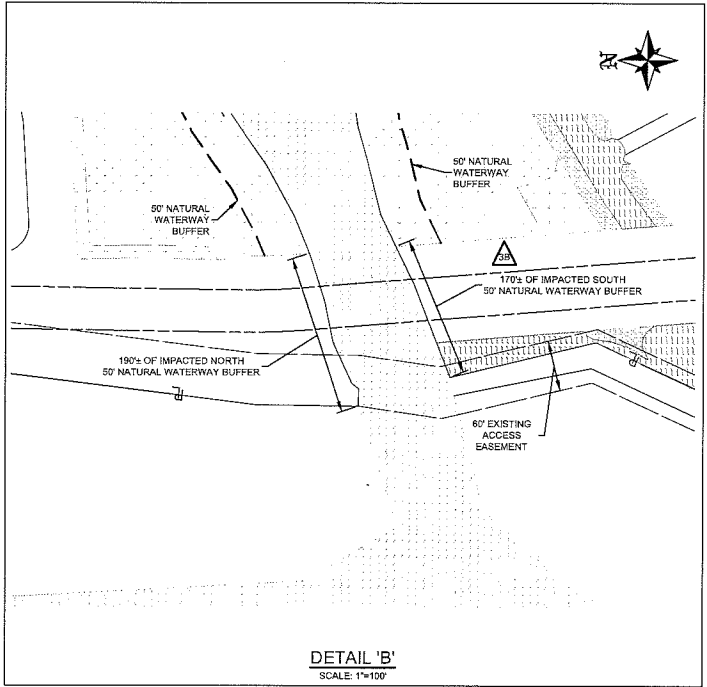
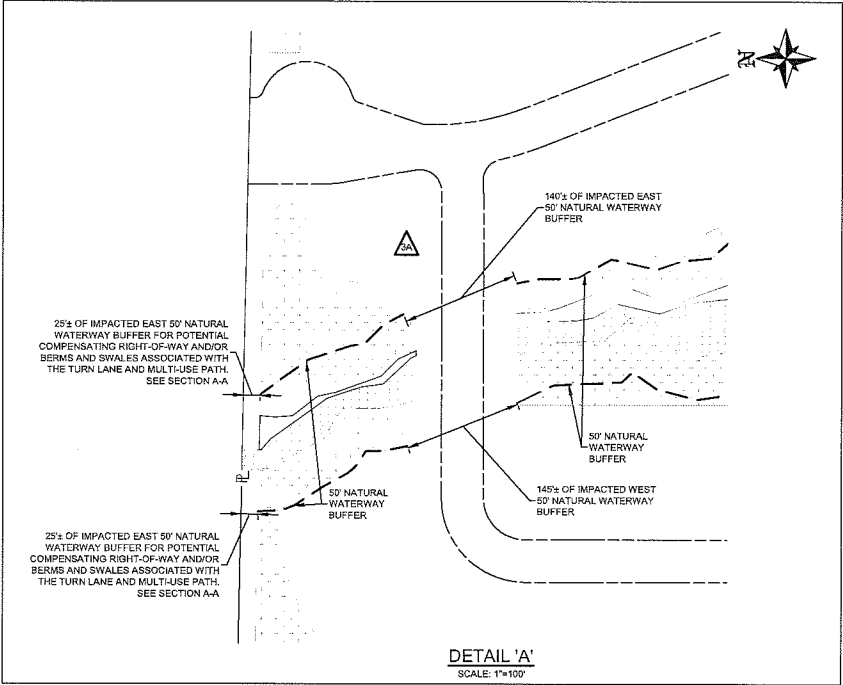
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
07/12/2021	8504	_MCP	KG	KG	DRU	AS SHOWN	1 OF 3

D:\PROJECTS\2021\DCI2021-00011\DWG\DCI2021-00011-00000000.dwg 4/12/2022 10:58 AM J.W



LEGEND:

- PRESERVED WETLANDS (106.35± ACRES)
- RARE & UNIQUE UPLAND PRESERVATION (±15.16 ACRES)
- RARE & UNIQUE UPLAND RESTORATION (41.26± ACRES)
- IMPACTED WETLANDS (13.95± ACRES)
- DEVIATION NUMBER

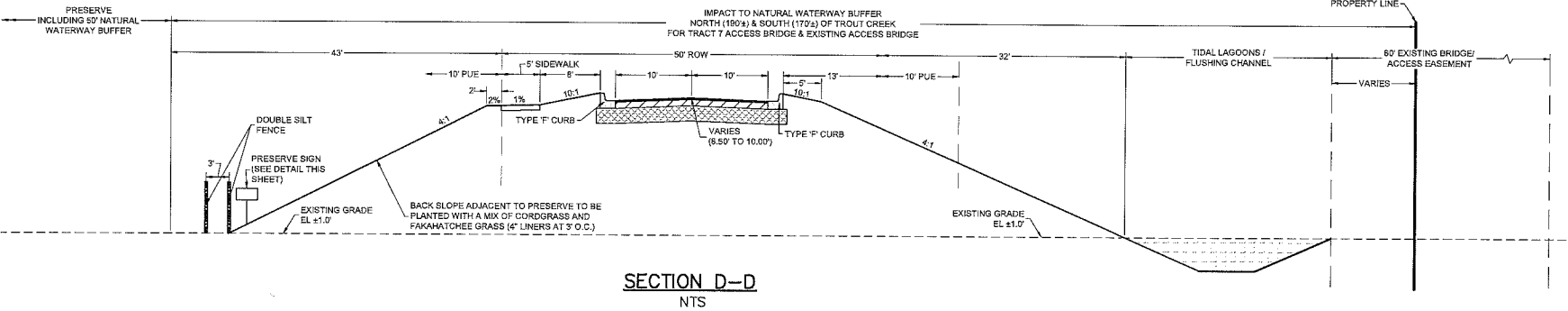
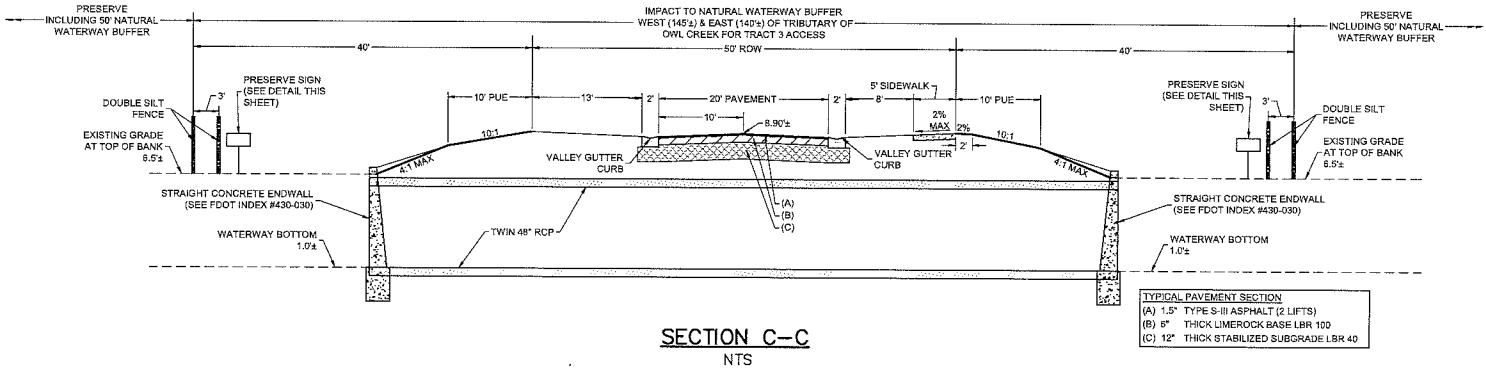


NATURE PRESERVE AREA
NO CLEARING OR DUMPING ALLOWED

NOTES:

1. THE SIGN SHALL BE INSTALLED AT THE EDGE OF THE ON-SITE PRESERVE BOUNDARY
2. SIGNS SHALL BE NO CLOSER THAN TEN FEET FROM THE DEVELOPMENT LIMITS AND BE LIMITED TO A MAXIMUM HEIGHT OF FOUR FEET AND A MAXIMUM SIZE OF TWO SQUARE FEET.
3. MAXIMUM SIGN SPACING SHALL BE 300 FEET.

PRESERVE AREA DETAIL
N.T.S.



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

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SURVEY LICENSE # LS 6690
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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