

## Summary of Hearing Examiner Recommendation

# OWL CREEK RESERVE MINOR RPD

(By D.R. Horton, Inc.)

|                     |                                                                                                                                                                                                                                                                                                     |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Request:            | Rezone 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. |
| Location:           | 12850 North River Road<br>17900 and 18420 Owl Creek Drive<br><br>Northeast Lee County Planning Community<br>(District 5)                                                                                                                                                                            |
| Size:               | 342.68 Acres                                                                                                                                                                                                                                                                                        |
| Recommendation:     | Approve, with conditions                                                                                                                                                                                                                                                                            |
| Deviations:         | 4                                                                                                                                                                                                                                                                                                   |
| Conditions of Note: | Canoe launch open to public, restoration of environmentally sensitive lands.                                                                                                                                                                                                                        |
| Public Concerns:    | Traffic, loss of rural lifestyle, environmental impacts                                                                                                                                                                                                                                             |

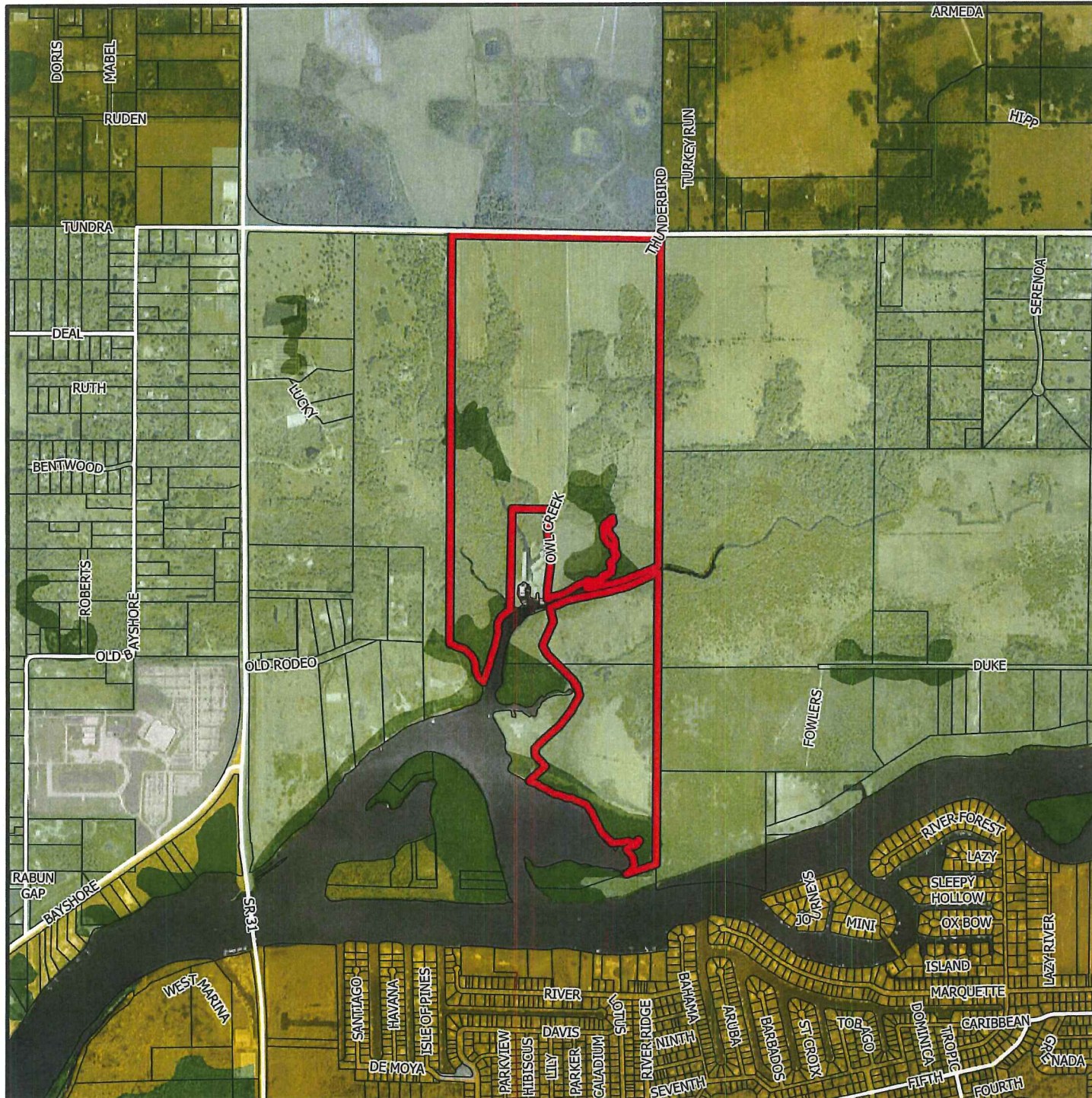
### Hearing Examiner Remarks

There are two companion Lee Plan Amendments scheduled for an adoption hearing on the same date the Board considers this zoning request. The Hearing Examiner's recommendation assumes adoption of both amendments. If the Board denies the plan amendments, the Board must also deny the zoning request.

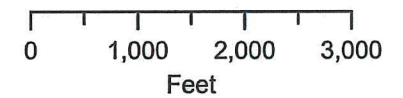
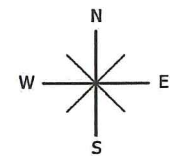
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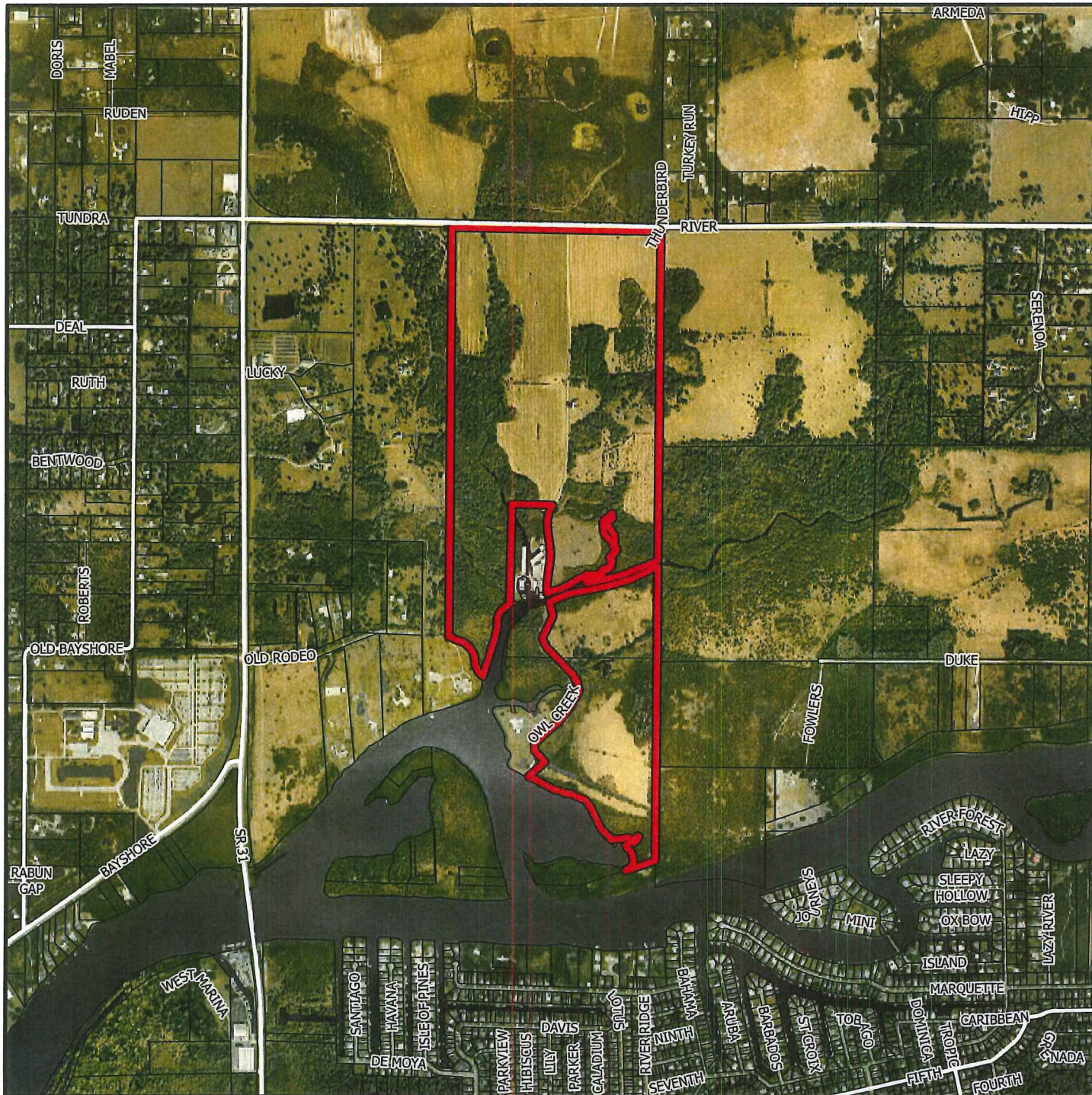
DCI2021-00011

Future Land Use



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

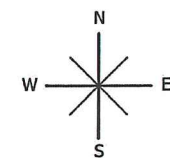




DCI2021-00011

Aerial

 Subject Property



0 1,000 2,000 3,000  
Feet



**OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA**

**HEARING EXAMINER RECOMMENDATION**

**REZONING:** DCI2021-00011

**Regarding:** **OWL CREEK RESERVE MINOR RPD**

**Location:** 12850 North River Road,  
17900 and 18420 Owl Creek Drive  
  
Northeast Lee County Planning Community  
(District 5)

**Hearing Date:** June 23, 2022

**I. Request**

Rezoning 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 with single-family and two-family attached dwellings, a 96 multi-slip docking facility and amenities. Maximum building height is 35 feet.

The property legal description is set forth in Exhibit A.

**II. Hearing Examiner Recommendation**

Approve, subject to conditions and deviations set forth in Exhibit B.

**III. Discussion**

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property to a planned development zoning district.<sup>1</sup> In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone property to RPD.

In preparing a recommendation to the Board, the Hearing Examiner must apply the Lee County Comprehensive Plan (Lee Plan), the Land Development Code (LDC), and other County regulations to facts adduced at hearing. The record must contain substantial competent evidence to support the recommendation.

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<sup>1</sup> LDC 34-145(d)(4)a.

The request seeks to rezone 342.68 acres from AG-2 to RPD to allow development of:

- 380 dwelling units,
- 96 boat slips within a multi-slip docking facility, and
- Boat launch for paddle-craft.

The project will connect to potable water and sanitary sewer service and maximum building heights will be 35 feet.

The zoning request is accompanied by companion amendments to the Lee Plan.<sup>2</sup> Pending Lee Plan amendments:

- (1) Changes the Future Water Service Area to allow a privately funded extension of potable water service to serve the property. (Map 4-A)
- (2) Amends Policy 29.2.4 to incentivize preservation of indigenous Rare and Unique upland habitats in the Rural future land use category in the North Olga Community. In addition, in planned development zoning districts, the amendment allows one additional dwelling unit for each acre of created, preserved or restored Rare and Unique upland habitat.<sup>3</sup>
- (3) Amends Policy 124.1.1 to permit density transfers from preserved freshwater wetlands to developable contiguous uplands under common ownership.

The Board voted to transmit the amendments to the State Land Planning Agency on April 20, 2022. An adoption hearing on both plan amendments will coincide with the final Board hearing on this zoning request.

The Hearing Examiner's recommendation of approval is predicated on adoption of the pending plan amendments. If the Board does not adopt the amendments, the zoning request will be inconsistent with the Lee Plan.<sup>4</sup>

### **Character of Area**

The property is located in the Northeast Lee County Planning Community.<sup>5</sup> This planning community has a distinctly rural character, with wide-open spaces and native vegetation.

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<sup>2</sup> CPA 2020-00004 and CPA 2020-00005.

<sup>3</sup> Proposed amendments to the policy include a requirement for 60% open space to include 50% indigenous preserve with minimum planting standards and conservation easements.

<sup>4</sup> Florida Statutes s. 163.3194(1)(a); LDC 2-3 (*All development permits must be consistent with the Lee Plan in effect at the time of permit approval.*)

<sup>5</sup> Northeast Lee County is located east of S.R. 31 and north of the Caloosahatchee River.

Properties east and west of the site feature passive agricultural uses. North River Road is the main thoroughfare in the community. Few homes are visible from the road. Across North River Road to the north is the Babcock Mixed Use Planned Development.

The proposed RPD surrounds Owl Creek Boat Works.<sup>6</sup> There are two dwellings adjacent to the southern boundary on a 12 acre tract.

### **History**

The site consists of pasture and wetland marsh.<sup>7</sup>

### **Lee Plan**

#### **Future Land Use**

The Lee Plan Future Land Use Map designates the property as Rural and Wetlands.

Rural areas are suited for low density residential, agricultural, and minimal non-residential land uses necessary to serve the rural community.<sup>8</sup> Most rural areas are not programmed to receive the full range of public services. Maximum densities are typically one dwelling unit per acre. Wetlands consist of low-density residential and recreation uses that do not adversely affect the ecological functions of wetlands.<sup>9</sup>

In the Rural Future Land Use category, Developers may transfer density from wetland areas to developable contiguous uplands under common ownership.<sup>10</sup> In the North Olga Planning Community, there are density incentives for preservation, enhancement, and restoration of indigenous Rare and Unique upland habitat.<sup>11</sup> Applicant employed both options in the subject application, resulting in an overall project density of 1.1 dwelling units per acre.

### **Compatibility**

One of the purposes of “planned development” zoning is to integrate new development with surrounding land uses, providing consistency and visual

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<sup>6</sup> Owl Creek Marina lies within the Water Dependent Overlay and is zoned for industrial marine uses. The marina has operated on the site since 1953.

<sup>7</sup> A mobile home previously authorized by special exception is no longer on site. Resolution ZB-86-2. Staff report Attachment H.

<sup>8</sup> Lee Plan Policy 1.4.1.

<sup>9</sup> Lee Plan Policy 1.5.1.

<sup>10</sup> Lee Plan Policy 124.1.1, Table 1(a), as amended by CPA2020-00004 and 00005.

<sup>11</sup> Lee Plan Policy 29.2.4, as amended by CPA2020-00004 and 00005.

harmony. This is accomplished through screening/buffering, sign control, architectural controls, and landscape design.<sup>12</sup>

Babcock MPD is across North River Road and within the New Community future land use category. In North Olga, New Community areas may develop as clustered suburban-style development patterns at densities up to 2.5 dwelling units per acre, provided 60% of the property is devoted to environmental enhancements.<sup>13</sup> Babcock is approved to develop up to 1,630 dwelling units, and 1,170,000 square feet of non-residential uses including 600 hotel rooms.<sup>14</sup>

The subject zoning request clusters development and devotes over 60% of the site to open space. The MCP depicts large tracts of native vegetation surrounding development areas and buffering adjacent land uses.<sup>15</sup>

A large part of maintaining compatibility with surrounding land uses in North Olga is to uphold the existing pattern of setbacks from North River Road. Enhanced setbacks and landscaping with canopy trees will preserve rural vistas.<sup>16</sup> The Owl Creek RPD master concept plan employs this design feature, continuing roadside landscaping patterns approved in the Babcock MPD.<sup>17</sup>

#### Environmental/Natural Resources

Requests to rezone property must not adversely affect environmentally critical/sensitive areas or natural resources.

Although the site has been impacted by agriculture, it contains natural resources worthy of preservation.<sup>18</sup> Specifically, Rare and Unique uplands including Live Oak and Cabbage Palm hammocks, historic flow ways, and wildlife corridors.<sup>19</sup>

The plan of development includes preservation/restoration of wetlands, Rare and Unique uplands, and littoral marshes.<sup>20</sup> Proposed restoration of wetlands and uplands will re-establish the site's environmental integrity.<sup>21</sup> The MCP devotes 60% of the property to open space, 50% of which is native/indigenous vegetation.<sup>22</sup> Developer must provide conservation easements over areas used to achieve

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<sup>12</sup> LDC 34-612(2). Another purpose is to further Lee Plan goals while providing flexibility in development design.

<sup>13</sup> Lee Plan Objective 29.9 and Policies 29.9.1, 29.9.3.

<sup>14</sup> Z-17-026 approved February 7, 2018.

<sup>15</sup> Lee Plan Goal 77, Objectives 77.1, 77.3, Policies 5.1.5, 29.2.2, 77.3.1, 77.3.4.

<sup>16</sup> Lee Plan Goals 27, 29, 77, Objectives 29.1, 29.2, 158.1, Policies 29.1.1, 29.11.3, 158.1.7; See also LDC 33-1673.

<sup>17</sup> Lee Plan Objectives 27.1, 29.5.

<sup>18</sup> Lee Plan Policy 77.3.2 Onsite wetlands have been impacted by cleared pasture and exotic vegetation.

<sup>19</sup> Wildlife corridors associated with Owl and Trout Creeks.

<sup>20</sup> Lee Plan Policy 77.3.1.

<sup>21</sup> Conditions of approval require development order plans to reflect 168.41 acres of indigenous open space and 1.62 acres of upland restoration. Condition 7; Lee Plan Objective 29.7, Policies 29.7.2, 123.2.9.

<sup>22</sup> Lee Plan Goal 77.

density incentives.<sup>23</sup> Development impacts to wetland impacts will be limited to no greater than 13.95 acres.<sup>24</sup>

Restored flow ways and wetlands function independent of the project storm water management system, allowing offsite flows to pass through.<sup>25</sup> Onsite wet and dry detention together with preserves will treat/filter storm water flows entering natural waterways.<sup>26</sup>

The developer will implement protected species management plans addressing development standards, human-wildlife coexistence, and educational programs.<sup>27</sup> Onsite restored lands connect to wildlife corridors on adjacent properties.<sup>28</sup>

Discontinuation of livestock grazing,<sup>29</sup> introduction of sanitary sewer service,<sup>30</sup> and restoration of flow ways and open space areas will improve nutrient uptake on the site, resulting in improved water quality.<sup>31</sup> A recommended condition of approval requires developer to submit a Surface Water and Groundwater Monitoring Plan.<sup>32</sup> Buffers and landscaped areas within common areas must follow Xeriscape principles and consist of native landscape to conserve water.<sup>33</sup>

The property contains three sites of archeological significance. These areas are slated for preservation within project open space/preserve areas.<sup>34</sup>

The Hearing Examiner finds the proposed RPD zoning will not harm environmentally critical/sensitive areas or natural resources.<sup>35</sup> The proposed plan of development enhances the site's environmental features by removing exotic vegetation, restoring historic flow ways and native wetland vegetation, eliminating agricultural uses that introduce nitrogen into the Caloosahatchee River.

#### Marine Uses – Multi-slip Docking Facility

The request includes a multi-slip docking facility. The MCP locates the facility within a natural basin, protected from boat wakes generated on the

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<sup>23</sup> Lee Plan Objectives 27.3, 29.7, Policy 29.7.2; Conditions 3, 9. The County or other public agency will have third party enforcement rights over conservation easements.

<sup>24</sup> Testimony of Stacey Hewitt, AICP. See Condition 10

<sup>25</sup> Lee Plan Goals 59, 60, 61, Policies 59.1.6, 60.4.1, 60.4.3, 60.4.5, 61.2.4, 61.3.3, 61.3.6, 61.3.8, 61.3.12, 77.3.4.

<sup>26</sup> Lee Plan Goals 60, 61, 125, Objectives 60.4, 61.2, Policies 60.4.1, 60.4.5, 61.3.11, 125.1.1, 125.1.2

<sup>27</sup> Lee Plan Policy 123.3.3

<sup>28</sup> Lee Plan Policy 27.4.3.

<sup>29</sup> Applicant's expert testified that removal of 80+ head of cattle will reduce onsite nitrogen generation by an estimated 3,100 lbs. each year.

<sup>30</sup> Testimony confirmed 223 septic systems would potentially introduce 2,500 lbs. of nitrogen per year.

<sup>31</sup> Lee Plan Goal 125, Policies 125.1.1, 125.1.2, 123.1.3.

<sup>32</sup> See Condition 13

<sup>33</sup> Lee Plan Objective 126.2, Policy 126.2.1.

<sup>34</sup> Lee Plan Policy 143.2.2.

<sup>35</sup> Lee Plan 125.1.2.

Caloosahatchee River. Residents will gain access to the river via the marked channel serving Owl Creek Boat Works.<sup>36</sup>

The developer will convert fallow farm fields into an 11.83 acre tidal lagoon/flushing basin. The lagoon will include a littoral marsh to increase nutrient uptake and naturally recruit submerged/emergent vegetation.<sup>37</sup> The lagoon expands intertidal wetland fringe habitat for wading birds and creates a breeding ground for fisheries. The lagoon will also increase open channel flow from Trout Creek, reducing potential for upstream flooding.<sup>38</sup>

The site qualifies for 330 boat slips under the Manatee Protection Plan, but the proposed docking facility accommodates only 96 permanent slips.<sup>39</sup> Applicant's representatives testified that the Developer will relinquish the right to boat slip credits for the remaining 234 boat slips.<sup>40</sup>

Boat slip construction must comply with the Marine Facilities Siting Criteria and the Manatee Protection Plan.<sup>41</sup>

#### Public Access to Natural Resources

Consistent with Lee Plan directives, the project provides public access to natural resources.<sup>42</sup> An onsite canoe and kayak launch will provide public access to the Calusa Blueway.<sup>43</sup>

Staff recommends a condition that requires the main entrance gate to remain open during daylight hours so the public may access the canoe/kayak launch area.

#### Transportation/traffic

The transportation studies for the RPD concluded project traffic will not negatively affect surrounding roadways. The findings of the Transportation Impact Statement (TIS) conclude no Lee County road improvements are necessary to accommodate

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<sup>36</sup> Lee Plan Policy 128.5.15.

<sup>37</sup> Lee Plan 29.7.1.

<sup>38</sup> Lee Plan Policy 29.7.1; Testimony of Hans Wilson, PE.

<sup>39</sup> Lee Plan Policy 123.7.5, 128.4.12.

<sup>40</sup> Testimony of Hans Wilson, PE. Relinquishing the right to transfer 234 slips is voluntary and has the effect of reducing the number of potential boat slips along Lee County waterways. See Condition 16

<sup>41</sup> Lee Plan Objective 128.4, 128.5, Objective 8.2, Policies 128.4.1, 128.4.6, 128.4.12, 128.5.6; See Condition 17.

<sup>42</sup> Lee Plan Goals 79, 82, Objectives 29.6, 79.1, Policies 29.6.2, 29.6.3, 79.1.2, 82.1.2; See Condition 19.

<sup>43</sup> Lee Plan Objective 29.6, Policies 27.3.3, 27.4.2, 29.6.4, 29.6.6, and 158.1.7. Map 4-E.

the projected trip generation.<sup>44</sup> TIS findings conclude the RPD will pay its fair share of its transportation impacts in the form of road impact fees.<sup>45</sup>

Developer must address site related improvements during the development order review process.<sup>46</sup>

#### Public Services and Infrastructure

Although the property has a non-urban designation, it will have access to public services and infrastructure. Public services are the services, facilities, capital improvements, and infrastructure necessary to support development.<sup>47</sup> The Lee Plan requires an evaluation of the availability of public services during the rezoning process.<sup>48</sup>

The project will connect to Lee County Utilities' potable water supply, eliminating the need for individual wells.<sup>49</sup> In addition, the project will connect to FGUA sanitary sewer services. Sanitary sewer service eliminates the possibility of septic tank discharges affecting groundwater and the Caloosahatchee River.

Fire and emergency services will be provided by Bayshore Fire Protection and Rescue Service District. The Lee County Sheriff provides law enforcement services to the area from its North District offices.

Residents will have access to schools, parks, and community facilities.

The Lee Plan designates North River Road as a future bike/pedestrian facility.<sup>50</sup> Developer must comply with LDC requirements regarding future improvements to accommodate bike/pedestrian uses.<sup>51</sup>

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<sup>44</sup> Testimony of Yury Bykau, PE, TR Transportation Consultants, Inc. Several members of the public expressed concerns regarding traffic conditions at the intersection of State Roads 31 and 78. Planned road improvements along the SR 78 and 31 road corridors will increase carrying capacity to accommodate growth in the community. Potential site related improvements may include turn lanes.

<sup>45</sup> Lee Plan Policies 38.1.1, 38.1.5. See Staff Report Attachment O, Memorandum from Brian Roberts, Development Services Plan Reviewer to Dirk Danley, Jr Senior Planner dated June 2, 2022.

<sup>46</sup> Lee Plan Objective 39.1 and Policy 39.1.1.

<sup>47</sup> Public services and infrastructure available to serve the project will include: public water (Lee County Utilities), sewer (FGUA), paved streets, parks and recreation facilities, libraries, police, fire and emergency services, urban surface water management, and schools.

<sup>48</sup> Lee Plan Policy 2.2.1.

<sup>49</sup> The developer will fund an extension of a 16 inch water main to serve the property. The water line extension will accommodate fire hydrants along its length, which will improve fire safety within the North Olga planning community. Developer will also fund a three mile extension of FGUA' ten inch force main, providing sanitary sewer service to the property.

<sup>50</sup> Lee Plan Map 3-D.

<sup>51</sup> LDC 10-256; See also Lee Plan Policies 27.4.1, 27.4.4.

### Community Outreach

Applications for development in the Northeast Lee County community planning area must conduct public information meetings in the Alva and North Olga Communities.<sup>52</sup> Applicant engaged in a total of four meetings in the North Olga and Alva communities.<sup>53</sup>

### LDC

Applications to rezone property must meet the LDC and other County regulations or qualify for deviations. Development in North Olga is subject to specially adopted LDC regulations. These regulations include community review of future development orders, design standards, landscaping along North River Road, tree preservation, and signs.<sup>54</sup> Applicant seeks four deviations from the LDC to accommodate the proposed site design.

Development will be subject to road, park, fire, and emergency medical services impact fees.

### Deviations

The application seeks approval of four deviations from the LDC. A “deviation” is a departure from a land development regulation.<sup>55</sup> Applicants requesting deviations must demonstrate the deviation will enhance the objectives of the planned development and will not cause a detriment to public interests.<sup>56</sup> Requested deviations pertain to turnarounds outside gatehouses,<sup>57</sup> dead end streets,<sup>58</sup> and buffers.<sup>59</sup>

Applicant offered testimony and evidence in support of the requested deviations based on the standard of review set forth in the LDC.<sup>60</sup> Staff recommended approval of all four deviations, subject to conditions.

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<sup>52</sup> Lee Plan Policies 17.3.3, 27.1.8; LDC 33-1663.

<sup>53</sup> Lee Plan Objective 29.10: LDC 33-1663(a)(2); Testimony of Stacey Ellis Hewitt, AICP. Applicant presented the application to the North Olga and Alva communities on the following dates: North Olga Community Planning Panel - October 15, 2020 and December 1, 2021 and in Alva held on October 6, 2020 and December 9, 2021. Staff Report Attachment U. It is noteworthy that applications for local development orders are also subject to community review in the North Olga Planning Community pursuant to LDC 33-1663(a)(1).

<sup>54</sup> LDC 33-1661 *et seq.*

<sup>55</sup> LDC 34-2.

<sup>56</sup> LDC 34-373(a)(9).

<sup>57</sup> LDC 34-1748(5).

<sup>58</sup> LDC 10-296(k)(1).

<sup>59</sup> LDC 10-416(d)(9): Development abutting natural waterways and LDC 10-416(d)(6): Roads within 125 feet of existing dwellings.

<sup>60</sup> LDC 34-377(a)(4); *See also* LDC 33-1484, 33-1665.

The LDC requires the Hearing Examiner to recommend approval, approval with modifications or denial of a requested deviation based upon a finding that the deviation:

- (1) Enhances the planned development; and
- (2) Preserves and promotes public health, safety, and welfare.<sup>61</sup>

The Hearing Examiner finds the requested deviations meet the LDC criteria for approval,

### **Conditions**

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect County's water resources.<sup>62</sup> Conditions must be plausibly related to the project's anticipated impacts, and pertinent to mitigating impacts to public health, safety, and welfare.<sup>63</sup> The RPD will be subject to several conditions of approval designed to address the impacts reasonably anticipated from the development.<sup>64</sup>

The Hearing Examiner recommends revisions to the proposed wording of conditions and deviations to improve clarity.

### **Public**

Several members of the public attended the hearing before the Hearing Examiner. There was testimony in support from one individual, but the remaining participants were unified in their opposition to the request. Those opposed expressed concerns regarding increased traffic, impacts to water quality, and loss of rural character. Many concerns will be addressed during the LDC permitting process and by recommended conditions of approval.<sup>65</sup>

Inconsistency with the rural character of the community was a recurrent theme. The neighboring Babcock MPD allows development patterns similar to those proposed in the current request. Pending Lee Plan amendments award density in exchange for restoring and preserving environmentally sensitive lands. If adopted,

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<sup>61</sup> LDC 34-377(a)(4).

<sup>62</sup> Lee Plan Policies 5.1.5, 5.2.2, 29.1.1, 29.2.2, 29.3.3, 135.9.5, 135.9.6; LDC 34-145(d)(4)a.2.(b), LDC 34-377(a)(3), 34-411, and 34-932(c).

<sup>63</sup> LDC 34-932(b).

<sup>64</sup> LDC 34-83(b)(4)a.3, 34-377(a)(2)c; Lee Plan Goals 59, 61, 77, Policies 5.1.5, 5.2.2, 27.4.2, 29.6.2, 29.6.3, 29.6.4, 29.11.3.b.4 - 8, 60.1.1, 60.5.1, 60.5.2, 61.3.11.

<sup>65</sup> The LDC and proposed conditions of approval require the developer to submit protected species surveys and prepare management plans for wildlife habitat. (Conditions 12, 18, 19) Conditions of approval impose detailed monitoring of surface and groundwater impacts. (Condition 14).

the plan amendments serve as an expression of the Board's legislative intent to expand development options on rural lands in North Olga.

If the Board approves the requested rezoning, the project will be subject to further community meetings in North Olga at the development order stage.<sup>66</sup>

### **Conclusion**

The Hearing Examiner recommends approval of the request subject to the conditions set forth in Exhibit B.

The Hearing Examiner finds the request meets the criteria set forth in the LDC and, as conditioned, is compatible with surrounding development. The following factors contributed to this conclusion:

### **IV. Findings and Conclusions**

Based on the testimony and exhibits presented in the record, the Hearing Examiner finds:

- A. The requested Owl Creek RPD zoning is consistent with the Lee Plan. Lee Plan Goals 2, 4, 5, 27, 29, 59, 60, 61, 79, 82, 124; Objectives 1.5, 1.6, 2.2, 4.1, 27.1, 27.3, 27.5, 29.1, 29.2, 29.4, 29.5, 29.7, 29.8, 29.10, 29.11, 79.1, 158.1, and Policies 1.1.11, 1.5.1, 5.1.6, 27.1.1, 27.1.2, 27.3.1, 29.2.1, 29.2.4, 29.3.4, 79.1.2, 123.7.3, 123.7.5, 124.1.1, 128.4.12, 128.5.15; Lee Plan Maps 1-B, 4-A, 4-E and Table 1(a).
- B. As conditioned, the RPD zoning designation:
  - 1. is consistent with the Land Development Code or qualifies for deviations. LDC 33-1661 *et seq.*, 34-341(a), 34-373(a)(9), 34-411, 34-413, 34-491, 34-612(2);
  - 2. is compatible with existing or planned uses in the surrounding area. Lee Plan Objectives 27.1, 27.3, 29.1, 29.2, 29.5, 29.9, 158.1, and Policies, 5.1.5, 5.2.4, 29.1.1, 29.9.1, 29.9.3, 29.11.3, 135.9.5, 158.1.7; LDC 34-413, *and*

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<sup>66</sup> LDC 33-1663(a)(1).

3. will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 59, 60, 61, 123, 125, Objectives 27.3, 29.7, 29.8, 60.4, 60.5, 61.2, 61.3, 123.1, 123.2, 124.1, 126.2, Policies 1.5.1, 1.6.1, 27.4.3, 27.7.2, 29.8.2, 29.11.3, 59.1.6, 60.4.1, 60.4.3, 60.4.5, 60.5.1, 60.5.2, 60.5.3, 61.2.4, 61.3.3, 61.3.6, 61.3.8, 61.3.11, 61.3.12, 123.2.4, 123.2.8, 123.2.9, 123.2.11, 123.2.15, 123.3.1, 123.3.3, 125.1.1, 125.1.2, 125.1.3, 126.2.1, 143.2.2, 158.1.7, and Standard 4.1.4.
- C. There is sufficient road access to support the proposed development intensity.
- D. The expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objectives 27.4, 29.5, 39.1, Policies 27.4.1, 38.1.1, 38.1.5, 39.1.1; LDC 2-261 *et seq.*, 34-411(d) and (e).
- E. Public services and infrastructure will be available to serve the development, notwithstanding its Rural designation. Goals 4, 151, Objective 4.1, Policy 1.4.1, Standards 4.1.1, 4.1.2.
- F. The proposed uses are appropriate at the subject location. Lee Plan Goals 2, 5, 27, 29; Objective 29.2, Policies 1.4.1, 27.1.1, 29.1.1, 29.2.1, 124.1.1.
- G. The County regulations and recommended conditions of approval provide sufficient safeguards to protect the public interest. Lee Plan Policies 5.1.1, 5.1.2, 5.1.5, 5.2.2, 29.1.1, 29.2.2, 61.3.8, 123.7.5, 135.9.6; LDC 34-377(a)(3), and 34-411.
- H. The recommended conditions reasonably relate to the impacts expected from the proposed development. Lee Plan Goals 79, 82, Objectives 29.6, 79.1, Policies 5.1.5, 29.6.2, 29.6.3, 61.3.3, 79.1.2, 82.1.2, 123.2.9, 135.9.5, 158.1.7; LDC 34-145(d)(4)a.2.(b), 34-411, and 34-932(c).
- I. Deviations recommended for approval 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).

Date of Recommendation: July 11, 2022.



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Donna Marie Collins  
Chief Hearing Examiner

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Fort Myers, FL 33902-0398

**Exhibits to Hearing Examiner Recommendation**

Exhibit A Legal Description and Vicinity Map  
Exhibit B Recommended Conditions and Deviations  
Exhibit C Exhibits Presented at Hearing  
Exhibit D Hearing Participants  
Exhibit E Information

**Exhibit A**

**LEGAL DESCRIPTION AND VICINITY MAP**

# EXHIBIT A

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

SHEET 1 OF 15

SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 49.00 FEET; THENCE RUN S.66°42'36"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.31 FEET; THENCE RUN S.80°37'35"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.70 FEET; THENCE RUN S.49°00'39"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 25.62 FEET; THENCE RUN S.65°48'12"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 63.16 FEET; THENCE RUN S.74°36'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 79.06 FEET; THENCE RUN S.73°49'33"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 76.39 FEET; THENCE RUN S.77°28'30"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 81.85 FEET; THENCE RUN S.82°44'45"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 86.96 FEET; THENCE RUN S.69°49'00"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 63.53 FEET; THENCE RUN S.83°38'00"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 84.05 FEET; THENCE RUN N.64°43'19"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 10.65 FEET; THENCE RUN N.10°04'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 17.28 FEET; THENCE RUN N.67°36'56"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 63.76 FEET; THENCE RUN N.75°31'42"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 84.91 FEET; THENCE RUN N.67°43'57"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 42.46 FEET; THENCE RUN N.48°46'12"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 15.77 FEET; THENCE RUN N.22°03'58"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.88 FEET; THENCE RUN N.67°46'02"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 56.48 FEET; THENCE RUN N.53°42'12"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 56.78 FEET; THENCE RUN N.09°10'30"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 71.37 FEET; THENCE RUN N.18°38'24"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 45.27 FEET; THENCE RUN N.36°09'14"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 54.90 FEET; THENCE RUN N.35°53'09"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 55.09 FEET; THENCE RUN N.01°19'19"E. ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.41 FEET; THENCE RUN N.32°33'04"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 51.20 FEET; THENCE RUN N.07°39'06"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 57.91 FEET; THENCE RUN N.06°39'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 79.50 FEET; THENCE RUN N.36°15'06"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 133.80 FEET; THENCE RUN N.13°17'04"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 69.67 FEET; THENCE RUN N.51°38'20"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 56.94 FEET; THENCE RUN N.09°17'06"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 57.33 FEET; THENCE RUN S.47°33'50"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.48 FEET; THENCE RUN

S.52°35'15"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 71.39 FEET; THENCE RUN S.26°00'04"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 44.07 FEET; THENCE RUN S.05°32'36"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 123.25 FEET; THENCE RUN S.35°01'53"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 91.33 FEET; THENCE RUN S.50°35'34"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 85.61 FEET; THENCE RUN S.10°34'53"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.93 FEET; THENCE RUN S.21°26'11"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 36.72 FEET; THENCE RUN S.40°17'20"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.23 FEET; THENCE RUN S.35°18'25"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 42.17 FEET; THENCE RUN S.42°33'03"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 45.18 FEET; THENCE RUN S.41°13'28"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.71 FEET; THENCE RUN S.18°57'53"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 40.71 FEET; THENCE RUN S.02°39'27"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 43.57 FEET; THENCE RUN S.18°07'05"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.46 FEET; THENCE RUN S.67°10'19"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 48.51 FEET; THENCE RUN S.75°56'36"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.05 FEET; THENCE RUN S.56°00'26"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 40.96 FEET; THENCE RUN S.04°07'53"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 15.13 FEET; THENCE RUN S.02°20'53"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.76 FEET; THENCE RUN S.83°41'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 17.10 FEET; THENCE RUN N.81°54'26"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 32.46 FEET; THENCE RUN S.72°46'26"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 51.87 FEET; THENCE RUN N.79°37'03"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 77.30 FEET; THENCE RUN S.43°53'28"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 29.96 FEET; THENCE RUN S.64°51'44"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.22 FEET; THENCE RUN S.67°25'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.97 FEET; THENCE RUN S.63°29'01"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 21.10 FEET; THENCE RUN S.63°09'28"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 50.02 FEET; THENCE RUN S.55°16'21"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 81.31 FEET; THENCE RUN S.61°20'10"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 66.81 FEET; THENCE RUN S.67°49'59"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 48.47 FEET; THENCE RUN S.72°10'03"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 58.79 FEET; THENCE RUN S.78°14'00"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 49.72 FEET; THENCE

RUN S.64°42'00"W., ALONG SAID MEAN HIGH WATER LINE, FOR A  
 DISTANCE OF 53.28 FEET; THENCE RUN S.38°23'32"W., ALONG SAID MEAN  
 HIGH WATER LINE, FOR A DISTANCE OF 10.59 FEET; THENCE RUN  
 N.89°16'27"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE  
 OF 20.26 FEET; THENCE LEAVING SAID MEAN HIGH WATER LINE, RUN  
 N.00°43'09"E., FOR A DISTANCE OF 121.86 FEET; THENCE RUN N.07°03'43"E.,  
 FOR A DISTANCE OF 300.00 FEET; THENCE RUN N.02°16'53"E., FOR A  
 DISTANCE OF 100.00 FEET; THENCE RUN N.07°27'32"W., FOR A DISTANCE  
 OF 299.99 FEET; THENCE RUN N.01°23'52"W., FOR A DISTANCE OF 100.00  
 FEET; THENCE RUN N.13°23'08"E., FOR A DISTANCE OF 100.00 FEET;  
 THENCE RUN N.23°42'08"E., FOR A DISTANCE OF 99.22 FEET; THENCE RUN  
 N.88°52'07"W., FOR A DISTANCE OF 500.00 FEET; THENCE RUN S.01°07'53"W.,  
 FOR A DISTANCE OF 1,252.34 FEET TO SAID MEAN HIGH WATER LINE OF  
 TROUT CREEK (ELEVATION 0.03 FEET-NORTH AMERICAN VERTICAL  
 DATUM OF 1988); THENCE RUN S.59°33'49"W., ALONG SAID MEAN HIGH  
 WATER LINE, FOR A DISTANCE OF 66.58 FEET; THENCE RUN S.19°55'43"W.,  
 ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 17.96 FEET;  
 THENCE RUN S.53°18'36"W., ALONG SAID MEAN HIGH WATER LINE, FOR A  
 DISTANCE OF 53.47 FEET; THENCE RUN S.26°06'00"W., ALONG SAID MEAN  
 HIGH WATER LINE, FOR A DISTANCE OF 82.56 FEET; THENCE RUN  
 S.05°34'19"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF  
 68.70 FEET; THENCE RUN S.07°11'04"E., ALONG SAID MEAN HIGH WATER  
 LINE, FOR A DISTANCE OF 29.90 FEET; THENCE RUN S.07°54'16"E., ALONG  
 SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 11.85 FEET; THENCE  
 RUN S.12°21'57"W., ALONG SAID MEAN HIGH WATER LINE, FOR A  
 DISTANCE OF 78.12 FEET; THENCE RUN S.10°40'48"W., ALONG SAID MEAN  
 HIGH WATER LINE, FOR A DISTANCE OF 33.89 FEET; THENCE RUN  
 S.21°15'12"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF  
 20.19 FEET; THENCE RUN S.10°05'07"W. ALONG SAID MEAN HIGH WATER  
 LINE,, FOR A DISTANCE OF 34.32 FEET; THENCE RUN S.16°26'09"W., ALONG  
 SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 51.67 FEET; THENCE  
 RUN S.20°15'30"W., ALONG SAID MEAN HIGH WATER LINE, FOR A  
 DISTANCE OF 28.82 FEET; THENCE RUN S.18°57'28"W., ALONG SAID MEAN  
 HIGH WATER LINE, FOR A DISTANCE OF 36.38 FEET; THENCE RUN  
 S.15°47'44"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF  
 34.13 FEET; THENCE RUN S.16°28'26"W., ALONG SAID MEAN HIGH WATER  
 LINE, FOR A DISTANCE OF 59.42 FEET; THENCE RUN S.12°32'34"W., ALONG  
 SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.60 FEET; THENCE  
 RUN S.23°08'17"W., ALONG SAID MEAN HIGH WATER LINE, FOR A  
 DISTANCE OF 62.09 FEET; THENCE RUN S.15°16'02"W., ALONG SAID MEAN  
 HIGH WATER LINE, FOR A DISTANCE OF 33.53 FEET; THENCE RUN  
 S.18°12'29"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF  
 115.02 FEET; THENCE RUN S.03°19'16"E., ALONG SAID MEAN HIGH WATER  
 LINE, FOR A DISTANCE OF 4.78 FEET; THENCE LEAVING SAID MEAN HIGH  
 WATER LINE, RUN N.47°23'44"W., FOR A DISTANCE OF 78.47 FEET; THENCE  
 RUN N.24°12'11"W., FOR A DISTANCE OF 91.43 FEET; THENCE RUN

N.03°48'12"W., FOR A DISTANCE OF 29.62 FEET; THENCE RUN N.06°50'11"W., FOR A DISTANCE OF 34.61 FEET; THENCE RUN N.08°54'45"W., FOR A DISTANCE OF 28.95 FEET; THENCE RUN N.12°43'52"W., FOR A DISTANCE OF 39.18 FEET; THENCE RUN N.28°20'46"W., FOR A DISTANCE OF 39.90 FEET; THENCE RUN N.32°06'08"W., FOR A DISTANCE OF 30.67 FEET; THENCE RUN N.45°59'51"W., FOR A DISTANCE OF 43.84 FEET; THENCE RUN N.40°53'39"W., FOR A DISTANCE OF 33.01 FEET; THENCE RUN N.53°48'26"W., FOR A DISTANCE OF 60.20 FEET; THENCE RUN N.75°05'44"W., FOR A DISTANCE OF 54.64 FEET; THENCE RUN N.71°07'07"W., FOR A DISTANCE OF 40.46 FEET; THENCE RUN N.62°42'59"W., FOR A DISTANCE OF 34.22 FEET; THENCE RUN N.66°57'30"W., FOR A DISTANCE OF 51.84 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE RUN N.00°16'39"E., ALONG SAID WEST LINE, AND THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18, FOR A DISTANCE OF 5,052.72 FEET TO THE **POINT OF BEGINNING**. CONTAINING 11,154,906 SQUARE FEET OR 256.083 ACRES, MORE OR LESS.

AND

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

THENCE RUN N.87°04'33"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 55.75 FEET; THENCE RUN N.49°55'04"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 45.69 FEET; THENCE RUN N.28°07'43"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 46.00 FEET; THENCE RUN N.56°19'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 17.93 FEET; THENCE RUN S.36°51'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.99 FEET; THENCE RUN S.71°55'20"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.45 FEET; THENCE RUN S.89°48'27"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 25.16 FEET; THENCE RUN N.63°29'40"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.19 FEET; THENCE RUN S.77°12'19"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 81.07 FEET; THENCE RUN S.87°13'04"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 71.51 FEET; THENCE RUN S.86°14'38"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 51.39 FEET; THENCE RUN N.32°39'35"W. ALONG SAID MEAN HIGH WATER LINE,, FOR A DISTANCE OF 39.89 FEET; THENCE RUN N.46°07'12"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 55.49 FEET; THENCE RUN N.48°12'13"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 67.15 FEET; THENCE RUN N.30°38'49"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.85 FEET; THENCE RUN N.25°28'33"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 64.46 FEET; THENCE RUN N.28°26'17"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 48.85 FEET; THENCE RUN N.24°27'43"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 67.21 FEET; THENCE RUN N.23°43'59"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 68.49 FEET; THENCE RUN N.44°29'30"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.93 FEET; THENCE RUN N.32°47'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.03 FEET; THENCE RUN N.37°30'31"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.12 FEET; THENCE RUN N.72°02'02"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 37.99 FEET; THENCE RUN N.66°54'09"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 50.25 FEET; THENCE RUN N.76°40'16"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.57 FEET; THENCE RUN N.62°41'50"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 29.07 FEET; THENCE RUN N.57°22'45"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.85 FEET; THENCE RUN S.81°19'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 24.79 FEET; THENCE RUN S.86°10'29"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 20.72 FEET; THENCE RUN N.68°13'44"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 70.32 FEET; THENCE RUN N.62°52'25"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 25.24 FEET; THENCE RUN N.76°26'43"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 42.82 FEET; THENCE RUN N.86°37'33"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE

OF 23.07 FEET; THENCE RUN N.66°30'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.15 FEET; THENCE RUN N.59°53'05"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.24 FEET; THENCE RUN N.63°30'36"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.41 FEET; THENCE RUN N.56°41'32"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 40.31 FEET; THENCE RUN N.61°46'56"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 24.48 FEET; THENCE RUN N.71°57'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.15 FEET; THENCE RUN N.60°34'35"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 28.45 FEET; THENCE RUN N.52°43'10"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.94 FEET; THENCE RUN N.40°26'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 13.97 FEET; THENCE RUN N.69°12'09"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 50.97 FEET; THENCE RUN N.75°09'23"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.53 FEET; THENCE RUN N.71°05'34"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 29.39 FEET; THENCE RUN N.50°55'57"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 7.35 FEET; THENCE LEAVING SAID MEAN HIGH WATER LINE, RUN N.48°06'50"E., FOR A DISTANCE OF 270.43 FEET; THENCE RUN N.42°11'10"W., FOR A DISTANCE OF 184.68 FEET; THENCE RUN N.03°40'10"W., FOR A DISTANCE OF 86.00 FEET; THENCE RUN N.44°50'41"E., FOR A DISTANCE OF 140.43 FEET; THENCE RUN N.48°53'50"E., FOR A DISTANCE OF 266.81 FEET; THENCE RUN N.37°56'50"E., FOR A DISTANCE OF 235.27 FEET; THENCE RUN N.28°49'50"E., FOR A DISTANCE OF 219.46 FEET; THENCE RUN N.15°00'10"W., FOR A DISTANCE OF 137.17 FEET; THENCE RUN S.74°59'50"W., FOR A DISTANCE OF 18.55 FEET; THENCE RUN N.15°00'10"W., FOR A DISTANCE OF 53.03 FEET; THENCE RUN N.44°37'10"W., FOR A DISTANCE OF 466.55 FEET; THENCE RUN N.29°52'10"W., FOR A DISTANCE OF 128.59 FEET; THENCE RUN N.24°50'50"E., FOR A DISTANCE OF 318.05 FEET; THENCE RUN N.13°28'44"W., FOR A DISTANCE OF 177.41 FEET TO SAID MEAN HIGH WATER LINE OF TROUT CREEK (ELEVATION 0.03 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE RUN N.68°36'37"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 118.44 FEET; THENCE RUN N.64°26'22"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.89 FEET; THENCE RUN N.64°03'20"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 59.04 FEET; THENCE RUN N.75°59'50"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 70.51 FEET; THENCE RUN N.73°52'12"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 36.64 FEET; THENCE RUN N.81°37'22"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 38.71 FEET; THENCE RUN N.76°10'56"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 61.09 FEET; THENCE RUN N.81°10'49"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 43.63 FEET; THENCE RUN N.79°19'30"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.70 FEET; THENCE RUN N.76°16'15"E., ALONG SAID MEAN

HIGH WATER LINE, FOR A DISTANCE OF 54.20 FEET; THENCE RUN N.78°48'20"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 120.20 FEET; THENCE RUN N.79°41'31"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.54 FEET; THENCE RUN N.75°23'35"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 99.29 FEET; THENCE RUN N.71°46'47"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 45.73 FEET; THENCE RUN N.77°14'48"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.77 FEET; THENCE RUN N.73°38'17"E. ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 131.49 FEET; THENCE RUN N.64°38'32"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 113.85 FEET; THENCE RUN N.64°07'37"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.99 FEET; THENCE RUN N.64°53'28"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 84.52 FEET; THENCE RUN N.64°11'02"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 86.91 FEET; THENCE RUN N.64°11'54"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 80.97 FEET TO **THE POINT OF BEGINNING**.  
CONTAINING 3,772,203 SQUARE FEET OR 86.598 ACRES, MORE OR LESS.

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

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

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

Stephen Berry

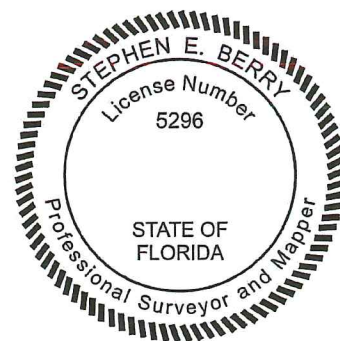
Digitally signed by Stephen Berry  
DN: cn=US, ou=LS 5296, o=BBLs  
Surveyors, Inc., cn=Stephen Berry,  
email=sberry@bblsinc.net  
Date: 2021.11.16 15:31:52 -05'00'

04/15/21

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

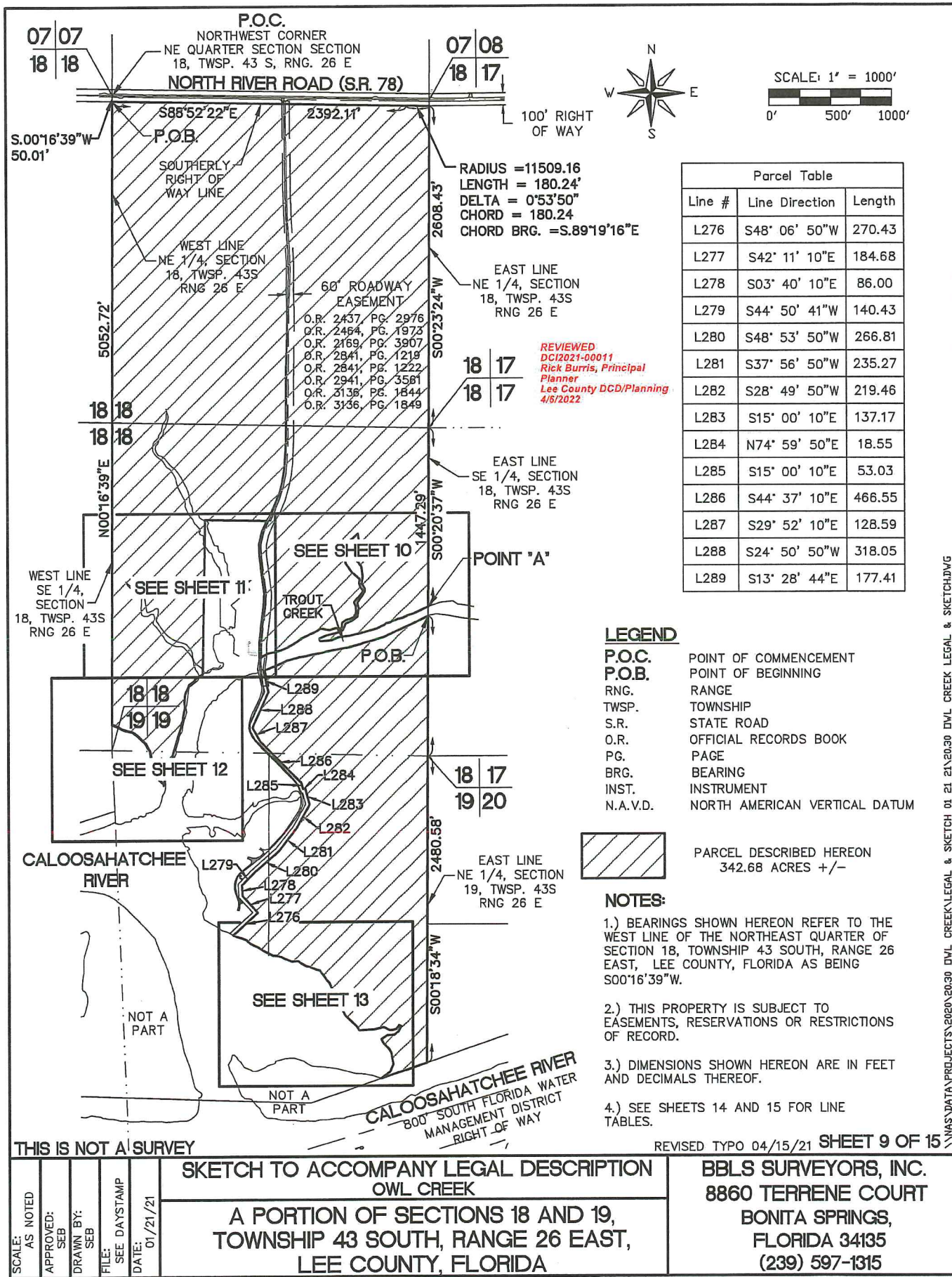
PROOFED BY SEB  
REVISED TYPO 04 15 21  
REVISED CURVE 11 16 21

**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)

SHEET 8 OF 15



| Parcel Table |                |        |
|--------------|----------------|--------|
| Line #       | Line Direction | Length |
| L276         | S48° 06' 50"W  | 270.43 |
| L277         | S42° 11' 10"E  | 184.68 |
| L278         | S03° 40' 10"E  | 86.00  |
| L279         | S44° 50' 41"W  | 140.43 |
| L280         | S48° 53' 50"W  | 266.81 |
| L281         | S37° 56' 50"W  | 235.27 |
| L282         | S28° 49' 50"W  | 219.46 |
| L283         | S15° 00' 10"E  | 137.17 |
| L284         | N74° 59' 50"E  | 18.55  |
| L285         | S15° 00' 10"E  | 53.03  |
| L286         | S44° 37' 10"E  | 466.55 |
| L287         | S29° 52' 10"E  | 128.59 |
| L288         | S24° 50' 50"W  | 318.05 |
| L289         | S13° 28' 44"E  | 177.41 |

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

- 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.

THIS IS NOT A SURVEY

REVISD TYPO 04/15/21

SHEET 9 OF 15

SCALE: AS NOTED

APPROVED: SEB

DRAWN BY: SEB

FILE: SEE DAYSTAMP

DATE: 01/21/21

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

OWL CREEK

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

BBL S SURVEYORS, INC.

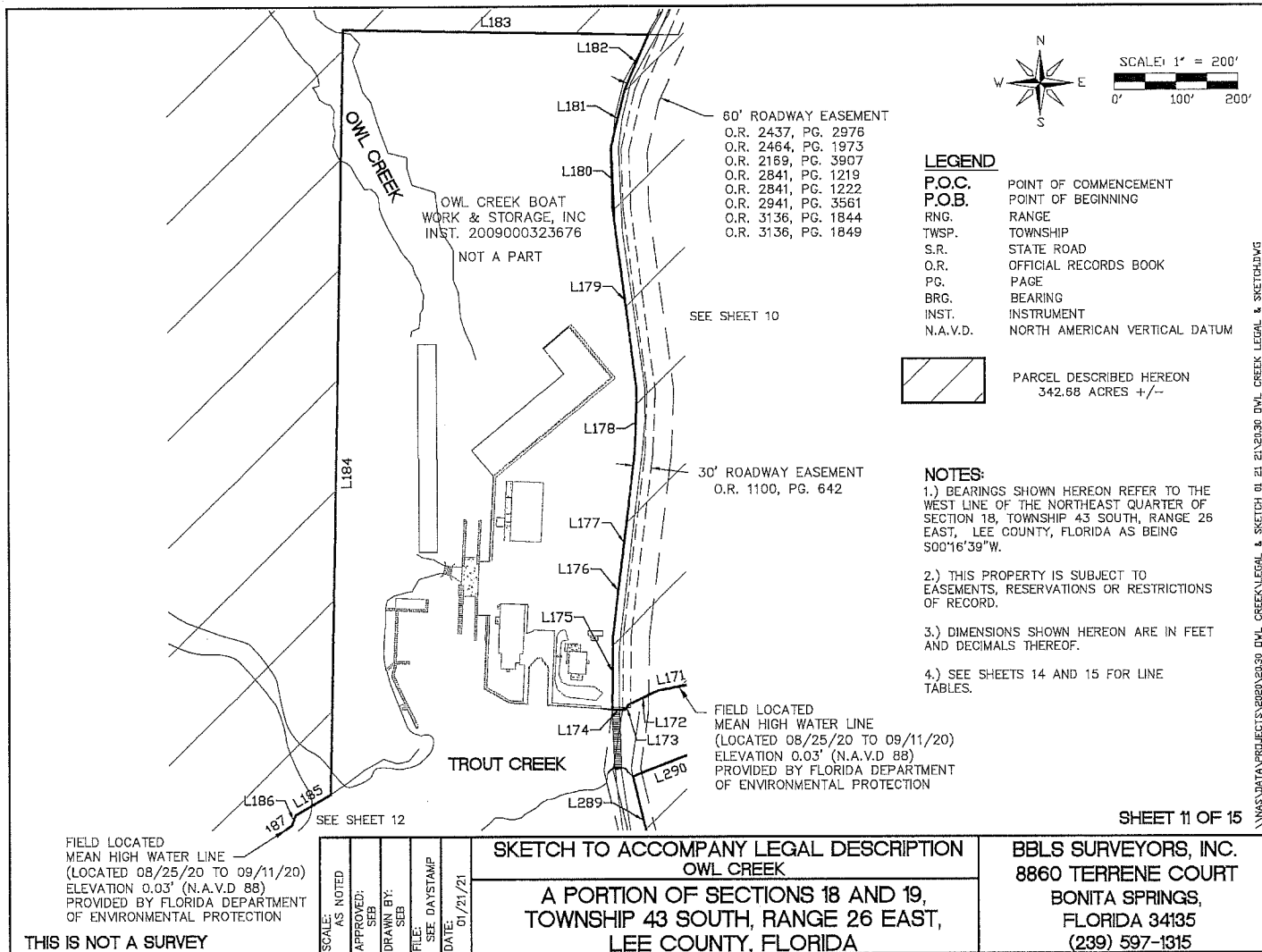
8860 TERRENE COURT

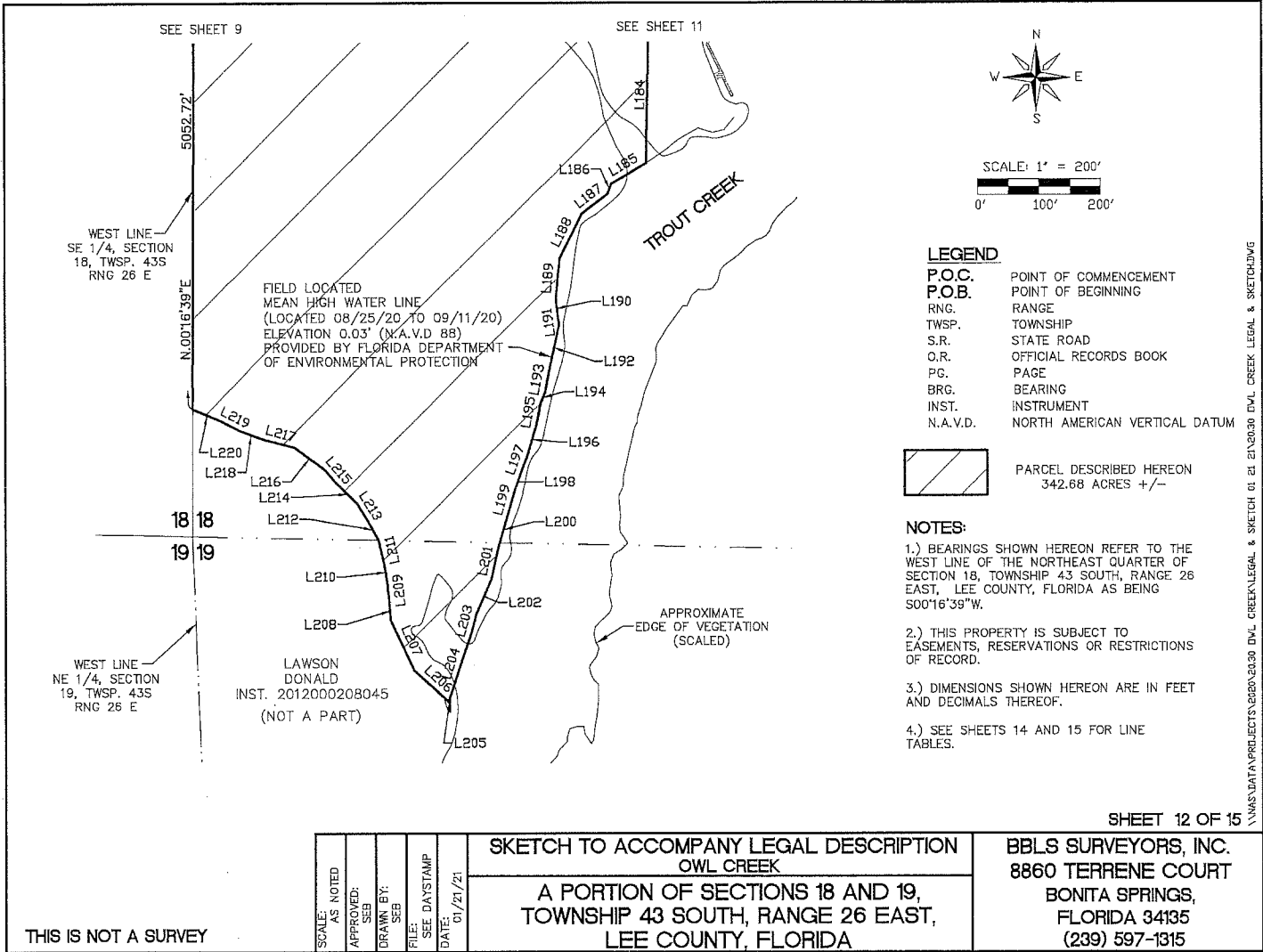
BONITA SPRINGS,  
FLORIDA 34135

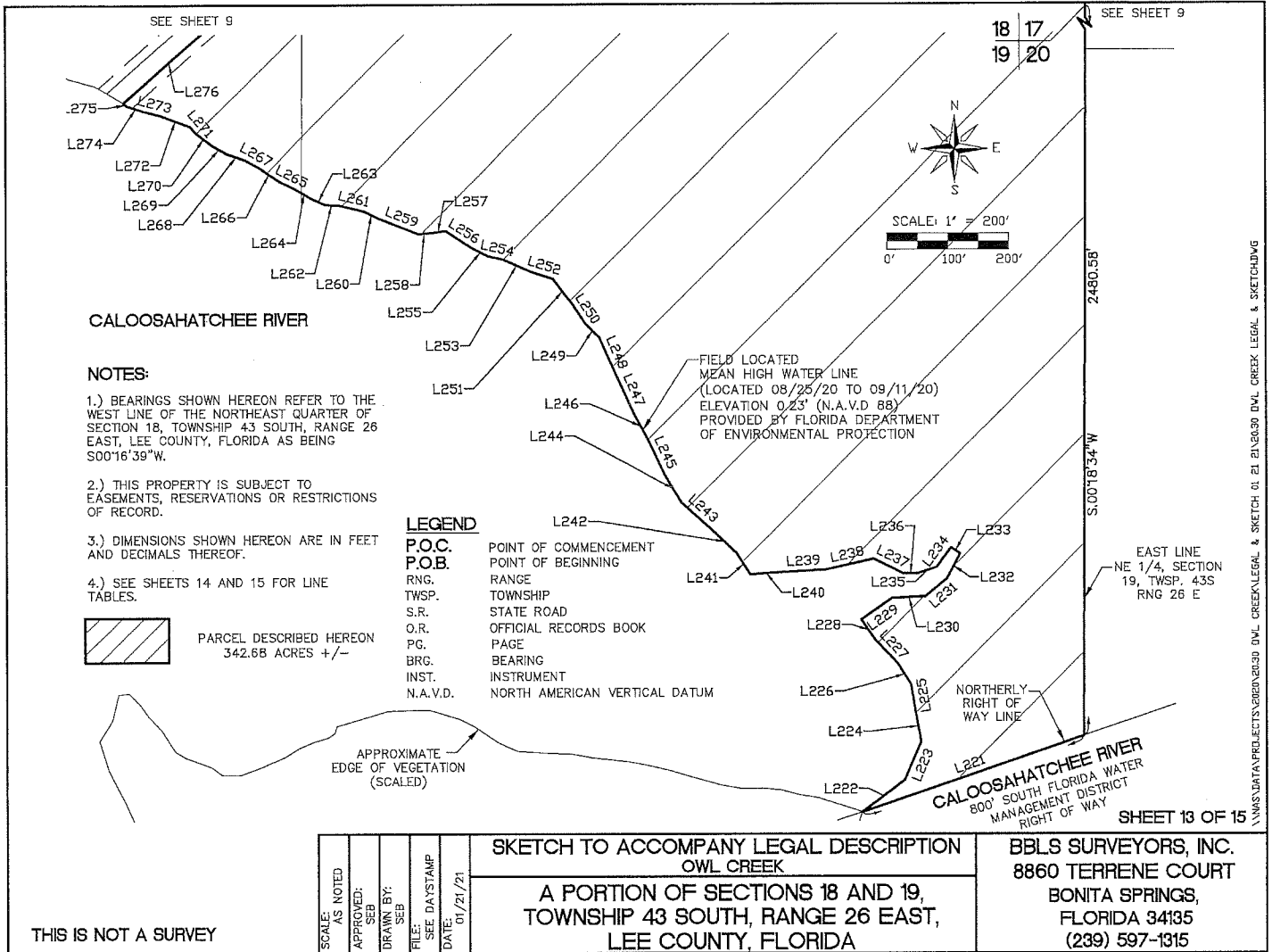
(239) 597-1315

\\NASDATA\PROJECTS\2020\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         | S81° 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         | S28° 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\2030 OWL CREEK\LEGAL & SKETCHING

| 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° 46' 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' 36"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' 56"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         | N88° 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,  
LEE COUNTY, FLORIDA

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

#### NOTES:

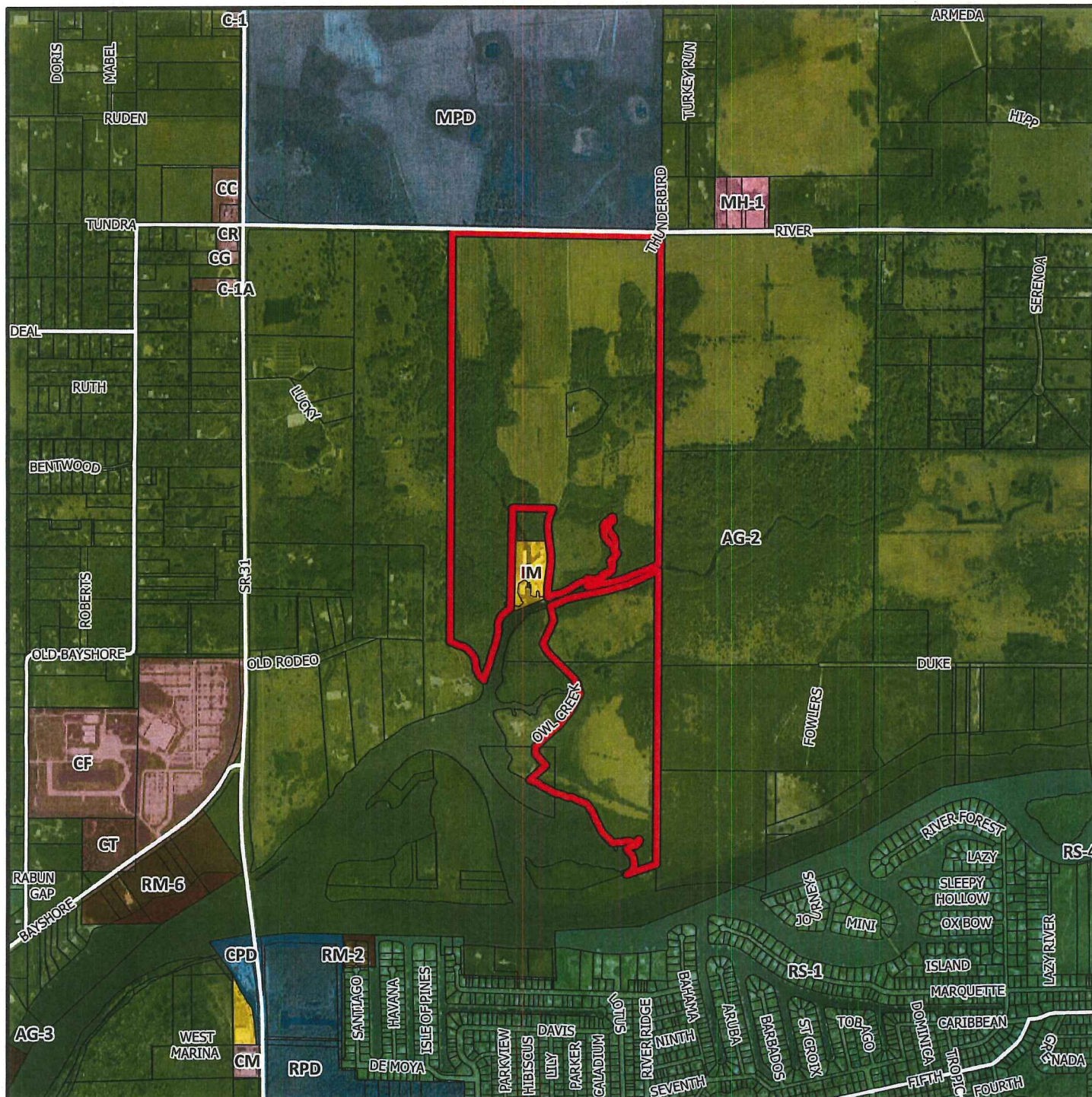
1.) BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA AS BEING S00°16'39"W.

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

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

SHEET 15 OF 15

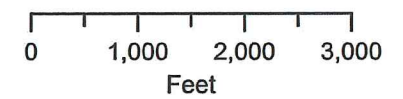
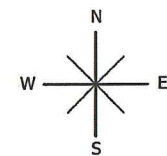
\\NASDATA\PROJECTS\2020\2030 OWL CREEK\LEGAL & SKETCH 01 21 2020\30 OWL CREEK LEGAL & SKETCHING



DCI2021-00011

Zoning

 Subject Property



## Exhibit B

### RECOMMENDED CONDITIONS AND DEVIATIONS

**As revised by the Hearing Examiner**

#### CONDITIONS

1. Master Concept Plan (MCP). Development project must be consistent with the three-page MCP entitled "Owl Creek Reserve Minor RPD," prepared by Banks Engineering, Inc., dated June 23, 2022, except where modified by conditions below.

Consistency with Lee Plan and LDC. Development must comply with Lee Plan and Lee County Land Development Code (LDC) at the time of local development order, except where deviations have been granted to the planned development. Subsequent changes to the MCP may require further development approvals.

Approved Development Parameters. Development limited to up to 380 dwelling units, accessory uses, a boat ramp for paddle craft, and 96 private boat slips within a multi-slip docking facility.

2. Permitted Uses and Site Development Regulations.

- a. Schedule of Uses

Accessory Uses and Structures  
Administrative Offices  
Boat dockage  
Boat ramp, limited to paddle craft  
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: 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 from Owl Creek Boat Works Property Boundary: 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 from Owl Creek Boat Works Property Boundary: 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**

Developer may plat up to 339 residential lots upon recording a conservation easement over a minimum of 106.36 acres of preserved wetlands and 15.16 acres of Rare & Unique upland areas consistent with MCP Sheet 2 Density Exhibit.

Plat approval for the remaining 41 dwelling units may not be issued until:

- a. Restoration Complete. Preservation and restoration of 41.28 acres of Rare & Unique upland restoration shown on MCP Sheet 2 Density Exhibit is complete and Lee County issues a Certificate of Completion;
- b. Conservation Easement. Developer records a conservation easement over 41.28 acres of Rare & Unique upland restoration areas; and
- c. Optional Bond. In the alternative, Developer may bond the cost of restoration work on the 41.28 ac. restoration area to permit plat approval of the additional 41 dwelling units.

4. **Owl Creek Drive Access**

- a. **Access Easement.** Prior to development order approval, Developer must provide an access easement subject to approval by the County Attorney's Office. The easement must provide access for existing development currently utilizing Owl Creek Road. Prior to development order approval, the easement must be recorded in the public records of Lee County at Developer's expense.
- b. **Owl Creek Drive Entrance.** The project entrance gate on North River Road at Owl Creek Drive must remain open to allow public access during daylight hours. The entrance gate must allow access to Owl Creek Boatworks and the existing single-family residence 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 the secondary access on North River Road is limited to resident use and direct all other traffic to the main entrance to the west.

6. **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.

7. **Open Space**

Development order plans must depict 168.41 acres of indigenous open space and 1.62 acres of upland restoration consistent with the MCP and consistent with the following:

- 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.

8. **Open Space Phasing**

Development order plans must depict 60% open space consistent with Condition 7 and provide a phasing schedule demonstrating how the open space requirement will be met to support the proposed dwelling units.

9. **Recording of Conservation Easement**

Developer must record a conservation easement over all areas used to achieve the density incentive. Conservation easements must be dedicated to an appropriate maintenance entity that provides third party enforcement rights to Lee

County or other public agency acceptable to Lee County. Conservation easements must be recorded within five years of the first development order approval.

10. **Wetland Impacts**

Developer must submit a copy of the mitigation receipt of payment or mitigation plans for wetland impacts to the County Department of Community Development prior to approval of a development order that proposes wetland impacts (up to 13.95 acres).

11. **Indigenous Habitat Management Plan**

- a. Development order plans must substantially comply with the Indigenous Habitat Management Plan received March 15, 2022.
- b. Development order plans must include a schedule for the indigenous preservation and restoration to be completed within five consecutive years.
- c. Development order plans must include a map depicting the location of mechanical and hand-removal methods of exotic vegetation.
- d. Developer must submit survey point maps depicting preservation and restoration areas and mechanical clearing limits with the vegetation removal permit.
- e. Developer must submit a surveyed point map depicting the flushing canal and littoral marsh clearing limits with the vegetation removal permit application.

12. **Northern Buffer Planting Material**

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 §33-1673.

13. **Surface and Ground Water Monitoring**

Prior to local development order approval, Developer must provide the Surface Water and Groundwater Monitoring Plan on file with this zoning case subject to the following modifications:

- a. The Surface Water and Groundwater Monitoring Plan submitted for review and approval by the Lee County Division of Natural Resources must establish the following:
  1. Goals and objectives of the Plan;
  2. 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.
  3. Baseline monitoring event to be part of the monitoring plan that must be completed prior to commencement of construction.
  4. Identify monitoring point locations
  5. 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, 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.
  6. A contingency plan to be implemented following discovery of an exceedance of State Water Quality Standards. The contingency plan must include notification to impacted residents and applicable authorities.
14. **Utility Connection**  
Development plans must demonstrate connection to public water and wastewater utility service.
15. **Drainage and Access Easement**  
Developer must submit a draft drainage and access easement in favor of Lee County with the first development order application. The drainage and access easement must permit Lee County access to the floodway to allow the right, but not the obligation, to maintain the floodway per LDC §10-328. The draft easement will be subject to review by the County Attorney's Office. Developer must execute a County approved easement prior to issuance of a certificate of completion for the project.
16. **Maximum Boat Slips**  
The proposed multi-slip docking facility is limited to 96 boat slips. Developer may not convert the remaining 234 boat slips permitted under the Manatee Protection Plan into slip credits.
17. **Manatee Protection Plan**  
Developer must demonstrate the following prior to issuance of a development order for the multi-slip docking facility:
  - a. Compliance with standard manatee construction conditions;
  - b. Provide a manatee education program; and
  - c. Prior to issuance of a dock and shore permit, Developer must pay \$546 per slip for enhanced marine law enforcement.

18. **Indigenous Habitat Management Plan**

Developer must update the littoral marsh plant list in the Indigenous Habitat Management Plan received March 15, 2022, to include red mangroves installed at 1 gallon 8-foot on center around the perimeter of the tidal lagoon prior to issuance of a local development order for the multi-slip docking facility.

19. **Great Calusa Blueway Designation**

Developer must demonstrate that the boat ramp, limited to kayak and canoe launch, has been included on The Great Calusa Blueway Map prior to issuance of a certificate of completion for the boat ramp. Developer must install signs within the project and along North River Road (if permitted by Lee DOT) to assist public access to the boat ramp. The kayak and canoe launch boat ramp must remain open to the public during daylight hours.

**DEVIATIONS**

1. **Entrance Gate and Gatehouses.** Deviation (1) seeks relief from LDC §34-1748(5), which requires a paved turn-around, having a turning radius sufficient to accommodate a U-turn for a single unit truck vehicle as specified in the AASHTO Green Book current addition to be provided on the ingress side of the gate or gatehouse, to allow 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.”

**Hearing Examiner Recommendation.**

This deviation is approved, subject to the following conditions:

- a. As part of development order approval, Developer must provide signage stating the eastern access point is a resident only access.
  - b. Prior to development order approval that includes the resident only access gate, Developer must submit a letter of no objection from the Bayshore Fire Protection and Rescue Service District.
2. **Street Design and Construction Standards – Cul-de-Sac.** Deviation (2) seeks relief from LDC §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 shown on the MCP.

**Hearing Examiner Recommendation:**

Approved.

3. Landscape Standards – Development Abutting Natural Waterway. Deviation (3) seeks relief from LDC §10-416(d)(9), which requires a 50-foot wide vegetative buffer landward of non-seawalled natural waterways, to allow the following encroachments shown on the MCP:

- 3A – Tributary to Owl Creek: Tract 3 access road crossing and 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.

Hearing Examiner Recommendation.

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 MCP sheet 2 and sheet 3.
  - b. 3B - Prior to approval of a development order that includes impacts to Trout Creek natural waterway, development order plans must provide detail drawings of the proposed bridge and existing bridge (including cross sections) in substantial compliance with MCP sheet 2 and 3. 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 attached as Exhibit B2.
  - d. 3D - Prior to approval of a development order that includes impacts to Trout Creek and/or the Caloosahatchee River, development order plans must be in substantial compliance with the Private Multi-Slip Docking Facility Tidal Lagoon attached as Exhibit B2.
4. Landscape Standards – Development Abutting Project Drives. Deviation (4) seeks relief from LDC §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.

*Hearing Examiner Recommendation:*

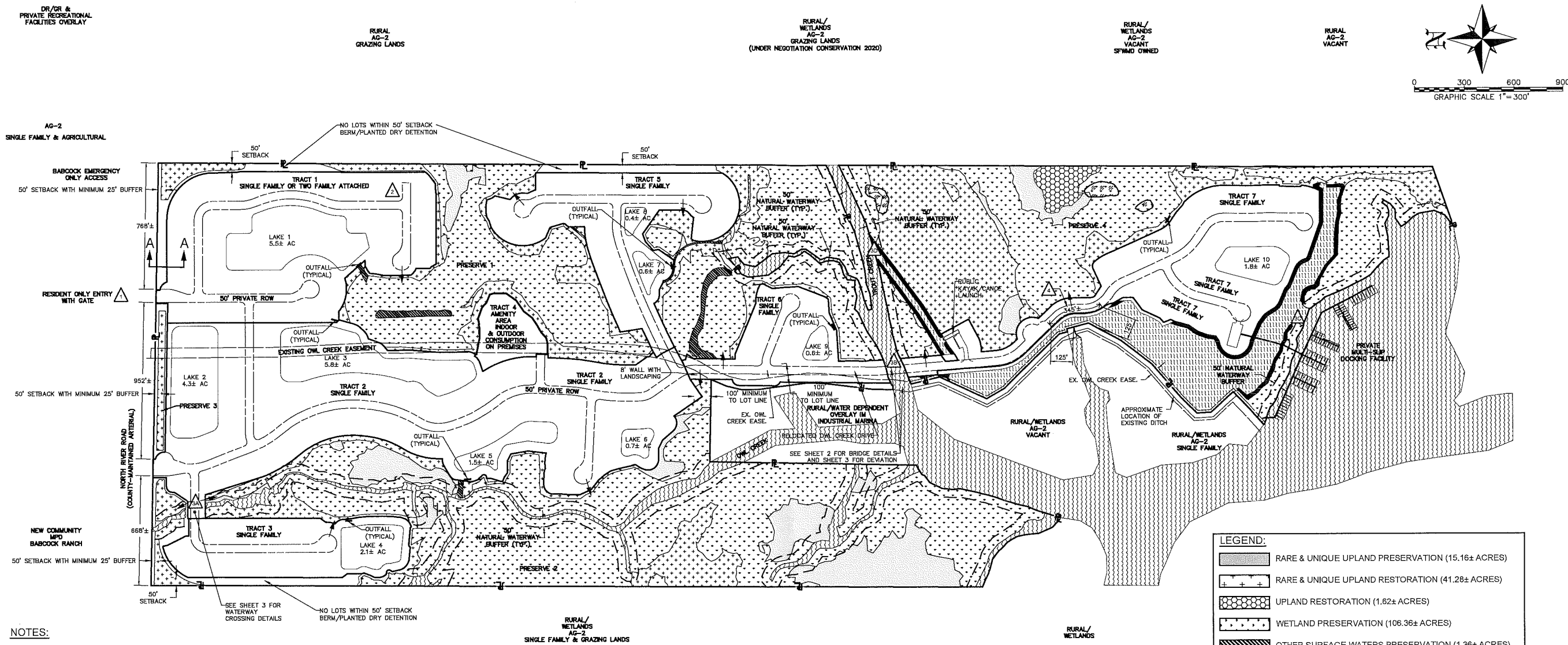
Approved.

Exhibits to Conditions

B1 Owl Creek Reserve Minor RPD Master Concept Plan dated June 23, 2022

B2 Private Multi-Slip Docking Facility Tidal Lagoon

EXHIBIT B-1



**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

DUI/ACRE FOR PRESERVED OR RESTORED RARE & UNIQUE UPLANDS:

UPLANDS (212.24± AC) & MANMADE DITCHES/LAKE (4.39± AC)=216.63 AT 1 DUI/AC: 216.63 DU

\*\*PRESERVED WETLANDS 106.36± AC TRANSFERRED TO ADJACENT UPLANDS AT 1 DUI/AC: 106.36 DU

\*\*IMPACTED WETLANDS 13.95± AC AT 1 DUI/20 AC: 0.70 DU

5.74± AC NATURAL OPEN WATER NOT ELIGIBLE FOR DENSITY

\*\*ADDITIONAL 1 DUI/AC PRESERVED RARE AND UNIQUE UPLAND HABITAT 15.16± AC: 15.16 DU

\*\*ADDITIONAL 1 DUI/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

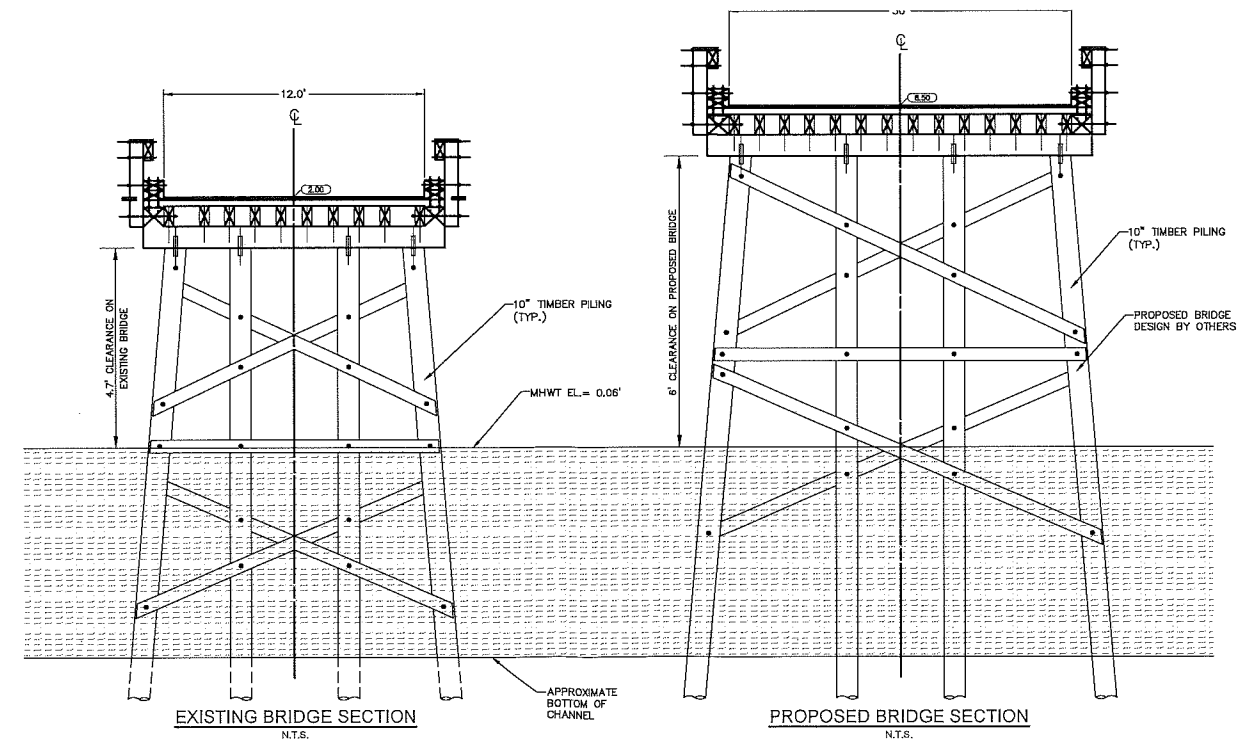
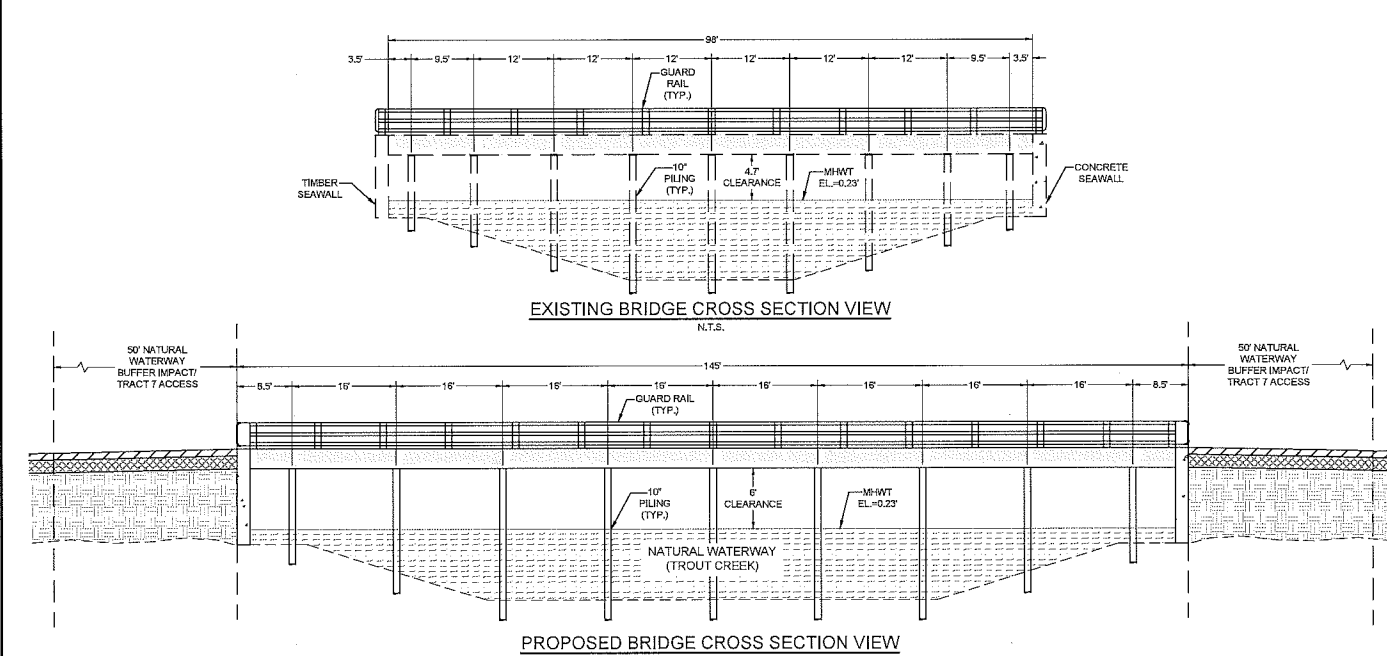
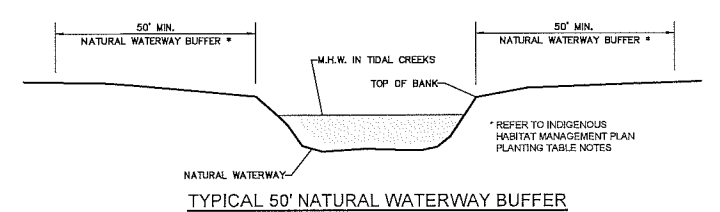
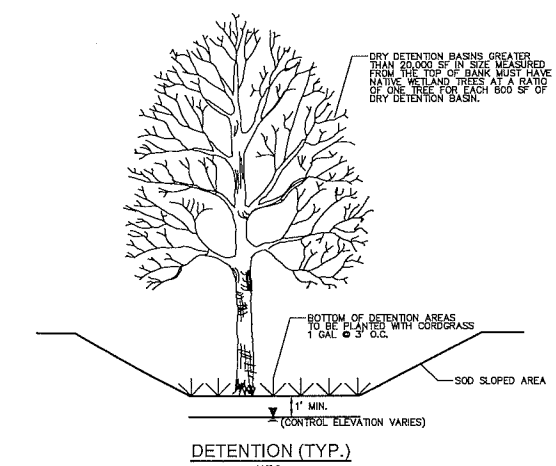
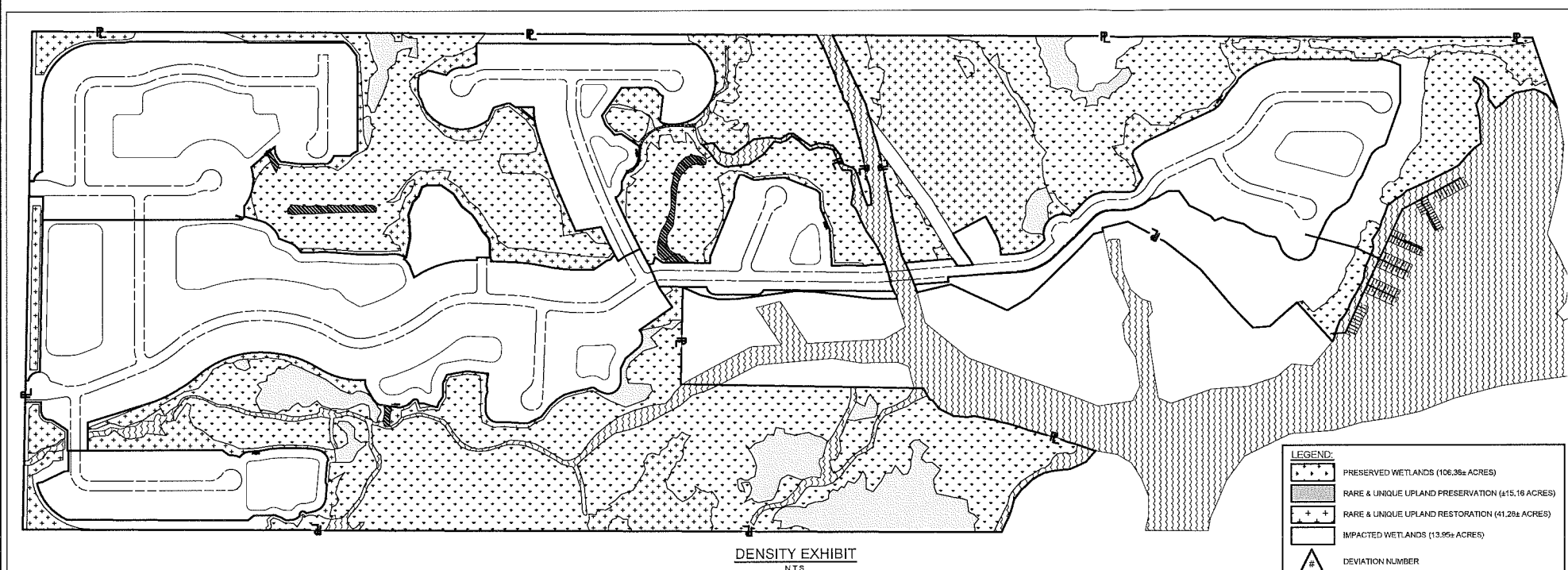
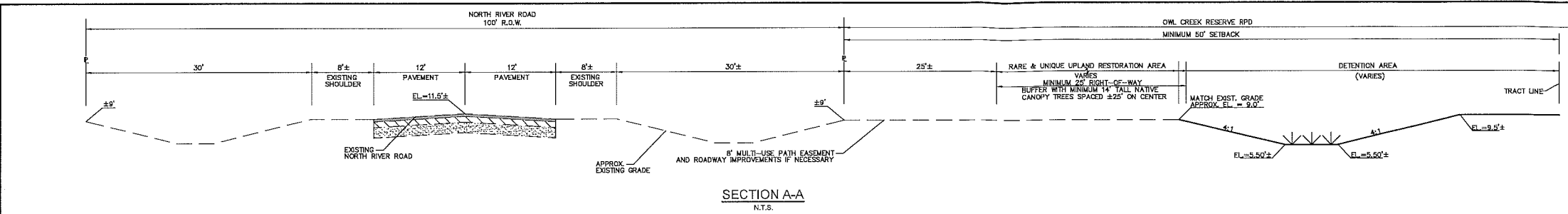
| NO. | DATE       | REVISION DESCRIPTION     | BY   |
|-----|------------|--------------------------|------|
| 04  | 4/12/2022  | ADD DEVIATION 4          | J.W. |
| 03  | 3/11/2022  | 3RD SUFFICIENCY RESPONSE | SDJ  |
| 02  | 10/26/2021 | 2ND SUFFICIENCY RESPONSE | J.W. |
| 01  | 6/11/2021  | 1ST SUFFICIENCY RESPONSE | KG   |

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| MASTER CONCEPT PLAN<br>OWL CREEK RESERVE MINOR RPD<br>LEE COUNTY, FLORIDA |         |         |        |       |         |          |        |
|---------------------------------------------------------------------------|---------|---------|--------|-------|---------|----------|--------|
| DATE                                                                      | PROJECT | DRAWING | DESIGN | DRAWN | CHECKED | SCALE    | SHEET  |
| 6/23/2022                                                                 | 8504    | _MCP    | KG     | KG    | DRU     | AS SHOWN | 1 OF 3 |



NOTE: BRIDGE STRUCTURAL DESIGN BY OTHERS. THIS PLAN SHOWS THE MINIMUM BRIDGE HEIGHT.

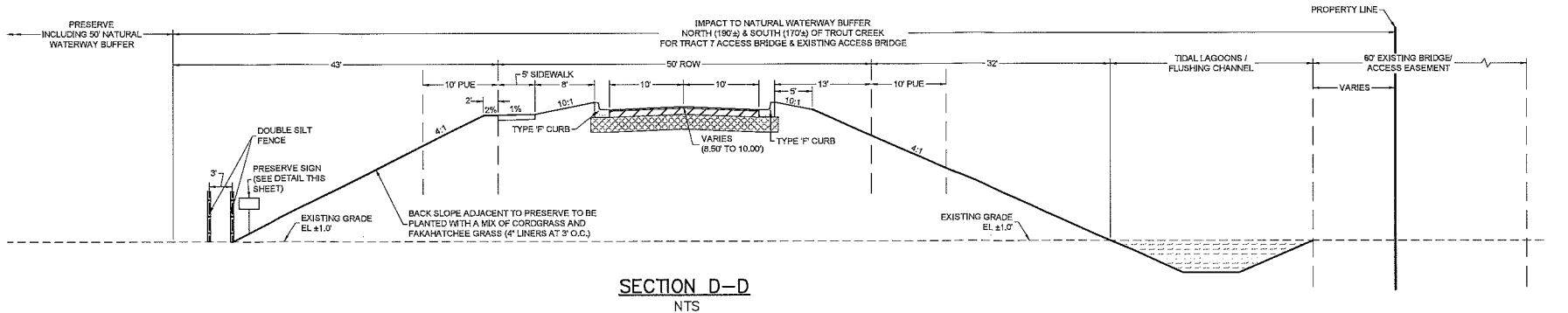
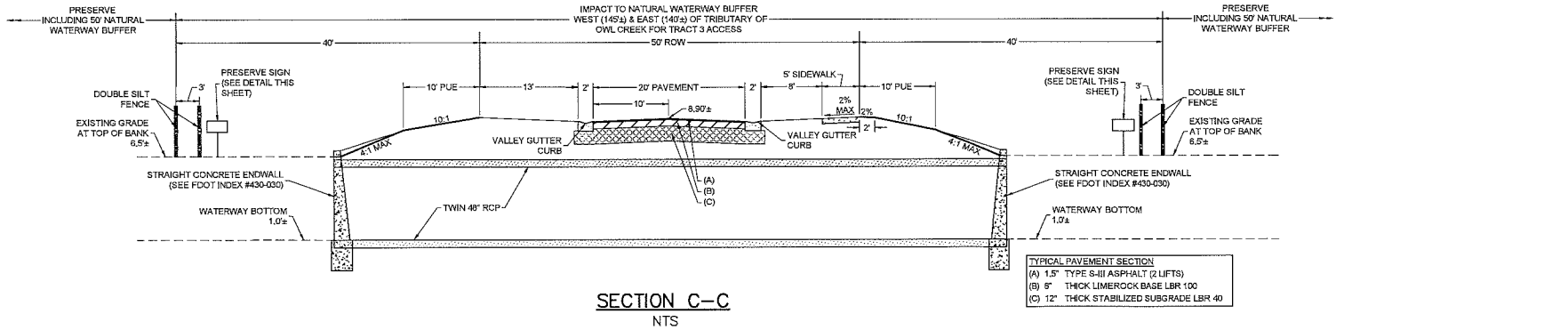
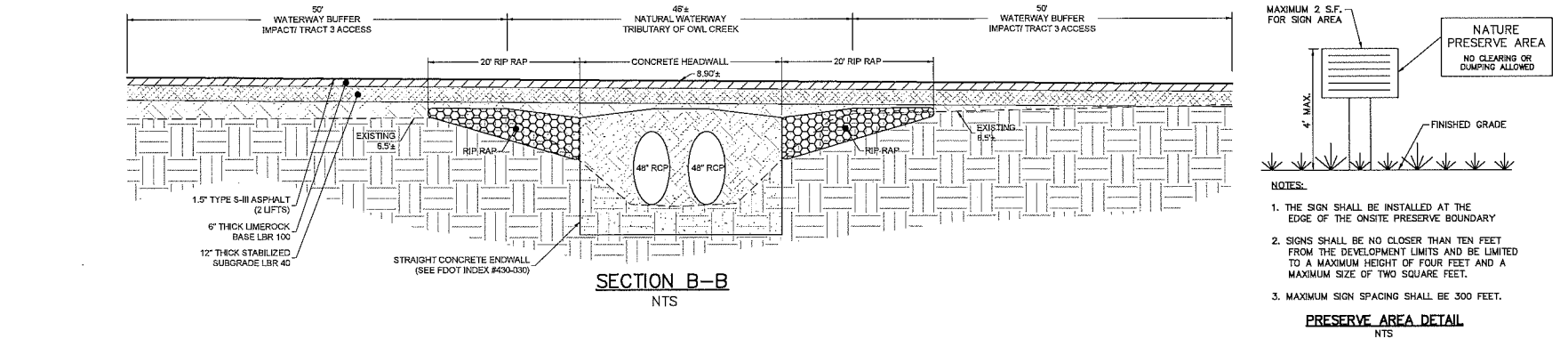
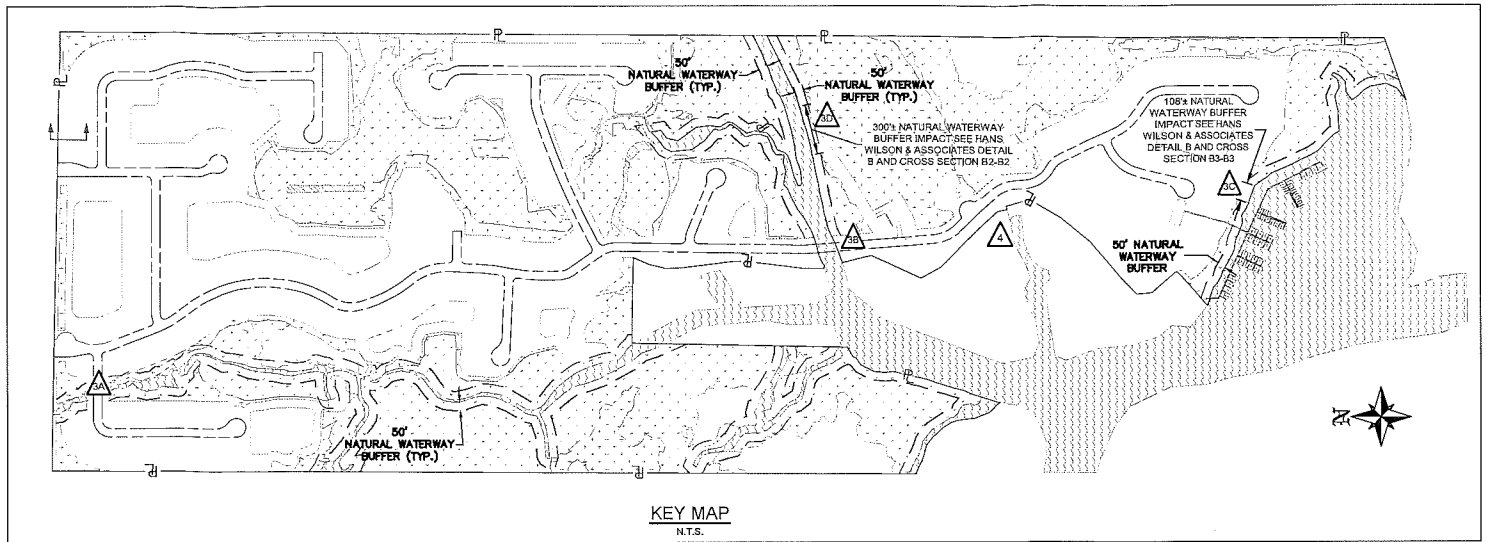
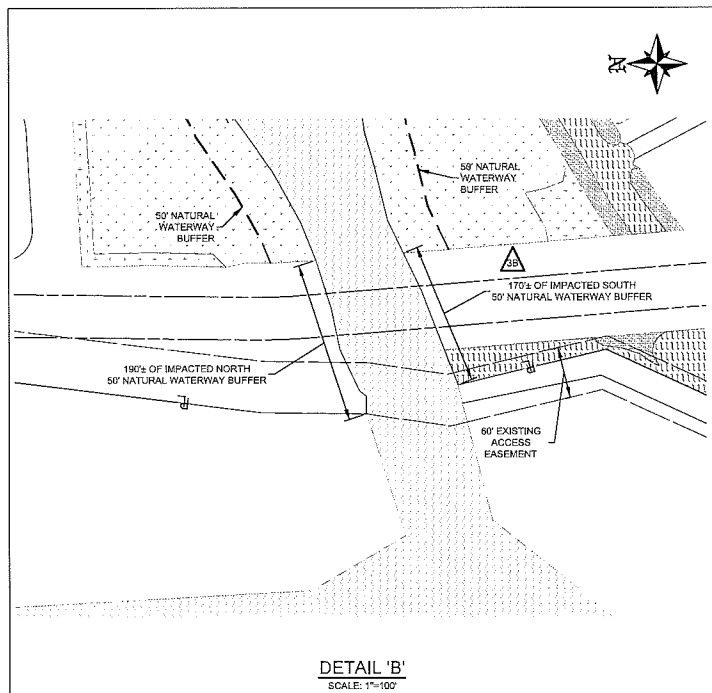
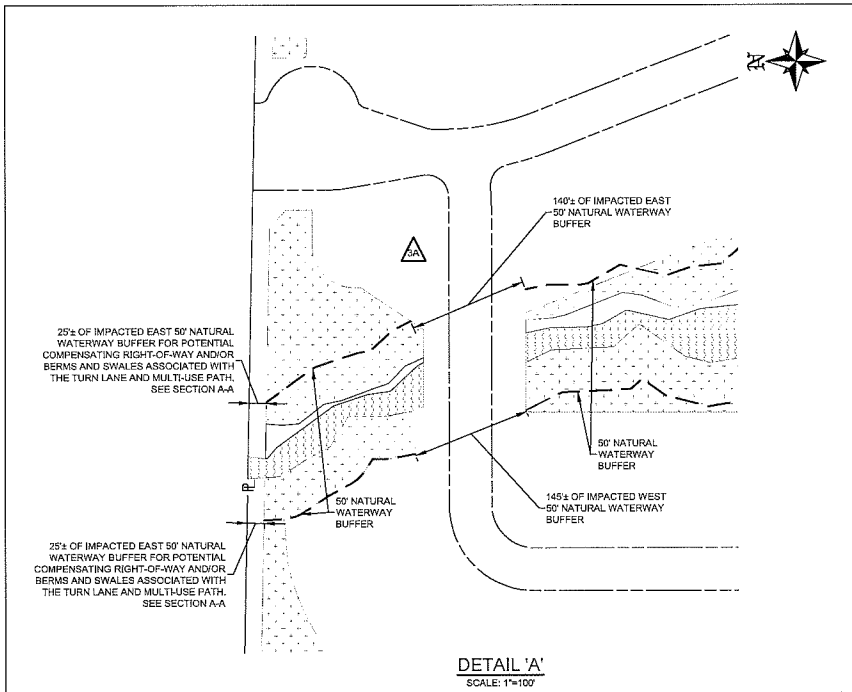
| NO. | DATE       | REVISION DESCRIPTION     | BY  |
|-----|------------|--------------------------|-----|
| 02  | 3/11/2023  | 3RD SUFFICIENCY RESPONSE | SDJ |
| 1   | 10/26/2021 | 2ND SUFFICIENCY RESPONSE | JLW |

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ENGINEERING LICENSE # EB 6469  
SURVEY LICENSE # LR 6690  
WWW.BANKSENG.COM

| MASTER CONCEPT PLAN-TYPICAL CROSS SECTIONS & DETAILS |         |         |        |       |         |              |
|------------------------------------------------------|---------|---------|--------|-------|---------|--------------|
| OWL CREEK RESERVE                                    |         |         |        |       |         |              |
| LEE COUNTY, FLORIDA                                  |         |         |        |       |         |              |
| DATE                                                 | PROJECT | DRAWING | DESIGN | DRAWN | CHECKED | SCALE        |
| 6/23/2022                                            | 8504    | _XSEC   | KG     | KG    | DRU     | N.T.S.       |
|                                                      |         |         |        |       |         | SHEET 2 OF 3 |

LEGEND:

|  |                                                  |
|--|--------------------------------------------------|
|  | PRESERVED WETLANDS (106.36± ACRES)               |
|  | RARE & UNIQUE UPLAND PRESERVATION (41.28± ACRES) |
|  | RARE & UNIQUE UPLAND RESTORATION (41.28± ACRES)  |
|  | IMPACTED WETLANDS (13.95± ACRES)                 |
|  | DEVIATION NUMBER                                 |



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

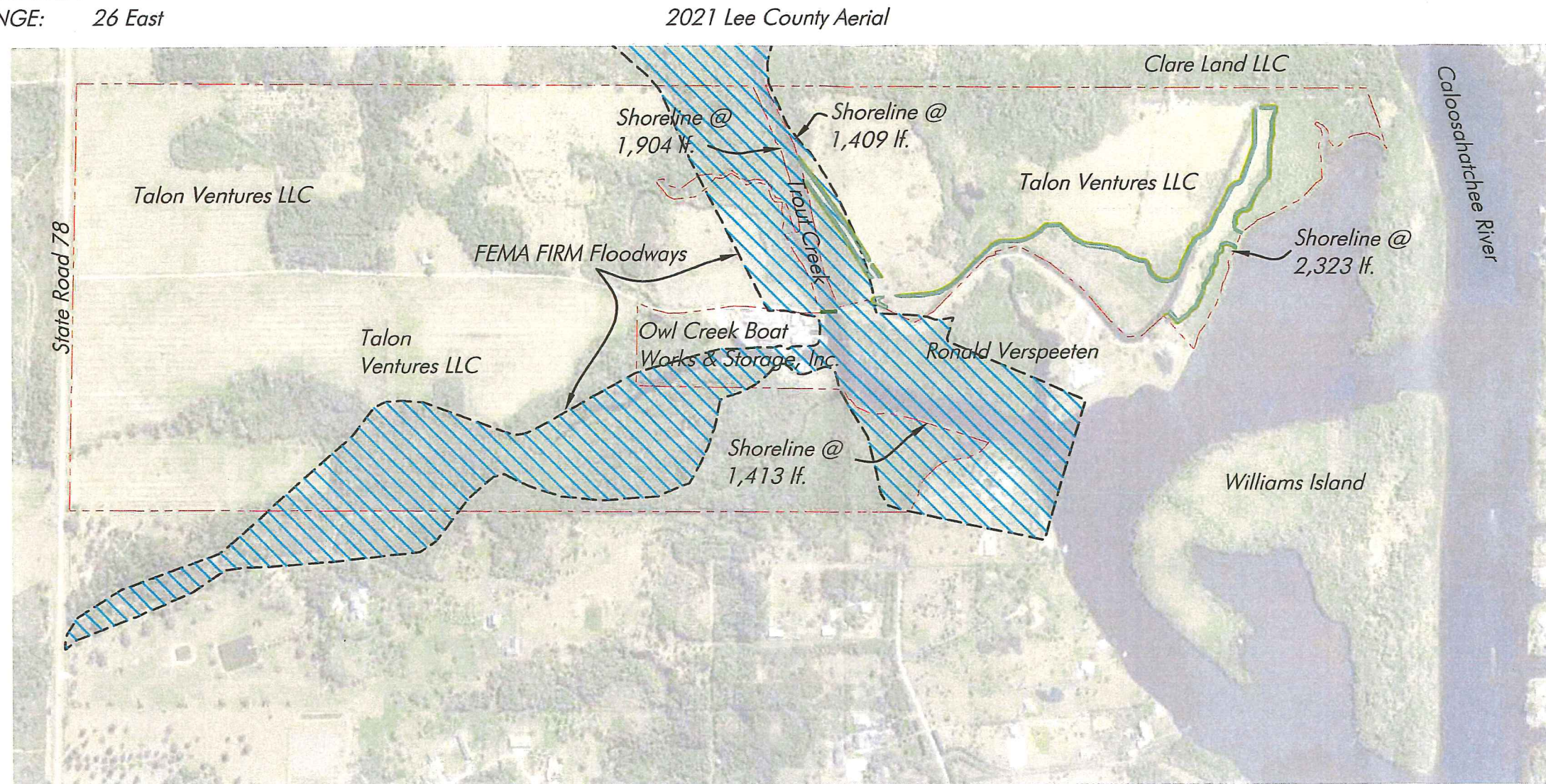
**BANKS**  
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10511 SIX MILE CYPRESS PARKWAY  
FORT MYERS, FLORIDA 33905  
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SURVEY LICENSE # LB 6690  
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MASTER CONCEPT PLAN-TYPICAL CROSS SECTIONS & DETAILS  
**OWL CREEK RESERVE**  
LEE COUNTY, FLORIDA

| DATE      | PROJECT | DRAWING | DESIGN | DRAWN | CHECKED | SCALE  | SHEET  |
|-----------|---------|---------|--------|-------|---------|--------|--------|
| 6/23/2022 | 8504    | _XSEC   | KG     | KG    | DRU     | N.T.S. | 3 OF 3 |

SECTION: 19  
TOWNSHIP: 43 South  
RANGE: 26 East



## 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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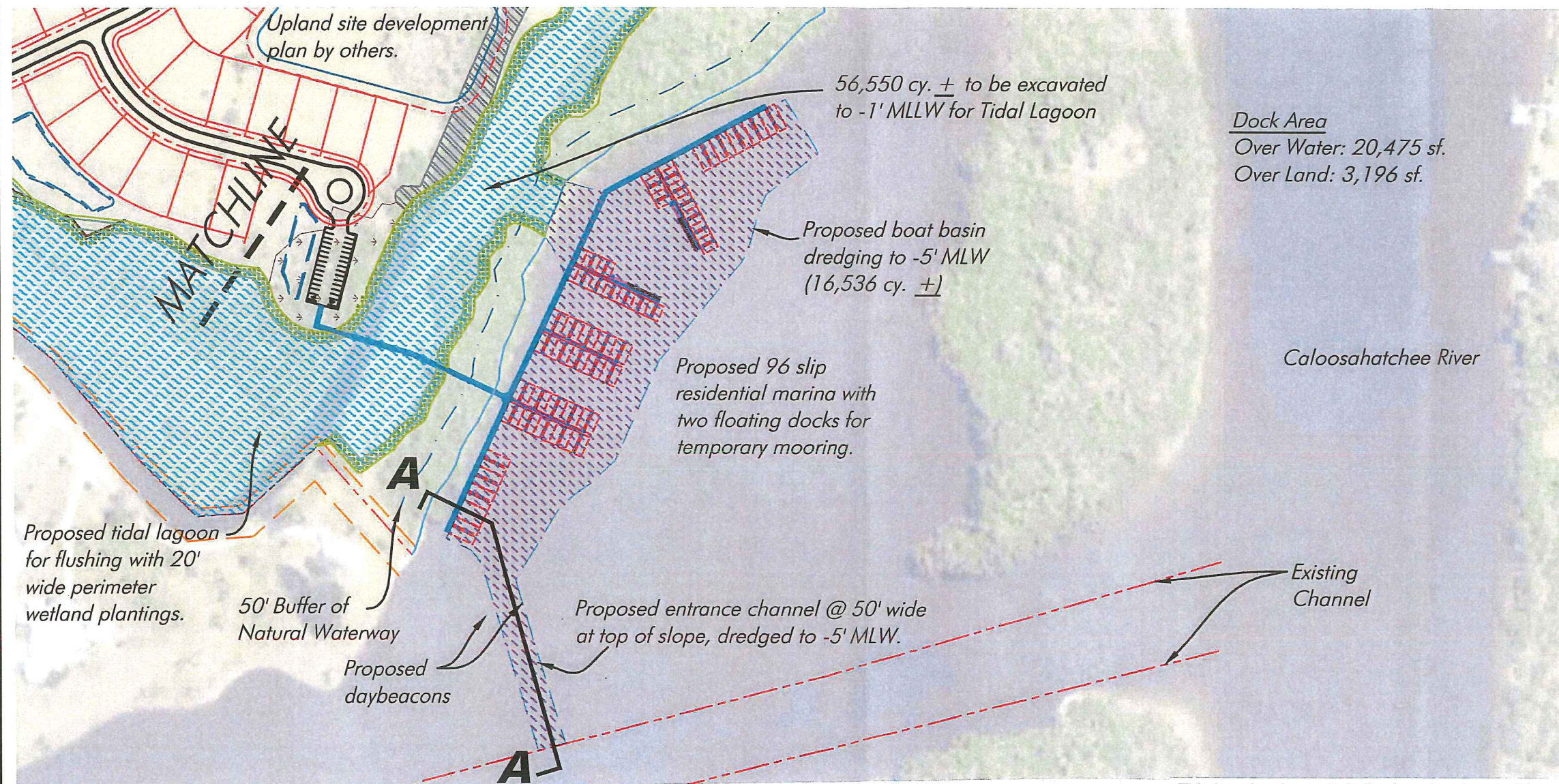
JWA

**D R Horton**

SHEET  
**2-21**

SECTION: 19  
TOWNSHIP: 43 South  
RANGE: 26 East

2021 Lee County Aerial



## Detail A - Proposed Dock Plan

SCALE: 1" = 300'

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Note: Property lines per Lee County Property Appraiser

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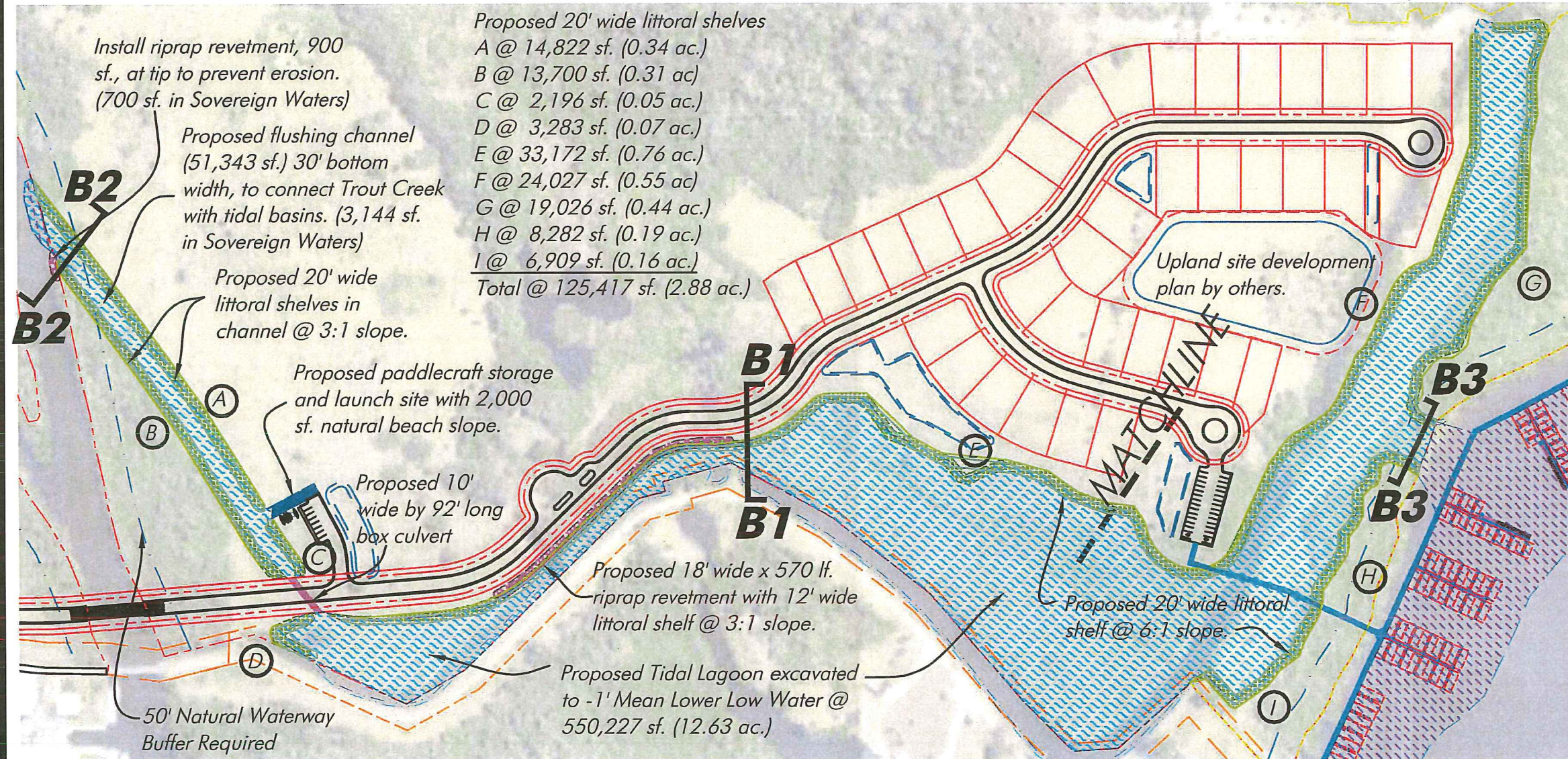
**D R Horton**

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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Drawing: HORTON3MASTER.DWG



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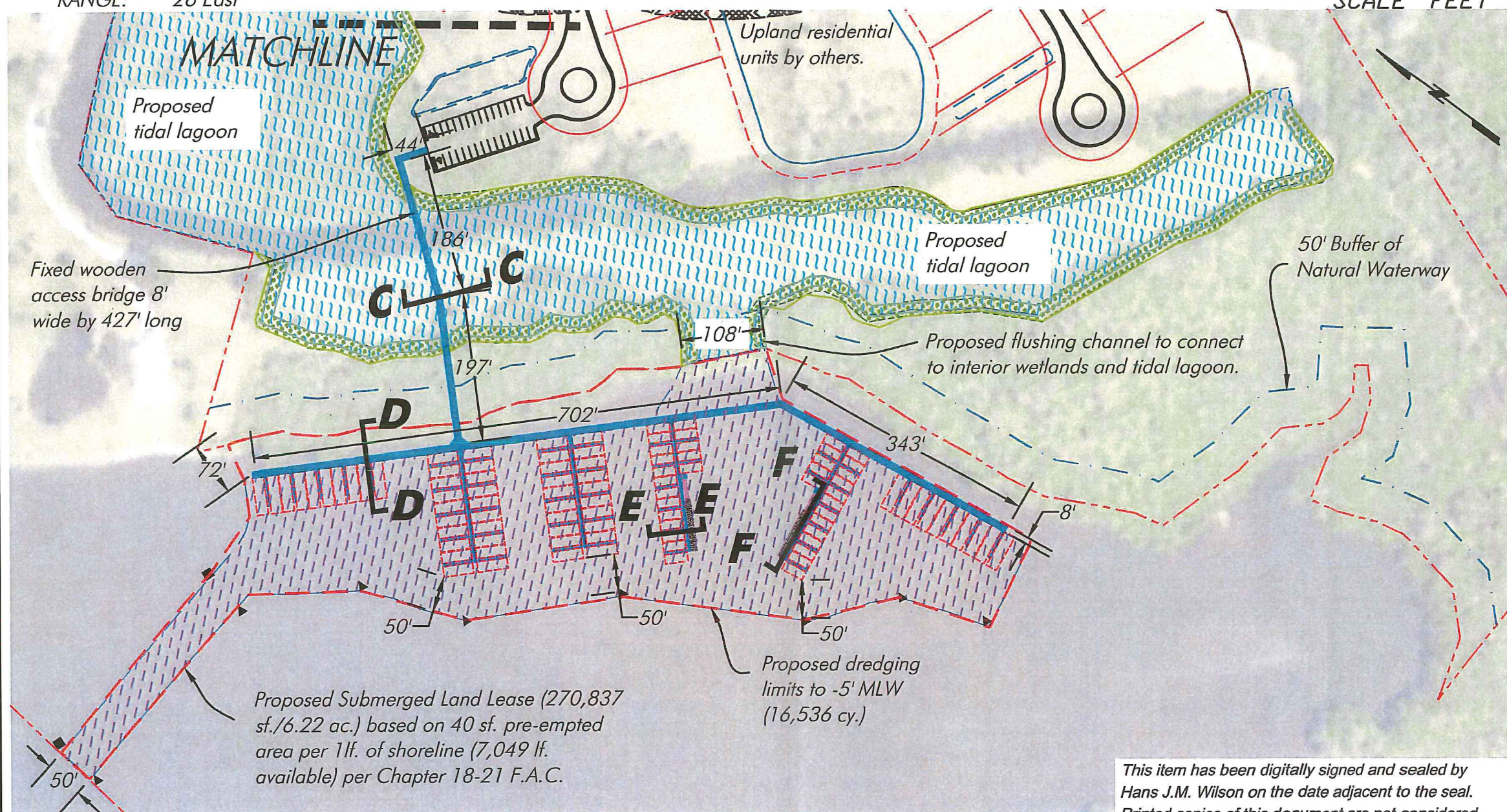
**D R Horton**

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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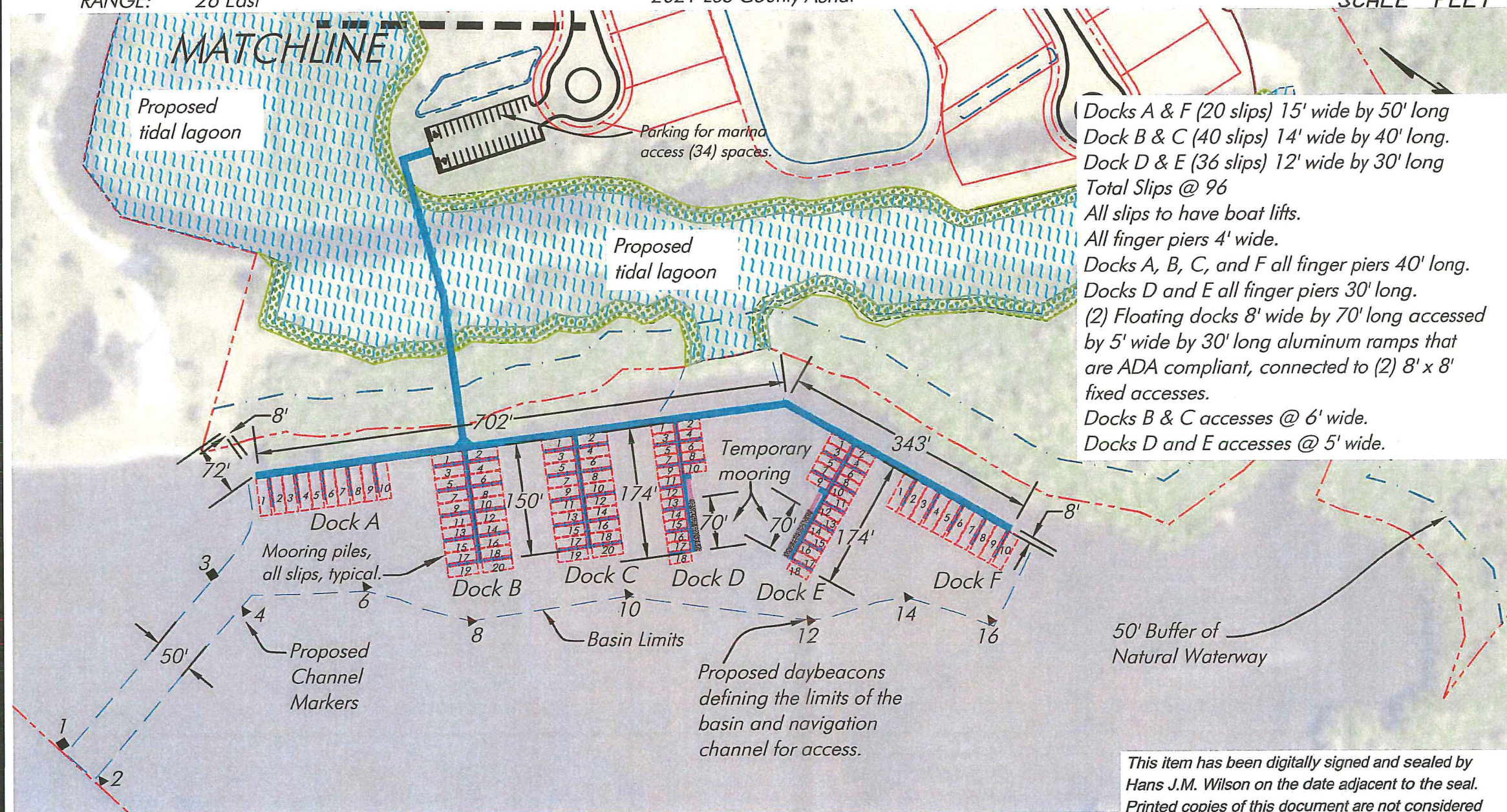
**D R Horton**

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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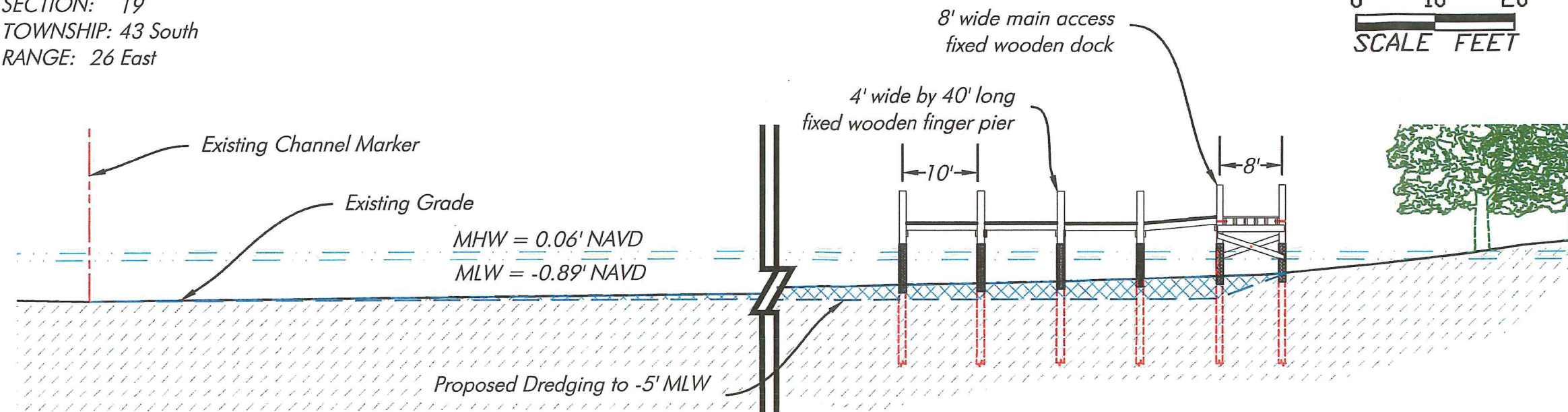
JWA

**D R Horton**

SHEET  
9-21

SECTION: 19  
TOWNSHIP: 43 South  
RANGE: 26 East

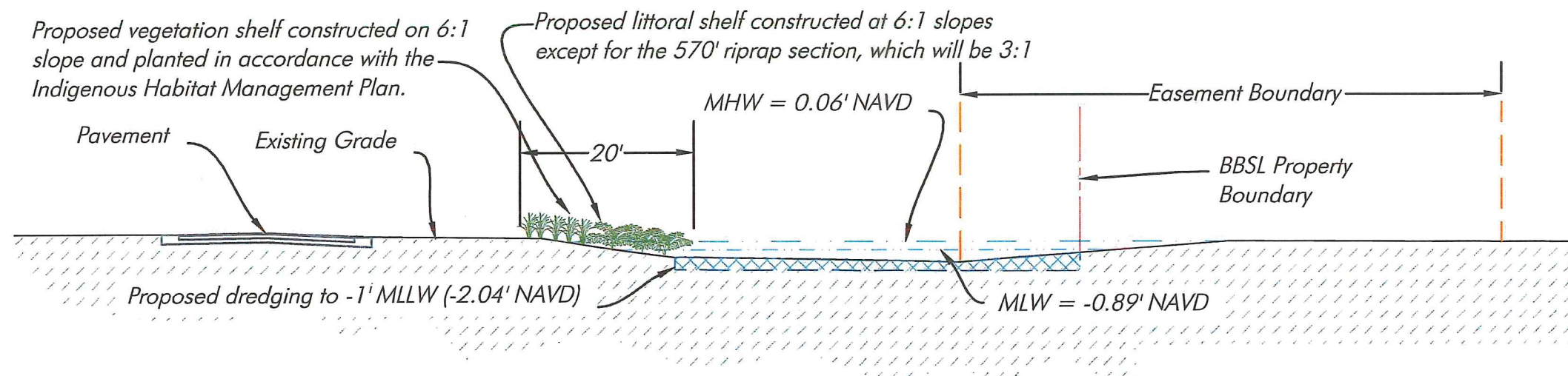
0 10 20  
SCALE FEET



### 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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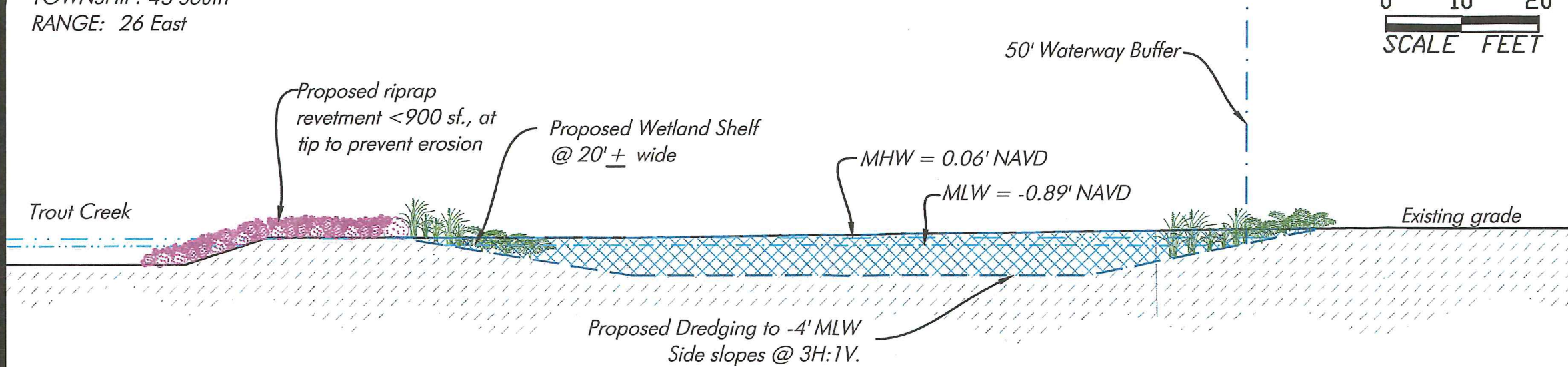
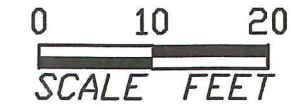
JWA

**D R Horton**

SHEET

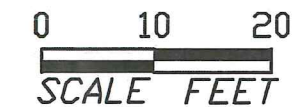
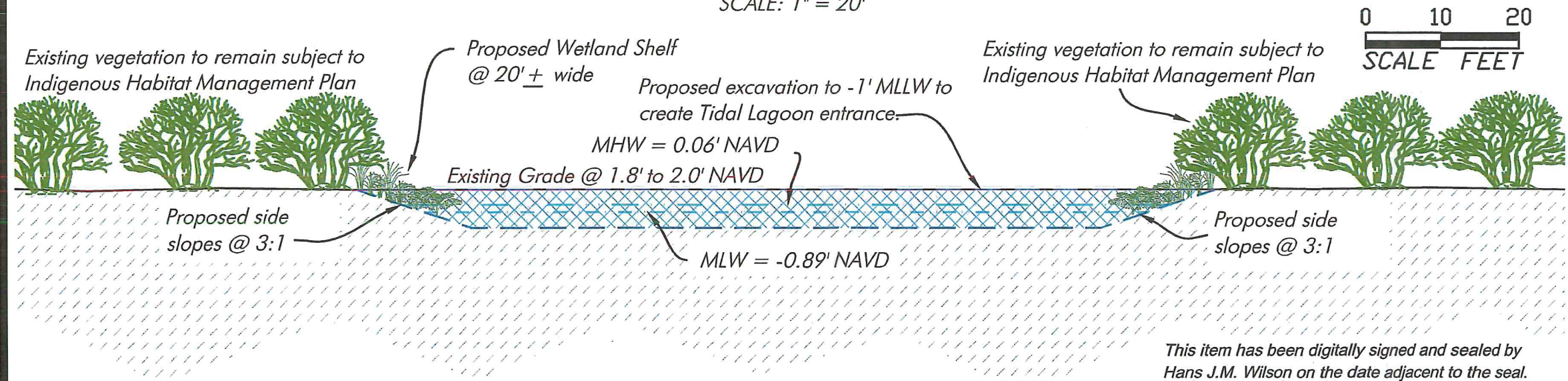
13-21

SECTION: 19  
TOWNSHIP: 43 South  
RANGE: 26 East



## 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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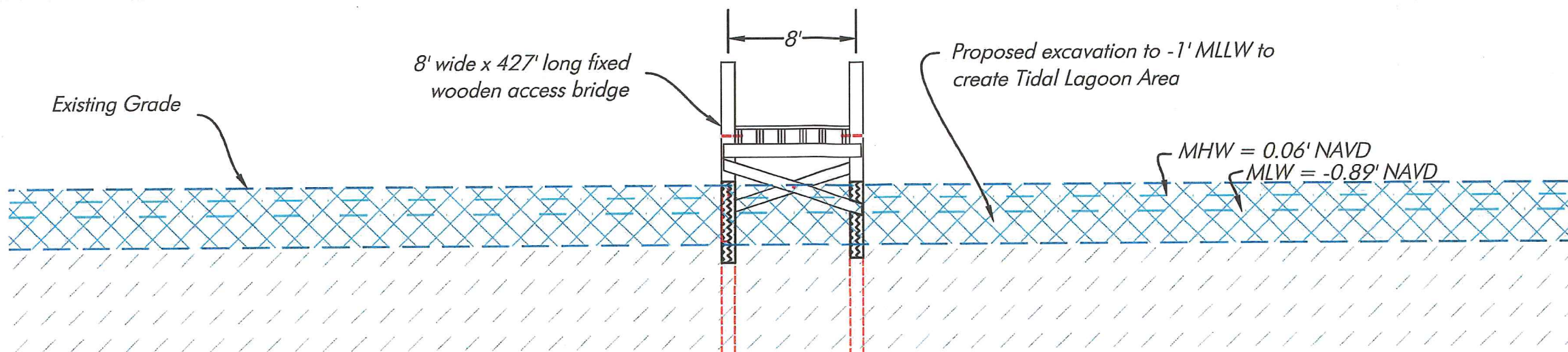
3-14-22  
JWA

**D R Horton**

SHEET  
14-21

SECTION: 19  
TOWNSHIP: 43 South  
RANGE: 26 East

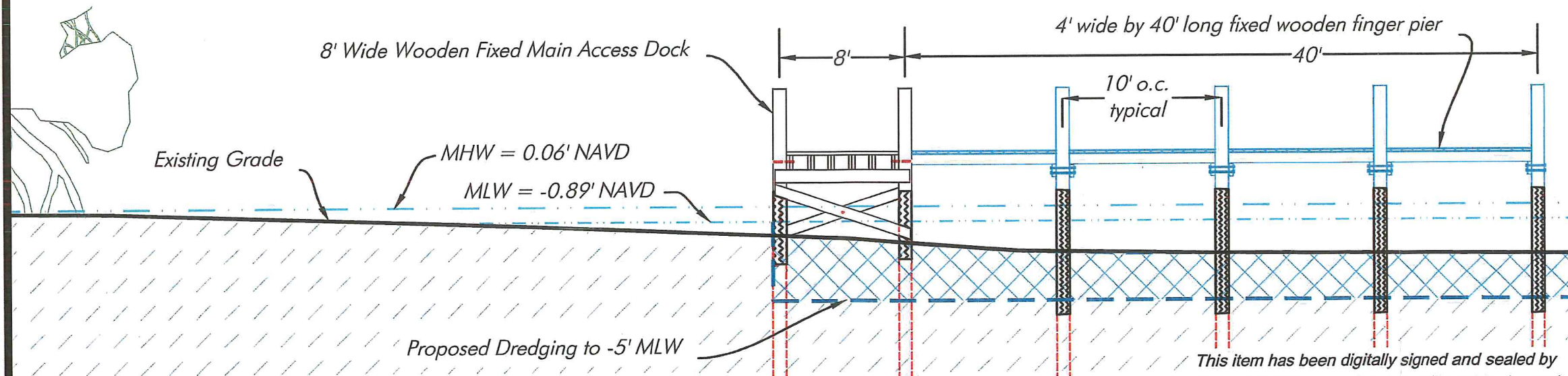
0 5 10  
SCALE FEET



### 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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Drawing: HORTON3MASTER.DWG



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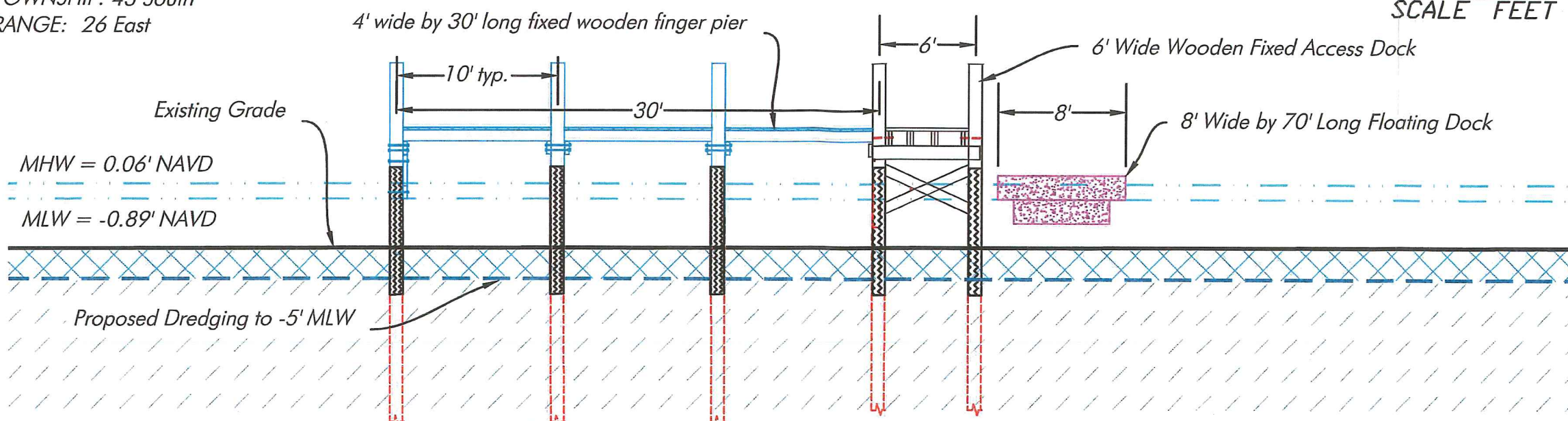
JWA

**D R Horton**

SHEET  
15-21

SECTION: 19  
TOWNSHIP: 43 South  
RANGE: 26 East

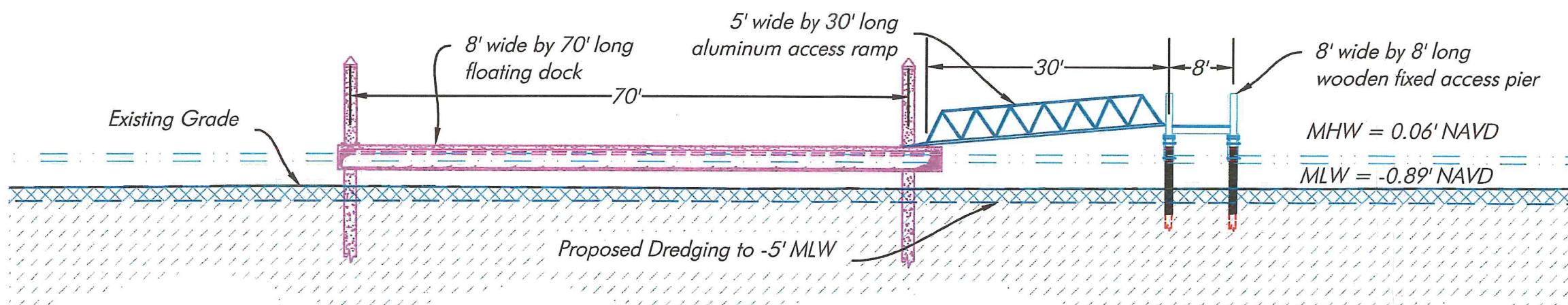
0 5 10  
SCALE FEET



### 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.  
MLW -0.89' NAVD  
MLLW @ -1.04' NAVD.

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3-14-22

JWA

**D R Horton**

SHEET  
16-21

## Exhibit C

### EXHIBITS PRESENTED AT HEARING

#### STAFF EXHIBITS

- a. *48-Hour Notice:* Memorandum from Dirk Danley, Jr., AICP, to Donna Marie Collins, Chief Hearing Examiner, dated June 22, 2022 (multiple pages – 8.5"x11")
1. *DCD Staff Report with attachments for DCI:* Prepared by Dirk Danley, Jr., Principal Planner, date received June 9, 2022 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. *PowerPoint Presentation:* Prepared by staff for Owl Creek Reserve Minor RPD, DCI2021-00011 (multiple pages – 8.5"x11") [color]
3. *Email:* From Jason Wardrup, to Dirk Danley, Jr., regarding Housing Development Owl Creek, case #DCI2021-00011 (4 pages – 8.5"x11")

#### APPLICANT EXHIBITS

- a. *48-Hour Notice:* Email from Stacy Hewitt, AICP, with Banks Engineering, to Hearing Examiner, with copies to Maria Perez, Dirk Danley, Jr., Elizabeth Workman, Rebecca Sweigert, Nicholas DeFilippo, Joseph Adams, Esq., Amanda Swindle, Esq., Michael Jacob, Esq., Tina Boone, Lauren Schaefer, Richard Akin, Russell Schropp, Esq., Bandon Dunn, Marcus Evans, and Lili Wu (multiple pages – 8.5"x11")
1. *PowerPoint Presentation:* Prepared by D.R. Horton for Owl Creek Reserve Minor RPD, DCI2021-00011 (multiple pages – 8.5"x11") [color]
2. *Revised Master Concept Plan:* Prepared by Banks Engineering for Owl Creek Reserve Minor RPD, dated July 12, 2021, Last Revised, April 12, 2022 (1 page – 11"x17" and 1 page – 24"x36")
3. *Résumé:* For Michael Jessich, Project Scientist with Water Science Associates (2 pages – 8.5"x11")
4. *Résumé:* For Ashley (Kneram) Palmer (1 page – 8.5"x11")

#### OTHER EXHIBITS

##### Steven Brodtkin

1. *Presentation:* (3 pages – 8.5"x11")

**Exhibit D**

**HEARING PARTICIPANTS**

County Staff:

1. Dirk Danley

Applicant Representatives:

1. Richard Akin, Esq.
2. Yury Bykau, E.I.
3. Stacy Hewitt, AICP
4. Michael Jessich
5. Ashley Palmer
6. David Underhill, Jr., P.E.
7. Hans Wilson, P.E.

Public Participants:

1. Philip Busse
2. Steven Brodtkin
3. BJ Griffith – Gerald
4. Guy Mahan
5. Craig Randall
6. Stan Stouder

**Exhibit E**  
**INFORMATION**

**UNAUTHORIZED COMMUNICATIONS**

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

**HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS**

- A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.
- B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.

**COPIES OF TESTIMONY AND TRANSCRIPTS**

- A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.
- B. A verbatim transcript may also be available for purchase from the court reporting service.