

MEMORANDUM
FROM THE
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION

DATE: January 10, 2024

TO: Ms. Amanda Rivera

Hearing Examiner

FROM: Dirk Danley, Jr AICP

Planner, Principal

SUBJECT: 48- Hour Letter DCI2022-00026 – River Hall RPD/CPD

Prior to the hearing scheduled for January 11, 2024, the applicant provided a 48-hour letter requesting some minor changes to the conditions document provided by staff in their report. Please find and updated conditions document with these changes included with this memo.

Exhibits:

Staff Revised Conditions

Exhibit A – Protected Species Management Plan for Schulman Parcel (American Alligator Management Plan; Gopher Tortoise Management Plan; and Scrubjay Management Plan)

Exhibit B – Signage Exhibit

Exhibit C – Property Development Regulations

Attachment C - Conditions

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

1. Development of this project must be consistent with the one-page Master Concept Plan (MCP) for River Hall, last revised May 23, 2023, except as modified by the conditions below.

The project is limited to a maximum of 15,000 square feet of commercial floor area and 3,244 residential units. See further Condition 5. The 549 dwelling units added by this resolution must be in River Hall II-2022 only as depicted on the Master Concept Plan. No approved plats as of January 11, 2024 within River River Hall II-2022 may be re-platted to increase density.

This development must comply with all the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development. If changes or modifications are sought, appropriate approvals will be necessary.

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

a. SCHEDULE OF USES

RESIDENTIAL, GOLF & AMENITY SITES

Accessory Uses and Structures

Administrative Office

Club - country and private

Consumption on Premises - limited to the clubhouse/amenity areas. No outdoor seating unless approved as a special exception (public hearing required)

Dwelling Units single-family (R-1 or RMF-1), two-family attached (RMF-1), townhouse (RMF-1), multiple-family (RMF-1), zero-lot-line units (RMF-1)

Entrance Gates and Gatehouse

Essential Services

Essential Services Facilities, Group I

Excavation, Water Retention - No blasting and removal of excavated material off site is not permitted

Fences and Walls

Golf Course - 36 holes, golf maintenance facility, cart barn and related accessory uses to a golf course. (See Conditions 6 and 20 for additional requirements)

Golf and Tennis Pro Shops (limited to ancillary use in clubhouse)

Golf Driving Range

Golf Training Facility

Laundry or Dry Cleaning, Group I

Parking lot, accessory

Personal Services, Group I

Pharmacy/Drugstore - limited to one within a multi-occupancy complex only and no drive-through

Place of Worship, Religious Facilities
Real Estate Sales Office

Recreational Facilities - Private, On-site only
Repair Shop, Group I

Model Home and Model Unit - must be in compliance with LDC §34-1954

Model Display Center, must be in compliance with LDC §34-1955, limited to one which must be located in the sales center area shown on the MCP and must only serve this project

Parking Lot, Accessory

Parks, Group I

Real Estate Sales Office - limited to sales of lots, homes or units within the development, and must be located in the clubhouse, amenity or model unit sites

Recreational Facilities - Private, On-site only

Residential Accessory Uses

Signs, in compliance with LDC Chapter 30 (See Deviation 5)

Storage, Open, limited to recreational vehicles, boats and similar items for residents only, ~~(River Hall 1 only)~~ limited to locations shown on the MCP attached to Resolution Z-05-051, if any, and must be shielded behind a continuous visual screening at least eight feet in height when visible from any residential use, and six feet in height when visible from any street right-of-way or street easement (See Condition 19 for additional requirements)

Temporary Uses

TOWN CENTER (CPD) - Maximum 15,000 square feet of commercial uses

Accessory Uses and Structures

Administrative Offices

Banks and Financial Establishments, Group I

Business Services, Group I

Consumption on Premises - Indoor only in conjunction with a Restaurant use only. No outdoor seating unless approved as a special exception ~~(public hearing required)~~

Day Care Center, Adult & Child

Drive through in connection with any approved use except drugstore/pharmacy

~~Dwelling Units, limited to Townhouse and Multi-family, only in River Hall 2~~

EMS, Fire or Sheriffs Station

Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention - No blasting; Excess spoil removal ~~Removal of excavated material off site not permitted~~

Food Stores, Group I

Hardware Store

Restaurant, Groups I, II, III

Specialty Retail Shops, Group I

Temporary Uses

ELEMENTARY SCHOOL SITE

Public Schools and Related Accessory Uses

b. SITE DEVELOPMENT REGULATIONS

In Accordance with Exhibit C.

Golf Driving Range:

If the Golf Driving Range is open after daylight hours, all lighting must comply with LDC Section 34-936(9) be of the lowest intensity meeting the life safety codes and be shielded and directed away from adjacent residential areas.

3. ~~The following conditions address environmental issues~~ Environmental Requirements:

- a. The "American Alligator Management Plan" provided as part of the "Protected Species Management Plan for Schulman Parcel" counter stamped May 19, 1999 incorporated into the 2005 resolution of approval (Resolution Z-05-051) as Exhibit D. Prior to local development order approval, the location of the American Alligator Management Plan signage must be delineated on the development order plans for ~~Division of Environmental Sciences'~~ Department of Community Development review and approval. Warning signs must be placed where there is potential for human/alligator interaction. These signs must discourage the feeding or harassment of alligators.
- b. The "Gopher Tortoise Management Plan" provided as part of the "Protected Species Management Plan For Shulman Parcel" counter stamped May 19, 1999 incorporated into the 2005 resolution of approval (Resolution Z-05-051) as Exhibit D. Any revisions to the Tortoise Management Plan are subject to Environmental Sciences' review and approval.
- c. The "Florida Burrowing Owl Management Plan" provided as part of the "Protected Species Management Plan For Schulman Parcel," counter stamped May 19, 1999, must be revised for ~~Division of Environmental Sciences'~~ Department of Community Development review and approval at the time of local development order submittal. This part was previously completed. The plan must either commit to preserving the existing burrowing owl burrows in place with a buffer in accordance with LDC Appendix H, or commit to a detailed relocation management plan. If the developer demonstrates it is necessary to impact the burrows, the management ~~proposal-plan~~ must provide details about where appropriate replacement habitat for the owls will be provided, how the owls will be attracted to this area, and how it will be protected during construction activities on the site.

- d. The developer must submit a detailed Scrub Jay Management Plan to the ~~Division of Environmental Sciences~~ Department of Community Development for review and approval at the time of local development order submittal. This plan must follow the general guidelines of the "Florida Scrub Jay Management Plan" provided as part of the "Protected Species Management Plan For Schulman Parcel," counter stamped May 19, 1999 and incorporated into the 2005 resolution of approval (Resolution Z-05-051) as Exhibit D. The finalized Scrub Jay Management Plan must be approved by the Florida Fish and Wildlife Conservation Commission (FWC) prior to local development order approval.
- e. The developer must submit a detailed Sandhill Crane Management Plan to the ~~Division of Environmental Sciences~~ Department of Community Development for review and approval at the time of local development order submittal.
- f. Open space must be provided in accordance with the MCP. All individual tracts must provide a minimum of ten percent open space within the tract and may be met with private open space.
- g. The developer must provide a minimum of ~~465~~475 acres of indigenous preservation areas in substantial compliance with the MCP. The preserves must be delineated on the local development order plans when they are within or adjacent to the development phase or tract to be developed.
- h. Prior to local development order approval, the plans for any residential units on individual lots that abut a preserve must delineate a preserve boundary sign location at every other lot line and provide a detail of the sign for the Division of Environmental Sciences' Staff review and approval.
- i. Every effort must be made in the final design of the golf course and residential tracts to preserve large native trees. The developer must schedule an on-site preconstruction meeting with Division of Environmental Sciences' Staff prior to the issuance of a vegetation removal permit for any phase of development to confirm preservation and barricading requirements prior to the initiation of site clearing.
- j. Existing development and ~~River Hall-1~~ future development will meet requirements of the River Hall Lee County Protected Species Management Plan, dated May 2006. Prior to local development order approval for future development of lands within ~~River Hall-2~~, a Protected Species Management Plan must be submitted revising the gopher tortoise and burrowing owl management plans to address the current conditions and update management techniques and required permits; include resident educational materials for the gopher tortoise, listed wading birds, and Florida scrub jay; as well as incorporate a large mammal management plan to limit potential negative human/wildlife interactions.
- k. Prior to prescribed burn management activities occurring within the on-site preserve or on the adjacent Hickey's Creek Mitigation park (as notified by the CDD and/or park staff), the HOA of the development pods in ~~River Hall-2~~ located adjacent to the

easternmost preserve must notify these development pods residents of the scheduled prescribed burn activities and general education material on prescribed burn management activities must be provided. If covenants or deed restrictions are required for these development pods, the documents must include language requiring each deed holder will to be informed of their purchase of a lot adjacent to an on-site preserve or public preserve land which is managed with prescribed burning and each deed holder will be presented with education material on prescribed burn management activities at the time of purchase.

4. ~~The following recommendations are presented in order to mitigate future hurricane damage and loss of life, as well as to ensure compliance with Lee Plan objectives.~~Hurricane Preparedness and Mitigation
 - a. The developer must establish a homeowners' or residents' association that will provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, who will provide literature, brochures and speakers for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards.
 - b. The developer must formulate an emergency hurricane notification and evacuation plan, which will be subject to review and approval by the Lee County Office of Emergency Management.
 - c. If access to this development or any portions thereof is through a security gate or similar device that is not manned 24 hours a day, it must be equipped with an override strip installed in a glass covered box to be used by drivers of emergency vehicles to gain entry, consistent with LDC §34-1749.
 - d. The developer must cooperate with the Division of Public Safety/ Office of Emergency Management in determining and participating in a means to lessen hurricane shelter impacts on the County's hurricane preparedness process and public safety. Those "means" could include the provision of equipment, monies in lieu of equipment, or such other goods, materials or actions deemed appropriate by the Office of Emergency Management that results in the provision of additional shelters, or improvement of roads for use as additional evacuation routes. The choice of "means" will rest with the developer, so long as the choice adequately mitigates the adverse impacts.
5. ~~The following conditions are included to address Lee Plan~~ C~~consistency issues:~~
 - a. The total residential dwelling count within River Hall may not exceed 3,244 dwelling units. In accordance with the Lee Plan, maximum densities per the Future Land Use Categories are provided below:

Allowable Density		
FLU	Acreage	Gross Allowable Density
Suburban	92.93	557.58
Wetlands (Suburban)	21.14	126.84
Outlying Suburban	308.77	926.31
Sub-Outlying Suburban	275.59	551.18
Rural	1051.80	1051.80
Wetlands (Rural)	168.06	168.06
Impacted Wetlands	64.54	3.23
TOTAL:		3385.00

* Density calculations assume all acreage is available for residential density calculations. Actual achievable numbers may be less.

The portion of the property within the Rural Future Land Use category must maintain densities of one dwelling unit per acre or less. No more than 1,140 dwelling units may be constructed in the Rural designated areas of the project.

- b. ~~In River Hall 1 – Densities may not be shifted between Future Land Use categories unless a new public hearing occurs and the allocation of density complies with provisions of Policy 5.1.10 of the Lee Plan.~~
 - c. ~~In River Hall 2-II-2022 - If permitted by Lee Plan Policy 5.1.10, units may be shifted from River Hall 1 to River Hall 2II-2022. Densities may not be shifted between Future Land Use categories unless a new public hearing occurs and the allocation of density complies with provisions of Policy 5.1.10 of the Lee Plan. Within River Hall II-2022, a maximum density of 600 units is allowed within the southern 139.95 acres and a maximum density of 310 units is allowed within the northern 22.74 acres."~~
 - d. Given the limited existing available Rural 2020 Planning Community Acreage Allocation at the time of rezoning, ~~t~~The available Rural allocation must be determined by the Planning Division prior to any development order approval for residential use in the Rural portions of the site. No development order will be issued or approved if the acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Lee Plan Table 1(b), Acreage Allocation Table (per Lee Plan Policy 1.6.5). In order to develop more Rural acreage with residential uses, the Lee Plan must be amended to change the Rural residential acreage allocation for the Fort Myers Shores planning community in Table 1(b). Adequate data and analysis to support this amendment must be submitted by the applicant at the time of the request for the Lee Plan amendment. Development in excess of the current Table 1(b) allocations will not be permitted until Table 1 (b) is amended accordingly.
6. The following conditions are included to address the ~~g~~Golf ~~e~~Course:
- a. The developer of the golf course must use fertilizers with a low leaching potential (slow

release). The fertilizers must not be applied after active growth of the turfgrass has ceased, and must be kept to the lowest reasonable levels; and,

- b. To reduce sources of pollutants, especially nutrients and pesticides associated with the golf course, the golf course manager must implement a chemicals management plan that includes an integrated pest management (IPM) program and a nutrient management program so that nutrients and pesticides are used only when absolutely necessary. The program must address prevention, diagnosis, and limited treatment with pesticides when necessary rather than blanket treatment with broad spectrum pesticides as insurance against all pest species. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is prohibited. The IPM program must minimize the use of pesticides and must include the use of the US Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Soil Pesticide Interaction Rating guide to select pesticides for use that have a minimum potential for leaching or loss from runoff. The nutrient management program must be based upon the USDA-NRCS Nutrient Management Standard and must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals may be used. Turf managed areas (including fairways, tees, and greens) within 35 feet of wetlands or preserve areas are prohibited. This chemicals management plan must be submitted to and approved by Lee County Planning Division Staff prior to the development order approval.
- c. The golf course manager must coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of applied pesticides and nutrients.
- d. The utilization of a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM is required. The golf course manager is responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those fertilizers into the groundwater.
- e. The storage, mixing, and loading of fertilizer and pesticides must be designed to prevent/minimize the pollution of the natural environment.
- f. The golf course must comply with the "Best Management Practices for Golf Course Maintenance Departments," prepared by the Florida Department of Environmental Protection, as amended.
- g. The golf course must be planted with a turfgrass cultivated variety that is drought and pest resistant, and that requires relatively low fertilizer use.
- h. The irrigation system must operate on an "as needed" basis through the utilization of weather forecasting and ongoing assessment of the moisture content of the soil.
- i. All fairways, greens, and tees must be elevated above the 25-year flood level, and

all greens must utilize underdrains. The effluent from these underdrains must be pre-treated prior to discharge into the balance of the project's water management system.

- j. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention and water retention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems.
 - k. An annual monitoring report of ground water and surface water quality is required for the golf course operation. The monitoring program must include: testing to assess whether there are any herbicide, pesticide or fertilizer pollution of the water within the area of the golf course; identification of the locations for the ground water monitoring and testing on a map(s); testing and recording requirements. The developer must submit the test results with the monitoring report to the Lee County Planning Division Department of Natural Resources. The monitoring program will be established and operated at the expense of the developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 17-302, F.A.C., water quality standards.
 - l. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and if the pollution is caused by the application of fertilizers, herbicides or pesticides to the golf course, the application must cease until the developer submits a revised management plan. If mitigation is necessary to address the pollution, the developer must implement a mitigation plan approved by Lee County.
7. Model units and homes are permitted in compliance with the following conditions:
- a. Each model must be a unique example. Multiple examples of the same unit are not permitted; and
 - b. All model sites must be designated on the development order plans; and
 - c. Prior to constructing model homes within this project, the lots upon which the model homes will be constructed ~~will have been~~ must be shown on a preliminary plat filed concurrently with the required local development order for this project. Such model home(s) will comply with all setbacks set forth within the Property Development Regulations for River Hall (f/k/a Hawk's Haven) or the LDC, whichever applies. Should setback problems arise after construction of a model home, it will be the responsibility of the owner/developer to resolve the setback problem.
 - d. Hours of operation for model units and real estate sales within the model units are limited to Monday through Sunday, 8 a.m. through 8 p.m.
8. Construction traffic is prohibited on Hickey Creek Road.

9. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).
10. Based on the intersection improvements identified in the applicant's TIS as being necessary for the project, a traffic signal is required at River Hall Parkway/State Road 80 intersection. ~~Construction of the signal must be completed within 12 months of the date of this Zoning Resolution. In the event the signal is not constructed within 12 months, issuance of local development order approvals (excluding development orders only authorizing construction of infrastructure) or building permits within River Hall 2 development, will not be granted until the signal is constructed. The Director of Community Development may authorize an extension, not to exceed six months, if the applicant demonstrates a good faith effort to complete the construction of the traffic signal. Upon completion of the traffic signal at SR 80 and River Hall Parkway, the applicant will provide the Director of Community Development a copy of the FDOT Final Acceptance Letter.~~ Please note that this condition placed by Lee County as part of this rezoning does not exempt the applicant from having to comply with the permit as approved by FDOT. The requirements of this condition have been met.
11. Approval of this rezoning does not give the developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 1-B and Table 1(b).
12. The developer is required to design the project in a manner that will provide the internal "outparcels" (separate tracts encapsulated by the project property) the ability to obtain reasonable and practicable access through the subject property, unless the developer provides a circuit court order indicating that the internal outparcels are not legally entitled to access through the subject property. However, this rezoning does not obviate the developer's responsibility to provide access to the internal "outparcels" in accordance with Florida law.
13. If the developer constructs structures other than conventional single-family homes within 100 feet of the "outparcels," the developer must provide a 25-foot-wide enhanced vegetative buffer completely around the outparcel. In addition, the enhanced vegetative buffer must utilize native vegetation, indigenous to the plant community in which it is to be planted. The vegetation must be installed prior to vertical construction and it must be installed according to the following density and size:
 - a. Six trees per 100 linear feet -At installation, trees must be a minimum of 12 to 14 feet tall, with a 2-1/2 inch minimum caliper and a 5-foot minimum canopy. No palm trees, or completely deciduous trees, may be used to meet the requirements of this enhanced buffer.
 - b. 33 shrubs per 100 linear feet - 1) At installation, all shrubs must be 18 to 24 inches in height, 3-gallon pots, and spaced 30 to 36 inches on center; and 2) all shrubs used to meet the enhanced buffer requirements must reach a mature height in excess of six feet under normal growing conditions. If these "outparcels" come under the control of the developer prior to construction within the 100-foot-wide area, then compliance with

this condition is not required.

14. Vehicle access from the northern boundary of the subject property over and across Hickey Creek Road is prohibited.
15. Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.
16. ~~No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.~~
17. All required buffers must utilize 100 percent native vegetation.
18. The school site is limited to a public school operated by the School District of Lee County.
19. Outdoor storage areas must be in compliance with §34-3001, *et seq.* but must be setback including a 200-foot ~~feet~~perimeter setback and with an enhanced buffer.
20. ~~A plan showing landscaping in accordance with page 2 of 2 of the approved MCP must be submitted and approved prior to the issuance of a development order for the golf course maintenance facility and amenity center.~~
21. Signage referencing the town center is prohibited within 50 feet of the right-of-way of Palm Beach Boulevard (State Road 80).
22. Buffers
 - a. A Type "C" or "F" buffer, as described in the LDC, must be provided in the River Hall 2 CPD "Town Center" portion bordering the agriculturally-zoned property to the east. This buffer will not include the existing conservation areas shown on the approved MCP.
 - b. A Type "D" buffer must be added to the MCP on the "spine" Road for the commercial Town Center portion of the property, in accordance with the LDC.
23. Second Access
 - a. Within 24 months of the effective date of this Zoning Resolution, the applicant will design, permit, and construct the secondary access to 75th Street West shown on Page 4 of the MCP. The design of the second driveway to the River Hall community must be shown as a part of the first local development order approval for any of the unplatted lands in the southern portion of the development. In the event the secondary access is not constructed within 24 months of the effective date of this Resolution, the Director of Community Development may issue a reasonable extension for completion if the development has not exceeded the occupancy of 1,598 dwelling units, and the applicant demonstrates good faith progress on the design, permitting, and

construction of the access. This requirement is contingent upon approval from the East County Water Control District (ECWCD) to cross the 50-foot-wide canal along the south side of River Hall. The County will work with the developer to obtain approval to cross the 50-foot-wide canal.

- b. Upon construction of the second access to the River Hall community, access through the security gates must be provided to Lee County School District buses and to emergency vehicles.
24. Wall between River Hall and Portico (ADD2007-00063)
The construction of a wall along a portion of the southern and western property boundaries adjacent to the Portico Residential Planned Development (RPD) is subject to the following conditions:
- a. ~~The Development must be in compliance with the amended Master Concept Plan, dated APRIL 17, 2007, Master Concept Plan for ADD2007-00063.~~
 - b. Approval of this administrative amendment was contingent upon approval of ADD2007-00084 (Portico), which was approved on May 14, 2007.
25. Within ninety (90) days of the effective date of this Resolution, the developer of lands within River Hall 2 must submit a request to the South Florida Water Management District (SFWMD) for a letter modification to the consumptive use permit for the project to reinstate the groundwater monitoring requirements that were not included in the 2013 permit renewal. These requirements include conditions 31, 32, and 33 of the original Permit No. 36-04006-W issued in 2006. If the SFWMD approves the requested modification, all monitoring reports filed with the SFWMD pursuant to the permit will also be simultaneously filed with the County's Department/Division of Natural Resources.
26. The developer of lands within River Hall 2 must provide the ability for drainage from the LAMSID to pass through the project's surface water management system in order to lower, flood stages within the LAMSID. The intent of this condition is to provide for a stormwater conveyance from the existing LAMSID canal along the southern boundary of River Hall during major storm events. This condition is not intended to require the construction of any physical improvements to the surface water management system within River Hall, but only to require access to and authority for the LAMSID to utilize the surface water management system within River Hall in accordance with its existing permit. Documentation of compliance with this requirement will be provided by the developer to the County prior to issuance of any residential development orders for River Hall 2; provided, however, that this will not prohibit the issuance of development orders solely for the infrastructure improvements (including but not limited to sewer, water, and drainage) for the project.
27. At the written request of the County, Tthe developer of lands within River Hall 2 must provide, at developer's expense, a temporary modular unit to be located on the River Hall sales facility parcel for use as a station for Lee County Emergency Medical Services (EMS). At a minimum, the modular unit will provide office space, rest/sleeping area, shower and

restroom facilities for EMS, along with a minimum of 4 dedicated parking spaces. Upon installation, the modular unit and parking spaces will be leased to the County for \$10.00 per year, whereupon the County will be responsible for all costs of operation including, but not limited to, utilities, electricity, telecommunications, furniture, and maintenance. Within thirty (30) days after the effective date of this resolution, tThe developer shall be responsible for the initial development order application and certificate of occupancy for the installation of the modular unit upon receipt of the written request from the County. will submit a development order application for the installation of the modular unit, and will diligently pursue issuance of the development order and move-on permit for the unit. The modular unit will be installed within ninety (90) days of receipt of all necessary permitting. The developer's obligation under this condition will expire upon the earlier of: (1) construction and issuance of a certificate of occupancy for the fire station on the parcel within River Hall owned by the Fort Myers Shores Fire District; or (2) five years after issuance of a certificate of occupancy for the modular unit.

28. The applicant will provide quarterly monitoring reports to the Director of Community Development on the status and progress of ~~the traffic signal (Condition 10)~~ and the southerly access point (Condition 23). A courtesy copy should be provided to the River Hall CDD and Master Homeowner's Association. The first quarterly monitoring report will be due three months after the effective date of this Resolution and will be submitted every three months thereafter until ~~the signal is placed in operation by FDOT~~ and the southerly access receives a certificate of completion from the County. Each monitoring report will identify the current status of the improvement through the design, permitting, and construction stages, and will identify any issues that may affect completion of the improvement within the time specified in its applicable zoning condition.
29. The developer of land within River Hall 2—must submit, with each development order, a cumulative land development summary table indicating the Future Land Use classification and the number of residential units, and square footage and acreage of commercial retail and commercial office.
30. Emergency Services Requirements

The following improvements must be completed prior to the approval development order for any of the additional dwelling units beyond the 2,695 dwelling units approved by Resolution Z-15-003:

- a. Construction of the access point in the Southwest corner of the development to connection to Portico (see DOS2019-00071-M02)
- b. Construction of the proposed southerly access point from 75th St West (see DOS2019-00071-A01).

DEVIATIONS:

1. Deviation (1) sought relief from the LDC §10-385(d)(3)a requirement to provide a maximum fire hydrant spacing of 800 feet in the one- and two-dwelling unit area, to eliminate this requirement in areas along the "spine" road where no homes exist. This deviation was APPROVED.

2. Deviation (2) sought relief from the LDC §10-329(d)(4) requirement to provide lake banks to be sloped at a maximum 4:1 slope, to allow bulkheads for up to 25 percent of the shoreline of lake banks. This deviation was APPROVED.
3. Deviation (3) sought relief from the LDC §34-2194(b) requirement to provide a 25-foot setback from bodies of water, to allow 20-foot setbacks for the manmade lakes to be consistent with the existing development orders and permits. This deviation was APPROVED.
4. Deviation (4) (ADD2007-00075) sought relief from LDC §30-152(2)c, to allow a reduction in the minimum required setback for residential subdivision entrance signage from 15 feet to 5 feet from the right-of-way. This deviation was APPROVED subject to the following conditions:
 - a. Entrance signs to subdivisions within the River Hall Country Club development must be in compliance with the Signage Exhibit, stamped received on April 11, 2007. A copy of which is attached hereto as Exhibit B. Rear setbacks for accessory structures on lots 302-307 and 344-348 must be at least 6 inches.
 - b. Either a two-sided sign in a landscaped median OR two one-sided signs on either side of a project entrance within the River Hall Country Club will be allowed at the entrance to each residential development. All signs must be in accordance with Chapter 30 of the LDC.
5. Deviation (5) seeks relief from the LDC §10-415(b)(1)c requirement to provide a minimum building setback of 20 feet from all indigenous preserves and a 30-foot building setback from indigenous plant communities subject to fire, to allow a side setback of 17 feet for the following existing platted lots: River Hall Country Club, Phase Two, Block K, Lots 29, 57, 76, and 77, as documented in Instrument No. 2006000409514. This deviation is APPROVED SUBJECT TO the condition that any re-plat of these lots will require the lots to meet the LDC required structure setback to the preserve.
6. Deviation (6) seeks relief from the LDC §10-415(b)(1)c requirement to provide a minimum building setback of 20 feet from all indigenous preserves and a 30-foot building setback from indigenous plant communities subject to fire, to allow a setback of 20 feet for existing platted lots in River Hall Country Club Phase Two, Block K Lots 37-39, 54-57 & 65-77 as documented in Instrument No. 2006000409514, and Hampton Lakes at River Hall Phase One, Lots 102-134, as documented in Instrument No. 2005000153004. This deviation is APPROVED SUBJECT TO the condition that any re-plat of these lots will require the lots to meet the LDC required structure setback to the preserve.
7. Deviation (7) seeks relief from the LDC §34-934 requirement that permits dwelling units within a CPD when there are at least 50,000 square feet or more of commercial

uses, to allow dwelling units within the existing River Hall CPD which was permitted for 45,000. This deviation is APPROVED.

Exhibit A – Protected Species Management Plan for Schulman Parcel (American Alligator Management Plan; Gopher Tortoise Management Plan; and Scrubjay Management Plan)

Exhibit B – Signage Exhibit

Exhibit C – Property Development Regulations

RECEIVED

MAY 19 1999

Protected Species Management **PERMIT COUNTER**

For

Schulman Parcel

Sections 27,34,35,36, Township 43 South, Range 26 East

Prepared for:

Lee County Department of Community Development
Division of Planning / Environmental Sciences

1500 Monroe St.

P.O. Box 398

Ft. Myers, FL 33902-0398

Prepared By:

Consul-Tech Engineering, Inc.

24831 Old 41 Rd.

Bonita Springs, FL 34135

99 03-066 03 Z 01.01
PROJECT #
PROJECT TYPE



CONSUL-TECH ENGINEERING, INC.

- Consulting Engineers
- Land Planners
- Land Surveyors
- Transportation Engineers
- Environmental Engineers
- Construction Managers
- GPS & GIS Consultants
- Forensic Engineers

Respond To:

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South Dade

(305) 248-9444
FAX (305) 248-3644
E-mail: cci@consul-t.com

April 13, 1999

Ms. Betsi Newton-Hiatt
Ms. Kim Trebatoski
Lee County Department of Community Development
Division of Planning / Environmental Sciences
P.O. Box 398
Fort Myers, Florida 33902

Re: Protected Species Management Plan
1775 Acre Schulman Parcel
CTE # 98-0408

Dear Ms. Newton & Ms. Trebatoski

Please accept this protected species management plan for the above referenced project as resubmittal for our rezoning application. Please note that these plans are based on best available information. As new information or agency input becomes available, it may become necessary to revise some management policies. Management details will be finalized and provided at the time of development order submittal.

In the meantime, we would appreciate any suggestions you may have which might contribute to the success and longevity of listed species on this parcel. Should you have any comments or question regarding this management plan, please feel free to contact me at (941) 947-0266.

Sincerely,

CONSUL-TECH ENGINEERING, INC.

Matthew Goff
Environmental Scientist

99-03-066.03 Z 01.01

EXHIBIT D
PAGE 2 OF 7

Exhibit PH-3.H.1

Gopher Tortoise Management Plan
1775-acre Schulman Property
S 25, 26, 27, 28, 33, 34, 35, 36 / T 43 S / R 26 E
Lee County, Florida
CTE Project No. 98-0408

Consul-Tech Engineering, Inc. (CTE) performed a Protected Species Survey of the above-referenced property from December 1998 through February 1999. Gopher tortoise (*Gopherus polyphemus*) burrows were found in several pine flatwoods, palmetto prairie, and rangeland habitats on the property (please see location maps provided with Protected Species Survey Report). Management practices shall follow established guidelines as referenced in Florida Game and Freshwater Fish Commission Nongame Wildlife Program Technical Report No. 4: Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations Found on Lands Slated for Large-Scale Development in Florida. The following items will address preservation of this species onsite:

- 1) Certain areas are to be preserved onsite in areas where gopher tortoises currently reside. Preserve location and acreage are available on the attached Master Concept plan (MCP). A permanent management commitment for the preserve area will be ensured by the filing of a conservation easement pursuant to F.S. 704.06.
- 2) A take permit from the Florida Game and Freshwater Fish Commission will be sought to collect and relocate gopher tortoises from areas to be impacted to the onsite preserve areas. This permit will negate density requirements for preservation areas.
- 3) Collection and relocation of gopher tortoises from areas to be impacted will occur as per Florida Game and Freshwater Fish Commission guidelines taking into consideration nesting periods or other requirements. Capture of tortoises shall occur via the bucket trapping method, whereupon a five-gallon bucket will be buried at the burrow entrance. The bucket will be covered with a thin piece of paper overlain with soil and shall have a hole of no less than one inch at the bottom to insure proper drainage. Each bucket will be monitored at least once per day for at least 28 days. Buckets will be checked and tortoises/commensals released in the morning to allow for thermal considerations. Captured animals will be immediately released into the preserve area and evenly distributed throughout the site at either inactive or 'starter' burrows.
- 4) Each burrow will be destroyed after removal of gopher tortoises. Relocation will occur as close to construction dates as possible to prevent repatriation to areas slated for development. During construction, a wire fence shall be set two feet above and below the ground surrounding the preserve area to prevent tortoises from entering construction areas postrelocation. Excavation will be conducted by individuals experienced in such work.
- 5) Every effort will be made to prevent entombment of gopher tortoises as per Lee County requirements.
- 6) Land usage abutting preserve acreage shall be designated as golf course / low density housing to the greatest extent practicable (please refer to MCP). Efforts such as informational signing will be utilized to avoid / minimize impacts to the preserve.

99 - 03 - 066 .03 Z 01.01

Florida Scrub Jay Management Plan
1775-acre Schulman Property
S 25, 26, 27, 28, 33, 34, 35, 36 / T 43 S / R 26 E
Lee County, Florida
CTE Project No. 98-0408

Consul-Tech Engineering, Inc. (CTE) performed a Protected Species Survey of the above-referenced property from December 1998 through February 1999. Additionally, a scrub jay specific spring survey was conducted between March 22 - April 2, 1999 in order to better qualify jay utilization of the subject parcel. The results of these surveys demonstrate the following: 1) there appears to be no scrub jay nesting on-site, however, 2) territorial boundaries from two separate jay families do extend onto the subject parcel.

CTE staff realize that, according to the Florida Game and Freshwater Fish Commission (FGFWFC): Non-Game Wildlife Program's Technical Report No. 8: Ecology and Development-Related Habitat Requirements of the Florida Scrub Jay, further surveys during foraging seasons (autumn) are required to accurately assess the scrub jay's habitat utilization on the site. Information regarding autumn acorn caching activities shall be integrated into the management strategy as it becomes available. The following activities are currently being planned to promote

Preservation measures shall be exclusively on-site. The following items will be used to address preservation of this species on-site:

- 1) Establishment of on-site satellite refuge. A refuge of approximately 80 acres is currently being planned in the southeast corner of Section 36 (please refer to Master Concept Plan for specific location). The preserve area is composed primarily of Type I habitat. Smaller areas of Type II habitat and wetlands occur within the preserve area as an artifact of site configuration. This area shall serve as an outlying forage zone and dispersal corridor for scrub jays in the vicinity of the subject parcel. Current preserve area is strategically located so as to provide a continuous landscape with the adjacent Hickey Creek Mitigation Park and maximal distance from major highways and other forms of human disturbance.
- 2) Commitment to the preserve area shall be demonstrated via the granting of a permanent conservation easement to the State of Florida.
- 3) Preserve area shall be managed in perpetuity to provide those habitat requirements essential to the well-being of scrub jay families. Final management activities to be provided in the development order submittal will address the following issues; A) financial responsibility, B) fire management program, C) placement of informational signage, D) prohibited property owner activities, E) preserve area fencing, F) appropriate landscaping considerations, G) preserve area monitoring.

99 - 03 - 066 .03 Z 01.01

American Alligator Management Plan
1775-acre Schulman Property
S 25, 26, 27, 28, 33, 34, 35, 36 / T 43 S / R 26 E
Lee County, Florida
CTE Project No. 98-0408

Consul-Tech Engineering, Inc. (CTE) performed a Protected Species Survey of the above-referenced property from December 1998 through February 1999. Two American alligators (*Alligator mississippiensis*) were observed in the central herbaceous wetland areas located in Sections 35 and 36 on the property (please see location maps provided with Protected Species Survey Report). The following items will address preservation of this species onsite:

- 1) Available habitat (i.e. holds water year-round) for American Alligators on the subject site is currently restricted to two small artificial ponds. Construction of numerous lakes and deep-water areas on the subject site is anticipated (please see Master Concept Plan). These areas should significantly increase both the quality and quantity of habitat. Educational material such as signage and informational pamphlets will be strategically placed so as to discourage feeding and minimize interaction between residents and alligators.

99 - 03 - 066 .03 Z 01 .01

CONSUL-TECH ENGINEERING, INC.

Wading Birds Management Plan
1775-acre Schulman Property
S 25, 26, 27, 28, 33, 34, 35, 36 / T 43 S / R 26 E
Lee County, Florida
CTE Project No. 98-0408

Consul-Tech Engineering, Inc. (CTE) performed a Protected Species Survey of the above-referenced property from December 1998 through February 1999. The Lee County listed wading birds found onsite (non-nesting) were utilizing freshwater marsh areas (please see location maps provided with Protected Species Survey Report). Listed birds include little blue heron (*Egretta caerulea*), tricolored heron (*Egretta tricolor*), wood stork (*Mycteria americana*) and the sandhill crane (*Grus canadensis pratensis*). The following items will address preservation of potential foraging and nesting habitats onsite:

- 1) Potential habitat areas to be preserved onsite include the following: 641-B thru 641-M, 643-A and 643-C thru 643-H. Educational material such as signage and informational pamphlets will be utilized to minimize interaction between residents and the wading birds.

99 - 03 - 066 .03 Z 01 .01

CONSUL-TECH ENGINEERING, INC.

EXHIBIT D
PAGE 6 OF 7

Exhibit PH-3.H.1

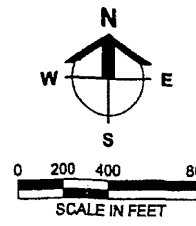
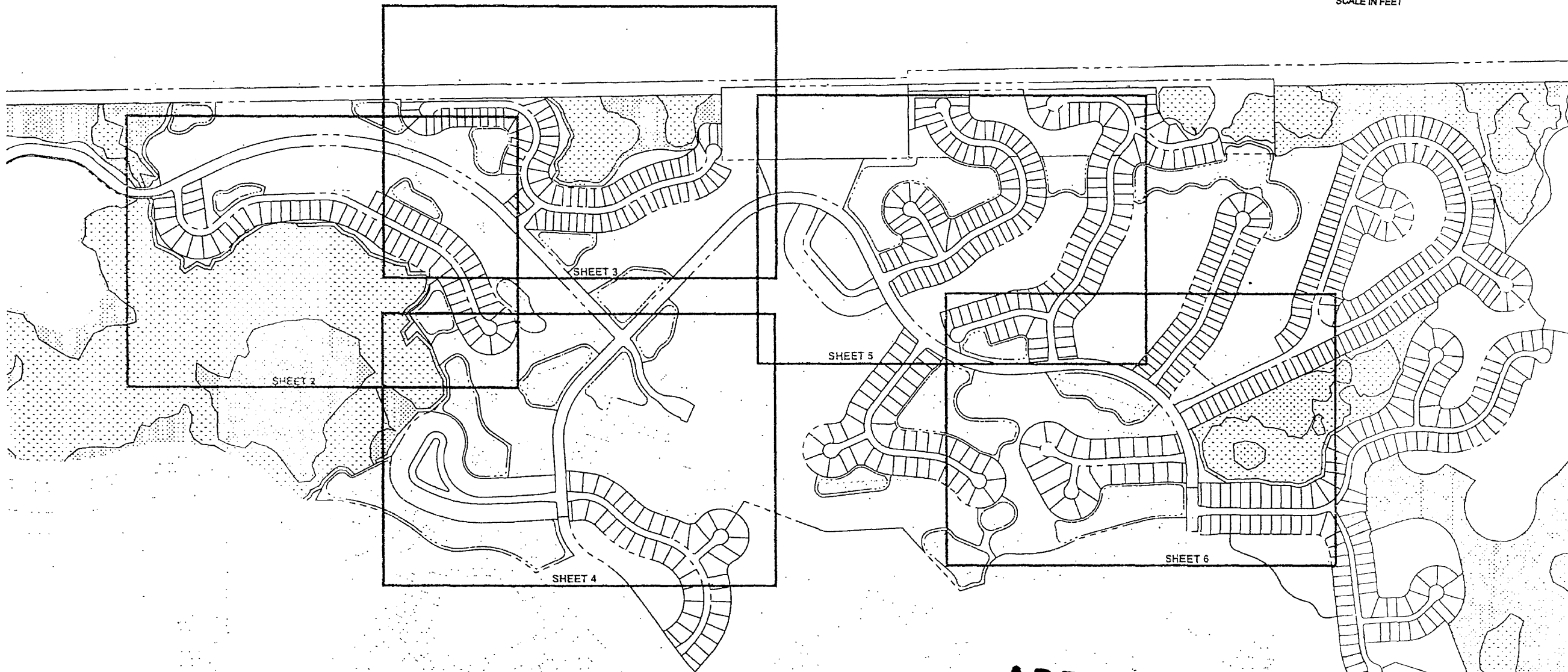
Florida Burrowing Owl Management Plan
1775-acre Schulman Property
S 25, 26, 27, 28, 33, 34, 35, 36 / T 43 S / R 26 E
Lee County, Florida
CTE Project No. 98-0408

Consul-Tech Engineering, Inc. (CTE) performed a Protected Species Survey of the above-referenced property from December 1998 through February 1999. Florida burrowing owl (*Speotyto cunicularia floridana*) burrows were located in three of the pastures on the property (please see location maps provided with Protected Species Survey Report). The following items will address preservation of this species onsite:

- 1) Several golf course areas are to be developed onsite adjacent to currently active owl burrows and will provide suitable replacement habitat for the Florida burrowing owl.
- 2) A take permit from the Florida Game and Freshwater Fish Commission will be sought to avoid accidental mortality and mitigate for impacts to burrows during construction in areas where owls are currently located. A take permit will be sought for each active burrow on the subject property.
- 3) No taking of active burrows will occur, i.e., nests with eggs or fledglings. If construction is to occur in the areas of the owl burrows while they are active, buffers of 150 feet in radius will be established and maintained in order to minimize disturbances around the burrows during this period. Buffers will be staked and roped off prior to initiating construction.
- 4) The burrows will be destroyed during periods when nests are generally considered inactive, that is from July 10 - February 15. Experienced CTE environmental staff will remove burrows by hand shoveling to ensure that no birds are harmed during the process.

99-03-066.03 Z 01.01

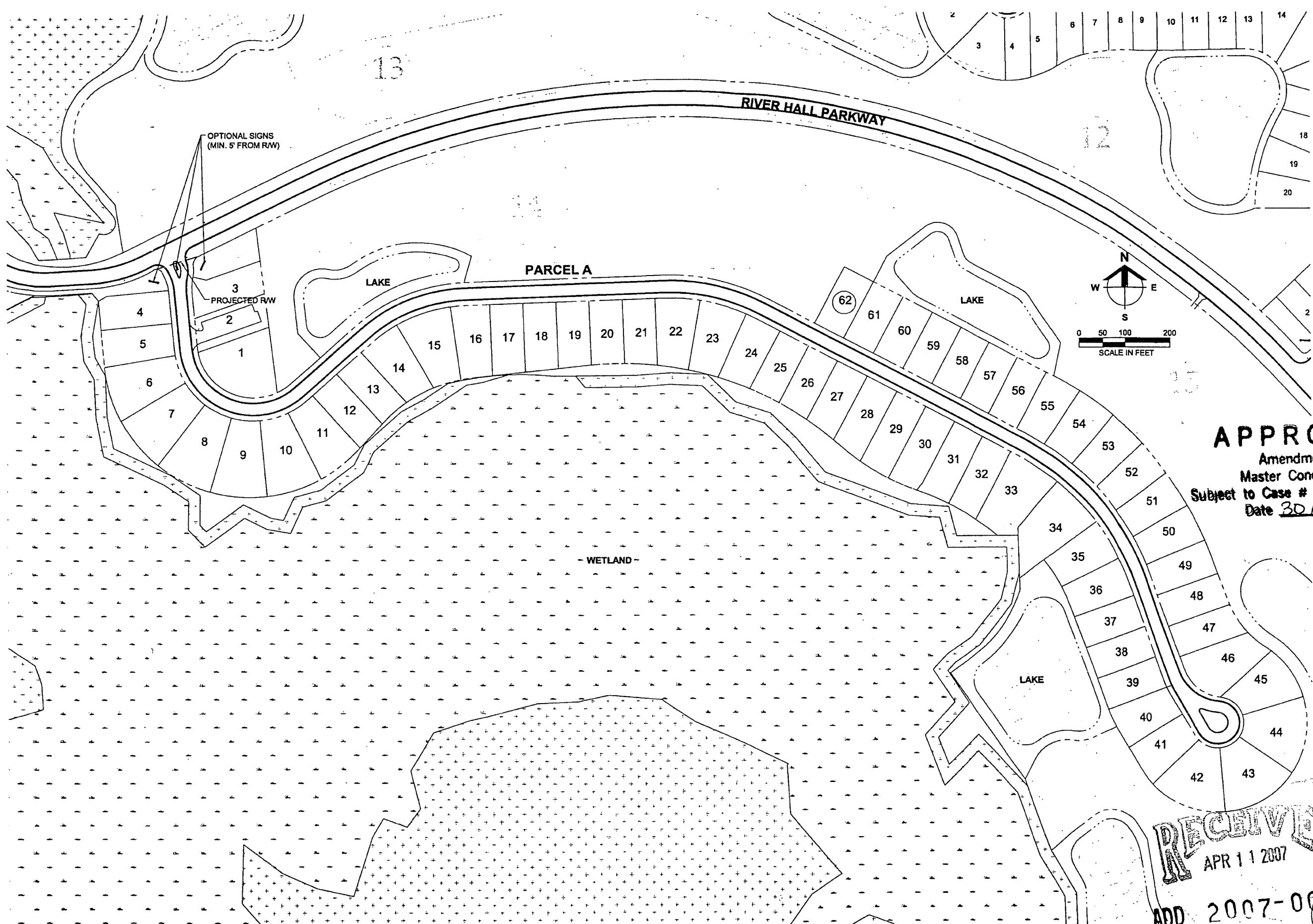
CONSUL-TECH ENGINEERING, INC.



APPROVED
Amendment to
Master Concept Plan
Subject to Case # ADD 2007-00075
Date 30 April 2007

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ADD 2007-00075

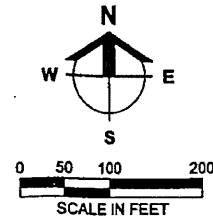
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PREPARED FOR	
HAWK'S HAVEN GOLF DEVELOPERS, LLC	
2401 RIVER HALL PARKWAY ALVA, FLORIDA 33920	
PHONE (239) 274-0321 FAX (239) 274-0517	
LandMar GROUP, LLC	
PROJECT DESCRIPTION	
RIVER HALL COUNTRY CLUB	
PHASE 1	
FORMERLY KNOWN AS HAWKS HAVEN GOLF COURSE COMMUNITY PHASE 1	
PART OF SECTIONS 25, 26, 27, 34, 35 AND 36 TOWNSHIP 43 SOUTH RANGE 28 EAST LEE COUNTY, FLORIDA	
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DESIGN BY	
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PLAN REVISIONS	
PLAN STATUS	
FOR EXHIBIT PURPOSES ONLY	
SIGNAGE EXHIBIT	
PROJECT / FILE NO.	SHEET NUMBER
ADD 2007-00075	1



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Master Concept Plan
Subject to Case # ADD 2007-00075
Date 30 April 2007

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PREPARED FOR	
HAWK'S HAVEN GOLF DEVELOPERS, LLC	
2401 RIVER HALL PARKWAY ALVA, FLORIDA 33920	
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LandMar GROUP, LLC	
PROJECT DESCRIPTION	
RIVER HALL COUNTRY CLUB	
PHASE 1	
FORMERLY KNOWN AS HAWK'S HAVEN GOLF COURSE COMMUNITY PHASE 1	
PART OF SECTIONS 25, 26, 27, 34, 35 AND 36 TOWNSHIP 43 SOUTH RANGE 28 EAST LEE COUNTY, FLORIDA	
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DESIGN BY	
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SIGNAGE EXHIBIT	
PROJECT / FILE NO.	SHEET NUMBER
22060	2

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PREPARED FOR
**HAWK'S HAVEN
GOLF
DEVELOPERS, LLC**

2401 RIVER HALL PARKWAY
ALVA, FLORIDA 33920

PHONE (239) 274-0321
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PROJECT DESCRIPTION

**RIVER HALL
COUNTRY CLUB**

PHASE 1

FORMERLY KNOWN AS HAWKS HAVEN
GOLF COURSE COMMUNITY PHASE 1

PART OF SECTIONS 25, 26, 27, 34, 35 AND 36
TOWNSHIP 43 SOUTH
RANGE 26 EAST
LEE COUNTY, FLORIDA

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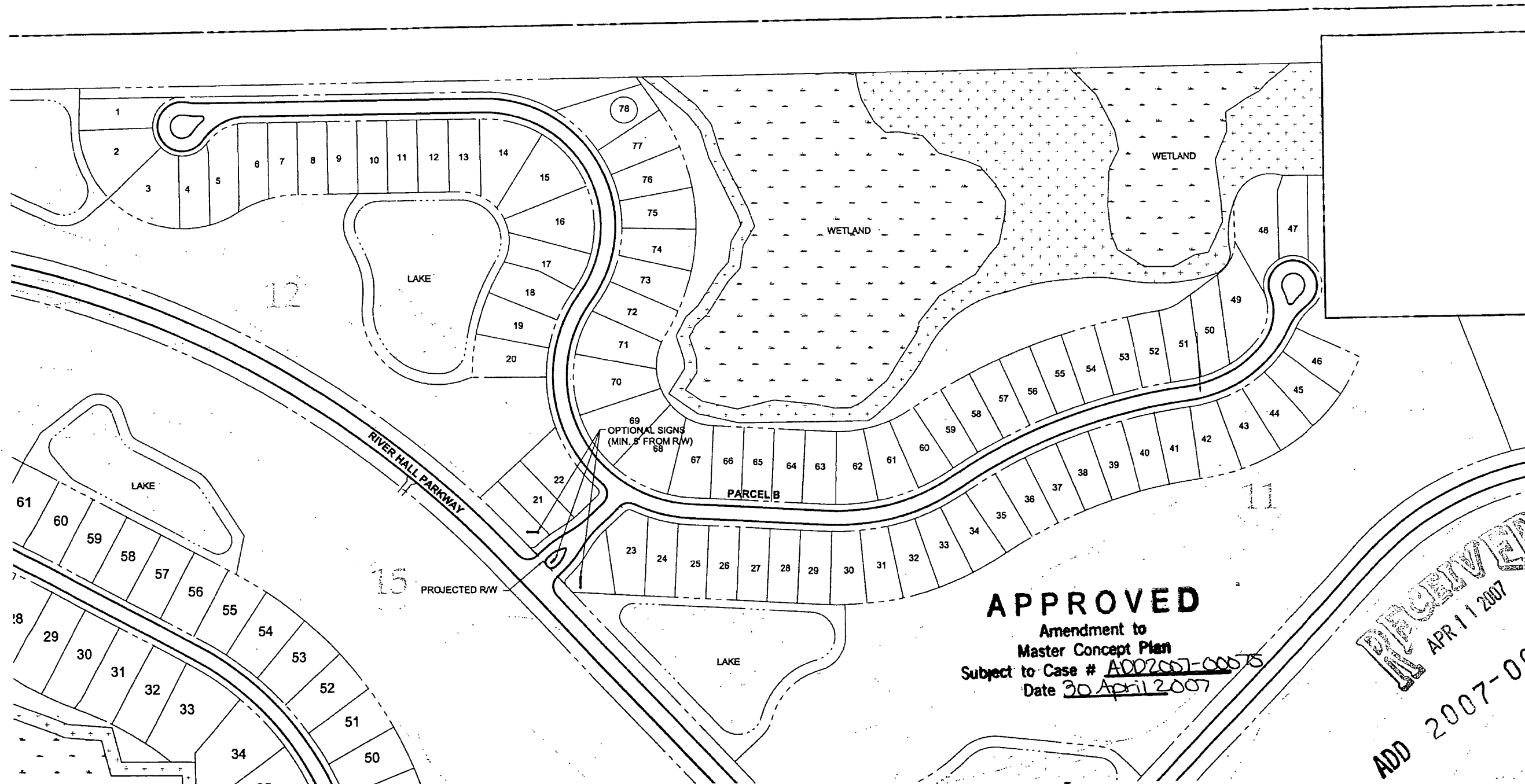
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PLAN REVISIONS	

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PROJECT / FILE NO.	SHEET NUMBER
22060	3



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Master Concept Plan
Subject to Case # ADD2007-00075
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PHONE (239) 481-3170
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FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-8940

PREPARED FOR
**HAWK'S HAVEN
GOLF
DEVELOPERS, LLC**

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PHONE (239) 274-0321
FAX (239) 274-0517

LandMar
GROUP, LLC

PROJECT DESCRIPTION

**RIVER HALL
COUNTRY CLUB**

PHASE 1

FORMERLY KNOWN AS HAWK'S HAVEN
GOLF COURSE COMMUNITY PHASE 1

PART OF SECTIONS 25, 26, 27, 34, 35 AND 36
TOWNSHIP 43 SOUTH
RANGE 28 EAST
LEE COUNTY, FLORIDA

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DESIGN BY	

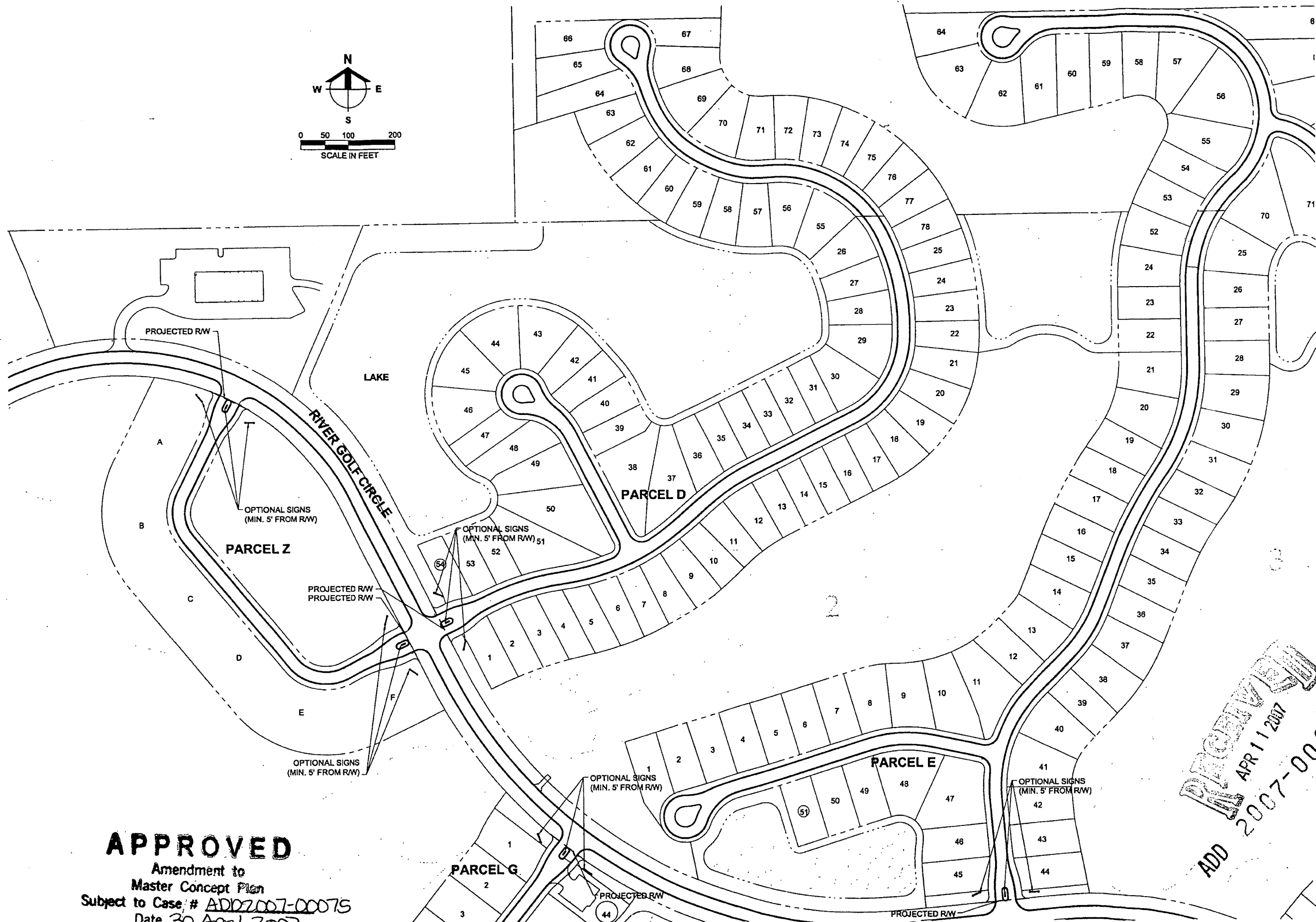
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EXHIBIT**

PROJECT / FILE NO.	SHEET NUMBER
22060	5



APPROVED

Amendment to
Master Concept Plan
Subject to Case # ADD2007-00075
Date 30 April 2007

	Min. Lot Area (SF)	Min. Lot Width	Min. Lot Depth	Max. Height	Max. Lot Coverage
Single Family	R-1: 5,400 R-2: 4,860	R-1: 45' R-1A: 40.5'	120'	45' / 3 stories	60%
Two-Family Attached and Zero Lot Line	3,960	33'	120'	45' / 3 stories	60%
Townhouse	1,800	18'	100'	45' / 3 stories	60%
Multi-family	10,000	75'	100'	45' / 3 stories	60%
Clubhouse, Amenity & Golf Maintenance Buildings	10,000'	100'	100'	Project Perimeter 35' / 3 stories	60%
Commercial	20,000	200'	100'	35' / 3 stories	45%

Minimum:	Road Setback (Palm Beach Blvd / Private Roads)	Side Setback	Rear Setback	Water Setback	Accessory Setback	Building Separation
Single Family	25'/20'	5'	15'	20'	Per LDC	10'
Two-Family Attached and Zero Lot Line	25'/20'	0'/5'	15'	20'		10'
Townhouse	25'/20'	N/A	10'	20'		10'
Multi-family	25'/20'	N/A	15'	20'		10'
Clubhouse, Amenity & Golf Maintenance Buildings	25'/20'	15'	15'	20'		20'
Commercial	25'/20'	15'	20'	20'		20'

Notes:

1. Minimum lot width for Cascades at River Hall, Phase I, Inst. Number 2005000166035, lots 148 and 149 is 44 feet.
2. Minimum lot depth for Cascades at River Hall, Phase I & II, lots 26, 27, 28, 38, 55, 302, 303, 304, 305, 306, 307, 344, 345, 346, 347, and 348 is 110 feet.
3. Minimum lot depth for Hampton Lakes at River Hall, Phase II, Inst. Number 2021000035440, lots 265, 266, 267, and 268 is 100 feet.
4. Minimum rear setback for Cascades at River Hall, Phase I & II, Inst. Numbers 2005000166035 and 2005000166038, lots 302-307 and 344-348 is 5 feet.
5. Minimum rear accessory setback for Cascades at River Hall, Phase I & II, Inst. Numbers 2005000166035 and 2005000166038 lots 302-307 and 344-348 is 6 inches.

6. Minimum building separation for Cascades at River Hall, Phase I, Inst. Number 2005000166035, between lots 117 and 154, 147 and 148, and 148 and 149 is 11 feet.
7. Minimum side setback for Hampton Lakes at River Hall, Phase I, Inst. Number 2005000153004, lot 4 is 4.5 feet.
8. Minimum single family dimensions for parcels 35-43-26-L4-08000.2650, 35-43-26-L4-08000.2660, 35-43-29-L4-08000.2670, and 35-45-26-L4-08000.2680, aka lots 265-268, Inst. Number 2021000035440 is as follows:
 - a. Width – 45'
 - b. Depth – 100'
 - c. Lot size – 5400 sf