

## Summary of Hearing Examiner Recommendation

# RIVER HALL

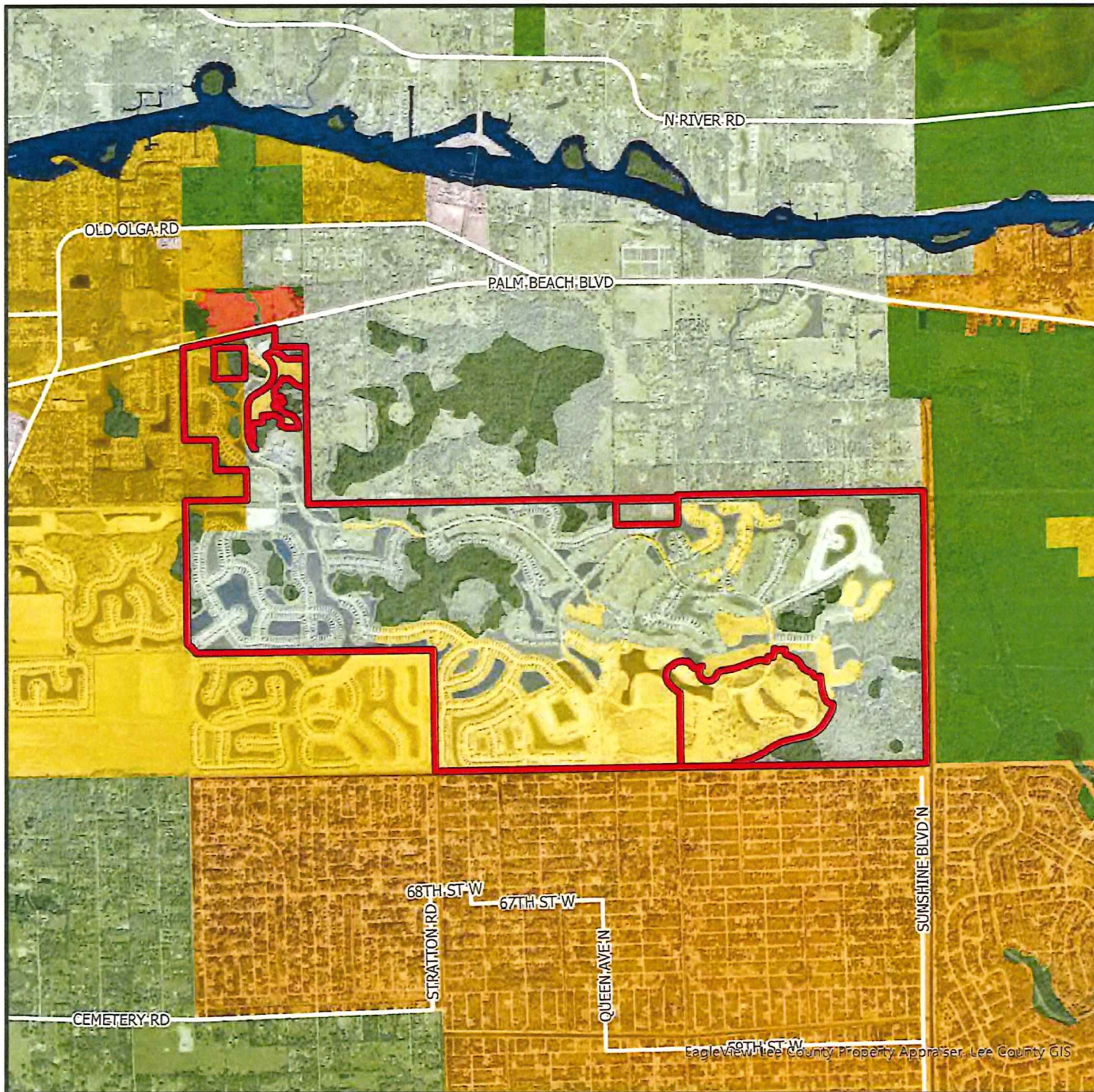
Applicant seeks to alter zoning approvals in the River Hall community to:

- Add 9.98± acres (yielding 1,988± total acres), but increase the development footprint just 0.5± acres;
- Increase density by 549 units (yielding a project density of 1.6 units per acre);
- Reduce the CPD area from 27± acres to 5.55± acres;
- Reduce commercial use from 45,000 square feet to 15,000 square feet; and
- Remove multi-family use on CPD lands.

Newly proposed units are limited to undeveloped property along the project entrance and in the southeast. There is a pending development order for townhomes near the entrance. Existing zoning authorizes multi-family units on these lands.

There is a Lee Plan Map amendment under concurrent review to allow the requested density increase. This Recommendation is predicated on its adoption. If the Board does not adopt the amendment, the request is not consistent with the Lee Plan.

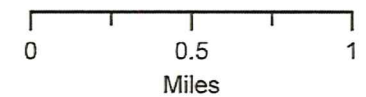
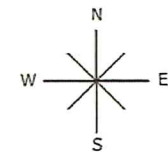
*Detailed recommendation follows*



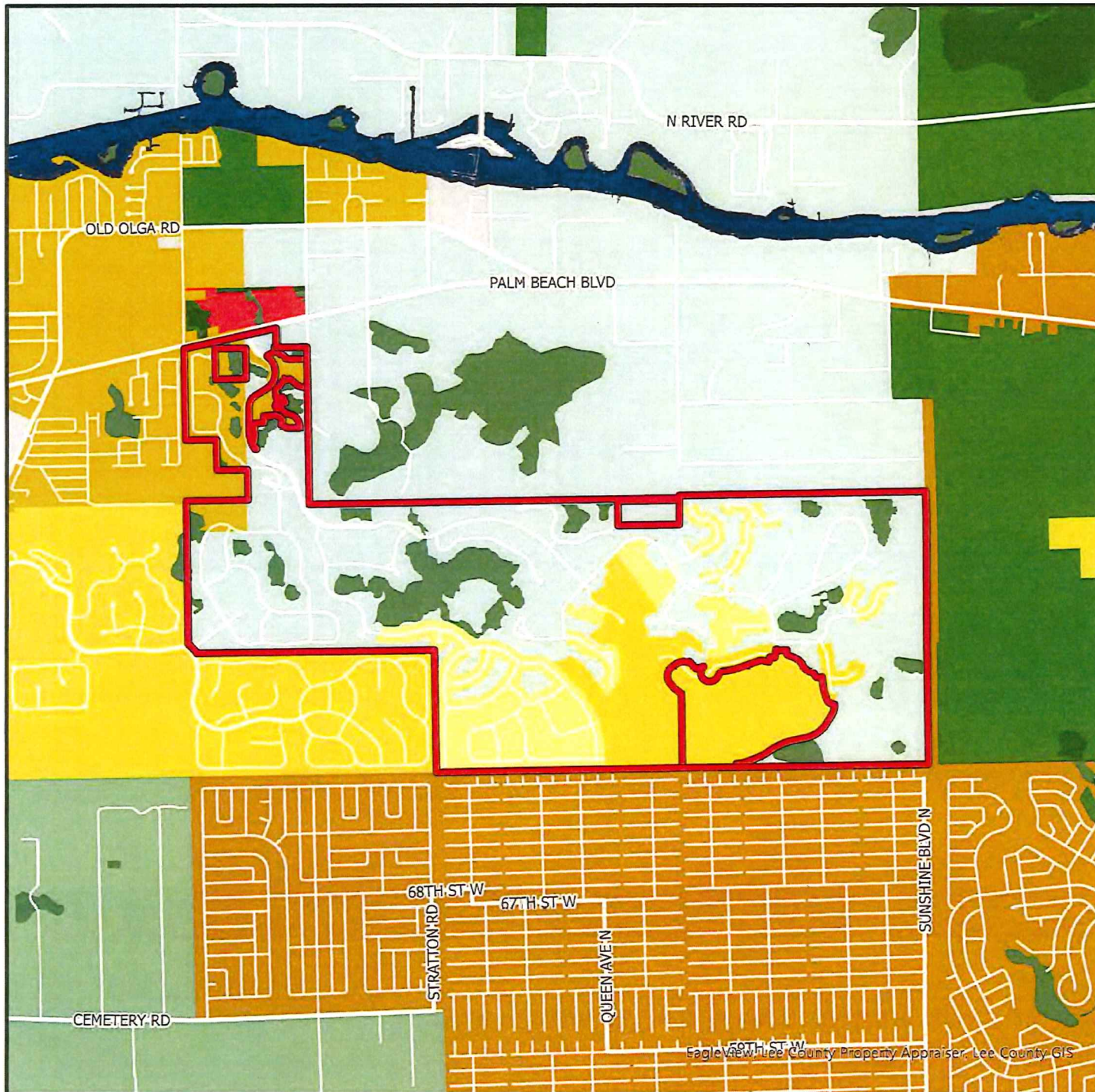
DCI2022-00026

Future Land Use

- |                                                                 |                                                                       |
|-----------------------------------------------------------------|-----------------------------------------------------------------------|
| <span style="color: red;">■</span> Subject Property             | <span style="color: lightgreen;">■</span> Rural                       |
| <span style="color: orange;">■</span> Urban Community           | <span style="color: lightgreen;">■</span> Rural Community Preserve    |
| <span style="color: yellow;">■</span> Suburban                  | <span style="color: darkgreen;">■</span> Conservation Lands - Upland  |
| <span style="color: lightyellow;">■</span> Outlying Suburban    | <span style="color: lightgreen;">■</span> Wetlands                    |
| <span style="color: lightgreen;">■</span> Sub-Outlying Suburban | <span style="color: darkgreen;">■</span> Conservation Lands - Wetland |
| <span style="color: pink;">■</span> Commercial                  |                                                                       |
| <span style="color: lightblue;">■</span> Public Facilities      |                                                                       |



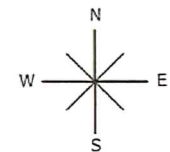
EagleView Lee County Property Appraiser, Lee County GIS



DCI2022-00026

Proposed Future Land Use

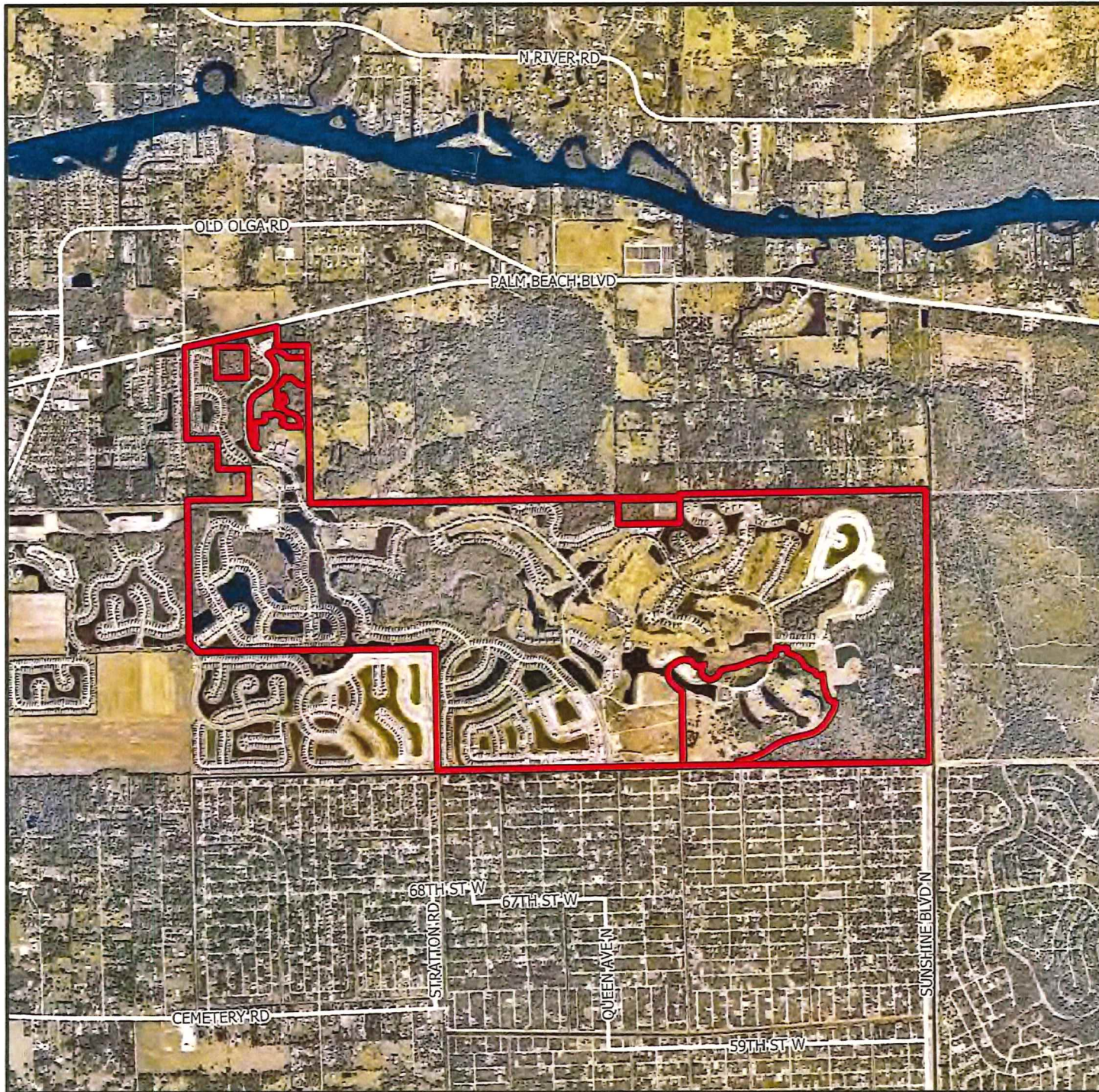
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|-------------------------------------------------------------|--------------------------------------------------------------------|
| <span style="color: red;">■</span> Subject Property         | <span style="color: lightgreen;">■</span> Rural                    |
| <span style="color: orange;">■</span> Urban Community       | <span style="color: lightgreen;">■</span> Rural Community Preserve |
| <span style="color: yellow;">■</span> Suburban              | <span style="color: green;">■</span> Conservation Lands - Upland   |
| <span style="color: yellow;">■</span> Outlying Suburban     | <span style="color: green;">■</span> Wetlands                      |
| <span style="color: yellow;">■</span> Sub-Outlying Suburban | <span style="color: green;">■</span> Conservation Lands - Wetland  |
| <span style="color: red;">■</span> Commercial               |                                                                    |
| <span style="color: lightblue;">■</span> Public Facilities  |                                                                    |



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Miles



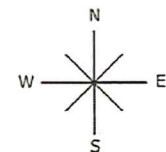
EagleView, Lee County Property Appraiser, Lee County GIS



DCI2022-00026

Aerial

 Subject Property



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Miles



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

**REZONING:** DCI2022-00026

**Regarding:** RIVER HALL

**Location:** South of the State Road 80/River Hall Intersection  
Fort Myers Shores Planning Community  
(District 5)

**Hearing Date:** January 11, 2024

**Record Closed:** January 26, 2024

**I. Request**

Rezone 1,988.42± acres from Residential Planned Development (RPD), Commercial Planned Development (CPD), and Agricultural (AG-2) to RPD/CPD to allow 3,244 dwelling units and 15,000 square feet of commercial uses.

The property's legal description is set forth in Exhibit A.

**II. Hearing Examiner Recommendation**

Approval, subject to the 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.<sup>1</sup> In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on the application to rezone 1,988.42± acres to the River Hall RPD/CPD.

In preparing a recommendation for the Board, the Hearing Examiner must apply the Lee County Comprehensive Plan (Lee Plan), the Land Development Code (LDC), and other County regulations to evidence and testimony presented. There must be competent substantial evidence in the record to support the recommendation.

Discussion supporting the Hearing Examiner's recommendation of approval follows below.

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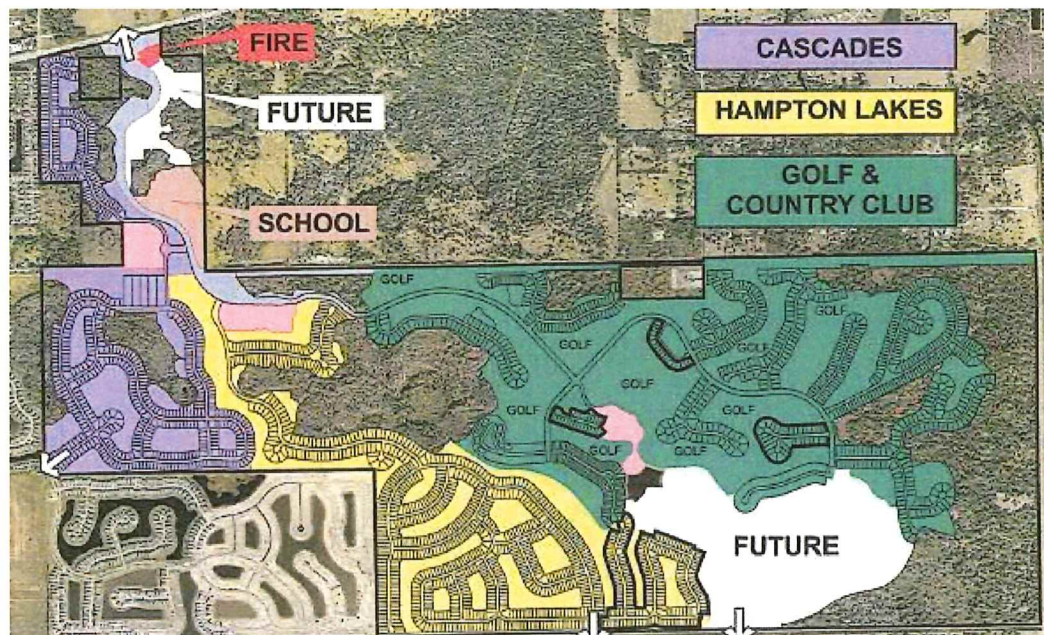
<sup>1</sup> LDC §34-145(d)(4)a.

## Request Summary

The River Hall RPD/CPD sits south of S.R. 80 in the Caloosahatchee Shores Planning Community. River Hall is largely developed and undergoing continuing construction. The project is a well-known golf course community hosting a mix of residential products with amenity centers, a public elementary school, and fire station under its development umbrella.

Applicant seeks to alter the project's zoning approvals to increase density on undeveloped lands. Specifically, the request seeks to:

- Add 9.98± acres but increase the development footprint just 0.5± acres;
- Increase density by 549 units (from 1.4 to 1.6 units per acre);
- Reduce CPD acreage from 27± to 5.55± acres; and
- Remove multi-family use on CPD lands.



The illustration denotes affected areas as “Future” in white.<sup>2</sup> The 9.98± acre parcel proposed for addition is outlined in the northwest square. Only 0.5± acres of that parcel may be developed, with the remainder left as preserve/open space.<sup>3</sup> Density associated with the parcel is utilized in areas identified as “Future.”<sup>4</sup>

<sup>2</sup> Proposed density is limited to 310 units at the “Future” site near the project entrance and 600 units in the southern “Future” area. See MCP. The three affected areas (the square 9.98± acre parcel and the two “Future” areas) total 172.67± acres.

<sup>3</sup> Sopen Testimony (Transcript pg. 25).

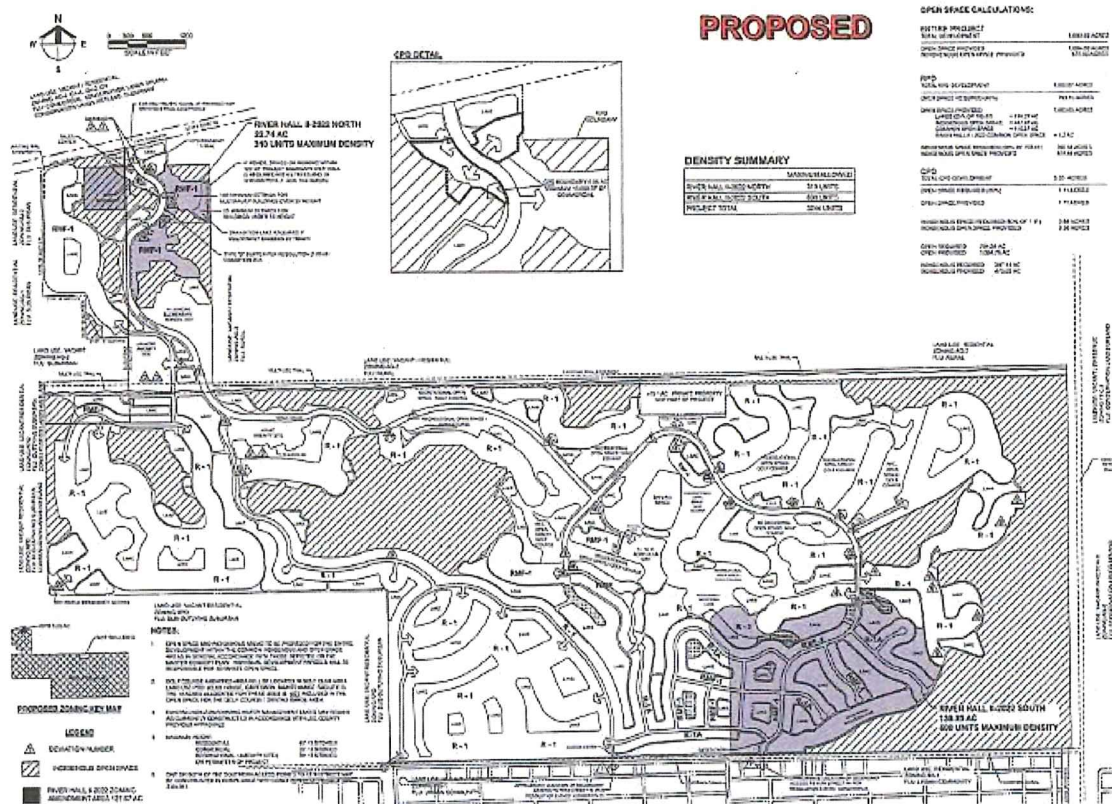
<sup>4</sup> The “Future” area near the entrance is 22.74± acres. The “Future” area in the southeast is 139.95± acres. These areas are shown as “River Hall II-2022” on the MCP.

Requested density yields 1.6 units per acre across 1,988± acres. If approved, the project would allow 3,244 dwelling units and 15,000 square feet of commercial uses.<sup>5</sup>

Applicant seeks a Lee Plan Map Amendment to achieve the proposed density increase.<sup>6</sup> Staff and the Hearing Examiner analyzed the request assuming adoption. If the Board does not adopt the amendment, the request will be inconsistent with the Lee Plan.<sup>7</sup> The Hearing Examiner's Recommendation of Approval is contingent on Board approval of the Lee Plan Amendment.<sup>8</sup>

The proposed Master Concept Plan (MCP) imposes density limits on affected areas. The request poses no changes to access, uses, preserves, or parcel configuration. Building heights remain unchanged. The project retains primary access on S.R. 80 with secondary accesses at the southern boundary. Secondary accesses are gate restricted to residents, school buses, and emergency vehicles.<sup>9</sup>

Staff recommended approval, finding the request satisfies LDC review criteria.



<sup>5</sup> CPD acreage will be 5.55± acres.

<sup>6</sup> CPA2021-00016. The amendment reclassifies 391.85± acres to the Suburban/Outlying Suburban categories. The Board transmitted the amendment on January 18, 2023.

<sup>7</sup> F.S. §163.3194(1)(a); LDC §34-83(a)(3)a, §34-491.

<sup>8</sup> LDC §34-145(d)(4)a.1(a).

<sup>9</sup> Hampton Lakes and Golf Community residents will have access. Sopen Testimony (Transcript pg. 98).

## **Zoning History**

The property has extensive zoning history dating back to 1999:

- Resolution Z-99-056: Rezoned from AG-2 to RPD to allow 1,598 dwelling units on 1,798 acres.<sup>10</sup>
- Resolution Z-05-051: Rezoned from AG-2/RPD to RPD/CPD for 1,999 dwelling units and 45,000 square feet of commercial uses.<sup>11</sup>
- Resolution Z-15-003: Increased density to allow 2,695 dwelling units, 45,000 square feet of commercial uses, and permitted townhouse/multi-family dwelling units in the CPD.<sup>12</sup>

Subsequent administrative amendments followed.<sup>13</sup> Various development orders govern site development, including a pending development order permitting townhomes in the “Future” area near the project entrance.<sup>14</sup> Townhomes are permitted under current zoning approvals.<sup>15</sup>

## **Zoning Review Criteria**

Before recommending approval for rezoning to the Board, the Hearing Examiner must find the request:

- A. Complies with the Lee Plan;
- B. Meets the LDC and other applicable County regulations or qualifies for deviations;
- C. Is compatible with existing and planned uses in the surrounding area;
- D. Will provide access sufficient to support the proposed development intensity;
- E. The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

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<sup>10</sup> Staff Report (Attachment H).

<sup>11</sup> Staff Report (Attachment I); Applicant Ex. 1 (slide 20).

<sup>12</sup> Staff Report (Attachment J); Applicant Ex. 1 (slide 21). This resolution notes all areas with proposed changes as “River Hall 2.” Changes to the current request reference areas that will be amended as River Hall II-2022, which are wholly within the areas previously considered “River Hall 2”.

<sup>13</sup> ADD2017-00091: Remove requirements for engineer certification for lot drainage and grading prior to certificate of occupancy (Staff Report Attachment K1); ADD2018-00058: Amended the Master Concept Plan and conditions regarding TIS requirements, and the timing of the secondary access and EMS requirements (Staff Report Attachment K2); ADD2019-00017: Amended the property development regulations for 15623 Angelica Drive to address site constraints with this site (Staff Report Attachment K3); and ADD2019-00169: Amended the Master Concept Plan to expand the clubhouse amenity area and redesignate a tract from R-1 to RMF-2 (Staff Report Attachment K4).

<sup>14</sup> Sopen Testimony (Transcript pg. 17-18).

<sup>15</sup> Z-15-003; *Id.*

- F. Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- G. Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.<sup>16</sup>

If the request involves planned development zoning, the Hearing Examiner must also find:

- H. The proposed use or mix of uses is appropriate at the proposed location;
- I. Recommended conditions provide sufficient safeguards to the public interest and reasonably relate to impacts on the public's interest expected from the proposed development; and
- J. Each requested deviation (1) enhances the achievement of the objectives of the planned development, and (2) preserves and promotes the general intent of the LDC to protect the public health, safety, and welfare.<sup>17</sup>

### **Character of Surrounding Area**

The property sits at the signalized intersection of SR 80 and River Hall Parkway. The SR 80 corridor hosts a suburban development pattern west of River Hall, with a mix of commercial and residential uses. Rural land uses characterize the area east of the intersection. Specifically:

- North. Zoned AG-2 in the Rural future land use category with large lot residential development/agricultural uses. The Olga Square CPD sits north across SR 80.<sup>18</sup>
- South. Residential (RS-1) quarter-acre lots designated Urban Community along with vacant lands.
- East. The Hickey Creek Mitigation Park sits to the east, zoned Environmentally Critical in the Conservation Lands future land use category.
- West. Portico, Buckingham 345, and Hemingway Point RPDs in the Outlying Suburban future land use category.<sup>19</sup> Portico and Buckingham 345 RPDs have densities of 3 units per acre.<sup>20</sup>

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<sup>16</sup> LDC §34-145(d)(4)(a)(1).

<sup>17</sup> LDC §34-145(d)(4)(a)(2).

<sup>18</sup> See Staff Report (Attachment L: Z-14-022).

<sup>19</sup> See Staff Report (Attachment M: Z-05-074, Z-19-006, & Z-06-085).

<sup>20</sup> Applicant Ex. 1 (slide 8); Sopen Testimony (Transcript pg. 14).

### **Lee Plan Consistency/Compatibility**

Planned developments must be consistent with the Lee Plan.<sup>21</sup>

The property is within the Suburban,<sup>22</sup> Outlying Suburban,<sup>23</sup> Sub-Outlying Suburban,<sup>24</sup> Wetlands,<sup>25</sup> and Rural<sup>26</sup> future land use categories in the Caloosahatchee Shores Planning Community.<sup>27</sup>

Applicant's companion Map Amendment redesignates future land use categories for the three affected areas along with housekeeping updates.<sup>28</sup> The Map Amendment received a Letter of No Objection from the State and will be heard by the Board prior to this zoning request.<sup>29</sup> The Hearing Examiner's analysis is contingent upon Board approval of the Map Amendment.

The Map Amendment redesignates affected areas to the Suburban and Outlying Suburban categories.<sup>30</sup> Both categories permit the proposed residential development.<sup>31</sup>

The Lee Plan derives density from all land use categories to aggregate a maximum development density.<sup>32</sup> Applicant seeks 3,244 units, yielding a density of 1.6 units per acre.<sup>33</sup> The requested density is 141 units less than the Lee Plan permits.<sup>34</sup> Existing zoning approvals grant River Hall a density of 1.4 units per acre. Proximate developments are approved for 3 units per acre.<sup>35</sup>

The MCP caps density in "Future" areas and imposes new buffer and setback requirements beyond current approvals.<sup>36</sup> The request does not change the permitted use as multi-family units are currently permitted. Increased setbacks, a

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<sup>21</sup> Lee Plan Policy 2.1.2; LDC §34-411(a).

<sup>22</sup> Lee Plan Policy 1.1.5.

<sup>23</sup> Lee Plan Policy 1.1.6.

<sup>24</sup> Lee Plan Policy 1.1.11.

<sup>25</sup> Policy 1.5.1.

<sup>26</sup> Lee Plan Policy 1.4.1.

<sup>27</sup> Lee Plan Map 1-A, 1-B, 2-A.

<sup>28</sup> Applicant Ex. 1 (slides 10-14). The CPA affects 391.85± acres to allow an increase of 434 units.

<sup>29</sup> Applicant Ex. 1 (slide 10, *referencing* DEO 23-02ESR).

<sup>30</sup> Applicant Ex. 1 (slide 13-14); Sapien Testimony (Transcript pg. 18-20). The northern affected area is changing from Sub-Outlying Suburban to Suburban while the southern affected area is reclassifying from Rural/Sub-Outlying Suburban to Outlying Suburban. CPA2021-00016; Staff Report (Attachment N).

<sup>31</sup> Lee Plan Policy 1.1.5 and 1.1.6.

<sup>32</sup> Lee Plan Policy 5.1.10.

<sup>33</sup> See Staff Report (pg. 5).

<sup>34</sup> The parties calculate total permissible density at 3,385 dwelling units. Applicant's Narrative (pg. 3 & 7, Staff Report Attachment D). See Staff Report (pg. 3-4); Sapien Testimony (Transcript pg. 19).

<sup>35</sup> Applicant Ex. 1 (slide 8, *referencing* Portico RPD & Buckingham 345 RPD).

<sup>36</sup> See MCP; Applicant Ex. 1 (slide 25). Density is capped at 310 units on the 22.74± northern acres and 600 units for the 139.95± southern acres.

transition buffer lake, and an 8-foot-high wall with vegetative buffer protect adjacent residents from potential site impacts as indicated on the MCP.<sup>37</sup>

The request does not alter the Board's findings that the RPD/CPD is consistent with the Lee Plan and compatible with the surrounding area.

### **Traffic/Transportation**

Planned developments must have access to roads with sufficient capacity to support proposed intensity.<sup>38</sup> Existing regulations or conditions of approval must address expected impacts on transportation facilities.<sup>39</sup>

#### **Access**<sup>40</sup>

The MCP retains a single access on SR 80 and two secondary access points along the southern boundary.<sup>41</sup> Secondary accesses are approved but not constructed. There are two emergency accesses to Portico, both constructed and certified complete in 2022.<sup>42</sup>

Primary access to River Hall is at the signalized intersection of SR 80/River Hall Parkway. The traffic signal has been operational since 2017 in compliance with prior zoning approvals.<sup>43</sup>

The two approved southern access points enter 75<sup>th</sup> Street West in Lehigh Acres. The southern access points are identified as the westerly and easterly southern accesses. The westerly southern access under construction at Queen Avenue will provide access to Buckingham.<sup>44</sup> Applicant intends to construct the easterly southern access at Karen Avenue to direct traffic to Sunshine Boulevard and ultimately the Alico Extension.<sup>45</sup> Both accesses will be gated to restrict entry to River Hall residents, school buses, and emergency vehicles.<sup>46</sup> Conditions of

<sup>37</sup> If heights exceed 35 feet, setbacks increase from 25 feet to 150 feet and a transition lake is required. If roads/drives/parking areas are within 125 feet of the project boundary, Applicant must construct an 8-foot-high wall with vegetation. See MCP; Applicant Ex. 1 (slide 27).

<sup>38</sup> LDC §34-145(d)(4)(a)(1)(d); §34-411(d)(1).

<sup>39</sup> LDC §34-145(d)(4)(a)(1)(e); §34-411(d)(2).

<sup>40</sup> Applicant Ex. 1 (slide 31). One emergency exit connects to the Cascades community while the other connects to Hampton Lakes. Sapien Testimony (Transcript pg. 29).

<sup>41</sup> Southern access evolved since 2005: Z-05-051 permitted one southern entrance for the Golf Community; Z-15-003 modified the southern entrance to be a shared roundabout with Hampton Lakes and the Golf Community; ADD2017-00091 removed the roundabout; ADD2021-00197 added a second southern entrance. Applicant Ex. 1 (slides 20-24); Sapien Testimony (Transcript pg. 21-23). Access to S.R. 80 is restricted to a single location given existing improvements/constraints.

<sup>42</sup> Applicant Ex. 1 (slide 31).

<sup>43</sup> *Id.*; Sapien Testimony (Transcript pg. 29).

<sup>44</sup> Sapien Testimony (Transcript pg. 28-29). Ms. Sapien estimates the construction is nearly 90% completed.

<sup>45</sup> *Id.*; Applicant Ex. 1 (slide 32). The Alico Road extension is under design/permitting review. See Staff Ex. 3.

<sup>46</sup> The MCP denotes gated entry at each access. Sapien Testimony (Transcript pg. 34, 98, 104).

approval address development thresholds that trigger construction of the easterly southern access and impose reporting requirements on construction activity.<sup>47</sup>

There is sufficient access to support the requested amendment.

### Transportation Facility Capacity

The Traffic Impact Statement (TIS) indicates the request does not create transportation facility deficiencies.<sup>48</sup> While the increased density generates more traffic, the additional traffic does not trigger a deficiency beyond what current approvals anticipate.<sup>49</sup> Applicant's transportation expert found that Applicant will fully mitigate transportation impacts through roads impact fees.<sup>50</sup>

### LDC Compliance/Deviations

Rezoning requests must meet the LDC and other applicable County regulations or qualify for deviations.<sup>51</sup> "Deviations" are departures from land development regulations.<sup>52</sup>

Applicant seeks no new deviations. The RPD/CPD is approved for seven deviations from the LDC. Deviations are carried forward from prior approval without modification. Approved deviations relate to fire hydrant spacing, lake bank sloping, setbacks, and open drainage.<sup>53</sup>

### Environmental

Planned development design should reflect creative use of open space.<sup>54</sup> Developers must attempt to protect and preserve natural site features.<sup>55</sup>

The request poses no adverse impacts to environmentally critical areas or natural resources.<sup>56</sup> Established preserve areas are unaffected by the request.<sup>57</sup> Most of the 9.98± acres proposed for addition will be preserved or used as open space.

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<sup>47</sup> See Conditions 21 and 26.

<sup>48</sup> See Staff Report (Attachment P-Q)

<sup>49</sup> Project trip generation increases by less than 18% over current approvals. Staff Report (Attachment P) River Hall CPD/RPD Planned Development Amendment Traffic Impact Statement, Revised Sept. 13, 2023.

<sup>50</sup> See LDC §2-261 *et. seq.* Mr. Leung estimates Applicant will contribute roads impact fees of \$5.5 million. Applicant Ex. 1 (slide 54)

<sup>51</sup> LDC §34-145(d)(4)a.1(b).

<sup>52</sup> LDC §34-2.

<sup>53</sup> Approved deviations vary from the following LDC requirements: §10-385(d)(3)a, §10-329(d)(4), §34-2194(b), §30-152(2), §10-415(b)(1)c, §10-415(b)(1)c, and §10-296(e)(1)(i)5.

<sup>54</sup> LDC §34-411(h).

<sup>55</sup> LDC §34-411(g).

<sup>56</sup> Johnson Testimony (Transcript pg. 44-50).

<sup>57</sup> See Staff Report (Attachment O); Sapern Testimony (Transcript pg. 17).

Applicant's ecologist conducted a protected species survey identifying various species within the proposed area. Applicant must prepare a species management plan for new development areas to address protective measures.<sup>58</sup> Existing conditions protecting the American alligator, Florida scrub jay, and sandhill crane are carried forward.<sup>59</sup>

The property is not within the 100-Year Floodplain or the Coastal High Hazard area.<sup>60</sup> Applicant's expert engineer concluded the request poses no off-site impacts to the existing water management system.<sup>61</sup> Water quality monitoring will continue consistent with State and County permitting requirements.<sup>62</sup>

### **Urban Services**

Public/urban services are the facilities, capital improvements, and infrastructure necessary to support development.<sup>63</sup> The Lee Plan requires an evaluation of available urban services during the rezoning process.<sup>64</sup>

A host of urban services and infrastructure serve the property including roads, potable water, police, fire, and emergency medical services.<sup>65</sup> Fort Myers Shores Fire Protection recently constructed a new station at the River Hall entrance.<sup>66</sup> Applicant submitted Letters of Availability from service providers evidencing sufficient capacity to support the requested development.<sup>67</sup>

### **Conditions**

The County must administer the zoning process so that proposed land uses acceptably minimize adverse impacts to adjacent residential properties.<sup>68</sup> Conditions imposed on the RPD/CPD plausibly relate to impacts anticipated from

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<sup>58</sup> Johnson Testimony (pg. 44-50).

<sup>59</sup> Condition 3.

<sup>60</sup> Lee Plan Maps 5A-B.

<sup>61</sup> Barraco Testimony (Transcript pg. 37-39); Applicant Ex. 1 (slide 41-42, referencing South Florida Water Management District (SFWMD) permit #36-04006-P).

<sup>62</sup> Barraco Testimony (Transcript pg. 39); Martin Testimony (Transcript pg. 44). Both Lee County and the SFWMD impose monitoring requirements. *Id.*

<sup>63</sup> Lee Plan Glossary: Public services include public water/sewer, paved streets/roads, public transit, parks/recreation facilities, urban levels of police, fire, and emergency services, urban surface water management, schools, employment, industrial, and commercial centers, institutional, public, or administrative facilities, community facilities such as senior citizens centers, libraries, and community centers.

<sup>64</sup> Lee Plan Policy 2.2.1.

<sup>65</sup> See Staff Report (pg. 8, Attachment R: Letters of Availability). The site is serviced by Fort Myers Shores Fire Protection & Rescue Service District and the Lee County Sheriff. *Id.*

<sup>66</sup> See Applicant Ex. 1 (slide 36).

<sup>67</sup> See Staff Report (Attachment R), letters submitted from EMS, Fort Myers Shores Fire District, Lee County Sheriff, Lee County School District, and Lee County Utilities).

<sup>68</sup> Lee Plan Policy 135.9.6.

the proposed development and are pertinent to mitigation of those impacts on public health, safety, and welfare.<sup>69</sup>

### **Public Participation/Testimony**

The LDC requires one meeting for zoning actions within the Caloosahatchee Shores Planning Community.<sup>70</sup> Applicant conducted two community meetings on February 9, 2022, and August 7, 2023.<sup>71</sup>

Several members of the public spoke at hearing.<sup>72</sup> Concerns centered on traffic circulation, overburdening of amenities, flooding, and future development expansion.<sup>73</sup>

### **Conclusion**

The Hearing Examiner recommends approval of the RPD/CPD, subject to conditions set forth in Exhibit B.

## **IV. Findings and Conclusions**

Based on the testimony and evidence presented in the record, the Hearing Examiner makes the following findings and conclusions. The requested rezoning to RPD/CPD, as conditioned:

- A. Complies with the Lee Plan. Lee Plan Goals 1, 2, 4, 5, 6, 21, 125, 135, 158, 160; Objectives 1.5, 2.1, 2.2, 4.1, 5.1, 21.3, 125.1; Policies 1.1.5, 1.1.6, 1.1.11, 1.4.1, 1.5.1, 2.1.1, 2.1.2, 2.2.1, 5.1.1, 5.1.2, 5.1.3, 5.1.5, 5.1.10, 6.1.1, 6.1.2, 6.1.4, 124.1.1, 135.1.9, 160.1.3; Lee Plan Maps 1A, 1B.
- B. Meets the Land Development Code and other County regulations or qualifies for deviations. LDC §10-474, §34-145(d), §34-341, §34-378, §34-411, §34-491, §34-612(2), §34-932.
- C. Is compatible with existing and planned uses. Lee Plan Objectives 2.1, 2.2, Policies 1.1.5, 1.1.6, 5.1.2, 5.1.5, 6.1.1, 6.1.2, 6.1.4, 6.1.7, 135.1.9; LDC §34-411.
- D. Provides access sufficient to support the proposed development intensity. Expected impacts to transportation facilities will be addressed by the

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<sup>69</sup> LDC §34-932(b).

<sup>70</sup> LDC §33-1482.

<sup>71</sup> Staff Report (Attachment S); Applicant Ex. a: 48-Hour Memorandum dated Jan. 8, 2024.

<sup>72</sup> Transcript pg.

<sup>73</sup> Public Testimony (Transcript pg. 77-95). The Hearing Examiner may only consider criteria established in LDC §34-145(d)(3)-(4).

conditions of approval and County regulations. Lee Plan Policies 61.1, 6.1.4, 39.1.1; LDC §2-261 *et seq.*, §10-287, §34-411(d).

- E. Will not adversely affect environmentally critical/sensitive areas and natural resources. Lee Plan Goals 77, 125; Objectives 77.1, 77.3, 126.2; Policies 1.5.1, 5.1.2, 6.1.1, 6.1.6, 124.1.1, 125.1.2, 125.1.3, Standard 4.1.4; and LDC §34-411(h).
- F. Will be served by urban services adequate to serve the proposed land use. Lee Plan Glossary, Lee Plan Maps 4A, 4B, Goals 2, 4, Objectives 2.1, 2.2, 4.1, and Standards 4.1.1 and 4.1.2; LDC §34-411(d).
- G. The proposed mix of uses is appropriate at the proposed location. Lee Plan Goals 2, 5; Policies 1.1.5, 1.1.6, 2.1.1, 2.2.2, 5.1.2, 5.1.3, 5.1.5, 6.1.1, 6.1.2, 6.1.4, 6.1.7, 135.1.9, 160.1.3.
- H. The recommended conditions and applicable regulations provide sufficient safeguards to protect the public interest. Lee Plan Policies: 1.1.5, 1.1.6, 5.1.5, 5.1.6, 126.2.1, 135.9.5, and 135.9.6; LDC §34-411, §34-932.
- I. The approved deviations carried forward, as conditioned:
  - 1. Enhance planned development objectives, and
  - 2. Protects public health, safety, and welfare.

Date of Recommendation: March 11, 2024.



Amanda L. Rivera  
Deputy Hearing Examiner

Lee County Hearing Examiner  
1500 Monroe Street, Suite 218  
Post Office Box 398  
Fort Myers, FL 33902-0398

**Exhibits to Hearing Examiner's 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**

## DESCRIPTION

Parcel in  
Sections 25, 26, 27, 34, 35 and 36, Township 43 South, Range 26 East  
Lee County, Florida

A tract or parcel of land lying in Sections 25, 26, 27, 34, 35 and 36, Township 43 South, Range 26 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the Southeast corner of said Section 34 run  $N00^{\circ}59'34''W$  along the East line of the Southeast Quarter (SE  $\frac{1}{4}$ ) of said Section 34 for 2,654.70 feet to the East Quarter Corner of said Section 34; thence run  $S89^{\circ}15'30''W$  along the North line of the South Half (S  $\frac{1}{2}$ ) of said Section 34 for 5,100.92 feet to a point on a non-tangent curve at the intersection with the Easterly line of lands described in a deed recorded in Official Record Book 4107, at Page 886, Lee County Records; thence run northwesterly along said Easterly line and along an arc of curve to the left of radius 240.00 feet (delta  $21^{\circ}30'24''$ ) (chord bearing  $N34^{\circ}21'11''W$ ) (chord 89.56 feet) for 90.09 feet to a point of tangency; thence run  $N45^{\circ}06'23''W$  along said Easterly line for 156.71 feet to a point of curvature; thence run northwesterly along said Easterly line and along an arc of curve to the left of radius 240.00 feet (delta  $06^{\circ}54'55''$ ) (chord bearing  $N48^{\circ}33'50''W$ ) (chord 28.95 feet) for 28.97 feet to an intersection with the West line of the Northwest Quarter (NW  $\frac{1}{4}$ ) of said Section 34; thence run  $N00^{\circ}49'55''W$  along said West line for 2,437.57 feet to the Southwest Corner of said Section 27; thence run  $N00^{\circ}49'48''W$  along the West line of the Southwest Quarter (SW  $\frac{1}{4}$ ) of said Section 27 for 659.59 feet to the Southwest corner of the Northwest Quarter (NW  $\frac{1}{4}$ ) of the Southwest Quarter (SW  $\frac{1}{4}$ ) of the Southwest Quarter (SW  $\frac{1}{4}$ ) of said Section 27; thence run  $N89^{\circ}06'39''E$  along the South line of the North Half (N  $\frac{1}{2}$ ) of the Southwest Quarter (SW  $\frac{1}{4}$ ) of the Southwest Quarter (SW  $\frac{1}{4}$ ) of said Section 27 for 1,318.66 feet to the Southeast corner of the Northeast Quarter (NE  $\frac{1}{4}$ ) of the Southwest Quarter (SW  $\frac{1}{4}$ ) of the Southwest Quarter (SW  $\frac{1}{4}$ ) of said Section 27; thence run  $N00^{\circ}50'33''W$  along the East line of said Fraction for 660.48 feet to the Northeast Corner of said Fraction; thence run  $S89^{\circ}04'20''W$  along the North line of said Fraction for 659.26 feet to the Southeast corner of the Southwest Quarter (SW  $\frac{1}{4}$ ) of the Northwest Quarter (NW  $\frac{1}{4}$ ) of the Southwest Quarter (SW  $\frac{1}{4}$ ) of said Section 27; thence run  $N00^{\circ}50'10''W$  along the East line of said Fraction for 660.23 feet to the Northeast Corner of said Fraction; thence run  $S89^{\circ}02'22''W$  along the North line of said Fraction for 659.19 feet to an intersection with the West line of the Southwest Quarter (SW  $\frac{1}{4}$ ) of said Section 27; thence run  $N00^{\circ}49'48''W$  along said West line for 659.85 feet to the West Quarter Corner of said Section 27; thence run  $N00^{\circ}47'16''W$  along the West line of the Northwest Quarter (NW  $\frac{1}{4}$ ) of said Section 27 for 1,328.51 feet to an intersection with the Southerly right of way line of State Road 80, (150 feet wide); thence run  $N77^{\circ}10'14''E$  along said Southerly right of way line for 2,020.27 feet to an intersection with the West line of the Southeast Quarter (SE  $\frac{1}{4}$ ) of the Northeast Quarter (NE  $\frac{1}{4}$ ) of the Northwest Quarter (NW  $\frac{1}{4}$ ) of said Section 27; thence run  $S00^{\circ}50'17''E$  along said West line for 421.56 feet to the Southwest Corner of said Fraction; thence run  $N88^{\circ}54'52''E$  along the South line of said Fraction for 658.74 feet to an intersection with the West line of the East Half (E  $\frac{1}{2}$ ) of said Section 27; thence run  $S00^{\circ}51'17''E$  along said West line for 3,420.35 feet to an intersection with the North line of the South 50 feet of said former Seaboard All Florida Railroad right of way (100 feet wide); thence run  $N89^{\circ}00'08''E$  along said North line for 7,949.61 feet to an intersection with the West line of the Southwest Quarter (SW  $\frac{1}{4}$ ) of said Section 25; thence run  $N00^{\circ}33'55''W$  along said West line for 50.00 feet to an intersection with the Northerly right of way line of the former Seaboard All Florida Railroad (100 feet wide); thence run  $N89^{\circ}00'08''E$  along said right of way line for 5,295.61 feet to an intersection with the East line of the Southeast Quarter (SE  $\frac{1}{4}$ ) of said Section 25; thence run  $S01^{\circ}39'28''E$  along said East line for 629.62 feet to the Northeast Corner of said Section 36 being designated as POINT "B";

## DESCRIPTION (Cont.)

thence run  $000^{\circ}16'51''$ E along the East line of the Northeast Quarter (NE  $\frac{1}{4}$ ) of said Section 36 for 2,647.36 feet to the East Quarter Corner of said Section 36; thence run  $000^{\circ}45'42''$ E along the East line of the Southeast Quarter (SE  $\frac{1}{4}$ ) of said Section 36 for 2,644.68 feet to the Southeast Corner of said Section 36; thence run  $S89^{\circ}12'27''$ W along the South line of the Southeast Quarter (SE  $\frac{1}{4}$ ) of said Section 36 for 2,644.62 feet to the South Quarter Corner of said Section 36; thence run  $S89^{\circ}11'43''$ W along the South line of the Southwest Quarter (SW  $\frac{1}{4}$ ) of said Section 36 for 2,643.63 feet to the Southeast Corner of said Section 35; thence run  $S88^{\circ}54'06''$ W along the South line of the Southeast Quarter (SE  $\frac{1}{4}$ ) of said Section 35 for 2,643.62 feet to the South Quarter Corner of said Section 35; thence run  $S88^{\circ}53'41''$ W along the South line of the Southwest Quarter (SW  $\frac{1}{4}$ ) of said Section 35 for 2,642.70 feet to the POINT OF BEGINNING.

LESS and EXCEPT the following described parcel:

From the point designated as POINT "B" run  $S88^{\circ}44'46''$ W along the South line of the Southeast Quarter (SE  $\frac{1}{4}$ ) of said Section 25 for 2,674.22 feet to the South Quarter Corner of said Section 25; thence run  $S89^{\circ}12'44''$ W along the South line of the Southwest Quarter (SW  $\frac{1}{4}$ ) of said Section 25 for 2,633.46 feet to the Southeast Corner of said Section 26 and POINT OF BEGINNING.

From said Point of Beginning run  $S89^{\circ}14'15''$ W along the South line of the Southeast Quarter (SE  $\frac{1}{4}$ ) of said Section 26 for 1,327.50 feet to the Southwest Corner of the Southeast Quarter (SE  $\frac{1}{4}$ ) of the Southeast Quarter (SE  $\frac{1}{4}$ ) of said Section 26; thence run  $N00^{\circ}23'46''$ W along the West line of said Fraction for 526.48 feet to an intersection with the Southerly right of way line of the former Seaboard All Florida Railroad (100 feet wide); thence run  $N89^{\circ}00'08''$ E along said Southerly right of way line for 1,325.98 feet to an intersection with the East line of the Southeast Quarter (SE  $\frac{1}{4}$ ) of said Section 26; thence run  $S00^{\circ}33'55''$ E along said East line for 531.91 feet to the POINT OF BEGINNING.

Containing a total area of 1,988.42 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the west line of the Northwest Quarter (NW  $\frac{1}{4}$ ) of said Section 34 to bear  $N00^{\circ}49'55''$ W.

Digitally signed

by Scott A.

Wheeler, PSM

Date: 2023.12.19

'10:08:38 -05'00



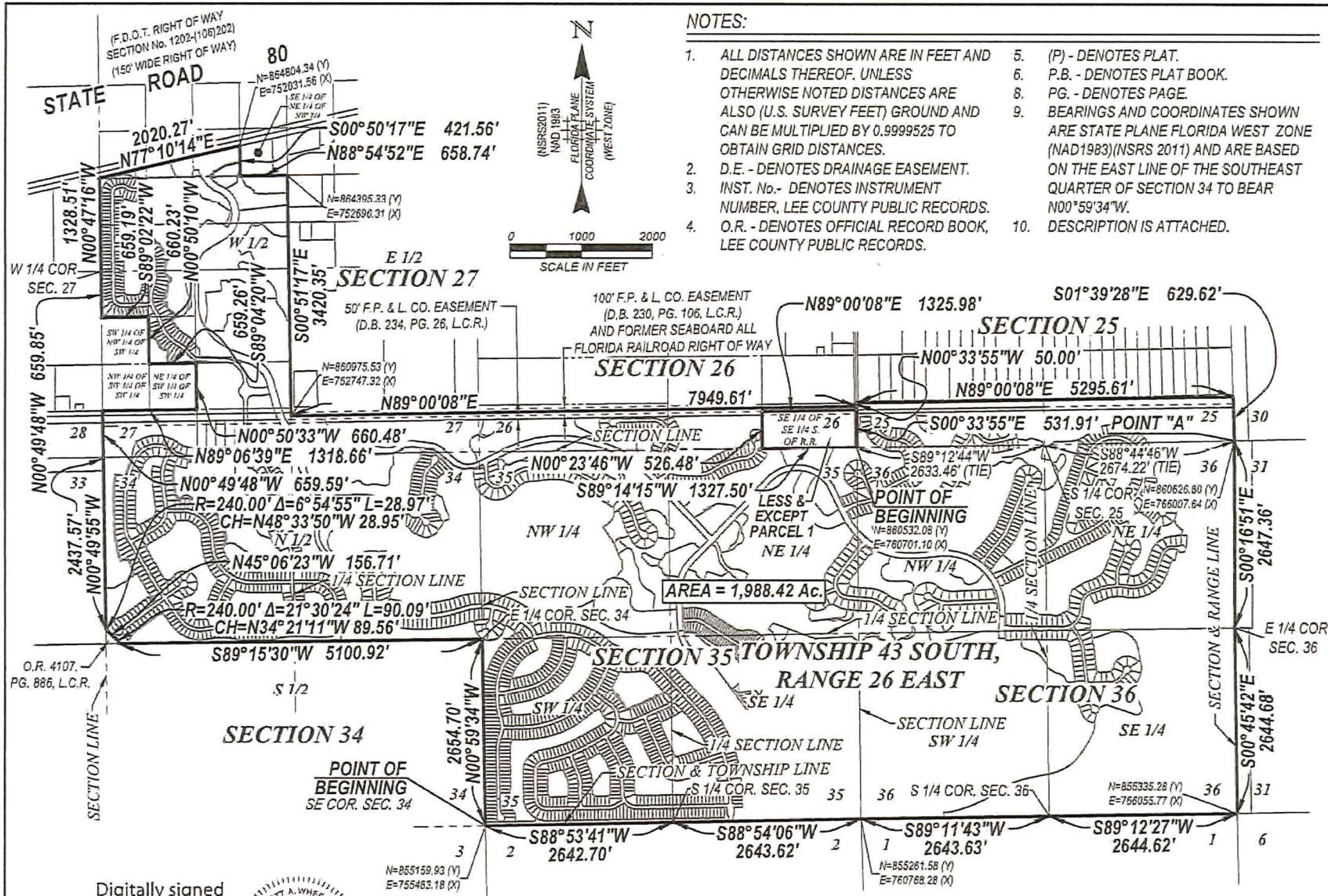
Scott A. Wheeler (For The Firm)

Professional Surveyor and Mapper

Florida Certificate No. 5949

L:\21988 - RIVER HALL (aka Hawks Haven)\DESC\2198807desc\_plus to ac.doc

REVIEWED  
DCI2022-00026  
Rick Burris, Principal  
Planner  
Lee County DCD/Planning  
12/19/2023



**Barraco**  
and Associates, Inc.  
CIVIL ENGINEERING - LAND SURVEYING  
LAND PLANNING  
www.barraco.net  
2271 MCKENNA BLVD., SUITE 100  
FORT MYERS, FLORIDA 33905-2800  
PHONE (239) 451-3170  
FAX (239) 451-3163

FLORIDA CERTIFICATE OF AUTHORIZATION  
ENGINEERING 796 - SURVEYING 1B-6940

PREPARED FOR  
**GREENPOINTE COMMUNITIES, LLC**  
7807 BAYMEADOWS ROAD E  
SUITE 205  
JACKSONVILLE, FL 32256

PHONE (904) 552-1356  
FAX (904) 559-2491

PROJECT DISCUSSION

A PARCEL  
OF LAND IN  
SECTIONS 25, 26, 27,  
34, 35 & 36,  
TOWNSHIP 43 SOUTH,  
RANGE 26 EAST,  
LEE COUNTY,  
FLORIDA

PROJECT SURVEY



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

FILE NAME: 23181012.DWG  
LAND: 2  
LOCATION: J. COMMUNITY SURVEYING/DCI/DCI/DCI  
PLOT DATE: THU, 12-19-2023 - 10:01 AM  
PLOT BY: PETER OLSEN  
DRAWING DATA  
SURVEY DATE: 12-19-2022  
DRAWN BY: P. OLSEN  
CHECKED BY: SAW  
SCALE: 1"=400'  
FIELD BOOK:

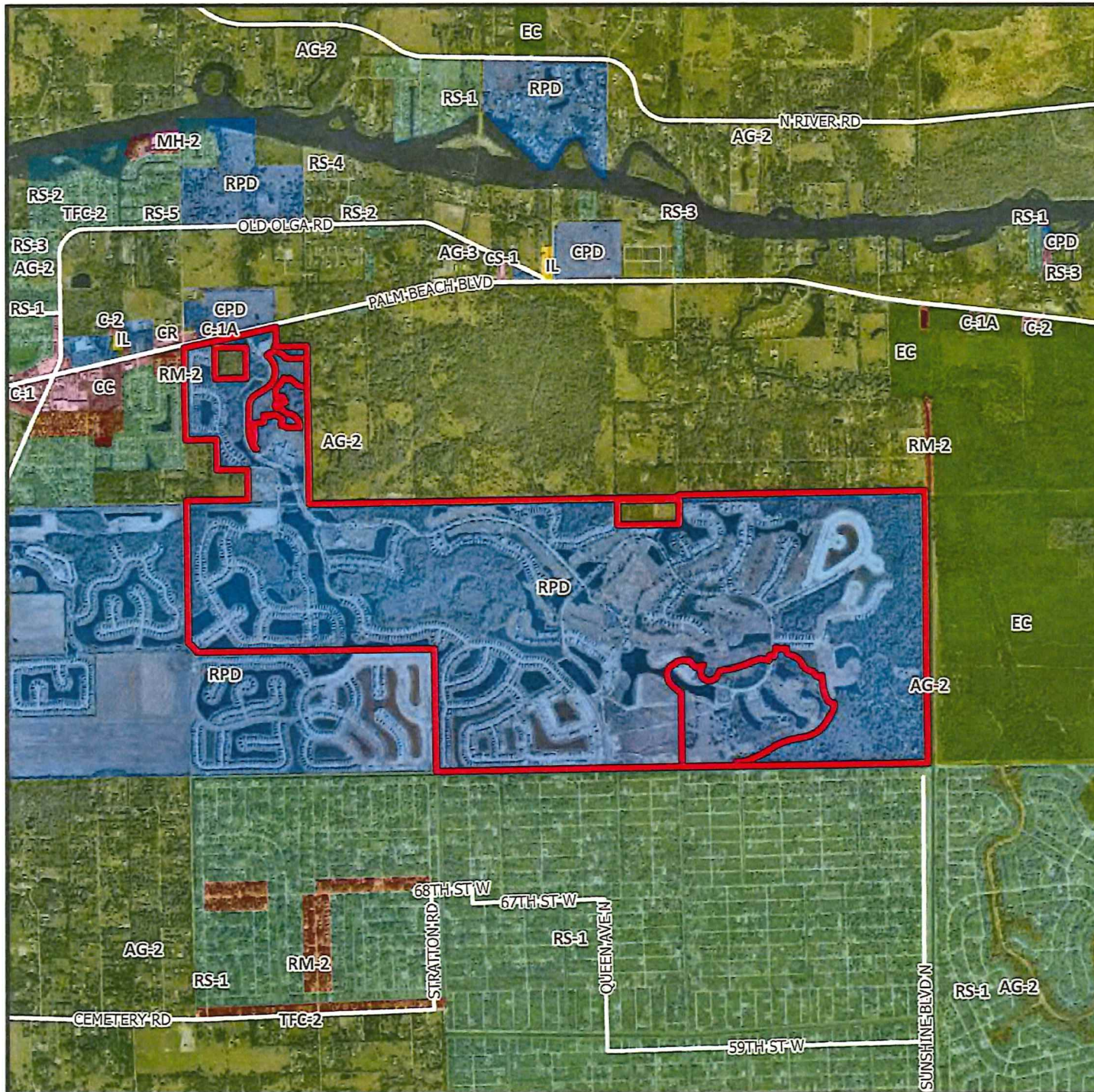
PLAN REVISIONS

EXTRA PLANS

SKETCH TO  
ACCOMPANY  
DESCRIPTION

PROJECT / FILE NO. 23181012 SHEET NUMBER 3 OF 3

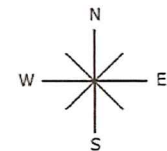
**THIS IS NOT A SURVEY**



DCI2022-00026

Zoning

 Subject Property



0 0.5 1  
Miles



## Exhibit B

### RECOMMENDED CONDITIONS AND DEVIATIONS

#### CONDITIONS

References to uses are as defined/listed in the Lee County Land Development Code (LDC).

#### 1. Master Concept Plan (MCP)/Development Parameters

- a. MCP. Development must be consistent with the four-page MCP entitled "River Hall," stamped received January 26, 2024 (Exhibit B1), except as modified by the conditions below.
- b. Lee Plan and LDC. Development must comply with the Lee Plan and LDC at the time of local development order. Subsequent changes to the MCP or this zoning resolution may require additional zoning approval.
- c. Development Parameters. The project is limited to 15,000 square feet of commercial floor area and 3,244 residential units (See Condition 5).

The 549 dwelling units added by this resolution must be in River Hall II-2022 depicted on the MCP. Developer is prohibited from filing re-plat applications to increase density of existing residential lots after January 11, 2024, except in River Hall II-2022 areas. This prohibition does not apply to re-platting of tracts.

#### 2. Uses and Development Regulations

##### a. Schedule of Uses

##### Residential, Golf, & Amenity Sites

Accessory Uses and Structures

Administrative Office

Club - Country and Private

Consumption on Premises - limited to clubhouse/amenity areas. No outdoor seating unless approved as a special exception.

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. Removal of excavated material off site is prohibited.

Fences and Walls

Golf Course - 36 holes, golf maintenance facility, cart barn, and related accessory uses to a golf course. (See Condition 6)

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 Condition 7

Model Display Center, limited to one located in the sales center area and must only serve this project

Parking Lot, Accessory

Parks, Group I

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

Recreational Facilities - Private, On-site only

Residential Accessory Uses

Signs (See Deviation 5)

Storage, Open, limited to recreational vehicles, boats and similar items for residents only, limited to locations shown on the MCP (See Condition 19)

Temporary Uses

**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. No outdoor seating unless approved as a special exception.

Day Care Center, Adult & Child

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

EMS, Fire, or Sheriff's Station

Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention - No blasting; Excess spoil removal off-site is prohibited.

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 B2.**

If the Golf Driving Range is open after daylight, lighting must:

- (i) comply with LDC §34-936(9),
- (ii) be of the lowest intensity meeting life safety codes, and
- (iii) be shielded/directed away from adjacent residential areas.

**3. Environmental Requirements**

- a. Protected Species (see the "Protected Species Management Plan for Schulman Parcel" stamped received May 19, 1999 (Exhibit B3)).
- (i) American Alligator Management Plan. American Alligator Management Plan signage must be delineated on development order plans. Warning signs must be placed where there is potential for human/alligator interaction. Signs must discourage feeding/harassment of alligators.
  - (ii) Gopher Tortoise Management Plan. Revisions are subject to Division of Environmental Sciences approval.
  - (iii) Florida Burrowing Owl Management Plan. The plan must either commit to preserving existing burrows in place with a buffer consistent 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 plan must detail 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.

- (iv) Scrub Jay Management Plan. Developer must submit a detailed plan at the time of local development order submittal. The plan must follow the general guidelines of Exhibit B3. The finalized Scrub Jay Management Plan must be approved by the Florida Fish and Wildlife Conservation Commission (FWC) prior to local development order approval.
  - (v) Sandhill Crane Management Plan. Developer must submit a detailed plan at the time of local development order submittal.
  - (vi) Updated Plans. Development must meet requirements of the River Hall Lee County Protected Species Management Plan, dated May 2006. Prior to local development order approval for future development, a Protected Species Management Plan must be submitted revising the Gopher Tortoise and Burrowing Owl Management Plans to address current conditions and update management techniques and required permits; include resident educational materials for the gopher tortoise, listed wading birds, and Florida scrub jay, and incorporate a large mammal management plan to limit potential negative human/wildlife interactions.
- b.** Open space must be provided in accordance with the MCP. Individual tracts must provide a minimum of ten percent open space within the tract which may be met with private open space.
- c.** Developer must provide a minimum of 475 acres of indigenous preservation in substantial compliance with the MCP. Preserves must be delineated on local development order plans when within or adjacent to the phase/tract to be developed.
- d.** Plans for residential units on individual lots that abut a preserve must delineate a preserve boundary sign at every other lot line and provide a detail of the sign for Division of Environmental Sciences approval.
- e.** Every effort must be made in the final design of the golf course and residential tracts to preserve large native trees. Developer must schedule an on-site preconstruction meeting with the Division of Environmental Sciences prior to issuance of a vegetation removal permit for any phase of development to confirm preservation and barricading requirements. The meeting must occur prior to initiation of site clearing.
- f.** 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 or park staff), the HOA of the development pods located adjacent to the easternmost preserve must notify development pod residents of the

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

**4. Hurricane Preparedness and Mitigation**

- a. Developer must establish a homeowners/residents association that will provide an annual educational program in conjunction with Emergency Management staff. The association must provide literature, brochures, and speakers for Hurricane Awareness/Preparedness Seminars to describe the risks of natural hazards. The intent is to educate residents concerning actions they should take to mitigate dangers inherent in these hazards.
- b. Developer must formulate an emergency hurricane notification and evacuation plan, subject to approval by the Lee County Office of Emergency Management.
- c. If vehicular access is through a security gate or similar device that is not manned 24 hours daily, it must be equipped with an override strip installed in a glass covered box to be used by emergency vehicles, consistent with LDC §34-1749.
- d. 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 result 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. Lee Plan Consistency**

- a. River Hall may not exceed 3,244 total dwelling units. In accordance with the Lee Plan, maximum densities per the Future Land Use Categories are provided below:

| <b>Allowable Density</b> |                |                                |
|--------------------------|----------------|--------------------------------|
| <b>FLU</b>               | <b>Acreage</b> | <b>Gross Allowable Density</b> |
| 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                           |
| <b>TOTAL:</b>            |                | <b>3385.00</b>                 |

\*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. If permitted by Lee Plan Policy 5.1.10, units may be shifted from River Hall 1 to River Hall II-2022. 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.
- c. The available Rural allocation must be determined by the Planning Division prior to development order approval for residential use in the Rural portions. No development order will be issued/approved if the acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by the Lee Plan Acreage Allocation Table 1(b)(per Lee Plan Policy 1.6.5). The Lee Plan must be amended to change the Rural residential acreage allocation for the Fort Myers Shores planning community in Table 1(b) before developing more Rural acreage with residential use. Developer must submit adequate data and analysis to support the amendment to request the Lee Plan amendment. Development exceeding current Table 1(b) allocations is prohibited until Table 1 (b) is amended.

## **6. Golf Course**

- a. Developer must use fertilizers with a low leaching potential (slow release). Fertilizers must not be applied after active growth of the turfgrass has ceased, and must be kept to the lowest reasonable levels.
- 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 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 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. The chemicals management plan must be approved by Lee County Planning Division prior to development order approval.

- c. The golf course manager must coordinate pesticide application with irrigation practices (the timing and application rates of irrigation water) to reduce runoff and leaching of applied pesticides and nutrients.
- d. The golf course manager must be licensed by the state to use restricted pesticides and have experience in the principles of IPM. The golf course manager is responsible for ensuring that golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and leaching into the groundwater.
- e. The storage, mixing, and loading of fertilizer/pesticides must be designed to prevent/minimize 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 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. Fairways, greens, and tees must be elevated above the 25-year flood level. Greens must utilize underdrains. Effluent from underdrains must be pre-treated prior to discharge into 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 (aquatic) systems.
- k. Developer must prepare an annual monitoring report of ground water and surface water quality for the golf course operation. The monitoring program must include: testing to assess whether there are 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. Developer must submit test results with the monitoring report to the Lee County 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 legal responsibility of managing the golf course. The plan will be evaluated in accordance with Chapter 17-302, F.A.C., water quality standards.
- l. If groundwater or surface water pollution occurs, as defined by rules/regulations in effect at the time, and if the pollution is caused by the application of fertilizers, herbicides or pesticides to the golf course, application must cease until Developer submits a revised management plan. If mitigation is necessary to address the pollution, Developer must implement a mitigation plan approved by Lee County.

**7. Model Units**

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.
- b. Model sites must be designated on development order plans.
- c. Lots where model homes will be constructed must be shown on a preliminary plat filed concurrently with the development order. Model homes must comply with setbacks set forth within the Property Development Regulations (Exhibit B2) or the LDC, whichever applies. The owner/Developer must resolve setback problems arising after construction of a model home.
- d. Hours of operation for model units and real estate sales within the model units are limited to 8 a.m. through 8 p.m. daily.

**8. Construction Traffic**

Construction traffic is prohibited on Hickey Creek Road.

**9. Building Separation**

Buildings exceeding 35 feet in height must maintain additional building separation as regulated by the LDC.

**10. Intersection Improvements**

*Developer satisfied this condition requiring signalization of the River Hall Parkway/State Road 80 intersection. It remains solely for recitation.*

Upon completion of the traffic signal at SR 80 and River Hall Parkway, Developer must provide the Director of Community Development a copy of the FDOT Final Acceptance Letter. This condition does not exempt Developer from complying with the permit as approved by FDOT.

**11. Future Approvals**

Approval of this rezoning does not give Developer an undeniable right to receive local development order approval. Future development order approvals must satisfy requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 1-B and Table 1(b).

**12. Access**

Developer must design the project in a manner that provides internal "outparcels" (separate tracts encapsulated by the project property) the ability to obtain reasonable and practicable access through the property, unless Developer provides a circuit court order indicating that internal outparcels are not legally entitled to access through the property. However, this rezoning does not obviate Developer's responsibility to provide access to the internal "outparcels" in accordance with Florida law.

**13. Outparcel Buffer**

If 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 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/completely deciduous trees may be used to meet this requirement.

- b. 33 shrubs per 100 linear feet.
  - (i) At installation, shrubs must be 18 to 24 inches in height, 3-gallon pots, and spaced 30 to 36 inches on center; and
  - (ii) Shrubs used to meet enhanced buffer requirements must reach a mature height in excess of six feet under normal growing conditions. If these "outparcels" come under Developer control prior to construction within the 100-foot-wide area, compliance with this condition is not required.
14. **Hickey Creek Road Access**  
Vehicle access from the northern boundary of the property over/across Hickey Creek Road is prohibited.
15. **Accessory Uses**  
Accessory uses must be located on the same tract/parcel/outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract/parcel/outparcel.
16. **Native Vegetation**  
Required buffers must utilize 100 percent native vegetation.
17. **School**  
The school site is limited to a public school operated by the School District of Lee County.
18. **Outdoor Storage**  
Outdoor storage areas must comply with §34-3001, *et seq*, and must be setback 200 feet with an enhanced buffer.
19. **Signage**  
Signage referencing the town center is prohibited within 50 feet of the right-of-way of Palm Beach Boulevard/S.R. 80.
20. **Buffers**
  - a. A Type "C" or "F" buffer must be provided in the River Hall 2 CPD "Town Center" portion bordering agriculturally-zoned property to the east. This buffer does not include existing conservation areas shown on the MCP.
  - b. A Type "D" buffer must be on the MCP on the "spine" road for the commercial Town Center portion of the property. *This condition has been satisfied.*

**21. Southern Access (Connection at Queen Avenue and East Hampton Circle)**

- a. Within 24 months of the effective date of this Zoning Resolution, Developer must design, permit, and construct the secondary access to 75th Street West shown on the MCP. The design of the second driveway to the River Hall community must be shown as part of the first development order approval for unplatted lands in the southern portion of the project. 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 Developer demonstrates good faith progress on the design, permitting, and construction of the access. This requirement is contingent upon approval from the Lehigh Acres Municipal Services Improvement District (LAMSID) to cross the 50-foot-wide canal along the south of River Hall. The County will work with Developer to obtain approval to cross the 50-foot-wide canal.
- b. Access through the southern security gates must be provided to Lee County School District buses and emergency vehicles.
- c. This access (see DOS2019-00071-A01) must be completed prior to development order approval for additional dwelling units beyond the 2,695 dwelling units approved by Resolution Z-15-003.

**22. Wall between River Hall and Portico (ADD2007-00063)**

The construction of a wall along a portion of the property boundaries adjacent to the Portico RPD is subject to approval of ADD2007-00084 (Portico). *This condition was satisfied on May 14, 2007.*

**23. Groundwater Monitoring**

Within ninety (90) days of the effective date of this Resolution, Developer must submit a request to the South Florida Water Management District (SFWMD) for a letter modification to the consumptive use permit to reinstate the groundwater monitoring requirements that were not included in the 2013 permit renewal. These requirements include conditions 31, 32, and 33 of Permit No. 36-04006-W issued in 2006. If the SFWMD approves the requested modification, all monitoring reports filed with SFWMD pursuant to the permit will also be simultaneously filed with the County's Division of Natural Resources. *The requirements of this condition have been met.*

**24. Stormwater**

Developer 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. *The requirements of this condition have been met.*

**25. EMS Station**

At the written request of the County if requested by EMS, Developer must provide at its expense a temporary modular unit on the River Hall sales facility parcel for use as a station for Lee County Emergency Medical Services (EMS). The modular unit must at least provide office space, rest/sleeping area, shower/restroom facilities, and 4 dedicated parking spaces for EMS employees. Upon installation, the modular unit and parking spaces will be leased to the County for \$10.00 per year. The County will be responsible for 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, 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. Developer 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 necessary permitting. 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.

**26. Southerly Access**

Developer must provide quarterly monitoring reports to the Director of Community Development on the status and progress of the southerly access point (Condition 21). A courtesy copy should be provided to the River Hall CDD and Master Homeowner's Association. The first quarterly monitoring report is due three months after the effective date of this Resolution and must be submitted every three months thereafter until the southerly access receives a certificate of completion from the County. Each monitoring report will identify the 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 Condition 21.

**27. Development Summary Table**

Developer must submit a cumulative land development summary table indicating the Future Land Use classification and the number of residential units, square footage and acreage of commercial retail/office with each development order.

**28. Development Permits**

County development permits do not create rights to obtain permits from state/federal agencies. Further, County development permits do not create liability on the part of the County if Applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or undertakes actions in violation of state/federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

**DEVIATIONS**

**Deviations were approved by prior zoning actions and have been carried forward without modification.**

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.
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.
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.
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 is 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 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.

Exhibits to Conditions:

B1 Master Concept Plan received January 26, 2024

B2 Site Development Regulations

B3 Protected Species Management Plan for Schulman Parcel received May 19, 1999

B4 Signage Exhibit

MASTER CONCEPT PLAN  
FOR

RIVER HALL RPD / CPD

(FORMERLY KNOWN AS HAWKS HAVEN RPD)

PROJECT DATA

|                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |               |              |          |                       |          |                          |          |                             |          |                          |     |   |     |   |     |   |     |   |        |                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------|----------|-----------------------|----------|--------------------------|----------|-----------------------------|----------|--------------------------|-----|---|-----|---|-----|---|-----|---|--------|----------------------|
| <b>SITE ADDRESS</b><br>HAWK'S HAVEN DEVELOPERS, LLC<br>2401 RIVER HALL PARKWAY<br>ALVA, FLORIDA 33920<br>(239) 274-0321<br>(239) 274-0517                                                                                                                                                                                     | <b>PROJECT DATUM</b><br>FLORIDA STATE PLANE WEST ZONE (NAD1983/90)<br>NATIONAL GEODETIC VERTICAL DATUM (NGVD) 1929                                                                                                                                                                                                                                                                                                                                                                               |               |              |          |                       |          |                          |          |                             |          |                          |     |   |     |   |     |   |     |   |        |                      |
| <b>ZONING</b><br>HAWK'S HAVEN RPD                                                                                                                                                                                                                                                                                             | <b>RECORD PLAT</b><br>APPROVED                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |               |              |          |                       |          |                          |          |                             |          |                          |     |   |     |   |     |   |     |   |        |                      |
| <b>FLOOD ZONE</b><br>ACCORDING TO F.I.R.M. COMMUNITY PANEL 125124<br>0250B, EFFECTIVE SEPTEMBER 19, 1984, THE<br>SUBJECT PARCEL IS LOCATED IN FLOOD ZONE A7<br>(EL. 8) AND ZONE B.                                                                                                                                            | <b>STRAP NUMBERS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |               |              |          |                       |          |                          |          |                             |          |                          |     |   |     |   |     |   |     |   |        |                      |
| <b>PERMIT REQUIREMENTS</b>                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |               |              |          |                       |          |                          |          |                             |          |                          |     |   |     |   |     |   |     |   |        |                      |
| <b>AGENCY</b><br>S. FLORIDA WATER MANAGEMENT DISTRICT<br>LEE COUNTY DEVELOPMENT ORDER<br>LEE COUNTY DEPARTMENT OF HEALTH<br>FLORIDA DEPT. OF ENVIRONMENTAL PROTECTION<br>F.D.O.T. CONNECTION PERMIT<br>F.D.O.T. DRAINAGE CONNECTION PERMIT<br>F.D.O.T. UTILITY PERMIT<br>ARMY CORPS OF ENGINEERS<br>F.D.E.P. NOTICE OF INTENT | <table><tr><td><b>STATUS</b></td><td><b>NOTES</b></td></tr><tr><td>APPROVED</td><td>PERMIT NO. 36-04006-P</td></tr><tr><td>APPROVED</td><td>PERMIT NO. DOS2004 00138</td></tr><tr><td>APPROVED</td><td>PERMIT NO. 0125120-117 DSGP</td></tr><tr><td>APPROVED</td><td>PERMIT NO. 47040 084-DWC</td></tr><tr><td>N/A</td><td>.</td></tr><tr><td>N/A</td><td>.</td></tr><tr><td>N/A</td><td>.</td></tr><tr><td>N/A</td><td>.</td></tr><tr><td>ISSUED</td><td>PERMIT NO. FLR10Y480</td></tr></table> | <b>STATUS</b> | <b>NOTES</b> | APPROVED | PERMIT NO. 36-04006-P | APPROVED | PERMIT NO. DOS2004 00138 | APPROVED | PERMIT NO. 0125120-117 DSGP | APPROVED | PERMIT NO. 47040 084-DWC | N/A | . | N/A | . | N/A | . | N/A | . | ISSUED | PERMIT NO. FLR10Y480 |
| <b>STATUS</b>                                                                                                                                                                                                                                                                                                                 | <b>NOTES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |               |              |          |                       |          |                          |          |                             |          |                          |     |   |     |   |     |   |     |   |        |                      |
| APPROVED                                                                                                                                                                                                                                                                                                                      | PERMIT NO. 36-04006-P                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |               |              |          |                       |          |                          |          |                             |          |                          |     |   |     |   |     |   |     |   |        |                      |
| APPROVED                                                                                                                                                                                                                                                                                                                      | PERMIT NO. DOS2004 00138                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |               |              |          |                       |          |                          |          |                             |          |                          |     |   |     |   |     |   |     |   |        |                      |
| APPROVED                                                                                                                                                                                                                                                                                                                      | PERMIT NO. 0125120-117 DSGP                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |               |              |          |                       |          |                          |          |                             |          |                          |     |   |     |   |     |   |     |   |        |                      |
| APPROVED                                                                                                                                                                                                                                                                                                                      | PERMIT NO. 47040 084-DWC                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |               |              |          |                       |          |                          |          |                             |          |                          |     |   |     |   |     |   |     |   |        |                      |
| N/A                                                                                                                                                                                                                                                                                                                           | .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |               |              |          |                       |          |                          |          |                             |          |                          |     |   |     |   |     |   |     |   |        |                      |
| N/A                                                                                                                                                                                                                                                                                                                           | .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |               |              |          |                       |          |                          |          |                             |          |                          |     |   |     |   |     |   |     |   |        |                      |
| N/A                                                                                                                                                                                                                                                                                                                           | .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |               |              |          |                       |          |                          |          |                             |          |                          |     |   |     |   |     |   |     |   |        |                      |
| N/A                                                                                                                                                                                                                                                                                                                           | .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |               |              |          |                       |          |                          |          |                             |          |                          |     |   |     |   |     |   |     |   |        |                      |
| ISSUED                                                                                                                                                                                                                                                                                                                        | PERMIT NO. FLR10Y480                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |               |              |          |                       |          |                          |          |                             |          |                          |     |   |     |   |     |   |     |   |        |                      |

NOTE: CONTRACTOR MUST OBTAIN AND KEEP ON FILE A COPY OF ALL PERMITS  
REQUIRED PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY

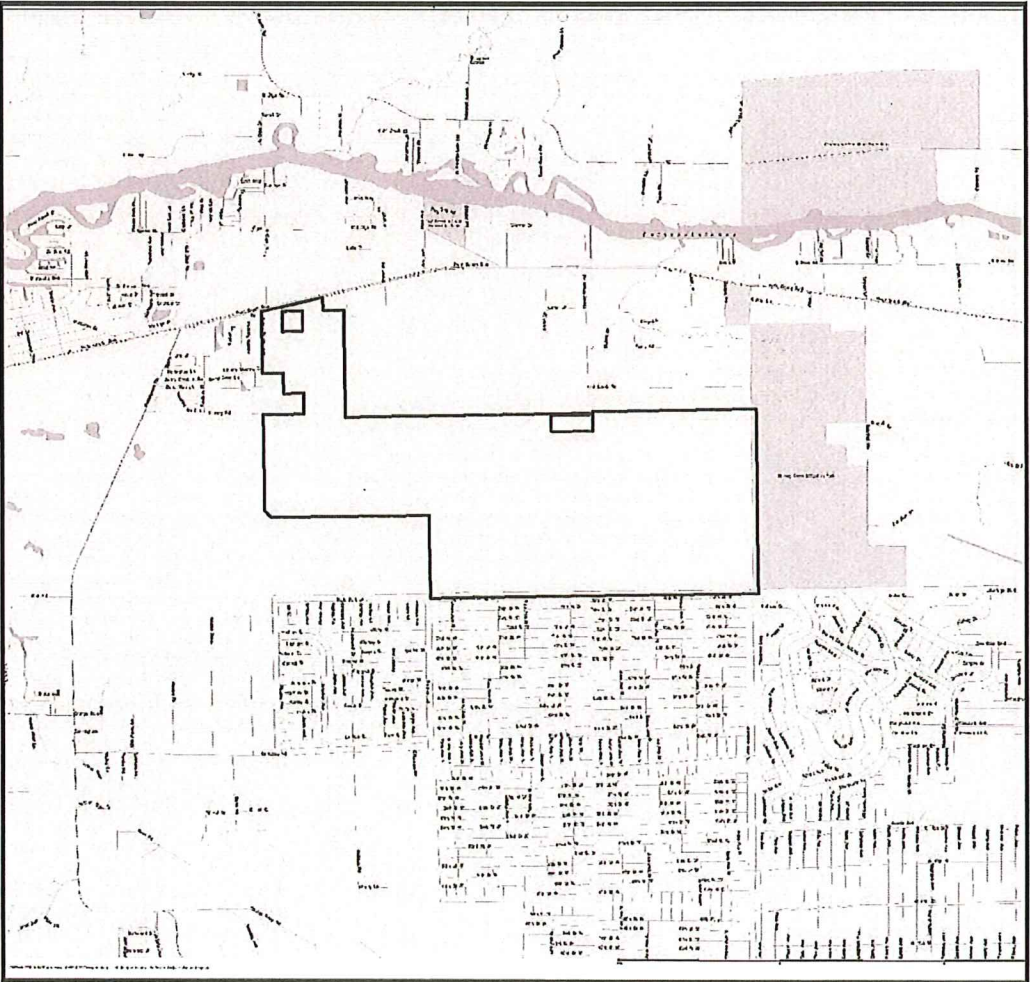
DESIGN TEAM

|                                                  |                                                  |
|--------------------------------------------------|--------------------------------------------------|
| <b>PROJECT ENGINEER</b><br>CARL A. BARRACO, P.E. | <b>PROJECT MANAGEMENT</b><br>CHRIS VAN BUSKIRK   |
| <b>DESIGN ENGINEER</b><br>TIM GAVIN, P.E.        | <b>PROJECT SURVEYOR</b><br>SCOTT WHEELER, P.S.M. |
| <b>LEAD DESIGN TECHNICIAN</b><br>WES KAYNE, P.E. | <b>SITE PLANNING</b><br>JENNIFER SAPEN           |
| <b>DESIGN STAFF</b><br>TOM R. HOLMLUND           | <b>LANDSCAPE DESIGN</b>                          |
| <b>QUALITY CONTROL</b><br>TOM R. HOLMLUND        | <b>RECORD DRAWINGS</b>                           |

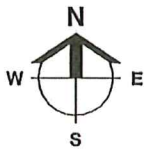
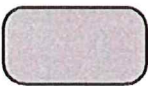
THESE PLANS MAY HAVE BEEN MODIFIED IN SIZE BY REPRODUCTION.  
THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.

ALL DIMENSIONS ARE IN FEET.

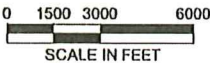
PART OF SECTION 27, TOWNSHIP 43 SOUTH, RANGE 26 EAST  
LEE COUNTY, FLORIDA



PROJECT  
LOCATION



LOCATION MAP



INDEX OF DRAWINGS

ENGINEER OF RECORDS SIGNATURE AND SEAL APPLY TO THE FOLLOWING PLAN SHEETS, EXCLUDING ANY SUPPLEMENTS:

| SHEET | DESCRIPTION                  | XREF | DRAWING NAME  |
|-------|------------------------------|------|---------------|
| 1     | COVER SHEET AND LOCATION MAP | A    | 21998Z01.DWG  |
| 2     | MASTER CONCEPT PLAN          | B    | 23898Z02.DWG  |
| 3     | TYPICAL SECTIONS             | .    | 21998Z02B.DWG |
| 4     | DETAILS                      | .    | 21998Z03.DWG  |

CROSS-REFERENCED DRAWINGS:

| XREF NO. | DESCRIPTION                     | DRAWING NAME |
|----------|---------------------------------|--------------|
| A        | LOCATION MAP - LEE COUNTY 43-26 | LEEMAP.DWG   |
| B        | BASE LINEWORK PLAN              | 23898A00.DWG |

2024 JAN 26 AM 7:48  
LEE COUNTY  
HEARING EXAMINER

**Barraco**  
and Associates, Inc.  
CIVIL ENGINEERING - LAND SURVEYING  
LAND PLANNING  
www.barraco.net  
2271 MCGREGOR BLVD., SUITE 100  
POST OFFICE DRAWER 2800  
FORT MYERS, FLORIDA 33902-2800  
PHONE (239) 461-3170  
FAX (239) 461-3169  
FLORIDA CERTIFICATES OF AUTHORIZATION  
ENGINEERING 7895 - SURVEYING LD-6940

PREPARED FOR  
**GREENPOINTE COMMUNITIES, LLC**  
7807 BAYMEADOWS ROAD E  
SUITE 205  
JACKSONVILLE, FL 32256  
PHONE (904) 562-1358  
FAX (904) 996-2481

PROJECT DESCRIPTION  
**RIVER HALL**  
FORMERLY KNOWN AS  
**HAWKS HAVEN**  
PART OF SECTIONS 27, 34, 35 AND 36  
TOWNSHIP 43 SOUTH  
RANGE 26 EAST  
LEE COUNTY, FLORIDA

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REPRODUCTION, CHANGES OR ALTERATIONS ARE PROHIBITED  
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LOCATION J:\23898\DWG\ZONING  
PLOT DATE WED, 1-24-2024 - 4:06 PM  
PLOT BY ALYSSA FONTANE

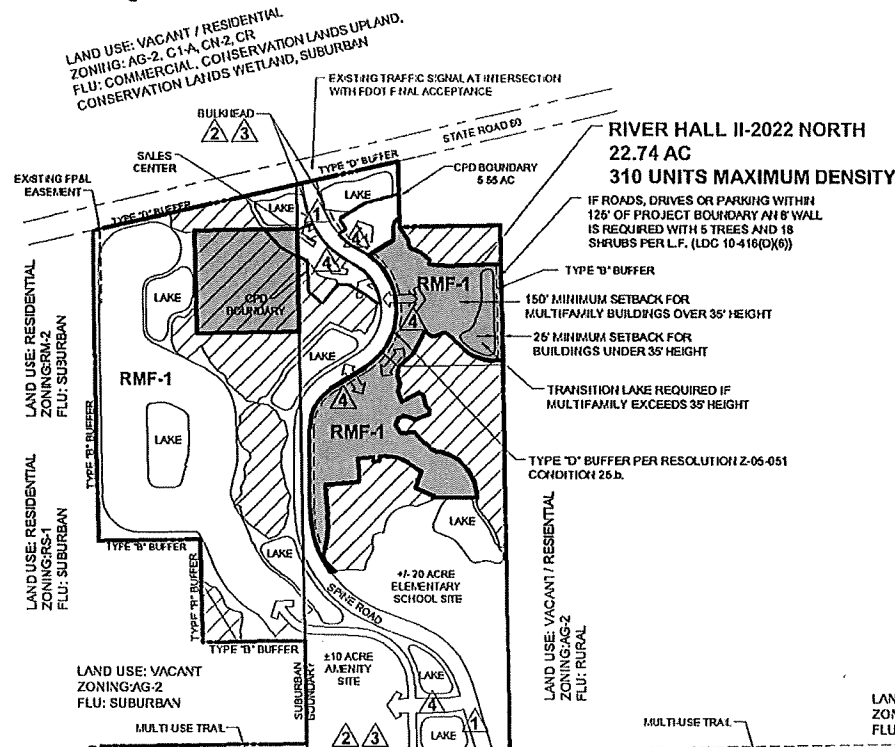
CROSS REFERENCED DRAWINGS  
MASTER = DAI-COVER-1.DWG

| PLAN REVISIONS |                                  |
|----------------|----------------------------------|
| 4-17-07        | AMEND MCP                        |
| 1-23-15        | REVISED PER IHEX, SPG (Z-15-003) |
| 5-29-18        | AMEND MCP & COND (ADD2018 00055) |
| 2-13-20        | EXPAND CLUB                      |

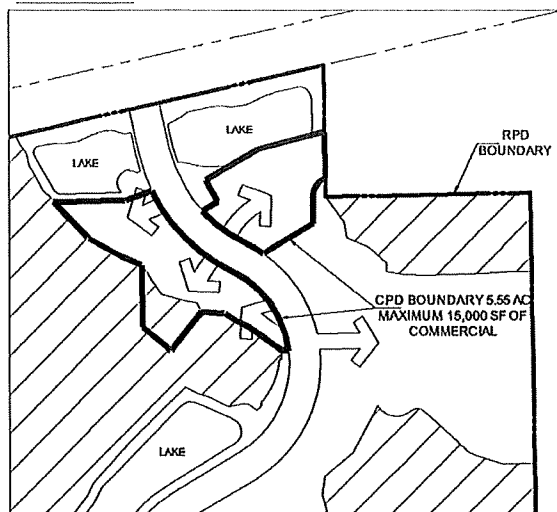
PLAN STATUS  
FOR EXHIBIT USE ONLY

COVER SHEET  
AND  
LOCATION MAP

| PROJECT / F&E NO. | SHEET NUMBER |
|-------------------|--------------|
| 21988             | 1            |



#### CPD DETAIL



#### DENSITY SUMMARY

|                          | MAXIMUM ALLOWED |
|--------------------------|-----------------|
| RIVER HALL II-2022 NORTH | 310 UNITS       |
| RIVER HALL II-2022 SOUTH | 600 UNITS       |
| PROJECT TOTAL            | 3244 UNITS      |

#### OPEN SPACE CALCULATIONS:

|                                  |                |
|----------------------------------|----------------|
| ENTIRE PROJECT TOTAL DEVELOPMENT | 1,988.42 ACRES |
| OPEN SPACE PROVIDED              | 1,084.80 ACRES |
| INDIGENOUS OPEN SPACE PROVIDED   | 475.02 ACRES   |

|                                        |                |
|----------------------------------------|----------------|
| RPD TOTAL RPD DEVELOPMENT              | 1,982.87 ACRES |
| OPEN SPACE REQUIRED (40%)              | 793.15 ACRES   |
| OPEN SPACE PROVIDED                    | 1,083.65 ACRES |
| LAKES (25% OF 793.07)                  | = 198.27 AC    |
| INDIGENOUS OPEN SPACE                  | = 467.97 AC    |
| COMMON OPEN SPACE                      | = 416.21 AC    |
| RIVER HALL II - 2022 COMMON OPEN SPACE | = 1.2 AC       |

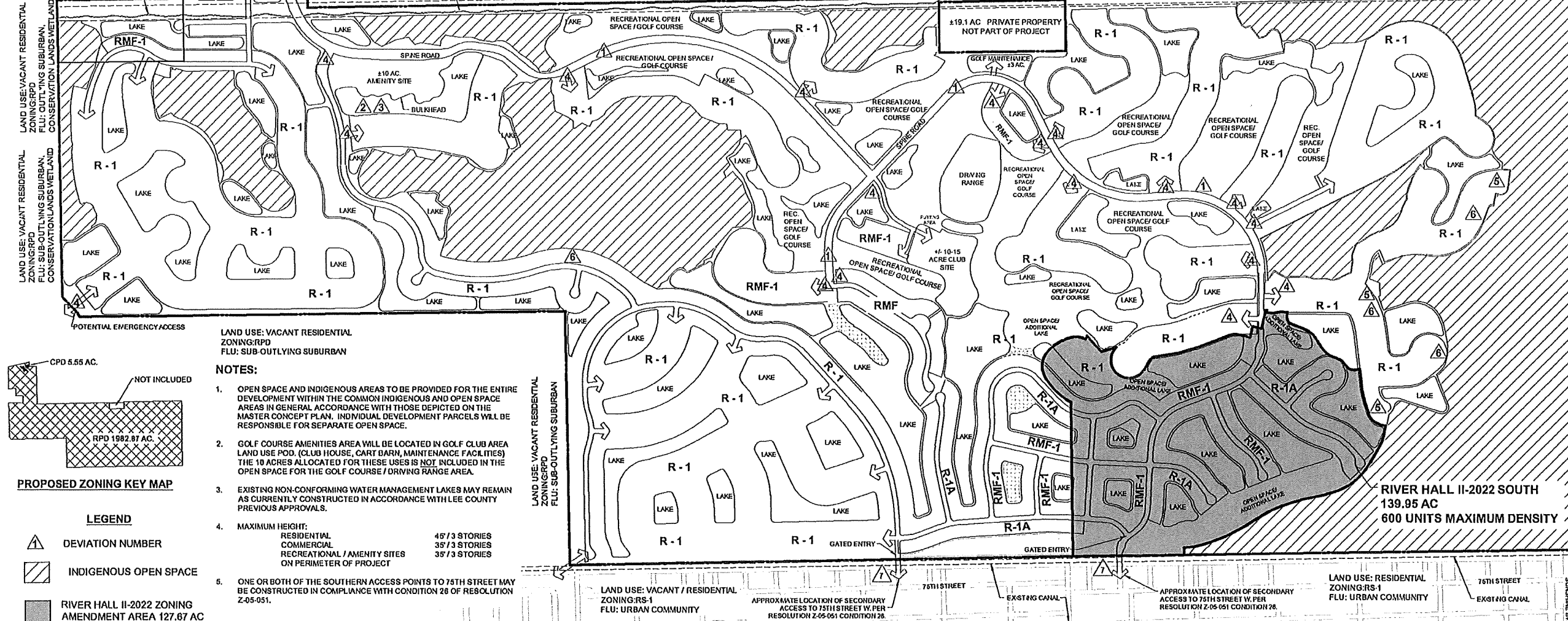
|                                           |              |
|-------------------------------------------|--------------|
| INDIGENOUS SPACE REQUIRED (50% OF 793.07) | 396.58 ACRES |
| INDIGENOUS OPEN SPACE PROVIDED            | 474.44 ACRES |

|                           |            |
|---------------------------|------------|
| CPD TOTAL CPD DEVELOPMENT | 5.55 ACRES |
| OPEN SPACE REQUIRED (20%) | 1.11 ACRES |
| OPEN SPACE PROVIDED       | 1.11 ACRES |

|                                         |            |
|-----------------------------------------|------------|
| INDIGENOUS SPACE REQUIRED (50% OF 1.11) | 0.56 ACRES |
| INDIGENOUS OPEN SPACE PROVIDED          | 0.58 ACRES |

|               |             |
|---------------|-------------|
| OPEN REQUIRED | 794.26 AC   |
| OPEN PROVIDED | 1,084.76 AC |

|                     |           |
|---------------------|-----------|
| INDIGENOUS REQUIRED | 397.14 AC |
| INDIGENOUS PROVIDED | 475.02 AC |

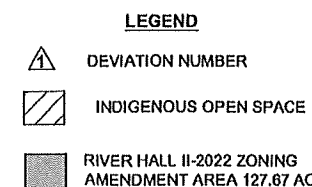


LAND USE: VACANT RESIDENTIAL  
ZONING: RPD  
FLU: SUB-OUTLYING SUBURBAN

#### NOTES:

- OPEN SPACE AND INDIGENOUS AREAS TO BE PROVIDED FOR THE ENTIRE DEVELOPMENT WITHIN THE COMMON INDIGENOUS AND OPEN SPACE AREAS IN GENERAL ACCORDANCE WITH THOSE DEPICTED ON THE MASTER CONCEPT PLAN. INDIVIDUAL DEVELOPMENT PARCELS WILL BE RESPONSIBLE FOR SEPARATE OPEN SPACE.
- GOLF COURSE AMENITIES AREA WILL BE LOCATED IN GOLF CLUB AREA LAND USE POD. (CLUB HOUSE, CART BARN, MAINTENANCE FACILITIES) THE 10 ACRES ALLOCATED FOR THESE USES IS NOT INCLUDED IN THE OPEN SPACE FOR THE GOLF COURSE / DRIVING RANGE AREA.
- EXISTING NON-CONFORMING WATER MANAGEMENT LAKES MAY REMAIN AS CURRENTLY CONSTRUCTED IN ACCORDANCE WITH LEE COUNTY PREVIOUS APPROVALS.
- MAXIMUM HEIGHT:  
RESIDENTIAL 45' / 3 STORIES  
COMMERCIAL 35' / 3 STORIES  
RECREATIONAL / AMENITY SITES 35' / 3 STORIES  
ON PERIMETER OF PROJECT
- ONE OR BOTH OF THE SOUTHERN ACCESS POINTS TO 75TH STREET MAY BE CONSTRUCTED IN COMPLIANCE WITH CONDITION 28 OF RESOLUTION Z-05-051.

#### PROPOSED ZONING KEY MAP



**Barraco**  
and Associates, Inc.

CIVIL ENGINEERING - LAND SURVEYING  
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PREPARED FOR

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7807 BAYMEADOWS ROAD E  
SUITE 205  
JACKSONVILLE, FL 32256

PHONE (904) 562-1358  
FAX (904) 998-2481

PROJECT DESCRIPTION

**RIVER HALL**

FORMERLY KNOWN AS  
**HAWKS HAVEN**

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

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FILE NAME: 2389202\_4-11-23.DWG  
LOCATION: 1323699.DWG ZONING  
PLOT DATE: MON, 1-22-2024 - 10:49 AM  
PLOT BY: ALYSSA FONTAINE

CROSS REFERENCED DRAWINGS

BASEPLAN = 2389200, 4-11-23.DWG

#### PLAN REVISIONS

| REVISION     | DATE                                | DESCRIPTION |
|--------------|-------------------------------------|-------------|
| 1-23-15      | REVISED PER IEX                     |             |
| 2-15-18      | TRAFFIC SIGNAL ADDED                |             |
| 9-13-19      | EXPAND CLUB SITE                    |             |
| 11-17-21     | REVISE SOUTHERN LAYOUT              |             |
| 1-28-22      | ADD DEVIATIONS 11 & 12              |             |
| 4-8-22       | NOTE DEVIATION 12                   |             |
| 5-28-10-2022 | RIVER HALL II-2022 DENSITY INCREASE |             |
| 2-23-23      | CPD @ 5.55 AC & MAX DENSITIES       |             |
| 1-22-24      | ADD TYPE D BUFFER IN RMF-1          |             |

PLAN STATUS

NOT FOR CONSTRUCTION

**MASTER CONCEPT PLAN**

| PROJECT / FILE NO. | SHEET NUMBER |
|--------------------|--------------|
| 23898              | 2            |

PREPARED FOR

**GREENPOINTE  
COMMUNITIES,  
LLC**

7807 BAYMEADOWS ROAD E  
SUITE 205  
JACKSONVILLE, FL 32256

PHONE (904) 562-1358  
FAX (904) 998-2481

PROJECT DESCRIPTION

**RIVER  
HALL**

FORMERLY KNOWN AS  
HAWKS HAVEN

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

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|           |                          |
|-----------|--------------------------|
| FILE NAME | 21988&2020 DWG           |
| LOCATION  | J:\21988 DWG\ZONING\2019 |
| PLOT DATE | THU, 2-13-2020 - 3:29 PM |
| PLOT BY   | ANGELICA HARDY           |

CROSS REFERENCED DRAWINGS

| PLAN REVISIONS |                                  |
|----------------|----------------------------------|
| 4-17-07        | AVEND MCP                        |
| 1-23-15        | REVISED PER HEX.5 PG (Z-15-003)  |
| 5-29-18        | AVEND MCP & COND (ADO2018-00059) |
| 2-13-20        | EXPAND CLUB                      |

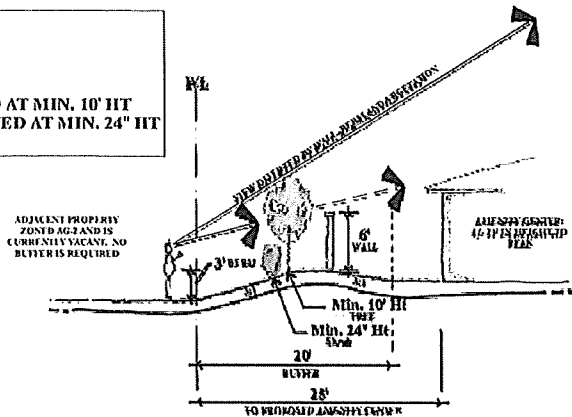
PLAN STATUS

FOR EXHIBIT USE ONLY

PREVIOUSLY  
APPROVED TYPICAL  
SECTIONS

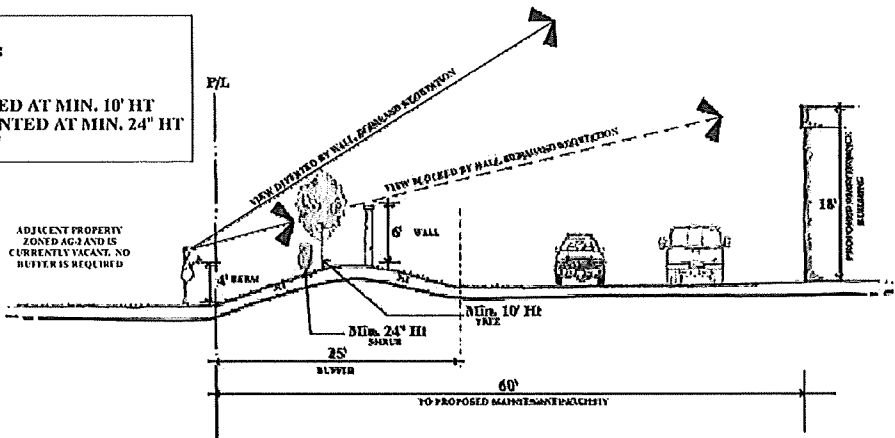
|                    |              |
|--------------------|--------------|
| PROJECT / FILE NO. | SHEET NUMBER |
| 21988              | 3            |

PROPOSED  
25' BUFFER CONSISTING OF:  
3' BERM +/-  
6' WALL  
7 TREES PER 100 L.F. PLANTED AT MIN. 10' HT  
30 SHRUBS PER 100 L.F. PLANTED AT MIN. 24" HT  
AND MAINTAINED AT 36"

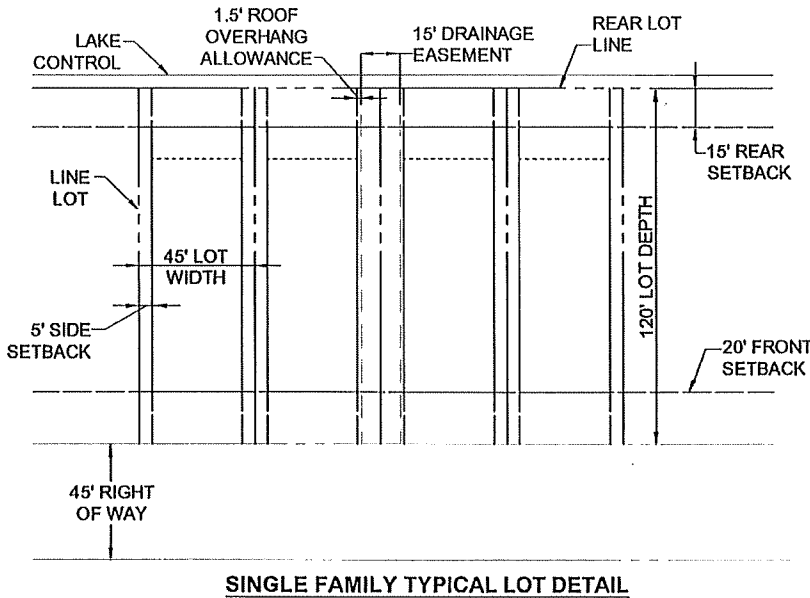
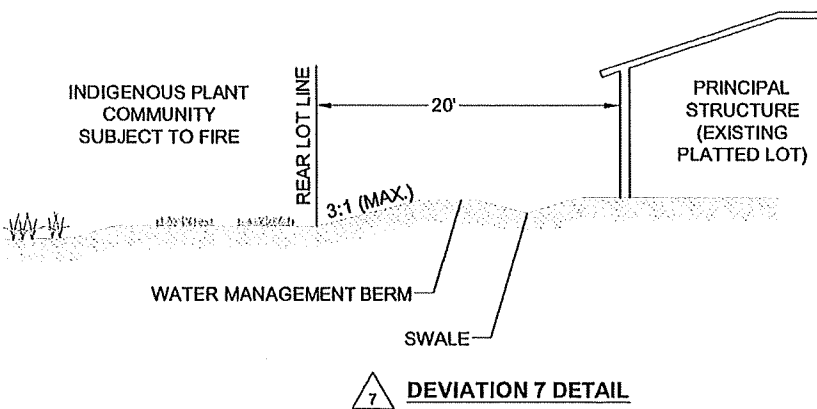
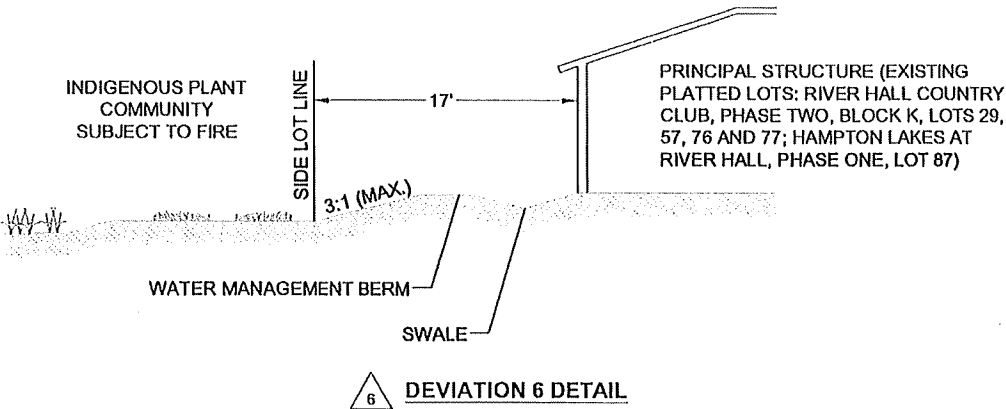


**PROPOSED BUFFER FOR AMENITY CENTER (SECTION A-A)**  
NTS

PROPOSED  
25' BUFFER CONSISTING OF:  
4' BERM +/-  
6' WALL  
7 TREES PER 100 L.F. PLANTED AT MIN. 10' HT  
30 SHRUBS PER 100 L.F. PLANTED AT MIN. 24" HT  
AND MAINTAINED AT 36"



**PROPOSED BUFFER FOR GOLF COURSE MAINTENANCE FACILITY (SECTION B-B)**  
NTS



**SITE DEVELOPMENT REGULATIONS**

**MINIMUM LOT AREA AND DIMENSIONS - SINGLE FAMILY**

WIDTH: 45 FEET  
DEPTH: 120 FEET  
LOT SIZE: 5,400 S.F.

**MINIMUM SETBACKS**

**SINGLE FAMILY**

ROAD: PALM BEACH BLVD 25 FEET / PRIVATE ROADS 20 FEET  
SIDE: 5 FEET, SEE CONDITION 2.b.i.  
REAR: 15 FEET  
WATERBODY: 20 FEET  
ACCESSORY: 5 FEET

**MAXIMUM LOT COVERAGE - 60 PERCENT**

2.b.i. STRUCTURES, INCLUDING BUT NOT LIMITED TO, SIDEWALKS, AIR CONDITIONERS, MECHANICAL EQUIPMENT, DOOR STOOPS, WALLS, etc. MAY NOT BE LOCATED WITHIN THE REQUIRED 5-FOOT SIDE SETBACK OF EACH LOT. PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY ON EACH LOT, THE ENGINEER OF RECORD MUST CERTIFY THAT THE DRAINAGE FOR EACH LOT IS BUILT IN COMPLIANCE WITH THE TYPICAL LOT GRADING DETAIL PROVIDED.

**Barraco**  
and Associates, Inc.  
CIVIL ENGINEERING - LAND SURVEYING  
LAND PLANNING  
[www.barraco.net](http://www.barraco.net)  
2271 MCGREGOR BLVD., SUITE 100  
POST OFFICE DRAWER 2800  
FORT MYERS, FLORIDA 33902-2800  
PHONE (239) 461-3170  
FAX (239) 461-3169  
FLORIDA CERTIFICATES OF AUTHORIZATION  
ENGINEERING 7895 - SURVEYING LB-6940

PREPARED FOR  
**GREENPOINTE COMMUNITIES, LLC**  
7807 BAYMEADOWS ROAD E  
SUITE 205  
JACKSONVILLE, FL 32256  
PHONE (904) 562-1358  
FAX (904) 596-2481

PROJECT DESCRIPTION  
**RIVER HALL**  
FORMERLY KNOWN AS  
**HAWKS HAVEN**  
PART OF SECTIONS 27, 34, 35 AND 36  
TOWNSHIP 43 SOUTH  
RANGE 26 EAST  
LEE COUNTY, FLORIDA

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FILE NAME: 21998703.DWG  
LOCATION: 3323899ZHWGZCHNGI  
PLOT DATE: WED. 1-24-2024 - 4:03 PM  
PLOT BY: ALYSSA FONTANE

CROSS REFERENCED DRAWINGS

| PLAN REVISIONS |                                   |
|----------------|-----------------------------------|
| 4-17-07        | AREAHD MCP                        |
| 1-23-15        | REVISED PER HEXLSPG (Z-15-003)    |
| 5-22-18        | AREAHD MCP & COND (ADD2018-00055) |
| 2-13-20        | EXPAND CLUB                       |

|  |  |
|--|--|
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

PLAN STATUS  
FOR EXHIBIT USE ONLY

DETAILS  
PROJECT / FILE NO. 21988  
SHEET NUMBER 4

## EXHIBIT B2

|                                                 | Min. Lot Area (SF)        | Min. Lot Width          | Min. Lot Depth | Max. Height                          | Max. Lot Coverage |
|-------------------------------------------------|---------------------------|-------------------------|----------------|--------------------------------------|-------------------|
| Single Family                                   | R-1: 5,400<br>R-1A: 4,860 | R-1: 45'<br>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<br>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

EXHIBIT B3

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



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

Respond To:

Bonita Springs

24831 Old 41 Road  
Bonita Springs, FL 34135  
(941) 947-0266  
FAX (941) 947-1323  
E-mail: bonita@consul-t.com

Other Offices:

Corporate/Pompano Beach

(954) 785-8400  
FAX (954) 785-5923  
E-mail: corp@consul-t.com

FL. Pierce

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FAX (561) 467-9350  
E-mail: pierce@consul-t.com

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E-mail: jackson@consul-t.com

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(305) 599-3141  
FAX (305) 599-3143  
E-mail: mia@consul-t.com

Orlando

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FAX (407) 423-0085  
E-mail: ori@consul-t.com

Pembroke Pines

(954) 436-5786  
FAX (954) 436-7742  
E-mail: pines@consul-t.com

South Dade

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

## CONSUL-TECH ENGINEERING, INC.

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

EXHIBIT D  
PAGE 4 OF 7

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.

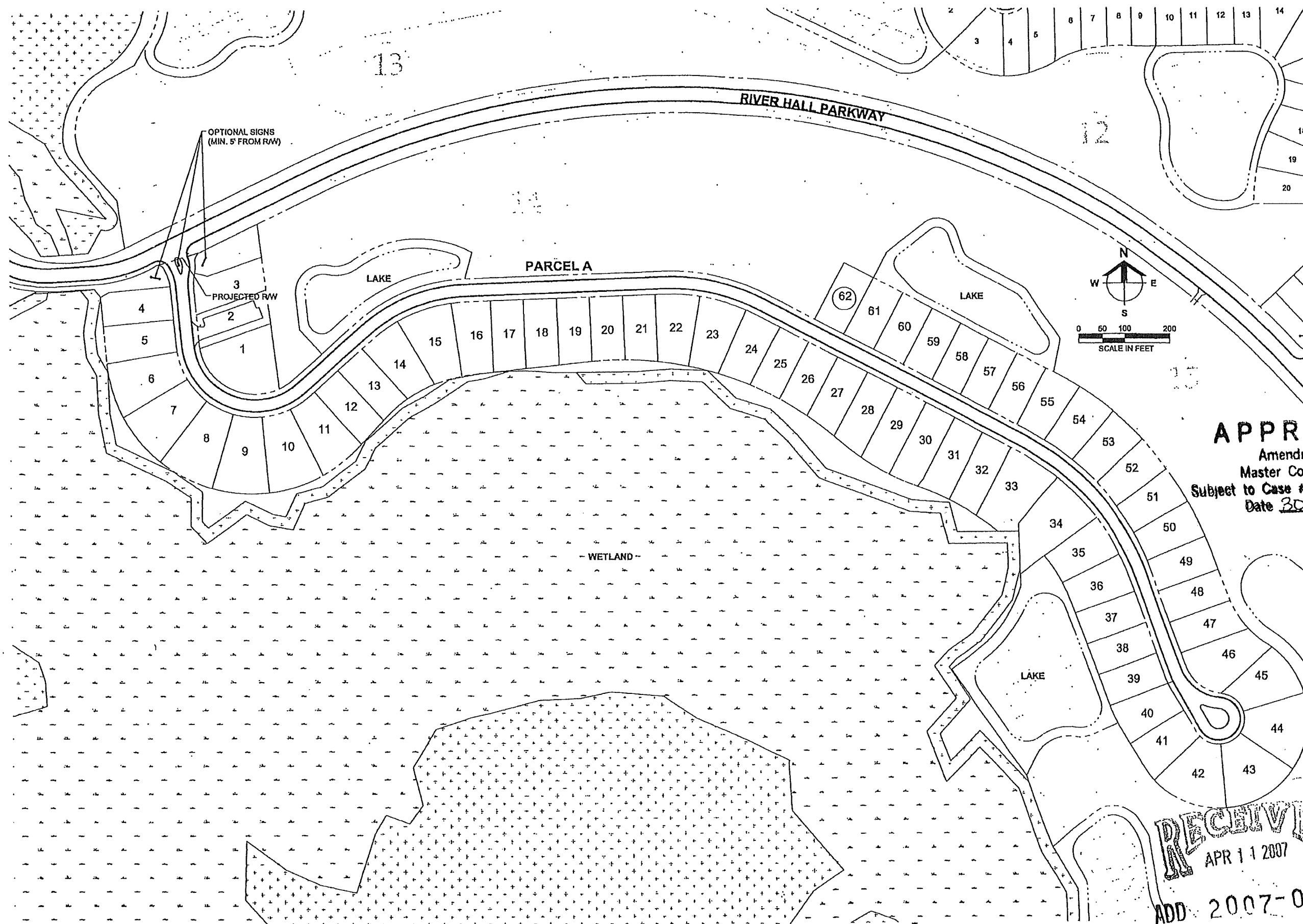
99-03-066.03 Z 01.01

CONSUL-TECH ENGINEERING, INC.

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

APR 11 2007  
ADD 2007-0002206

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| <h1 style="margin: 0;">Barraco</h1> <p style="margin: 0;">and Associates, Inc.</p> <p style="margin: 0;">CIVIL ENGINEERING - LAND SURVEYING<br/>LAND PLANNING - LANDSCAPE DESIGN</p> <p style="margin: 0;"><b>www.barraco.net</b></p> <p style="margin: 0;">2271 MCGREGOR BOULEVARD<br/>POST OFFICE DRAWER 2800<br/>FORT MYERS, FLORIDA 33902-2800<br/>PHONE (239) 481-3170<br/>FAX (239) 481-3169</p> <p style="margin: 0;">FLORIDA CERTIFICATES OF AUTHORIZATION<br/>ENGINEERING 7993 - SURVEYING LB-6940</p> |                                  |
| PREPARED FOR                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                  |
| <h2 style="margin: 0;">HAWK'S HAVEN<br/>GOLF<br/>DEVELOPERS, LLC</h2>                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                  |
| 2401 RIVER HALL PARKWAY<br>ALVA, FLORIDA 33920                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                  |
| PHONE (239) 274-0321<br>FAX (239) 274-0517                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                  |
|  <b>LandMar</b><br>GROUP, LLC                                                                                                                                                                                                                                                                                                                                                                                                |                                  |
| PROJECT DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                  |
| <h1 style="margin: 0;">RIVER HALL<br/>COUNTRY CLUB</h1>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                  |
| <h2 style="margin: 0;">PHASE 1</h2>                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                  |
| FORMERLY KNOWN AS HAWKS HAVEN<br>GOLF COURSE COMMUNITY PHASE 1                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                  |
| PART OF SECTIONS 25,26,27,34,35 AND 36<br>TOWNSHIP 43 SOUTH<br>RANGE 28 EAST<br>LEE COUNTY, FLORIDA                                                                                                                                                                                                                                                                                                                                                                                                             |                                  |
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| FILE NAME                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | SIGN EXHIBIT.DWG                 |
| LAYOUT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | LAYOUT1                          |
| LOCATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | J:\220850\DWG\DO\01\EXHIBIT1.DWG |
| PLOT DATE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | TUE, 4-6-2007 - 2:35 PM          |
| PLOT BY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | TARA H. BLANDER                  |
| DESIGN BY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                  |
| CROSS REFERENCED DRAWINGS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                  |
| BASE PLAN - 21065A00.DWG                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                  |
| PLAN REVISIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                  |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                  |
| PLAN STATUS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                  |
| FOR EXHIBIT PURPOSES ONLY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                  |
| <h2 style="margin: 0;">SIGNAGE<br/>EXHIBIT</h2>                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                  |
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PHONE (239) 481-3170  
FAX (239) 481-3189

FLORIDA CERTIFICATES OF AUTHORIZATION  
ENGINEERING 7995 - SURVEYING LB-8940

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 38  
TOWNSHIP 43 SOUTH  
RANGE 26 EAST  
LESLIE COUNTY, FLORIDA

**APPROVED**

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

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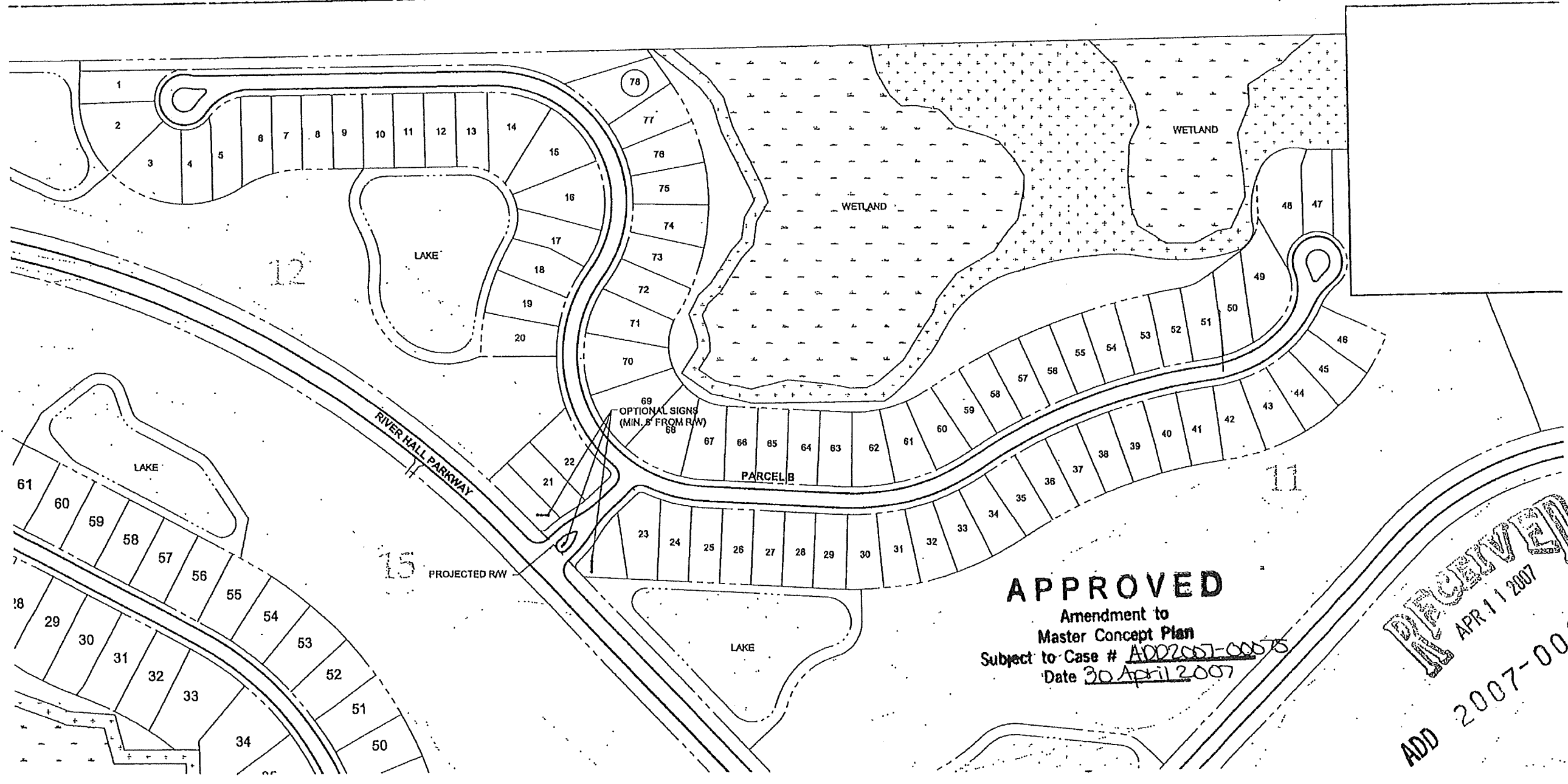
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PLAN STATUS  
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**APPROVED**  
Amendment to  
Master Concept Plan  
Subject to Case # ADD2007-00075  
Date 30 April 2007

**RECEIVED**  
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ADD 2007-00075

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FLORIDA CERTIFICATES OF AUTHORIZATION  
ENGINEERING 7995 - SURVEYING LD-8940  
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

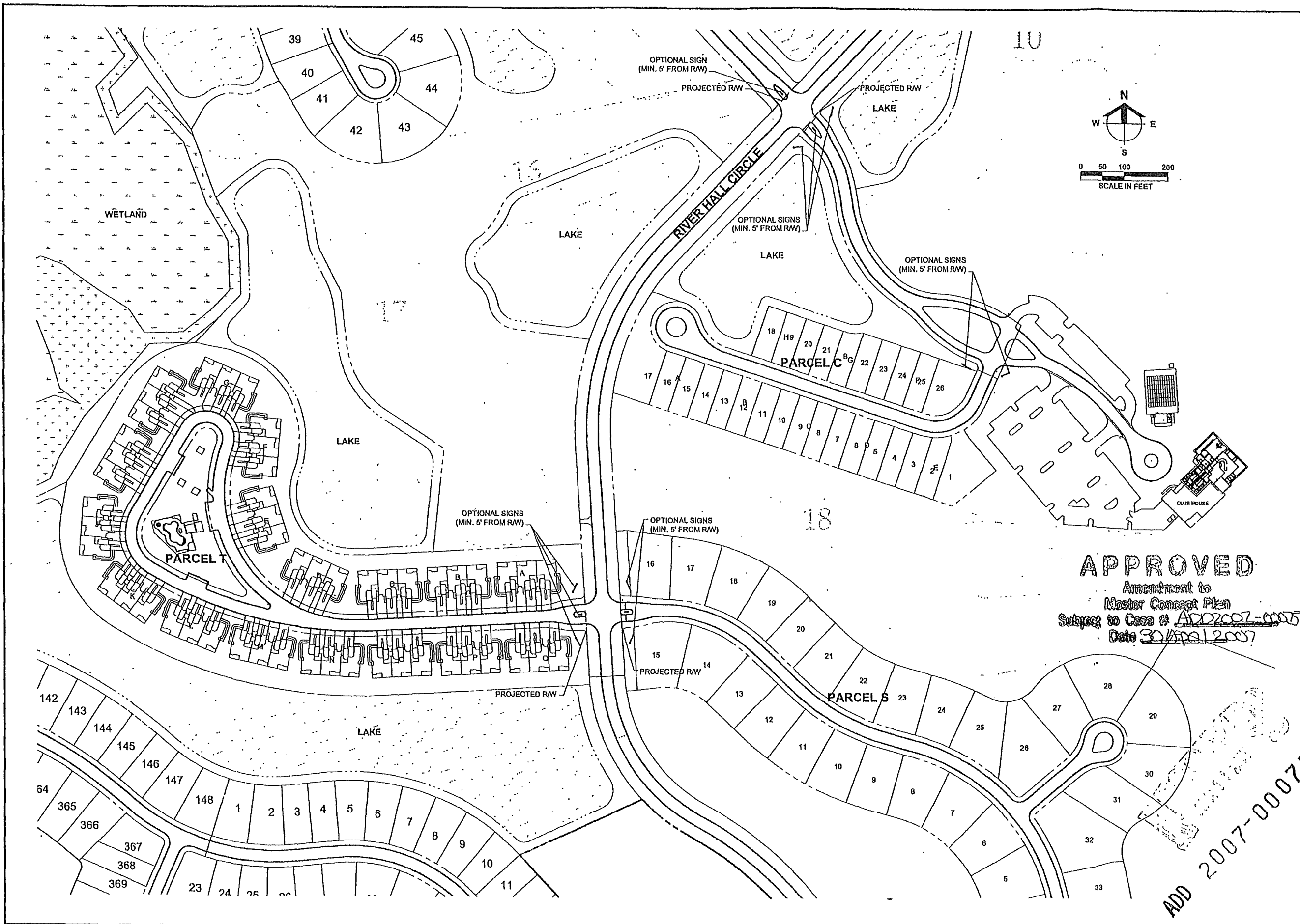
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PLAN STATUS  
FOR EXHIBIT PURPOSES ONLY

**SIGNAGE EXHIBIT**

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FLORIDA CERTIFICATES OF AUTHORIZATION  
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

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

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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 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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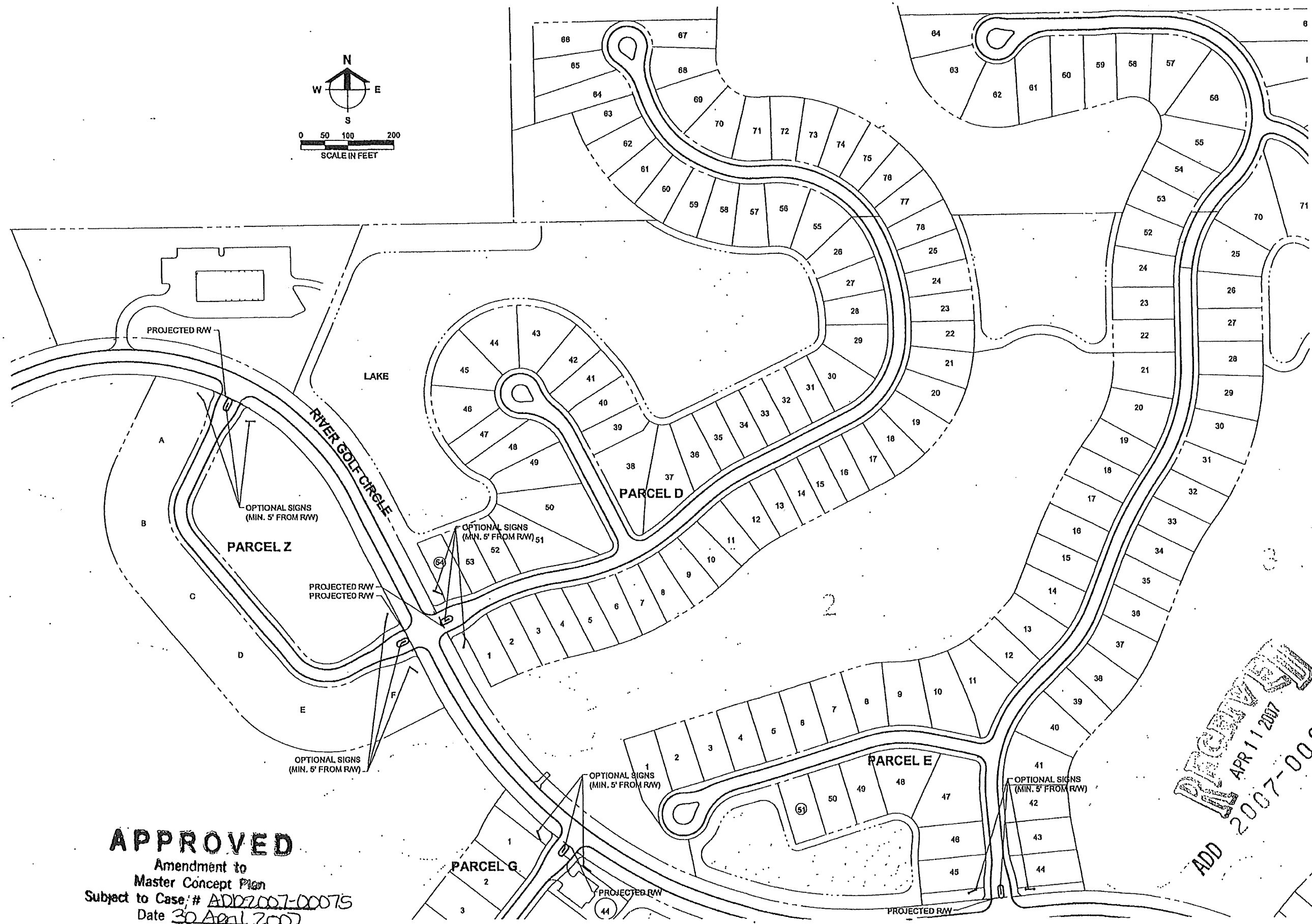
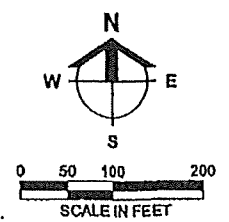
PLAN STATUS  
FOR EXHIBIT PURPOSES ONLY

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**APPROVED**  
Amendment to  
Master Concept Plan  
Subject to Case # ADD2007-00075  
Date 3/14/2007

ADD 2007-00075



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

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FLORIDA CERTIFICATES OF AUTHORIZATION  
ENGINEERING 7695 - SURVEYING LB-6940

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 HAWK'S HAVEN GOLF COURSE COMMUNITY PHASE 1  
PART OF SECTIONS 25, 26, 27, 34, 35 AND 38  
TOWNSHIP 43 SOUTH  
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| DESIGN BY |                            |

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PLAN STATUS  
FOR EXHIBIT PURPOSES ONLY

**SIGNAGE EXHIBIT**

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| 22060              | 5            |



## Exhibit C

### EXHIBITS PRESENTED AT HEARING

#### STAFF EXHIBITS

- a. *48-Hour Notice*: Email from Dirk Danley, Jr., to Maria Perez, with copies to Tracy Toussaint, Jamie Princing, and Richard Akin, Esq., dated Wednesday, January 10, 2024, 5:11 PM (multiple pages – 8.5"x11" and 11"x17")
- 1. *DCD Staff Report with attachments for DCI*: Prepared by Dirk Danley, Jr., Principal Planner, date received December 28, 2023 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
- 2. *PowerPoint Presentation*: Prepared by Lee County staff for River Hall RPD/CPD Rezoning, DCI2022-00026, dated January 11, 2024 (multiple pages – 8.5"x11")[color]
- 3. *Alico Road Extension*: From Meadow Road to State Road 82/Sunshine Boulevard (1 page – 8.5"x11")

#### APPLICANT EXHIBITS

- a. *48-Hour Notice*: Email from Richard Akin, Esq., to Hearing Examiner, with copies to Jennifer Sapen, Miars Grady, Carl Barraco, Dirk Danley, Jr., and Kirsten Shultz, dated Monday, January 8, 2024, 5:11 PM (multiple pages – 8.5"x11")
- 1. *PowerPoint Presentation*: Prepared for River Hall RPD/CPD Rezoning, DCI2022-00026, Presentation to Hearing Examiner, dated January 11, 2024 (multiple pages – 8.5"x11")[color]
- 2. *Master Concept Plan*: Prepared by Barraco and Associates, Inc., for Greenpointe Communities, LLC, last revised May 23, 2023 (1 page – 11"x17" and 1 page – 24"x36")
- 3. *Written Submissions*: Email from Richard Akin, Esq., to Hearing Examiner, with copies to Dirk Danley, Jr., Jennifer Sapen, Carl Barraco, Grady Miars, Kirsten Shultz, dated Friday, January 26, 2024, 3:59 PM (multiple pages – 8.5"x11" and 4 pages – 11"x17"){post hearing submission}

**Exhibit D**

**HEARING PARTICIPANTS**

County Staff:

1. Dirk Danley, Jr.

Applicant Representatives:

1. Richard Akin, Esq.
2. Carl Barraco, Sr.
3. Shane Johnson
4. Stephen Leung
5. Kirk Martin
6. Jennnifer Sopen

Public Participants:

1. Deborah Burman
2. B. Don Burman
3. Thomas Finco
4. James Russell
5. Robert Stark
6. Jolene Tarleton

**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.
- C. Participants may not submit documents to the Board of County Commissioners unless they were marked as Exhibits by the Hearing Examiner. Documents must have the Exhibit number assigned at 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.