



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

kwiktag<sup>®</sup>

022 586 855



(239) 479-8585

Writer's Direct Dial Number: \_\_\_\_\_

Bob Janes  
District One

Douglas R. St. Cerny  
District Two     **October 20, 2005**

Ray Judah  
District Three

Tammy Hall  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Ray Eubanks, Administrator, Plan Review and Processing  
Florida Department of Community Affairs  
Bureau of State Planning  
Plan Processing Section  
2555 Shumard Oak Boulevard  
Tallahassee, FL. 32399-2100

Diana M. Parker  
County Hearing  
Examiner

**Re: Amendments to the Lee Plan**  
**Adoption Submission Package (DCA No. 05-1) for the 2004/2005 Regular Amendment Cycle**

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163.3184 and of 9J-11.011, this submission package constitutes the adopted 2004/2005 Regular Comprehensive Plan Amendment Cycle to the Lee Plan (DCA No. 05-1), known locally as CPA 2004-02, CPA 2004-08, CPA 2004-09, CPA 2004-12, CPA 2004-13, CPA 2004-14, CPA 2004-15, and CPA 2004-16. The adoption hearing for these plan amendments was held at 9:30 am on October 12, 2005.

Included with this package, per 9J-11.011(5), are three copies of the adopted amendments, supporting data and analysis, and the following three adopting ordinances: Ordinance No. 05-19, Ordinance No. 05-20, and Ordinance No. 05-21. Also included, per F.S. 163.3184(7) and (15), is the required sign in form allowing a courtesy informational statement to interested citizens. By copy of this letter and its attachments I certify that this amendment has been sent to the Regional Planning Council, the Florida Department of Transportation (FDOT), the Department of Environmental Protection, the Florida Department of State, the Florida Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, Office of Planning and Budgeting, and the South Florida Water Management District.

The initial staff reports for the proposed amendments were sent to the DCA with a transmittal cover letter dated June 15, 2005. All amendments previously reviewed by the Department in this current cycle of amendments were adopted by the Board of County Commissioners. Changes have occurred in CPA 2004-16 since the time of transmittal. Staff has modified Policy 14.6.1 and 14.6.3 and has added Policies 14.6.4 through 14.6.8. CPA 2004-16 has been revised to address the objections, comments, and recommendations raised by the DCA.

If you have any questions, or if I can be of any assistance in this matter, please feel free to call me at the above telephone number.

Sincerely,  
**DEPT. OF COMMUNITY DEVELOPMENT**  
**Division of Planning**

A handwritten signature in black ink, appearing to read "Paul O'Connor", with a long horizontal flourish extending to the right.

Paul O'Connor, AICP  
Director

All documents and reports attendant to this adoption are also being sent, by copy of this cover, to:

David Burr  
Director  
Southwest Florida Regional Planning Council

Mike Rippe, District Director  
FDOT District One

Executive Director  
South Florida Water Management District

Plan Review Section  
Department of Environmental Protection

Florida Department of State

Florida Fish and Wildlife Conservation Commission

The Department of Agriculture and Consumer Services, Office of Planning and Budgeting

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Plan Review and Processing  
Bureau of State Planning/Plan Processing Sec  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

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South Florida Water Management District  
3301 Gun Club Road  
West Palm Beach, FL 33406

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To  
Mr. Michael Ripp  
Florida Department of Transportation  
P.O. Box 1030  
2292 Victoria Avenue; Suite 292  
Fort Myers, FL 33902-1030

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Sent To  
Mr. David Burr  
S.W. Florida Regional Planning Council  
1926 Victoria Avenue  
Fort Myers, FL 33901

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To  
Department of Agriculture and Consumer Services  
Office of Planning and Budgeting  
The Capitol PL8  
400 South Monroe Street  
Tallahassee, FL 32399-0810  
Attn: Emily

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The Capitol  
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## Comprehensive Plan Citizen Courtesy Information List

Local Government:

Lee County

Hearing Date:

October 12, 2005

Type Hearing:

☐ Transmittal (Proposed)

☒ Adoption

☐ Local Planning Agency

DCA Amendment Number: 05-1

**Please Print Clearly**

By providing your name and address, you will receive information concerning the date of publication of the Notice of Intent by the Department of Community Affairs.

Citizen Name	Address, City, State, Zip Code	✓ Check Appropriate Response(s)		Identify Amendment which is of Interest
		Written Comment	Spoken Comment	
Richard Purcell	135 META ST Fort Myers, FL 33905	✓	✓	CPA-2004-13 Adoption
Sharon Lee Bowman	260 Alameda Ave Fort Myers FL		✓	CPA 2004-14
Boca Grande Community Planning Panel	P.O. Box 2404 Boca Grande, FL 33921	✓	✓	CPA 2004-12
Angela Hill The News-Press	4720 SE 15th Ave Suite 112 Cape Coral FL 33904	✓	✓	CPA 2004-10



## Comprehensive Plan Citizen Courtesy Information List

Local Government:

Lee County

Hearing Date:

June 1, 2005

Type Hearing:

☒ Transmittal (Proposed)

☐ Adoption

☐ Local Planning Agency

DCA Amendment Number:

N/A

**Please Print Clearly**

By providing your name and address, you will receive information concerning the date of publication of the Notice of Intent by the Department of Community Affairs.

Citizen Name	Address, City, State, Zip Code	<input checked="" type="checkbox"/> Check Appropriate Response(s)		Identify Amendment which is of Interest
		Written Comment	Spoken Comment	
Richard J. Purcell	135 META ST. FT. MYERS, FL 33905	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	CPA-2004-13 CPA-2004-01 <del>CPA-2004-</del>
Dr. A. D. Ali	17140 Dale Creek Rd. Alva, FL 33920	<input checked="" type="checkbox"/>		River Hall/ Hawk's Haven
Bob Iverson	Old Hickory G&CC 14401 Old Hickory Blvd FT. MYERS, FL 33912	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	CPA 2004-04
Sandra Ellett	6971 Slater Pines Dr N Ft Myers FL 33917	<input checked="" type="checkbox"/>		Oak Creek.
Walter Fluegel	4715 SW 24 PL Cape Coral, FL 33914	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	All

Citizen Name	Address, City, State, Zip Code	✓ Check Appropriate Response(s)		Identify Amendment which is of Interest
		Written Comment	Spoken Comment	
Glenn Hedmon	PO Box 2266 Pineland, Fla 33945	✓	✓	Pine Island
James and Alicia Waller	17270 Oak Creek Rd Alva, FL 33920	✓		River Hall Development
G JOHN SHARPES	2299 SYCAMORE ST ST. JAMES CITY		✓	PINE ISLAND
Phil BUCHANAN	3881 GALT IS AVE ST JAMES CITY, FL		✓	Pine Island
BARBARA K. Dubin	16185 Bowline ST Bokelia, FL 33922		✓	PINE ISLAND
Jennifer A. Bonifield	3277 Fruitville Rd., Unit Sarasota FL 34237 E			Pine Island
Gary Davis	2248 Dale St. St. James City, FL 33956	✓	✓	Pine Island
D.W. WOOLSEY JR	14630 CEMETERY RD FT MYERS FL 33915			RIVER HALL HAWKS HAVEN

Citizen Name	Address, City, State, Zip Code	✓ Check Appropriate Response(s)		Identify Amendment which is of Interest <del>CPA 2004-13</del>
		Written Comment	Spoken Comment	
Sharon Bowman	260 Alameda Ave Ft Myers FL 33905	✓	✓	CPA 2004-13 Item F.
Neale Monty	6685 Penzance Blvd Ft Myers FL 33912		✓	Oak Creek
W. D. N. R. O. B. D.	13350 MORNING STAR CAVES BOKEELIA FL	✓		
BREESE GLENNON	16280 ROWLINE ST. BOKEELIA, FLA. 33922	✓	✓	P.I. COMPROMISE — 8/10/9/10
Eileen + Jimmy Brennan	243 Connecticut Ave. Ft Myers 33905		✓	CPA 2004-13
David W. Deper	2216 Altamont Ave. Ft. Myers, FL 33901		✓	<del>CPA</del> CPA-2004-12 CPA-2004-08
Nancy Thompson	7661 Bacilla Ln Bokeelia FL 33922	—		
MIKE ROEDER	625 HENRY ST FT MYERS 33901	✓	✓	ALL

Citizen Name	Address, City, State, Zip Code	✓ Check Appropriate Response(s)		Identify Amendment which is of Interest
		Written Comment	Spoken Comment	
Vincent and Eileen Brennan	243 Connecticut Ave. Fort Myers, FL 33905	✓		CPA2004-13

LEE COUNTY ORDINANCE NO. 05-19  
(Consent Ordinance)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE LAND USE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENTS APPROVED ON THE CONSENT AGENDA DURING THE COUNTY'S 2004/2005 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, MAPS AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan (hereinafter referred to as the "Lee Plan") Policy 2.4.1 and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners; and,

WHEREAS, the Lee County Board of County Commissioners, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ( "LPA") held public hearings pursuant to Chapter 163, Part II, Florida Statutes, and the Lee County Administrative Code on January 24, 2005, March 28, 2005, April 25, 2005, and May 23, 2005; and,

WHEREAS, the Board of County Commissioners, pursuant to Florida Statutes and the Lee County Administrative Code held a public hearing for the transmittal of the proposed amendments on June 1, 2005. At that hearing, the Board approved a motion to send, and did later send, the proposed amendment to the Florida Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the transmittal hearing on June 1, 2005, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on August 19, 2005; and,

WHEREAS, the Board moved to adopt the proposed amendments to the Lee Plan set forth herein during its statutorily prescribed public hearing for the plan amendments on October 12, 2005.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:**

**SECTION ONE: PURPOSE, INTENT AND SHORT TITLE**

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted a series of public hearings to consider proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the certain amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as amended, will continued to be the "Lee Plan." **This ordinance may be referred to as the "2004/2005 Regular Comprehensive Plan Amendment Cycle Consent Ordinance."**

**SECTION TWO: ADOPTION OF LEE COUNTY'S 2004/2005 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE (Consent Agenda Items)**

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting amendments, as revised by the Board of County Commissioners on October 12, 2005, known as: CPA2004-02, CPA2004-08, CPA2004-09, CPA2004-12, CPA2004-14, and CPA2004-15. The aforementioned amendments amend the text of the Lee Plan including the Future Land



Use Map series and the Lee Plan Land Use Allocation Table (Table 1b). A brief summary of the content of those amendments is set forth below:

**CPA2004-02 (Estero Outdoor Display)**

Amend Lee Plan Policy 19.2.5. of the Future Land Use Element to allow outdoor display in excess of one acre at the intersection of I-75 and Corkscrew Road. Sponsor: Argonaut Holdings, Inc.

**CPA2004-08 (Oak Creek)**

Amend the Future Land Use Map Series for a 27.25±-acre portion of land located in Section 17, Township 43 South, Range 25 East, to change the classification shown on Map 1, the Future Land Use Map, from "Rural" to "Suburban." Amend the Future Land Use Map Series for a 17.81±-acre portion of land located in Section 19, Township 43 South, Range 25 East, to change the classification shown on Map 1, the Future Land Use Map, from "Suburban" to "Rural." Sponsor: S.W. Florida Land 411, LLC.

**CPA2004-09 (Captiva)**

Amend Goal 13 of the Lee Plan pertaining to the Captiva Community to incorporate recommendations of the Captiva Island Community Planning effort. Amend Goal 84: Wetlands to add a new policy 84.1.4. Sponsor: BOCC.

**CPA2004-12 (Boca Grande)**

Amend the Future Land Use Element of the Lee Plan to incorporate recommendations of the Boca Grande Community Planning effort. Establish a new Vision Statement and a new Goal, including Objectives and Policies specific to Boca Grande. Sponsor: BOCC.

**CPA2004-14 (Coastal High Hazard Area Density)**

Amend the Lee Plan's Conservation and Coastal Management Element Policy 75.1.4. to consider limiting the future population exposed to coastal flooding while considering applications for rezoning in the Coastal High Hazard Area. Sponsor: BOCC

**CPA2004-15 (Fort Myers Shore Table 1b Update)**

Text amendment to revise the Lee Plan Land Use Allocation Table (Table 1b) for the Fort Myers Shores Planning Community to address the establishment of the Outlying Suburban Future Land Use Category within the planning community. Sponsor: BOCC

The corresponding Staff Reports and Analysis, along with all attachments for these amendments are adopted as "Support Documentation" for the Lee Plan.

**SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"**

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

**SECTION FOUR: GEOGRAPHIC APPLICABILITY**

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

## **SECTION FIVE: SEVERABILITY**

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

## **SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR**

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

## **SECTION SEVEN: EFFECTIVE DATE**

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made

effective by adoption of a resolution affirming its effective status. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Albion, who moved its adoption. The motion was seconded by Commissioner Hall, and, when put to a vote, the vote was as follows:

Robert P. Janes	Aye
Douglas St. Cerny	Aye
Ray Judah	Aye
Tammy Hall	Aye
John Albion	Aye

DONE AND ADOPTED this 12<sup>th</sup> day of October 2005.

ATTEST:  
CHARLIE GREEN, CLERK

BY: \_\_\_\_\_

Deputy Clerk

LEE COUNTY  
BOARD OF COUNTY COMMISSIONERS

BY: \_\_\_\_\_

Chairman

DATE: \_\_\_\_\_

10/12/05

Approved as to form by:

\_\_\_\_\_  
Donna Marie Collins  
County Attorney's Office



**CPA 2004-08  
OAK CREEK  
PRIVATELY INITIATED  
AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

---

**THE LEE PLAN**

**Privately Initiated Application  
and Lee County Staff Analysis**

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**BoCC Adoption Document**

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***Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(239) 479-8585***

**October 12, 2005**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA 2004-08**

☐

Text Amendment

☒

Map Amendment

✓	<b>This Document Contains the Following Reviews:</b>
✓	<b>Staff Review</b>
✓	<b>Local Planning Agency Review and Recommendation</b>
✓	<b>Board of County Commissioners Hearing for Transmittal</b>
✓	<b>Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report</b>
✓	<b>Board of County Commissioners Hearing for Adoption</b>

ORIGINAL STAFF REPORT PREPARATION DATE: January 14, 2005

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

S.W. Florida Land 411, LLC, represented by Barraco and Associates, Inc.

**2. REQUEST:**

Amend the Lee Plan's Future Land Use Map series for an approximate ±27.25 acre portion of land located in Section 17, Township 43 South, Range 25 East, to change the classification shown on Map 1, the Future Land Use Map, from "Rural" to "Suburban." In addition, amend the Lee Plan's Future Land Use Map series for an approximate ±17.81 acre portion of land located in Section 19, Township 43 South, Range 25 East, to change the classification shown on Map 1, the Future Land Use Map, from "Suburban" to "Rural."

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

- 1. RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners transmit the proposed amendment to the Lee Plan to the Florida Department of Community Affairs.



## **2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- Both the Suburban and Rural land use categories are located on the subject site.
- The proposal results in an additional population accommodation capacity of 98 persons (47 du's X 2.09 persons per unit) on the County's Future Land Use Map. This increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.
- The amendment will not have a negative impact on Parks and Recreation service levels.
- The current and planned budgetary projections for additional EMS resources should adequately address any increased demand for service from persons occupying this parcel or any support facilities.
- The North Fort Myers Fire District has adequate manpower and apparatus to provide the necessary service to accommodate the request.
- The plan amendment does not cause a need to modify any of the FSUTMS model data. The request does not require any transportation network modifications due to traffic.
- A compact and contiguous development pattern will be maintained through this amendment. The proposed amendment will not promote urban sprawl, as the subject property is located adjacent to a significant amount of existing and approved urban development. An examination of the surrounding land uses shows that the area surrounding the subject property is urbanizing.
- A review of the Florida Site File indicates that no significant archaeological or historical sites are recorded for or likely to be present within the project area.
- The proposed amendment will have no affect on the School Board's plans to accommodate growth in the County.
- The proposed amendment will have minimal impacts on parks, recreation and open space.

## **C. BACKGROUND INFORMATION**

### **1. EXISTING CONDITIONS:**

**SIZE OF PROPERTY:** Two specified tracts (approximately 17.81 acres and 27.25 acres) of a larger 303.34 acre property.

**PROPERTY LOCATION:** The property is generally located on the north side of Bayshore Road, south of I-75 and east of Williams Road.

**EXISTING USE OF LAND:** The application provides that the existing use of the subject tracts are "vacant/AG." Staff notes that the larger property has been used for grazing and sod farming.

**CURRENT ZONING:** The property is currently zoned AG-2, but the subject property is also the subject of a rezoning application seeking RPD zoning.

**CURRENT FUTURE LAND USE CATEGORY:** The subject properties contain three Future Land Use designations: Suburban, Rural, and Wetlands.

## **2. BACKGROUND DISCUSSION:**

The application materials provide the following brief background discussion:

*The properties that are the subject of this amendment are part of an overall plan of development that was submitted for review as a Residential Plan of Development in November 2003 (DCI2003-00083). The majority of the Residential Planned Development is designated as Suburban on the Future Land Use Map, while a small portion at the northern end of the subject property is designated as Rural. The Residential Planned Development is currently under review.*

*It is important to note the subject Comprehensive Plan Amendment does not in any way impact the requested density of the RPD. The purpose of the proposed Comprehensive Plan Amendment is to allow for units to be distributed throughout the site based on sound planning principles, not restricted to separate densities within the project itself, based on different Future Land Use categories. In reviewing the Lee Plan, this type of density distribution is ordinarily allowed under Policy 5.1.11., with the exception of distributing density into non-urban land use categories.*

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

#### **INTRODUCTION**

The applicant, SW Florida Land 411 LLC, on February 27, 2004, filed a Lee Plan map amendment concerning two separate areas within a proposed residential community. The request is to essentially "swap" land use designations "such as that the northern area changes to the Suburban Future Land Use Category and the western area changes to the Rural Future Land Use category." The subject sites are located directly west and south of Interstate 75 and north of Bayshore Road. The general location of the subject properties are displayed on applicant's Map 1 (see Attachment #1).

#### **COMPREHENSIVE PLAN BACKGROUND**

In 1984, Lee County adopted its first official Future Land Use Map (FLUM) as an integral part of its comprehensive plan. On that map, the subject property was part of the "Suburban" land use category, except for the northern parcel subject to the instant request which was part of the "Rural" land use category. Maximum standard density for the "Suburban" category was established by the 1984 plan at six dwelling units per acre (6 du/acre). The "Suburban" land use category has always been considered as part of the urban or future urban area. The 1984 plan established the "Rural" category with a maximum density of one dwelling unit per acre.

#### **SURROUNDING ZONING, LAND USES, AND FUTURE LAND USE DESIGNATIONS**

The application materials include an extensive discussion of surrounding zoning and land uses. An examination of the surrounding land uses shows that the area surrounding the subject property is urbanizing with a variety of land uses including residential uses, public uses, and industrial uses. The surrounding Future Land Use categories consist of Suburban, Industrial Development and Rural. Suburban designated lands occur on the subject site as well as to the west and south. The Industrial Development designation is located east of the subject site. A small amount of Rural designated lands occur on the subject site as well as additional Rural lands to the north and west of the subject site.

North of the subject property is I-75 and various single family residences developed within an unrecorded subdivision that is accessed by Slater Pines Drive. The designations for the area immediately north of the subject property include lands with the Rural and Wetlands designations. There are also vacant properties located to the north of the subject property.

East of the subject property are lands within the Suburban and Industrial Development Future Land Use Categories. Existing uses include a variety of industrial uses such as Raymond Lumber and other industrial uses in the Bayshore Road Industrial Park. The Suburban lands immediately adjacent to the east of the subject site are vacant.

To the south are vacant lands, Bayshore Elementary school, and then Bayshore Road. The Future Land Use designation for the area south of the subject property is Suburban.

The majority of the lands to the west of the subject site are zoned AG-2 and consist of scattered single family homes. Lands to the West are designated as being within the Rural land use category. This category is located along Slater Road.

## **TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS**

The subject property currently has access from Bayshore Road via an easement. Lee County Department of Transportation staff have reviewed the proposal and provided written comments dated January 19, 2004. This letter in part provides the following:

*If this amendment is adopted, there will be an increase of about 50 trips on a P.M. peak hour basis from the current land use designation, so we determined that this land use change will not alter the future road network plans.*

Staff concludes that the plan amendment does not cause a need to modify any of the FSUTMS model data. The request does not require any transportation network modifications due to traffic.

## **POPULATION ACCOMMODATION**

The request does accommodate a small addition of residential development on the Lee Plan's Future Land Use Map. The request is to change the Future Land Use Map (FLUM) category of approximately 27.25 acres from Rural to Suburban and 17.81 acres from Suburban to Rural. Currently, Suburban areas have a density limitation of 6 dwelling units per acre and Rural areas have a density limitation of 1 dwelling unit per acre. The existing designations would allow up to 133 dwelling units (27.25 X 1 du/ac and 17.81 X 6 du/ac). The proposed land use designations would allow up to a maximum of 180 dwelling units (27.25 X 6 du/ac and 17.81 X 1 du/ac) or 47 additional dwelling units. This would result in an additional population accommodation capacity of 98 persons (47 du's X 2.09 persons per unit). Staff concludes that this increase in the population accommodation capacity of the FLUM is insignificant when viewed in the context of the county wide accommodation capacity.

Staff concurs that the proposed amendment will not affect Lee County population projections.

## **ENVIRONMENTAL CONSIDERATIONS**

The application includes a discussion concerning major plant communities located on the subject site. The discussion includes a table depicting the Florida Land Use, Forms and Cover Classification System (FLUCFCS) Codes, a brief habitat description, acreage, and percent of total. A summary of listed animal and plant species observed on the subject property are set forth in the application in tabular form.

## **SOILS**

The applicant has provided a soils map and information in the background materials. The soil types are based on information provided in the Soil Survey of Lee County, Florida (U.S. Department of Agriculture, Soil Conservation Service, 1984).

## **HISTORIC RESOURCES**

The application includes a letter, dated July 18, 2003, from the Division of Historical Resources, Florida Department of State. This letter provides the following:

*In response to your inquiry of July 18th, 2003, the Florida Master Site File lists no previously recorded cultural resources or surveys in the following parcels:*

*T43S, R25E, Sections: 17, 20*

*When interpreting the results of our search, please remember the following points:*

- *Areas which have not been completely surveyed, such as yours, may contain unrecorded archaeological sites, unrecorded historically important structures, or both.*
- *As you may know, state and federal laws require formal environmental review for some projects. Record searches by the staff of the Florida Master Site File do not constitute such a review of cultural resources. If your project falls under these laws, you should contact the Compliance Review Section of the Bureau of Historic Preservation at 850-245-6333 or at this address.*

Lee County staff note that there are areas on the property designated in the "Area of archaeological sensitivity, Sensitivity Level 2. Chapter 22 of the Lee County Land Development Code defines the Sensitivity Level 2 as follows:

*Those areas containing known archaeological sites that have not been assessed for significance but are likely to conform to the criteria for local designation, or **areas where there is a high likelihood that unrecorded sites of potential significance are present.*** (Bolding added for emphasis)

Staff is not aware of any historic or archaeological resources occurring on this site. The applicant will be required to obtain a "Certificate to dig" from Lee County prior to or in conjunction with the issuance of a final development order for activity within areas designated as being within the "Sensitivity Level 2" areas. "Activity" in this context means new construction, filling, digging, removal of trees or any other activity that may alter or reveal an interred archaeological site.

The applicant did submit a "Cultural Resource Assessment Survey" for the subject site. The survey was performed by Archaeological Consultants, Inc. The stated purpose of the survey "was to locate and identify any cultural resources within the project area and to assess their significance in terms of eligibility for listing in the National Register of Historic Places." The Survey included the following findings:

*Archaeological: Background research and a review of the Florida Master Site File (FMSF), and the NRHP, indicated that no archaeological sites have been recorded previously within the project area. A review of relevant site locational information for environmentally similar areas within Lee County and the surrounding region indicated a low to moderate archaeological potential for the occurrence of prehistoric archaeological sites. The background research also indicated that sites, if present, would most likely be Post-Archaic campsites, i.e. artifact scatters. As a result of field survey no archaeological sites were found. However, one archaeological occurrence, a non heat-altered secondary chert decortication chert flake was identified.*

*Historic Structures: Background research, including a review of the FMSF and the NRHP, indicated that no historic structures (50 years of age or older) were previously recorded within the project area. As a result of field survey, no historic structures were identified or recorded.*

*Based on these findings, project development will have no impact on any significant cultural resources, including those properties listed, determined eligible, or considered potentially eligible for listing in the NRHP. No further research is recommended.*

## **SCHOOL IMPACTS**

Lee County School District staff reviewed the proposal and provided written comments dated February 18, 2004. The School Board staff reviewed the project on the assumption that the proposal would add 60 new dwelling units, which is of course, more than the actual new potential of 47 dwelling units as discussed in the Population Accommodation section of this report. The review letter provides that 60 new residential dwelling units "could generate up to 21 additional school-aged children" that creates "the need for one new classroom in the system at approximately 22 students per classroom, as well as additional staff and core facilities." The letter also notes that "the Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001" and that "the Oak Creek developers will be expected to pay the impact fee at the appropriate time."

## **PARKS, RECREATION AND OPEN SPACE**

The proposed amendment will have minimal impacts on parks, recreation and open space. Lee County Public Works staff reviewed the request and have provided comments. Public Works staff does not have any concerns regarding the amendment. Public Works staff additionally provide that the amendment "should not have a negative impact on Parks and Recreation service levels."

## **EMERGENCY MEDICAL SERVICES (EMS)**

Lee County EMS staff reviewed the request and provided written comments. The original application materials included a letter, dated November 5, 2003, that assesses the impact of 50 new dwelling units. The letter provides the following:

*...The current and planned budgetary projections for additional EMS resources should adequately address any increased demand for service from persons occupying this parcel or any support facilities.*

## **SOLID WASTE**

The subject property is within Lee County Solid Waste District #4. The collection company for District #4 is Onyx Waste Service. Lee County Solid Waste staff have reviewed the request and provided written comments dated January 23, 2004. This letter provides that the project does not affect the ability of the County to supply solid waste service to the property.

## **MASS TRANSIT**

Lee Tran staff reviewed the request and provided comments dated January 22, 2004. This letter, in part, provides the following:

*...our nearest point of fixed-route bus service to the subject parcels is approximately 1.25 miles away, at the intersection of Hart Road and Tucker Lane.*

## **POLICE**

The Lee County Sheriff's Office has reviewed the proposal and provided written comments dated January 20, 2004 and November 7, 2003. The January 20, 2004 letter in part provides the following:

*It is policy of the Lee County Sheriff's Office to support community growth and we will do everything possible to accommodate the law enforcement needs.*



*We anticipate that we will receive the reasonable and necessary funding to support growth in demand. We therefore believe that the Lee County Sheriff's Office will be able to serve your project as it builds out.*

## **FIRE**

The subject property is located in the North Fort Myers Fire District. Staff from the District have reviewed the request and have provided written comments dated November 6, 2003. This letter in part provides the following:

*The Oak Creek Project lies within the boundaries of the North Fort Myers Fire Control District. As to your question about apparatus and manpower issues, you may rest assured that we have the adequate manpower and apparatus necessary to serve your development. We have a fire station on Slater Road that will be your first due station.*

## **UTILITIES**

The subject property is located in Lee County Utilities water service area and in North Fort Myers Utilities service area for wastewater. Lee County Utility staff have reviewed the proposal and provided comments. Utility staff provide that the property "can be served with a line extension from existing large diameter transmission water main on Bayshore Road." Staff confirms that there is capacity available to serve the project with water.

Staff also notes that the County's concurrency system is applicable to the proposed uses. In other words, individual non-aviation related projects will have to demonstrate that there is adequate capacity in the potable water and sanitary sewer systems to address project impacts prior to a local development order approval.

## **FLORIDA STATE COMPREHENSIVE PLAN**

The application provides a discussion concerning consistency of the proposal with the Florida State Comprehensive Plan as contained in F.S. 187.201. The discussion highlights various areas in which the plan amendment furthers and advances the State Comprehensive Plan. Staff concurs that the proposal is consistent with the State Comprehensive Plan.

## **B. CONCLUSIONS**

The proposed amendment represents a minor adjustment in the Rural and Suburban Future land use categories. The potential impacts associated with the request are very minor in nature.

## **C. STAFF RECOMMENDATION**

Staff recommends that the Board of County Commissioners transmit the proposed plan amendment to the Florida Department of Community Affairs for their review.

### **PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: January 24, 2005

#### **A. LOCAL PLANNING AGENCY REVIEW**

One LPA member noted that a copy of his "Conflict of Interest" form was distributed to each member of the LPA. He explained that he was providing consultant services to the applicant for this case. This member did not participate in the subsequent public hearing. Planning staff provided a brief overview of the amendment. The applicant's representatives provided a brief presentation to the LPA. One LPA member asked that the applicant clarify the ownership of the properties involved, and whether there were commitments from the utility company to provide services. The representative replied that the applicant owned the property involved in the request and that they had an agreement for services in place. Another LPA member asked if the applicant was going to maintain the function of the on-site flowway. The applicant's representative replied that they were not re-directing the flowways, but would be maintaining historic flows and improving those flows in accordance with the Lee County Surface Water Management Master Plan.

#### **B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit the proposed amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** As contained within the Staff Report.

#### **C. VOTE:**

NOEL ANDRESS	<u>AYE</u>
MATT BIXLER	<u>AYE</u>
DEREK BURR	<u>AYE</u>
RONALD INGE	<u>ABSTAIN</u>
CARLETON RYFFEL	<u>AYE</u>
RAYMOND SCHUMANN	<u>AYE</u>
VACANT	<u>                    </u>

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: June 1, 2005

**A. BOARD REVIEW:** Staff provided a brief overview of the proposed amendment. Staff indicated that the amendment essentially represented a future land use swap on 2 specified parcels within a proposed project. Staff indicated that the identified impacts as a result of the swap are very minor in nature. The applicant's representative also addressed the Board and agreed with the staff comments.

One member of the public read portions of a letter from a Slater Pines Drive resident objecting to the proposed amendment. The letter specifically objected to the proposed changes near I-75, the northeast tract. The letter provided that there is an active flowway and wetlands on the subject parcel and the resulting density is too much.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

- 1. BOARD ACTION:** The Board voted to transmit the proposed amendment, as recommended by the staff and local planning agency, to the Florida Department of Community Affairs for their review.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the finding of facts as advanced by the staff report.

**C. VOTE:**

<b>JOHN ALBION</b>	<u>AYE</u>
<b>TAMMY HALL</b>	<u>AYE</u>
<b>BOB JANES</b>	<u>AYE</u>
<b>RAY JUDAH</b>	<u>AYE</u>
<b>DOUG ST. CERNY</b>	<u>AYE</u>

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,  
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: August 19, 2005

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

The DCA had no objections, recommendations, or comments concerning this amendment.

**B. STAFF RECOMMENDATION**

Adopt the amendment as transmitted.

**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: October 12, 2005

**A. BOARD REVIEW:** The Board provided no discussion on this amendment. This item was approved on the consent agenda.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

- 1. BOARD ACTION:** The Board voted to adopt this amendment.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff and the local planning agency.

**C. VOTE:**

<b>JOHN ALBION</b>	<u>AYE</u>
<b>TAMMY HALL</b>	<u>AYE</u>
<b>BOB JANES</b>	<u>AYE</u>
<b>RAY JUDAH</b>	<u>AYE</u>
<b>DOUG ST. CERNY</b>	<u>AYE</u>

# Oak Creek

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## **Comprehensive Plan Amendment Application Board Hearing Copy October 2005**

Submitted To:

Lee County Board of County Commissioners  
Department of County Development  
Division of Planning  
Post Office Box 398  
Fort Myers, FL 33902-0398

**Barraco**  
and Associates, Inc.  
2271 McGregor Boulevard  
Fort Myers, Florida 33901  
(239) 461-3170

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# Table of Contents

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Section 1    Application Form

Section 2    Narrative

Section 3    General Information and Maps

Map 1 – Aerial/Existing Land Use Map

Map 2 – Current Future Land Use Map

Map 3 – Proposed Future Land Use Map

Letters of Authorization / Legal Description / Deeds

Section 4    Existing and Future Conditions Analysis

Section 5    Letters of Availability

Section 6    Environmental Impacts

Section 7    Impacts on Historic Resources

Cultural Resource Assessment Survey

Map 4 – Archeological Sensitivity Map

Section 8    Internal Consistency with Lee Plan

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**I. APPLICANT/AGENT/OWNER INFORMATION**

S.W. Florida Land 411, LLC

APPLICANT

11220 Metro Parkway, Suite 27

ADDRESS

Fort Myers

Florida

33912

CITY

STATE

ZIP

239-489-4066

TELEPHONE NUMBER

FAX NUMBER

\*See Attached List

AGENT\*

ADDRESS

CITY

STATE

ZIP

TELEPHONE NUMBER

FAX NUMBER

S.W. Florida Land 411, LLC

OWNER(s) OF RECORD

11220 Metro Parkway, Suite 27

ADDRESS

Fort Myers

Florida

33912

CITY

STATE

ZIP

239-489-4066

TELEPHONE NUMBER

FAX NUMBER

Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.

\* This will be the person contacted for all business relative to the application.

**II. REQUESTED CHANGE (Please see Item 1 for Fee Schedule)**

A. TYPE: (Check appropriate type)

☐ Text Amendment

☒ Future Land Use Map Series Amendment  
(Maps 1 thru 20)  
List Number(s) of Map(s) to be amended

B. SUMMARY OF REQUEST (Brief explanation):

Change Future Land Use Category of subject property from Rural to Suburban  
and Suburban to Rural.

**III. PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY**  
(for amendments affecting development potential of property)

A. Property Location:

1. Site Address: North Fort Myers, FL

2. STRAP(s): See Attached List

B. Property Information

Total Acreage of Property: 303+/- acres

Total Acreage included in Request: 64+/- acres

Area of each Existing Future Land Use Category: \_\_\_\_\_

Total Uplands: 44.86 +/- acres

Total Wetlands: 19.14 +/- acres

Current Zoning: AG-2

Current Future Land Use Designation: Rural and Suburban

Existing Land Use: Vacant/AG

- C. State if the subject property is located in one of the following areas and if so how does the proposed change effect the area:

Lehigh Acres Commercial Overlay: \_\_\_\_\_

Airport Noise Zone 2 or 3: \_\_\_\_\_

Acquisition Area: \_\_\_\_\_

Joint Planning Agreement Area (adjoining other jurisdictional lands): \_\_\_\_\_

Community Redevelopment Area: \_\_\_\_\_

- D. Proposed change for the Subject Property:

\_\_\_\_\_

- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density

Rural FLU: 34 acres (34 acres X 1 du./acre)

Suburban FLU: 180 (30 acres X 6 du./acre)

Industrial intensity

N/A

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density Rural FLU: 19 (17.81 acres @ 1 unit/acre + 12.19 acres @ 1 unit /20 acres)

Suburban FLU: 163 (27.05 acres @ 6 units/acre + 6.95 acres @ 1 unit/20 acres)

Industrial intensity

N/A

#### IV. AMENDMENT SUPPORT DOCUMENTATION

At a minimum, the application shall include the following support data and analysis. These items are based on comprehensive plan amendment submittal requirements of the State of Florida, Department of Community Affairs, and policies contained in the Lee County Comprehensive Plan. Support documentation provided by the applicant will be used by staff as a basis for evaluating this request. To assist in the preparation of amendment packets, the applicant is encouraged to provide all data and analysis electronically. (Please contact the Division of Planning for currently accepted formats)

- A. General Information and Maps

*NOTE: For each map submitted, the applicant will be required to provide a reduced map (8.5" x 11") for inclusion in public hearing packets.*

The following pertains to all proposed amendments that will affect the development potential of properties (unless otherwise specified).

1. Provide any proposed text changes.
2. Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
3. Map and describe existing land uses (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.
4. Map and describe existing zoning of the subject property and surrounding properties.
5. The legal description(s) for the property subject to the requested change.
6. A copy of the deed(s) for the property subject to the requested change.
7. An aerial map showing the subject property and surrounding properties.
8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

**B. Public Facilities Impacts**

*NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario (see Part II.H.).*

**1. Traffic Circulation Analysis *N/A***

The analysis is intended to determine the effect of the land use change on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit the following information:

**Long Range – 20-year Horizon:**

- a. Working with Planning Division staff, identify the traffic analysis zone (TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;
- b. Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.);

- c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff. DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether network modifications are necessary, based on a review of projected roadway conditions within a 3-mile radius of the site;
- d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;
- e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;
- f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

Short Range – 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
- b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;

Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);

- c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
- d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

2. Provide an existing and future conditions analysis for:

- a. Sanitary Sewer
- b. Potable Water
- c. Surface Water/Drainage Basins
- d. Parks, Recreation, and Open Space.

Analysis should include (but is not limited to) the following:

- Franchise Area, Basin, or District in which the property is located;

- Current LOS, and LOS standard of facilities serving the site;
- Projected 2020 LOS under existing designation;
- Projected 2020 LOS under proposed designation;
- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
- Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).

3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:
  - a. Fire protection with adequate response times;
  - b. Emergency medical service (EMS) provisions;
  - c. Law enforcement;
  - c. Solid Waste;
  - d. Mass Transit; and
  - e. Schools.

*In reference to above, the applicant should supply the responding agency with the information from Section's II and III for their evaluation. This application should include the applicant's correspondence to the responding agency.*

C. Environmental Impacts

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed use upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
4. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
5. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

**D. Impacts on Historic Resources**

List all historic resources (including structure, districts, and/or archeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archeological sensitivity map for Lee County.

**E. Internal Consistency with the Lee Plan**

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

**F. Additional Requirements for Specific Future Land Use Amendments**

1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)
  - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
  - b. Provide data and analysis required by Policy 2.4.4,
  - c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.
2. Requests moving lands from a Non-Urban Area to a Future Urban Area
  - a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.



3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.

4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.

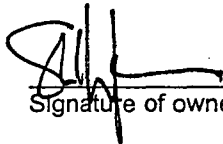
G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

**Item 1: Fee Schedule**

Map Amendment Flat Fee	\$2,000.00 each
Map Amendment > 20 Acres	\$2,000.00 and \$20.00 per 10 acres up to a maximum of \$2,255.00
Small Scale Amendment (10 acres or less)	\$1,500.00 each
Text Amendment Flat Fee	\$2,500.00 each

**AFFIDAVIT**

I, Shellie Johnson, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.



Signature of owner or owner-authorized agent

October 7, 2004

Date

Shellie Johnson

Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 7th day of October 2004, by Shellie Johnson, who is personally known to me or who has produced Personally Known as Identification.

(SEAL)



Bobbie L. Symonds  
MY COMMISSION # DD246445 EXPIRES  
September 2, 2007  
BONDED THRU TROY FAIN INSURANCE, INC.



Signature of notary public

Bobbie L. Symonds

Printed name of notary public

# OAK CREEK COMPREHENSIVE PLAN AMENDMENT

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## INTRODUCTION

The subject properties of this proposed Future Land Use Map Amendment are located in two separate areas in close proximity. The request is to swap the land use designations of these two properties such that the northern area changes to the Suburban Future Land Use Category and the western area changes to the Rural Future Land Use category. The properties are located within Sections 19 and 17, Township 43, Range 25, Lee County, Florida. The site is located directly to the west of I-75 and north of Bayshore Road. Map 1 shows the location of the subject property and the surrounding community.

## HISTORY/BACKGROUND

The properties that are the subject of this amendment are part of an overall plan of development that was submitted for review as a Residential Plan of Development in November 2003 (DCI2003-00083). The majority of the Residential Planned Development is designated as Suburban on the Future Land Use Map, while a small portion at the northern end of the subject property is designated as Rural. The Residential Planned Development is currently under review.

It is important to note the subject Comprehensive Plan Amendment does not in any way impact the requested density of the RPD. The purpose of the proposed Comprehensive Plan Amendment is to allow for units to be distributed throughout the site based on sound planning principles, not restricted to separate densities within the project itself, based on different Future Land Use categories. In reviewing the Lee Plan, this type of density distribution is ordinarily allowed under Policy 5.1.11, with the exception of distributing density into non-urban land use categories. In our analysis, the northern area currently in the Rural Land Use Category does not meet the intent of the Rural category; therefore, the distribution of density into that area is justified as described below.

## SURROUNDING LAND USES AND COMPATIBILITY

The subject properties are surrounded on all sides by development and Future Land Use Categories consistent and compatible with the requested changes. Surrounding uses consist of existing or proposed residential uses. Not only are these areas compatible with all surrounding land uses, with the swap of land use categories they will be more consistent with their existing site characteristics and the nature of surrounding uses. The subject properties are bordered as follows:

### *Northern Area*

The northern property that is part of this Comprehensive Plan Amendment is shaped as a triangle, and is isolated on all three sides by distinct barriers, creating the greatest nexus with the properties that are part of the Residential Planned Development to the south.

North/East To the north and east the subject property is bound by I-75. Although the Future Land Use Category to the north and east is Rural, the existing land use is I-75, and therefore the subject property is cut off from the Rural areas in that direction. In addition, to the east just south of the subject property are uses in the Interchange Land Use Category, substantially more intense than Rural uses.

West The subject property is isolated on its western boundary by a distinct flowway. The Future Land Use Category of the properties to the west is Rural and consists of low-density residential uses. The road to access those residential areas does not extend to the subject property and therefore, if the subject property were to be developed within the Rural Land Use Category and not part of the subject RPD, access would need to be provided through private property. Even a low-density development of 30+ units would create a significant impact on the rural residential uses to the west and the adjacent flowway that would need to be crossed.

South To the south of the subject property is land designated as Suburban on the Future Land Use Map. The subject property is isolated on the south by a Lee County Electric Co-op easement. It is assumed the LCEC easement was the original impetus for establishing the line between Suburban and Rural on the Future Land Use Map. However, from a planning standpoint, the LCEC easement is far less of a barrier than I-75 and a flowway. I-75 cannot be crossed, and a flowway crossing would create environmental impacts the Lee County Comprehensive Plan (Goals 39, 40 and 41) aims to avoid. There would be no negative impacts to crossing the LCEC easement and, in fact, it is done in other large planned developments.

#### *Western Area*

The western property that is part of this Comprehensive Plan Amendment follows an area that is a natural flowway and should be preserved. It is commonplace to have Future Land Use lines following boundaries of flowways and other natural features. The Rural Land Use category is more appropriate for this natural flowway area than the Suburban Land Use Category, which would allow for significant development. The western area is surrounded on the south, east and west by lands in the Suburban Land Use Category and to the north by lands in the Rural Land Use Category.

Map 2 shows the Current Future Land Use Map with the subject property identified. In reviewing the Future Land Use Map, it is clear the swap of Rural and Suburban Land Use areas meets the intent of the Future Land Use Map.

## LAND USE ANALYSIS

Both the northern and western areas are part of a proposed Residential Planned Development. Due to the subject property's strategic location with access to Bayshore Road and in close proximity to the Bayshore/I-75 Interchange, forecasted growth trends, and pre-existing requisite infrastructure, the project is deemed suitable for a development of a new residential community. Due to the surrounding development, both the northern and western areas are in Future Land Use Categories that inadequately describe the subject properties. Further, the only tangible effect of granting the requested plan amendment will be to allow for a more integrated plan of development, not an increase in density, as is the intent with Policy 5.1.11.

**POLICY 1.1.5:** *The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed. (Amended by Ordinance No. 94-30)*

The western area, as part of a natural flowway, is better defined in a Land Use Category that restricts development well below urban levels.

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

The northern area no longer meets the definition of Rural. As is indicated by letters of service availability, the subject property will be part of a larger residential planned development and will have access to the same public services as the rest of the development. Further, central water and sewer will be extended to this area, and access to the subject property will need to be through areas in the Suburban Land Use Category. The subject property is in effect cut off from other "Rural" areas, and will have access to the same level of public services and capital improvements as other urban areas. Therefore, the northern area does not meet the intent of the Rural Land Use Category.

**POLICY 5.1.11:** *In those instances where land under single ownership is divided into two or more land use categories by the adoption or revision of the Future Land Use Map, the allowable density under this Plan will be the sum of the allowable densities for each land use category for each portion of the land. This density can be allocated across the property provided that:*

- 1. The Planned Development zoning is utilized; and*
- 2. No density is allocated to lands designated as Non-Urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and*
- 3. The land was under single ownership at the time this policy was adopted and is contiguous; in situations where land under single ownership is divided by roadways, railroads, streams (including secondary riparian systems and streams but excluding primary riparian systems and major flowways such as the Caloosahatchee River and Six Mile Cypress Slough), or other similar barriers, the land will be deemed contiguous for purposes of this policy; and*

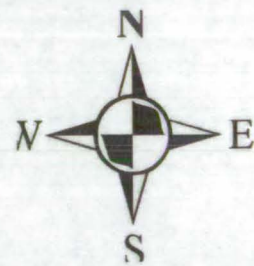
4. *The resultant Planned Development affords further protection to environmentally sensitive lands if they exist on the property.*

The proposed amendment maintains the intent of this policy. As has been established, the northern area has far more of a nexus with the Suburban area to the south, and is cut off from adjacent Rural areas by natural and manmade barriers. Access is easily accommodated to the south through the Suburban areas, and is not easily accommodated through the Rural areas. Therefore, allowing increased density in the northern area will maintain and enhance the rural nature of the Rural Land Use areas to the west of the subject property. Further, as (4) encourages development to do, we are furthering the protection of environmentally sensitive lands. Even though the proposed RPD meets the intent of this policy, the requested change to the Future Land Use Map could have been accommodated without a change to the Future Land Use Map if (2) were not in place.

#### CONCLUSION

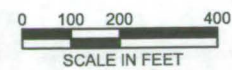
There is no significant *change* that will result from the requested amendment to the Comprehensive Plan, other than allowing design flexibility in the development of the Oak Creek RPD. Further, there will be no increase in the population accommodation of the Future Land Use Map due to the conversion of an equal area of land in the Suburban Land Use Category to Rural. Therefore, the Traffic Circulation Analysis and utility level of service analysis is not necessary.





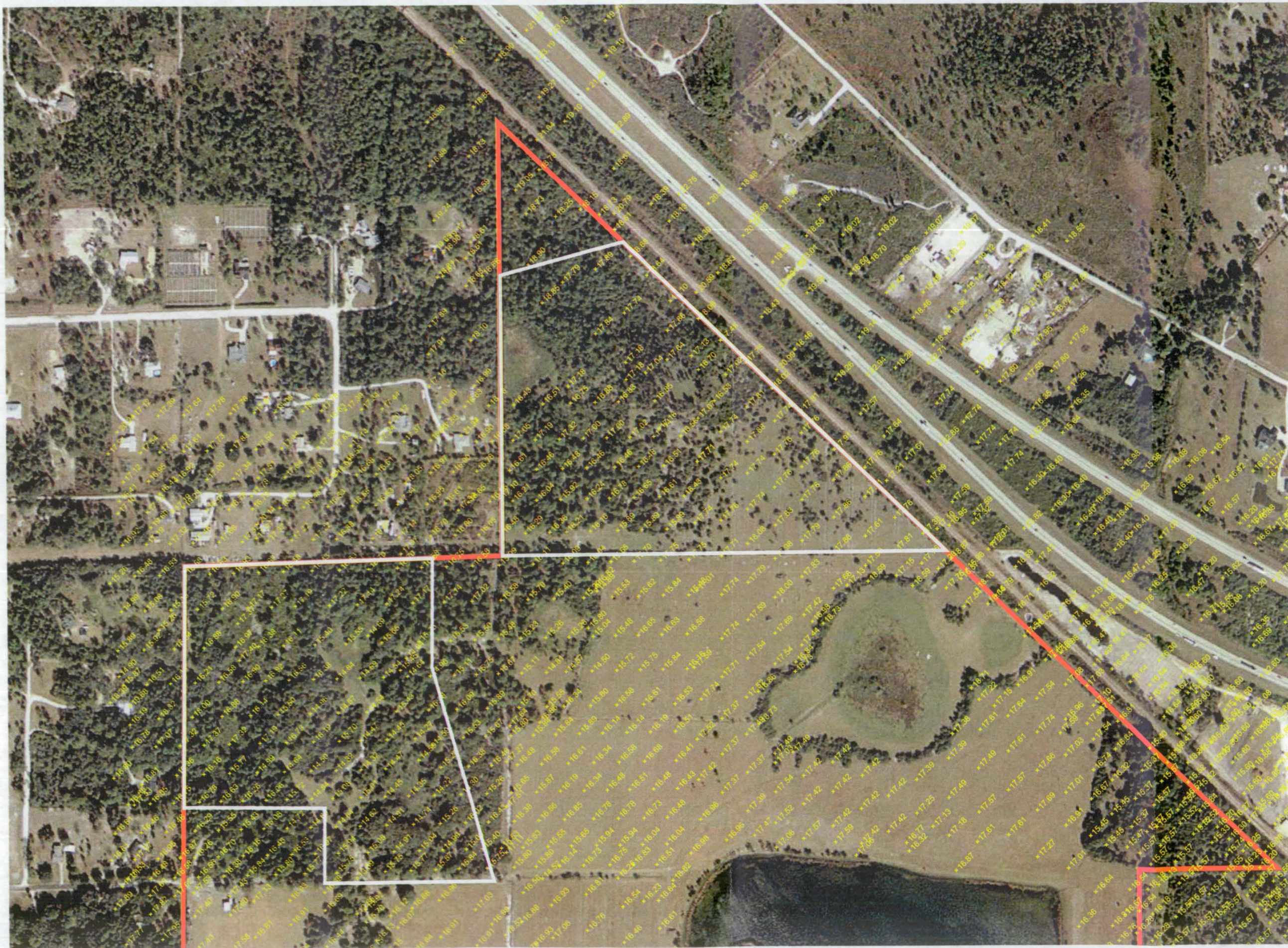
AERIAL PHOTOGRAPH AND TOPOGRAPHICAL MAP  
OAK CREEK  
COMPREHENSIVE PLAN AMENDMENT  
LEE COUNTY, FLORIDA

EXHIBIT C-3



**Barraco**  
and Associates, Inc.

CIVIL ENGINEERS, SURVEYORS AND LAND DEVELOPMENT CONSULTANTS  
2271 MAGNOLIA BLVD., POST OFFICE DRAWER 200, FORT MYERS, FLORIDA 33902-2000  
PHONE (239) 481-3170 - WWW.BARRACO.NET - FAX (239) 481-3168  
FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 7995 - SURVEYING LB-4940

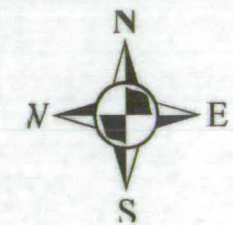






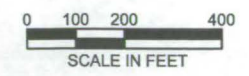
LEGEND

- A LAND ZONED: AG-2  
LAND USE: AGRICULTURAL
- S LAND ZONED: AG-2  
LAND USE: SCHOOL
- R LAND ZONED: AG-2  
LAND USE: SINGLE FAMILY  
RESIDENTIAL
- V LAND ZONED: AG-2  
LAND USE: VACANT
- W LAND ZONED: IPD  
LAND USE: COMMERCIAL  
WAREHOUSE



Existing Land Use Map  
**OAK CREEK**  
 COMPREHENSIVE PLAN AMENDMENT  
 LEE COUNTY, FLORIDA

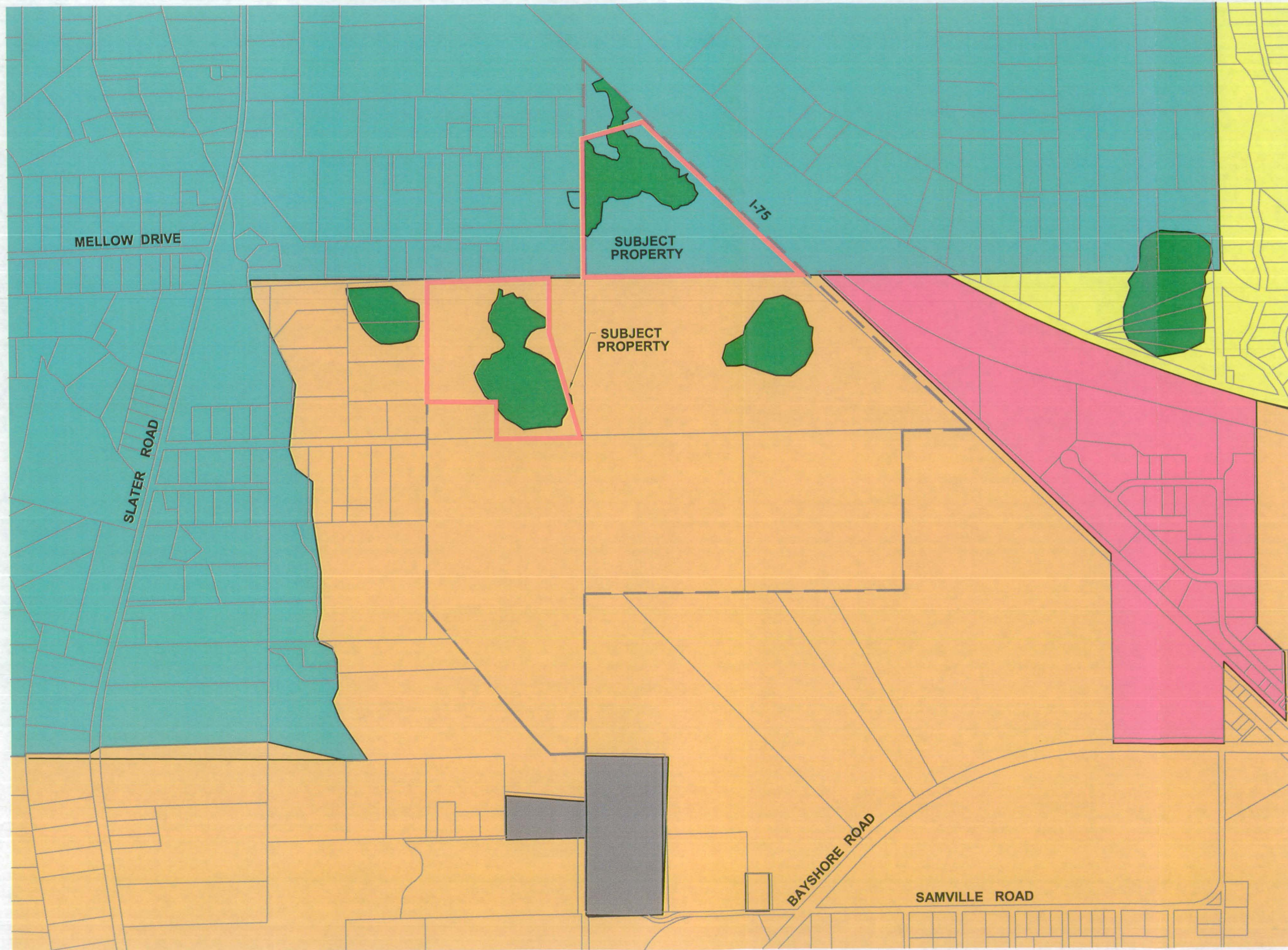
MAP 1



**Barraco**  
 and Associates, Inc.

CIVIL ENGINEERS, SURVEYORS AND LAND DEVELOPMENT CONSULTANTS  
 2271 MCGREGOR BLVD., POST OFFICE DRAWER 280, FORT MYERS, FLORIDA 33902-2800  
 PHONE (239) 461-3170 - WWW.BARRACO.NET - FAX (239) 461-3168  
 FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 7095 - SURVEYING LR-6940



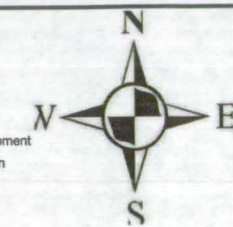


**LEGEND**

FLUMNov02

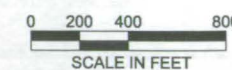
**Land Use**

- Industrial Development
- Outlying Suburban
- Public Facilities
- Rural
- Suburban
- Wetlands



Current Future Land Use Map  
**OAK CREEK**  
**COMPREHENSIVE PLAN AMENDMENT**  
**LEE COUNTY, FLORIDA**

MAP 2



**Barraco**  
and Associates, Inc.

CIVIL ENGINEERS, SURVEYORS AND LAND DEVELOPMENT CONSULTANTS  
2271 MAGNOLIA BLVD., PORT OFFICE DRAWER 2803, PORT MYERS, FLORIDA 33902-2803  
PHONE (239) 481-3115 - WWW.BARRACO.FL - FAX (239) 481-3118  
FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 7995 - SURVEYING LB-6540



## LETTER OF AUTHORIZATION

The undersigned do hereby swear that they are the fee simple title holders and owners of record of property commonly known as Oak Creek and legally described in Exhibit A attached hereto.

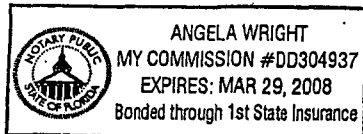
The property described herein is the subject of an application for zoning or development. We hereby designate Shellie Johnson of Barraco and Associates, Inc. as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

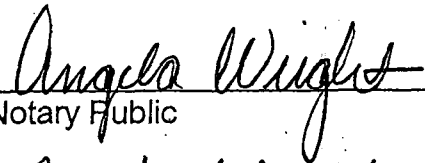
  
Owner

W. Michael Kerver,  
Vice President SW Florida Land 411, LLC.  
Printed Name

STATE OF FLORIDA  
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 8th day of October, 2004, by W. Michael Kerver, Vice President, SW Florida Land 411, LLC., who is personally known to me or who has produced \_\_\_\_\_ as identification.



  
Notary Public  
Angela Wright  
(Name typed, printed or stamped)

Joint Written Consent In Lieu of an Organizational Meeting  
of the Members and Managers  
of  
S.W. Florida Land 411, L.L.C.

The undersigned, being the Initial Managers and Members of S.W. Florida 411, L.L.C., a limited liability company organized and existing under the laws of the State of Florida (the "Company"), consent to, adopt and order the following actions:

1. **Waiver of Notice.** The undersigned hereby waive all formal requirements, including the necessity of holding a formal or informal meeting, and any requirements that notice of such meeting be given.

2. **Members.** The following subscriptions to purchase membership interests have been presented to the Company:

<u>Subscriber</u>	<u>Percentage</u>	<u>Initial Capital Contribution</u>
Advance Homes, Inc. 4215 East 60 <sup>th</sup> Street, Suite #6 Davenport, Iowa 52807	33 1/3%	
Mill Creek Florida Properties No. 3, LLC 6715 Tippecanoe Road, Bldg. B Canfield, Ohio 44406	33 1/3%	
Richard D. Fernandez	33 1/3%	

The Company hereby accepts such subscriptions for membership and acknowledges that the receipt of payment of the Initial Capital Contributions for such Membership Interests shall be paid to the Company in accordance with the terms of the Operating Agreement referenced below.

3. **Managers.** A. Jeffrey Seitz, Richard A. Salata and Randy E. Thibaut shall serve as the Managers of the Company, until their death, resignation or removal in accordance with the terms of the Operating Agreement of the Company.

4. **Election of Officers.** The following individual(s) shall serve as the officers of the Company in the offices set forth adjacent to their names:

<u>Name</u>	<u>Office</u>
A. Jeffrey Seitz	President/Secretary
Richard A. Salata	Vice President/Treasurer
W. Michael Kerver	Vice President
Richard D. Fernandez	Vice President

Such individual(s) shall serve in such offices until their death, resignation or removal by the Managers.

5. **Articles of Organization.** The copy of the Articles of Organization of the Company certified by the Florida Secretary of State and attached as an exhibit to this Organizational Meeting is hereby accepted and approved. The Secretary of the Company is directed to insert the Articles of Organization in the Minute Book of the Company.

6. **Seal.** The form of seal impressed on the margin of this page adjacent to this Section is hereby approved and adopted as the seal of the Company.

7. **Operating Agreement.** A copy of the Operating Agreement of S. W. Florida 411, L.L.C. has been provided to the Members and Managers of the Company. The Members hereby approve the Operating Agreement, which shall be executed by all the Members and inserted in the Company's Minute book.

8. **Election to Be Taxed as Partnership.** The officers of this Company are hereby directed to file appropriate elections for the Company to be treated as a partnership for federal and state income tax purposes. The President shall be the "tax matters partner" of the Company, and, as such, shall be authorized to represent the Company, at the expense of the Company, in connection with all examinations of the affairs of the Company by any federal, state, or local tax authorities, including any resulting administrative and judicial proceedings, and to expend funds of the Company for professional services and costs associated therewith.

9. **Payment of expenses.** The officers of the Company are hereby directed to pay all expenses, including legal expenses, and reimburse all persons for expenditures made in connection with the organization of the Company.

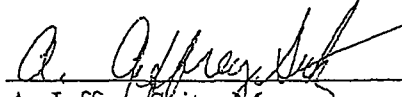
10. **Effective Date of Action.** The actions contained herein shall be effective as of the effective date of the Articles of Organization of the Company.

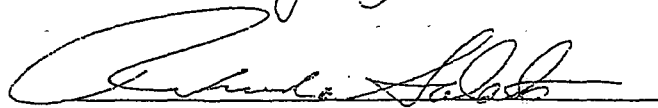
11. **Other actions.** Any officer of the Company, acting singly on behalf of the Company, be and hereby is authorized and directed to execute and deliver such


documents and to do or cause to be done such acts as any of them may deem necessary or appropriate in order to effectuate the foregoing resolutions.

IN WITNESS WHEREOF, the undersigned has executed the foregoing Organizational Action as of the 21<sup>st</sup> day of February, 2003.

MANAGERS:

  
A. Jeffrey Seitz, Manager

  
Richard A. Salata, Manager

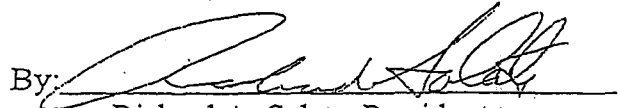
  
Randy E. Thibaut, Manager

MEMBERS.

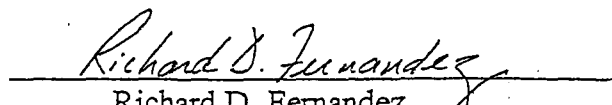
Advance Homes, Inc.

By:   
A. Jeffrey Seitz, President

Mill Creek Florida Properties No. 3, LLC

By:   
Richard A. Salata, President

Richard D. Fernandez

  
Richard D. Fernandez

## LETTER OF AUTHORIZATION

The undersigned do hereby swear that they are the fee simple title holders and owners of record of property commonly known as Oak Creek and legally described in Exhibit A attached hereto.

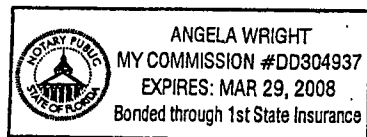
The property described herein is the subject of an application for zoning or development. We hereby designate Ronald E. Inge, President of Development Solutions as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

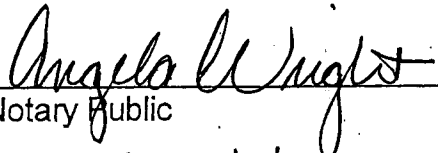
  
Owner

W. Michael Kerver,  
Vice President SW Florida Land 411, LLC.  
Printed Name

STATE OF FLORIDA  
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 8th day of October, 2004, by W. Michael Kerver, Vice President, SW Florida Land 411, LLC., who is personally known to me or who has produced \_\_\_\_\_ as identification.



  
Notary Public  
Angela Wright  
(Name typed, printed or stamped)

Oak Creek RPD  
North Vs. West Parcel Wetland Evaluation  
REVISION 2  
January 2005

**West and North Parcel Wetland Breakdown**

Parcel Designation	Existing Future Land Use Category	Acreage	Existing Wetlands (acres)	Preserved Wetlands After Receipt of SEWMD Permit (acres)	Wetlands Impacted by Development (acres)	Existing Preserved Wetland Acreage Total Dwelling Units	Impacted Wetland Acreage Total Dwelling Units	Proposed Number of Dwelling Units	Current Comprehensive Plan Allowable Total Dwelling Units
North Parcel	Rural	34	6.95	1.77	5.18	0	5	30-130	27
West Parcel	Suburban	30	12.19	12.19	0	0	0	0	180
Total Suburban	Suburban	239.34 (less west parcel)	29.46	26.76	2.7	1	16	990	1275
Total		303.34	48.6	40.7	7.8	1	21	1,120	1,482

## AGENTS

Barraco and Associates, Inc.  
c/o Shellie Johnson, AICP  
2271 McGregor Boulevard  
Fort Myers, Florida 33901  
Phone: (239) 461-3170  
Fax: (239) 461-3169

Pavese, Haverfield, Dalton, Harrison & Jensen, L.L.P.  
c/o Ms. Neale Montgomery  
1833 Hendry Street  
Fort Myers, Florida 33901  
Phone: (239) 334-2195  
Fax: (239) 332-2243

Metro Transportation Group, Inc.  
c/o Mr. Ted Treesh  
12651 McGregor Boulevard  
Suite 4-403  
Fort Myers, Florida 33919  
Phone: (239) 278-3090  
Fax: (239) 278-1906

Boylan Environmental Consultants, Inc.  
c/o Ms. Rae Ann Boylan  
11000 Metro Parkway, Suite 4  
Fort Myers, Florida 33912  
Phone: (239) 418-0671  
Fax: (239) 418-0672

Oak Creek Comprehensive Plan Amendment  
REVISED STRAP(s):  
October 2004

17-43-25-00-00002.0010

17-43-25-00-00002.0020

17-43-25-00-00002.0030

19-43-25-00-00008.0070

19-43-25-00-00008.0080

19-43-25-00-00008.0090



**DESCRIPTION**

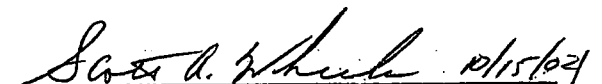
Parcel in  
Section 17, Township 43 South, Range 25 East,  
Lee County, Florida

A tract or parcel of land lying in Section 17, Township 43 South, Range 25 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

Beginning at the Southwest corner of the Southwest Quarter (SW 1/4) of said Section 17 run N00°06'34"W along the West line of said Fraction for 1,165.10 feet; thence run N74°52'39"E for 530.27 feet to an intersection with the Southwest right of way line of the Seaboard Coast Line Railroad (120 feet wide); thence run S45°46'33"E along said right of way line for 1,847.70 feet to an intersection with the South line of Southwest Quarter (SW 1/4) of said Section 17; thence run S89°32'23"W along said South line for 1,833.83 feet to the POINT OF BEGINNING.

Containing 34.20 acres, more or less

Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD 1983/90 adjustment) and are based on the South line of said Southwest Quarter (SW 1/4) of Section 17, to bear S89°32'23"W.

  
Scott A. Wheeler (For The Firm)  
Professional Surveyor and Mapper  
Florida Certificate No. 5949

L:\21797 - Bayshore 299\Descriptions\21797SK13DESC.doc

## DESCRIPTION

Parcel in  
Section 19, Township 43 South, Range 25 East,  
Lee County, Florida

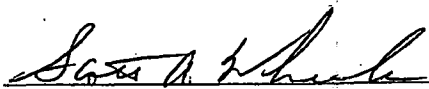
A tract or parcel of land lying in Section 19, Township 43 South, Range 25 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter (NE ¼) of said Section 19 run S88°20'13"W along the North line of said fraction for 292.91 feet to the POINT OF BEGINNING.

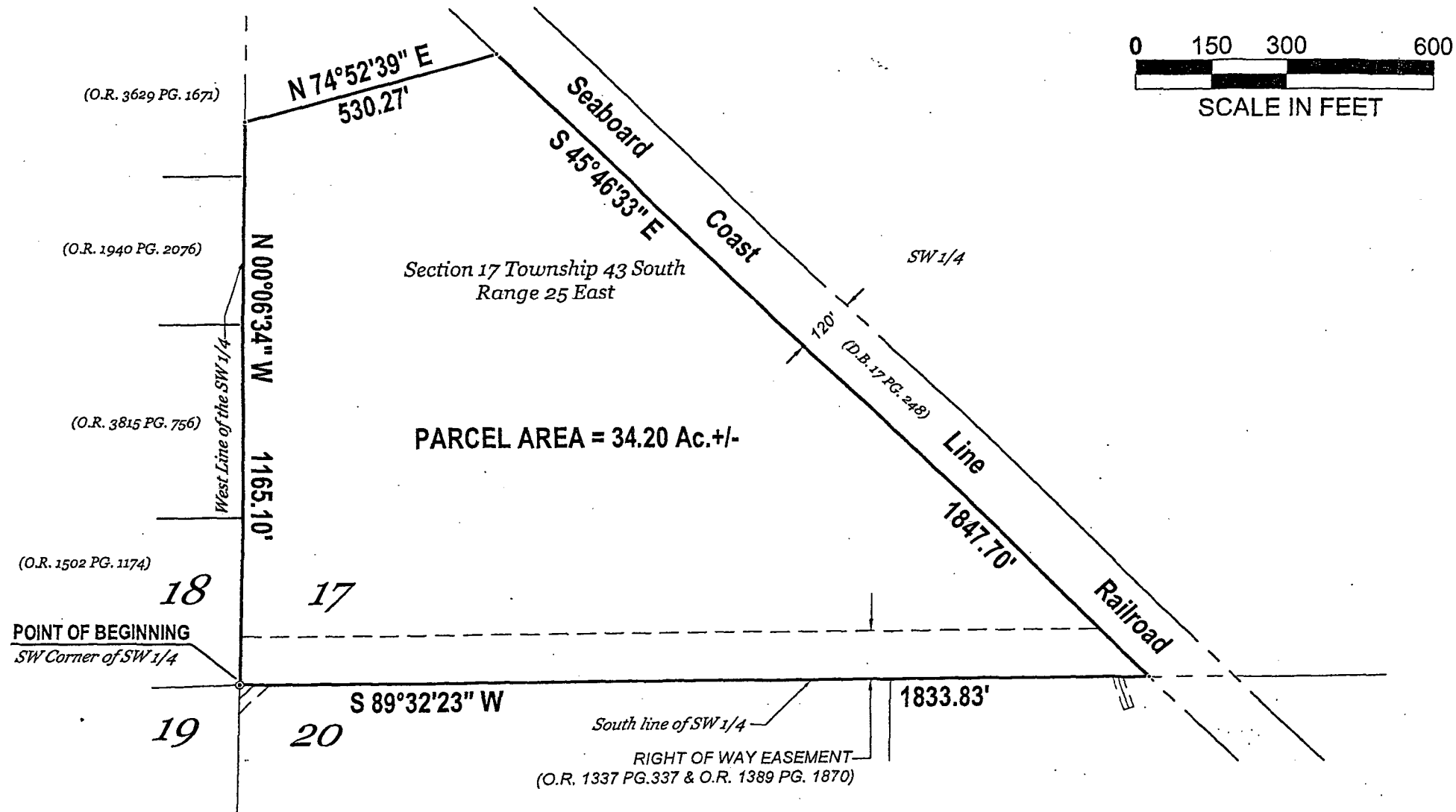
From said Point of Beginning run S00°32'23"W parallel with the West line of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section 19 for 457.85 feet; thence run S16°07'22"E for 923.05 feet; thence run S89°35'46"W for 706.83 feet; thence run N00°32'23"E parallel with said West line of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section 19 for 309.75 feet; thence run N89°27'37"W for 586.86 to an intersection the West line of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section 19; thence N00°32'23"E along the West line of said fraction for 1,004.46 feet to an intersection with the North line of said fraction; thence run N88°20'13"E along said North line for 1029.69 feet to the POINT OF BEGINNING.

Containing 30.00 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD 1983/90 adjustment) and are based on the North line of said Northeast Quarter (NE ¼) of Section 19, to bear N88°20'13"E.

 10/15/04  
Scott A. Wheeler (For The Firm)  
Professional Surveyor and Mapper  
Florida Certificate No. 5949

L:\21797 - Bayshore 299\Descriptions\21797SK12DESC.doc



**Barraco**  
and Associates, Inc.  
CIVIL ENGINEERING - LAND SURVEY  
LAND PLANNING - LANDSCAPE DESIGN  
www.barraco.net  
2271 MCGREGOR BOULEVARD  
FORT MYERS, FLORIDA 33902-2811  
PHONE (239) 451-5170  
FAX (239) 451-5169  
FLORIDA CERTIFICATES OF AUTHORITY  
ENGINEERING 7995 - SURVEYING LB

**Land Solutions**  
6150 DIAMOND CENTER COURT  
BUILDING 1500  
FORT MYERS, FLORIDA 33911  
PHONE (239) 489-4066  
FAX (239) 481-8477  
WWW.LANDSOLUTIONS.NET

PARCEL IN THE SW 1/4  
OF  
SECTION 17, TWP 4  
SOUTH, RGE. 25 EAST  
LEE COUNTY, FLORIDA

PROJECT SURVEYOR  
SCOTT A. WHEELER  
NO. 5949  
STATE OF  
FLORIDA  
LICENSED SURVEYOR AND MAPPER  
NOT VALID WITHOUT THE SIGNATURE  
AND THE ORIGINAL RAISED SEAL OF A  
FLORIDA LICENSED SURVEYOR AND MAPPER

FILE NAME: 21797SK1.DWG  
LAYOUT: LAYOUT1  
LOCATION: 25E17TOWNSHIP43SURVEYING18E17  
PLOT DATE: THU, 18-11-2004 - 12:23 PM  
PLOT BY: PETER OLSEN  
DRAWING DATA  
SURVEY DATE: 2004-10-14  
DRAWN BY: PTO  
CHECKED BY: SAW  
SCALE: 1"=200'  
FIELD BOOK:

PLAN REVISIONS  
STRAP NUMBERS

SKETCH TO  
ACCOMPANY  
DESCRIPTION

PROJECT / FILE NO. 21797  
18-43-25  
SHEET NUMBER 2 OF 2

# NOTES:

1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
3. PG. - DENOTES PAGE.
4. BEARINGS AS SHOWN ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST

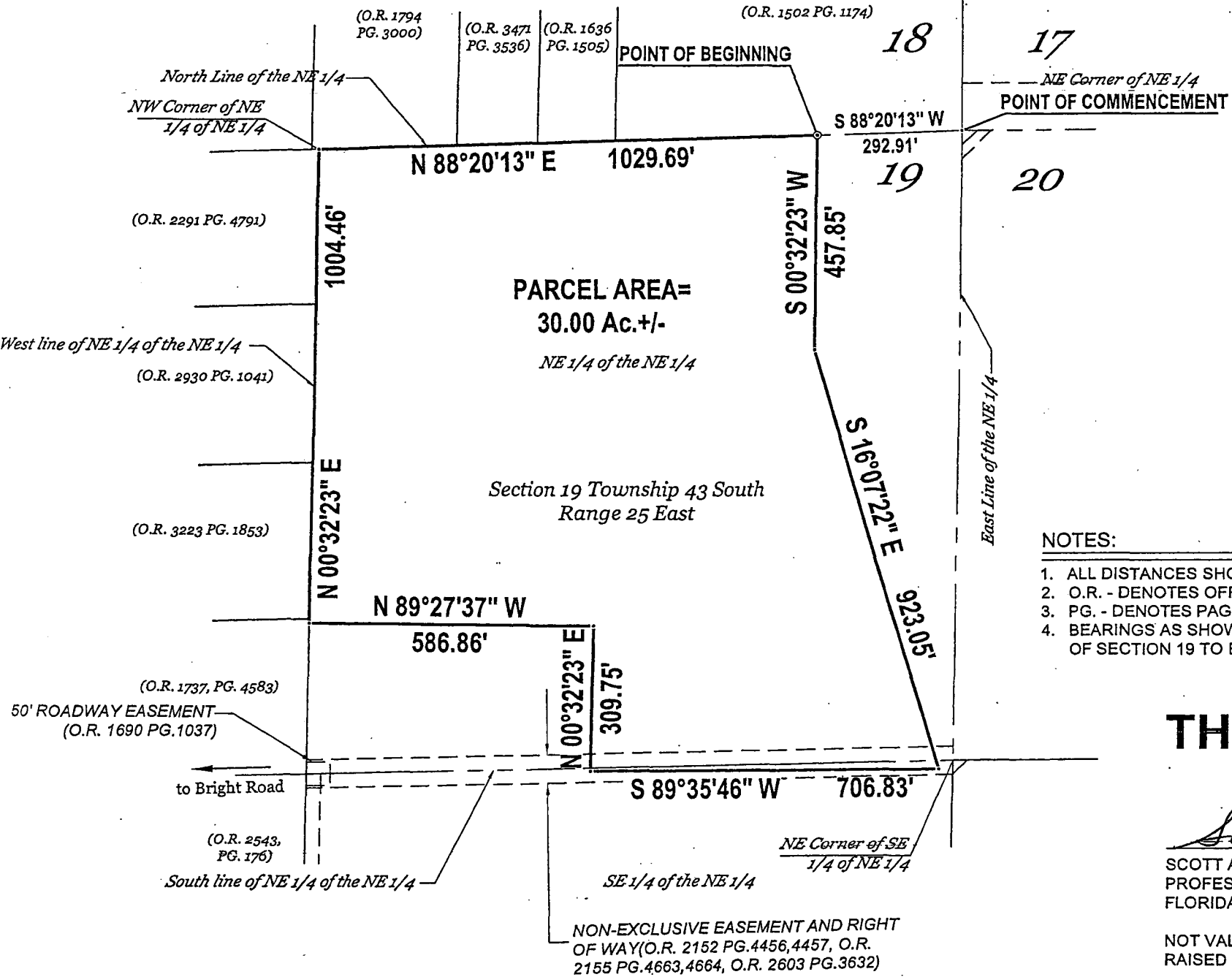
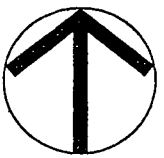
1/4 SW 1/4 SECTION 17 TOWNSHIP 43 SOUTH RANGE 25 EAST

## THIS IS NOT A SURVEY

*Scott A. Wheeler* 10/15/04  
SCOTT A. WHEELER (FOR THE FIRM - LB-6940) DATE SIGNED:  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5949

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

NORTH



NOTES:

1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
3. PG. - DENOTES PAGE.
4. BEARINGS AS SHOWN ARE BASED ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 19 TO BEAR NORTH 88°20'13" EAST.

**THIS IS NOT A SURVEY**

*Scott A. Wheeler*  
SCOTT A. WHEELER (FOR THE FIRM - LB-6940)  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5949

10/15/04  
DATE SIGNED:

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

OAK CREEK  
LEE COUNTY COMPREHENSIVE PLAN AMENDMENT APPLICATION  
B. PUBLIC FACILITIES IMPACTS

2. **Provide an existing and future conditions analysis for:**
- a. **Sanitary Sewer**
  - b. **Potable Water**
  - c. **Surface Water/Drainage Basins**

The subject property is located within the Lee County Utilities service area for both sanitary and potable water service. The proposed change in Future Land Use classification from Rural to Suburban is made concurrent with a request for a land use change from Suburban to Rural for a property of equal size and within the immediate area. The effect of this coincidental change will result in no net potential increase in sanitary sewer and potable water services.

Both of the referenced coincidental requested land use changes are located within the Daughtrey's Creek drainage basin. However, the parcel which is subject to change from Suburban to Rural is located directly adjacent and contiguous to the Daughtrey's Creek conveyance. The result of such a coincidental change will only benefit the drainage level of service for the Daughtrey's Creek drainage basin.

**d. Parks, Recreation, and Open Space**

The subject property is part of a requested Residential Planned Development. As such, the project will need to comply with LDC Section 10-415 for open space and indigenous preservation. In addition, as the RPD application demonstrates, there will be on-site recreational amenities provided by the project. The builder will also need to pay impact fees associated with the residential development on site.



## Bayshore Fire Rescue District

17350 Nalle Road, North Fort Myers, Florida 33917

February 13, 2004

Kim Peterson  
Barraco and Associates, Inc.  
2271 McGregor Blvd.  
Fort Myers, FL. 33901

Re: Oak Creek Project  
Land Solutions, Inc.

This is to inform you that based on our conversation referencing water supply and access, Bayshore Fire and Rescue, will be able to provide service based on Impact fee collection to add any needed facilities as the project is stated. Further our manpower will grow with our needs.

Sincerely,

Chief Chad Jorgensen

Office 239-543-3443

Fax 239-543-7075



P.O. Box 3507  
N. Ft. Myers, FL 33918-3507  
(239) 997-8654  
(239) 995-3757 fax

Jennifer Parker  
Barraco & Associates Inc.  
2271 McGregor Blvd.  
Ft. Myers, FL 33901

01/21/04

Dear Jennifer

We are in receipt of your letter concerning the request to change the land use category for 5 parcels of land in Oak Creek.  
This change will not require additional manpower or equipment in our fire district.  
Please feel free to contact us if you have any questions.

Sincerely,



Terry Pye  
Fire Chief

Cc Rick Jones  
Chris Noble



LEE COUNTY  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

239-335-1604

Writer's Direct Dial Number: chrish@leegov.com

Bob Janes  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

February 18, 2004

Ms. Jennifer Parker  
Barraco and Associates  
2271 McGregor Blvd.  
Fort Myers, FL 33901

**Re: Oak Creek Land Solutions, Inc.**

Dear Ms. Parker:

Lee County Emergency Medical Services has reviewed your letter dated January 16, 2004, reference to a proposed Comprehensive Plan Amendment for parcels located in North Fort Myers, west of the Bayshore/I-75 interchange.

Since your proposed request results in no net change in land use or density, the current and planned budgetary projections for additional EMS resources should adequately address any increased demand for service from persons occupying this parcel or any support facilities.

If you would like to discuss this further, please call me at the above referenced number.

Sincerely,

DIVISION OF PUBLIC SAFETY/EMS

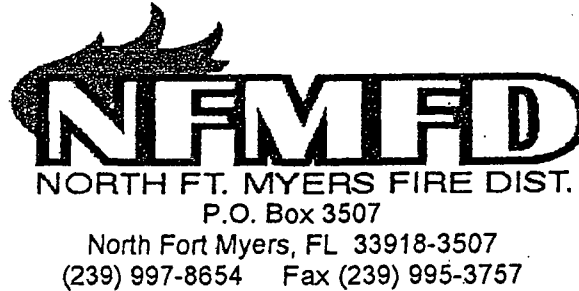
Chief H.C. "Chris" Hansen  
EMS Manager  
Lee County Emergency Medical Services

/GDW



RECEIVED

NOV 10 2003



November 6, 2003

Jennifer Parker  
Barraco & Associates, Inc.  
2271 McGregor Blvd.  
Fort Myers, FL 33901

Dear Miss Parker,

Chief Jorgenson of Bayshore Fire District forwarded your letter to us, regarding the Oak Creek Project.

The Oak Creek Project lies within the boundaries of the North Fort Myers Fire Control District. As to your question about apparatus and manpower issues, you may rest assured that we have the adequate manpower and apparatus necessary to serve your development. We have a fire station on Slater Road that will be your first due station.

We suggest that you contact our fire marshal, Rick Jones, at 731-1931 to arrange a pre-construction meeting to discuss any needs or questions that either party may have.

The North Fort Myers Fire Department is glad to have your development within our service district. Please feel free to contact us at 997-8654 if you need any additional information.

Sincerely,

Terry Pye  
Fire Chief

TP/sy



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Bob Janes  
*District One*

Douglas R. St. Cerny  
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*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

RECEIVED

NOV 10 2003

239-335-1604

Writer's Direct Dial Number: chrish@leegov.com

November 5, 2003

Ms. Jennifer Parker  
Barraco and Associates  
2271 McGregor Blvd.  
Fort Myers, FL 33901

**Re: Written Determination of Adequacy for EMS Services for Comprehensive Plan Amendment Application for a proposed 10 acre (STRAP 17-43-25-00-00002.0000) residential development, Oak Creek Land Solutions, Inc.**

Dear Ms. Parker:

Lee County Emergency Medical Services has reviewed your letter dated November 5, 2003, reference to a proposed 10 acre residential development with a gross density of 50 units and is located in North Fort Myers, west of the Bayshore/I-75 interchange.

The current and planned budgetary projections for additional EMS resources should adequately address any increased demand for service from persons occupying this parcel or any support facilities.

If you would like to discuss this further, please call me at the above referenced number.

Sincerely,

DIVISION OF PUBLIC SAFETY/EMS

Chief H.C. "Chris" Hansen  
EMS Manager  
Lee County Emergency Medical Services

HCH/GDW

Office of the Sheriff  
Rodney Shoap



County of Lee  
State of Florida

January 20, 2004

Barraco and Associates, Inc.  
Ms. Jennifer Parker  
2271 McGregor Boulevard  
Fort Myers, Florida 33901

RE: Oak Creek Project  
Land Solutions, Inc.  
Letter of Reference dated January 16, 2004

Dear Ms. Parker:

The proposed development in Lee County Florida, is within the service area for the Lee County Sheriff's Office. It is policy of the Lee County Sheriff's Office to support community growth and we will do everything possible to accommodate the law enforcement needs.

We anticipate that we will receive the reasonable and necessary funding to support growth in demand. We therefore believe that the Lee County Sheriff's Office will be able to serve your project as it builds out.

Sincerely,

Major Dan Johnson  
Planning and Research

Copy: File  
DJ/jr



*Office of the Sheriff  
Rodney Shoap*



*County of Lee  
State of Florida*

November 7, 2003

Barraco and Associates, Inc.  
Jennifer Parker  
2271 McGregor Boulevard  
Fort Myers, Florida 33901

RE: Oak Creek Project  
Land Solutions, Inc.

Dear Jennifer Parker:

The proposed development, Oak Creek Project Land Solutions Inc., located in North Fort Myers, west of the Bayshore I-75 interchange, in Lee County Florida, is within the service area for the Lee County Sheriff's Office. It is policy of the Lee County Sheriff's Office to support community growth and we will do everything possible to accommodate the law enforcement needs.

We anticipate that we will receive the reasonable and necessary funding to support growth in demand. We therefore believe that the Lee County Sheriff's Office will be able to serve your project as it builds out.

Sincerely,

A handwritten signature in black ink, appearing to be "SDM".

Major Dan Johnson  
Planning and Research

Copy: File  
DJ/jr





**LEE COUNTY**  
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 338-3302

Bob Janes  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

January 23, 2004

Ms. Jennifer Parker  
Barraco and Associates  
2271 McGregor Blvd.  
Ft. Myers, FL 33901

**SUBJECT: Oak Creek Project – Land Solutions Inc.**

Dear Ms. Parker:

The revisions to the Oak Creek Project, which were proposed in your correspondence of January 16, 2004, do not affect the ability of the County to supply solid waste service to the listed parcels. Lee County Solid Waste Division is capable of providing solid waste collection service for the project, located in North Fort Myers, through our franchised hauling contractors. Disposal of the solid waste generated at this location will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

If you have any additional questions, please call me at (239) 338-3302.

Sincerely,

William T. Newman  
Operations Manager  
Solid Waste Division



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 338-3302

Bob Janes  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stillwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

November 6, 2003

Ms. Jennifer Parker  
Barraco and Associates  
2271 McGregor Blvd.  
Ft. Myers, FL 33901

**SUBJECT: Oak Creek Project – Land Solutions Inc.**

Dear Ms. Parker:

The Lee County Solid Waste Division is capable of providing solid waste collection service for the 10-acre residential parcel located in North Fort Myers through our franchised hauling contractors. Disposal of the solid waste generated at this location will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

If you have any additional questions, please call me at (239) 338-3302.

Sincerely,

William T. Newman  
Operations Manager  
Solid Waste Division



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Bob Janes  
*District One*

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Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

239-277-5012 x2233

Writer's Direct Dial Number: \_\_\_\_\_

January 22, 2004

Ms. Jennifer Parker  
Barraco and Associates, Inc.  
2271 McGregor Boulevard  
Fort Myers, FL 33901

**RE: OAK CREEK  
LAND SOLUTIONS, INC.**

Dear Ms. Parker:

Thank you for your correspondence with Lee County Transit in regards to your small scale Comprehensive Plan Amendment application. As addressed in our previous correspondence regarding Oak Creek, our nearest point of fixed-route bus service to the subject parcels is approximately 1.25 miles away, at the intersection of Hart Road and Tucker Lane. While this is not direct service, it is well within the 2-mile buffer zone we consider suitable for passengers to ride bicycles in to our service area. Lee County Transit does not currently provide service directly to the subject property and does not plan, or have the resources to extend service to the site.

If you have any further questions or comments, please call me or e-mail me at [mhorsting@leegov.com](mailto:mhorsting@leegov.com).

Sincerely,

TRANSIT DIVISION

Michael Horsting  
Transit Planner



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Bob Janes  
*District One*

Douglas R. St. Cerny  
*District Two*

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*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

Writer's Direct Dial Number: 239-277-5012 x2233

November 5, 2003

Ms. Jennifer Parker  
Barraco and Associates, Inc.  
2271 McGregor Boulevard  
Fort Myers, FL 33901

**RE: OAK CREEK  
LAND SOLUTIONS, INC.**

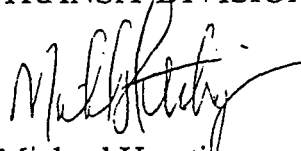
Dear Ms. Parker:

Thank you for your correspondence with Lee County Transit in regards to your Lee County Future Land Use Map amendment application. Our nearest point of fixed-route bus service to the subject property is approximately 1.25 miles away, at the intersection of Hart Road and Tucker Lane. While this is not direct service, it is well within the 2-mile buffer zone we consider suitable for passengers to ride bicycles in to our service area. Lee County Transit does not currently provide service directly to the subject property and does not plan, or have the resources to extend service to the site.

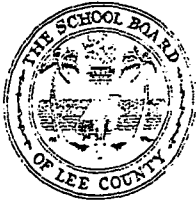
If you have any further questions or comments, please call me or e-mail me at [mhorsting@leegov.com](mailto:mhorsting@leegov.com).

Sincerely,

TRANSIT DIVISION

  
Michael Horsting  
Transit Planner





# THE SCHOOL BOARD OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 337-8303 • FAX (239) 337-8649 • TTD/TTY (239) 335-1512

February 18, 2004

Ms. Jennifer Parker  
Barraco and Associates, Inc.  
2271 McGregor Boulevard  
Fort Myers, FL 33901

Re: 10-Acre Parcel within Oak Creek (Future Land Use Amendment)  
DCI# 2003-00083  
**CORRECTED STUDENT GENERATION RATES**

Dear Ms. Parker:

The purpose of this letter is to correct the student generation rates provided in our response to your request for substantive comments on the above-referenced project. Our correspondence to you was dated December 2, 2003.

Based on the correct student generation rates and the proposed maximum total of 60 single family residential dwelling units, the School District of Lee County is estimating that this project could generate up to 21 additional school-aged children. This uses a generation rate of 0.352 students per unit generated in the East region of Lee County for single family units. This would create the need for one new classroom in the system at approximately 22 students per classroom, as well as additional staff and core facilities. Using the new small classroom legislative guidelines, additional classrooms may be generated.

The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the Oak Creek developers will be expected to pay the impact fee at the appropriate time.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 479-4205.

Sincerely,

Kathy Babcock, Long Range Planner  
Department of Construction and Planning

Cc: William G. Moore, Jr.  
Executive Director, School Support

Keith Martin  
Lee County School District Attorney

JEANNE S. DOZIER  
CHAIRMAN • DISTRICT 2

ELINOR C. SCRICCA, PH.D.  
VICE CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK  
DISTRICT 1

JANE E. KUCKEL, PH.D.  
DISTRICT 3

STEVEN K. TEUBER  
DISTRICT 4

JAMES W. BROWDER, ED.D.  
SUPERINTENDENT

KEITH B. MARTIN  
BOARD ATTORNEY

**DISTRICT VISION**  
TO PREPARE EVERY STUDENT FOR SUCCESS

**DISTRICT MISSION**  
TO PROVIDE A QUALITY EDUCATION IN A SAFE AND WELL-MANAGED ENVIRONMENT



RECEIVED

DEC 08 2003  
2:17:17**THE SCHOOL DISTRICT OF LEE COUNTY**

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102 • TTD/TTY (239) 335-1512

JEANNE S. DOZIER  
CHAIRMAN • DISTRICT 2ELINOR C. SCRICCA, PH.D.  
VICE CHAIRMAN • DISTRICT 5ROBERT D. CHILMONK  
DISTRICT 1JANE E. KUCKEL, PH.D.  
DISTRICT 3STEVEN K. TEUBER  
DISTRICT 4JAMES W. BROWDER, ED.D.  
SUPERINTENDENTKEITH B. MARTIN  
BOARD ATTORNEY

December 2, 2003

Ms. Jennifer Parker  
Barraco and Associates, Inc.  
2271 McGregor Boulevard  
Fort Myers, FL 33901Re: 10-Acre Parcel within Oak Creek (Future Land Use Amendment)  
Strap Number 17-43-25-00-00002.0000

Dear Ms. Parker:

Thank you for your correspondence dated October 31, 2003, regarding the future land use amendment proposed for the above-referenced parcel located within the Oak Creek project. This proposed development is in the East Region of the District, west of the Bayshore Road/I-75 interchange in the North Fort Myers Planning Area.

Based on the proposed maximum total of 60 single family residential dwelling units, the Lee County School District is estimating that the proposal could generate up to 8 additional school-aged children. This uses a generation rate of 0.13 students generated in the East region of Lee County for single family uses. This would create the need for approximately 1 new classroom in the system, as well as additional staff and core facilities. Using the new small classroom legislative guidelines, additional classrooms may be generated.

The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the Oak Creek developers will be expected to pay the impact fee at the appropriate time.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 479-4205.

Sincerely,

Kathy Babcock, Long Range Planner  
Department of Construction and PlanningCc: William G. Moore, Jr.  
Executive Director, School Support**DISTRICT VISION**

TO PREPARE EVERY STUDENT FOR SUCCESS

**DISTRICT MISSION**

TO PROVIDE A QUALITY EDUCATION IN A SAFE AND WELL-MANAGED ENVIRONMENT

#### **IV. AMENDMENT SUPPORT DOCUMENTATION NORTH PARCEL**

##### **C. Environmental Impacts**

**Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed use upon the following:**

- 1. A map of the Plant Communities as defined by the Florida Land Use Cover and Forms Classification System (FLUCFS).**

See attached map for community locations for the North Parcel. The vegetation communities on site were mapped according to the Florida Land Use, Cover and Forms Classification System (FLUCFS) (Florida Department of Transportation, 1985). The mapping utilized Level III FLUCFCS. The site was inspected and the mapping superimposed on 2001 digital aerial photographs. Acreages were approximated using AutoCAD (Version 14).

The following is a discussion of the existing land uses and vegetative associations found on site. The following table summarizes the FLUCFCS communities discussed below.

**211 Improved Pasture (approximately 7.62 acres)**

This community is maintained and dominated by bahia grass. Included in this community are agriculture swales.

**261 Fallow Agriculture Lands (approximately 4.17 acres)**

This community consists of improved pasture that has not been maintained; i.e. Brazilian pepper and scrub oak have been allowed to colonize.

**321 Palmetto Prairie (approximately 3.53 acres)**

This community is dominated by saw palmetto in the understory. Canopy cover is sparse, less than 10% coverage and consists of slash pine and live oak. Other dominant groundcovers include wax myrtle, pennyroyal, saltbush, and tarflower.

**411 Pine Flatwoods (approximately 0.86 acres)**

This community is dominated by slash pine in the canopy with saw palmetto in the understory. The saw palmetto understory is very dense in places and ranges in height up to +/-10'. Other dominant vegetation includes live oak, cabbage palm, wax myrtle, pennyroyal, saltbush, and tarflower.

**411/422 Pine Flatwoods (approximately 5.21 acres)**

This community is dominated by slash pine in the canopy with scattered Brazilian pepper in the canopy. Groundcover consists of scattered saw palmetto and bahia grass.

**422 Brazilian Pepper (approximately 1.72 acres)**

This community contains a monoculture of Brazilian pepper. The exotic is so dense that virtually no other vegetation is present.

**422H Brazilian Pepper Wetlands (approximately 3.30 acres)**

This community is a near monoculture of Brazilian pepper wetlands. It occurs in and adjacent to excavated swales that were cut prior to 1966. This community is virtually impenetrable and does not appear to provide suitable habitat for anything. Transects that were walked, basically followed the wetland lines.

**424H Melaleuca Wetlands (approximately 2.00 acres)**

This community is a near monoculture of melaleuca in the canopy. Dominant groundcovers consist of spartina, wiregrass, yellow-eyed grass, and swamp fern.

**510 Cut Swales - Ditches (approximately 0.09 acres)**

This community consists of excavated ditches and swales. A review of a 1966 aerial photograph confirms this. The depth varies from approximately five feet to one foot.

**641 Freshwater Marsh (approximately 1.63 acres)**

This community is dominated by maidencane, pickerelweed, sawgrass, torpedo grass and arrowhead.

**832 Power line Easement (approximately 4.06 acres)**

This community includes a power line easement dominated by bahia grass.

**West Parcel**

EEUCPCS	Description	Acreage	Percent of Total
211	Improved Pasture	7.62	22.3
261	Abandoned Ag Lands	4.17	12.2
321	Palmetto Prairie	3.53	10.3
411	Pine Flatwoods	0.86	2.5
411/422	Pine - B. Pepper	5.21	15.2
422	B. Pepper	1.72	5.0
422H	Brazilian Pepper Wetlands	3.30	9.7
424H	Melaleuca Wetlands	2.00	5.8
510	Ditches	0.09	0.3
641	Freshwater Marsh	1.63	4.8
832	FPL Easement	4.06	11.9
Total		34.19 acres	100 %

2. **A map and description of the soils found on the property (identify the source of the information).**

See attached map for soil mappings based on NRCS soil survey for Lee County. The NRCS mapped the property as being underlain by Hallendale fine sand (code 6), Pineda fine sand (code 26), and Oldsmar sand (code 33).

3. **A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).**

See attached Topography and Flood Zone Map.

4. **A map delineating wetlands, aquifer recharge areas, and rare and unique uplands.**

See attached map for locations of mapped SFWMD verified wetlands. The property has 6.93 acres of wetlands, which includes 3.30 acres of Brazilian pepper wetlands, 2.00 acres of Melaleuca wetlands and 1.63 acres of marsh; the wetlands constitute approximately 20.27% of the property. This parcel also contains 0.09 acres of ditches that are considered as other surface waters. There are no rare and unique uplands on site.

5. **A table of plant communities by FLUCFS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCFS and the species status (same as FLUCFS map).**

## **ANIMALS**

Listed wildlife species that have the potential to occur on the project site are listed in the following table. These potential occurrences were determined by referencing the Field Guide to Rare Animals of Florida (Florida Natural Areas Inventory 2000), Florida Atlas of Breeding Sites for Herons and Their Allies (Runde et. al. 1991), Lee County Eagle Technical Advisory Committee (ETAC) Active 2000-2001 Season map. The Florida Endangered Species, Threatened Species and Species of Special Concern; Official Lists, dated August 1997 was used to identify the status of the potentially occurring species.

## North Parcel

Name	Scientific Name	Habitat	State & Fed. Status	
			FWC	FWS
Audubon's Crested Caracara	<i>Polyborus plancus carcara</i>	321	T	T
Burrowing Owl	<i>Speotyto cunicularia</i>	321	SSC	No listing
Florida Black Bear	<i>Ursus americanus floridanus</i>	321, 411	T	No listing
Florida Sandhill Crane	<i>Grus canadensis pratensis</i>	211, 321	T	No listing
Gopher Frog	<i>Rana areolata</i>	321, 411	SSC	No listing
Gopher Tortoise	<i>Gopherus polyhemus</i>	321, 411	SSC	No listing
Eastern Indigo Snake	<i>Drymarchon corais coupéri</i>	321, 411	T	T
Southeastern American Kestrel	<i>Falco sparverius paulus</i>	321, 411	T	No listing
Red Cockaded Woodpecker	<i>Picoides borealis</i>	411,	T	E
Big Cypress Fox Squirrel	<i>Sciurus niger avicennia</i>	411, 424H,	T	No listing
American Alligator	<i>Alligator mississippiensis</i>	510, 641	SSC	T(S/A)
Limpkin	<i>Aramus guarauna</i>	510, 641	SSC	No listing
Little Blue Heron	<i>Egretta caerulea</i>	510, 641	SSC	No listing
Reddish Egret	<i>Egretta rufescens</i>	510, 641	SSC	No listing
Roseate Spoonbill	<i>Ajaia ajaja</i>	510, 641	SSC	No listing
Snowy Egret	<i>Egretta thula</i>	510, 641	SSC	No listing
Tricolored Heron	<i>Egretta tricolor</i>	510, 641	SSC	No listing
Least Tern	<i>Sterna antillarum</i>	261	T	No listing

FWC-Florida Fish and Wildlife Conservation Commission\FWS-U.S. Fish and Wildlife Service  
 SSC-Species of Special Concern/T-Threatened/E-Endangered  
 T(S/A)-Threatened due to similarity of appearance

### Audubon's Crested Caracara

This species lives in cabbage palms and prefers open rangeland. The parcel does not contain cabbage palm hammocks. No nest or signs of this species were observed on the site.

### Burrowing owl

Burrowing owls normally inhabit open grassy areas consisting of low grasses. Only minimal areas of this type of habitat are present. No signs of burrows were observed.

### Florida Black Bear

This species is a wide ranging species that sometime travels into urban areas. No signs of the black bear were observed on this tract.

Florida sandhill crane

The Florida sandhill crane will utilize prairies, freshwater marshes and pasture lands, however, they favor wetlands dominated by pickeral weed and maidencane. None of this habitat is found on the parcel. This bird appears to be a bit more sensitive to human disturbance; consequently, due to the sites proximity to several busy roads and other developed areas, it is unlikely that they would occur on the site in any significant frequency.

Gopher frog

The gopher frog could potentially on site. They are often associated with gopher tortoise burrows. It is noted that no gopher tortoise burrows were observed on this parcel.

Gopher Tortoise

Gopher tortoise burrows were not located on the parcel. Suitable habitat is present, but no signs of gopher tortoises were found.

Eastern Indigo snake

The eastern indigo snake, a far ranging species, could potentially occur in the upland communities on the property.

Southeastern American Kestrel

It is unlikely this species would utilize the site, since it prefers open habitat and the parcel is not dominated by open habitat.

American Alligator

The American alligator prefer areas that contain standing water for most of the year. The ditches are only seasonally inundated and are not suitable habitat for this species.

Big Cypress Fox Squirrel

This large squirrel uses a variety of open forested habitats. No fox squirrels were observed on site. There were five small stick nests located within the melaleuca and exotic invaded areas on site, but again no fox squirrels were observed.

Limpkin

The limpkin inhabits a wide variety of wetlands, but prefers mangrove and freshwater swamps. Its preferred food is the apple snail. Since the property does not contain forested swamps nor was the apple snail identified on the property, it can be assumed that the property does not provide good habitat for the limpkin.

Reddish egret

This wading bird typically inhabits coastal areas. Because of this it is unlikely that this bird would inhabit the property.

Snowy Egret/Roseate Spoonbill/Little Blue Heron

These species inhabit a variety of wetland habitats. It is possible that these birds would utilize the ditches during the rainy season by foraging in the shallow water in the marsh. No nesting areas of these birds were identified.

Tri-colored Heron

Like the snowy egret this bird could use the ditch and wetland during the rainy season for foraging.

Wood Stork

The wood stork could also utilize the property during the rainy season like the aforementioned wading birds; however, it is less likely that wood storks would be found on the property. This is because the on-site wetlands and other surface waters do not have close connections to aquatic refugia and consequently would not provide the densities of forage fish needed for this tactile feeder.

Red Cockaded Woodpecker

The red cockaded woodpecker live in live slash pine with fairly open mid story vegetation. Only small areas of pine flatwoods were identified. No cavities or signs of the red-cockaded woodpeckers were observed onsite.

Least Tern

The least tern prefers open sandy grounds for nesting. None of this habitat is found on the site.



## PLANTS

Listed plant species that were not observed but which have the potential to occur on the project site are listed in the following table. These potential occurrences were determined by referencing the Field Guide to Rare Plants of Florida (Florida Natural Areas Inventory 2000). The Florida Endangered Species, Threatened Species and Species of Special Concern; Official Lists, dated August 1997 was used to identify the status of the potentially occurring species.

Name	Scientific Name	Habitat	Status	
			FDA	FWS
Curtis Milkweed	<i>Asclepias curtissii</i>	321	E	--
Beautiful paw-paw	<i>Deeringothamnus pulchellus</i>	321,411	E	E
Fakahatchee Burmannia	<i>Burmannia flava</i>	321,411	E	--
Florida coontie	<i>Zamia Floridana</i>	321,411	C	--
Satinleaf	<i>Chrysophyllum oliviforme</i>	411	E	--
Twisted Air Plant	<i>Tillandsia flexuosa</i>	411	E	--

FWC-Florida Fish and Wildlife Conservation Commission  
 FWS-U.S. Fish and Wildlife Service  
 SSC-Species of Special Concern  
 T-Threatened  
 E-Endangered

### Beautiful paw-paw

This plant is also unlikely to occur on the property as most of its range in Lee County is confined to portions of Pine Island and northwest Lee County. No signs of this species were observed on the parcel.

### Florida Coontie

Coontie is typically found growing in undisturbed native scrub or high pine flatwoods. The property does not have habitat in which they would likely occur.

### Curtis Milkweed

This species is typically found in cleared open areas such as scrub or sandhill communities. Suitable habitat for this species is not found on the site.

### Fakahatchee Burmannia

This species is found in moist grassy areas and is typically associated with hydric pine flatwoods. This species was not observed on site.

Satinleaf

No signs of this species were found on the site.

**D. Impacts on Historic Resources**

List all historic resources (including structure, districts, and/or archaeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.

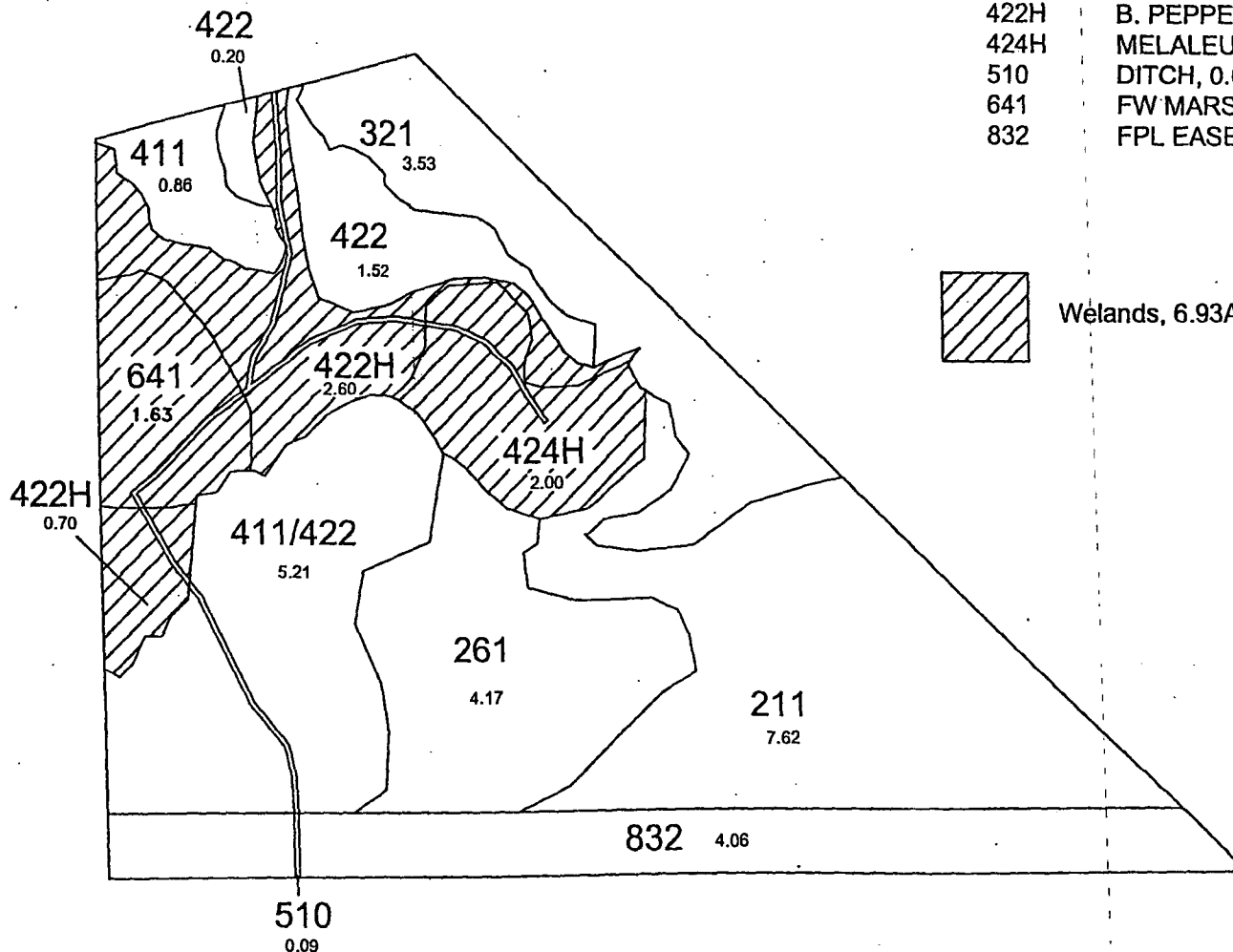
A survey was conducted on site to determine the presence of any archaeological or historical resources. This survey found no signs of these resources.

2. A map showing the subject property location on the archaeological sensitivity map for Lee County.

See attached photocopy of portion of the sensitivity map that shows the property in relationship to the limits of the archaeologically sensitive areas.

**Discussion**

The land use for the West Parcel is suburban. The West Parcel contains a flow-way. The West Parcel contains native uplands, some wetlands and signs of listed species. The land use for the North Parcel is rural. The North Parcel is located adjacent to the railroad grade and I-75. The North Parcel contains minimal native uplands and minor amounts of disturbed wetlands. The North Parcel does not contain a significant flow-way. No signs of listed species were documented on the site. The current request is to change the land use on the West Parcel to rural and on the North Parcel to suburban. The will switch the more intensive land use to the par



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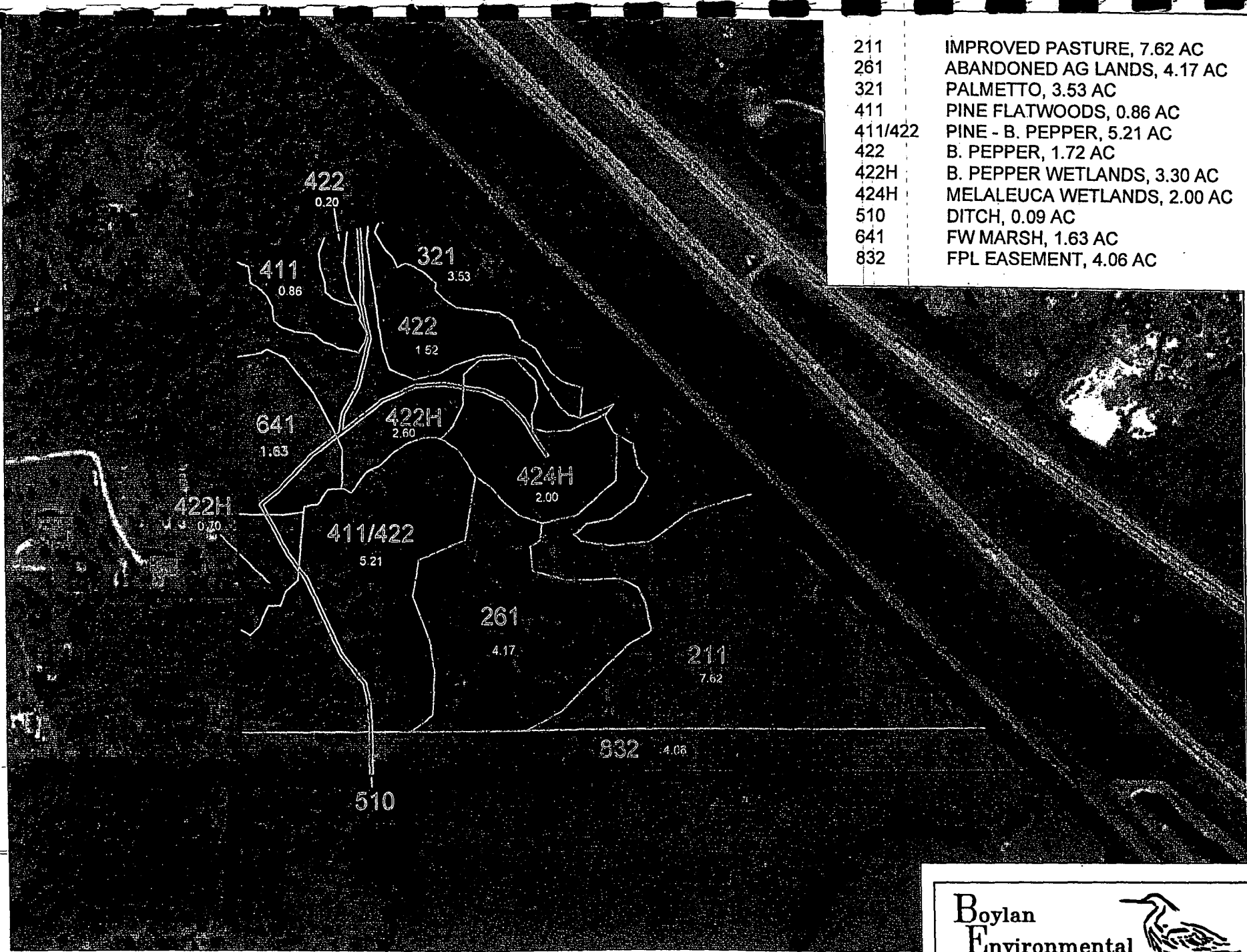
OAK CREEK  
 FLUCCS MAP NORTH PARCEL

COUNTY LEE  
 SEC 17  
 TWP. 43S  
 RNG 25E  
 REVISIONS

Boylan  
 Environmental  
 Consultants, Inc.

Wetland & Wildlife Surveys, Environmental Permitting,  
 Impact Assessments

11000 Metro Parkway, Suite 400, Dallas, TX 75244



211	IMPROVED PASTURE, 7.62 AC
261	ABANDONED AG LANDS, 4.17 AC
321	PALMETTO, 3.53 AC
411	PINE FLATWOODS, 0.86 AC
411/422	PINE - B. PEPPER, 5.21 AC
422	B. PEPPER, 1.72 AC
422H	B. PEPPER WETLANDS, 3.30 AC
424H	MELALEUCA WETLANDS, 2.00 AC
510	DITCH, 0.09 AC
641	FW MARSH, 1.63 AC
832	FPL EASEMENT, 4.06 AC

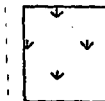
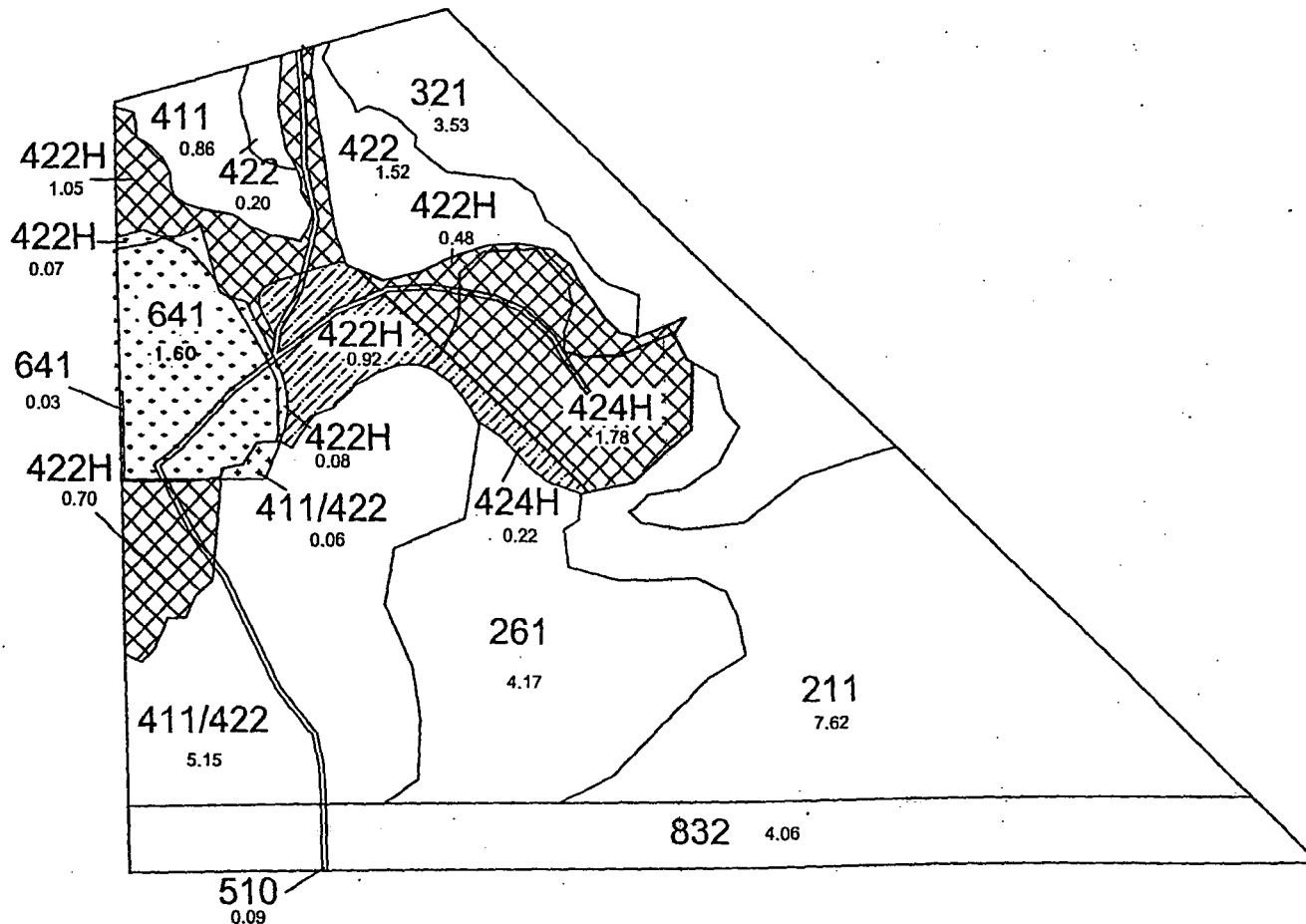
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 DATE 10-25-04

OAK CREEK  
 FLUCCS MAP NORTH PARCEL

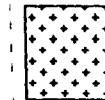
COUNTY LEE  
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 11000 Metro Parkway, Suite 4, Ft. Myers, 33912 (239)418-0671

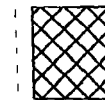
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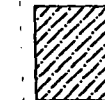
Wetland Preserve 1.75 AC



Upland Preserve 0.06 AC



Wetland Fill 4.04 AC



Wetland Dredge 1.14 AC

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 OCT2004 COMP  
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 10-25-04

OAK CREEK  
 FLUCCS MAP NORTH PARCEL

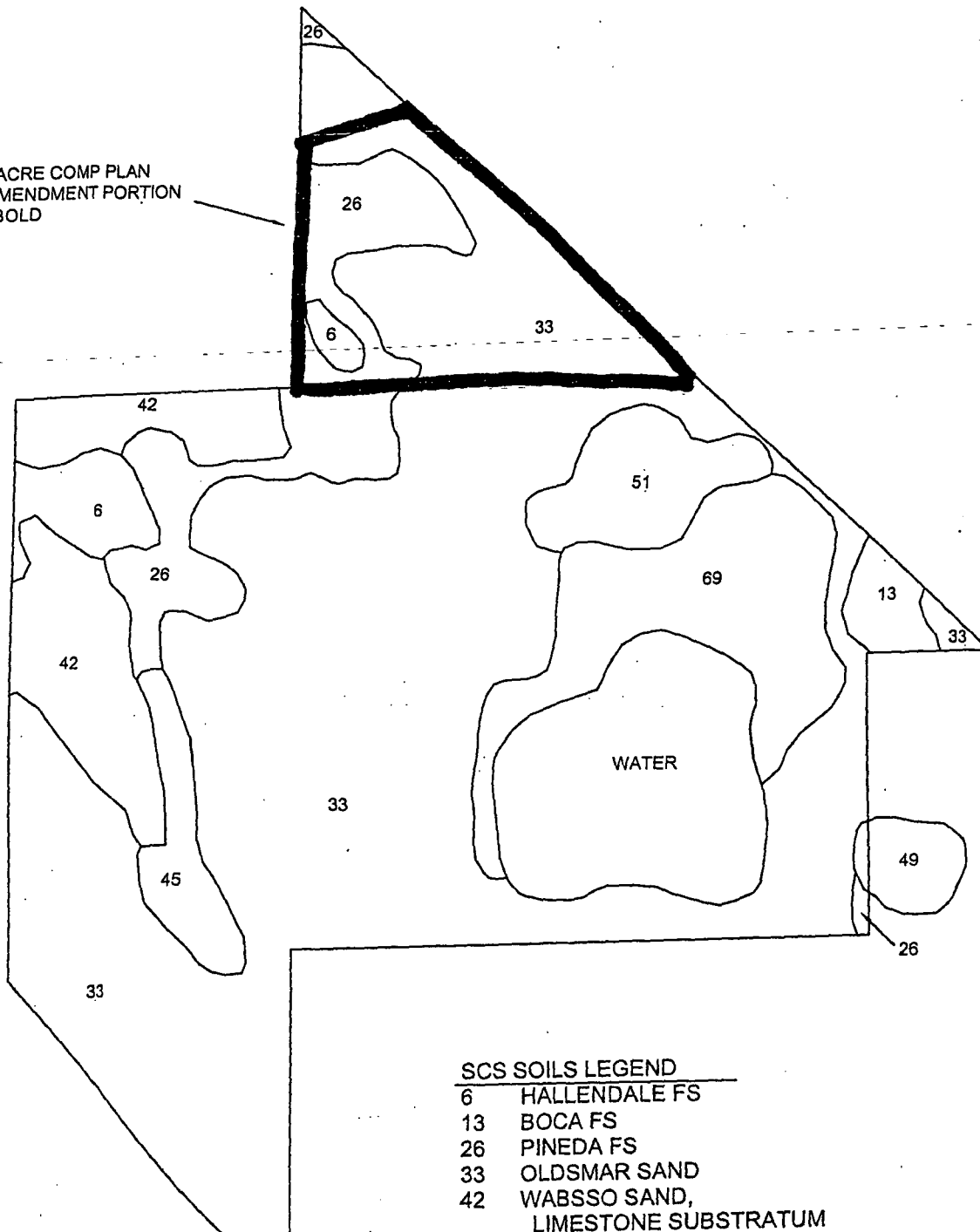
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Boylan  
 Environmental  
 Consultants, Inc.

Wetland & Wildlife Surveys, Environmental Permitting,  
 Impact Assessments

11000 Metro Parkway Suite 400 Ft. Myers, FL 33907 (813) 435-5555

10 ACRE COMP PLAN  
AMMENDMENT PORTION  
IN BOLD



SCS SOILS LEGEND

- 6 HALLENDALE FS
- 13 BOCA FS
- 26 PINEDA FS
- 33 OLDSMAR SAND
- 42 WABSSO SAND,  
LIMESTONE SUBSTRATUM
- 49 FELDA FS, DEPRESSIONAL
- 51 FLORIDANA SAND, DEPRESSIONAL
- 69 MATLACHA GRAVELLY FS

**Boylan Environmental Consultants, Inc.**  
*Wetland & Wildlife Surveys, Environmental Permitting,  
 Impact Assessments*  
 11000 Metro Parkway, Suite 4, Ft. Myers, 33912 (239)418-0671

COUNTY	LEE
SEC	17 & 20
TWP	43S
RNG	25E
REVISIONS	

**OAK CREEK**  
 COMP PLAN AMMENDMENT SOILS MAP NORTH PARCEL

DB #	020087
SCALE	1"=800'
FILE	OCT2004 SOILS
RAWN BY	JKD
ATE	10/25/2004



FLORIDA DEPARTMENT OF STATE  
Glenda E. Hood  
Secretary of State  
DIVISION OF HISTORICAL RESOURCES

July 18, 2003

Jim Keltner  
Boylan Environmental Consultants, Inc.  
11000 Metro Parkway, Suite 4  
Ft. Myers, FL 33912  
FAX # (239) 418-0672

Dear Mr. Kraft:

In response to your inquiry of July 18th, 2003, the Florida Master Site File lists no previously recorded cultural resources or surveys in the following parcels:

T43S, R25E, Sections: 17, 20

When interpreting the results of our search, please remember the following points:

- Areas which have not been completely surveyed, such as yours, may contain unrecorded archaeological sites, unrecorded historically important structures, or both.
- As you may know, state and federal laws require formal environmental review for some projects. Record searches by the staff of the Florida Master Site File do not constitute such a review of cultural resources. If your project falls under these laws, you should contact the Compliance Review Section of the Bureau of Historic Preservation at 850-245-6333 or at this address.

Sincerely,  
Patrick Gensler

A handwritten signature in dark ink, appearing to read "Patrick Gensler", is written over a light-colored background.

Florida Master Site File  
Division of Historical Resources  
R. A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Phone 850-245-6331  
Fax: 850-245-6439  
State SunCom: 205-6440  
Email: [fmsfile@mail.dos.state.fl.us](mailto:fmsfile@mail.dos.state.fl.us)  
Web: <http://www.dos.state.fl.us/dhr/msf/>

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

Director's Office  
(850) 245-6300 • FAX: 245-6435

☐ Archaeological Research  
(850) 245-6444 • FAX: 245-6436

☐ Historic Preservation  
(850) 245-6333 • FAX: 245-6437

☐ Historical Museums  
(850) 245-6400 • FAX: 245-6433

☐ Palm Beach Regional Office

☐ St. Augustine Regional Office

☐ Tampa Regional Office

TOTAL 5 OF 24

#### **IV. AMENDMENT SUPPORT DOCUMENTATION WEST PARCEL**

##### **C. Environmental Impacts**

**Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed use upon the following:**

- 1. A map of the Plant Communities as defined by the Florida Land Use Cover and Forms Classification System (FLUCFS).**

See attached map for community locations for the West Parcel. The vegetation communities on site were mapped according to the Florida Land Use, Cover and Forms Classification System (FLUCFS) (Florida Department of Transportation, 1985). The mapping utilized Level III FLUCFS. The site was inspected and the mapping superimposed on 2001 digital aerial photographs. Acreages were approximated using AutoCAD (Version 14).

The following is a discussion of the existing land uses and vegetative associations found on site. The following table summarizes the FLUCFS communities discussed below.

**211 Improved Pasture (approximately 0.30 acres)**

This community is maintained and dominated by bahia grass. Included in this community are agriculture swales.

**321 Palmetto Prairie (approximately 3.85 acres)**

This community is dominated by saw palmetto in the understory. Canopy cover is sparse, less than 10% coverage and consists of slash pine and live oak. Other dominant groundcovers include wax myrtle, pennyroyal, saltbush, and tarflower.

**411 Pine Flatwoods (approximately 4.29 acres)**

This community is dominated by slash pine in the canopy with saw palmetto in the understory. The saw palmetto understory is very dense in places and ranges in height up to +/-10'. Other dominant vegetation includes live oak, cabbage palm, wax myrtle, pennyroyal, saltbush, and tarflower.

**422H Brazilian Pepper Wetlands (approximately 1.89 acres)**

This community is a near monoculture of Brazilian pepper wetlands. It occurs in and adjacent to excavated swales that were cut prior to 1966. This community is virtually impenetrable and does not appear to provide suitable habitat for anything. Transects that were walked, basically followed the wetland lines.



**422/428H Brazilian Pepper/Cabbage Palm Wetlands (approximately 2.51 acres)**

This community is dominated by Brazilian pepper in the mid-canopy with cabbage palm in the canopy. Under story vegetation is virtually void.

**428 Cabbage Palm/Live Oak /Slash Pine (approximately 9.05 acres)**

This community is dominated by mature cabbage palm, live oak, and pine in the canopy. Groundcover is dominated by cabbage palm and saw palmetto. Other dominant groundcovers include wax myrtle, pennyroyal, saltbush, and tarflower.

**510 Cut Swales - Ditches (approximately 0.13 acres)**

This community consists of excavated ditches and swales. A review of a 1966 aerial photograph confirms this. The depth varies from approximately five feet to one foot.

**617 Cabbage Palm/Laurel Oak/Pond Apple (approximately 4.15 acres)**

This community consists of mature cabbage palm and laurel oak in the fringes with pond apple in the interior. Groundcover is dominated by pickerelweed, arrowhead, and maidencane.

**740 Disturbed, Previously Cleared (approximately 0.19 acres)**

This community consists of access trails throughout the northern portion of the property. Groundcovers are dominated by bahia grass.

**740H Disturbed, Previously Cleared Wetlands (3.64 acres)**

This community consists of access trails throughout the northern portion of the property. During the rainy season they may become inundated or at least saturated. Dominant vegetation consists of torpedo grass.

**West Parcel**

FLUCFCS	Description	Acreage	Percent of Total
211	Improved Pasture	0.30	1.0
321	Palmetto Prairie	3.85	12.8
411	Pine Flatwoods	4.29	14.3
422H	Brazilian Pepper Wetlands	1.89	6.3
422/428H	B. Pepper/Cabbage Palm Wetlands	2.51	8.4
428	Cabbage Palm	9.05	30.2
510	Ditches	0.13	0.4
617	Mixed Wetlands	4.15	13.9
740	Disturbed	0.19	0.6
740H	Disturbed Wetlands	3.64	12.1
Total		30.0 acres	100 %

**2. A map and description of the soils found on the property (identify the source of the information).**

See attached map for soil mappings based on NRCS soil survey for Lee County. The NRCS mapped the property as being underlain by Hallendale fine sand (code 6) and Wabasso sand, limestone substratum (code 42).

**3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).**

See attached Topography and Flood Zone Map provided by Barraco and Associates.

**4. A map delineating wetlands, aquifer recharge areas, and rare and unique uplands.**

See attached map for locations of mapped SFWMD verified wetlands. The property has 12.19 acres of wetlands, which includes 1.89 acres of Brazilian pepper wetlands, 2.51 acres of Brazilian pepper / cabbage palm wetlands, 4.15 acres of mixed wetlands, and 3.64 acres of disturbed wetlands; the wetlands constitute approximately 40.63% of the property. This parcel also contains 0.13 acres of ditches that are considered as other surface waters. The wetlands on site are comprised and are adjacent to a flow-way. The site does contain cabbage palm hammock, but this parcel is outside the limits of the Coastal Planning Area.

**5. A table of plant communities by FLUCFS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCFS and the species status (same as FLUCFS map).**

## **ANIMALS**

Listed wildlife species that have the potential to occur on the project site are listed in the following table. These potential occurrences were determined by referencing the Field Guide to Rare Animals of Florida (Florida Natural Areas Inventory 2000), Florida Atlas of Breeding Sites for Herons and Their Allies (Runde et. al. 1991), Lee County Eagle Technical Advisory Committee (ETAC) Active 2000-2001 Season map. The Florida Endangered Species, Threatened Species and Species of Special Concern; Official Lists, dated August 1997 was used to identify the status of the potentially occurring species.

## West Parcel

Name	Scientific Name	Habitat	State & Fed Status	
			FWC	FWS
Audubon's Crested Caracara	<i>Polyborus plancus carcara</i>	321,422/428, 428	T	T
Burrowing Owl	<i>Speotyto cunicularia</i>	321,740	SSC	No listing
Florida Black Bear	<i>Ursus americanus floridanus</i>	321,411,422/428, 428	T	No listing
Florida Sandhill Crane	<i>Grus canadensis pratensis</i>	211,321	T	No listing
Gopher Frog	<i>Rana areolata</i>	321,411,740	SSC	No listing
Gopher Tortoise	<i>Gopherus polyhemus</i>	321,411, 740	SSC	No listing
Eastern Indigo Snake	<i>Drymarchon corais couperi</i>	321, 411, 422/428, 428	T	T
Southeastern American Kestrel	<i>Falco sparverius paulus</i>	321,411	T	No listing
Red Cockaded Woodpecker	<i>Picoides borealis</i>	411	T	E
Big Cypress Fox Squirrel	<i>Sciurus niger avicennia</i>	411,428	T	No listing
American Alligator	<i>Alligator mississippiensis</i>	510,617	SSC	T(S/A)
Limpkin	<i>Aramus guarauna</i>	510,617	SSC	No listing
Little Blue Heron	<i>Egretta caerulea</i>	510,617	SSC	No listing
Reddish Egret	<i>Egretta rufescens</i>	510,617	SSC	No listing
Roseate Spoonbill	<i>Ajaia ajaja</i>	510,617	SSC	No listing
Snowy Egret	<i>Egretta thula</i>	510,617	SSC	No listing
Tricolored Heron	<i>Egretta tricolor</i>	510,617	SSC	No listing
Wood Stork	<i>Mycteria americana</i>	617	E	E

FWC-Florida Fish and Wildlife Conservation Commission/FWS-U.S. Fish and Wildlife Service  
 SSC-Species of Special Concern/T-Threatened/E-Endangered  
 T(S/A)-Threatened due to similarity of appearance

### Audubon's Crested Caracara

This species lives in cabbage palms and prefers open rangeland. No nest or signs of this species were observed on the site.

### Borrowing owl

Burrowing owls normally inhabit open grassy areas consisting of low grasses. Only minimal areas of this type of habitat are present. No signs of burrows were observed.

### Florida Black Bear

This species is a wide ranging species that sometime travels into urban areas. No signs of the black bear were observed on this tract.

#### Florida sandhill crane

The Florida sandhill crane will utilize prairies, freshwater marshes and pasture lands, however, they favor wetlands dominated by pickeral weed and maidencane. None of this habitat is found on the parcel. This bird appears to be a bit more sensitive to human disturbance; consequently, due to the sites proximity to several busy roads and other developed areas, it is unlikely that they would occur on the site in any significant frequency.

#### Gopher frog

The gopher frog could potentially on site. They are often associated with gopher tortoise burrows. Since tortoise burrows were identified on the property there is potential for this species presence on site.

#### Gopher Tortoise

Gopher tortoise burrows were located on the parcel. Seven active burrows and five inactive burrows were located in the palmetto prairie and cabbage palm hammock.

#### Eastern Indigo snake

The eastern indigo snake, a far ranging species, could potentially occur in the upland communities on the property.

#### Southeastern American Kestrel

It is unlikely this species would utilize the site, since it prefers open habitat and the parcel is not dominated by open habitat.

#### American Alligator

The American alligator prefer areas that contain standing water for most of the year. The ditches are only seasonally inundated and are not suitable habitat for this species.

#### Big Cypress Fox Squirrel

This large squirrel uses a variety of open forested habitats. No fox squirrels were observed on site. There were six small stick nests located within the cabbage palm areas on site, but again no fox squirrels were observed.

#### Limpkin

The limpkin inhabits a wide variety of wetlands, but prefers mangrove and freshwater swamps. Its preferred food is the apple snail. Since the property does not contain forested swamps nor was the apple snail identified on the property, it can be assumed that the property does not provide good habitat for the limpkin.

#### Reddish egret

This wading bird typically inhabits coastal areas. Because of this it is unlikely that this bird would inhabit the property.

Snowy Egret/Roseate Spoonbill/Little Blue Heron

These species inhabit a variety of wetland habitats. It is possible that these birds would utilize the ditches during the rainy season by foraging in the shallow water in the marsh. No nesting areas of these birds were identified.

Tri-colored Heron

Like the snowy egret this bird could use the ditch and wetland during the rainy season for foraging.

Wood Stork

The wood stork could also utilize the property during the rainy season like the aforementioned wading birds; however, it is less likely that wood storks would be found on the property. This is because the on-site wetlands and other surface waters do not have close connections to aquatic-refugia and consequently would not provide the densities of forage fish needed for this tactile feeder.

Red Cockaded Woodpecker

The red cockaded woodpecker live in live slash pine with fairly open mid story vegetation. Only small areas of pine flatwoods were identified. No cavities or signs of the red-cockaded woodpeckers were observed onsite.

## PLANTS

Listed plant species that were not observed but which have the potential to occur on the project site are listed in the following table. These potential occurrences were determined by referencing the Field Guide to Rare Plants of Florida (Florida Natural Areas Inventory 2000). The Florida Endangered Species, Threatened Species and Species of Special Concern; Official Lists, dated August 1997 was used to identify the status of the potentially occurring species.

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Simpson's Stopper	<i>Eugenia simpsonii</i>	428	T	--
Satinleaf	<i>Chrysophyllum oliviforme</i>	411	E	--
Twisted Air Plant	<i>Tillandsia flexuosa</i>	411	E	--

FWC-Florida Fish and Wildlife Conservation Commission

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SSC-Species of Special Concern

T-Threatened

E-Endangered

### Beautiful paw-paw

This plant is also unlikely to occur on the property as most of its range in Lee County is confined to portions of Pine Island and northwest Lee County. No signs of this species were observed on the parcel.

### Florida Coontie

Coontie is typically found growing in undisturbed native scrub or high pine flatwoods. The property does not have habitat in which they would likely occur.

### Curtis Milkweed

This species is typically found in cleared open areas such as scrub or sandhill communities. Suitable habitat for this species is not found on the site.

### Fakahatchee Burmannia

This species is found in moist grassy areas and is typically associated with hydric pine flatwoods. This species was not observed on site.

Simpson's stopper/Satinleaf

No signs of this species were found on the site.

The site does contain habitat suitable for the gopher tortoise. Gopher tortoise burrows were found on the parcel.

**D. Impacts on Historic Resources**

**List all historic resources (including structure, districts, and/or archaeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:**

- 1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.**


A survey was conducted on site to determine the presence of any archaeological or historical resources. This survey found no signs of these resources.

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See attached photocopy of portion of the sensitivity map that shows the property in relationship to the limits of the archaeologically sensitive areas.

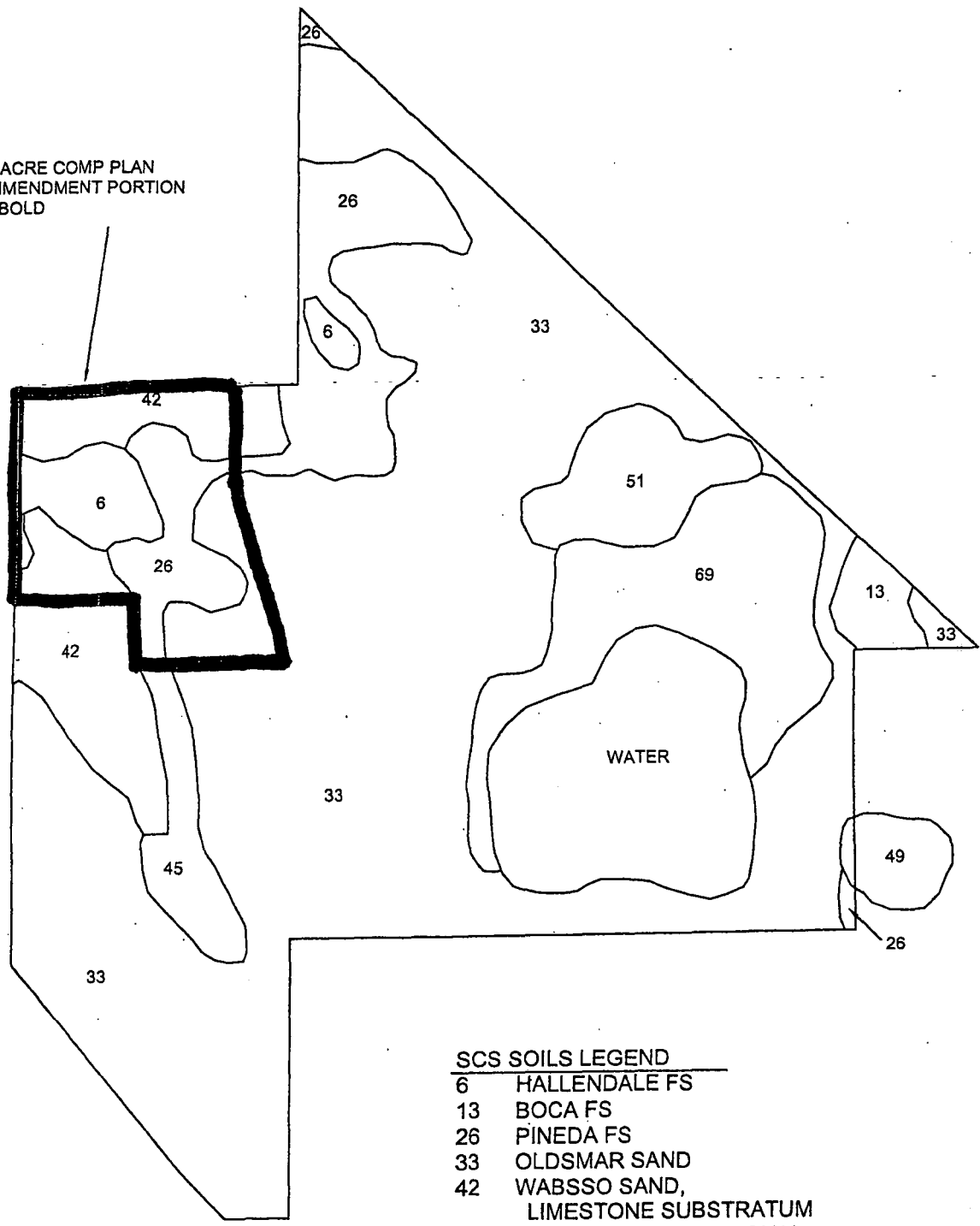
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The land use for the West Parcel is suburban. The West Parcel contains a flow-way. The West Parcel contains native uplands, some wetlands and signs of listed species. The land use for the North Parcel is rural. The North Parcel is located adjacent to the railroad grade and I-75. The North Parcel contains minimal native uplands and minor amounts of disturbed wetlands. The North Parcel does not contain a significant flow-way. No signs of listed species were documented on the site. The current request is to change the land use on the West Parcel to rural and on the North Parcel to suburban. The will switch the more intensive land use to the parcel that contains less sensitive environmental features.



**Boylan Environmental Consultants, Inc.**  
 Wetland & Wildlife Surveys, Environmental Permitting,  
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 11000 Metro Parkway, Suite 4, Ft. Myers, 33912 (239) 418-0671

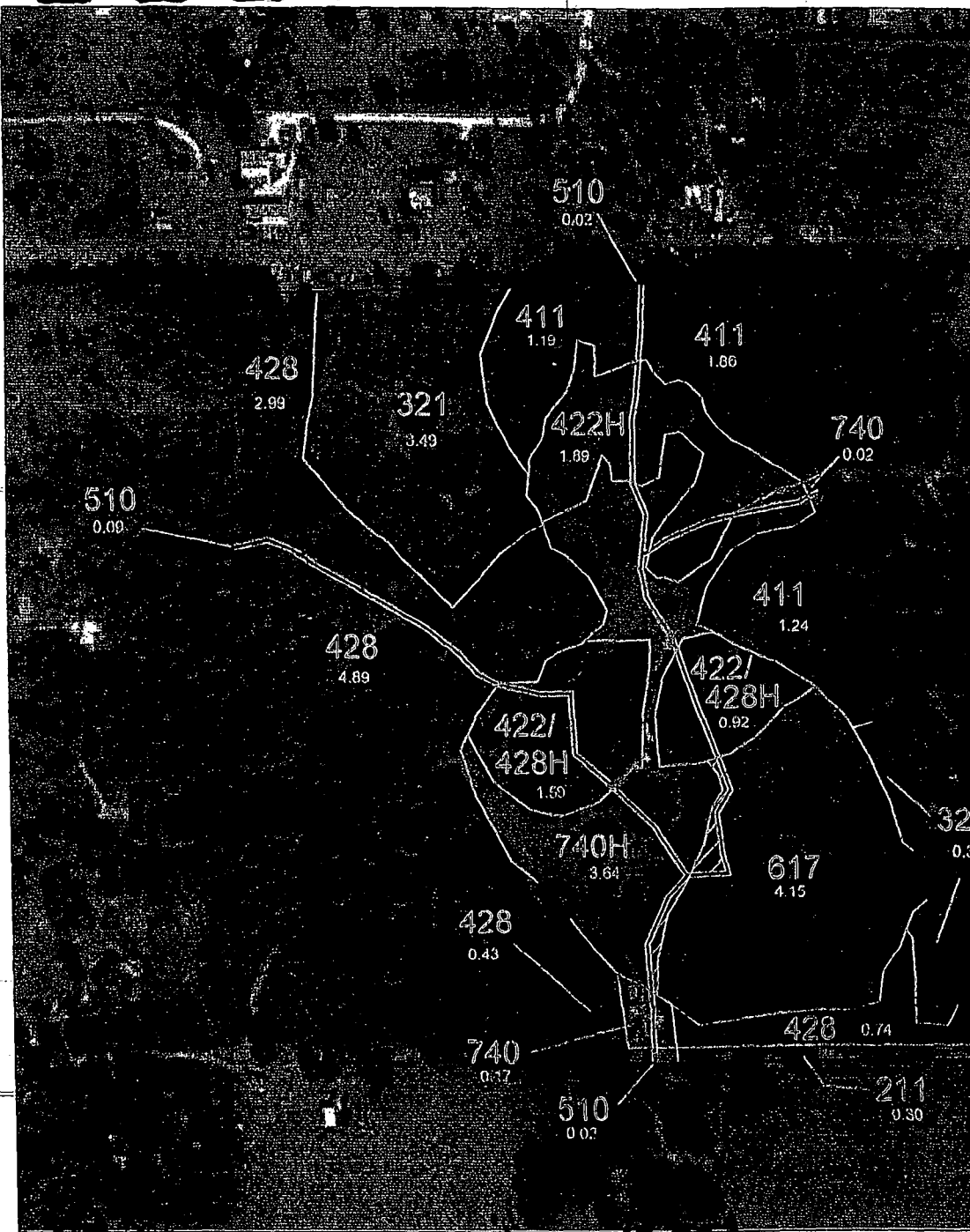
10 ACRE COMP PLAN  
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SCS SOILS LEGEND	
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COMP PLAN AMMENDMENT SOILS MAP WEST PARCEL	
JOB #	020087
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740	DISTURBED, 0.19 AC
740H	DISTURBED WETLANDS, 3.64 AC

JOB # 020087  
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 DRAWN BY JDK  
 DATE 10-25-04

OAK CREEK  
 FLUCCS MAP WEST PARCEL

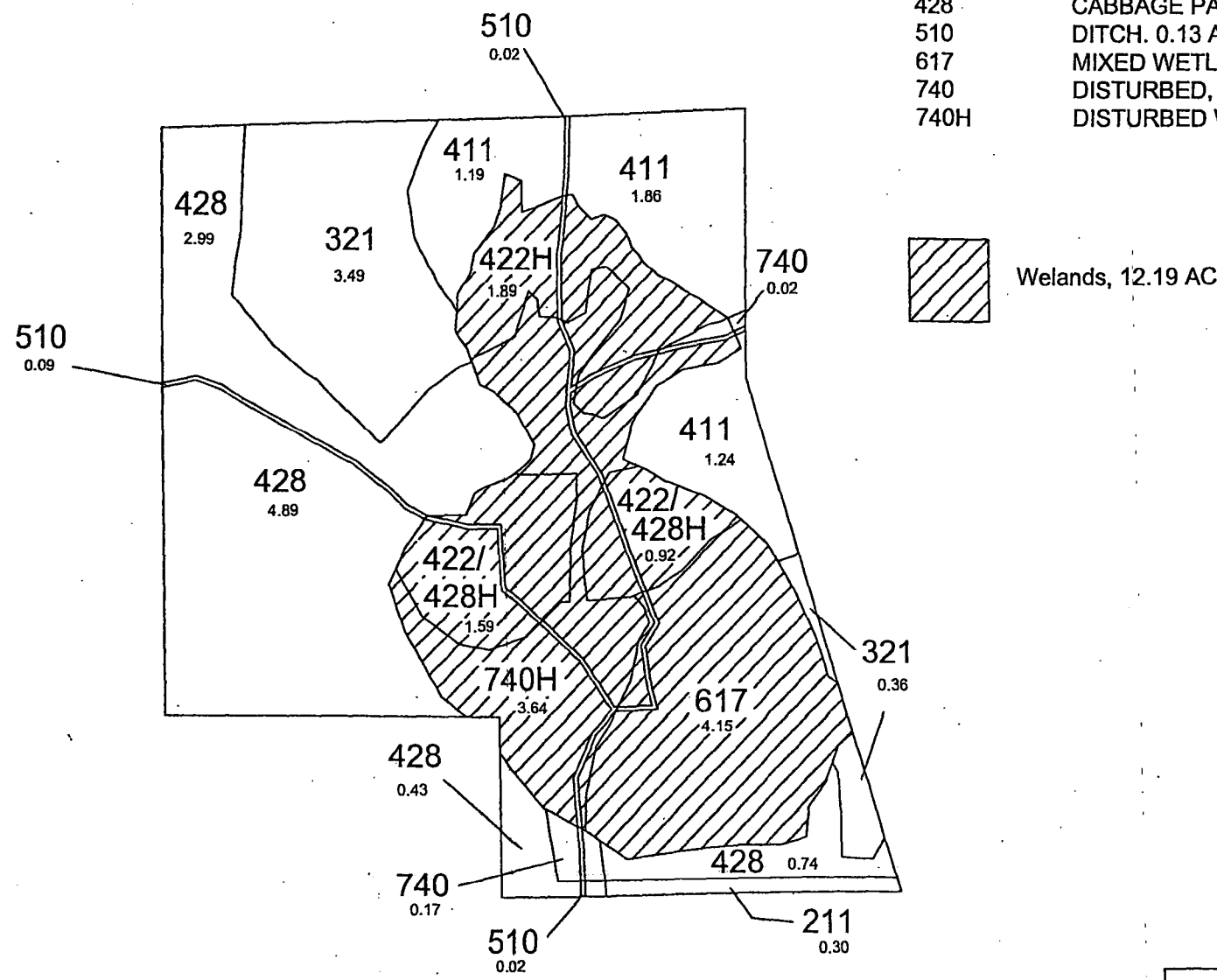
COUNTY LEE  
 SEC 17  
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 REVISIONS

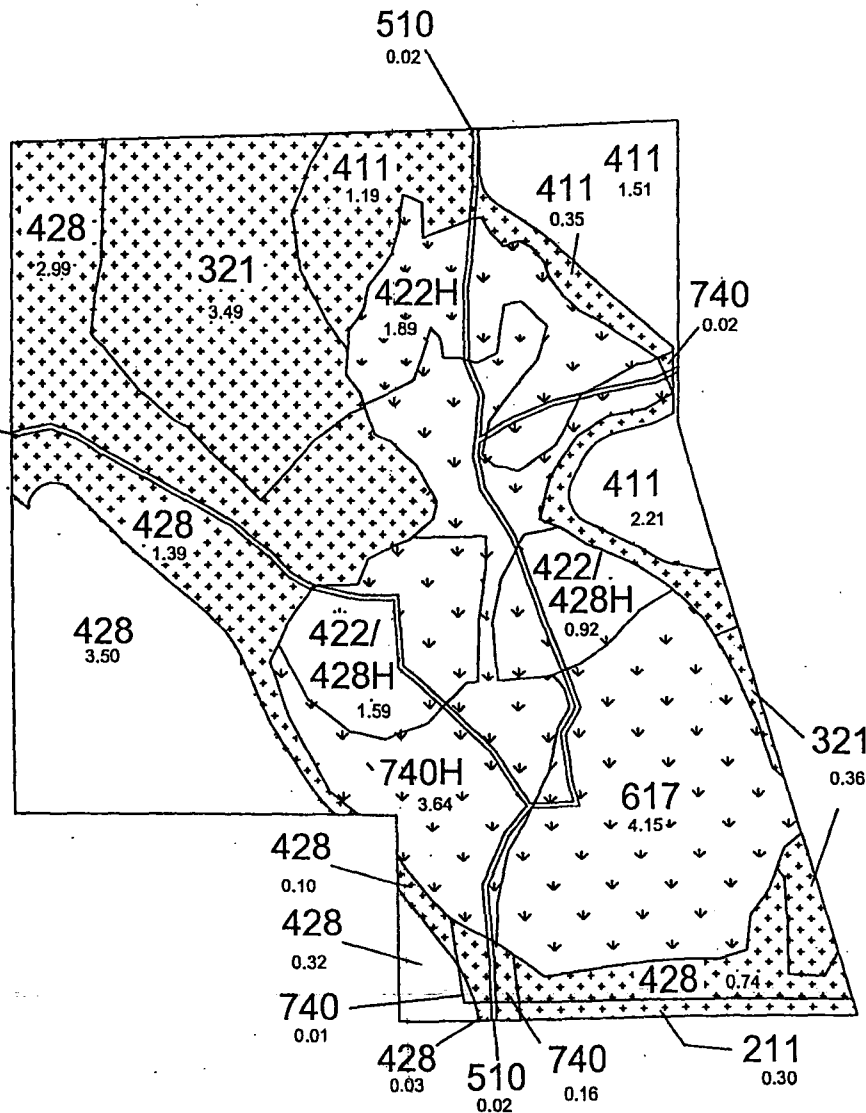
Boylan  
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 Wetland & Wildlife Surveys, Environmental Permitting,  
 Impact Assessments  
 11000 Metro Parkway, Suite 4, Ft. Myers, 33912 (239)418-0671



11

- 211 IMPROVED PASTURE, 0.30 AC
- 321 PALMETTO, 3.85 AC
- 411 PINE FLATWOODS, 4.29 AC
- 422H B. PEPPER WETLANDS, 1.89
- 422/428H B. PEPPER & C. PALM WETLANDS, 2.51 AC
- 428 CABBAGE PALM, 9.05 AC
- 510 DITCH, 0.13 AC
- 617 MIXED WETLANDS, 4.15 AC
- 740 DISTURBED, 0.19 AC
- 740H DISTURBED WETLANDS, 3.64 AC





211	IMPROVED PASTURE, 0.30 AC
321	PALMETTO, 3.85 AC
411	PINE FLATWOODS, 4.29 AC
422H	B. PEPPER WETLANDS, 1.89
422/428H	B. PEPPER & C. PALM WETLANDS, 2.51 AC
428	CABBAGE PALM, 9.05 AC
510	DITCH, 0.13 AC
617	MIXED WETLANDS, 4.15 AC
740	DISTURBED, 0.19 AC
740H	DISTURBED WETLANDS, 3.64 AC

JOB# 020087  
 SCALE 1"=300'  
 FILE OCT2004 COMP  
 DRAWN BY JDN

OAK CREEK  
 FLUCCS MAP WEST PARCEL

COUNTY LEE  
 SEC 17  
 TWP 43S  
 RANG 22E

Boylan  
 Environmental  
 Consultants, Inc.  
 Wetland & Wildlife Surveys, Environmental Permitting,  
 Insect Assessments





FLORIDA DEPARTMENT OF STATE  
Glenda E. Hood  
Secretary of State  
DIVISION OF HISTORICAL RESOURCES

July 18, 2003

Jim Keltner  
Boylan Environmental Consultants, Inc.  
11000 Metro Parkway, Suite 4  
Ft. Myers, Fl. 33912  
FAX # (239) 418-0672

Dear Mr. Kraft:

In response to your inquiry of July 18th, 2003, the Florida Master Site File lists no previously recorded cultural resources or surveys in the following parcels:

T43S, R25E, Sections: 17, 20

When interpreting the results of our search, please remember the following points:

- Areas which have not been completely surveyed, such as yours, may contain unrecorded archaeological sites, unrecorded historically important structures, or both.
- As you may know, state and federal laws require formal environmental review for some projects. Record searches by the staff of the Florida Master Site File do not constitute such a review of cultural resources. If your project falls under these laws, you should contact the Compliance Review Section of the Bureau of Historic Preservation at 850-245-6333 or at this address.

Sincerely,  
Patrick Gensler

Florida Master Site File  
Division of Historical Resources  
R. A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

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TOTAL P.01

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**CULTURAL RESOURCE ASSESSMENT SURVEY  
OAKCREEK  
LEE COUNTY, FLORIDA**

**Performed for:**

Development Solutions  
6150 Diamond Centre Court #1300  
Fort Myers, Florida 33912

November 2003



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**ARCHAEOLOGICAL CONSULTANTS INCORPORATED**  
SARASOTA, FLORIDA

**CULTURAL RESOURCE ASSESSMENT SURVEY  
OAKCREEK  
LEE COUNTY, FLORIDA**

Performed for:

Development Solutions  
6150 Diamond Centre Court #1300  
Fort Myers, Florida 33912

By

Archaeological Consultants, Inc.  
8110 Blaikie Court, Suite A  
Sarasota, Florida 34240

Marion M. Almy - Principal Investigator  
Lee Hutchinson - Project Archaeologist  
Jeff Moates - Archaeologist

## EXECUTIVE SUMMARY

A cultural resource assessment survey for the Oakcreek property in Lee County, Florida (Township 43 South, Range 25 East, Sections 17, 19, and 20), was performed by Archaeological Consultants, Inc (ACI). The purpose of this survey was to locate and identify any cultural resources within the project area and to assess their significance in terms of eligibility for listing in the National Register of Historic Places, hereinafter referred to as the NRHP. This survey, conducted in November 2003, was initiated in accordance with the Lee County Development Code (LDC), Chapter 22 because portions of the survey area lie within a Lee County Zone 2 archaeological sensitive area. The survey also complies with cultural resource assessment requirements set forth in chapters 267 and 373, *Florida Statutes*, Florida's Coastal Management program and implementing regulations.

### Findings

**Archaeological:** Background research and a review of the Florida Master Site File (FMSF), and the NRHP, indicated that no archaeological sites have been recorded previously within the project area. A review of relevant site locational information for environmentally similar areas within Lee County and the surrounding region indicated a low to moderate archaeological potential for the occurrence of prehistoric archaeological sites. The background research also indicated that sites, if present, would most likely be Post-Archaic campsites, i.e. artifact scatters. As a result of field survey no archaeological sites were found. However, one archaeological occurrence, a non heat-altered secondary chert decortication chert flake was identified.

**Historic Structures:** Background research, including a review of the FMSF and the NRHP, indicated that no historic structures (50 years of age or older) were previously recorded within the project area. As a result of field survey, no historic structures were identified or recorded.

Based on these findings, project development will have no impact on any significant cultural resources, including those properties listed, determined eligible, or considered potentially eligible for listing in the NRHP. No further research is recommended.

## TABLE OF CONTENTS

	<u>Page</u>
1.0 INTRODUCTION.....	1-1
1.1 Project Description.....	1-1
1.2 Purpose.....	1-1
2.0 ENVIRONMENTAL OVERVIEW.....	2-1
3.0 PREHISTORIC REVIEW.....	3-1
3.1 Paleo-Indian Period.....	3-1
3.2 Archaic Period.....	3-3
3.3 Glades Tradition.....	3-4
4.0 HISTORICAL OVERVIEW.....	4-1
5.0 RESEARCH CONSIDERATIONS AND FIELD METHODS.....	5-1
5.1 Background Research and Literature Review.....	5-1
5.1.1 Archaeological Considerations.....	5-1
5.1.2 Historical Considerations.....	5-3
5.2 Field Methodology.....	5-3
5.3 Laboratory Methods and Curation.....	5-3
5.4 Unexpected Discoveries.....	5-3
6.0 SURVEY RESULTS AND CONCLUSIONS.....	6-1
6.1 Archaeological Results.....	6-1
6.2 Historical.....	6-1
6.3 Recommendations.....	6-1
7.0 REFERENCES CITED.....	7-1
7.1 Archaeological.....	7-1
7.2 Historical.....	7-5

### APPENDICES

Appendix: Survey Log Form



## LIST OF FIGURES, TABLES AND PHOTOGRAPHS

<u>Figures</u>	<u>Page</u>
Figure 1.1. Project Location.....	1-2
Figure 2.1. Project Location of the Oakcreek Property.....	2-3
Figure 3.1. Florida Archaeological Regions. ....	3-2
Figure 5.1. Archaeological Sites and Historic Cemetery.....	5-2
Figure 6.1. Zones of Archaeological Probability .....	6-2

### Tables

Table 2.1. Soil Types, Relief and Drainage, and Environmental Associations of the Study Area (USDA 1984).....	2-1
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### Photos

Photo 2.1. Looking West at Improved Pasture.....	2-4
Photo 2.2. Looking East at Brazilian Pepper and Improved Pasture. ....	2-4
Photo 2.3. Natural Pine/Palmetto Vegetation.....	2-4
Photo 6.1 Looking East at Archaeological Occurrence Within Improved Pasture/Pine and Palmetto.....	6-1

## 1.0 INTRODUCTION

### 1.1 Project Description

This project involved an archaeological and historical survey of the  $\pm$  303 acre Oakcreek property. The survey, conducted in November 2003, was initiated in accordance with the Lee County Development Code (LDC), Chapter 22 because portions of the survey area lie within a Lee County Zone 2 archaeological sensitive area. The survey also complies with cultural resource assessment requirements set forth in with chapters 267 and 373, *Florida Statutes*, Florida's Coastal Management program and implementing regulations. The project, located in northwest Lee County, is bounded on the north by the Seaboard Coastline Railroad and I-75; Bayshore Road lies about one third of a mile to the south, and Slater Road is about one half of a mile to the west (Figure 1.1). Daughtrey Creek is situated about one quarter mile to the west of the project and a small unnamed drainage flows north/south through the western portion of the parcel.

### 1.2 Purpose

The purpose of the cultural resource assessment survey was to locate and identify any prehistoric and historic period archaeological sites and historic structures located within the project, and to assess their significance in terms of eligibility for listing in the NRHP. The historical and archaeological survey was conducted in November 2003. Field survey was preceded by background research. Such work served to provide an informed set of expectations concerning the kinds of cultural resources which might be anticipated to occur within the project area, as well as a basis for evaluating any newly discovered sites.

This report meets specifications set forth in Chapter 1A-46, Florida Administrative Code (revised August 21, 2002).

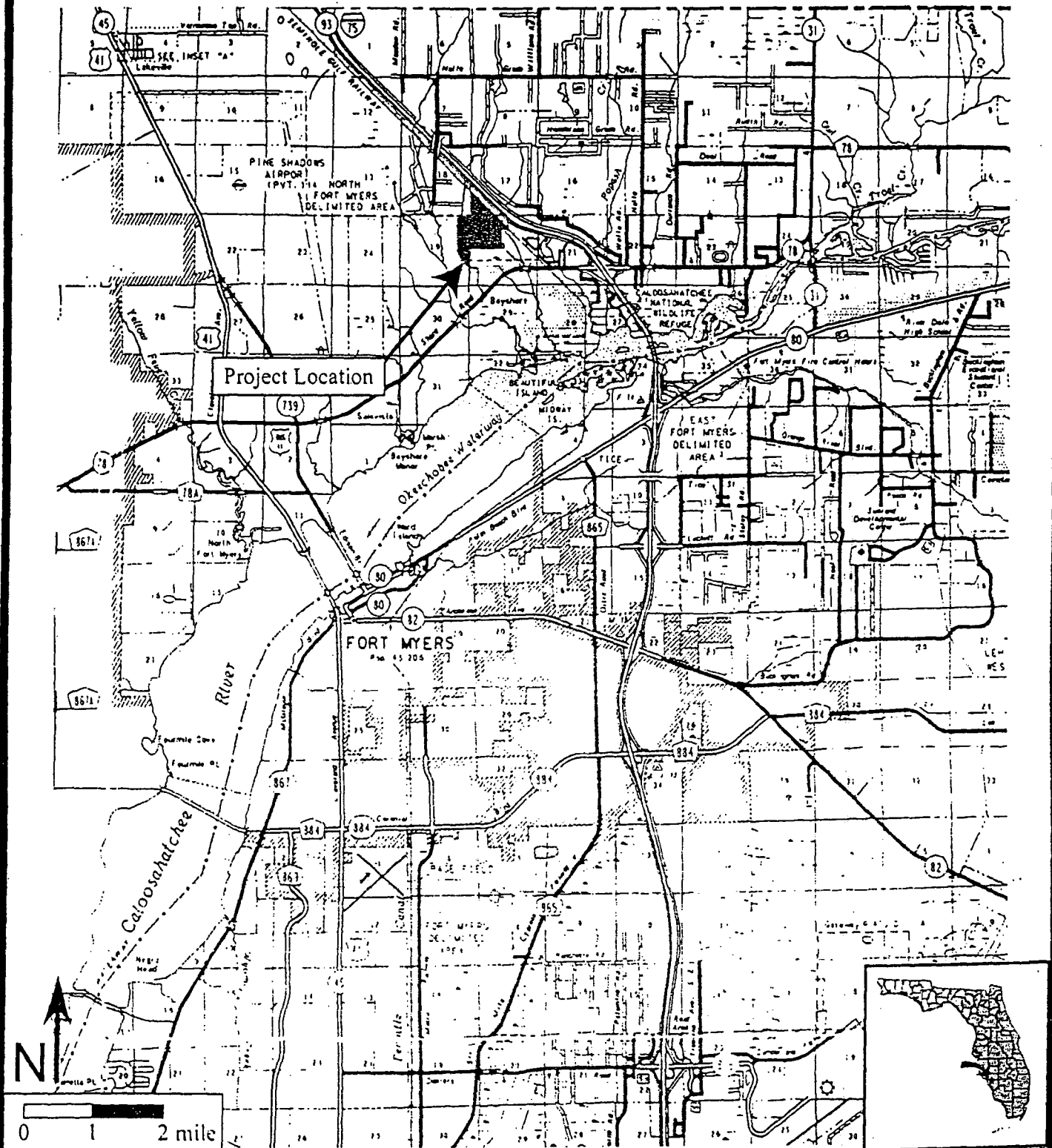


Figure 1.1. Project Location. Township 43 South, Range 25 East, Lee County (State Topographic Office 1989).



## 2.0 ENVIRONMENTAL OVERVIEW

The Oakcreek project area is located in Township 43 South, Range 25 East, Sections 17, 19, and 20 in Lee County, Florida (USGS Fort Myers, Fla. 1958, PR 1987; Figure 2.1). The project area lies at an elevation between 10 and 15 feet above mean sea level (AMSL), within the Gulf Coastal Lowlands, the physiographic zone that typifies the entire coastline of the state of Florida. The Gulf Coastal Lowlands are, as the name implies, flat, and are characterized by surficial streams with little to no down cutting. Coastwise parallel, low sand ridges form slight, rolling hills within the zone. Ocean waters constructed these ridges during the Pleistocene Epoch. The lack of elevation in the Gulf Coastal Lowlands creates the near-surficial to exposed water table throughout the region. This high water table results in the poor natural drainage and abundance of wetlands in the region (Davis 1943; McNab and Avers 1996).

The soils of the project area are of the Oldsmar-Malabar-Immokalee and Pineda-Boca-Wabasso soil associations, nearly level, poorly drained associations of the flatwoods and sloughs (USDA 1984). Flatwoods soils typically consist of one to three feet of acidic sands generally overlying an organic hardpan or clayey subsoil. The impenetrable strata reduce downward percolation and during the rainy season flooding is common. During the dry season, water is often unobtainable for shallow-rooted species. The slough soils consist of highly alkaline marl which may be concrete-like in the dry season and inundated, soft and slippery in the wet season (Florida Natural Areas Inventory 1990). The specific soil types, their relief and drainage, and environmental associations are listed in Table 2.1.

Table 2.1. Soil Types, Relief and Drainage, and Environmental Associations of the Study Area (USDA 1984).

Soil Type	Relief and Drainage	Environmental Association
Oldsmar Sand	Nearly Level, Poorly Drained	Low, Broad Flatwoods
Pineda Fine Sand	Nearly Level, Poorly Drained	Sloughs
Wabasso Sand, Limestone Substratum	Nearly Level, Poorly Drained	Broad Flatwoods
Hallandale Fine Sand	Nearly Level, Poorly Drained	Low Broad Flatwoods
Copeland Sandy loam, Depressional	Nearly Level, Very Poorly Drained	Depressions
Matlacha Gravelly Fine Sand	Nearly Level, Somewhat Poorly Drained	Filling and Earthmoving Operations
Floridana Sand, Depressional	Nearly Level, Very Poorly Drained	Depressions
Boca Fine Sand, Slough	Nearly Level, Poorly Drained	Sloughs
Felda Fine Sand	Nearly Level, Poorly Drained	Depressions

The natural vegetation supported by the Oldsmar-Malabar-Immokalee and Pineda-Boca-Wabasso associations include South Florida slash pine, cypress, saw palmetto, pineland threeawn,

and maidencane (USDA 1984). This vegetation community is maintained by fires, which, prior to modern suppression, probably occurred every one to eight years. Without periodic fires, Mesic Flatwoods succeeded into hardwood-dominated forests (Florida Natural Areas Inventory 1990).

Today the majority of the project area consists of improved pasture with scattered exotic vegetation such as Brazilian Pepper and Melaleuca, and several wetland areas (Photos 2.1 and 2.2). The Brazilian pepper and Melaleuca dominate the ditches within the northern portion of the project. A power line corridor is located on the southern boundary of Section 17, and in Section 20, a large pond was excavated in the 1970's as part of the I-75 construction. Pine/palmetto flats dominate unaltered areas of the project area (Photo 2.3) (Figure 2.1).

**Paleoenvironmental Considerations:** The prehistoric environment of Lee County and the surrounding area was different from that which is seen today. Sea levels were much lower, the climate was drier, and potable water was scarce. Given the changes in water resource availability, botanical communities, and faunal resources, an understanding of human ecology during the earliest periods of human occupation in Florida cannot be founded upon observations of the modern environment. Aboriginal inhabitants would have developed cultural adaptations in response to the environmental changes taking place. These alterations were reflected in prehistoric settlement patterns, site types, site locations, artifact forms, and variations in the resources used.

Dunbar (1981:95) notes that due to the arid conditions during the period between 16,500 and 12,500 years ago, "the perched water aquifer and potable water supplies were absent." Palynological studies conducted in Florida and Georgia suggests that between 13,000 and 5,000 years ago, this area was covered with an upland vegetation community of scrub oak and prairie (Watts 1969, 1971, 1975). The rise of sea level severely reduced xeric habitats over the next several millennia.

By 5,000 years ago southern pine forests were replacing the oak savannahs. Extensive marshes and swamps developed along the coasts and subtropical hardwood forests became established along the southern tip of Florida (Delcourt and Delcourt 1981). Northern Florida saw an increase in oak species, grasses and sedges (Carbone 1983). At Lake Annie in south central Florida, pollen cores are dominated by wax myrtle and pine. The assemblage suggests that by this time a forest dominated by longleaf pine, along with cypress swamps and bayheads existed in the area (Watts 1971, 1975). Roughly five millennia ago, surface water was plentiful in karst terrains and the level of the Floridan aquifer rose to five feet above present levels. After this time, modern floral and climatic and environmental conditions began to be established (Watts 1975). With the onset of the modern environmental conditions, numerous micro-environments were available to the aboriginal inhabitants in the area. By 4000 BP, ground water had reached current levels, and the shift to warmer, moister conditions saw the appearance of hardwood forests, bayheads, cypress swamps, prairie, and marshlands.

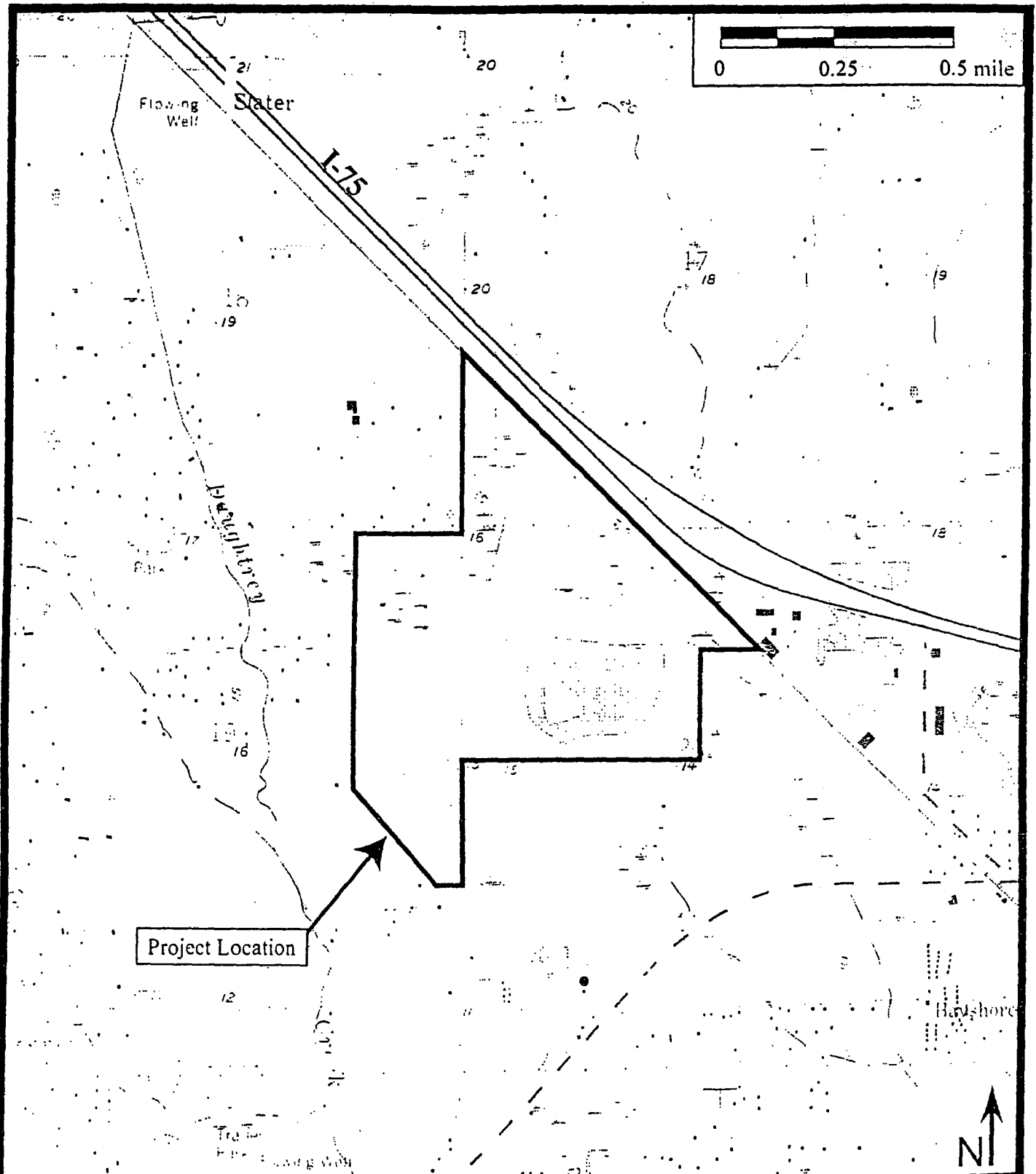


Figure 2.1. Project Location of the Oakcreek Property; Township 43 South, Range 25 East (USGS Fort Myers, Fla. 1958, PR 1987, Bathymetry added 1991).





Photo 2.1. Looking West at Improved Pasture.



Photo 2.2. Looking East at Brazilian Pepper and Improved Pasture.



Photo 2.3. Natural Pine/Palmetto Vegetation.

### 3.0 PREHISTORIC REVIEW

In general, archaeologists summarize the prehistory of a given area, that is, an archaeological region, by delineating a sequence of cultural periods in order to provide a chronology or a time frame for an archaeological culture that is present in a given geographical area. As a result, archaeological cultures are defined largely in geographical terms but also reflect shared environmental and cultural factors. According to Milanich (1994), Lee County is part of the Caloosahatchee archaeological region. Geographically, the Caloosahatchee area extends from Charlotte Harbor on the north, to the northern border of the Ten Thousand Islands on the south (Figure 3.1), and eastward from the islands about 54 miles to the interior (Carr and Beriault 1984:4,12; Milanich 1994).

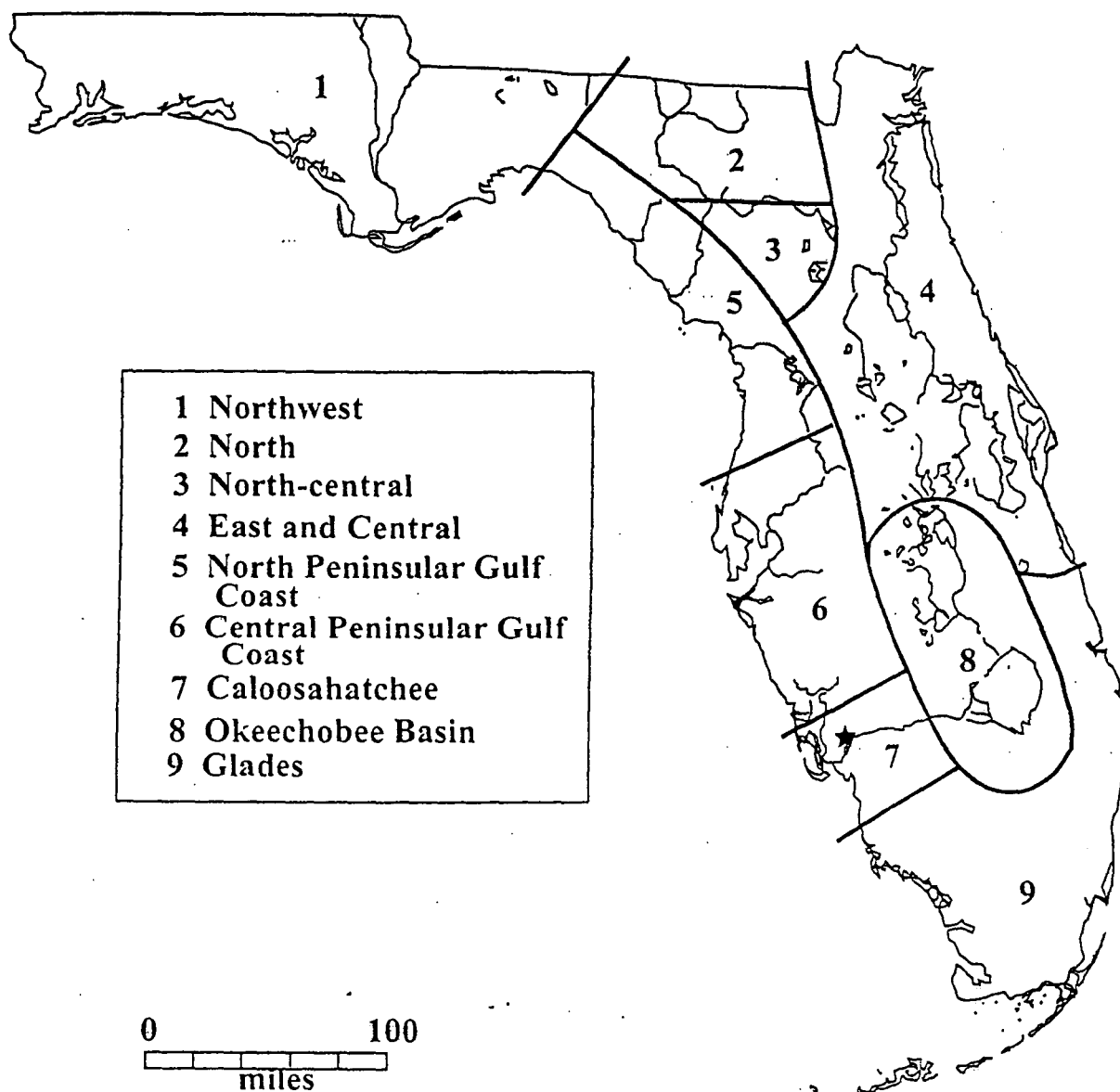
The sequence of cultural development for the South Florida Region is pan-regional during the earliest periods of human occupation: the Paleo-Indian and the Archaic. By approximately 500 B.C., distinctive regional cultures had developed as evidenced by differences in ceramic sequences. Thus, for the South Florida Region, post-500 B.C., the prehistoric populations residing in the Caloosahatchee area evolved into a cultural assemblage distinct from those people inhabiting the Belle Glade (Okeechobee) area and the Everglades area, the latter of which includes the Ten Thousand Islands District (Griffin 1988:120-121). The following summary follows closely the outlines presented by both Griffin (1988) and Widmer (1988).

#### 3.1 Paleo-Indian Period

Current archaeological evidence indicates that the earliest human occupation of the Florida peninsula dates back some 13,500 years ago or ca. 11,500 B.C. (Widmer 1988). The earliest occupation is referred to as the Paleo-Indian (or Paleoindian) Period. It lasted until approximately 7000 B.C. During this time, the climate of South Florida was much drier than today. Sea level was 262.5 to 426.5 feet lower than present and the coast extended approximately 100 miles seaward on the Gulf coast. With lower sea levels, today's well-watered inland environments were arid uplands (Milanich 1994). Lake Okeechobee, the Caloosahatchee, Myakka, and Peace Rivers, as well as the Everglades, were probably dry. Because of drier global conditions and little or no surface water available for evaporation, Florida's rainfall was much lower than at present (Milanich and Fairbanks 1980:38-40). Potable water was obtainable at sinkholes where the lower water table could be reached. Plant and animal life were also more diverse around these oases which were frequented by both people and game animals (Widmer 1988; Milanich 1994:40).

Thus, the prevailing environmental conditions were largely uninviting to human habitation during the Paleo-Indian period (Griffin 1988:191). Given the inhospitable climate, it is not surprising that the population was sparse and Paleo-Indian sites are uncommon in south Florida. Just to the north of Charlotte Harbor, however, evidence of Florida's earliest inhabitants has been uncovered. Underwater excavations at both the Little Salt Springs (Clausen et al. 1979) and Warm Mineral Springs (Clausen et al. 1975; Cockrell and Murphy 1978) in Sarasota County provide much of the information about this period. More recently, work at the Cutler Fossil Site in Dade County





Post- 500 B.C. regions of precolumbian Florida

Figure 3.1. Florida Archaeological Regions (Milanich 1994:xix).  
The project area (★) is located in the Caloosahatchee Region (7).



(Carr 1986), southeast of the Caloosahatchee region, has yielded two projectile points associated with a hearth area, radiocarbon dated to the Paleo-Indian period (ca. 7760 B.C.)

In general, the Paleo-Indian period is characterized by small population group size and a hunting and gathering mode of subsistence. Permanent sources of water, scarce during this time, were very important in settlement selection (Daniel and Wisenbaker 1987). This settlement model, often referred to as the Oasis Hypothesis (Milanich 1994:41), has a high correlation with geologic features in southern Florida such as deep sink holes like those noted in Sarasota and Dade Counties. Sites of this period are most readily identified on the basis of distinctive lanceolate shaped stone projectile points including those of the Simpson and Suwannee types (Bullen 1975). The tool assemblage also included items manufactured of bone, wood, and very likely leather, as well as plant fibers (Clausen et al. 1979)

### 3.2 Archaic Period

The succeeding Archaic Period is divided into three temporal periods: the Early Archaic (ca. 7000 to 5000 B.C.), Middle Archaic (ca. 5000 to 2000 B.C.), and the Late Archaic (ca. 2000 to 500 B.C.). According to Widmer (1988), the extreme aridity of the South Florida region during the Early Archaic period may have caused the abandonment of the area. Sites of this time are almost non-existent in southwestern Florida. Currently, the West Coral Creek Site in Charlotte County (Hazeltine 1983) is the only known site of the Early Archaic in the Caloosahatchee region. Here, numerous chert and silicified coral tools and debitage were found. These were recovered from dredge spoil from the excavation of canals near a large slough. This may indicate that the site clustered around a once dependable water source.

By approximately 6500 years ago, or ca. 4500 B.C., marked environmental changes, which had profound influence upon human settlement and subsistence practices, occurred. Among the landscape alterations were rises in sea and water table levels which resulted in the creation of more available surface water. It was during this period of time that Lake Okeechobee, the Everglades, and the Caloosahatchee and Peace Rivers developed. In addition to changed hydrological conditions, this period is characterized by the spread of mesic forests and the beginnings of modern vegetation communities including pine forests and cypress swamps (Widmer 1988; Griffin 1988).

The archaeological record for the Middle Archaic is better understood than the Early Archaic. Among the material culture inventory are several varieties of stemmed, broad blade projectile points including those of the Newnan, Levy, Marion, Putnam, and Lake types (Bullen 1975). At sites where preservation is good, such as sinkholes and ponds, an elaborate bone tool assemblage is recognized along with shell tools and complicated weaving (e.g., Beriault et al. 1981; Wheeler 1994). In addition, artifacts have been found in the surrounding upland areas, as exhibited in the projectile points found in the upland palmetto and pine flatwoods surrounding the Bay West Site (Beriault et al. 1981). Along the coast, excavations on both Horr's Island in Collier County and Useppa Island in Lee County (Milanich et al. 1984; Russo 1991) have uncovered pre-ceramic shell middens which date to the Middle Archaic period. Another site dating to the Middle Archaic in Lee County is 8LL27, located on Galt Island (Austin 1992).

Mortuary sites, characterized by interments in shallow ponds and sloughs as discovered at the Little Salt Springs Site in Sarasota County (Clausen et al. 1979) and the Bay West Site in Collier County (Beriault et al. 1981), are also distinctive of the Middle Archaic. At the later site, 35 to 40 human remains were found, some of which had been placed on leafy biers, perhaps branches, laid down in graves dug into the peat deposits. Artifacts recovered included small wooden sticks possibly used as bow drills for starting fires, antler tools with wooden hafts that appear to be sections of throwing sticks, two throwing stick triggers, and bone points or pins (Milanich 1994:81).

Pre-ceramic cultural horizons beneath tree island sites have been reported in the eastern Everglades (Mowers and Williams 1972; Carr and Beriault 1984). Population growth, as evidenced by the increased number of Middle Archaic sites and accompanied by increased socio-cultural complexity, is also assumed for this time (Milanich and Fairbanks 1980; Widmer 1988).

The beginning of the Late (or Ceramic) Archaic Period is similar in many respects to the Middle Archaic but includes the addition of ceramics. The earliest pottery in the South Florida region is fiber-tempered, as represented at sites on Key Marco (Cockrell 1970; Widmer 1974). Also during this period, pottery of the Orange series, decorated with incised line, is characteristic. Projectile points of the Late Archaic are primarily stemmed and corner-notched, and include those of the Culbreath, Clay, and Lafayette types (Bullen 1975). Other lithic tools include hafted scrapers and ovate and trianguloid knives (Milanich and Fairbanks 1980). Archaeological evidence indicates that South Florida was sparsely settled during this time with only a few sites recorded. Some of these sites include 8LL44, the Howard Mound and 8LL45, Calusa Island in Lee County (Walker et al. 1996) and 8DA141 located in the Everglades in Dade County (Coleman 1973 and 1997).

The termination of the Late or Ceramic Archaic corresponds to a time of environmental change. The maturing of productive estuarine systems was accompanied by cultural changes leading to the establishment of what John Goggin originally defined as the "Glades Tradition" (Griffin 1988:133). Dominated by the presence of sand-tempered ceramics in the archaeological record, the Glades Tradition was also characterized by "the exploitation of the food resources of the tropical coastal waters, with secondary dependence on game and some use of wild plant foods. Agriculture was apparently never practiced, but pottery was extensively used" (Goggin 1949:28). Dating to the Late Archaic and south of the project area in Collier County is the Heineken Hammock Site, 8CR231. At this site, many ceramic rim and body sherds were found as well as shell tools, faunal and floral remains (Lee et al. 1998).

### 3.3 Glades Tradition

The Glades Tradition was defined by Goggin on the basis of work he conducted in South Florida in the 1930s and 1940s (Goggin 1947). Goggin noticed that the archaeological assemblage, beginning at about 500 B.C., began to take on a distinct appearance. This appearance reflected an adaptation to the tropical coastal environment of south Florida because the estuary systems, along with their high biological productivity, were now well established. The archaeological record disclosed widespread population increases and an apparent florescence in tool assemblages related to the exploitation of the marine environment. Unlike much of the rest of peninsular Florida, the region does not contain deposits of chert, and such stone artifacts are rare. Instead of stone, shell and bone were used as raw materials for tools (Milanich 1994:302).

Most information concerning the post-500 B.C. aboriginal populations is derived from coastal sites where the subsistence patterns are typified by the extensive exploitation of fish and shellfish, wild plants, and inland game, like deer. Inland sites, such as those in the Big Cypress Swamp, show a greater, if not exclusive, reliance on interior resources. Known inland sites often consist of sand burial mounds and shell and dirt middens along major water courses (Lee and Beriault 1993) and small dirt middens containing animal bone and ceramic sherds, in oak/palm hammocks or palm tree islands associated with freshwater marshes (Griffin 1988). These islands of dry ground provided space for settlements (Milanich 1994:298).

However, Griffin (Griffin et al. 1984) suggests "that the Glades sequence represents a chronology of stylistic and technological changes in ceramics to which other cultural traits have been added as data have permitted." As a result, the applicability of the Glades sequence to the Caloosahatchee sub-area has been the subject of debate (Austin 1987:15). Thus, the following is taken from Widmer (1988) and Cordell (1992) which describes a series of post-500 B.C. culture periods for the Caloosahatchee Area based on differences in the frequencies of certain ceramic types.

Caloosahatchee I, ca. 500 B.C. to A.D. 650, is characterized by thick, sand-tempered plain sherds with round chamfered lips; Belle Glade type ceramics are absent. The Wightman (Fradkin 1976), Solana (Widmer 1986), Useppa Island (Milanich et al. 1984), and Cash Mound (Anonymous 1987) sites have been dated to this period.

From A.D. 650 to 1200, the Caloosahatchee II period is marked by a dramatic increase of Belle Glade ceramics in the area (Widmer 1988:84). However, Cordell (1992) has divided the Caloosahatchee II Period into IIA and IIB based on the appearance of Belle Glade Red ceramics at about A.D. 800. This marks the beginning of IIB. These changes in ceramics may also indicate the beginnings of ceremonial mound use which characterizes this whole time period. Also, the number of shell middens or village sites increased, and shell tool types became more diverse (Milanich 1994:319). The John Quiet Site, on the Cape Haze Peninsula (Bullen and Bullen 1956), has been dated to this period as well as the earliest occupation of the Buck Key Midden, dated A.D. 1040 to 1350 (Anonymous 1987).

The Caloosahatchee III period, from A.D. 1200 to 1400, is identified by the appearance of both St. Johns trade wares, notably St. Johns Check-Stamped, and Englewood period ceramics. Sand burial mounds also continued to be used.

From A.D. 1400 to 1513, the Caloosahatchee IV period is characterized by the appearance of numerous trade wares from all adjoining regions of Florida (Widmer 1988:86) and a decline in the popularity of Belle Glade Plain pottery (Milanich 1994:321). These types include Glades Tooled and pottery of the Safety Harbor series, including Pinellas Plain. Buck Key, and Josslyn Islands, as well as Pineland, contain shell middens which date to this period (Marquardt 1992:13).

The Caloosahatchee V period, ca. A.D. 1513 to 1750, is coterminous with the period of European contact. Sites of this time are marked by the appearance of European artifacts such as metal, beads, and olive jar sherds, found in association with aboriginal artifacts. Also, cultural materials from the Leon-Jefferson Mission period of north Florida have been recovered (Bullen and

Bullen 1956; Widmer 1988:86). Coastal sites of the Caloosahatchee V period are common in the Caloosahatchee Area.

In historic times, the Caloosahatchee Area was the home territory of the Calusa, a sedentary, non-agricultural, highly stratified, and politically complex chiefdom. Calusa villages along the coast are marked by extensive shellworks and earthenworks. Detailed studies of the Calusa and their predecessors have recently been provided by Widmer (1988) and Marquardt (1992) and are not repeated here. The great Pine Island Canal, which runs across Pine Island in coastal Lee County, may have been dug after A.D. 1000 to bring trade goods and tribute to the Calusa from the interior (Luer 1989). By the mid-1700s, the once dominant Calusa had all but disappeared, the victims of European diseases, slavery, and warfare.

## 4.0 HISTORICAL OVERVIEW

The cultural traditions of the native Floridians ended with the advent of European expeditions to the New World. The initial events, authorized by the Spanish crown in the 1500s, ushered in devastating European contact. After Ponce de Leon's landing near St. Augustine in 1513, Spanish explorations were confined to the west coast of Florida (Narváez in 1528; DeSoto in 1539) and European contact along the east coast was left to a few shipwrecked sailors from treasure ships which, by 1551, sailed through the Straits of Florida on their way to Spain. When the first Europeans arrived in coastal southwest Florida in the 16th century they encountered the Calusa, a powerful, complex society ruled by a paramount chief. The principal town of the Calusa is thought to be the site of Mound Key in Estero Bay near Fort Myers Beach. Historic documents suggest that the Calusa chief ruled over fifty towns, from which he exacted tribute (Widmer 1988). By the middle of the 18th century, the Calusa population had been almost totally decimated and dispersed as a result of conflicts with the Europeans and exposure to their diseases.

As the Calusa disappeared, fishing communities, or "ranchos," were established by Cuban and Spanish fisherman on barrier islands and along the coast between Charlotte Harbor and Tampa Bay. The earliest recorded ranchos may have been at Useppa Island and San Carlos Bay in Charlotte Harbor ca. 1765 (Hammond 1973). However, there is some evidence that remnants of the once powerful Calusa joined the Cuban-Spanish fishermen at the ranchos in Charlotte Harbor during the early 18th century (Almy 2001). The ranchos supplied dried fish to Cuban and northern markets until the mid-1830s, when onset of the Seminole Indian Wars and customs control ruined the fisheries.

The area which now constitutes the State of Florida was ceded to England in 1763 after two centuries of Spanish possession. England governed Florida until 1783 when the Treaty of Paris returned Florida to Spain; however, Spanish influence was nominal during this second period of ownership. Prior to the American colonial settlement of Florida, portions of the Muskogean Creek, Yamassee and Oconee Native American Indian populations moved into Florida and repopulated the demographic vacuum created by the genocide of the original aboriginal inhabitants. These migrating groups of Native Americans became known to English speakers as Seminoles or Seminols. This term is thought to be either a corruption of the Creek *ishti semoli* (wild men) or the Spanish *cimarron* (wild or unruly). Many Indians who escaped death or capture fled to the swamps and uncharted lands in South Florida. The Seminoles formed at various times loose confederacies for mutual protection against the new American Nation to the north (Tebeau 1971:72).

The bloody conflict between the Americans and the Seminoles over Florida came to a head in 1818, and was subsequently known as the First Seminole War. As a result of the war and the Adams-Onís Treaty of 1819, Florida became a United States territory in 1821, but settlement was slow and scattered during the early years. Andrew Jackson, named provisional governor, divided the territory into St. Johns and Escambia Counties. At that time, St. Johns County encompassed all of Florida lying east of the Suwannee River, and Escambia County included the land lying to the west. In the first territorial census in 1825, some 317 persons reportedly lived in South Florida; by 1830 that number had risen to 517 (Tebeau 1971:134).

Although the First Seminole War was fought in north Florida, the Treaty of Moultrie Creek in 1823, at the end of the war, was to affect the settlement of south Florida. In exchange for occupancy of approximately four million acres of reservation land south of Ocala and north of Charlotte Harbor, the Seminoles relinquished their claim to the remainder of the peninsula (Mahon 1967:46-50; Covington 1958). The treaty satisfied neither the Native Americans nor the settlers. The inadequacy of the reservation, the desperate situation of the Seminoles, and the mounting demand of the whites for their removal, soon produced another conflict.

By 1835, the Second Seminole War was underway. As part of the effort to subdue Indian hostilities in southwest Florida, military patrols moved into the uncharted and unmapped wilderness in search of Seminole populations outside the reservation. As the Second Seminole War escalated, attacks on isolated settlers and communities in southwest Florida became more common. To combat this, the combined service units of the U.S. Army and Navy converged on southwest Florida. Col. Persifer F. Smith left Fort Basinger in January 1838 and entered the Indian Territory south of the Caloosahatchee River, traveling on to Punta Rassa. Three supply depots were established along the way; two at the river crossing and one at Punta Rassa (Grismer 1982). These forts were little more than small blockhouses with a warehouse for the storage of supplies and all were abandoned when the rainy season set in. During the war, the forts were used as bases to conduct raids into the Glades and Big Cypress (Covington 1958:7; Tebeau 1966:39).

The federal government ended the conflict by withdrawing troops from Florida. At the war's end, some of the battle-weary Seminoles were persuaded to emigrate to the Oklahoma Indian Reservation where the federal government had set aside land for Native American inhabitation. However, those who wished to remain in Florida were allowed to do so, but were pushed further south into the Everglades and Big Cypress Swamp. This area became the final stronghold of the Seminoles (Mahon 1967:321).

When the fort at Punta Rassa was destroyed by a hurricane on October 19, 1841, Capt. H. McKavit was sent to establish a location for a new fort to be built in an area less prone to flooding and hurricanes. He traveled up the Caloosahatchee River and came upon a hammock densely covered with towering palms, pines, and moss draped oaks. The land was elevated and dry with fewer mosquitoes. It was at that location that he built Ft. Harvie, at the present location of Fort Myers. The Fort was abandoned in 1842 at the close of the Second Seminole War (Mahon 1967).

In 1845, the Union admitted the State of Florida with Tallahassee as the state capital. In December of 1855, the Third Seminole War, or the Billy Bowlegs War, started as a result of additional pressure placed on the few remaining Native Americans in Florida to emigrate west (Covington 1982). The war started when Seminole Chief Holatter-Micco, also known as Billy Bowlegs, and 30 warriors attacked an army camp south of present day Immokalee, killing four soldiers and wounding four others. The attack was in retaliation for damage done by several artillerymen to property belonging to Billy Bowlegs. This hostile action renewed state and federal interest in the final elimination of the Seminoles from Florida. Despite this effort, military action was not decisive during the war. Therefore, in 1858 the U.S. government resorted to monetary persuasion to induce the remaining Seminoles to migrate west. Chief Billy Bowlegs accepted \$5,000 for himself, \$2,500 for his lost cattle, each warrior received \$500, and \$100 was given to each woman and child. On May 4, 1858 the ship *Grey Cloud* set sail from Fort Myers with 38



Seminole warriors and 85 Seminole women and children. Stopping at Egmont Key, 41 captives and a Seminole woman guide was added to the group. This made a total of 165 Seminoles migrating west. On May 8, 1858, the Third Seminole War was declared officially over (Covington 1982:78-80).

Nutting (1986) writes, "During the conflicts with the Seminoles, the United States Army engineers had done some surveying of the region south of the Caloosahatchee and had mapped out the areas surveyed. One of these maps shows the stream, now known as the Imperial River, with the name "Corkscrew Creek", given to it by the engineers. Since the engineers camped along its banks it soon was referred to as Surveyors Creek, a name it bore until the boom days of the 1910 decade when it was christened Imperial River, a name more in keeping with the grandiose ideas of that era." The town that evolved around Surveyors Creek was aptly named Survey and later became Bonita Springs.

Cattle ranching served as one of the earliest important economic activities reported in the region. Mavericks left by early Spanish explorers such as DeSoto and Narvaez provided the stock for the herds raised by the mid-eighteenth century "cowkeeper" Seminoles. As the Seminoles were pushed further south during the Seminole Wars and their cattle were either sold or left to roam, settlers captured or bought the cattle. By the late 1850s, the cattle industry of southwestern Florida was developing on a significant scale. By 1860, cattlemen from all over Florida drove their herds to Fort Brooke (Tampa) and Punta Rassa for shipment to Cuba, at a considerable profit. During this period, Jacob Summerlin became the first cattle baron of southwestern Florida. Known as the "King of the Crackers," Summerlin herds ranged from Ft. Meade to Ft. Myers (Covington 1957).

In 1861, Florida followed South Carolina's lead and seceded from the Union as a prelude to the American Civil War. Florida had much at stake in this war as evidenced in a report released from Tallahassee in June of 1861. It listed the value of land in Florida's 35 counties as \$35,127,721 and the value of the slaves in the state at \$29,024,513 (Dunn 1989:59). Although the Union blockaded the coast of Florida during the war, the interior of the state saw very little military action. Florida became one of the major contributors of beef to the Confederate government (Shofner 1995:72). Summerlin originally had a contract with the Confederate government to market thousands of head a year at eight dollars per head. However, by driving his cattle to Punta Rassa and shipping them to Cuba, he received 25 dollars per head (Grismer 1946:83). In an attempt to limit the supply of beef transported to the Confederate government, Union troops stationed at Ft. Myers conducted several raids into the Peace River Valley to seize cattle and destroy ranches. In response, Confederate supporters formed the Cattle Guard Battalion, consisting of nine companies under the command of Colonel Charles J. Mannerlyn (Akerman 1976:91-93). The cattlemen and the farmers in the state lived simply. The typical home was a log cabin without windows or chimneys and settlers' diets consisted largely of fried pork, corn bread, sweet potatoes, and hominy. The lack of railway transport to other states, the federal embargo, and the enclaves of Union supporters and Union troops holding key areas such as Jacksonville and Ft. Myers prevented an influx of finished materials. As a result, settlement remained limited until after the Civil War.

Immediately following the war, the South underwent a period of "Reconstruction" to prepare the Confederate States for readmission to the Union. The program was administered by the U.S. Congress, and on July 25, 1868, Florida officially returned to the Union (Tebeau 1971:251). In

most of the early settlements, development followed the earlier pattern with few settlers, one or two stores, and a lack of available overland transportation.

This pattern changed between 1870 and 1890 when land speculators began promoting south Florida as a tropical paradise good for one's body, soul, and pocketbook. The resulting increase in settlement of the region precipitated the need for federal cartographic surveys. Exterior boundaries of Township 43 South, Range 25 East, including the north, west and portions of the east, were surveyed by John Jackson in 1859 (State of Florida 1859). Surveys of a portion of the southern exterior boundary began with R. Canova who also contributed to the survey of subdivision lines during the same years (State of Florida 1860-1). In his note, Canova described the land within the project vicinity as "scrub and pine" as well as "third rate pine", and mentioned ponds (State of Florida 1860-1: 668, 69). In 1872, W. L. Apthorp surveyed portions of the southern and eastern boundaries (State of Florida 1872). The following year, M. H. Clay surveyed a portion of the eastern boundary as well as subdivision lines of Sections 25 and 33 to 36 (State of Florida 1873a). The resulting plat depicts no manmade features (State of Florida 1873b).

By the early 1880s, the State of Florida faced a financial crisis involving title to public lands. By act of Congress in 1850, the federal government turned over to the states for drainage and reclamation all "swamp and overflow land." Florida received approximately 10,000,000 acres. To manage that land and the 5,000,000 acres the state had received on entering the Union, the state legislature in 1851 created the Board of Trustees of the Internal Improvement Fund. In 1855, the legislature established the actual fund (the Florida Internal Improvement Fund), in which state lands were to be held. The fund became mired in debt after the Civil War and under state law no land could be sold until the debt was cleared. In 1881, the Trustees started searching for a buyer capable of purchasing enough acreage to pay off the fund's debt and permit the sale of the remaining millions of acres that it controlled. Hamilton Disston, a member of a prominent Pennsylvania saw manufacturing family, in 1881, entered into agreement with the State of Florida to purchase four million acres of swamp and overflowed land for one million dollars. In exchange, he promised to drain and improve the land. This transaction, which became known as the Disston Purchase, enabled the distribution of large land subsidies to railroad companies, inducing them to begin extensive construction programs for new lines throughout the state. Disston and the railroad companies, in turn, sold smaller parcels of land to developers and private investors (Tebeau 1965:252). The Jacksonville, Tampa, and Key West Railway company was deeded portions of the project area in Section 20 on December 31, 1888 (State of Florida n.d.). Nearly ten years later, on June 7, 1898, the Disston Land Company was deeded Section 17 as well as the eastern half of Section 19, including the project area (State of Florida n.d.).

Archibald McLeod and B.B. Comer, owners of large Alabama cotton plantations, became interested in growing tropical fruits in the rich south Florida muck. In 1885, Comer came to look over their 6,000 acre purchase which included much of today's southern Lee County. The property stretched from Bonita Beach Road to Coconut on Estero Bay (Nutting 1986). Upon returning to Alabama, Comer assembled a group of slaves and workmen who journeyed to the area of Surveyors Creek (the Imperial River). Log cabins were built and 40 acres were cleared for pineapples and bananas (Nutting 1986).

The Comer family arrived in 1888, but by the winter of 1893-94, the disastrous freeze put an end to the tropical plantation. Comer decided to return to his cotton plantation in Alabama and sold his south Florida holdings to W.C. Batley of Fort Myers. After passing through several hands, the property was purchased by a Tennessee investment company in 1912. The company platted the land and renamed the town of Survey to Bonita Springs. By 1917, a road connected Bonita Springs to Fort Myers and in 1922, the Fort Myers Southern Railroad (later Atlantic Coastline) was constructed between the towns (Nutting 1986). Cargo of mullet, snook, Spanish mackerel, and redfish in addition to grapefruit and oranges departed from Bonita Springs to destinations as far away as New York (Bonita Banner 2002).

During this time the automobile, telephone, and electricity introduced a state and national perspective into the small communities of southwest Florida. The construction of the Tamiami Trail played a significant role in this development. Prior to its inception in 1915, portions of the Tamiami Trail existed in the form of county roads. When the (then newly formed) Florida State Road Department began joining these disparate roadways, traffic increased and southwest Florida's tourist industry was born. At its completion in 1928, the Tamiami Trail connected Tampa to Miami (Scupholme 1997). In 1921 Charlotte County was carved out of Desoto County, and Punta Gorda became the county seat. Despite the boom elsewhere in the state, the population of Charlotte County stood at 3,390 in 1925. Only 816 hotel rooms were available to the local tourist industry. In nearby Sarasota and Lee Counties, over 4,000 such rooms were counted (Historic Property Associates [HPA] 1989).

These halcyon days were short-lived, however, and during 1926-27, the Florida real estate market collapsed. Such wild land speculation preceded the land "bust." As a consequence, banks found it impossible to track loans or property values. The hurricanes of 1926 and 1928, the Mediterranean fruit fly invasion and the subsequent paralysis of the citrus industry, the October 1929 stock market crash, and the onset of the Great Depression only worsened the situation. Lee County, along with the rest of Florida, was in a state of economic stagnation.

By the mid-1930s, federal programs, implemented by the Roosevelt administration provided jobs for the unemployed who were able to work. The programs were instrumental in the construction of parks, bridges, and public buildings. Tourism began to increase during this period and attractions and lodging were built to entertain and house the visitors.

In the Late 20<sup>th</sup> Century, the flow of tourists into the area has been greatly facilitated by the construction of I-75 and the Southwest Florida International Airport. Thousands of people, many retired, are moving into Charlotte and Lee Counties.

## 5.0 RESEARCH CONSIDERATIONS AND FIELD METHODS

### 5.1 Background Research and Literature Review

A comprehensive review of archaeological and historical literature, records, and other documents and data pertaining to the project area was conducted. The focus of this research was to ascertain the types of cultural resources known in the project area, their temporal/cultural affiliations, site location information, and other relevant data. This research included a review of sites listed in the FMSF, NRHP, and cultural resource survey reports. No informant interviews were conducted for this project.

#### 5.1.1 Archaeological Considerations

For archaeological survey projects of this kind, specific research designs are formulated prior to initiating fieldwork in order to delineate project goals and strategies. Of primary importance is an attempt to understand, on the basis of prior investigations, the spatial distribution of known resources. Such knowledge serves not only to generate an informed set of expectations concerning the kinds of sites which might be anticipated to occur within the project corridor, but also provides a valuable regional perspective and, thus, a basis for evaluating any new sites discovered. In addition, in keeping with standard archaeological conventions, metric measurements are used in this and the following section.

Background research indicated that no previously recorded cultural resources are located within the project area. However, portions of the project are located within a zone 2 archaeological sensitive area (Figure 6.1), and archaeological surveys in environmentally similar areas (pine palmetto flatwoods) have evidenced prehistoric sites on slightly elevated areas relative to the surrounding terrain near a permanent freshwater source such as a slough or creek (Austin 1987; ACI 1992 and 1996). In addition, sites found in such environments in Lee, Charlotte and Sarasota Counties, are typically small, shallow and dispersed artifact or lithic scatters, although occasionally sand burial mounds are found near creeks and rivers. Three archaeological sites have been recorded within about two miles of the project area (Figure 5.1). These sites include the Daughtrey Mound (8LL83), a prehistoric burial mound located about a mile and a quarter mile south of the project area. It is situated on the south side of Bayshore Road along Daughtrey Creek and was recorded in 1951 by W. Plowden (FMSF form on file). Jeannie's Creekside site (8LL1765), a prehistoric single artifact site lies less than two miles east of the project area along Popash Creek. It was recorded by Richard Eastabrook in 1993 (Eastabrook 1993). The Near the Spring site (8LL2007), an Archaic and prehistoric ceramic site, is located less than a mile south of the project area. It was recorded by in 2000 during a survey of a portion of SR 78 (ACI 2000). Based on these data and other survey reports in the general project area (ACI 2003, Ambrosino 2002, Eastabrook 1991), the project area was evaluated as having a low to moderate potential for the occurrence or prehistoric archaeological sites. Such sites, if found were expected to be small, lithic and/or artifact scatters located near a seasonal wetland or natural drainage within the survey parcel. However, the presence of a burial mound was not ruled out.

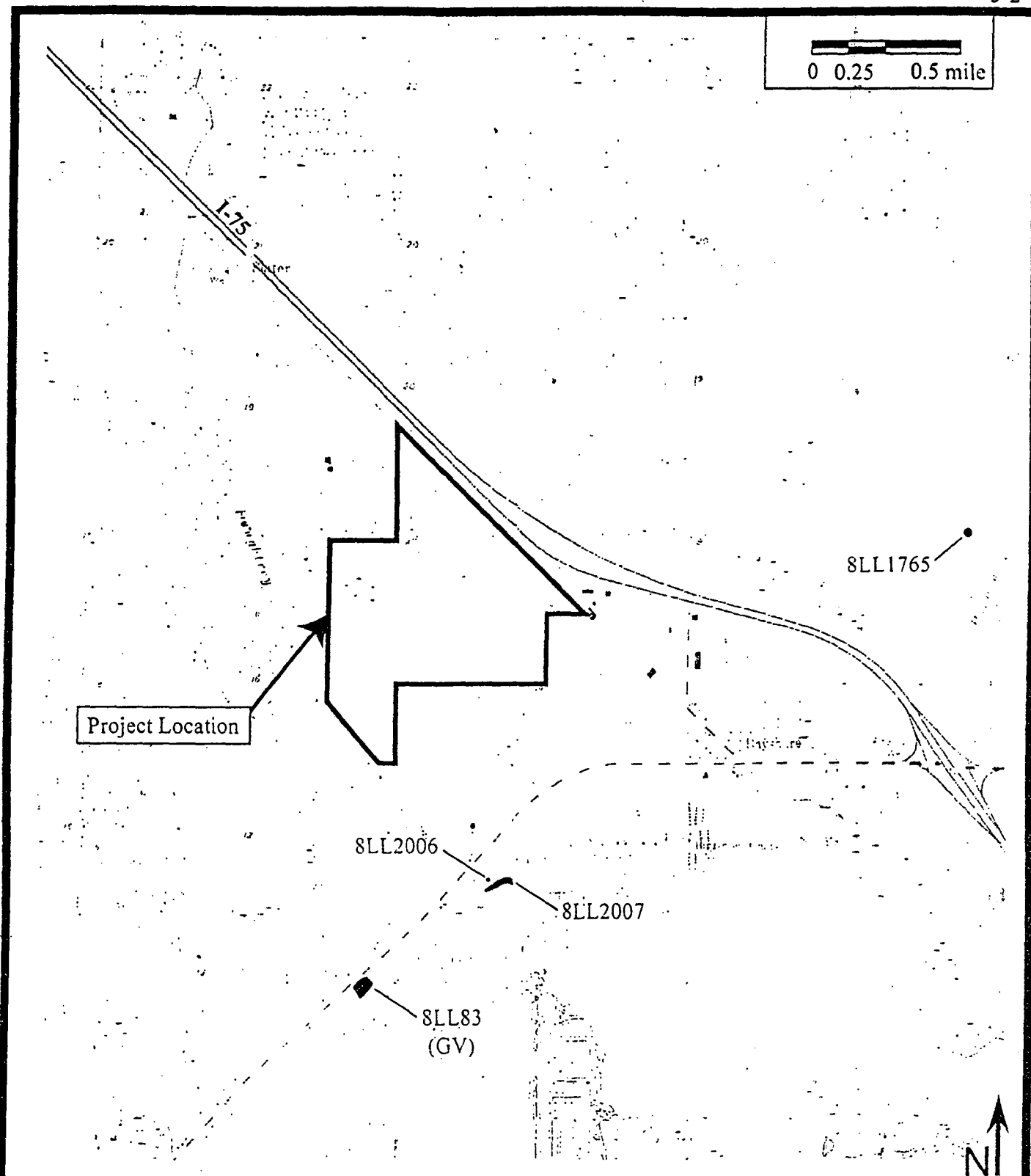


Figure 5.1. Previously Recorded Archaeological Sites and Historic Cemetery (8LL2006) Within Two Miles of the Project Area. Township 43 South, Range 25 East (USGS Fort Myers, Fla. 1958, PR 1987, Bathymetry added 1991).



### 5.1.2 Historical Considerations

Given the results of the historic research, no 19th century homesteads, forts, military trails, or historic Indian encampments were expected within the project area. A historic cemetery is located more than one half of a mile to the south of the project area (Figure 5.1). However, no cemeteries were expected within the survey property. Finally, a review of the USGS Fort Myers, Fla. 1958 (PR 1987) quadrangle revealed no potential for historic structures within the Oakcreek property.

### 5.2 Field Methodology

Archaeological field methodology consisted of a windshield survey and subsurface testing. Following ground surface inspection, subsurface shovel testing was carried out in order to locate sites not exposed on the ground, as well as to test for the presence of buried cultural deposits in areas yielding surface artifacts. Shovel test pits were circular, and measured approximately 0.5 m (1.6 ft) in diameter by 1 m (3.3 ft) in depth, unless impeded by an impenetrable substrate or water. All soil removed from the test pits was screened through 6.4 mm (0.25 in) mesh hardware cloth to maximize the recovery of artifacts. The locations of all shovel tests were plotted on the aerial maps, and following the recording of relevant data such as stratigraphic profile and artifact finds, all test pits were refilled.

### 5.3 Laboratory Methods and Curation

Artifacts, should they be found, will be cleaned and sorted by artifact class. Lithics will be divided into tools and debitage on the basis of gross morphology. Tools will be measured, and the edges examined with a 10x hand lens for traces of edge damage. Lithic debitage will be subjected to a limited technological analysis focused on ascertaining the stages of stone tool production. Flakes and non-flake production debris (i.e., cores, blanks, and preforms) will be measured, and examined for raw material types and absence or presence of thermal alteration. Flakes will be classified into four types (primary decortication, secondary decortication, non-decortication, and shatter) on the basis of the amount of cortex on the dorsal surface and the shape. If found, aboriginal ceramics will be classified into commonly recognized ceramic types based upon observable characteristics such as paste and surface treatment.

All project related records will be curated at Archaeological Consultants, Inc. (ACI) in Sarasota, unless the client requests otherwise.

### 5.4 Unexpected Discoveries

It was anticipated that if human burial sites such as Indian mounds, lost historic and prehistoric cemeteries, or other unmarked burials or associated artifacts were found, then the

provisions and guidelines set forth in Chapter 872, F.S. (Florida's Unmarked Burial Law) would be followed. Although burial mounds have been recorded along the coast, it was not anticipated that such sites would be found during this survey based on background research.



## 6.0 SURVEY RESULTS AND CONCLUSIONS

### 6.1 Archaeological Results

Archaeological field survey included both ground surface reconnaissance and the excavation of 88 shovel tests; most of these were placed at a 50 m interval within and near the Zone 2 archaeologically sensitive areas (Figure 6.1), with others were placed judgmentally and at 100 m intervals within the project. One shovel test, situated along the northern fence line parallel to the Seaboard Coastal Railroad, yielded a single medium sized (1 to 2 cm) non-thermally altered, secondary chert decortication flake. The flake, located in the southwest quarter of Section 17, Range 25 East, Township 23 South, was found 10 to 20 cm below surface. Four shovel tests were placed to the west and south of the positive shovel test at 12.5 and 25 m intervals. No shovel tests were placed outside the property boundary. None of these shovel tests was positive. Therefore, the single flake is classified as an Archaeological Occurrence (AO #1) (Photo 6.1). An AO is defined by the FMSF as "the presence of one or two non-diagnostic artifacts, not known to be distant from their original context which fit within a hypothetical cylinder of 30 meters diameter, regardless of depth below surface". Thus, occurrences are not recorded as sites.

### 6.2 Historical

The historical resource survey of the project area revealed an absence of historic structures (50 years of age or older). Thus, no structures listed or considered eligible for listing in the NRHP are located within the Oakcreek property.

### 6.3 Recommendations

Based on the results of the background research, field survey and analysis, development of the Oakcreek project area will not impact any significant cultural resources. No further work is recommended.



Photo 6.1 Looking East at Archaeological Occurrence Within Improved Pasture/Pine and Palmetto.

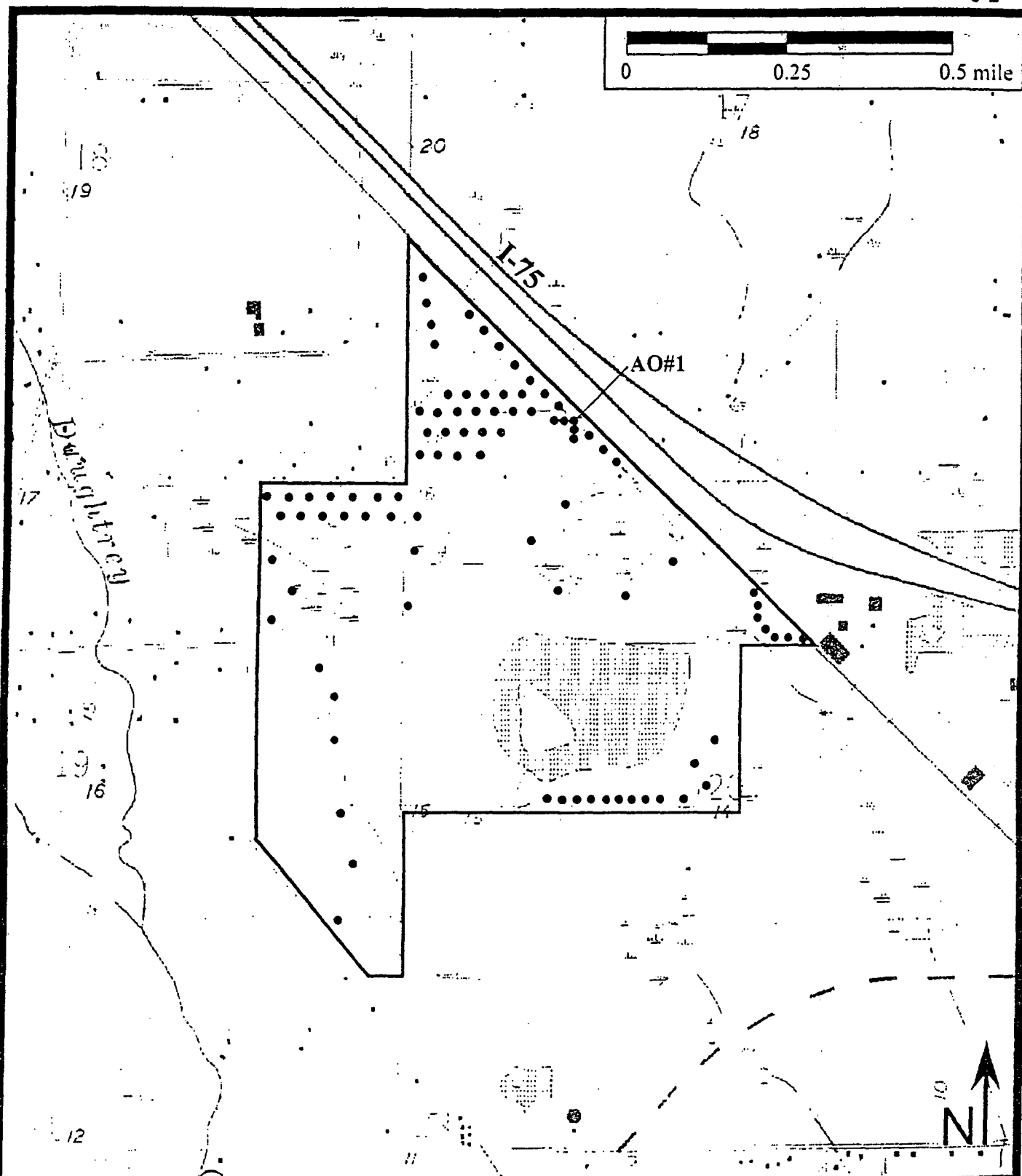


Figure 6.1. Zones of Archaeological Probability (yellow), (Barraco 2003) and Approximate Locations of Shovel Tests and Archaeological Occurrence (AO#1) Within the Oakcreek Property; Township 43 South, Range 25 East (USGS Fort Myers, Fla. 1958, PR 1987, Bathymetry added 1991). Shovel tests are not to scale.



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**APPENDIX: Survey Log Sheet**

Form Date 11/24/03**Survey Log Sheet**

Florida Master Site File

Version 2.0 9/97

Consult *Guide to the Survey Log Sheet* for detailed instructions.**FMSF USE ONLY**

FMSF Survey # \_\_\_\_\_

Recorder of Log Sheet Katie Baar**Identification and Bibliographic Information**Survey Project (Name and project phase) Oak Creek, Phase IIs this a continuation of a previous project? ☒ No ☐ Yes - Previous survey#(s) \_\_\_\_\_Report Title (exactly as on title page) Cultural Resource Assessment Survey, Oakcreek, Lee County, FloridaReport Author(s) (as on title page-individual or corporate) Archaeological Consultants, Inc. (ACI)Publication Date (month/year) 11/24 Total Number of Pages in Report (Count text, figures, tables, not site forms) 33Publication Information (if relevant, series and no. in series, publisher, and city. For article or chapter, cite page numbers. Use the style of *American Antiquity*. See *Guide to the Survey Log Sheet*.) Archaeological Consultants, Inc.P.O. Box 5103, Sarasota, FL 34277-5103Supervisor(s) of Fieldwork (whether or not the same as author(s)) Marion AlmyAffiliation of Fieldworkers (organization, city) Archaeological Consultants, Inc.Key Words/Phrases (Don't use the county, or common words like *archaeology, structure, survey, architecture*. Put the most important first. Limit each word or phrase to 25 characters.) Oakcreek, I-75, Daughtrey Creek

Survey Sponsors (corporation, government unit, or person who is directly paying for fieldwork)

Name Development SolutionsAddress/Phone 6150 Diamond Centre Court #1300, Fort Myers, Florida 33912**Mapping**Counties (List each one in which field survey was done-do not abbreviate) LeeUSGS 1:24,000 Map(s): Names/Dates: Fort Myers, Fla. 1958, PR 1987Remarks (Use supplementary sheet(s) if needed) One Archaeological Occurance**Description of Survey Area**Dates for Fieldwork: Start 11/10/03 End 11/13/03 Total Area Surveyed (fill in one) \_\_\_\_\_ hectares 303 acresNumber of Distinct Tracts or Areas Surveyed 1

If Corridor (fill in one for each) Width \_\_\_\_\_ meters \_\_\_\_\_ feet Length \_\_\_\_\_ kilometers \_\_\_\_\_ miles

Types of Survey (check all that apply) ☒ archaeological ☐ architectural ☒ historical/archival ☐ underwater ☐ other: \_\_\_\_\_

HR6E06610-97 Florida Master Site File, Division of Historical Resources, Gray Building, 500 South Bronough St., Tallahassee, FL 32399-0250

Phone 850-487-2299, Suncom 277-2299, Fax 850-921-0372, Email fmsfile@mail.dos.state.fl.us, Web http://www.dos.state.fl.us/dhr/msfl

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## Survey Log Sheet of the Florida Master Site File

## Research and Field Methods

Preliminary Methods (Check as many as apply to the project as a whole. If needed write others at bottom).

- |   |   |  |  |
|---|---|--|--|
| <input type="checkbox"/> Florida Archives (Gray Building)       | <input type="checkbox"/> library research - (local public)            | <input type="checkbox"/> local property or tax records | <input checked="" type="checkbox"/> windshield survey  |
| <input type="checkbox"/> Florida Photo Archives (Gray Building) | <input type="checkbox"/> library-special collection- (non local)      | <input type="checkbox"/> newspaper files               | <input checked="" type="checkbox"/> aerial photography |
| <input checked="" type="checkbox"/> FMSF site property search   | <input checked="" type="checkbox"/> Public Lands Survey (maps at DEP) | <input checked="" type="checkbox"/> literature search  |  |
| <input checked="" type="checkbox"/> FMSF survey search          | <input type="checkbox"/> local informant(s)                           | <input type="checkbox"/> Sanborn Insurance maps        |  |
| <input type="checkbox"/> other (describe)                       |   |  |  |

Archaeological Methods (Describe the proportion of properties at which method was used by writing in the corresponding letter. Blanks are interpreted as "None.")

F(-ew: 0-20%, S(-ome: 20-50%); M(-ost: 50-90%); or A(-ll, Nearly all: 90-100%). If needed write others at bottom.

☐ Check here if NO archaeological methods were used.

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> surface collection, controlled     | <input type="checkbox"/> other screen shovel test (size: _____) | <input type="checkbox"/> block excavation (at least 2x2 m) |
| <input type="checkbox"/> surface collection, uncontrolled   | <input type="checkbox"/> water screen (finest size: _____)      | <input type="checkbox"/> soil resistivity                  |
| <input checked="" type="checkbox"/> shovel test-1/4" screen | <input type="checkbox"/> posthole tests                         | <input type="checkbox"/> magnetometer                      |
| <input type="checkbox"/> shovel test-1/8" screen            | <input type="checkbox"/> auger (size: _____)                    | <input type="checkbox"/> side scan sonar                   |
| <input type="checkbox"/> shovel test-1/16" screen           | <input type="checkbox"/> coring                                 | <input type="checkbox"/> unknown                           |
| <input type="checkbox"/> shovel test-unscreened             | <input type="checkbox"/> test excavation (at least 1x2 m)       |  |
| <input type="checkbox"/> other (describe): _____            |   |  |

Historical/Architectural Methods (Describe the proportion of properties at which method was used by writing in the corresponding letter.

Blanks are interpreted as "None.")

F(-ew: 0-20%, S(-ome: 20-50%); M(-ost: 50-90%); or A(-ll, Nearly all: 90-100%). If needed write others at bottom.

☐ Check here if NO historical/architectural methods were used.

- |  |  |   |   |
|--|--|---|---|
| <input type="checkbox"/> building permits        | <input type="checkbox"/> demolition permits                  | <input type="checkbox"/> neighbor interview | <input type="checkbox"/> subdivision maps |
| <input type="checkbox"/> commercial permits      | <input checked="" type="checkbox"/> exposed ground inspected | <input type="checkbox"/> occupant interview | <input type="checkbox"/> tax records      |
| <input type="checkbox"/> interior documentation  | <input type="checkbox"/> local property records              | <input type="checkbox"/> occupation permits | <input type="checkbox"/> unknown          |
| <input type="checkbox"/> other (describe): _____ |  |   |   |

Scope/Intensity/Procedures Background research performed; Field Survey, including 88 shovel tests at 50 m, 100 m, 25 m and judgmental, intervals, and plotted an aerial; photographs taken; report prepared.

## Survey Results (cultural resources recorded)

Site Significance Evaluated? ☐ Yes ☒ No. If Yes, circle NR-eligible/significant site numbers below.

Site Counts: Previously Recorded Sites 0 Newly Recorded Sites n/a

Previously Recorded Site #'s (List site #'s without "8." Attach supplementary pages if necessary) 0

Newly Recorded Site #'s (Are you sure all are originals and not updates? Identify methods used to check for updates, ie, researched the FMSF records) List site #'s without "8." Attach supplementary pages if necessary. n/a

Site Form Used: ☐ SmartForm ☐ FMSF Paper Form ☒ Approved Custom Form: Attach copies of written approval from FMSF Supervisor and Supervisor-signed form.

## DO NOT USE \*\*\*\*\*SITE FILE USE ONLY \*\*\*\*\*DO NOT USE

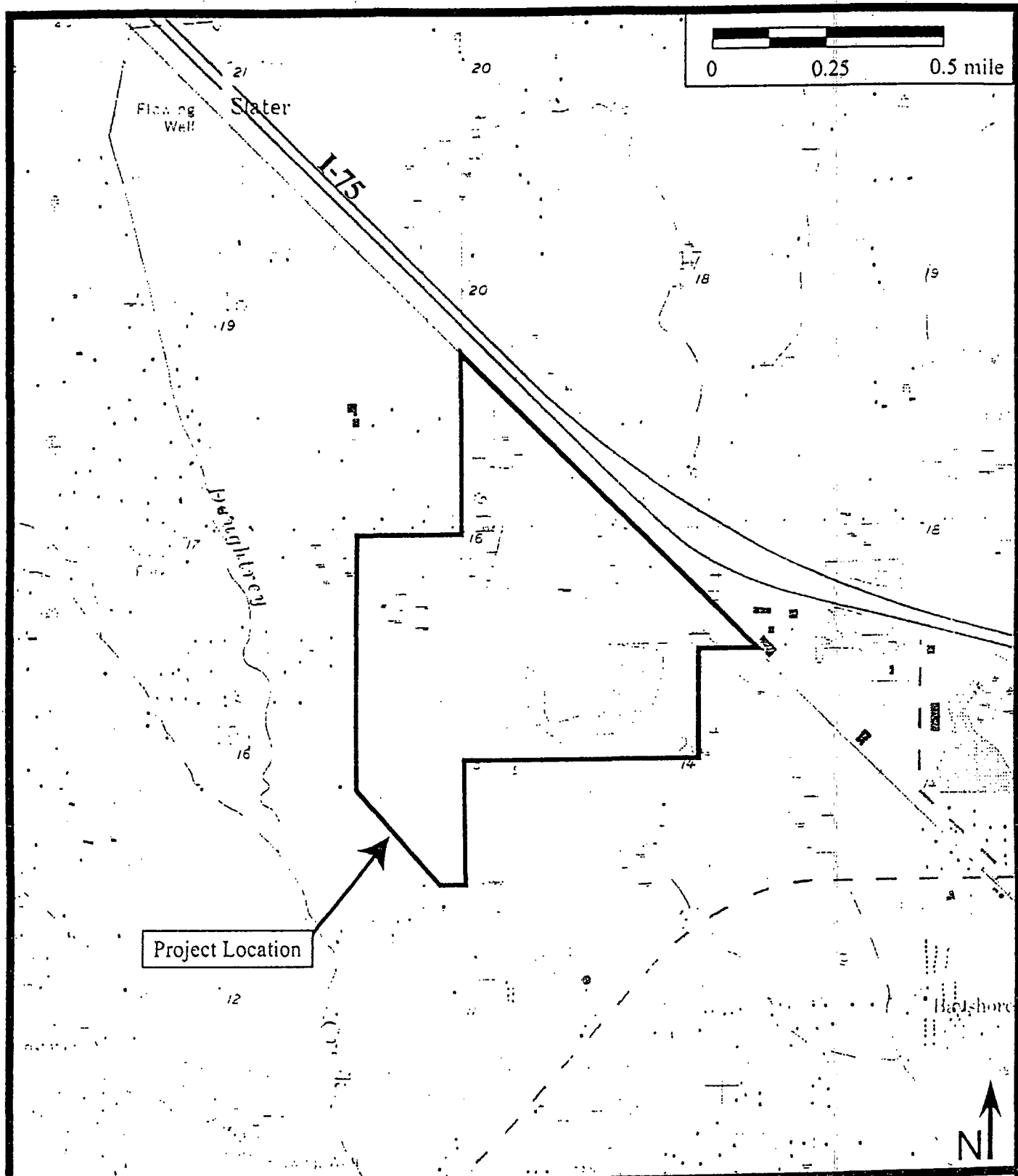
## BAR Related

- |                               |                               |
|-------------------------------|-------------------------------|
| <input type="checkbox"/> 872  | <input type="checkbox"/> 1A32 |
| <input type="checkbox"/> CARL | <input type="checkbox"/> UW   |

## BHP Related

- |  |
|--|
| <input type="checkbox"/> State Historic Preservation Grant |
| <input type="checkbox"/> Compliance Review CRAT #          |

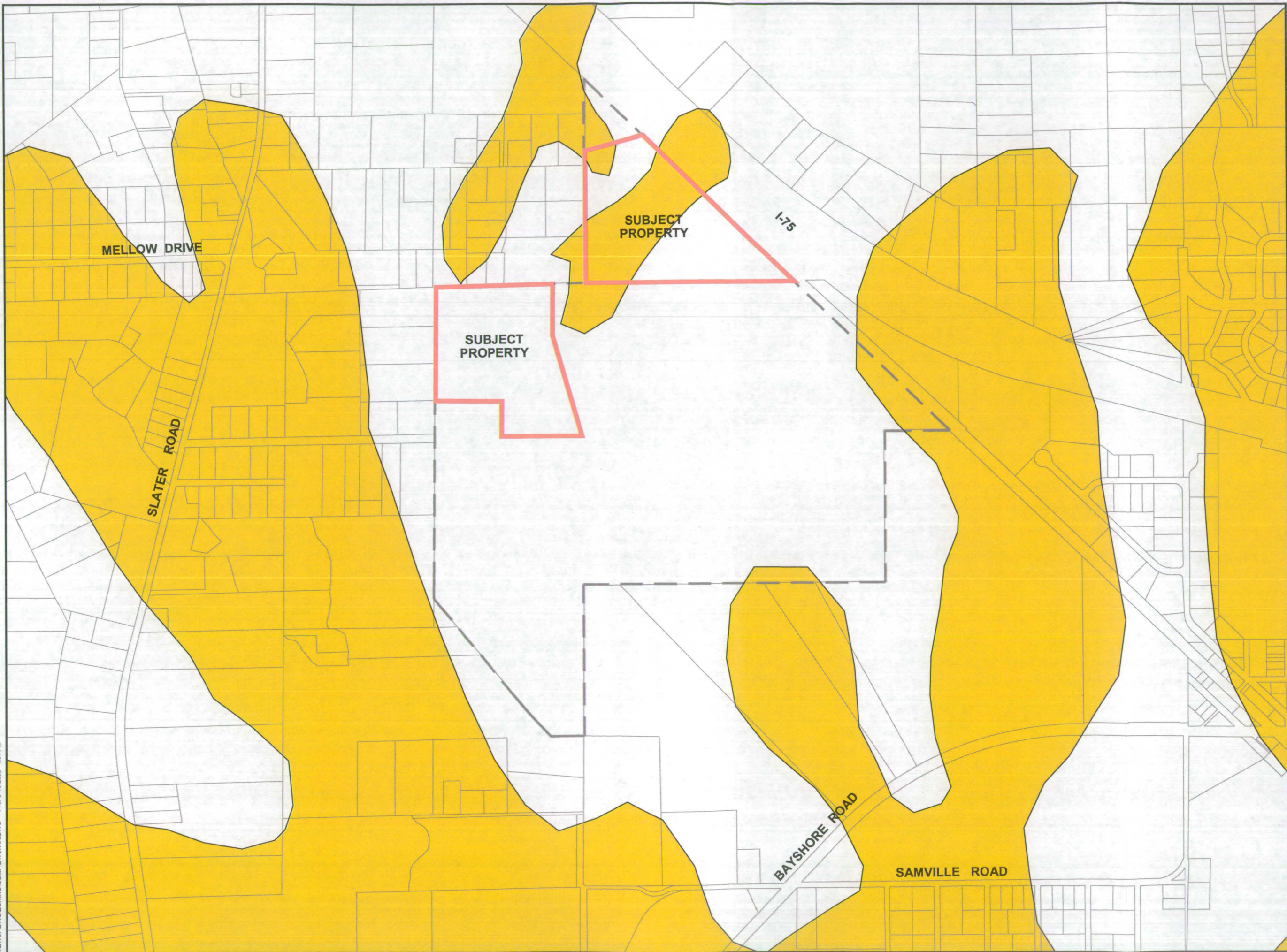
ATTACH PLOT OF SURVEY AREA ON PHOTOCOPIES OF USGS 1:24,000 MAP(S)



Project Location of the Oakcreek Property: Township 43 South, Range 25 East (USGS Fort Myers, Fla. 1958, PR 1987, Bathymetry added 1991).



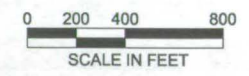




**LEGEND**  
Archaeological Sensitivity  
Zone 2

ARCHEOLOGICAL SENSITIVITY MAP  
**OAK CREEK**  
COMPREHENSIVE PLAN AMENDMENT  
LEE COUNTY, FLORIDA

MAP 4



**Barraco**  
and Associates, Inc.

CIVIL ENGINEERS, SURVEYORS AND LAND DEVELOPMENT CONSULTANTS  
2271 Mcgregor Blvd., Post Office Drawer 2800, Fort Myers, Florida 33802-2800  
PHONE (239) 461-3170 - WWW.BARRACO.NET - FAX (239) 461-3169  
FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 7995 - SURVEYING LB-6940

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## E. INTERNAL CONSISTENCY WITH THE LEE PLAN

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.

*The proposal will have no effect on Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map. This request simply swaps equal acreages of Rural and Suburban land.*

2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.

- **Policy 1.1.5: Suburban**

The Suburban Land Use Category is designated for areas that are intended to be predominantly residential, on the fringe of Central Urban or Urban Community areas or in areas where it is important to protect existing or emerging residential neighborhoods. These areas are intended for residential development at or near urban areas of the county, but without the mix of uses generally associated with urban development. The proposed swap of Rural and Suburban lands further the intent of this policy.

- **Policy 1.4.1: Rural**

The Rural Land Use Category is designated for areas that are to remain predominately low density residential or agricultural in nature. These areas have a maximum density limited to one unit per acre. The proposed swap of Rural and Suburban lands furthers the intent of this policy.

- **Policy 2.1: Development Location**

The proposed land use swap and RPD is in an area of forecasted growth and development. The subject properties and RPD have existing development in close proximity on all sides. ~~To the east is I-75 and industrial and commercially zoned properties including the Raymond Building IPD, the Flordeco Industrial Campus, Bayshore-I-75 CPD and the Bayshore Interstate Park CPD, which is approved for 292,000 square feet of retail floor area. Across I-75 is the Heritage Creek RPD.~~ To the west are areas of platted and developed residential neighborhoods. Adjacent to the subject property to the south is development consisting of the Bayshore Elementary School and a religious facility, and to the south of Bayshore Road is the River Run RPD, which is approved for nearly 1,600 residential units.

The proposed development is within an area where services are already available and would effectively use the public investment of infrastructure in this area.

- **Policy 2.1.3: All Development Must Comply with the 2020 Overlay**

The Future Land Use swap will not have any impact on the 2020 Overlay.

- **Policy 2.2.1: New Development To Provide Required Infrastructure**

All necessary infrastructure is available at or near the proposed project, and the developer will undertake any improvements that may be required to connect the project to these existing services.

- **Policy 4.1.1: Requires Developments To Be Well Integrated And Functional**

The proposed land use swap allows for this development to be better integrated and more functional, allowing for a more appropriate distribution of units, and preservation of areas where density should remain low. This will help to minimize impacts to wetlands and flowways and preserve the wetland and flowway system along the western portion of the site.

- **Goal 5: Residential Land Uses**

The proposed development is an in-fill project surrounded by residential development and would make effective use of land for population accommodation.

- **Policy 5.1.2: Physical Constraints or Hazards**

Exposure to physical constraints or hazards will be minimized by clustering residential development through the Residential Planned Development process, around a water management system to provide for water storage capacity, and direct water through the natural flow areas and through preserving on-site wetlands. All units will be built to appropriate elevations to minimize the risk of flood.

- **Policy 5.1.5: Protect Existing and Future Residential Areas**

This rezoning implements Policy 5.1.5 by extending residential uses to an area where single family residential uses already exist. The surrounding properties are either developed for residential uses or are likely to be. Developing a residential community protects the character of the surrounding neighborhoods.

- **Goal 11: Water, Sewer, Traffic and Environmental Review**

The proposed development is consistent with Goal 11 through the provision of letters of capacity and availability of service from the water and sewer providers.

- **Objective 40.5: Incorporation of green infrastructure into the surface water management system**

The proposed swap of land use categories satisfies Objective 40.5 with the preservation and enhancement of eight wetlands within the project boundary. In addition, the project includes a significant flowway, which encompasses the Daughtrey's Creek conveyance.

- **Policy 40.5.1: Incorporate best management practices**

Policy 40.5.1 is satisfied with providing green infrastructure bordering the Daughtrey's Creek main conveyance, which bisects the project.



- **Policy 40.5.3: Preservation of existing natural flowways and the restoration of historic natural flowways**

*Policy 40.5.3 is satisfied with the preservation and enhancement of the Daughtrey's Creek flowway. The existing connection includes two crossings and two undersized pipes to be replaced by one new crossing in the same location with a box culvert sized in accordance with the Lee County Master Water Management Plan for Daughtrey's Creek.*

- **Policy 40.5.5: Coordinate the review of flowways with the other regulatory agencies**

The proposed project will include removal of two existing crossings of the Daughtrey's Creek main conveyance. These two crossings will be replaced with one permanent crossing and a box culvert sized in accordance with the Lee County Surface Water Management Plan. This crossing, as well as other aspects of the storm water management system, is currently being reviewed by the South Florida Water Management District.

- **Goal 77: Resource Protection**

The proposed development has demonstrated compliance with this Goal through the submission of the environmental analysis and protected species survey. The proposed project will incorporate all applicable land development regulations and other permit requirements as the project proceeds through the development order process.

As proposed, the subject development meets the intent of and is in compliance with the Lee County Comprehensive Plan.

**3. Describe how the proposal affects adjacent local governments and their comprehensive plans.**

There are no adjacent local governments that would be affected by this plan amendment.