



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

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

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

BoCC Adoption Document

*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

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

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:

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

JOHN ALBION

AYE

TAMMY HALL

AYE

BOB JANES

AYE

RAY JUDAH

AYE

DOUG ST. CERNY

AYE

Oak Creek

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

Table of Contents

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



Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (941) 479-8585
FAX: (941) 479-8519

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D _____

REC'D BY: _____

APPLICATION FEE _____

TIDEMARK NO: _____

THE FOLLOWING VERIFIED:

Zoning ☐

Commissioner District ☐

Designation on FLUM ☐

(To be completed by Planning Staff)

Plan Amendment Cycle: ☒ Normal ☐ Small Scale ☐ DRI ☐ Emergency

Request No: _____

APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: _____

Submit 6 copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

DATE _____

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE _____

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.

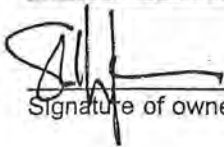
G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

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

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.

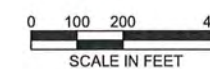
CONCLUSION

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



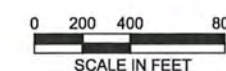
Barraco
and Associates, Inc.

CIVIL ENGINEERS, SURVEYORS AND LAND DEVELOPMENT CONSULTANTS
2271 MCGREGOR BLVD., POST OFFICE DRAWER 2600, FORT MYERS, FLORIDA 33902-25
PHONE (239) 461-3170 - WWW.BARRCO.NET - FAX (239) 461-3160
FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 7995 - SURVEYING LB-69



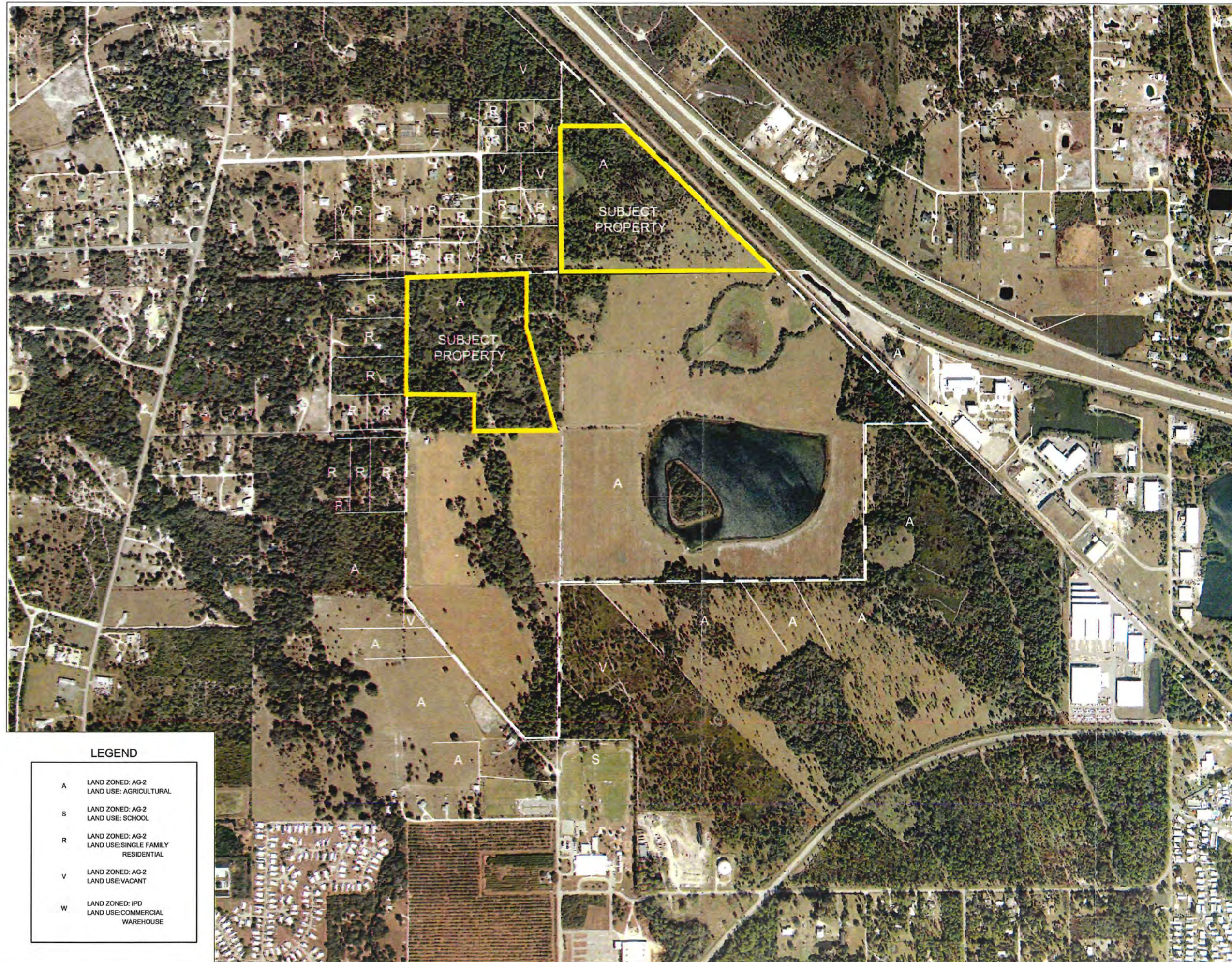
Existing Land Use Map
OAK CREEK
COMPREHENSIVE PLAN AMENDMENT
LEE COUNTY, FLORIDA

MAP 1



Barraco
and Associates, Inc.

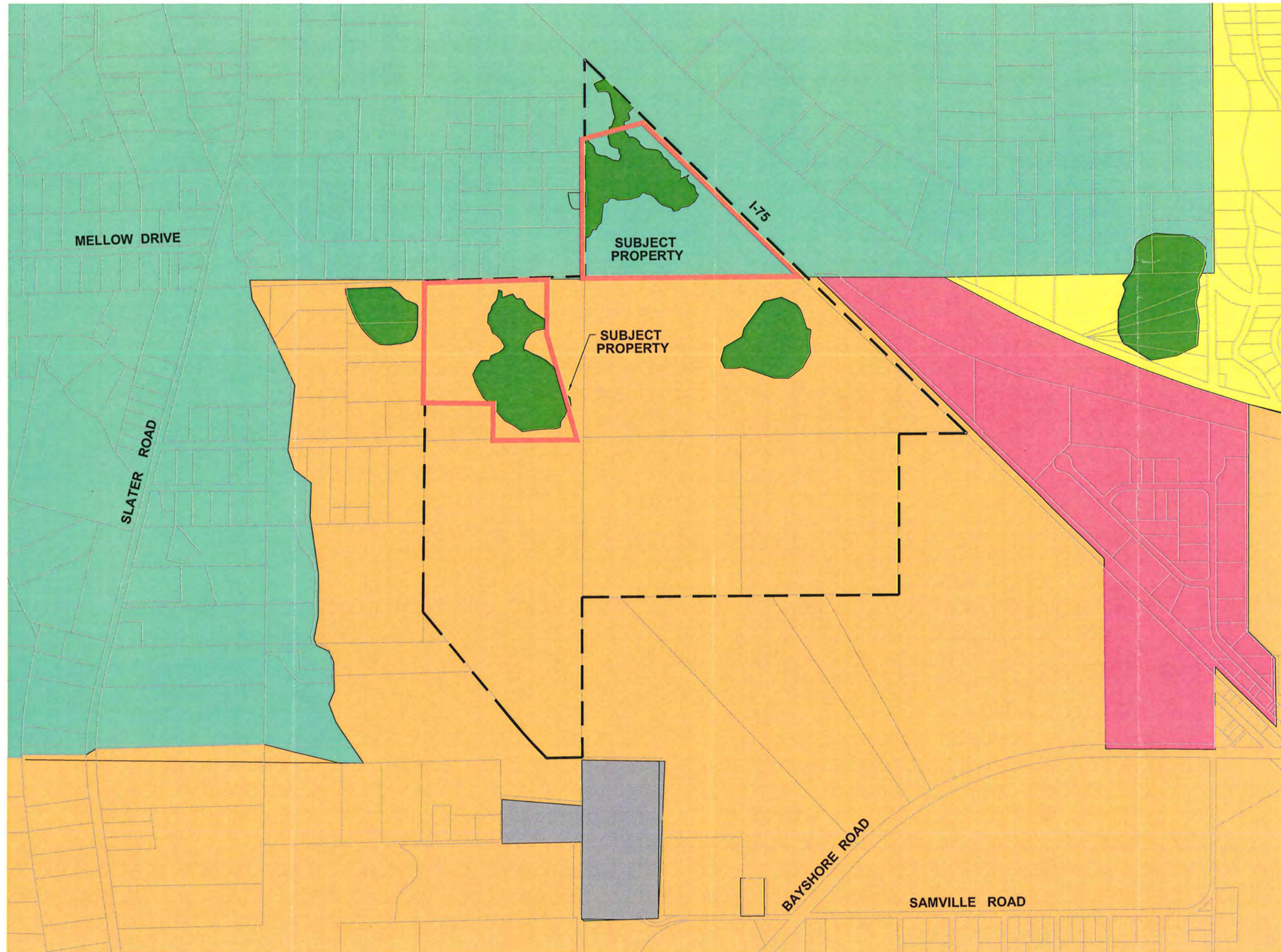
CIVIL ENGINEERS, SURVEYORS AND LAND DEVELOPMENT CONSULTANTS
2271 MAGREGOR BLVD., POST OFFICE DRAWER 2800, FORT MYERS, FLORIDA 33902-2800
PHONE (239) 481-3172 - WWW.BARRACO.FL.NET - FAX (239) 481-3169
FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 7995 - SURVEYING LB-4943



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 |

J:\2179\DWG\ZONING\COMP\2179\FLU.DWG - WED, 9-28-2005 - 8:51 AM



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

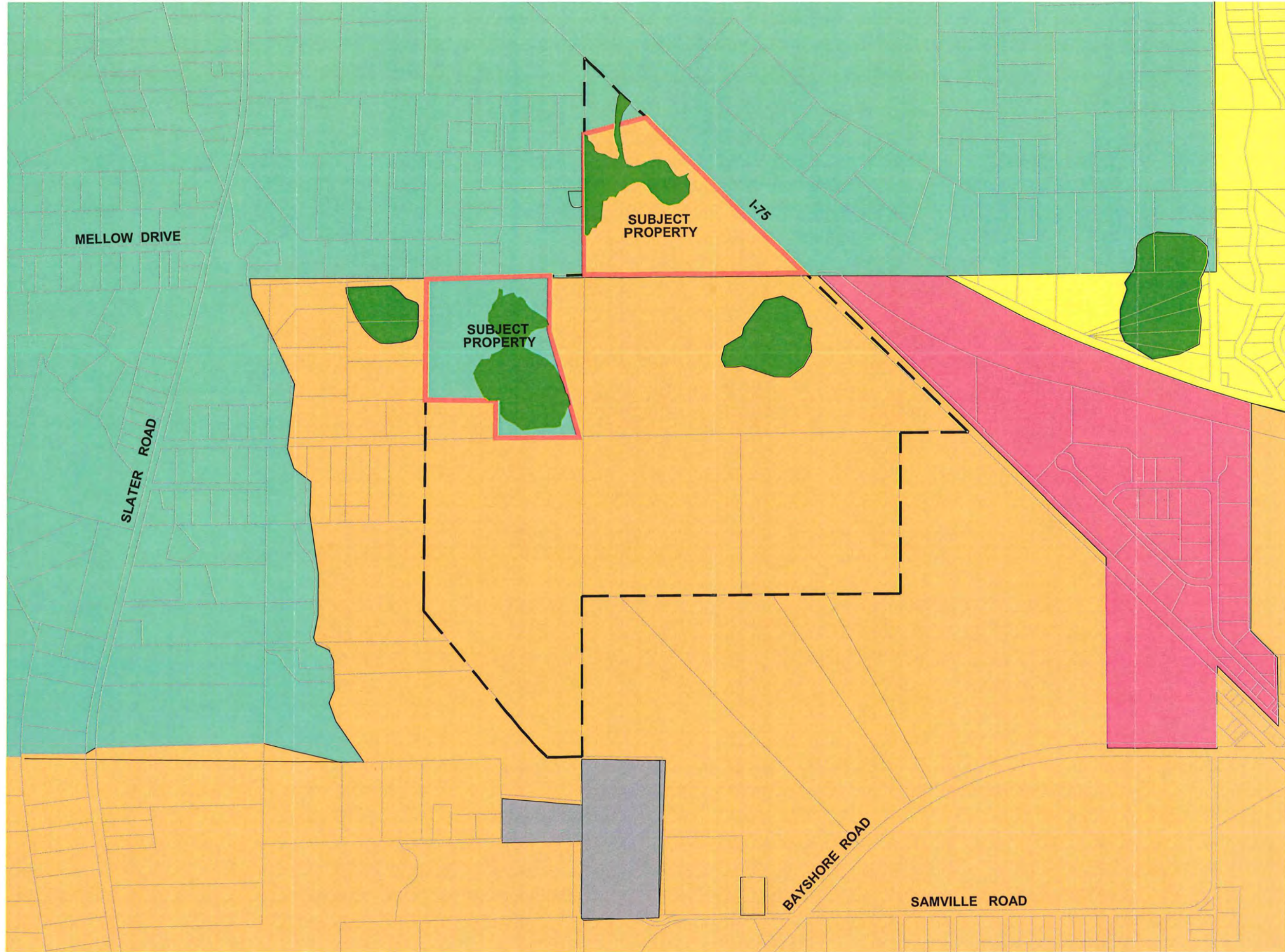
MAP 2



Barraco
and Associates, Inc.

CIVIL ENGINEERS, SURVEYORS AND LAND DEVELOPMENT CONSULTANTS
2271 MACREGOR BLVD., PORT OFFICE DRAWER 2800, FORT MYERS, FLORIDA 33902-2800
PHONE (239) 481-3175 - WWW.BARRACO.FL - FAX (239) 481-3188
FLORIDA CERTIFICATE OF AUTHORIZATION - ENGINEERING 7966 - SURVEYING LB-2640

J:\2179\DWG\ZONING\COMP\2179\FLLU.DWG - WED, 9-28-2005 - 8:52 AM



LEGEND

FLUMNov02

Land Use

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



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

MAP 3



Barraco
and Associates, Inc.

CIVIL ENGINEERS, SURVEYORS AND LAND DEVELOPMENT CONSULTANTS
2271 MCGREGOR BLVD., POST OFFICE DRAWER 2800, FORT MYERS, FLORIDA 33902-2800
PHONE (239) 481-3175 - WWW.BARRACO.FL05 - FAX (239) 481-3188
FLORIDA CERTIFICATE OF AUTHORIZATION - ENGINEERING 7966 - SURVEYING LB-4040

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 th 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.

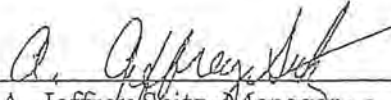
10. **Effective Date of Action.** The actions contained herein shall be effective as of the effective date of the Articles of Organization of the Company.

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 21st day of February, 2003.

MANAGERS:

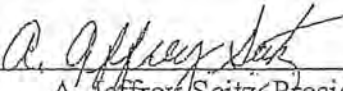

A. Jeffrey Seitz, Manager


Richard A. Salata, Manager


Randy E. Thibaut, Manager

MEMBERS:

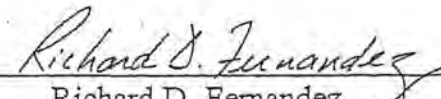
Advance Homes, Inc.

By: 
A. Jeffrey Seitz, President

Mill Creek Florida Properties No. 3, LLC

By: 
Richard A. Salata, President

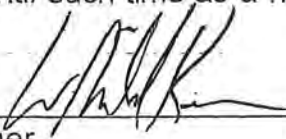
Richard D. Fernandez


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.

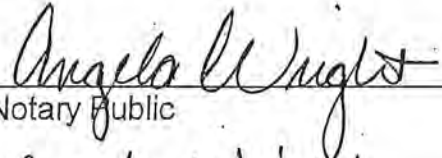

Owner

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.

 12/15/02

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

L:\21797 - Bayshore 299\Descriptions\21797\$K13DESC.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:

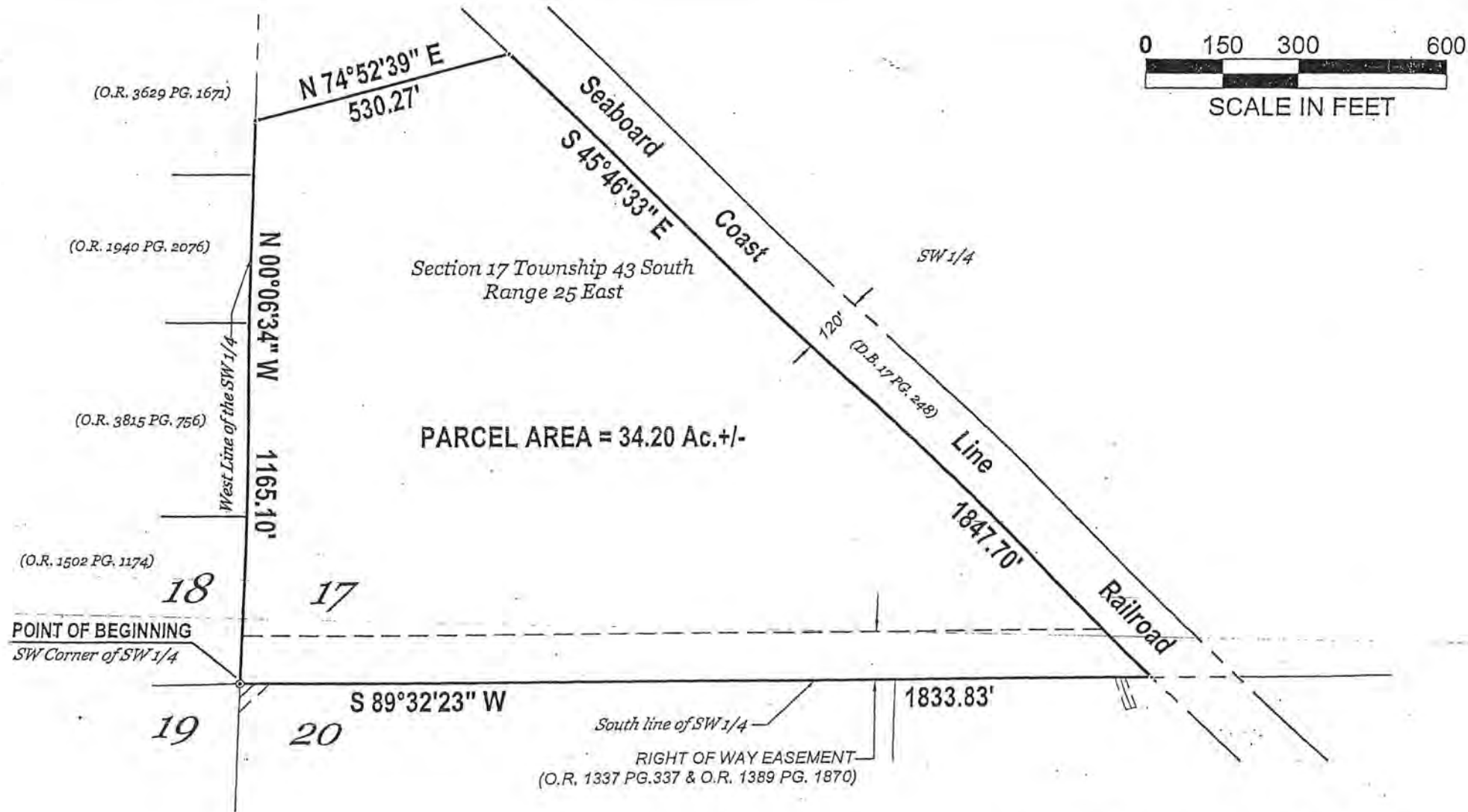
Commencing at the Northeast corner of the Northeast Quarter (NE 1/4) of said Section 19 run S88°20'13"W along the North line of said fraction for 292.91 feet to the POINT OF BEGINNING.

From said Point of Beginning run S00°32'23"W parallel with the West line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) 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 1/4) of the Northeast Quarter (NE 1/4) 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 1/4) of the Northeast Quarter (NE 1/4) 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 1/4) of Section 19, to bear N88°20'13"E.


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



NOTES:

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

THIS IS NOT A SURVEY

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

DATE SIGNED:

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

Barra
and Associa
CIVIL ENGINEERING - LAND
LAND PLANNING - LANDSCAPE

www.barracc

2271 MCGREGOR BOULEVARD
POST OFFICE DRAWER
FORT MYERS, FLORIDA 33901
PHONE (239) 481-3111
FAX (239) 481-3161

FLORIDA CERTIFICATE OF AGENCY
ENGINEERING 7995 - SURVEY

PREPARED FOR

Land
Solution

6150 DIAMOND CENTER
BUILDING 1300
FORT MYERS, FLORIDA

PHONE (239) 488-4444
FAX (239) 481-8477

WWW.LANDSOLUTION.COM

PROJECT DESCRIPTION

PARCEL IN THE S
OF
SECTION 17, T43 S
SOUTH, R25 E
LEE COUNTY, FL

PROJECT SURVEYOR



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

FILE NAME	21797.DWG
LAYOUT	LAYOUT
LOCATION	21797.DWG
PLOT DATE	THU 10-14-2004 1:22:27
PLOT BY	PETER OLSEN
DRAWING DATA	
SURVEY DATE	2004-10-14
DRAWN BY	PTO
CHECKED BY	SAW
SCALE	1"=500'
FIELD BOOK	

PLAN REVISIONS

STRIP NUMBERS

SKETCH TO
ACCOMPANY
DESCRIPTION

PROJECT / FILE NO.	SHEET
21797 10-14-25	2 C



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 (FOR THE FIRM - LB-6940)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949

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



NORTH FT. MYERS FIRE DIST.

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

RECEIVED

NOV 10 2003

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-335-1604
chrish@leegov.comBob Janes
District OneDouglas R. St. Cerny
District TwoRay Judah
District ThreeAndrew W. Coy
District FourJohn E. Albion
District FiveDonald D. Stillwell
County ManagerJames G. Yaeger
County AttorneyDiana M. Parker
County Hearing
Examiner

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,

A handwritten signature in black ink, appearing to read "Dan Johnson".

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 "SD" followed by a stylized "M".

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

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

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

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

239-277-5012 x2233

Writer's Direct Dial Number: _____

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 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.

Sincerely,

TRANSIT DIVISION

Michael Horsting
Transit Planner



LEE COUNTY

SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Alblon
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

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.

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. SORICCA, 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



THE SCHOOL DISTRICT OF LEE COUNTY

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

RECEIVED

DEC 08 2003
2:17 PM

December 2, 2003

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

JEANNE S. DOZIER
CHAIRMAN • DISTRICT 2

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

ROBERT D. CHILMONK
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

Re: 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 Planning

Cc: 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 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 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

EDUCFCS	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 caracara</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 couperi</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.

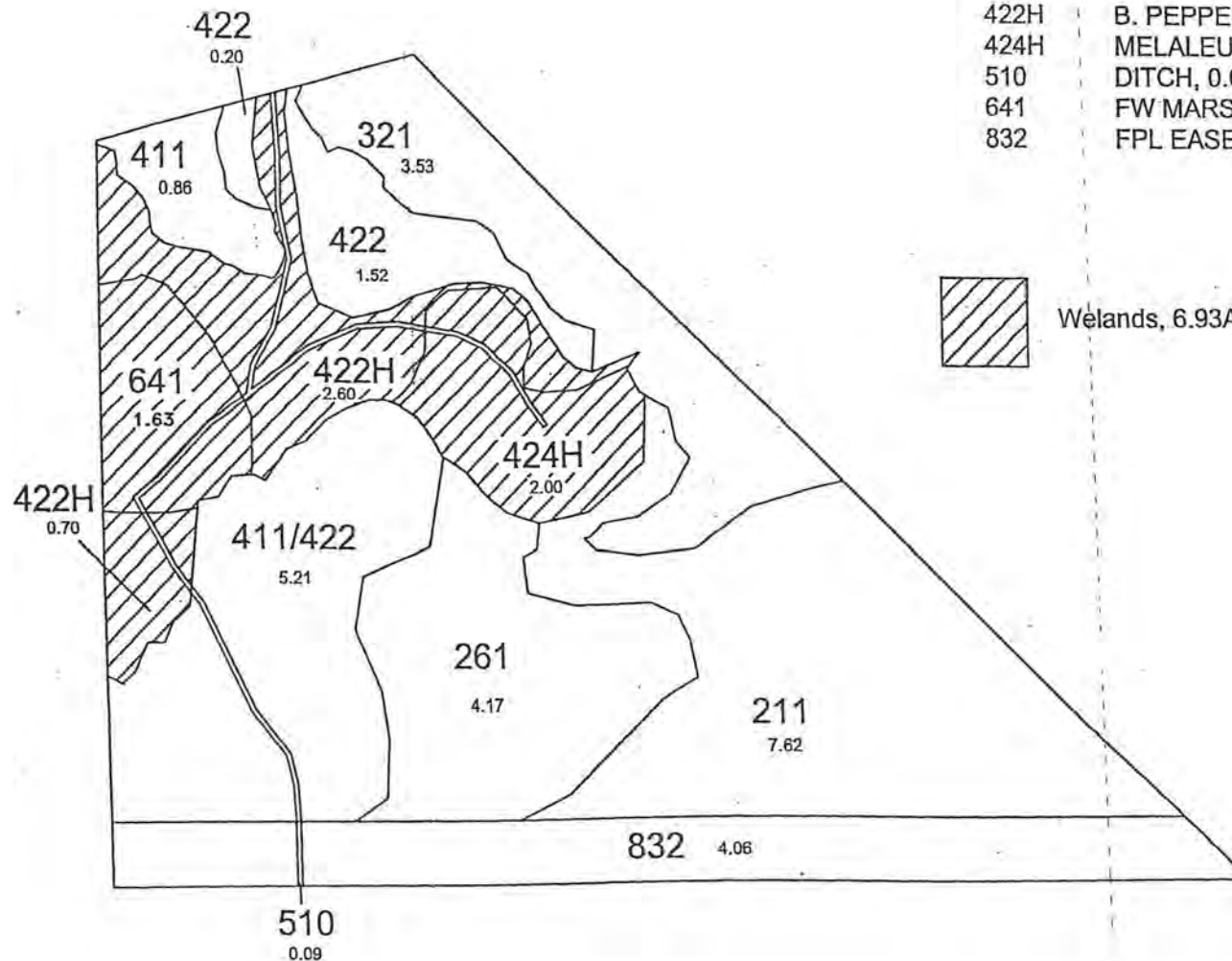
A survey was conducted on site to determine the presence of any archaeological or historical resources. This survey found no signs of these resources.

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

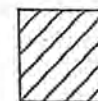
See attached photocopy of portion of the sensitivity map that shows the property in relationship to the limits of the archaeologically sensitive areas.

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



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



Wetlands, 6.93 AC

020087
 LE 1"=300'
 OCT2004 COMP
 WNB YJDK
 E 10-25-04

OAK CREEK
 FLUCCS MAP NORTH PARCEL

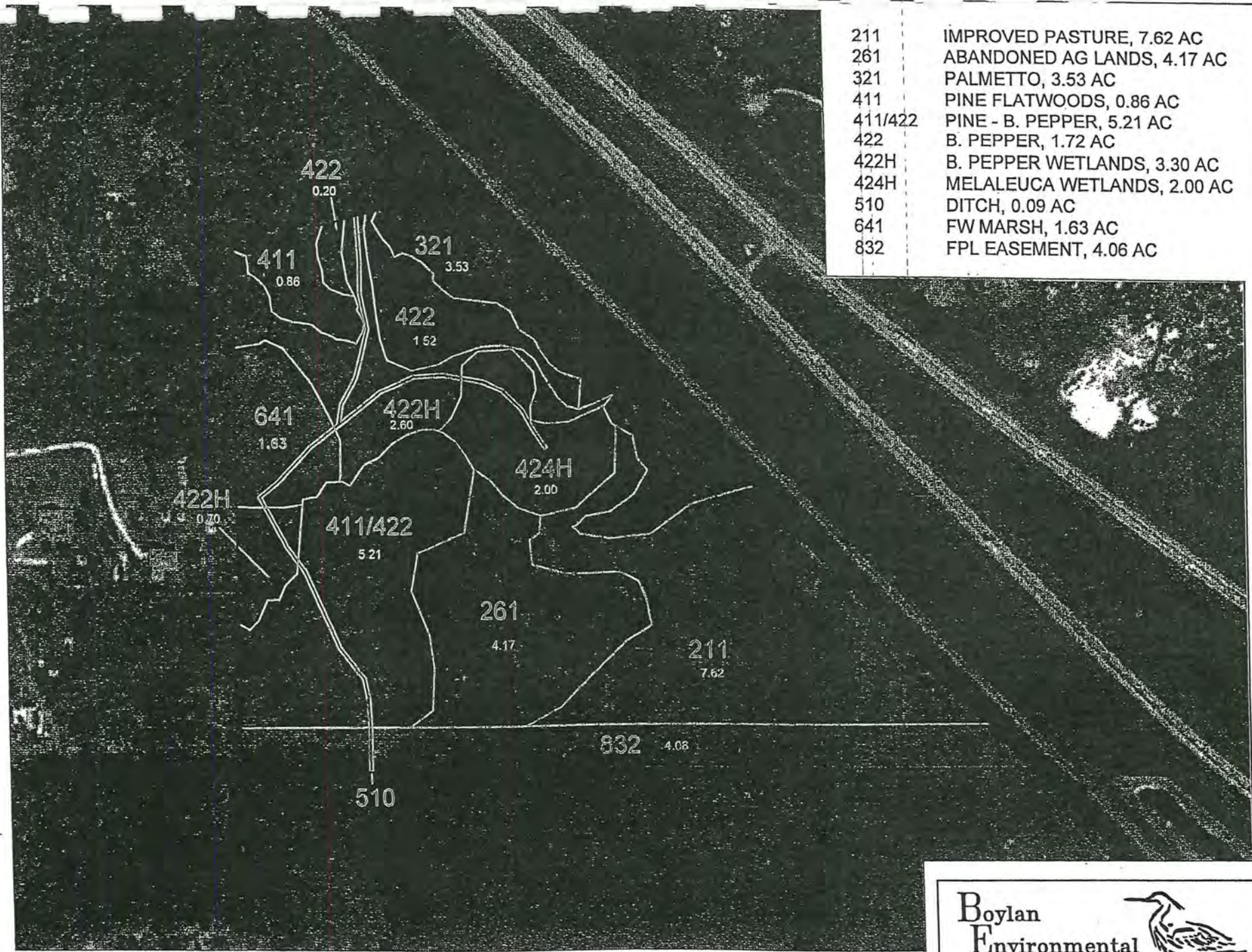
COUNTY LEE
 SEC 17
 TWP 43S
 RNG 25E
 REVISIONS

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

JOB # 020087
 SCALE 1"=300'
 FILE OCT2004 COMP
 DRAWN BY JDK
 DATE 10-25-04

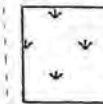
OAK CREEK
 FLUCCS MAP NORTH PARCEL

COUNTY LEE
 SEC 17
 TWP 43S
 RNG 25E
 REVISIONS

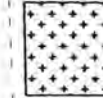
Boylan
 Environmental
 Consultants, Inc.
 Wetland & Wildlife Surveys, Environmental Permitting,
 Impact Assessments
 11000 Metro Parkway, Suite 4, Ft. Myers, 33912 (239)418-0671



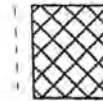
211 IMPROVED PASTURE, 7.62 AC
 261 ABANDONED AG LANDS, 4.17 AC
 321 PALMETTO, 3.53 AC
 411 PINE FLATWOODS, 0.86 AC
 411/422 PINE - B. PEPPER, 5.21 AC
 422 B. PEPPER, 1.72 AC
 422H B. PEPPER WETLANDS, 3.30 AC
 424H MELALEUCA WETLANDS, 2.00 AC
 510 DITCH, 0.09 AC
 641 FW MARSH, 1.63 AC
 832 FPL EASEMENT,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



Wetland Preserve 1.75 AC



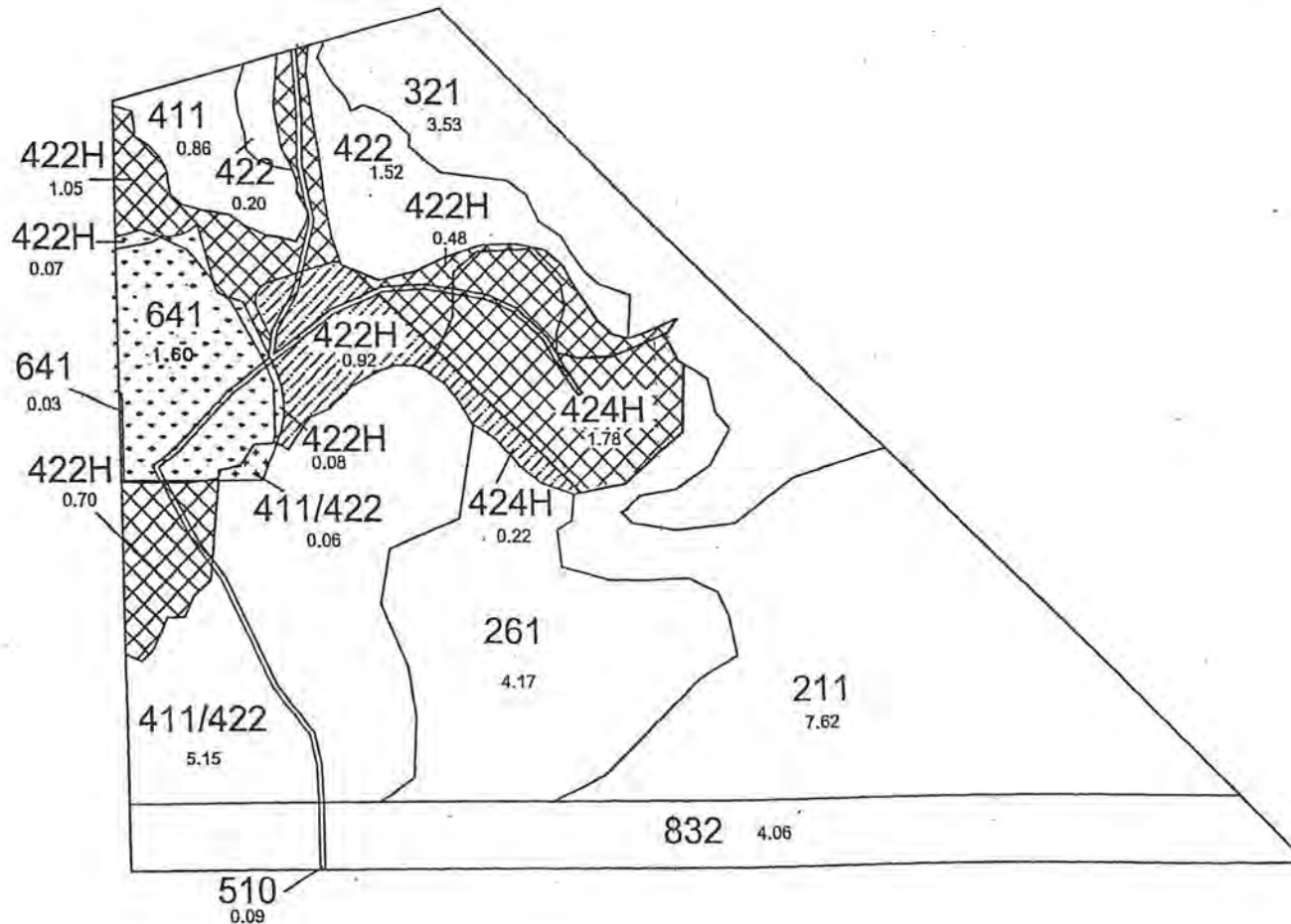
Upland Preserve 0.06 AC



Wetland Fill 4.04 AC



Wetland Dredge 1.14 AC



020087
 E 1"=300'
 OCT2004 COMP
 VN BY JOK
 10-25-04

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 4 Et M... 33015



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	

DB #	020087
SCALE	1"=800'
DATE	10/25/2004
BY	JDK
DATE	10/25/2004

OAK CREEK
COMP PLAN AMMENDMENT SOILS MAP NORTH PARCEL



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 black ink, appearing to read "Patrick Gensler", is written over a horizontal line.

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
Web: <http://www.dos.state.fl.us/dhr/fmsf/>

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

Director's Office
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

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 caracara</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.

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. 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.

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	--
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
 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.

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.

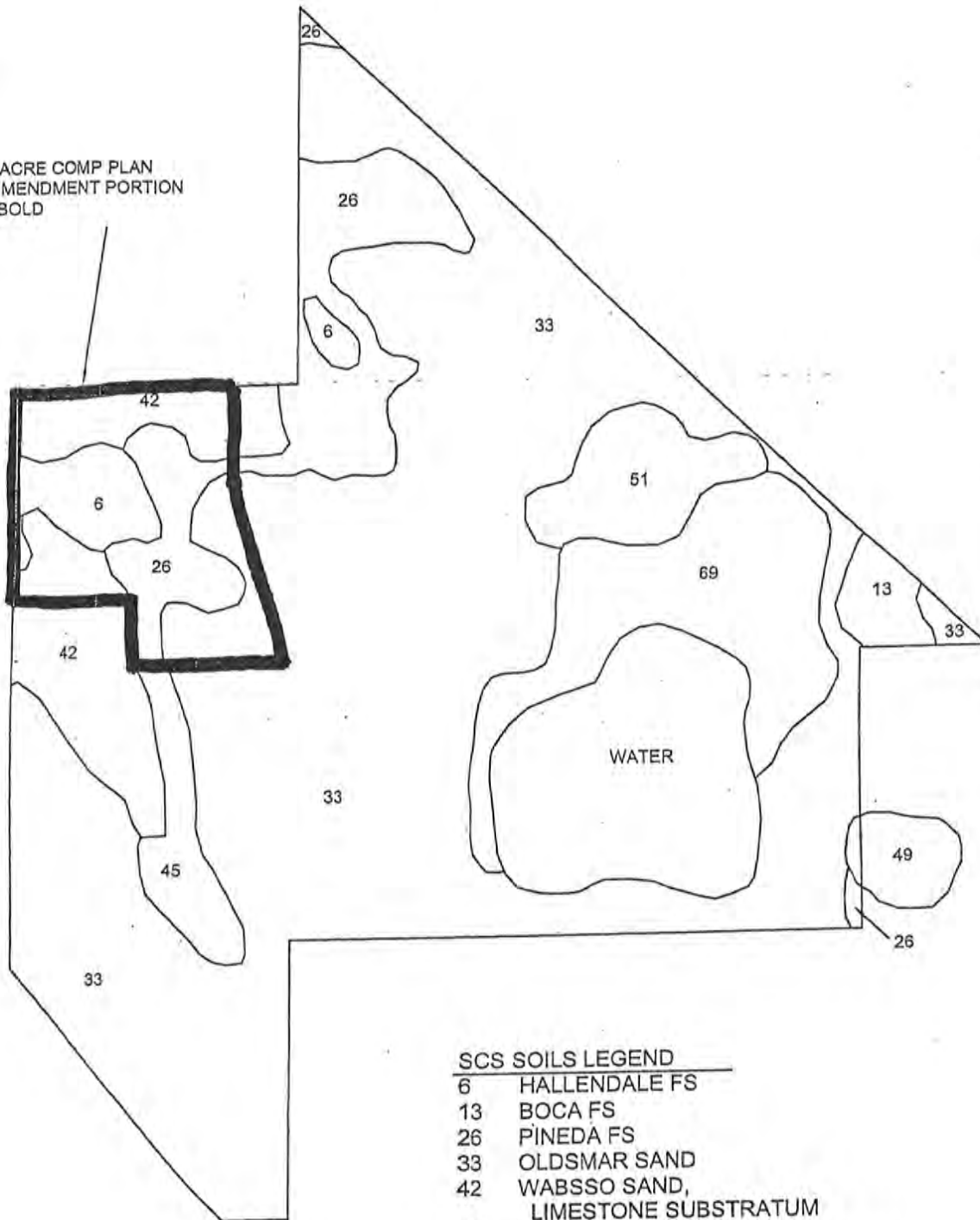
2. A map showing the subject property location on the archaeological sensitivity map for Lee County.

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 parcel that contains less sensitive environmental features.

10 ACRE COMP PLAN
AMMENDMENT PORTION
IN BOLD



SCS SOILS LEGEND

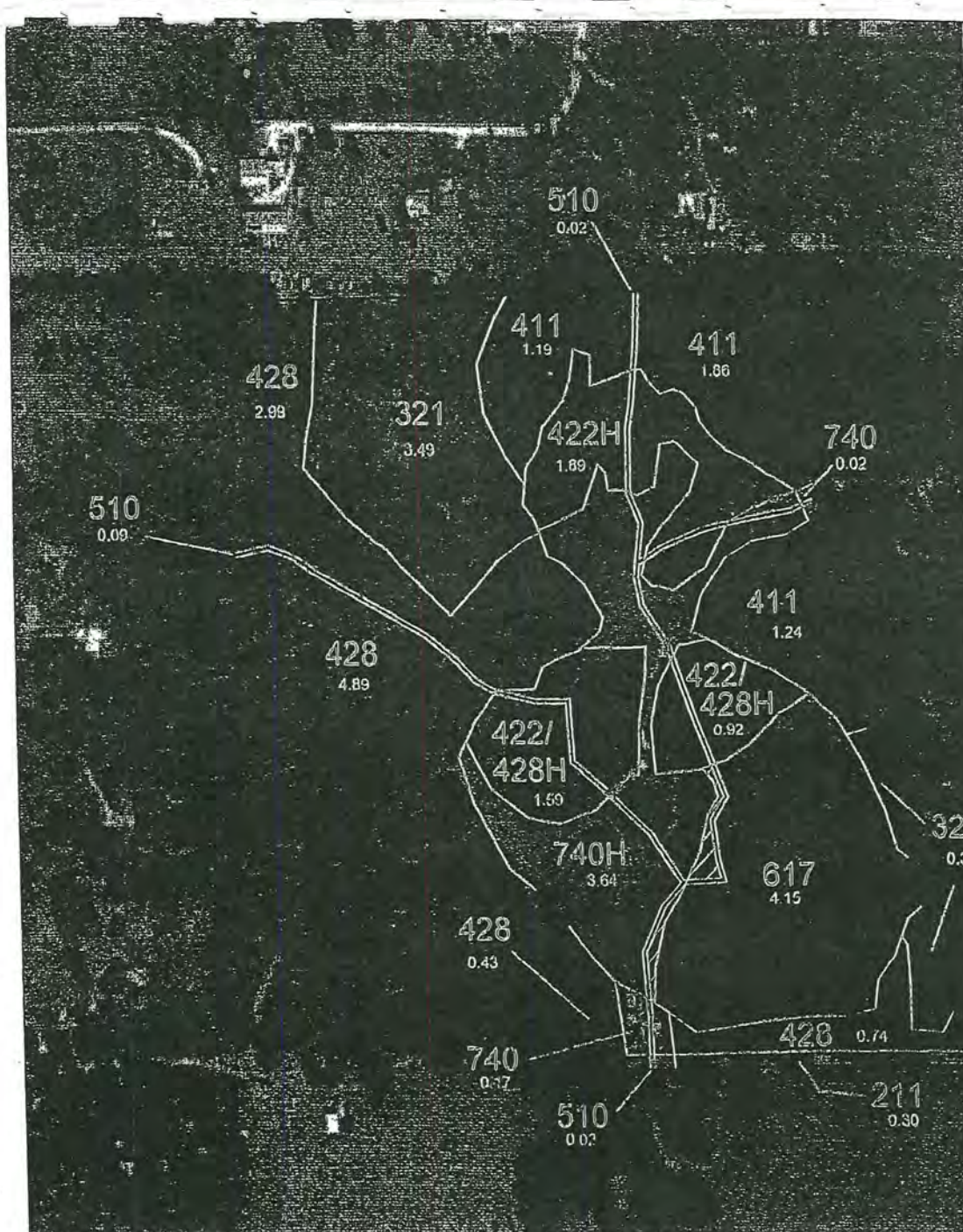
- 6 HALLENDALE FS
- 13 BOCA FS
- 26 PINEDA FS
- 33 OLDSMAR SAND
- 42 WABSSO SAND,
LIMESTONE SUBSTRATUM
- 49 FELDA FS, DEPRESSIONAL
- 51 FLORIDANA SAND, DEPRESSIONAL
- 69 MATLACHA GRAVELLY FS

**Boylan
Environmental
Consultants, Inc.**
Wetland & Wildlife
Surveys, Environmental
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 WEST PARCEL

JOB # 020087
SCALE 1"=800'
FILE OCTOBER SOILS
DRAWN BY JDC
DATE 10/25/2004



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 JDK
 DATE 10-25-04

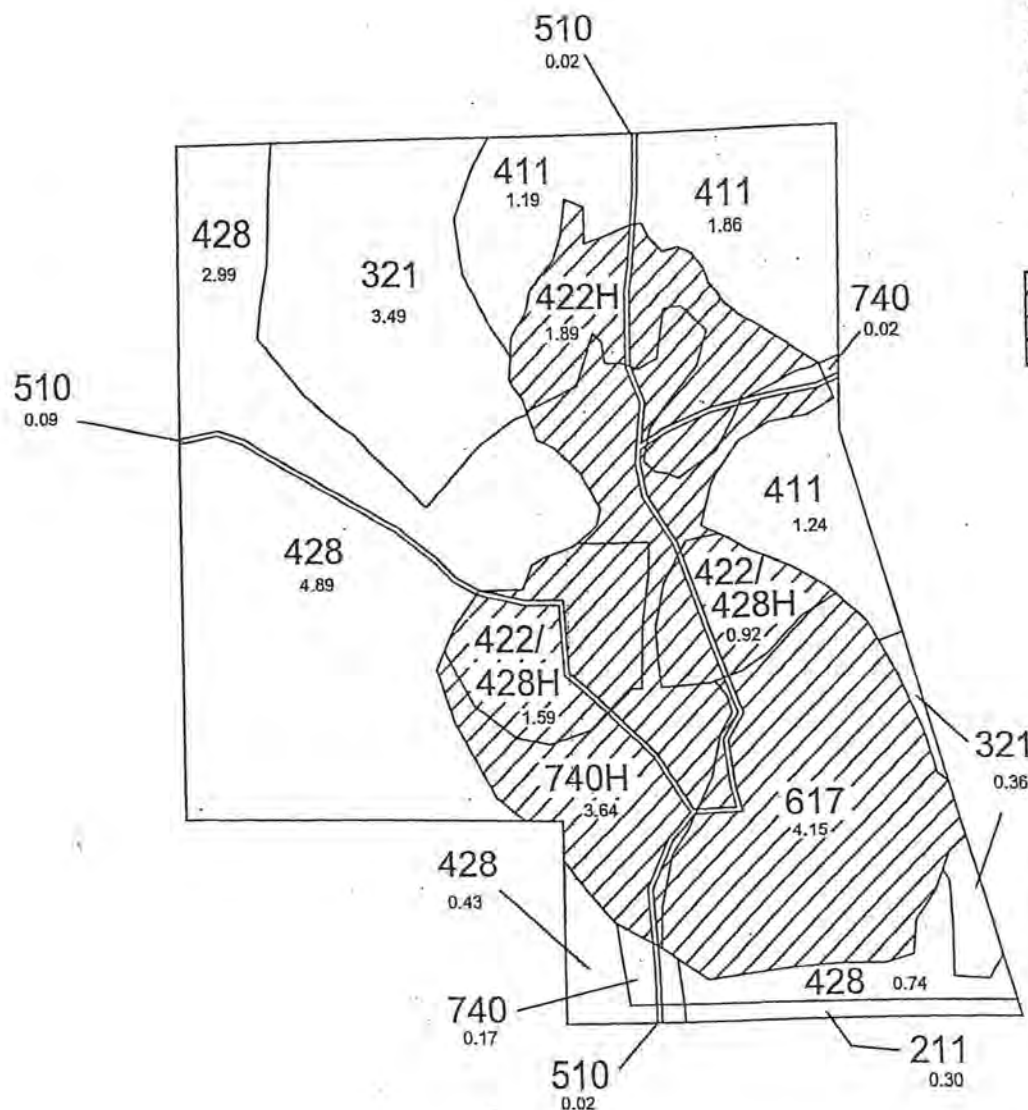
OAK CREEK
 FLUCCS MAP WEST PARCEL

COUNTY LEE
 SEC 17
 TWP 43S
 RNG 25E
 REVISIONS

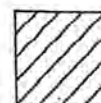
Boylan
 Environmental
 Consultants, Inc.



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



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



Wetlands, 12.19 AC

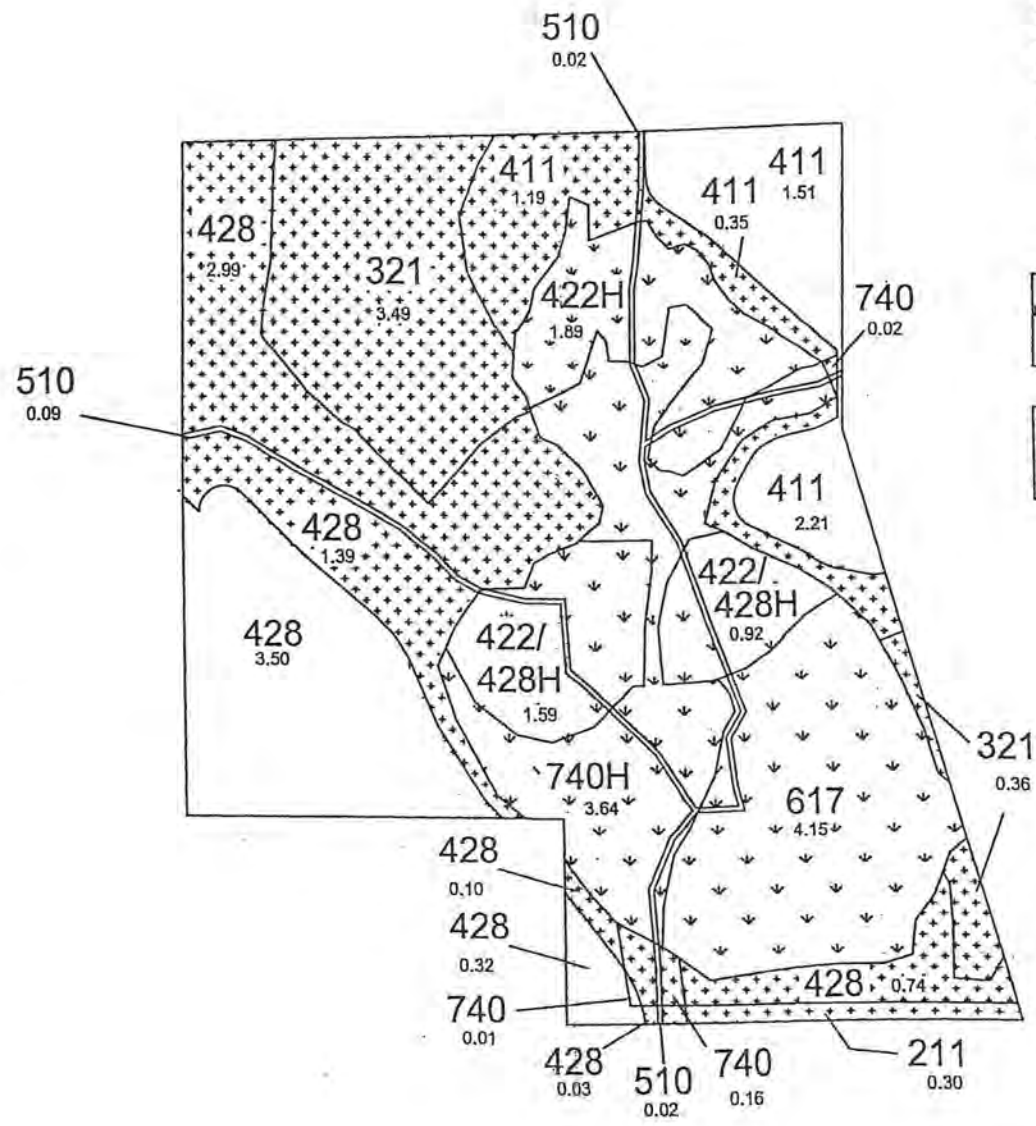
JOB # 020087
 SCALE 1"=300'
 FILE OCT2004 COMP
 DRAWN RY.JDK

OAK CREEK
 FLUCCS MAP WEST PARCEL

COUNTY LEE
 SEC 17
 TWP 43S
 RMC 25F

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





- 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

- Wetland Preserve 12.19 AC
- Upland Preserve 11.75 AC



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 black ink, appearing to read "Patrick Gensler", is written over a horizontal line.

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
Web: <http://www.dos.state.fl.us/dhr/msf/>

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

☐ Director's Office
(904) 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 P.01

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 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 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

FLUCRCS	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 caracara</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 polyphemus</i>	321, 411	SSC	No listing
Eastern Indigo Snake	<i>Drymarchon corais couperi</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.

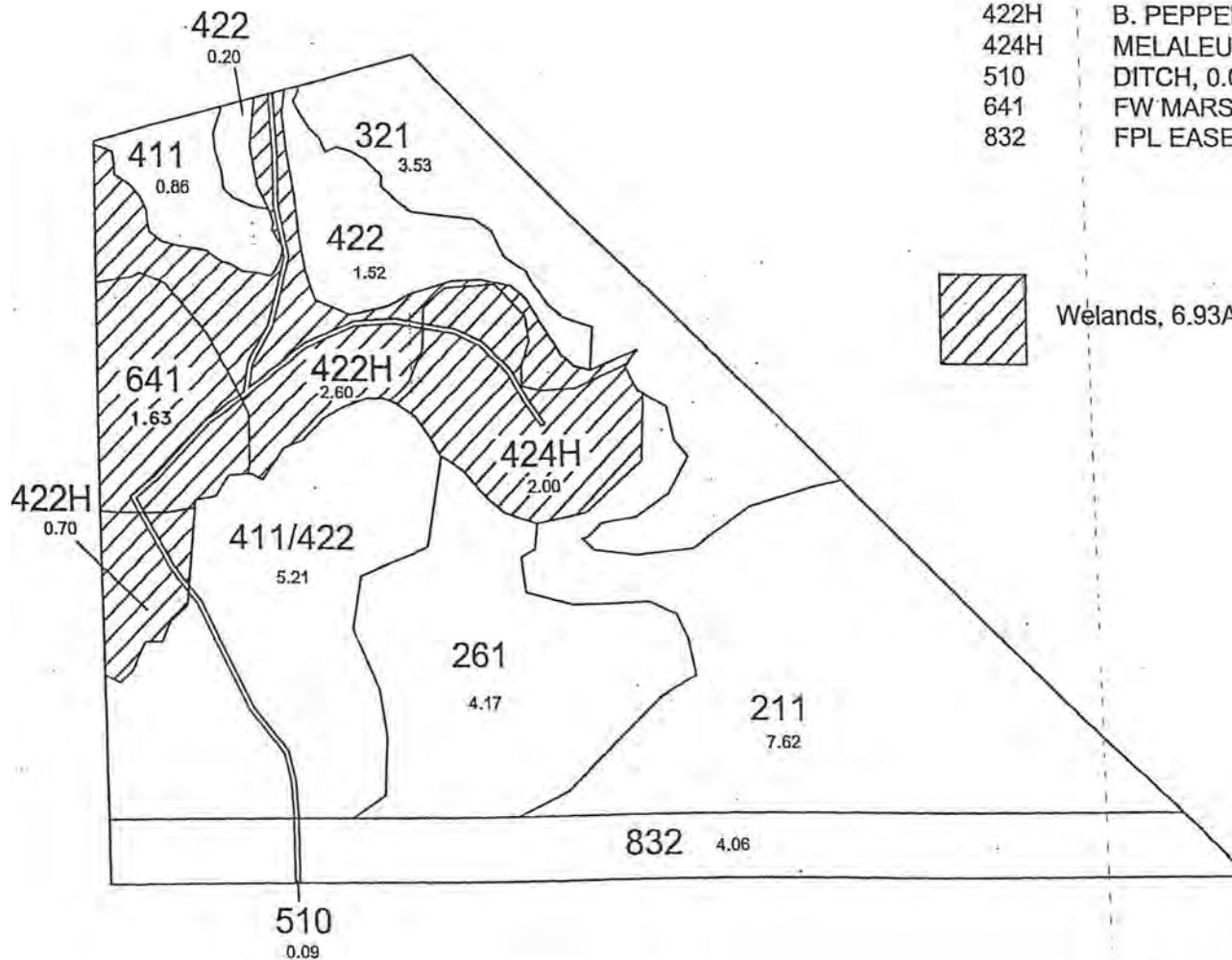
A survey was conducted on site to determine the presence of any archaeological or historical resources. This survey found no signs of these resources.

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



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



Wetlands, 6.93AC

020087
 LE 1"=300'
 OCT2004 COMP
 WN BY JDK
 E 10-25-04

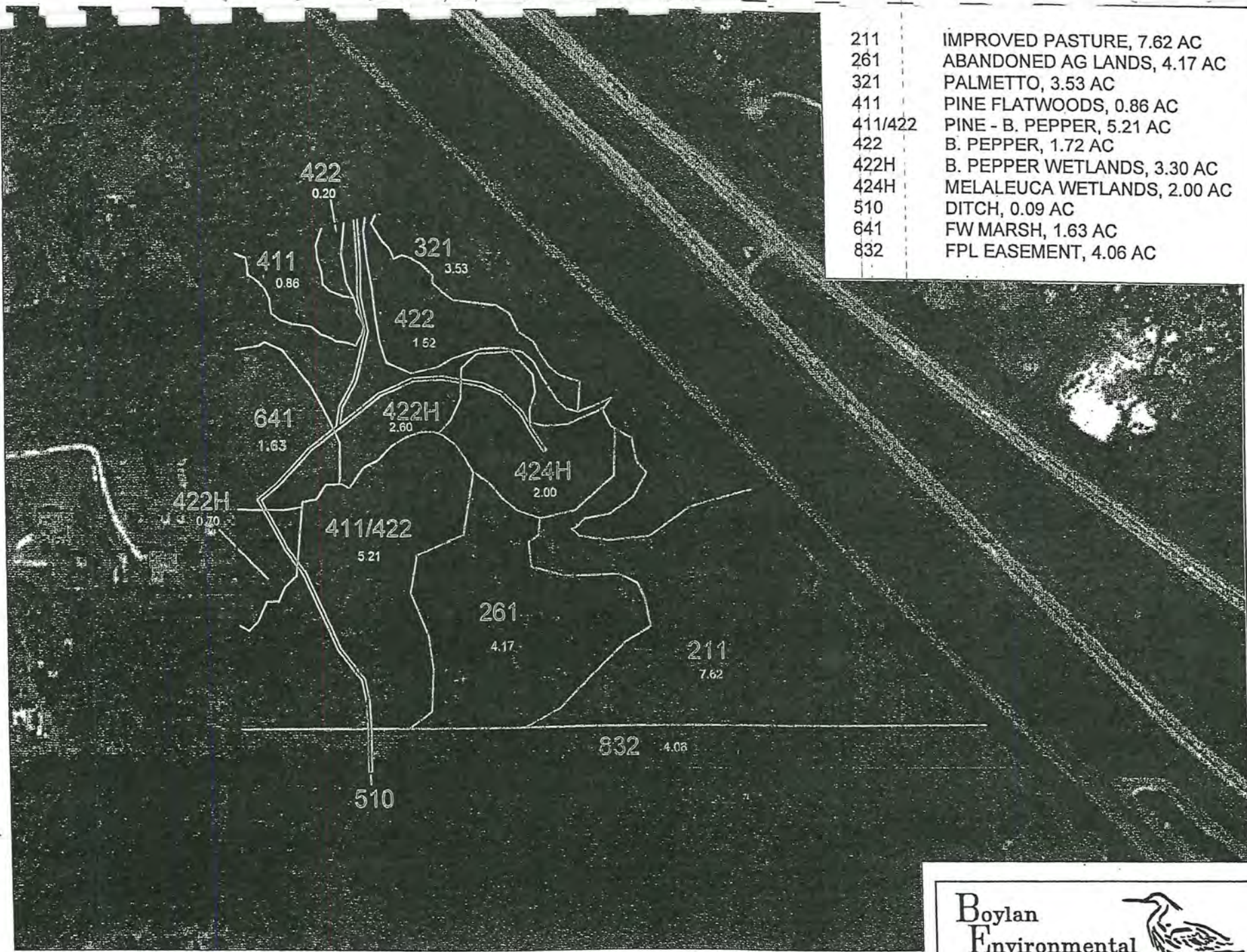
OAK CREEK
 FLUCCS MAP NORTH PARCEL

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, M... 33548



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

JOB # 020087
 SCALE 1"=300'
 FILE OCT2004 COMP
 DRAWN BY JDK
 DATE 10-25-04

OAK CREEK
 FLUCCS MAP NORTH PARCEL

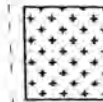
COUNTY LEE
 SEC 17
 TWP 43S
 RNG 25E
 REVISIONS

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

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



Wetland Preserve 1.75 AC



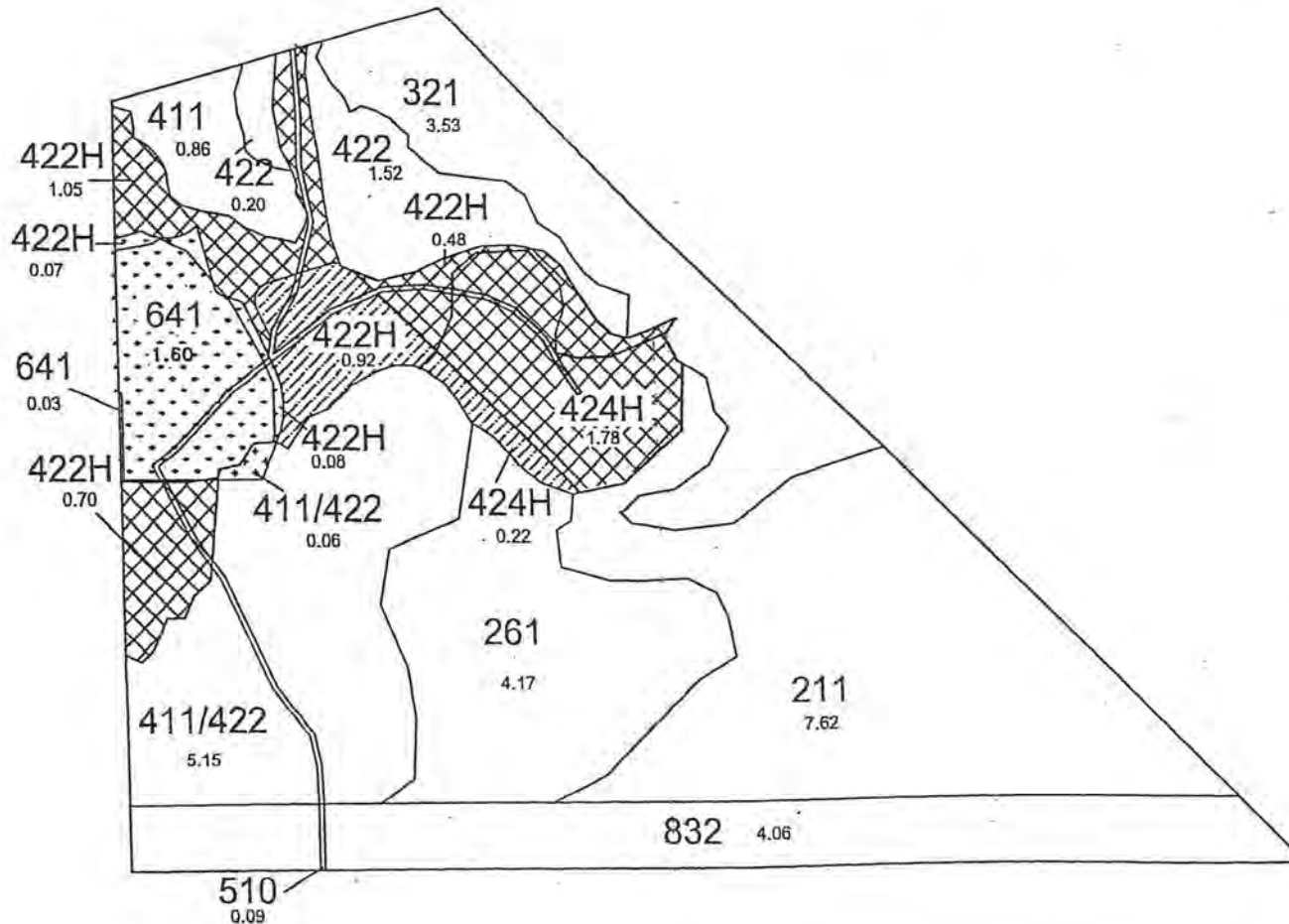
Upland Preserve 0.06 AC



Wetland Fill 4.04 AC



Wetland Dredge 1.14 AC



020087
 E 1"=300'
 OCT2004 COMP
 VN BY JOK
 10-25-04

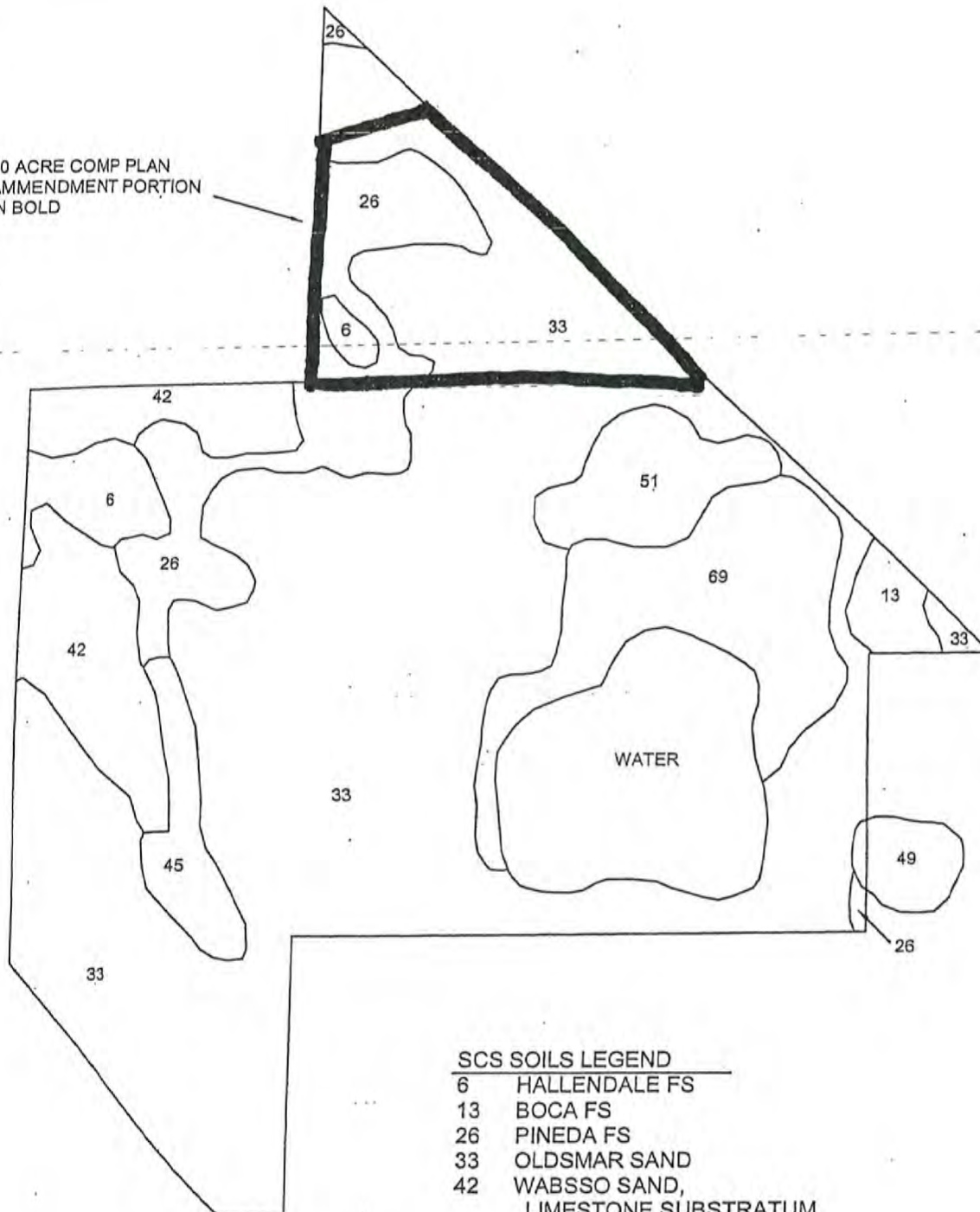
OAK CREEK
 FLUCCS MAP NORTH PARCEL

COUNTY LEE
 SEC 17
 TWP 43S
 RNG 25E
 REVISIONS

Boylan
 Environmental
 Consultants, Inc.
 Wetland & Wildlife Surveys, Environmental Permitting,
 Impact Assessments
 11000 Metrin Parkway Suite 400 Ft. Myers, FL 33907



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'
DATE 10/25/2004
DRAWN BY JDK



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 black ink, appearing to read "Patrick Gensler", is written over a horizontal line.

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
Web: <http://www.dos.state.fl.us/dhr/msff>

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

Director's Office
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

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 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 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 caracara</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.

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. 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.

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	--
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

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.

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.

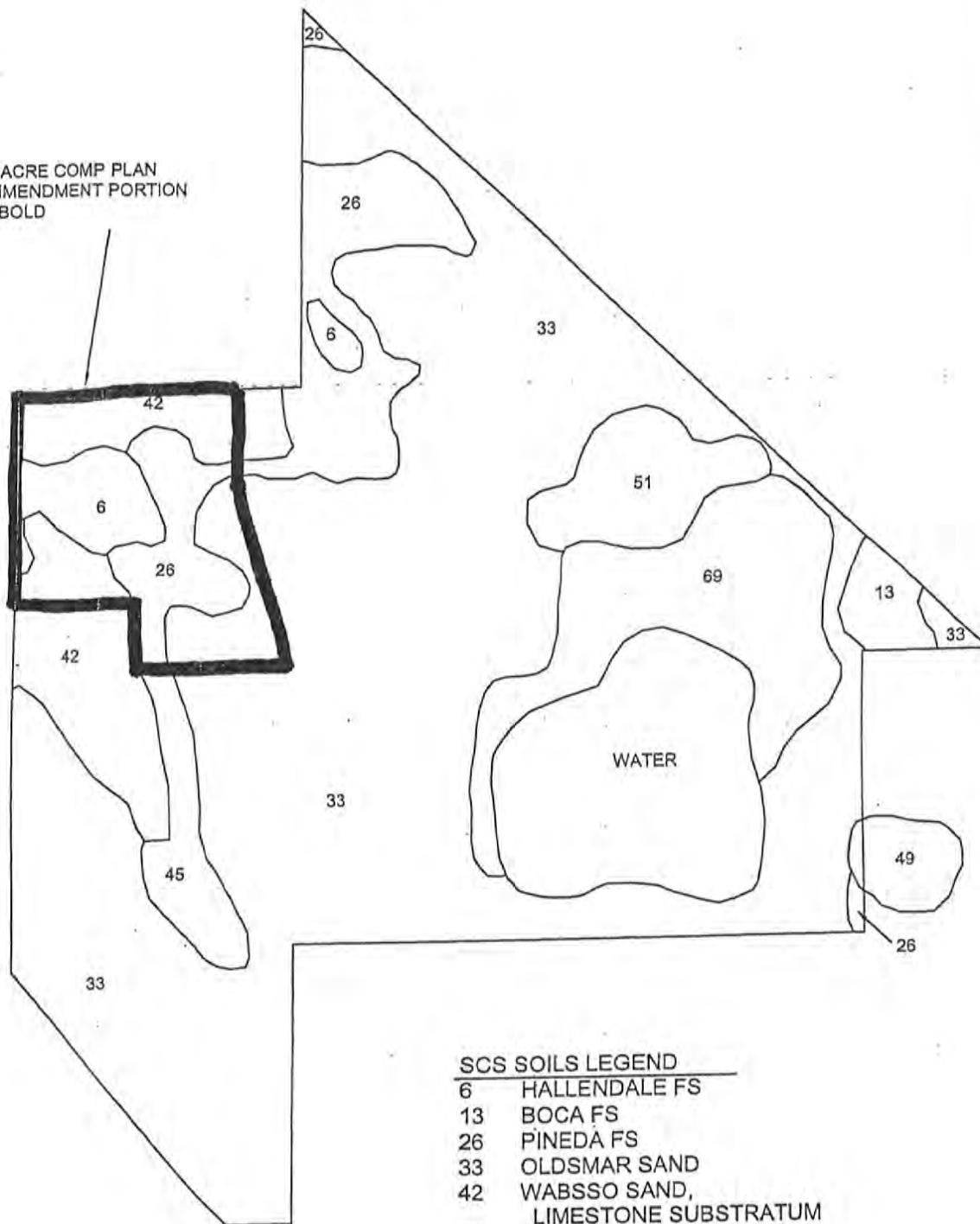
2. A map showing the subject property location on the archaeological sensitivity map for Lee County.

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 parcel that contains less sensitive environmental features.

10 ACRE COMP PLAN
AMMENDMENT PORTION
IN BOLD



SCS SOILS LEGEND

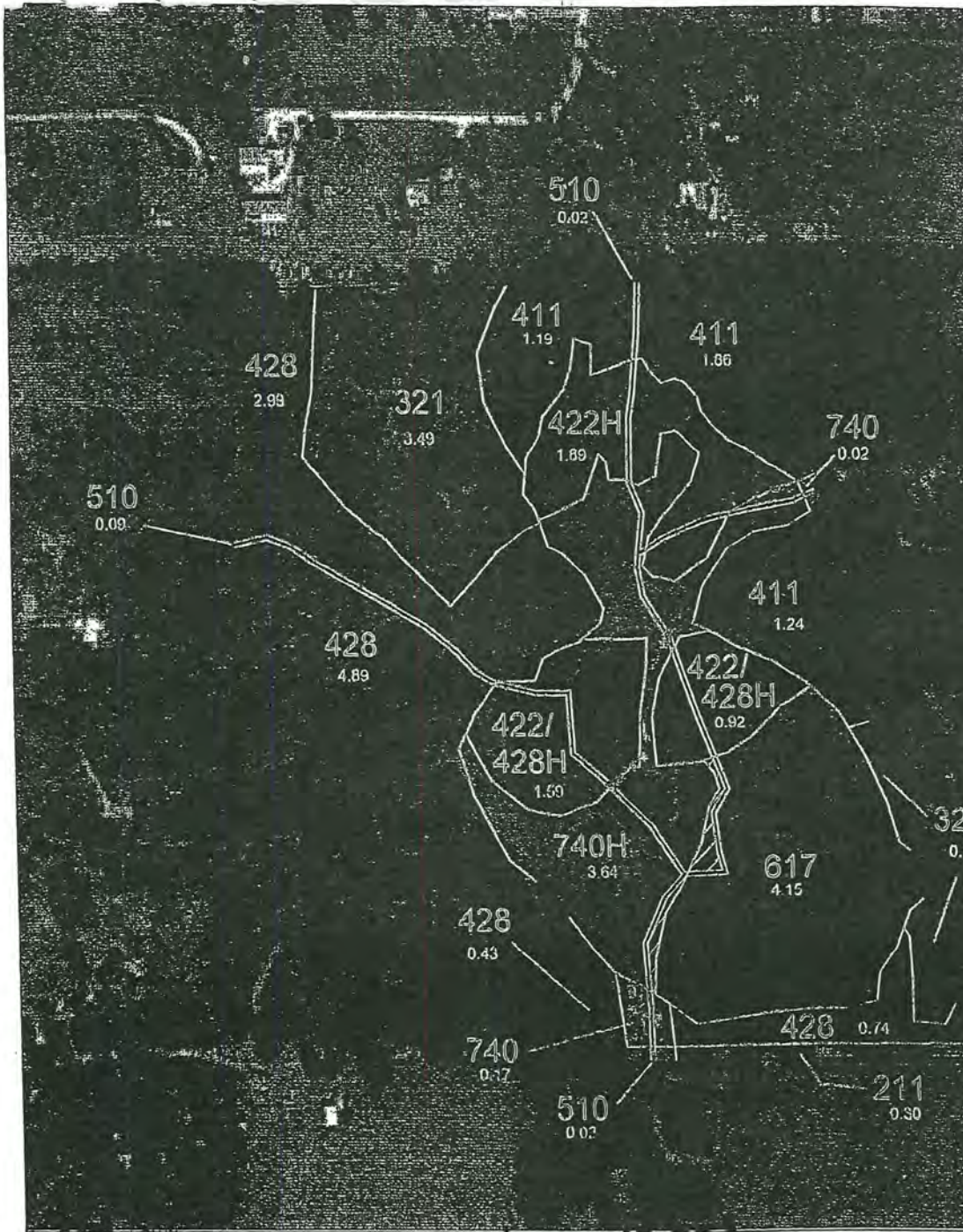
- 6 HALLENDALE FS
- 13 BOCA FS
- 26 PINEDA FS
- 33 OLDSMAR SAND
- 42 WABSSO SAND,
LIMESTONE SUBSTRATUM
- 49 FELDA FS, DEPRESSIONAL
- 51 FLORIDANA SAND, DEPRESSIONAL
- 69 MATLACHA GRAVELLY FS

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 WEST PARCEL

JOB # 020087
SCALE 1"=800'
FILE OCT2004 SOILS
DRAWN BY JDC
DATE 10/25/2004



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

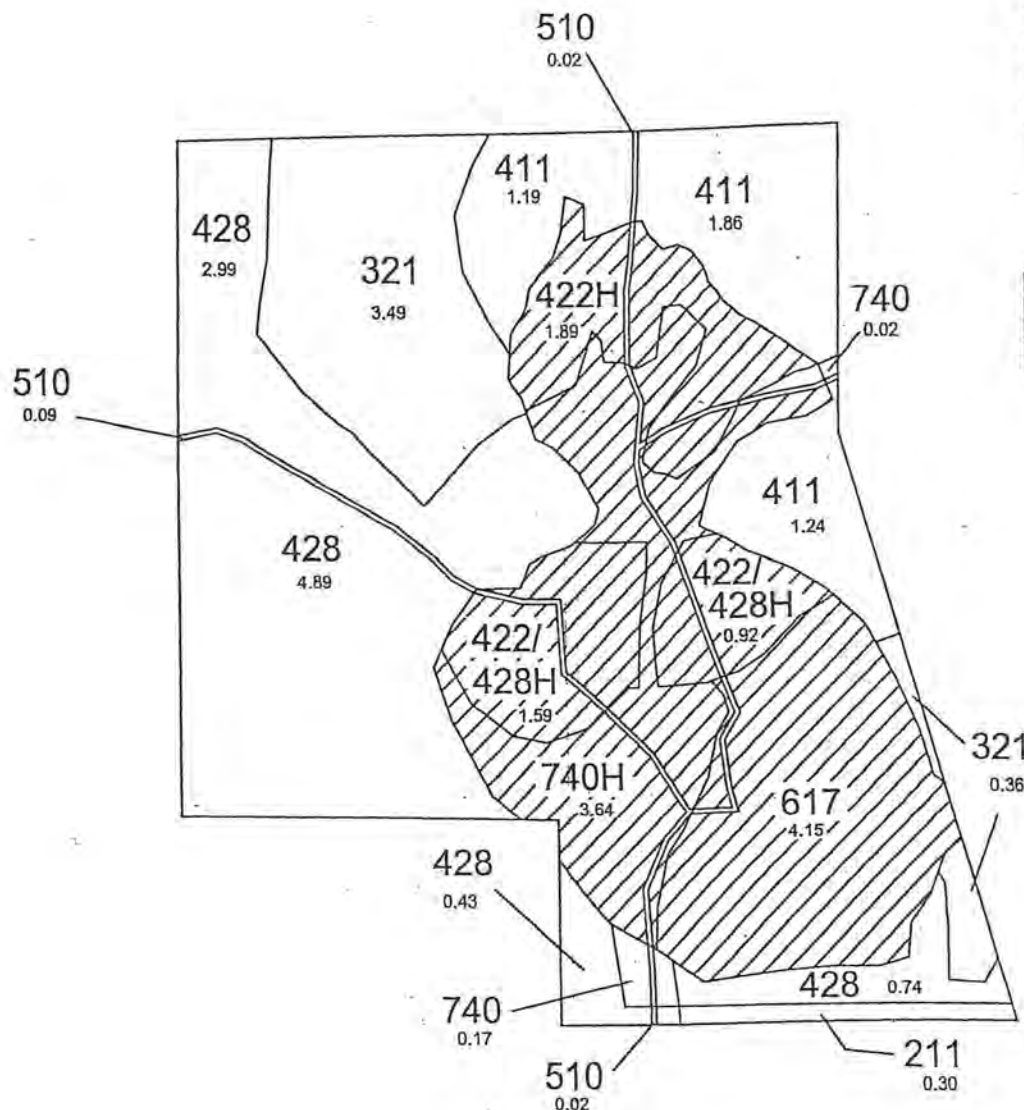
JOB# 020087
 SCALE 1"=300'
 FILE OCT2004 COMP
 DRAWN BY JOK
 DATE 10-25-04

OAK CREEK
 FLUCCS MAP WEST 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 4, Ft. Myers, 33912 (239)418-0671

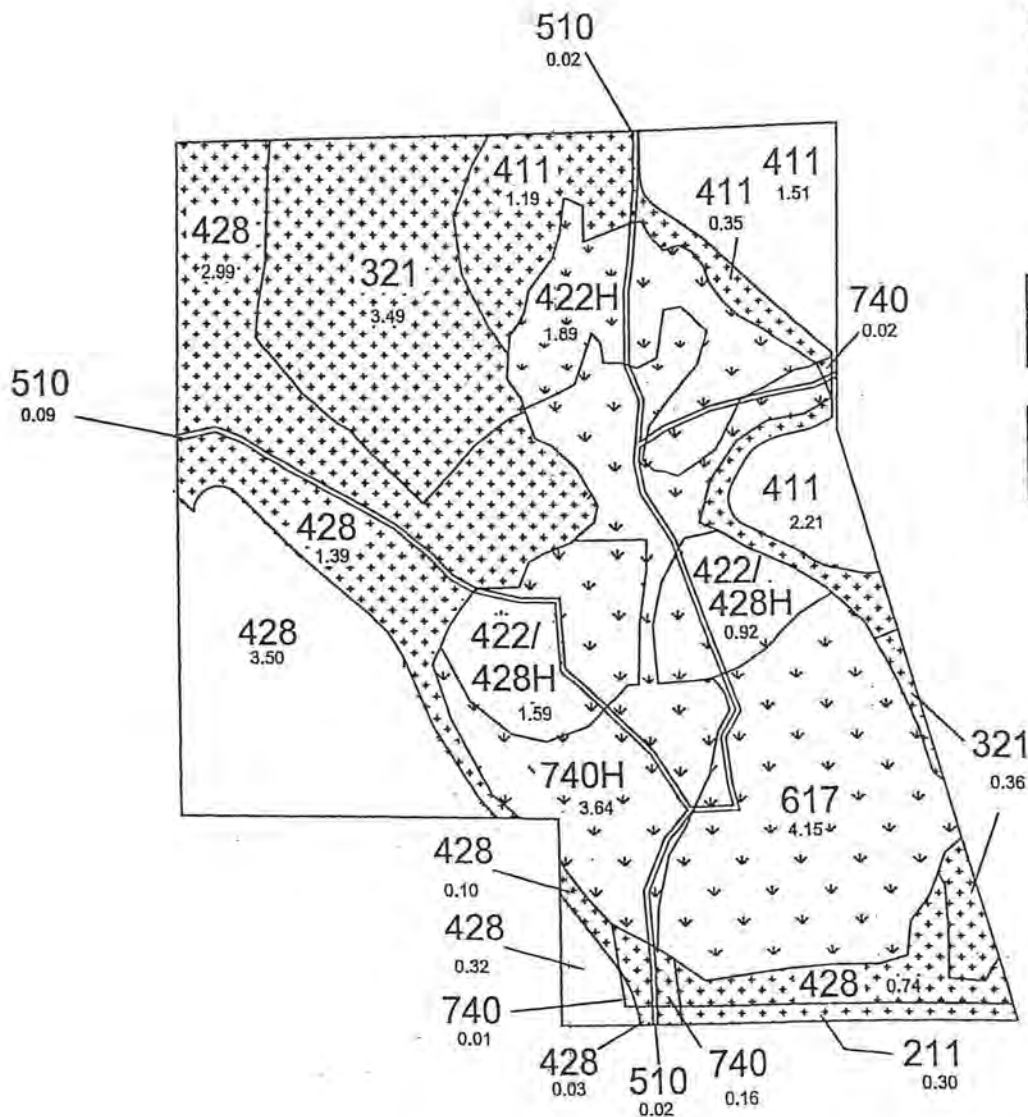




211	IMPROVED PASTURE, 0.30 AC
321	PALMETTO, 3.85 AC
411	PINE FLATWOODS, 4.29 AC
422H	B. PEPPER WETLANDS, 1.89
422/428H	B. PEPPER & C. PALM WETLANDS, 2.51 AC
428	CABBAGE PALM, 9.05 AC
510	DITCH, 0.13 AC
617	MIXED WETLANDS, 4.15 AC
740	DISTURBED, 0.19 AC
740H	DISTURBED WETLANDS, 3.64 AC



Wetlands, 12.19 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



Wetland Preserve 12.19 AC



Upland Preserve 11.75 AC



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 black ink, appearing to read "Patrick Gensler", is written over a horizontal line.

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
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 P.01

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

Performed for:

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

November 2003



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

Figures

Page

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
---	-----

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

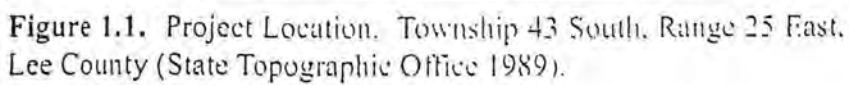
1.1 Project Description

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).



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 succeed 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.

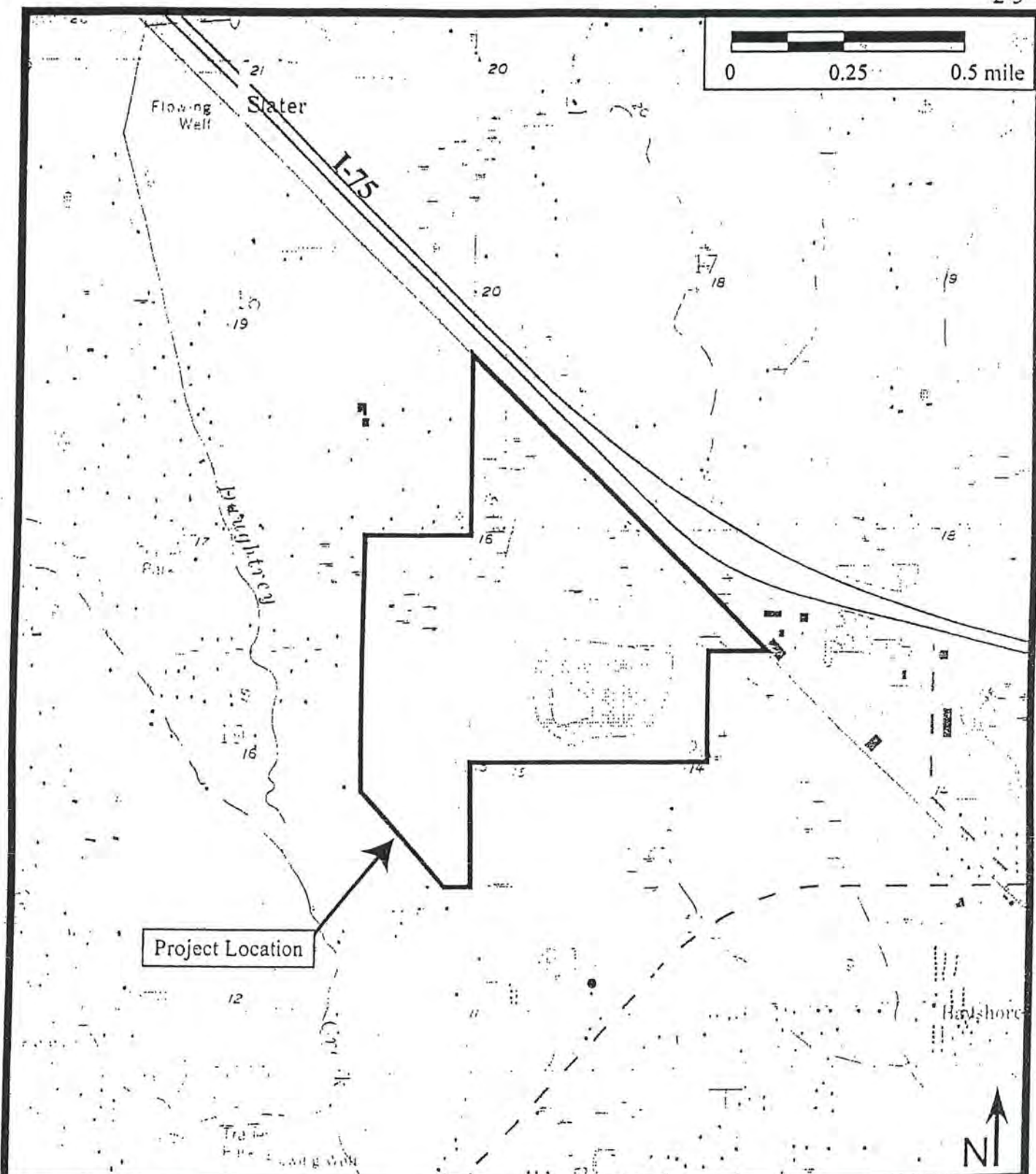


Figure 2.1. Project Location of the Oakcreek Property; Township 43 South, Range 25 East (USGS Fort Myers, Fla. 1958, PR 1987, Bathymetry added 1991).



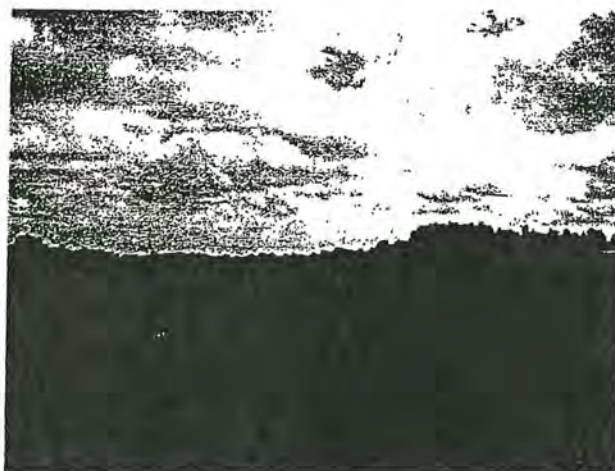


Photo 2.1. Looking West at Improved Pasture.



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



Photo 2.3. Natural Pine/Palmetto Vegetation.

3.0 PREHISTORIC REVIEW

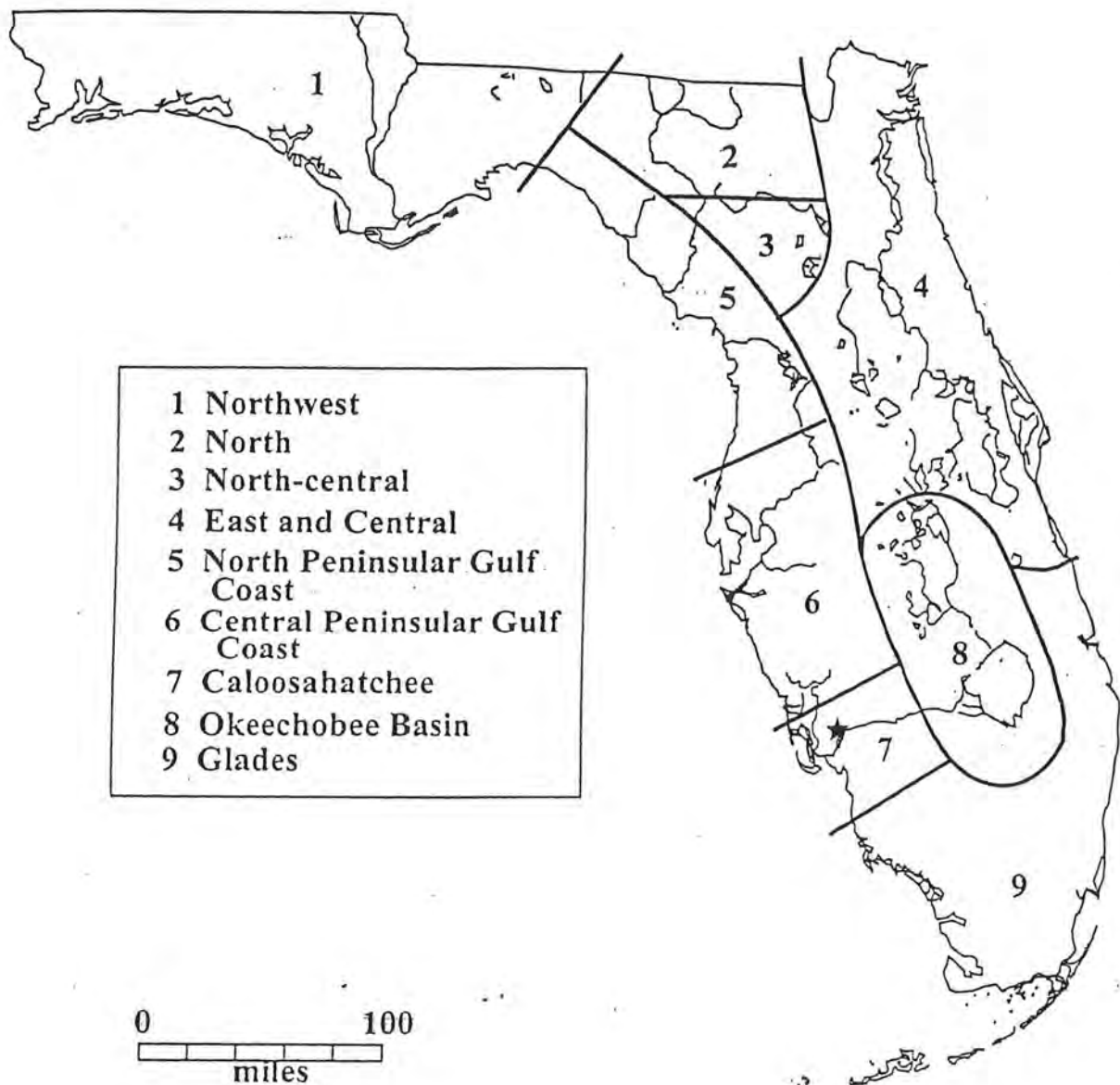
In general, archaeologists summarize the prehistory of a given area, that is, an archaeological region, by delineating a sequence of cultural periods in order to provide a chronology or a time frame for an archaeological culture that is present in a given geographical area. As a result, archaeological 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 Seminole. 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 (Scupholm 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 20th 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 (Estabrook 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, Estabrook 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.

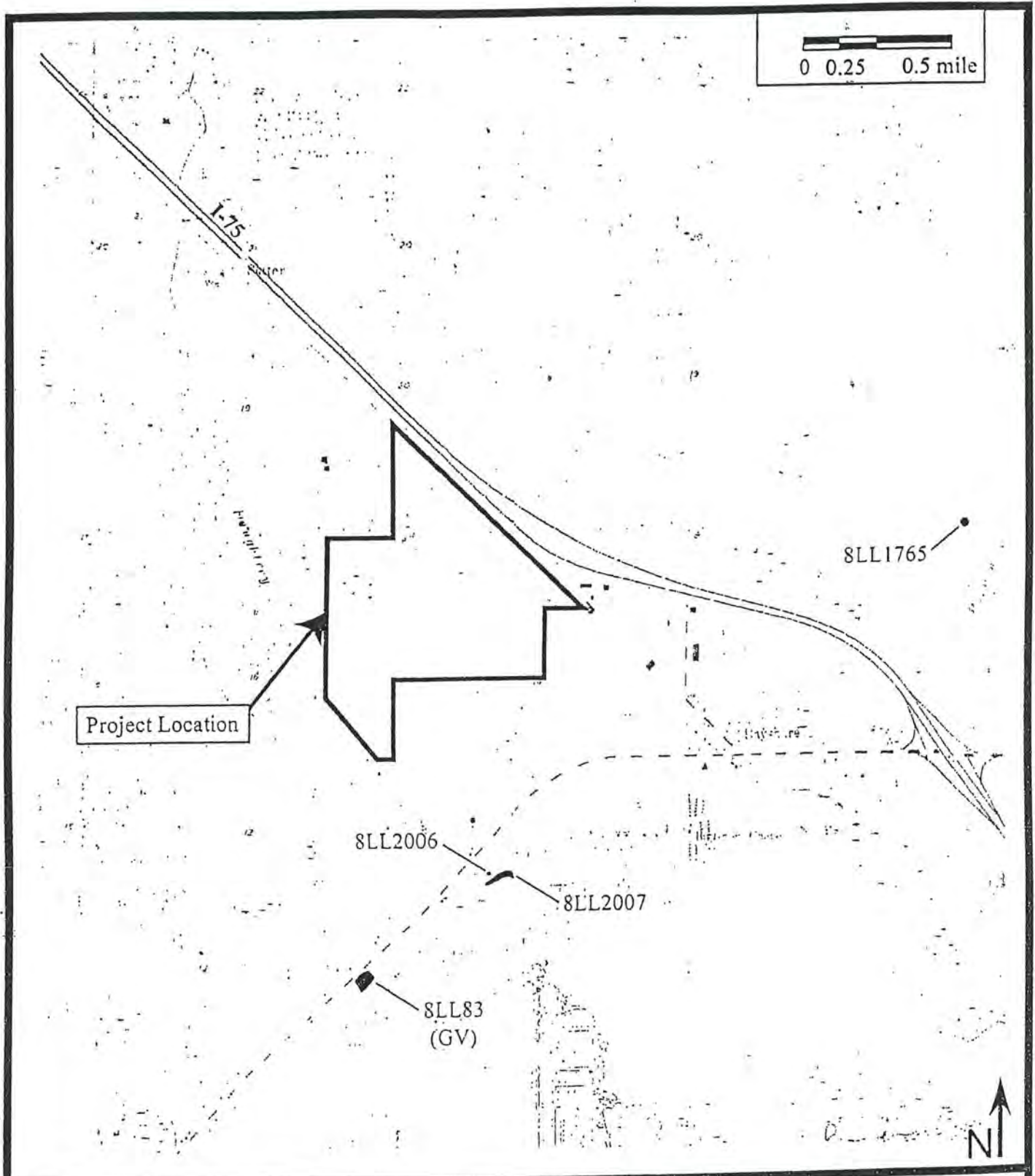


Figure 5.1. Previously Recorded Archaeological Sites and Historic Cemetery (8LL2006) Within Two Miles of the Project Area. Township 43 South, Range 25 East (USGS Fort Myers, Fla. 1958, PR 1987, Bathymetry added 1991).



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.

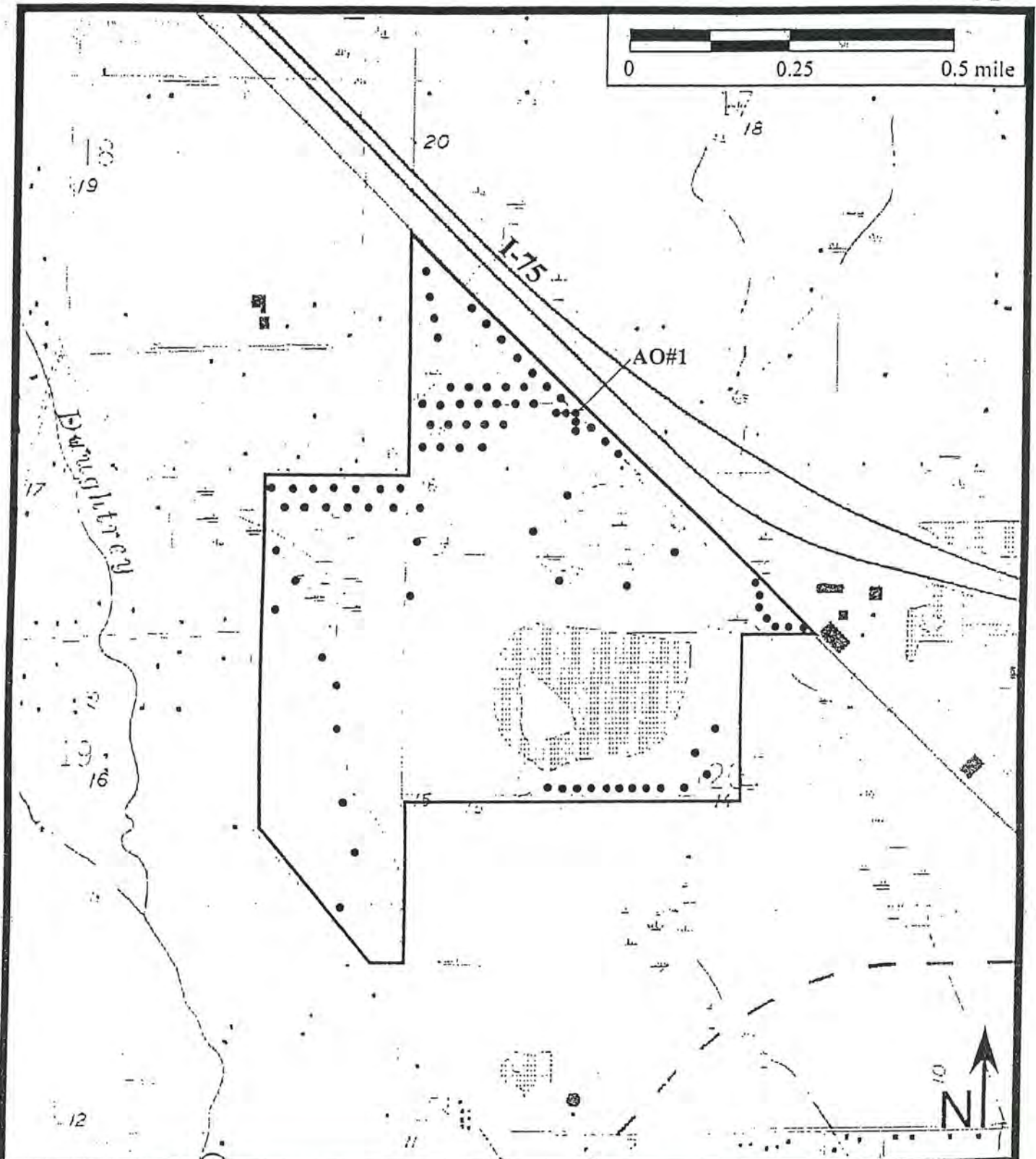


Figure 6.1. Zones of Archaeological Probability (yellow), (Barraco 2003) and Approximate Locations of Shovel Tests and Archaeological Occurrence (AO#1) Within the Oakcreek Property; Township 43 South, Range 25 East (USGS Fort Myers, Fla. 1958, PR 1987, Bathymetry added 1991). Shovel tests are not to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



7.0 REFERENCES CITED

7.1 Archaeological

Almy, Maranda M.

- 2001 The Cuban Fishing Ranches of Southwest Florida 1600 - 1850s. Unpublished Honors Thesis, Department Anthropology, University of Florida Gainesville.

Ambrosino, James N.

- 2002 Archaeological and Historical Survey of the Stony Brook North Project Area in Lee County, Florida. Manuscript on file, Florida Division of Historical Resources, Tallahassee.

Anonymous

- 1987 *Calusa News*. Number 1. University of Florida, Gainesville.

Archaeological Consultants, Inc.

- 1992 CRA Survey of a segment of US 41/ SR 739 in Ft. Myers Fla. on file, Archaeological Consultants, Sarasota.
- 1996 CRA Survey, US Business 41 from Mariana Avenue to the Apex of and US 41 and Business 41, Lee County, Fla. Manuscript on file, Archaeological Consultants, Sarasota.
- 2000 Cultural Resource Assessment Survey State Road 78 (Bayshore Road) from Slater Road to Interstate 75, Lee County. Manuscript on file, Archaeological Consultants, Sarasota.
- 2001 A Cultural Resource Assessment Survey McNew Ranch Development, Charlotte County, Fla. Manuscript on file, Archaeological Consultants, Sarasota.
- 2003 Addendum #2, Cultural Resource Assessment Survey State Road 78 (Bayshore Road) from Slater Road to Interstate 75, Lee County, Florida. Manuscript on file, Archaeological Consultants, Inc., Sarasota, Florida.

Austin, Robert

- 1987 An Archaeological Site Inventory and Zone Management Plan for Lee County, Florida. Manuscript on file, Janus Research, St. Petersburg.
- 1992 Letter to William H. Marquardt Reporting Three Galt Island Radiocarbon Date Results from Beta Analytic, Inc. Associated with the 1991 Piper Archaeology/Janus Research Fieldwork. Florida Museum of Natural History Southwest Florida Project Files, Gainesville.

Barraco and Associates, Inc.

- 2003 Oakcreek RPD, Archaeological Sensitivity Map, Exhibit III-B-1.

Berriault, John, Robert Carr, Jerry Stipp, Richard Johnson, and Jack Meeder

- 1981 The Archaeological Salvage of the Bay West Site, Collier County, Florida. *The Florida Anthropologist* 34:39-58.

- Bullen, Ripley P.
1975 *A Guide to the Identification of Florida Projectile Points*. Kendall Books, Gainesville.
- Bullen, Ripley P. and Adelaide K. Bullen
1956 Excavations at Cape Haze Peninsula, Florida. *Florida State Museum Contributions, Social Sciences 1*. Gainesville.
- Carbone, Victor
1983 Late Quaternary Environment in Florida and the Southeast. *The Florida Anthropologist* 36 (1-2):3-17.
- Carr, Robert S.
1986 Preliminary Report of Archaeological Excavations at the Cutler Fossil Site in Southern Florida. Paper presented at the 51st Annual Meeting of the Society for American Archaeology.
- Carr, Robert and John Beriault
1984 Prehistoric Man in South Florida. In *Environments of South Florida: Present and Past*, edited by P.J. Gleason, pp. 1-14, 2nd Ed. Miami Geological Society, Coral Gables.
- Clausen, Carl J., H.K. Brooks, and A.B. Wesolowsky
1975 Florida Spring Confirmed as 10,000 Year Old Early Man Site. *Florida Anthropological Society Publication* 7:1-38.
- Clausen, Carl J., A.D. Cohen, Cesare Emiliani, J.A. Holman, and J.J. Stipp
1979 Little Salt Spring, Florida: A Unique Underwater Site. *Science* 203:609-614.
- Cockrell, Wilburn A.
1970 Glades I and Pre-Glades Settlement Patterns on Marco Island, Collier County, Florida. M.A. Thesis, Florida State University, Tallahassee.
- Cockrell, Wilburn A. and Larry Murphy
1978 Pleistocene Man in Florida. *Archaeology of Eastern North America* 6:1-13.
- Coleman, Wesley F.
1973 Site 8DA141, Dade County, Florida. *The Florida Anthropologist* 26:126-128.
1997 Excavation of a Late Archaic Everglades Site, 8DA141, Dade County, Florida. *The Florida Anthropologist* 50:133-137.
- Cordell, A.S.
1992 Technological Investigation of Pottery Variability in Southwest Florida. In *Culture and Environment in the Domain of the Calusa*, edited by W.H. Marquardt, pp. 105-189. Institute of Archaeology and Paleoenviromental Studies, Monograph 1. University of Florida, Gainesville.

Daniel, Randy and Michael Wisenbaker

- 1987 *Harney Flats: A Florida Paleo-Indian Site*. Baywood Publishing Company, Inc., New York.

Davis, J. H.

- 1943 The Natural Features of Southern Florida. *Florida Geological Survey Bulletin* Number 25. Tallahassee.

Delcourt, P. A., and H. R. Delcourt

- 1981 Vegetation Maps for Eastern North America: 40,000 yr. B.P. to the Present. In *Geobotany II*, edited by R. C. Romans, Plenum Publishing Corporation.

Dunbar, James S.

- 1981 The Effect of Geohydrology and Natural Resource Availability on Site Utilization at the Fowler Avenue Bridge Mastodon Site (8HI393c/uw) in Hillsborough County, Florida. In Report on Phase II Underwater Archaeological Testing at the Fowler Bridge Mastodon Site (8HI393c/uw) Hillsborough County, Florida by Jill Palmer, James Dunbar, and Danny H. Clayton. *Interstate 75 Highway Phase II Archaeological Report*, Number 5. On file, Florida Division of Historic Resources, Tallahassee.

Estabrook, Richard M.

- 1991 Cultural Resource Assessment Survey of the Proposed State Road 78 PD&E Alignment between Piney Road and Interstate 75, Lee County, Florida. Manuscript on file, Florida Division of Historical Resources, Tallahassee.
- 1993 A Cultural Resource Assessment Survey of the Southwest Florida Pipeline Company Corridor Realignment, Desoto, Charlotte and Lee Counties, Florida. Manuscript on file, Florida Division of Historical Resources, Tallahassee.

Florida Natural Areas Inventory and Florida Department of Natural Resources

- 1990 *Guide to the Natural Communities of Florida*. Tallahassee.

Fradkin, Arlene

- 1976 The Wightman Site: A Study of Prehistoric Culture and the Environment on Sanibel Island, Lee County, Florida. M.A. Thesis, Department of Anthropology, University of Florida, Gainesville.

Goggin, John M.

- 1947 A Preliminary Definition of Archaeological Areas and Periods in Florida. *American Antiquity* 13:114-127.
- 1949 Cultural Traditions in Florida Prehistory. In *The Florida Indian and His Neighbors*, edited by John W. Griffin, pp. 13-44. Rollins College, Winter Park.

Griffin, John W.

- 1988 *The Archaeology of Everglades National Park: A Synthesis*. National Park Service, Southeast Archaeological Center, Tallahassee.

- Griffin, John W., Sue B. Richardson, Mary Pohl, Carl D. McMurray, C. Margaret Scarry, Suzanne K. Fish, Elizabeth S. Wing, L. Jill Loucks, and Marcia K. Welch
 1984 *Excavations at the Granada Site: Archaeology and History of the Granada Site, Volume I*. Manuscript on file, Florida Division of Historical Resources, Tallahassee.
- Hazeltine, Dan
 1983 A Late Paleo-Indian Site, Cape Haze Peninsula, Charlotte County, Florida. *The Florida Anthropologist* 36:98-100.
- Lee, Arthur R. And John Beriault
 1993 A Small Site - Mulberry Midden, 8CR697 - Contributions to Knowledge of the Transitional Period. *The Florida Anthropologist* 46:43-52.
- Lee, Arthur R., John G. Beriault, Jean Belknap, Walter M. Buschelman, John W. Thompson, and Carl B. Johnson
 1998 Heineken Hammock, 8CR231: A Late Archaic Corridor Site in Collier County. *The Florida Anthropologist* 51(4):223-239.
- Luer, George M.
 1989 Calusa Canals in Southwestern Florida: Routes of Tribute and Exchange. *The Florida Anthropologist* 42(2):89-130.
- Marquardt, Wm. H., ed.
 1992 *Culture and Environment in the Domain of the Calusa*. Monograph 1, Institute of Archaeology and Paleoenviromental Studies, University of Florida, Gainesville.
- McNab, W. Henry and Peter E. Avers
 1996 Ecological Subregions of the United States. <http://www.fs.fed.us/land/pubs/ccoregions> (22 July 2002). Prepared in cooperation with Regional Compilers and the ECOMAP Team of the Forest Service, July 1994.
- Milanich, Jerald T.
 1994 *Archaeology of Precolumbian Florida*. University Press of Florida, Gainesville.
- Milanich, Jerald T. and Charles H. Fairbanks
 1980 *Florida Archaeology*. Academic Press, New York.
- Milanich, Jerald T., J. Chapman, A.S. Cordell, S. Hale, and R. A. Marrinan
 1984 Prehistoric Development of Calusa Society in Southwest Florida: Excavations on Useppa Island. In *Perspectives on Gulf Coast Prehistory*, edited by D. D. Davis, pp. 258-314. University Press of Florida, Gainesville.
- Mowers, Bert and Wilma Williams
 1972 The Peace Camp Site, Broward County, Florida. *The Florida Anthropologist* 25:1-20.
- Russo, Michael
 1991 Archaic Sedentism on the Florida Gulf Coast: A Case Study from Horr's Island. PhD dissertation, Department of Anthropology, University of Florida, Gainesville.

State Topographic Office

1989 General Highway Map, Lee County, Florida.

United States Department of Agriculture (USDA)

1984 *Soil Survey of Lee County*, Soil Conservation Service, Washington, D.C.

United States Geological Survey (USGS)

1958 Fort Myers, Fla. Photorevised 1987.

Watts, William A.

- 1969 A Pollen Diagram from Mud Lake, Marion County, North-central Florida. *Geological Society of America Bulletin* 80:631-642.
- 1971 Post Glacial and Interglacial Vegetational History of Southern Georgia and Central Florida. *Ecology* 51:676-690.
- 1975 A Late Quaternary Record of Vegetation from Lake Annie, South-Central Florida. *Geology* 3:344-346.

Wheeler, Ryan J.

1994 Early Florida Decorated Bone Artifacts: Style and Aesthetics from Paleo-Indian Through Archaic. *The Florida Anthropologist* 47:47-60.

Widmer, Randolph J.

- 1974 A Survey and Assessment of the Archaeological Resources on Marco Island, Collier County, Florida. *Miscellaneous Project Report Series* Number 19. On file, Florida Division of Historical Resources, Tallahassee.
- 1986 Prehistoric Estuarine Adaptation at the Solana Site, Charlotte County, Florida. Manuscript on file, Florida Bureau of Archaeological Research, Tallahassee.
- 1988 *The Evolution of the Calusa*. The University of Alabama Press, Tuscaloosa.

7.2 Historical

Akerman, Joe A., Jr.

1976 *Florida Cowman, A History of Florida Cattle Raising*. Florida Cattlemen's Association, Kissimmee.

Almy, Maranda M.

2001 The Cuban Fishing Ranchos of Southwest Florida 1600-1850s. Unpublished Honors Thesis, Department of Anthropology, University of Florida, Gainesville.

Bonita Banner

2002 "A City's Vision: The Way It Was - 'Snapshots' of Bonita Before U.S. 41". October 12.

Covington, James W.

- 1957 *The Story of Southwestern Florida*. Lewis Historical Publishing Company, New York.
- 1958 "Exploring the Ten Thousand Islands: 1838." *Tequesta* 18:7-13.
- 1982 *The Billy Bowlegs War 1855-1858 The Final Stand of The Seminoles Against the Whites*. The Mickler House Publishers, Chuluota.

Dunn, Hampton

- 1989 *Back Home: A History of Citrus County, Florida*. 2nd edition, Citrus County Historical Society, Inc., Inverness.

Grismer, Karl

- 1946 *The Story of Sarasota*. Florida Grower Press, Tampa.
- 1982 *The Story of Fort Myers*. Island Press Publishers, Fort Myers Beach.

Hammond, E.A.

- 1973 "The Spanish Fisheries of Charlotte Harbor." *Florida Historical Quarterly* 51:355-380.

Historic Property Associates (HPA)

- 1989 Historic Properties survey of Charlotte County, Fla. Manuscript on file, St. Augustine.

Mahon, John K.

- 1967 *History of the Second Seminole War 1835-1842*. University Press of Florida, Gainesville.

Nutting, E.P.

- 1986 *The Beginnings of Bonita Springs Florida*. The Friends of the Library. Bonita Springs.

Scupholm, Carrie

- 1997 The Tamiami Trail: Connecting the East and West Coasts of the Sunshine State. *The Society for Commercial Archeology Journal* 15 (20-24).

Shofner, Jerrell H.

- 1995 *History of Brevard County, Volume I*. Brevard County Historical Commission, Stuart.

State of Florida, Department of Environmental Protection

- 1859 *Field Notes*. Volume 211.
- 1860-1 *Field Notes*. Volume 212
- 1872 *Field Notes*. Volume 220.
- 1873a *Field Notes*. Volume 222
- 1873b *Plat. Township 43 South, Range 25 East*.
- n.d. *Tract Book*. Volume 22.

Tebeau, Charlton W.

1965 *Florida from Indian Trail to Space Age*. Southern Publishing Company, Delray Beach.

1966 *Florida's Last Frontier: The History of Collier County*. University of Miami Press, Coral Gables.

1971 *A History of Florida*. University of Miami Press, Coral Gables.

Widmer, Randolph J.

1988 *The Evolution of the Calusa*. The University of Alabama Press, Tuscaloosa.

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/fmsf>

\\C:\cf_graydhr\share\FMSF\DOCS\FORMS\Logsheet.doc 10/03:97 11 07 AM

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).

- | | | | |
|---|---|--|--|
| ☐ Florida Archives (Gray Building) | ☐ library research - (local public) | ☐ local property or tax records | ☒ windshield survey |
| ☐ Florida Photo Archives (Gray Building) | ☐ library-special collection- (non local) | ☐ newspaper files | ☒ aerial photography |
| ☒ FMSF site property search | ☒ Public Lands Survey (maps at DEP) | ☒ literature search | |
| ☒ FMSF survey search | ☐ local informant(s) | ☐ Sanborn Insurance maps | |
| ☐ 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.

- | | | |
|---|---|--|
| ☐ surface collection, controlled | ☐ other screen shovel test (size: _____) | ☐ block excavation (at least 2x2 m) |
| ☐ surface collection, uncontrolled | ☐ water screen (finest size: _____) | ☐ soil resistivity |
| ☒ shovel test-1/4" screen | ☐ posthole tests | ☐ magnetometer |
| ☐ shovel test-1/8" screen | ☐ auger (size: _____) | ☐ side scan sonar |
| ☐ shovel test-1/16" screen | ☐ coring | ☐ unknown |
| ☐ shovel test-unscreened | ☐ test excavation (at least 1x2 m) | |
| ☐ 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.

- | | | | |
|--|--|---|---|
| ☐ building permits | ☐ demolition permits | ☐ neighbor interview | ☐ subdivision maps |
| ☐ commercial permits | ☒ exposed ground inspected | ☐ occupant interview | ☐ tax records |
| ☐ interior documentation | ☐ local property records | ☐ occupation permits | ☐ unknown |
| ☐ 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

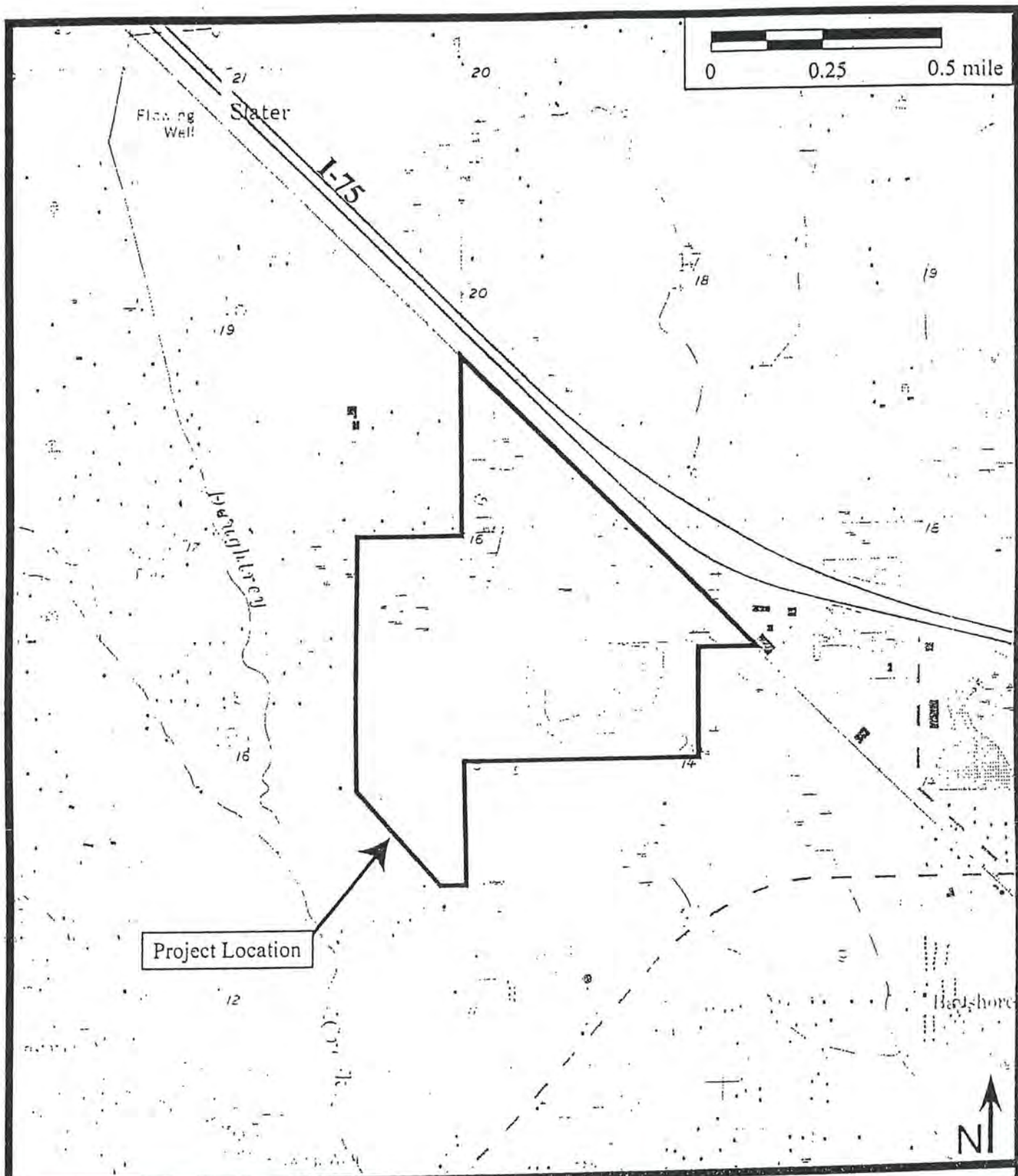
BAR Related

- ☐
- 872
- ☐
- 1A32
-
- ☐
- CARL
- ☐
- UW

BHP Related

- ☐
- State Historic Preservation Grant
-
- ☐
- Compliance Review CRAT #

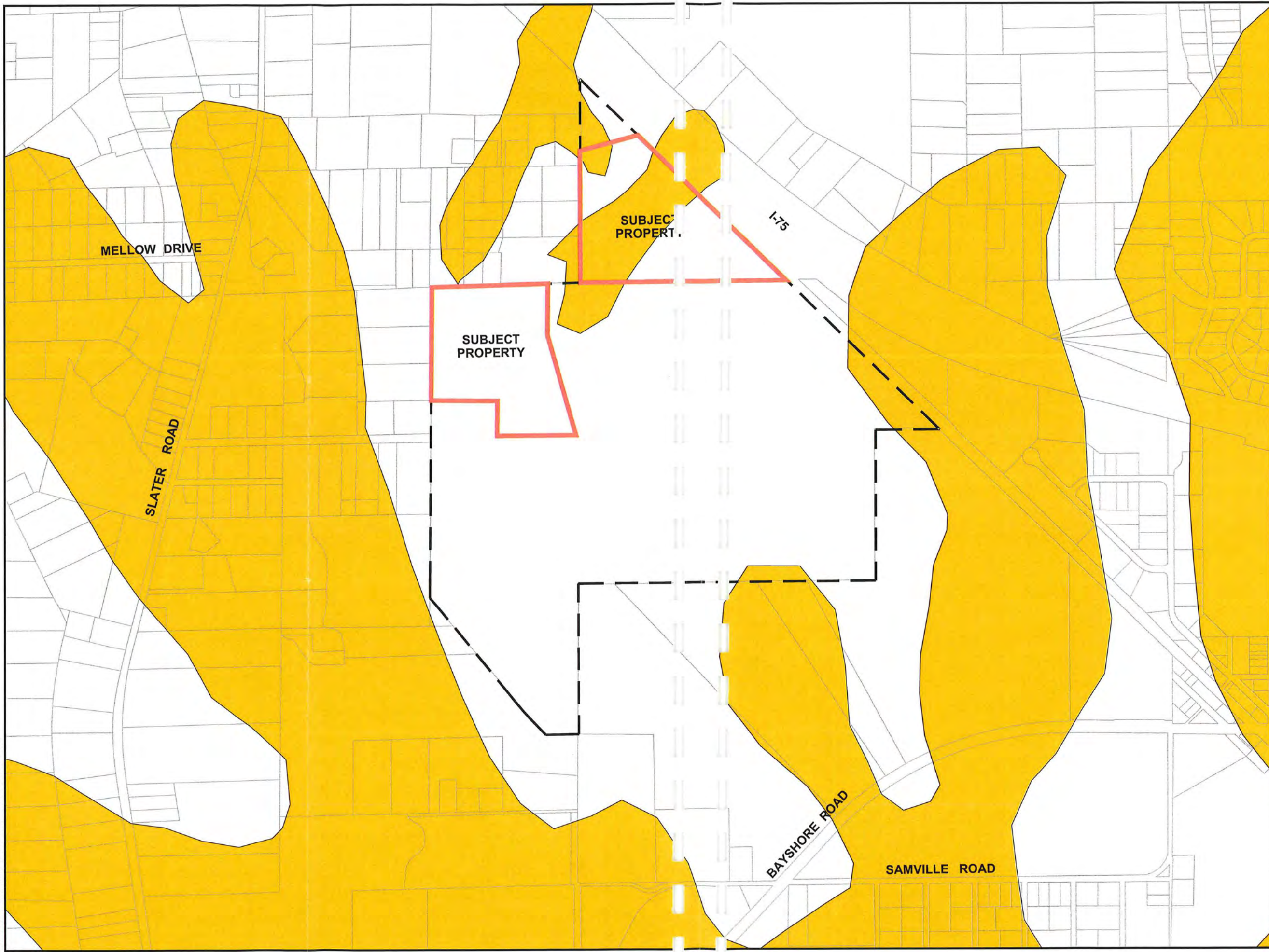
ATTACH PLOT OF SURVEY AREA ON PHOTOCOPIES OF USGS 1:24,000 MAP(S)



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



J:\2179\DWG\ZONING\COMP\21797AR.DWG - WED, 9-28-2005 - 8:51 AM



LEGEND
Archeological Sensitivity
Zone 2

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

MAP 4

0 200 400 800
SCALE IN FEET

Barraco
and Associates, Inc.

CIVIL ENGINEERS, SURVEYORS AND LAND DEVELOPMENT CONSULTANTS
2271 MACREGOR BLVD., POST OFFICE DRAWER 2800, FORT MYERS, FLORIDA 33902-2800
PHONE (239) 481-5175 • WWW.BARRACO.NET • FAX (239) 481-5188
FLORIDA CERTIFICATE OF AUTHORIZATION - ENGINEERING 7995 - SURVEYING LB-8840

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.

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

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

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

**BoCC Public Hearing Document
for the
October 12th Adoption Hearing**

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

August 19, 2005

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

☐

Text Amendment

☒

Map Amendment

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

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:

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

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

Oak Creek

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

Table of Contents

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



Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (941) 479-8585
FAX: (941) 479-8519

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D _____

REC'D BY: _____

APPLICATION FEE _____

TIDEMARK NO: _____

THE FOLLOWING VERIFIED:

Zoning ☐

Commissioner District ☐

Designation on FLUM ☐

(To be completed by Planning Staff)

Plan Amendment Cycle: ☒ Normal ☐ Small Scale ☐ DRI ☐ Emergency

Request No: _____

APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: _____

Submit **6** copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

DATE _____

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE _____

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.

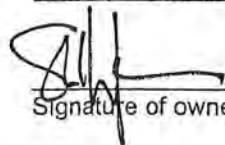
G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

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

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:*

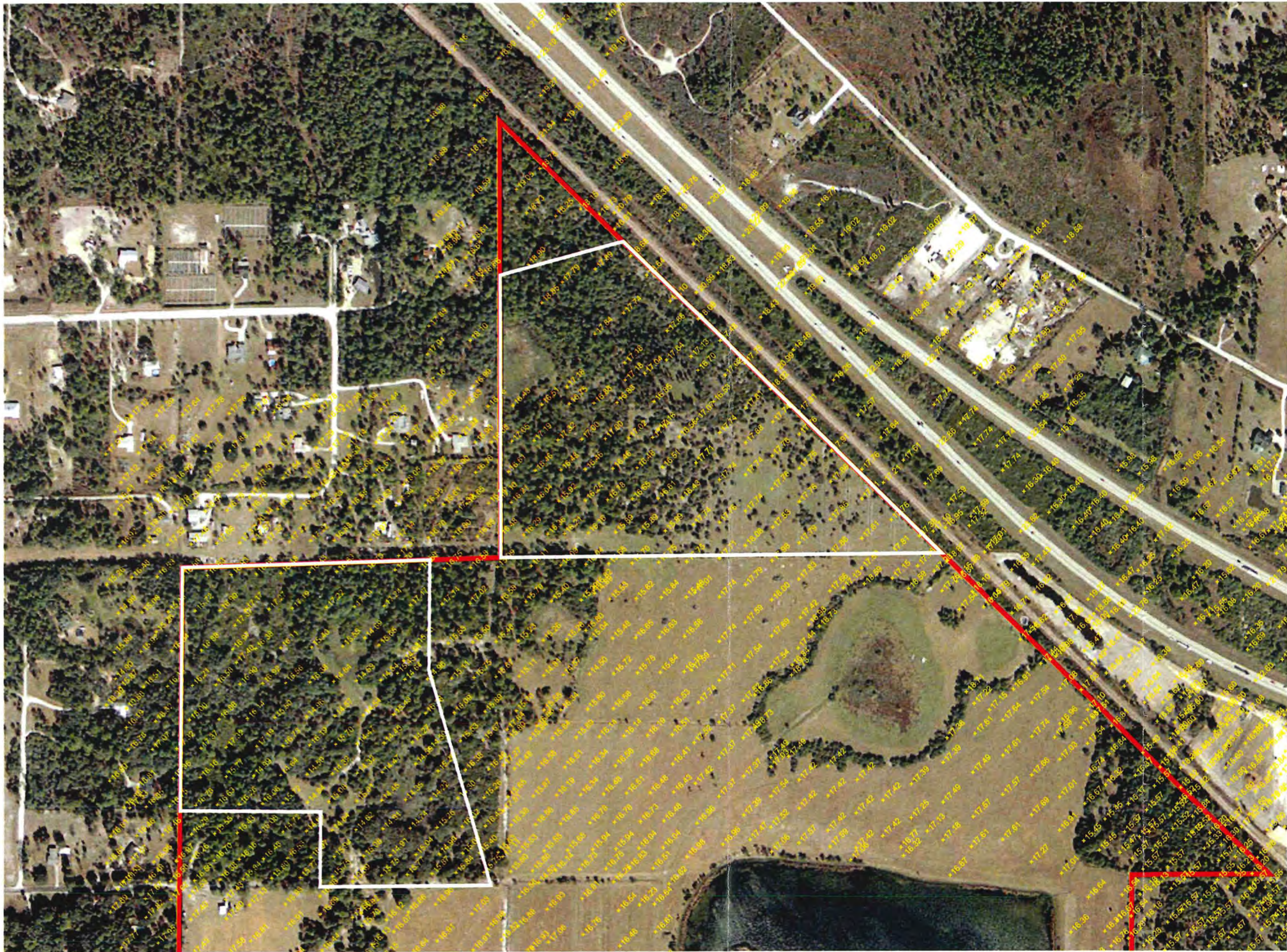
- 1. The Planned Development zoning is utilized; and*
- 2. No density is allocated to lands designated as Non-Urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and*
- 3. The land was under single ownership at the time this policy was adopted and is contiguous; 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 MAGREGOR BLVD., POST OFFICE DRAWER 2800, FORT MYERS, FLORIDA 33902-2800
PHONE (239) 481-3170 • WWW.BARRACO.FL61 • FAX (239) 481-3169
FLORIDA CERTIFICATE OF AUTHORIZATION - ENGINEERING 7965 - SURVEYING LB 6940

J:\21797\DWG\ZONING\COMP\AERIAL-ELU.DWG - FRI, 9-16-2005 - 4:30 PM



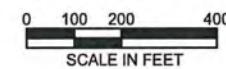
LEGEND

- 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

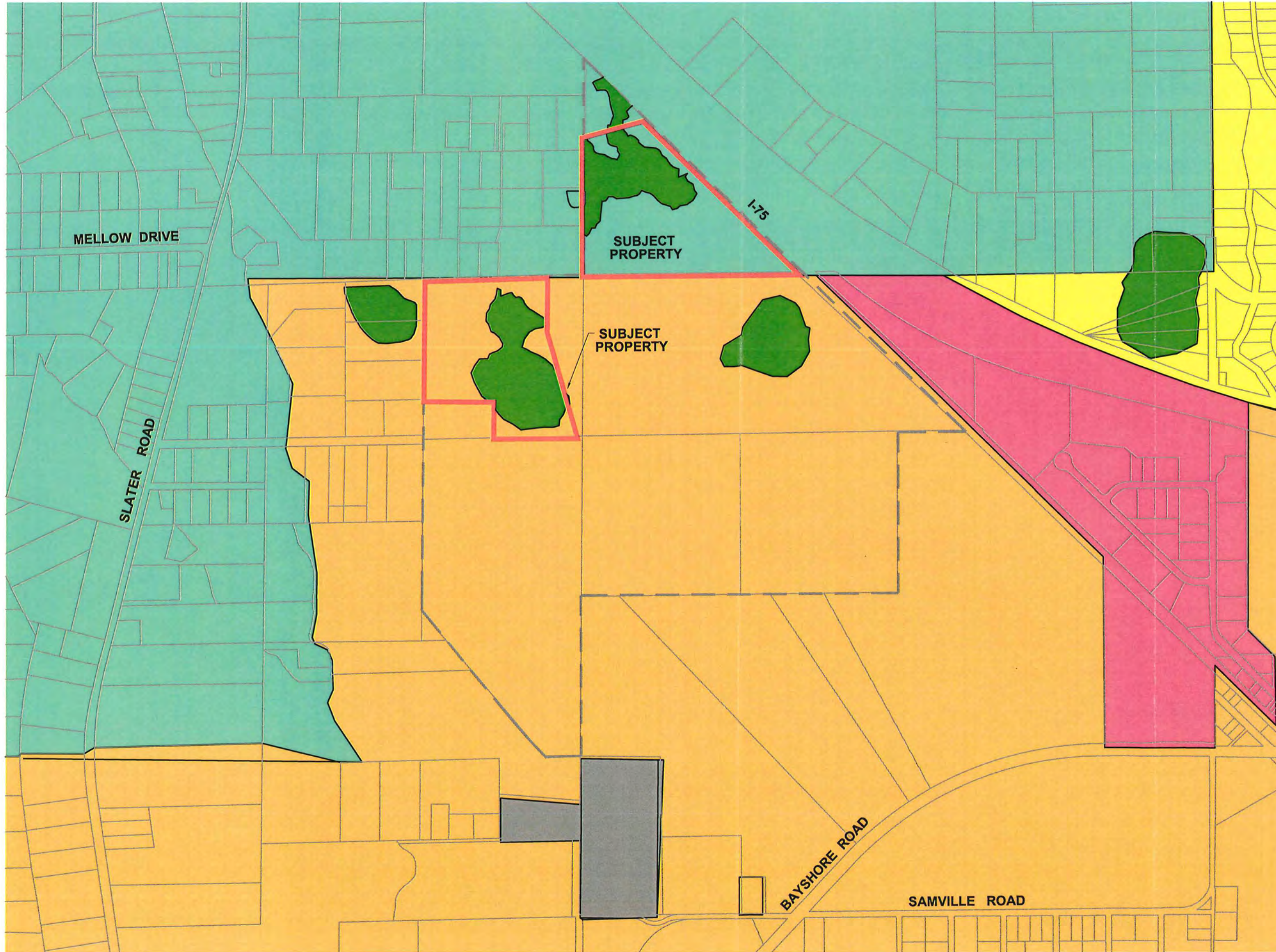
MAP 1



Barraco
and Associates, Inc.

CIVIL ENGINEERS, SURVEYORS AND LAND DEVELOPMENT CONSULTANTS
2271 MCGREGOR BLVD., POST OFFICE DRAWER 2800, FORT MYERS, FLORIDA 33902-2800
PHONE (239) 481-3119 - WWW.BARRACO.FLORIDA - FAX (239) 481-3199
FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 7995 - SURVEYING LB-6940

J:\21797\DWG\ZONING\COMP\21797\FLU.DWG - FRI 9-16-2005 - 4:33 PM



LEGEND

FLUMNov02

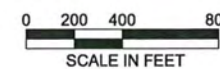
Land Use

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



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

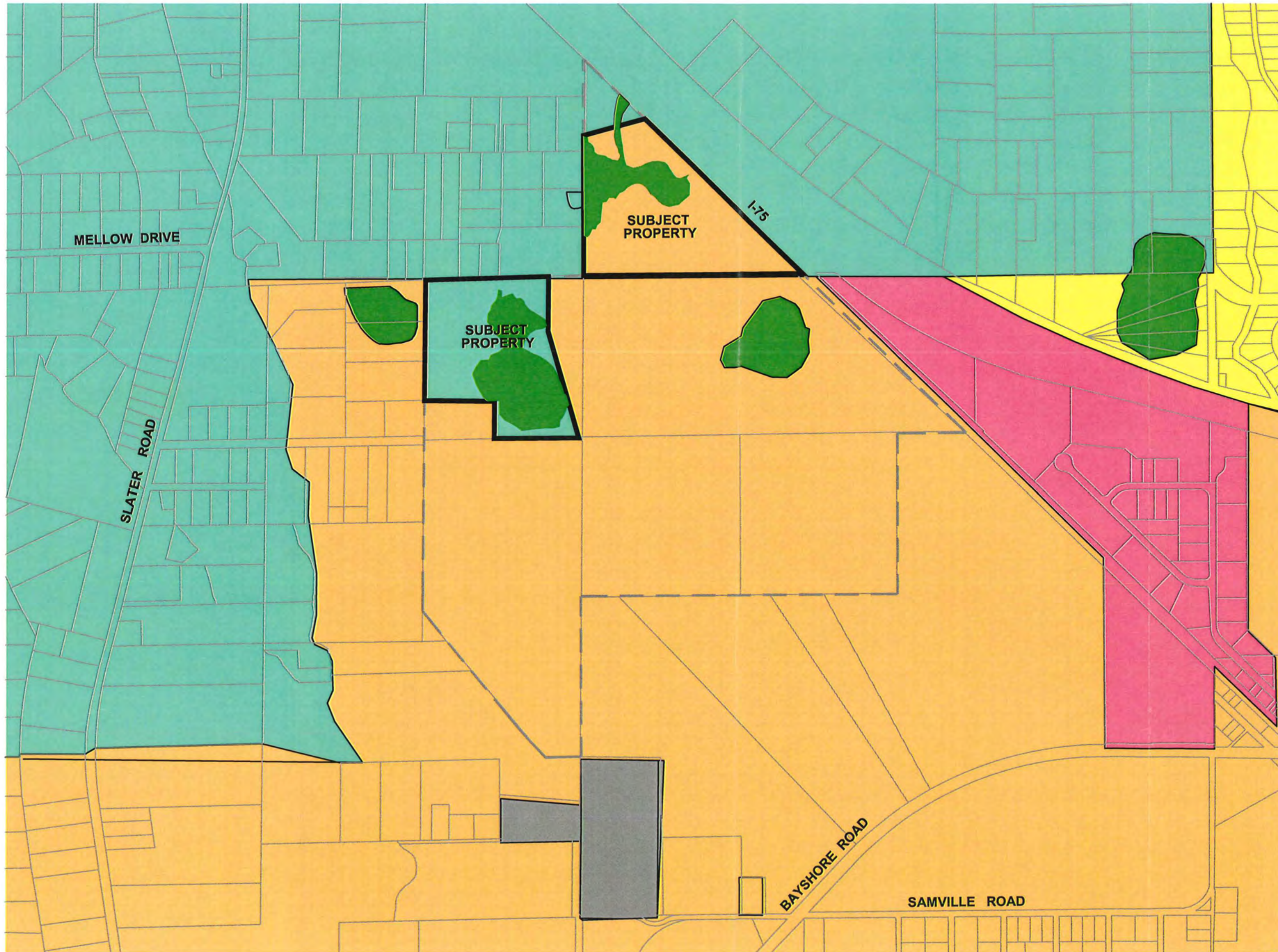
MAP 2



Barraco
and Associates, Inc.

CIVIL ENGINEERS, SURVEYORS AND LAND DEVELOPMENT CONSULTANTS
2271 MAGREGOR BLVD., POST OFFICE DRAWER 280, FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170 - WWW.BARRACO.NET - FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 7995 - SURVEYING LB-6940

J:\21797DWG\ZONING\COMP\21797PFLU.DWG - FRI, 9-16-2005 - 4:32 PM



LEGEND

FLUMNov02

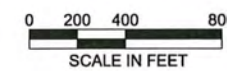
Land Use

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



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

MAP 3



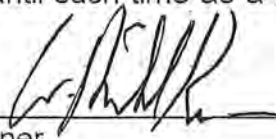
Barraco
and Associates, Inc.

CIVIL ENGINEERS, SURVEYORS AND LAND DEVELOPMENT CONSULTANTS
2271 MAGREGOR BLVD., POST OFFICE DRAWER 2800, FORT MYERS, FLORIDA 33902-2800
PHONE (239) 481-3170 - WWW.BARRACOCO.NET - FAX (239) 481-3169
FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 7965 - SURVEYING LB 6940

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.

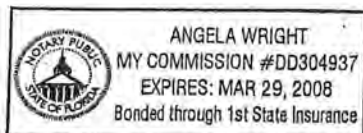
The property described herein is the subject of an application for zoning or development. We hereby designate Shellie Johnson of Barraco and Associates, Inc. as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course 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.

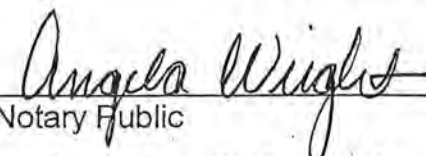

Owner

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 by 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 th 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.

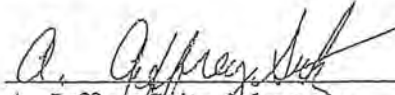
10. **Effective Date of Action.** The actions contained herein shall be effective as of the effective date of the Articles of Organization of the Company.

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 21st day of February, 2003.

MANAGERS:

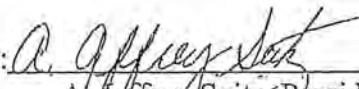

A. Jeffrey Seitz, Manager


Richard A. Salata, Manager


Randy E. Thibaut, Manager

MEMBERS

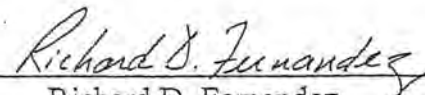
Advance Homes, Inc.

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

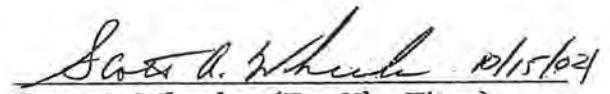
Parcel in
Section 17, Township 43 South, Range 25 East,
Lee County, Florida

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 $N00^{\circ}06'34''W$ along the West line of said Fraction for 1,165.10 feet; thence run $N74^{\circ}52'39''E$ 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 $S45^{\circ}46'33''E$ 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 $S89^{\circ}32'23''W$ 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 $S89^{\circ}32'23''W$.


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.

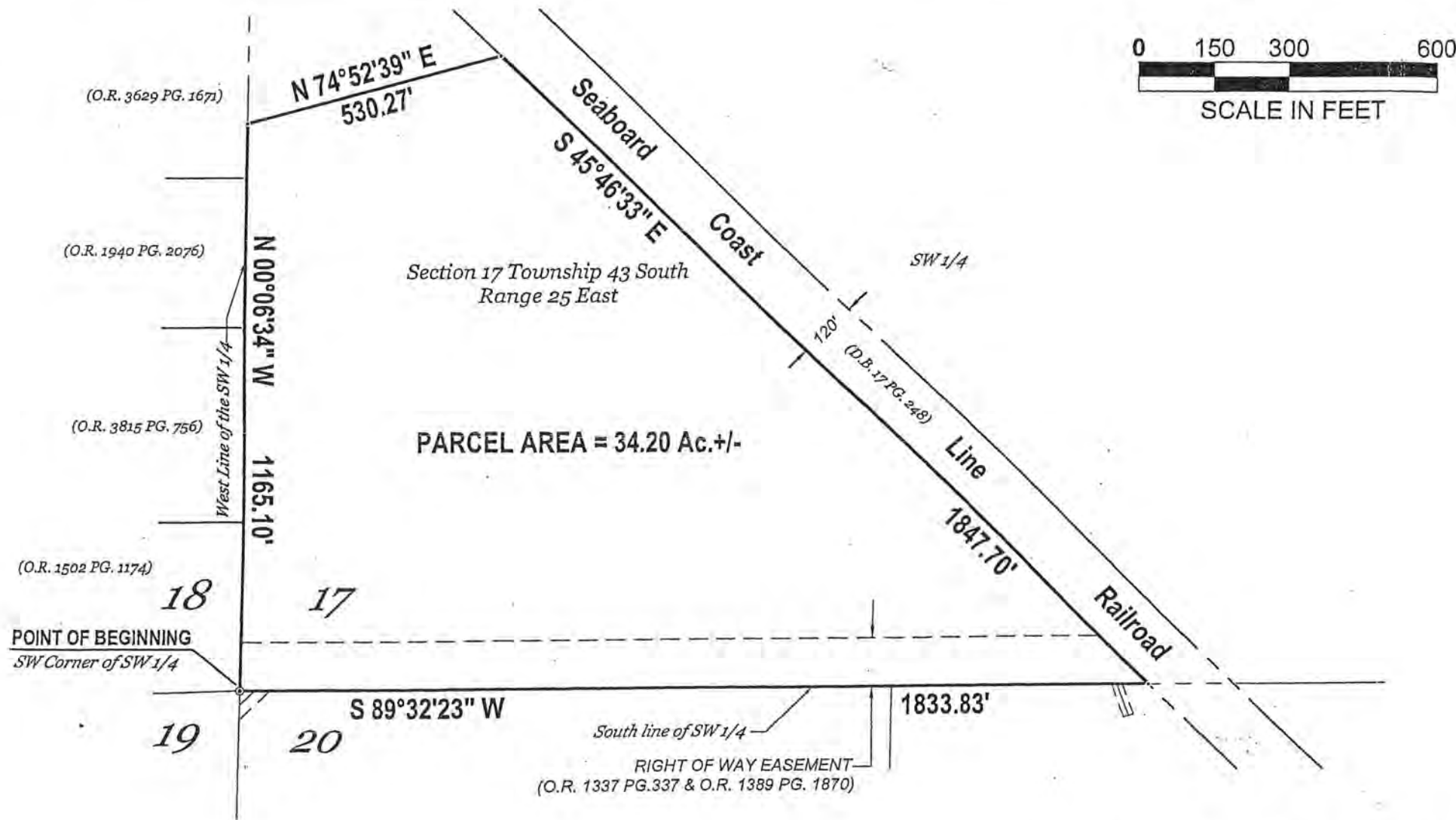
From said Point of Beginning run S00°32'23"W parallel with the West line of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section 19 for 457.85 feet; thence run S16°07'22"E for 923.05 feet; thence run S89°35'46"W for 706.83 feet; thence run N00°32'23"E parallel with said West line 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.


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

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



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 QUARTER OF SECTION 17 TO BEAR SOUTH 89°32'23" WEST

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.

Barraco
and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
2271 MCGREGOR BOULEVARD
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 451-3170
FAX (239) 451-3165
FLORIDA CERTIFICATE OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LICENSE

Land Solutions
6150 DIAMOND CENTER COURT
BUILDING 1300
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
FLORIDA
STATE OF
HOT VALID WITHOUT THE SIGNATURE
AND THE ORIGINAL RAISED SEAL OF A
FLORIDA LICENSED SURVEYOR AND MAPPER

FILE NAME: 21797EN13.DWG
LAYOUT: LAYOUT1
LOCATION: J:\21797EN13.DWG\21797EN13.DWG
PLOT DATE: THU, 10-14-2004 1:22:24 PM
PLOT BY: PETER DUBON
DRAWING DATA
SURVEY DATE: 2004-10-14
DRAWN BY: PTO
CHECKED BY: SAW
SCALE: 1"=500'
FIELD BOOK:

PLAN REVISIONS

STRAP NUMBERS

SKETCH TO
ACCOMPANY
DESCRIPTION
PROJECT/FILE NO. 21797
10-43-25 SHEET NUMBER 2 OF 2

NORTH



0 150 300 600
SCALE IN FEET



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 10/15/04
SCOTT A. WHEELER (FOR THE FIRM - LB-6940)
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.

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



NORTH FT. MYERS FIRE DIST.

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



P.O. Box 3507
North Fort Myers, FL 33918-3507
(239) 997-8654 Fax (239) 995-3757

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
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

RECEIVED

NOV 10 2003

21797
JP

Writer's Direct Dial Number: 239-335-1604
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 "SD" followed by a stylized flourish.

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 OneDouglas R. St. Cerny
District TwoRay Judah
District ThreeAndrew W. Coy
District FourJohn E. Albion
District FiveDonald D. Sillwell
County ManagerJames G. Yaeger
County AttorneyDiana 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

239-277-5012 x2233

Writer's Direct Dial Number: _____

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Alblon
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

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.

Sincerely,

TRANSIT DIVISION

Michael Horsting
Transit Planner



BOARD OF COUNTY COMMISSIONERS

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

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

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.

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



THE SCHOOL DISTRICT OF LEE COUNTY

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

RECEIVED
DEC 08 2003
2:17 PM

JEANNE S. DOZIER
CHAIRMAN • DISTRICT 2

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

ROBERT D. CHILMONK
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

December 2, 2003

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)
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 Planning

Cc: 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 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 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

FLUCFOS	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 caracara</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 couperi</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.

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. 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.

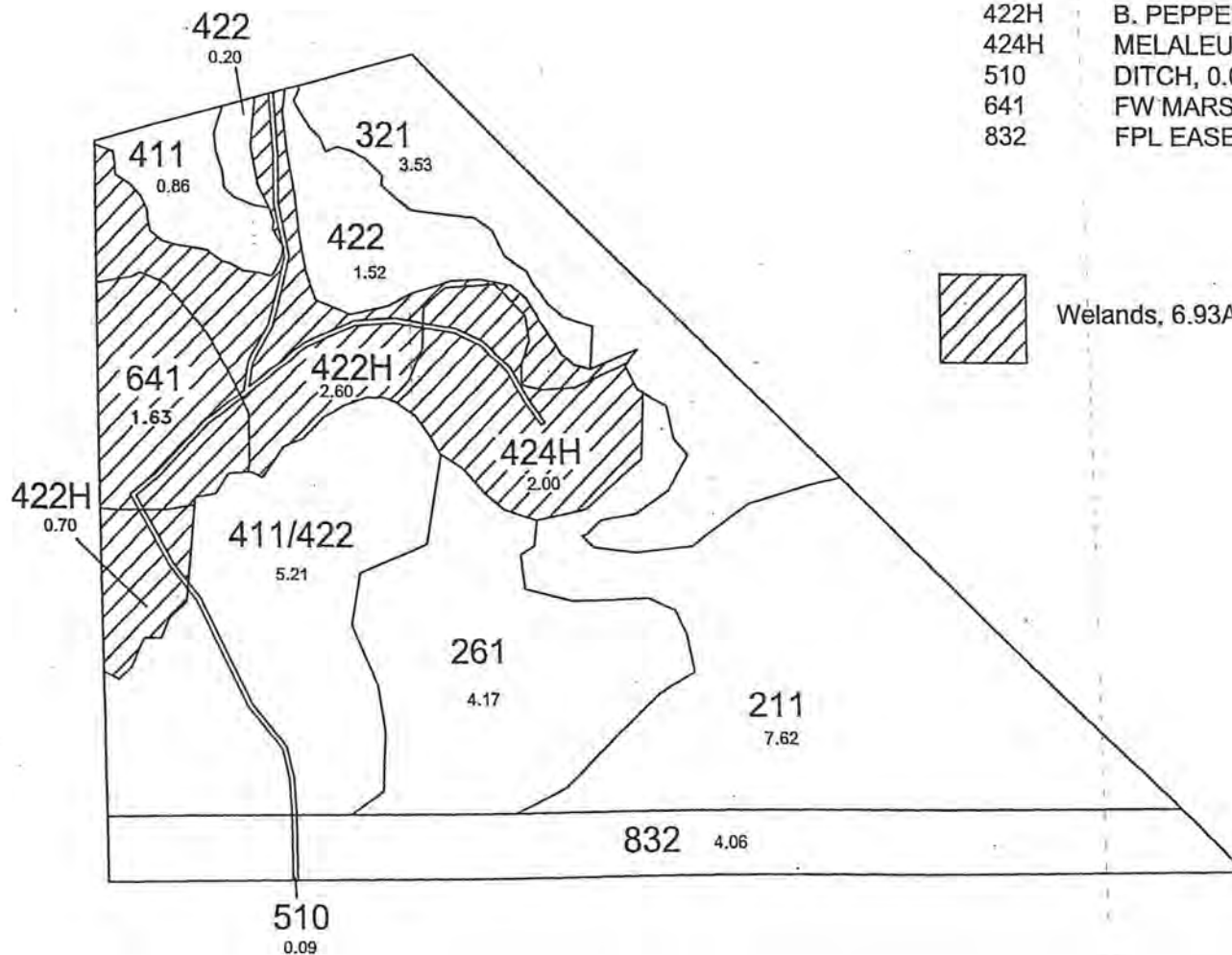
A survey was conducted on site to determine the presence of any archaeological or historical resources. This survey found no signs of these resources.

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

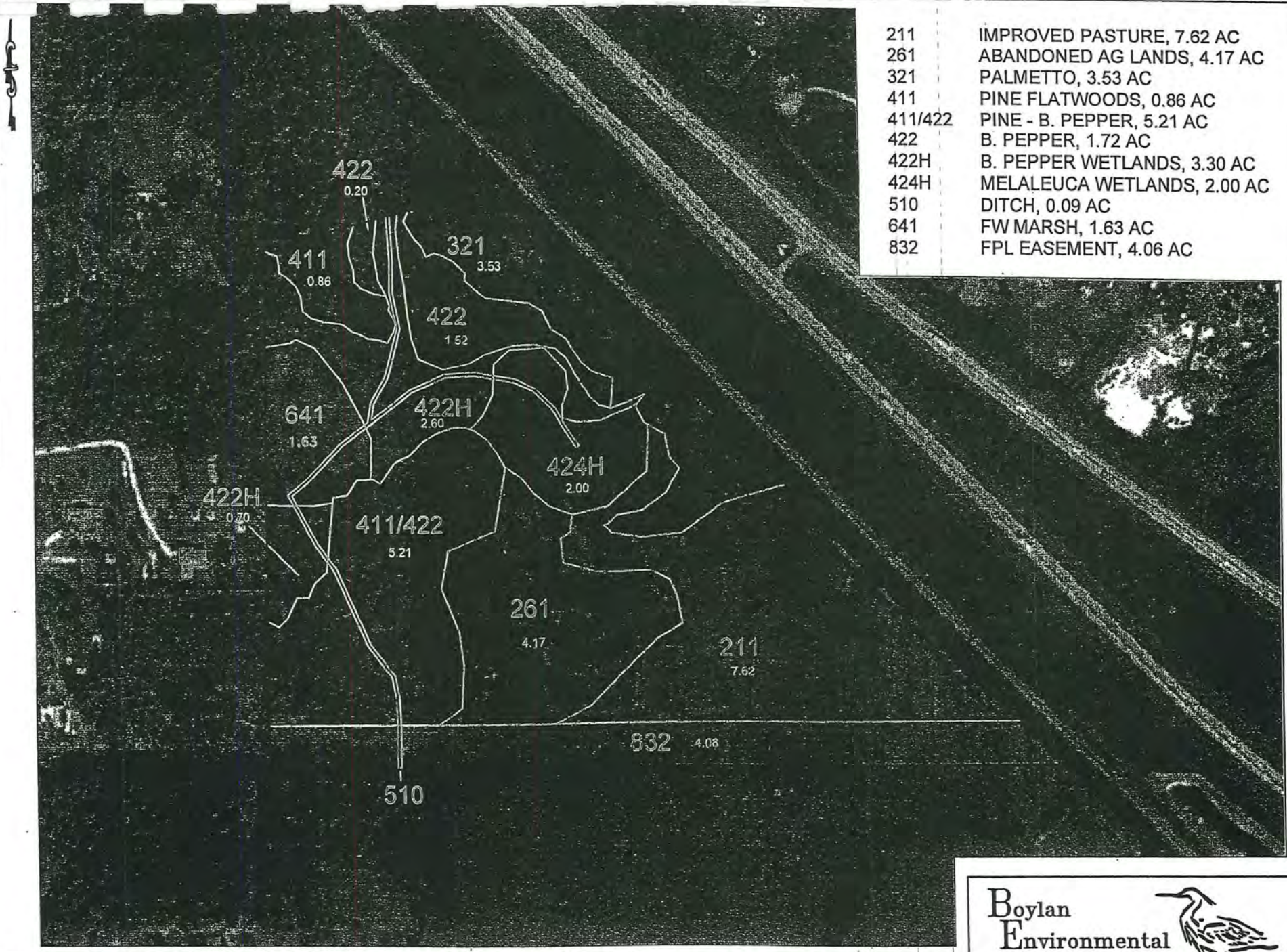


020087
 LE 1"=300'
 OCT2004 COMP
 W/N BY JDK
 E 10-25-04

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

JOB # 020087
 SCALE 1"=300'
 FILE OCT2004 COMP
 DRAWN BY JDK
 DATE 10-25-04

OAK CREEK
 FLUCCS MAP NORTH PARCEL

COUNTY	LEE
SEC	17
TWP	43S
RNG	25E
REVISIONS	

Boylan
 Environmental
 Consultants, Inc.

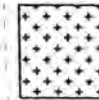


Wetland & Wildlife Surveys, Environmental Permitting,
 Impact Assessments
 11000 Metro Parkway, Suite 4, Ft. Myers, 33912 (239)418-0671

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



Wetland Preserve 1.75 AC



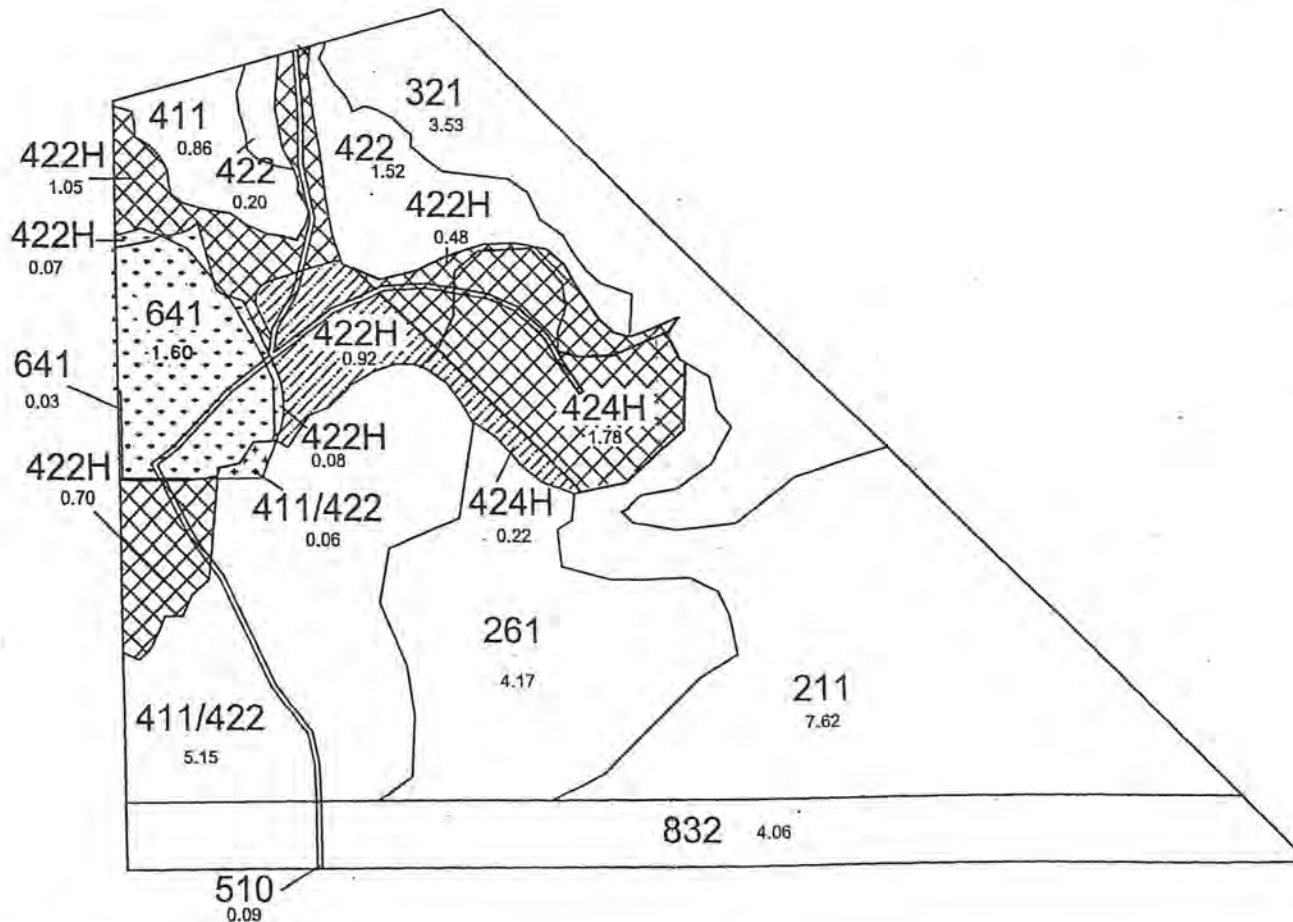
Upland Preserve 0.06 AC



Wetland Fill 4.04 AC



Wetland Dredge 1.14 AC



020087
E 1"=300'
OCT2004 COMP
WN BY JDK
10-25-04

OAK CREEK
FLUCCS MAP NORTH PARCEL

COUNTY LEE
SEC 17
TWP 43S
RNG 25E
REVISIONS

Boylan
Environmental
Consultants, Inc.

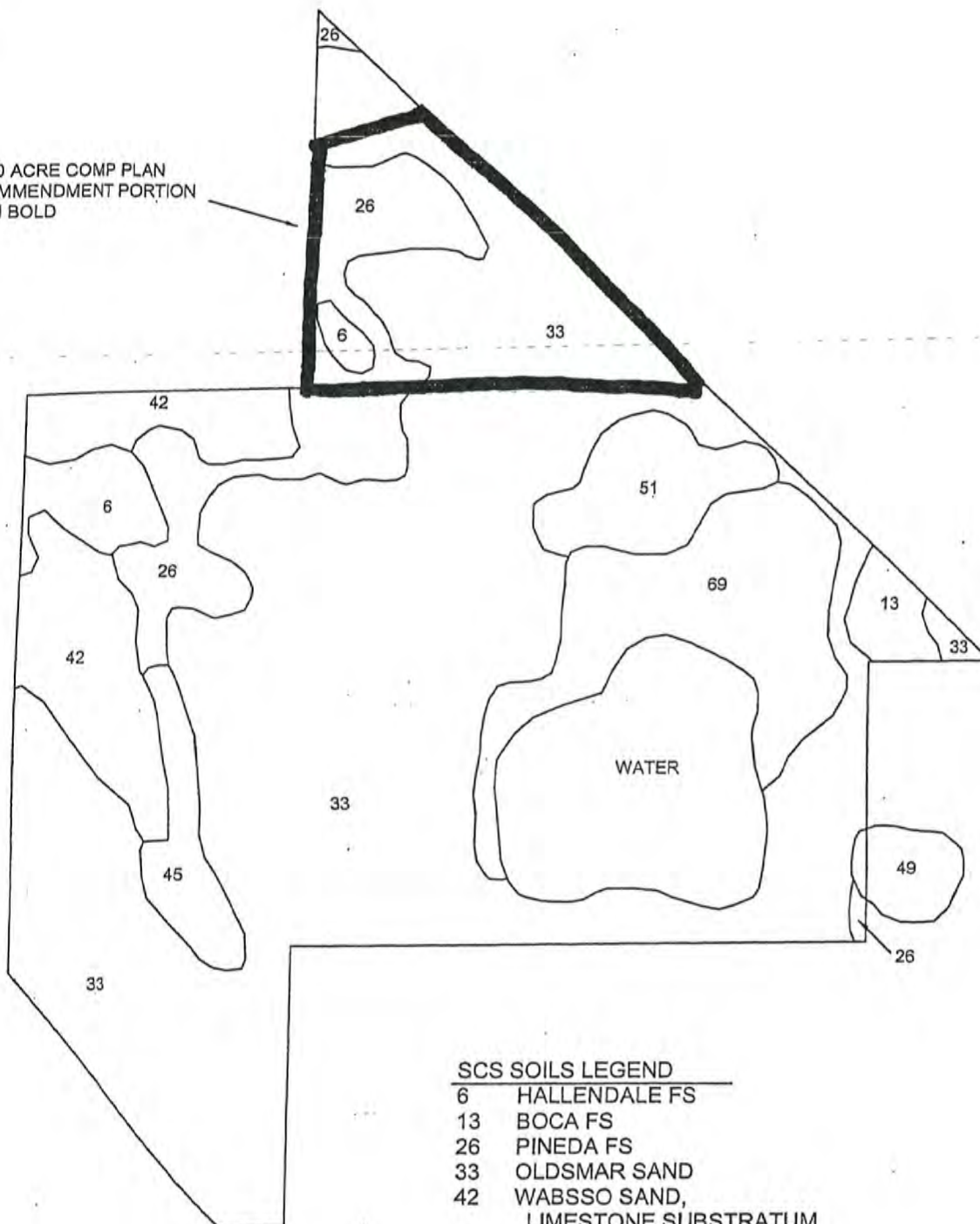


Wetland & Wildlife Surveys, Environmental Permitting,
Impact Assessments

11000 Metro Parkway, Suite 4, Ft. Myers, FL 33907



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 JDK
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 black ink, appearing to read "Patrick Gensler", is written over a horizontal line.

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
Web: <http://www.dos.state.fl.us/dhr/fmsf/>

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: 3 OF 3

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 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 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

TEUCFCS	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.

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. 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.

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	--
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

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.

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.

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

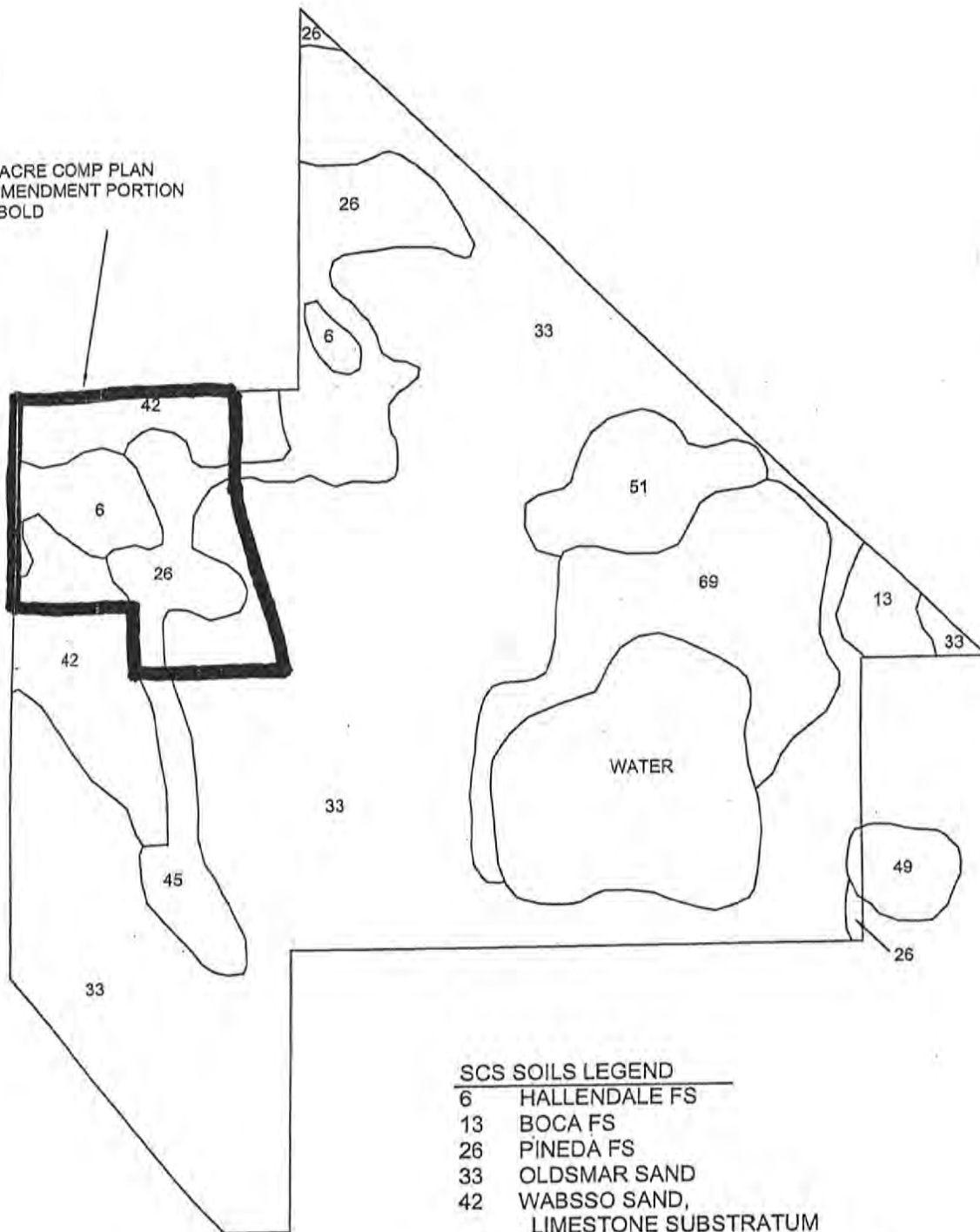
See attached photocopy of portion of the sensitivity map that shows the property in relationship to the limits of the archaeologically sensitive areas.

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 parcel that contains less sensitive environmental features.



10 ACRE COMP PLAN
AMMENDMENT PORTION
IN BOLD



SCS SOILS LEGEND

- | | |
|----|--------------------------------------|
| 6 | HALLEDALE 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.**

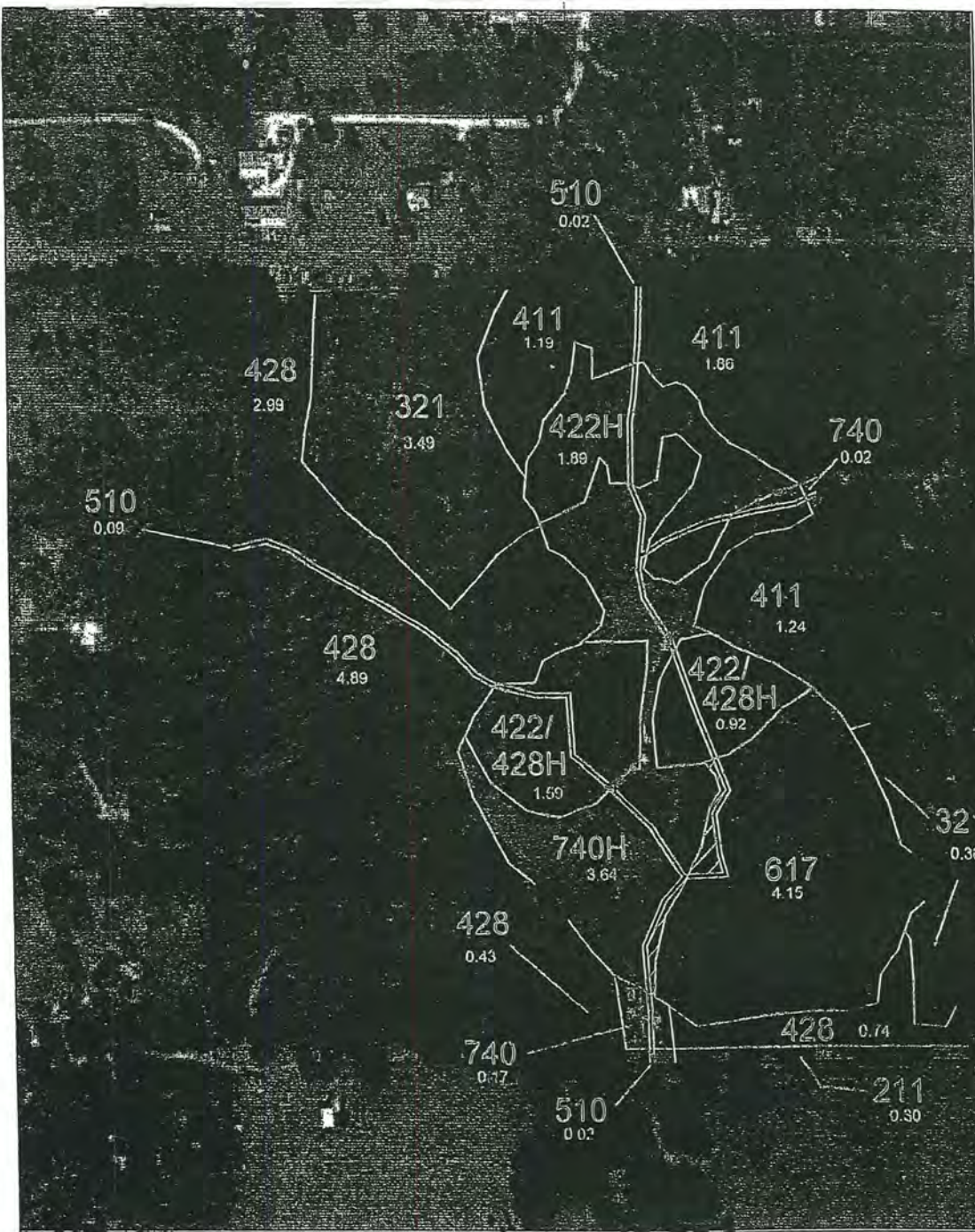
*Wetland & Wildlife Surveys, Environmental Permitting,
Impact Assessments*
11000 Metro Parkway, Suite 4, Ft. Myers, 33912 (239)418-0671

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

OAK CREEK

COMP PLAN AMMENDMENT SOILS MAP WEST PARCEL

JOB # 020087
SCALE 1"=800'
FILE OCT2004 SOILS
DRAWN BY JOK
DATE 10/25/2004



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 JDK
 DATE 10-25-04

OAK CREEK
 FLUCCS MAP WEST PARCEL

COUNTY LEE
 SEC 17
 TWP 43S
 RNG 25E
 REVISIONS

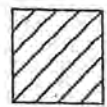
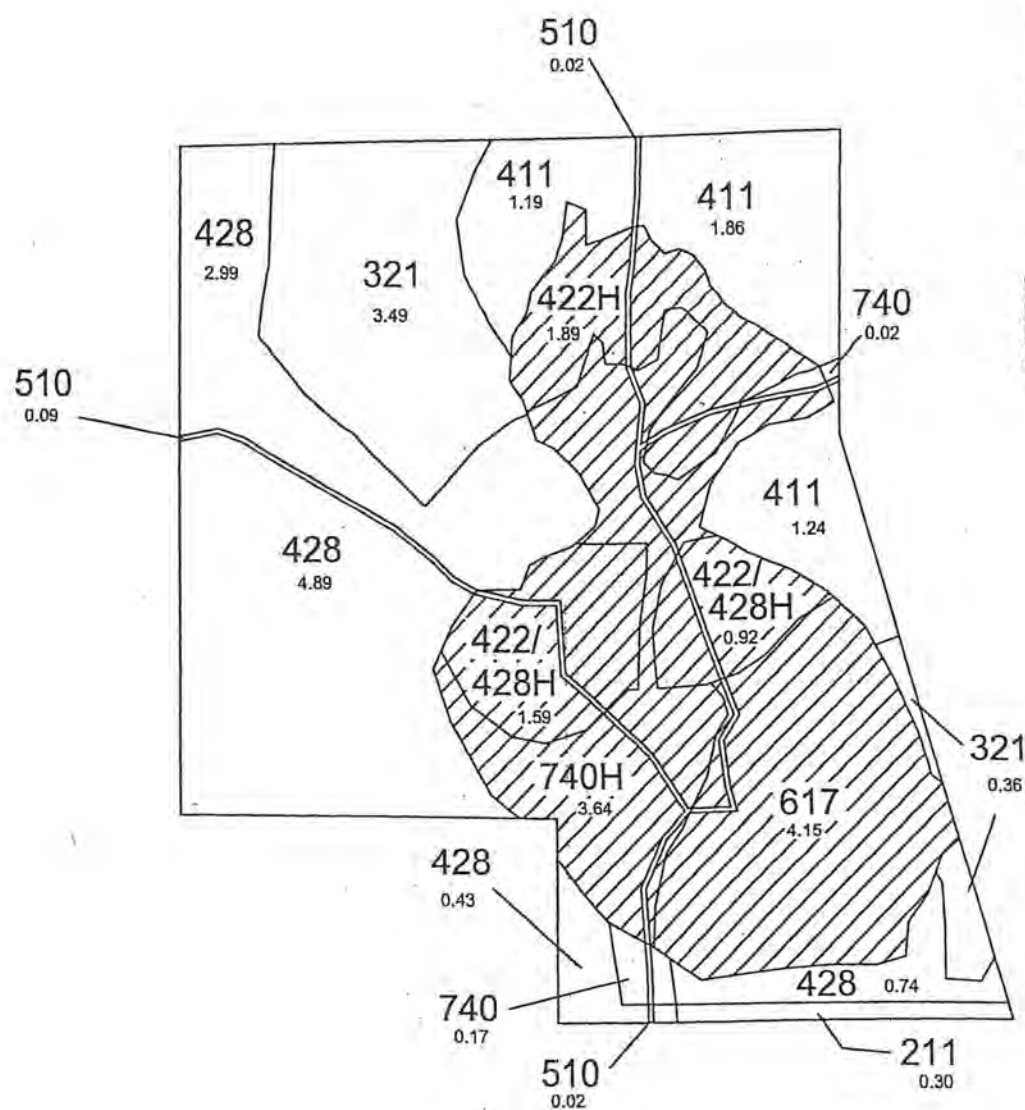
Boylan
 Environmental
 Consultants, Inc.



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



- 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



Wetlands, 12.19 AC

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

OAK CREEK
FLUCCS MAP WEST PARCEL

COUNTY	LEE
SEC	17
TWP	43S
DATE	SEP

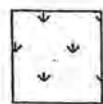
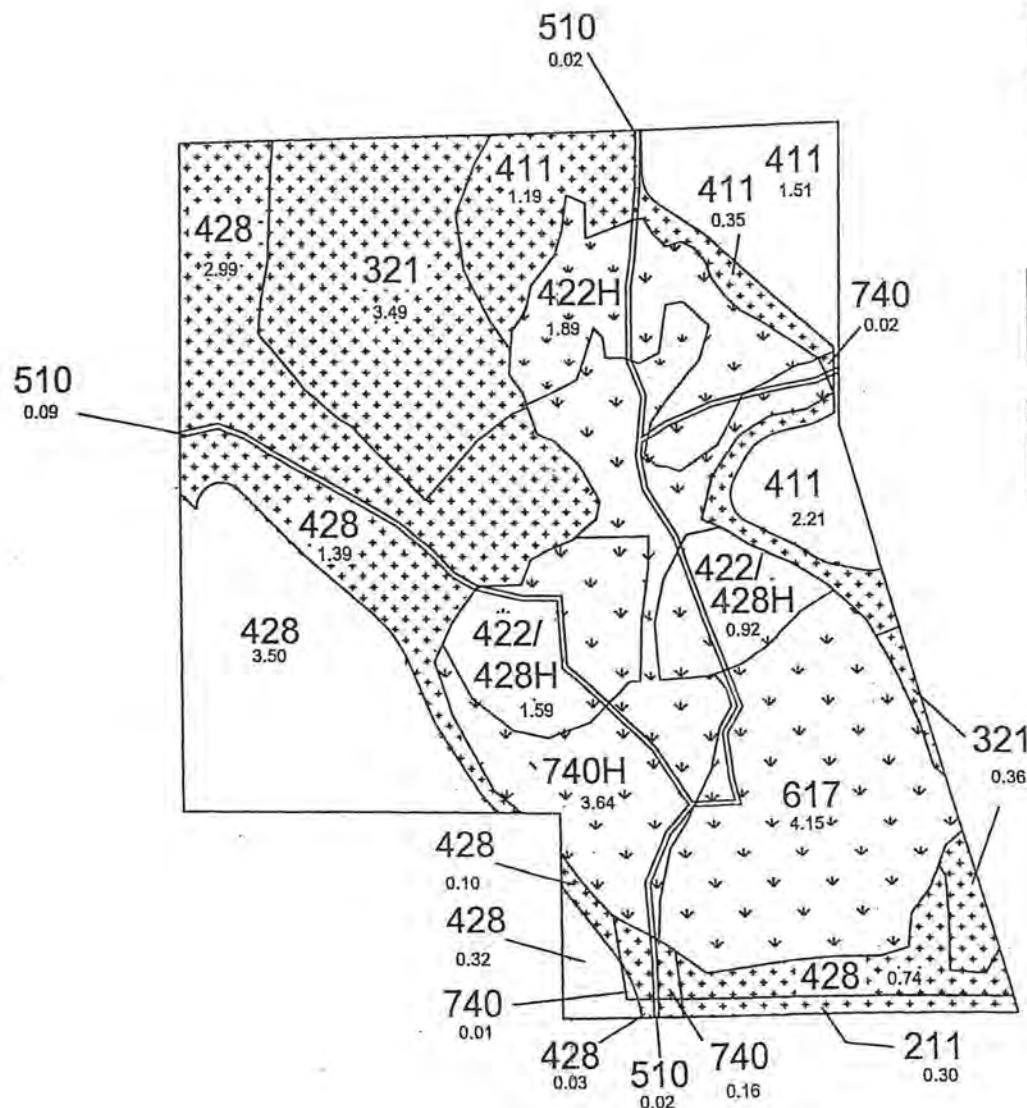
Boylan
Environmental
Consultants, Inc.



Wetland & Wildlife Surveys, Environmental Permitting,
Impact Assessments



- 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



Wetland Preserve 12.19 AC



Upland Preserve 11.75 AC

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

OAK CREEK
FLUCCS MAP WEST PARCEL

COUNTY LEE
SEC 17
TWP 43S
RNG 2E

Boylan
Environmental
Consultants, Inc.
Wetland & Wildlife Surveys, Environmental Permitting,
Impact 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

A handwritten signature in black ink, appearing to read "Patrick Gensler", is written over a horizontal line.

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
Web: <http://www.dos.state.fl.us/dhr/fmsf/>

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

☐ Director's Office
(243-6300 • FAX: 243-6435

☐ 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 P.01

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

Performed for:

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

November 2003



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

Figures

Page

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
--	-----

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 ± 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).

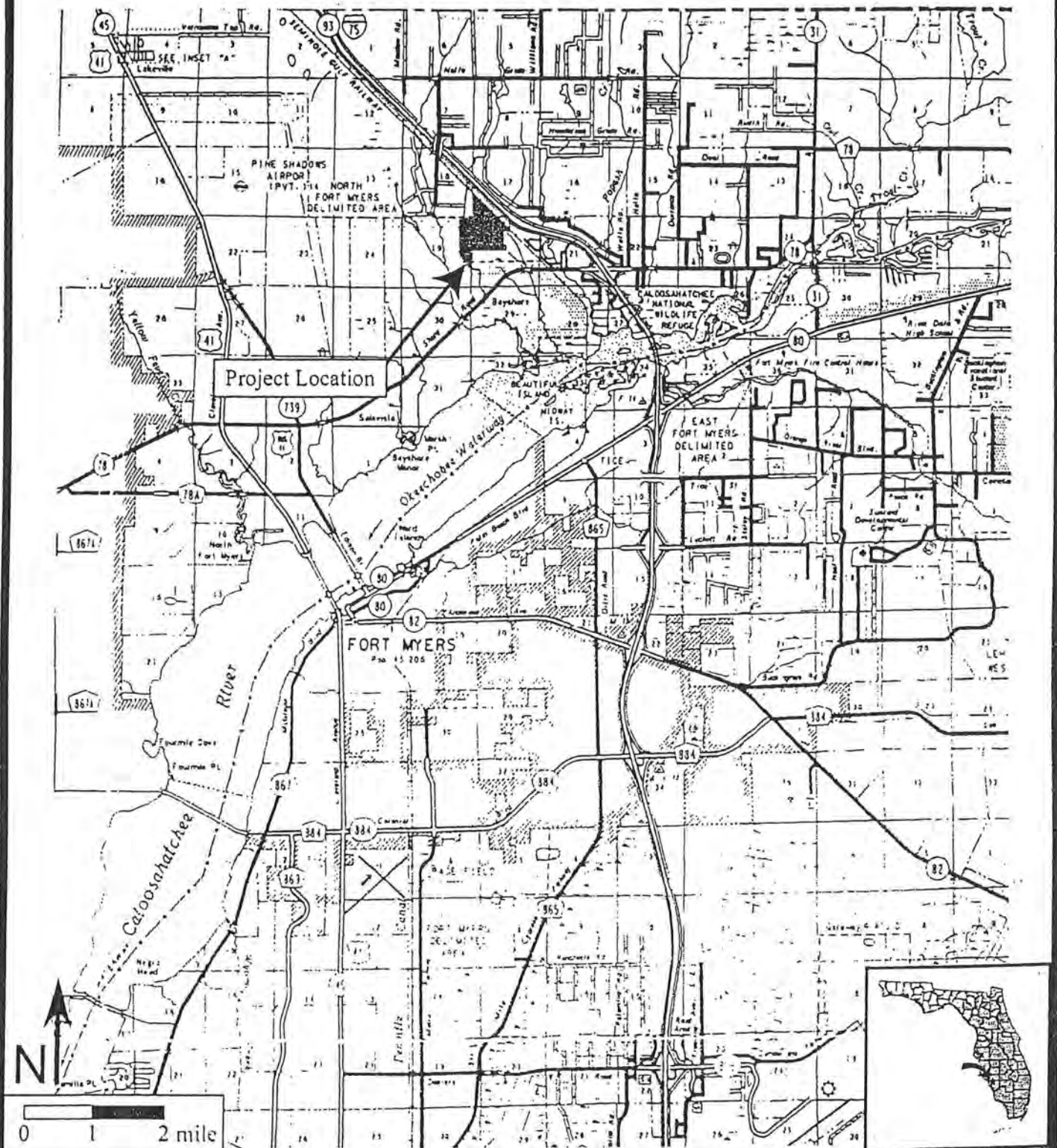


Figure 1.1. Project Location. Township 43 South, Range 25 East, Lee County (State Topographic Office 1989).



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 succeed 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 1-75 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.

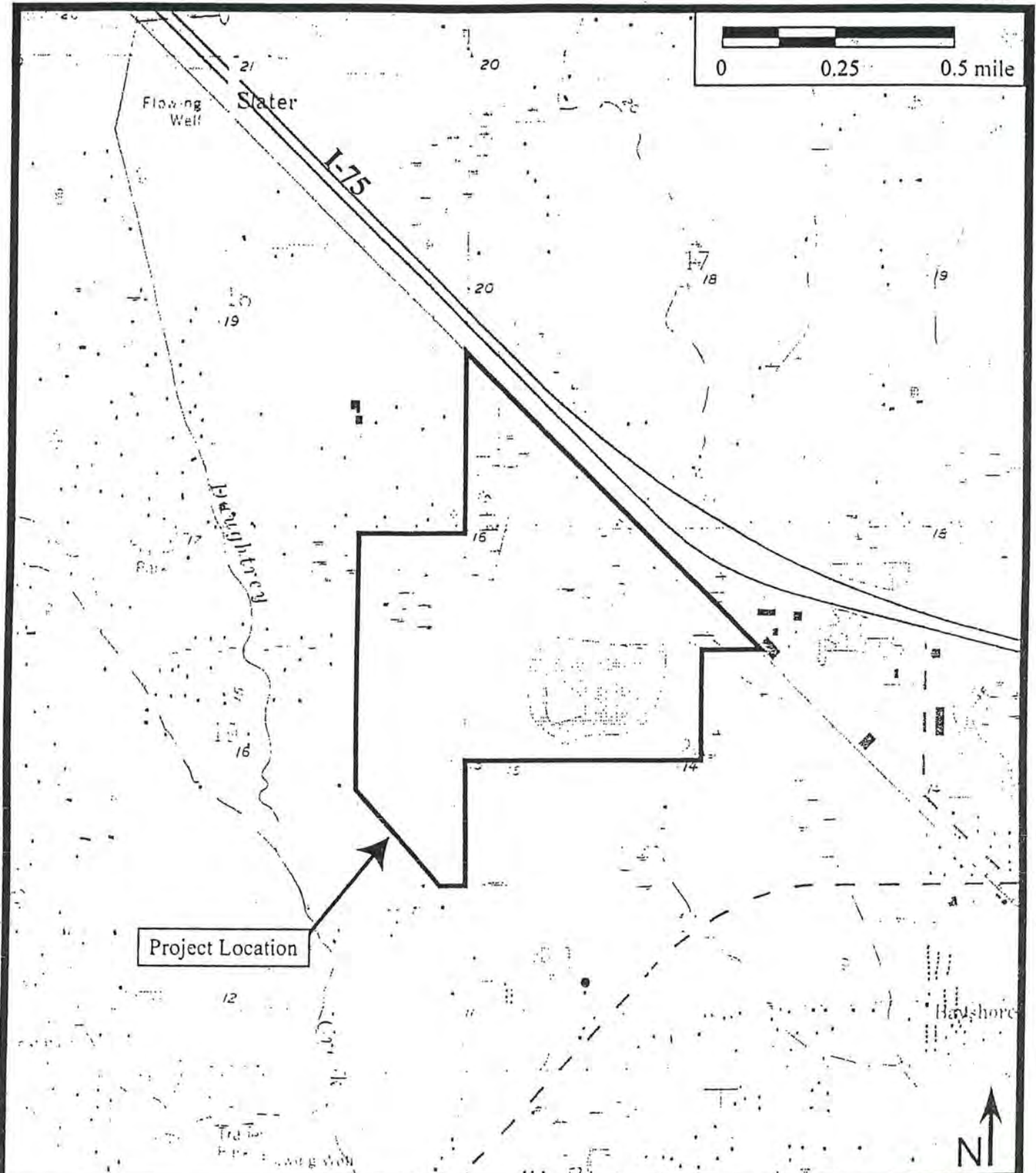


Figure 2.1. Project Location of the Oakcreek Property; Township 43 South, Range 25 East (USGS Fort Myers, Fla. 1958, PR 1987, Bathymetry added 1991).



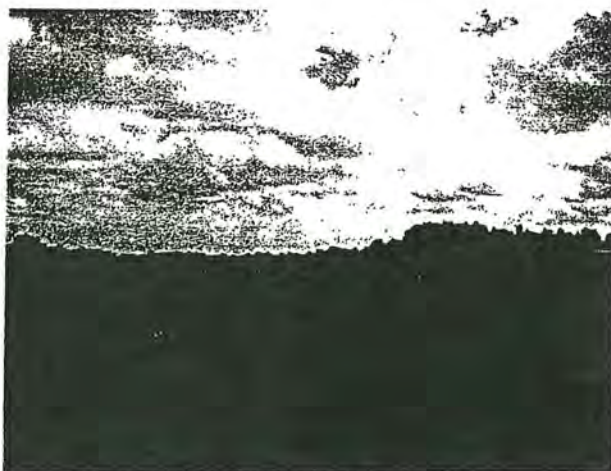


Photo 2.1. Looking West at Improved Pasture.



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



Photo 2.3. Natural Pine/Palmetto Vegetation.

3.0 PREHISTORIC REVIEW

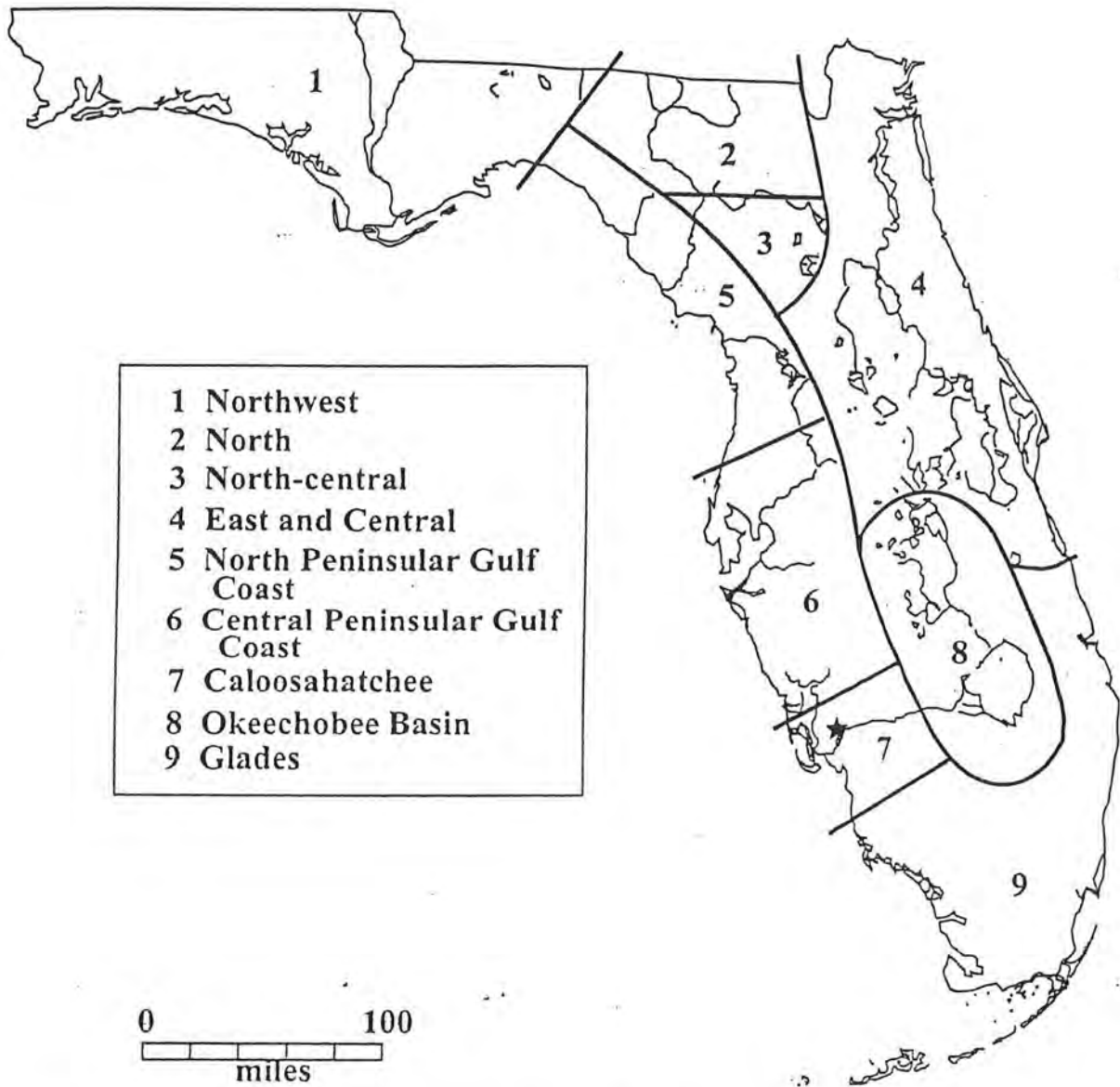
In general, archaeologists summarize the prehistory of a given area, that is, an archaeological region, by delineating a sequence of cultural periods in order to provide a chronology or a time frame for an archaeological culture that is present in a given geographical area. As a result, archaeological 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 Seminole. 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. Mcade 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 (Scupholm 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 20th 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.

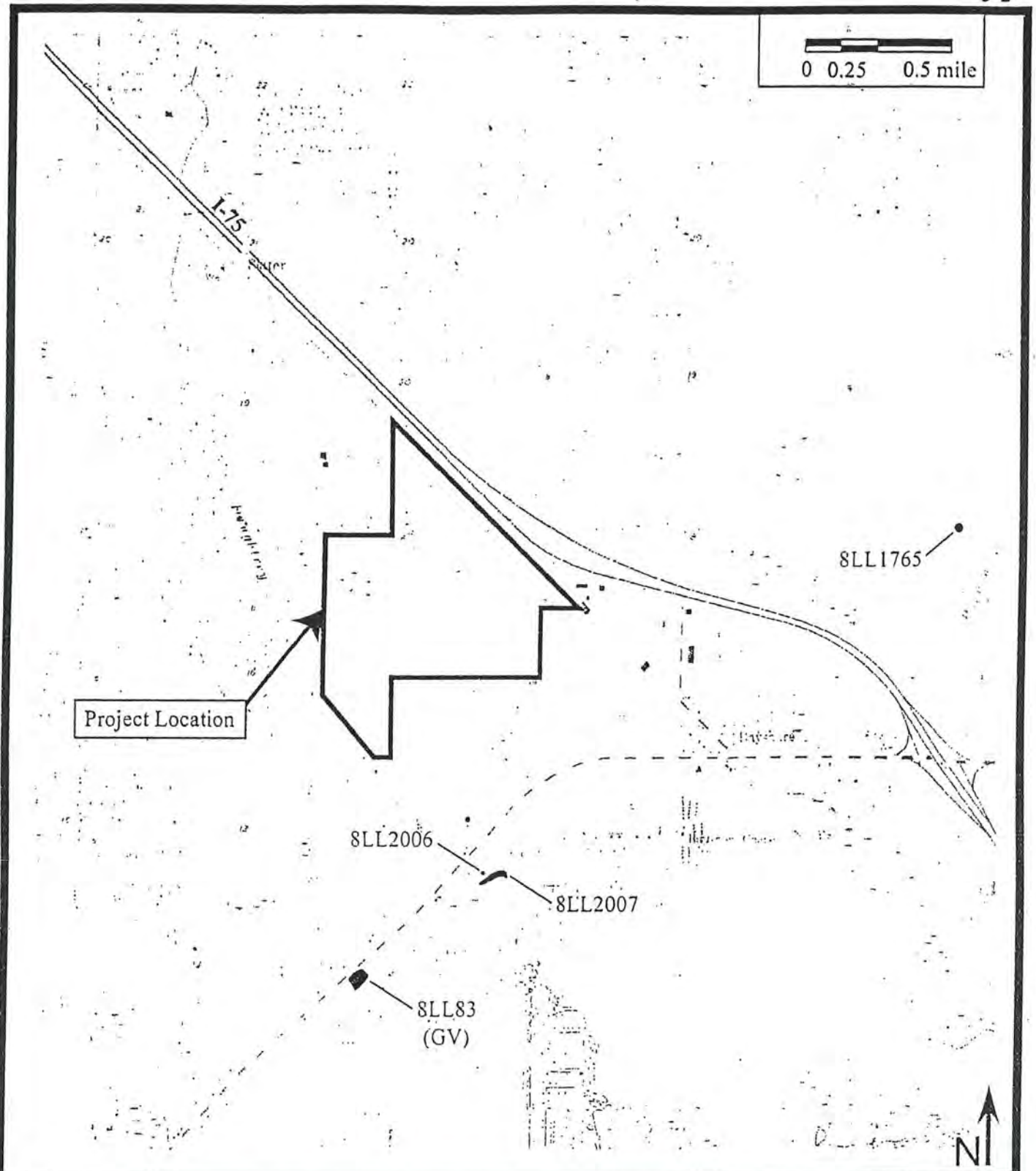


Figure 5.1. Previously Recorded Archaeological Sites and Historic Cemetery (8LL2006) Within Two Miles of the Project Area, Township 43 South, Range 25 East (USGS Fort Myers, Fla. 1958, PR 1987, Bathymetry added 1991).



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.

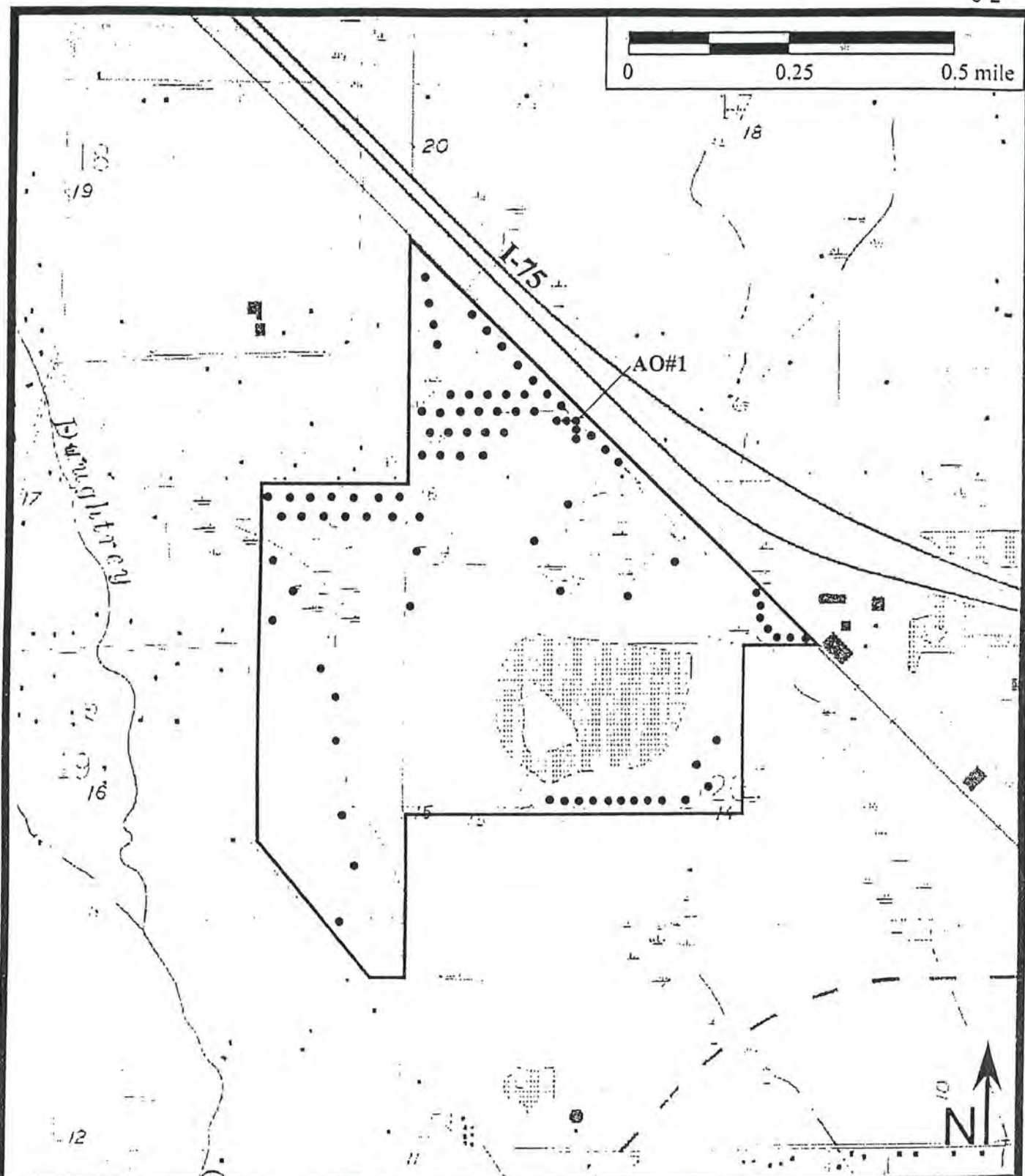


Figure 6.1. Zones of Archaeological Probability (yellow), (Barraco 2003) and Approximate Locations of of Shovel Tests and Archaeological Occurrence (AO#1) Within the Oakcreek Property; Township 43 South, Range 25 East (USGS Fort Myers, Fla. 1958, PR 1987, Bathymetry added 1991). Shovel tests are not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



7.0 REFERENCES CITED

7.1 Archaeological

Almy, Maranda M.

- 2001 The Cuban Fishing Ranches of Southwest Florida 1600 – 1850s. Unpublished Honors Thesis, Department Anthropology, University of Florida Gainesville.

Ambrosino, James N.

- 2002 Archaeological and Historical Survey of the Stony Brook North Project Area in Lee County, Florida. Manuscript on file, Florida Division of Historical Resources, Tallahassee.

Anonymous

- 1987 *Calusa News*. Number 1. University of Florida, Gainesville.

Archaeological Consultants, Inc.

- 1992 CRA Survey of a segment of US 41/ SR 739 in Ft. Myers Fla. on file, Archaeological Consultants, Sarasota.
- 1996 CRA Survey, US Business 41 from Mariana Avenue to the Apex of and US 41 and Business 41, Lee County, Fla. Manuscript on file, Archaeological Consultants, Sarasota.
- 2000 Cultural Resource Assessment Survey State Road 78 (Bayshore Road) from Slater Road to Interstate 75, Lee County. Manuscript on file, Archaeological Consultants, Sarasota.
- 2001 A Cultural Resource Assessment Survey McNew Ranch Development, Charlotte County, Fla. Manuscript on file, Archaeological Consultants, Sarasota.
- 2003 Addendum #2, Cultural Resource Assessment Survey State Road 78 (Bayshore Road) from Slater Road to Interstate 75, Lee County, Florida. Manuscript on file, Archaeological Consultants, Inc., Sarasota, Florida.

Austin, Robert

- 1987 An Archaeological Site Inventory and Zone Management Plan for Lee County, Florida. Manuscript on file, Janus Research, St. Petersburg.
- 1992 Letter to William H. Marquardt Reporting Three Galt Island Radiocarbon Date Results from Beta Analytic, Inc. Associated with the 1991 Piper Archaeology/Janus Research Fieldwork. Florida Museum of Natural History Southwest Florida Project Files, Gainesville.

Barraco and Associates, Inc.

- 2003 Oakcreek RPD, Archaeological Sensitivity Map, Exhibit III-B-1.

Berriault, John, Robert Carr, Jerry Stipp, Richard Johnson, and Jack Meeder

- 1981 The Archaeological Salvage of the Bay West Site, Collier County, Florida. *The Florida Anthropologist* 34:39-58.

- Bullen, Ripley P.
1975 *A Guide to the Identification of Florida Projectile Points*. Kendall Books, Gainesville.
- Bullen, Ripley P. and Adelaide K. Bullen
1956 Excavations at Cape Haze Peninsula, Florida. *Florida State Museum Contributions, Social Sciences 1*. Gainesville.
- Carbone, Victor
1983 Late Quaternary Environment in Florida and the Southeast. *The Florida Anthropologist* 36 (1-2):3-17.
- Carr, Robert S.
1986 Preliminary Report of Archaeological Excavations at the Cutler Fossil Site in Southern Florida. Paper presented at the 51st Annual Meeting of the Society for American Archaeology.
- Carr, Robert and John Beriault
1984 Prehistoric Man in South Florida. In *Environments of South Florida: Present and Past*, edited by P.J. Gleason, pp. 1-14, 2nd Ed. Miami Geological Society, Coral Gables.
- Clausen, Carl J., H.K. Brooks, and A.B. Wesolowsky
1975 Florida Spring Confirmed as 10,000 Year Old Early Man Site. *Florida Anthropological Society Publication* 7:1-38.
- Clausen, Carl J., A.D. Cohen, Cesare Emiliani, J.A. Holman, and J.J. Stipp
1979 Little Salt Spring, Florida: A Unique Underwater Site. *Science* 203:609-614.
- Cockrell, Wilburn A.
1970 Glades I and Pre-Glades Settlement Patterns on Marco Island, Collier County, Florida. M.A. Thesis, Florida State University, Tallahassee.
- Cockrell, Wilburn A. and Larry Murphy
1978 Pleistocene Man in Florida. *Archaeology of Eastern North America* 6:1-13.
- Coleman, Wesley F.
1973 Site 8DA141, Dade County, Florida. *The Florida Anthropologist* 26:126-128.
1997 Excavation of a Late Archaic Everglades Site, 8DA141, Dade County, Florida. *The Florida Anthropologist* 50:133-137.
- Cordell, A.S.
1992 Technological Investigation of Pottery Variability in Southwest Florida. In *Culture and Environment in the Domain of the Calusa*, edited by W.H. Marquardt, pp. 105-189. Institute of Archaeology and Paleoenvironmental Studies, Monograph 1. University of Florida, Gainesville.

- Daniel, Randy and Michael Wisenbaker
1987 *Harney Flats: A Florida Paleo-Indian Site*. Baywood Publishing Company, Inc., New York.
- Davis, J. H.
1943 The Natural Features of Southern Florida. *Florida Geological Survey Bulletin* Number 25. Tallahassee.
- Delcourt, P. A., and H. R. Delcourt
1981 Vegetation Maps for Eastern North America: 40,000 yr. B.P. to the Present. In *Geobotany II*, edited by R. C. Romans, Plenum Publishing Corporation.
- Dunbar, James S.
1981 The Effect of Geohydrology and Natural Resource Availability on Site Utilization at the Fowler Avenue Bridge Mastodon Site (8HI393c/uw) in Hillsborough County, Florida. In Report on Phase II Underwater Archaeological Testing at the Fowler Bridge Mastodon Site (8HI393c/uw) Hillsborough County, Florida by Jill Palmer, James Dunbar, and Danny H. Clayton, *Interstate 75 Highway Phase II Archaeological Report*, Number 5. On file, Florida Division of Historic Resources, Tallahassee.
- Estabrook, Richard M.
1991 Cultural Resource Assessment Survey of the Proposed State Road 78 PD&E Alignment between Piney Road and Interstate 75, Lee County, Florida. Manuscript on file, Florida Division of Historical Resources, Tallahassee.
1993 A Cultural Resource Assessment Survey of the Southwest Florida Pipeline Company Corridor Realignment, Desoto, Charlotte and Lee Counties, Florida. Manuscript on file, Florida Division of Historical Resources, Tallahassee.
- Florida Natural Areas Inventory and Florida Department of Natural Resources
1990 *Guide to the Natural Communities of Florida*. Tallahassee.
- Fradkin, Arlene
1976 The Wightman Site: A Study of Prehistoric Culture and the Environment on Sanibel Island, Lee County, Florida. M.A. Thesis, Department of Anthropology, University of Florida, Gainesville.
- Goggin, John M.
1947 A Preliminary Definition of Archaeological Areas and Periods in Florida. *American Antiquity* 13:114-127.
1949 Cultural Traditions in Florida Prehistory. In *The Florida Indian and His Neighbors*, edited by John W. Griffin, pp. 13-44. Rollins College, Winter Park.
- Griffin, John W.
1988 *The Archaeology of Everglades National Park: A Synthesis*. National Park Service, Southeast Archaeological Center, Tallahassee.

Griffin, John W., Sue B. Richardson, Mary Pohl, Carl D. McMurray, C. Margaret Scarry, Suzanne K. Fish, Elizabeth S. Wing, L. Jill Loucks, and Marcia K. Welch

1984 *Excavations at the Granada Site: Archaeology and History of the Granada Site, Volume I*. Manuscript on file, Florida Division of Historical Resources, Tallahassee.

Hazeltine, Dan

1983 A Late Paleo-Indian Site, Cape Haze Peninsula, Charlotte County, Florida. *The Florida Anthropologist* 36:98-100.

Lee, Arthur R. And John Beriault

1993 A Small Site - Mulberry Midden, 8CR697 - Contributions to Knowledge of the Transitional Period. *The Florida Anthropologist* 46:43-52.

Lee, Arthur R., John G. Beriault, Jean Belknap, Walter M. Buschelman, John W. Thompson, and Carl B. Johnson

1998 Heineken Hammock, 8CR231: A Late Archaic Corridor Site in Collier County. *The Florida Anthropologist* 51(4):223-239.

Luer, George M.

1989 Calusa Canals in Southwestern Florida: Routes of Tribute and Exchange. *The Florida Anthropologist* 42(2):89-130.

Marquardt, Wm. H., ed.

1992 *Culture and Environment in the Domain of the Calusa*. Monograph 1, Institute of Archaeology and Paleoenvironmental Studies, University of Florida, Gainesville.

McNab, W. Henry and Peter E. Avers

1996 Ecological Subregions of the United States. <http://www.fs.fed.us/land/pubs/ccoregions> (22 July 2002). Prepared in cooperation with Regional Compilers and the ECOMAP Team of the Forest Service, July 1994.

Milanich, Jerald T.

1994 *Archaeology of Precolumbian Florida*. University Press of Florida, Gainesville.

Milanich, Jerald T. and Charles H. Fairbanks

1980 *Florida Archaeology*. Academic Press, New York.

Milanich, Jerald T., J. Chapman, A.S. Cordell, S. Hale, and R. A. Marrinan

1984 Prehistoric Development of Calusa Society in Southwest Florida: Excavations on Useppa Island. In *Perspectives on Gulf Coast Prehistory*, edited by D. D. Davis, pp. 258-314. University Press of Florida, Gainesville.

Mowers, Bert and Wilma Williams

1972 The Peace Camp Site, Broward County, Florida. *The Florida Anthropologist* 25:1-20.

Russo, Michael

1991 Archaic Sedentism on the Florida Gulf Coast: A Case Study from Horr's Island. PhD dissertation, Department of Anthropology, University of Florida, Gainesville.

State Topographic Office

1989 General Highway Map, Lee County, Florida.

United States Department of Agriculture (USDA)

1984 *Soil Survey of Lee County*, Soil Conservation Service, Washington, D.C.

United States Geological Survey (USGS)

1958 Fort Myers, Fla. Photorevised 1987.

Watts, William A.

1969 A Pollen Diagram from Mud Lake, Marion County, North-central Florida. *Geological Society of America Bulletin* 80:631-642.

1971 Post Glacial and Interglacial Vegetational History of Southern Georgia and Central Florida. *Ecology* 51:676-690.

1975 A Late Quaternary Record of Vegetation from Lake Annie, South-Central Florida. *Geology* 3:344-346.

Wheeler, Ryan J.

1994 Early Florida Decorated Bone Artifacts: Style and Aesthetics from Paleo-Indian Through Archaic. *The Florida Anthropologist* 47:47-60.

Widmer, Randolph J.

1974 A Survey and Assessment of the Archaeological Resources on Marco Island, Collier County, Florida. *Miscellaneous Project Report Series* Number 19. On file, Florida Division of Historical Resources, Tallahassee.

1986 Prehistoric Estuarine Adaptation at the Solana Site, Charlotte County, Florida. Manuscript on file, Florida Bureau of Archaeological Research, Tallahassee.

1988 *The Evolution of the Calusa*. The University of Alabama Press, Tuscaloosa.

7.2 Historical

Akerman, Joe A., Jr.

1976 *Florida Cowman, A History of Florida Cattle Raising*. Florida Cattlemen's Association, Kissimmee.

Almy, Maranda M.

2001 The Cuban Fishing Ranchos of Southwest Florida 1600-1850s. Unpublished Honors Thesis, Department of Anthropology, University of Florida, Gainesville.

Bonita Banner

2002 "A City's Vision: The Way It Was - 'Snapshots' of Bonita Before U.S. 41". October 12.

Covington, James W.

- 1957 *The Story of Southwestern Florida*. Lewis Historical Publishing Company, New York.
- 1958 "Exploring the Ten Thousand Islands: 1838." *Tequesta* 18:7-13.
- 1982 *The Billy Bowlegs War 1855-1858 The Final Stand of The Seminoles Against the Whites*. The Mickler House Publishers, Chuluota.

Dunn, Hampton

- 1989 *Back Home: A History of Citrus County, Florida*. 2nd edition, Citrus County Historical Society, Inc., Inverness.

Grismer, Karl

- 1946 *The Story of Sarasota*. Florida Grower Press, Tampa.
- 1982 *The Story of Fort Myers*. Island Press Publishers, Fort Myers Beach.

Hammond, E.A.

- 1973 "The Spanish Fisheries of Charlotte Harbor." *Florida Historical Quarterly* 51:355-380.

Historic Property Associates (HPA)

- 1989 Historic Properties survey of Charlotte County, Fla. Manuscript on file, St. Augustine.

Mahon, John K.

- 1967 *History of the Second Seminole War 1835-1842*. University Press of Florida, Gainesville.

Nutting, E.P.

- 1986 *The Beginnings of Bonita Springs Florida*. The Friends of the Library. Bonita Springs.

Scupholm, Carrie

- 1997 *The Tamiami Trail: Connecting the East and West Coasts of the Sunshine State*. *The Society for Commercial Archeology Journal* 15 (20-24).

Shofner, Jerrell H.

- 1995 *History of Brevard County, Volume 1*. Brevard County Historical Commission, Stuart.

State of Florida, Department of Environmental Protection

- 1859 *Field Notes*. Volume 211.
- 1860-1 *Field Notes*. Volume 212
- 1872 *Field Notes*. Volume 220.
- 1873a *Field Notes*. Volume 222
- 1873b *Plat. Township 43 South, Range 25 East*.
- n.d. *Tract Book*. Volume 22.

Tebeau, Charlton W.

- 1965 *Florida from Indian Trail to Space Age*. Southern Publishing Company, Delray Beach.
- 1966 *Florida's Last Frontier: The History of Collier County*. University of Miami Press, Coral Gables.
- 1971 *A History of Florida*. University of Miami Press, Coral Gables.

Widmer, Randolph J.

- 1988 *The Evolution of the Calusa*. The University of Alabama Press, Tuscaloosa.

APPENDIX: Survey Log Sheet

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

Florida Master Site File

Version 2.0 9/97

FMSF USE ONLY

FMSF Survey # _____

Consult *Guide to the Survey Log Sheet* for detailed instructions.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/fmsf>

\\C:\gray\dhr\dhrshare\FMSF\DOCS\FORMS\Logsheet.doc 10/03/97 11 07 AM

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).

- | | | | |
|---|---|--|--|
| ☐ Florida Archives (Gray Building) | ☐ library research - (local public) | ☐ local property or tax records | ☒ windshield survey |
| ☐ Florida Photo Archives (Gray Building) | ☐ library-special collection- (non local) | ☐ newspaper files | ☒ aerial photography |
| ☒ FMSF site property search | ☒ Public Lands Survey (maps at DEP) | ☒ literature search | |
| ☒ FMSF survey search | ☐ local informant(s) | ☐ Sanborn Insurance maps | |
| ☐ 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.

- | | | |
|---|---|--|
| ☐ surface collection, controlled | ☐ other screen shovel test (size: _____) | ☐ block excavation (at least 2x2 m) |
| ☐ surface collection, uncontrolled | ☐ water screen (finest size: _____) | ☐ soil resistivity |
| ☒ shovel test-1/4" screen | ☐ posthole tests | ☐ magnetometer |
| ☐ shovel test-1/8" screen | ☐ auger (size: _____) | ☐ side scan sonar |
| ☐ shovel test-1/16" screen | ☐ coring | ☐ unknown |
| ☐ shovel test-unscreened | ☐ test excavation (at least 1x2 m) | |
| ☐ 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.

- | | | | |
|--|--|---|---|
| ☐ building permits | ☐ demolition permits | ☐ neighbor interview | ☐ subdivision maps |
| ☐ commercial permits | ☒ exposed ground inspected | ☐ occupant interview | ☐ tax records |
| ☐ interior documentation | ☐ local property records | ☐ occupation permits | ☐ unknown |
| ☐ 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/aPreviously Recorded Site #'s (List site #'s without "8." Attach supplementary pages if necessary) 0Newly 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/aSite 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

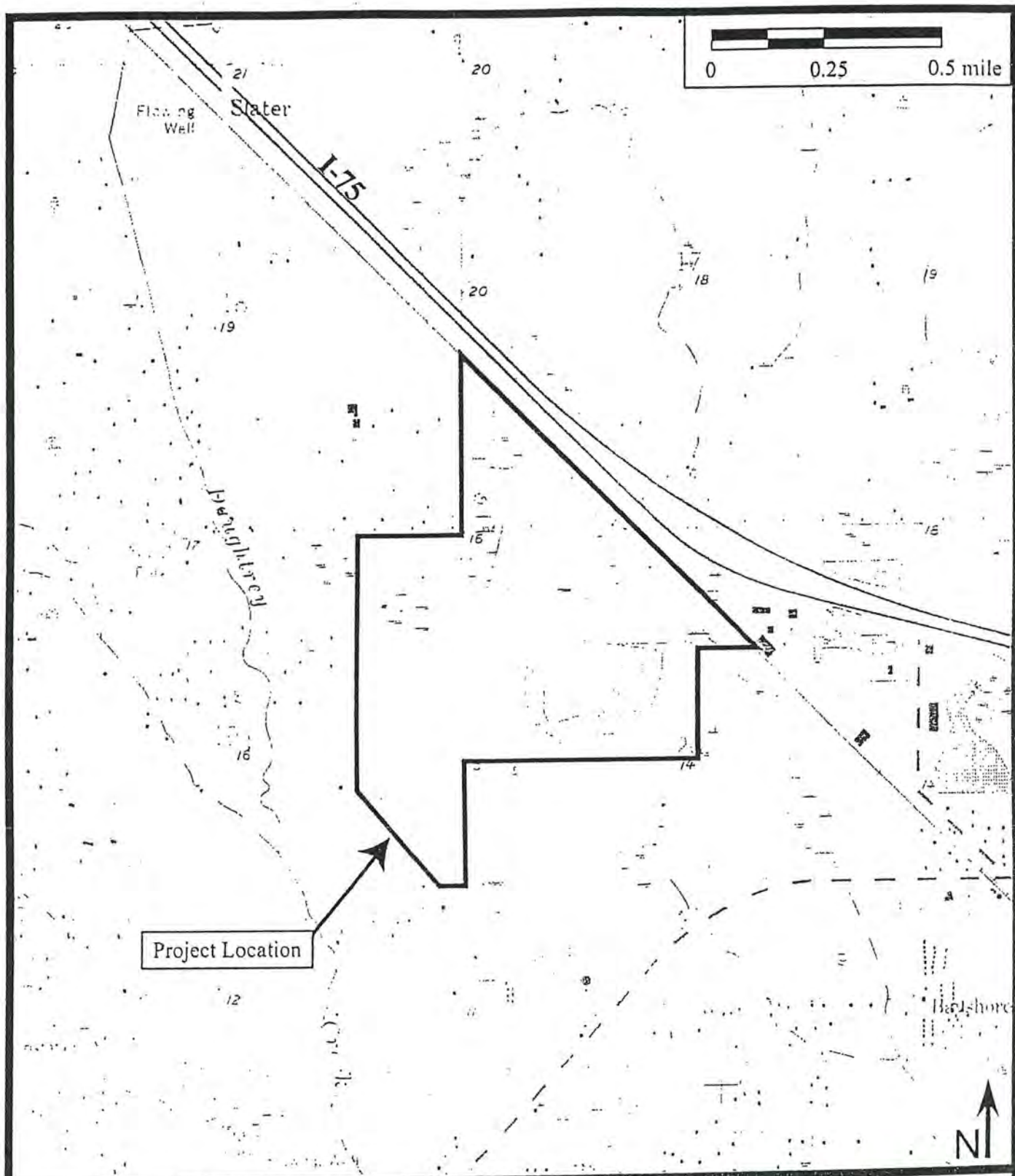
BAR Related

- | | |
|-------------------------------|-------------------------------|
| ☐ 872 | ☐ 1A32 |
| ☐ CARL | ☐ UW |

BHP Related

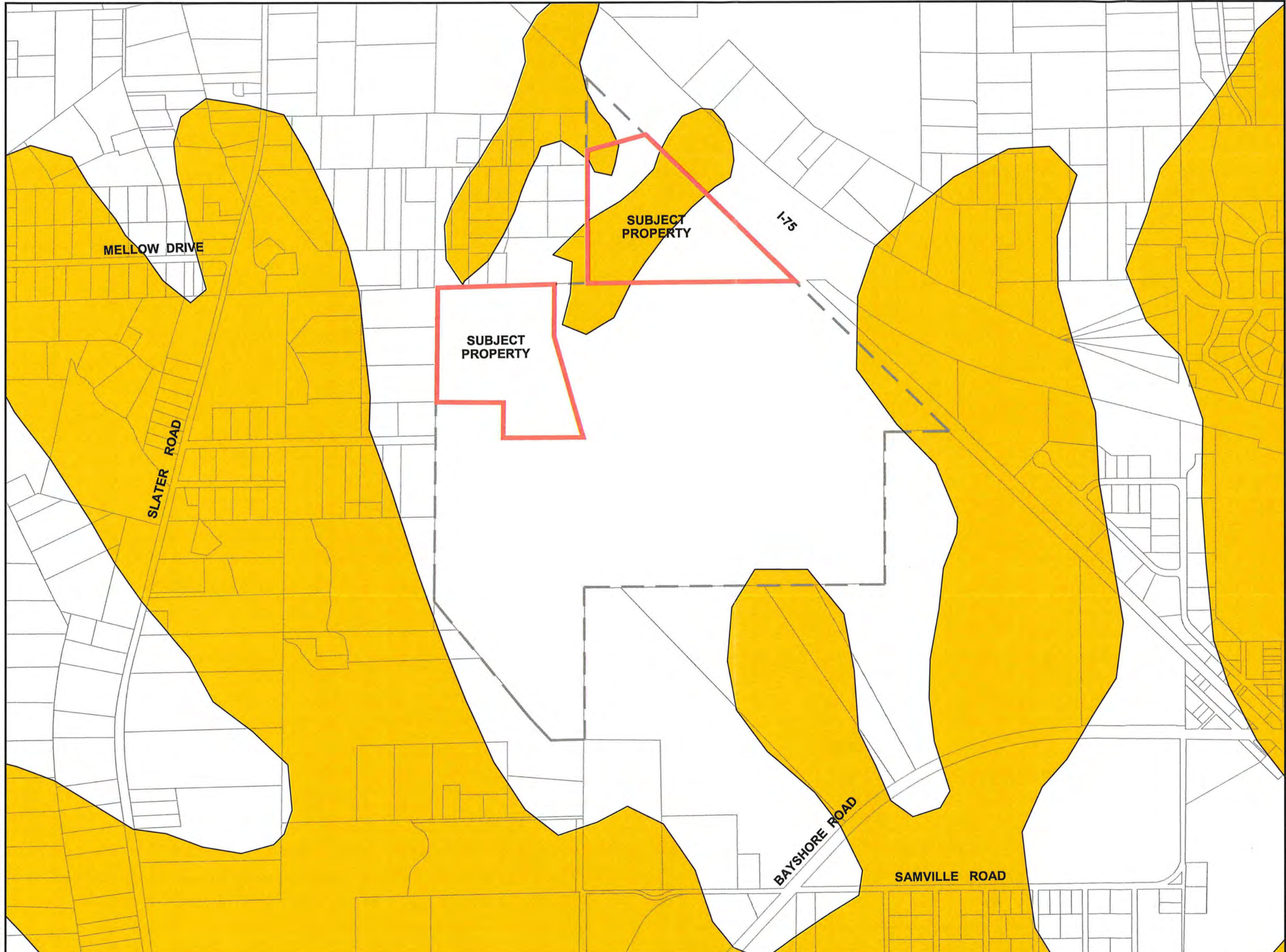
- | |
|--|
| ☐ State Historic Preservation Grant |
| ☐ Compliance Review CRAT # |

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 MAGREDOCK BLVD., POST OFFICE DRAWER 2800, FORT MYERS, FLORIDA 33902-2800
PHONE (239) 481-3170 - WWW.BARRACO.NET - FAX (239) 481-3169
FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 7995 - SURVEYING LB-6940

J:\21797\DWG\ZONING\COMP\21797AR.DWG - FRI 9-16-2005 - 4:34 PM

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.

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

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

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

DCA Transmittal Document

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

June 1, 2005

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

☐

Text Amendment

☒

Map Amendment

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

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.

D. 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:

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

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

DATE OF ORC REPORT:

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**
- B. STAFF RESPONSE**
- C. STAFF RECOMMENDATION**

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

DATE OF ADOPTION HEARING:

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

Oak Creek

Comprehensive Plan Amendment Application Transmittal Hearing Copy June 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

RECEIVED
JUN 07 2005

Table of Contents

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

RECEIVED
JUN 07 2005



Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (941) 479-8585
FAX: (941) 479-8519

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D _____

REC'D BY: _____

APPLICATION FEE _____

TIDEMARK NO: _____

THE FOLLOWING VERIFIED:

Zoning ☐

Commissioner District ☐

Designation on FLUM ☐

(To be completed by Planning Staff)

Plan Amendment Cycle: ☒ Normal ☐ Small Scale ☐ DRI ☐ Emergency

Request No: _____

APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: _____

Submit 6 copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

DATE _____

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE _____

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.

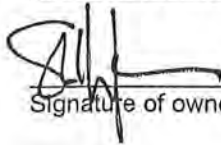
3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
 4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.
- G. Justify the proposed amendment based upon 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

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.

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.

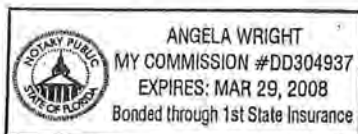


Owner

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 th 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.

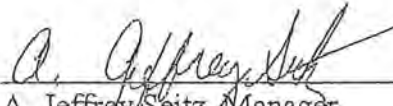
10. **Effective Date of Action.** The actions contained herein shall be effective as of the effective date of the Articles of Organization of the Company.

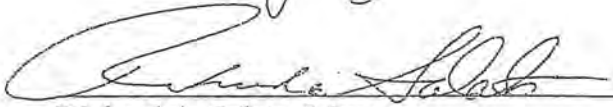
11. **Other actions.** Any officer of the Company, acting singly on behalf of the Company, be and hereby is authorized and directed to execute and deliver such

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 21st day of February, 2003.

MANAGERS:

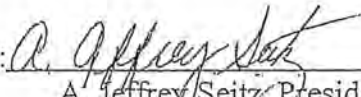

A. Jeffrey Seitz, Manager


Richard A. Salata, Manager


Randy E. Thibaut, Manager

MEMBERS:

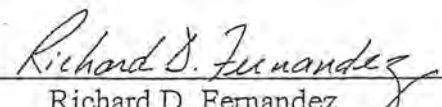
Advance Homes, Inc.

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.

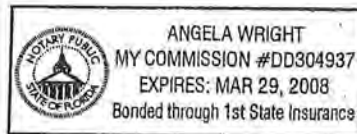


Owner

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

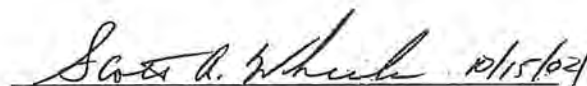
Parcel in
Section 17, Township 43 South, Range 25 East,
Lee County, Florida

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 1/4) 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.

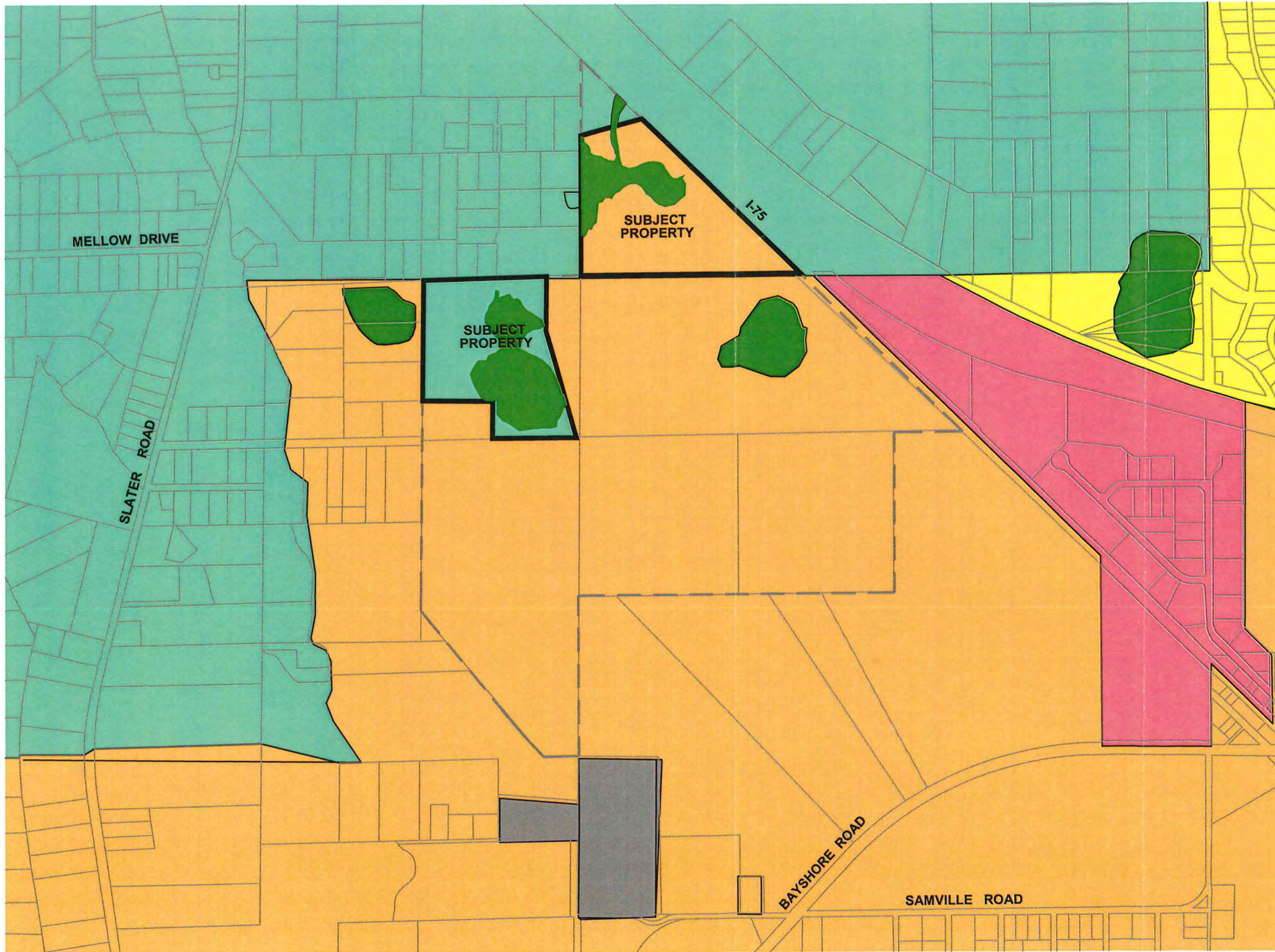
From said Point of Beginning run S00°32'23"W parallel with the West line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of said Section 19 for 457.85 feet; thence run S16°07'22"E for 923.05 feet; thence run S89°35'46"W for 706.83 feet; thence run N00°32'23"E parallel with said West line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) 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 1/4) of the Northeast Quarter (NE 1/4) 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 1/4) of Section 19, to bear N88°20'13"E.


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

J:\21797\DWG\ZONING\COMP\21797\FPLU.DWG - TUE 6-7-2006 - 1:53 PM



LEGEND

FLUMNov02

Land Use

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



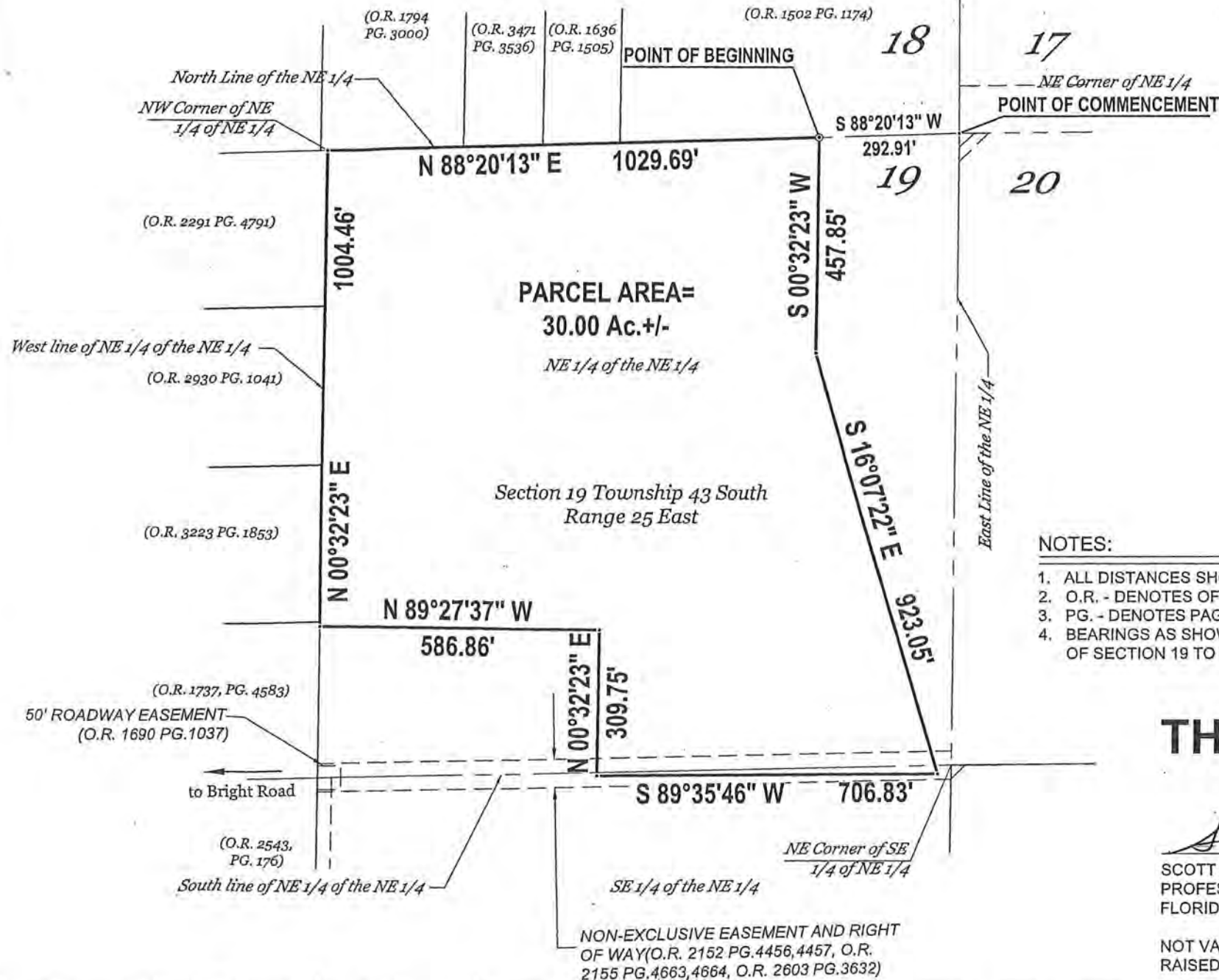
Proposed Future Land Use Map OAK CREEK COMPREHENSIVE PLAN AMENDMENT LEE COUNTY, FLORIDA

MAP 3



Barraco
and Associates, Inc.

CIVIL ENGINEERS, SURVEYORS AND LAND DEVELOPMENT CONSULTANTS
2271 MAGREGOR BLVD., POST OFFICE DRAWER 2800, FORT MYERS, FLORIDA 33902-2800
PHONE (239) 481-3170 - WWW.BARRACO.FL.NET - FAX (239) 481-3169
FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 7965 - SURVEYING LB-6945



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 10/15/04
 SCOTT A. WHEELER (FOR THE FIRM - LB-6940)
 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.

Barraco
 and Associates, Inc.
 CIVIL ENGINEERING - LAND SURVEYING
 LAND PLANNING - LANDSCAPE DESIGN
 www.barraco.net
 2271 MCGREGOR BOULEVARD
 POST OFFICE DRAWER 2800
 FORT MYERS, FLORIDA 33902-2800
 PHONE (239) 461-3170
 FAX (239) 461-3169
 FLORIDA CERTIFICATES OF AUTHORIZATION
 ENGINEERING 7995 - SURVEYING LB-6940

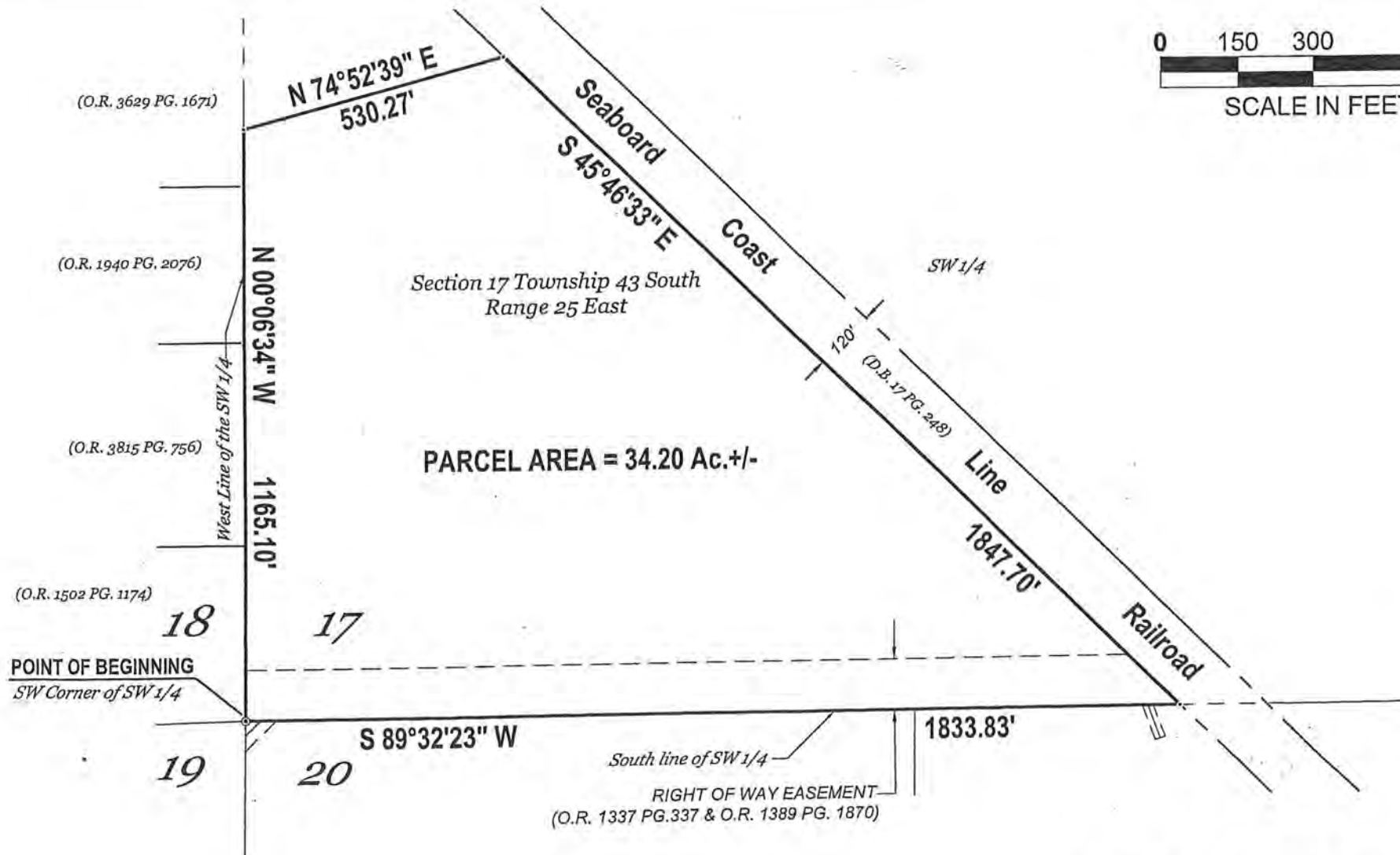
Land Solutions Inc.
 6150 DIAMOND CENTER COURT
 BUILDING 1300
 FORT MYERS, FLORIDA 33912
 PHONE (239) 489-4066
 FAX (239) 481-8477
 WWW.LANDSOLUTIONS.NET

PARCEL IN THE NE 1/4
 OF
 SECTION 19, TWP 43
 SOUTH, RGE. 25 EAST IN
 LEE COUNTY, FLORIDA



FILE NAME	21797SK12.DWG
LAYOUT	LAYOUT1
LOCATION	J21797DWG1SURVEYING04X04
PLOT DATE	FRI, 10-15-2004 - 11:34 AM
PLOT BY	SCOTT WHEELER
DRAWING DATA	
SURVEY DATE	2004-10-14
DRAWN BY	PTD
CHECKED BY	SAW
SCALE	1"=300'
FIELD BOOK	
PLAN REVISIONS	
STRAP NUMBERS	

PROJECT / FILE NO.	SHEET NUMBER
21797	2 OF 2
19-43-25	



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 QUARTER (SW, 1/4) OF SECTION 17, TO BEAR SOUTH 89°32'23" WEST.

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.

Barraco
and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
2271 MCGREGOR BOULEVARD
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 451-3170
FAX (239) 451-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR
Land Solutions Inc.
6150 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33812
PHONE (239) 489-4066
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION
PARCEL IN THE SW 1/4
OF
SECTION 17, TWP 43
SOUTH, RGE. 25 EAST IN
LEE COUNTY, FLORIDA

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

FILE NAME	21797SK1.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21797\21797SURVEYING\SKETCH
PLOT DATE	THU, 10-14-2004 - 1:22 PM
PLOT BY	PETER OLSEN
DRAWING DATA	
SURVEY DATE	2004-10-14
DRAWN BY	PTD
CHECKED BY	SAW
SCALE	1"=300'
FIELD BOOK	

PLAN REVISIONS

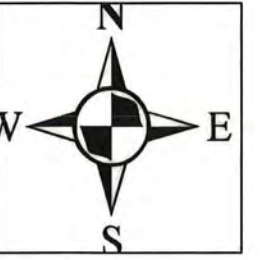
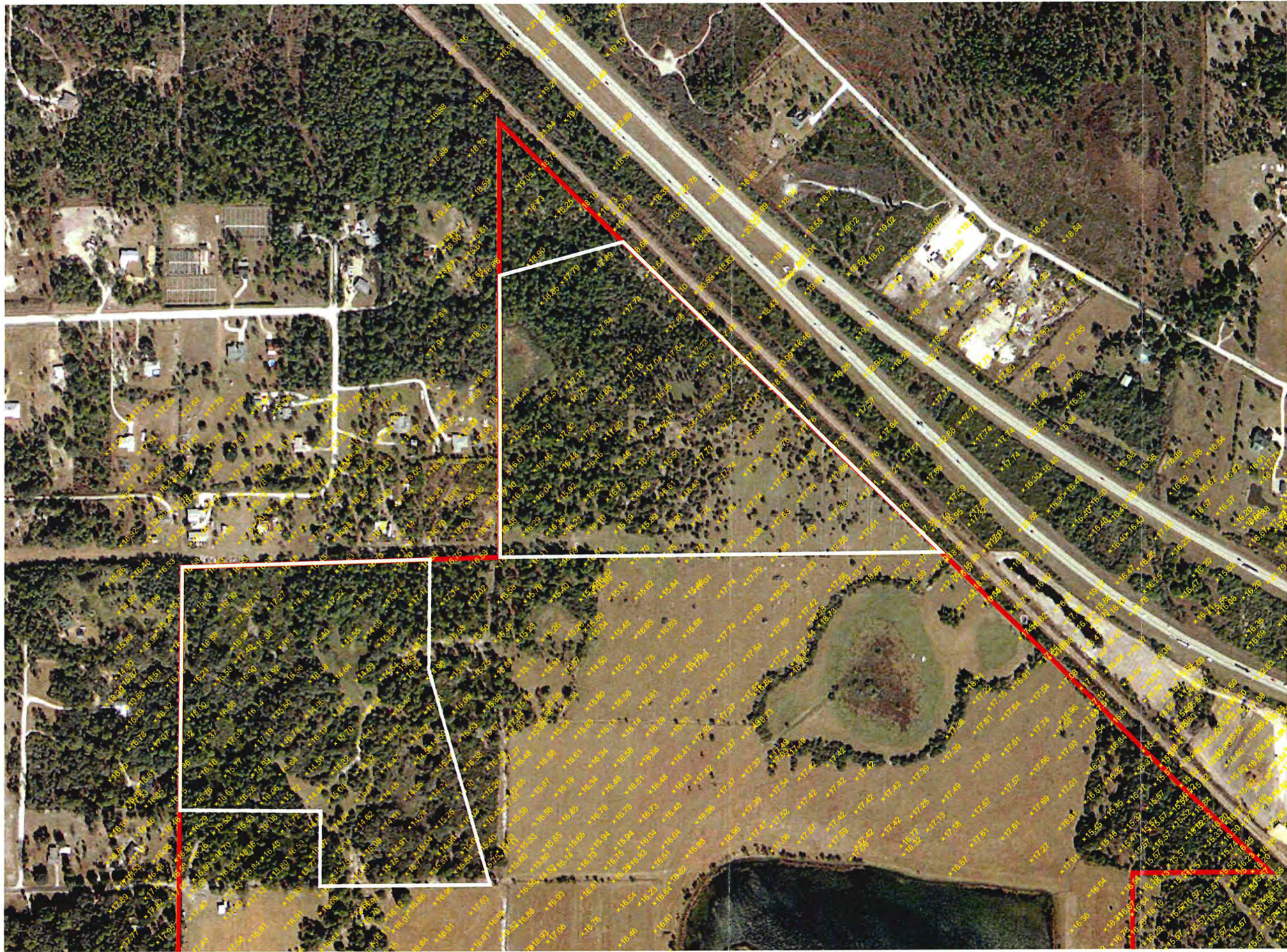
NO.	DESCRIPTION

SHEET NUMBERS

PROJECT / FILE NO.	21797 19-43-25
SHEET NUMBER	2 OF 2

SKETCH TO
ACCOMPANY
DESCRIPTION

J:\21797\DWG\ZONING\COMP\21797\FLU-CPA_TOPO.DWG - FRI 6-3-2005 - 11:25 AM



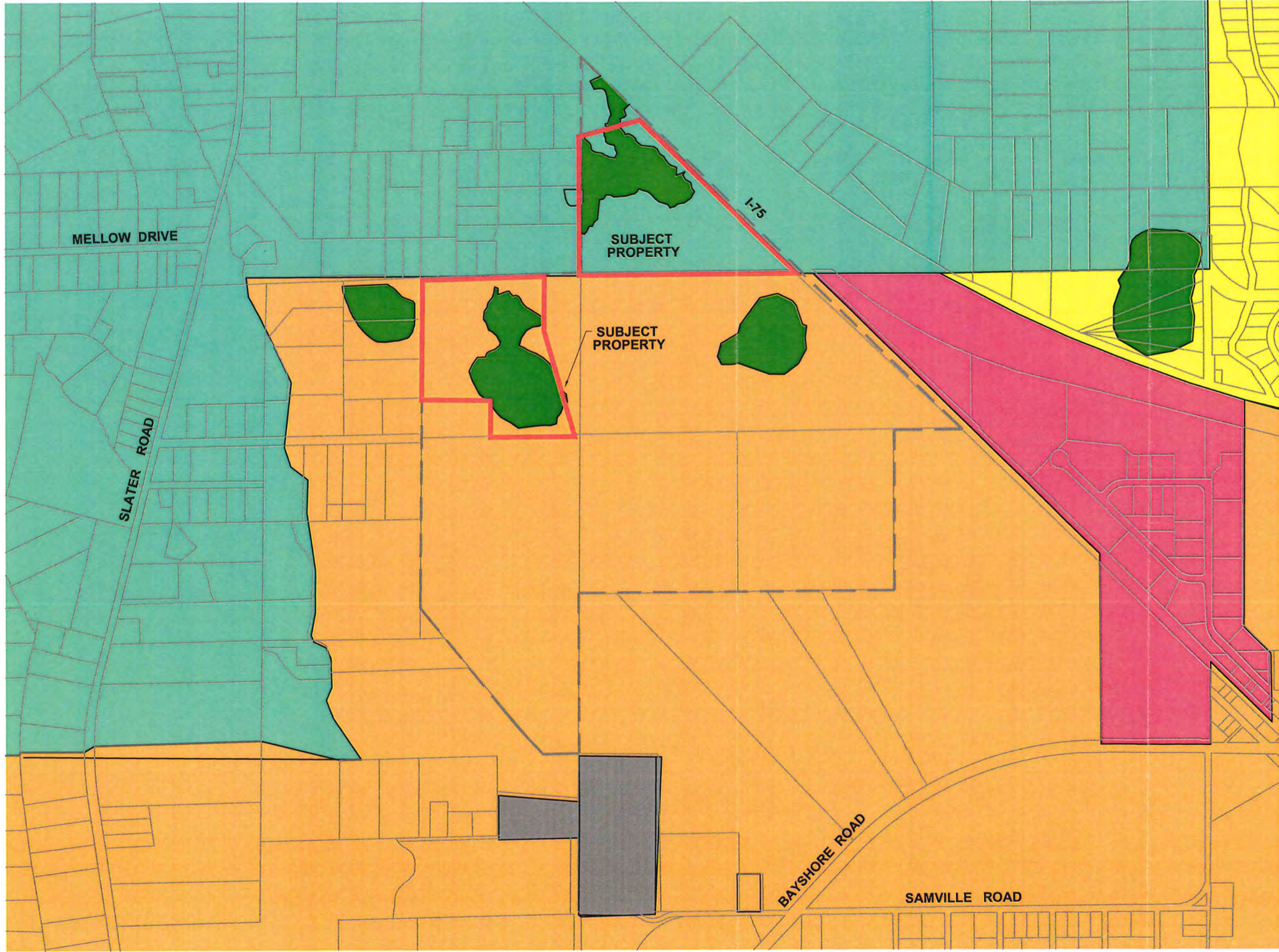
AERIAL PHOTOGRAPH AND TOPOGRAPHICAL MAP
OAK CREEK
COMPREHENSIVE PLAN AMENDMENT
LEE COUNTY, FLORIDA

EXHIBIT C-3



Barraco
and Associates, Inc.

CIVIL ENGINEERS, SURVEYORS AND LAND DEVELOPMENT CONSULTANTS
2271 MOOREGATE BLVD., POST OFFICE DRAWER 2300, FORT MYERS, FLORIDA 33902-2300
PHONE (239) 481-3170 - WWW.BARRACO.NET - FAX (239) 481-3188
FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 7995 - SURVEYING LB-6940

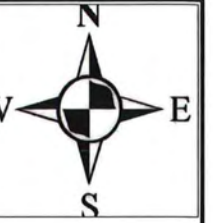


LEGEND

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

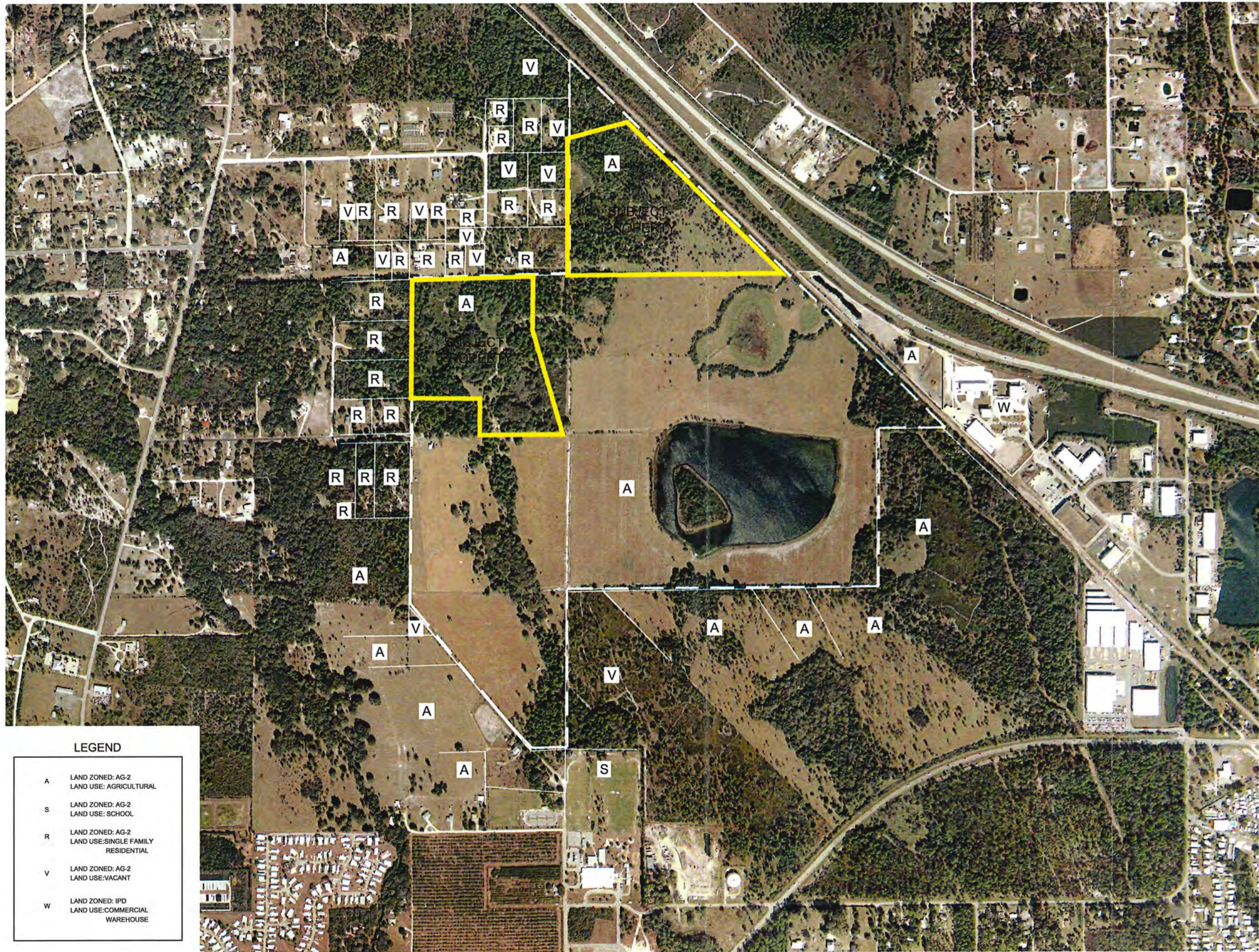
MAP 2



Barraco
and Associates, Inc.

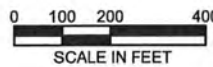
CIVIL ENGINEERS, SURVEYORS AND LAND DEVELOPMENT CONSULTANTS
2271 MCGREGOR BLVD., POST OFFICE DRAWER 2805, FORT MYERS, FLORIDA 33902-2805
PHONE (239) 451-3170 • WWW.BARRACO.NET • FAX (239) 451-3169
FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 7995 - SURVEYING LB-6940

J:\217970\DWG\ZONING\COMP\AERIAL-ELU.DWG - TUE, 6-7-2005 - 2:00 PM



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 MAGREGOR BLVD., POST OFFICE DRAWER 2860, FORT MYERS, FLORIDA 33902-2860
PHONE (239) 481-3175 - WWW.BARRACO.NET - FAX (239) 481-3188
FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 7995 - SURVEYING LB-6040



LEGEND
 Archeological 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 MAGDOREN BLVD., POST OFFICE DRAWER 2800, FORT MYERS, FLORIDA 33902-2800
 PHONE (239) 481-3170 - WWW.BARRACO.NET - FAX (239) 481-3188
 FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 1995 - SURVEYING LB-6940

J:\21797\DWG\ZONING\COMP\21797\AR.DWG - FRI 6-3-2005 - 11:25 AM

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



NORTH FT. MYERS FIRE DIST.

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. Stillwell
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
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

RECEIVED

NOV 10 2003

21797
JP

Writer's Direct Dial Number: 239-335-1604
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,

A handwritten signature in black ink, appearing to read "Dan Johnson".

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 "D Johnson", written over a horizontal line.

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

239-277-5012 x2233

Writer's Direct Dial Number: _____

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 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.

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

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

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.

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



THE SCHOOL DISTRICT OF LEE COUNTY

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

RECEIVED

DEC 08 2003
21797

December 2, 2003

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

JEANNE S. DOZIER
CHAIRMAN • DISTRICT 2

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

ROBERT D. CHILMONK
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

Re: 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 Planning

Cc: 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 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 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

FLUCFCS	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 caracara</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>	321411	SSC	No listing
Gopher Tortoise	<i>Gopherus polyhemus</i>	321,411	SSC	No listing
Eastern Indigo Snake	<i>Drymarchon corais couperi</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 guarana</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.

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. 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.**

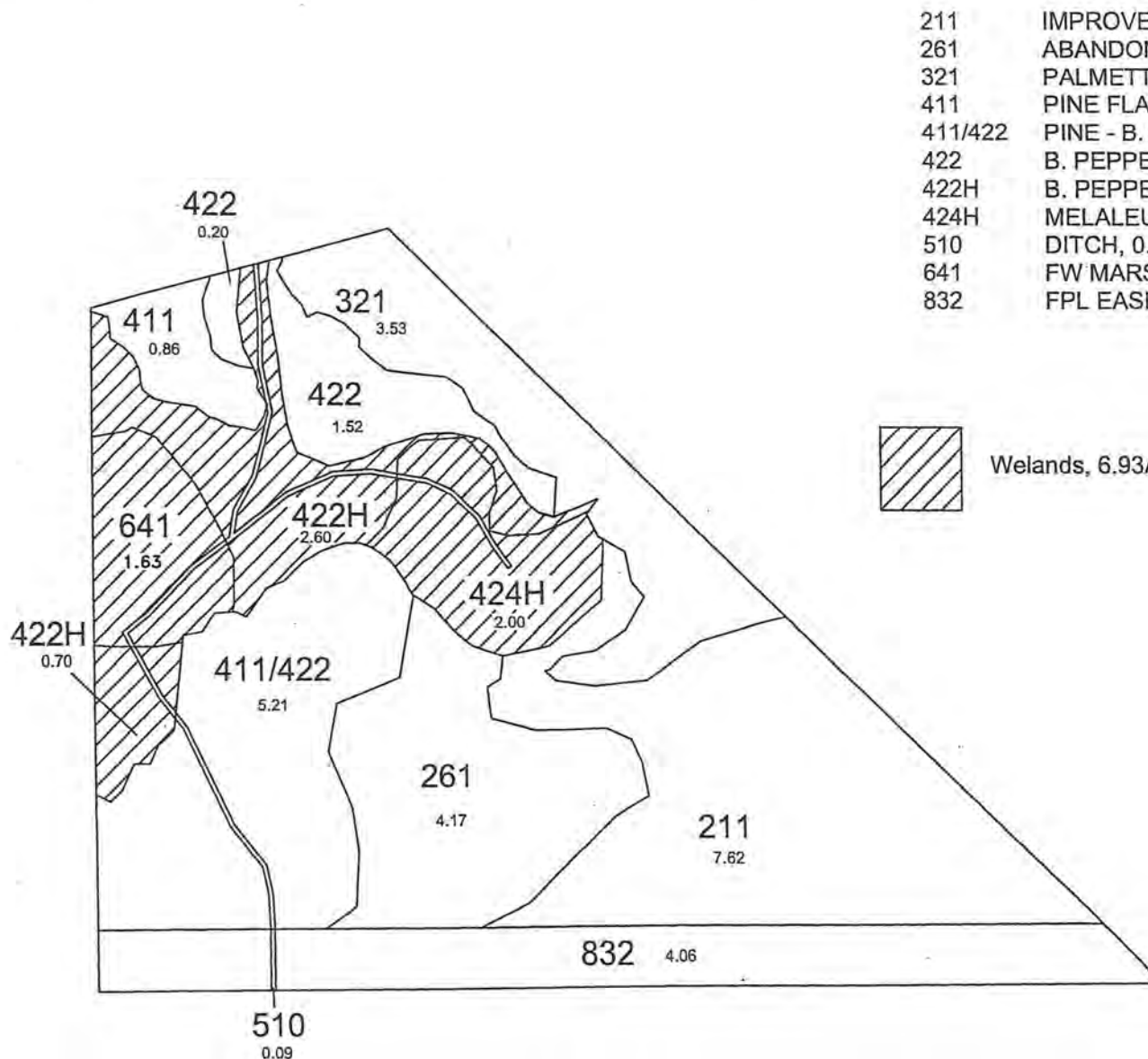
A survey was conducted on site to determine the presence of any archaeological or historical resources. This survey found no signs of these resources.

- 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



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



Wetlands, 6.93AC

3# 020087
 1/4" = 300'
 E OCT2004 COMP
 1WN BY JDK
 TE 10-25-04

OAK CREEK
 FLUCCS MAP NORTH PARCEL

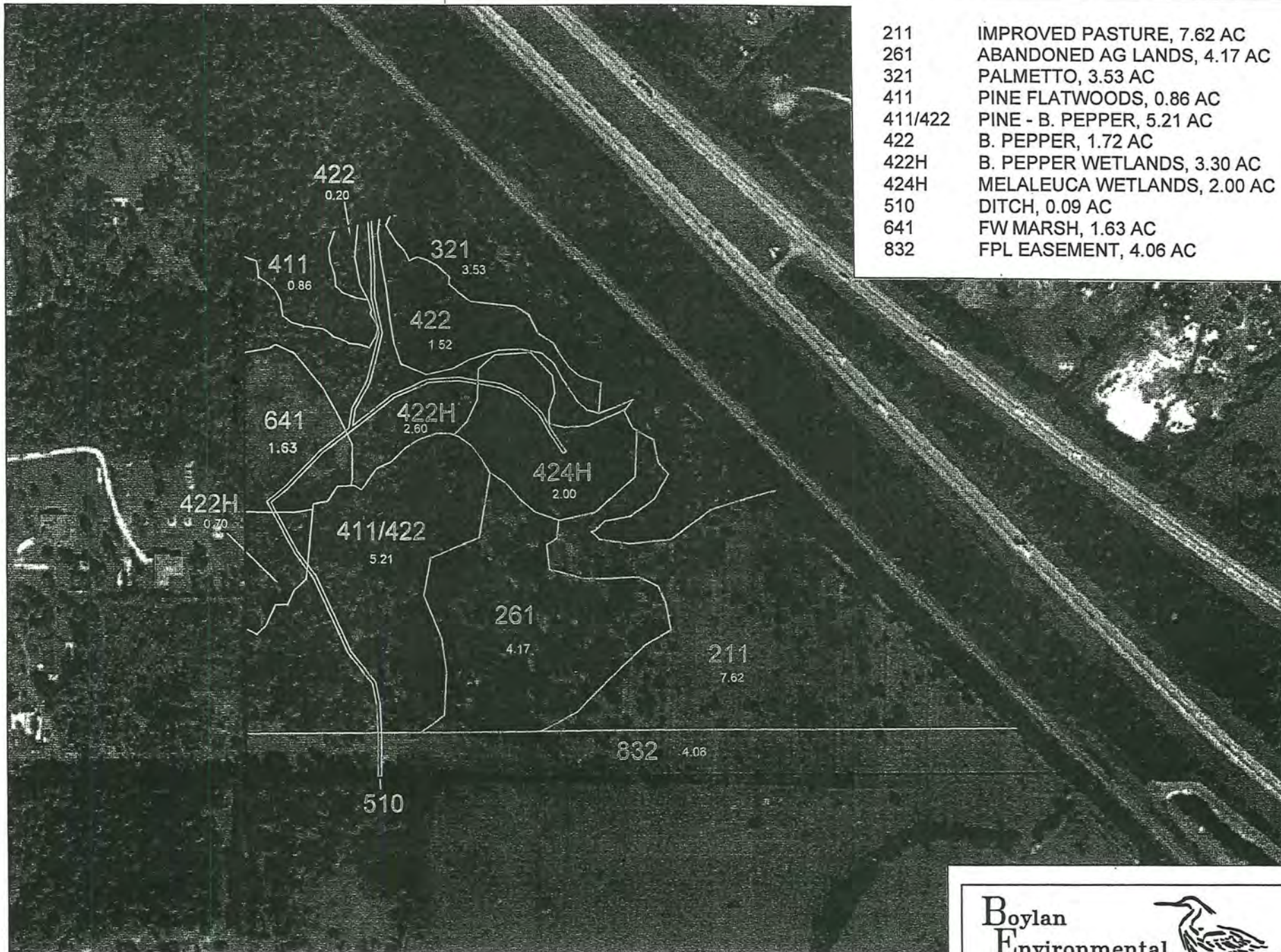
COUNTY LEE
 SEC 17
 TWP 43S
 RNG 25E
 REVISIONS

Boylan
 Environmental
 Consultants, Inc.



Wetland & Wildlife Surveys, Environmental Permitting,
 Impact Assessments

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



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

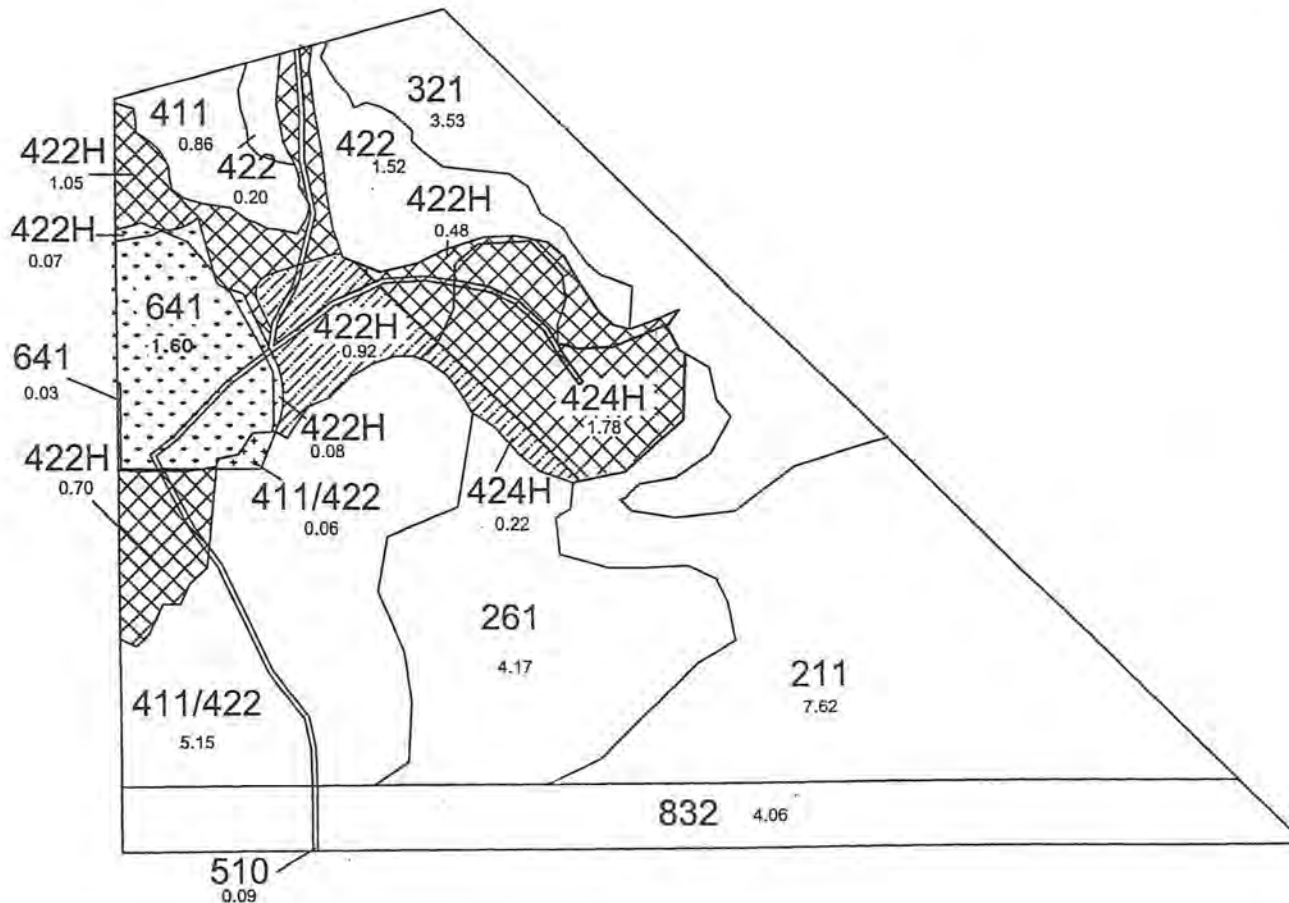
JOB# 020087
 SCALE 1"=300'
 FILE OCT2004 COMP
 DRAWN BY JDK
 DATE 10-25-04

OAK CREEK
 FLUCCS MAP NORTH PARCEL

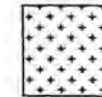
COUNTY LEE
 SEC 17
 TWP 43S
 RNG 25E
 REVISIONS

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

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



Wetland Preserve 1.75 AC



Upland Preserve 0.06 AC



Wetland Fill 4.04 AC



Wetland Dredge 1.14 AC

020087
 LE 1"=300'
 OCT2004 COMP
 WNB BY JDK
 E 10-25-04

OAK CREEK
 FLUCCS MAP NORTH PARCEL

COUNTY LEE
 SEC 17
 TWP 43S
 RNG 25E
 REVISIONS

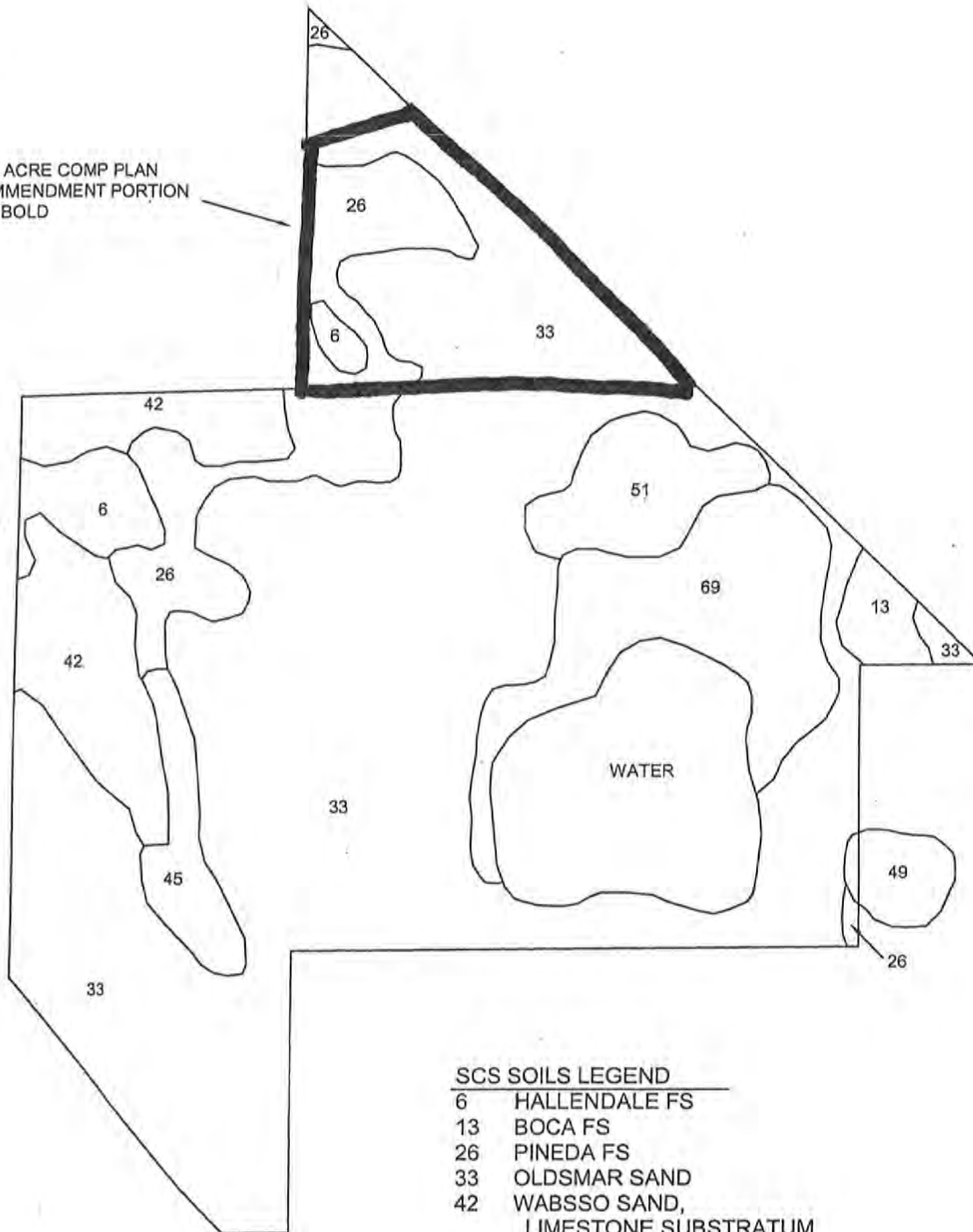
Boylan
 Environmental
 Consultants, Inc.



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



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

JOB # 020087
SCALE 1"=800'
FILE OCT2004 SOILS
DRAWN BY JOK
DATE 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 black ink, appearing to read "Patrick Gensler", is written over a horizontal line.

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
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 P. 01

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.

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. 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.

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	--
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
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.

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.

- 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 parcel that contains less sensitive environmental features.

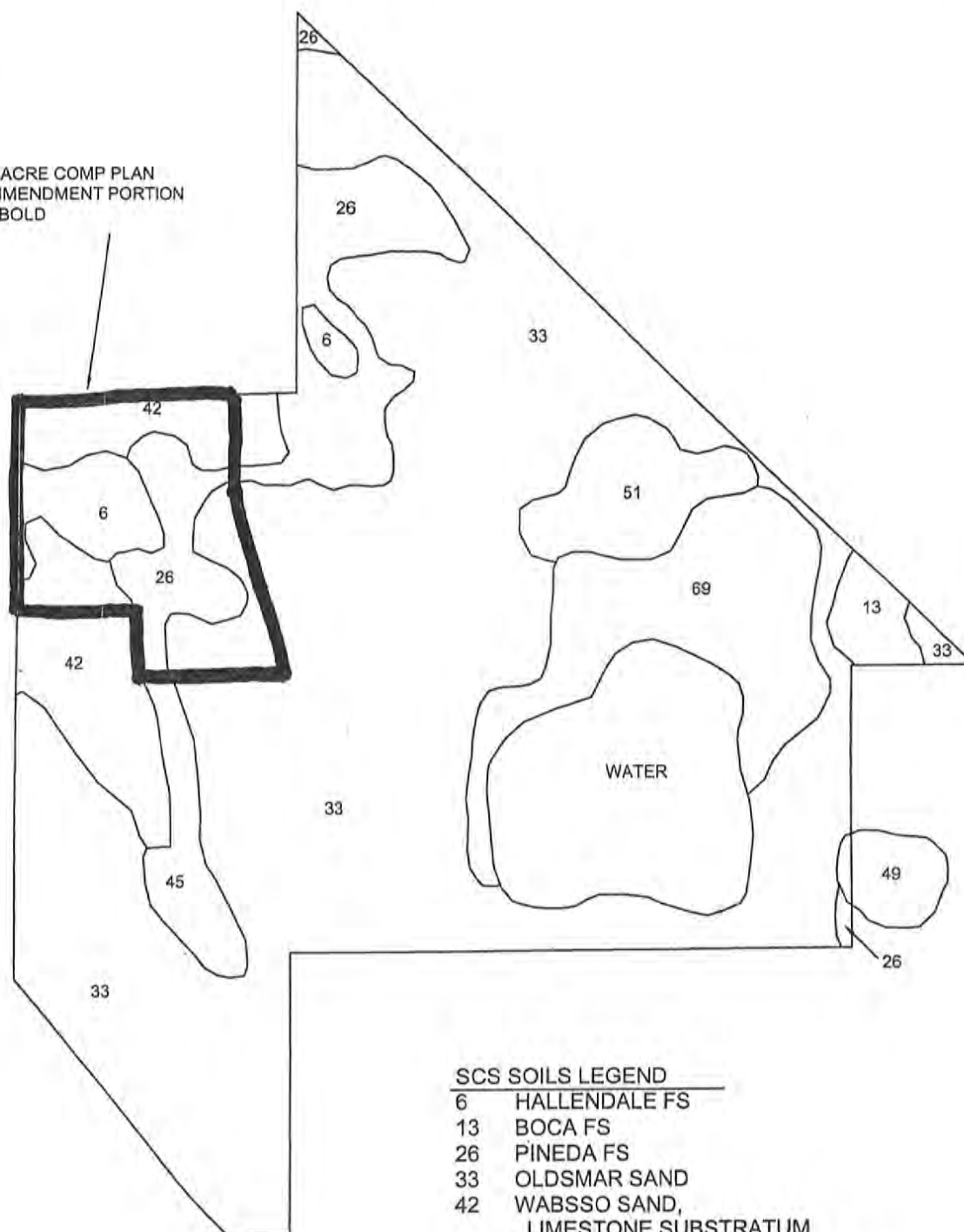
COUNTY LEE
 SEC. 17 & 20
 TWP. 43S
 RNG. 25E
 REVISIONS

OAK CREEK

COMP PLAN AMMENDMENT SOILS MAP WEST PARCEL

JOB # 020087
 SCALE 1"=800'
 FILE OCT2004 SOILS
 DRAWN BY JDK
 DATE 10/25/2004

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



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

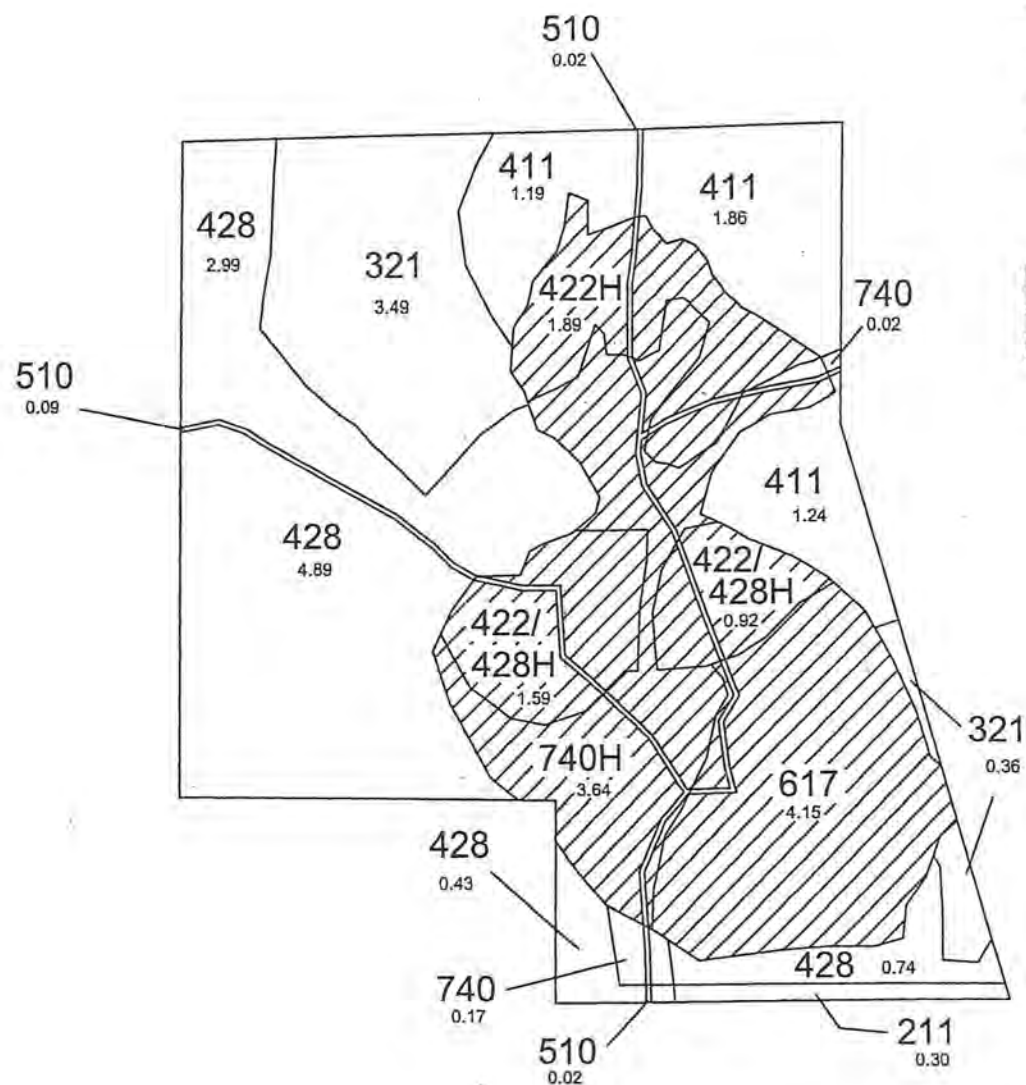
JOB # 020087
 SCALE 1"=300'
 FILE OCT2004 COMP
 DRAWN BY JDK
 DATE 10-25-04

OAK CREEK
 FLUCCS MAP WEST PARCEL

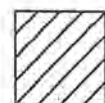
COUNTY LEE
 SEC 17
 TWP 43S
 RNG 25E
 REVISIONS

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





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



Wetlands, 12.19 AC

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

OAK CREEK
FLUCCS MAP WEST PARCEL

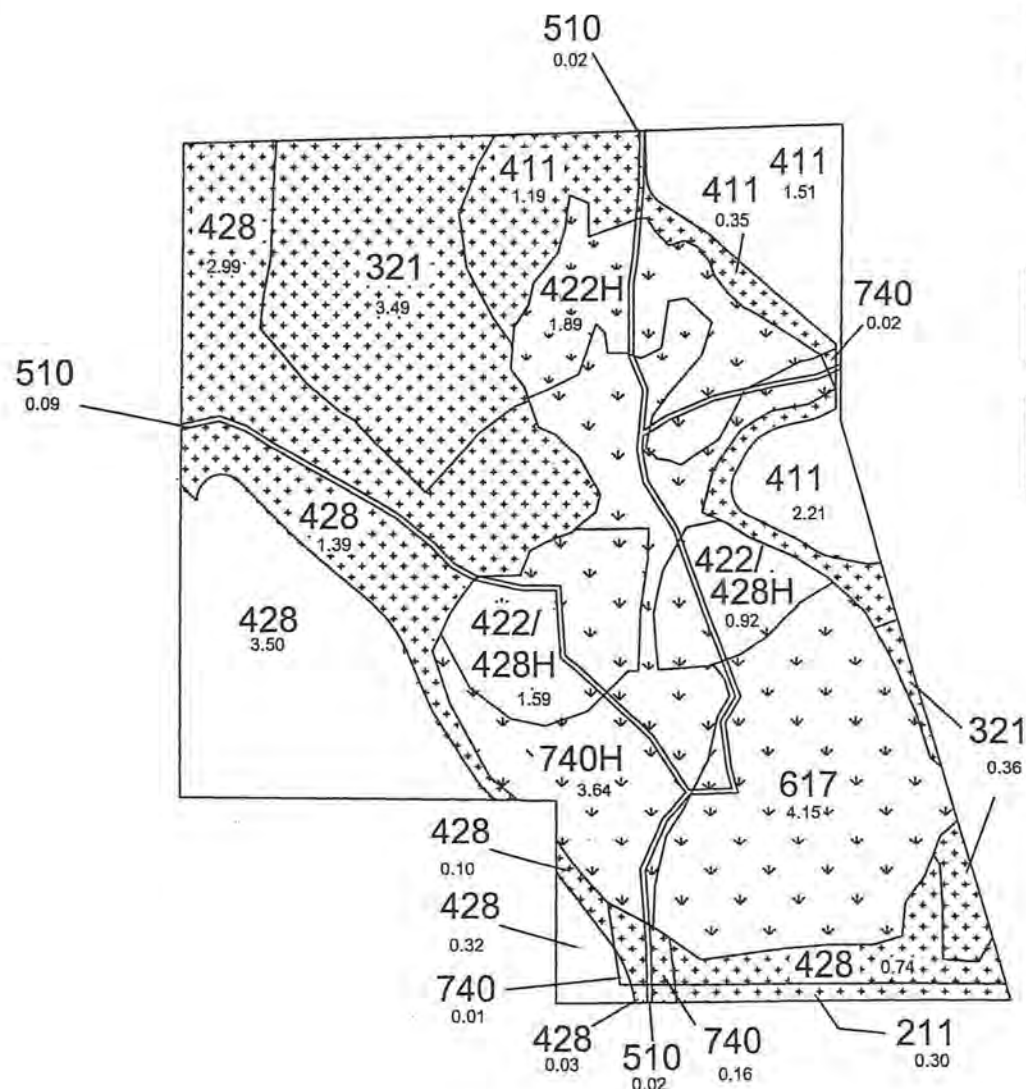
COUNTY LEE
SEC 17
TWP 43S
RNG 25E

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





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



Wetland Preserve 12.19 AC



Upland Preserve 11.75 AC

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

OAK CREEK
FLUCCS MAP WEST PARCEL

COUNTY LEE
SEC 17
TWP 43S
RNG 25E

Boylan
Environmental
Consultants, Inc.
*Wetland & Wildlife Surveys, Environmental Permitting,
Impact 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

Phone 850-245-6331
Fax: 850-245-6439
State SunCom: 205-6440
Email: 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 P. 01

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

Performed for:

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

November 2003



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
--	-----

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 ± 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).

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 succeed 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.

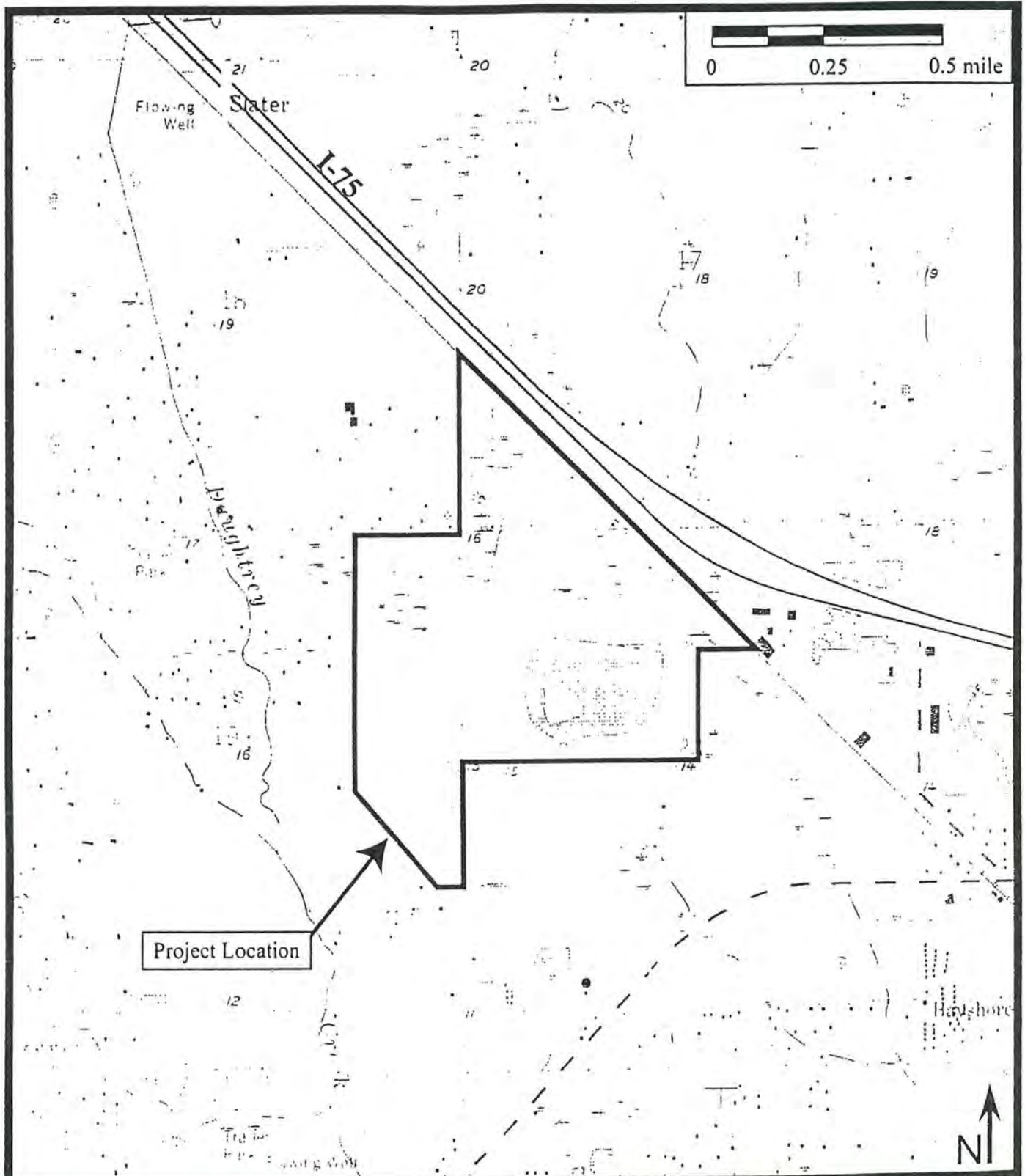


Figure 2.1. Project Location of the Oakcreek Property; Township 43 South, Range 25 East (USGS Fort Myers, Fla. 1958, PR 1987, Bathymetry added 1991).



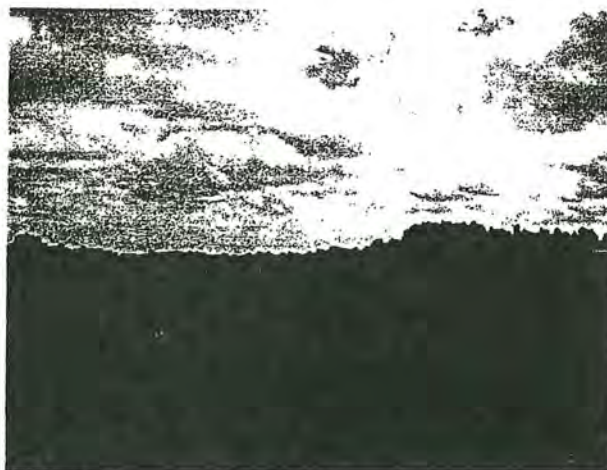


Photo 2.1. Looking West at Improved Pasture.

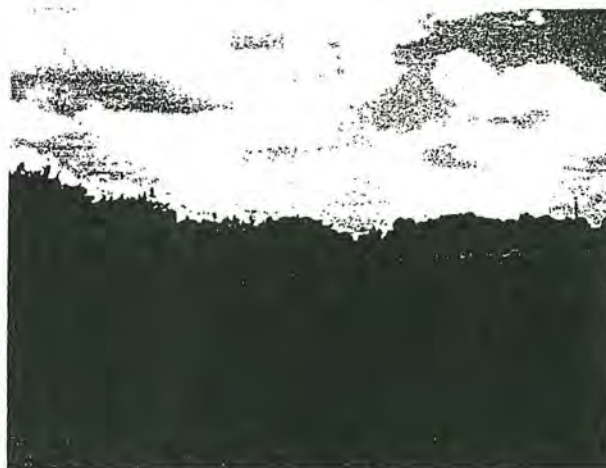


Photo 2.2. Looking East at Brazilian Pepper and Improved Pasture.



Photo 2.3. Natural Pine/Palmetto Vegetation.

3.0 PREHISTORIC REVIEW

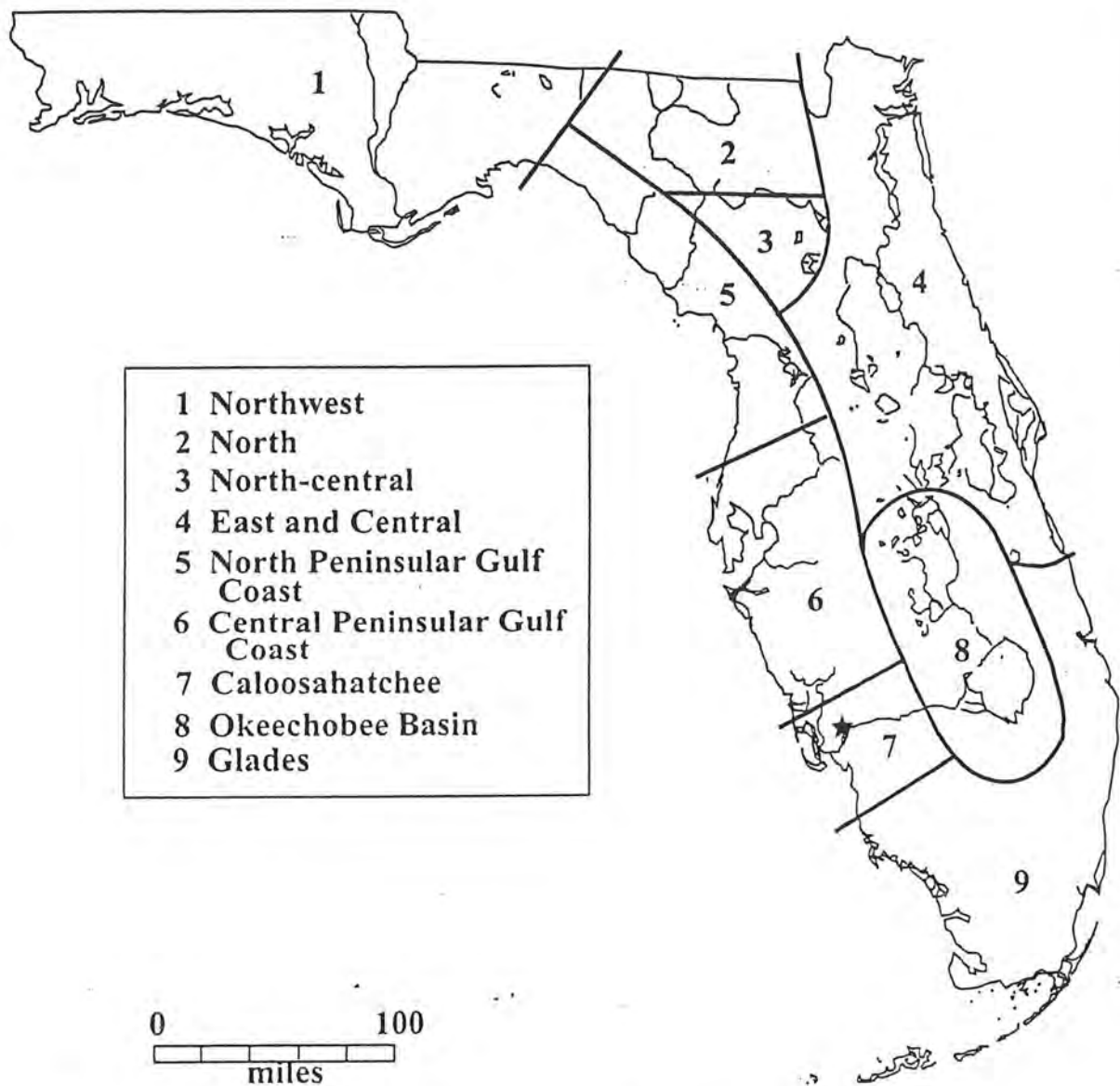
In general, archaeologists summarize the prehistory of a given area, that is, an archaeological region, by delineating a sequence of cultural periods in order to provide a chronology or a time frame for an archaeological culture that is present in a given geographical area. As a result, archaeological 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 Seminole. 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 habitation. 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 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 (Scupholm 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 20th 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.

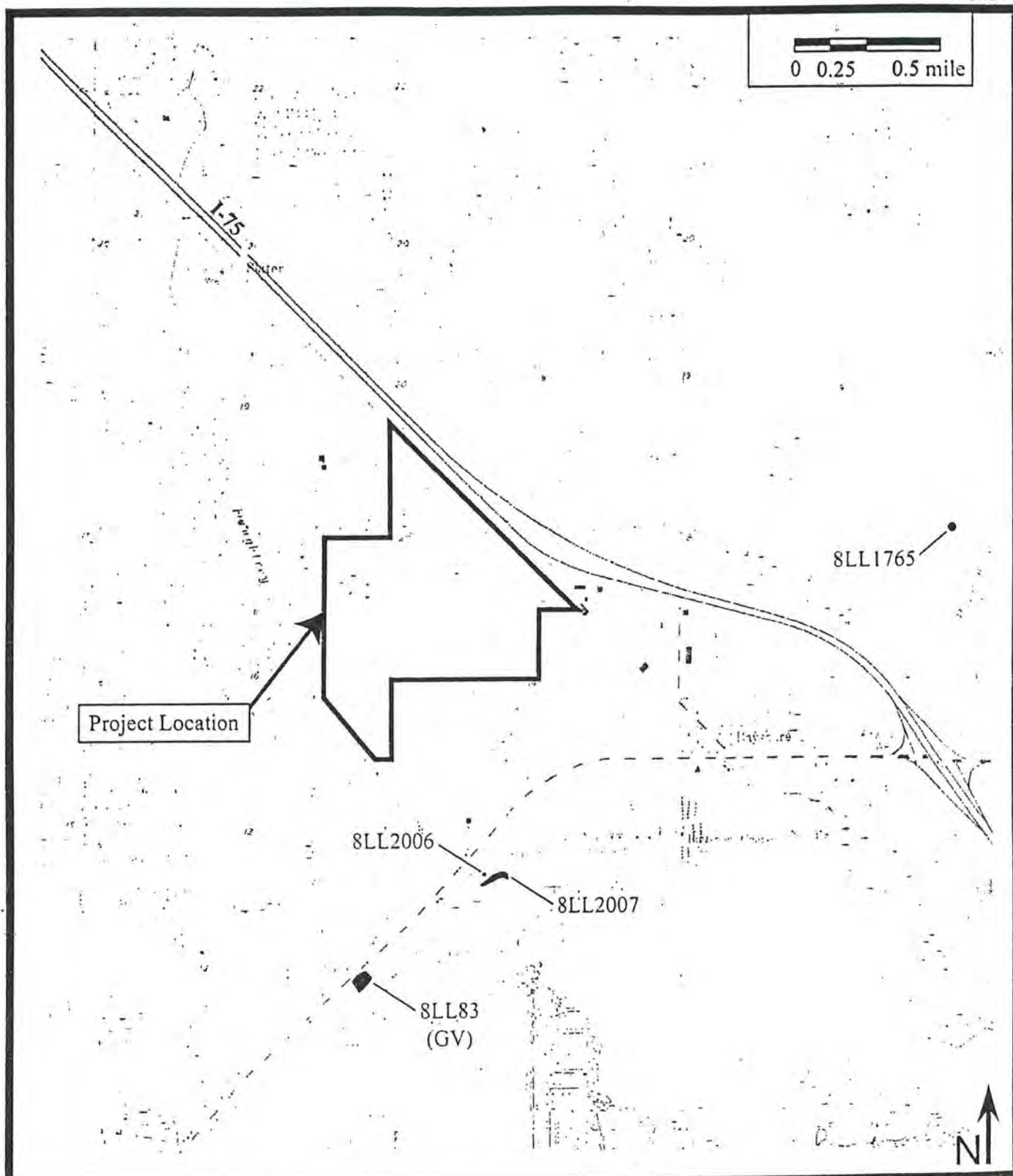


Figure 5.1. Previously Recorded Archaeological Sites and Historic Cemetery (8LL2006) Within Two Miles of the Project Area. Township 43 South, Range 25 East (USGS Fort Myers, Fla. 1958, PR 1987, Bathymetry added 1991).



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.

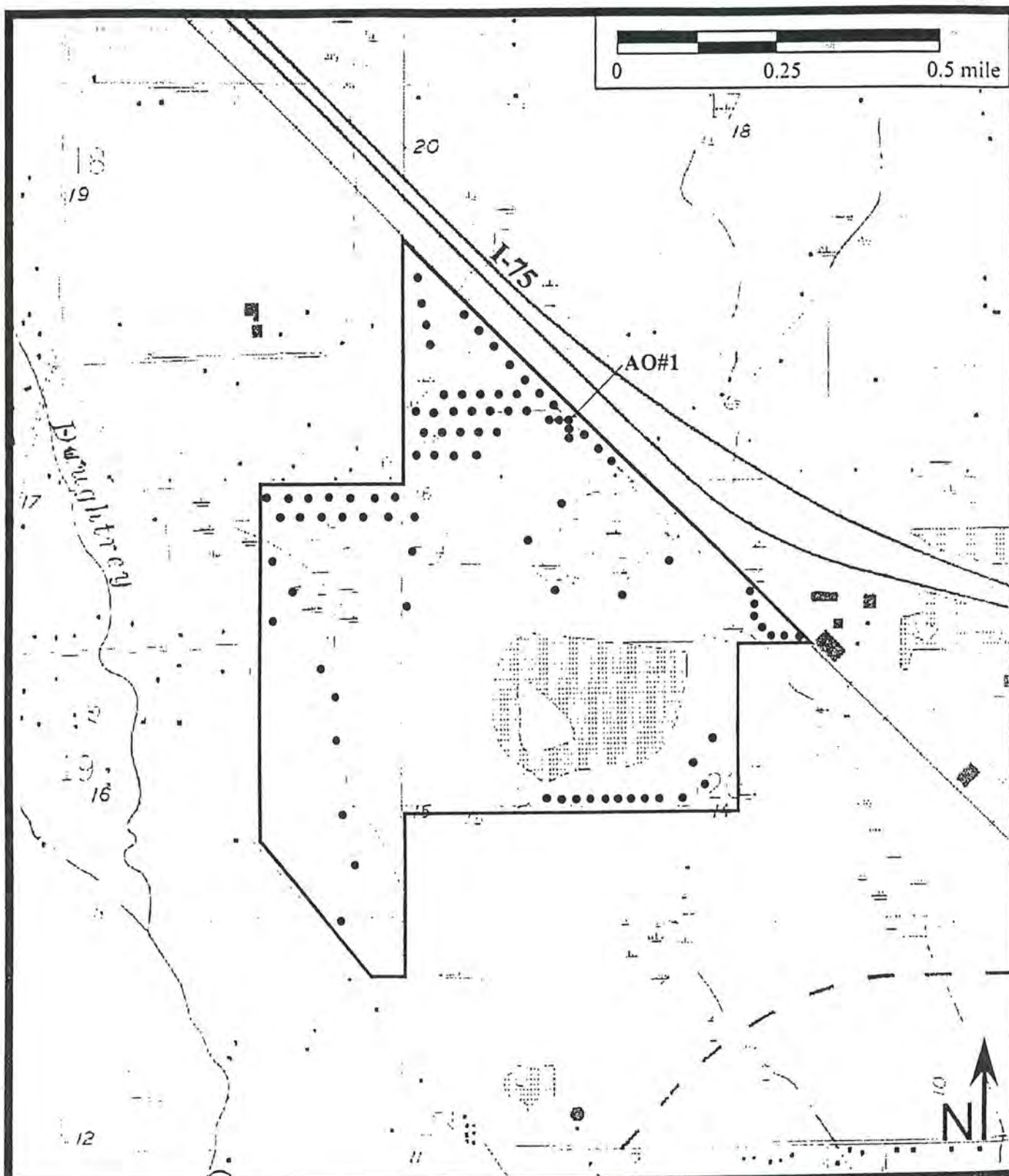


Figure 6.1. Zones of Archaeological Probability (yellow), (Barraco 2003) and Approximate Locations of of Shovel Tests and Archaeological Occurrence (AO#1) Within the Oakcreek Property; Township 43 South, Range 25 East (USGS Fort Myers, Fla. 1958, PR 1987, Bathymetry added 1991). Shovel tests are not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



7.0 REFERENCES CITED

7.1 Archaeological

Almy, Maranda M.

- 2001 The Cuban Fishing Ranches of Southwest Florida 1600 – 1850s. Unpublished Honors Thesis, Department Anthropology, University of Florida Gainesville.

Ambrosino, James N.

- 2002 Archaeological and Historical Survey of the Stony Brook North Project Area in Lee County, Florida. Manuscript on file, Florida Division of Historical Resources, Tallahassee.

Anonymous

- 1987 *Calusa News*. Number 1. University of Florida, Gainesville.

Archaeological Consultants, Inc.

- 1992 CRA Survey of a segment of US 41/ SR 739 in Ft. Myers Fla. on file, Archaeological Consultants, Sarasota.
- 1996 CRA Survey, US Business 41 from Mariana Avenue to the Apex of and US 41 and Business 41, Lee County, Fla. Manuscript on file, Archaeological Consultants, Sarasota.
- 2000 Cultural Resource Assessment Survey State Road 78 (Bayshore Road) from Slater Road to Interstate 75, Lee County. Manuscript on file, Archaeological Consultants, Sarasota.
- 2001 A Cultural Resource Assessment Survey McNew Ranch Development, Charlotte County, Fla. Manuscript on file, Archaeological Consultants, Sarasota.
- 2003 Addendum #2, Cultural Resource Assessment Survey State Road 78 (Bayshore Road) from Slater Road to Interstate 75, Lee County, Florida. Manuscript on file, Archaeological Consultants, Inc., Sarasota, Florida.

Austin, Robert

- 1987 An Archaeological Site Inventory and Zone Management Plan for Lee County, Florida. Manuscript on file, Janus Research, St. Petersburg.
- 1992 Letter to William H. Marquardt Reporting Three Galt Island Radiocarbon Date Results from Beta Analytic, Inc. Associated with the 1991 Piper Archaeology/Janus Research Fieldwork. Florida Museum of Natural History Southwest Florida Project Files, Gainesville.

Barraco and Associates, Inc.

- 2003 Oakcreek RPD, Archaeological Sensitivity Map, Exhibit III-B-1.

Berault, John, Robert Carr, Jerry Stipp, Richard Johnson, and Jack Meeder

- 1981 The Archaeological Salvage of the Bay West Site, Collier County, Florida. *The Florida Anthropologist* 34:39-58.

- Bullen, Ripley P.
 1975 *A Guide to the Identification of Florida Projectile Points*. Kendall Books, Gainesville.
- Bullen, Ripley P. and Adelaide K. Bullen
 1956 Excavations at Cape Haze Peninsula, Florida. *Florida State Museum Contributions, Social Sciences 1*. Gainesville.
- Carbone, Victor
 1983 Late Quaternary Environment in Florida and the Southeast. *The Florida Anthropologist* 36 (1-2):3-17.
- Carr, Robert S.
 1986 Preliminary Report of Archaeological Excavations at the Cutler Fossil Site in Southern Florida. Paper presented at the 51st Annual Meeting of the Society for American Archaeology.
- Carr, Robert and John Beriault
 1984 Prehistoric Man in South Florida. In *Environments of South Florida: Present and Past*, edited by P.J. Gleason, pp. 1-14, 2nd Ed. Miami Geological Society, Coral Gables.
- Clausen, Carl J., H.K. Brooks, and A.B. Wesolowsky
 1975 Florida Spring Confirmed as 10,000 Year Old Early Man Site. *Florida Anthropological Society Publication* 7:1-38.
- Clausen, Carl J., A.D. Cohen, Cesare Emiliani, J.A. Holman, and J.J. Stipp
 1979 Little Salt Spring, Florida: A Unique Underwater Site. *Science* 203:609-614.
- Cockrell, Wilburn A.
 1970 Glades I and Pre-Glades Settlement Patterns on Marco Island, Collier County, Florida. M.A. Thesis, Florida State University, Tallahassee.
- Cockrell, Wilburn A. and Larry Murphy
 1978 Pleistocene Man in Florida. *Archaeology of Eastern North America* 6:1-13.
- Coleman, Wesley F.
 1973 Site 8DA141, Dade County, Florida. *The Florida Anthropologist* 26:126-128.
 1997 Excavation of a Late Archaic Everglades Site, 8DA141, Dade County, Florida. *The Florida Anthropologist* 50:133-137.
- Cordell, A.S.
 1992 Technological Investigation of Pottery Variability in Southwest Florida. In *Culture and Environment in the Domain of the Calusa*, edited by W.H. Marquardt, pp. 105-189. Institute of Archaeology and Paleoenviromental Studies, Monograph 1. University of Florida, Gainesville.

Daniel, Randy and Michael Wisenbaker

- 1987 *Harney Flats: A Florida Paleo-Indian Site*. Baywood Publishing Company, Inc., New York.

Davis, J. H.

- 1943 The Natural Features of Southern Florida. *Florida Geological Survey Bulletin* Number 25. Tallahassee.

Delcourt, P. A., and H. R. Delcourt

- 1981 Vegetation Maps for Eastern North America: 40,000 yr. B.P. to the Present. In *Geobotany II*, edited by R. C. Romans, Plenum Publishing Corporation.

Dunbar, James S.

- 1981 The Effect of Geohydrology and Natural Resource Availability on Site Utilization at the Fowler Avenue Bridge Mastodon Site (8HI393c/uw) in Hillsborough County, Florida. In Report on Phase II Underwater Archaeological Testing at the Fowler Bridge Mastodon Site (8HI393c/uw) Hillsborough County, Florida by Jill Palmer, James Dunbar, and Danny H. Clayton. *Interstate 75 Highway Phase II Archaeological Report*, Number 5. On file, Florida Division of Historic Resources, Tallahassee.

Estabrook, Richard M.

- 1991 Cultural Resource Assessment Survey of the Proposed State Road 78 PD&E Alignment between Piney Road and Interstate 75, Lee County, Florida. Manuscript on file, Florida Division of Historical Resources, Tallahassee.
- 1993 A Cultural Resource Assessment Survey of the Southwest Florida Pipeline Company Corridor Realignment, Desoto, Charlotte and Lee Counties, Florida. Manuscript on file, Florida Division of Historical Resources, Tallahassee.

Florida Natural Areas Inventory and Florida Department of Natural Resources

- 1990 *Guide to the Natural Communities of Florida*. Tallahassee.

Fradkin, Arlene

- 1976 The Wightman Site: A Study of Prehistoric Culture and the Environment on Sanibel Island, Lee County, Florida. M.A. Thesis, Department of Anthropology, University of Florida, Gainesville.

Goggin, John M.

- 1947 A Preliminary Definition of Archaeological Areas and Periods in Florida. *American Antiquity* 13:114-127.
- 1949 Cultural Traditions in Florida Prehistory. In *The Florida Indian and His Neighbors*, edited by John W. Griffin. pp. 13-44. Rollins College, Winter Park.

Griffin, John W.

- 1988 *The Archaeology of Everglades National Park: A Synthesis*. National Park Service, Southeast Archaeological Center, Tallahassee.

Griffin, John W., Sue B. Richardson, Mary Pohl, Carl D. McMurray, C. Margaret Scarry, Suzanne K. Fish, Elizabeth S. Wing, L. Jill Loucks, and Marcia K. Welch

- 1984 *Excavations at the Granada Site: Archaeology and History of the Granada Site, Volume I*. Manuscript on file, Florida Division of Historical Resources, Tallahassee.

Hazeltine, Dan

- 1983 A Late Paleo-Indian Site, Cape Haze Peninsula, Charlotte County, Florida. *The Florida Anthropologist* 36:98-100.

Lee, Arthur R. And John Beriault

- 1993 A Small Site - Mulberry Midden, 8CR697 - Contributions to Knowledge of the Transitional Period. *The Florida Anthropologist* 46:43-52.

Lee, Arthur R., John G. Beriault, Jean Belknap, Walter M. Buschelman, John W. Thompson, and Carl B. Johnson

- 1998 Heineken Hammock, 8CR231: A Late Archaic Corridor Site in Collier County. *The Florida Anthropologist* 51(4):223-239.

Luer, George M.

- 1989 Calusa Canals in Southwestern Florida: Routes of Tribute and Exchange. *The Florida Anthropologist* 42(2):89-130.

Marquardt, Wm. H., ed.

- 1992 *Culture and Environment in the Domain of the Calusa*. Monograph 1, Institute of Archaeology and Paleoenvironmental Studies, University of Florida, Gainesville.

McNab, W. Henry and Peter E. Avers

- 1996 Ecological Subregions of the United States. <http://www.fs.fed.us/land/pubs/ecoregions> (22 July 2002). Prepared in cooperation with Regional Compilers and the ECOMAP Team of the Forest Service, July 1994.

Milanich, Jerald T.

- 1994 *Archaeology of Precolumbian Florida*. University Press of Florida, Gainesville.

Milanich, Jerald T. and Charles H. Fairbanks

- 1980 *Florida Archaeology*. Academic Press, New York.

Milanich, Jerald T., J. Chapman, A.S. Cordell, S. Hale, and R. A. Marrinan

- 1984 Prehistoric Development of Calusa Society in Southwest Florida: Excavations on Useppa Island. In *Perspectives on Gulf Coast Prehistory*, edited by D. D. Davis, pp. 258-314. University Press of Florida, Gainesville.

Mowers, Bert and Wilma Williams

- 1972 The Peace Camp Site, Broward County, Florida. *The Florida Anthropologist* 25:1-20.

Russo, Michael

- 1991 Archaic Sedentism on the Florida Gulf Coast: A Case Study from Horr's Island. PhD dissertation, Department of Anthropology, University of Florida, Gainesville.

State Topographic Office

1989 General Highway Map, Lee County, Florida.

United States Department of Agriculture (USDA)

1984 *Soil Survey of Lee County*, Soil Conservation Service, Washington, D.C.

United States Geological Survey (USGS)

1958 Fort Myers, Fla. Photorevised 1987.

Watts, William A.

1969 A Pollen Diagram from Mud Lake, Marion County, North-central Florida. *Geological Society of America Bulletin* 80:631-642.

1971 Post Glacial and Interglacial Vegetational History of Southern Georgia and Central Florida. *Ecology* 51:676-690.

1975 A Late Quaternary Record of Vegetation from Lake Annie, South-Central Florida. *Geology* 3:344-346.

Wheeler, Ryan J.

1994 Early Florida Decorated Bone Artifacts: Style and Aesthetics from Paleo-Indian Through Archaic. *The Florida Anthropologist* 47:47-60.

Widmer, Randolph J.

1974 A Survey and Assessment of the Archaeological Resources on Marco Island, Collier County, Florida. *Miscellaneous Project Report Series* Number 19. On file, Florida Division of Historical Resources, Tallahassee.

1986 Prehistoric Estuarine Adaptation at the Solana Site, Charlotte County, Florida. Manuscript on file, Florida Bureau of Archaeological Research, Tallahassee.

1988 *The Evolution of the Calusa*. The University of Alabama Press, Tuscaloosa.

7.2 Historical

Akerman, Joe A., Jr.

1976 *Florida Cowman, A History of Florida Cattle Raising*. Florida Cattlemen's Association, Kissimmee.

Almy, Maranda M.

2001 The Cuban Fishing Ranchos of Southwest Florida 1600-1850s. Unpublished Honors Thesis, Department of Anthropology, University of Florida, Gainesville.

Bonita Banner

2002 "A City's Vision: The Way It Was - 'Snapshots' of Bonita Before U.S. 41". October 12.

Covington, James W.

- 1957 *The Story of Southwestern Florida*. Lewis Historical Publishing Company, New York.
- 1958 "Exploring the Ten Thousand Islands: 1838." *Tequesta* 18:7-13.
- 1982 *The Billy Bowlegs War 1855-1858 The Final Stand of The Seminoles Against the Whites*. The Mickler House Publishers, Chuluota.

Dunn, Hampton

- 1989 *Back Home: A History of Citrus County, Florida*. 2nd edition, Citrus County Historical Society, Inc., Inverness.

Grismer, Karl

- 1946 *The Story of Sarasota*. Florida Grower Press, Tampa.
- 1982 *The Story of Fort Myers*. Island Press Publishers, Fort Myers Beach.

Hammond, E.A.

- 1973 "The Spanish Fisheries of Charlotte Harbor." *Florida Historical Quarterly* 51:355-380.

Historic Property Associates (HPA)

- 1989 Historic Properties survey of Charlotte County, Fla. Manuscript on file, St. Augustine.

Mahon, John K.

- 1967 *History of the Second Seminole War 1835-1842*. University Press of Florida, Gainesville.

Nutting, E.P.

- 1986 *The Beginnings of Bonita Springs Florida*. The Friends of the Library. Bonita Springs.

Scupholm, Carrie

- 1997 The Tamiami Trail: Connecting the East and West Coasts of the Sunshine State. *The Society for Commercial Archeology Journal* 15 (20-24).

Shofner, Jerrell H.

- 1995 *History of Brevard County, Volume 1*. Brevard County Historical Commission, Stuart.

State of Florida, Department of Environmental Protection

- 1859 *Field Notes*. Volume 211.
- 1860-1 *Field Notes*. Volume 212
- 1872 *Field Notes*. Volume 220.
- 1873a *Field Notes*. Volume 222
- 1873b *Plat. Township 43 South, Range 25 East*.
- n.d. *Tract Book*. Volume 22.

Tebeau, Charlton W.

- 1965 *Florida from Indian Trail to Space Age*. Southern Publishing Company, Delray Beach.
- 1966 *Florida's Last Frontier: The History of Collier County*. University of Miami Press, Coral Gables.
- 1971 *A History of Florida*. University of Miami Press, Coral Gables.

Widmer, Randolph J.

- 1988 *The Evolution of the Calusa*. The University of Alabama Press, Tuscaloosa.

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

\\C:\cf_graydhr\idhrshare\FMSF\DOCS\FORMS\Logsheet.doc 10/03/97 11 07 AM

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).

- | | | | |
|---|---|--|--|
| ☐ Florida Archives (Gray Building) | ☐ library research - (local public) | ☐ local property or tax records | ☒ windshield survey |
| ☐ Florida Photo Archives (Gray Building) | ☐ library-special collection- (non local) | ☐ newspaper files | ☒ aerial photography |
| ☒ FMSF site property search | ☒ Public Lands Survey (maps at DEP) | ☒ literature search | |
| ☒ FMSF survey search | ☐ local informant(s) | ☐ Sanborn Insurance maps | |
| ☐ 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.

- | | | |
|---|---|--|
| ☐ surface collection, controlled | ☐ other screen shovel test (size: _____) | ☐ block excavation (at least 2x2 m) |
| ☐ surface collection, uncontrolled | ☐ water screen (finest size: _____) | ☐ soil resistivity |
| ☒ shovel test-1/4" screen | ☐ posthole tests | ☐ magnetometer |
| ☐ shovel test-1/8" screen | ☐ auger (size: _____) | ☐ side scan sonar |
| ☐ shovel test-1/16" screen | ☐ coring | ☐ unknown |
| ☐ shovel test-unscreened | ☐ test excavation (at least 1x2 m) | |
| ☐ 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.

- | | | | |
|--|--|---|---|
| ☐ building permits | ☐ demolition permits | ☐ neighbor interview | ☐ subdivision maps |
| ☐ commercial permits | ☒ exposed ground inspected | ☐ occupant interview | ☐ tax records |
| ☐ interior documentation | ☐ local property records | ☐ occupation permits | ☐ unknown |
| ☐ 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

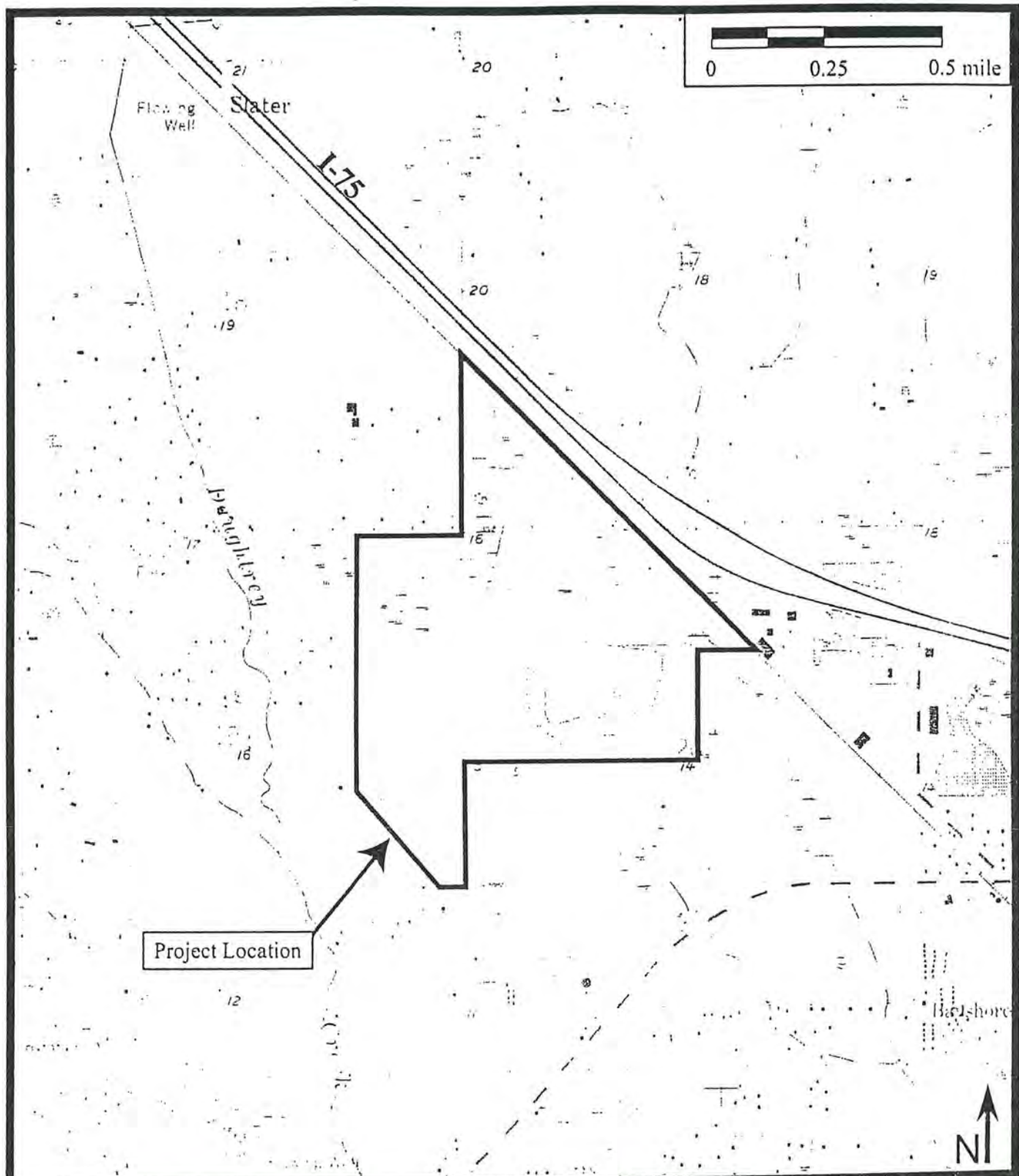
BAR Related

- | | |
|-------------------------------|-------------------------------|
| ☐ 872 | ☐ 1A32 |
| ☐ CARL | ☐ UW |

BHP Related

- | |
|--|
| ☐ State Historic Preservation Grant |
| ☐ 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).



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.

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

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

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

**BoCC Public Hearing Document
for the
June 1st, 2005 Public Hearing**

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

May 24, 2005

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

☐

Text Amendment

☒

Map Amendment

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

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.

D. 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:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

TAMMY HALL

BOB JANES

RAY JUDAH

DOUG ST. CERNY

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

DATE OF ORC REPORT:

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**
- B. STAFF RESPONSE**
- C. STAFF RECOMMENDATION**

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

DATE OF ADOPTION HEARING:

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

Oak Creek

Comprehensive Plan Amendment Application Transmittal Hearing Copy

RECEIVED
MAR 04 2005

PERMIT COUNTER

DC12003-00083

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

Table of Contents

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



Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (941) 479-8585
FAX: (941) 479-8519

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D _____

REC'D BY: _____

APPLICATION FEE _____

TIDEMARK NO: _____

THE FOLLOWING VERIFIED:

Zoning ☐

Commissioner District ☐

Designation on FLUM ☐

(To be completed by Planning Staff)

Plan Amendment Cycle: ☒ Normal ☐ Small Scale ☐ DRI ☐ Emergency

Request No: _____

APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: _____

Submit 6 copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

DATE _____

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE _____

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.

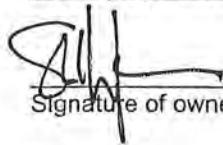
3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
 4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.
- G. Justify the proposed amendment based upon 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

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.

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.



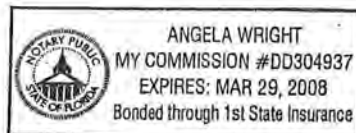
Owner

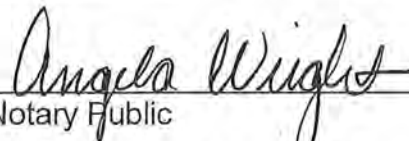
W. Michael Kerver,
Vice President SW Florida Land 411, LLC.

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 th 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.

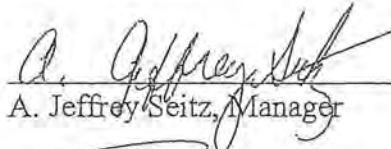
10. **Effective Date of Action.** The actions contained herein shall be effective as of the effective date of the Articles of Organization of the Company.

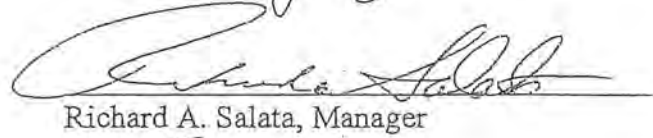
11. **Other actions.** Any officer of the Company, acting singly on behalf of the Company, be and hereby is authorized and directed to execute and deliver such

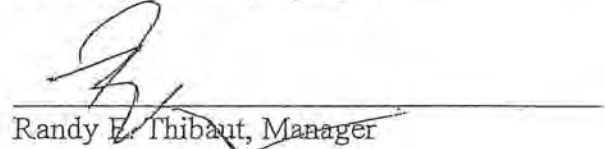
documents and to do or cause to be done such acts as any of them may deem necessary or appropriate in order to effectuate the foregoing resolutions.

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

MANAGERS:

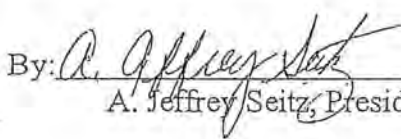

A. Jeffrey Seitz, Manager


Richard A. Salata, Manager


Randy E. Thibaut, Manager

MEMBERS:

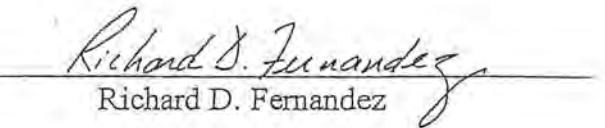
Advance Homes, Inc.

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.

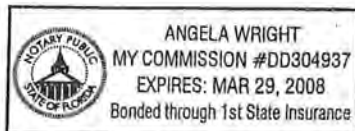


Owner

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 SFWMD 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

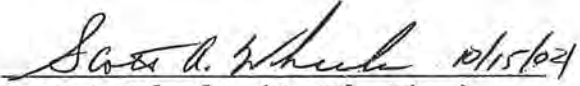
Parcel in
Section 17, Township 43 South, Range 25 East,
Lee County, Florida

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

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:

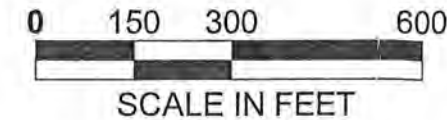
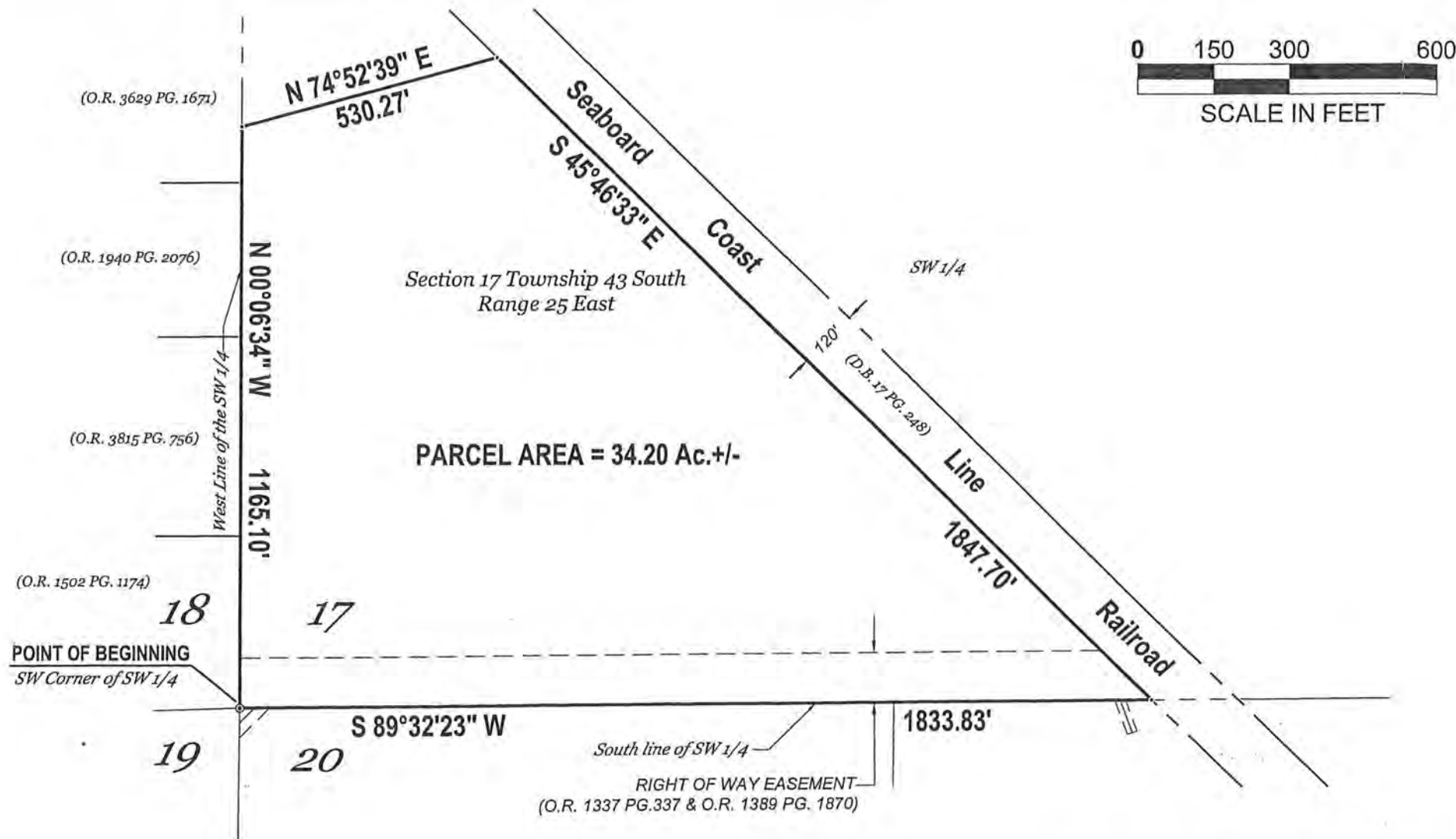
Commencing at the Northeast corner of the Northeast Quarter (NE 1/4) of said Section 19 run S88°20'13"W along the North line of said fraction for 292.91 feet to the POINT OF BEGINNING.

From said Point of Beginning run S00°32'23"W parallel with the West line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) 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 1/4) of the Northeast Quarter (NE 1/4) 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 1/4) of the Northeast Quarter (NE 1/4) 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 1/4) of Section 19, to bear N88°20'13"E.


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



Barraco
and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
2271 MCGREGOR BOULEVARD
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 481-3170
FAX (239) 481-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6340

PREPARED FOR

Land Solutions inc.
6150 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 488-4066
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

PARCEL IN THE SW 1/4
OF
SECTION 17, TWP 43
SOUTH, RGE. 25 EAST IN
LEE COUNTY, FLORIDA

PROJECT SURVEYOR

NO. 5949
STATE OF
FLORIDA
LICENSED SURVEYOR

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

FILE NAME	21797X13.DWG
LAYOUT	LAYOUT1
LOCATION	A:\21797X13\21797X13.DWG\13.DWG
PLOT DATE	THU, 10-14-2004 - 12:23 PM
PLOT BY	PETER OLSEN
DRAWING DATA	
SURVEY DATE	2004-10-14
DRAWN BY	PTD
CHECKED BY	BAW
SCALE	1"=300'
FIELD BOOK	

PLAN REVISIONS

NO.	DESCRIPTION

STRAP NUMBERS

SKETCH TO
ACCOMPANY
DESCRIPTION

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

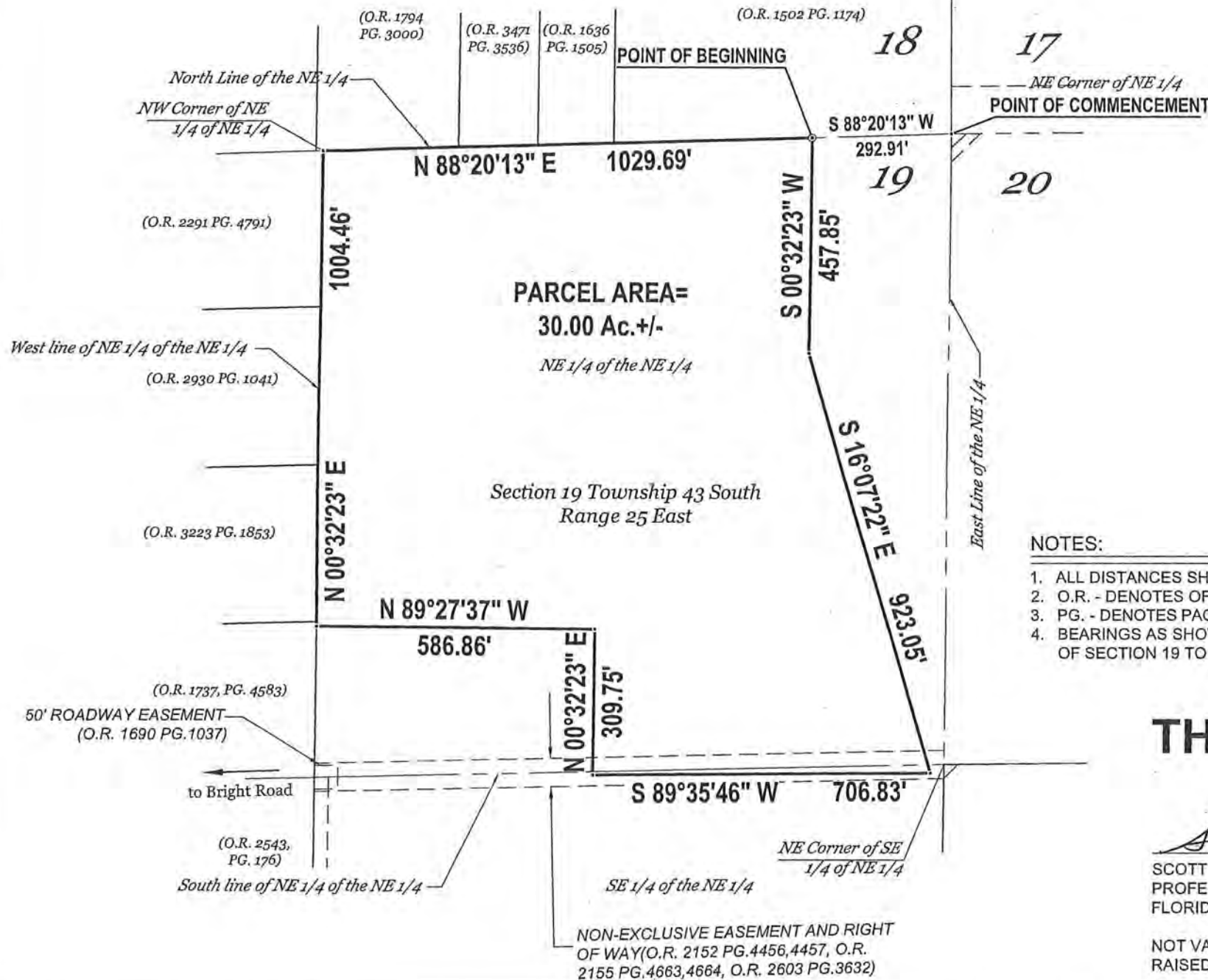
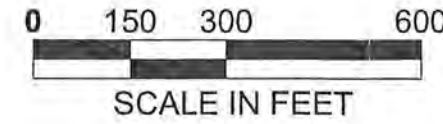
NOTES:

- ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
- O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
- PG. - DENOTES PAGE.
- BEARINGS AS SHOWN ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 17 TO BEAR SOUTH 89°32'23" WEST.

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.



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 10/15/04
SCOTT A. WHEELER (FOR THE FIRM - LB-6940)
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.



Barraco and Associates, Inc.

CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN

www.barraco.net

2271 MCGREGOR BOULEVARD
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169

FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

Land Solutions inc.

6150 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912

PHONE (239) 489-4066
FAX (239) 481-8477

WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

OAK CREEK

PART OF SECTION 20
TOWNSHIP 43 SOUTH
RANGE 25 EAST
LEE COUNTY, FLORIDA

THIS PLAN IS PRELIMINARY AND
INTENDED FOR CONCEPTUAL
PLANNING PURPOSES ONLY. SITE
LAYOUT AND LAND USE INTENSITIES
OR DENSITIES MAY CHANGE
SIGNIFICANTLY BASED UPON SURVEY
ENVIRONMENTAL, ENGINEERING AND
REGULATORY CONSTRAINTS
AND / OR OPPORTUNITIES.
* NOT FOR CONSTRUCTION *

NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE AND DATE
© COPYRIGHT 2005, BARRACO AND ASSOCIATES, INC.
REPRODUCTION, CHANGES OR ASSIGNMENTS ARE PROHIBITED.

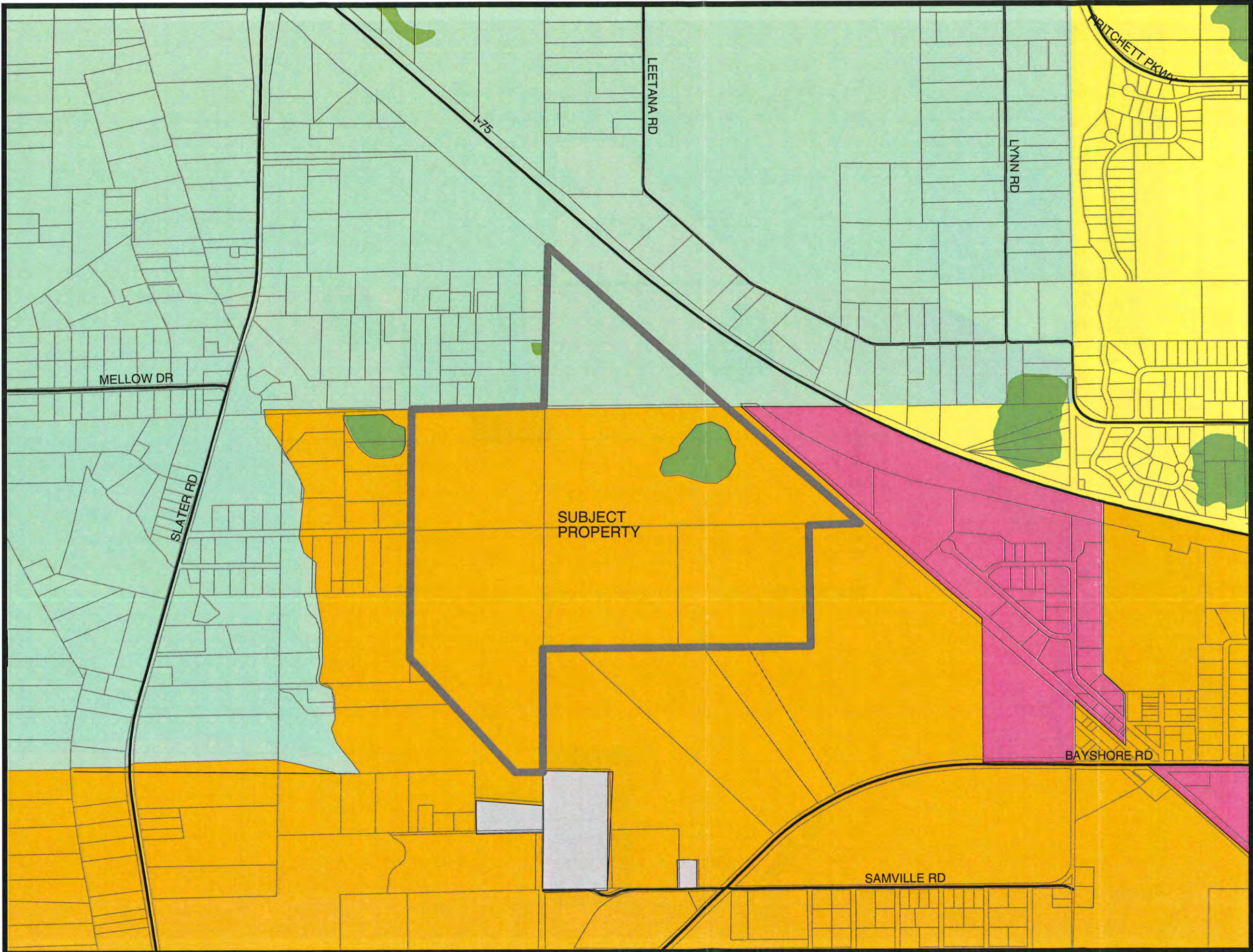
FILE NAME	21797TOPO-X.DWG
LAYOUT	2X3
LOCATION	J:\21797\DWG\
PLOT DATE	FRI, 1-14-2005 - 11:55 AM
PLOT BY	ANGELICA CARLEY
DESIGN BY	
XREF1	
XREF2	
XREF3	
XREF4	
XREF5	
XREF6	

PLAN REVISIONS

PLAN STATUS

AERIAL AND TOPOGRAPHIC MAP

PROJECT / FILE NO.	SHEET NUMBER
21797	1

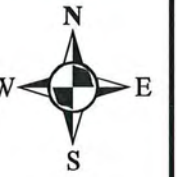


Legend

FLUMNov02

Land Use

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

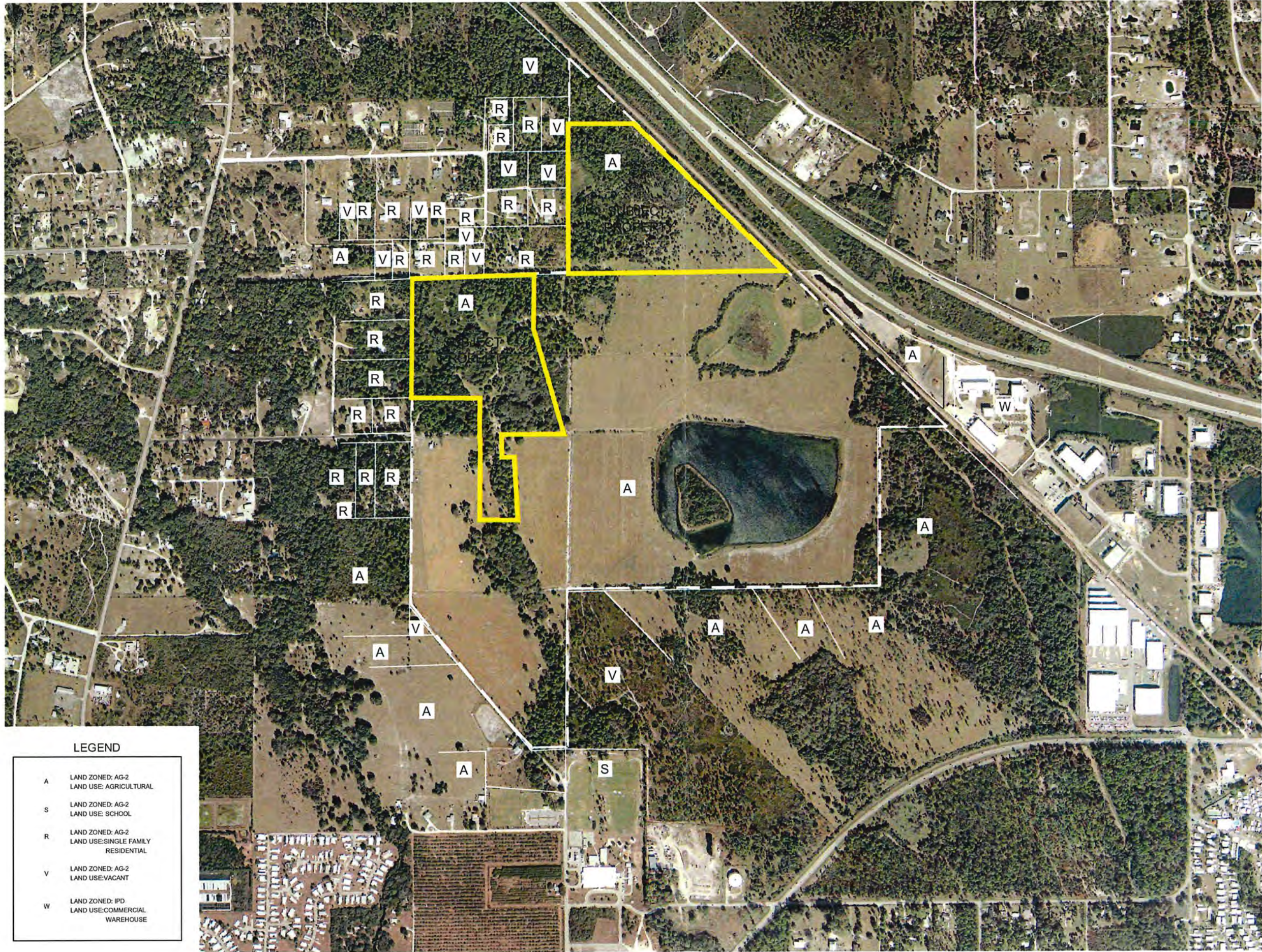


Current Future Land Use Map OAK CREEK RPD Lee County, Florida

Source: Lee County Property Appraiser

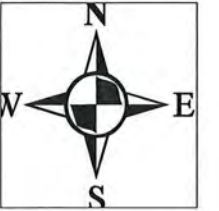
It is the responsibility of the user to verify the data contained in this document.

Barraco
and Associates, Inc.



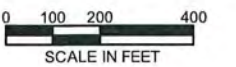
LEGEND

- 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

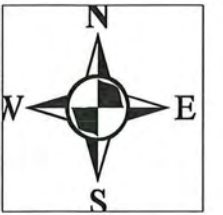
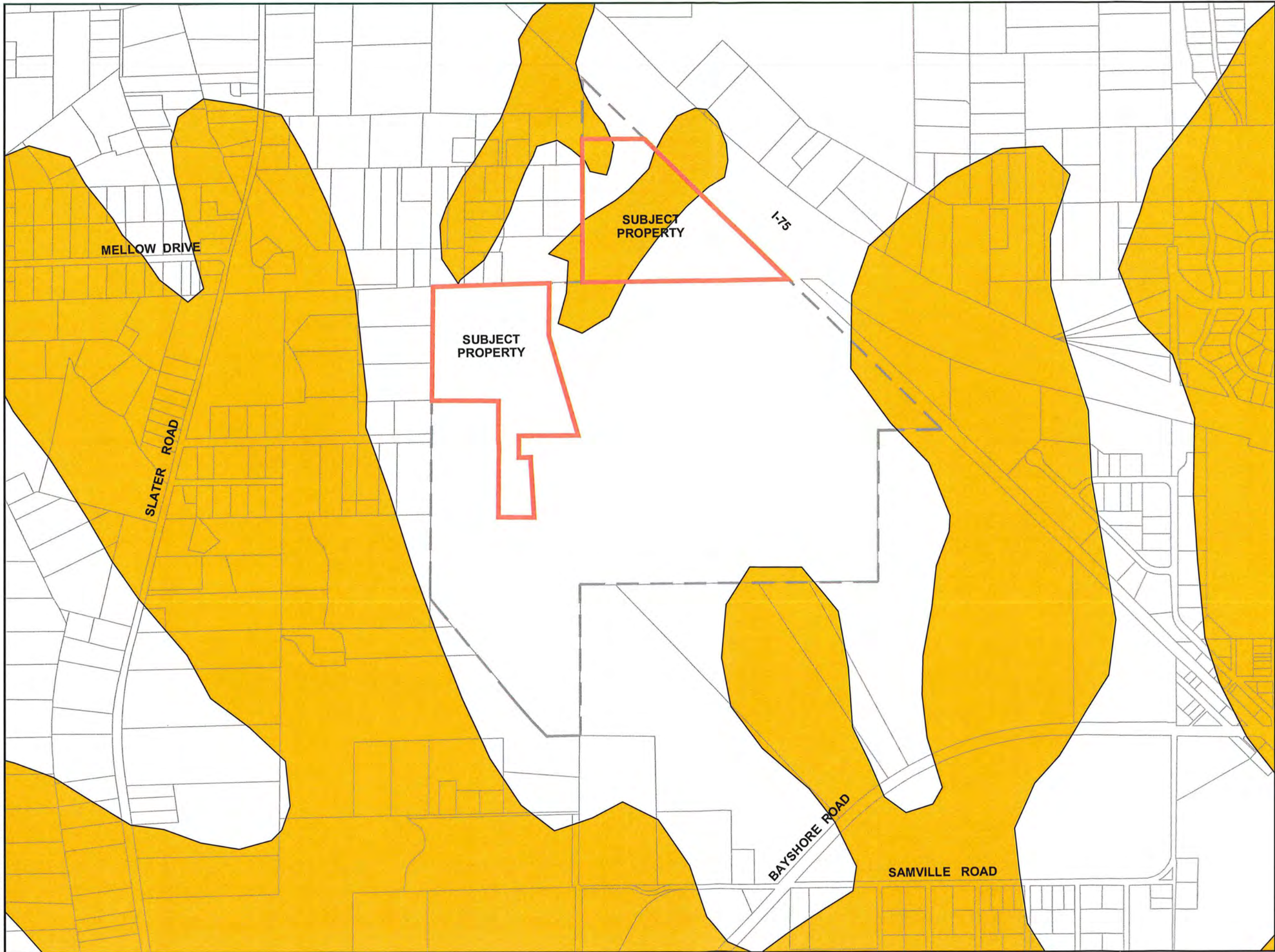


Existing Land Use Map
OAK CREEK
COMPREHENSIVE PLAN AMENDMENT
LEE COUNTY, FLORIDA

MAP 1



1797DWGZONINGCOMP21797AR.DWG - MON, 2/28/2006 8:23 AM



LEGEND
Archeological Sensitivity
Zone 2

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

MAP 4

0 200 400 800
SCALE IN FEET

Barraco
and Associates, Inc.
CIVIL ENGINEERING, SURVEYING AND LAND DEVELOPMENT CONSULTANTS
2271 MAGNOLIA BLVD., PORT OFFICE DRUMMER 2002, FORT MYERS, FLORIDA 33903-1
PHONE (239) 481-9179 - WWW.BARRACCO.FLRT - FAX (239) 481-5188

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

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

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



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

RECEIVED

NOV 10 2003

21797
JP

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

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,

A handwritten signature in black ink, appearing to read "Dan Johnson".

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 "D. Johnson".

Major Dan Johnson
Planning and Research

Copy: File
DJ/jr



14750 Six Mile Cypress Parkway Fort Myers, Florida 33912-4406



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 OneDouglas R. St. Cerny
District TwoRay Judah
District ThreeAndrew W. Coy
District FourJohn E. Albion
District FiveDonald D. Stilwell
County ManagerJames G. Yaeger
County AttorneyDiana 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

239-277-5012 x2233

Writer's Direct Dial Number: _____

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 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.

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

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

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.

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. SCRIPPA, 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 PM

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 2

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

ROBERT D. CHILMON
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

December 2, 2003

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)
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 Planning

Cc: 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 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 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

FLUCFCS	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>	321411	SSC	No listing
Gopher Tortoise	<i>Gopherus polyhemus</i>	321,411	SSC	No listing
Eastern Indigo Snake	<i>Drymarchon corais couperi</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.

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. 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.

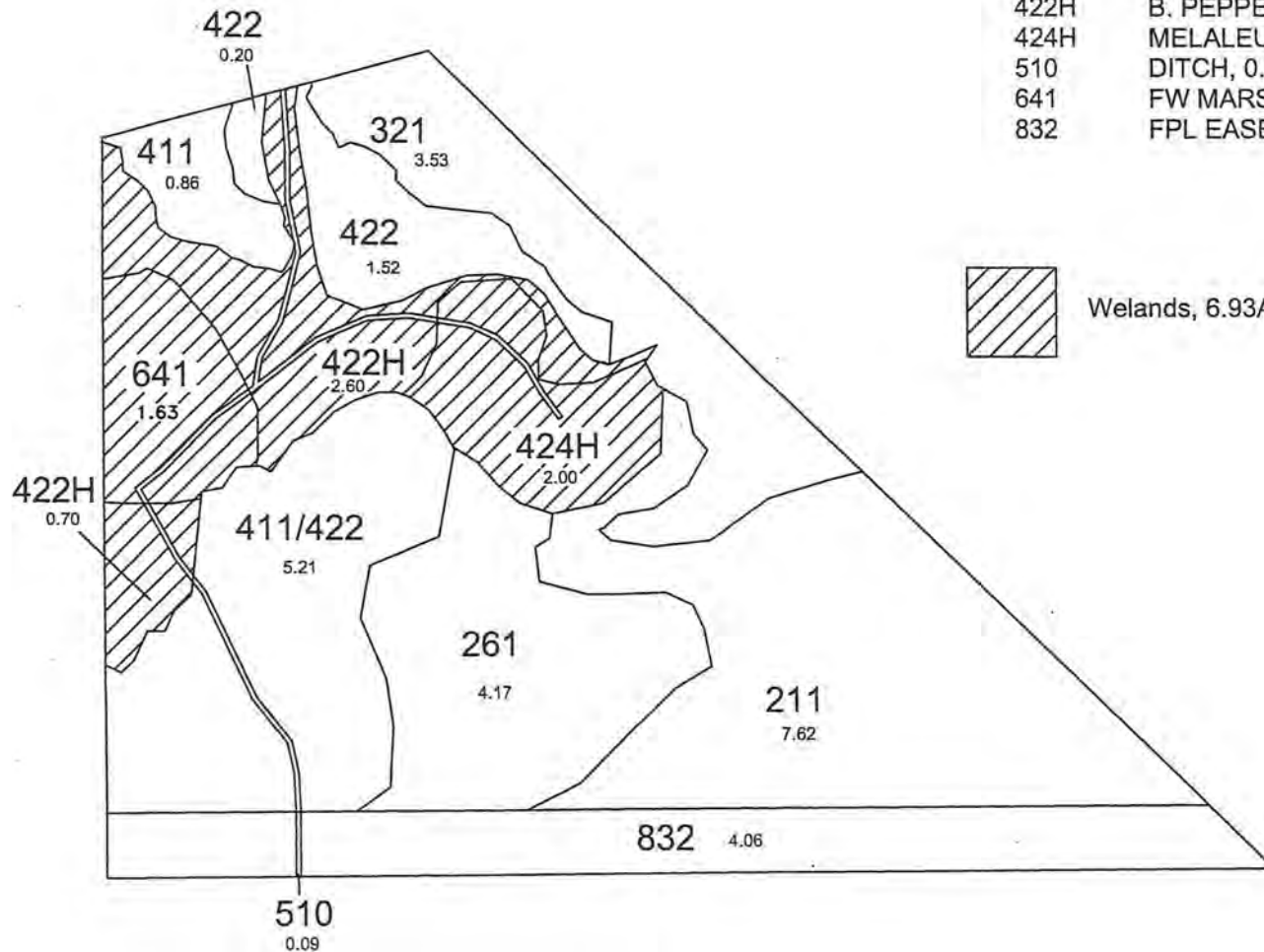
- 2. A map showing the subject property location on the archaeological sensitivity map for Lee County.**

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

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



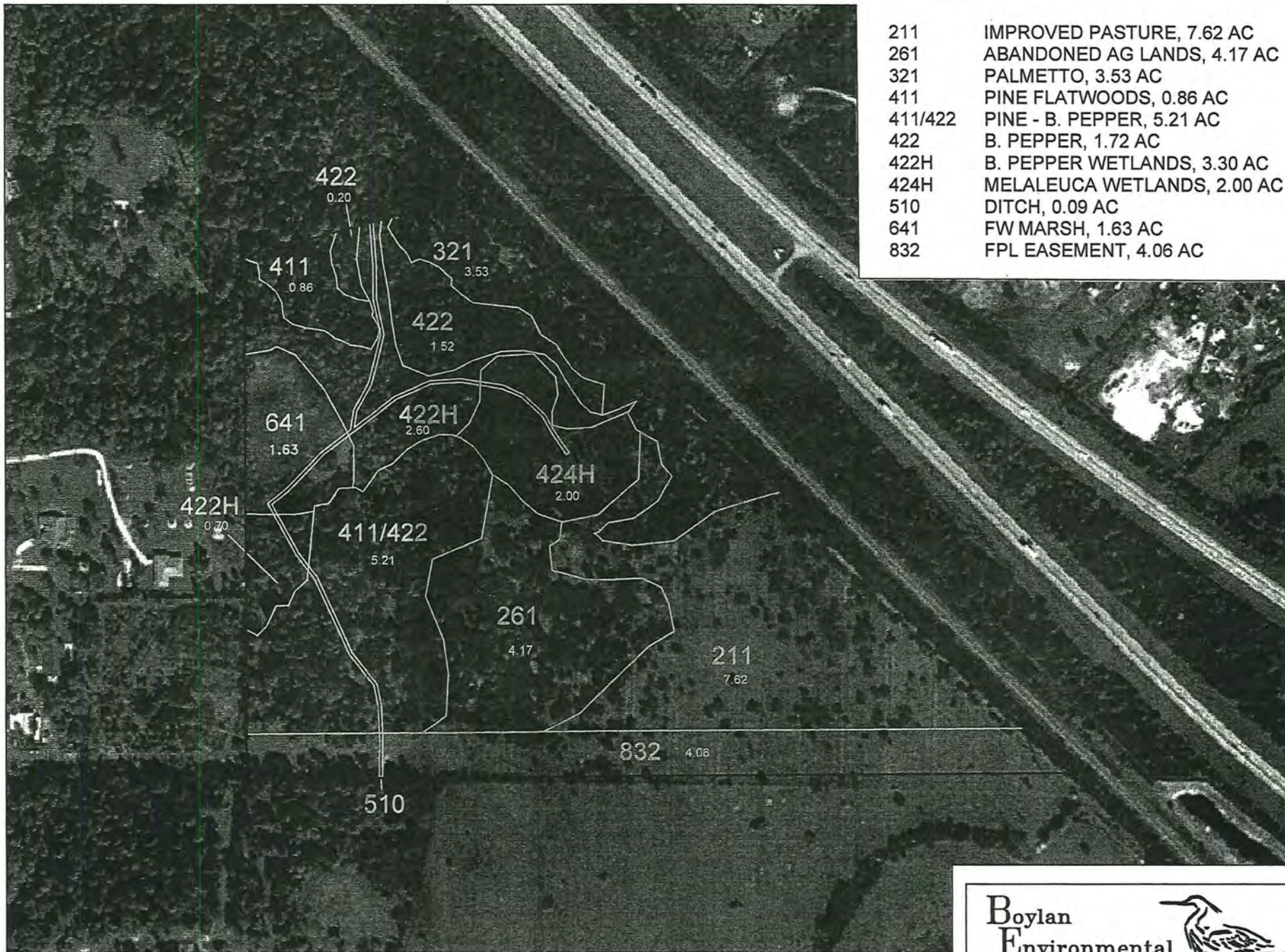
DB # 020087
 SCALE 1"=300'
 LE OCT2004 COMP
 DRAWN BY JDK
 DATE 10-25-04

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 4, Ft. Myers, 33912 (239)418-0671





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

JOB# 020087
 SCALE 1"=300'
 FILE OCT2004 COMP
 DRAWN BY JDK
 DATE 10-25-04

OAK CREEK
 FLUCCS MAP NORTH PARCEL

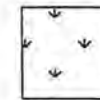
COUNTY LEE
 SEC 17
 TWP 43S
 RNG 25E
 REVISIONS

Boylan
 Environmental
 Consultants, Inc.

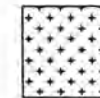


Wetland & Wildlife Surveys, Environmental Permitting,
 Impact Assessments
 11000 Metro Parkway, Suite 4, Ft. Myers, 33912 (239)418-0671

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



Wetland Preserve 1.75 AC



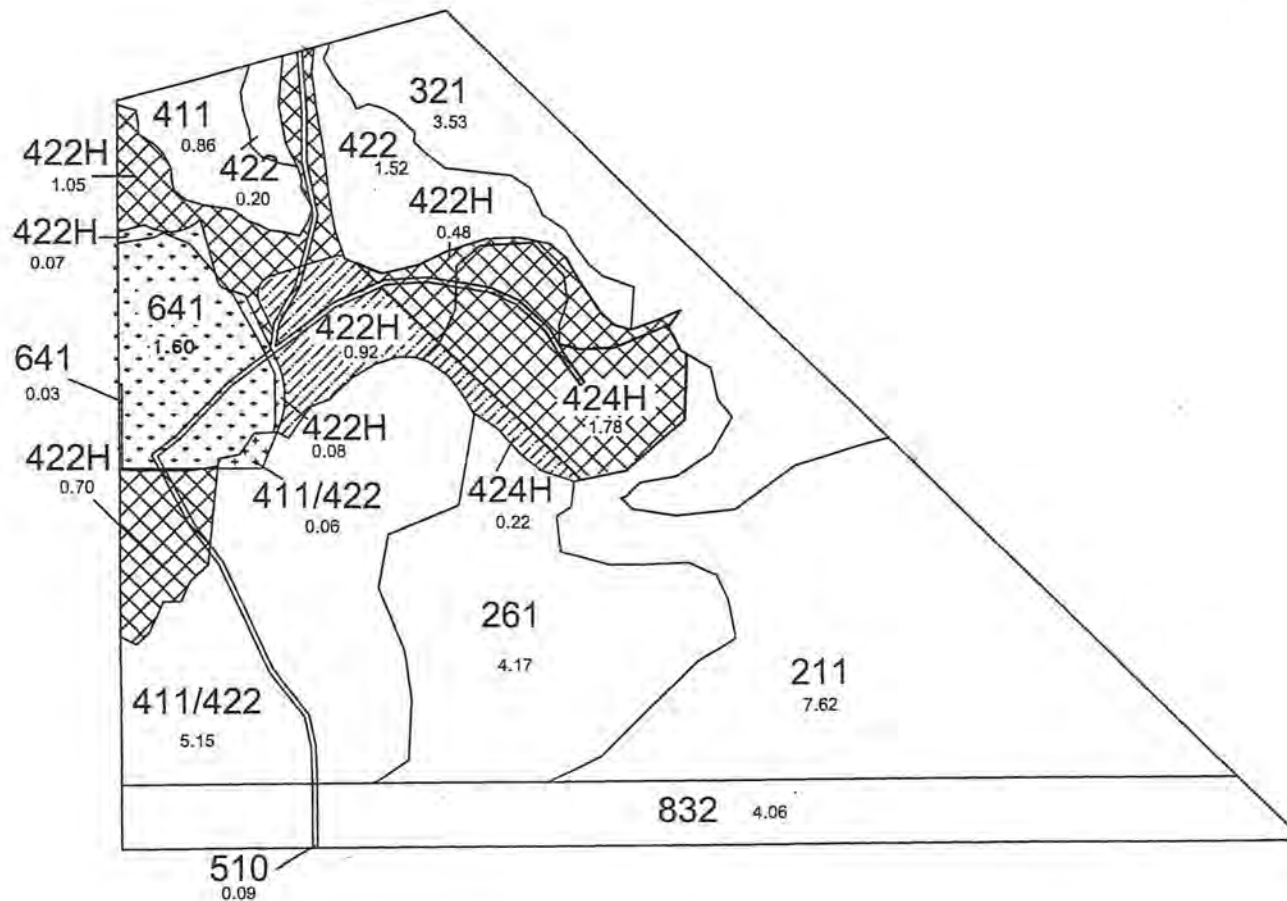
Upland Preserve 0.06 AC



Wetland Fill 4.04 AC



Wetland Dredge 1.14 AC



B# 020087
 SCALE 1"=300'
 DATE OCT2004 COMP
 DRAWN BY JDK
 DATE 10-25-04

OAK CREEK
 FLUCCS MAP NORTH PARCEL

COUNTY LEE
 SEC 17
 TWP 43S
 RNG 25E
 REVISIONS

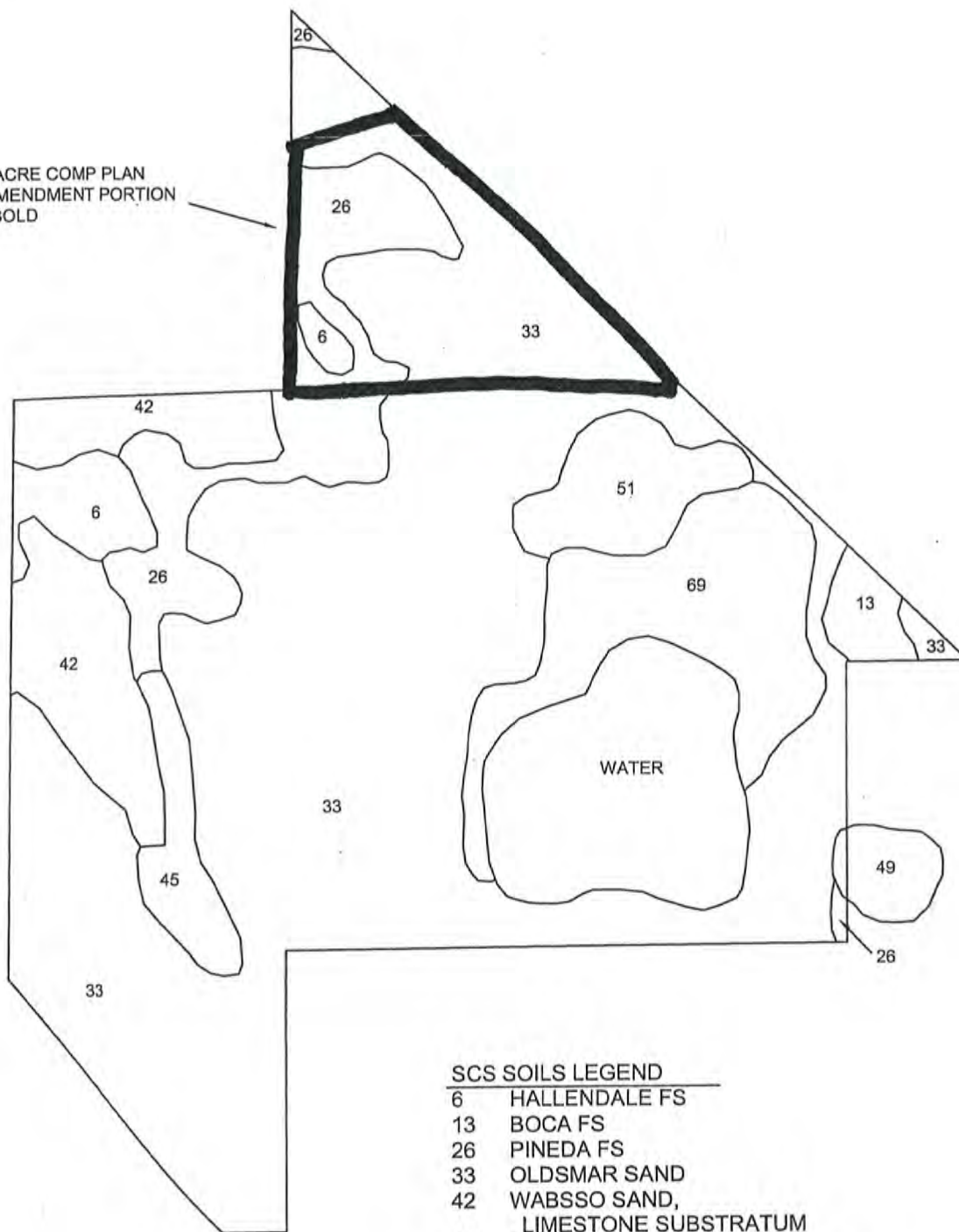
Boylan
 Environmental
 Consultants, Inc.



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



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

JOB #	020087
SCALE	1"=800'
FILE	OCT2004 SOILS
DRAWN BY	JDK
DATE	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 black ink, appearing to read "Patrick Gensler", is written over a horizontal line.

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
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 P. 01

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 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 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.

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. 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.

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	--
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
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.

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.

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

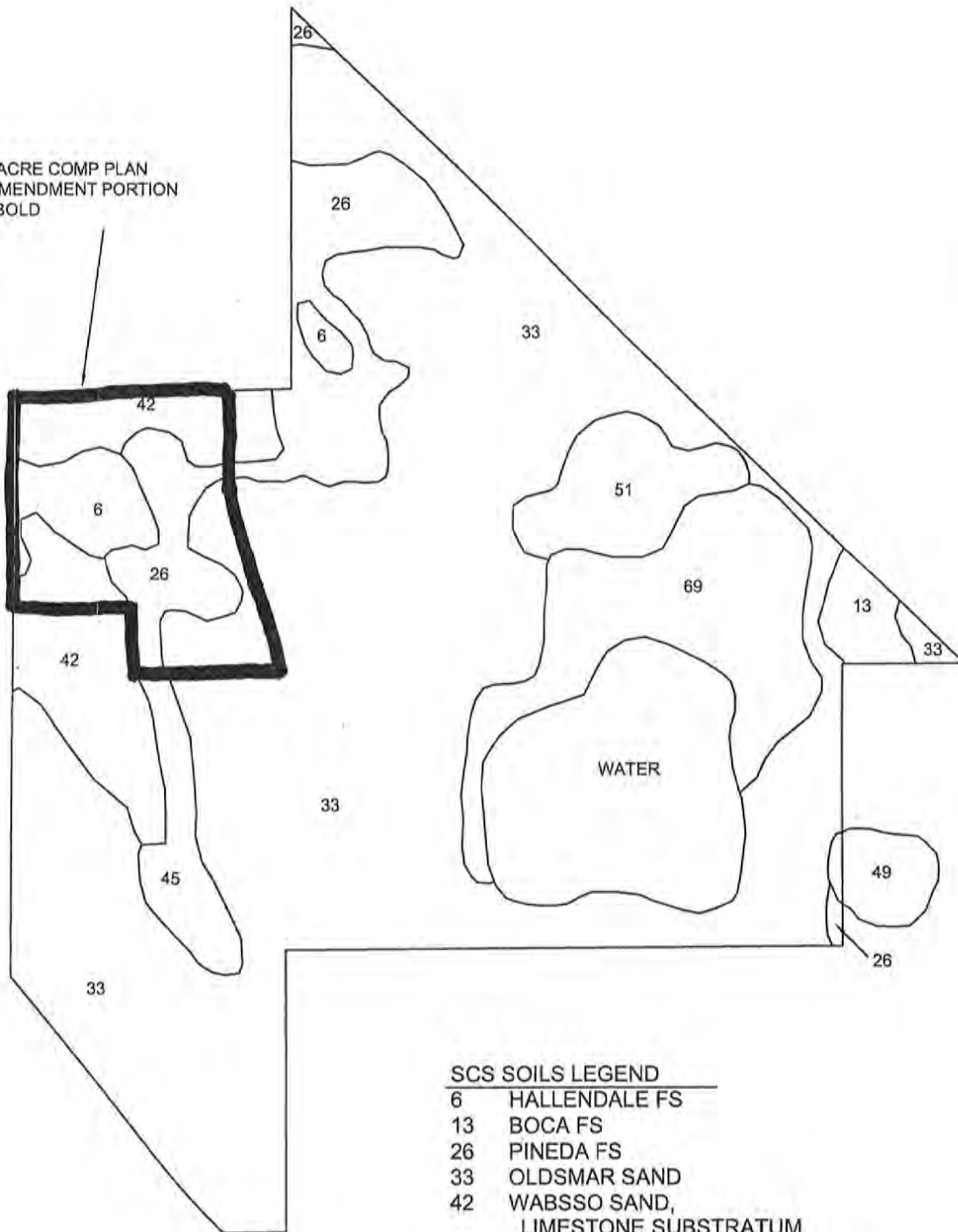
See attached photocopy of portion of the sensitivity map that shows the property in relationship to the limits of the archaeologically sensitive areas.

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 parcel that contains less sensitive environmental features.



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 WEST PARCEL

JOB # 020087
SCALE 1"=800'
FILE OCTOON SOILS
DRAWN BY JDC
DATE 10/25/2004



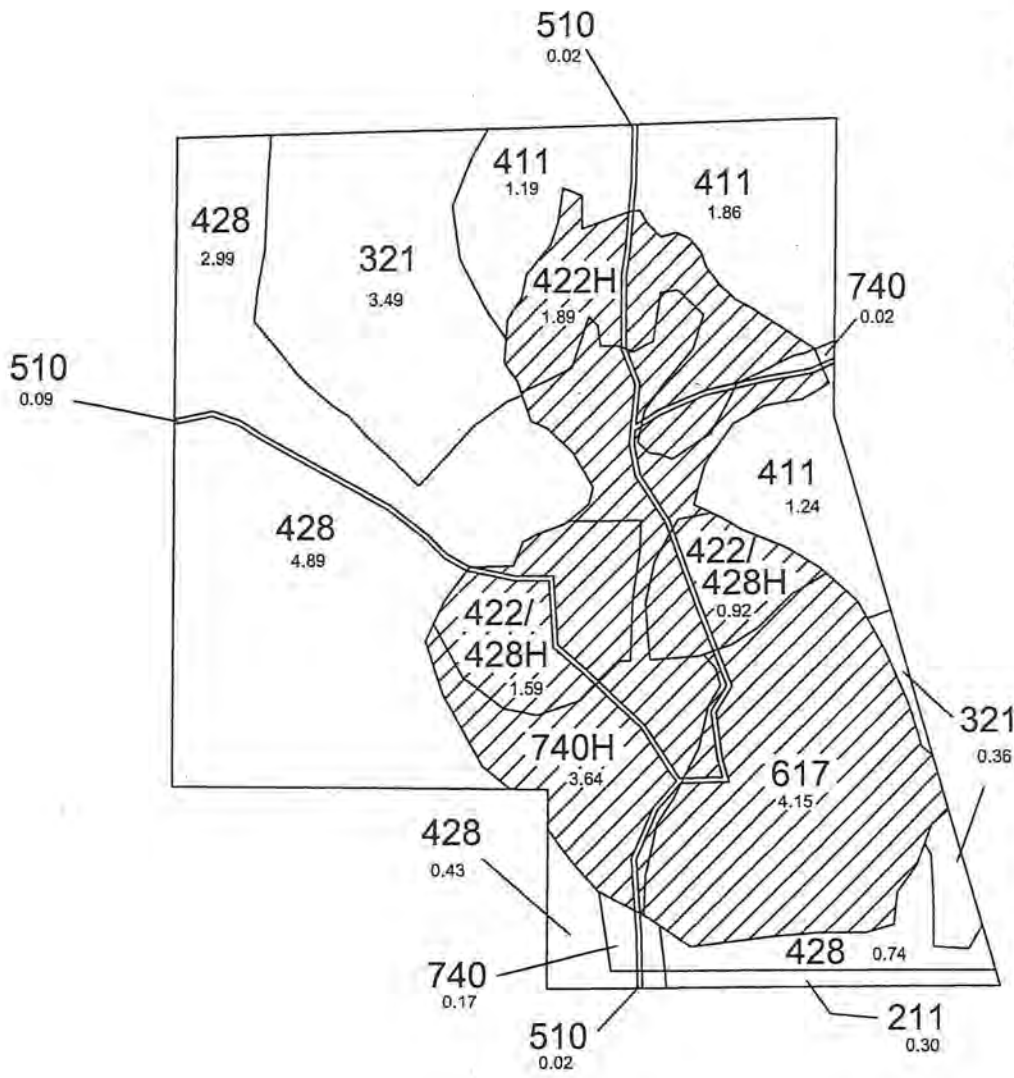
211	IMPROVED PASTURE, 0.30 AC
321	PALMETTO, 3.85 AC
411	PINE FLATWOODS, 4.29 AC
422H	B. PEPPER WETLANDS, 1.89
422/428H	B. PEPPER & C. PALM WETLANDS, 2.51 AC
428	CABBAGE PALM, 9.05 AC
510	DITCH, 0.13 AC
617	MIXED WETLANDS, 4.15 AC
740	DISTURBED, 0.19 AC
740H	DISTURBED WETLANDS, 3.64 AC

JOB# 020087
 SCALE 1"=300'
 FILE OCT2004 COMP
 DRAWN BY JDK
 DATE 10-25-04

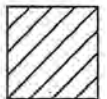
OAK CREEK
 FLUCCS MAP WEST PARCEL

COUNTY LEE
 SEC 17
 TWP 43S
 RNG 25E
 REVISIONS

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



- 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



Wetlands, 12.19 AC

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

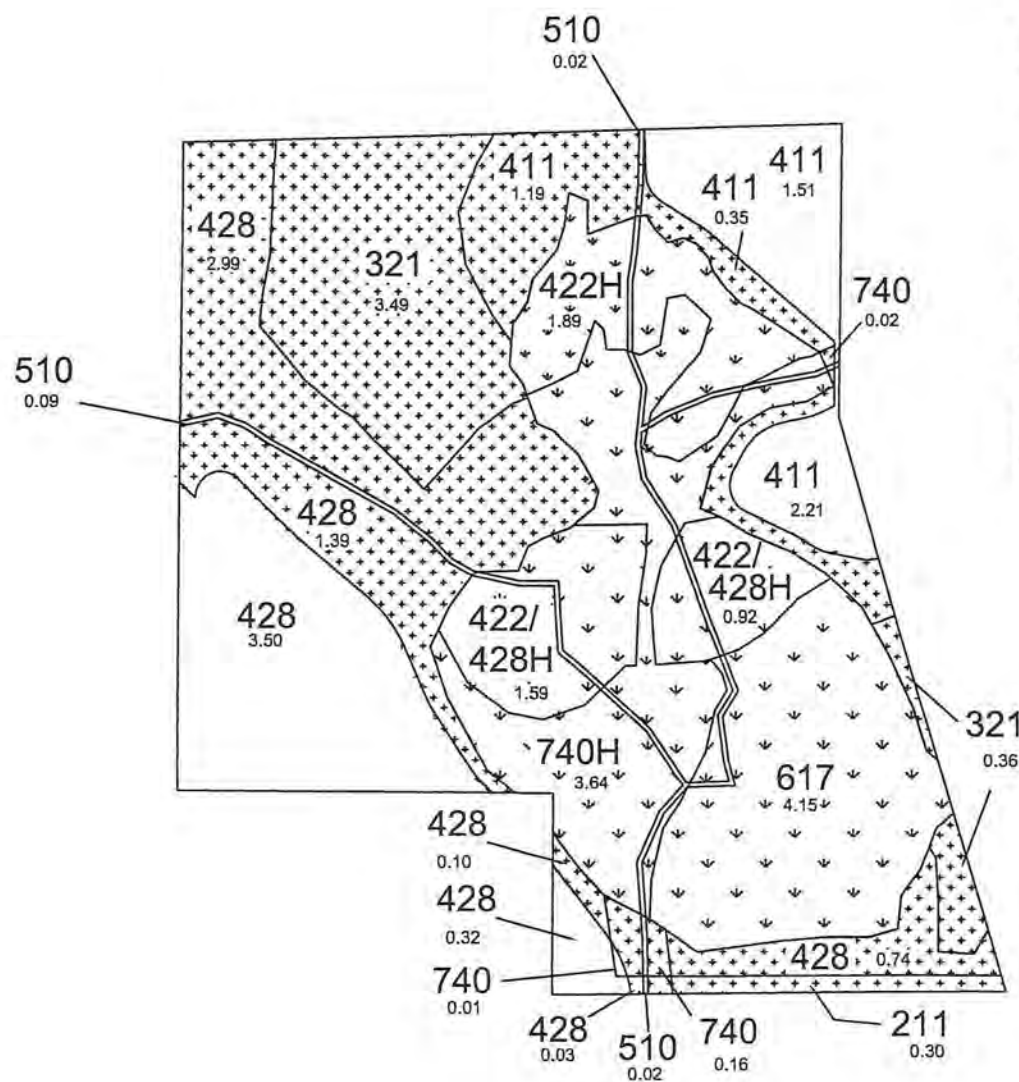
OAK CREEK
FLUCCS MAP WEST PARCEL

COUNTY LEE
SEC 17
TWP 43S
RNG 25E

Boylan
Environmental
Consultants, Inc.



Wetland & Wildlife Surveys, Environmental Permitting,
Impact Assessments



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



Wetland Preserve 12.19 AC



Upland Preserve 11.75 AC

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

OAK CREEK
FLUCCS MAP WEST PARCEL

COUNTY	LEE
SEC	17
TWP	43S
RNG	25E

Boylan
Environmental
Consultants, Inc.
*Wetland & Wildlife Surveys, Environmental Permitting,
Impact 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

Phone 850-245-6331
Fax: 850-245-6439
State SunCom: 205-6440
Email: 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 P. 01

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

Performed for:

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

November 2003



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
--	-----

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).

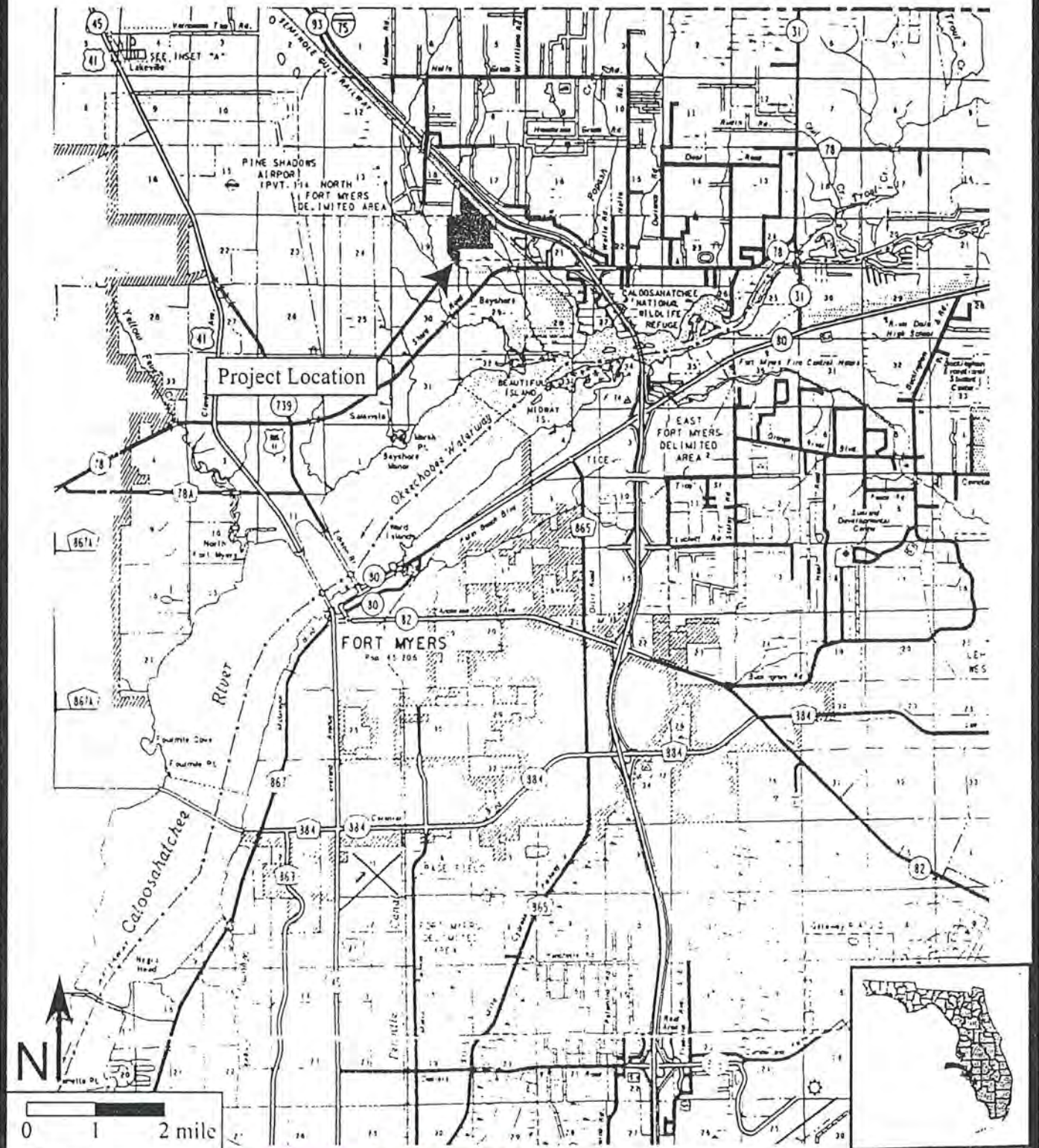


Figure 1.1. Project Location. Township 43 South, Range 25 East, Lee County (State Topographic Office 1989).



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 succeed 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 1-75 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.

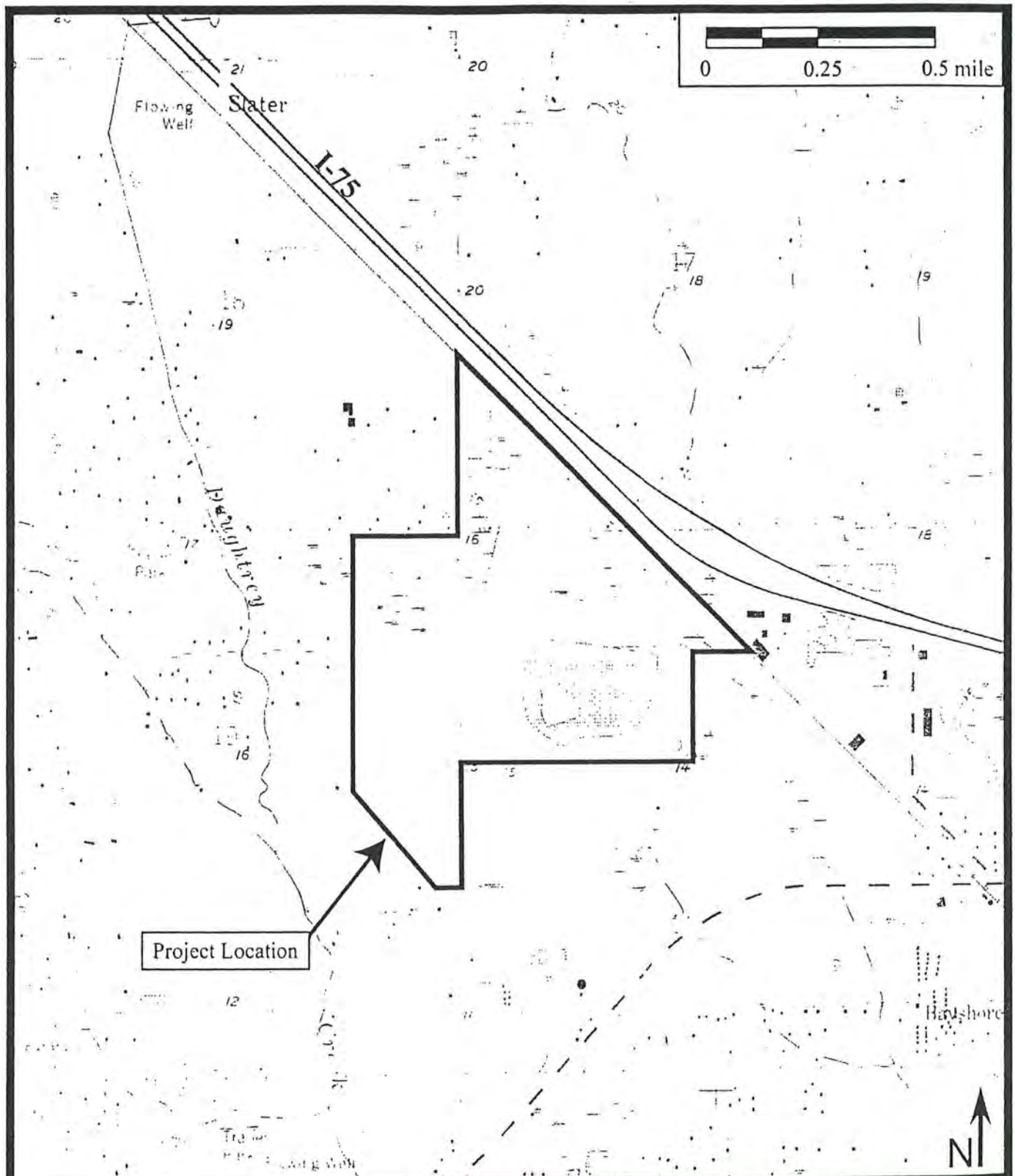


Figure 2.1. Project Location of the Oakcreek Property; Township 43 South, Range 25 East (USGS Fort Myers, Fla. 1958, PR 1987, Bathymetry added 1991).



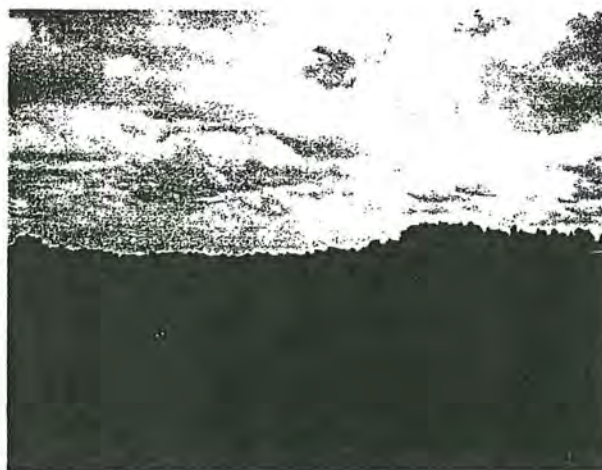


Photo 2.1. Looking West at Improved Pasture.



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



Photo 2.3. Natural Pine/Palmetto Vegetation.

3.0 PREHISTORIC REVIEW

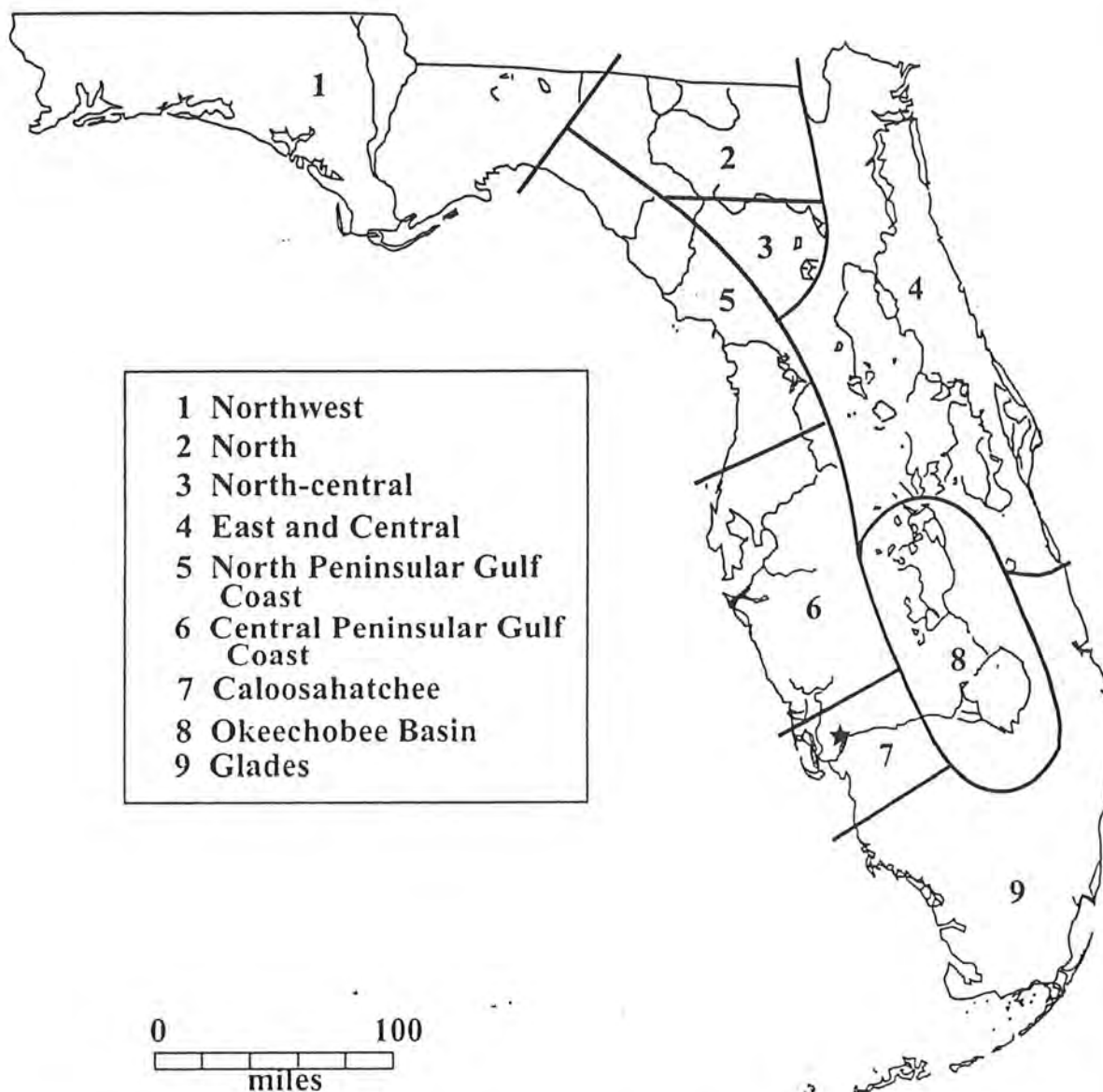
In general, archaeologists summarize the prehistory of a given area, that is, an archaeological region, by delineating a sequence of cultural periods in order to provide a chronology or a time frame for an archaeological culture that is present in a given geographical area. As a result, archaeological 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 Seminole. 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 habitation. 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 (Scupholm 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 20th 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.

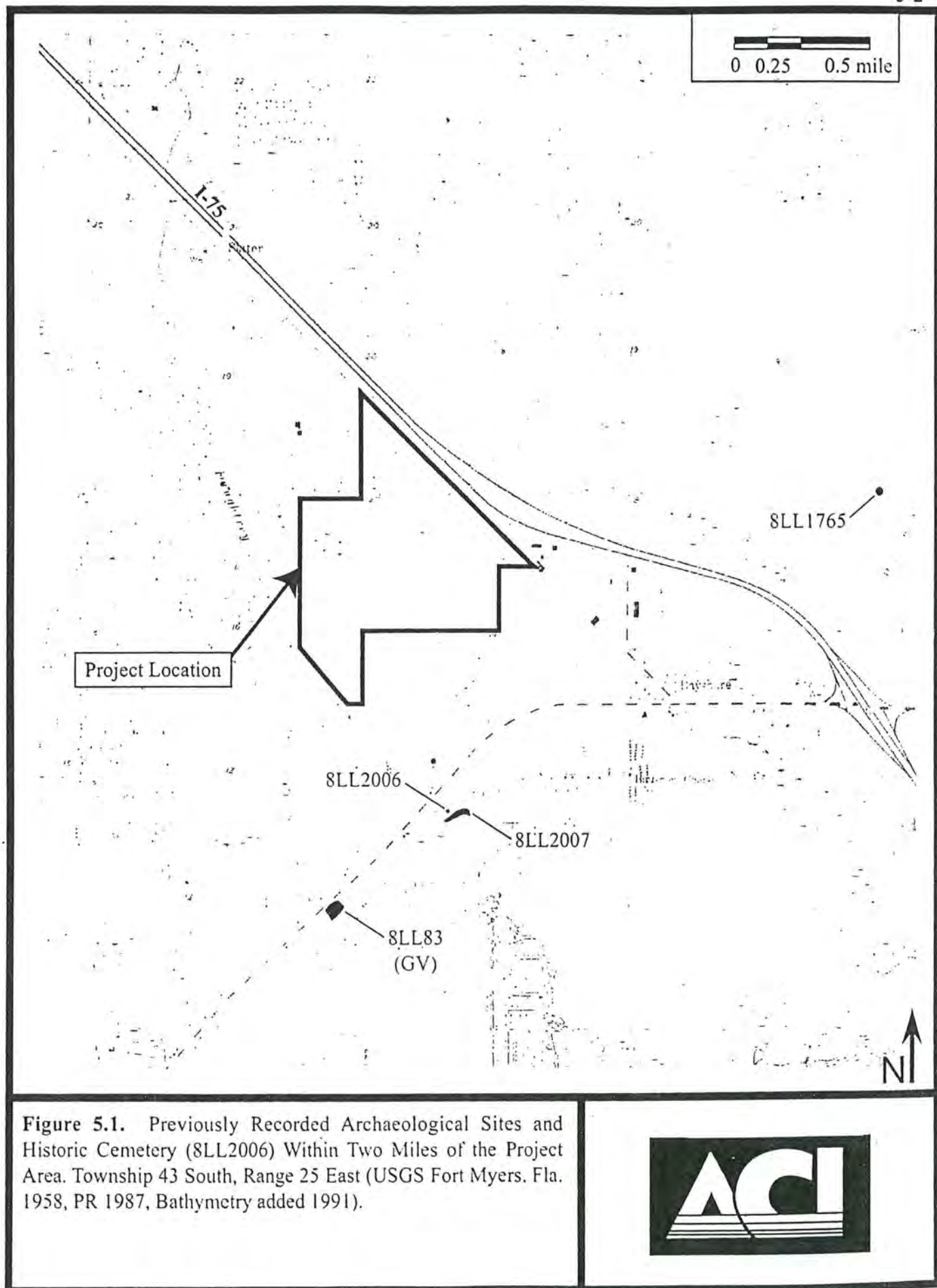


Figure 5.1. Previously Recorded Archaeological Sites and Historic Cemetery (8LL2006) Within Two Miles of the Project Area. Township 43 South, Range 25 East (USGS Fort Myers, Fla. 1958, PR 1987, Bathymetry added 1991).



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.

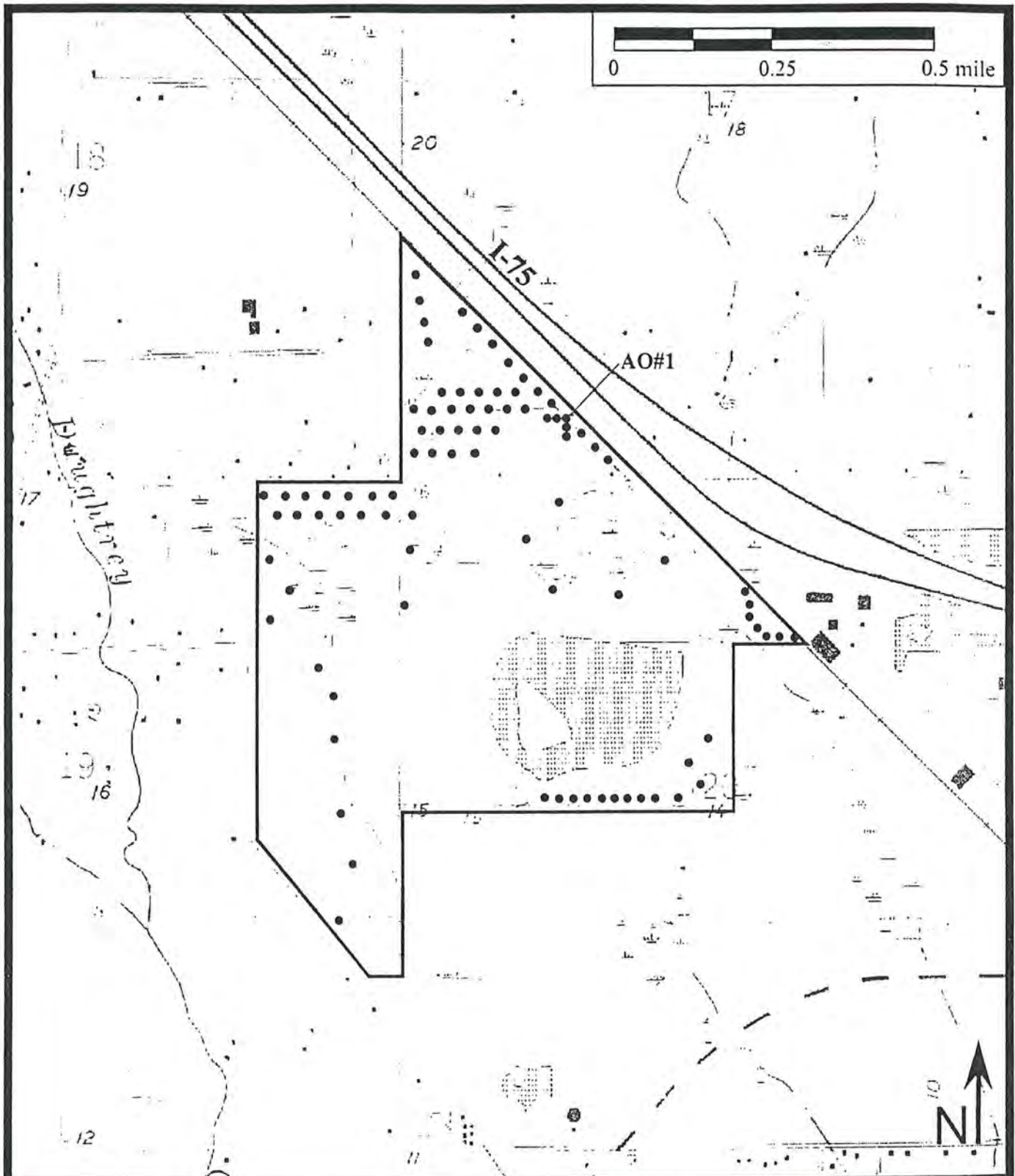


Figure 6.1. Zones of Archaeological Probability (yellow), (Barraco 2003) and Approximate Locations of of Shovel Tests and Archaeological Occurrence (AO#1) Within the Oakcreek Property; Township 43 South, Range 25 East (USGS Fort Myers, Fla. 1958, PR 1987, Bathymetry added 1991). Shovel tests are not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



7.0 REFERENCES CITED

7.1 Archaeological

Almy, Maranda M.

- 2001 The Cuban Fishing Ranches of Southwest Florida 1600 – 1850s. Unpublished Honors Thesis, Department Anthropology, University of Florida Gainesville.

Ambrosino, James N.

- 2002 Archaeological and Historical Survey of the Stony Brook North Project Area in Lee County, Florida. Manuscript on file, Florida Division of Historical Resources, Tallahassee.

Anonymous

- 1987 *Calusa News*. Number 1. University of Florida, Gainesville.

Archaeological Consultants, Inc.

- 1992 CRA Survey of a segment of US 41/ SR 739 in Ft. Myers Fla. on file, Archaeological Consultants, Sarasota.
- 1996 CRA Survey, US Business 41 from Mariana Avenue to the Apex of and US 41 and Business 41, Lee County, Fla. Manuscript on file, Archaeological Consultants, Sarasota.
- 2000 Cultural Resource Assessment Survey State Road 78 (Bayshore Road) from Slater Road to Interstate 75, Lee County. Manuscript on file, Archaeological Consultants, Sarasota.
- 2001 A Cultural Resource Assessment Survey McNew Ranch Development, Charlotte County, Fla. Manuscript on file, Archaeological Consultants, Sarasota.
- 2003 Addendum #2, Cultural Resource Assessment Survey State Road 78 (Bayshore Road) from Slater Road to Interstate 75, Lee County, Florida. Manuscript on file, Archaeological Consultants, Inc., Sarasota, Florida.

Austin, Robert

- 1987 An Archaeological Site Inventory and Zone Management Plan for Lee County, Florida. Manuscript on file, Janus Research, St. Petersburg.
- 1992 Letter to William H. Marquardt Reporting Three Galt Island Radiocarbon Date Results from Beta Analytic, Inc. Associated with the 1991 Piper Archaeology/Janus Research Fieldwork. Florida Museum of Natural History Southwest Florida Project Files, Gainesville.

Barraco and Associates, Inc.

- 2003 Oakcreek RPD, Archaeological Sensitivity Map, Exhibit III-B-1.

Beriault, John, Robert Carr, Jerry Stipp, Richard Johnson, and Jack Meeder

- 1981 The Archaeological Salvage of the Bay West Site, Collier County, Florida. *The Florida Anthropologist* 34:39-58.

- Bullen, Ripley P.
 1975 *A Guide to the Identification of Florida Projectile Points*. Kendall Books, Gainesville.
- Bullen, Ripley P. and Adelaide K. Bullen
 1956 Excavations at Cape Haze Peninsula, Florida. *Florida State Museum Contributions, Social Sciences I*. Gainesville.
- Carbone, Victor
 1983 Late Quaternary Environment in Florida and the Southeast. *The Florida Anthropologist* 36 (1-2):3-17.
- Carr, Robert S.
 1986 Preliminary Report of Archaeological Excavations at the Cutler Fossil Site in Southern Florida. Paper presented at the 51st Annual Meeting of the Society for American Archaeology.
- Carr, Robert and John Beriault
 1984 Prehistoric Man in South Florida. In *Environments of South Florida: Present and Past*, edited by P.J. Gleason, pp. 1-14, 2nd Ed. Miami Geological Society, Coral Gables.
- Clausen, Carl J., H.K. Brooks, and A.B. Wesolowsky
 1975 Florida Spring Confirmed as 10,000 Year Old Early Man Site. *Florida Anthropological Society Publication* 7:1-38.
- Clausen, Carl J., A.D. Cohen, Cesare Emiliani, J.A. Holman, and J.J. Stipp
 1979 Little Salt Spring, Florida: A Unique Underwater Site. *Science* 203:609-614.
- Cockrell, Wilburn A.
 1970 Glades I and Pre-Glades Settlement Patterns on Marco Island, Collier County, Florida. M.A. Thesis, Florida State University, Tallahassee.
- Cockrell, Wilburn A. and Larry Murphy
 1978 Pleistocene Man in Florida. *Archaeology of Eastern North America* 6:1-13.
- Coleman, Wesley F.
 1973 Site 8DA141, Dade County, Florida. *The Florida Anthropologist* 26:126-128.
 1997 Excavation of a Late Archaic Everglades Site, 8DA141, Dade County, Florida. *The Florida Anthropologist* 50:133-137.
- Cordell, A.S.
 1992 Technological Investigation of Pottery Variability in Southwest Florida. In *Culture and Environment in the Domain of the Calusa*, edited by W.H. Marquardt, pp. 105-189. Institute of Archaeology and Paleoenviromental Studies, Monograph 1. University of Florida, Gainesville.

Daniel, Randy and Michael Wisenbaker

- 1987 *Harney Flats: A Florida Paleo-Indian Site*. Baywood Publishing Company, Inc., New York.

Davis, J. H.

- 1943 The Natural Features of Southern Florida. *Florida Geological Survey Bulletin* Number 25. Tallahassee.

Delcourt, P. A., and H. R. Delcourt

- 1981 Vegetation Maps for Eastern North America: 40,000 yr. B.P. to the Present. In *Geobotany II*, edited by R. C. Romans, Plenum Publishing Corporation.

Dunbar, James S.

- 1981 The Effect of Geohydrology and Natural Resource Availability on Site Utilization at the Fowler Avenue Bridge Mastodon Site (8HI393c/uw) in Hillsborough County, Florida. In Report on Phase II Underwater Archaeological Testing at the Fowler Bridge Mastodon Site (8HI393c/uw) Hillsborough County, Florida by Jill Palmer, James Dunbar, and Danny H. Clayton. *Interstate 75 Highway Phase II Archaeological Report*, Number 5. On file, Florida Division of Historic Resources, Tallahassee.

Estabrook, Richard M.

- 1991 Cultural Resource Assessment Survey of the Proposed State Road 78 PD&E Alignment between Piney Road and Interstate 75, Lee County, Florida. Manuscript on file, Florida Division of Historical Resources, Tallahassee.
- 1993 A Cultural Resource Assessment Survey of the Southwest Florida Pipeline Company Corridor Realignment, Desoto, Charlotte and Lee Counties, Florida. Manuscript on file, Florida Division of Historical Resources, Tallahassee.

Florida Natural Areas Inventory and Florida Department of Natural Resources

- 1990 *Guide to the Natural Communities of Florida*. Tallahassee.

Fradkin, Arlene

- 1976 The Wightman Site: A Study of Prehistoric Culture and the Environment on Sanibel Island, Lee County, Florida. M.A. Thesis, Department of Anthropology, University of Florida, Gainesville.

Goggin, John M.

- 1947 A Preliminary Definition of Archaeological Areas and Periods in Florida. *American Antiquity* 13:114-127.
- 1949 Cultural Traditions in Florida Prehistory. In *The Florida Indian and His Neighbors*, edited by John W. Griffin, pp. 13-44. Rollins College, Winter Park.

Griffin, John W.

- 1988 *The Archaeology of Everglades National Park: A Synthesis*. National Park Service, Southeast Archaeological Center, Tallahassee.

Griffin, John W., Sue B. Richardson, Mary Pohl, Carl D. McMurray, C. Margaret Scarry, Suzanne K. Fish, Elizabeth S. Wing, L. Jill Loucks, and Marcia K. Welch

- 1984 *Excavations at the Granada Site: Archaeology and History of the Granada Site, Volume I*. Manuscript on file, Florida Division of Historical Resources, Tallahassee.

Hazeltine, Dan

- 1983 A Late Paleo-Indian Site, Cape Haze Peninsula, Charlotte County, Florida. *The Florida Anthropologist* 36:98-100.

Lee, Arthur R. And John Beriault

- 1993 A Small Site - Mulberry Midden, 8CR697 - Contributions to Knowledge of the Transitional Period. *The Florida Anthropologist* 46:43-52.

Lee, Arthur R., John G. Beriault, Jean Belknap, Walter M. Buschelman, John W. Thompson, and Carl B. Johnson

- 1998 Heineken Hammock, 8CR231: A Late Archaic Corridor Site in Collier County. *The Florida Anthropologist* 51(4):223-239.

Luer, George M.

- 1989 Calusa Canals in Southwestern Florida: Routes of Tribute and Exchange. *The Florida Anthropologist* 42(2):89-130.

Marquardt, Wm. H., ed.

- 1992 *Culture and Environment in the Domain of the Calusa*. Monograph 1, Institute of Archaeology and Paleoenvironmental Studies, University of Florida, Gainesville.

McNab, W. Henry and Peter E. Avers

- 1996 Ecological Subregions of the United States. <http://www.fs.fed.us/land/pubs/ccoregions> (22 July 2002). Prepared in cooperation with Regional Compilers and the ECOMAP Team of the Forest Service, July 1994.

Milanich, Jerald T.

- 1994 *Archaeology of Precolumbian Florida*. University Press of Florida, Gainesville.

Milanich, Jerald T. and Charles H. Fairbanks

- 1980 *Florida Archaeology*. Academic Press, New York.

Milanich, Jerald T., J. Chapman, A.S. Cordell, S. Hale, and R. A. Marrinan

- 1984 Prehistoric Development of Calusa Society in Southwest Florida: Excavations on Useppa Island. In *Perspectives on Gulf Coast Prehistory*, edited by D. D. Davis, pp. 258-314. University Press of Florida, Gainesville.

Mowers, Bert and Wilma Williams

- 1972 The Peace Camp Site, Broward County, Florida. *The Florida Anthropologist* 25:1-20.

Russo, Michael

- 1991 Archaic Sedentism on the Florida Gulf Coast: A Case Study from Horr's Island. PhD dissertation, Department of Anthropology, University of Florida, Gainesville.

State Topographic Office

1989 General Highway Map, Lee County, Florida.

United States Department of Agriculture (USDA)

1984 *Soil Survey of Lee County*, Soil Conservation Service, Washington, D.C.

United States Geological Survey (USGS)

1958 Fort Myers, Fla. Photorevised 1987.

Watts, William A.

1969 A Pollen Diagram from Mud Lake, Marion County, North-central Florida. *Geological Society of America Bulletin* 80:631-642.

1971 Post Glacial and Interglacial Vegetational History of Southern Georgia and Central Florida. *Ecology* 51:676-690.

1975 A Late Quaternary Record of Vegetation from Lake Annie, South-Central Florida. *Geology* 3:344-346.

Wheeler, Ryan J.

1994 Early Florida Decorated Bone Artifacts: Style and Aesthetics from Paleo-Indian Through Archaic. *The Florida Anthropologist* 47:47-60.

Widmer, Randolph J.

1974 A Survey and Assessment of the Archaeological Resources on Marco Island, Collier County, Florida. *Miscellaneous Project Report Series* Number 19. On file, Florida Division of Historical Resources, Tallahassee.

1986 Prehistoric Estuarine Adaptation at the Solana Site, Charlotte County, Florida. Manuscript on file, Florida Bureau of Archaeological Research, Tallahassee.

1988 *The Evolution of the Calusa*. The University of Alabama Press, Tuscaloosa.

7.2 Historical

Akerman, Joe A., Jr.

1976 *Florida Cowman, A History of Florida Cattle Raising*. Florida Cattlemen's Association, Kissimmee.

Almy, Maranda M.

2001 The Cuban Fishing Ranchos of Southwest Florida 1600-1850s. Unpublished Honors Thesis, Department of Anthropology, University of Florida, Gainesville.

Bonita Banner

2002 "A City's Vision: The Way It Was - 'Snapshots' of Bonita Before U.S. 41". October 12.

Covington, James W.

- 1957 *The Story of Southwestern Florida*. Lewis Historical Publishing Company, New York.
- 1958 "Exploring the Ten Thousand Islands: 1838." *Tequesta* 18:7-13.
- 1982 *The Billy Bowlegs War 1855-1858 The Final Stand of The Seminoles Against the Whites*. The Mickler House Publishers, Chuluota.

Dunn, Hampton

- 1989 *Back Home: A History of Citrus County, Florida*. 2nd edition, Citrus County Historical Society, Inc., Inverness.

Grismer, Karl

- 1946 *The Story of Sarasota*. Florida Grower Press, Tampa.
- 1982 *The Story of Fort Myers*. Island Press Publishers, Fort Myers Beach.

Hammond, E.A.

- 1973 "The Spanish Fisheries of Charlotte Harbor." *Florida Historical Quarterly* 51:355-380.

Historic Property Associates (HPA)

- 1989 Historic Properties survey of Charlotte County, Fla. Manuscript on file, St. Augustine.

Mahon, John K.

- 1967 *History of the Second Seminole War 1835-1842*. University Press of Florida, Gainesville.

Nutting, E.P.

- 1986 *The Beginnings of Bonita Springs Florida*. The Friends of the Library. Bonita Springs.

Scupholm, Carrie

- 1997 The Tamiami Trail: Connecting the East and West Coasts of the Sunshine State. *The Society for Commercial Archeology Journal* 15 (20-24).

Shofner, Jerrell H.

- 1995 *History of Brevard County, Volume 1*. Brevard County Historical Commission, Stuart.

State of Florida, Department of Environmental Protection

- 1859 *Field Notes*. Volume 211.
- 1860-1 *Field Notes*. Volume 212
- 1872 *Field Notes*. Volume 220.
- 1873a *Field Notes*. Volume 222
- 1873b *Plat. Township 43 South, Range 25 East*.
- n.d. *Tract Book*. Volume 22.

Tebeau, Charlton W.

- 1965 *Florida from Indian Trail to Space Age*. Southern Publishing Company, Delray Beach.
- 1966 *Florida's Last Frontier: The History of Collier County*. University of Miami Press, Coral Gables.
- 1971 *A History of Florida*. University of Miami Press, Coral Gables.

Widmer, Randolph J.

- 1988 *The Evolution of the Calusa*. The University of Alabama Press, Tuscaloosa.

APPENDIX: Survey Log Sheet

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

Florida Master Site File

Version 2.0 9/97

FMSF USE ONLY

FMSF Survey # _____

Consult *Guide to the Survey Log Sheet* for detailed instructions.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/msf/

\\C:\graydhr\share\FMSF\DOCS\FORMS\Logsheet.doc 10/03/97 11 07 AM

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).

- | | | | |
|---|---|--|--|
| ☐ Florida Archives (Gray Building) | ☐ library research - (local public) | ☐ local property or tax records | ☒ windshield survey |
| ☐ Florida Photo Archives (Gray Building) | ☐ library-special collection- (non local) | ☐ newspaper files | ☒ aerial photography |
| ☒ FMSF site property search | ☒ Public Lands Survey (maps at DEP) | ☒ literature search | |
| ☒ FMSF survey search | ☐ local informant(s) | ☐ Sanborn Insurance maps | |
| ☐ 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.

- | | | |
|---|---|--|
| ☐ surface collection, controlled | ☐ other screen shovel test (size: _____) | ☐ block excavation (at least 2x2 m) |
| ☐ surface collection, uncontrolled | ☐ water screen (finest size: _____) | ☐ soil resistivity |
| ☒ shovel test-1/4" screen | ☐ posthole tests | ☐ magnetometer |
| ☐ shovel test-1/8" screen | ☐ auger (size: _____) | ☐ side scan sonar |
| ☐ shovel test-1/16" screen | ☐ coring | ☐ unknown |
| ☐ shovel test-unscreened | ☐ test excavation (at least 1x2 m) | |
| ☐ 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.

- | | | | |
|--|--|---|---|
| ☐ building permits | ☐ demolition permits | ☐ neighbor interview | ☐ subdivision maps |
| ☐ commercial permits | ☒ exposed ground inspected | ☐ occupant interview | ☐ tax records |
| ☐ interior documentation | ☐ local property records | ☐ occupation permits | ☐ unknown |
| ☐ 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

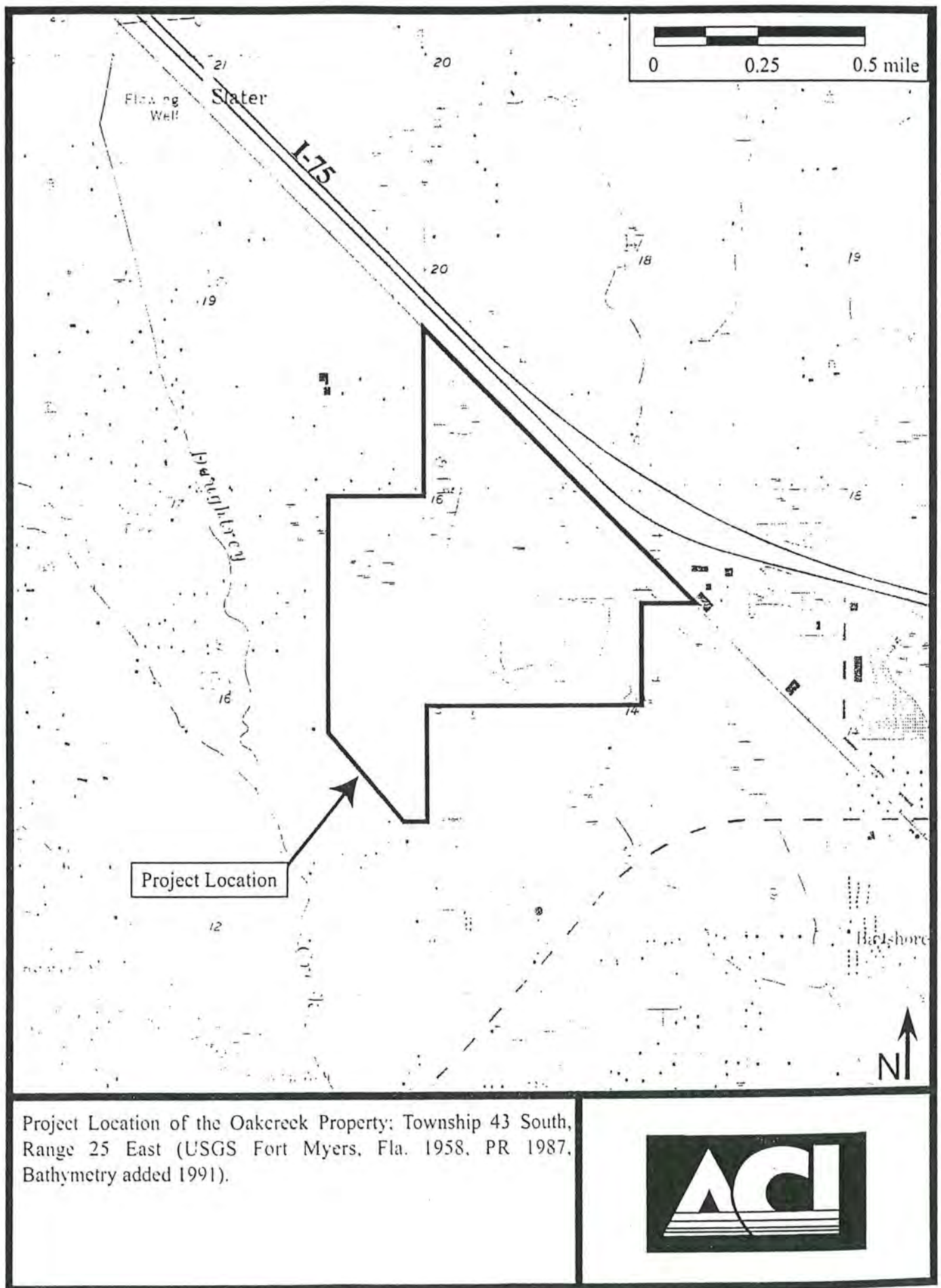
BAR Related

- | | |
|-------------------------------|-------------------------------|
| ☐ 872 | ☐ 1A32 |
| ☐ CARL | ☐ UW |

BHP Related

- | |
|--|
| ☐ State Historic Preservation Grant |
| ☐ Compliance Review CRAT # |

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



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.

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

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

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

**LPA Public Hearing Document
for the
January 24th, 2005 Public Hearing**

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

January 21, 2005

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

☐

Text Amendment

☒

Map Amendment

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

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 airport 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. Continued expansion of the facility is the result of increased growth in the southwest Florida region as a whole.

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

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

D. VOTE:

NOEL ANDRESS

MATT BIXLER

SUSAN BROOKMAN

DAN DELISI

RONALD INGE

ROBERT PRITT

GORDON REIGELMAN

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

DATE OF TRANSMITTAL HEARING:

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

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

DATE OF ORC REPORT:

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**
- B. STAFF RESPONSE**
- C. STAFF RECOMMENDATION**

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

DATE OF ADOPTION HEARING:

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

RECEIVED
JAN 19 2005

Memo

COMMUNITY DEVELOPMENT

To: Paul O'Connor, Division of Planning
From: Lili Wu W~
Date: January 19, 2004
Subject: CPA 2004-08 (Oak Creek) Privately Initiated Lee Plan Future Land Use
Map Amendment

We have reviewed the above application which requests the land use designation of approximately 27 acres be changed from "Rural" to "Suburban" and approximately 17.81 acres from "Suburban" to "Rural". Your staff indicated that the proposed change will result in an increase of 47 dwelling units. 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.

Please let me know if you have any questions.

LW:lcc

cc: David Loveland
Andy Getch
Central File

S:\DOCUMENT\WU\MEMOS\2005\Oak Creek CPA 2004-08, Paul O'Connor.doc

From: Howard Wegis
To: Noble, Matthew
Date: 1/21/05 12:47PM
Subject: Re: Oak Creek Plan Amendment

Sorry for the delay, thanks for the reminder.

Subject parcel is in LCU's water service area and can be served with a line extension from existing large diameter transmission water main on Bayshore road. We have capacity to serve with water. Wastewater is in North Fort Myers Utilities service area.

One thing worth mentioning is our existing aquifer storage and recovery (ASR) well at the North Reservoir (west intersection of Samville road and Bayshore). If the applicant installs a well and withdraws water, for say irrigation, from the same aquifer that we are storing water in there is a potential for a loss of our stored water. This should be caught by SFWMD or our Natural Resource Department if the developer decides to install a well for the project. Do not know if it is worth making an issue of at this stage, but felt it was worth mentioning.

>>> Matthew Noble 01/21/05 11:23AM >>>

Have you had a chance to look at the application?

Matthew A. Noble, Principal Planner
Lee County Department of Community Development
Division of Planning
Email: noblema@bocc.co.lee.fl.us
(239) 479-8548
(941) 479-8319 FAX

CC: Molina, Luis; Osterhout, Thom

From: Michael Pavese
To: Noble, Matthew
Date: 1/14/05 11:01AM
Subject: Re: CPA2004-08 Oak Creek Lee Plan Amendment

Matt, staff has reviewed this application and does not have any concerns regarding the proposed amendments. If approved, the amendments should not have a negative impact on Parks and Recreation service levels. Please let me know if you need any other information.

>>> Matthew Noble 01/10/05 04:08PM >>>

Staff is tentatively scheduling this plan amendment for the January 24 LPA public hearing and would appreciate any comments as soon as possible...

Matthew A. Noble, Principal Planner
Lee County Department of Community Development
Division of Planning
Email: noblema@bocc.co.lee.fl.us
(239) 479-8548
(941) 479-8319 FAX

**REGULAR MEETING
OF THE
LOCAL PLANNING AGENCY**

**Monday, January 24, 2005
Board of County Commission Chambers
The meeting will commence at 8:30 a.m.**

AGENDA

- 1. Call to Order; Certification of Affidavit of Publication**
- 2. Pledge of Allegiance**
- 3. Public Forum**
- 4. Approval of Minutes from September 27, 2004**
- 5. Plan Amendment Review:**
 - A. 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 1 acre at the intersection of I-75 and Corkscrew Road.**
 - B. CPA2004-08 – Oak Creek - Amend the Future Land Use Map series for an approximate $\pm$ 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 an approximate $\pm$ 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."**
- 6. Other Business**
- 7. Adjournment**

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. Pursuant to Florida Statutes Section 163.3184(8)(b), persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy informational statement from the Department of Community Affairs prior to the publication of the Notice of Intent to find a plan amendment in compliance.

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Further information may be obtained by contacting the Lee County Division of Planning at 479-8585.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 479-8583.

PO# 900565

Handwritten calculations and notes on the map:

$$\begin{aligned} & \#4 \\ & \frac{36683}{1.1} = 33348 * 0.099 \\ & = 3301 * 0.52 \\ & = 1716 \\ & 1950 - 1716 = 234 \end{aligned}$$

Circled parcel number: 18055

viper

Licensed to Florida Department of Transportation



DESCRIPTION

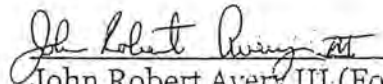
Parcel in
Section 17, Township 43 South, Range 25 East,
Lee County, Florida

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 $N00^{\circ}06'34''W$ along the west line of said fraction for 1231.60 feet; thence run $N89^{\circ}53'26''E$ for a 354.00 feet; thence run $S00^{\circ}06'34''E$ for 1229.43 feet to the intersection with the south line of (SW 1/4) section 17; thence run $S89^{\circ}32'23''W$ along said section line for 354.01 feet to THE POINT OF BEGINNING.

Containing 10.00 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD 1983/99 adjustment) and are based on the south line of the SW 1/4 of said Section 17, to bear $N89^{\circ}32'23''E$.

 1-19-04
John Robert Avery III (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5298

21797SK06 parcel 1 desc.doc

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:

From Point of Commencement at the southwest corner of the southwest quarter (SW 1/4) of said Section 17 run $N00^{\circ}06'34''W$ along the west line of said fraction for 1231.60 feet to the point of Beginning;

From Said Point of Beginning continue $N00^{\circ}06'34''W$ along said line for 30.50 feet; thence run $N 89^{\circ}53'26''E$ for a 474.78 feet; thence run $S 45^{\circ}46'33''E$ for 333.86 feet; thence run $S 00^{\circ}06'34''E$ for 1024.42 feet to the intersection with the south line of (SW 1/4) section 17; thence run $S89^{\circ}32'23'' W$ along said section line for 359.59 feet; thence run $N00^{\circ}06'34''W$ for 1229.43 feet; thence run $S89^{\circ}53'26''W$ for 354.00 feet to THE POINT OF BEGINNING.

Containing 10.00 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD 1983/99 adjustment) and are based on the south line of the SW 1/4 of said Section 17, to bear $N89^{\circ}32'23''E$.

John Robert Avery III 1-19-04
John Robert Avery III (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5298

21797SK06 parcel 2 desc.doc

DESCRIPTION

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

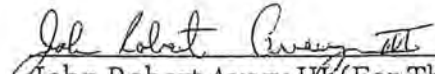
A tract or parcel of land lying in Section 17, Township 43 South, Range 25 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

From Point of Commencement at the southwest corner of the southwest quarter (SW 1/4) of said Section 17 run $N00^{\circ}06'34''W$ along the west line of said fraction for 1262.10 feet; thence run $N89^{\circ}53'26''E$ for a 474.78 feet; thence run $S45^{\circ}46'33''E$ for 333.86 feet to THE POINT OF BEGINNING;

From Said Point of Beginning continue $S45^{\circ}46'33''E$ for 832.15 feet; thence run $S00^{\circ}06'34''E$ for 439.24 feet to the intersection with the south line of (SW 1/4) section 17 ; thence run $S89^{\circ}32'23''W$ along said section line for 595.23 feet; thence run $N00^{\circ}06'34''W$ for 1024.42 feet to THE POINT OF BEGINNING.

Containing 10.00 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD 1983/99 adjustment) and are based on the south line of the SW 1/4 of said Section 17, to bear $N89^{\circ}32'23''E$.


John Robert Avery III (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5298

21797SK06 parcel 3 desc.doc

DESCRIPTION

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

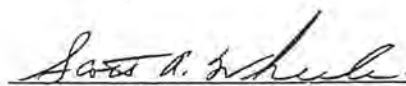
A tract or parcel of land lying in Section 19, Township 43 South, Range 25 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

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 Northeast Quarter (NE ¼) of Section 19 for 892.16 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 1,021.01 feet; thence run N89°27'37"W for 430.12 feet to an intersection with said West line of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section 19; thence run N00°32'23"E along said West line of said fraction for 1,004.46 feet to the Northwest corner of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section 19; thence run N88°20'13"E along the North line of said Northeast Quarter (NE ¼) of Section 19 for 430.44 feet to the POINT OF BEGINNING.

Containing 435,600 square feet or 10.00 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.

 11/19/04
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

L:\21797 - Bayshore 299\Descriptions\21797SK07DESC.doc

Barraco

and Associates, Inc.

www.barraco.net

Civil Engineers, Land Surveyors and Planners

DESCRIPTION

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

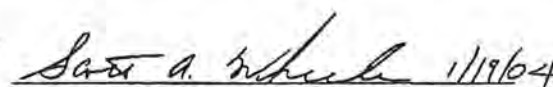
A tract or parcel of land lying in Section 19, Township 43 South, Range 25 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter (NE 1/4) of said Section 19 run S88°20'13"W along the North line of said Northeast Quarter (NE 1/4) of Section 19 for 529.71 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 1/4) of the Northeast Quarter (NE 1/4) of said Section 19 for 1,341.30 feet; thence run S89°35'46"W for 205.47 feet; thence run N00°32'23"E parallel with said West line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 19 for 309.75 feet; thence run N89°27'37"W for 156.74 feet; thence run N00°32'23"E parallel with said West line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 19 for 1,021.01 feet to an intersection with said North line of Northeast Quarter (NE 1/4) of Section 19; thence run N88°20'13"E along the North line of said Northeast Quarter (NE 1/4) of Section 19 for 362.45 feet to the POINT OF BEGINNING.

Containing 435,600 square feet or 10.00 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 1/4) of Section 19, to bear N88°20'13"E.


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

L:\21797 - Bayshore 299\Descriptions\21797SK08DESC.doc

EXHIBIT "A"
(Page 1 of 2)

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169

DESCRIPTION

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

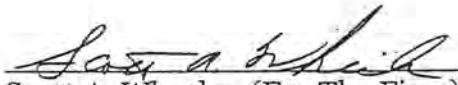
A tract or parcel of land lying in Section 19, Township 43 South, Range 25 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter (NE 1/4) of said Section 19 run S88°20'13"W along the North line of said Northeast Quarter (NE 1/4) of Section 19 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 1/4) of the Northeast Quarter (NE 1/4) 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 501.36 feet; thence run N00°32'23"E parallel with said West line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of said Section 19 for 1,341.30 feet to an intersection with the North line of Northeast Quarter (NE 1/4) of said Section 19; thence run N88°20'13"E along said North line of said Northeast Quarter (NE 1/4) of Section 19 for 236.80 feet to the POINT OF BEGINNING.

Containing 435,600 square feet or 10.00 acres, more or less.

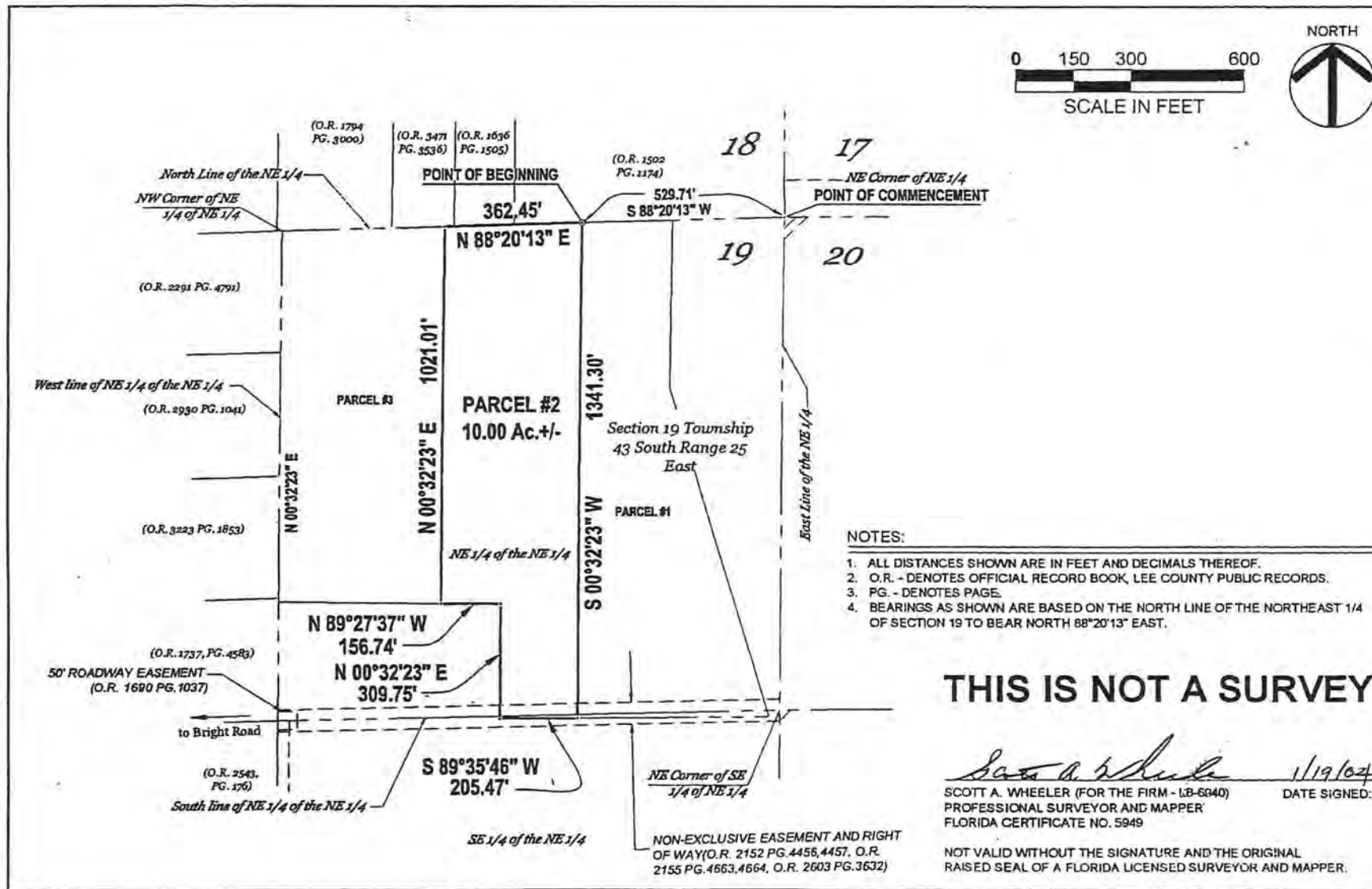
Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD 1983/90 adjustment) and are based on the North line of said Northeast Quarter (NE 1/4) of Section 19, to bear N88°20'13"E.

 1/19/04
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

L:\21797 - Bayshore 299\Descriptions\21797SK09DESC.doc



EXHIBIT "A"
(Page 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 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 1/19/04
 SCOTT A. WHEELER (FOR THE FIRM - LB-6040) 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.

Barraco
 and Associates, Inc.
 CIVIL ENGINEERING - LAND SURVEYING
 LAND PLANNING - LANDSCAPE DESIGN
 WWW.BARRACO.NET
 5071 MADISON BOULEVARD
 FORT MYERS, FLORIDA 33905
 PHONE (888) 444-4444
 FAX (239) 444-4444

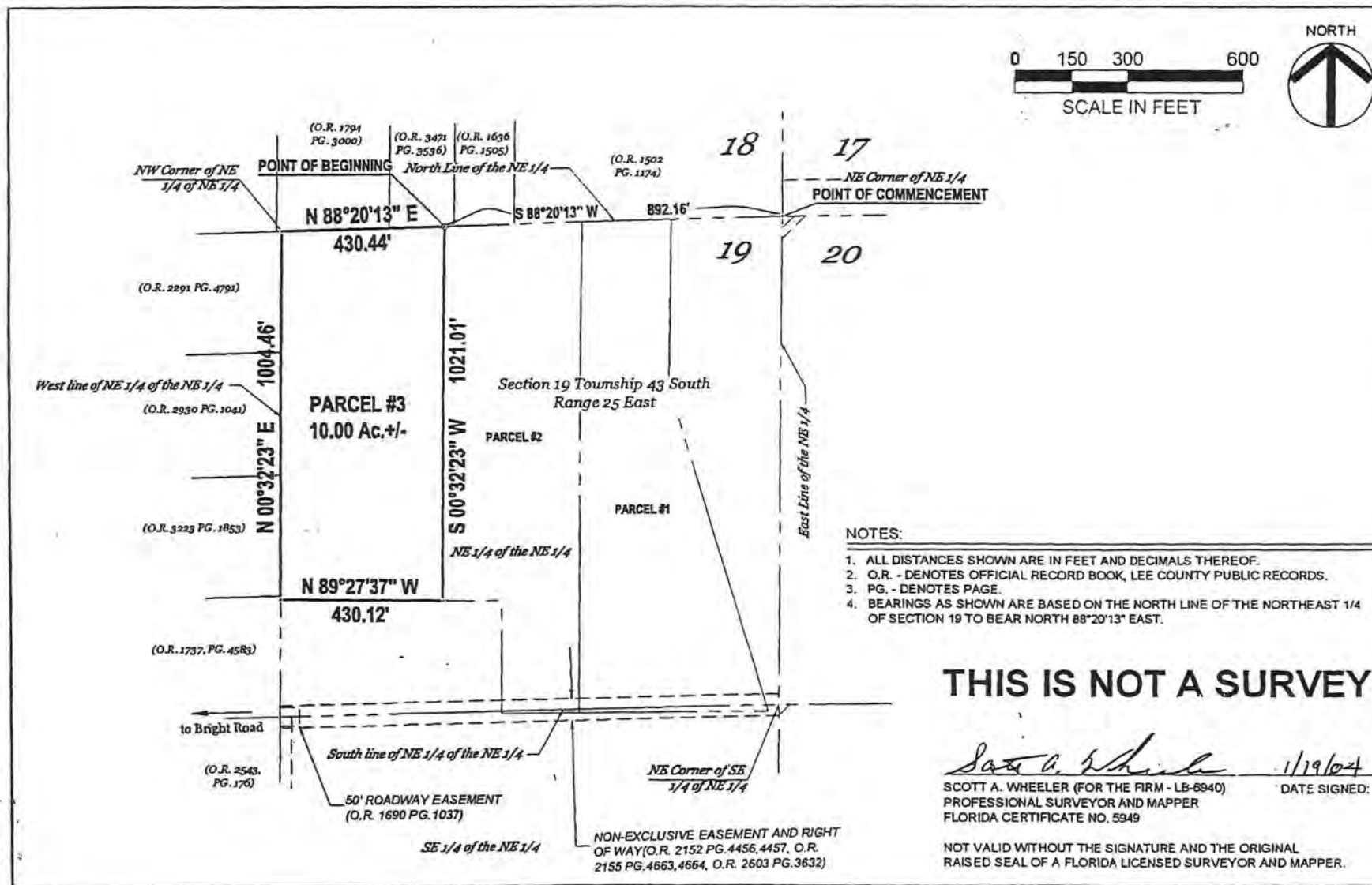
Land Solutions
 5400 BAYVIEW CENTER COURT
 BUILDING 1000
 FORT MYERS, FLORIDA 33912
 PHONE (239) 444-4444
 FAX (239) 444-4444
 WWW.LANDSOLUTIONS.NET

PARCEL IN THE 14
 OF
 SECTION 19, TWP 43
 SOUTH, RGE. 25 EAST IN
 LEE COUNTY, FLORIDA



DATE	DESCRIPTION
1/19/04	1. L&P
1/19/04	2. L&P
1/19/04	3. L&P
1/19/04	4. L&P
1/19/04	5. L&P
1/19/04	6. L&P
1/19/04	7. L&P
1/19/04	8. L&P
1/19/04	9. L&P
1/19/04	10. L&P
1/19/04	11. L&P
1/19/04	12. L&P
1/19/04	13. L&P
1/19/04	14. L&P
1/19/04	15. L&P
1/19/04	16. L&P
1/19/04	17. L&P
1/19/04	18. L&P
1/19/04	19. L&P
1/19/04	20. L&P
1/19/04	21. L&P
1/19/04	22. L&P
1/19/04	23. L&P
1/19/04	24. L&P
1/19/04	25. L&P
1/19/04	26. L&P
1/19/04	27. L&P
1/19/04	28. L&P
1/19/04	29. L&P
1/19/04	30. L&P

DATE	DESCRIPTION
1/19/04	1. L&P
1/19/04	2. L&P
1/19/04	3. L&P
1/19/04	4. L&P
1/19/04	5. L&P
1/19/04	6. L&P
1/19/04	7. L&P
1/19/04	8. L&P
1/19/04	9. L&P
1/19/04	10. L&P
1/19/04	11. L&P
1/19/04	12. L&P
1/19/04	13. L&P
1/19/04	14. L&P
1/19/04	15. L&P
1/19/04	16. L&P
1/19/04	17. L&P
1/19/04	18. L&P
1/19/04	19. L&P
1/19/04	20. L&P
1/19/04	21. L&P
1/19/04	22. L&P
1/19/04	23. L&P
1/19/04	24. L&P
1/19/04	25. L&P
1/19/04	26. L&P
1/19/04	27. L&P
1/19/04	28. L&P
1/19/04	29. L&P
1/19/04	30. L&P



THIS IS NOT A SURVEY

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

DATE SIGNED: _____

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



Barraco
and Associates, Inc.
CIVIL ENGINEERING • LAND SURVEYING
LAND PLANNING • LUNDSIDE DESIGN
www.barraco.net
3771 MAGNOLIA BOULEVARD
PORT OFFICE CHAIRMAN HSD
PORT MYERS, FLORIDA 33908
PHONE (239) 491-3888
FAX (239) 491-3110
FLORIDA LICENSE #10076 FOR ARCHITECTURAL AND
ENGINEERING WORK - IN PRACTICE L.S.# 10076

Land Solutions Inc.
9180 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 488-4258
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PARCEL IN THE NE 1/4
OF
SECTION 18, TWP 43
SOUTH, RGE. 25 EAST IN
LEE COUNTY, FLORIDA

[illegible]

EXHIBIT "A"
(Page 2 of 2)

DESCRIPTION

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

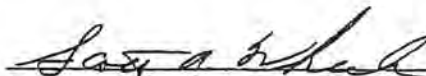
A tract or parcel of land lying in Section 19, Township 43 South, Range 25 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

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 Northeast Quarter (NE ¼) of Section 19 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 501.36 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 1,341.30 feet to an intersection with the North line of Northeast Quarter (NE ¼) of said Section 19; thence run N88°20'13"E along said North line of said Northeast Quarter (NE ¼) of Section 19 for 236.80 feet to the POINT OF BEGINNING.

Containing 435,600 square feet or 10.00 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.

 1/19/04
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

L:\21797 - Bayshore 299\Descriptions\21797SK09DESC.doc

EXHIBIT "A"
(Page 1 of 2)

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169

DESCRIPTION

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

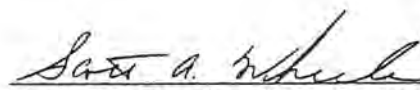
A tract or parcel of land lying in Section 19, Township 43 South, Range 25 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter (NE 1/4) of said Section 19 run S88°20'13"W along the North line of said Northeast Quarter (NE 1/4) of Section 19 for 529.71 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 1/4) of the Northeast Quarter (NE 1/4) of said Section 19 for 1,341.30 feet; thence run S89°35'46"W for 205.47 feet; thence run N00°32'23"E parallel with said West line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 19 for 309.75 feet; thence run N89°27'37"W for 156.74 feet; thence run N00°32'23"E parallel with said West line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 19 for 1,021.01 feet to an intersection with said North line of Northeast Quarter (NE 1/4) of Section 19; thence run N88°20'13"E along the North line of said Northeast Quarter (NE 1/4) of Section 19 for 362.45 feet to the POINT OF BEGINNING.

Containing 435,600 square feet or 10.00 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 1/4) of Section 19, to bear N88°20'13"E.

 1/19/04
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

Barraco

and Associates, Inc.

www.barraco.net

Civil Engineers, Land Surveyors and Planners

DESCRIPTION

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

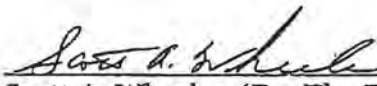
A tract or parcel of land lying in Section 19, Township 43 South, Range 25 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter (NE 1/4) of said Section 19 run S88°20'13"W along the North line of said Northeast Quarter (NE 1/4) of Section 19 for 892.16 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 1/4) of the Northeast Quarter (NE 1/4) of said Section 19 for 1,021.01 feet; thence run N89°27'37"W for 430.12 feet to an intersection with said West line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 19; thence run N00°32'23"E along said West line of said fraction for 1,004.46 feet to the Northwest corner of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of said Section 19; thence run N88°20'13"E along the North line of said Northeast Quarter (NE 1/4) of Section 19 for 430.44 feet to the POINT OF BEGINNING.

Containing 435,600 square feet or 10.00 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 1/4) of Section 19, to bear N88°20'13"E.

 1/19/04
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

L:\21797 - Bayshore 299\Descriptions\21797SK07DESC.doc

EXHIBIT "A"

(Page 1 of 2)

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169

TRANSMITTAL LETTER

TO:

Mr. Matt Noble
Lee County Development Services
1500 Monroe Street
Fort Myers, FL 33902

FROM:

Shellie Johnson, AICP

DATE:

JANUARY 21, 2005

PROJECT NUMBER

21797

PROJECT NAME:

Oak Creek

DISTRIBUTION TO:

RE:

Cultural Resource Assessment Survey

WE ARE SENDING THE FOLLOWING ITEMS VIA:

☐	STANDARD POSTAL MAIL
☐	OVERNIGHT DELIVERY

☒	COURIER SERVICE
☐	CLIENT PICK-UP AT OUR OFFICE

☐	OTHER
☐	

ITEM	COPIES	DATE	DESCRIPTION
1.	1	1-21-05	A copy of the Cultural Resource Assessment Survey
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

THESE ARE TRANSMITTED AS CHECKED BELOW:

☐	AS REQUESTED
☒	FOR YOUR USE
☐	FOR APPROVAL
☐	FOR REVIEW AND COMMENT

☐	FOR BIDS DUE:
☐	APPROVED AS SUBMITTED
☐	APPROVED AS NOTED
☐	RETURNED FOR CORRECTIONS

☐	RESUBMIT ____ COPIES FOR APPROVAL
☐	SUBMIT ____ COPIES FOR DISTRIBUTION
☐	RETURN ____ CORRECTED PRINTS
☐	ITEMS RETURNED AFTER LOAN TO US

NOTES/COMMENTS:

RECEIVED
JAN 24 2005
COMMUNITY DEVELOPMENT



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

Mr. Jim Keltner
Boylan Environmental Consultants, Inc.
11000 Metro Parkway, Suite 4
Fort Myers, Florida 33912

May 11, 2004

Re: DHR Project File No. 2004-3122 / Received by DHR: April 12, 2004
Cultural Resource Assessment Survey: Oakcreek, Lee County, Florida.

Dear Mr. Keltner:

Our office received and reviewed the above referenced survey report in accordance with Chapter 22, *Lee County Development Code*, and with Chapter 267, *Florida Statutes* for assessment of possible adverse impact to historic properties listed or eligible for listing in the *National Register of Historic Places*, or otherwise of historical, architectural or archaeological value.

In November 2003, Archaeological Consultants, Inc. (ACI) conducted an archaeological and historical investigation of the Oakcreek subject parcel for Development Solutions. One Archaeological Occurrence, a chert flake, was located along the northeastern boundary of the project area. No archaeological sites or historic structures were identified within the project area during the investigation.

It is the opinion of ACI that the proposed development will have no effect on historical properties listed or eligible for listing in the *National Register of Historic Places*, or otherwise of historical, architectural or archaeological value. ACI recommends no further investigation of the subject parcel. Based on the information provided, our office concurs with these determinations and finds the submitted report complete and sufficient in accordance with Chapter 1A-46, *Florida Administrative Code*.

If you have any questions concerning our comments, please contact Ariana Slemmens, Historic Sites Specialist, by phone at (850) 245-6333, or by electronic mail at abslemmens@dos.state.fl.us. Your continued interest in protecting Florida's historic properties is appreciated.

Sincerely,

Laura A. Kammerer, Supervisor

for Frederick Gaske, Acting Director, and
Deputy State Historic Preservation Officer

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
(561) 279-1475 • FAX: 279-1476

☐ St. Augustine Regional Office
(904) 825-5045 • FAX: 825-5044

☐ Tampa Regional Office
(813) 272-3843 • FAX: 272-2340

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

Performed for:

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

November 2003



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

Figures

Page

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
--	-----

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 ± 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 succeed 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 1-75 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.

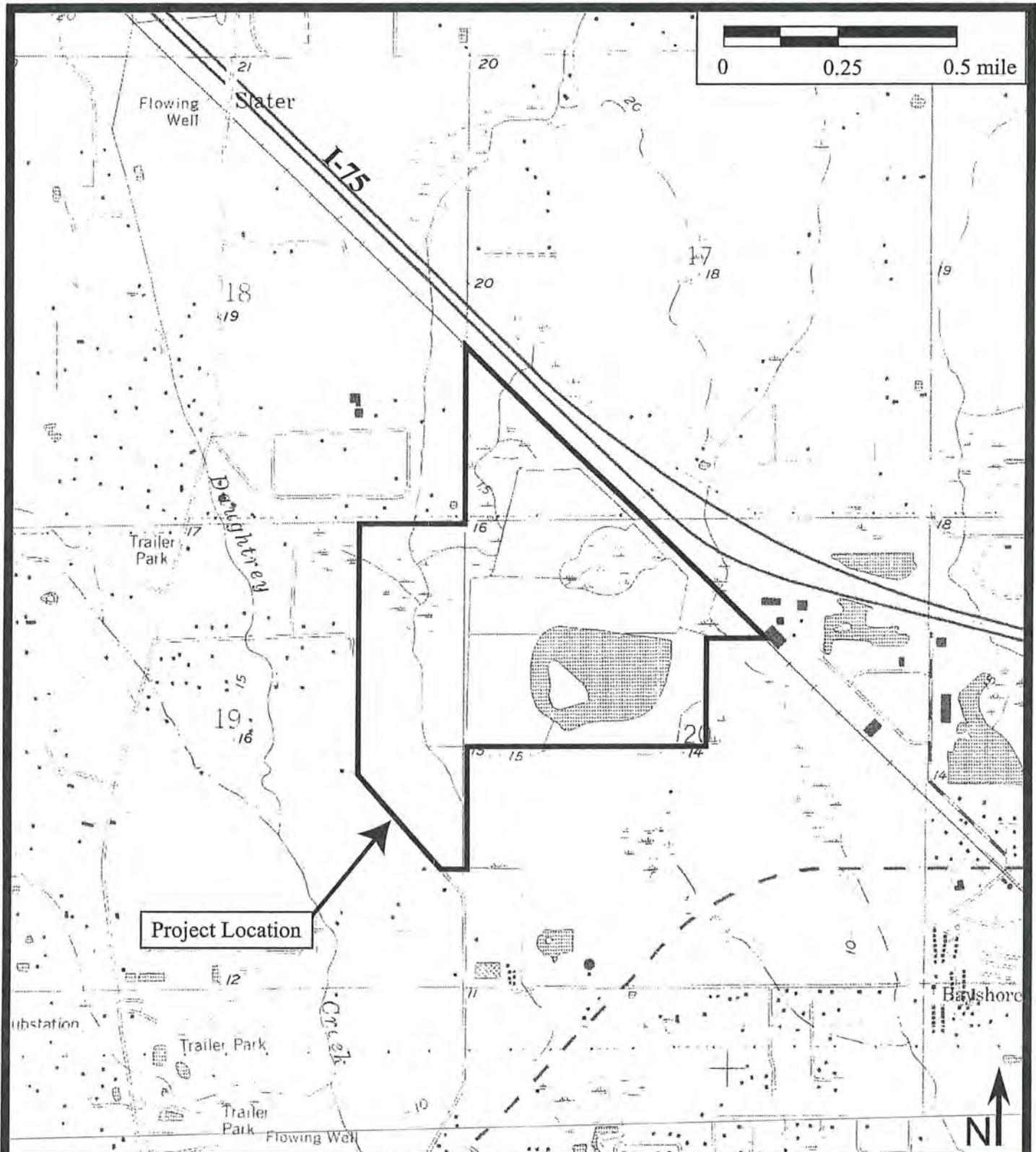


Figure 2.1. Project Location of the Oakcreek Property; Township 43 South, Range 25 East (USGS Fort Myers, Fla. 1958, PR 1987, Bathymetry added 1991).





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

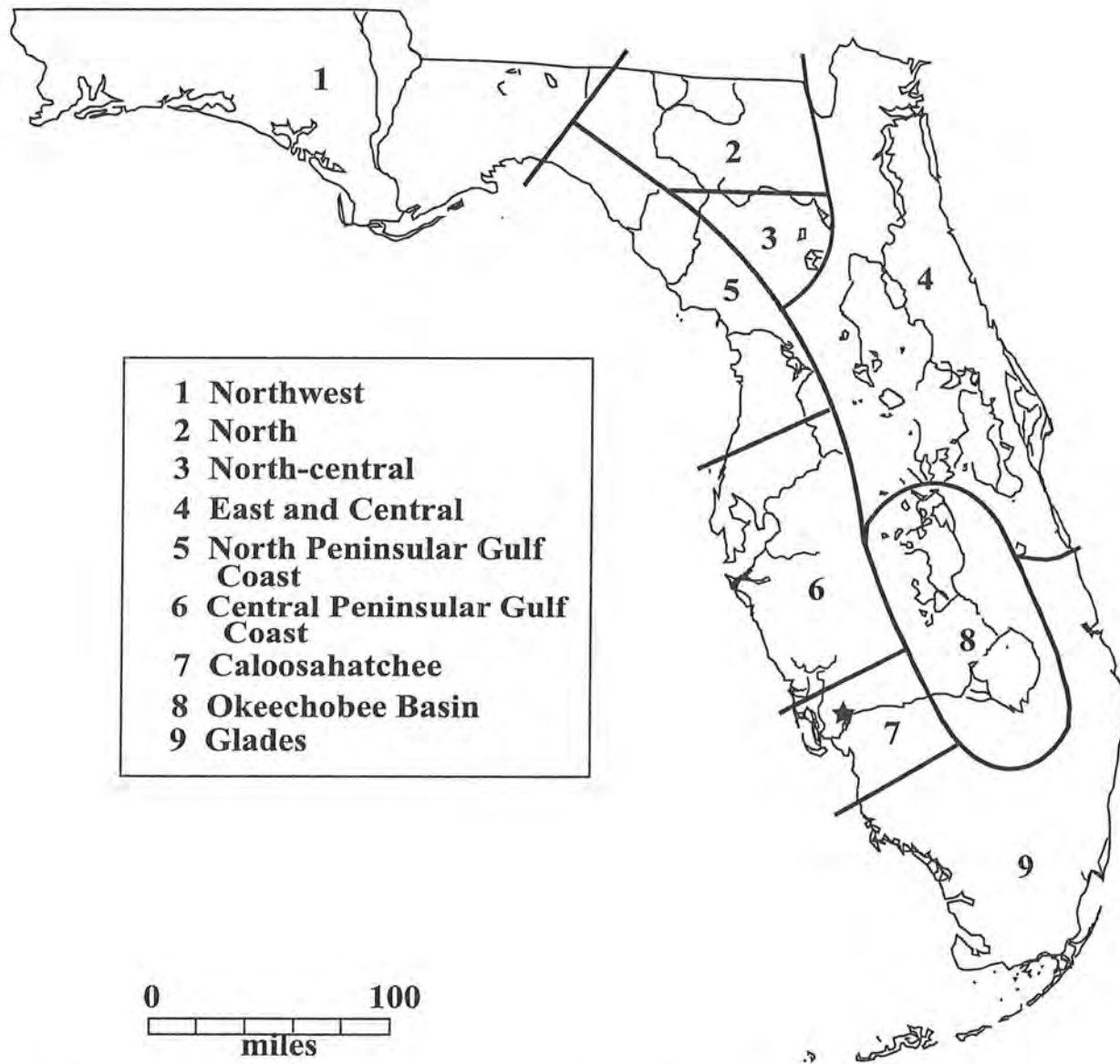
In general, archaeologists summarize the prehistory of a given area, that is, an archaeological region, by delineating a sequence of cultural periods in order to provide a chronology or a time frame for an archaeological culture that is present in a given geographical area. As a result, archaeological 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, Yamasee 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 Seminole. 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 chinking 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 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 (Scupholm 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 20th 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, Estabrook 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.

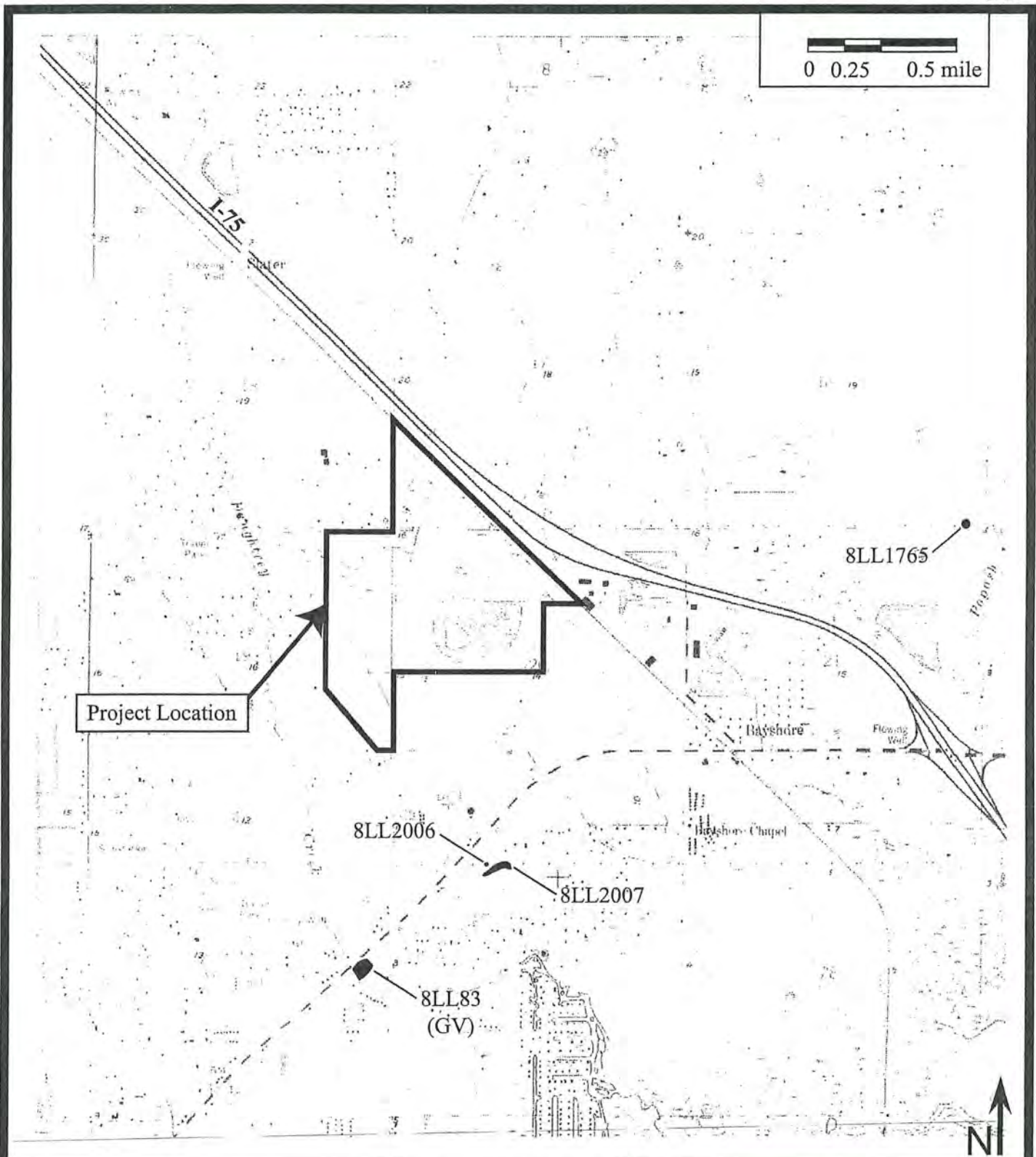


Figure 5.1. Previously Recorded Archaeological Sites and Historic Cemetery (8LL2006) Within Two Miles of the Project Area. Township 43 South, Range 25 East (USGS Fort Myers, Fla. 1958, PR 1987, Bathymetry added 1991).



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.

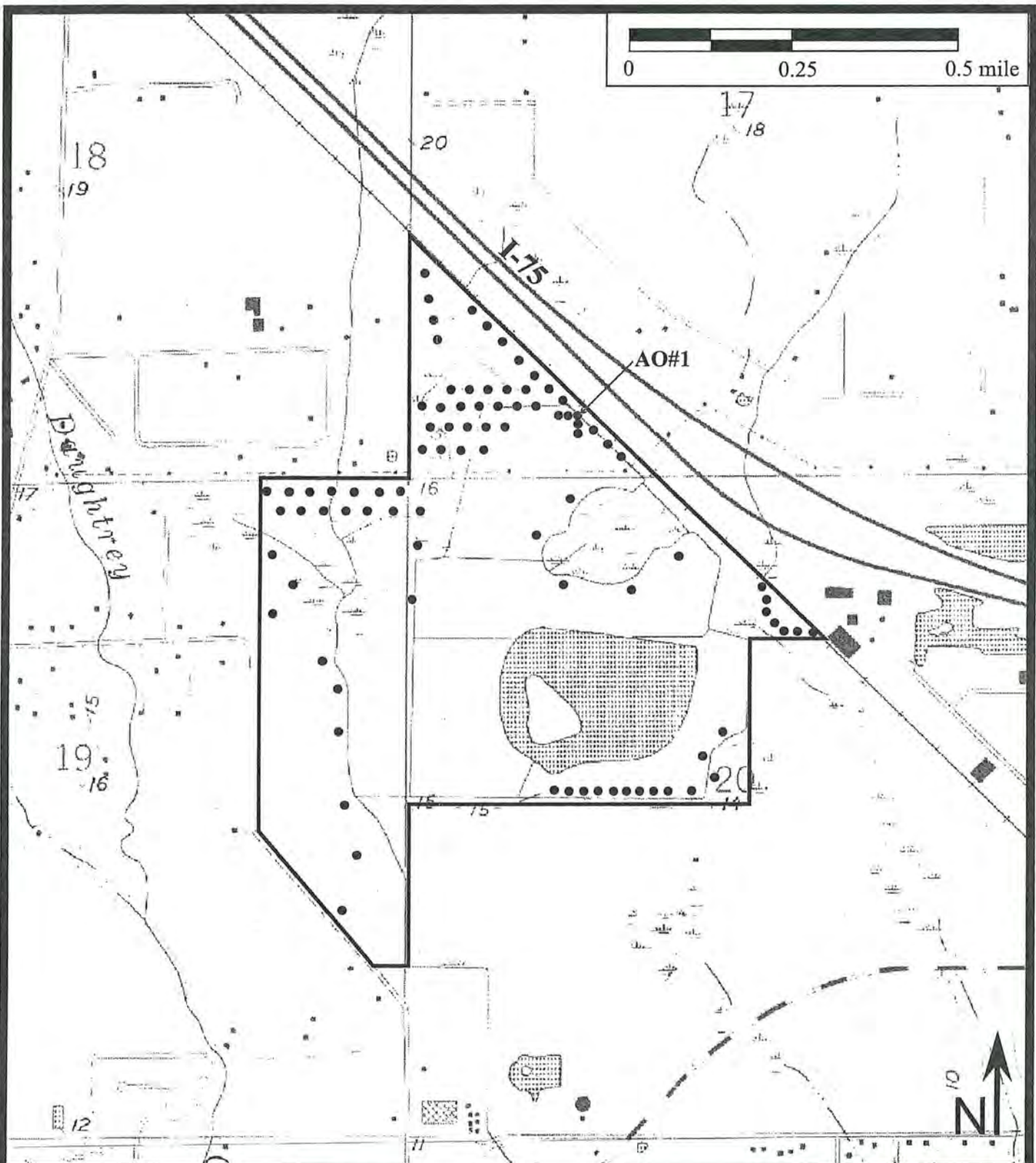


Figure 6.1. Zones of Archaeological Probability (yellow), (Barraco 2003) and Approximate Locations of Shovel Tests and Archaeological Occurrence (AO#1) Within the Oakcreek Property; Township 43 South, Range 25 East (USGS Fort Myers, Fla. 1958, PR 1987, Bathymetry added 1991). Shovel tests are not to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



7.0 REFERENCES CITED

7.1 Archaeological

Almy, Maranda M.

- 2001 The Cuban Fishing Ranches of Southwest Florida 1600 – 1850s. Unpublished Honors Thesis, Department Anthropology, University of Florida Gainesville.

Ambrosino, James N.

- 2002 Archaeological and Historical Survey of the Stony Brook North Project Area in Lee County, Florida. Manuscript on file, Florida Division of Historical Resources, Tallahassee.

Anonymous

- 1987 *Calusa News*. Number 1. University of Florida, Gainesville.

Archaeological Consultants, Inc.

- 1992 CRA Survey of a segment of US 41/ SR 739 in Ft. Myers Fla. on file, Archaeological Consultants, Sarasota.
- 1996 CRA Survey, US Business 41 from Mariana Avenue to the Apex of and US 41 and Business 41, Lee County, Fla. Manuscript on file, Archaeological Consultants, Sarasota.
- 2000 Cultural Resource Assessment Survey State Road 78 (Bayshore Road) from Slater Road to Interstate 75, Lee County. Manuscript on file, Archaeological Consultants, Sarasota.
- 2001 A Cultural Resource Assessment Survey McNew Ranch Development, Charlotte County, Fla. Manuscript on file, Archaeological Consultants, Sarasota.
- 2003 Addendum #2, Cultural Resource Assessment Survey State Road 78 (Bayshore Road) from Slater Road to Interstate 75, Lee County, Florida. Manuscript on file, Archaeological Consultants, Inc., Sarasota, Florida.

Austin, Robert

- 1987 An Archaeological Site Inventory and Zone Management Plan for Lee County, Florida. Manuscript on file, Janus Research, St. Petersburg.
- 1992 Letter to William H. Marquardt Reporting Three Galt Island Radiocarbon Date Results from Beta Analytic, Inc. Associated with the 1991 Piper Archaeology/Janus Research Fieldwork. Florida Museum of Natural History Southwest Florida Project Files, Gainesville.

Barraco and Associates, Inc.

- 2003 Oakcreek RPD, Archaeological Sensitivity Map, Exhibit III-B-1.

Berriault, John, Robert Carr, Jerry Stipp, Richard Johnson, and Jack Meeder

- 1981 The Archaeological Salvage of the Bay West Site, Collier County, Florida. *The Florida Anthropologist* 34:39-58.

- Bullen, Ripley P.
1975 *A Guide to the Identification of Florida Projectile Points*. Kendall Books, Gainesville.
- Bullen, Ripley P. and Adelaide K. Bullen
1956 Excavations at Cape Haze Peninsula, Florida. *Florida State Museum Contributions, Social Sciences 1*. Gainesville.
- Carbone, Victor
1983 Late Quaternary Environment in Florida and the Southeast. *The Florida Anthropologist* 36 (1-2):3-17.
- Carr, Robert S.
1986 Preliminary Report of Archaeological Excavations at the Cutler Fossil Site in Southern Florida. Paper presented at the 51st Annual Meeting of the Society for American Archaeology.
- Carr, Robert and John Beriault
1984 Prehistoric Man in South Florida. In *Environments of South Florida: Present and Past*, edited by P.J. Gleason, pp. 1-14, 2nd Ed. Miami Geological Society, Coral Gables.
- Clausen, Carl J., H.K. Brooks, and A.B. Wesolowsky
1975 Florida Spring Confirmed as 10,000 Year Old Early Man Site. *Florida Anthropological Society Publication* 7:1-38.
- Clausen, Carl J., A.D. Cohen, Cesare Emiliani, J.A. Holman, and J.J. Stipp
1979 Little Salt Spring, Florida: A Unique Underwater Site. *Science* 203:609-614.
- Cockrell, Wilburn A.
1970 Glades I and Pre-Glades Settlement Patterns on Marco Island, Collier County, Florida. M.A. Thesis, Florida State University, Tallahassee.
- Cockrell, Wilburn A. and Larry Murphy
1978 Pleistocene Man in Florida. *Archaeology of Eastern North America* 6:1-13.
- Coleman, Wesley F.
1973 Site 8DA141, Dade County, Florida. *The Florida Anthropologist* 26:126-128.
1997 Excavation of a Late Archaic Everglades Site, 8DA141, Dade County, Florida. *The Florida Anthropologist* 50:133-137.
- Cordell, A.S.
1992 Technological Investigation of Pottery Variability in Southwest Florida. In *Culture and Environment in the Domain of the Calusa*, edited by W.H. Marquardt, pp. 105-189. Institute of Archaeology and Paleoenviromental Studies, Monograph 1. University of Florida, Gainesville.

- Daniel, Randy and Michael Wisenbaker
 1987 *Harney Flats: A Florida Paleo-Indian Site*. Baywood Publishing Company, Inc., New York.
- Davis, J. H.
 1943 The Natural Features of Southern Florida. *Florida Geological Survey Bulletin* Number 25. Tallahassee.
- Delcourt, P. A., and H. R. Delcourt
 1981 Vegetation Maps for Eastern North America: 40,000 yr. B.P. to the Present. In *Geobotany II*, edited by R. C. Romans, Plenum Publishing Corporation.
- Dunbar, James S.
 1981 The Effect of Geohydrology and Natural Resource Availability on Site Utilization at the Fowler Avenue Bridge Mastodon Site (8HI393c/uw) in Hillsborough County, Florida. In Report on Phase II Underwater Archaeological Testing at the Fowler Bridge Mastodon Site (8HI393c/uw) Hillsborough County, Florida by Jill Palmer, James Dunbar, and Danny H. Clayton. *Interstate 75 Highway Phase II Archaeological Report*, Number 5. On file, Florida Division of Historic Resources, Tallahassee.
- Estabrook, Richard M.
 1991 Cultural Resource Assessment Survey of the Proposed State Road 78 PD&E Alignment between Piney Road and Interstate 75, Lee County, Florida. Manuscript on file, Florida Division of Historical Resources, Tallahassee.
 1993 A Cultural Resource Assessment Survey of the Southwest Florida Pipeline Company Corridor Realignment, Desoto, Charlotte and Lee Counties, Florida. Manuscript on file, Florida Division of Historical Resources, Tallahassee.
- Florida Natural Areas Inventory and Florida Department of Natural Resources
 1990 *Guide to the Natural Communities of Florida*. Tallahassee.
- Fradkin, Arlene
 1976 The Wightman Site: A Study of Prehistoric Culture and the Environment on Sanibel Island, Lee County, Florida. M.A. Thesis, Department of Anthropology, University of Florida, Gainesville.
- Goggin, John M.
 1947 A Preliminary Definition of Archaeological Areas and Periods in Florida. *American Antiquity* 13:114-127.
 1949 Cultural Traditions in Florida Prehistory. In *The Florida Indian and His Neighbors*, edited by John W. Griffin, pp. 13-44. Rollins College, Winter Park.
- Griffin, John W.
 1988 *The Archaeology of Everglades National Park: A Synthesis*. National Park Service, Southeast Archaeological Center, Tallahassee.

Griffin, John W., Sue B. Richardson, Mary Pohl, Carl D. McMurray, C. Margaret Scarry, Suzanne K. Fish, Elizabeth S. Wing, L. Jill Loucks, and Marcia K. Welch

1984 *Excavations at the Granada Site: Archaeology and History of the Granada Site, Volume I*. Manuscript on file, Florida Division of Historical Resources, Tallahassee.

Hazeltine, Dan

1983 A Late Paleo-Indian Site, Cape Haze Peninsula, Charlotte County, Florida. *The Florida Anthropologist* 36:98-100.

Lee, Arthur R. And John Beriault

1993 A Small Site - Mulberry Midden, 8CR697 - Contributions to Knowledge of the Transitional Period. *The Florida Anthropologist* 46:43-52.

Lee, Arthur R., John G. Beriault, Jean Belknap, Walter M. Buschelman, John W. Thompson, and Carl B. Johnson

1998 Heineken Hammock, 8CR231: A Late Archaic Corridor Site in Collier County. *The Florida Anthropologist* 51(4):223-239.

Luer, George M.

1989 Calusa Canals in Southwestern Florida: Routes of Tribute and Exchange. *The Florida Anthropologist* 42(2):89-130.

Marquardt, Wm. H., ed.

1992 *Culture and Environment in the Domain of the Calusa*. Monograph 1, Institute of Archaeology and Paleoenviromental Studies, University of Florida, Gainesville.

McNab, W. Henry and Peter E. Avers

1996 Ecological Subregions of the United States. <http://www.fs.fed.us/land/pubs/ecoregions> (22 July 2002). Prepared in cooperation with Regional Compilers and the ECOMAP Team of the Forest Service, July 1994.

Milanich, Jerald T.

1994 *Archaeology of Precolumbian Florida*. University Press of Florida, Gainesville.

Milanich, Jerald T. and Charles H. Fairbanks

1980 *Florida Archaeology*. Academic Press, New York.

Milanich, Jerald T., J. Chapman, A.S. Cordell, S. Hale, and R. A. Marrinan

1984 Prehistoric Development of Calusa Society in Southwest Florida: Excavations on Useppa Island. In *Perspectives on Gulf Coast Prehistory*, edited by D. D. Davis, pp. 258-314. University Press of Florida, Gainesville.

Mowers, Bert and Wilma Williams

1972 The Peace Camp Site, Broward County, Florida. *The Florida Anthropologist* 25:1-20.

Russo, Michael

1991 Archaic Sedentism on the Florida Gulf Coast: A Case Study from Horr's Island. PhD dissertation, Department of Anthropology, University of Florida, Gainesville.

State Topographic Office

1989 General Highway Map, Lee County, Florida.

United States Department of Agriculture (USDA)

1984 *Soil Survey of Lee County*, Soil Conservation Service, Washington, D.C.

United States Geological Survey (USGS)

1958 Fort Myers, Fla. Photorevised 1987.

Watts, William A.

1969 A Pollen Diagram from Mud Lake, Marion County, North-central Florida. *Geological Society of America Bulletin* 80:631-642.

1971 Post Glacial and Interglacial Vegetational History of Southern Georgia and Central Florida. *Ecology* 51:676-690.

1975 A Late Quaternary Record of Vegetation from Lake Annie, South-Central Florida. *Geology* 3:344-346.

Wheeler, Ryan J.

1994 Early Florida Decorated Bone Artifacts: Style and Aesthetics from Paleo-Indian Through Archaic. *The Florida Anthropologist* 47:47-60.

Widmer, Randolph J.

1974 A Survey and Assessment of the Archaeological Resources on Marco Island, Collier County, Florida. *Miscellaneous Project Report Series* Number 19. On file, Florida Division of Historical Resources, Tallahassee.

1986 Prehistoric Estuarine Adaptation at the Solana Site, Charlotte County, Florida. Manuscript on file, Florida Bureau of Archaeological Research, Tallahassee.

1988 *The Evolution of the Calusa*. The University of Alabama Press, Tuscaloosa.

7.2 Historical

Akerman, Joe A., Jr.

1976 *Florida Cowman, A History of Florida Cattle Raising*. Florida Cattlemen's Association, Kissimmee.

Almy, Maranda M.

2001 The Cuban Fishing Ranchos of Southwest Florida 1600-1850s. Unpublished Honors Thesis, Department of Anthropology, University of Florida, Gainesville.

Bonita Banner

2002 "A City's Vision: The Way It Was — 'Snapshots' of Bonita Before U.S. 41". October 12.

Covington, James W.

- 1957 *The Story of Southwestern Florida*. Lewis Historical Publishing Company, New York.
- 1958 "Exploring the Ten Thousand Islands: 1838." *Tequesta* 18:7-13.
- 1982 *The Billy Bowlegs War 1855-1858 The Final Stand of The Seminoles Against the Whites*. The Mickler House Publishers, Chuluota.

Dunn, Hampton

- 1989 *Back Home: A History of Citrus County, Florida*. 2nd edition, Citrus County Historical Society, Inc., Inverness.

Grismer, Karl

- 1946 *The Story of Sarasota*. Florida Grower Press, Tampa.
- 1982 *The Story of Fort Myers*. Island Press Publishers, Fort Myers Beach.

Hammond, E.A.

- 1973 "The Spanish Fisheries of Charlotte Harbor." *Florida Historical Quarterly* 51:355-380.

Historic Property Associates (HPA)

- 1989 Historic Properties survey of Charlotte County, Fla. Manuscript on file, St. Augustine.

Mahon, John K.

- 1967 *History of the Second Seminole War 1835-1842*. University Press of Florida, Gainesville.

Nutting, E.P.

- 1986 *The Beginnings of Bonita Springs Florida*. The Friends of the Library. Bonita Springs.

Scupholm, Carrie

- 1997 The Tamiami Trail: Connecting the East and West Coasts of the Sunshine State. *The Society for Commercial Archeology Journal* 15 (20-24).

Shofner, Jerrell H.

- 1995 *History of Brevard County, Volume 1*. Brevard County Historical Commission, Stuart.

State of Florida, Department of Environmental Protection

- 1859 *Field Notes*. Volume 211.
- 1860-1 *Field Notes*. Volume 212
- 1872 *Field Notes*. Volume 220.
- 1873a *Field Notes*. Volume 222
- 1873b *Plat. Township 43 South, Range 25 East*.
- n.d. *Tract Book*. Volume 22.

Tebeau, Charlton W.

- 1965 *Florida from Indian Trail to Space Age*. Southern Publishing Company, Delray Beach.
- 1966 *Florida's Last Frontier: The History of Collier County*. University of Miami Press, Coral Gables.
- 1971 *A History of Florida*. University of Miami Press, Coral Gables.

Widmer, Randolph J.

- 1988 *The Evolution of the Calusa*. The University of Alabama Press, Tuscaloosa.

APPENDIX: Survey Log Sheet

FMSF USE ONLY
FMSF Survey #

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.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: _____

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).

- | | | | |
|---|---|--|--|
| ☐ Florida Archives (Gray Building) | ☐ library research - (local public) | ☐ local property or tax records | ☒ windshield survey |
| ☐ Florida Photo Archives (Gray Building) | ☐ library-special collection- (non local) | ☐ newspaper files | ☒ aerial photography |
| ☒ FMSF site property search | ☒ Public Lands Survey (maps at DEP) | ☒ literature search | |
| ☒ FMSF survey search | ☐ local informant(s) | ☐ Sanborn Insurance maps | |
| ☐ 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.

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

- | | | | |
|-------------------------------|---|--------------------------|------------------------|
| _____ building permits | _____ demolition permits | _____ neighbor interview | _____ subdivision maps |
| _____ commercial permits | M _____ exposed ground inspected | _____ occupant interview | _____ tax records |
| _____ interior documentation | _____ local property records | _____ occupation permits | _____ unknown |
| _____ 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/aPreviously Recorded Site #'s (List site #'s without "8." Attach supplementary pages if necessary) 0Newly 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/aSite 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

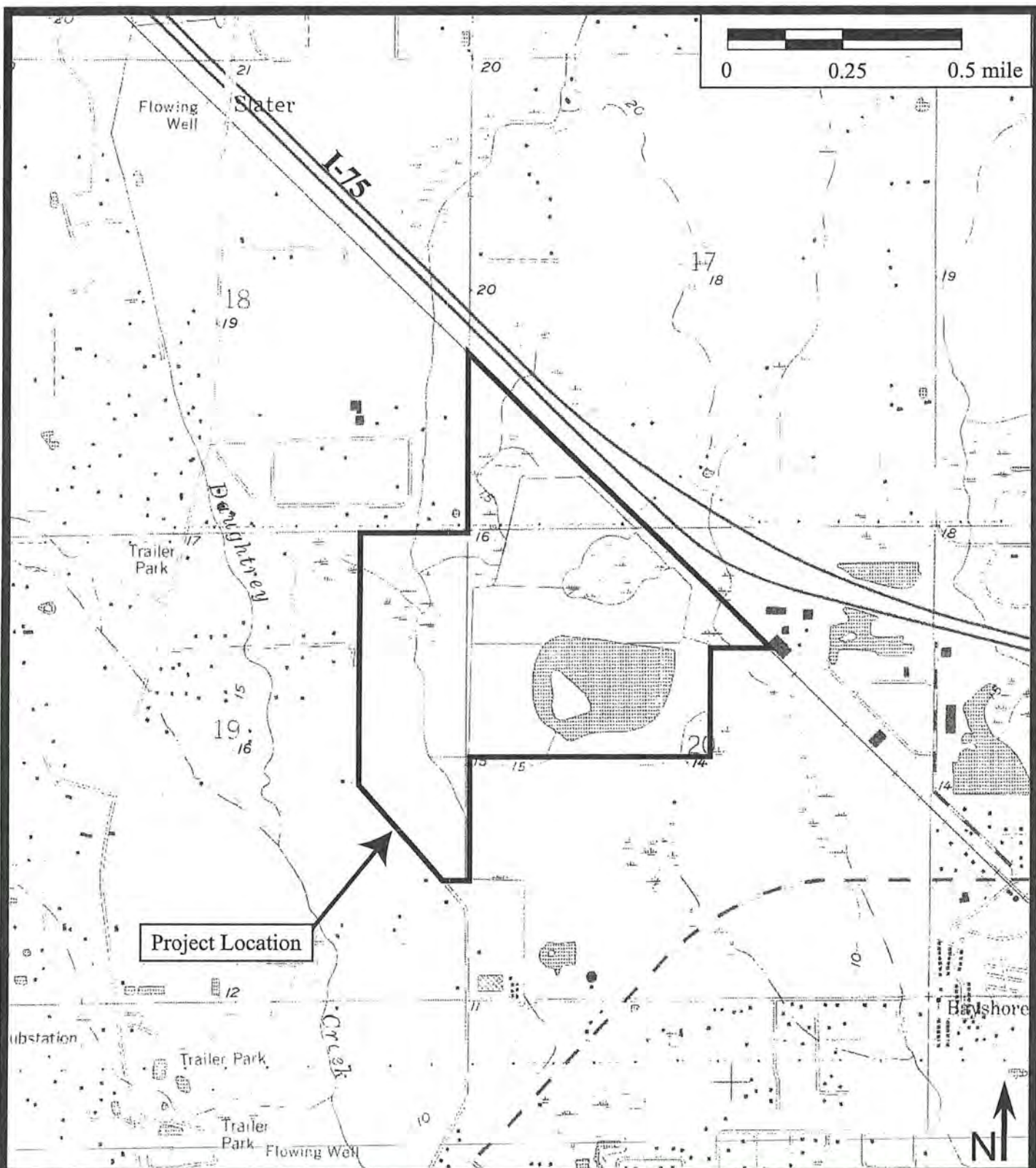
BAR Related

- ☐
- 872
- ☐
- 1A32
-
- ☐
- CARL
- ☐
- UW

BHP Related

- ☐
- State Historic Preservation Grant
-
- ☐
- 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).



From: Paul O'Connor
To: Noble, Matthew
Date: 1/13/05 4:28PM
Subject: Re: School off Bayshore...

Bayshore Elementary

Paul O'Connor, AICP
Director of Planning
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901
e mail occonnops@leegov.com
Phone (239) 479-8309; FAX (239) 479-8319

1/20/05 ✓ Copy to: Phil
dx
#11
Return to M.

LEE COUNTY
RECEIVED

January 10, 2005 JAN 20 AM 9:50

COMM. DEV./
PUB. WRKS. CNTR.
SECOND FLOOR



City of Sanibel

800 Dunlop Road
Sanibel, Florida 33957-4096

www.mysanibel.com

AREA CODE - 239

CITY COUNCIL	472-4135
ADMINISTRATIVE	472-3700
BUILDING	472-4555
EMERGENCY MANAGEMENT	472-3111
FINANCE	472-961E
LEGAL	472-435E
PARKS & RECREATION	472-9075
PLANNING	472-4136
POLICE	472-3111
PUBLIC WORKS	472-6397
UTILITIES	472-1008

Dear Invitee:

On behalf of the City of Sanibel City Council, you are cordially invited to attend a reception and proclamation presentation for Mr. Bruce Rogers who retired from his position as Planning Director, Planning Department, City of Sanibel on January 8, 2005.

Where: City Hall
When: February 1, 2005
Reception: 8:00 a.m.
Proclamation Ceremony: 9:00 a.m.

Sincerely,

Judie Zimomra
City Manager

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 SFWMD 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	Total Sub. 41.65	12.19	Total Sub. 38.95	0	Total Sub. 2.7	0	Total Sub. 1	0	Total Sub. 16	0	Total Sub. 990	180	Total Sub. 1,455
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	

Oak Creek

Comprehensive Plan Amendment Application 1st Sufficiency Response

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

October 28, 2004

Mr. Matthew A. Noble, AICP
Principal Planner
Lee County Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, Florida 33902-0398

Re: CPA 2004-08, Oak Creek

Dear Matt:

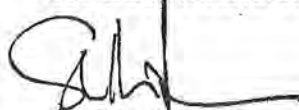
Attached please find the sufficiency response for the Oak Creek Comprehensive Plan Amendment.

I wanted to bring to your attention a change in the acreage of the northern parcel from the previous thirty acres to thirty-four acres. During the initial development of this amendment, our attempt was to swap acreage for acreage of properties located in the Suburban and Rural Land Use categories respectively. However, further evaluation finds that this is not necessary. As a result of the amendment, the population accommodation for the entire project site is being reduced, enabling incorporation of a strip of property to the east and south to be included in the legal description for purposes of clarity of description.

If you should have any questions or require additional information, please advise.

Very truly yours,

BARRACO AND ASSOCIATES, INC.



Shellie Johnson, AICP
Senior Planner

SJ/x

21797

October 28, 2004

Mr. Matthew A. Noble, AICP
Principal Planner
Lee County Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, Florida 33902-0398

Re: CPA 2004-08, Oak Creek

Dear Mr. Noble:

Please accept the following information in response to your July 12, 2004 correspondence regarding the above referenced project. The following responses are provided to directly correspond to your Sufficiency Questions.

Additionally, please note that an additional four acres have been added to the northern portion of the requested Comprehensive Plan Amendment. Where necessary, the application and our sufficiency response has been modified to reflect this additional acreage and all pertinent documents are included in the sufficiency response package.

The following applies to Part II of the application:

- B. Part III of the application indicates that the subject site contains 18.7 acres of wetlands, but the requested change does not acknowledge the wetland presence through the mapping. Wetlands are a factual issue. Please revise the amendment, the map and analysis, to take into account the location and extent of the wetlands in question. The "Proposed Future Land Use Map" should be revised accordingly.**

Pages 3 and 4 of the application have been revised to reflect the correct acreage of wetlands and potential densities. The Proposed Future Land Use Map has been revised as well.

The following applies to Part III of the application:

- A.2. It appears that three strap numbers have been excluded (19-43-25-00-00008.0070, 19-43-25-00-00008.0080, and 19-43-25-00-00008.0090) and one strap number (19-43-25-00-00008.0050) was included that should not have been included. Please clarify.**

The list of STRAP numbers located in Section 1 of the application has been revised accordingly.

- B. Total Acreage of property. Staff believes the total acreage of the unified development plan exceeds 60 acres. Please clarify.**

The total acreage of the unified development plan is now reflected on Page 3 of the application.

- E.1. & 2. Revise as necessary to reflect wetland acreage. Please include the calculations utilized to determine maximum allowable development potential.**

E1 and 2 have been revised and now show the calculations utilized to determine maximum allowable development potential. Additionally, this acreage is further broken down in the attached Wetlands Density Table, which reflects proposed dwelling units based on preservation and impacts.

The following comments pertain to Part IV of the application:

- A.2. Revise the Future Land Use Maps to depict the existing wetlands.**

The Proposed Future Land Use Map has been revised.

- A.3. Item A.3. of the plan amendment application requires a map and description of the existing land uses within the subject property and surrounding properties. Staff has located the map of existing uses, but is unable to locate any narrative description of the existing land uses. Please provide a description of the existing land uses for the subject property and surrounding properties, providing details on the name of the development and the density or intensity of the existing uses.**

The subject property is vacant and currently used for grazing and sod farming. The surrounding properties include parcels that are vacant and parcels that contain single family residential units, agricultural parcels, a railroad and I-75.

Surrounding land uses of the entire RPD site are further described in the Internal Consistency with the Lee Plan document. A copy is attached as part of this submittal.

- A.5. Staff finds the submitted legal description to be cumbersome. The application materials include 6 separate legal descriptions. Please provide a metes and bounds legal description with a certified boundary survey for the proposed changes.**

Attached are revised legal descriptions and sketches that reflect the current ownership of the parcels as two separate portions of the application rather than parcel by parcel.

- A.8. Lee County Property records indicate that SW Florida Land 411 LLC is the current property owner. In addition to this LLC, the application lists Advance Homes, Inc., Mill Creek Florida Properties No. 3, LLC, and Richard D. Fernandez as applicants. Staff notes that the letters of authorization are signed by representatives of VTX, LLC, Mill Creek Properties No. 1, LLC, and Advance Homes, Inc. Please clarify what interest the individuals and corporations have in the property. Please revise the letters of authorization as appropriate. It has come to Planning staff's attention that Mr. Daniel DeLisi, AICP, is no longer employed by Barraco and Associates, Inc. The submitted Agents list should be modified as appropriate. An agent of record should be designated from the submitted agents list. This agent of record will be the person contacted for all business relative to this application.**

The authorization forms have been revised to reflect the current agents of record. This now corresponds with the revised property ownership information provided as well.

- C.3. Staff does not find a topographic map with property boundaries and 100-year flood prone areas indicated (as indicated by FEMA).**

A topographic map is included in this re-submittal.

- F.2. The proposal does involve moving lands from a Non-Urban Area to a Future Urban Area (as well as moving lands from a Future Urban Area to a Non-Urban Area). Please provide the required information.**

The proposed Amendment does not impact the requested density of the RPD associated with this proposal in any way, in fact it reduces the population accommodation of the FLUM as noted in Section III of the application. Its purpose is to allow for units to be distributed throughout the site based on sound planning principles; i.e. provide for increased acreage of preserved wetlands and use of lands that have already been impacted by intense development (I-75) and which will essentially be "locked in" to a suburban developed area as development occurs to the south via the proposed RPD. The preservation of the western parcel preserves a significant flowway and buffers a more significant area of properties within the Rural Land Use designation to the north and the west. The proposed Land Use Category swap furthers the intent of the Suburban Land Use Category by identifying lands intended for residential development to be located where it is

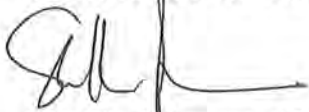
Mr. Matthew A. Noble, AICP
October 22, 2004

important to provide a transition zone of the intense land use of I-75 from existing or emerging residential neighborhoods. The northern parcel abuts I-75 and will become part of a suburban development that will encompass the lands to the south whereas the western parcel serves in protecting the adjacent rural areas, maintaining character of its surroundings. Both parcels provide for transitions from more intense uses to less intense residential uses to the west.

If you should have any questions or require additional information, please advise.

Very truly yours,

BARRACO AND ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'Shellie Johnson', with a long horizontal flourish extending to the right.

Shellie Johnson, AICP
Senior Planner

SJ/cmh

21797

October 28, 2004

Mr. Matthew A. Noble, AICP
Principal Planner
Lee County Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, Florida 33902-0398



Re: CPA 2004-~~08~~, Oak Creek

-000087E

Dear Matt:

Attached please find the sufficiency response for the Oak Creek Comprehensive Plan Amendment.

I wanted to bring to your attention a change in the acreage of the northern parcel from the previous thirty acres to thirty-four acres. During the initial development of this amendment, our attempt was to swap acreage for acreage of properties located in the Suburban and Rural Land Use categories respectively. However, further evaluation finds that this is not necessary. As a result of the amendment, the population accommodation for the entire project site is being reduced, enabling incorporation of a strip of property to the east and south to be included in the legal description for purposes of clarity of description.

If you should have any questions or require additional information, please advise.

Very truly yours,

BARRACO AND ASSOCIATES, INC.

Shellie Johnson, AICP
Senior Planner

SJ/x

21797



Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (941) 479-8585
FAX: (941) 479-8519

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D _____

REC'D BY: _____

APPLICATION FEE _____

TIDEMARK NO: _____

THE FOLLOWING VERIFIED:

Zoning ☐

Commissioner District ☐

Designation on FLUM ☐

(To be completed by Planning Staff)

Plan Amendment Cycle: ☒ Normal ☐ Small Scale ☐ DRI ☐ Emergency

Request No: _____

APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: _____

Submit **6** copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

DATE _____

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE _____

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

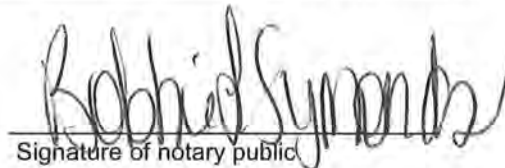
STATE OF FLORIDA)
COUNTY OF LEE)

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

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.



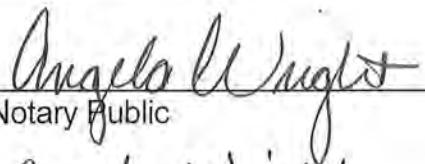
Owner

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)

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.

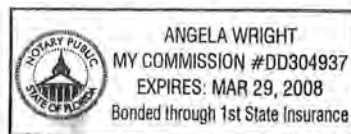
The property described herein is the subject of an application for zoning or development. We hereby designate Shellie Johnson of Barraco and Associates, Inc. as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course 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.

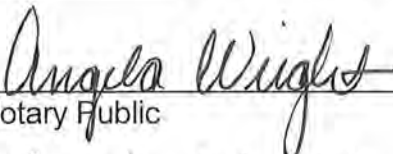

Owner

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 th 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.

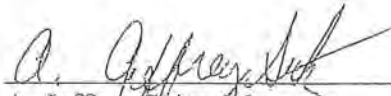
10. **Effective Date of Action.** The actions contained herein shall be effective as of the effective date of the Articles of Organization of the Company.

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

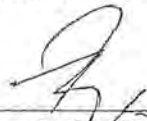
documents and to do or cause to be done such acts as any of them may deem necessary or appropriate in order to effectuate the foregoing resolutions.

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

MANAGERS:

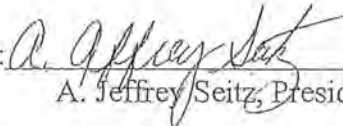

A. Jeffrey Seitz, Manager


Richard A. Salata, Manager

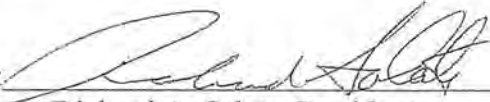

Randy E. Thibaut, Manager

MEMBERS:

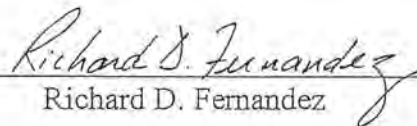
Advance Homes, Inc.

By: 
A. Jeffrey Seitz, President

Mill Creek Florida Properties No. 3, LLC

By: 
Richard A. Salata, President

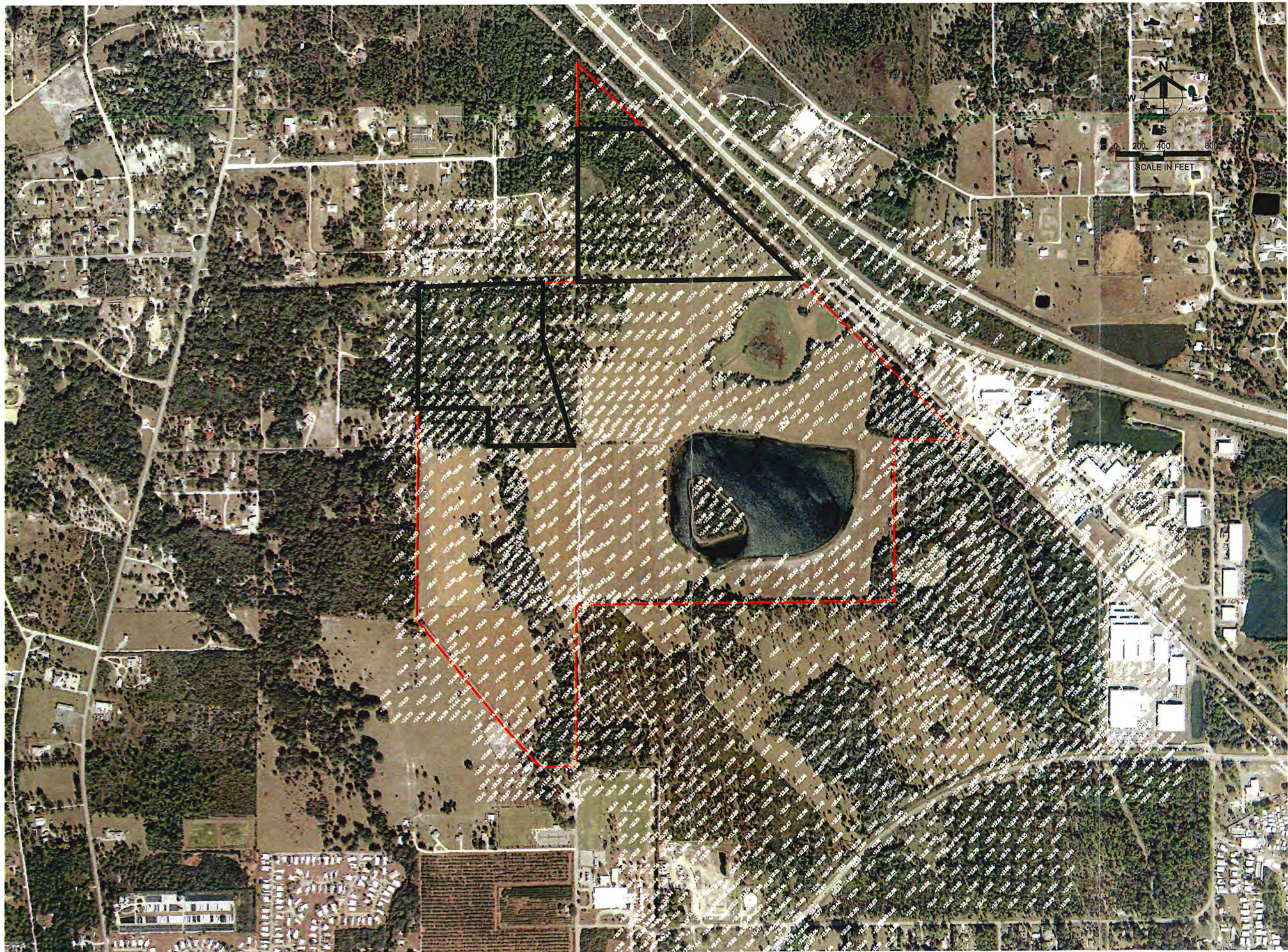
Richard D. Fernandez


Richard D. Fernandez

Oak Creek RPD
North Vs. West Parcel Wetland Evaluation
REVISED
October 2004

West and North Parcel Wetland Breakdown

Parcel Designation	Existing Future Land Use Category	Acreage	Existing Wetlands (acres)	Preserved Wetlands After Receipt of SFWMD 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	1	5	30-130	27
West Parcel	Suburban	30	12.19	12.19	0	73	0	0	180
Total Suburban	Suburban	239.34	29.46	26.76	2.7	177	16	1,163	1,412
Total		303.34	48.6	40.72	7.88	251	17	1,293	1,620



OAK CREEK

PART OF SECTION 20
TOWNSHIP 43 SOUTH
RANGE 25 EAST
LEE COUNTY, FLORIDA

THIS PLAN IS PRELIMINARY AND
INTENDED FOR CONCEPTUAL
PLANNING PURPOSES ONLY. SITE
LAYOUT AND LAND USE INTENSITIES
OR DENSITIES MAY CHANGE
SIGNIFICANTLY BASED UPON SURVEY,
ENVIRONMENTAL, ENGINEERING AND
REGULATORY CONSTRAINTS
AND / OR OPPORTUNITIES.
* NOT FOR CONSTRUCTION *

NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE AND DATE
© COPYRIGHT 2004, BARRACO AND ASSOCIATES, INC.
REPRODUCTION, CHANGES OR ASSIGNMENTS ARE PROHIBITED

FILE NAME	21797TOPO-X.DWG
LAYOUT	2X3
LOCATION	J:\21797\DWG\
PLOT DATE	FRI, 10-8-2004 - 10:35 AM
PLOT BY	ANGELICA CARLEY
DESIGN BY	
XREF1	
XREF2	
XREF3	
XREF4	
XREF5	
XREF6	

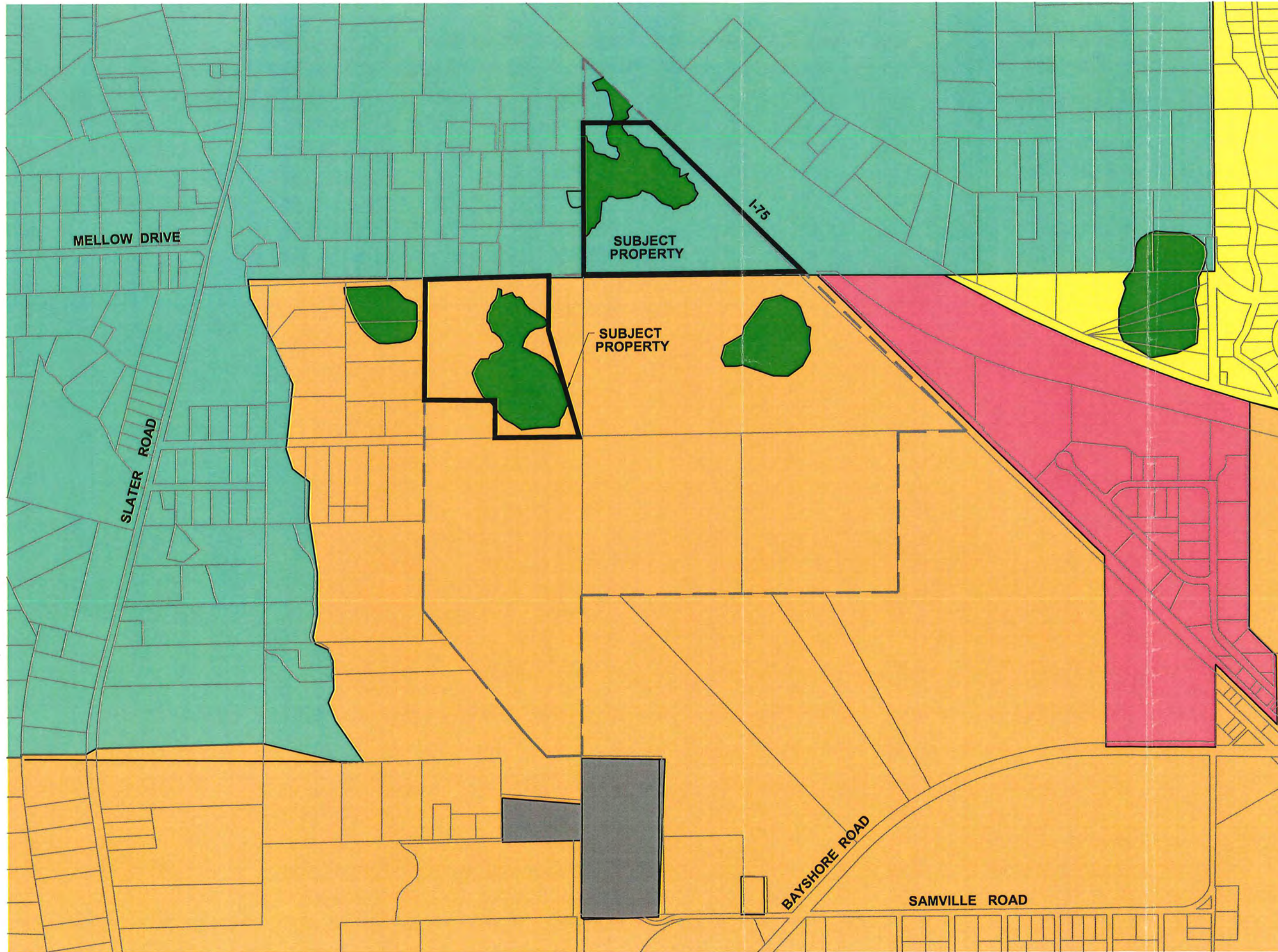
PLAN REVISIONS	

PLAN STATUS	

AERIAL AND TOPOGRAPHIC MAP

PROJECT / FILE NO.	SHEET NUMBER
21797	1

J:\21797\DWG\ZONING\COMP\21797FLU.DWG - FRI, 10-8-2004 - 10:35 AM

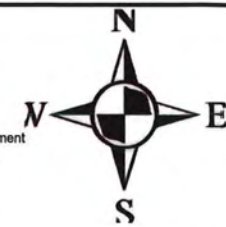


LEGEND

FLUMNov02

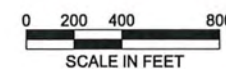
Land Use

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



Proposed 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 MAGDOON BLVD., POST OFFICE DRAWER 2800, FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3175 - WWW.BARRACO.NET - FAX (239) 461-3169
FLORIDA CERTIFICATE OF AUTHORIZATION - ENGINEERING 7995 - SURVEYING LB-6940

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

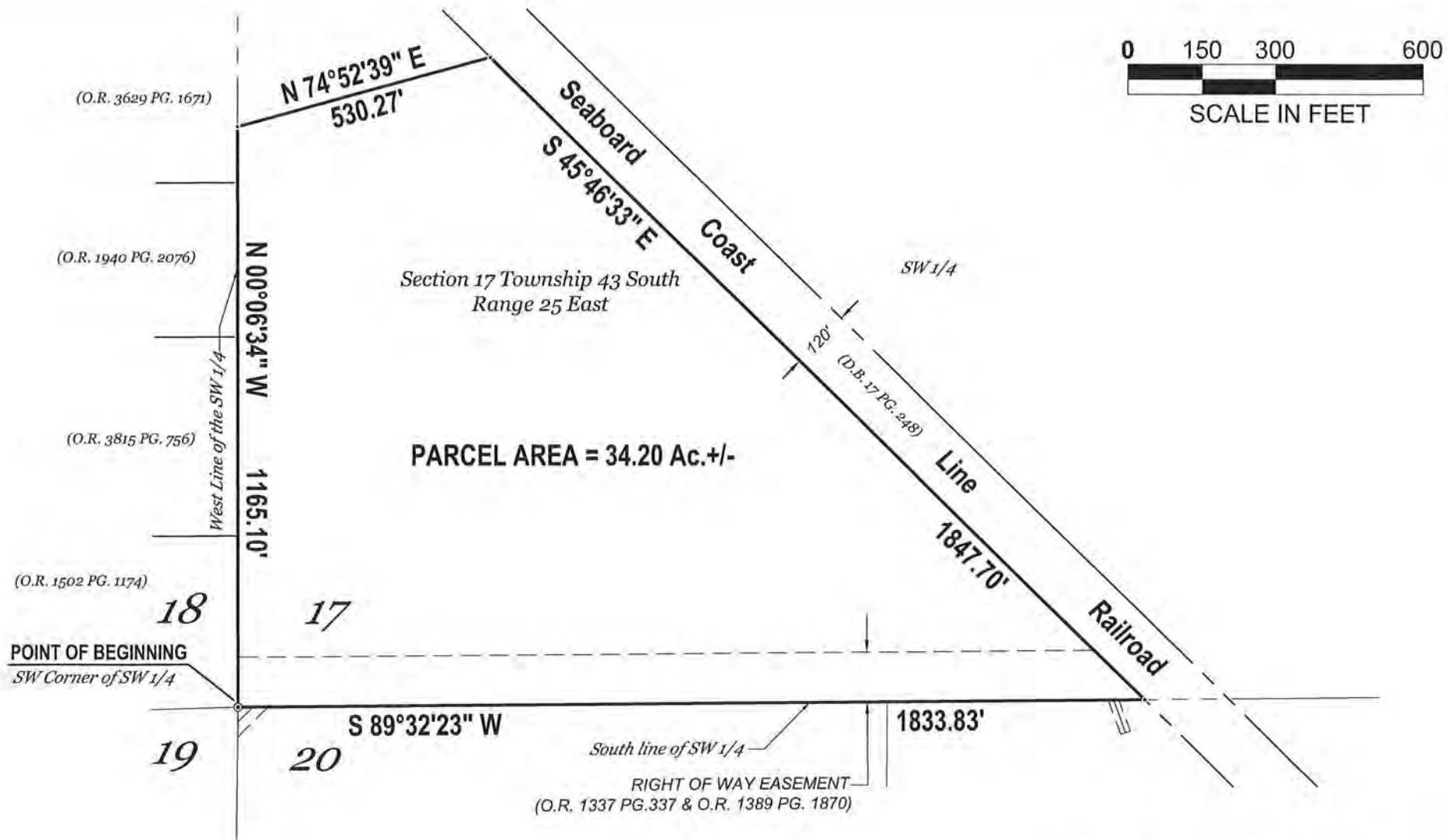
A tract or parcel of land lying in Section 17, Township 43 South, Range 25 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

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



Barraco
and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
2271 MCGREGOR BOULEVARD
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

Land Solutions inc.
6150 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 489-4066
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PARCEL IN THE SW 1/4
OF
SECTION 17, TWP 43
SOUTH, RGE. 25 EAST IN
LEE COUNTY, FLORIDA



FILE NAME: 217972K13.DWG
LAYOUT: LAYOUT1
LOCATION: JULIAZOVOROV SURVEYING SKETCH
PLOT DATE: THU, 10-14-2004 - 12:20 PM
PLOT BY: PETER OLSEN
DRAWING DATA
SURVEY DATE: 2004-10-14
DRAWN BY: PTO
CHECKED BY: SAW
SCALE: 1"=300'
FIELD BOOK:

PLAN REVISIONS

NO.	DATE	DESCRIPTION

STRAP NUMBERS

SKETCH TO
ACCOMPANY
DESCRIPTION

PROJECT / FILE NO. SHEET NUMBER
21797 19-43-25 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 QUARTER (SW 1/4) OF SECTION 17 TO BEAR SOUTH 89°32'23" WEST.

THIS IS NOT A SURVEY

Scott A. Wheeler 10/15/04
SCOTT A. WHEELER (FOR THE FIRM - LB-6940)
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.

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.

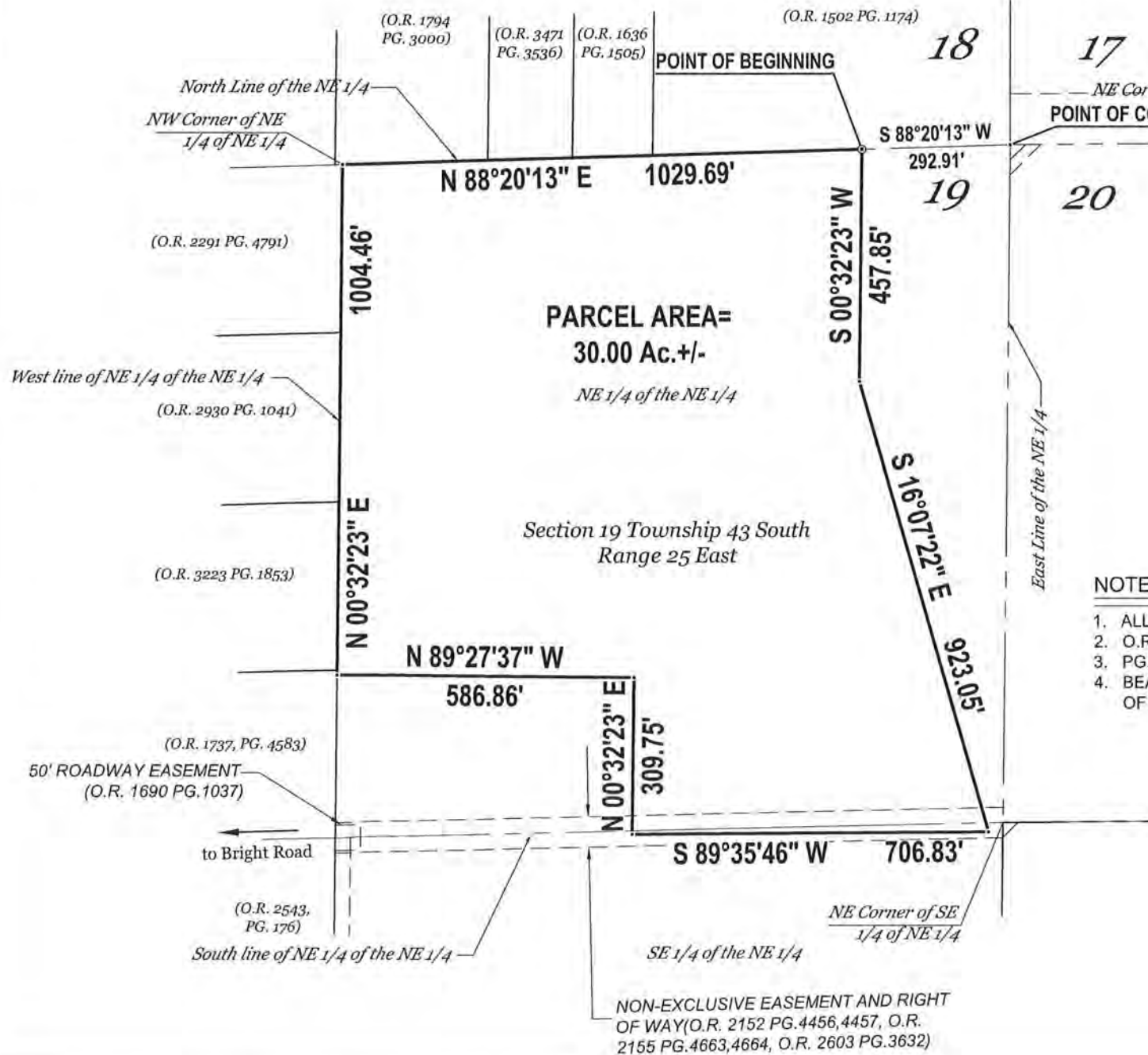
From said Point of Beginning run S00°32'23"W parallel with the West line of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section 19 for 457.85 feet; thence run S16°07'22"E for 923.05 feet; thence run S89°35'46"W for 706.83 feet; thence run N00°32'23"E parallel with said West line 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.



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



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.

Barraco
and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
2271 MCGREGOR BOULEVARD
POST OFFICE DRAWER 2600
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 481-3170
FAX (239) 481-3109
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR:
Land Solutions inc.
6150 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 489-4005
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET
PROJECT DESCRIPTION:

PARCEL IN THE NE 1/4
OF
SECTION 19, TWP 43
SOUTH, RGE. 25 EAST IN
LEE COUNTY, FLORIDA

PROJECT SURVEYOR
Scott A. Wheeler
FLORIDA
STATE OF
H0.1949
NOT VALID WITHOUT THE SIGNATURE
AND THE ORIGINAL RAISED SEAL OF A
FLORIDA LICENSED SURVEYOR AND MAPPER

FILE NAME	21797R12.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21797P\DWG\SURVEY\B\SKETCH
PLUT DATE	FBI 10-15-2004 - 11:28 AM
PLUT BY	SCOTT WHEELER
DRAWING DATA	
SURVEY DATE	2004-10-14
DRAWN BY	PTD
CHECKED BY	SAW
SCALE	1"=50'
FIELD BOOK	

PLAN REVISIONS

STRAP NUMBERS

SKETCH TO
ACCOMPANY
DESCRIPTION

PROJECT / FILE NO.	SHEET NUMBER
21797 10-43-25	2 OF 2

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.

QUESTION E 4

List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

REGIONAL POLICY PLAN

HOUSING

Goal 1: Supply a variety of housing types in various price ranges to ensure that all residents have access to decent and affordable housing.

The proposed development implements this Goal through providing an area appropriate for a range of residential development opportunities.

Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.

The proposed Comprehensive Plan Amendment achieves this Goal through creating a residential planned development in an area where public facilities already exist at urban levels, and by creating an integrated amenitized residential community.

ECONOMIC DEVELOPMENT

Goal 3: A stable regional economy based on a continuing excellent quality of life.

Strategy: Maintain and improve the natural, historic, cultural, and tourist-related resources as primary regional economic assets.

The proposed swap of land use categories will further the intent of natural resource preservation, through applying a lower density to the Daughtrey's Creek flowway.

NATURAL RESOURCE ELEMENT

Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.

The proposed swap of land use categories will further the intent of natural resource preservation, through applying a lower density to the Daughtrey's Creek flowway.

TRANSPORTATION

Goal 2, Strategy 4: Review projects for impacts on our neighborhoods, commercial centers, and natural areas due to roadway expansions and right-of-way reservations.

Through approval of this Comprehensive Plan Amendment, the northern area will maintain its nexus with the Suburban areas to the south. This will eliminate the future need for a roadway crossing over the flowway to the west of the northern property and eliminate the need for access by 30+ units through a low-density residential neighborhood.

STATE COMPREHENSIVE PLAN

The proposed Oak Creek development is consistent with the State Comprehensive Plan. Below are specific policies as they relate to this proposed development.

(5) Housing

The proposed Comprehensive Plan Amendment will allow for the development of a diversity of housing opportunities in this area.

(10) Natural Systems and Recreational Lands

The proposed swap of Land Use Categories will further the intent of protecting natural systems through establishing a lower density on the Daughtrey's Creek flowway, and solidifying the nexus of the northern area with the Suburban Land Use Category, thereby eliminating the need for access across the flowway to the west of that property.

(15) Land Use

Policy (b) (1) - Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce.

The proposed Future Land Use swaps are part of an in-fill project, and would make efficient use of existing infrastructure and services.

(17) Public Facilities

Policy (b) (1) - Provide incentives for developing land in a way that maximizes the uses of existing public facilities.

The proposed Future Land Use swaps are part of an in-fill project, and would make efficient use of existing infrastructure and services.

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

FLUCFCS	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 caracara</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>	321411	SSC	No listing
Gopher Tortoise	<i>Gopherus polyhemus</i>	321,411	SSC	No listing
Eastern Indigo Snake	<i>Drymarchon corais couperi</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 guarana</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.

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. 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.

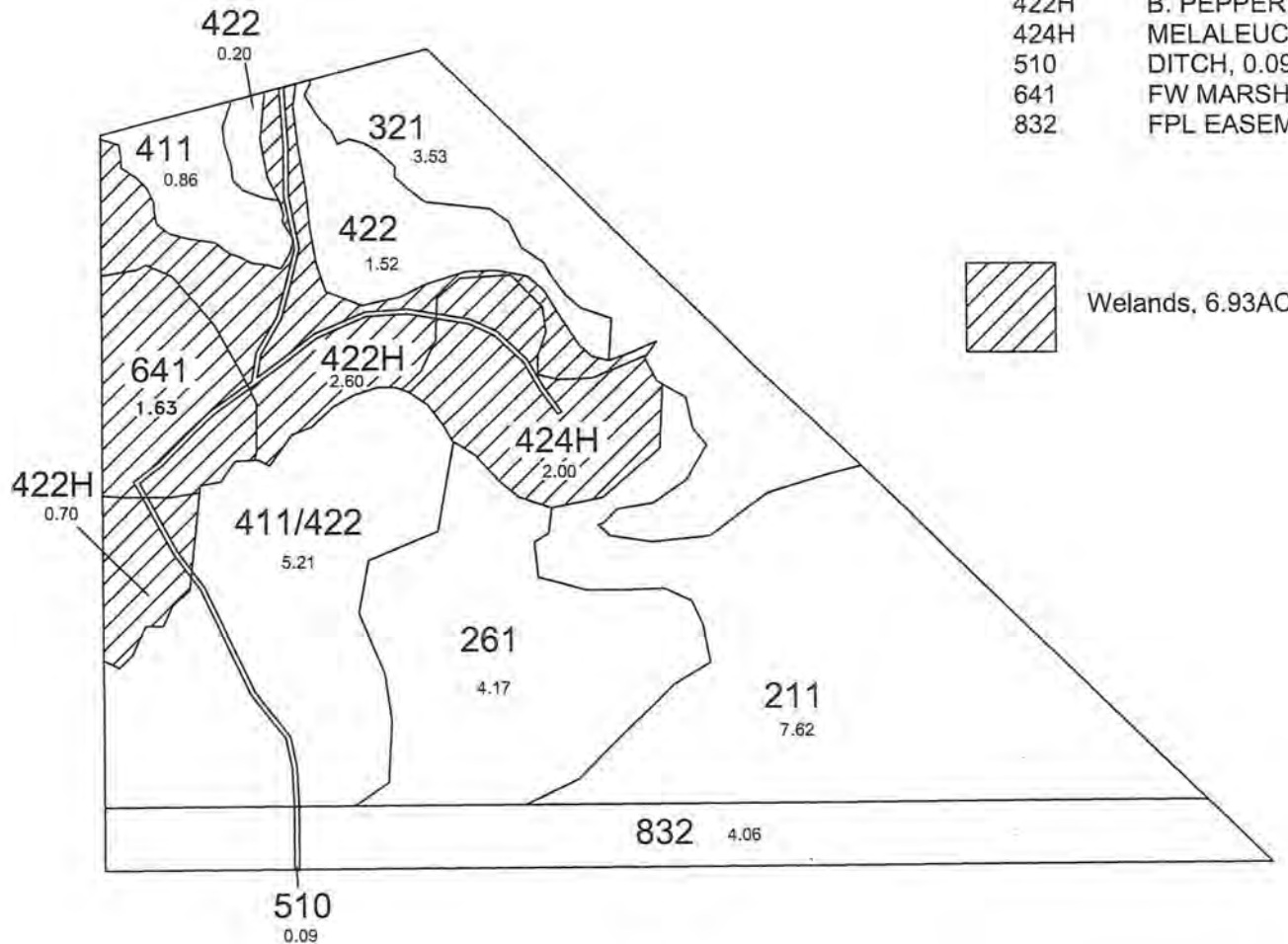
- 2. A map showing the subject property location on the archaeological sensitivity map for Lee County.**

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

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



JOB # 020087
 SCALE 1"=300'
 FILE OCT2004 COMP
 DRAWN BY JDK
 DATE 10-25-04

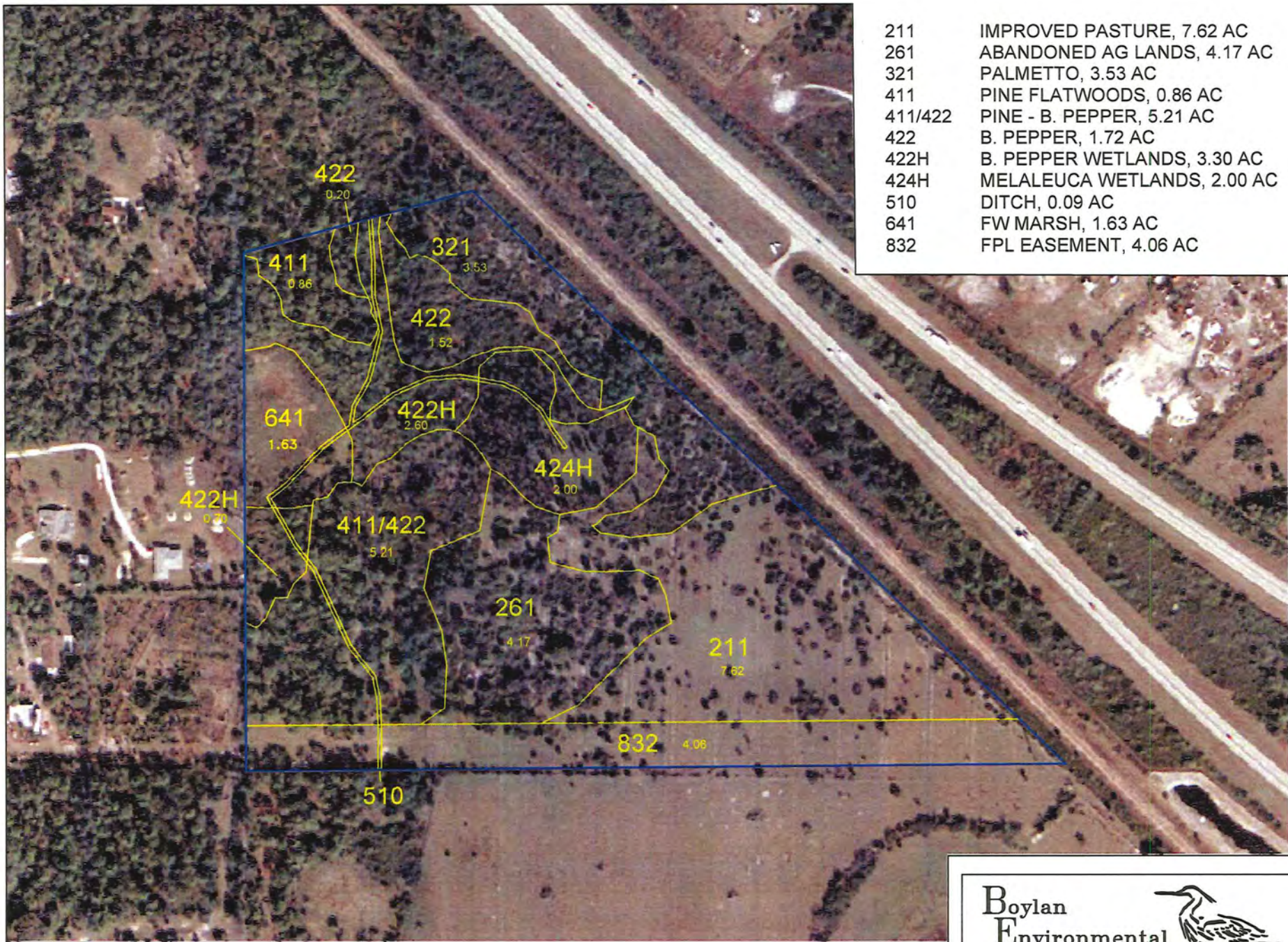
OAK CREEK
 FLUCCS MAP NORTH PARCEL

COUNTY LEE
 SEC 17
 TWP 43S
 RNG 25E
 REVISIONS

Boylan
 Environmental
 Consultants, Inc.

Wetland & Wildlife Surveys, Environmental Permitting,
 Impact Assessments

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



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

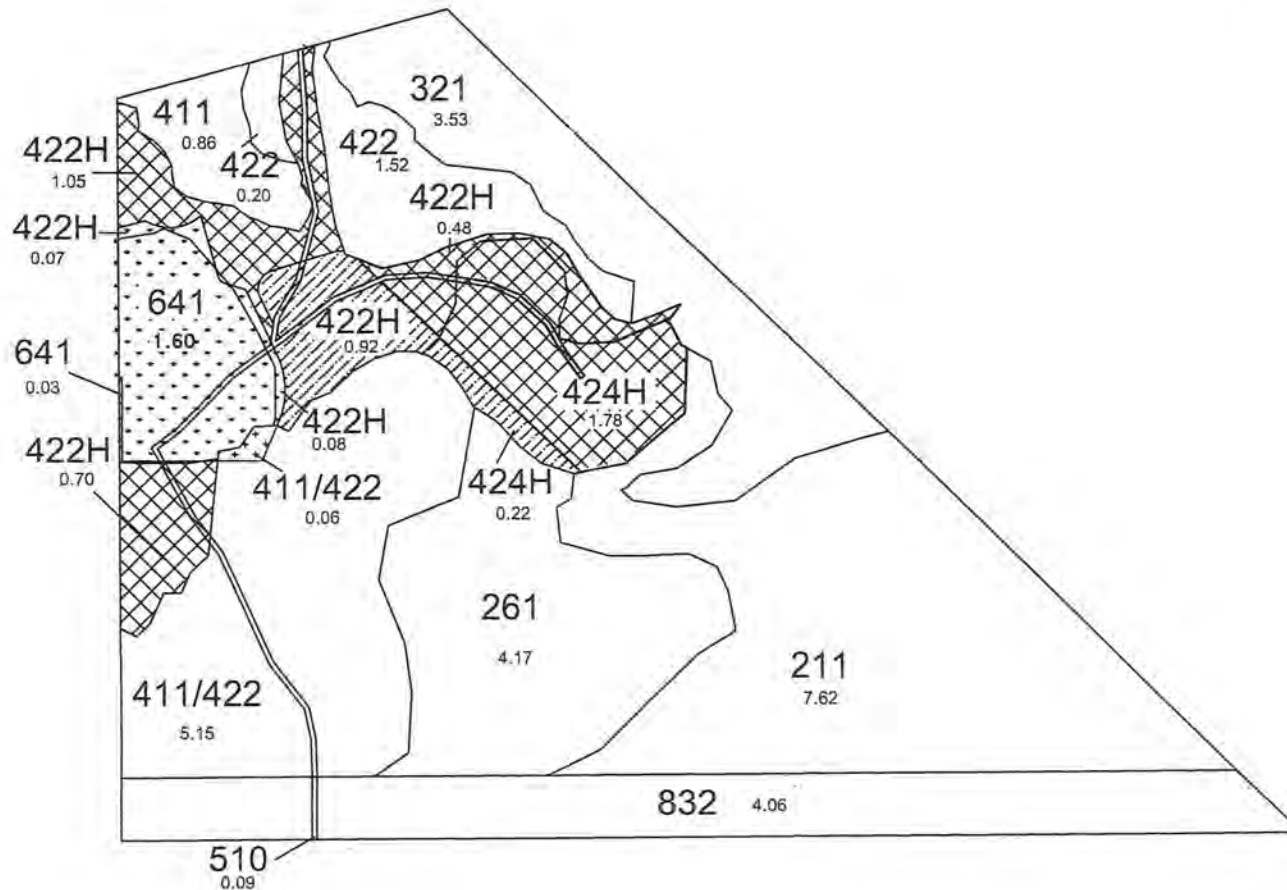
JOB # 020087
 SCALE 1"=300'
 FILE OCT2004 COMP
 DRAWN BY JDK
 DATE 10-25-04

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 4, Ft. Myers, 33912 (239)418-0671

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



- Wetland Preserve 1.75 AC
 Upland Preserve 0.06 AC
 Wetland Fill 4.04 AC
 Wetland Dredge 1.14 AC

OB# 020087
 SCALE 1"=300'
 FILE OCT2004 COMP
 DRAWN BY JDK
 DATE 10-25-04

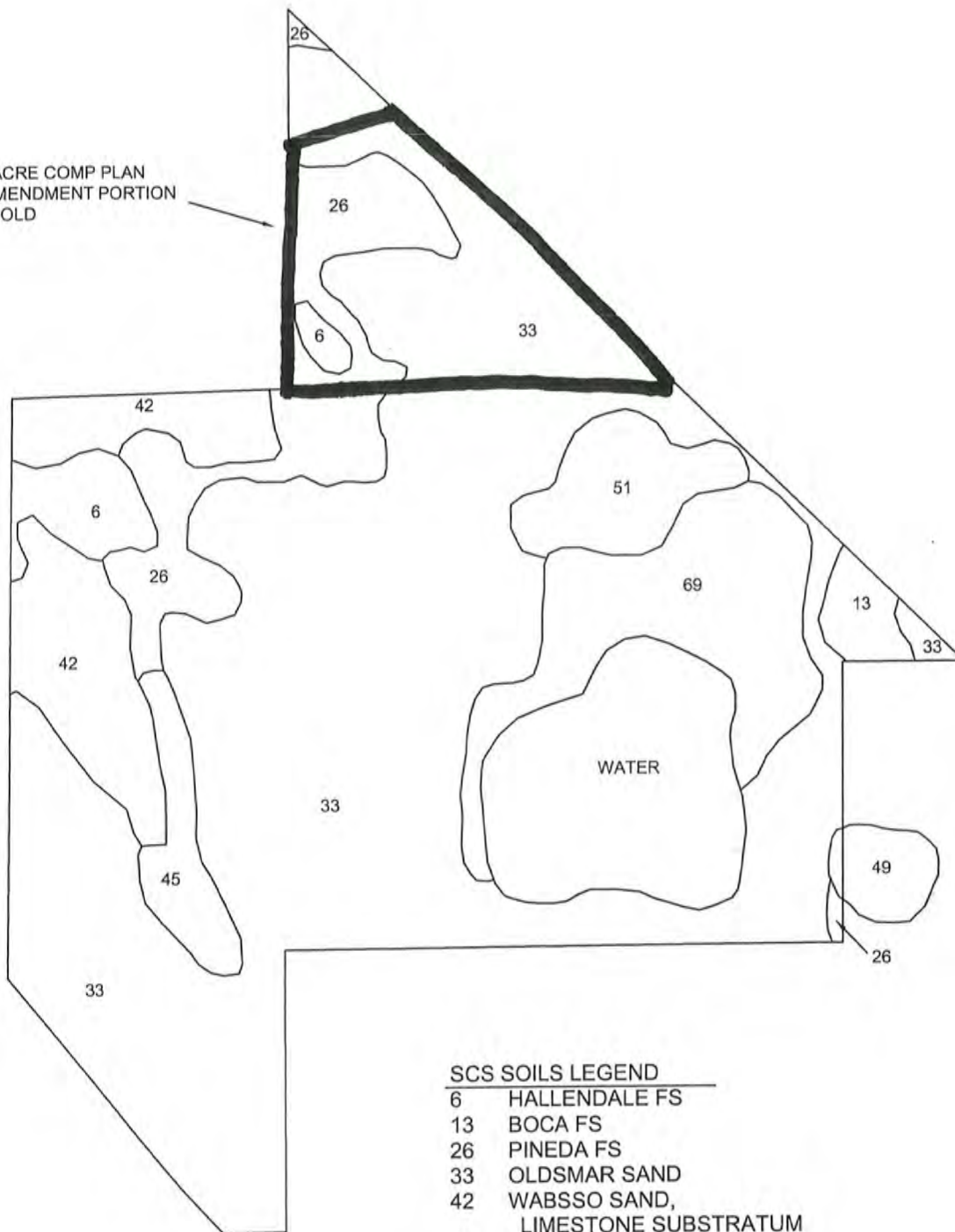
OAK CREEK
 FLUCCS MAP NORTH PARCEL

COUNTY LEE
 SEC 17
 TWP 43S
 RNG 25E
 REVISIONS

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



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

JOB # 020087
SCALE 1"=800'
FILE OCT04 SOILS
DRAWN BY JDK
DATE 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 black ink, appearing to read "Patrick Gensler", is written over a horizontal line.

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
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

☐ Tamara Regional Office

TOTAL P.01

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 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 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

<u>Name</u>	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.

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. 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.

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	--
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

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.

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.

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

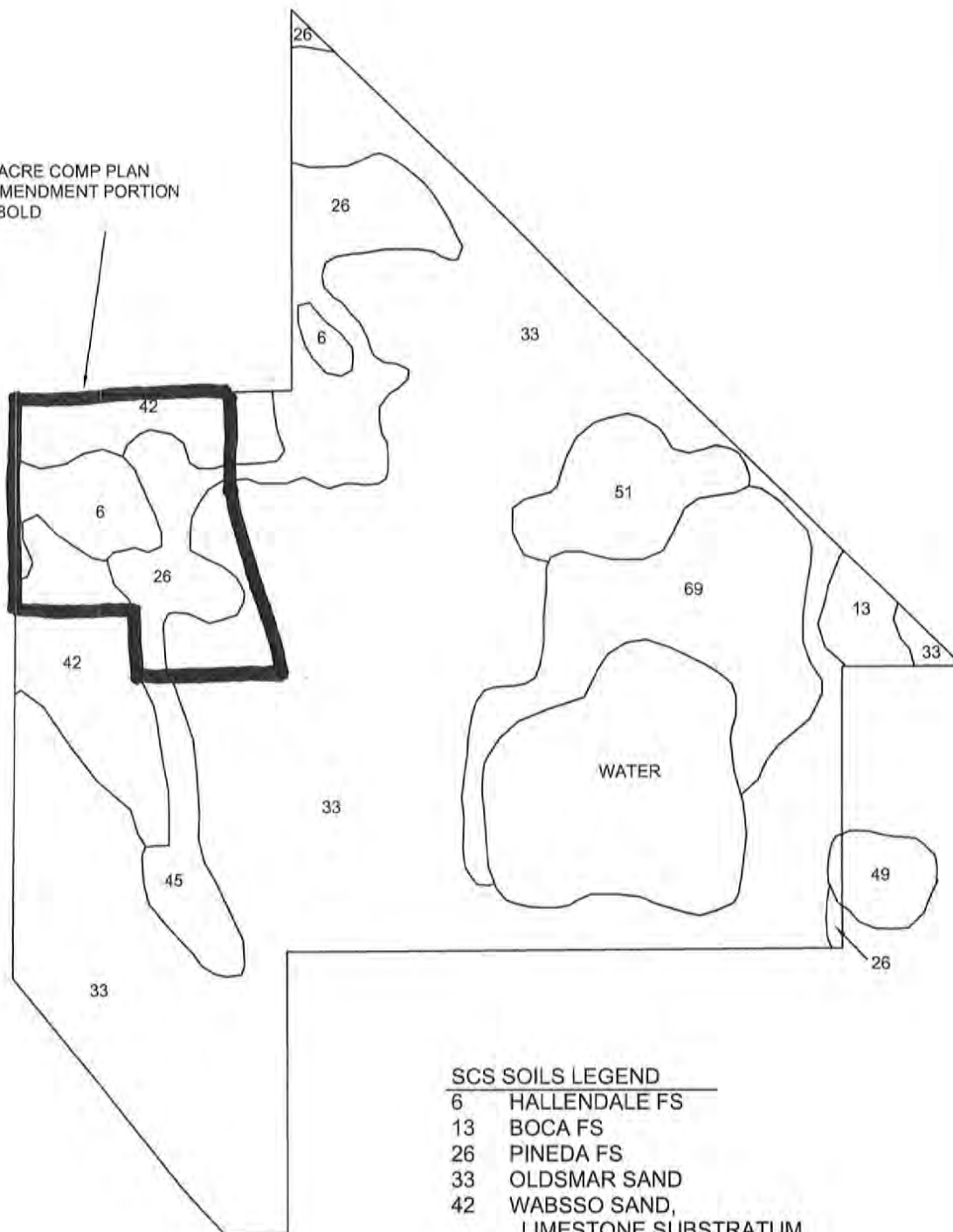
See attached photocopy of portion of the sensitivity map that shows the property in relationship to the limits of the archaeologically sensitive areas.

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 parcel that contains less sensitive environmental features.



10 ACRE COMP PLAN
AMMENDMENT PORTION
IN BOLD



SCS SOILS LEGEND

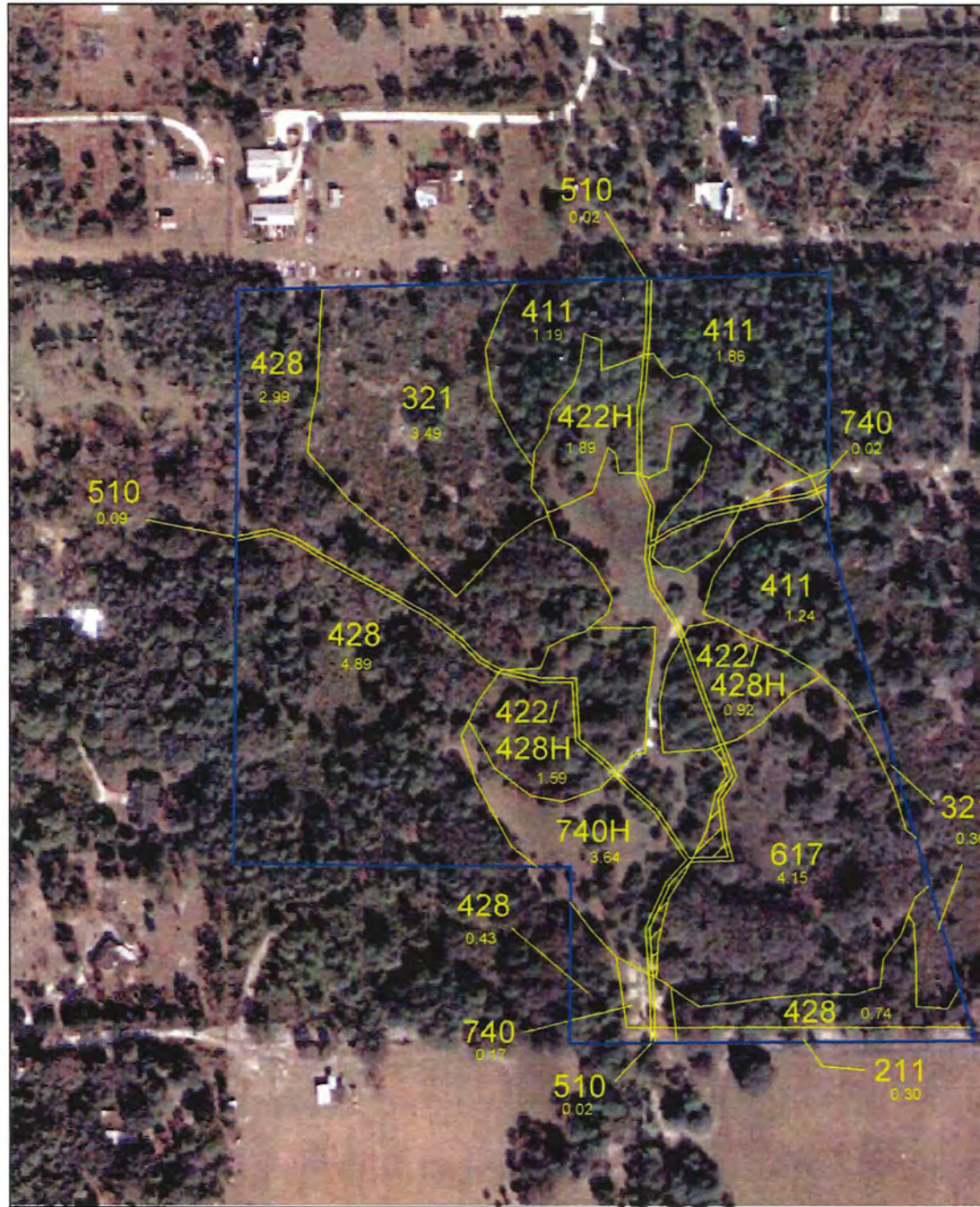
6	HALLENDALE FS
13	BOCA FS
26	PINEDA FS
33	OLDSMAR SAND
42	WABSSO SAND, LIMESTONE SUBSTRATUM
49	FELDA FS, DEPRESSIONAL
51	FLORIDANA SAND, DEPRESSIONAL
69	MATLACHA GRAVELLY FS

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 WEST PARCEL

JOB # 020087
SCALE 1"=800'
FILE OCT2004 SOILS
DRAWN BY JJK
DATE 10/25/2004



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

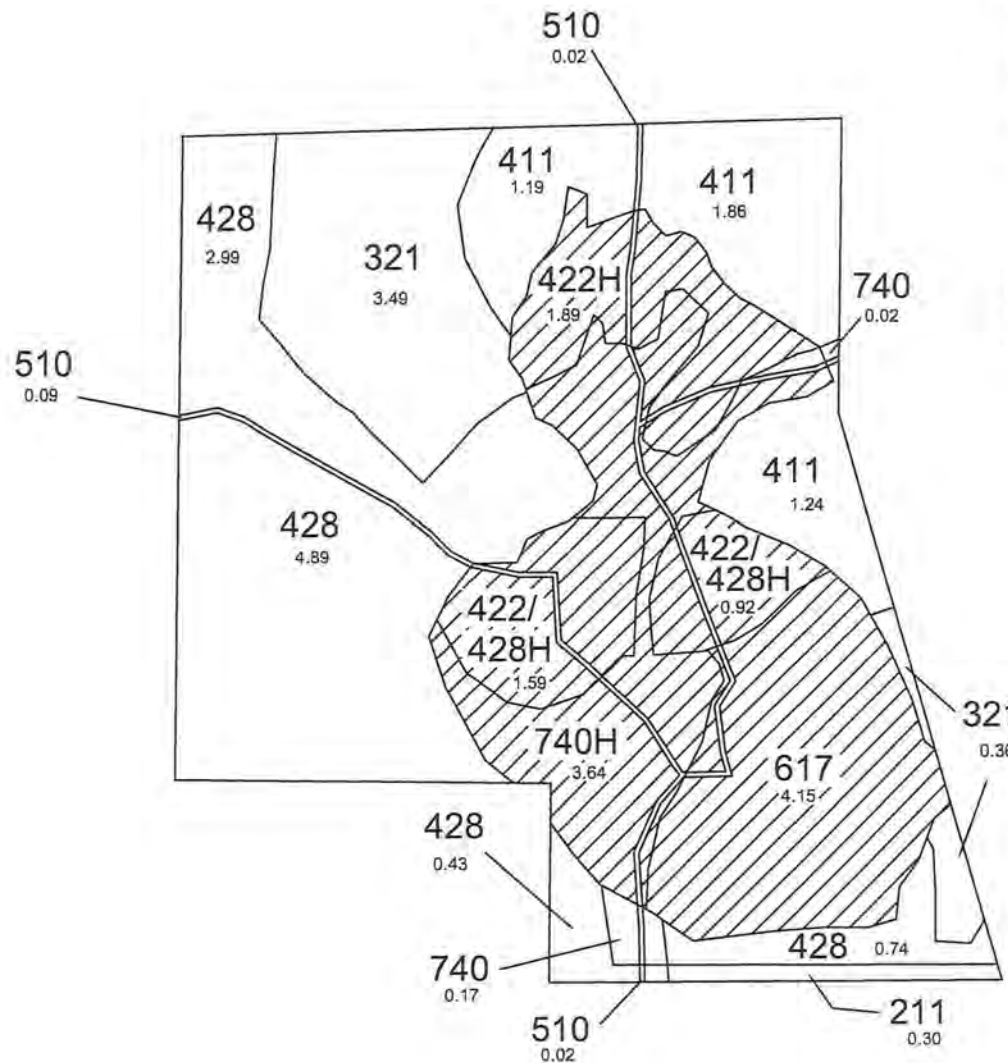
JOB # 020087
 SCALE 1"=300'
 FILE OCT2004 COMP
 DRAWN BY JDK
 DATE 10-25-04

OAK CREEK
 FLUCCS MAP WEST 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 4, Ft. Myers, 33912 (239)418-0671





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



Wetlands, 12.19 AC

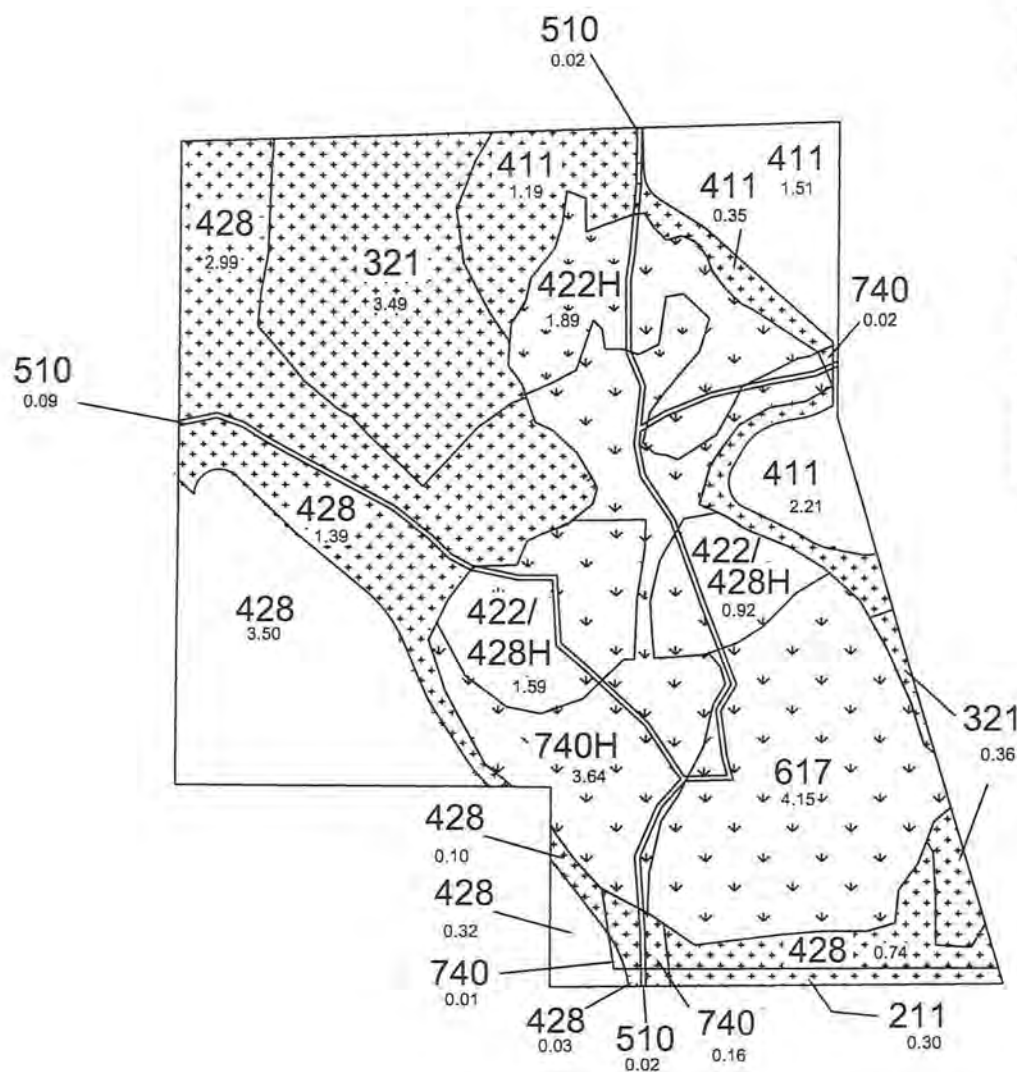
JOB # 020087
SCALE 1"=300'
FILE OCT2004 COMP
DRAWN BY JDK
DATE 10-25-04

OAK CREEK
FLUCCS MAP WEST 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 4, Ft. Myers, 33912 (239)418-0671



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



Wetland Preserve 12.19 AC



Upland Preserve 11.75 AC

JOB # 020087
SCALE 1"=300'
FILE OCT2004 COMP
DRAWN BY JDK
DATE 10-25-04

OAK CREEK
FLUCCS MAP WEST 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 4, Ft. Myers, 33912 (239)418-0671



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:

T438, 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

Phone 850-245-6331
Fax: 850-245-6439
State SunCom: 205-6440
Email: 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 P. 01



CPA 2004-00028



PERMIT COUNTY

Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (941) 479-8585
FAX: (941) 479-8519

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D _____

REC'D BY: _____

APPLICATION FEE _____

TIDEMARK NO: _____

THE FOLLOWING VERIFIED:

Zoning ☐

Commissioner District ☐

Designation on FLUM ☐

(To be completed by Planning Staff)

Plan Amendment Cycle: ☒ Normal ☐ Small Scale ☐ DRI ☐ Emergency

Request No: _____

APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: _____

Submit **6** copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

DATE _____

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE _____

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.

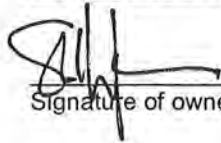
3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
 4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.
- G. Justify the proposed amendment based upon 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 FAIR INSURANCE, INC



Signature of notary public

Bobbie L. Symonds

Printed name of notary public

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.



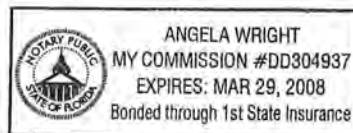
Owner

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)

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.

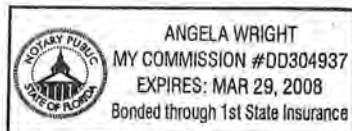


Owner

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 th 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.

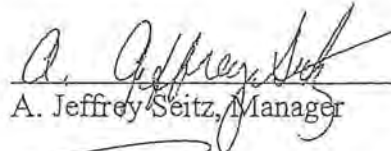
10. **Effective Date of Action.** The actions contained herein shall be effective as of the effective date of the Articles of Organization of the Company.

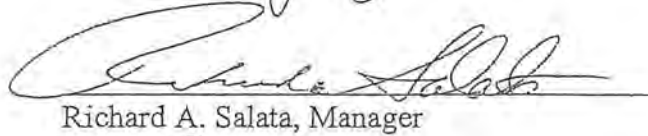
11. **Other actions.** Any officer of the Company, acting singly on behalf of the Company, be and hereby is authorized and directed to execute and deliver such

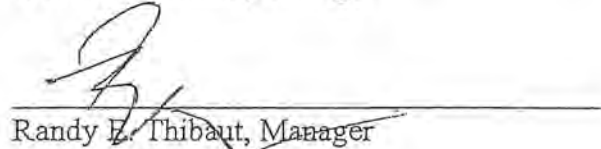
documents and to do or cause to be done such acts as any of them may deem necessary or appropriate in order to effectuate the foregoing resolutions.

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

MANAGERS:

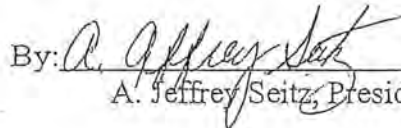

A. Jeffrey Seitz, Manager


Richard A. Salata, Manager


Randy E. Thibaut, Manager

MEMBERS:

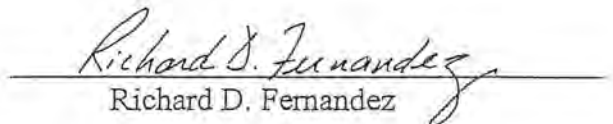
Advance Homes, Inc.

By: 
A. Jeffrey Seitz, President

Mill Creek Florida Properties No. 3, LLC

By: 
Richard A. Salata, President

Richard D. Fernandez


Richard D. Fernandez

Oak Creek RPD
North Vs. West Parcel Wetland Evaluation
REVISED
October 2004

West and North Parcel Wetland Breakdown

Parcel Designation	Existing Future Land Use Category	Acreage	Existing Wetlands (acres)	Preserved Wetlands After Receipt of SFWMD 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	1	5	30-130	27
West Parcel	Suburban	30	12.19	12.19	0	73	0	0	180
Total Suburban	Suburban	239.34	29.46	26.76	2.7	177	16	1,163	1,412
Total		303.34	48.6	40.72	7.88	251	17	1,293	1,620



OAK CREEK

PART OF SECTION 20
TOWNSHIP 43 SOUTH
RANGE 25 EAST
LEE COUNTY, FLORIDA

THIS PLAN IS PRELIMINARY AND
INTENDED FOR CONCEPTUAL
PLANNING PURPOSES ONLY. SITE
LAYOUT AND LAND USE INTENSITIES
OR DENSITIES MAY CHANGE
SIGNIFICANTLY BASED UPON SURVEY,
ENVIRONMENTAL, ENGINEERING AND
REGULATORY CONSTRAINTS
AND / OR OPPORTUNITIES.
* NOT FOR CONSTRUCTION *

NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE AND DATE
© COPYRIGHT 2004, BARRACO AND ASSOCIATES, INC.
REPRODUCTION, CHANGES OR ASSIGNMENTS ARE PROHIBITED

FILE NAME 21797TOPO-X.DWG

LAYOUT 2X3

LOCATION J:\21797\DWG\

PLOT DATE FRI, 10-8-2004 - 10:35 AM

PLOT BY ANGELICA CARLEY

DESIGN BY

XREF1

XREF2

XREF3

XREF4

XREF5

XREF6

PLAN REVISIONS

PLAN STATUS

AERIAL AND
TOPOGRAPHIC MAP

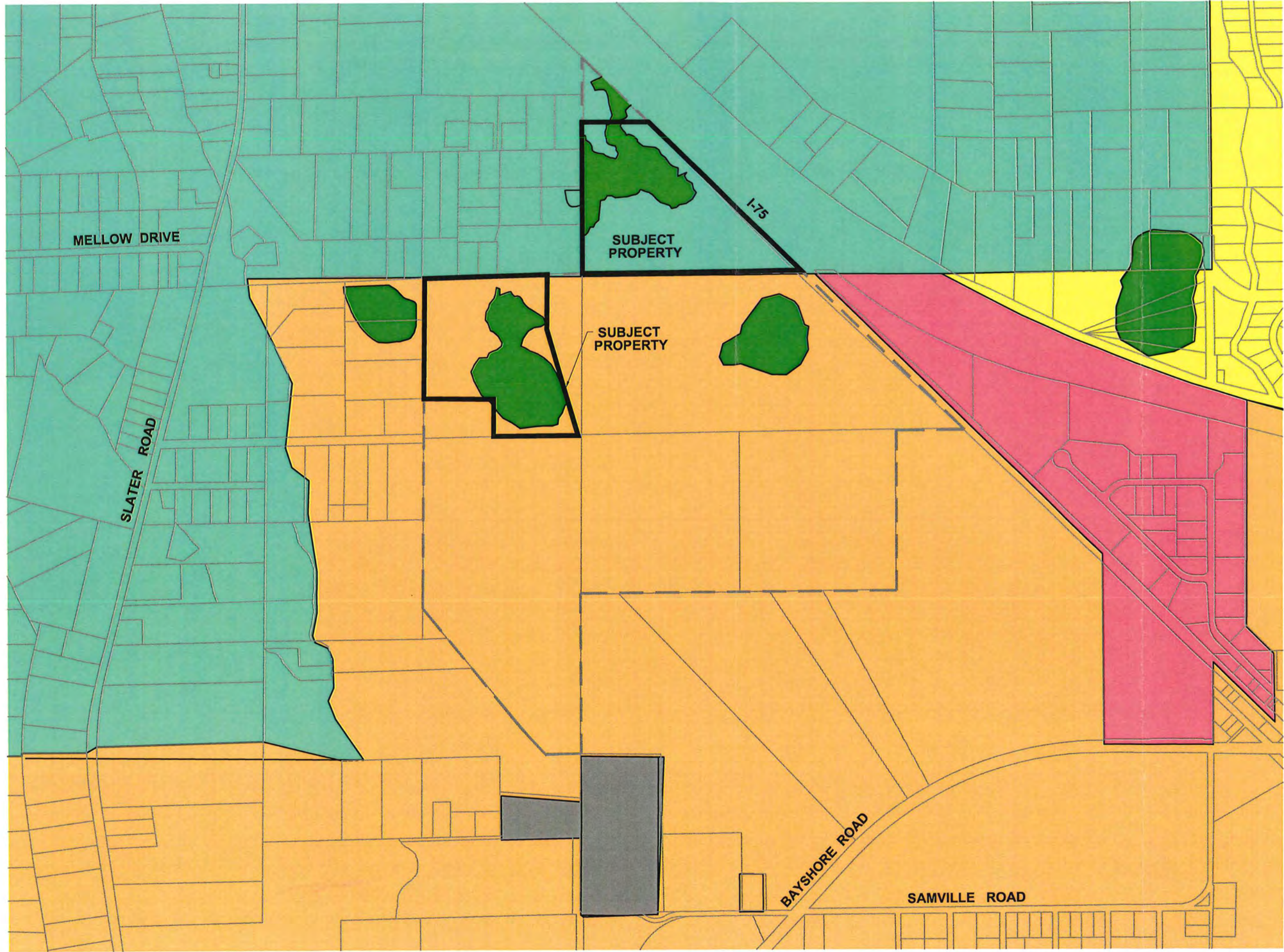
PROJECT / FILE NO.

21797

SHEET NUMBER

1

J:\21797\DWG\ZONING\COMP\21797FLU.DWG - FRI 10-8-2004 - 10:38 AM



LEGEND

FLUMNov02

Land Use

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



Proposed 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 MUGNOR BLVD., POST OFFICE DRAWER 2800, FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3179 - WWW.BARRACO.NET - FAX (239) 461-3189
FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 7995 - SURVEYING LB-6940

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

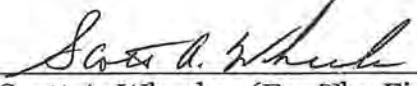
Parcel in
Section 17, Township 43 South, Range 25 East,
Lee County, Florida

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:

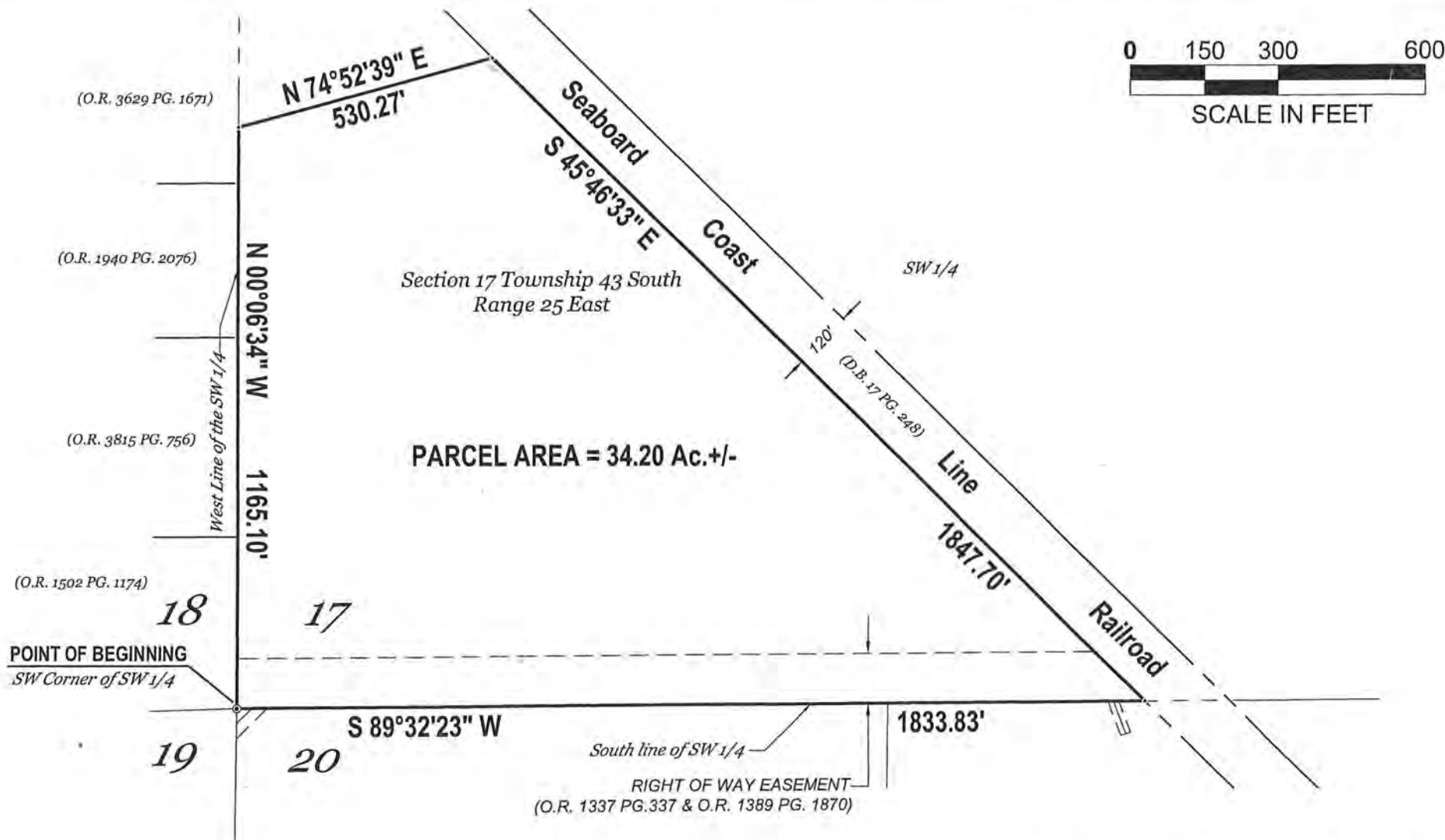
Beginning at the Southwest corner of the Southwest Quarter (SW 1/4) of said Section 17 run N00°06'34"W along the West line of said Fraction for 1,165.10 feet; thence run N74°52'39"E for 530.27 feet to an intersection with the Southwest right of way line of the Seaboard Coast Line Railroad (120 feet wide);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

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

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



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 QUARTER (SW 1/4) OF SECTION 17 TO BEAR SOUTH 89°32'23" WEST.

THIS IS NOT A SURVEY

Scott A. Wheeler 10/15/04
 SCOTT A. WHEELER (FOR THE FIRM - LB-6940)
 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.

Barraco
 and Associates, Inc.
 CIVIL ENGINEERING - LAND SURVEYING
 LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
 2271 MCGREGOR BOULEVARD
 POST OFFICE DRAWER 2800
 FORT MYERS, FLORIDA 33902-2800
 PHONE (239) 461-3170
 FAX (239) 461-3169
 FLORIDA CERTIFICATE OF AUTHORIZATION
 ENGINEERING 7195 - SURVEYING LB-6940

Land Solutions inc.
 6150 DIAMOND CENTER COURT
 BUILDING 1300
 FORT MYERS, FLORIDA 33912
 PHONE (239) 488-4086
 FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PARCEL IN THE SW 1/4
 OF
 SECTION 17, TWP 43
 SOUTH, RGE. 25 EAST IN
 LEE COUNTY, FLORIDA

PROJECT SURVEYOR
 SCOTT A. WHEELER
 FLORIDA CERTIFICATE 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 21797.dwg
 LAYOUT LAYOUT1
 LOCATION J:\21797\DWG\SURVEYING\SKETCH
 PLOT DATE THU, 10-14-2004 12:23 PM
 PLOT BY PETER CLEEN
 DRAWING DATA
 SURVEY DATE 2004-10-14
 DRAWN BY PFC
 CHECKED BY BAW
 SCALE 1"=300'
 FIELD BOOK

PLAN REVISIONS

STRAP NUMBERS

SKETCH TO
 ACCOMPANY
 DESCRIPTION

PROJECT / FILE NO. 21797
 19-43-25
 SHEET NUMBER 2 OF 2

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 1/4) 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 1/4) of the Northeast Quarter (NE 1/4) 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 1/4) of the Northeast Quarter (NE 1/4) 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 1/4) of the Northeast Quarter (NE 1/4) 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 1/4) of Section 19, to bear N88°20'13"E.


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

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.

QUESTION E 4

List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

REGIONAL POLICY PLAN

HOUSING

Goal 1: Supply a variety of housing types in various price ranges to ensure that all residents have access to decent and affordable housing.

The proposed development implements this Goal through providing an area appropriate for a range of residential development opportunities.

Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.

The proposed Comprehensive Plan Amendment achieves this Goal through creating a residential planned development in an area where public facilities already exist at urban levels, and by creating an integrated amenitized residential community.

ECONOMIC DEVELOPMENT

Goal 3: A stable regional economy based on a continuing excellent quality of life.

Strategy: Maintain and improve the natural, historic, cultural, and tourist-related resources as primary regional economic assets.

The proposed swap of land use categories will further the intent of natural resource preservation, through applying a lower density to the Daughtrey's Creek flowway.

NATURAL RESOURCE ELEMENT

Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.

The proposed swap of land use categories will further the intent of natural resource preservation, through applying a lower density to the Daughtrey's Creek flowway.

TRANSPORTATION

Goal 2, Strategy 4: Review projects for impacts on our neighborhoods, commercial centers, and natural areas due to roadway expansions and right-of-way reservations.

Through approval of this Comprehensive Plan Amendment, the northern area will maintain its nexus with the Suburban areas to the south. This will eliminate the future need for a roadway crossing over the flowway to the west of the northern property and eliminate the need for access by 30+ units through a low-density residential neighborhood.

STATE COMPREHENSIVE PLAN

The proposed Oak Creek development is consistent with the State Comprehensive Plan. Below are specific policies as they relate to this proposed development.

(5) Housing

The proposed Comprehensive Plan Amendment will allow for the development of a diversity of housing opportunities in this area.

(10) Natural Systems and Recreational Lands

The proposed swap of Land Use Categories will further the intent of protecting natural systems through establishing a lower density on the Daughtrey's Creek flowway, and solidifying the nexus of the northern area with the Suburban Land Use Category, thereby eliminating the need for access across the flowway to the west of that property.

(15) Land Use

Policy (b) (1) - Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce.

The proposed Future Land Use swaps are part of an in-fill project, and would make efficient use of existing infrastructure and services.

(17) Public Facilities

Policy (b) (1) - Provide incentives for developing land in a way that maximizes the uses of existing public facilities.

The proposed Future Land Use swaps are part of an in-fill project, and would make efficient use of existing infrastructure and services.

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 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 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

FLUCFCS	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 couperi</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.**

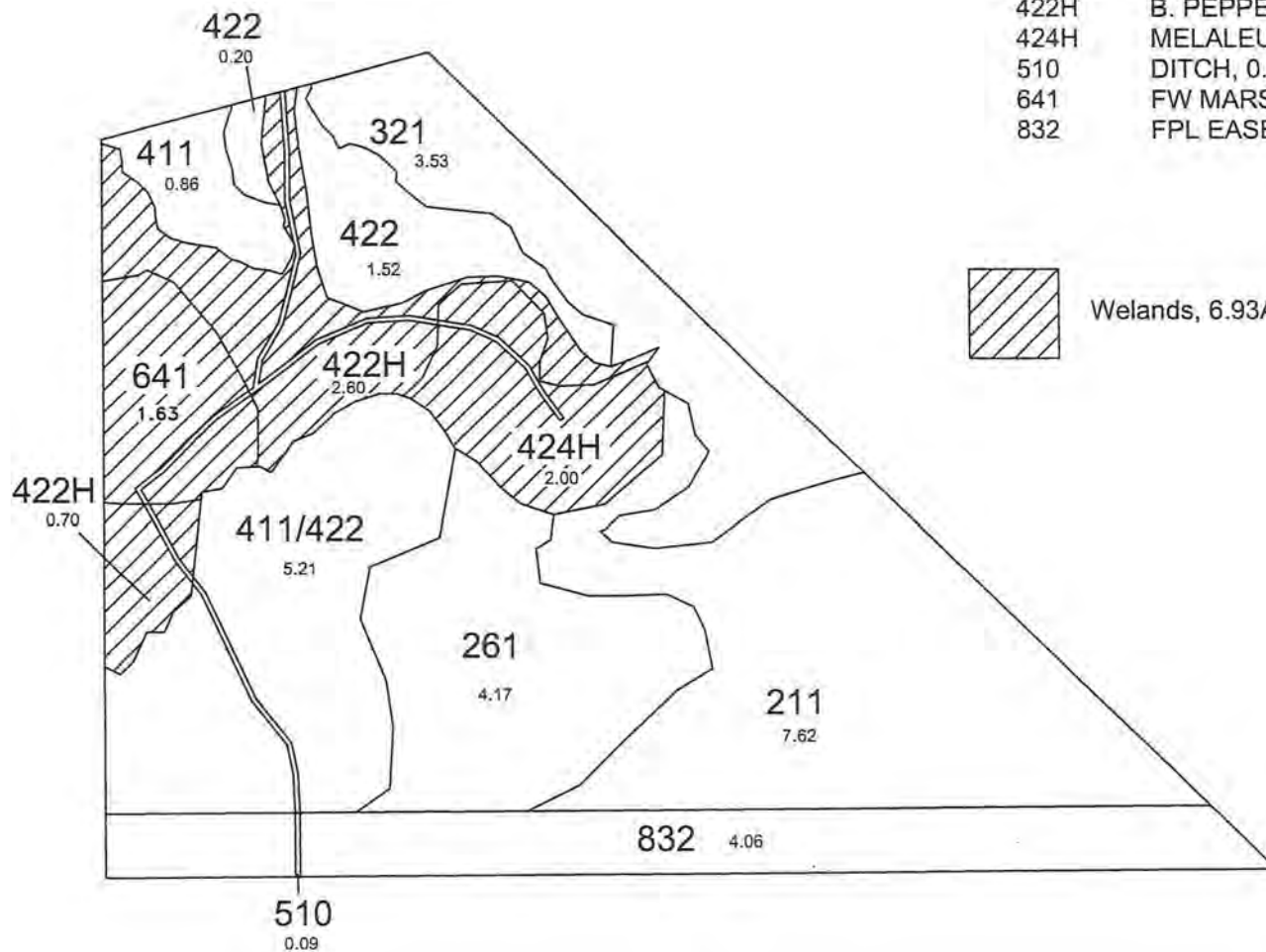
A survey was conducted on site to determine the presence of any archaeological or historical resources. This survey found no signs of these resources.

- 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



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



Wetlands, 6.93AC

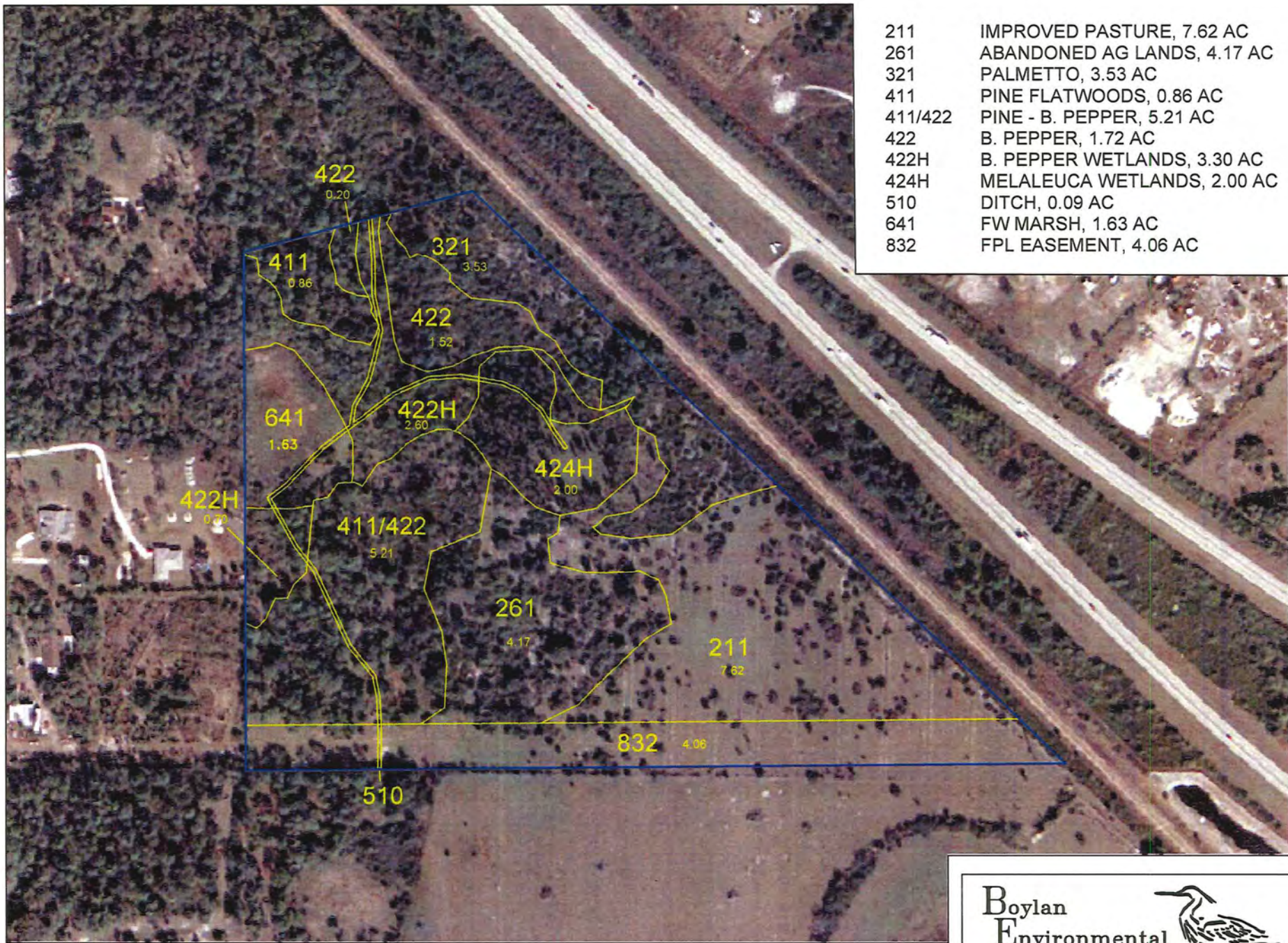
JOB # 020087
 SCALE 1"=300'
 FILE OCT2004 COMP
 DRAWN BY JDK
 DATE 10-25-04

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 4, Ft. Myers, 33912 (239)418-0671





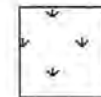
JOB # 020087
 SCALE 1"=300'
 FILE OCT2004 COMP
 DRAWN BY JDK
 DATE 10-25-04

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 4, Ft. Myers, 33912 (239)418-0671

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



Wetland Preserve 1.75 AC



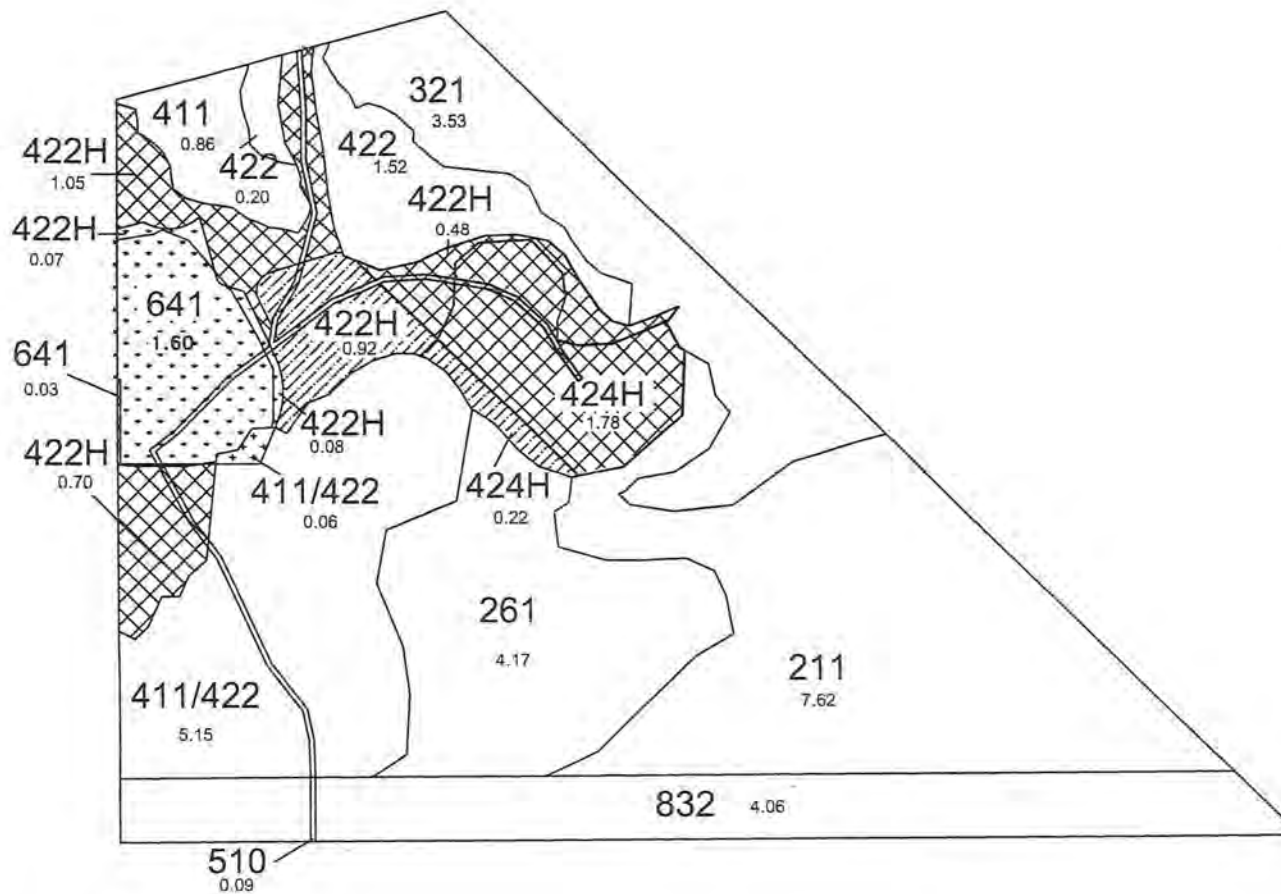
Upland Preserve 0.06 AC



Wetland Fill 4.04 AC



Wetland Dredge 1.14 AC



OB# 020087
 SCALE 1"=300'
 FILE OCT2004 COMP
 DRAWN BY JDK
 DATE 10-25-04

OAK CREEK
 FLUCCS MAP NORTH PARCEL

COUNTY LEE
 SEC 17
 TWP 43S
 RNG 25E
 REVISIONS

Boylan
 Environmental
 Consultants, Inc.

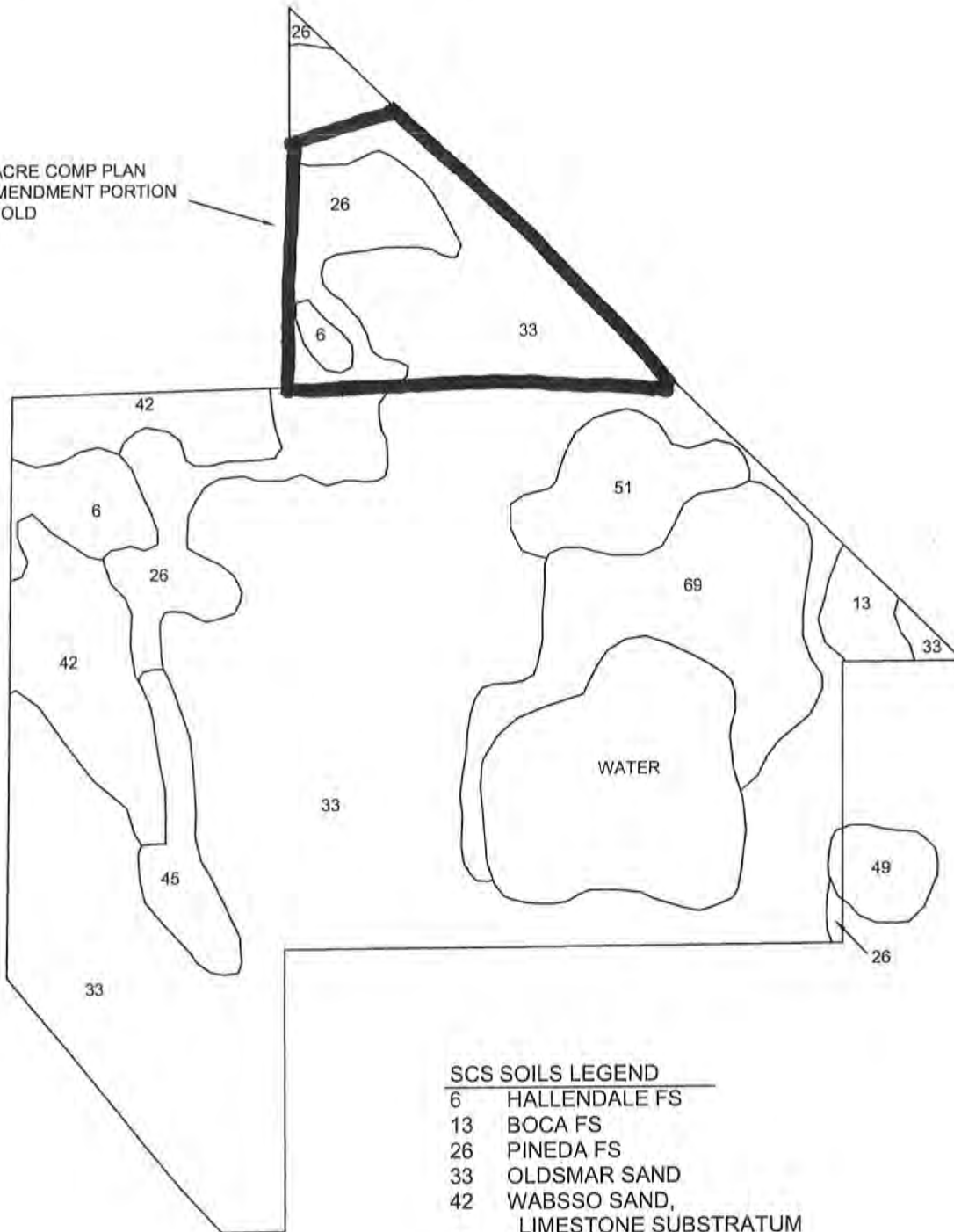


Wetland & Wildlife Surveys, Environmental Permitting,
 Impact Assessments

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



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

JOB #	020087
SCALE	1"=800'
FILE	OCT2004 SOILS
DRAWN BY	JDK
DATE	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 black ink, appearing to read "Patrick Gensler", is written over a horizontal line.

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
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 P.01

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 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 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.

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. 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.

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	--
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

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.

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.

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

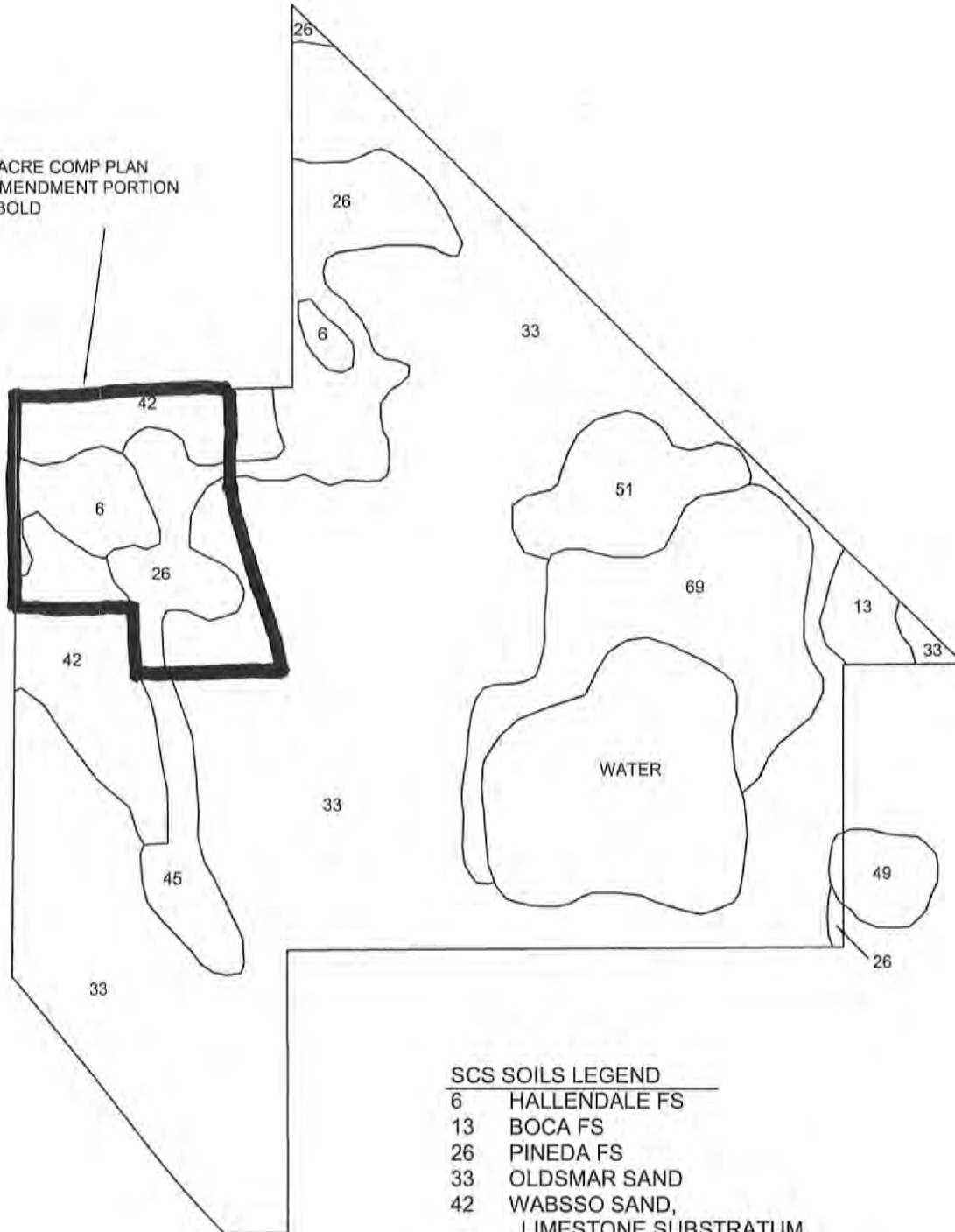
See attached photocopy of portion of the sensitivity map that shows the property in relationship to the limits of the archaeologically sensitive areas.

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 parcel that contains less sensitive environmental features.



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

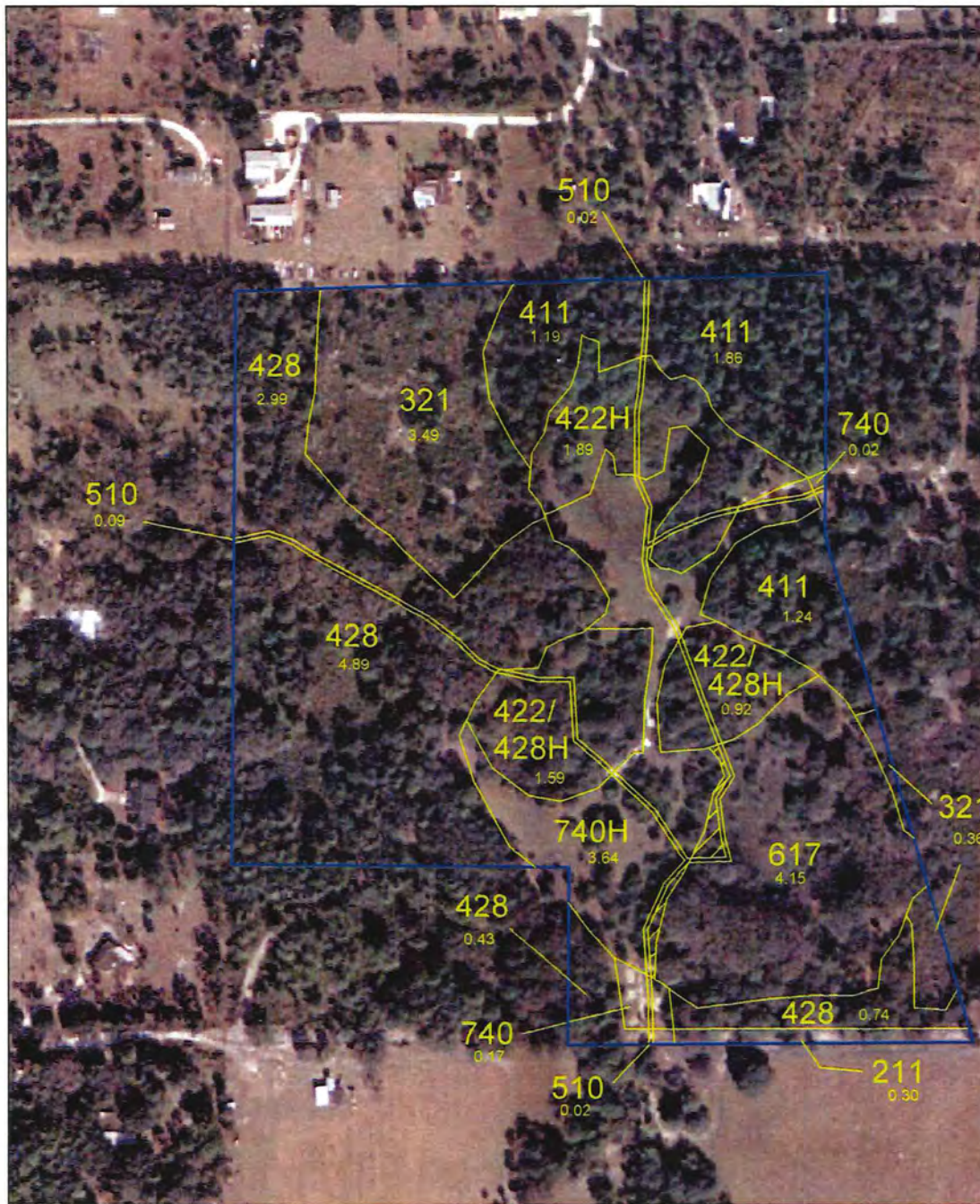
Boylan
Environmental
Consultants, Inc.
Wetland & Wildlife Surveys, Environmental Permitting,
Impact Assessments
11000 Metro Parkway, Suite 4, Ft. Myers, 33912 (239)418-0671

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

OAK CREEK

COMP PLAN AMMENDMENT SOILS MAP WEST PARCEL

JOB # 020087
SCALE 1"=800'
FILE OCT2004 SOILS
DRAWN BY JDK
DATE 10/25/2004



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

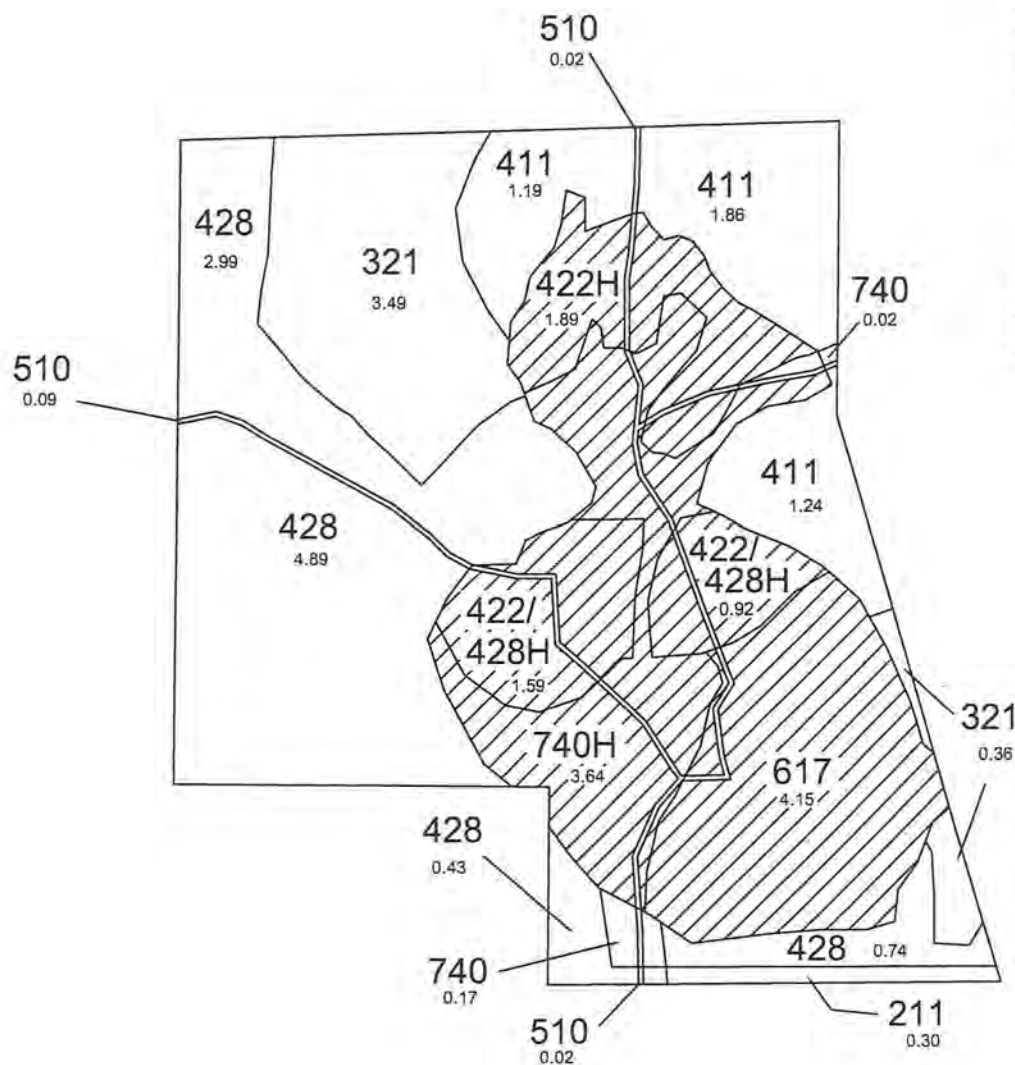
JOB # 020087
 SCALE 1"=300'
 FILE OCT2004 COMP
 DRAWN BY JDK
 DATE 10-25-04

OAK CREEK
 FLUCCS MAP WEST 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 4, Ft. Myers, 33912 (239)418-0671





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



Wetlands, 12.19 AC

JOB # 020087
SCALE 1"=300'
FILE OCT2004 COMP
DRAWN BY JDK
DATE 10-25-04

OAK CREEK
FLUCCS MAP WEST PARCEL

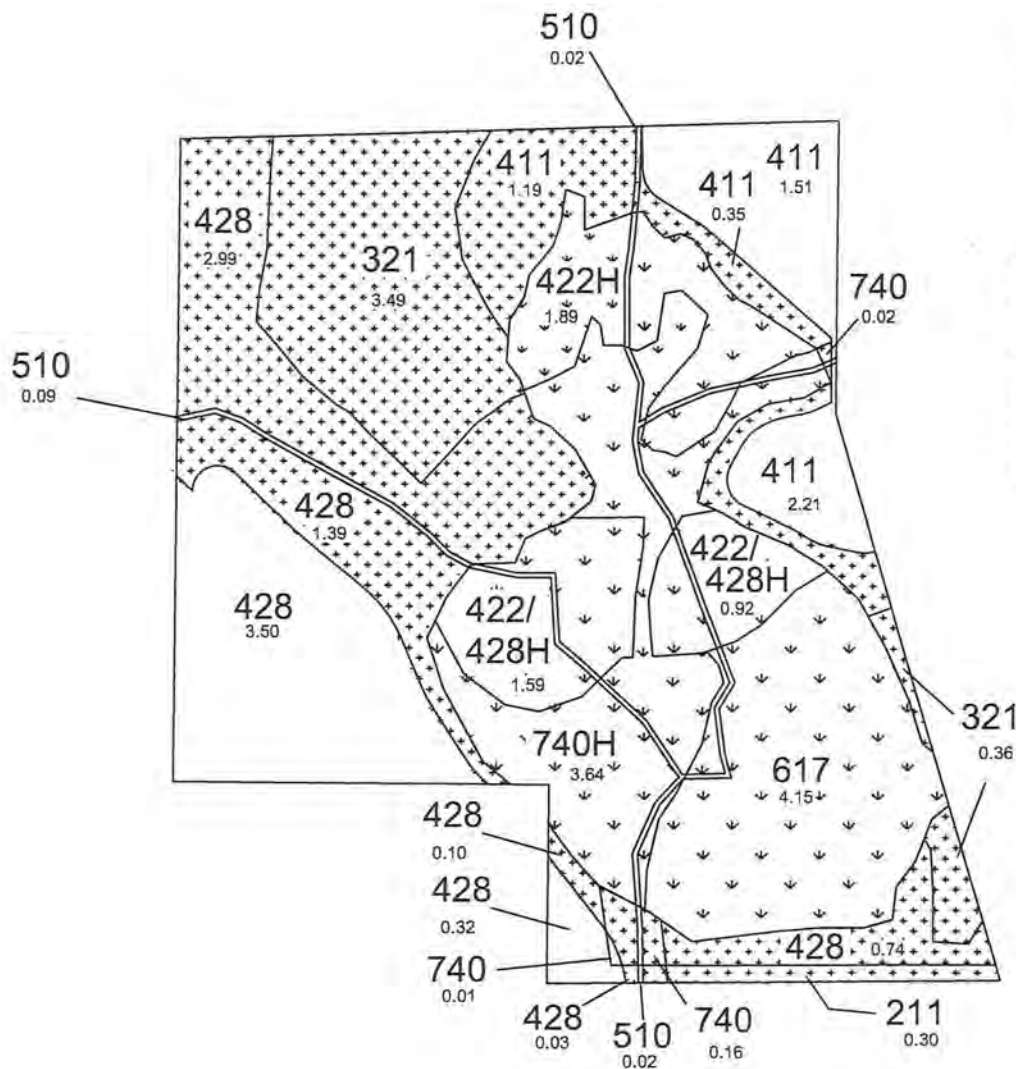
COUNTY LEE
SEC 17
TWP 43S
RNG 25E
REVISIONS

Boylan
Environmental
Consultants, Inc.

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



- 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



Wetland Preserve 12.19 AC



Upland Preserve 11.75 AC

JOB# 020087
SCALE 1"=300'
FILE OCT2004 COMP
DRAWN BY JDK
DATE 10-25-04

OAK CREEK
FLUCCS MAP WEST 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 4, Ft. Myers, 33912 (239)418-0671



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

Phone 850-245-6331
Fax: 850-245-6439
State SunCom: 205-6440
Email: 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 P.01

OAK CREEK



COMPREHENSIVE PLAN AMENDMENT APPLICATION

SUBMITTED TO:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF PLANNING
POST OFFICE BOX 398
FORT MYERS, FLORIDA 33902-0398

Barraco
and Associates, Inc.

2271 MCGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901
(239) 461-3170

TABLE OF CONTENTS

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 DESCRIPTIONS / DEEDS

SECTION 4 EXISTING AND FUTURE CONDITIONS ANALYSES

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



PERMIT COUNTER

Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (941) 479-8585
FAX: (941) 479-8519

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D 2-27-04

REC'D BY: JE

APPLICATION FEE 2120.00

TIDEMARK NO: CPA 2004-00008

THE FOLLOWING VERIFIED:

Zoning ☐

Commissioner District ☐

Designation on FLUM ☐

(To be completed by Planning Staff)

Plan Amendment Cycle: ☒ Normal ☐ Small Scale ☐ DRI ☐ Emergency

Request No: _____

APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: _____

Submit **6** copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

2/24/04

DATE

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

I. APPLICANT/AGENT/OWNER INFORMATION

See Attached List

APPLICANT

ADDRESS

CITY

STATE

ZIP

TELEPHONE NUMBER

FAX NUMBER

See Attached List

AGENT*

ADDRESS

CITY

STATE

ZIP

TELEPHONE NUMBER

FAX NUMBER

See Attached List

OWNER(s) OF RECORD

ADDRESS

CITY

STATE

ZIP

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
Map No. 1

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 33917

2. STRAP(s): See Attached List

B. Property Information

Total Acreage of Property: 60+/- acres

Total Acreage included in Request: 60+/- acres

Area of each Existing Future Land Use Category: _____

Total Uplands: 41.3 +/- acres

Total Wetlands: 18.7 +/- 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: N/A

Airport Noise Zone 2 or 3: N/A

Acquisition Area: N/A

Joint Planning Agreement Area (adjoining other jurisdictional lands): N/A

Community Redevelopment Area: N/A

- D. Proposed change for the Subject Property:

Swap Suburban and Rural Future Land Use designations.

- E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density 210 Units

Commercial intensity N/A

Industrial intensity N/A

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density 210 Units

Commercial intensity N/A

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, Daniel DeLisi, 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

February 24, 2004

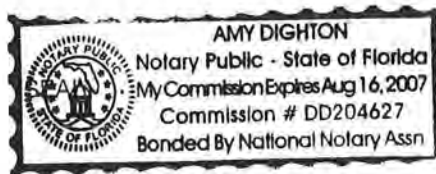
Date

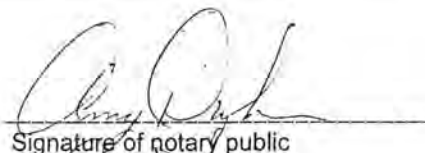
Daniel DeLisi

Typed or printed name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 24 day of Feb 2004, by Daniel DeLisi, who is personally known to me or who has produced _____ as identification.




Signature of notary public

Amy Dighton
Printed name of notary public

APPLICANTS / PROPERTY OWNERS

Advance Homes, Inc.
4215 East 60th Street, Suite #6
Davenport, Iowa 52807

Mill Creek Florida Properties No. 3, LLC
6715 Tippecanoe Road
Building B
Canfield, Ohio 44406

Richard D. Fernandez
c/o 6150 Diamond Centre Court
Building 1300
Fort Myers, Florida 33912

SW Florida Land 411 LLC
11220 Metro Parkway, Suite 27
Fort Myers, Florida 33912

AGENTS

Barraco and Associates, Inc.
c/o Mr. Daniel DeLisi, 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

STRAP(s):

17-43-25-00-00002.0010 ✓

17-43-25-00-00002.0020 ✓

17-43-25-00-00002.0030 ✓

19-43-25-00-00008.0050

OAK CREEK COMPREHENSIVE PLAN AMENDMENT

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.

J:\2179\DWG\ZONING\COMP\AERIAL-ELU.DWG - TUE, 2-24-2004 - 9:31 AM



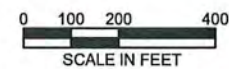
LEGEND

- 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

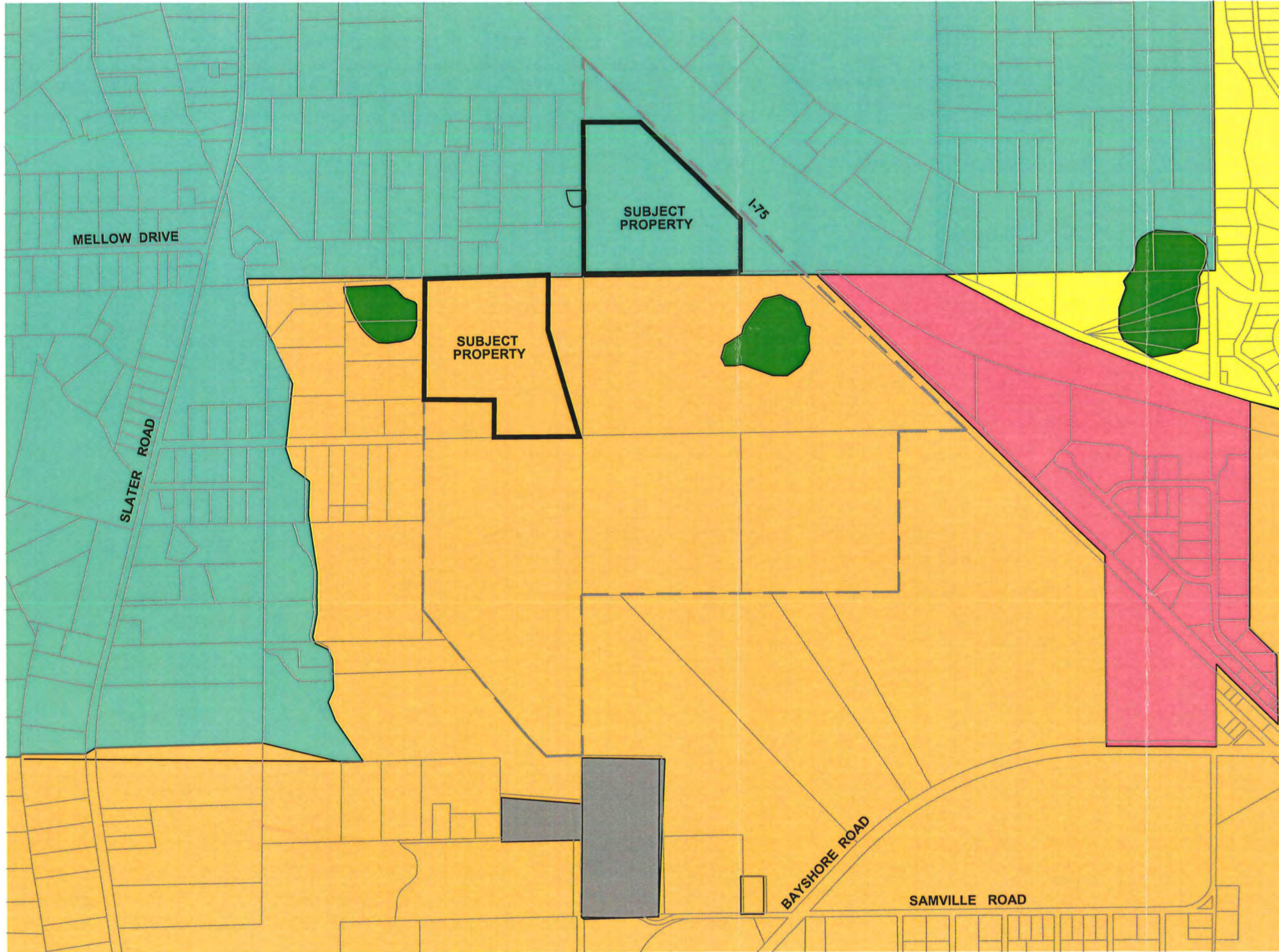
MAP 1



Barraco
and Associates, Inc.

CIVIL ENGINEERS, SURVEYORS AND LAND DEVELOPMENT CONSULTANTS
2271 MAGREGOR BLVD., POST OFFICE DRAWER 2800, FORT MYERS, FLORIDA 33902-2800
PHONE (239) 481-3175 - WWW.BARRACO.FL61 - FAX (239) 481-3169
FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 7955 - SURVEYING LB-6940

J:\21797\DWG\ZONING\COMP\21797FLU.DWG - TUE, 2-24-2004 - 9:32 AM



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

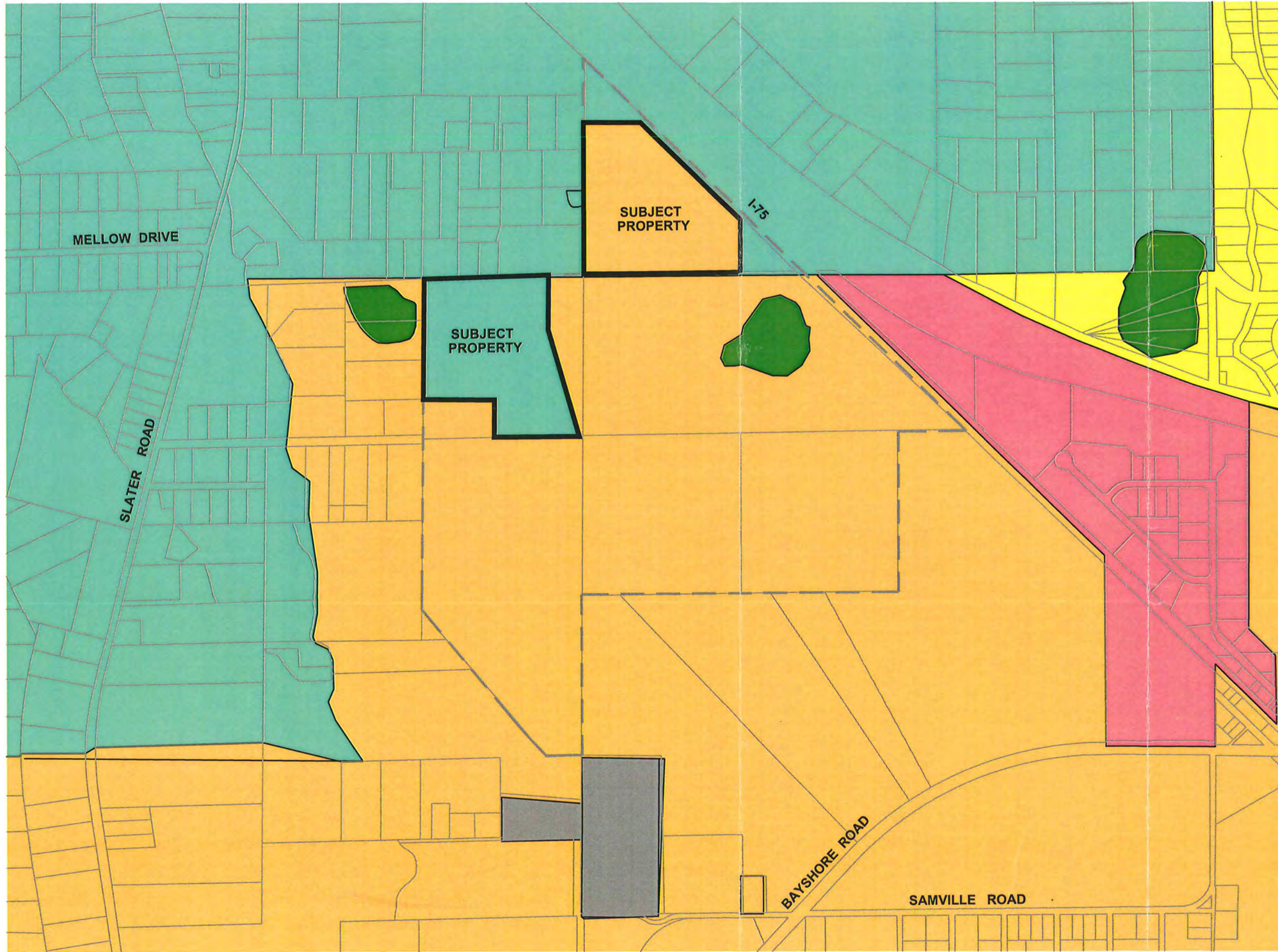
MAP 2



Barraco
and Associates, Inc.

CIVIL ENGINEERS, SURVEYORS AND LAND DEVELOPMENT CONSULTANTS
2271 MAGREGOR BLVD., POST OFFICE DRAWER 2800, FORT MYERS, FLORIDA 33902-2800
PHONE (239) 481-3179 - WWW.BARRACOB.COM - FAX (239) 481-3168
FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 7595 - SURVEYING LB-6943

J:\21797\DWG\ZONING\COMP\21797PFLU.DWG - TUE, 2-24-2004 - 9:33 AM



LEGEND

FLUMNov02

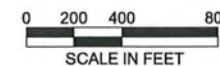
Land Use

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



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

MAP 3



Barraco
and Associates, Inc.

CIVIL ENGINEERS, SURVEYORS AND LAND DEVELOPMENT CONSULTANTS
2271 McREGOR BLVD., POST OFFICE DRAWER 2800, FORT MYERS, FLORIDA 33902-2800
PHONE (239) 481-3170 - WWW.BARRACO.FL - FAX (239) 481-3168
FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 1995 - SURVEYING LB-6943

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 a portion of Oak Creek and legally described in Exhibit A attached hereto.

The property described herein is the subject of an application for a Comprehensive Plan Amendment. We hereby designate Daniel DeLisi 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 a Comprehensive Plan Amendment 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.

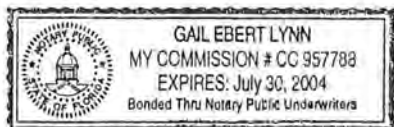
VTX, LLC

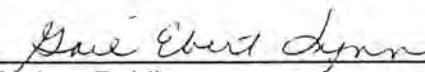
By: 
Owner

Janet E. Allison, Manager
Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 13th day of February, 2004, by Janet E. Allison, Manager of VTX, LLC, who is personally known to me or who has produced _____ as identification.




Notary Public

GAIL EBERT LYNN
(Name typed, printed or stamped)

DESCRIPTION

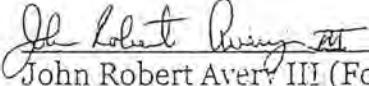
Parcel in
Section 17, Township 43 South, Range 25 East,
Lee County, Florida

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 1231.60 feet; thence run N 89°53'26"E for a 354.00 feet; thence run S 00°06'34"E for 1229.43 feet to the intersection with the south line of (SW 1/4) section 17 ; thence run S 89°32'23" W along said section line for 354.01 feet to THE POINT OF BEGINNING.

Containing 10.00 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD 1983/99 adjustment) and are based on the south line of the SW 1/4 of said Section 17, to bear N89°32'23"E.

 1-19-04
John Robert Avery III (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5298

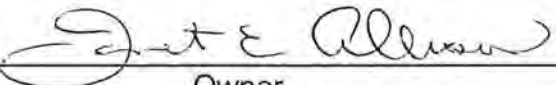
21797SK06 parcel 1 desc.doc

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 a portion of Oak Creek and legally described in Exhibit A attached hereto.

The property described herein is the subject of an application for a Comprehensive Plan Amendment. We hereby designate Daniel DeLisi 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 a Comprehensive Plan Amendment 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.

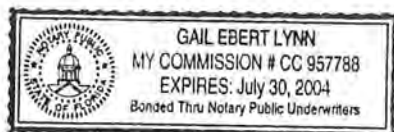
VTX. LLC

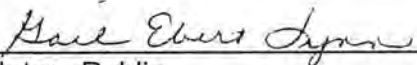
By: 
Owner

Janet E. Allison, Manager
Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 13th day of February, 2004, by Janet E. Allison, Manager of VTX, LLC, who is personally known to me or who has produced _____ as identification.




Notary Public

GAIL EBERT LYNN
(Name typed, printed or stamped)

DESCRIPTION

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

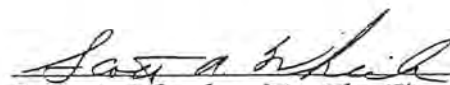
A tract or parcel of land lying in Section 19, Township 43 South, Range 25 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

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 Northeast Quarter (NE ¼) of Section 19 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 501.36 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 1,341.30 feet to an intersection with the North line of Northeast Quarter (NE ¼) of said Section 19; thence run N88°20'13"E along said North line of said Northeast Quarter (NE ¼) of Section 19 for 236.80 feet to the POINT OF BEGINNING.

Containing 435,600 square feet or 10.00 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.

 11/19/04
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

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 a portion of Oak Creek and legally described in Exhibit A attached hereto.

The property described herein is the subject of an application for a Comprehensive Plan Amendment. We hereby designate Daniel DeLisi 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 a Comprehensive Plan Amendment 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.

Mill Creek Florida Properties No. 1, LLC.

By: _____

Owner

Richard A. Salata, President

Printed Name

STATE OF Ohio
COUNTY OF Madison

Sworn to (or affirmed) and subscribed before me this 17th day of February, 2004, by Richard A. Salata, President of Mill Creek Florida Properties No. 1, LLC, who is personally known to me or who has produced personally known as identification.

Jayne Shutrump
Notary Public

Jayne Shutrump
(Name typed, printed or stamped)

Jayne Shutrump
Notary Public - State of Ohio
My Commission Expires Nov. 24, 2004

DESCRIPTION

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

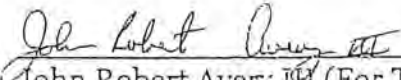
A tract or parcel of land lying in Section 17, Township 43 South, Range 25 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

From Point of Commencement at the southwest corner of the southwest quarter (SW 1/4) of said Section 17 run $N00^{\circ}06'34''W$ along the west line of said fraction for 1231.60 feet to the point of Beginning;

From Said Point of Beginning continue $N00^{\circ}06'34''W$ along said line for 30.50 feet; thence run $N89^{\circ}53'26''E$ for a 474.78 feet; thence run $S45^{\circ}46'33''E$ for 333.86 feet; thence run $S00^{\circ}06'34''E$ for 1024.42 feet to the intersection with the south line of (SW 1/4) section 17; thence run $S89^{\circ}32'23''W$ along said section line for 359.59 feet; thence run $N00^{\circ}06'34''W$ for 1229.43 feet; thence run $S89^{\circ}53'26''W$ for 354.00 feet to THE POINT OF BEGINNING.

Containing 10.00 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD 1983/99 adjustment) and are based on the south line of the SW 1/4 of said Section 17, to bear $N89^{\circ}32'23''E$.

 1-19-04
John Robert Avery III (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5298

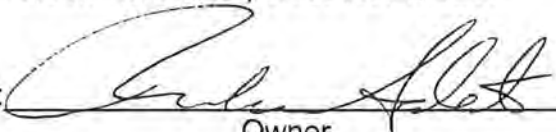
21797SK06 parcel 2 desc.doc

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 a portion of Oak Creek and legally described in Exhibit A attached hereto.

The property described herein is the subject of an application for a Comprehensive Plan Amendment. We hereby designate Daniel DeLisi 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 a Comprehensive Plan Amendment 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.

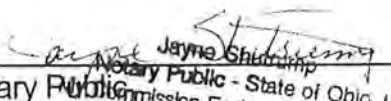
Mill Creek Florida Properties No. 1, LLC.

By: 
Owner

Richard A. Salata, President
Printed Name

STATE OF Ohio
COUNTY OF Madison

Sworn to (or affirmed) and subscribed before me this 17TH day of September 2004, by Richard A. Salata, President of Mill Creek Florida Properties No. 1, LLC, who is personally known to me or who has produced personally known as identification.


Notary Public - State of Ohio
Commission Expires Nov 21 2005
JAYNE SHURTUMP
(Name typed, printed or stamped)

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 1/4) of said Section 19 run S88°20'13"W along the North line of said Northeast Quarter (NE 1/4) of Section 19 for 529.71 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 1/4) of the Northeast Quarter (NE 1/4) of said Section 19 for 1,341.30 feet; thence run S89°35'46"W for 205.47 feet; thence run N00°32'23"E parallel with said West line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 19 for 309.75 feet; thence run N89°27'37"W for 156.74 feet; thence run N00°32'23"E parallel with said West line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 19 for 1,021.01 feet to an intersection with said North line of Northeast Quarter (NE 1/4) of Section 19; thence run N88°20'13"E along the North line of said Northeast Quarter (NE 1/4) of Section 19 for 362.45 feet to the POINT OF BEGINNING.

Containing 435,600 square feet or 10.00 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 1/4) of Section 19, to bear N88°20'13"E.


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

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 a portion of Oak Creek and legally described in Exhibit A attached hereto.

The property described herein is the subject of an application for a Comprehensive Plan Amendment. We hereby designate Daniel DeLisi 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 a Comprehensive Plan Amendment 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.

Advance Homes, Inc.

By: *A. Jeffrey Seitz*
Owner

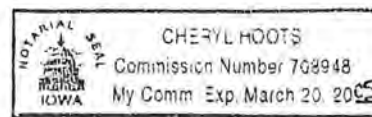
A. Jeffrey Seitz, President
Printed Name

STATE OF
COUNTY OF

Sworn to (or affirmed) and subscribed before me this 16th day of February,
2004, by A. Jeffrey Seitz, President of Advance Homes, Inc., who is personally known to
me or who has produced _____ as identification.

Cheryl Hoots
Notary Public

Cheryl Hoots
(Name typed, printed or stamped)



DESCRIPTION

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

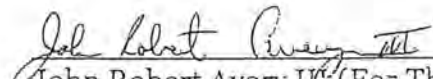
A tract or parcel of land lying in Section 17, Township 43 South, Range 25 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

From Point of Commencement 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 1262.10 feet; thence run N 89°53'26"E for a 474.78 feet; thence run S 45°46'33"E for 333.86 feet to THE POINT OF BEGINNING;

From Said Point of Beginning continue S 45°46'33"E for 832.15 feet; thence run S 00°06'34"E for 439.24 feet to the intersection with the south line of (SW 1/4) section 17 ; thence run S89°32'23" W along said section line for 595.23 feet; thence run N00°06'34"W for 1024.42 feet to THE POINT OF BEGINNING.

Containing 10.00 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD 1983/99 adjustment) and are based on the south line of the SW 1/4 of said Section 17, to bear N89°32'23"E.


John Robert Avery III (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5298

21797SK06 parcel 3 desc.doc

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 a portion of Oak Creek and legally described in Exhibit A attached hereto.

The property described herein is the subject of an application for a Comprehensive Plan Amendment. We hereby designate Daniel DeLisi 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 a Comprehensive Plan Amendment 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.

Advance Homes, Inc.

By: A. Jeffrey Seitz
Owner

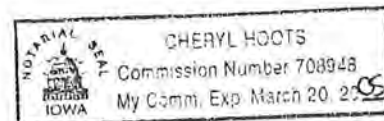
A. Jeffrey Seitz, President
Printed Name

STATE OF
COUNTY OF

Sworn to (or affirmed) and subscribed before me this 16th day of February,
2004, by A. Jeffrey Seitz, President of Advance Homes, Inc., who is personally known to
me or who has produced _____ as identification.

Cheryl Hoots
Notary Public

Cheryl Hoots
(Name typed, printed or stamped)



DESCRIPTION

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

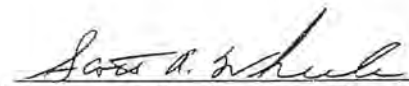
A tract or parcel of land lying in Section 19, Township 43 South, Range 25 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

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 Northeast Quarter (NE ¼) of Section 19 for 892.16 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 1,021.01 feet; thence run N89°27'37"W for 430.12 feet to an intersection with said West line of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section 19; thence run N00°32'23"E along said West line of said fraction for 1,004.46 feet to the Northwest corner of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section 19; thence run N88°20'13"E along the North line of said Northeast Quarter (NE ¼) of Section 19 for 430.44 feet to the POINT OF BEGINNING.

Containing 435,600 square feet or 10.00 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.

 1/19/04

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



This Instrument was prepared by:
Gregg S. Truxton, Esquire
Bolaños Truxton, P.A.
12800 University Drive, Suite #350
Fort Myers, Florida 33907

Parcel Identification No: 1943250000008.0050

INSTR # 6154162

DR BK 04204 Pgs 1938 - 1942; (5pgs)
RECORDED 02/19/2004 04:00:14 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 24.00
DEED DOC 0.70
DEPUTY CLERK S Jensen

[Space above this line for recording]

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made this 12th day of February, 2004, by S.W. Florida Land 411, L.L.C., a Florida limited liability company (hereinafter called the Grantor) to VTX, LLC, a Florida limited liability company (hereinafter called Grantee) whose address is 6150 Diamond Center Court, Bldg., 1300, Fort Myers, FL 33912

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida to-wit:

See Exhibit "A" Attached Hereto For Legal Description

and this conveyance is subject to: (i) real estate taxes and assessments for the year 2004 and subsequent years; (ii) zoning, restrictions, prohibitions and other requirements imposed by governmental authority; and (iii) covenants, restrictions, easements, and other matters of record.

Grantor hereby grants to Grantee and Grantee's invitees, licensees, agents, contractors, tenants, employees, successors and assigns, a perpetual, non-exclusive easement for pedestrian and vehicular ingress and egress, and for construction purposes over, through and across Grantor's retained parcel as described on Exhibit "B" hereto (the "Easement Parcel").

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor.

IN WITNESS WHEREOF, the said Grantor has hereunto set our hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence:

S.W. FLORIDA LAND 411, L.L.C.
a Florida limited liability company

Gail Ebert Lynn
Print Name: GAIL EBERT LYNN

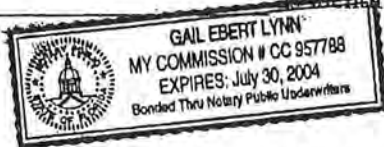
Johanna Seybold
Print Name: Johanna Seybold

By: Randy E. Thibaut

Randy E. Thibaut, Manager
6150 Diamond Centre Court, Bldg 1300
Fort Myers, Florida 33912

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this 12th day of Feb., 2004, by W. Randy E. Thibaut, as Manager of S.W. Florida Land 411, LLC, a Florida limited liability company. He () is personally known to me or () has produced no identification.



My commission expires: 7/30/04

Gail Ebert Lynn
Notary Public, State of Florida at Large
Print Notary Name: GAIL EBERT LYNN

DESCRIPTION

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

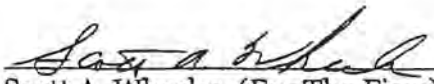
A tract or parcel of land lying in Section 19, Township 43 South, Range 25 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

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 Northeast Quarter (NE ¼) of Section 19 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 501.36 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 1,341.30 feet to an intersection with the North line of Northeast Quarter (NE ¼) of said Section 19; thence run N88°20'13"E along said North line of said Northeast Quarter (NE ¼) of Section 19 for 236.80 feet to the POINT OF BEGINNING.

Containing 435,600 square feet or 10.00 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.

 1/19/04
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

L:\21797 - Bayshore 299\Descriptions\21797SK09DESC.doc

EXHIBIT "A"

(Page 1 of 2)

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169



EXHIBIT "A"
(Page 2 of 2)

EXHIBIT "B"
Easement Parcel

Grantor grants to Grantee non-exclusive rights for access to the real property described on Exhibit "A" hereto, over, through and across the following:

The Southwest one-quarter (SW $\frac{1}{4}$) of the Northwest one-quarter (NW $\frac{1}{4}$) of Section 20, Township 43 South, Range 25 East, Lee County, Florida.

TOGETHER WITH:

The Southeast one-quarter (SE $\frac{1}{4}$) of the Northwest one-quarter (NW $\frac{1}{4}$) of Section 20, Township 43 South, Range 25 East, Lee County, Florida.

TOGETHER WITH:

The Southeast one-quarter (SE $\frac{1}{4}$) of the Northeast one-quarter (NE $\frac{1}{4}$) of Section 19, Township 43 South, Range 25 East, Lee County, Florida.

TOGETHER WITH:

Non-exclusive easement rights under that certain Access Easement Agreement recorded in Official Records Book 4073 at Page 1174 of the Public Records of Lee County, Florida.



This Instrument was prepared by:
Gregg S. Truxton, Esquire
Bolaños Truxton, P.A.
12800 University Drive, Suite #350
Fort Myers, Florida 33907

Parcel Identification No: 1943250000008.0050

INSTR # 6154163
OR BK 04204 Pgs 1943 - 1947; (5pgs)
RECORDED 02/19/2004 04:00:14 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 24.00
DEED DOC 0.70
DEPUTY CLERK S Jensen

[Space above this line for recording]-----

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made this 12th day of February, 2004, by S.W. Florida Land 411, L.L.C., a Florida limited liability company (hereinafter called the Grantor) to Mill Creek Florida Properties No. 1, LLC, an Ohio limited liability company (hereinafter called Grantee) whose address is 6715 Tippecanoe Road, Bldg. B, Canfield, OH 44406

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida to-wit:

See Exhibit "A" Attached Hereto For Legal Description

and this conveyance is subject to: (i) real estate taxes and assessments for the year 2004 and subsequent years; (ii) zoning, restrictions, prohibitions and other requirements imposed by governmental authority, and (iii) covenants, restrictions, easements, and other matters of record.

Grantor hereby grants to Grantee and Grantee's invitees, licensees, agents, contractors, tenants, employees, successors and assigns, a perpetual, non-exclusive easement for pedestrian and vehicular ingress and egress, and for construction purposes over, through and across Grantor's retained parcel as described on Exhibit "B" hereto (the "Easement Parcel).

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

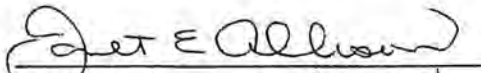
TO HAVE AND TO HOLD, the same in fee simple forever.

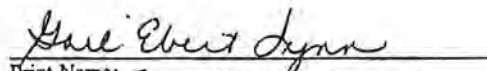
AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor.

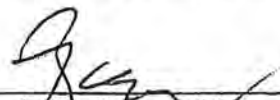
IN WITNESS WHEREOF, the said Grantor has hereunto set our hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence:

S.W. FLORIDA LAND 411, L.L.C.
a Florida limited liability company


Print Name: Janet E. Allison


Print Name: GAIL EBERT LYNN

By: 
Randy E. Thibaut, Manager
6150 Diamond Centre Court, Bldg 1300
Fort Myers, Florida 33912

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this 12th day of February, 2004, by Randy E. Thibaut, as Manager of S.W. Florida Land 411, LLC, a Florida limited liability company. He (☒) is personally known to me or () has produced _____ as identification.

My commission expires:

10/29/2007


Notary Public, State of Florida at Large
Print Notary Name: Janet E. Allison

Barraco

and Associates, Inc.

www.barraco.net

Civil Engineers, Land Surveyors and Planners

DESCRIPTION

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

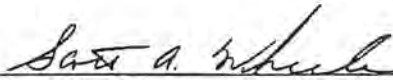
A tract or parcel of land lying in Section 19, Township 43 South, Range 25 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter (NE 1/4) of said Section 19 run S88°20'13"W along the North line of said Northeast Quarter (NE 1/4) of Section 19 for 529.71 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 1/4) of the Northeast Quarter (NE 1/4) of said Section 19 for 1,341.30 feet; thence run S89°35'46"W for 205.47 feet; thence run N00°32'23"E parallel with said West line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 19 for 309.75 feet; thence run N89°27'37"W for 156.74 feet; thence run N00°32'23"E parallel with said West line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 19 for 1,021.01 feet to an intersection with said North line of Northeast Quarter (NE 1/4) of Section 19; thence run N88°20'13"E along the North line of said Northeast Quarter (NE 1/4) of Section 19 for 362.45 feet to the POINT OF BEGINNING.

Containing 435,600 square feet or 10.00 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 1/4) of Section 19, to bear N88°20'13"E.

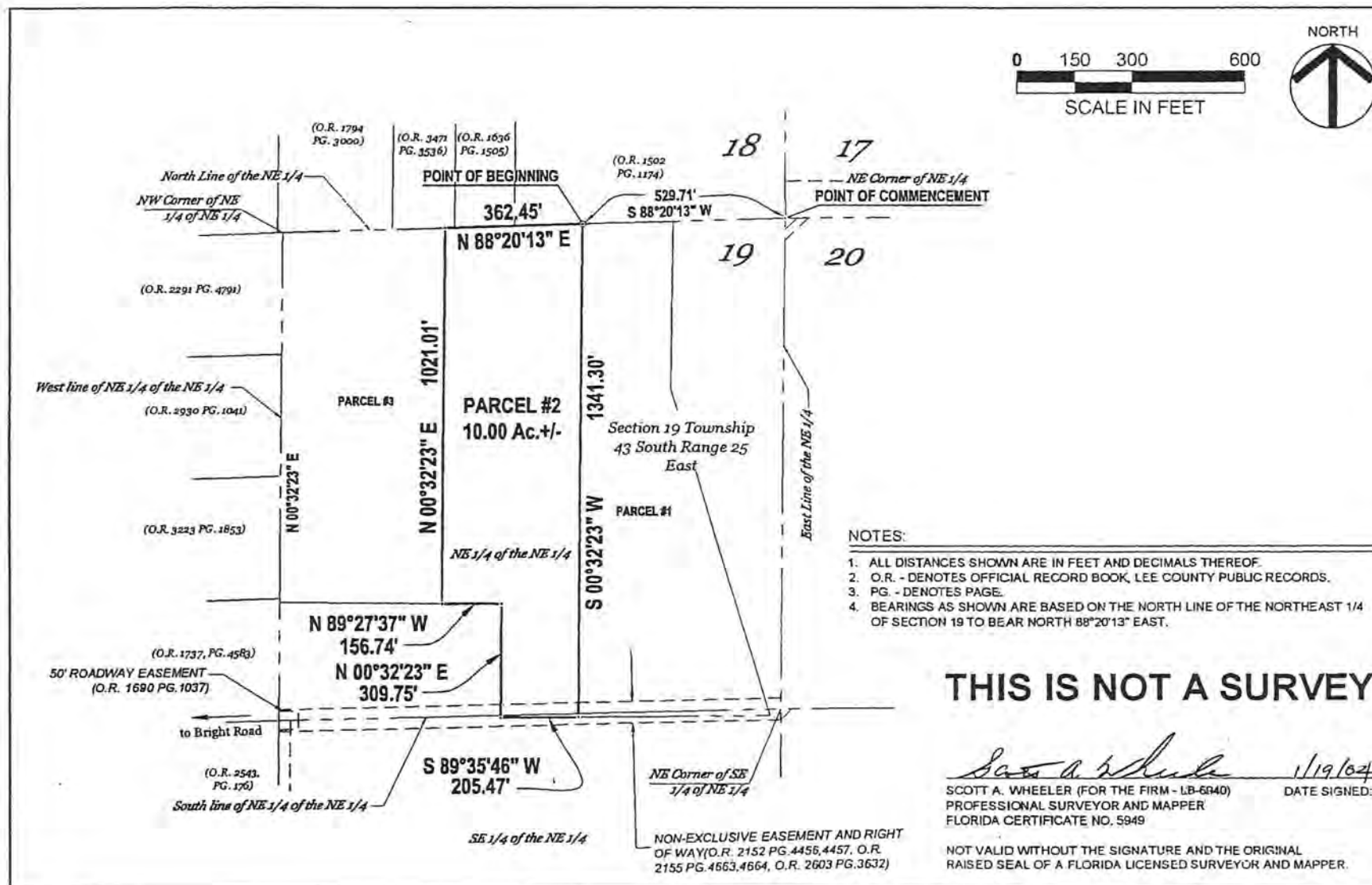
 1/19/04

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

L:\21797 - Bayshore 299\Descriptions\21797SK08DESC.doc

EXHIBIT "A"
(Page 1 of 2)

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169



Barraco
and Associates, Inc.
2001 BARRACCO BLVD. - LEE COUNTY
LAND PLANNING - LANDSCAPE DESIGN
WWW.BARRACO.NET
3271 MADISON ROAD
FORT MYERS, FLORIDA 33901
PHONE (239) 491-8478
FAX (239) 491-8478
FLORIDA CERTIFICATE OF SURVEYOR AND
LANDSCAPE ARCHITECT - SUPERVISOR LICENSE
1997 AND 2004

Land Solutions
6180 BRANDED CENTER COURT
BUILDING 130C
FORT MYERS, FLORIDA 33912
PHONE (239) 491-8478
FAX (239) 491-8478
WWW.LANDSOLUTIONS.NET
PROFESSIONAL SURVEYOR

PARCEL IN THE NE 1/4
OF
SECTION 19, TWP 43
SOUTH, RGE. 25 EAST IN
LEE COUNTY, FLORIDA

PROJECT SURVEYOR
SCOTT A. WHEELER
1/19/04
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

FILE NO.	SYMBOLS
1000	1000
1001	1001
1002	1002
1003	1003
1004	1004
1005	1005
1006	1006
1007	1007
1008	1008
1009	1009
1010	1010
1011	1011
1012	1012
1013	1013
1014	1014
1015	1015
1016	1016
1017	1017
1018	1018
1019	1019
1020	1020
1021	1021
1022	1022
1023	1023
1024	1024
1025	1025
1026	1026
1027	1027
1028	1028
1029	1029
1030	1030
1031	1031
1032	1032
1033	1033
1034	1034
1035	1035
1036	1036
1037	1037
1038	1038
1039	1039
1040	1040
1041	1041
1042	1042
1043	1043
1044	1044
1045	1045
1046	1046
1047	1047
1048	1048
1049	1049
1050	1050
1051	1051
1052	1052
1053	1053
1054	1054
1055	1055
1056	1056
1057	1057
1058	1058
1059	1059
1060	1060
1061	1061
1062	1062
1063	1063
1064	1064
1065	1065
1066	1066
1067	1067
1068	1068
1069	1069
1070	1070
1071	1071
1072	1072
1073	1073
1074	1074
1075	1075
1076	1076
1077	1077
1078	1078
1079	1079
1080	1080
1081	1081
1082	1082
1083	1083
1084	1084
1085	1085
1086	1086
1087	1087
1088	1088
1089	1089
1090	1090
1091	1091
1092	1092
1093	1093
1094	1094
1095	1095
1096	1096
1097	1097
1098	1098
1099	1099
1100	1100
1101	1101
1102	1102
1103	1103
1104	1104
1105	1105
1106	1106
1107	1107
1108	1108
1109	1109
1110	1110
1111	1111
1112	1112
1113	1113
1114	1114
1115	1115
1116	1116
1117	1117
1118	1118
1119	1119
1120	1120
1121	1121
1122	1122
1123	1123
1124	1124
1125	1125
1126	1126
1127	1127
1128	1128
1129	1129
1130	1130
1131	1131
1132	1132
1133	1133
1134	1134
1135	1135
1136	1136
1137	1137
1138	1138
1139	1139
1140	1140
1141	1141
1142	1142
1143	1143
1144	1144
1145	1145
1146	1146
1147	1147
1148	1148
1149	1149
1150	1150
1151	1151
1152	1152
1153	1153
1154	1154
1155	1155
1156	1156
1157	1157
1158	1158
1159	1159
1160	1160
1161	1161
1162	1162
1163	1163
1164	1164
1165	1165
1166	1166
1167	1167
1168	1168
1169	1169
1170	1170
1171	1171
1172	1172
1173	1173
1174	1174
1175	1175
1176	1176
1177	1177
1178	1178
1179	1179
1180	1180
1181	1181
1182	1182
1183	1183
1184	1184
1185	1185
1186	1186
1187	1187
1188	1188
1189	1189
1190	1190
1191	1191
1192	1192
1193	1193
1194	1194
1195	1195
1196	1196
1197	1197
1198	1198
1199	1199
1200	1200
1201	1201
1202	1202
1203	1203
1204	1204
1205	1205
1206	1206
1207	1207
1208	1208
1209	1209
1210	1210
1211	1211
1212	1212
1213	1213
1214	1214
1215	1215
1216	1216
1217	1217
1218	1218
1219	1219
1220	1220
1221	1221
1222	1222
1223	1223
1224	1224
1225	1225
1226	1226
1227	1227
1228	1228
1229	1229
1230	1230
1231	1231
1232	1232
1233	1233
1234	1234
1235	1235
1236	1236
1237	1237
1238	1238
1239	1239
1240	1240
1241	1241
1242	1242
1243	1243
1244	1244
1245	1245
1246	1246
1247	1247
1248	1248
1249	1249
1250	1250
1251	1251
1252	1252
1253	1253
1254	1254
1255	1255
1256	1256
1257	1257
1258	1258
1259	1259
1260	1260
1261	1261
1262	1262
1263	1263
1264	1264
1265	1265
1266	1266
1267	1267
1268	1268
1269	1269
1270	1270
1271	1271
1272	1272
1273	1273
1274	1274
1275	1275
1276	1276
1277	1277
1278	1278
1279	1279
1280	1280
1281	1281
1282	1282
1283	1283
1284	1284
1285	1285
1286	1286
1287	1287
1288	1288
1289	1289
1290	1290
1291	1291
1292	1292
1293	1293
1294	1294
1295	1295
1296	1296
1297	1297
1298	1298
1299	1299
1300	1300
1301	1301
1302	1302
1303	1303
1304	1304
1305	1305
1306	1306
1307	1307
1308	1308
1309	1309
1310	1310
1311	1311
1312	1312
1313	1313
1314	1314
1315	1315
1316	1316
1317	1317
1318	1318
1319	1319
1320	1320
1321	1321
1322	1322
1323	1323
1324	1324
1325	1325
1326	1326
1327	1327
1328	1328
1329	1329
1330	1330
1331	1331
1332	1332
1333	1333
1334	1334
1335	1335
1336	1336
1337	1337
1338	1338
1339	1339
1340	1340
1341	1341
1342	1342
1343	1343
1344	1344
1345	1345
1346	1346
1347	1347
1348	1348
1349	1349
1350	1350
1351	1351
1352	1352
1353	1353
1354	1354
1355	1355
1356	1356
1357	1357
1358	1358
1359	1359
1360	1360
1361	1361
1362	1362
1363	1363
1364	1364
1365	1365
1366	1366
1367	1367
1368	1368
1369	1369
1370	1370
1371	1371
1372	1372
1373	1373
1374	1374
1375	1375
1376	1376
1377	1377
1378	1378
1379	1379
1380	1380
1381	1381
1382	1382
1383	1383
1384	1384
1385	1385
1386	1386
1387	1387
1388	1388
1389	1389
1390	1390
1391	1391
1392	1392
1393	1393
1394	1394
1395	1395
1396	1396
1397	1397
1398	1398
1399	1399
1400	1400
1401	1401
1402	1402
1403	1403

EXHIBIT "B"
Easement Parcel

Grantor grants to Grantee non-exclusive rights for access to the real property described on Exhibit "A" hereto, over, through and across the following:

The Southwest one-quarter (SW $\frac{1}{4}$) of the Northwest one-quarter (NW $\frac{1}{4}$) of Section 20, Township 43 South, Range 25 East, Lee County, Florida.

TOGETHER WITH:

The Southeast one-quarter (SE $\frac{1}{4}$) of the Northwest one-quarter (NW $\frac{1}{4}$) of Section 20, Township 43 South, Range 25 East, Lee County, Florida.

TOGETHER WITH:

The Southeast one-quarter (SE $\frac{1}{4}$) of the Northeast one-quarter (NE $\frac{1}{4}$) of Section 19, Township 43 South, Range 25 East, Lee County, Florida.

TOGETHER WITH:

Non-exclusive easement rights under that certain Access Easement Agreement recorded in Official Records Book 4073 at Page 1174 of the Public Records of Lee County, Florida.



This Instrument was prepared by:
Gregg S. Truxton, Esquire
Bolaños Truxton, P.A.
12800 University Drive, Suite #350
Fort Myers, Florida 33907

Parcel Identification No: 1943250000008.0050

INSTR # 6154164
OR BK 04204 Pgs 1948 - 1952; (5pgs)
RECORDED 02/19/2004 04:00:14 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 24.00
DEED DOC 0.70
DEPUTY CLERK S Jensen

[Space above this line for recording]

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made this 12th day of February, 2004, by S.W. Florida Land 411, L.L.C., a Florida limited liability company (hereinafter called the Grantor) to Advance Homes, Inc., an Iowa corporation (hereinafter called Grantee) whose address is 11220 Metro Parkway, Suite 27, Fort Myers, FL 33912.

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida to-wit:

See Exhibit "A" Attached Hereto For Legal Description

and this conveyance is subject to: (i) real estate taxes and assessments for the year 2004 and subsequent years; (ii) zoning, restrictions, prohibitions and other requirements imposed by governmental authority; and (iii) covenants, restrictions, easements, and other matters of record.

Grantor hereby grants to Grantee and Grantee's invitees, licensees, agents, contractors, tenants, employees, successors and assigns, a-perpetual, non-exclusive easement for pedestrian and vehicular ingress and egress, and for construction purposes over, through and across Grantor's retained parcel as described on Exhibit "B" hereto (the "Easement Parcel").

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor.

IN WITNESS WHEREOF, the said Grantor has hereunto set our hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence:

S.W. FLORIDA LAND 411, L.L.C.
a Florida limited liability company

Janet E. Allison
Print Name: Janet E. Allison

Gail Ebert Lynn
Print Name: GAIL EBERT LYNN

By: Randy E. Thibaut
Randy E. Thibaut, Manager
6150 Diamond Centre Court, Bldg 1300
Fort Myers, Florida 33912

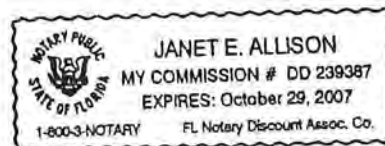
STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this 2nd day of February, 2004, by Randy E. Thibaut, as Manager of S.W. Florida Land 411, LLC, a Florida limited liability company. He (☒) is personally known to me or () has produced _____ as identification.

My commission expires: 10/29/2007

Janet E. Allison
Notary Public, State of Florida at Large
Print Notary Name: Janet E. Allison

L:\SW. Florida Land 411, LLC (1169)\Acquisition of Bayshore Property (03)\Conveyance to Advance, Mill Creek & Fernandez\Special Warranty Deed-Advance Homes II 02-03-04.doc



Barraco

and Associates, Inc.

www.barraco.net

Civil Engineers, Land Surveyors and Planners

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 1/4) of said Section 19 run S88°20'13"W along the North line of said Northeast Quarter (NE 1/4) of Section 19 for 892.16 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 1/4) of the Northeast Quarter (NE 1/4) of said Section 19 for 1,021.01 feet; thence run N89°27'37"W for 430.12 feet to an intersection with said West line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 19; thence run N00°32'23"E along said West line of said fraction for 1,004.46 feet to the Northwest corner of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of said Section 19; thence run N88°20'13"E along the North line of said Northeast Quarter (NE 1/4) of Section 19 for 430.44 feet to the POINT OF BEGINNING.

Containing 435,600 square feet or 10.00 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 1/4) of Section 19, to bear N88°20'13"E.


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

L:\21797 - Bayshore 299\Descriptions\21797SK07DESC.doc

EXHIBIT "A"
(Page 1 of 2)

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169



EXHIBIT "A"
(Page 2 of 2)

EXHIBIT "B"
Easement Parcel

Grantor grants to Grantee non-exclusive rights for access to the real property described on Exhibit "A" hereto, over, through and across the following:

The Southwest one-quarter (SW $\frac{1}{4}$) of the Northwest one-quarter (NW $\frac{1}{4}$) of Section 20, Township 43 South, Range 25 East, Lee County, Florida.

TOGETHER WITH:

The Southeast one-quarter (SE $\frac{1}{4}$) of the Northwest one-quarter (NW $\frac{1}{4}$) of Section 20, Township 43 South, Range 25 East, Lee County, Florida.

TOGETHER WITH:

The Southeast one-quarter (SE $\frac{1}{4}$) of the Northeast one-quarter (NE $\frac{1}{4}$) of Section 19, Township 43 South, Range 25 East, Lee County, Florida.

TOGETHER WITH:

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

Commencing at the Northeast corner of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 19 run S88°20'13"W along the North line of said Northeast Quarter (NE $\frac{1}{4}$) of Section 19 for 1322.60 feet to the Northwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 19; thence run S00°32'23"W along the West line of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 19 for 1,004.46 feet to the POINT OF BEGINNING.

From said Point of Beginning run S89°27'37"E for 586.86 feet; thence run S00°32'23"W parallel with the West line of said Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 for 303.02 feet to an intersection with the South line of said Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 19; thence run S88°41'16"W along said South line of said Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 for 587.17 feet to the Southwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 19; thence run N00°32'23"E along said West line of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 19 for 321.99 feet to the POINT OF BEGINNING.

TOGETHER WITH:

Non-exclusive easement rights under that certain Access Easement Agreement recorded in Official Records Book 4073 at Page 1174 of the Public Records of Lee County, Florida.

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



NORTH FT. MYERS FIRE DIST.

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

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

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



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

RECEIVED

NOV 10 2003

21797
JP

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

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,

A handwritten signature in black ink, appearing to read "Dan Johnson".

Major Dan Johnson
Planning and Research

Copy: File
DJ/jr



14750 Six Mile Cypress Parkway Fort Myers, Florida 33912-4406

*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 "D Johnson", written over a horizontal line.

Major Dan Johnson
Planning and Research

Copy: File
DJ/jr



14750 Six Mile Cypress Parkway Fort Myers, Florida 33912-4406



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. Stilwell
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

239-277-5012 x2233

Writer's Direct Dial Number: _____

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 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.

Sincerely,

TRANSIT DIVISION

Michael Horsting
Transit Planner



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

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

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.

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



THE SCHOOL DISTRICT OF LEE COUNTY

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

RECEIVED
DEC 08 2003
2:17:17

JEANNE S. DOZIER
CHAIRMAN • DISTRICT 2

ELINOR C. SCRIPPA, 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

December 2, 2003

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)
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 Planning

Cc: 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 5.34 acres)

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

261 Fallow Agriculture Lands (approximately 4.21 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 2.29 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 1.20 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 1.74 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 3.16 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 1.95 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 0.33 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 1.59 acres)

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

832 Power line Easement (approximately 2.98 acres)

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

West Parcel

FLUCFCS	Description	Acreage	Percent of Total
211	Improved Pasture	5.34	17.8
261	Abandoned Ag Lands	4.21	14.0
321	Palmetto Prairie	2.29	7.6
411	Pine Flatwoods	1.20	4.0
411/422	Pine – B. Pepper	5.21	17.5
422	B. Pepper	1.74	5.8
422H	Brazilian Pepper Wetlands	3.16	10.5
424H	Melaleuca Wetlands	1.95	6.5
510	Ditches	0.33	1.1
641	Freshwater Marsh	1.59	5.3
832	FPL Easement	2.98	9.9
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), 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 6.70 acres of wetlands, which includes 3.16 acres of Brazilian pepper wetlands, 1.95 acres of Melaleuca wetlands and 1.59 acres of marsh; the wetlands constitute approximately 23.4% of the property. This parcel also contains 0.33 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 caracara</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 couperi</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.

<u>Name</u>	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.**

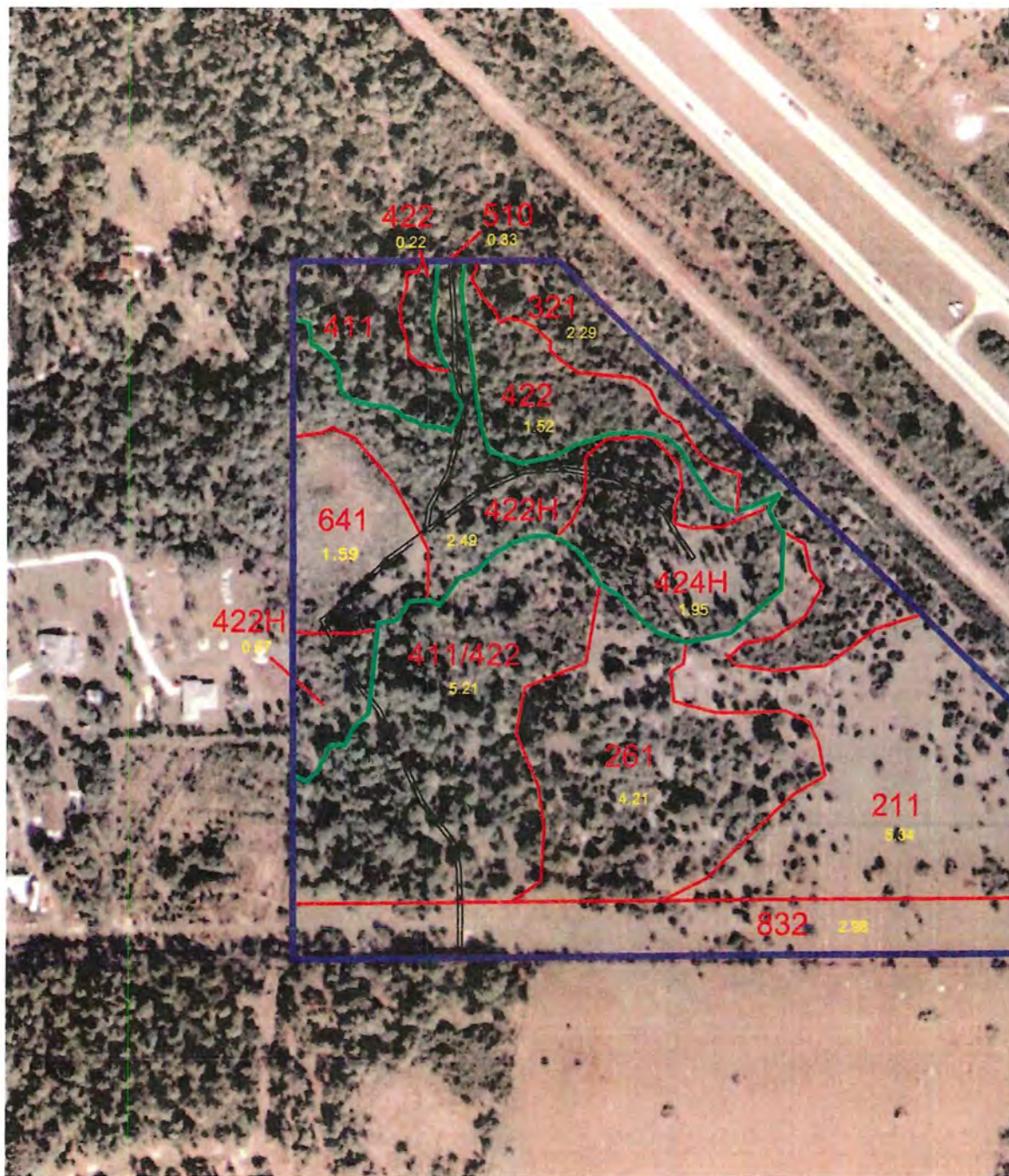
A survey was conducted on site to determine the presence of any archaeological or historical resources. This survey found no signs of these resources.

- 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



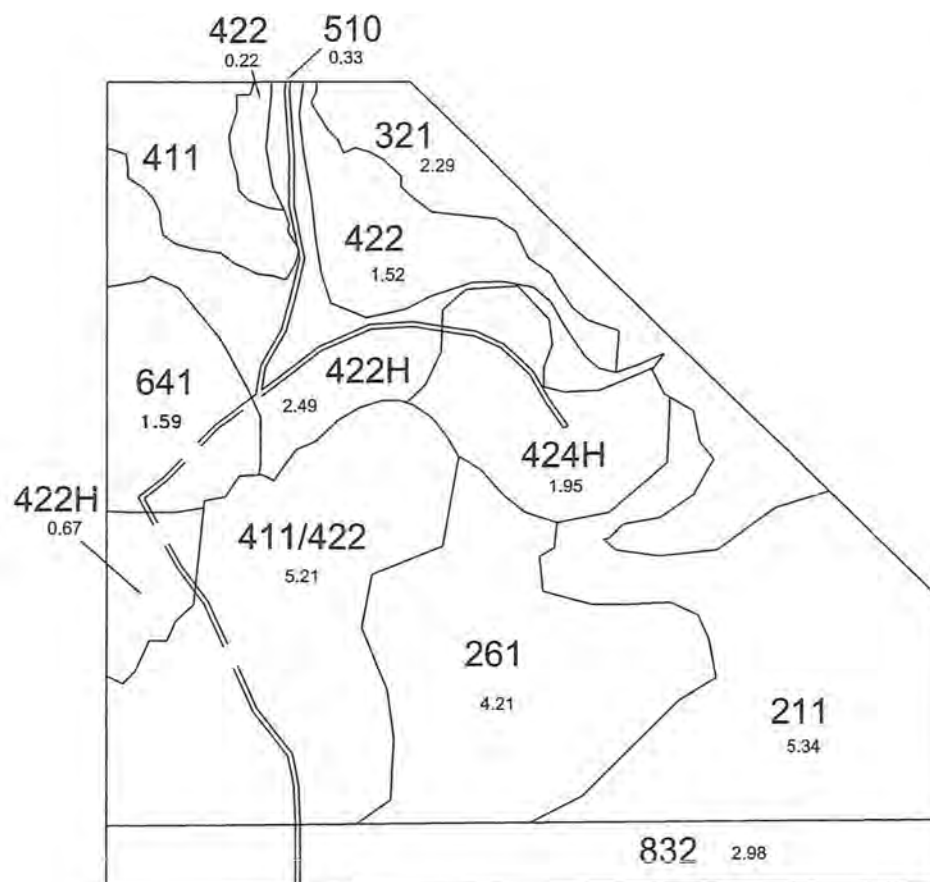
211	IMPROVED PASTURE, 5.34 AC
261	ABANDONED AG LANDS, 4.21 AC
321	PALMETTO, 2.29 AC
411	PINE FLATWOODS, 1.20 AC
411/422	PINE - B. PEPPER, 5.21 AC
422	B. PEPPER, 1.74 AC
422H	B. PEPPER WETLANDS, 3.16 AC
424H	MELALEUCA WETLANDS, 1.95 AC
510	DITCH, 0.33 AC
641	FW MARSH, 1.59 AC
832	FPL EASEMENT, 2.98 AC

JOB # 020087
 SCALE 1"=300'
 FILE master comp fluccs M&W
 DRAWN BY JDK
 DATE 2-19-03

OAK CREEK
 FLUCCS MAP NORTH PARCEL

COUNTY LEE
 TWP 43S
 RNG 25E
 REVISIONS

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



211	IMPROVED PASTURE, 5.34 AC
261	ABANDONED AG LANDS, 4.21 AC
321	PALMETTO, 2.29 AC
411	PINE FLATWOODS, 1.20 AC
411/422	PINE - B. PEPPER, 5.21 AC
422	B. PEPPER, 1.74 AC
422H	B. PEPPER WETLANDS, 3.16 AC
424H	MELALEUCA WETLANDS, 1.95 AC
510	DITCH, 0.33 AC
641	FW MARSH, 1.59 AC
832	FPL EASEMENT, 2.98 AC

JOB # 020087
 SCALE 1"=300'
 FILE master camp fluccs N&W
 DRAWN BY JDK
 DATE 2-19-03

OAK CREEK
 FLUCCS MAP NORTH PARCEL

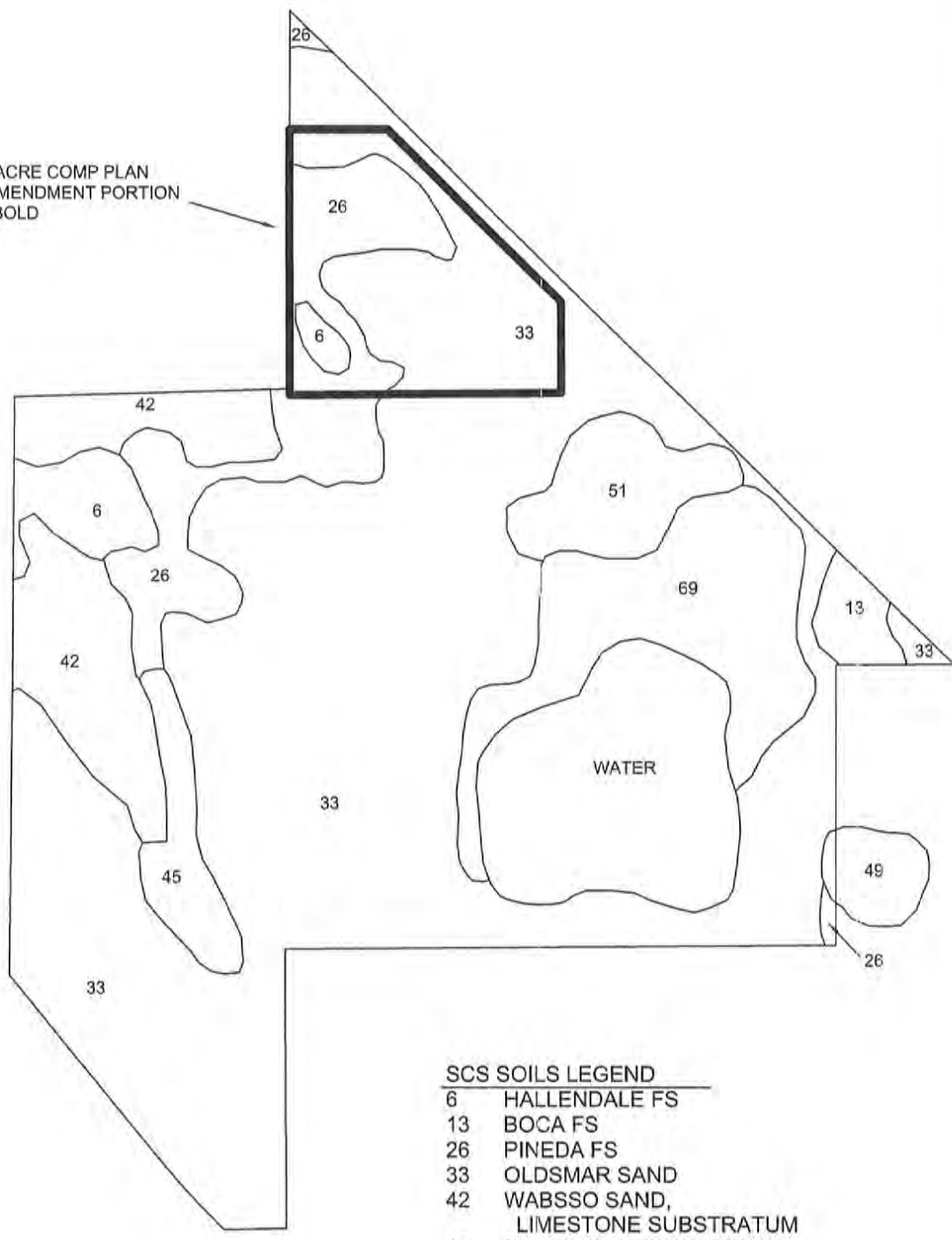
COUNTY LEE
 17
 TWP 43S
 RNG 25E
 REVISIONS

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





10 ACRE COMP PLAN
AMMENDMENT PORTION
IN BOLD



SCS SOILS LEGEND	
6	HALLENDAL 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

JOB # 020087 SCALE 1"=800' FILE master comp soils NAW DRAWN BY JJK DATE 2/19/2004	COUNTY	LEE
	SEC	17 & 20
	TWP	43S
	RNG	25E
OAK CREEK		REVISIONS
COMP PLAN AMMENDMENT SOILS MAP NORTH PARCEL		



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

Phone 850-245-6331
Fax: 850-245-6439
State SunCom: 205-6440
Email: 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 P.01

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 0.29 acres)

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

321 Palmetto Prairie (approximately 3.84 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 4.26 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 1.80 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 2.39 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 9.11 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 0.48 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 4.23 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 0.06 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 (3.54 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	0.29	1.0
321	Palmetto Prairie	3.84	12.8
411	Pine Flatwoods	4.26	14.2
422H	Brazilian Pepper Wetlands	1.80	6.0
422/428H	B. Pepper/Cabbage Palm Wetlands	2.39	8.0
428	Cabbage Palm	9.11	30.3
510	Ditches	0.48	1.6
617	Mixed Wetlands	4.23	14.1
740	Disturbed	0.06	0.2
740H	Disturbed Wetlands	3.54	11.8
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 11.96 acres of wetlands, which includes 1.80 acres of Brazilian pepper wetlands, 2.39 acres of Brazilian pepper / cabbage palm wetlands, 4.23 acres of mixed wetlands, and 3.54 acres of disturbed wetlands; the wetlands constitute approximately 39.9% of the property. This parcel also contains 0.48 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

<u>Name</u>	Scientific Name	Habitat	State & Fed Status	
			FWC	FWS
Audubon's Crested Caracara	<i>Polyborus plancus caracara</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 guarana</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.

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	--
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

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.

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.**

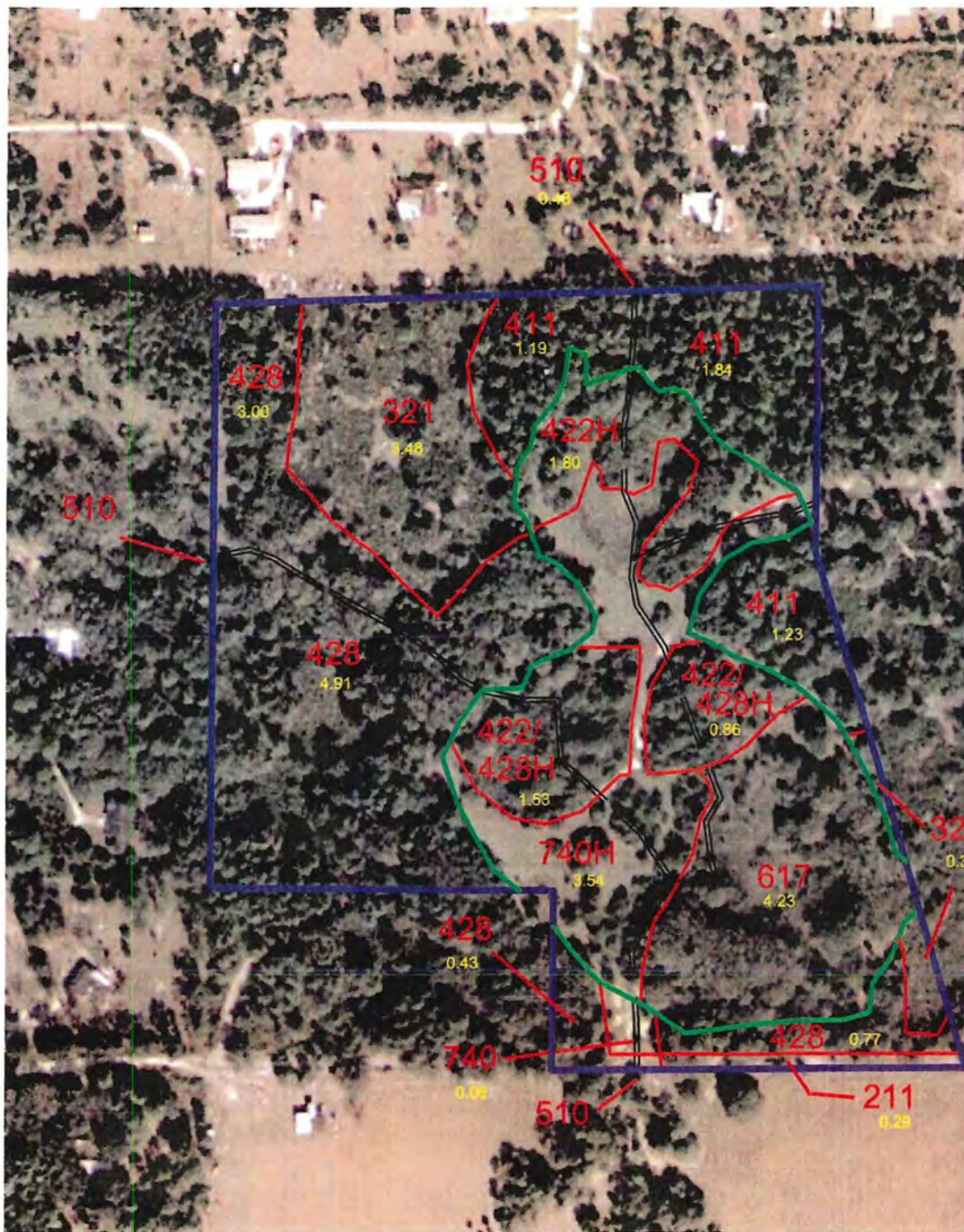
A survey was conducted on site to determine the presence of any archaeological or historical resources. This survey found no signs of these resources.

- 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. This will switch the more intensive land use to the parcel that contains less sensitive environmental features.



211	IMPROVED PASTURE, 0.29 AC
321	PALMETTO, 3.84 AC
411	PINE FLATWOODS, 4.26 AC
422H	B. PEPPER WETLANDS, 1.80
422/428H	B. PEPPER & C. PALM WETLANDS, 2.39 AC
428	CABBAGE PALM, 9.11 AC
510	DITCH, 0.48 AC
617	MIXED WETLANDS, 4.23 AC
740	DISTURBED, 0.06 AC
740H	DISTURBED WETLANDS, 3.54 AC

JOB # 020087
 SCALE 1"=300'
 FILE master comp fluccs N&W
 DRAWN BY JDK
 DATE 2-19-03

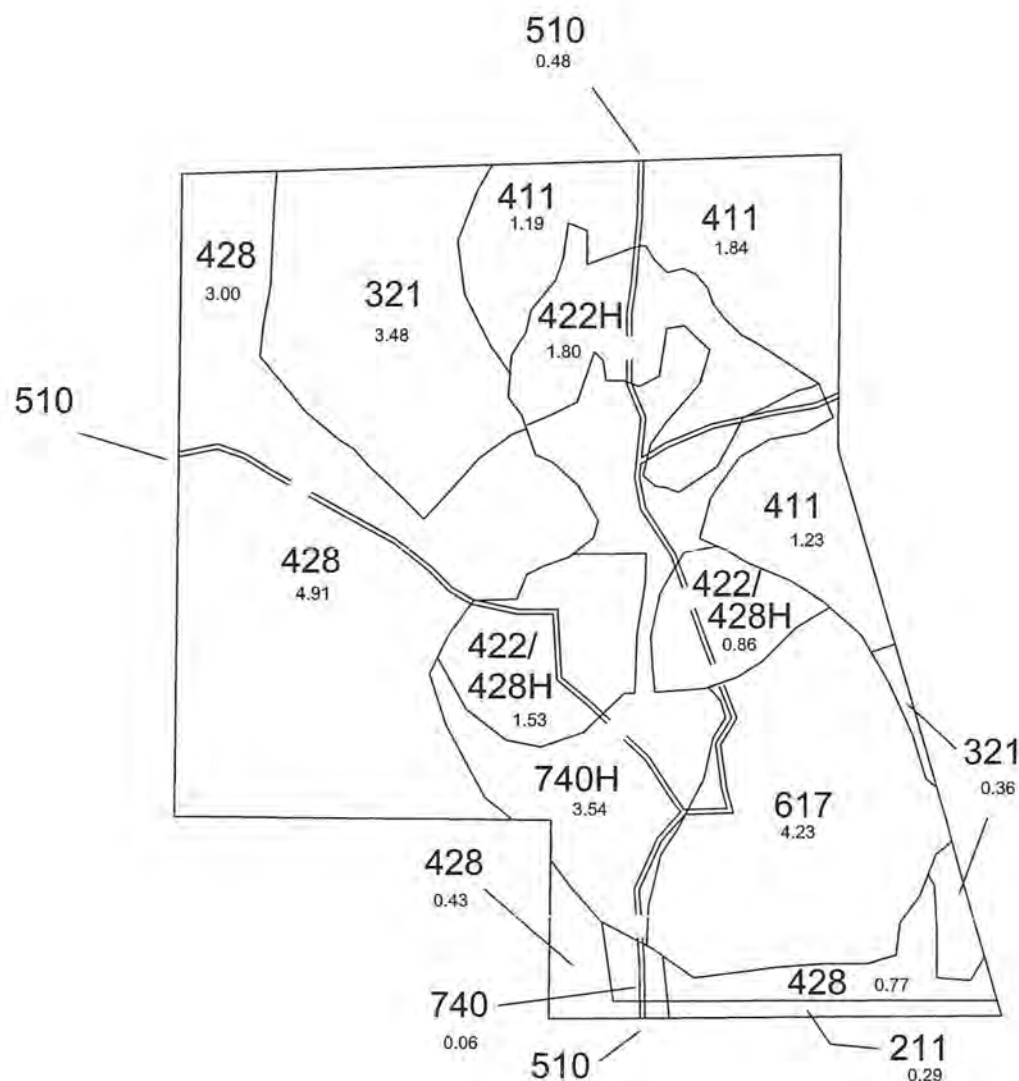
OAK CREEK
 FLUCCS MAP WEST PARCEL

COUNTY	LEE
TWP	43S
RNG	25E
REVISIONS	

Boylan
Environmental
Consultants, Inc.

*Wetland & Wildlife Surveys, Environmental Permitting,
 Impact Assessments*

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



211	IMPROVED PASTURE, 0.29 AC
321	PALMETTO, 3.84 AC
411	PINE FLATWOODS, 4.26 AC
422H	B. PEPPER WETLANDS, 1.80
422/428H	B. PEPPER & C. PALM WETLANDS, 2.39 AC
428	CABBAGE PALM, 9.11 AC
510	DITCH, 0.48 AC
617	MIXED WETLANDS, 4.23 AC
740	DISTURBED, 0.06 AC
740H	DISTURBED WETLANDS, 3.54 AC

JOB # 020087
SCALE 1"=300'
FILE master comp fluocc N&W
DRAWN BY JDK
DATE 2-19-03

OAK CREEK
FLUCCS MAP WEST PARCEL

COUNTY	LEE
TWP	17
RNG	43S
REVISIONS	25E

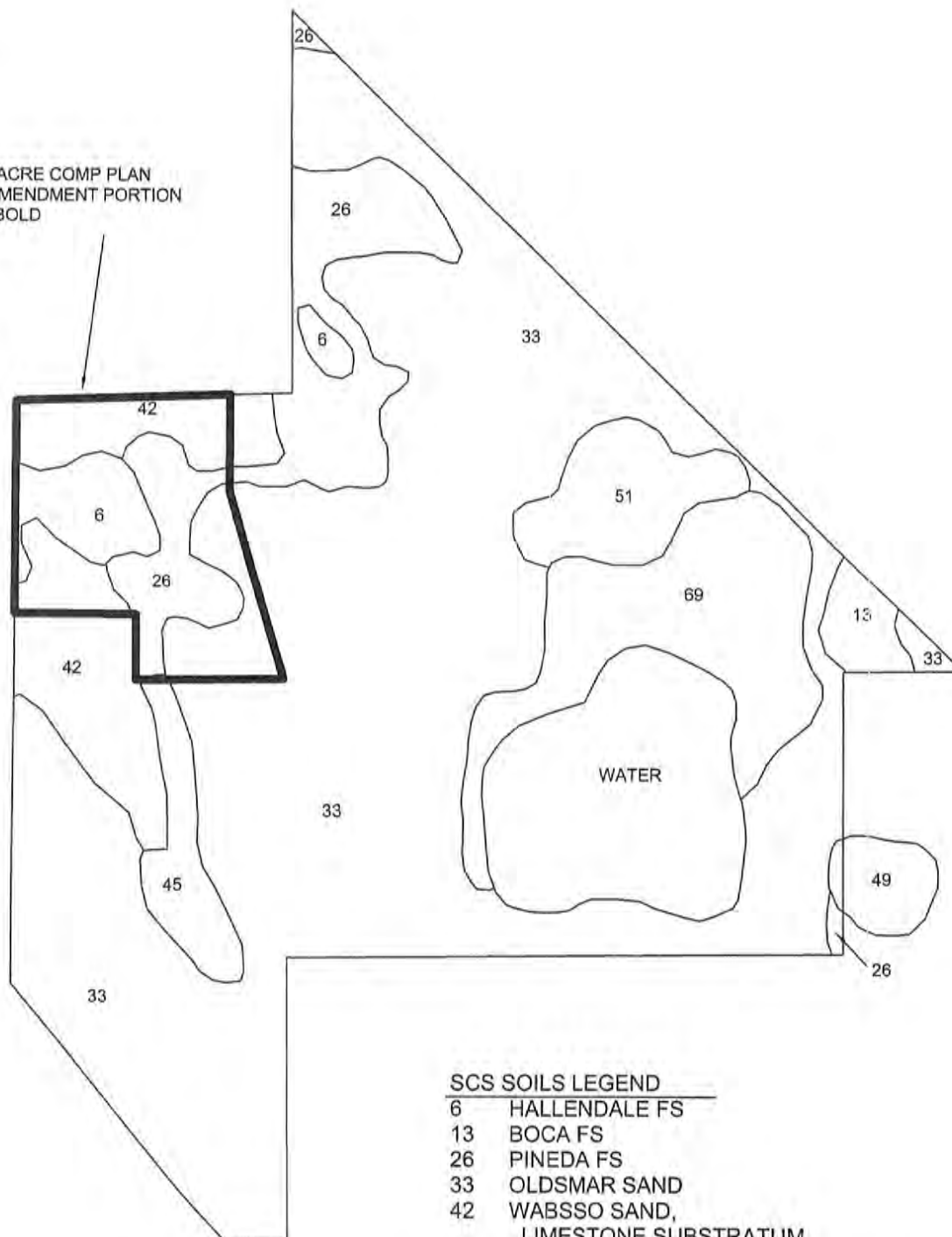
Boylan
Environmental
Consultants, Inc.



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



10 ACRE COMP PLAN
AMMENDMENT PORTION
IN BOLD



SCS SOILS LEGEND

- | | |
|----|--------------------------------------|
| 6 | HALLEDALE 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 WEST PARCEL

JOB # 020087
SCALE 1"=800'
FILE "w/soils map" into NEW
DRAWN BY JDC
DATE 2/19/2004



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

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
 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 P.01

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

Performed for:

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

November 2003



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

<u>Tables</u>	
Table 2.1. Soil Types, Relief and Drainage, and Environmental Associations of the Study Area (USDA 1984).....	2-1

<u>Photos</u>	
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 ± 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).

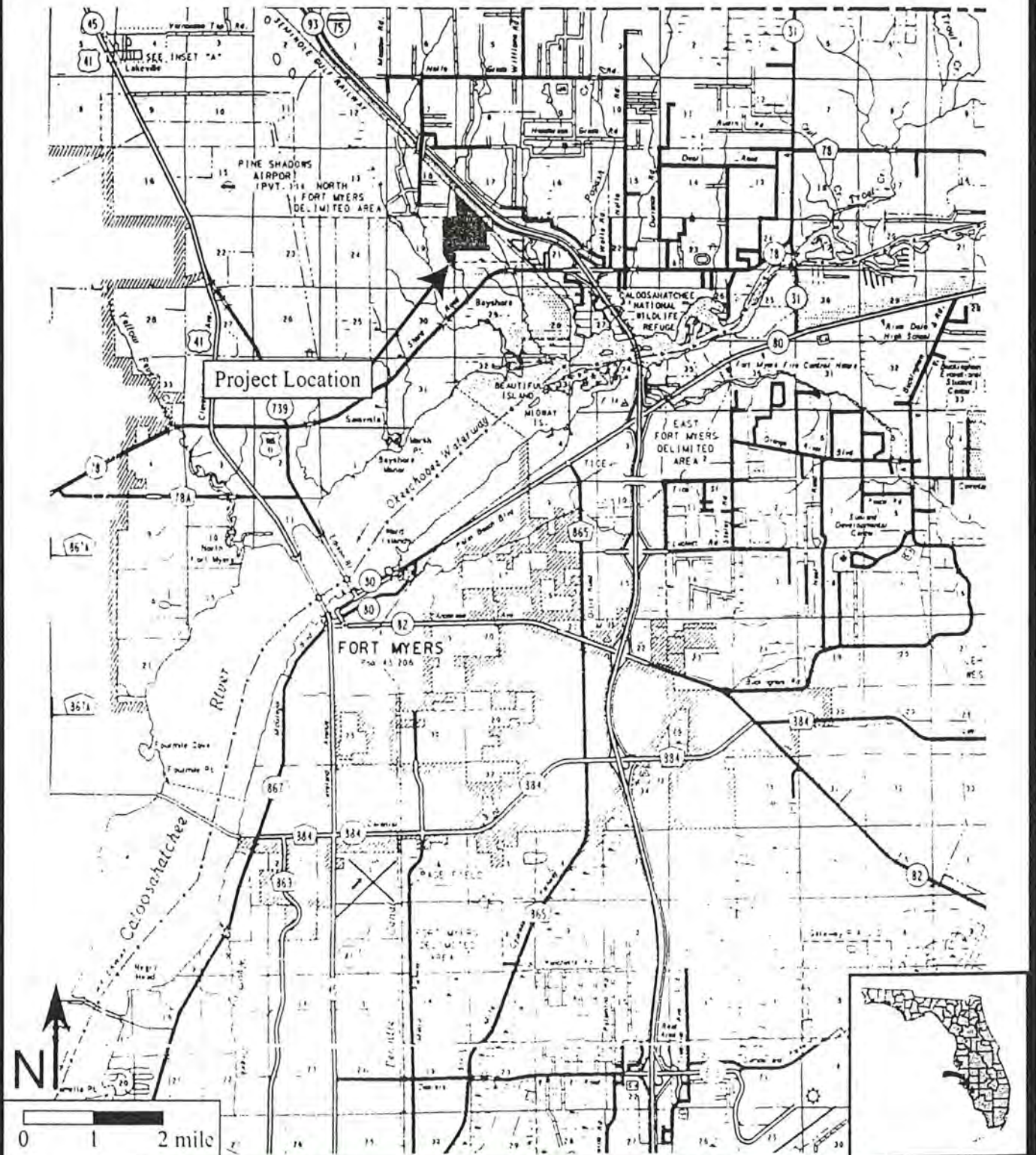


Figure 1.1. Project Location. Township 43 South, Range 25 East, Lee County (State Topographic Office 1989).



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 succeed 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.

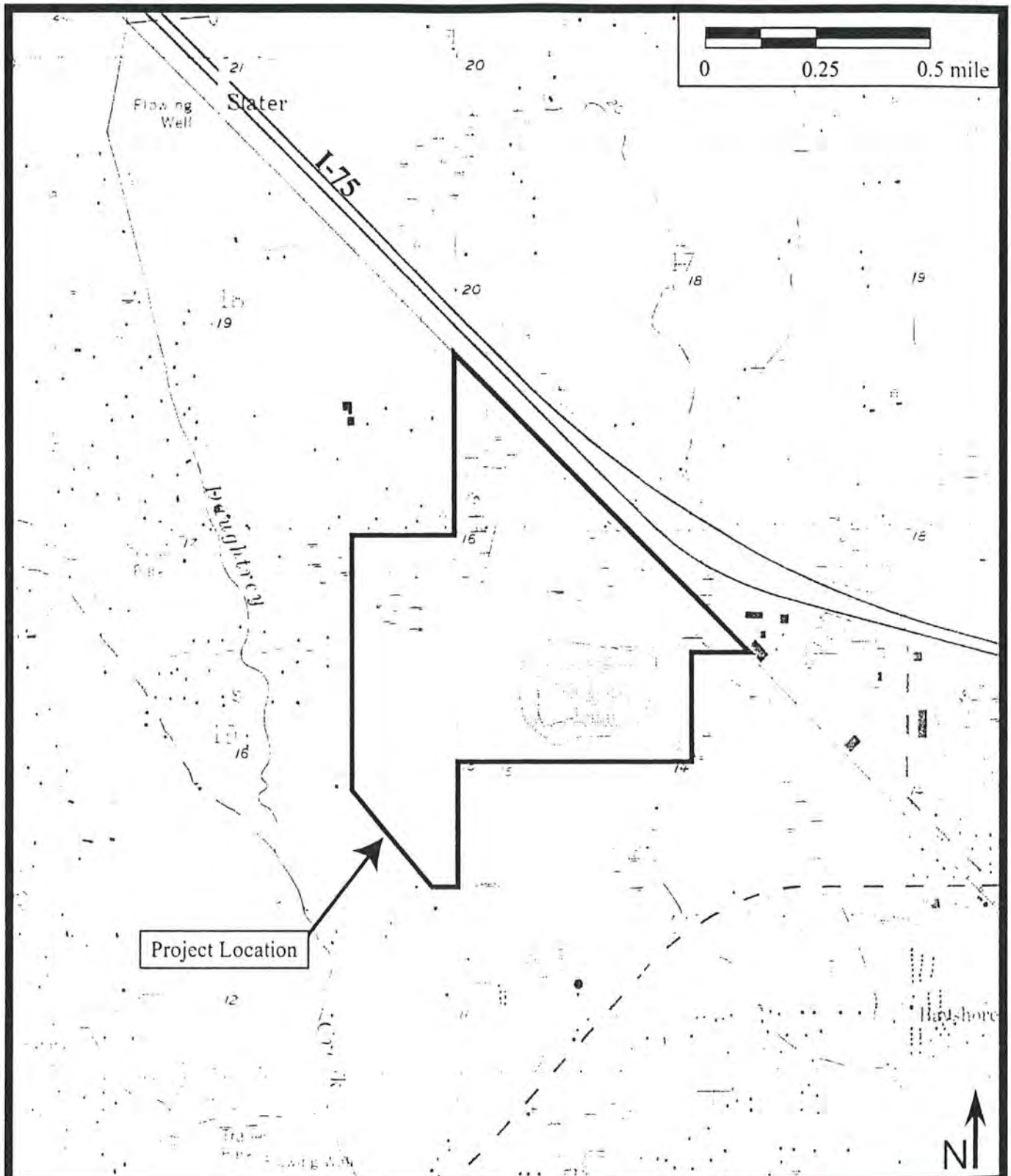


Figure 2.1. Project Location of the Oakcreek Property; Township 43 South, Range 25 East (USGS Fort Myers, Fla. 1958, PR 1987, Bathymetry added 1991).



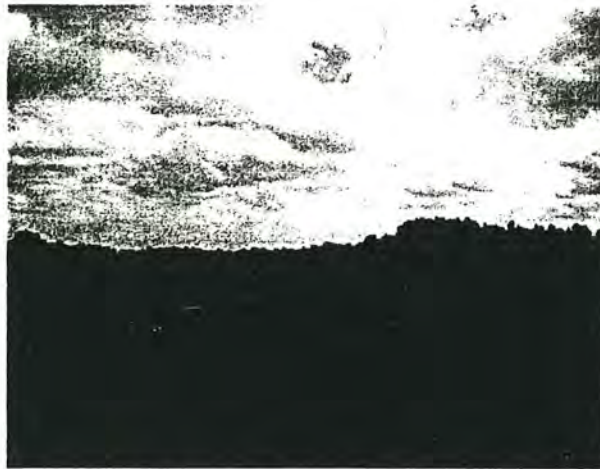


Photo 2.1. Looking West at Improved Pasture.

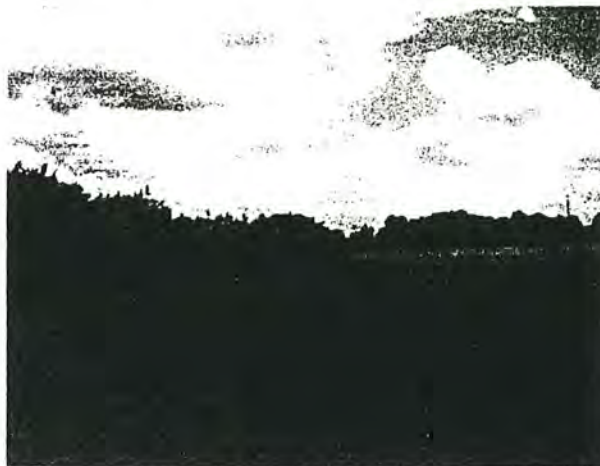


Photo 2.2. Looking East at Brazilian Pepper and Improved Pasture.



Photo 2.3. Natural Pine/Palmetto Vegetation.

3.0 PREHISTORIC REVIEW

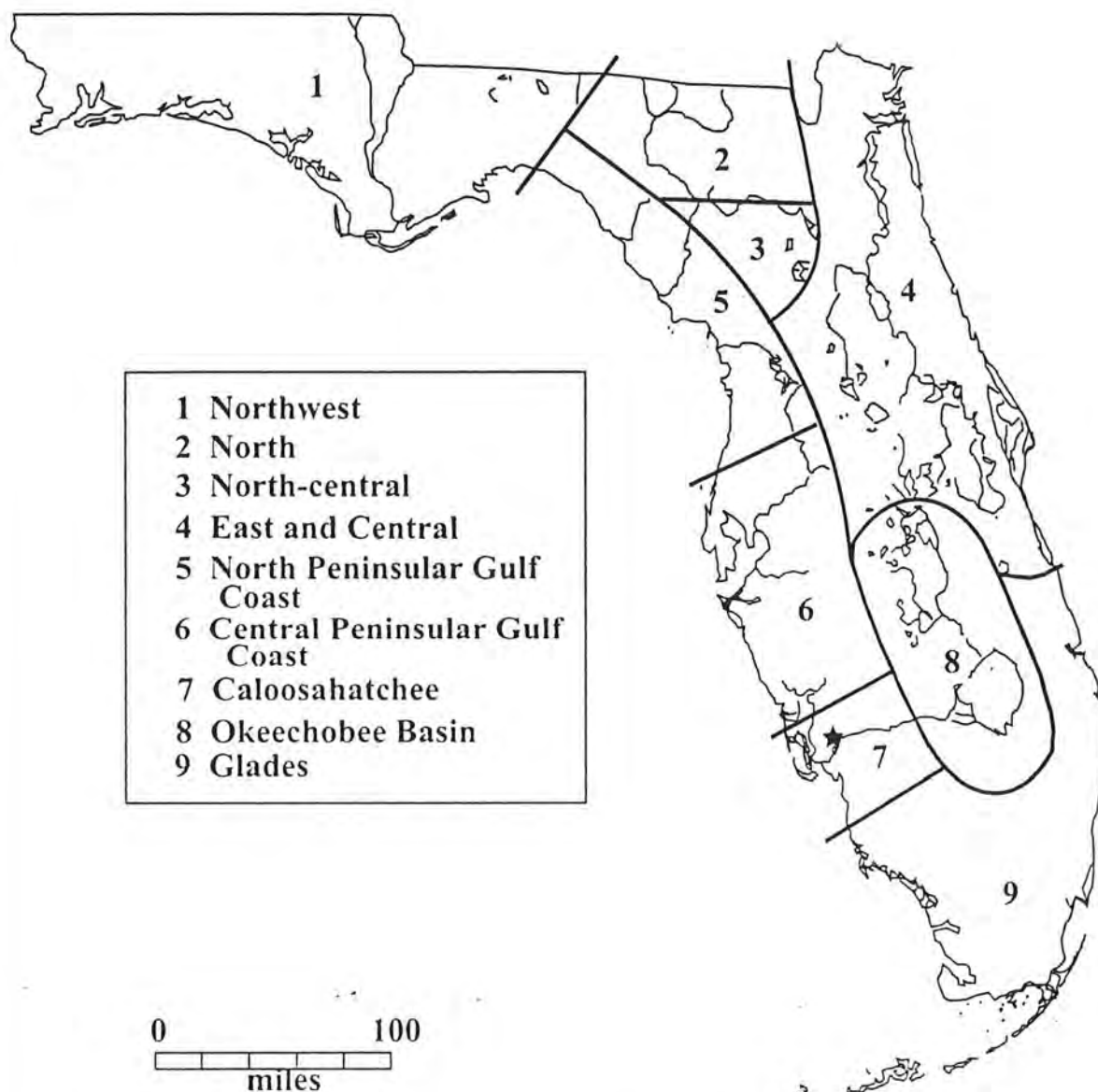
In general, archaeologists summarize the prehistory of a given area, that is, an archaeological region, by delineating a sequence of cultural periods in order to provide a chronology or a time frame for an archaeological culture that is present in a given geographical area. As a result, archaeological 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, Yamasee 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 Seminole. 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 (Scupholn 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 20th 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 (Estabrook 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, Estabrook 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.

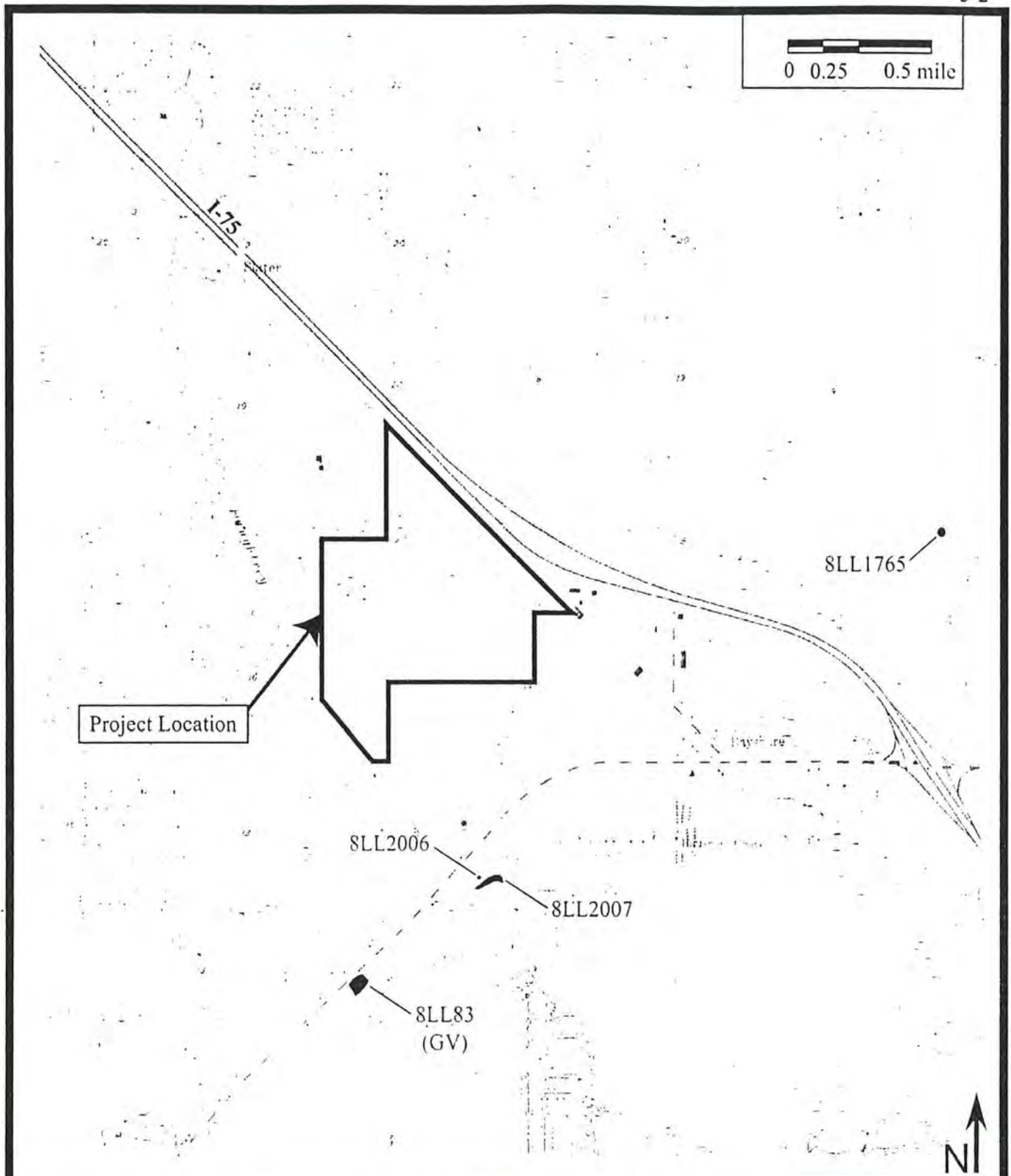


Figure 5.1. Previously Recorded Archaeological Sites and Historic Cemetery (8LL2006) Within Two Miles of the Project Area. Township 43 South, Range 25 East (USGS Fort Myers, Fla. 1958, PR 1987, Bathymetry added 1991).



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.

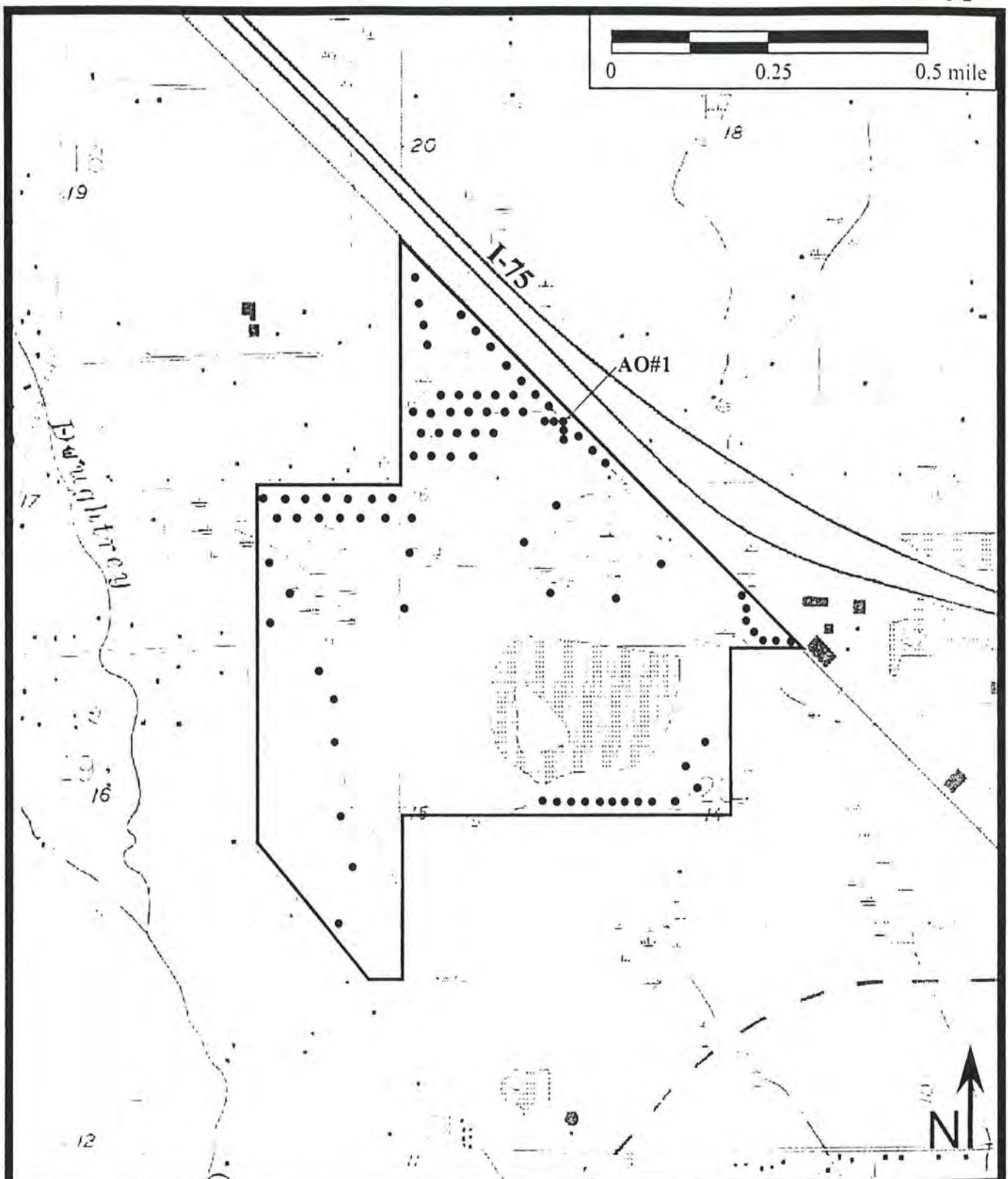


Figure 6.1. Zones of Archaeological Probability (yellow), (Barraco 2003) and Approximate Locations of Shovel Tests and Archaeological Occurrence (AO#1) Within the Oakcreek Property; Township 43 South, Range 25 East (USGS Fort Myers, Fla. 1958, PR 1987, Bathymetry added 1991). Shovel tests are not to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



7.0 REFERENCES CITED

7.1 Archaeological

Almy, Maranda M.

- 2001 The Cuban Fishing Ranches of Southwest Florida 1600 – 1850s. Unpublished Honors Thesis, Department Anthropology, University of Florida Gainesville.

Ambrosino, James N.

- 2002 Archaeological and Historical Survey of the Stony Brook North Project Area in Lee County, Florida. Manuscript on file, Florida Division of Historical Resources, Tallahassee.

Anonymous

- 1987 *Calusa News*. Number 1. University of Florida, Gainesville.

Archaeological Consultants, Inc.

- 1992 CRA Survey of a segment of US 41/ SR 739 in Ft. Myers Fla. on file, Archaeological Consultants, Sarasota.
- 1996 CRA Survey, US Business 41 from Mariana Avenue to the Apex of and US 41 and Business 41, Lee County, Fla. Manuscript on file, Archaeological Consultants, Sarasota.
- 2000 Cultural Resource Assessment Survey State Road 78 (Bayshore Road) from Slater Road to Interstate 75, Lee County. Manuscript on file, Archaeological Consultants, Sarasota.
- 2001 A Cultural Resource Assessment Survey McNew Ranch Development, Charlotte County, Fla. Manuscript on file, Archaeological Consultants, Sarasota.
- 2003 Addendum #2, Cultural Resource Assessment Survey State Road 78 (Bayshore Road) from Slater Road to Interstate 75, Lee County, Florida. Manuscript on file, Archaeological Consultants, Inc., Sarasota, Florida.

Austin, Robert

- 1987 An Archaeological Site Inventory and Zone Management Plan for Lee County, Florida. Manuscript on file, Janus Research, St. Petersburg.
- 1992 Letter to William H. Marquardt Reporting Three Galt Island Radiocarbon Date Results from Beta Analytic, Inc. Associated with the 1991 Piper Archaeology/Janus Research Fieldwork. Florida Museum of Natural History Southwest Florida Project Files, Gainesville.

Barraco and Associates, Inc.

- 2003 Oakcreek RPD, Archaeological Sensitivity Map, Exhibit III-B-1.

Beriault, John, Robert Carr, Jerry Stipp, Richard Johnson, and Jack Meeder

- 1981 The Archaeological Salvage of the Bay West Site, Collier County, Florida. *The Florida Anthropologist* 34:39-58.

- Bullen, Ripley P.
1975 *A Guide to the Identification of Florida Projectile Points*. Kendall Books, Gainesville.
- Bullen, Ripley P. and Adelaide K. Bullen
1956 Excavations at Cape Haze Peninsula, Florida. *Florida State Museum Contributions, Social Sciences 1*. Gainesville.
- Carbone, Victor
1983 Late Quaternary Environment in Florida and the Southeast. *The Florida Anthropologist* 36 (1-2):3-17.
- Carr, Robert S.
1986 Preliminary Report of Archaeological Excavations at the Cutler Fossil Site in Southern Florida. Paper presented at the 51st Annual Meeting of the Society for American Archaeology.
- Carr, Robert and John Beriault
1984 Prehistoric Man in South Florida. In *Environments of South Florida: Present and Past*, edited by P.J. Gleason, pp. 1-14, 2nd Ed. Miami Geological Society, Coral Gables.
- Clausen, Carl J., H.K. Brooks, and A.B. Wesolowsky
1975 Florida Spring Confirmed as 10,000 Year Old Early Man Site. *Florida Anthropological Society Publication* 7:1-38.
- Clausen, Carl J., A.D. Cohen, Cesare Emiliani, J.A. Holman, and J.J. Stipp
1979 Little Salt Spring, Florida: A Unique Underwater Site. *Science* 203:609-614.
- Cockrell, Wilburn A.
1970 Glades I and Pre-Glades Settlement Patterns on Marco Island, Collier County, Florida. M.A. Thesis, Florida State University, Tallahassee.
- Cockrell, Wilburn A. and Larry Murphy
1978 Pleistocene Man in Florida. *Archaeology of Eastern North America* 6:1-13.
- Coleman, Wesley F.
1973 Site 8DA141, Dade County, Florida. *The Florida Anthropologist* 26:126-128.
1997 Excavation of a Late Archaic Everglades Site, 8DA141, Dade County, Florida. *The Florida Anthropologist* 50:133-137.
- Cordell, A.S.
1992 Technological Investigation of Pottery Variability in Southwest Florida. In *Culture and Environment in the Domain of the Calusa*, edited by W.H. Marquardt, pp. 105-189. Institute of Archaeology and Paleoenvironmental Studies, Monograph 1. University of Florida, Gainesville.

- Daniel, Randy and Michael Wisenbaker
 1987 *Harney Flats: A Florida Paleo-Indian Site*. Baywood Publishing Company, Inc., New York.
- Davis, J. H.
 1943 The Natural Features of Southern Florida. *Florida Geological Survey Bulletin* Number 25. Tallahassee.
- Delcourt, P. A., and H. R. Delcourt
 1981 Vegetation Maps for Eastern North America: 40,000 yr. B.P. to the Present. In *Geobotany II*, edited by R. C. Romans, Plenum Publishing Corporation.
- Dunbar, James S.
 1981 The Effect of Geohydrology and Natural Resource Availability on Site Utilization at the Fowler Avenue Bridge Mastodon Site (8HI393c/uw) in Hillsborough County, Florida. In Report on Phase II Underwater Archaeological Testing at the Fowler Bridge Mastodon Site (8HI393c/uw) Hillsborough County, Florida by Jill Palmer, James Dunbar, and Danny H. Clayton. *Interstate 75 Highway Phase II Archaeological Report*, Number 5. On file, Florida Division of Historic Resources, Tallahassee.
- Estabrook, Richard M.
 1991 Cultural Resource Assessment Survey of the Proposed State Road 78 PD&E Alignment between Piney Road and Interstate 75, Lee County, Florida. Manuscript on file, Florida Division of Historical Resources, Tallahassee.
 1993 A Cultural Resource Assessment Survey of the Southwest Florida Pipeline Company Corridor Realignment, Desoto, Charlotte and Lee Counties, Florida. Manuscript on file, Florida Division of Historical Resources, Tallahassee.
- Florida Natural Areas Inventory and Florida Department of Natural Resources
 1990 *Guide to the Natural Communities of Florida*. Tallahassee.
- Fradkin, Arlene
 1976 The Wightman Site: A Study of Prehistoric Culture and the Environment on Sanibel Island, Lee County, Florida. M.A. Thesis, Department of Anthropology, University of Florida, Gainesville.
- Goggin, John M.
 1947 A Preliminary Definition of Archaeological Areas and Periods in Florida. *American Antiquity* 13:114-127.
 1949 Cultural Traditions in Florida Prehistory. In *The Florida Indian and His Neighbors*, edited by John W. Griffin, pp. 13-44. Rollins College, Winter Park.
- Griffin, John W.
 1988 *The Archaeology of Everglades National Park: A Synthesis*. National Park Service, Southeast Archaeological Center, Tallahassee.

Griffin, John W., Sue B. Richardson, Mary Pohl, Carl D. McMurray, C. Margaret Scarry, Suzanne K. Fish, Elizabeth S. Wing, L. Jill Loucks, and Marcia K. Welch

- 1984 *Excavations at the Granada Site: Archaeology and History of the Granada Site, Volume I*. Manuscript on file, Florida Division of Historical Resources, Tallahassee.

Hazeltine, Dan

- 1983 A Late Paleo-Indian Site, Cape Haze Peninsula, Charlotte County, Florida. *The Florida Anthropologist* 36:98-100.

Lee, Arthur R. And John Beriault

- 1993 A Small Site - Mulberry Midden, 8CR697 - Contributions to Knowledge of the Transitional Period. *The Florida Anthropologist* 46:43-52.

Lee, Arthur R., John G. Beriault, Jean Belknap, Walter M. Buschelman, John W. Thompson, and Carl B. Johnson

- 1998 Heineken Hammock, 8CR231: A Late Archaic Corridor Site in Collier County. *The Florida Anthropologist* 51(4):223-239.

Luer, George M.

- 1989 Calusa Canals in Southwestern Florida: Routes of Tribute and Exchange. *The Florida Anthropologist* 42(2):89-130.

Marquardt, Wm. H., ed.

- 1992 *Culture and Environment in the Domain of the Calusa*. Monograph 1, Institute of Archaeology and Paleoenviromental Studies, University of Florida, Gainesville.

McNab, W. Henry and Peter E. Avers

- 1996 Ecological Subregions of the United States. <http://www.fs.fed.us/land/pubs/ecoregions> (22 July 2002). Prepared in cooperation with Regional Compilers and the ECOMAP Team of the Forest Service, July 1994.

Milanich, Jerald T.

- 1994 *Archaeology of Precolumbian Florida*. University Press of Florida, Gainesville.

Milanich, Jerald T. and Charles H. Fairbanks

- 1980 *Florida Archaeology*. Academic Press, New York.

Milanich, Jerald T., J. Chapman, A.S. Cordell, S. Hale, and R. A. Marrinan

- 1984 Prehistoric Development of Calusa Society in Southwest Florida: Excavations on Useppa Island. In *Perspectives on Gulf Coast Prehistory*, edited by D. D. Davis, pp. 258-314. University Press of Florida, Gainesville.

Mowers, Bert and Wilma Williams

- 1972 The Peace Camp Site, Broward County, Florida. *The Florida Anthropologist* 25:1-20.

Russo, Michael

- 1991 Archaic Sedentism on the Florida Gulf Coast: A Case Study from Horr's Island. PhD dissertation, Department of Anthropology, University of Florida, Gainesville.

State Topographic Office

1989 General Highway Map, Lee County, Florida.

United States Department of Agriculture (USDA)

1984 *Soil Survey of Lee County*, Soil Conservation Service, Washington, D.C.

United States Geological Survey (USGS)

1958 Fort Myers, Fla. Photorevised 1987.

Watts, William A.

1969 A Pollen Diagram from Mud Lake, Marion County, North-central Florida. *Geological Society of America Bulletin* 80:631-642.

1971 Post Glacial and Interglacial Vegetational History of Southern Georgia and Central Florida. *Ecology* 51:676-690.

1975 A Late Quaternary Record of Vegetation from Lake Annie, South-Central Florida. *Geology* 3:344-346.

Wheeler, Ryan J.

1994 Early Florida Decorated Bone Artifacts: Style and Aesthetics from Paleo-Indian Through Archaic. *The Florida Anthropologist* 47:47-60.

Widmer, Randolph J.

1974 A Survey and Assessment of the Archaeological Resources on Marco Island, Collier County, Florida. *Miscellaneous Project Report Series* Number 19. On file, Florida Division of Historical Resources, Tallahassee.

1986 Prehistoric Estuarine Adaptation at the Solana Site, Charlotte County, Florida. Manuscript on file, Florida Bureau of Archaeological Research, Tallahassee.

1988 *The Evolution of the Calusa*. The University of Alabama Press, Tuscaloosa.

7.2 Historical

Akerman, Joe A., Jr.

1976 *Florida Cowman, A History of Florida Cattle Raising*. Florida Cattlemen's Association, Kissimmee.

Almy, Maranda M.

2001 The Cuban Fishing Ranchos of Southwest Florida 1600-1850s. Unpublished Honors Thesis, Department of Anthropology, University of Florida, Gainesville.

Bonita Banner

2002 "A City's Vision: The Way It Was – 'Snapshots' of Bonita Before U.S. 41". October 12.

Covington, James W.

- 1957 *The Story of Southwestern Florida*. Lewis Historical Publishing Company, New York.
- 1958 "Exploring the Ten Thousand Islands: 1838." *Tequesta* 18:7-13.
- 1982 *The Billy Bowlegs War 1855-1858 The Final Stand of The Seminoles Against the Whites*. The Mickler House Publishers, Chuluota.

Dunn, Hampton

- 1989 *Back Home: A History of Citrus County, Florida*. 2nd edition, Citrus County Historical Society, Inc., Inverness.

Grismer, Karl

- 1946 *The Story of Sarasota*. Florida Grower Press, Tampa.
- 1982 *The Story of Fort Myers*. Island Press Publishers, Fort Myers Beach.

Hammond, E.A.

- 1973 "The Spanish Fisheries of Charlotte Harbor." *Florida Historical Quarterly* 51:355-380.

Historic Property Associates (HPA)

- 1989 Historic Properties survey of Charlotte County, Fla. Manuscript on file, St. Augustine.

Mahon, John K.

- 1967 *History of the Second Seminole War 1835-1842*. University Press of Florida, Gainesville.

Nutting, E.P.

- 1986 *The Beginnings of Bonita Springs Florida*. The Friends of the Library. Bonita Springs.

Scupholm, Carrie

- 1997 The Tamiami Trail: Connecting the East and West Coasts of the Sunshine State. *The Society for Commercial Archeology Journal* 15 (20-24).

Shofner, Jerrell H.

- 1995 *History of Brevard County, Volume 1*. Brevard County Historical Commission, Stuart.

State of Florida, Department of Environmental Protection

- 1859 *Field Notes*. Volume 211.
- 1860-1 *Field Notes*. Volume 212
- 1872 *Field Notes*. Volume 220.
- 1873a *Field Notes*. Volume 222
- 1873b *Plat. Township 43 South, Range 25 East*.
- n.d. *Tract Book*. Volume 22.

Tebeau, Charlton W.

- 1965 *Florida from Indian Trail to Space Age*. Southern Publishing Company, Delray Beach.
- 1966 *Florida's Last Frontier: The History of Collier County*. University of Miami Press, Coral Gables.
- 1971 *A History of Florida*. University of Miami Press, Coral Gables.

Widmer, Randolph J.

- 1988 *The Evolution of the Calusa*. The University of Alabama Press, Tuscaloosa.

APPENDIX: Survey Log Sheet

FMSF USE ONLY

Form Date 11/24/03

Survey Log Sheet

Florida Master Site File

Version 2.0 9/97

FMSF Survey # _____

Consult *Guide to the Survey Log Sheet* for detailed instructions.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/fmsf>

\\C:\graydhr\share\FMS\DOCS\FORMS\Logsheet.doc 10/03 97 11 07 AM

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).

- | | | | |
|---|---|--|--|
| ☐ Florida Archives (Gray Building) | ☐ library research - (local public) | ☐ local property or tax records | ☒ windshield survey |
| ☐ Florida Photo Archives (Gray Building) | ☐ library-special collection- (non local) | ☐ newspaper files | ☒ aerial photography |
| ☒ FMSF site property search | ☒ Public Lands Survey (maps at DEP) | ☒ literature search | |
| ☒ FMSF survey search | ☐ local informant(s) | ☐ Sanborn Insurance maps | |
| ☐ 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.

- | | | |
|---|---|--|
| ☐ surface collection, controlled | ☐ other screen shovel test (size: _____) | ☐ block excavation (at least 2x2 m) |
| ☐ surface collection, uncontrolled | ☐ water screen (finest size: _____) | ☐ soil resistivity |
| ☒ A shovel test-1/4" screen | ☐ posthole tests | ☐ magnetometer |
| ☐ shovel test-1/8" screen | ☐ auger (size: _____) | ☐ side scan sonar |
| ☐ shovel test-1/16" screen | ☐ coring | ☐ unknown |
| ☐ shovel test-unscreened | ☐ test excavation (at least 1x2 m) | |
| ☐ 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.

- | | | | |
|--|--|---|---|
| ☐ building permits | ☐ demolition permits | ☐ neighbor interview | ☐ subdivision maps |
| ☐ commercial permits | ☒ M exposed ground inspected | ☐ occupant interview | ☐ tax records |
| ☐ interior documentation | ☐ local property records | ☐ occupation permits | ☐ unknown |
| ☐ 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/aPreviously Recorded Site #'s (List site #'s without "8." Attach supplementary pages if necessary) 0Newly 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/aSite 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

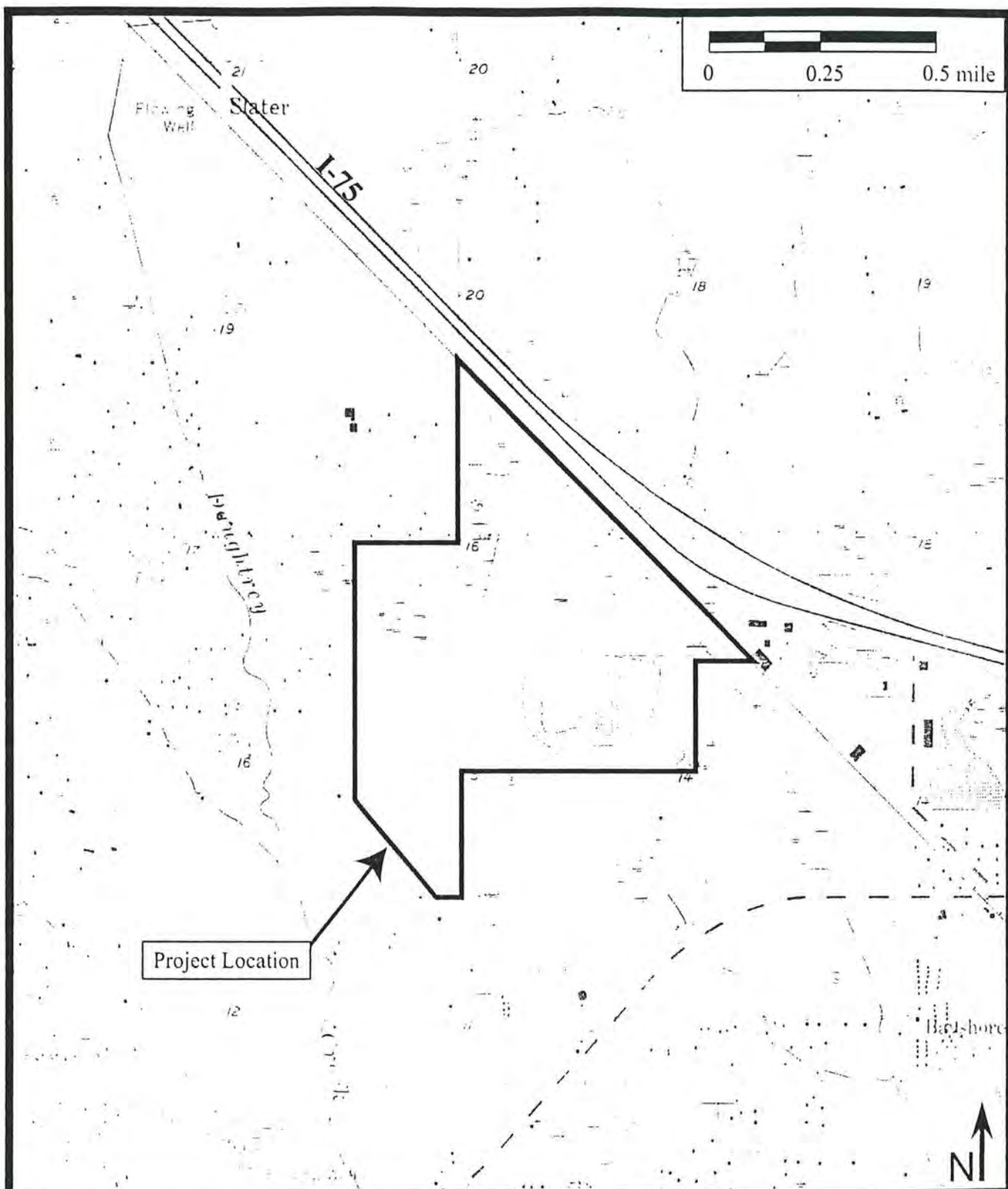
BAR Related

- | | |
|-------------------------------|-------------------------------|
| ☐ 872 | ☐ 1A32 |
| ☐ CARL | ☐ UW |

BHP Related

- | |
|--|
| ☐ State Historic Preservation Grant |
| ☐ 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
Archeological Sensitivity
Zone 2

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

MAP 4

0 200 400 800
SCALE IN FEET

Barraco
and Associates, Inc.

CIVIL ENGINEERS, SURVEYORS AND LAND DEVELOPMENT CONSULTANTS
2271 MAGNOLIA BLVD., POST OFFICE DRAWER 2800, FORT MYERS, FLORIDA 33902-2800
PHONE (239) 481-3110 • WWW.BARRACOBARRACO.COM • FAX (239) 481-3110
FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 1995 • SURVEYING LB-6940

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.

QUESTION E 4

List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

REGIONAL POLICY PLAN

HOUSING

Goal 1: Supply a variety of housing types in various price ranges to ensure that all residents have access to decent and affordable housing.

The proposed development implements this Goal through providing an area appropriate for a range of residential development opportunities.

Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.

The proposed Comprehensive Plan Amendment achieves this Goal through creating a residential planned development in an area where public facilities already exist at urban levels, and by creating an integrated amenitized residential community.

ECONOMIC DEVELOPMENT

Goal 3: A stable regional economy based on a continuing excellent quality of life.

Strategy: Maintain and improve the natural, historic, cultural, and tourist-related resources as primary regional economic assets.

The proposed swap of land use categories will further the intent of natural resource preservation, through applying a lower density to the Daughtrey's Creek flowway.

NATURAL RESOURCE ELEMENT

Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.

The proposed swap of land use categories will further the intent of natural resource preservation, through applying a lower density to the Daughtrey's Creek flowway.

TRANSPORTATION

Goal 2, Strategy 4: Review projects for impacts on our neighborhoods, commercial centers, and natural areas due to roadway expansions and right-of-way reservations.

Through approval of this Comprehensive Plan Amendment, the northern area will maintain its nexus with the Suburban areas to the south. This will eliminate the future need for a roadway crossing over the flowway to the west of the northern property and eliminate the need for access by 30+ units through a low-density residential neighborhood.

STATE COMPREHENSIVE PLAN

The proposed Oak Creek development is consistent with the State Comprehensive Plan. Below are specific policies as they relate to this proposed development.

(5) Housing

The proposed Comprehensive Plan Amendment will allow for the development of a diversity of housing opportunities in this area.

(10) Natural Systems and Recreational Lands

The proposed swap of Land Use Categories will further the intent of protecting natural systems through establishing a lower density on the Daughtrey's Creek flowway, and solidifying the nexus of the northern area with the Suburban Land Use Category, thereby eliminating the need for access across the flowway to the west of that property.

(15) Land Use

Policy (b) (1) - Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce.

The proposed Future Land Use swaps are part of an in-fill project, and would make efficient use of existing infrastructure and services.

(17) Public Facilities

Policy (b) (1) - Provide incentives for developing land in a way that maximizes the uses of existing public facilities.

The proposed Future Land Use swaps are part of an in-fill project, and would make efficient use of existing infrastructure and services.

Bob Janes
District One

July 12, 2004

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

Pavese, Haverfield, Dalton, Harrison & Jensen, L.L.P.
c/o Ms. Neale Montgomery
1833 Hendry Street
Fort Myers, Florida 33901

RE: CPA 2004-08, Oak Creek

Dear Neale:

The Planning Division has reviewed your application for the above-referenced Lee Plan amendment, and finds that additional information is needed before the application may be found sufficient for review.

The following applies to Part II of the application:

- B. Part III of the application indicates that the subject site contains 18.7 acres of wetlands, but the requested change does not acknowledge the wetland presence through the mapping. Wetlands are a factual issue. Please revise the amendment, the map and analysis, to take into account the location and extent of the wetlands in question. The "Proposed Future Land Use Map" should be revised accordingly.

The following applies to Part III of the application:

- A.2. It appears that three strap numbers have been excluded (19-43-25-00-00008.0070, 19-43-25-00-00008.0080, and 19-43-25-00-00008.0090) and one strap number (19-43-25-00-00008.0050) was included that should not have been included. Please clarify.
- B. Total Acreage of property. Staff believes the total acreage of the unified development plan exceeds 60 acres. Please clarify.
- E.1. & 2. Revise as necessary to reflect wetland acreage. Please include the calculations utilized to determine maximum allowable development potential.

The following comments pertain to Part IV of the application:

- A. 2. Revise the Future Land Use Maps to depict the existing wetlands.
- A. 3. Item A.3 of the plan amendment application requires a map and description of the existing land uses within the subject property and surrounding properties. Staff has located the map of existing uses, but is unable to locate any narrative description of the existing land uses. Please provide a description of the existing land uses for the subject property and surrounding properties, providing details on the name of the development and the density or intensity of the existing uses.

- A. 5. Staff finds the submitted legal description to be cumbersome. The application materials include 6 separate legal descriptions. Please provide a metes and bound legal description with a certified boundary survey for the proposed changes.
- A. 8. Lee County Property records indicate that SW Florida Land 411 LLC is the current property owner. In addition to this LLC, the application lists Advance Homes, Inc., Mill Creek Florida Properties No. 3, LLC, and Richard D. Fernandez as applicants. Staff notes that the letters of authorization are signed by representatives of VTX, LLC, Mill Creek Properties No.1, LLC, and Advance Homes, Inc. Please clarify what interest this individuals and corporations have in the property. Please revise the letters of authorization as appropriate. It has come to Planning staff's attention that Mr Daniel Delisi, AICP, is no longer employed by Barraco and Associates, Inc. The submitted Agents list should be modified as appropriate. An agent of record should be designated from the submitted agents list. This agent of record will be the person contacted for all business relative to the application.
- C.3. Staff does not find a topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
- F.2. The proposal does involve moving lands from a Non-Urban Area to a Future Urban Area (as well as moving lands from a Future Urban Area to a Non-Urban Area). Please provide the required discussion.

If I can be of any assistance or if you have any questions, please do not hesitate to call me at 479-8585.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT, DIVISION OF PLANNING



Matthew A. Noble, AICP
Principal Planner

cc: Planning file: CPA2004-08

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	0058	
CONNECTION TEL		94613169
SUBADDRESS		
CONNECTION ID		
ST. TIME	07/12 15:58	
USAGE T	01'00	
PGS. SENT	3	
RESULT	OK	

*Shelly
Johnson*

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	0059	
CONNECTION TEL		93322243
SUBADDRESS		
CONNECTION ID		
ST. TIME	07/12 16:00	
USAGE T	01'04	
PGS. SENT	3	
RESULT	OK	

*Neale
Montgomery*

From: Lindsey Sampson
To: Noble, Matthew
Date: 3/24/04 6:53PM
Subject: Re: 2004 Lee Plan Private Amendments - Summaries...

Matt,

I don't have any objections to the requested amendments that are summarized below.

Lindsey

Lindsey J. Sampson
Lee County Solid Waste Division
sampsolj@leegov.com
Ph. 239-338-3302
Fax 239-461-5871

>>> Matthew Noble 03/23/04 07:50AM >>>
Good morning all,

Here is a brief summary for the Plan amendments that I email late yesterday:

1. CPA 2004-01 - Small Scale Amendment (from General Commercial Interchange to Central Urban)- Leeward Yacht Club L.L.C., Leeward Yacht Club Mixed Use Planned Development (Hansen's Marina property @ S.R. 80 & I-75).

(EAR ROUND OF AMENDMENTS PRIVATE REQUESTS:)

2. CPA 2004-02 - Text Amendment, Sue Murphy, AICP, Estero, allow outdoor storage over one acre within a portion of the General Interchange land use category at Corkscrew & I-75.

3. CPA 2004-03 - Text and FLUM Amendment, Weeks Landing L.L.C., Michele Pessin, Manager, Creation of the "Public Marine Mixed Use" category and application to Weeks Fish Camp property (23 acres).

4. CPA 2004-04 - FLUM Amendment, William Fitzgerald, Trustee, Amend from Outlying Suburban to Urban Community (54 acres) from Rural to Outlying Suburban (55 acres), located near Daniels Parkway & I-75 .

5. CPA 2004-05 - Text Amendment, Pine Island, Pine Island Agriculture & Landowners' Association, Inc., Amend Policy 14.2.2.

6. CPA 2004-06 - FLUM and Text Amendment, Florida Citrus Corporation, North East Lee County (Alva), Creation of the Rural Village land use category, Amend from Rural and Open Lands to the new Rural Village category for a 3,713 acre property.

7. CPA 2004-07 - Text Amendment, Watermen Development Group Corp., Buckingham, Amend Policy 17.1.3 to "allow lots to be clustered as part of an Agricultural Planned Development."

8. CPA 2004-08 - FLUM Amendment, Advance Homes, Inc., Mill Creek Florida Properties No. 3, L.L.C., Richard D. Fernandez, SW Florida Land 411 L.L.C., Development known as Oak Creek, Amend Rural to Suburban (10 acres), and Suburban to Rural (10 acres), North Fort Myers (near Raymond Lumber)

9. CPA 2004-09 - Text Amendment, Captiva Community Panel, Captiva, Proposing six additional policies.

10. CPA 2004-10 - FLUM Amendment, Hawks Haven Investment, L.L.C., East Lee County (off S.R. 80),

Amend approximately 1,623 acres of Rural and 79 acres of Suburban to Outlying Suburban with a density limit of 2 units per acre and Public Facilities (20 acres).

Matthew A. Noble, Principal Planner
Lee County Department of Community Development
Division of Planning
Email: noblema@bocc.co.lee.fl.us
(239) 479-8548
(941) 479-8319 FAX

cc Jeff Laurien

Mr. Jason Steele
District Engineer
U.S. Corps Engineers
1520 Royal Palm Square Blvd.
Suite 310
Ft. Myers, Florida 33919

RECEIVED

MAR 22 2004

ZONING

*DCI 2003-00083
Oak Creek RPD*

Reference Permit Application: SAJ-2003-12543 (IP-Jws)
Dated: February 20, 2004

Dear Mr. Steele:

This letter is being written on behalf of the 33 land owners represented by the Slater Pines Road Association (note attached highlighted map #1). I am the current president of the association and was designated to respond to your public notice on behalf of the association, not withstanding any individual responses from the members directly.

It was agreed unanimously by the officers of our association that we should express our dire concern for the impact on surface water flow and ground water retention that this proposed Oak Creek development will have on the entire area and especially our area. Several of our members have lived in the area twenty years or more and have seen what severe problems we often have during the rainy season (which often runs from May/June through October/November.) Note map #2 which has arrows depicting sheet flow direction that our members have (not conjectured) but experienced on an annual basis, 2003 being no exception. Also note pictures attached for your examination. We have many more should you need them. The pictures are keyed to attached map #3 and are also dated. The sheet flow in our area heads south into what you have labeled "Wetland area #1, #2, & #3". One of our members several years ago unwittingly filled in some "wetlands" that are part of your designated Wetland #3 and was made by the Corps to restore it. He was forbidden to build on it and had to change his plans. Now the applicant for this Oak Creed proposed development seeks to fill in the whole area so that a slew of zero-lot line residence can be jammed up against our rural agricultural area. Why should you find it unacceptable for a small property owner to fill in a small area of the same wetland, yet even consider allowing developers to fill in the whole area. We take strong exception to this proposal and are definitely concerned that such a plan would exacerbate our annual flooding and have a negative impact on ground water resources as well. Our association just put in 80 feet of 30 inch culvert pipe under our roads in a continuing effort to keep the water from washing out our main road. It was washed out three times this past summer at the point designated on map #2 and at the point in the road where picture #2 was taken. We also just spent (3/04) \$3,200 on rock and grading to restore our washed out road.

We know you are primarily concerned with water resources and, to some extent,

wildlife. This proposal as shown will have a deleterious effect on both and will lessen the quality of life for all the residents surrounding this intense development by forcing and urban sprawl type of development into a primarily rural area of landowners. The surrounding residents own from one to 20 or more acres. Ok Creek does comport with the rural ambience and is a classic example of urban sprawl!

You might have your ornithologist also examine the area; for more than one eagle has been observed and some have even visited our neighborhood (because of the woods and natural environment still preserved by many land owners). Note picture of eagle in the back yard tree of one of our members.

We have not only experienced flooding during normal and high rainy seasons, but we have also experienced draughts over the last several years. Some shallow wells did not work and had to be drilled deeper. If further destruction of wetlands in our area takes place we will have even less reserves for our water tables than we do now. Also blasting out areas and bringing in fill will damage ground water retention potentials. That is one reason why landowners in our area are not permitted to have a dwelling on less than one acre of land. Therefore, water retention is also our concern and if more wetlands are destroyed and normal surface water runoff is hastened toward the Caloosahatchee River we could be facing dry wells during any future draughts.

Note map #4 which depicts the primary area of our concern as an association and the area we recommended leaving in its natural state (except perhaps for the removal of Melaleuca and Brazilian Peppers). This will preserve and enhance the wetlands adjacent to our area by preservation of the known wetlands and protection of ground water levels; but will still allow for adequate runoff during times of flooding and normal seasonal rains.

There is one more concern we have. It appears that only adjacent landowners were notified and not anyone beyond that parameter. We received the material from an absentee, but adjacent, land owner in Miami. Most of the association members were not notified. Is this your normal procedure? If so, we take great exception to such an obvious and duplicitous omission of others who would be adversely affected by this proposed development.

Other issues such as traffic, schools, water and sewer, etc. will be dealt with when and if the county holds hearings. Finally, the county letter states that there are proposed 1,120 dwelling units whereas your notice says 735 units (copies attached as attachments #1 and #2). Which is it? That is a large discrepancy (52%) and changes the ratio from 2.41 units per acre to 3.68 units per acre, the higher ratio definitely being unacceptable by the county's own designation.

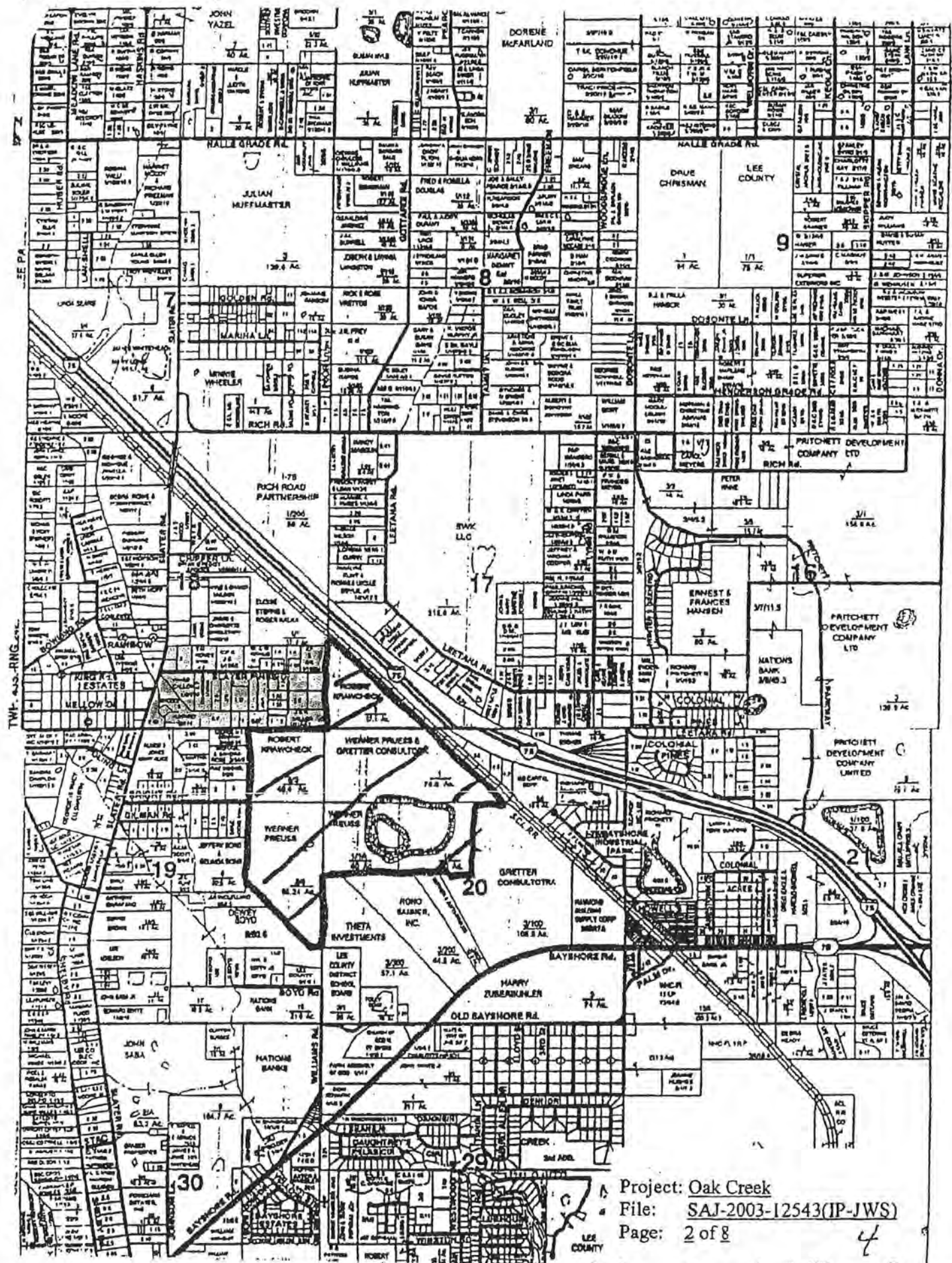
As provided for in John R. Hall's letter last paragraph "Request For Public Hearing," we as an association request a public hearing to address the issues enunciated above. Since the 30th day from the date mailed of 2/20/04 (see attachment #3) fell on Sunday 3/21/04 we respectfully submit this request dated 3/20/04 but hand delivered

to your office on Monday ,3/22/04.

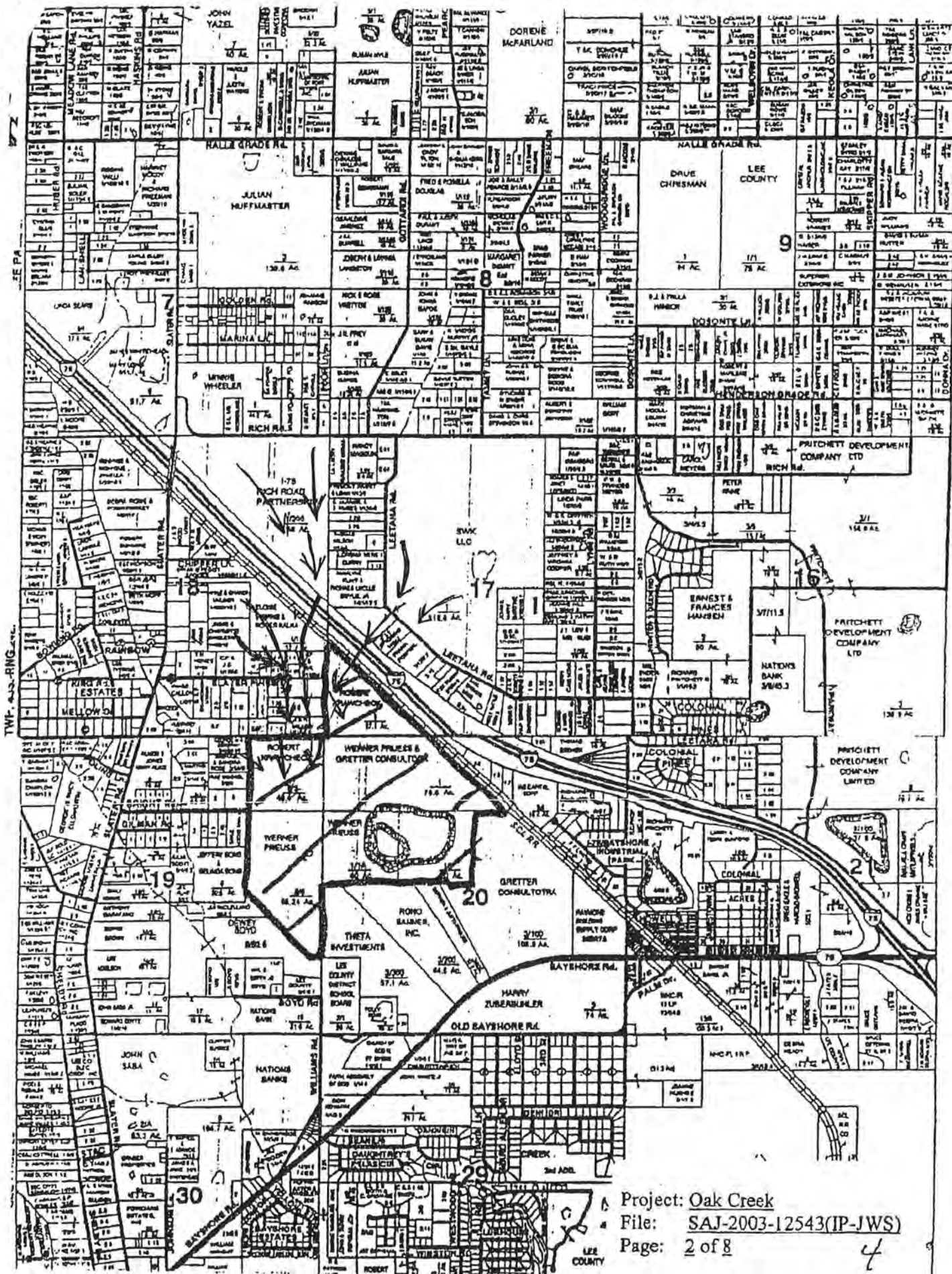
Respectfully,

A handwritten signature in cursive script, appearing to read "Glen H. Schiegner".

Glen Schiegner, President
Slater Pines Road Association

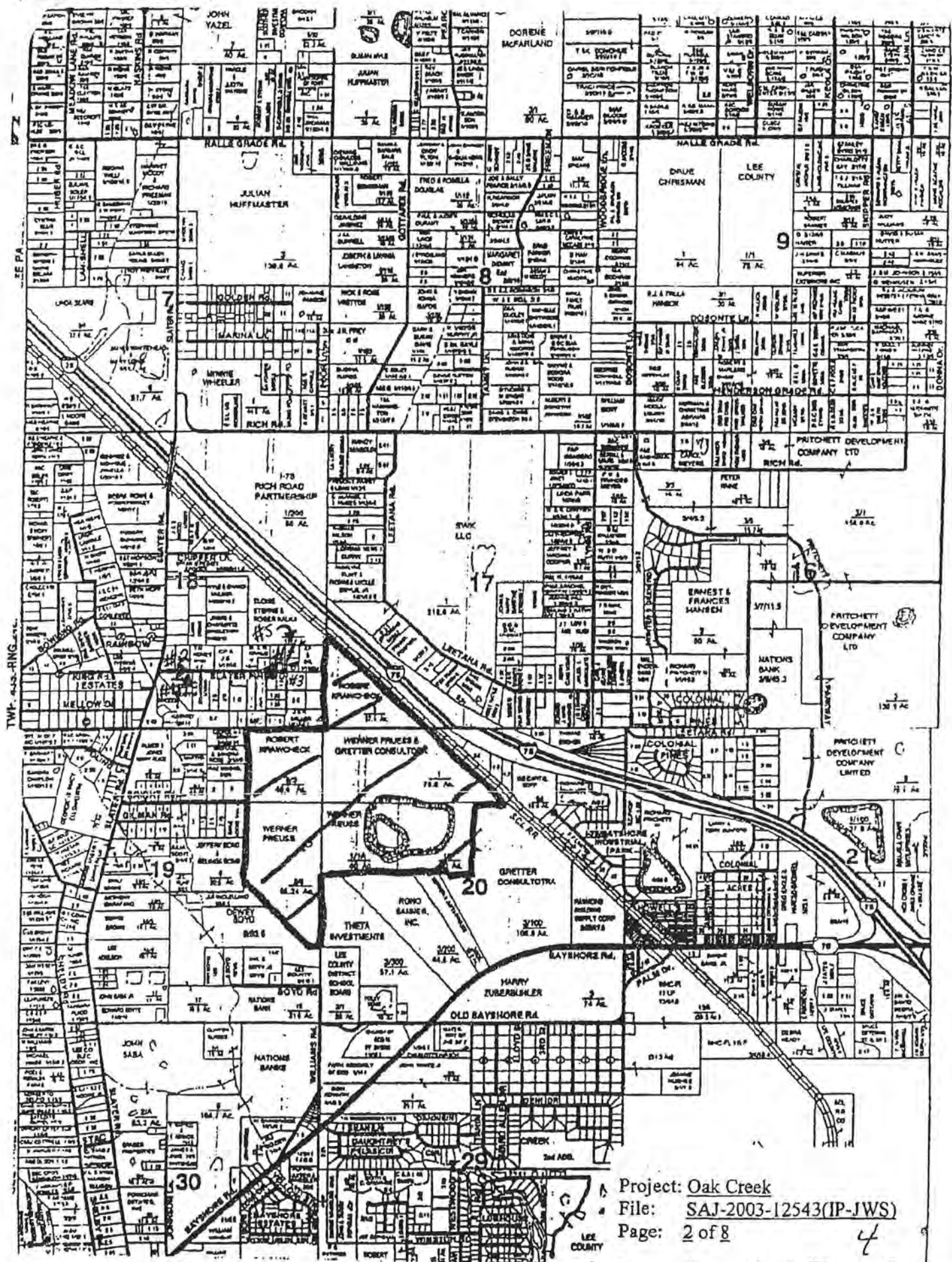


MAP #1

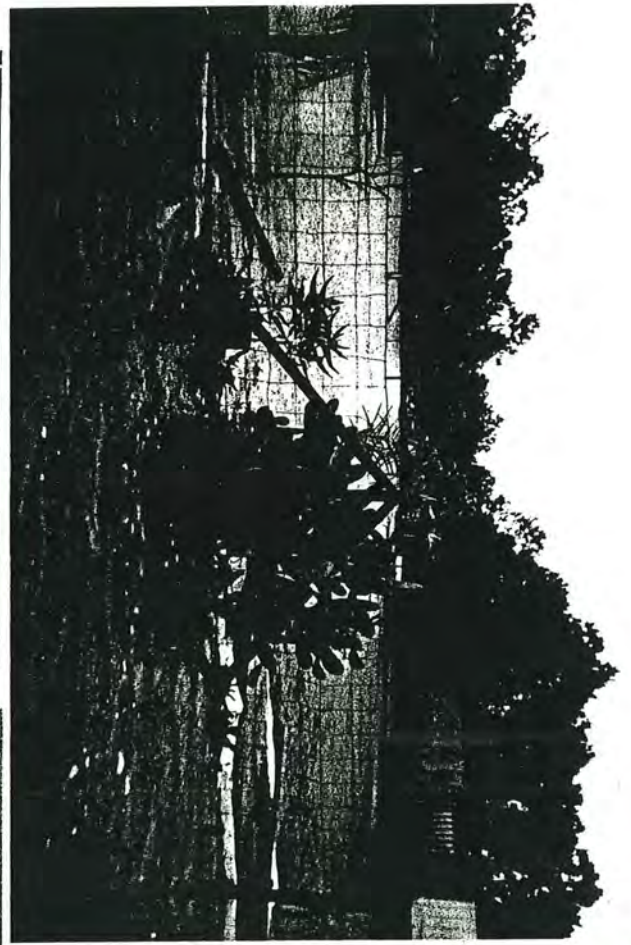


Project: Oak Creek
 File: SAJ-2003-12543(IP-JWS)
 Page: 2 of 8

MAP #2



MAP 3



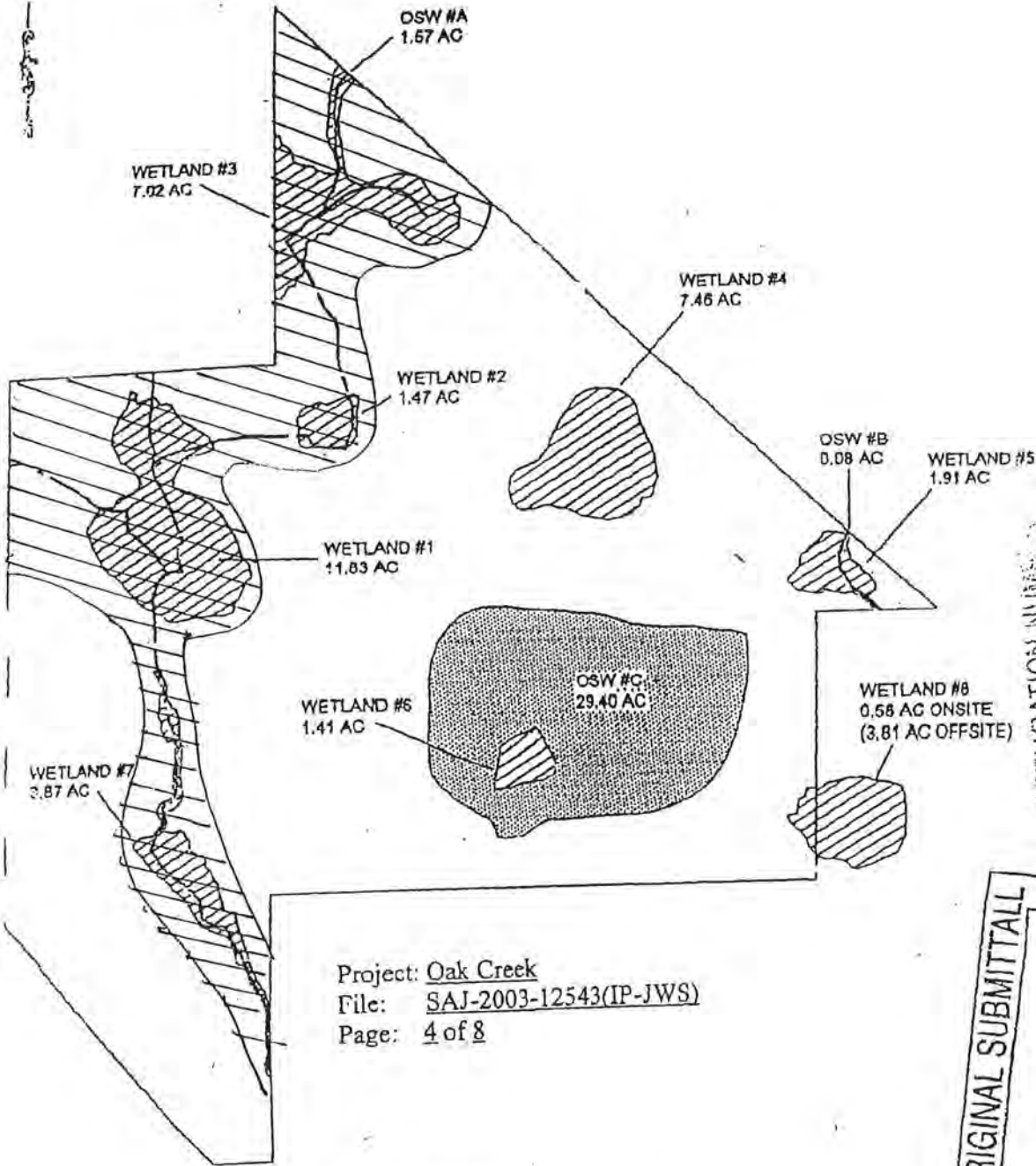
#1 #4
#2 #5
#3

Pictures for
MAP #3



Sept 2003 taken at residence at
18251 Caton Lane, looking no toward I-75
and the 33.5 acre parcel that touches the northern
most tip of the applicants 303 acres.

**Eagle
Pictures**



Project: Oak Creek
File: SAJ-2003-12543(IP-JWS)
Page: 4 of 8

- WETLANDS, 35.55 AC ONSITE
WETLAND #1, 11.83 AC
WETLAND #2, 1.47 AC
WETLAND #3, 7.02 AC
WETLAND #4, 7.46 AC
WETLAND #5, 1.91 AC
WETLAND #6, 1.41 AC
WETLAND #7, 3.87 AC
WETLAND #8, 0.58 AC
- OTHER SURFACE WATER, 31.05 AC
OSW #A, 1.57 AC
OSW #B, 0.08 AC
OSW #C, 29.40 AC

Boylan Environmental Consultants, Inc.
Wetland & Wildlife Surveys, Environmental Engineering,
Impact Assessments
11000 Metro Parkway, Suite 1, Ft. Myers, 33912 (239) 418-0671

COUNTY LEE
SEC 17 & 30
TWP 43S
RNG 29E
REVISIONS

APPLICATION NUMBER

031208-10#

ORIGINAL SUBMITTAL
DEC 08 2003
LWC SERVICE CENTER

OAKCREEK
ACOE WETLAND ID MAP

JOB # 020037
SCALE 1"=500'
FILE COE WET ID
DRAWN BY JOK
DATE 8/23/03

MAP # 4



LEE COUNTY
SOUTHWEST FLORIDA

**COURTESY NOTICE
OF RECEIPT OF ZONING APPLICATION**

Date: November 20, 2003

Co. Case Number: DCI2003-00083

Case Name: OAK CREEK

Request: Request is to rezone approximately 303.34 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to develop 120 dwelling units. Dwelling units are to include: single-family, zero-lot line, two-family attached, and multi-family. Maximum height of buildings is to be 45 feet (2 stories). Blasting is proposed on-site.

↑ very tall 2 story buildings

Location: Site is located approximately 1,500 feet North of Bayshore Road, approximately 6,600 feet West of the Intersection of I-75 and Bayshore Road.

Location Map: SEE REVERSE

PROPERTY OWNER'S
REPRESENTATIVE: MR. DANIEL DELISI
BARRACO & ASSOCIATES, INC.
239-461-3170

Lee County Planner: Jeff E. Laurien
239-479-8336

The file may be reviewed Monday through Friday between the hours of 7:30 a.m. and 4:30 p.m. at the Lee County Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

This is a courtesy notice. A public hearing date has not yet been set. You will receive another notice once the hearing date and time have been established.

BJJ

fcrtsyntc.rpt

*239
Fax to SFWMD 338-2936 William Foley
Ext. 7728 CPhone*

Attachment #1



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
FORT MYERS REGULATORY OFFICE
1520 ROYAL PALM SQUARE BOULEVARD, SUITE 310
FORT MYERS, FLORIDA 33919

Regulatory Division
South Permits Branch/West Permits Section
Fort Myers Regulatory Office

PUBLIC NOTICE

Permit Application No. SAJ-2003-12543(IP-JWS) FEB 20 2004

TO WHOM IT MAY CONCERN: This district has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) as described below:

APPLICANT: S.W. Florida Land 411, LLC.
11220 Metro Parkway, Suite 27
Fort Myers, Florida 33912

WATERWAY & LOCATION: Freshwater wetlands within the Tidal Caloosahatchee drainage basin, Caloosahatchee watershed. The site is located at 6700 Bright Road, Sections 17, 19, and 20, Township 43 South, Range 25 East, Fort Myers, Lee County, Florida.

DIRECTIONS TO SITE: Take I-75 north to Bayshore Road (S.R. 78). Take Bayshore Road west approximately ¾ miles to "Raymond Building Supply", located on the north side of Bayshore Road. The proposed access road for the project is staked approximately 990-feet west of "Raymond Building Supply".

LATITUDE & LONGITUDE: Latitude: 26° 43' 21" North
Longitude: 81° 50' 23" West

PROJECT PURPOSE:

Basic: To construct a residential community.

Overall: To construct a residential community to serve the north Fort Myers area.

PROPOSED WORK: The applicant proposes to construct a residential community, known as "Oak Creek", consisting of 735 single-family residential units. The property is 303.34± acres in size with 35.55± acres of wetlands, 31.05± acres of other surface waters (OSW), and 236.74± acres of uplands. The applicant proposes to discharge fill material into 8.23 acres of wetlands, excavate 1.08 acres of wetlands, and fill 0.92 acres of OSW. The area can be characterized as mostly improved pasture-land. If it is determined that issuance of a permit is appropriate and compensatory mitigation is required

Attachment #2

11

IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Service, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

IMPACT ON CULTURAL RESOURCES: Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are: conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(e) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

John R. Hall
John R. Hall
Chief, Regulatory Division

DEPARTMENT OF THE ARMY

JACKSONVILLE DISTRICT CORPS OF ENGINEERS

P.O. BOX 4870

JACKSONVILLE, FLORIDA 32242-0870

OFFICIAL BUSINESS



1,2,11,14) KRAWCHECK ROBERT L TR
130 E SUNRISE AVE
MIAMI, FL 33133

Attachment #3

11 d

33133+7012 03
40566259506

111ap d73:11 40 23 9a



Fee History

Case #: CPA2004-00008

Case #: CPA2004-00008
Property Owner VTX LLC
Property Address ACCESS UNDETERMINED N FT M
Contractor
License Number
Fax Number

Map amendment request to swap Rural to Suburban and Suburban to Rural

Description	Revenue Account Number	Fees	Paid	Date Paid	Due
Map Amendment > 20 Acres	LB5150715500.322000.9018	2,120.00	2,120.00	2/27/2004	0.00
		Total Fees: \$2,120.00	Paid: \$2,120.00	TOTAL REMAINING DUE:	\$0.00

DESCRIPTION

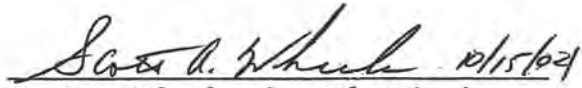
Parcel in
Section 17, Township 43 South, Range 25 East,
Lee County, Florida

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:

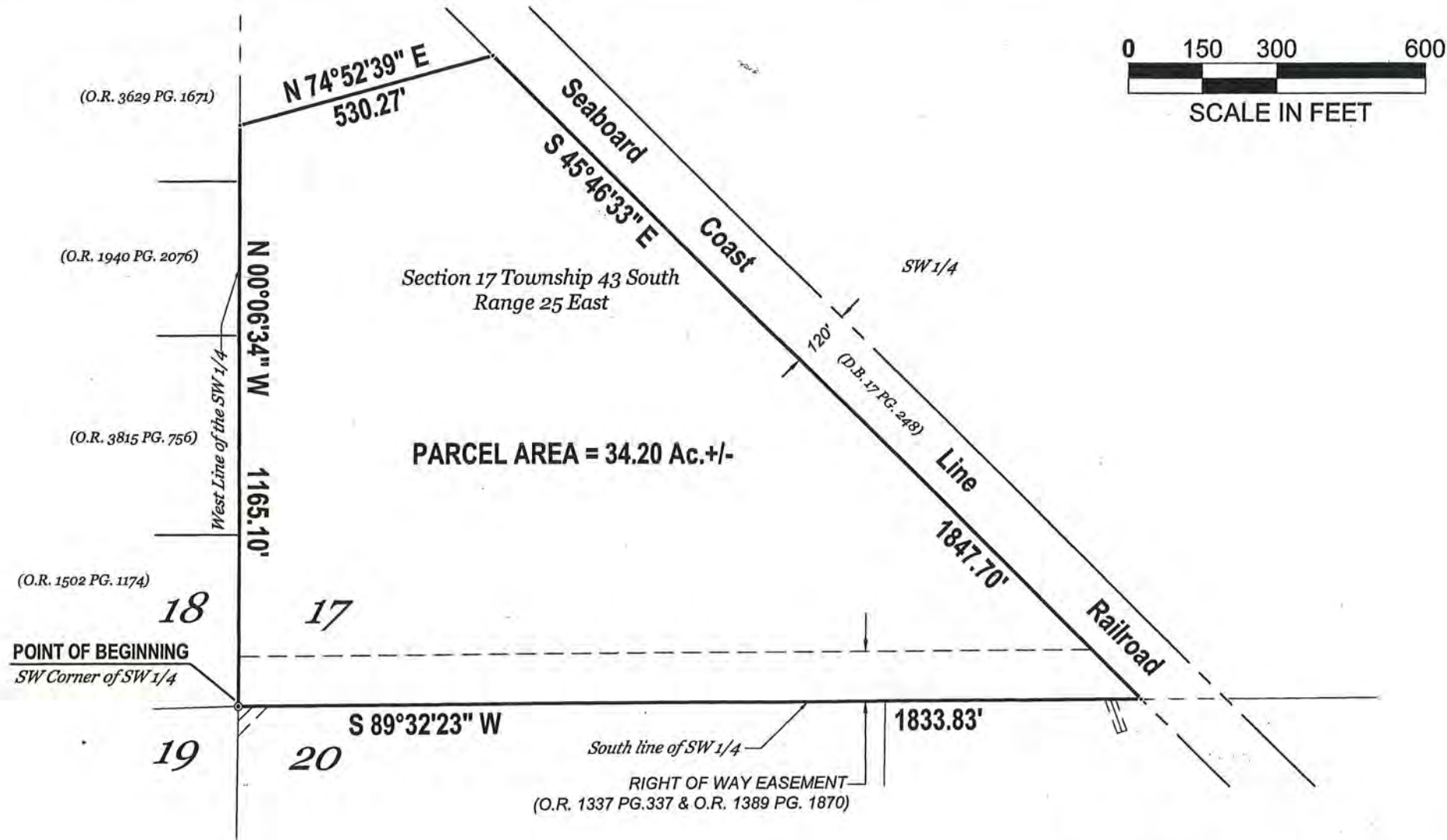
Beginning at the Southwest corner of the Southwest Quarter (SW 1/4) of said Section 17 run N00°06'34"W along the West line of said Fraction for 1,165.10 feet; thence run N74°52'39"E for 530.27 feet to an intersection with the Southwest right of way line of the Seaboard Coast Line Railroad (120 feet wide); 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



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 QUARTER (SW 1/4) OF SECTION 17 TO BEAR SOUTH 89°32'23" WEST.

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.

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

PREPARED FOR
Land Solutions Inc.
 6150 DIAMOND CENTER COURT
 BUILDING 1300
 FORT MYERS, FLORIDA 33912
 PHONE (239) 489-4066
 FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION
 PARCEL IN THE SW 1/4
 OF
 SECTION 17, TWP 43
 SOUTH, RGE. 25 EAST IN
 LEE COUNTY, FLORIDA

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

FILE NAME	21797SK13.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21797DWG\SURVEY\HQS\SKETCH
PLOT DATE	THU, 10-14-2004 - 12:23 PM
PLOT BY	PETER OLSEN
DRAWING DATA	
SURVEY DATE	2004-10-14
DRAWN BY	PTD
CHECKED BY	SAW
SCALE	1"=300'
FIELD BOOK	

PLAN REVISIONS	

STRAP NUMBERS	

SKETCH TO
 ACCOMPANY
 DESCRIPTION

PROJECT / FILE NO.	SHEET NUMBER
21797 19-43-25	2 OF 2

DESCRIPTION

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

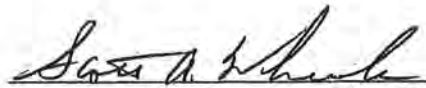
A tract or parcel of land lying in Section 19, Township 43 South, Range 25 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter (NE 1/4) 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 1/4) of the Northeast Quarter (NE 1/4) 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 1/4) of the Northeast Quarter (NE 1/4) 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 1/4) of the Northeast Quarter (NE 1/4) 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 1/4) 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

TRANSMITTAL LETTER

TO: Matt Noble, Senior Planner
Lee County Community Development
1500 Monroe Street
Fort Myers, FL 33902

FROM: Shellie Johnson, AICP

DATE: JANUARY 11, 2005 PROJECT NUMBER 21797

PROJECT NAME: Oak Creek

DISTRIBUTION TO:

RE: *CPA 2004-00008*
Oak Creek Wetland Jurisdiction Data

WE ARE SENDING THE FOLLOWING ITEMS VIA:

☐	STANDARD POSTAL MAIL	☒	COURIER SERVICE	☐	OTHER
☐	OVERNIGHT DELIVERY	☐	CLIENT PICK-UP AT OUR OFFICE	☐	

ITEM	COPIES	DATE	DESCRIPTION
1.	1	01-11-05	Floppy Disk with Wetland Jurisdictional Lines
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

THESE ARE TRANSMITTED AS CHECKED BELOW:

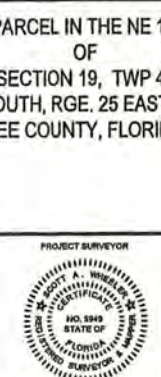
☐	AS REQUESTED	☐	FOR BIDS DUE:	☐	RESUBMIT ___ COPIES FOR APPROVAL
☒	FOR YOUR USE	☐	APPROVED AS SUBMITTED	☐	SUBMIT ___ COPIES FOR DISTRIBUTION
☐	FOR APPROVAL	☐	APPROVED AS NOTED	☐	RETURN ___ CORRECTED PRINTS
☐	FOR REVIEW AND COMMENT	☐	RETURNED FOR CORRECTIONS	☐	ITEMS RETURNED AFTER LOAN TO US

NOTES/COMMENTS:

RECEIVED
JAN 11 2005

DL
ZONING COUNTER

CPA 2004-00008



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

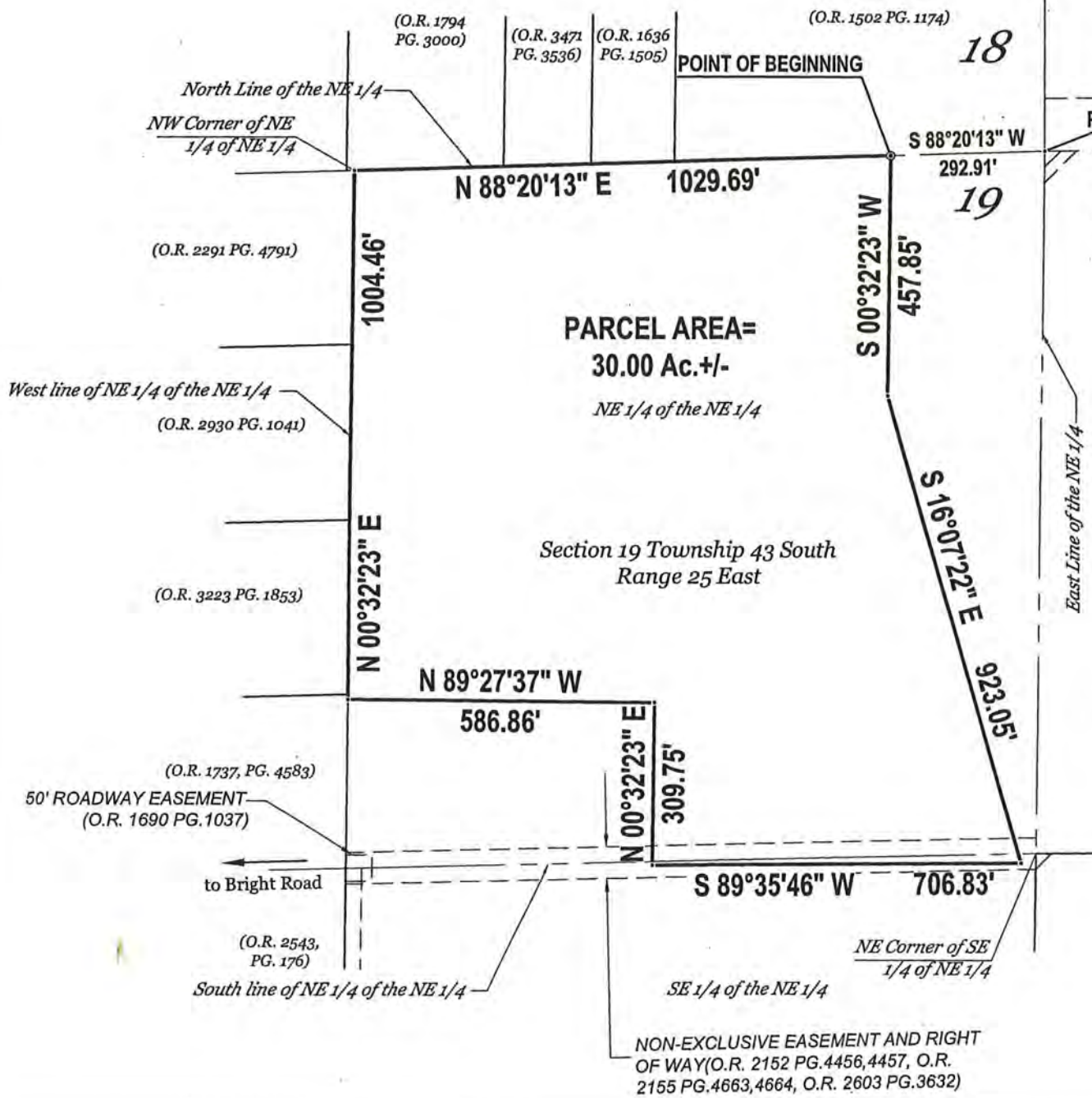
FILE NAME	21797R12.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21797\DWG\SURVEYING\SKETCH1
PLOT DATE	FRI 16-10-2004 - 11:06 AM
PLOT BY	SCOTT WHEELER
DRAWING DATA	
SURVEY DATE	2004-10-14
DRAWN BY	P10
CHECKED BY	SAW
SCALE	1"=500'
FIELD BOOK	

PLAN REVISIONS	

STRAP NUMBERS	

SKETCH TO
ACCOMPANY
DESCRIPTION

PROJECT / FILE NO.	SHEET NUMBER
21797 18-43-25	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 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 10/15/04
SCOTT A. WHEELER (FOR THE FIRM - LB-6940)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949
DATE SIGNED:

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

BAYSHORE 299
Subject Properties
(Per attached Legals)



Legend

- Subject Properties
- Parcels
- Roads
- Railroad
- Easements



390 Feet

2002 Aerial - Photograph

