



EXHIBITS

from HEX hearing

CASE #: DCI 2000 - 00014

CASE NAME: Pelican Landing
RPD/CPD Amend.

Attach a copy of this form to the top of packet of the exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS? ☒ **YES** ☐ **NO**

LOCATION OF BOARDS:

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

**Revised Condition 8 for Pelican Landing RPD/CPD Amendment
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8. The Developer must submit an amendment to the existing surface and groundwater quality management plan as approved by Lee County and Florida Department of Community Affairs (FDCA). The amended plan must be approved by FDCA prior to the application of chemicals to the proposed golf course.

- a. ~~If groundwater or surface monitoring show degradation of water quality the County will notify the property owner that a plan, to correct the identified problem(s), must be submitted. The property owner must submit a plan of action within 30 days after receipt of written notice from the County. The plan must identify actions that will correct the problem(s) within the shortest possible time frame. This plan will be reviewed and must be found acceptable by the County. If the plan is not submitted as required, or is found to be unacceptable by the County, the County will require that all activities on the property cease until a plan is submitted and approved. The approved plan must be implemented by the property owner. If the County determines that the approved plan is not being implemented properly, the County can require that all activities on the property cease until the property owner comes back into compliance.~~ water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and should the pollution be caused by the application of fertilizers, herbicides or pesticides to the golf course adjacent to the mangrove wetlands, the application of the pollutant must cease until there is a revised management plan for the application of the pollutant. A determination that the application of fertilizers, herbicides or pesticides to the golf course are the cause and source of the pollution must be based on competent and substantial evidence. If mitigation is necessary to address the pollution, a mitigation plan approved by FDCA will be implemented by the developer. The mitigation plan must be based on rules and regulations in effect at the time the plan is reviewed and approved.
- b. All development, including The golf course within Parcel 'E', must be set back a minimum of 100 feet (on average) from any saltwater wetlands. There will

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~~be no point where this setback is less than 75 feet in width. No portion of the proposed golf course may be located closer than 100 feet to the mangrove line. To maintain the existing natural mangrove setbacks, no impacts are permitted to the wetlands on the western (Estero Bay) side of Parcel E. Water management facilities permitted by the SFWMD and the removal of exotic vegetation, subject to Lee County regulations, are allowed within all wetlands on the parcel.~~ *Keep In - Staff & Appl. OK.*

- c. The water management system for the golf course must be designed so untreated run-off is directed away from the saltwater wetland system. Any treated run-off to be discharged into the saltwater wetland system must utilize spreader swales with multiple outfalls, or other technology such as a filter marsh system to evenly distribute the treated discharge. |

TO: Lee County Hearing Examiner

FROM: Jane Ansty, Property Owner and Full-time Resident in Pelican Landing
25010 Cypress Hollow Court, #204, Bonita Springs, FL 34134



SUBJ: Case # DCI 2000-00014
Request to amend the Pelican Landing RPD/CPD approved in accordance with Resolution Z-94-014 to modify Condition #10 of Resolution Z-94-014 to allow golf course and related uses in RPD Area E adjacent to the Kersey Smoot RPD

DATE: May 25, 2000

I have several questions about the Eco-Park referenced in this case. The most recent Development Order Amendment for the Pelican Landing DRI shows that a conservation easement was granted over the property ". . . to allow use of the Eco-Park for resource-based recreational activities, enjoyment of nature and education enrichment, including, but not limited to: Picnic areas, trails, benches, boardwalks, biking/jogging trails, vita courses, bird viewing blinds/towers and interpretative facilities. . . ." In marketing literature for Pelican Landing, WCI has advertised "miles of winding nature trails" yet none currently exist in the Eco-Park. I know this because I am one of four volunteer residents who have been allowed to monitor LE-28A, an active eagles' nest in the Eco-Park. Although there are over 2000 property owners to date in Pelican Landing, I believe that we four volunteers are probably the only homeowners who know about the Eco-Park and have visited it on a regular basis. I should point out, however, that if any of my 2000 fellow homeowners wanted to visit the Eco-Park, they would have a difficult time because there are no signs to identify its location. Another problem when visiting the Eco-Park is the lack of designated vehicular parking. Consequently, I have always had to park along one of the residential roads of Eldorado Acres. In short, there is a huge discrepancy between the Eco-Park eluded to in official DRI documents and what is actually available as resource-based recreational activities for Pelican Landing residents.

My four specific question are:

1. When will the Eco-Park become available to all the residents of Pelican Landing?
2. Exactly where and how will resident access be provided?
3. When resident access is available, what resource-based recreational activities will be provided by WCI?
4. Shouldn't these issues be resolved and recorded as part of any official recommendation or decision by this Hearing Examiner?

In summary, all I am asking for is a little fairness. On paper, the Eco-Park is providing WCI a significant bang for it's permit seeking buck. In reality, the Eco-Park is an unknown, unused and inaccessible piece of acreage within the Pelican Landing DRI. It's time for WCI to live up to the full intent of the conservation easement. Please do not grant the request before you today without addressing these concerns.

ANSTY
EXHIBIT # 1
DCI 2000-00014

Comprehensive Plan Consistency

Section 34-373(5), LDC requires a narrative explanation as to how the proposed development complies with the Lee Plan, as well as the guidelines for decision making set forth in Section 34-145(c)(2) a and e, and 34-145(d)(3).

I. Are there changed, or changing circumstances that make the approval of the request appropriate?

Yes. When the planned development was originally approved there wasn't sufficient land in this location to accommodate a golf course. Due to assemblage there is now sufficient land to accommodate a golf course. Furthermore, the plans for mid-rise residential in this location have changed and that use will be eliminated in favor of the recreational facilities.

II. Is the request consistent with the goals, policies, and objectives of the Lee Plan?

Yes. Policy 1.1.6. submits that these are areas that are rural in nature which have only some of the requisite infrastructure. All of the public infrastructure is in place, and the change of this property to recreational uses, including golf, will not result in an increase in density. The overall density for Pelican Landing remains consistent with the future land use plan.

Policy 4.1.1. provides that; *"Development designs shall be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site..."* Golf courses are designed in conjunction with the topography of the land and to take advantage of natural features of the site. The golf courses at Pelican Landing incorporate native vegetation, and incorporate healthy and viable wetlands where possible.

Policy 5.1.7. provides that the County should maintain development regulations that require facilities like recreational and open space uses in residential development that are functionally related to all dwelling units and easily accessible. The golf course will be functionally related to the units that it will serve and the golf course will be readily accessible to the units and uses that it will serve.

Objective 52.1. provides; *"Development regulations shall continue to require that new developments provide sufficient open space to meet the needs of their residents."* Pelican Landing is consistent with the LDC requirements for open space, and this proposal furthers the intent of this objective by continuing to be responsive to the rising demand for golf and other recreational amenities by the uses within Pelican Landing.

Vision Statement number 4 in the Lee Plan submits that, "recreational opportunities will expand dramatically as the result of the County's increased urbanization." The increase in recreational opportunities within Pelican Landing is consistent with the vision for Lee County

set forth in the Lee Plan.

III. Does the request meet or exceed all performance and locational standards set forth for the use?

Yes. There are no specific standards for recreational uses, only the requirement that the community provide the types of recreational uses that are required by the residents and other recreation users. There is a clear demand for golf as a recreational use and as a visual amenity. The use is functionally related to the community and is designed to provide for more functional open space that meets the demands of the residents and other recreation consumers within the community.

IV. Will the request protect, conserve or preserve environmentally critical areas and natural resources?

Yes. The proposal will have no impact on environmentally "critical" areas, as no environmentally critical areas have been identified on the property in question. The proposal is for a change from mid-rise residential to golf, clearly this proposal will have lesser impact than the uses currently approved on the subject property. The development of the subject property does not create the potential for harm to the public interest as there is no irreplaceable or critical habitat that will be impacted by this development. The subject property has already been approved for development and the approved development is being replaced by development that has a lesser impact. The backfilling of a man-made canal is being looked upon by the agencies as a positive benefit of the overall plan.

V. Will the request be compatible with existing or planned uses?

Yes, the request will be compatible with existing or planned uses. The recreational facilities will provide adjacent non-project residents with a vista of landscaped or natural vegetation instead of mid-rise buildings. The golf course has a lesser intensity than the adjacent residential uses. The use is compatible with the internal residential uses in that it is a continuation of an existing golf course community. Many, if not all, of the existing residents moved to the community due to their appreciation of golf course views.

VI. Will the request cause damage, hazard, nuisance or other detriment to persons or property?

No. The request will have a positive effect because it will increase functional open space. The golf course will be monitored in accordance with the existing DRI DO conditions for monitoring the golf course. The DRI DO requires the golf course to be managed by an appropriate golf course manager, and integrated pest management is required. The existing regulatory scenario ensures that there will be no damage, hazard, nuisance or other detriment to persons or property.

VII. Is the request consistent with all general zoning provisions?

Yes. The golf course and associated uses will be added to an approved RPD/CPD zoning resolution. Conditions and standards have already been included in the zoning resolution and the DRI DO that ensure consistency of all uses in the development with the general zoning provisions.

The development of these golf course holes should be consistent with the development of the golf course holes on the adjacent Kersey Smoot property. There is no technical or legal basis for requiring different conditions for the subject property. The monitoring of the existing Pelican Landing golf course has been ongoing and the monitoring does not indicate any need to alter the current requirements.

Wherefore, the applicant respectfully requests the Board of County Commissioners and the Hearing Examiner to approve the request.