

Summary of Hearing Examiner Recommendation

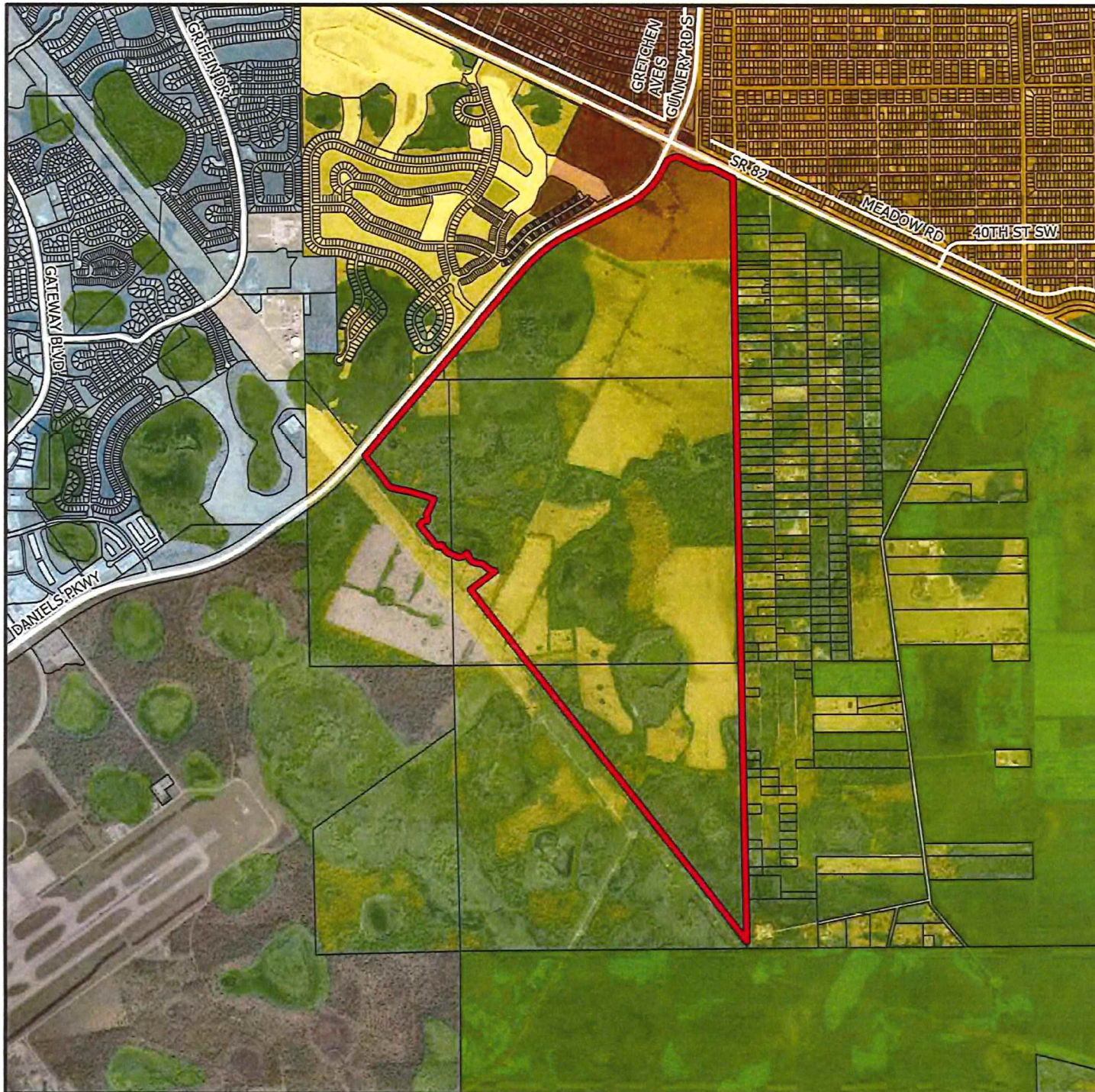
DANIELS PARKWAY SOUTH MPD

The request seeks to develop the Daniels Parkway/State Route 82 intersection. Requested uses and proposed building heights are consistent with Timber Creek development across Daniels Parkway.

Members of the public expressed concerns regarding traffic, water supply, groundwater contamination, buffering, wildlife impacts and flooding. Primary among these concerns were traffic on Daniels Parkway/SR 82.

The Hearing Examiner encourages the Board to adopt recommended modifications to conditions and deviations.

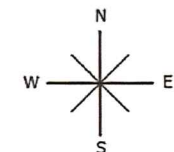
Detailed recommendation follows.



DCI2022-00002

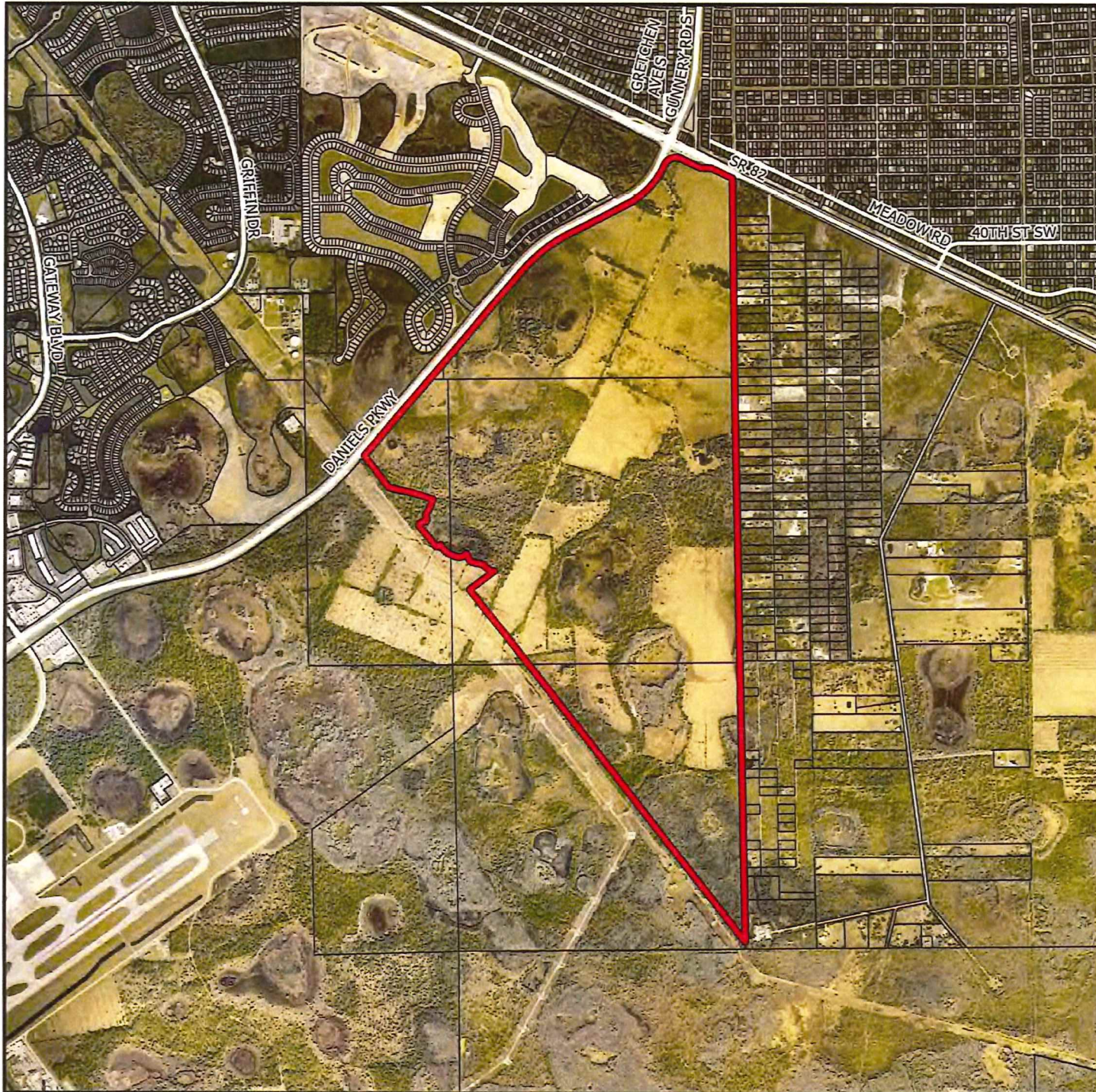
Future Land Use

- Subject Property
- Central Urban
- Urban Community
- Sub-Outlying Suburban
- Public Facilities
- New Community
- Tradeport
- Airport
- Density Reduction/Groundwater Resource
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland



0 1,320 2,640 3,960 5,280
Feet

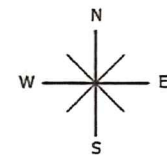




DCI2022-00002

Aerial

 Subject Property



0 1,320 2,640 3,960 5,280
Feet



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2022-00002

Regarding: DANIELS PARKWAY SOUTH

Location: 13400 Daniels Parkway
Lehigh Acres and Southeast Lee County Planning Community
(District 3)

Hearing Dates: May 4, 2023, and July 11, 2023

I. Request

Rezone 1,233± acres from Agricultural (AG-2) to Mixed Use Planned Development (MPD) to allow 1,600 dwelling units and 350,000 square feet of commercial use (of which 70,000 square feet can be medical offices).

The property legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approve, subject to conditions and deviations set forth in Exhibit B.

Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners on applications to rezone property to the planned development zoning district.¹ In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone 1,200 acres to the Mixed Use Planned Development District. Staff recommended approval with conditions.

In preparing a recommendation to the Board, the Hearing Examiner must apply the Lee County Comprehensive Plan (Lee Plan), Land Development Code (LDC), and other County regulations to facts adduced at hearing. The record must contain substantial competent evidence to support the recommendation.

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

¹ LDC §34-145(d)(4) a.

Request

The request seeks to rezone 1,233 acres to the MPD district to allow up to 1,600 dwelling units and 350,000 square feet of commercial use, of which 70,000 square feet may be medical offices. Applicant seeks five deviations from LDC standards.²

Building heights will not exceed 65 feet. Height limits by land use are 65 feet for hotel and multifamily uses, 55 feet for commercial uses, and 45 feet for single family residential uses.³ The emergency services parcel may include buildings up to 45 feet in height.

The Master Concept Plan (MCP) depicts development concentrated at the intersection of Daniels Parkway and SR 82, with three development tracts extending to the south. The remainder of the site is open space/preserve.

The project devotes 60% of the land area to open space, which amounts to 739.8 acres. Of that total, 679.1 acres will consist of indigenous vegetation.⁴

The request is accompanied by Lee Plan amendments.⁵ The proposed amendments:

- (1) Amend Policy 33.2.2 to permit contiguous property adjacent to the Lehigh Acres Community Plan Mixed Use Community to sum allowable dwelling units on the property and allocate those units throughout the project, regardless of the underlying future land use category, provided the project is a planned development maintaining a minimum 60 percent open space.⁶
- (2) Amend Table 1(b) "Year 2045 Allocations" to accommodate residential development resulting from amendment to Policy 33.2.2.
- (3) Amend Maps 4-A, 4-B "Lee County Utilities Future Water and Sewer Service Areas" to include the property.
- (4) Change future land use designation of 149 acres from DR/GR to Sub Outlying Suburban,⁷ and adjust acreage designated as Wetlands to coincide with South Florida Water Management District's jurisdictional determination (532 acres of wetlands).⁸
- (5) Amend Map 1-F "Private Recreation Facilities Overlay" to remove 515.4 acres.

² LDC §§10-329(d)(4), 10-418(2), (3), 10-418(2)(d)3, 10-418(3), 10-296(e)(3) e.4.iii. Four of the five requested deviations are necessary due to the project's proximity to the airport.

³ LDC §§34-935(f).

⁴ Accordingly, nearly all open space will consist of preserved/restored indigenous uplands and wetlands. Testimony of Tina Ekblad, AICP July 11, 2023.

⁵ CPA 2021-00017 and CPA 2021-00018.

⁶ Proposed amendments to the policy include a requirement for 60% open space comprised of at least 50% indigenous preserve with minimum planting standards and conservation easements.

⁷ Lee Plan Map 1-A.

⁸ *Id.* Wetlands category acreage set at 532 acres.

The Board voted to transmit the amendments to the State Land Planning Agency on April 24, 2023. An adoption hearing will coincide with the Board hearing on the MPD zoning request.

The Hearing Examiner's recommendation of approval is predicated on adoption of the pending plan amendments. If the Board does not adopt the amendments, the zoning request will be inconsistent with the Lee Plan.⁹

Character of Area

The property is located at the intersection of Daniels Parkway and SR 82, heavily traveled roadways featuring passenger cars and trucks of various sizes.

The SR 82 corridor is developing with commercial and residential land uses. Lehigh Acres lies to the north. The Southwest Florida International Airport abuts the project on the south.

Property east of the site is zoned for agriculture and developed with single family ranchettes along Shawnee Lane. Daniels Parkway borders the site on the west. The Timber Creek RPD/MPD is currently under construction on the west side of Daniels Parkway. At buildout, Timber Creek will feature up to 1,315 multi and single family residential units, 250,000 square feet of commercial land uses, and 150 hotel rooms.

History

A portion of the property bordering SR 82 was formerly a target range for the United States Army during World War II.

The 1,233 acre property hosted agricultural pursuits since the early 1950's. Aerial photography depicts berms surrounding wetlands and an elevated farm roads bisecting the site. Over time, row crops transitioned to pasture. Currently, cattle graze throughout the property.¹⁰

Lee Plan

Planned developments must be consistent with the Lee Plan.¹¹

The property lies in the southwest quadrant of the Daniels Parkway/SR 82 intersection and consists of approximately 670 upland acres and 532 acres of jurisdictional wetlands.

⁹ Florida Statutes s. 163.3194(1)(a); LDC 2-3 (*All development permits must be consistent with the Lee Plan in effect at the time of permit approval.*)

¹⁰ Testimony of Shane Johnson, VP & Senior Ecologist Passarella & Assoc.

¹¹ LDC §34-411(a).

The property is divided among several land use categories including Central Urban, Sub-Outlying Suburban, Wetlands, and Density Reduction/Groundwater Resource (DR/GR).¹² The site consists of approximately 670 upland acres and 532 acres of jurisdictional wetlands.¹³

Land within the Lehigh Acres Planning Community is designated Central Urban.¹⁴ Central Urban areas are considered part of the County's urban core, with access to a wide array of public services and infrastructure. Residential, commercial, public, quasi-public, and limited light industrial land uses can be found within Central Urban areas. Permissible residential densities typically range from 4 to 10 units per acre but may be higher under certain circumstances.¹⁵

The remainder of the property is within the Southeast Lee County Planning District. Approximately 149 acres are designated Sub-Outlying Suburban, which is a category characterized by lower residential densities.¹⁶ Areas designated as Wetlands may consist of low-density residential and recreation uses that do not adversely affect the ecological functions of wetlands.¹⁷ The plan of development proposes minimal wetland impacts.¹⁸

The remainder of the site is designated DG/GR. Lands within DR/GR are critical for surface water management.¹⁹

Proposed Lee Plan amendments permit the property owner to sum allowable dwelling units among the different land use classifications and distribute the units across the project, regardless of the underlying future land use category. This practice is permissible only for planned developments with a minimum of 60 percent open space. The MCP employs this distribution of permissible units.

The Economic Element of the Lee Plan encourages expansion of the County's economic base.²⁰ The proposed mix of land uses contributes to a positive business climate creating additional employment opportunities.²¹ Proposed hotel uses

¹² Lee Plan Objective 1.5, Policies 1.1.3, 1.1.11, 1.4.5, 1.5.1, Lee Plan Map 1-A.

¹³ Wetland acreage based on formal jurisdictional determination by the South Florida Water Management District dated May 2022.

¹⁴ Approximately 84.52 acres are located within the Lehigh Acres Community Planning District. The remainder of the property lies within Southeast Lee County Community Plan area. (1,115.48 acres) Lee Plan Map 1-B.

¹⁵ Maximum total density is 5 dwellings per acre but may go as high as 20 utilizing Greater Pine Island Transfer of Development Units. Lee Plan Policy 1.1.3.

¹⁶ Standard densities in Sub-Outlying Suburban areas range from 1 to 2 units per acre. Bonus density is not permitted. Lee Plan Policy 1.1.11.

¹⁷ Lee Plan Policy 1.5.1.

¹⁸ The MCP preserves 507 wetland acres, representing 95 percent of the wetlands onsite. Testimony of Shane Johnson July 11, 2023.

¹⁹ Lee Plan Objective 60.3, Policy 1.4.5.

²⁰ Lee Plan Goals 158, 161, Objective 158.2.

²¹ Lee Plan Goal 158 Objective 158.3.

support business and leisure tourism, further strengthening the local economy.²²
A variety of housing options will support a diverse workforce.²³

Compatibility

Planned development zoning districts integrate new development with surrounding land uses, providing consistency and visual harmony.²⁴ Surrounding lands feature residential, commercial, and airport related land uses.²⁵ Mixed use development is ideal at this location given the proximity of transportation corridors, employment, and shopping centers.²⁶

The Lee Plan encourages compact and contiguous development patterns in areas with services and infrastructure.²⁷ The plan of development includes land uses similar to those approved in the area.²⁸ Proposed building heights match those in the Timber Creek RPD/MPD across Daniels Parkway.²⁹ The project constitutes infill development consistent with existing development patterns.³⁰

Over half the site acreage assigned to open space. Recommended conditions require conservation easements over 679 acres.³¹

Conditions of approval include an enhanced buffer between the commercial pod and residential land uses along Shawnee Road.³² Residential pods abutting the east project boundary will include a Type D buffer and optional project wall. This buffer exceeds code, which does not require buffers between residential uses.

Airport Compatibility

A portion of the property lies within the Airport Noise Zone Overlay.³³ Airport Noise Zone B prohibits residential development, places of worship, libraries, educational

²² Lee Plan Goal 161, Objectives 161.1, 161.3, Policies 135.1.9, 161.2.2, 161.3.1.

²³ Lee Plan Policies 135.1.9, 160.1.1, 160.1.2, 161.1.3.

²⁴ Another purpose is to provide flexibility in development design. LDC §34-612(2).

²⁵ Nearby properties on Daniels and SR 82 have development entitlements for commercial uses.

²⁶ Lee Plan Goal 11, Objectives 2.1, 2.2, 11.1, Policies 2.2.1, 2.2.2, 6.1.4 LDC 34-413.

²⁷ Lee Plan Objectives 2.1, 2.2, Policies 1.1.3, 2.2.1, 2.2.2, 5.1.3, 6.1.1, 6.1.4, 25.9.2.

²⁸ Lee Plan Policies 6.1.4, 135.9.5, 135.9.6.

²⁹ Maximum heights in the Timber Creek RPD/MPD are 45 feet for residential uses, 55 feet for commercial uses and 65 feet for hotel(s).

³⁰ Lee Plan Policies 5.1.3, 6.1.7. The zoning request is consistent with emerging development patterns in the area. See Lee Plan Glossary definition - infill. Proposed residential uses expand housing options on the Daniels Parkway and SR 82 road corridors. Lee Plan Goals 5, 11, 135, 158, Objective 135.1.

³¹ Environmental staff report, and recommended conditions of approval.

³² Testimony of Tina Ekblad, AICP July 11, 2023. Proposed Condition 11 requires a 25-foot wide buffer with seven trees, a double hedgerow maintained at 48 inches in height, and 33 ground covers per 100 linear feet.

³³ Specifically, Airport Noise Zones B and C. See Lee Plan Map 1-E, Lee Plan Objective 1.6, Policy 1.6.1; LDC Appendix C – Map 1: SWFIA Airport Noise Zone Map.

facilities, hospitals, correctional facilities, or nursing homes.³⁴ Noise Zone C permits any use. Construction in Airport Noise Zones is subject to public disclosures regarding airport proximity and potential for noise.³⁵

Airport proximity also prompts deviations to reduce wildlife attractants hazardous to air navigation,³⁶ tall structure permitting, and lighting.³⁷ Conditions of approval implement an Indigenous Management Plan and Protected Species Management Plan.³⁸ These plans incorporate hazardous wildlife minimization measures.³⁹

Community Meetings within Lehigh Acres

Applicant held a meeting within the Lehigh Acres Community to present information on the project and related comprehensive plan amendments. The meeting was held at the East County Regional Library on April 4, 2022.⁴⁰

LDC

The request meets the definition of Development of County Impact.⁴¹ Planned development zoning is a way to integrate new development with surrounding land uses.⁴² Planned developments further the goals of the Lee Plan while providing flexibility in planning and design.⁴³

Development must comply with County land development regulations or seek deviations. The request seeks five deviations from the LDC. A “deviation” is a departure from a land development regulation.⁴⁴ Applicants must demonstrate deviations enhance the planned development and will not cause a detriment to the public.⁴⁵

Requested deviations pertain to standards governing excavation lake slopes, lakeside plantings (2), hardened shoreline structures and street design. Applicant

³⁴ LDC §34-1104(a)(2) b. Land uses in Airport Noise Zone B are limited to recreational space and a clubhouse per the MCP. See also testimony of Tina Ekblad, AICP.

³⁵ LDC §§34-1104(a)(3) and 34-1104(b).

³⁶ Lee Plan Objective 47.2, Policies 47.2.1, 47.2.2, LDC §34-1110(a)(8) and (9). See requested deviations from excavation bank slopes, littoral plantings, and hardened shoreline structures.

³⁷ See Conditions 3, 9, 15 and deviations.

³⁸ Conditions 3, 15, and 19 address airport compatibility.

³⁹ Testimony of Shane Johnson, VP and Senior Ecologist Passarella & Associates.

⁴⁰ Staff Report Attachment T: Public Information Meeting.

⁴¹ LDC §34-2: Development of County Impact means development that may have a substantial effect upon the health, safety, and welfare of the citizens of the County or upon its natural resources. See also §34-341(a).

⁴² Lee Plan Policies 2.1.1, 5.1.1, 5.1.5, 135.1.9; LDC 34-612(2) The planned development district affords flexibility in site design.

⁴³ LDC 34-411(a), 34-612(2), Lee Plan Policy 2.1.2.

⁴⁴ LDC 34-2.

⁴⁵ LDC 34-373(a)(9).

offered testimony and evidence in support of the deviations.⁴⁶ Staff recommended approval of all five deviations. The Hearing Examiner agrees with staff's recommendation, finding the deviations meet LDC approval criteria.⁴⁷

Environmental/Natural Resources

Rezoning requests must not adversely affect environmentally critical/sensitive areas or natural resources.

The site has been farmed since the early 1950's. Berms around wetland areas and an elevated farm roads bisect the property. Those alterations resulted in hydrological disturbances dating back 70 years.⁴⁸

Although the site has been impacted by agricultural uses, it still contains natural resources worthy of preservation.⁴⁹ The dominant land use is improved pasture, but there is also palmetto prairie, pine, pine flatwoods, mixed hardwood/conifer, with varying degrees of exotic vegetation.

Sixty percent of the site will be devoted to open space and nearly all open space will consist of preserved/restored indigenous uplands and wetlands.⁵⁰

Preserves together with onsite wet and dry detention areas will treat/filter storm water flows improving the quality of surface and groundwater.⁵¹ Discontinuation of livestock grazing, sanitary sewer, engineered stormwater management and other improvements to site hydrology will also improve/protect water quality.⁵²

Recommended conditions of approval require developer to implement a Surface Water and Groundwater Monitoring Plan.⁵³ Buffers and landscaped areas must follow Xeriscape principles and consist of native landscape to conserve water.⁵⁴ Surface water management lakes will serve as the primary source of irrigation

⁴⁶ LDC 34-377(a)(4).

⁴⁷ The Hearing Examiner may recommend approval, approval with modifications or denial of deviations based on findings that a deviation (1) enhances the planned development and, (2) preserves/promotes public health, safety, and welfare. LDC 34-377(a)(4).

⁴⁸ Testimony of Shane Johnson.

⁴⁹ Lee Plan Policy 77.3.2 Onsite wetlands have been impacted by berms, farm roads, and agricultural uses including row crops and pasture. Pasture comprises approximately 51% of the site. The balance is a mixture of native and nonnative uplands and wetlands. Non-native/exotic vegetation inhabits approximately 72% of the site. Testimony of Shane Johnson.

⁵⁰ Approximately 739 acres will be open space, 679.1 acres of which consist of restored indigenous wetlands and uplands. The remaining 60 acres of open space will be comprised of water management areas, landscape buffers, etc. Testimony of Tina Ekblad, AICP July 11, 2023.

⁵¹ Testimony of David Brown, PE, May 4, 2023. See Lee Plan Goals 60, 61, 125, Objectives 60.4, 61.2, Policies 60.4.1, 60.4.5, 61.3.11, 125.1.1, 125.1.2.

⁵² Testimony of David Brown, PE, May 4, 2023. See Lee Plan Goal 125, Policies 125.1.1, 125.1.2, 123.1.3. will benefit surface and ground water quality.

⁵³ Conditions 5 and 6.

⁵⁴ Lee Plan Objective 126.2, Policy 126.2.1.

water, supplemented by wells to the Sandstone and Mid Hawthorne Aquifer.⁵⁵ A master-controlled central irrigation system will regulate frequency and duration of landscape irrigation.⁵⁶

The developer will implement protected species management plans addressing development standards, human-wildlife coexistence, and educational programs.⁵⁷

The Hearing Examiner finds the proposed MPD will not harm environmentally critical/sensitive areas or natural resources.⁵⁸ The proposed plan of development enhances the site's environmental features by removing exotic vegetation, restoring impacted uplands and wetlands, and eliminating agricultural uses that introduce nitrogen into the environment.

Transportation

The MCP depicts three driveway access points to Daniels Parkway. Applicant proposes no direct access to SR 82. Two driveways will be located at median openings. A third driveway serving the Emergency Services parcel is limited to right-in, right-out turning movements. Conditions of approval require developer to contribute toward the cost of design/installation of traffic signals at project entrances across from median openings.⁵⁹

Members of the public expressed concerns over traffic conditions on Daniels Parkway and SR 82.

Daniels Parkway between SR 82 Gateway Boulevard is projected to operate at poor LOS at buildout in 2031 with and without the proposed development. For this reason, Daniels Parkway is considered a future preexisting transportation deficiency. As such, the project is not responsible for mitigating impacts to the roadway.

The Lee County MPO 2045 Long Range Transportation Plan indicates future widening of Daniels Parkway to a six lane divided facility. Future improvements will address anticipated deficiencies in level of service. More detailed, analysis of transportation impacts will occur during development order permitting.

Intersection analysis indicates several intersections will operate at poor LOS at buildout with and without the project. Daniels Parkway at SR 82 and Daniels Parkway at Gateway are considered offsite intersections that will be mitigated by project impact fees.⁶⁰

⁵⁵ Supplementation from Aquifer wells anticipated only during the dry season. Testimony of David Brown, PE, May 4, 2023.

⁵⁶ See Condition 5c.

⁵⁷ Testimony of Shane Johnson. See Condition 10 and Lee Plan Policy 123.3.3.

⁵⁸ Lee Plan 125.1.2.

⁵⁹ See Condition 12.

⁶⁰ Testimony of Ted Treesh, May 4, 2023.

Site-related turn lane improvements will be evaluated at the time of development order permitting.

Applicant requested deviations to ensure continuity in project roadway cross sections between urban and non-urban future land use categories. The plan of development includes sidewalks on at least one side of project roadways, and in some instances, on both sides.⁶¹

Public Services

Public services include facilities, capital improvements, and infrastructure necessary to support development.⁶² The Lee Plan requires an evaluation of public services during the rezoning process.⁶³

Although most of the property has a non-urban designation, a wide array of public services and infrastructure serves the site.⁶⁴

The property fronts on Daniels Parkway, a County maintained arterial roadway, and SR 82, a State Maintained highway. Both roadways include shared use paths.⁶⁵ Three driveways will serve the project: Two align with full median openings, a third access is limited to right in/right out turning movements from the emergency medical services site.⁶⁶

The Lee Plan designates Daniels Parkway and SR 82 as a future bike/pedestrian facility.⁶⁷ Developer must comply with LDC requirements regarding future improvements to accommodate bike/pedestrian uses.⁶⁸ In addition, both roads are identified on the Greenways Master Plan as part of the Captiva-Hendry-Collier Trail.⁶⁹

Development will connect to Lee County Utilities potable water supply, eliminating need for individual wells.⁷⁰ Lee County Utilities will also provide sanitary sewer

⁶¹ Testimony of Tina Ekblad, AICP, May 4, 2023.

⁶² Public services and infrastructure available to serve the project will include public water and sewer (Lee County Utilities), paved streets, parks and recreation facilities, libraries, police, fire and emergency services, urban surface water management, and schools.

⁶³ Lee Plan Goal 95 and Policy 2.2.1.

⁶⁴ Lee Plan Policies 2.2.1, 5.1.3, 6.1.1, 6.1.4, 25.9.2.

⁶⁵ Lee Plan Map 3-D.

⁶⁶ A condition of approval requires developer to enter into an agreement with the county to perform warrant studies, design and contribute financially toward signalization at intersections with median openings. See Condition 12. Testimony of Ted Treesh July 11, 2023.

⁶⁷ Lee Plan Map 3-D.

⁶⁸ LDC 10-256; See also Lee Plan Policies 27.4.1, 27.4.4.

⁶⁹ Lee Plan Map 4-E. Lee Plan Policy 77.3.7.

⁷⁰ The developer will fund an extension of a 16 inch water main to serve the property. The water line extension will accommodate fire hydrants along its length, which will improve fire safety within the North

services. Sanitary sewer service removes the possibility of septic tank discharges affecting groundwater in the DR/GR.

The property will be served by the Lehigh Acres Fire Control & Rescue Service District and the South Trail Fire & Rescue District. The MCP designates a parcel for Lee County EMS to improve response time for emergency medical services.⁷¹ Lee County Sheriff provides law enforcement services from the Central Station on Six Mile Cypress Parkway.

Residents will have access to schools, parks, hospital/medical facilities, shopping, and employment centers within reasonable distances.⁷²

Development will be subject to impact fees for road, park, fire, school, and emergency medical services.⁷³

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect County's resources.⁷⁴ Conditions must be plausibly related to the project's anticipated impacts, and pertinent to mitigating impacts to the public.⁷⁵ The MPD will be subject to conditions of approval designed to address impacts reasonably anticipated from development.⁷⁶

Hearing Examiner revised conditions/deviations for clarity, compliance with state law and to remove LDC references applicable to development by Condition 1.

Public

Nine members of the public attended the hearing expressing concerns regarding traffic, water supply, groundwater contamination, buffering, wildlife impacts and flooding.⁷⁷

Conclusion

The Hearing Examiner recommends approval subject to conditions in Exhibit B.

Olga planning community. Developer will also fund a three mile extension of FGUA' ten inch force main, providing sanitary sewer service to the property.

⁷¹ Testimony of Tina Ekblad, AICP.

⁷² Lee Plan Goals 66, 95, Objective 95.1.

⁷³ LDC Chapter 2, Article VI.

⁷⁴ Lee Plan Policies 5.1.5, 135.9.6; LDC 34-145(d)(4) a.2.(b), LDC 34-377(a)(3), 34-411, and 34-932(c).

⁷⁵ LDC 34-932(b).

⁷⁶ LDC 34-83(b)(4) a.3, 34-377(a)(2)c; Lee Plan Objectives 47.2, 77.3, Policies 5.1.5, 6.1.4, 47.2.1, 47.2.2, 77.3.1.

⁷⁷ See Transcripts May 4 and July 11, 2023.

The Hearing Examiner finds the requested MPD district meets LDC criteria and, as conditioned, is compatible with surrounding development.⁷⁸

III. Findings and Conclusions

Based on the testimony and exhibits presented in the record, the Hearing Examiner finds:

- A. The requested Daniels Parkway South MPD is consistent with the Lee Plan. Lee Plan Goals 2, 4, 5, 6, 11, 25, 33, 77, 95, 123, 124, 125, 135, 158, 161; Objectives 2.1, 4.1, 5.1, 6.1, 25.1, 33.2.2, 77.1, 77.2, 77.3, 123.2.15, 124.1.1, 126.2, 135.1, 161.1, 161.3, and Policies 1.1.3, 1.1.11, 1.4.5, 1.5.1, 1.6.5, 2.2.1, 5.1.1, 5.1.5, 5.1.6, 5.1.7, 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 25.1.2, 33.3.2, 135.1.9, 135.9.6, 160.1.3, Lee Plan Maps 1-A, 1-B, 1-E, 2-A, 2-B, 3-D, 4-A, 4-B, 4-E, Tables 1(a), 1(b).
- B. As conditioned, the MPD zoning district:
 - 1. Is consistent with the Land Development Code or qualifies for deviations. LDC Chapters 2, 10, 25, 33, and 34.
 - 2. Is compatible with existing or planned uses in the surrounding area. Lee Plan Goal 25, Objectives 2.1, 2.2, 25.3, 161.1, 161.3, and Policies 1.1.3, 1.1.11, 5.1.5, 6.1.4, 25.1.2, 25.3.1, 25.3.2, 135.9.5, 135.9.6, 160.1.3, 161.2.2, 161.3.1; LDC §§34-411, 34-413.
 - 3. Provides sufficient road access to support proposed development intensity. Lee Plan Objective 161.4, Policies 6.1.5, 161.1.2, 161.4.3.
 - 4. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objective 39.1, Policies 25.8.2, 38.1.1, 38.1.5, 39.1.1; LDC §§2-261 *et seq.*, 34-411(d) and (e).
 - 5. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 33, 77, 124, 125, Objectives 25.10, 77.3, 126.2, Policies 6.1.6, 25.1.8, 25.10.1, 33.2.2, 77.3.1, 77.3.3, 123.2.4, 123.2.8, 123.2.15, 126.2.1, and Standard 4.1.4, Lee Plan Map 5-D Six Mile Cypress Watershed and Estero River Watershed; and
 - 6. Public services and infrastructure will be available to serve the development. Goals 2, 4, 5, 6, 25, 95, Objectives 2.1, 2.2, 4.1, 25.9, Policies 2.2.1, 6.1.4, 25.9.1, 160.1.1, 161.1.2, 161.4.3, Standards 4.1.1, 4.1.2.

⁷⁸ Lee Plan Policy 6.1.4.

- C. The proposed uses are appropriate at the location. Lee Plan Goals 2, 5, 6, 11, 25, 33; Objectives 2.1, 2.2, 25.3, 135.1, Policies 2.1.1, 2.1.2, 5.1.3, 6.1.7, 6.1.8, 25.3.1, 25.3.2, 33.2.2, 135.1.9, 135.9.6, 160.1.3, 161.3.1, Lee Plan Tables 1(a), 1(b)
- D. The County regulations and recommended conditions provide sufficient safeguards to protect the public interest and relate to impacts expected from the proposed development. Lee Plan Goals 33, 123, 124, 125, 126, Objectives 47.2, 77.3, 126.2, Policies 5.1.5, 6.1.4, 33.2.2, 47.2.1, 47.2.2, 53.1.5, 54.1.2, 56.1.4, 77.3.1, 123.1.1, 123.1.5, 123.2.4, 123.2.8, 123.2.9, 123.2.11, 123.2.15, 126.2.1, 126.3.3, 135.9.6: LDC §§34-377(a)(3), 34-411 and 34-932(c).
- E. Deviations recommended for approval enhance the planned development and preserve public health, safety, and welfare. LDC 34-373(a)(9), 34-377(a)(4).

Date of Recommendation: July 25, 2023.



Donna Marie Collins
Chief Hearing Examiner

Lee County Hearing Examiner
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Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

DESCRIPTION

DANIELS PARKWAY SOUTH

Exhibit A

PARCEL OF LAND LYING IN SECTIONS 8, 9, 16, 17 AND 21, TOWNSHIP 45 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE N 01°13'41" W, A DISTANCE OF 133.80 FEET ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 21 TO THE NORTH LINE OF AN 80-FOOT WIDE FLORIDA POWER AND LIGHT (FPL) EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 743, UPON PAGE 661 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA AND THE **POINT OF BEGINNING**; THENCE N 37°56'50" W, A DISTANCE OF 8,288.06 FEET ALONG THE NORTH LINE OF SAID EASEMENT (OR BK 743, PG 661); THENCE N 52°01'00" E, A DISTANCE OF 575.98 FEET; THENCE S 82°48'59" W, A DISTANCE OF 19.34 FEET; THENCE N 71°09'45" W, A DISTANCE OF 57.71 FEET; THENCE N 63°37'28" W, A DISTANCE OF 49.30 FEET; THENCE N 48°54'15" W, A DISTANCE OF 126.29 FEET; THENCE N 60°33'49" W, A DISTANCE OF 24.67 FEET; THENCE N 83°44'43" W, A DISTANCE OF 98.46 FEET; THENCE N 70°22'20" W, A DISTANCE OF 100.60 FEET; THENCE N 48°18'33" W, A DISTANCE OF 42.53 FEET; THENCE N 24°42'28" W, A DISTANCE OF 135.25 FEET; THENCE S 48°57'02" W, A DISTANCE OF 54.02 FEET; THENCE S 63°26'05" W, A DISTANCE OF 68.07 FEET; THENCE S 84°15'26" W, A DISTANCE OF 45.45 FEET; THENCE N 79°07'02" W, A DISTANCE OF 34.18 FEET; THENCE N 66°31'59" W, A DISTANCE OF 154.47 FEET; THENCE N 72°54'16" W, A DISTANCE OF 34.99 FEET; THENCE N 45°25'11" W, A DISTANCE OF 82.93 FEET; THENCE N 32°23'59" W, A DISTANCE OF 103.81 FEET; THENCE N 82°46'27" W, A DISTANCE OF 15.23 FEET; THENCE S 19°01'18" W, A DISTANCE OF 40.48 FEET; THENCE N 81°11'32" W, A DISTANCE OF 69.90 FEET; THENCE N 32°13'26" W, A DISTANCE OF 50.84 FEET; THENCE S 49°10'02" W, A DISTANCE OF 7.87 FEET TO THE NORTH LINE OF SAID EASEMENT (OR BK 743, PG 661); THENCE N 37°56'50" W, A DISTANCE OF 449.47 FEET ALONG THE NORTH LINE OF SAID EASEMENT (OR BK 743, PG 661); THENCE N 29°19'28" E, A DISTANCE OF 20.34 FEET; THENCE N 47°11'44" E, A DISTANCE OF 65.51 FEET; THENCE N 84°08'32" E, A DISTANCE OF 71.02 FEET; THENCE N 38°34'37" E, A DISTANCE OF 29.66 FEET; THENCE N 00°51'38" W, A DISTANCE OF 29.94 FEET; THENCE N 15°35'20" W, A DISTANCE OF 77.08 FEET; THENCE N 33°48'21" E, A DISTANCE OF 78.80 FEET; THENCE N 25°23'33" E, A DISTANCE OF 114.63 FEET; THENCE N 16°58'54" E, A DISTANCE OF 85.90 FEET; THENCE N 27°52'17" E, A DISTANCE OF 39.89 FEET; THENCE N 72°43'23" W, A DISTANCE OF 83.98 FEET; THENCE N 70°39'13" W, A DISTANCE OF 175.90 FEET; THENCE N 74°05'06" W, A DISTANCE OF 185.89 FEET; THENCE N 77°53'04" W, A DISTANCE OF 174.58 FEET; THENCE N 78°30'12" W, A DISTANCE OF 137.71 FEET; THENCE N 73°20'55" W, A DISTANCE OF 86.69 FEET TO THE NORTH LINE OF SAID EASEMENT (OR BK 743, PG 661); THENCE N 37°56'50" W, A DISTANCE OF 733.08 FEET ALONG THE NORTH LINE OF SAID EASEMENT (OR BK 743, PG 661) TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF "DANIELS PARKWAY"; THENCE THE FOLLOWING COURSES ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF "DANIELS PARKWAY"; N 40°00'00" E, A DISTANCE OF 4,509.83 FEET; WITH A CURVE TURNING TO THE RIGHT WITH A RADIUS OF 2,754.79 FEET AND A CENTRAL ANGLE OF 22°23'39" (THE CHORD OF WHICH BEARS N 51°11'49" E, 1,069.87 FEET), A DISTANCE OF 1,076.72 FEET ALONG THE ARC OF SAID CURVE; THENCE N 62°23'39" E, A DISTANCE OF 1,243.81 FEET; THENCE WITH A CURVE TURNING TO THE LEFT WITH A RADIUS OF 1,458.14 FEET AND A CENTRAL ANGLE OF 36°29'15" (THE CHORD OF WHICH BEARS N 44°09'01" E, 912.97 FEET), A DISTANCE OF 928.59 FEET ALONG THE ARC OF SAID CURVE; THENCE N 25°54'24" E, A DISTANCE OF 92.62 FEET; THENCE WITH A CURVE TURNING TO THE RIGHT WITH A RADIUS OF 225.00 FEET AND A CENTRAL ANGLE OF 89°44'45" (THE CHORD OF WHICH BEARS N 70°46'47" E, 317.49 FEET), A DISTANCE OF 352.43 FEET ALONG THE ARC OF SAID CURVE TO THE SOUTHERLY RIGHT-OF-WAY LINE OF "IMMOKALEE ROAD (SR 82)"; THENCE THE FOLLOWING COURSES ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF "IMMOKALEE ROAD (SR 82)"; S 64°20'50" E, A DISTANCE OF 397.80 FEET; S 89°06'10" E, A DISTANCE OF 198.19 FEET; S 64°20'50" E, A DISTANCE OF 434.90 FEET TO THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 9; THENCE S 00°49'04" E, A DISTANCE OF 1,034.18 FEET ALONG SAID EAST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 9; THENCE S 00°48'06" E, A DISTANCE OF 2,665.41 FEET ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 9; THENCE S 01°13'32" E, A DISTANCE OF 2,660.59 FEET ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 16; THENCE S 01°13'21" E, A DISTANCE OF 2,660.58 FEET ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 16; THENCE S 01°13'59" E, A DISTANCE OF 2,660.31 FEET ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 21; THENCE S 01°13'41" E, A DISTANCE OF 2,526.55 FEET ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 21 TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 1,233.08 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

THE DESCRIPTION SHOWN HEREON IS NEW.

ORIENTATION BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER SECTION 21-45-26 AS BEARING N 01°13'41" W.

COORDINATES SHOWN HEREON ARE BASED ON FLORIDA STATE PLANE GRID, WEST ZONE AND REFERENCES NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT (NAD 83/2011), FDOT FPRN AND ARE SHOWN IN U.S. SURVEY FEET.

CERTIFICATE OF AUTHORIZATION LICENSE BUSINESS NO. 6891.

UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER, AND ALL SHEETS ARE INCLUDED, THIS MAP IS NOT VALID.

THIS IS NOT A SURVEY

PREPARED BY:



PSM 6347

Digitally signed by
Thomas M. Rooks Jr.
Date: 2022.04.28
16:47:24 -04'00'

REVISIONS:
04-28-2022:REVISED PER COMMENTS

THOMAS M. ROOKS JR., PSM
FLORIDA CERTIFICATE NO. 6347

DATE

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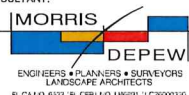
PROJECT:

DANIELS PARKWAY SOUTH
OVERALL PARCEL

LOCATION:

LYING IN
SECTIONS 8, 9, 16, 17 & 21
TOWNSHIP 45 S.,
RANGE 26 E.,
LEE COUNTY, FLORIDA

CONSULTANT:



Fort Myers
2914 Cleveland Avenue
Fort Myers, Florida 33901
(239) 337-3583
Fax: (239) 337-3584
Toll free: 866-337-7241

Tallahassee
113 South Monroe Street
1st Floor
Tallahassee, Florida 32301
Toll free: 866-337-7241

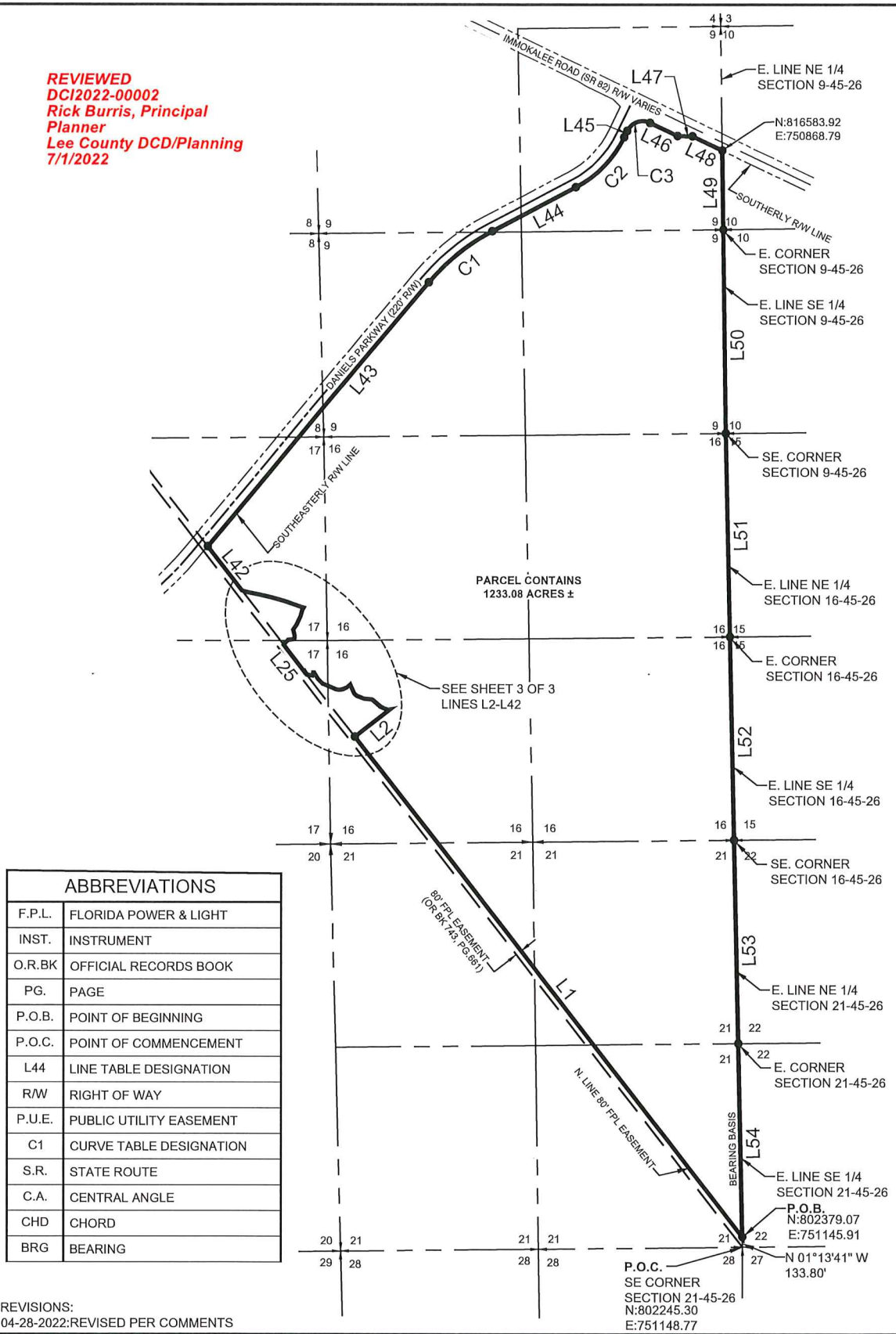
Destin
5997 Highway 98
Unit 1201
Santa Rosa Beach, Florida 32459
Toll free: 866-337-7241

CLIENT:

LENNAR

PROJECT MANAGER:	TMR
DRAWING BY:	TAB
JURISDICTION:	LEE COUNTY
DATE:	10-29-2021
SHEET TITLE:	SKETCH AND DESCRIPTION
SHEET NUMBER:	1 OF 3
JOB/FILE NUMBER:	19103

REVIEWED
DCI2022-00002
Rick Burris, Principal
Planner
Lee County DCD/Planning
7/1/2022



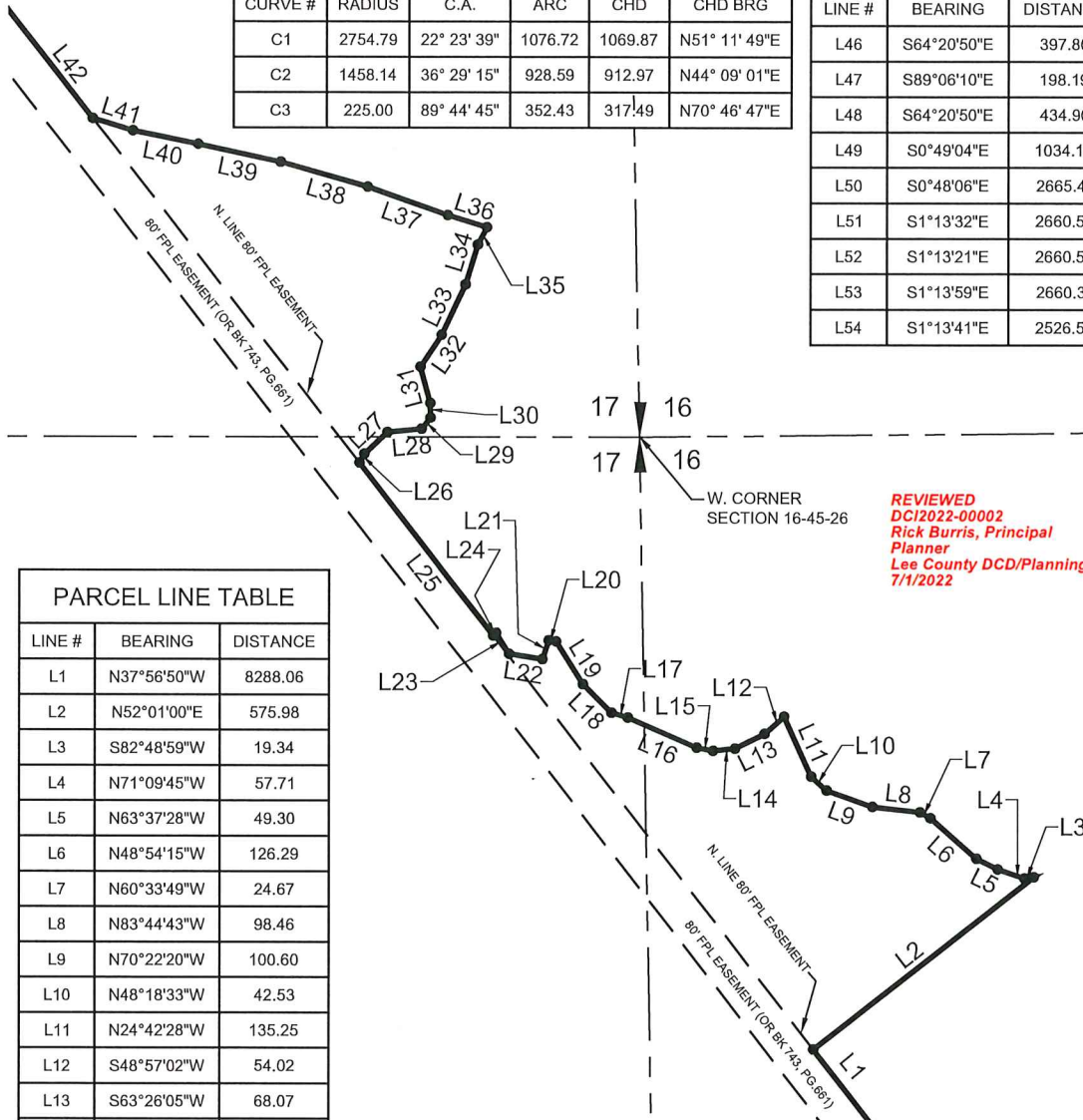
PROJECT: DANIELS PARKWAY SOUTH OVERALL PARCEL	CONTRIBUTOR: MORRIS DEPEU ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS FL CA F.O. 6332 • FL CEM F.O. 485091 • LC 20200330 Fort Myers 2914 Cleveland Avenue Fort Myers, Florida 33901 (239) 337-3903 Fax: (239) 337-3984 Toll free: 866-337-7241 Tallahassee 113 South Monroe Street 1st Floor Tallahassee, Florida 32301 Toll free: 866-337-7241 Destin 5397 Highway 99 Unit 501 Santa Rosa Beach, Florida 32459 Toll free: 866-337-7241	CLIENT: LENNAR	PROJECT MANAGER: TMR DRAWING BY: TAB JURISDICTION: LEE COUNTY DATE: 10-29-2021 SHEET TITLE: SKETCH AND DESCRIPTION SHEET NUMBER: 2 OF 3 JOB NUMBER: 19103
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LOCATION:
 LYING IN
 SECTIONS 8, 9, 16, 17 & 21
 TOWNSHIP 45 S.,
 RANGE 26 E.,
 LEE COUNTY, FLORIDA

SCALE 1"=1500'

CURVE TABLE					
CURVE #	RADIUS	C.A.	ARC	CHD	CHD BRG
C1	2754.79	22° 23' 39"	1076.72	1069.87	N51° 11' 49"E
C2	1458.14	36° 29' 15"	928.59	912.97	N44° 09' 01"E
C3	225.00	89° 44' 45"	352.43	317.49	N70° 46' 47"E

PARCEL LINE TABLE		
LINE #	BEARING	DISTANCE
L46	S64°20'50"E	397.80
L47	S89°06'10"E	198.19
L48	S64°20'50"E	434.90
L49	S0°49'04"E	1034.18
L50	S0°48'06"E	2665.41
L51	S1°13'32"E	2660.59
L52	S1°13'21"E	2660.58
L53	S1°13'59"E	2660.31
L54	S1°13'41"E	2526.55



PARCEL LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N37°56'50"W	8288.06
L2	N52°01'00"E	575.98
L3	S82°48'59"W	19.34
L4	N71°09'45"W	57.71
L5	N63°37'28"W	49.30
L6	N48°54'15"W	126.29
L7	N60°33'49"W	24.67
L8	N83°44'43"W	98.46
L9	N70°22'20"W	100.60
L10	N48°18'33"W	42.53
L11	N24°42'28"W	135.25
L12	S48°57'02"W	54.02
L13	S63°26'05"W	68.07
L14	S84°15'26"W	45.45
L15	N79°07'02"W	34.18
L16	N66°31'59"W	154.47
L17	N72°54'16"W	34.99
L18	N45°25'11"W	82.93
L19	N32°23'59"W	103.81
L20	N82°46'27"W	15.23
L21	S19°01'18"W	40.48
L22	N81°11'32"W	69.90
L23	N32°13'26"W	50.84
L24	S49°10'02"W	7.87
L25	N37°56'50"W	449.47

PARCEL LINE TABLE		
LINE #	BEARING	DISTANCE
L26	N29°19'28"E	20.34
L27	N47°11'44"E	65.51
L28	N84°08'32"E	71.02
L29	N38°34'37"E	29.66
L30	N0°51'38"W	29.94
L31	N15°35'20"W	77.08
L32	N33°48'21"E	78.80
L33	N25°23'33"E	114.63
L34	N16°58'54"E	85.90
L35	N27°52'17"E	39.89

PARCEL LINE TABLE		
LINE #	BEARING	DISTANCE
L36	N72°43'23"W	83.98
L37	N70°39'13"W	175.90
L38	N74°05'06"W	185.89
L39	N77°53'04"W	174.58
L40	N78°30'12"W	137.71
L41	N73°20'55"W	86.69
L42	N37°56'50"W	733.08
L43	N40°00'00"E	4509.83
L44	N62°23'39"E	1243.81
L45	N25°54'24"E	92.62

REVISIONS:
04-28-2022:REVISED PER COMMENTS

PROJECT:

DANIELS PARKWAY SOUTH
OVERALL PARCEL

LOCATION:

LYING IN
SECTIONS 8, 9, 16, 17 & 21
TOWNSHIP 45 S.,
RANGE 26 E.,
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CONSULTANT:



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5597 Highway 90
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Toll free: 866-337-7341

CLIENT:

LENNAR



PROJECTMANAGER:

TMR

DRAWINGBY:

TAB

JURISDICTION: LEE COUNTY

DATE:

10-29-2021

SHEET TITLE:

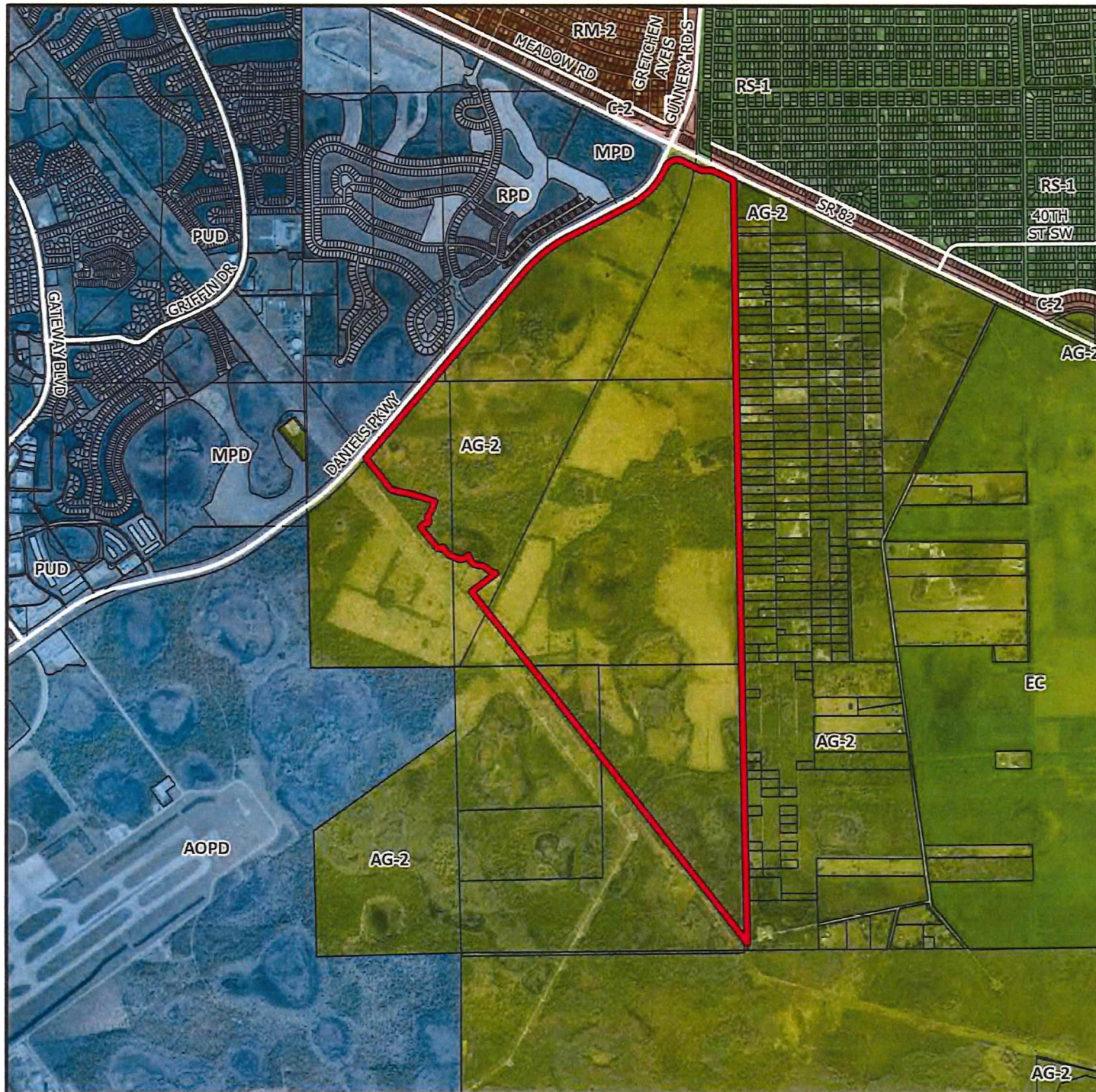
SKETCH AND DESCRIPTION

SHEETNUMBER:

3 OF 3

JOE/ALLEN NUMBER:

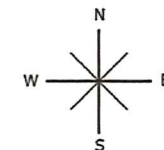
19103



DCI2022-00002

Zoning

 Subject Property



0 1,320 2,640 3,960 5,280
Feet

 Lee County
Southwest Florida

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS landscape

CONDITIONS

1. Master Concept Plan (MCP). Development must be consistent with the five page MCP entitled "Daniels Parkway South" prepared by Morris Depew and Associates, dated July 14, 2023, except where modified by conditions below. (MCP: Exhibit B1)

Compliance with Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC, except where deviations are approved herein. Changes to the MCP or conditions of approval may require further development approvals.

Approved Development Parameters. The project is approved to construct up to 1,600 residential dwelling units, 350,000 square feet of commercial uses, of which a maximum of 70,000 square feet may dedicated to medical office uses.

2. Permitted Uses and Property Development Regulations

- a. Schedule of Permitted Uses

Residential Single Family – SF

Accessory Uses and Structures

Dwelling Units:

Single-family

Two-Family Attached

Entrance Gates and Gatehouse: (Gatehouses limited to 2)

Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention Only

Fences, Walls

Home Occupation

Models:

Model Home

Model Unit

Parking Lot, Accessory (limited to lots abutting model homes/units)

Real Estate Sales Office (limited to clubhouse, amenity, or model locations)

Recreation Facilities, Personal

Signs

Temporary Uses (limited to Temporary Contractor's Office and Equipment Storage Shed)

Residential Multi-Family - MF

Accessory Uses and Structures

Administrative Offices

Dwelling Units:

Two-family Attached

Townhouse

Multiple Family Building

Entrance Gates and Gatehouse (Entrance Gates limited to 2, Gatehouse limited to 1)

Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention Only

Fences, Walls

Home Occupation

Models:

Model Home

Model Unit

Parking Lot, Accessory

Real Estate Sales Office (limited to clubhouse, amenity, or model locations)

Recreation Facilities, Personal, Private on-site

Signs

Temporary Uses (limited to Temporary Contractor's Office and Equipment Storage Shed)

Residential Amenities – RA

Administrative Offices

Clubs, Private

Consumption on Premises (only in conjunction with Food and Beverage Service, limited).

Food and Beverage Service, limited

Community Garden

Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention Only

Personal Services, Groups I and II (limited to Health Clubs or Spas)

Parking lot, Accessory

Real Estate Sales Office

Recreation Facilities, Private, on-site

Rental or Leasing Establishments, Group I

Signs

Specialty Retail Shops, limited to sales ancillary to residential amenity

Temporary Uses (limited to Temporary Contractor's Office and Equipment Storage Shed)

Commercial - C

Accessory Uses & Structures
Administrative Offices
Animal Clinic or Kennel
ATM
Auto Parts Store
Automobile Repair and Service, All groups
Banks and Financial Establishments, Groups I, II
Bar or Cocktail Lounge
Boat Parts Store
Building Material Sales
Business Services, Groups I, II
Car Wash
Cleaning and Maintenance Services
Clubs, Commercial, Fraternal, Private
Computer and Data Processing
Consumption on Premises
Contractors and Builders, All Groups
Convenience Food & Beverage Store (limited to one, up to 8,000 SF)
Cultural Facilities
Day Care Center, Child, Adult
Department Store
Drive-Thru Facility for any permitted use
Essential Services
Essential Services Facilities, Group I
Excavation, Water Retention
Fences, Walls
Food and Beverage Service, Limited
Food Stores, Group I
Funeral Home (No Crematory)
Hardware Stores
Healthcare Facilities, Groups I, II, III, IV
Hobby, toy, and game shops
Hotel/Motel
Household and Office Furnishings, All Groups
Insurance Companies
Laundry or Dry Cleaning, Group I
Lawn and Garden Supply Stores
Library
Manufacturing,
 Food and Kindred Products, Groups II (limited to malt beverages) &
 III
Medical Office
Motion Picture Production Studio

- Nightclubs
- Non-store Retailers, All Groups
- Package Store
- Paint, Glass & Wallpaper
- Parcel and Express Services
- Parking Lot
 - Accessory
 - Commercial
 - Garage
 - Public Park & Ride
 - Temporary
- Personal Services, All Groups (Except escort services, palm reader & tattoo from Group IV)
- Pet Services
- Pet Shop
- Photofinishing Laboratory
- Place of Worship
- Post Office
- Printing and Publishing
- Processing and Warehousing
- Real Estate Sales Office
- Recreation Facilities, Commercial, Groups I, III, & IV
- Religious Facilities
- Rental or Leasing Establishments, Group I, II, III
- Repair Shops, Group I
- Research and Development Laboratories, Groups II & IV
- Restaurant, Fast Food
- Restaurant, All Groups
- Schools, Commercial & Non-Commercial
- Self-Service Fuel Pumps (limited to a maximum of 12 pumps accessory to a Convenience Food and Beverage Store only)
- Signs
- Social Services, Groups I, II
- Specialty Retail Shops, All Groups
- Studios
- Theater
- Transportation Services, Groups I, II, III
- Used Merchandise Stores, Group I
- Variety Store
- Vehicle and Equipment Dealers, Groups I, II, III, IV
- Warehouse:
 - Hybrid Warehouse
 - Mini warehouse
 - Public

Emergency Services – ES

Administrative Offices
 Community Garden
 Cultural Facility
 Emergency Operations Center
 EMS, fire, or Sheriff's Station
 Essential services
 Essential services, Group I
 Excavation, water retention
 Fences, walls
 Library
 Maintenance Facility (Government)
 Parking lot, accessory
 Post Office
 Signs
 Transportation Services, Group II

b. Site Development Regulations

RESIDENTIAL PROPERTY DEVELOPMENT REGULATIONS Land Use	Min Lot Area (SF)	Min Lot Width (FT)	Min Lot Depth (FT)	Min Front Setback (FT)	Min Side Setback (FT)	Min Rear Lot Setback (FT) ¹	Max Building Height (FT) ²	Max Lot Coverage (%)
Single-family,	4,400	40	110	20	5	5	45	60
Two-family attached	3,300	30	110	20	Internal 0 External 5	5	45	60
Townhouse	2,200	20	110	20	Internal 0 External 5	5	45	60
Multi-family	7,150	65	110	20	7.5	5	65	55

NON-RESIDENTIAL PROPERTY DEVELOPMENT REGULATIONS

Land Use	Min Lot Area (SF)	Min Lot Width (FT)	Min Lot Depth (FT)	Min Front Setback (FT) ³	Min Side Setback (FT)	Min Rear Lot Setback (FT) ¹	Max Building Height (FT) ²	Max Lot Coverage (%)
Commercial	10,000	100	100	25	15	25	55	55
Hotel	10,000	100	100	25	15	25	65	55
Emergency Services Parcel	6,500	65	100	25	7.5	10	45	55

Notes:

1 Structural setback of 25 feet from boundary of preserved wetlands and 30 feet from the boundary of preserved uplands.

2 Maximum building heights determined during Development Order review based on airport height restriction lines shown on the MCP.

3 Secondary frontage on corner lots will be treated as a side setback.

3. Lighting – Airport Compatibility

Photometric Plans must demonstrate no light spillage into the preserves and conservation easement areas. Photometric Plans submitted with development order applications will be reviewed by the Lee County Port Authority (LCPA) for compliance with LDC §34-1110(a).

4. Construction Activities

Developer must coordinate construction activities with LCPA to ensure operations will not produce smoke, dust, visible fumes or vapors, glare, or other visual hazards. (LDC §34-1110(a)(3))

5. Groundwater Preservation

a. Irrigation wells. The first development order plans must identify the location and aquifer source for all irrigation wells. The development must utilize the on-site lakes for irrigation withdrawals with a maximum of eight groundwater makeup wells, of which a minimum of two must be finished into the Mid-Hawthorn Aquifer. Irrigation well locations must substantially comply with locations depicted on the Daniels Parkway South Conceptual Layout and Proposed Withdrawals dated April 10, 2023, attached as Exhibit B2.

b. Connection to Public Water and Sewer. Development order plans must depict connection to public water and sewer service.

c. Central Irrigation System. Development order plans must demonstrate that irrigation will be provided via a master-controlled central irrigation system. Property Owner Association documents, including Declarations and Covenants (submitted prior to Development Order approval and recorded prior to issuance of Certificate of Compliance), must prohibit installation of single-family use wells for potable or irrigation water. Landscape irrigation must comply with the Water Conservation Ordinance No. 17-04, as amended.

6. Enhanced Lake Management Plan

Prior to local development order approval, Figure 4 of the Enhanced Lake Management Plan (Exhibit B3) must be modified to reflect two Mid-Hawthorn Aquifer irrigation wells, and six Sandstone Aquifer irrigation wells.

The Surface Water Quality and Groundwater Level and Monitoring Plan submitted to and approved by the Division of Natural Resources must establish:

- a. Goals and Objectives. Overall objectives of the plan.
- b. Baseline Surface Water Quality Sample. Collection of a single baseline surface water quality sample completed prior to commencement of construction.
- c. Surface Water Quality Monitoring. Surface water quality monitoring must begin following completion of the stormwater water management system. Surface water quality monitoring must occur at six locations and consist of two “wet” season (June through September) sampling events and a single “dry” season (October through May) sampling event.

Testing. Sampling/Monitoring must test for Total Kjeldahl Nitrogen (mg/L), Ammonia (mg/L), Ammonium (mg/L), Total Nitrogen (mg/L), Nitrite (mg/L), Nitrate (mg/L), Chlorophyll A (mg/M³), Total Phosphorus (mg/L), and Orthophosphate (mg/L), Field Temperature, Field Specific Conductance, Field pH and Field Dissolved Oxygen.

In addition, Total Suspended Solids, Zinc, Iron, E. coli, and Total Hardness, must be sampled on the same schedule, at two of the six locations, located along the western development boundary.

- d. Submission of Surface Water Data. Water quality monitoring data/results must be submitted annually to the Division of Natural Resources following issuance of first development order. Annual submittal must include a report comparing onsite data to State water quality standards, where applicable, plots of test results, conclusions, and recommendations.

Five years after issuance of final Certificate of Compliance, and after meeting or exceeding State water quality monitoring standards, developer may request to eliminate water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Monitoring results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division.

- e. Groundwater Monitoring. Developer must install a single Sandstone Aquifer groundwater level monitoring well on the eastern project boundary. Water level monitoring measurements must be performed hourly and the data submitted to the Division of Natural Resources quarterly as an Electronic Data Deliverable (EDD), in a format approved by the Division. Developer may amend water level monitoring and reporting after written request, review, and approval by the Division.
- f. Contingency Plan. A contingency plan in the event an exceedance of State Water Quality Standards is discovered. The contingency plan must include notification to residents within the development and applicable authorities.

- g. Annual Surface and Groundwater Withdrawal Reporting. Developer must submit the previous calendar year's monthly pumpage for surface and groundwater withdrawals to the Division of Natural Resources annually.
- 7. Open Space
Development order plans for the first development order must depict 60 percent open space. Project open space must total 739.8 acres overall. Of that acreage, 679.1 acres must consist of indigenous open space. (Indigenous open space must comprise fifty-five percent of project acreage.) If the first development order includes the commercial tract, the commercial tract must depict ten percent open space.
- 8. Indigenous Preservation, Restoration, and Management Plan
 - a. Compliance with Indigenous Preservation, Restoration and Management Plan. Development order plans must be in substantial compliance with the Indigenous Preservation, Restoration and Management Plan attached as Exhibit B4. Phasing may be changed to allow sub-phasing.
 - b. Conservation Easements. Required conservation easement(s) must be recorded within five years of the first development order approval. Conservation easement(s) must be dedicated to an appropriate maintenance entity and provide Lee County or some other public agency, acceptable to the County, with third party enforcement rights.
 - c. Phasing Schedule. Development order plans for the first development order must include a phasing schedule for the indigenous preservation and restoration showing completion within five consecutive years from the approval date of the first development order.
 - d. Methods of Exotic Removal. Development order plans for the first development order must include a map depicting the location of mechanical and hand-removal methods of exotic vegetation.
 - e. Maps. Applicant must submit vegetation removal permits that include point maps depicting the work limits for the preservation, restoration, and mechanical exotic removal.
- 9. Wildlife Monitoring Program
Prior to construction, developer will coordinate a wildlife monitoring program with the LCPA and Department of Community Development staff. During construction of horizontal infrastructure and prior to Certificate of Compliance, monitoring will include periodic observations within the development footprint and preserve areas. The observations must be conducted by a qualified biologist familiar with airport hazardous wildlife attractants to identify and reduce potential wildlife hazards during construction, dewatering, initial exotic vegetation removal, and other site preparation activities. Monitoring is necessary only during those activities or if hazardous wildlife attractants exist.

In addition, the monitoring program will include construction-related Best Management Practices (BMPs) similar to those successfully implemented for

projects at the Southwest Florida International Airport. Monitoring during construction activities will cease when all horizontal infrastructure construction activities are complete and will not be required post construction so long as no hazardous wildlife attractants exist onsite.

The following BMPs (at a minimum) will be incorporated into the Wildlife Monitoring Program:

- a. Stormwater management system within the SWFIA 10,000-foot hazardous wildlife buffer will utilize hardened shorelines and will be maintained in a manner that keeps them free of emergent and submergent vegetation.
- b. Pursuant to LDC §34-1110(a)(8), use of land or developments that attract birds and other wildlife hazardous to aircraft or airport operations, greater than existing conditions are prohibited. Developments with sanitary landfills, waste disposal operations, underwater waste discharge, wastewater treatment facilities, agricultural activities, artificial marshes, wetland mitigation and creation, etc. will be reviewed on a case by case basis to determine the likelihood of creating a wildlife attractant hazardous to air navigation. If the LCPA and FAA determine a bird/wildlife attractant exists, the landowner will have sole responsibility to eliminate the hazard.
- c. Existing wetland and upland habitats within the SWFIA 10,000-foot hazardous wildlife buffer will be managed such that they are restored where applicable in a like for like manner.
- d. Plantings within the SWFIA 10,000-foot hazardous wildlife buffer must adhere to the LCPA Compatible Native Plant list. Attached as Appendix F of Exhibit B4
- e. Construction contractors must carefully control and continuously remove waste or loose material that might attract wildlife.
- f. Construction personnel must be aware of and avoid construction activities that could create airspace hazards off the end of the runway by attracting wildlife.
- g. Trash and food scraps from construction personnel activity must be collected and properly disposed of routinely.
- h. Except for stormwater management lakes and areas specifically designated for dewatering, large pools of water that collect within the development area must be eliminated at the earliest opportunity to minimize wildlife attractants.
- i. Permanent Turf grass replacement within the SWFIA 10,000-foot hazardous wildlife buffer must be completed via sodding. Other temporary stabilization methods may be considered if coordinated and approved by LCPA and DCD. It is developer's responsibility to ensure hazardous wildlife attractants are not created by temporary stabilization methods and must immediately correct issues, once identified. Open seeding is prohibited.
- j. Construction contractor must communicate with the project biologist at least five days before making hydrologic changes (dewatering activities) within

the construction area. Initiation of hydrologic changes (dewatering) must be timed to minimize the attractiveness for dusk and dawn scavengers.

- k. Construction clearing/fill activities may turn-up organic materials, vegetation, or soils containing crustaceans, invertebrates, fish, or others prey species. Contractors must minimize the time turned up material is left exposed to the greatest extent possible. These areas must be inspected at regular intervals for foraging wildlife. If these wildlife attractants are observed, the construction company must minimize the hazard throughout the day to the extent possible.
- l. Construction contractor must allow wildlife the opportunity to move out of harm's way.
- m. Construction contractor or designated observer must immediately dispose of carcasses found on site. Disposal may be achieved by burial at a depth of 36 inches or by other acceptable means of disposal.
- n. Wildlife monitoring must occur once per week during dewatering, land clearing/filling, and initial exotic vegetation removal activities and will continue through construction of all horizontal infrastructure. If construction activities are found to be attracting wildlife (i.e., flocks of birds), monitoring will occur more frequently (preferably daily at dawn and dusk). Conversely, monitoring activities may be reduced, particularly in areas outside the SWFIA 10,000-foot hazardous wildlife buffer, when site conditions and monitoring results indicate low potential for hazardous wildlife attractants. The reduced monitoring schedule must be coordinated and approved by the applicable LCPA and DCD staff prior to implementation.

If wildlife hazards are identified within the project, the project team will coordinate with LCPA staff (and FAA, if necessary) to immediately correct the issue(s). This effort may involve coordination with local, state, and federal permitting agencies.

10. Protected Species

- a. The first development order application must include the Protected Species Management and Human Wildlife Coexistence Plan in substantial compliance with the Plan dated/revised September 2022 attached as Exhibit B5
- b. Prior to issuance of a Vegetation Removal Permit, developer must submit updated species surveys and provide protection measures for protected species located within approved clearing limits.

11. Landscaping Requirements

- a. Landscape plans submitted with the application for development order for the eastern property boundary of the commercial tract must depict a 25-foot-wide buffer with seven trees, a double hedge row, and 33 ground covers per 100 linear feet. Palms are limited to a maximum of 25 percent of the buffer tree requirement. The hedge must be 48 inches in height at

- installation and be maintained at 72 inches high. Ground covers must be a minimum one-gallon container size at time of planting.
- b. Developer must install a minimum 15' wide Type D buffer between residential development tracts and the eastern property boundary. At developer's option, the buffer may include a solid opaque residential project wall.
 - c. Landscape plans submitted with the development order for the residential portion must depict plant material meeting Type D buffer requirements (five trees per 100 linear feet and a double staggered hedge) where the project will use preserve areas to meet the buffer requirements. If the plant material does not exist within the preserve, the developer must install plant material necessary to meet the requirements. If the developer uses restoration plant materials to meet buffer requirements, plant material specifications must meet LDC plant material standards.
 - d. Development order landscape plans must depict 100 percent native vegetation for required buffers and landscaping. Buffers within the 10,000-foot Hazardous Wildlife Buffer and not included in the Indigenous Preservation, Restoration, and Management Plan must be planted using landscape materials in compliance with LCPA "Recommended Compatible and Non-Compatible Native Landscape List" attached as Exhibit B4, (Appendix F). Planting requirements and plant list must be incorporated into project covenants and deed restrictions.

12. Potential Traffic Signalization.

Turning volumes projected in the zoning TIS indicate signal warrants will be met at the project's northern and southern driveways. The first development order application proposing access to Daniels Parkway at each location must include a detailed signal warrant projection based on buildout traffic conditions at each driveway, including full project buildout established by the approved development parameters. If the County Traffic Engineer deems a traffic signal will be warranted at either intersection, Developer must incorporate the design of a new traffic signal with the development order submittals for the proposed access. Should Developer decide to design the signal(s) as a part of a separate limited review development order for offsite improvements, the LDO must be approved prior to issuance of a Certificate of Occupancy for dwelling units or Certificate of Completion for vertical commercial construction.

In addition to design, the Developer and County must enter into a Signalization Agreement detailing items necessary to construct the signal(s) including, but not limited to, timing of construction, funding, and entity responsible for construction oversight. The County is not responsible for the cost of design or construction of traffic signals serving the project.

13. Agricultural Uses:

- a. Bona fide agricultural uses consisting of "livestock grazing, row crops", in existence when the application was filed, may continue in accordance with the Agricultural Use Affidavit filed with the zoning application until

development order approval for the area containing those uses. Development orders for plats, infrastructure improvements, landscaping, surface water management, or other non-vertical development do not trigger termination.

- b. Clearing or injury of native trees and/or other native vegetation, including understory, in agricultural areas is prohibited. Existing areas of bona fide agricultural use that include existing grass pasture(s) may be mowed but may not be cleared or expanded. This prohibition of clearing or expansion is not intended to preclude County approved requests for removal of invasive exotic vegetation. Violations will require restoration in accordance with LDC requirements.
- c. Prior to issuance of a development order for a tract/phase, existing agricultural uses must be discontinued upon approval for development defined in LDC Chapter 34. Development not including within the definition but that requires a development order under LDC Chapter 10 (including but not limited to plats, lot splits and lot recombination) will not trigger the requirement to discontinue agricultural uses. Applicant, successors, and assigns must provide written proof, subject to approval by the Lee County Attorney's Office, of the following:
 - 1) Termination of agricultural uses on portions of the property included in the development order application/approval. Proof must include an affidavit from the person/entity holding title to the property that provides:
 - a) Date agricultural uses ceased.
 - b) Legal description of the property subject to the development order approval.
 - c) An affirmative statement that the applicant, its successors, or assigns acknowledge and agree agricultural uses are illegal and prohibited on the property and that the owner covenants with the County they will not allow such uses on the property unless and until the property is rezoned to permit such uses; and,
 - d) That the affidavit constitutes a binding covenant between the applicant, its successors, or assigns, and the County. The covenant must be properly recorded in the Lee County public records at the expense of the applicant, its successors or assigns.
 - 2) Termination of the agricultural tax exemption for any portion of the property included in the development order application/approval. Proof of termination must include a copy of the request to terminate the tax exemption submitted to the property appraiser.

14. Model Homes and Real Estate Sales

- a. Maximum number: 10
- b. Location must be identified on development order plans.
- c. Real estate sales are limited to lots/units within the MPD.
- d. Models may not duplicate floor plans. Each must feature a different design.
- e. Development order applications including model home(s) must include the following:
 - 1) Number and location of model homes.
 - 2) Cumulative number and location of model homes permitted in prior development order approvals.
 - 3) Remaining number of model homes permitted within the MPD; and
 - 4) Once the permissible maximum number of model homes has been reached, the number and location of model homes to be extinguished to accommodate new model homes.

15. Airport Noise Zone

Developer acknowledges the property's proximity to Southwest Florida International Airport and the potential for noises created by and incidental to the operation of the airport as outlined in LDC §34-1104 and that a disclosure statement is required on plats, and in association documents for condominium, property owner and homeowner associations as outlined in LDC §34-1104(b).

16. Daniels Parkway Access

Access points depicted on development order plans must be consistent with the Daniels Parkway Controlled Access Resolution (Lee County Resolution 22-03-19). If the Board of County Commissioners amends Resolution 22-03-19, developer may amend the MCP administratively to depict approved driveway locations.

17. Bear-proof Trash Receptacles Required

- a. Trash receptacles utilized on Commercial, Residential and Residential Amenity tracts must be a "bear-proof" design and located within completely enclosed structures except on trash collection day.
- b. Grease traps must be located below ground.

18. State and Federal Permits

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

- b. State Wetland Permits. Developer may not commence construction on development impacting wetlands until issuance of required state permits. Development activity must comply with state wetland permits and applicable local development permits.

If the State does not approve wetland impacts or if State wetland permits are not consistent with proposed wetland impacts reflected in County development permits, then Developer must amend County development permit approvals to be consistent with state wetland permits and applicable Lee Plan and LDC regulations regarding development within wetlands.

DEVIATIONS

1. Lake Slope. Deviation from LDC §10-329(d)(4), which requires shorelines of excavations for retention and detention areas to be sloped at a ratio not greater than six horizontal to one vertical from the top of bank to a water depth of two feet below the dry season water table, to allow the shorelines of excavations for retention and detention areas within the Airport Wildlife Hazard Protection Zone to be sloped at a ratio of four horizontal to one vertical from the top of bank to a water depth two feet below the dry season water table with enhanced slope protection measures proposed by the project engineer at the time of development order to prevent erosion and scouring.

Deviation Approved.

2. Surface Water Management System Planting Requirements. Deviation from LDC §10-418(2) b. and c., which require planted littoral shelves for surface water management systems to mimic the function of natural systems, subject to certain design requirements, to allow those surface water management systems within the Airport Wildlife Hazard Protection Zone to eliminate the planted littoral shelf requirement.

Deviation approved with the following condition:

- a. Prior to development order approval for lakes within the 10,000-foot Hazardous Wildlife Buffer Zone, landscape plans must depict one native wetland tree per 100 required littorals per the littoral calculation in LDC §10-418(2) d.2. The native wetland trees must meet LDC §10-420(c)(1) plant specifications and the LCPA "Compatible and Incompatible Native Landscape List".

3. Littoral Planting Requirements. Deviation from LDC §10-418(2) d.3, which limits substitution of native wetland trees to 25 percent of the required number of herbaceous plants, to allow substitution of 100 percent of the required number of herbaceous plants to be native wetland trees.

Deviation approved with the following condition:

- a. Prior to development order approval for lakes within the 10,000-foot Hazardous Wildlife Buffer Zone, landscape plans must depict one native wetland tree per 100 required littorals per the littoral calculation in LDC §10-418(2)(d)(2). The native wetland trees must meet LDC §10-420(c)(1) plant specifications and the LCPA "Compatible and Incompatible Native Landscape List".
4. Hardened Shoreline Structures. Deviation from LDC §10-418(3), which limits bulkheads, geo-textile tubes, rip-rap revetments or other similar hardened shoreline structures to 20 percent of an individual lake shoreline and prohibits use of these structures adjacent to single-family residential uses, to allow bulkheads, geo-textile tubes, rip-rap revetments or other similar hardened structures to be used for 100 percent of an individual lake shoreline and to allow these hardening methods to be used adjacent to single-family residential uses.

Deviation approved, subject to the following condition:

- a. Development order plans depicting lakes within the 10,000-foot Hazardous Wildlife Buffer Zone abutting single-family residential uses must provide signs and fencing cautioning residents of steep-sided slopes.
5. Local Street Design. Deviation from LDC §10-296(e)(3) e.4.iii, which requires non-urban local streets designed with open drainage, to allow non-urban local streets designed in accordance with the requirements for suburban local streets with closed drainage consistent with LDC §10-296(e)(2) h.5.iii, limited to residential areas only.

Deviation Approved.

Exhibits to Conditions:

B1 Master Concept Plan Daniels Parkway South dated July 11, 2023

B2 Daniels Parkway South Conceptual Layout and Proposed Withdrawals dated April 10, 2023 (Location of Irrigation Wells)

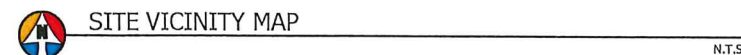
B3 Daniels Parkway South Enhanced Lake Management Plan Rev. November 2022

B4 Daniels Parkway South Indigenous Preservation, Restoration, and Management Plan Revised September 2022.

B5 Daniels Parkway South Protected Species Management and Human-Wildlife Coexistence Plan Revised September 2022

2023 JUL 14 AM 8:01

SECTION 9, 16, 17, 21, TOWNSHIP 45S, RANGE 26 E
LEE COUNTY, FLORIDA



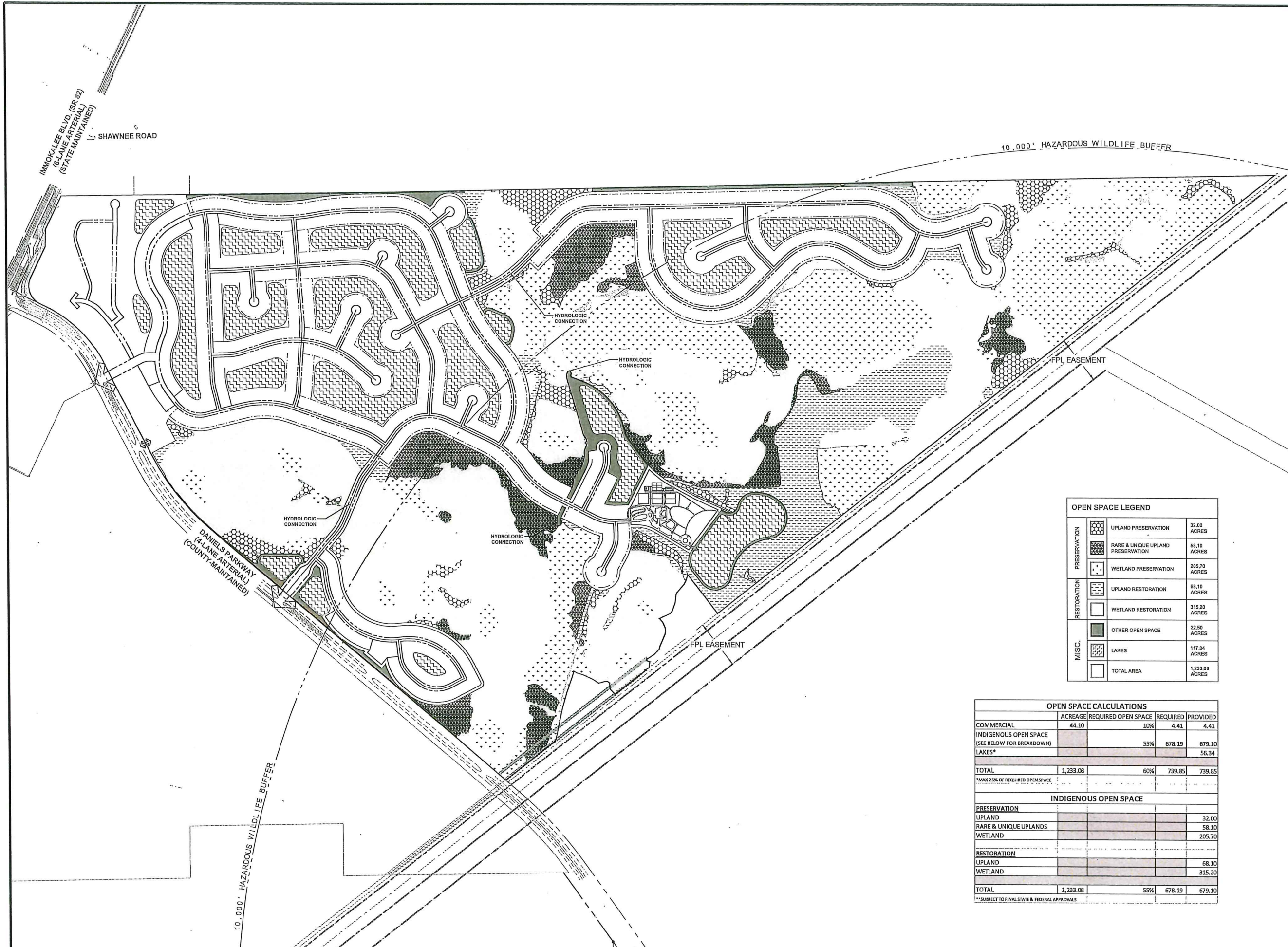
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					DESCRIPTION	NUMBER
LEE CO.	SFWMID	LCU	DOH	FDEP	PLANNING	
✓					COVER SHEET	COVER
✓					MASTER CONCEPT PLAN	X-101
✓					OPEN SPACE	X-102
✓					AIRPORT OVERLAYS	X-103
✓					NOTES & DETAILS	X-501



PREPARED BY:

REVISIONS	DATE
PROJECT MANAGER:	TME
DRAWING BY:	MML
JURISDICTION:	LEE COUNTY
DATE:	7/11/2023
SHEET TITLE:	
COVER SHEET	
SHEET NUMBER:	COVER
JOB/FILE NUMBER:	
21008-01	

EXHIBIT B-1



OPEN SPACE LEGEND		
PRESERVATION	UPLAND PRESERVATION	32.00 ACRES
	RARE & UNIQUE UPLAND PRESERVATION	58.10 ACRES
	WETLAND PRESERVATION	205.70 ACRES
RESTORATION	UPLAND RESTORATION	68.10 ACRES
	WETLAND RESTORATION	315.20 ACRES
	OTHER OPEN SPACE	22.50 ACRES
MISC.	LAKES	117.04 ACRES
	TOTAL AREA	1,233.08 ACRES

OPEN SPACE CALCULATIONS				
	ACREAGE	REQUIRED OPEN SPACE	REQUIRED	PROVIDED
COMMERCIAL	44.10	10%	4.41	4.41
INDIGENOUS OPEN SPACE (SEE BELOW FOR BREAKDOWN)		55%	678.19	679.10
LAKES*				56.34
TOTAL	1,233.08	60%	739.85	739.85
*MAX 25% OF REQUIRED OPEN SPACE				
INDIGENOUS OPEN SPACE				
PRESERVATION				
UPLAND				32.00
RARE & UNIQUE UPLANDS				58.10
WETLAND				205.70
RESTORATION				
UPLAND				68.10
WETLAND				315.20
TOTAL	1,233.08	55%	678.19	679.10
**SUBJECT TO FINAL STATE & FEDERAL APPROVALS				

PROJECT:

DANIELS PARKWAY SOUTH
MIXED USE PLANNED
DEVELOPMENT

LOCATION:

13400 DANIELS PARKWAY
LEE COUNTY, FLORIDA

CLIENT:

LENNAR

CONSULTANT:

MORRIS
DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
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PREPARED BY:

REVISIONS	DATE

PROJECT MANAGER: TME

DRAWING BY: MGE

JURISDICTION: LEE COUNTY

DATE: 7/11/2023

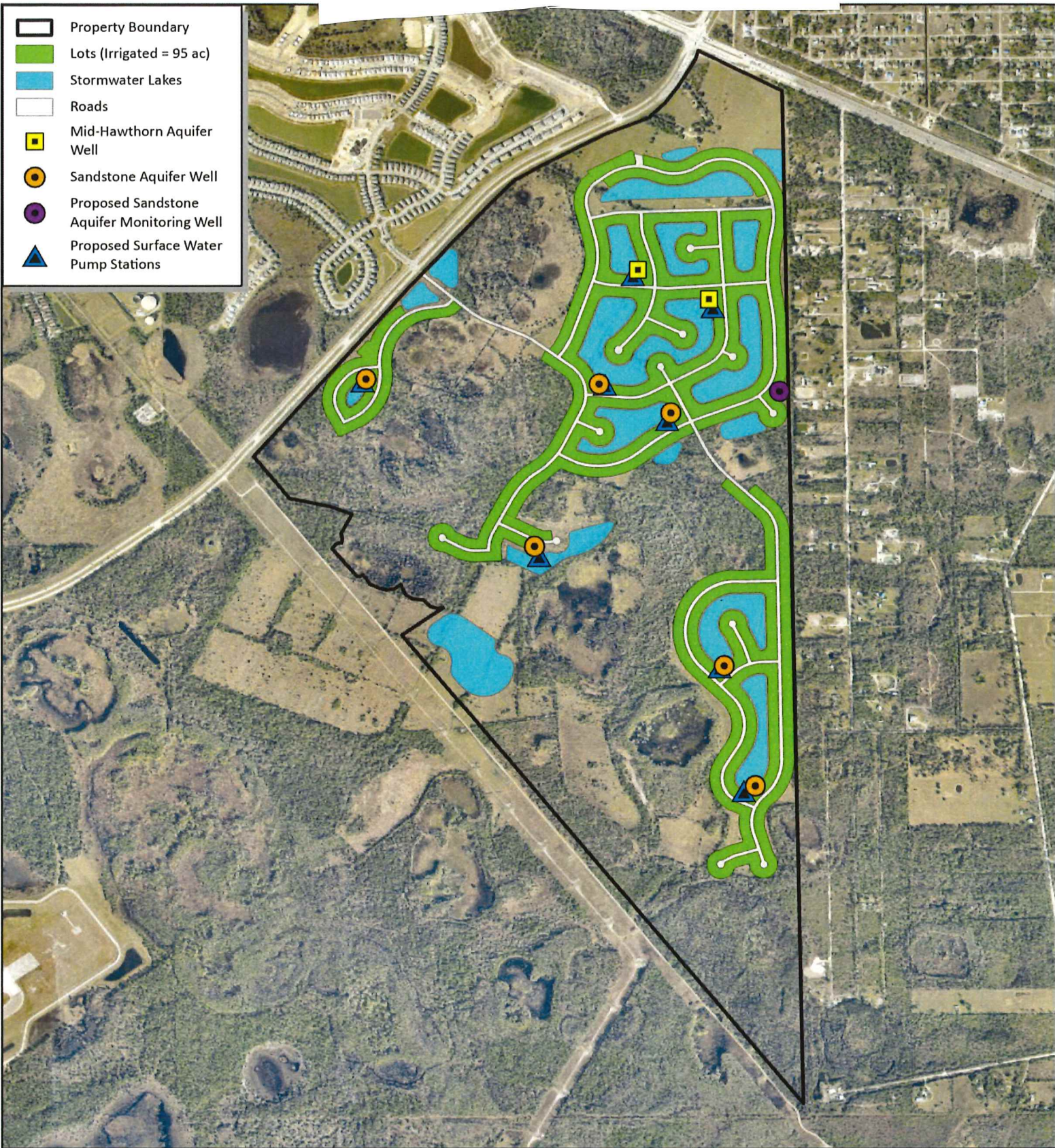
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SHEET NUMBER: X-102

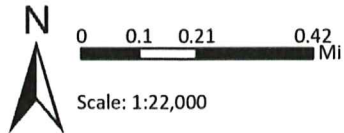
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JOB/FILE NUMBER: 21008-01

EXHIBIT B2



Daniels Parkway South
Conceptual Layout and
Proposed Withdrawals
Lee County, Florida

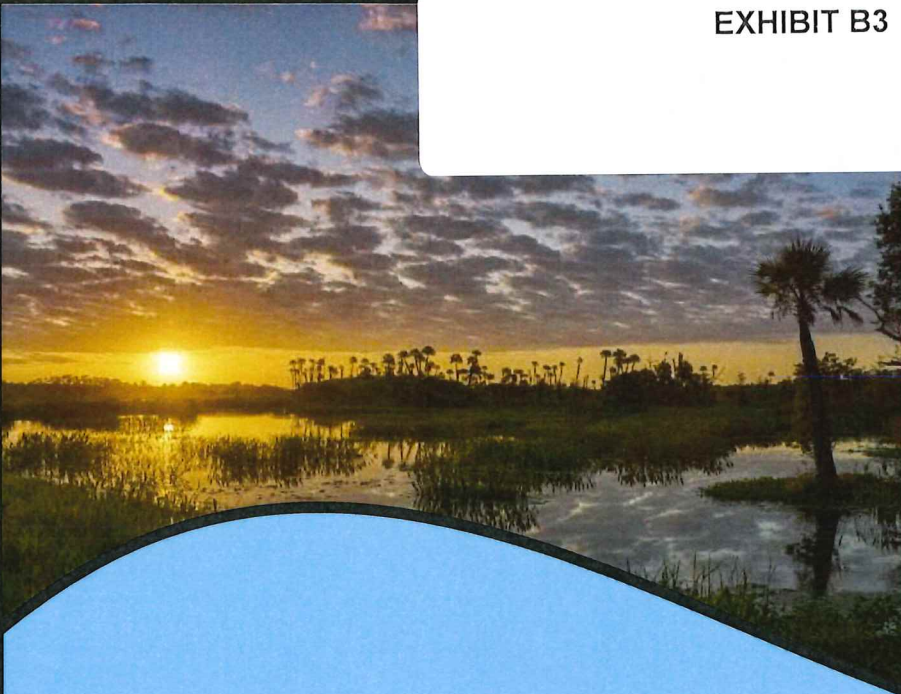


Progressive Water Resources, a Division of RESPEC, LLC has provided the images or data presented in this map for informational purposes only. This data is not intended to be used in lieu of official survey data provided by a Professional Surveyor licensed by the State of Florida

4/10/2023

Image: ESRI World Imagery





Enhanced Lake Management Plan Daniels Parkway South *Lee County, Florida*



Prepared By:
RESPEC Company, LLC

Rev. Nov 2022



Daniels Parkway South – Enhanced Lake Management Plan

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Introduction

The proposed Daniels Road South mixed-use residential development encompasses approximately 1,233 acres and offers a unique opportunity to enhance water resource benefits within the highly-disturbed project site. Historically, approximately 553 acres (45 percent) of the property was used for row crop farming but is currently characterized as improved pasture and currently utilized for livestock grazing. The remainder of the property is composed of pine and oak forest, palmetto prairie, hydric pine, wet prairies and cypress heads. Onsite observations indicate many areas are heavily infested with invasive plants, namely *Melaleuca* and Brazilian Pepper. Of the 1,233-acre property, approximately 1,149 acres (93 percent) is located within Lee County's Density Reduction/Groundwater Resource (DR/GR) area, as shown in **Figure 1**. The remaining 84 acres, outside of the DR/GR and south of State Highway 82, are within the Central Urban Land Use category. The property is also located north and west of Lee County's Wild Turkey Strand Preserve, the third-largest conservation preserve in Lee County.

The property has a long history of farming and was used for agricultural purposes since the late 1950s, resulting in the creation of numerous historic farm roads and agricultural ditches which facilitated drainage of wetlands and other low-lying areas. In addition, the northern section of the site was part of a large World War II military training facility (Buckingham Army Airfield) that constructed multiple triangular-shaped earthen berms located south of Highway 82 that were part of facility's aerial gunnery ranges. One of the earthen WWII features occurs on the northern section of property and, along with alterations associated with historic farming operations, contributes to the highly-disturbed nature of the site.

As part of the historic farming operations, a prominent northeast-southwest trending elevated dirt road was constructed that resulted in bifurcating the property's drainage, with the western side of the site draining towards the Six Mile Cypress watershed and the eastern side draining towards the Estero River watershed. Onsite observations indicate that the area west of the divide, constituting approximately 415 acres, or 34 percent, remains hydrologically separated from lands to the east and can conceivably be considered as "isolated" from the balance of the DR/GR. Natural surface water flows originating from the western section of the property also appear constrained by Daniels Parkway, to the east. Given the totality of hydrologic alterations that have occurred onsite, the proposed Daniels Road South mixed-use residential development offers a unique opportunity to re-establish hydrologic connections that will facilitate hydrologic communication between the isolated western section of the property with the balance of DR/GR to the east.

Consistent with the proposed hydrologic restoration of the site, the development's proposed irrigation system will seasonally offset proposed groundwater use with surface water stored in dedicated stormwater-wet detention lakes. Irrigation quantities are proposed to be regulated by a centrally-controlled irrigation system whereby individual homeowners are prevented from altering the initiation and duration of irrigation events. The conjunctive use of both ground and surface water supplies significantly reduces groundwater demands when adequate surface water supplies are available (i.e., post-rainy season). Achieving the hydrologic restoration of the property, while conserving water resources, is consistent with Lee Plan policies and goals, and when coupled with the management practices proposed herein, provides a framework of protection measures that enhance and safeguard

the water resources of the northern Density Reduction/Groundwater Resource (DR/GR) area.

In accordance with Lee County's Comprehensive Plan (The Lee Plan), proposed developments within the DR/GR must demonstrate the protection, preservation, and enhancement of groundwater resources and environmental (wetland) systems. As demonstrated herein, the Daniels Road South project offers several important water resource protection measures that will result in the following Water Resource Benefits to the DR/GR:

Water Resource Benefits

- The total proposed lawn and landscape area within the Daniels Road South development is approximately 95 acres and represents a decrease of approximately 458 acres (79 percent reduction) as compared to the existing livestock areas.
- The Daniels Road South development will utilize both captured stormwater and groundwater for irrigation, whereby groundwater quantities from the Sandstone Aquifer are used to supplement surface water irrigation supplies within the project's stormwater management system lakes. Irrigation quantities will then be withdrawn from the lakes to irrigate lawn and landscaped areas. The proposed conjunctive use of both ground and surface water is anticipated to conserve groundwater supplies that would otherwise have to be withdrawn from the Sandstone Aquifer. When adequate surface water supplies are available, groundwater usage will be reduced, or possibly eliminated, thereby furthering the project's resource benefits within the DR/GR.
- The project includes a master-controlled irrigation system that will regulate the initiation and overall duration of irrigation events in order to increase irrigation water use efficiency and enhance water conservation (i.e., no individual homeowner will have access to irrigation timers). Evapotranspiration sensors are also proposed for each irrigation pump station and future plans may include an integrated communication system between the controller clocks and the irrigation pump station(s).
- Currently there is little, if any, stormwater attenuation or treatment onsite. Improved surface water quality is anticipated through the creation of numerous interconnected stormwater management system lakes.
- Integrated surface and groundwater modeling indicates that the proposed stormwater management system enhances recharge to the underlying aquifers, thereby improving hydrologic conditions within the DR/GR.
- Only professional landscape businesses registered with Lee County will be allowed to perform their services at the Daniels Road South development. Proof of completion of a Lee County-approved Best Management Practices (BMP) training program will be required.
- To further protect the water resources, the Daniels Road South project includes surface water quality monitoring of the proposed stormwater lake outfalls to document that no adverse

surface water quality conditions will occur because of the proposed change in land use.

- Twice-daily groundwater level monitoring of the Sandstone Aquifer is also proposed along the east side of the development.

Collectively, these Water Resource Benefits represent a high level of water resource and environmental protection and, in many cases, exceeds the future land use requirements contemplated by Lee County's Comprehensive Plan. For ease of use and understanding, the Daniels Road South Enhanced Lake Management Plan (ELMP) contain Sections that address key water resource protection elements, with each of the main ELMP Sections in turn having Subsections that provide specificity regarding the management actions necessary to safeguard the water resources. Where applicable, BMPs are provided to highlight specific water resource protection measures.

Proposed Deviations from Lee County Land Development Code

A portion of the subject property is within the Southwest Florida International Airport. FAA Advisory Circular 150/5200-33B, published August 28, 2007, provides guidance on land uses that have the potential to attract hazardous wildlife on or near public airports and requires 10,000 feet of separation are provided from hazardous wildlife attractants. The advisory also states under the summary for "New storm water management facilities" that "to facilitate the control of hazardous wildlife, the FAA recommends the use of steep-sided, rip-rap lines, and narrow, linearly shaped water detention basins." In addition, the summary states "all vegetation in or around detention basins that provide food or cover for hazardous wildlife should be eliminated." Therefore, the following deviations are incorporated into the ELMP.

1. Deviation from Section 10 -329(d)(4) which requires the shorelines of excavations for retention and detention areas to be sloped at a ratio not greater than six horizontal to one vertical from the top of bank to a water depth of two feet below the dry season water table TO PERMIT the shorelines of excavations for retention and detention areas within the Airport Wildlife Hazard Protection Zone ("AWHPZ") to be sloped at a ratio of four horizontal to one vertical from the top of bank to a water depth two feet below the dry season water table with enhanced slope protection measures to be proposed by the project engineer at the time of development order to prevent erosion and scouring. Within the AWHPZ acceptable enhanced slope protection measures may include, but are not limited to, use of an appropriate geosynthetic turf reinforcement mat or similar shoreline stabilization technique and might include hardened structures such as those identified in Section 10-418(3). The design technique(s) used will be determined at the time of development order by the project engineer upon approval by the Director based upon evaluation of site-specific conditions at that time.
2. Deviation from Section 10-418(2) & (3) which require a planted littoral shelf for all surface water management systems to mimic the function of natural systems TO PERMIT those surface water management systems within the Airport Wildlife Hazard Protection Zone to eliminate the planted littoral shelf requirement and to permit the substitution for 100% of the required littoral plantings for native wetland trees.

3. Deviation from Section 10-418(2)(d)(3) which limits substitution of native wetland trees may to 25 percent of the required number of herbaceous plants TO PERMIT substitution for 100 percent of the required number of herbaceous plants to be native wetland trees.
4. Deviation from Section 10-418(3) which limits Bulkheads, Geo-textile tubes, riprap revetments or other similar hardened shoreline structures to 20 percent of an individual lake shoreline and these structures cannot be used adjacent to single-family residential uses TO PERMIT that Bulkheads, Geo-textile tubes, riprap revetments or other similar hardened structures may be used for 100 percent of an individual lake shoreline and may be used adjacent to single-family uses.

Section 1. Historic Surface Water Hydrology

To better understand the proposed water resource management elements contained within this ELMP, it is important to provide a basic context of the historic, pre-development surface water flows on the property. The project site generally exhibits a relatively flat topographic relief, with the highest naturally-occurring land surface elevation of approximately 27 feet NAVD88 located on the northeastern portion of the property, immediately south of Highway 82. The lowest land surface elevations are located to the south and southeast at approximately 21 feet NAVD88.

Prior to agricultural development, the subject property was predominantly characterized as open rangeland and pine flatwoods, interspersed with shallow freshwater forested/shrub and emergent wetlands. Prior to any anthropogenic disturbances, 1944 historic aerials indicate the presence of semi-connected wetland features as shown in **Figure 2**. Development of agricultural operations at the project site began in the early 1950s and farming activities necessitated the construction of a grid pattern of drainage ditches that eliminated the naturally occurring surface water flow paths as shown in **Figure 3**. In addition, a well-defined access road was constructed to provide year-round access to the farm fields and was significant enough to be identified by the South Florida Water Management District (SFWMD) as a surface water basin divide.

In addition, several historical connecting ditches are evident in and around onsite wetlands and were presumably used to shorten hydroperiods and further facilitate drainage. The existing onsite drainage ditches were used to reduce water table elevations and subsequently lowered recharge potential. Depending on the ditch characteristics, such features can negatively impact nearby environmental features (wetlands) and consequently the water resources within the DR/GR. Hydrologic alterations can also favor the growth of exotic and nuisance plant species.

Please note that the Daniels Road South property occurs within a single Water Body Identification (WBID) No. 3258D₃ (Estero River), which is not impaired as reported by the Florida Department of Environmental Protection (FDEP). It is important to note that the FDEP places the entire property within the Estero River WBID and does not differentiate the site into eastern and western sections.

Given the totality of hydrologic alterations that have occurred onsite, the proposed Daniels Road South development offers a unique opportunity to re-establish connections that will facilitate hydrologic communication of the isolated western section of the property with the balance of DR/GR. The proposed connection will preferentially allow movement of seasonally high surface waters to be conveyed towards the southeast corner of the property as occurred historically. In addition, the Daniels Road South project aims to eliminate wetland rim-ditching to help restore the wetland systems' hydroperiods.

Section 2. Proposed Water Resources Best Management Practices

As the Daniels Road South project evolves from predominately a “construction phase” to “partial construction” and ultimately to a “post-construction” residential phase, the BMPs must also evolve to maintain water resource protection. Construction completion of the proposed development may take between 5 and 10 years, depending on market conditions. However, the initiation of construction is anticipated to commence prior to the end of 2023. At the onset of construction, all cattle are proposed to be removed from the site.

A. Construction Phase BMPs

During construction of the proposed development, the greatest potential for impacts is associated with increased turbidity and/or potential spills of fuels/oils (hydrocarbons), otherwise known as Volatile Organic Compounds (VOCs) used to power earthmoving equipment, etc. Specific BMPs associated with the construction phase are provided below. The Developer will be responsible for maintaining compliance with all ELMP BMP requirements until such time that control of the development is transitioned to the Homeowner’s Association (HOA) and/or Community Development District (CDD).

1. The site’s general contractor shall be responsible for assuring that each contractor or subcontractor evaluates the work area before construction is initiated to determine if site conditions may pose particular problems for the safe and secure handling of any regulated substances.
2. If any regulated substances are temporarily stored onsite during the construction process, they shall be stored in a location and manner which will minimize any possible risk of release to the environment. There will be no intention to use, handle, produce or store regulated substances in violation of the Lee County Land Development Code Section 14-477, Stormwater Pollution Prevention Plan (SWP3) criteria.
3. Each contractor/subcontractor shall familiarize themselves with the manufacturer’s safety data sheet supplied with each material containing a regulated substance and shall be familiar with procedures required to contain and clean up any releases of a regulated substance. Any tools or equipment necessary to accomplish the same shall be available in case of an accidental release.
4. In the event of a spill of a regulated substance, the contractor/subcontractor will immediately notify the Developer, who will in turn notify the Lee County Division of Natural Resources Director at (239) 533-8109 and the Florida Department of Environmental Protection (FDEP) South District Office at (239) 344-5600.
5. Upon completion of construction, all unused quantities of regulated substances and their containment systems shall be completely removed from the construction site.
6. Proper turbidity abatement measures, as required by the SFWMD, the Florida Stormwater Sedimentation Control Inspector’s Manual standards, and the FDEP National Pollutant Discharge Elimination System (NPDES) permit criteria, will be maintained while construction is ongoing or until adequate vegetation or other stabilization measures have been established.

B. Post-Construction Phase BMPs

After the Lee County Certificate of Compliance or the SFWMD stormwater management system certification is completed for a particular phase of the development, the primary focus of the ELMP will be maintaining the stormwater management system lakes since all internal runoff will be routed to these features for treatment. It is also anticipated that the Developer will establish and create an HOA and/or a CDD that will be responsible for the operation and maintenance of all aspects of the stormwater management system including the lakes, including associated stormwater conveyance and control components, in perpetuity. At a minimum, the operation and maintenance of the stormwater management system will require compliance with the terms and conditions contained within this ELMP. Additional details on BMPs, including monitoring of surface water, are provided in **Section 3** below.

Section 3. Lake Maintenance

A. General Provisions

Proper lake maintenance is an integral aspect of this ELMP since internal stormwater runoff is directed to these features for treatment and attenuation. As an added protection to underlying groundwater resources, the excavation of the lakes will not penetrate any continuous impervious layer of clay or rock. In addition, the groundwater withdrawn from the proposed (new) onsite Sandstone Aquifer wells will be used to replenish a subset of stormwater lakes as needed for use in the master irrigation system.

As shown in the conceptual layout provided as **Figure 4**, surface water irrigation pumps will “repump” groundwater supplies and retained stormwater (surface water) for the irrigation of the residential development. The recycling of surface water quantities is expected to further improve water quality on the property and maintain water quality in the lakes. The stormwater lakes must be maintained in perpetuity and the following management actions are proposed. Specific post-construction BMPs are also provided.

B. Deep Lake Management

If any of the Daniels Road South stormwater management lakes are proposed to be constructed deeper than 12 feet in depth. In accordance with Lee County Land Development Code Section 10-329(d) (3), these lakes are designated as “deep lakes” and are subject to specific criteria. Based on Lee County Code, the proposed deep lakes will satisfy the following criteria (exceptions may apply within the 10,000-foot Airport Wildlife Hazard Protection Zone):

1. The stormwater management deep lakes will not exceed a maximum water depth of 20 feet and will not penetrate any continuous impervious layer of clay or rock.
2. A destratification (i.e., aeration) system will be installed in any lake that exceeds a 12-foot water depth. Documentation that the proposed destratification system is adequately-sized and designed for each lake deeper than 12 feet will be submitted to Lee County for approval. An example of a deep lake aeration device is provided as **Appendix A**.
3. Native shade trees meeting the specifications of Lee County Land Development Code Section 10-420 will be planted around each deep lake perimeter at approximately one tree per 100 feet of lake shoreline measured at the detention lake’s water level control elevation. Trees and other plants may be grouped or clustered together around the lake perimeter.
4. The deep lake management techniques, including operation of the destratification system, will be maintained for the life of the stormwater management system and will be recorded in the development’s covenants, in accordance with the County Attorney's Office.
5. A post-construction bathymetric survey verifying each deep lake’s finished water depth, sealed by a professional surveyor and mapper, will be submitted to Lee County for approval.

C. Nuisance and Exotic Vegetation Control

The HOA and/or CDD will be responsible for the removal (in perpetuity) of all nuisance and exotic vegetation from the stormwater management system as defined by the Lee County Land Development Code.

1. Lakes must be inspected annually and any prohibited vegetation must be removed by the use of hand-clearing or appropriate chemical treatment. Only aquatic- approved compounds may be utilized in the stormwater management system lakes.
2. Herbicides and/or algaecides may only be applied by a licensed professional applicator who meets the requirements of Lee County, and in accordance with manufacturer specifications. All applicable local, state and/or federal guidelines and requirements will also be followed.

D. Littoral Vegetation Preservation

Littoral zone vegetation is required to be installed by the Developer and maintained by the HOA and/or CDD (in perpetuity). Littoral zones provide habitats for wading birds, fish and aquatic invertebrates and also help to stabilize shorelines and reduce lake bank erosion.

1. Littoral plants that die will be replaced in accordance with Lee County Land Development Code requirements. The presence of littoral plants throughout the lakes is desirable and may also help to improve the water quality within the lakes.
2. The spread of littoral plants will be encouraged throughout the designated littoral areas.
3. Mechanical trimming or the use of land-based herbicides on desirable littoral plants is prohibited. Any trimming or removal of vegetation required to promote the survival and viability of littoral vegetation will be performed by hand or by approved aquatic herbicides and methods.

E. Fertilizer Application

Strict adherence will be maintained with Lee County's Fertilizer Ordinance. Individual lot owners are prohibited from applying fertilizer to their lots. Any person(s) applying fertilizers must have received a limited certification in compliance with Florida Statute 482.1562 prior to application of any and all fertilizers. Additionally, fertilizer content and application rate must be in compliance with Lee County's Fertilizer Ordinance. The Lee County Fertilizer Ordinance No. 08-08 is provided as **Appendix B**.

1. All professional landscape businesses must register with Lee County prior to performing landscape fertilization services within unincorporated Lee County.
2. At least one (1) employee of a firm employed to perform landscape fertilization services must be a Certified Professional Landscaper.

3. Proof of completion of a Lee County-approved BMP training program must be provided to the Division of Lee County Natural Resources.
4. At least one (1) BMP-trained employee must be onsite while fertilizers are applied. A registration decal provided by the division must be displayed on all company vehicles.

F. Erosion Protection and Lake Bank Maintenance

Lake banks are susceptible to erosion due to overland flow of stormwater runoff, wave action, and the natural seasonal fluctuation of water levels. Accordingly, lake banks within the project are designed to minimize this potential for erosion.

1. Lake banks will be inspected annually to identify areas of erosion. Once identified, the erosion will be repaired and the source of erosion shall be eliminated, if possible.
2. Where excessive erosion occurs, repair of the lake banks and/or enhancement of stabilization measures may be necessary.
3. No motorized boats will be allowed within any of the onsite stormwater management lakes.

G. Lake Education Program

A narrative explaining the benefits of littoral vegetation, lake maintenance and surface and groundwater quality will be made available to residents.

1. Lake experts will be encouraged to attend the HOA and/or CDD meetings annually to discuss the lake system operation and maintenance requirements.
2. Homeowners will be informed that they are prohibited from removing or trimming littoral vegetation.
3. Additionally, the homeowners will be made aware of the extreme importance regarding any introduction of hazardous materials or substances into the lakes.

H. Pesticide, Herbicide or Fungicide Applications

All applications of pesticides, herbicides, algacides and/or fungicides shall be applied by a licensed professional applicator, meet the requirements of Lee County, be applied in accordance with the manufacturer's specifications, and shall meet all applicable local, state and/or federal guidelines and requirements. Only approved aquatic herbicides may be used to treat the stormwater management system.

1. Homeowners shall be prohibited from applying pesticides, herbicides and/or fungicides to their lots. These activities will only be performed by certified contractors approved by the HOA and/or CDD.
2. The use of any chemical product in a manner that will allow airborne or waterborne entry of such products into the stormwater management system is prohibited. This requirement shall not apply to the use of chemical agents by certified lake management specialists for the control of algae and nuisance vegetation within the stormwater management system lakes. However, application of such agents shall be in compliance with the requirements of Lee County, applied in accordance with the manufacturer's specifications, and meet all applicable local, state and/or federal guidelines and requirements.
3. Pesticides, fungicides and herbicides will be used only in response to a specific problem and in the manner and amount recommended by the manufacturer. Broad application of pesticides, fungicides and herbicides as a preventative measure is prohibited.

I. Southwest Florida International Airport Land Use Restrictions

As mandated by Lee County Land Development Code, no proposed land use changes can interfere with the safe operation of aircraft originating from, or flying into, the Southwest Florida International Airport, located to the southwest of the subject property. (See the proposed deviations from Lee County's Land Development Code included herein).

1. No land use alterations are allowed within the designated airport exclusion zone that will produce a wildlife attractant hazard that is considered greater than the existing, historic conditions. If such an attractant is identified by the Lee County Port Authority, the landowner will have the full and sole responsibility of eliminating the hazardous situation at their expense.
2. All stormwater management ponds, lakes, canals, conveyances, and other features are to be designed and constructed in accordance with Federal Aviation Administration (FAA) recommendations that discourages wildlife.
3. The use of rock-lined, steep-sided stormwater basins is required within the airport exclusion zone to facilitate the control of potentially hazardous wildlife. The rocks help to hide the water during periods of low inundation and help discourage shoreline vegetation and wildlife foraging along shorelines.

J. Commercial Area Adjacent to State Highway 82

The lake maintenance requirements and BMPs described within this Section also pertain to the commercial development area located along State Highway 82. Additional water quality monitoring may be necessary as specific details of the commercial development are provided through the Development Order process.

Section 4. Wellfield Protection

A. Green Meadows Wellfield Protection

The Daniels Road South development is located approximately 0.1 miles north of the nearest Lee County Wellfield Protection Zone associated with the Green Meadows Wellfield, as shown in **Figure 5**. Therefore, additional measures regarding Wellfield Protection are not applicable to this ELMP. The level of water quality assurance offered by this ELMP offers significant assurance that, in the unlikely event that degradation of water quality or contamination occurs, ample time exists to initiate remedial measures and safeguard Lee County's nearest wellfield. In addition, surface water quality monitoring at all stormwater lake outfalls is also proposed, as shown in **Figure 6**.

Section 5. Surface Water Quality Monitoring Program

A. General Data Quality Objectives

All surface water quality samples will be collected in accordance with Chapter 62-160, Florida Administrative Code (F.A.C.), and the FDEP's Standard Operating Procedures (SOPs) DEP-SOP-001/01 FQ 1000 Field Quality Control Requirements and FDEP-SOP-001/01 FS 2100 Surface Water Sampling. A summary of the proposed surface water sampling schedule is provided in the attached **Table 1**.

B. Surface Water Monitoring Goals

The purpose of the surface water monitoring program is to assure that surface water coming onto, originating within, and leaving the project meet all applicable requirements of the SFWMD Environmental Resource Permit (ERP) program authorized pursuant to Part IV of Chapter 373, F.S. and all applicable requirements of Chapter 62-302, F.A.C., Surface Water Quality Standards. Additionally, water quality monitoring of the designated stormwater management lakes will verify the efficiency of the ELMP management actions and assure the lakes' health for the residents' enjoyment. Additional surface water quality parameters may be required if the FDEP determines that the sub-watershed or FDEP WBID No. 3258D₃ becomes impaired. Please note that a single set of project background samples are proposed once the stormwater lakes are constructed and rehydrated. Future monitoring of the proposed stormwater lakes will be compared to and contrasted with the initial background testing results.

C. Surface Water Quality Monitoring

Surface water quality grab samples will be collected per FDEP protocol and analyzed by a NELAC/TNI-certified laboratory. The surface water quality parameters to be tested are listed below and summarized in the attached **Table 2**. In addition, the attached **Table 2** also includes the laboratory's Accuracy, Precision and minimum Method Detection Limit (MDL). Please note that the Practical Quantitation Limit (PQL) for each parameter varies between laboratories, however the PQL typically equates to four times the MDL.

- **Field Parameters – Depth of Water, Dissolved Oxygen, pH, Temperature, Total Dissolved Solids, and Specific Conductivity**
- **Lab Parameters – Total Nitrogen, Nitrate and Nitrite, Ammonium, Ammonia, Total Kjeldahl Nitrogen, Total Phosphorus, Chlorophyll-a, Ortho-phosphate, Iron, Zinc, E.coli, and TSS.**

Surface water quality monitoring shall be continued for a minimum of five (5) years after operational completion of the stormwater management system. After five (5) consecutive years of testing, a request for discontinuation or reduction in the monitoring requirements will be proposed to the Lee County Natural Resources Department if it can be demonstrated that the surface water quality is being maintained within applicable State standards.

Section 6. Surface Water Quality Data Reporting and Analysis

Surface water quality data will be submitted to the Lee County Natural Resources Department staff in an approved electronic format within 30 days of receiving results from the contract laboratory if an issue has been detected. Otherwise, data will be submitted annually. The submittal will include all field notes, field and laboratory water quality data results and all previously collected (i.e., period of record) water quality data. The submittals will also include a brief narrative on the most recent sample collection, sample chain of custody, descriptions of any re-testing of erroneous values, and any water quality exceedances.

By **March 1 of each year**, a Water Quality Summary Report for the preceding calendar year shall be supplied to Lee County Natural Resources staff which summarizes the surface water testing results for the development. The results will include a summary table that lists all the field and laboratory parameters for the monitoring locations. Laboratory parameter concentrations that fall below the PQL for that parameter will be reported with no value; however, a value qualifier of "I" (i.e., between the MDL and PQL) or "U" (below the MDL) will be included in the summary table.

All water quality data for the analytes listed in the attached **Table 2** that are detected in concentrations above the laboratory PQL will be reviewed, graphed and statistically analyzed for trends and exceedances above two (2) standard deviations of the mean of all values. Any reported concentrations above the MCL will be clearly identified, as well as remedial actions which were used to timely reduce that particular analyte's concentration. Where appropriate, testing results for constituents already proposed, i.e., Dissolved Oxygen, pH, and Specific Conductance can be compared to Chapter 62-302.530 criteria for Class III waters.

Section 7. Groundwater Level Monitoring Program

A. General Data Quality Objectives

The groundwater level monitoring plan will include construction of one (1) Sandstone Aquifer monitoring well on the eastern side of the project, as shown in **Figure 7**. This monitoring well will be outfitted with an electronic water level measuring device that will take measurements every 12 hours, i.e., twice daily, to ensure the protection of the water resources.

B. Groundwater Monitoring Goals

The purpose of the groundwater monitoring program is to establish site-specific baseline water levels prior to completion of the proposed irrigation system, that will then be compared to post-development groundwater levels to ensure that no adverse impacts occur to surrounding existing legal users.

C. Groundwater Water Level Monitoring

As previously stated, the proposed monitor well will be fitted with an electronic water level measuring device that will take measurements every 12 hours, i.e., twice daily. Groundwater level monitoring shall be continued for a minimum of five (5) years after operational completion of the irrigation system. After five (5) consecutive years of monitoring, a request for discontinuation or reduction in monitoring requirements will be proposed to Lee County Natural Resources Department if it can be demonstrated that groundwater levels are being maintained.

By **March 1 of each year**, a Water Level Summary Report for the preceding calendar year shall be supplied to Lee County Natural Resources staff which summarizes the groundwater level results for the development. trends in water level data will be summarized, along with any measures deemed necessary to protect the water resources of the Any DR/GR.

Section 8. Groundwater Monitoring Data Reporting and Analysis

Groundwater level monitoring data will be submitted quarterly to the Lee County Natural Resources Department staff in an approved electronic format. The submittal will include all groundwater level data results, including all previously collected (i.e., period of record) data.

Section 9. Remedial Actions

In the unforeseen event that any significant surface and/or groundwater impacts are identified as a result of a hydrocarbon spill or pesticide/herbicide application at the subject property, the Developer or designee of the HOA and/or CDD will notify the Director of the Lee County Natural Resources Division within no more than 12 hours (or next business day). If a spill or release “presents an immediate threat to human health and/or the environment” then the FDEP Office of Emergency Response (OER) will be contacted within 24 hours. Guidance outlining the definition of a release as well as reporting procedures is presented in the OER webpage located at:

http://www.dep.state.fl.us/per/reportable_incident.htm.

The Developer or their successor(s) will coordinate contamination assessment and remediation efforts with Lee County and will comply with applicable local, state and federal permitting requirements. The initial phase of the remediation plan will consider the actions outlined in Section 4 and may consist of additional temporary monitoring wells installed for the short-term temporal monitoring of potential subsurface impacts and to evaluate the horizontal and the vertical distribution of the impacted area. Based on the findings of the initial phase, if necessary, a more comprehensive assessment may be required.

Section 10. In Conclusion

The information and technical requirements in this ELMP are provided to the Developer or designee of the HOA and/or CDD to assist with understanding the importance of a well-maintained and fully-functioning stormwater management system. The stormwater management system lakes within the development are not only required by State law but can also be a source of beauty and enjoyment for the residents while maintaining the value and integrity of the water resources. The Daniels Road South recreated flow-path will enhance and promote increased recharge to the shallow Water Table Aquifer. Therefore, the groundwater resource benefits and the management actions required herein demonstrate an exceptional level of protection, preservation and enhancement of groundwater and surface water resources within the DR/GR.

Table 1
Water Quality Sampling Schedule

Date	Sample Type	Sample Location
January-31	N/A	N/A
February-28	N/A	N/A
March-31	N/A	N/A
April-30	N/A	N/A
May-31	Surface Water	6 Locations
June-30	N/A	N/A
July-31	Surface Water	6 locations
August-31	N/A	N/A
September-30	Surface Water	6 locations
October-31	N/A	N/A
November-30	N/A	N/A
December-31	N/A	N/A

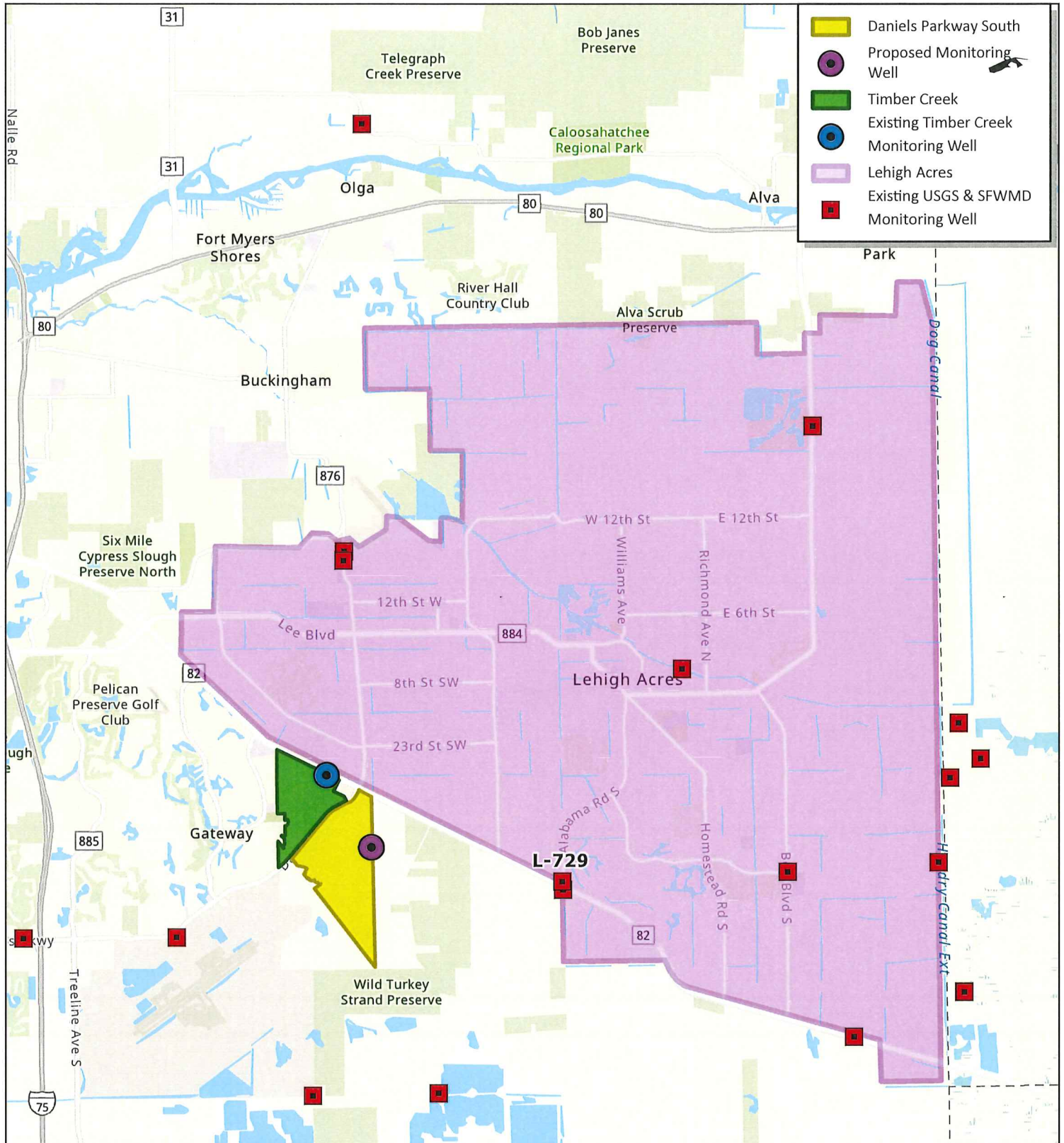
*See Figure 6 for surface water quality sampling locations

Table 2
Surface Water Quality Analytes

Field Parameters					
Parameter	Units	Precision (%RPD)	Accuracy (%Recovery)	MDL	Sampling Frequency
Depth of Water	Feet	0.01	NA	NA	3 times per year
Dissolved Oxygen	mg/L	FT 1000-1	FT 1000-1	NA	3 times per year
pH	SU	FT 1000-1	FT 1000-1	NA	3 times per year
Temperature	Deg C	FT 1000-1	FT 1000-1	NA	3 times per year
Total Dissolved Solids	mg/L	FT 1000-1	FT 1000-1	NA	3 times per year
Specific Conductivity	μS/cm	FT 1000-1	FT 1000-1	NA	3 times per year
Laboratory Parameters (Nutrients)					
Total Nitrogen	mg/L	CALC	CALC	CALC	3 times per year
Nitrite + Nitrate	mg/L	5	90-110	0.004	3 times per year
Ammonium	mg/L	CALC	CALC	CALC	3 times per year
Ammonia	mg/L	17	90-110	0.008	3 times per year
Total Kjeldahl Nitrogen	mg/L	11	90-110	0.05	3 times per year
Total Phosphorus	mg/L	10	90-110	0.008	3 times per year
Chlorophyll-a	mg/L	20	93-108	0.25	3 times per year
Ortho-phosphate	mg/L	10	88-118	0.002	3 times per year
Iron*	mg/L	10	70-130	29	3 times per year
Zinc*	mg/L	10	70-130	1.4	3 times per year
E.coli*	mg/L	15	90-110	10	3 times per year
TSS*	mg/L	7	85-110	0.57	3 times per year

*Sampling of these constituents will only occur at Sampling Sites SW-2 and SW-3.

Notes:



- Daniels Parkway South
- Proposed Monitoring Well
- Timber Creek
- Existing Timber Creek Monitoring Well
- Lehigh Acres
- Existing USGS & SFWMD Monitoring Well

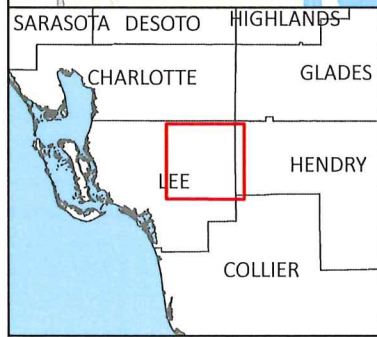


Figure 1
Existing and Proposed
Sandstone Aquifer Monitoring Wells
Lee County, Florida



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Scale: 1:130,000

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11/22/2022

Image: ESRI World Street Map





Figure 3
Daniels Parkway South
1958 Historic Aerial Imagery
Lee County, Florida

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4/18/2022

Image: UFDC 1958 Historic Aerial Imagery

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Progressive Water Resources
 Integrated Water Resource Consultants
 a Division of RESPEC Company LLC

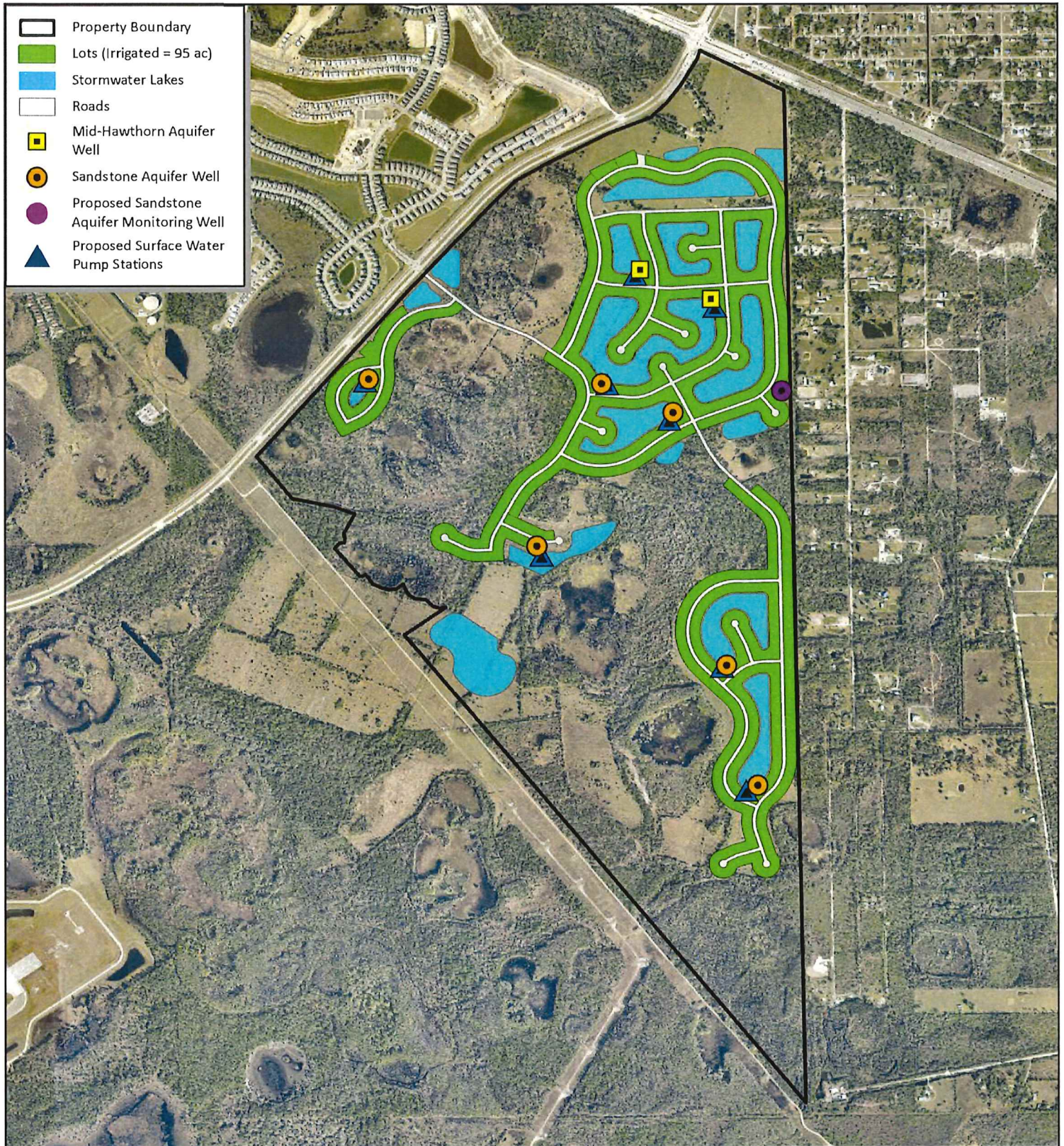


Figure 4
Daniels Parkway South
Conceptual Layout and
Proposed Withdrawals
Lee County, Florida

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4/10/2023

Image: ESRI World Imagery

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RESPEC

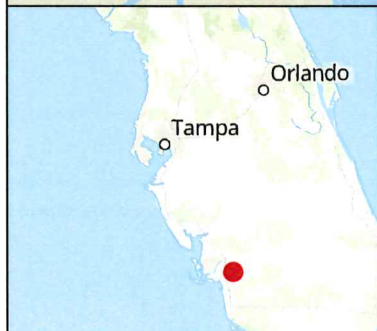
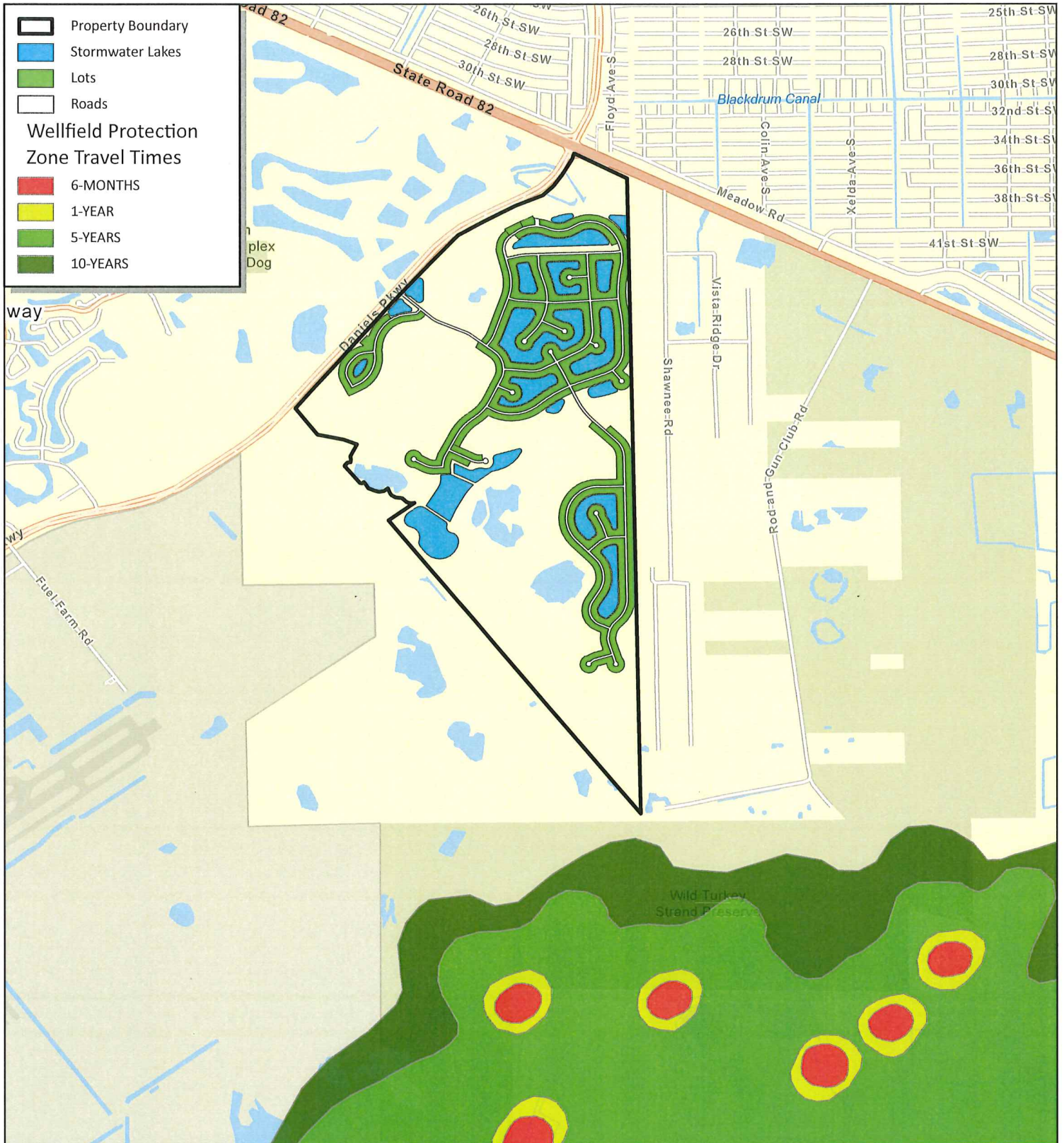


Figure 5
Daniels Parkway South
Proximity to Lee County
Wellfield Protection
Zone Lee County, Florida

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Image: ESRI World Imagery

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 a Division of RESPEC Company LLC

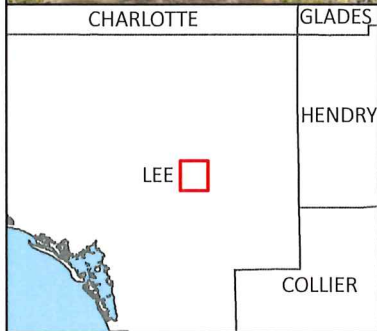
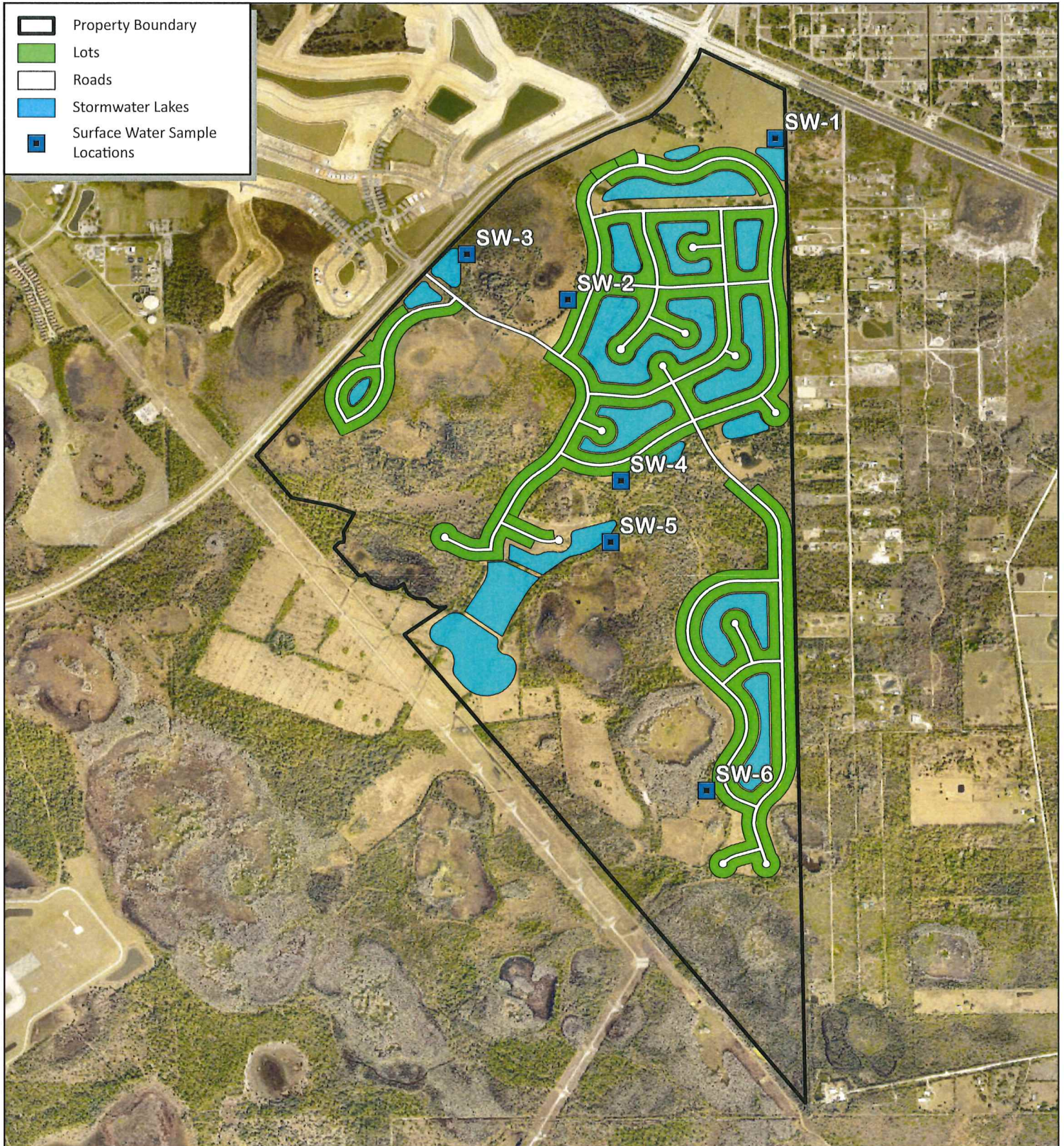


Figure 6
Daniels Parkway South
Proposed Surface Water Sampling Locations
Lee County, Florida

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8/16/2022

Image: ESRI World Imagery

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 a Division of RESPEC Company LLC

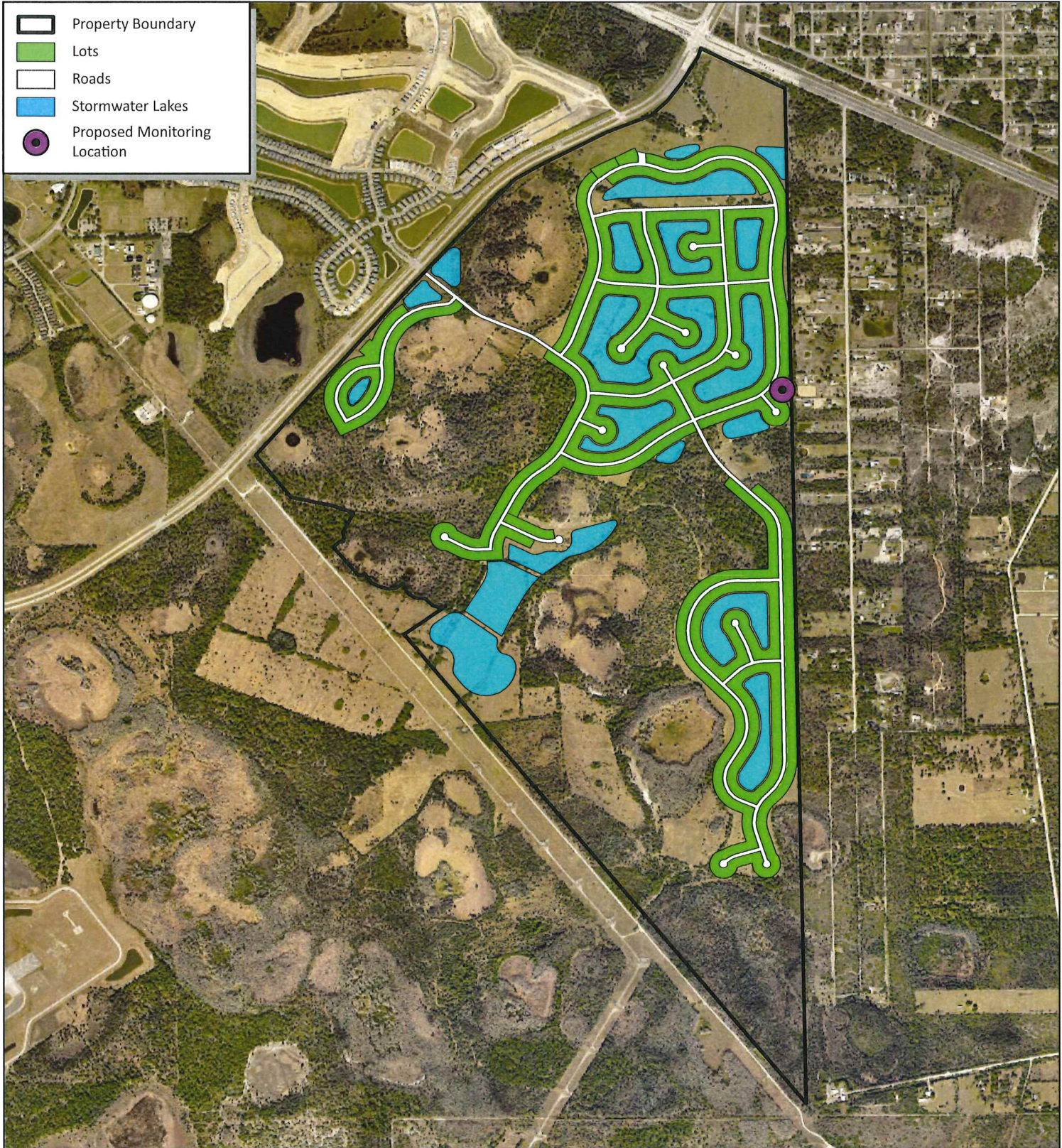
Property Boundary

Lots

Roads

Stormwater Lakes

Proposed Monitoring Location



CHARLOTTE

GLADES

HENDRY

COLLIER

LEE

Figure 7

Daniels Parkway South

Proposed Groundwater Monitoring Well

Lee County, Florida

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11/21/2022

Image: ESRI World Imagery

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Mi

Scale: 1:22,000

Progressive Water Resources

Integrated Water Resource Consultants

a Division of RESPEC Company LLC

APPENDIX A

Example of Deep Lake Aeration Device



Vertex Water Features *Pond and Lake Aeration* BOTTOM AERATION

With
Vertex
MicronBubble™
Technology



AIR3 XL2

Cabinet shown is representative, actual system may be different.

AIR3 XL2™

The Vertex Air3 XL2™ pond aerator is a super-efficient, affordable and safe system. In a typical pond, an Air3 XL2™ can aerate approximately 3-4 acres depending on shape, slope, oxygen demand and other factors. A 1/2hp (0.37kW) Brookwood™ SafeStart™ compressor, housed in our rustproof aluminum outdoor cabinet, feeds three bottom mounted CoActive AirStations™ utilizing Vertex's MicronBubble™ technology. The rising force of millions of bubbles circulates the entire water column, entraining bottom water up to the surface allowing vital oxygen to be absorbed and poisonous gasses expelled. With no electricity in the water, Vertex's aeration systems are safe for any type of water recreation.

Our systems have a full 3-year Vertex warranty, excluding wearable parts (air filters and compressor maintenance kits) plus a Limited Lifetime warranty against rust and corrosion on the cabinet, 5-year warranty on the AirStations™ and a 15-year warranty on BottomLine™ supply tubing.



FEATURES

AIRSTATIONXL2™

- ♦ Total pumping capacity of up to 11,400 GPM
- ♦ Six 9" flexible membrane discs with MicronBubble™ technology
- ♦ Shallow water Airstation optional for depths lower than 8'
- ♦ Self-cleaning, low maintenance
- ♦ Powder-coated stainless steel self-sinking base unit designed to prevent sinking into soft bottom sediments
- ♦ 5-year "No Questions" warranty

BROOKWOOD™ COMPRESSOR

- ♦ 3-year Vertex warranty, excluding wearable parts (air filters and compressor maintenance kits)
- ♦ Vertex SafeStart™ Technology
- ♦ UL, 115v or 230v, 35 Max PSI
- ♦ Thermal overload protection
- ♦ 1/2hp (0.37kW): low electrical costs
- ♦ 2-3 year extended duty cycle between scheduled maintenance

QUIETAIR™ CABINET

- ♦ Class "A" GFCI protection on all 115v circuits
- ♦ Powder coated aluminum for a durable attractive finish
- ♦ High capacity 290 CFM fan
- ♦ Easy access design with cam lock
- ♦ Easy plug-in connection to waterside electrical service
- ♦ Disconnect switch
- ♦ Heavy duty, light weight mounting pad included
- ♦ Sound dampening kit optional
- ♦ Limited lifetime warranty against rust

BOTTOMLINE™ TUBING

- ♦ Over-sized I.D. for high flow
- ♦ Self-weighted for easy installation
- ♦ Available in 100' and 500' increments
- ♦ 15-year Vertex warranty

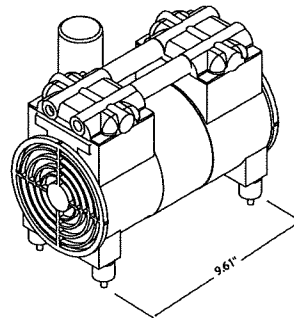
BENEFITS TO THE LAKE

- ♦ High pumping rate easily penetrates stratification layers
- ♦ Circulates entire water column
- ♦ Increases oxygen levels throughout water column
- ♦ Promotes beneficial bacteria growth
- ♦ Prevents low oxygen fish kills
- ♦ Reduces nutrient levels and associated algae growth
- ♦ Oxidizes/reduces bottom muck
- ♦ Expands oxygenated habitat for improved fisheries
- ♦ Reduces aquatic midge and mosquito insect hatches
- ♦ Eliminates foul odors from undesirable dissolved gases
- ♦ Safe entry – no electricity in the water
- ♦ Extremely energy efficient

SPECIFICATIONS: AIR3 XL2™ LAKE AERATION SYSTEM

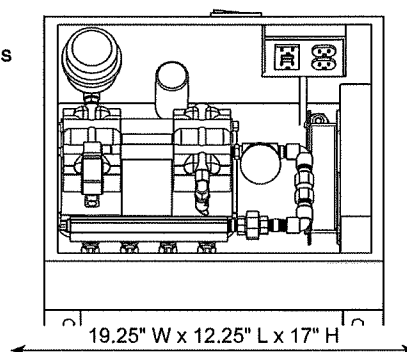
BROOKWOOD™ COMPRESSOR

1/2hp (0.37kW), 115v or 230v, Single Phase piston type compressor. Built for continuous 24/7 operation and equipped with Vertex SafeStart™ technology allowing auto restart under maximum rated pressure without motor damage. Super-duty Brookwood™ compressors incorporate upgraded rotors, stators, valve plates, bearings and capacitors and are thermally protected, oil-free, and require no lubrication; just periodic cleaning of included washable air filter. Extended duty cycle is approximately 2 to 3 years for compressor maintenance, about 2 to 3 times the duty cycle of ordinary piston and rotary vane compressors. All Brookwood™ SafeStart™ compressors carry a 3-year Vertex warranty, excluding wearable parts (air filters and compressor maintenance kits).



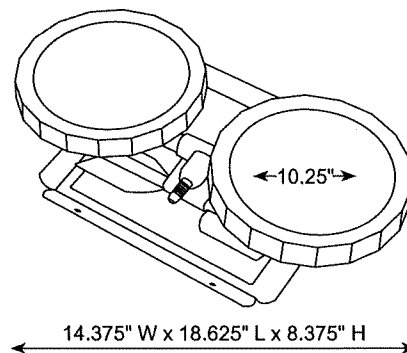
QUIETAIR™ CABINET

Enclosure comes equipped with cam lock for security, fully gasketed and constructed of aluminum with gray electrostatically-bonded powder coating to provide Limited Lifetime warranty against cabinet rust and corrosion. Enclosure furnished with stamped ventilation grills to insure forced air circulation and an integral cooling fan with thermal protection, producing 290 CFM to guard against excessive compressor operating temperatures. Cabinet provided with HDPE mounting pad. Enclosure comes with class a GFCI protection on both the compressor and fan circuits. Quick disconnect switch included. Side mounted muffler box and additional insulation optional for quieter operation.



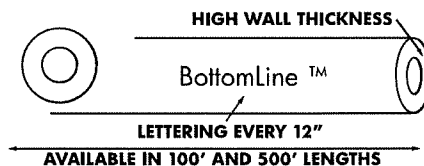
AIRSTATION XL2™ ASSEMBLY

Diffuser station consists of two self-cleaning, 9" diameter, flexible membrane diffusers of EPDM compound with 100% rebound memory, each producing millions of fine 500 to 3000 micron bubbles – the majority 500 to 1000 microns. Each diffuser station base unit is made of powder-coated stainless steel and designed to prevent settling into soft bottom sediments. AIRSTATION™ is designed with adjustable diffuser riser to accommodate any site requirements. AirStations are independently tested and verified to provide stated pumping rates. 5-year warranty.



BOTTOMLINE™ SUPPLY TUBING

Self-weighted, direct burial submersible tubing for connection from compressor to diffuser stations. Tubing is flexible PVC composite construction for use with standard PVC solvent weld cement and insert fittings. Tubing has 0.58" I.D. and high wall thickness for long term durability and protection against punctures. Remains flexible in cold temperatures.



Vertex Water Features
Pond and Lake Aeration

(844) 432-4303 • info@vertexwaterfeatures.com
www.vertexwaterfeatures.com

Install all electrical equipment in accordance with Article 682 of the National Electrical Code and all local codes. Vertex Water Features reserves the right to improve and change our designs and/or specifications of our aerators without notice or obligation.
©Vertex Water Features rev.051116

APPENDIX B

Lee County Fertilizer Ordinance No. 08-08

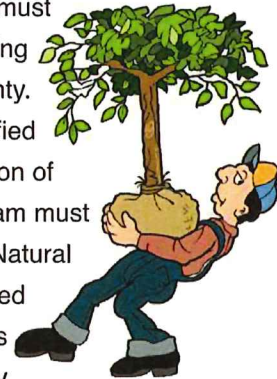
LEE COUNTY FERTILIZER ORDINANCE (08-08)

APPLICATION: This ordinance applies to anyone performing lawn care and maintenance on turf and/or landscape plants within unincorporated Lee County as a “professional landscape business” or an “institutional landscaper”. This ordinance does not apply to individual homeowners who perform their own landscape maintenance.

EFFECTIVE DATE: This ordinance goes in to effect on May 13, 2009.

REGISTRATION:

- All professional landscape businesses must register with Lee County prior to performing landscaping within unincorporated Lee County. At least one (1) employee must be a Certified Professional Landscaper. Proof of completion of a Lee County approved BMP training program must be provided to the Division of Lee County Natural Resources. At least one (1) BMP trained employee must be on site while fertilizers are applied. A registration decal provided by the division must be displayed on all company vehicles. NOTE: An example of a professional landscape business is any company you hire to perform landscaping at your home.
- All institutional landscapers must follow the same registration guidelines as professional landscape businesses with the exception of displaying a registration decal on company vehicles. NOTE: An example of an institutional landscaper is the in-house landscape maintenance staff at Shadow Wood.



TRAINING & CERTIFICATION:

- Florida Green BMP training & certification can be completed through the Lee County Extension Service. This must be done prior to registration.
- Non-professional landscapers are not required to complete the Florida Green BMP training & certification, but are strongly encouraged to participate in the University of Florida IFAS Florida Yards & Neighborhoods Outreach & Public Education Program. This applies to individual owners of single-family residential units who perform lawn care and maintenance on turf and/or landscape plants.

TIMING OF FERTILIZER APPLICATION: Fertilizers containing Nitrogen (N) and/or Phosphorus (P) may not be applied on turf and/or landscape plants from June 1 through September 30.

FERTILIZER CONTENT/APPLICATION RATE:

- Phosphorus (P) in any fertilizer may not exceed a rate of 0.25 lb. per 1,000 sq. ft. per application.
- Phosphorus (P) in any fertilizer may not exceed a rate of 0.50 lbs. per 1,000 sq. ft. per year.
- All fertilizers applied must contain at least 50% slow release nitrogen (N).
- Nitrogen (N) in any fertilizer may not exceed a rate of 4 lbs. per 1,000 sq. ft. per year.

IMPERVIOUS SURFACES: No fertilizers should be deposited, intentionally or accidentally, on an impervious surface such as a driveway, sidewalk or street.

BUFFER ZONES: No fertilizers shall be applied on turf and/or landscape plants within ten (10) feet of a water body, seawall or wetland. (See Florida DEP chapter 62-340)

MODE OF FERTILIZER APPLICATION: When using a rotary spreader, use of a deflector shield is required to deflect fertilizers away from water bodies, seawalls and wetlands.

LOW MAINTENANCE ZONES (NO MOW): A voluntary six (6) foot low maintenance zone is strongly recommended from any water body, seawall or wetland.

GRASS CLIPPINGS/VEGETATIVE MATERIAL: No grass clippings or vegetative materials shall be deposited into storm drains, ditches, water bodies, roadways or other impervious surfaces.

EXEMPTIONS (ordinance does not apply to):

- New landscaping in place for less than sixty (60) days.
- Vegetable gardens as long as they are not within fifteen (15) feet of a water body, seawall or wetland.
- Yard waste, compost or mulches applied to improve the soil.
- Reclaimed water used for irrigation which usually contains high amounts of nitrogen and phosphorus.
- Farm operations.
- Pastures used for grazing livestock.
- Golf courses.
- Specialized turf areas (parks, cemeteries, athletic fields, golf practice areas).

ENFORCEMENT & PENALTIES:

- This ordinance shall be enforced by designated Lee County officials and/or inspectors.
- First violation...\$100.00
- Second violation...\$250.00
- Third and subsequent violations...\$500.00



EXHIBIT B-4

**DANIELS PARKWAY SOUTH
INDIGENOUS PRESERVATION, RESTORATION,
AND MANAGEMENT PLAN**

Revised September 2022

Prepared For:

Lennar

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1.0 INTRODUCTION

The following outlines the Lee County Indigenous Preservation, Restoration, and Management Plan for Daniels Parkway South (Project). The Project site totals 1,233.08± acres and is located in Sections 8, 9, 16, 17, and 21; Township 45 South; Range 26 East; Lee County (Appendix A). The Project proposes to establish on-site conservation areas totaling approximately 679.10± acres. The proposed conservation areas will contain the following elements:

- Preservation and enhancement of 295.80± acres of indigenous wetlands and uplands (existing forested and herbaceous habitats with less than 75 percent exotics);
- Restoration of 359.60± acres of indigenous wetlands and uplands through the removal of exotic vegetation (existing forested and herbaceous habitats with greater than 75 percent exotics) and supplemental planting;
- Backfilling 6.90± acres of Other Surface Waters (OSW) and replanting with native wetland and upland vegetation; and
- Removal of 16.80± acres of berms and planting with native wetland and upland vegetation.

Thus, the Project proposes 679.10± acres of conservation area that will be placed under conservation easement with inspection, enforcement, and approval rights granted to Lee County and the South Florida Water Management District (SFWMD). The preserve areas utilized to meet the buffer requirements are depicted on Morris Depew's Master Concept Plan (MCP) which is provided under separate cover. A discussion of the buffer planting requirement is provided in Section 6.0 below. The preservation and enhancement areas include 58.1± acres of mature pine flatwoods (Florida Land Use, Cover and Forms Classification System (FLUCFCS) Codes 4119 E1 and E2) which is considered a rare and unique upland habitat type according to the Lee County Comprehensive Plan. A map showing the location of the 58.1± acres of rare and unique upland habitat is included as Appendix B.

A portion of the Project is located within the Southwest Florida International Airport (SWFIA) 10,000-Foot Hazardous Wildlife Buffer (Buffer) which includes 543.90± acres of preserve area. Table 1 below provides a summary of the preserve acreages that are within and outside of the Buffer.

Table 1. Preserve Acreage Summary

Activity Type	Acreage		
	Within Buffer	Outside Buffer	Total
Indigenous Wetland Preserve and Enhancement	181.05	24.65	205.70
Indigenous Wetland Restoration	229.79	71.71	301.50
Indigenous Upland Preserve and Enhancement	60.79	29.31	90.10
Indigenous Upland Restoration	53.88	4.22	58.10
OSW to be Restored to Indigenous Wetlands	1.77	0.73	2.50
OSW to be Restored to Indigenous Uplands	4.03	0.37	4.40
Berms to be Restored to Indigenous Wetlands	7.84	3.36	11.20

Table 1. (Continued)

Activity Type	Acreage		
	Within Buffer	Outside Buffer	Total
Berms to be Restored to Indigenous Uplands	4.75	0.85	5.60
Totals	543.90	135.20	697.10

Due to the Project's proximity to SWFIA, two specific management activities will be applied to preserve areas within the Buffer that are not required for preserve areas located outside the Buffer. This includes like-for-like habitat restoration and adhering to Lee County Port Authority's (LCPA) Compatible Native Landscape List. Details of these management activities are provided in Section 5.0.

2.0 EXISTING INDIGENOUS VEGETATION HABITATS

Pursuant to Land Development Code (LDC) Section 10-1, indigenous native vegetation means those plant species that are characteristic of the major plant communities of the County. Native habitats where invasive exotic vegetation has exceeded 75 percent coverage are not considered to be indigenous vegetation.

The proposed conservation areas include 295.80± acres (combined pre-development wetland and upland acres) of existing indigenous native vegetation. The indigenous areas to be preserved consist of wetland and upland forested and herbaceous habitats with less than 75 percent coverage by exotics. These indigenous areas are adjacent to improved pasture that has a perimeter berm and ditch system. An aerial with Florida Land Use, Cover, and Forms Classification System (FLUCFCS) is attached as Appendix C and depicts the existing indigenous wetland and upland vegetation communities.

The indigenous wetland habitats within the conservation areas total 205.70± acres and consist mostly of remnant cypress, hydric pine, mixed wetland hardwood habitats, and freshwater marsh. Hydric cabbage palm, wetland shrub, and wet prairies occur to a lesser extent. The indigenous uplands within the conservation areas total 90.1± acres and consist mostly of palmetto prairie, pine flatwoods, pine, cabbage palm, and hardwood/conifer, mixed habitats adjacent to the on-site wetland areas. Listed below are the FLUCFCS (Florida Department of Transportation 1999) descriptions of the indigenous wetland and upland habitats proposed for preservation and enhancement.

2.1 Indigenous Wetland Habitats

Cabbage Palm, Hydric (50-75% Exotics) (FLUCFCS Code 4281 E3)

The canopy of this habitat type includes cabbage palm (*Sabal palmetto*). The sub-canopy contains cabbage palm, wax myrtle (*Morella cerifera*), and scattered melaleuca (*Melaleuca quinquenervia*). The ground cover includes torpedograss (*Panicum repens*), Wright's nutrush (*Scleria lacustris*), little blue maidencane (*Amphicarpum muehlenbergianum*), saw palmetto (*Serenoa repens*), swamp flatsedge (*Cyperus ligularis*), Asiatic pennywort

(*Centella asiatica*), marsh pennywort (*Hydrocotyle umbellata*), broomsedge (*Andropogon virginicus*), and dog fennel (*Eupatorium capillifolium*).

Mixed Wetland Hardwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 6179 E1)

The canopy of this habitat type includes laurel oak (*Quercus laurifolia*), cabbage palm, slash pine (*Pinus elliottii*), and scattered bald cypress (*Taxodium distichum*). The sub-canopy contains laurel oak, myrsine (*Myrsine cubana*), wax myrtle, Brazilian pepper (*Schinus terebinthifolia*), saltbush (*Baccharis halimifolia*), cabbage palm, and buckthorn (*Sideroxylon reclinatum*). The ground cover includes marsh pennywort, sawgrass (*Cladium jamaicense*), frog fruit (*Phyllanthus nodiflorus*), witchgrass (*Dichanthelium* sp.), false fennel (*Eupatorium leptophyllum*), broomsedge, little blue maidencane, climbing hempsvine (*Mikania scandens*), earleaf greenbrier (*Smilax auriculata*), Asiatic pennywort, Wright's nutrush, and gulfdune paspalum (*Paspalum monostachyum*).

Mixed Wetland Hardwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 6179 E2)

This habitat type is similar to FLUCFCS Code 6179 E1, but with 25 to 49 percent melaleuca in the canopy and Brazilian pepper in the sub-canopy.

Mixed Wetland Hardwoods, Disturbed (50-75% Exotics) (FLUCFCS Code 6179 E3)

This habitat type is similar to FLUCFCS Code 6179 E2, but with 50 to 75 percent melaleuca in the canopy and Brazilian pepper in the sub-canopy.

Cypress, Disturbed (0-24% Exotics) (FLUCFCS Code 6219 E1)

The canopy of this habitat type includes bald cypress. The sub-canopy contains bald cypress, wax myrtle, and scattered Brazilian pepper and melaleuca. The ground cover includes sawgrass, marsh pennywort, little blue maidencane, and scattered West Indian marsh grass (*Hymenachne amplexicaulis*), and torpedograss.

Cypress, Disturbed (25-49% Exotics) (FLUCFCS Code 6219 E2)

This habitat type is similar to FLUCFCS Code 6219 E1 but contains 25 to 49 percent Brazilian pepper in the sub-canopy and torpedograss and West Indian marsh grass in the ground cover.

Cypress, Disturbed (50-75% Exotics) (FLUCFCS Code 6219 E3)

This habitat type is similar to FLUCFCS Code 6219 E2 but contains 50 to 75 percent Brazilian pepper and melaleuca in the canopy and sub-canopy and torpedograss and West Indian marsh grass in the ground cover.

Pine, Hydric, Disturbed (0-24% Exotics) (FLUCFCS Code 6259 E1)

The canopy of this habitat type includes slash pine and widely scattered cabbage palm and melaleuca. The sub-canopy contains slash pine, wax myrtle, melaleuca, and scattered cabbage palm. The ground cover includes rush fuirena (*Fuirena scirpoidea*), little blue maidencane, gulfdune paspalum, Asiatic pennywort, sawgrass, Wright's nutrush, corkwood (*Stillingia aquatica*), jointed spikerush (*Eleocharis interstincta*), musky mint (*Hyptis alata*), yellow-eyed grass (*Xyris* sp.), Southern beaksedge (*Rhynchospora microcarpa*), rayless goldenrod (*Bigelovia nudata*), and torpedograss.

Pine, Hydric, Disturbed (25-49% Exotics) (FLUCFCS Code 6259 E2)

This habitat type is similar to FLUCFCS Code 6259 E1, but with 25 to 49 percent melaleuca in the canopy and sub-canopy and Wright's nutrush and torpedograss in the ground cover.

Pine, Hydric, Disturbed (50-75% Exotics) (FLUCFCS Code 6259 E3)

This habitat type is similar to FLUCFCS Code 6259 E2, but with 50 to 75 percent melaleuca in the canopy and sub-canopy and Wright's nutrush in the ground cover.

Wetland Shrub, Disturbed (25-49% Exotics) (FLUCFCS Code 6319 E2)

The canopy of this habitat type includes scattered melaleuca. The sub-canopy contains wax myrtle, saltbush, and scattered bald cypress and melaleuca. The ground cover includes little blue maidencane, spreading beaksedge (*Rhynchospora divergens*), slender spikerush (*Eleocharis baldwinii*), Tracy's beaksedge (*Rhynchospora tracyi*), and rush (*Juncus* sp.).

Freshwater Marsh, Disturbed (0-24% Exotics) (FLUCFCS Code 6419 E1)

The canopy of this habitat type is primarily open with scattered bald cypress and scattered melaleuca on the edges. The sub-canopy contains scattered wax myrtle, corkwood, bald cypress, melaleuca, and widely scattered Carolina willow (*Salix caroliniana*). The ground cover includes dotted smartweed (*Persicaria punctata*), shortleaf spike sedge (*Cyperus brevifolius*), witchgrass, spikerush (*Eleocharis cellulosa*), sawgrass, maidencane (*Panicum hemitomon*), fireflag (*Thalia geniculata*), sand cordgrass (*Spartina bakeri*), torpedograss, pickerelweed (*Pontederia cordata*), soft rush (*Juncus effusus*), Wright's nutrush, and West Indian marsh grass.

Freshwater Marsh, Disturbed (25-49% Exotics) (FLUCFCS Code 6419 E2)

This habitat type is similar to FLUCFCS Code 6419 E1, but with 25 to 49 percent torpedograss, Wright's nutrush, and West Indian marsh grass in the ground cover.

Freshwater Marsh, Disturbed (50-75% Exotics) (FLUCFCS Code 6419 E3)

This habitat type is similar to FLUCFCS Code 6419 E2, but with 50 to 75 percent torpedograss, Wright's nutrush, and West Indian marsh grass in the ground cover.

Wet Prairies, Disturbed (50-75% Exotics) (FLUCFCS Code 6439 E3)

The canopy and sub-canopy of this habitat type include scattered melaleuca. The ground cover contains torpedograss, Wright's nutrush, broomsedge, and Southern beaksedge.

2.2 Indigenous Upland Habitats

Palmetto Prairie, Disturbed (0-24% Exotics) (FLUCFCS Code 3219 E1)

The canopy of this habitat type is primarily open with scattered melaleuca on the edges. The sub-canopy contains saw palmetto and scattered Brazilian pepper. The ground cover includes carpetgrass (*Axonopus* sp.), chocolateweed (*Melochia spicata*), saw palmetto, and grass-leaved goldenrod (*Euthamia graminifolia*).

Palmetto Prairie, Disturbed (25-49% Exotics) (FLUCFCS Code 3219 E2)

This habitat type is similar to FLUCFCS Code 3219 E1, but with 25 to 49 percent melaleuca in the sub-canopy.

Palmetto Prairie, Disturbed (50-75% Exotics) (FLUCFCS Code 3219 E3)

This habitat type is similar to FLUCFCS Code 3219 E2, but with 50 to 75 percent Brazilian pepper and melaleuca in the sub-canopy.

Pine Flatwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 4119 E1)

The canopy of this habitat type includes slash pine and live oak (*Quercus virginiana*). The sub-canopy contains saw palmetto, muscadine grapevine (*Vitis rotundifolia*), slash pine, scattered laurel oak, and widely scattered wax myrtle and melaleuca. The ground cover includes bahiagrass (*Paspalum notatum*), false fennel, chocolateweed, live oak, little blue maidencane, muscadine grapevine, spermacoce (*Spermacoce verticillata*), broomsedge, and scattered saw palmetto.

Pine Flatwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 4119 E2)

This habitat type is similar to FLUCFCS Code 4119 E1, but with 25 to 49 percent Brazilian pepper in the sub-canopy.

Pine Flatwoods, Disturbed (50-75% Exotics) (FLUCFCS Code 4119 E3)

This habitat type is similar to FLUCFCS Code 4119 E2, but with 50 to 75 percent melaleuca and Brazilian pepper in the canopy and sub-canopy.

Pine, Disturbed (0-24% Exotics) (FLUCFCS Code 4159 E1)

The canopy of this habitat type contains slash pine and scattered cabbage palm, live oak, and melaleuca. The sub-canopy consists of slash pine, cabbage palm, laurel oak, and widely scattered melaleuca and Brazilian pepper. The ground cover is primarily open with widely scattered spermacoce, muscadine grapevine, and carpetgrass.

Pine, Disturbed (25-49% Exotics) (FLUCFCS Code 4159 E2)

This habitat type is similar to FLUCFCS Code 4159 E1, but with 25 to 49 percent melaleuca and Brazilian pepper in the canopy and sub-canopy and spermacoce in the ground cover.

Pine, Disturbed (50-75% Exotics) (FLUCFCS Code 4159 E3)

This habitat type is similar to FLUCFCS Code 4159 E2, but with 50 to 75 percent earleaf acacia (*Acacia auriculiformis*), Java plum (*Syzygium cumini*), and Brazilian pepper in the sub-canopy and caesarweed (*Urena lobata*) in the ground cover.

Live Oak, Disturbed (0-24% Exotics) (FLUCFCS Code 4279 E1)

The canopy of this habitat type includes live oak and widely scattered slash pine. The sub-canopy contains scattered saw palmetto, live oak, and American beautyberry (*Callicarpa americana*). The ground cover is primarily open with scattered basketgrass (*Oplismenus* sp.) and caesarweed.

Hardwood/Conifer Mixed, Disturbed (0-24% Exotics) (FLUCFCS Code 4349 E1)

The canopy of this habitat type includes slash pine, live oak, laurel oak, cabbage palm, and widely scattered melaleuca. The sub-canopy contains laurel oak, wax myrtle, Java plum, cabbage palm, slash pine, saw palmetto, live oak, Brazilian pepper, rusty staggerbush (*Lyonia ferruginea*), and widely scattered melaleuca. The ground cover includes carpetgrass, cabbage palm, muscadine grapevine, Asiatic pennywort, caesarweed, earleaf greenbrier, saw palmetto, dog fennel, broomsedge, and spermacoce.

Hardwood/Conifer Mixed, Disturbed (25-49% Exotics) (FLUCFCS Code 4349 E2)

This habitat type is similar to FLUCFCS Code 4349 E1, but with 25 to 49 percent Brazilian pepper in the sub-canopy.

Hardwood/Conifer Mixed, Disturbed (50-75% Exotics) (FLUCFCS Code 4349 E3)

This habitat type is similar to FLUCFCS Code 4349 E2, but with 50 to 75 percent Brazilian pepper in the sub-canopy and caesarweed in the ground cover.

Mixed Hardwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 4389 E1)

The canopy of this habitat type includes live oak, laurel oak, and scattered cabbage palm. The sub-canopy contains live oak, laurel oak, cabbage palm, and scattered myrsine (*Myrsine cubana*). The ground cover is primarily open with scattered live oak.

3.0 EXISTING NON-INDIGENOUS VEGETATION

Approximately 359.60± acres (53.2 percent) of the proposed conservation areas consist of vegetation communities that do not meet the LDC's definition of indigenous vegetation. Existing non-indigenous wetlands within the conservation areas total 301.50± acres and consist primarily of disturbed native wetland habitats with greater than 75 percent coverage by exotics, such as Brazilian pepper, melaleuca, torpedograss, and Wright's nutrush. Non-indigenous uplands within the conservation areas total 58.10± acres and consist primarily of improved pasture. Non-indigenous areas also include 6.90± acres of OSW and 16.80± acres of berms that will be removed and replanted with native wetland and upland plantings. The non-indigenous wetland and upland vegetation communities and surface waters are identified in Appendix C. Listed below are the FLUCFCS descriptions of the non-indigenous habitats on the Project site.

3.1 Non-Indigenous Wetland Habitats

Low Pasture (FLUCFCS Code 262)

The canopy and sub-canopy of this land use type are open. The ground cover includes torpedograss, witchgrass, dog fennel, marsh pennywort, Wright's nutrush, yellow-eyed grass, melaleuca, and Asiatic pennywort.

Melaleuca, Hydric (FLUCFCS Code 4241)

The canopy of this habitat type includes melaleuca. The sub-canopy contains melaleuca, Brazilian pepper, and cabbage palm. The ground cover includes little blue maidencane, broomsedge, torpedograss, sawgrass, swamp fern (*Telmatoblechnum serrulatum*), swamp

flatsedge, Southern beaksedge, Wright's nutrush, false hop sedge (*Carex lupuliformis*), and widely scattered maidencane.

Mixed Wetland Hardwoods, Disturbed (76-100% Exotics) (FLUCFCS Code 6179 E4)

This habitat type is similar to FLUCFCS Code 6179 E3, but with 76 to 100 percent Peruvian primrose willow (*Ludwigia peruviana*) in the sub-canopy.

Cypress, Disturbed (76-100% Exotics) (FLUCFCS Code 6219 E4)

This habitat type is similar to FLUCFCS Code 6219 E3, but with 76 to 100 percent melaleuca in the canopy and sub-canopy and torpedograss and West Indian marsh grass in the ground cover.

Pine, Hydric, Disturbed (76-100% Exotics) (FLUCFCS Code 6259 E4)

This habitat type is similar to FLUCFCS Code 6259 E3, but with 76 to 100 percent melaleuca and Brazilian pepper in the canopy and sub-canopy.

Freshwater Marsh, Disturbed (25-49% Exotics) (FLUCFCS Code 6419 E4)

This habitat type is similar to FLUCFCS Code 6419 E3, but with 76 to 100 percent torpedograss, Wright's nutrush, and West Indian marsh grass in the ground cover.

Wet Prairies, Disturbed (76-100% Exotics) (FLUCFCS Code 6439 E4)

This habitat type is similar to FLUCFCS Code 6439 E3, but with 76 to 100 percent torpedograss and Wright's nutrush in the ground cover.

Disturbed Land, Hydric (FLUCFCS Code 7401)

The canopy of this land use type includes scattered melaleuca, slash pine, and laurel oak. The sub-canopy contains scattered melaleuca and wax myrtle. The ground cover includes torpedograss, yellow-eyed grass, and acute spikerush (*Eleocharis acutangula*).

3.2 Non-Indigenous Upland Habitats

Improved Pasture (FLUCFCS Code 211)

The canopy of this land use type is primarily open with scattered cabbage palm and melaleuca. The sub-canopy contains scattered wax myrtle, live oak, cabbage palm, and Brazilian pepper. The ground cover consists of bahiagrass, carpetgrass, broomsedge, dog fennel, grass-leaved goldenrod, bermudagrass (*Cynodon dactylon*), and tropical soda apple (*Solanum viarum*).

Palmetto Prairie, Disturbed (76-100% Exotics) (FLUCFCS Code 3219 E4)

This habitat type is similar to FLUCFCS Code 3219 E3, but with 76 to 100 percent Brazilian pepper and melaleuca in the canopy and sub-canopy.

Pine Flatwoods, Disturbed (76-100% Exotics) (FLUCFCS Code 4119 E4)

This habitat type is similar to FLUCFCS Code 4119 E3, but contains 76 to 100 percent melaleuca and Brazilian pepper in the canopy and sub-canopy.

Pine, Disturbed (FLUCFCS Code 4159 E4)

This habitat type is similar to FLUCFCS Code 4159 E3 but with 76 to 100 percent melaleuca in the canopy and sub-canopy.

Brazilian Pepper (FLUCFCS Code 422)

The canopy and sub-canopy of this habitat type contain Brazilian pepper and scattered melaleuca. The ground cover is primarily open and includes earleaf greenbrier and muscadine grapevine.

Melaleuca (FLUCFCS Code 424)

The canopy of this habitat type includes melaleuca and scattered Java plum. The sub-canopy contains Brazilian pepper, melaleuca, Java plum, and widely scattered slash pine, wax myrtle, and cabbage palm. The ground cover includes broomsedge, bahiagrass, dog fennel, spermacoce, cabbage palm, little blue maidencane, and scattered saw palmetto.

Hardwood/Conifer Mixed, Disturbed (76-100% Exotics) (FLUCFCS Code 4349 E4)

This habitat type is similar to FLUCFCS Code 4349 E3, but with 76 to 100 percent earleaf acacia in the canopy and Brazilian pepper in the sub-canopy.

Disturbed Land (FLUCFCS Code 740)

The canopy of this land use type is primarily open with scattered slash pine and cabbage palm. The sub-canopy contains scattered wax myrtle, slash pine, saw palmetto, and Brazilian pepper. The ground cover includes bahiagrass, chocolateweed, lovegrass (*Eragrostis* sp.), broomsedge, and dog fennel.

Spoil Area (FLUCFCS Code 743)

The canopy of this land use type is open. The sub-canopy contains Brazilian pepper. The ground cover includes bahiagrass, dog fennel, and spermacoce.

Berm (FLUCFCS Code 747)

The canopy of this land use type includes live oak, cabbage palm, slash pine, melaleuca, and Brazilian pepper. The sub-canopy includes live oak, slash pine, Brazilian pepper, and saw palmetto. The ground cover contains caesarweed, muscadine grapevine, dog fennel, cabbage palm, and broomsedge.

3.3 Non-Indigenous Surface Waters

Ditch (FLUCFCS Code 514)

The canopy of this land use type is open. The sub-canopy contains Brazilian pepper, cabbage palm, live oak, and slash pine along the edges. The ground cover includes dotted smartweed (*Persicaria punctata*), torpedograss, Asiatic pennywort, Gulf Coast spikerush, dwarf papyrus (*Cyperus haspan*), frog fruit, Mexican clover (*Richardia* sp.), and small-fruit primrose willow (*Ludwigia microcarpa*).

Ditch, Hydric (FLUCFCS Code 514 H)

This habitat type is similar to FLUCFCS Code 514 H with a higher prevalence of wetland vegetation species such as torpedograss.

Cow Pond (FLUCFCS Code 525)

The canopy and sub-canopy of this land use type are open. The ground cover includes scattered torpedograss along the edges.

4.0 INDIGENOUS VEGETATION PRESERVATION AND ENHANCEMENT

A total of 295.80± acres (205.70± acres of wetlands and 90.10± acres of uplands) with less than 75 percent existing exotic vegetation will be preserved and enhanced by the hand-removal/treatment of exotic and nuisance vegetation. The locations of the indigenous preservation areas are shown on Appendix D.

4.1 Methods to Remove and Control Exotic and Nuisance Plants

Exotics to be eradicated include, but are not limited to, the 21 species of prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

Table 2. Prohibited Invasive Exotics

Common Name	Scientific Name
Air potato	<i>Dioscorea alata</i>
Australian pines	All <i>Casuarina</i> species
Bishopwood	<i>Bischofia javanica</i>
Brazilian pepper	<i>Schinus terebinthifolia</i>
Carrotwood	<i>Cupaniopsis anacardioides</i>
Chinese tallow	<i>Sapium sebiferum</i>
Cork tree	<i>Thespesia populnea</i>
Cuban laurel fig	<i>Ficus microcarpa</i>
Downy rose-myrtle	<i>Rhodomyrtus tomentosus</i>
Earleaf acacia	<i>Acacia auriculiformis</i>
Japanese climbing fern	<i>Lygodium japonicum</i>
Java plum	<i>Syzygium cumini</i>
Melaleuca	<i>Melaleuca quinquenervia</i>
Murray red gum	<i>Eucalyptus camaldulensis</i>
Old World climbing fern	<i>Lygodium microphyllum</i>
Rose apple	<i>Syzygium jambos</i>
Rosewood	<i>Dalbergia sissoo</i>

Table 2. (Continued)

Common Name	Scientific Name
Tropical soda apple	<i>Solanum viarum</i>
Wedelia	<i>Wedelia trilobata</i>
Weeping fig	<i>Ficus benjamina</i>
Woman's tongue	<i>Albizia lebbbeck</i>

Exotic and nuisance vegetation removal will be conducted primarily by hand methods. Hand treatment will be either by the felling of exotic trees, hand-removal, and herbicide treatment of the tree stumps; or by hand-pulling and removal. The treatment of exotic and nuisance vegetation will include one or more of the following methods: (1) cut exotics within 12 inches of ground elevation, hand-remove cut vegetation, and treat the remaining stump with approved herbicide; (2) foliar application of approved herbicide or hand pulling of exotic seedlings; and (3) foliar application of approved herbicide to nuisance grasses.

4.2 Debris Removal

Exotic vegetative debris that is cut will be removed from the indigenous preserve areas. Exotic debris may be stacked in the adjacent agricultural lands for disposal but shall not be burned. The preserve areas will be inspected annually for trash/garbage. Any trash/garbage located within the preserve areas will be removed and disposed of by hand.

4.3 Method and Frequency of Pruning and Trimming

Exotic removal within the existing indigenous habitats is scheduled to begin after development order approval. After completing the initial exotic removal, semi-annual inspections of the preserves will occur for the first two years. During these inspections, the conservation areas will be traversed by a qualified ecologist. Locations of nuisance and/or exotic species will be identified for immediate treatment with an appropriate herbicide. Any additional potential problems will also be noted, and corrective actions will be taken. Once exotic/nuisance species levels have been reduced to acceptable limits, inspections of the conservation areas will be conducted a minimum of once every two years.

After the initial exotic removal, all subsequent exotic maintenance will be hand-removal only. Maintenance will be conducted in perpetuity to ensure that the conservation areas are free of exotic vegetation, including the prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

5.0 INDIGENOUS VEGETATION RESTORATION

Restoration and re-establishment of indigenous vegetation communities will be conducted in areas with greater than 75 percent coverage by exotic vegetation within the conservation areas. Restoration activities will include 359.60± acres of exotic removal and supplemental plantings in

existing forested and herbaceous habitats with greater than 75 percent exotics. Additionally, 6.90± acres of OSW will be backfilled and 16.80± acres of berms within the conservation areas will be removed and replanted with native wetland and upland vegetation. The locations of the various types of restoration areas are shown on Appendix D.

The restoration activities will result in the re-establishment of indigenous vegetation communities throughout the Project site. Due to the proximity to SWFIA, the restoration activities within the Buffer will include like-for-like habitat restoration to maintain similar structural characteristics within the preserve areas and minimize wildlife attractants. For example, a melaleuca forest will be replaced with native trees and an exotic-infested marsh will be replanted with herbaceous vegetation. Photographs providing examples of like-for-like habitat restoration are included as Appendix E. Plantings within the Buffer will be consistent with LCPA's Compatible Native Landscape List (Appendix F). The location of the Buffer is shown on Appendix D. In addition to the re-establishment of indigenous vegetation, extensive berm removal activities will restore the hydrologic connectivity that historically existed among the on-site wetland communities.

5.1 Removal of Exotics and Supplemental Plantings

Approximately 359.60± acres (301.50± acres of wetlands and 58.10± acres of uplands) with greater than 75 percent exotics will be enhanced by removing exotic species and supplemental plantings of native vegetation. This includes 229.79± acres of wetlands and 53.88± acres of upland located within the Buffer that will be subjected to like-for-like habitat restoration and compliance with LCPA's Compatible Native Landscape List. Mechanical equipment may be utilized to assist in the removal of exotic species in these areas. The mechanical removal areas will be flagged in the field and approved by Lee County Department of Community Development (DCD) staff prior to issuance of a vegetation removal permit. Cut vegetative debris will be removed from these areas to allow for successful supplemental plantings. All efforts will be made to preserve native trees when conducting the exotic removal with mechanized equipment. To minimize adverse impacts to the ground surface, machinery that exerts a relatively low impact on the ground surface (i.e., tracked skid steer, feller-buncher) will be utilized within the mechanical removal areas. To prevent ground disturbance, mechanical equipment will not be utilized in areas of the preserve that are saturated or inundated. If rutting occurs, the ground surface will be restored to natural grade with the use of low impact equipment or by hand methods such as raking.

Following the removal of exotics, supplemental wetland plantings will be installed in the 301.50± acres of wetland habitats. Wetland plantings will be selected based on the type of native vegetation that occurs in the adjacent or nearby wetland habitats. Tree and ground cover species will be planted according to the specifications in Table 2. A minimum of three tree species and three ground cover species will be planted. The species selected for planting will depend on market availability at the time the plantings are to occur. Additional tree and ground cover species may be included in the planting table with approval from Lee County staff.

Plant material installed in wetland restoration areas located within the Buffer (229.79± acres) will adhere to the LCPA Compatible Native Landscape List (Appendix F).

Table 3. Supplemental Wetland Plantings¹

Common Name	Scientific Name	Minimum Height	Container Size	Planting Instruction (On Center)
Trees (minimum three species)				
Bald cypress*	<i>Taxodium distichum</i>	2 to 5 ft.	BR to 3 gal.	20 ft.
Dahoon holly (male only)*	<i>Ilex cassine</i>	2 to 5 ft.	BR to 3 gal.	20 ft.
Laurel oak*	<i>Quercus laurifolia</i>	2 to 5 ft.	BR to 3 gal.	20 ft.
Pond apple	<i>Annona glabra</i>	2 to 5 ft.	BR to 3 gal.	20 ft.
Pop ash	<i>Fraxinus caroliniana</i>	2 to 5 ft.	BR to 3 gal.	20 ft.
Red maple	<i>Acer rubrum</i>	2 to 5 ft.	BR to 3 gal.	20 ft.
Slash pine*	<i>Pinus elliottii</i> var. <i>densa</i>	2 to 5 ft.	BR to 3 gal.	20 ft.
Swamp bay*	<i>Persea palustris</i>	2 to 5 ft.	BR to 3 gal.	20 ft.
Ground Cover (minimum three species)				
Alligator flag*	<i>Thalia geniculata</i>	12 in.	2 in.	3 to 5 ft.
Arrowhead	<i>Sagittaria lancifolia</i>	12 in.	2 in.	3 to 5 ft.
Blue maidencane	<i>Amphicarpum muhlenbergianum</i>	12 in.	2 in.	3 to 5 ft.
Dense-flower knotweed	<i>Polygonum glabrum</i>	12 in.	2 in.	3 to 5 ft.
Fakahatchee grass*	<i>Tripsacum dactyloides</i>	12 in.	2 in.	3 to 5 ft.
Golden canna	<i>Canna flaccida</i>	12 in.	2 in.	3 to 5 ft.
Gulfdune paspalum	<i>Paspalum monostachyum</i>	12 in.	2 in.	3 to 5 ft.
Maidencane	<i>Panicum hemitomon</i>	12 in.	2 in.	3 to 5 ft.
Muhly grass*	<i>Muhlenbergia capillaris</i>	12 in.	2 in.	3 to 5 ft.
Pickerelweed	<i>Pontederia cordata</i>	12 in.	2 in.	3 to 5 ft.
Sand cordgrass*	<i>Spartina bakeri</i>	12 in.	2 in.	3 to 5 ft.
Sawgrass	<i>Cladium jamaicense</i>	12 in.	2 in.	3 to 5 ft.
Soft-stem bulrush	<i>Scirpus validus</i>	12 in.	2 in.	3 to 5 ft.
Spikerush*	<i>Eleocharis interstincta</i>	12 in.	2 in.	3 to 5 ft.
Swamp lily	<i>Crinum americanum</i>	12 in.	2 in.	3 to 5 ft.
Wiregrass*	<i>Aristida stricta</i>	12 in.	2 in.	3 to 5 ft.

BR – Bare root

¹Plantings to be installed in Indigenous Wetland Restoration (301.50± acres)

*Compatible with LCPA plant list.

Following the removal of exotic vegetation, supplemental upland plantings will be installed in 58.10± acres of upland habitats. Upland plantings will be selected to replace the type of native vegetation that occurs in the adjacent or nearby upland habitats. Tree plantings will include primarily slash pine, although other tree species listed in Table 3 may be utilized. Upland tree and ground cover plantings will be installed according to the specifications listed in Table 3. A minimum of two tree species and three ground cover species will be planted. The species selected for planting will depend on market availability at the time the

plantings are to occur. Additional tree and ground cover species may be included in the planting table with approval from Lee County staff.

Plant material installed in upland restoration areas located within the Buffer (53.88± acres) will adhere to the LCPA Compatible Native Landscape List (Appendix F).

Table 4. Supplemental Upland Plantings¹

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Instruction (On Center)
Trees (minimum two species)				
Laurel oak*	<i>Quercus laurifolia</i>	2 to 5 ft.	BR to 3 gal.	20 ft.
Live oak	<i>Quercus virginiana</i>	2 to 5 ft.	BR to 3 gal.	20 ft.
Slash pine*	<i>Pinus elliotii</i> var. <i>densa</i>	2 to 5 ft.	BR to 3 gal.	20 ft.
Ground Cover (minimum three species)				
Blue maidencane	<i>Amphicarpum muhlenbergianum</i>	12 in.	2 in.	3 to 5 ft.
Broomsedge	<i>Andropogon virginicus</i>	12 in.	2 in.	3 to 5 ft.
Fakahatchee grass*	<i>Tripsacum dactyloides</i>	12 in.	2 in.	3 to 5 ft.
Gulfdune paspalum	<i>Paspalum monostachyum</i>	12 in.	2 in.	3 to 5 ft.
Muhly grass*	<i>Muhlenbergia capillaris</i>	12 in.	2 in.	3 to 5 ft.
Sand cordgrass*	<i>Spartina bakeri</i>	12 in.	2 in.	3 to 5 ft.
Saw palmetto*	<i>Serenoa repens</i>	12 in.	1 gal.	8 ft.
Wiregrass*	<i>Aristida stricta</i>	12 in.	2 in.	3 to 5 ft.

¹Plantings to be installed in Indigenous Upland Restoration (58.10± acres)

*Compatible with LCPA planting list.

BR – Bare root

5.2 OSW Backfilling, Berm Removal, and Supplemental Plantings

Historic aerials show the property was formerly used for agricultural operations. As part of the historic agricultural surface water management, an extensive network of ditches and berms have been constructed on the property which has led to the partitioning of wetland systems within the site. This includes a historic farm road that bisects the site and precludes hydrologic connectivity between wetland systems located in the northern and southern portions of the property. This road has been used by the SFWMD to represent the dividing line between the Estero River and Six Mile Cypress sub-watersheds.

To restore the hydrologic connectivity that historically existed among the on-site wetland communities, 16.80± acres of berms will be removed and 6.90± acres of OSW (i.e., agricultural ditches) will be backfilled using the berm material. This includes 13.7± acres of OSW and berm material that will be restored to wetlands and 10± acres of OSW and berm material that will be restored to uplands. Of the 13.7± acres of OSW and berm that will be restored to wetlands, 9.61± acres are located within the Buffer and will be subjected to like-for-like habitat restoration and compliance with LCPA's Compatible Native Landscape List (Appendix F). Similarly, of the 10± acres of OSW and berm that will be

restored to uplands, 8.78± acres located within the Buffer will be subjected to like-for-like habitat restoration and compliance with LCPA's Compatible Native Landscape List (Appendix F). These areas will be regraded to match adjacent natural grade and planted with native vegetation according to the specifications listed in Tables 2 and 3.

The proposed hydrologic restoration activities are designed to reconnect the Project's wetland systems and are not anticipated to increase wetland hydroperiods. Activities that could increase wetland hydroperiods, such as excavating/lowering the ground surface or creating impoundments, are not proposed as they could potentially attract hazardous wildlife. The main objective of the hydrologic restoration is to facilitate the north to south flow of water through the Project site that existed historically while maintaining existing wetland hydroperiods. It is anticipated that cypress and freshwater marsh systems will maintain long hydroperiods (approximately 180-270 days) while hydric pine and mixed wetland hardwood hammocks will maintain short hydroperiods (approximately 30-60 days), consistent with SFWMD habitat characterizations (SFWMD 2007).

A flow path will be established in the central portion of the site which will facilitate a hydrologic connection between the Estero River and Six Mile Cypress sub-watersheds. Per coordination with LCPA staff, the flow path was designed to be a closed (i.e., piped with no open standing water) system so it would not function as a wildlife attractant. The location of the flow path is shown on Appendix D. A cross-section showing how the flow path is intended to function is provided as Appendix G. The flow path will connect two short hydroperiod wetland habitat types (i.e., hydric pine and mixed wetland hardwoods); therefore, hydrologic connection between these systems is anticipated to occur only during peak wetland water levels or after large storm events.

6.0 BUFFER REQUIREMENTS

The MCP indicates that portions of the indigenous preserve and restoration areas will be utilized to meet Type D buffer requirements. The Type D buffer area is approximately 1,320 linear feet; therefore, this area must contain 66 trees and 872 shrubs per LDC requirements. If sufficient native vegetation does not exist within the preserve area to meet the Type D requirement, tree and shrub plantings will be installed in accordance with Table 5. Plant material installed will adhere to the LCPA Compatible Native Landscape List (Appendix F).

Table 5. Buffer Plantings

Common Name	Scientific Name	Minimum Height	Container Size
Wetland Trees¹			
Bald cypress*	<i>Taxodium distichum</i>	10 ft.	15 gal.
Dahoon holly (male only)*	<i>Ilex cassine</i>	10 ft.	15 gal.
Laurel oak*	<i>Quercus laurifolia</i>	10 ft.	15 gal.
Pond apple	<i>Annona glabra</i>	10 ft.	15 gal.
Pop ash	<i>Fraxinus caroliniana</i>	10 ft.	15 gal.

Table 5. (Continued)

Common Name	Scientific Name	Minimum Height	Container Size
Wetland Trees¹			
Red maple	<i>Acer rubrum</i>	10 ft.	15 gal.
Slash pine*	<i>Pinus elliottii</i> var. <i>densa</i>	10 ft.	15 gal.
Swamp bay*	<i>Persea palustris</i>	10 ft.	15 gal.
Wetland Shrubs			
Pitchapple*	<i>Clusia rosea</i>	24 in.	3 gal.
Wax myrtle	<i>Myrica cerifera</i>	24 in.	3 gal.
Gallberry*	<i>Ilex glabra</i>	24 in.	3 gal.
Myrsine*	<i>Myrsine cubana</i>	24 in.	3 gal.
Buttonbush	<i>Cephalanthus occidentalis</i>	24 in.	3 gal.
Cocoplum	<i>Chrysobalanus icaco</i>	24 in.	3 gal.
Upland Trees			
Laurel oak*	<i>Quercus laurifolia</i>	10 ft.	15 gal.
Live oak	<i>Quercus virginiana</i>	10 ft.	15 gal.
Slash pine*	<i>Pinus elliottii</i> var. <i>densa</i>	10 ft.	15 gal.
Upland Shrubs			
Wax myrtle	<i>Myrica cerifera</i>	24 in.	3 gal.
Pitchapple*	<i>Clusia rosea</i>	24 in.	3 gal.
Bahama cassia*	<i>Cassia bahamensis</i>	24 in.	3 gal.
Gallberry*	<i>Ilex glabra</i>	24 in.	3 gal.
Rusty lyonia*	<i>Lyonia ferruginea</i>	24 in.	3 gal.
Firebush*	<i>Hamelia patens</i>	24 in.	3 gal.
Saw palmetto*	<i>Serenoa repens</i>	24 in.	3 gal.
Myrsine*	<i>Myrsine cubana</i>	24 in.	3 gal.
Cocoplum	<i>Chrysobalanus icaco</i>	24 in.	3 gal.

¹Tree Plantings must have a minimum four-foot spread and two-inch caliper width.

*Compatible with LCPA planting list.

7.0 RESTORATION ACTIVITY SCHEDULE

Site development and restoration may occur in phases. Details of phasing will be addressed at the time of Development Order. Restoration activities in each phase (e.g., Phases 1, 2, etc.) will be completed within ten years or sooner from the date of issuance of the first development order for that phase. The initial Development Order must include all indigenous vegetation preservation, enhancement, and restoration, and hydrologic restoration to support the phased site plan and corresponding density.

8.0 SUCCESS CRITERIA

8.1 Indigenous Wetland and Upland Preservation and Enhancement

The following are the success criteria for the indigenous preserve areas:

- 1) Initial eradication of exotic and nuisance vegetation will be completed; and
- 2) The preserve areas will be maintained free from exotic vegetation. Exotic vegetation species include, but are not limited to, the 21 species of prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

8.2 Indigenous Wetland and Upland Restoration

The following are the success criteria for the indigenous wetland and upland restoration areas:

- 1) Initial eradication of exotic and nuisance vegetation will be completed;
- 2) Removal of berms and backfilling of ditches will be completed;
- 3) Supplemental plantings will be completed in the indigenous restoration areas;
- 4) A minimum 80 percent survival of tree and ground cover plantings after five years; and
- 5) The preserve areas will be maintained free from exotic vegetation. Exotic vegetation species include, but are not limited to, the 21 species of prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

9.0 MAINTENANCE

After completing the initial exotic removal, semi-annual inspections of the conservation areas will occur for the first two years. During these inspections, the conservation areas will be traversed by a qualified ecologist. Locations of nuisance and/or exotic species will be identified for immediate treatment with an appropriate herbicide. Any additional potential problems will also be noted, and corrective actions will be taken. Once exotic/nuisance species levels have been reduced to acceptable limits, inspections of the conservation areas will be conducted annually.

After the initial exotic removal, all subsequent exotic maintenance will be hand-removal only. Maintenance will be conducted in perpetuity to ensure that the conservation areas are free of exotic vegetation, including the prohibited invasive exotic species listed in Section 10-420(h) of the LDC (Table 1).

10.0 MONITORING REPORTS

Monitoring will be conducted annually for the conservation areas. Annual reports documenting the achievement of the success criteria outlined in Section 8.0 will be submitted to Lee County DCD staff. Annual monitoring reports will be provided for five years after the Certificate of Compliance has been issued by the DCD or until 80 percent survivability is reached. Monitoring

will typically be conducted during the height of the growing season (August to October), with annual reports submitted by January 15. The timing of monitoring may be adjusted based on environmental conditions.

Annual monitoring reports will be provided as described above. The monitoring reports will include documented exotic and nuisance species, mortality of vegetation, estimated causes of mortality, growth of the vegetation, wildlife observed, photographs, and factors that demonstrate the functional health of the conservation areas. A brief description of anticipated maintenance work to be conducted over the next year will also be included. Periodic inspections will be conducted by DCD staff to ensure the accuracy of the monitoring reports.

11.0 LONG-TERM MANAGEMENT AND MONITORING

The conservation areas will be placed in a conservation easement granted to Lee County and the SFWMD with third-party enforcement rights to the Florida Department of Environmental Protection and U.S. Fish and Wildlife Service. The conservation easement will prevent the encroachment of future development as well as activities that are incompatible with the goal of sustaining the preserved and restored conservation areas in good ecological health. Responsibility for long-term management of the conservation areas will shift to the Community Development District or Homeowners' Association following the completion of enhancement and restoration activities on-site. Long-term management of exotic and nuisance vegetation, debris removal, and methods and frequency of trimming and pruning will adhere to the requirement outlined in Section 4.0 of this plan.

12.0 PRESERVE SIGNAGE AND COMMUNITY EDUCATION PLAN

Signs identifying the preserve as a "nature preserve area" will be installed along the boundary of the conservation areas. The signage will include language stating, "No dumping allowed." The signs will be spaced a maximum of 300 feet apart. The signs will be no closer than ten feet from residential property lines and be limited to a maximum height of four feet and a maximum size of two square feet. A typical preserve sign is attached as Appendix H.

Community informational and educational brochures, such as those describing the benefits of preserve areas, may be created and provided as needed to keep residents in compliance with conservation easements, wildlife regulations, etc. Continued education will ensure that the community is well-informed regarding the preserves and wildlife coexistence. A separate Protected Species Management and Human-Wildlife Coexistence Plan has been prepared to address human-wildlife conflicts.

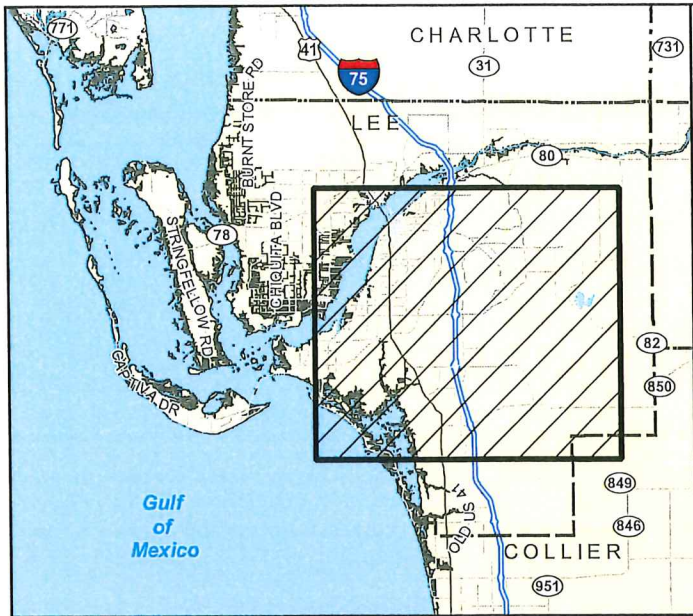
13.0 REFERENCES

Florida Department of Transportation. 1999. Florida Land Use, Cover and Forms Classification System (FLUCFCS). Procedure No. 550-010-001-a. Third Edition.

Florida Natural Areas Inventory. 2010. Guide to the Natural Communities of Florida: 2010 Edition. Florida Natural Areas Inventory, Tallahassee, Florida.

South Florida Water Management District. 2007. Pre-Development Vegetation Communities of Southern Florida. Technical Publication HESM-02.

APPENDIX A
PROJECT LOCATION MAP

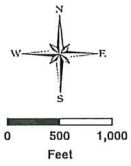


APPENDIX A. PROJECT LOCATION MAP
DANIELS PARKWAY SOUTH

DRAWN BY	DATE
P.F.	11/10/21
REVIEWED BY	DATE
C.R.	11/10/21
REVISED	DATE

APPENDIX B

RARE AND UNIQUE UPLAND PRESERVE MAP



ON-SITE EXAMPLE OF RARE AND UNIQUE UPLAND:
MATURE PINE FLATWOODS HABITAT

LEGEND	
	DANIELS PARKWAY SOUTH
	INDIGENOUS UPLAND PRESERVE ENHANCEMENT (90.1 AC.)
	RARE AND UNIQUE UPLAND PRESERVE AND ENHANCEMENT (58.1 AC.)
	SWFIA 10,000' HAZARDOUS WILDLIFE BUFFER PER MORRIS DEFEW DRAWING NO. 21008-01 X-102 OPEN SPACE.DWG DATED APRIL 25, 2022.
	APPROXIMATE LOCATION OF FLOW PATH
	APPROXIMATE LOCATION OF CULVERT CONNECTION

NOTES:

PROPERTY BOUNDARY AND PRESERVE AREA
PER MORRIS DEFEW DRAWING NO. PRESERVE
BOUNDARIES & PROPERTY BOUNDARY.DWG DATED
MAY 2, 2022.

SITE PLAN PER MORRIS DEFEW DRAWING NO.
21001-01 PARCELS.DWG DATED MAY 3, 2022.

SWFIA 10,000' HAZARDOUS WILDLIFE BUFFER PER
MORRIS DEFEW DRAWING NO. 21008-01 X-102 OPEN
SPACE.DWG DATED APRIL 25, 2022.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL
PHOTOGRAPHS AND LOCATIONS APPROXIMATED.
FLUCFCS PER FLORIDA LAND USE, COVER
AND FORMS CLASSIFICATION SYSTEM (FLUCFCS)
(FDOT 1999).

UPLAND/WETLAND LIMITS WERE FIELD REVIEWED
AND APPROVED BY SFWDH STAFF ON JANUARY 14,
20, AND 21, 2022.

DRAWN BY	DATE
T.S.	8/12/22
REVIEWED BY	DATE
S.J.	8/12/22
REVISED	DATE

13620 Metropolis Avenue
Suite 200
Fort Myers, Florida 33912
Phone (239) 274-0067
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PASSARELLA
& ASSOCIATES

DANIELS PARKWAY SOUTH
RARE AND UNIQUE UPLAND PRESERVE MAP

DRAWING No.	19LLL3192
SHEET No.	APPENDIX B

APPENDIX C

AERIAL WITH SFWMD FLUCFCS AND WETLANDS MAP



LEGEND:

SFWMD WETLANDS
(532.51 Ac.±)

SFWMD "OTHER SURFACE WATERS"
(30.93 Ac.±)

SURVEYED WETLAND LINE

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
211	IMPROVED PASTURE	473.76 Ac.±	38.4%
282	LOW PASTURE	27.96 Ac.±	2.3%
3219 E1	PALMETTO PRAIRIE, DISTURBED (0-24% EXOTICS)	3.13 Ac.±	0.3%
3219 E2	PALMETTO PRAIRIE, DISTURBED (25-49% EXOTICS)	4.15 Ac.±	0.3%
3219 E3	PALMETTO PRAIRIE, DISTURBED (50-75% EXOTICS)	2.11 Ac.±	0.2%
3219 E4	PALMETTO PRAIRIE, DISTURBED (76-100% EXOTICS)	0.73 Ac.±	0.1%
4110 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	53.32 Ac.±	4.3%
4110 E2	PINE FLATWOODS, DISTURBED (25-49% EXOTICS)	28.79 Ac.±	2.3%
4110 E3	PINE FLATWOODS, DISTURBED (50-75% EXOTICS)	2.64 Ac.±	0.2%
4110 E4	PINE FLATWOODS, DISTURBED (76-100% EXOTICS)	2.07 Ac.±	0.2%
4159 E1	PINE, DISTURBED (0-24% EXOTICS)	11.18 Ac.±	0.9%
4159 E2	PINE, DISTURBED (25-49% EXOTICS)	2.76 Ac.±	0.2%
4159 E3	PINE, DISTURBED (50-75% EXOTICS)	2.07 Ac.±	0.2%
4159 E4	PINE, DISTURBED (76-100% EXOTICS)	1.51 Ac.±	0.1%
422	BRAZILIAN PEPPER	3.67 Ac.±	0.3%
424	MELALEUCA	2.93 Ac.±	0.2%
4241	MELALEUCA, HYDRIC	133.24 Ac.±	10.6%
4270 E1	LIVE OAK, DISTURBED (0-24% EXOTICS)	1.20 Ac.±	0.1%
4281 E3	CABBAGE PALM, HYDRIC (50-75% EXOTICS)	11.15 Ac.±	0.9%
4349 E1	HARDWOOD/CONIFER MIXED, DISTURBED (0-24% EXOTICS)	6.62 Ac.±	0.5%
4349 E2	HARDWOOD/CONIFER MIXED, DISTURBED (25-49% EXOTICS)	6.05 Ac.±	0.5%
4349 E3	HARDWOOD/CONIFER MIXED, DISTURBED (50-75% EXOTICS)	7.39 Ac.±	0.6%
4349 E4	HARDWOOD/CONIFER MIXED, DISTURBED (76-100% EXOTICS)	2.49 Ac.±	0.2%
4389 E1	MIXED HARDWOODS, DISTURBED (0-24% EXOTICS)	4.51 Ac.±	0.4%
514	DITCH	30.71 Ac.±	2.5%
514 H	DITCH, HYDRIC	8.14 Ac.±	0.7%
525	COW POND	0.22 Ac.±	0.0%
6179 E1	MIXED WETLAND HARDWOODS, DISTURBED (0-24% EXOTICS)	30.69 Ac.±	2.5%
6179 E2	MIXED WETLAND HARDWOODS, DISTURBED (25-49% EXOTICS)	1.77 Ac.±	0.1%
6179 E3	MIXED WETLAND HARDWOODS, DISTURBED (50-75% EXOTICS)	1.48 Ac.±	0.1%
6179 E4	MIXED WETLAND HARDWOODS, DISTURBED (76-100% EXOTICS)	3.35 Ac.±	0.3%
6219 E1	CYPRESS, DISTURBED (0-24% EXOTICS)	17.46 Ac.±	1.4%
6219 E2	CYPRESS, DISTURBED (25-49% EXOTICS)	48.22 Ac.±	3.9%
6219 E3	CYPRESS, DISTURBED (50-75% EXOTICS)	11.90 Ac.±	1.0%
6219 E4	CYPRESS, DISTURBED (76-100% EXOTICS)	8.66 Ac.±	0.7%
6259 E1	PINE, HYDRIC, DISTURBED (0-24% EXOTICS)	1.37 Ac.±	0.1%
6259 E2	PINE, HYDRIC, DISTURBED (25-49% EXOTICS)	11.69 Ac.±	0.9%
6259 E3	PINE, HYDRIC, DISTURBED (50-75% EXOTICS)	25.38 Ac.±	2.1%
6259 E4	PINE, HYDRIC, DISTURBED (76-100% EXOTICS)	1.72 Ac.±	0.1%
6319 E1	WETLAND SHRUB, DISTURBED (25-49% EXOTICS)	5.63 Ac.±	0.5%
6419 E1	FRESHWATER MARSH, DISTURBED (0-24% EXOTICS)	15.59 Ac.±	1.3%
6419 E2	FRESHWATER MARSH, DISTURBED (25-49% EXOTICS)	2.67 Ac.±	0.2%
6419 E3	FRESHWATER MARSH, DISTURBED (50-75% EXOTICS)	17.65 Ac.±	1.4%
6419 E4	FRESHWATER MARSH, DISTURBED (76-100% EXOTICS)	126.68 Ac.±	10.3%
6439 E3	WET PRAIRIES, DISTURBED (50-75% EXOTICS)	7.24 Ac.±	0.6%
6439 E4	WET PRAIRIES, DISTURBED (76-100% EXOTICS)	3.37 Ac.±	0.3%
740	DISTURBED LAND	6.47 Ac.±	0.5%
7401	DISTURBED LAND, HYDRIC	9.30 Ac.±	0.8%
743	SPOIL AREA	0.21 Ac.±	0.0%
747	BERM	39.18 Ac.±	3.2%
TOTAL		1233.08 Ac.±	100.0%

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH FLIGHT DATES OF JANUARY - MARCH 2021.

PROPERTY BOUNDARY PER MORRIS DEPEW DRAWING No. PRESERVE BOUNDARIES.DWG DATED MARCH 15, 2022.

SURVEYED WETLAND LINES PER MORRIS DEPEW DRAWING No. 21008 - 2022-02-07 WETLAND FLAG LOCATION TO PASSARELLA.DWG DATED FEBRUARY 11, 2022.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOF 1999).

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

DRAWN BY
P.F./T.S.
3/22/22
REVIEWED BY
J.T./B.T.
3/22/22
REVISED

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PASSARELLA
& ASSOCIATES

DANIELS ROAD SOUTH
AERIAL WITH SFWMD FLUCFCS AND
WETLANDS MAP

DRAWING No.
19113192
SHEET No.
APPENDIX C

APPENDIX D

INDIGENOUS VEGETATION PRESERVATION, RESTORATION, AND MANAGEMENT PLAN



DRAWN BY	DATE
T.S.	11/11/21
REVIEWED BY	DATE
C.R.	11/11/21
REVISED	DATE
T.S.	5/3/22

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PASSARELLA
& ASSOCIATES

DANIELS PARKWAY SOUTH
INDIGENOUS VEGETATION PRESERVATION,
RESTORATION, AND MANAGEMENT PLAN

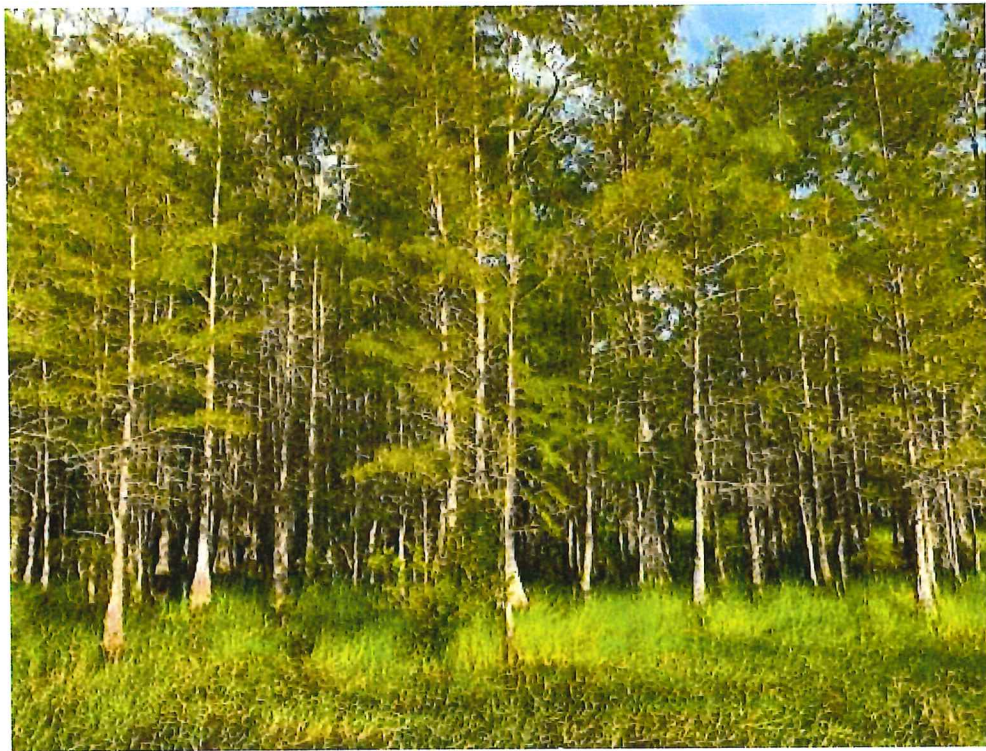
DRAWING No.	19LLL3192
SHEET No.	APPENDIX D

APPENDIX E

LIKE-FOR-LIKE HABITAT RESTORATION EXAMPLES



Pre-restoration forested habitat containing dense exotic melaleuca trees.



Post-restoration forested habitat containing LCPA-compatible native cypress trees.



Pre-restoration freshwater marsh habitat containing a monoculture of exotic torpedograss.



Post-restoration freshwater marsh habitat containing a mixture of LCPA-compatible native ground cover species (e.g., alligator flag, spikerush, cordgrass).

APPENDIX F

LCPA COMPATIBLE AND NON-COMPATIBLE PLANT LIST

LCPA Compatible and Non-Compatible Plant List

LCPA worked in conjunction with a Federal Aviation Administration (FAA) Qualified Airport Wildlife Biologist and local landscape architects to develop compatible and incompatible plant lists. In general, the goal is to reduce or eliminate landscaping materials that would provide food, water, or shelter and/or a combination of these basic needs that attract either large flocks of birds or birds that pose a high risk to aviation. For example, flocks of blackbirds, large raptors, flocks of ducks, large wading birds, or flocks of shorebirds could pose a high risk to aviation.

The landscape list categories are described below and a list of species for each category is provided in Table 1. The table provides a breakdown of each category by native and non-native trees/palms, shrubs, and grasses/groundcovers that are suitable for the southwest Florida environment. Please note that this list is provided for guidance only. Exception may be warranted due to additional requirements or site specific constraints.

Compatible – Group 1

Plant materials listed under this category are not known to attract high risk species or flocking birds. While all plants have the ability to provide some type of attractant to wildlife (including prey base for hazardous species), Group 1 species are considered compatible and can be used in any number, density, or arrangement. If a wildlife hazard attractant arises that could pose a threat to aviation, LCPA will work with Lee County staff and the landowner to determine if measures could be put in place to reduce the attractant.

Compatible – Group 2

Plant materials listed under this category may attract high risk species or flocking birds under certain circumstances. No large groupings of these species should be utilized in an effort to minimize their attractiveness to wildlife. The allowable size grouping of these species will vary based on the site setting and should be reviewed on a case by case basis. The corresponding note to the Group 2 species in Table 1 will explain restrictions or guidance on using the plant materials. If these plants are planned for use, LCPA staff should be included in review of the landscape plan. If a wildlife hazard attractant arises that could pose a threat to aviation, LCPA will work with Lee County staff and the landowner to determine if measures could be put in place to reduce the attractant.

Non-Compatible

Plant materials listed under this category are known to attract high risk species or flocking birds. Species on this list are not recommended for use.

Table 1: LCPA Landscape List (April 2016 Update)

Common Name	Scientific Name	Compatible		Incompatible
		Group 1	Group 2	
Native Trees / Palms				
Gumbo Limbo	Bursera simaruba	X		
Green Buttonwood	Conocarpus erectus	X		
Silver Buttonwood	Conocarpus erectus var. sericeus	X		
Orange Geiger	Cordia sebestena	X		
Loblolly Bay	Gordonia lasianthus	X		
Florida Anise	Illicium floridanum	X		
Swamp Bay	Persea palustris	X		
Jamaican Dogwood	Piscidia piscipula	X		
Mahogany	Swietenia mahogany	X		
Paurotis Palm	Acoelorrhaphe wrightii	X		
Royal Palm	Roystonea regia	X		
Jamacia caper	Capparis cynophallophora	X		
Sweetgum	Liquidambar styraciflua	X		
Florida Soapberry	Sapindus saponaria	X		
Florida Thatch Palm	Thrinax radiata	X		
Dahoon Holly (male only)	Ilex cassine		X	
Yaupon Holly (male only)	Ilex vomitoria		X	
Sweetbay Magnolia	Magnolia virginiana		X	
South Florida Slash Pine	Pinus elliottii var. densa		X	
Laurel Oak	Quercus laurifolia		X	
Cypress	Taxodium spp.		X	
Cabbage Palm	Sabal palmetto		X	
Red Maple	Acer rubrum			X
Pond Apple	Annona glabra			X
Satin Leaf	Chrysophyllum oliviforme			X
Pigeon Plum	Coccoloba diversifolia			X

Table 1: LCPA Landscape List (April 2016 Update)

Common Name	Scientific Name	Compatible		Incompatible
		Group 1	Group 2	
Sea Grape	<i>Coccoloba uvifera</i>			X
Florida Silver Palm	<i>Coccothrinax argentata</i>			X
Pop Ash	<i>Fraxinua caroliniana</i>			X
Southern Red Cedar	<i>Juniperus silicicola</i>			X
Mastic	<i>Mastichodendron foetidissimum</i>			X
Wax Myrtle	<i>Myrica cerifera</i>			X
Live Oak	<i>Quercus virginiana</i>			X
American Elm	<i>Ulmus americana</i>			X
Non-Native Trees/Palms				
Shady Lady / Black Olive	<i>Bucida buceras</i>	X		
Crapemyrtle	<i>Lagerstoemia spp.</i>	X		
Verawood	<i>Bulnesia arborea</i>	X		
Bismark Palm	<i>Bismarchia nobilis</i>	X		
Orange Geiger	<i>Cordia sebestena</i>	X		
Floss Silk Tree	<i>Chorisia speciosa</i>	X		
Gold Tabebuia	<i>Tabebuia chrysotricha</i>	X		
Purple Tabebuia	<i>Tabebuia impetiginosa</i>	X		
Montgomery palm	<i>Veitchia montgomeryana</i>	X		
Silver Thatch Palm	<i>Thrinax morrissi</i>	X		
Blue Atlas Cedar	<i>Cedrus atlantica 'Glaucua'</i>	X		
Royal poinciana	<i>Delonix regia</i>	X		
Yellow Elder	<i>Tecoma stans</i>	X		
White Bird of Paradise	<i>Strelitzia reginae</i>	X		
Jaboticaba Tree	<i>Myrciaria cauliflora</i>	X		
Lignum Vitae	<i>Guaiaicum sanctum</i>	X		
Bottlebrush	<i>Callistemon spp.</i>	X		
Chinese Fan Palm	<i>Livistona chinensis</i>	X		
Macarthur Palm	<i>Ptychosperma macarthurii</i>	X		
Native Shrubs				
Small Leaf Clusia	<i>Clusia guttifera</i>	X		
Blue Porterweed	<i>Statytarpheta urticifolia</i>	X		

Table 1: LCPA Landscape List (April 2016 Update)

Common Name	Scientific Name	Compatible		Incompatible
		Group 1	Group 2	
Bahama Cassia	<i>Cassia bahamensis</i>	X		
Pitch Apple	<i>Clusia rosea</i>	X		
Adam's Needle	<i>Yucca filamentosa</i>	X		
Coastal Sea Rocket	<i>Cakile lanceolata</i>	X		
Jamacia caper	<i>Capparis cynophallophora</i>	X		
Golden Dewdrop	<i>Duranta erecta</i>	X		
Coral Bean	<i>Erythrina herbacea</i>	X		
Wild Cotton	<i>Gossypium hirsutum</i>	X		
Wild Sage	<i>Lantana involucrate</i>	X		
Rusty Lyonia	<i>Lyonia ferruginea</i>	X		
Gallberry/Inkberry	<i>Ilex glabra</i>	X		
Maidenbush	<i>Heterosavia bahamaensis</i>	X		
Dwarf Yaupon Holly (male only)	<i>Ilex vomitoria</i>		X	
Firebush	<i>Hamelia patens</i>		X	
Yellow Necklacepod	<i>Sophora tomentosa var. truncata</i>		X	
Green Saw Palmetto	<i>Serenoa repens</i>		X	
American Beautyberry	<i>Callicarpa americana</i>			X
Cocoplum	<i>Chrysobalanus icaco</i>			X
Spanish Stopper	<i>Eugenia foetida</i>			X
Florida Privet	<i>Forestiera segregata</i>			X
Simpson Stopper	<i>Myrcianthes fragrans</i>			X
Myrsine	<i>Myrsine cubana</i>			X
Wild Coffee	<i>Psychotria nervosa</i>			X
Shiny Blueberry	<i>Vaccinium myrsinites</i>			X
Wild Lime	<i>Zanthoxylum fagara</i>			X
Walter's Viburnum	<i>Viburnum obovatum</i>			X
Non-Native Shrubs				
Golden Thryallis	<i>Galphimia gracillis</i>	X		
Ixora "Nora Grant"	<i>Ixora "Nora Grant"</i>	X		
Jatropha	<i>Jatropha integerrima</i>	X		

Table 1: LCPA Landscape List (April 2016 Update)

Common Name	Scientific Name	Compatible		Incompatible
		Group 1	Group 2	
Dwarf Poinciana	<i>Caesalpinia pulcherrima</i>	X		
Green Pitosporum	<i>Pittosporum tobira 'Wheeleri'</i>	X		
Blue Plumbago	<i>Plumbago auriculata</i>	X		
Yesterday-Today-Tomorrow	<i>Brunfelsia grandiflora</i>	X		
Native Grasses & Groundcover				
Sword Fern	<i>Nephrolepis exaltata</i>	X		
Leather fern	<i>Acrostichum danaeifolium</i>	X		
Sunshine mimosa, powderpuff	<i>Mimosa strigillosa</i>	X		
Coontie	<i>Zamia pumila</i>	X		
Chalky Bluestem	<i>Andropogon virginicus var. glaucus</i>	X		
Wiregrass	<i>Aristida beyrichiana</i>	X		
Muhlygrass	<i>Muhlenbergia capillaris</i>	X		
Grassleaf Golden Aster	<i>Pityopsis graminifolia</i>	X		
Dwarf Blue Porterweed	<i>Statytarpheta jamaicensis</i>	X		
Narrowleaf Blue-Eyed Grass	<i>Sisyrinchium angustifolium</i>	X		
Fakahatchee Grass	<i>Tripsacum dactyloides</i>		X	
Sand Cordgrass	<i>Spartina bakeri</i>		X	
Golden Creeper	<i>Ernodea littoralis</i>			X
Purple Love Grass	<i>Eragrostis spectabilis</i>			X
Gopher Apple	<i>Licania michauxii</i>			X
Non-Native Grasses & Groundcover				
Orange Bromeliad	<i>Aechmea blanchetiana</i>	X		
Imperial Bromeliad	<i>Aechmea imperialis</i>	X		
Dwarf Bougainvillea	<i>Bougainvillea sp.</i>	X		
Crinum Lily	<i>Crinum asiaticum</i>	X		
Purple Lantana	<i>Lantana montevidensis</i>	X		
Yellow Lantana	<i>Lantana camara</i>	X		
Variegated Ginger	<i>Alpinia zerumbet "Variegata"</i>	X		
Liriope "Emerald Goddess"	<i>Liriope muscari</i>	X		

Table 1: LCPA Landscape List (April 2016 Update)

Common Name	Scientific Name	Compatible		Incompatible
		Group 1	Group 2	
Crown of Thorns	<i>Euphorbia milii</i>	X		
African Iris	<i>Dietes spp</i>	X		
Bulbine	<i>Bulbine frutescens</i>	X		
Lily of the Nile	<i>Agapanthus orientalis</i>	X		
Society Garlic	<i>Tulbaghia violacea</i>	X		
Blueberry Flax Lily	<i>Dianella tasmanicata 'Variegata'</i>	X		
Yellow Alder	<i>Turnera ulmifolia</i>	X		
Gulf Croton	<i>Croton punctatus</i>	X		
Ligustrum	<i>Ligustrum japonicum</i>			X
Fountain grass	<i>Pennisetum setaceum</i>			X
Indian hawthorn	<i>Rhaphiolepis indica</i>			X
Parson's juniper	<i>Juniperus squamata expansa</i>			X
Perennial Peanut	<i>Arachis glabrata</i>			X
Native Wildflowers				
Butterfly Weed	<i>Asclepias tuberosa</i>	X		
Leavenworth's Tickseed	<i>Coreopsis leavenworthii</i>	X		
Button Snakeroot	<i>Eryngium yuccifolium</i>	X		
Blanket Flower	<i>Gaillardia pulchella</i>	X		
Florida Pennyroyal	<i>Piloblephis rigida</i>	X		
Wild Petunia	<i>Ruellia caroliniensis</i>	X		
Tropical Sage	<i>Salvia coccinea</i>	X		
Adam's Needle	<i>Yucca filamentosa</i>	X		
Beach Sunflower	<i>Helianthus debilis</i>		X	
Native Wetland Plants				
Lemon Bacopa	<i>Bacopa caroliniana</i>	X		
Water Hyssop	<i>Bacopa monnieri</i>	X		
String Lily	<i>Crinum americanum</i>	X		
Knotted Spikerush	<i>Eleocharis interstincta</i>	X		

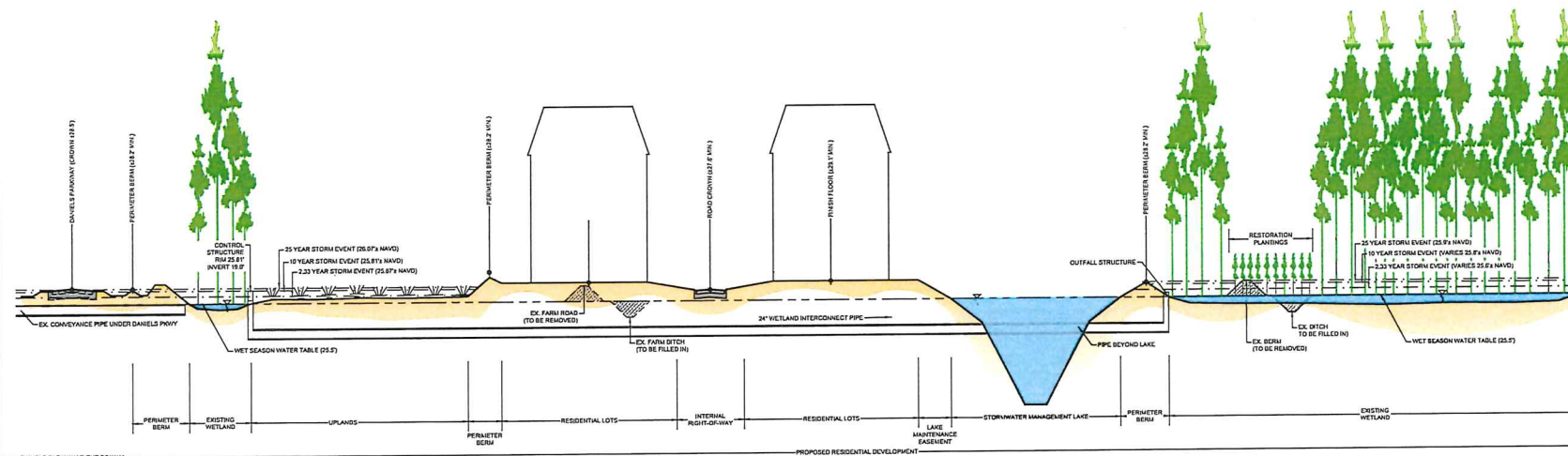
Table 1: LCPA Landscape List (April 2016 Update)

Common Name	Scientific Name	Compatible		Incompatible
		Group 1	Group 2	
Perfumed Spiderlily	<i>Hymenocallis latifolia</i>	X		
Cinnamon Fern	<i>Osmunda cinnamomea</i>	X		
Alligator Flag	<i>Thalia geniculata</i>	X		
Black Needle Rush	<i>Juncus roemerianus</i>			X
Pickernelweed	<i>Pontederi cordata</i>			X
Arrowhead, Duck Potato	<i>Sagittaria spp.</i>			X

APPENDIX G

CROSS-SECTION OF PROPOSED FLOW PATH

ESTERO RIVER DRAINAGE BASIN

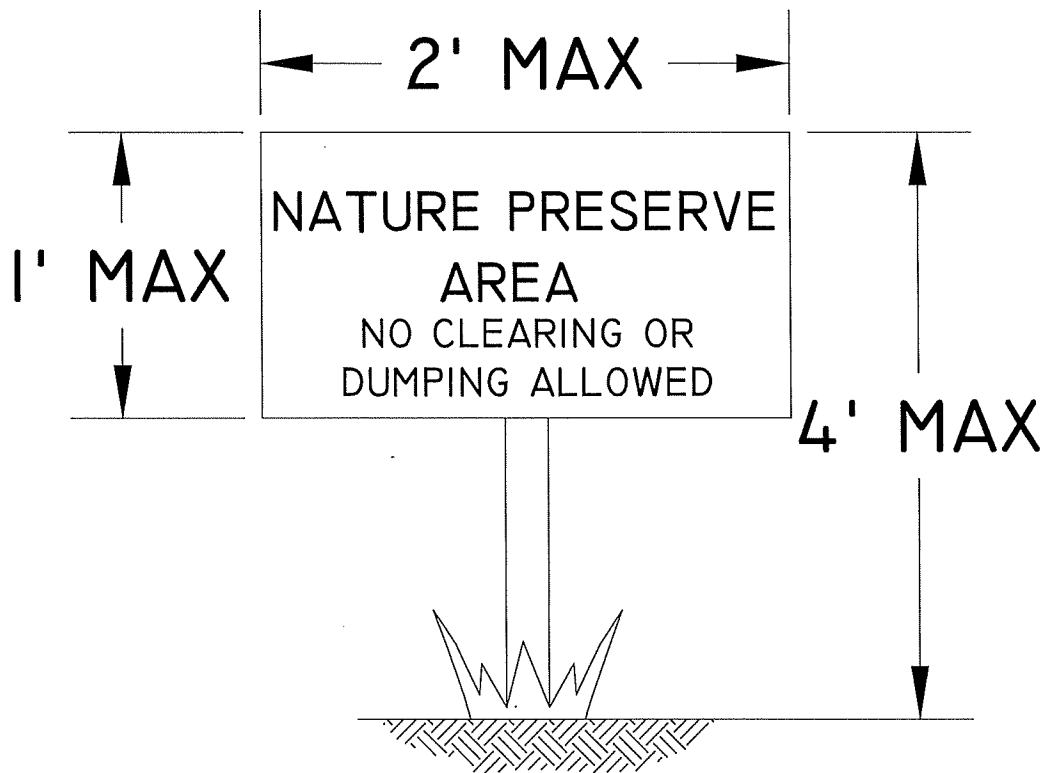


JOB/FILE NUMBER: 21008-03

JOB/FILE NUMBER: 21008-03

APPENDIX H

TYPICAL PRESERVE SIGNAGE



TYPICAL PRESERVE SIGNAGE

N.T.S.

APPENDIX H. TYPICAL PRESERVE SIGNAGE
DANIELS PARKWAY SOUTH

DRAWN BY	DATE
P.F.	11/10/21
REVIEWED BY	DATE
C.R.	11/10/21
REVISED	DATE



PASSARELLA
& ASSOCIATES

EXHIBIT B-5

**DANIELS PARKWAY SOUTH
PROTECTED SPECIES MANAGEMENT
AND HUMAN-WILDLIFE COEXISTENCE PLAN**

Revised September 2022

Prepared For:

Lennar
10481 Ben C. Pratt/Six Mile Cypress Parkway
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(239) 278-1177

Prepared By:

Passarella & Associates, Inc.
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1.0 INTRODUCTION

This report documents the Protected Species Management and Human-Wildlife Coexistence Plan for Daniels Parkway South (Project). The management plan contained in this report pertains to the Eastern indigo snake (*Drymarchon corais couperi*), gopher tortoise (*Gopherus polyphemus*), American alligator (*Alligator mississippiensis*), crested caracara (*Caracara cheriway*), listed wading birds, Big Cypress fox squirrel (*Sciurus niger avicennia*), Florida black bear (*Ursus americanus floridanus*), and Florida panther (*Puma concolor coryi*).

The Project totals 1,233.08± acres and is located in Sections 8, 9, 16, 17, and 21; Township 45 South; Range 26 East; Lee County (Appendix A). The site is bordered to the north by Daniels Parkway, to the east by single-family residential development and undeveloped land, to the west by a Florida Power & Light (FPL) transmission line and undeveloped land, and to the south by Lee County's Wild Turkey Strand Preserve.

The property consists of large, continuous portions of herbaceous and forested upland and wetland habitats. These habitats include hydric melaleuca, freshwater marsh, pine flatwoods, cypress, and hydric pine with varying degrees of exotic vegetation. Improved pasture comprises the remaining balance of the property. Historic aerials show the property was formerly used for agricultural operations. As part of the historic agricultural surface water management, an extensive network of ditches and berms have been constructed on the property which has led to the partitioning of wetland systems within the site. This includes a historic farm road that bisects the site and precludes hydrologic connectivity between wetland systems located in the northern and southern portions of the property. This road has been used by the South Florida Water Management District (SFWMD) to represent the dividing line between the Estero River and Six Mile Cypress sub-watersheds.

2.0 LISTED SPECIES SURVEYS

Passarella & Associates, Inc. (PAI) conducted a Lee County protected species survey (PSS) on the Project site for ten days between May 11 and June 24, 2021. The survey was conducted to meet Lee County Land Development Code (LDC) Chapter 10, Article III, Division 8 (Protection of Habitat) standards. Six Lee County protected species and their signs (e.g., scat, tracks, nests, etc.) were documented during the PSS and other fieldwork conducted by PAI. The protected wildlife species directly observed by PAI included gopher tortoise, crested caracara, Florida sandhill crane (*Grus canadensis pratensis*), wood stork (*Mycteria americana*), and Big Cypress fox squirrel. In addition, a crested caracara nest was previously documented in the northern portion of the Project, and Florida panther tracks were also documented on the property. No other listed species nests or nesting activity were observed on the Project during the PSS or other fieldwork.

No Lee County protected plant species were observed on the property during the protected species survey. However, the giant wild pine (*Tillandsia utriculata*), common wild pine (*Tillandsia fasciculata*), Northern needleleaf (*Tillandsia balbisiana*), butterfly orchid (*Encyclia tampensis*), and rigid orchid (*Epidendrum rigidum*) were documented on the site. Although not listed as Lee

County protected species, these species are listed by the Florida Department of Agriculture and Consumer Services.

Table 1 summarizes the listed wildlife species that have been documented during the PSS and other fieldwork on the Project site.

Table 1. Listed Wildlife Species Documented

Common Name	Scientific Name	Listing Status	
		FWCC	USFWS
Reptiles			
Gopher tortoise	<i>Gopherus polyphemus</i>	ST	*
Birds			
Crested caracara	<i>Caracara cheriway</i>	FT	T
Florida sandhill crane	<i>Grus canadensis pratensis</i>	ST	-
Wood stork	<i>Mycteria americana</i>	FE	E
Mammals			
Big Cypress fox squirrel	<i>Sciurus niger avicennia</i>	ST	-
Florida panther (tracks)	<i>Puma concolor coryi</i>	FE	E

FWCC – Florida Fish and Wildlife Conservation Commission

USFWS – U.S. Fish and Wildlife Service

E – Endangered

FE – Federally Endangered

FT – Federally Threatened

ST – State Threatened

T – Threatened

3.0 CONSERVATION AREAS

The proposed conservation areas total 679.10± acres. The conservation areas will be maintained in accordance with the Indigenous Preservation, Restoration, and Management Plan (IPRMP) provided under separate cover. The conservation areas will be managed to provide habitat for listed species.

The Project has been designed to minimize impacts to the listed species that have been identified on the property and other listed wildlife species that could potentially utilize the site. The site plan minimizes impacts to existing native vegetation habitats and concentrates development primarily within the existing agricultural lands.

The indigenous vegetation enhancement and restoration activities within the conservation areas include:

- Preservation and enhancement of 295.80± acres of indigenous wetlands and uplands (existing forested and herbaceous habitats with less than 75 percent exotics);

- Restoration of 359.60± acres of indigenous wetlands and uplands through the removal of exotic vegetation (existing forested and herbaceous habitats with greater than 75 percent exotics) and supplemental planting;
- Backfilling 6.9± acres of other surface waters and replanting with native wetland and upland vegetation; and
- Removal of 16.8± acres of berms and planting with native wetland and upland vegetation.

The preservation, enhancement, and restoration of indigenous vegetation and removal of agricultural berms will facilitate the interconnection of historic flow-ways and wetland communities within the Project site. This includes a hydrologic connection between the two historically severed basins (i.e., Six Mile Cypress Sub-Watershed and Estero River Sub-Watershed), similar to what existed prior to the intensive agricultural land uses.

Due to the proximity to Southwest Florida International Airport (SWFIA), the restoration activities will include like-for-like habitat restoration to minimize wildlife attractants. For example, a melaleuca forest will be replaced with native trees and an exotic-infested marsh will be replanted with herbaceous vegetation. Plantings within the SFWIA 10,000-foot Hazardous Wildlife Buffer (Buffer) will be consistent with Lee County Port Authority's (LCPA) Compatible Native Landscape List. The planting details are provided in the IPRMP provided under separate cover.

The conservation areas will be managed for the listed species observed during the PSS and for listed species that could potentially utilize the Project site. Target listed species include the Eastern indigo snake, gopher tortoise, American alligator, crested caracara, listed wading birds, Big Cypress fox squirrel, Florida black bear, and Florida panther. To minimize potential wildlife attractants, enhancement and restoration activities will adhere to the hazardous wildlife protection measures included in Section 7.0 of this plan.

The conservation areas will be placed in a conservation easement with inspection, enforcement, and approval rights granted to Lee County and the SFWMD. The total preserve area to be placed under a conservation easement is 679.10± acres.

4.0 WILDLIFE CROSSINGS

To maintain internal connectivity for wildlife and promote the restoration of historic flow-ways through the property, wildlife crossings will be installed where the proposed internal roads cross the conservation areas. An aerial depicting the proposed location of the wildlife crossings is provided as Appendix B. The wildlife crossings will generally be designed to accommodate the passage of small mammals, reptiles, and amphibians. However, engineering and construction plans at the time of the Lee County Development Order application may reflect larger crossings designed to facilitate movement through the Project site by larger wildlife. As currently proposed, the wildlife crossing will be a culvert pipe or similar structure with the invert at natural grade. A section of low-level chain link fencing (i.e., three to four feet tall), or other structures approved by the Department of Community Development (DCD), will be installed on either side of the invert

to direct wildlife through the crossings. If utilized, larger crossings may consist of a bridge, large box culvert, or similar structure.

5.0 PERIMETER BUFFER LAKES AND FENCING

The Project site design includes perimeter buffer lakes and fencing between the residential development and conservation areas. The goal of the buffer lakes and fencing is to effectively deter Florida panther prey species (i.e., white-tailed deer (*Odocoileus virginiana*) and hog (*Sus scrofa*)) from entering residential areas. Deterring prey species from entering the development area will minimize the incentive for Florida panther to enter the Project area and reduce the potential for human-wildlife interactions. The wildlife fence and buffer lakes will also serve to accommodate the movement of wildlife among the conservation areas as described in Section 4.0 above.

The wildlife fencing will consist of a six-foot chain link fence which has previously been approved by the Florida Fish and Wildlife Conservation Commission (FWCC) for projects in Southwest Florida. The locations of the proposed buffer lakes and fencing are depicted on Appendix B.

6.0. COMMERCIAL USES

The Daniels Parkway South Master Plan includes dedicated commercial use adjacent to Daniels Parkway and State Road 82. To minimize potential human-wildlife interaction, educational brochures provided in this plan will be provided to commercial tenants. Commercial development will be required to minimize wildlife attractants by securing all exterior food and water sources.

Commercial uses, including restaurants, must secure exterior trash containers with locking lids and periodically clean cans to reduce residual odors. Grease traps will be located underground. Bear-resistant dumpsters will be used in areas where communal garbage is collected. A list of companies obtained from the FWCC that provide bear-resistant garbage containers for commercial use is provided as Appendix C. In consultation with the local waste disposal company, bear-resistant dumpsters will be purchased from one of the listed companies or another company that is able to provide bear-resistant dumpsters which are compatible with local equipment. The bear-resistant dumpsters will be incorporated at the time Lee County's waste collection sub-contractor makes them available for use.

7.0 HAZARDOUS WILDLIFE PROTECTION MEASURES

Due to the proximity to SWFIA, reducing human-wildlife interactions within the SWFIA Buffer is of paramount importance to the Project's restoration plan. Per communications with LCPA Staff and guidance from the Federal Aviation Administration (FAA) Advisory Circular (AC) No. 150/5200-33C regarding hazardous wildlife attractants on or near airports, the Project has incorporated multiple minimization measures within the Buffer, as described below.

Lakes developed for the Project's stormwater management system will incorporate a hardened shoreline (e.g., rip-rap) and/or steep slopes to minimize wading bird attractants. These lakes will also be maintained in a manner that keeps them free of both emergent and submergent vegetation such as pickerelweed (*Pontederia cordata*) and red ludwigia (*Ludwigia repens*). As required by the Lee Plan, the Project must preserve, enhance, and restore indigenous habitats. However, to avoid inconsistency with the LCPA's wildlife hazard deterrence efforts, the Project will not create wetlands within the Buffer. Existing wetland and upland habitats will be managed such that they are restored, where applicable, in a "like-for-like" manner as described in Section 3.0 above. In addition, plantings installed within the Buffer will adhere to the LCPA Compatible Native Plant List. Furthermore, the hydrologic restoration proposed within the conservation areas will be focused on interconnecting wetland systems and is not anticipated to increase wetland hydroperiods within the site.

Prior to construction, the applicant will coordinate a wildlife monitoring program with the LCPA and DCD staff. The monitoring program will consist of periodic observations within the development footprint and preserve areas by a qualified biologist to help identify and reduce potential wildlife hazards during construction activities, dewatering, exotic vegetation removal, and other site preparation activities. In addition, the monitoring plan will include specific construction-related Best Management Practices (BMPs) similar to what has been implemented for projects at Southwest Florida International Airport. The BMPs that will be incorporated into the wildlife monitoring program include, but are not limited to:

1. Construction contractors must carefully control and continuously remove waste or loose material that might attract wildlife.
2. Construction personnel must be aware of and avoid construction activities that can create wildlife hazards on airports.
3. Trash and food scraps from construction personnel activity must be collected and properly disposed of.
4. Except for stormwater management lakes and areas specifically designated for dewatering, large pools of water that collect within the development area shall be eliminated at the earliest opportunity to minimize wildlife attractants.
5. All turf grass replacement shall be completed via sodding. Seeding shall not be utilized.
6. Construction contractor shall communicate with the project biologist at least five days in advance prior to making any changes to hydrology in the construction area. Initiation of hydrologic changes shall be timed to minimize the attractiveness for dusk and dawn scavengers.
7. Construction and fill activities that turn-up organic materials, vegetation, or soils that contain food (crustaceans, invertebrates, fish, or others) should be minimized to the extent possible. Construction areas shall minimize the time that turned-up material is left exposed to the extent practicable.
8. Construction contractor shall allow wildlife the opportunity to move out of harm's way.
9. Construction contractor or another designated observer shall immediately dispose of carcasses found on site. This may occur by burying them at a depth of 36-inches or by another acceptable means of disposal.

Wildlife monitoring will occur a minimum of once per week during dewatering and initial exotic vegetation removal activities. However, monitoring may occur more frequently if potential wildlife hazards are identified. If wildlife hazards are identified within the Project, the Project team will coordinate with LCPA staff to immediately correct the issue(s). This may also involve coordination with local, state, and federal permitting agencies.

7.1 Lee Plan Consistency

Lee Plan Policy 47.2.5 states that “Hazardous wildlife attractants within 10,000 feet of a Port Authority airport’s Air Operation Area (AOA) will be avoided by minimizing and correcting any wildlife hazards arising from wetlands or water bodies in accordance with FAA AC 150/5200-33B, or as otherwise amended. Site improvements on or near the Port Authority’s airports must be designed to minimize attractiveness to wildlife of natural areas and man-made features such as detention/retention ponds, landscaping, and wetlands, which can provide wildlife with ideal locations for feeding, loafing, reproduction, and escape.” Thus, Policy 47.2.5 is focused on compliance with the FAA AC on hazardous wildlife attractants on or near airports. The following demonstrates how the Project complies with the specific sections of the current FAA AC (150/5200-33C) with respect to minimizing wildlife attractants within the Buffer:

FAA AC 150/5200-33C

Section 2.3.2 – New Stormwater Management Facilities

This section of the AC states: “To facilitate the control of hazardous wildlife, the FAA recommends the use of steep-sided, rip-rap or concrete-lined, narrow, linear-shaped water detention basins.” In addition, this section states that “All vegetation in or around detention basins that provide food or cover for hazardous wildlife should be eliminated.” Furthermore, this section of the AC recommends designing surface water management features “so as not to create above-ground standing water”. As outlined in Section 7.0 of this plan and in the IPRMP, the Project has incorporated the following design modifications to address these issues: 1) Stormwater management lakes located within the Buffer will incorporate hardened shorelines (e.g., rip-rap) and/or steep slopes (i.e., 4:1); 2) stormwater lakes will be maintained in a manner that keeps them free of both emergent and submergent vegetation; and 3) the open water flow path previously proposed to connect the Six Mile Cypress and Estero drainage basins within the Project has been redesigned to be a closed system (i.e., piped with no open standing water). Therefore, the proposed design modifications are consistent with Section 2.3.2 of the AC.

Section 2.4.1 – Existing Wetlands on or near Airport Property

This section of the AC states: “At public-use airports, the FAA recommends immediately correcting, in cooperation with local, state, and Federal regulatory agencies, any wildlife hazards arising from existing wetlands located on or near airports within five miles of the

aircraft operations area.” As stated in Section 7.0, wildlife hazards identified within the Project will be coordinated with LCPA staff to immediately correct the issue(s). This may also involve coordination with local, state, and federal permitting agencies.

Section 2.4.3.2 – Off-Site Mitigation of Wetland Functions

This section of the AC states that “The FAA encourages landowners or communities supporting the restoration or enhancement of wetlands to do so only after critically analyzing how those activities would affect aviation safety. To do so, landowners or communities should contact the affected airport sponsor...” “Those parties should work cooperatively to develop restoration or enhancement plans that would not worsen existing wildlife hazards or create such hazards.” “If parties develop a mutually acceptable restoration or enhancement plan, the landowner or community proposing the restoration or enhancement must monitor the restored or enhanced site. This monitoring must verify that efforts have not worsened or created hazardous wildlife attraction or activity. If such attraction or activity occurs, the landowner or community should work with airport sponsor...to reduce the hazard to aviation.”

The applicant has had several meetings with LCPA staff to thoroughly vet the conceptual site plan and discuss opportunities to minimize wildlife attractants within the site. Based on these meetings, the applicant has incorporated multiple measures in this plan and in the IPRMP to minimize wildlife attractants per LCPA recommendations.

As demonstrated above, the Project is consistent with Sections 2.3.2, 2.4.1, and 2.4.3.2 of FAA AC 150/5200-33C; therefore, the Project is consistent with Lee Plan Policy 47.2.5.

8.0 EASTERN INDIGO SNAKE MANAGEMENT PLAN

The Eastern indigo snake has not been documented on-site; however, the following plan outlines the protection guidelines that will be implemented for the Eastern indigo snake during clearing operations for the Project. The plan provides educational material and guidelines for construction personnel to follow in the event they encounter an Eastern indigo snake. The plan has been prepared following the guidelines established by the U.S. Fish and Wildlife Service (USFWS). The Eastern indigo snake is a federally threatened species and is listed by the Endangered Species Act (ESA). It is unlawful for anyone to injure, harm, harass, or kill this species. Persons who knowingly violate provisions of the ESA that afford this species protection may be subject to a fine and/or imprisonment.

8.1 Biology

The Eastern indigo snake is a large, non-poisonous, glossy black snake with smooth iridescent scales. The chin and throat may be rusty or white-blotched. The juvenile snakes are similar to the adults, but may be lighter and exhibit a blotched dorsal pattern. Adults

can grow to lengths over eight feet. The Eastern indigo snake might be confused with the black racer (*Coluber constrictor*), but the black racer exhibits a white or brown throat and is smaller and lighter in build.

The Eastern indigo snake inhabits a range of habitat types including pine flatwoods and wet prairies. Individuals are wide ranging and may utilize an area of 250 acres or more. Eastern indigo snakes are known to shelter in gopher tortoise burrows. The Eastern indigo snake is diurnal (active only during the daytime) and will actively search for prey. Prey may include frogs, snakes, birds, and small mammals. Very little is known of the reproduction of this species in the wild. Breeding is believed to occur during the winter and early spring months with up to 11 large white eggs being deposited in late spring and early summer.

8.2 Management Plan

The USFWS' Standard Protection Measures for the Eastern Indigo Snake (2013) will be followed prior to and during construction activities. The Standard Protection Measures include the placement of posters at strategic locations on the construction site and along proposed access roads clearly visible to construction staff. The posters include a description and photograph of the Eastern indigo snake, its protection status, and instructions in the event that one is observed. In addition, informational brochures will be provided to all construction staff.

The Project will preserve, enhance, and restore 679.10± acres of existing vegetation on-site through the removal of exotic vegetation. The preserve areas will be maintained per the Project's IPRMP and will provide habitat for the Eastern indigo snake.

Problematic encounters between future residents and Eastern indigo snakes are not anticipated. Construction personnel, maintenance staff, and homeowners will be informed that the Eastern indigo snake is a protected species.

9.0 GOPHER TORTOISE MANAGEMENT PLAN

One gopher tortoise was observed on the Project site during the PSS. The following plan outlines the management activities that will be implemented for the gopher tortoise prior to the implementation of site clearing. The gopher tortoise is listed as threatened by the FWCC.

9.1 Biology

The gopher tortoise is a large, terrestrial turtle averaging 23 to 28 centimeters (9 to 11 inches) in shell length. Maximum length is around 38 centimeters (15 inches). The gopher tortoise is characterized by stumpy, elephantine hind feet and flattened, shovel-like forelimbs adapted for digging. The tan, brown, or gray carapace (top portion of the shell) is domed and oblong. The plastron (bottom portion of the shell) is somewhat concave in

males. Growth annuli may be conspicuous, particularly in juveniles. Hatchlings are approximately 4.4 centimeters (1.7 inches) in length and are yellowish orange in color.

The gopher tortoise occurs in the Southeastern Coastal Plain of the United States from Eastern Louisiana to Southeastern South Carolina and throughout Florida. In Florida, gopher tortoises occur in portions of all 67 counties. Gopher tortoises inhabit a wide variety of upland vegetative communities. Three environmental conditions are especially important for gopher tortoises: well-drained, sandy soil in which to burrow; adequate low-growing herbaceous ground cover for food; and relatively open, sunlit areas for nesting. The gopher tortoise is primarily associated with longleaf pine-scrub oak woodlands (sandhills), but it is also found in sand pine scrub, coastal strands, live oak hammocks, dry prairies, pine flatwoods, and mixed hardwood-pine communities. Disturbed habitats, such as roadsides, fencerows, clearings, and old fields, often support relatively high tortoise densities.

Gopher tortoises excavate burrows averaging 4.5 meters (14.8 feet) in length and 2 meters (6.6 feet) in depth and wide enough to allow them to turn around at any point. These burrows provide protection from temperature extremes, desiccation, and predators and serve as refuges for a variety of other animals. The placement and depth of burrows vary with the soil type, geographic location, and ground water levels. An individual tortoise may use more than one burrow and may excavate new burrows at any time during its life.

Gopher tortoise densities and movements are affected by the amount of herbaceous ground cover present. Generally, feeding activity is confined to within 50 meters (164 feet) of the burrow. Principal foods include grasses, legumes, and grass-like plants of the sedge and aster families. Legumes appear to be particularly important in the diet of juveniles. Fruits such as blackberries, pawpaws, gopher apples, and saw palmetto (*Serenoa repens*) berries are also consumed.

9.2 Management Plan

After construction is completed, the Project may not contain suitable gopher tortoise habitat within the conservation areas necessary for the long-term survivability of the species. No gopher tortoise burrows were located within the Project site during the PSS. However, if gopher tortoise burrows are located within the development footprint and it is not feasible to provide a minimum 25-foot buffer to the burrows, the applicant will obtain a permit from the FWCC to relocate gopher tortoise(s) to a protected recipient site prior to initiating construction activities. The recipient site will be approved by the FWCC and managed in perpetuity, consistent with FWCC's Gopher Tortoise Management Plan (2012).

10.0 AMERICAN ALLIGATOR MANAGEMENT PLAN

No American alligators were observed on-site during the PSS; however, potential nesting and foraging habitat (i.e., wetlands, and freshwater marshes) exists on-site. The following plan outlines the protection guidelines that will be implemented for the American alligator during clearing

operations for the Project. The American alligator is listed as threatened (due to similarity of appearance) by the USFWS and the FWCC.

10.1 Biology

The American alligator is a reptile with an elongated, armored, lizard-like body with a muscular flat tail. Adult alligators are dark with a pale underside while juveniles have bright yellow stripes and blotches. The average size for adults is 8.2 feet for females and 11.2 feet for males. The body weight can reach up to a half ton. American alligators inhabit all counties in the State of Florida and are most common in the major river drainage basins and large lakes in the central and southern portions of the state. They also can be found in marshes, swamps, ponds, drainage canals, phosphate-mine settling ponds, and ditches. Alligators are tolerant of poor water-quality and occasionally inhabit brackish marshes along the coast. A few even venture into saltwater. Individuals are wide ranging, and some males may utilize an area of two square miles or more. Individuals of both sexes are most likely to become more active and extend their ranges during the April to May courtship and breeding season. Prey may include frogs, snakes, birds, and small mammals, although alligators are opportunistic feeders and may prey on what is readily available. Larger individuals often prefer carrion to fresh meat.

10.2 Management Plan

The proposed Project will not impact the alligator. Alligators commonly move from water body to water body in response to factors such as season, disturbances, food supply, etc. The American alligator is listed as a federally threatened species due to similarity of appearance to the American crocodile (*Crocodylus acutus*). Only representatives of the FWCC are authorized to handle nuisance alligators. If an alligator is present within the limits of construction at the time of clearing, work within the immediate vicinity of the alligator will be halted and the animal will be allowed to move out and into safer territory. Once the alligator has moved, work can be restarted. If an active alligator nest is found, it will be temporarily protected with an adequate buffer zone until the hatchlings leave the nest.

Extensive, high quality American alligator habitat will be provided throughout the property through wetland preservation, enhancement, and restoration. This includes the removal of exotics in approximately 507.2± acres of existing wetlands on the property. These wetlands are predominantly hardwood/conifer, mixed, mixed wetland hardwoods, cypress forest, hydric pine forest, and freshwater marshes habitat types. Invasive exotic removal will result in wetland preserves that are more suitable to alligators and their prey species. The preserve areas will be maintained per the Project's IPRMP.

To avoid problematic encounters between future residents and American alligators, the FWCC's educational brochure entitled "A Guide to Living with Alligators" (Appendix D) will be provided to homeowners and maintenance staff (see Section 16.2).

11.0 CRESTED CARACARA MANAGEMENT PLAN

Two crested caracara were observed on the Project site during the PSS. In addition, a crested caracara nest was previously documented in the northern portion of the property. This nest was active during the 2020-2021 caracara nesting season. The following management plan outlines the protection guidelines that will be implemented for the crested caracara prior to clearing activities on the Project and addresses habitat enhancement and restoration on the site. The crested caracara is listed as threatened by the USFWS and the FWCC.

11.1 Biology

The crested caracara is a large, non-migratory raptor that feeds both on prey and carrion and is often found with flocks of turkey vultures (*Cathartes aura*) and black vultures (*Coragyps atratus*). The population of crested caracara found in peninsular Florida is genetically isolated from other populations of crested caracara subspecies found in the Southwestern United States and portions of Central and South America (USFWS 1999). While other subspecies of crested caracara are not listed as threatened or endangered, the crested caracara subspecies found in Florida was listed in July 1987 as threatened under the ESA.

Crested caracaras primarily use open habitats including native prairies; grasslands and pastures with their associated freshwater marshes; and small clumps of cabbage palms (*Sabal palmetto*), live oak (*Quercus* spp.) hammocks, and cypress (*Taxodium* spp.). Cabbage palms in open habitats are of high importance for nesting (Rodgers *et al.* 1996, Morrison 2001). The primary nesting season for the crested caracara is November through April. Egg laying typically occurs December through February. Clutch size is one to three eggs and incubation ranges from 28 to 32 days. Caracara young fledge at age seven to eight weeks, mostly in March and April (Wood 2001).

11.2 Management Plan

Since a caracara nest has been documented in the northern portion of the Project site, it is anticipated that removal of the nest tree(s) will be negotiated with the USFWS as part of the State 404 permitting process. Prior to clearing activities, a qualified ecologist will survey the construction impact area and adjacent habitats for the presence of crested caracara nests. The removal of any caracara nests located within the Project site will be coordinated with USFWS and DCD staff prior to initiation of construction activities.

The completed Project will preserve, enhance, and restore 679.10± acres of native habitat. The conservation areas will contain open freshwater marsh and pine habitat that will provide potential foraging opportunities caracaras.

Problematic encounters between future residents and crested caracaras are not anticipated. Should a caracara choose to nest adjacent to the community or close to approved access areas within the preserves, the nest will be left undisturbed. If unanticipated nest

disturbance is noted, then an appropriate no-entry buffer zone will be established around the nest with signage until the young fledge.

12.0 WADING BIRD AND FLORIDA SANDHILL CRANE MANAGEMENT PLAN

Although no nesting activity was observed, wood storks were observed on-site during the PSS. In addition, a Florida sandhill crane was also observed utilizing the Project site. It is anticipated that these birds and others, including limpkin (*Aramus guarauna*), little blue heron (*Egretta caerulea*), tri-colored heron (*Egretta tricolor*), and roseate spoonbill (*Platalea ajaja*) may utilize the wetlands and other native habitats on the property. The following management plan has been prepared for the purpose of addressing the management of potential wading bird and Florida sandhill crane habitat on the site.

12.1 Management Plan

Prior to clearing activities, a qualified ecologist will survey the construction impact area and adjacent habitats for the presence of Florida sandhill crane and state-listed wading bird nests. If there is evidence of Florida sandhill crane or listed wading bird nesting, the appropriate FWCC-recommended buffer will be provided around the nest site(s) to avoid disturbance by human activities. If Florida sandhill crane or listed wading bird nesting is discovered after construction has begun or if maintaining the buffers is not possible, the applicant will contact the FWCC staff to discuss potential permitting requirements.

The Project proposes preservation and enhancement of wading bird habitat. Foraging areas will be provided through the preservation, enhancement, and restoration of 507.2± acres of existing wetlands. To minimize potential wildlife attractants, enhancement and restoration activities will adhere to the hazardous wildlife protection measures included in Section 7.0 of this plan.

Problematic encounters between future residents and Florida sandhill cranes and wading birds are not anticipated. Construction personnel, maintenance staff, and homeowners will be informed that the wading birds are protected species. Additionally, informational pamphlets will be provided to homeowners and maintenance staff (Appendix E) (see Section 16.2).

13.0 BIG CYPRESS FOX SQUIRREL MANAGEMENT PLAN

During the PSS, the Big Cypress fox squirrel was observed utilizing forested and disturbed areas on-site. The following management plan has been prepared for the purpose of addressing the conservation of Big Cypress fox squirrel habitat on the Project site and outlines the protection guidelines that will be implemented for the Big Cypress fox squirrel prior to, during, and after construction of the Project. The Big Cypress fox squirrel is listed as threatened by the FWCC. There is no federal listing for the Big Cypress fox squirrel in Florida.

13.1 Biology

The Big Cypress fox squirrel lives and breeds in varied habitats in Southwest Florida including cypress swamps, pine flatwoods, tropical hardwood forests, live oak woods, mangrove forests, and suburban habitats, including golf courses, city parks, and residential areas in native vegetation (Humphrey 1992). Dense cypress/hardwood swamps are avoided. This may be due to the competition for food and habitat with the Eastern gray squirrel (*Sciurus carolinensis*). Little data is available on the preferred forage habitat of the Big Cypress fox squirrel. Big Cypress fox squirrels prefer to feed on the male and female cones of slash pine. Cabbage palm fruits, bromeliad (*Bromeliaceae* sp.) buds, and acorns are also important food items. A smaller percentage of the diet may consist of seasonal fruits, berries, and seeds (Humphrey 1992).

Big Cypress fox squirrels often form platform nests in pines and hardwoods, and moss and stick nests in cypress, tops of cabbage palms, and large clumps of bromeliads. Cabbage palms and bromeliads are especially important because they can provide immediate shelter, which allows the squirrel to travel over large areas without requiring a daily return to a permanent nesting facility (Humphrey 1992).

Big Cypress fox squirrels are solitary animals. Interaction between animals occurs primarily during mating season. Mating chases occur frequently throughout the months of May through August. During the non-mating season, interactions are infrequent and often occur around food sources. Young remain in the nest for approximately 90 days. Home ranges are 40 hectares (approximately 100 acres) for males and 20 hectares (approximately 50 acres) for females (Humphrey 1992).

13.2 Pre-Construction Surveys

A qualified ecologist will be on-site to supervise Big Cypress fox squirrel management and monitoring activities as detailed in this plan. Prior to clearing activities, the preserve areas will be staked in the field and clearly identified with silt fencing or an equivalent barrier. The fencing will be inspected by the preserve manager prior to clearing activities. The operation and storage of construction equipment and the stock-piling of fill and construction material will be prohibited within the fenced preserve areas. The fencing identifying the limits of the preserves will be maintained for the duration of construction activities.

Also, prior to commencement of clearing activities in the development area and removal of exotic trees within the preserve areas, a survey will be conducted by a qualified ecologist to identify potential Big Cypress fox squirrel nests. If potential nests are identified within the clearing limits or within the preserve areas, observations will be conducted to determine if the nests are being utilized by Big Cypress fox squirrels. The FWCC will be notified of nests determined to be utilized by Big Cypress fox squirrels. Active nests will be temporarily protected from clearing by a 125-foot radius undisturbed buffer until juvenile fox squirrels have vacated the nest(s), as confirmed by a qualified ecologist. After completion of nesting and observations documenting that juvenile fox squirrels have

vacated the nest(s), a written request to remove the nest tree(s) will be made to the FWCC. After receipt of the written authorization from the FWCC, the nest tree and buffer can then be cleared.

13.3 Management Plan

Enhancement and restoration of the preserve areas will be conducted as detailed in the IPRMP. The preserve areas will provide foraging and nesting habitats for Big Cypress fox squirrels.

Problematic encounters between future residents and Big Cypress fox squirrels are not anticipated. The typical nest location, high within the tree canopy, will ensure against disturbance to fox squirrel nests. Construction personnel, maintenance staff, and homeowners will be informed that the Big Cypress fox squirrel is a protected species.

14.0 FLORIDA BLACK BEAR MANAGEMENT PLAN

Though no Florida black bear or sign of Florida black bear was documented on the Project site during the PSS, it is anticipated that Florida black bears are within the general vicinity of the Project. The following habitat management plan has been prepared for the purpose of addressing the conservation of Florida black bear habitat on the Project site. The Florida black bear is not listed by the FWCC or the USFWS. However, the FWCC and the Lee County LDC have specific management activities for this species.

14.1 Biology

The Florida black bear is a subspecies of the American black bear (*Ursus americanus*). The Florida black bear is a solitary animal that inhabits heavily wooded terrain and is most often found in large tracts of swamp forest and undisturbed upland forest. Some of the most important habitat types for the Florida black bear include pine flatwoods, hardwood swamps, cypress swamps, cabbage palm forests, sand pine scrub, and mixed hardwood hammocks. Denning often occurs in remote swamps or thickets with dense vegetation. Adult females breed in alternating years during the months of June and July. In Florida, hibernation may be restricted to females producing cubs. Hibernation most often occurs during the winter months. The diet of Florida black bears is highly variable and includes both plants and animals including saw palmetto berries, honeybees (*Apis* sp.), ants (*Formicidae* sp.), armadillo (*Dasypus novemcinctus*), feral hog (*Sus scrofa*), and white-tailed deer (*Odocoileus virginianus*) (Humphrey 1992).

14.2 Management Plan

In order to deter the potential for interactions between humans and large mammals such as the Florida black bear, perimeter buffer lakes and fencing will be utilized between development and the conservation areas to deter large mammals from accessing the development areas.

The preserved, enhanced, and restored habitat within the conservation areas will provide habitat for the Florida black bear and associated prey species. Enhancement activities will provide higher quality habitat for the Florida black bear than what currently exists within the site.

To avoid problematic encounters between future residents and Florida black bears, the FWCC's educational brochure entitled "A Guide to Living in Bear Country" (Appendix F) will be provided to homeowners and maintenance staff (see Section 16.4).

15.0 FLORIDA PANTHER MANAGEMENT PLAN

No Florida panthers were observed on-site during the PSS; however, panther tracks were observed on-site. The property is located within both the USFWS' Primary and Secondary Zones for the Florida panther. In addition, FWCC Florida panther telemetry has been recorded on the Project site and adjacent properties. The following habitat management plan has been prepared for the purpose of addressing the conservation of Florida panther habitat on the Project site. The Florida panther is listed as endangered by the FWCC and the USFWS.

15.1 Biology

The Florida panther is a large, long-tailed cat with a great deal of color variation: pale brown or rusty upper parts; dull white or buff-colored under parts; and dark brown or blackish tail tip, back of ears, and sides of the nose. Mature males have an average weight range between 100 to 150 pounds and measure nearly seven feet from nose to tip of the tail. Females are considerably smaller with a weight range of 50 to 100 pounds and measuring about six feet (USFWS 1987). Panthers subsist on a variety of mammalian prey dominated by white-tailed deer, feral hog, and in some areas raccoon (*Procyon lotor*) (Maehr 1988a). Existing data on Florida panther reproduction indicates that breeding occurs throughout the year with a peak in the winter/spring period, a gestation period of around 90 to 95 days, litter sizes of one to four kittens, and a breeding cycle of two years for females successfully raising young to dispersal (which occurs around 18 to 24 months) (Belden 1988, Maehr 1988b).

In terms of population size and occupied range, the Florida panther population is at least stable, and at best expanding, as evidenced by natality rates exceeding mortality rates and by recent dispersals north of the Caloosahatchee River (Land *et al.* 2000). According to Maehr *et al.* (1991), home ranges average 200 square miles for resident adult males, 75 square miles for adult females, 241 square miles for transient males, and 69 square miles for sub-adult females. Florida panthers inhabit large remote tracts of land with adequate prey and cover and occupy a variety of habitat types including hardwood hammocks, pine flatwoods, mixed hardwood swamps, and cypress swamps. Appropriate cover is an important component of habitats used, especially during hunting, denning, and day-bedding. Recent information based on global positioning system (GPS) telemetry data collected during nocturnal and diurnal periods indicate that forests are the habitats selected by panthers (Land *et al.* 2008).

15.2 Management Plan

In order to deter the potential for interactions between humans and large mammals such as the Florida panther, perimeter buffer lakes and fencing will be utilized between development and the conservation areas to deter large mammals from accessing the development areas.

The preserved, enhanced, and restored habitat within the conservation areas will provide habitat and a wildlife corridor for the Florida panther and associated prey species. Enhancement activities will provide higher quality habitat for the Florida panther than what currently exists within the site.

To avoid problematic encounters between future residents and Florida panthers, the educational brochure entitled “A Guide to Living with Florida Panthers” (Appendix G), prepared by the FWCC and the USFWS, will be provided to homeowners and maintenance staff (see Section 16.5).

16.0 HUMAN-WILDLIFE COEXISTENCE PLAN

The following Human-Wildlife Coexistence Plans will be incorporated into the declaration of covenants of the Project’s Homeowners Association or Community Development District documents.

16.1 Eastern Indigo Snake

As previously noted, the USFWS’ Standard Protection Measures for the Eastern Indigo Snake (2013) will be followed prior to and during construction activities. The USFWS’s Standard Protection Measures, including the poster and brochure, can be found at <http://www.fws.gov/verobeach/listedspeciesreptiles.html>. A copy of the brochure is provided as Appendix H.

16.2 American Alligator

Signs will be posted on the subject property to instruct on-site workers and homeowners not to feed or harass the American alligator. The signs will indicate that the offense is punishable by law. The typical signage is provided as Appendix I. The FWCC’s educational brochure entitled “A Guide to Living with Alligators” (Appendix D) will be provided to homeowners and maintenance staff. The brochure can be found at http://myfwc.com/media/152524/Alligator_Brochure.pdf. Construction personnel and homeowners will be instructed that in the event there is a problem with a persistent nuisance alligator, they should contact the FWCC’s Nuisance Alligator Hotline at 866-FWC-GATOR (866-392-4286). The FWCC is the only agency empowered to handle nuisance alligators.

16.3 Wading Bird

A wading bird informational brochure entitled “Wading Bird Informational Pamphlet” (Appendix E) will be provided to homeowners and maintenance staff. The brochure provides wading bird information and methods to prevent human-wading bird interactions. In addition, the brochure informs residents of the need to avoid disturbance around a nest(s), should a wading bird nest(s) be identified on the property in the future.

16.4 Florida Black Bear

Residents will be educated about the presence of black bears in their community. FWCC’s educational brochure entitled “A Guide to Living in Bear Country” (Appendix F) will be provided to homeowners and maintenance staff. This brochure can be found at <http://myfwc.com/wildlifehabitats/managed/bear/brochures/>.

Garbage and recyclables will be stored in bear-resistant containers with appropriate locking mechanisms, and bear-resistant dumpsters will be used in areas where communal garbage is collected. A list of companies obtained from the FWCC that provide bear-resistant garbage containers for commercial and residential use is provided as Appendix C. Bear resistant receptacles will be required for each residential unit. Please note that Lee County Ordinance No. 11-27 requires individual trash receptacles for residential units of 40 gallons or less in size. In consultation with the local waste disposal company, bear-resistant dumpsters will be purchased from one of the listed companies or another company that is able to provide bear-resistant dumpsters which are compatible with local equipment. They will be incorporated at the time Lee County’s waste collection sub-contractor makes them available for use. Units that have curbside garbage service will be required to place garbage containers curbside no earlier than the morning of the days of garbage pickup, and garbage containers will be returned to their permitted location no later than the evening of the days of garbage pickup. For units with curbside garbage service, all garbage, trash refuse, or rubbish will be required to be placed in appropriate garbage containers and stored inside an enclosed area except for the days when there is curbside garbage pickup service. For units without curbside garbage service, all garbage, trash refuse, or rubbish will be placed in bear-resistant dumpsters with the lid closed and secured.

16.5 Florida Panther

Residents will be educated about the presence of Florida panthers in their community. The educational brochure entitled “A Guide to Living with Florida Panthers” (Appendix G), prepared by the FWCC and the USFWS, will be provided to homeowners and maintenance staff. This brochure provides safety tips and instructions for panther encounters. The brochure can be found on the FWCC website located at <http://myfwc.com/conservation/you-serve/wildlife/panthers/>.

17.0 PRESERVE SIGNAGE AND COMMUNITY EDUCATION PLAN

Signs identifying the conservation areas as a “nature preserve area” will be installed along the boundary of the preserve. The signage will include language stating, “No dumping allowed” (Appendix I). The signs will be spaced a maximum of 300 feet apart, will be no closer than ten feet from residential property lines, and will be limited to a maximum height of four feet and a maximum size of two square feet.

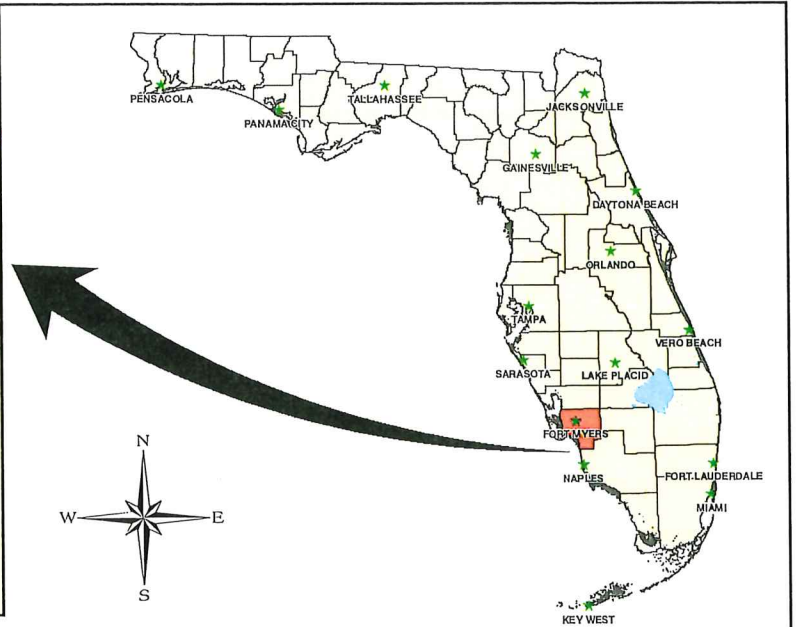
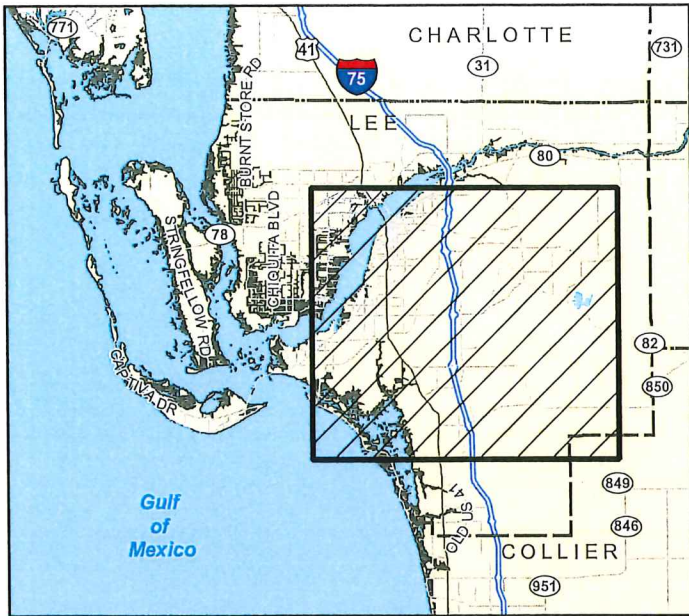
Periodic seminars may be held to further educate the community about the conservation areas, wetland benefits, and coexistence with and protection of wildlife. Continued education will ensure that the community is well informed regarding the preserves and wildlife coexistence.

18.0 REFERENCES

- Belden, R.C. 1988. The Florida Panther. Pages 514-532 *in* W.J. Chandler (ed) Audubon Wildlife Report. 1988/1989. The National Audubon Society, New York. 817 pages.
- Florida Fish and Wildlife Conservation Commission. 2012. Gopher Tortoise Management Plan (September 2012). Tallahassee, Florida.
- Florida Natural Areas Inventory. 2010. Guide to the natural communities of Florida: 2010 edition. Florida Natural Areas Inventory, Tallahassee, Florida.
- Humphrey, Stephen R. 1992. Rare and Endangered Biota of Florida; Volume I. Mammals. University Press of Florida, Gainesville, FL. 392 pages.
- Land, E.D., M. Lotz, D. Shindle, and S.K. Taylor. 2000. Florida panther genetic restoration and management. Annual report, Study Number 7508. Florida Fish and Wildlife Conservation Commission, Tallahassee, Florida.
- Land E.D., D.B. Shindle, R. J. Kawula, J.F. Benson, M.A. Lotz, D.P. Onorato. 2008. Florida panther habitat selection analysis of concurrent GPS and VHF telemetry data. *Journal of Wildlife Management*: Volume 72, No. 3 pp. 633–639.
- Maehr, D.S. 1988*a*. Florida Panther Movements, Social Organization and Habitat Utilization. Annual Performance Report, 7/1/87-6/30/88, Study No. E-1-12 II-E-2 7502, Florida Game and Fresh Water Fish Commission. 19 pages.
- Maehr, D.S. 1988*b*. Florida Panther Food Habits and Energetics. Annual Performance Report, 7/1/87-6/30/88, Study No. E-1-12 II-E-3 7503, Florida Game and Fresh Water Fish Commission. 4 pages.
- Maehr, D.S., E.D. Land, and J.C. Roof. 1991. Social Ecology of Florida Panthers. *National Geographic Research & Exploration*, 7(4): 414-431.

- Morrison, J. L. 2001. Recommended management practices and survey protocols for Audubon's crested caracara (*Caracara cheriway audubonii*) in Florida. Technical Report No. 18. Florida Fish and Wildlife Conservation Commission, Tallahassee, Florida, USA.
- Rodgers, J.A., Jr., H.W. Kale II, H.T. Smith (*eds.*). 1996. Rare and Endangered Biota of Florida, Vol. V. Birds. University of Florida Press, Gainesville, Florida, USA.
- U.S. Fish and Wildlife Service. 1987. Florida Panther Recovery Plan. Prepared by the Florida Panther Interagency Committee for the U.S. Fish and Wildlife Service, Atlanta, Georgia. 75 pages.
- U.S. Fish and Wildlife Service. 1999. Multi-species Recovery Plan for South Florida. U.S. Fish and Wildlife Service, Vero Beach, Florida.
- U.S. Fish and Wildlife Service. 2013. Standard Protection Measures for the Eastern Indigo Snake. South Florida Ecological Services Office. Vero Beach, Florida.
- Wood, Don A. 2001. Florida's Fragile Wildlife Conservation and Management. University Press of Florida. Gainesville, FL.

APPENDIX A
PROJECT LOCATION MAP



APPENDIX A. PROJECT LOCATION MAP
DANIELS PARKWAY SOUTH

DRAWN BY	DATE
P.F.	11/10/21
REVIEWED BY	DATE
C.R.	11/10/21
REVISED	DATE



PASSARELLA
& ASSOCIATES INC

APPENDIX B

AERIAL WITH CONSERVATION AREAS AND PROPOSED LOCATIONS OF WILDLIFE CROSSINGS AND FENCING



15001 0017 0012

DRAWN BY
T.S., P.F.
DATE
12/14/21

REVIEWED BY
J.T.
DATE
12/14/21

REVISED
T.S.
DATE
5/3/22

13620 Metropolis Avenue
Suite 200
Ft. Myers, FL 33912
Phone (239) 274-0067
Fax (239) 274-0069



DANIELS PARKWAY SOUTH
AERIAL WITH CONSERVATION AREAS AND
PROPOSED LOCATIONS OF WILDLIFE
CROSSINGS AND FENCING

DRAWING No.
19113192
SHEET No.
APPENDIX B

APPENDIX C

BEAR RESISTANT CONTAINER LIST



BEAR RESISTANT TRASH & RECREATIONAL STORAGE CONTAINERS

Residential Poly Carts and Cans



BearProofInc

234 S. Golden Dr.
Silt, CO 81652
Ph: (970) 309-2460
Fax: (970) 876-0420
E-mail: Info@BearProofInc.com
Website: <http://www.bearproofinc.com/>

Metal Roll Away Container

95 gallon

* Metal food and trash lockers also available



Bear Proofing-R-US

(no address available)
Ph: (865) 430-8902
E-mail: akruk@charter.net
Website: <http://www.bearproofing-r-us.com/>

Residential Street-side

Trash Can

96 gallon

*dumpster lids, loaders, and bird feeders also available



Bear Proof Systems, LLC

7855 E. Lark Dr.
Parker, CO 80138
Phone: (303) 840-3390/1-800-944-7973
Fax: (303) 840-3460
E-mail: solidws@comcast.net
Website: <http://www.bearproofsystems.com/>

Curbside Carts

64 gallon

94 gallon

*Also make various metal containers



BearSaver – USA Sales

Steve Thompson

Ph: 1-800-851-3887
Fax: 909-605-7780
E-mail: sales@bearsaver.com
Website: <http://www.bearsaver.com/>

Bear Resistant Residential Poly Carts

Model PC-95

95 gallon (min order 24)

Model PC-65

65 gallon (min order 20)

Model PC-32

32 gallon (min order 20)

*Commercial Yard Dumpsters also available



BEAR RESISTANT TRASH & RECREATIONAL STORAGE CONTAINERS



Cascade Industries

The Learning Community
3400 Innovation Court SE
Grand Rapids, MI 49512-2085
Ph. (616)-975-4800

Fax: (616) 254-4174

E-mail: info@cascadeng.com

<http://www.cascadeng.com/markets/waste/index.htm>

"Cascade Cart"

35 gallons

64 gallons

96 gallons

Bear Resistant Cascade Cart

96 gallons



DAWG, Inc.

25 Lassy Court
Terryville, CT 06786
Phone: 1-800-YEL-DAWG (935-3294)
Fax: 1-800-LIL-PAWS (545-7297)
website: www.dawginc.com

Bearicuda Bin

"Crittter Can" Model

Mobile Screw Top Model

Mobile Bearicuda Bin

BEARier Bins

Residential Trash Storage Containers

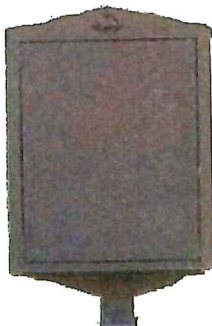


BearGuard Co. Ltd.

P.O. Box 89
Tahoe City, CA. 96145-0089
Phone/Fax (530) 581-2211
E-mail: sales@BearGuardInfo.com
Website: <http://www.bearguardinfo.com/index.html>

Green and Brown Containers

Various sizes



Carson Valley Welding

1046 Mallory Way
Carson City NV. 89701
PH: (775) 884-9353
Cell: (530) 318-1136
Fax: (775) 884-9354
Email: Don@nobearcan.com
Website: <http://www.nobearcan.com/index.html>

"No Bear Can"

Model B-5030 \$999.00

Model B-5036 \$1149.00

See also the following companies:

Bear Proof Inc.
Bear Proofing-R-US
Bear Proof Systems

Info. above



BEAR RESISTANT TRASH & RECREATIONAL STORAGE CONTAINERS

Animal Resistant Dumpsters



Capital Industries, Inc.

5801 Third Avenue South
Seattle WA 98108
Phone: (206) 762-8585/1-800-967-8585
FAX: (206) 762-5455
E-mail: sales@capitalind.com
Website: <http://www.capitalind.com/main/>

**Bear Resistant
Metal Containers & Lids**
Various designs



Haul-All Equipment Systems

(no address available)
Phone: 1-888-428-5255
Fax: (403) 328-9956
E-mail: solutions@haulall.com
Website: <http://www.haulall.com/index.htm>

Hyd-A-Way Model
Several options available
for garbage disposal
and storage

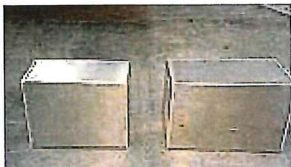
See also the following companies:

Bear Proof Inc.
Bear Proofing-R-US
Bear Proof Systems
BearSaver-USA Sales

Info. above

Recreational Storage Containers

Panniers (for cooler storage)



Bear-Aware

(no address available)
Phone: 800-568-8990 / 818-504-3518
Contact Jeff Berns
E-mail: jmberns@bear-aware.com
Website: <http://www.bear-aware.com/>

Dry & Ice Panniers

24" Medium Dry
28" Large Dry
28" Slim Dry
24" Medium Ice
28" Large Ice



Outfitters Supply

7373 US Highway 2E
Columbia Falls, MT 59912
Phone: 888-467-2256/ 406-892-3650
Fax: 406-892-4234
E-mail: gopackn@outfitterssupply.com
Website: <http://www.outfitterssupply.com/>

Pack Panniers



Pack Saddle Shop

3071 West Twin Rd
Moscow Idaho 83843
Phone: 208-882-1791
E-mail: support@packsaddleshop.com
Website: <http://www.packsaddleshop.com/Bearpan.html>

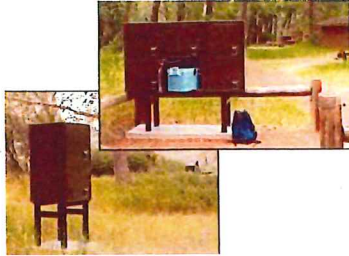
Aluminum Panniers

Medium
Large
Sold with and without
hardware



BEAR RESISTANT TRASH & RECREATIONAL STORAGE CONTAINERS

Food Storage Lockers



See the following companies:

BearProofInc
BearSaver – USA Sales
Haul-All Equipment Systems (product shown)

Info. above

Ask your local waste service provider if they offer wildlife resistant canisters. For example, Waste Pro Inc. and Waste Management Inc. have offered wildlife resistant containers for both residential and commercial locations. In some areas the Waste Service Provider has retrofitted the existing dumpster to a wildlife resistant design.

All images/photos are copyright of their respective company/website.

APPENDIX D

AMERICAN ALLIGATOR INFORMATIONAL PAMPHLET

■ Never feed alligators – it's dangerous and illegal. When fed, alligators can overcome their natural wariness and learn to associate people with food. When this happens, some of these alligators have to be removed and killed.

■ Dispose of fish scraps in garbage cans at boat ramps and fish camps. Do not throw them into the water. Although you are not intentionally feeding alligators when you do this, the result can be the same.

■ Seek immediate medical attention if you are bitten by an alligator. Alligator bites can result in serious infections.

■ Observe and photograph alligators only from a distance. Remember, they're an important part of Florida's natural history as well as an integral component of aquatic ecosystems.



Janice Plain

To report nuisance alligators call
866-FWC-GATOR (866-392-4286).



MyFWC.com/Alligator



Tim Donovan, FWC

Call 866-FWC-GATOR (392-4286) to report nuisance alligators.

A Guide to Living with **Alligators**



Jamie Feddersen





Lizabeth West, FWC

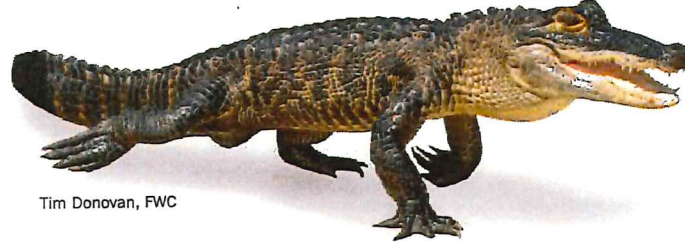
Do not swim outside of posted swimming areas or in waters that may be inhabited by alligators.

Living with Alligators

In Florida, the growing number of people living and recreating near water has led to a steady rise in the number of alligator-related complaints. The majority of these complaints relate to alligators being where they simply aren't wanted. Because of these complaints, the Florida Fish and Wildlife Conservation Commission's Statewide Nuisance Alligator Program permits the killing of approximately 7,000 nuisance alligators each year. Using this approach, and through increased public awareness, the rate of alligator bites on people has remained constant despite the increased potential for alligator-human interactions as Florida's human population has grown.

Alligators are an important part of Florida's landscape and play a valuable role in the ecology of our state's wetlands. Alligators are predators and help keep other aquatic animal populations in balance. A better understanding of the facts and information presented in this brochure will help ensure that people and alligators can continue to coexist.

Visit MyFWC.com/Gators for more information about alligators and the latest nuisance alligator program statistics.



Tim Donovan, FWC

Alligators and People

Alligators are a fundamental part of Florida's wetlands, swamps, rivers and lakes, and they are found in all 67 counties. Florida continues to experience human population growth. Many new residents seek waterfront homes, resulting in increased interactions between people and alligators.

Although most Floridians understand that we have alligators living in our state, the potential for conflict exists. Because of their predatory nature, alligators may target pets and livestock as prey. Unfortunately, people also are occasionally bitten. Since 1948, Florida has averaged about five unprovoked bites per year. During that period, a little more than 300 unprovoked bites to people have been documented in Florida, with 22 resulting in deaths.

In the past 10 years, the Florida Fish and Wildlife Conservation Commission has received an average of nearly 16,000 alligator-related complaints per year. Most of these complaints deal with alligators occurring in places such as backyard ponds, canals, ditches and streams, but other conflicts occur when alligators wander into garages, swimming pools and golf course ponds. Sometimes, alligators come out of the water to bask in the sun or move between wetlands. In many cases, if left alone, these alligators will eventually move on to areas away from people.

Safety Tips

■ Generally, alligators less than four feet in length are not large enough to be dangerous unless handled. However, if you encounter any alligator that you believe poses a threat to people, pets or property,

call the Nuisance Alligator Hotline at 866-FWC-GATOR (866-392-4286). Please be aware, nuisance alligators are killed, not relocated.

- Be aware of the possibility of alligators when you are in or near fresh or brackish water. Bites may occur when people do not pay close enough attention to their surroundings when working or recreating near water.
- Do not swim outside of posted swimming areas or in waters that might be inhabited by large alligators.
- Alligators are most active between dusk and dawn. Therefore, avoid swimming at night.
- Dogs and cats are similar in size to the natural prey of alligators. Don't allow pets to swim, exercise or drink in or near waters that may contain alligators. Dogs often attract an alligator's interest, so do not swim with your dog.
- Leave alligators alone. State law prohibits killing, harassing or possessing alligators. Handling even small alligators can result in injury.



Tim Donovan, FWC

A young alligator wanders onto a porch in a residential neighborhood.

APPENDIX E

WADING BIRD INFORMATIONAL PAMPHLET

**Action to be taken if you
observe someone
harassing a
wading bird:**

**Promptly notify the FWCC
1-888-404-FWCC**

**Tips for living with
wading birds**

- Do not feed wading birds.
- Keep out of vegetated areas surrounding lakes and marshes.
- Keep pets leashed to avoid coming into contact with wading birds.
- Properly dispose of fishing line to avoid bird entanglement.

Prepared By:
 **PASSARELLA
& ASSOCIATES^{INC}**
13620 Metropolis Avenue, Suite 200
Fort Myers, Florida 33912
(239) 274-0067

**WADING
BIRD
INFORMATIONAL
PAMPHLET**



**Daniels Parkway
South**

Description:

Wading birds are a diverse group of birds which utilize shallow marsh areas as foraging and breeding habitats. They are typically characterized as having long necks, legs and bills, which allows them to feed in shallow water. Wading birds can be found in Florida year round. Examples of wading birds include: great egrets, great blue herons, white ibis', little blue herons and snowy egrets.

Habitat:

Wading birds inhabit all counties in the state of Florida and are most common in the shallow marsh or wetland areas throughout the state. They can also be found in both coastal and inland areas, salt marshes, swamps, ponds, drainage canals, and ditches. Wading birds breed and nest in colonies which consist of various species of other wading birds. Breeding generally occurs just prior to or during the wet season. Stick nests are built in trees or bushes near wetland areas and above the water line.

Wading birds feed in shallow water areas where prey is most concentrated. They feed by spearing prey with their bills or by straining small species out of the water and sediment. Prey may include small fish, invertebrates or other aquatic organisms. Wading birds have also been known to consume snakes, frogs and small rodents.

Protection:

Most wading birds are listed as species of special concern by the State of Florida. Some species such as wood storks are listed as endangered by both the State of Florida and the U.S. Fish and Wildlife Service. It is unlawful for anyone to disturb or take nests or eggs, feed, injure, harm, harass, or kill any wading birds species. Persons who knowingly violate the law may be subject to fines and/or jail time.

If wading birds form a nesting colony on the property in the future, avoid activities within 330 feet of the colony during the nesting season (March 1 to August 1).

APPENDIX F

FLORIDA BLACK BEAR INFORMATIONAL PAMPHLET



Buy A Plate

Secure your garbage

- Store garbage in a secure area, such as a sturdy shed or garage, until the morning of pickup, or
- Build a small shed to store trash cans. Be sure there are no gaps along the shed's edges and use screws. If the shed is curbside, call your waste service provider to ensure it will still service your trash cans, or
- Modify your regular trash can to make it bear-resistant by adding hardware. To be successful, the lid must not be flexible and the can must not collapse when you stand on its side. Call your waste service provider to ensure it will service a modified trash can, or
- Request a commercially manufactured bear-resistant trash can from your waste service provider. If they do not provide these cans, you can special order one from a hardware store, but ensure your waste service provider will service it.



Funds from Florida's "Conserve Wildlife" license plate help conserve bears and reduce human-bear conflicts. Buy one today through your local tax collector's office or online at BuyAPlate.com.



AP Photo

How FWC responds to conflicts

The FWC addresses human-bear conflicts in a variety of ways, including providing technical assistance over the phone, conducting an in-person visit with the resident, using deterrents (such as an electric fence), attempting to scare the bear away, or, in rare cases, attempting to trap the bear.

While most conflicts can be avoided by securing attractants, biologists assess each situation on a case-by-case basis and use FWC policies and guidelines to help decide on the most appropriate response.

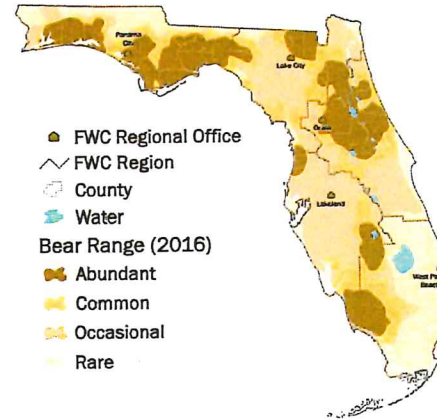
The earlier the FWC is notified, the more response options are available.

The longer a conflict situation continues, the more likely the bear will develop behaviors that present a risk to public safety, such as entering a dwelling, harming a leashed dog or injuring a person.

Once this happens, it is too late to try to change the bear's behavior and it must be humanely killed.

Warning! It is illegal to take, possess, injure, shoot, collect or sell black bears under Florida state law unless authorized by an FWC-issued permit. If you are found guilty, you could face fines and/or jail time.

Where bears live in Florida



If you are experiencing bear conflicts, please contact the nearest FWC regional office. The sooner the FWC knows about bear activity, the more options are available to prevent a bear from becoming a public safety risk.

North Central	Lake City	(386) 758-0525
Northeast	Ocala	(352) 732-1225
Northwest	Panama City	(850) 265-3676
South	West Palm Beach	(561) 625-5122
Southwest	Lakeland	(863) 648-3200

In an emergency or if you suspect illegal activity, call the Wildlife Alert Hotline at 888-404-FWCC (3922).

Follow us on:



Florida Fish and Wildlife
Conservation Commission
MyFWC.com/Bear

printed on recycled paper

8/2018

A guide to living in bear country



Ashley Hockenberry



Florida Fish and Wildlife
Conservation Commission
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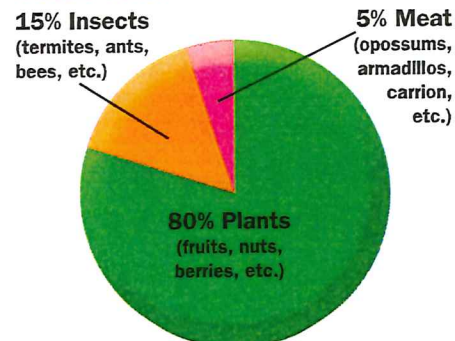


Ashley Hockenberry

The bear facts

- Black bears are the only species of bear in Florida.
- Biologists estimate approximately 4,000 black bears roam Florida today, compared to as few as 300 bears in the 1970s.
- Bears can pick up scents from over a mile away: that's seven times better than a bloodhound and the best of any land mammal.
- Adult bears typically weigh between 150 to 400 pounds, with males often twice the size of females.
- Females have their first litter around 3 years of age, with one to three cubs born every other year.
- Breeding occurs from June to August, with cubs born around February 1.
- On average, females range over 15 square miles and males range over 60 square miles.

A bear's diet



Bear behavior and you

Black bears are shy and generally not aggressive. When seen near homes or workplaces, bears are often just passing through. When frightened, bears typically run away or climb a tree. If a bear is in a tree, it is either feeding or trying to escape danger. Keep people and pets away, and the bear will leave on its own, usually after dark.

When a bear stands on its hind legs, it is trying to get a better view or scent. Black bears may huff, snap their jaws, swat the ground or "bluff charge" when cornered, threatened or defending food or young. If this happens, stop, hold your ground and then slowly back away.

Remember bears are large, powerful, wild animals that can act unpredictably and become dangerous. Bears who receive food from people may lose their natural fear of them and are more likely to damage property or become a public safety risk. NEVER feed or attract bears. If a bear is eating something on your property, take note of what it is and secure it after the bear has left the area.



Learn all about Florida's bears and being BearWise at MyFWC.com/BearWise.



BearWise tips:

- Never approach a bear. Keep as much distance between you and the bear as possible.
- If a bear changes its behavior because you're there, you are too close.
- If you encounter a bear at close range, stand with arms raised, back up slowly and speak to the bear in a calm, assertive voice.
- Do not turn your back, play dead or run from a black bear.
- Make sure you are in a secure area, such as a car or building, and the bear has a clear escape route, then scare the bear away with loud noises, like yelling, blowing a whistle, or using an air or car horn.
- Install a motion-activated device, such as flood lights, a water sprinkler or audio alarm, to scare a bear away from a location when you are not present.
- Report any bear threatening the safety of people, pets or livestock, or causing property damage, to the FWC (see back cover).
- Walk dogs on a non-retractable leash and be aware of your surroundings. Dogs can trigger defensive behaviors from bears.

Encourage your school system to use the *Florida Black Bear Curriculum Guide*. The guide is designed for grades 3 to 8 and is correlated to state education standards.



Avoid attracting bears

Bears do not hang around people if they do not find food. Properly storing or securing garbage and other attractants is a proven method of preventing bear conflicts. However, it takes a community-wide effort to keep bears wild and away from neighborhoods.

- Use electric fencing to protect gardens, garbage, compost piles, beehives, fruit trees and livestock.



John Bailey

- Keep garage doors closed when not in use.
- Feed pets indoors or bring food dishes (even empty ones) inside at night.
- Store pet and livestock feed in bear-resistant containers or inside a secure area.
- Remove or modify bird and wildlife feeders and ensure the ground is free of all feed debris.
- Properly harvest ripe nuts, fruits, and vegetables and remove rotten fruits and vegetables.
- Create an "unwelcome" mat by driving finishing nails, heads up, into a sheet of anchored plywood to keep bears away from a specific area, such as under a window, door or fence.
- Keep outdoor refrigerators and freezers in a secure location or lock up with super-adhesive anchors, like Marine Locks™.
- Clean meat smokers and barbeque grills with a degreasing detergent and store in a secure area. Dispose of food remnants/grease after each use.

A screened-in porch will not keep bears out!

APPENDIX G

FLORIDA PANTHER INFORMATIONAL PAMPHLET

You live in Florida panther country

Florida panthers are reclusive and rarely seen by people. They normally live in remote, undeveloped areas. However, as the number of people in southern Florida grows, there is an increased chance of an encounter with a Florida panther.

This brochure contains some guidelines to help you live safely in Florida panther country.



Keep children within sight and close to you, especially outdoors between dusk and dawn.

If you feel threatened by a panther, or have lost pets or livestock to a panther, please call the Florida Fish and Wildlife Conservation Commission's Wildlife Alert Hotline at 1-888-404-FWCC (3922).

If you see a Florida panther

The Florida panther moves primarily at night. The chances of seeing a panther are slim. But if you live in Florida panther country, you need to know what to do if you see one.

-  **Keep children within sight and close to you.** Pick up any small children so they don't panic and run. Try to do this without bending over or turning away from the Florida panther.
-  **Give them space.** Florida panthers typically will avoid a confrontation. Give them a way to escape.
-  **Do not run.** Running may stimulate a panther's instinct to chase. Stand and face the animal. Make eye contact to let the panther know you are aware of its presence.
-  **Avoid crouching or bending over.** Squatting or bending makes you look smaller, resembling a prey-sized animal.
-  **Appear larger.** Make gestures that indicate you are not prey and that you may be a danger to the panther. Raise your arms. Open your jacket. Throw stones, branches or whatever you can reach without crouching or turning your back. Wave your arms slowly and speak firmly in a loud voice.
-  **Fight back if attacked.** There has never been a reported panther attack in Florida. In western states, where attacks by cougars have occurred very rarely, potential victims have fought back successfully with rocks, sticks, caps, jackets, garden tools and their bare hands. Since large cats usually try to bite the head or neck, try to remain standing and face the animal.



Mark Lotz

printed on recycled paper



Florida Fish and Wildlife
Conservation Commission
620 S. Meridian Street
Tallahassee, FL 32399-1600
MyFWC.com/Panther

A guide to living with Florida Panthers



© Lynn Stone

MyFWC.com/Panther

7 ways to live safely in Florida panther country

While these guidelines are meant to help you live safely in Florida panther habitat, they also apply to living with more commonly encountered wildlife, including raccoons, snakes, bears and alligators.

1. Be alert from dusk 'til dawn (and whenever deer are active)

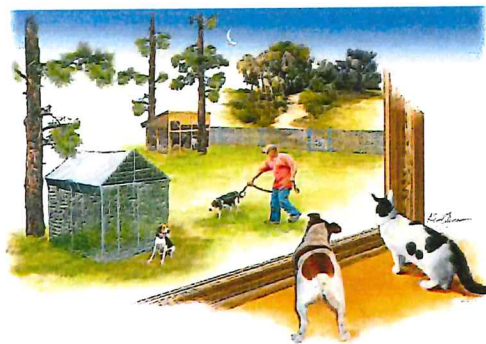
Florida panthers primarily are active at night. Exercise more caution at dawn, dusk or dark.

2. Keep panther prey away

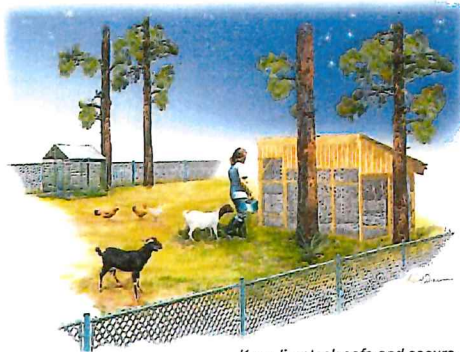
Deer, raccoons, rabbits, armadillos and wild hogs are prey for the Florida panther. By feeding deer or other wildlife, people inadvertently may attract panthers. Do not leave potential wildlife food outside, such as unsecured garbage or pet food. Consider fencing vegetable gardens.

3. Keep pets secure

Free-roaming pets, or pets that are tethered and unfenced, are easy prey for predators, including panthers. Bring pets inside or keep them in a secure and covered kennel at night. Feeding pets outside also may attract raccoons and other panther prey; do not leave uneaten pet food available to wildlife.



Keep your pets safe and secure. Bring pets inside or keep them in a secure and covered kennel at night.



Keep livestock safe and secure.

4. Keep domestic livestock secure

Where practical, place chickens, goats, hogs or other livestock in enclosed structures at night. Electric fencing can be an effective predator deterrent.

5. Landscape for safety

Remove dense or low-lying vegetation that would provide hiding places for panthers and other predatory animals near your house.

- Remove plants that deer like to eat.
- Choose plants that do not attract deer or other panther prey species. For information on plants that deer do not like to eat, visit edis.ifas.ufl.edu/UW137.
- Appropriate fencing will make your yard or play area uninviting to prey animals such as deer.

6. Consider other deterrents

Outdoor lighting, motion sensors and electric fencing also may deter prey animals and panthers from entering your yard. Outdoor lighting also will make approaching prey and panthers more visible to you.

7. Hike or bike with a friend

When recreating outdoors, it's a good practice to let friends or family know your whereabouts and when you expect to return. Better yet, take a friend with you!

Florida panther facts

- 🐾 The Florida panther is a subspecies of puma, also known as a mountain lion or cougar. It is the last subspecies still surviving in the eastern United States.
- 🐾 Biologists estimate roughly 100-160 adult and subadult Florida panthers remain in the wild. Most panthers live in southwest Florida, south of the Caloosahatchee River, although some panthers have been documented traveling as far north as central Georgia.
- 🐾 The Florida panther's decline occurred prior to 1950, when it still was legal to hunt panthers. It was listed as endangered in 1967 and is protected under federal and state laws.
- 🐾 Florida panther numbers declined to roughly 30 cats by the early 1980s. Severe inbreeding resulted in many health and physical problems. A genetic restoration project in 1995 was successful in improving the genetic health and vigor of the panther population.
- 🐾 Florida panthers are found primarily in the Big Cypress/Everglades ecosystem in Collier, Lee, Hendry, Monroe and Miami-Dade counties.
- 🐾 Florida panthers' home range sizes vary by sex and by individual. Female home ranges are typically 60-75 square miles whereas males' are typically 160-200 square miles.



FWC panther team

- 🐾 There is no record of a Florida panther attacking a person. Florida panthers are rarely seen.
- 🐾 The biggest threat to the future of the Florida panther is habitat loss. A number of panthers also die each year due to vehicle strikes on roadways.
- 🐾 The Florida panther was chosen as the State Animal of Florida in 1982 by a vote of elementary school students throughout the state.



Florida Panther Range



This brochure was produced through a partnership of the Audubon Society of Florida, Conservancy of Southwest Florida, Defenders of Wildlife, Florida Fish and Wildlife Conservation Commission, Florida Wildlife Federation, Friends of the Florida Panther Refuge, Mountain Lion Foundation, National Park Service, National Wildlife Federation, Seminole Tribe of Florida, University of Florida and the U.S. Fish and Wildlife Service.

Funding provided by the Florida Fish and Wildlife Conservation Commission, Friends of the Florida Panther Refuge and the National Fish and Wildlife Foundation.

APPENDIX H

EASTERN INDIGO SNAKE INFORMATIONAL PAMPHLET

Killing, harming, or harassing indigo snakes is strictly prohibited and punishable under State and Federal Law.

Only individuals currently authorized through an issued Incidental Take Statement in association with a USFWS Biological Opinion, or by a Section 10(a)(1)(A) permit issued by the USFWS, to handle an eastern indigo snake are allowed to do so.

LEGAL STATUS: The eastern indigo snake is classified as a Threatened species by both the USFWS and the Florida Fish and Wildlife Conservation Commission. "Taking" of eastern indigo snakes is prohibited by the Endangered Species Act without a permit. "Take" is defined by the USFWS as an attempt to kill, harm, harass, pursue, hunt, shoot, wound, trap, capture, collect, or engage in any such conduct. Penalties include a maximum fine of \$25,000 for civil violations and up to \$50,000 and/or imprisonment for criminal offenses, if convicted.



August 12, 2013

ATTENTION:

**THREATENED EASTERN INDIGO
SNAKES MAY BE PRESENT ON
THIS SITE!!!**



Please read the following information provided by the U.S. Fish and Wildlife Service to become familiar with standard protection measures for the eastern indigo snake.

**IF YOU SEE A LIVE EASTERN
INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site without interference.
- Personnel must NOT attempt to touch or handle snake due to protected status.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Immediately notify supervisor or the applicant's designated agent, **and** the appropriate U.S. Fish and Wildlife Service (USFWS) office, with the location information and condition of the snake.
- If the snake is located in a vicinity where continuation of the clearing or construction activities will cause harm to the snake, the activities must halt until such time that a representative of the USFWS returns the call (within one day) with further guidance as to when activities may resume.

**IF YOU SEE A DEAD EASTERN
INDIGO SNAKE ON THE SITE:**

- Cease clearing activities and immediately notify supervisor or the applicant's designated agent, **and** the appropriate USFWS office, with the location information and condition of the snake.
- Take photographs of the snake, if possible, for identification and documentation purposes.
- Thoroughly soak the dead snake in water and then freeze the specimen. The appropriate wildlife agency will retrieve the dead snake.

**USFWS Florida Field Offices to be
contacted if a live or dead eastern indigo
snake is encountered:**

**North Florida ES Office – (904) 731-3336
Panama City ES Office – (850) 769-0552
South Florida ES Office – (772) 562-3909**

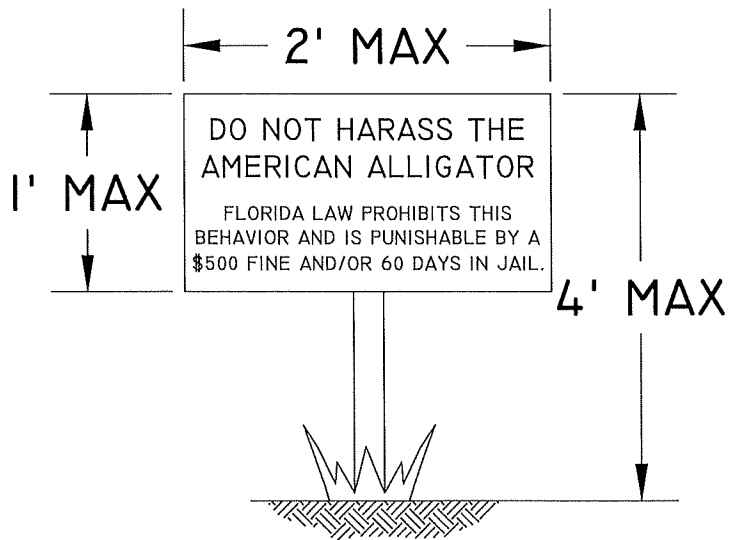
DESCRIPTION: The eastern indigo snake is one of the largest non-venomous snakes in North America, with individuals often reaching up to 8 feet in length. They derive their name from the glossy, blue-black color of their scales above and uniformly slate blue below. Frequently, they have orange to coral reddish coloration in the throat area, yet some specimens have been reported to only have cream coloration on the throat. These snakes are not typically aggressive and will attempt to crawl away when disturbed. Though indigo snakes rarely bite, they should NOT be handled.

SIMILAR SNAKES: The black racer is the only other solid black snake resembling the eastern indigo snake. However, black racers have a white or cream chin, thinner bodies, and WILL BITE if handled.

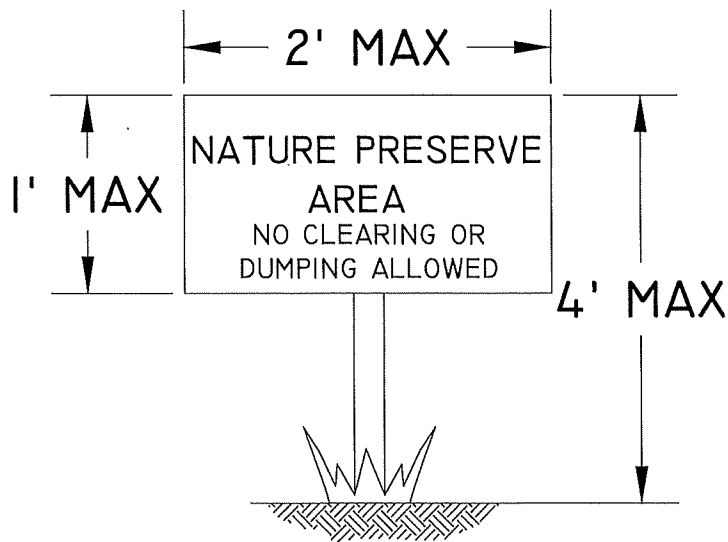
LIFE HISTORY: The eastern indigo snake occurs in a wide variety of terrestrial habitat types throughout Florida. Although they have a preference for uplands, they also utilize some wetlands and agricultural areas. Eastern indigo snakes will often seek shelter inside gopher tortoise burrows and other below- and above-ground refugia, such as other animal burrows, stumps, roots, and debris piles. Females may lay from 4 - 12 white eggs as early as April through June, with young hatching in late July through October.

APPENDIX I

AMERICAN ALLIGATOR MANAGEMENT AND PRESERVE SIGNAGE



TYPICAL AMERICAN
ALLIGATOR SIGNAGE
N.T.S.



TYPICAL
PRESERVE SIGNAGE
N.T.S.

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

- a. *48-Hour Notice*: Memorandum from Dirk Danley, Jr., Principal Planner, to Donna Marie Collins, Chief Hearing Examiner, dated May 2, 2023
- 1. *DCD Staff Report with attachments for DCI*: Prepared by Dirk Danley, Jr., Principal Planner, date received April 19, 2023 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

APPLICANT EXHIBITS

- a. *48-Hour Notice*: Email from Laurie L. Plue, with Pavese Law Firm, to Hearing Examiner, with copies to Steve Hartsell, Esq., Ernst Barry, Tina Ekblad, Dirk Danley, Jr., Elizabeth Workman, Brandon Dunn, Marcus Evans, Nicholas DeFilippo, Rebecca Sweigert, and Joseph Adams, Esq., dated Tuesday, May 2, 2023, 12:59 PM (multiple pages – 8.5"x11")
- 1. *PowerPoint Presentation*: Prepared for Daniels South Mixed Use Planned Development, dated May 4, 2023 (multiple pages – 8.5"x11") [color]
- 2. *Site Plan*: Prepared by Morris Depew for Daniels Parkway South Mixed Used Planned Development, dated November 14, 2022 (5 pages - 24"x36")
- 3. *Wetland Connection Exhibit*: Prepared by Morris Depew for Daniels Parkway South, dated August 25, 2022 (1 page – 11"x17") [color]
- 4. *Second 48-Hour Notice*: Email from Tina Ekblad, to Hearing Examiner, with copies to Steve Hartsell, Esq., Ernst Barry, Edward Scott, and Dirk Danley, Jr., dated Tuesday, July 7, 2023, 5:28 PM (multiple pages – 8.5"x11")
- 5. *PowerPoint Presentation*: Prepared for Daniels South Mixed Use Planned Development, dated July 11, 2023, Continued from May 4, 2023 (multiple pages – 8.5"x11") [color]
- 6. *Written Submissions*: Email from Tina Ekblad, to Hearing Examiner, with copies to Steve Hartsell, Esq., David Brown, Shane Johnson, Ryan Shute, and Dirk Danley, Jr., dated Tuesday, July 13, 2023, 3:57 PM (multiple pages – 8.5"x11" and multiple pages – 11"x17") {post hearing submittal}

OTHER EXHIBITS

Marsha Ellis

1. *Composite Exhibits:* (multiple pages – 8.5"x11")

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Dirk Danley, Jr.

Applicant Representatives:

1. David Brown
2. Tina M. Ekblad
3. Steve Hartsell, Esq.
4. Shane Johnson
5. Ryan Shute
6. Ted Treesh

Public Participants:

1. Marsha Ellis
2. Kaylar Guenther
3. Mariela Lovo
4. James Horne
5. Shelton Reynolds
6. Dan Thompson
7. Shari Thompson
8. Kara Tyler-Julian
9. Kathy Walker

Exhibit E
INFORMATION

UNAUTHORIZED COMMUNICATIONS

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

- A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.
- B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants is limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.
- C. Participants may not submit documents to the Board of County Commissioners unless they were marked as Exhibits by the Hearing Examiner. Documents must have the Exhibit number assigned at hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

- A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.
- B. A verbatim transcript may also be available for purchase from the court reporting service.