

EXHIBITS

CASE # DCI2022-00004

CASE NAME: THE NEST SWFL

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

ARE THERE ANY BOARD EXHIBITS?	YES	NO

LOCATION OF BOARDS

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

EXHIBITS**Case #****DCI2022-00004**APPLICANT

9. 48 Hour Power Point

#1 presentation

#2 resumes (1a)
composite exhibit (1b)

#3 MCP enlarged

#4 permanent easement

#5 temp easement

#6

#7

#8

#9

#10

STAFF

#1 Staff Report

#2

#3

#4

#5

#6

#7

#8

#9

#10

OTHER EXHIBITSNAMENUMBERDESCRIPTION

#

#

#

#

#

#

Perez, Maria

From: Badamtchian, Chahram
Sent: Wednesday, June 7, 2023 7:53 AM
To: Perez, Maria
Subject: FW: DCI2022-00004 The Nest 48 Hour Letter
Attachments: The Nest 48 hour letter.pdf

Hi Maria,

They sent it to the HEX but I just noticed that instead of .com they typed .co at the end of the email address.

Thank you,
Chahram



Chahram Badamtchian, AICP, Senior Planner

Department of Community Development

1500 Monroe St. Fort Myers, FL.33901

239.533.8372

Cbadamtchian@leegov.com

www.leegov.com

Connect With Us On Social Media



From: Margaret Emblidge <emblidge@abbinc.com>
Sent: Friday, June 2, 2023 4:12 PM
To: hex@leegov.co; Badamtchian, Chahram <CBADAMTCHIAN@leegov.com>
Subject: [EXTERNAL] DCI2022-00004 The Nest 48 Hour Letter

Good afternoon. Please find attached the 48 Hour Letter for DCI2022-00004 The Nest scheduled for June 8th at 9am.

Feel free to contact me if you have any questions. Thank you, Margaret Emblidge

Margaret Emblidge, AICP
Planning Director
P: (239) 597-3111
Direct: (239) 254-2827
Cell: (239) 405-2349
emblidge@abbinc.com

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Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

June 2, 2023

Amanda Rivera
Deputy Hearing Examiner
The Office of the Lee County Hearing Examiner

Dear Madame Hearing Examiner:

RE: DCI2022-00004 The Nest CPD/RPD

This memo is to address clarifications prior to the scheduled hearing on June 8, 2023, at 9:00am regarding the Staff Report Attachment C - Conditions and Deviations as submitted by staff. **The following are revisions the applicant and staff have agreed to:**

1. CPD Tract "A" Schedule of Uses:

Boats,
Ramps and dockage (not marinas), ~~for the exclusive use of the residents of the Development~~ Limited to a kayak and canoe launch and a temporary tie up dock.

The struck through language was inadvertently added by staff and is not the intention of the applicant to limit this use as the language suggested. In addition, the applicant is not interested in a boat ramp and dockage beyond the kayak and canoe launch and temporary tie up dock. The goal is to allow the public access for nonmotorized vessels. The access to the waterway is consistent with The Comprehensive Plan Goal 79 and Goal 82 which support the increase in recreation in the County's waterways and to improve the public access to the waterways.

2. RPD Tract "B" schedule of Uses:

Replace the following:

~~Boats,
Ramps and dockage (not marinas)~~ **with**

Accessory uses and structures, including fishing piers, observation decks or kayak/canoe structures.

The applicant prefers more passive water access to minimize any impacts on Mullock Creek and the surrounding area.

If you have any questions, please do not hesitate to contact me at 239.597.3111 or emblidge@abbinc.com.

Regards,

A handwritten signature in blue ink that reads "Margaret Emblidge". The signature is written in a cursive, flowing style.

Margaret Emblidge, AICP
Planning Director

**Education:**

M.A. in Urban and Regional Planning
Indiana University of Pennsylvania
B.A. Geography
University of Edinboro, PA

Professional Certification:

American Institute of Certified Planners
#102954

Years of Experience: 34**Professional History:**

Agnoli, Barber & Brundage, Inc.
June 2022 – Present

Hendry County BOCC
January 2015 – June 2022

RWA Engineering
2013 – 2014

Margaret Emblidge & Associates LLC
2009 – 2013

Bonita Bay Group
2007 – 2009 & 1996 – 2003

Collier Enterprises
2003 - 2007

Lee County Division of Zoning &
Development Services
1991 – 1996

Delaware County, PA
County Planning Department
1989 - 1990

Professional Affiliations:

American Institute of Certified Planners
American Planning Association
Florida Planning Association
Real Estate Investment Society
Lee Building Industry Association
SWFL Inc.
Urban Land Institute

Margaret Emblidge, AICP

Planning Director

Margaret Emblidge is a Certified Land Use Planner with the American Institute of Certified Planners (AICP) and has over 30 years of professional planning experience in Southwest Florida. Margaret has managed projects varying in size and scope in both the public and private sectors. Projects include due diligence, zoning and comprehensive plan amendments, community outreach, land development code amendments and expert witness services.

Land use projects included Sector Plans, Developments of Regional Impact, Planned Developments, Conventional Rezoning, and Community Planning. Related projects included managing Environmental Permits, Site Development Plans, Lot Splits, Architectural and Landscape plans.

Prior to joining ABB in June of 2022, Margaret was the Planning & Community Development Director for Hendry County for over 7 years. In addition to various land use consulting positions, Margaret also worked for the Bonita Bay Group as their Planning & Entitlement Director and Collier Enterprises as the V.P. of Planning.

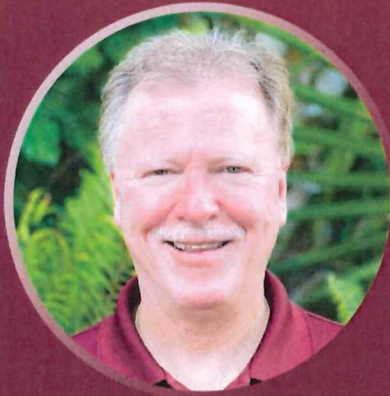
EXPERIENCE

Master Planned Development Projects

- Bonita Bay
- Brooks
- Highland Woods
- Mediterra
- Shadow Wood Preserve
- Verandah
- Twin Eagles
- Big Cypress Stewardship District
- Marina 31
- North River Village
- South LaBelle Village

Public and Private Projects

- Comprehensive Plan Amendments
- Land Development Code Amendments
- Community Planning Projects
- Review and Implement Sector Plans
- SR 80/US 27 Corridor Studies
- Airglades Airport and Area Planning Projects
- County Liaison on State and Federal Environmental Programs



Barry E. Jones, P.E.

Senior Project Engineer

Barry Jones joined Agnoli, Barber & Brundage, Inc. in May 2022, bringing with him over 33 years of engineering experience in Southwest Florida. Throughout his career, Mr. Jones has been responsible for design, permitting and post-design management of private and public sector projects in residential, commercial land development projects, roadway improvement projects, pedestrian improvements and on- and off-site water/sewer improvements. He has conducted due diligence studies and prepared code compliant site plans for residential and commercial development. Mr. Jones has also been involved with the preparation of public and private sector proposals and RFQs, supervising and managing permitting applications and negotiations with various agencies, managing client relations, preparation of change orders and invoices, as well as managing accounts receivable to ensure timely compensation. He has coordinated and supervised multi-discipline design teams across a variety of public and private sectors and has participated in presentations and public relations workshops for both private and public development projects. Mr. Jones has also participated in design/build teams for short listing, value engineering, approach writing and bid preparation for public sector roadway development.

Education:

Bachelor of Science, Civil Engineering
University of Florida (1990)
Associates of Arts
University of Florida (1985)

Professional Registration:

Licensed Professional Engineer No. 52675

Years of Experience: 33

Professional History:

Agnoli, Barber & Brundage, Inc.
May 2022 - Present

Hole Montes
January 2014 – March 2022

RWA Engineering
June 2013 – January 2014

TY Lin International
April 2008 – May 2013

DRMP Engineering
August 2006 – August 2007

Throgmartin Development
April 2005 – August 2006

Banks Engineering, Inc.
April 1999 – April 2005

Florida Cities Water Company
1995 – 1999

Nicklaus Golf Design
1990 - 1995

Professional Affiliations:

Urban Land Institute

Community Involvement/

Public Service:

Village of Estero Zoning and Development
Review Board (2015 – Present)

Interests:

Family, travel, fishing, photography, diving,
Gator athletics

Relevant Experience:

- Collier Villages (Collier County)
- Germain Lexus (Collier County)
- Lago Apartments (Collier County)
- Siena Lakes Independent Living Facility (Collier County)
- SkySail residential community (Collier County)
- Metropolitan Naples (Collier County)
- Fiddler's Creek Oyster Harbor (Collier County)
- Vanderbilt Beach Drive Underground Utility Conversion (Collier County)
- Naples Reserve Phase I, SF Residential (Collier County)
- Orchid Run Apartments, MF Residential (Collier County)
- Lake Trafford Road Intersection Improvements (Immokalee)
- Thomasson Drive Roadway Improvements, Bayshore District (Collier County)
- Golden Gate Stormwater Rehabilitation Project (Collier County)
- Coastal Beverage Maintenance Facility (Collier County)
- La-Z-Boy Showroom (Collier County)
- Coastal Beverage Warehouse Expansion (Collier County)
- Village Walk CDD Engineer (Collier County)
- Drainage Engineer, US 41/951 Intersection Improvements (Collier County)
- Collier Area Transit Transfer Facility, Radio Road (Collier County)
- Legacy Lakes (Collier County)
- Vincent Acres (Collier County)
- Burnt Store Road Improvements, Pine Island Road to Kismet (Lee County)
- Plantation Road, Colonial to Idlewild (Lee County)
- Smokehouse Bay Bridge Replacement (City of Marco Island)
- Traffic Signal Design, Three Oaks and Williams (Lee County)
- Traffic Signal Design, Plantation Drive and Idlewild Street (Lee County)
- Streetlight Design, Edgewater Drive (Port Charlotte)
- Fort Myers Streetscape Improvements (Lee County)
- Beachwalk Residential, Iona-McGregor (Lee County)
- Gardens at Beachwalk, Iona-McGregory (Lee County)
- Reflection Lakes, South Fort Myers (Lee County)
- Coral Lakes, Cape Coral (Lee County)
- Heatherwood Lakes, Cape Coral (Lee County)
- Colony Lakes, South Fort Myers (Lee County)
- Cedar Hammock (Collier County)
- Reflection Cove, South Fort Myers (Lee County)
- Bella Vida, Cape Coral (Lee County)
- Bluewater Coach Homes, Cape Coral (Lee County)
- Cypress Cay, Gateway (Lee County)



THE NEST SWFL

DCI2022-00004
HEX PRESENTATION

 **AGNOLI
BARBER &
BRUNDAGE, INC.**
Professional Engineers, Planners, Surveyors & Landscape Architects

APPLICANT'S
EXH # 2



Applicant and Owner:
Matthew Slaughter, STA FUND, LLC

Attorney:
Jeff E. Wright, ESQ. - Henderson Franklin Attorneys at
Law

Land Use Planner:
Margaret Emblidge, AICP - Agnoli, Barber & Brundage,
Inc.

Project Engineer:
Barry Jones, P.E. - Agnoli, Barber & Brundage, Inc.

Environmental:
Paul Owen – Owen Environmental Consulting, LLC

Transportation Engineer:
Jim Banks – JMB Transportation Engineering, Inc.

PROJECT TEAM

DCI2022-00004
HEX PRESENTATION



The applicant is requesting approval of a rezoning of 15.75+/- acres from Agriculture District (A-2) to a Residential Planned Development (RPD) on 12+/- acres and to a Commercial Planned Development (CPD) on 3.75+/- acres.

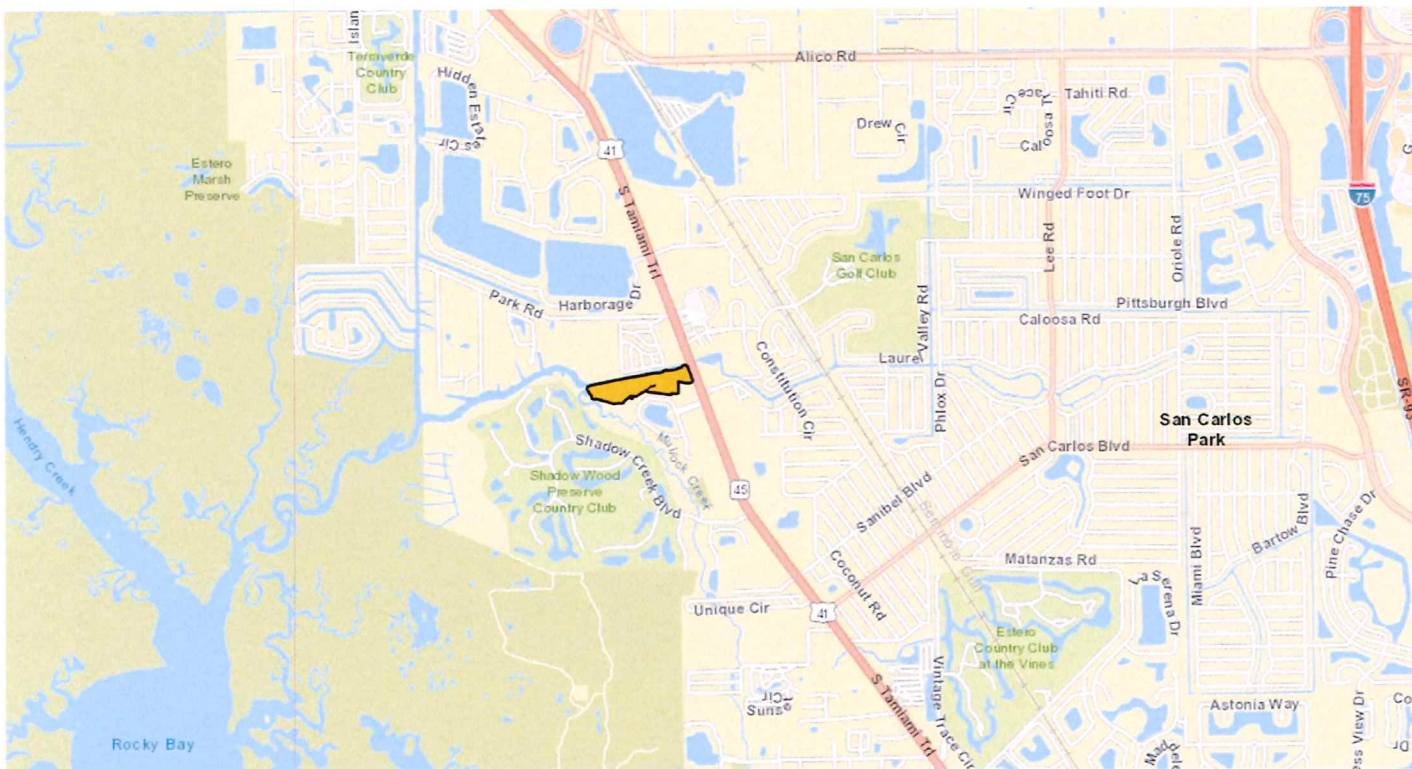
The RPD will consist of sixty-two (62) multi-family residences with a maximum height of sixty-two (62) feet. The CPD will consist of 10,000 square feet of retail, restaurant, recreational and office uses with a maximum height of thirty-five (35) feet.

REQUEST

DCI2022-00004

LOCATION

The property is located on the west side of South Tamiami Trail/US 41 and just south of Constitution Blvd. in the South Lee County/San Carlos Park Area.

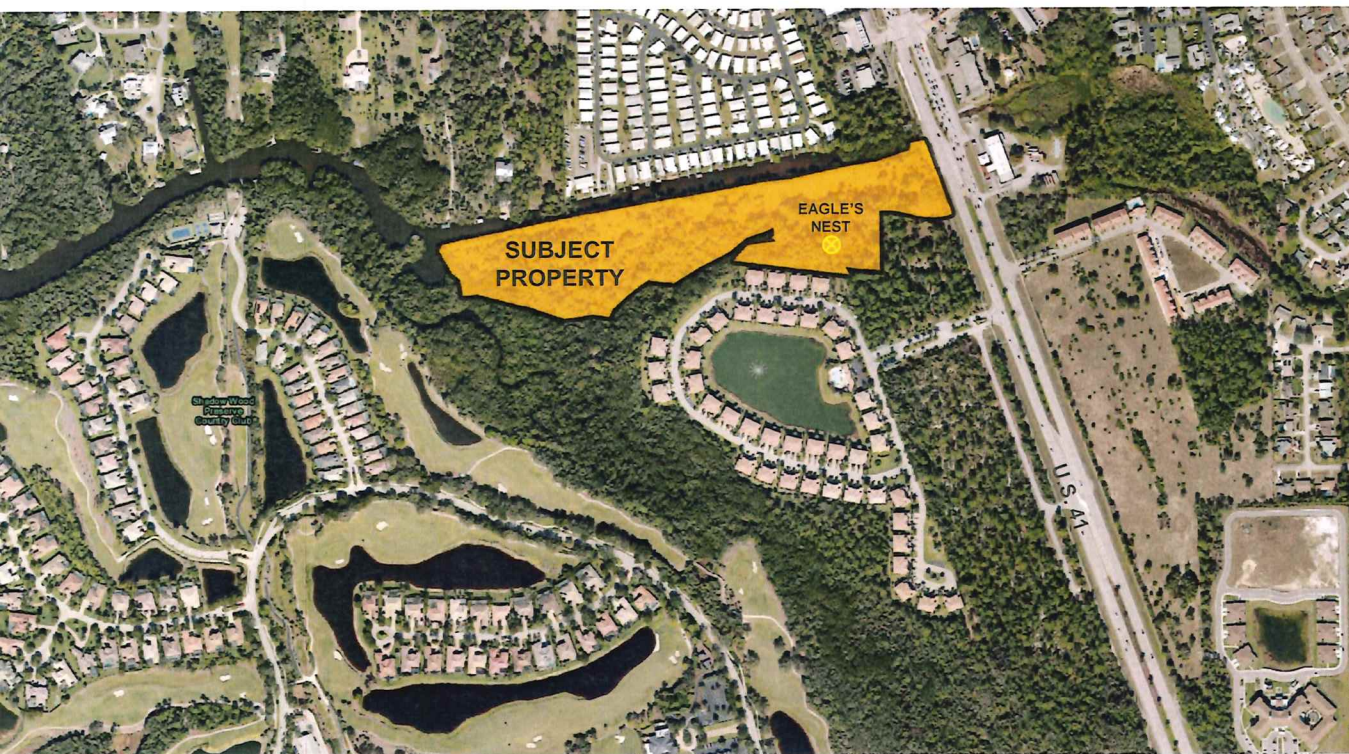


JUNE 8, 2023

DCI2022-00004 HEX PRESENTATION



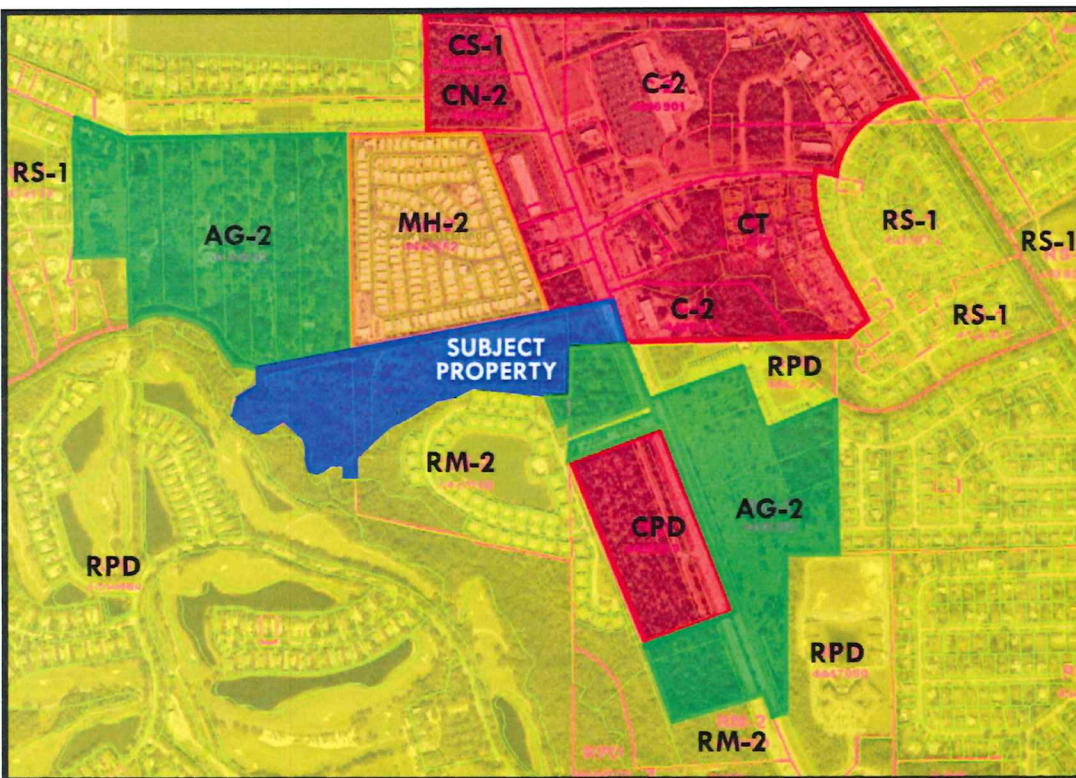
SITE INFORMATION



The property consists of four parcels that are vacant with the exception of cattle grazing per an approved AG Exemption. The property previously contained a bald eagle nest in the southeast corner of the property. The eagle's nest was destroyed during Hurricane Ian. No bald eagles were seen or heard during the previous and recent nesting season. A Bald Eagle Management Plan (BEMP) has been approved by the Eagle Technical Advisory Committee (ETAC) that will apply to the property until such time as the nest has been deemed lost per Lee County.



SURROUNDING ZONING/USES



North

Of the property is Mullock Creek (a man-made canal), Coach Light Manor Mobile Home Park, single family and multi-family developments. Also to the north are several commercial parcels fronting US 41.

South

Of the property are multi-family and commercial developments existing and planned. There are remnant A-2 zoned properties which will likely be developed based on their location on US 41.

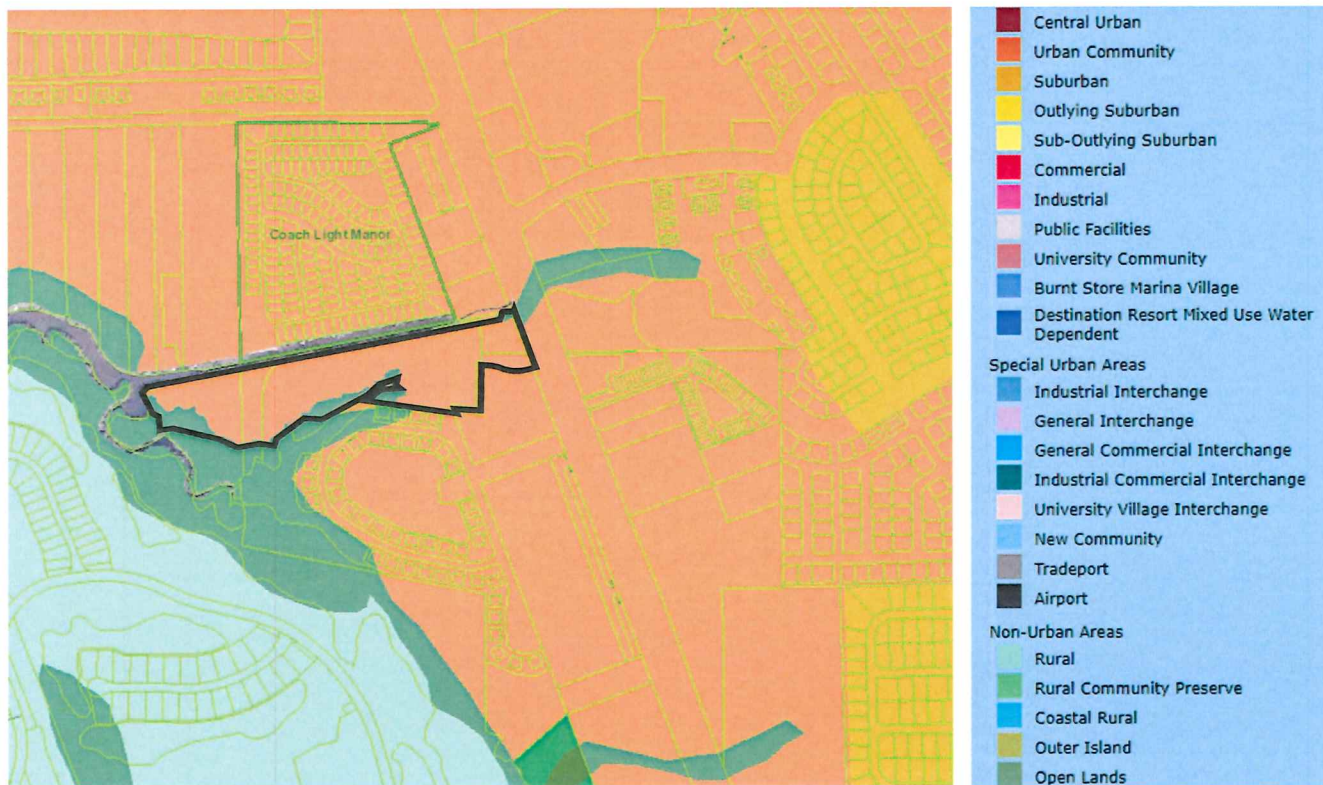
East

Of the existing development across US 41 are high density and intensity mixtures of residential and commercial developments. There are A-2 zoned parcels fronting US 41 which will likely be developed in the future.

West

Of the property are various preserves dedicated by the adjacent Creekside Preserve multi-family development and Shadow Wood Preserve Golf Course community. These preserves connect to the subject properties' preserve areas which provide protection to the natural Mullock Creek waterway.

FUTURE LAND USE



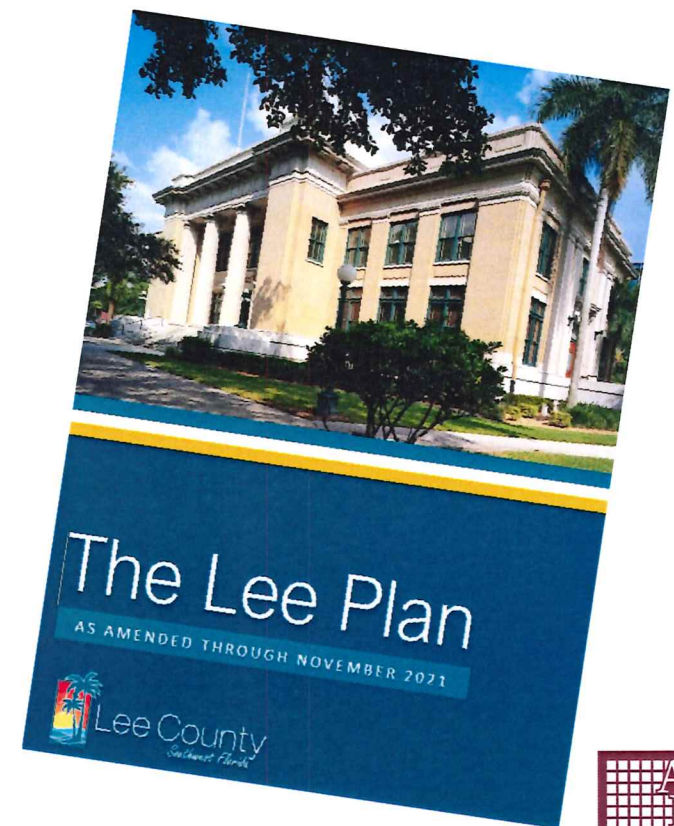
- The property is located within the San Carlos Park Planning District and lies within the Urban Community and Wetlands future land use categories.
- The surrounding area is also within the Urban Community Future Land Use Category and East of US41 is a Mixed Use Overlay area.
- The proposed rezoning to a Minor RPD/CPD is consistent with the goals, objectives, standards and policies of the Lee Plan which supports the appropriateness of the proposed development.



CONSISTENCY WITH THE LEE PLAN

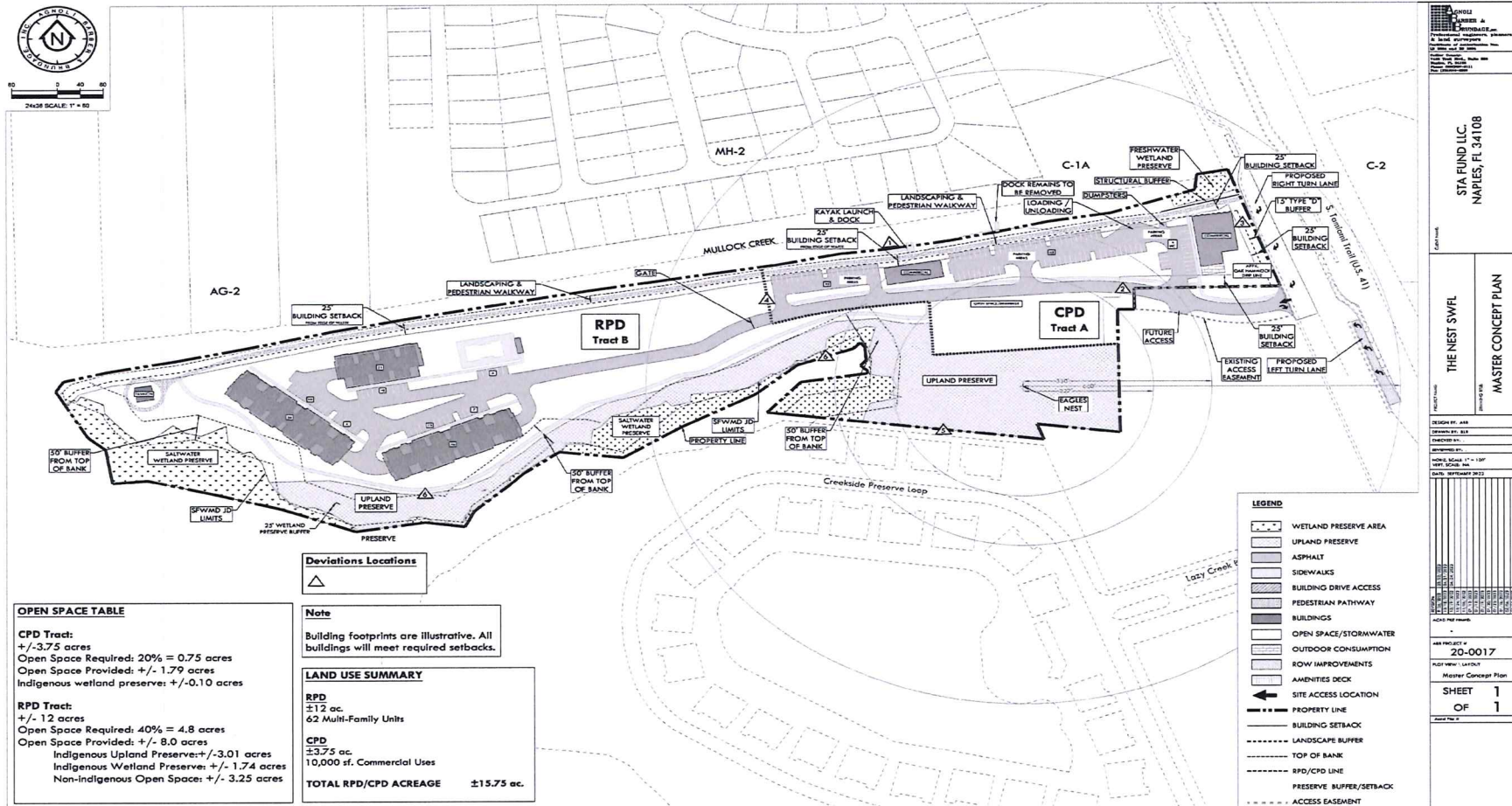
The proposed development is consistent with the applicable Lee Plan policies, goals, objectives and standards including:

- Policy 1.1.14 - Urban Community FLUC
- Objective 1.5, Policy 1.5.1 and Goal 124 - Wetlands
- Objectives 2.1 and 2.2: Policies 2.1.1 and 2.2.1 - Timing
- Standards 4.1.1 and 4.1.2 – Water & Sewer Services
- Policy 5.1.2 – Coastal High Hazard Area
- Policies: 5.1.5 – Compatibility
- Policy 123.6 – Bald Eagle Management Plan



MASTER CONCEPT PLAN

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JUNE 8, 2023

DCI2022-00004 HEX PRESENTATION



MASTER CONCEPT PLAN EVOLUTION

The Master Concept Plan has been through multiple revisions based on feedback from ETAC and Compatibility.

The Eagle Technical Advisory Committee

- Removed commercial building south of internal road within the CPD
- The applicant has agreed to recording conservation easements over both the wetland preserve and upland preserve.
- The upland preserve around the prior eagle's nest tree will be part of the conservation easement to accommodate any potential future eagle nest that may be constructed either within the same tree or in the proposed upland preserve area.
- Providing the preserve around the nest area results in the applicant providing a total of 4.85+/- acres of indigenous preserve. The required indigenous preserve is 2.4 acres.

Compatibility

- Revised RPD height from 95ft. to 62ft. (Urban Community FLUC does allow 95ft.)
- Revised residential units from 96 units by removing the 34 affordable housing density bonus units to 62 market rate units - meets allowable 6 upa density consistent with the Urban Community FLUC and surrounding area.
- Proposed Landscaping along Mullock Creek where no buffer is required.

DEVIATIONS

Staff recommended approval of 5 deviations with conditions:

Deviation #1

- Seeks relief from Land Development Code Section 34-2194, which requires buildings and structures not be placed closer than 25 feet to a canal or to a bay or other water body or the distance required by the provisions of chapter 6, article IV, pertaining to flood hazard reduction, whichever is greater, to allow a zero ft. setback for a kayak launch and dock. **Withdrawn per staff recommendation.**

Deviation #2

- Seeks relief from LDC Section 10-291(3) that requires any residential development of more than five acres or any commercial or industrial development of more than 10 acres must provide, where practical, two or more means of ingress or egress for the development, to allow one entrance as depicted on the MCP.

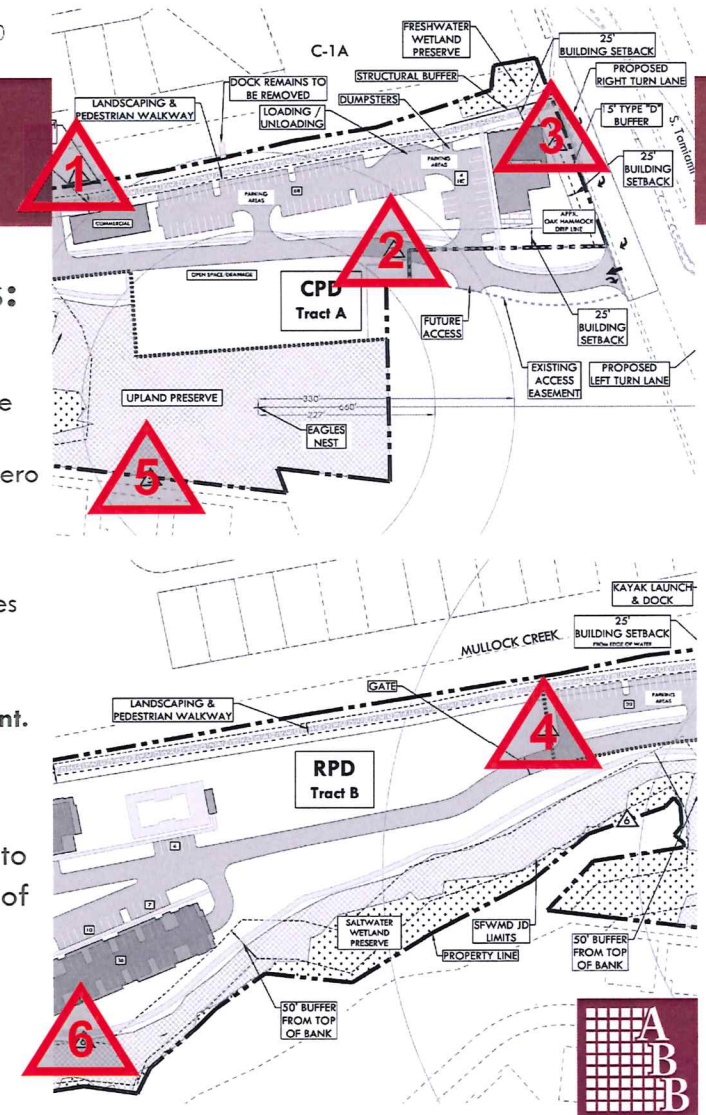
Staff recommends **APPROVAL** of the request with conditions of which the applicant is in agreement.

Deviation #3

- Seeks relief from section 10-416(d)(3), that requires a Type D Buffer between Commercial development and a ROW/Roadway Easement to allow the 15-foot Type D buffer plantings to be clustered to allow for view sheds for the commercial building along U.S. 41. Preservation of existing native trees shall be credited toward the required landscape buffer.

Staff recommends approval of this deviation.

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DEVIATIONS (CONT.)

Deviation #4

- Seeks relief from Land Development Code Section 10-416(d), which requires a Type C or Type F buffer between multiple family residential and commercial development, to allow a 15-foot-wide Type C buffer on the CPD/RPD north-south tract boundary line.

Staff recommends approval of this deviation with a condition.

Deviation #5

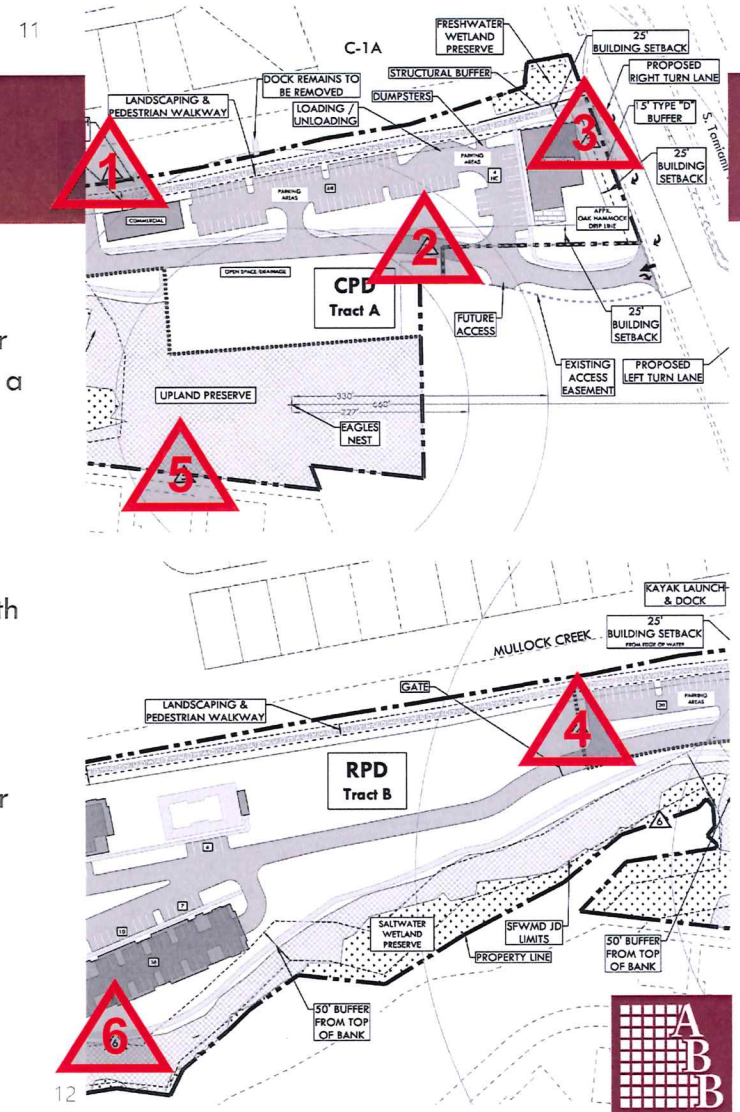
- Seeks relief from LDC Section 10-416(d) that requires a C or F type buffer between multiple family residential and commercial development to allow no buffer along the south property line of the CPD tract adjacent to Creekside Preserve.

Staff recommends approval of this deviation with a condition.

Deviation #6

- Seeks relief from Land Development Code Section 10-416(d), which requires a Type C or Type F buffer between multiple family residential and commercial development, to allow the existing preserve areas to fulfill the buffer requirement along the south property line of the CPD tract adjacent to Creekside Preserve.

Staff recommends approval of this deviation.



COMPATIBILITY AND FIT WITHIN THE SURROUNDING AREA

- The surrounding area is a mix of commercial and residential development.
- The adjacent existing and planned Commercial properties are located on U.S. 41 to the north and south of the project and across US 41.
- The adjacent existing and planned residential uses include a variety of residential densities and product type that are consistent with the proposed multi-family residential.
- Recent projects approved for residential multi-family and commercial includes Estero Vista located approximately one mile south of the subject property and approved for 144 multi-family units and commercial uses on a 20+/- acre site with an allowable height of four stories. Grand Bay MPD located adjacent to Estero Vista, was approved for a mix of commercial and residential uses with a maximum height of 56ft.
- To the north is the Coach Light Mobile Home Park which includes approximately 178 units on its 28+/- acres with 17+ boat docks and a boat ramp.
- Further north and west are single family and multi-family type developments of varying densities. The Nest property will follow this existing land use pattern with the proposed commercial tract along the frontage of U.S. 41 and the residential tract behind the commercial to the west.



COMPATIBILITY

LDC definition of Compatible:

Compatible means, in describing the relation between two land uses, buildings or structures, or zoning districts, the state wherein those two things exhibit either a positive relationship based on fit, similarity or reciprocity of characteristics, or a neutral relationship based on a relative lack of conflict (actual or potential) or on a failure to communicate negative or harmful influences one to another.

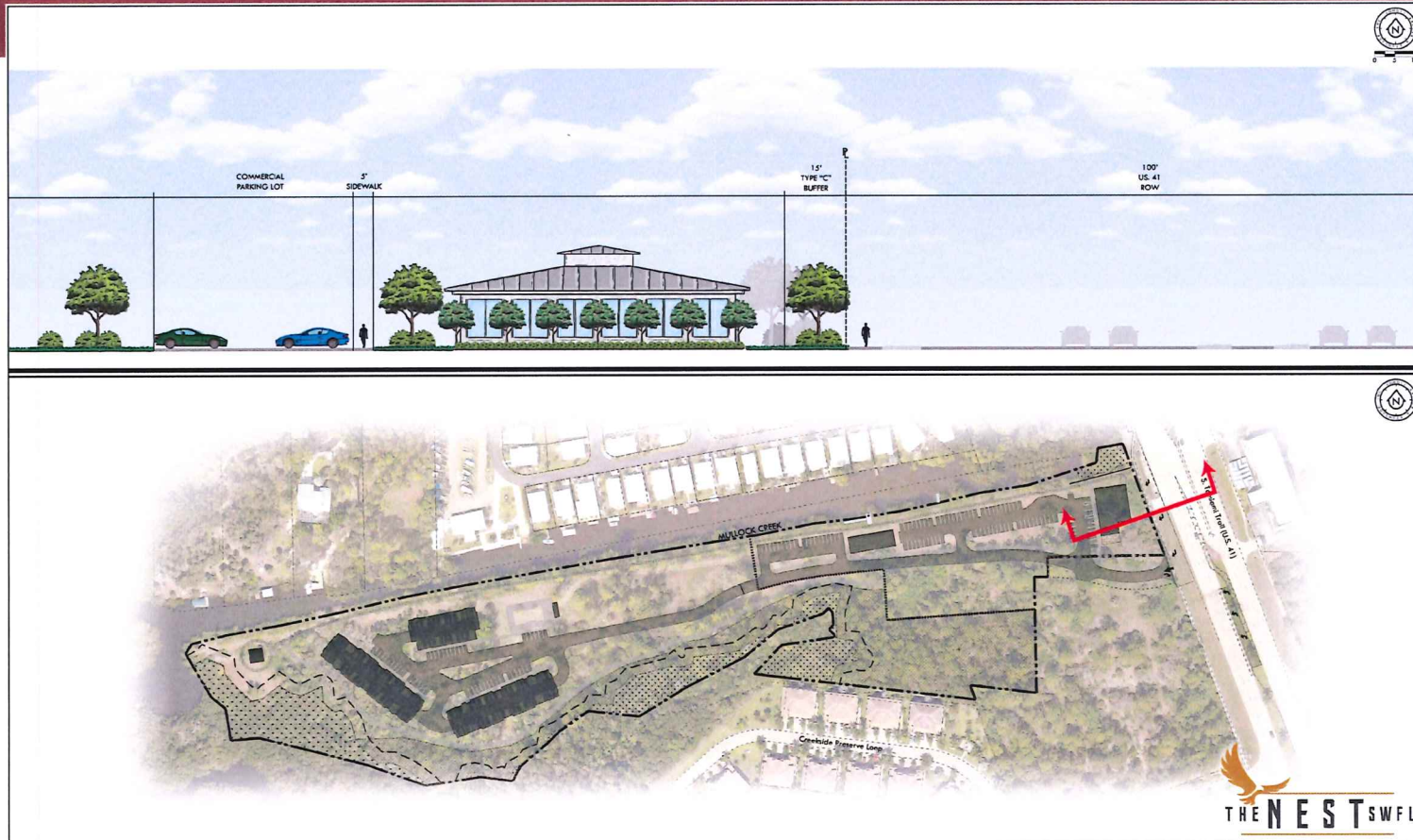
And the Planning industry standard definition:

Compatibility: A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

- The Following Illustrative Cross Sections demonstrate the separations and views from adjacent uses. These cross sections include the landscaping and example architectural designs of the buildings. The cross sections exhibit how the proposed project fits within the existing diverse land use pattern of the surrounding area.



LOOKING NORTH TO COMMERCIAL BUILDING ON US41

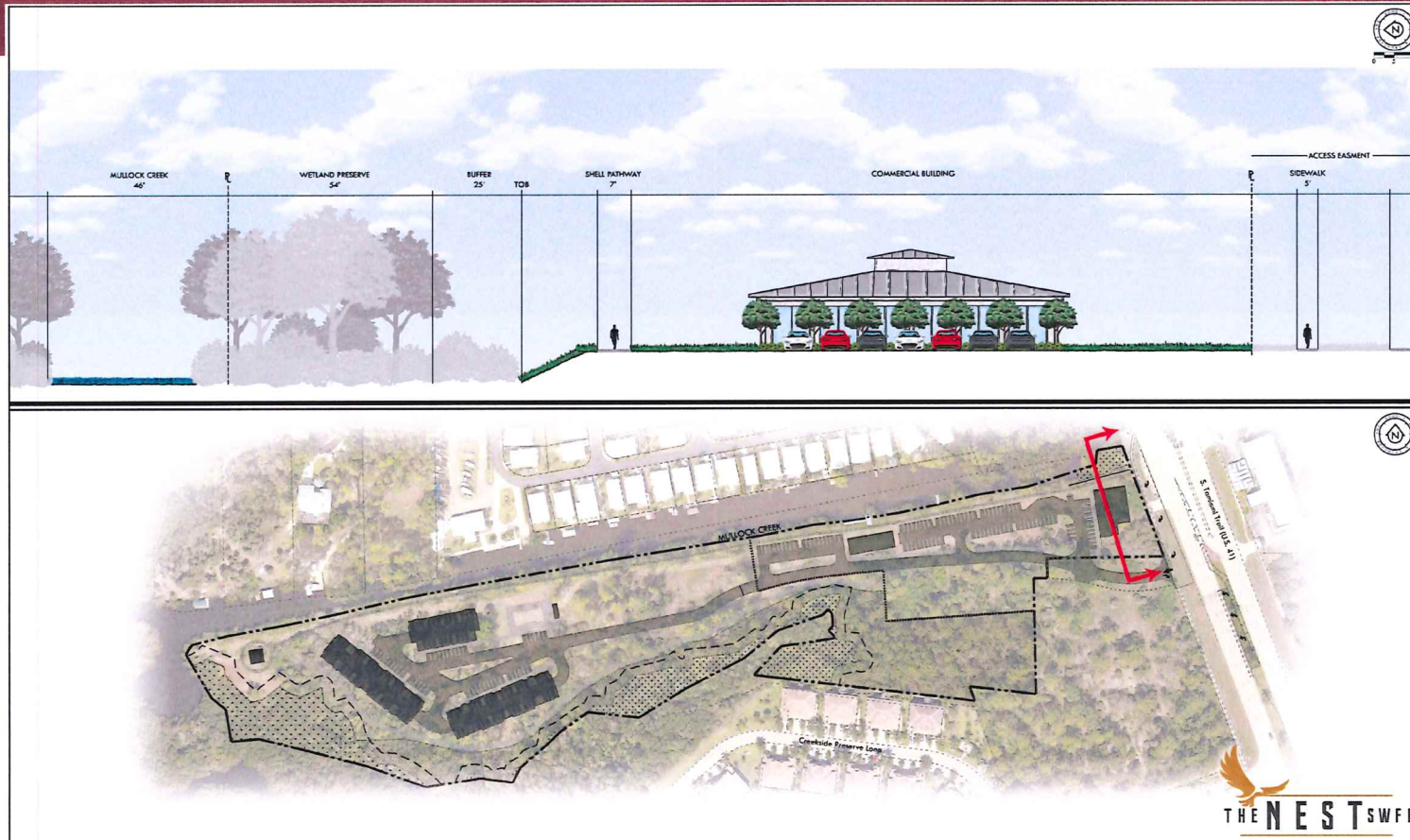


JUNE 8, 2023

DCI2022-00004 HEX PRESENTATION



LOOKING EAST TO COMMERCIAL BUILDING ON US41

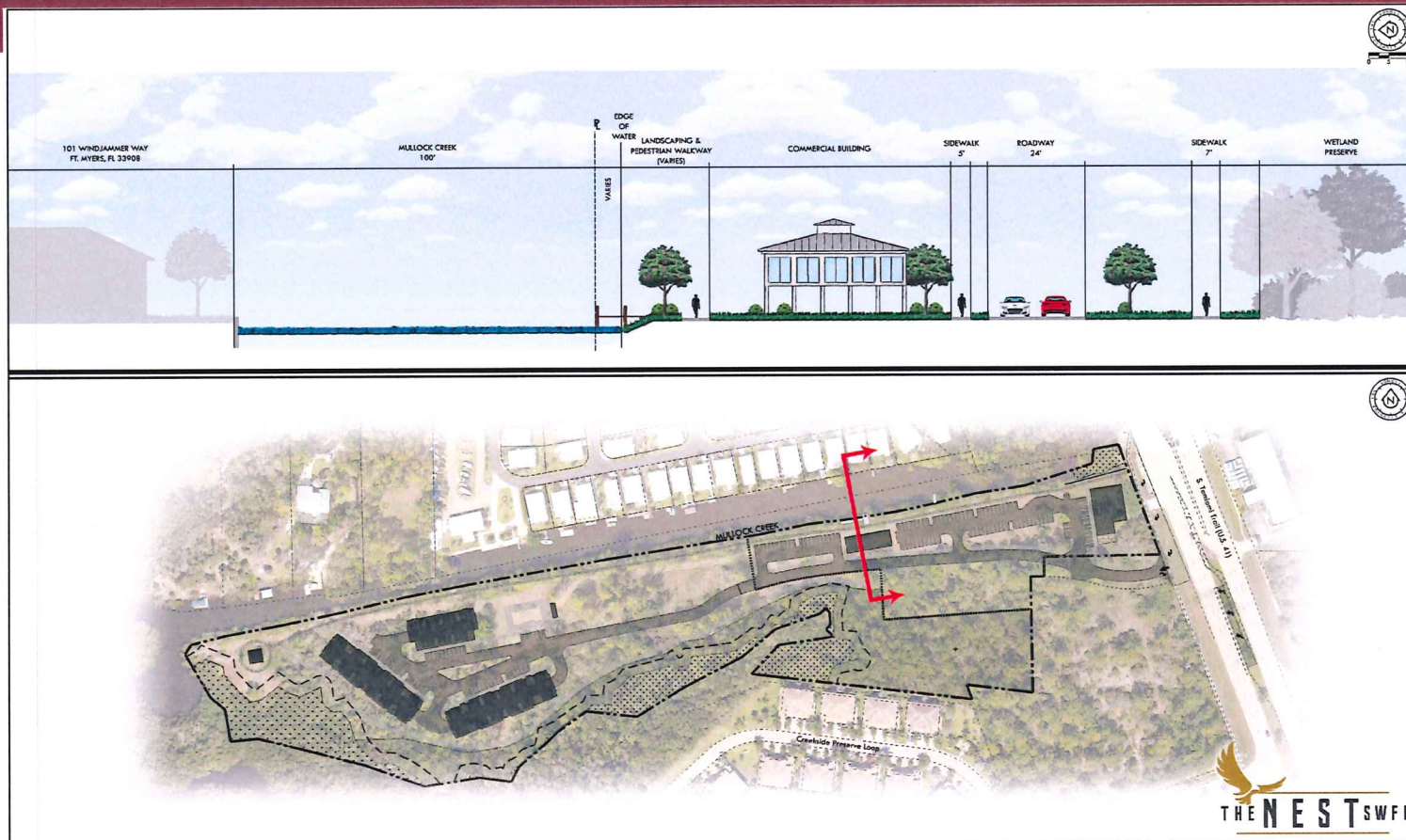


JUNE 8, 2023

DCI2022-00004 HEX PRESENTATION



LOOKING EAST TO SECOND COMMERCIAL BUILDING

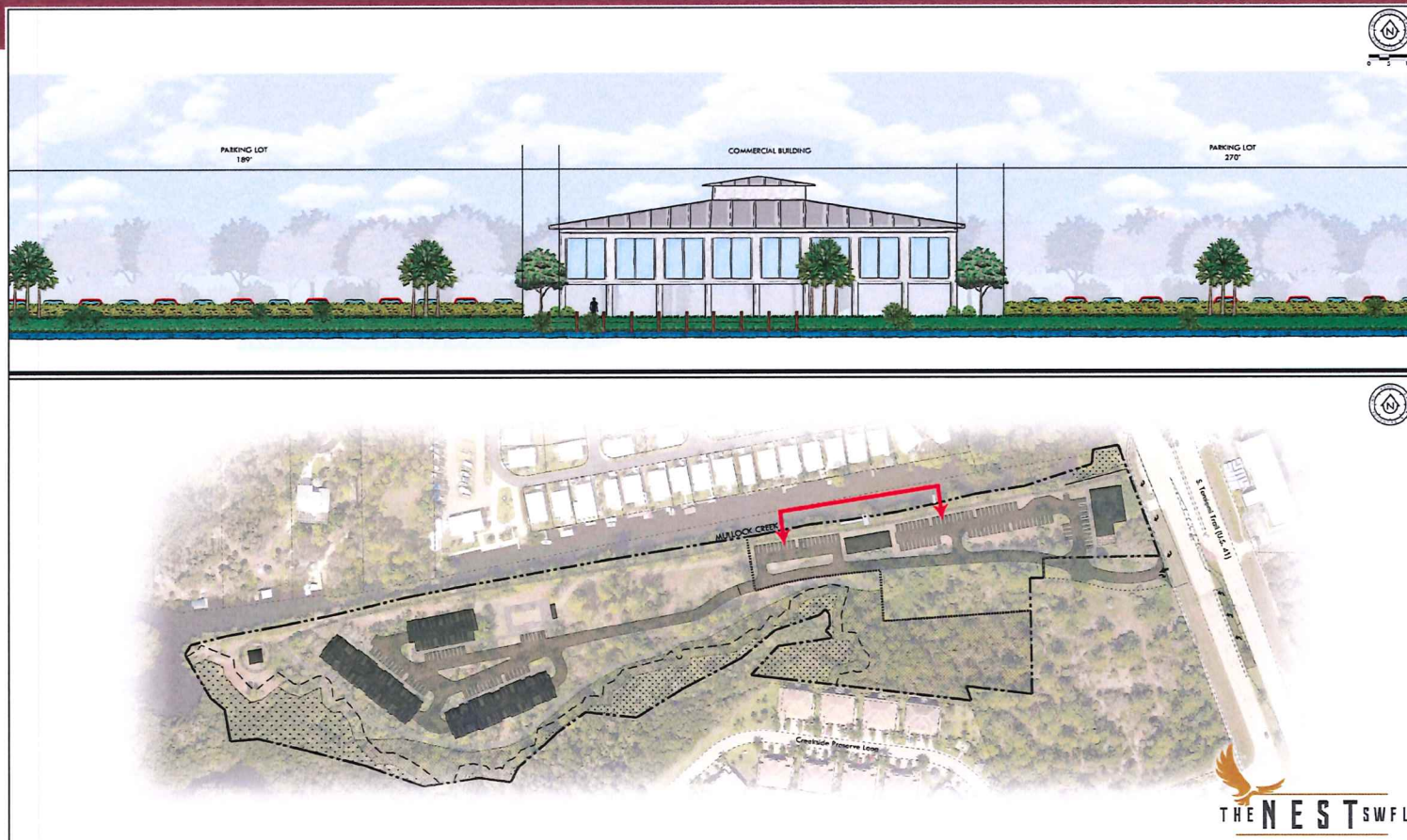


JUNE 8, 2023

DCI2022-00004 HEX PRESENTATION



MULLOCK CREEK TO SECOND COMMERCIAL BUILDING

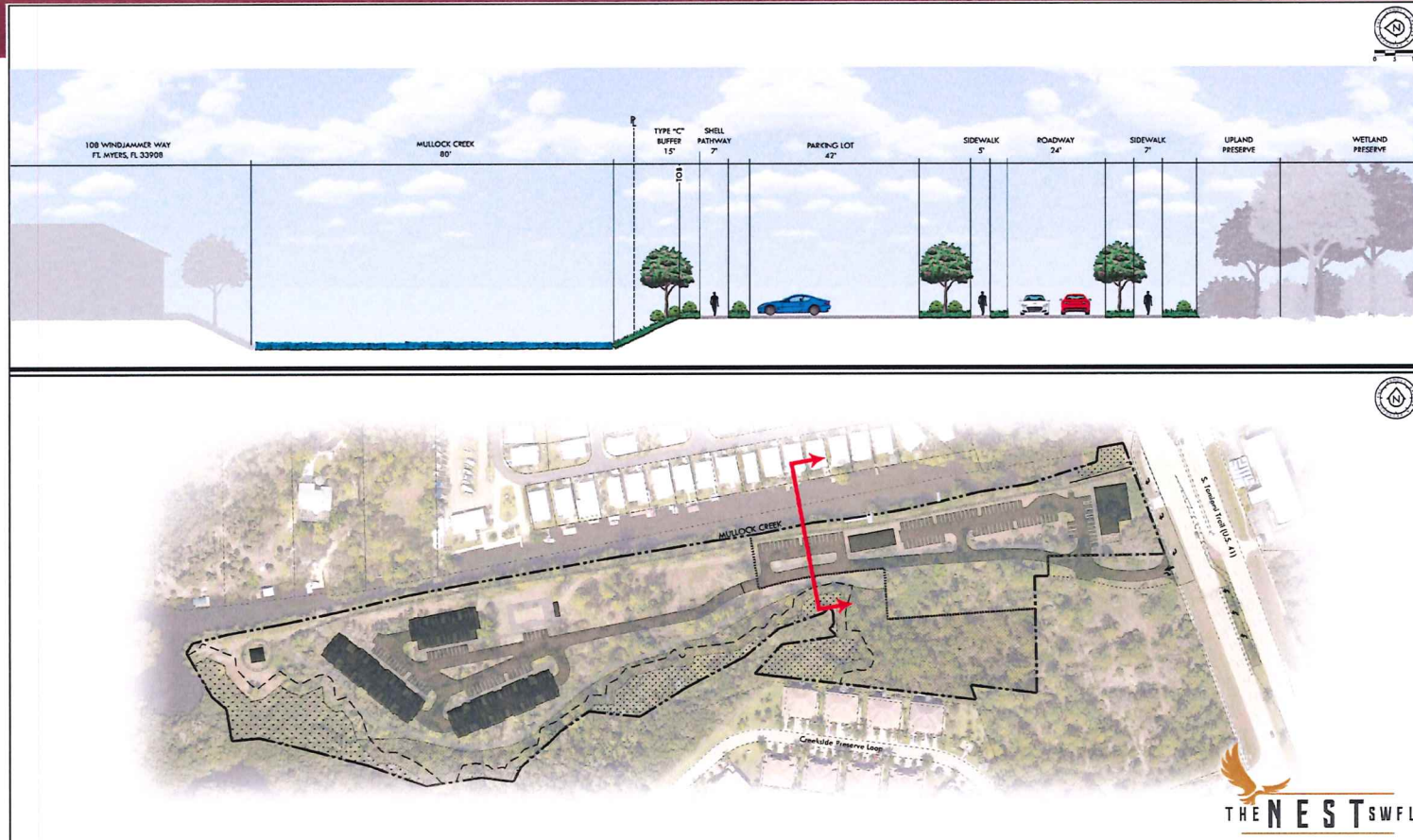


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DCI2022-00004 HEX PRESENTATION



LOOKING EAST - MULLOCK CREEK TO PRESERVE



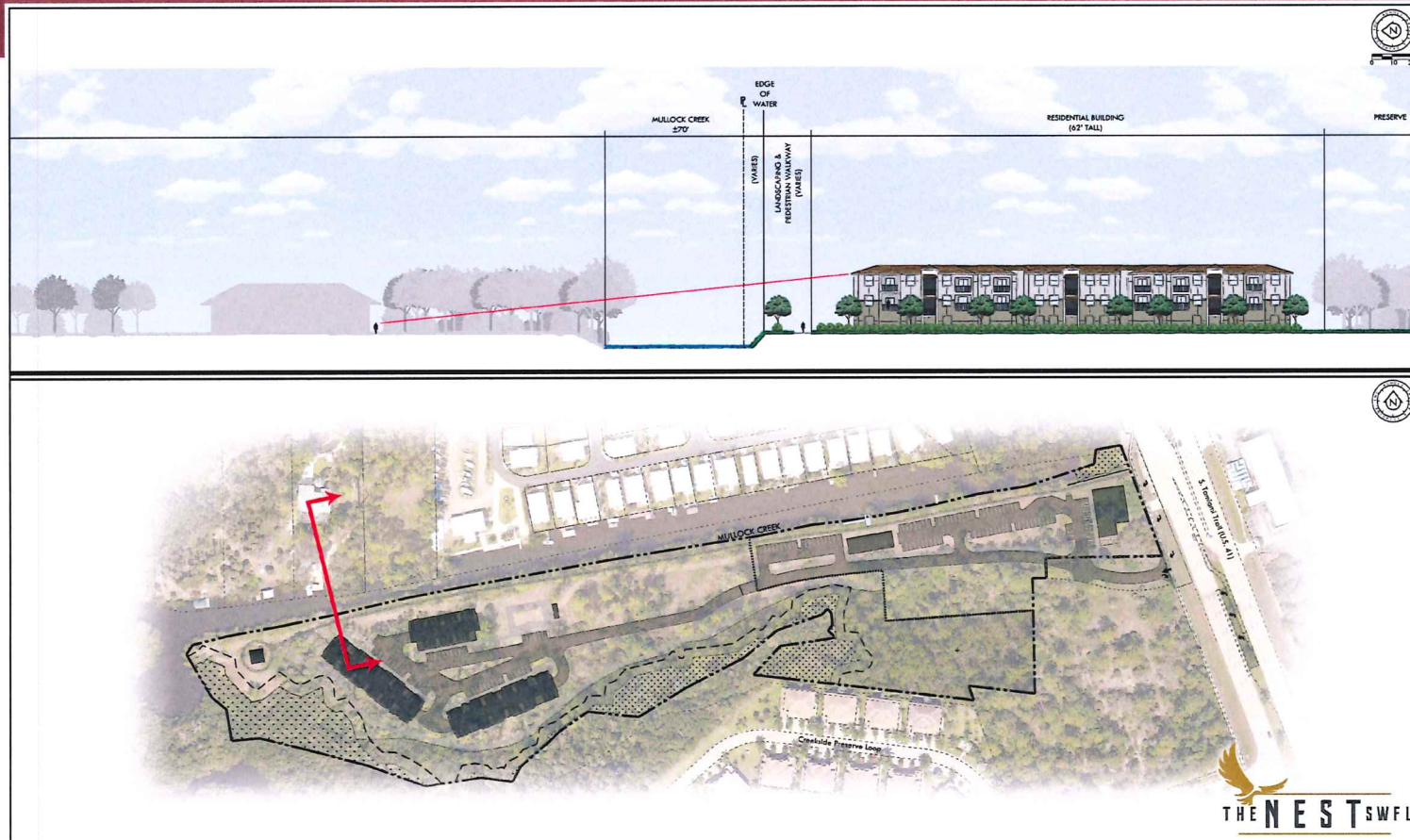
JUNE 8, 2023

DCI2022-00004 HEX PRESENTATION

THE NEST SWFL



RESIDENTIAL ACROSS MULLOCK CREEK TO PROPOSED RESIDENTIAL



JUNE 8, 2023

DCI2022-00004 HEX PRESENTATION



VIEW TO RESIDENTIAL FROM MULLOCK CREEK

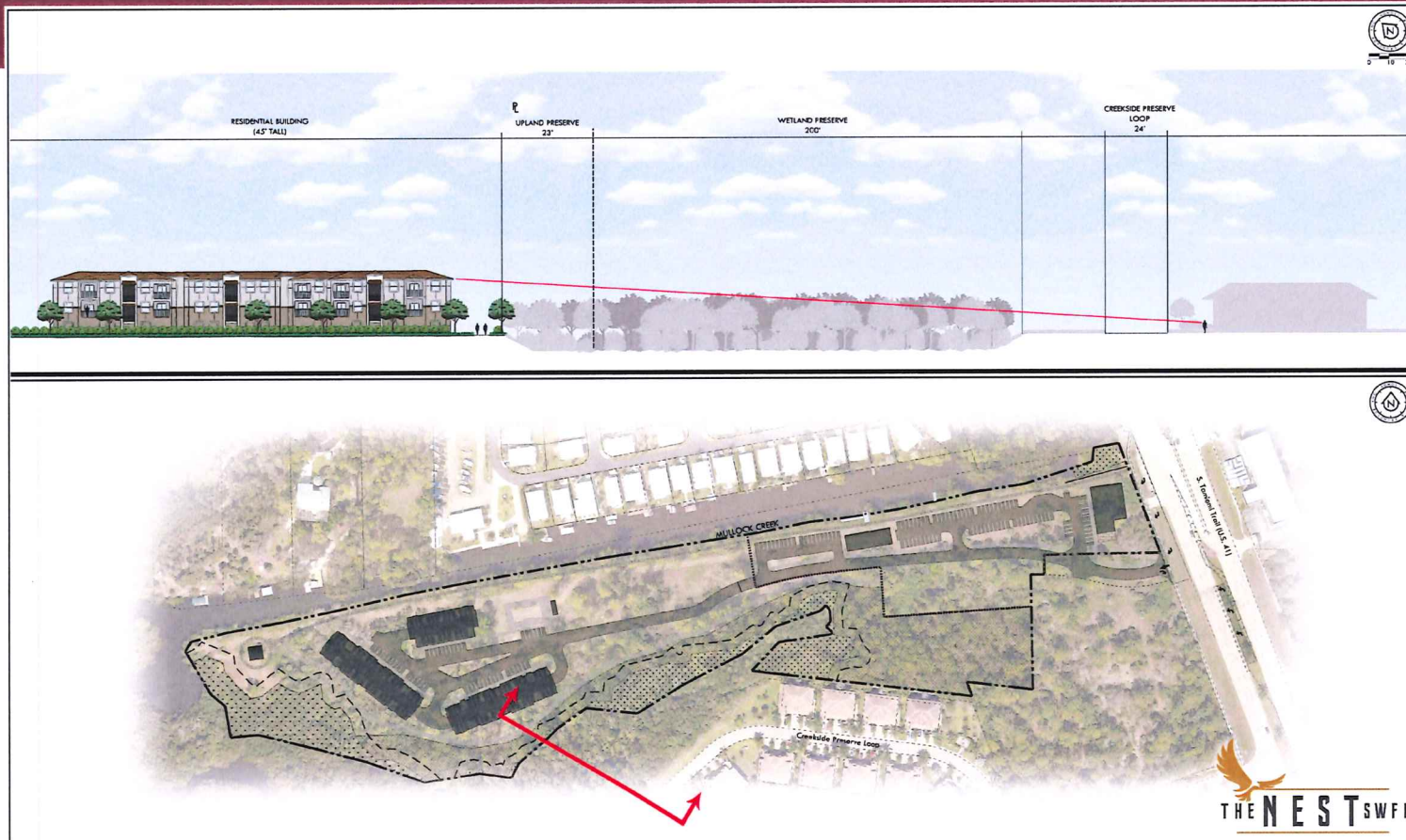


JUNE 8, 2023

DCI2022-00004 HEX PRESENTATION



RESIDENTIAL TO THE SOUTH

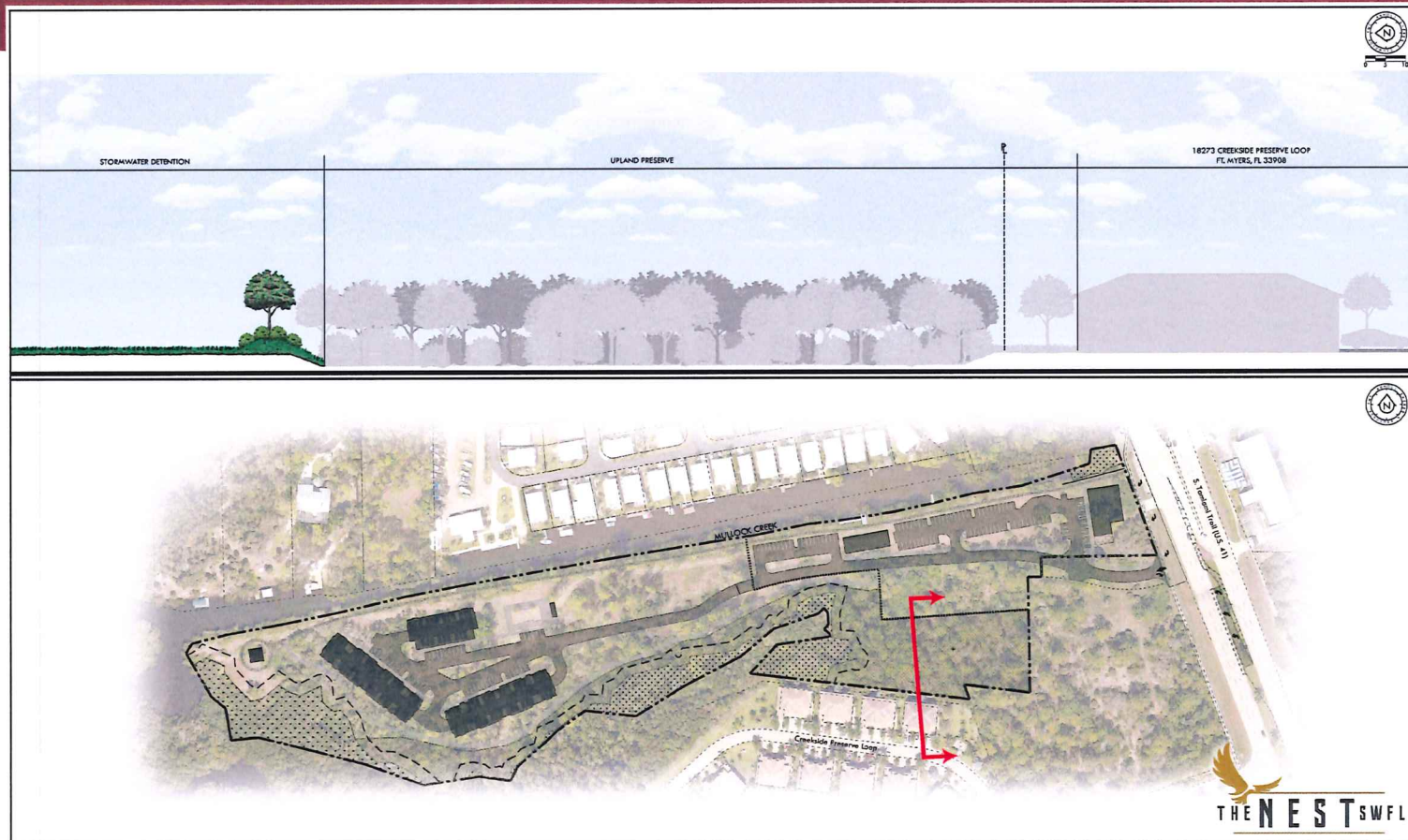


JUNE 8, 2023

DCI2022-00004 HEX PRESENTATION



RESIDENTIAL SOUTH OF COMMERCIAL TRACT



JUNE 8, 2023

DCI2022-00004 HEX PRESENTATION

THE NEST SWFL



48 HOUR LETTER

The following are revisions the applicant and staff have agreed to:

1. CPD Tract "A" Schedule of Uses:

~~Boats,~~

~~Ramps and dockage (not marinas), for the exclusive use of the residents of the Development~~ Limited to a kayak and canoe launch and a temporary tie up dock.

The struck through language is due to an inadvertent inclusion by staff. The applicant is not interested in a boat ramp and dockage beyond the kayak and canoe launch and temporary tie up dock. The goal is to allow the public access for nonmotorized vessels. The access to the waterway is consistent with the Comprehensive Plan Goal 79 and Goal 82 which support the increase in recreation in the County's waterways and to improve the public access to the waterways.

2. RPD Tract "B" schedule of Uses:

Replace the following:

~~Boats,~~

~~Ramps and dockage (not marinas) with~~

Accessory uses and structures, including fishing piers, observation decks or kayak/canoe structures.

The applicant prefers more passive water access to minimize any impacts on Mullock Creek and the surrounding area.



CONCLUSIONS

The request complies with LDC 34-145(4)a.1.b and a.2 as conditioned:

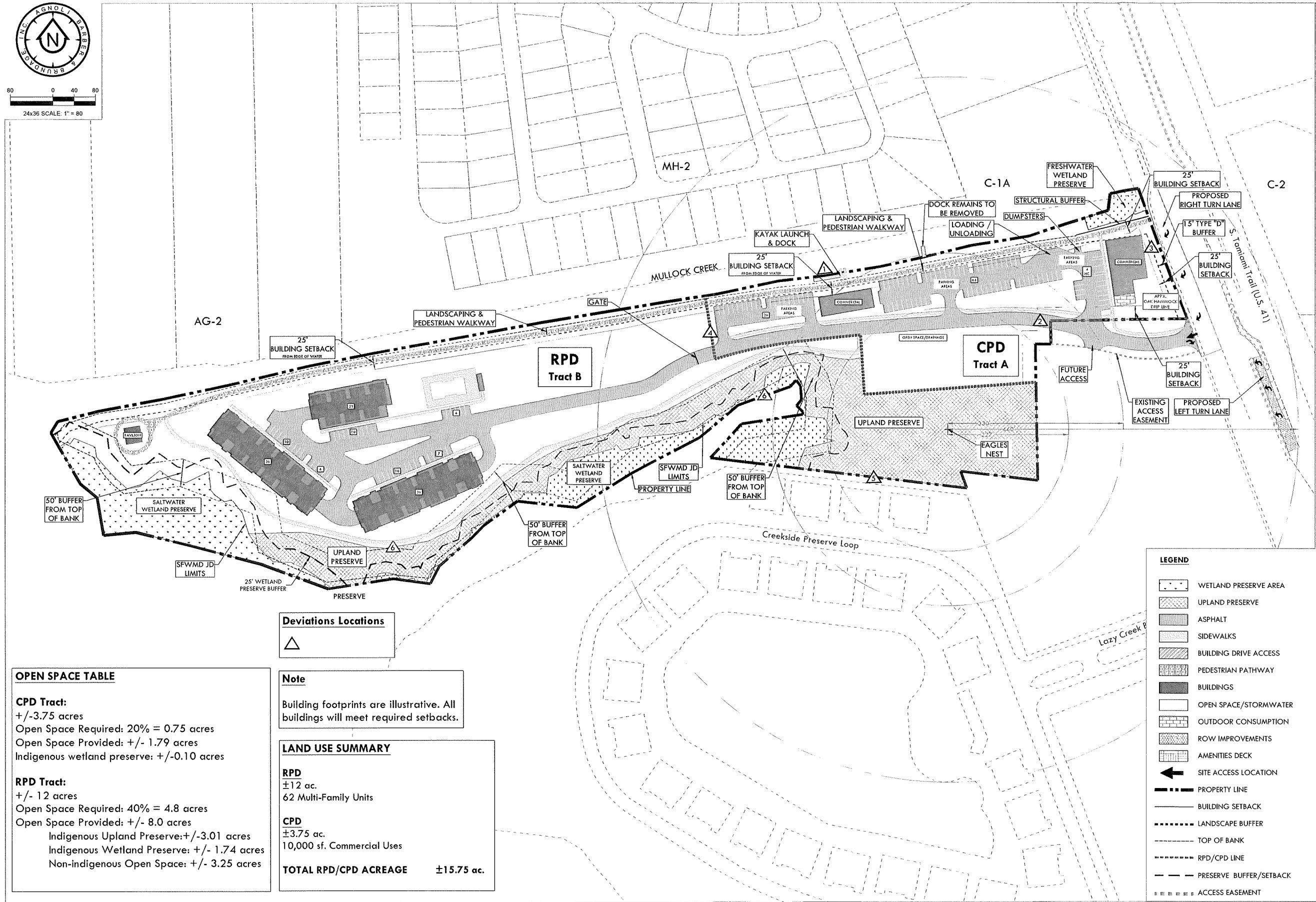
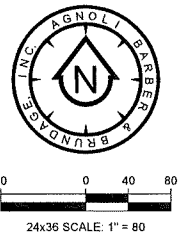
- Applicant is in agreement with the staff report and conditions as revised in the 48-hour letter.
- Request is consistent with the applicable Goals, Objectives, and Policies of the Lee County Comprehensive Plan.
- The proposed use or mix of uses is appropriate at the proposed location.
- The proposed uses are compatible with the surrounding uses.
- The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest.
- Each deviation enhances the achievement of the objectives of the RPD and CPD; and preserves and promotes the general intent of this Code to protect the public health, safety and welfare.



THANK YOU

QUESTIONS?





Deviations Locations



Note
Building footprints are illustrative. All buildings will meet required setbacks.

LAND USE SUMMARY

RPD
±12 ac.
62 Multi-Family Units

CPD
±3.75 ac.
10,000 sf. Commercial Uses

TOTAL RPD/CPD ACREAGE **±15.75 ac.**

OPEN SPACE TABLE

CPD Tract:
+/- 3.75 acres
Open Space Required: 20% = 0.75 acres
Open Space Provided: +/- 1.79 acres
Indigenous wetland preserve: +/- 0.10 acres

RPD Tract:
+/- 12 acres
Open Space Required: 40% = 4.8 acres
Open Space Provided: +/- 8.0 acres
Indigenous Upland Preserve: +/- 3.01 acres
Indigenous Wetland Preserve: +/- 1.74 acres
Non-indigenous Open Space: +/- 3.25 acres

AGNOLI BARBER & ASSOCIATES, INC.
Professional engineers, planners,
& land surveyors
Certificate of Authorization No. 18 3684 and PB 3684
Collier County
1400 Trail Blvd., Suite 200
Naples, FL 34108
Phone: (239) 461-3111
Fax: (239) 461-8005

STA FUND LLC.
NAPLES, FL 34108

THE NEST SWFL

MASTER CONCEPT PLAN

DESIGN BY: ABB
DRAWN BY: BLB
CHECKED BY: ...
REVIEWED BY: ...
HORIZ. SCALE: 1" = 100'
VERT. SCALE: N/A
DATE: SEPTEMBER 2022

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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ACAD FILE NAME:
ABB PROJECT #
20-0017
PLOT VIEW \ LAYOUT
Master Concept Plan
SHEET 1 OF 1
Acad File #

APPLICANT'S
EXH # 3
DC/2022/00004

Prepared by:
Michael P. Lehnert, Esq.
1833 Hendry St.
Fort Myers, FL 33902-0280

**PERMANENT ACCESS AND UTILITY EASEMENT AGREEMENT AND
SIGNAGE AGREEMENT**

THIS PERMANENT ACCESS and UTILITY EASEMENT AGREEMENT ("Agreement") is made and entered into this ____ day of _____, 2021, by and between **Janice Albion, as Trustee of the J.E.M. Realty Trust ("J.E.M.")**, and **STA FUND, LLC**, a Florida limited liability company, ("STA").

WITNESSETH:

WHEREAS, J.E.M. is the owner of a certain tract of property, which property consists of approximately 4.87 acres as described on the attached Exhibit "A" ("J.E.M. Property"); and

WHEREAS, STA owns adjacent parcels of real property described on the attached Exhibit "B" ("STA Property"); and

WHEREAS, the J.E.M. Property and the STA Property are contiguous to one another; and

WHEREAS, J.E.M. and STA have identified a certain portion of the J.E.M. Property consisting of approximately 0.383 acres as described on Exhibit "C" hereto (the "Easement Parcel") within which the parties have constructed a roadway to be utilized for vehicular ingress and egress to and from the J.E.M. Property and STA Property ("Roadway"); and

WHEREAS, STA desires a perpetual, non-exclusive access easement over the Easement Parcel to utilize the Roadway; and

WHEREAS, STA desires a perpetual utility easement across the Roadway to allow STA to install and maintain sewer, water, gas, telephone, cable, electric and wastewater lines, and to maintain drainage improvements necessary for the functioning of the Roadway;

WHEREAS, for the benefit of the J.E.M. Property, STA has installed a water line and sewer force main through the Roadway and through a portion of the STA Property and desires to grant J.E.M. a perpetual, non-exclusive easement to allow J.E.M. to tie into and use those utility facilities;

WHEREAS, STA has agreed to grant to J.E.M. certain signage rights on the STA Property;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the adequacy and sufficiency of said consideration having been acknowledged by each of the parties to this Agreement, the parties covenant and agree as follows:

1. Recitals. The above-referenced recitals are true and correct and are incorporated herein by this reference.

2. Grant of Access Easement.

(a) J.E.M. hereby conveys to STA and declares and establishes, for the benefit of each and every person, firm, corporation, or other legal entity hereinafter owning any part of the STA Property, and their respective tenants, employees, subtenants, agents, guests, invitees, customers, and licensees, a perpetual, non-exclusive easement, license, right and privilege, passage and use, both pedestrian and vehicular (not for parking) over and upon the Easement Parcel for the purpose of ingress and egress over and upon the Roadway. J.E.M. further reserves for itself, and to future owners of the J.E.M. Property the right to use the Roadway.

(b) STA hereby conveys to J.E.M. and declares and establishes, for the benefit of any person, firm, corporation, or other legal entity hereinafter owning any part of the J.E.M. Property, and their respective tenants, employees, subtenants, agents, guests, invitees, customers, and licensees, a perpetual, non-exclusive easement, license, right and privilege, passage and use, both pedestrian and vehicular (not for parking) for the purpose of ingress and egress over and upon that the portion of the Roadway within the STA Property.

3. Grant of Utility Easement.

(a) J.E.M. grants and conveys to STA a perpetual non-exclusive easement over the Roadway within the Easement Parcel, for the purposes of (i) constructing, maintaining, repairing and replacing utility infrastructure (including, without limitation, water, electric, sewer, drainage, gas, cable, and telephone) and (ii) maintaining, repairing, and replacing the Roadway, including its related drainage facilities. J.E.M.'s grant of an easement pursuant to the foregoing sentence also includes a temporary easement over the other parts of the J.E.M. Property necessary to allow STA the full, but reasonable, use of the foregoing easement.

(b) STA grants and conveys to J.E.M. a perpetual non-exclusive easement over the portions of the STA Property within the Roadway, for the purpose of tying into,

maintaining and repairing the utility infrastructure (including the water line and sewer force main) installed by STA pursuant to the Temporary Easement. STA's grant of an easement pursuant to the foregoing sentence also includes a temporary easement over the other parts of the STA Property necessary to allow J.E.M. the full, but reasonable, use of the foregoing easement.

4. Maintenance and Repair of Access and Utility Easement. All the easements, licenses, rights and privileges established, created, and granted hereby, shall be for the benefit of the owners, and their successors, assigns, employees, tenants, subtenants, agents, guests, invitees, customers and licensees. From the date of this Agreement until the date (the "Transition Date") a certificate of occupancy is issued for the J.E.M. Property, STA, at its sole cost and expense, shall be responsible for the maintenance and repair of the Roadway, including all utility facilities installed by STA within the Roadway pursuant to the Temporary Easement (collectively, the "Installed Facilities"). For clarity, the Installed Facilities shall not include any landscaping related to the Roadway, which landscaping shall be installed and maintained at STA's sole cost and expense. On the Transition Date, the owner of the J.E.M. Property agrees to assume a proportionate share of the expenses for maintaining, repairing, replacing, and improving the Installed Facilities, where such proportionate share is based on the ratio of the area of the J.E.M. Property relative to the area of the STA Property; provided, however, in the event STA, or its successor, pursues a land use related action with Lee County in order to increase the density available on the STA Property by more than 5 units per acre, the parties agree to adjust the proportionate allocation based upon a traffic study of only the increased traffic generated from the greater density on the STA Property. This study is to be obtained by STA, at STA's expense, from a third party consultant reasonably acceptable to J.E.M. to ensure J.E.M.'s proportionate share allocation will be equitable in the event STA is granted such increased density. At no time shall the proportionate share of the J.E.M. Property be increased as a result thereof. Within thirty (30) days of receipt of an invoice for the costs to maintain, repair, or replace the Installed Facilities, the owner of the J.E.M. Property will pay, in USD, to STA J.E.M.'s proportionate share of such costs. Past due payments will accrue interest in favor of STA at ten (10%) per annum until paid. Notwithstanding the foregoing sentence, the cost to repair any damage to the Installed Facilities necessitated by the negligence or willful misconduct of either party or any party under the control or direction of either party shall be the sole responsibility of the party causing such damage, ordinary wear and tear excepted. Under no circumstances shall access through the Roadway be blocked or impeded except for temporary blockages or impediments in connection with the foregoing reconstruction and/or repair obligations; provided, however, in the event of any reconstruction or repair of the Installed Facilities, (i) the party controlling such maintenance or repair shall provide at least ten (10) days' written notice to the other party prior to the commencement of such work, and (ii) every reasonable effort shall be made to minimize interference with ingress and egress across the Roadway. All such work, if undertaken, shall be completed in a good and workmanlike manner and free of all liens and encumbrances of any nature.

5. Replacement of Temporary Easement. This Easement supersedes and replaces, in its entirety, the Temporary Access and Utility Agreement (the "Temporary Easement") previously executed by J.E.M. in favor of STA, which was recorded as Official Records Instrument No. _____ of the Public Records of Lee County, Florida. The Temporary Easement is hereby terminated. The parties further agree that upon the recording of this Easement the conditions placed upon the parties in that the Temporary Easement are hereby satisfied, and, upon the recording of this Easement in the Public Records of Lee County, Florida, the Temporary Easement shall be deemed terminated and of no further force or effect.

6. Additional Remedy. In the event of a violation or threat thereof of any of the provisions of Section 2, 3, or 4 of this Agreement, each party agrees that such violation or threat thereof shall cause the non-defaulting party to suffer irreparable harm and such non-defaulting party may not have adequate remedies at law. As a result, in the event of a violation or threat thereof of any of the provisions of Sections 2, 3, or 4 of this Agreement, the non-defaulting party, in addition to all remedies available at law or otherwise under this Agreement, shall be entitled to injunctive or other equitable relief to enjoin a violation or threat thereof of Sections 2, 3, or 4 of this Agreement.

7. Self-Help. In addition to all other remedies available at law or in equity, upon the failure of a defaulting party to cure a breach of this Agreement, including without limitation, a failure by STA to properly repair, maintain or replace any of the Installed Facilities, within thirty (30) days following written notice thereof to defaulting party by the other party (unless, with respect to any such breach the nature of which cannot reasonably be cured within such thirty (30) day period, the defaulting party commences such cure within such thirty (30) day period and thereafter diligently prosecutes such cure to completion), the noticing party shall have the right to perform such obligation contained in this Agreement on behalf of such defaulting party and be reimbursed by such defaulting party upon demand for the reasonable costs thereof together with interest at the prime rate charged from time to time by Bank of America (its successors or assigns), plus two percent (2%) (not to exceed the maximum rate of interest allowed by law). Notwithstanding the foregoing, in the event of (i) an emergency, (ii) blockage or material impairment of the easement rights, and/or (iii) the unauthorized parking of vehicles on the Roadway, a party may immediately cure the same and be reimbursed by the violating party upon demand for the reasonable cost thereof together with interest at the prime rate, plus two percent (2%), as above described.

8. Indemnification. With regard to this Agreement and the use of the Installed Facilities, to the extent that any party suffers losses, damages or costs as a result of the acts or omissions of any other party, or that party's officers, agents, employees or invitees, the party causing the loss, damage or cost shall indemnify, defend and hold the innocent party and its tenants harmless from and against all such costs, damages and losses, including reasonable attorneys' fees at trial and on appeal, together with all costs associated with such litigation.

9. Signage. In the event STA constructs a monument or similar sign (the "Sign") on the STA Property with frontage on US 41, STA agrees to allow JEM to use a proportionate amount of space on the Sign, where proportionality shall be determined by the total land area of the J.E.M. Property relative to the total land area of the STA Property. J.E.M. agrees to pay its proportionate share of the costs to maintain, repair and replace the Sign. J.E.M.'s proportionate share shall be determined by the space allocated to J.E.M. (as determined by the space actually occupied by J.E.M.'s signage) relative to the total signage space available on the Sign from time to time. For clarity, J.E.M. will not be liable for any costs related to the construction of the Sign, and J.E.M. shall only be responsible for (i) a proportionate share of the costs to maintain, repair, and replace the Sign after J.E.M. installs a sign on the structure and (ii) the cost of design, creation, installation, and maintenance of J.E.M.'s signage located on the Sign.

10. Attorney's Fees. Should any proceedings under this Agreement be initiated in either litigation or arbitration, including any appellate proceedings, the prevailing party on the substantial issues in the action arising from or relating to this Agreement shall be entitled to recover reasonable attorneys' fees and all costs of any nature incurred in any way or in connection with the matter, whether incurred before litigation, during litigation, during arbitration, on appeal, or in connection with the enforcement of a judgment obtained.

Further, the parties acknowledge that the prevailing party shall also be entitled to recover reasonable attorneys' fees and costs incurred in litigating not only the entitlement to the attorneys' fees and costs, but also the attorneys' fees and costs (including expert fees incurred) establishing the reasonable amount of such attorneys' fees and costs to be awarded by a court of competent jurisdiction (more commonly referred to as "fees for fees") to enable the prevailing party to be made whole by recovery of all fees and costs incurred by the prevailing party in such litigation, arbitration or appellate proceeding.

11. Governing Law and Forum. The law of Florida shall govern the validity, interpretation, construction and performance of this Agreement, and any litigation or arbitration proceedings relating to this Agreement shall only be determined judicially or by arbitration within the jurisdiction of the State of Florida, solely and exclusively in the Twentieth Judicial Circuit Court in and for Lee County, Florida.

12. Entire Agreement. It is mutually agreed by and between the parties hereto that this instrument contains the whole agreement between them as of the date of the recording of this Agreement, and that the execution of this Agreement has not been induced by either party by any representations, promises or understandings not expressed herein, and that there are no collateral agreements, stipulations, promises or undertakings whatsoever upon the respective parties in any way effecting the subject matter of this contract which are not expressly contained in this instrument.

13. Severability. If any clause or provision of this Agreement is determined to be illegal, invalid or unenforceable under any present or future law by final judgment of a court of competent jurisdiction, the remainder of this Agreement will not be affected thereby. It is

the intention of the parties that if any such provision is held to be illegal, invalid or unenforceable, there will be added in lieu thereof, a provision that is as similar in content to such invalid provision as is possible, but which is legal, valid and enforceable.

14. Interpretation. STA and J.E.M. acknowledge and agree that the trier of fact in construing this Agreement shall not interpret this Agreement more favorable for J.E.M. or STA, notwithstanding which party may have drafted this Agreement or provision subject to such judicial interpretation.

15. Multiple Counterparts. This Agreement may be executed by all parties in multiple counterparts, each of which shall be deemed an original, but all of such counterparts taken together shall constitute one and the same Agreement.

16. Rights, Cumulative and No Waiver. No right or remedy herein conferred upon or reserved to any of the parties to this Agreement is intended to be exclusive of any other right or remedy, and each and every right and remedy shall be cumulative and in addition to any other right or remedy given under this Agreement or now or hereafter legally existing upon the occurrence of an event of default under this Agreement. The failure of any of the parties to this Agreement to insist at any time upon the strict observance or performance of any of the provisions of this Agreement, or to exercise any right or remedy as provided in this Agreement, shall not impair any such right or remedy or be construed as a waiver or relinquishment of such right or remedy with respect to subsequent defaults. Every right and remedy given by this Agreement to the parties hereof may be exercised from time to time and as often as may be deemed expedient by those parties.

17. Covenants Not Personal. The covenants contained in this Agreement are not personal but shall be covenants running with the title to the properties described herein and shall be binding upon and inure to the benefit of the parties hereto and their assigns and their successors in interest to the properties described herein for so long as the Installed Facilities exist.

18. WAIVER OF TRIAL BY JURY. THE PARTIES TO THIS AGREEMENT HEREBY KNOWINGLY, IRREVOCABLY, VOLUNTARILY AND INTENTIONALLY WAIVE ANY RIGHTS TO A TRIAL BY JURY IN RESPECT OF ANY ACTION, PROCEEDING OR COUNTERCLAIM BASED ON THIS AGREEMENT OR ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS AGREEMENT OR ANY DOCUMENT OR INSTRUMENT EXECUTED IN CONNECTION WITH THIS AGREEMENT, OR ANY COURSE OF CONDUCT, COURSE OF DEALING, STATEMENTS (WHETHER VERBAL OR WRITTEN) OR ACTION OF ANY PARTY HERETO. THIS PROVISION IS A MATERIAL INDUCEMENT FOR THE PARTIES ENTERING INTO THIS AGREEMENT.

[Signatures Follow]

Dated this 26 day of April, 2021.

Witnesses:

GREGG S. TRUXTON
Print Name: GREGG S. TRUXTON

John E. Albion
Print Name: John E. Albion

J.E.M. REALTY TRUST

By: Janice Albion

As its: Trustee

STATE OF Florida

COUNTY OF Lee

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 26 day of April 2021 by Janice Albion as Trustee of the J.E.M. Realty Trust, who is personally known to me or who has produced Florida Drivers License as identification.

My Commission Expires:

Witnesses:

GREGG S. TRUXTON
Notary Public



STA FUND, LLC, a Florida limited liability company

Meg C Palmer
Print Name: Meg C Palmer

By: Matthew Slaughter
As its: Manager MATTHEW SLAUGHTER

Michael Lehnert
Print Name: Michael Lehnert

STATE OF FL

COUNTY OF Lee

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this 23rd day of April 2021 by Matthew Slaughter as Manager of the STA Fund, LLC, a Florida limited liability company, who is personally known to me or who has produced FL ID as identification.

My Commission Expires:

Michael Lehnert
Notary Public



Exhibit A to Permanent Easement

JEM Property

(See Attached)

STRAP: 17-46-25-00-00002.001F Folio ID: 10553093

BBLs
SURVEYORS & MAPPERS INC.
1502-A RAILHEAD BLVD.
NAPLES, FLORIDA 34110
TELEPHONE: (239) 597-1315
FAX: (239) 597-5207

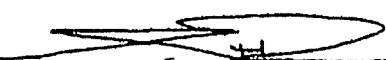
LEGAL DESCRIPTION
" PARCEL 4"

A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER OF SECTION 18 AND THE WEST HALF OF SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER OF SECTION 18; THENCE N.88°57'23"E., A DISTANCE OF 256.20 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF TAMiami TRAIL (US 41, STATE ROAD 45)(A 200 FOOT RIGHT OF WAY); THENCE S.20°35'30"E., ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 473.67 FEET; THENCE S.69°24'30"W., A DISTANCE OF 500.00 FEET; THENCE N.20°35'29"W., A DISTANCE OF 321.76 FEET; THENCE S.83°18'10"E., A DISTANCE OF 165.16 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE N.00°57'29"W., ALONG SAID EAST LINE, A DISTANCE OF 332.70 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 4.85 ACRES MORE OR LESS.

PARCEL DESCRIBED HEREON IS SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS REFER TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF TAMiami TRAIL AS BEING S.20°35'30"E.


STEPHEN E. BERRY, STATE OF FLORIDA, (P.L.S. #5296)
BBLs SURVEYORS & MAPPERS INC., (L.B. #6753)

PROOFED BY SEB (SEE ATTACHED SKETCH-PARCEL 4)

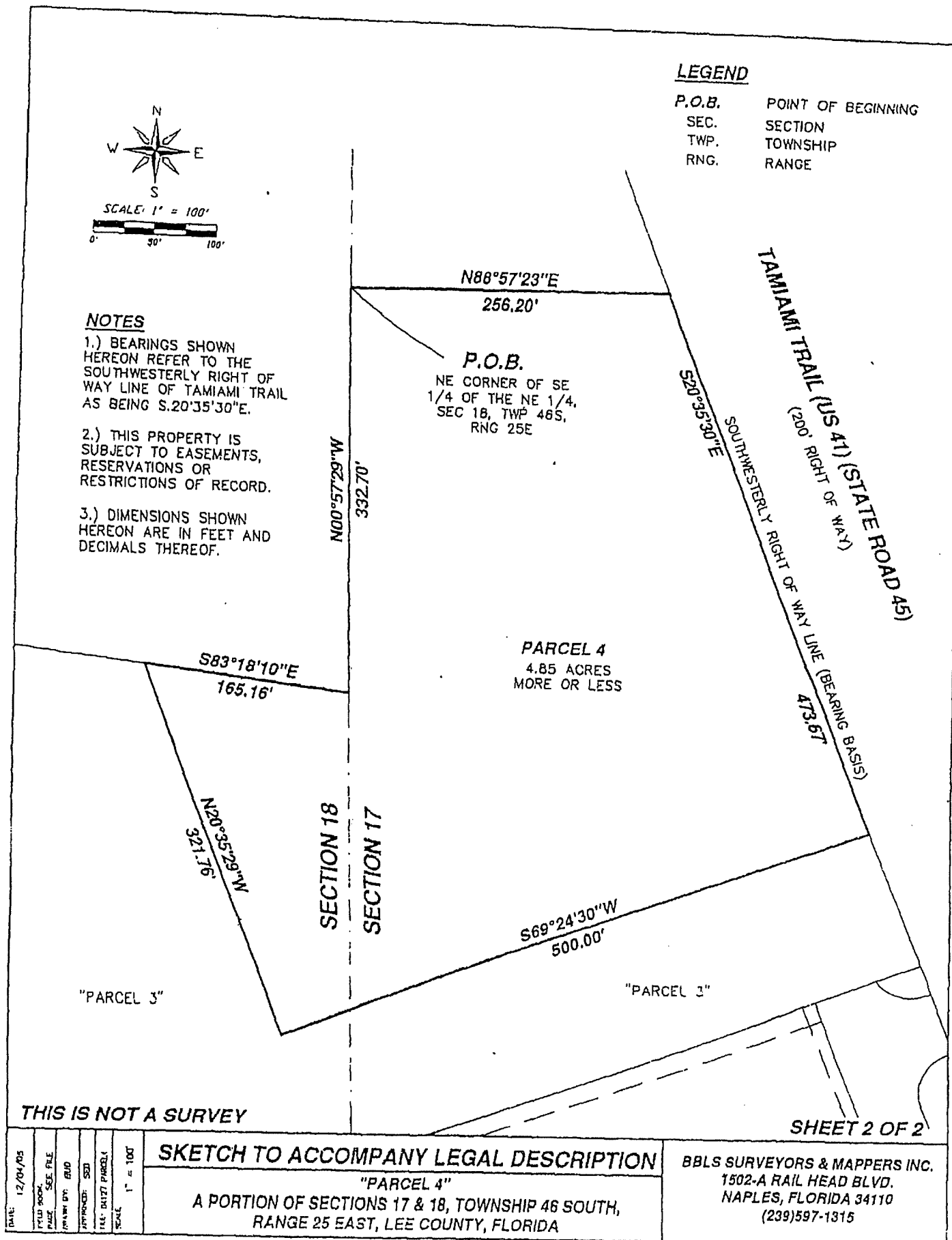


Exhibit B to Permanent Easement

STA Property

Strap #:

18-46-25-00-00037.0030

18-46-25-00-00037.0010

18-46-25-00-00035.0000

17-46-25-00-01001.0040

A Tract or Parcel of land lying in Sections 17 and 18 Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

That part of the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 17; and that part of the South $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 18; and that part of the North $\frac{1}{2}$ of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 18; All lying Southerly of the following described line commencing at the Northeast corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 18; Thence run North 88 Degrees 56' 30" East for 137.40' to the Southwesterly right of way line of Tamiami Trail (200' Wide); Thence run South 20 degrees 35' 30" East along said right of way line for 93.18' to the point of beginning of said line; thence run South 79 degrees 41' 20" West along the center line of a 100' wide canal easement as described in Official Record Book 189, Page 34, of the Public Records of Lee County, Florida, and it's extension thereof for 1537.94 to its intersection with the west line of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of said Section 18 and the point of termination of said line.

AND

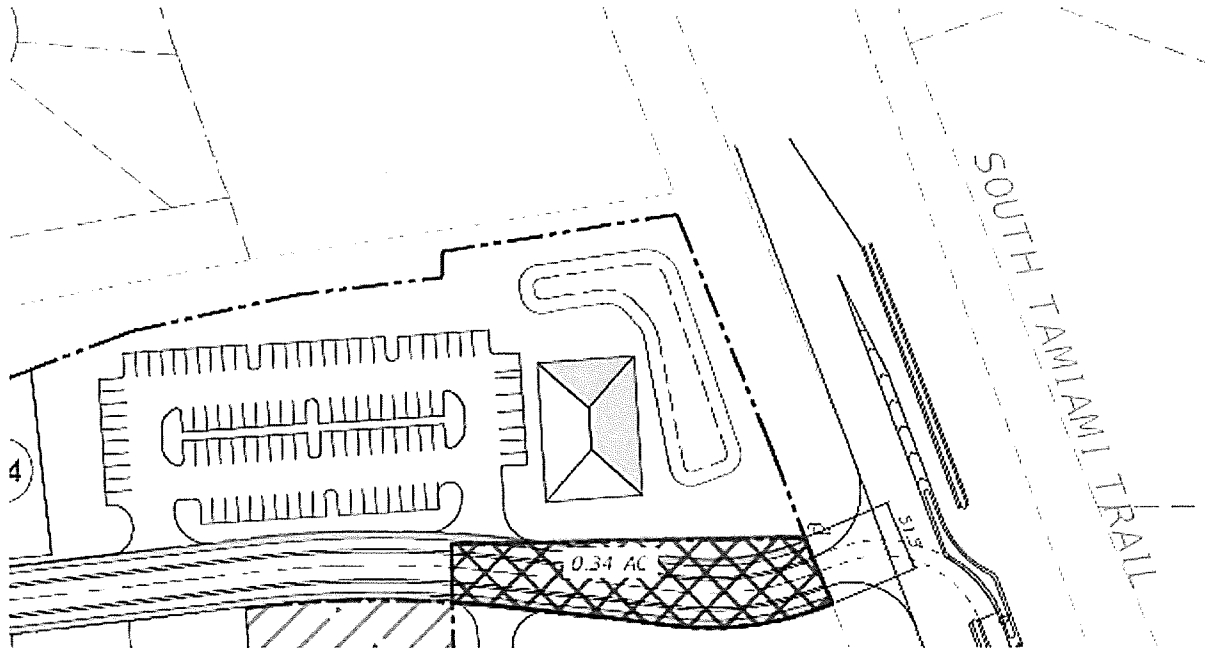
That part of the South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the North $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 18, lying North of the North Branch of Mullock Creek.

AND

That part of the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of said Section 18, lying Southerly of a canal (Mullock Extension) and Easterly and Northerly of Mullock Creek and the North Branch of Mullock Creek.

Exhibit C to Permanent Easement

Rough depiction immediately below with formal and final sketch and description following:



SKETCH OF DESCRIPTION OF A TRACT OR PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 18; THENCE NORTH 88°56'30" EAST FOR 137.56 FEET TO THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 45 / U.S. 41 / SOUTH TAMiami TRAIL (200' WIDE); THENCE SOUTH 20°34'05" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 353.97 FEET TO THE SOUTH LINE OF THE LANDS DESCRIBED IN INSTRUMENT NUMBER 2020000029637 AND THE POINT OF BEGINNING.

THENCE CONTINUE SOUTH 20°34'05" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 64.12 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE CONCAVE TO THE NORTH; THENCE ALONG THE ARC OF SAID CURE TO THE RIGHT, HAVING A RADIUS OF 250.00 FEET; A DELTA ANGLE OF 36°28'03", A CHORD BEARING OF SOUTH 87°34'52" WEST, A CHORD DISTANCE OF 156.45 FEET, AN ARC DISTANCE OF 159.12 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET; A DELTA ANGLE OF 14°07'25", A CHORD BEARING OF NORTH 81°14'49" WEST, A CHORD DISTANCE OF 122.94 FEET, AN ARC DISTANCE OF 123.25 TO THE EAST LINE OF THE LANDS DESCRIBED IN INSTRUMENT NUMBER 2020000029637 AND THE END OF SAID CURVE; THENCE NORTH 01°02'12" WEST, ALONG SAID EAST LINE, A DISTANCE OF 43.78 FEET TO THE SOUTH LINE OF THOSE LANDS DESCRIBED IN INSTRUMENT NUMBER 2020000029637; THENCE NORTH 89°04'13" EAST, ALONG SAID SOUTH LINE A DISTANCE OF 256.11 FEET TO THE POINT OF BEGINNING.

CONTAINING 16,678 SQUARE FEET OR 0.383 ACRE, MORE OR LESS.

SURVEYOR'S NOTES

1. BEARINGS SHOWN HEREON ARE BASED UPON THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 45 / U.S. 41 (SOUTH TAMiami TRAIL), HAVING A BEARING OF SOUTH 20°34'05" EAST, WHICH IS ASSUMED.
2. SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION.



THIS IS NOT A SURVEY

THIS MAP PREPARED BY: CERTIFICATE OF AUTHORIZATION NO. LR 6044 NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER	ERIC D. KURCZ, P.S.M. Professional Surveyor & Mapper Fla. License No. 4183	COMPILED FOR: 2021B DITCH SURVEY DATE: 01/13/2021 REVISION DATE: 02/01/2021	ORIGIN: SCALE: NOT TO SCALE REVISION BY: REVISION DATE:	DAGOSTINO GEOSPATIAL, INC. Professional Surveying & Mapping 17041 Route South Road SE Fort Myers, FL 34115 Phone: (239) 311-4085 Website: www.dagostino.com	DESIGNED BY: JC CHECKED BY: EDK FIELD NOTES: N/A	CERTIFIED TO: STA FUND, LLC	JOB NO.: 18371 SHEET NO.: 1 of 2
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SKETCH OF DESCRIPTION OF A TRACT OR PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

NORTHWEST CORNER OF SECTION 17,
TOWNSHIP 46 SOUTH, RANGE 25 EAST
CERTIFIED CORNER RECORD #088813

POINT OF COMMENCEMENT
THE NORTHEAST CORNER OF
THE SOUTHEAST 1/4 OF
THE SOUTHEAST 1/4 OF
THE NORTHEAST 1/4 OF
THE NORTHEAST 1/4 OF
SECTION 18-46S-26E

100' DRAINAGE EASEMENT
(O.R. 189, PG. 34)

MULLOCH CREEK

N88°56'30"E
137.56'

STA FUND LLC
(INSTRUMENT NO. 2020000029637)
STRAP NO. 17-46-25-00-01001.0040

SOUTH LINE OF
INSTRUMENT NO.
2020000029637

POINT OF
BEGINNING

N89°04'13"E 256.11'

EAST LINE OF
INSTRUMENT NO.
2020000029637

N01°02'12"W
43.78'

C2

C1

CONTAINING 16,678
SQUARE FEET OR
0.383 ACRE, MORE OR LESS

STATE ROAD NO. 45 / U.S. 41
(SOUTH TAMPAI TRAIL)

LEGEND

- O.R. = OFFICIAL RECORDS BOOK
- NO. = NUMBER
- PG. = PAGE
- CONCRETE UTILITY POLE
- WOOD UTILITY POLE

STA FUND LLC
(INSTRUMENT NO. 2020000029637)
STRAP NO. 18-46-25-00-00037.0030

JEM REALTY TRUST
(INSTRUMENT NO. 2019000161688)
STRAP NO. 17-46-25-00-00002.001F

CURVE TABLE				
CURVE	DELTA	RADIUS	ARC	CHORD BEARING
C1	36°28'03"	250.00'	159.12'	S87°34'52"W
C2	14°07'25"	500.00'	123.25'	N61°14'49"W

WEST QUARTER CORNER OF SECTION 17,
TOWNSHIP 46 SOUTH, RANGE 25 EAST
CERTIFIED CORNER RECORD #091766

JEM REALTY TRUST
(INSTRUMENT NO. 2019000161688)
STRAP NO. 17-46-25-00-00002.001F

NOTE:
SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION.

THIS IS NOT A SURVEY

DA GOSTINO
GEOSPATIAL, INC.
(REGISTERED PROFESSIONAL)
NO. 2018000001

THIS MAP PREPARED BY:
CERTIFICATE OF AUTHORIZATION NO. 18 808
NOT VALID WITHOUT THE SIGNATURE
AND SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER

ERICK D. KURIZ, P.E.
Professional Surveyor & Mapper Fla. License No. 4183

COMPUTER FILED
202018 EDITION
DATE: 01/13/2021
REVISION DATE: 02/01/2021



DA GOSTINO GEOSPATIAL, INC.
Professional Surveying & Mapping
10941 Santa Rosa Blvd SE Boca Raton, FL 33435
Phone: (239) 231-6065 Website: www.dagostino.com

DATE: 01/13/2021
CHECKED BY: ERK
FILED BY: N/A

CERTIFIED TO:
STA FUND, LLC

JOB NO. 18371
SHEET NO. 2 of 2



GRAPHIC SCALE



(IN FEET)
1 INCH = 100 FEET

Prepared By:
Michael Lehnert
1833 Hendry St.
Fort Myers, FL 33901

**TEMPORARY NON-EXCLUSIVE
ACCESS AND CONSTRUCTION
EASEMENT AGREEMENT**

This Temporary Non-Exclusive Access and Construction Easement Agreement (this "Easement") is entered into this 26 day of April, 2021, by and between **Janice Albion, as Trustee of the J.E.M. REALTY TRUST** (hereinafter referred to as "Grantor") and **STA FUND, LLC**, a Florida limited liability company (hereinafter referred to as "Grantee").

RECITALS

WHEREAS, Grantor is the owner of a certain tract of property, which property consists of approximately 4.87 acres as described on the attached **Exhibit "A"** ("Grantor's Property"); and

WHEREAS, Grantee owns adjacent parcels of property described on the attached **Exhibit "B"** ("Grantee's Property"); and

WHEREAS, Grantor and Grantee acknowledge that it would be mutually beneficial for both parties that there be a roadway off of US 41 servicing not only Grantor's Property, but ultimately servicing Grantee's Property; and

WHEREAS, Grantor and Grantee have identified a certain portion of the Grantor's Property consisting of approximately 0.383 acres as described on **Exhibit "C"** hereto (the "Easement Parcel") within which the parties desire a roadway, including related drainage facilities, to be built consistent with the Lee County Land Development Code, with such roadway to be utilized for ingress and egress vehicular traffic in and to Grantor's Property and Grantee's Property ("Roadway"); and

WHEREAS, the parties have entered into a separate agreement (the "Agreement"), pursuant to the terms of which Grantee has conveyed to Grantor a certain parcel of property to enhance the usability of the Grantor's Property; and

WHEREAS, Grantor, in consideration of such conveyance, is providing Grantee with a temporary easement with additional consideration by Grantee to undertake the obligation to construct the Roadway and other improvements over and across the Easement Parcel in accordance with the terms of the Agreement; and

**APPLICANT'S
EXH # 5**

WHEREAS, Grantor wishes to provide a temporary easement to Grantee for access to the Easement Parcel for construction of the Roadway, as well as certain utility facilities, which include a water line and a sewer force main of sufficient capacity to service Grantor's Property and Grantee's Property (all of the foregoing utility facilities may be collectively referred to herein as the "Improvements"); and

WHEREAS, Grantor and Grantee further wish to memorialize the terms and conditions of this Easement; and

WHEREAS, the parties also wish to memorialize this Easement to provide that if Grantee fails to meet its obligations, then this Easement shall be extinguished.

NOW THEREFORE and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, the parties hereby agree as follows:

1. The above Recitals are true and correct and reflect the intent of the parties in entering into this Agreement and are material and binding terms hereto.

2. **Grant of Temporary Access Easement; Construction of Roadway, Improvements and Request for Northbound Turn In Lane:**

Grantor hereby grants to Grantee:

A temporary non-Exclusive access and construction easement (the "Temporary Easement") in favor of and appurtenant to Grantee's Property over and across the Easement Parcel and all other portions of the Grantor's Property reasonably necessary to allow Grantee to construct, install, and maintain the Roadway and Improvements within the Easement Parcel .

Grantee assumes the obligation to undertake construction of the Roadway and complete the Roadway within three (3) years from the date of this Easement ("Roadway Construction Period"), subject to the terms of the Agreement. The Roadway will be built in accordance with the Lee County Land Development Code and all other applicable requirements to create a proper and appropriate right-of-way providing access to the Grantor's and Grantee's Properties from US 41.

In addition to undertaking the Roadway construction, Grantee also agrees to undertake construction of the Improvements with sufficient capacity to service the Grantor's and Grantee's Properties. Grantee agrees to stub a water line into Grantor's Property and to provide a sewer force main stub into Grantor's Property.

It is further understood and agreed that Grantee will undertake construction of the Roadway and Improvements in good faith and will proceed with construction to conclude such construction within the Roadway Construction Period.

It is further understood and agreed that in the event that Grantee, in good faith, commences construction but has not been able to complete the construction by the end of

the Roadway Construction Period, then in such event Grantee, at its option, shall have the right to continue the construction and complete the construction of the Roadway and Improvements within an additional one (1) year period commencing on the expiration of the Roadway Construction Period ("Extended Roadway Construction Period").

Grantee also agrees to include in the construction of the Roadway the appropriate and necessary deceleration lanes into the Grantor's and Grantee's Properties from southbound US 41 in compliance with Florida Department of Transportation standards and the Lee County Land Development Code.

Grantee also acknowledges and agrees that it will make good faith efforts and incur any and all reasonable expenses to obtain approval of a left turn in lane for northbound traffic on US 41 to turn into the Roadway, and, if approved, Grantee will be obligated to construct and install the turn lane at its sole cost and expense within the time period and in the manner specified in Section 8 of the Agreement. If authorized by all authorities having jurisdiction, this improvement will allow northbound traffic a direct access point to both Grantor's Property and Grantee's Property.

3. **Provisions for Replacement of Temporary Easement with Permanent Easement.**

It is understood and agreed that should Grantee (i) meet all of the requirements specified in this Easement, the Agreement, and the escrow agreement between the parties executed simultaneously herewith and (ii) completes the Roadway and Improvements during the Roadway Construction Period or the Extended Roadway Construction Period (as the case may be), then in such event this Easement shall be converted to a permanent easement through the recording of the permanent easement placed into escrow simultaneously with the execution of this Easement. Notwithstanding the foregoing, Grantee shall not be required to construct the northbound left turn in as a condition precedent to Grantee's entitlement to the permanent easement; however, this sentence shall in no way abrogate or modify Grantee's responsibility to construct the turn lane in the event Grantee receives all required approvals.

4. **Termination and Extinguishment of Easement.**

In the event that the Grantee fails to comply with all of the terms and conditions of this Easement and that certain Agreement entered into between the parties of even date herewith (which Agreement is expressly incorporated herein by reference) or fails to complete the Roadway and Improvements during the Roadway Construction Period or the Extended Roadway Construction Period, as the case may be, then in such event and based upon the failure of the Grantee to meet its obligations, this Easement shall automatically extinguish and be of no further force and effect.

At the time of such extinguishment, neither Grantee, nor its successors or assigns, shall have any further rights of ingress or egress across the Easement Parcel. Although the provisions of this Section 4 are intended to be self-operative, Grantor may (without necessity of joinder or consent by Grantee) further record a notification of termination and extinguishment of this Easement in the public records of Lee County, Florida.

5. **Maintenance of Easement.**

Grantor and Grantee acknowledge and agree that Grantee shall bear all costs for the maintenance, repair and upkeep of the Roadway and the Improvements constructed by Grantee in the Easement Parcel, and that such obligations shall be a covenant running with Grantee's Property only if Grantee meets all of the obligations and this temporary easement agreement is converted to a permanent easement agreement.

6. **Insurance.**

Grantor, on behalf of itself, its successors and /or assigns, hereby acknowledges that Grantee shall maintain liability insurance on the Easement Parcel in the amount of \$1 Million per occurrence / \$2,000,000.00 in the aggregate, or a reasonable amount to be increased from time to time based upon a reasonable determination by the Grantor, with Grantee reimbursing Grantor the reasonable cost of such insurance on an annual basis. During construction, Grantee shall also be responsible for maintaining liability insurance coverage in accordance with the terms of the Agreement.

7. **Alternate Dispute Resolution Procedures:**

This Easement supersedes all prior discussions and constitutes the entire agreement between the parties with respect to the information transmitted hereunder. No waiver or modification of this Easement shall be binding upon the Parties unless made in writing and signed by a duly authorized representative of such party. The failure of the Parties to enforce at any time or for a period of time any provisions hereof shall not be construed to be a waiver of such provisions or of the right of the Party to enforce each and every such provision. This Easement shall be governed by and construed in accordance with the laws of the State of Florida, and any litigation or arbitration proceedings relating to this Easement shall only be determined judicially or by arbitration within the jurisdiction of the State of Florida, solely and exclusively in the Twentieth Judicial Circuit Court in and for Lee County, Florida. Nothing herein shall, however, preclude a civil action for specific performance, injunction or other equitable relief.

Notwithstanding the provisions set forth above in reference to litigation, it is mutually agreed that any controversy, dispute or claim arising out of or in any way relating to this Easement or the interpretation thereof, including any or all statutory tort claims arising from either parties' negligence, inclusive of personal injuries, death, or damage to personal property, then in such event all such controversy, claims, disputes, or the breach thereof shall be settled by arbitration in accordance with the Florida Arbitration Code in Florida Statute §682, and to the extent that they do not conflict with the arbitration provisions contained herein, the parties agree to utilize the commercial arbitration rules promulgated by the American Arbitration Association, although the American Arbitration Association will not be the arbitration administrator.

All claims shall be submitted to a single arbitrator having at least twenty-five (25) years' experience in real estate and business litigation matters, inclusive of the terms and conditions of this Easement and who is mutually agreed upon by the parties within ten

(10) days' of notice of an intent to arbitrate any matter hereunder by either party. If the parties cannot mutually agree upon an arbitrator within such ten (10) day period, an arbitrator will be selected in accordance with the Florida Arbitration Code through a court that has situs in Lee County, Florida. The arbitration of such dispute will be held in Lee County, Florida within sixty (60) days of the selection or the appointment of the arbitrator.

The parties also acknowledge and agree that the terms and provisions of Florida Statute §682.031 will apply, which enables either party to seek injunctive relief from a court prior to an arbitrator being appointed based upon compliance with the statute.

The award of the arbitrator will be final and binding on all parties to the arbitration and judgment may be entered upon it in accordance with Florida law. In the event of arbitration, the parties stipulate that the arbitrator may allow discovery, provided such arbitration is conducted in a timely manner as determined by the arbitrator. The parties further agree that such discovery procedures will not be extended past sixty (60) days from the date the arbitrator is appointed and that such discovery will not extend the final arbitration hearing date in this matter, which shall be conducted on a date not to extend past ninety (90) days from the selection or appointment of the arbitrator. The parties hereby further agree that the prevailing party in such arbitration shall be awarded attorneys' fees and costs. The parties further expressly confer upon the arbitrator the jurisdiction and authority to determine the issues of entitlement to attorneys' fees and costs (in accordance with the guidelines for costs set forth in the Florida Rules of Civil Procedure), as well as for the arbitrator to determine the amount of the attorneys' fees to be awarded thereon based upon the prevailing party status and the significant issues test accepted under Florida law. The arbitrator shall determine the manner and method of submittal of the attorneys' fees in the event of a prevailing party attorney fee award.

8. **Governing Law:** The law of Florida shall govern the validity, interpretation, construction and performance of this Easement, and any litigation or arbitration proceedings relating to this Easement shall only be determined judicially or by arbitration within the jurisdiction of the State of Florida, solely and exclusively in the Twentieth Judicial Circuit Court in and for Lee County, Florida.

9. **Attorney Fees and Costs to Prevailing Party, Inclusive of Reasonable Attorneys' Fees and Costs in Litigating the Amount of Reasonable Attorneys' Fees to be Awarded.**

Should any proceedings under this Easement be initiated in either litigation or arbitration, including any appellate proceedings, the prevailing party on the substantial issues in the action arising from or relating to this Easement shall be entitled to recover reasonable attorneys' fees and all costs of any nature incurred in any way or in connection with the matter, whether incurred before litigation, during litigation, during arbitration, on appeal, or in connection with the enforcement of a judgment obtained.

Further, the parties acknowledge that the prevailing party shall also be entitled to recover reasonable attorneys' fees and costs incurred in litigating not only the entitlement to the attorneys' fees and costs, but also the attorneys' fees and costs (including expert fees incurred) establishing the reasonable amount of such attorneys' fees and costs to be awarded by a Court of competent jurisdiction (more commonly referred to as "fees for fees") to enable the prevailing party to be made whole by recovery of all fees and costs incurred by the prevailing party in such litigation, arbitration or appellate proceeding.

10. **Entire Agreement:** It is mutually agreed by and between the parties hereto that this instrument contains the whole agreement between them as of this date, and that the execution thereof has not been induced by either party by any representations, promises or understandings not expressed herein, and that there are no collateral agreements, stipulations, promises or undertakings whatsoever upon the respective parties in any way effecting the subject matter of this contract which are not expressly contained in this instrument.

11. **Severability:** In case any one or more of the provisions contained in this Easement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Easement, but this Easement shall be construed as if such invalid, illegal or unenforceable provision had never been contained in this Easement. If, moreover, any one or more of the provisions had never been contained in this Easement shall, for any reason, be held to be excessively broad as to time, duration, geographical scope, activity or subject, it shall be construed by limiting and reducing it so as to be enforceable to the extent compatible with the applicable law as it shall then appear.

12. **No Construction of the Agreement as Against the Maker:**

Grantor and Grantee acknowledge and agree that the trier of fact in construing this Easement, shall not interpret this Easement more favorable for Grantor or Grantee, notwithstanding which Party may have drafted the Easement or provision subject to such judicial interpretation.

Dated this 26 day of April, 2021.

Witnesses:

Gregg S. Truxton

Print Name: GREGG S. TRUXTON

John E. Albion

Print Name: John E. Albion

J.E.M. REALTY TRUST

By: Janice Albion

As its: Trustee

STATE OF Florida

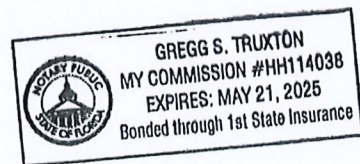
COUNTY OF Lee

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 26 day of April 2021 by Janice Albion as Trustee of the J.E.M. Realty Trust, who is personally known to me or who has produced FLA. DRIVERS License as identification.

My Commission Expires:

Gregg S. Truxton
Notary Public

Witnesses:



STA FUND, LLC, a Florida limited liability
company

Meg C Palmer
Print Name: Meg C Palmer

By: [Signature]
As its: Manager MATTHEW SLAUGHTER

[Signature]
Print Name: Michael Lehnert

STATE OF FL
COUNTY OF Lee

The foregoing instrument was acknowledged before me by means of ☐ physical presence
or ☐ online notarization, this 23rd day of April 2021 by Matthew Slaughter as Manager of
the STA Fund, LLC, a Florida limited liability company, who is personally known to me or who
has produced FL DL as identification.

My Commission Expires:

[Signature]
Notary Public



Exhibit A to Temporary Easement

JEM Property

(See Attached)

STRAP: 17-46-25-00-00002-001F Folio ID: 10553093

BBLs
SURVEYORS & MAPPERS INC.
1502-A RAILHEAD BLVD.
NAPLES, FLORIDA 34110
TELEPHONE: (239) 597-1315
FAX: (239) 597-5207

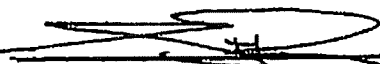
LEGAL DESCRIPTION
" PARCEL 4"

A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER OF SECTION 18 AND THE WEST HALF OF SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

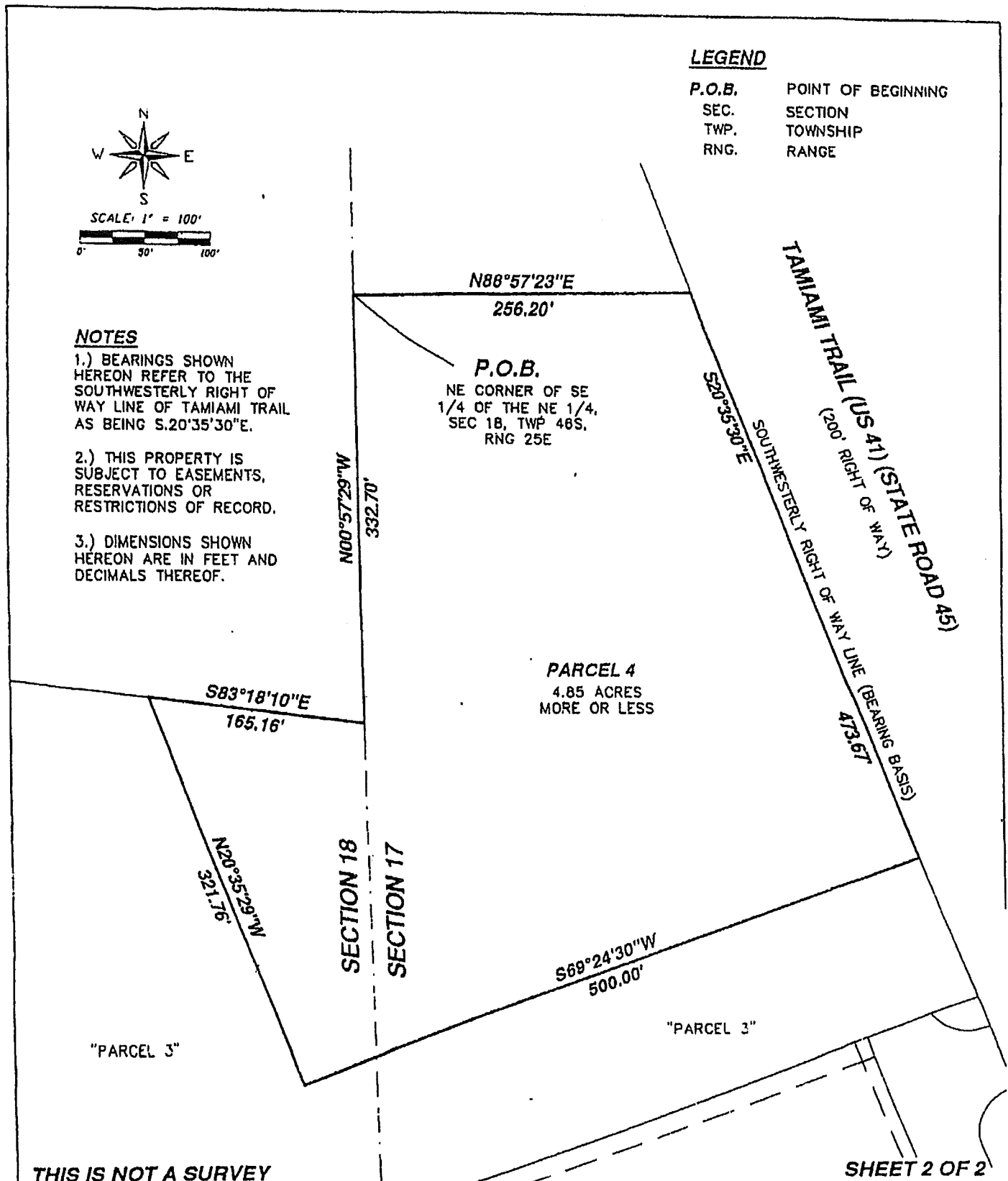
BEGIN AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER OF SECTION 18; THENCE N.88°57'23"E., A DISTANCE OF 256.20 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF TAMiami TRAIL (US 41, STATE ROAD 45)(A 200 FOOT RIGHT OF WAY); THENCE S.20°35'30"E., ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 473.67 FEET; THENCE S.69°24'30"W., A DISTANCE OF 500.00 FEET; THENCE N.20°35'29"W., A DISTANCE OF 321.76 FEET; THENCE S.83°18'10"E., A DISTANCE OF 165.16 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE N.00°57'29"W., ALONG SAID EAST LINE, A DISTANCE OF 332.70 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 4.85 ACRES MORE OR LESS.

PARCEL DESCRIBED HEREON IS SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS REFER TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF TAMiami TRAIL AS BEING S.20°35'30"E.


STEPHEN E. BERRY, STATE OF FLORIDA, (P.L.S. #5296)
BBLs SURVEYORS & MAPPERS INC., (L.B. #6753)

PROOFED BY SEB (SEE ATTACHED SKETCH-PARCEL 4)



DATE: 12/04/05 FIELD BOOK: SEE FILE PLAT: SEE FILE DRAWN BY: BUD APPROVED: SEE FILE: 11577 PARCEL 4 SCALE: 1" = 100'	SKETCH TO ACCOMPANY LEGAL DESCRIPTION "PARCEL 4" A PORTION OF SECTIONS 17 & 18, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA	BBL'S SURVEYORS & MAPPERS INC. 1502-A RAIL HEAD BLVD. NAPLES, FLORIDA 34110 (239)597-1315
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Exhibit B to Temporary Easement

STA Property

Strap #:

18-46-25-00-00037.0030

18-46-25-00-00037.0010

18-46-25-00-00035.0000

17-46-25-00-01001.0040

A Tract or Parcel of land lying in Sections 17 and 18 Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

That part of the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 17; and that part of the South $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 18; and that part of the North $\frac{1}{2}$ of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 18; All lying Southerly of the following described line commencing at the Northeast corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 18; Thence run North 88 Degrees 56' 30" Est for 137.40' to the Southwesterly right of way line of Tamiami Trail (200' Wide); Thence run South 20 degrees 35' 30" East along said right of way line for 93.18' to the point of beginning of said line; thence run South 79 degrees 41' 20" West along the center line of a 100' wide canal easement as described in Official Record Book 189, Page 34, of the Public Records of Lee County, Florida, and it's extension thereof for 1537.94 to its intersection with the west line of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of said Section 18 and the point of termination of said line.

AND

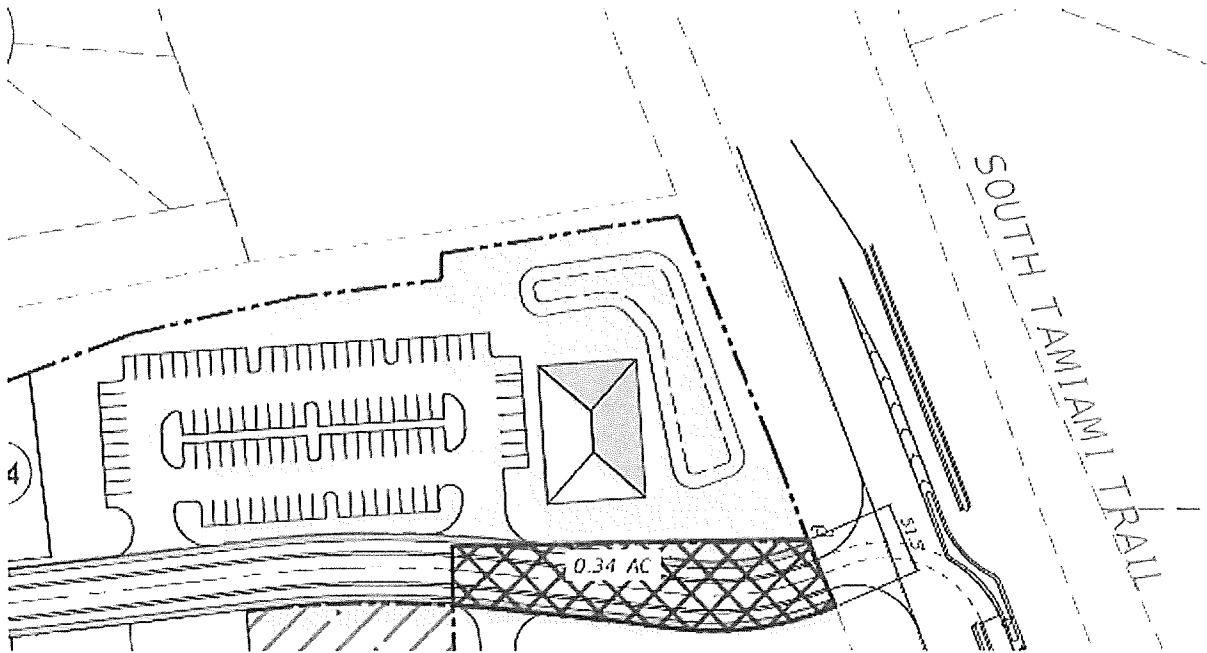
That part of the South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the North $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 18, lying North of the North Branch of Mullock Creek.

AND

That part of the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of said Section 18, lying Southerly of a canal (Mullock Extension) and Easterly and Northerly of Mullock Creek and the North Branch of Mullock Creek.

Exhibit C to Temporary Easement

Rough depiction immediately below with formal and final sketch and description following:



SKETCH OF DESCRIPTION OF A TRACT OR PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 18; THENCE NORTH 88°56'30" EAST FOR 137.56 FEET TO THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 45 / U.S. 41 / SOUTH TAMiami TRAIL (200' WIDE); THENCE SOUTH 20°34'05" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 353.97 FEET TO THE SOUTH LINE OF THE LANDS DESCRIBED IN INSTRUMENT NUMBER 2020000029637 AND THE POINT OF BEGINNING.

THENCE CONTINUE SOUTH 20°34'05" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 64.12 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE CONCAVE TO THE NORTH; THENCE ALONG THE ARC OF SAID CURE TO THE RIGHT, HAVING A RADIUS OF 250.00 FEET; A DELTA ANGLE OF 36°28'03", A CHORD BEARING OF SOUTH 87°34'52" WEST, A CHORD DISTANCE OF 156.45 FEET, AN ARC DISTANCE OF 159.12 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET; A DELTA ANGLE OF 14°07'25", A CHORD BEARING OF NORTH 81°14'49" WEST, A CHORD DISTANCE OF 122.94 FEET, AN ARC DISTANCE OF 123.25 TO THE EAST LINE OF THE LANDS DESCRIBED IN INSTRUMENT NUMBER 2020000029637 AND THE END OF SAID CURVE; THENCE NORTH 01°02'12" WEST, ALONG SAID EAST LINE, A DISTANCE OF 43.78 FEET TO THE SOUTH LINE OF THOSE LANDS DESCRIBED IN INSTRUMENT NUMBER 2020000029637; THENCE NORTH 89°04'13" EAST, ALONG SAID SOUTH LINE A DISTANCE OF 256.11 FEET TO THE POINT OF BEGINNING.

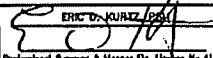
CONTAINING 16,678 SQUARE FEET OR 0.383 ACRE, MORE OR LESS.

SURVEYOR'S NOTES

1. BEARINGS SHOWN HEREON ARE BASED UPON THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 45 / U.S. 41 (SOUTH TAMiami TRAIL), HAVING A BEARING OF SOUTH 20°34'05" EAST, WHICH IS ASSUMED.
2. SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION.



THIS IS NOT A SURVEY

THIS MAP PREPARED BY: CERTIFICATE OF AUTHORIZATION NO. 18 8486 NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER	 Eric D. Jurek, PLS Professional Surveyor & Mapper Fla. License No. 4183	REVISION FILE 20018 SKETCH REVISION DATE 01/13/2021 REVISION DATE 02/01/2021	REVISION SCALE NOT TO SCALE REVISION BY REVISION DATE	 DAGOSTINO GEOSPATIAL, INC. Professional Surveying & Mapping 12611 North Beach Road SE Boca Springs, FL 33433 Phone: (335) 331-0051 Website: www.dagostino.com	REVISION BY JC CHECKED BY EDJ TRIP MARK N/A	CERTIFIED TO: STA FUND, LLC	JOB NO. 18371 SHEET NO. 1 of 2
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SKETCH OF DESCRIPTION OF A TRACT OR PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

NORTHWEST CORNER OF SECTION 17,
TOWNSHIP 46 SOUTH, RANGE 25 EAST
CERTIFIED CORNER RECORD #068813

POINT OF COMMENCEMENT
THE NORTHEAST CORNER OF
THE SOUTHEAST 1/4 OF
THE SOUTHEAST 1/4 OF
THE NORTHEAST 1/4 OF
SECTION 18-46S-26E

100' DRAINAGE EASEMENT
(O.R. 189, PG. 34)

MULLOCH CREEK

N88°56'30"E
137.56'

STA FUND LLC
(INSTRUMENT NO. 2020000029637)
STRAP NO. 17-46-25-00-01001.0040

SOUTH LINE OF
INSTRUMENT NO.
2020000029637

POINT OF
BEGINNING

N89°04'13"E 256.11'

EAST LINE OF
INSTRUMENT NO.
2020000029637

N01°02'12"W
43.78'

LEGEND

- O.R. = OFFICIAL RECORDS BOOK
- NO. = NUMBER
- PG. = PAGE
- ☐ = CONCRETE UTILITY POLE
- ☐ = WOOD UTILITY POLE

STA FUND LLC
(INSTRUMENT NO. 2020000029637)
STRAP NO. 18-46-25-00-00037.0030

JEM REALTY TRUST
(INSTRUMENT NO. 2019000161688)
STRAP NO. 17-46-25-00-00002.001F

CONTAINING 16,678
SQUARE FEET OR
0.383 ACRE, MORE OR LESS

CURVE TABLE				
CURVE	DELTA	RADIUS	ARC	CHORD BEARING
C1	36°28'03"	250.00'	159.12'	S87°34'52"W
C2	14°07'25"	500.00'	123.25'	N81°14'49"W

WEST QUARTER CORNER OF SECTION 17,
TOWNSHIP 46 SOUTH, RANGE 25 EAST
CERTIFIED CORNER RECORD #081786

JEM REALTY TRUST
(INSTRUMENT NO. 2019000161688)
STRAP NO. 17-46-25-00-00002.001F

NOTE:
SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION.

THIS MAP PREPARED BY:
CERTIFICATE OF AUTHORIZATION NO. 18 6886
NOT VALID WITHOUT THE SIGNATURE
AND SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER

ERICKSON, KURZ, BISHOP
Professional Surveyor & Mapper P.A. License No. 4183

REVISIONS
DATE: 01/13/2021
BY: [Signature]
REVISIONS
DATE: 02/01/2021
BY: [Signature]



DAGOSTINO GEOSPATIAL, INC.
Professional Surveying & Mapping
17941 Bonita Beach Road SE Bonita Springs, FL 34135
Phone: (335) 331-6385 Website: www.dagostino.com

CERTIFIED TO:
STA FUND, LLC

DATE: 18371

SHEET NO:
2 of 2



GRAPHIC SCALE



(IN FEET)

1 INCH = 100 FEET



STATE ROAD NO. 45 / U.S. 41
(SOUTH TAMiami TRAIL)

THIS IS NOT A SURVEY

LEE COUNTY, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

LEE COUNTY
HEARING EXAMINER
2023 MAY 24 PM 1:25

TYPE OF CASE: PLANNED DEVELOPMENT/DCI
CASE NUMBER: DCI2022-00004
HEARING EXAMINER DATE: June 08, 2023
SUFFICIENCY DATE: April 04, 2023

Applicant: Agnoli, Barber and Brundage, Inc. in reference to The Nest CPD/RPD.

Request: Request to rezone 15.75± acres from Agricultural (AG-2) to Commercial Planned Development and Residential Planned Development (CPD/RPD) to allow for up to 10,000 square feet of commercial uses and 62 residential dwellings units.

Location: The subject property is located on the west side of S Tamiami Trail, just south of Constitution Boulevard, South Fort Myers Planning Community, Lee County, FL (District #5). The applicant indicates the STRAP numbers are: 17-46-25-00-0100.10040, 18-46-25-00-0037.0010, 18-46-25-L2-U1631.2844 and 18-46-25-00-00035.0000

Summary

Staff recommends APPROVAL of the applicant's request subject to the conditions and deviations found in Attachment C.

The conditions have been prepared to address the proposed development and consistency with the Lee County Comprehensive Plan (Lee Plan), compatibility with surrounding land uses, impacts to environmentally sensitive areas and natural reserves, and addressing future infrastructure needed to support the development.

The applicant's request includes six (6) deviations from the requirements of the Land Development Code. Staff has reviewed and recommends withdrawal of one deviation and approval of the remaining five deviations subject to conditions.

Character of the Area

The area is mostly developed with commercial uses along South Tamiami Trail and residential uses behind them. There are also some vacant properties in the area.

To the north, across Mullock Creek, there is a vacant commercial property located along South Tamiami Trail, zoned C-1A. To the west of the commercial property, there is a large Mobile Home Park known as Coachlight Manor, zoned MH-2. To the west of the mobile home park, there are several large lots developed with single family dwellings, zoned AG-2.

To the west, there is a large residential subdivision known as Shadow Wood Country Club, zoned RPD.

To the south, along S Tamiami Trail, there is a vacant property, zoned AG-2. To the west of the vacant property there is large residential subdivision known as Creekside Preserve, zoned RM-2.

To the east, across South Tamiami Trail, there are two commercial properties, one zoned C-2 and developed with a retail store and the other one is zoned Commercial Tourist (CT) and is developed with a hotel.

Analysis

The subject site, which consists of 15.75± acres, is currently zoned Agricultural (AG-2). The request is to rezone the 12 acres of the property to RPD to allow for 62 multiple-family residential units, and rezone the remaining 3.75 acres of it to CPD to allow for 10,000 square feet of commercial floor area.

The property abuts Mullock Creek, a natural body of water to the north. A portion of the site is located within 660-foot-radius of a bald eagle nest. On February 14, 2023, the Eagle Technical Advisory Committee (ETAC) reviewed the Bald Eagle Management Plan and recommended approval with two conditions, which are incorporated into the conditions of approval for this project.

The access to the site will be through an access easement located on the abutting property to the south. Access to the residential portion of the site (RPD) will be through the commercial (CPD) portion of the development.

Transportation

Infrastructure Planning staff has reviewed this project and has recommended approval (Attachment E). Staff notes that the Level Of Service (LOS) for S Tamiami Trail will remain at “D” with or without the proposed project.

Environmental

The Zoning Section's Environmental staff has reviewed this request and recommended approval subject to conditions, which are incorporated into the conditions of approval for project (See Attachment G). Conditions of approval are related to open space, conservation of indigenous management areas, and compliance with the Bald Eagle Management Plan.

Natural Resources

Natural Resources staff has reviewed this request and recommended approval subject to conditions, which are incorporated into the conditions of approval for project (See Attachment H). Conditions of approval are related to surface water management, water quality, and Bald Eagle Management Plan compliance

Lee Plan

The subject property is located in the Urban Community and Wetlands Future Land Use categories of the Lee Plan.

Urban Community Future Land Use designation is intended for a mixture of relatively intense commercial and residential uses. The request is to develop this 15.75± acres with a maximum of 62 dwelling units and 10,000 square feet of commercial uses are within the intensity and density ranges of this FLU category. Staff finds this request consistent with Policy 1.1.4 of the Lee Plan.

All Wetlands areas will be protected to ensure the continued ecological functions of the wetlands. The property has already received a jurisdictional wetland determination from the South Florida Water Management District. Staff finds this request consistent with Goal 124, Objective 1.5, and Policy 1.5.1 of the Lee Plan.

The proposed development promotes contiguous and compact growth patterns, limits urban sprawl and minimizes the costs of services. Adequate public services exist to serve the property. Sewer and water are available to the site. The property has direct frontage on South Tamiami Trail. Therefore, the request is consistent with Objectives 2.1 and 2.2 and Policies 2.1.1 and 2.2.1 of the Lee Plan.

Water and sewer services from Lee County Utilities are available to the site and the site will be connected to those services. Staff finds the request consistent with Standards 4.1.1 and 4.1.2 of the Lee Plan (Attachment J).

This project is located in the Coastal High Hazard Area of the County. The residential density of the project is consistent with the allowed density within the Urban Community Future Land Use area and with its surrounding residential neighborhoods. This development will be required to meet FEMA flood elevation requirements and with direct access to South Tamiami Trail, it will be easy to access and evacuate in case of a major storm. Therefore, this request is consistent with Policy 5.1.2 of the Lee Plan.

The eastern portion of this project will contain a commercial development along South Tamiami Trail. This commercial development will act as a noise and visual buffer for the residential portion of this development, as well as neighboring subdivisions to the east and is consistent with the existing land use patterns along this roadway. The commercial portion of this development will not interfere with the integrity of the residential environment to the east. Staff finds the request consistent with Policy 5.1.5 of the Lee Plan.

There is a bald eagle nest on the property. The applicant has prepared a Bald Eagle Management Plan (BEMP), which was reviewed and recommended for approval by Eagle Technical Advisory Committee (ETAC). Compliance with the BEMP is incorporated into the conditions of approval. Staff finds this request, as conditioned, consistent with Objective 123.6 of the Lee Plan.

Urban Services

Urban services are defined by the Lee Plan as the requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development at levels of urban density and intensity.

Public sewer and water: Municipal potable water service is available to the site from Lee County Utilities, with adequate capacity to serve this development. Development must connect to public water and sewer services when development activity triggers the connection requirements of the LDC.

Paved streets and roads: The subject property fronts on South Tamiami Trail, providing adequate access to the site.

Public transit: This site is served by two different Bus Routes. Route 140 starts at Merchant's Crossing in North Fort Myers and ends at Coconut Point. Bus Route 240 starts at Bell Tower and ends at Coconut Point.

Parks and recreation facilities/Community facilities: Lakes Park on Gladiolus Drive is within 4.5 miles of this site.

Urban levels of police, fire, and emergency services: Fire protection is provided by the San Carlos Fire Protection District, located at 16901 Island Park Road, 2.5 miles from the subject property. EMS Substation (Medic 33) is located at the same address. A Sheriff's station is located at 14750-754 Ben C Pratt Six Mile Cypress, 6 miles from the subject property.

Urban surface water management: Any future development will be required to comply with the LDC, including provisions for surface water management. The recommended conditions of approval address surface water management and water quality compliance.

Schools: Rayma C Page Elementary School, Lexington Middle School and Island Park High School are the closest schools to this site. This property is located within the South Concurrency Service Area (CSA) of Lee County School District. Their analysis shows that there may be a capacity issue in this CSA, but there is additional capacity available in the adjacent CSA. (Attachment K).

Employment and commercial centers: The subject property is in close proximity of existing commercial and industrial developments along South Tamiami Trail and Allico Road. These commercial and industrial centers provide employment and shopping opportunities in the area.

Planning Community Map and Allocation Table

POLICY 1.6.5: The Planning Communities Map and Acreage Allocation Table (see Map 1-B and Table 1(b) and Policies 1.1.1 and 2.2.2) depict the proposed distribution, extent, and location of generalized land uses for the year 2045.

The subject property is located in the San Carlos Planning Community. The Planning Community Year 2045 Allocations indicate that 4,024 acres are allocated to residential uses in the San Carlos Planning Community. Also, 938 acres are allocated to commercial uses. Staff finds the request CONSISTENT with the allocations for the San Carlos Planning Community.

Deviations: The applicant proposes the following six (6) deviations:

Deviation #1 requests relief from Land Development Code Section 34-2194, which requires buildings and structures not be placed closer than 25 feet to a canal or to a bay or other water body or the distance required by the provisions of chapter 6, article IV, pertaining to flood hazard reduction, whichever is greater, to allow a zero ft. setback for a kayak launch and dock.

Staff recommends withdrawal of this deviation request. Land Development Code Section 34-2194(c) 2 exempts docks, seawalls and other watercraft landing facilities from the waterway setback requirements.

Deviation #2 seeks relief from Land Development Code Section 10-291(3), which requires any residential development of more than five acres or any commercial or industrial development of more than 10 acres to provide, where practical, two or more means of ingress or egress for the development, to allow one entrance as depicted on the MCP.

The subject parcel has limited frontage on South Tamiami Trail. This limited frontage does not allow sufficient intersection separation to provide an additional access point. Staff recommends APPROVAL of the request with the following conditions:

1. *The developer must record a notice to all future property owners, in the public record, prior to issuance of a local development order allowing construction of the access to the development. The notice must detail the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor.*
2. *Prior to issuance of a development order the applicant must demonstrate that a Crime Prevention Through Environmental Design (CPTED) report was provided to the Lee County Sheriff's Office.*
3. *The development order plans must depict the access to the property to the south, as shown on the Master Concept Plan, and a draft cross access easement must be submitted for review.*

Deviation #3 seeks relief from Land Development Code section 10-416(d)(3), which requires a Type D buffer between commercial development and a ROW/Roadway Easement, to allow the 15-foot Type D buffer plantings to be clustered to allow for view sheds for the commercial building along U.S. 41. Preservation of existing native trees shall be credited toward the required landscape buffer.

Staff recommends approval of this deviation. This will not affect the buffer width or the amount of plants required.

Deviation #4 requests relief from Land Development Code Section 10-416(d), which requires a Type C or Type F buffer between multiple family residential and commercial development, to allow a 15-foot-wide Type C buffer on the CPD/RPD north-south tract boundary line.

Staff recommends approval of this deviation subject to the following condition:

The development order plans must demonstrate the 15-foot-wide Type C buffer along the CPD tract, with vegetation planted within the commercial tract boundaries and exterior to the required wall.

Deviation #5 requests relief from Land Development Code Section 10-416(d), which requires a Type C or Type F buffer between multiple family residential and commercial development, to allow the existing preserve areas to fulfill the buffer requirement along the south property line of the CPD tract adjacent to Creekside Preserve.

Staff recommends approval of this deviation subject to the Environmental Condition 6.i.

Deviation #6 seeks relief from Land Development Code Section 10-416(d)(9), which requires a 50-foot-wide buffer for Development abutting a natural waterway, to allow the existing preserve areas to fulfill the buffer requirement.

Staff recommends approval of this deviation. The existing preserve will adequately fulfill the buffer requirement.

Findings and Conclusions

Based upon an analysis of the application and the standards for approval of planned development rezonings, as required by Land Development Code Section 34-145(d)(4)a.1, staff offers the following findings and conclusions:

The request, as conditioned:

- Complies with Lee Plan as discussed in the Lee Plan analysis section of this report, specifically Lee Plan Goal 124, Policies 1.1.1, 1.1.4, 1.5.1, 1.6.1, 2.2.1, 2.2.2 and 4.1.1, 5.1.2, 5.1.5, Objectives 1.5, 2.1, 2.2 and 123.6, and Standards 4.1.1 and 4.1.2;
- Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
- Is compatible with existing and planned uses in the surrounding area;
- Will provide access sufficient to support the proposed development intensity and the expected impacts on existing or planned transportation facilities will be mitigated through existing County regulations or conditions of approval;
- Will not adversely affect environmentally critical or sensitive areas and natural resources;
- Will be served by urban services, as defined in the Lee Plan; and
- Provides for an appropriate mix of uses at the proposed location;
- Includes conditions that provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development: and
- Includes that requested deviations, as conditioned: pursuant to section 34-373(a)(9):
 - Enhance the achievement of the objectives of the planned development; and
 - Preserve and promote the general intent of this Code to protect the public health, safety and welfare.

ATTACHMENTS:

- A. Expert Witness Information
- B. Maps: surrounding zoning, future land use and aerial photograph
- C. Recommended Conditions and Deviations
- D. Master Concept Plan
- E. Memorandum from Lee County Section of Infrastructure Planning
- F. Memorandum from Lee County Section of Development Services
- G. Memorandum from Section of Zoning, Environmental staff
- H. Memorandum from Department of Natural Resources, including Bald Eagle Management Plan and Surface Water Quality Management Plan
- I. Agricultural Use Application
- J. Letter of availability for water and sewer
- K. Memorandum from Lee County School Board
- L. Letters of no objection from the Lee County Sherriff's Office and Lee County Department of Emergency Management
- M. TIS
- N. Application and narrative
- O. Legal Description

cc: Applicant
County Attorney
Zoning File

LEE COUNTY STAFF EXPERT WITNESS INFORMATION
PROVIDED PURSUANT TO AC-2-6, SECTION 2.2.b(5)(f)3.

Case Number: DCI2022-00004

Project Name: The Nest RPD/CPD

Hearing Examiner Date: June 8, 2023

CHAHRAM BADAMTCHIAN, AICP, Planner, Senior, Zoning Section, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Camryn Siverson, Environmental Planner, Zoning Section, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, and environmental planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

MARCUS EVANS P.E., Engineer, Senior, Development Services Section, 1500 Monroe Street, Fort Myers, FL. 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in Traffic Engineering and Transportation Planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

BRANDON DUNN, Planner, Principal, Planning Section, 1500 Monroe Street, Fort Myers, FL. 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan and comprehensive planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

REBECCA SWEIGERT, Planner, Principal, Planning Section, 1500 Monroe Street, Fort Myers, FL. 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, and environmental planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

NICOLAS DeFILIPPO, Planner, Planning Section, 1500 Monroe Street, Fort Myers, FL. 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, and environmental planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Phil Gillogly, P.E., Surface Water Manager, Section of Natural Resources, 1500 Monroe Street, Fort Myers, FL. 33901

- Seeking to be qualified as an expert witness by the Lee County Hearing Examiner. Current resume will be provided at the hearing.
- Seeking to be qualified as an expert witness in Surface Water Management.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the

hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

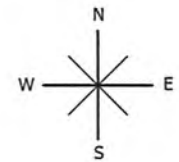


DCI2022-00004

Aerial

 Subject Property

ATTACHMENT B

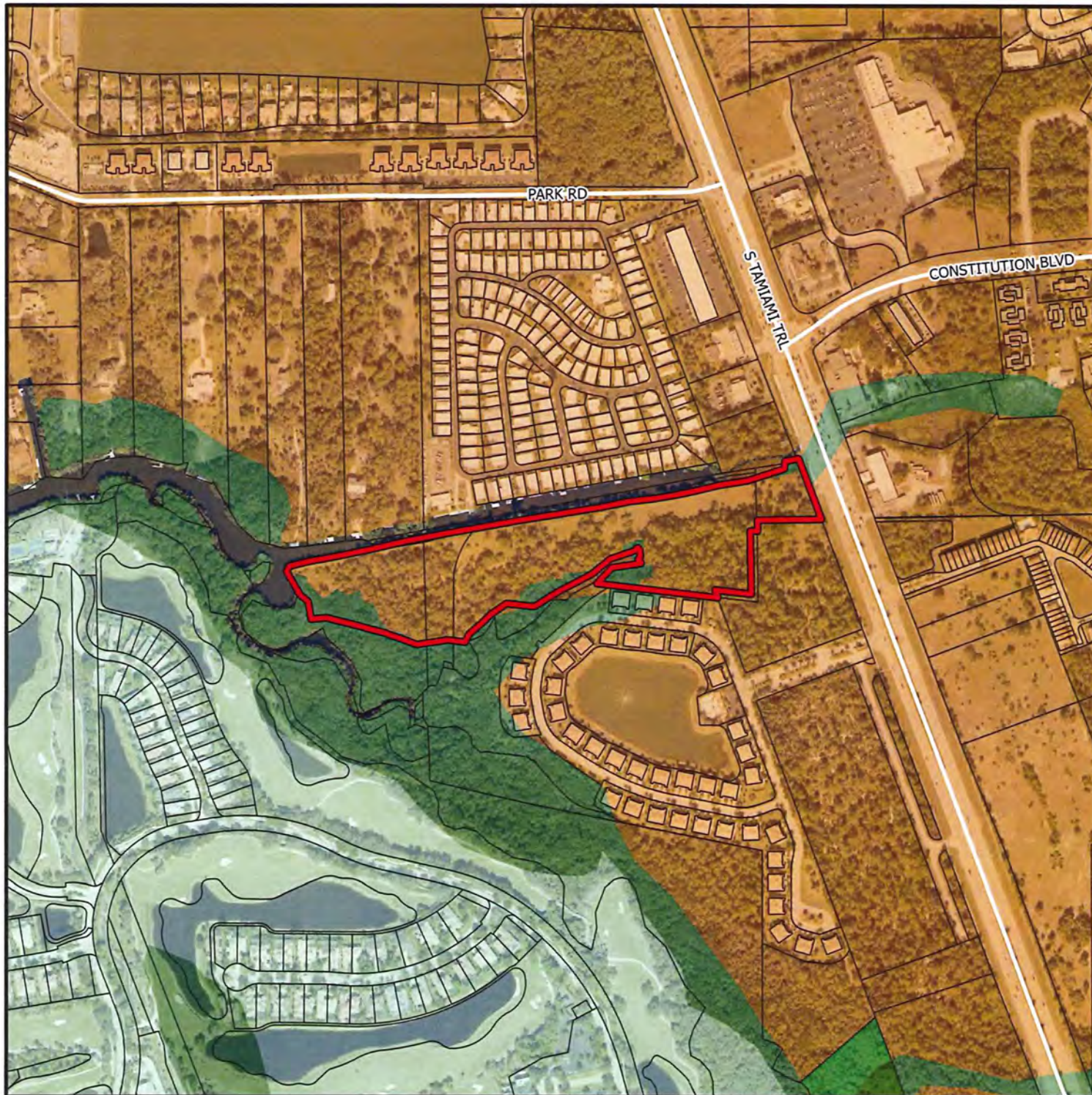


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Feet

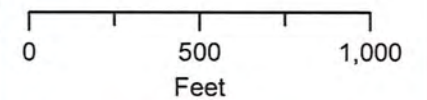
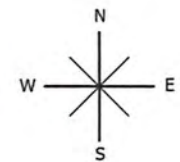


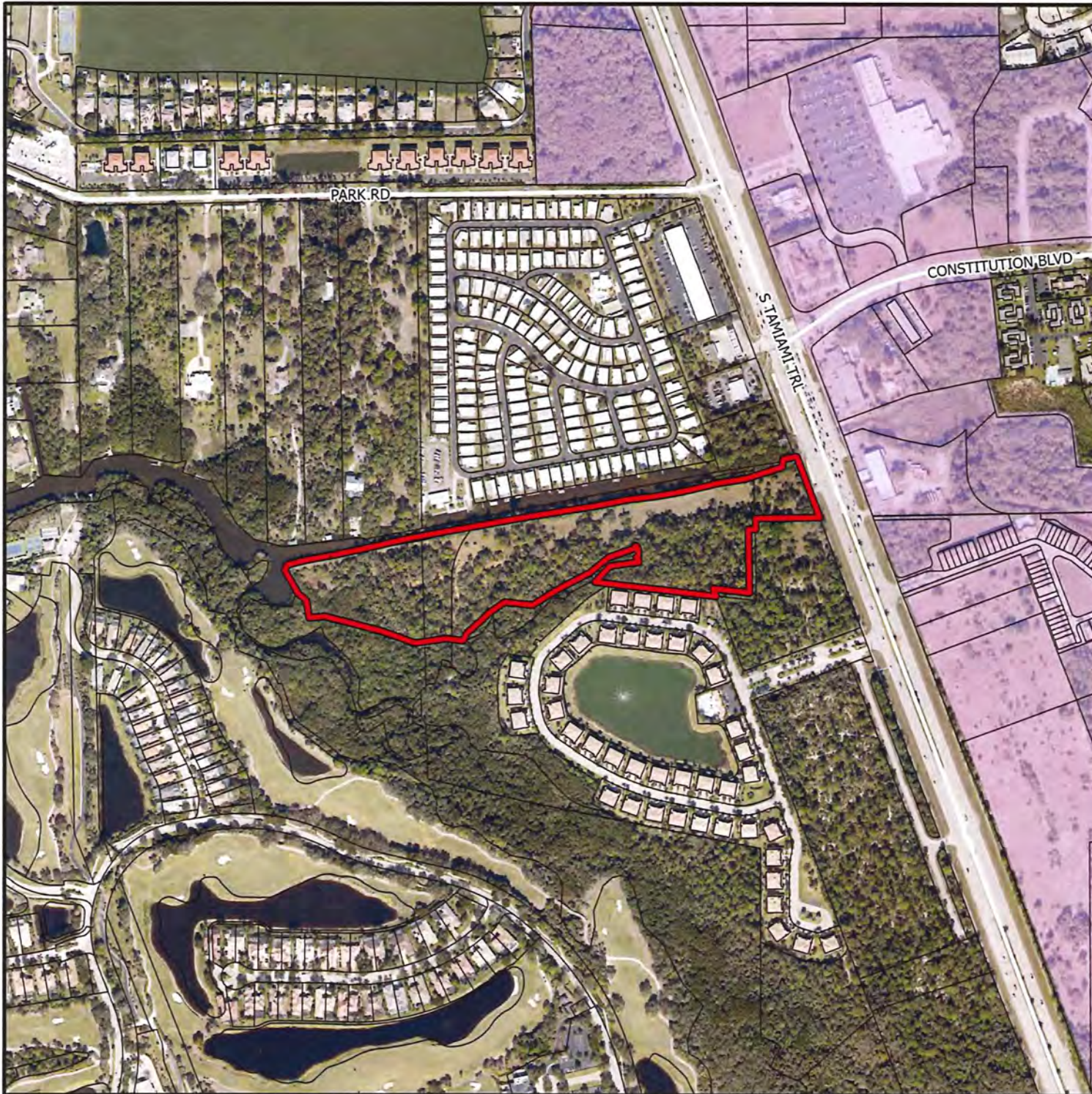
DCI2022-00004

Future Land Use



-  Subject Property
-  Urban Community
-  Rural
-  Conservation Lands - Upland
-  Wetlands
-  Conservation Lands - Wetland



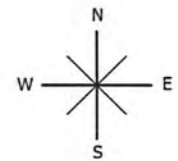


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Mixed Use Overlay

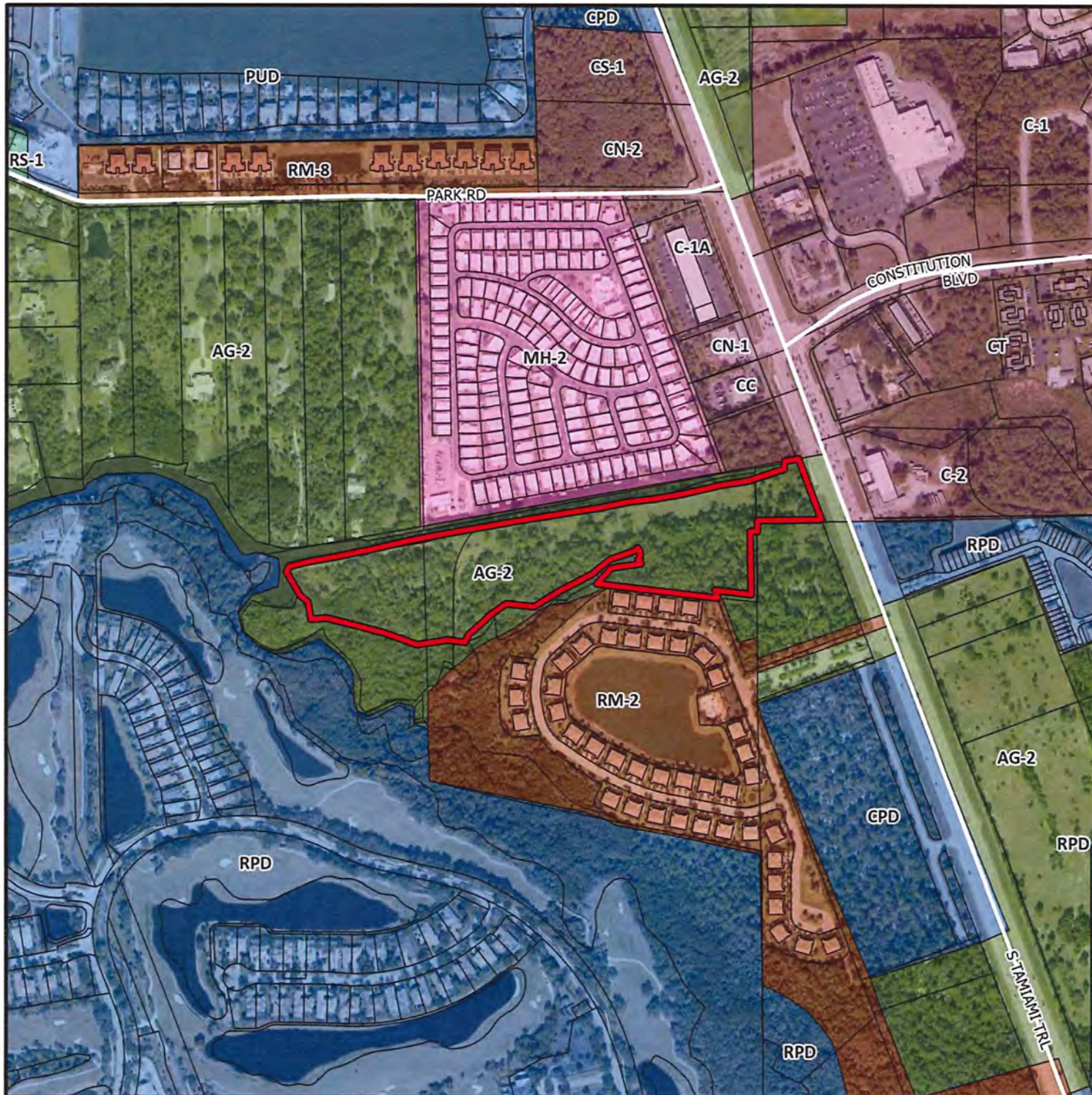
 Subject Property

 Mixed Use Overlay



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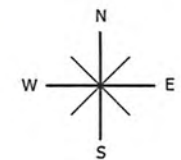




DCI2022-00004

Zoning

 Subject Property



0 500 1,000
Feet

ATTACHMENT C

DCI2022-00004, The Nest RPD/CPD Conditions and Deviations

A. Conditions

1. MASTER CONCEPT PLAN/DEVELOPMENT PARAMETERS

The development of this project must be consistent with the one-page Master Concept Plan entitled "The Nest SWFL" dated September 2022, last revised on 4/24/2023, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (LDC) at time of local Development Order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

This rezoning will allow a maximum of 62 dwelling units in the RPD Tract and up to 10,000 square feet of commercial floor area in the CPD Tract of the site.

2. USES AND SITE DEVELOPMENT REGULATIONS

a. Schedule of Uses

CPD TRACT "A" (3.75± acres)

~~Accessory uses and structures customarily associated with the permitted principal uses and structures~~

Administrative Offices

Animals: Clinic or Kennel (Indoor only)

~~ATM (automatic teller machine)~~

Auto parts store

Bait and Tackle shop

Banks and financial establishments, Groups I & II (no drive-thru)

Bar or Cocktail lounge

Boats,

Ramps and dockage (not marinas), for the exclusive use of the residents of the development

Business Services, Group I

Cleaning and Maintenance services

Clothing Stores, general

Consumption on premises in conjunction with a restaurant, bar, or cocktail lounge including outdoor seating

Contractors and builders, group I

Convenience food and beverage store (no gas pumps)

Day care center, child, adult

~~Dock (temporary tie up for nonmotorized vessels only)~~

Drugstore, pharmacy (no drive-thru)

~~Entrance gates and gatehouse~~

Essential Services

Essential Service Facilities: Group I

Excavation: water retention

~~Existing Agricultural Uses, Pursuant to LDC Section 34-934(48)~~

Fences, Walls

Gift and Souvenir shop

Hardware Store
Hobby, toy and game shops
~~Kayak Launch~~
Medical Office
Parking lot, Accessory
Personal Services, Groups I and II
Recreational facilities, Commercial,
 Group III Outdoor Facilities, limited to passive and active recreational and
 educational activities including hiking, nature trails and nonmotorized water
 vessel use;
 Group IV Indoor Facilities, limited to Health Clubs
Rental and Leasing, Group I (including Kayak and Canoe rental)
Restaurants, Groups I, II and III
Signs (~~including off-site signage for the Nest RPD~~)
Specialty Retail, Groups I & II
Studios
Temporary Uses, limited to construction trailers and associated parking for purposes of
 managing on-site construction activities
Variety Store
~~Uses that are not specifically listed may also be permitted if, in the opinion of the~~
 ~~Director, they are substantially similar to a listed permitted use.~~

RPD TRACT "B" (12± acres)

Accessory uses and structures
Administrative Offices
Boats,
 Ramps and dockage (not marinas)
Dwellings:
 Multiple family
~~Existing Agricultural Uses, Pursuant to LDC Section 34-934(48)~~
Entrance Gate and Gatehouse
Essential Services
Essential Service Facilities: Group I
Excavation: water retention
Fences and Walls
Home Occupations
Models:
 Units
Parking lot, Accessory
~~Parks—Group I~~
Real Estate Sales Office
Recreational facilities – Private on-site
Residential Accessory Uses
Signs
Temporary Uses, limited to construction trailers and associated parking for purposes of
 managing on-site construction activities
~~Uses that are not specifically listed may also be permitted if, in the opinion of the~~
 ~~Director, they are substantially similar to a listed permitted use.~~

b. Site Development Regulations

		CPD TRACT A		RPD TRACT B	
		Principal Uses	Accessory Uses	Principal Uses	Accessory Uses
Minimum Lot Area:		10,000 sq ft	-	12,000 sq ft	-
Minimum Lot Depth:		100 ft	-	100 ft	-
Minimum Lot Width:		100 ft	-	120 ft	-
Minimum Setbacks:	ROW	25 ft	25 ft	25 ft	25 ft
	North	25 ft from MHWL	25 ft from MHWL	25 ft ¹ from MHWL	25 ft from MHWL
	South	25 ft	25 ft	25 ft ¹	10 ft
	East	25 ft	25 ft	25 ft ¹	10 ft
	West	25 ft	25 ft	50 ft	25 ft
	Upland Preserve	30 ft	30 ft	30 ft	30 ft
	Wetland Preserve	25 ft	25 ft	50 ft	25 ft
Minimum distance between structures:		20 ft	-	20 ft	-
Maximum Building Height:		35 ft	25 ft	62 ft	25 f
Minimum Open Space:		20%		40%	

1. The north, south and east setbacks in the RPD Tract must be increased by one-half foot for every one foot over the height of 35 feet.

3. AGRICULTURAL USES

Existing bona fide agricultural uses (LIVESTOCK PASTURE/GRAZING) may continue on this site SUBJECT TO the following:

- A) Termination of Agricultural Use. Agricultural uses must terminate on project areas receiving development order approval for vertical development and prior to county issuance of a vegetation removal permit. Development order approvals for plats, infrastructure improvements, landscaping, surface water management, or other non-vertical development do not trigger termination.
- B) Additional Clearing Prohibited. Additional clearing of trees or vegetation in an agricultural area is prohibited. Existing areas of bona fide agricultural use may be maintained, (i.e. mowed). But not cleared or expanded. This prohibition does not preclude County approval of requests to remove invasive exotic vegetation.
- C) Proof of Termination. Upon approval of local development order for vertical development and prior to the issuance of vegetation removal permit, the property owner must provide written proof of the following, SUBJECT TO review/approval by the County Attorney's Office:
 - i. Affidavit. Sworn affidavit from the property owner confirming:

- (1) Date agricultural uses ceased.
- (2) Legal description of the property SUBJECT TO development order approval for vertical development.
- (3) Affirmative statement acknowledging and agreeing agricultural uses are illegal and prohibited on the property. Further that the property owner covenants with the County not to resume agricultural uses until the property is rezoned to permit agricultural.

The affidavit constitutes a covenant between the property owner and Lee County binding on the owner and its successors. The covenant must be properly recorded in public record of Lee County at the owner's expense.

- ii. Termination of Tax Exemption. Termination of the agricultural tax exemption for portions of the property SUBJECT TO a development order for vertical development. Proof of termination must include a copy of the request to terminate the tax exemption submitted to the Lee County Property Appraiser.

4. Natural Resources

- a) Prior to local development order approval, the developer must revise the attached draft Surface Water Quality Monitoring Plan and submit it for review and approval by the Lee County Division of Natural Resources. At a minimum, the draft Surface Water Quality Monitoring Plan must be modified to establish:
 - i. The overall Goals and Objectives of the Surface Water Monitoring Plan;
 - ii. A baseline monitoring event to be part of the monitoring plan that must be completed prior to commencement of construction;
 - iii. An outfall monitoring schedule conducted three times annually (June, August, October) for Total Kjeldahl Nitrogen, Total Nitrogen, Nitrite, Nitrate, Chlorophyll A, Total Phosphorus, Total Dissolved Solids, Enterococci, Iron, Enterococci, Total Hardness, Field Temperature, Specific Conductance, pH and Dissolved Oxygen;
 - iv. Water quality monitoring data must be provided to the Division of Natural Resources annually following the issuance of the first Certificate of Occupancy and must include a report with a comparison of State surface water quality standards, plots of parameters, and recommendations. Five years after issuance of final Certificate of Occupancy and after meeting or exceeding state water quality monitoring standards, the developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources; and

- v. A contingency plan in the event an exceedance of State Surface Water Quality Standards is discovered. This plan must include notification to impacted residents and applicable authorities.
- b) The developer must adhere to the attached Bald Eagle Management Plan dated February 15, 2023 for all proposed impacts within 660 feet of the bald eagle nest. The 660-foot buffer zone and the activities and restrictions outlined in the bald eagle management plan must be shown on the development order plans.
- c) The upland preserve surrounding the bald eagle nest must be depicted on the development order plans and a draft conservation easement must be provided for the upland preserve surrounding the bald eagle nest.
- d) Prior to issuance of Certificate of Completion for the project, the conservation easement must be recorded over the upland preserve surrounding the bald eagle nest.

5. **Transportation**

The maximum permissible development density/intensity is determined by the following development scenario based on the Institute of Transportation Engineers (ITE) Trip Generation Manual effective at the time of the local development order. The said scenario includes the following elements of development and their respective trip generation rates:

- 1. 62 low-rise units for multiple-family residences,
- 2. A public park covering an area of 2 acres,
- 3. A variety store occupying 5,000 square feet of the area, and
- 4. A high-turnover restaurant also occupying 5,000 square feet of floor area.

6. **Environmental**

- a) Development order plans must depict the following open space areas:
 - Commercial (CPD):
 - Provided: 1.79 acres
 - Indigenous wetland preserve: 0.10 acres
 - Residential (RPD):
 - Provided: 8 acres
 - Indigenous Upland Preserve: 3.01 Acres
 - Indigenous Wetland Preserve: 1.74 acres
 - Non-indigenous Open Space: 3.25 acres
- b) Development order plans must demonstrate a total of 4.85 acres of indigenous preserve.
- c) Development order plans must demonstrate the following:
 - i. Substantial compliance with the Indigenous Management Plan (See Exhibit D).

- ii. Removal of exotics within indigenous habitat concurrently with improvements to land.
 - iii. A schedule for the indigenous preservation and restoration to be completed within the first five years.
 - iv. A recorded conservation easement over the preserve areas within the residential tract, dedicated to Lee County.
- d) Prior to the issuance of a vegetation removal permit, the developer must include a map depicting where mechanical and hand-removal methods of exotic vegetation removal will be located. Mechanical clearing must be limited to non-indigenous areas and native vegetation must be protected by tree barricades.
 - e) The applicant must submit an indigenous monitoring plan for ten years after the initial time zero report.
 - f) The applicant must depict a 30-foot setback surrounding the upland preserve areas for firebreak relief.
 - g) Development order plans must demonstrate a minimum 15-foot-wide Type C buffer along the west tract line of the commercial development.
 - h) The development order plans must depict a 15-foot Type D right-of-way buffer with clustering of landscaping to allow view windows, subject to approval by environmental staff.
 - i) The development order plans must depict a 30-foot-wide landscape blind along the south commercial tract line.
 - j) The development order plans must depict the 50-foot natural waterway setback.

7. Use limitation in the RPD

No commercial use of any kind, including but not limited to recreational uses (passive and active), canoe and kayak rental, etc. is allowed in the RPD. All ancillary and accessory uses in the RPD Section are for the exclusive use by the residents of the development.

8. Gate and Gatehouse

The entrance gate or gatehouse to the RPD must contain a paved turn-around, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current edition on the ingress side of the gate or gatehouse.

B. DEVIATIONS:

Deviation #1 requests relief from Land Development Code Section 34-2194, which requires buildings and structures not be placed closer than 25 feet to a canal or to a bay or other water body or the distance required by the provisions of chapter 6, article IV, pertaining to flood hazard reduction, whichever is greater, to allow a zero ft. setback for a kayak launch and dock.

Staff recommends withdrawal of this deviation request. Land Development Code Section 34-2194(c) 2 exempts docks, seawalls and other watercraft landing facilities from the waterway setback requirements.

Deviation #2 seeks relief from Land Development Code Section 10-291(3), which requires any residential development of more than five acres or any commercial or industrial development of more than 10 acres to provide, where practical, two or more means of ingress or egress for the development, to allow one entrance as depicted on the MCP.

The subject parcel has limited frontage on South Tamiami Trail. This limited frontage does not allow sufficient intersection separation to provide an additional access point. Staff recommends APPROVAL of the request with the following conditions:

1. *The developer must record a notice to all future property owners, in the public record, prior to issuance of a local development order allowing construction of the access to the development. The notice must detail the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor.*
2. *Prior to issuance of a development order the applicant must demonstrate that a Crime Prevention Through Environmental Design (CPTED) report was provided to the Lee County Sheriff's Office.*
3. *The development order plans must depict the access to the property to the south, as shown on the Master Concept Plan, and a draft cross access easement must be submitted for review.*

Deviation #3 seeks relief from Land Development Code section 10-416(d)(3), which requires a Type D buffer between commercial development and a ROW/Roadway Easement, to allow the 15-foot Type D buffer plantings to be clustered to allow for view sheds for the commercial building along U.S. 41. Preservation of existing native trees shall be credited toward the required landscape buffer.

Staff recommends approval of this deviation. This will not affect the buffer width or the amount of plants required.

Deviation #4 requests relief from Land Development Code Section 10-416(d), which requires a Type C or Type F buffer between multiple family residential and commercial development, to allow a 15-foot-wide Type C buffer on the CPD/RPD north-south tract boundary line.

Staff recommends approval of this deviation subject to the following condition:

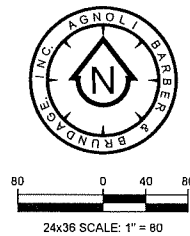
The development order plans must demonstrate the 15-foot-wide Type C buffer along the CPD tract, with vegetation planted within the commercial tract boundaries and exterior to the required wall.

Deviation #5 requests relief from Land Development Code Section 10-416(d), which requires a Type C or Type F buffer between multiple family residential and commercial development, to allow the existing preserve areas to fulfill the buffer requirement along the south property line of the CPD tract adjacent to Creekside Preserve.

Staff recommends approval of this deviation subject to the Environmental Condition 6.i.

Deviation #6 seeks relief from Land Development Code Section 10-416(d)(9), which requires a 50-foot-wide buffer for Development abutting a natural waterway, to allow the existing preserve areas to fulfill the buffer requirement.

Staff recommends approval of this deviation. The existing preserve will adequately fulfill the buffer requirement.



**AGNOLI
BARBER &
BRUNDAGE, INC.**
Professional engineers, planners,
& land surveyors
Certificate of Authorization No.
LC 1604 and LC 1604
Collier County
7400 Trail Blvd., Suite 800
Naples, FL 34108
Phone (813) 497-4111
Fax (813) 497-4111

STA FUND LLC.
NAPLES, FL 34108

THE NEST SWFL

MASTER CONCEPT PLAN

DESIGN BY: ABB
DRAWN BY: BLS
CHECKED BY: .
REVIEWED BY: .
HORIZ. SCALE: 1" = 100'
VERT. SCALE: NA
DATE: SEPTEMBER 2022

REVISION	DATE	DESCRIPTION
1	09/27/2022	12/27/2023
2	10/13/2022	01/17/2023
3	10/13/2022	01/17/2023
4	10/13/2022	01/17/2023
5	10/13/2022	01/17/2023
6	10/13/2022	01/17/2023
7	10/13/2022	01/17/2023
8	10/13/2022	01/17/2023
9	10/13/2022	01/17/2023
10	10/13/2022	01/17/2023
11	10/13/2022	01/17/2023
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15	10/13/2022	01/17/2023
16	10/13/2022	01/17/2023
17	10/13/2022	01/17/2023
18	10/13/2022	01/17/2023
19	10/13/2022	01/17/2023
20	10/13/2022	01/17/2023

ACAD FILE NAME
ABB PROJECT #
20-0017
PLOT VIEW / LAYOUT
Master Concept Plan
SHEET
1
OF
1
Acad File #

OPEN SPACE TABLE

CPD Tract:

+/- 3.75 acres

Open Space Required: 20% = 0.75 acres

Open Space Provided: +/- 1.79 acres

Indigenous wetland preserve: +/- 0.10 acres

RPD Tract:

+/- 12 acres

Open Space Required: 40% = 4.8 acres

Open Space Provided: +/- 8.0 acres

Indigenous Upland Preserve: +/- 3.01 acres

Indigenous Wetland Preserve: +/- 1.74 acres

Non-indigenous Open Space: +/- 3.25 acres

Note

Building footprints are illustrative. All buildings will meet required setbacks.

LAND USE SUMMARY

RPD

±12 ac.

62 Multi-Family Units

CPD

±3.75 ac.

10,000 sf. Commercial Uses

TOTAL RPD/CPD ACREAGE ±15.75 ac.

Deviations Locations



LEGEND

- WETLAND PRESERVE AREA
- UPLAND PRESERVE
- ASPHALT
- SIDEWALKS
- BUILDING DRIVE ACCESS
- PEDESTRIAN PATHWAY
- BUILDINGS
- OPEN SPACE/STORMWATER
- OUTDOOR CONSUMPTION
- ROW IMPROVEMENTS
- AMENITIES DECK
- SITE ACCESS LOCATION
- PROPERTY LINE
- BUILDING SETBACK
- LANDSCAPE BUFFER
- TOP OF BANK
- RPD/CPD LINE
- PRESERVE BUFFER/SETBACK
- ACCESS EASEMENT



DEPARTMENT OF COMMUNITY DEVELOPMENT

Memo

To: Chahram Badamtcian, Planner, Senior

From: Md Rakibul Alam, Senior Transportation Planner

Date: May 8, 2023

Subject: The Nest SWFL (DCI2022-00004) Transportation-Related Analysis

Proposed Development

This application requests approval to rezone approximately 15.75 acres from AG-2 to CPD and RPD to allow a maximum of 62 multi-family residential units, a maximum of 10,000 square feet of commercial uses, and a privately-owned recreational facility.

Site Location

The Subject Property is directly adjacent to the west of US 41 and about one mile north of the intersection of US 41 and Sanibel Boulevard. The subject is located in unincorporated Lee County in Sections 17 & 18, Township 46 South, and Range 25 East.

Site Access

The proposed means of ingress and egress to the subject site is via a right-in/right-out and left-in access point, which is intended to connect to the US 41, a state-maintained arterial roadway.

Trip Generation Review

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) Trip Generation 11th Edition Report. Table 1 outlines the proposed project's new trip generation for weekday AM and PM peak hours and daily traffic volumes.

Table 1: Trip Generation

Land Use	Weekday A.M Peak Hour			Weekday P.M Peak Hour			Daily (2-Way)
	In	Out	Total	In	Out	Total	
Multi Family: Low Rise (62 units)	10	32	42	30	17	47	473
Public park (2 Acres)	0	0	0	13	10	23	90
Variety Store (5,000 SF)	9	6	15	17	17	34	318
Less Pass-by (less 30% AM and PM, less 25% ADT)	-2	-2	-4	-5	-5	-10	-76
New Variety Store Trip	7	4	11	12	12	24	238
High Turnover Restaurant (5,000 SF)	26	22	48	27	18	45	536
Less Pass-by (less 30% ADT, less 40% AM and PM)	-10	-9	-19	-9	-9	-18	-161
New Restaurant Trip	16	13	29	18	9	27	375
Total New Trip	33	49	82	73	48	121	1,176

Roadway Section Traffic Operation Level of Service Analysis

The proposed development was assumed to be completed by 2026 (build-out year). So, the roadway significantly impacted by the proposed development was analyzed for the horizon year 2026 without and with the proposed development (Table 2).

Table 2: Arterial/Collector Roadway Section(s) Adjacent to Site Expected to be Significantly Impacted by the Proposed Development

Roadway	Segment	Significant Impact Expected	Level of Service		
			Existing	Future 2026	Future 2026 + Project
US 41	Sanibel Blvd. to Site	No	C	D	D
	Site to Alico Rd	No	C	D	D

Roadway Intersection Traffic Operation Level of Service Analysis

New trips were assigned to the surrounding road network in order to assess LOS impact as necessary at site access and intersections expected to be most impacted by the proposed development. Table 3 describes the site accesses and intersections that are expected to be most

impacted by the proposed zoning along with their corresponding pre- and post-project built-out level of service.

Table 3: Roadway Intersection(s) Immediately Adjacent to Subject Site Expected to be Significantly Impacted by Proposed Development

Intersection		Significant Impact Expected	Traffic Control	Level of Service (2026)		
Roadway A	Roadway B			Existing	Future 2026	Future 2026 + Project
US 41	Site Access	Yes	Two-Way Stop Controlled	--	-	F

Conclusion

The proposed project will not have a detrimental impact on the surrounding roadway system. Please note that the proposed project's entrance on US 41 is subject to the approval of FDOT. However, please consider a recommendation adding the following conditions:

"Irrespective of any conversion of land use density/intensity allowed by the Land Development Code or specific zoning conditions applicable to this development, the maximum permissible development density/intensity is determined by the following development scenario based on the Institute of Transportation Engineers (ITE) Trip Generation Manual effective at the time of the local development order. The said scenario includes the following elements of development and their respective trip generation rates:

- ✓ 62 low-rise units for multiple-family residences,
- ✓ A public park covering an area of 2 acres,
- ✓ A variety store occupying 5,000 square feet of area, and
- ✓ A high-turnover restaurant also occupying 5,000 square feet of area."

MEMORANDUM

Date: 5/5/2023

To: Chahram Badamtchian, AICP

From: Brian Roberts *BR*

Subject: DCI2022-00004 The Nest SWFL

The applicant is proposing to rezone 15.75+/- acres from Agricultural (AG-2) to Commercial Planned Development (CPD) and Residential Planned Development (RPD) to allow development of 96 residential dwelling units (34 Bonus Density Units) and 10,000 square feet of commercial uses. Development Services has reviewed the Master Concept Plan (MCP) and requested deviations with respect to Chapter 10 technical standards detailed in Land Development Code (LDC) and offers the following comments:

Deviation (2): Deviation 2 seeks relief from Lee County Land Development Code (LDC) Section 10-291(3) which requires residential development of more than five (5) acres and commercial or industrial development of more than 10 acres to provide more than one means of ingress or egress for the development; to allow one access point as depicted on the MCP.

Staff recommends **APPROVAL** of the request with the following conditions:

The developer must record a notice to all future property owners, in the public record, prior to issuance of a local development order allowing construction of the access to the development. The notice must detail the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor.

Prior to development order approval the applicant must provide a letter of no objection to the proposed access from San Carlos Park Fire and Rescue District.

At time of development order the plans must depict the access as shown on the Master Concept Plan to the property to the south and submit a draft cross access easement for review.

The subject parcel has limited frontage (approximately 323 feet) on South Tamiami Trail (US41), a State-maintained arterial roadway. This limited frontage does not allow sufficient intersection separation to provide an additional access point. The MCP further provides a shared access with properties to the south. Upon development of the property to the south the proposed development will fulfill the requirements of 10-291(3) by providing an additional access point via a cross access agreement. The applicant has provided letters of no objection from the required emergency services supporting the single access until the development of the parcel to south provides an additional access point.

Development Services staff notes that the entrance gate shown on the MCP does not meet the requirements of LDC 34-1748(5) that requires a paved turn-around, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current addition, to be provided on the ingress side of the gate or gatehouse. Staff did inform the applicant of this requirement during the



Lee County
Southwest Florida

Department of Community Development
Development Services Section

MEMORANDUM

sufficiency review. The applicant chose not to request a deviation from this requirement.

Please contact me if you have any further questions.

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ENVIRONMENTAL STAFF REPORT

CASE NUMBER: DCI2022-00004
TYPE OF CASE: Residential Planned Development and Commercial Planned Development
CASE NAME: The Nest
TOTAL ACREAGE: 15.75 Acres
SUFFICIENCY DATE: April 4, 2023
HEARING EXAMINER DATE: June 8, 2023

Request

The applicant is requesting to rezone the subject property from Agricultural (AG-2) to Residential Planned Development (RPD) and Commercial Planned Development (CPD). The applicant is proposing to develop 62 multi-family units on the RPD property and retail, restaurant, recreation, and office use on the CPD property. The property is located in Fort Myers, on the west side of US 41. According to the Lee Plan, the parcels are located in the Urban and Wetlands Future Land Use Categories. The proposed development is within the San Carlos Park Community Planning Area and Coastal High Hazard (CHHA).

Existing Conditions

As mentioned the site is located west of US 41, and north of Lazy Creek Boulevard. The site is currently vacant and vegetated with indigenous habitats, including uplands and wetlands. The applicant has submitted a Protected Species Survey that includes the Florida Land Use Cover and Classification System (FLUCCS) map depicting the meandering pedestrian transects methodology used to survey the project and a detailed FLUCCS for the project area (see Exhibit A). Owen Environmental Consulting did not observe any protected species onsite. Historically, an Eagle nest was present; however, the nest is no longer present and eagles were not observed onsite last nesting season (Exhibit B).

Open Space

The applicant is requesting 62 multi-family units and 10,000 square feet of commercial uses. The multi-family development meets the large development definition (Land Development Code 10-1) and the commercial tract meets the small development definition. LDC 10-415(a) requires the applicant to provide 40% open space on the multi-family tract, and 20% open space on the commercial tract. The applicant has provided a Master Concept Plan (MCP) that depicts required open space at 0.75 acres for the commercial tract and 4.8 acres for the multi-family tract. The applicant is providing 1.79 acres of open space for the commercial tract and 8 acres of open space for the multi-family tract.

Staff recommends the following open space condition to ensure that the increased open space is provided:

Prior to the issuance of the first development order, the development order plans must depict the following:

Commercial:

Commercial:

- **Provided: 1.79 acres**
 - **Indigenous wetland preserve: 0.10 acres**

Residential Multi-Family:

- **Provided: 8 acres**
 - **Indigenous Upland Preserve: 3.01 Acres**
 - **Indigenous Wetland Preserve: 1.74 acres**
 - **Non-indigenous Open Space: 3.25 acres**

Indigenous Open Space Preservation

The Land Development Code requires that large projects must provide 50 percent of the open space percentage requirement through onsite preservation of existing native vegetation communities (LDC 10-415(b)). The applicant is required by code to provide 2.4 acres of indigenous open space. However, the developer is providing 4.75 acres, which includes both wetlands and uplands. The applicant has received a formal Jurisdictional Determination from the South Florida Water Management District under permit number 36-105405-P (Exhibit C). The applicant is demonstrating compliance with Lee Plan Standard 4.1.4 which states, "the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses existing or anticipated environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources." Staff has recommended a condition to put a conservation easement on the multi-family tract preserve to ensure protection of heritage trees, saltwater wetlands, and ensure proper screening from the adjacent properties. Lee Plan Policy 101.3.2 restricts developments to uplands within the Coastal High Hazard. The applicant is developing only within the uplands and demonstrates compliance with 101.3.2. Staff conducted a site inspection on April 7, 2022. Staff found that the environmental report was consistent with site conditions and vegetation habitats. The applicant has provided an MCP that depicts a total of 4.85 acres of indigenous open space

Staff recommends the following condition to ensure protection of indigenous preserve:

Prior to issuance of Certificate of Completion, a conservation easement must be recorded over the entirety of the residential preserve area surrounding the bald eagle nest.

Prior to the issuance of the first development order, development order plans must demonstrate a total of 4.85 acres of indigenous preserve.

Indigenous Habitat Management Plan

The applicant has provided an Indigenous Habitat Management Plan (IHMP) that includes the detailed long-term monitoring and maintenance plans. Exhibit D depicts the type of management that is proposed and where the indigenous preserve areas are located. The applicant needs to revise the Indigenous management plan to depict the most current site plan, to make it consistent with the associated MCP. Removal of exotic and nuisance vegetation within the 4.85± acres of indigenous preserve will be conducted by hand methods. The treatment of exotic and nuisance vegetation will include one or more of the following methods:

- (1) Chemical treatments utilizing FDAC approved herbicides will be performed on exotics;
- (2) Mechanical treatment in areas over 75% (E4) exotic vegetation.

Owen Environmental did not observe any protected species on the property. As previously stated, an eagle nest was present in the past, but has not been observed in recent years (Exhibit B).

Staff provides the following conditions to ensure that the development order and vegetation removal permits provide the necessary documentation:

Prior to the issuance of the first development order, the development order plans must demonstrate the following:

- a) Must be in substantial compliance with the Indigenous Management Plan (See Exhibit D).***
- b) Exotic removal of indigenous habitat must begin concurrently with improvements to land.***
- c) Must include a schedule for the indigenous preservation and restoration to be completed within the first five years.***
- d) The applicant must provide a recorded conservation easement over the preserve areas within the residential tract, dedicated to Lee County.***

Prior to the issuance of a vegetation removal permit, the developer must include a map depicting where mechanical and hand-removal methods of exotic vegetation removal will be located. Mechanical clearing must be limited to non-indigenous areas and native vegetation must be protected by the tree barricades.

The applicant must submit an indigenous monitoring plan for ten years after the initial time zero report.

The applicant must depict a 30-foot setback surrounding the upland preserve areas for firebreak relief.

Buffers

The proposed development abuts multi-family homes along the south property line. To the north and west, the property abuts canals and streams. To the east, the property abuts US 41 right-of-way. The required buffers are as follows:

North – LDC section 10-416(d) does not require multi-family or commercial developments to provide landscaped buffers when abutting a man made canal. The applicant is meeting LDC codes.

East - LDC section 10-416(d) requires commercial developments to provide landscaped buffers along right-of-ways. The applicant is providing the required 15-foot Type D buffer

along US 41. The applicant has requested a deviation to allow clustering of the buffer material to allow for view windows.

West - LDC section 10-416(d)(9) requires developments to provide a 50-foot vegetated buffer landward of nonseawalled natural waterways as measured from the mean high water line when abutting a natural waterway. The applicant has requested a deviation to allow the existing vegetation within the preserve area to act as the 50-foot natural waterway buffer.

South - The south property line abuts a multi-family development and natural stream/waterway. LDC section 10-416(d) requires commercial developments to provide a 15-foot Type C or a 30-foot Type F buffer when abutting multi family. The applicant has requested a deviation to allow the preserve to act as a buffer to the south. On the south boundary line of the commercial tract, the applicant has proposed a 30-foot landscape blind.

Staff provides the following condition to ensure that the MCP demonstrates the buffers at the time of development order:

Prior to the issuance of the first development order, the development order plans must demonstrate a minimum 15-foot Type C buffer along the west tract line of the commercial development.

Prior to the issuance of the first development order, the development plans must depict a 15-foot Type D right-of-way buffer with clustering of landscaping to allow view windows, approved by environmental staff.

Prior to the issuance of the first development order, development order plans must depict a 30-foot landscape blind along the south commercial tract line.

Prior to the issuance of the first development order, development order plans must depict the 50-foot natural waterway setback.

Deviations

Deviation 3 seeks relief from section 10-416(d)(3), that requires a 15-foot Type D Buffer between commercial development and a ROW/Roadway Easement to allow the 15-foot Type D buffer plantings to be clustered to allow for view windows for the commercial building along U.S. 41. Preservation of existing native trees shall be credited toward the required landscape buffer. Clustering the required planting will provide view sheds that not only benefit the visibility of the commercial use but will address the traffic safety issues that are created when commercial uses are hard to see by the traveling public.

Staff recommends approval of Deviation 3 with no conditions.

Deviation 4 requests relief from LDC Section 10-416(d) that requires a C or F type buffer between multiple family residential and commercial development to allow a 15 foot Type C buffer on the CPD/RPD tract boundary only at the location depicted on attached Exhibit A. There will be a minimum separation between the residential buildings and the property line of the CPD of 400ft.

providing an ample separation between the principal uses. In addition, based on the requirements of LDC Section 10-416, both the RPD and CPD will have landscaping throughout the properties for parking areas, preserved and planted trees and the upland and wetland preserves creating additional screening between the properties.

Staff recommends approval of Deviation 4 with the following condition:

Prior to the issuance of the first development order, the development order plans must demonstrate the 15-foot Type C buffer along the CPD tract, with vegetation planted within the commercial tract boundaries and exterior to the required wall.

Deviation 5 requests relief from LDC Section 10-416(d) that requires a C or F type buffer between multiple family residential and commercial development to allow no buffer along the south property line of the CPD tract adjacent to residential preserve. The Eagle's nest upland preserve area, a landscape blind and a 30-foot setback area between the southern commercial building and the preserve area will replace the code requirement. This alternative will more than meet the intent of the code. The Upland Preserve, and Landscape Blind are described in detail in the Bald Eagle Management Plan.

Staff recommends approval of Deviation 5 with the following condition:

Prior to the issuance of the first development order, the development order plans must demonstrate a 30-foot landscape blind within the commercial tract boundary (located along the south tract boundary line).

Deviation 6 seeks relief from LDC Section 10-416(d)(9) requiring a 50-foot buffer for development abutting a natural waterway to allow the existing preservation areas to fulfill the buffer requirement. The current placement of the preserves along the south and west property line provides a natural vegetative buffer and will shield the natural waterways and mangrove forests from runoff or disturbance from the planned development by acting as a physical barrier and nutrient uptake filter. The buffer provided includes mangrove wetlands, tidal wetland hardwood forests, and pine flatwoods communities which are comprised of a dense stratum of native trees and shrubs. Please see the Indigenous Habitat Management Plan for detailed descriptions of the vegetation species in these communities.

Staff recommends approval of Deviation 6 with no conditions.

Exhibits

- A – Protected Species Survey /FLUCCS Map
- B – Bald Eagle Management Plan
- C – South Florida Water Management Permit No. 36-105405-P
- D – Indigenous Management Plan

EXHIBIT A

The Nest

(FKA Eagles Nest)

Listed Species Survey

Prepared for:

STA FUND, LLC

181 Carica Road

Prepared by:



WETLAND
CONSULTANTS

Wetland Consultants LLC

239-595-1292

www.FloridaWetlandConsultants.com

July 25th, 2022

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Maps at sizes and scales required by Lee County are located in Appendix A.

Introduction:

Wetland Consultants, LLC conducted a Listed Species Survey on the property referred to as Eagle's Nest (Subject Property) between April 4th, 2020, and April 9th, 2020. The purpose of the survey was to search for signs of feral, state, and Lee County listed species on the property. These species include, but are not limited to, the Florida Bonneted Bat (*Eumops floridanus*), Audubon's Crested Caracara (*Polyborus plancus audubonii*), Everglades Snail Kite (*Rostrhamus sociabilis plumbeus*), Eastern Indigo Snake (*Drymarchon couperi*), Florida Panther (*Puma concolor coryi*), Red Cockaded Woodpecker (*Picoides borealis*), Gopher Tortoise (*Gopherus polyphemus*), and Big Cypress Fox Squirrel (*Sciurus niger avicennia*).

Location:

The Subject Property is directly adjacent and west of US 41 and about one mile north of the intersection of US 41 and Sanibel Boulevard. The Subject Property is located in unincorporated Lee County in Sections 17 & 18, Township 46 South, and Range 25 East. The Subject Property is a collection of four separate parcels (STRAPs: 17-46-25-00-01001.0040, 18-46-25-00-00037.0030, 18-46-25-00-00037.0010, 18-46-25-00-00035.0000z). A location map can be seen in Figure 1. A boundary survey of the property has been completed and totals 15.75 acres.

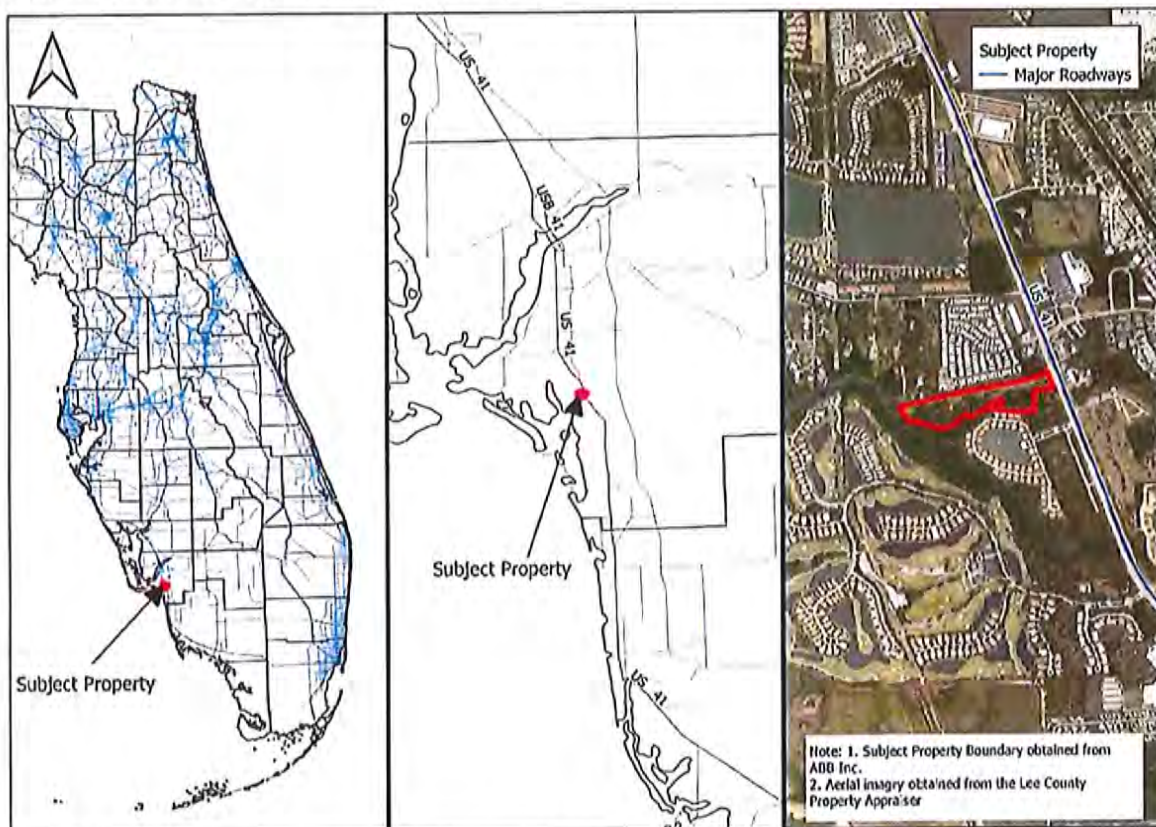


Figure 1. Location Map

Methodology:

Prior to conducting the survey, a preliminary FLUCCS map was created based on aerial imagery interpretation and initial scouting. The FLUCCS communities located on the Subject Property were then assessed for the potential presence of listed species. Three sources were used to determine potential listed species on the Subject Property.

- Florida Fish and Wildlife Conservation Commission, "Florida's Endangered and Threatened Species"
- Florida Department of Agriculture and Consumer Services, "Endangered, Threatened and Commercially Exploited Plants of Florida"
- Appendix H – Protected Species List, Lee County Land Development Code

Using these lists and preliminary FLUCCS map the number of potential listed species on the Subject Property was reduced based on the communities present and the location of the Subject Property.

The survey was conducted using pedestrian transects through each FLUCCS community. Digital transects were established prior to the survey and loaded onto a handheld GPS. The GPS was used to maintain transect integrity throughout the survey. During the survey, particular attention was given to searching for signs of potential listed species. Any sightings, signs, tracks, trails, nests, cavities, or evidence of feeding by a Lee County listed species was recorded, flagged, and the location marked by GPS. All observations and signs of animals on the Subject Property were recorded during the survey. After the survey, the preliminary FLUCCS map was updated based on field observations.

As required by the Lee County Development Code, if listed species are located on the property population estimates and occupied habitat boundaries are created.

Existing Site Conditions:

The Subject Property contains both densely vegetated forests and areas of open improved pasture. Surrounding land use is residential on all sides. An aerial map can be seen in Figure 2.



Figure 2. Aerial Map

The open improved pasture is located towards the northern boundary and is adjacent to the existing canal. The densely vegetated areas of the Subject Property contain both upland and wetland communities. A FLUCCS map can be seen in Figures 3 and 4 followed by Table 1, FLUCCS communities by acreage.

"E" designators have been appended to the FLUCCS codes to indicate the percentage of exotic coverage located in the FLUCCS community. Exotic plant species are determined by the Florida Exotic Pest Plant Council (FLEPPC) and coverage was determined by field observations and aerial interpretation.

Corresponding percentages are as follows:

E1 = 0-25% Exotic Coverage, E2 = 26-50% Exotic Coverage, E3 = 51-75% Exotic Coverage,
E4 = 76-100% Exotic Coverage

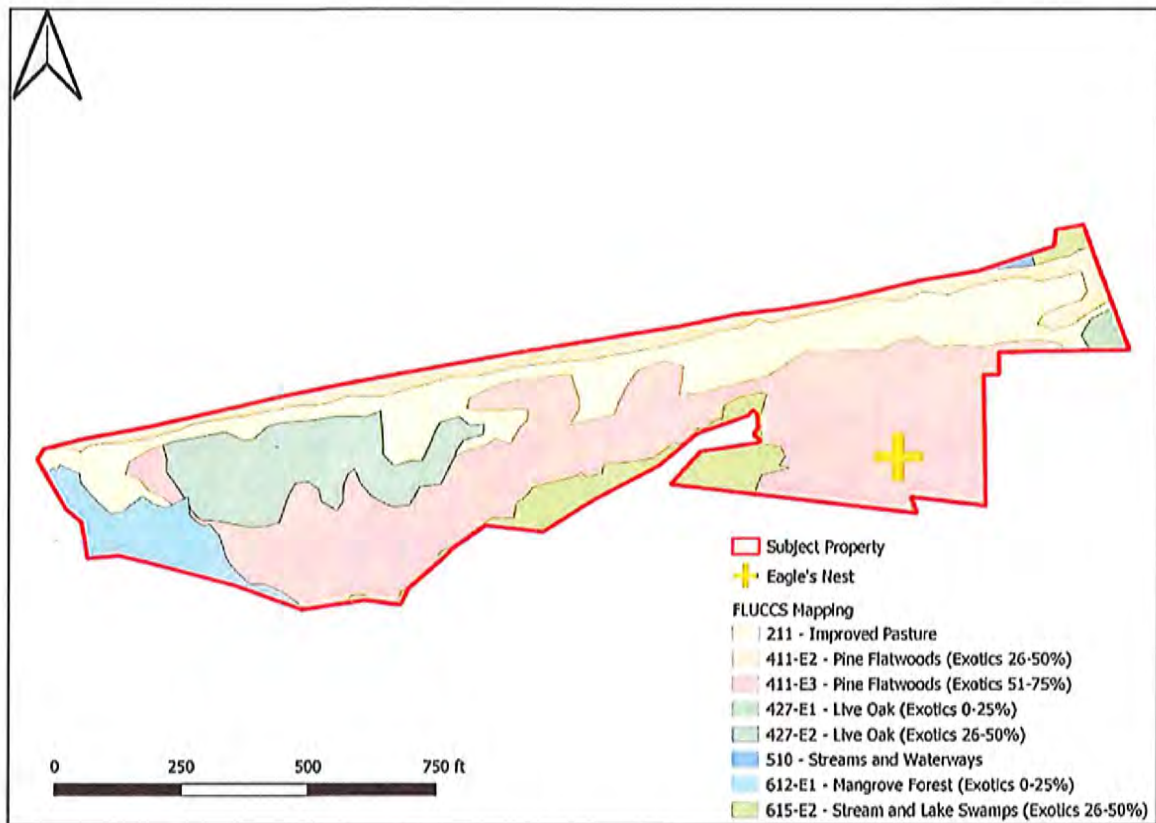


Figure 3. FLUCCS Map

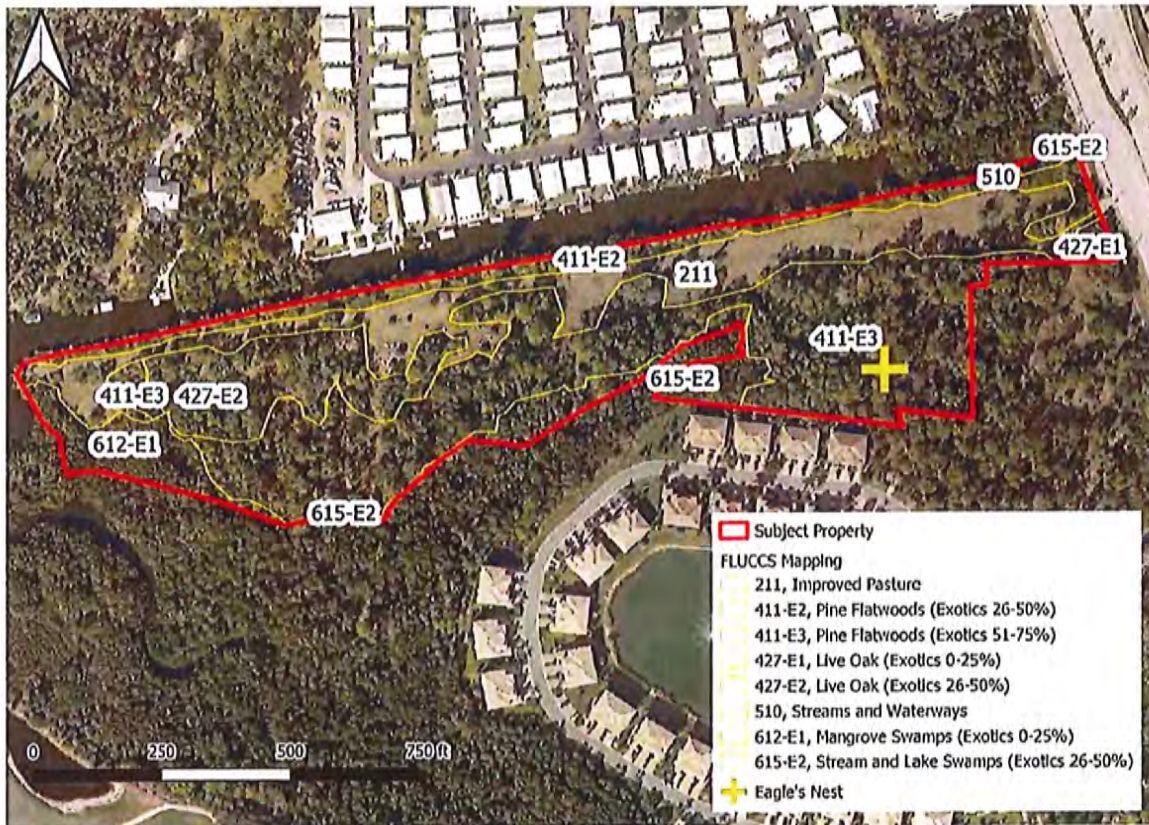


Figure 4. FLUCCS Map with Aerial

Table 1. FLUCCS Communities by Acreage		
FLUCCS Code	FLUCCS Description	Acres
211	Improved Pasture	3.65
411-E2	Pine Flatwoods (Exotics 26-50%)	1.37
411-E3	Pine Flatwoods (Exotics 51-75%)	6.91
427-E1	Live Oak (Exotics 0-25%)	0.12
427-E2	Live Oak (Exotics 26-50%)	1.80
510	Streams and Waterways	0.03
612-E1	Mangrove Swamps (Exotics 0-25%)	0.88
615-E2	Stream and Lake Swamps (Exotics 26-50%)	0.99
Total		15.75

The following are descriptions for the FLUCCS communities found on the Subject Property.

211 – Improved Pasture

This community is characterized by areas of open fields that run along the northern boundary of the Subject Property. There are a few cabbage palms (*Sabal palmetto*) spread intermittently within the open areas.

411-E2 Pine Flatwoods (26-50% Exotics)

This community stretches from the eastern entrance of the property and runs along the edge of the canal. Slopes from this community into the canal are rather steep and have little vegetation. This community is characterized by scattered slash pines (*Pinus elliotii*) with cabbage palm and Brazilian pepper (*Schinus terebinthifolia*) making up the majority of the mid-story.

411-E3 Pine Flatwoods (51-75% Exotics)

This community makes up the majority of the uplands on the Subject Property. It stretches almost the entire length of the property from east to west and is located south of the improved pasture. It is dominated by slash pine and contains a large percentage of exotics. Present native species include saw palmetto (*Serenoa repens*), cabbage palm, myrsine (*Myrsine cubana*), swamp fern (*Telmatoblechnum serrulatum*), grape vine (*Vitus rotundifolia*), and poison ivy (*Toxicodendron radicans*). The exotic species include large patches of Brazilian pepper, java plum (*Syzygium cumini*), Caesar weed (*Urena lobata*), earleaf acaia (*Acacia auriculiformis*), Cogan grass (*Imperata cylindrica*), Australian pine (*Casuarina equisetifolia*), and a few melaleuca (*Melaleuca quinquenervia*) which are spread throughout the community.

427-E1 Live Oak (0-25% Exotics)

This community is a small section of large live oak trees located near US 41. The canopy is dominated by live oak (*Quercus virginiana*). The mid-story contains cabbage palms and Brazilian pepper. The ground cover is mostly barren with some patches of Caesar weed.

427-E2 Live Oak (26-50% Exotics)

This community is located near the northwestern corner of the Subject Property. Its canopy is dominated by large live oaks. The mid-story contains saw palmetto, myrsine, and Brazilian pepper. Ground cover consists of Spanish needle (*Bidens bipinnata*), Caesar weed, and bahia grass (*Paspalum notatum*)

510 Streams and Waterways

This community represents the portions of the canal and Mullock Creek that are within the Subject Property boundary.

612-E1 Mangrove Forest (0-25% Exotics)

This community represents the southwestern boundary of the Subject Property. The canopy is dominated by all three mangrove species: red mangroves (*Rhizophora mangle*), black mangroves

(*Avicennia germinans*), and white mangroves (*Laguncularia racemosa*) with some buttonwood (*Conocarpus erectus*) also present. The ground cover is mainly giant leather ferns (*Acrostichum danaeifolium*).

615-E2 Stream and Lake Swamps (26-50% Exotics)

This community borders the mangrove forest and consists of slash pine, laurel oak (*Quercus laurifolia*), cabbage palm, and Brazilian pepper. The ground cover consists of swamp fern and giant leather fern.

Results:

Temperatures during the fieldwork were in the mid 80s and cloud cover was scattered. Table 2 outlines the dates and time spent on the Subject Property.

Table 2. Time spent on the Subject Property			
Date	Time	Activity	Hours
4/9/2020	03:00 pm - 05:00 pm	Initial Scouting	2
4/10/2020	11:00 am - 02:30pm	Listed Species Survey Fieldwork	3.5
4/13/2020	9:00 am - 04:00pm	Listed Species Survey Fieldwork	7
Total			12.5

All species observed on the Subject Property can be seen below in Table 2. Transects and locations of marked observations can be seen in Figure 5.

Table 3. Species observations on the Subject Property				
Common Name	Scientific Name	Observation	Listed Species	Status
Amphibians				
None	-	-	-	-
Birds				
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Nest	Y	Federally Protected
Fish Crow	<i>Corvus ossifragus</i>	Visual	N	-
Turkey Vulture	<i>Cathartes aura</i>	Visual	N	-
Blue Jay	<i>Cyanocitta cristata</i>	Visual	N	-
Yellow Crowned Night Heron	<i>Nyctanassa violacea</i>	Visual	N	-
Belted Kingfisher	<i>Megasceryle alcyon</i>	Visual	N	-
European Starling	<i>Sturnus vulgaris</i>	Visual	N	-
Osprey	<i>Pandion haliaetus</i>	Visual	N	-
Boat Tailed Grackle	<i>Quiscalus major</i>	Visual	N	-
Mammals				
Nine-Banded Armadillo	<i>Dasypus novemcinctus</i>	Burrow	N	-
River Otter	<i>Lontra canadensis</i>	Visual	N	-
Plants				

Table 3. Species observations on the Subject Property				
Common Name	Scientific Name	Observation	Listed Species	Status
None	-	-	-	-
Reptiles				
Green Anole	<i>Anolis carolinensis</i>	Visual	N	-
Knight Anole	<i>Anolis equestris</i>	Visual	N	-
Brown Anole	<i>Anolis sagrei</i>	Visual	N	-

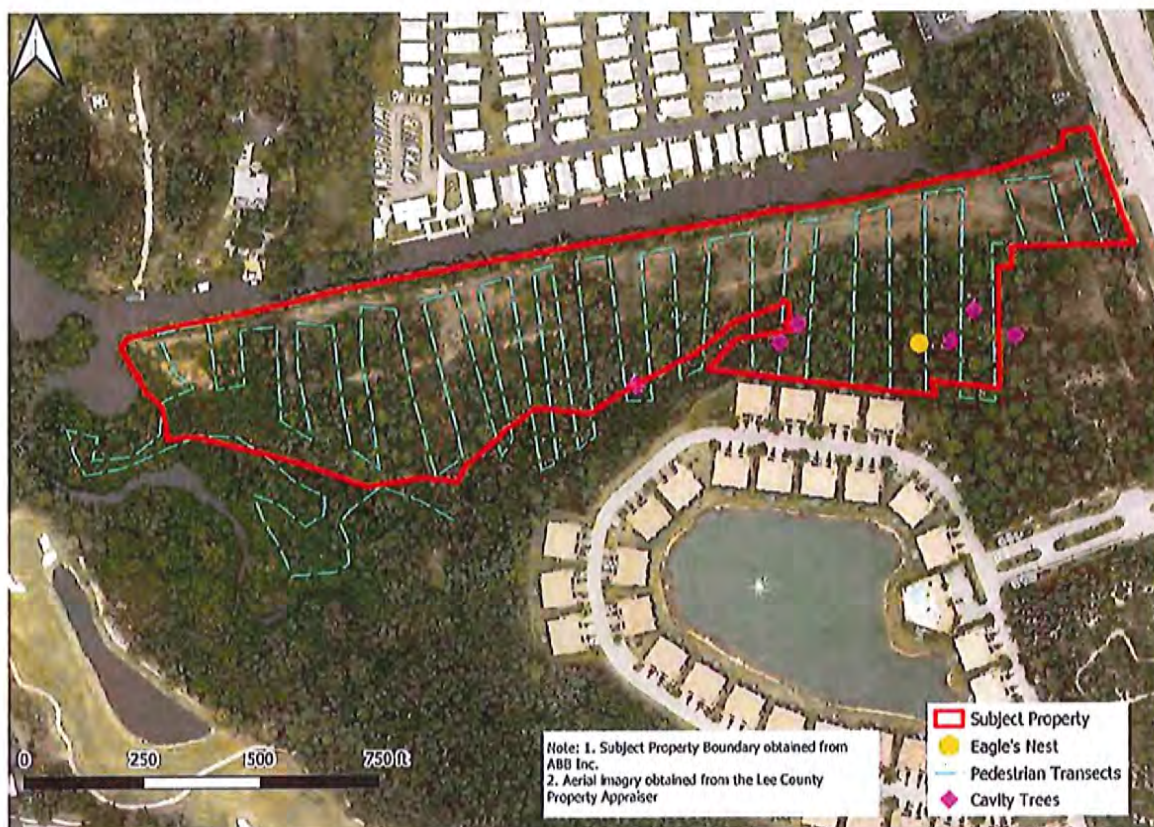


Figure 5. Transect Map and Results

Below are discussions on relevant listed species as they pertain to the Subject Property.

Big Cypress Fox Squirrel

The Subject Property contains habitat that may be used by the Big Cypress Fox Squirrel. No day beds, nests, or signs of the fox squirrel were observed on the Subject Property but the vegetative community and large open spaces of improved pasture are their preferred habitat. Consultation with FWC will likely not be necessary.

Bald Eagle

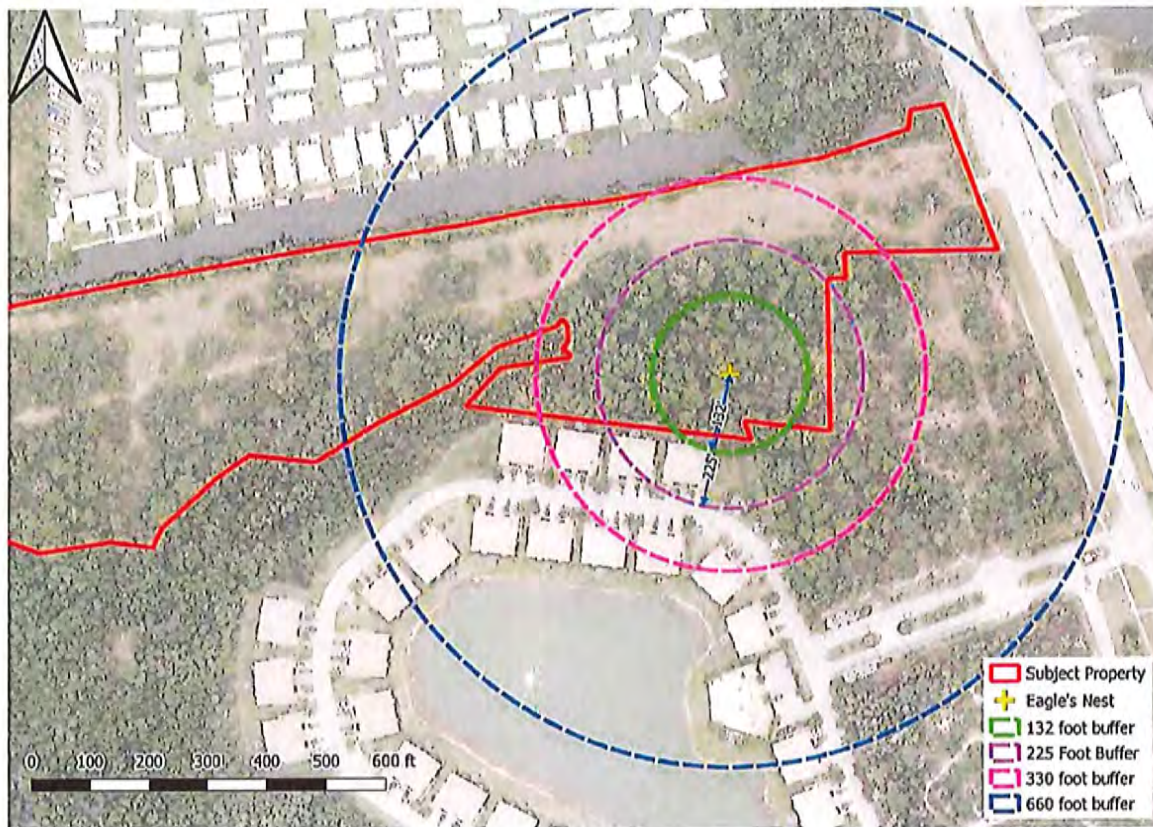


Figure 6. Bald Eagle Map with Distances to Human Activity

The Subject Property contains a bald eagle nest in the southeast corner of the property. During the time of the survey the nest appeared to be inactive. Since the survey was conducted in 2020, an eagle pair nested in 2021 but has not returned in 2022. Consultation with the USFWS and the Lee County Eagle Technical Advisory Committee will be necessary for bald eagle.

Florida Black Bear

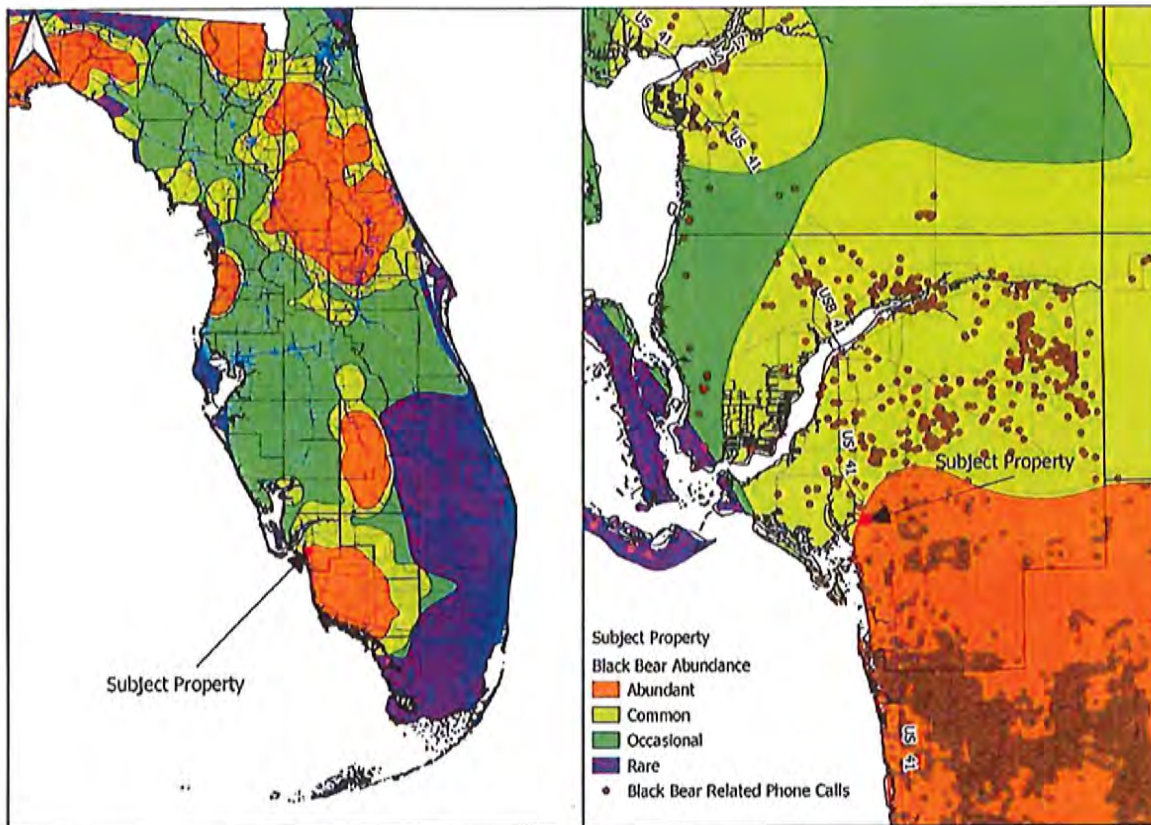


Figure 7. Florida Black Bear Map

The Subject Property is within the “abundant” area of FWC’s black bear distribution data. There are also some black bear related phone calls near the Subject Property. Some best management practices may be required after development to dissuade black bear and human interactions (e.g. bear proof dumpsters, educational material for residents, etc.).

Florida Bonneted Bat

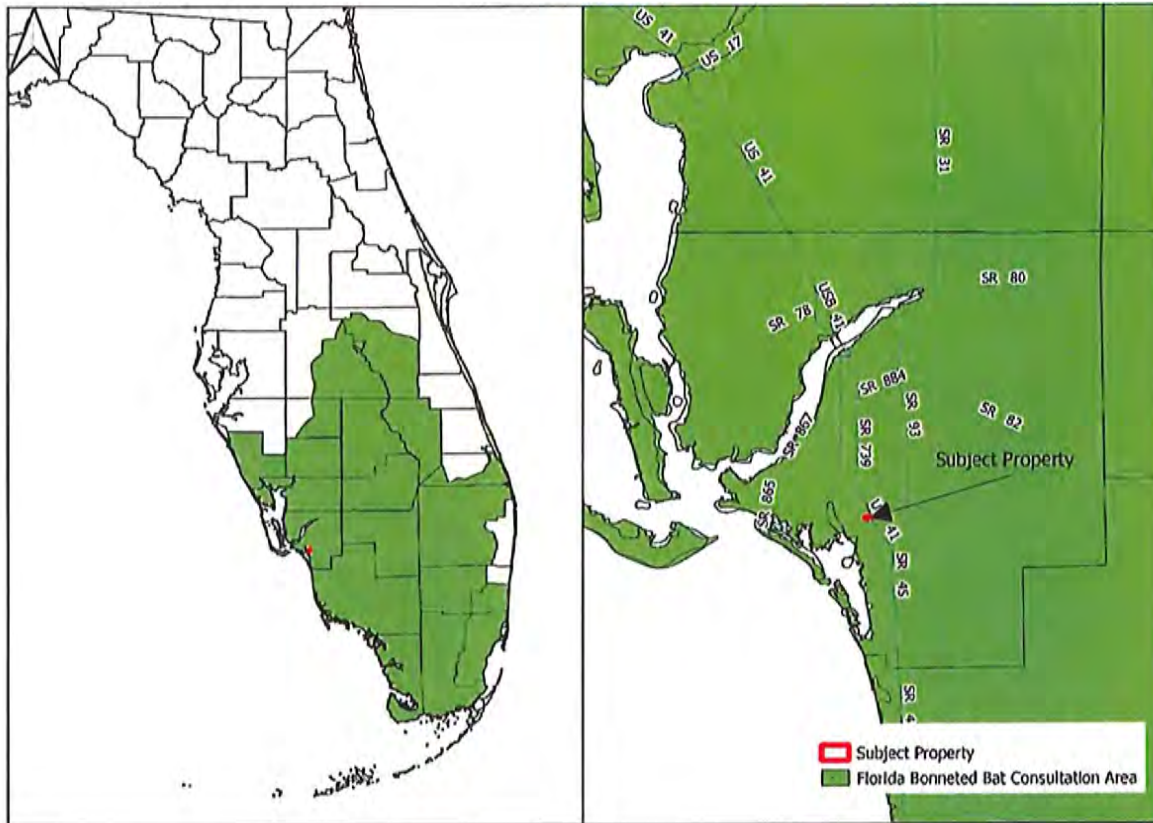


Figure 8. Florida Bonneted Bat Consultation Area

The Subject Property falls within the Florida bonneted bat consultation area. The cavities located on the Subject Property will be inspected as part of consultation with USFWS. For projects under 5 acres, a cavity survey must be performed, and all cavities located in the development footprint must be inspected. Projects over 5 acres require an acoustic foraging survey on the Subject Property. Consultation with the United States Fish and Wildlife Service (USFWS) will be necessary in regard to the Florida bonneted bat.

Wood Stork

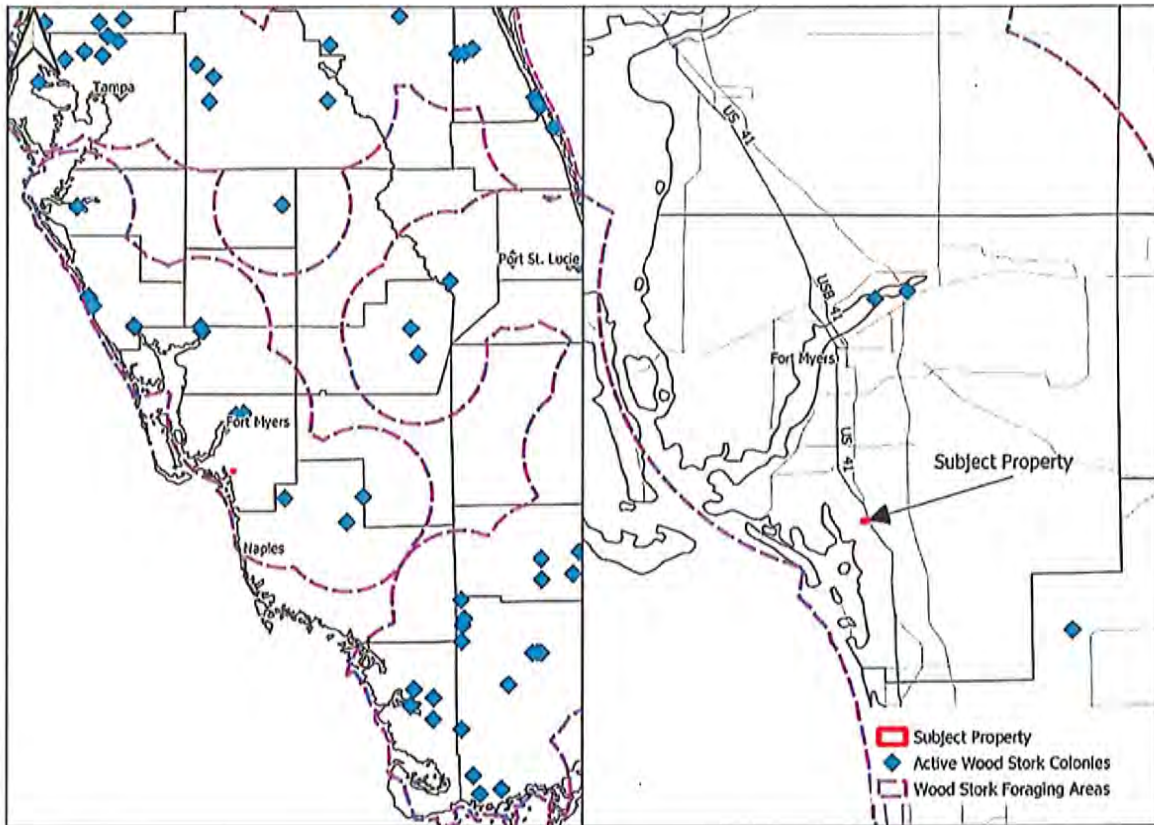


Figure 9. Wood Stork Colonies and Foraging Map

The Subject Property falls within the core foraging area of three active wood stork colonies. Consultation with USFWS will likely be necessary if wetlands are impacted and the fish biomass available to wood storks is reduced. Generally, the biomass mitigation required is included in any wetland mitigation credits that may be purchased.

References:

"Appendix H – Protected Species List". Lee County Land Development Code

"Endangered, Threatened and Commercially Exploited Plants of Florida". Florida Department of Agriculture and Consumer Services. <https://www.fdacs.gov/Divisions-Offices/Plant-Industry/Bureaus-and-Services/Entomology-Nematology-Plant-Pathology/Botany/Florida-s-Endangered-Plants/Endangered-Threatened-and-Commercially-Exploited-Plants-of-Florida>

"Florida Bonneted Bat Consultation Guidelines". United States Fish and Wildlife Service. October 2019.

https://www.fws.gov/verobeach/ProgrammaticPDFs/20191022_letter_ServiceToCorps_FBB-ProgrammaticKey.pdf

"Florida Land Use, Cover and Forms Classification System Handbook". Florida Department of Transportation. January 1999. https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/content/geospatial/documentsandpubs/fluccmanual1999.pdf?sfvrsn=9881b4d0_0

<http://www.fdot.gov/geospatial/documentsandpubs/fluccmanual1999.pdf>

"Florida's Endangered and Threatened Species". Florida Fish and Wildlife Conservation Commission. December 2018. <https://myfwc.com/wildlifehabitats/wildlife/>

Lee County Property Appraiser. <https://www.LeePa.org>

"National Bald Eagle Management Guidelines" United States Fish and Wildlife Service. May 2007.

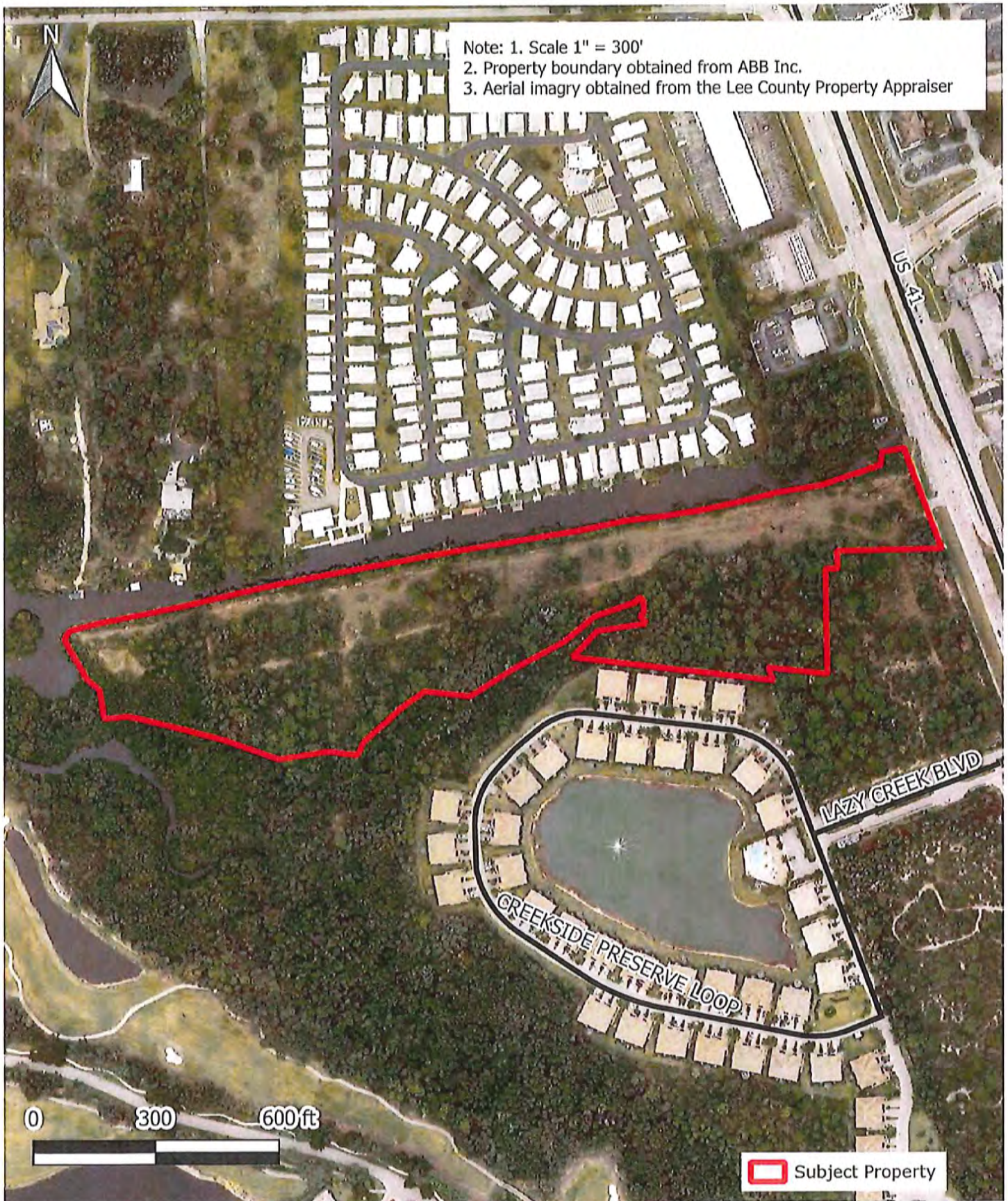
<https://www.fws.gov/migratorybirds/pdf/management/nationalbaldeaglenanagementguidelines.pdf>

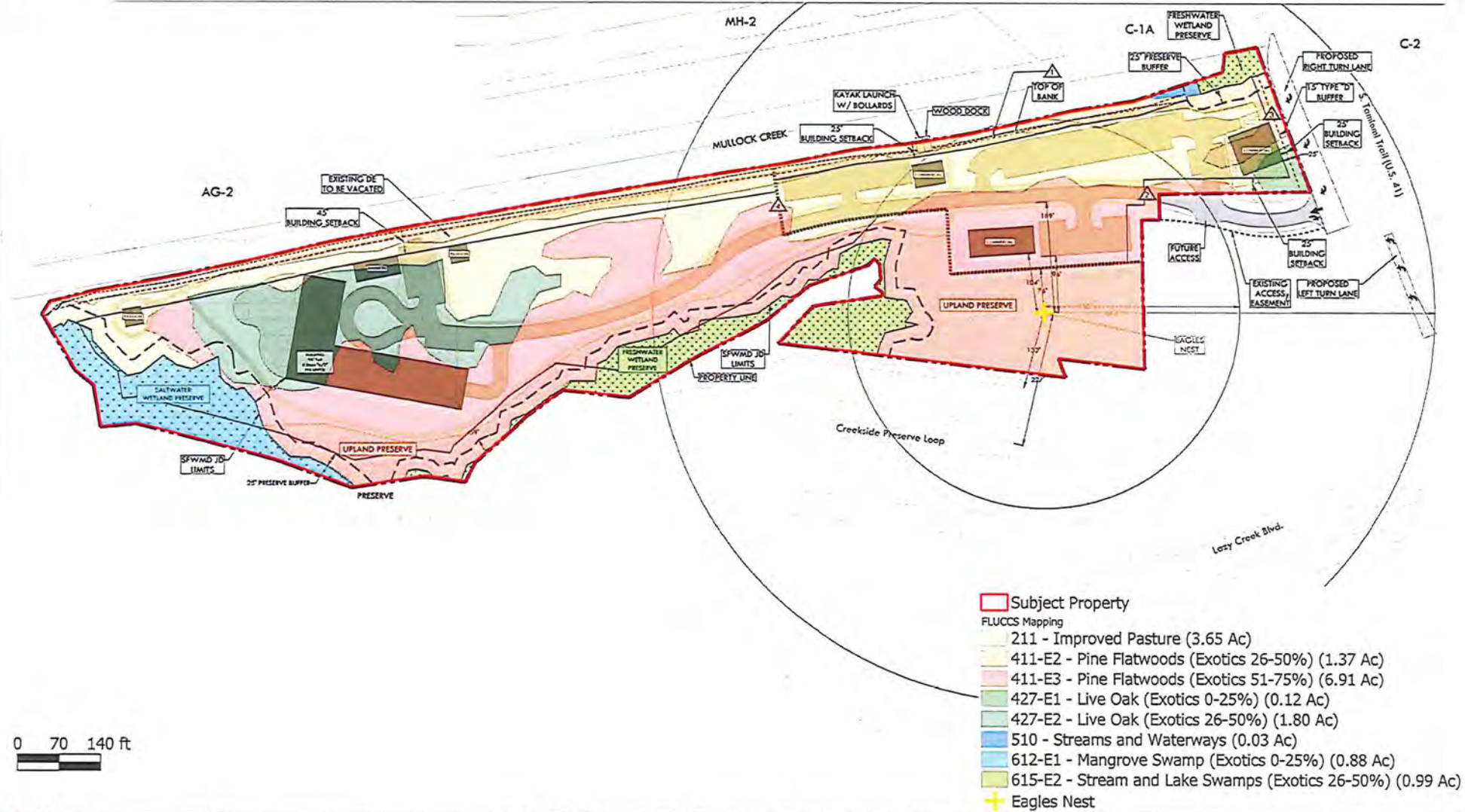
Appendix A

Maps at Required Sizes and Scales

Included Maps:

- 1":300' Aerial Map
- 24"x36" FLUCCS Over Master Concept Plan
- 24"x36" FLUCCS Over Aerial Imagery
- 11"x17" FLUCCS Over Master Concept Plan
- 11"x17" FLUCCS Over Aerial Imagery
- 24"x36" Listed Species Survey Over Master Concept Plan
- 24"x36" Listed Species Survey Over Aerial Image
- 11"x17" Listed Species Survey Over Master Concept Plan
- 11"x17" Listed Species Survey Over Aerial Image
- 24"x36" USGS Quadrangle
- 11"x17" USGS Quadrangle
- 24"x36" Soils Map Over Master Concept Plan
- 11"x17" Soils Map Over Master Concept Plan
- 24"x36" Lee County Rare and Unique Habitat
- 11"x17" Lee County Rare and Unique Habitat





0 70 140 ft



24" x 36" Scale:
1" = 70'

Project: The Nest

Note: Master concept plan, boundary, and eagles nest location obtained from ABB Inc.

FLUCCS Map Over Master Concept Plan



Subject Property

Eagles Nest

FLUCCSS Mapping

211, Improved Pasture

411-E2, Pine Flatwoods (Exotics 26-50%)

411-E3, Pine Flatwoods (Exotics 51-75%)

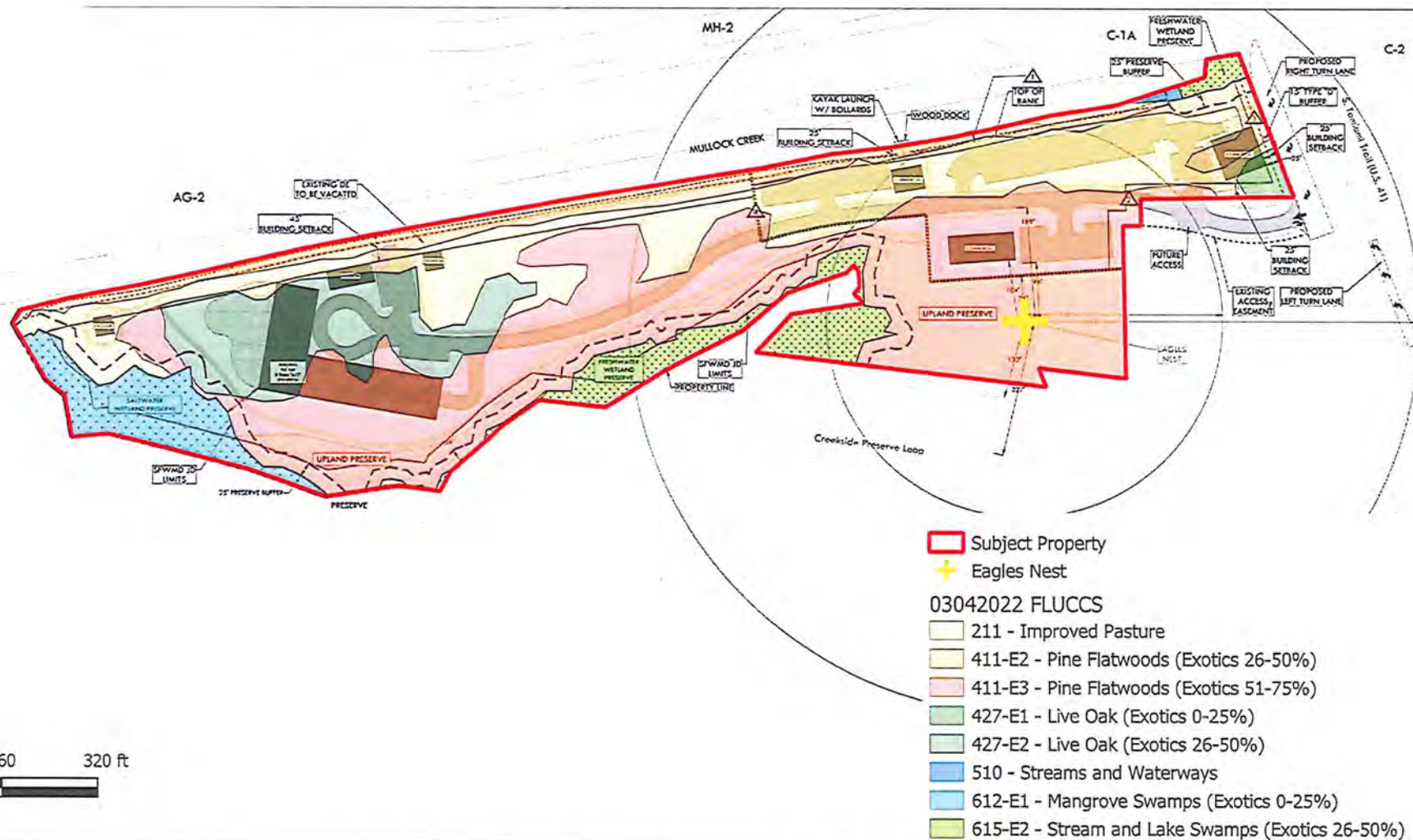
427-E1, Live Oak (Exotics 0-25%)

427-E2, Live Oak (Exotics 26-50%)

510, Streams and Waterways

612-E1, Mangrove Swamps (Exotics 0-25%)

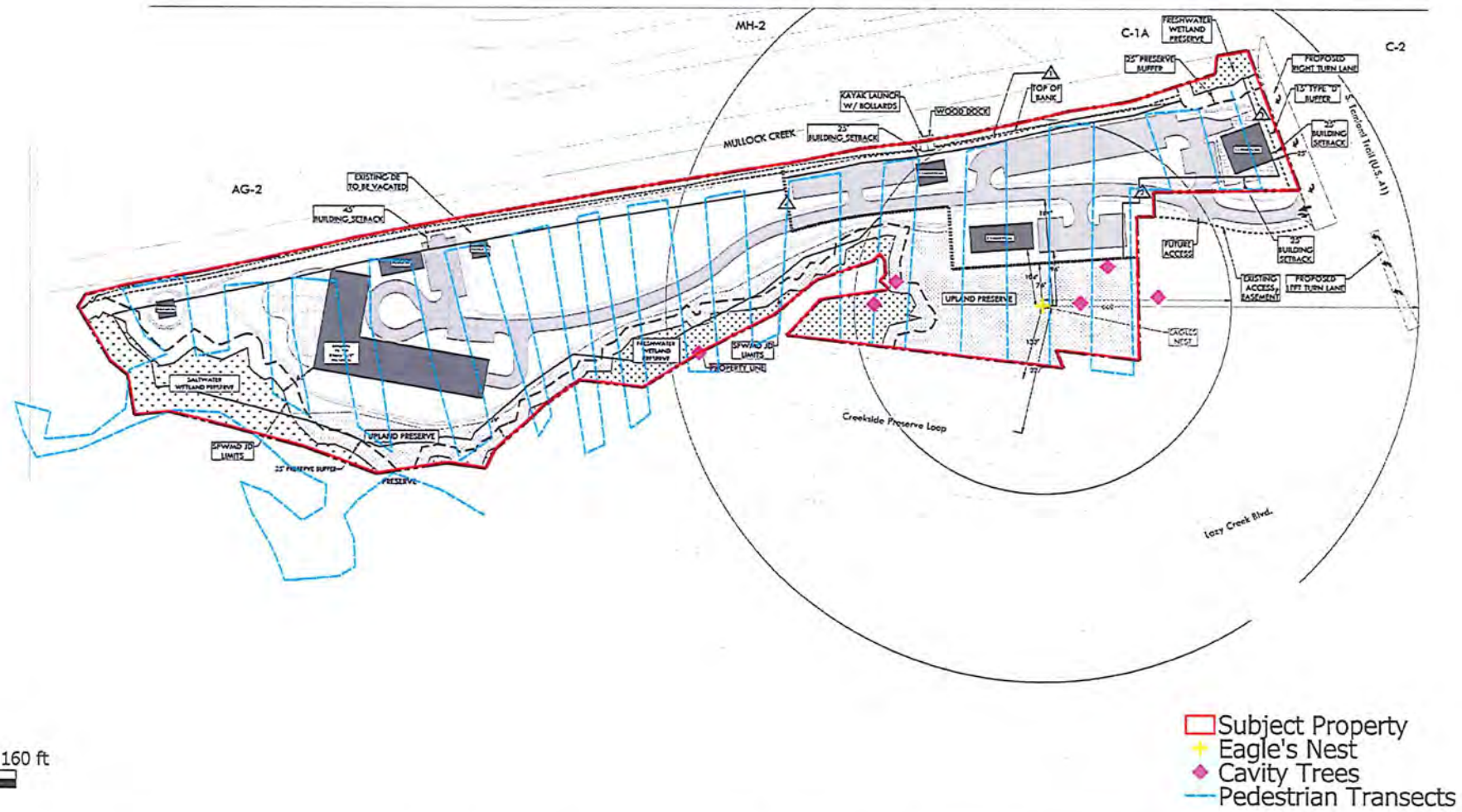
615-E2, Stream and Lake Swamps (Exotics 26-50%)

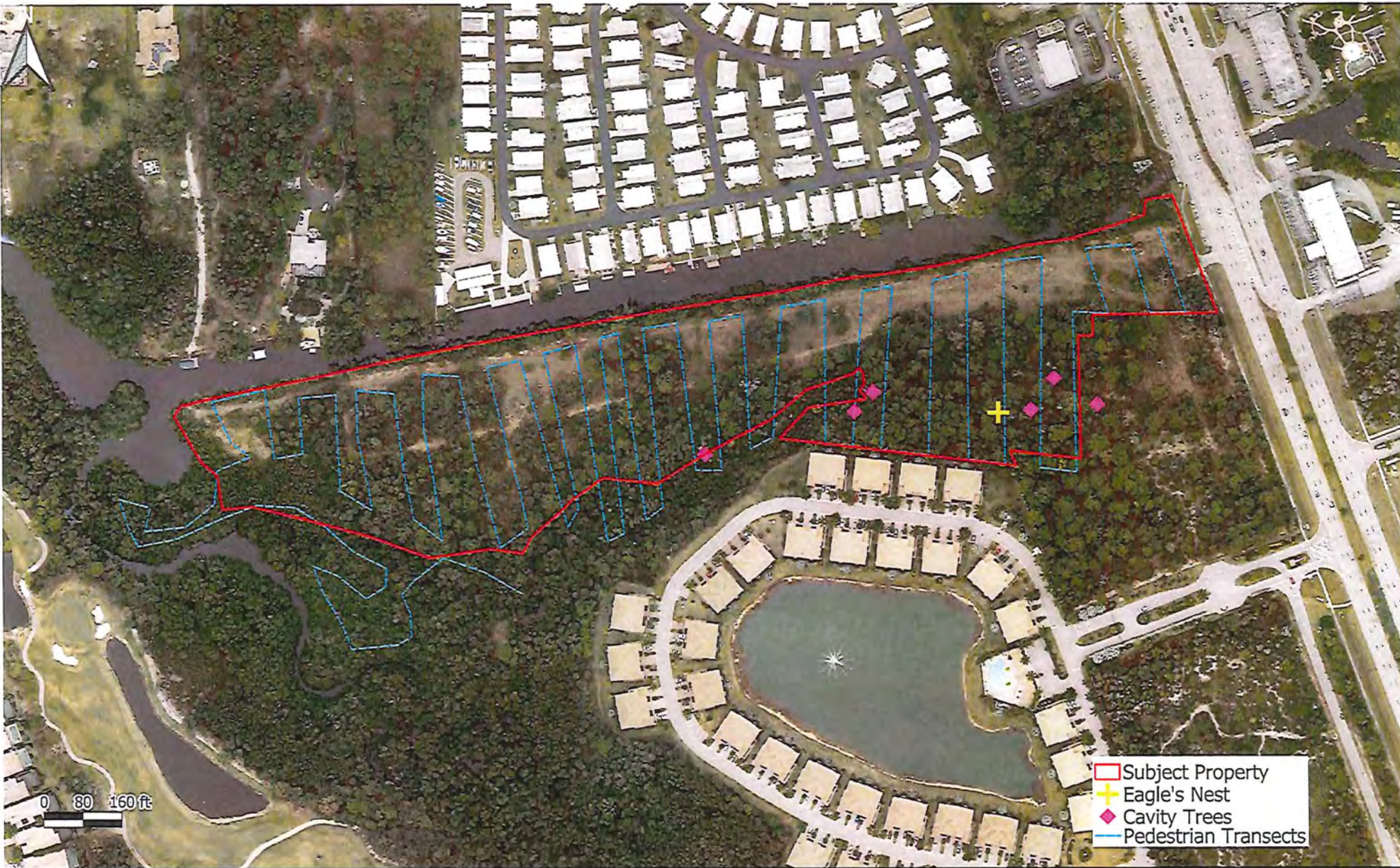


	24" x 36" Scale: 1" = 160'	Project: The Nest	Note: 1. Property boundary and surveyed eagle's nest location obtained from ABB Inc.	FLUCCS Map Over Master Concept Plan
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- Subject Property
- Eagles Nest
- FLUCCS Mapping
 - 211, Improved Pasture
 - 411-E2, Pine Flatwoods (Exotics 26-50%)
 - 411-E3, Pine Flatwoods (Exotics 51-75%)
 - 427-E1, Live Oak (Exotics 0-25%)
 - 427-E2, Live Oak (Exotics 26-50%)
 - 510, Streams and Waterways
 - 612-E1, Mangrove Swamps (Exotics 0-25%)
 - 615-E2, Stream and Lake Swamps (Exotics 26-50%)





- Subject Property
- Eagle's Nest
- Cavity Trees
- Pedestrian Transects

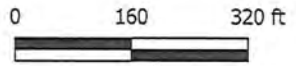
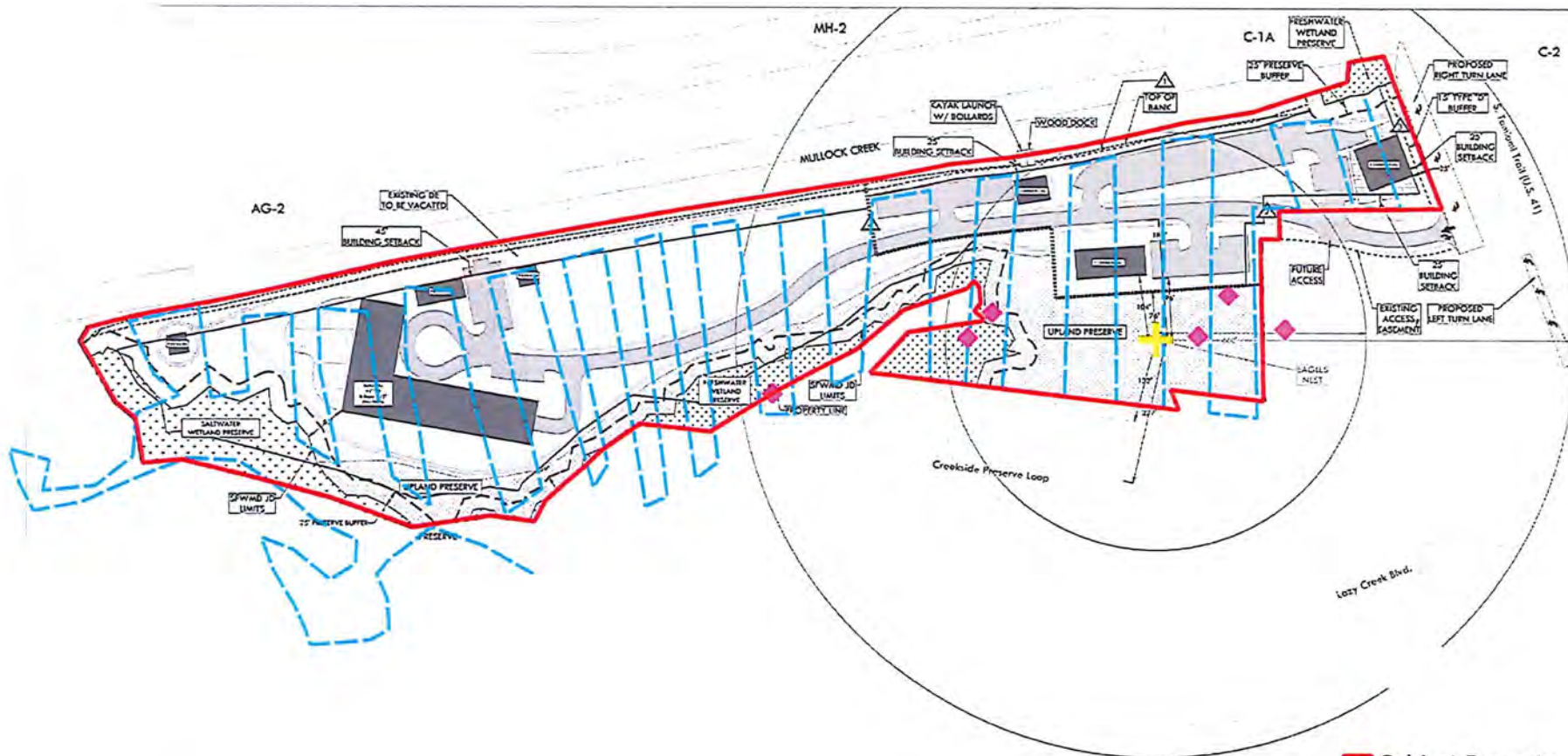


24" x 36" Scale:
1" = 80'

Project: The Nest

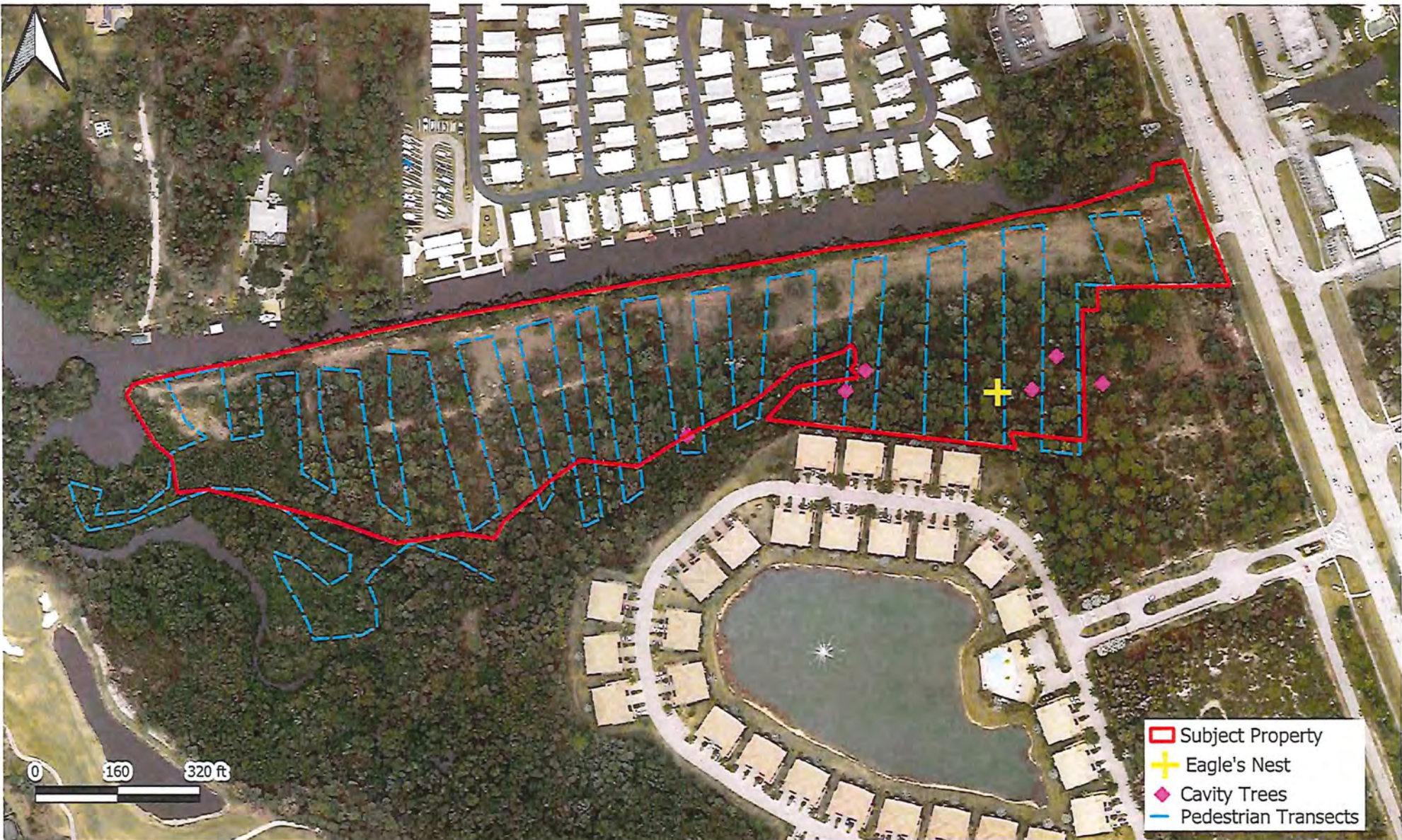
Note: 1. Property boundary and surveyed eagle's nest location obtained from ABB Inc.
2. Aerial Imagry obtained from Lee County Property Appraiser.

Listed Species Survey Transects and Results
with Aerial Image

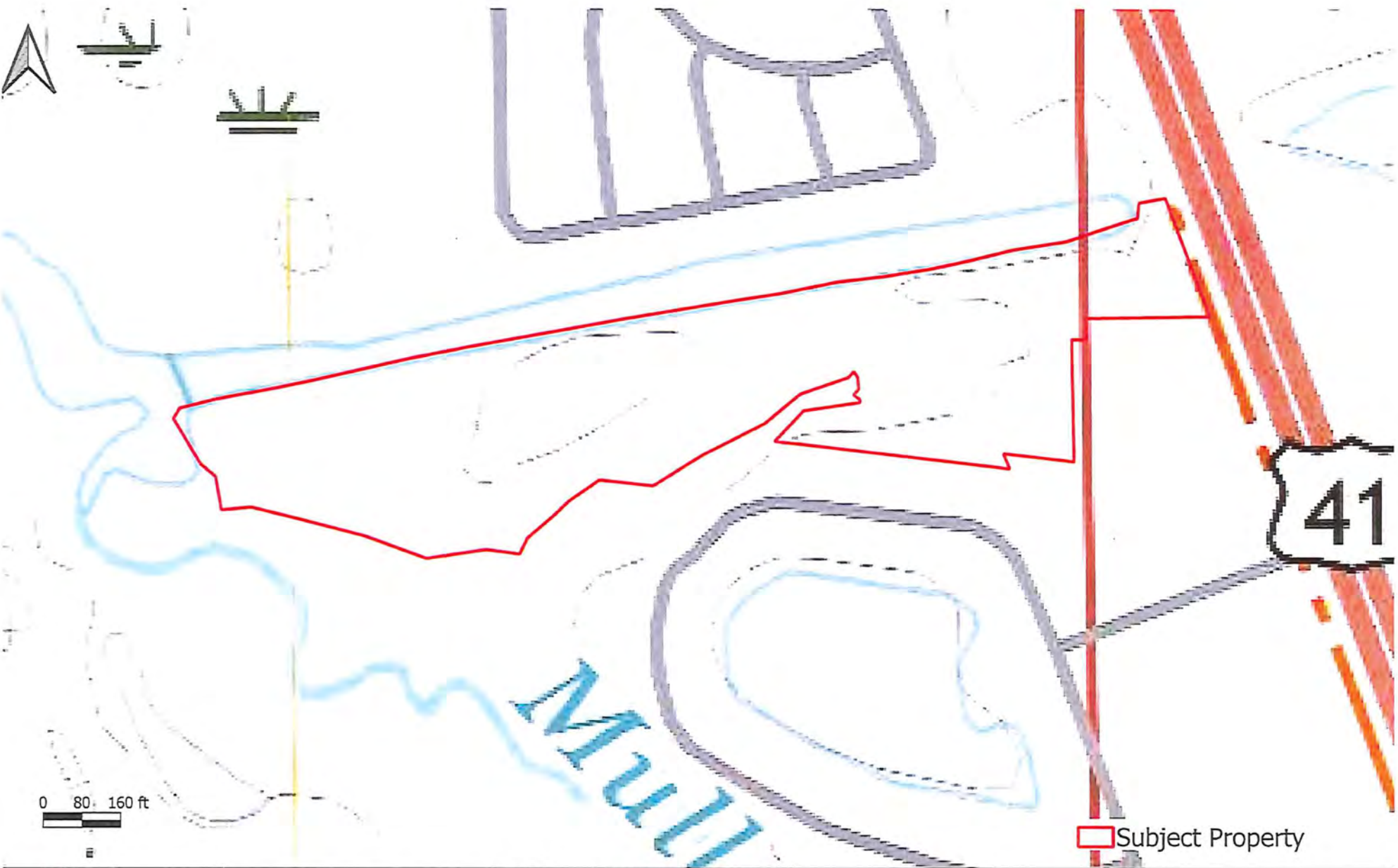


- Subject Property
- + Eagle's Nest
- ◆ Cavity Trees
- Pedestrian Transects

	24" x 36" Scale: 1" = 160'	Project: The Nest	Note: Property boundary and surveyed eagle's nest location obtained from ABB Inc.	Listed Species Survey Transects and Results with Master Concept Plan
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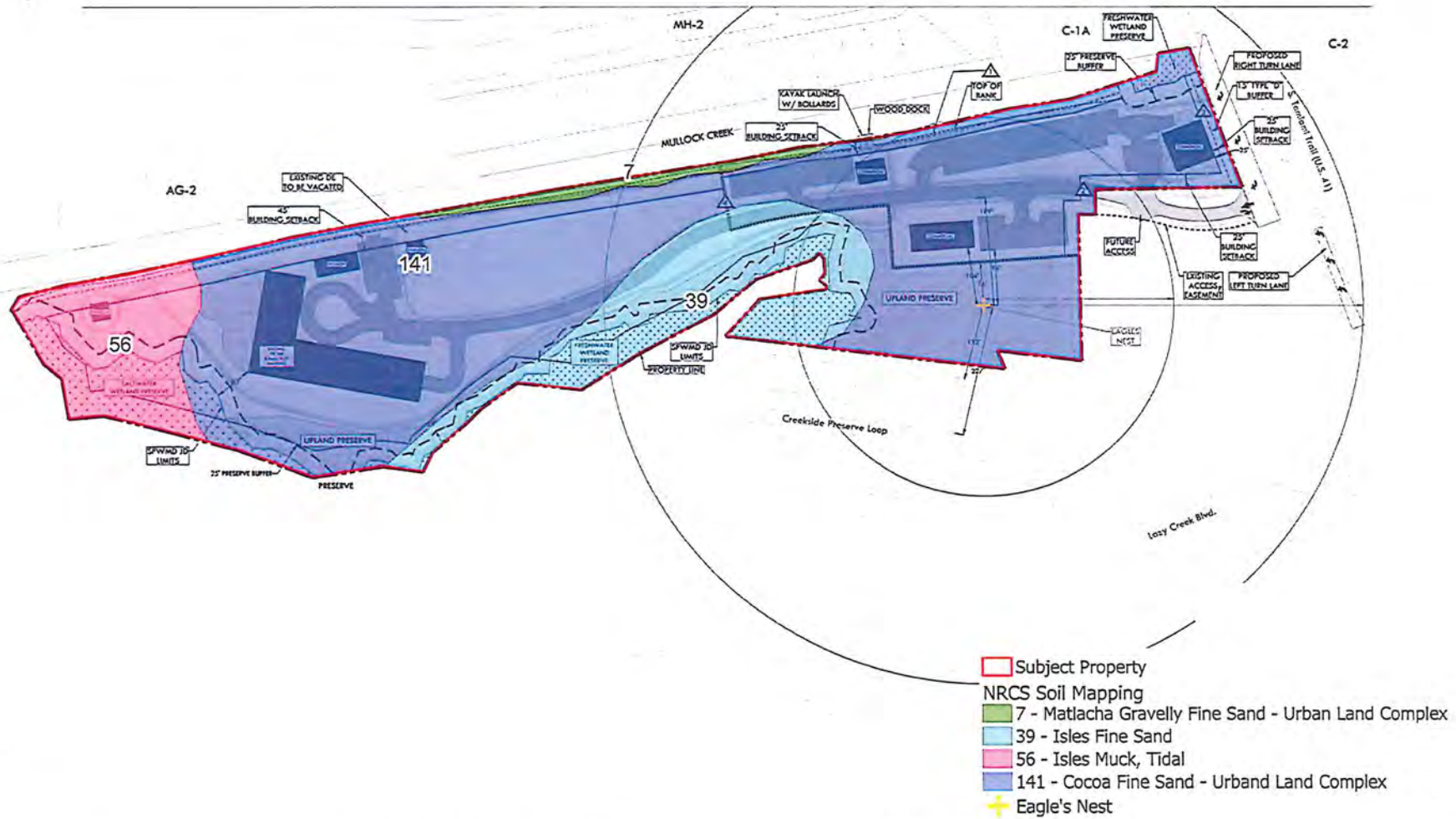
	24" x 36" Scale: 1" = 160'	Project: The Nest	Note: 1. Property boundary and surveyed eagle's nest location obtained from ABB Inc. 2. Aerial Imagry obtained from Lee County Property Appraiser.	Listed Species Survey Transects and Results with Aerial Image
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 Subject Property

	24" x 36" Scale: 1" = 160'	Project: The Nest	Note: 1. Property boundary obtained from ABB Inc. 2.USGS Quad obtained directly from USGS.gov	USGS Quad Map
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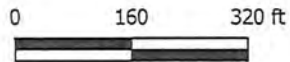
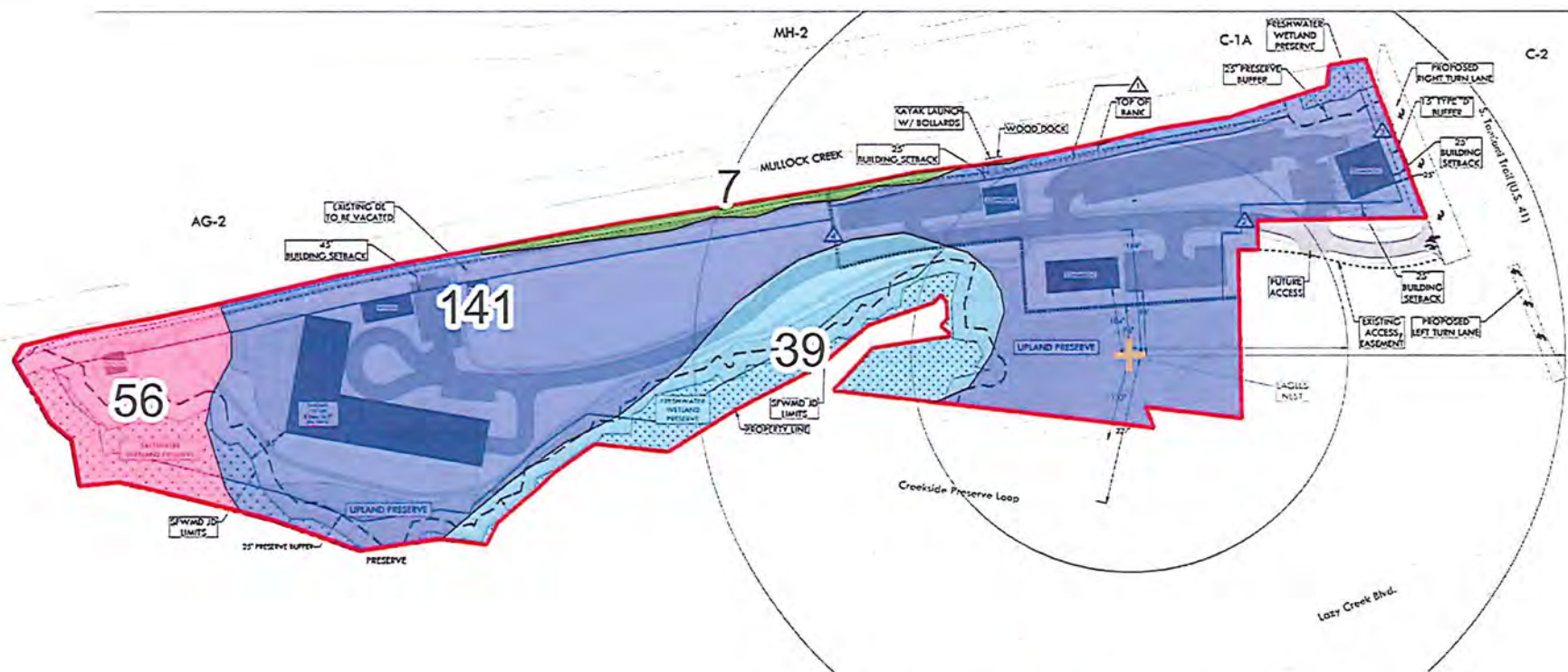


24" x 36" Scale:
1" = 80'

Project: The Nest

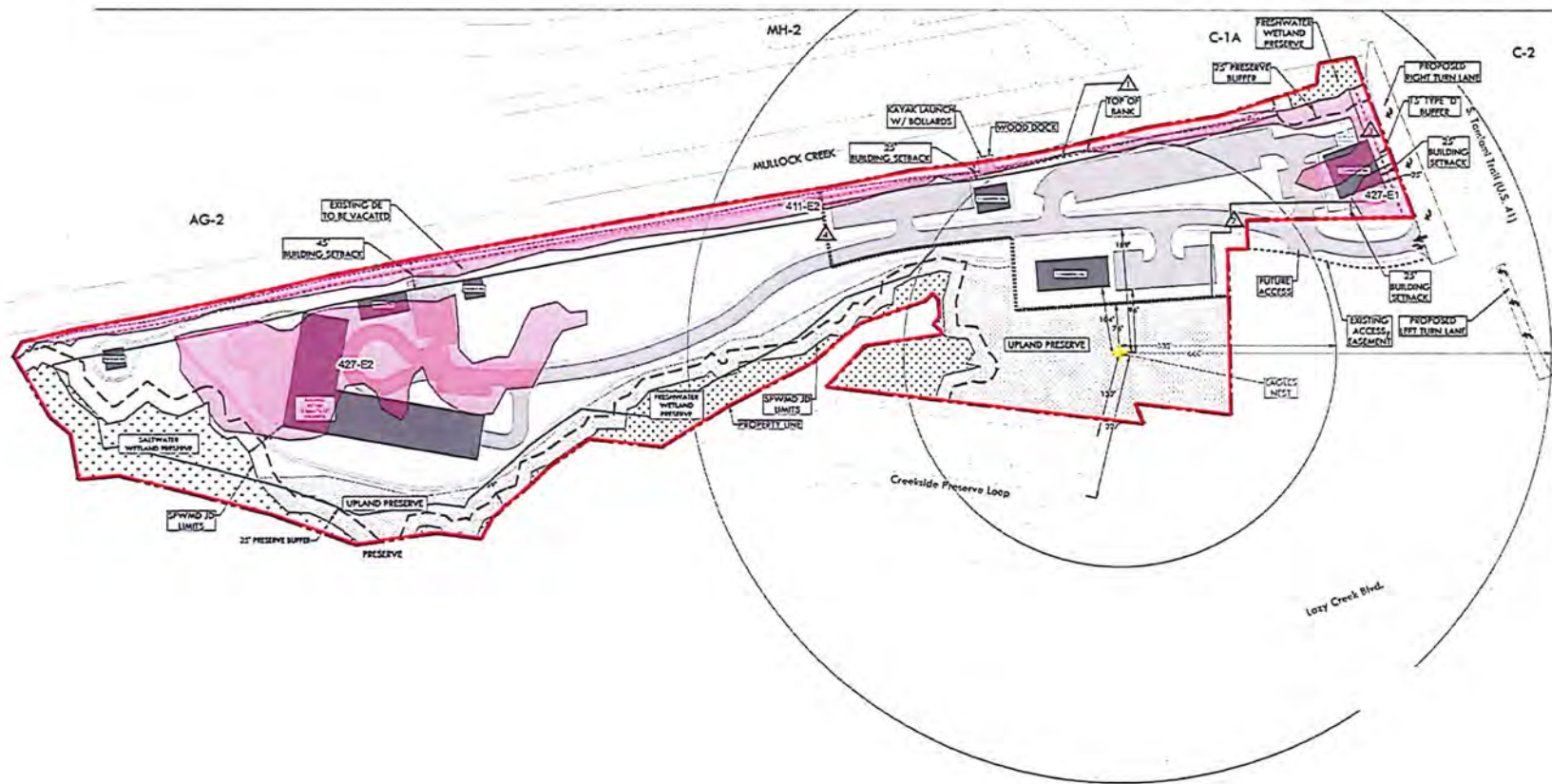
Note: 1. Property boundary and surveyed eagle's nest location obtained from ABB Inc.
2. Aerial Imagery obtained from Lee County Property Appraiser.

Soil Map Over Master Concept Plan



- Subject Property
- NRCS Soil Mapping
- 7 - Matlacha Gravelly Fine Sand - Urban Land Complex
- 39 - Isles Fine Sand
- 56 - Isles Muck, Tidal
- 141 - Cocoa Fine Sand - Urban Land Complex
- + Eagle's Nest

	24" x 36" Scale: 1" = 160'	Project: The Nest	Note: Property boundary and surveyed eagle's nest location obtained from ABB Inc.	Soils Map Over Master Concept Plan
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0 80 160 ft

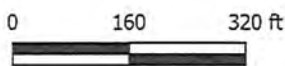
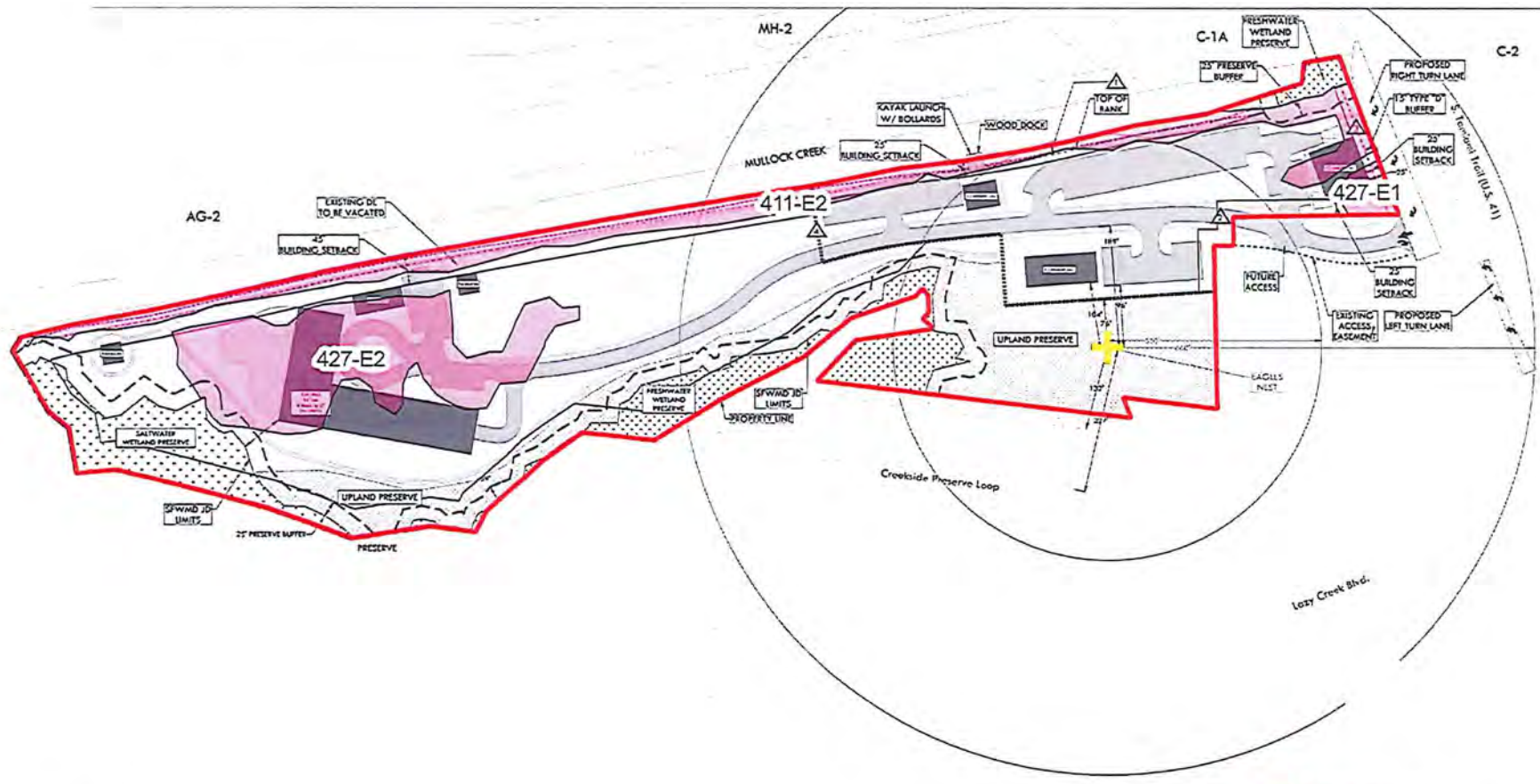


24" x 36" Scale:
1" = 80'

Project: The Nest

Note: 1. Property boundary and surveyed eagle's nest location obtained from ABB Inc.

Lee County Rare and Unique Habitat Over
Master Concept Plan



- Subject Property
- Lee County Rare and Unique Habitat
- + Eagle's Nest

	24" x 36" Scale: 1" = 160'	Project: The Nest	Note: 1. Property boundary and surveyed eagle's nest location obtained from ABB Inc.	Listed Species Survey Transects and Results
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The Nest

Bald Eagle Management Plan

February 15, 2023

Prepared by:



**WETLAND
CONSULTANTS**

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(239) 994-9007

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- Figure 3. FLUCCS Map
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- Figure 7. April 2022 Nest Condition
- Figure 8. April 2022 Close Up of Nest
- Figure 9. October 2022 Tree/Nest Condition
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- Figure 13. Photo of Proposed Upland Preserve

List of Appendices:

- Appendix A: Bald Eagle Monitoring Data Sheets
- Appendix B: Master Concept Plan
- Appendix C: Schedule of Uses

Introduction

Wetland Consultants, LLC conducted a Listed Species Survey on the property referred to as The Nest (Subject Property, FKA Eagle's Nest) between April 4th, 2020, and April 9th, 2020. During the listed species survey a Bald Eagle's (*Haliaeetus leucocephalus*) nest was observed on the property. The presence of the nest was known prior to the species survey as a result of older environmental surveys conducted on the property. The property is currently in the process of being rezoned and a bald eagle management plan is required. The future intended use is a commercial planned development closer to US 41, and a residential planned development in the western portion of the property.

Location

The Subject Property is directly adjacent and west of US 41 and about one mile north of the intersection of US 41 and Sanibel Boulevard. The Subject Property is located in unincorporated Lee County in Sections 17 & 18, Township 46 South, and Range 25 East. The Subject Property is a collection of four separate parcels (STRAPs: 17-46-25-00-01001.0040, 18-46-25-00-00037.0030, 18-46-25-00-00037.0010, 18-46-25-00-00035.0000z). A location map can be seen in Figure 1. A boundary survey of the property has been completed and totals 15.75 acres.

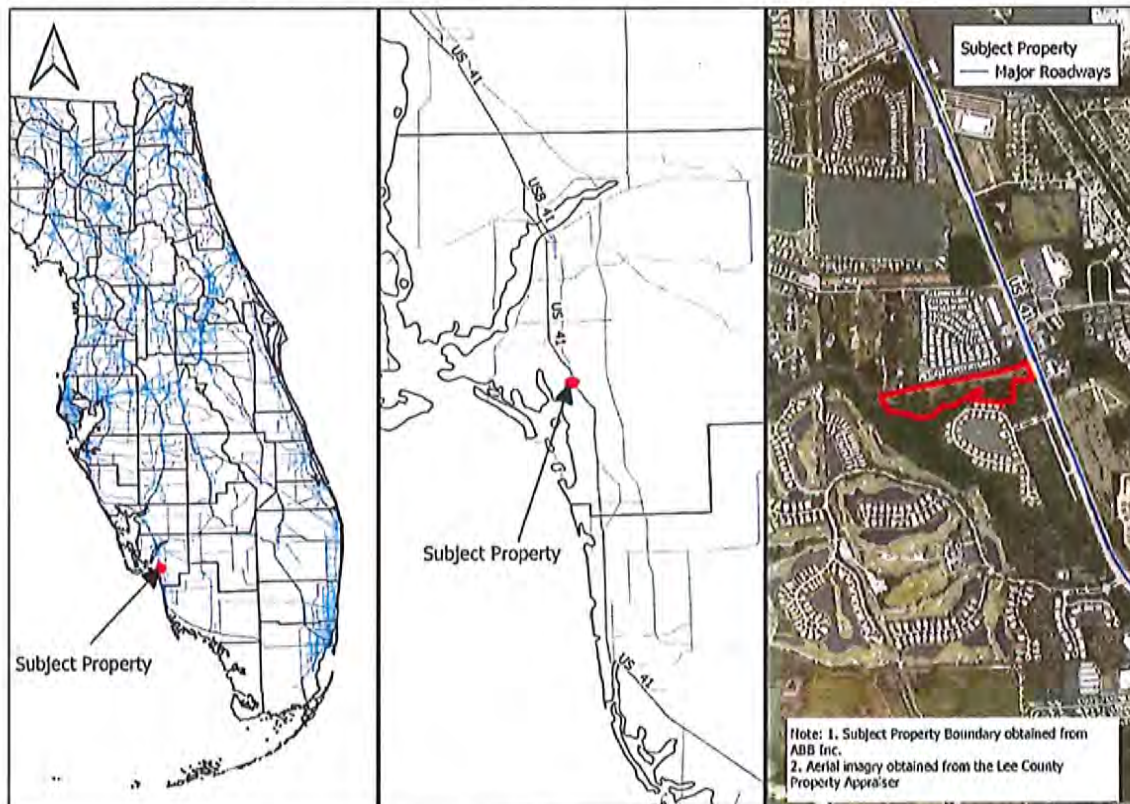


Figure 1. Location Map

Existing Site Conditions

The Subject Property contains both densely vegetated forests and areas of open improved pasture. Surrounding land use is residential to the north and south, with some commercial property across US 41. An aerial map can be seen in Figure 2.



Figure 2. Aerial Map

The open improved pasture is located towards the northern boundary line and is adjacent to the existing canal. The densely vegetated areas of the Subject Property contain both upland and wetland communities. A FLUCCS map can be seen in Figures 3 and 4 followed by Table 1, FLUCCS communities by acreage.

"E" designators have been appended to the FLUCCS codes to indicate the percentage of exotic coverage located in the FLUCCS community. Exotic plant species are determined by the Florida Exotic Pest Plant Council (FLEPPC) and coverage was determined by field observations and aerial interpretation.

Corresponding percentages are as follows:

E1 = 0-25% Exotic Coverage, E2 = 26-50% Exotic Coverage, E3 = 51-75% Exotic Coverage, E4 = 76-100% Exotic Coverage

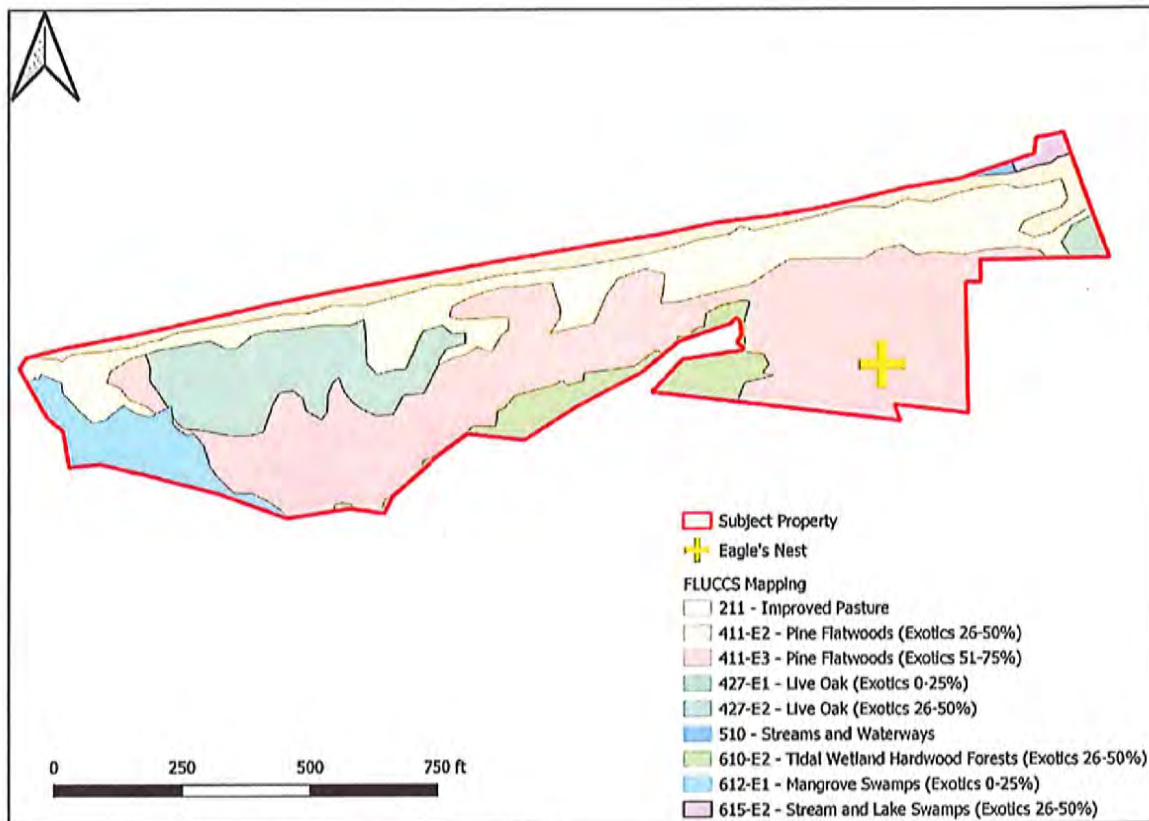


Figure 3. FLUCCS Map

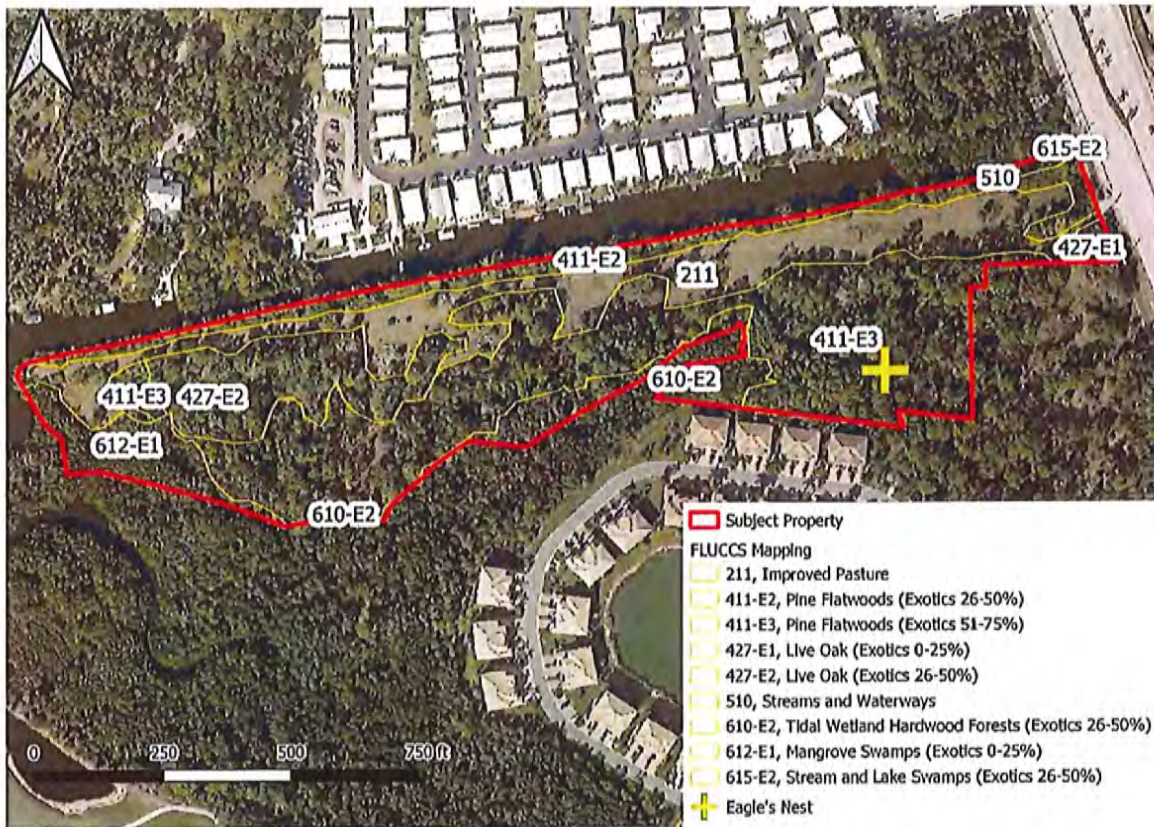


Figure 4. FLUCCS Map with Aerial

Table 1. FLUCCS Communities by Acreage		
FLUCCS Code	FLUCCS Description	Acres
211	Improved Pasture	3.65
411-E2	Pine Flatwoods (Exotics 26-50%)	1.37
411-E3	Pine Flatwoods (Exotics 51-75%)	6.91
427-E1	Live Oak (Exotics 0-25%)	0.12
427-E2	Live Oak (Exotics 26-50%)	1.80
510	Streams and Waterways	0.03
610-E2	Tidal Wetland Hardwood Forests (Exotics 26-50%)	0.89
612-E1	Mangrove Swamps (Exotics 0-25%)	0.88
615-E2	Stream and Lake Swamps (Exotics 26-50%)	0.10
Total		15.75

Nesting Pair History

Wetland Consultants LLC began monitoring the eagle's nest in April of 2020. The United States Fish and Wildlife Service Bald Eagle Monitoring Guidelines were followed and monthly monitoring events during nesting season began.

No eagles were observed in or around the nest in the months of April and May 2020. It is possible that monitoring began too late in the season and the bald eagle pair had concluded their nesting activities.

Monthly monitoring during nesting season began again in October 2020. An eagle was present in and around the nest in October and November 2020, but it was unclear if both members of the pair were present. In December 2020 the bald eagle pair was observed incubating eggs. The monthly monitoring was ended as these activities qualified the nest as an active nest for the nesting season.

Monthly monitoring began again in October of 2021 and continued monthly throughout the nesting season with the most recent monitoring event occurring on May 14th, 2022. No eagles were observed on or around the property during the 2021-22 nesting season. Owen Environmental Consulting LLC has been monitoring the nest site weekly since December 7, 2022. No eagles have been observed on or in the vicinity of the property. Please see the attached Bald Eagle Monitoring Data Sheets (Appendix A).

Table 2. Bald Eagle Monitoring Summary		
Year	Months	Result
2020	April – May	No eagles observed
	October -December	Eagles Observed Incubating Eggs, Monitoring ceases for the nesting season.
2021	October – December	No eagles observed
2022	January – May	No eagles observed
	December	No eagles observed
2023	January	No eagles observed

Current Nest Condition

The nest is only visible from a single vantage point to the north located within the improved pasture. Due to the restrictive viewpoints no nearby perch trees (other than the nest tree itself) have been identified during nesting season.

The nest was located in a slash pine (*Pinus elliottii*) surrounded by other slash pines as well as some exotic invasive trees. Invasive trees on the property include java plum (*Syzygium cumini*), earleaf acacia (*Acacia auriculiformis*), and Australian pine (*Casuarina equisetifolia*). The

understory density is moderate to high. A handful of similarly sized slash pine trees exist in its immediate vicinity.

Flight paths observed during the 2020-21 nesting season appear to be solely to and from the south. No flight paths have been observed flying from the north, over the improved pasture or the monitoring vantage point.

As of April 2022, the nest itself was small and the nest building that occurred during the 2020-21 season was minimal. The state of the nest was poor as of April 2022. The strong weather events that occurred during 2022 up to April has caused the nest to shift slightly and some of its mass had been lost. On closer inspection it appeared lopsided.

Hurricane Ian made landfall south of Punta Gorda on September 28, 2022. This catastrophic storm caused severe damage to the vegetative communities onsite including the nest tree. The nest tree sustained some damage with a large limb torn from the main trunk. The nest was completely blown down by the high winds.

Photos of the nest can be seen below in Figures 5 - 9.



Figure 5. April 2020 Nest Condition



Figure 6. October 2020 Nest Condition (Eagle in Nest)



Figure 7. April 2022 Nest Condition



Figure 8. April 2022 Close Up of Nest



Figure 9. October 2022 Tree/Nest Condition

Current Buffer Zones and Planned Development

The nest tree is located 132' from the nearest existing residential building and 225' from the nearest existing road. Both of these activities are located in the neighborhood to the south, Creekside Preserve. Previous permitting for Creekside Preserve does not contain any mention of the nearby eagle's nest. The oldest record of the eagle's nest is from a 2015 listed species survey done on the Subject Property.

The proposed master concept plan would protect the existing eagle's nest by creating an upland preserve surrounding the nest. This upland preserve is shown on the Master Concept Plan. The current buffer zones can be seen overlaid an aerial image in Figure 10. The portion of the master concept plan within the 330' buffer can be seen in Figure 11. The full Master Concept Plan can be found in Appendix B.

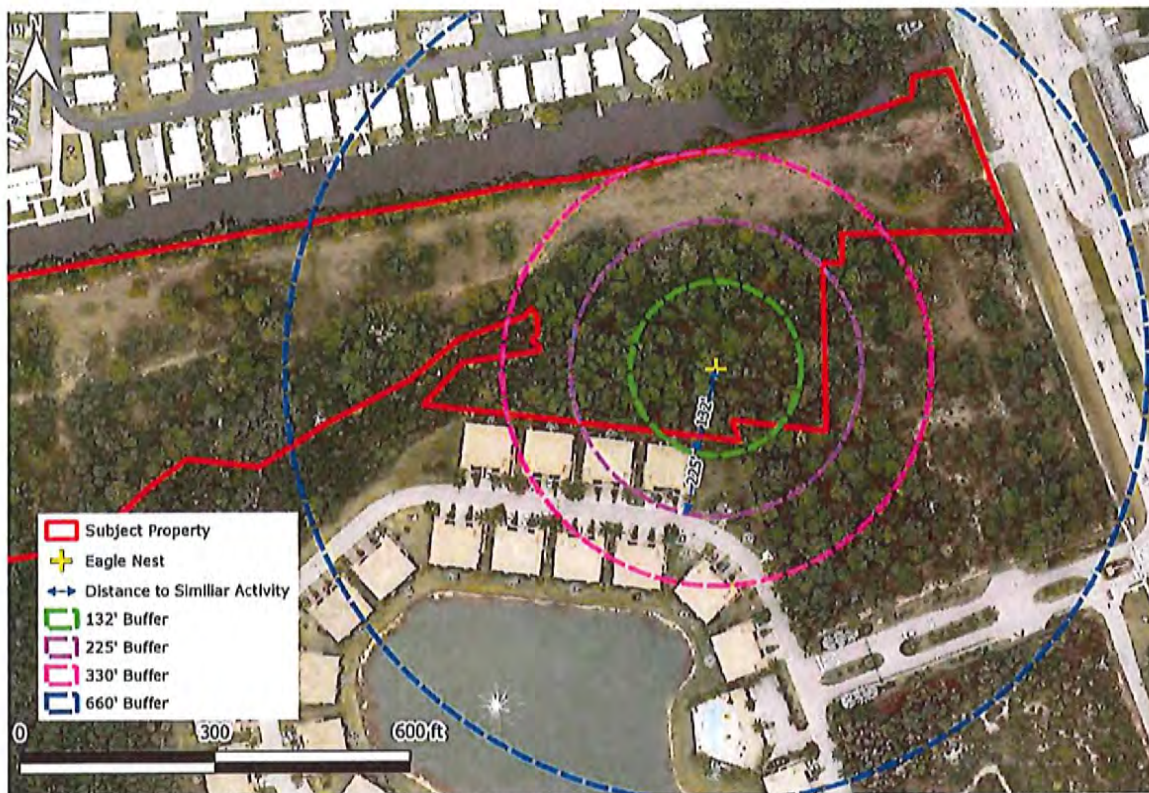


Figure 10. Bald Eagle Buffer Zones on Aerial

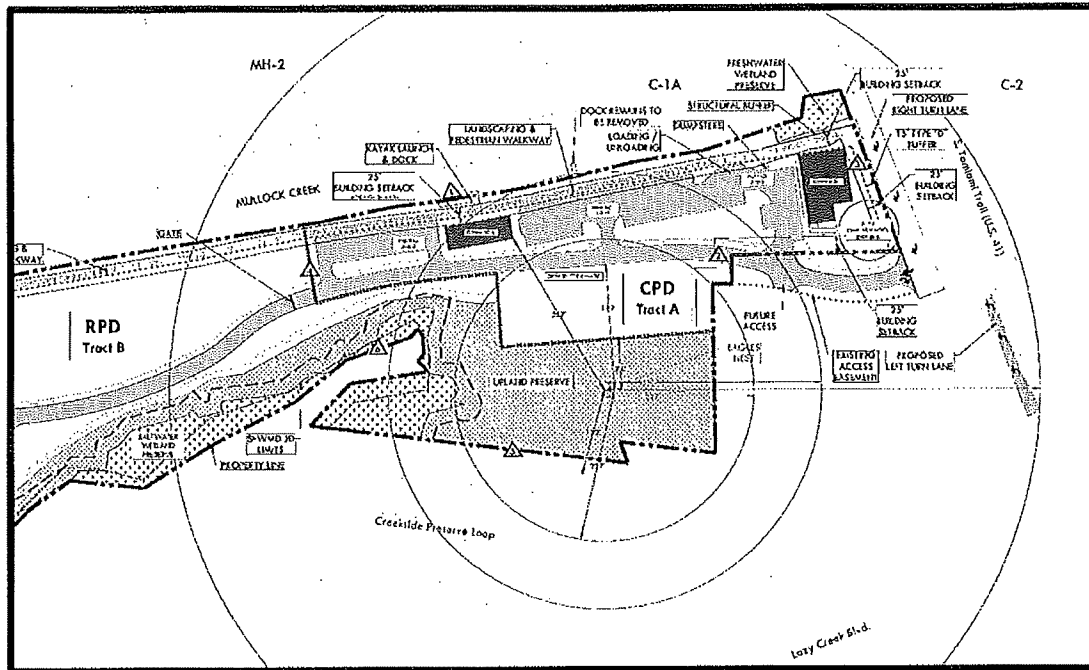


Figure 11. Bald Eagle Buffer Zones on Master Concept Plan

The project consists of a residential planned development and a commercial planned development. The constructed residences will fall outside of the 660' bald eagle buffer zone but will require an access roadway that comes within 330' of the bald eagle nest. A west building will be a maximum size of 3,500 square feet and an east building will be a maximum size of 6,500 square feet. If the nest is determined to be lost by ETAC, 2 or more commercial buildings will total a maximum of 10,000 square feet within the CPD portion of the site. The nearest point of the proposed access road to the bald eagle nest is 189' away. The access roadway will be shared with the commercial planned development.

The master concept plan has incorporated the nest and surrounding habitat into the overall design to the greatest extent possible given the physical constraints of the narrow site. This includes establishing preserve areas, buffered open spaces and orienting buildings away from the nest.

The commercial planned development partially falls within the 330' buffer zone and the nearest proposed building structure is 267' from the bald eagle nest. All commercial buildings fall within 660' and are proposed to be one or two stories with a maximum height of 35'. A federal incidental take permit from the United States Fish and Wildlife Service (USFWS) will be obtained, if required, prior to construction to authorize the proposed construction within the 660' buffer zones.

The protection measures outlined below have been designed utilizing the FWS's *National Bald Eagle Management Guidelines* (FWS 2007a) and Section 14-111 through 14-120 of the Lee County Land Development Code. These proposed restrictions and requirements apply only to

The Nest project and are not binding on any other property in the vicinity of Bald Eagle Nest LE118.

If Nest LE118 is vacated before the end of the nesting season (May 15th) or if Lee County Division of Environmental Sciences (DES) determines that Nest LE118 has been lost, construction activities may commence upon confirmation of those conditions by DES. If the nest is not active by March 1st or as confirmed by DES, then the nesting season for Nest LE118 shall be considered over and the construction restrictions shall not apply. A determination that the nest is not active shall be consistent with the *Bald Eagle Monitoring Guidelines* (FWS 2007b).

The restrictions described below are only applicable to the portion of the property within 660' of Nest LE118.

1. The use of any chemicals that are known to be toxic to wildlife shall be prohibited within 660± feet of the bald eagle nest. The use of all chemicals will be in accordance with labeling instructions.
2. Outdoor lighting installed within 660± feet of the bald eagle nest shall be subdued, shielded, and directed away from the nest tree.
3. After construction is completed, normal commercial and residential activities will be allowed throughout the year.

Moving from the eagle's nest to 660' the following is proposed:

0'-76': The upland preserve extends 76' from the eagle's nest toward the commercial development. No development will occur within this upland preserve. The preserve will be cleared of exotics and supplementally planted outside of nesting season unless the nest is considered "lost". The upland preserve boundary can be seen in the Master Concept Plan (Appendix B).

76'- 189': This area will consist of sodded open space and/or dry detention. To minimize potential disturbances to the nest, no buildings or parking lot will be constructed in this area.

This area will be cleared and filled during the non-nesting season (i.e., May 16th - September 30th) and sodded, landscaped, and sidewalk constructed throughout the year provided that the activities do not disturb the nesting bald eagles as defined by the Bald Eagle Monitoring Guidelines. As the existing building to the south is 132' from the nest and there is residential uses and activities such as landscaping, minor outdoor construction is not anticipated to cause any disturbance to the eagle pair. Monitoring consistent with the USFWS 2007 Bald Eagle Monitoring Guidelines shall be required during any construction activities.

189'-330': This area contains the access roadway and a commercial building with associated parking. If a federal incidental take permit is required (nesting is re-established), then it will be obtained prior to any construction activities. The restrictions below will remain for this area until the nest is determined to be lost by ETAC.

The CPD Schedule of Uses was revised by eliminating Automobile Service Station and vehicle drive throughs, and outdoor recreational facilities/uses will be limited to passive and active recreational and educational activities including hiking, nature trails and nonmotorized water vessel use (Appendix C). This schedule is incorporated into the overall rezoning of the property and limits the intensity of noise producing activity for the entire tract.

In addition, since the rear building is located at the edge of the 330' radius the following limitations will apply until such time as the nest is deemed lost: The rear building's business operating hours will be limited to open one hour before sunrise and closed one hour after sunset. Additionally, no outdoor sound system will be installed and a south facing open air patio will not be built.

The portion of the proposed access road inside of the distance radius from the existing road to the south (227' from the nest) will only be cleared and filled during the non-nesting season. The portion of the proposed access road between the distance of the existing road to the south (227' from the nest) and the 330' protection zone can be cleared and filled during the nesting season. Paving, sodding, road marking, and construction of sidewalks can take place throughout the year. As the existing building to the south is 132' from the nest and there are residential uses and activities ongoing, street and sidewalk paving, landscape installation and maintenance, exterior stucco application, and painting activities are not anticipated to cause any disturbance to the eagle pair.

All major exterior construction activities outside of the 227' zone, including initial site clearing, major earth work, grading, commercial building construction, and access road construction as described above may occur during the nesting season provided that the activities do not disturb the nesting bald eagles as defined by the Bald Eagle Monitoring Guidelines. Monitoring consistent with the USFWS 2007 Bald Eagle Monitoring Guidelines shall be required during these construction activities. Interior construction (i.e., electrical, drywall, carpeting, etc.) may occur at any time, including during the nesting season without implementing monitoring so long as reasonable measure to reduce noise audible outside of the building are taken (i.e., keep windows and doors closed during finishing activities). DES will be notified when exterior and interior construction activities will occur. No eagle monitoring is required for interior construction during the nesting season.

330'-660': This area contains the access roadway and a commercial building with associated parking. This area will be developed after obtaining a federal incidental take permit for the bald eagle's nest, if required. No limits on the type of commercial use are proposed. All major construction may occur during the nesting season provided that the activities do not disturb the nesting bald eagles as defined by the Bald Eagle Monitoring Guidelines. Monitoring consistent with the USFWS 2007 Bald Eagle Monitoring Guidelines shall be required during these construction activities.

Construction of the commercial planned development will involve the removal of canopy trees within 660' of the eagle's nest. Guidance from USFWS will be adhered to for clearing and construction activities.

The site plan for CPD Tract A illustrates the proposed landscaping and screening measures. Key features include:

- CPD Tract A:** The central subject property, outlined in red.
- Landscaping & Pedestrian Walkway:** A path along the northern boundary of the tract.
- Kayak Launch & Dock:** Located on the western side of the tract.
- Dock Remains to be Removed:** A specific area marked for removal.
- Loading/Unloading:** A designated area for cargo handling.
- Structural Buffer:** A buffer zone along the northern boundary.
- Dumpsters:** Two locations marked on the northern side.
- Future Access:** A potential access point on the eastern side.
- Eagle's Nest:** A specific area marked on the eastern side.
- Existing Access Easement:** A path leading from the eastern side.
- Proposed Left Turn:** A new access point on the eastern side.
- Upland Preserve:** An area to the south of the tract.
- SPWMD JD Limits:** A boundary line on the western side.
- Property Line:** The outer boundary of the tract.
- Legend:**
 - Subject Property: Red outline.
 - Eagle's Nest: Plus sign (+).
 - Landscape Blind: Three circles (○○○).

The plan also shows various setbacks (e.g., 25' building setback, 20' building setback) and dimensions (e.g., 267', 149', 79', 330', 460', 327', 217', 130').

The landscape blind will consist of a double staggered row of 25-gallon slash pine trees planted on a minimum of 20' centers. The landscape blind will not be factored into the upland preserve planting plan. The goal of the planting will be to space the trees accordingly so they may grow into a continuous canopy to obscure the view from the eagle nest to the proposed development. The plants will be a minimum of 10' tall. Planting of the landscape blind will be concurrent or immediately following the exotic removal and supplemental planting.

The proposed upland preserve will be enhanced through the removal of exotic vegetation and supplemental planting to increase the coverage of native pine flatwoods vegetation. It is proposed that initial exotic removal and supplemental planting occurs outside of nesting season. Exotic removal will occur using a mix of both chemical and hand treatment.

The upland preserve contains other suitable nest trees which could provide alternate nesting locations should the current nest deteriorate further.

The upland preserve will be enhanced through preservation, the removal of exotics, and supplemental planting. The supplemental planting plan can be found below.

Preserve 1 Upland Planting Plan – Target 411 – Pine Flatwoods				
Stratum	Common Name	Scientific Name	Size	Spacing
Canopy	Slash Pine	<i>Pinus elliottii</i>	3 gal	20'
Shrub	Cabbage Palm	<i>Sabal palmetto</i>	3 gal	20'
	Wax Myrtle	<i>Morella cerifera</i>	1 gal	15'
	Gallberry	<i>Ilex glabra</i>	1 gal	10'
Ground	Saw Palmetto	<i>Serenoa repens</i>	1 gal	10'
	Wiregrass	<i>Aristida stricta</i>	1 gal	10'

The planting plan will be assessed after the initial exotic removal, and existing vegetation will be deducted from planting totals. Some of the Upland Preserve may not require supplemental planting if the native community appears dense.

Initial exotic removal and supplemental planting of the preserve will occur outside of bald eagle nesting season. Yearly maintenance treatments will occur outside of bald eagle nesting season to avoid any disturbance to the nesting pair.

If the nest is considered “lost” this Bald Eagle Management Plan and its conditions will not apply. A photo of the canopy pre-Hurricane Ian within the upland preserve can be seen in Figure 13.



Figure 13. Pre-lan view of the proposed upland preserve showing adult slash pine canopy. The eagle's nest is in center frame and the photo was taken from the northeast.

Exterior lighting shall be designed to prevent the glare or spillage of light into the preserve and onto the nest. In order to accomplish this, all exterior lighting shall be directional and use recessed light bulbs, filters, or shielding to conceal the source of illumination.

The shoreline of the canal will be left natural and will have rip rap installed as needed for stabilization and erosion control. The pedestrian walkway will consist of paved sidewalk and/or crushed shell/drainage stone with sodded side slopes as necessary for stabilization and erosion control.

Residents and commercial tenants will be given Lee County ETAC approved literature consisting of the best management practices and information regarding bald eagles.

Implementation

The landowner/developer and the future Property Owners Association (if any) will be responsible for following this Bald Eagle Management Plan. A qualified ecologist will monitor Nest LE118 (if work as described above is undertaken during the nesting season) consistent with the USFWS 2007 Bald Eagle Monitoring Guidelines and will submit the reports to DES on a monthly basis. DES staff will review these reports and may also inspect the site to verify compliance with the conditions of this Bald Eagle Management Plan. Any violation of these conditions may result in

a Stop Work Order being issued to halt all construction activity during the bald eagle nesting season, including building inspections, until the violation is resolved. The eagle nest monitor will be authorized to direct the landowner/developer to halt any and up all construction activity if a disturbance to the nesting eagles is observed.

All of the management practices will remain in effect until the nest is deemed abandoned or lost by DES pursuant to Section 14-112 of the Land Development Code. None of the Bald Eagle Management Plan and its conditions will be required after the nest is deemed abandoned or lost. The nest will be defined as abandoned if the nest is intact or partially intact but has been inactive through five or more consecutive nesting seasons. The nest will be defined as lost if the nest or nest tree is destroyed by natural causes (e.g., nest that fell apart or was blown out of a tree, or the tree itself was lost) and is not rebuilt in the same tree within three nesting seasons.

Summary

The planned development of The Nest project consists of a residential planned development as well as a commercial planned development. The residences are located outside of the 660' bald eagle buffer zone but requires an access roadway that will be shared with the commercial planned development. The commercial planned development is proposed to be within the 660' bald eagle nest buffer zone and a federal incidental take permit from USFWS will be obtained, if required. To protect the habitat of the bald eagle pair, an upland preserve will be created and enhanced through exotic removal and supplemental plantings. A landscape blind will be created along the northern border of the preserve to obscure the eagle's view of the planned future use.

Appendix A

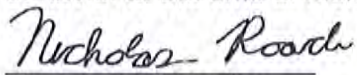
Bald Eagle Monitoring Data Sheets

Bald Eagle Monitoring Data Report

Nest #: _____ Start Time: 6:15 Name of Monitor: Nicholas Roach
 Date: 05/04/2020 End Time: 10:15 Name of Supervisor: N/A
 Tree Status¹: L Tree type²: P # Adult Present: 0 # Young Present: 0

Time	Behavioral activity observed (list all that apply): <u>None</u>				
<u>06:15</u>	Weather conditions	T: <u>69</u>	W: <u>SW@2</u>	C: <u>SC</u>	P: <u>None</u>
	Description of ongoing construction events: <u>None</u>				
	Notes/Comments: <u>No eagles present.</u>				
Time	Behavioral activity observed (list all that apply): <u>None</u>				
<u>06:30</u>	Weather conditions	T: <u>69</u>	W: <u>SW@2</u>	C: <u>SC</u>	P: <u>None</u>
	Description of ongoing construction events: <u>None</u>				
	Notes/Comments: <u>No eagles present.</u>				
Time	Behavioral activity observed (list all that apply): <u>None</u>				
<u>06:45</u>	Weather conditions	T: <u>69</u>	W: <u>SW@2</u>	C: <u>SC</u>	P: <u>None</u>
	Description of ongoing construction events: <u>None</u>				
	Notes/Comments: <u>No eagles present.</u>				
Time	Behavioral activity observed (list all that apply): <u>None</u>				
<u>07:00</u>	Weather conditions	T: <u>69</u>	W: <u>S@2</u>	C: <u>SC</u>	P: <u>None</u>
	Description of ongoing construction events: <u>None</u>				
	Notes/Comments: <u>No eagles present.</u>				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.


 Signature of Monitor

N/A
 Signature of Supervisor

05/04/2020
 Date

Nest #:

Monitoring Date: 05/04/2020

Monitor's signature:

Nicholas RoachSupervisor's signature: N/A

Time	Behavioral activity observed (list all that apply): None				
07:15	Weather conditions	T: 70	W: S@2	C: SC	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
07:30	Weather conditions	T: 70	W: S@2	C: SC	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
07:45	Weather conditions	T: 71	W: SE@2	C: SC	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
08:00	Weather conditions	T: 71	W: SE@2	C: SC	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach

Signature of Monitor

N/A

Signature of Supervisor

05/04/2020

Date

Nest #:

Monitoring Date: 05/04/2020

Monitor's signature:

Nicholas RoachSupervisor's signature: N/A

Time	Behavioral activity observed (list all that apply): None				
08:15	Weather conditions	T: 71	W: S@2	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None.				
08:30	Weather conditions	T: 72	W: S@2	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
08:45	Weather conditions	T: 72	W: S@2	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
09:00	Weather conditions	T: 76	W: S@2	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A

Signature of Supervisor

05/04/2020

Date

Nest #:

Monitoring Date: 05/04/2020

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Time	Behavioral activity observed (list all that apply): None				
09:15	Weather conditions	T: 76	W: S@2	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
09:30	Weather conditions	T: 78	W: S@2	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
09:45	Weather conditions	T: 78	W: NW@3	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
10:00	Weather conditions	T: 80	W: NW@3	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A
Signature of Supervisor

05/04/2020
Date

Nest #:

Monitoring Date: 05/04/2020

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Time	Behavioral activity observed (list all that apply): None.				
10:15	Weather conditions	T: 80	W: NW@3	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				
Time	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				
Time	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A
Signature of Supervisor

05/04/2020
Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 7:00 **Name of Monitor:** Nick Roach
Date: 10/22/2020 **End Time:** 11:00 **Name of Supervisor:** N/A
Tree Status¹: Alive **Tree type²:** SP **# Adult Present:** 1 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): <u>None</u>				
7:00	Weather conditions	T: 73	W: E@ 8	C: Clear	P: None
	Description of ongoing construction events: <u>None</u>				
	Notes/Comments: <u>No visible activity. Sunrise was at 7:30. Could not see anything visible in nest.</u>				
Time	Behavioral activity observed (list all that apply): <u>Sitting in nest</u>				
7:15	Weather conditions	T: 73	W: E@8	C: Clear	P: None
	Description of ongoing construction events: <u>None</u>				
	Notes/Comments: <u>7:27 Eagle spotted sitting in nest. Was not visible until just before sunrise.</u>				
Time	Behavioral activity observed (list all that apply): <u>Sitting in nest, flying, nest building</u>				
07:30	Weather conditions	T: 73	W: E@8	C: Clear	P: None
	Description of ongoing construction events: <u>None</u>				
	Notes/Comments: <u>07:38: Eagle flew off to the west.</u>				
Time	Behavioral activity observed (list all that apply): <u>None</u>				
07:45	Weather conditions	T: 73	W: E@8	C: Clear	P: None
	Description of ongoing construction events: <u>None</u>				
	Notes/Comments: <u>None</u>				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
 Signature of Monitor

N/A
 Signature of Supervisor

10/22/2020
 Date

Nest #:

Monitoring Date: 10/22/2020

Monitor's signature:

Nicholas RoachSupervisor's signature: N/A

Time	Behavioral activity observed (list all that apply): None				
08:00	Weather conditions	T: 74	W: E@7	C: Sc CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				
Time	Behavioral activity observed (list all that apply): Flying, nest building				
08:15	Weather conditions	T: 74	W: E@7	C: Sc CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: 08:25 Eagle returned to nest from the west with a stick. Brought the stick to the nest. 08:29 Eagle flew off to the southwest.				
Time	Behavioral activity observed (list all that apply): None				
08:30	Weather conditions	T: 74	W: E@7	C: Sc CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				
Time	Behavioral activity observed (list all that apply): None				
08:45	Weather conditions	T: 74	W: E@7	C: Sc CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A

Signature of Supervisor

10/22/2020

Date

Nest #:

Monitoring Date: 10/22/202

Monitor's signature: Nicholas Roach

Supervisor's signature: _____

Time	Behavioral activity observed (list all that apply): None				
09:00	Weather conditions	T: 75	W: E@8	C: Sc CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				
Time	Behavioral activity observed (list all that apply): None				
09:15	Weather conditions	T: 75	W: E@8	C: SC CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				
Time	Behavioral activity observed (list all that apply): None				
09:30	Weather conditions	T: 75	W: E@8	C: SC CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				
Time	Behavioral activity observed (list all that apply): None				
09:45	Weather conditions	T: 75	W: E@8	C: SC CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A
Signature of Supervisor

10/22/2020
Date

Nest #:

Monitoring Date: 10/22/2020

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Time	Behavioral activity observed (list all that apply): None				
10:00	Weather conditions	T: 80	W: E@12	C: SC CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				
Time	Behavioral activity observed (list all that apply): None				
10:15	Weather conditions	T: 80	W: E@12	C: SC CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				
Time	Behavioral activity observed (list all that apply): None				
10:30	Weather conditions	T: 80	W: E@12	C: SC CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				
Time	Behavioral activity observed (list all that apply): None				
10:45	Weather conditions	T: 80	W: E@12	C: SC CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles returned after one flew off at 8:29. Monitoring event ended at 11:00.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A
Signature of Supervisor

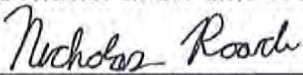
10/22/2020
Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 06:30 **Name of Monitor:** Nick Roach
Date: 11/25/2020 **End Time:** 10:30 **Name of Supervisor:** N/A
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 1 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): <u>Sitting in nest.</u>				
06:30	Weather conditions	T: 68	W: E@9	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: One eagle sitting in nest when monitoring began.				
Time	Behavioral activity observed (list all that apply): <u>Sitting in nest, flying.</u>				
06:45	Weather conditions	T: 68	W: E@9	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: 6:51: Eagle flew off to the South. Sunrise @ 6:53.				
Time	Behavioral activity observed (list all that apply): <u>None</u>				
07:00	Weather conditions	T: 68	W: E@9	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): <u>None</u>				
07:15	Weather conditions	T: 68	W: E@9	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.


 Signature of Monitor

N/A
 Signature of Supervisor

11/25/2020
 Date

Nest #:

Monitoring Date: 11/25/20

Monitor's signature:

Nicholas RoachSupervisor's signature: N/A

Time	Behavioral activity observed (list all that apply): None				
07:30	Weather conditions	T: 68	W: E@9	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
07:45	Weather conditions	T: 69	W: E@9	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
08:00	Weather conditions	T: 70	W: E@10	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
08:15	Weather conditions	T: 70	W: E@10	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A

Signature of Supervisor

11/25/2020

Date

Nest #:

Monitoring Date: 11/25/20

Monitor's signature:

Nicholas RoachSupervisor's signature: N/A

Time	Behavioral activity observed (list all that apply): Flying, perching, vocalizations				
08:30	Weather conditions	T: 72	W: E@10	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: 08:38 - Eagle returned from West. Perched for 15 seconds on a dead snag, vocalized, flew off to the South.				
Time	Behavioral activity observed (list all that apply): None				
08:45	Weather conditions	T: 72	W: E@10	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
09:00	Weather conditions	T: 73	W: E@10	C: SC	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
09:15	Weather conditions	T: 73	W: E@10	C: SC	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A

Signature of Supervisor

11/25/2020

Date

Nest #:

Monitoring Date: 11/25/2020

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Time	Behavioral activity observed (list all that apply): None				
09:30	Weather conditions	T: 74	W: E@10	C: SC	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
09:45	Weather conditions	T: 74	W: E@10	C: SC	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
10:00	Weather conditions	T: 74	W: E@10	C: SC	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
10:15	Weather conditions	T: 75	W: E@10	C: SC	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Eagle did not return after 8:38am. Monitoring concluded at 10:30am.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A
Signature of Supervisor

11/25/2020
Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 06:45 **Name of Monitor:** Nick Roach
Date: 12/22/2020 **End Time:** 10:45 **Name of Supervisor:** N/A
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 2 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): None				
06:45	Weather conditions	T: 55	W: NE@7	C: SCT	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle can not be seen.				
Time	Behavioral activity observed (list all that apply): None				
07:00	Weather conditions	T: 55	W: NE@7	C: SCT	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle can not be seen.				
Time	Behavioral activity observed (list all that apply): None				
07:15	Weather conditions	T: 55	W: NE@7	C: SCT	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle can not be seen. Sunrise at 7:11am				
Time	Behavioral activity observed (list all that apply): None				
07:30	Weather conditions	T: 55	W: NE@7	C: SCT	P: None
	Description of ongoing construction events: None				
	Notes/Comments: Eagle can not be seen				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
 Signature of Monitor

N/A
 Signature of Supervisor

12/22/2020
 Date

Nest #:

Monitoring Date: 12/22/20

Monitor's signature:

Nicholas Roach

Supervisor's signature: N/A

Time	Behavioral activity observed (list all that apply): Incubating				
07:45	Weather conditions	T: 55	W: NE@5	C: SCT	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: 07:53: One eagle first spotted in nest. Eagle was down low incubating eggs and was not able to be seen until it sat up at 07:53. Eagle is believed to have been in the nest prior to this observation.				
Time	Behavioral activity observed (list all that apply): Incubating				
08:00	Weather conditions	T: 55	W: NE@4	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				
Time	Behavioral activity observed (list all that apply): Incubating				
08:15	Weather conditions	T: 55	W: NE@4	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				
Time	Behavioral activity observed (list all that apply): Incubating, Flying				
08:30	Weather conditions	T: 55	W: NE@5	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs. 8:42 - One eagle incubating in nest, second eagle lands in nest. Pair swapped incubation duties. Previously incubating eagle left the nest and did not return during the monitoring event.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A

Signature of Supervisor

12/22/20

Date

Nest #:

Monitoring Date: 12/22/20

Monitor's signature:

Nicholas RoachSupervisor's signature: N/A

Time	Behavioral activity observed (list all that apply): Incubating				
08:45	Weather conditions	T: 58	W: NE@5	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				
Time	Behavioral activity observed (list all that apply): Incubating				
09:00	Weather conditions	T: 58	W: NE@5	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				
Time	Behavioral activity observed (list all that apply): Incubating				
09:15	Weather conditions	T: 60	W: NE@5	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				
Time	Behavioral activity observed (list all that apply): Incubating				
09:30	Weather conditions	T: 61	W: NE@6	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A
Signature of Supervisor

12/22/20
Date

Nest #:

Monitoring Date: 12/22/2021

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Time	Behavioral activity observed (list all that apply): Incubating				
09:45	Weather conditions	T: 61	W: NE@6	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				
Time	Behavioral activity observed (list all that apply): Incubating				
10:00	Weather conditions	T: 63	W: NE@6	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				
Time	Behavioral activity observed (list all that apply): Incubating				
10:15	Weather conditions	T: 63	W: NE@6	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				
Time	Behavioral activity observed (list all that apply): Incubating				
10:30	Weather conditions	T: 65	W: NE@6	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs. Monitoring concluded at 10:45am.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A
Signature of Supervisor

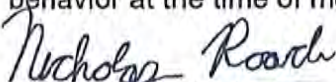
12/22/20
Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 7:00 **Name of Monitor:** Nick Roach
Date: 10/30/21 **End Time:** 11:00 **Name of Supervisor:** N/A
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 0 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): N/A				
7:00	Weather conditions	T: 81	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:15	Weather conditions	T: 81	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:30	Weather conditions	T: 81	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:45	Weather conditions	T: 80	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.


 Signature of Monitor

N/A
 Signature of Supervisor

10/30/21
 Date

Nest #:

Monitoring Date: 10/30/21

Monitor's signature:

Nicholas RoachSupervisor's signature: N/A

Time	Behavioral activity observed (list all that apply): N/A				
8:00	Weather conditions	T: 82	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
8:15	Weather conditions	T: 82	W: E@13	C: OVR	P: Rain
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Began to drizzle				
Time	Behavioral activity observed (list all that apply): N/A				
8:30	Weather conditions	T: 82	W: E@13	C: OVR	P: Rain
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
8:45	Weather conditions	T: 82	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Rain Stopped.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A

Signature of Supervisor

10/30/21

Date

Nest #:

Monitoring Date: 10/30/21

Monitor's signature:

Nicholas RoachSupervisor's signature: N/A

Time	Behavioral activity observed (list all that apply): N/A				
9:00	Weather conditions	T: 82	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
9:15	Weather conditions	T: 82	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
9:30	Weather conditions	T: 82	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
9:45	Weather conditions	T: 83	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A

Signature of Supervisor

10/30/21

Date

Nest #:

Monitoring Date: 10/30/21

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Time	Behavioral activity observed (list all that apply): N/A				
10:00	Weather conditions	T: 83	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:15	Weather conditions	T: 83	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:30	Weather conditions	T: 83	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:45	Weather conditions	T: 83	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Survey concluded at 11:00				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A

Signature of Supervisor

10/30/21

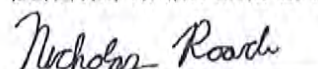
Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 6:30 **Name of Monitor:** Nick Roach
Date: 11/23/21 **End Time:** 10:30 **Name of Supervisor:** N/A
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 0 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): N/A				
6:30	Weather conditions	T: 58	W: N@10	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
6:45	Weather conditions	T: 58	W: N@10	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:00	Weather conditions	T: 58	W: N@11	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:15	Weather conditions	T: 58	W: N@11	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.


 Signature of Monitor

N/A
 Signature of Supervisor

11/23/2021
 Date

Nest #:

Monitoring Date: 11/23/2021

Monitor's signature:

Nicholas RoachSupervisor's signature: N/A

Time	Behavioral activity observed (list all that apply): N/A				
7:30	Weather conditions	T: 59	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:45	Weather conditions	T: 60	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
8:00	Weather conditions	T: 60	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
8:15	Weather conditions	T: 60	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach

Signature of Monitor

N/A

Signature of Supervisor

11/23/2021

Date

Nest #:

Monitoring Date: 11/23/2021

Monitor's signature:

Nicholas RoachSupervisor's signature: N/A

Time	Behavioral activity observed (list all that apply): N/A				
8:30	Weather conditions	T: 60	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
8:45	Weather conditions	T: 60	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
9:00	Weather conditions	T: 61	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
9:15	Weather conditions	T: 61	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A

Signature of Supervisor

11/23/2021

Date

Nest #:

Monitoring Date: 11/23/21

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Time	Behavioral activity observed (list all that apply): N/A				
9:30	Weather conditions	T: 61	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply):				
9:45	Weather conditions	T: 62	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:00	Weather conditions	T: 63	W: N@14	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present				
Time	Behavioral activity observed (list all that apply): N/A				
10:15	Weather conditions	T: 63	W: N@14	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Survey ended at 10:30.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roark
Signature of Monitor

N/A
Signature of Supervisor

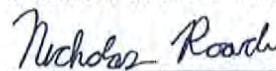
11/23/2021
Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 06:45 **Name of Monitor:** Nick Roach
Date: 01/29/2022 **End Time:** 10:45 **Name of Supervisor:** N/A
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 0 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): N/A				
06:45	Weather conditions	T: 52	W: N@16	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
07:00	Weather conditions	T: 52	W: N@16	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
07:15	Weather conditions	T: 52	W: N@16	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
07:30	Weather conditions	T: 51	W: N@14	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.



 Signature of Monitor

 Signature of Supervisor

01/29/2022

 Date

Nest #:

Monitoring Date: 1/29/22

Monitor's signature:

Nicholas Roach

Supervisor's signature: _____

Time	Behavioral activity observed (list all that apply): N/A				
07:45	Weather conditions	T: 51	W: N@14	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
08:00	Weather conditions	T: 51	W: N@14	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
08:15	Weather conditions	T: 51	W: N@14	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
08:30	Weather conditions	T: 51	W: N@14	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach

Signature of Monitor

Signature of Supervisor

01/29/2022

Date

Nest #:

Monitoring Date: 1/29/22

Monitor's signature:

Nicholas Roach

Supervisor's signature: _____

Time	Behavioral activity observed (list all that apply): N/A				
08:45	Weather conditions	T: 53	W: N@15	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
09:00	Weather conditions	T: 53	W: N@15	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
09:15	Weather conditions	T: 53	W: N@15	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
09:30	Weather conditions	T: 54	W: N@15	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach

Signature of Monitor

Signature of Supervisor_____
Date

Nest #: Monitoring Date: 1/29/22

Page 4

Time	Behavioral activity observed (list all that apply): N/A				
09:45	Weather conditions	T: 54	W: N@15	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:00	Weather conditions	T: 55	W: N@17	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:15	Weather conditions	T: 55	W: N@17	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:30	Weather conditions	T: 55	W: N@17	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Monitoring concluded at 10:45am.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roark
Signature of Monitor

Signature of Supervisor

01/29/2022

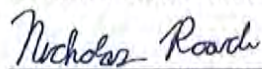
Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 06:30 **Name of Monitor:** Nick Roach
Date: 02/22/2022 **End Time:** 10:30 **Name of Supervisor:** _____
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 0 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): N/A				
06:30	Weather conditions	T: 66	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
06:45	Weather conditions	T: 66	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
07:00	Weather conditions	T: 66	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
07:15	Weather conditions	T: 66	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.


 Signature of Monitor

Signature of Supervisor

02/22/2022
 Date

Nest #:

Monitoring Date: 2/22/22

Monitor's signature: Nicholas Road

Supervisor's signature: _____

Time	Behavioral activity observed (list all that apply): N/A				
07:30	Weather conditions	T: 67	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
07:45	Weather conditions	T: 67	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
08:00	Weather conditions	T: 68	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
08:15	Weather conditions	T: 68	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Road
Signature of Monitor

Signature of Supervisor

02/22/2022

Date

Nest #:

Monitoring Date: 2/22/22

Monitor's signature:

Nicholas Roach

Supervisor's signature: _____

Time	Behavioral activity observed (list all that apply): N/A				
08:30	Weather conditions	T: 68	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
08:45	Weather conditions	T: 68	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
09:00	Weather conditions	T: 70	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
09:15	Weather conditions	T: 70	W: E@6	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach

Signature of Monitor

Signature of Supervisor

02/22/2022

Date

Nest #:

Monitoring Date: 2/22/22

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Time	Behavioral activity observed (list all that apply): N/A				
09:30	Weather conditions	T: 73	W: E@6	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
09:45	Weather conditions	T: 73	W: E@6	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:00	Weather conditions	T: 75	W: E@7	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:15	Weather conditions	T: 75	W: E@7	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Monitoring ended at 10:30am.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

Signature of Supervisor

02/22/2022

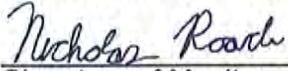
Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 06:45 **Name of Monitor:** Nick Roach
Date: 03/30/2022 **End Time:** 10:45 **Name of Supervisor:** _____
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 0 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): N/A				
06:45	Weather conditions	T: 65	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
07:00	Weather conditions	T: 65	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
07:15	Weather conditions	T: 65	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
07:30	Weather conditions	T: 65	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.


 Signature of Monitor

 Signature of Supervisor

03/30/2022
 Date

Nest #:

Monitoring Date: 3/30/22

Monitor's signature:

Nicholas Roach

Supervisor's signature: _____

Time	Behavioral activity observed (list all that apply): N/A				
07:45	Weather conditions	T: 65	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
08:00	Weather conditions	T: 66	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
08:15	Weather conditions	T: 66	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
08:30	Weather conditions	T: 68	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

Signature of Supervisor

03/30/2022

Date

Nest #:

Monitoring Date: 3/30/22

Monitor's signature:

Nicholas Roach

Supervisor's signature: _____

Time	Behavioral activity observed (list all that apply): N/A				
08:45	Weather conditions	T: 68	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
09:00	Weather conditions	T: 70	W: SE@6	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
09:15	Weather conditions	T: 70	W: SE@6	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
09:30	Weather conditions	T: 72	W: SE@6	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach

Signature of Monitor

Signature of Supervisor

03/30/2022

Date

Nest #:

Monitoring Date: 3/30/22

Page 4

Time	Behavioral activity observed (list all that apply): N/A				
09:45	Weather conditions	T: 72	W: SE@6	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:00	Weather conditions	T: 76	W: SE@6	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:15	Weather conditions	T: 76	W: SE@6	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:30	Weather conditions	T: 76	W: SE@6	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Monitoring ended 10:45				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach

Signature of Monitor

Signature of Supervisor

03/30/2022

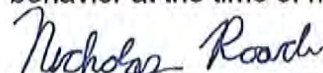
Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 6:15 **Name of Monitor:** Nick Roach
Date: 04/29/2022 **End Time:** 10:15 **Name of Supervisor:** _____
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 0 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): N/A				
6:15	Weather conditions	T: 71	W: E@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
6:30	Weather conditions	T: 71	W: E@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
6:45	Weather conditions	T: 71	W: E@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:00	Weather conditions	T: 71	W: E@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.


 Signature of Monitor

Signature of Supervisor

04/29/2022
 Date

Nest #:

Monitoring Date: 4/29/22

Monitor's signature: Nicholas Rorich

Supervisor's signature: _____

Time	Behavioral activity observed (list all that apply): N/A				
7:15	Weather conditions	T: 71	W: E@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:30	Weather conditions	T: 71	W: E@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:45	Weather conditions	T: 71	W: E@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
8:00	Weather conditions	T: 71	W: NE@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Rorich
Signature of Monitor

Signature of Supervisor

04/29/2022

Date

Nest #:

Monitoring Date: 4/29/22

Monitor's signature:

Nicholas Roach

Supervisor's signature: _____

Time	Behavioral activity observed (list all that apply): N/A				
8:15	Weather conditions	T: 71	W: NE@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
8:30	Weather conditions	T: 71	W: NE@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
8:45	Weather conditions	T: 71	W: NE@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
9:00	Weather conditions	T: 73	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

Signature of Supervisor

04/29/2022

Date

Nest #:

Monitoring Date: 4/29/22

Page 4

Time	Behavioral activity observed (list all that apply): N/A				
9:15	Weather conditions	T: 73	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
9:30	Weather conditions	T: 73	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
9:45	Weather conditions	T: 73	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:00	Weather conditions	T: 76	W: E@6	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Monitoring ended at 10:15am.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

Signature of Supervisor

04/29/2022

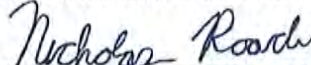
Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 06:15 **Name of Monitor:** Nick Roach
Date: 05/14/2022 **End Time:** 10:15 **Name of Supervisor:** _____
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 0 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): N/A				
6:15	Weather conditions	T: 67	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
6:30	Weather conditions	T: 67	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
6:45	Weather conditions	T: 67	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:00	Weather conditions	T: 67	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.



 Signature of Monitor

 Signature of Supervisor

05/14/2022

 Date

Nest #:

Monitoring Date: 5/14/22

Monitor's signature: Nicholas Roach

Supervisor's signature: _____

Time	Behavioral activity observed (list all that apply): N/A				
7:15	Weather conditions	T: 67	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:30	Weather conditions	T: 69	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:45	Weather conditions	T: 69	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
8:00	Weather conditions	T: 69	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

Signature of Supervisor

05/14/2022

Date

Nest #:

Monitoring Date: 5/14/22

Monitor's signature:

Nicholas Roach

Supervisor's signature: _____

Time	Behavioral activity observed (list all that apply): N/A				
8:15	Weather conditions	T: 69	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
8:30	Weather conditions	T: 69	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
8:45	Weather conditions	T: 73	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
9:00	Weather conditions	T: 73	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

Signature of Supervisor

05/14/2022

Date

Nest #:

Monitoring Date: 5/14/22

Page 4

Time	Behavioral activity observed (list all that apply): N/A				
9:15	Weather conditions	T: 73	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
9:30	Weather conditions	T: 75	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
9:45	Weather conditions	T: 75	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:00	Weather conditions	T: 76	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Monitoring ended at 10:15.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

Signature of Supervisor

05/14/2022

Date

Bald Eagle Monitoring Data Report

Start Time: 6:30

Name of Monitor: Nicholas Bratton-Cox

Date: 12/7/2022

End Time: 8:30

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, No nest

Tree Type²: Pine

Adult Present: 0

Young Present: 0

6:30 AM	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 65	W: 5mph W	C: Clear	P: No rain	
	Description of ongoing construction events:					
	Notes/Comments: No eagles, No nest.					
8:45 AM	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 75	W: 5mph W	C: Clear	P: No rain	
	Description of ongoing construction events:					
	Notes/Comments: No eagles, No nest.					
	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:	
	Description of ongoing construction events:					
	Notes/Comments:					
	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:	
	Description of ongoing construction events:					
	Notes/Comments:					

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Bratton-Cox
Signature of Monitor

Paul K. Owen
Signature of Supervisor

12/7/2022
Date



Bald Eagle Monitoring Data Report

Start Time: 6:30

Name of Monitor: Nicholas Bratton-Cox

Date: 12/12/2022

End Time: 8:30

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, no nest

Tree Type²: Pine

Adult Present: 0

Young Present: 0

6:30 AM	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 60	W: 3mph SW	C: foggy	P: No rain	
	Description of ongoing construction events:					
	Notes/Comments: No eagles, No nest.					
8:30 AM	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 62	W: 3mph SW	C: foggy	P: No rain	
	Description of ongoing construction events:					
	Notes/Comments: No eagles, No nest.					
	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:	
	Description of ongoing construction events:					
	Notes/Comments:					
	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:	
	Description of ongoing construction events:					
	Notes/Comments:					

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Bratton-Cox
Signature of Monitor

Paul Owen
Signature of Supervisor

12/12/2022
Date



Bald Eagle Monitoring Data Report

Start Time: 6:30 AM

Name of Monitor: Nicholas Bratton-Cox

Date: 12/19/2022

End Time: 8:30 AM

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, no nest

Tree Type²: Pine

Adult Present: 0

Young Present: 0

Time: 6:30 AM	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 58	W: 3mph SW	C: clear	P: No rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
Time: 8:30 AM	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 63	W: 5mph SW	C: clear	P: No rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Bratton-Cox

Signature of Monitor

Paul Owen

Signature of Supervisor

12/19/2022

Date



Bald Eagle Monitoring Data Report

Start Time: 6:30 AM

Name of Monitor: Nicholas Bratton-Cox

Date: 12/28/2022

End Time: 8:30 AM

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, no nest

Tree Type²: Pine

Adult Present: 0

Young Present: 0

6:30 AM	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 50	W: 2 mph SW	C: clear	P: No rain	
	Description of ongoing construction events:					
	Notes/Comments: No eagles, No nest.					
8:30 AM	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 57	W: 4 mph SW	C: clear	P: No rain	
	Description of ongoing construction events:					
	Notes/Comments: No eagles, No nest.					
	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:	
	Description of ongoing construction events:					
	Notes/Comments:					
	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:	
	Description of ongoing construction events:					
	Notes/Comments:					
	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:	
	Description of ongoing construction events:					
	Notes/Comments:					

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Bratton-Cox
Signature of Monitor

Paul Owen
Signature of Supervisor

12/28/2022
Date



Bald Eagle Monitoring Data Report

Start Time: 6:30 AM

Name of Monitor: Nicholas Bratton-Cox

Date: 01/06/2023

End Time: 8:30 AM

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, no nest

Tree Type²: Pine

Adult Present: 0

Young Present: 0

6:30 AM	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 61	W: 1 mph SW	C: clear	P: No rain	
	Description of ongoing construction events:					
	Notes/Comments: No eagles, No nest.					
8:30 AM	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 64	W: 2mph SW	C: clear	P: No rain	
	Description of ongoing construction events:					
	Notes/Comments: No eagles, No nest.					
	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:	
	Description of ongoing construction events:					
	Notes/Comments:					
	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:	
	Description of ongoing construction events:					
	Notes/Comments:					
	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:	
	Description of ongoing construction events:					
	Notes/Comments:					

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Bratton-Cox
Signature of Monitor

Signature of Supervisor

01/06/2023

Date



Bald Eagle Monitoring Data Report

Start Time: 6:30 AM

Name of Monitor: Nicholas Bratton-Cox

Date: 01/13/2023

End Time: 8:30 AM

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, no nest

Tree Type²: Pine

Adult Present: 0

Young Present: 0

6:30 AM	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 64	W: 3 mph SW	C: clear	P: No rain	
	Description of ongoing construction events:					
	Notes/Comments: No eagles, No nest.					
8:30 AM	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 67	W: 1 mph SW	C: clear	P: No rain	
	Description of ongoing construction events:					
	Notes/Comments: No eagles, No nest.					
	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:	
	Description of ongoing construction events:					
	Notes/Comments:					
	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:	
	Description of ongoing construction events:					
	Notes/Comments:					
	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:	
	Description of ongoing construction events:					
	Notes/Comments:					

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Bratton-Cox
Signature of Monitor

Signature of Supervisor

1/13/2023
Date



Bald Eagle Monitoring Data Report

Start Time: 6:15 AM

Name of Monitor: Nicholas Bratton-Cox

Date: 01/20/2023

End Time: 8:45 AM

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, no nest

Tree Type²: Pine

Adult Present: 0

Young Present: 0

Time: 6:15 AM	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 65	W: 2 mph SW	C: clear	P: No rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
Time: 8:45 AM	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 68	W: 3 mph SW	C: clear	P: No rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Bratton-Cox
Signature of Monitor

Paul Owen
Signature of Supervisor

1/20/23

Date



Bald Eagle Monitoring Data Report

Start Time: 6:15 AM

Name of Monitor: Nicholas Bratton-Cox

Date: 01/26/2023

End Time: 8:30 AM

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, no nest

Tree Type²: Pine

Adult Present: 0

Young Present: 0

Time: 6:15 AM	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 63	W: 1 mph N	C: clear	P: light rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
Time: 8:30 AM	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 67	W: 1 mph N	C: clear	P: light rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Bratton-Cox
Signature of Monitor

Paul Owen
Signature of Supervisor

1/26/23

Date



Bald Eagle Monitoring Data Report

Start Time: 6:15 AM

Name of Monitor: Nicholas Bratton-Cox

Date: 02/02/2023

End Time: 8:30 AM

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, no nest

Tree Type²: Pine

Adult Present: 0

Young Present: 0

6:15 AM	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 66	W: 2 mph N	C: clear	P: None	
	Description of ongoing construction events:					
	Notes/Comments: No eagles, No nest.					
8:30 AM	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 71	W: 2 mph N	C: clear	P: None	
	Description of ongoing construction events:					
	Notes/Comments: No eagles, No nest.					
	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:	
	Description of ongoing construction events:					
	Notes/Comments:					
	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:	
	Description of ongoing construction events:					
	Notes/Comments:					
	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:	
	Description of ongoing construction events:					
	Notes/Comments:					

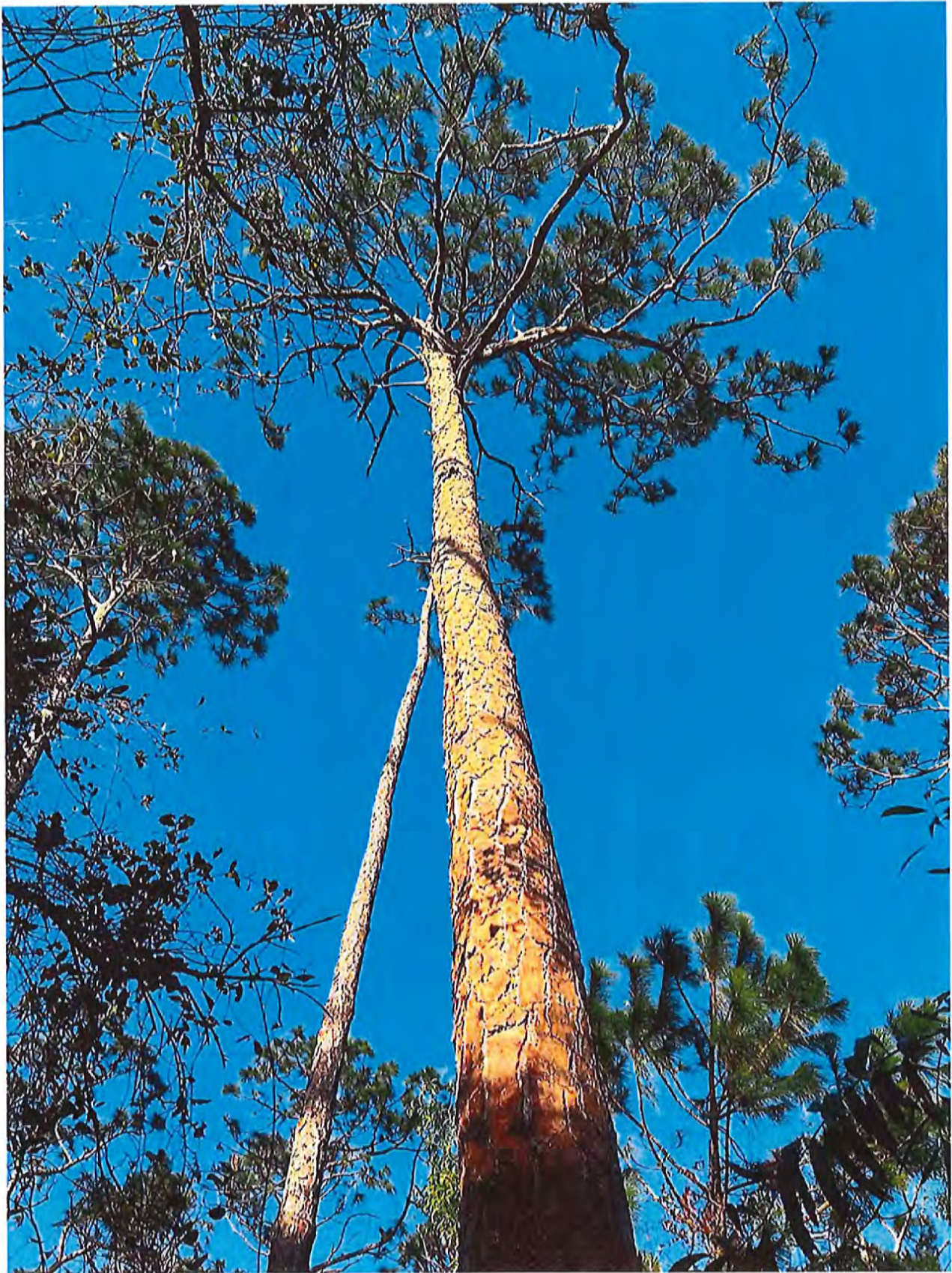
Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Bratton-Cox
Signature of Monitor

Signature of Supervisor

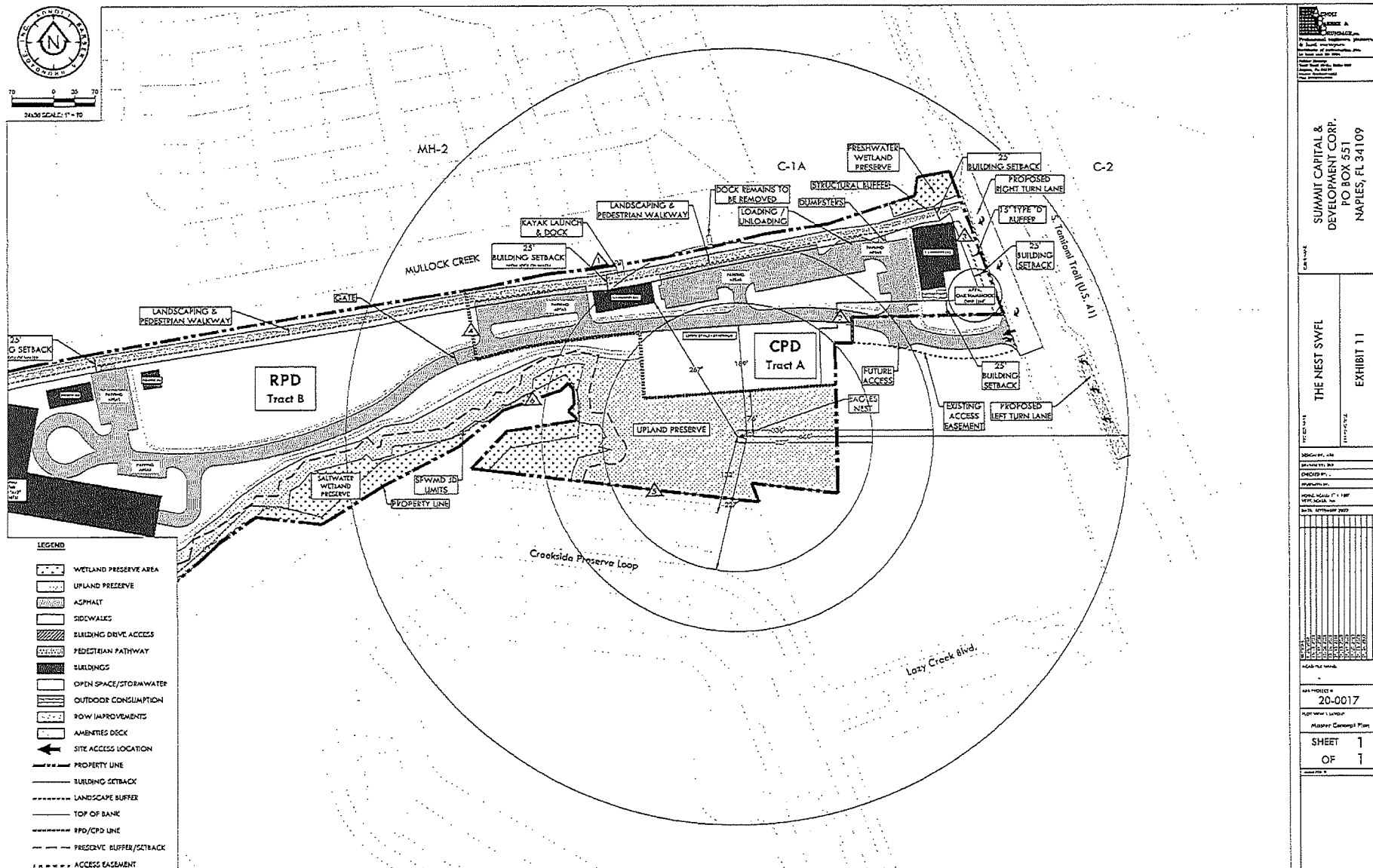
2-2-2023

Date



Appendix B

Master Concept Plan



Appendix C

Schedule of Uses

DCI2022-00004 The Nest
Revised CPD Schedule of Uses
February 2, 2023

USES:

1. Accessory uses and structures customarily associated with the permitted principal uses and structures.
2. Administrative Offices
3. Animals: Clinic or Kennel
4. ATM (automatic teller machine)
5. Auto parts store
6. Bait and Tackle shop
7. Banks and financial establishments, Groups I & II (no drive thru)
8. Bar or Cocktail lounge
9. Business Services, Group I
10. Cleaning and Maintenance services
11. Clothing Stores, general
12. Consumption on premises of any sit-down restaurant, bar, or cocktail lounge limited to inside the establishment and outdoor patio space
13. Contractors and builders, group I
14. Convenience food and beverage store
15. Day care center, child, adult
16. Dock (temporary tie up for nonmotorized vessels only)
17. Drugstore, pharmacy (no drive thru)
18. Entrance gates and gatehouse
19. Existing Agricultural Uses, Pursuant to LDC Section 34-934(48)
20. Fences, Walls
21. Gift and Souvenir shop
22. Hardware Store
23. Hobby, toy and game shops
24. Kayak Launch

25. Medical Office
26. Personal Services
27. Recreational facilities, Commercial, Group III Outdoor Facilities limited to passive and active recreational and educational activities including hiking, nature trails and nonmotorized water vessel use; Group IV Indoor Facilities limited to Health Clubs
28. Rental and Leasing, Group I
29. Restaurants, Groups I - III
30. Signs (including off-site signage for the Nest RPD)
31. Specialty Retail, Groups I & II
32. Studios
33. Variety Store
34. Uses that are not specifically listed may also be permitted if, in the opinion of the Director, they are substantially similar to a listed permitted use. This will only be allowed when the eagle's nest is deemed lost.

EXHIBIT C



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

June 30, 2021

** Delivered via email*

Matthew Slaughter *
STA Fund, LLC
181 Carica Rd
Naples, FL 34108-2616

Subject: Eagles Nest
Petition for Formal Determination of Wetlands and Surface Waters
Permit No. 36-105405-P
Application No. 210113-5106
Lee County

Your petition for a formal determination of wetlands and other surface waters is approved. This action is taken based on Chapter 373, Part IV of Florida Statutes (F.S.) and the rules in Chapters 62-330 and 62-340, Florida Administrative Code (F.A.C.). Please read this entire agency action thoroughly and understand its contents.

This action is subject to:

- Not receiving a filed request for a Chapter 120, F.S., administrative hearing.
- All referenced Exhibits.

Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance to the "Notice of Rights", we will assume that you concur with the District's action.

CERTIFICATE OF SERVICE

I hereby certify that this Formal Wetland Determination and Notice of Rights have been mailed or electronically submitted to the addressee (and the persons listed on the attached distribution list) on June 29, 2021 in accordance with Section 120.60(3), F.S. Notice was also electronically posted on this date through a link on the home page of the District's website (www.sfwmd.gov/ePermitting).

Sincerely,

A handwritten signature in blue ink that reads "Melissa M. Roberts".

Melissa M. Roberts, P.E.
Administrator, Environmental Resource Bureau

**South Florida Water Management District
Formal Wetland Determination Permit No. 36-105405-P
Date Issued: June 30, 2021**

Project Name: Eagles Nest

Petitioner: Matthew Slaughter
STA Fund, LLC
181 Carica Rd
Naples, FL 34108-2616

Application No. 210113-5106

Location: Lee County, See Exhibit 1

Acres: 16.04

Expiration Date: June 30, 2026

Type: Certified Survey

Project Summary

This application is for a formal determination of the landward extent of wetlands and other surface waters (OSW), pursuant to Rule 62-330.201, Florida Administrative Code (F.A.C.), for a 16.04 acre property known as Eagle Nest. The methodology used for the determination is consistent with Chapter 62-340, F.A.C.

Project Site Description

The 16.04 acre property is located in Sections 17 and 18, Township 46 South, Range 25 East, Lee County, Florida. More specifically, the property is located on the west side of U.S. 41 (Tamiami Trail), approximately 1.25 miles south of Alico Road in Lee County, Florida. A Location Map is attached as Exhibit 1.0. The property is surrounded by Mullock Creek to the north and west; Tamiami Trail to the east; and single family homes to the south. The property is an undeveloped parcel of land that consists of upland pasture, upland pine flatwoods, and tidal wetlands. A more detailed description of the on-site wetlands is below. An aerial photograph depicting the various habitats on the property is attached as Exhibit 2.0.

Formal Determination of Wetlands and Other Surface Waters

On January 13, 2021, the District received a request for a formal determination of the boundary of wetlands and OSW on a 16.04 acre property known as Eagle Nest. The landward extent of wetlands was established by Wetland Consultants, LLC and verified by Certified Wetland Evaluator (CWE) Matt Brosious on February 4, 2021. Wetlands, as defined by Subsection 373.019(27), F.S. and Chapter 62-340, F.A.C., were identified on the property. Wetlands on the property were delineated using the methods established in Chapter 62-340, F.A.C.; more specifically, the wetlands were delineated using the A, B, C, and D tests. Wetlands delineated on the property totaled 1.87 acres. A wetland and OSW line survey is attached as Exhibit 3.0. Wetland delineation information, including wetland data point location map, delineation data forms, and representative photographs of the wetlands and upland areas can be found in the permit file. Wetland delineation data forms were field verified by District staff on February 4, 2021.

OSW were not identified on the property; however, there are on-site wetlands directly adjacent to

Permit No: 36-105405-P, Page 2

Mullock Creek.

Wetland Description:

The wetland identified on the property totaled 1.87 acres (Exhibit No. 3.0). The wetland consisted of mangrove and mixed forested habitats. The wetland was delineated using the A, B, C, and D tests.

Based on the National Resource Conservation Service (NRCS) data, the property contains two historically mapped hydric soils. The mapped hydric soils on the property are Isles Fine Sand, Frequently Pondered (Map Unit 39) and Isles Muck, Tidal (Map unit 56). A soils map is attached as Exhibit 4.0. Soil pit data is included within the wetland delineation data forms, which were field reviewed on February 4, 2021.

Hydrologic Indicators observed during the delineation included red mangrove prop roots and black mangrove pneumatophores; water marks on various trees; and muck and mucky mineral hydric soil indicators, which are stand alone D-test indicators.

This Formal Determination of Wetlands and Other Surface Waters is the District's determination of the landward extent (boundaries) of wetlands and OSW within the property based on the documentation submitted by the Petitioner and field application of Chapter 62-340, F.A.C. This action does not authorize any construction activities or constitute conceptual approval of any anticipated projects or activities in wetlands or other surface waters. It does not in any way establish boundaries of sovereign submerged lands, high water elevations or other elevations/ boundaries.

Pursuant to Subsection 373.421 (4), F.S., the Governing Board may revoke the Formal Wetland Determination upon a finding that the Petitioner has submitted inaccurate information to the District.

The Formal Wetland Determination shall be binding for the stated duration provided physical conditions on the property do not change so as to alter the boundaries of wetlands and other surface waters during that period.

Distribution List

Nicholas Roach, Wetland Consultants LLC *

Florida Department of Environmental Protection SLERC *

Lee County Property Appraiser *

Florida Department of Environmental Protection - Environmental Administrator *

Exhibits

The following exhibits to this permit are incorporated by reference. The exhibits can be viewed by clicking on the links below or by visiting the District's ePermitting website (<http://my.sfwmd.gov/ePermitting>) and searching under this application number 210113-5106 .

[Exhibit No. 1.0 Location Map](#)

[Exhibit No. 2.0 Aerial With Vegetation](#)

[Exhibit No. 3.0 Wetland Survey](#)

[Exhibit No. 4.0 Soils Map](#)

NOTICE OF RIGHTS

As required by Chapter 120, Florida Statutes, the following provides notice of the opportunities which may be available for administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, or judicial review pursuant to Section 120.68, Florida Statutes, when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Some of the legal proceedings detailed below may not be applicable or appropriate for your situation. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which affects or may affect their substantial interests shall file a petition for hearing in accordance with the filing instructions set forth herein within 21 days of receipt of written notice of the decision unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Florida Statutes; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Florida Statutes. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, posting, or publication that the District has taken or intends to take final agency action. Any person who receives written notice of a District decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

If the District takes final agency action that materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Florida Statutes, shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The District may grant the request for good cause. Requests for extension of time must be filed with the District prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and whether the District and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

FILING INSTRUCTIONS

A petition for administrative hearing must be filed with the Office of the District Clerk. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at the District's headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day.

Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.
- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the District's security desk does not constitute filing. It will be necessary to request that the District's security officer contact the Office of the District Clerk. An employee of the District's Clerk's office will receive and process the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at clerk@sfwmd.gov. The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document.

INITIATION OF ADMINISTRATIVE HEARING

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the District in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other District identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner, petitioner's attorney or qualified representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the District's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the District's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the District's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the District to take with respect to the District's proposed action.

MEDIATION

The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401-.405, Florida Administrative Code. The District is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Section 120.68, Florida Statutes, and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final District action may seek judicial review of the District's final decision by filing a notice of appeal with the Office of the District Clerk in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the appropriate district court of appeals via the Florida Courts E-Filing Portal.

The Nest

Indigenous Habitat & Protected Species Management Plan

Prepared by:



Wetland Consultants LLC

239-595-1292

www.FloridaWetlandConsultants.com



ENVIRONMENTAL CONSULTING, LLC
15957 Tropical Breeze Drive, Fort Myers, FL 33908
(239) 994-9007

December 6rd, 2022

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- Figure 2. Preserve Area with FLUCCS Mapping
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List of Appendices:

Appendix A – Master Concept Plan

Appendix B – A Guide to Living with Alligators

Appendix C – A Guide to Living in Bear Country

Project Description:

The 15.75-acre Subject Property is directly adjacent and west of US 41 and about one mile north of the intersection of US 41 and Sanibel Boulevard. The Subject Property is located in unincorporated Lee County in Sections 17 & 18, Township 46 South, and Range 25 East. The Subject Property is a collection of four separate parcels (STRAPs: 17-46-25-00-01001.0040, 18-46-25-00-00037.0030, 18-46-25-00-00037.0010, 18-46-25-00-00035.0000z). A location map can be seen in Figure 1.

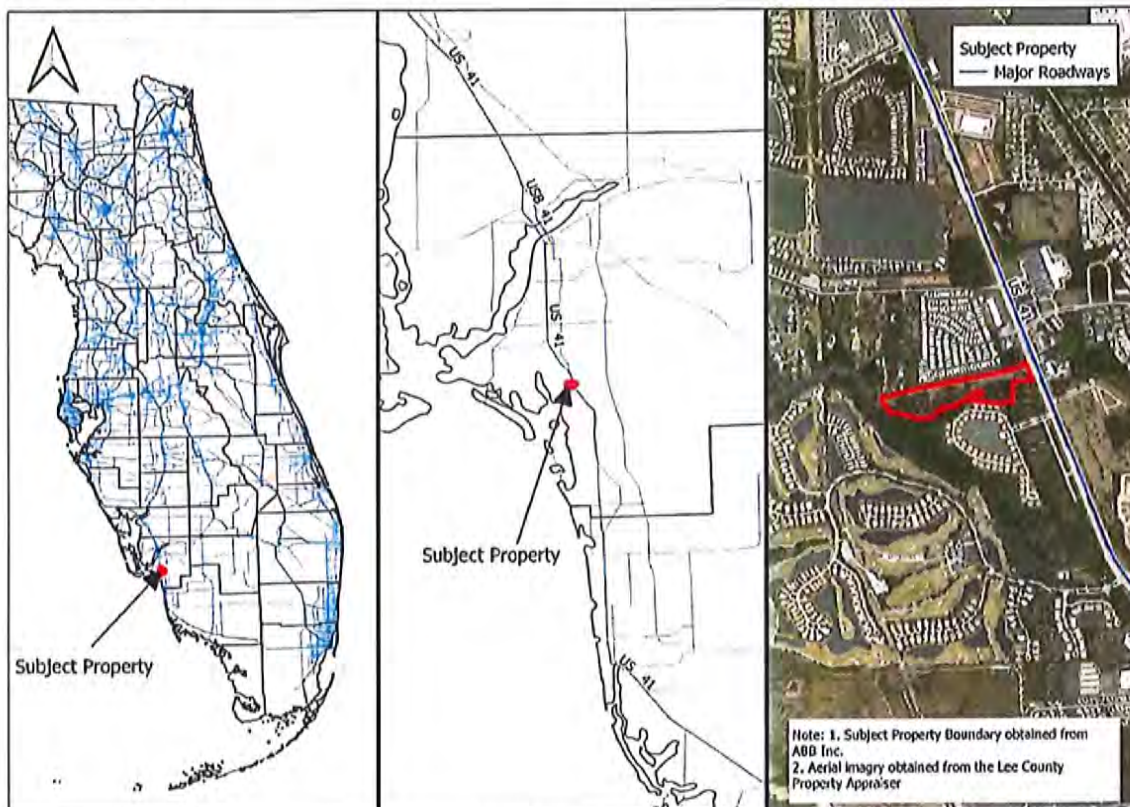


Figure 1. Location Map

The proposed project is a combination of a residential planned development in the west of the property and a commercial planned development in the east of the property. The residential planned development will share an access road with the commercial planned development. The full Master Concept Plan can be found in Appendix A. The aim of this Indigenous Habitat Management Plan is to adhere to the environmental goals of Lee County outlined in The Lee Plan. The following polices are applicable:

- Goal 101: Coastal Areas. Protect human life along with current and future development from the impacts of coastal flooding. Coastal flooding includes, but is not limited to, high tide events, storm surge, flash floods, stormwater runoff, and impacts of sea level rise.

- Objective 101.1: Coastal Area Planning. Improve the function of natural systems as a defense against coastal flooding.
 - Policy 101.1.1: Require that development within the Coastal High Hazard Area be compatible with natural systems, such as water retention and purification, wildlife habitat, primary productivity, and defense against coastal flooding.
 - Policy 101.1.2: Protect and conserve the following environmentally sensitive coastal areas: wetlands, estuaries, mangrove stands, undeveloped barrier islands, beach and dune systems, aquatic preserves, wildlife refuges, undeveloped tidal creeks and inlets, critical wildlife habitats, benthic communities, and marine grass beds.

Four preserve areas, totaling 4.85 acres, will be created to protect and preserve saltwater wetlands, freshwater wetlands, and uplands. A map of the preserve areas on an aerial with the FLUCCS map can be seen in Figure 2. Table 1 contains the acreage of FLUCCS communities on the Subject Property.

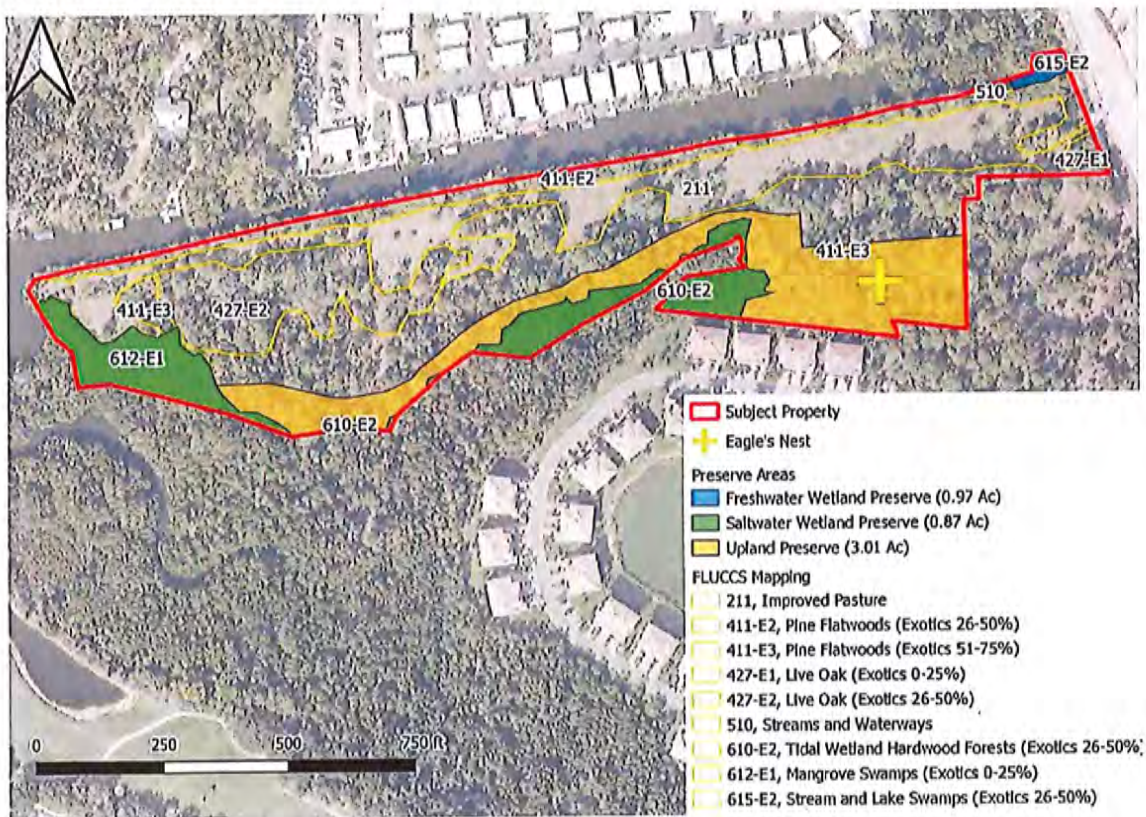


Figure 2. Preserve Areas with FLUCCS mapping.

Table 1. FLUCCS Communities by Acreage		
FLUCCS Code	FLUCCS Description	Acres
211	Improved Pasture	3.65
411-E2	Pine Flatwoods (Exotics 26-50%)	1.37
411-E3	Pine Flatwoods (Exotics 51-75%)	6.91
427-E1	Live Oak (Exotics 0-25%)	0.12
427-E2	Live Oak (Exotics 26-50%)	1.80
510	Streams and Waterways	0.03
610-E2	Tidal Wetland Hardwood Forests (Exotics 26-50%)	0.89
612-E1	Mangrove Swamps (Exotics 0-25%)	0.88
615-E2	Stream and Lake Swamps (Exotics 26-50%)	0.10
Total		15.75

The majority of preserve area on the Subject Property is located between the planned development and the natural waterways along the southern border, which includes the historic Mullock Creek to the west and south. The current placement of the preserves provides a natural landscape buffer and will protect the future development from coastal flooding during extreme weather. The native preserve barrier will also shield these natural waterways and mangrove forests from runoff or disturbance from the planned development by acting as a physical barrier and nutrient uptake filter. The preserves are adjacent to submerged state lands and will create a larger contiguous preserved area when accounting for the submerged land and the neighboring preserve established by the neighborhood to the south (Creekside Preserve), as seen in Figure 3. An increase in contiguous protected habitat increases the quality of the landscape and will benefit wildlife as well as the community as a whole.

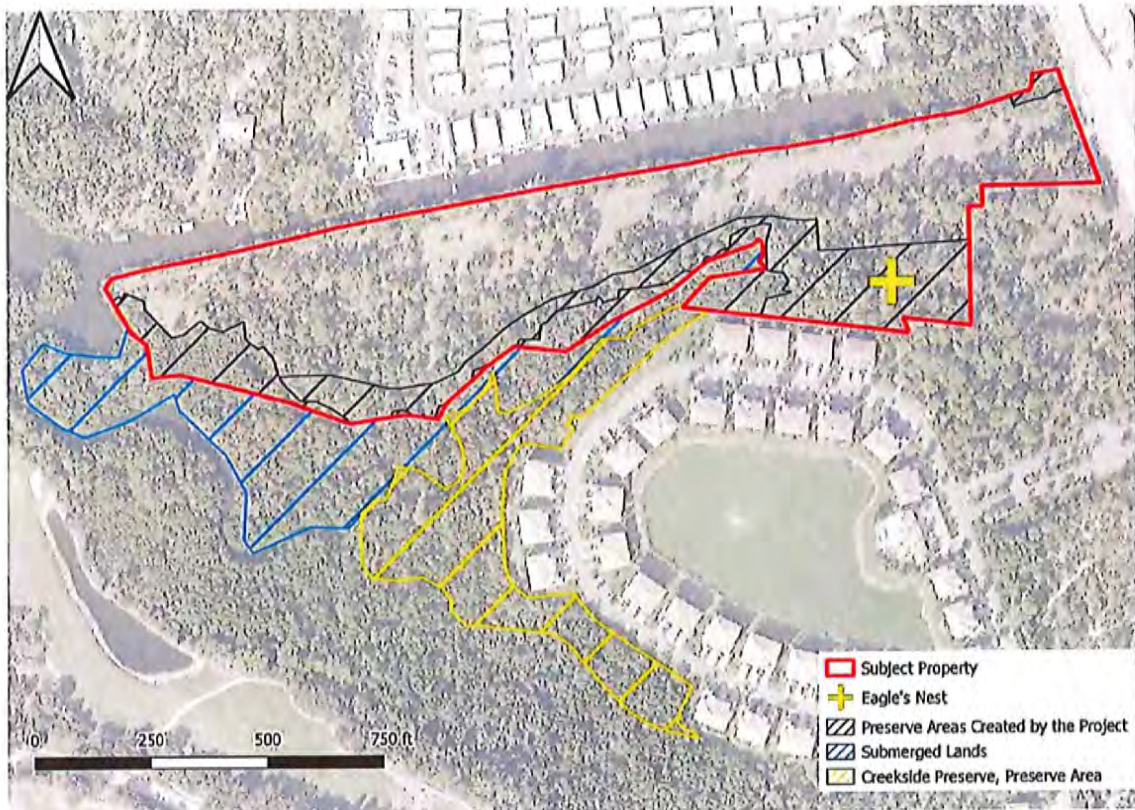


Figure 3. Contiguous Preserve Areas Surrounding the Property.

The placement of these preserves ensure that development occurs in the previously impacted areas and along the manmade drainage canal, now known as Mullock Creek.

The preserves on the Subject Property will be improved through preservation, enhancement, and some supplemental plantings. These actions meet the criteria of Lee Plan policy 101.1.1 and 101.1.2.

Existing Conditions and Enhancement of the Preserve Areas:

Four preserves will be established based on their habitat type and location. Locations, preserve numbers, and FLUCCS codes can be seen in Figure 4. Preserves 1,2, and 3 are contiguous but will be referenced as separate preserves due their different habitat types.

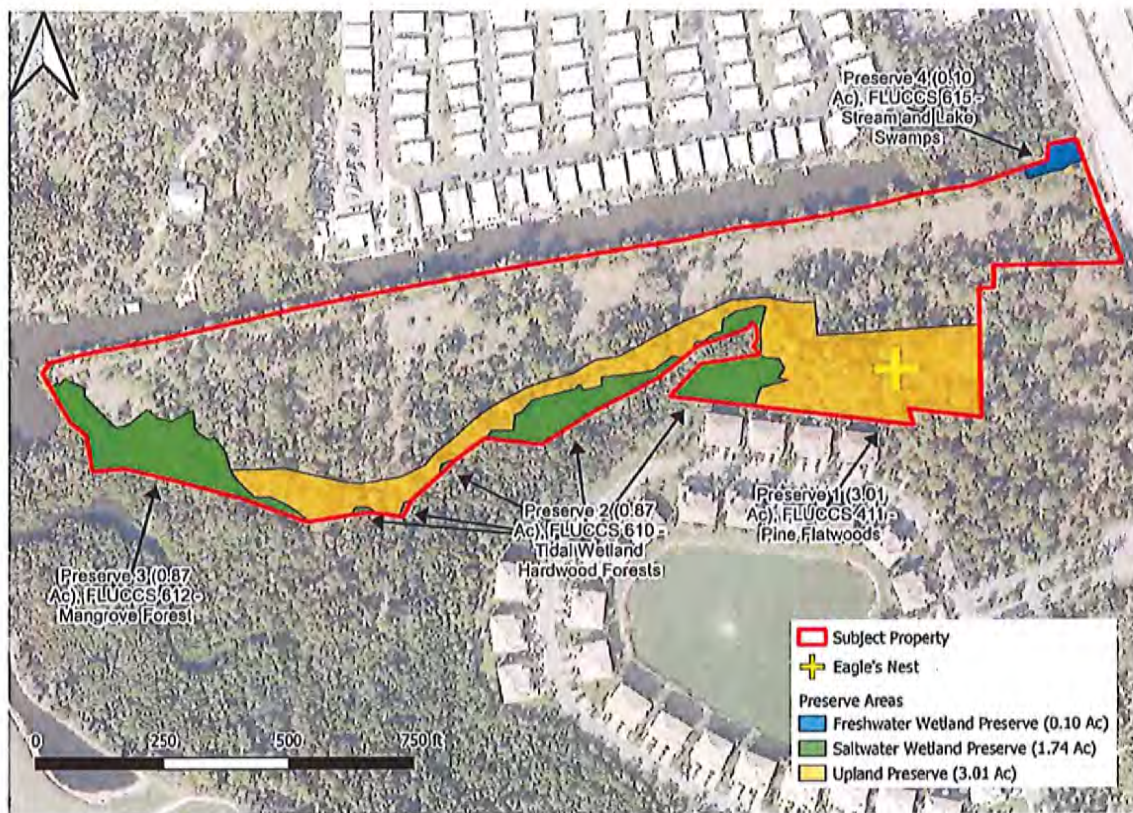


Figure 4. Preserve Map with Preserve Numbers

Preserve 1:

Preserve 1 consists entirely of a single upland community, FLUCCS Code 411 – Pine Flatwoods. This preserve nearly stretches the length of the property near the southern property boundary and provides an upland preservation buffer to the freshwater wetland preserve. This preserve contains the bald eagle's nest in the eastern portion of the preserve. It is dominated by slash pine (*Pinus elliottii*) and contains a large percentage of exotics. Present native species include saw palmetto (*Serenoa repens*), cabbage palm (*Sabal palmetto*), myrsine (*Myrsine cubana*), swamp fern (*Telmatoblechnum serrulatum*), grape vine (*Vitus rotundifolia*), and poison ivy (*Toxicodendron radicans*). The exotic species include large patches of Brazilian pepper (*Schinus terebinthifolia*), java plum (*Syzygium cumini*), Caesar weed (*Urena lobata*), earleaf acaia (*Acacia auriculiformis*), Cogan grass (*Imperata cylindrica*), Australian pine (*Casuarina equisetifolia*), and a few melaleuca (*Melaleuca quinquenervia*) which are spread throughout the community. This preserve will border the planned development.

Preserve 2:

Preserve 2 is located along the southern property boundary and consists of a freshwater wetland. The preserve is encapsulated by Preserve 1 to the north and by the Subject Property Boundary to the south, which borders submerged state lands. This community borders mangrove forest

and consists of slash pine, laurel oak (*Quercus laurifolia*), cabbage palm, and Brazilian pepper. The ground cover consists of swamp fern and giant leather fern (*Acrostichum danaeifolium*).

Preserve 3:

Preserve 3 consists entirely of mangrove forest. It will border the residential planned development with a 25' upland buffer. The canopy is dominated by all three mangrove species: red mangroves (*Rhizophora mangle*), black mangroves (*Avicennia germinans*), and white mangroves (*Laguncularia racemosa*) with some buttonwood (*Conocarpus erectus*) also present. The ground cover is mainly giant leather ferns.

Preserve 4:

Preserve 4 is located in the northeast corner of the property. This area contains a slope downwards from the improved pasture to Mullock Creek. This preserve consists of muck soil and herbaceous wetland plants and would be considered bottomland.

General Enhancement Actions:

Enhancement will occur through preservation, exotic removal, supplemental plantings, monitoring, signage, and continuous exotic maintenance.

Preserve activities will commence upon the completion of clearing for the planned developments. This will allow ease of access to preserve areas for the crew and will eliminate the need for access trails.

The following activities may occur to achieve success criteria.

Chemical Treatment:

Chemical treatments will be required to eradicate the presence of exotic vegetation. All chemical treatments will be performed by a pesticide applicator, licensed by the state of Florida through the Florida Department of Agriculture and Consumer Services (FDACS). Pesticide applicators will be required to hold certifications which allow treatment in aquatic and natural areas (Aquatic Pest Control and Natural Areas Weed Management).

A map of exotic vegetation hot spots will be provided to the licensed pesticide applicator to focus their efforts on. Crews must be overseen by the licensed pesticide applicator and all chemicals must be mixed and used in accordance with label specifications and regulatory guidelines. Treatment and kill-in-place applications will be preferred but manual removal of dead material may be necessary.

Mechanical Treatment:

Mechanical treatment may occur in areas of exotic monoculture or with 75% or greater exotic coverage. A brush-hog or similar equipment may be used to clear large areas of Brazilian pepper to aid in the enhancement of the preserve. Mechanical treatments will be accompanied by chemical treatments to ensure a lower risk of regrowth in the cleared areas.

Other means of mechanical treatment, such as chainsaws, may be used in all preserve areas to remove exotic species. The use of side-by-side ATVs or similar vehicles may be used to haul debris from the preserve areas.

Supplemental Plantings:

Supplemental plantings may be used in areas in which the removal of exotic species leaves the area looking barren or sparse. Plantings will match their respective habitats and include canopy, shrub, and ground cover plants installed at varying densities.

Monitoring:

Monitoring will occur yearly and be compiled into a report submitted to Lee County. Monitoring will continue for five years after the initial exotic removal. Monitoring will include vegetation plots which will double as photo stations. 8 monitoring plots are proposed, scattered throughout the preserve areas. Vegetation plots will be 5x5 meter plots where canopy and sub-canopy species composition and percent coverage will be recorded. Ground cover species composition and percent coverage will consist of a 1x1 meter plot in the center of the larger vegetation plot. The location of monitoring plots can be seen in Exhibit 2.

Installation of Preserve Signs:

"Nature Preserve Area" signs shall be installed along the boarder between the proposed development and the preserve as well as facing adjacent land that is not the submerged state land. The signs will state "Nature Preserve Area No Clearing or Dumping Allowed". Theses signs will be spaced a maximum of 300' apart along the preserve boundary. The signs will be a maximum of 4 feet high, with a sign surface area of 2 square feet. The location of the signs can be seen in Exhibit 2.

Preserve Specific Management:

Preserve 1:

Preserve 1 consisting of upland pine flatwoods will be enhanced through preservation, the removal of exotics, and a supplemental planting. A landscape blind, consisting of a densely canopy planning will be constructed along the northern boundary of Preserve 1, nearest the eagle's nest. This landscape blind is part of the Bald Eagle Management Plan and aims to obstruct the view of construction and future commercial use from the eagle's nest. A supplemental planting plan can be found below.

Preserve 1 Upland Planting Plan – Target 411 – Pine Flatwoods				
Stratum	Common Name	Scientific Name	Size	Spacing
Canopy	Slash Pine	<i>Pinus elliotii</i>	3 gal	20'
Shrub	Cabbage Palm	<i>Sabal palmetto</i>	3 gal	20'
	Wax Myrtle	<i>Morella cerifera</i>	1 gal	15'
Ground	Saw Palmetto	<i>Serenoa repens</i>	1 gal	10'
	Wiregrass	<i>Aristida stricta</i>	1 gal	10'
	Gallberry	<i>Ilex glabra</i>	1 gal	10'

The landscape blind will consist of canopy stratum native trees or palms planted in a dense row and will not be factored into the planting plan. The planting plan will be assessed after the initial exotic removal, and existing vegetation will be deducted from planting totals. Some areas may not require supplemental planting if the native community appears dense.

Initial exotic removal and supplemental planting will occur outside of bald eagle nesting season. Yearly monitoring will occur outside of bald eagle nesting season to avoid any disturbance to the nesting pair. If the bald eagle nest is considered "lost", these conditions do not apply.

Location of the densely planted landscape blind can be seen in Figure 5.

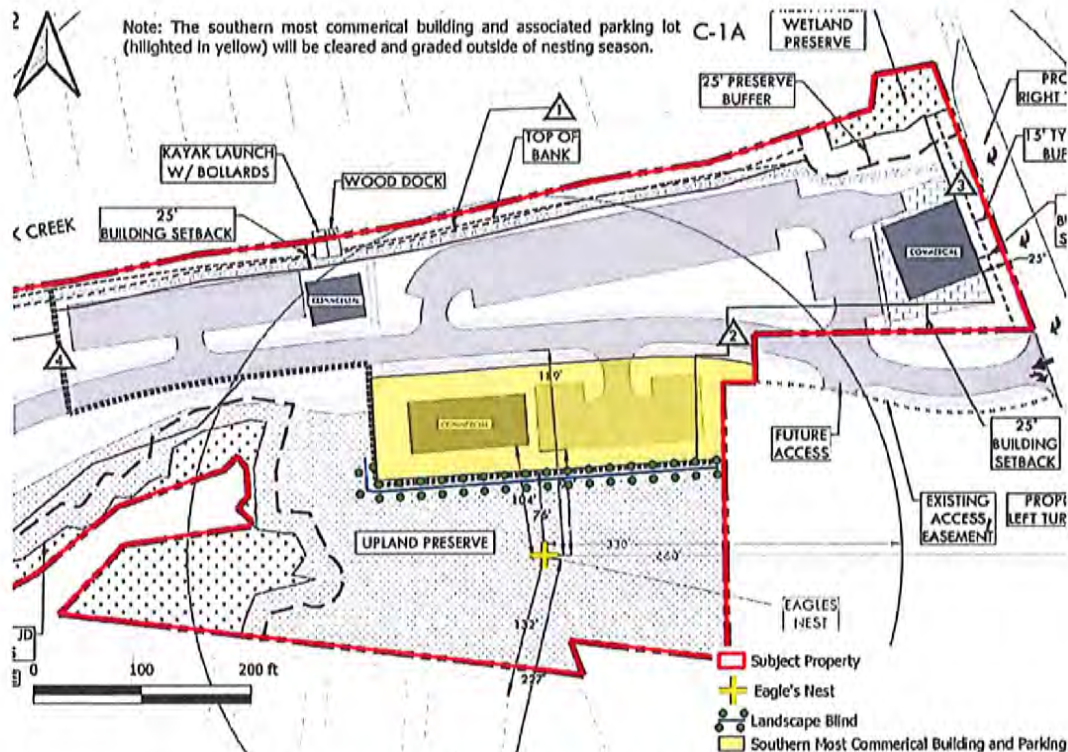


Figure 5. Location of the Landscape Blind on the Master Concept Plan

Preserve 2:

Preserve 2 consists of a forested freshwater wetland. The area is dominated by cabbage palms and live oaks. Preserve 2 will be enhanced through preservation and the removal of exotics. Preserve 2 contains a dense canopy and sparse understory. Supplemental plantings will not be necessary

Preserve 3:

Preserve 3 consists of a forested saltwater wetland. It is dominated by a mangrove canopy. This area will be enhanced through preservation and exotic removal. Exotics are sparse in the mangrove forest and enhancement will involve little impact. Removal of fringe Brazilian pepper by hand using chainsaws may be required. Cut debris will be removed from the wetland. Due to the density of mangroves currently in the preserve area, a supplemental planting will not be necessary.

Preserve 4:

Preserve 4 consists of a sloped surface to a bottomland area located adjacent to Mullock Creek. This preserve will be enhanced through preservation, exotic removal, and supplemental plantings. The sloped area will be planted with various wetland tolerant grasses at 5' on-centers while the bottom land will be allowed to revegetate naturally. The bottomland appears as though it may flood regularly. If native vegetation can not take hold, adaptive management may be used and deep-water shrubs, such as Carolina willow (*Salix caroliniana*), will be planted in the bottomland area.

Success Criteria:

Success criteria will vary depending on the need for supplemental plantings. The general criteria are as follows:

1. Completion of initial exotic removal where the preserve area is entirely exotic free after the removal activities.
2. Exotic vegetation will constitute an average not to exceed five percent of the ground cover, shrub, or canopy stratum at the end of the fifth year of monitoring.
3. Preserves with supplemental plantings will have an 80% survival rate of installed plants at the end of the first year of monitoring following the initial planting. If 80% is not achieved the preserve will be partially replanted.

Protected Species:

Wading Birds:

While no nesting areas for any listed wading birds have been observed onsite during any site visits, the following species recognized as Species of Special Concern (SSC) by the State may forage on the subject property. Little blue herons (*Egretta caerulea*), roseate spoonbills (*Ajaia*

ajaja), snowy egrets (*Egretta thula*), and tricolored herons (*Egretta tricolor*), may forage in wetland areas and the edges of the canal on the property.

Big Cypress Fox Squirrel:

The subject property contains habitat that may be used by the Big Cypress Fox Squirrel (*Sciurus niger avicennia*). No day beds, nests, or signs of the fox squirrel have been observed on the subject property but the pine flatwood vegetative community and large open spaces of improved pasture are their preferred habitat. Given the habitat types present there is a potential for Big Cypress fox squirrels to utilize the property. These squirrels, listed as threatened by the Florida Fish and Wildlife Conservation Commission (FWC), are typically found nesting in melaleuca trees in areas with sparse or open ground cover.

Bald Eagle:

The subject property contains a bald eagle (*Haliaeetus leucocephalus*) nest in the southeast corner of the property. The bald eagle was removed from the Endangered Species Act (delisted) by the U.S. Fish and Wildlife Service (FWS) in August 2007. The FWC also delisted the bald eagle at the state level in April 2008. However, the FWS continues to regulate development activities in the vicinity of bald eagle nests. Current FWS policies are summarized below.

The FWS continues to regulate activities that could potentially harm bald eagles pursuant to the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. This nest was not active during the 2021-2022 nesting season. Hurricane Ian made landfall south of Punta Gorda on September 28, 2022. This catastrophic storm caused severe damage to the vegetative communities onsite including the nest tree. The nest tree sustained some damage with a large limb torn from the main trunk. The nest was completely blown down by the high winds.

Wood Stork:

The wood stork (*Mycteria americana*) is listed as threatened by the FWC and the FWS. Although no wood storks were observed they may forage in the wetlands and ditches. Nesting has not been documented onsite, nor do wood storks appear there in the most recent FWC listed species occurrence database. Wood stork colony locations provided by FWC show two colonies within a 25-mile radius of the property. The closest colony location is approximately three miles to the west of the subject parcel.

American Alligator/American Crocodile:

Neither the American alligator (*Alligator mississippiensis*) or American crocodile (*Crocodylus acutus*) or their nest have been observed onsite, however, the canal and wetlands provide potential habitat. Both species are listed by FWS and FWC as listed.

Gopher Tortoise:

Neither gopher tortoises (*Gopherus polyphemus*), their burrows or their signs have been observed onsite during any site visit. The gopher tortoise is listed as threatened by the FWC but not listed by the FWS. Given the pine flatwood vegetative community onsite, there is potential habitat present for this species.

Florida Bonneted Bat:

The Florida bonneted bat (*Eumops floridanus*) is listed as endangered by the FWS and the FWC. The FWS established a Consultation Area for this species in its October 22, 2019 letter to the COE. The Subject Property falls within the Florida bonneted bat FWS consultation area. A total of five (5) potential Florida bonneted bat cavity roost tree snags were observed during the listed species survey.

Florida Black Bear:

The Florida black bear (*Ursus americanus floridanus*) was delisted by FWC in 2012, however, is still protected by the Florida Black Bear Management Plan and is not listed by the FWS. Although Florida black bears have not been observed onsite, the subject property is within the "abundant" area of FWC's black bear distribution data. There have also been some black bear related phone calls near the subject property.

Protected Species Management Plans

Several measures have been taken to reduce potential impact to wildlife onsite. Adverse impacts to wildlife including listed wildlife are not anticipated as a result of the proposed residential project. All agricultural activities will cease in the preserve areas once construction commences, with human disturbance in those areas limited to activities consistent with the conservation easement.

The habitat improvements and preservation resulting from implementation of this plan are expected to encourage transient wildlife species to utilize the preserve areas onsite as shown on the Preserve Map with Preserve Numbers (Figure 4). The applicant has committed to placing the preservation areas under a conservation easement prior to construction of the project, consistent with state law, as a condition of the zoning approval, which means 4.85+/- acres of native upland and wetland habitats of this area will be permanently protected for wildlife usage. This preservation will enhance the value of the preserve areas for wildlife and provide a permanent link between the surrounding wildlife habitat and a permanent refuge for wildlife if the project is approved as proposed. (See Figure 3).

If the zoning is approved as proposed, additional wildlife surveys will be conducted as required by state, federal, and county requirements when the plans are submitted for permitting/development approval.

Should the zoning be approved as proposed, both FWC and FWS will be consulted relative to any state or federally listed species potentially occurring on site and listed species guidelines implemented as applicable prior to any construction.

Wading Bird and Wood Stork:

All 1.84 acres of existing onsite wetlands along with the shoreline of the canal to the north for the wood stork will be preserved and improved by the removal and maintenance of invasive exotic plants.

The enhancement of the property will ultimately provide increased acreage of higher quality habitat for wading birds in the wetland portion of the preservation areas. Additionally, protection provided by the wetland preservation plan will provide long-term viability for wading birds.

Big Cypress Fox Squirrel:

Prior to clearing the site, a qualified biologist will survey the construction limits for the presence of Big Cypress fox squirrels or their nests. Any potential nests will be monitored to determine if they are currently being utilized by Big Cypress fox squirrels. Nests found to be utilized by a Big Cypress fox squirrel will be temporarily protected from clearing by a 125 foot radius undisturbed buffer. These nests will be taken outside of the February 1st to May 30th nesting season once the absence of young fox squirrels within the nests is confirmed. The required authorization from the FWC will be obtained prior to removing the nest tree.

Forested habitat suitable for this species will be improved via treatment of invasive exotic plant species in 3.01 acres of the preserved pine flatwoods onsite. The protection provided by implementation of the Indigenous Habitat Management Plan will provide long-term viability for the Big Cypress fox squirrel and would assure that any potential impacts to this species are offset.

Bald Eagle:

Consultation with the USFWS and the Lee County Eagle Technical Advisory Committee will be necessary for the bald eagle. A Bald Eagle Management Plan has been developed to protect the onsite habitat of this species. A total of 3.01 acres of bald eagle nesting habitat consisting of pine flatwoods will be preserved (see Figure 4).

American Alligator/American Crocodile Management Plan:

Potential habitat for American alligators and American crocodiles onsite and adjacent to the site consists of the open water canal area and wetlands. The property was thoroughly inspected for alligator and crocodile nests, which are often conspicuous on the bank of waterways. No alligator or crocodile nests were ever found on the property during listed species surveys. If the proposed project is approved, the wetland preservation described in this Indigenous Habitat Management Plan will ultimately provide increased acreage of higher quality habitat for the alligator and

crocodile. The proposed site conditions will result in a total of over 1.84 acres of preserved wetland habitat on the property.

Alligators will commonly move from water body to water body in response to factors such as season, disturbances, food supply, etc. In the event that an alligator or crocodile is present within the limits of construction at the time of site clearing, work within the immediate vicinity of the alligator or crocodile will be halted and the animal will be allowed to move out of harm's way. Once the animal has moved, work can be restarted. The protection provided by implementation of the Indigenous Habitat Management Plan will provide long-term viability for the American alligator and American crocodile onsite.

Gopher Tortoise

Prior to the initiation of development activities a gopher tortoise burrow survey of the development footprint will be conducted in accordance with current Florida Fish and Wildlife Conservation Commission (FWC) guidelines. If the survey determines there are ten or fewer potentially occupied gopher tortoise burrows that will be impacted by development activities, the land owner will obtain a 10 or Fewer Burrows permit from the FWC and relocate the gopher tortoises to the upland preserve in the eastern portion of the upland preserve area. In the event there are more than ten potentially occupied gopher tortoise burrows that will be impacted by development activities, the land owner will obtain a Conservation permit from the FWC and relocate the gopher tortoises to the FWC approved off-site recipient site as specified by the FWC permit. Lee County Environmental Sciences will be provided a copy of the FWC gopher tortoise permit prior to excavation of the burrows. With the exception of potentially occupied gopher tortoise burrows located within 25 feet of the development footprint, all gopher tortoise burrows within the upland preserves will remain undisturbed. The management of the upland preserves are anticipated to improve the quality of gopher tortoise habitat within those preserves.

Florida Bonneted Bat:

Prior to the initiation of development activities a cavity tree survey of the development footprint will be conducted. The five (5) trees containing potential Florida bonneted bat roost cavities will be visually inspected (peeped) using a small high resolution wide angle video camera capable of operating in low light conditions mounted on an extendable pole. All videos will be carefully examined for evidence of Florida bonneted bats or their guano. In the event that evidence of Florida bonneted bat utilization of a roost cavity is detected, the landowner will coordinate with the FWS on appropriate additional surveys and conservation measures that are required to prevent a "take" of this species. Lee County Environmental Sciences will be provided a copy of the cavity tree survey and FWS's recommendations (if any) on required future conservation.

Florida Black Bear Management Plan:

It is expected that existing forage and prey habitat for the Florida black bear will be enhanced through the removal and maintenance of invasive exotic plants and protected by implementation

of this Indigenous Habitat Management Plan. Some best management practices may be required after development to dissuade black bear and human interactions (e.g. bear proof dumpsters, educational material for residents, etc.).

The preservation of 3.01± acres of uplands and 1.84 acres of wetlands will link the surrounding conservation lands, restoring a link that has been disrupted by the extensive exotic vegetation infestation in that area and will allow movement of wildlife across the property. Please see Figure 4.

Human Coexistence with Wildlife Plan:

The following Human Coexistence with Wildlife Plan will be incorporated into the project's Homeowners Association documents.

Residential Areas:

American Alligator/American Crocodile:

Signs will be posted on the subject property adjacent to the water management lakes and bodies of water advising residents that feeding or harassing American alligators and American crocodiles is punishable by state law. An educational brochure, such as the attached "A Guide to Living with Alligators" prepared by the FWC (Appendix B), will be provided to residents. Residents, commercial tenants, and property maintenance staff will be instructed to contact the FWC for assistance in the event a nuisance alligator is present within the lakes.

Florida Black Bear:

An educational brochure, such as the attached "A Guide to Living in Bear Country" (Appendix C) prepared by the FWC, will be provided to residents and commercial tenants. Residents will be instructed to contact the FWC for assistance in the event a nuisance black bear is present on-site.

Kayak Launch:

American Alligator/American Crocodile

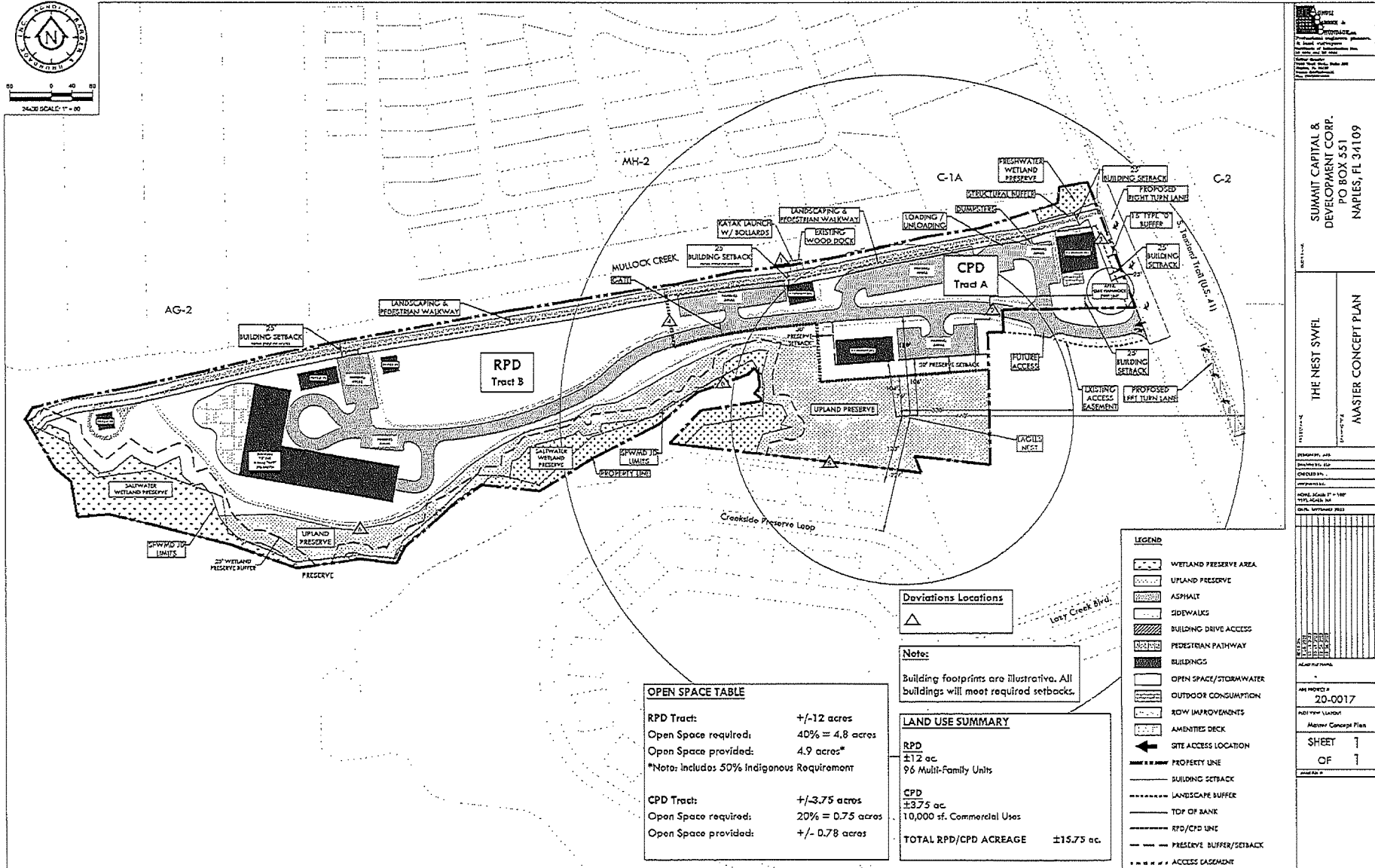
Signs will be posted on the subject property adjacent to the kayak launch advising the public that feeding or harassing American alligators and American crocodiles is punishable by state law. An educational brochure, such as the attached "A Guide to Living with Alligators" prepared by the FWC (Appendix B), will be provided to the public at the launch. Residents, commercial tenants, and property maintenance staff will be instructed to contact the FWC for assistance in the event a nuisance alligator is present at the Kayak launch.

West Indian Manatee

At least one manatee educational sign or a kiosk will be placed at the kayak launch.

Appendix A

Master Concept Plan



OPEN SPACE TABLE

RPD Tract:	+/-12 acres
Open Space required:	40% = 4.8 acres
Open Space provided:	4.9 acres*
*Note: Includes 50% Indigenous Requirement	
CPD Tract:	+/-3.75 acres
Open Space required:	20% = 0.75 acres
Open Space provided:	+/- 0.78 acres

Deviations Locations

Note:

Building footprints are illustrative. All buildings will meet required setbacks.

LAND USE SUMMARY

RPD	±12 ac.
96 Multi-Family Units	
CPD	±3.75 ac.
10,000 sq. ft. Commercial Uses	
TOTAL RPD/CPD ACREAGE	±15.75 ac.

LEGEND

- WETLAND PRESERVE AREA
- UPLAND PRESERVE
- ASPHALT
- SIDEWALKS
- BUILDING DRIVE ACCESS
- PEDESTRIAN PATHWAY
- BUILDINGS
- OPEN SPACE/STORMWATER
- OUTDOOR CONSUMPTION
- ROW IMPROVEMENTS
- AMENITIES DECK
- SITE ACCESS LOCATION
- PROPERTY LINE
- BUILDING SETBACK
- LANDSCAPE BUFFER
- TOP OF BANK
- RPD/CPD LINE
- PRESERVE BUFFER/SETBACK
- ACCESS EASEMENT

SUMMIT CAPITAL & DEVELOPMENT CORP.
PO BOX 351
NAPLES, FL 34109

THE NEST SWFL

MASTER CONCEPT PLAN

PROJECT NO. 20-0017

DATE: 01/11/2021

SHEET 1 OF 1

Appendix B

A Guide to Living with Alligators

■ 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.



Tim Donovan, FWC

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



Janice Plain

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



MyFWC.com/Alligator



A Guide to Living with **Alligators**



Jamie Feddersen



Florida Fish and Wildlife
Conservation Commission

MyFWC.com



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 C

A Guide to Living in Bear Country



MA Fox

Discouraging bears from visiting your home

Properly storing or securing residential garbage and other attractants is a proven method of discouraging bears and preventing bear conflicts around homes, farms and neighborhoods. The following items attract bears and should be protected by an electric fence, wildlife resistant container, or stored in a secure place, such as a garage or sturdy shed:

- Trash and recycling containers
- Bird and squirrel feeders
- Game feeders
- Pet foods and bowls
- Barbeque grills and smokers
- Pets and small livestock
- Livestock feed
- Compost piles
- Beehives
- Fruit and nut-bearing trees and shrubs

Funds from the "Conserve Wildlife" license plate help support efforts to reduce human-bear conflicts. Buy one today at your local tax collector's office or online at BuyAPlate.com.

Secure common bear attractants

- Use electric fencing to protect gardens, compost piles, apiaries, fruit trees and livestock.
- Store garbage and recyclables in bear-resistant containers or in a secure area until the morning of pick up.
- Feed pets indoors or bring food dishes (even if empty) inside before dark.
- Store pet and livestock feed in bear-resistant containers or inside a secure area.
- Remove bird and wildlife feeders. Ensure the area is free of all seed, corn, or other wild animal feed.
- Keep gardens and fruiting trees and shrubs tidy. Remove rotten fruit and harvest ripe nuts, fruits and vegetables.
- Clean meat smokers and barbeque grills with a degreasing detergent. Properly dispose of food remnants after each use.

Learn more about black bears with the Florida Black Bear Curriculum Guide. The guide is designed to educate teachers and students in 3rd to 8th grade and offers a comprehensive series of lessons on Florida's black bear.

To get tips on how to secure bear attractants, watch videos about bears or how to install electric fencing, and learn more about bear-resistant containers, visit MyFWC.com/Bear.



Rock Swarth

Bear range in Florida



If you are experiencing bear problems, please contact the nearest FWC regional office.

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

If you suspect illegal activity, call FWC's Wildlife Alert Hotline at 1-888-404-3922.

Follow us on:



Cover photo by Ashley Hockenberry



Florida Fish and Wildlife
Conservation Commission
MyFWC.com

printed on recycled paper

A guide to living in bear country



Florida Fish and Wildlife
Conservation Commission
MyFWC.com



Ashley Hockenberry

If you live in Florida, you should know

Florida black bear populations have been recovering from historically low numbers in most areas of the state. At the same time, the human population is rapidly expanding in and around bear range. As a result, bears and humans are encountering each other more than ever.

Calls to the Florida Fish and Wildlife Conservation Commission (FWC) about human-bear encounters have increased from 1,000 in 2001 to over 4,000 in 2010. The most common calls refer to bears in yards and getting into garbage.

The mere presence of a black bear does not represent a problem. In fact, living in bear country can provide unique and rewarding experiences for residents.

While feeding bears is illegal in Florida, bears are still often fed by humans, either intentionally or unintentionally. When black bears have access to pet food, garbage, birdseed, livestock feed or other human-provided items, they quickly learn to associate people with food. Bears that have become

too comfortable around people are more likely to be killed, either by vehicle collisions, illegal shooting, or as a result of bear management actions.

People ask why problem bears can't simply be relocated to a "wild area where they won't bother anyone." Unfortunately, areas large and remote enough for bears to avoid people are rare in Florida. Also, most relocated bears typically leave the new area, either to return to their original home or to leave an area already occupied by other bears. Some bears will wander through unfamiliar areas and cross busy roads, creating a danger to the bear and to motorists. In addition, bears remaining in the relocation area often exhibit the same, unwanted behavior, thus shifting the problem to a new location. As a result, relocation is not a desirable or effective solution to bear conflicts. Wildlife biologists can provide technical advice to residents who live in bear country to help them take actions to discourage bears from becoming a problem. The FWC is committed to addressing the safety concerns of residents and visitors while ensuring the long-term well-being of black bears.

If a bear comes into your yard

If you encounter a black bear at close range, remain standing upright, back up slowly and speak to the bear in a calm, assertive voice.

- Do not intentionally 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.



Charles Jones



Ashley Hockenberry

- Never approach or surprise a bear. Keep as much distance between you and the bear as possible.
- Make sure you are in a secure area and the bear has a clear escape route to leave the area - then yell, bang pots and pans, or use an air horn to scare the bear away.
- Do not turn your back, play dead or run from a black bear. Back away slowly into a house, car or building.
- Report any bear threatening the safety of humans, pets or livestock, or causing property damage to the FWC (see back panel).
- Warning! It is illegal to injure or kill black bears under Florida state law. If you are found guilty, you could face fines and/or jail time.

Climbing trees is a bear's natural escape route. If the bear climbs a tree, keep people and pets away. The bear will come down the tree and leave when it feels safe, usually after dark.

Did you know?

Black bears are shy animals and generally not aggressive towards people. When a bear stands on its hind legs, it is merely trying to get a better view, rather than acting in a threatening way. Black bears may huff, snap their jaws, swat the ground or "bluff charge" when cornered, threatened or caught stealing food. Stand your ground and then slowly back away. Always respect bears - they are large and powerful wild animals and can act unpredictably. Bears used to getting food from humans may lose their natural fear of people and are more likely to damage property or become a safety threat.

The bear facts

Black bears are the only species of bear in Florida and once roamed the entire state.

- FWC biologists estimate there are 2,500-3,000 black bears in Florida.
- Florida bears are generally black with a brown muzzle and may have a white chest marking called a blaze.
- Adult black bears typically weigh between 150 to 400 pounds; males are usually larger than females.
- Female bears have their first litter at about 3 1/2 years of age and generally have one to three cubs every other year.
- In Florida, the breeding season runs from June to August and cubs are born in late January or early February.
- Bears of all ages are excellent climbers and will climb trees when they are frightened or looking for food (e.g., acorns).
- About 80 percent of a black bear's diet comes from plants (e.g., fruits, nuts, berries), 15 percent from insects (e.g., termites, ants, yellow jackets) and 5 percent from meat (e.g., opossums, armadillos, carrion).

It is illegal to intentionally place food or garbage out that attracts bears and causes conflicts. Anything that attracts dogs, cats or raccoons also will attract bears!



Date: May 1, 2023

To: Chahram Badamtchian, Senior Planner

From: Nic DeFilippo, Senior Environmental Planner
239.533.8983
ndefilippo@leegov.com

Subject: DCI2022-00004
Natural Resources Staff Report and Conditions for The Nest SWFL CPD and RPD
STRAP# 17-46-25-00-01001.0040, 18-46-25-L2-U1631.2844, 18-46-25-00-00037.0010,
and 18-46-25-00-00035.0000

The request is to rezone 15.75± acres from Agricultural (AG-2) to Commercial Planned Development (CPD) and Residential Planned Development (RPD) to allow for up to 10,000 square feet of commercial uses and 62 dwelling units. A new Master Concept Plan was provided post sufficiency, which reduced the height of the proposed residential building and the number dwelling units from 96 to 62. The northern shoreline of the property abutting Mullock Creek and the western portion of the property are located within a FEMA Regulatory Floodway. The applicant is proposing improvements within the FEMA Regulatory Floodway as part of the proposed project. Prior to issuance of a local development order that depicts improvements within the FEMA Regulatory Floodway, an approved No-Impact Certification (aka No-Rise Certification) is required. During the review of the No-Impact Certification, the applicant will be required to demonstrate that the proposed encroachment will not result in any increase in flood levels. The entirety of the subject property is located within the Coastal High Hazard Area (CHHA). The CHHA is defined as the area below the elevation of category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. The applicant has obtained a South Florida Water Management District (SFWMD) Formal Wetland Determination, SFWMD Application # 210113-5106, and is not proposing any wetland impacts as part of the proposed development.

The subject property is in the Mullock Creek watershed and abuts Mullock Creek on the northern property boundary. In addition, a tributary of Mullock Creek flows through the project's proposed preserve on the southern boundary. The project's proposed stormwater management system consists of two drainage basins each with an interconnected dry detention system prior to outfalling into Mullock Creek in two locations. The Mullock Creek watershed is verified impaired for Iron, Selenium, Enterococci, and Copper by the Florida Department of Environmental Protection and ultimately outfalls into the Estero Bay Aquatic Preserve, which is verified impaired for Total Nitrogen by the Florida Department of Environmental Protection. Lee Plan policy 125.1.2 states new development and additions to existing development must not degrade surface and ground water quality. Lee Plan policy 125.1.4 states developments which have the potential of lowering existing water quality below state and federal water quality standards will provide standardized appropriate monitoring data. To demonstrate consistency with these Lee Plan policies, the applicant has provided a draft Surface Water Quality Monitoring Plan. In order to maintain consistency with these policies staff recommends the following condition:

Prior to local development order approval, the developer must provide the attached draft Surface Water Quality Monitoring Plan for review and approval by the Lee County Division of Natural Resources. At a minimum, the draft Surface Water Quality Monitoring Plan must be modified to establish:

- i) The overall Goals and Objectives of the Surface Water Monitoring Plan;
- ii) A baseline monitoring event to be part of the monitoring plan that must be completed prior to commencement of construction.

- iii) An outfall monitoring schedule conducted three times annually (June, August, October) for Total Kjeldahl Nitrogen, Total Nitrogen, Nitrite, Nitrate, Chlorophyll A, Total Phosphorus, Total Dissolved Solids, Enterococci, Iron, Enterococci, Total Hardness, Field Temperature, Specific Conductance, pH and Dissolved Oxygen.
- iv) Water quality monitoring data must be provided to the Division of Natural Resources annually following the issuance of the first Certificate of Occupancy and must include a report with a comparison of State surface water quality standards, plots of parameters, and recommendations. Five years after issuance of final Certificate of Occupancy and after meeting or exceeding state water quality monitoring standards, the developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources.
- v) A contingency plan in the event an exceedance of State Surface Water Quality Standards is discovered. This plan must include notification to impacted residents and applicable authorities.

Portions of the proposed CPD and RPD are located within the 660 foot-radius of bald eagle nest LE-118. As a result, any improvements within the 660 foot-radius must obtain a Board of County Commissioners approved Bald Eagle Management Plan per Land development Code 14-119(c). On February 14, 2023, the Eagle Technical Advisory Committee (ETAC) recommended approval of a Bald Eagle Management Plan with two stipulations. The first stipulation required that the BEMP be revised to further clarify the proposed conservation measures being implemented within 76'-330' of the nest. The second stipulation required that the upland preserve surrounding the bald eagle nest tree be protected as part of the approval of DCI2022-0004. There was extensive discussion regarding this stipulation. The ETAC members stressed the importance of ensuring that the upland preserve remained a preserve in perpetuity to provide critical bald eagle nesting habitat regardless of whether the nest is declared Lost or Abandoned in the future. To ensure that the project is consistent with LDC 14-119(c) and that the upland preserve surrounding the bald eagle nest tree remains in perpetuity staff recommends the following conditions:

Prior to local development order approval, the developer must adhere to the attached Bald Eagle Management Plan dated February 15, 2023 for all proposed impacts within 660 feet of the bald eagle nest. The 660-foot buffer zone and the activities and restrictions outlined in the bald eagle management plan must be shown on the development order plans.

Prior to local development order approval, the developer must depict the upland preserve surrounding the bald eagle nest on the development order plans and provide a draft conservation easement for the upland preserve surrounding the bald eagle nest.

Prior to issuance of Certificate of Completion for the project a conservation easement must be recorded over the upland preserve surrounding the bald eagle nest.

Attachments:

- I. Draft Surface Water Quality Monitoring Plan
- II. Bald Eagle Management Plan dated February 15, 2023



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Attachment 1

The Nest SWFL DCI2022-00004

5. Revised Surface Water Quality Monitoring Plan & Exhibit

Water Quality Monitoring Plan

1: Background

The Nest is located within the Urban Community Land Use Category of the Lee Plan and is currently zoned as Agricultural (AG-2). It is in the process of a rezone to a 96 unit RPD combined with 10,000 SF of commercial in a CPD. The property is currently used as an agriculture pasture, and it is unimproved. The proposed drainage system will have two points of discharge to Mullock Creek.

The project is a total of 15.75 acres with only a portion of that within the controlled water management system boundary. The drainage system boundary incorporates a total of 11.4 +/- acres, of which 0.38 acres is offsite in an Access Easement and Drainage Easement that covers a shared entry with the property to our south. The drainage system will be designed, permitted, and developed in compliance with SFWMD, FDEP, and Lee County rules and regulations. The system will be divided into two separate basins that can be developed individually. The eastern system (Basin 1) will treat and attenuate the rainfall runoff from the eastern part of the commercial development and the shared entry access drive and any compensating treatment that may be required for any offsite turn lane improvements. The second system will treat and attenuate the runoff from the residential component and the western commercial component of the development. Basin 1 will discharge to Mullock Creek at the west end of the basin limits and basin 2 will discharge to Mullock Creek at the west end of the site as depicted on the Conceptual Drainage Plan. Mullock Creek is a manmade canal where it abuts our site and is a natural flow way to the west of our site. Mullock Creek at this location accepts the runoff from San Carlos Park and flows westerly to intersect with 10 Mile Canal before the combined flow goes southwest to Estero Bay.

2: Project Goals

This development will follow all of the required criteria of the SFWMD, including a pre vs post water quality analysis, a 25 year 3 day storm site storage design and 1" over the entire site for water quality. This project will result in no water quality degradation of the contiguous Mullock Creek waterbody.

3: Implementation

Testing will be conducted three times annually (June, August, October) to test for the following parameters:

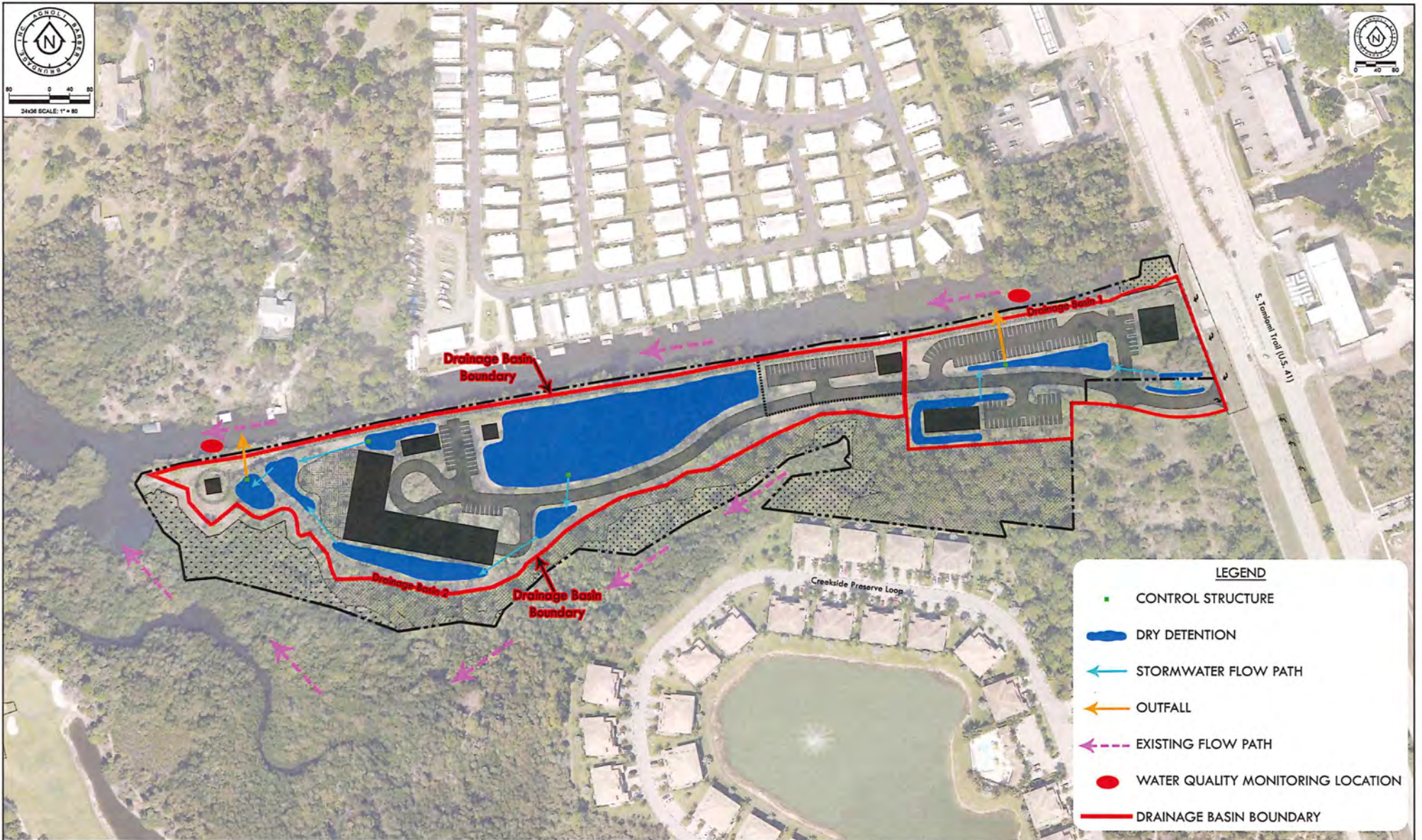
- Water Temperature
- Total Kjeldahl Nitrogen (TKN)
- Total Nitrogen
- Chlorophyll A
- Nitrite
- Nitrate
- Phosphorus
- Turbidity
- Stage
- Dissolved Oxygen (DO), (mg/L)
- DO, (%)

- pH
- Salinity
- Specific Conductance
- Enterococci
- Iron

Background sampling will occur immediately upstream of the eastern control structure discharge location to determine the existing conditions. Water quality testing for the above parameters will also be collected immediately downstream of the western control structure to determine if any of the parameters have been materially altered by the discharge from the project. If the downstream samples exceed the upstream background values two times in any one year, additional Best Management Practices (BMP's) will be incorporated to address the parameters that exceed background values. The specific BMP to be utilized will be determined by the parameter that is exceeded and the best available technology at the time. Some examples of BMP's include drop in baskets to collect sediments and/or hydrocarbons, baffle boxes to collect sediments, customized fertilizer plans to reduce nitrogen and phosphorous, and harvesting of grass clippings in the dry retention areas to collect the organic matter.

Monitoring reports must include plots of parameters, analysis of the data with a comparison of State water quality standards, recommendations, and the results must be reported as an Electronic Data Deliverable (EDD), in a format approved by the Division of Natural Resources.

Annual monitoring reports will be submitted annually on the anniversary of the first certificate of occupancy.



The Nest

Bald Eagle Management Plan

February 15, 2023

Prepared by:



WETLAND
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and



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Appendix A: Bald Eagle Monitoring Data Sheets

Appendix B: Master Concept Plan

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Introduction

Wetland Consultants, LLC conducted a Listed Species Survey on the property referred to as The Nest (Subject Property, FKA Eagle's Nest) between April 4th, 2020, and April 9th, 2020. During the listed species survey a Bald Eagle's (*Haliaeetus leucocephalus*) nest was observed on the property. The presence of the nest was known prior to the species survey as a result of older environmental surveys conducted on the property. The property is currently in the process of being rezoned and a bald eagle management plan is required. The future intended use is a commercial planned development closer to US 41, and a residential planned development in the western portion of the property.

Location

The Subject Property is directly adjacent and west of US 41 and about one mile north of the intersection of US 41 and Sanibel Boulevard. The Subject Property is located in unincorporated Lee County in Sections 17 & 18, Township 46 South, and Range 25 East. The Subject Property is a collection of four separate parcels (STRAPs: 17-46-25-00-01001.0040, 18-46-25-00-00037.0030, 18-46-25-00-00037.0010, 18-46-25-00-00035.0000z). A location map can be seen in Figure 1. A boundary survey of the property has been completed and totals 15.75 acres.

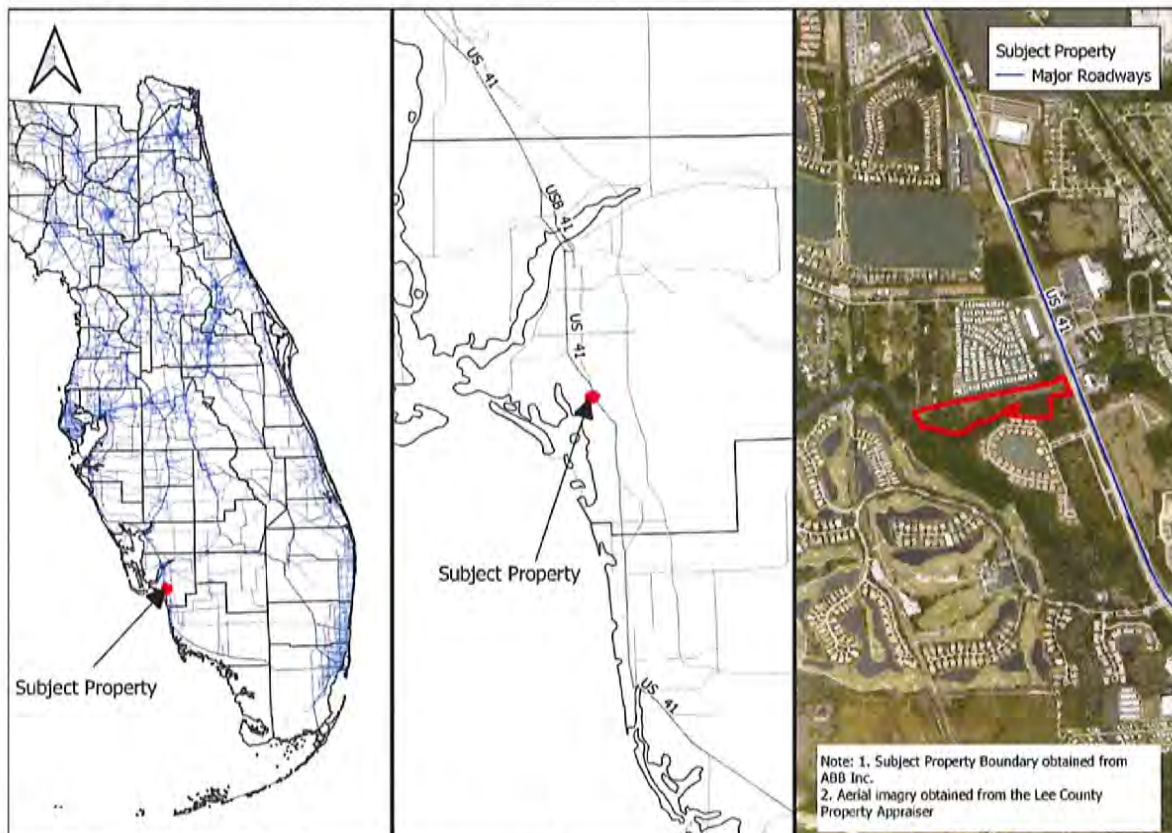


Figure 1. Location Map

Existing Site Conditions

The Subject Property contains both densely vegetated forests and areas of open improved pasture. Surrounding land use is residential to the north and south, with some commercial property across US 41. An aerial map can be seen in Figure 2.



Figure 2. Aerial Map

The open improved pasture is located towards the northern boundary line and is adjacent to the existing canal. The densely vegetated areas of the Subject Property contain both upland and wetland communities. A FLUCCS map can be seen in Figures 3 and 4 followed by Table 1, FLUCCS communities by acreage.

“E” designators have been appended to the FLUCCS codes to indicate the percentage of exotic coverage located in the FLUCCS community. Exotic plant species are determined by the Florida Exotic Pest Plant Council (FLEPPC) and coverage was determined by field observations and aerial interpretation.

Corresponding percentages are as follows:

E1 = 0-25% Exotic Coverage, E2 = 26-50% Exotic Coverage, E3 = 51-75% Exotic Coverage,
E4 = 76-100% Exotic Coverage

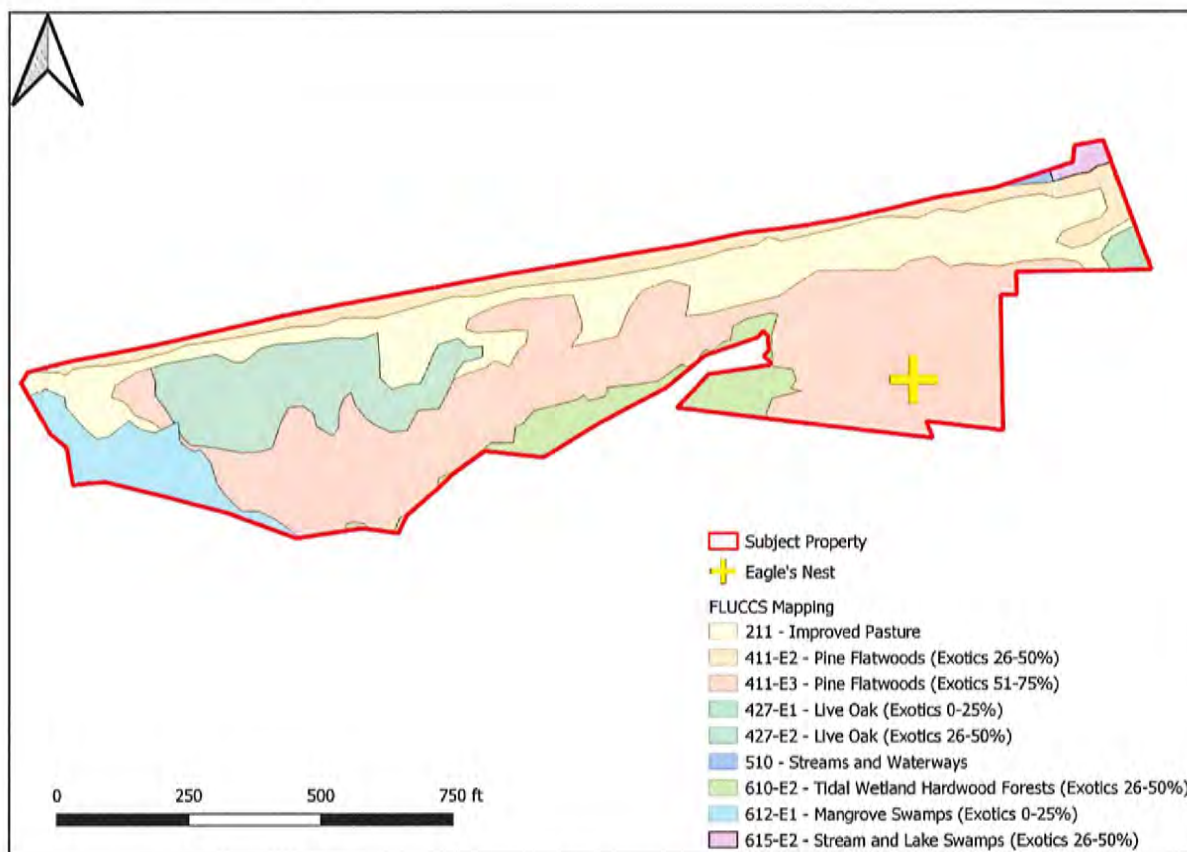


Figure 3. FLUCCS Map



Figure 4. FLUCCS Map with Aerial

Table 1. FLUCCS Communities by Acreage		
FLUCCS Code	FLUCCS Description	Acres
211	Improved Pasture	3.65
411-E2	Pine Flatwoods (Exotics 26-50%)	1.37
411-E3	Pine Flatwoods (Exotics 51-75%)	6.91
427-E1	Live Oak (Exotics 0-25%)	0.12
427-E2	Live Oak (Exotics 26-50%)	1.80
510	Streams and Waterways	0.03
610-E2	Tidal Wetland Hardwood Forests (Exotics 26-50%)	0.89
612-E1	Mangrove Swamps (Exotics 0-25%)	0.88
615-E2	Stream and Lake Swamps (Exotics 26-50%)	0.10
Total		15.75

Nesting Pair History

Wetland Consultants LLC began monitoring the eagle's nest in April of 2020. The United States Fish and Wildlife Service Bald Eagle Monitoring Guidelines were followed and monthly monitoring events during nesting season began.

No eagles were observed in or around the nest in the months of April and May 2020. It is possible that monitoring began too late in the season and the bald eagle pair had concluded their nesting activities.

Monthly monitoring during nesting season began again in October 2020. An eagle was present in and around the nest in October and November 2020, but it was unclear if both members of the pair were present. In December 2020 the bald eagle pair was observed incubating eggs. The monthly monitoring was ended as these activities qualified the nest as an active nest for the nesting season.

Monthly monitoring began again in October of 2021 and continued monthly throughout the nesting season with the most recent monitoring event occurring on May 14th, 2022. No eagles were observed on or around the property during the 2021-22 nesting season. Owen Environmental Consulting LLC has been monitoring the nest site weekly since December 7, 2022. No eagles have been observed on or in the vicinity of the property. Please see the attached Bald Eagle Monitoring Data Sheets (Appendix A).

Table 2. Bald Eagle Monitoring Summary		
Year	Months	Result
2020	April – May	No eagles observed
	October -December	Eagles Observed Incubating Eggs, Monitoring ceases for the nesting season.
2021	October – December	No eagles observed
2022	January – May	No eagles observed
	December	No eagles observed
2023	January	No eagles observed

Current Nest Condition

The nest is only visible from a single vantage point to the north located within the improved pasture. Due to the restrictive viewpoints no nearby perch trees (other than the nest tree itself) have been identified during nesting season.

The nest was located in a slash pine (*Pinus elliottii*) surrounded by other slash pines as well as some exotic invasive trees. Invasive trees on the property include java plum (*Syzygium cumini*), earleaf acacia (*Acacia auriculiformis*), and Australian pine (*Casuarina equisetifolia*). The

understory density is moderate to high. A handful of similarly sized slash pine trees exist in its immediate vicinity.

Flight paths observed during the 2020-21 nesting season appear to be solely to and from the south. No flight paths have been observed flying from the north, over the improved pasture or the monitoring vantage point.

As of April 2022, the nest itself was small and the nest building that occurred during the 2020-21 season was minimal. The state of the nest was poor as of April 2022. The strong weather events that occurred during 2022 up to April has caused the nest to shift slightly and some of its mass had been lost. On closer inspection it appeared lopsided.

Hurricane Ian made landfall south of Punta Gorda on September 28, 2022. This catastrophic storm caused severe damage to the vegetative communities onsite including the nest tree. The nest tree sustained some damage with a large limb torn from the main trunk. The nest was completely blown down by the high winds.

Photos of the nest can be seen below in Figures 5 - 9.



Figure 5. April 2020 Nest Condition



Figure 6. October 2020 Nest Condition (Eagle in Nest)



Figure 7. April 2022 Nest Condition



Figure 8. April 2022 Close Up of Nest



Figure 9. October 2022 Tree/Nest Condition

Current Buffer Zones and Planned Development

The nest tree is located 132' from the nearest existing residential building and 225' from the nearest existing road. Both of these activities are located in the neighborhood to the south, Creekside Preserve. Previous permitting for Creekside Preserve does not contain any mention of the nearby eagle's nest. The oldest record of the eagle's nest is from a 2015 listed species survey done on the Subject Property.

The proposed master concept plan would protect the existing eagle's nest by creating an upland preserve surrounding the nest. This upland preserve is shown on the Master Concept Plan. The current buffer zones can be seen overlaid an aerial image in Figure 10. The portion of the master concept plan within the 330' buffer can be seen in Figure 11. The full Master Concept Plan can be found in Appendix B.



Figure 10. Bald Eagle Buffer Zones on Aerial

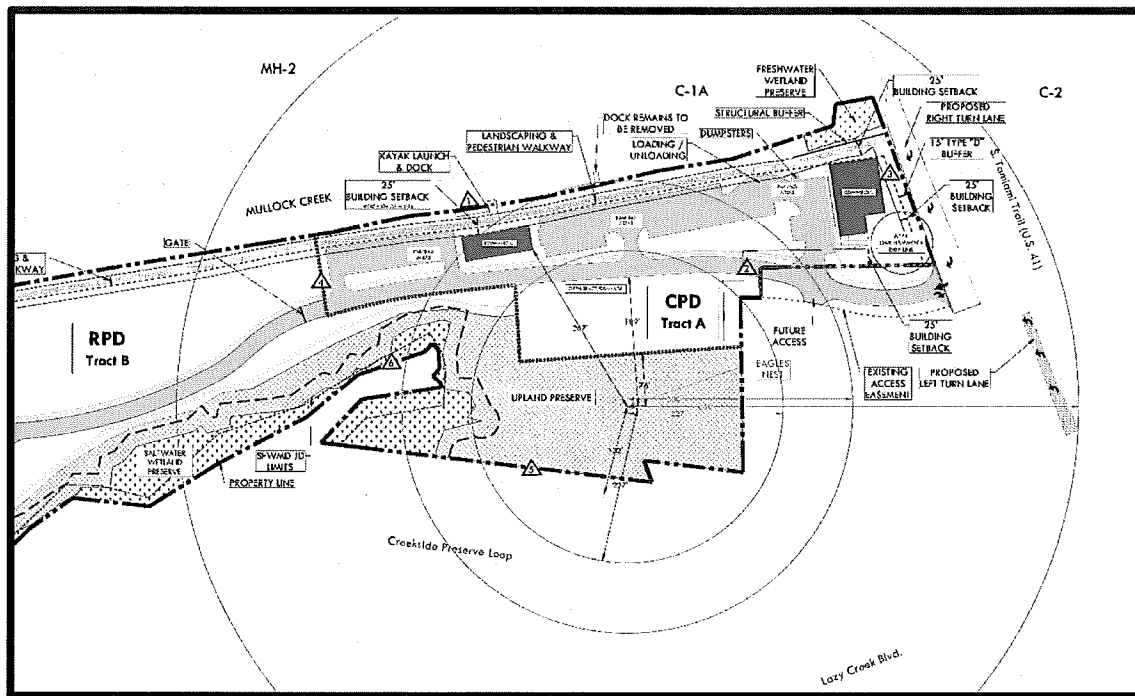


Figure 11. Bald Eagle Buffer Zones on Master Concept Plan

The project consists of a residential planned development and a commercial planned development. The constructed residences will fall outside of the 660' bald eagle buffer zone but will require an access roadway that comes within 330' of the bald eagle nest. A west building will be a maximum size of 3,500 square feet and an east building will be a maximum size of 6,500 square feet. If the nest is determined to be lost by ETAC, 2 or more commercial buildings will total a maximum of 10,000 square feet within the CPD portion of the site. The nearest point of the proposed access road to the bald eagle nest is 189' away. The access roadway will be shared with the commercial planned development.

The master concept plan has incorporated the nest and surrounding habitat into the overall design to the greatest extent possible given the physical constraints of the narrow site. This includes establishing preserve areas, buffered open spaces and orienting buildings away from the nest.

The commercial planned development partially falls within the 330' buffer zone and the nearest proposed building structure is 267' from the bald eagle nest. All commercial buildings fall within 660' and are proposed to be one or two stories with a maximum height of 35'. A federal incidental take permit from the United States Fish and Wildlife Service (USFWS) will be obtained, if required, prior to construction to authorize the proposed construction within the 660' buffer zones.

The protection measures outlined below have been designed utilizing the FWS's *National Bald Eagle Management Guidelines* (FWS 2007a) and Section 14-111 through 14-120 of the Lee County Land Development Code. These proposed restrictions and requirements apply only to

The Nest project and are not binding on any other property in the vicinity of Bald Eagle Nest LE118.

If Nest LE118 is vacated before the end of the nesting season (May 15th) or if Lee County Division of Environmental Sciences (DES) determines that Nest LE118 has been lost, construction activities may commence upon confirmation of those conditions by DES. If the nest is not active by March 1st or as confirmed by DES, then the nesting season for Nest LE118 shall be considered over and the construction restrictions shall not apply. A determination that the nest is not active shall be consistent with the *Bald Eagle Monitoring Guidelines* (FWS 2007b).

The restrictions described below are only applicable to the portion of the property within 660' of Nest LE118.

1. The use of any chemicals that are known to be toxic to wildlife shall be prohibited within 660± feet of the bald eagle nest. The use of all chemicals will be in accordance with labeling instructions.
2. Outdoor lighting installed within 660± feet of the bald eagle nest shall be subdued, shielded, and directed away from the nest tree.
3. After construction is completed, normal commercial and residential activities will be allowed throughout the year.

Moving from the eagle's nest to 660' the following is proposed:

0'-76': The upland preserve extends 76' from the eagle's nest toward the commercial development. No development will occur within this upland preserve. The preserve will be cleared of exotics and supplementally planted outside of nesting season unless the nest is considered "lost". The upland preserve boundary can be seen in the Master Concept Plan (Appendix B).

76'-189': This area will consist of sodded open space and/or dry detention. To minimize potential disturbances to the nest, no buildings or parking lot will be constructed in this area.

This area will be cleared and filled during the non-nesting season (i.e., May 16th - September 30th) and sodded, landscaped, and sidewalk constructed throughout the year provided that the activities do not disturb the nesting bald eagles as defined by the Bald Eagle Monitoring Guidelines. As the existing building to the south is 132' from the nest and there is residential uses and activities such as landscaping, minor outdoor construction is not anticipated to cause any disturbance to the eagle pair. Monitoring consistent with the USFWS 2007 Bald Eagle Monitoring Guidelines shall be required during any construction activities.

189'-330': This area contains the access roadway and a commercial building with associated parking. If a federal incidental take permit is required (nesting is re-established), then it will be obtained prior to any construction activities. The restrictions below will remain for this area until the nest is determined to be lost by ETAC.

The CPD Schedule of Uses was revised by eliminating Automobile Service Station and vehicle drive throughs, and outdoor recreational facilities/uses will be limited to passive and active recreational and educational activities including hiking, nature trails and nonmotorized water vessel use (Appendix C). This schedule is incorporated into the overall rezoning of the property and limits the intensity of noise producing activity for the entire tract.

In addition, since the rear building is located at the edge of the 330' radius the following limitations will apply until such time as the nest is deemed lost: The rear building's business operating hours will be limited to open one hour before sunrise and closed one hour after sunset. Additionally, no outdoor sound system will be installed and a south facing open air patio will not be built.

The portion of the proposed access road inside of the distance radius from the existing road to the south (227' from the nest) will only be cleared and filled during the non-nesting season. The portion of the proposed access road between the distance of the existing road to the south (227' from the nest) and the 330' protection zone can be cleared and filled during the nesting season. Paving, sodding, road marking, and construction of sidewalks can take place throughout the year. As the existing building to the south is 132' from the nest and there are residential uses and activities ongoing, street and sidewalk paving, landscape installation and maintenance, exterior stucco application, and painting activities are not anticipated to cause any disturbance to the eagle pair.

All major exterior construction activities outside of the 227' zone, including initial site clearing, major earth work, grading, commercial building construction, and access road construction as described above may occur during the nesting season provided that the activities do not disturb the nesting bald eagles as defined by the Bald Eagle Monitoring Guidelines. Monitoring consistent with the USFWS 2007 Bald Eagle Monitoring Guidelines shall be required during these construction activities. Interior construction (i.e., electrical, drywall, carpeting, etc.) may occur at any time, including during the nesting season without implementing monitoring so long as reasonable measure to reduce noise audible outside of the building are taken (i.e., keep windows and doors closed during finishing activities). DES will be notified when exterior and interior construction activities will occur. No eagle monitoring is required for interior construction during the nesting season.

330'-660': This area contains the access roadway and a commercial building with associated parking. This area will be developed after obtaining a federal incidental take permit for the bald eagle's nest, if required. No limits on the type of commercial use are proposed. All major construction may occur during the nesting season provided that the activities do not disturb the nesting bald eagles as defined by the Bald Eagle Monitoring Guidelines. Monitoring consistent with the USFWS 2007 Bald Eagle Monitoring Guidelines shall be required during these construction activities.

Best Management Practices

Construction of the commercial planned development will involve the removal of canopy trees within 660' of the eagle's nest. Guidance from USFWS will be adhered to for clearing and construction activities.

An upland preserve will be created that surrounds the eagle's nest. The northern boundary of the preserve will be planted with canopy stratum trees or native palms to create a landscape blind. This canopy screen aims to obscure the view of construction and subsequent use of the commercial area from the eagle's nest, specifically in the mid-story due to the relatively open existing conditions of this stratum. The location of the landscape blind can be seen in Figure 12.

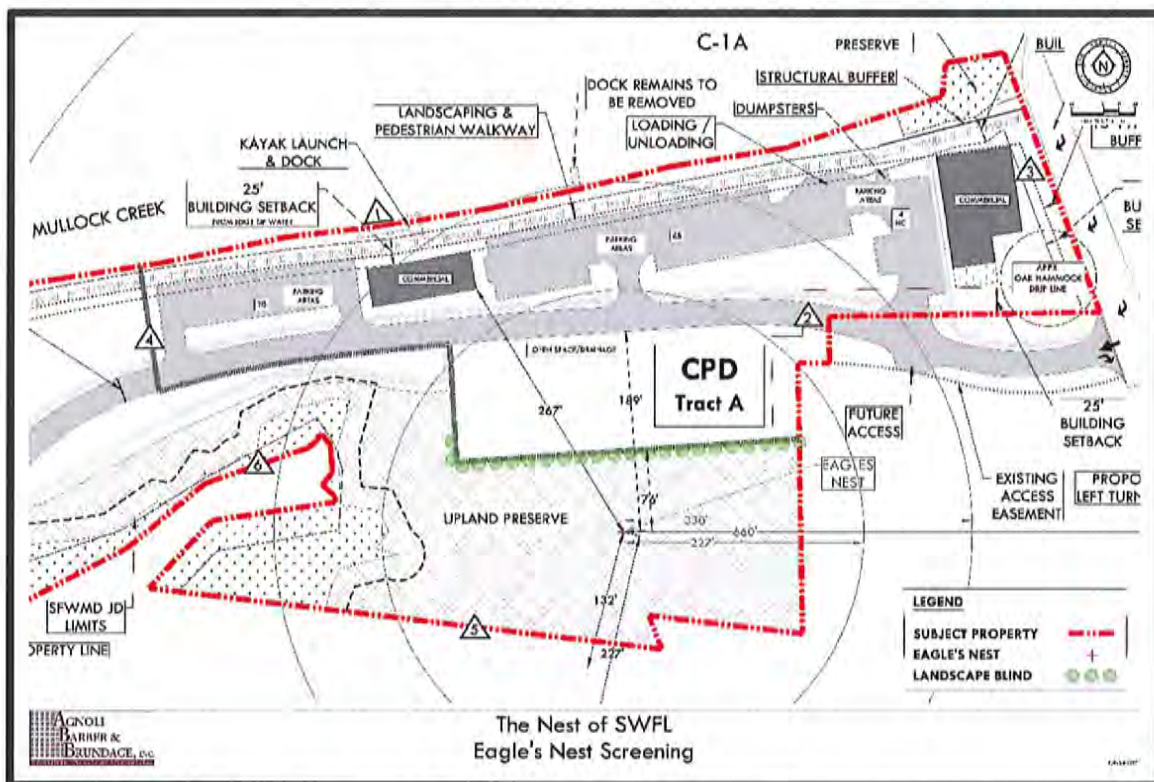


Figure 12. Location of the Proposed Landscape Blind

The landscape blind will consist of a double staggered row of 25-gallon slash pine trees planted on a minimum of 20' centers. The landscape blind will not be factored into the upland preserve planting plan. The goal of the planting will be to space the trees accordingly so they may grow into a continuous canopy to obscure the view from the eagle nest to the proposed development. The plants will be a minimum of 10' tall. Planting of the landscape blind will be concurrent or immediately following the exotic removal and supplemental planting.

The proposed upland preserve will be enhanced through the removal of exotic vegetation and supplemental planting to increase the coverage of native pine flatwoods vegetation. It is proposed that initial exotic removal and supplemental planting occurs outside of nesting season. Exotic removal will occur using a mix of both chemical and hand treatment.

The upland preserve contains other suitable nest trees which could provide alternate nesting locations should the current nest deteriorate further.

The upland preserve will be enhanced through preservation, the removal of exotics, and supplemental planting. The supplemental planting plan can be found below.

Preserve 1 Upland Planting Plan – Target 411 – Pine Flatwoods				
Stratum	Common Name	Scientific Name	Size	Spacing
Canopy	Slash Pine	<i>Pinus elliottii</i>	3 gal	20'
Shrub	Cabbage Palm	<i>Sabal palmetto</i>	3 gal	20'
	Wax Myrtle	<i>Morella cerifera</i>	1 gal	15'
	Gallberry	<i>Ilex glabra</i>	1 gal	10'
Ground	Saw Palmetto	<i>Serenoa repens</i>	1 gal	10'
	Wiregrass	<i>Aristida stricta</i>	1 gal	10'

The planting plan will be assessed after the initial exotic removal, and existing vegetation will be deducted from planting totals. Some of the Upland Preserve may not require supplemental planting if the native community appears dense.

Initial exotic removal and supplemental planting of the preserve will occur outside of bald eagle nesting season. Yearly maintenance treatments will occur outside of bald eagle nesting season to avoid any disturbance to the nesting pair.

If the nest is considered “lost” this Bald Eagle Management Plan and its conditions will not apply. A photo of the canopy pre-Hurricane Ian within the upland preserve can be seen in Figure 13.



Figure 13. Pre-lan view of the proposed upland preserve showing adult slash pine canopy. The eagle's nest is in center frame and the photo was taken from the northeast.

Exterior lighting shall be designed to prevent the glare or spillage of light into the preserve and onto the nest. In order to accomplish this, all exterior lighting shall be directional and use recessed light bulbs, filters, or shielding to conceal the source of illumination.

The shoreline of the canal will be left natural and will have rip rap installed as needed for stabilization and erosion control. The pedestrian walkway will consist of paved sidewalk and/or crushed shell/drainage stone with sodded side slopes as necessary for stabilization and erosion control.

Residents and commercial tenants will be given Lee County ETAC approved literature consisting of the best management practices and information regarding bald eagles.

Implementation

The landowner/developer and the future Property Owners Association (if any) will be responsible for following this Bald Eagle Management Plan. A qualified ecologist will monitor Nest LE118 (if work as described above is undertaken during the nesting season) consistent with the USFWS 2007 Bald Eagle Monitoring Guidelines and will submit the reports to DES on a monthly basis. DES staff will review these reports and may also inspect the site to verify compliance with the conditions of this Bald Eagle Management Plan. Any violation of these conditions may result in

a Stop Work Order being issued to halt all construction activity during the bald eagle nesting season, including building inspections, until the violation is resolved. The eagle nest monitor will be authorized to direct the landowner/developer to halt any and up all construction activity if a disturbance to the nesting eagles is observed.

All of the management practices will remain in effect until the nest is deemed abandoned or lost by DES pursuant to Section 14-112 of the Land Development Code. None of the Bald Eagle Management Plan and its conditions will be required after the nest is deemed abandoned or lost. The nest will be defined as abandoned if the nest is intact or partially intact but has been inactive through five or more consecutive nesting seasons. The nest will be defined as lost if the nest or nest tree is destroyed by natural causes (e.g., nest that fell apart or was blown out of a tree, or the tree itself was lost) and is not rebuilt in the same tree within three nesting seasons.

Summary

The planned development of The Nest project consists of a residential planned development as well as a commercial planned development. The residences are located outside of the 660' bald eagle buffer zone but requires an access roadway that will be shared with the commercial planned development. The commercial planned development is proposed to be within the 660' bald eagle nest buffer zone and a federal incidental take permit from USFWS will be obtained, if required. To protect the habitat of the bald eagle pair, an upland preserve will be created and enhanced through exotic removal and supplemental plantings. A landscape blind will be created along the northern border of the preserve to obscure the eagle's view of the planned future use.

Appendix A
Bald Eagle Monitoring Data Sheets

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 6:15 **Name of Monitor:** Nicholas Roach
Date: 05/04/2020 **End Time:** 10:15 **Name of Supervisor:** N/A
Tree Status¹: L **Tree type²:** P **# Adult Present:** 0 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): <u>None</u>				
06:15	Weather conditions	T: 69	W: SW@2	C: SC	P: None
	Description of ongoing construction events: <u>None</u>				
	Notes/Comments: <u>No eagles present.</u>				
Time	Behavioral activity observed (list all that apply): <u>None</u>				
06:30	Weather conditions	T: 69	W: SW@2	C: SC	P: None
	Description of ongoing construction events: <u>None</u>				
	Notes/Comments: <u>No eagles present.</u>				
Time	Behavioral activity observed (list all that apply): <u>None</u>				
06:45	Weather conditions	T: 69	W: SW@2	C: SC	P: None
	Description of ongoing construction events: <u>None</u>				
	Notes/Comments: <u>No eagles present.</u>				
Time	Behavioral activity observed (list all that apply): <u>None</u>				
07:00	Weather conditions	T: 69	W: S@2	C: SC	P: None
	Description of ongoing construction events: <u>None</u>				
	Notes/Comments: <u>No eagles present.</u>				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
 Signature of Monitor

N/A
 Signature of Supervisor

05/04/2020
 Date

Nest #:

Monitoring Date: 05/04/2020

Monitor's signature:

Nicholas RoachSupervisor's signature: N/A

Time	Behavioral activity observed (list all that apply): None				
07:15	Weather conditions	T: 70	W: S@2	C: SC	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
07:30	Weather conditions	T: 70	W: S@2	C: SC	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
07:45	Weather conditions	T: 71	W: SE@2	C: SC	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
08:00	Weather conditions	T: 71	W: SE@2	C: SC	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach

Signature of Monitor

N/A

Signature of Supervisor

05/04/2020

Date

Nest #:

Monitoring Date: 05/04/2020

Monitor's signature:

Nicholas RoachSupervisor's signature: N/A

Time	Behavioral activity observed (list all that apply): None				
08:15	Weather conditions	T: 71	W: S@2	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None.				
08:30	Weather conditions	T: 72	W: S@2	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
08:45	Weather conditions	T: 72	W: S@2	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
09:00	Weather conditions	T: 76	W: S@2	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A

Signature of Supervisor

05/04/2020

Date

Nest #:

Monitoring Date: 05/04/2020

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Time	Behavioral activity observed (list all that apply): None				
09:15	Weather conditions	T: 76	W: S@2	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
09:30	Weather conditions	T: 78	W: S@2	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
09:45	Weather conditions	T: 78	W: NW@3	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
10:00	Weather conditions	T: 80	W: NW@3	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A

Signature of Supervisor

05/04/2020

Date

Nest #:

Monitoring Date: 05/04/2020

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Time	Behavioral activity observed (list all that apply): None.				
10:15	Weather conditions	T: 80	W: NW@3	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				
Time	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				
Time	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A

Signature of Supervisor

05/04/2020

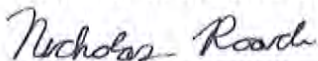
Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 7:00 **Name of Monitor:** Nick Roach
Date: 10/22/2020 **End Time:** 11:00 **Name of Supervisor:** N/A
Tree Status¹: Alive **Tree type²:** SP **# Adult Present:** 1 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): None				
7:00	Weather conditions	T: 73	W: E@ 8	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No visible activity. Sunrise was at 7:30. Could not see anything visible in nest.				
Time	Behavioral activity observed (list all that apply): Sitting in nest				
7:15	Weather conditions	T: 73	W: E@8	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: 7:27 Eagle spotted sitting in nest. Was not visible until just before sunrise.				
Time	Behavioral activity observed (list all that apply): Sitting in nest, flying, nest building				
07:30	Weather conditions	T: 73	W: E@8	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: 07:38: Eagle flew off to the west.				
Time	Behavioral activity observed (list all that apply): None				
07:45	Weather conditions	T: 73	W: E@8	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: None				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.


 Signature of Monitor

N/A
 Signature of Supervisor

10/22/2020
 Date

Nest #:

Monitoring Date: 10/22/202

Monitor's signature: Nicholas RoachSupervisor's signature: N/A

Time 08:00	Behavioral activity observed (list all that apply): None				
	Weather conditions	T: 74	W: E@7	C: Sc CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				
Time 08:15	Behavioral activity observed (list all that apply): Flying, nest building				
	Weather conditions	T: 74	W: E@7	C: Sc CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: 08:25 Eagle returned to nest from the west with a stick. Brought the stick to the nest. 08:29 Eagle flew off to the southwest.				
Time 08:30	Behavioral activity observed (list all that apply): None				
	Weather conditions	T: 74	W: E@7	C: Sc CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				
Time 08:45	Behavioral activity observed (list all that apply): None				
	Weather conditions	T: 74	W: E@7	C: Sc CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A
Signature of Supervisor

10/22/2020
Date

Nest #:

Monitoring Date: 10/22/202

Monitor's signature: Nicholas Roach

Supervisor's signature: _____

Time 09:00	Behavioral activity observed (list all that apply): None				
	Weather conditions	T: 75	W: E@8	C: Sc CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				
Time 09:15	Behavioral activity observed (list all that apply): None				
	Weather conditions	T: 75	W: E@8	C: SC CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				
Time 09:30	Behavioral activity observed (list all that apply): None				
	Weather conditions	T: 75	W: E@8	C: SC CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				
Time 09:45	Behavioral activity observed (list all that apply): None				
	Weather conditions	T: 75	W: E@8	C: SC CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A
Signature of Supervisor

10/22/2020
Date

Nest #:

Monitoring Date: 10/22/2020

Page 4

Time	Behavioral activity observed (list all that apply): None				
10:00	Weather conditions	T: 80	W: E@12	C: SC CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				
Time	Behavioral activity observed (list all that apply): None				
10:15	Weather conditions	T: 80	W: E@12	C: SC CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				
Time	Behavioral activity observed (list all that apply): None				
10:30	Weather conditions	T: 80	W: E@12	C: SC CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				
Time	Behavioral activity observed (list all that apply): None				
10:45	Weather conditions	T: 80	W: E@12	C: SC CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles returned after one flew off at 8:29. Monitoring event ended at 11:00.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A
Signature of Supervisor

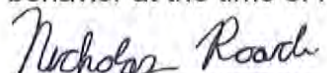
10/22/2020
Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 06:30 **Name of Monitor:** Nick Roach
Date: 11/25/2020 **End Time:** 10:30 **Name of Supervisor:** N/A
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 1 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): <u>Sitting in nest.</u>				
06:30	Weather conditions	T: 68	W: E@9	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: One eagle sitting in nest when monitoring began.				
Time	Behavioral activity observed (list all that apply): <u>Sitting in nest, flying.</u>				
06:45	Weather conditions	T: 68	W: E@9	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: 6:51: Eagle flew off to the South. Sunrise @ 6:53.				
Time	Behavioral activity observed (list all that apply): <u>None</u>				
07:00	Weather conditions	T: 68	W: E@9	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): <u>None</u>				
07:15	Weather conditions	T: 68	W: E@9	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.



 Signature of Monitor

N/A

 Signature of Supervisor

11/25/2020

 Date

Nest #:

Monitoring Date: 11/25/20

Monitor's signature:

Nicholas RoachSupervisor's signature: N/A

Time	Behavioral activity observed (list all that apply): None				
07:30	Weather conditions	T: 68	W: E@9	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
07:45	Weather conditions	T: 69	W: E@9	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
08:00	Weather conditions	T: 70	W: E@10	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
08:15	Weather conditions	T: 70	W: E@10	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A

Signature of Supervisor

11/25/2020

Date

Nest #:

Monitoring Date: 11/25/20

Monitor's signature:

Nicholas RoachSupervisor's signature: N/A

Time 08:30	Behavioral activity observed (list all that apply): Flying, perching, vocalizations				
	Weather conditions	T: 72	W: E@10	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: 08:38 - Eagle returned from West. Perched for 15 seconds on a dead snag, vocalized, flew off to the South.				
Time 08:45	Behavioral activity observed (list all that apply): None				
	Weather conditions	T: 72	W: E@10	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 09:00	Behavioral activity observed (list all that apply): None				
	Weather conditions	T: 73	W: E@10	C: SC	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 09:15	Behavioral activity observed (list all that apply): None				
	Weather conditions	T: 73	W: E@10	C: SC	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A

Signature of Supervisor

11/25/2020

Date

Nest #:

Monitoring Date: 11/25/2020

Page 4

Time	Behavioral activity observed (list all that apply): None				
09:30	Weather conditions	T: 74	W: E@10	C: SC	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
09:45	Weather conditions	T: 74	W: E@10	C: SC	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
10:00	Weather conditions	T: 74	W: E@10	C: SC	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
10:15	Weather conditions	T: 75	W: E@10	C: SC	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Eagle did not return after 8:38am. Monitoring concluded at 10:30am.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A
Signature of Supervisor

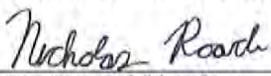
11/25/2020
Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 06:45 **Name of Monitor:** Nick Roach
Date: 12/22/2020 **End Time:** 10:45 **Name of Supervisor:** N/A
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 2 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): None				
06:45	Weather conditions	T: 55	W: NE@7	C: SCT	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle can not be seen.				
Time	Behavioral activity observed (list all that apply): None				
07:00	Weather conditions	T: 55	W: NE@7	C: SCT	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle can not be seen.				
Time	Behavioral activity observed (list all that apply): None				
07:15	Weather conditions	T: 55	W: NE@7	C: SCT	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle can not be seen. Sunrise at 7:11am				
Time	Behavioral activity observed (list all that apply): None				
07:30	Weather conditions	T: 55	W: NE@7	C: SCT	P: None
	Description of ongoing construction events: None				
	Notes/Comments: Eagle can not be seen				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.


 Signature of Monitor

N/A
 Signature of Supervisor

12/22/2020
 Date

Nest #:

Monitoring Date: 12/22/20

Monitor's signature:

Nicholas RoachSupervisor's signature: N/A

Time	Behavioral activity observed (list all that apply): Incubating				
07:45	Weather conditions	T: 55	W: NE@5	C: SCT	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: 07:53: One eagle first spotted in nest. Eagle was down low incubating eggs and was not able to be seen until it sat up at 07:53. Eagle is believed to have been in the nest prior to this observation.				
Time	Behavioral activity observed (list all that apply): Incubating				
08:00	Weather conditions	T: 55	W: NE@4	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				
Time	Behavioral activity observed (list all that apply): Incubating				
08:15	Weather conditions	T: 55	W: NE@4	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				
Time	Behavioral activity observed (list all that apply): Incubating, Flying				
08:30	Weather conditions	T: 55	W: NE@5	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs. 8:42 - One eagle incubating in nest, second eagle lands in nest. Pair swapped incubation duties. Previously incubating eagle left the nest and did not return during the monitoring event.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A

Signature of Supervisor

12/22/20

Date

Nest #:

Monitoring Date: 12/22/20

Monitor's signature:

Nicholas RoachSupervisor's signature: N/A

Time	Behavioral activity observed (list all that apply): Incubating				
08:45	Weather conditions	T: 58	W: NE@5	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				
Time	Behavioral activity observed (list all that apply): Incubating				
09:00	Weather conditions	T: 58	W: NE@5	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				
Time	Behavioral activity observed (list all that apply): Incubating				
09:15	Weather conditions	T: 60	W: NE@5	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				
Time	Behavioral activity observed (list all that apply): Incubating				
09:30	Weather conditions	T: 61	W: NE@6	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A

Signature of Supervisor

12/22/20

Date

Nest #:

Monitoring Date: 12/22/2021

Page 4

Time 09:45	Behavioral activity observed (list all that apply): Incubating				
	Weather conditions	T: 61	W: NE@6	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				
Time 10:00	Behavioral activity observed (list all that apply): Incubating				
	Weather conditions	T: 63	W: NE@6	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				
Time 10:15	Behavioral activity observed (list all that apply): Incubating				
	Weather conditions	T: 63	W: NE@6	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				
Time 10:30	Behavioral activity observed (list all that apply): Incubating				
	Weather conditions	T: 65	W: NE@6	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs. Monitoring concluded at 10:45am.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roark
Signature of Monitor

N/A
Signature of Supervisor

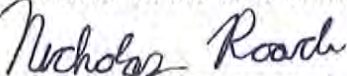
12/22/20
Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 7:00 **Name of Monitor:** Nick Roach
Date: 10/30/21 **End Time:** 11:00 **Name of Supervisor:** N/A
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 0 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): N/A				
7:00	Weather conditions	T: 81	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:15	Weather conditions	T: 81	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:30	Weather conditions	T: 81	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:45	Weather conditions	T: 80	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.


 Signature of Monitor

N/A
 Signature of Supervisor

10/30/21
 Date

Nest #:

Monitoring Date: 10/30/21

Monitor's signature:

Nicholas RoachSupervisor's signature: N/A

Time 8:00	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 82	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 8:15	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 82	W: E@13	C: OVR	P: Rain
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Began to drizzle				
Time 8:30	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 82	W: E@13	C: OVR	P: Rain
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 8:45	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 82	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Rain Stopped.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A

Signature of Supervisor

10/30/21

Date

Nest #:

Monitoring Date: 10/30/21

Monitor's signature:

Nicholas Roach

Supervisor's signature: N/A

Time 9:00	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 82	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 9:15	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 82	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 9:30	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 82	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 9:45	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 83	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A

Signature of Supervisor

10/30/21

Date

Nest #:

Monitoring Date: 10/30/21

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Time	Behavioral activity observed (list all that apply): N/A				
10:00	Weather conditions	T: 83	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:15	Weather conditions	T: 83	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:30	Weather conditions	T: 83	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:45	Weather conditions	T: 83	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Survey concluded at 11:00				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A

Signature of Supervisor

10/30/21

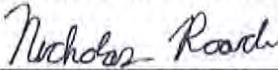
Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 6:30 **Name of Monitor:** Nick Roach
Date: 11/23/21 **End Time:** 10:30 **Name of Supervisor:** N/A
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 0 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): N/A				
6:30	Weather conditions	T: 58	W: N@10	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
6:45	Weather conditions	T: 58	W: N@10	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:00	Weather conditions	T: 58	W: N@11	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:15	Weather conditions	T: 58	W: N@11	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.



 Signature of Monitor

N/A

 Signature of Supervisor

11/23/2021

 Date

Nest #:

Monitoring Date: 11/23/2021

Monitor's signature:

Nicholas RoachSupervisor's signature: N/A

Time 7:30	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 59	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 7:45	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 60	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 8:00	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 60	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 8:15	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 60	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A

Signature of Supervisor

11/23/2021

Date

Nest #:

Monitoring Date: 11/23/2021

Monitor's signature:

Nicholas RoadSupervisor's signature: N/A

Time 8:30	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 60	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 8:45	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 60	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 9:00	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 61	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 9:15	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 61	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Road

Signature of Monitor

N/A

Signature of Supervisor

11/23/2021

Date

Nest #:

Monitoring Date: 11/23/21

Page 4

Time	Behavioral activity observed (list all that apply): N/A				
9:30	Weather conditions	T: 61	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply):				
9:45	Weather conditions	T: 62	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:00	Weather conditions	T: 63	W: N@14	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present				
Time	Behavioral activity observed (list all that apply): N/A				
10:15	Weather conditions	T: 63	W: N@14	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Survey ended at 10:30.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A

Signature of Supervisor

11/23/2021

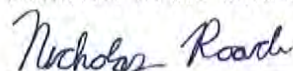
Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 06:45 **Name of Monitor:** Nick Roach
Date: 01/29/2022 **End Time:** 10:45 **Name of Supervisor:** N/A
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 0 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): N/A				
06:45	Weather conditions	T: 52	W: N@16	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
07:00	Weather conditions	T: 52	W: N@16	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
07:15	Weather conditions	T: 52	W: N@16	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
07:30	Weather conditions	T: 51	W: N@14	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.



 Signature of Monitor

 Signature of Supervisor

01/29/2022

 Date

Nest #:

Monitoring Date: 1/29/22

Monitor's signature:

Nicholas Roach

Supervisor's signature: _____

Time	Behavioral activity observed (list all that apply): N/A				
07:45	Weather conditions	T: 51	W: N@14	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
08:00	Weather conditions	T: 51	W: N@14	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
08:15	Weather conditions	T: 51	W: N@14	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
08:30	Weather conditions	T: 51	W: N@14	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

Signature of Supervisor

01/29/2022

Date

Nest #:

Monitoring Date: 1/29/22

Monitor's signature:

Nicholas Roark

Supervisor's signature: _____

Time	Behavioral activity observed (list all that apply): N/A				
08:45	Weather conditions	T: 53	W: N@15	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
09:00	Weather conditions	T: 53	W: N@15	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
09:15	Weather conditions	T: 53	W: N@15	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
09:30	Weather conditions	T: 54	W: N@15	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roark
Signature of Monitor

Signature of Supervisor

Date

Nest #:

Monitoring Date: 1/29/22

Page 4

Time	Behavioral activity observed (list all that apply): N/A				
09:45	Weather conditions	T: 54	W: N@15	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:00	Weather conditions	T: 55	W: N@17	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:15	Weather conditions	T: 55	W: N@17	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:30	Weather conditions	T: 55	W: N@17	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Monitoring concluded at 10:45am.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

Signature of Supervisor

01/29/2022

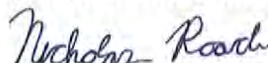
Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 06:30 **Name of Monitor:** Nick Roach
Date: 02/22/2022 **End Time:** 10:30 **Name of Supervisor:** _____
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 0 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): N/A				
06:30	Weather conditions	T: 66	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
06:45	Weather conditions	T: 66	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
07:00	Weather conditions	T: 66	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
07:15	Weather conditions	T: 66	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.



 Signature of Monitor

 Signature of Supervisor

02/22/2022

 Date

Nest #:

Monitoring Date: 2/22/22

Monitor's signature:

Nicholas Roach

Supervisor's signature: _____

Time	Behavioral activity observed (list all that apply): N/A				
07:30	Weather conditions	T: 67	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
07:45	Weather conditions	T: 67	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
08:00	Weather conditions	T: 68	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
08:15	Weather conditions	T: 68	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach

Signature of Monitor

Signature of Supervisor

02/22/2022

Date

Nest #:

Monitoring Date: 2/22/22

Monitor's signature:

Nicholas Roach

Supervisor's signature: _____

Time 08:30	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 68	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 08:45	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 68	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 09:00	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 70	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 09:15	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 70	W: E@6	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach

Signature of Monitor

Signature of Supervisor

02/22/2022

Date

Nest #:

Monitoring Date: 2/22/22

Page 4

Time	Behavioral activity observed (list all that apply): N/A				
09:30	Weather conditions	T: 73	W: E@6	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
09:45	Weather conditions	T: 73	W: E@6	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:00	Weather conditions	T: 75	W: E@7	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:15	Weather conditions	T: 75	W: E@7	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Monitoring ended at 10:30am.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Road

Signature of Monitor

Signature of Supervisor

02/22/2022

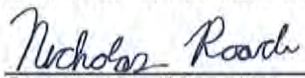
Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 06:45 **Name of Monitor:** Nick Roach
Date: 03/30/2022 **End Time:** 10:45 **Name of Supervisor:** _____
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 0 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): N/A				
06:45	Weather conditions	T: 65	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
07:00	Weather conditions	T: 65	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
07:15	Weather conditions	T: 65	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
07:30	Weather conditions	T: 65	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.


 Signature of Monitor

Signature of Supervisor

03/30/2022
 Date

Nest #:

Monitoring Date: 3/30/22

Monitor's signature:

Nicholas Roach

Supervisor's signature: _____

Time	Behavioral activity observed (list all that apply): N/A				
07:45	Weather conditions	T: 65	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
08:00	Weather conditions	T: 66	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
08:15	Weather conditions	T: 66	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
08:30	Weather conditions	T: 68	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach

Signature of Monitor

Signature of Supervisor

03/30/2022

Date

Nest #:

Monitoring Date: 3/30/22

Monitor's signature: Nicholas Roark

Supervisor's signature: _____

Time 08:45	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 68	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 09:00	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 70	W: SE@6	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 09:15	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 70	W: SE@6	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 09:30	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 72	W: SE@6	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roark
Signature of Monitor

Signature of Supervisor

03/30/2022

Date

Nest #:

Monitoring Date: 3/30/22

Page 4

Time	Behavioral activity observed (list all that apply): N/A				
09:45	Weather conditions	T: 72	W: SE@6	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:00	Weather conditions	T: 76	W: SE@6	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:15	Weather conditions	T: 76	W: SE@6	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:30	Weather conditions	T: 76	W: SE@6	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present; Monitoring ended 10:45				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach

Signature of Monitor

Signature of Supervisor

03/30/2022

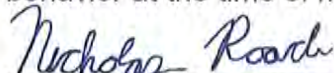
Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 6:15 **Name of Monitor:** Nick Roach
Date: 04/29/2022 **End Time:** 10:15 **Name of Supervisor:** _____
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 0 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): N/A				
6:15	Weather conditions	T: 71	W: E@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
6:30	Weather conditions	T: 71	W: E@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
6:45	Weather conditions	T: 71	W: E@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:00	Weather conditions	T: 71	W: E@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.


 Signature of Monitor

Signature of Supervisor

04/29/2022
 Date

Nest #:

Monitoring Date: 4/29/22

Monitor's signature:

Nicholas Roach

Supervisor's signature: _____

Time	Behavioral activity observed (list all that apply): N/A				
7:15	Weather conditions	T: 71	W: E@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:30	Weather conditions	T: 71	W: E@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:45	Weather conditions	T: 71	W: E@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
8:00	Weather conditions	T: 71	W: NE@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

Signature of Supervisor

04/29/2022

Date

Nest #:

Monitoring Date: 4/29/22

Monitor's signature:

Nicholas Roach

Supervisor's signature: _____

Time 8:15	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 71	W: NE@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 8:30	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 71	W: NE@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 8:45	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 71	W: NE@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 9:00	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 73	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

Signature of Supervisor

04/29/2022

Date

Nest #:

Monitoring Date: 4/29/22

Page 4

Time	Behavioral activity observed (list all that apply): N/A				
9:15	Weather conditions	T: 73	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
9:30	Weather conditions	T: 73	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
9:45	Weather conditions	T: 73	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:00	Weather conditions	T: 76	W: E@6	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Monitoring ended at 10:15am.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

Signature of Supervisor

04/29/2022

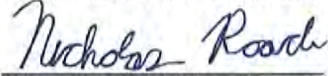
Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 06:15 **Name of Monitor:** Nick Roach
Date: 05/14/2022 **End Time:** 10:15 **Name of Supervisor:** _____
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 0 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): N/A				
6:15	Weather conditions	T: 67	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
6:30	Weather conditions	T: 67	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
6:45	Weather conditions	T: 67	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:00	Weather conditions	T: 67	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.



 Signature of Monitor

 Signature of Supervisor

05/14/2022

 Date

Nest #:

Monitoring Date: 5/14/22

Monitor's signature:

Nicholas Roach

Supervisor's signature: _____

Time	Behavioral activity observed (list all that apply): N/A				
7:15	Weather conditions	T: 67	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:30	Weather conditions	T: 69	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:45	Weather conditions	T: 69	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
8:00	Weather conditions	T: 69	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

Signature of Supervisor

05/14/2022

Date

Nest #:

Monitoring Date: 5/14/22

Monitor's signature:

Nicholas Roach

Supervisor's signature: _____

Time 8:15	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 69	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 8:30	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 69	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 8:45	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 73	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 9:00	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 73	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

Signature of Supervisor

05/14/2022

Date

Nest #:

Monitoring Date: 5/14/22

Page 4

Time	Behavioral activity observed (list all that apply): N/A				
9:15	Weather conditions	T: 73	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
9:30	Weather conditions	T: 75	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
9:45	Weather conditions	T: 75	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:00	Weather conditions	T: 76	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present, Monitoring ended at 10:15.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

Signature of Supervisor

05/14/2022

Date

Bald Eagle Monitoring Data Report

Start Time: 6:30

Name of Monitor: Nicholas Bratton-Cox

Date: 12/7/2022

End Time: 8:30

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, N\o nest Tree Type²: Pine # Adult Present: 0 # Young Present: 0

6:30 AM	Time:	Behavioral activity observed (list all that apply):				
		Weather conditions	T: 65	W: 5mph W	C: Clear	P: No rain
		Description of ongoing construction events:				
		Notes/Comments: No eagles, No nest.				
8:45 AM	Time:	Behavioral activity observed (list all that apply):				
		Weather conditions	T: 75	W: 5mph W	C: Clear	P: No rain
		Description of ongoing construction events:				
		Notes/Comments: No eagles, No nest.				
	Time:	Behavioral activity observed (list all that apply):				
		Weather conditions	T:	W:	C:	P:
		Description of ongoing construction events:				
		Notes/Comments:				
	Time:	Behavioral activity observed (list all that apply):				
		Weather conditions	T:	W:	C:	P:
		Description of ongoing construction events:				
		Notes/Comments:				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Bratton-Cox
Signature of Monitor

Paul Owen
Signature of Supervisor

12/7/2022
Date



Bald Eagle Monitoring Data Report

Start Time: 6:30

Name of Monitor: Nicholas Bratton-Cox

Date: 12/12/2022

End Time: 8:30

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, no nest

Tree Type²: Pine

Adult Present: 0

Young Present: 0

Time: 6:30 AM	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 60	W: 3mph SW	C: foggy	P: No rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
Time: 8:30 AM	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 62	W: 3mph SW	C: foggy	P: No rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Bratton-Cox

Signature of Monitor

Paul Owen

Signature of Supervisor

12/12/2022

Date



Bald Eagle Monitoring Data Report

Start Time: 6:30 AM

Name of Monitor: Nicholas Bratton-Cox

Date: 12/19/2022

End Time: 8:30 AM

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, no nest

Tree Type²: Pine

Adult Present: 0

Young Present: 0

Time: 6:30 AM	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 58	W: 3mph SW	C: clear	P: No rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
Time: 8:30 AM	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 63	W: 5mph SW	C: clear	P: No rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Bratton-Cox
Signature of Monitor

Paul Owen
Signature of Supervisor

12/19/2022
Date



Bald Eagle Monitoring Data Report

Start Time: 6:30 AM

Name of Monitor: Nicholas Bratton-Cox

Date: 12/28/2022

End Time: 8:30 AM

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, no nest

Tree Type²: Pine

Adult Present: 0

Young Present: 0

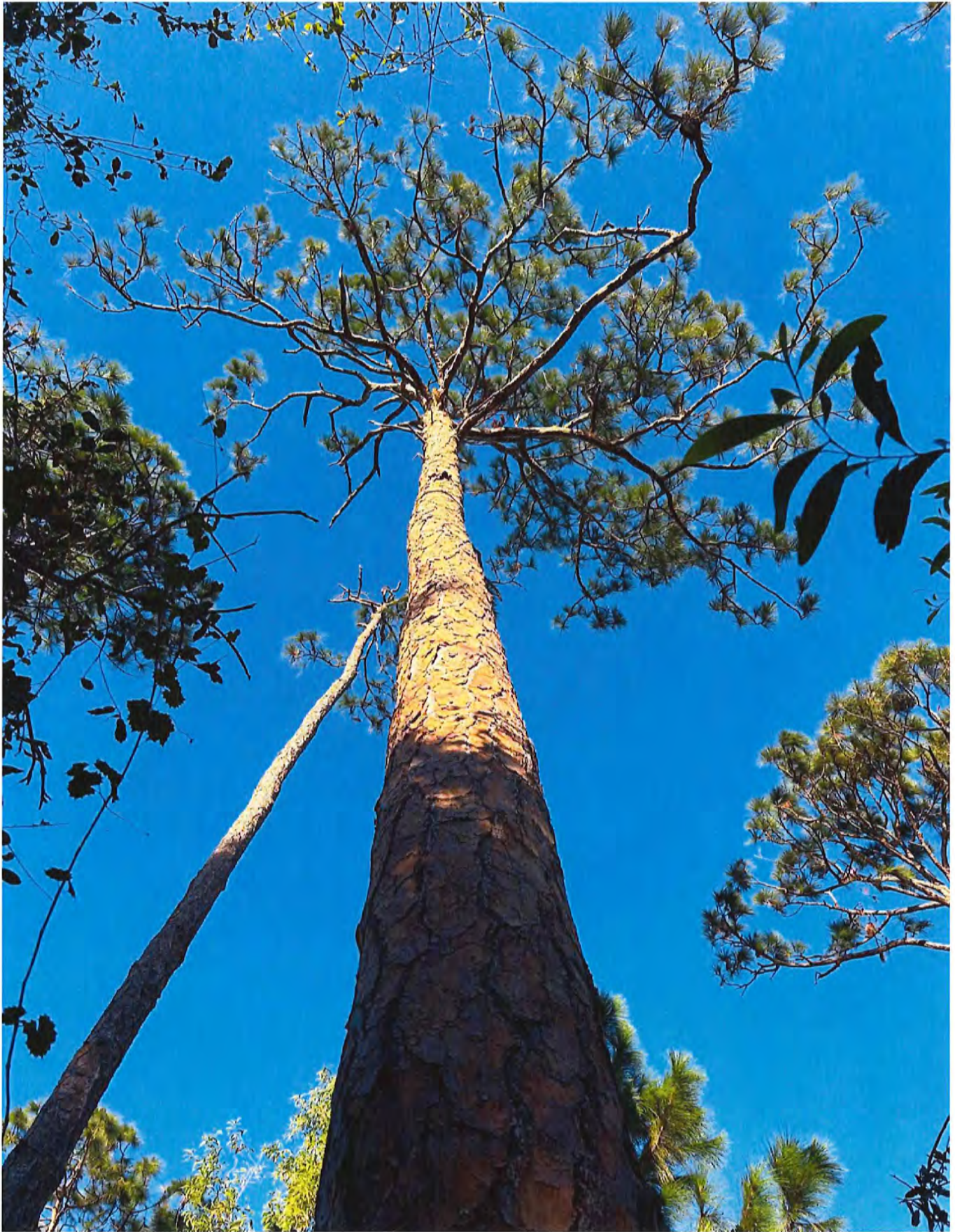
6:30 AM	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 50	W: 2 mph SW	C: clear	P: No rain	
	Description of ongoing construction events:					
	Notes/Comments: No eagles, No nest.					
8:30 AM	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 57	W: 4mph SW	C: clear	P: No rain	
	Description of ongoing construction events:					
	Notes/Comments: No eagles, No nest.					
	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:	
	Description of ongoing construction events:					
	Notes/Comments:					
	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:	
	Description of ongoing construction events:					
	Notes/Comments:					
	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:	
	Description of ongoing construction events:					
	Notes/Comments:					

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Bratton-Cox
Signature of Monitor

Paul Owen
Signature of Supervisor

12/28/2022
Date



Bald Eagle Monitoring Data Report

Start Time: 6:30 AM

Name of Monitor: Nicholas Bratton-Cox

Date: 01/06/2023

End Time: 8:30 AM

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, no nest

Tree Type²: Pine

Adult Present: 0

Young Present: 0

Time: 6:30 AM	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 61	W: 1 mph SW	C: clear	P: No rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
Time: 8:30 AM	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 64	W: 2mph SW	C: clear	P: No rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Bratton-Cox

Signature of Monitor

Signature of Supervisor

01/06/2023

Date



Bald Eagle Monitoring Data Report

Start Time: 6:30 AM

Name of Monitor: Nicholas Bratton-Cox

Date: 01/13/2023

End Time: 8:30 AM

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, no nest

Tree Type²: Pine

Adult Present: 0

Young Present: 0

Time: 6:30 AM	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 64	W: 3 mph SW	C: clear	P: No rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
Time: 8:30 AM	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 67	W: 1 mph SW	C: clear	P: No rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Bratton-Cox
Signature of Monitor

Signature of Supervisor

1/13/2023
Date



Bald Eagle Monitoring Data Report

Start Time: 6:15 AM

Name of Monitor: Nicholas Bratton-Cox

Date: 01/20/2023

End Time: 8:45 AM

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, no nest

Tree Type²: Pine

Adult Present: 0

Young Present: 0

Time: 6:15 AM	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 65	W: 2 mph SW	C: clear	P: No rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
Time: 8:45 AM	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 68	W: 3 mph SW	C: clear	P: No rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Bratton-Cox
Signature of Monitor

Paul Owen
Signature of Supervisor

1/20/23

Date



Bald Eagle Monitoring Data Report

Start Time: 6:15 AM

Name of Monitor: Nicholas Bratton-Cox

Date: 01/26/2023

End Time: 8:30 AM

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, no nest

Tree Type²: Pine

Adult Present: 0

Young Present: 0

Time: 6:15 AM	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 63	W: 1 mph N	C: clear	P: light rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
Time: 8:30 AM	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 67	W: 1 mph N	C: clear	P: light rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Bratton-Cox
Signature of Monitor

Paul Owen
Signature of Supervisor

1/26/23

Date



Bald Eagle Monitoring Data Report

Start Time: 6:15 AM

Name of Monitor: Nicholas Bratton-Cox

Date: 02/02/2023

End Time: 8:30 AM

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, no nest

Tree Type²: Pine

Adult Present: 0

Young Present: 0

Time: 6:15 AM	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 66	W: 2 mph N	C: clear	P: None
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
Time: 8:30 AM	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 71	W: 2 mph N	C: clear	P: None
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				
Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

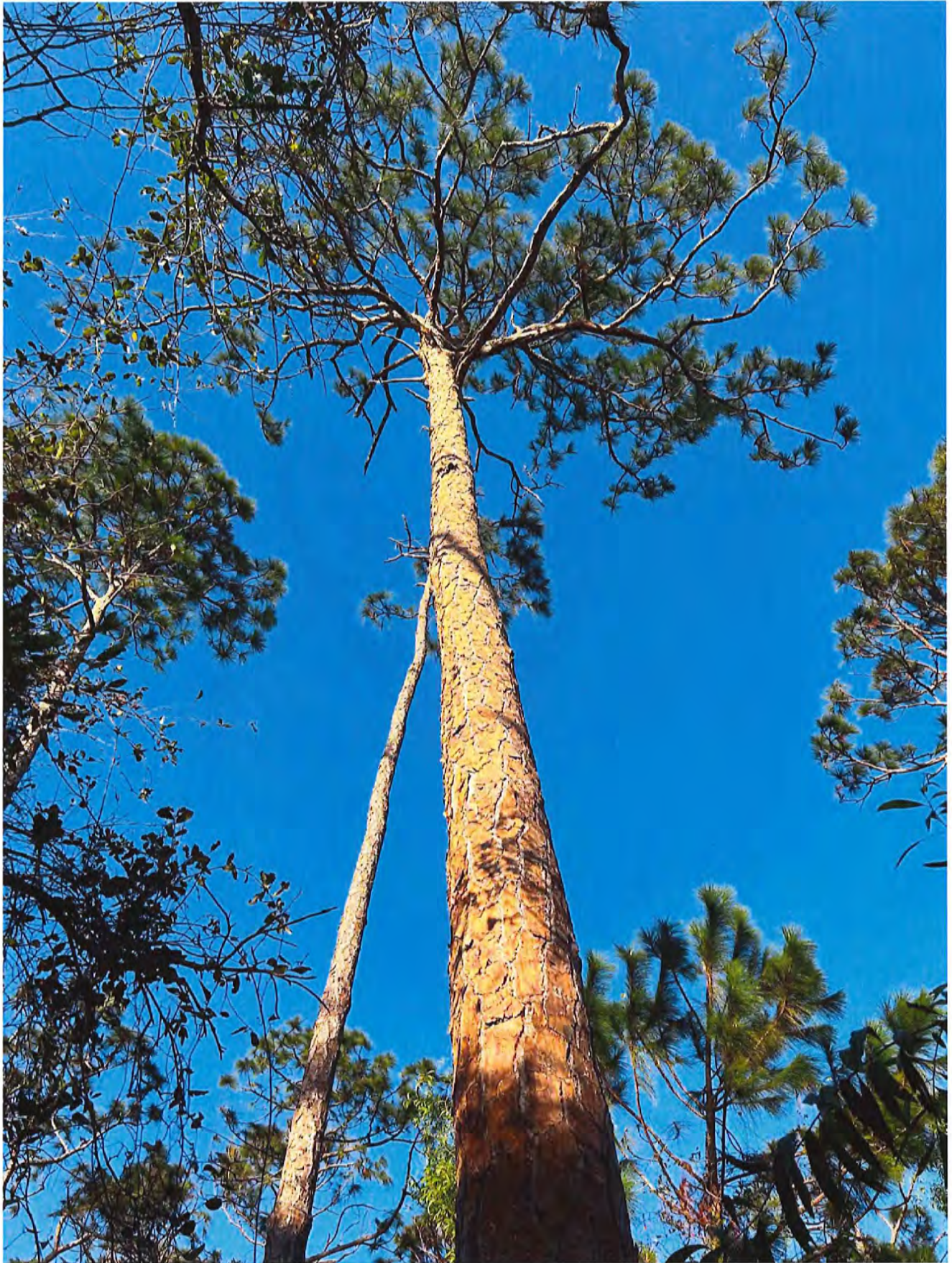
Nicholas Bratton-Cox

Signature of Monitor

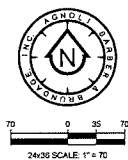
Signature of Supervisor

2-2-2023

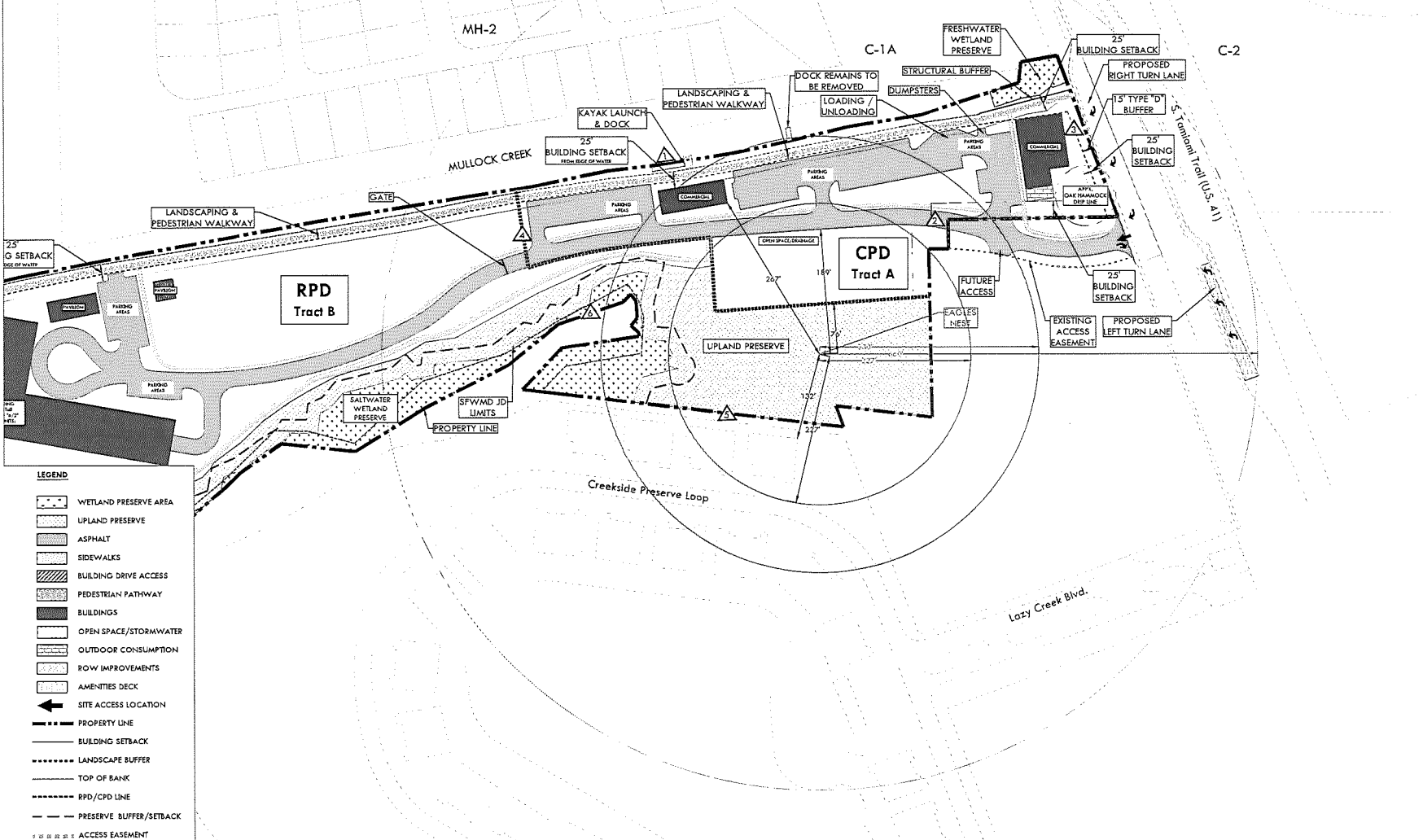
Date



Appendix B
Master Concept Plan



24x36 SCALE: 1" = 70'



SUMMIT CAPITAL & DEVELOPMENT CORP.
 PO BOX 551
 NAPLES, FL 34109

PROJECT NAME

THE NEST SWFL

EXHIBIT 11

DESIGN BY: AEA

DRAWN BY: RLB

CHECKED BY:

DATE: SEPTEMBER 2022

HOME SCALE: 1" = 100'

WET. SCALE: AS SHOWN

ACAD FILE NAME:

AEA PROJECT #

20-0017

PILOT VIEW: LAYOUT

Master Concept Plan

SHEET **1**

OF **1**

Author: R

Appendix C
Schedule of Uses

DCI2022-00004 The Nest
Revised CPD Schedule of Uses
February 2, 2023

USES:

1. Accessory uses and structures customarily associated with the permitted principal uses and structures.
2. Administrative Offices
3. Animals: Clinic or Kennel
4. ATM (automatic teller machine)
5. Auto parts store
6. Bait and Tackle shop
7. Banks and financial establishments, Groups I & II (no drive thru)
8. Bar or Cocktail lounge
9. Business Services, Group I
10. Cleaning and Maintenance services
11. Clothing Stores, general
12. Consumption on premises of any sit-down restaurant, bar, or cocktail lounge limited to inside the establishment and outdoor patio space
13. Contractors and builders, group I
14. Convenience food and beverage store
15. Day care center, child, adult
16. Dock (temporary tie up for nonmotorized vessels only)
17. Drugstore, pharmacy (no drive thru)
18. Entrance gates and gatehouse
19. Existing Agricultural Uses, Pursuant to LDC Section 34-934(48)
20. Fences, Walls
21. Gift and Souvenir shop
22. Hardware Store
23. Hobby, toy and game shops
24. Kayak Launch

25. Medical Office
26. Personal Services
27. Recreational facilities, Commercial, Group III Outdoor Facilities limited to passive and active recreational and educational activities including hiking, nature trails and nonmotorized water vessel use; Group IV Indoor Facilities limited to Health Clubs
28. Rental and Leasing, Group I
29. Restaurants, Groups I - III
30. Signs (including off-site signage for the Nest RPD)
31. Specialty Retail, Groups I & II
32. Studios
33. Variety Store
34. Uses that are not specifically listed may also be permitted if, in the opinion of the Director, they are substantially similar to a listed permitted use. This will only be allowed when the eagle's nest is deemed lost.

**BONA FIDE
AGRICULTURAL USES
AT TIME OF ZONING APPLICATION**

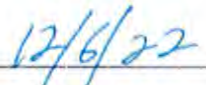
I, Matthew Slaughter, as authorized representative of, STA FUND, LLC, a Florida Limited Liability Company, after having been duly sworn in accordance with law, hereby depose and say:

A bona fide agricultural use, livestock grazing, exists on the property known as 18200 Tamiami Trail, Fort Myers, FL 33967, and was in existence at the time the application for this project was filed.

A total of 7.89 acres of the property (as described in the attachment Exhibit A) is utilized for cattle grazing.



(Signature)



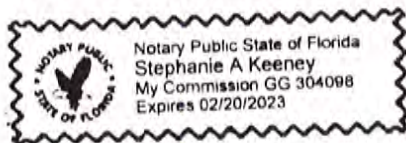
(Date)

Matthew Slaughter, Authorized Representative

STATE OF FLORIDA

COUNTY OF Collier

The foregoing instrument was SUBSCRIBED AND SWORN before me this 6 day of December 2022, by Matthew Slaughter who is (personally known) or (has provided _____ as identification.)



Notary Public

Print Name: Stephanie A. Keeney

My Commission expires: 02/20/2023

ATTACHMENT I



Inst. # 20221092286AH

**APPLICATION AND RETURN FOR AGRICULTURAL
CLASSIFICATION OF LANDS**DR-482
R. 12/00

Section 193.461, Florida Statutes

This form must be signed and returned on or before **March 1**.

The undersigned, hereby requests that the lands listed hereon, where appropriate, be classified as agricultural lands for property tax purposes, by the property appraiser of the county in which the lands are located.

Applicant name		STA FUND LLC		Return to				
Address		181 CARICA RD NAPLES FL 34108		(address of property appraiser)				
Phone		239-877-2040						
Parcel ID, legal description:		17-46-25-00-01001.0040, 18-46-25-L2-U1831.2844, 18-46-25-00-00037.0010, AND 18-46-25-00-00035.0000						
Lands Used Primarily for Agricultural Purposes		Number of acres	How long in this use	Agricultural Income from this Property Complete for the past 4 years.				
Citrus			yrs	Year	Crop or Use	Gross Income	Expense	Net Income
Cropland			yrs	20__				
Grazing land				20__				
Number of livestock		<u>VARIES</u>	20 + OR - 1	20__				
Timberland			yrs	20__				
Poultry, swine, or bee yards			yrs					
Other :			yrs	Date purchased	1/31/2020	Purchase price	1,350,000.00	

Has a Tangible Personal Property Tax Return been filed with the county property appraiser for machinery and equipment? If yes, what name was the tangible return filed under? ☐ yes ☒ no

Is the real property leased to others? If yes, attach copy of lease agreement. ☒ yes ☐ no

Has the real property been zoned to a nonagricultural use at the request of the owner? ☐ yes ☒ no

As of January 1 of this year, 2022 the lands listed above were used primarily for "bona fide" agricultural purposes. Bona fide agricultural purpose means "good faith commercial agricultural use of the land."

I understand that the property appraiser may require supplemental and additional information, other than the application, and I am willing to comply with any reasonable request to furnish such information.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true. If prepared by someone other than the applicant, his/her declaration is based on all information of which he/she has any knowledge.

X

Signature

3/1/22
Date

For Record Purposes Only This acknowledges receipt of your Application for Agricultural Classification of Lands on 2022 for the above described property. (Date)

Paul Everhart
SignatureLee
County**Record of Action of County Property Appraiser** Check the appropriate box below.

- ☐ 1. Application approved and all lands are classified agricultural
- ☐ 2. Application disapproved and agricultural classification of lands denied on all lands
- ☒ 3. Application approved in part and disapproved in part. Agricultural classification of lands approved on the following described portion. (Use the space below only for item 3. Space online will expand, if needed.)

(See Attached)

Signature, property appraiser

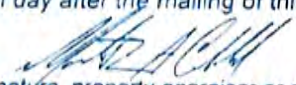
6/01/22
Date



**NOTICE OF DISAPPROVAL OF APPLICATION FOR
PROPERTY TAX EXEMPTION OR CLASSIFICATION
BY THE COUNTY PROPERTY APPRAISER**

DR-490
R. 11/12
Rule 12D-16.002
Florida Administrative Code
Effective 11/12

To: STA FUND LLC 181 CARICA RD NAPLES FL 34108	County Lee Parcel ID or property description 17-46-25-00-01001.0040
YOUR APPLICATION FOR THE ITEM(S) BELOW WAS DENIED	
EXEMPTION DENIED	
☐ Homestead – up to \$50,000	☐ Total and permanent disability (quadriplegics)
☐ Additional homestead – age 65 and older	☐ Total and permanent disability (paraplegic, hemiplegic, wheelchair required for mobility, legally blind)
☐ Widowed - \$500	☐ Blind - \$500
☐ Disabled - \$500	☐ Disabled veteran - \$5,000
☐ Deployed military	☐ Veteran's service connected (total and permanent disability)
☐ Other exemptions, explain:	☐ Disabled veteran discount
CLASSIFICATION DENIED ☒ Agricultural ☐ High-water recharge ☐ Historic ☐ Conservation	
OTHER DENIAL ☐ describe:	
THIS DENIAL IS ☐ Total ☒ Partial If partial, explain. SEE BELOW	

REASON FOR DENIAL OR PARTIAL DENIAL	On January 1 of the tax year you did not:
☐ Make the property claimed as homestead your permanent residence. (ss. 196.011 and 196.031, F.S.)	☐ Meet income requirements for additional homestead, age 65 and older. (s. 196.075, F.S.).
☐ Have legal or beneficial title to your property.	☐ Use the property for the specified purpose. (Ch. 193, F.S.)
☒ Meet other statutory requirements, specifically: -- After considering all factors contained in Florida Statute §193.461, we determined that only a portion of the above referenced parcel was used for bona fide commercial agricultural purposes. Agriculture Classification has been granted on .76 acre and denied on .34 acre for non-ag use.	
If you disagree with this denial, the Florida Property Taxpayer's Bill of Rights recognizes your right to an informal conference with the local property appraiser. You may also file an appeal with the county value adjustment board, according to sections 196.011 and 196.193, Florida Statutes. Petitions involving denials of exemptions or classifications are due by the 30th day after the mailing of this notice, whether or not you schedule an informal conference with the property appraiser.	
 Signature, property appraiser or deputy	Lee County 7/1/2022 Date

PROPERTY APPRAISER CONTACT	
Print name Paul Everhart	Web site http://leepa.org
Mailing address PO BOX 1546 Fort Myers, FL 33902	Email agriculture@leepa.org
	Phone 239-533-6162
	Fax 239-533-6091
VALUE ADJUSTMENT BOARD CONTACT	
Web site http://www.leeclerk.org	Phone 239-533-2328
Email infovab@leeclerk.org	Fax 239-485-2038



**NOTICE OF DISAPPROVAL OF APPLICATION FOR
PROPERTY TAX EXEMPTION OR CLASSIFICATION
BY THE COUNTY PROPERTY APPRAISER**

DR-490
R. 11/12
Rule 12D-16.002
Florida Administrative Code
Effective 11/12

To: STA FUND LLC 181 CARICA RD NAPLES FL 34108	County Lee Parcel ID or property description 18-46-25-00-00035 0000
--	---

YOUR APPLICATION FOR THE ITEM(S) BELOW WAS DENIED

EXEMPTION DENIED

☐ Homestead - up to \$50,000	☐ Total and permanent disability (quadriplegics)
☐ Additional homestead - age 65 and older	☐ Total and permanent disability (paraplegic, hemiplegic, wheelchair required for mobility, legally blind)
☐ Widowed - \$500	☐ Blind - \$500
☐ Disabled - \$500	☐ Disabled veteran - \$5,000
☐ Disabled veteran - \$5,000	☐ Veteran's service connected (total and permanent disability)
☐ Deployed military	☐ Disabled veteran discount
☐ Other exemptions, explain:	

CLASSIFICATION DENIED ☒ Agricultural ☐ High-water recharge ☐ Historic ☐ Conservation

OTHER DENIAL ☐ describe:

THIS DENIAL IS ☐ Total ☒ Partial **If partial, explain.**
SEE BELOW

REASON FOR DENIAL OR PARTIAL DENIAL On January 1 of the tax year you did not:

☐ Make the property claimed as homestead your permanent residence. (ss. 196.011 and 196.031, F.S.)	☐ Meet income requirements for additional homestead, age 65 and older. (s. 196.075, F.S.).
☐ Have legal or beneficial title to your property.	☐ Use the property for the specified purpose. (Ch. 193, F.S.)

☒ Meet other statutory requirements, specifically:

-- After considering all factors contained in Florida Statute §193.461, we determined that only a portion of the above referenced parcel was used for bona fide commercial agricultural purposes. Agriculture Classification has been granted on .88 acre and denied on 5.85 acres for non-ag use.

If you disagree with this denial, the Florida Property Taxpayer's Bill of Rights recognizes your right to an informal conference with the local property appraiser. You may also file an appeal with the county value adjustment board, according to sections 196.011 and 196.193, Florida Statutes. Petitions involving denials of exemptions or classifications are due by the 30th day after the mailing of this notice, whether or not you schedule an informal conference with the property appraiser.

Signature, property appraiser or deputy

Lee

County

7/1/2022

Date

PROPERTY APPRAISER CONTACT

Print name Paul Everhart	Web site http://leepa.org
Mailing address PO BOX 1546 Fort Myers, FL 33902	Email agriculture@leepa.org
	Phone 239-533-6162
	Fax 239-533-6091

VALUE ADJUSTMENT BOARD CONTACT

Web site http://www.leeclerk.org	Phone 239-533-2328
Email infovab@leeclerk.org	Fax 239-485-2038



NOTICE OF DISAPPROVAL OF APPLICATION FOR
PROPERTY TAX EXEMPTION OR CLASSIFICATION
BY THE COUNTY PROPERTY APPRAISER

DR-490
R. 11/12
Rule 12D-16.002
Florida Administrative Code
Effective 11/12

To: STA FUND LLC 181 CARICA RD NAPLES FL 34108	County Lee Parcel ID or property description 18-46-25-00-00037.0010
YOUR APPLICATION FOR THE ITEM(S) BELOW WAS DENIED	
EXEMPTION DENIED	
☐ Homestead – up to \$50,000	☐ Total and permanent disability (quadriplegics)
☐ Additional homestead – age 65 and older	☐ Total and permanent disability (paraplegic, hemiplegic, wheelchair required for mobility, legally blind)
☐ Widowed - \$500	☐ Blind - \$500
☐ Disabled - \$500	☐ Disabled veteran - \$5,000
☐ Deployed military	☐ Veteran's service connected (total and permanent disability)
☐ Other exemptions, explain:	☐ Disabled veteran discount
CLASSIFICATION DENIED ☒ Agricultural ☐ High-water recharge ☐ Historic ☐ Conservation	
OTHER DENIAL ☐ describe:	
THIS DENIAL IS ☐ Total ☒ Partial If partial, explain. SEE BELOW	

REASON FOR DENIAL OR PARTIAL DENIAL	On January 1 of the tax year you did not:
☐ Make the property claimed as homestead your permanent residence. (ss. 196.011 and 196.031, F.S.)	☐ Meet income requirements for additional homestead, age 65 and older. (s. 196.075, F.S.)
☐ Have legal or beneficial title to your property.	☐ Use the property for the specified purpose. (Ch. 193, F.S.)
☒ Meet other statutory requirements, specifically: -- After considering all factors contained in Florida Statute §193.461, we determined that only a portion of the above referenced parcel was used for bona fide commercial agricultural purposes. Agriculture Classification has been granted on .51 acre and denied on 1.01 acres for non-ag use.	
If you disagree with this denial, the Florida Property Taxpayer's Bill of Rights recognizes your right to an informal conference with the local property appraiser. You may also file an appeal with the county value adjustment board, according to sections 196.011 and 196.193, Florida Statutes. Petitions involving denials of exemptions or classifications are due by the 30th day after the mailing of this notice, whether or not you schedule an informal conference with the property appraiser.	
Signature, property appraiser or deputy	Lee County Date 7/1/2022

PROPERTY APPRAISER CONTACT	
Print name Paul Everhart	Web site http://leepa.org
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NOTICE OF DISAPPROVAL OF APPLICATION FOR
PROPERTY TAX EXEMPTION OR CLASSIFICATION
BY THE COUNTY PROPERTY APPRAISER

DR-490
R 11/12
Rule 12D-16.002
Florida Administrative Code
Effective 11/12

To: STA FUND LLC 181 CARICA RD NAPLES FL 34108	County Lee Parcel ID or property description 18-46-25-L2-U1631.2844
YOUR APPLICATION FOR THE ITEM(S) BELOW WAS DENIED	
EXEMPTION DENIED	
☐ Homestead – up to \$50,000	☐ Total and permanent disability (quadriplegics)
☐ Additional homestead – age 65 and older	☐ Total and permanent disability (paraplegic, hemiplegic, wheelchair required for mobility, legally blind)
☐ Widowed - \$500	☐ Blind - \$500
☐ Disabled - \$500	☐ Disabled veteran - \$5,000
☐ Deployed military	☐ Veteran's service connected (total and permanent disability)
☐ Other exemptions, explain:	☐ Disabled veteran discount
CLASSIFICATION DENIED ☒ Agricultural ☐ High-water recharge ☐ Historic ☐ Conservation	
OTHER DENIAL ☐ describe:	
THIS DENIAL IS ☐ Total ☒ Partial If partial, explain. SEE BELOW	

REASON FOR DENIAL OR PARTIAL DENIAL	On January 1 of the tax year you did not:
☐ Make the property claimed as homestead your permanent residence. (ss. 196.011 and 196.031, F.S.)	☐ Meet income requirements for additional homestead, age 65 and older. (s. 196.075, F.S.)
☐ Have legal or beneficial title to your property.	☐ Use the property for the specified purpose. (Ch. 193, F.S.)
☒ Meet other statutory requirements, specifically: -- After considering all factors contained in Florida Statute §193.461, we determined that only a portion of the above referenced parcel was used for bona fide commercial agricultural purposes. Agriculture Classification has been granted on 5.74 acres and denied on 5.42 acres for non-ag use.	
If you disagree with this denial, the Florida Property Taxpayer's Bill of Rights recognizes your right to an informal conference with the local property appraiser. You may also file an appeal with the county value adjustment board, according to sections 196.011 and 196.193, Florida Statutes. Petitions involving denials of exemptions or classifications are due by the 30th day after the mailing of this notice, whether or not you schedule an informal conference with the property appraiser.	
Signature, property appraiser or deputy	Lee County Date 7/1/2022

PROPERTY APPRAISER CONTACT	
Print name Paul Everhart	Web site http://leepa.org
Mailing address PO BOX 1546 Fort Myers, FL 33902	Email agriculture@leepa.org
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	Fax 239-533-6091
VALUE ADJUSTMENT BOARD CONTACT	
Web site http://www.leeclerk.org	Phone 239-533-2328
Email infovab@leeclerk.org	Fax 239-485-2038

Application: 20221092288AA



Legend
Application Boundary
Approved
Denied

6/27/2022





Lee County

Southwest Florida

BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

Cecil L. Pendergrass
District Two

Raymond Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
*County Chief
Hearing Examiner*

November 30, 2021

Via E-Mail

Michelle Vargas
Agnoli, Barber & Brundage, Inc.
7400 Trail Blvd, Suite 200
Naples, FL 34108

**RE: Potable Water and Wastewater Availability
Eagle's Nest, 18200 S. Tamiami Trail
STRAP # 17-46-25-00-01001.0040, 18-46-25-L2-U1631.2844,
18-46-25-00-00037.0010 and 18-46-25-00-00035.0000**

Dear Mr. Vargas:

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 6 and 7 of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 96 multi-family residential units, 5,000 sq. ft. Shopping/Retail/Office, and 5,000 sq. ft. Restaurant with an estimated flow demand of approximately 24,290 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Pinewood Water Treatment Plant.

Sanitary sewer service will be provided by Three Oaks Water Reclamation Facility. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

There are no reuse mains in the vicinity of these parcels.

Prior to beginning design work on this project, please meet with LCU Staff to determine the best point of connection and discuss requirements for construction.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the

approval of all State and local regulatory agencies.

Further, this letter of availability of potable water and sanitary sewer service is to be utilized for Planned Development Application only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES



Mary McCormic
Technician Senior
239-533-8532
UTILITIES ENGINEERING

**THE SCHOOL DISTRICT OF LEE COUNTY****Linda Jo Sanders**

Operations Coordinator

2855 Colonial Boulevard, Fort Myers, FL 33966 | O: 239.335.1473 C: 239.738.6084

January 21, 2022

Chahram Badamhtchian, Senior Planner
Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

RE: NEW CASE - DCI2022-00004/Eagle's Nest

Dear Chahram Badamhtchian,

This letter is in response to your request for concurrency review dated January 19, 2022 for the subject property captioned above and within, in regard to student capacity impact.

This development is a request for up to 96 Multi-family housing units. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For Multi-family homes, the generation rate is 0.116 and further broken down by grade level into the following, 0.058 for elementary, 0.028 for middle and 0.03 for high. An approximate 11 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development.

The Concurrency Analysis attached, displays the impact of this development. Capacity is an issue within the Concurrency Service Area (CSA) at the elementary school level, however, capacity is available in the adjacent CSA.

Thank you and if I may be of further assistance, please contact me at 239-335-1473.

Sincerely,

LJ Sanders

Linda Jo Sanders

Operations Coordinator

BOARD MEMBERS: DEBBIE JORDAN, CHAIR, DISTRICT 4 | BETSY VAUGHN, VICE CHAIR, DISTRICT 6 | MARY FISCHER, DISTRICT 1

MELISA W. GIOVANNELLI, DISTRICT 2 | CHRIS N. PATRICCA, DISTRICT 3 | GWYNETTA S. GITTENS, DISTRICT 5

CATHLEEN O'DANIEL MORGAN, DISTRICT 7 | KENNETH A. SAVAGE, Ed.D., SUPERINTENDENT | KATHY DUPUY-BRUNO, ESQ., BOARD ATTORNEY

LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITY Lee County School District
NAME/CASE NUMBER NEW CASE - DCI2022-00004/Eagle's Nest
OWNER/AGENT AGNOLI, BARBER & BRUNDAGE, INC.
ITEM DESCRIPTION Rezoning to AG-2 to MPUD

LOCATION 18-46-25-00-00037.0030
ACRES 11.43
CURRENT FLU Urban Community
CURRENT ZONING AG-2

PROPOSED DWELLING UNITS BY TYPE

Single Family	Multi Family	Mobile Home
0	96	0

STUDENT GENERATION

Student Generation Rates			
SF	MF	MH	Projected Students
0.149	0.058		5.57
0.071	0.028		2.69
0.077	0.03		2.88
Source: Lee County School District, September 8, 2018 letter			

CSA SCHOOL NAME 2022/23

	CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Available Capacity W/Impact	LOS is 100% Perm FISH Capacity	Adjacent CSA Available Capacity w/Impact
South CSA, Elementary	14,234	14,026	208	6	202	99%	
South CSA, Middle	7,293	6,912	381	3	378	95%	
South CSA, High	9,536	8,492	1,044	3	1041	89%	
(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan							
(2) Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity)							
(3) Available Adjacent CSA capacity is subject to adjacency criteria as outlined in the Interlocal Agreement and the School District's School Concurrency Manual							

Prepared by: Linda Jo Sanders, Operations Coordinator

Carmine Marceno
Sheriff



State of Florida
County of Lee

"Proud to Serve"

March 2, 2022

Fariyah Singh
Agnoli, Barber and Brundage, Inc.
7400 Trail Blvd., Suite 200
Naples, FL 34108

Ms. Singh,

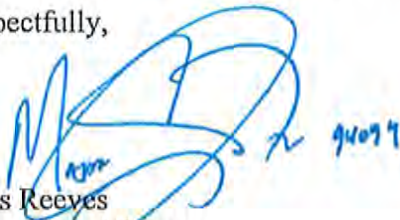
The Lee County Sheriff's Office has reviewed your variance request to allow a single point of ingress/egress for a proposed project at 18200 S. Tamiami Trail in Fort Myers.

This proposed change will not impact our ability to provide law enforcement services to this community, and therefore we have no objections. We do ask that a planned secondary connection to the southern portion of the property be completed in conjunction with any future development of the project.

Law enforcement services will be provided from our South District offices in Bonita Springs. As this development builds out, we will factor its impact into our annual manpower review and make adjustments accordingly. At the time of application for a Development Order or building permit, we request that the applicant provide a Crime Prevention Through Environmental Design (CPTED) report done by the applicant and given to the Lee County Sheriff's Office for review and comment.

Please contact Community Response Unit Crime Prevention Practitioner Beth Schell at (239) 477-1677 with any questions regarding the CPTED study.

Respectfully,


Chris Reeves
Major, Patrol Bureau



"The Lee County Sheriff's Office is an Equal Opportunity Employer"
14750 Six Mile Cypress Parkway • Fort Myers, Florida 33912-4406 • (239) 477-1000

ATTACHMENT L



Board of County Commissioners

Kevin Ruane
District One

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

March 2, 2022

Ms. Fariyah Singh
Agnoli, Barber & Brundage, Inc.
7400 Trail Blvd, Suite 200
Naples, FL 34108

Re: Review of Deviation from LDC – Eagle’s Nest (DCI2022-00004)

Ms. Singh,

I am in receipt of your letter requesting a review of a deviation in the Land Development Code for the development known as Eagle’s Nest, which is assigned case number DCI2022-00004. The deviation requested is within Section 10-291, regarding a proposed secondary emergency access from the development.

I have reviewed the Master Concept Plan for the project. The plan includes a primary access from S. Tamiami Trail. The current property and layout does not allow for a second emergency access that would be beneficial for public safety.

In your request, you have noted that an apron and future secondary access will be part of a planned development of the parcel to the south bearing STRAP 1746250000002001F. We agree that the requested deviation is acceptable, so long as this parcel is planned and the future property development includes this connection or frontage road.

Should the plans change, a new analysis of this deviation would be required.

Sincerely,

Benjamin Abes
Director, Public Safety

JMB TRANSPORTATION ENGINEERING, INC.
TRAFFIC/TRANSPORTATION ENGINEERING & PLANNING SERVICES

TRAFFIC IMPACT STATEMENT

The Nest (Lee County, Florida)

April 21, 2023
Revised May 7, 2023

Prepared by:

JMB TRANSPORTATION ENGINEERING, INC.
4711 7TH AVENUE SW
NAPLES, FLORIDA 34119

CERTIFICATE OF AUTHORIZATION NO. 27830

(JMB PROJECT NO. 200513)

ATTACHMENT M

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Conclusions

Road Impact Mitigation Requirements

Based upon the findings of this report, it was determined that The Nest will not have a significant or negative impact upon the surrounding road network. It was verified that all roadways, within the project's area of influence, currently have a surplus of capacity and can accommodate the traffic associated with the proposed 62 multi-family dwelling units, 5,000 square feet of commercial retail/office space, 5,000 square feet of high-turnover restaurant land use and a small-scale public park, and the network will continue to operate at acceptable levels of service for project build-out traffic conditions. Furthermore, the report concludes that the project will not create any transportation deficiencies that need to be mitigated.

Because the project will not cause any transportation deficiencies to occur, the Developer will not be required to fund any off-site roadway improvements/mitigation, other than the payment of road impact fees, which will be used to fund a portion of the costs of area-wide improvements as established by Lee County's CIE and Long-Range Transportation Plan (LRTP). More specifically, the Developer will be required to pay for the project's portion of "consumed" capacity via payment of road impact fees. As set forth by Lee County's Impact Fee Ordinance, the fees are a pro rata assessment towards the funding of area-wide transportation improvements in order to support new growth. The amount of road impact fees paid per type of land use are determined via a "consumption-based impact fee approach", in which new development is charged based upon the proportion of vehicle-miles of travel (VMT) that each unit of new development is expected to consume of a lane mile of roadway network. The cost of consumed lane mile is based upon current roadway construction costs within Lee County. Therefore, the payment of road impact fees is the project's pro rata share of funding transportation improvements that are deemed necessary to support the demands generated by new growth.

Concurrency Review

U.S. 41 (between San Carlos Boulevard and Alico Road) is classified as a six-lane divided arterial having an adopted maximum service capacity of 3,171 vph for the 100th highest hour peak direction. As concluded, that segment of U.S. 41 will have a project build-out traffic demand of 3,102 vphpd and a v/c ratio of 0.98. Therefore, this project will be consistent with the criteria of the Lee County Concurrency Management Policy.

Site Access

The project will have a direct right-in/out and left-in access to U.S. 41 which is under the jurisdiction of the Florida Department of Transportation (FDOT). Therefore, a FDOT driveway connection permit will need to be obtained prior to developing the site. The specifics of the site access improvements (e.g., ingress turn lanes, advisory signs, pavement markings, etc.) will be established with FDOT and Lee County Government as part of acquiring final development approval.

At the request of Lee County staff, an operational analysis of the site's right-in/out and left-in access on U.S. 41 was performed for the AM and PM peak hour traffic conditions for 2026 project build-out conditions. It was determined that the access will not cause any notable delay to north/south traffic flow along U.S. 41. Drivers entering the site via the left-in turn lane and exiting the site will incur delay, as is common and expected for projects accessing major arterials. *The operational analysis was performed based upon the methodologies established by the Highway Capacity Manual (HCS summary sheets are provided in the Appendix – refer to pages B1 and B2).*

Purpose of Report

The following report has been prepared pursuant to the criteria set forth by the Traffic Impact Statement Guidelines as set forth by the Lee County Government. This report provides an in-depth evaluation of the potential transportation-related impacts which may occur as a result of the proposed Eagles Nest.

Scope of Project

The Nest is a proposed mixed-use project that consists of 62 multi-family dwelling units, 10,000 square feet of commercial retail/office space and a small-scale (2 acre) public park. The site is located on the west side of U.S. 41 and south of Alico Road, within Lee County, Florida.

Access to the project will be provided via a right-in/out and left-in access on U.S. 41.

Table A
Proposed Land Use

Land Use	Size
Multi-Family Dwelling	62 units
Retail/Office	5,000 s.f.
High-Turnover Restaurant	5,000 s.f.
Public Park	2.0 +/- Acres

Project Generated Traffic

Traffic that can be expected to be generated by the project was estimated based upon the guidelines established by the Institute of Transportation Engineers, Trip Generation Manual, 11th Edition. That is, historical traffic data collected at similar land uses was relied upon in estimating the project's traffic. In referencing the Trip Generation Manual, it was concluded that land use code Multi-Family (LUC 220), Public Park (LUC 411), Variety Store (LUC 814) and High-Turnover Restaurant (LUC 932) were the most appropriate uses for estimating the project traffic. Trips were adjusted to account for pass-by trips, as accepted by Lee County.

Table 1 of this report provides a detail of the calculations that were performed in estimating the trip generations, which have been summarized below in Table B.

Table B
Trips Computations Summary
(Summation of Table 1)

New Daily Trips Generated (ADT)	New AM Peak Hour Trips Generated (vph)	New PM Peak Hour Trips Generated (vph)
1,176	82	121

The report determined that the project will generate more than 100 net new trips during the highest peak hour. As such, the Report investigated the traffic impacts associated with the project based upon the criteria set forth by the Lee County Traffic Impact Statement Guidelines for developments generating "More Than 100 Trips".

Existing + Committed Roadway Conditions

U.S. 41 is a six-lane divided north/south arterial that is under the jurisdiction of the Florida Department of Transportation. Within proximity of the site, the road has a posted speed limit of 50 MPH. As set forth by the Lee County Concurrency Management Policy, U.S. 41 has an adopted performance standard of level of service LOS D and a maximum service volume capacity of 3,171 vph for the 100th highest hour peak direction.

Project Generated Traffic Distribution

The project's traffic was distributed to the surrounding roadway network based upon logical means of ingress/egress, current and future traffic patterns in the area, and proximity of supporting land uses, such as business, retail and medical uses. Table 2 and Figure 2 provide a detail of the traffic distributions based on a percentage basis. Table 2 also depicts the project traffic by volume.

Area of Significant Impact

The area of significant impact was determined based upon Lee County's 10% criteria (i.e., if the project's traffic is 10% or more of a roadway's adopted level of service LOS C capacity, then the project has a significant impact upon that link). Table 2 describes the project traffic distributions and the level of impact on the surrounding roadways. As shown, no roads will be impacted by 10% or greater than its adopted level of service. Therefore, U.S. 41 is the only road that is considered to be impacted by the project.

Project Build-Out Conditions

In order to establish project build-out traffic conditions, the project traffic was added to the forecasted 2026 background build-out traffic volumes. The annual growth rate for all roads within the project's area of impact was established based upon historical traffic counts, but no less than 2% per year was applied, which was used to forecast future traffic conditions. Table 3 provides a detail of the existing and 2026 background traffic conditions. Table 4 reflects the 2026 background plus project traffic conditions. Table 4 describes the traffic volumes based upon the 100th highest hour peak direction demand along U.S. 41, as well as the road's level of service. As determined, U.S. 41 will continue to operate at acceptable levels of service at project build-out conditions.

Concurrency Review

U.S. 41 (between San Carlos Boulevard and Alico Road) is classified as a six-lane divided arterial having an adopted maximum service capacity of 3,171 vph for the 100th highest hour peak direction. As concluded, that segment of U.S. 41 will have a project build-out traffic demand of 3,10 vphpd and a v/c ratio of 0.98. Therefore, this project will be consistent with the criteria of the Lee County Concurrency Management Policy.

Site Access Evaluation

The project will have a direct right-in/out and left-in access to U.S. 41 which is under the jurisdiction of the Florida Department of Transportation (FDOT). Therefore, a FDOT driveway connection permit will need to be obtained prior to developing the site. The specifics of the site access improvements (e.g., ingress turn lanes, advisory signs, pavement markings, etc.) will be established with FDOT and Lee County Government as part of acquiring final development approval.

At the request of Lee County staff, an operational analysis of the site's right-in/out and left-in access on U.S. 41 was performed for the AM and PM peak hour traffic conditions for 2026 project build-out conditions. It was determined that the access will not cause any notable delay to north/south traffic flow along U.S. 41. Drivers entering the site via the left-in turn lane and exiting the site will incur delay, as is common and expected for projects accessing major arterials. *The operational analysis was performed based upon the methodologies established by the Highway Capacity Manual (HCS summary sheets are provided in the Appendix – refer to pages B1 and B2).*

APPENDIX A

Tables 1 thru 4

Figures 1 thru 3

Support Documents

APPENDIX B

Highway Capacity Manual Operational Analysis (HCS worksheets and Results)



TABLE 1
(page 1 of 2)
TRIP GENERATION COMPUTATIONS
The Nest

Land Use

<u>Code</u>	<u>Land Use Description</u>	<u>Build Schedule</u>
220	Multi-Family (Low Rise)	62 Units
411	Public Park	2 Acres
814	Variety Store	5,000 s.f.
932	High-Turnover Restaurant	5,000 s.f.

<u>Code</u>	<u>Trip Period</u>	<u>Trip Generation Equation</u>	<u>Total Trips</u>	<u>Trips Enter/Exit</u>
LUC 220	Daily Traffic (ADT) =	$T = 6.41(X) + 75.31 =$	473 ADT	
	AM Peak Hour (vph) =	$T = 0.31(X) + 22.85 =$	42 vph	10 / 32 vph
		24% Enter/ 76% Exit =		
	PM Peak Hour (vph) =	$T = 0.43(X) + 20.55 =$	47 vph	30 / 17 vph
		63% Enter/ 37% Exit =		

LUC 411	Daily Traffic (ADT) =	$T = 0.64(X) + 88.46 =$	90 ADT	
	AM Peak Hour (vph) =	$T = 0.02(X) =$	0 vph	0 / 0 vph
		59% Enter/ 41% Exit =		
	PM Peak Hour (vph) =	$T = 0.06(X) + 22.60 =$	23 ADT	13 / 10 vph
		55% Enter/ 45% Exit =		

LUC 814	Daily Traffic (ADT) =	$T = 63.66(X) =$	318 ADT	
	AM Adj. Peak Hour (vph) =	$T = 3.04(X) =$	15 vph	9 / 6 vph
		57% Enter/ 43% Exit =		
	PM Adj. Peak Hour (vph) =	$T = 6.70(X) =$	34 vph	17 / 17 vph
		51% Enter/ 49% Exit =		
Per Lee County ADT = Pass-by = 25% ADT and 30% AM & PM			25% Daily Pass-by Rate	
			30% AM & PM Pass-by Rate	
	Pass-by Daily Traffic (ADT) =		80 ADT	
	Pass-by AM Peak Hour (vph) =		4 vph	2 / 2 vph
	Pass-by PM Peak Hour (vph) =		10 vph	5 / 5 vph

	New Daily Traffic (ADT) =		239 ADT	
	New AM Peak Hour (vph) =		11 vph	7 / 4 vph
	New PM Peak Hour (vph) =		24 vph	12 / 12 vph

TABLE 1
(page 2 of 2)
TRIP GENERATION COMPUTATIONS
The Nest

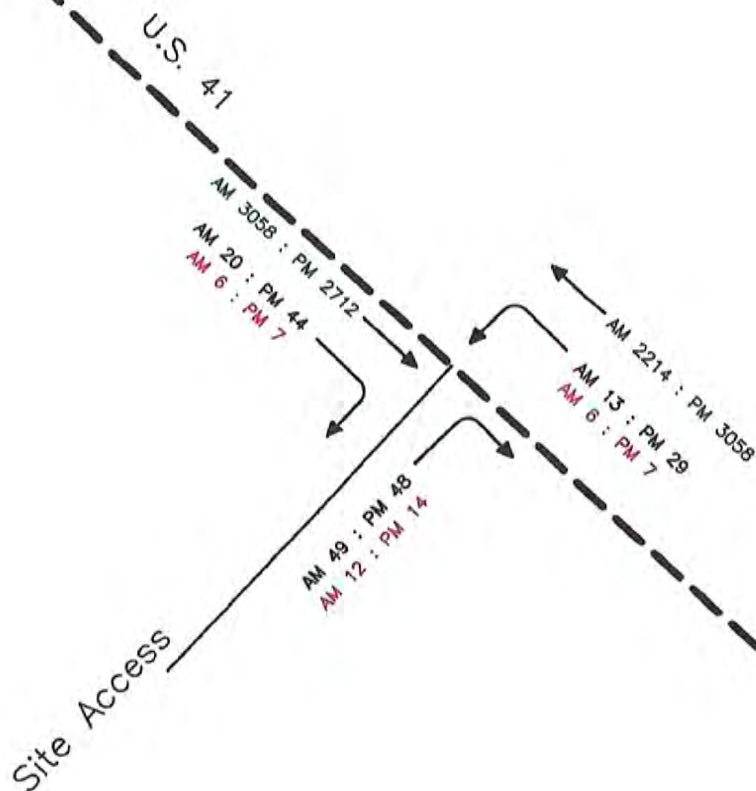
<u>Code</u>	<u>Trip Period</u>	<u>Trip Generation Equation</u>	<u>Total Trips</u>	<u>Trips Enter/Exit</u>		
LUC 932	Daily Traffic (ADT) =	T= 107.2(X) =	536 ADT			
	AM Peak Hour (vph) =	T= 9.57(X) =	48 vph	26 /	22	vph
	7-9 AM	55% Enter/ 45% Exit =				
	PM Peak Hour (vph) =	T= 9.05(X) =	45 vph	27 /	18	vph
	4-6 PM	61% Enter/ 39% Exit =				
<i>Pass-by Trips per ITE= 43%</i>			30% Daily Pass-by Rate			
Per Lee County ADT = Pass-by = 30% ADT and 40% AM & PM			40% AM & PM Pass-by Rate			
	Pass-by Daily Traffic (ADT) =		161 ADT			
	Pass-by AM Peak Hour (vph) =		19 vph	10 /	9	vph
	Pass-by PM Peak Hour (vph) =		18 vph	9 /	9	vph

	New Daily Traffic (ADT) =		375 ADT			
	New AM Peak Hour (vph) =		29 vph	16 /	13	vph
	New PM Peak Hour (vph) =		27 vph	18 /	9	vph

TOTALS		Pass-by Daily Traffic (ADT) =	240 ADT			
		Pass-by AM Peak Hour (vph) =	23 vph	12 /	11	vph
		Pass-by PM Peak Hour (vph) =	28 vph	14 /	14	vph

		New Daily Traffic (ADT) =	1,176 ADT			
		New AM Peak Hour (vph) =	82 vph	33 /	49	vph
		New PM Peak Hour (vph) =	121 vph	73 /	48	vph





Site-Generated Traffic	
New AM Peak Hour =	33 Enter/ 49 Exit
New PM Peak Hour =	73 Enter/ 48 Exit
Pass-by AM Peak Hour =	12 Enter/ 11 Exit
Pass-by PM Peak Hour =	14 Enter/ 14 Exit

LEGEND

- ← AM : PM New Project Traffic AM Pk Hr : PM Pk Hr
- ← AM : PM Pass-by Project Traffic AM Pk Hr : PM Pk Hr
- ← AM : PM Background Traffic AM Pk Hr : PM Pk Hr

JMB TRANSPORTATION ENGINEERING, INC.

The Nest

May 7, 2023

**Project Generated
Traffic Assignment**

FIGURE 3

**TABLE 2
PROJECT'S AREA OF IMPACT**

Project Traffic Peak Hour Peak Direction (vphpd) =

73

		<u>Road Class</u>	<u>Project Traffic % Distribution</u>	<u>Project Traffic PK Direction Volume (vph)</u>	<u>LOS "C" Service Volume Pk Direction (vphpd)</u>	<u>Project's Percentage Impact</u>	<u>Significant Impact</u>	<u>Adopted Service Volume Pk Direction (vphpd)</u>
Alico Road	U.S. 41 to Dusty Road	4LD	10%	7	1980	0.4%	NO	1980
Michael J. Rippe Pkwy	N. of Alico Rd	4LD	20%	15	1950	0.7%	NO	2040
U.S. 41	Sanibel Blvd to Site	6LD	40%	29	2940	1.0%	NO	3171
	Site to Alico Rd	6LD	60%	44	2940	1.5%	NO	3171

**TABLE 3
ROADWAY LINK VOLUMES**

		Base Year	2021	Years of	Growth	Min. Growth Rate	2022	2023	2026
		Traffic	Traffic				Peak Hour	Peak Hour	Peak Hour
		Count	Count				PK Direction	PK Direction	PK Direction
		<u>(ADT)</u>	<u>(ADT)</u>				<u>(VPHPD)</u>	<u>(VPHPD)</u>	<u>(VPHPD)</u>
U.S. 41	Sanibel Blvd to Site	33100	42800	6	4.38%	4.38%	2576	2689	3058
	Site to Alico Rd	33100	42800	6	4.38%	4.38%	2576	2689	3058

TABLE 4
CONCURRENCY ROADWAY LINK VOLUME & CAPACITY ANALYSIS

		2023	2023	2026	2026	Project	2026	LOS E		2026
		Peak Hour	Peak Hour	Peak Hour	Peak Hour	Peak Hour	Total Pk Hr	Service Vol.		Build-Out
		PK Direction	PK Direction	PK Direction	PK Direction	PK Direction	Peak Season	Peak Hour		Peak Hour
		<u>(vphpd)</u>	<u>LOS</u>	<u>(vphpd)</u>	<u>LOS</u>	<u>(vphpd)</u>	<u>(vphpd)</u>	<u>(vphpd)</u>	<u>v/c</u>	<u>LOS</u>
									<u>Ratio</u>	
U.S. 41	Sanibel Blvd to Site	2689	C	3058	D	29	3087	3171	0.97	D
	Site to Alico Rd	2689	C	3058	D	44	3102	3171	0.98	D

Table 21 b): Link-Level Service Volumes and LOS Table

Table 21 b) 6 of 7

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)														
Link No.	NAME	ROADWAY LINK		F. Class	ROAD TYPE	PERFORMANCE STANDARD		2021 100TH HIGHEST HOUR			FUTURE FORECAST (2026)			Notes
		FROM	TO			LOS	DIRECTIONAL CAPACITY	LOS	VOL	V/C	LOS	VOL	V/C	
24300	SR 31 (ARCADIA RD)	SR 78	COUNTY LINE	State	2LN	C	820	C	655	0.80	B	889	0.40	Future Capacity 2210 (for V/C as well)
24400	STALEY RD	TICE	ORANGE RIVER BLVD	Maj. Col	2LN	E	860	C	197	0.23	C	207	0.24	*
24500	STRINGFELLOW RD	1ST AVE	BERKSHIRE RD	M. Art	2LN	E	1,060	B	315	0.30	C	445	0.42	Constrained
24600	STRINGFELLOW RD	BERKSHIRE RD	PINE ISLAND RD	M. Art	2LN	E	1,060	B	315	0.30	C	448	0.42	Constrained
24700	STRINGFELLOW RD	PINE ISLAND RD	PINELAND RD	M. Art	2LN	E	1,060	D	730	0.69	E	831	0.78	Constrained
24800	STRINGFELLOW RD	PINELAND RD	MAIN ST	M. Art	2LN	E	1,060	D	730	0.69	E	827	0.78	
24900	SUMMERLIN RD	MCGREGOR BLVD	KELLY COVE RD	Controlled xs	4LD	E	1,980	A	1,243	0.63	A	1,306	0.66	Unincorporated Lee county
25000	SUMMERLIN RD	KELLY COVE RD	SAN CARLOS BLVD	Controlled xs	4LD	E	1,980	A	1,243	0.63	A	1,306	0.66	Unincorporated Lee county
25100	SUMMERLIN RD	SAN CARLOS BLVD	PINE RIDGE RD	Controlled xs	6LD	E	3,000	A	1,928	0.64	A	2,158	0.72	Unincorporated Lee county
25200	SUMMERLIN RD	PINE RIDGE RD	BASS RD	Controlled xs	6LD	E	3,000	A	1,928	0.64	A	2,026	0.68	Unincorporated Lee county
25300	SUMMERLIN RD	BASS RD	GLADIOLUS DR	Controlled xs	6LD	E	3,000	A	1,928	0.64	A	2,026	0.68	Unincorporated Lee county
25400	SUMMERLIN RD	GLADIOLUS DR	CYPRESS LAKE DR	Controlled xs	4LD	E	1,900	C	1,530	0.81	C	1,631	0.86	Unincorporated Lee county
25500	SUMMERLIN RD	CYPRESS LAKE DR	COLLEGE PKWY	Controlled xs	6LD	E	2,880	B	1,808	0.63	B	1,900	0.66	Unincorporated Lee county
25600	SUMMERLIN RD	COLLEGE PKWY	PARK MEADOW DR	Controlled xs	6LD	E	2,880	B	1,802	0.63	B	1,894	0.66	Unincorporated Lee county
25700	SUMMERLIN RD	PARK MEADOW DR	BOY SCOUT	Controlled xs	6LD	E	2,880	B	1,802	0.63	B	1,894	0.66	Unincorporated Lee county
25800	SUMMERLIN RD	BOY SCOUT	MATHEWS DR	P. Art	4LD	E	1,820	D	1,135	0.62	D	1,193	0.66	
25900	SUMMERLIN RD	MATHEWS DR	COLONIAL BLVD	P. Art	4LD	E	1,820	D	1,135	0.62	D	1,193	0.66	
26000	SUNRISE BLVD	BELL BLVD	COLUMBUS BLVD	Min. Col	2LN	E	860	C	42	0.05	C	53	0.06	Old Count
26100	SUNSHINE BLVD	SR 82	23RD ST SW	P. Art	2LN	E	1,010	C	395	0.39	C	416	0.41	*
26150	SUNSHINE BLVD	23RD ST SW	LEE BLVD	P. Art	2LN	E	1,010	C	395	0.39	C	416	0.41	*
26200	SUNSHINE BLVD	LEE BLVD	W 12TH ST	P. Art	2LN	E	1,010	D	651	0.64	D	684	0.68	*
26300	SUNSHINE BLVD	W 12TH ST	W 75TH ST	Maj. Col	2LN	E	860	D	602	0.70	D	633	0.74	
26500	THREE OAKS PKWY	COCONUT RD	ESTERO PKWY	P. Art	4LD	E	1,940	B	1,560	0.80	B	1,743	0.90	
26600	THREE OAKS PKWY	ESTERO PKWY	SAN CARLOS BLVD	P. Art	4LD	E	1,940	B	707	0.36	B	816	0.42	
26700	THREE OAKS PKWY	SAN CARLOS BLVD	ALICO RD	P. Art	4LD	E	1,940	B	707	0.36	B	743	0.38	
26800	TICE ST	SR 80	ORTIZ AVE	Maj. Col	2LN	E	860	C	199	0.23	C	209	0.24	
26900	TICE ST	ORTIZ AVE	STALEY RD	Maj. Col	2LN	E	860	C	207	0.24	C	243	0.28	Elementary U.
27000	TREELINE AVE	TERMINAL ACCESS RD	DANIELS PKWY	Controlled xs	4LD	E	1,980	A	1,050	0.53	A	1,288	0.65	Harley Davidson
27030	TREELINE AVE	DANIELS PKWY	AMBERWOOD RD	P. Art	4LD	E	1,980	A	782	0.39	A	822	0.42	
27070	TREELINE AVE	AMBERWOOD RD	COLONIAL BLVD	P. Art	4LD	E	1,980	A	782	0.39	A	822	0.42	
30500	US 41 (CLEVELAND AVE)	DANIELS PKWY	COLLEGE PKWY	State	6LD	D	3,171	C	2,598	0.82	C	2,904	0.92	SR 739 6 in DES & ROW Progrmd
30600	US 41 (CLEVELAND AVE)	COLLEGE PKWY	SOUTH RD	State	6LD	D	3,171	C	2,598	0.82	C	2,904	0.92	SR 739 6 in DES & ROW Progrmd
30700	US 41 (CLEVELAND AVE)	SOUTH RD	BOY SCOUT RD	State	6LD	D	3,171	C	2,598	0.82	C	2,904	0.92	SR 739 6 in DES & ROW Progrmd
30800	US 41 (CLEVELAND AVE)	BOY SCOUT RD	NORTH AIRPORT RD	State	6LD	D	3,171	C	2,598	0.82	C	2,904	0.92	SR 739 6 in DES & ROW Progrmd
30810	US 41 (CLEVELAND AVE)	NORTH AIRPORT RD	COLONIAL BLVD	State	6LD	D	3,171	C	2,418	0.76	C	2,704	0.85	
30900	US 41 (CLEVELAND AVE)	CITY LIMITS	N. KEY DR	State	4LD	D	2,100	C	1,996	0.95	F	2,240	1.07	
31000	US 41 (CLEVELAND AVE)	N. KEY DR	HANCOCK B. PKWY	State	4LD	D	2,100	C	1,996	0.95	F	2,240	1.07	
31100	US 41 (CLEVELAND AVE)	HANCOCK B. PKWY	PONDELLA RD	State	4LD	D	2,100	C	1,996	0.95	F	2,240	1.07	
31200	US 41 (CLEVELAND AVE)	PONDELLA RD	SR 78	State	4LD	D	2,100	C	1,362	0.65	C	1,523	0.73	
31300	US 41 (CLEVELAND AVE)	SR 78	LITTLETON RD	State	4LD	D	2,100	C	1,362	0.65	C	1,523	0.73	
31400	US 41 (N TAMIAAMI TR)	LITTLETON RD	BUS 41	State	4LD	D	2,100	C	1,087	0.52	C	1,263	0.60	
31500	US 41 (N TAMIAAMI TR)	BUS 41	DEL PRADO BLVD	State	4LD	D	2,100	C	1,087	0.52	C	1,263	0.60	
31600	US 41 (N TAMIAAMI TR)	DEL PRADO BLVD	CHARLOTTE CO. LINE	State	4LD	D	2,100	C	1,577	0.75	C	1,885	0.90	
29800	US 41 (S TAMIAAMI TR)	OLD 41	CORKSCREW RD	State	6LD	D	3,171	C	2,342	0.74	C	2,616	0.82	
29900	US 41 (S TAMIAAMI TR)	CORKSCREW RD	SANIBEL BLVD	State	6LD	D	3,171	C	2,294	0.72	C	2,767	0.87	
30000	US 41 (S TAMIAAMI TR)	SANIBEL BLVD	ALICO RD	State	6LD	D	3,171	C	2,576	0.81	C	3,011	0.95	
30100	US 41 (S TAMIAAMI TR)	ALICO RD	ISLAND PARK RD	State	6LD	D	3,171	C	2,576	0.81	C	3,011	0.95	
30200	US 41 (S TAMIAAMI TR)	ISLAND PARK RD	BRIARCLIFF RD	State	6LD	D	3,171	C	3,002	0.95	F	3,356	1.06	

County-Maintained Collector Roadway - Unincorporated Lee County

State-Maintained Arterial Roadway - Unincorporated Lee County

County-Maintained Collector Roadway - Incorporated Lee County

County Maintained Controlled Access Arterial Facility

County-Maintained Arterial Roadway - Unincorporated Lee County

County Maintained Expressway

County-Maintained Arterial Roadway - Incorporated Lee County

Updated 3/31/22			Daily Traffic Volume (AADT)									
STREET	LOCATION	Station #	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
SUNSHINE BLVD	S OF LEE BLVD	406		6100	7100		7500		7500		8500	
SUNSHINE BLVD	N OF LEE BLVD (CR 884)	412		10300	8300		10100		12100		14000	
TERMINAL ACCESS RD	E OF TREELINE AVE	59	23300	23500	26400				27100	28500	18400	28700
THREE OAKS PKWY	S OF CORKSCREW RD	525	18700	18800		20900	21800	25100	20800	23900		30000
THREE OAKS PKWY	N OF CORKSCREW RD	415	20200	19900								
THREE OAKS PKWY	S OF ESTERO PKWY	72		16000	16600	16500	16800	17900		21700	18000	20000
THREE OAKS PKWY	S OF ALICO RD	414	12700	13700	11800	12300	13100	14100	12300		13600	
TICE ST	W OF I 75	416			3000		3500		3800		3400	
TREELINE AVE	S OF PELICAN COLONY BLVD	62	8200	8900	9700	10800	11600	11800	13100	13700	11600	13200
TREELINE AVE	N OF AIRPORT TERMINAL	61	23800	24500	25500	23800	25000	23800	23400	22700	14600	
12 ST W	E OF GUNNERY RD	472				4100				5200		
23RD ST SW	E OF GUNNERY RD	469		10200	11000		11800	12700	13200		16400	
US 41 (SR 45)	N OF COLLIER CO LINE	23	32700	33000	33900	34800	36100	36900	32600	37200	31800	36600
US 41 (SR 45)	N OF BONITA BEACH RD	92				42600	57100		46600	49000	41500	
US 41 (SR 45)	S OF COCONUT RD	93				46100	45000	49900	48800	49400	44900	51600
US 41 (SR 45)	S OF COKSCREW RD	128									40500	
US 41 (SR 45)	S OF HICKORY DR	25		36600	37700	42500	45100	48000	50100	52100	46700	53100
US 41 (SR 45)	N OF CONSTITUTION BLVD	94				33100	34900	35400	43600	35400	39000	42800
US 41 (SR 45)	N OF ALICO RD	110									44900	
US 41 (SR 45)	S OF JAMAICA BAY BLVD	109									43000	
US 41 (SR 45)	N OF ANDREA LN	95				40000	40400		42900	44600	40600	44800
US 41 (SR 45)	N OF BRANTLEY RD	9	50700	49100	50500	52300	51800	51600	52100		49200	51600
US 41 (SR 45)	N OF BOY SCOUT DR	96				41100	44300	43600	38700	36600	33600	39900

2021 AADT =

42,800 VPD

PCS 94 - US 41 north of Constitution Blvd

Hour	NB	SB	Total
0	0.42%	0.30%	0.72%
1	0.31%	0.20%	0.51%
2	0.25%	0.16%	0.41%
3	0.21%	0.14%	0.34%
4	0.27%	0.22%	0.49%
5	0.51%	0.73%	1.24%
6	1.52%	2.00%	3.52%
7	2.55%	3.46%	6.01%
8	2.73%	3.72%	6.45%
9	2.68%	3.10%	5.78%
10	2.90%	3.09%	5.99%
11	3.16%	3.25%	6.42%
12	3.39%	3.38%	6.77%
13	3.49%	3.35%	6.84%
14	3.69%	3.33%	7.02%
15	3.88%	3.53%	7.41%
16	4.14%	3.61%	7.74%
17	4.20%	3.58%	7.78%
18	3.31%	2.50%	5.81%
19	2.19%	1.84%	4.03%
20	1.74%	1.39%	3.13%
21	1.38%	1.12%	2.51%
22	1.09%	0.79%	1.89%
23	0.70%	0.50%	1.20%

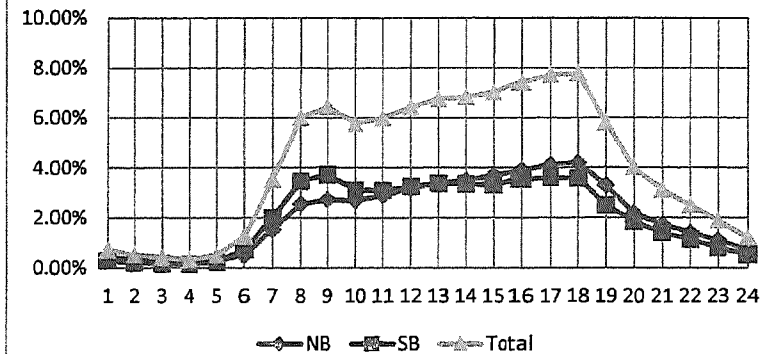
Month of Year	Fraction
January	1.07
February	1.13
March	1.18
April	1.12
May	1.02
June	1.02
July	0.95
August	0.90
September	0.88
October	0.99
November	1.02
December	0.78

Day of Week	Fraction
Sunday	0.68
Monday	1.04
Tuesday	1.09
Wednesday	1.08
Thursday	1.11
Friday	1.13
Saturday	0.87

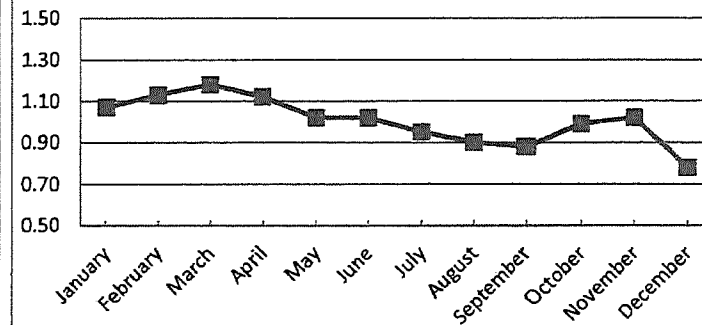
Directional Factor		
AM	0.58	SB
PM	0.53	NB

Design Hour Volume		
#	Volume	Factor
5	4658	0.109
10	4592	0.107
20	4516	0.106
30	4488	0.105
50	4432	0.104
100	4284	0.100
150	4210	0.098
200	4143	0.097

Hour of Day



Month of Year



HCS7 Two-Way Stop-Control Report

General Information

Analyst	JMB Transportation Eng
Agency/Co.	
Date Performed	5/7/2023
Analysis Year	2026
Time Analyzed	AM Peak Hour
Intersection Orientation	North-South
Project Description	

Site Information

Intersection	Site Access
Jurisdiction	
East/West Street	Site Access
North/South Street	U.S. 41
Peak Hour Factor	0.95
Analysis Time Period (hrs)	0.25

Lanes

Major Street: North-South

Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	0	1		0	0	0	0	1	3	0	0	0	3	1
Configuration				R						L	T				T	R
Volume (veh/h)				61					0	19	2214				3058	26
Percent Heavy Vehicles (%)				0					0	0						
Proportion Time Blocked				0.000						0.000						
Percent Grade (%)				0												
Right Turn Channelized				No											No	
Median Type Storage				Left Only								1				

Critical and Follow-up Headways

Base Critical Headway (sec)				7.1						5.3						
Critical Headway (sec)				7.10						5.30						
Base Follow-Up Headway (sec)				3.9						3.1						
Follow-Up Headway (sec)				3.90						3.10						

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)				64						20						
Capacity, c (veh/h)				82						29						
v/c Ratio				0.79						0.69						
95% Queue Length, Q ₉₅ (veh)				3.9						2.2						
Control Delay (s/veh)				135.1						266.9						
Level of Service (LOS)				F						F						
Approach Delay (s/veh)				135.1						2.3						
Approach LOS				F												

HCS7 Two-Way Stop-Control Report

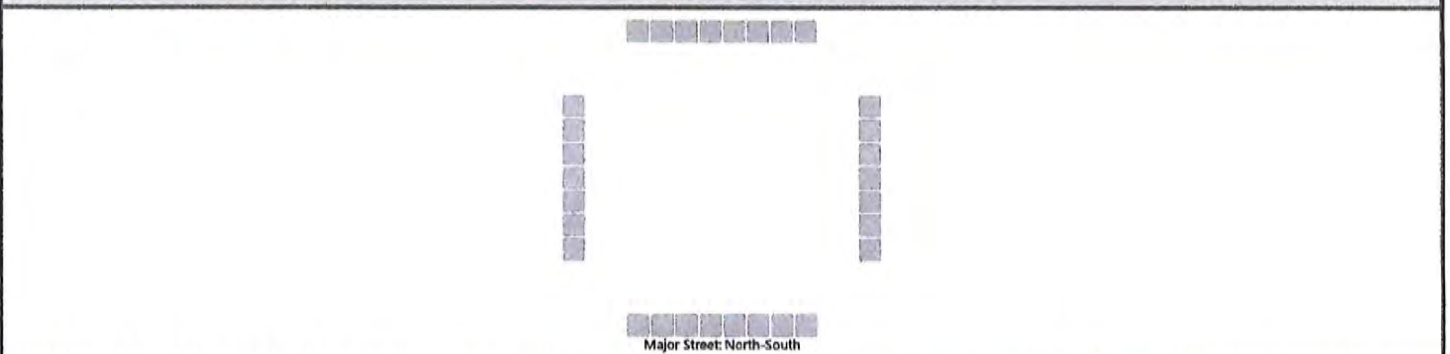
General Information

Analyst	JMB Transportation Eng
Agency/Co.	
Date Performed	5/7/2023
Analysis Year	2026
Time Analyzed	PM Peak Hour
Intersection Orientation	North-South
Project Description	

Site Information

Intersection	Site Access
Jurisdiction	
East/West Street	Site Access
North/South Street	U.S. 41
Peak Hour Factor	0.95
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		0	0	1		0	0	0	0	1	3	0	0	0	3	1
Configuration				R						L	T				T	R
Volume (veh/h)				62					0	36	3058				2712	51
Percent Heavy Vehicles (%)				0					0	0						
Proportion Time Blocked				0.000						0.000						
Percent Grade (%)	0															
Right Turn Channelized	No												No			
Median Type Storage	Left Only								1							

Critical and Follow-up Headways

Base Critical Headway (sec)				7.1						5.3						
Critical Headway (sec)				7.10						5.30						
Base Follow-Up Headway (sec)				3.9						3.1						
Follow-Up Headway (sec)				3.90						3.10						

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)				65						38						
Capacity, c (veh/h)				109						44						
v/c Ratio				0.60						0.87						
95% Queue Length, Q ₉₅ (veh)				2.9						3.4						
Control Delay (s/veh)				78.8						238.7						
Level of Service (LOS)				F						F						
Approach Delay (s/veh)		78.8								2.8						
Approach LOS		F														



APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY

REVISED October 2022

Project Name: The Nest SWFL

Request: Rezone from: AG-2 To: RPD/CPD

Type: ☐ Major PD ☒ Minor PD ☐ DRI w/Rezoning ☐ PRFPD
☐ Major PD Amendment ☐ Minor PD Amendment

Bonus Density included? ☒ NO YES¹ for: Bonus Units

¹ If YES, submit additional fee required by LDC 2-147(A)(3)

Summary of Project:

The project is separated into a residential planned development and commercial planned development. The RPD will consist of 62 multifamily living units, and typical accessory uses.

The CPD will consist of a maximum of 5,000 sf restaurant and 5,000 sf commercial buildings.

PART 1 APPLICANT/AGENT INFORMATION

A. Name of Applicant: Matthew Slaughter, Manager
Address: 181 Carica Road
City, State, Zip: Naples, FL, 34108
Phone Number: 239-877-2040
E-mail Address: mjcslaughter@gmail.com

B. Relationship of Applicant to owner (check one) and provide [Affidavit of Authorization](#) form:

- ☐ Applicant is the sole owner of the property. [34-201(a)(1)a.1.]
- ☒ Applicant has been authorized by the owner(s) to represent them for this action. [34-202(a)(3)]
- ☐ Application is County initiated. Attach BOCC authorization.

C. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(a)(4)]

1. Company Name: Agnoli, Barber & Brundage, Inc.
Contact Person: Margaret Emblidge, AICP
Address: 7400 Trail Blvd, Suite 200
City, State, Zip: Naples, FL, 34108
Phone Number: 239-597-3111 Email: Emblidge@abbinc.com

2. [Additional Agent\(s\)](#): Provide the names of other agents that the County may contact concerning this application. [34-202(a)(4)]

LEE COUNTY COMMUNITY DEVELOPMENT
PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902
PHONE (239) 533-8585

**PART 2
PROPERTY OWNERSHIP**

- A. **Property owner(s):** If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-202(a)(2)]

Name: STA FUND LLC

Address: 181 Carica Road

City, State, Zip: Naples FL 34108

Phone Number: _____ Email: _____

- B. **Disclosure of Interest** [34-202(a)(2)]:

☒ Attach [Disclosure of Interest](#) Form.

- C. **Multiple parcels:**

☒ Property owners list. [34-202(a)(8)]

☒ Property owners map. [34-202(a)(8)]

- D. **Certification of Title and Encumbrances** [34-202(a)(7)]

1. Title certification document, no greater than 90 days old.

2. Date property was acquired by present owner(s): 01/31/2020

**PART 3
PROPERTY INFORMATION**

- A. **STRAP Number(s):** [Attach extra sheets if additional space is needed.] [34-203(a)(5)]

17-46-25-00-01001.0040

18-46-25-00-00037.0010

18-46-25-00-00037.0030

18-46-25-00-00035.0000

- B. **Street Address of Property:** 18200 S Tamiami Trail Fort Myers FL 33967

- C. **Legal Description (must submit)** [34-202(a)(5)]:

☒ Legal description (metes and bounds) (8½"x11") and sealed sketch of the legal description.

OR

☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. ([Click here](#) to see an example of a legal description with no metes and bounds.)

AND

Boundary Survey [34-202(a)(6)]:

☒ A Boundary survey, tied to the state plane coordinate system.

OR

☐ Not required if the property is located within a subdivision platted per F.S. Chapter 177.

- D. **Surrounding property owners** (within 500 feet of the perimeter of the subject parcel or portion thereof that is subject of the request):

1. ☒ List of surrounding property owners. [34-202(a)(9)]

2. ☒ Map of surrounding property owners. [34-202(a)(9)]

3. ☒ One set of mailing labels. [34-202(a)(9)]

Note: When the case is found complete/ sufficient, a new list and mailing labels must be submitted.

- E. **Current Zoning of Property:** AG-2

☐ Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property.

- F. **Use(s) of Property:**

1. Current uses of property are: Cattle Grazing

2. Intended uses of property are: RPD / CPD

G. Future Land Use Classification (Lee Plan):

Urban Community	15.75	Acres	100	% of Total
		Acres		% of Total
		Acres		% of Total

H. Property Dimensions:

1. Width (average if irregular parcel):	380.7	Feet		
2. Depth (average if irregular parcel):	2087.6	Feet		
3. Total area:	685,663	Square feet		
4. Frontage on road or street:	325	Feet on	U.S. 41	Street
2 nd Frontage on road or street:		Feet on		Street

I. Planning Communities/Community Plan Area Requirements: If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session.

- ☒ Not Applicable
- ☐ Captiva Planning Community (Captiva Island). [33-1612(a)&(b); Lee Plan Policy 13.1.7]
- ☐ North (Upper) Captiva Community Plan area. [33-1711]
- ☐ Boca Grande Planning Community. [Lee Plan Policy 22.1.5]
- ☐ Caloosahatchee Shores Community Plan area. [33-1482(a)&(b); Lee Plan Policy 21.6.3]
- ☐ Page Park Community Plan area. [33-1203(a) & (b); Lee Plan Policy 27.11.2]
- ☐ Palm Beach Boulevard Community Plan area. [Lee Plan Policy 23.5.2]
- ☐ Buckingham Planning Community. [Lee Plan Policy 17.7.2]
- ☐ Pine Island Planning Community. [33-1004(a) & (b); Lee Plan Policy 14.7.1]
- ☐ Lehigh Acres Planning Community. [33-1401(a)&(b); Lee Plan Policy 32.12.2]
- ☐ North Fort Myers Planning Community. [33-1532(a)&(b)]
- ☐ North Olga Community Plan area. [33-1663(a)&(b)]

J. Waivers from Application Submission Requirements: Attach waivers, if any, approved by the Director of Zoning. [34-201(c)]

**PART 4
TYPES OF LAND AREA ON PROPERTY**

- A. Gross Acres (total area within described parcel) (RPD 12, CPD 3.75)** 15.75+/- Acres
- | | | |
|--|---------|-------|
| 1. Submerged land subject to tidal influence | | Acres |
| 2. a. Preserved freshwater wetlands | 0.10 | Acres |
| b. Impacted wetlands | 0.00 | Acres |
| c. Preserved saltwater wetlands | 1.74 | Acres |
| d. Total wetlands (A.2.a. plus A.2.b. plus A.2.c.) (RPD 1.74, CPD .10) | 1.84+/- | Acres |
| 3. R-O-W providing access to non-residential uses | | Acres |
| 4. Non-residential use areas ^{(1) (2)} | 1.84+/- | Acres |
- B. Total area not eligible as gross residential acreage (Items A.1. + A.3. + A.4.).** 1.84+/- Acres
- C. Gross residential acres. (A minus B) ⁽³⁾** 12+/- Acres
- D. Gross residential acres (by Land Use Category) (RPD)**
- | | | |
|--|-------|-------|
| 1. a. Intensive Development – upland | | Acres |
| b. Intensive Development – preserved freshwater wetlands | | Acres |
| c. Intensive Development – impacted wetlands | | Acres |
| 2. a. Central Urban – upland | | Acres |
| b. Central Urban – preserved freshwater wetlands | | Acres |
| c. Central Urban – impacted wetlands | | Acres |
| 3. a. Urban Community or Suburban – upland | 10.26 | Acres |
| b. Urban Community or Suburban – preserved freshwater & saltwater wetlands | 1.74 | Acres |
| c. Urban Community or Suburban – impacted wetlands | 0.00 | Acres |

4.	a.	Suburban – upland	_____	Acres
	b.	Suburban – preserved freshwater wetlands	_____	Acres
	c.	Suburban – impacted wetlands	_____	Acres
5.	a.	Outlying Suburban – upland	_____	Acres
	b.	Outlying Suburban – preserved freshwater wetlands	_____	Acres
	c.	Outlying Suburban – impacted wetlands	_____	Acres
6.	a.	Sub-Outlying Suburban – upland	_____	Acres
	b.	Sub-Outlying Suburban – preserved freshwater wetlands	_____	Acres
	c.	Sub-Outlying Suburban – impacted wetlands	_____	Acres
7.	a.	Rural, Outer Island, Rural Community Preserve – upland	_____	Acres
	b.	Rural, Outer Island, Rural Community Preserve – wetlands	_____	Acres
8.	a.	Open Lands – upland	_____	Acres
	b.	Open Lands – wetlands	_____	Acres
9.	a.	Resource – upland	_____	Acres
	b.	Resource – wetlands	_____	Acres
10.	a.	Wetlands	_____	Acres
11.	a.	New Community – upland	_____	Acres
	b.	New Community – wetlands	_____	Acres
12.	a.	University Community – upland	_____	Acres
	b.	University Community – wetlands	_____	Acres
13.	a.	Coastal Rural – upland	_____	Acres
	b.	Coastal Rural – wetlands	_____	Acres

TOTAL (should equal "C" above)

12+/- **Acres**

Notes:

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included except within the Mixed Use Overlay (see Note (2) below).
- (2) Within the Mixed Use Overlay, lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses may be included in density calculations (see Lee Plan Objective 4.3).
- (3) Lands to be used for residential uses including land within the development proposed to be used for streets & street rights of way, utility rights-of-way, public & private parks, recreation & open space, schools, community centers, & facilities such as police, fire & emergency services, sewage & water, drainage, and existing man-made waterbodies.

PART 5
RESIDENTIAL DEVELOPMENT - PRELIMINARY DENSITY CALCULATIONS

- i. Complete only if living units are proposed in a Future Land Use Category.
- ii. If more than one classification, calculations for each classification must be submitted. Attach extra sheets as necessary.
- iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Future Land Use Category: Urban Community

		Lee Plan Table 1(a)	
		Max. standard density	Units
1.	Standard Units		
a.	Total upland acres (from Part 4, D.)	<u>10.26</u> x <u>6</u> equals	<u>62</u>
b.	Total preserved freshwater/saltwater wetlands acres (from Part 4, D.)	<u>1.74</u> x <u>1/20</u> equals	<u>0</u>
c.	Total impacted wetlands acres (from Part 4, D.)	_____ x _____ equals	<u>0</u>
d.	Total Allowed Standard Units ⁽¹⁾		<u>62</u>
2.	Bonus Units [2-143]		
a.	Site-built Affordable Housing		<u>0</u>
b.	Transferrable Dwelling Units		<u>0</u>
c.	Sub-total		_____
3.	Total Permitted Units ⁽¹⁾		<u>62</u>

Note:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.

**PART 6
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES, HOTELS & MOTELS
PRELIMINARY INTENSITY CALCUATIONS**

A. Commercial	Height	Total Floor Area (Square Feet)
1. Medical		
2. General Office	35	
3. Retail	35	
4. Other: <u>Restaurant</u>	35	
5. TOTAL FLOOR AREA		10,000
B. Industrial	Height	Total Floor Area (Square Feet)
1. Under Roof		
2. Not Under Roof		
3. TOTAL FLOOR AREA		
C. Mining	Depth	Total Acres
1. Area to be excavated		
D. Assisted Living Facilities	Height	Total Beds/Units
1. Dependent Living Units		
2. Independent Living Units		
3. TOTAL BEDS/UNITS		
E. Hotels/Motels (Room Size)	Height	Total Rental Units
1. < 425 sq. ft.		
2. 426-725 sq. ft.		
3. 725 < sq. ft.		
4. TOTAL UNITS		

**PART 7
ACTION REQUESTED**

- A. Request Statement:** Provide a single narrative explaining the nature of the request and how the property qualifies for the rezoning to a planned development. This narrative should include how the proposed development complies with the Lee Plan, the Land Development Code, and the applicable findings/review criteria set forth in LDC section 34-145(d)(4). This narrative may be utilized by the Board of County Commissioners, Hearing Examiner and staff in establishing a factual basis for the granting or denial of the rezoning. **[34-373(a)(5)]**
- B. Traffic Impact Statement.** A traffic impact statement in a format and to the degree of detail required by the County and in conformance with the adopted Lee County Administrative Code. TIS is not required for an existing development. **[34-373(a)(7)]**
- C. Master Concept Plan:**
1. **Master Concept Plan, Non-PRFPD:** A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the information required by LCLDC Section 34-373(a)(6)a. Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. In addition to the Master Concept Plan, an open space design plan delineating the indigenous preserves and/or native tree preservation areas as required by LDC Section 10-415(b) must be submitted. **[34-373(a)(6)]**
 2. **Schedule of Uses:** A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8)]. **[34-373(a)(8)]**

3. **Schedule of Deviations and Written Justification:** A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan accompanied by documentation including sample detail drawings illustrating how each deviation would enhance the achievement of the objectives of the planned development and will not cause a detriment to public interests. The location of each requested deviation must be located/shown on the Master Concept Plan. **[34-373(a)(9)]**

D. **Bonus Density:** **[34-202(a)(11)]**

☒ Not Applicable

Bonus Density will be used. Provide the number of Bonus Density units being requested and a narrative of how the request meets the requirements of LDC Section 2-146.

PART 8 ENVIRONMENTAL REQUIREMENTS

- A. **Topography:** Describe the range of surface elevations of the property. Attach a county topographic map (if available) or a USGS quadrangle map showing the subject property. **[34-373(a)(4)b.iv.]**
-
- B. **Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473(f)].
-
- C. **Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 6.B. above will be protected by the completed project:
-
- D. **Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:
-
- E. **Soils Map:** Attach maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. **[34-373(a)(4)b.i.]**
- F. **FLUCCS Map:** A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. **[34-373(a)(4)c.]**
- G. **Rare & Unique Upland Habitat Map:** Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in the LEE Plan Section XII. **[34-373(a)(4)b.iii.]**
- H. **Existing and Historic Flow-Ways Map:** Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways. **[34-373(a)(4)b.v.]**

PART 9 SANITARY SEWER & POTABLE WATER FACILITIES

- A. **Special Effluent:** If the discharge of any special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:
-
- B. **Private On-Site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:
1. Method and degree of treatment:
 2. Quality of the effluent:
-

3. Expected life of the facility:

4. Who will operate and maintain the internal collection and treatment facilities:

5. Receiving bodies or other means of effluent disposal:

C. **Spray Irrigation:** If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:

2. Current water table conditions:

3. Proposed rate of application:

4. Back-up system capacity:

PART 10 ADDITIONAL REQUIREMENTS

A. **Major Planned Developments:**

1. **Surface Water Management Plan.** A written description of the surface water management plan as required by LCLDC Section 34-373(b)(1). **[34-373(b)(1)]**
2. **Phasing Program.** If the development is to be constructed in phases or if the Traffic Impact Statement utilized phasing, then a description of the phasing program must be submitted. **[34- 373(b)(3)]**
3. **Protected Species Survey.** A protected species survey is required for large developments (as defined in LCLDC Section 10-1) as specified in LCLDC Section 10-473. **[34-373(b)(2)]**

B. **Amendments to Built Planned Developments:** The consent of the owners of the remainder of the original planned development is not required, but these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. Attach proof of notice to other property. **[34-373(c)]**

C. **Development of Regional Impact:** Binding letter of interpretation from DCA or a complete and sufficient ADA. (See also Application for Public Hearing for DRI Form.) **[34-373(d)(9)]**

D. **Private Recreational Facility Planned Developments (PRFPDs):**

1. **Master Concept Plan, PRFPD.** Master Concept Plan showing and identifying information required by LDC Section 34-941(g)(1). Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. **[34-941(g)(1)]**
2. **Conceptual Surface Water Management Plan.** A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flow way corridors, cypress heads, natural lakes, and the restoration of impacted natural flow way corridors. **[34-941(d)(3)b.i.1)]**
3. **Well Drawdown Information.** If within an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i & ii. must be provided. **[34-941(d)(3)d.]**
4. **Preliminary Indigenous Restoration Plan.** A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. **[34-941(e)(5)f.iii.]**

5. **Environmental Assessment.** An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. [34-941(g)(2)] **Provided**
6. **Demonstration of Compatibility.** Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. [34-941(g)(4)] **Provided**
- E. **Potable Water & Central Sewer.** Will the project be connected to potable water and central sewer as part of any development of the property?
☒ **YES** (Provide a letter from the appropriate Utility to which the connection(s) are proposed confirming availability of service.) [34-202(a)(10)]
☐ **NO** (Provide a narrative explaining why the connection is not planned and how the water and sewer needs of the project will be met.) [34-202(a)(10)]
- F. **Existing Agricultural Use:** If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval, an Existing Agricultural Use Affidavit must be provided. Entitle as "Existing Agricultural Uses at Time of Zoning Application." [34-202(a)(12)] **Provided.**
- G. **Flood Hazard:**
☐ Not applicable
☒ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s. **Flood Zone AE-EL 11**
☒ The minimum elevation required for the first habitable floor is 11 ft. plus 1 ft NAVD (MSL)
- H. **Excavations/Blasting:**
☒ No blasting will be used in the excavation of lakes or other site elements.
☐ If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).
- I. **Hazardous Materials Emergency Plan for Port Facilities: [12-110(a)(16)]**
☒ Not Applicable
☐ Provide a Hazardous materials emergency plan.
- J. **Mobile Home Park: [34-174(h)]**
☒ Not Applicable
☐ Request includes rezoning of a Mobile Home Park. Provide facts related to the relocation of dislocated owners that meets the requirements of F.S. § 723.083 (1995).
- K. **Airport Zones & Lee County Port Authority (LCPA) Requirements:**
☒ Not Applicable
☐ Property is located within _____ Airport Noise Zone: [34-1104]
☐ Property is located within Airport Runway Protection Zone. Indicate which Zone below. [34-1105]
☐ Property is located within Airport Residential and Educational Protection Zone: [34-1106]
☐ Property is located in an Airport Obstruction Notification Zone and subject to LCPA regulations. [34-1107]
☐ A Tall Structures Permit is required. [34-1108]

**PART 5
SUBMITTAL REQUIREMENT CHECKLIST**

Clearly label your attachments as noted in bold below

Copies Required		SUBMITTAL ITEMS
3	☒	Completed application for Public Hearing [34-202(a)(1)]
1	☒	Filing Fee - [34-201(d)]
1	☐	Bonus Density Filing Fee - (if applicable) [34-202(a)(11)]
3	☒	Affidavit of Authorization (notarized) Form [34-202(a)(3)]
3	☒	Additional Agents [34-202(a)(4)]
3	☐	Multiple Owners List (if applicable) [34-202(a)(2)]
3	☒	Disclosure of Interest Form (multiple owners) [34-202(a)(2)]
3	☒	Legal description (must submit) [34-202(a)(5)]
	☐	Legal description (metes and bounds) and sealed sketch of legal description
		OR
	☐	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
3	☒	Boundary Survey – not required if platted lot (2 originals required) [34-202(a)(6)]
3	☐	Property Owners list (if applicable) [34-202(a)(8)]
3	☐	Property Owners map (if applicable) [34-202(a)(8)]
3	☒	Confirmation of Ownership/Title Certification [34-202(a)(7)]
3	☒	STRAP Numbers (if additional sheet is required) [34-202(a)(5)]
1	☒	List of Surrounding Property Owners [34-202(a)(9)]
1	☒	Map of Surrounding Property Owners [34-202(a)(9)]
1	☒	Mailing labels [34-202(a)(9)]
3	☐	List of Zoning Resolutions and Approvals
3	☐	Summary of Public Informational Session (if applicable)
3	☐	Waivers from Application Submission Requirements (if applicable) [34-201(c)]
3	☒	Preliminary Density Calculations (if applicable)
3	☒	Request Statement [34-373(a)(5)]
3	☒	Traffic Impact Statement (TIS) (not required for existing development) [34-373(a)(7)]
3	☒	Master Concept Plan (MCP), Non-PRFPD [34-373(a)(6)]
3	☒	Schedule of Uses [34-373(a)(8)]
3	☒	Schedule of Deviations and Written Justification [34-373(a)(9)]
3	☒	Topography (if available) [34-373(a)(4)b.iv.]
3	☒	Soils Map [34-373(a)(4)b.9.]
3	☒	FLUCCS Map [34-373(a)(4)c.]
3	☐	Rare & Unique Upland Habitat Map [34-373(a)(4)b.iii.]
3	☒	Existing and Historic Flow-Ways Map [34-373(a)(4)b.v.]
3	☒	Surface Water Management Plan (if applicable) [34-373(b)(1)]
3		Phasing Program (if applicable) [34-373(b)(3)]
3	☒	Protected Species Survey (if applicable) [34-373(b)(2)]
3	☐	Proof of Notice (if applicable) [34-373(c)]

3	☐	Binding Letter from DCA (if applicable) [34-373(d)(9)]
3		Master Concept Plan (MCP), PRFPD (if applicable) [34-941(g)(1)]
3	☒	Conceptual Surface Water Management Plan (if applicable) [34-941(d)(3)b.i.1)]
3	☐	Well Drawdown Information (if applicable) [34-941(d)(3)d.]
3	☐	Preliminary Indigenous Restoration Plan (if applicable) [34-941(e)(5)f.iii.]
3	☒	Environmental Assessment (if applicable) [34-941(g)(2)]
3		Demonstration of Compatibility (if applicable) [34-941(g)(4)]
3	☒	Potable Water & Sanitary Sewer. Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(a)(10)]
3	X	Existing Agricultural Use Affidavit (if applicable) [34-202(a)(12)]
3	☐	Information Regarding Proposed Blasting (if applicable).
3	☐	Hazardous Materials Emergency Plan (if applicable)
3	☐	Mobile Home Park Dislocated Owners Information (if applicable) [34-202(b)(4)]
3	☐	Tall Structures Permit (if applicable) [34-1108]

DCI2022-00004 The Nest Minor RPD/CPD

Narrative Request Statement

Introduction/Request

The applicant is requesting approval of a rezoning of 15.75+/- acres from Agriculture District (A-2) to a Residential Planned development (RPD) on 12+/- acres and to a Commercial Planned Development (CPD) on 3.75+/- acres. The RPD will consist of sixty-two (62) multi-family residences with a maximum height of forty-five (45) feet. The CPD will consist of 10,000 square feet of retail, restaurant, recreational and office uses with a maximum height of thirty-five (35) feet.

The property consists of four parcels that are vacant with the exception of cattle grazing per an approved AG Exemption. The property previously contained a bald eagle nest in the southeast corner of the property. The eagle's nest was destroyed during hurricane Ian. No bald eagles were seen or heard during the previous and recent nesting season monitoring of the nest area. However, A Bald Eagle Management Plan (BEMP) has been approved by the Eagle Technical Advisory Committee (ETAC) that will apply to the property until such time as the nest has been deemed lost per Lee County.

The property is located on the west side of South Tamiami Trail/US 41 south of Constitution Blvd. in South Lee County/San Carlos Park Area. The property has an access agreement with the adjacent property to access US 41. Future connectivity with the CPD to the south will accommodate additional access to US 41. There are existing bikes lanes, sidewalks and Lee Tran has routes that regularly run along US 41 providing alternative transportation to the project.

Surrounding Zoning



North of the property is Mullock Creek (a man-made canal), Coach Light Manor Mobile Home Park, single family and multi-family developments. Also to the north are several commercial parcels fronting US 41.

South of the property are multi-family and commercial developments existing and planned. There are remnant A-2 zoned properties which will likely be developed based on their location on US 41.

East of the existing development across US 41 are high density and intensity mixtures of residential and commercial developments. There are A-2 zoned parcels fronting US 41 which will likely be developed in the future.

West of the property are various preserves dedicated by the adjacent Creekside Preserve multi-family development and Shadow Wood Preserve Golf Course community. These preserves connect to the subject properties' preserve areas which provide protection to the natural Mullock Creek waterway.

Review Criteria

Per LDC Sec. 34-145(d)(4)(a)1 and 2 the following review criteria is met through this request:

a) **Complies with the Lee Plan;**

The property is located within the San Carlos Park Planning District and lies within the Urban Community future land use category. The proposed rezoning to a Minor RPD/CPD is consistent with the following goals, objectives, standards and policies of the Lee Plan which supports the appropriateness of the proposed development:

POLICY 1.1.4: *The Urban Community future land use category are areas characterized by a mixture of relatively intense commercial and residential uses. The residential development in these areas will be at slightly lower densities than other future urban categories described in this plan. As vacant properties within this category are developed, the existing base of public services will need to be maintained which may include expanding and strengthening them accordingly. As in the Central Urban future land use category, predominant land uses in this category will be residential, commercial, public and quasi-public, and limited light industrial with future development encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units.*

The Urban Community future land use category is characterized by a mixture of commercial and residential uses and encouraged to be mixed use. As a RPD/CPD Planned Development, The Nest development satisfies this characterization. The Nest will contain a mixture of commercial, residential, and recreational uses. The land use category allows a maximum standard density of six (6) units per acre. The proposed RPD will meet this requirement with the proposed 62 units on 12 acres less the 1.74 +/- acres of wetlands.

The CPD is proposing 10,000 sq.ft. mixture of commercial and recreational uses which will benefit the proposed RPD and surrounding community by providing services and access to Mullock Creek.

OBJECTIVE 1.5: WETLANDS. Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with § 373.019(27), Fla. Stat. through the use of the unified state delineation methodology described in Fla. Admin. Code R. 62-340, as ratified and amended in §373.4211, Fla. Stat. (Ord. No. 94-30, 21-09)

There are wetlands located within the property boundary of The Nest development. All of the wetlands will be protected which will ensure the continued ecological functions of the wetlands. The property has already received a jurisdictional wetland determination from the SFWMD. Also, see the Indigenous Habitat & Protected Species Plan as augmented by the ETAC approved Bald Eagle Management Plan.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

POLICY 2.1.1: Most residential, commercial, industrial, and public development is expected to occur within the designated future urban areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.

The Nest is located to the west of U.S. 41 and along Mullock Creek canal and natural waterway.

This location is unique in nature due to the shape of the property, and surrounding mix of residential and commercial uses. The development areas of The Nest will utilize the upland developable area of the property while conserving the existing wetlands and upland preserve. This compact development is consistent with the surrounding area. Furthermore, the property is located close to services and existing public facilities.

The Nest is a mixture of residential and commercial developments which is consistent with the surrounding developments along U.S. 41 where adequate public facilities already exist. The applicant is planning to develop the property upon approval.

The Nest is located wholly within the Urban Community Future Land Use Category which promotes the mixed use type of development being proposed. The density and intensity being proposed meets the maximum number of units per acre (6) and the proposed commercial development (10,000SF on 3.75 acres) will result in an intensity less than the typical 8,000 to 10,000SF per acres. Resulting in a well planned compact development appropriate for this location.

GOAL 4: GENERAL DEVELOPMENT STANDARDS. Pursue or maintain land development regulations which protect the public health, safety and welfare, encourage creative site designs and balance development with service availability and protection of natural resources. (Ord. No. 94-30, 07-15, 17-13)

Goal 4 and the associated objectives and policies required new development to utilize public water and sewer systems to avoid impacts the surrounding natural features. This development will comply with these goals by utilizing the existing facilities which adds to the appropriateness of this development.

POLICY 5.1.1: Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned developments except if located within the Mixed Use Overlay. (Ord. No. 00-22, 21-09)

The proposed RPD/CPD zoning complies with the intent of this Policy.

POLICY 5.1.2: Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.

The Nest is located in the CHHA which allows development as long as it is designed to meet all flood hazard and FEMA requirements. The residential density of the project will also be consistent with what is allowed within the Urban Community FLUC. In addition the development has direct access to US 41 and has limited development to preserve existing wetlands and a eagle's nest upland preserve area.

POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in the LDC, Chapter 10, are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The LDC will continue to require appropriate buffers for new developments.

The RPD portion of the Nest will enhance the character and value of existing and future residential areas by preserving the natural areas and minimizing access to Mullock Creek. The existing residential development along Mullock Creek has individual boat docks on each lot or parcel, some with boat ramps. This development will only have a kayak launch and one dock limited to temporary tie ups within the CPD. Even though not required the applicant is proposing landscaping along Mullock Creek canal utilizing existing native plant material augmented by additional native plantings. These commitments will ensure compatibility with the surrounding residential and mobile home park.

The applicant has requested deviations from Required buffers to the south and east. The south buffer will be fulfilled by the proposed wetland and upland preserves. The buffer to the east will allow for the clustering of the plant material to provide viewsheds to the commercial development from US 41 avoiding traffic safety issues.

POLICY 5.1.7: Maintain development regulations that require that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. These pathways must be interconnected with adjoining developments and public pathways whenever possible. Townhouses, condominiums, apartments, and other types of multi-family residential development must have directly accessible common open space.

Typical accessory uses and activities will be provided for the residents in the RPD Tract. This will include but not be limited to Interconnected sidewalks, multi-use paths and outdoor pavilions throughout the development. Direct access to the CPD provides access to the kayak launch, and the commercial uses which provides some everyday services for the residences. In addition, the residences will have direct access to US 41 where there are sidewalks, bike paths and transit stops.

GOAL 6: COMMERCIAL LAND USES. To permit orderly and well-planned commercial development at appropriate locations within the County.

The CPD portion of the rezoning request is located adjacent to and nearby several commercial projects planned or existing. The location is on a major arterial US 41 and will have

interconnectivity with the commercial properties to the south allowing for additional accessibility thereby complying with this Goal.

GOAL 53: POTABLE WATER INFRASTRUCTURE. Provide high-quality central potable water service throughout Lee County. Ensure that the costs of providing facilities is borne by those who benefit from them. (Ord. No. 17-19)

The Nest development will connect to the existing Lee County Utilities potable water infrastructure. The Nest shall incur any costs from the potable water services provided by Lee County Utilities.

GOAL 56: SANITARY SEWER INFRASTRUCTURE. In partnership with franchised/certificated utilities providers, provide sanitary sewer service and wastewater treatment and disposal throughout Lee County. (Ord. No. 98-09, 17-19)

Lee County Utilities shall service The Nest Development by tying into existing infrastructure for sanitary sewer service, water treatment and disposal.

GOAL 57: RESOURCE MANAGEMENT. To further the public health and protect environmental quality by using and encouraging conservation and resource management measures to reduce consumption of potable water and subsequent generation of wastewater.

The Nest development will utilize existing native vegetation and will utilize native vegetation for the required buffers and landscaping which will reduce water demands.

GOAL 59: PROTECTION OF LIFE AND PROPERTY. To reduce the hazards to life, health, and property created by flooding due to rainfall in a manner consistent with the community's criteria for the preservation of environmental values and the conservation of natural resources.

The Nest development will be designed to meet or exceed standards set by FEMA and South Florida Water Management District (SFWMD) to reduce hazards to life, health and property created by flooding due to rainfall.

60.4.2: The County encourages new developments to design their surface water management system to incorporate existing wetland systems.

The existing wetlands are located entirely outside of the development area and will be protected and enhanced.

GOAL 63: GROUNDWATER. To protect the County's groundwater supplies from those activities having the potential for depleting or degrading those supplies.

The development shall protect the counties ground water by installing erosion control protection such as silt fence and inlet protection during construction to prevent any erosion or sediment from entering the master stormwater management system. The stormwater

management system will meet the SFWMD quality and quantity requirements and remove nutrients to pre- development conditions. Potable water will be provided by the County and irrigation will be limited per the County requirements.

POLICY 101.1.1: Require that development within the Coastal High Hazard Area be compatible with natural systems, such as, water retention and purification, wildlife habitat, primary productivity, and defense against coastal flooding. (Ord. No. 00-22, 18-28)

This policy requires development to be compatible with natural systems and defend against coastal flooding. The stormwater plan describes how the master drainage system will integrate into the existing natural systems. See attached Stormwater Plan narrative. In addition to the stormwater plan describes how this development will address potential flooding as follows: The property is located in the FEMA flood elevation AE11, the first finished floors will be set at a minimum of 12.0' NAVD (AE11, BFE+1). Parking will be located below the residential floors. The property is required to obtain a no rise permit through the local development order application process and compensating storage will be accommodated and the internal roads will be built at the 5-year 24 hour design event to reduce the potential for flooding. All habitable structures will be built to the current Florida Building Code to withstand flooding and wind loads. Finally all structures will be built on upland areas.

POLICY 101.1.2: Protect and conserve the following environmentally sensitive coastal areas: wetlands, estuaries, mangrove stands, undeveloped barrier islands, beach and dune systems, aquatic preserves, wildlife refuges, undeveloped tidal creeks and inlets, critical wildlife habitats, benthic communities, and marine grass beds. (Ord. No. 00-22, 18-28)

All wetlands on the project site will be preserved. The proposed development will protect and enhance the existing jurisdictional wetlands and accommodate historic flows as depicted on the Stormwater Plan. In addition, there are 1.74 acres of delineated wetlands on-site. These wetland JD lines have been established and agreed to by SFWMD. In addition to the wetlands that will be preserved, the project will also set aside 3.01 +/- acres of upland in proximity to the wetlands and within the eagle's nest area. These development conditions will ensure protection of the environmentally critical areas within and adjacent to the subject property. On-site wetlands will be enhanced through exotic removal, monitoring, and routine maintenance. The on-site wetlands will benefit from the project.

OBJECTIVE 101.3: DEVELOPMENT IN COASTAL AREAS. Protect human life and property from natural and man-made disasters. (Ord. No. 92-35, 93-25, 94-30, 00-22, 18-28)
The project is not seaward of the Coastal Construction Control Line.

Objective 101.3 and its subsequent policies are intended to protect existing and future residential development from flooding, storm surge and to require an applicant to provide continuing information to residents concerning hurricane evacuation and shelters. The applicant, like all of us are highly sensitive to this directive especially due to the impact of Hurricane Ian. Complying with this objective and policies is a priority of the applicant. The development of this project will meet all required flood resistant development options.

Evacuation from this property will initially occur from US 41 to the appropriate network per the specific impending threat.

OBJECTIVE 123.6: SOUTHERN BALD EAGLES. Monitor Southern bald eagle nesting activity and offer incentives to conserve buffer areas around Southern bald eagle nests. (Ord. No. 98-09, 18-28)

A bald eagle management plan has been approved by ETAC. See the Bald Eagle Management Plan for further information.

OBJECTIVE 123.10: WOOD STORK. Lee County will maintain regulatory measures to protect the wood stork's feeding and roosting areas and habitat. (Ord. No. 94-30, 00-22, 18-28)

Impacts to the property as a result of development and the indigenous habitat management plan will have a positive effect on available wood stork foraging area. No impacts to wetlands are planned as part of the development which eliminates the possibility of any loss of foraging habitat. On-site wetlands will be enhanced through exotic removal, monitoring, potential supplemental plantings, and routine exotic maintenance. Currently, wetlands on-site are covered by a dense tree canopy which precludes wood storks from foraging on the property. Initial exotic removal may create gaps in the canopy which will improve the accessibility of wetland environments as well as improve the habitat as a whole.

OBJECTIVE 123.12: FLORIDA BLACK BEAR. Maintain sustainable black bear populations in suitable habitats and promote connectivity between sub-populations. (Ord. No. 18-28)

The creation of on-site preserves establishes a large and contiguous area of protected habitat. A combination of upland and wetland preserves provides a more diverse environment by providing a larger array of potential natural food sources. A visiting black bear would have ample room to forage and would be able to traverse the property unimpeded by development. The future residents and commercial facilities will be provided information as to how to cohabitate with black bears in the event that bears are identified in the area. Adaptive management may become necessary if any black bear and human interactions. If the presence of black bears exists additional measures will be taken (bear proof trash cans, additional literature, education of the residents and commercial tenants, etc.)

GOAL 124: WETLANDS. To maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems. (Ord. No. 94-30, 18-28)

All wetlands on the project site will be preserved.

Policy 125.1.2: New development and additions to existing development must not degrade surface and ground water quality. (Ord. No. 00-22, 18-28)

The Stormwater Plan describes that development will be designed to meet all permitting

criteria to avoid any surface or ground water degradation. The irrigation withdrawals will be permitted through SFWMD to ensure no adverse ground water impacts.

Policy 125.1.3: The design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems. (Ord. No. 00-22, 18-28)

The stormwater system will be designed to provide sufficient nutrient removal to meet or exceed SFWMD criteria.

Policy 125.1.4: Developments which have the potential of lowering existing water quality below state and federal water quality standards will provide standardized appropriate monitoring data. (Ord. No. 00-22, 18-28)

This development is not a high-risk development that is typically associated with discharging affluent below state water quality standards.

POLICY 126.1.1: Natural water system features which are essential for retention, detention, purification, runoff, recharge, and maintenance of stream flows and groundwater levels shall be identified, protected, and managed. (Ord. No. 18-28)

Please see Stormwater Plan.

Policy 126.1.4: Development designs must provide for maintaining or improving surface water flows, groundwater levels, and lake levels at or above existing conditions. (Ord. No. 00-22, 18-28)

Please see Stormwater Plan.

Policy 135.1.9: The County will ensure a mix of residential types and designs on a Countywide basis by providing for a wide variety of allowable housing densities and types through the planned development process and a sufficiently flexible Future Land Use Map. (Ord. No. 00-22)

This policy emphasizes the importance of allowing a wide variety of housing densities and types, throughout the County. This development will provide a more compact development that provides greater preservation of the existing native areas and minimizes access to the Mullock Creek canal. This development is proximate to a mix of established and planned single-family and multifamily residential development. As proposed this development will expand the housing options and types in the area.

b) Meets this Code and other applicable County regulations or qualifies for deviations.

The proposed development will meet all applicable County regulations as shown in the Master Concept Plan with the exception of the deviations described as follows.

Deviation #1

Deviation #1 requests relief from LDC Section 34-2194 that requires buildings and structures may not be placed closer than 25ft. to a canal or to a bay or other water body or the distance required by the provisions of [chapter 6](#), article IV, pertaining to flood hazard reduction, whichever is greater to allow a zero ft. setback for a kayak launch and dock.

Justification:

This will be the only location accessing Mullock Creek which could otherwise have multiple single family docks.

Deviation #2

Deviation #2 seeks relief from LDC Section 10-291(3) that requires any residential development of more than five acres or any commercial or industrial development of more than 10 acres must provide, where practical, two or more means of ingress or egress for the development, to allow one entrance as depicted on the MCP.

Justification:

The boundary of the subject properties is unorthodox. The site is largest to the west, bound by preserve and waterways, and gets narrower to the east at U.S. 41. The frontage along U.S. 41 is about 323 linear feet. The frontage is not wide enough to provide two or more means of ingress or egress.

The proposed access shown may have a right turn in lane from U.S. 41 going southbound and a left turn in going northbound. This is dependent on the final FDOT Access Permits.

A shared access with the properties to the south is planned for the future following the development of the vacant parcel to the south. Once this property is developed, The Nest SWFL will connect the development through this parcel and fulfill the requirements of 10-291(3). The applicant received three letters of no objection with conditions from the Lee County Sheriff's Office, Lee County Public Safety, and the San Carlos Park Fire Protection and Rescue Service District. See Attached.

Deviation #3

Deviation #3 seeks relief from section 10-416(d)(3), that requires a Type D Buffer between Commercial development and a ROW/Roadway Easement to allow the 15-foot Type D buffer plantings to be clustered to allow for view sheds for the commercial building along U.S. 41. Preservation of existing native trees shall be credited toward the required landscape buffer.

Justification:

Clustering the required planting will provide view sheds that not only benefit the visibility of the commercial use but will address the traffic safety issues that are created when commercial uses are hard to see by the traveling public. Also, clustering will allow the preservation of existing Oak trees that are in key locations and ensure the continuing viability of the preserved Oak trees. Note one of the Oak trees to be preserved is depicted on the MCP at the entrance to the project.

Deviation #4

Deviation #4 requests relief from LDC Section 10-416(d) that requires a C or F type buffer between multiple family residential and commercial development to allow a 15ft. Type C buffer on the CPD/RPD tract boundary only at the location depicted on attached Exhibit A.

Justification:

There will be a minimum separation between the residential buildings and the property line of the CPD of 400ft. providing an ample separation between the principal uses. In addition, based on the requirements of LDC Section 416 – Landscape Standards both the RPD and CPD will have landscaping throughout the properties for parking areas, preserved and planted trees and the upland and wetland preserves creating additional screening between the properties.

Deviation #5

Deviation #5 requests relief from LDC Section 10-416(d) that requires a C or F type buffer between multiple family residential and commercial development to allow *the existing preserve areas to fulfill the buffer requirement* along the south property line of the CPD tract adjacent to Creekside Preserve.

Justification:

The Eagle's nest upland preserve area, a landscape blind and a 30ft. setback area between the southern commercial building and the preserve area will replace the code requirement. This alternative will more than meet the intent of the code. The Upland Preserve, and Landscape Blind are described in detail in the Bald Eagle Management Plan.

Deviation #6

Deviation #6 seeks relief from LDC Section 10-416(d)(9) requiring a 50ft. buffer for *Development abutting a natural waterway to allow the existing preserve areas to fulfill the buffer requirement.*

Justification:

The current placement of the preserves along the south and west property line provides a natural vegetative buffer and will shield the natural waterways and mangrove forests from runoff or disturbance from the planned development by acting as a physical barrier and nutrient uptake filter. The buffer provided includes mangrove wetlands, tidal wetland hardwood forests, and pine flatwoods communities which are comprised of a dense stratum of native trees and shrubs. Please see the Indigenous Habitat Management Plan for detailed descriptions of the vegetation species in these communities. The preserves are adjacent to submerged state lands and will create a larger contiguous preserved area when accounting for the submerged land and the neighboring preserve established by the neighborhood to the south.

c) Is compatible with existing and planned uses in the surrounding area;

The surrounding area is a mix of commercial and residential development. The adjacent existing and planned Commercial properties are located on U.S. 41 to the north and south of the project and across US 41. The adjacent existing and planned residential uses include a variety of residential densities and product type that are consistent with the proposed multi-family residential. There are multi-family type residential uses to the south within Creekside Preserve (approved for Multi-family type uses) and Shadow Wood Preserve (approved for 441 residential units and 100,000 SF of commercial and a 300-unit Hotel). Recent projects approved for residential multi-family and commercial includes Estero Vista located approximately one mile south of the subject property and approved for 144 multi-family units and commercial uses on a 20+/- acre site with an allowable height of four stories. Grand Bay MPD located adjacent to Estero Vista, was approved for a mix of commercial and residential uses with a maximum height of 56ft.

To the north is the Coach Light Mobile Home Park which includes approximately 178 units on its 28+/- acres and then to the north and west are single family and multi-family type developments of varying densities. The Nest property will follow this existing land use pattern with the proposed commercial property along the frontage of U.S. 41 buffering the major roadway from the proposed residential tract to the west.

The Illustrative Cross Sections demonstrate the separations and views from adjacent uses. These cross sections include the landscaping and example architectural designs of the buildings. The cross sections exhibit how the proposed project fits within the existing diverse land use pattern of the surrounding area.

As described in the following definitions that set the benchmarks for compatibility the proposed development would be similar with the immediate development to the south and along US 41. The proposed layout and landscaping minimize any perceived impacts to the properties to the north. The Mobile Home Park to the north has boat docks along its entire waterfront, a boat ramp and storage facility which would be consistent with the intensity of the subject property's proposed kayak launch, tie up dock and low intensity commercial and the pool area for the residential portion of the subject property. The single-family properties west of the Mobile Home Park also have individual boat docks with the closest residence located over 250ft. from the residential portion of the project.

Pursuant to the ETAC approved Bald Eagle Management Plan the following was agreed to as long as the eagle nest is active:

"The CPD Schedule of Uses was revised by eliminating Automobile Service Station and vehicle drive throughs, and outdoor recreational facilities/uses will be limited to passive and active recreational and educational activities including hiking, nature trails and nonmotorized water vessel use. This schedule is incorporated into the overall rezoning of the property and limits the intensity of noise producing activity for the entire tract. In addition, since the rear building is located at the edge of the 330' radius the following limitations will

apply until such time as the nest is deemed lost: The rear building's business operating hours will be limited to open one hour before sunrise and closed one hour after sunset. Additionally, no outdoor sound system will be installed and a south facing open air patio will not be built."

This adds another layer of minimizing perceived impacts as long as the eagle's nest remains.

Considering the definition of Compatible in the LDC:

Compatible means, in describing the relation between two land uses, buildings or structures, or zoning districts, the state wherein those two things exhibit either a positive relationship based on fit, similarity or reciprocity of characteristics, or a neutral relationship based on a relative lack of conflict (actual or potential) or on a failure to communicate negative or harmful influences one to another.

And the Planning industry standard definition:

Compatibility: A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

The applicant is sensitive to the impacts the development may have to the surrounding area which is why they have proposed the following:

The LDC does not require a buffer along Mullock Creek canal since it is not a natural waterway. However, the applicant is proposing landscaping and a pedestrian pathway along the waterfront. The landscaping along the CPD waterfront will have a minimum of 4 four native canopy trees and 25 native shrubs per 100 linear ft. The landscaping along the RPD waterfront will have a minimum of 3 three native canopy trees and 25 native shrubs per 100 linear ft. The waterfront pathway will connect the RPD and CPD. The landscape material will be met through existing native vegetation located on either side of the pathway. The planted landscape trees shall be a minimum of 12ft in height at planting and the shrubs shall be a minimum of 3gal. at planting. The trees may be clustered to create a hammock type look with appropriate spacing. The shrubs may be clustered to allow flexibility in the design.

Please note that the parking areas will be required to have a mid-height hedge to block headlights.

See Cross section exhibits of the waterfront landscaping and pathway, and adjacent properties' view sheds.

d) Will provide access sufficient to support the proposed development intensity;

The proposed development will have a single access along U.S. 41 dedicated to ingress and egress as shown on the Master Plan. A left turn lane on U.S. 41 will be provided as well as a left in turn lane. A traffic study has also been completed to fully analyze the impact of the development on the local transportation infrastructure. A future frontage connection is

planned to connect and provide a second access to the south. The applicant has coordinated with FDOT and LDOT on the future access and turn lanes.

e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

The traffic impact study will assess any required improvements, the project will be consistent with any existing County regulations and conditions. According to the Traffic Impact Statement provided by JMB transportation engineering Inc., the development will not have a significant or negative impact upon the surrounding road network. It was verified that all roadways, within the project's area of influence, currently have a surplus of capacity and can accommodate the traffic associated with the RPD/CPD.

f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and

All wetlands on the project site will be preserved. The proposed development will protect and enhance the existing jurisdictional wetlands and accommodate historic flows as depicted on the Stormwater Plan. In addition, there are 1.74 acres of delineated wetlands on-site. These wetland JD lines have been established and agreed to by SFWMD. In addition to the wetlands that will be preserved, the project will also set aside 3.01 +/- acres of upland in proximity to the wetlands and within the eagle's nest area. These development conditions will ensure protection of the environmentally critical areas within and adjacent to the subject property. On-site wetlands will be enhanced through exotic removal, monitoring, and routine maintenance. The on-site wetlands will benefit from the project.

g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

The Nest will be served by urban services as defined in the Lee Plan, including utilities, municipal water, sewer as well as provide the required stormwater quality and quantity. Availability Letters have been provided by the service providers.

SKETCH OF DESCRIPTION OF A TRACT OR PARCEL OF LAND LYING IN SECTION 17 AND 18, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN SECTION 17 AND 18, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, THENCE NORTH 88°56'30" EAST, A DISTANCE OF 137.52 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF TAMiami TRAIL (US 41 - STATE ROAD 45) 200' RIGHT OF WAY; THENCE SOUTH 20°35'30" EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 93.18 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 20°34'05" EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 260.80 FEET TO THE NORTH LINE OF THOSE CERTAIN LANDS DESCRIBED IN INSTRUMENT NUMBER 2019000161688; THENCE SOUTH 89°04'13" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 256.11 FEET; THENCE SOUTH 01°02'12" EAST, A DISTANCE OF 43.78 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE SOUTHERLY; THENCE WESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 03°26'20", THE CHORD FOR WHICH BEARS SOUTH 89°58'19" WEST, A CHORD DISTANCE OF 30.00 FEET, AN ARC DISTANCE OF 30.01 FEET TO THE END OF SAID CURVE; THENCE SOUTH 01°02'12" EAST ALONG THE WEST LINE OF THOSE CERTAIN LANDS DESCRIBED IN INSTRUMENT NUMBER 2021000136724 A DISTANCE OF 255.05 FEET; THENCE NORTH 83°17'33" WEST, A DISTANCE OF 146.36 FEET; THENCE SOUTH 20°35'30" EAST, A DISTANCE OF 33.76 FEET TO THE NORTHERLY LINE OF CREEKSIDE PRESERVE CONDOMINIUM RECORDED IN INSTRUMENT NUMBER 2016000033801; THENCE NORTH 83°17'33" WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 487.75 FEET TO THE MEAN HIGH WATER LINE OF MULLOCK CREEK; THENCE ALONG THE MEAN HIGH WATER LINE OF MULLOCK CREEK THE FOLLOWING 45 COURSES:

1. THENCE NORTH 43°03'46" EAST, A DISTANCE OF 86.93 FEET;
 2. THENCE NORTH 81°26'49" EAST, A DISTANCE OF 117.53 FEET;
 3. THENCE NORTH 07°10'47" EAST, A DISTANCE OF 5.11 FEET;
 4. THENCE NORTH 47°45'45" WEST, A DISTANCE OF 16.71 FEET;
 5. THENCE NORTH 39°11'06" EAST, A DISTANCE OF 15.16 FEET;
 6. THENCE NORTH 04°20'02" WEST, A DISTANCE OF 25.71 FEET;
 7. THENCE NORTH 37°45'27" WEST, A DISTANCE OF 13.27 FEET;
 8. THENCE SOUTH 43°20'51" WEST, A DISTANCE OF 16.77 FEET;
 9. THENCE SOUTH 70°53'40" WEST, A DISTANCE OF 104.27 FEET;
 10. THENCE SOUTH 50°26'57" WEST, A DISTANCE OF 96.63 FEET;
 11. THENCE SOUTH 62°29'46" WEST, A DISTANCE OF 143.45 FEET;
 12. THENCE SOUTH 58°06'47" WEST, A DISTANCE OF 121.77 FEET;
 13. THENCE NORTH 83°48'17" WEST, A DISTANCE OF 112.04 FEET;
 14. THENCE SOUTH 54°33'59" WEST, A DISTANCE OF 77.73 FEET;
 15. THENCE SOUTH 45°39'28" WEST, A DISTANCE OF 33.35 FEET;
 16. THENCE SOUTH 49°05'18" WEST, A DISTANCE OF 81.01 FEET;
 17. THENCE SOUTH 26°54'03" WEST, A DISTANCE OF 36.85 FEET;
 18. THENCE NORTH 82°30'07" WEST, A DISTANCE OF 69.73 FEET;
 19. THENCE SOUTH 81°21'56" WEST, A DISTANCE OF 123.58 FEET;
 20. THENCE NORTH 70°11'51" WEST, A DISTANCE OF 137.43 FEET;
 21. THENCE NORTH 75°23'21" WEST, A DISTANCE OF 134.98 FEET;
 22. THENCE NORTH 76°15'11" WEST, A DISTANCE OF 106.69 FEET;
 23. THENCE SOUTH 84°51'43" WEST, A DISTANCE OF 61.23 FEET;
 24. THENCE NORTH 09°42'24" WEST, A DISTANCE OF 71.13 FEET;
 25. THENCE NORTH 50°12'06" WEST, A DISTANCE OF 40.60 FEET;
 26. THENCE NORTH 30°14'13" WEST, A DISTANCE OF 92.47 FEET;
 27. THENCE NORTH 30°04'27" WEST, A DISTANCE OF 18.32 FEET;
 28. THENCE NORTH 32°14'09" EAST, A DISTANCE OF 24.98 FEET;
 29. THENCE NORTH 75°55'32" EAST, A DISTANCE OF 78.88 FEET;
 30. THENCE NORTH 79°28'47" EAST, A DISTANCE OF 122.14 FEET;
 31. THENCE NORTH 78°05'50" EAST, A DISTANCE OF 127.07 FEET;
 32. THENCE NORTH 76°48'02" EAST, A DISTANCE OF 155.39 FEET;
 33. THENCE NORTH 78°55'19" EAST, A DISTANCE OF 123.27 FEET;
 34. THENCE NORTH 79°43'07" EAST, A DISTANCE OF 329.12 FEET;
 35. THENCE NORTH 80°46'03" EAST, A DISTANCE OF 138.38 FEET;
 36. THENCE NORTH 80°36'42" EAST, A DISTANCE OF 92.10 FEET;
 37. THENCE NORTH 81°02'12" EAST, A DISTANCE OF 101.38 FEET;
 38. THENCE NORTH 78°16'57" EAST, A DISTANCE OF 115.98 FEET;
 39. THENCE NORTH 83°22'16" EAST, A DISTANCE OF 86.08 FEET;
 40. THENCE NORTH 80°32'09" EAST, A DISTANCE OF 99.43 FEET;
 41. THENCE NORTH 77°44'38" EAST, A DISTANCE OF 77.53 FEET;
 42. THENCE NORTH 76°26'02" EAST, A DISTANCE OF 97.27 FEET;
 43. THENCE NORTH 80°53'10" EAST, A DISTANCE OF 110.16 FEET;
 44. THENCE NORTH 71°53'11" EAST, A DISTANCE OF 155.66 FEET;
 45. THENCE NORTH 06°36'25" EAST, A DISTANCE OF 31.73 FEET;
- THENCE NORTH 79°41'20" EAST, A DISTANCE OF 55.23 FEET TO THE POINT OF BEGINNING;
- CONTAINING 685,663 SQUARE FEET OR 15.741 ACRES, MORE OR LESS.

REVIEWED
DCI2022-00004
Rick Burris, Principal
Planner
Lee County DCD/Planning
1/3/2023

SURVEYOR'S NOTES

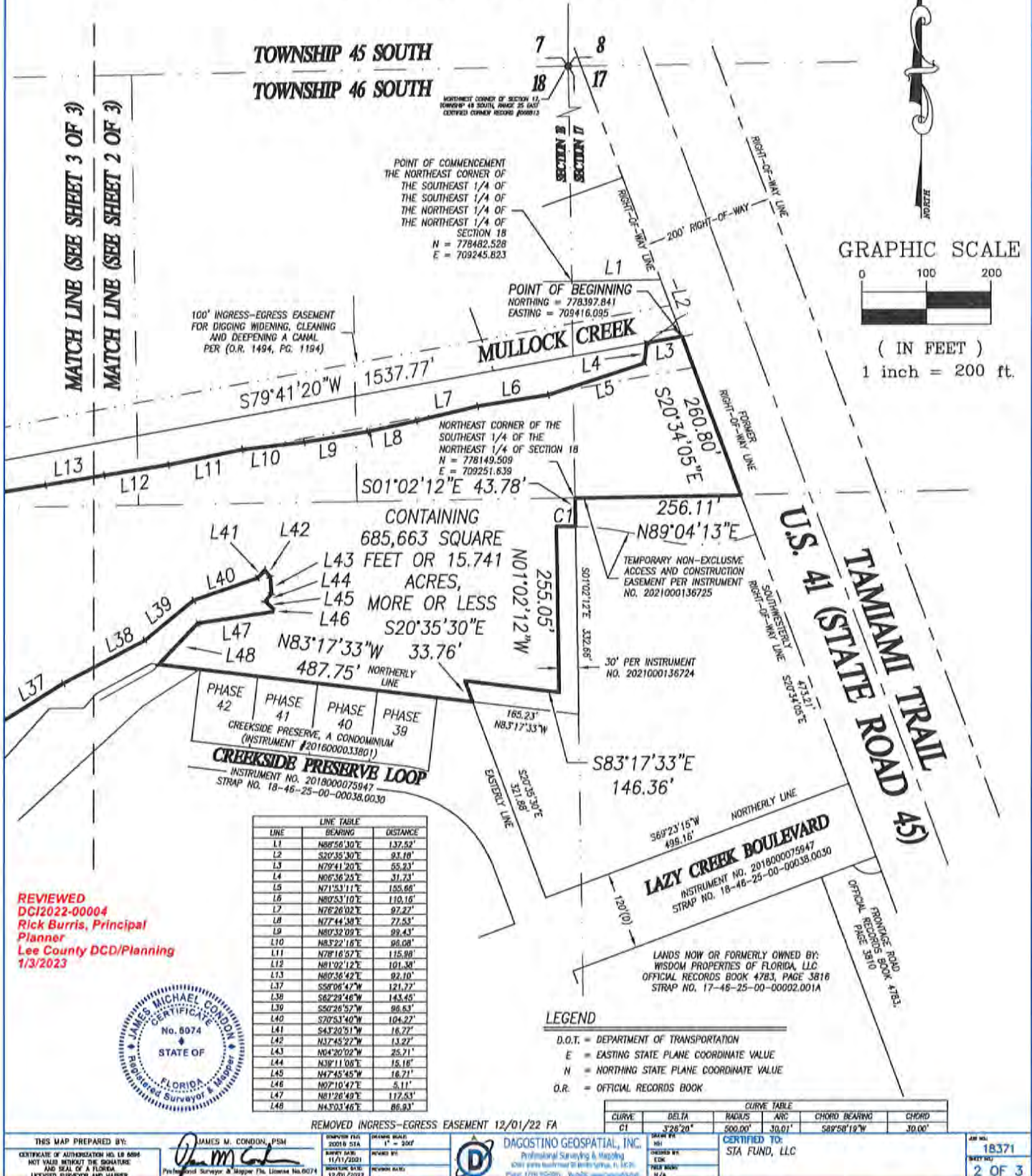
1. BEARINGS SHOWN HEREON ARE BASED UPON THE SOUTHWESTERLY RIGHT OF WAY LINE OF TAMiami TRAIL (U.S. 41, STATE ROAD 45) HAVING A BEARING OF SOUTH 20°34'05" EAST. BEARINGS AND COORDINATES SHOWN ARE GRID BASED UPON THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT (NAD 83/2011 NSRS), FLORIDA WEST ZONE.
2. SEE SHEET 2 AND 3 OF 3 FOR SKETCH OF DESCRIPTION.

THIS IS NOT A SURVEY

REMOVED INGRESS-EGRESS EASEMENT 12/01/22 FA

THIS MAP PREPARED BY: JAMES M. CONDON, PSM Professional Surveyor & Mapper License No. 8074	DATE OF SURVEY: 12/01/2022	DATE OF PREPARATION: 12/01/2022	PROJECT NAME: REMOVED INGRESS-EGRESS EASEMENT 12/01/22 FA	CLIENT: STA FUND, LLC	CERTIFIED TO: STA FUND, LLC	DATE: 12/01/2022	BY: JAMES M. CONDON, PSM	SCALE: AS SHOWN	PROJECT NO. 18371	SHEET NO. 1 OF 3
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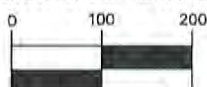
SKETCH OF DESCRIPTION OF A TRACT OR PARCEL OF LAND LYING IN SECTION 17 AND 18, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA



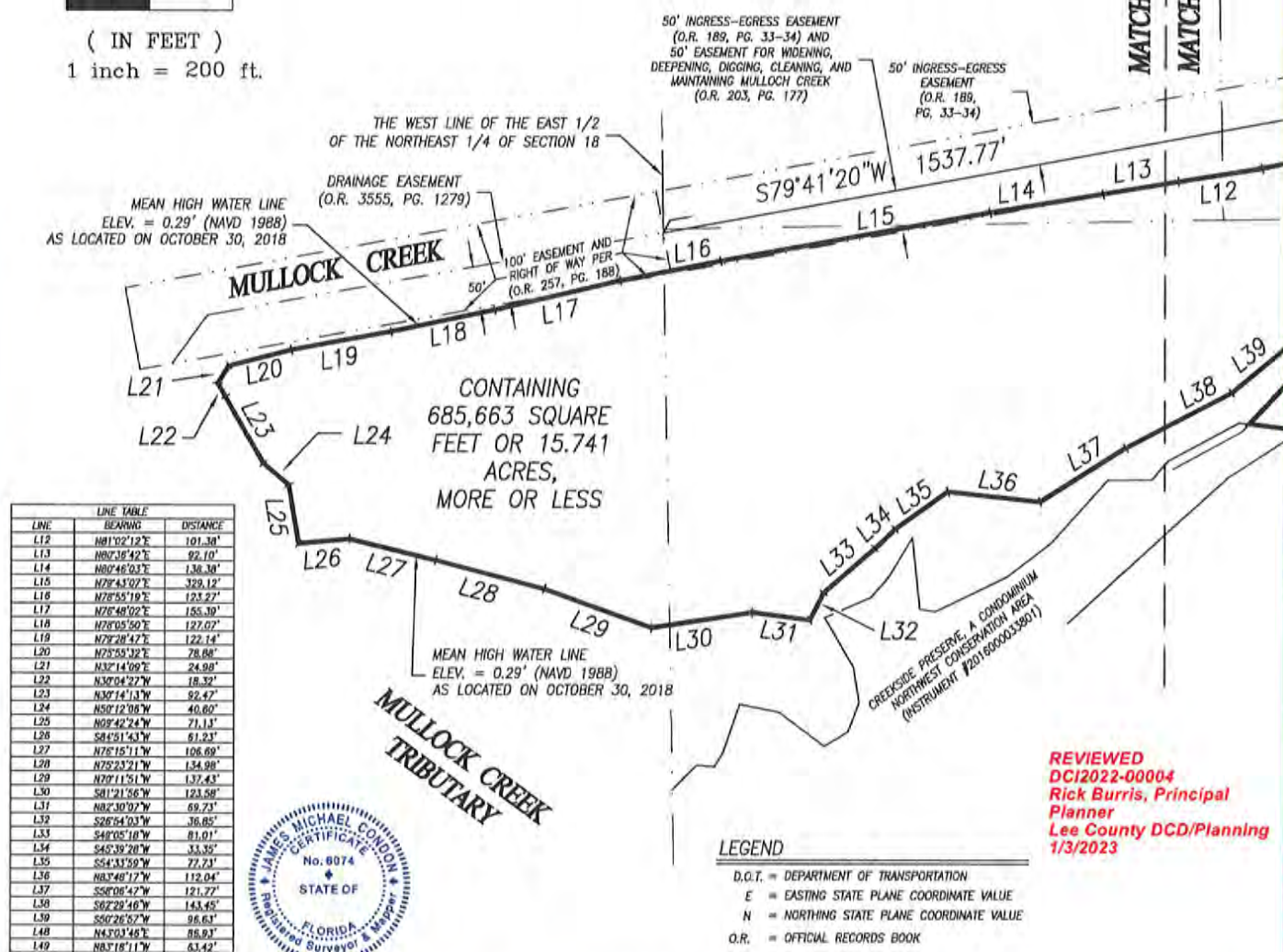
SKETCH OF DESCRIPTION OF A TRACT OR PARCEL OF LAND LYING IN SECTION 17 AND 18, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA



GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.



REVIEWED
DCI2022-00004
Rick Burris, Principal
Planner
Lee County DCD/Planning
1/3/2023

LEGEND

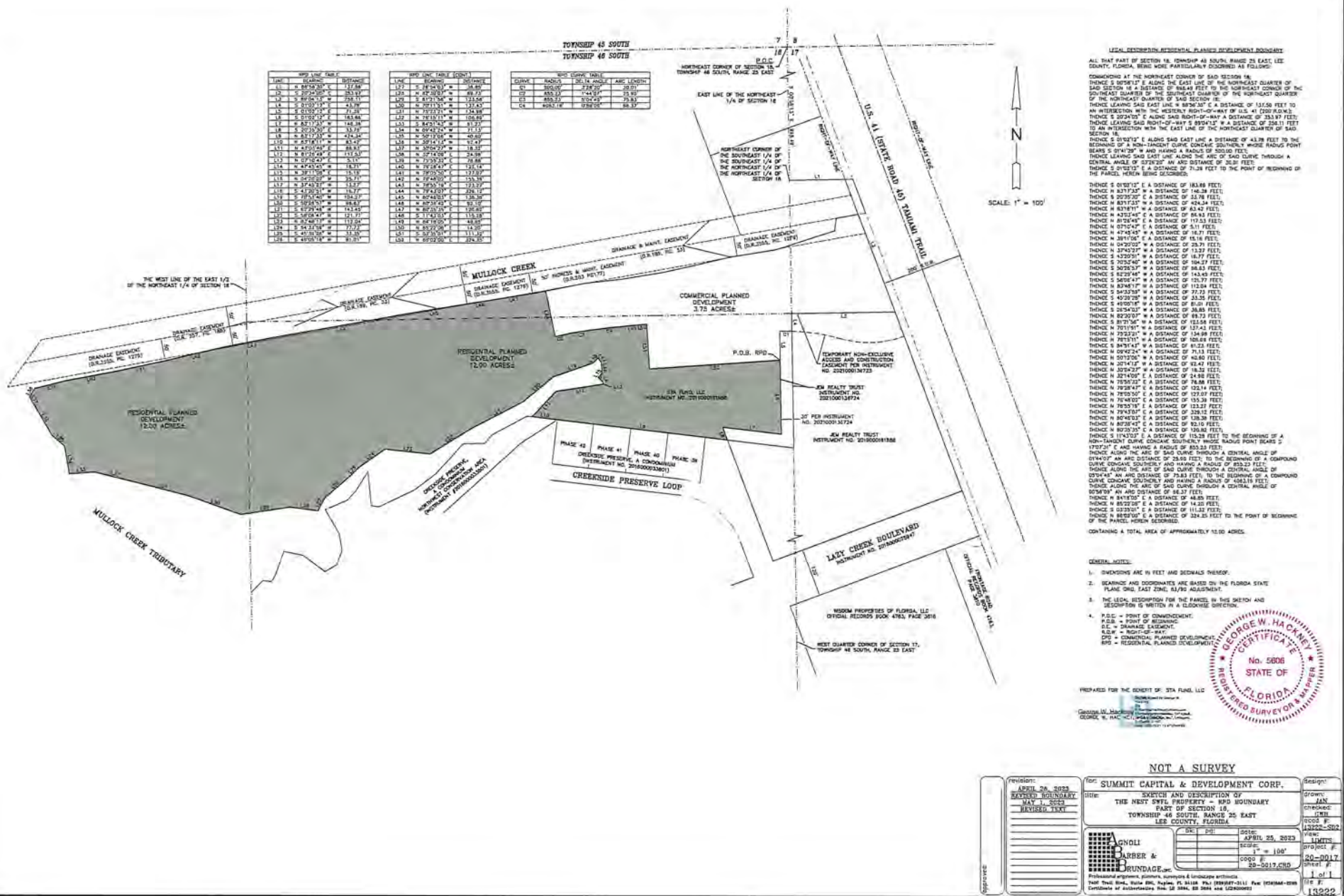
D.C.T. = DEPARTMENT OF TRANSPORTATION
E = EASTING STATE PLANE COORDINATE VALUE
N = NORTHING STATE PLANE COORDINATE VALUE
O.R. = OFFICIAL RECORDS BOOK



THIS IS NOT A SURVEY

REMOVED INGRESS-EGRESS EASEMENT 12/01/22 FA

THIS MAP PREPARED BY: JAMES M. CORDON, PSM Professional Surveyor & Mapper Fla. License No. 8074	DATE OF FIELD WORK: 2021B STA REPORT DATE: 11/11/2021 REVISION DATE: 12/01/2022	SCALE: 1" = 200' PROJECT NO: REVISION NO:	DAGOSTINO GEOSPATIAL, INC. Professional Surveying & Mapping 10001 Boney Road Road SE, Fort Lauderdale, FL 33315 Phone: (754) 333-0000 Website: www.dagostino.com	DATE OF FIELD WORK: 11/11/2021 PROJECT NO: REVISION NO:	CERTIFIED TO: STA FUND, LLC	DATE OF FIELD WORK: 11/11/2021 PROJECT NO: REVISION NO:
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LINE	BEARING	DISTANCE
1	N 89°52'00" E	117.50
2	S 89°52'00" W	117.50
3	S 89°52'00" W	117.50
4	S 89°52'00" W	117.50
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LINE	BEARING	DISTANCE
21	N 89°52'00" E	117.50
22	S 89°52'00" W	117.50
23	S 89°52'00" W	117.50
24	S 89°52'00" W	117.50

TOWNSHIP 45 SOUTH
TOWNSHIP 46 SOUTH

NORTHEAST CORNER OF SECTION 18
TOWNSHIP 46 SOUTH, RANGE 23 EAST

EAST LINE OF THE NORTHEAST
1/4 OF SECTION 18

NORTHEAST CORNER OF THE
SOUTHEAST 1/4 OF THE
NORTHEAST 1/4 OF SECTION 18

P.O.B. C.D.P.

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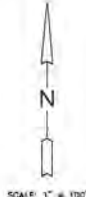
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- GENERAL NOTES:**
1. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 2. BEARINGS AND COORDINATES ARE BASED ON THE FLORIDA STATE PLANE GRID, EAST ZONE, SOUTH MAGNETIC.
 3. THE LEGAL DESCRIPTION FOR THE PARCELS IN THIS DITCH AND DESCRIPTION IS WRITTEN IN A CLOCKWISE DIRECTION.
 4. P.O.B. = POINT OF BEGINNING.
P.O.S. = POINT OF SURRENDER.
R.S.M. = RIGHT-OF-WAY.
C.D.P. = COMMERCIAL PLANNED DEVELOPMENT.
S.D.P. = RESIDENTIAL PLANNED DEVELOPMENT.

THE WEST LINE OF THE EAST 1/2
OF THE NORTHEAST 1/4 OF SECTION 18

MULLOCK CREEK TRIBUTARY

RESIDENTIAL PLANNED
DEVELOPMENT
12.00 ACRES

RESIDENTIAL PLANNED
DEVELOPMENT
12.00 ACRES

CHICKEN PRESERVE & CONDOMINIUM
(INSTRUMENT NO. 201600033611)

CREEKVIEW PRESERVE LOOP

WEST QUARTER CORNER OF SECTION 17
TOWNSHIP 46 SOUTH, RANGE 23 EAST



PREPARED FOR THE BENEFIT OF: STA FUND, LLC

LEGAL DESCRIPTION OF COMMERCIAL PLANNED DEVELOPMENT BOUNDARY
ALL THAT PART OF SECTIONS 17 AND 18, TOWNSHIP 46 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 18;
THENCE S 89°52'00" E ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18 A DISTANCE OF 968.49 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18;
THENCE LEAVING SAID EAST LINE & BEARING S 89°52'00" E A DISTANCE OF 137.26 FEET TO AN INTERSECTION WITH THE WESTERN RIGHT-OF-WAY OF U.S. 41 (DOWNSIDE);
THENCE S 89°52'00" E ALONG SAID RIGHT-OF-WAY A DISTANCE OF 83.17 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN BEING DESCRIBED;
THENCE CONTINUING ALONG SAID RIGHT-OF-WAY S 20°34'00" E A DISTANCE OF 395.80 FEET;
THENCE LEAVING SAID RIGHT-OF-WAY S 89°54'10" W A DISTANCE OF 238.11 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18;
THENCE S 89°52'00" E ALONG SAID EAST LINE A DISTANCE OF 43.29 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHWESTLY WHOSE RADIUS POINT BEARS S 89°52'00" W AND HAVING A RADIUS OF 360.00 FEET;
THENCE LEAVING SAID EAST LINE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20°34'00" IN AND DISTANCE OF 360.00 FEET;
THENCE S 89°52'00" E A DISTANCE OF 71.38 FEET;
THENCE S 89°52'00" E A DISTANCE OF 23.25 FEET;
THENCE S 89°52'00" W A DISTANCE OF 111.33 FEET;
THENCE S 89°52'00" W A DISTANCE OF 14.20 FEET;
THENCE S 84°52'00" W A DISTANCE OF 48.85 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHWESTLY WHOSE RADIUS POINT BEARS S 89°52'00" W AND HAVING A RADIUS OF 4083.18 FEET;
THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20°34'00" IN AND DISTANCE OF 360.00 FEET TO THE BEGINNING OF A COMPOUND CURVE CONCAVE SOUTHWESTLY AND HAVING A RADIUS OF 853.33 FEET;
THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20°34'00" IN AND DISTANCE OF 360.00 FEET TO THE BEGINNING OF A COMPOUND CURVE CONCAVE SOUTHWESTLY AND HAVING A RADIUS OF 853.33 FEET;
THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20°34'00" IN AND DISTANCE OF 360.00 FEET;
THENCE S 89°52'00" W A DISTANCE OF 113.28 FEET;
THENCE N 78°52'30" E A DISTANCE OF 96.51 FEET;
THENCE N 82°22'10" E A DISTANCE OF 98.06 FEET;
THENCE N 80°22'00" E A DISTANCE OF 89.43 FEET;
THENCE N 77°42'30" E A DISTANCE OF 77.53 FEET;
THENCE N 78°52'00" E A DISTANCE OF 67.27 FEET;
THENCE N 80°22'10" E A DISTANCE OF 103.88 FEET;
THENCE N 77°42'30" E A DISTANCE OF 31.33 FEET;
THENCE N 78°52'30" E A DISTANCE OF 36.33 FEET TO AN INTERSECTION WITH THE PARCEL HEREIN DESCRIBED;
CONTAINING A TOTAL AREA OF APPROXIMATELY 3.75 ACRES.

NOT A SURVEY

DATE: APRIL 26, 2023
REVISOR: REVISED BOUNDARY
DATE: MAY 1, 2023
REVISOR: REVISED BOUNDARY

FOR: SUMMIT CAPITAL & DEVELOPMENT CORP.
SUBJECT: THE NEXT STEEL PROPERTY - CDP BOUNDARY
PART OF SECTIONS 17 & 18,
TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

DESIGN: JAN
CHECKED: CML
GOOD # 10322-001
LIMIT: 1
PROJECT # 20-0017
SHEET # 1 of 1
13222

SH PG DATE
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