July 16, 2024

Ms. Beth Workman
Principal Planner
Lee County Government
Zoning Department
1500 Monroe St
Fort Myers, FL 33901

RE: Pelican Landing MPD
DCI2023-00052 – Submittal 2

Dear Ms. Workman,

It is my pleasure to submit to you the attached revised documents related to the rezoning request for the Pelican Landing MPD. Please see the following responses in **bold** to your comments received on February 5, 2024.

The following information has been provided to assist in your review of the petition:

1) Comment Response Letter
2) Revised PD Application
3) Revised Boundary Survey
4) Revised Request Narrative
5) Revised Preliminary Density Calculations
6) DRI Density Allocation Spreadsheet and Communities Map
7) City of Bonita Springs Pelican Landing DRI Resolution No. 20-66
8) City of Bonita Springs Pelican Landing DRI Resolution No. 2023-109
9) Revised Deviations and Justifications
10) Access Easements (Instrument Nos. 2023000256338 and 2023000146468)
11) Revised Stormwater Narrative
12) Inventory of Existing Conditions
13) Revised Schedule of Uses and Development Regulations
14) Revised MCP
15) Revised TIS
16) Aerial with FLUCFCS and Wetlands
17) Revised Protected Species Survey
18) Raptor Bay Golf Course Renovation Indigenous Preserve and Protected Species Management Plan, and
19) Raptor Bay Golf Course Renovation Bald Eagle Management Plan

LEGAL COMMENTS

Please provide a boundary survey of the subject property in accordance with the requirements of Lee County LDC §34-202(a)(6). Please provide the date of the Title Opinion listed on the Boundary Survey.

> **RESPONSE: The date of Title Opinion has been listed on the attached, revised Boundary Survey.**

The perimeter boundary must be clearly marked with a heavy line and must include the entire area to be developed. The boundary is not clearly marked with a heavy line starting after Line 119 (L119), until Curve 6 (C6).

> **RESPONSE: The perimeter boundary has been updated as noted in the revised Boundary Survey.**

Please correct Item #35 on the Boundary Survey to match what is shown on the Title Opinion. The book number should be 3593, not 3293.

> **RESPONSE: The book number referenced above has been updated in the revised Boundary Survey.**

Please correct the item number for "SFWMD CONSERVATION EASEMENT #2" from "#20" to "#13" to match what is shown on the Title Opinion.

> **RESPONSE: This correction has been incorporated in the revised Boundary Survey.**

PLANNING COMMENTS

Revise the response to Policy 2.2.1 to remove the reference to the North Olga Planning Community.

> **RESPONSE: This response has been updated in the revised Request Narrative.**

Provide clarification on the density calculations to verify the proposed density has not been previously allocated/developed in the DRI.

> **RESPONSE: Please see the revised Preliminary Density Calculations and spreadsheet providing a detailed tabulation of then density allocated/built by community within the overall DRI. Additionally, a DRI Communities Map is provided to show the locations of the referenced communities internal to the Pelican Landing DRI.**

Revise the response to Policy 124.1.1 to include the density calculations for saltwater wetlands and freshwater wetlands. The density for saltwater wetlands/mangroves are calculated at 1 dwelling unit per 20 acres, regardless of whether those wetlands are preserved.

> **RESPONSE: This response has been updated in the revised Request Narrative and is shown in the revised Preliminary Density Calculations document.**

The attached Aerial with FLUCFCS and Wetlands (Exhibit 3) has been revised to include the wetland Florida Land Use Cover and Forms Classification (FLUCFCS) acreages within the South Florida Water Management District (SFWMD) conservation easement area. According to the revised map, the SFWMD conservation area contains a total of 53.5± acres of freshwater wetlands consisting of Mixed Wetland Hardwoods (FLUCFCS Code 617), Hydric Pine (FLUCFCS Code 625), and Mixed Wetland Forest (FLUCFCS Code 630). Additionally, the SFWMD conservation area includes 6.5± acres of saltwater wetlands consisting of Mangrove (FLUCFCS Code 612) and Saltwater Marsh (FLUCFCS Code 642). Please note that the wetland FLUCFCS limits were estimated per SFWMD Environmental Resource Permit No. 36-03813-P.

Provide a response to the following Lee Plan policies:

a. Standard 4.1.3.
b. 5.1.10 regarding density of land under single ownership in multiple Future Land Use Categories. See Ordinance 23-12 for the most recent wording of Policy 5.1.10.
c. Goal 6 regarding Commercial development.
d. Objective 11.1 regarding Mixed-Use development.
e. Policy 135.1.9 regarding mix of residential types and designs.

RESPONSE: Responses to these policies have been added to the revised Request Narrative.

ZONING COMMENTS

Staff will be codifying all previous conditions of approval that pertain only to the subject rezoning case into one document to then be considered as the new zoning resolution if approved. Please provide strikethrough and underline versions of the previous zoning resolutions and administrative amendments to provide conditions to be brought forward.

RESPONSE: A strike-through and underlined version of previous and proposed conditions is attached, categorized by resolution number.

The narrative indicates that the Development of Regional Impact (DRI) will be amended. Please provide detailed information on the revisions including how the increased density will affect the conditions.

RESPONSE: The DRI and density impacts are addressed in the revised Request Narrative. Additionally, a companion DRI Amendment application submitted to Lee County proposes to update density and intensity within the DRI consistent with this request. Several other updates related to boundary changes and exhibits are proposed for consistency with changes that have been made to the Bonita Springs DRI.

The DRI amendment reduces available commercial and office use square footage to ensure the increased density does not impact traffic on Coconut Rd. The proposed increase in density is limited to a maximum of 4,400 units, which was previously approved in the Pelican Landing DRI prior to the 12th Amendment; therefore, all conditions are sufficient to address the density increase.

Please provide correspondence or documentation with the City of Bonita Springs and Villages of Estero regarding the subject rezoning being removed from previous approvals that included portions of land in these jurisdictions. Indicate if zoning amendments are to be pursued to amend approvals in each jurisdiction.

RESPONSE: The Applicant met with the City of Bonita Springs Planning staff on April 1, 2024, to discuss the Zoning and DRI requests in Lee County, as well as anticipated changes to the Pelican Landing DRI Ordinance adopted by the City of Bonita Springs. Areas that will be removed from the Lee County MCP have been previously incorporated into Ordinances within the City of Bonita Springs. The current Pelican Landing DRI Ordinance adopted by the City of Bonita Springs is attached.

The Village of Estero does not have a separate zoning resolution related to Pelican Landing.

Revise the MCP to provide a deviation sheet to clearly depict where each deviation is being requested. Provide details for each new deviation being requested to demonstrate integrated mid to high-rise design to justify Deviation 12, cross section for the ten-foot-in-height wall being proposed and the location, and revise species survey/indigenous management plan to provide the native species coverage to meet the buffer requirements for Deviation 15.

RESPONSE: The MCP has been revised to more clearly demonstrate the locations of each deviation. Please note deviations #1 and #10 have been removed and remaining deviations were renumbered. Additionally, a new deviation was added to address intersection separation on Coconut Road.

The request is to remove the unincorporated Lee County portion from previous approvals and rezone to Mixed-Use Planned Development (MPD). Revise the Request Narrative and the Property Development Regulations to demonstrate compliance with LDC Section 34-940 for the two elements that must be met to be considered MPD.

RESPONSE: The Applicant proposes 729 dwelling units (241 of which are already existing/approved on the Kersey Smoot RPD), 25,000 square feet of commercial uses, and 318 hotel rooms and 27 golf holes. Since the golf course is public and the area does not generate residential density, the clubhouse (14,400 square feet) also applies to the commercial square footage requirement for MPD zoning. Additionally, the schedule of uses allows for hotels, hybrid warehouses, continuing care facilities and centers, and assisted living facilities, therefore, the project will meet or exceed the minimum 30,000 SF of commercial development to achieve the MPD zoning district minimum criteria. The revised MCP incorporates the land areas used to meet the qualifying thresholds for mixed-use developments as required by LDC Section 34-940.

Revise the Schedule of Uses to be consisted with LDC Section 34-934. Include the groups, where applicable, and remove uses that are not listed in LDC Section 34-934 such as bocce ball, pickleball, mass transit depot. These uses are listed as Recreational Facilities (private on-site, commercial, see code) and Bus Depot.

RESPONSE: These changes have been made to the revised Schedule of Uses.

The MCP depicts two access interconnects to the offsite property. Indicate if the two access areas interconnect with an existing roadway. Provide access easement agreement.

RESPONSE: Two documents are attached to demonstrate access. Instrument No. 2023000256338 demonstrates access along Coconut Point Resort Drive. Instrument No. 2023000146468 demonstrates a partial non-exclusive assignment of easement along Coconut Plantation Dr.

Additional comments may follow once staff receives the requested information.

RESPONSE: Acknowledged.

DEVELOPMENT SERVICES COMMENTS

Please show all existing and proposed easements on the MCP with the appropriate labels per LDC Section 34-373(a)(6)a.

RESPONSE: The revised MCP has added all existing and proposed easements.

Please consider removal of Deviation #1 from LDC Sec. 10-291(3) as the proposed MCP appears to show multiple access points to the adjoining areas outside of the PD boundary.

RESPONSE: This deviation has been removed and remaining deviations have been renumbered in the revised Deviations and Justifications, and on the revised MCP.

Deviation #7 mentions that there is a cross section enclosed which staff was unable to locate. Please address.

RESPONSE: The required cross sections are attached to the revised MCP.

ENVIRONMENTAL SCIENCES COMMENTS

The previous site conditions extended into Bonita Springs Jurisdiction. Please explain how the applicant intends to meet the open space, landscaping, and other conditions that were previously approved.

RESPONSE: Please see attached MCP and Proposed Conditions. The open space, landscaping, and other conditions related to the properties that are now within the City of Bonita Springs jurisdiction have incorporated development standards into the relevant zoning approvals. The proposed open space, landscaping and other conditions that are relevant to the Lee County portions of the existing PD are proposed to be reduced or modified proportionately to the area removed from Lee County.

The DRI states no more than 13.25 acres of wetlands may be filled. Please indicate if you are demonstrating compliance with the condition. Please indicate how many wetlands have been filled currently.

RESPONSE: A total of 16.47± acres of wetlands were previously impacted within the project boundary, consistent with SFWMD Environmental Resource Permit No. 36-03813-P. In addition to the previously authorized wetland impacts, the project proposes to impact 2.76± acres of Melaleuca wetlands (FLUCFCS Code 4241). Therefore, the total wetland impacts within the project boundary, both previously approved and proposed, is 19.23± acres.

The companion DRI amendment includes a modification to the condition related to wetland impacts.

The narrative describes the utilization of density; however, it does not describe how the changes are going to affect the overall site plan. Please provide more details within the narrative.

RESPONSE: The revised Project Narrative incorporates a description of changes to the overall site plan.

The application demonstrates a 50-foot natural waterway buffer. Please provide a cross-section for the natural waterway depicting the 50-foot width measured from mean high water or top of bank, whichever is further landward.

RESPONSE: The revised MCP incorporates a cross-section for the natural waterway buffer.

The applicant is requesting a deviation from 10-329(d)(4). Please provide a cross-section of these areas per 34-373(a)(9) and clarify how the lake bank will be stabilized.

RESPONSE: The required cross-section is attached to the revised MCP.

The applicant is proposing a mixed-use development, which includes residential and commercial. Please break down the required open space for both per LDC 10-415(a).

RESPONSE: The development tables on the revised MCP and revised Schedule of Uses have been updated to break down the required open space for each development area.

The gopher tortoise map that Passarella and Associates has supplied appears to calculate the excavated burrows and current burrows (424). Please clarify within the document the amount of tortoise burrows that have previously been excavated and the number of burrows that are still present.

RESPONSE: The attached Protected Species Survey report has been updated to provide the number of gopher tortoise (*Gopherus polyphemus*) burrows previously excavated and the number of burrows remaining within the Eco Park portion of the property. Please refer to the Survey Results section and Appendix C of the report.

There appears to be areas on the MCP that may be restored, please provide a more detailed legend to describe the acreage of restored wetlands, restored uplands, indigenous uplands, and indigenous wetlands per LDC 10-415(b).

RESPONSE: The wetland and upland preserve lands on the project site, including the SFWMD conservation areas and Eco Park, were previously restored and are

currently in the exotic vegetation maintenance phase. As such, no additional indigenous vegetation restoration activities are anticipated on the project site.

The schedule of uses references an indigenous management plan. Please provide information regarding an indigenous management plan that depicts the preservation areas in compliance with LDC 10-474.

RESPONSE: Per a March 15, 2024, meeting discussion with Lee County Staff, a copy of the December 2022 Indigenous Preserve and Protected Species Management Plan previously prepared for the Raptor Bay Golf Course Renovation project is attached.

It appears that the vegetated upland area surrounding the Hyatt, may be impacted to develop multi-family. Please clarify. Staff may have additional comments.

RESPONSE: It is anticipated that approximately 15.5 acres of vegetated upland areas will be impacted in the MF tract. These areas were previously within the Kersey Smoot RPD and anticipated to be impacted in the currently approved MCP.

NATURAL RESOURCES COMMENTS

Please depict the bald eagle buffer zone on the Master Concept Plan. Please provide a copy of the BoCC approved Bald Eagle Management Plan, dated July 2022, prepared by Passarella & Associates, Inc.

RESPONSE: The revised MCP includes the bald eagle buffer zone. Per a March 15, 2024, meeting discussion with Lee County Staff, a copy of the July 2022 Bald Eagle Management Plan previously prepared for the Raptor Bay Golf Course Renovation project is attached.

Within the stormwater management plan narrative, please address how drainage flow from adjacent properties will be maintained.

RESPONSE: The stormwater management plan narrative has been updated as requested.

Please provide analysis detailing how the proposal with comply with DRI condition K regarding the Interface Zone.

RESPONSE: Proposed strike-through and underline conditions have been attached which address changes to DRI condition K. This rezoning application will redevelop the golf course areas adjacent to the Estero Bay and remove the potential for golf courses to be developed adjacent to the interface zone, therefore the DRI conditions related to golf courses will no longer apply to this portion of the DRI. However, the attached Proposed Conditions include monitoring requirements which will remain in place.

Please demonstrate how the proposal complies with LDC 10-328. If an access and drainage easement cannot be provided, please request a deviation.

RESPONSE: A 50-foot natural waterway buffer is identified on the revised MCP. LDC section 10-416(d)(9)c indicates the access and drainage easement required by LDC section 10-328 is intended to be incorporated within the 50-foot upland buffer. The required maintenance easement will be provided at the time of development order application.

The preliminary density calculation notes approximately 190 ac of preserved wetlands please provide additional information to determine whether these are freshwater or saltwater wetlands.

RESPONSE: Please refer to the revised Preliminary Density Calculation, which includes a breakdown of saltwater vs. freshwater wetland acreages.

DEPARTMENT OF TRANSPORTATION

Kindly show the distances between the entrance of the proposed project and the adjacent streets or driveways along Coconut Road in the MCP.

RESPONSE: The revised MCP includes distances between entrances along Coconut Road measured from edge of pavement to edge of pavement. A deviation has been added to address the separation of the project entrance from the adjacent driveway to the east.

TRAFFIC IMPACT STATEMENT COMMENTS

Table 4 requires revision. Trip generation data for the 27-hole golf course needs to be included. The Multifamily (low-rise) [LUC 220] should be used for trip generation, as the schedule of uses indicates higher trip generation, e.g., Townhouse. Additionally, AM and Daily Trip data need to be incorporated.

RESPONSE: Please refer to the attached TIS Memo prepared by TR Transportation Consultants.

As the projected trip volume exceeds 100, the TIS must provide intersection LOS analyses for site accesses and nearby intersections (within a quarter-mile radius) in existing and future conditions, using HCS or Synchro program.

RESPONSE: Please refer to the attached TIS Memo prepared by TR Transportation Consultants.

Please clearly state the maximum proposed gross floor area of the proposed "Recreation Facilities, Indoor" use for which a deviation from current parking requirements (LDC, Section 34-2020) is requested. (1/31/2024 ME)

RESPONSE: The deviation is requested to reflect that these facilities will be exclusively for use by residents of the multi-family buildings and their guests. The LDC does not include a maximum gross floor area for recreation facilities, indoor.

Please demonstrate why the site cannot be redesigned to accommodate the required number of parking spaces for the proposed "Recreation Facilities, Indoor" use. If the site cannot be redesigned to accommodate required parking for the proposed uses, the deviation request should be accompanied by a parking demand study to justify the deviation. The study should be

performed at a minimum of three similar local (i.e. Lee County) facilities in accordance with the guidelines set forth in the most current Institute of Transportation Engineers Parking Generation Manual. A methodology meeting with staff to discuss the parameters of the study is recommended prior to any data collection. (1/31/2020 ME)

RESPONSE: The indoor recreation facilities will be integrated with the proposed multi-family buildings. These facilities will be exclusively for use by residents of the multi-family buildings and their guests. Due to the unique nature of this site compared to horizontally integrated recreational facilities in the typical Lee County Master Planned Community, the Applicant respectfully submits the deviation is appropriate.

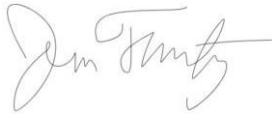
LEETRAN COMMENTS

The proposed development is beyond one-quarter mile of a bus stop or a fixed-route corridor. Based on the current Transit LDC section 10-441, no improvements are required by the developer at this time but will reassess at the time of DO or LDO.

RESPONSE: Acknowledged.

Thank you in advance for your consideration of the above information. If you have any further questions, please do not hesitate to contact me directly at (239) 357-9580 or jfrantz@rviplanning.com.

Sincerely,
RVi Planning + Landscape Architecture



Jem Frantz, AICP
Project Director

Lee County Community Development

APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: Pelican Landing Mixed Use Planned Development

Request: Rezone from: CPD/RPD To: MPD

Type: ☐ Major PD ☐ Minor PD ☒ DRI w/Rezoning ☐ PRFPD
☐ Major PD Amendment ☐ Minor PD Amendment

Bonus Density included? ☒ NO ☐ YES[1] for: _____ Bonus Units

[1] *If **YES**, submit additional fee required by LDC 2-147(A)(3)*

Summary of Project:

A request to rezone a 430+/- acre property from RPD and CPD/RPD to MPD to allow for 729 DU, 25,000 sq ft of Office Uses, 27 golf holes and 318 hotel rooms with supportive recreational amenities and infrastructure. The maximum building height is 290'. The site will connect to centralized water and sewer provided by Bonita Springs Utilities.

PART 1
APPLICANT/AGENT INFORMATION

A. Name of Applicant: LB Raptor Investments LLC
Address: 2210 Vanderbilt Beach Rd, Suite 1300
City, State, Zip: Naples, FL, 34109
Phone Number: (239) 248-1287
E-mail Address: lisavandien@londonbay.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: RVI Planning and Landscape Architecture / Coleman Yovanovich Koester Law Firm
Contact Person: Jem Frantz, AICP / Richard Yovanovich
Address: 28100 Bonita Grande Dr, Suite 305 / 4001 Tamiami Trail North, Suite 300
City, State, Zip: Bonita Springs, FL 34135 / Naples, Florida 34103
Phone Number: 239.357.9580 / 239.435.3535 Email: jfrantz@rviplanning.com / ryovanovich@cyklawfirm.com

2. Additional Agent(s): Provide the names of other agents that the County may contact concerning this application. **[34-202(a)(4)]**

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: See Property Information Document

Address:

City, State, Zip:

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): 12/2020 & 04/2023

PART 3
PROPERTY INFORMATION

A. STRAP Number(s): [Attach extra sheets if additional space is needed.] **[34-203(a)(5)]**

08-47-25-00-00001.0030; 06-47-25-00-00002.0030; 06-47-25-08-00000.00CE; 06-47-25-08-00001.5140

B. Street Address of Property: 23001 Coconut Point Resort Dr, Bonita Springs Fl 34134

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: RPD and CPD/RPD

☒ 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: Golf Course, Timeshare, and Amenities
2. Intended uses of property are: Mixed Use (Residential, Hotel/Resort, Golf Course & Office)

G. Future Land Use Classification (Lee Plan):

Suburban	95.83	Acres	22.3	% of Total
Outlying Suburban	190.27	Acres	44.2	% of Total
Wetlands	144.00	Acres	33.5	% of Total

H. Property Dimensions:

1. Width (average if irregular parcel): 1,243.3 Feet
2. Depth (average if irregular parcel): 5,211.8 Feet
3. Total area: 508.27 Acres or square feet
4. Frontage on road or street: 1,243.3 Feet on Coconut Rd. Street
   2nd Frontage on road or street: 3,000 Feet on Coconut Point Resort Dr. 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)**		**430+/-**	**Acres**
1.	Submerged land subject to tidal influence		_____	Acres
2. a.	Preserved freshwater wetlands	134.74 Acres		
b.	Impacted wetlands	2.76 Acres		
c.	Preserved saltwater wetlands	6.5 Acres		
d.	Total wetlands (A.2.a. plus A.2.b. plus A.2.c.)		144	Acres
3.	R-O-W providing access to non-residential uses		_____	Acres
4.	Non-residential use areas (1) (2)		_____	Acres

B. Total area not eligible as gross residential acreage (Items A.1. + A.3. + A.4.). _____ **Acres**

C. Gross residential acres. (A minus B) (3) **430+/- Acres**

D. Gross residential acres (by Land Use Category)

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	_____	Acres
b.	Urban Community or Suburban – preserved freshwater wetlands	_____	Acres
c.	Urban Community or Suburban – impacted wetlands	_____	Acres

4.	**a.**	Suburban – upland	95.83	Acres
	b.	Suburban – preserved freshwater wetlands	13.63	Acres
	c.	Suburban – impacted wetlands		Acres
5.	**a.**	Outlying Suburban – upland	190.27	Acres
	b.	Outlying Suburban – preserved freshwater wetlands	121.11	Acres
	c.	Outlying Suburban – impacted wetlands	2.76	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	6.5	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)	**430+/-**	**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: **Suburban, Outlying Suburban, and Wetlands**

			Lee Plan Table 1(a) Max. standard density		Units
1.	**Standard Units**				
	a.	Total upland acres (from Part 4, D.)	286.1	x varies equals	380.52
	b.	Total preserved freshwater wetlands acres (from Part 4, D.)	141.24	x varies equals	445.44
	c.	Total impacted wetlands acres (from Part 4, D.)	2.76	x .05 equals	0.14
	d.	**Total Allowed Standard Units** (1)			**826.1**
2.	**Bonus Units [2-143]**				
	a.	Site-built Affordable Housing			
	b.	Transferrable Dwelling Units			
	c.	Sub-total			
3.	**Total Permitted Units** (1)				**826.1**

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

		Height	Total Floor Area (Square Feet)
A.	**Commercial**		
1.	Medical		
2.	General Office	50	25,000 SF
3.	Retail		0 SF
4.	Other:		
5.	**TOTAL FLOOR AREA**		**25,000 SF**

		Height	Total Floor Area (Square Feet)
B.	**Industrial**		
1.	Under Roof		
2.	Not Under Roof		
3.	**TOTAL FLOOR AREA**		**N/A**

		Depth	Total Acres
C.	**Mining**		
1.	Area to be excavated		N/A

		Height	Total Beds/Units
D.	**Assisted Living Facilities**		
1.	Dependent Living Units		
2.	Independent Living Units		
3.	**TOTAL BEDS/UNITS**		**N/A**

		Height	Total Rental Units
E.	**Hotels/Motels (Room Size)**		
1.	< 425 sq. ft.	290	318 or
2.	426-725 sq. ft.	290	318 or
3.	725 < sq. ft.	290	318 or
4.	**TOTAL UNITS**		**318**

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.]**
A Project location map is attached as Exhibit 1. A United States Geological Survey (USGS) quadrangle map of the Project is attached as Exhibit 2.

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)].

The Project is comprised of an inactive portion of the Raptor Bay golf course, golf course areas under construction, and future development areas. The Project also includes existing forested and herbaceous upland and wetland areas previously placed under conservation easement. This includes 60± acres of South Florida Water Management District (SFWMD) conservation area on the north, east, and west sides of the inactive portion of the Raptor Bay golf course, and Halfway Creek and its associated wetlands within Eco Park in the northeast portion of the site.

There are 81.24± acres of SFWMD wetlands and 25.34± acres of "Other Surface Waters" (OSW) on the Project site. This does not include the SFWMD conservation area. The wetlands are identified by Florida Land Use, Cover and Forms Classification System (FLUCFCS) as Melaleuca, Hydric (FLUCFCS Code 4241); Mixed Wetland Hardwoods (FLUCFCS Code 617); Cypress (FLUCFCS Code 621); Mixed Wetland Forest (FLUCFCS Code 630); Mixed Wetland Forest, Disturbed (FLUCFCS Code 6309); and Freshwater Marsh (FLUCFCS Code 641) (Exhibit 3). All of the wetlands are under existing conservation easement except for the 2.76± acres of hydric melaleuca located in the west and northwest portions of the site. The OSWs on the Project consist of ponds associated with the golf course areas, both inactive and under construction.

A Lee County protected species survey conducted on the Project documented four Lee County protected wildlife species on the site including, gopher tortoise (*Gopherus polyphemus*), American alligator (*Alligator mississippiensis*), little blue heron (*Egretta caerulea*), and snowy egret (*Egretta thula*). The gopher tortoise and little blue heron are listed as threatened by the Florida Fish and Wildlife Conservation Commission (FWCC). The American alligator is listed as threatened by the FWCC due to similarity of appearance to the American crocodile (*Crocodylus acutus*). The snowy egret was delisted by the FWCC in January 2017 but is protected under Florida's Imperiled Species Management Plan 2016-2026. A copy of the protected species survey report is attached.

C. Preservation/Conservation of Natural Features: Describe how the lands listed in PART 6.B. above will be protected by the completed project:
Any impacts proposed to the 2.76± acre hydric melaleuca wetland areas resulting from the Project's Master Concept Plan will be coordinated with SFWMD during the Environmental Resource Permit application process. If applicable, wetland impacts will be mitigated through the preservation and enhancement of on-site wetlands and/or the purchase of off-site wetland mitigation credits from an approved wetland mitigation bank.

D. Shoreline Stabilization: If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:
Not Applicable

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.]**

A soils map is attached as Exhibit 4.

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.]**

An Aerial FLUCFCS and Wetlands map is attached as Exhibit 3.

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.]**

The Project site contains 57.24± acres of rare and unique upland habitat as defined in the Lee Plan Section XII. This habitat is made up of Scrubby Pine Flatwoods, Disturbed (FLUCFCS Code 4169) and Scrubby Pine Flatwoods, Disturbed (FLUCFCS Code 4169 E1) and is part of the existing conservation easement associated with Eco Park. The locations of the rare and unique uplands are depicted on the attached Aerial with FLUCFCS and Wetlands map.

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.]**

Halfway Creek and its associated wetlands are located in the northeast portion of the site. These areas are part of the existing conservation easement associated with Eco Park.

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:
N/A

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:
N/A

2. Quality of the effluent:
N/A

3. Expected life of the facility:

N/A

4. Who will operate and maintain the internal collection and treatment facilities:
N/A

5. Receiving bodies or other means of effluent disposal:
N/A

C. Spray Irrigation: If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:
N/A

2. Current water table conditions:
N/A

3. Proposed rate of application:

N/A

4. Back-up system capacity:
N/A

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 flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway 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)]**
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)]**

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)]**

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.
- ☐ The minimum elevation required for the first habitable floor is Varies (AE, AE10 to AE 14) 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)]

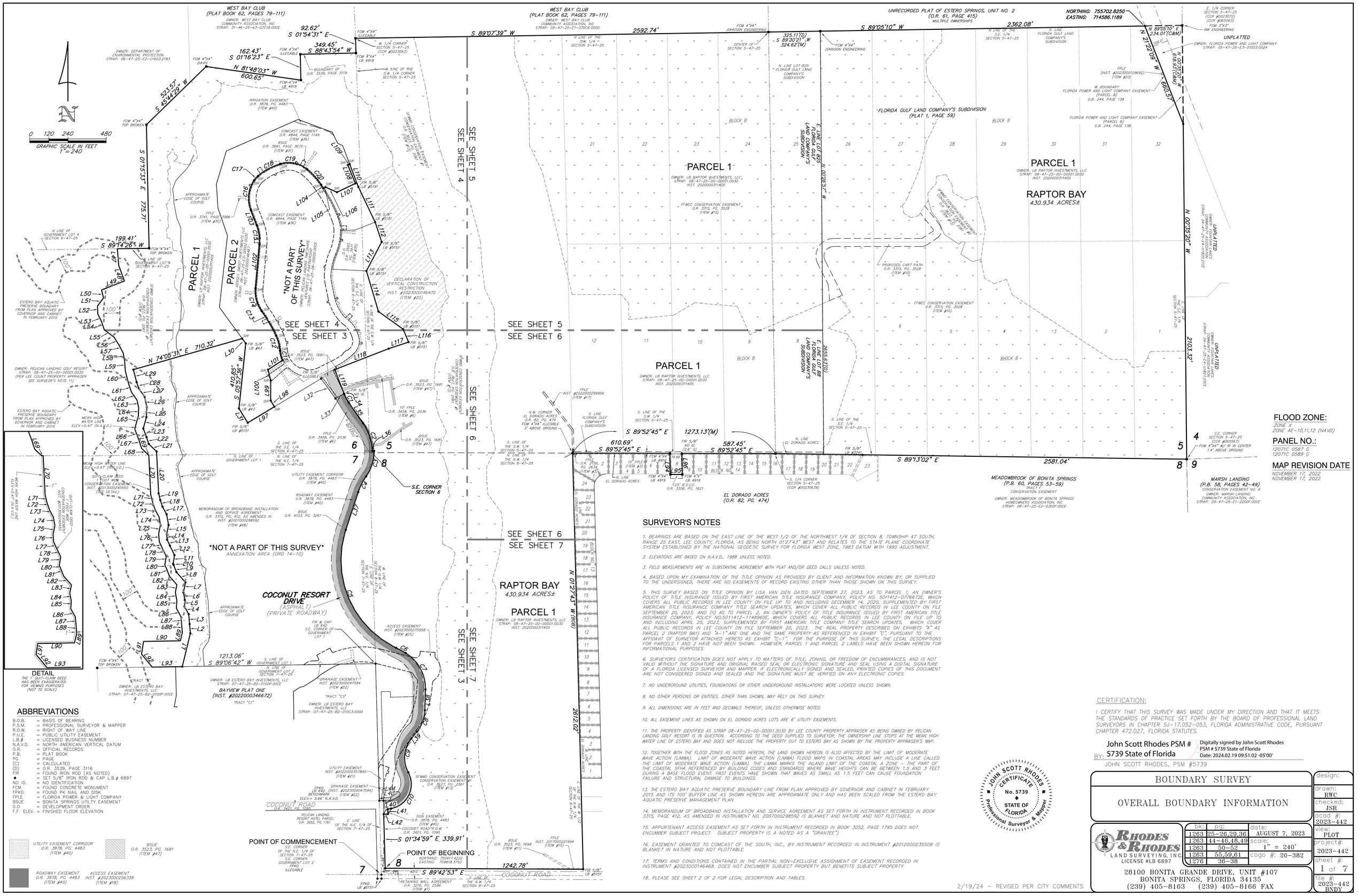
- ☒ Not Applicable
- ☐ Request includes rezoning of a Mobile Home Park. Provide facts related to the relocation of dislocated owners that meets the requirements of F.S. § 723.083 (1995).

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) N/A
3	☐	**Waivers** from Application Submission Requirements (if applicable) [34-201(c)] N/A
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)] N/A
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)] N/A

3	☐	Master Concept Plan (**MCP**), **PRFPD** (if applicable) [34-941(g)(1)] N/A
3	☐	**Conceptual Surface Water Management Plan** (if applicable) [34-941(d)(3)b.i.1)] N/A
3	☐	**Well Drawdown** Information (if applicable) [34-941(d)(3)d.] N/A
3	☐	Preliminary Indigenous **Restoration Plan** (if applicable) [34-941(e)(5)f.iii.] N/A
3	☐	**Environmental Assessment** (if applicable) [34-941(g)(2)] N/A
3	☐	Demonstration of **Compatibility** (if applicable) [34-941(g)(4)] N/A
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	☐	Existing **Agricultural Use Affidavit** (if applicable) [34-202(a)(12)] N/A
3	☐	Information Regarding **Proposed Blasting** (if applicable). N/A
3	☐	Hazardous Materials **Emergency Plan** (if applicable) N/A
3	☐	Mobile Home Park **Dislocated Owners** Information (if applicable) [34-202(b)(4)] N/A
3	☐	**Tall Structures Permit** (if applicable) [34-1108] N/A



ABBREVIATIONS

B.O.B.	= BASIS OF BEARING
P.S.M.	= PROFESSIONAL SURVEYOR & MAPPER
R.O.W.	= RIGHT OF WAY LINE
P.U.E.	= PUBLIC UTILITY EASEMENT
L.B.#	= LICENSED BUSINESS NUMBER
N.A.V.D.	= NORTH AMERICAN VERTICAL DATUM
O.R.	= OFFICIAL RECORDS
P.B.	= PLAT BOOK
PG	= PAGE
(C)	= CALCULATED
(D)	= O.R. 3539, PAGE 3116
FIR	= FOUND IRON ROD (AS NOTED)
●	= SET 5/8" IRON ROD & CAP L.B.# 6897
NO ID.	= NO IDENTIFICATION
FCM	= FOUND CONCRETE MONUMENT
FPKD	= FOUND PK NAIL AND DISK
FPLE	= FLORIDA POWER & LIGHT COMPANY
BSUE	= BONITA SPRINGS UTILTY EASEMENT
D.O	= DEVELOPMENT ORDER
F.F. ELEV.	= FINISHED FLOOR ELEVATION

UTILITY EASEMENT CORRIDOR O.R. 3878, PG. 4483 (ITEM #40)
BSUE O.R. 3523, PG. 1681 (ITEM #47)
ROADWAY EASEMENT O.R. 3878, PG. 4483 (ITEM #40)
ACCESS EASEMENT INST. #2023000256338 (ITEM #18)

SURVEYOR'S NOTES

1. BEARINGS ARE BASED ON THE EAST LINE OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING NORTH 01°27'43" WEST AND RELATE'S TO THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA WEST ZONE, 1983 DATUM WITH 1990 ADJUSTMENT.

2. ELEVATIONS ARE BASED ON N.A.V.D., 1988 UNLESS NOTED.

3. FIELD MEASUREMENTS ARE IN SUBSTANTIAL AGREEMENT WITH PLAT AND/OR DEED CALLS UNLESS NOTED.

4. BASED UPON MY EXAMINATION OF THE TITLE OPINION AS PROVIDED BY CLIENT AND INFORMATION KNOWN BY, OR SUPPLIED TO THE UNDERSIGNED, THERE ARE NO EASEMENTS OF RECORD EXISTING OTHER THAN THOSE SHOWN ON THIS SURVEY.

5. THIS SURVEY BASED ON TITLE OPINION BY LISA VAN DIEN DATED SEPTEMBER 27, 2023, AS TO PARCEL 1, AN OWNER'S POLICY OF TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, POLICY NO. 5011412-017667ZE, WHICH COVERS ALL PUBLIC RECORDS IN LEE COUNTY ON FILE UP TO AND INCLUDING DECEMBER 14, 2020, SUPPLEMENTED BY FIRST AMERICAN TITLE INSURANCE COMPANY TITLE SEARCH UPDATES, WHICH COVER ALL PUBLIC RECORDS IN LEE COUNTY ON FILE SEPTEMBER 20, 2023; AND (II) AS TO PARCEL 2, AN OWNER'S POLICY OF TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, POLICY NO.5011412-1148960E, WHICH COVERS ALL PUBLIC RECORDS IN LEE COUNTY ON FILE UP TO AND INCLUDING APRIL 25, 2023, SUPPLEMENTED BY FIRST AMERICAN TITLE COMPANY TITLE SEARCH UPDATES, WHICH COVER ALL PUBLIC RECORDS IN LEE COUNTY ON FILE SEPTEMBER 20, 2023. THE REAL PROPERTY DESCRIBED ON EXHIBITS "A" AS PARCEL 2 (RAPTOR BAY) AND "A-1" ARE ONE AND THE SAME PROPERTY AS REFERENCED IN EXHIBIT "C", PURSUANT TO THE AFFIDAVIT OF SURVEYOR ATTACHED HERETO AS EXHIBIT "C-1". FOR THE PURPOSE OF THIS SURVEY, THE LEGAL DESCRIPTIONS FOR PARCELS 1 AND 2 HAVE NOT BEEN SHOWN. HOWEVER, PARCEL 1 AND PARCEL 2 LABELS HAVE BEEN SHOWN HEREON FOR INFORMATIONAL PURPOSES.

6. SURVEYORS CERTIFICATION DOES NOT APPLY TO MATTERS OF TITLE, ZONING, OR FREEDOM OF ENCUMBRANCES, AND IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR ELECTRONIC SIGNATURE AND SEAL USING A DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER. IF ELECTRONICALLY SIGNED AND SEALED, PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

7. NO UNDERGROUND UTILITIES, FOUNDATIONS OR OTHER UNDERGROUND INSTALLATIONS WERE LOCATED UNLESS SHOWN.

8. NO OTHER PERSONS OR ENTITIES, OTHER THAN SHOWN, MAY RELY ON THIS SURVEY.

9. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.

10. ALL EASEMENT LINES AS SHOWN ON EL DORADO ACRES LOTS ARE 6' UTILITY EASEMENTS.

11. THE PROPERTY IDENTIFIED AS STRAP 08-47-25-00-00001.0030 BY LEE COUNTY PROPERTY APPRAISER AS BEING OWNED BY PELICAN LANDING GOLF RESORT IS IN QUESTION. ACCORDING TO THE DEED SUPPLIED TO SURVEYOR, THE OWNERSHIP LINE STOPS AT THE MEAN HIGH WATER LINE OF ESTERO BAY AND DOES NOT INCLUDE THE PROPERTY OUT TO ESTERO BAY AS SHOWN BY THE PROPERTY APPRAISER'S MAP.

12. TOGETHER WITH THE FLOOD ZONES AS NOTED HEREON, THE LAND SHOWN HEREON IS ALSO AFFECTED BY THE LIMIT OF MODERATE WAVE ACTION (LIMWA). LIMIT OF MODERATE WAVE ACTION (LIMWA) FLOOD MAPS IN COASTAL AREAS MAY INCLUDE A LINE CALLED THE LIMIT OF MODERATE WAVE ACTION (LIMWA). THE LIMWA MARKS THE INLAND LIMIT OF THE COASTAL A ZONE – THE PART OF THE COASTAL SFHA REFERENCED BY BUILDING CODES AND STANDARDS WHERE WAVE HEIGHTS CAN BE BETWEEN 1.5 AND 3 FEET DURING A BASE FLOOD EVENT. PAST EVENTS HAVE SHOWN THAT WAVES AS SMALL AS 1.5 FEET CAN CAUSE FOUNDATION FAILURE AND STRUCTURAL DAMAGE TO BUILDINGS.

13. THE ESTERO BAY AQUATIC PRESERVE BOUNDARY LINE FROM PLAN APPROVED BY GOVERNOR AND CABINET IN FEBRUARY 2015 AND ITS 100' BUFFER LINE AS SHOWN HEREON ARE APPROXIMATE ONLY AND HAS BEEN SCALED FROM THE ESTERO BAY AQUATIC PRESERVE MANAGEMENT PLAN.

14. MEMORANDUM OF BROADBAND INSTALLATION AND SERVICE AGREEMENT AS SET FORTH IN INSTRUMENT RECORDED IN BOOK 3315, PAGE 412, AS AMENDED IN INSTRUMENT NO. 2007000298592 IS BLANKET AND NATURE AND NOT PLOTTABLE.

15. APPURTENANT ACCESS EASEMENT AS SET FORTH IN INSTRUMENT RECORDED IN BOOK 3052, PAGE 1795 DOES NOT ENCUMBER SUBJECT PROJECT. SUBJECT PROPERTY IS A NOTED AS A "GRANTEE")

16. EASEMENT GRANTED TO COMCAST OF THE SOUTH, INC., BY INSTRUMENT RECORDED IN INSTRUMENT #2012000235508 IS BLANKET IN NATURE AND NOT PLOTTABLE.

17. TERMS AND CONDITIONS CONTAINED IN THE PARTIAL NON-EXCLUSIVE ASSIGNMENT OF EASEMENT RECORDED IN INSTRUMENT #2023000146468. DOES NOT ENCUMBER SUBJECT PROPERTY BUT BENEFITS SUBJECT PROPERTY.

18. PLEASE SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION AND TABLES.

FLOOD ZONE:
ZONE X
ZONE AE-10,11,12 (NAVD)

PANEL NO.:
12071C 0587 G
12071C 0589 G

MAP REVISION DATE
NOVEMBER 17, 2022
NOVEMBER 17, 2022

CERTIFICATION:

I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER SJ-17.052-053, FLORIDA ADMINISTRATIVE CODE, PURSUANT CHAPTER 472.027, FLORIDA STATUTES.

BY: John Scott Rhodes PSM # 5739 State of Florida
Digitally signed by John Scott Rhodes
PSM # 5739 State of Florida
Date: 2024.02.19 09:51:02 -05'00'
JOHN SCOTT RHODES, PSM #5739

JOHN SCOTT RHODES CERTIFICATE No. 5739 STATE OF FLORIDA Professional Surveyor & Mapper

2/19/24 – REVISED PER CITY COMMENTS

BOUNDARY SURVEY

OVERALL BOUNDARY INFORMATION

RHODES & RHODES
LAND SURVEYING, INC
LICENSE #LB 6897

28100 BONITA GRANDE DRIVE, UNIT #107
BONITA SPRINGS, FLORIDA 34135
(239) 405-8163 (239) 405-8166 FAX

bk:	pg:	date:
1263	25-26,29,36	AUGUST 7, 2023
1263	44-46,48,49	scale:
1263	50-52	1" = 240'
1263	55,59,61	cogo #: 20-382
1276	36-38	

design:
drawn: RWC
checked: JSR
acad #: 2023-442
view: PLOT
project#: 2023-442
sheet #: 1 of 7
file #: 2023-442 BNDY

LEGAL DESCRIPTION PER SURVEYOR
(EXHIBIT "C" PER TITLE OPINION)

A PORTION OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 3539, PAGES 3116 THROUGH 3119 (INCLUSIVE), TOGETHER WITH A PARCEL OF LAND LOCATED IN SECTIONS 5, 6, 7, AND 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN NORTH 01°34'59" WEST, ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 7, A DISTANCE OF 40.03 FEET TO A POINT ON THE BOUNDARY OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 3539, PAGES 3116 THROUGH 3119 (INCLUSIVE) OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE SOUTH 89°42'53" EAST, ALONG THE BOUNDARY OF LAST SAID LANDS, A DISTANCE OF 25.01 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN THE FOLLOWING SEVEN (7) COURSES ALONG THE BOUNDARY OF LAST SAID LANDS; COURSE NO. 1: SOUTH 89°42'53" EAST, 1,242.78 FEET TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, THE SAME BEING A POINT ON THE WESTERLY BOUNDARY OF EL DORADO ACRES, AN UNRECORDED SUBDIVISION, AS RECORDED IN OFFICIAL RECORDS BOOK 82, PAGE 474 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; COURSE NO. 2: NORTH 01°27'43" WEST, ALONG LAST SAID LINES, A DISTANCE OF 2,612.02 FEET TO THE MOST NORTHWEST CORNER OF EL DORADO ACRES; COURSE NO. 3: SOUTH 89°52'45" EAST, ALONG THE NORTHERLY BOUNDARY OF SAID EL DORADO ACRES, A DISTANCE OF 610.69 FEET TO THE NORTHWEST CORNER OF LOT 8, BLOCK NUMBER 14 OF SAID EL DORADO ACRES; COURSE NO. 4: SOUTH 01°17'58" EAST, ALONG THE BOUNDARY OF SAID LOT 8, A DISTANCE OF 132.29 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8; COURSE NO. 5: SOUTH 89°39'36" EAST, ALONG THE BOUNDARY OF SAID LOT 8, A DISTANCE OF 75.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 8; COURSE NO. 6: NORTH 01°17'58" WEST, ALONG THE BOUNDARY OF SAID LOT 8, A DISTANCE OF 132.58 FEET TO THE NORTHEAST CORNER OF SAID LOT 8; COURSE NO. 7: SOUTH 89°52'45" EAST, ALONG THE NORTHERLY BOUNDARY OF SAID EL DORADO ACRES, A DISTANCE OF 587.45 FEET TO THE SOUTH 1/4 CORNER OF SECTION 5, TOWNSHIP 47 SOUTH, RANGE 25 EAST, SAID LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON THE WESTERLY PROLONGATION OF THE NORTHERLY BOUNDARY LINE OF MEADOWBROOK OF BONITA SPRINGS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 60, PAGES 53 THROUGH 59 (INCLUSIVE) OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE SOUTH 89°13'02" EAST, ALONG LAST SAID LINES, A DISTANCE OF 2,581.04 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 5, THE SAME BEING A POINT ON THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 5 AND A POINT ON THE EASTERLY BOUNDARY OF FLORIDA GULF LAND COMPANY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 59 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE NORTH 00°35'20" WEST, ALONG SAID LINES, A DISTANCE OF 2,103.32 FEET TO A POINT ON THE WESTERLY BOUNDARY OF THOSE LANDS DESCRIBED AS A 100.00 FOOT FLORIDA POWER AND LIGHT COMPANY EASEMENT (PARCEL B) AND RECORDED IN DEED BOOK 244, PAGES 138 THROUGH 140 (INCLUSIVE) OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE NORTH 21°22'09" WEST, ALONG THE WESTERLY BOUNDARY OF LAST SAID LANDS, A DISTANCE OF 660.57 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 5, THE SAME BEING A POINT ON THE NORTHERLY BOUNDARY OF LAST SAID PLAT; THENCE SOUTH 89°05'10" WEST, ALONG LAST SAID LINES, A DISTANCE OF 2,362.38 FEET TO THE CENTER OF SAID SECTION 5, THE SAME BEING A POINT ON THE BOUNDARY OF AFORESAID LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 3539, PAGES 3116 THROUGH 3119 (INCLUSIVE) OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING EIGHT (8) COURSES ALONG THE BOUNDARY OF LAST SAID LANDS; COURSE NO. 1: SOUTH 89°07'39" WEST, 2,592.74 FEET; COURSE NO. 2: SOUTH 01°54'31" EAST, 92.62 FEET; COURSE NO. 3: SOUTH 88°43'54" WEST, 349.45 FEET; COURSE NO. 4: SOUTH 01°16'23" EAST, 162.43 FEET; COURSE NO. 5: NORTH 81°48'03" WEST, 600.65 FEET; COURSE NO. 6: SOUTH 45°44'29" WEST, 523.57 FEET; COURSE NO. 7: SOUTH 01°15'33" EAST, 775.71 FEET; COURSE NO. 8: SOUTH 89°14'26" WEST, 199.41 FEET TO A POINT ON THE BOUNDARY OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 3627, PAGES 2061 THROUGH 2083 (INCLUSIVE) OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA (CONSERVATION EASEMENT #1), THE SAME BEING A POINT ON THE MEAN HIGH WATER LINE OF ESTERO BAY; THENCE RUN THE FOLLOWING TWENTY TWO (22) COURSES ALONG LAST SAID LINES; COURSE NO. 1: SOUTH 04°39'14" EAST, 104.21 FEET; COURSE NO. 2: SOUTH 20°14'29" EAST, 105.00 FEET; COURSE NO. 3: SOUTH 68°35'55" WEST, 154.32 FEET; COURSE NO. 4: SOUTH 13°48'24" EAST, 50.99 FEET; COURSE NO. 5: SOUTH 36°09'47" WEST, 64.03 FEET; COURSE NO. 6: SOUTH 02°29'49" EAST, 50.00 FEET; COURSE NO. 7: SOUTH 26°14'47" EAST, 54.63 FEET; COURSE NO. 8: SOUTH 18°08'21" EAST, 51.92 FEET; COURSE NO. 9: SOUTH 52°41'29" EAST, 78.10 FEET; COURSE NO. 10: SOUTH 31°44'44" EAST, 57.31 FEET; COURSE NO. 11: SOUTH 28°08'16" EAST, 55.46 FEET; COURSE NO. 12: SOUTH 10°22'59" EAST, 50.49 FEET; COURSE NO. 13: SOUTH 04°01'02" EAST, 63.86 FEET; COURSE NO. 14: SOUTH 14°29'27" EAST, 88.09 FEET; COURSE NO. 15: SOUTH 19°11'46" EAST, 52.20 FEET; COURSE NO. 16: SOUTH 35°06'58" EAST, 59.36 FEET; COURSE NO. 17: SOUTH 12°16'28" EAST, 49.94 FEET; COURSE NO. 18: SOUTH 02°32'45" WEST, 50.98 FEET; COURSE NO. 19: SOUTH 15°30'26" WEST, 84.12 FEET; COURSE NO. 20: SOUTH 20°31'47" EAST, 72.71 FEET; COURSE NO. 21: SOUTH 17°54'30" EAST, 56.94 FEET; COURSE NO. 22: SOUTH 46°11'03" EAST, 61.03 FEET; THENCE NORTH 89°20'35" EAST, A DISTANCE OF 1.00 FEET TO A POINT ON THE EASTERLY BOUNDARY OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2013000240450 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING TWENTY-THREE (23) COURSES ALONG THE BOUNDARY OF LAST SAID LANDS; COURSE NO. 1: SOUTH 02°48'29" EAST, 247.54 FEET; COURSE NO. 2: SOUTH 13°36'38" EAST, 49.89 FEET; COURSE NO. 3: SOUTH 18°52'38" EAST, 49.96 FEET; COURSE NO. 4: SOUTH 28°04'28" EAST, 51.29 FEET; COURSE NO. 5: SOUTH 10°24'54" EAST, 50.55 FEET; COURSE NO. 6: SOUTH 04°21'29" EAST, 56.18 FEET; COURSE NO. 7: SOUTH 11°27'49" WEST, 50.65 FEET; COURSE NO. 8: SOUTH 24°52'17" EAST, 50.48 FEET; COURSE NO. 9: SOUTH 25°52'22" EAST, 51.13 FEET; COURSE NO. 10: SOUTH 09°20'00" WEST, 55.12 FEET; COURSE NO. 11: SOUTH 25°50'13" EAST, 21.40 FEET; COURSE NO. 12: SOUTH 21°13'24" EAST, 54.88 FEET; COURSE NO. 13: SOUTH 41°15'02" EAST, 57.24 FEET; COURSE NO. 14: SOUTH 11°13'24" WEST, 49.00 FEET; COURSE NO. 15: SOUTH 10°16'42" EAST, 51.40 FEET; COURSE NO. 16: SOUTH 03°26'02" WEST, 49.83 FEET; COURSE NO. 17: SOUTH 29°06'14" EAST, 59.23 FEET; COURSE NO. 18: SOUTH 05°12'32" EAST, 50.79 FEET; COURSE NO. 19: SOUTH 04°32'08" EAST, 50.65 FEET; COURSE NO. 20: SOUTH 13°37'57" WEST, 52.21 FEET; COURSE NO. 21: SOUTH 89°00'08" WEST, 230.82 FEET; COURSE NO. 22: SOUTH 09°02'32" WEST, 80.80 FEET; COURSE NO. 23: SOUTH 39°36'41" EAST, 105.50 FEET TO A POINT ON THE SOUTH LINE OF GOVERNMENT LOT 1, SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST, SAID LEE COUNTY, FLORIDA; THENCE NORTH 89°06'42" EAST, ALONG LAST SAID LINE, A DISTANCE OF 188.36 FEET TO A POINT ON THE BOUNDARY OF THOSE LANDS DESCRIBED AND RECORDED IN CITY OF BONITA SPRINGS, FLORIDA ORDINANCE NUMBER 14-10 (ANNEXATION AREA); THENCE RUN THE FOLLOWING THIRTY (30) COURSES ALONG THE BOUNDARY OF LAST SAID LANDS; COURSE NO. 1: NORTH 13°37'57" EAST, 214.95 FEET; COURSE NO. 2: NORTH 04°32'08" WEST, 58.94 FEET; COURSE NO. 3: NORTH 05°12'32" WEST, 61.67 FEET; COURSE NO. 4: NORTH 29°06'14" WEST, 55.22 FEET; COURSE NO. 5: NORTH 03°26'02" EAST, 41.25 FEET; COURSE NO. 6: NORTH 10°16'42" WEST, 47.92 FEET; COURSE NO. 7: NORTH 11°13'24" EAST, 64.15 FEET; COURSE NO. 8: NORTH 41°15'02" WEST, 86.46 FEET; COURSE NO. 9: NORTH 21°13'24" WEST 48.07 FEET; COURSE NO. 10: NORTH 25°50'13" WEST, 7.57 FEET; COURSE NO. 11: NORTH 09°20'00" EAST, 55.14 FEET; COURSE NO. 12: NORTH 25°52'22" WEST, 66.56 FEET; COURSE NO. 13: NORTH 24°52'17" WEST, 40.99 FEET; COURSE NO. 14: NORTH 04°21'29" WEST, 34.66 FEET; COURSE NO. 15: NORTH 11°27'49" EAST, 58.90 FEET; COURSE NO. 16: NORTH 10°24'54" WEST, 67.98 FEET; COURSE NO. 17: NORTH 28°04'28" WEST, 55.04 FEET; COURSE NO. 18: NORTH 18°52'38" WEST, 43.64 FEET; COURSE NO. 19: NORTH 13°36'38" WEST, 42.86 FEET; COURSE NO. 20: NORTH 02°48'29" WEST, 263.13 FEET; COURSE NO. 21: NORTH 46°11'03" WEST, 68.47 FEET; COURSE NO. 22: NORTH 17°54'30" WEST, 45.26 FEET; COURSE NO. 23: NORTH 20°31'47" WEST, 57.29 FEET; COURSE NO. 24: NORTH 15°30'26" EAST, 73.32 FEET; COURSE NO. 25: NORTH 02°32'45" EAST, 63.41 FEET; COURSE NO. 26: NORTH 12°16'28" WEST, 66.88 FEET; COURSE NO. 27: NORTH 35°06'58" WEST, 62.53 FEET; COURSE NO. 28: NORTH 19°11'46" WEST, 42.97 FEET; COURSE NO. 29: NORTH 14°29'27" WEST, 81.14 FEET; COURSE NO. 30: NORTH 74°05'31" EAST, 710.32 FEET TO A POINT ON THE BOUNDARY OF THOSE LANDS DESCRIBED AND RECORDED AS INSTRUMENT NUMBER 2023000146467 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING TWENTY-SIX (26) COURSES ALONG THE BOUNDARY OF LAST SAID LANDS; COURSE NO. 1: SOUTH 36°08'20" EAST, 37.55 FEET; COURSE NO. 2: SOUTH 05°57'36" WEST, 410.85 FEET; COURSE NO. 3: SOUTH 31°41'08" EAST, 104.97 FEET; COURSE NO. 4: NORTH 58°57'13" EAST, 194.96 FEET; COURSE NO. 5: NORTH 31°02'46" WEST, 44.76 FEET; COURSE NO. 6: NORTH 00°03'41" EAST, 125.64 FEET; COURSE NO. 7: NORTH 13°25'09" WEST, 70.59 FEET; COURSE NO. 8: NORTH 56°33'27" EAST, 107.37 FEET TO A POINT ON A NON-TANGENTIAL CURVE; COURSE NO. 9: NORTHERLY, 63.69 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 182.00 FEET, THROUGH A CENTRAL ANGLE OF 20°03'07" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 14°13'59" WEST, 63.37 FEET TO A POINT OF REVERSE CURVATURE; COURSE NO. 10: NORTHERLY, 96.67 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 266.00 FEET, THROUGH A CENTRAL ANGLE OF 20°49'18" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 14°37'05" WEST, 96.14 FEET TO A POINT OF COMPOUND CURVATURE; COURSE NO. 11: NORTHWESTERLY, 178.78 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 966.00 FEET, THROUGH A CENTRAL ANGLE OF 10°36'14" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 30°19'51" WEST, 178.53 FEET TO A POINT OF REVERSE CURVATURE; COURSE NO. 12: NORTHERLY, 152.00 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 214.00 FEET, THROUGH A CENTRAL ANGLE OF 40°41'44" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 15°17'06" WEST, 148.82 FEET; COURSE NO. 13: NORTH 05°03'46" EAST, 277.10 FEET TO A POINT OF CURVATURE; COURSE NO. 14: NORTHERLY, 121.63 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 266.00 FEET, THROUGH A CENTRAL ANGLE OF 26°11'54" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 08°02'11" WEST, 120.57 FEET; COURSE NO. 15: NORTH 21°08'08" WEST, 101.90 FEET TO A POINT OF CURVATURE; COURSE NO. 16: NORTHERLY, 194.40 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 204.00 FEET, THROUGH A CENTRAL ANGLE OF 54°36'02" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 06°09'53" EAST, 187.13 FEET TO A POINT OF COMPOUND CURVATURE; COURSE NO. 17: NORTHEASTERLY, 38.44 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 134.00 FEET, THROUGH A CENTRAL ANGLE OF 16°26'18" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 41°41'03" EAST, 38.31 FEET TO A POINT OF COMPOUND CURVATURE; COURSE NO. 18: NORTHEASTERLY, 158.22 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 393.00 FEET, THROUGH A CENTRAL ANGLE OF 23°04'02" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 61°26'13" EAST, 157.15 FEET TO A POINT OF COMPOUND CURVATURE; COURSE NO. 19: EASTERLY, 181.01 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 184.00 FEET, THROUGH A CENTRAL ANGLE OF 56°21'48" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 78°50'52" EAST, 173.79 FEET TO A POINT OF COMPOUND CURVATURE; COURSE NO. 20: SOUTHEASTERLY, 130.68 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 434.00 FEET, THROUGH A CENTRAL ANGLE OF 17°15'08" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 42°02'24" EAST, 130.19 FEET; COURSE NO. 21: SOUTH 33°24'51" EAST, 27.61 FEET; COURSE NO. 22: NORTH 56°35'09" EAST, 14.26 FEET; COURSE NO. 23: SOUTH 66°02'09" EAST, 78.97 FEET; COURSE NO. 24: NORTH 64°31'27" EAST, 128.50 FEET; COURSE NO. 25: NORTH 22°32'45" WEST, 125.49 FEET; COURSE NO. 26: NORTH 67°27'15" EAST, 13.12 FEET TO A POINT ON THE BOUNDARY OF AFORESAID LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 3539, PAGES 3116 THROUGH 3119 (INCLUSIVE) OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING TEN (10) COURSES ALONG THE BOUNDARY OF LAST SAID LANDS; COURSE NO. 1: SOUTH 20°50'26" EAST, 152.26 FEET; COURSE NO. 2: SOUTH 25°28'33" EAST, 245.21 FEET; COURSE NO. 3: SOUTH 18°20'32" EAST, 130.83 FEET; COURSE NO. 4: SOUTH 27°46'07" WEST, 205.73 FEET; COURSE NO. 5: SOUTH 16°30'00" EAST, 265.70 FEET; COURSE NO. 6: SOUTH 54°23'52" EAST, 190.76 FEET; COURSE NO. 7: SOUTH 22°38'40" EAST, 87.71 FEET; COURSE NO. 8: SOUTH 71°46'53" WEST, 131.17 FEET; COURSE NO. 9: SOUTH 68°44'48" WEST, 363.26 FEET; COURSE NO. 10: SOUTH 21°12'13" EAST, 161.13 FEET TO A POINT ON THE BOUNDARY OF AFORESAID LANDS DESCRIBED AND RECORDED IN CITY OF BONITA SPRINGS, FLORIDA ORDINANCE NUMBER 14-10 (ANNEXATION AREA); THENCE RUN THE FOLLOWING NINETEEN (19) COURSES ALONG THE BOUNDARY OF LAST SAID LANDS; COURSE NO. 1: SOUTH 21°12'13" EAST, 4.51 FEET TO A POINT OF CURVATURE; COURSE NO. 2: SOUTHEASTERLY, 60.98 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 258.00 FEET, THROUGH A CENTRAL ANGLE OF 13°32'33" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 27°58'29" EAST, 60.84 FEET; COURSE NO. 3: SOUTH 34°44'46" EAST, 155.79 FEET TO A POINT OF CURVATURE; COURSE NO. 4: SOUTHERLY, 186.50 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 330.00 FEET, THROUGH A CENTRAL ANGLE OF 32°22'48" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 18°33'22" EAST, 184.02 FEET; COURSE NO. 5: NORTH 89°47'40" EAST, 11.43 FEET TO A POINT ON A NON-TANGENTIAL CURVE; COURSE NO. 6: SOUTHERLY, 169.80 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 275.00 FEET, THROUGH A CENTRAL ANGLE OF 35°22'36" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 17°28'14" WEST, 167.11 FEET TO A POINT OF REVERSE CURVATURE; COURSE NO. 7: SOUTHWESTERLY, 110.74 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 375.00 FEET, THROUGH A CENTRAL ANGLE OF 16°55'14" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 26°41'55" WEST, 110.34 FEET; COURSE NO. 8: SOUTH 18°14'18" WEST, 248.83 FEET TO A POINT OF CURVATURE; COURSE NO. 9: SOUTHEASTERLY, 879.51 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 610.00 FEET, THROUGH A CENTRAL ANGLE OF 82°36'37" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 23°04'00" EAST, 805.28 FEET TO A POINT OF REVERSE CURVATURE; COURSE NO. 10: SOUTHEASTERLY, 68.09 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 675.00 FEET, THROUGH A CENTRAL ANGLE OF 05°46'48" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 61°28'55" EAST, 68.07 FEET TO A POINT OF COMPOUND CURVATURE; COURSE NO. 11: SOUTHEASTERLY, 273.04 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 260.00 FEET, THROUGH A CENTRAL ANGLE OF 60°10'09" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 28°30'26" EAST, 260.66 FEET; COURSE NO. 12: SOUTH 01°34'37" WEST, 129.72 FEET TO A POINT OF CURVATURE; COURSE NO. 13: SOUTHERLY, 147.14 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 225.00 FEET, THROUGH A CENTRAL ANGLE OF 37°28'04" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 20°18'39" WEST, 144.53 FEET; COURSE NO. 14: SOUTH 39°02'41" WEST, 55.64 FEET TO A POINT OF CURVATURE; COURSE NO. 15: SOUTHERLY, 225.28 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 190.00 FEET, THROUGH A CENTRAL ANGLE OF 67°56'02" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 05°04'40" WEST, 212.31 FEET TO A POINT OF REVERSE CURVATURE; COURSE NO. 16: SOUTHWESTERLY, 294.51 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 155.00 FEET, THROUGH A CENTRAL ANGLE OF 108°52'02" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 25°32'40" WEST, 252.17 FEET; COURSE NO. 17: SOUTH 79°58'40" WEST, 20.35 FEET; COURSE NO. 18: SOUTH 01°34'59" EAST, 30.27 FEET; COURSE NO. 19: SOUTH 88°25'01" WEST, 26.60 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 3421, PAGES 1095 THROUGH 1097 (INCLUSIVE) OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE SOUTH 01°34'59" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 339.91 FEET TO THE POINT OF BEGINNING.

CONTAINING 430.934 ACRES, MORE OR LESS.

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	258.00'	13°32'33"	60.98'	60.84'	S 27°58'29" E
C2	330.00'	32°22'48"	186.50'	184.03'	S 18°13'22" E
C3	275.00'	35°22'36"	169.80'	167.11'	S 17°28'14" W
C4	375.00'	16°55'14"	110.74'	110.34'	S 26°41'55" W
C5	610.00'	82°36'37"	879.51'	805.28'	S 23°04'00" E
C6	675.00'	5°46'48"	68.09'	68.07'	S 61°28'55" E
C7	260.00'	60°10'09"	273.04'	260.66'	S 28°30'26" E
C8	225.00'	37°28'04"	147.14'	144.53'	S 20°18'39" W
C9	190.00'	67°56'02"	225.28'	212.31'	S 05°04'40" W
C10	155.00'	108°52'02"	294.51'	252.17'	S 25°32'40" W
C11	182.00'	20°03'07"	63.69'	63.37'	N 14°13'59" W
C12	266.00'	20°49'18"	96.67'	96.14'	N 14°37'05" W
C13	966.00'	10°36'14"	178.78'	178.53'	N 30°19'51" W
C14	214.00'	40°41'44"	152.00'	148.82'	N 15°17'06" W
C15	266.00'	26°11'54"	121.63'	120.57'	N 08°02'11" W
C16	204.00'	54°36'02"	194.40'	187.13'	N 06°09'53" E
C17	134.00'	16°26'18"	38.44'	38.31'	N 41°41'03" E
C18	393.00'	23°04'02"	158.22'	157.15'	N 61°26'13" E
C19	184.00'	56°21'48"	181.01'	173.79'	S 78°50'52" E
C20	434.00'	17°15'08"	130.68'	130.19'	S 42°02'24" E

LINE TABLE

LINE	LENGTH	BEARING
L1	214.95'	N 13°37'57" E
L2	58.94'	N 04°32'08" W
L3	61.67'	N 05°12'32" W
L4	55.22'	N 29°06'14" W
L5	41.25'	N 03°26'02" E
L6	47.92'	N 10°16'42" W
L7	64.15'	N 11°13'24" E
L8	86.46'	N 41°15'02" W
L9	48.07'	N 21°13'24" W
L10	7.57'	N 25°50'13" W
L11	55.14'	N 09°20'00" E
L12	66.56'	N 25°52'22" W
L13	40.99'	N 24°52'17" W
L14	34.66'	N 04°21'29" W
L15	58.90'	N 11°27'49" E
L16	67.98'	N 10°24'54" W
L17	55.04'	N 28°04'28" W
L18	43.64'	N 18°52'38" W
L19	42.86'	N 13°36'38" W
L20	263.13'	N 02°48'29" W
L21	68.47'	N 46°11'03" W
L22	45.26'	N 17°54'30" W
L23	57.29'	N 20°31'47" W
L24	73.32'	N 15°30'26" E
L25	63.41'	N 02°32'45" E
L26	66.88'	N 12°16'28" W
L27	62.53'	N 35°06'58" W
L28	42.97'	N 19°11'46" W
L29	81.14'	N 14°29'27" W
L30	37.55'	S 36°08'20" E
L31	104.97'	S 31°41'08" E
L32	153.87'	S 35°37'13" E
L33	6.26'	N 60°05'45" E
L34	4.51'	S 21°12'13" E
L35	155.79'	S 34°44'46" E
L36	11.43'	N 89°47'40" E
L37	248.83'	S 18°14'18" W
L38	129.72'	S 01°34'37" W
L39	55.64'	S 39°02'41" W
L40	20.35'	S 79°58'40" W

LINE TABLE

LINE	LENGTH	BEARING
L41	30.27'	S 01°34'59" E
L42	26.60'	S 88°25'01" W
L43	84.84'	N 01°34'59" W
L44	25.00'	S 89°05'44" W
L45	40.03'	N 01°34'59" W
L46	25.01'	S 89°42'53" E
L47	104.21'	S 04°39'14" E
L48	105.00'	S 20°14'29" E
L49	154.32'	S 68°35'55" W
L50	50.99'	S 13°48'24" E
L51	64.03'	S 36°09'47" W
L52	50.00'	S 02°29'49" E
L53	54.63'	S 26°14'47" E
L54	51.92'	S 18°08'21" E
L55	78.10'	S 52°41'29" E
L56	57.31'	S 31°44'44" E
L57	55.46'	S 28°08'16" E
L58	50.49'	S 10°22'59" E
L59	63.86'	S 04°01'02" E
L60	88.09'	S 14°29'27" E
L61	52.20'	S 19°11'46" E
L62	59.36'	S 35°06'58" E
L63	49.94'	S 12°16'28" E
L64	50.98'	S 02°32'45" W
L65	84.12'	S 15°30'26" W
L66	72.71'	S 20°31'47" E
L67	56.94'	S 17°54'30" E
L68	61.03'	S 46°11'03" E
L69	1.00'	N 89°20'35" E
L70	247.54'	S 02°48'29" E
L71	49.89'	S 13°36'38" E
L72	49.96'	S 18°52'38" E
L73	51.29'	S 28°04'28" E
L74	50.55'	S 10°24'54" E
L75	56.18'	S 11°27'49" W
L76	50.65'	S 04°21'29" E
L77	50.48'	S 24°52'17" E
L78	51.13'	S 25°52'22" E
L79	55.12'	S 09°20'00" W
L80	21.40'	S 25°50'13" E

LINE TABLE

LINE	LENGTH	BEARING
L81	54.88'	S 21°13'24" E
L82	70.64'	S 41°15'02" E
L83	49.00'	S 11°13'24" W
L84	51.40'	S 10°16'42" E
L85	49.83'	S 03°26'02" W
L86	59.23'	S 29°06'14" E
L87	50.79'	S 05°12'32" E
L88	50.65'	S 04°32'08" E
L89	52.21'	S 13°37'57" W
L90	230.82'	S 89°00'08" W
L91	80.80'	S 09°02'32" W
L92	105.50'	S 39°36'41" E
L93	188.36'	N 89°06'42" E
L94	132.29'	S 01°17'58" E
L95	75.00'	S 89°39'36" E
L96	132.58'	N 01°17'58" W
L97	194.96'	N 58°57'13" E
L98	44.76'	N 31°02'46" W
L99	125.64'	N 00°03'41" E
L100	70.59'	N 13°25'09" W
L101	107.37'	N 56°33'27" E
L102	277.10'	N 05°03'46" E
L103	101.90'	N 21°08'08" W
L104	27.61'	S 33°24'51" E
L105	14.26'	N 56°35'09" E
L106	78.97'	S 66°02'09" E
L107	128.50'	N 64°31'27" E
L108	125.49'	N 22°32'45" W
L109	13.12'	N 67°27'15" E
L110	152.26'	S 20°50'26" E
L111	245.21'	S 25°28'33" E
L112	130.83'	S 18°20'32" E
L113	205.73'	S 27°46'07" W
L114	265.70'	S 16°30'00" E
L115	190.76'	S 54°23'52" E
L116	87.71'	S 22°38'40" E
L117	131.17'	S 71°46'53" W
L118	363.26'	S 68°44'48" W
L119	161.13'	S 21°12'13" E

BOUNDARY SURVEY

LEGAL DESCRIPTIONS AND TITLE WORK

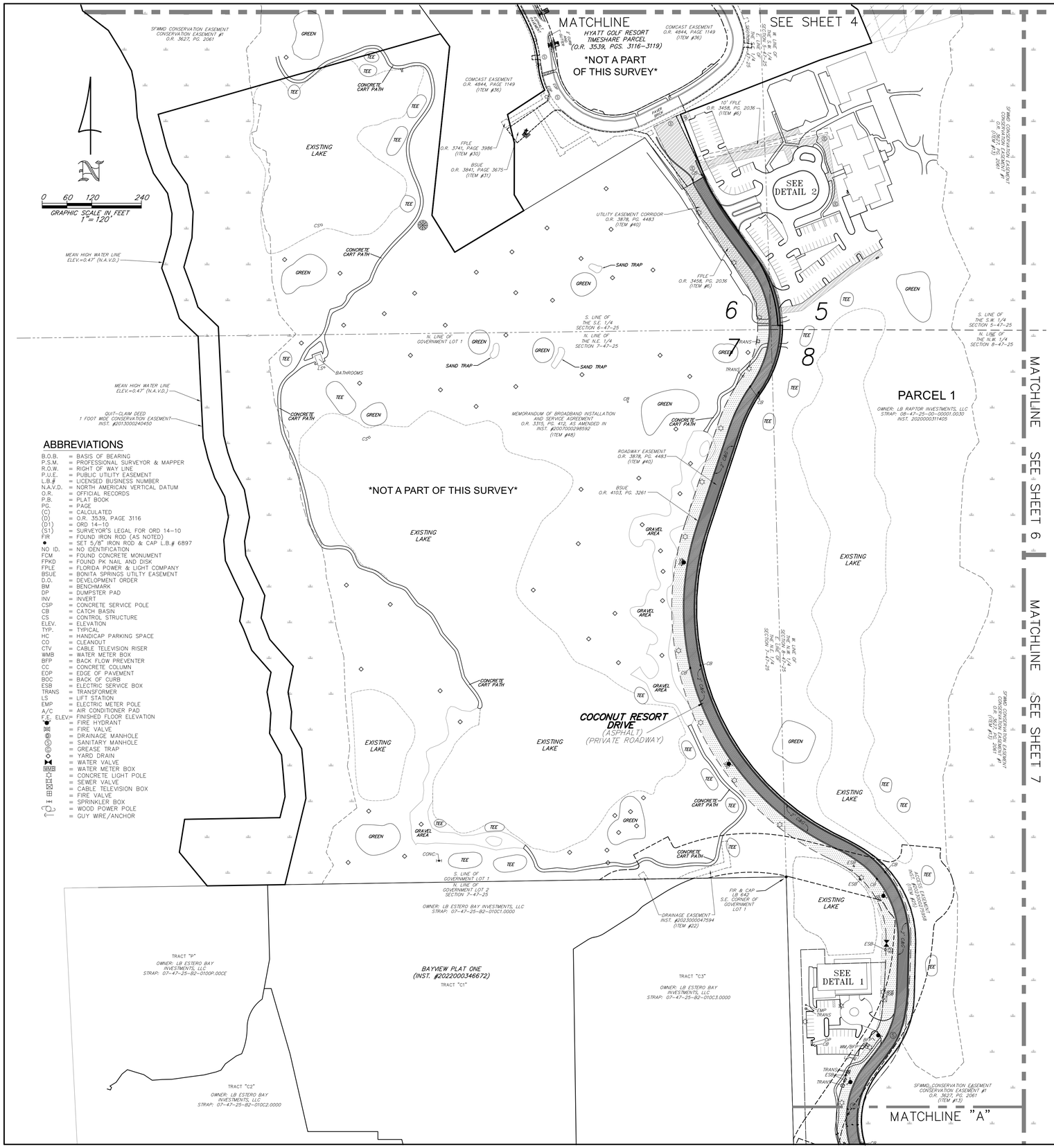
RHODES & RHODES
LAND SURVEYING, INC.
LICENSE #LB 6897

bk:	pg:	date:
1263	25-26,29,36	AUGUST 7, 2023
1263	44-46,48,49	scale:
1263	50-52	N/A
1263	55,59,61	cogo #: 20-382
1276	36-38	

28100 BONITA GRANDE DRIVE, UNIT #107
BONITA SPRINGS, FLORIDA 34135
(239) 405-8163 (239) 405-8166 FAX

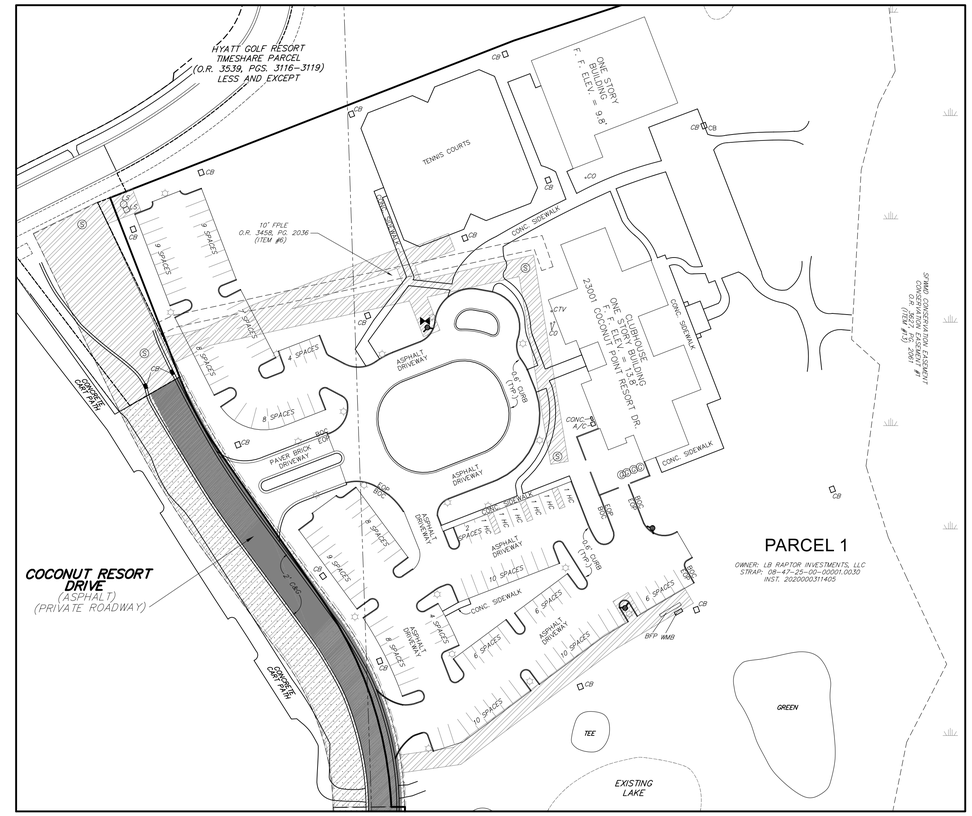
design:
drawn: RWC
checked: JSR
acad #: 2023-442
view: PLOT
project#: 2023-442
sheet #: 2 of 7
file #: 2023-442 BNDY

C:\Users\robert\Rhodes and Rhodes\CONST - Documents\Bayview on Estero Bay\Repair Bay\Parcel\Parcel 2 and 3\part 3 exclusion combined\2023-442bndy-Bay Repair Bay (2



ABBREVIATIONS

B.O.B.	=	BASIS OF BEARING
P.S.M.	=	PROFESSIONAL SURVEYOR & MAPPER
R.O.W.	=	RIGHT OF WAY LINE
P.U.E.	=	PUBLIC UTILITY EASEMENT
L.B.#	=	LICENSED BUSINESS NUMBER
N.A.V.D.	=	NORTH AMERICAN VERTICAL DATUM
O.R.	=	OFFICIAL RECORDS
P.B.	=	PLAT BOOK
PG.	=	PAGE
(C)	=	CALCULATED
(D)	=	O.R. 3539, PAGE 3116
(D1)	=	ORD 14-10
(S1)	=	SURVEYOR'S LEGAL FOR ORD 14-10
FIR	=	FOUND IRON ROD (AS NOTED)
●	=	SET 5/8" IRON ROD & CAP L.B.# 6897
NO ID.	=	NO IDENTIFICATION
FCM	=	FOUND CONCRETE MONUMENT
FPKD	=	FOUND PK NAIL AND DISK
FPLE	=	FLORIDA POWER & LIGHT COMPANY
BSUE	=	BONITA SPRINGS UTILTY EASEMENT
D.O.	=	DEVELOPMENT ORDER
BM	=	BENCHMARK
DP	=	DUMPSTER PAD
INV	=	INVERT
CSP	=	CONCRETE SERVICE POLE
CB	=	CATCH BASIN
CS	=	CONTROL STRUCTURE
ELEV.	=	ELEVATION
TYP.	=	TYPICAL
HC	=	HANDICAP PARKING SPACE
CO	=	CLEANOUT
CTV	=	CABLE TELEVISION RISER
WMB	=	WATER METER BOX
BFP	=	BACK FLOW PREVENTER
CC	=	CONCRETE COLUMN
EOP	=	EDGE OF PAVEMENT
BOC	=	BACK OF CURB
ESB	=	ELECTRIC SERVICE BOX
TRANS	=	TRANSFORMER
LS	=	LIFT STATION
EMP	=	ELECTRIC METER POLE
A/C	=	AIR CONDITIONER PAD
F.F. ELEV	=	FINISHED FLOOR ELEVATION
	=	FIRE HYDRANT
	=	FIRE VALVE
	=	DRAINAGE MANHOLE
	=	SANITARY MANHOLE
	=	GREASE TRAP
	=	YARD DRAIN
	=	WATER VALVE
	=	WATER METER BOX
	=	CONCRETE LIGHT POLE
	=	SEWER VALVE
	=	CABLE TELEVISION BOX
	=	FIRE VALVE
	=	SPRINKLER BOX
	=	WOOD POWER POLE
	=	GUY WIRE/ANCHOR



DETAIL 2
1"=60'

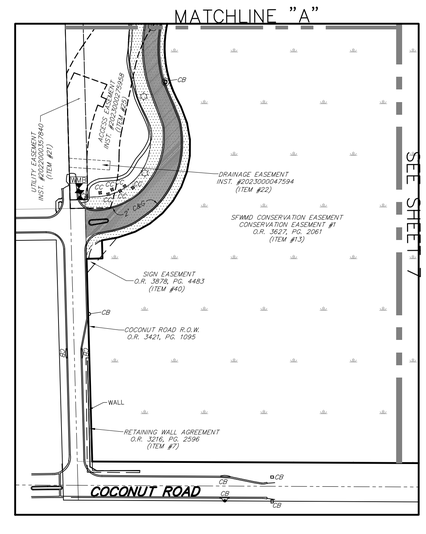
NOTE: INTERIOR CART PATHS AND TRAILS WITHIN THE GOLF COURSE OTHER THAN THOSE SHOWN HAVE NOT BEEN LOCATED

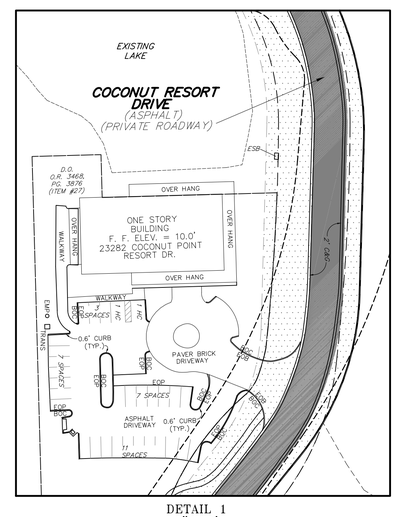
UTILITY EASEMENT CORRIDOR O.R. 3878, PG. 4483 (ITEM #40)

ROADWAY EASEMENT O.R. 3878, PG. 4483 (ITEM #40)

ACCESS EASEMENT INST. #2023000256338 (ITEM #18)

BSUE O.R. 3523, PG. 1681 (ITEM #47)





DETAIL 1
1"=60'

BOUNDARY SURVEY

SITE IMPROVEMENTS (SHEET 1)

RHODES & RHODES
LAND SURVEYING, INC.
LICENSE #LB 6897

bk:	pg:	date: AUGUST 7, 2023
1263	25-26,29,36	
1263	44-46,48,49	scale:
1263	50-52	1" = 120'
1263	55,59,61	cogo #: 20-382
1276	36-38	

28100 BONITA GRANDE DRIVE, UNIT #107
BONITA SPRINGS, FLORIDA 34135
(239) 405-8163 (239) 405-8166 FAX

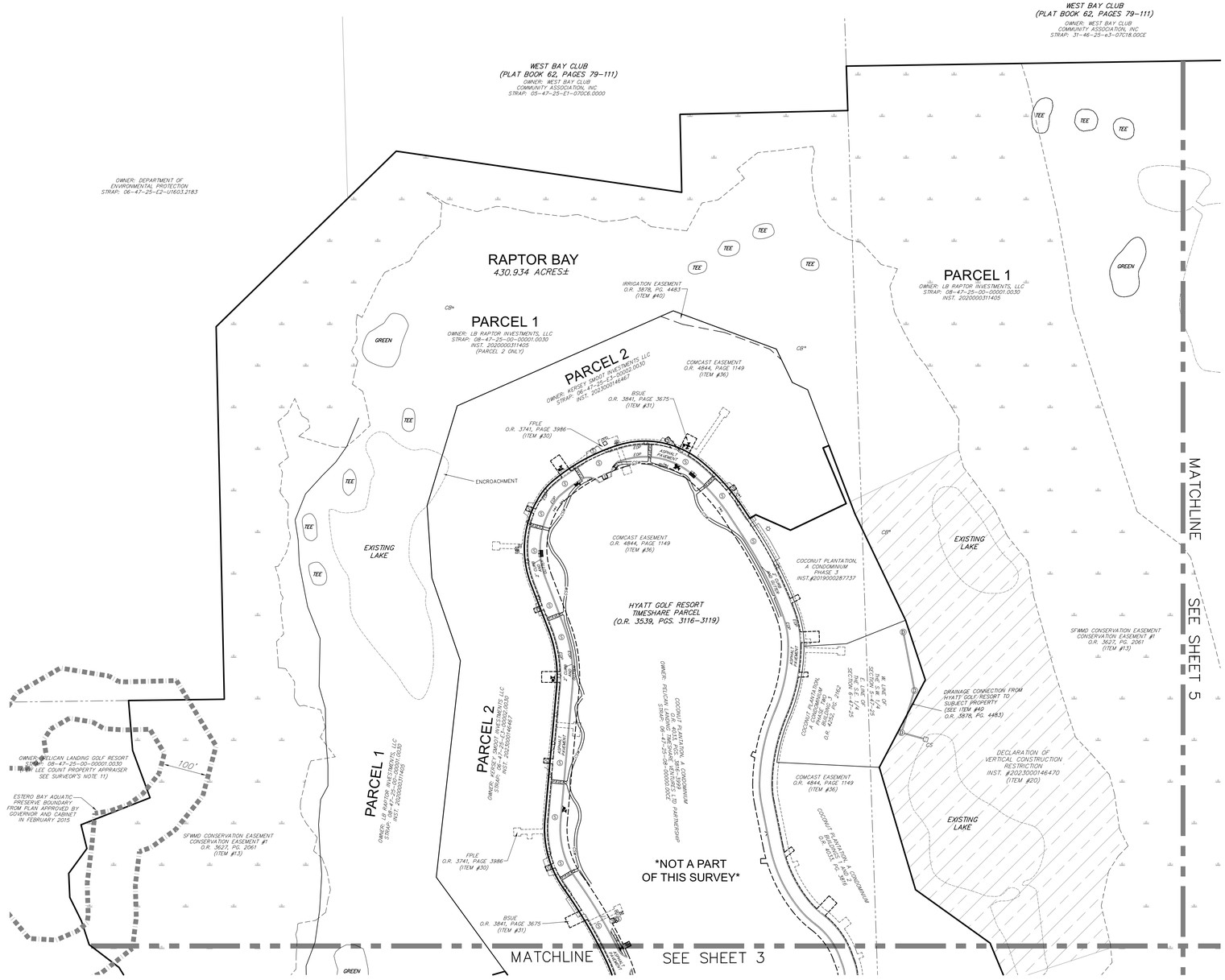
design:	
drawn:	BWC
checked:	JSR
acad #:	2023-442
view:	PLOT
project#:	2023-442
sheet #:	3 of 7
file #:	2023-442 BNDY

C:\Users\robert\Rhodes and Rhodes\CONST - Documents\Bayview on Estero Bay\Raptor Bay\Portion\Parcel 2 and 11\part 3 meadows combined\2023-442bndy.dwg Raptor Bay (3) 2319\2023.08.24.39

0 60 120 240
GRAPHIC SCALE IN FEET
1"= 120'

ABBREVIATIONS

B.O.B. = BASIS OF BEARING
P.S.M. = PROFESSIONAL SURVEYOR & MAPPER
R.O.W. = RIGHT OF WAY LINE
P.U.E. = PUBLIC UTILITY EASEMENT
L.B.# = LICENSED BUSINESS NUMBER
N.A.V.D. = NORTH AMERICAN VERTICAL DATUM
O.R. = OFFICIAL RECORDS
P.B. = PLAT BOOK
PG. = PAGE
(C) = CALCULATED
(D) = O.R. 3539, PAGE 3116
(D1) = ORD 14-10
(S1) = SURVEYOR'S LEGAL FOR ORD 14-10
FIR = FOUND IRON ROD (AS NOTED)
● = SET 5/8" IRON ROD & CAP L.B.# 6897
NO ID. = NO IDENTIFICATION
FCM = FOUND CONCRETE MONUMENT
FPKD = FOUND PK NAIL AND DISK
FPLE = FLORIDA POWER & LIGHT COMPANY
BSUE = BONITA SPRINGS UTILITY EASEMENT
D.O. = DEVELOPMENT ORDER
BM = BENCHMARK
DP = DUMPSTER PAD
INV = INVERT
CSP = CONCRETE SERVICE POLE
CB = CATCH BASIN
CS = CONTROL STRUCTURE
ELEV. = ELEVATION
TYP. = TYPICAL
HC = HANDICAP PARKING SPACE
CO = CLEANOUT
CTV = CABLE TELEVISION RISER
WMB = WATER METER BOX
BFP = BACK FLOW PREVENTER
CC = CONCRETE COLUMN
EOP = EDGE OF PAVEMENT
BOC = BACK OF CURB
ESB = ELECTRIC SERVICE BOX
TRANS = TRANSFORMER
LS = LIFT STATION
EMP = ELECTRIC METER POLE
A/C = AIR CONDITIONER PAD
F.E. ELEV= FINISHED FLOOR ELEVATION
= FIRE HYDRANT
= FIRE VALVE
= DRAINAGE MANHOLE
= SANITARY MANHOLE
= GREASE TRAP
= YARD DRAIN
= WATER VALVE
WMB = WATER METER BOX
= CONCRETE LIGHT POLE
= SEWER VALVE
= CABLE TELEVISION BOX
= FIRE VALVE
= SPRINKLER BOX
= WOOD POWER POLE
= GUY WIRE/ANCHOR



NOTE: INTERIOR CART PATHS AND TRAILS WITHIN THE GOLF COURSE OTHER THAN THOSE SHOWN HAVE NOT BEEN LOCATED

BOUNDARY SURVEY

SITE IMPROVEMENTS (SHEET 2)

RHODES & RHODES
LAND SURVEYING, INC.
LICENSE #LB 6897

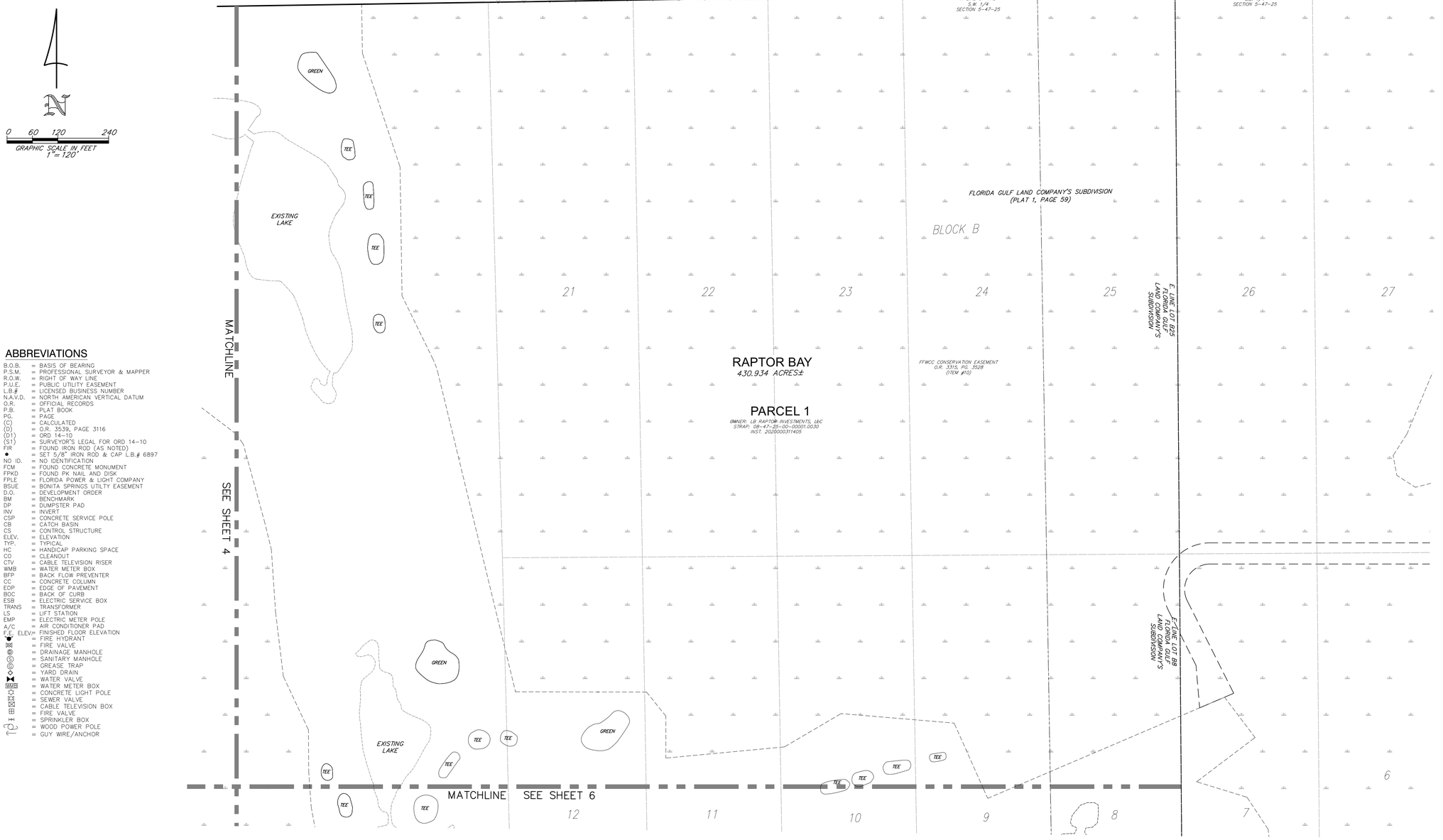
bk:	pg:
1263	25-26,29,36
1263	44-46,48,49
1263	50-52
1263	55,59,61
1276	36-38

date: AUGUST 7, 2023
scale: 1" = 120'
cogo #: 20-382

28100 BONITA GRANDE DRIVE, UNIT #107
BONITA SPRINGS, FLORIDA 34135
(239) 405-8163 (239) 405-8166 FAX

design:
drawn: RWC
checked: JSR
acad #: 2023-442
view: PLOT
project#: 2023-442
sheet #: 4 of 7
file #: 2023-442 BNDY

C:\Users\robert\Rhodes and Rhodes\CONST - Documents\Bayview on Estero Bay\Raptor Bay\Raptor Bay Portion\Parcel 2 and 1\part 3 trenchcase combined\2023-442bndy-dwg Raptor Bay v10.2.19 8/2/2023 08:24:44



ABBREVIATIONS

B.O.B.	=	BASIS OF BEARING
P.S.M.	=	PROFESSIONAL SURVEYOR & MAPPER
R.O.W.	=	RIGHT OF WAY LINE
P.U.E.	=	PUBLIC UTILITY EASEMENT
L.B.#	=	LICENSED BUSINESS NUMBER
N.A.V.D.	=	NORTH AMERICAN VERTICAL DATUM
O.R.	=	OFFICIAL RECORDS
P.B.	=	PLAT BOOK
PG.	=	PAGE
(C)	=	CALCULATED
(D)	=	O.R. 3539, PAGE 3116
(D1)	=	ORD 14–10
(S1)	=	SURVEYOR'S LEGAL FOR ORD 14–10
FIR	=	FOUND IRON ROD (AS NOTED)
●	=	SET 5/8" IRON ROD & CAP L.B.# 6897
NO ID.	=	NO IDENTIFICATION
FCM	=	FOUND CONCRETE MONUMENT
FPKD	=	FOUND PK NAIL AND DISK
FPLE	=	FLORIDA POWER & LIGHT COMPANY
BSUE	=	BONITA SPRINGS UTILTY EASEMENT
D.O.	=	DEVELOPMENT ORDER
BM	=	BENCHMARK
DP	=	DUMPSTER PAD
INV	=	INVERT
CSP	=	CONCRETE SERVICE POLE
CB	=	CATCH BASIN
CS	=	CONTROL STRUCTURE
ELEV.	=	ELEVATION
TYP.	=	TYPICAL
HC	=	HANDICAP PARKING SPACE
CO	=	CLEANOUT
CTV	=	CABLE TELEVISION RISER
WMB	=	WATER METER BOX
BFP	=	BACK FLOW PREVENTER
CC	=	CONCRETE COLUMN
EOP	=	EDGE OF PAVEMENT
BOC	=	BACK OF CURB
ESB	=	ELECTRIC SERVICE BOX
TRANS	=	TRANSFORMER
LS	=	LIFT STATION
EMP	=	ELECTRIC METER POLE
A/C	=	AIR CONDITIONER PAD
F.F. ELEV	=	FINISHED FLOOR ELEVATION
	=	FIRE HYDRANT
	=	FIRE VALVE
	=	DRAINAGE MANHOLE
	=	SANITARY MANHOLE
	=	GREASE TRAP
	=	YARD DRAIN
	=	WATER VALVE
	=	WATER METER BOX
	=	CONCRETE LIGHT POLE
	=	SEWER VALVE
	=	CABLE TELEVISION BOX
	=	FIRE VALVE
	=	SPRINKLER BOX
	=	WOOD POWER POLE
	=	GUY WIRE/ANCHOR

NOTE: INTERIOR CART PATHS AND TRAILS WITHIN THE GOLF COURSE OTHER THAN THOSE SHOWN HAVE NOT BEEN LOCATED

BOUNDARY SURVEY

SITE IMPROVEMENTS (SHEET 3)

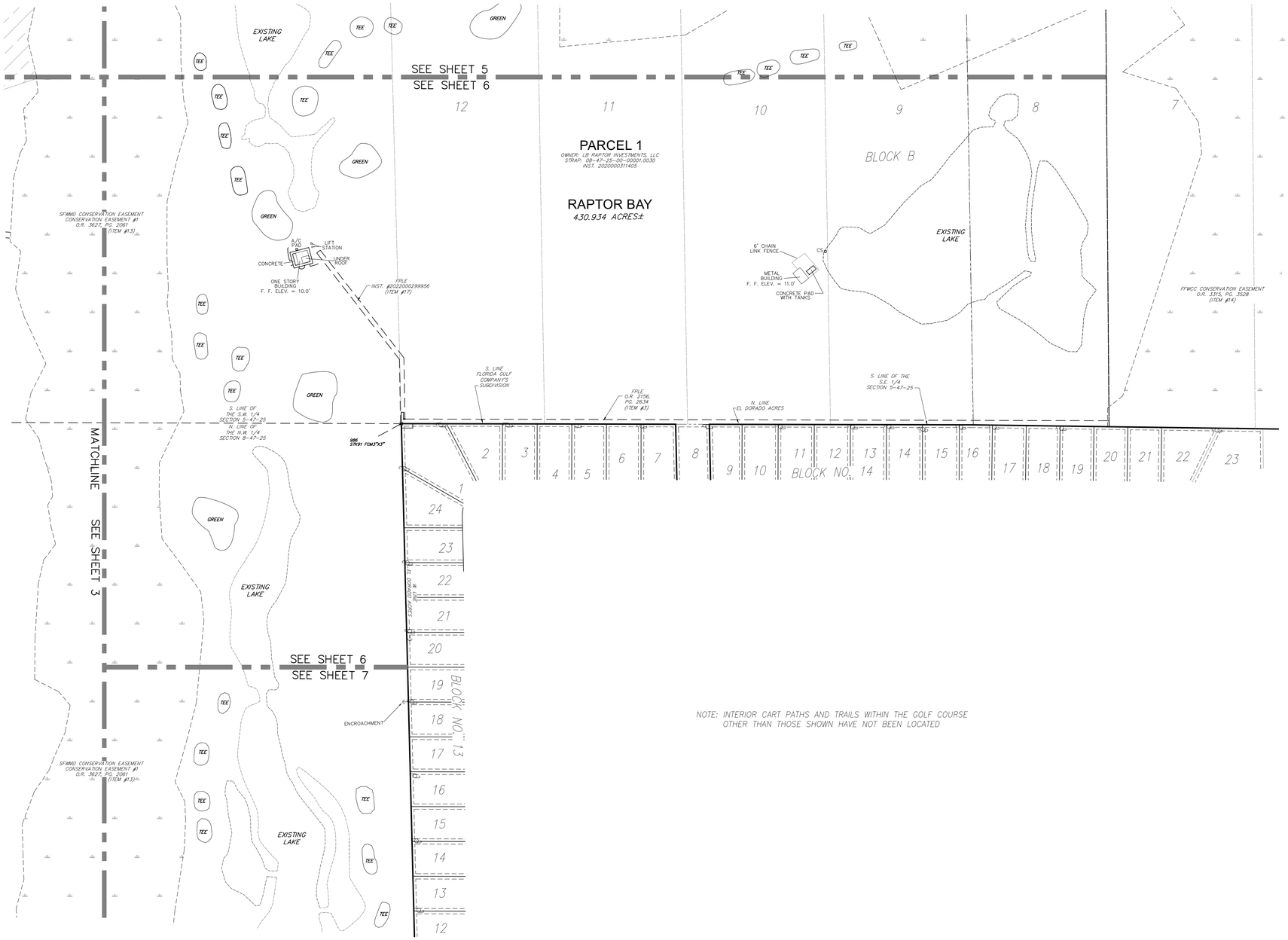
RHODES & RHODES
LAND SURVEYING, INC.
LICENSE #LB 6897

bk:	pg:	date:
1263	25–26,29,36	AUGUST 7, 2023
1263	44–46,48,49	scale:
1263	50–52	1" = 120'
1263	55,59,61	cogo #: 20–382
1276	36–38	

28100 BONITA GRANDE DRIVE, UNIT #107
BONITA SPRINGS, FLORIDA 34135
(239) 405–8163 (239) 405–8166 FAX

design:
drawn: RWC
checked: JSR
acad #: 2023–442
view: PLOT
project#: 2023–442
sheet #: 5 of 7
file #: 2023–442 BNDY

C:\Users\robert\Rhodes and Rhodes\CONST - Documents\Bay view on Estero Bay\Raptor Bay\Portion\Parcel 2 and 10\unit 3 trescshare combined\2023-442bndy-Jeng-Raptor Bay (3)-2319-2020-08-25-08.dwg



NOTE: INTERIOR CART PATHS AND TRAILS WITHIN THE GOLF COURSE OTHER THAN THOSE SHOWN HAVE NOT BEEN LOCATED

0 60 120 240
GRAPHIC SCALE IN FEET
1" = 120'

ABBREVIATIONS

B.O.B.	=	BASIS OF BEARING
P.S.M.	=	PROFESSIONAL SURVEYOR & MAPPER
R.O.W.	=	RIGHT OF WAY LINE
P.U.E.	=	PUBLIC UTILITY EASEMENT
L.B.#	=	LICENSED BUSINESS NUMBER
N.A.V.D.	=	NORTH AMERICAN VERTICAL DATUM
O.R.	=	OFFICIAL RECORDS
P.B.	=	PLAT BOOK
PG.	=	PAGE
(C)	=	CALCULATED
(O)	=	O.R. 3539, PAGE 3116
(D1)	=	ORD 14-10
(S1)	=	SURVEYOR'S LEGAL FOR ORD 14-10
FIR	=	FOUND IRON ROD (AS NOTED)
●	=	SET 5/8" IRON ROD & CAP L.B.# 6897
NO ID.	=	NO IDENTIFICATION
FCM	=	FOUND CONCRETE MONUMENT
FPKD	=	FOUND PK NAIL AND DISK
FPLE	=	FLORIDA POWER & LIGHT COMPANY
BSUE	=	BONITA SPRINGS UTILTY EASEMENT
D.O.	=	DEVELOPMENT ORDER
BM	=	BENCHMARK
DP	=	DUMPSTER PAD
INV	=	INVERT
CSP	=	CONCRETE SERVICE POLE
CB	=	CATCH BASIN
CS	=	CONTROL STRUCTURE
ELEV.	=	ELEVATION
TYP.	=	TYPICAL
HC	=	HANDICAP PARKING SPACE
CO	=	CLEANOUT
CTV	=	CABLE TELEVISION RISER
WMB	=	WATER METER BOX
BFP	=	BACK FLOW PREVENTER
CC	=	CONCRETE COLUMN
EOP	=	EDGE OF PAVEMENT
BOC	=	BACK OF CURB
ESB	=	ELECTRIC SERVICE BOX
TRANS	=	TRANSFORMER
LS	=	LIFT STATION
EMP	=	ELECTRIC METER POLE
A/C	=	AIR CONDITIONER PAD
F.F. ELEV.	=	FINISHED FLOOR ELEVATION
	=	FIRE HYDRANT
	=	FIRE VALVE
	=	DRAINAGE MANHOLE
	=	SANITARY MANHOLE
	=	GREASE TRAP
	=	YARD DRAIN
	=	WATER VALVE
WMB	=	WATER METER BOX
	=	CONCRETE LIGHT POLE
	=	SEWER VALVE
	=	CABLE TELEVISION BOX
	=	FIRE VALVE
	=	SPRINKLER BOX
	=	WOOD POWER POLE
	=	GUY WIRE/ANCHOR

BOUNDARY SURVEY

SITE IMPROVEMENTS (SHEET 4)

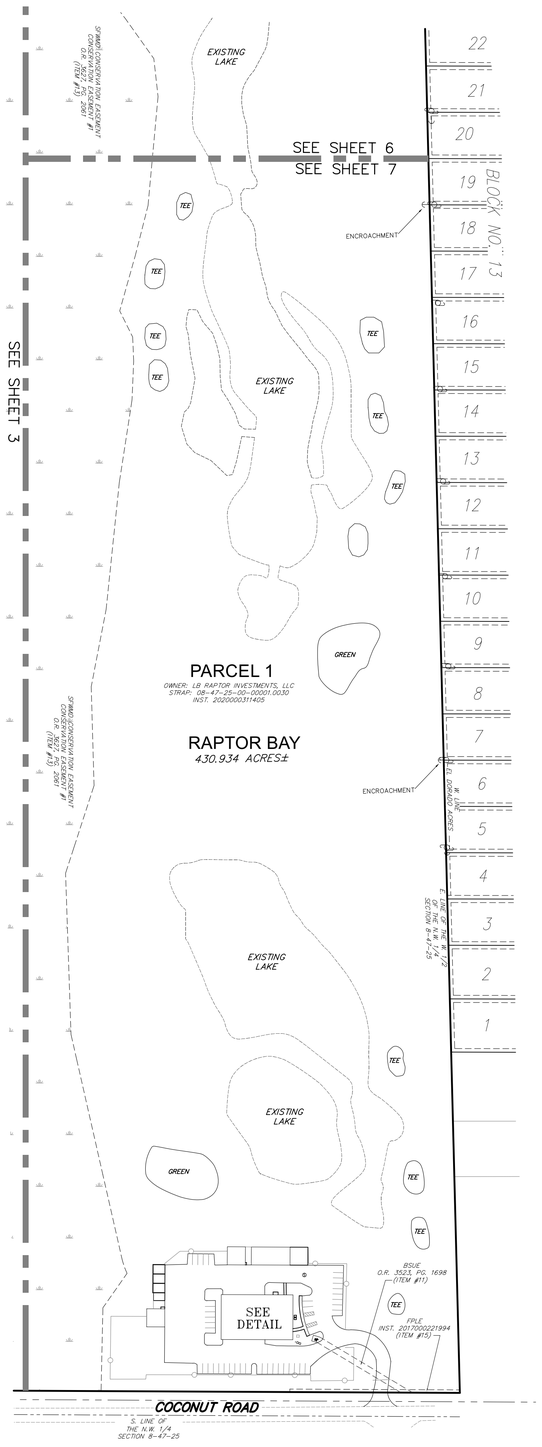
RHODES & RHODES
LAND SURVEYING, INC.
LICENSE #LB 6897

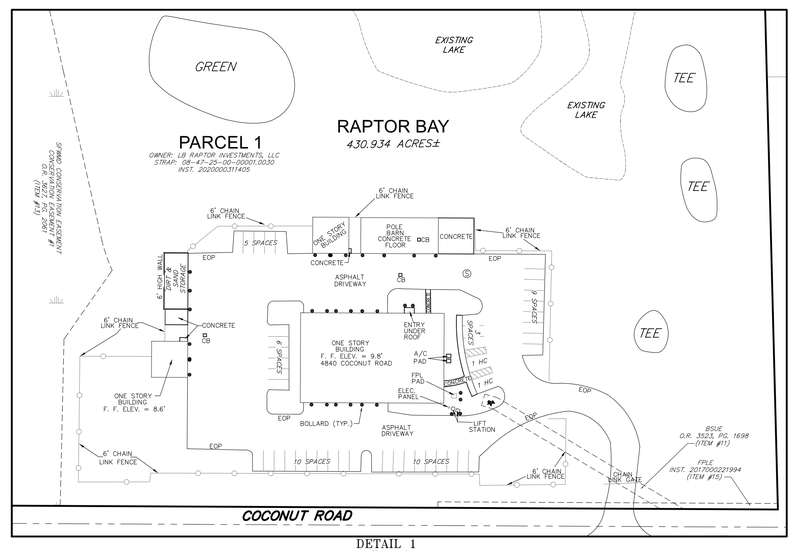
bk:	pg:	date:
1263	25-26,29,36	AUGUST 7, 2023
1263	44-46,48,49	scale:
1263	50-52	1" = 120'
1263	55,59,61	cogo #: 20-382
1276	36-38	

28100 BONITA GRANDE DRIVE, UNIT #107
BONITA SPRINGS, FLORIDA 34135
(239) 405-8163 (239) 405-8166 FAX

design:	
drawn:	RWC
checked:	JSR
acad #:	2023-442
view:	PLOT
project#:	2023-442
sheet #:	6 of 7
file #:	2023-442 BNDY

C:\Users\robert\Rhodes and Rhodes\CONST - Documents\Projects on Essex Bay\Raptor Bay Portion\Parcel 2 and 11part 3 brochure combined\2023-442bndy-Jeng-Raptor Bay-rlp 2019-2020.08.24.42





DETAIL 1
1"=60'

NOTE: INTERIOR CART PATHS AND TRAILS WITHIN THE GOLF COURSE OTHER THAN THOSE SHOWN HAVE NOT BEEN LOCATED

N

0 60 120 240
GRAPHIC SCALE IN FEET
1" = 120'

ABBREVIATIONS

B.O.B.	=	BASIS OF BEARING
P.S.M.	=	PROFESSIONAL SURVEYOR & MAPPER
R.O.W.	=	RIGHT OF WAY LINE
P.U.E.	=	PUBLIC UTILITY EASEMENT
L.B.#	=	LICENSED BUSINESS NUMBER
N.A.V.D.	=	NORTH AMERICAN VERTICAL DATUM
O.R.	=	OFFICIAL RECORDS
P.B.	=	PLAT BOOK
PG.	=	PAGE
(C)	=	CALCULATED
(O)	=	O.R. 3539, PAGE 3116
(D1)	=	ORD 14-10
(S1)	=	SURVEYOR'S LEGAL FOR ORD 14-10
FIR	=	FOUND IRON ROD (AS NOTED)
●	=	SET 5/8" IRON ROD & CAP L.B.# 6897
NO ID.	=	NO IDENTIFICATION
FCM	=	FOUND CONCRETE MONUMENT
FPKD	=	FOUND PK NAIL AND DISK
FPLE	=	FLORIDA POWER & LIGHT COMPANY
BSUE	=	BONITA SPRINGS UTILTY EASEMENT
D.O.	=	DEVELOPMENT ORDER
BM	=	BENCHMARK
DP	=	DUMPSTER PAD
INV	=	INVERT
CSP	=	CONCRETE SERVICE POLE
CB	=	CATCH BASIN
CS	=	CONTROL STRUCTURE
ELEV.	=	ELEVATION
TYP.	=	TYPICAL
HC	=	HANDICAP PARKING SPACE
CO	=	CLEANOUT
CTV	=	CABLE TELEVISION RISER
WMB	=	WATER METER BOX
BFP	=	BACK FLOW PREVENTER
CC	=	CONCRETE COLUMN
EOP	=	EDGE OF PAVEMENT
BOC	=	BACK OF CURB
ESB	=	ELECTRIC SERVICE BOX
TRANS	=	TRANSFORMER
LS	=	LIFT STATION
EMP	=	ELECTRIC METER POLE
A/C	=	AIR CONDITIONER PAD
F.E. ELEV.	=	FINISHED FLOOR ELEVATION
	=	FIRE HYDRANT
	=	FIRE VALVE
	=	DRAINAGE MANHOLE
	=	SANITARY MANHOLE
	=	GREASE TRAP
	=	YARD DRAIN
	=	WATER VALVE
	=	WATER METER BOX
	=	CONCRETE LIGHT POLE
	=	SEWER VALVE
	=	CABLE TELEVISION BOX
	=	FIRE VALVE
	=	SPRINKLER BOX
	=	WOOD POWER POLE
	=	GUY WIRE/ANCHOR

BOUNDARY SURVEY

SITE IMPROVEMENTS (SHEET 5)

RHODES & RHODES
LAND SURVEYING, INC.
LICENSE #LB 6897
28100 BONITA GRANDE DRIVE, UNIT #107
BONITA SPRINGS, FLORIDA 34135
(239) 405-8163 (239) 405-8166 FAX

bk:	pg:	date:
1263	25-26,29,36	AUGUST 7, 2023
1263	44-46,48,49	scale:
1263	50-52	1" = 120'
1263	55,59,61	cogo #: 20-382
1276	36-38	

design:	
drawn:	RWC
checked:	JSR
acad #:	2023-442
view:	PLOT
project#:	2023-442
sheet #:	7 of 7
file #:	2023-442 BNDY

C:\users\robert\Rhodes and Rhodes\CONST - Documents\Bayview on Estero Bay\Raptor Bay\Parcel Parcel 2 and 10 part 5 timeshare co

Pelican Landing London Bay MPD
Preliminary Density/Intensity Calculation

REVISED April 2024

Pelican Landing DRI/MPD Density/Intensity Summary

Land Use	Total Approved per DRI/PUDs	Total Unbuilt Entitlements Assigned to Applicant	Total Proposed per MPD	Proposed Increase/Decrease
Residential (DUs)	3,912 DU	241 DU	729 DU	+488 DU
Office (SF)	475,000 SF	125,839 SF	25,000 SF	-100,839 SF
Retail (SF)	300,000 SF	147,000 SF	0 SF	-147,000 SF
Restaurant (SF)	5,000	0 SF	0 SF	N/A
Golf (holes)	77	28 holes	27 holes	-1 hole
Hotel (rooms)	750	86 rooms	318 rooms	+232 rooms
Marina				
Wet Slips	65 slips	0 slips	0 slips	N/A
Dry Slips	150 slips	0 slips	0 slips	N/A

Allowable Density Calculation per FLU

Future Land Use	Acres	Allowable Density	Allowable Dwelling Units
Suburban	**95.83 AC**		
Residential (Preserved Uplands)	18.03 AC	6 DU/AC	**108.18 DU**
Non-Residential Area (Upland)	77.80 AC	0 DU/AC	**0 DU**
Outlying Suburban	**190.27 AC**		
Residential (Uplands)	90.78 AC	3 DU/AC	**272.34 DU**
Non-Residential Area (Uplands)	99.49 AC	0 DU/AC	**0 DU**
Wetlands	**144 AC**		
Saltwater Wetland	6.5 AC	1 DU/20 AC	**0.33 DU**
Impacted Freshwater Wetland	2.76 AC	1 DU/20 AC	**0.14 DU**
Preserved Freshwater Wetland (within Outlying Suburban)	121.11 AC	3 DU/AC	**363.33 DU**
Preserved Freshwater Wetlands (within Suburban)	13.63 AC	6 DU/AC	**81.78 DU**
TOTAL	**430±**		**826.1 DU**

PELICAN LANDING MPD
Request Statement

I. REQUEST

Kersey Smoot Investments, LLC, ("Applicant") requests to rezone 430+/- acres of land from Pelican Landing CPD/RPD and Kersey-Smoot RPD to a unified Mixed Use Planned Development (MPD) zoning district to allow for the development of a residential and resort community on the Estero Bay. All lands proposed for rezoning are within the Pelican Landing Development of Regional Impact (DRI), and a companion DRI Development Order (DO) will be submitted concurrent with this zoning request.

The proposed MPD will consolidate the remaining development entitlements associated with lands owned by the Applicant within the Pelican Landing DRI, to allow for development under a unified site plan. The Applicant proposes to eliminate unused non-residential entitlements associated with their property, including 147,000 SF of commercial retail uses and 100,389 SF of office uses to allow for increased residential and resort-oriented uses. The proposed mix of uses is appropriate considering the Property's waterfront locale and surrounding residential and recreational land uses and will also address compatibility with adjacent residential uses. The proposal has been carefully crafted to ensure the proposed MPD does not increase external vehicular trips beyond those vested by the Pelican Landing DRI approval.

The lands owned by the Applicant are currently entitled for the following densities and intensities per the underlying Planned Developments and DRI:

- 241 multi-family/timeshare units
- 147,000 SF of commercial retail uses
- 125,389 SF of office uses
- 86 hotel rooms
- 28 golf course holes

The Applicant is requesting approval to develop the following entitlements within the newly established MPD zoning district:

- 729 dwelling units
- 25,000 square feet of office uses
- 318 hotel rooms
- 27 golf course holes

The maximum building height requested is 290 feet for multi-family uses in the MU tract on the far western side of the MPD overlooking Estero Bay. This height is commensurate with existing and approved building heights in the immediate vicinity within the Village of Estero and the City of Bonita Springs.

All other residential buildings throughout the Residential and Mixed Use tracts will range in height from 50 to 110 feet with a mix of mid-rise multi-family buildings and conventional residential dwelling types. The development will include a variety of private recreational uses and amenities such as the Saltleaf Golf Preserve, a 27-hole golf course, along with associated sports courts, clubhouse and other amenities.

The project will continue to be accessed from a main ingress/egress point on Coconut Road. The project will also be served by points along Saltleaf Blvd. (FKA Coconut Point Resort Dr.) and Coconut Plantation Drive.

The development will connect to central water and sewer provided by Bonita Springs Utilities. The proposed development limits development areas to maintain existing preserve areas and protect onsite wetlands, including the “Eco-Park” and “Interface Areas”.

This request will include a Master Concept Plan (MCP), Schedule Uses and Deviations to accommodate the development of the site, as well as a companion DRI amendment. The following request statement and attached exhibits demonstrate the proposed development is consistent with the Lee Plan, the Lee County LDC, and provides for compatibility with the surrounding neighborhoods through buffers, setbacks, limited access points, and significant preserves and open spaces located adjacent to existing residential communities. Additionally, the reduction of non-residential entitlements ensures the MPD will not increase the PM peak hour trips previously approved/vested.

III. EXISTING CONDITIONS

The 430± acre subject property is located north of Coconut Road and West of US 41 adjacent to the City of Bonita Springs and the Village of Estero.

Access to the Property is currently provided by Saltleaf Blvd. (FKA Coconut Point Resort Dr.), a two-lane privately maintained local roadway owned by Applicant. This roadway connects to the public roadway network via Coconut Road. Coconut Road is classified as a major collector and is maintained by Lee County to the west of Via Veneto Boulevard, including the portion that provides access to the Property. The Village of Estero maintains the roadway east of Via Veneto Boulevard to Three Oaks Parkway.

The Property has unobstructed views of Estero Bay to the west. Those lands in between the western property line and the Estero Bay are saltwater wetlands, proposed for preservation per the enclosed MCP.

The portion of the Property in the Pelican Landing CPD/RPD is currently developed with golf course and related accessory uses formerly known as Raptor Bay

The portion of the Property in the Kersey-Smoot RPD is vacant and adjacent to the Hyatt Coconut Plantation Timeshare Resort and golf course (also within the Kersey-Smoot RPD). The existing timeshare resort contains recreational amenities and 96 timeshare units in four (4) buildings, containing four (4) stories (3 habitable floors over parking) and a maximum permitted building height of 75 feet.

Lands to the south of the proposed MPD are owned by the Applicant and are within the City of Bonita Springs. These lands are zoned Planned Development, as part of the 36+/-acre Saltleaf on Estero Bay RPD/CPD and the 51± acre Raptor Bay PD. These lands are permitted for multi-family and single-family dwellings, as well as Continuing Care Retirement Facilities (CCRC), along with public and private recreational amenities. Construction of a 286-foot-tall multi-family building and associated public marina and private amenities has commenced on the Saltleaf on Estero Bay property and will be Ritz-Carlton branded residences. El Dorado Estates in a single-family community

further east of the proposed MPD, which is substantially separated from the project via existing buffering and open space.

The surrounding future land uses, zoning districts, land use pattern is inventoried in the below table.

Table 1: Inventory of Surrounding Lands

	FUTURE LAND USE	ZONING	EXISTING LAND USE
NORTH	Village of Estero: Village Neighborhood 1; Wetlands	West Bay Club RPD; AG	Residential; Golf Course; Vacant Lots
SOUTH	City of Bonita Springs: Mod. Density MU/PD	Pelican Landing CPD/RPD	Residential
EAST	Village Neighborhood 1; Village Neighborhood 2; Wetlands; Outlying Suburban	AG; RPD; RS-1; CPD	Single Family Residential (El Dorado Estates); Outdoor Storage; Vacant CPD
WEST	City of Bonita Springs: Mod. Density MU/PD	Raptor Bay CPD/RPD; Bayview RPD; Pelican Landing CPD/RPD	Ritz-Carlton Residences (Under Construction); Hyatt Regency Coconut Point Resort

It is important to note as detailed below, that building heights on adjacent properties, as well as in the immediate area, are approved, built or under construction for building heights from 286-290 feet in height. Please see detailed analysis and the Surrounding Building Heights exhibit enclosed.

II. PROPERTY HISTORY

- **Pelican Landing DRI**

The parcels under ownership by the Applicant are a part of the much larger Pelican Landing DRI, which encompasses 2,100± acres of land between Estero Bay to the west and U.S. 41 to the east.

The Pelican Landing CPD/RPD and DRI was originally approved in 1994 and has been amended numerous times and portions of the original PD/DRI boundary were annexed into the City of Bonita Springs. The Pelican Landing DRI has been amended by Lee County a total of 16 times since the initial adoption. Modifications of a project of this size are anticipated to accommodate changes in market demand through decades of build out spanning multiple real estate cycles. From a DRI DO standpoint, the Pelican Landing DRI is permitted the following maximum entitlements (inclusive of lands in both Lee County and the City of Bonita Springs):

- 3,912 dwelling units (comprised of 930 single-family detached and 2,982 multi-family units)
- 475,000 SF office
- 300,000 SF commercial retail
- 5,000 SF restaurant
- 77 golf course holes
- 750 hotel rooms

- 65 wet slips
- 150 dry slips

The Lee County Zoning Ordinances applicable to the Property do not encompass all lands in the DRI. Numerous parcels within the DRI have been annexed into the City of Bonita Springs over the years. Many of those parcels are built out, including single-family lots and the Hyatt Regency Coconut Point Resort. The most significant unbuilt portions of the DRI that are not within Lee County are within the Raptor Bay Planned Development, approved for 503 multi-family units per Bonita Springs Zoning Ordinance 20-04. Additionally, the 150 dry slips in the DRI were assigned to the Bayview on Estero Bay RPD/CPD. This information is provided to clarify why the maximum permitted entitlements per the Lee County Zoning Ordinances do not match the entitlements under the DRI.

It is also important to note the maximum residential density under the original DRI was 4,400 dwelling units (until modified in DRI 12th DO Amendment per Lee County Case No. 2005-0001). This density is consistent with the total maximum density that will be developed in the DRI upon approval of this MPD rezone request.

- **Lee County Zoning History**

The DRI is comprised of several Planned Developments (PDs), including the Pelican Landing CPD/RPD and Kersey Smoot RPD within Lee County, and the Raptor Bay RPD within the City of Bonita Springs.

The Pelican Landing CPD/RPD was originally approved pursuant to Lee County Zoning Resolution Z-94-041. The CPD/RPD has been amended numerous times and allows for the development of the same entitlements contained in the companion DRI/DO per the latest Zoning Resolution. However, due to annexations and allocations, the Lee County lands currently within the Pelican Landing CPD/RPD excludes the 503 units allocated to the Bonita Springs Raptor Bay PD and the 362 units allocated to the Kersey-Smoot RPD.

Thus, the Lee County Pelican Landing CPD/RPD residential entitlement is technically limited to 3,047 units (3,912 total units in the DRI, less 503 units in Bonita Springs “Raptor Bay” parcel, and less 362 units in the Kersey Smoot RPD). All of these residential entitlements, except for the 503 Raptor Bay DUs and 241 of the Kersey Smoot DUs, have been constructed, or are under construction, within existing neighborhoods in the DRI.

The Kersey Smoot property consists of 204+/- acres and was acquired in 1998 by WCI. The Kersey Smoot property was added to the Pelican Landing DRI pursuant to Lee County Zoning Resolution Z-98-066, which added the acreage but did not increase the allowable density in the overall DRI. The RPD has been amended several times, most recently per Z-07-031, and currently allows for the development of a maximum of 362 dwelling units, 150 dry boat storage slips and a golf course.

To date, part of the lands in Kersey Smoot have been developed with four (4) buildings containing 96 timeshare units (all 2-bedroom units) and a portion of the Raptor Bay Golf Club and golf course, now being redeveloped as Saltleaf Golf Preserve.

The timeshare units have been treated as multi-family dwellings and counted towards the total allocation of 2,982 multi-family units allowed in the DRI. The RPD allows for ten (10) additional buildings which have not been constructed. Of the remaining 266 units, 241 units have been assigned to Applicant and 25 units are assigned to the timeshare/condominium property.

IV. PUBLIC INFRASTRUCTURE

- **Roads**

The MPD will have direct access to Coconut Road, a two-lane major collector roadway that is partially maintained by Lee County and partially maintained by the Village of Estero. The property also has direct access to Saltleaf Blvd. (FKA Coconut Point Resort Dr.) and Coconut Plantation Drive, both of which are privately maintained two-lane local roadways. As outlined in the Traffic Impact Statement submitted with this application, the surrounding roadways will continue to operate at an acceptable Level of Service considering the trips associated with this development. The reduction of non-residential entitlements ensures the maximum trip generation for the DRI will not be exceeded upon approval of this amendment.

It is understood the developer will provide a transportation analysis and a transportation mitigation plan in accordance with Chapter 10 of the Land Development Code as part of the development order application to determine off-site improvements such as turn lanes.

- **Utilities**

The Property is within the Bonita Springs Utilities (BSU) service area and utilities will be extended to the site. The proposed development makes efficient use of existing infrastructure and will provide significant private investment in this area by extending BSU infrastructure to the site.

- **Public Facilities**

The attached Public Infrastructure Map demonstrates additional public facilities and services in the immediate vicinity of the project to serve the proposed development in terms of fire, EMS, schools, and Sheriff's protection.

V. PROPOSED MPD DEVELOPMENT PROGRAM

The Pelican Landing CPD/RPD still allows for non-residential development, but includes few areas planned for such uses. The proposed MPD rezoning request allows the Property to consolidate and adjust these remaining entitlements to achieve a mix of uses better supported by the current market and location of undeveloped land in the project. The MPD will maximize available waterfront land for clustered residential and resort uses to meet market demand for waterfront living in Southwest Florida.

The proposed MCP provides for significant preservation of wetlands, rare and unique uplands, and open space while also providing for infill residential and non-residential development on the Property. The proposed site design also provides significant setbacks from Estero Bay.

The community will be developed in three clusters and accessed from Coconut Road, Saltleaf Blvd. (FKA Coconut Point Resort Dr.), and Coconut Plantation Drive. Some of the entries are intended to be gated with the internal roadway network to be privately maintained in those areas. Portions of the internal roadways will be accessible to the public and will be owned and maintained by an established Community Development District (CDD). Internal roadways will provide sidewalks as required in the LDC to accommodate pedestrian interconnectivity within the project, except where deviations are requested to minimize impervious areas on the site and allow for a compact and clustered

development footprint. The proposed roadways will meet the design standards set forth in Chapter 10 of the LDC.

A maximum of 729 dwelling units are proposed, 241 of which are already existing/approved on the Kersey Smoot RPD. The dwelling units are planned around open space and preserve areas to accommodate preservation and the redevelopment of the existing golf course. Allowable uses include residential, commercial, office, hotel, and recreational uses.

The Saltleaf Golf Preserve is undergoing redevelopment per the current zoning and development order approvals. The course is being redesigned to enhance the quality of the facility, with no reduction to the recreational component of the project.

Based on the above, this request adds 488 “new” dwelling units to the properties within the Pelican Landing London Bay MPD, supported by a proportionate reduction of commercial square footage to ensure that there are no impacts to transportation facilities that were not already contemplated and approved in the DRI. Specifically, to off-set the traffic impacts of the additional density and hotel rooms, the Applicant is proposing to eliminate all remaining retail square footage and reduce the office uses by over 100,000 square feet.

The proposed uses comply with the MPD zoning district minimum criteria. The Applicant proposes 729 dwelling units (241 of which are already existing/approved on the Kersey Smoot RPD), 25,000 square feet of commercial uses, 318 hotel rooms, and 27 golf holes. Since the golf course is public and the area does not generate residential density, the clubhouse (14,400 square feet) also applies to the commercial square footage requirement for MPD zoning. Additionally, the schedule of uses allows for hotels, hybrid warehouses, continuing care facilities and centers, and assisted living facilities, therefore, the project will meet or exceed the minimum 30,000 SF of commercial development to achieve the MPD zoning district minimum criteria. The MCP incorporates the land areas used to meet the qualifying thresholds for mixed-use developments as required by LDC Section 34-940.

Open space will exceed the required 40% for residential development and 30% for non-residential development. Indigenous vegetation retention will exceed at least 50 percent of the required open space area. Indigenous preserve areas are made up of wetland and upland preservation. The project will far exceed the minimum preservation requirements in the LDC and required preserve setbacks will be provided in accordance with the LDC. Development areas have been designed so that wetlands impacts, beyond those approved in the Pelican Landing DRI, are not required and there are no new impacts to wetlands within the Coastal High Hazard Area. The wetland impacts are limited to the portion of the existing Kersey Smoot RPD, for wetlands not included in the established wetland areas or preserves per the DRI.

The Property is located in the Estero Planning Community, which does not include any unique development standards or public meeting requirements. Minimum lot sizes and development standards are consistent with other planned developments in Lee County and are identified in the attached Schedule of Uses and Development Regulations Exhibit.

Adjacent properties to the south and within the City of Bonita Springs are also under common ownership and will include similar development intensities. The Raptor Bay CPD/RPD allows for 503 dwelling units and a maximum height of 20 floors over two floors of parking, with no height limitation in terms of feet per a settlement agreement. The Raptor Bay CPD/RPD is also within the Pelican Landing DRI.

The Bayview RPD/CPD to the west/southwest of the site allows for 300 units and a maximum height of 286 feet. The Bayview PD is not a part of the Pelican Landing DRI and is currently being developed with residential multi-family, marina, and restaurant parcels.

The adjacent existing development to the southeast is zoned RS-1 (El Dorado Estates), which allows for single-family dwellings with a maximum building height of 35 feet. The proposed development standards ensure that building heights are related to existing surrounding development and buffering is provided where appropriate. Specifically, building heights are limited on those tracts abutting El Dorado, and the 290' buildings are proposed several hundred feet from the shared property line in the far western portion of the site.

As proposed the residential uses will be well-screened and separated from surrounding land uses, and the community will be complimentary to the existing and planned surrounding neighborhoods.

In terms of building heights, the majority of surrounding lands in the generally area are developed with mid- and high-rise development including a 290' tall building approved by the Village of Estero in West Bay Club; the adjacent Saltleaf at Estero Bay and Raptor Bay developments noted above approved for 286'/20 stories over parking; the Hyatt Coconut Point Resort (213'/18 stories), Navona at The Colony Golf & Bay Club (maximum of 254'/20 stories over parking), and Altaira at the Colony Golf & Bay Club (maximum of 249', 20 stories over parking). Thus, the varying building heights proposed in MPD are compatible with the heights and intensities of surrounding development and do not introduce building heights that are out of scale with the neighborhoods. Viewsheds from surrounding properties will be further improved via external perimeter buffers, setbacks from PD boundaries, building perimeter plantings, and a high level of architectural design and articulation on the buildings.

The amendment will provide for highly demanded public access to Estero Bay, including public boat ramp, public parking, and public park area. The amendment carefully limits the size and scope of these public facilities to protect the surrounding neighborhoods along Coconut Road from external impacts.

Deviations are requested and described in further detail in the attached Schedule of Deviations and Justifications Exhibit. These deviations are intended to provide flexibility in the design of compact pods of development, a community in that minimizes impacts to wetlands and floodplain areas and that accommodates.

As an infill development, this proposal ensures that development is directed to the urbanized area of Lee County where significant public and private investment have already provided for adequate public facilities. Furthermore, the proposed rezoning ensures that the remaining development capabilities on these properties are coordinated in a unified plan of development.

Finally, the proposed MPD is consistent with the Lee Plan and Land Development Code as described in the remaining sections of this Project Narrative

VI. PROPOSED USES/DESIGN STANDARDS

The proposed Schedule of Uses allows for a wide range of residential uses, including single-family, townhome, and multi-family dwelling types as well as commercial, office, hotel, and recreational uses accessory to the residential development. The existing golf course will remain, with the golf holes reoriented and the existing golf clubhouse is planned to remain to the south of the Hyatt Timeshare buildings. Other optional amenities may be located in any of the development tracts. Except where

deviations are requested, the design standards will meet or exceed the requirements in the LDC and mirror those of typical RPD zoning districts throughout the County.

The proposed development carries forward several deviations previously approved for the Pelican Landing CPD/RPD and Kersey Smoot RPD and limited new deviations as outlined in the Deviation & Justification Narrative.

VII. DECISION-MAKING COMPLIANCE

In accordance with LDC Section 34-145(d)(4), the data and analysis provided in the enclosed application demonstrate that the request meets or exceeds the following:

a) **The request will meet or exceed all performance and locational standards set forth for the proposed residential planned development, except where a deviation has been approved.**

The Property has been deemed an appropriate location for the development of residential, golf course, and resort-oriented recreational uses based upon prior approvals.

Traffic impacts of the project are discussed in the attached Traffic Impact Statement (TIS) which demonstrates all impacted roadways will function at an acceptable Level of Service. Any off-site improvements required by the project will be addressed at the time of local development order review.

Utilities and other required infrastructure are available to serve the proposed uses, densities and intensities.

The request for the development of a total of 729 residential dwelling units (241 of which are already existing/approved on the Kersey Smoot RPD) is consistent with the maximum allowable densities in the Suburban and Outlying Suburban Future Land Use Categories (FLUC) and will result in a compact form of development compatible with the surrounding existing and planned development pattern. The request is consistent with the goals, objectives and policies of the Lee Plan, as outlined in this application.

Requested deviations include those previously approved in the Pelican Landing CPD and Kersey Smoot RPD where needed are requested to facilitate the redevelopment of the site and accommodate the existing site development characteristics plan. The deviations are described in more detail in the attached Schedule of Deviations and Justifications.

These deviations are still necessary to maximize the preservation areas on the property, ensure compact development tracts, and address certain site constraints. More details regarding each justification are provided in the attached Deviations and Justifications exhibit.

b) **Complies with the Lee Plan.**

The request will allow for mixed use development in accordance with the Outlying Suburban and Suburban FLUCs and other relevant Goals, Objectives, and Policies. Densities account for the limited wetland impact areas and comply with Table 1(a) outlining Residential Densities and Table 1(b), which allocates a maximum of 454 acres of residential development in the Outlying Suburban FLUC and within the Estero Planning District. According to the Planning Department, 360 acres have been allocated and 94 acres remain for residential

acreage. Moreover, the density proposed was previously approved in the original DRI, which is evidence the density of this MPD is consistent with the Lee Plan.

The only non-residential uses proposed are hotel/resort and golf uses, as well as 25,000 SF of office space. Portions of the proposed development have already extinguished residential development acreage so only Tract R-1, and portions of Tracts R-2 and MF include new residential acreage within the Estero Planning District. The MCP demonstrates 57.31 acres of residential development acres required to accommodate the proposed development. Therefore, sufficient acreage is allocated for the proposed development.

Additional information regarding compliance with Lee Plan policies is included in the remaining sections of this Project Narrative.

A companion DRI amendment is also submitted to add modify the maximum residential dwelling units and commercial square footage.

c) Meets this Code and other applicable County regulations or qualifies for deviations.

The request includes proposed development standards, and deviations in compliance with the Lee Plan and LDC regulations as described in the remaining sections of this Project Narrative. As outlined in the Deviation Justification Narrative, requested deviations will fully meet the intent of the LDC.

d) Is compatible with existing and planned uses in the surrounding area.

The request will ensure that the property is developed with uses similar to neighboring properties. The proposed MPD includes development standards which comply with the LDC. Buffers and setbacks will be provided to adjacent properties, where required. In particular, a Type “F” buffer is proposed in the following locations:

- Along the southeastern property lines, adjacent to the El Dorado Estates subdivision, and
- Along the northern property line where the golf course is adjacent to the West Bay Club RPD.

Impacts to surrounding land uses are minimal due to the similarity of intent and intensity of uses and the reduction of commercial square footage. The proposed development standards and LDC requirements have adequately addressed any potential impacts on adjacent uses.

As detailed above, there are several buildings in the immediate vicinity approved for similar building heights, including the West Bay Club also approved for 290’. Viewsheds from surrounding properties will be further improved via external perimeter buffers, setbacks from PD boundaries, building perimeter plantings, and a high level of architectural design and articulation on the buildings.

e) Will provide access sufficient to support the proposed development intensity.

A Traffic Impact Statement (TIS) is attached which demonstrates that the proposed access points are sufficient to support the proposed development activity. The project will be accessed from Coconut Road, as well as from Saltleaf Blvd. (FKA Coconut Point Resort Dr.). These access points meet the requirement in LDC section 10-291 that residential

development of more than five acres must provide more than one means of ingress or egress for the development areas with access to Saltleaf Blvd. (FKA Coconut Point Resort Dr.) Due to the unique location at the terminus of Coconut Road, this is only viable access and will be supplemented by appropriate mitigation via the entry designs and internal emergency turnaround features and limitations on the disbursement of units in each development tract.

f) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval.

The attached TIS has demonstrated that all analyzed roadways are projected to operate at acceptable Levels of Service with the increase of residential units and corresponding decrease in commercial entitlements. Sidewalk and bikeway facilities will comply with the minimum requirements and options set forth in Chapter 10 of the LDC. The reduction in commercial/retail entitlements ensure the MPD will not increase the number of trips approved by the current DRI.
The project will require development order approvals prior to site development activities. The project's impacts and the need for turn lane improvements at the site access drive intersections will be evaluated at that time in accordance with the LDC.

g) Will not adversely affect environmentally critical or sensitive areas and natural resources.

The proposal ensures environmentally critical areas and natural resources are protected while allowing for development consistent with the Suburban, Outlying Suburban and Wetlands FLUCs.

The Project provides 209.64 acres of open space, or 49 percent of the total acreage, which significantly exceeds the minimum requirements of the LDC of 40% open space.

Preserve areas have been designed to retain native vegetation areas to the maximum extent possible. The Project site includes 81.24± acres of wetlands and 25.34± acres of "Other Surface Waters" (OSW), not including the 60-acre SFWMD conservation area, which are located within preserve areas on the proposed MCP. This exceeds the LDC requirement that 50% of open space areas be in the form of indigenous vegetation.

An Indigenous Preserve Management Plan and Protected Species Management Plans will be provided at the time of DO.

h) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

Public infrastructure and services will be available to service the proposed development. The Property is located within the Suburban, Outlying Suburban, and Wetlands FLUC, which are Future Urban Areas per the Lee Plan. These areas are permitted for residential and commercial uses as proposed.

The Property is within the Bonita Springs Utilities Service Area and extending water and sewer service throughout the property will require developer funded infrastructure improvements.

The property is served by the Estero Fire District with Fire Station #42 located on Sweetwater Ranch Boulevard and US 41 and Lee County EMS Station Medic 21 located on Three Oaks Parkway. The Lee County Sheriff provides service in South District - Zone S3.

The data and analysis provided in the enclosed application also demonstrates that the request meets or exceeds the following Planned Development Rezoning review criteria.

i) The proposed use or mix of uses is appropriate at the proposed location;

The Suburban and Outlying Suburban FLUCs allow for medium and low density residential, non-residential land uses. The mix of uses have been historically approved and partially developed on the site dating back to prior approvals.
This request includes elimination of previously approved commercial retail land uses assigned to the Applicant, as well as significant reduction in unused office square footage. Moreover, the development of residential dwellings on the 430± acre property is appropriate for this location which includes significant buffers, open space and preserves to provide compatibility with the variety of neighboring uses which include single-family residential subdivisions, high-rise residential towers, and preserve areas. The proposed unified MPD maintains the extensive environmental protections on the property via preserved natural flowways, on-site wetlands, and preservation of upland habitats.

j) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.

The proposed development standards address all development characteristics, environmental protection and infrastructure needs to sufficient to ensure the protection of the public health, safety and welfare and are sufficient and reasonably related to the impacts on the public interest.

k) If the application includes deviations pursuant to section 34-373(a)(9), that each requested deviation:
1) Enhances the achievement of the objectives of the planned development; and
2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

Please refer to the enclosed Schedule of Deviations and Justifications, which addresses these criteria. The requested deviations preserve and promote the general intent of the LDC and will not negatively impact public health, safety, or welfare.

VIII. LEE PLAN COMPLIANCE

The following is an analysis of the RPD's consistency with goals, objectives and policies of the Lee County Comprehensive Plan (Lee Plan).

POLICY 1.1.5: The Suburban future land use category will consist of predominantly residential areas that are either on the fringe of the Central Urban or Urban Community future land use categories or in areas where it is appropriate to protect existing or emerging residential neighborhoods. This category provides housing near the more urban areas but does not provide the full mix of land uses typical of urban areas. Industrial land uses are not permitted. This category has a standard density range from one dwelling unit per acre (1

du/acre) to six dwelling units per acre (6 du/acre). The maximum total density may only be increased to eight dwelling units per acre (8 du/acre) utilizing Greater Pine Island Transfer of Development Units except in areas that specifically prohibit bonus density. Other forms of bonus densities are not allowed.

POLICY 1.1.6: The Outlying Suburban future land use category is characterized by its peripheral location in relation to established urban areas. In general, this category is rural in nature or contains existing low-density development. Some of the requisite infrastructure needed for higher density development is planned or in place. Industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed.

The proposed PD includes the redevelopment of the existing Raptor Bay Golf Course (now known as Saltleaf Golf Preserve) as well as infill development within the Kersey Smoot RPD. Portions of the Property are located in the Suburban and Outlying Suburban FLUCs, as shown in the attached Future Land Use Map. The attached Preliminary Density Calculation utilizes densities in these FLUCs of 6 du/acre and 3 du/acre consistent with these policies. The proposed schedule of uses is consistent with the FLUCs on site and includes single-family and multifamily residential uses, as well non-residential uses like commercial, office and recreational uses. These uses are consistent with the Suburban and Outlying Suburban FLUCs and were previously approved in the existing Pelican Landing and Kersey Smoot PDs. Therefore, the proposed uses and density are entirely consistent with the above policy and other related Rural FLUC policies governing use of these lands.

POLICY 1.5.1: Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan.

The attached proposed density calculation for the Pelican Landing London Bay RPD utilizes a density calculation for impacted freshwater and preserved/impacted saltwater wetlands of 1 du/20 acres. Preserved freshwater wetlands utilize a density calculation of 6 du/acre adjacent to the Suburban FLUC and 3 du/acre adjacent to the Outlying Suburban FLUC consistent with the allowed density in Outlying Suburban, as allowed in Table 1(a) Note 8. Therefore, the proposed RPD is consistent with this policy.

POLICY 1.6.5: The Planning Districts Map and Acreage Allocation Table (Map 1-B and Table 1(b)) depict the proposed distribution, extent, and location of generalized land uses through the Plan's horizon. Acreage totals are provided for land in each Planning District in unincorporated Lee County. No development orders or extensions to development orders will be issued or approved by Lee County that would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded. This policy will be implemented as follows:

1. For each Planning District the County will maintain a parcel based database of existing land use.
2. Project reviews for development orders must include a review of the capacity, in acres, that will be consumed by buildout of the development order. No development order, or extension of a development order, will be issued or approved if the acreage for a land use, when added to the acreage contained in the updated existing land use

database, exceeds the limitation established by Table 1(b) regardless of other project approvals in that Planning District.
3. When updating the Lee Plan's planning horizon, a comprehensive evaluation of the Planning Districts Map and Acreage Allocation Table will be conducted.

Table 1(b) currently allocates a maximum of 454 acres of residential development in the Outlying Suburban FLUC and within the Estero Planning District. According to the Planning Department, 360 acres have been allocated and 94 acres remain for residential acreage. The MCP demonstrates 57.31 acres of residential development association with the proposed RPD. Therefore, sufficient acreage is allocated for the proposed development.

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, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

The proposed rezoning will facilitate infill and redevelopment within urban FLUCs. The project does not include new impacts to areas previously identified wetlands. The development location ensures the efficient use of land in suburban and outlying suburban areas in direct compliance with this and other policies in the Lee Plan. As outlined in detail within the application, the project provides for compatibility with the surrounding low-density residential development preserves and non-residential uses. Development within the project is clustered primarily within existing uplands and provides 49 percent open space, representing a compact development footprint. The project is within the Bonita Springs Utilities service area and does not require a significant expansion of services. Redeveloping the golf course area and continuing the build out of the Kersey Smoot RPD represents efficient use of lands contiguous to growth areas in compliance with this policy.

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance.

The Property is contiguous to developed or developing properties in Bonita Springs and Estero, representing logical and efficient growth within the Suburban and Outlying Suburban FLUCs. The attached letters of availability demonstrate there is sufficient capacity to provide potable water and sanitary sewer services to support the proposed density. Additionally, the attached Public Infrastructure Map demonstrates the Property is in the vicinity of adequate public facilities and public investment. Therefore, the proposed amendment and rezoning fully complies with this policy's intent to direct new growth to appropriate Future Urban Areas of the county.

POLICY 2.2.1: Rezonings and Development of Regional Impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

The road network in the region has been constructed to support the urban character of the area. The property is near existing networks, utility services and compatible, similar land uses. The Property is within the Bonita Springs Utilities service area. There are adequate public facilities and services in the immediate vicinity of the project to serve the proposed development in terms of schools, fire, EMS and Sheriff's protection.

The proposed Master Concept plan provides compatibility with surrounding areas through the provision of expansive preserve areas and compact residential development areas. Finally, buffering, maximum building heights, and development standards are similar to other planned developments approved in the surrounding community.

OBJECTIVE 4.1: WATER, SEWER, AND ENVIRONMENTAL STANDARDS. Consider water, sewer, and environmental standards during the rezoning process. Ensure the standards are met prior to issuing a local development order.

STANDARD 4.1.1: WATER.

3. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.

A letter of availability dated July 26, 2022, was provided by Bonita Springs Utilities identifying the facility's capacity for the development of projected water and sewer demand.

4. All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Fla. Admin. Code R. 62-555.

The proposed waterline extensions shall be designed to meet minimum fire flows and provide adequate domestic service water flows as required by the Florida Administrative Code.

STANDARD 4.1.2: SEWER

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.

2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 4-B), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within l/4 mile from any part of the development.

The Property is within the Bonita Springs Utilities Service Area. A letter of availability dated July 26, 2022, was provided by Bonita Springs Utilities identifying the facility's capacity for the development of projected water and sewer

demand. Any required improvements needed to provide connection to BSU infrastructure will be developer funded.

STANDARD 4.1.3: REUSE

1. Any development that requires a development order, on a property that is adjacent to public reuse infrastructure with sufficient capacity, must connect to the reuse system for irrigation needs.

2. Any new development that, at build-out, has an anticipated irrigation demand of 50,000 gallons per day, or more, using the Blaney-Criddle method, must connect to a public reuse system for irrigation needs when sufficient capacity and adequate infrastructure is within 1/4 mile from any part of the development.

3. If there is not sufficient capacity or adequate infrastructure within 1/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.

4. If a development has been rejected for reuse service, the proposed source of irrigation water must be identified consistent with Policy 61.1.6.

The Property is not adjacent to any public reuse infrastructure and no such infrastructure exists within ¼ mile from the development. The attached letter of availability from Bonita Springs Utilities demonstrates that reuse service was rejected, as required by this Policy. Previously permitted irrigation wells will continue to serve the irrigation demands for the golf course.

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.

The Application is to rezone several properties to a unified Mixed Use Planned Development in accordance with 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.

While portions of the Property are located in the Coastal High Hazard Area (CHHA), the proposed MPD preserves the wetlands and uplands surrounding the natural floodway of Halfway Creek. The proposed MPD protects against impacts from coastal flooding by providing storage within the surface water management system and the protection of 204± acres of wetland and uplands on site. The MPD does not propose to exceed allowable maximum density permitted by the underlying FLUCs. Additionally, impacts to hurricane shelters will be addressed through the impact mitigation requirements in LDC Section 2-485 at the time of local development order.

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

Chapter 10 of the Land Development Code 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 Land Development Code will continue to require appropriate buffers for new developments.

The request is intended to allow for the development of a range of residential dwellings on the 430± acre property in the form of a Mixed Use Planned Development subject to conditions, performance/design standards, limited schedule of uses, and a binding Master Concept Plan. The request will ensure that the property is developed with uses similar neighboring properties, thereby protecting the character and integrity of the existing communities.

The Applicant has proposed development standards including buffers, lakes, and setbacks to the adjacent properties, consistent with the LDC. The preservation of existing native vegetation and buffering to provide visual screening to surrounding development consistent with LDC requirements. Minimum setbacks to the PD perimeter boundary are 25 feet. The Applicant has limited the previously disturbed areas or previously identified development tracts. The proposed density is consistent with the allowable density in the Suburban and Outlying Suburban FLUCs.

The project will not negatively impact surrounding land uses due to the similarity of uses, density and open space provisions. The development standards and LDC requirements have adequately addressed any potential impacts on adjacent uses.

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.

The proposed MCP incorporates 49% open space and includes 27 golf holes, an existing clubhouse and other recreation facilities in addition to community amenity centers with recreational facilities. Existing pedestrian and bicycle pathways are located throughout the golf course and along Saltleaf Blvd (FKA Coconut Point Resort Dr.). All open space and amenities will be directly accessible to all residents within the RPD.

POLICY 5.1.10: In those instances where contiguous land is within two or more land use categories, the allowable number of dwelling units will be the sum of the allowable dwelling units for each land use category. This dwelling units may be allocated across the property provided that the resultant development affords further protection to environmentally sensitive lands, if they exist on the property, and the number of dwelling units within any Future Non-Urban Area land use category does not exceed the density allowed in that future land use category.

Dwelling units have been allocated across the property, as allowed by this Policy. The resultant development ensures that significant preservation is provided on the property. The attached preliminary density calculations demonstrate that proposed densities do not exceed

the density allowed in each future land use category. The MPD is in the Future Urban Area, is under single ownership, and protects environmentally sensitive lands.

OBJECTIVE 6.1: Development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan.

POLICY 6.1.1: All applications for commercial development will be reviewed and evaluated as to:

1. Traffic and access impacts (rezoning and development orders);

The attached Traffic Impact Statement (TIS) demonstrates no impacts to the surrounding transportation system. The request includes access points along Coconut Rd., Saltleaf Blvd. (FKA Coconut Point Resort Dr.), and Coconut Plantation Dr.

2. Screening and buffering (Planned Development rezoning and development orders);

The attached MCP identifies required buffers in compliance with the LDC, except where a deviation is requested for internal development tracts, including a 30-foot Type "F" buffer where golf or redevelopment tracts abut adjacent residential uses as required by LDC section 10-416(C)(6).

4. Availability and adequacy of services and facilities (rezoning and development orders);

The attached letter of availability from BSU demonstrates water and sewer facilities are available to serve the property.

5. Impact on adjacent land uses and surrounding neighborhoods (rezoning);

The request ensures there are no impacts on adjacent land uses and surrounding neighborhoods through development standards that are comparable to surrounding development. The request maintains large preserve tracts and development tracts that are closer to existing neighborhoods are limited to golf courses, or residential and mixed-use development that is compatible with the surrounding neighborhoods. Maximum building heights are comparable to surrounding approved and developed structures. All development

6. Proximity to other similar centers (rezoning); and

The request locates all redevelopment in proximity to the abutting properties to the west, which will be developed as a unified mixed-use development. The attached Approved Building Heights Map demonstrates approved building heights within one mile which are comparable to the heights proposed on the subject property. Commercial uses are located adjacent to other commercially zoned properties along Coconut Rd.

7. Environmental considerations (rezoning and development orders).

The environmental analysis provided by Passarella and Associates, demonstrates the preservation of 61.54 acres wetlands and 57.74 acres of uplands in addition to 60 acres of wetlands preserved under an existing SWFMD Conservation Area. All proposed

development is located within previously cleared golf course areas or areas identified for development in the Kersey-Smoot RPD.

POLICY 6.1.2: Commercial development in non-urban future land use categories is limited to Minor Commercial except that:

- **Neighborhood Commercial uses serving the Lee County Civic Center are permitted within one quarter mile of SR31 between North River Road and the Caloosahatchee River in the North Olga Community Planning Area and may be expanded to Community Commercial when approved as part of a Planned Development that is located at the intersection of two arterial roadways and has direct access to, or the ability to extend, existing water and sanitary sewer utilities.**
- **Neighborhood Commercial uses are permitted in the Southeast Lee County Planning District as provided for in Objectives 13.3 and 33.2.5.**

Minor Commercial development may include limited commercial uses serving rural areas and agricultural needs, and commercial marinas. Minor Commercial development must be located so that the retail use, including buildings and outdoor sales area, is located at the intersection (within 330 feet of the adjoining rights-of-way of the intersecting roads) of arterial and collector roads or two collector roads with direct access to both intersecting roads. Direct access may be achieved with an internal access road to either intersecting roads. On islands, without an intersecting network of collector and arterial roads, commercial development may be located at the intersection of local and collector, or local and arterial, or collector and collector roads.

This request is limited to a maximum of 25,000 square feet of office uses only. The portion of Coconut Rd. west of US 41 does not have an intersecting network of collector and arterial roads. Therefore, the commercial development was located as close as possible to the intersection of Coconut Rd and Coconut Plantation Rd. The location of the planned office uses is consistent with the intent of this provision, while also ensuring that the existing preserves located between the commercial development and Coconut Plantation Rd. are not impacted.

POLICY 6.1.3: Commercial developments requiring rezoning and meeting DCI thresholds must be developed as Planned Developments except if located within the Mixed Use Overlay. The Planned Development must be designed to arrange uses in an integrated and cohesive unit in order to: provide visual harmony and screening; reduce dependence on the automobile; promote pedestrian movement within the development; utilize joint parking, access and loading facilities; avoid negative impacts on surrounding land uses and traffic circulation; protect natural resources; and, provide necessary services and facilities where they are inadequate to serve the proposed use.

The application is for a Planned Development, as required by this Policy, and is not located within the Mixed-Use Overlay. The proposed development includes a mix residential and non-residential uses which will reduce the need for residents to travel outside of the development for office uses. The proposed development will comply with development standards in the LDC, except where a deviation is requested. Additionally, the TIS demonstrates no negative impacts on traffic circulation.

POLICY 6.1.4: Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.

Adjacent land uses include multi-family residential development, single-family residential lots, vacant properties, and commercially zoned properties on Coconut Rd. The Master Concept Plan concentrates development within previously cleared golf course areas, or within areas identified for development in the Kersey-Smoot RPD. The MCP provides buffering and setbacks in compliance with the Land Development Code, except where deviations are requested.

POLICY 6.1.5: The land development regulations will require that commercial development be designed to protect the traffic-carrying capacity of roads and streets. Methods to achieve this include, but are not limited to: frontage roads; clustering of activities; limiting access; sharing access; setbacks from existing rights-of-way; acceleration, deceleration and right-turn-only lanes; and, signalization and intersection improvements.

The application proposes to reduce the available commercial and industrial square footage within the Pelican Landing DRI in order to ensure traffic-carrying capacity of roads and streets is protected. Commercial uses are clustered within the MU tract. The MPD proposes one access location directly on Coconut Rd which will be used to access all uses within the MU tract. Proposed setbacks for the MU tract are consistent with the requirements in the LDC. All off-site transportation improvements will be addressed at the time of Local Development Order.

POLICY 6.1.6: The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.

All commercial areas will be buffered and include landscaping and open space consistent with the LDC. The proposed project will be unified throughout the MPD and include high-quality design characteristics. Specific structures and parking areas will be identified at the time of Local Development Order.

POLICY 6.1.7: Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.

The Pelican Landing DRI has previously permitted commercial development and commercial zoning is located directly adjacent to the proposed project, therefore this application does not open new areas to premature, scattered, or strip development. Moreover, the application represents infill development as it will allow for the redevelopment of portions of an existing golf course and is surrounded by existing development.

POLICY 6.1.11: Encourage the upgrading or revitalization of deteriorating commercial areas, but prohibit the expansion or replacement of commercial uses which are inappropriately located or that have an adverse impact on surrounding residential and non-residential uses. Such revitalization includes, but is not limited to: store-front renewal, sign control, and the provision of common parking areas and consolidated access.

Commercial areas within the Pelican Landing MPD are located to complement surrounding land uses and limited to office uses only. Proposed development standards, including setbacks and buffers, will ensure that office buildings are compatible with surrounding residential and non-residential uses.

OBJECTIVE 11.1: MIXED USE DEVELOPMENT. Allow and encourage mixed use development within certain future land use categories and at appropriate locations where sufficient infrastructure exists to support development.

POLICY 11.1.2: Residential densities may be calculated from the entire project area when the development is consistent with the following:

- **At least three uses are proposed and must include residential, commercial (including office) and light industrial (including research and development use).**
- **The development is located in the Intensive Development, Central Urban, or Urban Community future land use categories.**

Since this request does not meet the criteria for three uses or future land use categories, residential densities are calculated without using acreage from commercial areas. Public infrastructure in the area is sufficient to support the proposed development as demonstrated through the TIS and utilities availability letter. Including commercial uses in this area relieves pressure on Coconut Rd. since nearby commercial uses are primarily located along US 41.

POLICY 59.1.3: Maintain floodplain regulations in accordance with the most recently adopted Flood Insurance Rate Map (FIRM) and other available sources.

The proposed project is located within designed FEMA flood zones AE-11and X. The Halfway Creek Floodway within the AE-10.5 flood zone and is depicted on the proposed MCP as a preserve area. No development is proposed within the Floodway.

OBJECTIVE 60.1: SURFACE WATER. Develop a surface water management program that is multi-objective in scope, geographically based on basin boundaries, and incorporates the requirements of applicable adopted Basin Management Action Plans.

POLICY 60.1.1: Require design of surface water management systems to protect or enhance the groundwater.

A surface water management system is proposed which will provide water quality treatment before discharging into onsite wetlands.

POLICY 60.1.2: Incorporate, utilize, and where practicable restore natural surface water flowways and associated habitats.

The proposed MPD includes wetland preservation areas which will maintain existing flow-ways and associated habitats to the maximum extent practicable.

OBJECTIVE 60.4: INCORPORATION OF NATURAL SYSTEMS INTO THE SURFACE WATER MANAGEMENT SYSTEM. Incorporate natural systems into surface water management systems to improve water quality, air quality, water recharge/infiltration, water storage, wildlife habitat, recreational opportunities, and visual relief.

POLICY 60.4.1: Encourage new developments to design surface water management systems with Best Management Practices including, but not limited to, filtration marshes, grassed swales planted with native or Florida Friendly Landscaping vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways.

The proposed MPD includes a surface water management plan that complies with all LDC design standards.

POLICY 60.4.2: The County encourages new developments to design their surface water management system to incorporate existing wetland systems.

The MPD provides 81.24± acres of wetland preservation in the Eco-Park area, in addition to a 60-ac SFWMD Conservation Area. The surface water management system was designed to protect and maintain the function of the on-site wetland areas.

POLICY 60.4.3: The County encourages the preservation of existing natural flow-ways and the restoration of historic natural flow-ways.

The existing wetland preserves, including the Halfway Creek Flow-way, are proposed to remain in preservation. Wetland preservation areas will not be disconnected from the surrounding wetland system.

POLICY 61.1.1: Lee County recognizes that all fresh waters are a resource to be managed and allocated wisely, and will support allocations of the resource on the basis 1) of ensuring that sufficient water is available to maintain or restore valued natural systems, and 2) of assigning to any specified use or user the lowest quality freshwater compatible with that use, consistent with financial and technical constraints.

The Applicant will obtain an Environmental Resource Permit from the South Florida Water Management District. The master drainage system and established conservation areas proposed in this amendment request, and which will be established through the ERP and subsequent development orders, are designed in compliance with this policy.

POLICY 61.1.6: When and where available, reuse water should be the first option for meeting irrigation needs of a development. Where reuse water is not available, surface water or low quality groundwater should be utilized for irrigation. All other potential water sources must be eliminated prior to selecting potable water as the sole source for meeting the irrigation needs of a development. New developments will coordinate with County staff regarding the source of irrigation water.

Surface water will be used for all irrigation of landscaping within the community. The proposed community will not use potable water provided as a result of this amendment for irrigation purposes.

POLICY 61.3.3: Keep floodways as unobstructed as possible.

The Property includes a portion of the Halfway Creek floodway, which is demonstrated on the proposed MCP. No development is proposed within this area.

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.

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.

The site plan, in conjunction with the activities proposed within the Indigenous Preserve and Protected Species Management Plan, was designed to be compatible with surrounding natural systems and will protect and continue to provide functions including water retention and purification. Defense against flooding is provided through the proposed stormwater management system and through the preservation of 204± acres of on-site preserve areas.

The site plan includes the construction of a permitted stormwater management system and will provide long-term protection of wildlife habitat. The site plan was designed to protect and maintain the function of the on-site wetland areas and adjacent upland habitat and to provide on-site preservation adjacent to proposed off-site preservation areas located to the north.

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.

As required by Lee Plan Policy 101.1.2, the site plan protects environmentally sensitive areas through the preservation of 204± acres of preserve areas The wetland areas, in combination with adjacent upland areas, are protected in perpetuity through a conservation easement. All mangrove wetlands on the western portion of the property will remain in preservation. The Project does not contain estuaries, undeveloped barrier islands, beach and dune systems, aquatic preserves, wildlife refuges, undeveloped tidal creeks and inlets, critical wildlife habitats, benthic communities, or marine grass beds.

OBJECTIVE 101.3: DEVELOPMENT IN COASTAL AREAS. Protect human life and property from natural and man-made disasters.

POLICY 101.3.2: Restrict development in the Coastal High Hazard Area to uplands except as needed for the provision of public facilities.

A portion of the Property is located within the Coastal High Hazard Area (CHHA). The proposed project does not include any wetland impacts within the CHHA. Wetland limits were previously reviewed and approved on a portion of the Property by SFWMD as part of permit number 36-03813-P.

POLICY 101.3.4: Encourage new residential development, as required by the Land Development Code, to provide continuing information to residents concerning hurricane evacuation and shelters.

A homeowners' or residents' association will be established to provide continuing information concerning hurricane evacuation and shelters. Additionally, the developer will mitigate impacts to shelter space through the payment schedule outlined in Chapter 2 of the LDC.

POLICY 123.1.5: Encourage private restoration of natural habitats to support connectivity between public and private conservation and preservation efforts.

The proposed MPD includes significant preservation areas which have were previously permitted. The proposed preserve area is intended to preserve habitat on site, as well as to support connectivity with adjacent public conservation lands in compliance with this policy.

OBJECTIVE 123.2: PLANT COMMUNITIES. Maintain and enhance the biodiversity of the natural plant communities within Lee County to create a more resilient and sustainable ecosystem.

POLICY 123.2.4: Encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments.
POLICY 123.2.6: Avoid destruction of upland vegetation communities including coastal and interior hammocks through consideration of alternative site design layouts.

POLICY 123.2.8: Promote the long-term maintenance of natural systems through such instruments as conservation easements, transfer of development rights, restrictive zoning, public acquisition, and appropriate other means.

POLICY 123.2.13: Promote optimal conditions rather than minimum conditions for the natural system as the basis for sound planning.

POLICY 123.2.15: Protect Rare and Unique upland habitats from development impacts to the maximum extent possible, through conservation and/or site design.

The proposed preserve areas exceed the minimum requirements of the LDC per the enclosed MCP. Preservation areas are designed to maintain previous approvals, provide large contiguous preserve areas, and increase viability of the plant communities and provide significant buffers to surrounding natural areas.

OBJECTIVE 123.3: WILDLIFE. Maintain and enhance the fish and wildlife diversity and distribution within Lee County for the benefit of a balanced ecological system. (Ord. No. 94-30, 18-28)

In compliance with Objective 123.3 of the Lee Plan, the protection and enhancement of the on-site preserve will maintain the function of the on-site wetland and upland preservation areas. It will also provide perpetual protection of wildlife habitat, which will be available for utilization by various common and protected wildlife species including, but not limited to, amphibians species, reptiles species, small mammal species, and avian species, including wading birds. The enhancement and long-term protection of the 204± acre on-site preserve area will help to maintain wildlife diversity in Lee County, in compliance with Objective 123.3 of the Lee Plan.

POLICY 123.3.3: Protect wildlife from impacts of new non-agricultural development in nonurban areas through the creation and implementation of a human-wildlife coexistence plan for each new development requiring a development order.

A human-wildlife coexistence plan is attached in compliance with this policy. See the Protected Species Management and Human-Wildlife Coexistence Plan enclosed.

OBJECTIVE 123.8: GOPHER TORTOISES. Restore and maintain secure, viable populations of Gopher Tortoises in Lee County.

POLICY 123.8.1: Protect Gopher Tortoise burrows wherever they are found. If unavoidable conflicts make on-site protection infeasible, off-site mitigation may be provided in accordance with FWC requirements.

Please see the attached Indigenous Preserve and Protected Species Management Plan that was prepared for the Project. Gopher tortoise (*Gopherus polyphemus*) burrows that will be impacted by construction activities will be relocated on-site where feasible, or off-site in accordance with the Florida Fish and Wildlife Conservation Commission Gopher Tortoise Permitting Guidelines.

OBJECTIVE 123.10: WOOD STORK. Lee County will maintain regulatory measures to protect the wood stork's feeding and roosting areas and habitat.

No wood stork (Mycteria americana) rookeries or roosting areas were documented on the Project site. Compensation for impacts to wood stork foraging habitat will be provided through the enhancement and preservation of on-site wetland areas, or through the purchase of credits from a wetland mitigation bank. Additionally, the enhancement and preservation of wetland areas within the onsite preserve will provide and protect potential foraging habitat for woods storks and other wading birds. The proposed stormwater system will comply with all design requirements in the LDC, including the littoral planting requirements, which provides potential forage areas.

OBJECTIVE 124.1: Protect and conserve the natural functions of wetlands and wetland systems by maintaining wetland protection regulations.

POLICY 124.1.1: Ensure that development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII. Owners of wetlands adjacent to Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, New Community, Outlying Suburban, Sub-Outlying Suburban, and Rural future land use categories may transfer dwelling units from preserved freshwater wetlands to developable contiguous uplands under common ownership at the same underlying density as permitted for those uplands.

The proposed development is limited to previously impacted or planned residential areas. Density is calculated at 1 du/20 acres in all wetlands proposed to be impacted in accordance with table 1(a). Densities from preserved wetlands are transferred to developable contiguous uplands under common ownership at consistent with the

maximum allowable density for the adjacent Suburban and Outlying Suburban Future Land Use Categories as identified in this policy and Table 1(a).

POLICY 124.1.2: The County's wetlands protection regulations will be consistent with the following:

2. No development in wetlands regulated by the State of Florida may be commenced without the appropriate state agency permit or authorization. Development orders and development permits authorizing development within wetlands or lands located within the Wetlands future land use category may be issued subject to a condition that construction may not commence until issuance of the required state permits.

A condition is proposed which requires that construction may not commence until an ERP is obtained to authorize any impacts to wetlands proposed by the MCP.

6. The density on wetlands that have been impacted, or will be impacted, in accordance with a state agency permit will be calculated at a density of one dwelling unit per 20 acres. Nonresidential uses on wetlands that have been impacted, or will be impacted, in accordance with a state agency permit must be consistent with the non-residential uses permitted in the immediately adjacent, least intense, upland future land use category.

The proposed development calculates allowable density for uplands based and preserved wetlands based on the maximum of 6 dwelling units per acre for Suburban areas and 3 dwelling units per acre for Outlying Suburban areas, and as mentioned above, a calculation of 1 du/20 acres in all wetlands proposed to be impacted in accordance with table 1(a). The application and preliminary density calculation demonstrate available density if all wetlands were impacted as a worst case scenario only and currently preserved wetlands will not be impacted.

POLICY 125.1.2: New development and additions to existing development must not degrade surface and ground water quality.

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.

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.

The proposed MPD will include stormwater lakes within the development tracts to address water quality. The surface water system will also be required to obtain an ERP from the South Florida Water Management District at the time of DO. The proposed RPD will not impact existing infrastructure in the area, and roadways, schools, EMS, potable water and sanitary sewer service are available to serve the property.

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.

The Property includes a portion of the Halfway Creek floodplain, the limits of which are shown on the proposed MCP. No development is proposed within this area, and it is included within the proposed preserve areas on the MCP. The Surface Water Management System will be designed to maintain existing off-site flows.

POLICY 126.1.3: Freshwater resources will be managed in order to maintain adequate freshwater supplies during dry periods and to conserve water.

Irrigation for the proposed development will be provided via onsite lakes and resupplied by groundwater.

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.

The development of the proposed stormwater management system will provide water quality and water quantity improvements. The system will be designed so that sufficient flow of water to retain the existing hydroperiods will be maintained. The attached Surface Water Management Plan provides additional details regarding the surface water management system.

POLICY 135.1.9: The County will ensure a mix of residential types and designs on a County-wide 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.

The proposed development allows for a mix of residential types, including Single-family, Zero lot line, Two-family attached, Townhouse , and Multiple-family buildings in the form of high-rise and mid-rise multi-family dwellings. The proposed density is consistent with the Lee Plan.

IX. CONCLUSION

The proposed Pelican Landing London Bay MPD will allow for buildout of an approved DRI with the intended mix of residential, non-residential and resort-oriented recreational amenities originally envisioned for this property. Due to the pattern of development in the area, internal to the site, as well as the roadway access, the Applicant is seeking to reduce unused commercial entitlements permitted by the DRI and correspondingly increase the allowable unit count. The result is no net increase to trips and project that meets market demand for a master-planned waterfront community.

Previous zoning approvals for the Pelican Landing CPD/RPD and Kersey Smoot RPD anticipated development and comparable densities and intensities on the Property. The proposed infill/redevelopment of these areas through the Pelican Landing London Bay MPD makes efficient use of land available for development and responds to housing needs and public investment in infrastructure in the surrounding areas.

The proposed building height and relatively low, highly clustered density will be compatible with the densities and building heights in the immediate area. Viewsheds from surrounding properties will be further improved via the proposed design standards.

The project is well-planned in relation to the environmentally sensitive areas, both on- and off-site. The MCP demonstrates preserve and open space far exceeding the LDC requirements.

The MPD provides for compatibility with the surrounding neighborhoods through buffers, setbacks, limited access points, and significant preserves and open spaces located adjacent to existing residential communities.

For these reasons, the Applicant respectfully requests approval of the MPD rezoning as proposed.

Additional info dated 07-16-2024

PELICAN LANDING DRI
UNIT COUNT TABULATION

Community Name	UNIT COUNT Sources			Notes
	DRI	CDD	Plat/Condo Doc	
Bay Cedar	66	66	66	Multiple plats (combined into 1 PDF) 36 units in Creek Village RPD
Bay Creek I & II	13	15	26	Lot 14 in Spring Creek West DRI (98% of Lot) - Lots 8 & 9 & Lots 3& 4 Combined but treated as two separate lots for analysis.
Capri	63	63	63	Plat
Coventry	8	8	8	10 Lots on Original Plat - 7 Lots Built - 1 vacant lot - 1 lot converted to GC on Replat
Cypress Island	68	68	68	Condo Doc
Goldcrest	42	42	42	Plat
Heron Cove North	22	22	22	Plat
Heron Glen	0	15	15	Plat
Heron Point	0	23	23	Plat
Lakemont	165	165	165	Multiple plats (combined into 1 PDF)
Lakemont Cove	124	124	124	Condo Doc not clear on units. Prop Appraiser of all buildings generated 124 owners
Longlake	147	147	147	Multiple plats (combined into 1 PDF)
Longlake Village	56	56	56	Plat
Mystic Ridge	46	46	46	Condo Doc
Palm Colony	0	120	120	Condo Doc
Pennyroyal	43	43	43	Plats
Sanctuary	52	52	46	Plat - 46 lots shown, aerial 46 counted
Sandpiper Greens	48	48	48	2 separate condo docs (combined in to 1 PDF)
Sandpiper Isles	0	100	100	Condo Doc/Property Appraiser Owner count
Sawgrass Point	124	124	124	Condo Doc
Southbridge	31	166	31	7 Buildings total in Pelican Landing but 3 buildings partially in Spring Creek - Removed 1 unit for each building
The Reserve	60	60	60	Condo Doc
Tides	280	280	280	Condo Doc
Waterside	46	46	46	Plat
Pelican Landing Total	**1,504**	**1,899**	**1,769**	
Colony Estates/Messina	6	6	6	Plat
Las Palmas	49	49	49	Plat
Addison Place	28	28	28	Plat
Tuscany Isle	39	40	39	Plat shows 40, lot combination performed = 39, aerial shows 39
Bellagio	26	26	26	Plat
Merano	100	100	100	Condo Doc
Sorrento	72	72	72	Condo Doc
Palermo	71	71	71	Condo Doc
LaScala	64	64	64	Condo Doc
Treviso	76	76	76	Condo Doc
Castella	72	72	72	Condo Doc
Navona	100	100	100	Condo Doc
Florencia	116	116	116	Condo Doc
Villa Trevi	5	5	5	Condo Doc
Terzetto	69	69	69	Condo Doc
Cielo	96	96	96	Condo Doc
Altaira	75	75	75	Condo Doc
M&N	200	124	200	FPA Shows 116. DRI Says 200 or less. Total assumed 200
The Colony Totals	**1,264**	**1,189**	**1,264**	
Creek Village RPD	**36**			
Longlake RPD	**408**			
TOTALS	**2,768**		**3,033**	
Pelican Landing	**1,769**			
The Colony	**1,264**			
Timeshare	**362**			96 built today Hyatt Coconut Plantation Resort Timeshare - Assumes all units are 3 bedrooms or more and 1:1 density ratio
Total Reconciled Unit Count	**3,395**			
PL DRI Approved	**3,912**			
Remaining	**517**			Remanining represents PL DRI Approved # minus Plat/Condo Total # minus Timeshare units (1 Single-Family & 503 Multi-Family)

Community Name	UNIT COUNT		
	Sources		
	DRI	CDD	Plat/Condo Doc
Bay Cedar	66	66	66
Bay Creek I & II	13	15*	26
Capri	63	63	63
Coventry	8	8	8
Cypress Island	68	68	0
Goldcrest	42	42	42
Heron Cove North	22	22	22
Heron Glen	15	15	15
Heron Point	23	23	23
Lakemont	165	165	165
Lakemont Cove	124	124	0
Longlake	147	147	147
Longlake Village	56	56	56
Mystic Ridge	46	46	0
Palm Colony	120	120	0
Pennyroyal	43	43	43
Sanctuary	52	52	46
Sandpiper Greens	48	48	0
Sandpiper Isles	100	100	0
Sawgrass Point	124	124	0
Southbridge	31	166	0
The Reserve	60	60	0
Tides	280	280	0
Waterside	46	46	46
Pelican Landing Total	**1,762**	**1,884**	**768**
Colony Estates/Messina	6	6	6
Las Palmas	49	49	49
Addison Place	28	28	28
Tuscany Isle	39	40	39
Bellagio	26	26	26
Merano	100	100	0
Sorrento	72	72	0
Palermo	71	71	0
LaScala	64	64	0
Treviso	76	76	0
Castella	72	72	0
Navona	100	100	0
Florencia	116	116	0
Villa Trevi	5	5	0
Terzetto	69	69	0
Cielo	96	96	0
Ponza	13	13	13

Altaira	75	75	0
M&N	200	124	0
The Colony Totals	**1,277**	**1,202**	**161**
TOTALS	**3,039**		**929**
TOTAL BUILT/COMMITTED SINGLE-FAMILY	**929**		
DRI PERMITTED SINGLE-FAMILY	**930**		
AVAILABLE SINGLE-FAMILY	**1**		

Notes
Multiple plats (combined into 1 PDF)
Lot 14 in Spring Creek West DRI (98% of Lot) - Lots 8 & 9 Combined but treated as two separate lots for
Plat
7 Built
Condo Doc
Plat
Plat
Plat
Plat
Multiple plats (combined into 1 PDF)
Condo Doc not clear on units. Prop Appraiser of all buildings generated 124 owners
Multiple plats (combined into 1 PDF)
Plat
Condo Doc
Condo Doc
Plats
Plat - 46 lots shown, aerial 46 counted
2 separate condo docs (combined in to 1 PDF)
Condo Doc/Property Appraiser Owner count
Condo Doc
7 Buildings total in Pelican Landing but 3 buildings partially in Spring Creek - Removed 1 unit for each bu
Condo Doc
Condo Doc
Plat
Plat
Plat
Plat
Plat shows 40, lot combination performed = 39, aerial shows 39
Plat
Condo Doc
Condo Doc
Condo Doc
Condo Doc
Condo Doc
Condo Doc
Condo Doc
Condo Doc
Condo Doc
Condo Doc
Condo Doc
Plat

Condo Doc
FPA Shows 116. DRI Says 200 or less. Total assumed 200

· analysis

ıilding

Community Name	UNIT COUNT		
	Sources		
			Plat/Condo Doc
Bay Cedar			0
Bay Creek I & II			0
Capri			0
Coventry			0
Cypress Island			68
Goldcrest			0
Heron Cove North			0
Heron Glen			0
Heron Point			0
Lakemont			0
Lakemont Cove			124
Longlake			0
Longlake Village			0
Mystic Ridge			46
Palm Colony			120
Pennyroyal			0
Sanctuary			0
Sandpiper Greens			48
Sandpiper Isles			100
Sawgrass Point			124
Southbridge			31
The Reserve			60
Tides			280
Waterside			0
Pelican Landing Total			**1,001**
Colony Estates/Messina			0
Las Palmas			0
Addison Place			0
Tuscany Isle			0
Bellagio			0
Merano			100
Sorrento			72
Palermo			71
LaScala			64
Treviso			76
Castella			72
Navona			100
Florencia			116
Villa Trevi			5
Terzetto			69
Cielo			96
Ponza			0
Altaira			75

M&N			200
The Colony Totals			**1,116**

MULTI-FAMILY SUB-TOTAL			**2,117**
TIMESHARE UNITS			**362**
TOTAL MULTI-FAMILY			**2,479**

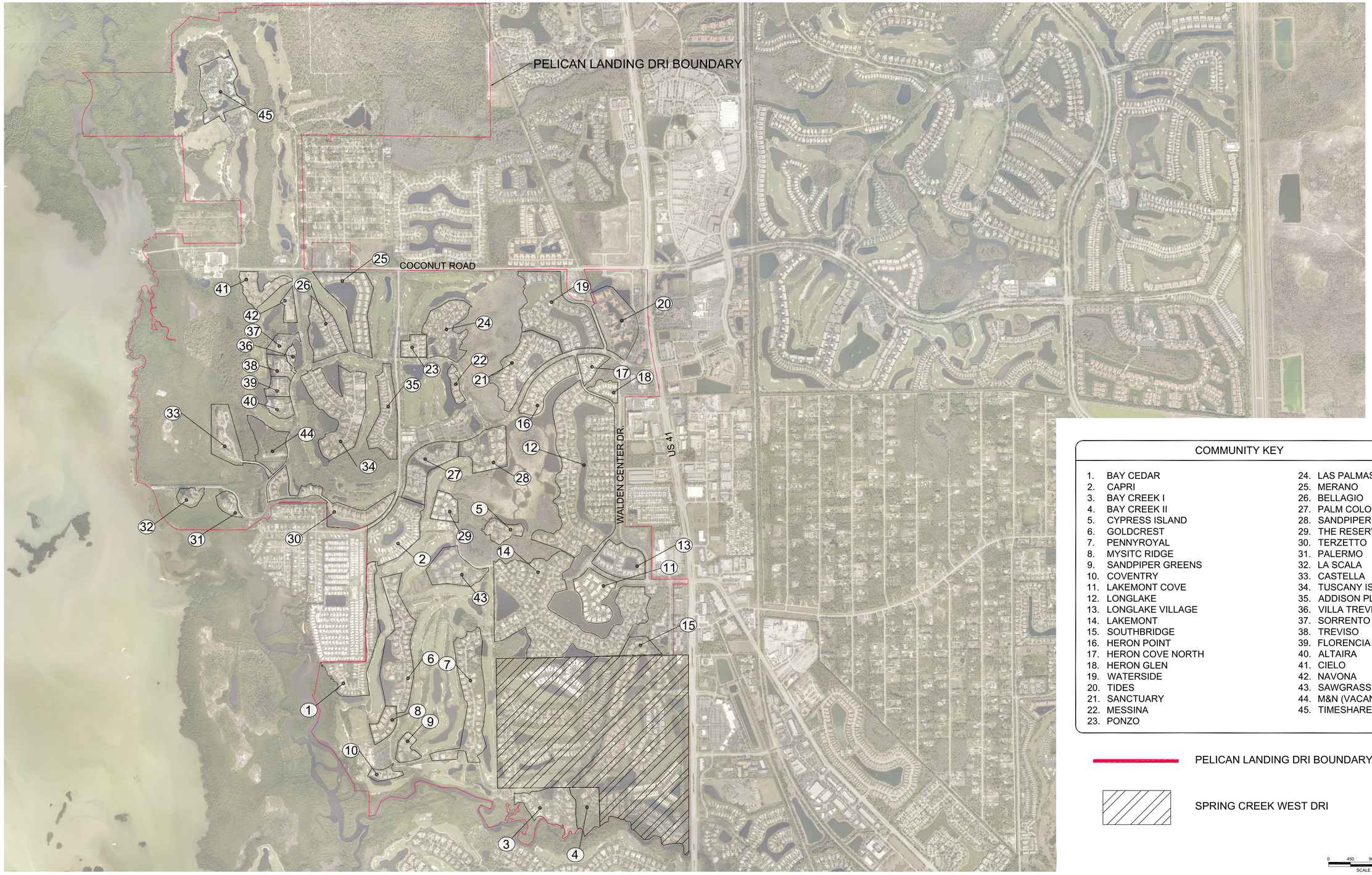
TOTAL BUILT/COMMITTED MULTI-FAMILY	**2,479**		
DRI PERMITTED MULTI-FAMILY	**2,982**		
AVAILABLE MULTI-FAMILY	**503**		

Notes
Multiple plats (combined into 1 PDF)
Lot 14 in Spring Creek West DRI (98% of Lot) - Lots 8 & 9 Combined but treated as two separate lots for
Plat
Lots 3 & 4 combined for total of 7 (8 other lots are in Spring Creek)
Condo Doc
Plat
Plat
Plat
Plat
Multiple plats (combined into 1 PDF)
Condo Doc not clear on units. Prop Appraiser of all buildings generated 124 owners
Multiple plats (combined into 1 PDF)
Plat
Condo Doc
Condo Doc
Plats
Plat - 46 lots shown, aerial 46 counted
2 separate condo docs (combined in to 1 PDF)
Condo Doc/Property Appraiser Owner count
Condo Doc
7 Buildings total in Pelican Landing but 3 buildings partially in Spring Creek - Removed 1 unit for each bu
Condo Doc
Condo Doc
Plat
Plat
Plat
Plat
Plat shows 40, lot combination performed = 39, aerial shows 39
Plat
Condo Doc
Condo Doc
Condo Doc
Condo Doc
Condo Doc
Condo Doc
Condo Doc
Condo Doc
Condo Doc
Condo Doc
Condo Doc
Plat
Condo Doc

FPA Shows 116. DRI Says 200 or less. Total assumed 200

· analysis

ıilding



COMMUNITY KEY

1. BAY CEDAR
2. CAPRI
3. BAY CREEK I
4. BAY CREEK II
5. CYPRESS ISLAND
6. GOLDCREST
7. PENNYROYAL
8. MYSITC RIDGE
9. SANDPIPER GREENS
10. COVENTRY
11. LAKEMONT COVE
12. LONGLAKE
13. LONGLAKE VILLAGE
14. LAKEMONT
15. SOUTHBRIDGE
16. HERON POINT
17. HERON COVE NORTH
18. HERON GLEN
19. WATERSIDE
20. TIDES
21. SANCTUARY
22. MESSINA
23. PONZO
24. LAS PALMAS
25. MERANO
26. BELLAGIO
27. PALM COLONY
28. SANDPIPER ISLES
29. THE RESERVE
30. TERZETTO
31. PALERMO
32. LA SCALA
33. CASTELLA
34. TUSCANY ISLE
35. ADDISON PLACE
36. VILLA TREVI
37. SORRENTO
38. TREVISO
39. FLORENCIA
40. ALTAIRA
41. CIELO
42. NAVONA
43. SAWGRASS POINT
44. M&N (VACANT)
45. TIMESHARE

PELICAN LANDING DRI BOUNDARY

SPRING CREEK WEST DRI

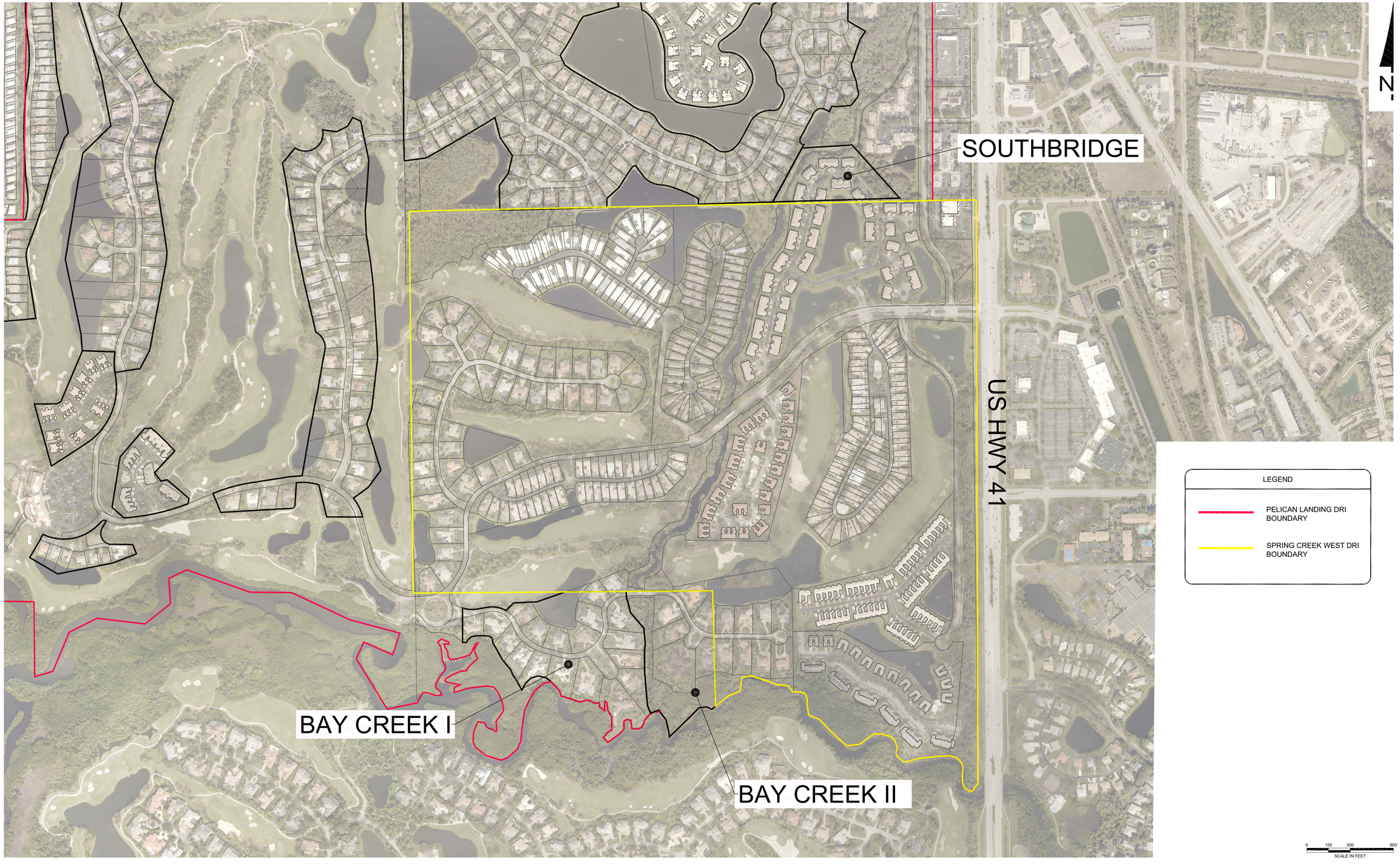
0 450 900 1800
SCALE IN FEET

B:\Projects\704-102 (Bayview) Raptor Bay Master Planning & DO\Drawings-Exhibits\704-102-E02 - Pelican Landing Communities\Current Plans\704102E0201.dwg
04/30/2019 5:21:19 AM

WALDROP ENGINEERING
PLANNING | CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE
FL CA 8636, LC26000385
www.waldropengineering.com

PELICAN LANDING DRI
COMMUNITIES EXHIBIT

18 May 2020



B:\Projects\704-102 (Bayview) Raptor Bay Master Planning & DD\Drawings-Exhibits\704-102-E02 - Pelican Landing Communities\Current Plans\704102E0201.dwg
5/18/2020 9:27:41 AM

WALDROP ENGINEERING
PLANNING | CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE
FL CA 8636, LC26000385
www.waldropengineering.com

PELICAN LANDING / SPRING CREEK WEST DRI BOUDNARIES
COMMUNITIES INSERT

18 May 2020

CITY OF BONITA SPRINGS

RESOLUTION NO. 20 - 66

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA AMENDING THE MASTER DEVELOPMENT PLAN (MAP H) OF THE PELICAN LANDING DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Pelican Landing Development of Regional Impact ("DRI") is currently governed by the Sixteenth Development Order Amendment, attached hereto and incorporated herein by reference as Exhibit "A"; and

WHEREAS, WCI Communities, LLC has amended Lee County Zoning Resolution No. 94-014, Bonita Springs petition PD15-23496-BOS, providing for redevelopment of a portion of the Pelican Landing Golf Resort (known as "Raptor Bay") at the northwest intersection of Coconut Point Resort Drive and Coconut Road, Bonita Springs; and

WHEREAS, petition PD15-23496-BOS is subject to the terms set forth in the Final Judgement Confirming Final Arbitration Order for Lee County Circuit Case 17-CA-3966; and

WHEREAS, WCI Communities has petitioned to amend the DRI Development Order by revising the Master Development Plan to be considered in accordance with Section 4-131(d)(1)c.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bonita Springs, Lee County, Florida:

SECTION ONE. The above recitals are true and correct and are incorporated herein by this reference.

SECTION TWO. The Master Development Plan for the Pelican Landing DRI (Map H) is hereby amended as reflected as described and depicted in Exhibit "B" attached hereto and incorporated herein by reference.

SECTION THREE. The existing Development Order is hereby replaced and superseded in its entirety by Exhibit "C" attached hereto reflecting the change in Map H and uses identified in the Master Development Plan and other clarifications of record.

SECTION FOUR. This Resolution shall be effective upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 5th day of August, 2020.

AUTHENTICATION:

Mayor

City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Carr	Aye	Corrie	Aye
Purdon	Aye	Quaremba	Aye
Forbes	Aye	Simmons	Aye
Gibson	Aye		

Date filed with City Clerk: 8/7/2020

Exhibit "C"

SIXTEENTH ~~FIFTEENTH~~ DEVELOPMENT ORDER AMENDMENT FOR

PELICAN LANDING

A DEVELOPMENT OF REGIONAL IMPACT

STATE DRI #1-9293-121
COUNTY CASE DRI ~~DRI2005-00001~~
CITY OF BONITA SPRINGS CASE DRI ~~11BOS-DRI00001~~

WHEREAS, the boundaries of the portion of the Pelican Landing DRI in the City of Bonita Springs changed due to annexation. The areas that have been annexed should be included in the DRI Development Order for the City of Bonita Springs; and

WHEREAS, an application to amend the boundaries of the City of Bonita Springs Development of Regional Impact Development Order was submitted pursuant to Section 380.06(19)(e)2., F.S.; and

~~WHEREAS, a Notice of Proposed Change was filed on January 7, 2011 to extend the buildout date to extend the buildout date from May 20, 2016 to May 20, 2020, and the termination date from May 20, 2019 to May 20, 2026, and amend various conditions of the DRI to reflect completion and passage of time for certain items, and ending the interface zone monitoring requirements; and~~

WHEREAS, this document incorporates the Development Order Amendments for Pelican Landing DRI adopted: 1) March 22, 1995 (incorporating the terms of a settlement agreement); 2) August 16, 1995, which incorporated the conditions of the Spring Creek West DRI as set forth in the Eighth Amendment to Spring Creek DRI #10-7677-9; 3) November 4, 1996; 4) November 17, 1997; 5) September 21, 1998; 6) June 21, 1999; 7) December 6, 1999; 8) August 7, 2000; 9) September 18, 2000; 10) April 3, 2002 to revise the legal description and clearly define the jurisdictional line between the City and County; 11) October 28, 2002, 12) October 17, 2007; 13) September 2, 2009, ~~and~~ 14) July 18, 2011; 15) February 13, 2012; and the conditions proposed for the ~~fifteenth~~ sixteenth amendment to the Pelican Landing DRI Development Order; and

WHEREAS, Condition II.L., adopted as part of the ninth development order amendment, required the developer to file a Notice of Proposed Change to delineate the jurisdictional boundaries as to the DRI property between the City of Bonita Springs and Lee County; and

WHEREAS, the Developer previously submitted an application for the Eleventh, Twelfth, Thirteenth, ~~and~~ Fourteenth, and Fifteenth Amendments to the Pelican Landing DRI Development Order to extend the buildout date; and

WHEREAS, the Lee County adopted a substantially similar development order to be applicable within its jurisdiction; and

WHEREAS, the prior changes to the Pelican Landing DRI Development Order described in this document are consistent with the adopted Comprehensive Land Use Plan of Lee County, the Bonita Springs Comprehensive Land Use Plan, proposed Bonita Springs Comprehensive Land Use Plan and applicable local Land Development regulations; and

~~WHEREAS, the Developer has submitted a letter indicating its intent to extend the buildout and termination dates to the City of Bonita Springs and Lee County under HB 7207 to provide for the four (4) year extension permitted by the Florida Legislature (14th Amendment); and~~

WHEREAS, City of Bonita Springs, Florida, considered the report and recommendations of the Southwest Florida Regional Planning Council when the ADA was reviewed and the DRI development order was adopted. No comments were received from the SWFRPC within the statutory time frame for the Notice of Proposed change, the Lee County Staff, the City of Bonita Springs Board for Land Use Hearings and Adjustments and Zoning Board of Appeals ("Zoning Board"), the documents and comments upon the record made before the City Council in public hearing, and after full consideration of those reports, recommendations, comments, and documents, the City Council of Bonita Springs, Florida, finds and determines that the proposed change does not constitute a substantial deviation warranting further DRI review.

WHEREAS, State of Emergency time extensions were submitted and approved on March 1, 2012, September 21, 2012, December 27, 2012, October 15, 2015, May 3, 2016, December 9, 2016, and September 12, 2018. Due to the legislative time extensions the buildout and termination dates need to be adjusted to reflect the State of Emergency time extensions. The current buildout date is now July 14, 2029 and the current termination date is July 14, 2035.

WHEREAS, the City of Bonita Springs added a parcel to the Hyatt hotel, which is part of the Pelican Landing DRI; the City requested WCI Communities, LLC to include the parcel in the DRI Development Order. WCI Communities, LLC is relying on the City determination that the inclusion of the parcel in the DRI does not result in any unreviewed regional issues.

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The "Pelican Landing DRI" is a partially built master planned community on a total of 2,749.7 acres located approximately three miles north of the Lee/Collier County Line. Approximately ~~1,249.8~~ 1,507 acres of the Pelican Landing DRI are located within the City of Bonita Springs; ~~approximately 1,217.9 acres of the~~

~~Pelican Landing DRI are located within the unincorporated area of Lee County;~~ and approximately 282 acres of the 2,749.7 acre total constitutes the Spring Creek West DRI, which is located in the City of Bonita Springs. The property is bounded on the west by Estero Bay, on the east by US 41, and on the south by Spring Creek. Coconut Road provides the general northern boundary of Pelican Landing; however, a part of the project is located north of Coconut Road.

The development is approved with a total of 3,912 residential units, of which 930 are single-family and 2,982 multi-family, 300,000 square feet of gross floor area of retail commercial, and 475,000 square feet of gross floor area of office commercial. The retail uses will provide up to 2,048 parking spaces and the office uses will provide up to 1,587 parking spaces. The project includes 750 hotel/motel rooms, a 50,000-square-foot conference center, 65 wet boat slips and 150 dry boat slips, various recreational amenities including, but not limited to: golf, tennis, canoe parks, an existing boat ramp on the Baywinds Parcel and a beach park for the benefit of the owners in Pelican Landing. There are 143.81 acres of upland habitat preserve, 678.5 acres of salt and freshwater wetlands, 247.49 acres of water management lakes, 162.16 acres of public and private rights-of-way, 3.2 acres of "off-site" parking, 6 acres of utilities and an .11-acre cemetery site.

Water supply and wastewater treatment, and reclaimed water, when available, will be provided by Bonita Springs Utilities, Inc. The project buildout is the year 2025 ~~2020~~.

B. LEGAL DESCRIPTION: The Pelican Landing DRI is located in Sections 05, 06, 07, 08, 09, 16, 17, 18, 20, and 21, Township 47 South, Range 25 East, and Sections 13 and 24, Township 47 South, Range 24 East, Lee County, Florida as more particularly described in attached Exhibits A, B~~,~~ and C ~~and D~~.

~~Exhibit A identifies the boundaries of the Pelican Landing DRI as located within unincorporated Lee County.~~

Exhibit A ~~B~~ identifies the boundaries of the DRI located within the City of Bonita Springs, except the Spring Creek West DRI portion.

Exhibit B ~~C~~ identifies the boundaries of the Spring Creek West DRI, which is located in City of Bonita Springs.

~~Exhibit D is a sketch of the legal descriptions, set forth in Exhibits A, B and C.~~

Exhibit C identifies the boundaries of the Hyatt expansion parcel.

C. The DRI property is currently zoned AG-2, RS-1, RM-6, PUD, RPD, CPD, TFC-2 and RM-2; the property is partially developed.

D. The Application for Development Approval as modified by the settlement agreement was determined to be consistent with the requirements of Section 380.06, Florida Statutes.

E. The development is not located in an area designated as an Area of Critical State Concern under the provisions of Sections 380.05 and 380.06 (14), Florida Statutes.

F. The proposed Development Order Amendment does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development plan applicable to the area. The development is consistent with the State Comprehensive Plan if developed pursuant to the conditions set forth herein.

G. The Department of Economic Opportunity provided a letter that submitted that an amendment to the DRI DO could be submitted as a Section 380.06(19)(e)2. Change. ~~SWFRPC did not comment on the Notice of Proposed Change Application within the statutory time frame. The development, as proposed in the Application for Development Approval (ADA) amended by subsequent Notices of Proposed Change, and as modified by this Development Order Amendment, is generally consistent with the report and the recommendations of the SWFRPC pursuant to Section 380.06(11)~~.

H. The development is located in the Urban Community, Outlying Suburban and Resource Protection Areas future land use classifications of the Lee Plan and the property is located within the Privately Funded Infrastructure Overlay and is consistent with the Lee County Comprehensive Plan and Lee County's Land Development Regulations if subject to the conditions contained in this Development Order. The Development is located in the Moderate Density MU/PD classification of the City of Bonita Springs Plan, the "high rise" buildings were found to be vested under the administrative provisions of the City of Bonita Springs Plan pursuant to Case No. Vested Rights-2004-00001. The development located within the City of Bonita Springs is consistent with the City of Bonita Springs Plan. The annexed property is still in Lee County future land use classifications identified above.

I. The proposed conditions below meet the criteria found in Section 380.06 (15) (d), Florida Statutes.

J. In accordance with the Development Order condition Section III. Condition 16. herein, the lands within the Spring Creek West DRI were incorporated into this Development Order. Those lands described as the Spring Creek West DRI will only be subject to those terms and conditions set forth in the Eighth Development Order Amendment for the Spring Creek West DRI. They will remain applicable to the property known as the Spring Creek West DRI in the same manner as they are presently applicable, except that one biennial monitoring report that includes both Pelican Landing and Spring Creek West DRIs must be submitted. Additionally the Spring Creek West DRI legal description has been included within the Pelican

Landing DRI. Since the Spring Creek West land is part of an almost completely developed vested DRI, there is no reason to alter the conditions within the Spring Creek West DRI Development Order. The Spring Creek West property is vested under the terms and conditions of the Spring Creek West DRI Development Order, and this property will not be considered in any cumulative analysis of Pelican Landing in accordance with Section III Condition 16. The Spring Creek West DRI is built out. The monitoring for a built out DRI only needs to occur for one year after buildout. The Spring Creek West development has essentially been built out for a period longer than one year, but has not been set forth in an agreement in accordance with Florida Statutes §380.032.

K. A portion of the DRI property is in the incorporated limits of the City of Bonita Springs pursuant to legislation adopted during the 1999 and 2015 Legislative sessions. Portions of the Pelican Landing DRI were added to the City of Bonita Springs by Ordinance 14-10 and Ordinance 13-12. The property ~~now~~ added to ~~located in~~ the City of Bonita Springs by legislative action lies within the area described in section 6 of the Committee Substitute for Senate Bill 2626, 1st Engrossed. Pursuant to Florida Statutes §380.06(15)(h), a separate DRI development order was previously adopted by the City of Bonita Springs that incorporated~~s~~ the rights and obligations specified in this development order as they affect property located within the city limits. Also pursuant to that section of the Florida Statutes, the Pelican Landing DRI development order adopted by the county was ~~must be~~ amended to remove property ~~now~~ located in the City of Bonita Springs. Conditions pertaining to the adoption of an amended DRI development order for property remaining within unincorporated Lee County are set forth in Section II. L. of this development order.

L. In 2011, the State Land Planning Agency changed from the Department of Community Affairs (DCA) to the Department of Economic Opportunity (DEO). References to DCA are now reflected as ~~changed to~~ DEO in the~~is~~ DRI Development Order for future references.

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, LET IT BE ORDAINED BY THE CITY COUNCIL OF BONITA SPRINGS, LEE COUNTY, FLORIDA, that conditions of the Development Order for the Pelican Landing DRI adopted on August 29, 1994, and amended on March 22, 1995, August 16, 1995, November 4, 1996, November 17, 1997, and September 21, 1998, June 21, 1999, December 6, 1999, August 7, 2000, September 18, 2000, April 3, 2002, October 28, 2002, October 17, 2007, September 2, 2009, ~~and~~ July 18, 2011, and February 13, 2012 are further amended as follows, with new language underlined and deletions struck through. All other portions of the original Development Order will remain in full force and effect.

For the purposes of this Development Order, the term "developer" or "Applicant" includes successors or assigns, and all references to County Ordinances and codes include future amendments.

A. Historical/Archaeological Sites

1. The Zenith Mound Archaeological Site (State Master File #8LL1436) and the Johnson Cemetery (State Master File #8111440) will be preserved in perpetuity and have been recorded as "preserve" on all appropriate plats, site plans, and the Master Development Plan for Pelican Landing DRI.

2. If any additional archaeological/historical sites are uncovered during development activities, all work in the immediate vicinity of such sites will cease. The developer will immediately contact the Florida Department of State, Division of Historical Resources, the SWFRPC, and Lee Countyand advise them of the discovery. The developer will have a State-certified archaeologist determine the significance of the findings and recommend appropriate preservation and mitigation actions, if necessary.

B. Housing

1. There were no regionally significant housing impacts for the first planning horizon of the DRI Development Order, which endeds on December 31, 1997. Utilizing supply data not adjusted to account for the fact that housing sells for less than the listed price, Planning Horizon II (January, 1998, through December 2002) would have an unmet need of 99 affordable units for very low income and no unmet need for low income households. Utilizing supply data adjusted to account for the fact that housing sells for less than the listed price, Planning Horizon II would have an unmet need of only 38 affordable housing units for very low income households and still no unmet need for low income households. The aforementioned data is based on the existing studies.

The supply adjustment figures mentioned above are based on actual sales prices relative to listed prices. Affordability thresholds for owner-occupied affordable housing are determined using PITI (Principal, Interest, Taxes, and Insurance) calculations methodology as outlined in the DCA 1991 Draft methodology.

2. The Southwest Florida Regional Planning Council, the Florida Department of Community Affairs, and Lee County accepted the Developer's contribution of $20,000.00 to assist existing and prospective employees within the Pelican Landing DRI to locate affordable housing. The $20,000.00 was contributed to the Lee County Affordable Housing Trust Fund by January 2, 1997. Lee County may use all, or a portion, of the funds to conduct a needs assessment study, and the County will commit to use SHIP funds to assist a minimum of 8 qualified employees within the Pelican Landing DRI obtain a home. Qualified employees must be first time homebuyers, employed by a business located within the Pelican Landing DRI,

including employees of WCI. The applicants for funding must meet the program guidelines including, but not limited to, income limitations and repayment obligations. The funds will only be used to provide interest free deferred payment assistance to qualifying homebuyers for either closing costs or down payments associated with the purchase loan.

C. Hurricane Preparedness

1. The developer provided Lee County with the funds for the provision and connection of a portable diesel powered generator for the Gateway Elementary School. The generator must be equipped with a fuel tank, capable of generating enough power to handle the demands of ventilation fans, lighting, life safety equipment (alarms and intercom), and refrigeration and cooking equipment. The developer was responsible for the initial electrical hook-up costs. The selection of the generator was in coordination with Lee County Emergency Management Staff.

2. The Lee County Emergency Management staff will act as a liaison between the developer and the Lee County School District staff, and will make all of the necessary arrangements for the location of the generator on Lee County School Board property.

3. The provision of the generator serves to mitigate the shelter and evacuation impacts of the project at buildout. Should Lee County ever adopt an impact fee, or other type of levy or assessment to provide funding for shelter space and improvements thereto, the developer will be entitled to a credit against the fee or levy in the amount of the cost of the generator, if eligible under the terms of that impact fee or levy.

4. The developer must notify all purchasers of real property within the residential portions of development, through the restrictive covenants, of the potential for storm surge flooding in feet above the Base Flood Elevation, according to the National Weather Services' storm surge model "SLOSH", and the National Flood Insurance Program.

5. The developer must prepare, in conjunction with Lee County Emergency Management and Division of Natural Resources staff, a brochure advising all marina owners of the measures that can be taken to minimize damage in the event of a hurricane. This brochure must address how boat owners can minimize damage to their vessels, the marina site, neighboring properties and the environment. The brochure must be provided to all boat owners and users at the marina.

6. Prior to the issuance of a Certificate of Occupancy for any Hotel, the developer or the hotel owner/manager must prepare a written hurricane preparation and evacuation/sheltering plan. This plan will be prepared in conjunction

with Lee County Emergency Management Staff and must be coordinated with the hurricane evacuation plan for the overall DRI.

7. The Property Owner's Association must host an educational seminar, and will be responsible for obtaining the place for the seminar and for providing the invitations to the homeowners. The time will be coordinated with the Lee County Emergency Management staff, who will provide the education and information at the seminar and will advise the owners of the risks of natural hazards and the action they should take to mitigate the inherent dangers.

8. The developer must develop a hurricane evacuation plan for the DRI. The hurricane evacuation plan must address and include: a) operational procedures for the warning and notification of all residents and visitors prior to and during a hurricane watch and warning period; b) the educational program set forth in condition 7 above; c) hurricane evacuation; d) the method of advising residents and visitors of hurricane shelter alternatives including hotels and public hurricane shelter locations; e) identification of the person(s) responsible for implementing the plan; and f) how the private security force will be integrated with the local Sheriff's personnel and the Division of Public Safety. The plan must be developed in coordination with the Lee County Emergency Management officials and found sufficient by those officials within six months after the effective date of the DRI Development Order. *Editorial note: The developer submitted an emergency plan to Lee County Emergency Management for review and approval. The plan must be re-submitted annually to address changes in the development parameters and changes in local hurricane evacuation and sheltering policies. The plan must comply with Lee County Administrative Code 7-7.*

9. The developer, and any successor landowner, will pay any All Hazards Tax properly levied by Lee County to provide for shelter space, upgrades to shelters, and to address other natural disasters.

10. Conditions C.1. through C.3. address the hurricane mitigation requirements for the initial 4050 units. The total number of approved units is 3,912 units.

D. Marina Facilities

1. The developer must create a conservation easement precluding the construction of additional docking facilities beyond those specifically authorized in this Development Order. This conservation easement will be in addition to the 4,000-foot conservation easement already required in Spring Creek. The location and extent of the conservation easement will be contingent upon navigability of the waterway, and will be established in association with the Florida Department of Environmental Protection (FDEP) permits.

2. All docking and dry storage facilities must be constructed in accordance with the terms and conditions of any FDEP permit or lease, and in accordance with any Lee County dock permit.

3. The developer has constructed dock and channel markers within Estero Bay. The Lee County Division of Natural Resources Management will be permitted to mount regulatory signs on the docks and channel markers owned by the developer. Lee County will be responsible for insuring that the addition of the regulatory signs does not cause the developer to be in violation of any permit condition or FDEP, Coast Guard, or other agency regulation. The regulatory signs will remain the property and maintenance responsibility of the Lee County Division of Natural Resources Management.

4. The marina operator must dispense manatee awareness brochures to all users of the marina facilities. The brochures must also include information regarding channel locations, proper boating routes, and shallow water habitats to be avoided.

5. The developer and marina operator must insure that the marina lighting is directed away from adjacent mangroves and estuarine systems to reduce any negative impacts to the wildlife using these areas.

6. The marina operator will remove or cause to be removed from the marina any boat operator observed violating the guidelines set forth in the manatee awareness brochures, Bonita Springs or Lee County regulations regarding the protection of manatees.

7. The developer must designate and reserve one wet slip for the Florida Marine Patrol or the Lee County Sheriff's Special Response Unit, if needed by these agencies.

8. The shuttle boat captain and marina operator must keep a log of all manatee sightings. The log must reflect the locations, time and date of the sighting, the number of manatees, and the nature of their activity if it can be determined. The log should also note the name of the person recording the sighting. This information must be forwarded to Lee County and FDEP on a periodic basis.

9. The developer must construct an educational board on a Kiosk at the Beach Park. The educational board will be created in conjunction with Bonita Springs, the Lee County Division of Natural Resources Management, Marine Sciences Program and Turtle Time.

10. The developer will comply with all water quality monitoring requirements imposed by the FDEP and the SFWMD.

11. Any boat wash areas must have a closed loop system that captures and recirculates the water through a filtration or other acceptable system. Any boat repair and maintenance facilities must be in an enclosed, roofed, impervious surfaced area to limit the run-off of contaminated water during a storm event.

12. Once a year the marina operator must host an Educational and Hurricane Preparedness Workshop for all tenants in the wet slip area. The marina operator will provide the facility for the seminar and must insure that all tenants are invited. The marina operator will establish the date and time for the workshop in conjunction with Lee County Emergency Management and the Lee County Division of Natural Resources Management, Division of Marine Sciences. Lee County will provide a trained representative who will educate the tenants on natural resources awareness, manatees, safe boating practices and on proper procedures, prior to and during a hurricane.

13. The dry storage facilities must be located in a building or structure which is designed and constructed to meet all requirements of the Standard Building Code.

E. Vegetation and Wildlife/Wetlands

The developer conducted Protected Species surveys in accordance with the Florida Game and Fresh Water Fish Commission (FGFWFC) [now known as the Florida Fish & Wildlife Conservation Commission (FWC)] guidelines and the Lee County Land Development Code. These surveys identified the presence of the following protected species: bald eagle, wood stork, little blue heron, tricolored heron, reddish egret, snowy egret, white ibis, piping plover, Southeastern snowy plover, least tern, American oystercatcher, black skimmer, brown pelican, Atlantic loggerhead sea turtle, and gopher tortoise. The Baywinds parcel has existing environmental permits that remain valid as of the date of the Seventh Development Order Amendment. These permits are based on the plan of development shown on the local Development Order Approval No. 95-12-068.00D. Some improvements were made pursuant to those permits. Future improvements to the Baywinds parcel must be consistent with the conditions set forth in those permits as may be amended.

1. There were three bald eagles' nests of concern prior to the original development order adoption. One nest was on the Pelican Landing property in the Eco Park. The other two nests were originally within 1500 to 1600 feet of Pelican Landing. One of these other nests was located on the Kersey Smoot parcel and was declared abandoned by the USFWS in July 1998. The buffers that affect Pelican Landing property were established in an on-site eagle habitat management plan addressing the Pelican Landing property only. There are currently no active or inactive eagle nests within the Pelican Landing DRI.

Prior to any new development within ~~1500~~ 660 feet of any active eagle nest other than the nest located within the Eco Park, the Developer must prepare an on-site eagle management plan, addressing the Pelican Landing DRI property only, that will be reviewed by DEO, SWFRPC, FWC Lee County, Bonita Springs and USFWS. The agencies must provide specific written objections or concerns if any, regarding any new proposed management plan and indicate how those concerns can be addressed by the developer.

The Developer will revise the management plans to respond to any lawful objections. The agencies will review and respond to the management plan resubmitted. The agencies will provide a written response to Bonita Springs and the Developer, which reflects that there is no objection to the management plan or outlines specific objections and concerns. The agency response will indicate how any concerns or objections can be addressed by the developer Bonita Springs and DEO, will have the final approval authority. If a proposed management plan includes development within 750 feet of an active eagle's nest, the plan must also be submitted to the Lee County Eagle Technical Advisory Committee (ETAC). ETAC will review the plan and forward recommendations to the FWC and USFWS.

2. A local development order for the Hickory Island Beach Park has been issued to permit construction of beach park infrastructure. This local development order includes a protected species survey and phased Preliminary Management Plan (PMP). The PMP incorporated Lee County Division of Natural Resources Management (DNRM) and Florida Game and Fresh Water Fish Commission (FGFWFC) recommendations.

The PMP required the developer to provide the County with a conservation easement over the entire parcel, except for the active building areas approved through the local development order. The PMP permitted a refinement of the conservation easement boundaries after completion of a one year utilization study. The final conservation easement is consistent with the provisions of Section 704.06, Florida Statutes. For the purpose of this DRI Development Order, Section 704.06, F.S. will not preclude educational signage, and signage and land management activities required by the management plan, including but not limited to the removal of exotic vegetation.

The objectives of this one year study were: 1) determine shorebird utilization of land under Developer's ownership based on detailed surveys and prepare a shorebird management plan, 2) analyze beach vegetation and prepare a maintenance plan, and 3) monitor beach use by Pelican Landing visitors. Additionally, the PMP requires surveys for identification and protection of sea turtle nests, the construction of three osprey platforms, and a review of the elements of the overall plan to be conditioned on the DRI Development Order.

The Developer submitted a Final Management Plan to Lee County, FGFWFC, and DCA within 18 months of the effective date of the DRI Development Order, on

November 14, 1994. Lee County, FGFWFC, and DCA reviewed the management plan. Lee County approved this plan and its implementation was certified in October 1996.

3. The projected gopher tortoise burrow count for the original Pelican Landing DRI area was 439, based on an estimate of FGFWFC habitat guidelines, a minimum of 75 acres of gopher tortoise habitat must be protected.

The Developer has set aside a 78∀ acre area of xeric scrub and pine flatwoods to mitigate the impacts to the upland gopher tortoise habitat for the original Pelican Landing DRI land area. This area is known as the Pelican Landing Eco-Park. The Eco-Park area contains significant portions of the xeric oak habitat existing on the original Pelican Landing DRI site.

A Gopher Tortoise Population Study and Management Plan was submitted to the Florida Game and Fresh Water Fish Commission on or about December 22, 1993 for the original Pelican Landing DRI. A new protected species survey was conducted in March and April of 1998 on the addition to the Pelican Landing DRI known as the Kersey-Smoot parcel. The new survey revealed the presence of 114 active and inactive gopher tortoise burrows on 70 acres. A protected species survey was conducted in 1990 and February 1996 on the Baywinds parcel. The survey revealed the presence of 28 active and inactive gopher tortoise burrows on 15.41 acres. The Developer has an Incidental Take Permit for the new gopher tortoise burrows located outside of the Eco-Park in the undeveloped Kersey-Smoot and Baywinds parcels. The Developer obtained an Incidental Take Permit prior to proceeding with development within the gopher tortoise habitat areas. Prior to the start of construction, all gopher tortoise burrows within the development areas must be excavated and any resident gopher tortoises, or commensal species, relocated to open spaces within the Pelican Landing DRI.

Impacts to gopher tortoise habitat within the Kersey-Smoot and Baywinds parcels have been mitigated through incidental take funds paid to the FWC for the purpose of regionally significant gopher tortoise habitat.

The applicant and the Florida Fish and Wildlife Conservation Commission (FWC) have had considerable discussion regarding the modifications and refinements to the existing 78-acre Eco-Park boundaries. The addition of the eastern 140-acre "Skebe Tract", of which 63.24 acres will be added to the Eco-Park, will provide for an 81% increase in the overall size of the Pelican Landing Eco-Park.

The new Eco-Park configuration will delete the southern-most 22 acres, while adding new lands to the park area within the confines of the "Skebe Tract". An overall increase (net gain) of 11 acres of upland habitat, plus 52.24 additional acres of forested wetland acreage will increase the overall size of the revised Eco–Park boundaries to approximately 141.45 acres.

Any active or inactive gopher tortoise burrows found within the Eco-Park deletion zone or the new golf lands of the eastern portion of the "Skebe Tract" will be excavated to search for activity. Any tortoises found will be relocated to the modified Eco-Park boundaries, pursuant to the Eco-Park Reconfiguration Plan, authored by Wilson, Miller, Inc., and accepted by the FWC. The initial Gopher Tortoise Incidental Take Permit LEE-9 must be modified by the FWC in order to adopt the Eco-Park Reconfiguration for both the existing Eco-Park south deletion area, the "Skebe Tract" addition to the Eco-Park, and the inclusion of a portion of the "Skebe Tract" in the development area.

A revised perpetual Conservation Easement will be recorded in the Lee County records, pursuant to the revised boundaries of the Eco-Park. The delete 22 acres will be formally released from the Conservation Easement by the FWC.

4. All areas designated as Preserve on the adopted Map H must remain undeveloped and be owned, maintained, and managed by an Improvement District or a similar legal entity. No lot lines will be allowed within any preserve areas. The following uses are permitted within Preserves: habitat management activities, hiking and nature study, outdoor education, recreational fishing, gates and fencing, and boardwalks limited to pedestrian use. Trimming of mangroves for residential visual access to Estero Bay or Spring Creek is prohibited in wetland areas #14 and #21 (as identified in DRI ADA), and Bay Cedar Phase II (along Spring Creek), and any saltwater wetlands abutting the Kersey-Smoot and Baywinds parcels. However, minor mangrove trimming is permitted within the vicinity of the clubhouse on the Baywinds parcel to provide a limited view of the Estero Bay. The scope of the developer's DEP application request for minor trimming is subject to the review and approval of Lee County Division of Planning, Environmental Sciences staff. All trimming activity will be subject to the wetland regulatory permit approvals.

The Developer has granted a conservation easement consistent with Section 704.06., Florida Statutes for the Eco-Park to the FGFWFC. The conservation easement was drafted to allow use of the Eco-Park for resource-based recreational activities, enjoyment of nature and education enrichment, including, but not limited to: Picnic areas, trails, benches, boardwalks, biking/jogging trails, vita courses, bird viewing blinds/towers and interpretative facilities, signs, on-going maintenance and removal of exotic vegetation and compliance with the management plan required per the FGFWFC. Educational and directional signage are permitted within the Eco-Park. For the purposes of this DRI D.O. the prohibition of signage included within Section 704.06, Florida Statutes applies to off-site signs and billboards. The removal of exotics, controlled burns and the maintenance of the vegetation in accordance with the Eco-Park management plan will be permissible in the conservation easement notwithstanding the provisions of Section 704.06, Florida Statutes prohibiting the destruction of trees. A paved golf cart path, a wooden golf cart bridge across Halfway Creek, a buried irrigation line to be under the path and bridge, and a buried outfall pipe for a surface water management system will be located within the Eco-Park.

5. Should any orchids, wild pine air plants, Florida Counties, Catesby's lilies, leather ferns, royal ferns, or cabbage palms with gold polypody and shoestring ferns be located within development areas, best efforts must be used to relocate these plants to open space and landscaped areas.

6. As part of local development order approval for any phase of the development, an invasive exotic vegetation removal and maintenance plan must be submitted to the Division of Natural Resources Management for approval. At a minimum, this plan must be structured to provide for the phased removal of invasive exotic vegetation and maintenance to control exotic re-invasion within the wetland and upland preserve areas. Removal within preserve areas may be done on a pro rata basis as phased local development orders are obtained.

7. The existing Pelican's Nest golf course includes native vegetation along the rough and between golf holes. The applicant must continue to incorporate the native vegetation into the design of future golf holes, where feasible. Native vegetation has been retained on individual lots and between tracts in the existing developed area of Pelican Landing. Where feasible, the applicant will continue to incorporate native vegetation into the open space and landscaped areas.

8. The applicant designed the golf course and conducts maintenance, which includes fertilization and irrigation, in a manner that is sensitive to the water and nutrient needs of the native xeric vegetation in and around the golf course. Any new golf course or retrofitting of the golf course must meet these standards. However, this condition will not be interpreted in a manner that forces the applicant to jeopardize the health and viability of the golf course.

9. Upon approval of the management plans referenced above, the approved management practices will be considered a part of this development order for ~~reinforcement~~ enforcement purposes, and will be enforceable in the same manner as a condition of this development order.

10. This project may result in the filling of not more than 13.25 acres of wetlands. The mitigation for the impact to wetlands will be determined at the time of final permitting, but the mitigation should include the removal of exotic invasive plants, the restoration of historic hydro periods, and a total of not more than ten acres of littoral zone plantings. The mitigation for wetland impacts to the Baywinds parcel was determined prior to the inclusion of the property into the Pelican Landing DRI as part of the environmental and local government permitting. The mitigation was based on the plan of development reflected in Lee County Development Order 95- 12-068.00D. Changes to the plan of development that include additional wetland impacts may necessitate modification to the environmental and local government permitting.

F. Solid/Hazardous/Medical Waste

1. All storage, siting, and disposal of hazardous wastes and hazardous materials must be accomplished in accordance with federal, state, and local regulations. The business owner/operator is responsible for compliance with all permitting, reporting, emergency notification provisions and other regulations relating to hazardous materials and hazardous wastes.

2. All business owners and operators must insure that regulated substances are loaded, off-loaded and stored in an area that is curbed and provided with an impervious base. The impervious base must be maintained free of cracks and gaps so as to contain any spills or leaks.

3. Outdoor storage of hazardous waste is prohibited.

4. Restaurants must be outfitted with grease traps or approved equivalent systems. The owner/operators of any restaurant must follow all applicable codes and regulations for cleaning and maintaining grease traps.

5. If any hotel pool utilizes gaseous chlorine, the pool must be equipped with chemical sensors, alarm devices, or other comparable equipment. The hotel owner/operator is responsible for compliance with this requirement and notice of this responsibility/obligation must be included on all deed transfers or lease agreements.

6. Any business that generates hazardous waste defined by the Code of Federal Regulations 40 CFR Part 261, must notify the Division of Natural Resources Management for an assessment as required by Section 403.7225, Florida Statutes. This assessment will address any deficiencies in the management practices of hazardous waste generated at the facility.

7. The developer, or any subsequent owner of the golf course, must insure that the golf course maintenance equipment is handled in accordance with all federal, state and local regulations. Specifically, the developer will insure that all wash down facilities comply with FDEP rules regarding chemical residue, and insure the continued recycling of motor oil from maintenance equipment, and insure recycling of used motor oil, used oil filters, anti-freeze, lead acid batteries, cleaning solvents, shop rags, and aerosol cans.

8. The developer must investigate the feasibility of mulching trees and brush for on-site needs.

9. The developer/property owner of each commercial parcel which will be used to store, manufacture or use hazardous materials, must contact the Lee County Office of Emergency Management, Hazardous Material Representative, prior to obtaining a development order, to discuss the proposed development in relation to potential type, and storage of hazardous materials located on the premises.

10. If required by federal, state or local regulations:

a. The developer/property owner must prepare or have available material safety data sheets (MSDS) and submit either copies of MSDS or a list of MSDS chemicals to the appropriate fire department or district and to the Lee County Division of Public Safety.

b. The developer/property owner must establish an emergency notification system to be used in the event of a hazardous material release.

G. Storm Water Management

1. The surface water management system must be designed, constructed and operated in accordance with the pertinent provisions of Chapters 373 and 403, Florida Statutes; Chapter 40E, Florida Administrative Code; and the South Florida Water Management District "Basis of Review", and any pertinent local regulations regarding the design, construction and maintenance of the surface water management system. This condition applies to anyone obtaining a local Development Order within Pelican Landing. The Bayside and ~~Baywinds~~ Bay Creek Improvement Districts (districts formed pursuant to Chapter 190, Florida Statutes), must insure that the portion of the system under the ownership and control of the district is operated in accordance with the pertinent portion of the regulatory provisions cited above, and any permit (construction or operation) issued by the SFWMD. Individual lot owners with on-site wetlands or Storm water retention or detention areas under their control must comply with the pertinent portion of the regulatory provisions cited above and any permit issued by the SFWMD.

2. Water Control Structures must be installed as early in the construction process as practicable to prevent over-drainage or flooding of preserved wetland areas. If the SFWMD establishes a construction schedule or scenario that is contrary to this condition, the permit requirement of SFWMD will control.

3. Any shoreline banks created along on-site Storm water wet detention lakes must include littoral zones constructed consistent with SFWMD requirements. The shoreline banks must be planted in native emergent and submergent vegetation. The developer must establish and maintain, by supplemental planting if necessary, 80 percent cover by native aquatic vegetation within the littoral zone for the duration of the project. The littoral zone will include, at a minimum, the area between high water and ordinary low water.

4. The Bayside and ~~Baywinds~~ Bay Creek Improvement Districts, and/or all property owners, must undertake a regularly scheduled vacuum sweeping of common streets, sidewalks and parking facilities within the development.

5. The developer must implement the best management practices for monitoring and maintenance of the surface water management systems in

accordance with Bonita Springs, Lee County and South Florida Water Management District guidelines.

6. The SFWMD must establish all internal surface water management and wetland systems. The developer must set aside all internal surface water management and wetland systems as private drainage easements, common areas, or preserves. These areas must also be identified as specific tracts on the recorded final plat or some other legally binding document acceptable to the City Attorney.

7. The Baywinds parcel must be developed in accordance with the following permits: Water Management permit numbers 36-02043-S-02 and 36-02043-S, ACOE permit number 89IPD-20127 and the letter of permission to continue work authorized in the original permit, LOP #1989001127, and FDEP permit number 36293225. These permits were granted based on the plan of development reflected in Lee County Development Order No. 95-12-068.00D. These permits may be modified, updated or replaced as required by law. Changes to the local development order may also require modification of the referenced permits.

H. Transportation

1. Significant Impact

a. The original traffic impact assessment for this project assumed~~s~~ the development parameters and land uses shown in Exhibit E~~F~~, "Pelican Landing DRI Development Parameters." The assessment indicated~~s~~ that the significantly impacted roadways and intersections described below would operating below acceptable levels of service at the end of Planning Horizon I (1997) and buildout (2002). Each biennial monitoring report, described in Paragraph 4, reflected whether the roadways and intersections described below were significantly impacted or were projected to be significantly impacted by this project in the following year.

b. The Pelican Landing DRI based on the original traffic study was projected to significantly and adversely impact (as defined by Lee County Administrative Code) the following roadways and intersections:

Planning Horizon I (1997 in the original Assessment)	Needed Improvement
US 41/Corkscrew Road	- Signal retiming
US 41/Williams Road	- Signalization, if warranted
US 41/Coconut Road	- Signalization, if warranted
US 41/Pelican Commercial Entrance	- Northbound left turn lane
	- Southbound right turn lane
	- Eastbound right turn lane

US 41/North Pelican Entrance	-	Northbound left turn lane
	-	Southbound right turn lane
	-	Eastbound left and right turn lanes
	-	Signalization, if warranted
US 41/Pelican Landing Parkway/Old 41	-	Southbound dual left turns
	-	Signal retiming
US 41/Pelican's Nest Drive	-	Northbound left and right turn lanes
	-	Southbound left and right turn lanes
	-	Eastbound left and thru/right lanes
	-	Westbound left and thru/right lanes
	-	Signalization, if warranted
US 41/Terry Street	-	Signal retiming
US 41/Bonita Beach Road	-	Signal retiming
Coconut Road/Spring Creek Road	-	Separate NB left & right turn lanes
	-	Separate EB thru & right turn lanes
	-	Separate WB thru and left turn lanes

<u>Buildout (2002 in the original assessment)</u>

Corkscrew Road		
- Three Oaks Parkway to 1-75	-	Widen to 4 lanes
Old 41		
- Bonita Beach Road to Terry St.	-	Constrained (no widening possible; maximum v/c ratio of 1.85 per 1993 Lee Plan Policy 22.1.9)
US 41		
- Immokalee Road to Old 41 (Collier County)	-	Widen to 6 lanes
- Bonita Beach Road to West Terry Street	-	Widen to 6 lanes
- West Terry Street to Pelican's Nest Drive	-	Widen to 6 lanes
- Coconut Road to Williams Rd.	-	Widen to 6 lanes
- Constitution Boulevard to Alico Road	-	Widen to 6 lanes

US 41/Corkscrew Road	- Separate EB left and thru/right lanes - Westbound dual left turn lanes - Signal retiming
US 41/Williams Road	- Signalization, if warranted
US 41/Coconut Road	- Separate EB left and right turn lanes - Signalization, if warranted
US 41/Pelican Commercial Entrance	- Northbound left turn lanes - Southbound right turn lane - Eastbound right turn lane
US 41/North Pelican Entrance	- Northbound left turn lane - Southbound right turn lane - Eastbound left and right turn lanes - Signalization, if warranted
US 41/Pelican Landing Parkway/Old 41	- Southbound dual left turn lanes - Northbound dual left turn lanes - Eastbound thru/right turn lane - Westbound two thru lanes - Signal retiming
US 41/Pelican's Nest Drive	- Northbound left and right turn lanes - Southbound left and right turn lanes - Eastbound left and thru/right lanes - Westbound left and thru/right lanes - Signalization, if warranted
US 41/Terry Street	- Northbound dual left turn lanes - Separate WB thru & right turn lanes - Signal retiming

US 41/Bonita Beach Road	-	Signal retiming
Coconut Road/Spring Creek Road	-	Separate NB left and right turn lanes
	-	Separate EB thru & right turn lanes
	-	Separate WB thru & left turn lanes

**The Traffic Impact Statement submitted in support of the thirteenth amendment to the Pelican Landing DRI found that the following roadway links will be significantly and adversely impacted by the Pelican Landing development at buildout (~~2020~~2025).

Buildout (~~2020~~2025)	Needed Improvement
Old US 41	
Bonita Beach Road to East Terry Street	No Improvement, Constrained Roadway

2. Mitigation

a The developer will pay impact fees as defined in the Bonita Springs Land Development Code to mitigate Pelican Landing's transportation impacts on the non-site related roads and intersections set forth in Section H.1.b. above. Road Impact Fees were originally estimated to be $8,900,000 for the land uses identified in Exhibit E~~F~~. Road Impact Fee payments represent the DRI's proportionate share payment for all road and intersection improvements identified in Condition H.1.b. as significantly impacted by this project and operating below the adopted level of service standard by 2002 and as updated through the new buildout year of 2025 ~~2020~~. Estimated Road Impact Fees from this project exceed the community's estimated proportionate share dollar amount of all significantly impacted roadway improvements.

If the Land Development Code Chapter governing Impact Fees is repealed, reduced, or made unenforceable by court petition, the Pelican Landing DRI will continue to pay, per individual permit, an amount equivalent to Road Impact Fees prior to such repeal, reduction or court petition. If payment is not made consistent with that schedule, then a substantial deviation will be deemed to occur, and the traffic impacts of Pelican Landing DRI must be reanalyzed to determine appropriate alternative mitigation prior to the issuance of further building permits for the Pelican Landing DRI.

All road impact fee monies paid by the Pelican Landing DRI after adoption of this DRI Development Order will be applied by Lee County and Bonita Springs,

consistent with the Interlocal Agreement Pertaining to the Collection of Impact Fees dated August 29, 2000, toward the non-site related improvements included in Transportation Condition H.1.b., provided those improvements are deemed necessary to maintain the adopted level of service standards and are included in the County's and City's Capital Improvement Program. Should the identified improvements be funded through other sources, in whole or in part, or deemed unnecessary to maintain the adopted level of service standards, Bonita Springs may apply any Pelican Landing impact fees not required for those specific improvements to other improvements consistent with the requirements of the Bonita Springs Land Development Code.

b. If through the local development approval process, the developer constructs, with the approval of the Lee County DOT or Bonita Springs, an intersection or roadway improvement identified in Paragraph H.1.b., those improvements may be eligible for Road Impact Fee credits. The determination of whether such credits will be granted will be made consistent with the procedures outlined in the Land Development Code.

c. The developer has dedicated 60 feet of right-of-way for Burnt Pine Drive North, from Pelican Landing Parkway to Coconut Road, a distance of 6,926 feet; and for Burnt Pine Drive South from Pelican Landing Parkway to Pelican's Nest Drive, a distance of 2,326 feet. The developer constructed, as a two-lane access road, Burnt Pine Drive North from Pelican Landing Parkway to Coconut Road, and Burnt Pine Drive South from Pelican Landing Parkway to Pelican's Nest Drive. Credits, if any, for the right-of-way dedication and construction identified above will be issued consistent with the procedures outlined in the Land Development Code. Dedication of the roadway right-of-way and construction of Burnt Pine Drive for the links below is complete:

1) Burnt Pine Drive South from Pelican Landing Parkway to Pelican's Nest Drive: coincident with the Certificate of Compliance for the commercial parcel located in the northeast quadrant of the intersection of Burnt Pine Drive South and Pelican's Nest Drive.

2) Walden Center Drive North from Pelican Landing Parkway to Pelican Landing North Entrance.

3) North Commons Drive North from Pelican Landing North Entrance to Coconut Road.

d. The developer reserved and dedicated 25 feet of additional right-of-way along the south side of Coconut Road from US 41 west to Spring Creek Road to ensure that improvements to Coconut Road are not precluded. Such right-of-way was dedicated to Lee County. Credits, if any, for the right-of-way dedication will be granted at the time of dedication, and must be consistent with the Land Development Code in effect at that time.

e. As a mitigation option, the developer, with the concurrence of Bonita Springs and Lee County, made an advance payment of a portion of Pelican Landing's total Impact Fees up to 2 million dollars. Bonita Springs and Lee County utilized the advance payment to accelerate the Project Design & Environmental (PD&E) Study for US 41 from the Collier County line to San Carlos Boulevard. The PD&E Study at the time, was scheduled in FDOT's Tentative Five Year Work Program for fiscal year 1998/99 (WPI #1114700).

3. Access and Site-Related Improvements

a. The developer will be fully responsible for site-related roadway and intersection improvements required within the Pelican Landing DRI. The developer must pay the full cost for any site-related intersection improvements (including but not limited to signalization, turn lanes and additional driveway through lanes) found necessary by Bonita Springs, Lee County or the Florida Department of Transportation (FDOT) permitting requirements for the Community's access intersections on US 41, Coconut Road and Spring Creek Road.

b. The Pelican Landing DRI site access points are located and developed consistent with the Florida DOT's access management classification for US 41, unless otherwise approved by the Florida DOT. Improvements to those access points will be consistent with the Department's permitting requirements.

c. Site-related improvements will be as defined in the Land Development Code.

d. Except for Spring Creek Road and Coconut Road, all roads located within Pelican Landing will be maintained by the Bayside Improvement District (BID) or Bay Creek Improvement District, unless subsequently dedicated to and accepted by Lee County or the City of Bonita Springs.

4. Biennial Monitoring Report

a. The developer will submit a biennial traffic monitoring report to the following entities for review and approval: Bonita Springs, Lee County, the Florida Department of Transportation (FDOT), the Florida Department of Economic Opportunity (FDEO), and the Southwest Florida Regional Planning Council (SWFRPC). The biennial monitoring report will be submitted to the City and the County in the same year.

The first monitoring report was submitted one year after the date of the issuance of this DRI Development Order. Reports must be submitted biennially thereafter until buildout of the project.

b. The monitoring report was designed in cooperation with Bonita Springs, the Lee County Department of Transportation, FDOT, the SWFRPC and the FDEO prior to the submittal of the first report. The methodology of the biennial traffic monitoring report may be revised if agreed upon by all parties.

c. The biennial traffic monitoring report must contain the following information:

(1) P.M. peak hour existing volumes and tuning movement counts at all site access onto US 41 and Coconut Road, and a comparison to the project trip generation assumed in the DRI analysis.

(2) For existing conditions and a one-year projection, P.M. peak hour peak season tuning movement counts, Pelican Landing's estimated share of traffic, and an estimated level of service for the intersections identified in Paragraph H.1.b. as impacted by this project.

(3) For existing conditions and a one-year projection, P.M. peak hour peak season traffic counts, Pelican Landing's estimated share of traffic, and an estimated level of service for the roadway links identified in Paragraph H.1.b. as impacted by this project through buildout.

(4) An estimate of when the monitored roadways and intersections will exceed adopted levels of service.

(5) A summary of the status of road improvements assumed to be committed in the ADA, including the following:

Roadway	Segment	Improvement Schedule	
Pelican's Nest Dr.	Pelican's Nest to US 41	0 to 2	Planning Horizon I (1997/98)
Corkscrew Road	1-75 to Treeline Ave.	2 to 4	Planning Horizon I (1997/98)
US 41	Alico Rd. to Island Park Rd.	4 to 6	Planning Horizon I (1997/98)
US 41	Island Park Rd. to south of Daniels Parkway	4 to 6	Planning Horizon I (1997/98)

Bonita Beach Road Horizon I	Hickory Blvd. to Vanderbilt	2 to 4	Planning (1997/98)

(6) A summary of the roadway and intersection improvements listed in Paragraph H.1.b. that have been constructed, and the program status of the remainder.

d. If the biennial monitoring report confirms that the peak season P.M. peak hour traffic on the significantly impacted roadways exceeds the level of service standards adopted by Lee County or Bonita Springs, or is projected to exceed the adopted level of service standards adopted by Lee County or Bonita Springs within the forthcoming 12 months, and if the project is utilizing 5% or more of the roadway service volume at the adopted level of service standard during peak hour peak season traffic conditions, then further local development orders, building permits and certificates of occupancy may not be granted until the standards of the County's concurrency management system have been met. This means that adequate district-wide level of service capacity must be available through 1999. After 1999, significantly impacted individual links must be operating at the adopted level of service, or an improvement to achieve the adopted level of service must be scheduled for construction in the first three years of an adopted local government capital improvement program or state work program.

e. If the biennial traffic monitoring report confirms that the peak season P.M. peak hour traffic on the segment of US 41 in Collier County from Immokalee Road to Old US 41 exceeds the level of service standard adopted by Collier County and if the project is utilizing 5% or more of the roadway service volume at the adopted level of service standard during peak hour, peak season traffic conditions, then further building permits may not be granted until the subject roadway segment is committed for construction by the Florida Department of Transportation and/or Collier County.

f. In the event the developer confirms that no additional development occurred on any portion of the site for the year, even after the approval of a local development order, they may submit a Letter of "No Further Transportation Impact" in lieu of fulfilling the transportation monitoring portion of the Biennial Monitoring Report.

5. Future Extensions

Any future extensions that cumulatively exceed seven years after the current 2025 ~~2020~~ buildout date (excepting any time where Florida Statutes specifically excludes the time from being calculated) will require the applicant to meet with the County, City, FDOT, and SWFRPC transportation staff to determine the appropriate methodology for the transportation analysis and to determine if a detailed link and

intersection analysis is necessary. The transportation analysis resulting from the methodology meeting must be submitted with the Notice of Proposed Change (NOPC) application.

I. Wastewater Management/Water Supply

1. The developer or the Bayside or ~~Baywinds~~ Bay Creek Improvement District must obtain a South Florida Water Management District Water Use Permit, or a Modification to an existing Consumptive Use Permit for any water withdrawals, and for dewatering activities proposed in connection with on-site construction that does not qualify for a No Notice General Permit, under Rule 40E-20.302(4), F.A.C.

2. Builders within Pelican Landing must utilize ultra-low volume plumbing fixtures, self-closing or metered water faucets, and other water conserving devices/methods consistent with the criteria outlined in the water conservation element of the Bonita Springs Utilities, Incorporated, SFWMD Water Use Permit or the water conservation element of any other approved utility provider utilized by the Development.

3. Developers must utilize xeriscape principles in the landscape design of the project to further the conservation of nonpotable water.

4. If reclaimed water is available for use within the project to address a portion of the project's irrigation demands, the developer or Bayside or ~~Baywinds~~ Bay Creek Improvement District, as appropriate, must ensure that on-site lakes, wetlands, and the surface water management system are protected in accordance with the requirements of the SFWMD and FDEP.

5. The owner or tenant who owns or operates a commercial facility that generates hazardous commercial effluent must provide written assurance that any hazardous commercial effluent, generated by them, will be treated separately from domestic wastewater, and handled in accordance with FDEP regulations.

6. Except for temporary septic tanks for construction trailers or for sales offices/models, septic tanks are prohibited.

7. All potable water facilities, including any on-site potable water treatment system, must be properly sized to supply average and peak day domestic demand, as well as fire flow demand. The facilities must be constructed and sized in accordance with all pertinent regulations of the FDEP, Lee County, Bonita Springs, and any Fire Control District with jurisdiction.

8. All irrigation systems constructed for the golf course, landscaped areas and commercial/office portions of the project must be designed to

accommodate effluent for irrigation use. Reclaimed water, to the extent it is available, must be used to address irrigation needs. The remaining demand will be satisfied through approved groundwater or surface water withdrawals. Reclaimed water must be used in accordance with all applicable regulations.

J. Police and Fire Protection

1. Construction must comply with the fire protection requirements of all building, development, and life safety codes adopted by Lee County and Bonita Springs.

2. Facilities qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, must file hazardous materials reporting applications in accordance with Sections 302 and 312. Each reporting facility must update these applications annually.

3. The developer must provide for the emergency medical service impacts and fire protection impacts generated by the proposed development through the payment of fire and EMS impact fees as set forth in the Lee County or the City of Bonita Springs Land Development Code as appropriate.

4. If access to development is through a security gate or similar device that is not manned 24 hours per day, the developer must install an override switch in a glass-covered box for use by emergency vehicles, or a comparable system that permits emergency vehicles to access the project. The parking lot for the beach parking lot is required to be gated or closed by the zoning resolution. The gate, chain or other device to prohibit access to the parking lot after hours will be unmanned, and the override system required by this condition does not apply to the parking lot gate, chain, or other device.

5. The project's impact on fire protection and rescue service delivery will be met by the ad valorem taxes, EMS impact fees and fire impact fees.

K. Interface Zone

1. The Developer will continue to design, develop, and maintain any golf course constructed adjacent to the mangrove fringe area of Estero Bay in accordance with condition 14 a. through l. of Lee County Resolution Number Z-94-014. Adjacent to the mangrove fringe means any golf course constructed within 500 feet of the mangrove fringe.

2. The Developer will continue to employ management strategies to address the potential for pesticide/chemical pollution of groundwater and surface water receiving areas, including but not limited to, Estero Bay, the mangrove fringe and any transition zone wetlands of Estero Bay, that may result from the

development of a golf course and water management areas within 500 feet of the mangrove fringe of Estero Bay.

3. The management practices that the Developer will continue to follow are as follows:

a. The use of slow release fertilizers and/or carefully managed fertilizer applications that are timed to ensure maximum root uptake and minimal surface water runoff or leaching to the groundwater.

b. The practice of integrated pest management (IPM) when seeking to control various pests, such as weeds, insects, and nematodes. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is not acceptable. The IPM program will minimize, to the extent possible, the use of pesticides, and will include the use of the USDA-SCS Soil Pesticide Interaction Guide to select pesticides for uses that have a minimum potential for leaching or loss due to runoff depending on the site specific soil conditions. Application of pesticides within 100 feet of the jurisdictional mangrove system is prohibited.

c. The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.

d. The utilization of a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM. The golf course manager will be responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater.

e. The storage, mixing, and loading of fertilizer and pesticides will be designed to prevent/minimize the pollution of the natural environment.

4. The Developer will continue to prepare a management plan for the application of herbicides, pesticides, and fertilizers on the original Pelican Landing DRI golf course adjacent to the mangrove fringe of Estero Bay. This plan was amended to include the Kersey-Smoot parcels prior to the application of any herbicides, pesticides and fertilizers to the proposed golf course. The amended management plan must: include a groundwater and surface water monitoring plan; provide for testing to assess whether there are any herbicide, pesticide, or fertilizer pollution of the water within the area of the golf course located within 500 feet of the mangrove fringe; identify the locations for the groundwater monitoring and testing on a map(s); and, set forth the testing and reporting requirements. The developer has submitted the test reports with the annual monitoring report. The monitoring program was established and operated at the expense of the Developer, the Bayside

Improvement District, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 17-302, F.A.C., Water Quality Standards. The monitoring was conducted for a period of fifteen +/- years and during thattime there were no water quality violations. The golf course conditions and the approved management plan for the application of herbicides, pesticides, and fertilizers are effective and have protected and will continue to protect the water quality. Unless there is an event triggered after February 13, 2012 as explained below, then WCI and its successor will conduct the monitoring for one year after turnover and once at buildout. Thereafter, the monitoring requirement will be terminated and will be of no further force and effect.

Effective February 13, 2012, in the event (1) the golf course is redesigned, reconfigured or redeveloped OR in the event (2) the current management plan is abandoned and another plan is instituted, then the applicant will monitor for pesticides, herbicides and nutrients in their surface water and groundwater monitoring sites. This monitoring will be semi-annual and will last no more than three years from the date the event above is completed, unless a specific pesticide, herbicide or nutrient attributable to the golf course based on substantial, competent evidence is found in at least two (2) of the monitoring samples.

5. The Developer submitted a written amended surface and groundwater quality management plan to Bonita Springs, Lee County and DEO. The amended plan was approved by DEO prior to the application of chemicals to the proposed golf course. The DEO will have 30 working days to review the management plan and approve or object to the plan in writing. The objections must be based on valid rules and regulations, and must identify how the concerns or issues can be addressed by the developer. The Developer must resubmit a revised water quality management plan to address the valid objections. DEO will have 30 days in which to review any revised management plan and must provide written comments or approval in the same manner as for the original management plan. Should DEO fail to provide a written response within the prescribed time frames, the plan will be deemed approved.

6. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and should the pollution be caused by the application of fertilizers, herbicides or pesticides to the golf course adjacent to the mangrove wetlands, the application of the pollutant must cease until there is a revised management plan for the application of the pollutant. A determination that the application of fertilizers, herbicides or pesticides to the golf course are the cause and source of the pollution must be based on competent and substantial evidence. If mitigation is necessary to address the pollution, a mitigation plan approved by DEO will be implemented by the developer. The mitigation plan will be based on rules and regulations in effect at the time the plan is reviewed and approved. The approved mitigation plan will be enforceable as a condition of the Development Order.

7. The mangrove wetland jurisdiction line of Estero Bay is buffered from the proposed golf course by a 100-foot-wide undisturbed naturally vegetated corridor, except for water management facilities permitted by the SFWMD and except for the removal of exotic plants as required by Bonita Springs. The 100-foot- wide buffer area will run along the portion of the golf course that abuts the mangrove wetlands of Estero Bay south of Coconut Road.

~~The mangrove line for the Kersey-Smoot and Johnson (Government Lot 1, Parcel 3) parcels is offset 50 feet, to over 250 feet west of the wetland jurisdictional line delineated along the western (Estero Bay) side of the Kersey-Smoot parcels.~~ No portion of the proposed golf course may be located closer than 100 feet to this mangrove line. To maintain the existing natural mangrove setbacks, no impacts are permitted to the wetlands on the western (Estero Bay) side of the Kersey-Smoot parcels. This includes both saltwater and freshwater wetlands contained within the boundary of the wetlands jurisdictional line. The proposed golf course fairways, tees and greens must be set back a minimum of 25 feet from all wetland jurisdictional lines on the Kersey-Smoot and Johnson parcels, except where wetland impacts have been permitted by the SFWMD and the Army Corps of Engineers. Water management facilities permitted by the SFWMD and the removal of exotic vegetation, subject to Bonita Springs regulations, are allowed within all wetlands on the Kersey-Smoot and Johnson parcels.

8. All of the Interface Zone conditions will be interpreted and applied with the understanding that water quality is regulated by the DEP and the SFWMD. None of the Interface Zone conditions will be interpreted in a manner which is contrary to Section 403.021, Florida Statutes, the Florida Air and Water Pollution Control Act, and the rules adopted thereunder.

9. The Interface Zone conditions will not be interpreted in a manner contrary to public policy directives to utilize domestic reclaimed water. Pelican Landing will not be responsible for any harmful pollutants applied to the golf course via the reclaimed water, unless Pelican Landing has actual knowledge that the reclaimed water provided by the utility contains harmful pollutants.

10. The conditions set forth in this DRI Development Order do not preempt the authority of the SFWMD and the DEP. Section 373.016, Florida Statutes provides that the legislature has vested the authority in the DEP/SFWMD to accomplish the conservation, protection, management, and control of the waters of the state. To the extent that any requirements of DEO, SWFRPC, Lee County, or Bonita Springs pursuant to this DRI Development Order are contrary to those of the SFWMD/DEP, in areas where the SFWMD and DEP have been given preemptive authority, the requirements of the SFWMD and the DEP will control.

11. The Bayside Community Development District (or successor) will provide a copy of any required NPDES monitoring to Lee County and the City of Bonita Springs. Upon turnover of the maintenance responsibilities of the Interface

Zone to the Bayside Community Development District (or successor), the City, County and the Community Development District may enter into an Interlocal Agreement to permit access to the former monitoring sites when under the Community Development District jurisdiction, so as to permit access to all Interface Zone surface water sites and ground water monitoring wells for monitoring purposes by the City.

L. Dual Jurisdiction

The Pelican Landing DRI is located within two jurisdictions, namely Lee County and the City of Bonita Springs. For State review purposes, the DRI will be considered an integrated and whole development, such that all approvals for development under the DRI Development Order will be applicable to the entire Pelican Landing DRI without regard to the jurisdictional split.

To this end, the developer is required to provide contemporaneous copies of any and all NOPC applications filed with respect to the Pelican Landing DRI to both the City and the County, even though the property actually affected by the amendment may be located wholly with one or the other jurisdiction. The jurisdiction most affected by the NOPC (i.e., as determined by the location of property affected by the proposed change) will take the lead in processing the NOPC. However, both jurisdictions may have input into the NOPC process, as a principle, if desired.

III. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER, AND ADMINISTRATIVE REQUIREMENTS

1. This amended Development Order constitutes a resolution of Bonita Springs, adopted by its City Council, in response to the application filed by WCI Communities, LLC to amend the Pelican Landing Development of Regional Impact Development Order.

2. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval and supplementary documents that are not in conflict with conditions or stipulations specifically enumerated above are incorporated by reference into this Development Order. These documents include, but are not limited to the following:

(a) Pelican Landing Application for Development Approval, stamped Received October 26, 1992;

(b) Pelican Landing DRI sufficiency response, stamped Received February 5, 1993;

(c) Pelican Landing DRI sufficiency response, stamped Received July 6, 1993;

(d) Pelican Landing DRI sufficiency response, dated September 16, 1993; and

(e) Pelican Landing DRI sufficiency response, stamped Received November 22, 1993.

3. Map H, last revised ~~January 2006~~ October 2015, and stamped received at the permit counter on ~~May 2, 2006~~ June 19, 2015, is attached hereto as Exhibit D~~E~~ and is incorporated by reference. It is understood that because it is a concept plan it is very general. The boundaries of development areas and location of internal roadways may be modified to accommodate topography, vegetation, market conditions, traffic circulation or other site related conditions as long as they meet local development regulations. This provision may not be used to reduce the acreage of the Eco-Park or other open space or preserve acreages. It is understood that the precise wetland boundaries are determined by the U.S. Army Corps of Engineers, SFWMD, FDEP and Lee County. A synopsis of the development parameters permitted under this approval and depicted on Map H are set forth in attached Exhibit E~~F~~.

4. The Development Order is binding upon the developer(s) and its assignees or successors in interest. Where the Development Order refers to the Bayside Improvement District, lot owners, business owners, or other specific reference, those provisions are binding on the entities or individuals referenced. Those portions of this Development Order that clearly apply only to the project developer are binding upon any builder/developer who acquires any tract of land within Pelican Landing DRI.

5. The terms and conditions set out in this document constitute a basis upon which the developer and the City may rely in future actions necessary to implement fully the final development contemplated by this Resolution and Development Order.

6. All conditions, restrictions, stipulations and safeguards contained in this Development Order may be enforced by either party by action at law or equity. All costs of such proceedings, including reasonable attorney's fees, will be paid by the defaulting party.

7. Any reference to a governmental agency will be construed to mean any future instrumentality that may be created and designated as successors in interest to, or which otherwise possesses any of the powers and duties of, any referenced governmental agency in existence on the effective date of this Development Order.

8. If any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision will in no manner affect the remaining portions or sections of the Development Order, which will remain in full force and effect.

9. This Development Order grants limited approval and does not negate the developer's responsibility to comply with all applicable federal, state, regional and local regulations.

10. Subsequent requests for local development permits will not require further review pursuant to Section 380.06, Florida Statutes, unless the City Council of Bonita Springs, after due notice and hearing, finds that one or more of the following is present:

(a) A substantial deviation from the terms or conditions of this Development Order, or other changes to the approved development plans that creates a reasonable likelihood of adverse regional impacts or other regional impacts not evaluated in the review by the Southwest Florida Regional Planning Council; or

(b) An expiration of the period of effectiveness of this Development Order.

Upon a finding that any of the above is present, City Council must order a termination of all development activity in the development affected by a substantial deviation or expiration of time until such time as a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes, and all local approvals have been obtained.

11. The project has a buildout date of July 14, 2029 ~~May 20, 2020~~, and a termination date of July 14, 2035 ~~May 20, 2026~~. This term is based on a fourteen year three hundred and sixty-four day buildout and the recognition that a local Development Order, which is valid for six years, may be obtained in the last year, and a recognition of the 141 day time period during which the time frame was tolled. The time frame also recognizes the tolling of time for State of Emergency extensions that have been submitted to the City of Bonita Springs.

12. The developer and the Bayside Improvement District may not exercise any rights of condemnation to acquire land within the development commonly known as Spring Creek Village, El Dorado Acres, Estero Bay Shores, Mound Key Estates and Spring Creek Estates.

13. The City Manager for the City of Bonita Springs~~Pursuant to an Interlocal Agreement for Community Development services, the Administrative Director of the Lee County Department of Community Development~~, or his/her

designee, will be the local official responsible for assuring compliance with this Development Order.

14. The project will not be subject to down-zoning, unit density reduction, intensity reduction or prohibition of development until September 4, 2031, or any later date provided for in future time extensions/tolling permitted by state statute~~May 20, 2026~~. If the City clearly demonstrates that substantial changes have occurred in the conditions underlying the approval of the Development Order through public hearings on an amendment to the zoning and/or this DRI Development Order then a down-zoning, unit density reduction, or prohibition of development may occur. These changes would include, but would not be limited to, such factors as a finding that the Development Order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety and welfare.

Lee County will reserve to this DRI until 2026, 300 acres of residential use allocation in each of the Urban Community and Outlying Suburban Future Land Use Categories (for a total of 600 acres), as established by Lee Plan Map 16, The Planning Communities Map and Table 1(b), known as the Planning Community Year 204~~3~~0 Allocation. This reservation has the effect of reserving all of the acreage transferred from Gateway to Pelican Landing for the duration of the Development Order. The property located in the City of Bonita Springs, not including properties annexed pursuant to Ordinance 13-12 and Ordinance 14-10, is located in the Moderate Density Mixed Use Planned Development land use category.

15. The developer, or its successor(s) in title to the undeveloped portion of the subject property, will submit a report biennially to Bonita Springs, Lee County, SWFRPC, DEO and all affected permit agencies. This report must describe the state of development and compliance as of the date of submission. In addition, the report must be consistent with the rules of the DEO. The first monitoring report was submitted to the Administrative Director of the DEO not later than one year after the effective date of this Development Order. Further reporting must be submitted not later than two years of subsequent calendar years thereafter, until buildout. Failure to comply with this reporting procedure is governed by Section 380.06 (18), Florida Statutes. The developer must inform successors in title to the undeveloped portion of the real property covered by this Development Order of this reporting requirement. This requirement may not be construed to require reporting from tenants or owners of individual lots or units.

16. In compliance with a condition of the first development order amendment, the developer did amend this Development Order to incorporate the portion of the Spring Creek DRI located west of US Highway 41 into the Pelican Landing DRI. A legal description of that portion of the Spring Creek DRI, along with the conditions of the Spring Creek Development Order that are applicable to the Spring Creek West property are now incorporated into this development order). The impacts of the Spring Creek development will not be considered separately or

cumulatively in any future change to the Pelican Landing Development Order. A change in the development plan for the Spring Creek property could be a substantial deviation that would require further analysis of Spring Creek West. The amendment was adopted solely for the purpose of consolidating Spring Creek West and Pelican Landing under the same Development Order and none of Spring Creek West's vested rights will be lost because of the amendment.

17. The City will forward certified copies of this Development Order to the SWFRPC, the developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeal period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order becoming effective, the developer must record notice of its adoption in the office of the Clerk of the Circuit Court, as provided in Section 380.06(15), Florida Statutes. The inclusion of the Baywinds parcel as part of the Seventh Development Order amendment does not divest the rights provided in the permits, development orders, and government approvals obtained on that parcel based on the plan of development reflected in Lee County Development Order No. 95-12-068.00D. These approvals were granted prior to its inclusion in the Pelican Landing DRI and will allow for the development of the Baywinds Parcel consistent with the plan of development reflected in Lee County Development Order No. 95-12-068.00D.

DULY PASSED AND ENACTED by the Council of the City of Bonita Springs, Lee County, Florida, this_____day of_____, 2020~~17~~.

AUTHENTICATION:

_____ _____
Mayor City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Simmons	~~O'Flinn~~ Corrie
Quaremba	Gibson
~~Dewitt~~ Purdon	Forbes
~~Slachta~~ Carr	

Date filed with City Clerk: _____

Attachments:

~~Exhibit A. Legal Description of the Pelican Landing DRI area within unincorporated Lee County.~~

Exhibit A~~B~~. Legal Description of the Pelican Landing DRI area within the City of Bonita Springs, but excluding the Spring Creek West DRI area.

Exhibit B~~C~~. Legal Description of the Pelican Landing DRI area encompassed by the Spring Creek West DRI, located in the City of Bonita Springs.

Exhibit C. Legal Description of the Hyatt Expansion Parcel.

~~Exhibit D. Sketch of the legal descriptions of Pelican Landing DRI.~~

Exhibit D~~E~~. Map H, Master Development Plan - last revised June 2020 ~~January 2006~~, stamped received June 3, 2020 ~~May 2, 2006~~.

Exhibit E~~F~~. Pelican Landing DRI Development Parameters

EXHIBIT "A" ~~"B"~~

Legal Description of the Pelican Landing DRI area within
the City of Bonita Springs, but excluding the Spring Creek West DRI area

DESCRIPTION: PELICAN LANDING - CITY

PARCEL 1-A

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 16, 17, 20 AND 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE-1/4) OF SECTION 16; THENCE RUN SOUTH 00°02'54" WEST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER (NE-1/4) FOR 2643.98 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE-1/4) OF SAID SECTION; THENCE RUN NORTH 89°10'38" EAST ALONG THE SOUTH LINE OF SAID FRACTION FOR 538.06 FEET; THENCE RUN SOUTH 00°06'43" EAST FOR 1085.91 FEET; THENCE RUN NORTH 89°06'43" EAST FOR 744.41 FEET TO AN INTERSECTION WITH THE WEST LINE OF TAMIAMI TRAIL; THENCE RUN SOUTHERLY ALONG SAID WEST LINE, 50.21 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE RIGHT, HAVING A RADIUS OF 5619.58 FEET, A DELTA ANGLE OF 00°30'43", (CHORD BEARING SOUTH 00°22'05" EAST FOR 50.21 FEET) TO A POINT OF TANGENCY; THENCE RUN SOUTH 00°06'43" EAST ALONG SAID WEST LINE FOR 49.81 FEET; THENCE RUN SOUTH 89°06'43" WEST FOR 300.00 FEET; THENCE RUN SOUTH 00°06'43" EAST FOR 1445.84 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE-1/4) OF SAID SECTION 16; THENCE RUN SOUTH 89°16'54" WEST ALONG THE SOUTH LINE OF SAID FRACTION FOR 989.41 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 16; THENCE RUN SOUTH 88°38'34" WEST ALONG SAID SOUTH LINE OF SAID SOUTHWEST QUARTER (SW-1/4) FOR 2627.98 FEET TO THE NORTHEAST CORNER OF SAID SECTION 20; THENCE RUN SOUTH 00°35'25" EAST ALONG THE EAST LINE OF SAID SECTION FOR 2659.47 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE-1/4) OF SAID SECTION; THENCE RUN NORTH 88°52'49" EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 21 FOR 2,040.41 FEET; THENCE RUN SOUTH 00°51'35" EAST FOR 801.04 FEET, MORE OR LESS TO THE WATERS OF SPRING CREEK; THENCE RUN WESTERLY ALONG SPRING CREEK FOR 3,630 FEET MORE OR LESS, TO AN INTERSECTION OF THE EAST LINE OF SAID SECTION 20 AND THE APPROXIMATE CENTERLINE OF SPRING CREEK; THENCE RUN ALONG SAID CENTERLINE THE FOLLOWING COURSES: SOUTH 78°50'00" WEST FOR 181.31 FEET, NORTH 34°24'12" WEST FOR 230.22 FEET, NORTH 30°59'12" WEST FOR 174.93 FEET, NORTH 24°25'16" EAST FOR 120.83 FEET, SOUTH 65°47'43" EAST FOR 219.32 FEET, NORTH 18°24'43" EAST FOR 158.11 FEET, NORTH 75°11'47" WEST FOR 351.71 FEET, NORTH 65°09'33" WEST FOR 451.88 FEET, NORTH 84°18'44" WEST FOR 351.75 FEET, NORTH 66°54'31" WEST FOR 445.79 FEET, SOUTH 63°24'43" WEST FOR 134.16 FEET, SOUTH 03°23'22" EAST FOR 170.29 FEET, SOUTH 50°30'17" WEST FOR 220.23 FEET, NORTH 84°49'43" WEST FOR 331.36 FEET, SOUTH 62°13'07" WEST FOR 214.71 FEET, SOUTH 22°08'36" WEST FOR 291.55 FEET, SOUTH 72°15'11" WEST FOR 131.22 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 20; THENCE RUN NORTH 00°50'19" WEST ALONG SAID EAST LINE FOR 520.00 FEET TO THE NORTHEAST CORNER OF SAID FRACTION; THENCE RUN SOUTH 89°58'37" WEST ALONG THE NORTH LINE OF SAID FRACTION FOR 290.00 FEET TO AN INTERSECTION WITH THE APPROXIMATE CENTERLINE OF THE MOST EASTERLY BRANCH OF SAID SPRING CREEK; THENCE RUN ALONG SAID CENTERLINE THE FOLLOWING COURSES: NORTH 09°13'28" WEST FOR 137.34 FEET, NORTH 29°08'22" WEST FOR 590.59 FEET, NORTH 38°31'58" WEST FOR 278.03 FEET, NORTH 65°16'43" WEST FOR 254.95 FEET, NORTH 37°18'28" WEST FOR 286.01 FEET, NORTH 32°51'05" EAST FOR 252.39 FEET, NORTH 20°11'00" EAST FOR 236.69 FEET, NORTH 27°23'47" WEST FOR 369.25 FEET, NORTH 89°15'43" EAST FOR 50 FEET MORE OR LESS TO THE EASTERLY SHORE OF SAID SPRING CREEK; THENCE RUN ALONG SAID EASTERLY SHORE FOR 1220 FEET MORE OR LESS TO AN INTERSECTION WITH THE NORTH LINE OF SAID SECTION 20; THENCE RUN NORTH 89°15'13" EAST ALONG SAID NORTH LINE OF SAID SECTION FOR 970 FEET, MORE OR LESS TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE-1/4) OF SAID SECTION 20; THENCE RUN NORTH 00°31'30" EAST ALONG THE WEST LINE OF THE SOUTHEAST QUARTER (SE-1/4) OF

SAID SECTION 17 FOR 2674.38 FEET TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER (SE-1/4); THENCE RUN NORTH 00°31'29" EAST ALONG THE WEST LINE OF THE NORTHEAST QUARTER (NE-1/4) OF SAID SECTION 17 FOR 3.40 FEET TO AN INTERSECTION WITH THE CURVED SOUTHERLY LINE OF SPRING CREEK ROAD; THENCE RUN NORTHEASTERLY AND NORTHERLY, 1381.30 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1130.00 FEET, A DELTA ANGLE OF 70°02'16", (CHORD BEARING NORTH 35°09'06" EAST FOR 1296.89 FEET); THENCE RUN NORTH 89°52'02" WEST FOR 5.00 FEET; THENCE RUN NORTH 00°07'58" EAST ALONG THE EASTERLY LINE OF SPRING CREEK ROAD (50 FEET WIDE) FOR 1611.64 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE NORTHEAST QUARTER (NE-1/4) OF SAID SECTION 17; THENCE RUN EASTERLY ALONG SAID NORTH LINE OF THE NORTHEAST QUARTER (NE-1/4) OF SAID SECTION 17 AND ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW-1/4) OF SAID SECTION 16 FOR 4,515 FEET MORE OR LESS TO THE POINT OF BEGINNING.

TOGETHER WITH THE RIGHT FOR INGRESS AND EGRESS OVER THE FOLLOWING DESCRIBED PARCEL;

A STRIP OF LAND 60 FEET IN WIDTH LYING 30 FEET ON EACH SIDE OF THE EAST AND WEST QUARTER SECTION LINE OF SECTION 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST, EXTENDING FROM THE NORTHWEST CORNER OF THE EAST HALF (E-1/2) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION TO TAMIAMI TRAIL (U.S. 41).

PARCEL CONTAINS: 909 ACRES, MORE OR LESS.

AND

PARCEL 1-B

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 17 AND 18, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF SPRING CREEK ROAD WITH THE NORTH LINE OF SAID SECTION 17; THENCE RUN THE FOLLOWING COURSES AND DISTANCES ALONG THE WESTERLY RIGHT-OF-WAY OF SAID SPRING CREEK ROAD; THENCE RUN SOUTHEASTERLY, 206.40 ALONG AN ARC OF A NON-TANGENTIAL CURVE TO THE RIGHT, HAVING A RADIUS OF 1725.00 FEET, A DELTA ANGLE OF 06°51'19", (CHORD BEARING SOUTH 03°18'23"EAST FOR 206.27) TO A POINT ON A NON-TANGENTIAL LINE; THENCE RUN SOUTH 89°52'02" EAST FOR 16.47 FEET; THENCE RUN SOUTH 00°07'58" WEST FOR 1406.64 FEET; THENCE RUN NORTH 89°52'02" WEST FOR 5.00 FEET TO A POINT OF TANGENCY; THENCE SOUTHWESTERLY, 1409.31 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1070.00 FEET, A DELTA ANGLE OF 75°27'53", (CHORD BEARING SOUTH 37°51'54" WEST FOR 1309.62 FEET) TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY OF A 30 FOOT WIDE ROAD AS RECORDED IN DEED BOOK 305 AT PAGE 276 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN NORTH 89°5908" WEST ALONG SAID RIGHT-OF-WAY FOR 718.27 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF LANDS KNOWN LOCALLY AS SPRING CREEK ESTATES, AN UNRECORDED PLAT; THENCE ALONG SAID LANDS THE FOLLOWING COURSES AND DISTANCES: NORTH 00°40'35" WEST FOR 510.00 FEET; SOUTH 89°19'25" WEST FOR 885.06 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE FOR 231.02 FEET, HAVING A RADIUS OF 390.00 FEET, DELTA ANGLE OF 33°56'23", (CHORD BEARING SOUTH 73°02'41" WEST FOR 227.66 FEET); SOUTH 00°40'35" EAST FOR 167.10 FEET; AND SOUTH 31°38'00" WEST FOR 130.70 FEET TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1194, PAGE 1085; THENCE WESTERLY ALONG SAID LANDS AND WATERS OF A CANAL, 106 FEET, MORE OR LESS TO THE NORTHEAST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1057, PAGE 38; THENCE SOUTHWESTERLY AND WESTERLY ALONG SAID LANDS AND SAID CANAL, 400 FEET MORE

OR LESS TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1453, PAGE 495; THENCE SOUTHWESTERLY ALONG THE WATERS OF A CANAL, 45 FEET MORE OR LESS TO THE SOUTH LINE OF SAID NORTH HALF (N-1/2) OF SAID SECTION 17; THENCE SOUTH 89°59'08" WEST FOR 66.37 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 18, THENCE RUN SOUTH 89°58'17" WEST ALONG THE SOUTH LINE OF SAID LOT 2, SAID LINE BEING THE BASIS OF BEARINGS, FOR 1213.22 FEET, SAID LINE BEING THE SOUTHERLY PROPERTY LINE, TO A BULKHEAD LINE ESTABLISHED BY PAUL T. O'HARGAN, FLORIDA PROFESSIONAL LAND SURVEYOR #1936 AND DULY APPROVED BY THE COUNTY OF LEE ON SEPTEMBER 27, 1967 AND THE STATE OF FLORIDA ON NOVEMBER 21, 1967; THENCE THE FOLLOWING COURSES AND DISTANCES ALONG SAID BULKHEAD LINE: THENCE NORTH 56°42'05" WEST FOR 265.00 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF SAID CURVE, 338.95 FEET, HAVING A RADIUS OF 520.00 FEET, A DELTA ANGLE OF 37°20'50", (CHORD BEARING NORTH 37°20'13" WEST FOR 332.98 FEET,) TO A POINT OF TANGENCY; THENCE NORTH 19°21'15" WEST FOR 481.24 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF SAID CURVE, 104.44 FEET, HAVING A RADIUS OF 100.00 FEET, A DELTA ANGLE OF 59°50'20", (CHORD BEARING NORTH 48°34'58" WEST FOR 99.76 FEET), TO A POINT OF TANGENCY; THENCE NORTH 79°11'35" WEST FOR
144.73 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CURVE FOR 56.48 FEET, HAVING A RADIUS OF 100.00 FEET, A DELTA ANGLE OF 32°21'45", (CHORD BEARING NORTH 62°19'15" WEST FOR 55.74 FEET), TO A POINT OF TANGENCY AND AN INTERSECTION WITH THE WATERS OF ESTERO BAY; THENCE RUN NORTHERLY ALONG THE WATERS OF ESTERO BAY FOR 2,270 FEET MORE OR LESS TO AN INTERSECTION WITH THE NORTH LINE OF THE NORTHEAST QUARTER (NE-1/4) OF SAID SECTION 18; THENCE RUN EASTERLY ALONG SAID NORTH LINE AND ALONG THE NORTH LINE OF SAID SECTION 17 FOR 5,530 FEET MORE OR LESS TO THE POINT OF BEGINNING.

PARCEL CONTAINS: 304 ACRES, MORE OR LESS.

BEACH PARCEL

A TRACT OR PARCEL OF LAND LYING IN GOVERNMENT LOT 3, SECTION 13 AND GOVERNMENT LOT 2, SECTION 24, TOWNSHIP 47 SOUTH, RANGE 24 EAST, BIG HICKORY ISLAND, LEE COUNTY, FLORIDA WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

FROM THE CENTER OF A TURNAROUND ON STATE ROAD NO. 865 (BONITA BEACH ROAD) BEING S.R.D. STATION 19184.75 AND N 24° 28' 41" W ALONG THE NORTHERN PROLONGATI0N OF SAID CENTERLINE OF STATE ROAD NO. FOR 266.00 FEET THENCE RUN S 62° 26' 49" W 98.40 FEET: THENCE RUN N 27° 33' 11" W FOR 1863.42 FEET; THENCE RUN N 20°
00' 41" W FOR 1403.30 FEET: THENCE RUN N 65° 00' 00" E FOR 313.91 FEET TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING RUN N 18° 55' 11" W FOR 97.51 FEET, N 22° 26' 23" W FOR 100.53 FEET, N 23° 09' 50" W FOR 100.14 FEET, N 14° 51' 19" W FOR 73.01 FEET, N 27° 40' 10" W FOR 88.01 FEET, N 29° 33' 57" W FOR 46.01 FEET, N 22° 14' 53" W FOR 47.27 FEET, N 20° 39' 23" W FOR 46.98 FEET, N 11° 15' 38" W FOR 29.80 FEET, N 26° 10' 46" W FOR 46.87 FEET, N 09° 09' 45" W FOR 48.26 FEET, N 17° 35' 56" W FOR 46.04 FEET, N 12° 49' 07" W FOR 50.04 FEET, N 29° 20' 48" W FOR 69.12 FEET, N 20° 48' 58" W FOR 63.82 FEET; THENCE RUN N 79° 23' 51" W FOR 247 FEET MORE OR LESS TO AN INTERSECTION WITH THE APPROXIMATE MEAN HIGH WATER LINE OF THE GULF OF MEXICO; THENCE RUN NORTHERLY AND NORTHEASTERLY ALONG SAID WATERS FOR 1140 FEET MORE OR LESS TO AN INTERSECTION WITH THE SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 198 AT 188 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN ALONG SAID SOUTH LINE, ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 12000.00 FEET FOR 783 FEET TO AN INTERSECTION WITH THE WATERS OF NEW PASS; THENCE RUN SOUTHERLY, EASTERLY, SOUTHWESTERLY AND SOUTHERLY ALONG SAID WATERS FOR 4080 FEET MORE OR LESS

TO AN INTERSECTION WITH A LINE BEARING N 65° 00' 00" E AND PASSING THROUGH THE POINT OF BEGINNING; THENCE RUN S 65° 00' 00" W FOR 181 FEET MORE OR LESS TO THE POINT OF BEGINNING.

AND

FROM SAID POINT OF BEGINNING RUN S 13° 03' 59" E FOR 94.16 FEET; THENCE RUN S 19° 13' 48" E FOR 50.64 FEET; THENCE RUN S 04° 34' 15" E FOR 54.63 FEET; THENCE RUN S 24° 53' 12" E FOR 50.09 FEET; THENCE RUN S 27° 10' 29" E FOR 50.01 FEET; THENCE RUN S 31° 01' 44" E FOR 42.51 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2246 AT PAGE 4413 OF THE LEE COUNTY RECORDS; THENCE RUN N 65° 00' 00" E ALONG SAID SOUTH LINE
FOR 134 FEET, MORE OR LESS TO THE WATERS OF ESTERO BAY; THENCE NORTHERLY ALONG SAID WATERS FOR 358 FEET, MORE OR LESS TO AN INTERSECTION WITH A LINE BEARING N 65° 00' 00" E AND PASSING THROUGH THE POINT OF BEGINNING; THENCE RUN S 65° 00' 00" W FOR 181 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 36.8 ACRES, MORE OR LESS.

<u>ANNEXED PARCELS</u>

COLONY ESTATES – LOT 1: A TRACT OR PARCEL OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 8 AND THE NORTHEAST ONE-QUARTER OF SECTION 17, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SECTION 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N 89°25'51" W ALONG THE SOUTH LINE OF SAID SECTION 8 FOR 471.23 FEET; THENCE RUN S 54°45'09" W FOR 46.66 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 54°45'09" W FOR 119.46 FEET TO A POINT OF CURVATURE; THENCE RUN ALONG THE ARC OF SAID CURVE TO THE RIGHT OF RADIUS OF 70.00 FEET (CHORD BEARING N 70°37'03" W) (CHORD LENGTH 114.16 FEET) (DELTA 109°15'36") FOR A DISTANCE OF 133.49 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN ALONG THE ARC OF SAID CURVE TO THE LEFT OF RADIUS 222.89 FEET (CHORD BEARING N 21°16'26" W) (CHORD LENGTH 41.07 FEET) (DELTA 10°34'22") FOR A DISTANCE OF 41.13 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN ALONG THE ARC OF SAID CURVE TO THE RIGHT OF RADIUS 1910.40 FEET (CHORD BEARING N 26°09'26" W) (CHORD LENGTH 26.89 FEET) (DELTA 00°48'23") FOR A DISTANCE OF 26.89 FEET; THENCE RUN N 65°45'09" E FOR 185.36 FEET; THENCE RUN S 30°22'42" E FOR
124.58 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH
LOT 5, PELICAN LANDING UNIT TWENTY-SEVEN, AS RECORDED AT PLAT BOOK 61, PAGES 8 AND 9 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
TOGETHER WITH
LOT 2, PELICAN LANDING UNIT TWENTY-FIVE, AS RECORDED AT PLAT BOOK 58, PAGES 83 AND 84 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

TOGETHER WITH
LOTS 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 37, 38, 39, 40, 41, 44, 45, 46, 47, 48, 50, AND 51 OF THE PLAT OF THE SANCTUARY AT PELICAN LANDING AS RECORDED IN PLAT BOOK 60 PAGES 20-22 OF THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA.

TOGETHER WITH
LOTS 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 16, 30, 31, 32, 33, 34, AND 35 OF THE PLAT OF PELICAN LANDING UNIT 22 AS RECORDED IN PLAT BOOK 58, PAGES 17-21 OF THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA.

TOGETHER WITH
TRACTS "B" AND "C" (INCLUDING VACATED ROAD RIGHT-OF-WAY) SHOWN IN THE PLAT OF PELICAN LANDING UNIT TWENTY-FOUR, AS RECORDED AT PLAT BOOK 58, PAGE 71, THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, ALONG WITH A PARCEL OF LAND LOCATED IN THE SOUTHEAST ¼ CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED ON EXHIBIT A-1, ATTACHED TO LEE COUNTY OFFICIAL RECORDS INSTRUMENT NUMBER 2010000058343.

TOGETHER WITH
LOTS 1, 2, 3, 18, 19, 20, 21 AND 22 OF THE PLAT OF HERON COVE AT PELICAN LANDING AS RECORDED IN PLAT BOOK 57, PAGE 59 OF THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA;

TOGETHER WITH
LOTS 1, 2, AND 13, OF THE PLAT OF HERON GLEN AT PELICAN LANDING AS RECORDED IN PLAT BOOK 59, PAGE 52 OF THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA;

TOGETHER WITH
LOT 1, 3, AND 4, BLOCK B OF THE PLAT OF PELICAN LANDING UNIT TEN AS RECORDED IN PLAT BOOK 53, PAGE 30 OF THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA;

EXHIBIT "B" ~~"C"~~

Legal Description of the Pelican Landing DRI area
encompassed by the Spring Creek West DRI, located in the City of Bonita Springs

SPRING CREEK WEST

A TRACT OR PARCEL OF LAND LYING IN SECTION 21, TOWNSHIP 47 SOUTH, RANGE 24 EAST, CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 21; THENCE RUN N 88° 38' 34" E ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW-1/4) OF SAID SECTION 21 FOR 2627.98 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW-1/4) OF SAID SECTION 21; THENCE RUN N 89° 16' 54" E ALONG THE NORTH LINE OF THE NORTHEAST QUARTER (NE-1/4) OF SAID SECTION 21 FOR 1289.43 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF TAMIAMI TRAIL (US 41 - SR NO. 45); THENCE RUN THE FOLLOWING THREE (3) COURSES AND DISTANCES ALONG THE WESTERLY RIGHT-OF-WAY LINE OF TAMIAMI TRAIL: S 00° 06' 50" E FOR 261.81 FEET; S 02° 58' 35" E FOR 100.12 FEET; S 00° 06' 50" E FOR 3690 FEET MORE OR LESS TO THE NORTHEASTERLY WATERS OF SPRING CREEK; THENCE RUN WESTERLY ALONG SAID NORTHERLY WATERS FOR 2765 FEET MORE OR LESS TO AN INTERSECTION WITH THE WEST LINE OF THE EAST 600.00 FEET OF THE EAST HALF (E-1/2) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 21; THENCE RUN N 00° 51' 35" W ALONG SAID WEST LINE FOR 801 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTHWEST QUARTER (NW-1/4) OF SAID SECTION 21; THENCE RUN S 88° 52' 49" W ALONG SAID SOUTH LINE FOR 2040.41 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW-1/4) OF SAID SECTION 21; THENCE RUN N 00° 35' 25" W ALONG THE WEST LINE OF SAID NORTHWEST QUARTER (NW-1/4) FOR 2659.47 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 282 ACRES, MORE OR LESS.

EXHIBIT "C"

Legal Description of the Hyatt Expansion Parcel

HYATT EXPANSION PARCEL

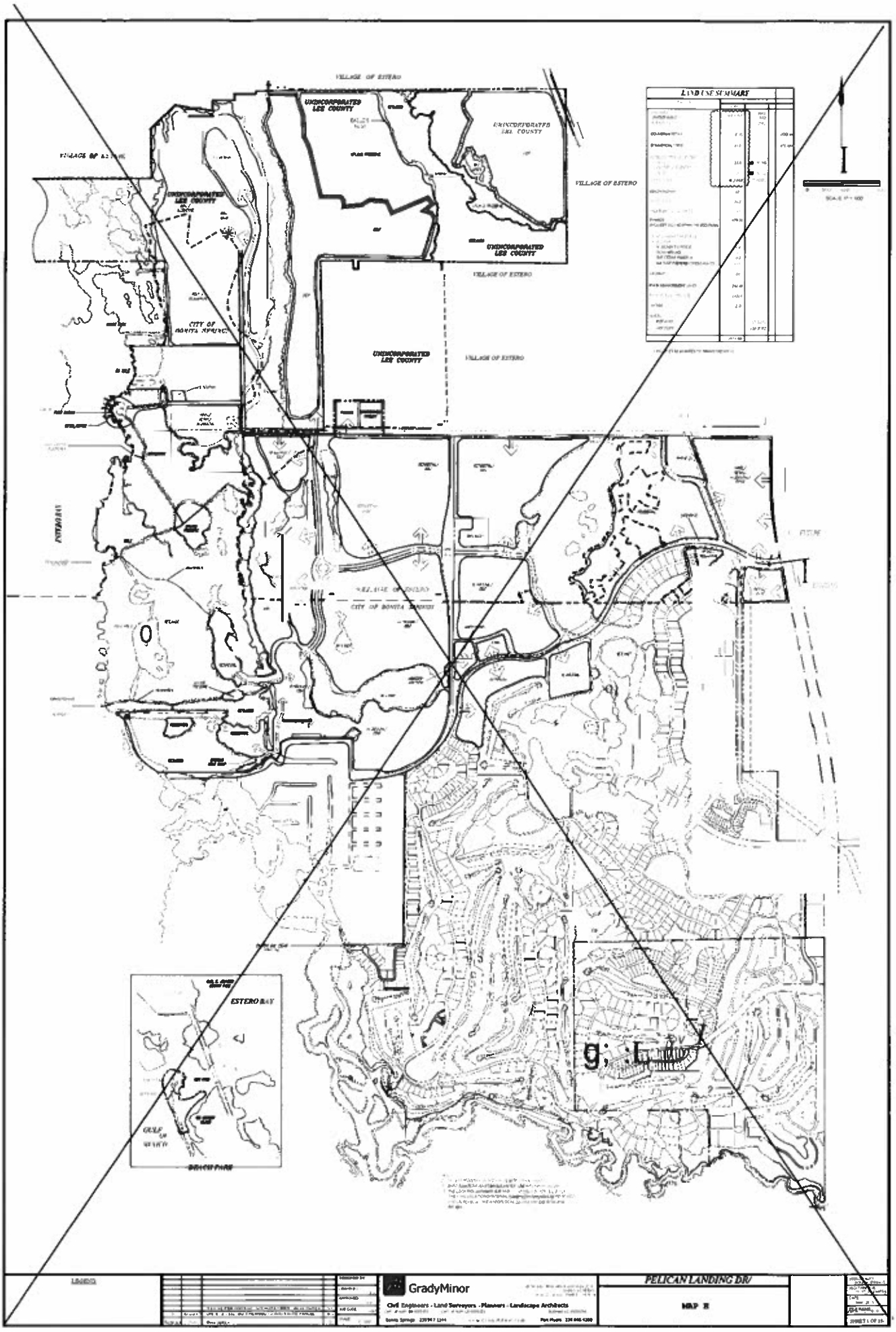
ALL OF PARCELS A, AND B AS DESCRIBED IN OFFICIAL RECORDS BOOK 4154, PAGE 1842, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TOGETHER WITH ALL OF PARCEL C AS DESCRIBED IN OFFICIAL RECORDS BOOK 4154, PAGE 1846, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 2 (EAST QUARTER CORNER) OF SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA; THENCE RUN ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 7, SOUTH 89°13'43" WEST, A DISTANCE OF 1,106.55 FEET TO A POINT ON THE BOUNDARY OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3052, PAGE 1859, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN ALONG SAID BOUNDARY, NORTH 00°19'40" EAST, A DISTANCE OF 210.01 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THE SAME BEING THE SOUTHWEST CORNER OF PARCEL A AS DESCRIBED IN OFFICIAL RECORDS BOOK 4154, PAGE 1842, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN ALONG THE BOUNDARY OF SAID PARCEL A FOR ALL OF THE REMAINING CALLS BACK TO THE POINT OF BEGINNING, NORTH 03°47'17" WEST, A DISTANCE OF 202.00 FEET; THENCE NORTH 89°13'43" EAST, A DISTANCE OF 216.00 FEET; THENCE SOUTH 03°47'17" EAST, A DISTANCE OF 202.00 FEET; THENCE SOUTH 89°13'43" WEST, A DISTANCE OF 216.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1.00 ACRES, MORE OR LESS.

EXHIBIT "D" ~~"E"~~

MAP H


VILLAGE OF ESTERO
UNINCORPORATED LEE COUNTY
VILLAGE OF ESTERO
CITY OF BONITA SPRINGS
ESTERO BAY
LAND USE SUMMARY
GradyMinor
Civil Engineers · Land Surveyors · Planners · Landscape Architects
PELICAN LANDING DRI
MAP II

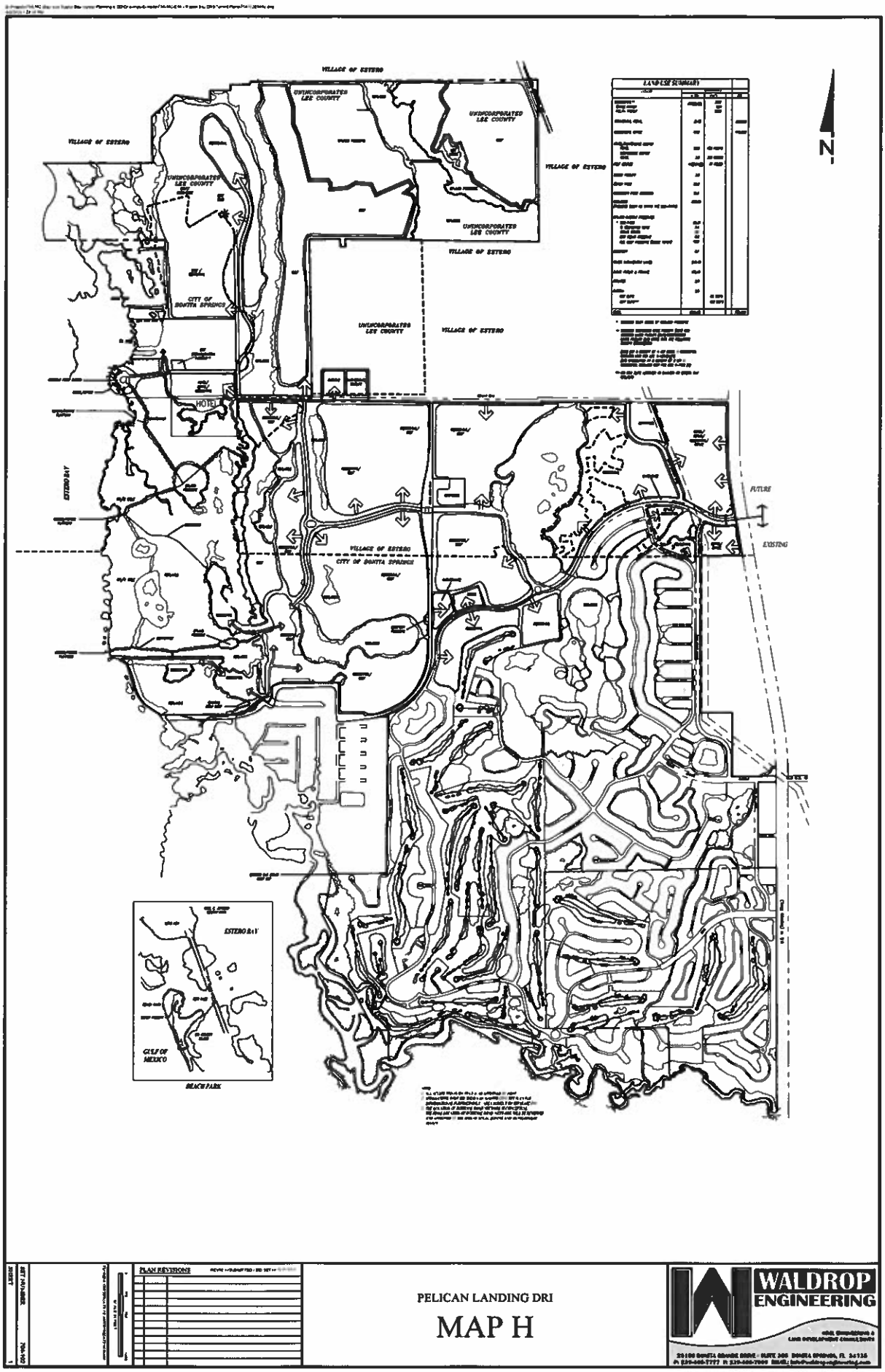

VILLAGE OF ESTERO
UNINCORPORATED LEE COUNTY
CITY OF BONITA SPRINGS
HOTEL
ESTERO BAY
FUTURE
EXISTING
GULF OF MEXICO
BEACH PARK
N
PLAN REVISIONS
PELICAN LANDING DRI
MAP H
WALDROP ENGINEERING

EXHIBIT "E" ~~"D"~~
PELICAN LANDING DRI
DEVELOPMENT PARAMETERS
(updated through 2015)

Land Use	Units[1]	Existing ~~(2011)~~	Existing (2015)	Buildout Total (2020~~9~~5)
Residential[5]	DU	~~2,677~~	2,807	3,912
Single Family	DU	~~846~~	910	930
Multi Family	DU	~~1,831~~	1,897	2,982
Retail[2]	GFA	21,000		300,000
Office[3]	GFA	229,222		475,000
Hotel/Motel Rooms		450		750
Recreation Uses				
Pelican Nest Golf Course/Clubhouse/ Practice Range	*Within Pelican Landing DRI/Spring Creek Holes not included Holes	30		30
Colony Range Club/ Golf Course/ Clubhouse/Practice Range	Holes	19		19
Resort Golf Course/ Clubhouse Practice Range	Holes	19		28
Tennis Center	Courts	24		24
Coconut Marina	Boat Slips			
	Wet	24		48
	Dry[6]	0		150
Redfish Point	Boat Slips Wet	15		15
Other[4]	Boat Slips Wet	2		2
	Accessory Parking	3.2		3.2

Footnotes:

1 Units
DU - Dwelling Units
GFA - Square Feet of Gross Floor Area
2 Includes conference center, community center and clubhouse/marina
3 Includes "Foundations"
4 Ancillary Use
5 Includes Continuing Care Facility (CCF) and Assisted Living Facility (ALF)/Independent Living Facility (ILF) units with the following density equivalents: ALF at a density of 4 ALF beds : 1 residential dwelling unit per LDC 4-1283(A)(1) and ILF calculated at a density of 2 ILF : 1 residential dwelling unit per LDC 4-

	1183(c).
6	150 Dry Slips assigned to the Bayview on Estero Bay RPD/CPD

CITY OF BONITA SPRINGS

RESOLUTION NO. 2023 - 109

A RESOLUTION OF THE CITY OF BONITA SPRINGS, FLORIDA AMENDING THE MASTER DEVELOPMENT PLAN (MAP H) OF THE PELICAN LANDING DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Pelican Landing Development of Regional Impact ("DRI") is currently governed by the Seventeenth Development Order Amendment, attached hereto and incorporated herein by reference as Exhibit "A"; and

WHEREAS, LB Raptor Investments LLC, has requested an amendment to City of Bonita Springs Zoning Ordinance NO. 20-06, Bonita Springs petition PD22-94263-BOS, providing for removal of 5+/- acres from the Pelican Landing Golf Resort (known as "Raptor Bay") into the adjacent Bayview RPD/CPD; and

WHEREAS, petition PD22-94263-BOS shall be subject to the conditions of approval set forth in the associated zoning ordinance; and

WHEREAS, LB Raptor Investments LLC has petitioned to amend the DRI Development Order to remove this 5 +/- acres by revising the Master Development Plan to be considered in accordance with Section 4-131(d)(1)c.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bonita Springs, Lee County, Florida:

SECTION ONE. The above recitals are true and correct and are incorporated herein by this reference.

SECTION TWO. The Master Development Plan for the Pelican Landing DRI (Map H) is hereby amended as reflected as described and depicted in Exhibit "D" attached hereto and incorporated herein by reference.

SECTION THREE. The existing Development Order is hereby replaced and superseded in its entirety as attached hereto which may be relabeled accordingly. Other than as hereby amended, the existing development order, attached hereto, shall remain unchanged and in full force.

SECTION FOUR. This Resolution shall be effective upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 4th day of October, 2023.

AUTHENTICATION:

Mayor

City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Carr Aye	Corrie Aye
Purdon Aye	Bogacz Aye
Forbes Aye	Steinmeyer Aye
Fullick Aye	

EXHIBIT "D"

MAP H

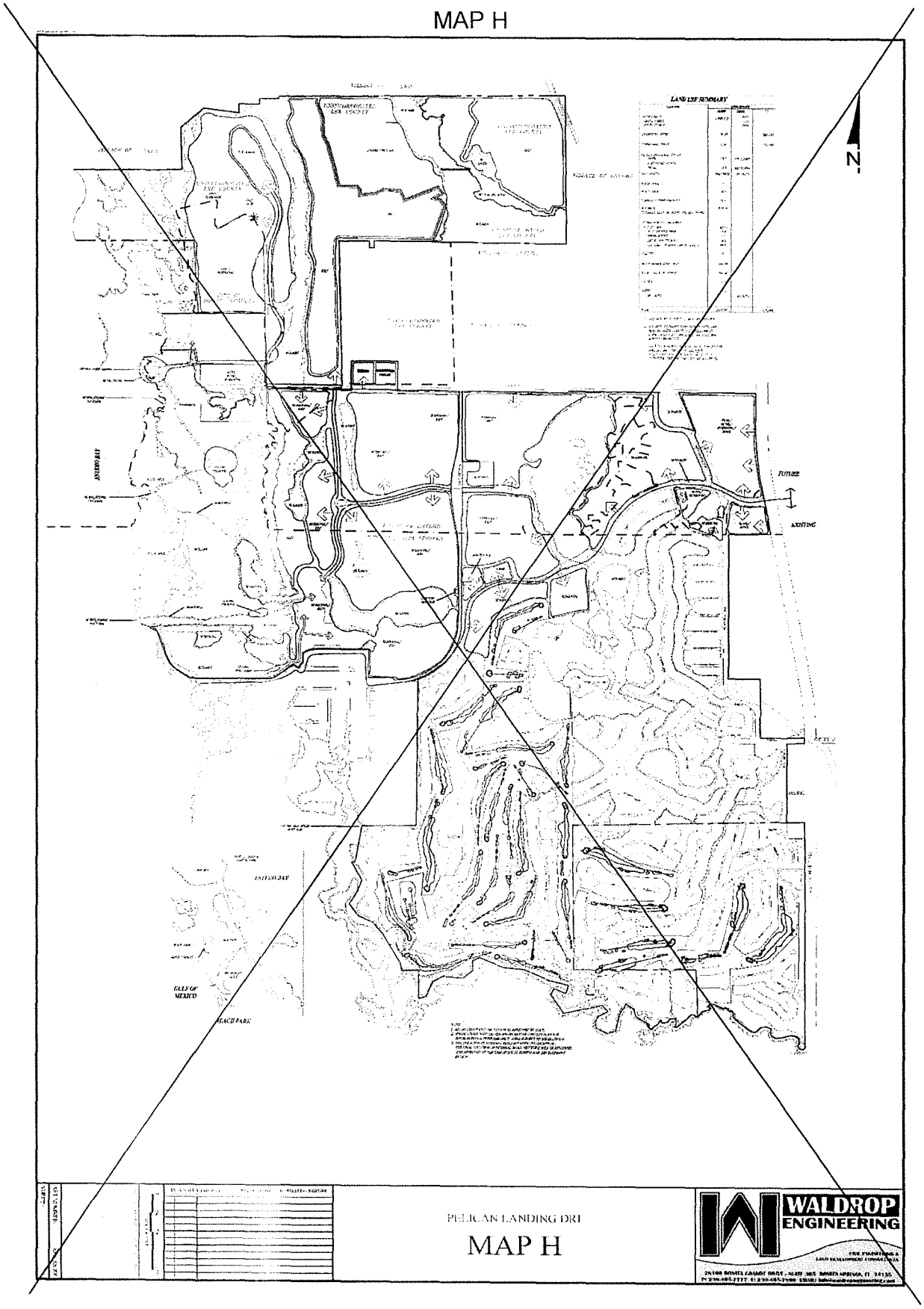
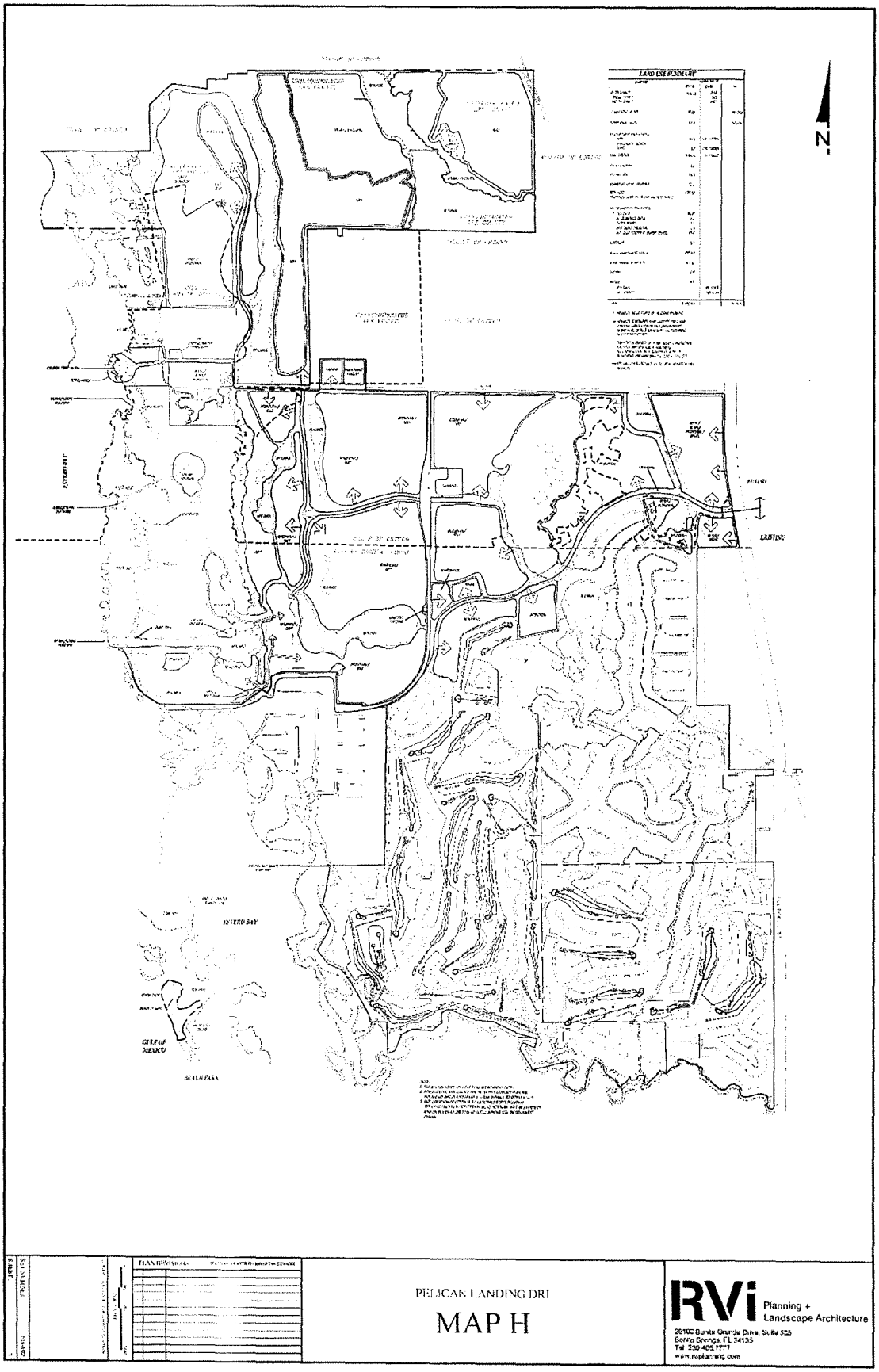


EXHIBIT "D"
MAP H



Pelican Landing MPD

Schedule of Deviations and Justifications

Deviation (1) requests relief from LDC Section 10-296, which requires local private roadways to provide a minimum bike lane width of 5 feet, and a minimum sidewalk width of 6 feet on both sides of the right-of-way, TO ALLOW FOR 5-foot sidewalks along one side of internal roadways in all tracts.

JUSTIFICATION: This deviation is requested to allow flexibility in sight design and reflect existing conditions on the surrounding roadways.

The proposed deviation will allow for a reduction of additional impervious areas within an infill redevelopment project that is already limited in space and further limited by the significant onsite preserves and recreational uses. Additionally, due to the compact nature of the proposed development, the requirement for sidewalks on both sides of the road is unnecessary in encouraging pedestrian activity as the layout of buildings, internal roads and multimodal infrastructure is well integrated.

The Applicant proposes a 5-foot-wide proposed sidewalk on one side of internal roadways instead of two 6-foot sidewalks to more comfortably accommodate pedestrians walking in groups as well as slow traveling bicycles, when compared to a narrower 5-foot-wide sidewalk.

The compact type of development being proposed within the redevelopment tracts makes the need for additional sidewalks unnecessary on both sides of the road as well. The proposed 5-foot-wide sidewalk on one side of the road would be sufficient in addressing pedestrian walkability and security for this particular development.

The deviation is limited to internal roadways and will not impact external roadways.

Therefore, approval of this deviation request will not negatively impact the public health, safety and welfare as the proposed deviation was previously approved and will be limited in applicability.

Deviation (2) Requests relief from LDC Section 34-2013 (a) requirement that all parking lots be designed to permit vehicles exiting the parking lot to enter the street right-of-way or easement in a forward motion, TO ALLOW FOR individual parking spaces to back onto right-of-way easements in the RES, MF and MU tracts.

JUSTIFICATION: This deviation is approved for the MPD per Resolution Z-94-014 as Deviation (2) and conditions added per Resolution Z-98-066 Deviation (1). The previous approval remains applicable to the project to allow for on-street parking for residential uses only.

On-street parking spaces will be designed in compliance with LDC section 10-296(d)(9) and no on-street parking is proposed on Saltleaf Blvd. (FKA Coconut Point Resort Dr.) or Coconut Rd. Therefore, this deviation remains valid and approval of this deviation request will not negatively impact the public health, safety and welfare as the proposed deviation was previously approved and will be limited in applicability.

Deviation (3) Requests relief from the LDC Section 34-935(c)(2) requirement that internal roads and drives be no closer than 25 feet to the development perimeter, TO ALLOW FOR a zero-foot minimum separation for internal development parcels, and a 15-foot separation for external parcels within the MF, RES, and MU tracts.

JUSTIFICATION: This deviation is approved for the MPD per Resolution Z-98-066 as Deviation (2). The previous approval remains applicable to the project, applies to existing roads and drives. The deviation is required for future roads and drives due to the limitation of development to redevelopment areas and the preservation of wetlands and uplands on site and the layout of parcels within and surrounding the property. This deviation remains valid to the project and approval of the request will not negatively impact the public health, safety and welfare as the proposed deviation was previously approved.

Deviation (4) Requests relief from LDC section 30-152 requirement that identification signs must be set back a minimum of 15 feet from any right-of-way easement, TO ALLOW FOR a setback of zero feet within the MF, RES, and MU tracts.

JUSTIFICATION: This deviation is approved for the MPD per Resolution Z-98-066 as Deviation (5) with the condition that, "at the time of Final Zoning Plan submittal, the Applicant demonstrates that sight distance requirements are met, consistent with the LDC." This deviation and condition remain valid to the project and the proposed deviation will not negatively impact public health, safety, or welfare, and will uphold the intent of the LDC.

Deviation (5) Requests relief from the LDC Section 34-2474 (b)(6) which requires that recreation centers and ancillary facilities be located at least 40 feet from residential dwellings, TO ALLOW FOR a minimum of 20 feet for the internal development parcels in which they are located, but not for parcels adjacent to or external to the property.

JUSTIFICATION: This deviation was previously approved by Z-98-066 as Deviation (11) and the previous approval remains applicable to the project. This deviation remains limited to internal parcels and will not impact properties external to the project.

The subject property is a redevelopment project constrained by on-site wetland preserves, recreation areas, and existing development. The applicant is requesting the approval of the expansion of this deviation in order to accommodate a compact development form. The deviation facilitates compact redevelopment without impacting the significant preserves and recreation areas on site. This deviation remains valid to the project and the proposed deviation will not negatively impact public health, safety, or welfare, and will uphold the intent of the LDC.

Deviation (6) Requests relief from LDC Section 10-329(d)(4), which requires lake banks to be sloped at a 6:1 ratio from the top of bank to a water depth of two feet below the dry season water table; TO ALLOW FOR a minimum ratio of 4:1 slope on all lake banks in all tracts.

JUSTIFICATION: This deviation is approved as "Deviation 13" for the Pelican Landing RPD by ADD2021-00190A and is still applicable to the proposed project. Additionally, this request would allow for application of the deviation throughout the entirety of the Pelican Landing MPD.

The subject property is a redevelopment project that is constrained by on-site wetland preserve areas and existing development. The Applicant is requesting approval of the expansion of this deviation in order to accommodate the planned stormwater management lake areas within

redevelopment areas of the property. All units will be located within former golf course areas and the remaining area from the Kersey Smoot RPD that will be incorporated into the MPD. As a result, the 4:1 lake bank slope is necessary to accommodate the appropriate lake depth specified in the LDC within the spatial constraints of the subject property. The proposed 4:1 lake bank slope will allow the project to provide for stormwater management lakes on the property in the most efficient manner possible.

A 4:1 lake bank slope has been proven to function as intended by the LDC through appropriate construction standards and lake maintenance measures. As shown on the enclosed cross section, turf reinforcement mats and enhanced herbaceous plantings are proposed to mitigate lake bank erosion in accordance with the slope protection measures set forth in LDC Section 10-329(d)(4).

This design standard has been successfully implemented throughout Lee County and is accepted by the South Florida Water Management District. Therefore, the requested deviation will not negatively impact public health, safety, or welfare, and will uphold the intent of the LDC.

Deviation (7) Requests relief from LDC Section 34-2020(b), which requires 6 parking spaces per hole for golf courses, TO ALLOW FOR a five percent reduction of required parking spaces at the golf clubhouse only.

JUSTIFICATION: This deviation is approved as "Deviation 13" for the Kersey Smoot RPD by ADD2021-00191 and is still applicable to the proposed project. All conditions imposed by ADD2021-00191 are incorporated into the request and there are no changes to the golf course proposed in this request. Therefore, the requested deviation remains valid and will not negatively impact public health, safety, or welfare, and will uphold the intent of the LDC.

Deviation (8) requests relief from LDC Section 34-935(f)(1)(e) which limits the height of buildings in the Planned Development zoning category within the outlying suburban land use category to 45 feet, TO ALLOW FOR a maximum building height of 290 feet over above the minimum flood elevation in the MF tract, 110 feet within the RES tract, and 50 feet within the MU and GC tracts.

JUSTIFICATION: This deviation is approved for the MPD per Resolution Z-94-014 as Deviation (12). The previous approval was based on a maximum height of 20 stories over parking and remains applicable to the current request. This is incorporated into the attached schedule of uses which identifies maximum building heights in the MPD.

Through this amendment, the deviation is expanded to allow the proposed maximum height of 290 feet throughout the MPD. The maximum proposed height of 290 feet is consistent with the previous approval of 20 stories over parking and will be compatible with other approved building heights in the surrounding area. The attached Approved Building Heights Map demonstrates similar building heights on adjacent properties. Proposed setbacks and building separations are consistent with the LDC and will ensure building heights do not impact surrounding properties.

The maximum height of 290 feet is limited to the MF tract only. This deviation is limited within the RES tract to a maximum height of 110 feet and within the MU and GC tracts to 50 feet.

Therefore, the requested deviation remains valid and will not negatively impact public health, safety, or welfare, and will uphold the intent of the LDC.

Deviation (9) requests relief from LDC Section 10-416(d), which requires Type C/F buffers where multi-family residential uses and commercial uses abut TO ALLOW for no internal buffers in all tracts.

Justification: The proposed deviation will allow for an integrated development pattern within the mixed-use development areas and enhance walkability. It has been accepted that true mixed-use developments should not be segregated by landscape barriers that preclude multi-modal movement through a given development. This is evidenced through Lee County's Compact Communities Planned Development regulations and the Mixed Use Overlay, both of which do not require internal buffers.

Approval of this deviation will allow for enhanced connectivity between different uses and contribute to improved walkability. This design standard has been successfully implemented throughout Lee County. Therefore, the requested deviation will not negatively impact public health, safety, or welfare, and will uphold the intent of the LDC.

Deviation (10) requests relief from LDC Section 34-2020, which requires parking spaces to be provided for Recreation Facilities, Indoor at four (4) spaces per 1,000 square feet of floor area, TO ALLOW for parking spaces related to Recreation Facilities, Indoor to be calculated at one (1) space per 1,000 square feet of floor area where such facilities are private for residents only and integrated within mid- and high-rise buildings only within the MF, MU, and RES tracts.

Justification: The redevelopment of the Raptor Bay Golf Course will result in a walkable, mixed-use community, with compact pods of development. Amenities for the residential development will be vertically integrated within mid-rise (buildings over 45 feet) and high-rise buildings. Amenities in these buildings will be private for residents only. This will result in reduced parking requirements for the development since the development will be walkable and most users will be internal to the development. Throughout the development, the use of golf carts and shuttle service within the project will be encouraged.

Given the facilities will be private, the LDC required parking would be excessive. This deviation ensures that excessive parking is not required throughout the MPD which would be contrary to the purpose of creating a compact, walkable development. Therefore, the requested deviation will not negatively impact public health, safety, or welfare, and will uphold the intent of the LDC.

Deviation (11) requests relief from LDC Section 34-935(b)(1) which requires all buildings and structures to be setback from the development perimeter a distance equal to the greater than one-half the height of the building or structure, TO ALLOW setbacks from the development perimeter within all development tracts to be a minimum of 0 feet for buildings adjacent to property in other tracts within the Pelican Landing MPD, outside the Pelican Landing MPD if within the Pelican Landing RPD/CPD or Bayview CPD in the City of Bonita Springs, and to Estero Bay, and a minimum of 50 feet from the northern property boundary.

Justification: This deviation will allow for flexible design within redeveloped golf course areas and allow for taller structures that are compatible with the surrounding development pattern. This LDC requirement for vast perimeter setbacks is appropriate for suburban style, single-use projects. The multi-use concept with building heights to maximize desirable views of Estero Bay requires relief from this requirement. The attached exhibit demonstrating approved building heights on surrounding properties demonstrates the deviation will allow for an attractive development that is of a consistent height and development form when

compared to surrounding properties. The Applicant also owns adjacent properties in the City of Bonita Springs. As a result, this deviation facilitates coordinated development between properties under common ownership.

Lands to the north and west of the MF tract are buffered by established preserve areas and golf course areas. As a result, while the MF tract is located a minimum of 50 feet from the northern property line, the nearest single-family home is 1,430 feet from MF tract. Additionally, the lands to the south of the MF tract are under common ownership by the Applicant and will be developed in a compatible and complimentary manner. Consequently, the deviation will not impact any external property owners and will allow the Applicant to maximize development with no new impacts to preserve areas. Therefore, the requested deviation will not negatively impact public health, safety, or welfare, and will uphold the intent of the LDC.

Deviation (12) requests relief from LDC Section 34-935(e)(4), which requires a minimum separation of buildings of one-half of the sum of their heights where there are two or more principal buildings on a development tract, TO ALLOW a minimum building separation of 35 percent of the sum of buildings feet for buildings greater than 35 feet in height within the MU, MF and RES tracts.

Justification: This deviation will allow for flexible design within redeveloped golf course areas and allow for taller structures to be designed and located to address compatibility with the surrounding development pattern. This LDC requirement for internal building separation is appropriate for suburban-style, single-use projects. The multi-use concept will include building heights and separations which maximize desirable views of Estero Bay requires relief from this requirement. Building heights and separations surrounding properties demonstrate that this deviation will allow for attractive development that is of a consistent height and development form when compared to mid- and high-rise buildings immediately adjacent to the property.

Through this amendment, the deviation is revised to allow a reduction in building separations for buildings greater than 35 feet in height. The reduced separation facilitates a clustered development footprint with no impacts to preserve areas and which preserves views of Estero Bay to the maximum extent possible. Therefore, the requested deviation will not negatively impact public health, safety, or welfare, and will uphold the intent of the LDC.

Deviation (13) requests relief from LDC Section 10-416(d)(1), which requires a buffer area along the entire perimeter of the proposed development whenever the proposed development abuts a different use; to allow for no perimeter buffers where onsite preserve areas abut the MPD perimeter or where adjacent to property that is either owned by the Applicant or adjacent to the Pelican Landing RPD/CPD or Bayview CPD in the City of Bonita Springs.

Justification: This deviation allows for onsite preserves that have been established within the Pelican Landing PD for many years to remain in place and function as a natural buffer for adjacent properties. The requested deviation will allow for development without the need to disturb existing preserves.

The vegetation within these preserve areas are already protected by a conservation easement and cannot be developed.

Additionally, properties to the south and within the City of Bonita Springs are under common ownership by the Applicant and intended to be developed as a unified site plan. This deviation only applies to the northern boundary of the MPD and where adjacent to property owned by the Applicant. All other perimeter buffers will meet or exceed the LDC standards. Therefore, the requested deviation will not negatively impact public health, safety, or welfare, and will uphold the intent of the LDC.

Deviation (14) requests relief from LDC Section 10-285, which requires a connection separation of 330 feet on major collector roads in Future Non-Urban Areas, to allow a connection separation of 215 feet on Coconut Rd.

Justification: The proposed access to the MU tract on Coconut Rd. is located 170 feet west of an existing access location on the south side of Coconut Rd. The location is intended to prioritize existing access locations and minimize impacts to established preserve areas.

The access point for the MU Tract is currently aligned with an access point on Via Veneto and this deviation will allow that alignment to remain.

Approval of this deviation request will not negatively impact the public health, safety, or welfare as the access locations along Coconut Rd. have been in place and the proposed location maintains those expected locations.

Kevin C. Karnes, Lee County Clerk of Circuit Court
INSTR. # 2023000256338, Doc Type EAS, Pages 9, Recorded 7/28/2023 at 1:38 PM, Deputy Clerk CDOUGLAS ERECORD
Rec Fees: $78.00 Deed Doc: $0.70

This instrument prepared by:

Lisa Van Dien, Esq.
London Bay
2210 Vanderbilt Beach Rd, Suite 1300
Naples, FL 34109
239-592-1400

ACCESS EASEMENT

THIS ACCESS EASEMENT made and entered into this 28th day of July, 2023, and effective as of April 24, 2023, by and between LB Raptor Investments, LLC, a Florida limited liability company (the "Grantor"), whose mailing address is 2210 Vanderbilt Beach Rd, Suite 1300, Naples, FL 34109 and Kersey Smoot Investments, LLC, a Florida limited liability company (the "Grantee").

(Wherever used herein, the terms "Grantor" and "Grantee" include all the parties to this instrument and their respective heirs, legal representatives, successors and assign and are used for singular or plural, as the context requires.)

WHEREAS, the Grantor, for and in consideration of the sum of TEN AND NO/100THS DOLLARS ($10.00) and other good and valuable considerations paid by the Grantee, receipt of which is hereby acknowledged by Grantor, hereby conveys, grants, bargains and sells unto the Grantee, its successors and assigns, a perpetual, non-exclusive easement, license, right and privilege to enter upon, over, and across the following described lands being located in Lee County, Florida, to wit:

See Exhibit "A" attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the same unto the Grantee, for the purpose of ingress and egress to the lands described on Exhibit "B" attached hereto and incorporated herein by this reference. The easement granted herein shall constitute an easement running with the land.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed the day and year first above written.

[Signatures on following page – remainder of this page intentionally left blank]

Signed, sealed and delivered in our presence:

Witness Name: Lisa Van Dien

Witness Name: Carrie J. Lynn

LB Raptor Investments, LLC
a Florida limited liability company

By: LB Bonita Springs Investments – Raptor, LLC, a Florida limited liability company
Its: Manager

By: _____
Stephen G. Wilson
Its: Manager

STATE OF FLORIDA)
) ss:
COUNTY OF COLLIER)

The foregoing instrument was acknowledged before me this 28th day of July, 2023 by Stephen G. Wilson, as Manager of LB Bonita Springs Investments – Raptor, LLC, a Florida limited liability company, as Manager of LB Ratpor Investments, LLC, a Florida limited liability company, who is personally known to me and who appeared before me by means of physical presence.

[Notary Seal]

LISA VAN DIEN
MY COMMISSION # GG 338921
EXPIRES: July 31, 2023
Bonded Thru Notary Public Underwriters

Notary Public
Printed Name: _____
My Commission Expires: _____

EXHIBIT "A"

WilsonMiller

New Directions In Planning, Design & Engineering

Legal Description
Hyatt Coconut Plantation
Roadway Easement
Being a part of Sections 5,6,7,and 8,
Township 47 South, Range 25 East
Lee County, Florida

All that part of Sections 5,6,7, and 8, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows;
Commencing at the West ¼ corner of said Section 8;
Thence along the west line on said Section 8, North 01°07'45" West 413.40 feet;
Thence leaving said West line North 88°52'15" East 25.00 feet to the Point of Beginning;
Thence North 01°07'45" West 52.73 feet; to a point of curvature;
Thence easterly 18.52 feet along the arc of a circular curve concave northerly having a radius of 28.00 feet through a central angle of 37°53'29" and being subtended by a chord which bears South 73°46'21" East 18.18 feet;
Thence North 87°16'55" East 1.00 feet;
Thence northeasterly and northerly 236.24 feet along the arc of a circular curve concave northwesterly having a radius of 120.00 feet through a central angle of 112°47'45" and being subtended by a chord which bears North 30°53'03" East 199.90 feet to a point of reverse curvature;
Thence northerly 256.44 feet along the arc of a circular curve concave easterly having a radius of 226.00 feet through a central angle of 65°00'49" and being subtended by a chord which bears North 06°59'35" East 242.90 feet;
Thence North 39°29'59" East 34.98 feet;
Thence northerly 141.25 feet along the arc of a circular curve concave westerly having a radius of 216.00 feet through a central angle of 37°28'04" and being subtended by a chord which bears North 20°45'57" East 138.75 feet
Thence North 02°01'55" East 135.15 feet;
Thence northwesterly 247.84 feet along the arc of a circular curve concave southwesterly having a radius of 229.06 feet through a central angle of 61°59'35" and being subtended by a chord which bears North 28°57'52" West 235.93 feet to a point of compound curvature;
Thence northwesterly 44.40 feet along the arc of a circular curve concave southwesterly having a radius of 643.00 feet through a central angle of 03°57'22" and being subtended by a chord which bears North 61°56'21" West 44.39 feet; to a point of reverse curvature;
Thence northerly 925.65 feet along the arc of a circular curve concave easterly having a radius of 642.00 feet through a central angle of 82°36'38" and being subtended by a chord which bears North 22°36'43" West 847.53 feet;
Thence North 18°41'36" East 245.30 feet;
Thence northeasterly 121.08 feet along the arc of a circular curve concave southeasterly having a radius of 407.00 feet through a central angle of 17°02'40" and being subtended by a chord which bears North 27°12'56" East 120.63 feet to a point of reverse curvature;
Thence northerly 304.64 feet along the arc of a circular curve concave westerly having a radius of 243.00 feet through a central angle of 71°49'49" and being subtended by a chord which bears North 00°10'38" West 285.08 feet;
Thence North 36°05'33" West 105.05 feet;
Thence northwesterly 139.98 feet along the arc of a circular curve concave northeasterly having a radius of 757.00 feet through a central angle of 10°35'41" and being subtended by a chord which bears North 30°47'42" West 139.78 feet
Thence along non-tangential line North 60°31'34" East 28.07 feet;
Thence South 25°27'38" East 1.47 feet;

Official Records BK 02878 PG 4512

4/4/2022- 108610 Ver. 01h DRAWCS
CARD
F02250-042-302- - 0

Naples Fort Myers Sarasota Bradenton Tampa Tallahassee
3200 Bailey Lane, Suite 200 Naples, Florida 34105-8507 941-649-4040 941-643-5716
www.wilsonmiller.com
WilsonMiller,Inc. — FL Lic.# LC-C000170 CA 43

WilsonMiller
New Directions in Planning, Design & Engineering

Thence southeasterly 135.28 feet along the arc of a circular curve concave northeasterly having a radius of 729.00 feet through a central angle of 10°37'55" and being subtended by a chord which bears South 30°46'36" East 135.08 feet
Thence South 36°05'33" East 105.05 feet;
Thence southerly 339.75 feet along the arc of a circular curve concave westerly having a radius of 271.00 feet through a central angle of 71°49'49" and being subtended by a chord which bears South 00°10'38" East 317.93 feet to a point of reverse curvature;
Thence southwesterly 112.75 feet along the arc of a circular curve concave southeasterly having a radius of 379.00 feet through a central angle of 17°02'40" and being subtended by a chord which bears South 27°12'56" West 112.33 feet;
Thence South 18°41'36" West 245.30 feet;
Thence southerly 885.28 feet along the arc of a circular curve concave easterly having a radius of 614.00 feet through a central angle of 82°36'38" and being subtended by a chord which bears South 22°36'43" East 810.57 feet to a point of reverse curvature;
Thence southeasterly 46.33 feet along the arc of a circular curve concave southwesterly having a radius of 671.00 feet through a central angle of 03°57'22" and being subtended by a chord which bears South 61°56'21" East 46.32 feet; to a point of compound curvature;
Thence southeasterly 278.13 feet along the arc of a circular curve concave southwesterly having a radius of 257.06 feet through a central angle of 61°59'35" and being subtended by a chord which bears South 28°57'52" East 264.76 feet;
Thence South 02°01'55" West 135.15 feet;
Thence southerly 159.56 feet along the arc of a circular curve concave westerly having a radius of 244.00 feet through a central angle of 37°28'04" and being subtended by a chord which bears South 20°45'57" West 156.73 feet
Thence South 39°29'59" West 34.98 feet;
Thence southerly 228.75 feet along the arc of a circular curve concave easterly having a radius of 198.00 feet through a central angle of 66°11'41" and being subtended by a chord which bears South 06°24'09" West 216.24 feet to a point of reverse curvature;
Thence southerly and southwesterly 284.20 feet along the arc of a circular curve concave northwesterly having a radius of 152.00 feet through a central angle of 107°07'40" and being subtended by a chord which bears South 26°52'08" West 244.57 feet;
Thence South 80°25'58" West 24.51 feet;
Thence westerly 13.65 feet along the arc of a circular curve concave southerly having a radius of 28.00 feet through a central angle of 27°55'22" and being subtended by a chord which bears South 66°28'17" West 13.51 feet to the Point of Beginning;
Subject to easement and restriction of record
Bearings are assumed and based on the West line of Section 8 North 01°07'45" West.

Certificate of authorization #LB-43.

WilsonMiller, Inc.
Registered Engineers and Land Surveyors

By: John P. Maloney Date 4-03-02
John P. Maloney, P.S.M. #4493
Ref. 2K-257 Sheet 2
Not valid unless embossed with the Professional's seal.

Official Records BK 03878 PG 4513

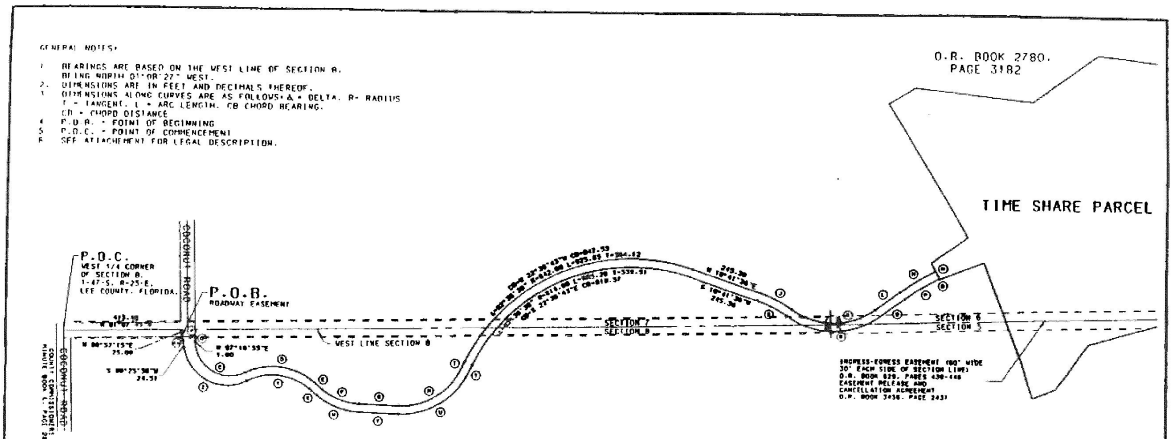
4/4/2002- 109819 Ver: 01- DRAMOS
CARD
F0250-042-502- - 0

DCI2023-00052 Lee County ePlan
8/9/23, 10:51 AM
Additional info dated 07-16-2024
Landmark Web Official Records Search

5/10/22, 12:23 PM
Landmark Web Official Records Search

GENERAL NOTES:

1. BEARINGS ARE BASED ON THE WEST LINE OF SECTION 8, BEING NORTH 01°08'22" WEST.
2. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
3. DIMENSIONS ALONG CURVES ARE AS FOLLOWS: Δ = DELTA, R= RADIUS T = TANGENT, L = ARC LENGTH, CB CHORD BEARING, CD = CHORD DISTANCE
4. P.O.B. = POINT OF BEGINNING
5. P.O.C. = POINT OF COMMENCEMENT
6. SEE ATTACHMENT FOR LEGAL DESCRIPTION.



DATA

	DELTA/BEARING	RADIUS	LEN./DIST.	TANGENT	CHORD BEARING	CHORD DIST.
1	N 01°07'45"W		32.73			
2	27°53'29"	20.00	10.52	5.37	S 73°46'24"E	10.18
3	112°47'45"	120.00	236.24	100.06	N 38°53'03"E	199.99
4	69°08'09"	220.00	254.44	144.82	N 88°38'35"E	242.98
5	N 39°29'50"E		34.08			
6	37°28'04"	210.00	141.25	73.25	N 20°45'57"E	138.73
7	N 02°01'55"W		175.15			
8	61°38'35"	220.00	247.82	137.61	N 28°52'52"W	235.63
9	3°57'23"	643.00	44.40	22.21	N 61°38'21"W	44.39
10	17°02'08"	407.00	121.00	60.90	N 37°12'36"W	120.63
11	71°48'08"	243.00	304.64	178.00	N 08°18'38"W	285.80
12	N 36°05'32"W		195.95			
13	18°35'41"	757.00	139.98	70.78	N 30°47'42"W	139.78
14	N 60°31'34"E		70.07			
15	S 25°27'38"E		9.67			

DATA

	DELTA/BEARING	RADIUS	LEN./DIST.	TANGENT	CHORD BEARING	CHORD DIST.
16	68°27'55"	229.00	139.20	67.83	S 30°48'38"E	135.88
17	S 36°05'32"E		195.95			
18	71°48'08"	271.00	339.75	198.20	S 08°18'38"E	317.93
19	17°02'08"	370.00	112.73	56.70	S 37°12'36"E	112.33
20	3°57'23"	673.00	46.33	23.17	S 61°38'21"E	46.32
21	61°38'35"	257.00	276.13	154.44	S 28°52'52"E	264.78
22	S 02°01'55"E		175.15			
23	37°28'04"	244.00	159.56	82.73	S 20°45'57"E	156.73
24	S 39°29'50"W		34.08			
25	68°11'01"	180.00	214.21	120.86	S 88°24'08"W	201.24
26	107°02'08"	152.00	284.20	245.90	S 36°52'36"W	244.57
27	27°53'22"	30.00	13.63	6.96	S 06°28'17"W	13.51

*** NOT A SURVEY ***

SCALE: 1" = 250'

0 125 250 500

SCALE IN FEET

ACTIVITY	INITIALS	EMP. #	MO.	DAY	YR.
RESEARCH					
FIELD WORK-CREW CHIEF					
DRAFTED	LMT	453	03	29	02
CHECKED BY	JPM	275	03	29	02
FIELD BOOK/PAGE					

APPROVED: JOHN P. MALONEY, P.S.M. #LS-4493

WILSONMILLER, INC.
ENGINEERS • SURVEYORS • PLANNERS • ENVIRONMENTAL CONSULTANTS
LANDSCAPE ARCHITECTS • TRANSPORTATION CONSULTANTS
WILSON PROFESSIONAL CENTER
3200 PAILEY LANE AT AIRPORT ROAD, SUITE 200
NAPLES, FLORIDA 34105 (941) 649-4040 FAX (941) 643-5726

DATE: 03/02
SCALE: 1"=250'

CLIENT: PELICAN LANDING TIMESHARE VENTURES, L.P.
DESCRIPTION: SKETCH OF DESCRIPTION
ROADWAY EASEMENT
BEING A PART OF SECTIONS 5, 8, 7 AND 9,
TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

CROSS REF. FILE NO.: | PROJECT NO. & WORK ORDER NO.: F0250-042-502-GCS00 | SHEET NUMBER: 2 OF __ | FILE NO.: 2K-257

[P] SK/DESC ROAD EASEMENT TO TIMESHARE 45X(0.100)PF: F0250 1088 04-Apr-02 08:47 AM / 22194.00000-453

Official Records BK 03878 PG 4511

https://or.leeclerk.org/LandMarkWeb/search/index?theme=.blue&section=searchCriteriaInstrumentNumber&quickSearchSelection=#
29/41
https://or.leeclerk.org/LandMarkWeb/search/index?theme=.blue&section=searchCriteriaName&quickSearchSelection=#
5/9

EXHIBIT "B"

RHODES & RHODES LAND SURVEYING, INC.
28100 BONITA GRANDE DRIVE, SUITE 107
BONITA SPRINGS, FL 34135
PHONE (239) 405-8166 FAX (239) 405-8163

LEGAL DESCRIPTION
TRACT "A"

BEING A PORTION OF THOSE LANDS DESCRIBED IN QUIT CLAIM DEED FOR HYATT GOLF RESORT TIMESHARE PARCEL (REVISED 11/15/01), AS RECORDED IN OFFICIAL RECORDS BOOK 3539, PAGES 3120 THROUGH 3122 (INCLUSIVE), LOCATED IN SECTION 6, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

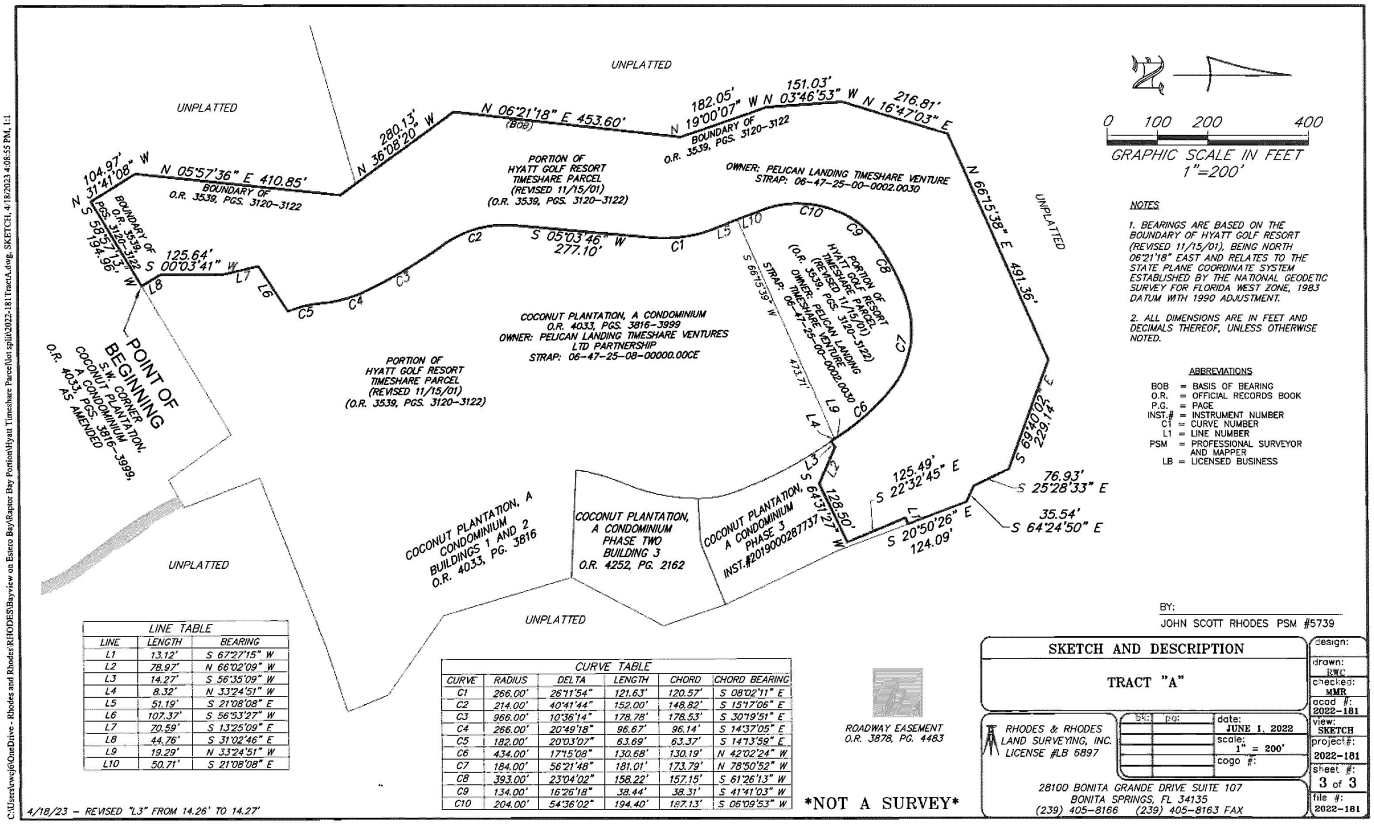
BEGINNING AT THE SOUTHWEST CORNER OF THOSE CERTAIN LANDS DESCRIBED AS COCONUT PLANTATION, A CONDOMINIUM, RECORDED IN OFFICIAL RECORDS BOOK 4033, PAGES 3816 THROUGH 3999 (INCLUSIVE), AS AMENDED, THE SAME BEING A POINT ON THE BOUNDARY OF THOSE LANDS DESCRIBED IN QUIT CLAIM DEED FOR HYATT GOLF RESORT TIMESHARE PARCEL (REVISED 11/15/01), AS RECORDED IN OFFICIAL RECORDS BOOK 3539, PAGES 3120 THROUGH 3122 (INCLUSIVE), ALL OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING THIRTEEN (13) COURSES ALONG THE BOUNDARY OF LAST SAID LANDS; COURSE NO. 1: SOUTH 58°57'13" WEST, 194.96 FEET; COURSE NO. 2: NORTH 31°41'08" WEST, 104.97 FEET; COURSE NO. 3: NORTH 05°57'36" EAST, 410.85 FEET; COURSE NO. 4: NORTH 36°08'20" WEST, 280.13 FEET; COURSE NO. 5: NORTH 06°21'18" EAST, 453.60 FEET; COURSE NO. 6: NORTH 19°00'07" WEST, 182.05 FEET; COURSE NO. 7: NORTH 03°46'53" WEST, 151.03 FEET; COURSE NO. 8: NORTH 16°47'03" EAST, 216.81 FEET; COURSE NO. 9: NORTH 66°15'38" EAST, 491.36 FEET; COURSE NO. 10: SOUTH 69°40'02" EAST, 229.14 FEET; COURSE NO. 11: SOUTH 25°28'33" EAST, 76.93 FEET; COURSE NO. 12: SOUTH 64°24'50" EAST, 35.54 FEET; COURSE NO. 13: SOUTH 20°50'26" EAST, 124.09 FEET TO A POINT ON THE BOUNDARY OF SAID LANDS DESCRIBED AS COCONUT PLANTATION, A CONDOMINIUM, RECORDED IN OFFICIAL RECORDS BOOK 4033, PAGES 3816 THROUGH 3999 (INCLUSIVE), AS AMENDED; THENCE RUN THE FOLLOWING SIX (6) COURSES ALONG THE BOUNDARY OF LAST SAID LANDS; COURSE NO. 1: SOUTH 67°27'15" WEST, 13.12 FEET; COURSE NO. 2: SOUTH 22°32'45" EAST, 125.49 FEET; COURSE NO. 3: SOUTH 64°31'27" WEST, 128.50 FEET; COURSE NO. 4: NORTH 66°02'09" WEST, 78.97 FEET; COURSE NO. 5: SOUTH 56°35'09" WEST, 14.27 FEET; COURSE NO. 6: NORTH 33°24'51" WEST, 8.32; THENCE CONTINUE NORTH 33°24'51" WEST, 19.29 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY, 130.68 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 434.00 FEET, THROUGH A CENTRAL ANGLE OF 17°15'08" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 42°02'24" WEST, 130.19 FEET TO A POINT OF COMPOUND CURVATURE; THENCE WESTERLY, 181.01 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 184.00 FEET, THROUGH A CENTRAL ANGLE OF 56°21'48" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 78°50'52" WEST, 173.79 FEET TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHWESTERLY, 158.22 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 393.00 FEET, THROUGH A CENTRAL ANGLE OF 23°04'02" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 61°26'13" WEST, 157.15 FEET TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHWESTERLY, 38.44 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 134.00 FEET, THROUGH A CENTRAL ANGLE OF 16°26'18" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 41°41'03" WEST, 38.31 FEET TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHERLY, 194.40 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 204.00 FEET, THROUGH A CENTRAL ANGLE OF 54°36'02" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 06°09'53" WEST, 187.13 FEET; THENCE SOUTH 21°08'08" EAST, A DISTANCE OF 50.71 FEET TO A POINT ON THE BOUNDARY OF SAID LANDS DESCRIBED AS COCONUT PLANTATION, A CONDOMINIUM, RECORDED IN OFFICIAL RECORDS BOOK 4033, PAGES 3816 THROUGH 3999 (INCLUSIVE), AS AMENDED; THENCE RUN THE FOLLOWING ELEVEN (11) COURSES ALONG THE BOUNDARY OF LAST SAID LANDS; COURSE NO. 1: SOUTH 21°08'08" EAST, 51.19 FEET TO A

RHODES & RHODES LAND SURVEYING, INC.
28100 BONITA GRANDE DRIVE, SUITE 107
BONITA SPRINGS, FL 34135
PHONE (239) 405-8166 FAX (239) 405-8163

POINT OF CURVATURE; COURSE NO. 2: SOUTHERLY, 121.63 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 266.00 FEET, THROUGH A CENTRAL ANGLE OF 26°11'54" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 08°02'11" EAST, 120.57 FEET; COURSE NO. 3: SOUTH 05°03'46" WEST, 277.10 FEET TO A POINT OF CURVATURE; COURSE NO. 4: SOUTHERLY, 152.00 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 214.00 FEET, THROUGH A CENTRAL ANGLE OF 40°41'44" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 15°17'06" EAST, 148.82 FEET TO A POINT OF REVERSE CURVATURE; COURSE NO. 5: SOUTHEASTERLY, 178.78 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 966.00 FEET, THROUGH A CENTRAL ANGLE OF 10°36'14" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 30°19'51" EAST, 178.53 FEET TO A POINT OF COMPOUND CURVATURE; COURSE NO. 6: SOUTHERLY, 96.67 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 266.00 FEET, THROUGH A CENTRAL ANGLE OF 20°49'18" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 14°37'05" EAST, 96.14 FEET TO A POINT OF REVERSE CURVATURE; COURSE NO. 7: SOUTHERLY, 63.69 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 182.00 FEET, THROUGH A CENTRAL ANGLE OF 20°03'07" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 14°13'59" EAST, 63.37 FEET; COURSE NO. 8: SOUTH 56°53'27" WEST, 107.37 FEET; COURSE NO. 9: SOUTH 13°25'09" EAST, 70.59 FEET; COURSE NO. 10: SOUTH 00°03'41" WEST, 125.64 FEET; COURSE NO. 11: SOUTH 31°02'46" EAST, 44.76 FEET TO THE POINT OF BEGINNING.

CONTAINING 521,026 SQUARE FEET OR 11.961 ACRES, MORE OR LESS.

Additional info dated 07-16-2024
Landmark Web Official Records Search



LINE TABLE

LINE	LENGTH	BEARING
L1	13.12'	S 67°27'15" W
L2	78.97'	N 66°02'09" W
L3	14.27'	S 56°35'09" W
L4	8.32'	N 33°24'51" W
L5	51.19'	S 21°08'08" E
L6	107.37'	S 56°53'27" W
L7	70.59'	S 13°25'09" E
L8	44.76'	S 31°02'46" E
L9	19.29'	N 33°24'51" W
L10	50.71'	S 21°08'08" E

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	266.00'	26°11'54"	121.63'	120.57'	S 08°02'11" E
C2	214.00'	40°41'44"	152.00'	148.82'	S 15°17'06" E
C3	966.00'	10°36'14"	178.78'	178.53'	S 30°19'51" E
C4	266.00'	20°49'18"	96.67'	96.14'	S 14°37'05" E
C5	182.00'	20°03'07"	63.69'	63.37'	S 14°13'59" E
C6	434.00'	171°15'08"	130.68'	130.19'	N 42°02'24" W
C7	184.00'	56°21'48"	181.01'	173.79'	N 78°50'52" W
C8	393.00'	23°04'02"	158.22'	157.15'	S 61°26'13" W
C9	134.00'	16°26'18"	38.44'	38.31'	S 41°41'03" W
C10	204.00'	54°36'02"	194.40'	187.13'	S 06°09'53" W

Mortgagee Joinder, Consent, and Subordination

For Ten Dollars ($10.00) and other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, First Horizon Bank ("Mortgagee"), the owner and holder of a mortgage given by LB Raptor Investments, LLC, a Florida limited liability company ("Mortgagor") to Lake Michigan Credit Union recorded in Instrument #2020000311408, as assigned to Mortgagee by Non-Recourse Assignment of Note and Mortgage recorded in Instrument #2022000352995, and modified by Mortgage Modification Agreement recorded in Instrument #2022000352996, and as further modified by Amended and Restated Mortgage, Assignment of Rents and Lease, Security Agreement, and Fixture Filing recorded in Instrument #2022000352997, hereby joins in, consents to and subordinates the lien of its Mortgage, as it has been, and as it may be, modified, amended and assigned from time to time, to the Access Easement to which this Joinder and Consent is attached.

IN WITNESS WHEREOF, this Mortgagee Joinder, Consent, and Subordination is made this 28 day of July, 2023.

First Horizon Bank

By: _____
Name: Geoff Cross
Its: SVP

STATE OF FLORIDA
COUNTY OF Collier

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this 28th day of July, 2023, by Geoff Cross as VP of First Horizon Bank. He is ☒ personally known to me or ☐ has produced _____ as identification.

_____
Notary Public
Name: Judith Gangi Santos
My Commission Expires: 5-8-27

Judith Gangi Santos
NOTARY PUBLIC - STATE OF FLORIDA
MY COMMISSION EXPIRES MAY 8, 2027
COMMISSION NO. HH 367398

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024
Kevin C. Karnes, Lee County Clerk of Circuit Court
INSTR. # 2023000146468, Doc Type ASG, Pages 10, Recorded 4/25/2023 at 11:15 AM, Deputy Clerk NFERGUSON ERECORD
Rec Fees: $86.50

(4)

THIS INSTRUMENT PREPARED BY AND SHOULD BE RETURNED TO:

Lisa Van Dien, Esq.
London Bay
2210 Vanderbilt Beach Rd.
Naples, FL 34109
239-592-1400

PARTIAL NON-EXCLUSIVE ASSIGNMENT OF EASEMENT

THIS PARTIAL NON-EXCLUSIVE ASSIGNMENT OF EASEMENTS ("Assignment") is made and executed this 24th day of April, 2023, by **PELICAN LANDING TIMESHARE VENTURES LP,** a Delaware limited partnership whose address is 9002 San Marco Court, Orlando, FL 32819 (hereinafter referred to as the "Assignor"), to **KERSEY SMOOT INVESTMENTS, LLC**, a Florida limited liability company ("Assignee"), whose address is 2210 Vanderbilt Beach Rd., Naples, FL 34109.

RECITALS

A. Assignor, in its capacity of Declarant thereunder (as defined therein), executed that certain Master Declaration of Covenants, Conditions and Restrictions of Hyatt Coconut Plantation dated August 18, 2003, and recorded on August 21, 2003, in Official Records Book 04033, Page 3793 (the "Master Declaration"), setting forth certain covenants, conditions, restrictions and easements applicable to the real property more particularly described therein.

B. Capitalized terms not otherwise defined herein shall have the meanings ascribed to such capitalized terms in the Master Declaration.

C. Pursuant to Section III.C.1 of the Master Declaration, Assignor reserved unto itself non-exclusive use and access rights over, upon, under and across the Master Property (together with the right to assign all or any portion of such rights).

D. As of even date herewith, Assignor conveyed fee simple title to that certain real property described on Exhibit "A-1" attached hereto and incorporated herein by this reference (the "Conveyed Property") to Assignee.

E. LB Raptor Investments, LLC, a Florida limited liability company and an affiliate of Assignee, holds fee simple title to certain real property which is depicted as the cross-hatched

property on Exhibit "A-2" attached hereto and incorporated herein by this reference (the "Golf Course Property", and, together with the Conveyed Property, the "Benefitted Property").

F. The parties now desire that Assignor assign to Assignee, on a non-exclusive basis, certain of the easements and other rights reserved by Assignor under the Master Declaration, as more specifically set forth below.

ASSIGNMENT

NOW THEREFORE, in consideration of the sum of Ten ($10.00) Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto, intending legally to be bound, hereby covenant and agree as follows:

1. Recitals. The foregoing Recitals are hereby incorporated by reference herein and made a substantive part hereof.

2. Assignment/Assumption. To the maximum extent permitted thereunder, Assignor hereby assigns to Assignee and Assignee hereby accepts and assumes from Assignor, on a non-exclusive basis, an easement over, upon and across that portion of the Streets and Roadways depicted on Exhibit "B" attached hereto for the limited purpose of access, ingress, and egress to and from the Benefitted Property (the "Assigned Easement"); provided, however, that such use shall not exceed the equivalencies for 241 timeshare units based on the trip conversion matrix attached hereto as Exhibit "C".

3. Assignee to Share Maintenance Costs of Assigned Easement. Subject to the party that is obligated to maintain the applicable portion of the Streets and Roadways providing Assignee with (i) an invoice for Assignee's Share (as hereinafter defined) on a quarterly basis, and (ii) such back-up relating to such invoice as reasonably requested by Assignee, Assignee shall pay 35.6% ("Assignee's Share") of the maintenance costs for the portion of the Streets and Roadways depicted on Exhibit "B", calculated as follows: (241 allocated units of density / 339 as set forth in Section IV.B.1 of the Master Declaration) x 50%. Assignee shall pay all invoices within 30 days after receipt of each invoice. This obligation may be assigned to a homeowners or condominium association created in connection with some or all of the Benefitted Property by Assignee.

4. Assignor to Retain Rights. The parties hereby acknowledge that, following the date of this Assignment, Assignor shall continue to be able to exercise and enjoy all of the easements and rights reserved to Assignor under the Master Declaration (including, without limitation, the right to assign such easements and rights to third parties).

5. Indemnification. Assignee hereby agrees to protect, indemnify, defend and hold Assignor harmless from and against any and all claims, damages, losses, liabilities, costs and expenses (including reasonable attorneys' fees at all levels) with reference to the time period occurring and acts required in connection with the exercise by Assignee of its rights under this Assignment from and after the date hereof.

DCI2023-00032 Lee County Plan Additional info dated 07-16-2024

6. Counterparts. This Assignment may be executed and delivered in any number of counterparts, each of which so executed and delivered shall be deemed to be an original and all of which shall constitute one and the same instrument.

7. Governing Law. This Assignment shall be governed by and construed in accordance with the laws of the State of Florida, without regard to the conflicts of law principles thereof.

8. Survival and Binding Agreement. This Assignment shall run with the land and shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, personal representatives, successors and assigns.

[SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, the parties have signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the Presence of the following witnesses:

Signature of Witness

JANET L. CAPE
Printed Name of Witness

Signature of Witness

CAROL FUGGI
Printed Name of Witness

"**ASSIGNOR**"

PELICAN LANDING TIMESHARE VENTURES LP, a Delaware limited partnership

BY: **HTS-COCONUT POINT, INC.,**
its general partner

By: _____
John E. Geller, Jr., Executive Vice President

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this _____ day of April, 2023, by John E. Geller, Jr., Executive Vice President of HTS-Coconut Point, Inc., general partner of Pelican Landing Timeshare Ventures LP, on behalf of said limited partnership. He is personally known to me and appeared before me by means of physical presence.

(NOTARY SEAL)

Notary Public State of Florida
Carol L Fuggi
My Commission
HH 166711
Exp. 8/19/2025

_____
Notary Public Signature

CAROL FUGGI
(Name typed, printed or stamped)
Notary Public, State of FL
Commission No.: HH 166711
My Commission Expires: 8/19/25

Signed, sealed and delivered in the
Presence of the following witnesses:

Signature of Witness

Lisa Van Dien
Printed Name of Witness

Signature of Witness

Anna Murphy
Printed Name of Witness

"ASSIGNEE"

KERSEY SMOOT INVESTMENTS, LLC,
a Florida limited liability company

By: _____
Stephen G. Wilson, Manager

STATE OF FLORIDA
COUNTY OF Collier

The foregoing instrument was acknowledged before me this 21st day of April, 2023, by Stephen G. Wilson, as Manager of Kersey Smoot Investments, LLC, a Florida limited liability company. He is personally known to me or has produced _____ as identification, and ✓ appeared before me by means of physical presence or ___ online notarization.

(NOTARY SEAL)

LISA VAN DIEN
MY COMMISSION # GG 338921
EXPIRES: July 31, 2023
Bonded Thru Notary Public Underwriters

_____
Notary Public Signature

_____
(Name typed, printed or stamped)
Notary Public, State of _____
Commission No.: _____
My Commission Expires: _____

EXHIBIT "A-1"

CONVEYED PROPERTY

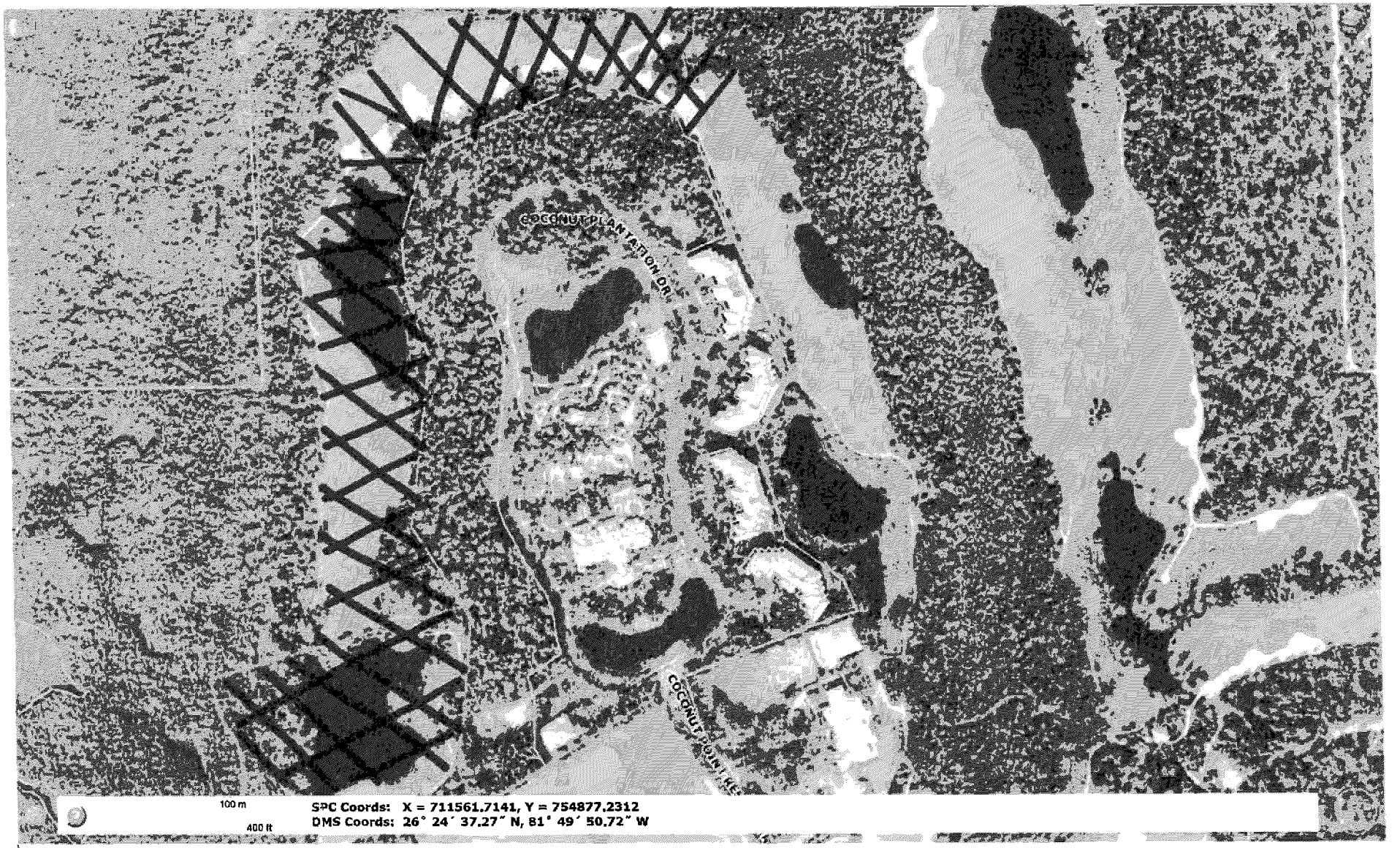
BEING A PORTION OF THOSE LANDS DESCRIBED IN QUIT CLAIM DEED FOR HYATT GOLF RESORT TIMESHARE PARCEL (REVISED 11/15/01), AS RECORDED IN OFFICIAL RECORDS BOOK 3539, PAGES 3120 THROUGH 3122 (INCLUSIVE), LOCATED IN SECTION 6, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THOSE CERTAIN LANDS DESCRIBED AS COCONUT PLANTATION, A CONDOMINIUM, RECORDED IN OFFICIAL RECORDS BOOK 4033, PAGES 3816 THROUGH 3999 (INCLUSIVE), AS AMENDED, THE SAME BEING A POINT ON THE BOUNDARY OF THOSE LANDS DESCRIBED IN QUIT CLAIM DEED FOR HYATT GOLF RESORT TIMESHARE PARCEL (REVISED 11/15/01), AS RECORDED IN OFFICIAL RECORDS BOOK 3539, PAGES 3120 THROUGH 3122 (INCLUSIVE), ALL OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING THIRTEEN (13) COURSES ALONG THE BOUNDARY OF LAST SAID LANDS; COURSE NO. 1: SOUTH 58°57'13" WEST, 194.96 FEET; COURSE NO. 2: NORTH 31°41'08" WEST, 104.97 FEET; COURSE NO. 3: NORTH 05°57'36" EAST, 410.85 FEET; COURSE NO. 4: NORTH 36°08'20" WEST, 280.13 FEET; COURSE NO. 5: NORTH 06°21'18" EAST, 453.60 FEET; COURSE NO. 6: NORTH 19°00'07" WEST, 182.05 FEET; COURSE NO. 7: NORTH 03°46'53" WEST, 151.03 FEET; COURSE NO. 8: NORTH 16°47'03" EAST, 216.81 FEET; COURSE NO. 9: NORTH 66°15'38" EAST, 491.36 FEET; COURSE NO. 10: SOUTH 69°40'02" EAST, 229.14 FEET; COURSE NO. 11: SOUTH 25°28'33" EAST, 76.93 FEET; COURSE NO. 12: SOUTH 64°24'50" EAST, 35.54 FEET; COURSE NO. 13: SOUTH 20°50'26" EAST, 124.09 FEET TO A POINT ON THE BOUNDARY OF SAID LANDS DESCRIBED AS COCONUT PLANTATION, A CONDOMINIUM, RECORDED IN OFFICIAL RECORDS BOOK 4033, PAGES 3816 THROUGH 3999 (INCLUSIVE), AS AMENDED; THENCE RUN THE FOLLOWING SIX (6) COURSES ALONG THE BOUNDARY OF LAST SAID LANDS; COURSE NO. 1: SOUTH 67°27'15" WEST, 13.12 FEET; COURSE NO. 2: SOUTH 22°32'45" EAST, 125.49 FEET; COURSE NO. 3: SOUTH 64°31'27" WEST, 128.50 FEET; COURSE NO. 4: NORTH 66°02'09" WEST, 78.97 FEET; COURSE NO. 5: SOUTH 56°35'09" WEST, 14.27 FEET; COURSE NO. 6: NORTH 33°24'51" WEST, 8.32; THENCE CONTINUE NORTH 33°24'51" WEST, 19.29 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY, 130.68 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 434.00 FEET, THROUGH A CENTRAL ANGLE OF 17°15'08" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 42°02'24" WEST, 130.19 FEET TO A POINT OF COMPOUND CURVATURE; THENCE WESTERLY, 181.01 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 184.00 FEET, THROUGH A CENTRAL ANGLE OF 56°21'48" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 78°50'52" WEST, 173.79 FEET TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHWESTERLY, 158.22 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 393.00 FEET, THROUGH A CENTRAL ANGLE OF 23°04'02" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 61°26'13" WEST, 157.15 FEET TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHWESTERLY, 38.44 FEET ALONG THE ARC OF A

CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 134.00 FEET, THROUGH A CENTRAL ANGLE OF 16°26'18" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 41°41'03" WEST, 38.31 FEET TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHERLY, 194.40 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 204.00 FEET, THROUGH A CENTRAL ANGLE OF 54°36'02" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 06°09'53" WEST, 187.13 FEET; THENCE SOUTH 21°08'08" EAST, A DISTANCE OF 50.71 FEET TO A POINT ON THE BOUNDARY OF SAID LANDS DESCRIBED AS COCONUT PLANTATION, A CONDOMINIUM, RECORDED IN OFFICIAL RECORDS BOOK 4033, PAGES 3816 THROUGH 3999 (INCLUSIVE), AS AMENDED; THENCE RUN THE FOLLOWING ELEVEN (11) COURSES ALONG THE BOUNDARY OF LAST SAID LANDS; COURSE NO. 1: SOUTH 21°08'08" EAST, 51.19 FEET TO A POINT OF CURVATURE; COURSE NO. 2: SOUTHERLY, 121.63 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 266.00 FEET, THROUGH A CENTRAL ANGLE OF 26°11'54" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 08°02'11" EAST, 120.57 FEET; COURSE NO. 3: SOUTH 05°03'46" WEST, 277.10 FEET TO A POINT OF CURVATURE; COURSE NO. 4: SOUTHERLY, 152.00 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 214.00 FEET, THROUGH A CENTRAL ANGLE OF 40°41'44" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 15°17'06" EAST, 148.82 FEET TO A POINT OF REVERSE CURVATURE; COURSE NO. 5: SOUTHEASTERLY, 178.78 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 966.00 FEET, THROUGH A CENTRAL ANGLE OF 10°36'14" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 30°19'51" EAST, 178.53 FEET TO A POINT OF COMPOUND CURVATURE; COURSE NO. 6: SOUTHERLY, 96.67 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 266.00 FEET, THROUGH A CENTRAL ANGLE OF 20°49'18" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 14°37'05" EAST, 96.14 FEET TO A POINT OF REVERSE CURVATURE; COURSE NO. 7: SOUTHERLY, 63.69 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 182.00 FEET, THROUGH A CENTRAL ANGLE OF 20°03'07" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 14°13'59" EAST, 63.37 FEET; COURSE NO. 8: SOUTH 56°53'27" WEST, 107.37 FEET; COURSE NO. 9: SOUTH 13°25'09" EAST, 70.59 FEET; COURSE NO. 10: SOUTH 00°03'41" WEST, 125.64 FEET; COURSE NO. 11: SOUTH 31°02'46" EAST, 44.76 FEET TO THE POINT OF BEGINNING.

CONTAINING 521,026 SQUARE FEET OR 11.961 ACRES, MORE OR LESS.

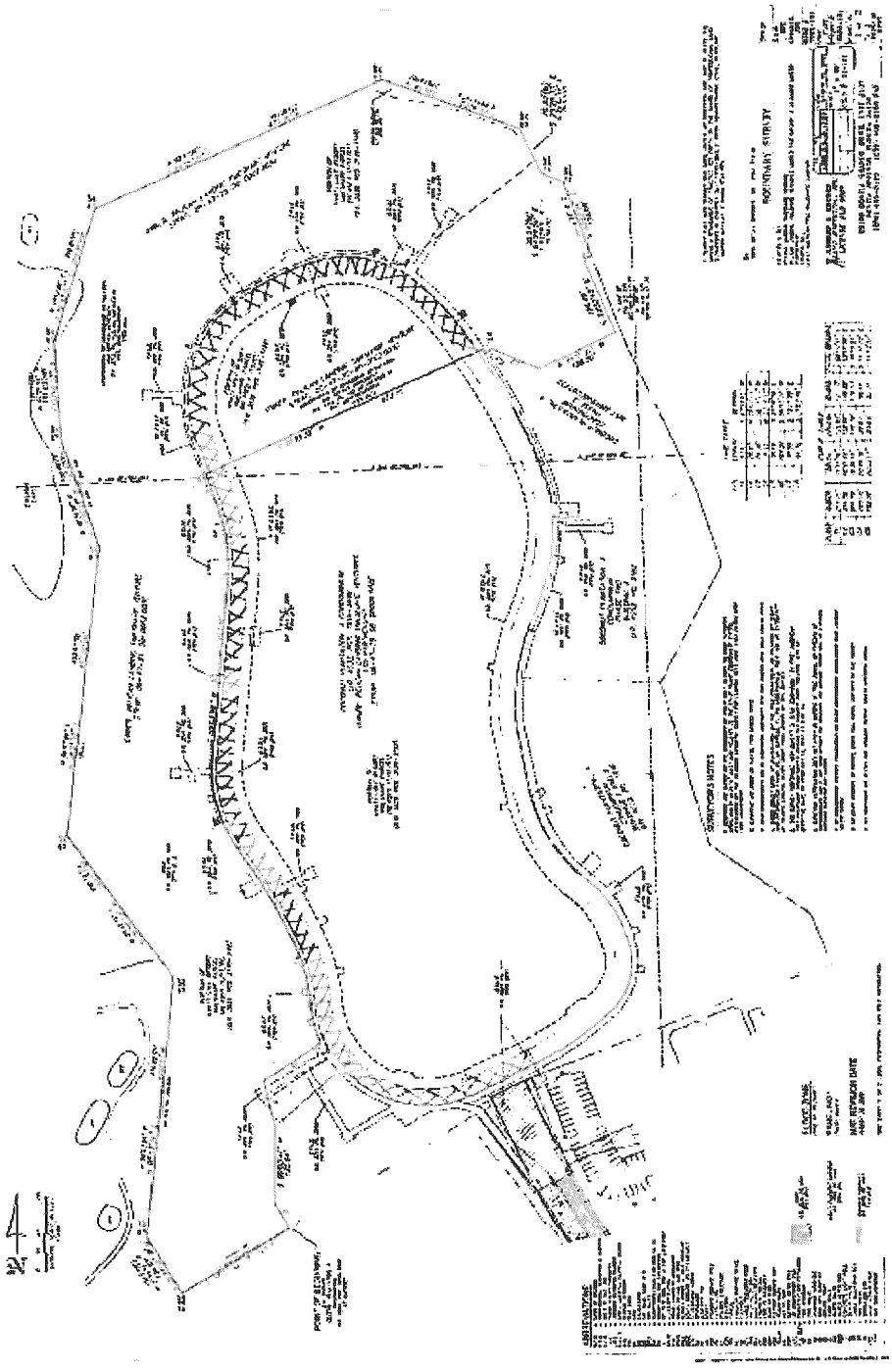
EXHIBIT "A-2"



DC/2023100023001468 Page Number: 8 of 10 Additional info dated 07-16-2024

EXHIBIT "B"

STREETS AND ROADWAYS EASEMENT PARCEL



DCI2023-00032 Lee County Plan Additional info dated 07-16-2024

EXHIBIT "C"

TRIP CONVERSION MATRIX BASED ON THE WEEKDAY PM PEAK HOUR TRIP RATE FROM THE ITE *TRIP GENERATION REPORT*, 11TH EDITION

Time Share (LUC 265) = 0.63 trips/unit

1 TS = 0.80 MF DU (Low-Rise – LUC 220 1-3 floors)

1 TS = 0.61 MF DU (Mid-Rise – LUC 221 4 – 10 floors)

1 TS = 0.51 MF DU (Hi-Rise – LUC 222 11+ floors)

1 TS = 0.30 CCRC DU (LUC 255)

1 TS = 0.94 Hotel Rooms (LUC 310)

Conversions:

241 TS Units converted to Low-Rise Units

241/0.80 = 301 Dwelling units would be equivalent

241 TS Units converted to Mid-Rise Units

241/0.61 = 395 Dwelling units would be equivalent

241 TS units converted to Hi-Rise Units

241/0.51 = 472 Dwelling Units would be the equivalent.

241 TS Units converted to CCRC Units

241/0.30 = 803 Dwelling units would be equivalent

241 TS Units converted to Hotel Rooms

241/0.94 = 256 Rooms would be equivalent

TS = timeshare unit
MF DU = multi-family dwelling unit
CCRC DU = continuing care retirement community independent living unit

PELICAN LANDING MPD
STORMWATER MANAGEMENT PLAN NARRATIVE

LDC Section 34-373(b)(1)
a. The runoff characteristics of the property in its existing state;

Portions of the property have been previously cleared and an existing stormwater management system is in place for the golf course. Existing runoff currently discharges offsite.

b. In general terms, the drainage concept proposed, including the outfall to canals or natural water bodies including how drainage flow from adjacent properties will be maintained;

Conceptually, the stormwater management system for the redevelopment areas will provide an on-site water detention system through a series of dry detention areas and stormwater management lakes. Storm water runoff will be treated and attenuated on site prior to discharging into wetlands. The anticipated outfall will be subject to SFWMD Environmental Resource Permitting. The proposed water management system will be designed in accordance with the SFWMD Applicants Handbook and Lee County Land Development Code.

Existing flows from halfway creek are not proposed to be changed and are not incorporated into the surface water system within the development area. Existing flow patterns are demonstrated on the MCP.

Existing drainage from the Hyatt flows into existing lakes and no changes or impacts to those connections are proposed. This existing drainage pattern is addressed in ERP permit #36-03813-P.

Existing drainage from other adjacent communities are not incorporated into the surface water system and a perimeter berm also prevents discharge into adjacent communities.

c. The retention features (including existing natural features) that will be incorporated into the drainage system and the legal mechanism which will guarantee their maintenance;

The existing stormwater management system will be incorporated into the overall drainage system for the MPD. On-site attenuation per SFWMD requirements will be provided through the expansion of the lake system into the redevelopment tracts. Perimeter berms will be located between the wetland areas and development areas to ensure that historic wetland connections and hydroperiods are maintained. The applicant will prepare and obtain an ERP approval prior to or concurrently with the Local Development Order. The ERP modification will include required maintenance provisions.

d. How existing natural features will be preserved. Include an estimate of the ranges of existing and post development water table elevations, where appropriate;

The RPD includes existing wetland and upland preserve areas. These areas are demonstrated in the Master Concept Plan and will ensure preservation of the natural features.

e. If the property is subject to seasonal inundation or subject to inundation by a stream swollen by the rains of a 100-year storm event, indicate the measures that will be taken to mitigate the effects of expectable flooding.

Seasonal inundation is currently discharged off site. The proposed surface water management plan will treat and attenuate stormwater runoff from development areas on-site prior to discharging into on-site wetlands.

Pelican Landing MPD
Inventory of Existing Conditions

The following is a listing of all Lee County zoning conditions applicable to the Pelican Landing CPD/RPD and the Kersey Smoot RPD. Justifications are provided for proposed changes where appropriate.

Please note:

Words ~~struck through~~ are deleted
Words underlined are added
Words double-underlined are relocated from other resolutions

The following Proposed Conditions recreate and amend all conditions found in Resolution Z-94-014 (Pelican Landing CPD/RPD), as amended.

1. The development of the subject property shall be in accordance with the three-page Master Concept Plan for Pelican landing ~~RPD/CPD~~ MPD, stamped received on ~~May 16, 1994~~ April 25, 2024, except as modified by the conditions herein. Unless specifically approved as part of this rezoning, development shall be in accordance with all applicable local development regulations, including the Pelican Landing Development of Regional Impact Development Order. No deviations from the Land Development Code are granted unless specifically identified herein.

   ~~As a prerequisite to approval of any local Development Order for property located within the Commercial Planned Development and Residential Planned Development, approval of a Final Zoning Plan must be received which specifies the type, intensity and configuration of development for the particular site. The objective of the process is to ensure compliance with the DRI Development Order, Zoning Resolution, and Land Development Code, to allow detailed review of deviations conceptually approved herein, while allowing the development flexibility to respond to changing conditions. Application materials shall be the same as for an Administrative Amendment supplemented per Condition 18.b. Any substantial change in the type, intensity, or configuration of development within the RPD/CPD will require further review through a public hearing. The necessity of said review shall be determined by the Director of Community Development.~~

   JUSTIFICATION: This condition is updated to reflect the approval of the Pelican Landing MPD. The second paragraph is outdated, and the current development order process incorporates all elements.

~~2. Permitted uses in CPD land development Area A: Marina~~

~~Administrative Offices~~
~~Bait and Tackle Shop~~
~~Boat Parts Store~~
~~Cocktail Lounge, only in conjunction with a restaurant~~
~~Club, Private~~
~~Consumption on Premises, only in conjunction with a restaurant~~
~~Food Store, Group I~~
~~Fishhouse~~
~~Specialty Retail, Group I~~

~~Marina (df) including those uses defined with a maximum of 150 space dry boat storage building and 48 wet slips~~
~~Rental and Charter Facilities for Boats, limited to residents and guests in Pelican Landing~~
~~Restaurants, Standard~~
~~Sale of Fuel and Lubricants~~
~~School, Commercial~~
~~Limited to sailing, water safety and other marine oriented schools~~
~~Shower and Restroom Facilities~~

~~The following property development regulations shall apply to CPD land development Area A: Marina~~

~~a. Minimum building setbacks for all Marina/Commercial District uses:~~

~~Street~~	~~-~~	~~1/2 right-of-way plus 20 feet~~
~~Side~~	~~-~~	~~10 feet~~
~~Water Body~~	~~-~~	~~0 feet~~
~~Wetlands~~	~~-~~	~~20 feet~~

~~b. Minimum distance between buildings:~~

~~Single story buildings~~	~~-~~	~~10 feet~~
~~Multiple story buildings~~	~~-~~	~~20 feet~~
~~Multiple story buildings with sprinkler systems~~	~~-~~	~~15 feet~~

~~c. Maximum building height - 45 feet above minimum flood elevation~~

~~d. Dry boat storage shall be limited to a height of 45 feet.~~

~~e. Prior to any local Development Order for the marina, a parking plan shall be submitted which demonstrates location and adequacy of parking and methods of vehicular and pedestrian movement. County staff shall ensure protection of public safety and compliance with applicable standards. Should vacation of a portion of Coconut Road not occur, developer shall be restricted accordingly.~~

~~f. Live-aboards (defined by Ordinance 85-21, as amended) and personal watercraft (defined by Ordinance 90-15, as amended) are prohibited.~~

~~g. Marina sanitation facilities are required.~~

~~3. Permitted uses in CPD land development Area B:~~

~~Hotel/Convention Center (per Ord.):~~

~~Hotel or Motel, Convention~~
~~Hotel or Motel Accessory Uses - including, but not limited to:~~
- ~~Tennis Courts~~
- ~~Swimming Pools~~
- ~~Bar or Cocktail Lounge~~

- ~~ATM within the Hotel or Other Building~~
- ~~Consumption on Premises and~~
- ~~Package Store within the Hotel or Motel~~
- ~~Conference Meeting Rooms~~

~~Club, Private~~
~~Resort~~
~~Restaurant, Standard – Groups I, II and III with Consumption on Premises~~
~~Specialty Retail Shops – Groups I and II~~
~~Business Services – Group I (excluding blood banks, blood donor stations, bail bonding, check exchange, detective agencies)~~
~~Studios~~
~~Dwelling Units, including but not limited to:~~

- ~~Two Family Attached~~
- ~~Townhouse~~
- ~~Duplex~~
- ~~Multiple Family Building~~

~~Residential Accessory Uses, including but not limited to:~~

- ~~Private garages, carports and parking areas~~
- ~~Private swimming pools and enclosures~~
- ~~Private tennis courts~~

~~Model Homes, Model Units and Model Display Center – limited to residential uses within Pelican Landing~~
~~Home Occupation~~
~~Entrance Gates and Gatehouses~~

~~The following property development regulations shall apply to CPD land development Area B: Hotel and Conference Center~~

~~a. Minimum building setbacks:~~

~~Street~~	~~1/2 right-of-way plus 20 feet~~
~~Side~~	~~0 feet or 10 feet for an interior lot and 15 feet for a corner lot~~
~~Water Body~~	~~20 feet~~
~~Wetlands~~	~~20 feet~~

~~b. Minimum distance between buildings:~~

~~Single story buildings -~~	~~10 feet~~
~~Multiple story buildings -~~	~~20 feet~~
~~Multiple story buildings with sprinkler systems-~~	~~15 feet~~

~~c. Maximum building height - no more than 20 habitable floors~~

~~d. Development of CPD Area B for Hotel and Conference Center shall comply with Condition 12 (High Rise Development Regulations).~~

~~4. Permitted Uses in CPD land development Area C: Office~~

~~Administrative Offices~~

~~Bank and Financial Establishments – Group I and II~~
~~Day Care (child/adult)~~
~~Food and Beverage Service~~
~~Insurance Companies~~
~~Library~~
~~Medical Office~~
~~Business Services – Group II (no outdoor storage of vehicles or equipment is permitted)~~
~~Contractors and Builders – Group I (no storage facilities permitted)~~
~~Cultural Facilities, limited to Art Gallery or Museum~~
~~Health Care Facilities – Group III~~
~~Personal Services – Group II (health club or beauty spa only)~~
~~Commercial School, limited to:~~

- ~~Art School~~
- ~~Business School~~
- ~~Clerical~~
- ~~Computer Drafting~~
- ~~Law~~
- ~~Real Estate~~
- ~~Aerobics~~

~~Social Services – Group I (limited to family and marriage counseling or nutritionists counseling)~~

~~The following property development regulations shall apply to CPD land development Area C: Office~~

~~a. Minimum building setbacks:~~

~~Street~~	~~1/2 right-of-way plus 20 feet~~
~~Side~~	~~0 feet or 10 feet for an interior lot and 15 feet for a corner lot~~
~~Water Body~~	~~25 feet~~
~~Wetlands~~	~~20 feet~~

~~b. Minimum distance between buildings:~~

~~Single story buildings~~	~~10 feet~~
~~Multiple story buildings~~	~~20 feet~~
~~Multiple story buildings with sprinkler systems~~	~~15 feet~~

~~c. Maximum building height - 95 feet above minimum flood elevation, with no more than 8 habitable floors~~

~~5. Permitted Uses in CPD land development Area D: Mixed Use Commercial~~

~~Administrative Offices~~
~~Business Services – Group I (excluding blood banks, blood donor stations, bail bonding, check exchange, detective agencies)~~
~~Business Services – Group II (no outdoor storage of vehicles or equipment)~~
~~Banks and Financial Establishments – Groups I and II with drive-thru~~
~~Broadcasting Studio~~
~~Commercial Radio and Television~~

~~Place of Worship~~
~~Religious Facilities~~
~~Private Club~~
~~Food Store – Group I~~
~~Repair Shops – Groups I and II~~
~~Restaurant, Standard – Groups I, II and III with consumption on premises~~
~~Specialty Retail Shops – Groups I, II and III~~
~~Used Merchandise Shops – Group I~~
~~Pharmacy and Drug Stores~~
~~Commercial School~~
~~Social Services – Group I (excluding Public Welfare Centers)~~
~~Studios~~
~~Health Care Facilities – Group III~~
~~Adult Congregate Living Facilities~~
~~Insurance Companies~~
~~Medical Office~~
~~Standard Offices~~
~~Cocktail Lounge~~
~~Consumption on Premises~~
~~Package Store~~
~~Automobile Service Station~~
~~Self-Service Fuel Pumps~~
~~Convenience Food and Beverage Store~~
~~Residential Uses, including but not limited to:~~
- ~~Two Family Attached~~
- ~~Townhouse~~
- ~~Duplex~~
- ~~Multiple Family Building~~

~~Residential Accessory Uses, including~~
- ~~Private garages, carports and parking areas~~
- ~~Swimming pools, tennis courts~~
- ~~Home Occupation~~

~~Clothing Stores, General~~
~~Contractors and Builders – Group I (no outdoor storage of heavy equipment)~~
~~Cultural Facilities (limited to Art Galleries, Museums)~~
~~Hobby, Toy, Game Shops~~
~~Household/Office Furnishings – Groups I and II~~
~~Personal Services – Group I~~
~~(excluding coin operated laundries-Laundromat)~~
~~Personal Services – Group II (limited to hearing aids, optical supplies and other similar health related devices (excluding massage establishments, massage parlors, steam or Turkish baths)~~
~~Personal Services – Group IV (limited to debt counseling, portrait copying, and tax return service)~~
~~Recreation, Commercial (limited to Health Club~~
~~Theatres~~

~~The following property development regulations shall apply to CPD Area D: Mixed Use Commercial~~

~~a. Minimum building setbacks:~~

~~Street - 1/2 right-of-way plus 20 feet~~
~~Side - 0 feet or 10 feet for an interior lot and~~
~~15 feet for a corner lot~~
~~Water Body - 20 feet (0 feet for seawalled/bulkheaded, manmade water bodies)~~
~~Wetlands 20 feet~~

~~b. Minimum distance between buildings:~~

~~Single story buildings 10 feet~~
~~Multiple story buildings 20 feet~~
~~Multiple story buildings~~
~~with sprinkler systems 15 feet~~

~~c. Maximum building height 95 feet above minimum flood elevation, with no more than 8 habitable floors~~

~~6. Permitted uses in CPD land development Area E: Retail~~

~~Administrative Offices~~
~~Club, Private~~
~~Food Store – Group I~~
~~Personal Services – Groups I (limited to ATM, beauty shop only) and II (limited to Health Club only)~~
~~Restaurant, Standard – Groups I, II and III with consumption on premises~~
~~Specialty Retail Shops – Groups I, II and III~~
~~Studios~~
~~Cocktail Lounge, only in conjunction with a restaurant~~
~~Multiple Family Residential Uses, including but not limited to:~~
~~- Two Family Attached~~
~~- Townhouse~~
~~- Duplex~~
~~- Multiple Family Building~~
~~Residential Accessory Uses, including but not limited to:~~
~~- Private garages, carports and parking areas~~
~~- Private swimming pools and enclosures~~
~~- Private tennis courts~~
~~Model Homes, Model Units and Model Display Center, limited to residential uses within Pelican Landing~~
~~Home Occupation~~
~~Entrance Gates and Gatehouses~~
~~Used Merchandise, Group I, excluding Pawn Shops~~

~~The following property development regulations shall apply to CPD Area E:~~

~~a. Minimum building setbacks:~~

~~Street 1/2 right-of-way plus 20 feet~~
~~Side 0 feet or 10 feet for an interior lot and~~
~~15 feet for a corner lot~~
~~Water Body 20 feet (0 feet for seawalled/bulkheaded, manmade water bodies)~~

~~Wetlands - 20 feet~~

~~b. Minimum distance between buildings:~~

~~Single story buildings - 10 feet~~
~~Multiple story buildings 20 feet~~
~~Multiple story buildings~~
~~with sprinkler systems 15 feet~~

~~c. Maximum building height 75 feet above minimum flood elevation~~

~~7. The following property development regulations apply to residential uses permitted in CPD Areas B, D, and E:~~

~~The Residential Uses in the CPD land development areas shall be permitted only when in conjunction with at least 50,000 square feet or more of commercial uses.~~

~~a. Minimum building setbacks:~~

~~Street - 1/2 right-of-way plus 20 feet~~
~~Side - 0 feet or 10 feet for an interior lot and~~
~~15 feet for a corner lot~~
~~Water Body - 20 feet~~
~~Wetlands - 20 feet~~

~~b. Minimum distance between buildings:~~

~~Single story buildings 10 feet~~
~~Multiple story buildings 20 feet~~
~~Multiple story buildings~~
~~with sprinkler systems 15 feet~~

~~c. Maximum building height 75 feet above minimum flood elevation in CP Areas B & E;~~
~~95 feet above minimum flood elevation in CPD Area D~~

~~Residential Planned Development~~

~~8. Permitted uses in RPD land development Area A:~~

~~Zero lot line, Single-Family, Two-Family Attached~~
~~Residential Accessory Uses, including but not limited to:~~
- ~~Private garages, carports and parking areas~~
- ~~Private swimming pools and enclosures~~
- ~~Private tennis courts~~

~~Model Homes, Model Units and Model Display Center, limited to residential uses within Pelican Landing~~
~~Speculative Home~~
~~Temporary Sales and/or Construction Office~~
~~Administrative Offices~~

~~Home Occupation~~
~~Entrance Gates and Gate Houses~~
~~Public and Private Parks, Playgrounds, Tot Lots, Community Swimming Pools, Tennis Courts or other community recreational amenity, Playfields and Commonly Owned Open Space~~
~~Essential Services~~
~~Signs~~

~~9. Permitted uses in RPD land development Area A:~~

~~Residential Uses, including but not limited to:~~
- ~~Zero lot line~~
- ~~Two family attached~~
- ~~Townhouse~~
- ~~Duplex~~
- ~~Single family~~
- ~~Multiple family buildings~~

~~Residential Accessory Uses, including but not limited to:~~
- ~~Private garages, carports and parking areas~~
- ~~Private swimming pools and enclosures~~
- ~~Private tennis courts~~
- ~~Private boat docks (where permitted by DRI Development Order)~~

~~Model Homes, Model Units and Model Display Center, limited to residential uses within Pelican Landing~~
~~Temporary Sales and/or Construction Office~~
~~Administrative Offices~~
~~Golf Courses, Golf Course Accessory and Associate Uses, including but not limited to:~~
- ~~Club house~~
- ~~Maintenance facility~~
- ~~Pro shop~~
- ~~Alcoholic beverage consumption in the club house~~
- ~~Snack bar at the ninth hole or other appropriate location~~
- ~~Ball washers~~
- ~~Restrooms and other uses which are normal and accessory to the golf course~~

~~Club, country~~
~~Club, private~~
~~Home Occupation~~
~~Entrance Gates and Gate Houses~~
~~Public and Private Parks~~
~~Playgrounds, Tot Lots,~~
~~Community Swimming Pools, Tennis Courts or other community recreational amenity, Playfields~~
~~Essential Services~~
~~Essential Service Facilities~~
~~Signs~~
~~Excavation-water retention~~

~~10. Permitted uses in RPD land development Area E:~~

~~Residential Uses, including but not limited to:~~
- ~~Zero lot line~~

- ~~Two Family~~
- ~~Town House~~
- ~~Duplex~~
- ~~Single family~~
- ~~Multiple family buildings~~

~~Residential Accessory Uses, including but not limited to:~~

- ~~Private garages, carports and parking areas~~
- ~~Private swimming pools and enclosures~~
- ~~Private tennis courts~~

~~Private Parks, Playgrounds, Tot Lots~~
~~Playgrounds, Tot Lots,~~
~~Community Swimming Pools~~
~~Tennis Courts or other community recreational amenity~~
~~Playfields~~
~~Essential Services~~
~~Signs~~

~~11. The following property development regulations shall apply to RPD Areas A, B, D and E:~~

~~a. Minimum building setbacks:~~

~~Zero Lot Line Units~~
~~Area = 5,000 square feet~~
~~Width = 40 feet~~
~~Depth = 100 feet~~

~~Single Family Units~~
~~Area = 5,000 square feet~~
~~Width = 40 feet~~
~~Depth = 100 feet~~

~~Multi Family~~
~~Area = 2,000 square feet per dwelling unit~~
~~Width = 100 feet~~
~~Depth = 100 feet~~

~~Two Family Attached and Townhouse~~
~~Area = 4,000 square feet per dwelling unit~~
~~Width = 32 feet~~
~~Depth = 100 feet~~

~~Duplex~~
~~Area = 14,000 square feet~~
~~Width = 90 feet~~
~~Depth = 100 feet~~

~~b. Minimum Setbacks~~ [this section amended by Z-95-061]

~~Zero Lot Line Units~~
~~Street = 20 feet or 15 feet for side entry garages~~
~~Side = 10 feet on one side, 0 feet on opposite site~~
~~Rear = 15 feet for building, 3 feet for pool, deck and enclosure~~
~~Waterbody = 20 feet~~

~~Single Family Units~~
~~Street = 15 feet~~

~~Side = 5 feet~~
~~Rear = 15 feet for building~~
~~0 feet for pool, deck and enclosure~~
~~Waterbody = 20 feet~~

~~Multi-Family~~
~~Street = 20 feet~~
~~Side = 20 feet~~
~~Rear = 20 feet~~
~~Waterbody = 20 feet~~

~~Two-Family Attached and Townhouse~~
~~Street = 20 feet~~
~~Side = 5 feet (no side setback required from common side lot line)~~
~~Rear = 15 feet~~
~~Waterbody = 20 feet~~

~~Duplex~~
~~Street = 1/2 ROW + 20 feet~~
~~(except for cul-de-sac 1/2 ROW + 15)~~
~~Side = 7 feet (no side setback required from common side lot line)~~
~~Rear = 20 feet~~
~~Waterbody = 20 feet~~

~~c. Building heights:~~ [this section amended by Z-95-061]

~~RPD Areas B and D located in the outlying Suburban land use category shall have a maximum building height of 75 feet above minimum flood elevation with no more than 6 habitable stories.~~

~~RPD Areas A and D located in the Urban Community land use category shall have maximum building height of 95 feet above minimum flood elevation with no more than 8 habitable stories.~~

~~RPD Area E located in the Outlying Suburban land use category shall have a maximum building height of 75 feet above minimum flood elevation with no more than 6 habitable floors.~~

2. Schedule of Permitted Uses and Property Development Regulations

[See the attached Proposed Land Uses and Development Standards and Proposed Deviations]

JUSTIFICATION: Conditions 2-11 are replaced by the attached Proposed Schedule of Uses, Development Standards and Schedule of Deviations.

~~12. Deviation (12) is approved for RPD Area F, and CPD Area B. These areas may be developed with a maximum building height exceeding 75 feet above minimum flood elevation only if in compliance with the following development regulations. All buildings 45 feet in height or less shall comply with normal setbacks required of conventional multi-family zoning districts. All buildings over 45 feet shall provide on foot of setback from the Pelican Landing perimeter property line for every foot of elevation. In recognition of the wetlands north of Coconut Road,~~

~~the setback for structures in excess of 75 feet in CPD Area B and the RPD Area F that is adjacent to Coconut Road may be per LDC Section 34-2174.~~

~~The regulations set forth below in 12.a through 12.e apply to the development of buildings greater than 75 feet above minimum flood elevation:~~

~~a. Minimum Lot Area and Dimensions:~~

~~Lot Size~~	~~10,000 square feet~~
~~Lot Area per Unit~~	~~1,000 square feet~~
~~Width~~	~~100 feet~~
~~Depth~~	~~100 feet~~

~~b. Minimum Setbacks~~

~~Private Road~~	~~25 feet~~
~~Side Yard~~	~~50 feet~~
~~Rear Yard~~	~~10 feet~~
~~Waterbody~~	~~20 feet~~

~~c. A minimum building separation of 125 feet shall be provided between those buildings above 75 feet.~~

~~d. A maximum of 8 residential buildings and one hotel building with a height of greater than 75 feet, above minimum flood elevation may be permitted. Such buildings may be located within RPD Area F (residential) and CPD Area B (Hotel).~~

~~e. A minimum of 15% open space shall be provided for each multi-family building site that is or exceeds 75 feet in height.~~

JUSTIFICATION: Condition 12 is proposed to be deleted as all deviations are replaced by the attached Proposed Deviations.

3. ECO-PARK

The following conditions address Eco-Park issues:

a. The development order plans for the golf course phase that includes the golf cart path/bridge crossing Eco-Park must include a typical cross-section for the path and bridge indicating the width of the area to be impacted by structures. The width of the cleared area may not exceed 22 feet. The width of the golf cart path/bridge may not exceed 15 feet.

i. A temporary construction access road ("access road") may be constructed crossing the Eco-Park in the approximate location of the golf cart path/bridge crossing as shown in MCP Exhibit C-1: Deviation Location Map. The combined width of the cleared area for the golf cart path and access road may not exceed 50 feet. The width of the access road may not exceed 23 feet. Temporary impacts to preserve vegetation associated with the construction access must be restored consistent with the Raptor Bay Golf Course Renovation Indigenous Preserve and Protected Species Management Plan and the MCP Exhibit C-2: Access Road Cross-section. The construction access road will cease usage and all restoration

must be complete prior to the issuance of a Certificate of Compliance for the Skebe Tract golf course development order (DOS2021-00137). The temporary construction access road must be consistent with the typical cross-section for the access road as shown in MCP Exhibit C-2: Access Road Cross-section.

~~13.~~b. Permitted Uses in Eco-Park (RPD Area G):

Uses permitted in the Eco-Park District are limited to activities which make this area available for resource-based recreational activities, enjoyment of nature and educational enrichment, including but not limited to:

Picnic areas, trails, benches, boardwalks, biking/jogging trails, vita course, bird viewing blinds/towers and interpretive facilities, signs, on-going maintenance and removal of invasive exotic vegetation and compliance with management plan required per FGFWFC.

c. The developer must locate the golf cart path/bridge so as to avoid existing large native trees and preserve existing native vegetation to the greatest extent possible. Accordingly, prior to the county issuing a vegetation removal permit to clear for the installation of the golf cart path/bridge, the developer must field locate the proposed path/bridge and identify the limits of the clearing for field verification purposes.

d. The "Proposed Reconfiguration of the Pelican Landing DRI Eco-Park," prepared by Wilson Miller, Inc., dated September 30,1999, revised March 6,2000, and as further supplemented by the Raptor Bay Golf Course Renovation Indigenous Preserve and Protected Species Management Plan dated March 2022, attached hereto as **[EXHIBIT NUMBER]**, is hereby adopted with the following condition:

Invasive exotic removal methods other than hand clearing are subject to the Division of Planning/Environmental Sciences Staff review and approval.

e. The developer must submit a recorded Conservation Easement, complete with Official Records Book and Page numbers, to the Division of Planning/Environmental Sciences and the County Attorney's Office, prior to the issuance of a Certificate of Compliance for the Skebe Tract golf course development order.

f. Bald Eagle Management Plan: The document entitled "Raptor Bay Golf Course Renovation Bald Eagle Management Plan for Bald Eagle Nest LE-28A," prepared by Passarella & Associates, Inc. dated July 2022, is hereby incorporated as a condition of this zoning approval. [*Condition amended by ADD2022-0162*]

g. Prior to the development order plans for the golf course phase that includes the golf cart path/bridge crossing, the developer must demonstrate through the use of a HEC-2 model (HEC - Hydrologic Engineering Center), that the proposed Halfway Creek bridge crossing creates no rise to the base flood.

JUSTIFICATION: No substantive changes are proposed to this condition, however, requirements from Resolution Z-00-044 - Condition #5-7, as amended by ADD2020-00190A, have been relocated here to consolidate all Eco-Park conditions in one location.

4. INTERFACE AREA

~~14.~~a. Permitted Uses in the Interface Area:

Uses permitted in the Interface Area are limited to golf courses, developed to the guidelines similar to the New York Audubon Society Standards and any related appurtenances or uses, stormwater management; and created wetland marsh and any other created vegetative system or lake system which will promote wildlife diversity, activities which make this area available for resource-based recreational activities, enjoyment of nature and education enrichment, including but not limited to:

Picnic areas, trails, benches, boardwalks, biking/jogging trails, vita course, bird viewing blinds/towers and interpretive facilities, signs, access to the southern segmented ridge, on-going maintenance and removal of invasive exotic vegetation and compliance with the wildlife diversity monitoring plan prepared in conjunction with the Lee County School Board Development of Environmental Education.

b. ~~The Zoning Master Concept Plan shall be adjusted, including revisions to the legal description. The changes shall reflect the terms of this condition and be consistent with the exhibit entitles "Pelican Landing Interface Area Illustration," stamped received August 26, 1994. The shifts in the zoning Master Concept Plan will allow for the Interface Area described above.~~ The western boundary of the Interface Area is the jurisdictional mangrove wetland line. The interface area is 100 feet in width at the north and south ends of the property~~, and it is approximately 500 feet in width elsewhere~~. ~~The creation of the Interface Area will cause Residential Development Area F to shift to the east. RPD Area F will begin at the eastern boundary line of the Interface area. The CPD Area B (the hotel use) will shift to the west to the present location of the CPD Area E/RPD Area E and RPD Area B on the May 16, 1994, Zoning Master Concept Plan, and shall be a third alternative development scenario for that property. RPD Area D, located west of Spring Creek Drive, will be reduced in size due to the relocation of RPD Area F. That portion of the former CPD Area B that does not become the Interface Area will become an RPD Area F. The internal traffic circulation will be adjusted to accommodate the revised design. The southern upland area (proposed RPD Area E) bounded by the south property line, with estuarine wetlands and upland buffers to the west, and the oak hammock to the east shall be redesignated Residential Development Area E. No development can occur within CPD Areas E or B, or RPD Areas E, F, or D until a final zoning plan approval is obtained through the final administrative review process which properly reflects the Interface Area as described herein.~~

~~c.~~ The Interface Area will serve two purposes. First it allows for a buffer area or interface between the residential high-rise development areas and the jurisdictional mangrove wetlands to the west. The buffering function will also extend to some of the interior wetland and upland systems. ~~Residential units within Residential Development Area F shall be located a minimum of 500 feet from the jurisdictional mangrove area, except for the RPD Area F located at the site of the former CPD Area B (hotel site).~~ No golf course uses shall be located any closer to the jurisdictional mangrove system than 100 feet. Secondly, the Interface Area will provide habitat and a vegetative corridor which will enable wildlife to safely access the onsite interior wetland systems.

JUSTIFICATION: Portions of conditions 14.b and c that are proposed to be deleted have previously been implemented or are not related to the subject property. The remaining portions of these conditions are proposed to be combined.

~~d.~~c. All invasive exotic vegetation shall be removed from the Interface Area. The invasive exotic removal process shall coincide with the construction of a surface water management system within the Interface Area.

~~e.~~d. Where necessary, a vegetation restoration program shall commence subsequent to the removal of the invasive exotics. The program should commence subsequent to the removal of the invasive exotics. The program should facilitate diversity in wildlife. The revegetation shall commence within six months of invasive exotic removal. Vegetation to facilitate wildlife diversity shall be used in the restorative planting.

~~f.~~e. Where appropriate, and subject to permitting approval, the developer will construct "kidney filter" marshes for additional water quality treatment prior to final outfall. These marshes will most likely be located in areas currently infested with invasive exotic vegetation, and will be replanted with plant species such as juncus and spartina grass, cabbage palms and slash pines.

~~g.~~f. The developer has volunteered to monitor the Interface Area to assess its effectiveness in facilitating wildlife diversity. Information on flora and fauna produced for the DRI shall be the baseline data for the monitoring. The database shall be updated through a program of Winter/Summer monitoring. The monitoring shall generally consist of looking for, and reporting on, evidence of foraging, nesting, scat, and other territorial markings. This monitoring program shall be for a period of five years from the commencement of development activity in the Interface Area. The information gathered through the monitoring program shall be provided to the Lee County Division of Natural Resources Management and the Lee County Schools, Department of Environmental Education.

~~h.~~g. Subject to permitting approval, the treated stormwater from the Residential and Commercial Development Areas will be conveyed across the Interface Area via a series of excavated lakes and created marsh areas that will emphasize both the water management function and the improvement of wildlife diversity within the Interface Area. The lakes will be designed and located to mimic natural flows and to enhance wildlife values.

~~i. The access to the southern segmented ridge has been shifted to the south to the location previously approved by the BOCC in Resolution #Z-88-193. There are less wetland impacts with the southerly access.~~

JUSTIFICATION: This condition is proposed to be deleted as it is related to site conditions in and around the Pelican's Nest community and not related to the subject property.

~~GENERAL/ADMINISTRATION~~

~~15.~~5. All conditions relating to the Development of Regional Impact Development Order are hereby incorporated in this action. If conflicting conditions exist between this approval and the DRI Development Order, the more restrictive shall apply.

~~16. Transportation mitigation shall be provided as outlined in the Development of Regional Impact Development Order. However, site related improvements may be required at the time of local Development Oder in accordance with the provisions of the Land Development Code. Also a Traffic Impact Statement (TIS) shall be submitted with each application for a local Development Order. The TIS must include:~~

~~a. The trip generation data for the type of development being proposed using the trip generation rates in the latest edition of ITE, Trip Generation or those of the Lee County FSUTMS.~~

~~b. The distribution of traffic at the entrance(s) to that specific area to be developed.~~

~~c. An analysis of the need for turn lanes or other site related improvements at the entrance(s) to that specific area to be developed based upon the projected future volume of traffic on the street being accessed. Projected future volume represents volumes at buildout of the DRI.~~

~~d. An analysis of each intersection of a minor collector with the same or higher functionally classified road internally to Pelican Landing that is influenced by traffic from that proposed development. Influence is measured as project traffic as 5% or more of Level of Service D service volume. That analysis to be based on existing traffic counts, plus traffic from the specific development.~~

~~e. A table showing each segment of minor collectors and higher classified roads influenced by the proposed development, traffic volumes with specific development, and the capacity of the road segment at LOS E.~~

~~f. A table showing the cumulative development parameters for the entire Pelican Landing DRI. Development parameters to be categorized consistent with the categories identified in the original DRI.~~

JUSTIFICATION: This condition is outdated and not necessary as the proposed MPD is required to comply with transportation review requirements.

~~17. The development shall comply with the Lee Plan's 2010 Overlay as it may be amended, and pursuant to DRI Development Order Condition III.14.~~

JUSTIFICATION: This condition is outdated and not necessary as the proposed MPD is required to comply with both the Lee Plan and all conditions in the Pelican Landing DRI.

~~18.a. Prior to any development within that area legally described as Pelican Landing RPD/CPD (that property rezoned as a result of this action) the applicant must revise the MCP to reflect the final decision by the Lee County Board of County Commissioners regarding this rezoning and DRI approval.~~

~~b. Prior to any local development within the land development areas delineated on the MCP as revised, pursuant to the final decision by the Lee County Board of County Commissioners, the developer must receive approval of a Final Zoning Plan.~~

~~The following information shall be provided:~~

- ~~Uses: type and amount, i.e. number of dwelling units or square feet of commercial use~~
- ~~Access~~
- ~~Location and dimensions of internal roadways~~

JUSTIFICATION: This condition is proposed to be deleted as it is outdated and the current development order process incorporates all requirements.

~~19. The density of the residential units within both the RPD and CPD districts approved by this rezoning shall be flexible regarding the distribution of the residential dwelling units as long as they do not exceed the following parameters:~~

~~a. Those lands located within the Urban Community land use category per the Lee Plan shall be permitted a maximum of 350 residential units.~~
~~b. Those lands located within the Outlying Suburban land use category per the Lee Plan shall be permitted a maximum of 2,266 residential units.~~

JUSTIFICATION: This condition is proposed to be deleted as the current Lee Plan allows for density to be located across the entire site. The proposed MCP concentrates all development in three tracts. Restricting 350 units to the Urban Community would be contrary to the goal of creating a compact development footprint. Furthermore, via Policy 5.1.10 densities can be clustered within a PD zoning district in Future Urban areas where environmental protection is provided for.

~~20. The maximum amount of commercial square footage within the RPD and CPD districts approved by this rezoning shall be as stated below:~~

~~a. Those lands located within the Urban Community land use category per the Lee Plan shall be permitted a maximum of 390,000 square feet of floor area of retail use and 125,000 square feet of office use.~~
~~b. Those lands located within the Outlying Suburban land use category per the Lee Plan shall be permitted a maximum of 110,000 of floor area of retail use and 45,000 square feet of office use. Of the retail uses, up to 20,000 square feet may be permitted if ancillary to the marina and up to 30,000 square feet may be permitted if ancillary to the hotel. Up to 60,000 square feet may be developed within CPD Areas E. Prior to approval of any Administrative Amendment for commercial use ancillary to the marina or hotel, the developer shall demonstrate that the retail is in fact ancillary to the principal use.~~

JUSTIFICATION: This condition is proposed to be deleted as the proposed rezoning eliminates commercial uses and is limited to 25,000 square feet of office uses, therefore this condition is no longer necessary.

6. ENVIRONMENTAL

~~21.~~a. Open space commitments shall be consistent with the open space table on the Master Concept Plan as restated below:

~~Indigenous Open Space in Preserve:~~
~~Upland Preserve 86.43± acres~~ [*Condition amended by Z-95-061*]
~~(Eco Park, Indian Mound, Northern & Southern Upland "Islands" and Historical Cemetery)~~
~~Wetland Preserve 342.89± acres~~ [*Condition amended by Z-95-061*]

~~(Freshwater and Saltwater)~~

~~Golf Course Open Space:~~
~~Golf course 100.00± acres minimum~~
~~(To include extra indigenous preservation where possible)~~

~~Commercial Non-residential Open Space to be Provided by Percentage:~~

~~All Commercial (except Marina Parcel)~~	~~20% minimum on each lot, tract or outparcel~~
~~Marina Parcel~~	~~10% of tract~~

~~Residential Private Open Space to be Provided by Percentage:~~

~~All Single Family lots~~	~~10% minimum~~
~~Multi-Family Parcels~~	~~15% minimum~~

Required Open Space by Tract:

Residential	16.8 acres (40%)
Mixed Use and Non-Residential	48.86 acres (30%)
Total	65.66 acres

Provided Open Space

Preserve	204.19 acres
Lakes (25% Max Required)	5.46 acres
Total	209.65 acres

JUSTIFICATION: This condition is proposed to be updated to reflect the revised open space conditions and remove portions that are not relevant to the subject property.

~~22.~~b. If a proposed bald eagle management plan includes development within 750 feet of an eagle's nest, the plan must be submitted to the Lee Conty Eagle Technical Advisory Committee (ETAC). ETAC will review the plan and forward recommendations to the FGFWFC and USFWS.

~~23.~~c. As a condition of approval, the County and FGFWFC shall review and approve the results of all studies and surveys required for implementation of a Final Management Plan required by the preliminary management plan approved as part of local Development Order 90-10-003.00D. These approvals shall be obtained prior to Certificate of Compliance for local Development Order #90-10-003.00D, or new/amended local Development Orders on the beach park.

~~24.~~d. The area identified as the Pelican Landing Eco-Park on the Master Concept Plan will be set aside as a 78+ acre Preserve area of xeric scrub and pine flatwoods to mitigate the impacts to gopher tortoise habitat.

~~25.~~e. The developer shall obtain an Incidental Take Permit prior to development within any gopher tortoise habitat areas. The gopher tortoises addressed by the Incidental Take Permit must be relocated as identified in the Raptor Bay Golf Course Renovation Indigenous Preserve and Protected Species Management Plan, attached hereto as EXHIBIT "D". [Condition amended by ADD2021-00190A]

~~26.~~f. Should any orchids, wild pine air plants, Florida Coontie, Catesby's lilies, leather ferns, royal ferns, or cabbage palms with golden polypody and shoestring ferns be located within development areas, then best efforts must be used to relocate these plants to open space and landscaped areas.

~~27.~~g. All areas designated as Preserve on the adopted Master Concept Plan and the DRI Map H must remain undeveloped and be owned, maintained, and managed by a Uniform Community Improvement District or other similar legal entity. No lot lines shall be allowed within any Preserve area. The following uses are permitted within Preserves: habitat management activities, hiking and nature study, outdoor education, recreational fishing, gates and fencing, and boardwalks. Trimming of mangroves for visual access to Estero Bay shall be prohibited ~~in wetland areas #14 and 21 (as identified in DRI ADA) and Bay Cedar Phase II (along Spring Creek)~~.

JUSTIFICATION: This condition is updated to remove portions not relevant to the subject property only.

~~28.~~h. Boardwalk location and alignment within "Preserve Areas" shall be submitted to and approved by the Division of Natural Resources Management prior to construction. The maximum width must be limited to that which is adequate for pedestrian and handicap access. With the exception of wheelchairs, motorized vehicle use is prohibited. ~~Nothing herein prohibits the developer from seeking permits in the future to establish a tramway via an alignment which proceeds as directly as feasible from the hotel to Coconut Point.~~

JUSTIFICATION: This condition is updated to remove portions not relevant to the subject property only.

~~29. As part of local Development Order approval for any phase of the development, an invasive exotic vegetation removal and maintenance plan must be submitted to the Division of Natural Resources Management for approval. At a minimum, this plan must be structured to provide for the phased removal of invasive exotic vegetation and maintenance to control exotic reinvasion within the wetland and upland preserve areas. Removal within preserve areas may be done on a pro rata basis as phased local Development Orders are obtained.~~

JUSTIFICATION: This condition is proposed to be removed as the wetland and upland preserve lands on the project site were previously restored and are currently in the exotic vegetation maintenance phase. As such, no additional indigenous vegetation restoration activities are anticipated on the project site.

~~30. The developer must incorporate native vegetation into the design of future golf holes, open space and landscaped areas, where feasible.~~

JUSTIFICATION: This condition is proposed to be replaced by Proposed Condition #6.l below, which was originally associated with Resolution Z-00-044 Condition #4.c.

~~31. The developer must design the golf course and conduct maintenance, which includes fertilization and irrigation, in a manner which is sensitive to the water and nutrient needs of the native xeric vegetation in and around the golf course. However, this condition will not be interpreted in a manner which forces the applicant to jeopardize the health and viability of the golf course.~~

JUSTIFICATION: This condition is proposed to be replaced by Proposed Condition #6.n below, which was originally located in Resolution Z-00-044 Condition #4.e.

i. Prior to local development order approval, an invasive exotic removal plan must be submitted for the Division of Planning/ Environmental Sciences staff review and approval. The plan must identify the species to be removed, the method of removal, and delineate sections of the development with completion dates for the exotic removal by section. The developer may submit the exotic removal plan prior to local development order review to expedite the removal process, if desired.

JUSTIFICATION: This condition is proposed to be incorporated and renumbered from Z-00-044 Condition #4.a to consolidate all environmental conditions in one location. This condition is also updated to remove outdated tract references.

j. The developer must survey the areas within the GC and Preserve Tracts where nest-like structures were observed for the presence of Big Cypress fox squirrels, in accordance with LDC § 10-473 prior to local development order approval on that tract. The developer must observe the nest-like areas for five days during the early morning and evening hours to confirm whether there is any squirrel activity. If active nests or utilization of the site is confirmed, the developer must submit a protected species management plan meeting the requirements of LDC § 10-474 for review and approval by County Staff prior to issuance of the local development order.

JUSTIFICATION: This condition is proposed to be incorporated and renumbered from Z-00-044 Condition #4.b to consolidate all environmental conditions in one location. This condition is also updated to remove outdated tract references.

k. The golf course must be designed to incorporate:

i. the preservation of native vegetation between fairways where possible. However, this condition will not be interpreted in a manner that will hinder good golf course design; and

ii. filter marshes within the surface water management system.

JUSTIFICATION: This condition is proposed to be incorporated and renumbered from Z-00-044 Condition #4.c to consolidate all environmental conditions in one location.

l. The golf course operation must be in compliance with the approved "Pelican Landing Golf Course Management Plan."

JUSTIFICATION: This condition is proposed to be incorporated and renumbered from Z-00-044 Condition #4.d to consolidate all environmental conditions in one location.

m. The developer must design the golf course and conduct maintenance, which includes fertilization and irrigation, in a manner which is sensitive to the water and nutrient needs of the native xeric vegetation in and around the golf course. However, this condition will not be interpreted in a manner which forces the applicant to jeopardize the health and viability of the golf course.

JUSTIFICATION: This condition is proposed to be incorporated and renumbered from Z-00-044 Condition #4.e to consolidate all environmental conditions in one location.

n. The Developer must employ management practices to prevent pesticide/chemical pollution of groundwater and surface water receiving areas, including, but not limited to, Estero Bay, the mangrove fringe and any transition zone wetlands of Estero Bay, that may result from the development, use and operation of a golf course and water management areas.

JUSTIFICATION: This condition is proposed to be incorporated and renumbered from Z-00-044 Condition #5 to consolidate all environmental conditions in one location.

o. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and the pollution is caused by the application of fertilizers, herbicides or pesticides to the golf course adjacent to the mangrove wetlands, then the application of the pollutant must cease until there is a revised management plan for the application of the pollutant. A determination that the application of fertilizers, herbicides or pesticides to the golf course are the cause and source of the pollution must be based on competent and substantial evidence. If mitigation is necessary to address the pollution, a mitigation plan approved by FDCA will be implemented by the developer. The mitigation plan must be based on rules and regulations in effect at the time the plan is reviewed and approved.

JUSTIFICATION: This condition is proposed to be incorporated and renumbered from Z-98-066 Condition #3.q to consolidate all environmental conditions in one location.

p. The design for the golf course and residential areas must incorporate the retention of large slash pines for utilization as perch trees for bald eagles. This requirement will not be interpreted in a manner that will impair good golf course and residential design.

q. No more than five acres of wetlands may be filled in conjunction with this project. These five acres is part of the total 19.23± acres of wetland impacts allowed for the entire Pelican landing DRI project. Mitigation for the wetland impacts will be determined at the time of final permitting, but the mitigation should include the removal of invasive exotic vegetation, the restoration of historic hydroperiods, and a total of not more than 10 acres of littoral zone plantings.

JUSTIFICATION: These conditions are proposed to be relocated and renumbered from Z-98-066 Condition #3.k-l to consolidate all environmental conditions in one location. Additionally, wetland impacts are increased to reflect previously permitted wetland impacts and the current proposal.

r. The mangrove line is off set 50 feet to over 250 feet west of the wetland jurisdictional line delineated along the entire western (Estero Bay) side of the property. To maintain the existing natural mangrove setbacks, no impacts are permitted to the wetlands on the western (Estero Bay) side of the property. This includes both saltwater and freshwater wetlands contained within the boundary of this wetland jurisdictional line. The proposed golf course fairways, tees, and greens must be set back a minimum of 25 feet from the wetland jurisdictional line on the Kersey-Smoot parcel, except where wetland impacts are permitted by the South Florida Water Management District (SFWMD) and Army Corps of Engineers (ACOE). Water management facilities permitted by the SFWMD and the

removal of exotic vegetation, subject to Lee County regulations, are allowed within all wetlands on the Kersey-Smoot parcel.

JUSTIFICATION: This condition is proposed to be incorporated and renumbered from Z-98-066 Condition #3.r to consolidate all environmental conditions in one location. Additionally, references to golf courses located along the mangrove line and to the "Kersey-Smoot" parcel are removed or updated.

~~32. Areas identified as saltern (FLUCCS Designation 720) must be preserved and protected from human activity through the installation of signage or other or other measures. Areas identified as Cabbage Palm Hammock (FLUCCS 428, also included in areas identified as 433) may be developed using techniques designed to avoid impacts and retain the native vegetative community as much as possible.~~

JUSTIFICATION: This condition is proposed to be deleted as FLUCCS codes 720, 428, and 433 do not exist on the subject property, as demonstrated in the attached Aerial with FLUCFCS and Wetlands.

[Condition 33 (Deviations) omitted – to be removed and replaced by attached Proposed Schedule of Deviations]

* * * * * * * * * * * * * *

The following Proposed Conditions recreate and amend all conditions found in Resolution Z-00-031 (Pelican Landing (CPD/RPD), as amended.

~~1. The development of this project must be consistent witin the one-page Master Concept Plan (MCP) entitled "Pelican Landing RPD/CPD Master Concept Plan," as prepared by Watermark Communities, Inc., dated February 1, 1999, last revised January 20, 1999, and stamped received at the Zoning Counter on February 25, 2000, except as modified by the conditions below. This development must comply with all requirements of the 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 MCP are subsequently pursued, appropriate approvals will be necessary.~~

JUSTIFICATION: This condition is proposed to be deleted as it will be consolidated in Proposed Condition #1 and is no longer needed as a separate condition.

~~2. The following limits apply to the project and uses:~~

~~a. Schedule of Uses~~

~~Essential Services~~
~~Essential Service Facilities, Group I~~
~~Golf Course~~
~~Accessory uses including but not limited to:~~
~~Snack Bar~~
~~Restrooms, halfway house, shelters and other similar uses which are accessory to the golf course.~~
~~Tennis courts, swimming pools, parks, playgrounds, canoe park and similar recreational amenities~~
~~Signs, in compliance with Chapter 30~~

~~b. Site Development Regulations~~

~~Minimum Setbacks - Accessory Structures~~

~~Street: 20 feet~~
~~Development Perimeter: 25 feet~~
~~Waterbody: 25 feet~~

JUSTIFICATION: This condition is replaced by the attached Proposed Schedule of Uses and Development Standards.

~~3. All terms and conditions of Resolution Z-94-014, and any amending resolutions, remain in full force and effect except as modified by the conditions herein.~~

JUSTIFICATION: This condition is proposed to be removed as it is no longer necessary as the Pelican Landing MPD will be a stand-alone zoning approval and all relevant conditions from previous zoning resolutions will be incorporated into the new MPD.

~~4. The development of this project must be in compliance with the Pelican Landing DRI Development Order #1-9293-121, as amended, and DRI Map H, dated January 7,1999, last revised July 7, 1999, and. stamped received at the zoning counter on October 7, 1999.~~

JUSTIFICATION: This condition is proposed to be removed as it is outdated and the current development order process incorporates all elements.

~~5. The Developer must employ management practices to prevent pesticide/chemical pollution of groundwater and surface water receiving areas, including, but not limited to, Estero Bay, the mangrove fringe and any transition zone wetlands of Estero Bay, that may result from the development, use and operation of a golf course and water management areas.~~

JUSTIFICATION: This condition is proposed to be relocated to consolidate all environmental conditions within Proposed Condition #6.o.

~~6.~~7. The management practices that the Developer must follow are as follows:

a. The use of slow release fertilizers and/or carefully managed fertilizer applications that are timed to ensure maximum root uptake and minimal surface water run-off or leaching to the groundwater.

b. The practice of integrated pest management (IPM) when seeking to control various pests, such as weeds, insects, and nematodes. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is not acceptable. The IPM program will minimize, to the extent possible, the use of pesticides, and will include the use of the USDA-SCS (United States Department of Agriculture-Soil Conservation Service) Soil Pesticide Interaction Guide to select pesticides for uses that have a minimum potential for leaching or loss due to run-off depending on the site specific soil conditions. Application of pesticides within 100 feet of the jurisdictional mangrove system is prohibited.

c. The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce run-off and the leaching of any applied pesticides and nutrients.

d. The utilization of a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM. The golf course manager will be responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer run-off into the surface water and the leaching of those same fertilizers into the groundwater.

e. The storage, mixing, and loading of fertilizer and pesticides will be designed to prevent/minimize the pollution of the natural environment.

~~7. The Developer must amend the existing Pelican Landing DRI management plan for the application of herbicides, pesticides, and fertilizers to the golf course to include Parcel E. The plan must include Parcel E prior to the application of any herbicides, pesticides and fertilizers to the proposed golf course. The amended plan must:~~

~~a. include a groundwater and surface water monitoring plan;~~

~~b. provide for testing to assess whether there is degradation of surface or groundwater quality;~~

~~c. identify the locations for the groundwater monitoring and testing on a map(s); and d. set forth the testing and reporting requirements.~~

~~The Developer must continue to submit the test reports to the County with the annual monitoring report. The surface and groundwater monitoring program must be established and operated at the expense of the Developer, the Bayside Improvement Community Development District, or other comparable legal entity charged with the legal responsibility of managing the golf course as stated in an approved surface and groundwater monitoring plan. This plan must be evaluated in accordance with the directives of Chapter 17-302, F.A.C., Water Quality Standards.~~

JUSTIFICATION: This condition is proposed to be removed as it is satisfied the current Management Plan.

~~8. The Developer must submit an amendment to the existing surface and groundwater quality management plan as approved by Lee County and Florida Department of Community Affairs (FDCA). The amended plan must be approved by FDCA prior to the application of chemicals to the proposed golf course.~~

~~a. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and should the pollution be caused by the application of fertilizers, herbicides or pesticides to the golf course adjacent to the mangrove wetlands, the application of the pollutant must cease until there is a revised management plan for the application of the pollutant. A determination that the application of fertilizers, herbicides or pesticides to the golf course are the cause and source of the pollution must be based on competent and substantial evidence. If mitigation is necessary to address the pollution, a mitigation plan approved by FDCA will be implemented by the developer. The mitigation plan must be based on rules and regulations in effect at the time the plan is reviewed and approved.~~

~~b. The golf course within Parcel E must be set back a minimum of 100 feet (on average) from any saltwater wetlands. There will be no point where this setback is less than 75 feet in width. Water management facilities permitted by the South Florida Water Management District (SFWMD) and the removal of exotic vegetation, subject to Lee County regulations, are allowed within all wetlands on the parcel.~~

~~c. The water management system for the golf course must be designed so untreated run-off is directed away from the saltwater wetland system. Any treated run-off to be discharged into the saltwater wetland system must utilize spreader swales with multiple outfalls, or other technology such as a filter marsh system, to evenly distribute the treated discharge. Lee County Environmental Sciences' Staff agrees that Applicants proposed system with outfall into the freshwater canal and then into the mangrove forest system, if approved by SFWMD, meets the intent of this condition.~~

JUSTIFICATION: This condition is proposed to be deleted as the requirements were satisfied by previous permitting and DOS2021-00137. Additionally, the proposed MCP does not include any golf course areas within 100 feet of any saltwater wetlands, therefore this condition is no longer necessary.

~~9. Transportation mitigation must be provided as outlined in the DRI Development Order. However, site-related improvements and additional conditions may be required at the time of local development order in accordance with the provisions of the LDC.~~

JUSTIFICATION: This condition is proposed to be deleted as it is outdated and the current development order process incorporates all elements.

~~10. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1 (b); however, nothing in this condition alters the County's obligation to reserve acreage pursuant to Condition 111.14, Pelican Landing DRI Development Order.~~

JUSTIFICATION: This condition is proposed to be deleted as it is outdated and the current development order process incorporates all elements.

~~11. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.~~

JUSTIFICATION: This condition is proposed to be deleted as it is outdated and the current development order process incorporates all elements.

* * * * * * * * * * * * * *

The following Proposed Conditions recreate and amend all conditions found in Resolution Z-00-044 (Pelican Landing CPD/RPD), as amended.

~~1. The development of this project must be consistent with the 1 page Master Concept Plan (MCP) entitled "Pelican Landing RPD/CPD," prepared by Watermark Communities, Inc., stamped "Received June 20, 2000 Zoning Counter," last revised 06/14/00, except as modified by the conditions below. This development must comply with all requirements of the Lee County 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 MCP are subsequently pursued, appropriate approvals will be necessary.~~

JUSTIFICATION: This condition will be consolidated in Proposed Condition #1 and is no longer needed as a separate condition.

~~2. The following limits apply to the project and uses:~~

~~a. Schedule of Uses~~

~~Land Development Area B~~

~~The list of uses approved by Resolution Z-94-014 is amended to limit the uses permitted on Land Development Area B, commonly referred to as the Skebe parcel, as follows:~~

~~Accessory Buildings and Structures, associated with the golf course~~
~~Ball Washers~~
~~Boardwalks~~
~~Essential Services~~
~~Essential Service Facilities, Group I~~
~~Excavation: water retention, only~~
~~Food and Beverage Services, Limited~~
~~Golf Course~~
~~Pump House~~
~~Recreational activities, outdoor only, to include passive recreation and active recreation requiring little or no facilities, capital investment or alteration of the natural landscape~~
~~Restrooms and Other Uses which are accessory to the golf course (location to be approved by the Department of Community Development)~~
~~Signs, in compliance with LDC Chapter 30~~
~~Snack Bar, limited to one, at the ninth hole or at another appropriate location, with consumption on premises (location to be approved by the Department of Community Development)~~
~~Temporary Construction Office and Construction Roads~~

~~b. Site Development Regulations~~

~~The property development regulations approved by Resolution Z-94-014 are amended to specify the site development regulations for Land Development Area B, commonly referred to as the Skebe parcel, as follows:~~

~~Minimum Building Setbacks~~

~~Water Body: 20 feet from the control elevation~~
~~Wetlands: 20 feet~~

JUSTIFICATION: This condition is replaced by the attached Proposed Land Uses and Development Standards and Proposed Deviations.

~~3. Residential uses are prohibited within Land Development Area B located east of RPD Area G (Eco-Park). The use of this area must remain as open space and for golf course uses.~~

JUSTIFICATION: This condition is proposed to be deleted as it is duplicative of Proposed Condition #3.b above.

~~4. The following conditions address environmental issues:~~

~~a. Prior to local development order approval for Land Development Area B (Skebe Tract), an invasive exotic removal plan must be submitted for the Division of Planning/ Environmental Sciences staff review and approval. The plan must identify the species to be removed, the method of removal, and delineate sections of the development with completion dates for the exotic removal by section. The developer may submit the exotic removal plan prior to local development order review to expedite the removal process, if desired.~~

~~b. The developer must survey the areas within the Skebe Tract where nest-like structures were observed for the presence of Big Cypress fox squirrels, in accordance with LDC § 10-473 prior to local development order approval on that tract. The developer must observe the nest-like areas for five days during the early morning and evening hours to confirm whether there is any squirrel activity. If active nests or utilization of the site is confirmed, the developer must submit a protected species management plan meeting the requirements of LDC § 10-474 for review and approval by County Staff prior to issuance of the local development order.~~

~~c. The golf course must be designed to incorporate:~~

~~i. the preservation of native vegetation between fairways where possible. However, this condition will not be interpreted in a manner that will hinder good golf course design; and~~

~~ii. filter marshes within the surface water management system.~~

~~d. The golf course operation must be in compliance with the approved "Pelican Landing Golf Course Management Plan."~~

JUSTIFICATION: This condition is proposed to be updated to remove outdated tract references, to incorporate language from Resolution Z-94-014 Condition #30 and Resolution Z-00-031 Condition #5 and is relocated to Proposed Condition #6 to consolidate all golf course related conditions.

~~5. The following conditions address Eco-Park issues:~~

~~a. The development order plans for the golf course phase that includes the golf cart path/bridge crossing Eco-Park must include a typical cross-section for the path and bridge indicating the width of the area to be impacted by structures. The width of the cleared area may not exceed 22 feet. The width of the golf cart path/bridge may not exceed 15 feet.~~

~~i. A temporary construction access road ('access road") may be constructed crossing the Eco-Park in the approximate location of the golf cart path/bridge crossing as shown in MCP Exhibit C-1: Deviation Location Map. The combined width of the cleared area for the golf cart path and access road may not exceed 50 feet. The~~

~~width of the access road may not exceed 23 feet. Temporary impacts to preserve vegetation associated with the construction access must be restored consistent with the Raptor Bay Golf Course Renovation Indigenous Preserve and Protected Species Management Plan and the MCP Exhibit C-2: Access Road Cross-section. The construction access road will cease usage and all restoration must be complete prior to the issuance of a Certificate of Compliance for the Skebe Tract golf course development order (DOS2021-00137). The temporary construction access road must be consistent with the typical cross-section for the access road as shown in MCP Exhibit C-2: Access Road Cross section. [*Condition added by ADD2020-00190A*]~~

~~b. The developer must locate the golf cart path/bridge so as to avoid existing large native trees and preserve existing native vegetation to the greatest extent possible. Accordingly, prior to the county issuing a vegetation removal permit to clear for the installation of the golf cart path/bridge, the developer must field locate the proposed path/bridge and identify the limits of the clearing for field verification purposes.~~

~~c. The "Proposed Reconfiguration of the Pelican Landing DRI Eco-Park," prepared by Wilson Miller, Inc., dated September 30,1999, revised March 6,2000, and as further supplemented by the Raptor Bay Golf Course Renovation Indigenous Preserve and Protected Species Management Plan dated March 2022, attached hereto as EXHIBIT "D", is hereby adopted with the following condition:~~

~~Invasive exotic removal methods other than hand clearing are subject to the Division of Planning/Environmental Sciences Staff review and approval. [*Condition amended by ADD2020-00190A*]~~

~~d. The developer must submit a recorded Conservation Easement, complete with Official Records Book and Page numbers, to the Division of Planning/Environmental Sciences and the County Attorney's Office, prior to the issuance of a Certificate of Compliance for the Skebe Tract golf course development order.~~

JUSTIFICATION: No changes are proposed to this condition, but it is relocated to consolidate all Eco-Park conditions in Proposed Condition #3, above.

~~6. Bald Eagle Management Plan: The document entitled "Raptor Bay Golf Course Renovation Bald Eagle Management Plan for Bald Eagle Nest LE-28A," prepared by Passarella & Associates, Inc. dated July 2022, is hereby incorporated as a condition of this zoning approval.~~ [*Condition amended by ADD2022-0162*]

JUSTIFICATION: No changes are proposed to this condition, but it is reorganized to consolidate all Eco-Park conditions and now found in Condition #3, above.

~~7. Prior to the development order plans for the golf course phase that includes the golf cart path/bridge crossing, the developer must demonstrate through the use of a HEC-2 model (HEC-Hydrologic Engineering Center), that the proposed Halfway Creek bridge crossing creates no rise to the base flood.~~

JUSTIFICATION: No changes are proposed to this condition, but it is reorganized to consolidate all Eco-Park conditions and now found in Condition #3, above.

8. ~~All material excavated as part of the use Excavation, Water Retention must remain on-site. No excavated material is permitted to be removed from the site as part of this planned development approval.~~

JUSTIFICATION: This condition is proposed to be removed as all uses are replaced by the Proposed Schedule of Uses and Development Standards.

9. ~~All deviations and conditions approved by Resolution Z-94-014, and amendments thereto, except as specifically modified herein and by the amended MCP, will remain in full force and effect.~~

JUSTIFICATION: This condition is proposed to be removed as all uses are replaced by the Proposed Schedule Deviations.

10. ~~Transportation mitigation must be provided as outlined in the DRI Development Order. However, site-related improvements and additional conditions may be required at the time of local development order in accordance with the provisions of the LDC.~~

JUSTIFICATION: This condition is proposed to be deleted as it is outdated and the current development order process incorporates all elements.

11. ~~Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b); however, nothing in this condition alters the County's obligation to reserve acreage pursuant to Condition III.14, Pelican Landing DRI Development Order.~~

JUSTIFICATION: This condition is proposed to be deleted as it is outdated, and the current development order process incorporates all elements.

12. ~~This development must comply with the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.~~

JUSTIFICATION: This condition is proposed to be deleted as it is outdated, and the current development order process incorporates all elements.

* * * * * * * * * * * * * *

The following Proposed Conditions recreate and amend all conditions found in Resolution Z-98-066 (Kersey-Smoot RPD), as amended.

1. ~~Deleted by Hearing Examiner.~~

2. ~~Deleted by Hearing Examiner.~~

3. ~~The following conditions apply to Request 3., the Kersey-Smoot RPD rezoning:~~

   a. ~~The development of this project must comply with the one-page MCP entitled "Kersey-Smoot RPD," as prepared by WCI Communities, dated May 25, 1998, last revised July 29, 1998 and stamped received at the Permit Counter on July 31, 1998, the Pelican Landing DRI D.O. #1-9293-121, as amended, and DRI Map H last revised March 1,1998 and stamped received at the Permit Counter on June 17, 1998.~~

JUSTIFICATION: This condition will be consolidated in Proposed Condition #1 and is no longer needed as a separate condition.

b. [Condition b (schedule of uses and development standards) omitted – to be removed and replaced by attached Proposed Schedule of Deviations]

~~d. This development must comply with all requirements of the LDC at the time of local development order approval, except as may be granted by deviation as part of this planned development.~~

~~e. An administrative approval will be required to determine the number and location of the model homes, model units, and model display center.~~

~~f. An administrative approval will be required to determine the number and location of the temporary sales and/or construction office.~~

~~g. The temporary sales and/or construction office will be limited to sales for the Pelican Landing Development. The sales office and model unit are limited as temporary uses to a 10-year period that commenced on November 22, 2001 (date the Certificate of Occupancy was issued for the sales center). The time limitations imposed on the sales center and model unit in ADD2000-00218 and ADD2001-00166 are superseded by this zoning approval.~~ [*Condition amended by Resolution Z-03-029*]

JUSTIFICATION: Conditions 3.b-g are replaced by the attached Proposed Land Uses and Development Standards and Proposed Deviations.

~~h. As a prerequisite to approval of any local development order for vertical construction on property located within the Planned Development, approval of a Final Zoning Plan must be received which specifies the type, intensity and configuration of development for the particular tract. The objective of the process is to ensure compliance with the DRI development order, Zoning Resolution, and LDC; to allow detailed review of deviations conceptually approved herein; while allowing the development flexibility to respond to changing conditions. Application materials will be the same as for an Administrative Amendment supplemented as outlined below. Any substantial change in the type, intensity, or configuration of development within the RPD will require further review through a public hearing. The necessity of said review will be determined by the Director of Community Development.~~

~~The following information must be provided with the submittal for Final Zoning Plan Approval:~~

~~-Uses: types and amount, i.e., number of dwelling units or square feet of commercial use.~~
~~-Access: location and dimension~~
~~-Location and dimension of internal roadways~~
~~-Location and dimension of buildings/structures~~
~~-Boundary of development tract~~
~~-Adjacent zoning and land uses~~
~~-Master Concept Plan~~

~~- A cumulative analysis of the total number of dwelling units, hotel units, commercial square footage, dry storage slips and marina development that have received local development order approval (to be compared to the amount of development approved pursuant to the DRI and this rezoning)~~

JUSTIFICATION: This condition is proposed to be removed as it is outdated, and the current development order process incorporates all elements.

~~i. Should any orchids, wild pine air plants, Florida Coonties, Catesby's lilies, leather ferns, royal ferns, or cabbage palms with golden polypody and shoestring ferns be located within development areas, reasonable efforts will be used to relocate these plants to open space and landscaped areas.~~

JUSTIFICATION: This condition is proposed to be deleted as it is duplicative of Proposed Condition #6.f.

~~j. The "Kersey/Smoot Property Environmental Management Plan", counter stamped June 15, 1998, must be implemented. Immediately prior to the commencement of construction activities, all occupied gopher tortoise burrows must be excavated and any resident gopher tortoises and commensal species must be relocated into appropriate open space areas (excluding golf holes) within Pelican Landing DRI. These areas must be fenced with gopher tortoise fencing prior to relocation to help prevent tortoises from entering construction areas.~~

JUSTIFICATION: This condition is proposed to be deleted as it is addressed in Proposed Condition #6.d-e.

~~k. The design for the golf course and residential areas must incorporate the retention of large slash pines for utilization as perch trees for bald eagles. This requirement will not be interpreted in a manner that will impair good golf course and residential design.~~

~~l. No more than five acres of wetlands may be filled in conjunction with this project. This five acres is part of the total 13 acres of wetland impacts allowed for the entire Pelican landing DRI project. Mitigation for the wetlands impacts will be determined at the time of final permitting, but the mitigation should include the removal of invasive exotic vegetation, the restoration of historic hydroperiods, and a total of not more than 10 acres of littoral zone plantings.~~

JUSTIFICATION: These conditions are proposed to be relocated and consolidated with the environmental conditions in Proposed Conditions #3.p-q. Additionally, wetland impacts are increased to reflect previously permitted wetland impacts and the current proposal.

~~m. The Developer must employ management strategies to address the potential for pesticide/chemical pollution of groundwater and surface water receiving areas, including but not limited to, Estero Bay, the mangrove fringe and any transition zone wetlands of Estero Bay, that may result from the development of a golf course and water management areas within 500 feet of the mangrove fringe of Estero Bay.~~

JUSTIFICATION: This condition is proposed to be removed as it is addressed in Proposed Conditions #7.

~~n. The management practices that the Developer must follow are:~~

~~1) The use of slow release fertilizers and/or carefully managed fertilizer applications that are timed to ensure maximum root uptake and minimal surface water runoff or leaching to the groundwater.~~

~~2) The practice of integrated pest management (IPM) when seeking to control various pests, such as weeds, insects, and nematodes. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is not acceptable. The IPM program will minimize, to the extent possible, the use of pesticides, and will include the use of the USDA SCS Soil Pesticide Interaction Guide to select pesticides for uses that have a minimum potential for leaching or loss due to runoff depending on the site specific soil conditions. Application of pesticides within 100 feet of the jurisdictional mangrove system is prohibited.~~

~~3) The coordination of the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.~~

~~4) The utilization of a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM. The golf course manager will be responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater.~~

~~5) The storage, mixing, and loading of fertilizer and pesticides will be designed to prevent/minimize the pollution of the natural environment.~~

JUSTIFICATION: This condition is proposed to be deleted as it is duplicative of Proposed Condition #7.

~~o. The Developer must amend the existing Pelican Landing DRI management plan to include the Kersey-Smoot parcel for the application of herbicides, pesticides, and fertilizers on the proposed golf course adjacent to the mangrove fringe of Estero Bay. This plan must be amended to include the Kersey-Smoot parcel prior to the application of any herbicides, pesticides and fertilizers to the proposed golf course. The amended plan must continue to include: guidelines for the application of any herbicides, pesticides and fertilizers to the proposed golf course; an amended groundwater and surface water monitoring plan; to provide for testing to assess whether there are any herbicide, pesticide, or fertilizer pollution of the water within the area of the golf course located within 500 feet of the mangrove fringe; to identify the locations for the groundwater monitoring and testing on a map(s); and set forth the testing and reporting requirements. The Developer must continue to submit the test reports with the annual monitoring report. The monitoring program must continue to be operated at the expense of the Developer, the Bayside Improvement District, or other comparable legal entity charged with the legal responsibility of managing the golf course. This amended plan must continue to be evaluated in accordance with the directives of Chapter 17-302, F.A.C., Water Quality Standards.~~

~~p. The Developer must amend the existing surface and groundwater quality management plan as approved by Lee County and Florida Department of Community Affairs (FDCA). The amended plan must be approved by FDCA prior to the application of chemicals to the proposed golf course.~~

JUSTIFICATION: These conditions are proposed to be removed as the attached Indigenous Preserve and Protected Species Management Plan, referenced in Proposed Condition #3.d, addresses all requirements.

~~q. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and the pollution is caused by the application of fertilizers, herbicides or pesticides to the golf course adjacent to the mangrove wetlands, then the application of the pollutant must cease until there is a revised management plan for the application of the pollutant. A determination that the application of fertilizers, herbicides or pesticides to the golf course are the cause and source of the pollution must be based on competent and substantial evidence. If mitigation is necessary to address the pollution, a mitigation plan approved by FDCA will be implemented by the developer. The mitigation plan must be based on rules and regulations in effect at the time the plan is reviewed and approved.~~

JUSTIFICATION: This condition is proposed to be relocated and consolidated with the environmental conditions in Proposed Conditions #3.o.

~~r. The mangrove line for the Kersey-Smoot parcel is off set 50 feet to over 250 feet west of the wetland jurisdictional line delineated along the entire western (Estero Bay) side of the Kersey-Smoot parcel. No portion of the proposed golf course may be located closer than 100 feet to this mangrove line. To maintain the existing natural mangrove setbacks, no impacts are permitted to the wetlands on the western (Estero Bay) side of the Kersey-Smoot parcel. This includes both saltwater and freshwater wetlands contained within the boundary of this wetland jurisdictional line. The proposed golf course fairways, tees, and greens must be set back a minimum of 25 feet from the wetland jurisdictional line on the Kersey-Smoot parcel, except where wetland impacts are permitted by the South Florida Water Management District (SFWMD) and Army Corps of Engineers (ACOE). Water management facilities permitted by the SFWMD and the removal of exotic vegetation, subject to Lee County regulations, are allowed within all wetlands on the Kersey-Smoot parcel.~~

JUSTIFICATION: This condition is proposed to be relocated and consolidated with the environmental conditions in Proposed Conditions #3.r. Additionally, references to golf courses located along the mangrove line and to the "Kersey-Smoot" parcel are removed or updated.

~~s. All areas designated as Preserve on the adopted Map H must remain undeveloped and be owned, maintained, and managed by an Improvement District or a similar legal entity. No lot lines will be allowed within any preserve areas. The following uses are permitted within Preserves: habitat management activities, hiking and nature study, outdoor education, recreational fishing, gates and fencing, and boardwalks limited to pedestrian use. Trimming of mangroves for residential visual access to Estero Bay or Spring Creek is prohibited in wetland areas #14 and #21 (as identified in DRI ADA), Bay Cedar Phase II (along Spring Creek), and any saltwater wetlands abutting the Kersey-Smoot parcels.~~

JUSTIFICATION: This condition is proposed to be removed as it is a duplicate of Proposed Condition #6.g.

~~t. A minimum of 99 acres of wetland preservation must be provided within the added 204 acres. A minimum of 10 percent open space must be provided within the individual development parcels.~~

JUSTIFICATION: This condition is proposed to be removed as open space requirements are addressed in Proposed Condition #6.a.

~~u. The existing Pelican's Nest golf course includes native vegetation along the rough and between golf holes. The Applicant must continue to incorporate the native vegetation into the design of future golf holes, where feasible. Native vegetation has been retained on individual lots and between tracts in the existing developed area of Pelican Landing. Where feasible, the Applicant will continue to incorporate native vegetation into the open space and landscaped areas.~~

JUSTIFICATION: This condition is proposed to be removed as it is a duplicate of Proposed Condition #6.l.

~~v. Transportation mitigation will be provided as outlined in the DRI development order. However, site related improvements may be required at the time of local development order in accordance with the provisions of the LDC. Also, a Traffic Impact Statement (TIS) must be submitted with each application for a development order. The TIS must include:~~

~~1) The trip generation data for the type of development being proposed, using the trip generation rates in the latest edition of ITE, Trip Generation Manual or those of the Lee County Florida Standard Urban Transportation Model Structure (FSUTMS).~~

~~2) The distribution of traffic at the entrance(s) to that specific area to be developed.~~

~~3) An analysis of the need for turn lanes or other site related improvements at the entrance(s) to that specific area to be developed based upon the projected future volume of traffic on the street being accessed. Projected future volume represents volumes at build out of the DRI.~~

~~4) An analysis of each intersection of a minor collector with the same or higher functionally classified road, internal to Pelican Landing, that is influenced by traffic from that proposed development. Influence is measured as project traffic that is five percent or more of Level of Services D (LOS D) service volume. The analysis to be based on existing traffic counts, plus traffic from the specific development.~~

~~5) A table showing each segment of minor collectors and higher classification roads influenced by the proposed development, traffic volumes with specific development, and the capacity of the road segment at LOS E.~~

~~6) A table showing the cumulative development parameters for the entire Pelican Landing DRI. Development parameters to be categorized consistent with the categories identified in the original DRI.~~

JUSTIFICATION: This condition is outdated and not necessary as the proposed MPD is required to comply with transportation review requirements.

~~w. All conditions relating to the DRI development order are hereby incorporated by this action. If conflicting conditions exist between this approval and the DRI development order, the more restrictive will apply.~~

JUSTIFICATION: This condition is proposed to be deleted as it is duplicative of Proposed Condition #5.

x. Prior to any development within the area legally described as Kersey-Smoot RPD, the Applicant must revise the MCP to reflect the final decision by the Lee County Board of County Commissioners (BOCC) regarding this rezoning and DRI approval.

JUSTIFICATION: This condition is outdated and not necessary as the proposed MPD is required to comply with transportation review requirements.

y. Approval of this rezoning does not give the developer the undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table l(b).

JUSTIFICATION: This condition is outdated and not necessary as the proposed MPD is required to comply with transportation review requirements.

~~z. Development blasting is prohibited unless approved at a public hearing as an amendment to the planned development.~~ [*Condition added by Resolution Z-07-031*]

~~4. The combined area of the convenience food and beverage store, package store, and specialty retail shop, Group I, is limited to a maximum of 15% of total floor area of the Hyatt Vacation Club Coconut Plantation Clubhouse. Further, the convenience food and beverage store, package store, and specialty retail shop are only to be available to the residents and guests of the Hyatt Vacation Club Coconut Plantation development.~~ [*Condition added by Resolution Z-03-029*]

JUSTIFICATION: These conditions are proposed to be removed as all proposed uses are replaced by the attached Schedule of Uses and Development Standards.

~~5. Environmental Conditions:~~

~~a. The requirements of Section II.E.1. of the Pelican Landing DRI Development Order pertaining to vegetation and wildlife/wetlands are included herein as a condition.~~

~~b. Prior to a local development order approval, the developer must incorporate a Southern Bald Eagle Habitat Management Plan approved by Lee County into the development order plans. The Eagle Management Plan, approved by Lee County, must include, at a minimum, the conservation measures in the US Fish and Wildlife Service Biological Opinion, dated December 15, 2006, and the Conservation Measures Addendum, dated July 14, 2006, attached hereto as Exhibit E, along with the following conditions:~~

~~i. Prior to local development order approval, the development order plans must delineate the location of the eagle nest (LE-028C) and habitat preserve, as shown in the Conservation Easement Map, attached hereto as Exhibit F, and,~~

~~ii. Prior to local development order approval, the developer must submit a draft conservation easement over the eagle protection zone, whose legally described boundaries must encompass the existing native vegetation area within the residential tract as approximately shown on the conservation Easement Map, for County review and approval. The conservation easement must be recorded in the Public Records of Lee County, Florida, and must include language that the 75-foot building height is contingent upon the grant of the conservation easement. The developer must submit a copy of the recorded conservation easement to the Division on Environmental Sciences staff prior to issuance of a Vegetation Removal Permit; and,~~

~~iii. During the nesting season, exterior construction is prohibited within 660 feet of the eagle nest tree. Cranes or other Temporary vertical structures must be dismantled by October 1st; and,~~

~~iv. The development order plans must delineate a minimum four-foot high fence or native hedge maintained at a minimum four-foot height to prevent human activities in the area, as depicted in Exhibit G, attached hereto; and,~~

~~v. If the southern bald eagle nest is abandoned, as defined in LDC §14-111, and if the abandonment is prior to the construction of any buildings exceeding 45 feet in height, the conservation easement will not be require to be recorded in the public records of Lee County, Florida. A public hearing will be required if the developer wishes to pursue the placement of buildings within the area defined in the legal description of the conservation easement.~~ [*Condition added by Z-07-031*]

JUSTIFICATION: This condition is proposed to be deleted as it is duplicative of Proposed Condition #3.f.

~~6. The side and rear setbacks for the multi-family district, adjacent to the golf course, may be reduced subject to an administrative amendment for buildings one, two, and five, as set forth on the Residential Development Area Plan (Exhibit D).~~ [*Condition added by Z-07-031*]

JUSTIFICATION: These conditions are proposed to be removed as all proposed uses are replaced by the attached Schedule of Uses and Development Standards.

Pelican Landing MPD

Schedule of Uses, Site Development Regulations

1. PERMITTED DENSITY

Maximum of:
- 729 dwelling units
- 25,000 square feet of office uses
- 27 golf holes
- 318 hotel rooms

2. SCHEDULE OF USES

All Tracts (Except in MF)

Accessory uses, buildings and structures
Accessory Apartment and Accessory Dwelling Unit
Administrative offices
Clubs:
- Private, Country, including sale of wine, beer, and liquor for on premises consumption

Entrance Gates and Gatehouses
Essential Services
Essential Services Facilities – Group I Only
Excavation:
- Water Retention

Excess Spoil Removal (20,000 cubic yards or more in volume)
Fences, Walls
Models:
- Display Center/Sales Center
- Model Home
- Model Unit

Parking Lot, Accessory
Real Estate Sales Office
Recreation Facilities
- Personal
- Private – On-Site

Residential Accessory Uses
Signs in conformance with LDC Chapter 30
Temporary Uses
- Including Temporary Sales Office, Temporary Construction Office, Temporary Construction-Related Storage, Temporary Amenity Structures

MU Tract

Dwelling Units:
- Single-family
- Zero lot line
- Two-family attached
- Townhouse

- Multiple-family buildings

Automatic Teller Machine
Banks and Financial Establishments
Business Services, Group I
Cleaning and Maintenance Services
Emergency Operations Center
EMS, Fire or Sheriff's Station
Golf Course Maintenance Facility
Health Care Facilities
Home Occupation, No Outside Help
Insurance Companies
Maintenance Facility (Government)
Manufacturing of Apparel Products
Mass Transit Depot or Maintenance Facility (government-operated)
Medical Office
Parking Lot, Accessory, Public, Park-and-Ride, Temporary
Place of worship
Post Office
Religious Facilities
Rental or Leasing Establishment
Research and Development Laboratories, Group II
Schools, Commercial, Noncommercial
Self Service Fuel Pumps
Signs in accordance with Chapter 30
Social Services, Group I
Storage, Indoor
Warehouse:
- Hybrid
- Mini-warehouse
- Public warehouse

RES Tract

Dwelling Units:
- Single-family
- Zero lot line
- Two-family attached
- Townhouse
- Multiple-family buildings

Restaurant, Group I, II, III (in association with golf facilities), including sale of wine, beer, and liquor for on premises consumption

MF Tract

Residential Dwelling Units:
- Single-family
- Zero lot line
- Two-family attached
- Townhouse
- Multiple-family buildings

Hotel/Convention Center, including sale of wine, beer, and liquor for on premises consumption and for off premises sales as permitted by state law

Consumption on Premises, including sale of wine, beer, and liquor for on premises consumption and for off premises sales as permitted by state law
Care Facilities and Centers, including sale of wine, beer, and liquor for on premises consumption
Assisted Living Facility
Continuing Care Facilities, including sale of wine, beer, and liquor for on premises consumption
Independent Living Facilities
Health Care Facilities (accessory only to ALF & CCF uses)
Accessory uses, buildings and structures
Accessory Apartment and Accessory Dwelling Unit
Administrative offices
Entrance Gates and Gatehouses
Excavation:
- Water Retention

Excess Spoil Removal (20,000 cubic yards or more in volume)
Fences, Walls
Models:
- Display Center/Sales Center
- Model Home
- Model Unit

Parking Lot, Accessory
Recreation Facilities
- Personal
- Private – On-Site

Residential Accessory Uses
Signs in conformance with LDC Chapter 30
Temporary Uses
- Including Temporary Sales Office, Temporary Construction Office, Temporary Construction-Related Storage, Temporary Amenity Structures

GC Tract

Golf Courses, Golf Course Accessory and Associate Uses, including but not limited to:
- Club house
- Maintenance facility
- Pro shop
- Snack bar at the ninth hole or other appropriate location, including sale of wine, beer, and liquor for on premises consumption
- Ball washers
- Restrooms and other uses which are normal and accessory to the golf course
- Consumption on Premises, including sale of wine, beer, and liquor for on premises consumption and for off premises sales as permitted by state law

Golf Driving Range

Preserves

Uses permitted in the preserve areas are limited to activities which make this area available for resource-based recreational activities, enjoyment of nature and educational enrichment, including but not limited to:

- Picnic areas, trails, benches, boardwalks, biking/jogging trails, vita course, bird viewing blinds/towers and interpretive facilities, signs, on-going maintenance and removal of exotic vegetation and compliance with the Raptor Bay Golf Course Renovation Indigenous Preserve and Protected Species Management Plan dated March 2022.

Interface Area

Uses permitted in the Interface area are limited to golf courses, developed in accordance with the "Pelican Landing Golf Course Management Plan," and any related appurtenances or uses, stormwater management; and created wetland marsh and any other created vegetative system or lake system which will promote wildlife diversity, activities which make this area available for resource-based recreational activities, enjoyment of nature and education enrichment, including but not limited to:

Picnic areas, trails, benches, boardwalks, biking/jogging trails, vita course, bird viewing blinds/towers and interpretive facilities, signs, access to the southern segmented ridge, on-going maintenance and removal of invasive exotic vegetation and compliance with the Raptor Bay Golf Course Renovation Indigenous Preserve and Protected Species Management Plan dated March 2022.

3. MINIMUM LOT AREA AND DIMENSIONS

	Minimum Lot Size	Width	Depth	Lot Coverage
Single-Family Detached	4,000 SF	40'	100'	60%
Zero Lot Line Units	4,000 SF	40'	100'	65%
Multi-Family	N/A	N/A	N/A	50%
Two-Family Attached and Townhouses	3,000 SF	18'	100'	65%
Non-Residential	10,000 SF	100'	100'	50%

4. MINIMUM SETBACKS

	Street*	Side	Rear***	Waterbody	Building Separation*****	
Single-Family Detached	20'	5'	10'	20'	10'	
Zero Lot Line Units	20'	5/0'	10'	20'	10'	
Multi-Family	20'	10'**/0'****	10'/0'****	20'	Buildings 35 feet or less	10'
					Buildings greater than 35 feet	35% of the sum of the building heights (see Deviation 12)
Two-Family Attached and Townhouses	20'	5/0'	10'	20'	10'	
Golf Club and Dry Storage	20'	15'	10'	20'	10'	

*15-foot front setback for a dwelling with side entry garage and 10-foot front setback for secondary front yards on corner lots.

**Zero-foot side setback when the property line is adjacent to other tracts within the Pelican Landing MPD (see Deviation 11).
***5-foot rear yard setback for accessory structures
**** 0-foot side or rear setbacks when adjacent to GC Tract and associated GC uses.
***** When buildings are connected with roofed structures, including but not limited to breezeway, parking structure/garage area, foundation/podium, minimum building separations will not apply, and buildings will be treated as one structure.

5. BUILDING HEIGHT

Tract	Maximum Height*
MU Tract	50 FT
RES Tract	110 FT
GC Tract	50 FT
MF Tract	290 FT

*Measured from the lowest minimum habitable floor elevation for which a building permit may be issued to the highest point of the roof surface of a flat or roof, to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of gable, hip, shed and gambrel roofs per LDC Section 34-2171(b) and subject to resiliency provisions in LDC Section 34-2172 & 34-2174.

Land Use Summary		
Land Use	Project Total (AC)	% of Total
Preserve	204.19	47.39%
Upland	*62.94*	*30.82%*
Wetland	*141.25*	*69.18%*
Residential	42.00	9.75%
Mixed Use	13.38	3.11%
Golf Course & Amenity	149.5	34.69%
Lake	21.84	5.07%
Total	**430.9**	**100%**

Open Space Summary			
Area	Required (AC)	Provided (AC)	% of Total
Residential	16.8 (40%)	--	--
MU & Non-Residential Tracts	48.86 (30%)	--	--
Preserve	--	204.19	97.40%
Lakes (25% Max Required)	--	5.46	2.60%
Total	**65.66**	**209.65**	**100.00%**

LEGEND

- LITTORAL PLANTING SHELF
- LAKE
- WETLAND CONSERVATION
- UPLAND CONSERVATION
- AREA OUTSIDE OF PD BOUNDARY
- RESTORATION AREA
- # DEVIATION
- GC GOLF COURSE
- INGRESS/EGRESS
- FLOW ARROW

NOTE: INTERNAL ACCESS POINTS SHOWN FOR CONCEPTUAL PURPOSES ONLY AND SUBJECT TO REFINEMENT AT THE TIME OF LOCAL DEVELOPMENT ORDER PERMITTING, INCLUDING THE ADDITION OF ACCESS POINTS, SUBJECT TO COMPLIANCE WITH THE LDC

ATWELL
866.850.4200 www.atwell-group.com
28100 BONITA GRANDE DR., SUITE 305
BONITA SPRINGS, FL 34135
239.405.7777

MASTER CONCEPT PLAN

PELICAN LANDING MPD

CLIENT: LONDON BAY

PLAN REVISIONS

REV00 <<SUBMITTED / BID SET>> XX/XX/XX

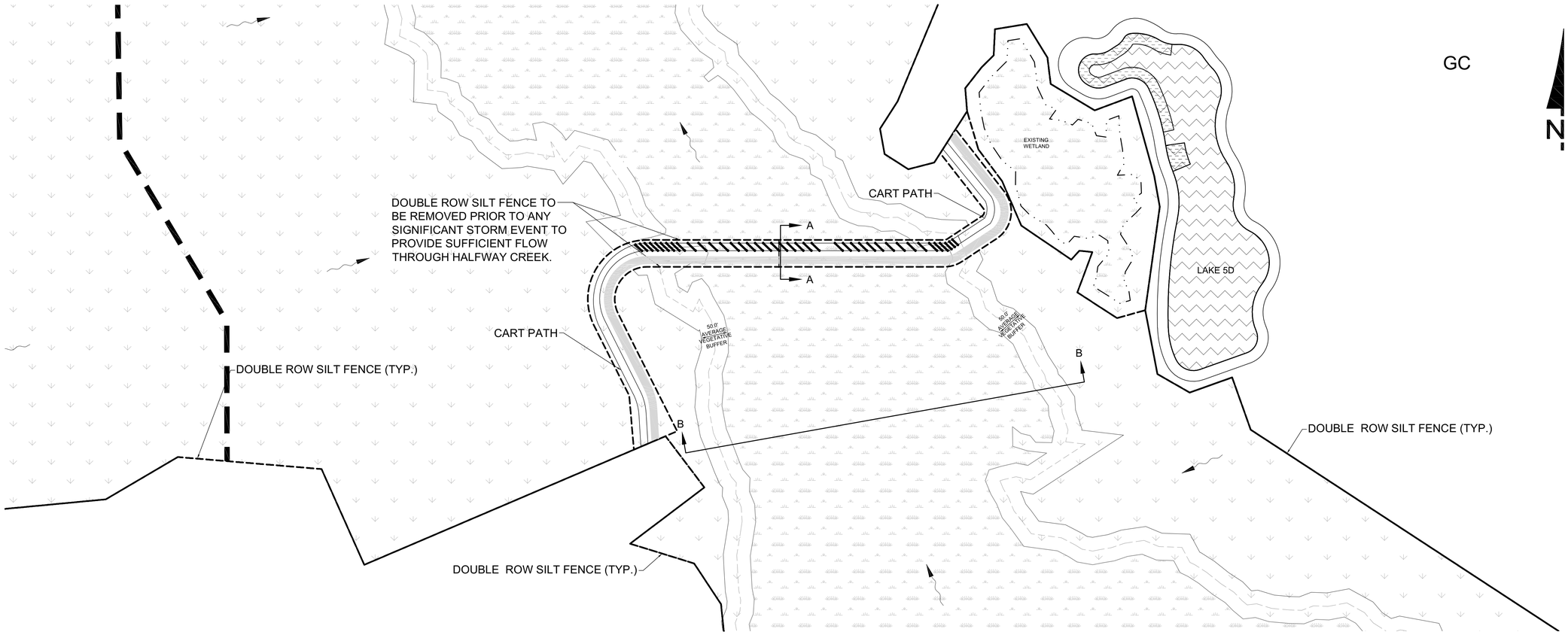
0 150 300 600
SCALE IN FEET

FLORIDA CERTIFICATE OF AUTHORIZATION #8636

SET NUMBER: 704-203

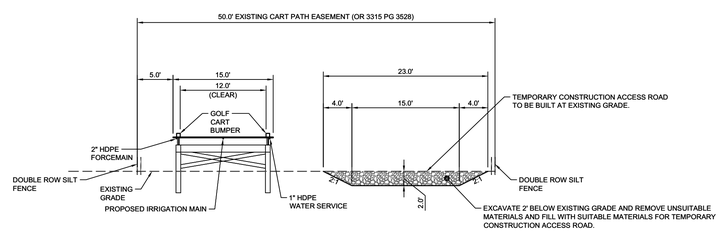
SHEET : 1

B:\Projects\704-203 (Raptor Bay) Golf Course Renovation\Drawings-Exhibits\704-203-E11 Golf Course MCP\Current Plans\704203E1113.dwg
7/16/2024 10:35:54 AM

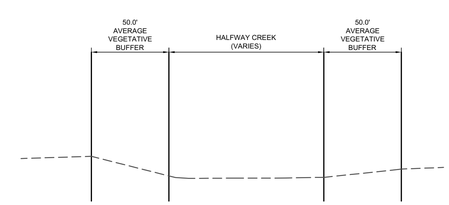


NOTES:

1. BRIDGE DETAIL SHOWN IS FOR PERMITTING PURPOSES ONLY, BRIDGE DESIGN BY OTHERS.
2. TEMPORARY CONSTRUCTION ACCESS ROAD TO BE CONSTRUCTED OF COMPACTED LIMEROCK BASE MATERIAL OR SIMILAR CRUSHED ROCK.
3. ALL MATERIAL USED IN THE CONSTRUCTION OF THE GOLF CART BRIDGE AND TEMPORARY ACCESS ROAD SHALL BE REMOVED UPON CONSTRUCTION COMPLETION AND RETURNED TO EXISTING GRADE.
4. ANY MUCKY SOILS REMOVED FROM HALFWAY CREEK FLOWWAY SHALL BE STOCKPILED IN GOLF COURSE AREA FOR REPLACEMENT AFTER REMOVAL OF CONSTRUCTION ACCESS ROAD.
5. TEMPORARY CONSTRUCTION ACCESS ROAD SHALL BE REMOVED AND RESTORED WITH IN-SITU LIKE SOIL MATERIAL PRIOR TO THE GOLF COURSE RECEIVING FINAL CERTIFICATE OF COMPLIANCE WITH LEE COUNTY.
6. EXISTING SPOIL WITHIN HALFWAY CREEK SHALL BE REMOVED PER ACOE AND SFWMD PERMITS.



SECTION A-A
NTS



SECTION B-B
NTS

ATWELL
866.850.4200 www.atwell-group.com
28100 BONITA GRANDE DR., SUITE 305
BONITA SPRINGS, FL 34135
239.405.7777

HALFWAY CREEK GOLF CART BRIDGE CROSS-SECTION

PELICAN LANDING MPD

CLIENT: LONDON BAY

PLAN REVISIONS

REV00 <<SUBMITTED / BID SET>> XX/XX/XX

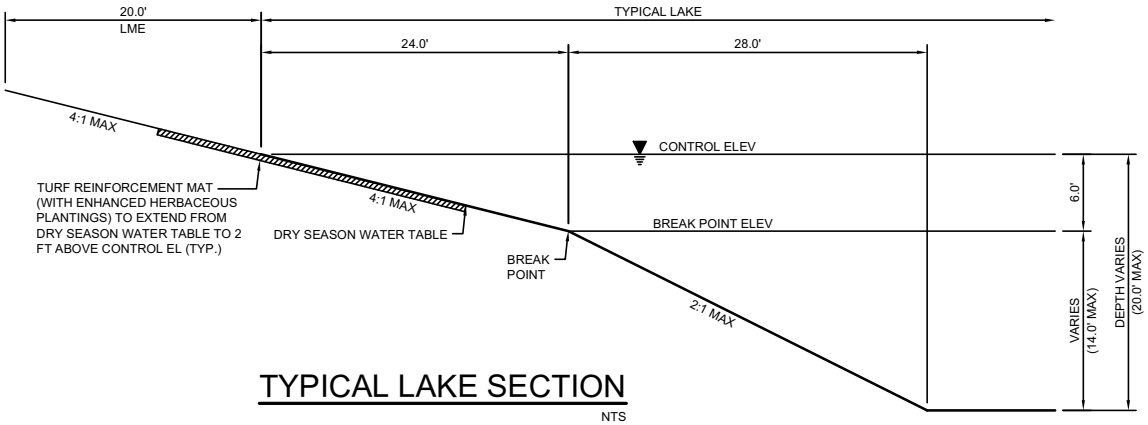
0 50 100 200
SCALE IN FEET

FLORIDA CERTIFICATE OF AUTHORIZATION #8636

SET NUMBER: 704-203

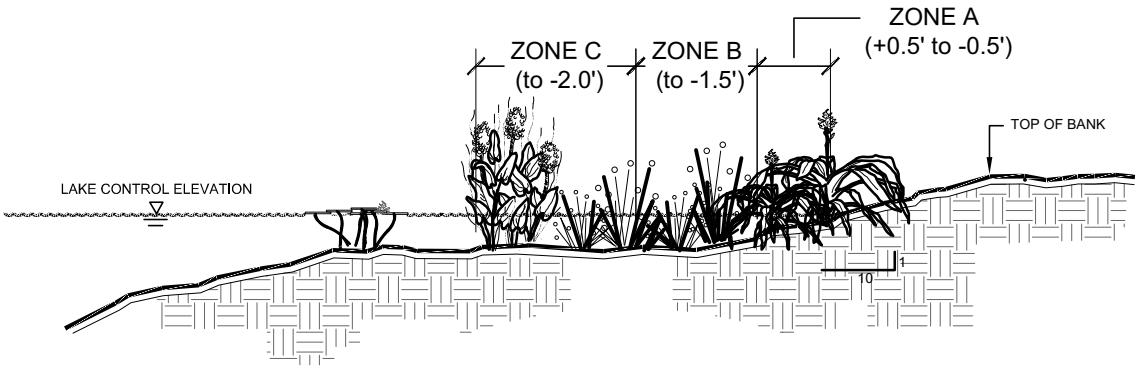
SHEET : 2

B:\Projects\704-203 (Raptor Bay) Golf Course Renovation\Drawings-Exhibits\704-203-E11 Golf Course MCP\Current Plans\704203E11111.dwg
5/20/2024 9:34:25 AM



TYPICAL LAKE SECTION

NTS



LITTORAL PLANTING AREA MATERIALS LIST
(MAX PLANTING DEPTH)

CONTROL - 0.9' DEPTH	1.7' DEPTH	2.0' DEPTH	4' DEPTH
LEATHER FERN GOLDEN CANNA SAND CORDGRASS	JOINTED SPIKE RUSH PICKERELWEED	ALLIGATOR FLAG THALIA	NA

PLANT MATERIALS LISTED DO NOT CONSTITUTE A COMPLETE LIST OF ACCEPTABLE LITTORAL SPECIES. CONTRACTOR MAY SUBMIT ALTERNATES FOR APPROVAL PRIOR TO INSTALLATION.

PLAN REVISIONS	REV00 <<SUBMITTED>> XX/XX/XX

PELICAN LANDING MPD

PREPARED FOR:
LB RAPTOR BAY INVESTMENTS, LLC
2210 VANDERBILT BEACH ROAD
NAPLES, FLORIDA 34109
PHONE: (239) 449-1500

SECTION: 5,6,7,8 TOWNSHIP: 47S RANGE: 25E
COUNTY, FLORIDA

FILE NAME: 704203E1111.dwg
SHEET: 1 OF 1

FLORIDA CERTIFICATE OF AUTHORIZATION #8636

ATWELL
866.850.4200 www.atwell-group.com
28100 BONITA GRANDE DR., SUITE 305
BONITA SPRINGS, FL 34135
239.405.7777

B:\Projects\704-203 (Raptor Bay) Golf Course Renovation\Drawings-Exhibits\704-203-E11 Golf Course MCP\Current Plans\704203E1111.dwg

TR TRANSPORTATION CONSULTANTS, INC

2726 OAK RIDGE COURT, SUITE 503
FORT MYERS, FL 33901-9356
OFFICE 239.278.3090
FAX 239.278.1906

TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

May 6, 2024

Ms. Alexis Crespo, AICP
RVi Planning + Landscape Architecture
28100 Bonita Grande Drive
Bonita Springs, FL 34135

RE: Pelican Landing MPD
DCI2023-00052

Dear Ms. Crespo:

TR Transportation Consultants, Inc. has reviewed the Traffic Impact Statement (TIS) comments issued by Lee County Community Development regarding the proposed rezoning application for the above project. The comments and TR Transportation's response to those comments are listed below for reference.

1. *Table 4 requires revision. Trip generation data for the 27-hole golf course needs to be included. The Multifamily (low-rise) [LUC 220] should be used for trip generation, as the schedule of uses indicates higher trip generation, e.g., Townhouse. Additionally, AM and Daily Trip data need to be incorporated.*

The golf course is an existing use and the trips for the golf course are on the existing road network. They are already accounted for in the existing traffic volumes included in the traffic volumes and were therefore not included in the link Level of Service analysis. Although the exact number of floors on the multi-family product that is going to be developed in the remainder of the development areas within the MPD has yet to be finalized, a majority of the units will be buildings that are taller than 4-stories (Land Use Code 221 – Mid-Rise. To be conservative, approximately 25% of the additional residential units assumed in the TIS were assumed to be under 4-stories and the trip generation was updated to reflect these units as LUC 220 (Low-Rise). The trip generation and Level of Service analysis was updated and is attached to this response. The results of the analysis did not change from the original conclusions of the traffic study.

Attached is a revised **Table 4** from the TIS that reflects the updated trip generation assuming 25% of the multi-family units are based LUC 220 (Low-Rise) and the remaining 75% of the multi-family units will be greater 4-stories or higher and will be based on LUC 221 (Mid-Rise). Also included is an updated **Table 5** that is the updated Level of Service analysis of Coconut Road both eastbound and westbound with the updated trip generation. Based on the updated trip generation, Coconut Road is continued to be projected to operate at LOS "D" in 2028 with the project as well as with the trips from Bayview on Estero Bay and the Woodfield project.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

2) *As the projected trip volume exceeds 100, the TIS must provide intersection LOS analyses for site accesses and nearby intersections (within a quarter-mile radius) in existing and future conditions, using HCS or Synchro program.*

Intersection analysis was conducted at the intersections of Coconut Road where it turns east/west as well as at the intersection of Coconut Road and the entrance to the Coconut Hyatt Regency Resort. These are the only two intersections within ¼ mile of the southern boundary of the site. The intersection analysis included trips from the recently approved Development Order for the Bayview on Estero Bay project that was recently approved in the City of Bonita Springs at the western terminus of Coconut Road. This includes DOS21-86512-BOS which is for the construction of the two (2) residential towers and the Marina as well as DOS21-86512-BOS Amendment which added a 6,300 square foot restaurant to the approved residential Development Order. Coconut Point Resort Drive, which currently intersects with Coconut Road as the east leg of the intersection then turns north to extend into the Salt Leaf community, is being relocated and the eastern leg of the intersection will be eliminated. The intersection of Coconut Road (east/west) with Coconut Road (north/south) will become a three-way STOP controlled intersection. This is being completed as part of Lee County LDO2022-00192 and will be completed in 2024.

The graphics and spreadsheets illustrating the background traffic volumes and development of future intersection turning movement volumes at these two intersections are attached to this response for reference. The existing intersection traffic volumes were collected prior to the construction of the Bayview project beginning as well as prior to the construction of the update to the Salt Leaf golf course renovations, which closed the golf course for an extended period of time. So the existing traffic counts include trips from the existing golf course prior to the renovations.

If you have any additional questions, please do not hesitate to contact us.

Sincerely,

Ted Treesh
President

Attachments

ATTACHMENTS

REVISED TABLE 4 & TABLE 5

Table 4 REVISED
Trip Generation
Pelican Landing London Bay MPD

Land Use	Weekday P.M. Peak Hour		
	In	Out	Total
Single Family Dwelling Units (100 Units)	63	36	99
Multi-Family Low-Rise Dwelling Units (158 Dwelling Units)	56	32	88
Multi-Family Mid-Rise Dwelling Units (471 Dwelling Units)	112	72	184
Office (25,000 Sq. Ft.)	9	44	53
Resort Hotel (318 Rooms)	47	63	110
Total Trips	287	247	534

LUC 210 used for Single Family
LUC 220 used for Low-Rise Multi-Family (25% of remaining MF assumed)
LUC 221 used for Mid-Rise Multi-Family (75% of remaining MF assumed)
LUC 710 used for Office
LUC 330 used for Resort Hotel

Table 5 REVISED
Coconut Road Volume & Level of Service
Pelican Landing London Bay MPD

	Eastbound	**Westbound**
2023 Volume [1]	441	363
Projected 2028 Volume [2]	463	382
Bayview on Estero Bay [3]	66	117
Woodfield [4]	17	17
Pelican Bay London Bay MPD [5]	247	287
Total Volume & LOS	793 – LOS "D"	803 – LOS "D"
Coconut Road Capacity	860	860
Remaining Capacity	67	57

[1] Village of Estero Traffic Count Report
[2] Increase 2023 Volume by 1% AGR for 5 years
[3] From Bayview on Estero Bay Zoning TIS prepared by TR Transportation Consultants
[4] From Woodfield Village EPD TIS prepared by Fehr & Peers
[5] Based on trip generation of proposed Pelican Bay London Bay MPD amendment (Revised 5/6/2024)

TURNING MOVEMENT VOLUMES

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Coconut Rd @ Coconut Hyatt 4-20-21 PM

File Name: Coconut Rd @ Coconut Hyatt 4-20-21 PM
Location:

All Vehicles

Site Code:
Study Date: 04/20/2021

	Weeks St Southbound					Coconut Rd Westbound					Northbound					Coconut Hyatt Eastbound					
Time	Right	Thru	Left	U-Turn	Appr Total	Right	Thru	Left	U-Turn	Appr Total	Right	Thru	Left	U-Turn	Appr Total	Right	Thru	Left	U-Turn	Appr Total	Int Total
16:00	1	0	13	0	14	13	11	0	0	24	0	0	0	0	0	0	5	3	0	8	46
16:15	1	0	11	0	12	19	4	0	0	23	0	0	0	0	0	0	7	0	0	7	42
16:30	2	0	22	0	24	11	9	0	0	20	0	0	0	0	0	0	5	2	0	7	51
16:45	2	0	13	0	15	5	7	0	1	13	0	0	0	0	0	0	9	0	0	9	37
Total	6	0	59	0	65	48	31	0	1	80	0	0	0	0	0	0	26	5	0	31	176
17:00	0	0	15	0	15	7	6	0	0	13	0	0	0	0	0	0	7	1	0	8	36
17:15	0	0	15	0	15	2	11	0	0	13	0	0	0	0	0	0	6	0	0	6	34
17:30	0	0	14	0	14	5	7	0	0	12	0	0	0	0	0	0	9	0	0	9	35
17:45	2	0	15	0	17	5	9	0	0	14	0	0	0	0	0	0	7	0	0	7	38
Total	2	0	59	0	61	19	33	0	0	52	0	0	0	0	0	0	29	1	0	30	143
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Grand Total	8	0	118	0	126	67	64	0	1	132	0	0	0	0	0	0	55	6	0	61	319
Appr %	06.3	00.0	93.7	00.0		50.8	48.5	00.0	00.8		NaN	NaN	NaN	NaN		00.0	90.2	09.8	00.0		
Total %	02.5	00.0	37.0	00.0		21.0	20.1	00.0	00.3		00.0	00.0	00.0	00.0		00.0	17.2	01.9	00.0		
% Trucks	00.0	-	00.0	-	00.0	00.0	00.0	-	00.0	00.0	-	-	-	-	-	-	00.0	00.0	-	00.0	00.0
PM Pk Hr	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00	16:00
PM Pk Vol	6	0	59	0	65	48	31	0	1	80	0	0	0	0	0	0	26	5	0	31	176
PM PHF	0.750	NaN	0.670	NaN	0.677	0.632	0.705	NaN	0.250	0.833	NaN	NaN	NaN	NaN	NaN	NaN	0.722	0.417	NaN	0.861	0.863

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Coconut Rd @ Coconut Hyatt 4-20-21 PM

File Name: Coconut Rd @ Coconut Hyatt 4-20-21 PM
Location:

All Vehicles

Site Code:
Study Date: 04/20/2021

Weeks St

Right	Thru	Left	U-Turn
6	0	59	0

Coconut Hyatt

Right	Thru	Left	U-Turn
0	26	5	0

Coconut Rd

Right	Thru	Left	U-Turn
48	31	0	1

PM Peak Hour Statistics
PM Peak Hour Begins: 16:00
PM Peak Hour Volume: 176
PM Peak Hour Factor: 0.863

U-Turn	Left	Thru	Right
0	0	0	0

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Coconut Rd @ Raptor Bay 5-6-21 PM

File Name: Coconut Rd @ Raptor Bay 5-6-21 PM
Location:

All Vehicles

Site Code:
Study Date: 05/06/2021

	Southbound					Raptor Bay Westbound					Weeks St Northbound					Coconut Rd Eastbound					
Time	Right	Thru	Left	U-Turn	Appr Total	Right	Thru	Left	U-Turn	Appr Total	Right	Thru	Left	U-Turn	Appr Total	Right	Thru	Left	U-Turn	Appr Total	Int Total
16:00	0	0	0	0	0	0	0	15	0	15	7	0	7	1	15	6	0	0	0	6	36
16:15	0	0	0	0	0	0	0	8	0	8	5	0	2	1	8	4	0	0	0	4	20
16:30	0	0	0	0	0	0	0	17	0	17	10	0	3	0	13	13	0	0	0	13	43
16:45	0	0	0	0	0	0	1	11	0	12	3	0	2	0	5	17	1	0	0	18	35
Total	0	0	0	0	0	0	1	51	0	52	25	0	14	2	41	40	1	0	0	41	134
17:00	0	0	0	0	0	0	0	14	0	14	10	0	0	0	10	11	0	0	0	11	35
17:15	0	0	0	0	0	0	0	12	0	12	5	0	2	0	7	8	0	0	0	8	27
17:30	0	0	0	0	0	0	0	11	0	11	7	0	4	0	11	8	0	0	0	8	30
17:45	0	0	0	0	0	0	0	13	0	13	7	0	1	0	8	9	0	0	0	9	30
Total	0	0	0	0	0	0	0	50	0	50	29	0	7	0	36	36	0	0	0	36	122
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Grand Total	0	0	0	0	0	0	1	101	0	102	54	0	21	2	77	76	1	0	0	77	256
Appr %	NaN	NaN	NaN	NaN		00.0	01.0	99.0	00.0		70.1	00.0	27.3	02.6		98.7	01.3	00.0	00.0		
Total %	00.0	00.0	00.0	00.0		00.0	00.4	39.5	00.0		21.1	00.0	08.2	00.8		29.7	00.4	00.0	00.0		
% Trucks	-	-	-	-	-	-	00.0	00.0	-	00.0	00.0	-	00.0	00.0	00.0	00.0	00.0	-	-	00.0	00.0
PM Pk Hr	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30	16:30
PM Pk Vol	0	0	0	0	0	0	1	54	0	55	28	0	7	0	35	49	1	0	0	50	140
PM PHF	NaN	NaN	NaN	NaN	NaN	NaN	0.250	0.794	NaN	0.809	0.700	NaN	0.583	NaN	0.673	0.721	0.250	NaN	NaN	0.694	0.814

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Coconut Rd @ Raptor Bay 5-6-21 PM

File Name: Coconut Rd @ Raptor Bay 5-6-21 PM
Location:

All Vehicles

Site Code:
Study Date: 05/06/2021

Right	Thru	Left	U-Turn
0	0	0	0

Coconut Rd

Right	Thru	Left	U-Turn
49	1	0	0

PM Peak Hour Statistics
PM Peak Hour Begins: 16:30
PM Peak Hour Volume: 140
PM Peak Hour Factor: 0.814

Raptor Bay

Right	Thru	Left	U-Turn
0	1	54	0

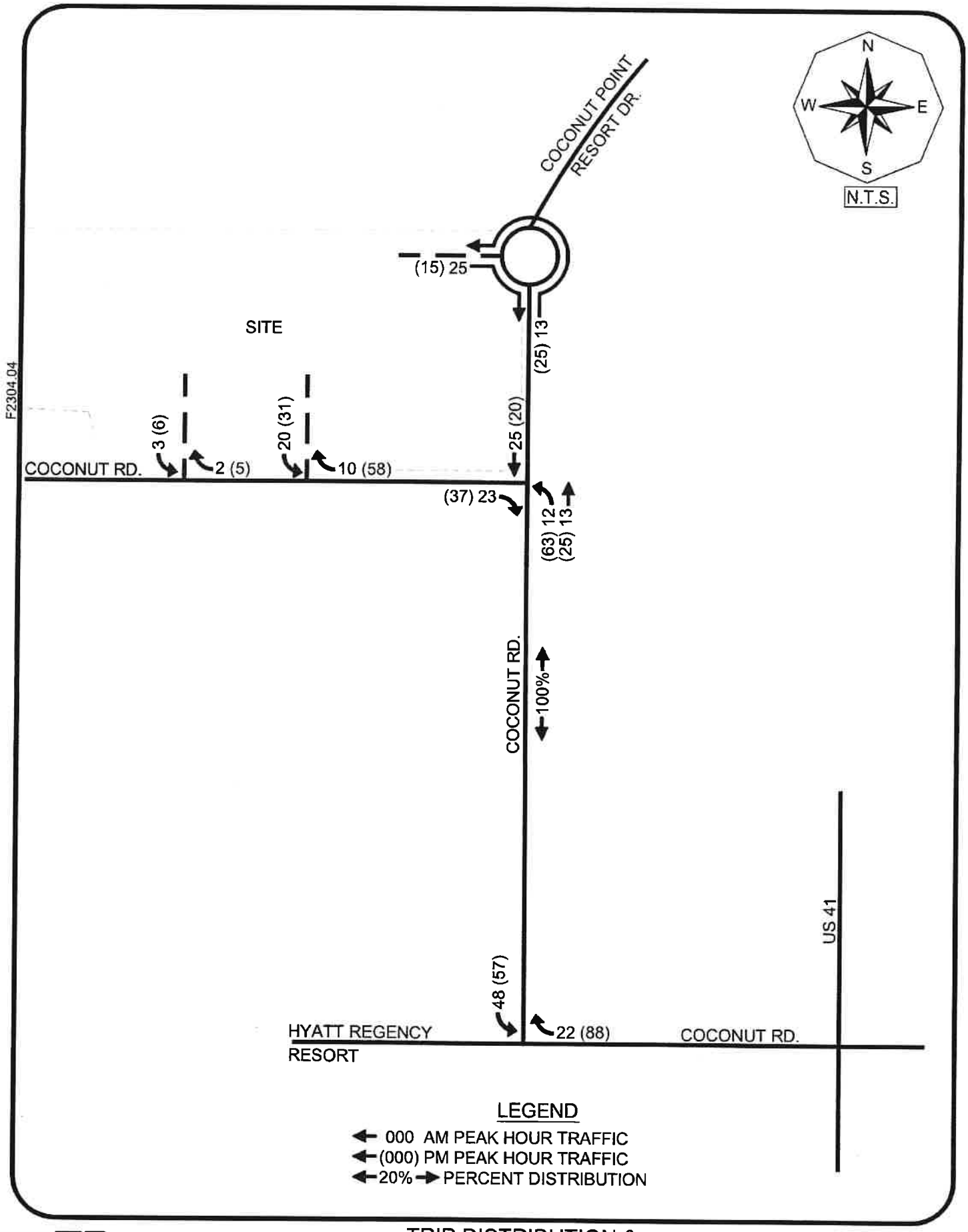
Weeks St

U-Turn	Left	Thru	Right
0	7	0	28

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

BAYVIEW ON ESTERO BAY SITE

TRAFFIC



TRANSPORTATION CONSULTANTS, INC

TRIP DISTRIBUTION &
SITE TRAFFIC ASSIGNMENT
BAYVIEW ON ESTERO BAY RESIDENTIAL & RESTAURANT

Figure 4

DEVELOPMENT OF FUTURE YEAR BACKGROUND TURNING MOVEMENT VOLUMES

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Development of Future Year Background Turning Volumes

Intersection	**Ccoconut Road @ Coconut Hyatt Access**
Count Date	April 20, 2021
Build-Out Year	2028

	PM Peak Hour											
	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	0	0	0	59	0	6	5	26	0	0	31	48
Peak Season Correction Factor	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03	1.03
Current Peak Season Volumes	0	0	0	61	0	6	5	27	0	0	32	49
Growth Rate	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Years to Build-out	7	7	7	7	7	7	7	7	7	7	7	7
2028 Background Turning Volumes	**0**	**0**	**0**	**61**	**0**	**6**	**5**	**27**	**0**	**0**	**32**	**49**
Bayview Towers & Restaurant				57								88
Pelican Landing MPD				247								287
2028 Background + Project	**0**	**0**	**0**	**365**	**0**	**6**	**5**	**27**	**0**	**0**	**32**	**424**

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Development of Future Year Background Turning Volumes

Intersection	**Coconut Road @ Coconut Road (North)**
Count Date	May 6, 2021
Build-Out Year	2028

PM Peak Hour

	NBL	NBT	NBR	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR
RAW Turning Movement Counts	7	0	28	0	0	0	0	1	49	54	1	0
Peak Season Correction Factor	1.06	1.06	1.06	1.06	1.06	1.06	1.06	1.06	1.06	1.06	1.06	1.06
Current Peak Season Volumes	7	0	30	0	0	0	0	1	52	57	1	0
Growth Rate	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Years to Build-out	7	7	7	7	7	7	7	7	7	7	7	7
2028 Background Turning Volumes	**7**	**0**	**30**	**0**	**0**	**0**	**0**	**1**	**52**	**57**	**1**	**0**
Bayview Towers & Restaurant	63	25			20				37			
Pelican Landing MPD		287			247							
RE-Assigned Traffic		30	-30		57	1	1	-1		-57	-1	
2028 Background + Project	**70**	**342**	**0**	**0**	**324**	**1**	**1**	**0**	**89**	**0**	**0**	**0**

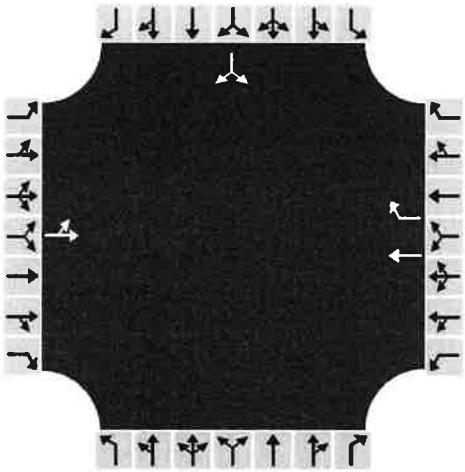
HCS SUMMARY SHEETS

HCS All-Way Stop Control Report

General and Site Information

Analyst	tbt
Agency/Co.	TR Transportation
Date Performed	5/9/2024
Analysis Year	2028
Analysis Time Period (hrs)	0.25
Time Analyzed	Weekday PM Peak Hr.
Project Description	Pelican Landing MPD
Intersection	Coconut Hyatt at Coconut Rd
Jurisdiction	Lee County
East/West Street	Coconut Hyatt
North/South Street	Coconut Road
Peak Hour Factor	0.92

Lanes



Turning Movement Demand Volumes

Approach	Eastbound			Westbound			Northbound			Southbound		
Movement	L	T	R	L	T	R	L	T	R	L	T	R
Volume (veh/h)	5	27			32	424				365		6
% Thrus in Shared Lane												

Lane Flow Rate and Adjustments

Approach	Eastbound			Westbound			Northbound			Southbound		
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	LT			T	R					LR		
Flow Rate, v (veh/h)	35			35	461					403		
Percent Heavy Vehicles	2			2	2					2		
Initial Departure Headway, h_d (s)	3.20			3.20	3.20					3.20		
Initial Degree of Utilization, x	0.031			0.031	0.410					0.358		
Final Departure Headway, h_d (s)	5.97			5.77	5.06					5.43		
Final Degree of Utilization, x	0.058			0.056	0.648					0.608		
Move-Up Time, m (s)	2.0			2.3	2.3					2.0		
Service Time, t_s (s)	3.97			3.47	2.76					3.43		

Capacity, Delay and Level of Service

Approach	Eastbound			Westbound			Northbound			Southbound		
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	LT			T	R					LR		
Flow Rate, v (veh/h)	35			35	461					403		
Capacity (veh/h)	603			624	711					663		
95% Queue Length, Q_{95} (veh)	0.2			0.2	4.8					4.1		
95% Queue Length, Q_{95} (ft)	5.1			5.1	121.9					104.1		
Control Delay (s/veh)	9.3			8.8	16.6					16.5		
Level of Service, LOS	A			A	C					C		
Approach Delay (s/veh) | LOS	9.3	A		16.0	C					16.5	C	
Intersection Delay (s/veh) | LOS	16.0						C					

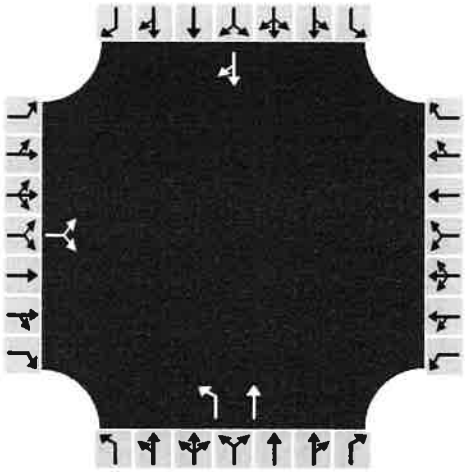
Copyright © 2024 University of Florida. All Rights Reserved.

HCS All-Way Stop Control Report

General and Site Information

Analyst	tbt
Agency/Co.	TR Transportation
Date Performed	5/9/2024
Analysis Year	2028
Analysis Time Period (hrs)	0.25
Time Analyzed	Weekday PM Peak Hr.
Project Description	Pelican Landing MPD
Intersection	Coconut Rd at Coconut Point Resort Dr.
Jurisdiction	Lee County
East/West Street	Coconut Road
North/South Street	Coconut Point Resort Dr.
Peak Hour Factor	0.92

Lanes



Turning Movement Demand Volumes

Approach	Eastbound			Westbound			Northbound			Southbound		
Movement	L	T	R	L	T	R	L	T	R	L	T	R
Volume (veh/h)	1		89				70	342			324	1
% Thrus in Shared Lane												

Lane Flow Rate and Adjustments

Approach	Eastbound			Westbound			Northbound			Southbound		
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	LR						L	T		TR		
Flow Rate, v (veh/h)	98						76	372		353		
Percent Heavy Vehicles	2						2	2		2		
Initial Departure Headway, h_d (s)	3.20						3.20	3.20		3.20		
Initial Degree of Utilization, x	0.087						0.068	0.330		0.314		
Final Departure Headway, h_d (s)	5.15						5.61	5.10		4.81		
Final Degree of Utilization, x	0.140						0.118	0.527		0.472		
Move-Up Time, m (s)	2.0						2.3	2.3		2.0		
Service Time, t_s (s)	3.15						3.31	2.80		2.81		

Capacity, Delay and Level of Service

Approach	Eastbound			Westbound			Northbound			Southbound		
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	LR						L	T		TR		
Flow Rate, v (veh/h)	98						76	372		353		
Capacity (veh/h)	700						642	706		749		
95% Queue Length, Q_{95} (veh)	0.5						0.4	3.1		2.5		
95% Queue Length, Q_{95} (ft)	12.7						10.2	78.7		63.5		
Control Delay (s/veh)	9.0						9.1	13.3		12.0		
Level of Service, LOS	A						A	B		B		
Approach Delay (s/veh) | LOS	9.0	A					12.6	B		12.0	B	
Intersection Delay (s/veh) | LOS	12.0						B					

Copyright © 2024 University of Florida. All Rights Reserved.

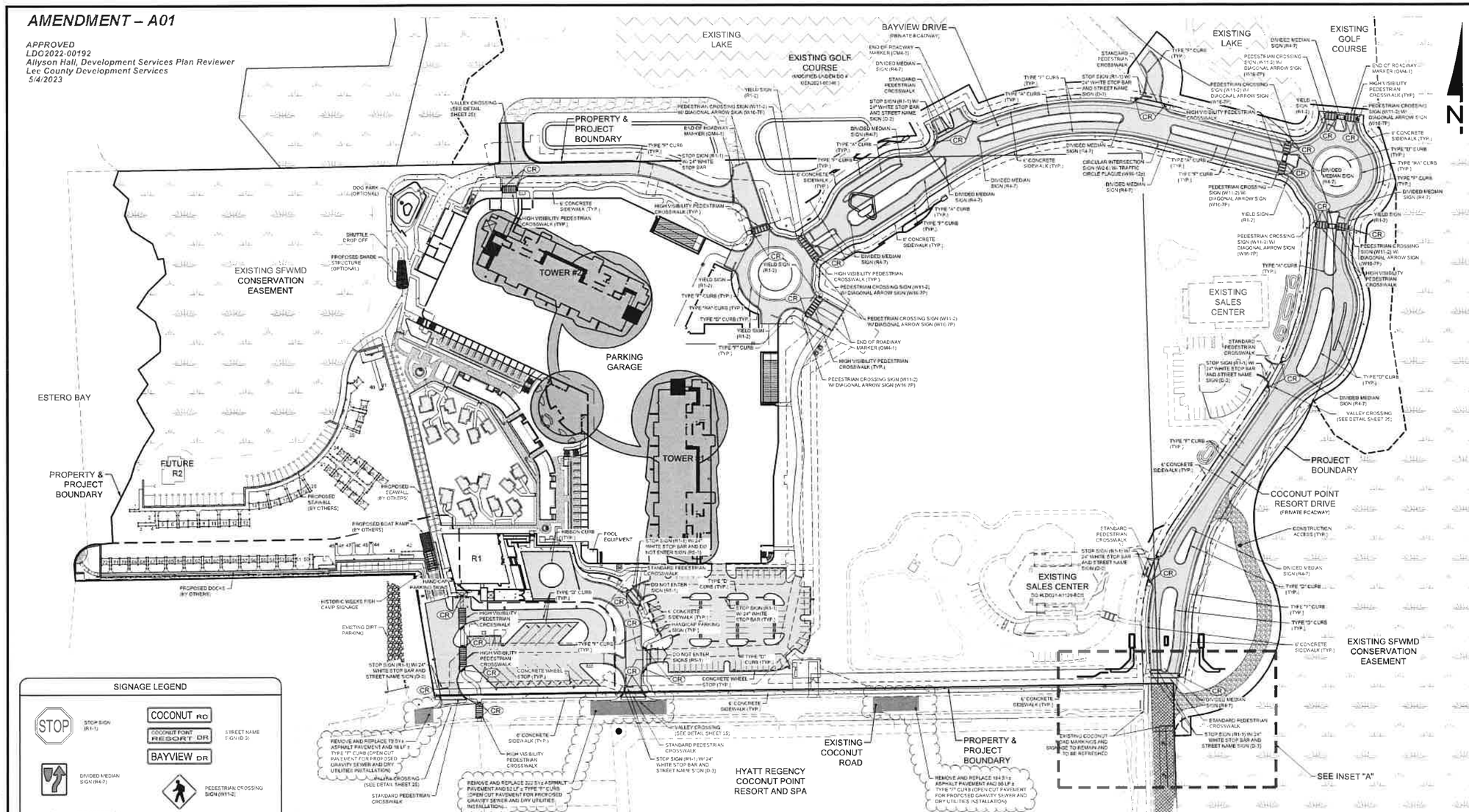
LEE COUNTY LDO2022-00192

BAYVIEW ON ESTERO BAY

RE-ALIGMENT OF COCONUT ROAD/COCONUT POINT RESORT DRIVE

AMENDMENT – A01

APPROVED
LDO2022-00192
Allyson Hall, Development Services Plan Reviewer
Lee County Development Services
5/4/2023



SIGNAGE LEGEND

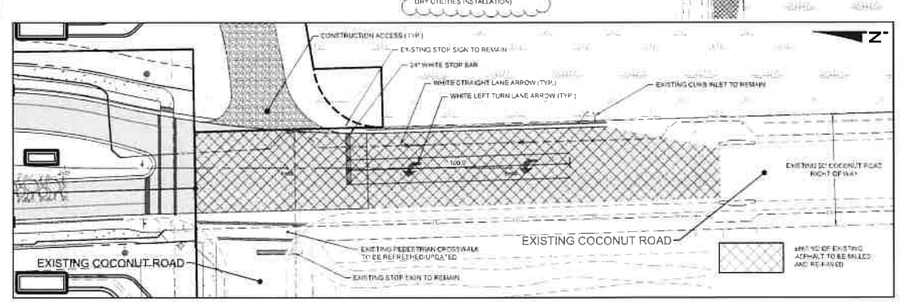
- STOP SIGN (R1-1)
- COCONUT RD / COCONUT POINT FRESCRIT DR / BAYVIEW DR — STREET NAME SIGNS (D-3)
- DIVIDED MEDIAN SIGN (R4-7)
- PEDESTRIAN CROSSING SIGN (W11-2)
- END OF ROADWAY MARKER 18" x 18" (TYP.) (OM4-1) 9 BUTTON RED
- DIAGONAL ARROW SIGN (W16-7P)
- (CR) SIDEWALK CURB RAMPS & DETECTABLE WARNINGS PER FDOT INDEX # 522-002. SEE SHEET 25 FOR PARKWAY CURB CONFIGURATION AT HANDICAPPED RAMP LOCATIONS DETAIL
- DO NOT ENTER SIGN (R5-1)
- HANDICAP PARKING SIGN PER FDOT INDEX NO. 706-102

1. DETAILS REFERENCE M.U.T.C.C. LATEST EDITION

FDOT DESIGN STANDARDS
INDEX # 522-002 - DETECTABLE WARNINGS AND SIDEWALK CURB RAMPS (BLACK IN COLOR)
INDEX # 706-010 - SINGLE COLUMN GROUND SIGNS
INDEX # 711-001 - PAVEMENT MARKINGS
INDEX # 706-001 - TYPICAL PLACEMENT OF REFLECTIVE PAVEMENT MARKERS

SIGNING AND PAVEMENT MARKING NOTES

1. ALL SIGNING AND PAVEMENT MARKINGS SHALL BE IN ACCORDANCE WITH THE F.D.O.T. STANDARDS, FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION, THE F.D.O.T. ROADWAY AND TRAFFIC DESIGN STANDARDS, LATEST EDITION AND THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES
2. PAVEMENT MARKINGS SHALL BE PERMANENT REFLECTIVE TRAFFIC PAINT WITH GLASS BEADS IN ACCORDANCE WITH F.D.O.T. STANDARD SPECIFICATIONS SECTION 711-001
3. MATCH EXISTING PAVEMENT MARKINGS AT EXISTING ROADS
4. REMOVE ANY EXISTING SIGNS OR PAVEMENT MARKINGS IN CONFLICT WITH THOSE SHOWN ON PLANS
5. ALL STOP SIGN LOCATIONS SHALL INCLUDE A 24" PAINTED WHITE STOP BAR UNLESS NOTED OTHERWISE
6. THE CONTRACTOR SHALL COMPLY WITH THE STATE OF FLORIDA MANUAL OF TRAFFIC CONTROL AND SAFE PRACTICES FOR STREET AND HIGHWAY CONSTRUCTION, MAINTENANCE AND UTILITY OPERATIONS AND WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES
7. ALL SIGNING, PAVEMENT MARKINGS, STREET NAME SIGNS, ETC. ARE TO BE INCLUDED IN THE LUMP SUM PRICE FOR SIGNING AND MARKING
8. THE CONTRACTOR SHALL FURNISH AND INSTALL STREET NAME SIGNS (DEVELOPER MAY CHOOSE TO INSTALL DECORATIVE STREET SIGNS) IN ACCORDANCE WITH COLLIER COUNTY DEVELOPMENT STANDARDS. IF POSSIBLE, STREET NAME SIGNAGE TO BE 24" OR ABOVE ALL STOP SIGNS. ONLY 1 SET OF STREET NAME SIGNS PER INTERSECTION
9. THE CONTRACTOR SHALL INSTALL BLUE/BLUE REFLS IN THE CENTER OF THE LANE ADJACENT TO ALL FIRE HYDRANTS
10. THE LOCATION, QUANTITY AND SIZE OF PARCEL SIGNAGE AND ENTRY FEATURES MAY BE MODIFIED WITHIN THE REQUIREMENTS OF COLLIER COUNTY
11. ALL STRIPING INCLUDING OFF SITE CROSSWALKS SHALL BE EFFICIENTLY MAINTAINED
12. ALL EXISTING CURB RAMPS NEARBY AT THE COCONUT ROAD AND COCONUT POINT RESORT DRIVE INTERSECTION ARE TO BE UPDATED TO CURRENT F.D.O.T. DESIGN STANDARDS
13. ANY PROPOSED ASPHALT RESTORATION LOCATED WITHIN THE COCONUT ROAD RIGHT OF WAY MUST COMPLY WITH CURRENT PAVEMENT TRENCH RESTORATION DETAILS AND GUIDELINES FOR LEE COUNTY MAINTAINED ROADS
14. REFER TO MARINA PLANS FOR USED BY COASTAL ENGINEERING FOR MARINA SIGNAGE LOCATIONS AND DETAILS



HATCH LEGEND

- ASPHALT PAVEMENT
- CONCRETE SIDEWALK
- EXISTING FRESCRIVE AREA

NOTE: DEVELOPER/OWNER RESERVES THE RIGHT TO INTERCHANGE USE OF CONCRETE, BRICK PAVERS, OR ASPHALT

VERTICAL ELEVATIONS BASED ON: NAVD-88

ATWELL
866.850.4200 www.atwell-group.com
28100 BONITA GRANDE DR., SUITE 305
BONITA SPRINGS, FL 34135
239.405.7777

DEVELOPMENT ORDER PLANS

BAYVIEW RESIDENCES DO #1

CLIENT: LB ESTERO BAY INVESTMENTS, LLC

SIGNING AND PAVEMENT MARKING PLAN

PLAN REVISIONS

1	07/17/2023	REVISED PER CLIENT & PRJ COMMENTS
2	09/18/2023	REVISED PER CLIENT & PRJ COMMENTS
3	10/27/2023	REVISED PER LEE COUNTY COMMENTS
4	12/19/2023	REVISED PER LEE COUNTY COMMENTS
5	03/15/2024	REVISED PER CLIENT COMMENTS
6	04/15/2024	REVISED PER CLIENT COMMENTS

0 40 80 160 FEET
SCALE IN FEET

PROFESSIONAL ENGINEER STATE OF FLORIDA

SET NUMBER 704-202-01

SHEET 11

TRIP GENERATION EQUATIONS

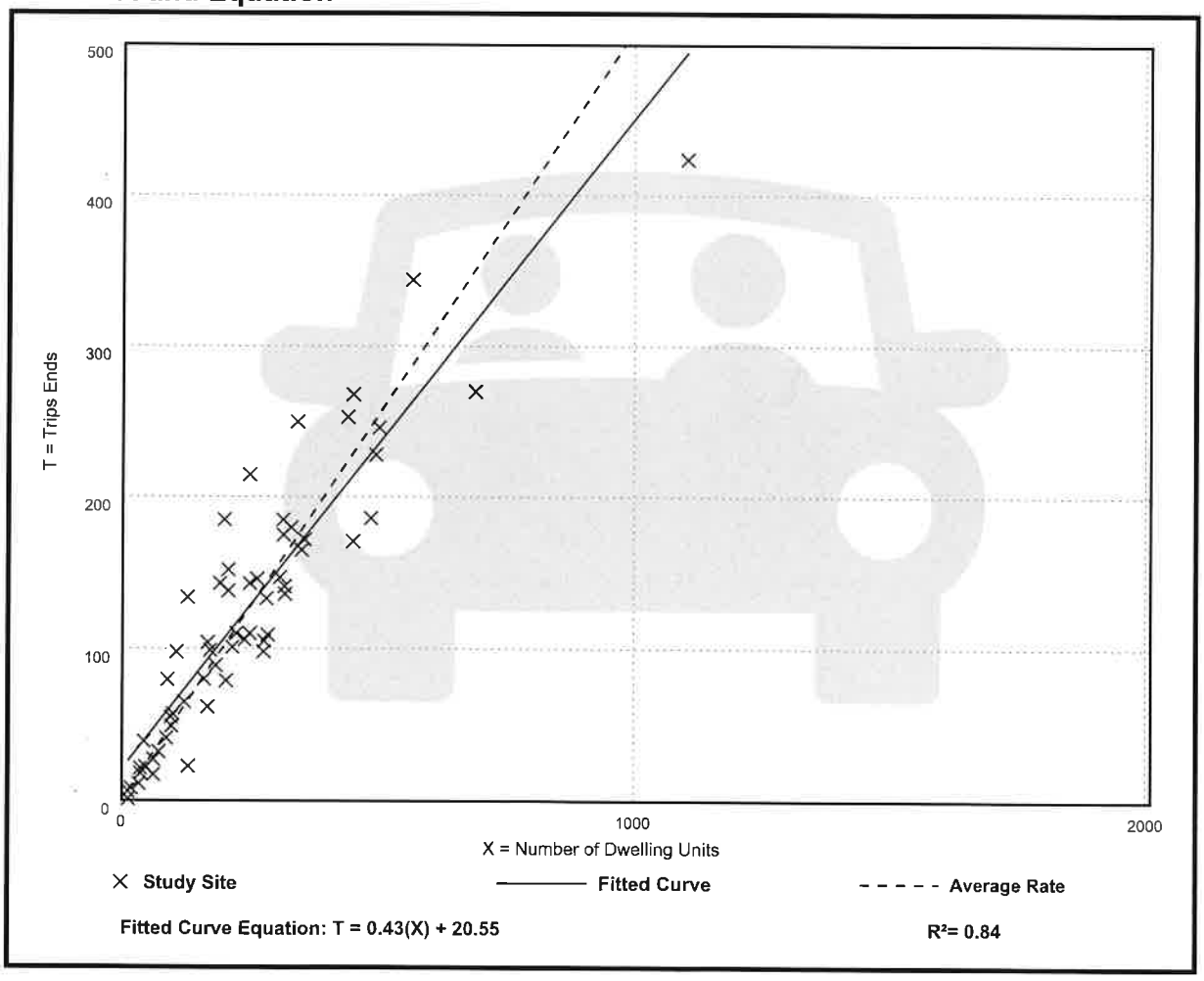
Multifamily Housing (Low-Rise)
Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 59
Avg. Num. of Dwelling Units: 241
Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.51	0.08 - 1.04	0.15

Data Plot and Equation



SFWMD WETLAND CONSERVATION AREA

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
612	MANGROVE	6.41 Ac.±	10.7%
617	MIXED WETLAND HARDWOODS	23.51 Ac.±	39.2%
625	HYDRIC PINE	9.39 Ac.±	15.7%
630	MIXED WETLAND FOREST	20.60 Ac.±	34.3%
642	SALTWATER MARSH	0.09 Ac.±	0.2%
	TOTAL	**60.00 Ac.±**	**100.0%**

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
180	INACTIVE GOLF COURSE	35.92 Ac.±	8.3%
182	GOLF COURSE UNDER CONSTRUCTION	123.40 Ac.±	28.6%
411	PINE FLATWOODS	7.46 Ac.±	1.7%
4119	PINE FLATWOODS, DISTURBED	16.56 Ac.±	3.8%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	8.10 Ac.±	1.9%
4119 E2	PINE FLATWOODS, DISTURBED (25-49% EXOTICS)	0.65 Ac.±	0.2%
4119 E3	PINE FLATWOODS, DISTURBED (50-75% EXOTICS)	4.17 Ac.±	1.0%
4119 E4	PINE FLATWOODS, DISTURBED (76-100% EXOTICS)	2.00 Ac.±	0.5%
4169	SCRUBBY PINE FLATWOODS, DISTURBED	56.81 Ac.±	13.2%
4169 E1	SCRUBBY PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	0.43 Ac.±	0.1%
4241	MELALEUCA, HYDRIC	2.76 Ac.±	0.6%
427	LIVE OAK	0.12 Ac.±	0.0%
4279	LIVE OAK, DISTURBED	0.26 Ac.±	0.1%
4279 E1	LIVE OAK, DISTURBED (0-24% EXOTICS)	4.50 Ac.±	1.0%
4349	HARDWOOD/CONIFER MIXED, DISTURBED	0.33 Ac.±	0.1%
4349 E1	HARDWOOD/CONIFER MIXED, DISTURBED (0-24% EXOTICS)	1.17 Ac.±	0.3%
439	MIXED EXOTICS	0.57 Ac.±	0.1%
525	SHALLOW POND	25.34 Ac.±	5.9%
617	MIXED WETLAND HARDWOODS	13.31 Ac.±	3.1%
621	CYPRESS	28.36 Ac.±	6.6%
630	MIXED WETLAND FOREST	1.41 Ac.±	0.3%
6309	MIXED WETLAND FOREST, DISTURBED	27.31 Ac.±	6.3%
641	FRESHWATER MARSH	8.10 Ac.±	1.9%
740	DISTURBED LAND	1.92 Ac.±	0.4%
	SFWMD CONSERVATION AREA	60.00 Ac.±	13.9%
	TOTAL	**430.93 Ac.±**	**100.0%**

LEGEND:

- WETLANDS (81.24 Ac.±)
- SURFACE WATERS (25.34 Ac.±)
- SFWMD CONSERVATION AREA (60.00 Ac.±)*

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY - MARCH 2023.

PROPERTY BOUNDARY PER RVI, INC. DRAWING NO. 704203BNDY (2023-07-10).DWG DATED JULY 10, 2023.

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

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

THE MELALEUCA HYDRIC (FLUCFCS CODE 4241) HAVE NOT BEEN REVIEWED BY AN REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

THE BALANCE OF THE PROJECT'S UPLAND/WETLAND LIMITS PER SFWMD ERP NO. 36-03813-P

*WETLAND LINES ESTIMATED PER SFWMD PERMIT NO. 36-03813-P

REVISIONS	DATE

		DATE
DRAWN BY	E.K.	09/12/23
DESIGNED BY	P.S.	09/12/23
REVIEWED BY	S.J.	09/12/23

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

PASSARELLA & ASSOCIATES INC.
Consulting Ecologists

PELICAN LANDING MPD

AERIAL WITH FLUCFCS AND WETLANDS

DRAWING No. 23LBR4024

SHEET No. EXHIBIT 3

J:\2023\23LBR4024\COUNTY\LEE COUNTY ZONING APPLICATION\091223 LEE COUNTY ZONING APPLICATION\EXHIBIT 3 AERIAL WITH FLUCFCS AND WETLANDS MAP.DWG TAB: 36X24-C MAR 13, 2024 - 12:30PM PLOTTED BY: ELIJAHK

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

PELICAN LANDING MPD
PROTECTED SPECIES SURVEY

Revised April 2024

Prepared For:

LBRaptor, LLC
2210 Vanderbilt Beach Road, Suite 1300
Naples, Florida 34109
(239) 449-1550

Prepared By:

Passarella & Associates, Inc.
13620 Metropolis Avenue, Suite 200
Fort Myers, Florida 33912
(239) 274-0067

Project No. 23LBR4024

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

TABLE OF CONTENTS

Page

Introduction.....1

Land Uses and Vegetation Associations.....1

Methodology and Discussion.....6

Survey Results 10

Abundance of Protected Species Observed 11

Management Plan.....17

References.....17

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

LIST OF FIGURES

Page

Figure 1. Project Location Map.....2

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

LIST OF TABLES

Page

Table 1. Existing Land Use and Cover Summary.....1

Table 2. Potential Protected Species by Habitat Type 6

Table 3. Summary of Habitat Coverage.....9

Table 4. Protected Species Abundance Calculations 11

Table 5. Protected Species Survey Summary 12

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

LIST OF APPENDICES

Page

Appendix A. Aerial with FLUCFCS and Wetlands A-1

Appendix B. Aerial with FLUCFCS, Survey Transects, and Species Locations Map B-1

Appendix C. Aerial with Gopher Tortoise Burrows C-1

INTRODUCTION

This report documents the Lee County protected species survey conducted by Passarella & Associates, Inc. (PAI) within the Pelican Landing Mixed Planned Development (MPD) (Project). The Project includes an inactive portion of the Raptor Bay golf course, golf course areas under construction, future development areas, and existing preserve areas previously placed under conservation easement (i.e., South Florida Water Management District (SFWMD) conservation area and Eco Park). The survey was conducted to meet the requirements of the Lee County Land Development Code (LDC) Chapter 10, Article III, Division 8 (Protection of Habitat) Standards.

The Project is located in Sections 5, 6, 7, and 8; Township 47 South; Range 25 East; Lee County (Figure 1). The Project totals 430.93± acres and is located north of Coconut Road, 1.5± miles west of U.S. 41, and 2.28± miles south of Corkscrew Road. The surrounding land uses and features include the West Bay Club to the northeast; Coconut Road, the Hyatt Coconut Point Resort, and undeveloped land to the south; El Dorado Acres residential development to the east; and Estero Bay to the west.

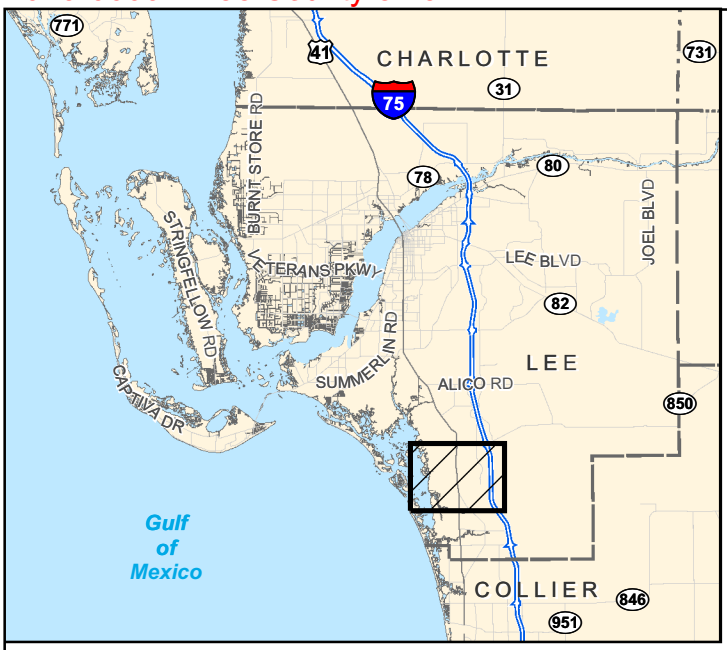
LAND USES AND VEGETATION ASSOCIATIONS

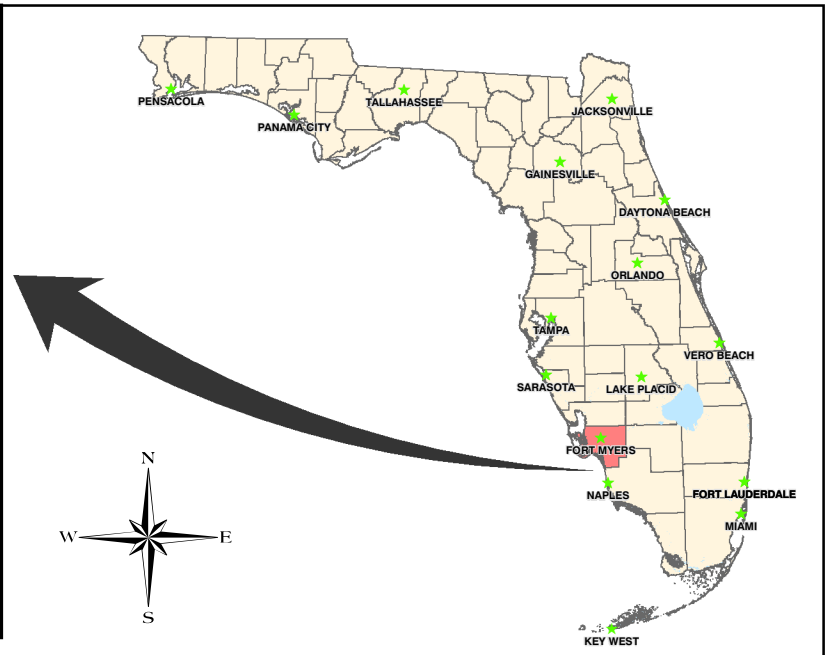
Vegetation and land cover mapping for the Project was initially conducted by PAI in June 2020, August 2021, and May 2022 using Lee County 2019 and 2021 rectified aerials. Vegetation mapping was subsequently updated by PAI in July 2023 to reflect current site conditions. Groundtruthing of the vegetative communities was conducted using the Florida Land Use, Cover and Forms Classification System (FLUCFCS) Level III (Florida Department of Transportation 1999). Level IV FLUCFCS was utilized to denote disturbance and hydrologic conditions. "E" codes were used to identify levels of exotic and invasive vegetation (e.g., Brazilian pepper (*Schinus terebinthifolia*) and melaleuca (*Melaleuca quinquenervia*)). AutoCAD Map 3D 2021 software was used to determine the acreage of each mapping area, produce summaries, and generate the FLUCFCS map for the Project. An aerial photograph of the property with FLUCFCS overlay is provided as Appendix A.

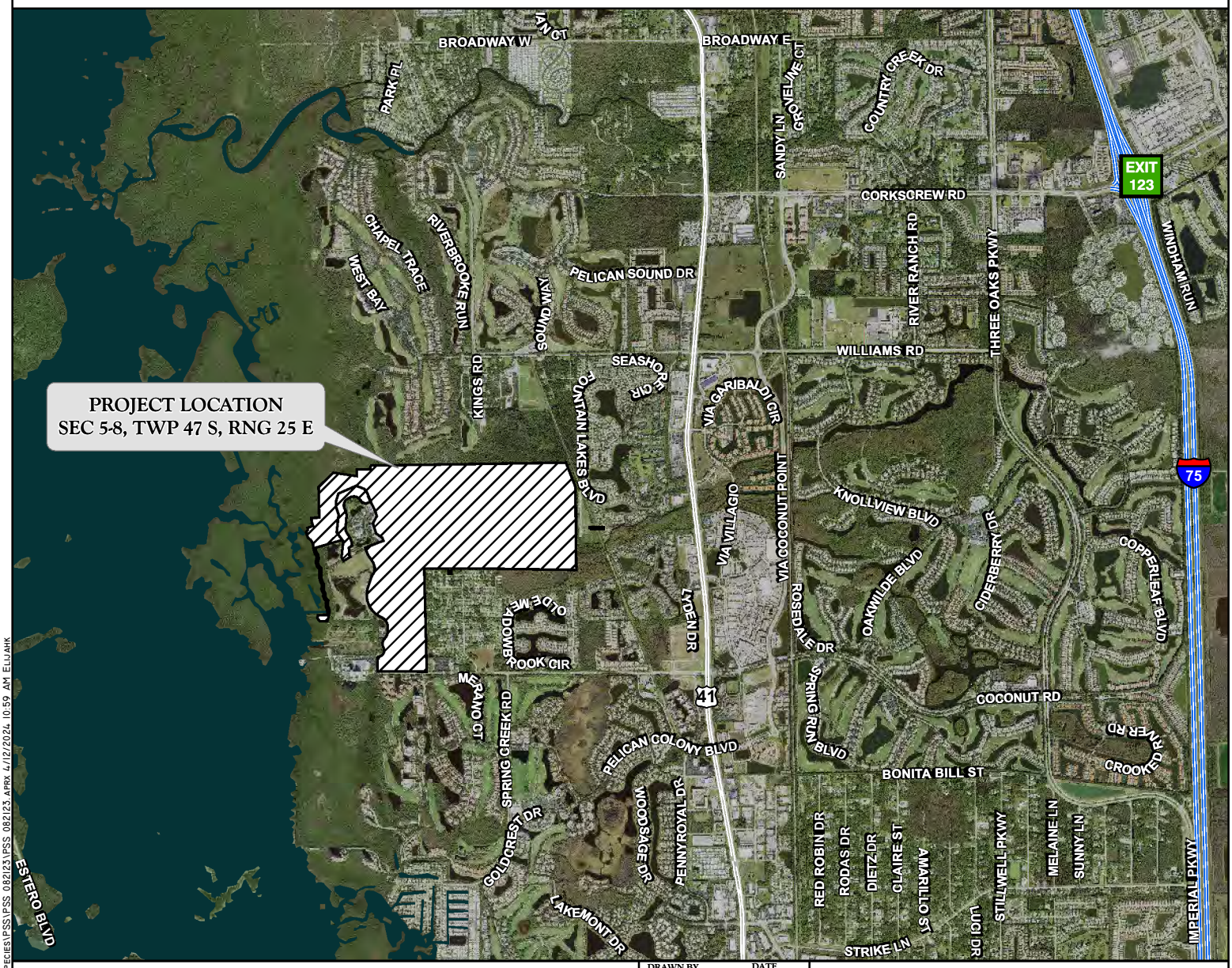
A total of 25 vegetative associations and land uses (i.e., FLUCFCS codes) were identified within the Project site. The Inactive Golf Course (FLUCFCS Code 180) and Golf Course Under Construction (FLUCFCS Code 182) combined occupy 159.32± acres (approximately 43 percent) of the Project site. The Project contains one rare and unique upland habitat type: Scrubby Pine Flatwoods, Disturbed (FLUCFCS Codes 4169 and 4169 E1). Table 1 provides a breakdown of the FLUCFCS codes by acreage.

Table 1. Existing Land Use and Cover Summary

FLUCFCS Code	Description	Acreage (±)	Percent of Total
180	Inactive Golf Course	35.92	9.7
182	Golf Course Under Construction	123.40	33.3
411	Pine Flatwoods	7.46	2.0







DRAWN BY	DATE
E.K.	8/22/23
REVIEWED BY	DATE
P.S.	8/22/23
REVISED	DATE

FIGURE 1. PROJECT LOCATION MAP
PELICAN LANDING MPD

PASSARELLA & ASSOCIATES INC. Consulting Ecologists

J:\2023\23LBR4024\SPECIES\PSS\PSS 082123\PSS 082123.APRX 4/12/2024 10:59 AM ELIJAHK

Table 1. (Continued)

FLUCFCS Code	Description	Acreage (±)	Percent of Total
4119	Pine Flatwoods, Disturbed	16.56	4.5
4119 E1	Pine Flatwoods, Disturbed (0-24% Exotics)	8.10	2.2
4119 E2	Pine Flatwoods, Disturbed (0-24% Exotics)	0.65	0.2
4119 E3	Pine Flatwoods, Disturbed (50-75% Exotics)	4.17	1.1
4119 E4	Pine Flatwoods, Disturbed (76-100% Exotics)	2.00	0.5
4169	Scrubby Pine Flatwoods, Disturbed	56.81	15.3
4169 E1	Scrubby Pine Flatwoods, Disturbed (0-24% Exotics)	0.43	0.1
4241	Melaleuca, Hydric	2.76	4.5
427	Live Oak	0.12	<0.1
4279	Live Oak, Disturbed	0.26	0.1
4279 E1	Live Oak, Disturbed (0-24% Exotics)	4.50	1.2
4349	Hardwood/Conifer Mixed, Disturbed	0.33	0.1
4349 E1	Hardwood/Conifer Mixed, Disturbed (0-24% Exotics)	1.17	0.3
439	Mixed Exotics	0.57	0.2
525	Shallow Pond	25.34	6.8
617	Mixed Wetland Hardwoods	13.31	0.4
621	Cypress	28.36	7.6
630	Mixed Wetland Forest	1.41	0.4
6309	Mixed Wetland Forest, Disturbed	27.19	7.3
641	Freshwater Marsh	8.10	1.7
740	Disturbed Land	1.92	0.5
N/A	SFWMD Conservation Area	60.00	13.9
Totals		**430.93**	**100.0**

Inactive Golf Course (FLUCFCS Code 180)
This land use type includes inactive portions of the Raptor Bay golf course.

Golf Course Under Construction (FLUCFCS Code 182)
This land use type includes the Raptor Bay golf course renovation under construction.

Pine Flatwoods (FLUCFCS Code 411)
The canopy of this habitat type includes slash pine (*Pinus elliottii*) and scattered cabbage palm (*Sabal palmetto*). The sub-canopy contains slash pine, twining snoutbean (*Rhynchosia tomentosa*), wax myrtle (*Morella cerifera*), myrsine (*Myrsine cubana*), saltbush (*Baccharis halimifolia*), saw palmetto (*Serenoa repens*), dahoon holly (*Ilex cassine*), gallberry (*Ilex glabra*), muscadine grapevine (*Vitis rotundifolia*), climbing cassia (*Senna pendula*), and scattered cabbage palm and earleaf acacia (*Acacia auriculiformis*). The ground cover is dominated by saw palmetto.

Pine Flatwoods, Disturbed (FLUCFCS Code 4119)
This habitat type is similar to FLUCFCS Code 411 but with more open areas resulting from recent exotic removal activities.

Pine Flatwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 4119 E1)
This habitat type is similar to FLUCFCS Code 4119, but with zero to 24 percent melaleuca coverage in the canopy and sub-canopy.

Pine Flatwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 4119 E2)
This habitat type is similar to FLUCFCS Code 4119 E1, but with 25 to 49 percent melaleuca in the canopy and sub-canopy.

Pine Flatwoods, Disturbed (50-75% Exotics) (FLUCFCS Code 4119 E3)
This habitat type is similar to FLUCFCS Code 4119 E2, but with 50 to 75 percent melaleuca in the canopy and sub-canopy.

Pine Flatwoods, Disturbed (76-100% Exotics) (FLUCFCS Code 4119 E4)
The canopy of this habitat type is similar to FLUCFCS Code 4119 E3, but with 76 to 100 percent melaleuca in the canopy and sub-canopy.

Scrubby Pine Flatwoods, Disturbed (FLUCFCS Code 4169)
The canopy of this habitat type contains scattered slash pine and sand live oak (*Quercus geminata*). The sub-canopy contains myrtle oak (*Q. myrtifolia*), Chapman's oak (*Q. chapmanii*), sand live oak, dahoon holly, rosemary (*Ceratiola ericoides*), gallberry, staggerbush (*Lyonia fruticosa*), fetterbush (*Lyonia lucida*), tarflower (*Bejaria racemosa*), and saw palmetto. The ground cover contains saw palmetto, muscadine grapevine, prickly pear (*Opuntia* sp.), pawpaw (*Asimina* sp.), and wiregrass (*Aristida stricta*).

Scrubby Pine Flatwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 4169 E1)
This habitat type is similar to FLUCFCS Code 4169, but contains zero to 24 percent earleaf acacia in the canopy and sub-canopy.

Melaleuca, Hydric (FLUCFCS Code 4241)
The canopy of this habitat type contains melaleuca, dahoon holly, and widely scattered slash pine. The sub-canopy contains melaleuca, Brazilian pepper, dahoon holly, earleaf acacia, slash pine, saw palmetto, and myrsine. The ground cover contains swamp fern (*Telmatoblechnum serrulatum*), royal fern (*Osmunda regalis*), Japanese climbing fern (*Lygodium japonicum*), rosy camphorweed (*Pluchea baccharis*), gulfdune paspalum (*Paspalum monostachyum*), beaksedge (*Rhynchospora microcarpa*), and scattered wiregrass and saw palmetto.

Live Oak (FLUCFCS Code 427)
The canopy of this habitat type includes live oak (*Quercus virginiana*) and cabbage palm. The sub-canopy contains cabbage palm, saw palmetto, myrsine, and dahoon holly. The ground cover is open.

Live Oak, Disturbed (FLUCFCS Code 4279)
This habitat type is similar to FLUCFCS Code 4279 but with more open areas resulting from recent exotic removal activities.

Live Oak, Disturbed (0-24% Exotics) (FLUCFCS Code 4279 E1)
This habitat type is similar to FLUCFCS Code 427, but with zero to 24 percent earleaf acacia in the canopy and sub-canopy.

Hardwood/Conifer Mixed, Disturbed (FLUCFCS Code 4349)
The canopy of this habitat type consists of slash pine, live oak, and cabbage palm. The sub-canopy contains saw palmetto. The ground cover is open.

Hardwood/Conifer Mixed, Disturbed (0-24% Exotics) (FLUCFCS Code 4349 E1)
This habitat type is similar to FLUCFCS Code 4349 but contains zero to 24 percent Brazilian pepper in the canopy and sub-canopy.

Mixed Exotics (FLUCFCS Code 439)
The canopy of this habitat type contains melaleuca, Brazilian pepper, and scattered cabbage palm. The sub-canopy consists primarily of Brazilian pepper with scattered cabbage palm, myrsine, and laurel oak (*Quercus laurifolia*). The ground cover contains muscadine grapevine.

Shallow Pond (FLUCFCS Code 525)
This man-made surface water feature has an open canopy and sub-canopy. The edges of the surface water features contain spikerush (*Eleocharis* sp.), sand cordgrass (*Spartina bakeri*), cattail (*Typha* sp.), pickerelweed (*Pontederia cordata*), arrowhead (*Sagittaria lancifolia*), and leather fern (*Acrostichum* sp.).

Mixed Wetland Hardwoods (FLUCFCS Code 617)
The canopy of this habitat type consists of scattered red maple (*Acer rubrum*), Carolina willow (*Salix caroliniana*), and bald cypress (*Taxodium distichum*). The sub-canopy contains buttonbush (*Cephalanthus occidentalis*), Carolina willow, red maple, and pond apple (*Annona glabra*). The ground cover contains swamp fern, maidencane (*Hymenachne hemitomon*), West Indian marsh grass (*Hymenachne amplexicaulis*), and climbing hempvine (*Mikania scandens*).

Cypress (FLUCFCS Code 621)
The canopy of this habitat type includes bald cypress and scattered cabbage palm. The sub-canopy contains bald cypress, wax myrtle, buttonbush, and pond apple. The ground cover contains swamp fern, sawgrass (*Cladium jamaicense*), and little blue maidencane (*Amphicarpum muehlenbergianum*).

Mixed Wetland Forest (FLUCFCS Code 630)
The canopy of this habitat type contains cabbage palm, bald cypress, Carolina willow, red maple, oak (*Quercus* sp.), and melaleuca. The sub-canopy contains bald cypress, cabbage palm, Carolina willow, buttonbush, and scattered pop ash (*Fraxinus caroliniana*) and Brazilian pepper. The ground cover contains swamp fern, maidencane, sawgrass, and red ludwigia (*Ludwigia repens*).

Mixed Wetland Forest, Disturbed (FLUCFCS Code 6309)
This habitat type is similar to FLUCFCS Code 630 but with more open areas resulting from recent exotic removal activities.

Freshwater Marsh (FLUCFCS Code 641)
The canopy and sub-canopy of this habitat type contain Carolina willow and pond apple on the edges. The ground cover contains cattail, sawgrass, fireflag (*Thalia geniculata*), leather fern, and maidencane.

Disturbed Land (FLUCFCS Code 740)
The canopy of this habitat type is mostly open with live oak, cabbage palm, and Java plum (*Syzygium cumini*) along the margins. The sub-canopy is mostly open with Brazilian pepper, saw palmetto, and earleaf acacia along the margins. The ground cover includes bahiagrass (*Paspalum notatum*), Bermuda grass (*Cynodon dactylon*), spermacoce (*Spermacoce verticillata*), ragweed (*Ambrosia artemisiifolia*), carpetweed (*Phyla nodiflora*), and smutgrass (*Sporobolus indicus*).

METHODOLOGY AND DISCUSSION

Surveys for protected species are based on the presence of specific vegetation associations and habitat types outlined in the Lee County LDC. The frequency of transects performed in these habitats was designed to meet the 80 percent minimum coverage requirement instituted by the City and Lee County LDC. Table 2 outlines those protected species that may inhabit or utilize a particular vegetation association.

Table 2. Potential Protected Species by Habitat Type

FLUCFCS Code	Description	Potential Protected Species
180*	Inactive Golf Course	N/A
182*	Golf Course Under Construction	American alligator (*Alligator mississippiensis*)
		Gopher tortoise (*Gopherus polyphemus*)
		Little blue heron (*Egretta caerulea*)
		Snowy egret (*Egretta thula*)
411	Pine Flatwoods	Beautiful pawpaw (*Deeringothamnus pulchellus*)
		Big Cypress fox squirrel (*Sciurus niger avicennia*)
		Eastern indigo snake (*Drymarchon corais couperi*)
		Fakahatchee burmannia (*Burmannia flava*)
		Florida black bear (*Ursus americanus floridanus*)
		Florida coontie (*Zamia floridana*)
		Florida panther (*Puma concolor coryi*)
		Gopher frog (*Rana capito*)
		Gopher tortoise (*Gopherus polyphemus*)
		Red-cockaded woodpecker (*Picoides borealis*)
		Satinleaf (*Chrysophyllum olivaeforme*)
		Southeastern American kestrel (*Falco sparverius paulus*)

Table 2. (Continued)

FLUCFCS Code	Description	Potential Protected Species
4119 4119 E1 4119 E2 4119 E3 4119 E4*	Pine Flatwoods, Disturbed (0-100% Exotics)	Beautiful pawpaw (*Deeringothamnus pulchellus*)
		Big Cypress fox squirrel (*Sciurus niger avicennia*)
		Eastern indigo snake (*Drymarchon corais couperi*)
		Fakahatchee burmannia (*Burmannia flava*)
		Florida black bear (*Ursus americanus floridanus*)
		Florida coontie (*Zamia floridana*)
		Florida panther (*Puma concolor coryi*)
		Gopher frog (*Rana capito*)
		Gopher tortoise (*Gopherus polyphemus*)
		Red-cockaded woodpecker (*Picoides borealis*)
		Satinleaf (*Chrysophyllum olivaeforme*)
		Southeastern American kestrel (*Falco sparverius paulus*)
4169 4169 E1	Scrubby Pine Flatwoods, Disturbed (0-49% Exotics)	Gopher tortoise (*Gopherus polyphemus*)
4241*	Melaleuca, Hydric	N/A
427	Live Oak	Eastern indigo snake (*Drymarchon corais couperi*)
		Florida black bear (*Ursus americanus floridanus*)
		Florida panther (*Puma concolor coryi*)
		Hand adder's tongue fern (*Ophioglossum palmatum*)
		Simpson's stopper (*Myrcianthes fragrans* var. *simpsonii*)
		Twisted airplant (*Tillandsia flexuosa*)
4279 4279 E1	Live Oak, Disturbed (0-24% Exotics)	Eastern indigo snake (*Drymarchon corais couperi*)
		Florida black bear (*Ursus americanus floridanus*)
		Florida panther (*Puma concolor coryi*)
		Hand adder's tongue fern (*Ophioglossum palmatum*)
		Simpson's stopper (*Myrcianthes fragrans* var. *simpsonii*)
		Twisted airplant (*Tillandsia flexuosa*)
4349 4349 E1	Hardwood/Conifer Mix, Disturbed (0-24% Exotics)	N/A
439*	Mixed Exotics	N/A
525	Shallow Pond	American alligator (*Alligator mississippiensis*)
		Everglades mink (*Mustela vison evergladensis*)
		Limpkin (*Aramus guarauna*)
		Little blue heron (*Egretta caerulea*)
		Reddish egret (*Egretta rufescens*)
		Roseate spoonbill (*Platalea ajaja*)
		Snowy egret (*Egretta thula*)
		Tri-colored heron (*Egretta tricolor*)

Table 2. (Continued)

FLUCFCS Code	Description	Potential Protected Species
617	Mixed Wetland Hardwoods	Florida black bear (*Ursus americanus floridanus*)
		Florida panther (*Puma concolor coryi*)
		Gopher tortoise (*Gopherus polyphemus*)
		Limpkin (*Aramus guarauna*)
		Little blue heron (*Egretta caerulea*)
		Snowy egret (*Egretta thula*)
		Tri-colored heron (*Egretta tricolor*)
621	Cypress	American alligator (*Alligator mississippiensis*)
		Florida black bear (*Ursus americanus floridanus*)
		Florida panther (*Puma concolor coryi*)
		Limpkin (*Aramus guarauna*)
		Little blue heron (*Egretta caerulea*)
		Snowy egret (*Egretta thula*)
		Tri-colored heron (*Egretta tricolor*)
		Wood stork (*Mycteria americana*)
630	Mixed Wetland Forest	American alligator (*Alligator mississippiensis*)
		Everglades mink (*Mustela vison evergladensis*)
		Florida black bear (*Ursus americanus floridanus*)
		Florida panther (*Puma concolor coryi*)
		Gopher frog (*Rana capito*)
		Limpkin (*Aramus guarauna*)
		Little blue heron (*Egretta caerulea*)
		Snowy egret (*Egretta thula*)
		Tri-colored heron (*Egretta tricolor*)
		Wood stork (*Mycteria americana*)
6309	Mixed Wetland Forest, Disturbed	American alligator (*Alligator mississippiensis*)
		Everglades mink (*Mustela vison evergladensis*)
		Florida black bear (*Ursus americanus floridanus*)
		Florida panther (*Puma concolor coryi*)
		Gopher frog (*Rana capito*)
		Gopher tortoise (*Gopherus polyphemus*)
		Limpkin (*Aramus guarauna*)
		Little blue heron (*Egretta caerulea*)
		Snowy egret (*Egretta thula*)
		Tri-colored heron (*Egretta tricolor*)
		Wood stork (*Mycteria americana*)
641	Freshwater Marsh	American alligator (*Alligator mississippiensis*)
		Everglades mink (*Mustela vison evergladensis*)
		Everglade snail kite (*Rostrhamus sociabilis plumbeus*)
		Florida sandhill crane (*Grus canadensis pratensis*)
		Limpkin (*Aramus guarauna*)

Table 2. (Continued)

FLUCFCS Code	Description	Potential Protected Species
641	Freshwater Marsh (Continued)	Little blue heron (*Egretta caerulea*)
		Snowy egret (*Egretta thula*)
		Tri-colored heron (*Egretta tricolor*)
740*	Disturbed Land	N/A

*Habitat surveyed for the species noted, although not required per the LDC

PAI conducted protected species surveys on June 24, 2020; August 26 and 31, 2021; September 1, 2, 8, and 9, 2021; May 3, 2022; and July 25, 2023. Weather conditions during the survey periods were seasonal with partly cloudy to cloudy skies, temperatures ranging from the low 70s to the low 90s, and winds ranging between zero and 14 miles per hour.

The survey utilized linear belt and meandering pedestrian transects per the WilsonMiller, Inc. methodology. Visibility on the surveyed habitats varied due to the density of vegetation. A summary of the limits of visibility, total length of transects walked, and the percent coverage by habitat type is provided in Table 3. An aerial with the FLUCFCS overlay and approximate locations of walked transects is provided as Appendix B.

Table 3. Summary of Habitat Coverage

FLUCFCS Code	Description	Total Area (Acres ±)	Transect Length (Feet ±)	Average Visibility (Feet ±)*	Percent Coverage
180	Inactive Golf Course	35.92	14,082	50	90
182	Golf Course Under Construction	123.40	48,377	50	90
411	Pine Flatwoods	7.46	4,178	35	90
4119	Pine Flatwoods, Disturbed	16.56	9,274	35	90
4119 E1	Pine Flatwoods, Disturbed (0-24% Exotics)	8.10	4,536	35	90
4119 E2	Pine Flatwoods, Disturbed (25-49% Exotics)	0.65	481	25	85
4119 E3	Pine Flatwoods, Disturbed (50-75% Exotics)	4.17	4,844	15	80
4119 E4	Pine Flatwoods, Disturbed (76-100% Exotics)	2.00	3,485	10	80
4169	Scrubby Pine Flatwoods, Disturbed	56.81	30,049	35	85
4169 E1	Scrubby Pine Flatwoods, Disturbed (0-24% Exotics)	0.43	227	35	85
4241	Melaleuca, Hydric	2.76	1,277	40	85
427	Live Oak	0.12	56	40	85

Table 3. (Continued)

FLUCFCS Code	Description	Total Area (Acres ±)	Transect Length (Feet ±)	Average Visibility (Feet ±)*	Percent Coverage
4279	Live Oak, Disturbed	0.26	120	40	85
4279 E1	Live Oak, Disturbed (0-24% Exotics)	4.50	2,083	40	85
4349	Hardwood/Conifer Mixed, Disturbed	0.33	144	45	90
4349 E1	Hardwood/Conifer Mixed, Disturbed (0-24% Exotics)	1.17	510	45	90
439	Mixed Exotics	0.57	662	15	80
525	Shallow Pond	25.34	9,382	50	85
617	Mixed Wetland Hardwoods	13.31	7,040	35	85
621	Cypress	28.36	12,354	45	90
630	Mixed Wetland Forest	1.41	870	30	85
6309	Mixed Wetland Forest, Disturbed	27.31	25,280	20	85
641	Freshwater Marsh	8.10	5,293	30	90
740	Disturbed Land	1.92	883	45	95

*Average visibility to each side of transect

SURVEY RESULTS

Protected species surveys were conducted on the Project site June 24, 2020; August 26 and 31, 2021; September 1, 2, 8, and 9, 2021; May 3, 2022; and July 25, 2023. A total of 1 American alligator (*Alligator mississippiensis*), 424 gopher tortoise (*Gopherus polyphemus*) burrows, 3 gopher tortoises, 3 little blue herons (*Egretta caerulea*), and 2 snowy egrets (*Egretta thula*) were observed on the Project site during the protected species survey. The gopher tortoise and little blue heron are listed as threatened by the Florida Fish and Wildlife Conservation Commission (FWCC) (2021). The American alligator is listed as threatened by the FWCC due to similarity of appearance to the American crocodile (*Crocodylus acutus*). The snowy egret was delisted by the FWCC in January 2017 but is protected under Florida's Imperiled Species Management Plan 2016-2026. Additionally, one bald eagle (*Haliaeetus leucocephalus*) nest was observed on the property; however, there is no development proposed within the U.S. Fish and Wildlife Service and FWCC recommended 660-foot buffer protection zone for active and alternate bald eagle nests (FWCC 2008). The bald eagle has been delisted at the state and federal levels but is still protected under the Bald and Golden Eagle Protection Act and Lee County Bald Eagle Ordinance No. 08-25. The locations of observed Lee County protected species, bald eagle nest, and approximate walked survey transects are depicted on Appendix B. Due to the density of gopher tortoise burrows on the Project site, a separate map depicting the burrow locations is provided as Appendix C.

Of the 424 gopher tortoise burrows located during the protected species survey, 257 burrows were located within the development area. These burrows were previously excavated, and gopher tortoises were relocated to an FWCC-approved off-site recipient area, per FWCC Permit No. GT-22-00058B. This includes the three gopher tortoises observed within the development footprint during the protected species survey. The remaining 167 gopher tortoise burrows were located within the existing conservation area and were left undisturbed.

ABUNDANCE OF PROTECTED SPECIES OBSERVED

Density calculations are provided for each protected species documented within each habitat type. Separate calculations will be provided if more than one of the same protected species is observed within different habitat types. Please note that density estimates for wildlife species are only provided for Lee County protected species. Also, density estimates were not provided for those gopher tortoises and gopher tortoise burrows located within the development footprint since tortoises were previously relocated per FWCC Permit No. GT-22-00058B.

The protected species abundance calculations are provided in Table 4, while Table 5 summarizes the Protected Species Survey findings.

Table 4. Protected Species Abundance Calculations

$$\text{Protected Species Density} = \{n\,(C)/[L\,(W_1+W_2)]\}\ (43{,}560\ ft^2/ac)$$

Where n = number of individuals observed or active plus inactive gopher tortoise burrows
L = length of transect
W_1 = distance of visibility to the right of transect
W_2 = distance of visibility to the left of transect
C = gopher tortoise conversion factor (0.5)*

*Used for gopher tortoise calculation only. Conversion only applied when gopher tortoise burrow, not gopher tortoise itself, is documented.

<u>American Alligator (AA)</u>
FLUCFCS Code 182
$= \{1\ AA/[(48{,}377ft)\ (50\ ft + 50\ ft)]\}\ (43{,}560\ ft^2/ac)$
$= \{1/4{,}837{,}700\}\ (43{,}560\ ft^2/ac)$
$= \{2.1 \times 10^{-7}\ AA/ft^2\}\ (43{,}560\ ft^2/ac)$
= 0.009 American alligators/acre

<u>Gopher Tortoise (burrow) (GT)</u>
FLUCFCS Code 4169 E1
$= \{(163\ GT)(0.5)/[(30{,}049ft)\ (35\ ft + 35\ ft)]\}\ (43{,}560\ ft^2/ac)$
$= \{81.5/2{,}103{,}430\}\ (43{,}560\ ft^2/ac)$
$= (3.90 \times 10^{-5}\ GT\ burrows/ft^2)\ (43{,}560\ ft^2/ac)$
= 1.69 Gopher tortoise (burrows)/acre

Table 4. (Continued)

FLUCFCS Code 617
= {(1 GT)(0.5)/[(7,040ft) (35 ft + 35 ft)]} (43,560 ft^2/ac)
= {0.5/492,800} (43,560 ft^2/ac)
= (1.0x 10^{-6} GT burrows/ft^2) (43,560 ft^2/ac)
= 0.04 Gopher tortoise (burrows)/acre

FLUCFCS Code 6309
= {(3 GT)(0.5)/[(25,280ft) (20 ft + 20 ft)]} (43,560 ft^2/ac)
= {1.5/1,011,200} (43,560 ft^2/ac)
= (1.48x 10^{-6} GT burrows/ft^2) (43,560 ft^2/ac)
= 0.06 Gopher tortoise (burrows)/acre

Little Blue Heron (LBHE)
FLUCFCS Code 182
= {1 LBHE/[(48,377ft) (50 ft + 50 ft)]} (43,560 ft^2/ac)
= {1/4,837,700} (43,560 ft^2/ac)
= (2.1 x 10^{-7} LBHE/ft^2) (43,560 ft^2/ac)
= 0.009 Little blue herons/acre

FLUCFCS Code 525
= {2 LBHE/[(9,382ft) (50 ft + 50 ft)]} (43,560 ft^2/ac)
= {2/938,200} (43,560 ft^2/ac)
= (2.13 x 10^{-6} LBHE/ft^2) (43,560 ft^2/ac)
= 0.09 Little blue herons / acre

Snowy Egret (SNEG)
FLUCFCS Code 182
= {2 SNEG/[(48,377ft) (50 ft + 50 ft)]} (43,560 ft^2/ac)
= {2/4,837,700} (43,560 ft^2/ac)
= (4.13 x 10^{-7} SNEG/ft^2) (43,560 ft^2/ac)
= 0.02 Snowy egrets / acre

Table 5. Protected Species Survey Summary

Protected Species	FLUCFCS Code	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Reptiles and Amphibians					
American alligator (*Alligator mississippiensis*)	182	90	X		0.009
	525	90		X	
	621	90		X	
	630	85		X	
	6309	85		X	
	641	90		X	

Table 5. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Reptiles and Amphibians (Continued)					
Eastern indigo snake (*Drymarchon corais couperi*)	411	90		X	
	4119	90		X	
	4119 E1	90		X	
	4119 E2	85		X	
	4119 E3	80		X	
	4119 E4	80		X	
	427	85		X	
	4279	85		X	
	4279 E1	85		X	
Gopher frog (*Rana capito*)	411	90		X	
	4119	90		X	
	4119 E1	90		X	
	4119 E2	85		X	
	4119 E3	80		X	
	4119 E4	80		X	
	427	85		X	
	4279	85		X	
	4279 E1	85		X	
	630	85		X	
	6309	85		X	
Gopher tortoise (*Gopherus polyphemus*)	182	90	X		N/A
	411	90		X	
	4119	90		X	
	4119 E1	90		X	
	4119 E2	85		X	
	4119 E3	80		X	
	4119 E4	80		X	
	4169	85		X	
	4169 E1	85		X	
Gopher tortoise (burrows)	182	90			
	411	90			
	4119	90			
	4119 E1	90			
	4119 E2	85			
	4119 E3	80			
	4119 E4	80			
	4169	85	X		1.69
	4169 E1	85			

Table 5. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Reptiles and Amphibians (Continued)					
Gopher tortoise (burrows) (Continued)	617	85	X		0.04
	6309	85	X		0.06
Birds					
Everglade snail kite (*Rostrhamus sociabilis plumbeus*)	641	90		X	
Florida sandhill crane (*Grus canadensis pratensis*)	641	90		X	
Limpkin (*Aramus guarauna*)	525	85		X	
	617	85		X	
	621	90		X	
	630	85		X	
	6309	85		X	
	641	90		X	
Little blue heron (*Egretta caerulea*)	182	90	X		0.009
	525	85	X		0.09
	617	85		X	
	621	90		X	
	630	85		X	
	6309	85		X	
	641	90		X	
Reddish egret (*Egretta rufescens*)	525	85		X	
Roseate Spoonbill (*Platalea ajaja*)	525	85		X	
Red-cockaded woodpecker (*Picoides borealis*)	411	90		X	
	4119	90		X	
	4119 E1	90		X	
	4119 E2	85		X	
	4119 E3	80		X	
	4119 E4	80		X	
Snowy egret (*Egretta thula*)	182	90	X		0.26
	525	85		X	
	617	85		X	
	621	90		X	
	630	85		X	
	6309	85		X	
	641	90		X	

Table 5. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Birds (Continued)					
Southeastern American kestrel (*Falco sparverius paulus*)	411	90		X	
	4119	90		X	
	4119 E1	90		X	
	4119 E2	85		X	
	4119 E3	80		X	
	4119 E4	80		X	
Tri-colored heron (*Egretta tricolor*)	621	90		X	
	630	85		X	
	6309	85		X	
Wood stork (*Mycteria americana*)	525	85		X	
	621	90		X	
	630	85		X	
	6309	85		X	
	641	90		X	
Mammals					
Big Cypress fox squirrel (*Sciurus niger avicennia*)	411	90		X	
	4119	90		X	
	4119 E1	90		X	
	4119 E2	85		X	
	4119 E3	80		X	
	4119 E4	80		X	
Everglades mink (*Mustela vison evergladensis*)	525	90		X	
	641	90		X	
Florida black bear (*Ursus americanus floridanus*)	411	90		X	
	4119	90		X	
	4119 E1	90		X	
	4119 E2	85		X	
	4119 E3	80		X	
	4119 E4	80		X	
	427	85		X	
	4279	85		X	
	4279 E1	85		X	
	617	85		X	
	621	90		X	
	630	85		X	
	6309	85		X	
Florida panther (*Puma concolor coryi*)	411	90		X	
	4119	90		X	
	4119 E1	90		X	

Table 5. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Mammals (Continued)					
Florida panther (*Puma concolor coryi*) (Continued)	4119 E1	90		X	
	4119 E2	85		X	
	4119 E3	80		X	
	4119 E4	80		X	
	427	85		X	
	4279	85		X	
	4279 E1	85		X	
	617	85		X	
	621	90		X	
	630	85		X	
	6309	85		X	
Plants					
Beautiful pawpaw (*Deeringothamnus pulchellus*)	411	90		X	
	4119	90		X	
	4119 E1	90		X	
	4119 E2	85		X	
	4119 E3	80		X	
	4119 E4	80		X	
Fakahatchee burmannia (*Burmannia flava*)	411	90		X	
	4119	90		X	
	4119 E1	90		X	
	4119 E2	85		X	
	4119 E3	80		X	
	4119 E4	80		X	
Florida coontie (*Zamia floridana*)	411	90		X	
	4119	90		X	
	4119 E1	90		X	
	4119 E2	85		X	
	4119 E3	80		X	
	4119 E4	80		X	
Hand adder's tongue fern (*Ophioglossum palmatum*)	427	85		X	
	4279	85		X	
	4279 E1	85		X	
Satinleaf (*Chrysophyllum olivaeforme*)	411	90		X	
	4119	90		X	
	4119 E1	90		X	
	4119 E2	85		X	
	4119 E3	80		X	
	4119 E4	80		X	

Table 5. (Continued)

Protected Species	FLUCFCS Code	Percent Area Surveyed	Present	Absent	Density (Per Acre)
Plants (Continued)					
Simpson's stopper (*Myrcianthes fragrans*)	427	85		X	
	4279	85		X	
	4279 E1	85		X	
Twisted airplant (*Tillandsia flexuosa*)	427	85		X	
	4279	85		X	
	4279 E1	85		X	

MANAGEMENT PLAN

Before issuing a development order, a protected species management plan per Lee County LDC 10-474 will be prepared as part of the development review process for the Project. The protected species management plan will outline protection measures for the protected species documented on the Project site.

REFERENCES

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

Florida Department of Agriculture and Consumer Services. Florida's Federally Listed Plant Species. Chapter 5B-40, F.A.C.

APPENDIX A

AERIAL WITH FLUCFCS AND WETLANDS

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
180	INACTIVE GOLF COURSE	35.92 Ac.±	8.3%
182	GOLF COURSE UNDER CONSTRUCTION	123.40 Ac.±	28.6%
411	PINE FLATWOODS	7.46 Ac.±	1.7%
4119	PINE FLATWOODS, DISTURBED	16.56 Ac.±	3.8%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	8.10 Ac.±	1.9%
4119 E2	PINE FLATWOODS, DISTURBED (25-49% EXOTICS)	0.65 Ac.±	0.2%
4119 E3	PINE FLATWOODS, DISTURBED (50-75% EXOTICS)	4.17 Ac.±	1.0%
4119 E4	PINE FLATWOODS, DISTURBED (76-100% EXOTICS)	2.00 Ac.±	0.5%
4169	SCRUBBY PINE FLATWOODS, DISTURBED	56.81 Ac.±	13.2%
4169 E1	SCRUBBY PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	0.43 Ac.±	0.1%
4241	MELALEUCA, HYDRIC	2.76 Ac.±	0.6%
427	LIVE OAK	0.12 Ac.±	0.0%
4279	LIVE OAK, DISTURBED	0.26 Ac.±	0.1%
4279 E1	LIVE OAK, DISTURBED (0-24% EXOTICS)	4.50 Ac.±	1.0%
4349	HARDWOOD/CONIFER MIXED, DISTURBED	0.33 Ac.±	0.1%
4349 E1	HARDWOOD/CONIFER MIXED, DISTURBED (0-24% EXOTICS)	1.17 Ac.±	0.3%
439	MIXED EXOTICS	0.57 Ac.±	0.1%
525	SHALLOW POND	25.34 Ac.±	5.9%
617	MIXED WETLAND HARDWOODS	13.31 Ac.±	3.1%
621	CYPRESS	28.36 Ac.±	6.6%
630	MIXED WETLAND FOREST	1.41 Ac.±	0.3%
6309	MIXED WETLAND FOREST, DISTURBED	27.31 Ac.±	6.3%
641	FRESHWATER MARSH	8.10 Ac.±	1.9%
740	DISTURBED LAND	1.92 Ac.±	0.4%
	SFWMD CONSERVATION AREA	60.00 Ac.±	13.9%
	TOTAL	**430.93 Ac.±**	**100.0%**

LEGEND:

- WETLANDS (81.24 Ac.±)
- SURFACE WATERS (25.34 Ac.±)
- SFWMD CONSERVATION AREA (60.00 Ac.±)

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY - MARCH 2023.

PROPERTY BOUNDARY PER RVI, INC. DRAWING NO. 704203BNDY (2023-07-10).DWG DATED JULY 10, 2023.

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

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

THE LIMITS OF THE MELALEUCA, HYDRIC AREA (FLUCFCS CODE 4241) HAVE NOT BEEN REVIEWED BY AN REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

THE BALANCE OF THE PROJECT'S UPLAND/WETLAND LIMITS PER SFWMD ERP NO. 36-03813-P

REVISIONS	DATE

DRAWN BY E.K.	DATE 09/12/23
DESIGNED BY P.S.	DATE 09/12/23
REVIEWED BY S.J.	DATE 09/12/23

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

PASSARELLA & ASSOCIATES INC.
Consulting Ecologists

PELICAN LANDING MPD

AERIAL WITH FLUCFCS AND WETLANDS

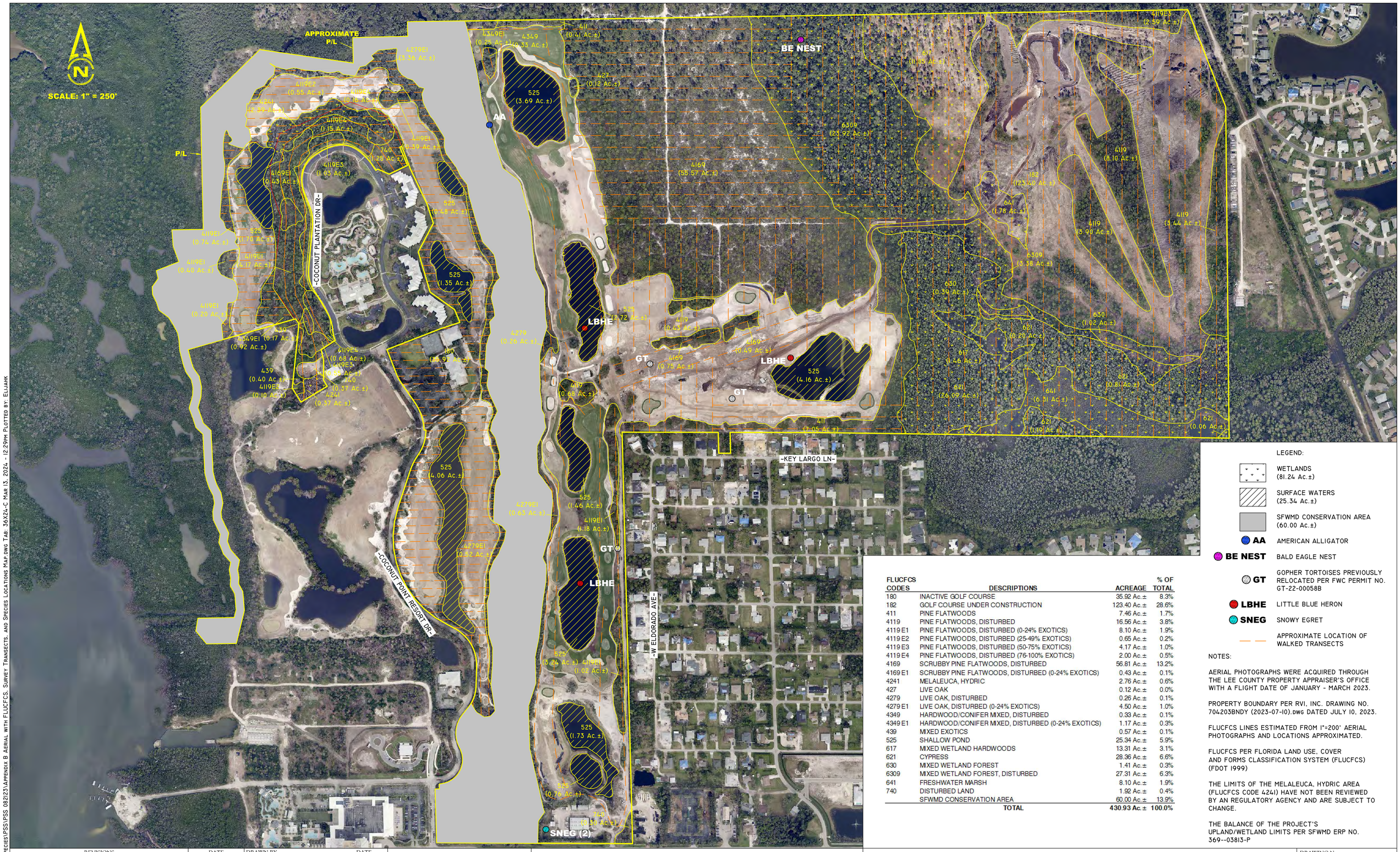
DRAWING No. 23LBR4024

SHEET No. APPENDIX A

J:\2023\23LBR4024\SPECIES\PSS\PSS 082123\APPENDIX A AERIAL WITH FLUCFCS AND WETLANDS MAP.DWG TAB: 36X24-C MAR 13, 2024 - 12:29PM PLOTTED BY: ELIJAHK

APPENDIX B

AERIAL WITH FLUCFCS, SURVEY TRANSECTS, AND SPECIES LOCATIONS MAP



FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
180	INACTIVE GOLF COURSE	35.92 Ac.±	8.3%
182	GOLF COURSE UNDER CONSTRUCTION	123.40 Ac.±	28.6%
411	PINE FLATWOODS	7.46 Ac.±	1.7%
4119	PINE FLATWOODS, DISTURBED	16.56 Ac.±	3.8%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	8.10 Ac.±	1.9%
4119 E2	PINE FLATWOODS, DISTURBED (25-49% EXOTICS)	0.65 Ac.±	0.2%
4119 E3	PINE FLATWOODS, DISTURBED (50-75% EXOTICS)	4.17 Ac.±	1.0%
4119 E4	PINE FLATWOODS, DISTURBED (76-100% EXOTICS)	2.00 Ac.±	0.5%
4169	SCRUBBY PINE FLATWOODS, DISTURBED	56.81 Ac.±	13.2%
4169 E1	SCRUBBY PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	0.43 Ac.±	0.1%
4241	MELALEUCA, HYDRIC	2.76 Ac.±	0.6%
427	LIVE OAK	0.12 Ac.±	0.0%
4279	LIVE OAK, DISTURBED	0.26 Ac.±	0.1%
4279 E1	LIVE OAK, DISTURBED (0-24% EXOTICS)	4.50 Ac.±	1.0%
4349	HARDWOOD/CONIFER MIXED, DISTURBED	0.33 Ac.±	0.1%
4349 E1	HARDWOOD/CONIFER MIXED, DISTURBED (0-24% EXOTICS)	1.17 Ac.±	0.3%
439	MIXED EXOTICS	0.57 Ac.±	0.1%
525	SHALLOW POND	25.34 Ac.±	5.9%
617	MIXED WETLAND HARDWOODS	13.31 Ac.±	3.1%
621	CYPRESS	28.36 Ac.±	6.6%
630	MIXED WETLAND FOREST	1.41 Ac.±	0.3%
6309	MIXED WETLAND FOREST, DISTURBED	27.31 Ac.±	6.3%
641	FRESHWATER MARSH	8.10 Ac.±	1.9%
740	DISTURBED LAND	1.92 Ac.±	0.4%
	SFWMD CONSERVATION AREA	60.00 Ac.±	13.9%
	TOTAL	**430.93 Ac.±**	**100.0%**

LEGEND:

- WETLANDS (81.24 Ac.±)
- SURFACE WATERS (25.34 Ac.±)
- SFWMD CONSERVATION AREA (60.00 Ac.±)
- **AA** AMERICAN ALLIGATOR
- **BE NEST** BALD EAGLE NEST
- **GT** GOPHER TORTOISES PREVIOUSLY RELOCATED PER FWC PERMIT NO. GT-22-00058B
- **LBHE** LITTLE BLUE HERON
- **SNEG** SNOWY EGRET
- APPROXIMATE LOCATION OF WALKED TRANSECTS

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY - MARCH 2023.

PROPERTY BOUNDARY PER RVI, INC. DRAWING NO. 704203BNDY (2023-07-10).DWG DATED JULY 10, 2023.

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

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

THE LIMITS OF THE MELALEUCA, HYDRIC AREA (FLUCFCS CODE 4241) HAVE NOT BEEN REVIEWED BY AN REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

THE BALANCE OF THE PROJECT'S UPLAND/WETLAND LIMITS PER SFWMD ERP NO. 369--03813-P

REVISIONS	DATE

		DATE
DRAWN BY	E.K.	08/29/23
DESIGNED BY	P.S.	08/29/23
REVIEWED BY	S.J.	08/29/23

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

PASSARELLA & ASSOCIATES INC.
Consulting Ecologists

PELICAN LANDING MPD

AERIAL WITH FLUCFCS, SURVEY TRANSECTS, AND SPECIES LOCATIONS MAP

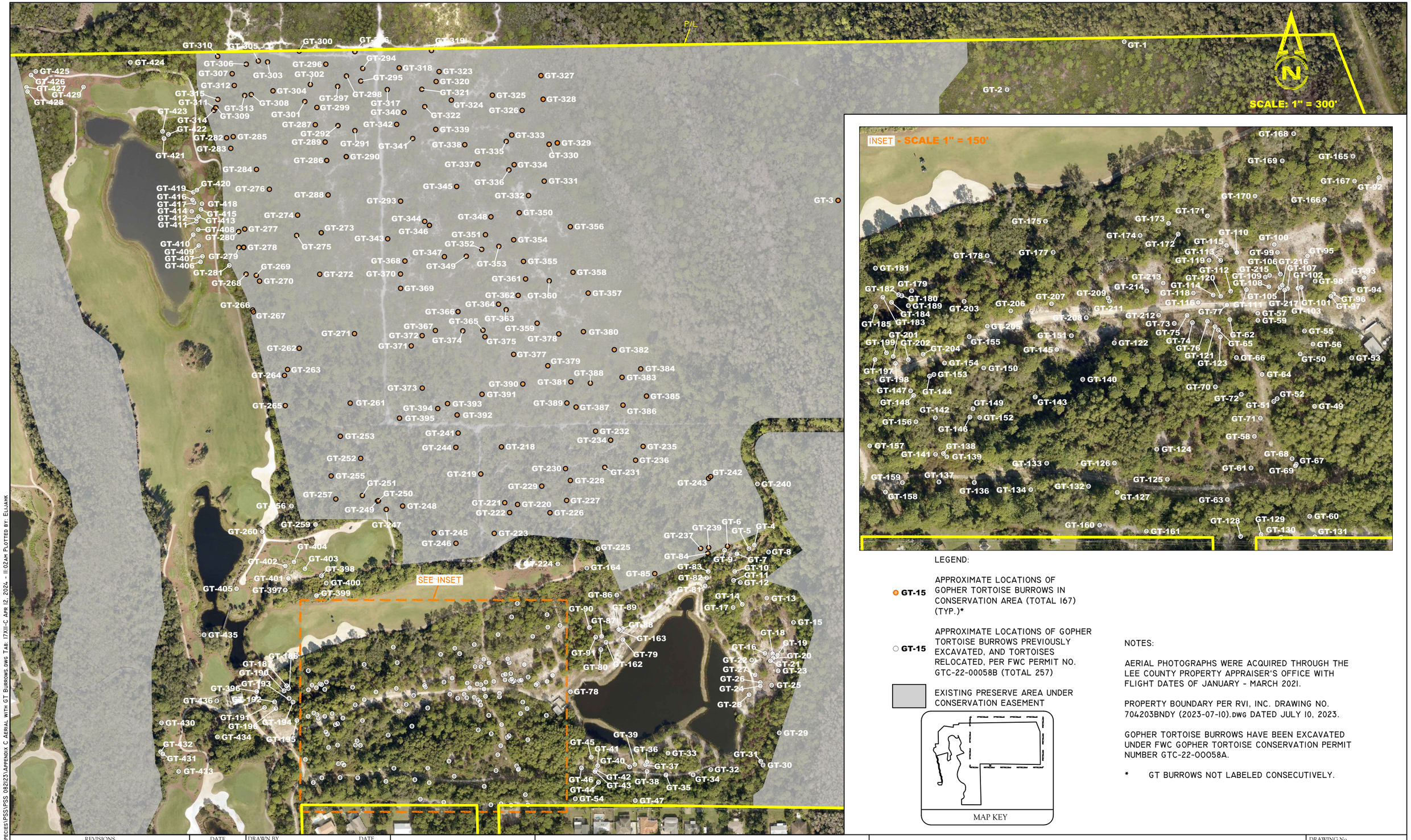
DRAWING No. 23LBR4024

SHEET No. APPENDIX B

J:\2023\23LBR4024\SPECIES\PSS\PSS 082123\APPENDIX B AERIAL WITH FLUCFCS, SURVEY TRANSECTS, AND SPECIES LOCATIONS MAP.DWG TAB: 36X24-C MAR 13, 2024- 12:29PM PLOTTED BY: ELIJAHK

APPENDIX C

AERIAL WITH GOPHER TORTOISE BURROWS



LEGEND:

GT-15 — APPROXIMATE LOCATIONS OF GOPHER TORTOISE BURROWS IN CONSERVATION AREA (TOTAL 167) (TYP.)*

GT-15 — APPROXIMATE LOCATIONS OF GOPHER TORTOISE BURROWS PREVIOUSLY EXCAVATED, AND TORTOISES RELOCATED, PER FWC PERMIT NO. GTC-22-00058B (TOTAL 257)

EXISTING PRESERVE AREA UNDER CONSERVATION EASEMENT

MAP KEY

NOTES:

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

PROPERTY BOUNDARY PER RVI, INC. DRAWING NO. 704203BNDY (2023-07-10).DWG DATED JULY 10, 2023.

GOPHER TORTOISE BURROWS HAVE BEEN EXCAVATED UNDER FWC GOPHER TORTOISE CONSERVATION PERMIT NUMBER GTC-22-00058A.

* GT BURROWS NOT LABELED CONSECUTIVELY.

REVISIONS	DATE	DRAWN BY E.K.	DATE 08/29/23	13620 Metropolis Avenue, Suite 200, Ft. Myers, FL 33912, Phone (239) 274-0067, Fax (239) 274-0069	PASSARELLA & ASSOCIATES INC. Consulting Ecologists	PELICAN LANDING MPD	DRAWING No. 23LBR4024
		DESIGNED BY P.S.	DATE 08/29/23			AERIAL WITH GOPHER TORTOISE BURROWS	SHEET No. APPENDIX C
		REVIEWED BY S.J.	DATE 08/29/23				

J:\2023\23LBR4024\SPECIES\PSS\PSS 08\23\APPENDIX C AERIAL WITH GT BURROWS.DWG TAB: 17X11-C APR 12, 2024 - 11:02AM PLOTTED BY: ELIJAHK

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

RAPTOR BAY GOLF COURSE RENOVATION INDIGENOUS PRESERVE AND PROTECTED SPECIES MANAGEMENT PLAN

Revised December 2022

Prepared For:

LBRaptor, LLC
2210 Vanderbilt Beach Road, Suite 1300
Naples, Florida 34109
(239) 449-1550

Prepared By:

Passarella & Associates, Inc.
13620 Metropolis Avenue, Suite 200
Fort Myers, Florida 33912
(239) 274-0067

Project No. 20LBR3290

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

TABLE OF CONTENTS

Page

1.0 Introduction 1

2.0 Existing Indigenous Vegetation Habitats 1

2.1 Indigenous Wetland Habitats 2
2.2 Indigenous Upland Habitats 2

3.0 Existing Non-Indigenous Vegetation Habitats 3

3.1 Non-Indigenous Wetland Habitats 3
3.2 Non-Indigenous Upland Habitats 4

4.0 Indigenous Vegetation Preserve and Enhancement 4

4.1 Methods to Remove and Control Exotic and Nuisance Plants 4
4.2 Debris Removal 6
4.3 Method and Frequency of Pruning and Trimming 6

5.0 Indigenous Vegetation Restoration 7

5.1 Removal of Exotics and Supplemental Plantings 7

6.0 Success Criteria 10

6.1 Indigenous Wetland and Upland Preserve and Enhancement Areas 10
6.2 Indigenous Wetland and Upland Restoration Areas 10

7.0 Monitoring Reports 11

8.0 Long-Term Management 11

9.0 Protected Species Management Plan 11

9.1 American Alligator Management Plan 12

9.1.1 Biology 12
9.1.2 Management Plan 12

9.2 Gopher Tortoise Management Plan 13

9.2.1 Biology 13
9.2.2 Management Plan 14

Table of Contents (Continued)

Page

9.3 Florida Sandhill Crane and Wading Bird Management Plan 14

9.3.1 Management Plan 15

9.4 Burrowing Owl Management Plan 15

9.4.1 Biology 15
9.4.2 Pre-Construction Surveys 16
9.4.3 Management Plan 16

9.5 Least Tern Management Plan 16

9.6 Bald Eagle Management Plan 17

9.6.1 Management Plan 17

9.7 Florida Black Bear Management Plan 17

9.7.1 Biology 17
9.7.2 Management Plan 18

9.8 Big Cypress Fox Squirrel Management Plan 18

9.8.1 Biology 18
9.8.2 Pre-Construction Surveys 19
9.8.3 Management Plan 19

9.9 Listed and Less Common Plant Species 19

10.0 Human-Wildlife Coexistence Plan 20

10.1 American Alligator 20
10.2 Wading Bird 20
10.3 Florida Black Bear 20

11.0 Preserve Signage 20

12.0 References 21

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

LIST OF TABLES

Page

Table 1. Prohibited Invasive Exotics 4

Table 2. Supplemental Indigenous Wetland Plantings 7

Table 3. Supplemental Indigenous Upland Plantings 8

Table 4. Temporary Road Restoration Planting List 10

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

LIST OF APPENDICES

Page

Appendix A. Project Location Map A-1

Appendix B. Aerial with FLUCFCS and Wetlands Map B-1

Appendix C. Aerial with Site Plan and Indigenous Preserve C-1

Appendix D. WilsonMiller's March 6, 2000 Proposed Reconfiguration of Pelican Landing DRI Eco-Park D-1

Appendix E. American Alligator Management and Preserve Signage E-1

Appendix F. American Alligator Informational Pamphlet F-1

Appendix G. Aerial with Site Plan and Gopher Tortoise Burrow Locations G-1

Appendix H. Wading Bird Informational Pamphlet H-1

Appendix I. Bald Eagle Management Plan for Nest LE-28A I-1

Appendix J. Florida Black Bear Informational Pamphlet J-1

1.0 INTRODUCTION

The following outlines the Lee County Indigenous Preserve and Protected Species Management Plan for Raptor Bay (Project) located in Sections 5 and 8, Township 47 South, Range 25 East, Lee County (Appendix A). This plan has been prepared to meet the requirements outlined in Section 10-415(b)(4) of the Lee County Land Development Code (LDC). The Project totals 306.89± acres and is located north of Coconut Road, approximately 1.5 miles west of U.S. 41 and approximately 2.28 miles south of Corkscrew Road. More specifically, the site is bordered to the north by West Bay Club; to the south by Coconut Road, El Dorado Acres, and Meadowbrook; to the east by an existing Florida Power & Light easement; and to the west by existing conservation lands, the Raptor Bay Golf Club, and the Hyatt Residence Club. Halfway Creek bisects the eastern portion of the Project.

The Project's preserve area totals 143.95± acres and was previously placed under conservation easement per South Florida Water Management District (SFWMD) and Florida Fish and Wildlife Conservation Commission (FWCC) requirements. The preserve area contains a mosaic of native forested and herbaceous upland and wetland habitats (Appendix B). The proposed conservation areas will contain the following:

- Preservation and enhancement of 61.54± acres of indigenous wetlands and 57.74± acres of indigenous uplands (existing forested and herbaceous habitats with less than 75 percent exotics).
- Restoration of 16.44± acres of indigenous wetlands and 6.74± acres of indigenous uplands through the removal of exotic vegetation (existing forested and herbaceous habitats with greater than 75 percent exotics) and supplemental plantings.
- Previously permitted golf cart path and bridge (1.49± acres).

The protected species management plan contained in this report pertains to the American alligator (*Alligator mississippiensis*), gopher tortoise (*Gopherus polyphemus*), listed wading birds, bald eagle (*Haliaeetus leucocephalus*), Florida black bear (*Ursus americanus floridanus*), and Big Cypress fox squirrel (*Sciurus niger avicennia*).

2.0 EXISTING INDIGENOUS VEGETATION HABITATS

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

The Project site includes 159.41± acres (combined pre-development wetland and upland acres) of existing indigenous native vegetation. The indigenous areas occur on-site as wetland and upland herbaceous and forested habitats with less than 75 percent coverage by exotics. These indigenous areas are surrounded by golf course and existing development. An aerial with Florida Land Use, Cover and Forms Classification System (FLUCFCS) is attached as Appendix B and depicts the existing indigenous wetland and upland vegetation communities.

The indigenous wetland habitats total 62.32± acres and consist mostly of mixed wetland hardwood, mixed wetland forests, cypress, and freshwater marsh habitats. The indigenous uplands total 97.09± acres and consist mostly of pine, pine flatwoods, and scrubby flatwood habitats.

A total of 119.28± acres (61.54± acres of wetlands and 57.74± acres of uplands) of indigenous vegetation will be preserved and enhanced. Listed below are the FLUCFCS descriptions of the indigenous wetland and upland habitats proposed for preservation and enhancement.

2.1 Indigenous Wetland Habitats

Mixed Wetland Hardwoods, Disturbed (0-24%) (FLUCFCS Code 6179 E1)
The canopy of this habitat type consists of scattered red maple (*Acer rubrum*), Carolina willow (*Salix caroliniana*), and bald cypress (*Taxodium distichum*). The sub-canopy contains buttonbush (*Cephalanthus occidentalis*), Carolina willow, red maple, and pond apple (*Annona glabra*). The ground cover contains swamp fern (*Telmatoblechnum serrulatum*), maidencane (*Panicum hemitomon*), West Indian marsh grass (*Hymenachne amplexicaulis*), and climbing hempvine (*Mikania scandens*).

Cypress, Disturbed (0-24%) (FLUCFCS Code 6219 E1)
The canopy of this habitat type includes bald cypress, scattered cabbage palm (*Sabal palmetto*), and widely scattered melaleuca (*Melaleuca quinquenervia*). The sub-canopy contains bald cypress, wax myrtle (*Morella cerifera*), buttonbush, pond apple, and scattered Brazilian pepper (*Schinus terebinthifolia*). The ground cover contains swamp fern, sawgrass (*Cladium jamaicense*), little blue maidencane (*Amphicarpum muhlenbergianum*), and widely scattered West Indian marsh grass.

Mixed Wetland Forest, Disturbed (25-49%) (FLUCFCS Code 6309 E2)
The canopy of this habitat type contains cabbage palm, bald cypress, Carolina willow, red maple, oak (*Quercus* sp.), and melaleuca. The sub-canopy contains bald cypress, cabbage palm, Carolina willow, buttonbush, and scattered pop ash (*Fraxinus caroliniana*) and Brazilian pepper. The ground cover contains swamp fern, maidencane, sawgrass, and red ludwigia (*Ludwigia repens*).

Freshwater Marsh, Disturbed (0-24%) (FLUCFCS Code 6419 E1)
The canopy and sub-canopy of this habitat type contain Carolina willow and pond apple on the edges. The ground cover contains cattail (*Typha* sp.), sawgrass, fireflag (*Thalia geniculata*), leather fern (*Acrostichum danaeifolium*), and maidencane.

2.2 Indigenous Upland Habitats

Pine Flatwoods, Disturbed (0-24%) (FLUCFCS Code 4119 E1)
The canopy of this habitat type includes slash pine (*Pinus elliottii*), melaleuca, and scattered cabbage palm and earleaf acacia (*Acacia auriculiformis*). The sub-canopy contains slash pine, melaleuca, twining snoutbean (*Rhynchosia tomentosa*), wax myrtle, myrsine (*Myrsine guianensis*), saltbush (*Baccharis halimifolia*), saw palmetto (*Serenoa repens*), dahoon holly (*Ilex cassine*), gallberry (*Ilex glabra*), Brazilian pepper, muscadine

grapevine (*Vitis rotundifolia*), climbing cassia (*Senna pendula*) and scattered cabbage palm and earleaf acacia. The ground cover is dominated by saw palmetto.

Scrubby Flatwoods (0-24%) (FLUCFCS Code 4169 E1)
The canopy of this habitat type contains scattered slash pine and sand live oak (*Quercus geminata*). The sub-canopy contains myrtle oak (*Quercus myrtifolia*), Chapman's oak (*Quercus chapmanii*), sand live oak, dahoon holly, rosemary (*Ceratiola ericoides*), gallberry, staggerbush (*Lyonia fruticosa*), fetterbush (*Lyonia lucida*), tarflower (*Bejaria racemosa*), saw palmetto, and widely scattered earleaf acacia. The ground cover contains saw palmetto, muscadine grapevine, prickly pear (*Opuntia* sp.), pawpaw (*Asimina* sp.), and wiregrass (*Aristida stricta*).

3.0 EXISTING NON-INDIGENOUS VEGETATION HABITATS

Approximately 147.48± acres of the Project site consist of vegetation communities and land cover types that do not meet the LDC's definition of indigenous vegetation. The non-indigenous areas are predominantly golf course, hydric melaleuca, excavated ponds, and forested habitats with greater than 75 percent exotics. Existing non-indigenous wetlands on the site total 31.99± acres and consist of melaleuca areas, excavated ponds, and wetland habitats with greater than 75 percent coverage by exotics, primarily Brazilian pepper and melaleuca. Non-indigenous uplands on the Project site total 115.49± acres and consist primarily of golf course, disturbed land, and pine flatwoods with greater than 75 percent exotics. The non-indigenous wetland and upland vegetation communities are depicted in Appendix B.

A total of 23.18± acres (16.44± acres of wetlands and 6.74± acres of uplands) with greater than 75 percent exotics will be restored. Listed below are the FLUCFCS descriptions of the non-indigenous areas proposed for restoration.

3.1 Non-Indigenous Wetland Habitats

Melaleuca, Hydric (FLUCFCS Code 4241)
The canopy of this habitat type contains melaleuca, dahoon holly, and widely scattered slash pine. The sub-canopy contains melaleuca, Brazilian pepper, dahoon holly, earleaf acacia, slash pine, saw palmetto, and myrsine. The ground cover contains swamp fern, royal fern (*Osmunda regalis*), Japanese climbing fern (*Lygodium japonicum*), rosy camphorweed (*Pluchea baccharis*), gulfdune paspalum (*Paspalum monostachyum*), beaksedge (*Rhynchospora microcarpa*), and scattered wiregrass and saw palmetto.

Exotics Wetland Hardwoods (FLUCFCS Code 619)
The canopy and sub-canopy of this habitat type contain Brazilian pepper, climbing cassia, and widely scattered cabbage palm. The ground cover is mostly open with Brazilian pepper sprouts.

Cypress, Disturbed (76-100%) (FLUCFCS Code 6219 E4)
This habitat type is similar to FLUCFCS Code 6219 E1, but contains 76 to 100 percent melaleuca in the canopy and sub-canopy.

Mixed Wetland Forest, Disturbed (76-100%) (FLUCFCS Code 6309 E4)
This habitat type is similar to FLUCFCS Code 6309 E2, but contains 76 to 100 percent melaleuca in the canopy and sub-canopy.

3.2 Non-Indigenous Upland Habitats

Pine Flatwoods, Disturbed (76-100%) (FLUCFCS Code 4119 E4)
This habitat type is similar to FLUCFCS Code 4119 E1, but contains 76 to 100 percent melaleuca in the canopy and downy rose-myrtle (*Rhodomyrtus tomentosa*) in the sub-canopy.

4.0 INDIGENOUS VEGETATION PRESERVE AND ENHANCEMENT

A total of 119.28± acres (61.54± acres of wetlands and 57.74± acres of uplands) with less than 75 percent existing exotic vegetation will be preserved and enhanced by the hand-removal/treatment of exotic and nuisance species. The locations of the indigenous preservation areas are shown on Appendix C.

4.1 Methods to Remove and Control Exotic and Nuisance Plants

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

Table 1. Prohibited Invasive Exotics

Common Name	Scientific Name
Air potato	*Dioscorea alata*
Australian pines	All *Casuarina* species
Bishopwood	*Bischofia javanica*
Brazilian pepper	*Schinus terebinthifolia*
Carrotwood	*Cupaniopsis anacardioides*
Chinese tallow	*Sapium sebiferum*
Cork tree	*Thespesia populnea*
Cuban laurel fig	*Ficus microcarpa*
Downy rose-myrtle	*Rhodomyrtus tomentosus*
Earleaf acacia	*Acacia auriculiformis*
Japanese climbing fern	*Lygodium japonicum*
Java plum	*Syzygium cumini*

Table 1. (Continued)

Common Name	Scientific Name
Melaleuca	*Melaleuca quinquenervia*
Murray red gum	*Eucalyptus camaldulensis*
Old World climbing fern	*Lygodium microphyllum*
Rose apple	*Syzygium jambos*
Rosewood	*Dalbergia sissoo*
Tropical soda apple	*Solanum viarum*
Wedelia	*Wedelia trilobata*
Weeping fig	*Ficus benjamina*
Woman's tongue	*Albizia lebbeck*

Exotic vegetation removal activities will be coordinated with Lee County's Department of Community Development (DCD) staff and will be conducted prior to the issuance of a Certificate of Compliance for the development. Exotic vegetation removal methods will be conducted using hand-removal methods consistent with the previously approved WilsonMiller Habitat Management Plan (See Section 6.0 of Appendix D). This includes the following for the wetland portions of the preserve:

- Wetland habitats will be initially managed by removing exotic and nuisance plant species (primarily melaleuca, Brazilian pepper, and downy rose-myrtle). Exotic eradication and maintenance will be accomplished via hand removal; no mechanized clearing or use of heavy equipment will occur within wetland conservation areas. Hand removal exotic clearing methods will include the use of implements such as chainsaws, axes, and machetes to cut down exotic vegetation. Vehicles such as trucks, trailers, and chippers to process the debris will also be used.

- Plants that are visible 50 feet from the conservation area perimeter will be cut down and removed from the mitigation area. Stumps of cut plants will be chemically treated within 15 minutes of cutting. Debris generated during this phase of removal will be temporarily stockpiled in adjacent upland areas for later burning, chipping/spreading, or transport off-site for disposal. If utilized, chipping will be conducted within the development footprint and not within the preserve areas. Chipped material will be burned on-site or hauled off-site for disposal.

- Interior plants (>50 feet from conservation area perimeter) will primarily be eradicated by chemical treatment of standing trees in order to minimize disruption and impacts to existing native wetland vegetation. Smaller individuals will be eradicated through completed removal, cut and treat, or foliar herbicidal treatment. Only Environmental Protection Agency-approved herbicides will be utilized, and a visual tracer dye will be added if not already contained in the specific herbicide mixture. All herbicides will be applied in accordance with label specifications. Such applications will be conducted by or under the direction of an appropriately licensed applicator. Felled material that

is not removed from the interior of conservation areas will be handled in general accordance with the SFWMD publication Draft Guidelines for Melaleuca Removal date September 14, 1998.

- On-going control of undesirable species will be via directed herbicide applications, physical uprooting, or a combination of these methods. Ongoing maintenance will consist solely of hand-removal; no heavy equipment will be operated within conservation areas.

- During prescribed burning of upland areas of the Eco-Park, appropriate steps will be taken to ensure that site wetlands are not unduly damaged by fire (e.g., installing fire breaks, back-burning, executing burns under climatic conditions when wetland vulnerability to fire is minimized, etc.)

For clarification, vehicles utilized to process vegetative debris such as trucks, trailers, and chippers will be kept outside of the preserve area. In addition, no stockpiling of vegetative debris will occur within the preserve. Exotic vegetation that has been removed from the preserve will be stockpiled within the Project's development footprint.

Exotic vegetation removal activities in the upland portions of the preserve will utilize similar hand removal methods consistent with Gopher Tortoise Incidental Take Permit (ITP) No. LEE-9, which is attached to Appendix D.

4.2 Debris Removal

The preserve areas will be inspected annually for trash/garbage. Any trash/garbage located within the preserve areas will be removed and disposed of by hand.

4.3 Method and Frequency of Pruning and Trimming

Exotic removal is scheduled to begin after the applicable permits and approvals have been attained. After the initial removal of exotics, semi-annual inspections of the preserves will occur for the first two years. During these inspections, the Project area will be traversed by a qualified ecologist. Locations of nuisance and/or exotic species will be identified for immediate treatment with an appropriate herbicide. Any additional potential problems will also be noted and corrective actions taken. Once exotic/nuisance species levels have been reduced to acceptable limits (i.e., less than five percent cover), inspections of the Project area will be conducted annually.

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

As specified in Gopher Tortoise ITP No. LEE-9, maintenance in the upland preserve areas will involve a combination of mechanical treatment, selective hand clearing, and/or prescribed burning. Mechanical treatment method would include mowing and bush

hogging, which would be conducted when daytime temperatures are below 75 degrees Fahrenheit. Hand pruning or clearing of midstory vegetation could occur as necessary to control overgrowth. Removal of all or parts of larger trees may be performed in order to increase or maintain sunlight penetration to ground level. The frequency of maintenance activities specific to xeric scrub and pine flatwoods habitats is outlined in Gopher Tortoise ITP No. LEE-9, which is attached to Appendix D.

5.0 INDIGENOUS VEGETATION RESTORATION

Restoration and re-establishment of indigenous vegetation communities will be conducted in areas with greater than 75 percent coverage by exotic vegetation within the conservation areas. Restoration activities will include 23.18± acres of exotic removal and supplemental plantings within areas containing greater than 75 percent coverage by exotic vegetation. The restoration area locations are shown on Appendix C.

In addition to restoring the wetland and upland areas containing 75 percent coverage by exotic vegetation, the temporary road needed to construct the golf cart path and gain access to the eastern portion of the site will be restored with native vegetation plantings once construction is completed.

5.1 Removal of Exotics and Supplemental Plantings

Approximately 16.44± acres of wetlands and 6.74± acres of uplands with greater than 75 percent exotics will be restored by the removal of exotic species and supplemental plantings of native vegetation. Following the removal of exotics, supplemental wetland plantings will be installed in the 16.44± acres of wetland habitats. Wetland plantings will be selected based on the type of native vegetation that occurs in the adjacent or nearby wetland habitats. Tree, shrub, and ground cover species will be planted according to the specifications in Table 2. A minimum of three tree species, two shrub species, and five ground cover species will be planted. The species selected for planting will depend on market availability at the time the plantings are to occur. Additional tree, shrub, and ground cover species may be included in the planting table with approval from Lee County staff.

Table 2. Supplemental Indigenous Wetland Plantings

Common Name	Scientific Name	Minimum Height	Container Size	Planting Instruction (On Center)
Trees (minimum three species)				
Bald cypress	*Taxodium distichum*	5 ft.	3 gal.	15 ft.
Cabbage palm	*Sabal palmetto*	5 ft.	3 gal.	15 ft.
Dahoon holly	*Ilex cassine*	5 ft.	3 gal.	15 ft.
Laurel oak	*Quercus laurifolia*	5 ft.	3 gal.	15 ft.
Pond apple	*Annona glabra*	5 ft.	3 gal.	15 ft.
Red maple	*Acer rubrum*	5 ft.	3 gal.	15 ft.
Slash pine	*Pinus elliottii*	5 ft.	3 gal.	15 ft.
Swamp bay	*Persea palustris*	5 ft.	3 gal.	15 ft.

Table 2. (Continued)

Common Name	Scientific Name	Minimum Height	Container Size	Planting Instruction (On Center)
Shrubs (minimum two species)				
Buttonbush	*Cephalanthus occidentalis*	3 ft.	1 gal.	10 ft.
Gallberry	*Ilex glabra*	3 ft.	1 gal.	10 ft.
Myrsine	*Myrsine guianensis*	3 ft.	1 gal.	10 ft.
Saltbush	*Baccharis* sp.	3 ft.	1 gal.	10 ft.
Wax myrtle	*Morella cerifera*	3 ft.	1 gal.	10 ft.
Ground Cover (minimum five species)				
Alligator flag	*Thalia geniculata*	12 in.	1 gal.	3 ft.
Arrowhead	*Sagittaria lancifolia*	12 in.	1 gal.	3 ft.
Blue flag iris	*Iris virginica*	12 in.	1 gal.	3 ft.
Blue maidencane	*Amphicarpum muhlenbergianum*	12 in.	1 gal.	3 ft.
Golden canna	*Canna flaccida*	12 in.	1 gal.	3 ft.
Gulfdune paspalum	*Paspalum monostachyum*	12 in.	1 gal.	3 ft.
Maidencane	*Panicum hemitomon*	12 in.	1 gal.	3 ft.
Muhly grass	*Muhlenbergia capillaris*	12 in.	1 gal.	3 ft.
Pickerelweed	*Pontederia cordata*	12 in.	1 gal.	3 ft.
Sand cordgrass	*Spartina bakeri*	12 in.	1 gal.	3 ft.
Sawgrass	*Cladium jamaicense*	12 in.	1 gal.	3 ft.
Soft-stem bulrush	*Scirpus validus*	12 in.	1 gal.	3 ft.
Spikerush	*Eleocharis interstincta*	12 in.	1 gal.	3 ft.
Swamp fern	*Telmatoblechnum serrulatum*	12 in.	1 gal.	3 ft.

Following the removal of exotics, supplemental upland plantings will be installed in the 6.74± acres of upland habitats. Upland plantings will be selected based on the type of native vegetation that occurs in the adjacent or nearby upland habitats. Upland tree, shrub, and ground cover plantings will be installed according to the specifications listed in Table 3. A minimum of three tree species, two shrub species, and four ground cover species will be planted. The species selected for planting will depend on market availability at the time the plantings are to occur. Additional tree, shrub, and ground species may be included in the planting table with approval from Lee County staff.

Table 3. Supplemental Indigenous Upland Plantings

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Density (On Center)
Trees (minimum three species)				
Cabbage palm	*Sabal palmetto*	5 ft.	3 gal	15 ft.
Dahoon holly	*Ilex cassine*	3 ft.	1 gal.	15 ft.
Laurel oak	*Quercus laurifolia*	5 ft.	3 gal.	15 ft.
Live oak	*Quercus virginiana*	5 ft.	3 gal.	15 ft.
Slash pine	*Pinus elliottii* var. *densa*	5 ft.	3 gal.	15 ft.

Table 3. (Continued)

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Density (On Center)
Shrubs (minimum two species)				
Cocoplum	*Chrysobalanus icaco*	3 ft.	1 gal.	10 ft.
Gallberry	*Ilex glabra*	3 ft.	1 gal.	10 ft.
Myrsine	*Myrsine guianensis*	3 ft.	1 gal.	10 ft.
Rusty lyonia	*Lyonia ferruginea*	3 ft.	1 gal.	10 ft.
Saltbush	*Baccharis halimifolia*	3 ft.	1 gal.	10 ft.
Saw palmetto	*Serenoa repens*	3 ft.	1 gal.	10 ft.
Ground Cover (minimum four species)				
Chalky bluestem	*Andropogon virginicus* var. *glaucus*	12 in.	2 in.	5 ft.
Gulfdune paspalum	*Paspalum monostachyum*	12 in.	2 in.	3 ft.
Little blue maidencane	*Amphicarpum muhlenbergianum*	12 in.	2 in.	3 ft.
Muhly grass	*Muhlenbergia capillaris*	12 in.	2 in.	5 ft.
Sand cordgrass	*Spartina bakeri*	12 in.	2 in.	5 ft.
Wiregrass	*Aristida stricta*	12 in.	2 in.	3 ft.

In addition to restoring the wetland and upland areas containing 75 percent coverage by exotic vegetation, a 0.82± acre temporary road, needed to construct the Halfway Creek golf cart path and gain access to the eastern portion of the site, will be restored with native vegetation plantings once construction is completed. The approximate location of the temporary road is located within the area depicted as cart path on Appendix C; however, specific details of this area are included in the engineering plans prepared by Waldrop Engineering, P.A., provided under separate cover.

Florida Department of Transportation No. 1 Coarse aggregate, or approved equivalent, will be used to create the temporary access road. After construction is completed, and prior to the Golf Course receiving the final Certificate of Compliance from Lee County, the No. 1 Coarse aggregate will be removed and replaced with in-situ like soil material to ensure survivability of indigenous vegetation plantings. Once the soil has been restored and ground surface leveled to match existing natural grade, plantings will be installed in accordance with the standards outlined in LDC Section 14-384. Replacement trees and shrubs must be nursery grown in a container. Trees must be no less than six feet in height and shrubs must be planted on no less than three-foot centers. Thus, 357 trees and 3,969 shrubs will be installed within the temporary road area based on a 0.82± acre planting area.

Tree plantings will consist of a minimum of three of the species included in Table 4 and shrub planting will consist of a minimum of two of the species included in Table 4. The species selected for planting will depend on market availability at the time the plantings are to occur.

Table 4. Temporary Road Restoration Planting List

Common Name	Scientific Name	Minimum Height	Container Size	Planting Instruction (On Center)
Trees (minimum three species)[1]				
Bald cypress	*Taxodium distichum*	6 ft.	3 gal.	10 ft.
Dahoon holly	*Ilex cassine*	6 ft.	3 gal.	10 ft.
Laurel oak	*Quercus laurifolia*	6 ft.	3 gal.	10 ft.
Pond apple	*Annona glabra*	6 ft.	3 gal.	10 ft.
Red maple	*Acer rubrum*	6 ft.	3 gal.	10 ft.
Slash pine	*Pinus elliottii*	6 ft.	3 gal.	10 ft.
Cabbage palm	*Sabal palmetto*	6 ft.	3 gal.	10 ft.
Swamp bay	*Persea palustris*	6 ft.	3 gal.	10 ft.
Swamp dogwood	*Cornus foemina*	6 ft.	3 gal.	10 ft.
Shrubs (minimum two species)[2]				
Buttonbush	*Cephalanthus occidentalis*	3 ft.	1 gal.	3 ft.
Gallberry	*Ilex glabra*	3 ft.	1 gal.	3 ft.
Myrsine	*Myrsine guianensis*	3 ft.	1 gal.	3 ft.
Wax myrtle	*Myrica cubana*	3 ft.	1 gal.	3 ft.

[1]Tree plantings total 357. A minimum of 25 percent of the tree plantings (89 trees) must be at least ten feet in height. In addition, 50 percent of the ten-foot trees (45 trees) must be slash pine.
[2]Shrub plantings total 3,969. Three-gallon shrubs may be substituted for one-gallon shrubs for a total of 1,323 shrub plantings.

6.0 SUCCESS CRITERIA

6.1 Indigenous Wetland and Upland Preserve and Enhancement Areas

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

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

6.2 Indigenous Wetland and Upland Restoration Areas

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

1. Initial eradication of exotic and nuisance vegetation will be completed.
2. Planting will be completed in the indigenous restoration areas.
3. A minimum 80 percent survival of tree and ground cover plantings after five years.

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

7.0 MONITORING REPORTS

Monitoring will be conducted annually for the conservation areas. Annual reports documenting the achievement of the enhancement and restoration activities will be submitted to the DCD. Annual monitoring reports will be provided for five years after the Certificate of Compliance has been issued by the DCD.

The monitoring reports will include documented exotic and nuisance species; mortality of vegetation; estimated causes of mortality; growth of the vegetation; hydrologic conditions of the wetland preserve areas including monitoring well hydrographs, wildlife observed, photographs, and factors that demonstrate the functional health of the conservation areas. A brief description of anticipated maintenance work to be conducted over the next year will also be included. In addition, monitoring reports will provide recommendations and/or corrective measures to address deficiencies observed, including impacts to wetland hydrology. Periodic inspections will be conducted by DCD staff to ensure the accuracy of the monitoring reports.

8.0 LONG-TERM MANAGEMENT

As stated in Section 1.0, the conservation area was previously placed under conservation easement granted to the SFWMD and the FWCC. The conservation easement will prevent the encroachment of future development, as well as activities that are incompatible with the goal of sustaining the preserved and restored conservation areas in good ecological health. Responsibility for long-term management of the conservation areas will shift to the long-term management entity following the completion of enhancement and restoration activities on-site. Long-term management of exotic and nuisance vegetation, debris removal, and methods and frequency of trimming and pruning will adhere to the requirement outlined in Section 4.0 of this plan.

9.0 PROTECTED SPECIES MANAGEMENT PLAN

Passarella & Associates, Inc. conducted a Lee County protected species survey on the Project site for six days between August 26 and September 9, 2021. The survey was conducted to meet the requirement of LDC Chapter 10, Article III, Division 8 (Protection of Habitat) Standards. Four protected species were documented during the August and September survey. The listed species and their sign (i.e., burrows) observed on the property include one American alligator, 3 little blue herons (*Egretta caerulea*), 2 snowy egrets (*Egretta thula*), 3 gopher tortoises, and 424 gopher tortoise burrows. Additionally, one bald eagle nest tree was identified in the property. The location of the bald eagle nest tree is depicted on Appendix C. Management activities for the bald eagle nest tree are included in Section 9.4 below.

9.1 American Alligator Management Plan

One American alligator was observed on the Project site during the protected species survey. Additionally, there is potential for American alligators to utilize the adjacent lakes associated with the golf course. The following plan outlines the protection guidelines that will be implemented for the American alligator during clearing operations for the Project. The American alligator is listed as threatened (due to similarity of appearance to the American crocodile (*Crocodylus acutus*)) by the U.S. Fish and Wildlife Service (USFWS) and the FWCC.

9.1.1 Biology

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

9.1.2 Management Plan

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

American alligator habitat will be provided on the property through wetland preservation and enhancement. This includes the removal of exotics and installation of native plantings in approximately 77.98± acres of existing wetlands on the property. These wetlands consist of mixed wetland hardwoods and marsh habitat

types. Invasive exotic removal and native plantings will result in wetland preserves that are more suitable to alligators and their prey species. The preserve areas will be maintained per Sections 4.0 and 8.0 of this plan.

Signs will be posted between the Project and the adjacent preserve areas, as well as around the adjacent lakes, to instruct construction workers, golfers, and maintenance staff not to feed or harass the American alligator. The sign will indicate that the offense is punishable by law (Appendix E).

Informational pamphlets providing background information on identification, habits, and protection of the American alligator will be made available to construction, management, and maintenance staff (Appendix F). The pamphlet states if there is a problem with a persistent nuisance alligator, they will need to contact the FWCC, as they are the only agency empowered to handle nuisance alligators.

9.2 Gopher Tortoise Management Plan

Three gopher tortoises and 424 gopher tortoise burrows were located on the Project site during the protected species survey. This includes 170 burrows located within Eco-Park and 254 burrows located within the Project's development footprint. The following plan outlines the management activities that will be implemented for the gopher tortoise prior to implementation of site clearing. The gopher tortoise is listed as threatened by the FWCC.

9.2.1 Biology

The gopher tortoise is a large, terrestrial turtle averaging 23 to 28 centimeters (9 to 11 inches) in shell length. Maximum length is around 38 centimeters (15 inches). The gopher tortoise is characterized by stumpy, elephantine hind feet and flattened; shovel-like forelimbs adapted for digging. The tan, brown, or gray carapace (top portion of the shell) is domed and oblong. The plastron (bottom portion of the shell) is somewhat concave in males. Growth annuli may be conspicuous, particularly in juveniles. Hatchlings are approximately 4.4 centimeters (1.7 inches) in length and are yellowish-orange in color.

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

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

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

9.2.2 Management Plan

The FWCC issued Gopher Tortoise ITP No. LEE-9 for the Pelican Landing Development, which includes the Project site, on August 29, 1995. The ITP allows for the on-site relocation of gopher tortoises to the Eco-Park preserve located within the western portion of the conservation area. However, due to the existing tortoise burrow density within Eco-Park, the opportunity for on-site relocation is limited. Therefore, the applicant will obtain a permit from the FWCC to relocate gopher tortoises located within the development footprint to an off-site, protected recipient site prior to site clearing activities. The recipient site will be approved by the FWCC and managed in perpetuity, consistent with FWCC's 2012 Gopher Tortoise Management Plan. Gopher tortoises located in Eco-Park will remain in the preserve.

Appendix G depicts the location of double row silt fence that will be installed between the golf course renovation area and on-site preserves to protect the gopher tortoises that will remain within the on-site preserve areas. The silt fence will be buried a minimum of eight inches beneath the ground surface in accordance with current FWCC standards. The use of wire fencing will not be utilized since it has been known to ensnare snakes and other small animals.

Management of on-site gopher tortoise habitat will be conducted in accordance with Section 4.0 of this plan.

9.3 Florida Sandhill Crane and Wading Bird Management Plan

Although no Florida sandhill crane (*Grus canadensis pratensis*) or wading bird nesting activity were observed on the site during the August and September 2021 protected species survey, three little blue herons and two snowy egrets were observed utilizing the Project site. The following management plan has been prepared for the purpose of addressing the management of potential Florida sandhill crane and wading bird habitat on the site.

9.3.1 Management Plan

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

The Project will enhance, restore, and preserve wetlands within the existing conservation area that provide foraging and roosting habitat for wading birds. In addition, the existing and proposed golf course lakes could potentially be utilized by wading birds for foraging and nesting.

Problematic encounters between future residents and wading birds are not anticipated. Construction, management, and maintenance staff will be informed that the wading birds are a protected species and will be provided with a wading bird informational brochure (Appendix H).

9.4 Burrowing Owl Management Plan

No burrowing owls (*Athene cunicularia*) were observed on-site during the Project's PSS or other fieldwork. However, there is potential for the species to be found in the open golf course lands on the Project site.

The following management plan outlines the protection guidelines that will be implemented for the burrowing owl if they are to be found on-site. The burrowing owl is listed as threatened by the FWCC.

9.4.1 Biology

The burrowing owl lives and breeds in varied habitats throughout the Florida peninsula with the primary natural habitat occurring in dry prairie and, during the dry season, the edges of depressional marshes. Presently, the burrowing owl inhabits several ruderal areas including pastures, golf courses, airports, athletic fields, school campuses, vacant areas in residential or industrial neighborhoods, and road Right-of-Ways (Hipes *et al* 2001). One of the largest sub-populations of burrowing owls is located on the Cape Coral peninsula in Lee County.

Burrowing owls nest and inhabit underground burrows that they excavate or adopt from other burrowing animals, such as gopher tortoises. Culverts, PVC pipes, and spaces underneath sidewalks and roofs also serve as nesting locations for the burrowing owl. Predominately, the burrowing owl is non-migratory and resides within the vicinity of the burrow. They are mostly monogamous and territorial

around their burrows. During the nesting season, burrows are adorned with various materials such as grasses and palm fronds before egg laying. Subsequent to the laying of eggs, the entrance to the burrow is decorated with highly visible, non-natural objects such as tinfoil and plastics.

In Southern Florida, the burrowing owl feeds primarily on the brown anole (*Anolis sagrei*), marine toad (*Bufo marinus*), and Cuban treefrog (*Osteopilus septentrionalis*). To a lesser extent, other amphibians, small rodents, insects, arachnids, and crayfish provide supplemental sustenance. The majority of foraging occurs at dusk, but they also will hunt from perches or burrow entrances during the day. Fence posts serve as a main source for perching (Wood 2001).

9.4.2 Pre-Construction Surveys

Prior to clearing activities, a qualified biologist will survey the construction impact area and adjacent habitats for the presence of owl burrows. Inactive (i.e., contains no eggs or flightless chicks) nest burrows within the proposed impact area will be removed with an FWCC permit and in accordance with State and Federal regulations. Nest burrows can generally be considered inactive from July 10 to February 15, although some nesting occurs as early as October each year. Between February 15 and July 10, burrows attended by one or more burrowing owls are considered active nests unless information is available to suggest otherwise (i.e., proof that young fledged from the nest prior to July 10). Burrows within the impact area that are determined to be active will be temporarily protected from clearing by a 50-foot radius of undisturbed buffer (staked and/or roped-off) until the young fledge, as confirmed by a qualified biologist. These burrows will then be removed, with an FWCC permit and in accordance with state regulations.

9.4.3 Management Plan

Efforts will be made to leave existing burrows undisturbed, where feasible. The owls, burrows, and their eggs are protected from harassment and/or disturbance by state law. Burrowing owls are also protected by the federal Migratory Bird Treaty Act. Golf course maintenance staff and construction personnel will be notified that the Florida burrowing owl is a protected species and instructed to report malicious destruction or harassment of burrowing owls or their nests to 888-404-FWCC (3922).

9.5 Least Tern Management Plan

No least terns (*Sterna antillarum*) were observed on-site during the Project's PSS or other fieldwork. However, there is potential for the species to occur on-site. The least tern is listed as threatened by FWCC.

While existing conditions on-site likely do not support least tern nesting, clearing associated with construction may create conditions favorable for beach-nesting colonies.

If least terns are observed nesting during construction or maintenance activities, FWCC staff will be notified and a buffer will be provided to the nest to avoid disturbance. Research conducted recommends a disturbance buffer of 180 meters (about 197 yards) for least tern nests (FWCC 2013). If maintaining a 180-meter buffer is not possible, FWCC staff will be contacted to discuss methods to reduce disturbance to the nest.

Problematic encounters with least terns are not anticipated. Construction personnel and maintenance staff will be informed that least terns are a protected species.

9.6 Bald Eagle Management Plan

One bald eagle nest (LE-028A) was observed on the Project site during the protected species survey. The bald eagle has been delisted at both the state and federal levels, but is still protected under the Bald and Golden Eagle Protection Act and Lee County Bald Eagle Ordinance No. 08-25. As such, management activities for the bald eagle nest are included below.

9.6.1 Management Plan

Nest LE-028A and its associated 330-foot and 660-foot buffer zones are located within the designated conservation area (Appendix C). Specifications regarding the treatment of exotic vegetation within 660 feet of LE-028A must follow the specific elements outlined in the Bald Eagle Management Plan for Nest LE-28A (Appendix I).

9.7 Florida Black Bear Management Plan

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

9.7.1 Biology

The Florida black bear is a subspecies of the American black bear (*Ursus americanus*). The Florida black bear is a solitary animal that inhabits heavily wooded terrain and is most often found in large tracts of swamp forest and undisturbed upland forest. Some of the most important habitat types for the Florida black bear include pine flatwoods, hardwood swamps, cypress swamps, cabbage palm forests, sand pine scrub, and mixed hardwood hammocks. Denning often occurs in remote swamps or thickets with dense vegetation. Adult females breed in alternating years during the months of June and July. In Florida, hibernation may be restricted to females producing cubs. Hibernation most often occurs during the winter months. The diet of Florida black bears is highly variable and includes both

plants and animals including saw palmetto, berries, honeybees (*Apis* sp.), ants (*Formicidae* sp.), armadillo (*Dasypus novemcinctus*), feral hog (*Sus scrofa*), and white-tailed deer (*Odocoileus virginianus*) (Humphrey 1992).

9.7.2 Management Plan

Problematic encounters between humans and black bears are not anticipated. However, to reduce the potential for problematic encounters, construction, management, and maintenance staff will be provided with FWCC's educational brochure titled "A Guide to Living in Bear Country" (Appendix J).

9.8 Big Cypress Fox Squirrel Management Plan

Though no Big Cypress fox squirrels were observed during the protected species survey, there is potential for them to utilize the forested habitats within the Project site. The following management plan has been prepared for the purpose of addressing the conservation of Big Cypress fox squirrel habitat on the Project site. The plan outlines the protection guidelines that will be implemented for the Big Cypress fox squirrel prior to, during, and after construction of the Project. The Big Cypress fox squirrel is listed as threatened by the FWCC. There is no federal listing for the Big Cypress fox squirrel in Florida.

9.8.1 Biology

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

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

Big Cypress fox squirrels are solitary animals. Interaction between animals occurs primarily during mating season. Mating chases occur frequently throughout the months of May through August. During the non-mating season, interactions are infrequent and often occur around food sources. Young remain in the nest for

approximately 90 days. Home ranges are 40 hectares (approximately 100 acres) for males and 20 hectares (approximately 50 acres) for females (Humphrey 1992).

9.8.2 Pre-Construction Surveys

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

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

9.8.3 Management Plan

Enhancement and restoration of the preserve areas will be conducted as detailed in Section 4.0 of this plan. The preserve areas will provide foraging and nesting habitats for Big Cypress fox squirrels.

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

9.9 Listed and Less Common Plant Species

Every effort will be made to relocate listed and other less common plant species located within the development footprint to open space and landscaped areas. This includes listed orchid and airplant species, Florida coontie (*Zamia integrifolia*), Catesby's lilies (*Lilium catesbaei*), leather fern, or cabbage palm with golden polypody (*Phlebodium aureum*) or

shoestring fern (*Vittaria lineata*). Methods will include the hand and/or mechanical relocation of these species, provided that it is safe and feasible to do so.

10.0 HUMAN-WILDLIFE COEXISTENCE PLAN

The following Human-Wildlife Coexistence Plans are provided for the American alligator, wading birds, and Florida black bear.

10.1 American Alligator

The FWCC's educational brochure entitled "A Guide to Living with Alligators" (Appendix F) will be provided to construction, management, and maintenance staff. The brochure can be found at http://myfwc.com/media/152524/Alligator_Brochure.pdf.

Construction, management, and maintenance personnel will be instructed that in the event there is a problem with a persistent nuisance alligator, they should contact the FWCC's Nuisance Alligator Hotline at 866-FWC-GATOR (866-392-4286). The FWCC is the only agency empowered to handle nuisance alligators.

10.2 Wading Bird

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

10.3 Florida Black Bear

Construction, management, and maintenance personnel will be educated about the presence of black bears in the area. The FWCC's educational brochure entitled "A Guide to Living in Bear Country" (Appendix J) will be provided to construction, management, and maintenance staff. This brochure can be found at https://myfwc.com/media/1891/livinginbearcountrybrochure.pdf.

11.0 PRESERVE SIGNAGE

Signage shall be placed around preserve areas to identify and protect the preserves during construction. The signs shall be a maximum height of four feet and a maximum size of two square feet, and otherwise comply with Section 5.06.00 of the LDC. Maximum sign spacing shall be 300 feet. Signs identifying the preserve as a "nature preserve area" will be installed along the boundary of the preserve. The signage should include language stating, "No dumping allowed." A typical preserve sign is attached as Appendix E.

12.0 REFERENCES

Florida Fish and Wildlife Conservation Commission. 2013. A species action plan for four imperiled species of beach-nesting birds. Tallahassee, Florida.

Florida Natural Areas Inventory. 2010. Guide to the natural communities of Florida: 2010 edition. Florida Natural Areas Inventory, Tallahassee, Florida.

Hipes, D., D.R. Jackson, K. NeSmith, D. Printiss, and K. Brandt. 2001. Field Guide to the Rare Animals of Florida. Florida Natural Areas Inventory, Tallahassee, Florida.

Humphrey, Stephen R. 1992. Rare and Endangered Biota of Florida; Volume I. Mammals. University Press of Florida, Gainesville, FL. 392 pages.

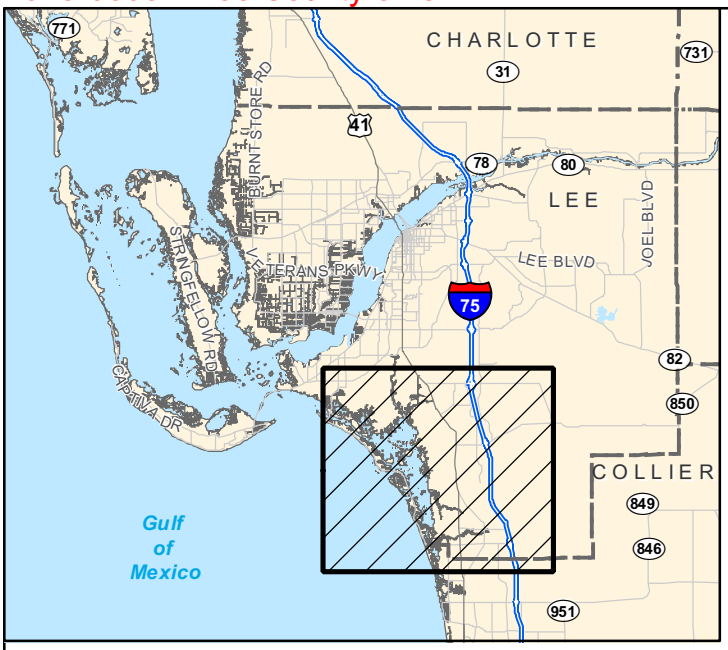
Rodgers, J.A., Jr., H.W. Kale II, H.T. Smith (*eds.*). 1996. Rare and Endangered Biota of Florida, Vol. V. Birds. University of Florida Press, Gainesville, Florida, USA.

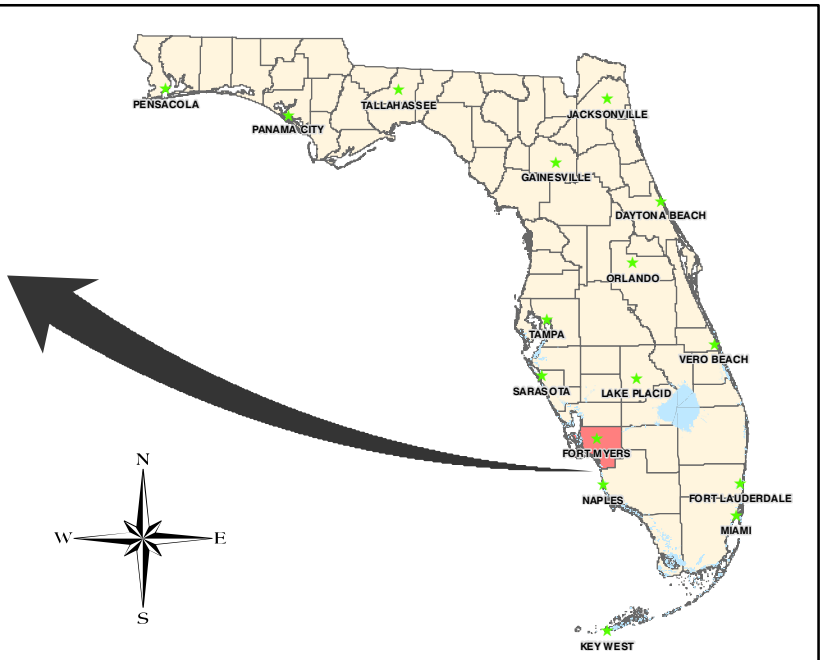
U.S. Fish and Wildlife Service. 1999. South Florida Multi-Species Recovery Plan.

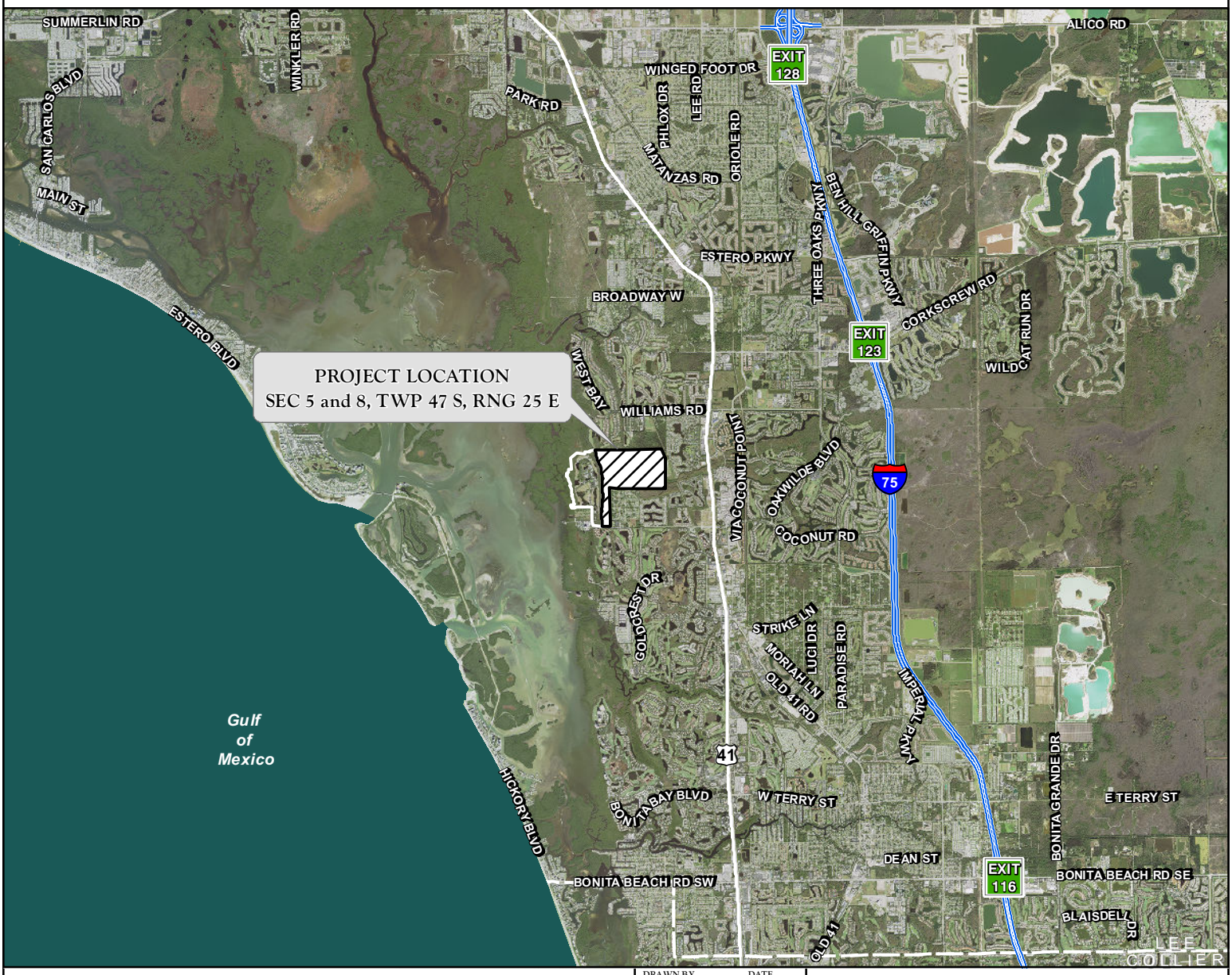
Wood, Don A. 2001. Florida's Fragile Wildlife Conservation and Management. University Press of Florida. Gainesville, FL.

APPENDIX A

PROJECT LOCATION MAP







J:\2020\20LBR3290\GIS\2021\INDIG_PRESERVE_AND_PROTECTED_SPECIES_MGMT_PLAN\APPENDICES\APPENDIX_A_PROJECT_LOCATION_MAP.MXD - 10/1/2021 @ 11:24:26 AM

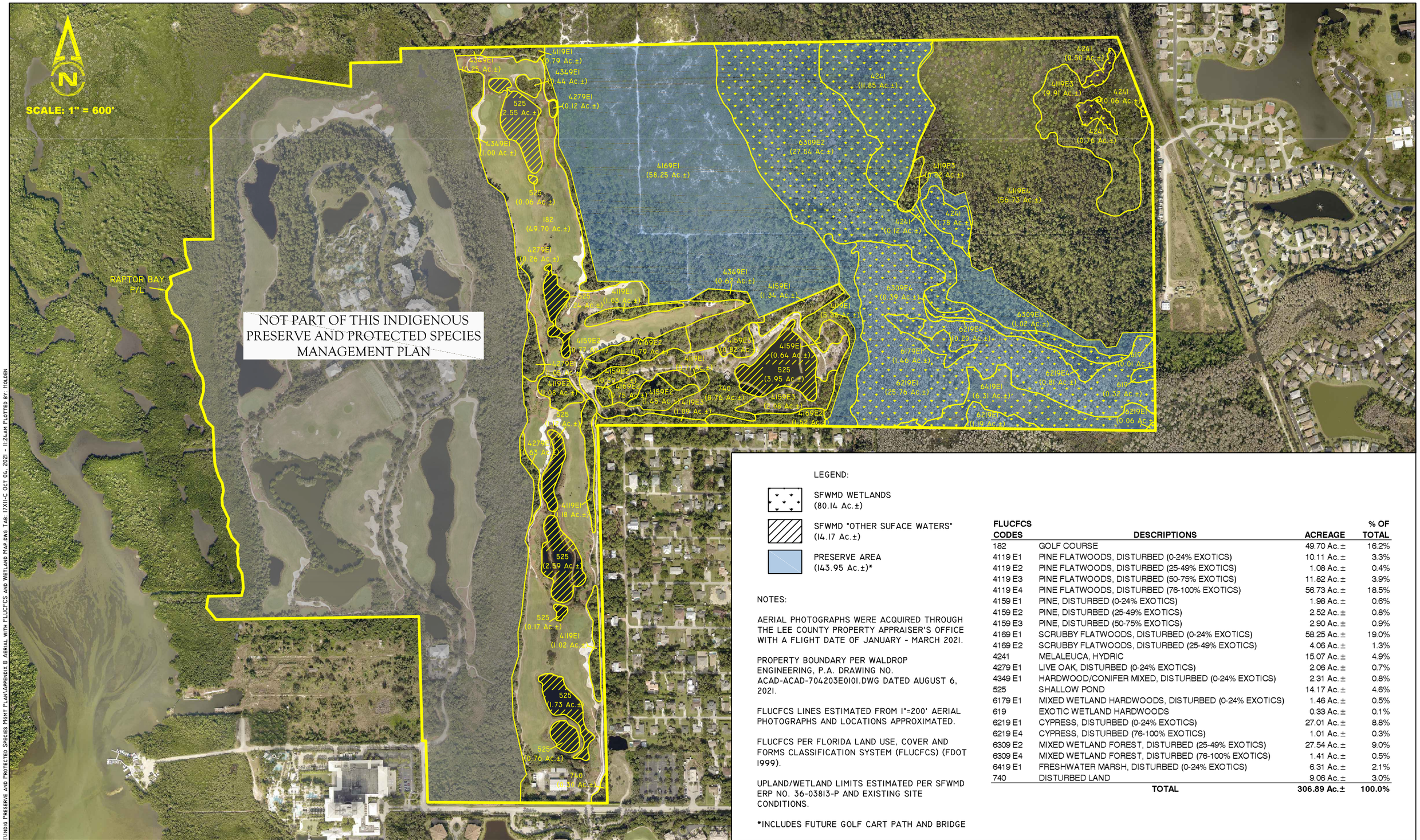
APPENDIX A. PROJECT LOCATION MAP
RAPTOR BAY GOLF COURSE RENOVATION

DRAWN BY	DATE
P.F.	09/22/21
REVIEWED BY	DATE
S.J.	09/22/21
REVISED	DATE

PASSARELLA & ASSOCIATES INC
Consulting Ecologists

APPENDIX B

AERIAL WITH FLUCFCS AND WETLANDS MAP



LEGEND:

- SFWMD WETLANDS (80.14 Ac.±)
- SFWMD "OTHER SUFACE WATERS" (14.17 Ac.±)
- PRESERVE AREA (143.95 Ac.±)*

NOTES:

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

PROPERTY BOUNDARY PER WALDROP ENGINEERING, P.A. DRAWING NO. ACAD-ACAD-704203E0101.DWG DATED AUGUST 6, 2021.

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

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

UPLAND/WETLAND LIMITS ESTIMATED PER SFWMD ERP NO. 36-03813-P AND EXISTING SITE CONDITIONS.

*INCLUDES FUTURE GOLF CART PATH AND BRIDGE

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
182	GOLF COURSE	49.70 Ac.±	16.2%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	10.11 Ac.±	3.3%
4119 E2	PINE FLATWOODS, DISTURBED (25-49% EXOTICS)	1.08 Ac.±	0.4%
4119 E3	PINE FLATWOODS, DISTURBED (50-75% EXOTICS)	11.82 Ac.±	3.9%
4119 E4	PINE FLATWOODS, DISTURBED (76-100% EXOTICS)	56.73 Ac.±	18.5%
4159 E1	PINE, DISTURBED (0-24% EXOTICS)	1.98 Ac.±	0.6%
4159 E2	PINE, DISTURBED (25-49% EXOTICS)	2.52 Ac.±	0.8%
4159 E3	PINE, DISTURBED (50-75% EXOTICS)	2.90 Ac.±	0.9%
4169 E1	SCRUBBY FLATWOODS, DISTURBED (0-24% EXOTICS)	58.25 Ac.±	19.0%
4169 E2	SCRUBBY FLATWOODS, DISTURBED (25-49% EXOTICS)	4.06 Ac.±	1.3%
4241	MELALEUCA, HYDRIC	15.07 Ac.±	4.9%
4279 E1	LIVE OAK, DISTURBED (0-24% EXOTICS)	2.06 Ac.±	0.7%
4349 E1	HARDWOOD/CONIFER MIXED, DISTURBED (0-24% EXOTICS)	2.31 Ac.±	0.8%
525	SHALLOW POND	14.17 Ac.±	4.6%
6179 E1	MIXED WETLAND HARDWOODS, DISTURBED (0-24% EXOTICS)	1.46 Ac.±	0.5%
619	EXOTIC WETLAND HARDWOODS	0.33 Ac.±	0.1%
6219 E1	CYPRESS, DISTURBED (0-24% EXOTICS)	27.01 Ac.±	8.8%
6219 E4	CYPRESS, DISTURBED (76-100% EXOTICS)	1.01 Ac.±	0.3%
6309 E2	MIXED WETLAND FOREST, DISTURBED (25-49% EXOTICS)	27.54 Ac.±	9.0%
6309 E4	MIXED WETLAND FOREST, DISTURBED (76-100% EXOTICS)	1.41 Ac.±	0.5%
6419 E1	FRESHWATER MARSH, DISTURBED (0-24% EXOTICS)	6.31 Ac.±	2.1%
740	DISTURBED LAND	9.06 Ac.±	3.0%
	TOTAL	**306.89 Ac.±**	**100.0%**

J:\2020\20LBR3290\2021\NDG PRESERVE AND PROTECTED SPECIES MGMT PLAN\APPENDIX B AERIAL WITH FLUCFCS AND WETLAND MAP.DWG TAB: 17X11-C OCT 04, 2021 - 11:24AM PLOTTED BY: HOLDEN

REVISIONS	DATE	DRAWN BY	DATE
		R.F.	09/27/21
		DESIGNED BY	DATE
		S.J.	09/27/21
		REVIEWED BY	DATE
		S.J.	09/27/21

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

Consulting Ecologists
PASSARELLA & ASSOCIATES INC

RAPTOR BAY GOLF COURSE RENOVATION

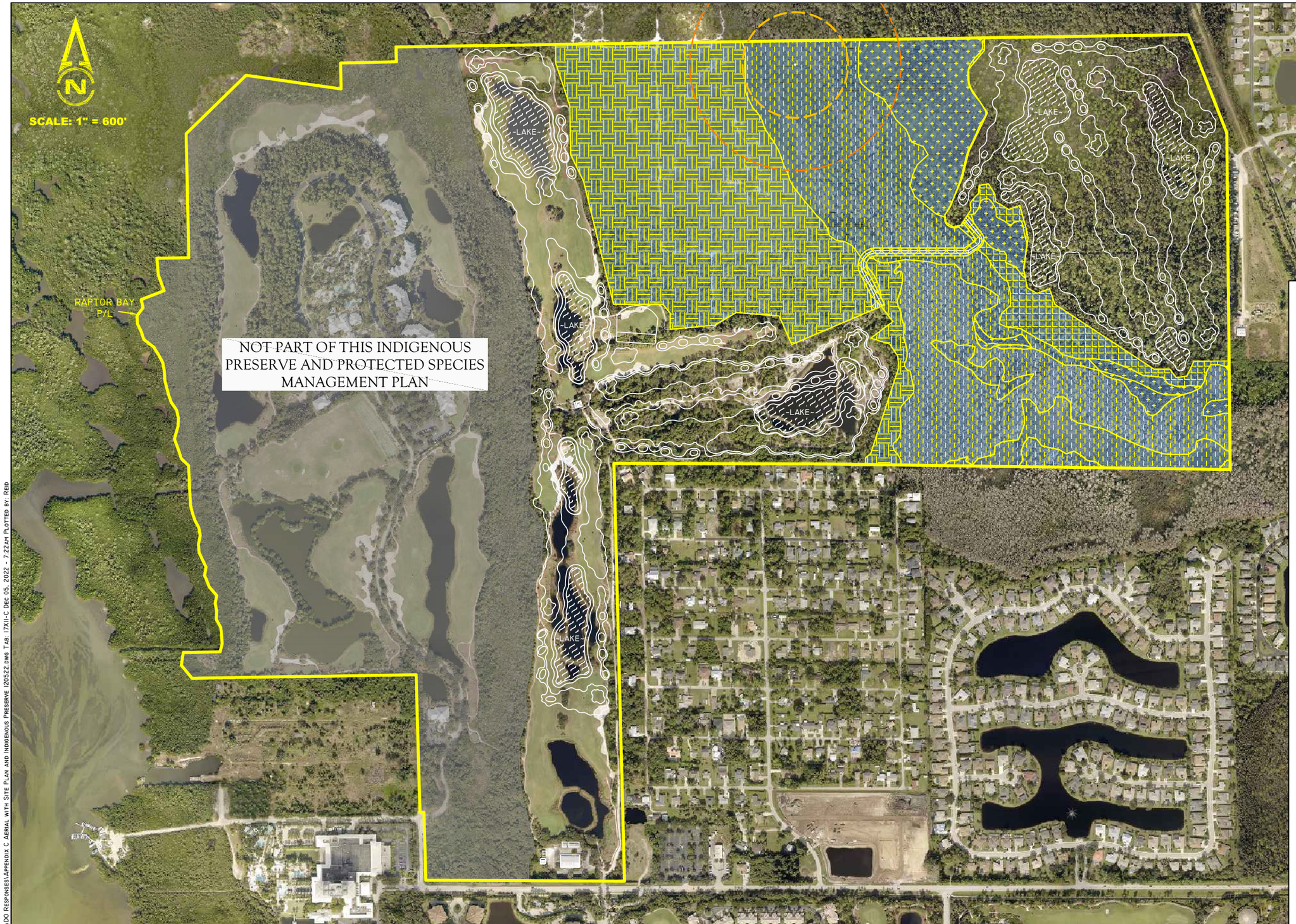
AERIAL WITH FLUCFCS AND WETLANDS MAP

DRAWING No. 20LBR3290

SHEET No. APPENDIX B

APPENDIX C

AERIAL WITH SITE PLAN AND INDIGENOUS PRESERVE



LEGEND:

- PRESERVE AREA (143.95 Ac.±)*
- WETLAND ENHANCEMENT (61.54 Ac.±)
- WETLAND RESTORATION (16.44 Ac.±)**
- UPLAND ENHANCEMENT (57.74 Ac.±)
- UPLAND RESTORATION (6.74 Ac.±)
- CART PATH (1.49 Ac.±)
- EAGLE NEST
- 330' PRIMARY PROTECTION ZONES
- 660' SECONDARY PROTECTION ZONES

NOTES:

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

PROPERTY BOUNDARY PER WALDROP ENGINEERING, P.A. DRAWING No. ACAD-ACAD-704203E0101.DWG DATED AUGUST 6, 2021 AND DRAWING No. BAYVIEW PROPERTY AND DO BOUNDARY (2021-09-21).DWG DATED SEPTEMBER 21, 2021.

SITE PLAN PER WALDROP ENGINEERING, P.A. DRAWING No. 70420301BASE (2021-09-17).DWG DATED SEPTEMBER 17, 2021.

*INCLUDES FUTURE GOLF CART PATH AND BRIDGE.

**INCLUDES 1.78 Ac.± OF MELALEUCA THAT IS CURRENTLY UNDER A SEPARATE SFWMD CONSERVATION EASEMENT THAT WILL BE REGRADED AND PLANTED IN ACCORDANCE WITH SFWMD AND U.S. ARMY CORPS OF ENGINEERS PERMIT REQUIREMENTS.

REVISIONS	DATE
Added Note	12/21/21
Added Note	1/11/22
Revised Eagle Zones	12/5/22

DRAWN BY	R.F.	DATE	09/27/21
DESIGNED BY	S.J.	DATE	09/27/21
REVIEWED BY	S.J.	DATE	09/27/21

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

Consulting Ecologists
PASSARELLA & ASSOCIATES INC

RAPTOR BAY GOLF COURSE RENOVATION

AERIAL WITH SITE PLAN AND INDIGENOUS PRESERVE

DRAWING No. 20LBR3290

SHEET No. APPENDIX C

J:\2020\20LBR3290\2021\DO RESPONSES\APPENDIX C AERIAL WITH SITE PLAN AND INDIGENOUS PRESERVE 120522.DWG TAB: 17X11-C DEC 05, 2022 - 7:22AM PLOTTED BY: REID

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

APPENDIX D

WILSONMILLER'S MARCH 6, 2000 PROPOSED RECONFIGURATION OF PELICAN LANDING DRI ECO-PARK

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

WilsonMiller

Proposed Reconfiguration of Pelican Landing DRI Eco-Park

Section 5, Township 47 South, Range 25 East
Lee County, Florida

Prepared for:

WCI Communities, Inc.
24301 Walden Center Drive
Bonita Springs, Florida 34134
941.947.2600 (phone)
941.498.8273 (fax)

and

Florida Fish and Wildlife Conservation Commission
29200 Tuckers Grade
Punta Gorda, Florida 33955
941.639.3515 (phone)
941.639.3420 (fax)

DRI 940279

Prepared by:

WilsonMiller, Inc.
3200 Bailey Lane, Suite 200
Naples, Florida 34105-8507
941.649-4040 (phone)
941.643.5716 (fax)

RECEIVED
MAR 15 2000
ZONING COUNTER

September 30, 1999
Revised March 6, 2000

Planners Engineers Ecologists Surveyors
Landscape Architects Transportation Consultants

3/3/00-64852 Ver: 05!-SSHAW
CA #43
F02:50-024-X14--0

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Proposed Reconfiguration of Pelican Landing DRI Eco-Park

Section 5, Township 47 South, Range 25 East
Lee County, Florida

Prepared for:

WCI Communities, Inc.
24301 Walden Center Drive
Bonita Springs, Florida 34134
941.947.2600 (phone)
941.498.8273 (fax)

and

Florida Fish and Wildlife Conservation Commission
29200 Tuckers Grade
Punta Gorda, Florida 33955
941.639.3515 (phone)
941.639.3420 (fax)

Prepared by:

WilsonMiller, Inc.
3200 Bailey Lane, Suite 200
Naples, Florida 34105-8507
941.649-4040 (phone)
941.643.5716 (fax)

September 30, 1999
Revised March 6, 2000

3/3/00-64852 Ver: 051-SSHAW
CA #43
F0250-024-X14--0

TABLE OF CONTENTS

Page

1.0 Introduction and Project History 1

2.0 Characteristics of Current Eco-Park 2

3.0 Location and Habitat Types of Proposed Swap Parcels 3
- *3.1 General Information* 3
- *3.2 Proposed Deletion Parcel* 4
- *3.3 Proposed Addition Parcel* 4

4.0 Gopher Tortoise Population of Proposed Swap Parcels 5
- *4.1 Proposed Deletion Parcel* 5
- *4.2 Proposed Addition Parcel* 5
- *4.3 GT Population of Portion of Existing Eco-Park to Remain Intact* 6
- *4.4 Proposed Disposition of GTs Currently Inhabiting the Deletion Parcel* 6
- *4.5 Proposed Mitigation for GT Impacts on Skebe Tract* 6

5.0 Proposed Eco-Park Configuration and Adjacent Development Conditions 7

6.0 Habitat Management Plan 9

7.0 Summary 9

8.0 References 10

9.0 Figures 11

List of Figures

1 Project Location Map 12
2 Existing Eco-Park and Associated Habitat Types 13
3 Proposed Swap Parcels and Associated Habitat Types 14
4 Location of Gopher Tortoise Burrows on Proposed Swap Parcels 15
5 Proposed Configuration of Eco-Park with Adjacent Development Conditions 16

List of Tables

1 Habitat Types and Acreages in Proposed Swap Parcels 3
2 Proposed Mitigation for Impacts to GT Habitat on the Skebe Tract 7
3 Habitat Types and Acreages in Revised Eco-Park Boundary 8

List of Appendices

A Gopher Tortoise Incidental Take Permit #Lee-9 ..... A-1
B Existing Conservation Easement for Pelican Landing DRI Eco-Park B-1
C Photographs of Xeric Oak Scrub Habitat to be Retained in Existing Eco-Park C-1
D Photographs of Xeric oak and Pine Flatwoods/Palmetto Prairie Habitat of the Proposed Deletion Parcel D-1
E Photographs of Selected Habitats of the Proposed Addition Parcel E-1

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

1.0. INTRODUCTION AND PROJECT HISTORY

This document serves to revise the initial report dated September 30, 1999 that was submitted to Jim Beever of the Florida Fish and Wildlife Conservation Commission. Changes have been made to the document to update it for the purposes of providing information pertinent to a request to modify Gopher Tortoise Incidental Take Permit #Lee-9 issued to Westinghouse Bayside Communities, Inc. on August 29, 1995.

Changes made to the document compared to the initial version include:

1) *A change to the configuration of the proposed Eco-Park such that the 1.47-acre isolated melaleuca wetland and associated 1.04 acres of adjacent upland buffer, located in the east-central region of the previously-proposed Eco-Park, have been removed from the Eco-Park. This wetland and associated upland buffer will instead be placed under a conservation easement to the South Florida Water Management District (SFWMD) since extensive enhancement activities will occur in this wetland as part of the project's overall wetland mitigation plan (Figures 3, 4, 5).*
2) *Minor changes have been made to the upland acreage of the proposed Eco-Park due to minor modifications to the project design (Tables 1 and 3).*
3) *Updating of the status of coordination with the U.S. Fish and Wildlife Service regarding the project's Bald Eagle Management Plan (Section 1.0).*
4) *Addition of information summarizing the proposed relocation of gopher tortoises inhabiting the deletion parcel to that portion of the existing Eco-Park to remain intact (Section 4.4).*
5) *Addition of information summarizing proposed mitigation for impacts to gopher tortoises inhabiting portions of the Skebe tract that will be developed (Section 4.5, Table 2).*
6) *Refinement of the location of the golf cart path, golf cart bridge, and surface water management conveyance/outfall structures (Figure 5).*
7) *Updating proposed habitat management methods in accordance with those proposed to the SFWMD and Corps as part of the wetland mitigation plan for the overall project (Section 6.0).*

Pelican Landing is a 2,580-acre Development of Regional Impact (DRI) located approximately three miles north of the Lee/Collier County line. The DRI property is bounded on the west by Estero Bay, on the north by the West Bay Club residential development, on the east by U.S. 41, and on the south by Spring Creek. The original Development Order for the Pelican Landing DRI was issued by Lee County on August 29, 1994 and has been amended several times. The latest amendment is the Fifth Development Order Amendment issued by Lee County on September 21, 1998.

The Florida Game and Fresh Water Fish Commission issued a gopher tortoise incidental take permit to Westinghouse Bayside Communities, Inc. on August 29, 1995 (Permit #Lee-9 - Appendix A). This permit encompasses 680.6 acres of gopher tortoise (*Gopherus polyphemus*) habitat within the DRI and authorizes the taking of gopher tortoises (GTs), their eggs, and their burrows. Condition #1 of the permit requires that 78 acres of GT habitat be preserved and managed via a perpetual conservation easement. The conservation easement was executed on September 21, 1995 and recorded in the official records of Lee County on October 18, 1995 (OR Book 2644, Page 1127-1134; see Appendix B). The resulting parcel of land encompassed by this easement is referred to as the Pelican Landing "Eco-Park". Figure 1 provides a general location map for the Pelican Landing Eco-Park. All figures referenced herein are located in Section 9.0 of this report.

The purpose of this document is to provide the Florida Fish and Wildlife Conservation Commission (FWC) with a proposal to revise the boundary of the Eco-Park. As has been discussed in recent meetings with the FWC, the original configuration of the Eco-Park was based on property boundaries and/or preliminary/conceptual subdivision plans for adjacent lands. Now that WCI Communities, Inc.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

has refined the required area and uses of adjacent lands, it has become apparent that a modification to the Eco-Park boundary could allow for a larger, more balanced and diverse preservation area. The modifications proposed herein are based on the acquisition or planned acquisition of adjacent parcels, changes in the site development plan, and the desire to utilize an ecosystem approach in reconfiguring the Eco-Park. This document provides a detailed summary of the proposed changes and the benefits derived therefrom.

Due to the presence of a bald eagle's nest in the Eco-Park (Nest #LE-28A), WilsonMiller is also coordinating with the U.S. Fish and Wildlife Service (USFWS) regarding the proposed boundary configuration. A revised bald eagle management plan incorporating the proposed boundary revision was submitted to the USFWS (Kim Dryden) on September 21, 1999 for review, comment, and approval. The plan has been revised based on USFWS and FFWCC comments and is in the final stages of approval. The plan maintains a Primary Protection Zone (PPZ) of 1,200 feet and a Secondary Protection Zone (SPZ) of 2,500 feet (1,300 feet outward from PPZ) in the directions most utilized by inbound and outbound eagle flight paths. In the direction of seldom utilized flight paths, the PPZ is 750 feet and the SPZ is 1,500' (750' outward from the PPZ), in accordance with bald eagle management guidelines. Details of the plan are available by request or by contacting Kim Dryden of the USFWS.

2.0 CHARACTERISTICS OF CURRENT ECO-PARK

Figure 2 provides a map showing the existing configuration of the Eco-Park and its Florida Land Use, Cover and Forms Classification System (FLUCCS; FDOT, 1985) habitats. Figure 2 also provides the acreage of each FLUCCS type within the existing Eco-Park, as well as the location of eagle nest #LE-28A. Habitat boundaries have been modified/updated as-needed based on aerial photography and ground truthing. The following is a description of the habitat types present in the existing Eco-Park.

Xeric Oak (FLUCCS #421): This habitat is the most abundant, comprising approximately 54.1 acres or 69% of the Eco-Park. Xeric oak (scrub) habitat of the site has a sparse of slash pine (*Pinus elliottii*) canopy and a midstory dominated by sand live oak (*Quercus geminata*), other species of scrub oak, and rusty lyonia (*Lyonia ferruginea*). Ground cover is predominately saw palmetto (*Serenoa repens*), with paspalum (*Paspalum* sp.), cordgrass (*Spartina bakerii*), rosemary (*Ceratiola ericoides*), prickly pear cactus (*Opuntia humifusa*), and reindeer lichen (*Cladonia* spp.). Scrub habitat in the southern one-third to one-half of the Eco-Park differs from that in the north by having fewer bare sandy areas, a lesser density of scrub oaks, and a denser ground cover of saw palmetto and grasses. The northern portion of Eco-Park has a more traditional scrub appearance, replete with open sandy areas, abundant scrub oak in the midstory, and a lesser density of saw palmetto and grasses. Appendix C provides representative photographs of xeric scrub habitat in the northern portion of the Eco-Park.

Xeric Oak with High Density Shrub Layer (FLUCCS #4211): This habitat occurs in the northern portion of the Eco-Park. It is similar to the xeric oak scrub habitat, but occurs at a slightly lower elevation and has a greater density of saw palmetto and oaks in the midstory and shrub strata.

Palmetto Prairie (FLUCCS #321): Palmetto prairie habitat occurs in the middle and northern portion of the Eco-Park. Palmetto prairies have very few slash pines in the canopy. The midstory layer consists of scattered paw paw (*Asimina reticulata*), rusty lyonia, and wax myrtle (*Myrica cerifera*). The ground cover is dominated by a thick, dense layer of saw palmetto, with lesser amounts of pineweed (*Hypericum gentianoides*), St. Johns wort (*Hypericum fasciculatum*), big blue stem (*Andropogon virginicus*), yellow-eyed grass (*Xyris platylepis*), paspalum, cordgrass (*Spartina bakerii*), gopher apple (*Licania michauxii*), and partridge pea (*Chamaecrista fasciculata*).

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Pine Flatwoods (FLUCCS #411): A small amount of pine flatwoods occurs in the Eco-Park. This habitat has a canopy of slash pine, a sparse to absent midstory, and a ground cover stratum dominated by saw palmetto.

Pine Flatwoods/Palmetto Prairie (FLUCCS #411/321): This habitat is the second-most abundant on-site (19% of site) and is a mix of the pine flatwoods and palmetto prairie habitats. It differs from pine flatwoods and palmetto prairie by having a variable pine canopy density intermediate between these two habitat types. Thus, it has been given a dual designation. The majority of this habitat occurs in the southern portion of the Eco-Park. Plant species are typical of the flatwoods and palmetto prairie vegetative associations described above.

3.0 LOCATION AND HABITAT TYPES OF PROPOSED SWAP PARCELS

3.1 General Information

The proposed reconfiguration of the Eco-Park provides for "swapping" of parcels of the Eco-Park. One parcel is located in the southern portion of the existing Eco-Park and is proposed to be removed from the Eco-Park ("deletion parcel" – Figure 3). Four other parcels are proposed to be added to the Eco-Park. These four parcels will be collectively referred to as the "addition parcel" in the remainder of this report. The largest of the parcels is located to the east of the existing Eco-Park on an adjacent site known as the "Skebe" tract. WCI Communities, Inc. has entered into an agreement with the owner of the Skebe tract to purchase the site pending the USFWS's and the FFWCC's approval of the proposed reconfiguration. Three other smaller parcels are located immediately west of and contiguous to the central and northern region of the existing Eco-Park (Figure 3). Table 1 provides a summary of the acreages of habitat types in the swap parcels, followed by a description of each habitat type.

TABLE 1
Habitat Types and Acreages in Proposed Swap Parcels

FLUCCS Code	FLUCCS Type	Deletion Parcel (ac.)	Addition Parcels (ac.)	Net Gain/Loss (ac.)
	UPLANDS			
321	Palmetto prairie	0.53	0.72	+0.19
411	Pine flatwoods	0.23	23.84*	+23.61
411/321	Pine flatwoods/Palmetto prairie	10.94	0.16	-10.78
421	Xeric oak	10.50	2.24	-8.26
4211	Xeric oak w/ high, dense shrub layer	----	0.31	+0.31
423E1	Pine-cabbage palm-oaks, 10-24% exotics	----	4.66	+4.66
424	Melaleuca	----	1.36	+1.36
743	Spoil area	----	0.12	+0.12
	UPLAND TOTAL	22.20	33.41	+12.34
	WETLANDS			
513	Ditch	----	0.02	+0.02
600	Shrub wetland	----	6.28	+6.28
616	Inland pond	----	0.49	+0.49
621	Cypress	----	45.45	+45.45
	WETLAND TOTAL	----	52.24	+52.24
	GRAND TOTAL	22.20	+ 85.65	+63.45

* Includes 22.56 acres of flatwoods with 10-75% exotic invasion. Exotics will be removed and habitat enhanced.

55.8
33.41
89.21

(78 − 22.20) + 85.65 = 141.45
33.41 uplands
52.24 wetlands.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

3.2 Proposed Deletion Parcel

Habitat types present in the proposed deletion parcel in the southern portion of the Eco-Park (Figure 3) include xeric oak (FLUCCS #421), pine flatwoods/palmetto prairie (#411/321), palmetto prairie (#321), and pine flatwoods (#411). A description of these habitats is provided in Section 2.0 and their acreages are provided in Table 1. Appendix D provides representative photographs of xeric oak and pine flatwoods/palmetto prairie habitats of the deletion parcel.

3.3 Proposed Addition Parcels

Ten habitat types occur on parcels proposed to be added to the Eco-Park (Figure 3). These habitats are described below and associated acreages are provided in Table 1. Appendix E provides representative photographs of most of the habitats of the addition parcel.

Palmetto Prairie (FLUCCS #321): Several areas of palmetto prairie habitat are contiguous with and essentially identical to that located in the existing Eco-Park.

Pine Flatwoods (FLUCCS #411): This community is essentially identical to that located in the existing Eco-Park (see Section 2.0), with the exception that flatwoods of the Skebe site tend to have a higher abundance of exotic species (10-75% total cover), primarily melaleuca (*Melaleuca quinquenervia*) and downy rose myrtle (*Rhodomyrtus tomentosus*).

Xeric Oak (FLUCCS #421): Xeric oak habitat on the Skebe tract is similar in vegetative composition and species abundance to that of the proposed deletion parcel. There are also proposed addition areas of higher quality xeric oak that are located to the west of, and are contiguous with, the central and northern region of the existing Eco-Park (Figure 3).

Pine-Cabbage Palm-Oaks (FLUCCS #423): This community is located along the perimeter of Halfway Creek. The canopy consists of large slash pine. The midstory consists of cabbage palm (*Sabal palmetto*), laurel oak (*Quercus laurifolia*), and scattered scrub oaks. Saw palmetto, myrsine (*Myrsine guianensis*), and greenbrier (*Smilax* spp.) are abundant in the understory. Very little herbaceous vegetation is present under the dense saw palmetto stratum. Melaleuca is present in occasional dense patches and overall comprises 10-24% of the cover in this habitat.

Melaleuca (FLUCCS #424): This habitat is a monoculture or pure stand of melaleuca, with occasional slash pine and saw palmetto. Very few other plants grow in the dense shade of this exotic plant community.

Shrub Wetland (FLUCCS #600): This vegetative association is present in the southern portion of the addition area and is dominated by willow (*Salix* sp.) and buttonbush (*Cephalanthus occidentalis*). Very few canopy trees are present in this habitat. This shrub wetland may be permanently flooded.

Inland Pond (FLUCCS #616): This cover type is an open water body present in the southeast corner of the addition area. The area may be remain ponded throughout the year. It is bordered by a narrow shrub fringe.

Cypress (FLUCCS #621): This jurisdictional wetland community is dominated by tall-stature cypress (*Taxodium distichum*) and comprises the majority of Halfway Creek. Cabbage palm, laurel oak, red maple (*Acer rubrum*), pop ash (*Fraxinus caroliniana*), and wax myrtle are also present in the canopy and midstory. Swordfern (*Nephrolepis* spp.) dominates the understory. Melaleuca is present in patches along the wetland-upland interface with occasional Brazilian pepper (*Schinus terebinthifolius*).

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Spoil Area (FLUCCS #743): This area consists of what appears to be the grade for an old road that crossed Halfway Creek. There is a gap in the western portion of the spoil berm where a bridge probably once sat. Much of the flow of Halfway Creek flows through this gap during the rainy season.

As noted above, some of the habitats of the addition parcel have exotic species invasion. These habitats will be eradicated of exotic species and maintained/managed in perpetuity as part of the proposed Eco-Park reconfiguration (see habitat management plan in Section 6.0).

4.0 GOPHER TORTOISE (GT) POPULATION OF PROPOSED SWAP PARCELS

4.1 GT Population of Proposed Deletion Parcel

Gopher tortoise burrow surveys were conducted on the deletion parcel by WilsonMiller ecologists for the purpose of evaluating the GT population of the parcel. The locations of identified burrows are provided in Figure 4.

Field work was conducted between July 28, 1999 and August 2, 1999. Pedestrian transects were performed through each of the habitats identified as potential tortoise habitat. The biologist walked the transects recording the number of active, inactive and old burrows and identifying their approximate location on aerial photographs. Upon completion of one transect line, the biologist would begin the next transect at a given distance from the previous line established parallel to the previous line. This process was repeated until the entire deletion parcel had been surveyed. The distance between transects was varied based on visibility limits and ranged from 10 feet in dense vegetation to 20 feet in more open scrub habitat. A minimum of 98% of each habitat was surveyed.

A total of 69 burrows; 37 active, 27 inactive, and 5 old; were identified on the deletion parcel. Based on the 98% habitat coverage, the estimated number of active+inactive burrows on the parcel is 65. Prior studies conducted within the Bonita Bay and adjacent Spring Creek West DRIs indicate that burrow occupancy factors in the project area are 0.21 for xeric oak habitat and 0.31 for pine flatwoods and saw palmetto prairie habitats. Utilization of these occupancy factors yields GT densities of 0.82 for xeric oak habitat of the deletion parcel and 0.65 GTs/acre for pine flatwoods/palmetto prairie habitat of the deletion parcel. It is estimated that a total of 16 GTs are present on the deletion parcel.

4.2 GT Population of Proposed Addition Parcel

Gopher tortoise burrow surveys were conducted on the Skebe addition parcel by ecologists from Boylan Environmental Consultants, Inc. The locations of identified burrows are provided in Figure 4.

Field work was conducted during the period of March through July, 1999. Pedestrian transects were performed through each of the habitats identified as potential tortoise habitat and active, inactive, and old GT burrows were identified. The distance between parallel transects varied based on visibility, which ranged from 20 to 30 feet. A minimum of 90% of each habitat was surveyed.

A total of 15 burrows; 5 active, 5 inactive, and 5 old; were identified on the addition parcel. Based on Boylan Environmental's average habitat coverage of 90%, it is estimated that a total of 11 active+inactive burrows are present on the parcel. When broken down by habitat type, GT densities are 0.15 GTs/acre for pine flatwoods using an occupancy factor of 0.31 and 0.41 GTs/acre for xeric oak habitat using an occupancy factor of 0.21. The relatively low GT densities on the Skebe addition parcel appear to be the result of the greater abundance of exotics compared to the deletion parcel, especially in pine flatwoods habitats. It is anticipated that the quality of the pine flatwoods and xeric oak habitats of the addition parcel can be enhanced via exotic removal and maintenance/management such that the carrying capacity for GTs can be substantially increased over its existing level.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

4.3 GT Population of Portion of Existing Eco-Park to Remain Intact

Gopher tortoise burrow surveys were conducted by WilsonMiller ecologists on that portion of the existing Eco-Park to remain intact. The surveys were conducted during the period of September 22nd through 24th, 1999 and the locations of identified burrows are provided in Figure 4. A total of 77 burrows inferred to be active or inactive were identified during the survey. Based on the 98% habitat coverage, the total estimated number of active and inactive burrows is 79. Determination of the activity status of some of the GT burrows was difficult due to the effects of Tropical Storm Harvey which passed through the area one day prior to the survey and resulted in over ten inches of rainfall. The storm flooded burrows in lower lying areas and eliminated indicators of activity status in burrows that had not used following passage of the storm. A total of 18 of the 77 identified burrows were affected in this regard so as to make determination of their exact activity status difficult. However, professional judgment was utilized in evaluating these burrows and resulted in determination of whether these burrows were likely either active or inactive prior to the storm. The results of the survey indicate that the population density of GTs in xeric oak habitat (FLUCCS #421) in the portion of the Eco-Park to remain intact is approximately 0.33 GTs per acre using an occupancy factor of 0.21. No GT burrows were identified in the FLUCCS #4211 habitat of the site that has a high density shrub stratum and that occurs at lower elevations than the higher quality scrub habitat to the west. It is estimated that a total of 16 GTs are present on the portion of the existing Eco-Park to remain intact.

4.4 Proposed Disposition of GTs Currently Inhabiting the Deletion Parcel

GTs currently inhabiting the deletion parcel are proposed to be relocated to areas of the existing Eco-Park to remain intact with FLUCCS types 4211, 411/321, and 411E1. Such relocation is in accordance with the Eco-Park's existing management plan, which allows for relocation of GTs into such areas until densities reach 2.0 GTs/acre. Authorization of the relocation will be formally obtained by submitting a request for modification of the existing incidental take permit for the site (#Lee-9). Based on the estimated 16± GTs in the deletion parcel, the aggregate population density of FLUCCS 4211, 411/321, and 411E1 areas of the recipient parcel located just west of Halfway Creek will increase to 1.11 GTs/acre, well below the permit threshold. GT burrows of the deletion parcel will either be bucket trapped or excavated according to FFWCC guidelines. Prior to the commencement of relocation activities, the western and southern boundaries of the portion of the new Eco-Park located west of Halfway Creek will be fenced to preclude relocated GTs from traveling back to the donor parcel. A burrow survey affording 100% coverage of the donor parcel will be conducted no more than 30 days prior to the relocation effort.

No mitigation is proposed for land being deleted from the existing Eco-Park since suitable upland habitats proposed to be added to the Eco-Park are in excess of those being deleted (33.41 acres added vs. 22.20 deleted).

4.5 Proposed Mitigation for GT Impacts on Skebe Tract

Proposed mitigation for impacts to GTs inhabiting areas of the Skebe tract that will be developed is summarized in Table 2. Based on the calculations in Table 2, the required mitigation acreage for impacts to occupied uplands totals 3.66 acres. Given that there is an 11.21-acre excess of upland habitat being added to the Eco-Park compared to acreage of habitat proposed to be removed, a sufficient amount of mitigation is being provided for proposed impacts to GT habitat of the Skebe tract. In addition, all GTs within impact areas are proposed to be relocated to preserve areas of the Skebe tract. Thus, no direct taking of GTs will occur. Authorization of the relocation will be formally obtained by submitting a request for modification of the existing incidental take permit for Pelican Landing (#Lee-9).

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

It should be noted that approximately 50% of the "impact" will remain in a predominantly natural state. Such areas are located primarily between golf course holes (see Figure 5) and will undergo selective clearing. Such clearing will result in an increase in herbaceous groundcover and thus an increase in available foraging habitat. As a result, suitable habitat will remain in these areas following development. Thus, the proposed mitigation requirement is conservative in that it compensates for areas where no taking of GTs will occur and where suitable habitat will remain following development. Based on the estimated 8± GTs that will require relocation (*i.e.*, GTs in the direct footprint of the golf course and surface water management features), the aggregate population density of recipient habitats in proposed upland preserves located on the Skebe tract will increase to approximately 0.31 GTs/acre, a density that can be easily accommodated, especially considering that enhancement and management of such habitats will occur.

TABLE 2
Proposed Mitigation for Impacts to GT Habitat on the Skebe Parcel

FLUCCS	Impact Acres	# Active+ Inactive Burrows	Number of #GTs*	GT Density (/acre)	Proposed Mitigation Ratio	Proposed Mitigation Acreage
411	11.54	29	9	0.78	15.0%	1.73
411E1	35.39	14	4	0.12	4.6%	1.63
411E2	5.74	2	1	0.11	4.1%	0.23
411E3	8.57	0	0	0.00	0.0%	0.00
415	0.26	2	1	2.38	25.0%	0.07
424	0.24	0	0	0.00	0.0%	0.00
	61.50	47	15	0.24		3.66

* Utilizes burrow occupancy rate of 31%.

5.0 PROPOSED ECO-PARK CONFIGURATION AND ADJACENT DEVELOPMENT CONDITIONS

The proposed changes to the Eco-Park boundary will increase the size of the Eco-Park by 81% (63-acre net increase) and will create a preserve with a diverse array of upland and wetland habitat types.

Figure 5 shows the proposed reconfiguration of the Pelican Landing Eco-Park along with development conditions proposed in adjacent areas. Table 3 provides a tabulation of the habitat types and acreages contained within the revised Eco-Park boundary.

As has been discussed in recent correspondence with the FWC, the original configuration of the Eco-Park was based on property boundaries and/or preliminary/conceptual subdivision plans for adjacent lands. Now that WCI Communities, Inc. has refined the required area and uses of adjacent lands, it has become apparent that a modification to the Eco-Park boundary is needed. Revisions have been made to the Eco-Park boundary (on paper only herein) due to the acquisition or planned acquisition of adjacent parcels, changes in the site development plan, and the desire to utilize an ecosystem approach in reconfiguring the Eco-Park. The reconfiguration incorporates an ecosystem approach by including a variety of upland and wetland habitat types (as opposed to only several upland habitat types in the existing Eco-Park). The proposed reconfiguration includes a large portion of Halfway Creek, a high quality riverine system that will serve to provide a perpetual buffer to the east of eagle nest LE-28A.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

It should be noted that the Eco-Park boundary reconfiguration proposed herein is dependent on acquisition of the Skebe tract. Upon approval of the proposed Eco-Park boundary reconfiguration by the FFWCC and successful acquisition of the Skebe tract, a conservation easement to be approved by the FFWCC will be recorded for the new Eco-Park boundary. Following recordation of the conservation easement, the existing easement will be dissolved.

The revised Eco-Park will serve as a barrier between the proposed golf course on the Skebe tract and those in the deletion parcel to the west. Thus, the new conservation easement will need to include provisions for a paved golf cart path and buried irrigation line through upland portions of the Eco-Park and a golf cart bridge crossing of Halfway Creek. Cart paths in upland areas will be located along existing trails where possible and will avoid existing trees to the maximum extent possible. Pending approval and permitting by the South Florida Water Management District (SFWMD) and the U.S. Army Corps of Engineers (Corps), the cart bridge will be located at the old crossing at Halfway Creek (*i.e.*, aligned along the FLUCCS #743 spoil island). A tentative location of the cart path is provided in Figure 5. Provisions will also be needed for a buried outfall pipe extending from the isolated wetland on the Skebe site to Halfway Creek (Figure 5). This pipe has been located to correspond with the golf cart path to the extent possible to minimize habitat impacts.

TABLE 3
Habitat Types and Acreages in Revised Eco-Park Boundary

FLUCCS Code	FLUCCS Type	Acres	% of Total
321	Palmetto prairie	1.55	1.1
411*	Pine flatwoods*	23.99*	17.0
411/321	Pine flatwoods/Palmetto prairie	4.04	2.9
421	Xeric oak	45.80	32.4
4211	Xeric oak, high density shrub layer	7.62	5.4
423*	Pine-cabbage palm-oaks*	4.66	3.3
424**	Melaleuca**	1.36**	1.0
513	Ditch	0.02	0.0
600	Shrub wetland	6.28	4.4
616	Inland pond	0.49	0.3
621	Cypress	45.45	32.1
743***	Spoil area***	0.12***	0.1
	TOTAL	141.38	100.0

* Includes areas with exotic invasion to be enhanced/restored.
** To be cleared of melaleuca and allowed to revegetate naturally. May be planted with appropriate native species to speed recovery.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

6.0 HABITAT MANAGEMENT PLAN

Habitat management of upland portions of the Eco-Park will be identical to the previously approved management plan (*i.e.*, will be in accordance with Condition #3 of Gopher Tortoise Incidental Take Permit #Lee-9; Appendix A).

Habitat management of wetland portions of the Eco-Park will consist of the following:

- Wetland habitats will be initially managed by removing exotic and nuisance plant species (primarily melaleuca, Brazilian pepper, and downy rose myrtle). Exotic eradication and maintenance will be accomplished via hand removal; no mechanized clearing or use of heavy equipment will occur within wetland conservation areas. Hand removal exotic clearing methods will include the use of implements such as chainsaws, axes, and machetes to cut down exotic vegetation. Vehicles such as trucks and trailers, and chippers to process the debris, will also be used.
- Plants that are visible for 50 feet from the conservation area perimeter will be cut down and removed from the mitigation area. Stumps of cut plants will be chemically treated within 15 minutes of cutting. Debris generated during this phase of removal will be temporarily stockpiled in adjacent upland areas for later burning, chipping/spreading, or transport off-site for disposal. Where chipping is utilized, any large mounds of chipped materials would either be removed or spread out so as to not inhibit development of desirable groundcover.
- Interior plants (>50' from conservation area perimeter) will primarily be eradicated by chemical treatment of standing trees in order to minimize disruption and impacts to existing native wetland vegetation. Smaller individuals will be eradicated through complete removal, cut and treat, or foliar herbicidal treatment. Only EPA-approved herbicides will be utilized and a visual tracer dye will be added if not already contained in the specific herbicide mixture. All herbicides will be applied in accordance with label specifications. Such applications will be conducted by or under the direction of an appropriately licensed applicator. Felled material that is not removed from the interior of conservation areas will be handled in general accordance with the SFWMD publication *Draft Guidelines for Melaleuca Removal* dated 9/14/98.
- Ongoing control of undesirable species will be via directed herbicide applications, physical uprooting, or a combination of these methods. Ongoing maintenance will consist solely of hand-removal; no heavy equipment will be operated within conservation areas.
- During prescribed burning of upland areas of the Eco-Park, appropriate steps will be taken to insure that site wetlands are not unduly damaged by fire (*e.g.*, installing fire breaks, back-burning, executing burns under climatic conditions when wetland vulnerability to fire is minimized, etc.).

7.0 SUMMARY

Based on our evaluation, the proposed reconfiguration of the Pelican Landing Eco-Park provides several advantages over the existing configuration. These advantages include:

- The proposed reconfiguration will increase the size of the Eco-Park by 63 acres (81%).
- The proposed plan incorporates an ecosystem approach by including a variety of upland and wetland habitat types, as opposed to only several upland habitat types in the existing Eco-Park. The proposed reconfiguration includes a large portion of Halfway Creek, an Outsanding Florida Water and high quality riverine system.
- Existing wetland and upland habitats will be enhanced via the removal of exotic vegetation and subsequently managed/maintained in perpetuity.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

- The USFWS is in the final stages of providing approval of the project's bald eagle management plan. This plan, in conjunction with the proposed changes to the Eco-Park, will substantially increase the controlled acreage of the buffer/protection zone for bald eagle nest #LE-28A. In addition, residential areas previously proposed within the secondary protection zone of the eagle nest will be replaced with golf course and natural areas, land uses more compatible with both eagle nesting and adjacent preservation lands.

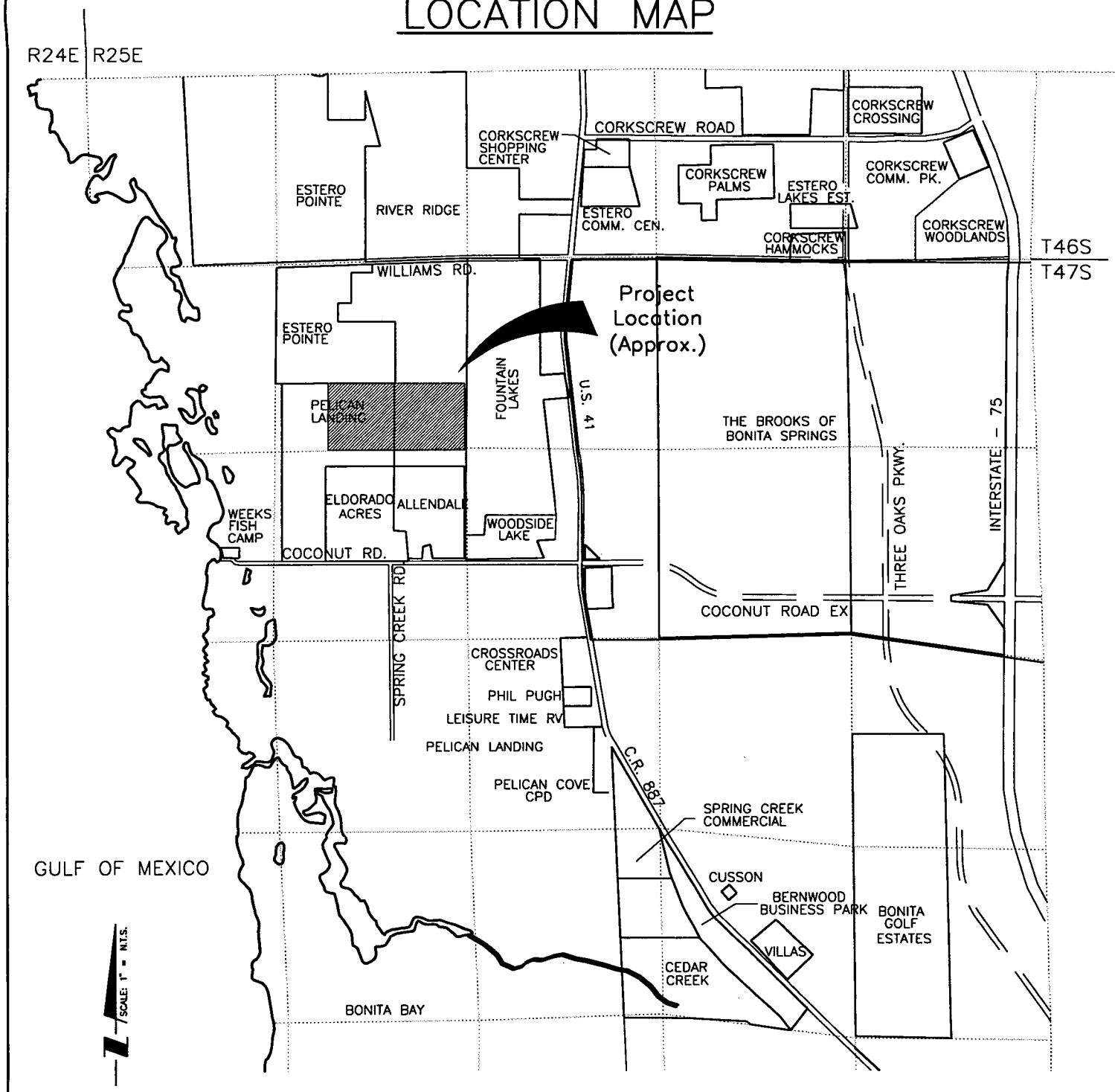
8.0 REFERENCES

Florida Department of Transportation. 1985. Florida Land Use, Cover and Forms Classification System. Procedure No. 550-010-001-a, Second Edition. 81 pp.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

9.0 FIGURES

LOCATION MAP



PROJECT: *PELICAN LANDING DRI ECO-PARK*

APPLICANT: *WCI COMMUNITIES, INC.*

WilsonMiller, Inc. - FL Lic.# LC-C000070

WilsonMiller

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

Naples • Fort Myers • Sarasota • Bradenton • Tampa

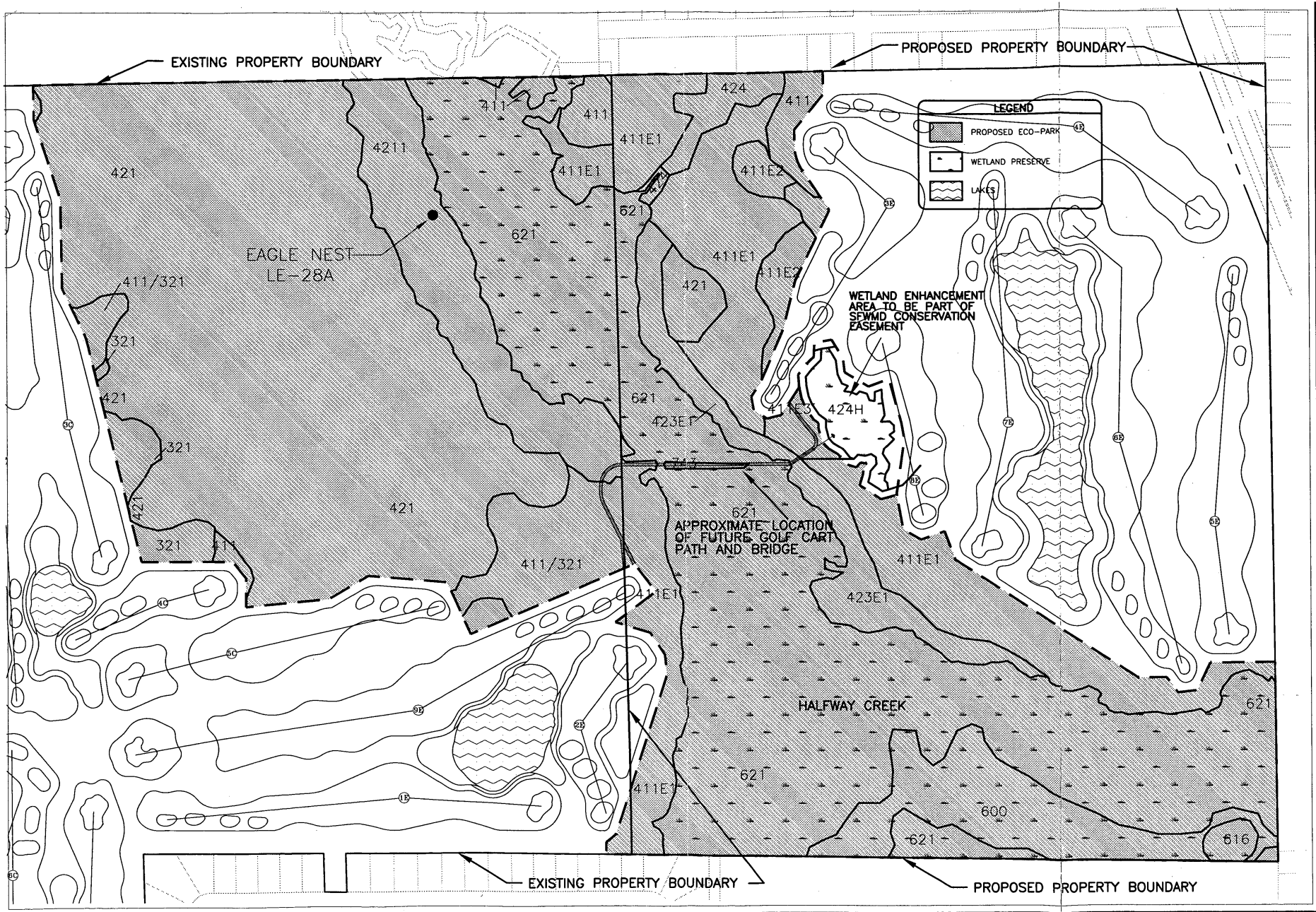
3200 Bailey Lane, Suite 200 • Naples, Florida 34105-8507 • Phone 941-649-4040 • Fax 941-643-5716 • Web-Site www.wilsonmiller.com

FLA. REG. #	
COUNTY: LEE	DATE: MAR. 2000
SEC: 4,5,8,9 TWP: 47S RGE: 25E	REV NO:
PROJECT NO. F0250-024-014	FILE NO: C-0250-50
DRWN BY/EMP NO. K.L.P./865	SHEET NO: 1 OF 5

Feb 28, 2000 – 10:37:13 MLIBERAT|X:\Env\0250\50\02505001.dwg

DCI2023-00052 Lee County ePlan

Additional info dated 07-16-2024



WilsonMiller
Planners • Engineers • Ecologists • Surveyors
Landscape Architects • Transportation Consultants
WilsonMiller, Inc.
Naples • Fort Myers • Sarasota • Bradenton • Tampa
3200 Bailey Lane, Suite 200 • Naples, Florida 34105-5507
Phone 941-649-5040 • Fax 941-649-5796 • Web Site www.wilsonmiller.com

FIGURE 5

PROPOSED CONFIGURATION OF ECO-PARK WITH ADJACENT DEVELOPMENT CONDITIONS

WilsonMiller, Inc. - FL Lic# LC-C000070

SEC 5 TWP 47S RGE 25E	
Designed by:	
Drawn by:	M.W.L./1260
Checked by:	
Approved by:	
Date:	MAR. 2000
Scale:	1" = 300'
PIN: F0250-024-014 FSGTS	
File # :	C-0250-49
Sheet	5 of 5

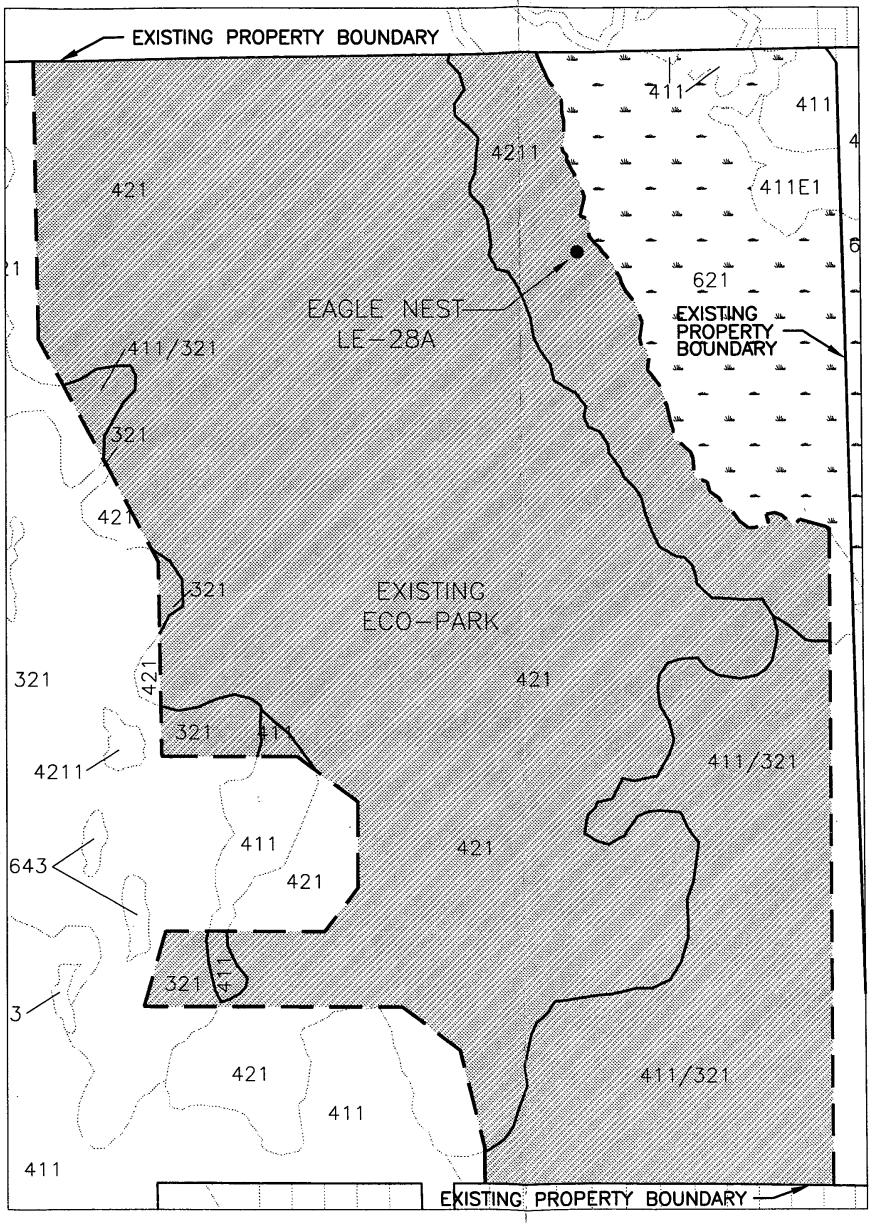
DCI2023-00052 Lee County ePlan
Additional info dated 07-16-2024

LEGEND

- Existing Eco-Park
- Existing Wetlands
- Eco-Park Boundary
- FLUCCS Boundary

SCALE: 1" = 300'

FLUCCS CODES	FLUCCS DESCRIPTION	ACREAGE
321	Palmetto Prairie	1.36
411	Pine Flatwoods	0.38
411/321	Pine Flatwoods/Palmetto Prairie	14.82
421	Xeric Oak	54.07
4211	Xeric Oak with High Density Shrub	7.31
	Total	77.94



WilsonMiller
Planners • Engineers • Ecologists • Surveyors
Landscape Architects • Transportation Consultants
WilsonMiller, Inc.
Naples • Fort Myers • Punta Gorda • Bradenton • Tampa
3200 Bailey Lane, Suite 200 • Naples, Florida 34105-8307
Phone 941-649-6040 • Fax 941-643-5776 • Web-Site www.wilsonmiller.com

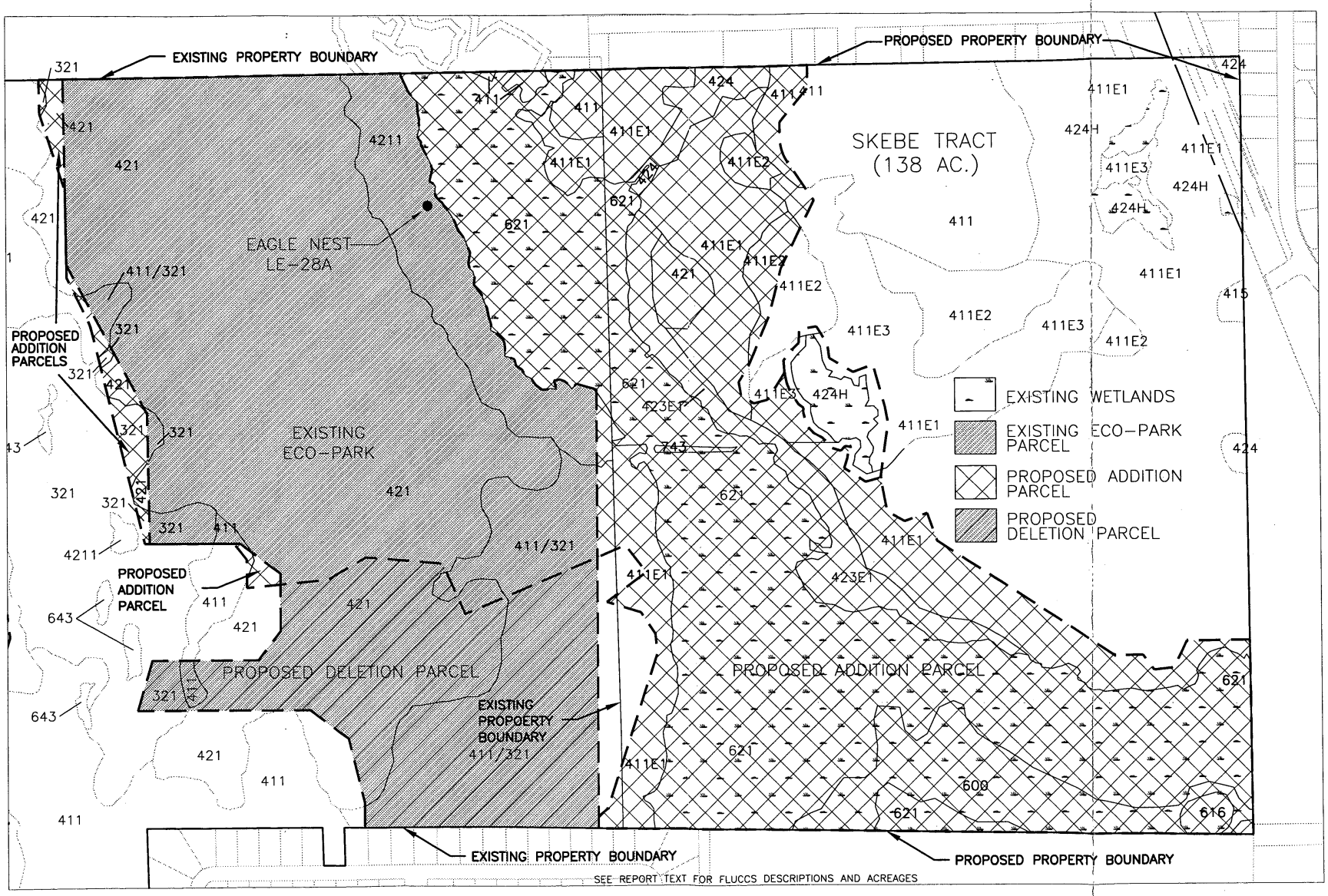
FIGURE 2
EXISTING ECO-PARK
AND ASSOCIATED FLUCCS HABITATS

WilsonMiller, Inc. - FL Lic # LC-C000070

SEC 5 TWP 47S RGE 25E	
Designed by:	K.L.P./865
Drawn by:	
Checked by:	
Approved by:	
Date:	MAR. 2000
Scale:	1" = 300'
PIN: F0250-024-014-FSGTS	
File # :	C-0250-49
Sheet 2 of 5	

Feb 28, 2000 - 15:47:10 MLIBERAT|X:\Env\0250\49\02504902.dwg

DCI2023-00052 Lee County ePlan
Additional info dated 07-16-2024



WilsonMiller

Planners • Engineers • Ecologists • Surveyors
Landscape Architects • Transportation Consultants

WilsonMiller, Inc.
10200 Bonita Beach Rd. SE, Bonita Springs, FL 34135
Naples • Fort Myers • Sarasota • Bradenton • Tampa
Phone 941-649-4040 • Fax 941-949-5796 • Web-Site www.wilsonmiller.com

FIGURE 3

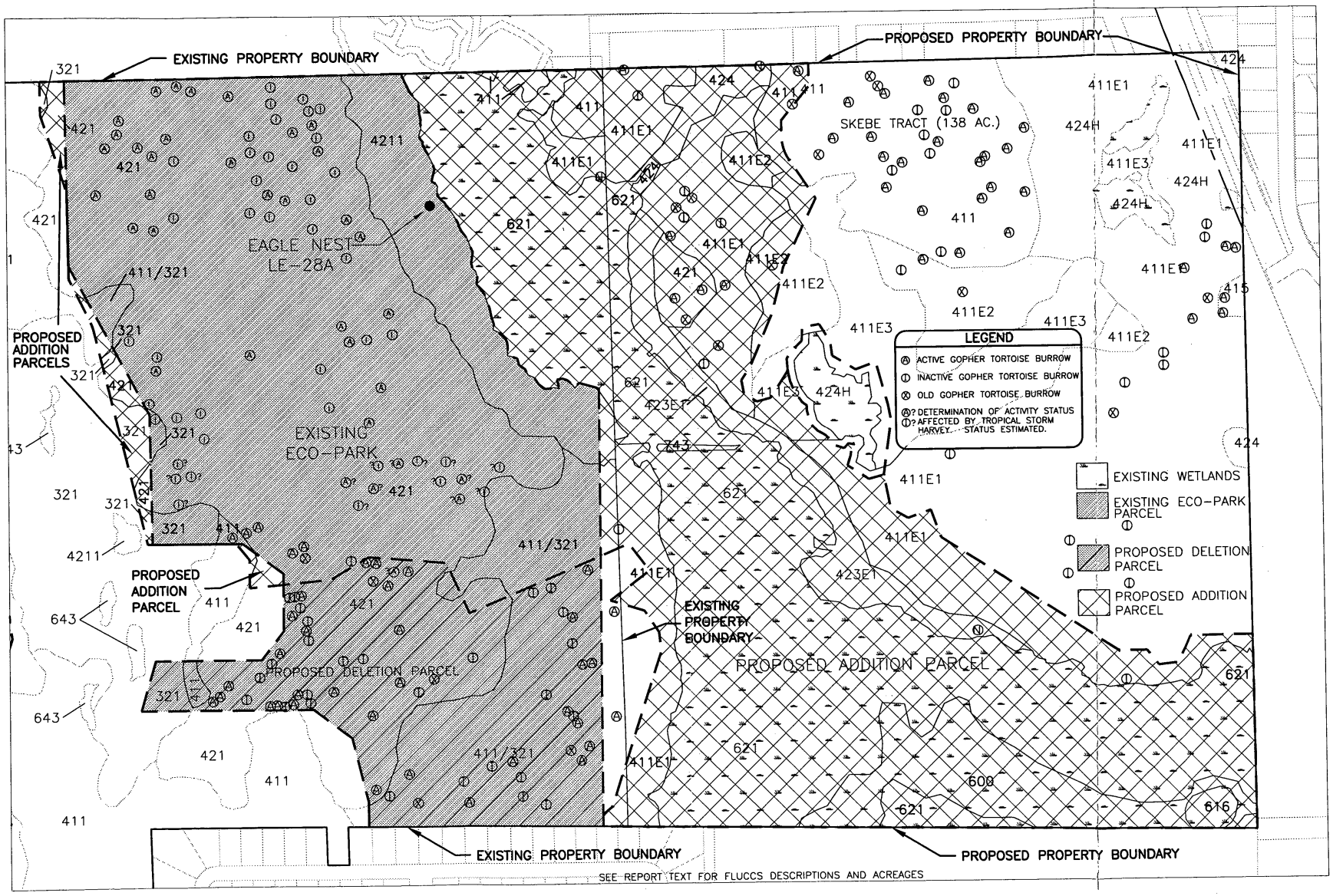
LOCATION OF PROPOSED SWAP PARCELS

WilsonMiller, Inc. - FL Lic# LC-C000070

SEC 5 TWP 47S RGE 25E	
Designed by:	K.L.P./865
Drawn by:	
Checked by:	
Approved by:	
Date:	MAR. 2000
Scale:	1" = 300'
PIN: F0250-024-014-FSGTS	
File # :	C-0250-49
Sheet 3 of 5	

Mar 07, 2000 – 15:28:58 MLIBERAT|X:\Env\0250\49\02504903.dwg

DCI2023-00052 Lee County ePlan
Additional info dated 07-16-2024



WilsonMiller
Planners • Engineers • Ecologists • Surveyors
Landscape Architects • Transportation Consultants
WilsonMiller, Inc.
Naples • Fort Myers • Sarasota • Bradenton • Tampa
3200 Bailey Lane, Suite 200 • Naples, Florida 34105-8307
Phone 941-566-4040 • Fax 941-643-5776 • Web-Site www.wilsonmiller.com

FIGURE 4

LOCATION OF GOPHER TORTOISE BURROWS
ON PROPOSED SWAP PARCELS

WilsonMiller, Inc. - FL Lic# LC-0000070

SEC 5 TWP 47S RGE 25E	
Designed by:	K.L.P./865
Drawn by:	
Checked by:	
Approved by:	
Date:	MAR. 2000
Scale:	1" = 300'
PIN: F0250-024-014-FSGTS	
File # :	C-0250-49
Sheet 4 of 5	

Mar 07, 2000 - 15:33:45 MLIBERATIX:\Env\0250\49\02504904.dwg

Proposed Reconfiguration of
Pelican Landing DRI Eco-Park

APPENDIX A

Gopher Tortoise Incidental Take Permit #Lee-9

PERMIT FOR TAKING OF GOPHER TORTOISES AND

THEIR BURROWS

Chapter 39-27.002(4) F.A.C.

STATE OF FLORIDA GAME AND FRESH WATER FISH COMMISSION

Issuance Date:	August 29, 1995
Permittee:	Westinghouse Bayside Communities, Inc.
Permittee Address:	24820 Burnt Pine Drive Bonita Springs, FL 33923 ATTN: Mr. Terrence S. Dolan
Consultant:	Mr. Tim Durham Wilson, Miller, Barton & Peek 3200 Bailey Lane at Airport Road, Suite 200 Naples, Florida 33942
Permit Number:	LEE-9

Location of Affected Site: The 1,119-acre Pelican Landing Development of Regional Impact, including 680.6 acres of gopher tortoise habitat, located west of U.S. 41 between the Estero River and Spring Creek, in Sections 5, 7, 8, 9, 16, 17, 18, 20, and 21, Township 47 South, Range 25 East, in southwest Lee County. See Attachment 1, location map and Attachment 2, Map H Master Development Plan).

Permitted Action: The permittee or its agents are authorized to take gopher tortoises, their eggs and their burrows within its development boundaries where such taking is incidental to development activities. The criteria of Rule 39-27.002(4), F.A.C., have been satisfied and the taking, as conditioned below, will not be detrimental to the survival potential of the species.

Provisions/Conditions:

1. The permittee shall protect 78 acres of gopher tortoise habitat located within the western 1/2 of Section 5, Township 47 South, Range 25 East in Lee County (see Attachment 3 identifying the tract as the Eco-Park) by placing the referenced parcel under a perpetual conservation easement, approved by and granted to the Florida Game and Fresh Water Fish Commission (GFC). The permittee shall record the approved and signed conservation easement in the Lee County plat records and send an original of the recorded easement to the GFC at the Office of Environmental Services, 620 South Meridian Street, Tallahassee, FL 32399-1600. Of the 78 acres of gopher tortoise habitat, only 77.8 acres are specifically required for this permit; the remaining 0.2 acres may be used, as appropriate, to satisfy requirements of gopher tortoise incidental take permits subsequently issued by the GFC to the permittee.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

2. The permit will not go into effect until the date that the permittee is in possession of a notice from the GFC acknowledging receipt of an original approved and recorded conservation easement for the area described in Condition 1 above. However, as described in the permit Notice of Rights Statement, issuance of this permit may be appealed by a concerned party within 21 days of the permittee's receipt of this notice. If a Petition for Administrative Hearing is timely filed within this prescribed time period, the permittee shall cease all work authorized by this permit until the petition is resolved.

3. The permittee shall have the obligation to manage and maintain the conservation easement lands as habitat for the gopher tortoise in perpetuity as described in pages 5-9 of the "Gopher Tortoise Population Study and Habitat Management Plan for Pelican Landing DRI Including the Elks Club and the Wysok Parcel", dated December 1993 and modified December 1994 and May 1995 (Attachment 4).

4. The permittee shall clearly mark the boundaries of the conservation easement area and permanently maintain the boundary markers so that the area perimeters are clearly discernable to GFC personnel who inspect the site in the future. A wooden rail and post, or post and strong cable fence and associated signage restricting access will be installed between the proposed residential tract to the west of the 78-acre Eco-Park and the Eco-Park boundaries.

5. This permit does not relieve the permittee from any other "taking" requirements by the U.S. Fish and Wildlife Service (USFWS) or the GFC as to other listed species. Specifically, this permit does not authorize any destruction of eagles, scrub jays, or scrub jay and eagle nests or habitat. Consultation with the USFWS should be sought and completed if these species are present. The permittee should clearly note the conditions placed on the use and management of the Eco-Park with regard to eagle nesting activities (see page 6 of Attachment 4).

6. The permittee or its approved agents are authorized to move tortoises, at their discretion, within the Pelican Landing property boundaries, with restrictions for relocation into the Eco-Park as noted on page 8 of Attachment 4, to minimize taking. This permit does not authorize the permittee or its agents to possess or move tortoises off the contiguous ownership of the permittee nor to move tortoises into areas previously authorized as a relocation site by a GFC permit. A separate relocation permit from the GFC shall be required for those activities.

7. This permit does not authorize any taking of gopher tortoises beyond that which is a direct result of development activities or the on-site movement of animals addressed in condition #6. Any other form of taking or relocation will require a separate permit from the Executive Director.

8. This permit must be available for inspection at all times while engaged in the permitted activities.

9. This permit is transferrable to subsequent owners of the property.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Notice of Rights Statement: In accordance with Rules 28-5.111 and 28-6.008, F.A.C., and Section 120.60, F.S., any party may request a hearing on this matter pursuant to Section 120.57, F.S., by filing a completed Elections of Rights form (copy attached) by certified mail, return receipt requested, with the undersigned within twenty-one (21) days of receipt of this notice. If timely requested and a hearing is granted, the hearing will be conducted under the procedures established by Section 120.57, F.S. A party will be given the opportunity to be represented by counsel or other qualified representative, to take testimony, to call and cross-examine witnesses, and to have subpoenas issued on your behalf.

Allan L. Egbert, Ph.D.
Executive Director

By: Brian Barnett

ENV 3-2/5
pelldep
Attachments:

1. Project location map
2. Project boundary map
3. Eco-Park location and boundary map
4. Gopher tortoise management plan excerpt, pages 5-9
5. Elections of Rights form

STATE OF FLORIDA
GAME AND FRESH WATER FISH COMMISSION

ELECTION OF RIGHTS

I have read the Explanation of Rights form and understand my options. (You may select one of the options below and return with this form to the Florida Game and Fresh Water Fish Commission (Commission) no later than twenty one (21) days from the receipt of the Notice of Agency Action).

1. ( ) I do not dispute the allegations of fact in the Notice of Agency Action but do wish to be accorded an informal hearing or proceeding, pursuant to Section 120.57(2), Florida Statutes, at which time I will be permitted to submit oral or written evidence in mitigation of the complaint to the agency head or his representative.

2. ( ) I do dispute the allegations of fact contained in the Notice of Agency Action, submit an attached statement of all disputed allegations of fact, and request a formal hearing, pursuant to Section 120.57(1), Florida Statutes, before a hearing officer appointed by the Division of Administrative Hearings.

3. ( ). I do not dispute the allegations of fact in the Notice of Agency Action and waive my right to object or to be heard.

I have read and understand the Election of Rights form and understand that I have the right to be represented by counsel at either an informal or formal

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

hearing. I also understand that I must attach a petition or written statement of the disputed issues of fact to this request if I have requested a formal hearing.

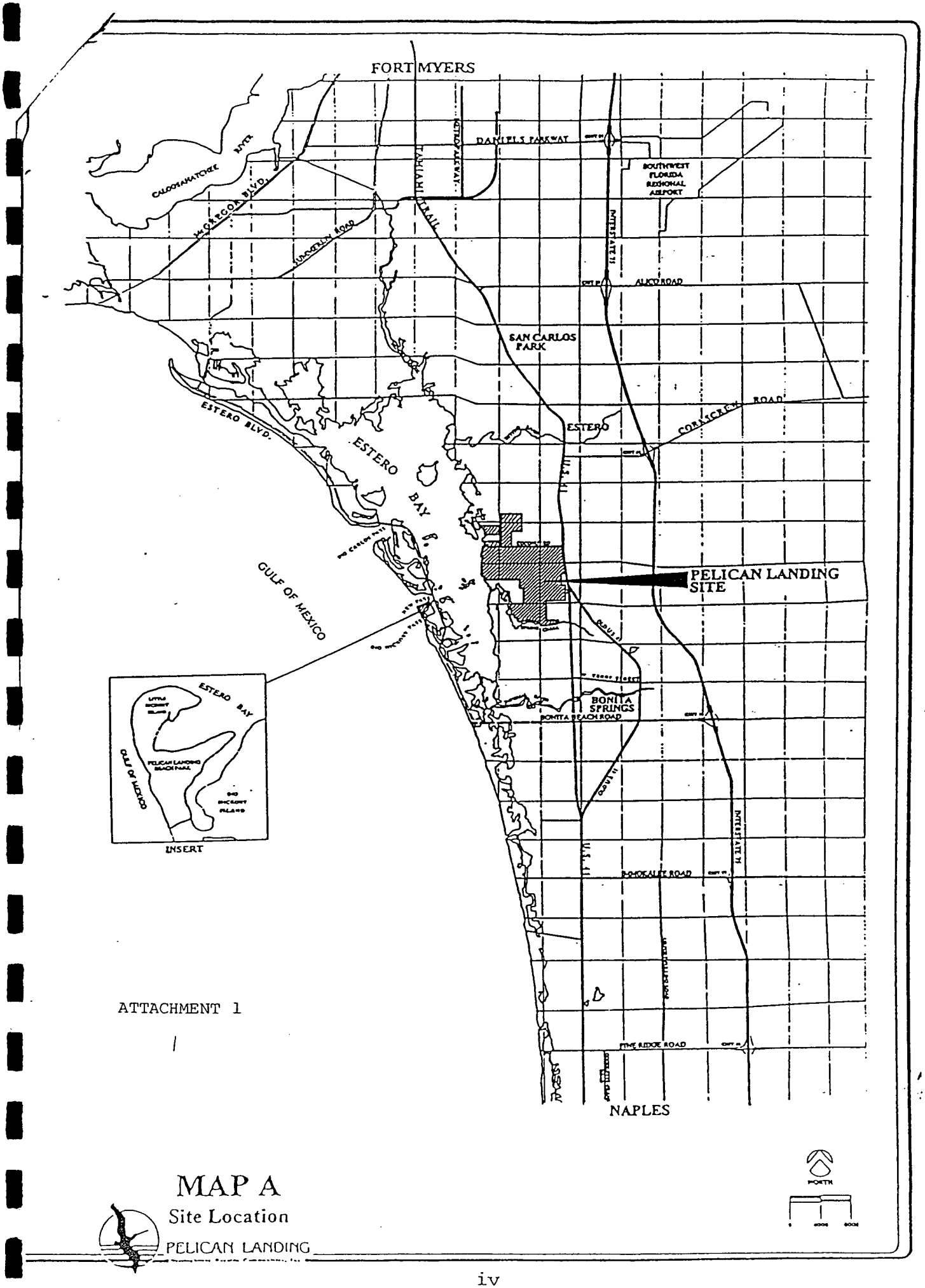
Please sign and state your current address and telephone number:

Date	Signature
Attorney's name and address	Address

Please mail form to:

Office of the General Counsel
Florida Game and Fresh Water
Fish Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600

OES

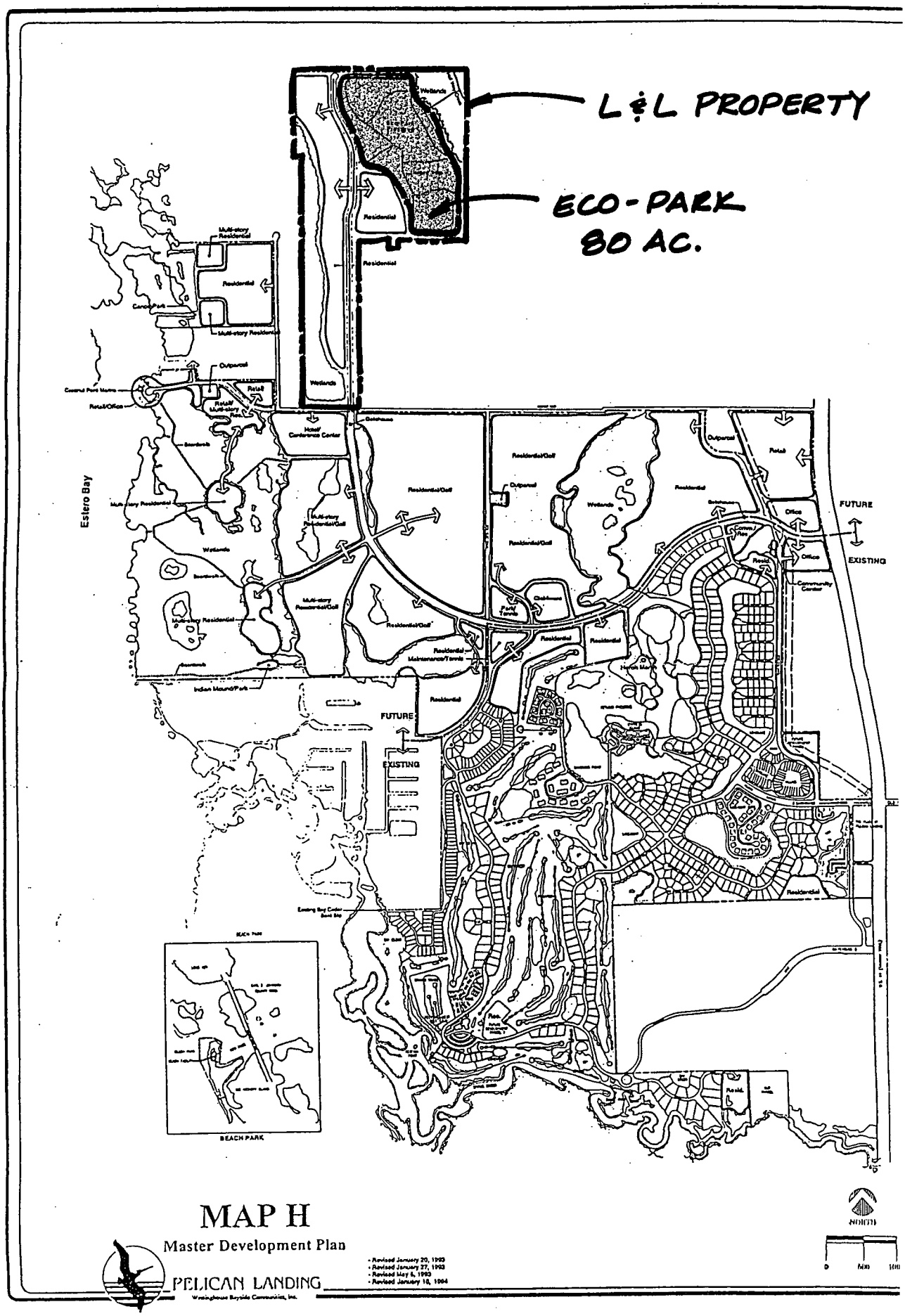


ATTACHMENT 1

MAP A

Site Location

PELICAN LANDING



ATTACHMENT 2

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

ATTACHMENT 4

WILSON • MILLER • BARTON & PEEK, INC.

GOPHER TORTOISE POPULATION STUDY AND HABITAT MANAGEMENT PLAN

FOR
PELICAN LANDING DRI
INCLUDING THE ELKS CLUB AND THE WYSOK PARCEL

PREPARED FOR:

WCI COMMUNITIES, INC.
24820 BURNT PINE DRIVE
BONITA SPRINGS, FLORIDA 33923

PREPARED BY:

WILSON, MILLER, BARTON & PEEK, INC.
3200 BAILEY LANE
SUITE 200
NAPLES, FLORIDA 33942

DECEMBER 1993
MODIFIED DECEMBER 1994
MODIFIED MAY 1995
MODIFIED AUGUST 1995

WMBP W.O. 16802
WMBP PROJECT NO. 0208

8/14/95-02080040:GTL
1-0208-10-00-VPER

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

POPULATION STUDY

Introduction

Staff biologists of Wilson, Miller, Barton & Peek, Inc. (WMBP) and Heald and Associates, Inc. (H&A) have completed a study to identify all suitable gopher tortoise (Gopherus polyphemus) habitat and to determine the estimated gopher tortoise population within the undeveloped portions of Pelican Landing DRI. The property includes approximately 1119 acres in Sections 5, 7, 8, 9, 16, 17, 18, 20 and 21, Township 47 South, Range 25 East, Lee County, Florida. The overall study consisted of several phases:

Mapping and classifying the existing vegetative communities.
Meandered pedestrian transects to locate the existing tortoise burrows.
Calculation of the probable tortoise population on-site.
Calculation of the protection area necessary to off-set impacts to tortoise habitat.

This report describes methodologies, identifies the specific study area and documents our results from this study.

Existing Habitat/Land Use

Based on aerial photography and extensive ground truthing, the existing vegetative communities and land uses have been mapped and classified using the Florida Land Use, Cover, and Forms Classification System (FLUCCS) — see attached WMBP Drawing No. ENV-141 and ENV-152A. Following is a list of the different habitat and land use types identified with a brief description of each.

FLUCCS:	Description:
162	Sand or Gravel Pit - Pits used primarily as farm ponds with the soil exported to nursery operations.
184	Marina and Fish Camp - Commercial fish house with docks and fish gear storage is located at the western end of Coconut Road.
261	Fallow Crop Land - Harvested agricultural land not currently in crop production.
321	Palmetto Prairie - Areas in which saw palmetto is the most dominant vegetation.
411	Pine Flatwood - Dominated by slash pine. Common understory species include wax myrtle, gallberry and a wide variety of herbs and brush.
411/321	Pine Flatwood, Palmetto Prairie - Dominated by slash pine. Predominant understory species is saw palmetto. Wax myrtle, gallberry and a wide variety of herbs and brush are sub-dominants.
411/422	Pine Flatwood, Brazilian Pepper - Dominated by slash pine with a midstory of Brazilian pepper.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

411/424/621 **Pine, Melaleuca, Cypress Mix** - Consists of an even mix of slash pine and cypress with invasion of melaleuca.

411/433/422 **Pine Flatwood, Slash Pine, Saw Palmetto, Cabbage Palm, Laurel Oak, Brazilian Pepper** - Pine flatwood assemblage containing various mesic hardwood species as subdominants.

4111 **Pine Flatwood, Slash Pine, Saw Palmetto, Scattered Scrub Oak** - Dominated by slash pine. Understory species include primarily saw palmetto with a midstory of scrub oak.

4201 **Mesic Oak Stands with Dense High Saw Palmetto** - Large live oaks.

421 **Xeric Oak** - The highest elevations on-site. Dominated by scrub oaks, saw palmetto, stagger bush, and rosemary.

4211 **Xeric Oak with High Dense Shrubs** - Similar to FLUCCS Unit 421 except the dense scrub oaks likely reflect a fire history.

422 **Brazilian Pepper** - Commonly found on disturbed sites. Often established along borrow-pits and old disturbed fields.

423/411 **Live Oak, Slash Pine, Brazilian Pepper, Downy Rose Myrtle** - Dominated by slash pine. Live oak and Brazilian pepper dominate the midstory with downy rose myrtle as a subdominant.

424 **Melaleuca** - Exotic tree species in almost pure strands on disturbed sites.

424/321 **Melaleuca, Saw Palmetto** - Melaleuca canopy over a saw palmetto understory. Probably reflects hydrologic manipulation by nearby agricultural operations.

433 **Western Everglades Hardwoods** - Wetland-upland transitional community dominated by broad leaf trees such as live oak and laurel oak with wild coffee and other West Indian hardwood hammock species and sub-dominants.

433/411/422 **Cabbage Palm Association Cabbage Palm, Laurel Oak, Live Oak, Brazilian Pepper** - Wetland-upland transitional community dominated by cabbage palms and broad leaf trees such as live oak and laurel oak with wild coffee and other West Indian hardwood hammock species and sub-dominants. Midstory is dominated by Brazilian pepper.

433/422 **Cabbage Palm Hammock, Cabbage Palm, Occasional Pine, Cypress Fern Understory** - Remnant agricultural field colonized by cabbage palms with scattered pine and cypress. Ferns form the ground cover.

510	Streams and Waterways - Rivers, creeks, canals and other linear water bodies.
542	Bays Closed - Embayments not opening directly into the Gulf of Mexico or the Atlantic Ocean.
612	Mangrove Swamp - Coastal hardwood community composed of red, white and/or black mangrove.
612/642	Mangrove, Saltmarsh Mix - Vegetated, non-forested wetlands in which the dominant herbaceous species does not achieve 66 percent cover. Cordgrass, Needlerush, and saltwort are some of the species composing this FLUCCS unit. Stunted mangroves exist throughout.
616	Inland Ponds and Sloughs - Communities are associated with depressions and drainage areas that are not associated with streams or lakes.
617	Mixed Wetland Hardwoods - Wetland hardwoods communities which are composed of a large variety of hardwood species tolerant of hydric conditions yet exhibit an ill defined mixture of species.
621	Cypress Swamp - Bald cypress which is either pure of predominant. Associated species include laurel oak, red bay, red maple, and pop ash on drier portions of the site.
621/630	Cypress Swamp with Mixed Hardwoods - Predominantly cypress canopy with slash pines and hardwoods mixed as subdominants.
630	Wetland Forest Mixed - Mixed wetlands forest in which neither hardwoods or conifers achieve 66 percent dominance of canopy composition.
6411	Sawgrass Marsh - Vegetated, non-forested wetlands in which the dominant herbaceous species is sawgrass.
6411/422	Sawgrass, Brazilian Pepper - Disturbed, vegetated, non-forested wetlands in which the dominant herbaceous species is sawgrass. Brazilian pepper has invaded much of this FLUCCS category.
642	Salt Marsh - Vegetated, non-forested wetlands in which the dominant herbaceous species does not achieve 66 percent cover. Cordgrass, Needlerush, and saltwort are commonly occurring species.
643	Wet Prairie - Predominantly grassy vegetation on wet soils. Usually distinguished from marshes by having less water and shorter herbage. Sawgrass, Maidencane, cordgrass, and yellow-eyed grass are common species.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

720 **Saltern (Bare Sand)** - Tidal sand flat area characterized by high soil chlorides.

740 **Disturbed Land** - Areas which have been changed due primarily to human activities other than mining.

832 **Electrical Power Transmission Line** - This line runs south and east from Coconut Road to U.S. 41.

Table 1 lists each of the habitat types along with the approximate acreage of each. The table further identifies the percentage of the total project acreage each type encompasses and the corresponding percentage of the potential tortoise habitat on-site.

A total of 31 different vegetative communities/associations were identified on this property. Only eight (8) were considered to be suitable habitat for gopher tortoises. These included: palmetto prairies, melaleuca over palmetto, disturbed land, and variations of pine flatwood and xeric oak. Approximately 680.0 acres of the 1119 acres of undeveloped property on-site fall within these eight (8) habitat types. Fallow cropland was also surveyed for gopher tortoises with none found, therefore, fallow cropland is not considered for this evaluation.

The biologists conducting this survey are experienced observers with extensive backgrounds in this type of work. The gopher tortoise survey was conducted using sensitive methodologies to achieve thorough coverage of the project site. All methodologies meet or exceed the recommended standards for the Florida Game and Freshwater Fish Commission (FGFWFC).

Survey Methodologies

Once the vegetative communities were identified and mapped, an extensive field survey was conducted in the eight (8) communities identified as suitable for gopher tortoises throughout the undeveloped portions of Pelican Landing.

Temporary pedestrian transects were meandered through each of the habitats identified as possible tortoise habitat. Using existing roads, trails, wetland margins, and other features as landmarks, each habitat type was methodically surveyed to locate tortoise burrows. Biologists walked these meandering transects recording the number of active, inactive and abandoned burrows and identifying their approximate location on aerial photographs. Tortoise burrow locations are not indicated here since tortoises have likely relocated within the local region since the time of the surveys. Distance between transects varied from 10-15' in dense vegetation to 20-30' in open scrub habitat. Table 2a gives the percentage of each suitable habitat surveyed.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Tortoise Population

Tortoise survey field work was conducted between December 1989 and October 1993. A total of 116 burrows were located on the project site as a result of these surveys. Based on an estimate of 26% habitat coverages, the projected burrow count is 448. Refer to Table 3 for the total number of active and inactive burrows in each suitable habitat type.

Based on a projected burrow count of 448 and a burrow occupancy conversion factor 0.614, the probable gopher tortoise population on-site is 275 tortoises. The analysis uses FGFWFC's burrow occupancy multiplier of 0.614 for the purposes of simplicity. It is our experience on similar projects in the region that the realized multiplier is much lower. Thus, related calculations should be interpreted as very conservative in favor of the tortoise population. Tables 2a and 2b provide data on tortoise densities per FLUCCS category.

HABITAT PROTECTION/CONSERVATION AREA

Based upon FGFWFC habitat protection guidelines for DRI projects, Tables 2a and 2b were generated to illustrate the calculation of Habitat Protection Area acreage. The habitat protection factor shown uses 15% for areas with densities between 0.4 and 0.8 tortoises per acre and 25% for areas with densities equal to or greater than 0.8. Below 0.4 densities, the factor of 15% was prorated. The resulting acreage sum of approximately 78 acres represents the acreage required to be addressed for habitat protection under FGFWFC guidelines. An incidental take permit for the entire 680 acres of gopher tortoise habitat is being applied for as part of this study and management plan submittal.

A 78 acre xeric scrub/pine flatwood upland area will be designated as an upland Habitat Protection Area, or *Pelican Landing Eco-Park*, commensurate with gopher tortoise take permit approval. This area will be set aside for gopher tortoise usage and will be actively managed to assure appropriate vegetative density and composition for gopher tortoise usage in perpetuity. The location for the *Eco-Park* was strategically chosen since it contains a majority of the xeric oak habitat on the entire undeveloped portion of Pelican Landing. Additionally, the *Eco-Park* is connected to the Chapel Ridge Property, a native scrub ridge habitat to the north, thereby retaining the function of the existing community. WMB&P Drawing ENV-141, attached, indicates the approximate location and extent of proposed the *Eco-Park*.

PROTECTION AREA MANAGEMENT PLAN

The proposed protection area encompasses approximately 78 acres in the northeast corner of the property, 65 acres of which are high quality xeric oak habitat and 13 acres are pine flatwood. The xeric scrub habitat borders a cypress/hardwood wetland system to the northeast, the margins of which should serve as foraging habitat for the tortoises in dry season.

The realized upland Habitat Protection Area may vary due to field adjustments, but will encompass at least 78 acres. The extent of habitat protection acreage will be determined by survey, prior to construction-related impacts, and will be placed under a conservation easement granted to the Florida Game and Fresh Water Fish Commission and managed as outlined below. In conjunction with the survey, a wooden rail and post, or post and strong cable fence and associated signage restricting access will be installed between the proposed residential tract to the west and the Eco-Park.

Monitoring and maintenance of the tortoise habitat area is acknowledged to be an important component of assuring the long term viability of the existing gopher tortoise population. The legal entity responsible for the maintenance of habitat protection areas will be WCI Communities, Inc., or its assignee.

The following components comprise the tortoise protection area maintenance and monitoring plan:

1. Construction related intrusions into the proposed gopher tortoise protection area will be prohibited during clearing and construction operations. Contractors will be provided a copy of WMB&P Drawing ENV-141 and instructed regarding habitat protection. Areas proposed for habitat protection will be flagged, staked, barricaded or otherwise delineated in the field prior to construction.

2. Recreational activities will be restricted to specific pedestrian trails. These will be established subject to FGFWFC approval during final site planning. No designated picnic areas, biking trails, horse trails or interpretive facilities (other than approved signs, vita trails, and bird viewing blinds) will be allowed. The vita trails will not be paved, hardened or made impermeable. The location and design of all facilities will be reviewed and approved prior to construction by the FGFWFC. Educational signage will be placed along the trails.

3. Human access will be restricted, by appropriate signage in the vicinity of any eagle nest during nesting season. During the nesting season, pedestrian trails or other human use, will be restricted to a minimum of 500' from an active eagle's nest. The trail will be barricaded off by a cable across the path.

4. Mulch along the interface between the designated Habitat Protection Area and developed areas will not extend further than one foot into protection areas.

5. Exotic vegetation (primarily melaleuca, Brazilian pepper and downy rose myrtle) will be removed by hand from protection areas in perpetuity.

6. Maintenance activities will be conducted in perpetuity and will involve a combination of mechanical treatment, selective hand clearing, and/or prescribed burning. Mechanical treatment methods would include mowing and bush hogging which would be conducted when daytime temperatures are below 75 degrees F (periods of reduced tortoise mobility). Hand pruning or clearing of midstory vegetation could occur as necessary to control overgrowth. Removal of all or parts of larger trees may be performed in order to increase or maintain sunlight penetration to ground level. No maintenance activities will be conducted within 1300 feet of an active eagle's

nest during the nesting season. The distance restriction from the active nest may be reduced upon the approval of the USFWS.

A specific indication of preferred maintenance practices per habitat type is as follows.

A. Xeric Scrub

i. Hand-trim to a height of 6-9 feet at 5 year intervals or as deemed necessary.
ii. Excessive layers of shrubby growth will be removed by hand at 3 year intervals if necessary.
iii. Prescribed burns may be conducted at 8 year intervals if judged feasible and necessary. Appropriate steps will be taken to protect the eagle nest and perch trees, such as the removal of fuel from the vicinity of the nest and perch trees.
iv. No mowing or raking will be performed in xeric scrub areas.
v. No burning will take place during the eagle nesting season, per distances e established by the FGFWFC or the USFWS.

B. Pine Flatwood

i. Bush hogging and/or mowing at 3 year intervals if judged necessary to maintain a minimum of 30% total ground area clear of saw palmetto or other shrubs.

ii. Prescribed burn may be conducted at 3 year intervals if feasible and necessary.

Maintenance activities will be performed upon recording of the Habitat Protection Area conservation easement and every other year thereafter.

A locally based nuisance-wildlife expert will be engaged as necessary to round-up, trap, shoot, or otherwise remove feral hogs from the Protection Area.

If deemed necessary by FGFWFC, native plant species of value to gopher tortoises will be used to supplement existing vegetation. Species used would include, but not be limited to, dwarf live oak, gopher apple, buckthorn, lyonia, gallberry, tarflower, and prickly pear cactus.

Prior to scheduled maintenance activities (every other year), a site walk and habitat evaluation will be performed by a qualified biologist to determine maintenance requirements. Potential need for supplemental foraging plant material plantings will also be evaluated.

A report on maintenance/management activities undertaken will be prepared and submitted to FGFWFC every two years with copies supplied to Lee County and SWFRPC. The FGFWFC will review and suggest modifications, if necessary, to improve management of the site.

Brochures containing information on gopher tortoise habitat, behavior and protection measures will be developed and provided to residents adjacent to the *Eco-Park* or golf course fringes.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

GOPHER TORTOISE MANAGEMENT DURING CONSTRUCTION

The proposed development of the Pelican Landing DRI involves golf course construction and single family homesites in or near those areas which are currently suitable for gopher tortoises. The nature and character of the single family homesite and golf course will be essentially identical to the existing developed portions of Pelican Landing to the south. As such, large amounts of native vegetation will be retained through detailed project layout and deed restrictions.

Tortoises proposed to be impacted as a result of this incidental take permit will be relocated to the proposed Pelican Landing Eco-Park, protection area, until tortoise densities within the 4211, 411/321 FLUCCS categories within the Eco-Park reach 2 per acre. No tortoises will be relocated into the 421 FLUCCS category within the Eco-Park. As construction progresses and if the tortoise density within those FLUCCS categories approaches 2 per acre, temporary holding areas may be constructed outside the Eco-Park to accommodate temporarily displaced tortoises. If necessary, tortoises inside these pens will be provided with supplemental food. Tortoises will not be kept in pens longer than 365 days. The location of holding areas will be outside the Eco-Park area in appropriate habitat south of Coconut Road. Containment fencing will be deployed around the containment area as necessary to contain tortoises. Containment fencing will be wire fence extending at least 2 feet above ground, angled inward, staked tightly to discourage scaling by tortoises and buried a minimum of 1 foot below ground.

Prior to construction-related clearing operations, a qualified biologist with gopher tortoise relocation experience will supervise removal of gopher tortoises from the clearing envelope outside the Eco Park and from within a surrounding distance of 200 feet. Removal will be accomplished by excavation and/or bucket trapping. All tortoises removed will be examined for evidence of respiratory disease, and any exhibiting symptoms will be isolated pending instructions from FGFWFC staff.

All non-diseased tortoises will be placed in either the Habitat Protection Area or in the containment areas as described previously. Care will be taken not to overburden the receiving habitat. Previously relocated tortoises will then be distributed around the golf course fringes (rough) when construction is complete.

SUPPLEMENTAL DISCUSSION - PRESCRIBED BURNING

Fire plays a major role in native communities such as xeric oak and pineland habitats. In the absence of fire, the xeric oak scrub vegetation continually increases in height and cover, eventually eliminating all open spaces, causing a decrease in wildlife species dependent on scrub. Burning stimulates an increase in the quantity and quality of many herbaceous plants that are important wildlife foods and creates openings in the canopy that will allow sunlight to penetrate to the ground.

The natural succession in pinelands is toward hardwood species. Fire is the dominant controlling agent of succession and has historically kept pinelands in a sub-climax successional stage which is relatively stable. Controlled burns are conducted in pineland and rangeland by forest and land managers to prevent the buildup of ground fuel, which reduces the chance of catastrophic wildfires, and to release the nutrients bound in the organic material. Fire controls the hardwoods, allowing for regeneration of the pineland communities. Fire also controls saw palmetto, opening the canopy and allowing an increase in herbaceous

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

species. Saw palmetto, particularly, can cover scrub and brushland habitats to the exclusion of other species if not controlled.

Historically, summer fires initiated by lightening strikes during thunderstorms were more common than winter fires. It should be noted, however, that summer fires tend to kill many more deciduous shrubs and small trees than winter fires. For this reason, winter burning is perhaps more consistent with habitat management objectives.

Prescribed burning, if deemed feasible, will be effected prior to start of construction on any specific development phase. Any burning will be conducted by an experienced control-burn contractor, as described on page 7 under management of pine flatwoods and xeric scrub habitat. The burn plan will adhere to applicable regulatory guidelines and will be coordinated with the appropriate Fire District and the State of Florida Division of Forestry.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Table 1 - Existing Vegetation Communities

Habitat - FLUCCS	Acres	Percentage of Total Suitable Tortoise Habitat	Percentage Total Proje Site Acreag
Fallow Crop Land - 261	36.03	0	3.2
Palmetto Prairies - 321	142.17	21	12.7
Pine Flatwood - 411	219.56	32	19.6
Pine Flatwood/Palmetto Prairies - 411/321	126.55	19	11.3
Pine Flatwood/Brazilian Pepper - 411/422	10.89	0	1.0
Pine Flatwood/Western Everglades Hardwoods/Brazilian Pepper - 411/433/422	5.96	0	0.8
Pine Flatwood, Slash Pine, Saw Palmetto, Scattered Scrub Oak - 4111	7.08	1	0.6
Mesic Oak Stands with Dense High Saw Palmetto - 4201	2.01	0	0.2
Xeric Oak - 421	127.40	19	11.4
Xeric Oak with High Dense Shrubs - 4211	46.4	7	4.1
Brazilian Pepper - 422	7.66	0	0.7
Oak-Pine-Hickory/Pine Flatwood - 423/411	1.39	0	0.1
Melaleuca - 424	23.12	0	2.1
Melaleuca/Palmetto Prairies - 424/321	6.12	1	0.5
Western Everglades Hardwood - 433	24.27	0	2.2
Western Everglades Hardwood/Pine Flatwood/Brazilian Pepper - 433/411/422	7.02	0	0.6
Western Everglades Hardwood/Brazilian Pepper - 433/422	6.88	0	0.6
Mangrove Swamps - 612	164.04	0	14.7
Mangrove Swamps/Saltwater Marshes - 612/642	3.66	0	0.3
Inland Ponds and Sloughs - 616	2.94	0	0.3
Mixed Wetland Hardwoods - 617	25.3	0	2.3

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

(Table 1 cont.)

Habitat - FLUCCS	Acres	Percentage of Total Suitable Tortoise Habitat	Percentage Total Proje Site Acreag
Cypress - 621	10.21	0	0.9
Cypress/Wetland Forest Mixed - 621/630	40.25	0	3.6
Wetland Forest Mixed - 630	1.85	0	0.1
Sawgrass - 6411	9.93	0	0.9
Sawgrass/Brazilian Pepper - 6411/422	6.67	0	0.6
Saltwater Marshes - 642	7.25	0	0.6
Wet Prairies - 643	37.16	0	3.3
Disturbed Lands - 740	9.34	1	0.8
TOTAL ACRES	1119.1		

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

NOTE: Acreages are according to undeveloped portions of Pelican Landing (December 1993).

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

TABLE 2a - Gopher Tortoise Populations Based on Field Surveys

Habitat FLUCCS	Acres in Project	Acreage Surveyed	Percentage Habitat Surveyed	Observed Population*	Tortoise Density Per Acre	Projected Tortoise Population**
421(N)	62	18.1	29	9.8	0.54	33
421(S)	65	32.0	49	30.7	0.96	62
4211	46	9.1	20	4.9	0.54	25
321	142	33.9	24	9.2	0.27	38
411/321	127	26.1	21	17.8	0.68	86
411	219.6	58.2	27	7.5	0.13	28
4111	7	0.4	6	0.0	0.0	0
424/321	6	1.7	28	0.0	0.0	0
740(U)	6	2.3	38	1.2	0.53	3
TOTALS	680.6	181.8				275

(N) Denotes habitat north of Coconut Road.
(S) Denotes habitat south of Coconut Road.
(U) Denotes upland disturbed areas. These consist primarily of man-made berms.

* = Active + inactive burrows observed x 0.614
** = Observed population ÷ percent habitat surveyed

TABLE 2b - Habitat Protection/Preservation Areas

Habitat FLUCCS	Acres in Project	Tortoise Density Per Acre	Habitat Projection Factor	Potential Habitat Protection Acreage	Acres of Habitat Preserved	Percentage of Habitat Preserved
421(N)	62	0.54	15%	9.3	58	94
421(S)	65	0.96	25%	16.3	0	0
4211	46	0.54	15%	6.9	7	15
321	142	0.27	10%	14.2	0	0
411/321	127	0.68	15%	19.1	13	6
411	219.6	.13	5%	11.0	0	0
4111	7	0.0	0%	0.0	0	0
424/321	6	0.0	0%	0.0	0	0
740(U)	6	0.53	15%	1.0	0	0
TOTALS	680			77.8	78	

(N) Denotes habitat north of Coconut Road.
(S) Denotes habitat south of Coconut Road.
(U) Denotes upland disturbed areas. These consist primarily of man-made berms.

5/18/95-0208\02080040-01.gtl

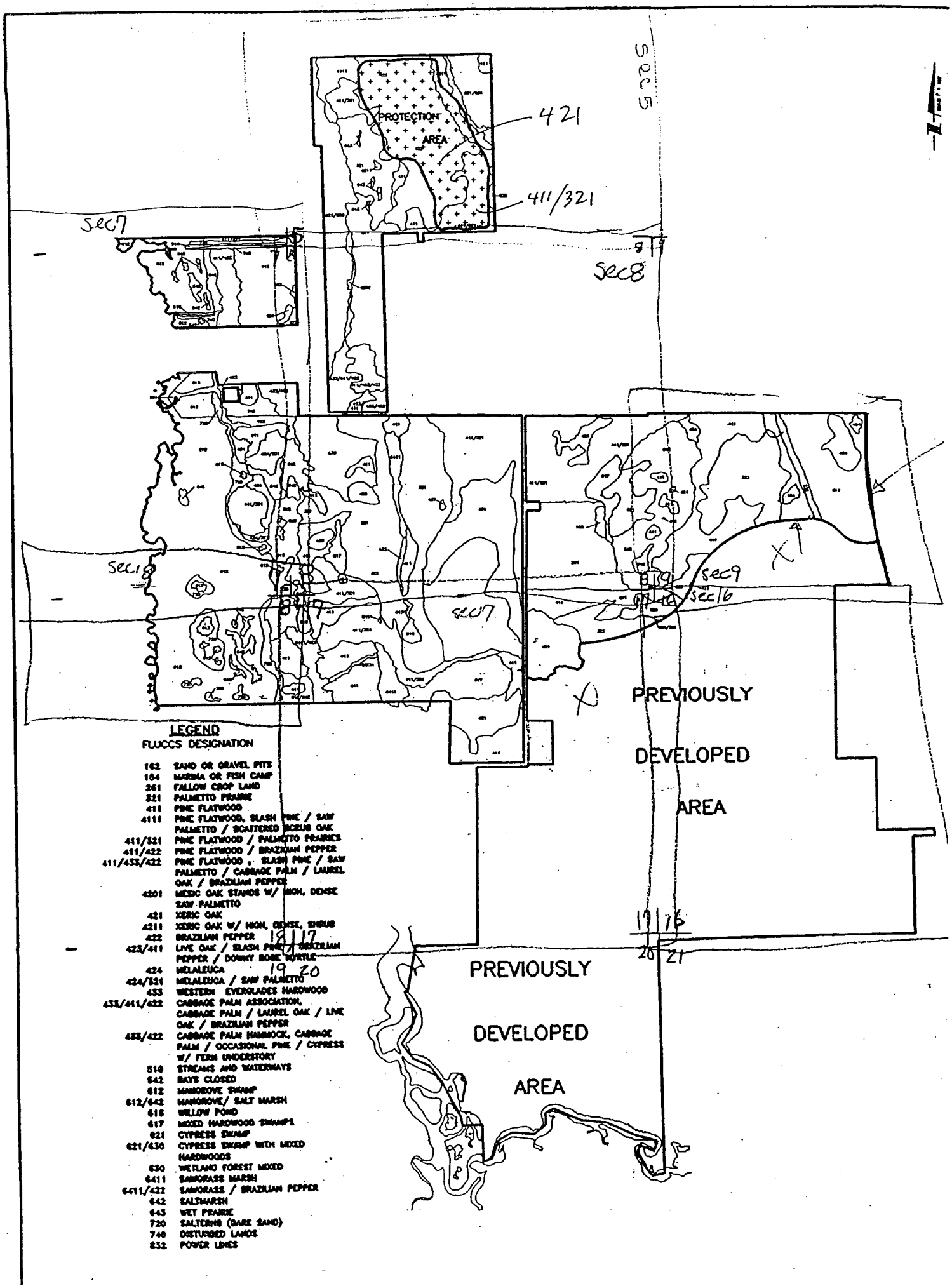
Table 3 - Existing On-Site Tortoise Population - Adjusted Multiplier = 0.614*

FLUCCS Category	Acres**	Projected Burrows (A + I)	Estimate for Tortoise Population
Xeric Oak - 421(N)	62.0	55	33
Xeric Oak - 421 (S)	65.0	102	62
Xeric Oak w/ Dense Shrubs - 4211	46.0	40	25
Palmetto Prairie - 321	142.0	63	38
Pine Flatwood - 411/321	127.0	138	86
Mesic Pine Flatwood - 411	219.6	45	28
Pine Flatwood w/ Scrub Oak - 4111	7.0	0	0
Melaleuca over Palmetto - 424/321	6.0	0	0
Disturbed Land - 740(U)	6.0	5	3
TOTAL	680.6	448	275

* Detailed studies of tortoise populations in the region have shown that burrow occupancy multipliers are typically much lower than 0.614.

** Based on current undeveloped acreages, December 1993.

5/18/95-0208\02080040-01.gtl


PROTECTION AREA
421
411/321
Sec5
Sec7
Sec8
Sec18
Sec17
Sec9
Sec16
PREVIOUSLY DEVELOPED AREA
PREVIOUSLY DEVELOPED AREA
LEGEND
FLUCCS DESIGNATION
162 SAND OR GRAVEL PITS
184 MARINA OR FISH CAMP
261 FALLOW CROP LAND
321 PALMETTO PRAIRIE
411 PINE FLATWOOD
4111 PINE FLATWOOD, SLASH PINE / SAW PALMETTO / SCATTERED SCRUB OAK
411/321 PINE FLATWOOD / PALMETTO PRAIRIES
411/422 PINE FLATWOOD / BRAZILIAN PEPPER
411/433/422 PINE FLATWOOD , SLASH PINE / SAW PALMETTO / CABBAGE PALM / LAUREL OAK / BRAZILIAN PEPPER
4201 MESIC OAK STANDS W/ HIGH, DENSE SAW PALMETTO
421 XERIC OAK
4211 XERIC OAK W/ HIGH, DENSE, SHRUB
422 BRAZILIAN PEPPER
423/411 LIVE OAK / SLASH PINE / BRAZILIAN PEPPER / DOWNY ROSE MYRTLE
424 MELALEUCA
424/321 MELALEUCA / SAW PALMETTO
433 WESTERN EVERGLADES HARDWOOD
433/411/422 CABBAGE PALM ASSOCIATION, CABBAGE PALM / LAUREL OAK / LIVE OAK / BRAZILIAN PEPPER
433/422 CABBAGE PALM HAMMOCK, CABBAGE PALM / OCCASIONAL PINE / CYPRESS W/ FERN UNDERSTORY
510 STREAMS AND WATERWAYS
542 BAYS CLOSED
612 MANGROVE SWAMP
612/642 MANGROVE/ SALT MARSH
616 WILLOW POND
617 MIXED HARDWOOD SWAMPS
621 CYPRESS SWAMP
621/630 CYPRESS SWAMP WITH MIXED HARDWOODS
630 WETLAND FOREST MIXED
6411 SAWGRASS MARSH
6411/422 SAWGRASS / BRAZILIAN PEPPER
642 SALTMARSH
643 WET PRAIRIE
720 SALTERNS (BARE SAND)
740 DISTURBED LANDS
832 POWER LINES

Proposed Reconfiguration of
Pelican Landing DRI Eco-Park

APPENDIX B

Existing Conservation Easement for Pelican Landing DRI Eco-Park

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

TERREY D.

WCI COMMUNITIES
LIMITED PARTNERSHIP

801 Laurel Oak Drive, Suite 500
Naples, Florida 33963-2797
(941) 598-9000, Fax: (941) 597-9427

October 27, 1995

Mr. Brian S. Barnett, Assistant Director
Office of Environmental Services
Florida Game and Fresh Water Fish Commission
620 South Meridian Street
Tallahassee, FL 32399-1600

RE: Final Conservation Easement, Mitigation for Gopher Tortoise Incidental Take Permit LEE-9 (Pelican Landing)

Dear Mr. Barnett

In accordance with your letter of September 26, 1995 to Vivien Hastings, enclosed please find the original recorded Grant of Conservation Easement regarding the above-referenced matter. Please feel free to contact us should you have questions or if we can be of further assistance.

Sincerely yours,

COPY

Robin Martin, CLA
Legal Assistant

RM:i\misc
cc: Vivien Hastings (w/enc.) ✓
Susan Watts (w/enc.)
Terrey Dolan (w/enc.)

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

This instrument prepared by
and please return to:

Vivien N. Hastings
801 Laurel Oak Drive
Suite 500
Naples, Florida 33963

3854202

GRANT OF CONSERVATION EASEMENT

THIS GRANT OF CONSERVATION EASEMENT is made this 31st day of October, 1995, by WCI COMMUNITIES LIMITED PARTNERSHIP, a Delaware limited partnership, successor to WCN Communities, Inc. (f/k/a Westinghouse Communities of Naples, Inc.), whose address is: c/o 24820 Burnt Pine Drive, Bonita Springs, Florida 33923 ("Grantor"), in favor of the FLORIDA GAME AND FRESH WATER FISH COMMISSION, a Commission created by Section 9, Article IV of the Constitution of the State of Florida, whose address is: Farris Bryant Building, 620 South Meridian Street, Tallahassee, Florida 32399-1600 ("Grantee").

R E C I T A L S :

A. The Grantor is the Owner of certain lands situated in Lee County, hereinafter referred to as the "Property", more specifically described in Exhibit "A" (legal descriptions and sketches) attached hereto and incorporated herein by this reference; and

B. This Conservation Easement is being granted by Grantor to Grantee pursuant to the terms of the Pelican Landing Master DRI Gopher Tortoise Incidental Take Permit-Lee - 9, issued to Grantor by GRANTEE on August 29, 1995, which permit includes the Gopher Tortoise Population Study and Habitat Management Plan for Pelican Landing DRI, including the Elks Club and the Wysock Parcel (the "Plan"). (such permit and the Plan as they may be amended or modified from time to time are hereinafter collectively called "Permit"); and

C. The purpose of this Conservation Easement is to protect and conserve wildlife by establishing a Gopher Tortoise Preserve upon the Property by way of this Conservation Easement and to manage the Property in conformance with the terms of the Permit; and

D. The Grantee has approved the establishment of the Conservation Easement pursuant to the Permit and the Development Order approving a Development of Regional Impact known as Pelican Landing DRI, State DRI No. 1-9293-121, the Notice of Adoption which is recorded in Official Record Book 2545, Page 1032, of the Public Records of Lee County, Florida.

NOW, THEREFORE, consistent with the facts set forth above, and as consideration of the consent by Grantee to the issuance of the Permit, Grantor hereby grants, creates and establishes a non-exclusive, perpetual Conservation Easement upon the Property described in Exhibit "A", which shall be subject to the terms and conditions set forth below and which shall run with the land and be binding upon the Grantor, Grantee, their successors and assigns, (including, without limitation, any subsequent purchases of the Property or any portion thereof), and shall remain in full force and effect forever.

1. The scope, nature and character of the Conservation Easement is to provide protection for Gopher Tortoises and shall be used as a conservation area pursuant to Section 704.06, Florida Statutes, and consistent with the Permit and the Plan, a copy of which Permit, including the Plan, is attached hereto as Exhibit "B" and incorporated herein by reference. To carry out this purpose, the following rights are conveyed to Grantee by this Conservation Easement:

(a) To enter upon the Property at reasonable times to observe and inspect the Property and to enforce the rights herein granted upon prior notice to Grantor, its heirs, successors and assigns, in a manner that will not unreasonably interfere with the use and quiet enjoyment of the Property (and/or adjacent lands owned by Grantor) by Grantor, its heirs, successors and assigns at the time of such entry; and

(b) To enforce, by any proceeding in law or equity, any and all terms of this Conservation Easement, including the right to enjoin any activity on or use the Property that is inconsistent with the purpose of this Conservation Easement and to enforce the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use.

2. Grantor reserves to itself, its heirs, successors and assigns, all rights as Owner of the Property, including the right to engage in all uses of the Property that are not expressly prohibited herein and are not inconsistent with the purpose of this Conservation Easement as set forth in Section 704.06, Florida Statutes and the right to implement all the terms and provisions of the Permit, including the right to install, construct and maintain nature trails upon the Property in accordance with the Permit. The following are prohibited activities unless otherwise specifically provided in the Permit or consented to in writing by Grantee:

(a) Construction or placing of buildings, roads, billboards or other advertising except as required for the construction and maintenance of nature trails, as provided in the Permit;

(b) Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials; except as required for the construction and maintenance of nature trails as provided in the Permit.

(c) Removal or destruction of native trees, shrubs, or other vegetation (except for trimming or removal of dead or diseased trees or removal of exotic nuisance vegetation as may be approved by the appropriate state, federal and/or local regulatory agencies), except as authorized by the Permit;

(d) Excavation, dredging, or removal of loam, peat, gravel, soil, rock or other material substance in such a manner as to affect the surface;

(e) Surface use except for purposes that permit the land or water area to remain predominately in its natural condition;

(f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation or fish and wildlife habitat preservation;

(g) Acts or uses detrimental to such retention of land or water areas.

3. No right access by the general public to any portion of the Property is conveyed by this Conservation Easement.

4. Grantor agrees for itself and its successors and assigns, to maintain and repair the Property and agrees to bear all costs related to the operation, upkeep and maintenance of the Property. Notwithstanding the foregoing, Grantor shall have the right, at any time, to assign to the Bayside Improvement Community Development District, a community development district established pursuant to Chapter 190, Florida Statutes, whose address is 10300 N.W. 11th Manor, Coral Springs, Florida 33071 (the "Bayside District"), any or all of its maintenance, upkeep and repair obligations and duties under this Conservation Easement, such assignment and acceptance to be evidenced by an instrument recorded in the Public Records of Lee County, Florida. Upon recording of this instrument, the Bayside District shall automatically assume full responsibility for all of such assigned duties and obligations described herein and Grantor shall have no further obligations with respect thereto. Grantee shall have no maintenance, upkeep or repair responsibilities with respect to this Conservation Easement.

5. Grantor, its successors and assigns, agree to pay any and all real property taxes and assessments levied by competent authority on the Property.

6. Grantee will use care while present on the Property and shall in no way interfere with the right of ingress or egress of Grantor, its successors and assigns, or any other party requiring access to any of the Property over which said Conservation Easement is granted.

7. In the event it becomes necessary for Grantor or Grantee to enforce, judicially or otherwise, the terms and restrictions of this Conservation Easement, including without limitation, costs of suit, attorney's fees, and any cost of restoration necessitated by the

violation of the terms of this Conservation Easement, then the prevailing party shall be entitled to reimbursement of all such costs.

8. Any forbearance on the behalf of Grantor or Grantee to exercise their rights hereunder in the event any breach hereof shall not be deemed or construed to be a waiver of such party's rights hereunder in the event of a subsequent breach.

9. Grantee, or its assigns, agrees (i) that they will hold this Conservation Easement exclusively for conservation purposes, and (ii) that they will not assign their rights and obligations under this Conservation Easement except to another organization which is qualified to hold such interest under applicable state law and who agrees to hold this Conservation Easement exclusively for conservation purposes and subject to strict compliance with the terms hereof, and (iii) that no such assignment will be made without the Grantor's written consent.

10. Grantor agrees that the terms, conditions, restrictions and purposes of this grant will be inserted by it in any subsequent deed or legal instrument by which Grantor divests itself of any interest in the Property.

11. If any provision of the Conservation Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Easement, and the applications of such provision to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

12. All notices, consents, approvals, or other communication hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest, at the addresses above set forth or such new addresses as either party may in writing deliver to the other.

13. This Conservation Easement may be amended, altered, released, or revoked only by written agreement between Grantor, the Grantee, their successors or assigns, which shall be filed in the Public Records of Lee County, Florida.

TO HAVE AND TO HOLD unto Grantee, its successors-in-interest and assigns, forever. The covenants, terms, conditions, restrictions and purposes imposed with this easement shall not only be binding upon Grantor but also its agents, personal representatives, heirs, assigns and all other successors to it in interest, and shall continue as a servitude running in perpetuity with the Property.

IN WITNESS WHEREOF, Grantor has set its hand on the day and year first above written.

Signed, Sealed and Delivered in our presence as witnesses:

Robin Martin
Print: Robin Martin

Peter Doraft
Print: PETER DORAFT

WCI COMMUNITIES LIMITED PARTNERSHIP, a Delaware limited partnership (f/k/a WCN Communities, Inc.)

By: _____
Jerry H. Schmoyer
Senior Vice President

STATE OF FLORIDA
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 21st day of September, 1995, by Jerry H. Schmoyer, as Senior Vice President of WCI Communities Limited Partnership, a Delaware limited partnership (f/k/a WCN Communities, Inc.). He is personally known to me and did not take an oath.

Robin Martin
Notary Public
Print: Robin Martin
Commission No.: _____
My Commission Expires: _____

NOTARY PUBLIC STATE OF FLORIDA
OFFICIAL NOTARY SEAL
ROBIN MARTIN
COMMISSION NUMBER
CC476912
MY COMMISSION EXP.
JULY 31,1999

GRANTEE ACCEPTANCE

The FLORIDA GAME AND FRESH WATER FISH COMMISSION hereby approves the foregoing Grant of Conservation Easement and agreed to all of the terms and provisions thereof.

FLORIDA GAME AND FRESH WATER FISH COMMISSION

Witness:

Bonnie S. Holcomb
Print: Bonnie S. Holcomb

Barbara Levins
Print: Barbara Levins

By: William C. Sumner
Its: ASSISTANT EXECUTIVE DIRECTOR

_____, ~~Secretary~~

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
Commission Attorney

STATE OF FLORIDA
COUNTY OF Leon

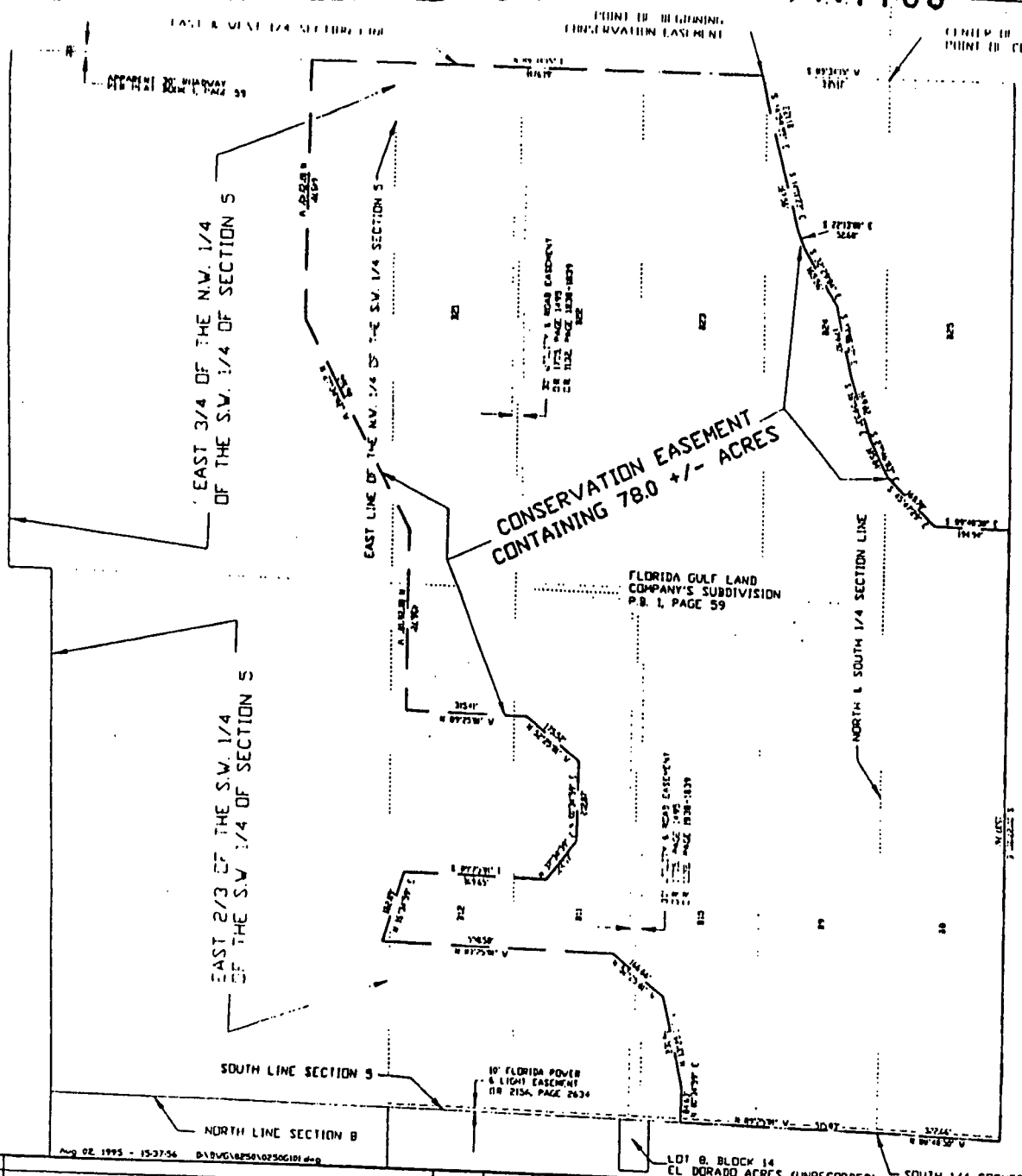
The foregoing instrument was acknowledged before me this 22nd day of September, 1995, by William C. Sumner ~~and~~ _____, as Asst. Executive Director ~~and Secretary~~, ~~respectively~~, of Florida Game and Fresh Water Fish Commission. They are personally known to me and did not take an oath.

Jimmie C. Bevis
Notary Public
Print: JIMMIE C. BEVIS
Commission No.: CC 338592
My Commission Expires: DECEMBER 23, 1998

i:wcn\consease.doc

DCI2023-00052 Lee County ePlan
Additional info dated 07-16-2024

EXHIBIT A



LEGAL DESCRIPTION

DESCRIPTION
PART OF SECTION 5, TOWNSHIP 47 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA
(Eco-Park Conservation Easement)

All of lots 8A, 8B, 8C2 and part of lots 8B9, 8B1, 8B2, 8P1, 8P3, 8P4 and 8P5 of Florida Gulf Land Company's Subdivision according to the plat thereof as recorded in Plat Book 1, Page 59, Public Records of Lee County, Florida and also being a part of the South one-half (S-1/2) of Section 5, Township 47 South, Range 25 East, Lee County, Florida being more particularly described as follows:

COMMENCING at the center of said Section 5;
thence along the east-west quarter section line of said section 5 S89°34'15"W 33517 feet to the POINT OF BEGINNING of the Easement herein described;
thence leaving said east-west quarter section line S14°59'55"E 72118 feet;
thence S14°11'23"E 167.56 feet;
thence S72°13'00"E 58.60 feet;
thence S30°29'04"E 165.56 feet;
thence S13°08'11"E 179.93 feet;
thence S19°19'53"E 169.82 feet;
thence S27°46'03"E 105.04 feet;
thence S45°47'29"E 169.78 feet;
thence S89°40'30"E 194.94 feet to an intersection with the east line of said lot 8P4;
thence S00°27'01"E along the east line of said Lots 8P3 and 8B 1537.76 feet to the southeast corner of said lot 8B and a point on the south line of said Section 5;
thence along said south line of Section 5 and along the south line of said Lot 8B N88°48'50"W 3[illegible]46 feet to the southwest corner of said lot 8B and the south quarter corner of said Section 5;
thence continue along said south line of Section 5 and along the south line of said Lots 8B and 8B1 N89°25'01"W 313.83 feet;
thence leaving said south line of Section 5 N00°34'59"E 8463 feet;
thence N13°25'01"W 231.96 feet;
thence N52°25'01"W 164.66 feet;
thence N89°25'01"W 590.50 feet;
thence N16°34'59"E 182.03 feet;
thence S89°25'01"E 36.95 feet;
thence N27°34'59"E 128.09 feet;
thence N00°34'59"E 202.07 feet;
thence N52°25'01"W 175.52 feet;
thence N89°25'01"W 315.41 feet;
thence N00°26'18"W 454.72 feet;
thence N27°34'42"W 591.98 feet;
thence N00°25'45"W 645.70 feet to a point on said east-west quarter line of said Section 5;
thence along said east-west quarter line of Section 5 and along the north line of said Lots 8P1, 8P2 and 8P3 N89°34'15"E 117619 feet to the POINT OF BEGINNING of the Easement herein described.

Parcel contains 78.00 acres, more or less
Subject to easements, restrictions, reservations and rights-of-way of record
Bearings shown hereon are assumed and based on the east west 1/4 section line of Section 5, being N89°34'15"E

Prepared by

WILSON, MILLER, BARTON & PEEK, INC

Elizabeth F. Gaines, Professional Surveyor & Mapper
Florida Registration No. 4576

Date

GENERAL NOTES:
1. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF
2. BEARINGS SHOWN HEREON ARE ASSUMED AND BASED ON THE EAST WEST 1/4 SECTION LINE OF SECTION 5, BEING N 89°34'15"E
3. OR DENOTES OFFICIAL RECORD BOOK
P.B. DENOTES PLAT BOOK

*** 8 1/2 x 11 NOT TO SCALE ***
*** NOT A SURVEY ***

Aug 02, 1995 - 15:37:56 D:\DWG\8250\0250G101.dwg

REV NO	REVISION	DATE	DRAWN BY	EMP. NO.	CHECKED BY	EMP. NO.

ACTIVITY	INITIALS	EMP. NO.	DATE
DESIGNED BY:			
DRAWN BY:	MLB	264	7/28/95
CHECKED BY:		170	

ACTIVITY
CONTRACT ADMIN. BY:
WMB&P APPROVED BY:
SENT TO:

WILSON, MILLER, BARTON & PEEK, INC.
ENGINEERS • SURVEYORS • PLANNERS • ENVIRONMENTAL CONSULTANTS
LANDSCAPE ARCHITECTS • CONSTRUCTION MANAGERS
4891 Colonial Boulevard
Fort Myers, Florida 33912
(813) 939-1020 Fax (813) 939-7479

PROJECT:
ECO-PARK CONSERVATION

DATE: 7/28/95
HORIZONTAL SCALE: 1"=200'
VERTICAL SCALE:
REV. DATE: 5-47-23
FILE NO.: 217

CLIENT:
PELICAN LANDING COMMUNITIES, INC.
24820 BURNT PINE DRIVE, BONITA SPRINGS, FL 33923 (941)947-2600

TITLE:
SKETCH AND DESCRIPTION
OF LOTS 8A, 8B, 8C2 AND PART OF LOTS 8B9, 8B1, 8B2, 8P1, 8P3, 8P4 AND 8P5 OF FLORIDA GULF LAND COMPANY'S SUBDIVISION, PLAT BOOK 1, PAGE 59 AND PART OF SECTION 5 TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

FLORIDA GAME AND FRESH WATER FISH COMMISSION

JULIE K. MORRIS
Sarasota

QUINTON L. HEDGEPETH, DDS
Miami

MRS. GILBERT W. HUMPHREY
Micccosukee

THOMAS B. KIRI
Lakeland

ALLAN L. EGBERT, Ph.D., Executive Director
WILLIAM C. SUMNER, Assistant Executive Director

OFFICE OF ENVIRONMENTAL SERVIC
BRADLEY J. HARTMAN, Direc
FARRIS BRYANT BUILDI
620 South Meridian Str
Tallahassee, FL 32399-16
(904) 488-66
SUNCOM 278-66
FAX (904) 922-56
TDD (904) 488-95

August 29, 1995

Mr. Terrence S. Dolan
Westinghouse Bayside Communities, Inc.
24820 Burnt Pine Drive
Bonita Springs, FL 33923

Re: Gopher Tortoise Incidental Take
Permit #LEE-9, Lee County

Dear Mr. Dolan:

Enclosed is permit LEE-9 for the incidental taking of gopher tortoises, their eggs and their burrows within the development boundaries specified. The application for this permit was complete as of August 28, 1995.

Please contact Ms. Kim Dryden at (941) 639-3515 if you have any questions regarding this permit.

Sincerely,

Brian Barnett, for
Bradley J. Hartman, Director
Office of Environmental Services

BJH/tgw
ENV 3-2/5
Enclosure
gtpermit.ltr
cc: Lee County Planning Department
Mr. Mike Kemmerer, South Region, GFC
Major Buckhalter, South Region, GFC
Ms. Kim Dryden, OES, GFC
Mr. Tim Durham, Wilson, Miller, Barton & Peek
Mr. Don Wood, Division of Wildlife, GFC

95 OCT 18 PM 1:20

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

APPENDIX C

Photographs of Xeric Oak Scrub Habitat to be Retained in Existing Eco-Park

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Exhibit C-1. Representative nature of xeric oak habitat (FLUCCS #421) to be retained in existing Eco-Park.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Exhibit C-2. Representative nature of xeric oak habitat (FLUCCS #421) to be retained in existing Eco-Park.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Exhibit C-3 Representative nature of xeric oak habitat with dense shrub layer (FLUCCS #4211) to be retained in existing Eco-Park.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

APPENDIX D

Photographs of Xeric Oak and Pine Flatwoods/Palmetto Prairie Habitat of the Proposed Deletion Parcel

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

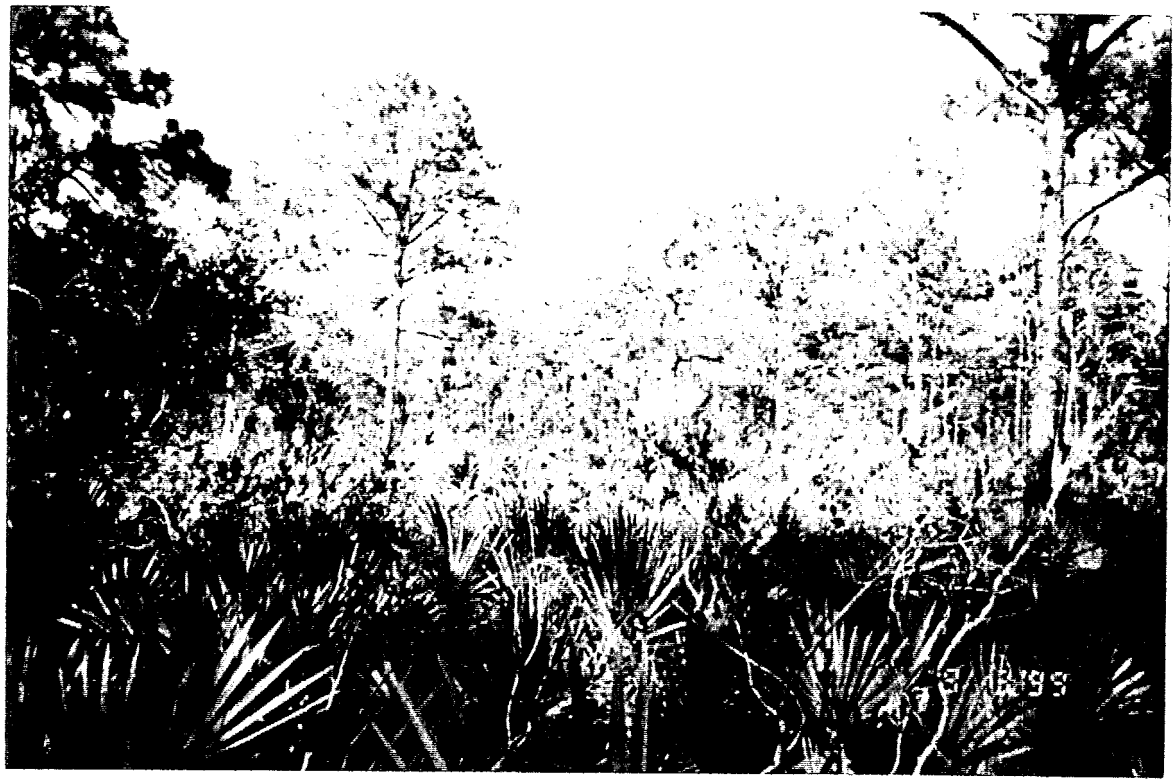


Exhibit D-1. Representative nature of xeric oak habitat (FLUCCS #421) of the parcel proposed to be deleted from the Eco-Park.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Exhibit D-2. Representative nature of xeric oak habitat (FLUCCS #421) of the parcel proposed to be deleted from the Eco-Park.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Exhibit D-3 Representative nature of pine flatwoods/palmetto prairie habitat (FLUCCS #411/321) of the parcel proposed to be deleted from the Eco-Park.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Exhibit D-4. Representative nature of pine flatwoods/palmetto prairie habitat (FLUCCS #411/321) of the parcel proposed to be deleted from the Eco-Park.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

APPENDIX E

Photographs of Selected Habitats of the Proposed Addition Parcel

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Exhibit E-1. Representative nature of xeric oak (FLUCCS #421) habitat in areas proposed to be added to the Eco-Park (Skebe tract).

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Exhibit E-2. Representative nature of pine flatwoods (FLUCCS #411E1) habitat in areas proposed to be added to the Eco-Park (Skebe tract).

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Exhibit E-3. Representative nature of pine flatwoods (FLUCCS #411E2) habitat in areas proposed to be added to the Eco-Park (Skebe tract).

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

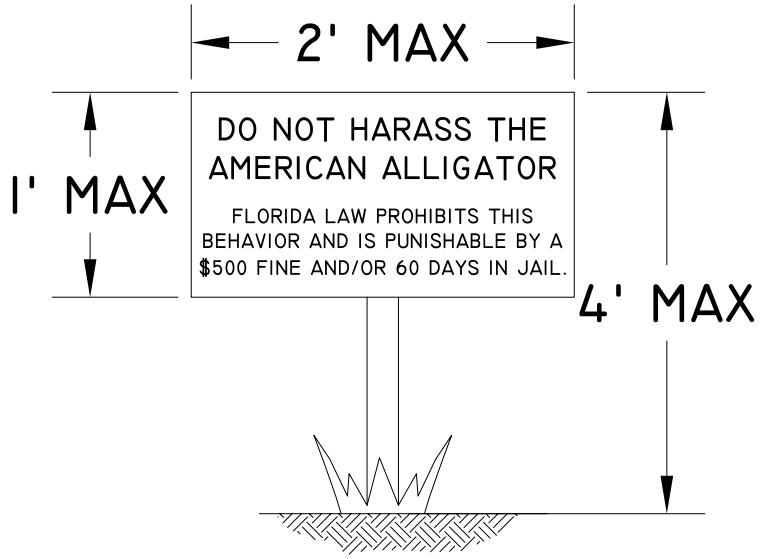
Exhibit E-4. Representative nature of cypress habitat (FLUCCS #621) of Halfway Creek in areas proposed to be added to the Eco-Park.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Exhibit E-5. Representative nature of main channel of Halfway Creek in areas proposed to be added to the Eco-Park (Skebe tract).

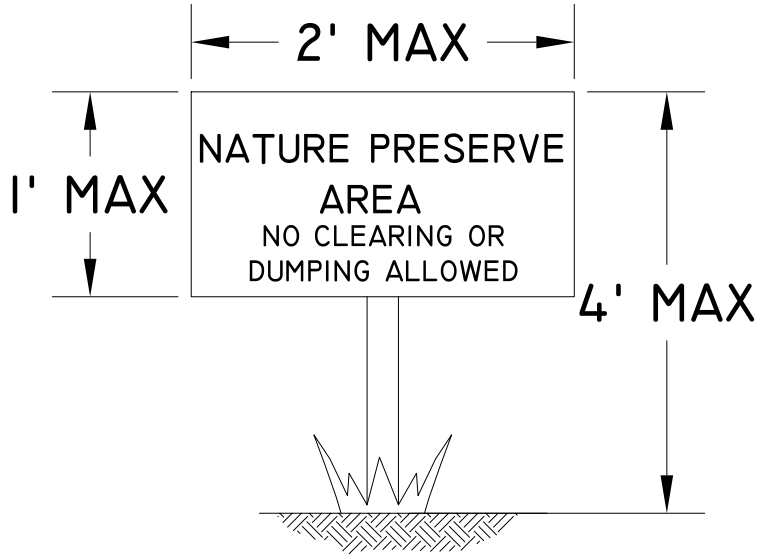
APPENDIX E

AMERICAN ALLIGATOR MANAGEMENT AND PRESERVE SIGNAGE



TYPICAL AMERICAN ALLIGATOR SIGNAGE

N.T.S.



TYPICAL PRESERVE SIGNAGE

N.T.S.

J:\2020\20.BR3290.2021\INDIG PRESERVE AND PROTECTED SPECIES MGMT PLAN\APPENDIX E ALLIGATOR AND PRESERVE SIGNAGE.DWG TAB: 8X11-M MAR 22, 2022 - 8:04AM PLOTTED BY: PAULF

APPENDIX E. AMERICAN ALLIGATOR MANAGEMENT AND PRESERVE SIGNAGE
RAPTOR BAY GOLF COURSE RENOVATION

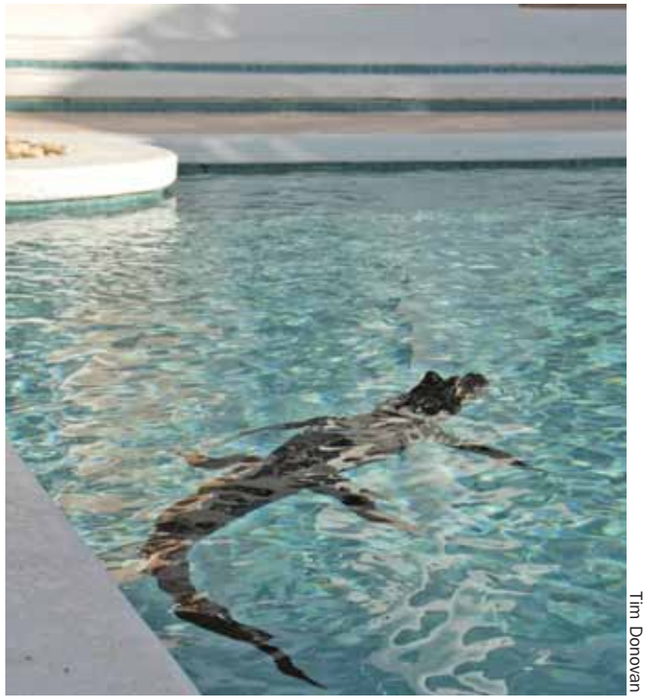
DRAWN BY	DATE
R.F.	09/27/21
REVIEWED BY	DATE
S.J.	09/27/21
REVISED	DATE

PASSARELLA & ASSOCIATES INC
Consulting Ecologists

APPENDIX F

AMERICAN ALLIGATOR INFORMATIONAL PAMPHLET

- Never feed alligators – it's dangerous and illegal. When fed, alligators can overcome their natural wariness and learn to associate people with food. When this happens, some of these alligators have to be removed and killed.
- Dispose of fish scraps in garbage cans at boat ramps and fish camps. Do not throw them into the water. Although you are not intentionally feeding alligators when you do this, the result can be the same.
- Seek immediate medical attention if you are bitten by an alligator. Alligator bites can result in serious infections.
- Observe and photograph alligators only from a distance. Remember, they're an important part of Florida's natural history as well as an integral component of aquatic ecosystems.



Tim Donovan

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

Janice Plain

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

Regional offices
Northwest Region, Panama City
850-265-3676

North Central Region, Lake City
386-758-0525

Northeast Region, Ocala
352-732-1225

Southwest Region, Lakeland
863-648-3200

South Region, West Palm Beach
561-625-5122

REWARD
Report Fish & Wildlife Violations
1-888-404-3922

The FWC prohibits discrimination by race, color, nationality, age, sex or handicap. If you believe you have been discriminated against in any program, activity or facility of this agency, write to: Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600; or to: Office of Human Relations, USFWS, Department of Interior, Washington, D.C. 20240.

printed on recycled paper 50K 07/10

A guide to living with **Alligators**

Jamie Feddersen

Florida Fish and Wildlife Conservation Commission

MyFWC.com

Lizabeth West

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.

Alligators and people

Alligators are a fundamental part of Florida's marshes, 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 many Floridians accept living with alligators nearby, 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 (392-4286). Please be aware, nuisance alligators are harvested, not relocated.

Tim Donovan

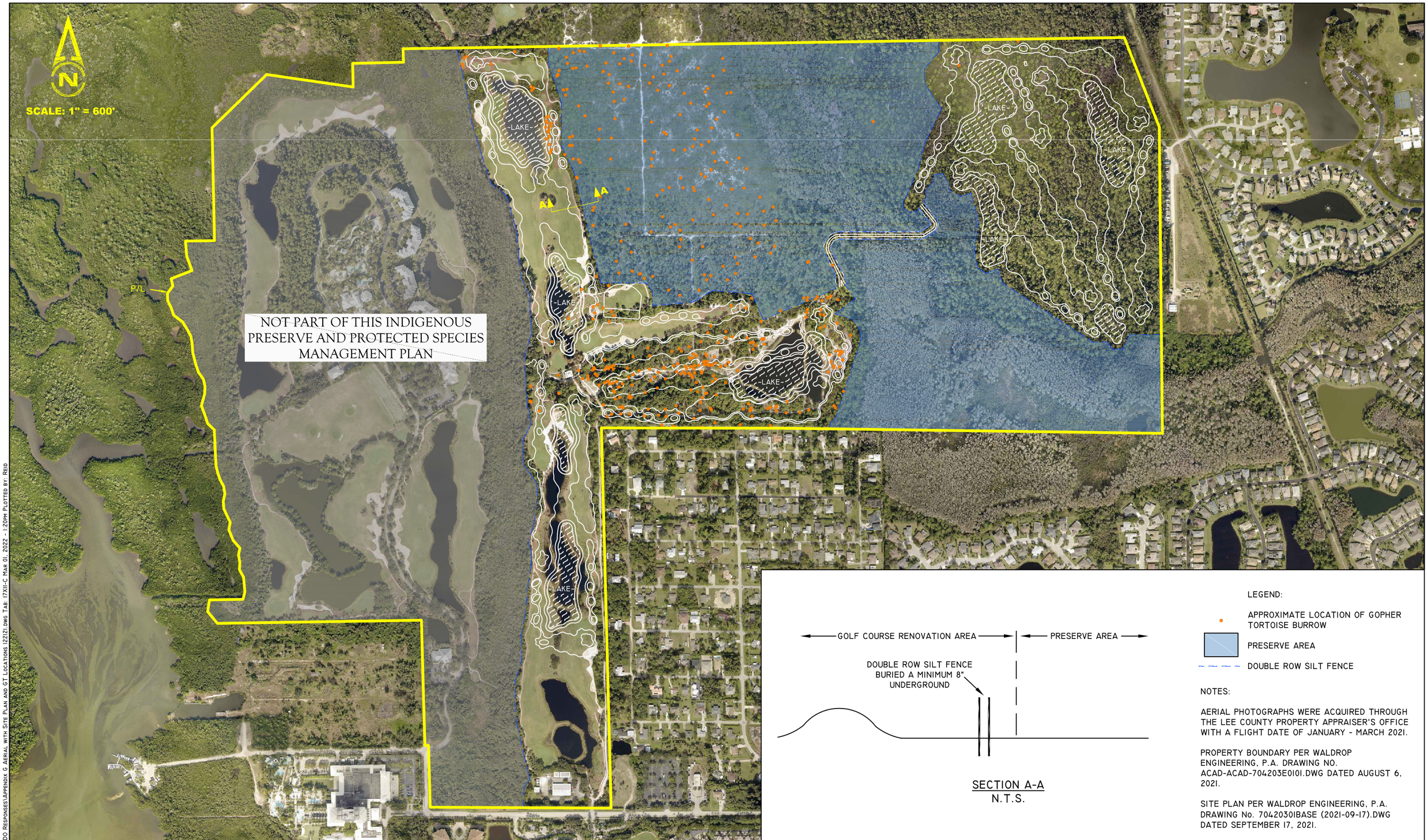
A young alligator wanders onto a porch in a residential neighborhood.

- 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.

(continued)

APPENDIX G

AERIAL WITH SITE PLAN AND GOPHER TORTOISE BURROW LOCATIONS



J:\2020\20LBR3290\2021\DO RESPONSES\APPENDIX G AERIAL WITH SITE PLAN AND GT LOCATIONS 122121.DWG TAB: 17X11-C MAR 01, 2022 - 1:20PM PLOTTED BY: REID

REVISIONS	DATE
Added silt fence	12/21/21

DRAWN BY R.F.	DATE 11/29/21
DESIGNED BY S.J.	DATE 11/29/21
REVIEWED BY S.J.	DATE 11/29/21

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

Consulting Ecologists
PASSARELLA & ASSOCIATES INC.

RAPTOR BAY GOLF COURSE RENOVATION

AERIAL WITH SITE PLAN AND GOPHER TORTOISE BURROW LOCATIONS

DRAWING No. 20LBR3290

SHEET No. APPENDIX G

APPENDIX H

WADING BIRD INFORMATIONAL PAMPHLET

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

Promptly notify the FWCC 1-888-404-FWCC

Tips for living with wading birds

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

Prepared By:

PASSARELLA & ASSOCIATES INC
Consulting Ecologists

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

WADING BIRD INFORMATIONAL PAMPHLET

RAPTOR BAY GOLF COURSE RENOVATION

Description:

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

Habitat:

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

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

Protection:

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

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

APPENDIX I

BALD EAGLE MANAGEMENT PLAN FOR NEST LE-28A

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

RAPTOR BAY GOLF COURSE RENOVATION
BALD EAGLE MANAGEMENT PLAN
FOR BALD EAGLE NEST LE-28A
LEE COUNTY, FLORIDA

July 2022

Prepared For:

LBRaptor, LLC
2210 Vanderbilt Beach Road, Suite 1300
Naples, Florida 34109
(239) 449-1550

Prepared By:

Passarella & Associates, Inc.
13620 Metropolis Avenue, Suite 200
Fort Myers, Florida 33912
(239) 274-0067

Project No. 20LBR3290

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

TABLE OF CONTENTS

Page

1.0 Introduction 1

2.0 Habitat Inventory and Mapping 1

3.0 Bald Eagle Biology and Protection 4

4.0 Description of LE-28A 6

4.1 Location and Landscape Information 6
4.2 Nesting History 6

5.0 Proposed Site Plan and Eagle Protection Zones 7

6.0 Bald Eagle Management Plan 7

7.0 References 7

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

LIST OF EXHIBITS

Page

Exhibit 1. Project Location Map E1-1

Exhibit 2. Bald Eagle Management Plan for Nest LE-28A (March 2000) E2-1

Exhibit 3. Aerial with FLUCFCS and Bald Eagle Nest E3-1

Exhibit 4. Aerial with Proposed Site Plan, Bald Eagle Nest, Conservation Area, and Surrounding Land Uses E4-1

1.0 INTRODUCTION

This Bald Eagle Management Plan (BEMP) has been prepared for Bald Eagle (*Haliaeetus leucocephalus*) Nest LE-28A located on the Raptor Bay Golf Course Renovation project (Project). The Project site is located in Sections 5 and 8, Township 47 South, Range 25 East, Lee County (Exhibit 1). The Project site totals 306.89± acres and is located north of Coconut Road, 1.5± miles west of U.S. 41 and 2.28± miles south of Corkscrew Road. More specifically, the site is bordered to the north by West Bay Club; to the south by El Dorado Acres and Meadowbrook residential developments and Coconut Road; to the east by a Florida Power & Light (FPL) easement, existing conservation lands, and Fountain Lakes and Marsh Landing residential developments; and to the west by existing conservation lands, the Raptor Bay Golf Club, and Hyatt Residence Club.

A BEMP was previously prepared by Wilson Miller, Inc. on March 7, 2000 for Nest LE-28A which depicted the eagle nest tree and two protection zones (Exhibit 2). The two zones consisted of the Primary Protection Zone (PPZ), which ranged from 750 feet to 1,200 feet from the nest tree and the Secondary Protection Zone (SPZ), which ranged from 750 feet to 1,300 feet from the PPZ.

This BEMP has been prepared to update the PPZ and SPZ for Nest LE-28A to 330 and 660 feet, respectively, as currently accepted by Lee County the U.S. Fish and Wildlife Service (USFWS), and the Florida Fish and Wildlife Conservation Commission (FWCC). Additionally, this BEMP is intended to facilitate construction of the Project (i.e., golf course renovation activities) while providing sufficient measures to minimize the potential for adverse impacts to nesting bald eagles. The golf course renovation activities are currently underway in accordance with Lee County Development Order (DO) No. DOS2021-00137.

Nest LE-28A and its proposed protection zones (i.e., 330 and 660 feet) are contained entirely within the Project's conservation area. Therefore, no development activities will occur within 660 feet of Nest LE-28A. Approval of this BEMP will allow the Project's golf course renovation activities to continue throughout the year, as needed.

2.0 HABITAT INVENTORY AND MAPPING

Vegetation and land cover mapping for the Project was updated by Passarella & Associates, Inc. (PAI) in August 2021 using a Lee County 2021 rectified aerial. Groundtruthing of the vegetative communities was conducted using the Florida Land Use, Cover and Forms Classification System (FLUCFCS) Level III (Florida Department of Transportation 1999). Level IV FLUCFCS was utilized to denote disturbance and hydrologic conditions. "E" codes were used to identify levels of exotic and invasive vegetation (e.g., Brazilian pepper (*Schinus terebinthifolia*) and melaleuca (*Melaleuca quinquenervia*)). AutoCAD 3D 2021 software was used to determine the acreage of each mapping area, produce summaries, and generate the FLUCFCS map for the Project. An aerial with FLUCFCS and SFWMD wetlands is included as Exhibit 3. According to the FLUCFCS map, the on-site land uses and vegetation communities consist primarily of golf course, pine flatwoods, pine, scrubby flatwoods, melaleuca, shallow ponds, cypress, mixed wetland forest, and freshwater marsh.

A total of 22 land use types were identified on the Project site and are described below.

Golf Course (FLUCFCS Code 182)
This land use type includes the existing Raptor Bay golf course.

Pine Flatwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 4119 E1)
The canopy of this habitat type includes slash pine (*Pinus elliottii*), melaleuca, and scattered cabbage palm (*Sabal palmetto*) and earleaf acacia (*Acacia auriculiformis*). The sub-canopy contains slash pine, melaleuca, twining snoutbean (*Rhynchosia tomentosa*), wax myrtle (*Morella cerifera*), myrsine (*Myrsine cubana*), saltbush (*Baccharis halimifolia*), saw palmetto (*Serenoa repens*), dahoon holly (*Ilex cassine*), gallberry (*Ilex glabra*), Brazilian pepper, muscadine grapevine (*Vitis rotundifolia*), cassia (*Senna pendula*), and scattered cabbage palm and earleaf acacia. The ground cover is dominated by saw palmetto.

Pine Flatwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 4119 E2)
This habitat type is similar to FLUCFCS Code 4119 E1, but with 25 to 49 percent melaleuca in the canopy and sub-canopy.

Pine Flatwoods, Disturbed (50-75% Exotics) (FLUCFCS Code 4119 E3)
This habitat type is similar to FLUCFCS Code 4119 E2, but with 50 to 75 percent melaleuca in the canopy and sub-canopy.

Pine Flatwoods, Disturbed (76-100% Exotics) (FLUCFCS Code 4119 E4)
The canopy of this habitat type is similar to FLUCFCS Code 4119 E3 but contains 76 to 100 percent melaleuca in the canopy and sub-canopy.

Pine, Disturbed (0-24% Exotics) (FLUCFCS Code 4159 E1)
The canopy of this habitat type contains slash pine and scattered earleaf acacia and melaleuca. The sub-canopy contains slash pine, melaleuca, earleaf acacia, and carrotwood (*Cupaniopsis anacardioides*). The ground cover contains bracken fern (*Pteridium aquilinum*), deer-tongue (*Carphephorus paniculatus*), muscadine grapevine, and bushy bluestem (*Andropogon glomeratus*).

Pine, Disturbed (25-49% Exotics) (FLUCFCS Code 4159 E2)
This habitat type is similar to FLUCFCS Code 4159 E1, but with 25 to 49 percent melaleuca and earleaf acacia in the canopy and sub-canopy and cogongrass (*Imperata cylindrica*) in the ground cover.

Pine, Disturbed (50-75% Exotics) (FLUCFCS Code 4159 E3)
This habitat type is similar to FLUCFCS Code 4159 E2 but contains 50 to 75 percent Brazilian pepper in the sub-canopy and scattered caesarweed (*Urena lobata*) and spermacoce (*Spermacoce verticillata*) in the ground cover.

Scrubby Flatwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 4169 E1)
The canopy of this habitat type contains scattered slash pine and sand live oak (*Quercus geminata*). The sub-canopy contains myrtle oak (*Quercus myrtifolia*), Chapman's oak (*Quercus chapmanii*), sand live oak, dahoon holly, rosemary (*Ceratiola ericoides*), gallberry, staggerbush (*Lyonia*

fruticosa), fetterbush (*Lyonia lucida*), tarflower (*Bejaria racemosa*), saw palmetto, and widely scattered earleaf acacia. The ground cover contains saw palmetto, muscadine grapevine, prickly pear (*Opuntia* sp.), pawpaw (*Asimina* sp.), and wiregrass (*Aristida stricta*).

Scrubby Flatwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 4169 E2)
This habitat type is similar to FLUCFCS Code 4169 E1 but contains 25 to 49 percent earleaf acacia in the canopy and sub-canopy.

Melaleuca, Hydric (FLUCFCS Code 4241)
The canopy of this habitat type contains melaleuca, dahoon holly, and widely scattered slash pine. The sub-canopy contains melaleuca, Brazilian pepper, dahoon holly, earleaf acacia, slash pine, saw palmetto, and myrsine. The ground cover contains swamp fern (*Telmatoblechnum serrulatum*), royal fern (*Osmunda regalis*), Japanese climbing fern (*Lygodium japonicum*), rosy camphorweed (*Pluchea baccharis*), gulfdune paspalum (*Paspalum monostachyum*), beaksedge (*Rhynchospora microcarpa*), and scattered wiregrass and saw palmetto.

Live Oak, Disturbed (0-24% Exotics) (FLUCFCS Code 4279 E1)
The canopy of this habitat type includes live oak (*Quercus virginiana*) and cabbage palm. The sub-canopy contains cabbage palm, saw palmetto, myrsine, and dahoon holly. The ground cover is open.

Hardwood/Conifer Mixed, Disturbed (0-24% Exotics) (FLUCFCS Code 4349 E1)
The canopy of this habitat type consists of slash pine, live oak, and cabbage palm. The sub-canopy contains saw palmetto. The ground cover is open.

Shallow Pond (FLUCFCS Code 525)
The canopy, sub-canopy, and ground cover of this land use type are mostly open, with the edges containing spikerush (*Eleocharis* sp.), sand cordgrass (*Spartina bakeri*), cattail (*Typha* sp.), pickerelweed (*Pontederia cordata*), arrowhead (*Sagittaria lancifolia*), and leather fern (*Acrostichum* sp.).

Mixed Wetland Hardwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 6179 E1)
The canopy of this habitat type consists of scattered red maple (*Acer rubrum*), Carolina willow (*Salix caroliniana*), and bald cypress (*Taxodium distichum*). The sub-canopy contains buttonbush (*Cephalanthus occidentalis*), Carolina willow, red maple, and pond apple (*Annona glabra*). The ground cover contains swamp fern, maidencane (*Panicum hemitomon*), West Indian marsh grass (*Hymenachne amplexicaulis*), and climbing hempvine (*Mikania scandens*).

Exotics Wetland Hardwoods (FLUCFCS Code 619)
The canopy and sub-canopy of this habitat type contain Brazilian pepper, cassia, and widely scattered cabbage palm. The ground cover is mostly open with Brazilian pepper sprouts.

Cypress, Disturbed (0-24% Exotics) (FLUCFCS Code 6219 E1)
The canopy of this habitat type includes bald cypress, scattered cabbage palm, and widely scattered melaleuca. The sub-canopy contains bald cypress, wax myrtle, buttonbush, pond apple, and scattered Brazilian pepper. The ground cover contains swamp fern, sawgrass (*Cladium*

jamaicense), little blue maidencane (*Amphicarpum muhlenbergianum*), and widely scattered West Indian marsh grass.

Cypress, Disturbed (76-100% Exotics) (FLUCFCS Code 6219 E4)
This habitat type is similar to FLUCFCS Code 6219 E1 but contains 76 to 100 percent melaleuca in the canopy and sub-canopy.

Mixed Wetland Forest, Disturbed (25-49% Exotics) (FLUCFCS Code 6309 E2)
The canopy of this habitat type contains cabbage palm, bald cypress, Carolina willow, red maple, oak (*Quercus* sp.), and melaleuca. The sub-canopy contains bald cypress, cabbage palm, Carolina willow, buttonbush, and scattered pop ash (*Fraxinus caroliniana*) and Brazilian pepper. The ground cover contains swamp fern, maidencane, sawgrass, and red ludwigia (*Ludwigia repens*).

Mixed Wetland Forest, Disturbed (76-100% Exotics) (FLUCFCS Code 6309 E4)
This habitat type is similar to FLUCFCS Code 6309 E2 but contains 76 to 100 percent melaleuca in the canopy and sub-canopy.

Freshwater Marsh, Disturbed (0-24% Exotics) (FLUCFCS Code 6419 E1)
The canopy and sub-canopy of this habitat type contain Carolina willow and pond apple on the edges. The ground cover contains cattail, sawgrass, fireflag (*Thalia geniculata*), leather fern, and maidencane.

Disturbed Land (FLUCFCS Code 740)
The canopy of this habitat type includes Brazilian pepper, cabbage palm, buttonwood (*Conocarpus erectus*), Norfolk Island pine (*Araucaria heterophylla*), and scattered earleaf acacia and slash pine. The sub-canopy contains slash pine, cabbage palm, Brazilian pepper, buttonwood, earleaf acacia, Guinea grass (*Panicum maximum*), Norfolk Island pine, false willow (*Baccharis angustifolia*), castor-bean (*Ricinus communis*), and widely scattered saw palmetto. The ground cover contains areas of open sand with dog fennel (*Eupatorium capillifolium*), rustweed (*Polypremum procumbens*), jointweed (*Polygonella polygama*), caesarweed, rosemary, slash pine, bermudagrass (*Cynodon dactylon*), cogongrass, limpograss (*Hemarthria altissima*), wild bush bean (*Macroptilium lathyroides*), wedelia (*Sphagneticola trilobata*), sweetbroom (*Scoparia dulcis*), beggarticks (*Bidens alba*), ragweed (*Ambrosia artemisiifolia*), bushy bluestem, water pennywort (*Hydrocotyle umbellata*), peppervine (*Nekemias arborea*), saltgrass (*Distichlis spicata*), and scattered saw palmetto.

3.0 BALD EAGLE BIOLOGY AND PROTECTION

The following information on the biology of the bald eagle is excerpted from the South Florida Multi-Species Recovery Plan (U.S. Fish and Wildlife Service (USFWS) 1999).

Bald eagles are considered a water-dependent species typically found near estuaries, large lakes, reservoirs, major rivers, and some seacoast habitats (Robards and King 1966, King *et al*. 1972, Weekes 1974, Whitfield *et al*. 1974, Gerrard *et al*. 1975, Grier 1977, Anthony and Isaacs 1989, Wood *et al*. 1989). Their distribution is influenced by the availability of suitable nest and perch

sites near large and open water bodies, typically with high amounts of water-to-land edge. Bald eagles demonstrate a remarkable ability to tolerate perturbations to their habitat throughout their range.

Their adaptability to a variety of habitat conditions makes any generalizations about habitat requirements and nesting behavior difficult. Though variable, eagles have basic habitat requirements that must be met in order to successfully reproduce and survive during the winter or non-nesting season. Florida bald eagle nests are constructed in dominant or co-dominant living pines (*Pinus* spp.) or bald cypress (*Taxodium distichum*) and are often located in the ecotone between forest and marsh or water (McEwan and Hirth 1979). Approximately ten percent of eagle nests are located in dead pine trees, while two to three percent occur in other species such as Australian pine (*Casuarina equisetifolia*) and live oak (*Quercus virginiana*). The stature of nest trees decreases from north to south (Wood 1987, Wood *et al*. 1989); and in extreme Southwest Florida, eagles nest in black mangroves (*Avicennia germinans*) and red mangroves (*Rhizophora mangle*), half of which are snags (Curnutt and Robertson 1994). Nest trees in South Florida are smaller and shorter than reported elsewhere; however, comparatively they are the largest trees available (Wood *et al.* 1989, Hardesty 1991). The small size of nest trees in South Florida relative to other nest sites throughout the eagle's range is due to the naturally smaller stature of slash pine (*Pinus elliotti*), loblolly pine (*P. taeda*), longleaf pine (*P. palustris*), and sand pine (*P. clausa*) in South Florida and to the lack of pines in extreme Southern Florida.

Bald eagles are monogamous, and annual courtship behavior reinforces pair bonds (Palmer 1988). Pair bond formation includes dramatic pursuit flights, high soaring, talon locking, and cartwheeling (Johnsgard 1990). Eagles may also fly around the perimeter of their nesting areas, visually communicating their presence and further establishing their territories. Pair bond behavior, as well as territory establishment and defense, probably occur concurrently throughout much of the eagle's range. Successful pair bond ultimately leads to nest site selection and nest construction for newly formed pairs or established pairs without nests. Pairs that have previously nested may repair established nests or construct an alternate nest concurrent with copulation.

Nesting activities generally begin in early September in South Florida, with egg-laying occurring as early as late October and peaking in the latter part of December. Incubation may be initiated from as early as October through as late as March, depending upon latitude. Clutches usually consist of one or two eggs, but occasionally three or four are laid. Incubation takes approximately 35 days and fledging occurs within 10 to 12 weeks of hatching. Parental care may extend 4 to 6 weeks after fledging, even though young eagles are fully developed and may not remain at the nest after fledging (USFWS 1989).

The Florida Fish and Wildlife Conservation Commission (FWCC) documented 88 active bald eagle nesting territories in Florida during their initial surveys of this species in 1973; by 1987, that number had increased to 391 active territories when the USFWS implemented the Habitat Management Guidelines for the Bald Eagle in the Southeast Region (Guidelines) (USFWS 1987). By 1999, the 1,000-breeding pair recovery goal for Florida had been achieved and had increased to 1,511 breeding pairs by 2012 (Brush *et al.* 2012). Peterson and Robertson (1978) reported that historic numbers of breeding pairs of bald eagles in Florida were likely "in excess of 1,000 breeding pairs."

The bald eagle was a federally and state listed "threatened" species that had been protected since the mid-1970s under the Endangered Species Act of 1973 and Chapter 68A-27.004, Florida Administrative Code. Management and recovery efforts for the species generally have included actions to improve reproductive success and survival by 1) reducing levels of persistent organochlorine pesticides, such as Dichlorodiphenyltrichloroethane (i.e., DDT), occurring in the environment; and 2) habitat protection. Habitat protection measures in Florida primarily have focused on the protection of nesting territories through the implementation of the 1987 Guidelines. Recovery goals for the bald eagle have been achieved as a result of these and related management actions throughout the United States, and the USFWS subsequently published a proposed rule in July 1999 to remove the bald eagle in the lower 48 states from the list of threatened or endangered wildlife. The bald eagle was subsequently delisted by the federal government in August 2007 and by the State of Florida in April 2008. The Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act provide continued federal protection for bald eagles. State Rule 68A-16.002 establishes rules for the continued protection and conservation of eagles in Florida.

4.0 DESCRIPTION OF LE-28A

4.1 Location and Landscape Information

Nest LE-28A is located in a large slash pine tree immediately west of Halfway Creek (Exhibit 3). The nest tree is surrounded by dense scrub oak and forested wetland habitats with varying degrees of exotic infestation. Both the nest tree and protection zones (330 and 660 feet) are located within the proposed conservation area (Exhibit 4). The proposed conservation area contains an abundance of trees that could potentially be utilized for perching and/or nesting by bald eagles.

The site is bordered to the north by West Bay Club; to the south by El Dorado Acres and Meadowbrook residential developments and Coconut Road; to the east by an FPL easement, existing conservation lands, and Fountain Lakes and Marsh Landing residential developments; and to the west by existing conservation lands, the Raptor Bay Golf Club, and Hyatt Residence Club. The location of Nest LE-28A, the eagle nest protection zones, and the surrounding land uses are depicted on Exhibit 4.

4.2 Nesting History

Based on Wilson Miller's 2000 BEMP, Nest LE-28A was first observed in 1987 and served to replace Nest LE-28, which was last used during the 1986-1987 nesting season. The eagle pair also utilized a nest (LE-28B) located approximately 3,700 feet west-southwest of LE-28A. Nest LE-28B was last active during the 1992-1993 nesting season. A survey conducted by the Florida Game and Fresh Water Fish Commission during the 1997-1998 nesting season identified Nest LE-28B as "nest down" (nest came apart and there is no longer any nest material in the nest tree).

Site observations conducted by PAI in February and March 2022 confirmed that Nest LE-28A was inactive.

5.0 PROPOSED SITE PLAN AND EAGLE PROTECTION ZONES

The Project's site plan consists of the reconfiguration of the existing golf course with associated parking and infrastructure. The site plan is depicted on Exhibit 4.

The USFWS and FWCC recognize 330- and 660-foot protection zones around an active eagle nest (Exhibit 4). Additionally, Lee County's Eagle Ordinance (08-25) states that no construction (structures or site work) may occur within 660 feet of an eagle nest without an approved BEMP. Both the 330- and 660-foot protection zones of Nest LE-28A are within the proposed conservation area. Therefore, no development activities will occur within 660 feet of Nest LE-28A. However, DO No. DOS2021-00137 requires that the Project's conservation areas be maintained free of exotic vegetation. This includes the conservation areas within the 330- and 660-foot eagle protection zones.

6.0 BALD EAGLE MANAGEMENT PLAN

This BEMP serves to revise the existing plan prepared by Wilson Miller in 2000, to reduce the protection zones to the current Lee County, USFWS, and FWCC standards (i.e., 330 and 660 feet). Additionally, this BEMP is intended to facilitate construction of the Project while providing sufficient measures to minimize the potential for adverse impacts to nesting bald eagles that could occur as a result of the proposed development activities. As a management instrument, the BEMP is only applicable to the Project. It is the responsibility of the property owner to retain and implement this plan for as long as it is required, including educating others (e.g., contractors, future owners, tenants, etc.) about the specific requirements of this BEMP and the state and federal eagle protection laws. Any amendment to this management plan shall require review and approval by the Eagle Technical Advisory Committee or any successor body.

Specific elements of the BEMP are as follows:

1. Exotic vegetation removal within 660 feet of the nest tree shall be completed during the non-nesting season (i.e., May 16 through September 30).
2. The use of chemicals which are known to be toxic to wildlife shall be prohibited at all times in close proximity to the nest tree and within the on-site preserve areas. Chemicals used for the purpose of controlling invasive exotic plants shall be prohibited around the base of the nest tree.

7.0 REFERENCES

Anthony, R.G. and F.B. Isaacs. 1989. Characteristics of bald eagle nest sites in Oregon. Journal of Wildlife Management 53(1): 148-159.

Brush, Janell M., K. Rogers, and E. Leone. 2012. Annual Report 2011-2012. Fish and Wildlife Research Institute, Wildlife Research Section, Avian Research Subsection; Gainesville, Florida.

Curnutt, J.L and W.B. Robertson, Jr. 1994. Bald eagle nest site characteristics in south Florida. Journal of Wildlife Management 58(2):218-221.

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

Florida Fish and Wildlife Conservation Commission. 2017. A Species Action Plan for the Bald Eagle.

Gerrard, J.M., P.N. Gerrard, W.J. Maher, and D.W.A. Whitfield. 1975. Factors influencing nest site selection of bald eagles in northern Saskatchewan and Manitoba. Blue Jay 33(3): 169-176.

Grier, J.W. 1977. Quadrat sampling of a nesting population of bald eagles. Journal of Wildlife Management 41:438-443.

Hardesty, J.L. 1991. Conservation of coastal nesting bald eagles in Florida: history, demography, and habitat use. Unpublished Masters Thesis, University of Florida; Gainesville, Florida.

Johnsgard, P.A. 1990. Hawks, Eagles, and Falcons of North America. Smithsonian Institution Press; Washington, D.C.

King, J., F. Robards, and C. Lensink. 1972. Census of the bald eagle breeding population in southeast Alaska. Journal of Wildlife Management 36:1292-1295.

McEwan, L.C. and D.H. Hirth. 1979. Southern bald eagle productivity and nest site selection. Journal of Wildlife Management 43:585-594.

Palmer, R.S. 1988. Handbook of North American Birds, Volume 4. Yale University Press; New Haven, Connecticut.

Peterson, D.W. and W.B. Robertson, Jr. 1978. Threatened southern bald eagle. Pages 27-30 *in*: H.W. Kale II, ed. Rare and endangered biota of Florida: volume two, birds. University Presses Florida; Gainesville, Florida.

Robards, R.C. and J. G. King. 1966. Nesting and productivity of bald eagles, southeast Alaska, 1966. U.S Fish and Wildlife Service; Juneau, Alaska.

U.S. Fish and Wildlife Service. 1999. Multi-Species Recovery Plan for South Florida. U.S. Fish and Wildlife Service, Vero Beach, Florida.

U.S. Fish and Wildlife Service. 1989. Southeastern states bald eagle recovery plan, U.S. Fish and Wildlife Service; Atlanta, Georgia.

U.S. Fish and Wildlife Service. 1987. Habitat Management Guidelines for the Bald Eagle in the Southeast Region.

U.S. Fish and Wildlife Service. 2007. Bald Eagle Monitoring Guidelines

U.S. Fish and Wildlife Service. 2007. National Bald Eagle Management Guidelines.

Weekes, F.M. 1974. A survey of bald eagle nesting attempts in southern Ontario, 1969-1973. Canadian Field Naturalist 88(4):415-419.

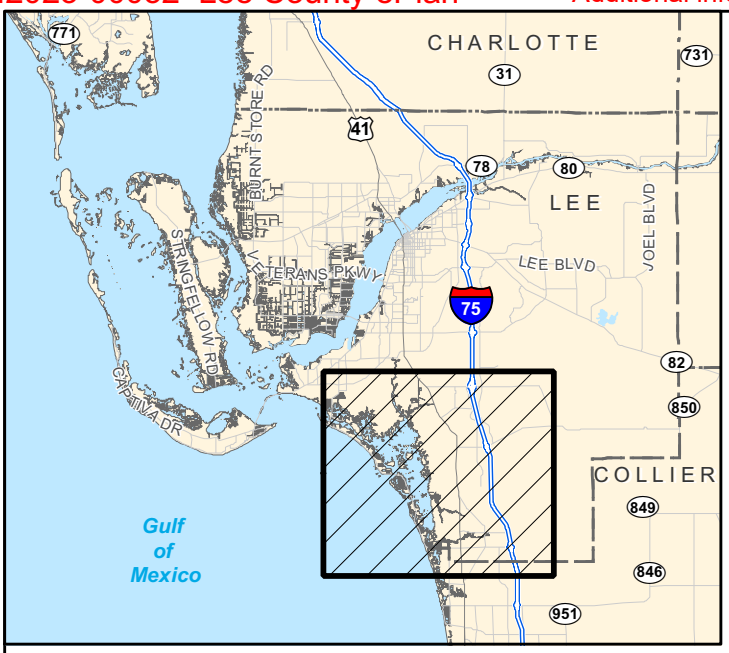
Whitfield, D.W.A., J.M. Gerrard, W.J. Maher, and D.W. Davis. 1974. Bald eagle nesting habitat, density and reproduction in central Saskatchewan and Manitoba. Canada Field Naturalist 88(4):399-407.

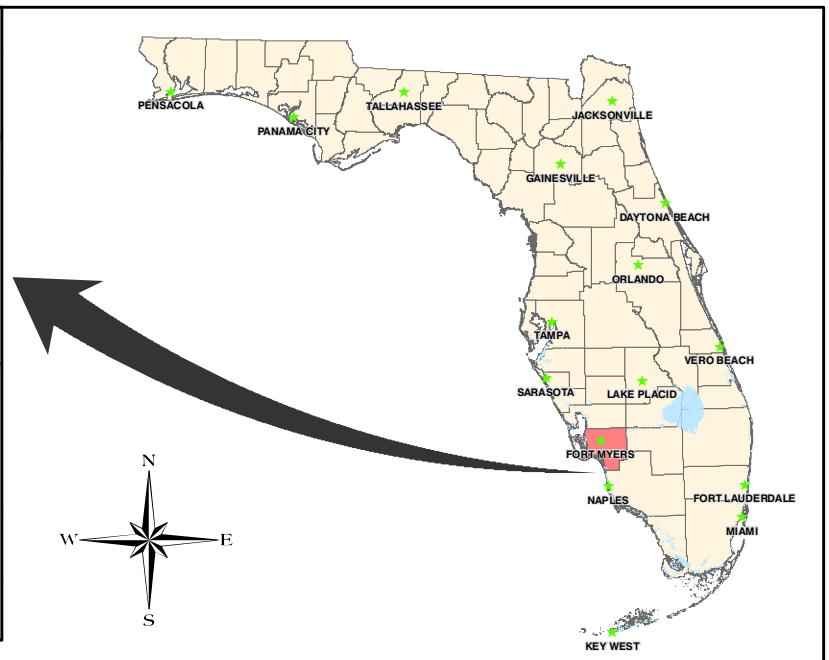
Wood, P.B., T.C. Edwards, and M.W. Collopy. 1989. Characteristics of bald eagle nesting habitat in Florida. Journal of Wildlife Management 53(2): 441-449.

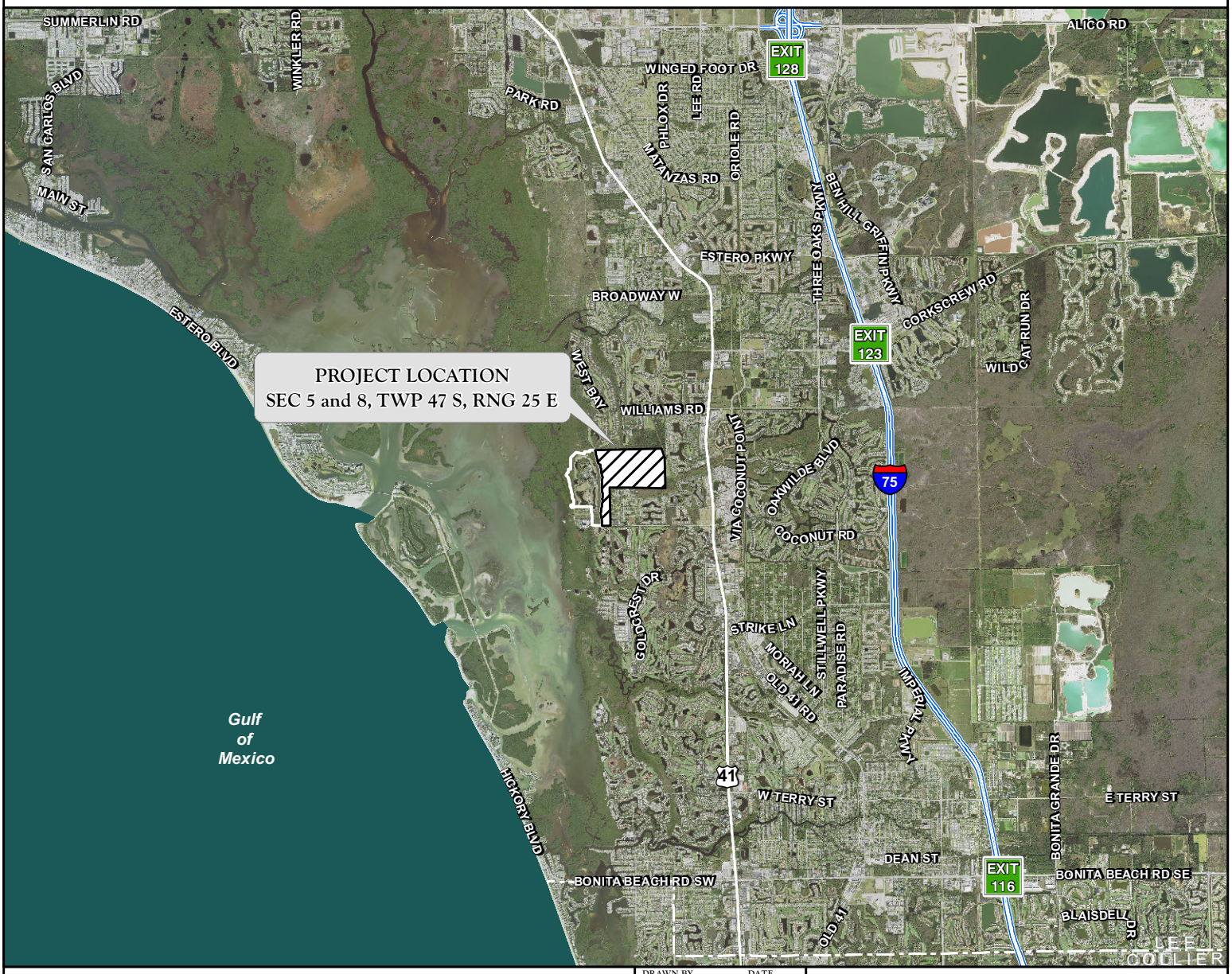
Wood, P.B. 1987. Distribution, ownership status, and habitat characteristics of bald eagle nest sites in Florida. Final report Nongame Wildlife Project 85-020, Florida Game and Fresh Water Fish Commission; Tallahassee, Florida.

EXHIBIT 1

PROJECT LOCATION MAP







J:\2020\20L8329O\GIS\2022\BALD_EAGLE_MGMT_PLAN\EXHIBITS\EXHIBIT_1_PROJECT_LOCATION_MAP.MXD - 7/6/2022 @ 10:34:16 AM

EXHIBIT 1. PROJECT LOCATION MAP
RAPTOR BAY GOLF COURSE RENOVATION

DRAWN BY	DATE
P.F.	09/22/21
REVIEWED BY	DATE
S.J.	09/22/21
REVISED	DATE

PASSARELLA & ASSOCIATES INC
Consulting Ecologists

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

EXHIBIT 2

BALD EAGLE MANAGEMENT PLAN BY WILSON MILLER, INC.
MARCH 2000

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

WilsonMiller

BALD EAGLE MANAGEMENT PLAN FOR NEST LE-28A

Pelican Landing DRI
Section 5, Township 47 South, Range 25 East
Lee County, Florida

Prepared for:

WCI Communities, Inc.
24301 Walden Center Drive
Bonita Springs, Florida 34134
941.947.2600 (phone)
941.498.8273 (fax)

DRI 940279

Prepared by:

WilsonMiller, Inc.
3200 Bailey Lane, Suite 200
Naples, Florida 34105-8507
941.649-4040 (phone)
941.643.5716 (fax)

RECEIVED
MAR 15 2000
ZONING COUNTER

Submitted to:

U.S. Fish and Wildlife Service
3860 Tollgate Blvd., Suite 300
Naples, Florida 34114
941.353.2873 (phone)
941.353.8640 (fax)

March 7, 2000

3/7/00-64607 Ver: 10!-SSHAW
CA #43
F0250-024-006-VLSS-23814

Planners Engineers Ecologists Surveyors
Landscape Architects Transportation Consultants

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

BALD EAGLE MANAGEMENT PLAN FOR NEST LE-28A

Pelican Landing DRI
Section 5, Township 47 South, Range 25 East
Lee County, Florida

Prepared for:

WCI Communities, Inc.
24301 Walden Center Drive
Bonita Springs, Florida 34134
941.947.2600 (phone)
941.498.8273 (fax)

Prepared by:

WilsonMiller, Inc.
3200 Bailey Lane, Suite 200
Naples, Florida 34105-8507
941.649-4040 (phone)
941.643.5716 (fax)

Submitted to:

U.S. Fish and Wildlife Service
3860 Tollgate Blvd., Suite 300
Naples, Florida 34114
941.353.2873 (phone)
941.353.8640 (fax)

March 7, 2000

3/7/00-64607 Ver: 10!-SSHAW
CA #43
F0250-024-006-VLSS-23814

TABLE OF CONTENTS

Page

1.0 Introduction and Project History 1

2.0 Nest Location/History 2

3.0 Results of Flight Pattern Surveys 2

4.0 Habitat Management/Nest Protection Strategies 3
- *4.1 Objectives* 3
- *4.2 Primary Protection Zone* 3
- *4.3 Secondary Protection Zone* 4
- *4.4 Other Management/Protection Strategies Benefiting the Eagle* 5
  - *4.4.1 Increased Size of Pelican Landing DRI Eco-Park* 5
  - *4.4.2 Preservation of Habitat in Secondary Protection Zone* 5
  - *4.4.3 Creation of Foraging Habitat* 5
  - *4.4.4 Restoration of Freshwater Slough* 5
  - *4.4.5 Retaining Canopy, Perch, and Roost Trees* 5
  - *4.4.6 Minimization of Number of Buildings in Secondary Protection Zone* 6
  - *4.4.7 Minimization of Building Heights Outside of Secondary Protection Zone* 6
  - *4.4.8 Establishment of Educational Programs* 6
- *4.5 Proposed Post-Development Conditions and Eco-Park Configuration* 6

5.0 References 7

List of Figures

1 Project Location Map 8
2 Existing Eco-Park and Associated Habitat Types 9
3 Proposed Configuration of Eco-Park, Eagle Protection Zones, and Adjacent Development 10
4 FLUCCS Legend 11

List of Appendices

A 1994 Version of Bald Eagle Management Plan (Heald, 1994a, 1994b) A-1
B Pelican Landing DRI Eco-Park Habitat Management Methods B-1

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

1.0. Introduction and Project History

Pelican Landings is a 2,580-acre Development of Regional Impact (DRI) located approximately three miles north of the Lee/Collier County line. The DRI property is bounded on the west by Estero Bay, on the north by the West Bay Club residential development, on the east by U.S. 41, and on the south by Spring Creek. The original Development Order for the Pelican Landing DRI was issued by Lee County on August 29, 1994 and has been amended several times. The latest amendment is the Fifth Development Order Amendment issued by Lee County on September 21, 1998.

The Pelican Landing DRI contains a 78-acre xeric scrub/pine flatwood upland preservation area known as the "Eco-Park". Figure 1 provides a location map for the Pelican Landing Eco-Park. The Eco-Park was established pursuant to a gopher tortoise incidental take permit issued by the Florida Game and Fresh Water Fish Commission (Permit #Lee-9 issued August 28,1995) to mitigate for impacts to the gopher tortoise and xeric scrub habitat located within the Pelican Landing DRI. It was strategically chosen since at that time it contained the majority of the xeric oak habitat on the entire undeveloped portion of Pelican Landing. A conservation easement for the 78-acre tract was granted to the Florida Game and Fresh Water Fish Commission and was recorded in the public records of Lee County on October 18, 1995. The incidental take permit contains provisions for perpetual management of the Eco-Park to maintain appropriate vegetative density and composition. Condition #5 of the permit addresses conditions placed on the use and management of the Eco-Park with regard to eagle nesting activities. An active bald eagle's nest is present in the Eco-Park of the Pelican Landing DRI. The eagle nest is recognized by U.S. Fish and Wildlife Service (USFWS) as nest #LE-28A. Conditions of the Development Order for the Pelican Landing DRI require that a management plan be implemented for this nest.

A bald eagle management plan (BEMP) was drafted for nest LE-28A in 1994 (Heald and Associates, Inc. 1994a; Appendix A) and was submitted to the USFWS for review, comment, and approval. The original plan proposed a 1,300-foot setback between the nest and any proposed construction and a 2,500-foot secondary protection zone where construction would be seasonally restricted. Under the 1994 plan, the closest proposed construction was a two-lane road west of the nest that would terminate near the northern property boundary of the project site, and single-story single-family homes on large lots to the west of the road. Via a letter from David Ferrell (USFWS) to Dan Trescott (Southwest Florida Regional Planning Council) dated January 31, 1994, the USFWS made a preliminary determination that 1,300 and 2,500 feet represented adequate primary and secondary protection zones for Nest LE-28A. Prior to making a final determination, the USFWS requested that a study be conducted during the nesting season to determine flight lines and identify any trees frequently used for roosting. The study was conducted by Eric Heald & Associates (Heald, 1994b) during the period of January through May, 1994 and indicated that 84% of all flights recorded inbound or outbound fell within the northern (n=15 of 44), northwestern (n=13), and western (n=9) quadrants.

On August 8, 1995, a meeting was held with Jane Tutton (USFWS) and a revised BEMP was submitted to the USFWS. In consideration of the density of site vegetation and effective visual screening of the eagle's nest, a Primary Protection Zone (PPZ) of 500 feet and a Secondary Protection Zone (SPZ) ranging from 1,200 feet on the southwest to 2,175 feet on the south was proposed. An August 16, 1995 letter from Craig Johnson (USFWS) to Tim Durham (WilsonMiller) indicated the USFWS's concurrence that the revised plan was adequate and appropriate for the nest. A subsequent letter dated October 11, 1995, sent by Craig Johnson (USFWS) to Tim Durham (WilsonMiller) for clarification purposes, superseded the August 16, 1995 letter and indicated that a PPZ of 1,200 feet and an SPZ of 2,500 feet would be required.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

The purpose of this document is to provide a revised management plan for eagle nest LE-28A (hereafter referred to as the "Plan") and request technical assistance from the USFWS for review, comment, and approval of the revised Plan. The previous management plan was based on the original configuration of the Eco-Park, the boundary of which was determined by property boundaries and/or preliminary/conceptual subdivision plans for adjacent lands. Now that WCI Communities, Inc. (WCI) has refined the required area and uses of adjacent lands, it has become apparent that a modification to the Eco-Park boundary is needed. Proposed revisions have been made to the original Plan due to the acquisition or planned acquisition of adjacent parcels, changes in the site development plan, and the desire to utilize an ecosystem approach in reconfiguring the Eco-Park. WilsonMiller is currently coordinating with the Florida Fish and Wildlife Conservation Commission (FFWCC) to gain approval for the proposed reconfiguration of the Eco-Park boundary as described herein. Thus, we are requesting that the USFWS provide approval of the Plan pending approval of the Eco-Park boundary configuration by the FFWCC. Upon approval by the USFWS, the revised Plan would supersede the 1994 plan in its entirety.

The revised plan is consistent with existing USFWS management guidelines for the bald eagle as well as the original 1994 plan. The proposed plan maintains a PPZ of 1,200 feet and an SPZ of 2,500 feet (1,300 feet outward from PPZ) in the directions most utilized by inbound and outbound eagle flight paths. In the direction of seldom utilized flight paths, the PPZ is 750 feet and the SPZ is 1,500' (750' outward from the PPZ) in accordance with bald eagle management guidelines. It should be noted that the revised plan results in a numerous benefits to the eagle compared to the original plan. Details regarding these benefits are provided in Section 4.4 of this report.

2.0 Nest Location/History

Figure 2 shows the location of nest LE-28A with respect to the existing boundary of the Pelican Landing Eco-Park. Nest LE-28A is located on the northwest side of a large slash pine (*Pinus elliottii*) tree immediately west of Halfway Creek. From most angles, the nest is effectively screened from view beyond a distance of 200 to 600 feet by pines, dense scrub oak, and tall fetterbush (*Lyonia* spp.). Heald (1994b) indicated that the primary perch tree for the eagles is located approximately 400 feet west of the nest tree.

Nest LE-28A was first observed in 1987 and served to replace nest LE-28, which was last used during the 1986/1987 breeding season. The eagle pair also utilized a nest (LE-28B) located approximately 3,700 feet west-southwest of LE-28A. Nest LE-28B was last active during the 1992/1993 breeding season. A survey conducted by the Florida Game and Fresh Water Fish Commission during the 1997/1998 breeding season identified nest LE-28B as "nest down" (nest came apart and there is no longer any nest material in the nest tree).

3.0 Results of Flight Pattern Surveys

At the request of the USFWS, a flight pattern study of eagles nesting in LE-28A was conducted from January to May 1994. A report summarizing the results of this study (Heald, 1994b) is provided in Appendix A. The study concluded that 34%, 30%, and 20% of recorded flights were to or from the northern, northwestern, or western directions, respectively. Based on the flight study, it is presumed that the eagles feed primarily in Estero Bay. Other research conducted KBN Engineering and Applied Sciences, Inc. (1995) indicated that the eagle pair utilizing nest LE-28A were frequently seen perching

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

on trees next to homes and roads along Kings Road and Williams Road, foraging in sewage treatment ponds of the Fountain Lakes development, feeding on road kills along U.S. 41, and perching in trees in the vicinity of the Coconut Point fish camp. Thus, it appears that the eagles are opportunistic feeders and have become accustomed to human activity.

4.0 Habitat Management/Nest Protection Strategies

4.1 Objectives

The overall objectives of the Plan are as follows:

- To protect the integrity of the bald eagle nest LE-28A.
- To minimize detrimental human-related impacts on the bald eagles utilizing nest LE-28A, particularly during the nesting season (generally from October 1 through May 15 but specific to individual nests depending on the time of commencement of mating and fledging of young).
- To define compatible land uses and development in areas in close proximity to the active nest.

These objectives, and the methods proposed to attain them, are consistent with the guidelines issued by the USFWS Southeast Region as found in *"Habitat Management Guidelines for the Bald Eagle in the Southeast Region"* (USFWS, 1987). These guidelines recommend the establishment of primary and secondary protection/management zones around eagle nest trees. The following methods and management techniques are hereby proposed for each of these zones in order to achieve Plan objectives.

4.2 Primary Protection Zone (PPZ)

The PPZ will extend outward radially from the nest tree a distance ranging from 750' to 1,200'. Figure 3 shows the configuration of the PPZ and the habitat types present. The purpose of the PPZ will be to provide a natural zone in the immediate vicinity of the nest tree that will remain free of development, and where passive activities potentially detrimental to nesting will be restricted.

The following activities will be prohibited within the PPZ:

- Residential, commercial, and industrial development
- Tree cutting, except as absolutely needed to construct the golf cart bridge across Halfway Creek and golf cart paths leading to the bridge.
- Logging, mining, filling, and excavation.
- Use of non-approved chemicals toxic to wildlife.
- Habitat management practices during the active nesting season, including burning.
- Unauthorized human activities potentially detrimental to bald eagle nesting.
- Passive recreational use of the golf cart bridge across Halfway Creek, and golf cart paths leading to the bridge, during the eagle nesting season, except for uses related strictly to golfing.

The following activities will not be considered detrimental when conducted in the PPZ during the non-nesting season:

- Construction or use of passive recreational facilities, including benches, jogging/hiking trails, or similar uses consistent with the Eco-Park management plan. In accordance with the Eco-Park habitat management plan, passive recreational facilities will be located no closer than 500' from nest LE-28A.
- Construction of the golf cart bridge across Halfway Creek, and golf cart paths leading to the bridge.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

- Habitat management activities, including removal of exotic and nuisance vegetation and prescribed burning. Prior to any prescribed burning, the nest tree and perch trees will be protected by hand raking or clearing to minimize fuel in the vicinity of the tree.

Habitat management in the PPZ will be in accordance with the Eco-Park management plan approved by the Florida Game and Fresh Water Fish Commission. Appendix B provides a summary of the habitat management methods for the Eco-Park. Management activities in the PPZ will occur only during the non-nesting season.

4.3 Secondary Protection Zone (SPZ)

The SPZ will extend a distance varying from 750' to 1,300' outward from the PPZ and will serve to provide a buffer for the PPZ. Figure 3 shows the configuration of the PPZ and the habitat types present. Development in the SPZ will be consistent with USFWS guidelines so as to minimize activities potentially detrimental to the PPZ. The majority of development in the SPZ will be golf course to be constructed during the non-nesting season. A relatively small portion (2 acres) of the outer zone of the SPZ in the western region of the site (Figure 3) is proposed for timeshare units that will have a maximum height of 45' above flood elevation. Considering that: a) this height is below the height of the existing tree canopy of this region of the site, b) the timeshare units are at least 2,370' removed from the nest tree, and c) the preserved freshwater slough and other native vegetation to be retained to the east will provide an effective visual screen, it is unlikely that the timeshare units will affect eagle nesting or foraging behavior. At its closest point the golf course is 1,250' from the nest tree, which is well beyond the line of sight distance of the tree and should also not affect eagle behavior.

The following activities will be prohibited within the SPZ unless otherwise approved by the USFWS:

- Development of commercial and industrial sites.
- Development of high density housing and multi-story buildings.
- Road or canal construction that would facilitate access to the nest.
- Use of non-approved chemicals toxic to wildlife.
- Heavy construction during the nesting season, including operation of heavy machinery, land clearing, earthmoving, blasting, excavation, installation of major utilities, and burning.

The following activities will not be considered detrimental when conducted in the SPZ during the nesting season:

- Normal habitat management practices, excluding prescribed burning.
- Passive pedestrian recreational use (*e.g.*, hiking, bird watching, fishing, etc.).
- Construction of pedestrian pathways using non-motorized equipment, and erecting interpretive/educational signage.
- Golfing activity and operation of golf carts in golf course areas.
- Activities normally associated with golf course maintenance operations, except as noted in the above prohibitions.
- Finishing work (*i.e.*, all interior work, hanging windows and doors, stucco-ing exterior walls, and activities of similar nature) on those portions of the two timeshare units located in the SPZ, provided that the vertical construction of the units (*i.e.*, construction of exterior walls and roof) is conducted during the non-nesting season.

Habitat management in the SPZ will be in accordance with the Eco-Park management plan approved by the Florida Game and Fresh Water Fish Commission. Appendix B provides a summary of the habitat management methods for the Eco-Park. Management activities in the SPZ can occur at any

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

time of the year, with the exception that prescribed burning and methods involving excessive noise will be restricted during the active nesting season.

4.4 Other Management/Protection Strategies Benefiting the Eagle

Other management/protection strategies that will be used as measures to protect eagle nest LE-28A, provide a net benefit to eagles utilizing nest LE-28A, and provide a net benefit to eagle conservation in general will include the following:

4.4.1 Increased Size of Pelican Landing DRI Eco-Park: The size of the Pelican Landing Eco-Park, within which nest LE-28A is located, is proposed to be substantially increased by the proposed project. Changes to the Eco-Park from its current configuration incorporate an ecosystem approach by including a variety of upland and wetland habitat types (as opposed to only several upland habitat types in the existing Eco-Park). The proposed reconfiguration includes all of that portion of Halfway Creek located in the project area and thereby serves to provide a buffer to the east of nest LE-28A that was not previously under ownership. The proposed changes will increase the size of the Eco-Park by approximately 84% (66-acre± net increase) and insure the continued protection and success of nest LE-28A.

4.4.2 Preservation of Habitat in Secondary Protection Zone: The project has incorporated a significant amount of habitat preservation in the SPZ to insure the continued success of eagles utilizing nest LE-28A. Of the land located in the SPZ, 102 of 159 acres (64%) will remain in a natural state (SPZ areas in Eco-Park) or mostly-natural state (golf course rough and inter-hole areas where selectively removal of vegetation will occur but where majority of canopy will be retained). On a site-wide basis, a total of 56% of the existing habitat will be retained in a natural or semi-natural state, the majority of which will be enhanced via the removal of exotic vegetation. Figure 3 shows the location of areas to be preserved in the project.

4.4.3 Creation of Foraging Habitat: As part of the project, foraging habitat for the eagle, as well as wading birds, will be created both within and outside of the SPZ by excavating surface water management lakes and creating freshwater marshes (Figure 3). Created lakes and marshes within the SPZ occupy 11 acres or 7% of the SPZ, and on a site-wide basis occupy 9% of the land area. Many of the marshes to be created are located adjacent to the lakes and will serve to establish a more natural appearance to, and function of, the lakes. The marshes also serve as pretreatment areas to 'polish' surface water runoff prior to entering the lake. Such pretreatment is not required by existing SFWMD regulations, but is being incorporated into the site design to enhance the quality of the created systems. In most areas, the marshes are separated from golf course areas by upland areas that will remain in a mostly-natural state, providing additional pretreatment of runoff and further mimicking a natural lake system.

4.4.4 Restoration of Freshwater Slough: The north-south trending freshwater slough located in the western region of the project (Figure 3) will be enhanced as part of this project. Approximately one-third of this slough is located in the SPZ. The slough is currently dominated (>75% coverage) by exotic and nuisance species. Exotic/nuisance species will be removed from the slough, thus increasing habitat quality. In many areas of the slough, planting of native wetland species will occur to further enhance the quality of this area. Preservation and enhancement of the slough will also serve to provide a buffer between the eagle nest and development to the west of the slough.

4.4.5 Retaining Canopy, Perch, and Roost Trees: The site design incorporates the retainage of a substantial amount of the existing canopy. Areas that will remain natural or mostly-natural and thus will retain the majority of their existing canopy comprise 64% of the SPZ and 56% of the overall project site. Preservation of the existing canopy of the site will insure the continued presence of suitable perch and roost trees, as well as provide for suitable screening between the eagle nest and land uses

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

in the SPZ. In golf course and other development areas, potential perch/roost trees that are of specimen value (*e.g.*, largest trees in stand, trees with open crowns and stout lateral limbs) will be field located/flagged and incorporated into the field design whenever possible. The shores of excavated lakes will also be meandered where necessary to preserve individual canopy trees of moderate to high value, as well as to provide a more natural character to the lake system.

4.4.6 Minimization of Number of Buildings in Secondary Protection Zone: The existing BEMP for nest LE-28A provides for single-family residential units and an associated access road in a portion of the SPZ. As part of the revised site plan proposed herein, these residential units have been eliminated and replaced with golf course, a land use more compatible with eagle nest protection. Under the proposed site plan, only two buildings of substantial size (excluding minor buildings such as golf course halfway houses) occur in the SPZ. These units are timeshare buildings that are approximately 2,370' removed from the eagle nest and comprise only 1% of the SPZ. Minimization of buildings in the SPZ will serve to further enhance the success of eagles utilizing nest LE-28A.

4.4.7 Minimization of Building Height Outside of Secondary Protection Zone: In the western region of the project between the SPZ and the western property line, building heights will be limited to a maximum height of 45' above flood elevation. This height is below the height of the existing tree canopy of this area and thus will not affect eagle nesting or foraging behavior. Although such height restrictions are not mandatory based on past USFWS determinations regarding nest LE-28A, they will be instituted as a measure to insure that the degree of access that the eagles' currently have to their primary foraging destination, Estero Bay, is maintained and is not hindered by the project.

4.4.8 Establishment of Educational Programs: Educational programs will be established for local homeowners and site users (golfers, Hyatt resort guests, other people utilizing the Eco-Park). The objectives of such programs will be to :a) inform citizens of local, state, and federal laws protecting eagles and other wildlife, b) identify ways for citizens to protect eagles from disturbance, and c) inform citizens of the habitat management plan for the Pelican Landing Eco-Park.

4.5 Proposed Post-Development Conditions and Eco-Park Configuration

Figure 3 shows the proposed post-development conditions and configuration of the Pelican Landing Eco-Park. It should be noted that the Eco-Park boundary has been modified (on paper only) compared to the 1994 BEMP . The boundary reconfiguration is due to the acquisition or planned acquisition of adjacent parcels, changes in the site development plan, and the desire to utilize an ecosystem approach in configuring the Eco-Park. *[All of the preceding moved to Section 4.1.1]*

WilsonMiller is currently coordinating with the FFWCC to gain approval for the proposed reconfiguration of the Eco-Park boundary. Also, the parcel located to the east of the existing Eco-Park ("Skebe" parcel) is currently under contract but has not yet been acquired. Thus, post-development conditions proposed herein are tentative pending approval of the reconfiguration by the FFWCC and the subsequent acquisition of the Skebe parcel. Upon approval of the proposed Eco-Park boundary reconfiguration by the FFWCC, the existing conservation easement for the Eco-Park will be revised to conform to the new boundary.

WCI Communities, Inc. reserves the right to modify the Plan, consistent with USFWS management recommendations and upon concurrence by the USFWS, as the needs of the project change, and as the location or status of the nest changes.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

5.0 References

Florida Department of Transportation. 1985. Florida Land Use, Cover and Forms Classification System. Procedure No. 550-010-001-a, Second Edition. 81 pp.

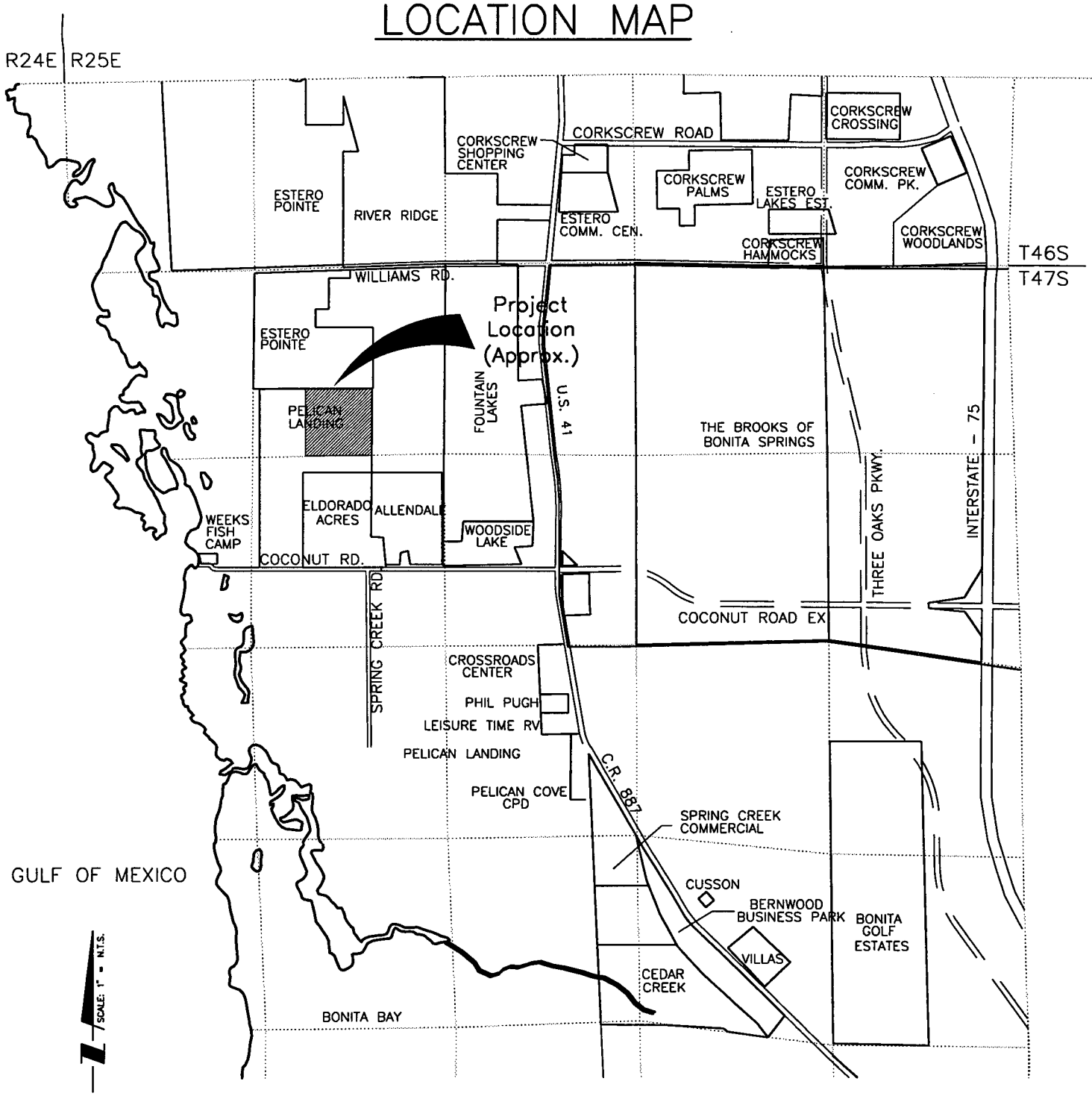
Heald and Associates, Inc., 1994a. Management Plan for the Southern Bald Eagle in the Vicinity of the Pelican Landing DRI, Lee County, Florida. 3 p. + attachments.

Heald and Associates, Inc., 1994b. Observations from January-May 1994 on the Flight Patterns of Southern Bald Eagles from Nest Tree LE 28A on the "L&L Tract", Pelican Landing, Lee County, Florida. 7 p.

KBN Engineering and Applied Sciences, Inc., 1995. Bald Eagle Management Plan for Nest LE-28A; Estero Pointe Project. 20 p.

U.S. Fish and Wildlife Service. 1987. Habitat Management Guidelines for the Bald Eagle in the Southeastern Region. U. S. Department of the Interior. 9 pp.

LOCATION MAP



PROJECT: *Pelican Landing DRI Bald Eagle Management Plan*

APPLICANT: *WCI Communities, Inc.*

WilsonMiller

WilsonMiller, Inc. - FL Lic.# LC-C000070

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

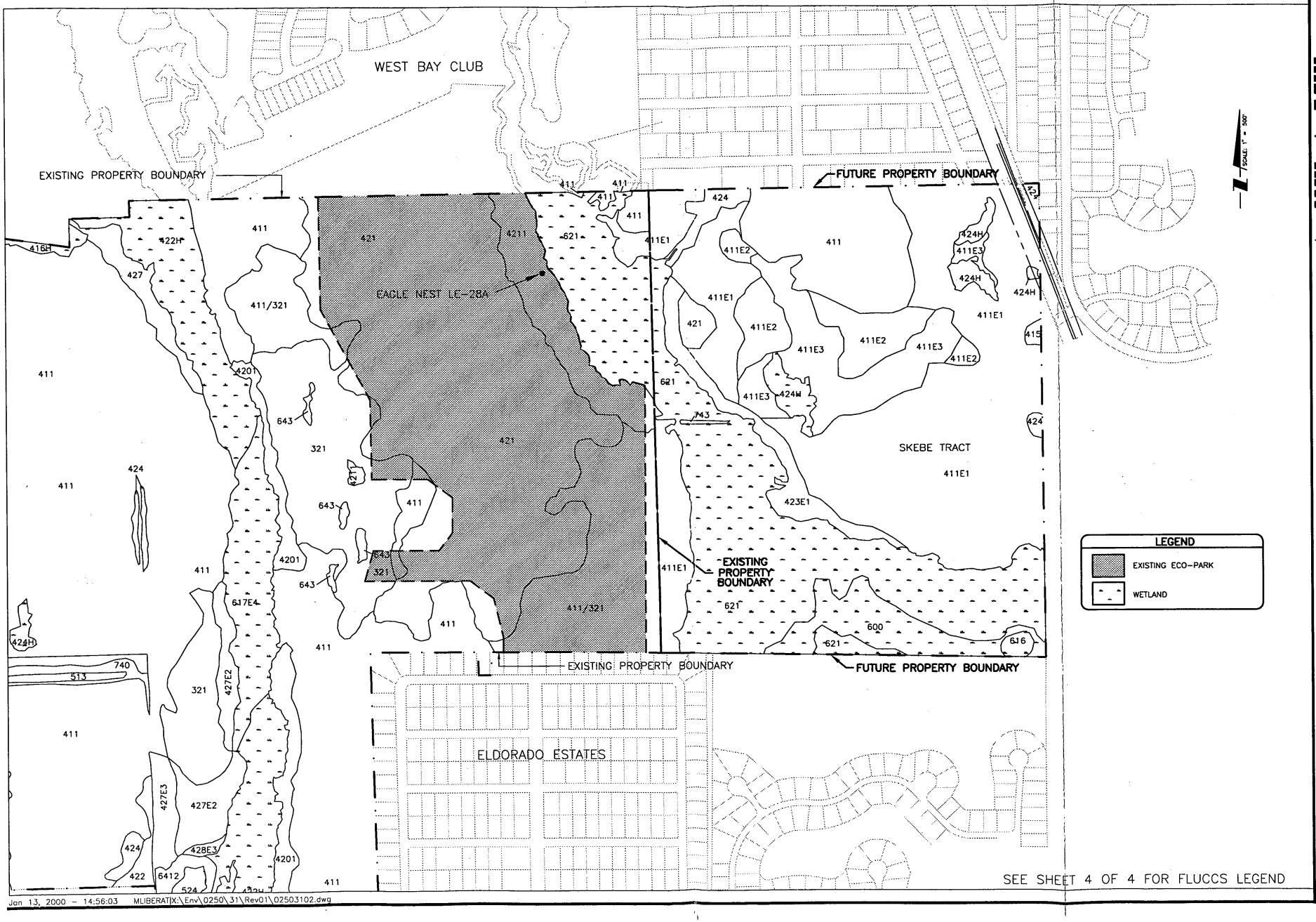
Naples • Fort Myers • Sarasota • Bradenton • Tampa

3200 Bailey Lane, Suite 200 • Naples, Florida 34105-8507 • Phone 941-649-4040 • Fax 941-643-5716 • Web-Site www.wilsonmiller.com

FLA. REG. #	
COUNTY: LEE	DATE: Sept. 21, '99
SEC: 4,5,8,9 TWP: 47S RGE: 25E	REV NO:
PROJECT NO. F0250-024-006	FILE NO: C-0250-31
DRWN BY/EMP NO. M.W.L./1260	SHEET NO: 1 OF 4

Jan 13, 2000 – 14:49:47 MLIBERAT|X:\Env\0250\31\Rev01\02503101.dwg

DCI2023-00052 Lee County ePlan
Additional info dated 07-16-2024



Jan 13, 2000 – 14:56:03 MLIBERAT|X:\Env\0250\31\Rev01\02503102.dwg

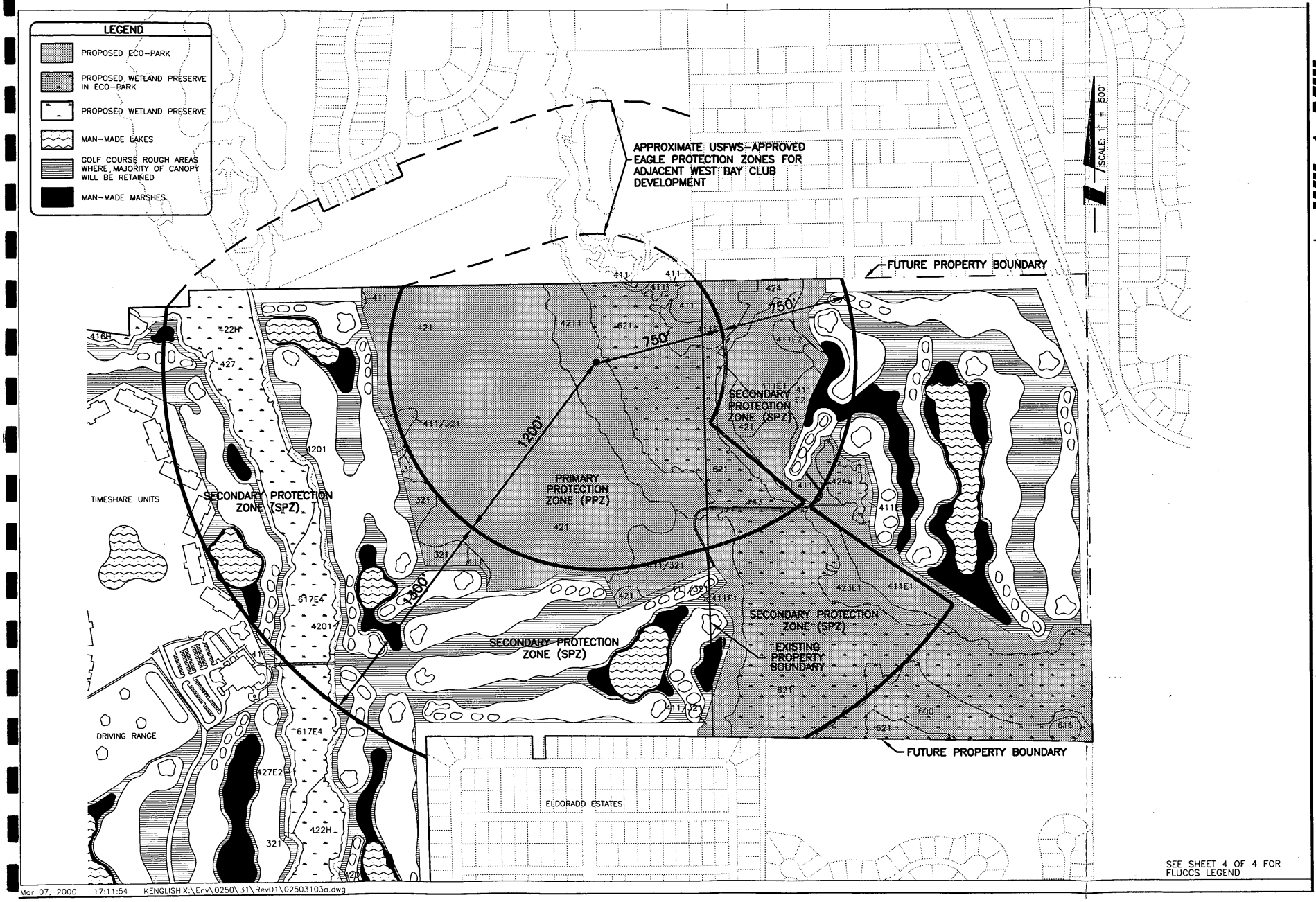
WilsonMiller
Planners • Engineers • Ecologists • Surveyors
Landscape Architects • Transportation Consultants
WilsonMiller, Inc.
Naples • Fort Myers • Sarasota • Bradenton • Tampa
3800 Bayshore Blvd., Suite 200 • Tampa, FL 33611-3307
Phone 941-649-4040 • Fax 941-643-5778 • Web-Site www.wilsonmiller.com

FIGURE 2
Existing Eco-Park and Associated Habitats

WilsonMiller, Inc. - FL Lic.# LC-000070

SEC 5 TWP 47S RGE 25E	
Designed by:	
Drawn by:	M.W.L./1260
Checked by:	
Approved by:	
Date:	Sept. 21, '99
Scale:	1" = 500'
PIN: F0250-024-006-FPV00	
File # :	C-0250-31
Sheet 2 of 4	

DCI2023-00052 Lee County ePlan
Additional info dated 07-16-2024



WilsonMiller
Planners • Engineers • Ecologists • Surveyors
Landscape Architects • Transportation Consultants
WilsonMiller, Inc.
Naples • Fort Myers • Sarasota • Bradenton • Tampa
12800 Tamiami Trail, Suite 200 • Naples, Florida 34110-8307
Phone 941-649-4040 • Fax 941-643-5716 • Web Site www.wilsonmiller.com

FIGURE 3
Proposed Configuration of Eco-Park, Eagle Protection Zones, And Adjacent Development

REV. 1, 1/4/00 – UPDATE EAGLE PROTECTION ZONE LAND PLAN AND ECO-PARK BOUNDARY

WilsonMiller, Inc. - FL Lic.# LC-C000070

SEC 5 TWP 47S RGE 25E	
Designed by:	
Drawn by:	K.L.E./865
Checked by:	
Approved by:	
Date:	Sept. 21, '99
Scale:	1" = 500'
PIN: F0250-024-006-FPVOO	
File # :	C-0250-31
Sheet	3 of 4

Mar 07, 2000 – 17:11:54 KENGLISH|X:\Env\0250\31\Rev01\02503103a.dwg

Pelican Landing Eco-Park
FLUCCS Legend

FLUCCS	FLUCCS Description
321	Palmetto prairie
411	Pine flatwoods
411E1	Pine flatwoods, 10-24% exotics
411E2	Pine flatwoods, 25-49% exotics
411E3	Pine flatwoods, 50-75% exotics
411/321	Pine flatwoods/Palmetto prairie
415	Scrubby flatwoods
416H	Pine flatwoods/Graminoid understory-hydric
421	Xeric oak
4201	Mesic oak, high density shrub layer
4211	Xeric oak, high density shrub layer
422	Brazilian pepper
422H	Brazilian pepper-hydric
423E1	Pine-cabbage palm-oaks, 10-24% exotics
424	Melaleuca
424H	Melaleuca-hydric
427	Live oak
427E2	Live oak, 25-49% exotics
427E3	Live oak, 50-75% exotics
428E3	Cabbage palm, 50-75% exotics
513	Ditch
524	Lakes less than 10 acres which are dominent features
600	Shrub wetland
616	Inland pond
617E4	Mixed wetland hardwoods
621	Cypress
6412	Cattail
643	Wet prairie
740	Disturbed land
743	Spoil area

PROJECT: *Pelican Landing DRI Bald Eagle Management Plan*

APPLICANT: *WCI Communities, Inc.*

WilsonMiller, Inc. - FL Lic# LC-C000070

WilsonMiller

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

Naples • Fort Myers • Sarasota • Bradenton • Tampa

3200 Bailey Lane, Suite 200 • Naples, Florida 34105-8507 • Phone 941-649-4040 • Fax 941-643-5716 • Web-Site www.wilsonmiller.com

FLA. REG. #	
COUNTY: LEE	DATE: Sept. 21, '99
SEC: 4,5,8,9 TWP: 47S RGE: 25E	REV NO:
PROJECT NO. F0250-024-006	FILE NO: C-0250-006
DRWN BY/EMP NO. M.W.L./1260	SHEET NO: 4 OF 4

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

APPENDIX A

1994 Version of Bald Eagle Management Plan (Heald, 1994a, 1994b)

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Heald and Associates, Inc.

7550 S.W. 136 Street
Miami, Florida 33156
305-253-5343

Management Plan for the Southern Bald Eagle in the Vicinity of The Pelican Landing DRI, Lee County, Florida

(Revised to Reflect Renewed Nesting Activity)

Prepared for

Westinghouse Bayside Communities, Inc.

by

Dr. Eric J. Heald, Ph.D.
Heald and Associates, Inc.

May, 1994

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Introduction

Nest-building by bald eagles is known to have occurred at 5 locations (trees) within or in the vicinity of the Pelican Landing DRI project boundaries over the past decade. Some confusion has existed in connection with the locations and official designations of these (see sections of ADA, ADA Sufficiency Response, and pertinent correspondence appended to Draft Management Plan, June 1993).

The nest trees (sites, territories) are listed by Florida Game and Fish Commission (FGFC) as follows, and their current status is described:

LE 08

The nest no longer exists, having disintegrated over the past several years. The nest tree, a cypress, remains, and a pair of eagles was sighted at the tree during a December 3, 1992 overflight by FGFC.

LE 08A

This nest is no longer in existence (FGFC, Dec., 1993). It was occupied by great-horned owls during the 1991-1992 and 1992-1993 breeding seasons. It is addressed in a Lee County Rezoning Resolution (#Z-88-034) for San Marino Pines (March 18, 1988) in which a 900' buffer zone was established in a semi-circle to the west of the nest tree.

LE 28

Only a few twigs remain. It has been unoccupied since the 1986/1987 breeding season.

LE28A

The nest is located in a large pine tree on the western margin of Half-way Creek. It was occupied during the 1990-1991 breeding season, and was reported by Mr. Paul Schultz (FGFC) as occupied in December, 1993. A field representative of United States Fish and Wildlife Services (USFWS) inspected the preserve area and the newly-occupied nest tree (LE-28A) in January, 1994. On January 31, 1994 USFWS signified approval of the Management Plan (see enclosed letter from Mr. Peter Plage to Mr. Dan Trescott), and requested a study to determine flight lines during the current nesting season. This has been conducted (copy appended).

LE-28B

This recently constructed nest was occupied during the 1992-1993 breeding season and contained an unfledged eaglet at the time of FGFC overflight on March 14, 1993. The eaglet was no longer in evidence on overflights conducted by Heald and Associates on May 3

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

and May 20, 1993. It was not used during the 1993-1994 breeding season (Schultz, FGFC, Pers. Comm.).

Management Strategies

Nest tree ('territory') 28A on the western margin of Half-way Creek lies within approximately 120 contiguous acres of upland and wetland communities to be preserved within the Pelican Landing Development. It is located almost at the northern boundary of the project. A proposed two lane access road to single family homesites lies, at its closest point, approximately 1300' from the tree. The nest tree, and other potential nest, roost, or perch trees in close proximity within the preserve, will remain available for any future nesting activities. The birds presumably feed primarily in the Estero Bay system which they reach either by flying over the proposed single-road alignment of single family residences and the existing fish camp, or by flying over undeveloped uplands and wetlands immediately north and northwest of the nest tree (see appended copy of recorded flight patterns).

USFWS has determined that the primary zone should be established at a radius of ±1300' from the nest tree. Human activities within the preserve will be limited to pedestrian pathways, with interpretive/educational signage. Pathways will not impinge upon a 750' radius around the nest tree, which is well-screened by dense oaks. The nest tree and all other potential nest trees within the preserve will be monitored twice a month from October through April for a period of five years to determine if nesting is occurring. If the nest is occupied, access to all pathways within the ±1300' primary zone will be prohibited until nesting activities are reliably reported to have ceased. Appropriate signs will be installed at the barricaded path entrances. No habitat management activities, such as selective clearing or prescribed burning, will be conducted during the active nesting season and no construction of road or residences will be permitted within a 2500' radius of the nest tree during this period.

Bayside Improvement District will own the preserve area, known as the Pelican Landing Eco-Park, and will be responsible for all management and maintenance, in accordance with the approved Development Order.

Nest tree 28B lies off the property, approximately 1800-2000' west of the northwest boundary of the project. The birds feed primarily in the extensive Estero Bay system to the west of the nest tree. Approximately 80 acres of uplands plus approximately 42 acres of freshwater wetlands within the northwestern portion of the project will be preserved; and are thus available as potential additional feeding sites. Scattered large pines within the upland preserve will also remain available as potential nesting sites. Since applicant does not own the nest tree site or the lands surrounding it, further management practices are not feasible. Monitoring of potential nest trees within the preserve area will be

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

conducted as described above (28A), and appropriate measures will be taken to comply as far as practical with established guidelines if the birds relocate onto the subject property.

The remaining nest trees or territories (28, 08 and 08A) are located north and east of the project site. The birds, should they resume residence or nesting, will be unaffected by project activities. Extensive wetland areas preserved to the south within the project will remain available as potential feeding areas. Florida Game and Fish Commission and U.S. fish and Wildlife Service will be consulted on appropriate actions if the eagles are reported to relocate to trees closer to the project than at present.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Attachments

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Observations From January - May, 1994 on the Flight Patterns of Southern Bald Eagles from Nest Tree LE 28A on the "L&L Tract", Pelican Landing, Lee County, Florida

Prepared for

Westinghouse Bayside Communities, Inc.

by

Dr. Eric J. Heald, Ph.D.
Heald and Associates, Inc.

May, 1994

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Introduction

As an integral part of a Development of Regional Impact (DRI), Westinghouse Bayside communities (WBC) in 1992 designated a contiguous area of ±120 acres, including ±78 acres of xeric oak scrub and pine flatwoods, for preservation. This area, known as the "L&L Tract" and latterly as the "Pelican Landing Eco-Park", lies north of Coconut Road in Southern Lee County and constitutes a portion of the Planned Community of Pelican Landing (Figure 1). The preserved tract includes several large slash pines, one of which contains the nest of a southern bald eagle. The nest tree, designated LE-28A by Florida Game and Fish Commission (FGFC) was occupied during the breeding season of 1990-1991 and was not used during the subsequent two seasons.

In accordance with requests by several regulatory agencies during the Application for Development Approval review process, a Management Plan for the southern bald eagle was prepared and submitted for review to U.S. Fish and Wildlife Service (USFWS) in June 1993. While the Management Plan was under review the nest was reported by FGFC in December, 1993 to be occupied by a pair of eagles (Paul Schultz, FGFC; Pers. Comm.). It is assumed, though not confirmed, that the eagle pair currently occupying this nest utilized nest LE 28B during the 192-1993 breeding season. In January 1994, USFWS, while approving the Management Plan as submitted, requested that prevalent flight patterns of the birds occupying nest LE-28A be documented to assist further review. At the request of WBC, Dr. Eric Heald of Heald and Associates (H&A) conducted the field observations reported below.

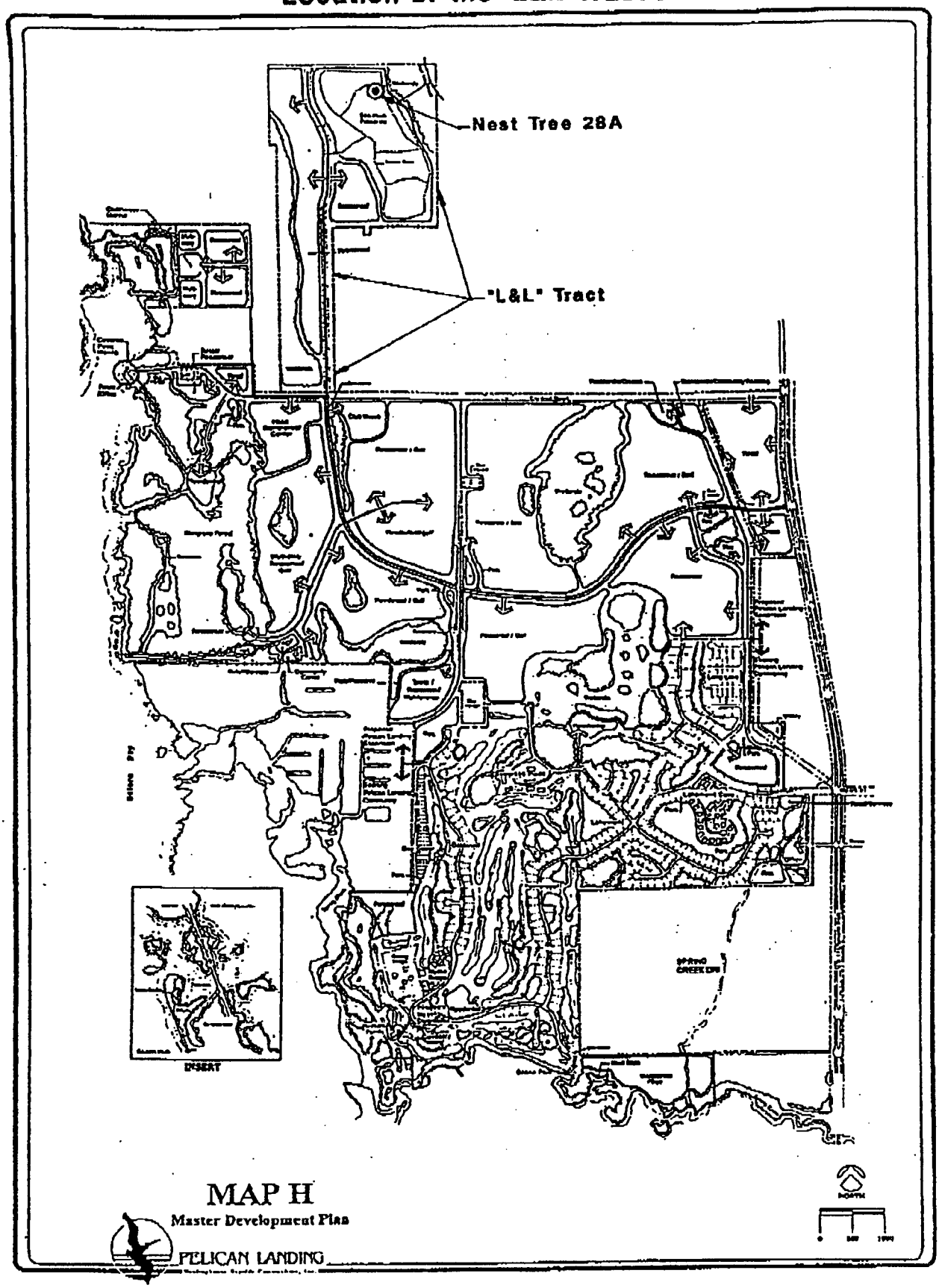
Methods

The slash pine containing the nest stands immediately adjacent to the western margin of Halfway Creek (Figure 2) and from most angles is effectively screened from view beyond a distance of 200' to 600' by pines, dense scrub oak and tall Lyonia spp. During mid-late January, 1994 several potential observation stations were tried before a satisfactory station (see Figure 2) was chosen. With the exception of two flights recorded on January 19, 1994 all observations were conducted from this station. Observations were conducted on 25 separate days between January 19 and May 19. Table 1 gives dates, hours of observation, basic climatic conditions and miscellaneous observations.

Activities at or in the immediate vicinity of the nest were observed through binocular field-glasses. Outbound flights were monitored with or without field-glasses until visual contact was lost. The efficacy of tracking varied according to pattern of flight on departure from nest tree, direction of flight, and altitude assumed by the bird during flight. Inbound flights (returns) were sometimes not detected until the bird was within 200' of the nest tree, and are thus considered a less reliable indication of flight patterns.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

FIGURE 1
Location of the "L&L Tract".



DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

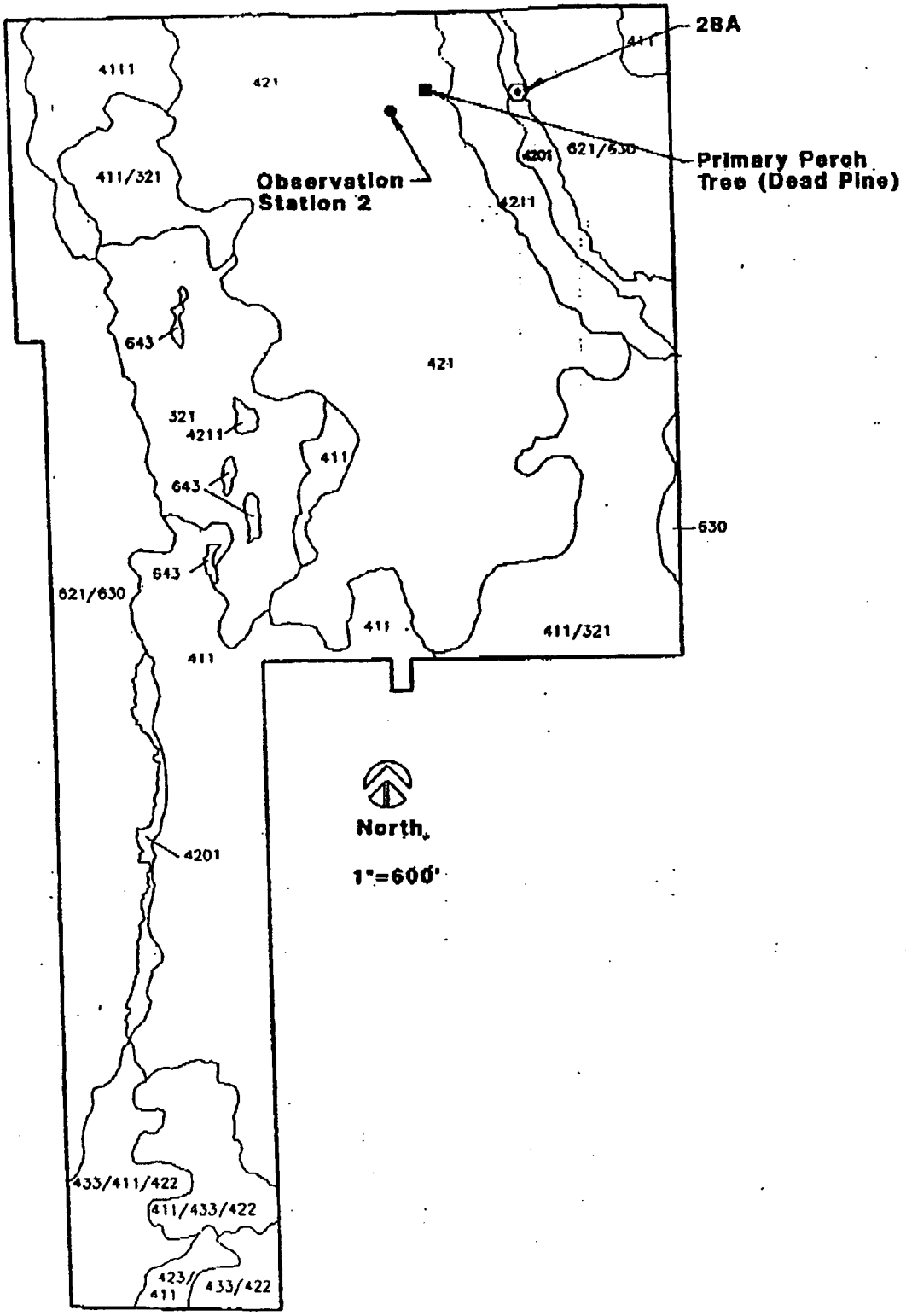
TABLE I. Observations January 19 to May 19 1994

DATE	TIME ARR	TIME DEP	FLIGHTS OUT	FLIGHTS IN**	SKY	APPROX. TEMP	WIND DIR	(approx) MPH	COMMENTS
1/19	930	1630	2	–	Clear	70	NE	<5	4 stations occupied
1/31	1420	1730	1	–	Pt. Cloudy	70	ENE	<5	Station on Figure 2
2/01	0800	1140	2	1	Pt. Cloudy	65	E	5	–
2/01	1425	1720	1	1	Cloudy	65	E	<5	–
2/02	1300	1700	–	–	Cloudy	50	NE	<5	Drizzle/rain
2/03	1030	1515	1	1	Clear	50	SE	10	Cold
2/08	1600	1800	1	1	Pt. Cloudy	75	SW	10	–
2/09	0800	1540	1	–	Clear	75	SW	15	–
2/10	0730	1005	–	1	Clear	70	SE	0–10	Gusty Winds
2/16	1410	1615	1	–	Cloudy	65	ENE	10	–
2/17	0800	1000	–	–	Pt. Cloudy	70	E	20	Very windy
2/22	1550	1705	–	–	Pt. Cloudy	75	SE	5	–
2/23	1520	1900	2	1	Clear	80	SW	5–20	Gusty winds; eaglet observed
2/24	0800	1730	2	2	Cloudy	70	NONE	NONE	Eaglet observed
3/08	1100	1330	1	–	Pt. Cloudy	80	NE	5	Eaglet observed
3/09	0700	1100	–	–	Pt. Cloudy	75	ENE	5–10	–
3/12	1600	1745	4	2	Clear	75	E	10–15	Eaglet observed
3/13	1130	1610	4	2	Clear	80	SE	<5	Eaglet exercising wings
3/14	1000	1250	4	2	Cloudy	75	NONE	NONE	Eaglet on edge of nest
3/15	1130	1520	1	2	Clear	80	E	<5	Eaglet–edge of nest; exercising wings
3/28	1300	1435	–	–	Clear	80	NE	15–20	Eaglet on adjacent branch
4/01	1500	1755	1	–	Clear	80	SW	5	Eaglet–edge of nest; exercising wings
4/07	1600	1735	–	–	Clear	75	W	<5	Eaglet in nest
4/13	1215	1430	–	–	Pt. Cloudy	80	WSW	15	Eaglet moving between branches
5/18	1605	1755	–	–	Clear	85	SE	<5	No birds at nest
5/19	0940	1130	–	–	Pt. Cloudy		ESE	<5	No birds at nest

** If sighted further than approximately 500' from nest tree

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

FIGURE 2
FLUCCS Vegetation Map Showing Location of Nest Tree LE 28A, Observation Station, and Perch Tree.



DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Observations

Figure 3 and Table II reflect behavior on 44 observed flights between January 19 and May 19. Flight directions in Figure 3 are portrayed within 45° compass quadrants centered upon N, NW, NE, etc. The observed number of flights in either direction within a specific quadrant is indicated along each vector arrow. Inbound flights are only recorded if the bird was sighted and tracked from sufficient distance from the nest tree to be considered a reliable indicator of the direction of approach.

Although no distinction is made in Figure 3 between the flight patterns of male and female birds, the detailed flight patterns of the two sexes differed significantly. The larger bird, presumably the male, frequently flew to an almost dead pine approximately 400' WNW of the nest tree (Figure 2) and there remained for 1-5 minutes before departing westward or northward. The (smaller) female was never observed to do this. Further, all 6 flights recorded in the northeast to south quadrants were made by the female bird.

Flight activity observed form January 19th to May 19th comprised 44 events/flights. A single chick hatched in mid-February, at which point flight activity increased significantly. Although increased in frequency, flights from mid-February onward did not deviate appreciably from previously observed directional patterns.

From mid-March to mid-April, the eaglet was frequently observed exercising wing muscles and hopping between branches, but was never observed in flight. The nest was not visited from mid-April to mid-May, by which time it appeared empty.

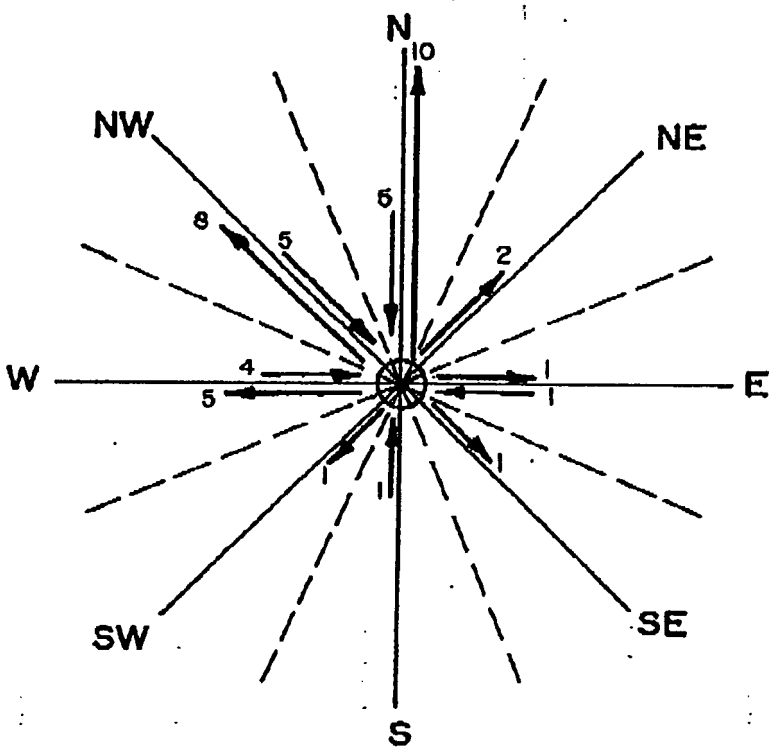
As Table II shows, 84% of all flights recorded inbound or outbound fell within the northern, northwestern and western quadrants. The single flight to the southwest was in pursuit of a black vulture or a turkey vulture by the male bird. The female initially gave chase but returned to the nest tree from approximately ¼ mile out.

Conclusions

Almost 85% of all recorded flights were to or from the northwest quadrant. Only 6% lay within quadrants which would lead to existing or proposed Pelican Landing development. The findings thus support the USFWS conclusion that the proposed development would have no appreciable impact on nesting activities at nest tree LE-28A.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

FIGURE 3
Recorded Flights to and from Nest Tree. Number of Flights Depicted on each Vector Arrow.



DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

TABLE II. Summation of Observed Flight Directions, Jan. 19 – May 19, 1994

DIRECTION	NO. OF FLIGHTS OUT	IN**	TOTAL	% OF TOTAL
N	10	5	15	34.1
NE	2	–	2	4.6
E	1	1	2	4.5
SE	1	–	1	2.3
S	–	1	1	2.3
SW	1	–	1	2.3
W	5	4	9	20.5
NW	8	5	13	29.5

** If sighted further than 500' from nest tree.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

APPENDIX B

Pelican Landing DRI Eco-Park Habitat Management Methods

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

PELICAN LANDING DRI
ECO-PARK HABITAT MANAGEMENT METHODS

Introduction

The (existing) Pelican Landing DRI "Eco-Park" encompasses approximately 78 acres in the northeast corner of the DRI property. The Eco-Park consists of 65 acres of high quality xeric oak/scrub habitat and 13 acres of pine flatwoods and was established primarily as a gopher tortoise (*Gopherus polyphemus*) preserve. A bald eagle's nest (nest #LE-28A) is present near the northeast corner of the Eco-Park. The majority of the Eco-Park lies within protection zones surrounding this nest and special consideration has been given to minimize disturbance to the nest from habitat management practices.

The Eco-Park is bordered by a cypress/hardwood wetland system (Halfway Creek) to the east, native uplands and wetlands to the west, and residential subdivisions to the north and south. The Eco-Park has been placed under a conservation easement granted to the Florida Game and Fresh Water Fish Commission (now the Florida Fish and Wildlife Conservation Commission - FFWCC) and is managed as outlined below.

Maintenance of the Eco-Park is acknowledged to be an important component of assuring the long term viability of scrub habitat, the existing gopher tortoise population, and the bald eagle's nest. The legal entity responsible for the maintenance of the Eco-Park will be WCI Communities, Inc., or its assignee.

Management Methods

The following is a summary of the management methods to be employed in the Eco-Park:

1. Maintenance activities will be conducted in perpetuity and will involve a combination of mechanical treatment, selective hand clearing, and/or prescribed burning. Mechanical treatment methods would include mowing and bush hogging which would be conducted when daytime temperatures are below 75 degrees F (periods of reduced tortoise activity). Hand pruning or clearing of midstory vegetation could occur as necessary to control overgrowth. Removal of all or parts of larger trees may be performed in order to increase or maintain sunlight penetration to ground level, except in the Primary Protection Zone of the bald eagle nest. No maintenance activities will be conducted within the Primary Protection Zone of eagle nest LE-28A during the active nesting season.

   Preferred maintenance practices per habitat type are as follows.

   A. Xeric Scrub

   - Hand-trim to a height of 6-9 feet at 5-year intervals or as deemed necessary.
   - Excessive layers of shrubby growth will be removed by hand at 3-year intervals if necessary.
   - Prescribed burns may be conducted at 8-year intervals if judged feasible and necessary. Any burning will be conducted by an experienced control-burn contractor. Burning will adhere to applicable regulatory guidelines and will be coordinated with the appropriate Fire District and the State of Florida Division of Forestry. Steps taken to protect the eagle nest or perch trees will include hand raking or clearing to minimize fuel in the vicinity of the tree prior to burning.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

- No mowing or raking will be performed in xeric scrub areas.
- No burning will take place during the eagle nesting season in either the Primary or Secondary Protection Zones surrounding the eagle nest.

B. *Pine Flatwoods and Other Upland Habitat Types*

- Bush hogging and/or mowing at 3-year intervals if judged necessary to maintain a minimum of 30% total ground area clear of saw palmetto or other shrubs.
- Prescribed burning will be conducted as in xeric scrub habitat, but at an approximate 3-year interval if judged feasible and necessary.
- Exotic/nuisance plant species will be removed by hand.

C. *Wetland Habitats*

- Wetland habitats will be initially maintained by removing exotic and nuisance plant species (primarily melaleuca, Brazilian pepper, and downy rose myrtle). Hand removal will be utilized whenever feasible. In certain areas of heavy infestation, mechanical clearing may be necessary. Any mechanical clearing will first be approved by the FFWCC and will be conducted so as to minimize disturbance to eagles during the active nesting season.
- Following initial removal of exotic/nuisance species, wetland habitats will be maintained in perpetuity to suppress re-infestation and maintain exotic/nuisance plant species abundance at low levels. Ongoing control of undesirable species will be via directed herbicide applications, physical uprooting, or a combination of these methods.
- During prescribed burning of upland areas of the Eco-Park, appropriate steps will be taken to insure that site wetlands are not unduly damaged by fire (*e.g.*, installing fire breaks, back-burning, executing burns under climatic conditions when wetland vulnerability to fire is minimized, etc.).

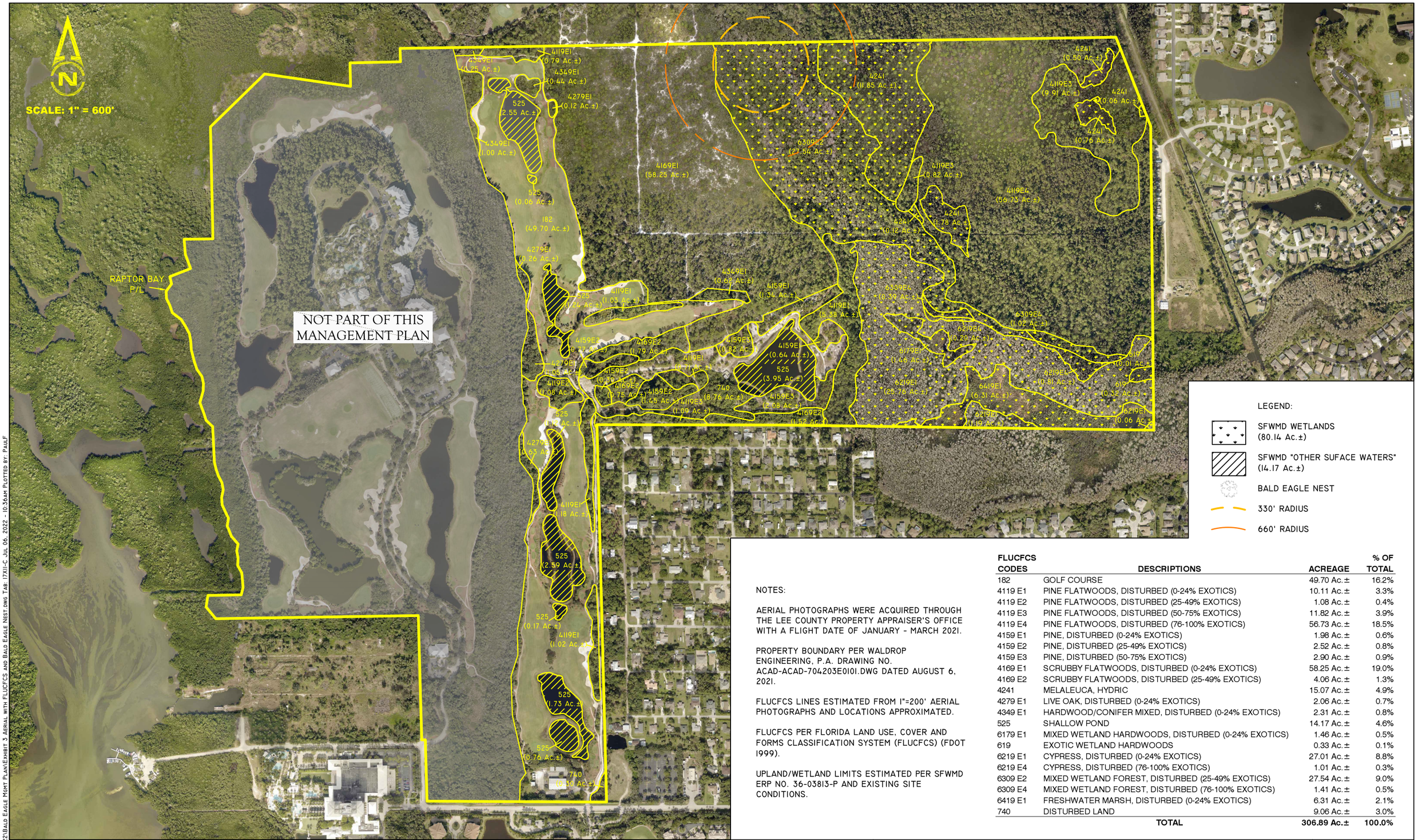
2. Maintenance activities will be initiated upon recording of the conservation easement for the Eco-Park and every other year thereafter.
3. A locally based nuisance-wildlife expert will be engaged as necessary to remove feral hogs from the Eco-Park.
4. If deemed necessary by FFWCC, native plant species of value to gopher tortoises will be used to supplement existing vegetation. Species used would include, but not be limited to, dwarf live oak, gopher apple, buckthorn, lyonia, gallberry, tarflower, and prickly pear cactus.
5. Prior to scheduled maintenance activities (every other year), a site walk and habitat evaluation will be performed by a qualified biologist to determine maintenance requirements. Potential need for supplemental foraging plant material plantings will also be evaluated.
6. Brochures containing information on gopher tortoise and bald eagle habitat, behavior and protection measures will be developed and made available to local homeowners and site users (golfers, Hyatt resort guests, other people utilizing the Eco-Park).

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

7. Recreational activities will be restricted to specific pedestrian trails. These will be established subject to FFWCC approval during final site planning. No designated picnic areas, biking trails, horse trails or interpretive facilities (other than approved signs, vita trails, and bird viewing blinds) will be allowed. The vita trails will not be paved, hardened or made impermeable. The location and design of all facilities will be reviewed and approved prior to construction by the FFWCC. Educational signage will be placed along the trails.
8. Human access will be restricted by appropriate signage within the primary zone of the eagle nest during the nesting season. During the non-nesting season, pedestrian trails or other human use will be restricted to a minimum of 500' from the nest tree. The trail will be barricaded off by a cable across the path.
9. Exotic vegetation (primarily melaleuca, Brazilian pepper and downy rose myrtle) will be removed from protection areas in perpetuity.

EXHIBIT 3

AERIAL WITH FLUCFCS AND BALD EAGLE NEST



NOTES:

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

PROPERTY BOUNDARY PER WALDROP ENGINEERING, P.A. DRAWING NO. ACAD-ACAD-704203E0101.DWG DATED AUGUST 6, 2021.

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

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

UPLAND/WETLAND LIMITS ESTIMATED PER SFWMD ERP NO. 36-03813-P AND EXISTING SITE CONDITIONS.

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
182	GOLF COURSE	49.70 Ac.±	16.2%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	10.11 Ac.±	3.3%
4119 E2	PINE FLATWOODS, DISTURBED (25-49% EXOTICS)	1.08 Ac.±	0.4%
4119 E3	PINE FLATWOODS, DISTURBED (50-75% EXOTICS)	11.82 Ac.±	3.9%
4119 E4	PINE FLATWOODS, DISTURBED (76-100% EXOTICS)	56.73 Ac.±	18.5%
4159 E1	PINE, DISTURBED (0-24% EXOTICS)	1.98 Ac.±	0.6%
4159 E2	PINE, DISTURBED (25-49% EXOTICS)	2.52 Ac.±	0.8%
4159 E3	PINE, DISTURBED (50-75% EXOTICS)	2.90 Ac.±	0.9%
4169 E1	SCRUBBY FLATWOODS, DISTURBED (0-24% EXOTICS)	58.25 Ac.±	19.0%
4169 E2	SCRUBBY FLATWOODS, DISTURBED (25-49% EXOTICS)	4.06 Ac.±	1.3%
4241	MELALEUCA, HYDRIC	15.07 Ac.±	4.9%
4279 E1	LIVE OAK, DISTURBED (0-24% EXOTICS)	2.06 Ac.±	0.7%
4349 E1	HARDWOOD/CONIFER MIXED, DISTURBED (0-24% EXOTICS)	2.31 Ac.±	0.8%
525	SHALLOW POND	14.17 Ac.±	4.6%
6179 E1	MIXED WETLAND HARDWOODS, DISTURBED (0-24% EXOTICS)	1.46 Ac.±	0.5%
619	EXOTIC WETLAND HARDWOODS	0.33 Ac.±	0.1%
6219 E1	CYPRESS, DISTURBED (0-24% EXOTICS)	27.01 Ac.±	8.8%
6219 E4	CYPRESS, DISTURBED (76-100% EXOTICS)	1.01 Ac.±	0.3%
6309 E2	MIXED WETLAND FOREST, DISTURBED (25-49% EXOTICS)	27.54 Ac.±	9.0%
6309 E4	MIXED WETLAND FOREST, DISTURBED (76-100% EXOTICS)	1.41 Ac.±	0.5%
6419 E1	FRESHWATER MARSH, DISTURBED (0-24% EXOTICS)	6.31 Ac.±	2.1%
740	DISTURBED LAND	9.06 Ac.±	3.0%
	TOTAL	**306.89 Ac.±**	**100.0%**

J:\2020\20LBR3290\2022\BALD EAGLE MGMT PLAN\EXHIBIT 3 AERIAL WITH FLUCFCS AND BALD EAGLE NEST.DWG TAB: 17X11-C JUL 06, 2022 - 10:36AM PLOTTED BY: PAULF

REVISIONS	DATE

DRAWN BY	DATE
R.F.	06/29/22
DESIGNED BY	DATE
B.T.	06/29/22
REVIEWED BY	DATE
S.J.	06/29/22

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

PASSARELLA & ASSOCIATES INC
Consulting Ecologists

RAPTOR BAY GOLF COURSE RENOVATION

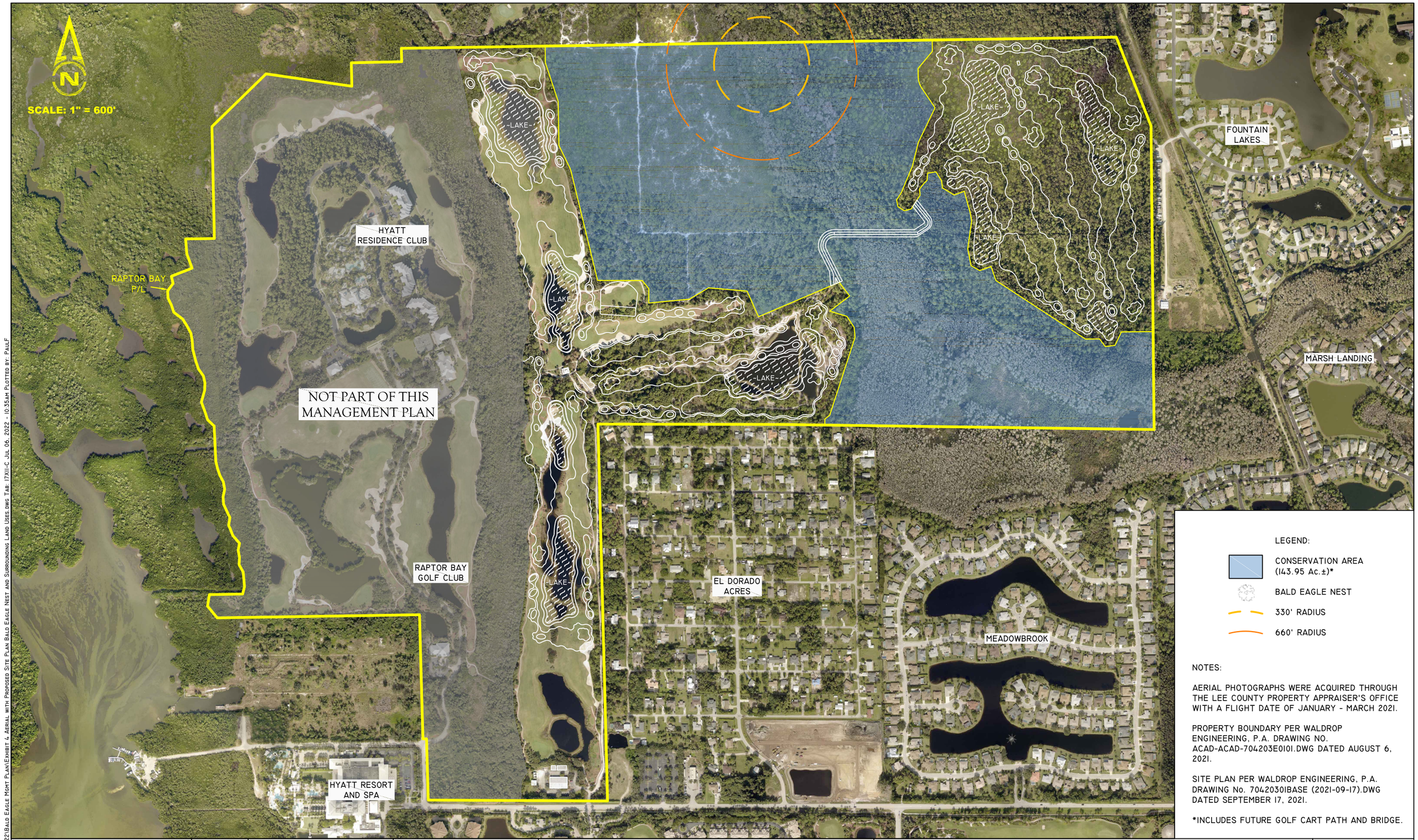
AERIAL WITH FLUCFCS AND BALD EAGLE NEST

DRAWING No. 20LBR3290

SHEET No. EXHIBIT 3

EXHIBIT 4

AERIAL WITH SITE PLAN, BALD EAGLE NEST, CONSERVATION AREA, AND SURROUNDING LAND USES



NOTES:

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

PROPERTY BOUNDARY PER WALDROP ENGINEERING, P.A. DRAWING NO. ACAD-ACAD-704203E0101.DWG DATED AUGUST 6, 2021.

SITE PLAN PER WALDROP ENGINEERING, P.A. DRAWING No. 70420301BASE (2021-09-17).DWG DATED SEPTEMBER 17, 2021.

*INCLUDES FUTURE GOLF CART PATH AND BRIDGE.

J:\2020\20LBR3290\2022\BALD EAGLE MGMT PLAN\EXHIBIT 4 AERIAL WITH PROPOSED SITE PLAN BALD EAGLE NEST AND SURROUNDING LAND USES.DWG TAB: 17XII-C JUL 06, 2022 - 10:35AM PLOTTED BY: PAULF

REVISIONS	DATE	DRAWN BY	DATE
		R.F.	06/29/22
		DESIGNED BY	DATE
		B.T.	06/29/22
		REVIEWED BY	DATE
		S.J.	06/29/22

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

Consulting Ecologists
PASSARELLA & ASSOCIATES INC

RAPTOR BAY GOLF COURSE RENOVATION

AERIAL WITH SITE PLAN, BALD EAGLE NEST, CONSERVATION AREA, AND SURROUNDING LAND USES

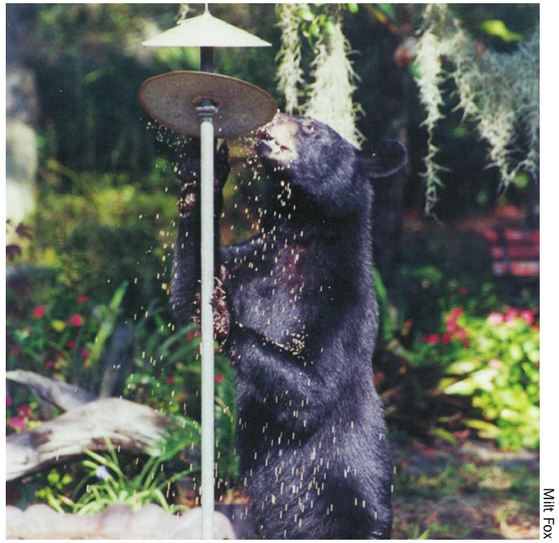
DRAWING No. 20LBR3290

SHEET No. EXHIBIT 4

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

APPENDIX J

FLORIDA BLACK BEAR INFORMATIONAL PAMPHLET



Mitt 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

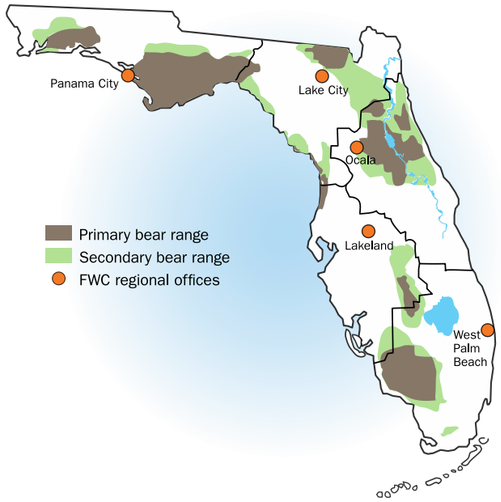
- Use electric fencing to protect gardens, compost piles, apiaries, fruit trees and livestock.
- Store garbage and recyclables in bear-resistant containers or in a secure area until the morning of pick up.
- Feed pets indoors or bring food dishes (even if empty) inside before dark.
- Store pet and livestock 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.

Rick Sinnott

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 Towne

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 3½ 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!

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

RAPTOR BAY GOLF COURSE RENOVATION
BALD EAGLE MANAGEMENT PLAN
FOR BALD EAGLE NEST LE-28A
LEE COUNTY, FLORIDA

July 2022

Prepared For:

LBRaptor, LLC
2210 Vanderbilt Beach Road, Suite 1300
Naples, Florida 34109
(239) 449-1550

Prepared By:

Passarella & Associates, Inc.
13620 Metropolis Avenue, Suite 200
Fort Myers, Florida 33912
(239) 274-0067

Project No. 20LBR3290

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

TABLE OF CONTENTS

Page

1.0 Introduction 1

2.0 Habitat Inventory and Mapping 1

3.0 Bald Eagle Biology and Protection 4

4.0 Description of LE-28A 6

4.1 Location and Landscape Information 6
4.2 Nesting History 6

5.0 Proposed Site Plan and Eagle Protection Zones 7

6.0 Bald Eagle Management Plan 7

7.0 References 7

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

LIST OF EXHIBITS

Page

Exhibit 1. Project Location Map E1-1

Exhibit 2. Bald Eagle Management Plan for Nest LE-28A (March 2000) E2-1

Exhibit 3. Aerial with FLUCFCS and Bald Eagle Nest E3-1

Exhibit 4. Aerial with Proposed Site Plan, Bald Eagle Nest, Conservation Area, and Surrounding Land Uses E4-1

1.0 INTRODUCTION

This Bald Eagle Management Plan (BEMP) has been prepared for Bald Eagle (*Haliaeetus leucocephalus*) Nest LE-28A located on the Raptor Bay Golf Course Renovation project (Project). The Project site is located in Sections 5 and 8, Township 47 South, Range 25 East, Lee County (Exhibit 1). The Project site totals 306.89± acres and is located north of Coconut Road, 1.5± miles west of U.S. 41 and 2.28± miles south of Corkscrew Road. More specifically, the site is bordered to the north by West Bay Club; to the south by El Dorado Acres and Meadowbrook residential developments and Coconut Road; to the east by a Florida Power & Light (FPL) easement, existing conservation lands, and Fountain Lakes and Marsh Landing residential developments; and to the west by existing conservation lands, the Raptor Bay Golf Club, and Hyatt Residence Club.

A BEMP was previously prepared by Wilson Miller, Inc. on March 7, 2000 for Nest LE-28A which depicted the eagle nest tree and two protection zones (Exhibit 2). The two zones consisted of the Primary Protection Zone (PPZ), which ranged from 750 feet to 1,200 feet from the nest tree and the Secondary Protection Zone (SPZ), which ranged from 750 feet to 1,300 feet from the PPZ.

This BEMP has been prepared to update the PPZ and SPZ for Nest LE-28A to 330 and 660 feet, respectively, as currently accepted by Lee County the U.S. Fish and Wildlife Service (USFWS), and the Florida Fish and Wildlife Conservation Commission (FWCC). Additionally, this BEMP is intended to facilitate construction of the Project (i.e., golf course renovation activities) while providing sufficient measures to minimize the potential for adverse impacts to nesting bald eagles. The golf course renovation activities are currently underway in accordance with Lee County Development Order (DO) No. DOS2021-00137.

Nest LE-28A and its proposed protection zones (i.e., 330 and 660 feet) are contained entirely within the Project's conservation area. Therefore, no development activities will occur within 660 feet of Nest LE-28A. Approval of this BEMP will allow the Project's golf course renovation activities to continue throughout the year, as needed.

2.0 HABITAT INVENTORY AND MAPPING

Vegetation and land cover mapping for the Project was updated by Passarella & Associates, Inc. (PAI) in August 2021 using a Lee County 2021 rectified aerial. Groundtruthing of the vegetative communities was conducted using the Florida Land Use, Cover and Forms Classification System (FLUCFCS) Level III (Florida Department of Transportation 1999). Level IV FLUCFCS was utilized to denote disturbance and hydrologic conditions. "E" codes were used to identify levels of exotic and invasive vegetation (e.g., Brazilian pepper (*Schinus terebinthifolia*) and melaleuca (*Melaleuca quinquenervia*)). AutoCAD 3D 2021 software was used to determine the acreage of each mapping area, produce summaries, and generate the FLUCFCS map for the Project. An aerial with FLUCFCS and SFWMD wetlands is included as Exhibit 3. According to the FLUCFCS map, the on-site land uses and vegetation communities consist primarily of golf course, pine flatwoods, pine, scrubby flatwoods, melaleuca, shallow ponds, cypress, mixed wetland forest, and freshwater marsh.

A total of 22 land use types were identified on the Project site and are described below.

Golf Course (FLUCFCS Code 182)
This land use type includes the existing Raptor Bay golf course.

Pine Flatwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 4119 E1)
The canopy of this habitat type includes slash pine (*Pinus elliottii*), melaleuca, and scattered cabbage palm (*Sabal palmetto*) and earleaf acacia (*Acacia auriculiformis*). The sub-canopy contains slash pine, melaleuca, twining snoutbean (*Rhynchosia tomentosa*), wax myrtle (*Morella cerifera*), myrsine (*Myrsine cubana*), saltbush (*Baccharis halimifolia*), saw palmetto (*Serenoa repens*), dahoon holly (*Ilex cassine*), gallberry (*Ilex glabra*), Brazilian pepper, muscadine grapevine (*Vitis rotundifolia*), cassia (*Senna pendula*), and scattered cabbage palm and earleaf acacia. The ground cover is dominated by saw palmetto.

Pine Flatwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 4119 E2)
This habitat type is similar to FLUCFCS Code 4119 E1, but with 25 to 49 percent melaleuca in the canopy and sub-canopy.

Pine Flatwoods, Disturbed (50-75% Exotics) (FLUCFCS Code 4119 E3)
This habitat type is similar to FLUCFCS Code 4119 E2, but with 50 to 75 percent melaleuca in the canopy and sub-canopy.

Pine Flatwoods, Disturbed (76-100% Exotics) (FLUCFCS Code 4119 E4)
The canopy of this habitat type is similar to FLUCFCS Code 4119 E3 but contains 76 to 100 percent melaleuca in the canopy and sub-canopy.

Pine, Disturbed (0-24% Exotics) (FLUCFCS Code 4159 E1)
The canopy of this habitat type contains slash pine and scattered earleaf acacia and melaleuca. The sub-canopy contains slash pine, melaleuca, earleaf acacia, and carrotwood (*Cupaniopsis anacardioides*). The ground cover contains bracken fern (*Pteridium aquilinum*), deer-tongue (*Carphephorus paniculatus*), muscadine grapevine, and bushy bluestem (*Andropogon glomeratus*).

Pine, Disturbed (25-49% Exotics) (FLUCFCS Code 4159 E2)
This habitat type is similar to FLUCFCS Code 4159 E1, but with 25 to 49 percent melaleuca and earleaf acacia in the canopy and sub-canopy and cogongrass (*Imperata cylindrica*) in the ground cover.

Pine, Disturbed (50-75% Exotics) (FLUCFCS Code 4159 E3)
This habitat type is similar to FLUCFCS Code 4159 E2 but contains 50 to 75 percent Brazilian pepper in the sub-canopy and scattered caesarweed (*Urena lobata*) and spermacoce (*Spermacoce verticillata*) in the ground cover.

Scrubby Flatwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 4169 E1)
The canopy of this habitat type contains scattered slash pine and sand live oak (*Quercus geminata*). The sub-canopy contains myrtle oak (*Quercus myrtifolia*), Chapman's oak (*Quercus chapmanii*), sand live oak, dahoon holly, rosemary (*Ceratiola ericoides*), gallberry, staggerbush (*Lyonia*

fruticosa), fetterbush (*Lyonia lucida*), tarflower (*Bejaria racemosa*), saw palmetto, and widely scattered earleaf acacia. The ground cover contains saw palmetto, muscadine grapevine, prickly pear (*Opuntia* sp.), pawpaw (*Asimina* sp.), and wiregrass (*Aristida stricta*).

Scrubby Flatwoods, Disturbed (25-49% Exotics) (FLUCFCS Code 4169 E2)
This habitat type is similar to FLUCFCS Code 4169 E1 but contains 25 to 49 percent earleaf acacia in the canopy and sub-canopy.

Melaleuca, Hydric (FLUCFCS Code 4241)
The canopy of this habitat type contains melaleuca, dahoon holly, and widely scattered slash pine. The sub-canopy contains melaleuca, Brazilian pepper, dahoon holly, earleaf acacia, slash pine, saw palmetto, and myrsine. The ground cover contains swamp fern (*Telmatoblechnum serrulatum*), royal fern (*Osmunda regalis*), Japanese climbing fern (*Lygodium japonicum*), rosy camphorweed (*Pluchea baccharis*), gulfdune paspalum (*Paspalum monostachyum*), beaksedge (*Rhynchospora microcarpa*), and scattered wiregrass and saw palmetto.

Live Oak, Disturbed (0-24% Exotics) (FLUCFCS Code 4279 E1)
The canopy of this habitat type includes live oak (*Quercus virginiana*) and cabbage palm. The sub-canopy contains cabbage palm, saw palmetto, myrsine, and dahoon holly. The ground cover is open.

Hardwood/Conifer Mixed, Disturbed (0-24% Exotics) (FLUCFCS Code 4349 E1)
The canopy of this habitat type consists of slash pine, live oak, and cabbage palm. The sub-canopy contains saw palmetto. The ground cover is open.

Shallow Pond (FLUCFCS Code 525)
The canopy, sub-canopy, and ground cover of this land use type are mostly open, with the edges containing spikerush (*Eleocharis* sp.), sand cordgrass (*Spartina bakeri*), cattail (*Typha* sp.), pickerelweed (*Pontederia cordata*), arrowhead (*Sagittaria lancifolia*), and leather fern (*Acrostichum* sp.).

Mixed Wetland Hardwoods, Disturbed (0-24% Exotics) (FLUCFCS Code 6179 E1)
The canopy of this habitat type consists of scattered red maple (*Acer rubrum*), Carolina willow (*Salix caroliniana*), and bald cypress (*Taxodium distichum*). The sub-canopy contains buttonbush (*Cephalanthus occidentalis*), Carolina willow, red maple, and pond apple (*Annona glabra*). The ground cover contains swamp fern, maidencane (*Panicum hemitomon*), West Indian marsh grass (*Hymenachne amplexicaulis*), and climbing hempvine (*Mikania scandens*).

Exotics Wetland Hardwoods (FLUCFCS Code 619)
The canopy and sub-canopy of this habitat type contain Brazilian pepper, cassia, and widely scattered cabbage palm. The ground cover is mostly open with Brazilian pepper sprouts.

Cypress, Disturbed (0-24% Exotics) (FLUCFCS Code 6219 E1)
The canopy of this habitat type includes bald cypress, scattered cabbage palm, and widely scattered melaleuca. The sub-canopy contains bald cypress, wax myrtle, buttonbush, pond apple, and scattered Brazilian pepper. The ground cover contains swamp fern, sawgrass (*Cladium*

jamaicense), little blue maidencane (*Amphicarpum muhlenbergianum*), and widely scattered West Indian marsh grass.

Cypress, Disturbed (76-100% Exotics) (FLUCFCS Code 6219 E4)
This habitat type is similar to FLUCFCS Code 6219 E1 but contains 76 to 100 percent melaleuca in the canopy and sub-canopy.

Mixed Wetland Forest, Disturbed (25-49% Exotics) (FLUCFCS Code 6309 E2)
The canopy of this habitat type contains cabbage palm, bald cypress, Carolina willow, red maple, oak (*Quercus* sp.), and melaleuca. The sub-canopy contains bald cypress, cabbage palm, Carolina willow, buttonbush, and scattered pop ash (*Fraxinus caroliniana*) and Brazilian pepper. The ground cover contains swamp fern, maidencane, sawgrass, and red ludwigia (*Ludwigia repens*).

Mixed Wetland Forest, Disturbed (76-100% Exotics) (FLUCFCS Code 6309 E4)
This habitat type is similar to FLUCFCS Code 6309 E2 but contains 76 to 100 percent melaleuca in the canopy and sub-canopy.

Freshwater Marsh, Disturbed (0-24% Exotics) (FLUCFCS Code 6419 E1)
The canopy and sub-canopy of this habitat type contain Carolina willow and pond apple on the edges. The ground cover contains cattail, sawgrass, fireflag (*Thalia geniculata*), leather fern, and maidencane.

Disturbed Land (FLUCFCS Code 740)
The canopy of this habitat type includes Brazilian pepper, cabbage palm, buttonwood (*Conocarpus erectus*), Norfolk Island pine (*Araucaria heterophylla*), and scattered earleaf acacia and slash pine. The sub-canopy contains slash pine, cabbage palm, Brazilian pepper, buttonwood, earleaf acacia, Guinea grass (*Panicum maximum*), Norfolk Island pine, false willow (*Baccharis angustifolia*), castor-bean (*Ricinus communis*), and widely scattered saw palmetto. The ground cover contains areas of open sand with dog fennel (*Eupatorium capillifolium*), rustweed (*Polypremum procumbens*), jointweed (*Polygonella polygama*), caesarweed, rosemary, slash pine, bermudagrass (*Cynodon dactylon*), cogongrass, limpograss (*Hemarthria altissima*), wild bush bean (*Macroptilium lathyroides*), wedelia (*Sphagneticola trilobata*), sweetbroom (*Scoparia dulcis*), beggarticks (*Bidens alba*), ragweed (*Ambrosia artemisiifolia*), bushy bluestem, water pennywort (*Hydrocotyle umbellata*), peppervine (*Nekemias arborea*), saltgrass (*Distichlis spicata*), and scattered saw palmetto.

3.0 BALD EAGLE BIOLOGY AND PROTECTION

The following information on the biology of the bald eagle is excerpted from the South Florida Multi-Species Recovery Plan (U.S. Fish and Wildlife Service (USFWS) 1999).

Bald eagles are considered a water-dependent species typically found near estuaries, large lakes, reservoirs, major rivers, and some seacoast habitats (Robards and King 1966, King *et al*. 1972, Weekes 1974, Whitfield *et al*. 1974, Gerrard *et al*. 1975, Grier 1977, Anthony and Isaacs 1989, Wood *et al*. 1989). Their distribution is influenced by the availability of suitable nest and perch

sites near large and open water bodies, typically with high amounts of water-to-land edge. Bald eagles demonstrate a remarkable ability to tolerate perturbations to their habitat throughout their range.

Their adaptability to a variety of habitat conditions makes any generalizations about habitat requirements and nesting behavior difficult. Though variable, eagles have basic habitat requirements that must be met in order to successfully reproduce and survive during the winter or non-nesting season. Florida bald eagle nests are constructed in dominant or co-dominant living pines (*Pinus* spp.) or bald cypress (*Taxodium distichum*) and are often located in the ecotone between forest and marsh or water (McEwan and Hirth 1979). Approximately ten percent of eagle nests are located in dead pine trees, while two to three percent occur in other species such as Australian pine (*Casuarina equisetifolia*) and live oak (*Quercus virginiana*). The stature of nest trees decreases from north to south (Wood 1987, Wood *et al*. 1989); and in extreme Southwest Florida, eagles nest in black mangroves (*Avicennia germinans*) and red mangroves (*Rhizophora mangle*), half of which are snags (Curnutt and Robertson 1994). Nest trees in South Florida are smaller and shorter than reported elsewhere; however, comparatively they are the largest trees available (Wood *et al.* 1989, Hardesty 1991). The small size of nest trees in South Florida relative to other nest sites throughout the eagle's range is due to the naturally smaller stature of slash pine (*Pinus elliotti*), loblolly pine (*P. taeda*), longleaf pine (*P. palustris*), and sand pine (*P. clausa*) in South Florida and to the lack of pines in extreme Southern Florida.

Bald eagles are monogamous, and annual courtship behavior reinforces pair bonds (Palmer 1988). Pair bond formation includes dramatic pursuit flights, high soaring, talon locking, and cartwheeling (Johnsgard 1990). Eagles may also fly around the perimeter of their nesting areas, visually communicating their presence and further establishing their territories. Pair bond behavior, as well as territory establishment and defense, probably occur concurrently throughout much of the eagle's range. Successful pair bond ultimately leads to nest site selection and nest construction for newly formed pairs or established pairs without nests. Pairs that have previously nested may repair established nests or construct an alternate nest concurrent with copulation.

Nesting activities generally begin in early September in South Florida, with egg-laying occurring as early as late October and peaking in the latter part of December. Incubation may be initiated from as early as October through as late as March, depending upon latitude. Clutches usually consist of one or two eggs, but occasionally three or four are laid. Incubation takes approximately 35 days and fledging occurs within 10 to 12 weeks of hatching. Parental care may extend 4 to 6 weeks after fledging, even though young eagles are fully developed and may not remain at the nest after fledging (USFWS 1989).

The Florida Fish and Wildlife Conservation Commission (FWCC) documented 88 active bald eagle nesting territories in Florida during their initial surveys of this species in 1973; by 1987, that number had increased to 391 active territories when the USFWS implemented the Habitat Management Guidelines for the Bald Eagle in the Southeast Region (Guidelines) (USFWS 1987). By 1999, the 1,000-breeding pair recovery goal for Florida had been achieved and had increased to 1,511 breeding pairs by 2012 (Brush *et al.* 2012). Peterson and Robertson (1978) reported that historic numbers of breeding pairs of bald eagles in Florida were likely "in excess of 1,000 breeding pairs."

The bald eagle was a federally and state listed "threatened" species that had been protected since the mid-1970s under the Endangered Species Act of 1973 and Chapter 68A-27.004, Florida Administrative Code. Management and recovery efforts for the species generally have included actions to improve reproductive success and survival by 1) reducing levels of persistent organochlorine pesticides, such as Dichlorodiphenyltrichloroethane (i.e., DDT), occurring in the environment; and 2) habitat protection. Habitat protection measures in Florida primarily have focused on the protection of nesting territories through the implementation of the 1987 Guidelines. Recovery goals for the bald eagle have been achieved as a result of these and related management actions throughout the United States, and the USFWS subsequently published a proposed rule in July 1999 to remove the bald eagle in the lower 48 states from the list of threatened or endangered wildlife. The bald eagle was subsequently delisted by the federal government in August 2007 and by the State of Florida in April 2008. The Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act provide continued federal protection for bald eagles. State Rule 68A-16.002 establishes rules for the continued protection and conservation of eagles in Florida.

4.0 DESCRIPTION OF LE-28A

4.1 Location and Landscape Information

Nest LE-28A is located in a large slash pine tree immediately west of Halfway Creek (Exhibit 3). The nest tree is surrounded by dense scrub oak and forested wetland habitats with varying degrees of exotic infestation. Both the nest tree and protection zones (330 and 660 feet) are located within the proposed conservation area (Exhibit 4). The proposed conservation area contains an abundance of trees that could potentially be utilized for perching and/or nesting by bald eagles.

The site is bordered to the north by West Bay Club; to the south by El Dorado Acres and Meadowbrook residential developments and Coconut Road; to the east by an FPL easement, existing conservation lands, and Fountain Lakes and Marsh Landing residential developments; and to the west by existing conservation lands, the Raptor Bay Golf Club, and Hyatt Residence Club. The location of Nest LE-28A, the eagle nest protection zones, and the surrounding land uses are depicted on Exhibit 4.

4.2 Nesting History

Based on Wilson Miller's 2000 BEMP, Nest LE-28A was first observed in 1987 and served to replace Nest LE-28, which was last used during the 1986-1987 nesting season. The eagle pair also utilized a nest (LE-28B) located approximately 3,700 feet west-southwest of LE-28A. Nest LE-28B was last active during the 1992-1993 nesting season. A survey conducted by the Florida Game and Fresh Water Fish Commission during the 1997-1998 nesting season identified Nest LE-28B as "nest down" (nest came apart and there is no longer any nest material in the nest tree).

Site observations conducted by PAI in February and March 2022 confirmed that Nest LE-28A was inactive.

5.0 PROPOSED SITE PLAN AND EAGLE PROTECTION ZONES

The Project's site plan consists of the reconfiguration of the existing golf course with associated parking and infrastructure. The site plan is depicted on Exhibit 4.

The USFWS and FWCC recognize 330- and 660-foot protection zones around an active eagle nest (Exhibit 4). Additionally, Lee County's Eagle Ordinance (08-25) states that no construction (structures or site work) may occur within 660 feet of an eagle nest without an approved BEMP. Both the 330- and 660-foot protection zones of Nest LE-28A are within the proposed conservation area. Therefore, no development activities will occur within 660 feet of Nest LE-28A. However, DO No. DOS2021-00137 requires that the Project's conservation areas be maintained free of exotic vegetation. This includes the conservation areas within the 330- and 660-foot eagle protection zones.

6.0 BALD EAGLE MANAGEMENT PLAN

This BEMP serves to revise the existing plan prepared by Wilson Miller in 2000, to reduce the protection zones to the current Lee County, USFWS, and FWCC standards (i.e., 330 and 660 feet). Additionally, this BEMP is intended to facilitate construction of the Project while providing sufficient measures to minimize the potential for adverse impacts to nesting bald eagles that could occur as a result of the proposed development activities. As a management instrument, the BEMP is only applicable to the Project. It is the responsibility of the property owner to retain and implement this plan for as long as it is required, including educating others (e.g., contractors, future owners, tenants, etc.) about the specific requirements of this BEMP and the state and federal eagle protection laws. Any amendment to this management plan shall require review and approval by the Eagle Technical Advisory Committee or any successor body.

Specific elements of the BEMP are as follows:

1. Exotic vegetation removal within 660 feet of the nest tree shall be completed during the non-nesting season (i.e., May 16 through September 30).
2. The use of chemicals which are known to be toxic to wildlife shall be prohibited at all times in close proximity to the nest tree and within the on-site preserve areas. Chemicals used for the purpose of controlling invasive exotic plants shall be prohibited around the base of the nest tree.

7.0 REFERENCES

Anthony, R.G. and F.B. Isaacs. 1989. Characteristics of bald eagle nest sites in Oregon. Journal of Wildlife Management 53(1): 148-159.

Brush, Janell M., K. Rogers, and E. Leone. 2012. Annual Report 2011-2012. Fish and Wildlife Research Institute, Wildlife Research Section, Avian Research Subsection; Gainesville, Florida.

Curnutt, J.L and W.B. Robertson, Jr. 1994. Bald eagle nest site characteristics in south Florida. Journal of Wildlife Management 58(2):218-221.

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

Florida Fish and Wildlife Conservation Commission. 2017. A Species Action Plan for the Bald Eagle.

Gerrard, J.M., P.N. Gerrard, W.J. Maher, and D.W.A. Whitfield. 1975. Factors influencing nest site selection of bald eagles in northern Saskatchewan and Manitoba. Blue Jay 33(3): 169-176.

Grier, J.W. 1977. Quadrat sampling of a nesting population of bald eagles. Journal of Wildlife Management 41:438-443.

Hardesty, J.L. 1991. Conservation of coastal nesting bald eagles in Florida: history, demography, and habitat use. Unpublished Masters Thesis, University of Florida; Gainesville, Florida.

Johnsgard, P.A. 1990. Hawks, Eagles, and Falcons of North America. Smithsonian Institution Press; Washington, D.C.

King, J., F. Robards, and C. Lensink. 1972. Census of the bald eagle breeding population in southeast Alaska. Journal of Wildlife Management 36:1292-1295.

McEwan, L.C. and D.H. Hirth. 1979. Southern bald eagle productivity and nest site selection. Journal of Wildlife Management 43:585-594.

Palmer, R.S. 1988. Handbook of North American Birds, Volume 4. Yale University Press; New Haven, Connecticut.

Peterson, D.W. and W.B. Robertson, Jr. 1978. Threatened southern bald eagle. Pages 27-30 *in*: H.W. Kale II, ed. Rare and endangered biota of Florida: volume two, birds. University Presses Florida; Gainesville, Florida.

Robards, R.C. and J. G. King. 1966. Nesting and productivity of bald eagles, southeast Alaska, 1966. U.S Fish and Wildlife Service; Juneau, Alaska.

U.S. Fish and Wildlife Service. 1999. Multi-Species Recovery Plan for South Florida. U.S. Fish and Wildlife Service, Vero Beach, Florida.

U.S. Fish and Wildlife Service. 1989. Southeastern states bald eagle recovery plan, U.S. Fish and Wildlife Service; Atlanta, Georgia.

U.S. Fish and Wildlife Service. 1987. Habitat Management Guidelines for the Bald Eagle in the Southeast Region.

U.S. Fish and Wildlife Service. 2007. Bald Eagle Monitoring Guidelines

U.S. Fish and Wildlife Service. 2007. National Bald Eagle Management Guidelines.

Weekes, F.M. 1974. A survey of bald eagle nesting attempts in southern Ontario, 1969-1973. Canadian Field Naturalist 88(4):415-419.

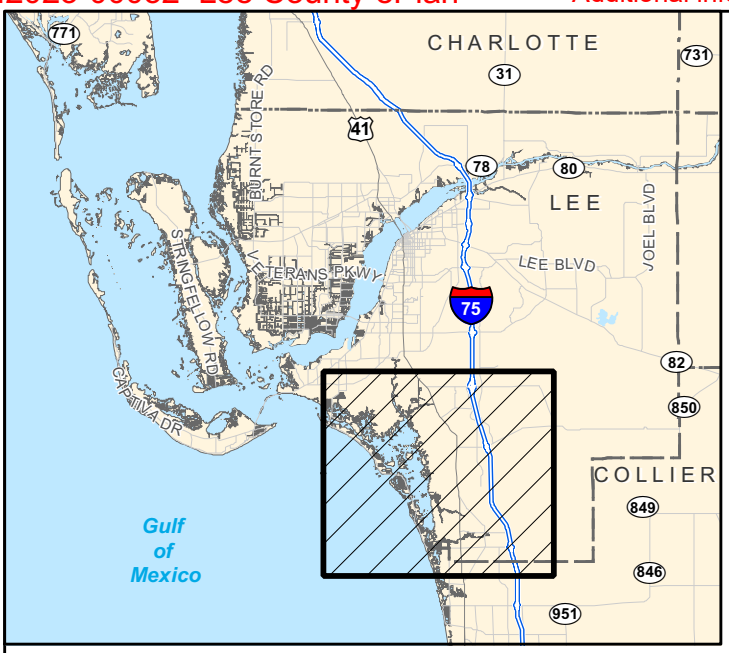
Whitfield, D.W.A., J.M. Gerrard, W.J. Maher, and D.W. Davis. 1974. Bald eagle nesting habitat, density and reproduction in central Saskatchewan and Manitoba. Canada Field Naturalist 88(4):399-407.

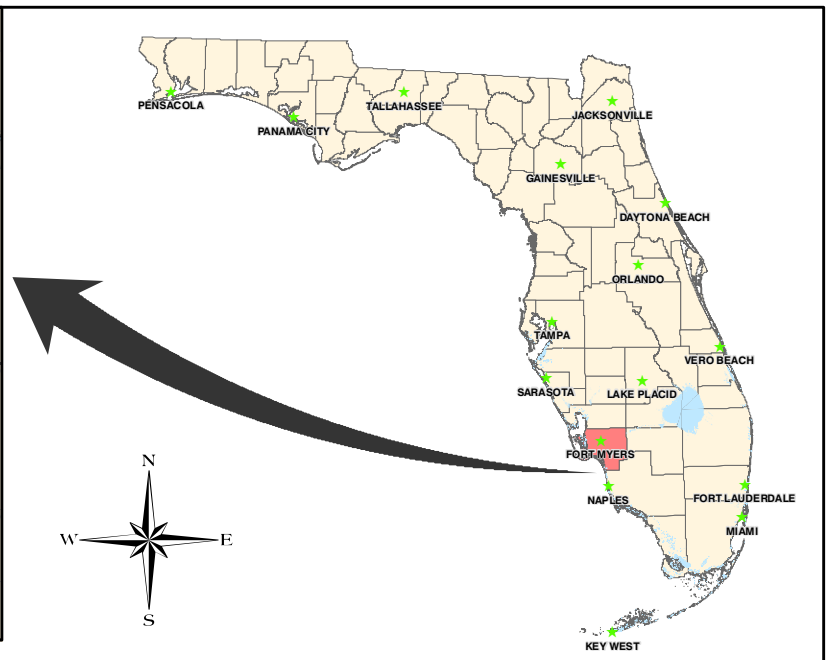
Wood, P.B., T.C. Edwards, and M.W. Collopy. 1989. Characteristics of bald eagle nesting habitat in Florida. Journal of Wildlife Management 53(2): 441-449.

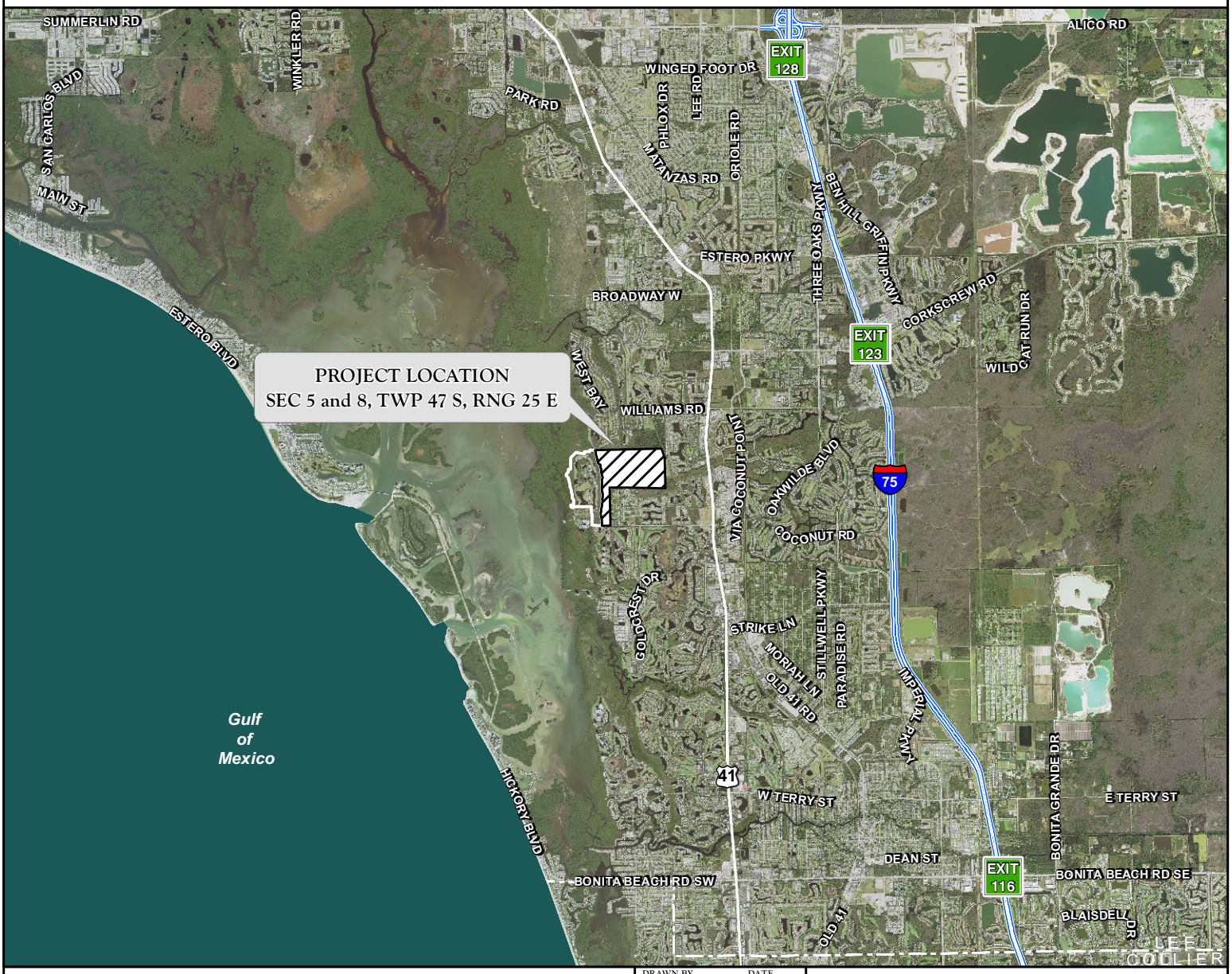
Wood, P.B. 1987. Distribution, ownership status, and habitat characteristics of bald eagle nest sites in Florida. Final report Nongame Wildlife Project 85-020, Florida Game and Fresh Water Fish Commission; Tallahassee, Florida.

EXHIBIT 1

PROJECT LOCATION MAP







J:\2020\20L8329O\GIS\2022\BALD_EAGLE_MGMT_PLAN\EXHIBITS\EXHIBIT_1_PROJECT_LOCATION_MAP.MXD - 7/6/2022 @ 10:34:16 AM

EXHIBIT 1. PROJECT LOCATION MAP
RAPTOR BAY GOLF COURSE RENOVATION

DRAWN BY	DATE
P.F.	09/22/21
REVIEWED BY	DATE
S.J.	09/22/21
REVISED	DATE

PASSARELLA & ASSOCIATES INC
Consulting Ecologists

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

EXHIBIT 2

BALD EAGLE MANAGEMENT PLAN BY WILSON MILLER, INC.
MARCH 2000

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

WilsonMiller

BALD EAGLE MANAGEMENT PLAN FOR NEST LE-28A

Pelican Landing DRI
Section 5, Township 47 South, Range 25 East
Lee County, Florida

Prepared for:

WCI Communities, Inc.
24301 Walden Center Drive
Bonita Springs, Florida 34134
941.947.2600 (phone)
941.498.8273 (fax)

DRI 940279

Prepared by:

WilsonMiller, Inc.
3200 Bailey Lane, Suite 200
Naples, Florida 34105-8507
941.649-4040 (phone)
941.643.5716 (fax)

RECEIVED
MAR 15 2000
ZONING COUNTER

Submitted to:

U.S. Fish and Wildlife Service
3860 Tollgate Blvd., Suite 300
Naples, Florida 34114
941.353.2873 (phone)
941.353.8640 (fax)

March 7, 2000

3/7/00-64607 Ver: 10!-SSHAW
CA #43
F0250-024-006-VLSS-23814

Planners Engineers Ecologists Surveyors
Landscape Architects Transportation Consultants

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

BALD EAGLE MANAGEMENT PLAN FOR NEST LE-28A

Pelican Landing DRI
Section 5, Township 47 South, Range 25 East
Lee County, Florida

Prepared for:

WCI Communities, Inc.
24301 Walden Center Drive
Bonita Springs, Florida 34134
941.947.2600 (phone)
941.498.8273 (fax)

Prepared by:

WilsonMiller, Inc.
3200 Bailey Lane, Suite 200
Naples, Florida 34105-8507
941.649-4040 (phone)
941.643.5716 (fax)

Submitted to:

U.S. Fish and Wildlife Service
3860 Tollgate Blvd., Suite 300
Naples, Florida 34114
941.353.2873 (phone)
941.353.8640 (fax)

March 7, 2000

3/7/00-64607 Ver: 10!-SSHAW
CA #43
F0250-024-006-VLSS-23814

TABLE OF CONTENTS

Page

1.0 Introduction and Project History 1

2.0 Nest Location/History 2

3.0 Results of Flight Pattern Surveys 2

4.0 Habitat Management/Nest Protection Strategies 3
- *4.1 Objectives* 3
- *4.2 Primary Protection Zone* 3
- *4.3 Secondary Protection Zone* 4
- *4.4 Other Management/Protection Strategies Benefiting the Eagle* 5
  - *4.4.1 Increased Size of Pelican Landing DRI Eco-Park* 5
  - *4.4.2 Preservation of Habitat in Secondary Protection Zone* 5
  - *4.4.3 Creation of Foraging Habitat* 5
  - *4.4.4 Restoration of Freshwater Slough* 5
  - *4.4.5 Retaining Canopy, Perch, and Roost Trees* 5
  - *4.4.6 Minimization of Number of Buildings in Secondary Protection Zone* 6
  - *4.4.7 Minimization of Building Heights Outside of Secondary Protection Zone* 6
  - *4.4.8 Establishment of Educational Programs* 6
- *4.5 Proposed Post-Development Conditions and Eco-Park Configuration* 6

5.0 References 7

List of Figures

1 Project Location Map 8
2 Existing Eco-Park and Associated Habitat Types 9
3 Proposed Configuration of Eco-Park, Eagle Protection Zones, and Adjacent Development 10
4 FLUCCS Legend 11

List of Appendices

A 1994 Version of Bald Eagle Management Plan (Heald, 1994a, 1994b) A-1
B Pelican Landing DRI Eco-Park Habitat Management Methods B-1

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

1.0. Introduction and Project History

Pelican Landings is a 2,580-acre Development of Regional Impact (DRI) located approximately three miles north of the Lee/Collier County line. The DRI property is bounded on the west by Estero Bay, on the north by the West Bay Club residential development, on the east by U.S. 41, and on the south by Spring Creek. The original Development Order for the Pelican Landing DRI was issued by Lee County on August 29, 1994 and has been amended several times. The latest amendment is the Fifth Development Order Amendment issued by Lee County on September 21, 1998.

The Pelican Landing DRI contains a 78-acre xeric scrub/pine flatwood upland preservation area known as the "Eco-Park". Figure 1 provides a location map for the Pelican Landing Eco-Park. The Eco-Park was established pursuant to a gopher tortoise incidental take permit issued by the Florida Game and Fresh Water Fish Commission (Permit #Lee-9 issued August 28,1995) to mitigate for impacts to the gopher tortoise and xeric scrub habitat located within the Pelican Landing DRI. It was strategically chosen since at that time it contained the majority of the xeric oak habitat on the entire undeveloped portion of Pelican Landing. A conservation easement for the 78-acre tract was granted to the Florida Game and Fresh Water Fish Commission and was recorded in the public records of Lee County on October 18, 1995. The incidental take permit contains provisions for perpetual management of the Eco-Park to maintain appropriate vegetative density and composition. Condition #5 of the permit addresses conditions placed on the use and management of the Eco-Park with regard to eagle nesting activities. An active bald eagle's nest is present in the Eco-Park of the Pelican Landing DRI. The eagle nest is recognized by U.S. Fish and Wildlife Service (USFWS) as nest #LE-28A. Conditions of the Development Order for the Pelican Landing DRI require that a management plan be implemented for this nest.

A bald eagle management plan (BEMP) was drafted for nest LE-28A in 1994 (Heald and Associates, Inc. 1994a; Appendix A) and was submitted to the USFWS for review, comment, and approval. The original plan proposed a 1,300-foot setback between the nest and any proposed construction and a 2,500-foot secondary protection zone where construction would be seasonally restricted. Under the 1994 plan, the closest proposed construction was a two-lane road west of the nest that would terminate near the northern property boundary of the project site, and single-story single-family homes on large lots to the west of the road. Via a letter from David Ferrell (USFWS) to Dan Trescott (Southwest Florida Regional Planning Council) dated January 31, 1994, the USFWS made a preliminary determination that 1,300 and 2,500 feet represented adequate primary and secondary protection zones for Nest LE-28A. Prior to making a final determination, the USFWS requested that a study be conducted during the nesting season to determine flight lines and identify any trees frequently used for roosting. The study was conducted by Eric Heald & Associates (Heald, 1994b) during the period of January through May, 1994 and indicated that 84% of all flights recorded inbound or outbound fell within the northern (n=15 of 44), northwestern (n=13), and western (n=9) quadrants.

On August 8, 1995, a meeting was held with Jane Tutton (USFWS) and a revised BEMP was submitted to the USFWS. In consideration of the density of site vegetation and effective visual screening of the eagle's nest, a Primary Protection Zone (PPZ) of 500 feet and a Secondary Protection Zone (SPZ) ranging from 1,200 feet on the southwest to 2,175 feet on the south was proposed. An August 16, 1995 letter from Craig Johnson (USFWS) to Tim Durham (WilsonMiller) indicated the USFWS's concurrence that the revised plan was adequate and appropriate for the nest. A subsequent letter dated October 11, 1995, sent by Craig Johnson (USFWS) to Tim Durham (WilsonMiller) for clarification purposes, superseded the August 16, 1995 letter and indicated that a PPZ of 1,200 feet and an SPZ of 2,500 feet would be required.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

The purpose of this document is to provide a revised management plan for eagle nest LE-28A (hereafter referred to as the "Plan") and request technical assistance from the USFWS for review, comment, and approval of the revised Plan. The previous management plan was based on the original configuration of the Eco-Park, the boundary of which was determined by property boundaries and/or preliminary/conceptual subdivision plans for adjacent lands. Now that WCI Communities, Inc. (WCI) has refined the required area and uses of adjacent lands, it has become apparent that a modification to the Eco-Park boundary is needed. Proposed revisions have been made to the original Plan due to the acquisition or planned acquisition of adjacent parcels, changes in the site development plan, and the desire to utilize an ecosystem approach in reconfiguring the Eco-Park. WilsonMiller is currently coordinating with the Florida Fish and Wildlife Conservation Commission (FFWCC) to gain approval for the proposed reconfiguration of the Eco-Park boundary as described herein. Thus, we are requesting that the USFWS provide approval of the Plan pending approval of the Eco-Park boundary configuration by the FFWCC. Upon approval by the USFWS, the revised Plan would supersede the 1994 plan in its entirety.

The revised plan is consistent with existing USFWS management guidelines for the bald eagle as well as the original 1994 plan. The proposed plan maintains a PPZ of 1,200 feet and an SPZ of 2,500 feet (1,300 feet outward from PPZ) in the directions most utilized by inbound and outbound eagle flight paths. In the direction of seldom utilized flight paths, the PPZ is 750 feet and the SPZ is 1,500' (750' outward from the PPZ) in accordance with bald eagle management guidelines. It should be noted that the revised plan results in a numerous benefits to the eagle compared to the original plan. Details regarding these benefits are provided in Section 4.4 of this report.

2.0 Nest Location/History

Figure 2 shows the location of nest LE-28A with respect to the existing boundary of the Pelican Landing Eco-Park. Nest LE-28A is located on the northwest side of a large slash pine (*Pinus elliottii*) tree immediately west of Halfway Creek. From most angles, the nest is effectively screened from view beyond a distance of 200 to 600 feet by pines, dense scrub oak, and tall fetterbush (*Lyonia* spp.). Heald (1994b) indicated that the primary perch tree for the eagles is located approximately 400 feet west of the nest tree.

Nest LE-28A was first observed in 1987 and served to replace nest LE-28, which was last used during the 1986/1987 breeding season. The eagle pair also utilized a nest (LE-28B) located approximately 3,700 feet west-southwest of LE-28A. Nest LE-28B was last active during the 1992/1993 breeding season. A survey conducted by the Florida Game and Fresh Water Fish Commission during the 1997/1998 breeding season identified nest LE-28B as "nest down" (nest came apart and there is no longer any nest material in the nest tree).

3.0 Results of Flight Pattern Surveys

At the request of the USFWS, a flight pattern study of eagles nesting in LE-28A was conducted from January to May 1994. A report summarizing the results of this study (Heald, 1994b) is provided in Appendix A. The study concluded that 34%, 30%, and 20% of recorded flights were to or from the northern, northwestern, or western directions, respectively. Based on the flight study, it is presumed that the eagles feed primarily in Estero Bay. Other research conducted KBN Engineering and Applied Sciences, Inc. (1995) indicated that the eagle pair utilizing nest LE-28A were frequently seen perching

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

on trees next to homes and roads along Kings Road and Williams Road, foraging in sewage treatment ponds of the Fountain Lakes development, feeding on road kills along U.S. 41, and perching in trees in the vicinity of the Coconut Point fish camp. Thus, it appears that the eagles are opportunistic feeders and have become accustomed to human activity.

4.0 Habitat Management/Nest Protection Strategies

4.1 Objectives

The overall objectives of the Plan are as follows:

- To protect the integrity of the bald eagle nest LE-28A.
- To minimize detrimental human-related impacts on the bald eagles utilizing nest LE-28A, particularly during the nesting season (generally from October 1 through May 15 but specific to individual nests depending on the time of commencement of mating and fledging of young).
- To define compatible land uses and development in areas in close proximity to the active nest.

These objectives, and the methods proposed to attain them, are consistent with the guidelines issued by the USFWS Southeast Region as found in *"Habitat Management Guidelines for the Bald Eagle in the Southeast Region"* (USFWS, 1987). These guidelines recommend the establishment of primary and secondary protection/management zones around eagle nest trees. The following methods and management techniques are hereby proposed for each of these zones in order to achieve Plan objectives.

4.2 Primary Protection Zone (PPZ)

The PPZ will extend outward radially from the nest tree a distance ranging from 750' to 1,200'. Figure 3 shows the configuration of the PPZ and the habitat types present. The purpose of the PPZ will be to provide a natural zone in the immediate vicinity of the nest tree that will remain free of development, and where passive activities potentially detrimental to nesting will be restricted.

The following activities will be prohibited within the PPZ:

- Residential, commercial, and industrial development
- Tree cutting, except as absolutely needed to construct the golf cart bridge across Halfway Creek and golf cart paths leading to the bridge.
- Logging, mining, filling, and excavation.
- Use of non-approved chemicals toxic to wildlife.
- Habitat management practices during the active nesting season, including burning.
- Unauthorized human activities potentially detrimental to bald eagle nesting.
- Passive recreational use of the golf cart bridge across Halfway Creek, and golf cart paths leading to the bridge, during the eagle nesting season, except for uses related strictly to golfing.

The following activities will not be considered detrimental when conducted in the PPZ during the non-nesting season:

- Construction or use of passive recreational facilities, including benches, jogging/hiking trails, or similar uses consistent with the Eco-Park management plan. In accordance with the Eco-Park habitat management plan, passive recreational facilities will be located no closer than 500' from nest LE-28A.
- Construction of the golf cart bridge across Halfway Creek, and golf cart paths leading to the bridge.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

- Habitat management activities, including removal of exotic and nuisance vegetation and prescribed burning. Prior to any prescribed burning, the nest tree and perch trees will be protected by hand raking or clearing to minimize fuel in the vicinity of the tree.

Habitat management in the PPZ will be in accordance with the Eco-Park management plan approved by the Florida Game and Fresh Water Fish Commission. Appendix B provides a summary of the habitat management methods for the Eco-Park. Management activities in the PPZ will occur only during the non-nesting season.

4.3 Secondary Protection Zone (SPZ)

The SPZ will extend a distance varying from 750' to 1,300' outward from the PPZ and will serve to provide a buffer for the PPZ. Figure 3 shows the configuration of the PPZ and the habitat types present. Development in the SPZ will be consistent with USFWS guidelines so as to minimize activities potentially detrimental to the PPZ. The majority of development in the SPZ will be golf course to be constructed during the non-nesting season. A relatively small portion (2 acres) of the outer zone of the SPZ in the western region of the site (Figure 3) is proposed for timeshare units that will have a maximum height of 45' above flood elevation. Considering that: a) this height is below the height of the existing tree canopy of this region of the site, b) the timeshare units are at least 2,370' removed from the nest tree, and c) the preserved freshwater slough and other native vegetation to be retained to the east will provide an effective visual screen, it is unlikely that the timeshare units will affect eagle nesting or foraging behavior. At its closest point the golf course is 1,250' from the nest tree, which is well beyond the line of sight distance of the tree and should also not affect eagle behavior.

The following activities will be prohibited within the SPZ unless otherwise approved by the USFWS:

- Development of commercial and industrial sites.
- Development of high density housing and multi-story buildings.
- Road or canal construction that would facilitate access to the nest.
- Use of non-approved chemicals toxic to wildlife.
- Heavy construction during the nesting season, including operation of heavy machinery, land clearing, earthmoving, blasting, excavation, installation of major utilities, and burning.

The following activities will not be considered detrimental when conducted in the SPZ during the nesting season:

- Normal habitat management practices, excluding prescribed burning.
- Passive pedestrian recreational use (*e.g.*, hiking, bird watching, fishing, etc.).
- Construction of pedestrian pathways using non-motorized equipment, and erecting interpretive/educational signage.
- Golfing activity and operation of golf carts in golf course areas.
- Activities normally associated with golf course maintenance operations, except as noted in the above prohibitions.
- Finishing work (*i.e.*, all interior work, hanging windows and doors, stucco-ing exterior walls, and activities of similar nature) on those portions of the two timeshare units located in the SPZ, provided that the vertical construction of the units (*i.e.*, construction of exterior walls and roof) is conducted during the non-nesting season.

Habitat management in the SPZ will be in accordance with the Eco-Park management plan approved by the Florida Game and Fresh Water Fish Commission. Appendix B provides a summary of the habitat management methods for the Eco-Park. Management activities in the SPZ can occur at any

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

time of the year, with the exception that prescribed burning and methods involving excessive noise will be restricted during the active nesting season.

4.4 Other Management/Protection Strategies Benefiting the Eagle

Other management/protection strategies that will be used as measures to protect eagle nest LE-28A, provide a net benefit to eagles utilizing nest LE-28A, and provide a net benefit to eagle conservation in general will include the following:

4.4.1 Increased Size of Pelican Landing DRI Eco-Park: The size of the Pelican Landing Eco-Park, within which nest LE-28A is located, is proposed to be substantially increased by the proposed project. Changes to the Eco-Park from its current configuration incorporate an ecosystem approach by including a variety of upland and wetland habitat types (as opposed to only several upland habitat types in the existing Eco-Park). The proposed reconfiguration includes all of that portion of Halfway Creek located in the project area and thereby serves to provide a buffer to the east of nest LE-28A that was not previously under ownership. The proposed changes will increase the size of the Eco-Park by approximately 84% (66-acre± net increase) and insure the continued protection and success of nest LE-28A.

4.4.2 Preservation of Habitat in Secondary Protection Zone: The project has incorporated a significant amount of habitat preservation in the SPZ to insure the continued success of eagles utilizing nest LE-28A. Of the land located in the SPZ, 102 of 159 acres (64%) will remain in a natural state (SPZ areas in Eco-Park) or mostly-natural state (golf course rough and inter-hole areas where selectively removal of vegetation will occur but where majority of canopy will be retained). On a site-wide basis, a total of 56% of the existing habitat will be retained in a natural or semi-natural state, the majority of which will be enhanced via the removal of exotic vegetation. Figure 3 shows the location of areas to be preserved in the project.

4.4.3 Creation of Foraging Habitat: As part of the project, foraging habitat for the eagle, as well as wading birds, will be created both within and outside of the SPZ by excavating surface water management lakes and creating freshwater marshes (Figure 3). Created lakes and marshes within the SPZ occupy 11 acres or 7% of the SPZ, and on a site-wide basis occupy 9% of the land area. Many of the marshes to be created are located adjacent to the lakes and will serve to establish a more natural appearance to, and function of, the lakes. The marshes also serve as pretreatment areas to 'polish' surface water runoff prior to entering the lake. Such pretreatment is not required by existing SFWMD regulations, but is being incorporated into the site design to enhance the quality of the created systems. In most areas, the marshes are separated from golf course areas by upland areas that will remain in a mostly-natural state, providing additional pretreatment of runoff and further mimicking a natural lake system.

4.4.4 Restoration of Freshwater Slough: The north-south trending freshwater slough located in the western region of the project (Figure 3) will be enhanced as part of this project. Approximately one-third of this slough is located in the SPZ. The slough is currently dominated (>75% coverage) by exotic and nuisance species. Exotic/nuisance species will be removed from the slough, thus increasing habitat quality. In many areas of the slough, planting of native wetland species will occur to further enhance the quality of this area. Preservation and enhancement of the slough will also serve to provide a buffer between the eagle nest and development to the west of the slough.

4.4.5 Retaining Canopy, Perch, and Roost Trees: The site design incorporates the retainage of a substantial amount of the existing canopy. Areas that will remain natural or mostly-natural and thus will retain the majority of their existing canopy comprise 64% of the SPZ and 56% of the overall project site. Preservation of the existing canopy of the site will insure the continued presence of suitable perch and roost trees, as well as provide for suitable screening between the eagle nest and land uses

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

in the SPZ. In golf course and other development areas, potential perch/roost trees that are of specimen value (*e.g.*, largest trees in stand, trees with open crowns and stout lateral limbs) will be field located/flagged and incorporated into the field design whenever possible. The shores of excavated lakes will also be meandered where necessary to preserve individual canopy trees of moderate to high value, as well as to provide a more natural character to the lake system.

4.4.6 Minimization of Number of Buildings in Secondary Protection Zone: The existing BEMP for nest LE-28A provides for single-family residential units and an associated access road in a portion of the SPZ. As part of the revised site plan proposed herein, these residential units have been eliminated and replaced with golf course, a land use more compatible with eagle nest protection. Under the proposed site plan, only two buildings of substantial size (excluding minor buildings such as golf course halfway houses) occur in the SPZ. These units are timeshare buildings that are approximately 2,370' removed from the eagle nest and comprise only 1% of the SPZ. Minimization of buildings in the SPZ will serve to further enhance the success of eagles utilizing nest LE-28A.

4.4.7 Minimization of Building Height Outside of Secondary Protection Zone: In the western region of the project between the SPZ and the western property line, building heights will be limited to a maximum height of 45' above flood elevation. This height is below the height of the existing tree canopy of this area and thus will not affect eagle nesting or foraging behavior. Although such height restrictions are not mandatory based on past USFWS determinations regarding nest LE-28A, they will be instituted as a measure to insure that the degree of access that the eagles' currently have to their primary foraging destination, Estero Bay, is maintained and is not hindered by the project.

4.4.8 Establishment of Educational Programs: Educational programs will be established for local homeowners and site users (golfers, Hyatt resort guests, other people utilizing the Eco-Park). The objectives of such programs will be to :a) inform citizens of local, state, and federal laws protecting eagles and other wildlife, b) identify ways for citizens to protect eagles from disturbance, and c) inform citizens of the habitat management plan for the Pelican Landing Eco-Park.

4.5 Proposed Post-Development Conditions and Eco-Park Configuration

Figure 3 shows the proposed post-development conditions and configuration of the Pelican Landing Eco-Park. It should be noted that the Eco-Park boundary has been modified (on paper only) compared to the 1994 BEMP . The boundary reconfiguration is due to the acquisition or planned acquisition of adjacent parcels, changes in the site development plan, and the desire to utilize an ecosystem approach in configuring the Eco-Park. *[All of the preceding moved to Section 4.1.1]*

WilsonMiller is currently coordinating with the FFWCC to gain approval for the proposed reconfiguration of the Eco-Park boundary. Also, the parcel located to the east of the existing Eco-Park ("Skebe" parcel) is currently under contract but has not yet been acquired. Thus, post-development conditions proposed herein are tentative pending approval of the reconfiguration by the FFWCC and the subsequent acquisition of the Skebe parcel. Upon approval of the proposed Eco-Park boundary reconfiguration by the FFWCC, the existing conservation easement for the Eco-Park will be revised to conform to the new boundary.

WCI Communities, Inc. reserves the right to modify the Plan, consistent with USFWS management recommendations and upon concurrence by the USFWS, as the needs of the project change, and as the location or status of the nest changes.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

5.0 References

Florida Department of Transportation. 1985. Florida Land Use, Cover and Forms Classification System. Procedure No. 550-010-001-a, Second Edition. 81 pp.

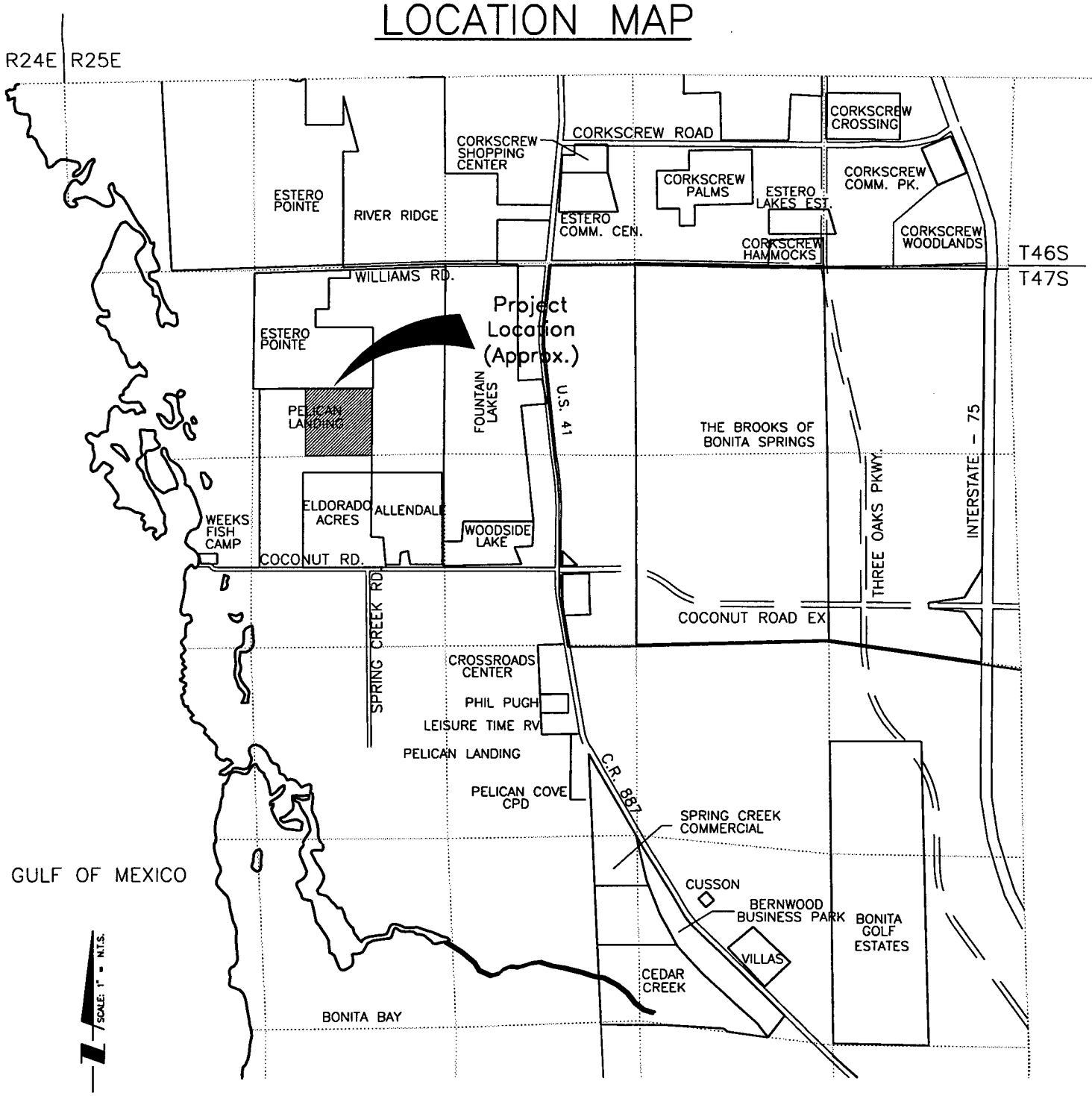
Heald and Associates, Inc., 1994a. Management Plan for the Southern Bald Eagle in the Vicinity of the Pelican Landing DRI, Lee County, Florida. 3 p. + attachments.

Heald and Associates, Inc., 1994b. Observations from January-May 1994 on the Flight Patterns of Southern Bald Eagles from Nest Tree LE 28A on the "L&L Tract", Pelican Landing, Lee County, Florida. 7 p.

KBN Engineering and Applied Sciences, Inc., 1995. Bald Eagle Management Plan for Nest LE-28A; Estero Pointe Project. 20 p.

U.S. Fish and Wildlife Service. 1987. Habitat Management Guidelines for the Bald Eagle in the Southeastern Region. U. S. Department of the Interior. 9 pp.

LOCATION MAP



PROJECT: *Pelican Landing DRI Bald Eagle Management Plan*

APPLICANT: *WCI Communities, Inc.*

WilsonMiller

WilsonMiller, Inc. - FL Lic.# LC-C000070

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

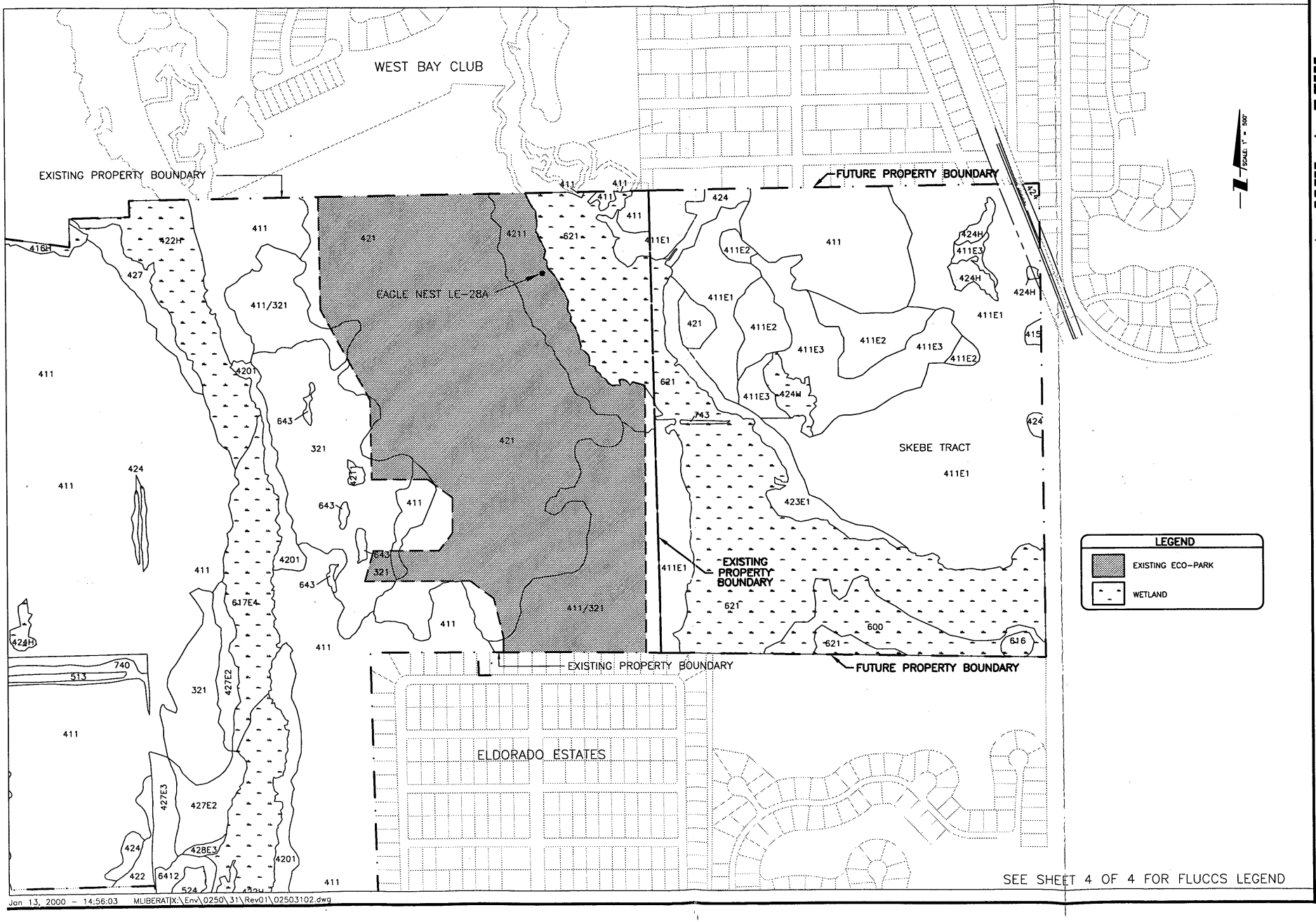
Naples • Fort Myers • Sarasota • Bradenton • Tampa

3200 Bailey Lane, Suite 200 • Naples, Florida 34105-8507 • Phone 941-649-4040 • Fax 941-643-5716 • Web-Site www.wilsonmiller.com

FLA. REG. #	
COUNTY: LEE	DATE: Sept. 21, '99
SEC: 4,5,8,9 TWP: 47S RGE: 25E	REV NO:
PROJECT NO. F0250-024-006	FILE NO: C-0250-31
DRWN BY/EMP NO. M.W.L./1260	SHEET NO: 1 OF 4

Jan 13, 2000 – 14:49:47 MLIBERAT|X:\Env\0250\31\Rev01\02503101.dwg

DCI2023-00052 Lee County ePlan
Additional info dated 07-16-2024



Jan 13, 2000 – 14:56:03 MLIBERAT|X:\Env\0250\31\Rev01\02503102.dwg

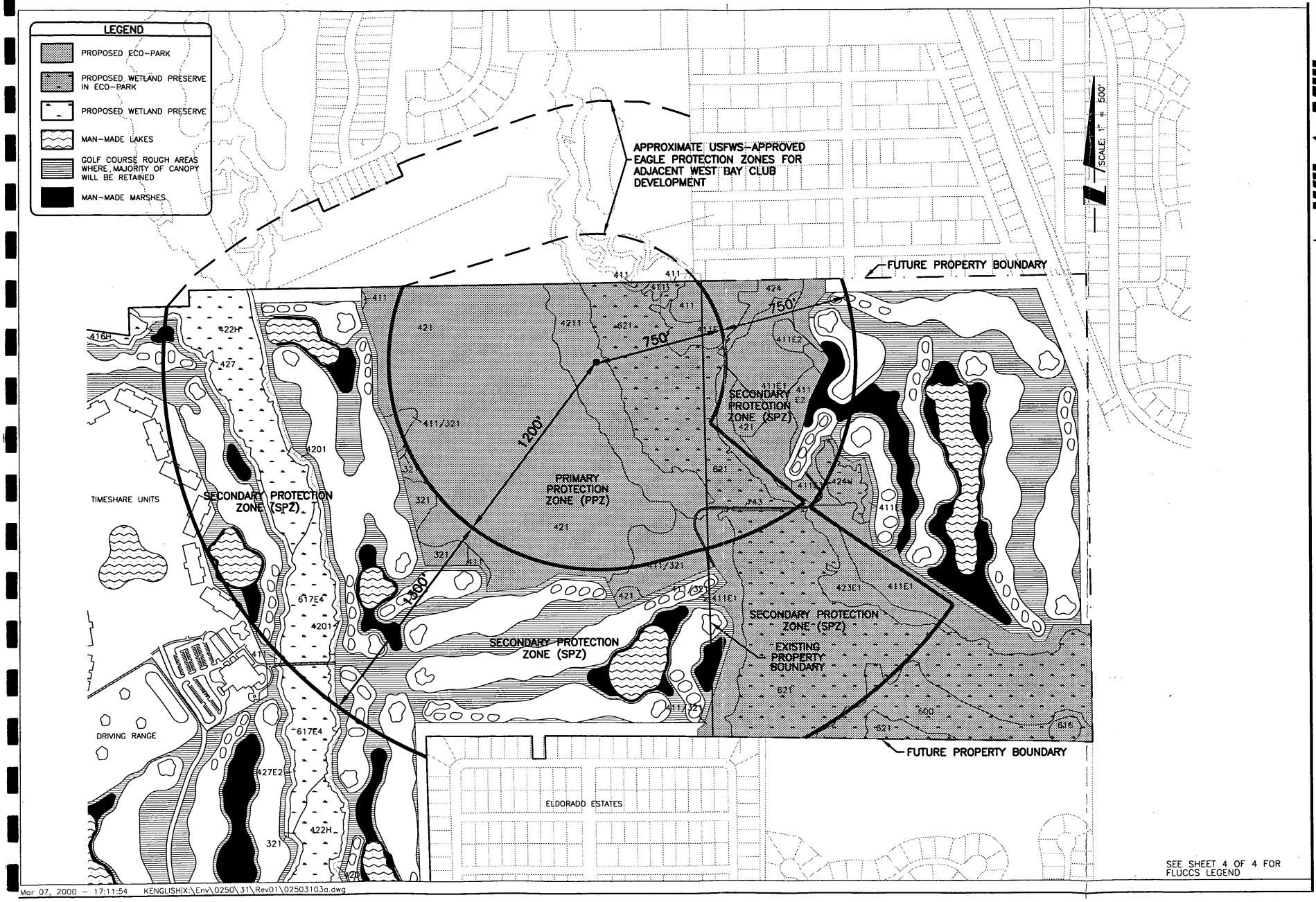
WilsonMiller
Planners • Engineers • Ecologists • Surveyors
Landscape Architects • Transportation Consultants
WilsonMiller, Inc.
Naples • Fort Myers • Sarasota • Bradenton • Tampa
3800 Bayshore Blvd., Suite 200 • Tampa, FL 33611-3307
Phone 941-649-4040 • Fax 941-643-5778 • Web-Site www.wilsonmiller.com

FIGURE 2
Existing Eco-Park and Associated Habitats

WilsonMiller, Inc. - FL Lic.# LC-000070

SEC 5 TWP 47S RGE 25E	
Designed by:	
Drawn by:	M.W.L./1260
Checked by:	
Approved by:	
Date:	Sept. 21, '99
Scale:	1" = 500'
PIN: F0250-024-006-FPV00	
File # :	C-0250-31
Sheet 2 of 4	

DCI2023-00052 Lee County ePlan
Additional info dated 07-16-2024



WilsonMiller
Planners • Engineers • Ecologists • Surveyors
Landscape Architects • Transportation Consultants
WilsonMiller, Inc.
Naples • Fort Myers • Sarasota • Bradenton • Tampa
12800 Tamiami Trail, Suite 200 • Naples, Florida 34110-8307
Phone 941-649-4040 • Fax 941-643-5716 • Web Site www.wilsonmiller.com

FIGURE 3
Proposed Configuration of Eco-Park, Eagle Protection Zones, And Adjacent Development

REV. 1, 1/4/00 – UPDATE EAGLE PROTECTION ZONE LAND PLAN AND ECO-PARK BOUNDARY

WilsonMiller, Inc. - FL Lic.# LC-C000070

SEC 5 TWP 47S RGE 25E	
Designed by:	
Drawn by:	K.L.E./865
Checked by:	
Approved by:	
Date:	Sept. 21, '99
Scale:	1" = 500'
PIN: F0250-024-006-FPVOO	
File # :	C-0250-31
Sheet	3 of 4

Mar 07, 2000 – 17:11:54 KENGLISH|X:\Env\0250\31\Rev01\02503103a.dwg

Pelican Landing Eco-Park
FLUCCS Legend

FLUCCS	FLUCCS Description
321	Palmetto prairie
411	Pine flatwoods
411E1	Pine flatwoods, 10-24% exotics
411E2	Pine flatwoods, 25-49% exotics
411E3	Pine flatwoods, 50-75% exotics
411/321	Pine flatwoods/Palmetto prairie
415	Scrubby flatwoods
416H	Pine flatwoods/Graminoid understory-hydric
421	Xeric oak
4201	Mesic oak, high density shrub layer
4211	Xeric oak, high density shrub layer
422	Brazilian pepper
422H	Brazilian pepper-hydric
423E1	Pine-cabbage palm-oaks, 10-24% exotics
424	Melaleuca
424H	Melaleuca-hydric
427	Live oak
427E2	Live oak, 25-49% exotics
427E3	Live oak, 50-75% exotics
428E3	Cabbage palm, 50-75% exotics
513	Ditch
524	Lakes less than 10 acres which are dominent features
600	Shrub wetland
616	Inland pond
617E4	Mixed wetland hardwoods
621	Cypress
6412	Cattail
643	Wet prairie
740	Disturbed land
743	Spoil area

PROJECT: *Pelican Landing DRI Bald Eagle Management Plan*

APPLICANT: *WCI Communities, Inc.*

WilsonMiller, Inc. - FL Lic# LC-C000070

WilsonMiller

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

Naples • Fort Myers • Sarasota • Bradenton • Tampa

3200 Bailey Lane, Suite 200 • Naples, Florida 34105-8507 • Phone 941-649-4040 • Fax 941-643-5716 • Web-Site www.wilsonmiller.com

FLA. REG. #	
COUNTY: LEE	DATE: Sept. 21, '99
SEC: 4,5,8,9 TWP: 47S RGE: 25E	REV NO:
PROJECT NO. F0250-024-006	FILE NO: C-0250-006
DRWN BY/EMP NO. M.W.L./1260	SHEET NO: 4 OF 4

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

APPENDIX A

1994 Version of Bald Eagle Management Plan (Heald, 1994a, 1994b)

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Heald and Associates, Inc.

7550 S.W. 136 Street
Miami, Florida 33156
305-253-5343

Management Plan for the Southern Bald Eagle in the Vicinity of The Pelican Landing DRI, Lee County, Florida

(Revised to Reflect Renewed Nesting Activity)

Prepared for

Westinghouse Bayside Communities, Inc.

by

Dr. Eric J. Heald, Ph.D.
Heald and Associates, Inc.

May, 1994

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Introduction

Nest-building by bald eagles is known to have occurred at 5 locations (trees) within or in the vicinity of the Pelican Landing DRI project boundaries over the past decade. Some confusion has existed in connection with the locations and official designations of these (see sections of ADA, ADA Sufficiency Response, and pertinent correspondence appended to Draft Management Plan, June 1993).

The nest trees (sites, territories) are listed by Florida Game and Fish Commission (FGFC) as follows, and their current status is described:

LE 08

The nest no longer exists, having disintegrated over the past several years. The nest tree, a cypress, remains, and a pair of eagles was sighted at the tree during a December 3, 1992 overflight by FGFC.

LE 08A

This nest is no longer in existence (FGFC, Dec., 1993). It was occupied by great-horned owls during the 1991-1992 and 1992-1993 breeding seasons. It is addressed in a Lee County Rezoning Resolution (#Z-88-034) for San Marino Pines (March 18, 1988) in which a 900' buffer zone was established in a semi-circle to the west of the nest tree.

LE 28

Only a few twigs remain. It has been unoccupied since the 1986/1987 breeding season.

LE28A

The nest is located in a large pine tree on the western margin of Half-way Creek. It was occupied during the 1990-1991 breeding season, and was reported by Mr. Paul Schultz (FGFC) as occupied in December, 1993. A field representative of United States Fish and Wildlife Services (USFWS) inspected the preserve area and the newly-occupied nest tree (LE-28A) in January, 1994. On January 31, 1994 USFWS signified approval of the Management Plan (see enclosed letter from Mr. Peter Plage to Mr. Dan Trescott), and requested a study to determine flight lines during the current nesting season. This has been conducted (copy appended).

LE-28B

This recently constructed nest was occupied during the 1992-1993 breeding season and contained an unfledged eaglet at the time of FGFC overflight on March 14, 1993. The eaglet was no longer in evidence on overflights conducted by Heald and Associates on May 3

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

and May 20, 1993. It was not used during the 1993-1994 breeding season (Schultz, FGFC, Pers. Comm.).

Management Strategies

Nest tree ('territory') 28A on the western margin of Half-way Creek lies within approximately 120 contiguous acres of upland and wetland communities to be preserved within the Pelican Landing Development. It is located almost at the northern boundary of the project. A proposed two lane access road to single family homesites lies, at its closest point, approximately 1300' from the tree. The nest tree, and other potential nest, roost, or perch trees in close proximity within the preserve, will remain available for any future nesting activities. The birds presumably feed primarily in the Estero Bay system which they reach either by flying over the proposed single-road alignment of single family residences and the existing fish camp, or by flying over undeveloped uplands and wetlands immediately north and northwest of the nest tree (see appended copy of recorded flight patterns).

USFWS has determined that the primary zone should be established at a radius of ±1300' from the nest tree. Human activities within the preserve will be limited to pedestrian pathways, with interpretive/educational signage. Pathways will not impinge upon a 750' radius around the nest tree, which is well-screened by dense oaks. The nest tree and all other potential nest trees within the preserve will be monitored twice a month from October through April for a period of five years to determine if nesting is occurring. If the nest is occupied, access to all pathways within the ±1300' primary zone will be prohibited until nesting activities are reliably reported to have ceased. Appropriate signs will be installed at the barricaded path entrances. No habitat management activities, such as selective clearing or prescribed burning, will be conducted during the active nesting season and no construction of road or residences will be permitted within a 2500' radius of the nest tree during this period.

Bayside Improvement District will own the preserve area, known as the Pelican Landing Eco-Park, and will be responsible for all management and maintenance, in accordance with the approved Development Order.

Nest tree 28B lies off the property, approximately 1800-2000' west of the northwest boundary of the project. The birds feed primarily in the extensive Estero Bay system to the west of the nest tree. Approximately 80 acres of uplands plus approximately 42 acres of freshwater wetlands within the northwestern portion of the project will be preserved; and are thus available as potential additional feeding sites. Scattered large pines within the upland preserve will also remain available as potential nesting sites. Since applicant does not own the nest tree site or the lands surrounding it, further management practices are not feasible. Monitoring of potential nest trees within the preserve area will be

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

conducted as described above (28A), and appropriate measures will be taken to comply as far as practical with established guidelines if the birds relocate onto the subject property.

The remaining nest trees or territories (28, 08 and 08A) are located north and east of the project site. The birds, should they resume residence or nesting, will be unaffected by project activities. Extensive wetland areas preserved to the south within the project will remain available as potential feeding areas. Florida Game and Fish Commission and U.S. fish and Wildlife Service will be consulted on appropriate actions if the eagles are reported to relocate to trees closer to the project than at present.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Attachments

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Observations From January - May, 1994 on the Flight Patterns of Southern Bald Eagles from Nest Tree LE 28A on the "L&L Tract", Pelican Landing, Lee County, Florida

Prepared for

Westinghouse Bayside Communities, Inc.

by

Dr. Eric J. Heald, Ph.D.
Heald and Associates, Inc.

May, 1994

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Introduction

As an integral part of a Development of Regional Impact (DRI), Westinghouse Bayside communities (WBC) in 1992 designated a contiguous area of ±120 acres, including ±78 acres of xeric oak scrub and pine flatwoods, for preservation. This area, known as the "L&L Tract" and latterly as the "Pelican Landing Eco-Park", lies north of Coconut Road in Southern Lee County and constitutes a portion of the Planned Community of Pelican Landing (Figure 1). The preserved tract includes several large slash pines, one of which contains the nest of a southern bald eagle. The nest tree, designated LE-28A by Florida Game and Fish Commission (FGFC) was occupied during the breeding season of 1990-1991 and was not used during the subsequent two seasons.

In accordance with requests by several regulatory agencies during the Application for Development Approval review process, a Management Plan for the southern bald eagle was prepared and submitted for review to U.S. Fish and Wildlife Service (USFWS) in June 1993. While the Management Plan was under review the nest was reported by FGFC in December, 1993 to be occupied by a pair of eagles (Paul Schultz, FGFC; Pers. Comm.). It is assumed, though not confirmed, that the eagle pair currently occupying this nest utilized nest LE 28B during the 192-1993 breeding season. In January 1994, USFWS, while approving the Management Plan as submitted, requested that prevalent flight patterns of the birds occupying nest LE-28A be documented to assist further review. At the request of WBC, Dr. Eric Heald of Heald and Associates (H&A) conducted the field observations reported below.

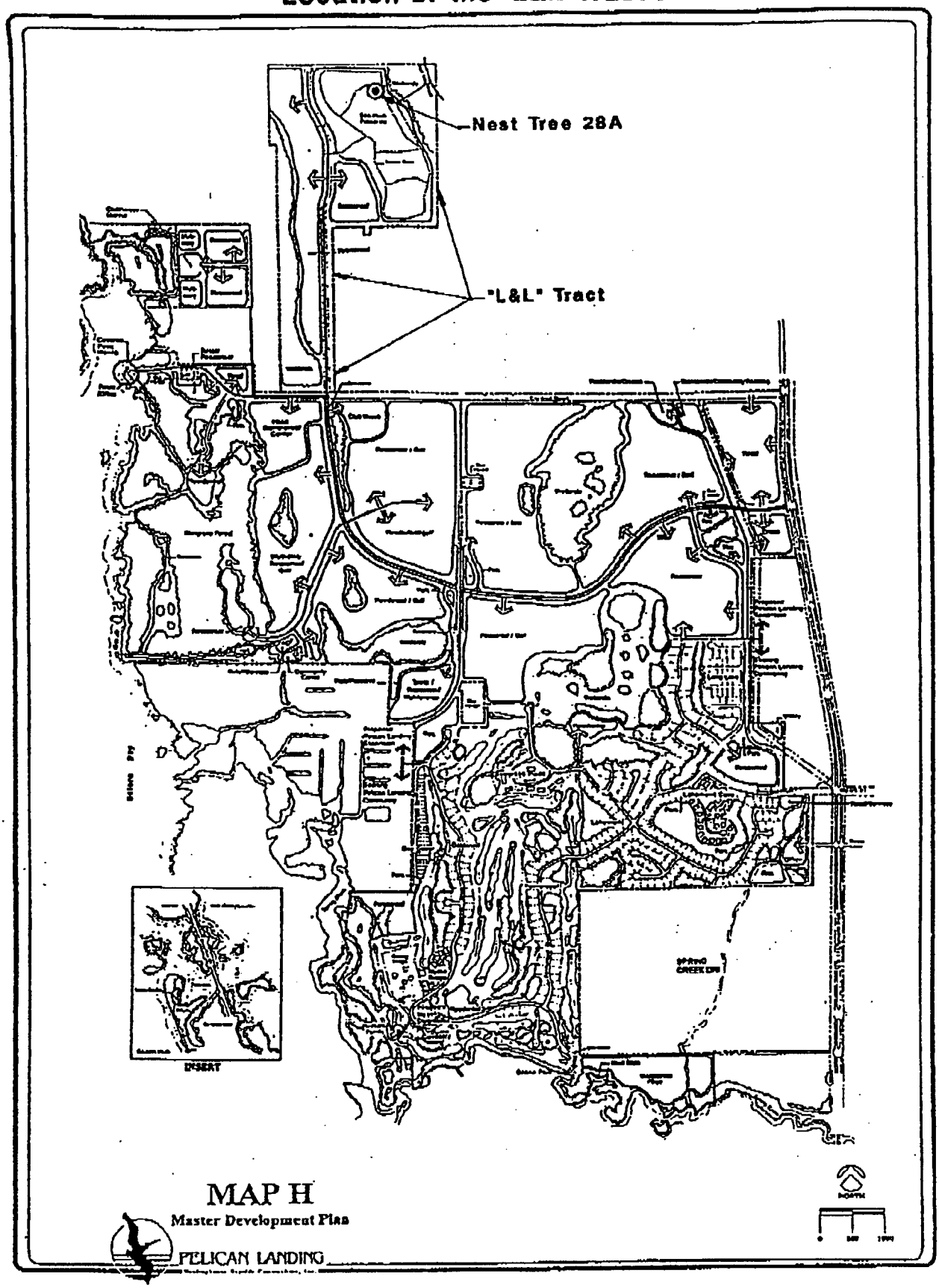
Methods

The slash pine containing the nest stands immediately adjacent to the western margin of Halfway Creek (Figure 2) and from most angles is effectively screened from view beyond a distance of 200' to 600' by pines, dense scrub oak and tall Lyonia spp. During mid-late January, 1994 several potential observation stations were tried before a satisfactory station (see Figure 2) was chosen. With the exception of two flights recorded on January 19, 1994 all observations were conducted from this station. Observations were conducted on 25 separate days between January 19 and May 19. Table 1 gives dates, hours of observation, basic climatic conditions and miscellaneous observations.

Activities at or in the immediate vicinity of the nest were observed through binocular field-glasses. Outbound flights were monitored with or without field-glasses until visual contact was lost. The efficacy of tracking varied according to pattern of flight on departure from nest tree, direction of flight, and altitude assumed by the bird during flight. Inbound flights (returns) were sometimes not detected until the bird was within 200' of the nest tree, and are thus considered a less reliable indication of flight patterns.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

FIGURE 1
Location of the "L&L Tract".



DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

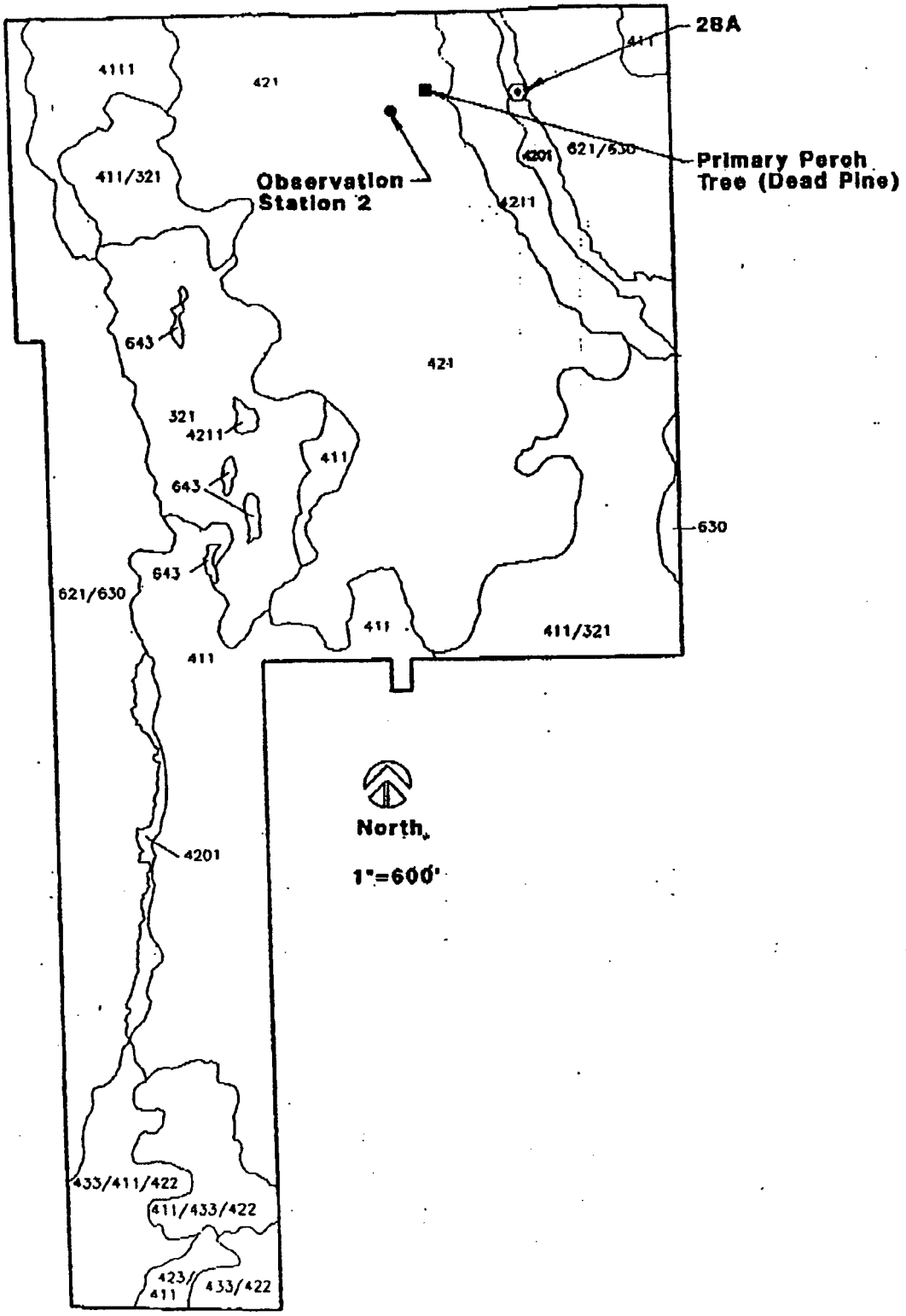
TABLE I. Observations January 19 to May 19 1994

DATE	TIME ARR	TIME DEP	FLIGHTS OUT	FLIGHTS IN**	SKY	APPROX. TEMP	WIND DIR	(approx) MPH	COMMENTS
1/19	930	1630	2	–	Clear	70	NE	<5	4 stations occupied
1/31	1420	1730	1	–	Pt. Cloudy	70	ENE	<5	Station on Figure 2
2/01	0800	1140	2	1	Pt. Cloudy	65	E	5	–
2/01	1425	1720	1	1	Cloudy	65	E	<5	–
2/02	1300	1700	–	–	Cloudy	50	NE	<5	Drizzle/rain
2/03	1030	1515	1	1	Clear	50	SE	10	Cold
2/08	1600	1800	1	1	Pt. Cloudy	75	SW	10	–
2/09	0800	1540	1	–	Clear	75	SW	15	–
2/10	0730	1005	–	1	Clear	70	SE	0–10	Gusty Winds
2/16	1410	1615	1	–	Cloudy	65	ENE	10	–
2/17	0800	1000	–	–	Pt. Cloudy	70	E	20	Very windy
2/22	1550	1705	–	–	Pt. Cloudy	75	SE	5	–
2/23	1520	1900	2	1	Clear	80	SW	5–20	Gusty winds; eaglet observed
2/24	0800	1730	2	2	Cloudy	70	NONE	NONE	Eaglet observed
3/08	1100	1330	1	–	Pt. Cloudy	80	NE	5	Eaglet observed
3/09	0700	1100	–	–	Pt. Cloudy	75	ENE	5–10	–
3/12	1600	1745	4	2	Clear	75	E	10–15	Eaglet observed
3/13	1130	1610	4	2	Clear	80	SE	<5	Eaglet exercising wings
3/14	1000	1250	4	2	Cloudy	75	NONE	NONE	Eaglet on edge of nest
3/15	1130	1520	1	2	Clear	80	E	<5	Eaglet–edge of nest; exercising wings
3/28	1300	1435	–	–	Clear	80	NE	15–20	Eaglet on adjacent branch
4/01	1500	1755	1	–	Clear	80	SW	5	Eaglet–edge of nest; exercising wings
4/07	1600	1735	–	–	Clear	75	W	<5	Eaglet in nest
4/13	1215	1430	–	–	Pt. Cloudy	80	WSW	15	Eaglet moving between branches
5/18	1605	1755	–	–	Clear	85	SE	<5	No birds at nest
5/19	0940	1130	–	–	Pt. Cloudy		ESE	<5	No birds at nest

** If sighted further than approximately 500' from nest tree

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

FIGURE 2
FLUCCS Vegetation Map Showing Location of Nest Tree LE 28A, Observation Station, and Perch Tree.



DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

Observations

Figure 3 and Table II reflect behavior on 44 observed flights between January 19 and May 19. Flight directions in Figure 3 are portrayed within 45° compass quadrants centered upon N, NW, NE, etc. The observed number of flights in either direction within a specific quadrant is indicated along each vector arrow. Inbound flights are only recorded if the bird was sighted and tracked from sufficient distance from the nest tree to be considered a reliable indicator of the direction of approach.

Although no distinction is made in Figure 3 between the flight patterns of male and female birds, the detailed flight patterns of the two sexes differed significantly. The larger bird, presumably the male, frequently flew to an almost dead pine approximately 400' WNW of the nest tree (Figure 2) and there remained for 1-5 minutes before departing westward or northward. The (smaller) female was never observed to do this. Further, all 6 flights recorded in the northeast to south quadrants were made by the female bird.

Flight activity observed form January 19th to May 19th comprised 44 events/flights. A single chick hatched in mid-February, at which point flight activity increased significantly. Although increased in frequency, flights from mid-February onward did not deviate appreciably from previously observed directional patterns.

From mid-March to mid-April, the eaglet was frequently observed exercising wing muscles and hopping between branches, but was never observed in flight. The nest was not visited from mid-April to mid-May, by which time it appeared empty.

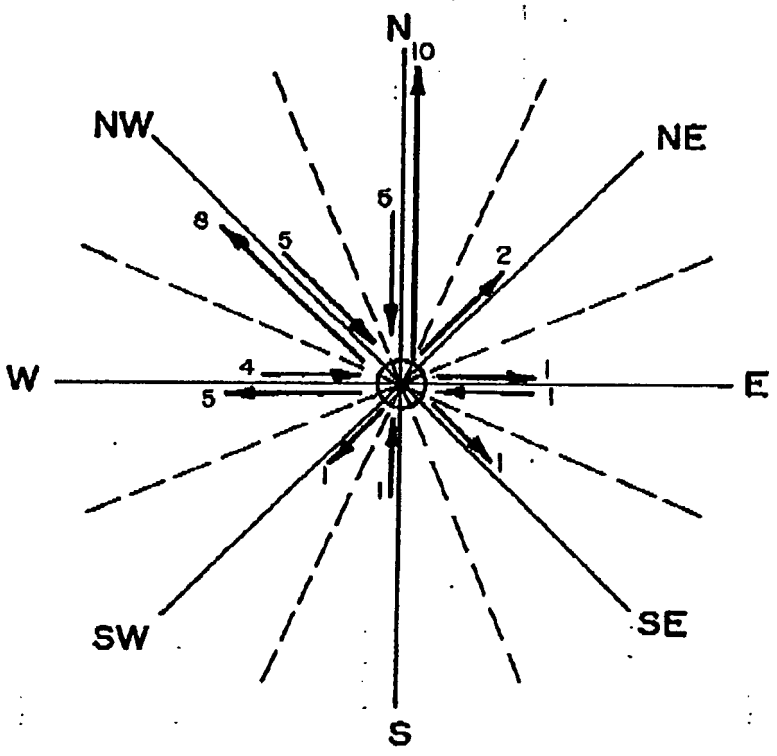
As Table II shows, 84% of all flights recorded inbound or outbound fell within the northern, northwestern and western quadrants. The single flight to the southwest was in pursuit of a black vulture or a turkey vulture by the male bird. The female initially gave chase but returned to the nest tree from approximately ¼ mile out.

Conclusions

Almost 85% of all recorded flights were to or from the northwest quadrant. Only 6% lay within quadrants which would lead to existing or proposed Pelican Landing development. The findings thus support the USFWS conclusion that the proposed development would have no appreciable impact on nesting activities at nest tree LE-28A.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

FIGURE 3
Recorded Flights to and from Nest Tree. Number of Flights Depicted on each Vector Arrow.



DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

TABLE II. Summation of Observed Flight Directions, Jan. 19 – May 19, 1994

DIRECTION	NO. OF FLIGHTS OUT	IN**	TOTAL	% OF TOTAL
N	10	5	15	34.1
NE	2	–	2	4.6
E	1	1	2	4.5
SE	1	–	1	2.3
S	–	1	1	2.3
SW	1	–	1	2.3
W	5	4	9	20.5
NW	8	5	13	29.5

** If sighted further than 500' from nest tree.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

APPENDIX B

Pelican Landing DRI Eco-Park Habitat Management Methods

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

PELICAN LANDING DRI
ECO-PARK HABITAT MANAGEMENT METHODS

Introduction

The (existing) Pelican Landing DRI "Eco-Park" encompasses approximately 78 acres in the northeast corner of the DRI property. The Eco-Park consists of 65 acres of high quality xeric oak/scrub habitat and 13 acres of pine flatwoods and was established primarily as a gopher tortoise (*Gopherus polyphemus*) preserve. A bald eagle's nest (nest #LE-28A) is present near the northeast corner of the Eco-Park. The majority of the Eco-Park lies within protection zones surrounding this nest and special consideration has been given to minimize disturbance to the nest from habitat management practices.

The Eco-Park is bordered by a cypress/hardwood wetland system (Halfway Creek) to the east, native uplands and wetlands to the west, and residential subdivisions to the north and south. The Eco-Park has been placed under a conservation easement granted to the Florida Game and Fresh Water Fish Commission (now the Florida Fish and Wildlife Conservation Commission - FFWCC) and is managed as outlined below.

Maintenance of the Eco-Park is acknowledged to be an important component of assuring the long term viability of scrub habitat, the existing gopher tortoise population, and the bald eagle's nest. The legal entity responsible for the maintenance of the Eco-Park will be WCI Communities, Inc., or its assignee.

Management Methods

The following is a summary of the management methods to be employed in the Eco-Park:

1. Maintenance activities will be conducted in perpetuity and will involve a combination of mechanical treatment, selective hand clearing, and/or prescribed burning. Mechanical treatment methods would include mowing and bush hogging which would be conducted when daytime temperatures are below 75 degrees F (periods of reduced tortoise activity). Hand pruning or clearing of midstory vegetation could occur as necessary to control overgrowth. Removal of all or parts of larger trees may be performed in order to increase or maintain sunlight penetration to ground level, except in the Primary Protection Zone of the bald eagle nest. No maintenance activities will be conducted within the Primary Protection Zone of eagle nest LE-28A during the active nesting season.

   Preferred maintenance practices per habitat type are as follows.

   A. Xeric Scrub

   - Hand-trim to a height of 6-9 feet at 5-year intervals or as deemed necessary.
   - Excessive layers of shrubby growth will be removed by hand at 3-year intervals if necessary.
   - Prescribed burns may be conducted at 8-year intervals if judged feasible and necessary. Any burning will be conducted by an experienced control-burn contractor. Burning will adhere to applicable regulatory guidelines and will be coordinated with the appropriate Fire District and the State of Florida Division of Forestry. Steps taken to protect the eagle nest or perch trees will include hand raking or clearing to minimize fuel in the vicinity of the tree prior to burning.

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

- No mowing or raking will be performed in xeric scrub areas.
- No burning will take place during the eagle nesting season in either the Primary or Secondary Protection Zones surrounding the eagle nest.

B. *Pine Flatwoods and Other Upland Habitat Types*

- Bush hogging and/or mowing at 3-year intervals if judged necessary to maintain a minimum of 30% total ground area clear of saw palmetto or other shrubs.
- Prescribed burning will be conducted as in xeric scrub habitat, but at an approximate 3-year interval if judged feasible and necessary.
- Exotic/nuisance plant species will be removed by hand.

C. *Wetland Habitats*

- Wetland habitats will be initially maintained by removing exotic and nuisance plant species (primarily melaleuca, Brazilian pepper, and downy rose myrtle). Hand removal will be utilized whenever feasible. In certain areas of heavy infestation, mechanical clearing may be necessary. Any mechanical clearing will first be approved by the FFWCC and will be conducted so as to minimize disturbance to eagles during the active nesting season.
- Following initial removal of exotic/nuisance species, wetland habitats will be maintained in perpetuity to suppress re-infestation and maintain exotic/nuisance plant species abundance at low levels. Ongoing control of undesirable species will be via directed herbicide applications, physical uprooting, or a combination of these methods.
- During prescribed burning of upland areas of the Eco-Park, appropriate steps will be taken to insure that site wetlands are not unduly damaged by fire (*e.g.*, installing fire breaks, back-burning, executing burns under climatic conditions when wetland vulnerability to fire is minimized, etc.).

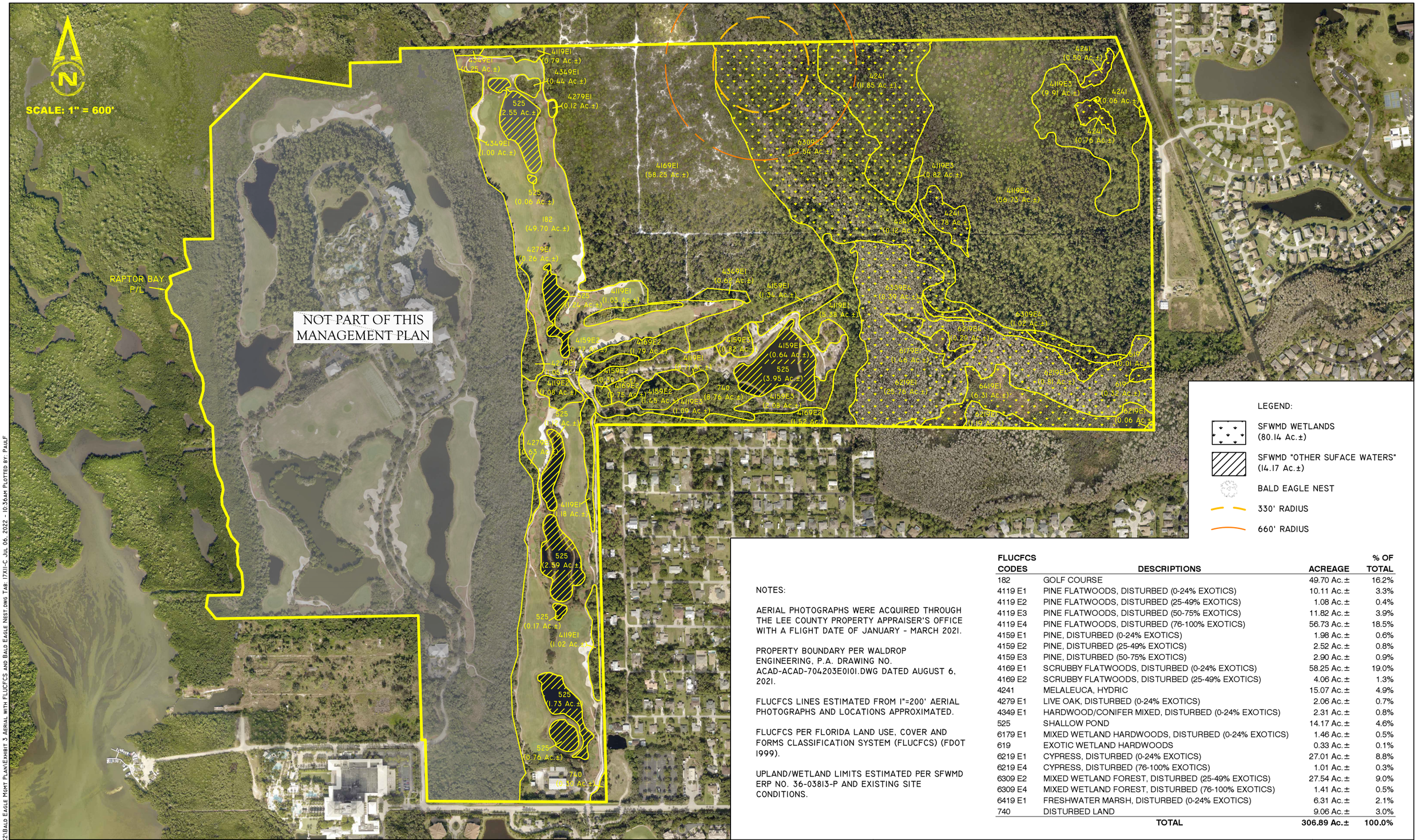
2. Maintenance activities will be initiated upon recording of the conservation easement for the Eco-Park and every other year thereafter.
3. A locally based nuisance-wildlife expert will be engaged as necessary to remove feral hogs from the Eco-Park.
4. If deemed necessary by FFWCC, native plant species of value to gopher tortoises will be used to supplement existing vegetation. Species used would include, but not be limited to, dwarf live oak, gopher apple, buckthorn, lyonia, gallberry, tarflower, and prickly pear cactus.
5. Prior to scheduled maintenance activities (every other year), a site walk and habitat evaluation will be performed by a qualified biologist to determine maintenance requirements. Potential need for supplemental foraging plant material plantings will also be evaluated.
6. Brochures containing information on gopher tortoise and bald eagle habitat, behavior and protection measures will be developed and made available to local homeowners and site users (golfers, Hyatt resort guests, other people utilizing the Eco-Park).

DCI2023-00052 Lee County ePlan Additional info dated 07-16-2024

7. Recreational activities will be restricted to specific pedestrian trails. These will be established subject to FFWCC approval during final site planning. No designated picnic areas, biking trails, horse trails or interpretive facilities (other than approved signs, vita trails, and bird viewing blinds) will be allowed. The vita trails will not be paved, hardened or made impermeable. The location and design of all facilities will be reviewed and approved prior to construction by the FFWCC. Educational signage will be placed along the trails.
8. Human access will be restricted by appropriate signage within the primary zone of the eagle nest during the nesting season. During the non-nesting season, pedestrian trails or other human use will be restricted to a minimum of 500' from the nest tree. The trail will be barricaded off by a cable across the path.
9. Exotic vegetation (primarily melaleuca, Brazilian pepper and downy rose myrtle) will be removed from protection areas in perpetuity.

EXHIBIT 3

AERIAL WITH FLUCFCS AND BALD EAGLE NEST



NOTES:

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

PROPERTY BOUNDARY PER WALDROP ENGINEERING, P.A. DRAWING NO. ACAD-ACAD-704203E0101.DWG DATED AUGUST 6, 2021.

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

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

UPLAND/WETLAND LIMITS ESTIMATED PER SFWMD ERP NO. 36-03813-P AND EXISTING SITE CONDITIONS.

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
182	GOLF COURSE	49.70 Ac.±	16.2%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	10.11 Ac.±	3.3%
4119 E2	PINE FLATWOODS, DISTURBED (25-49% EXOTICS)	1.08 Ac.±	0.4%
4119 E3	PINE FLATWOODS, DISTURBED (50-75% EXOTICS)	11.82 Ac.±	3.9%
4119 E4	PINE FLATWOODS, DISTURBED (76-100% EXOTICS)	56.73 Ac.±	18.5%
4159 E1	PINE, DISTURBED (0-24% EXOTICS)	1.98 Ac.±	0.6%
4159 E2	PINE, DISTURBED (25-49% EXOTICS)	2.52 Ac.±	0.8%
4159 E3	PINE, DISTURBED (50-75% EXOTICS)	2.90 Ac.±	0.9%
4169 E1	SCRUBBY FLATWOODS, DISTURBED (0-24% EXOTICS)	58.25 Ac.±	19.0%
4169 E2	SCRUBBY FLATWOODS, DISTURBED (25-49% EXOTICS)	4.06 Ac.±	1.3%
4241	MELALEUCA, HYDRIC	15.07 Ac.±	4.9%
4279 E1	LIVE OAK, DISTURBED (0-24% EXOTICS)	2.06 Ac.±	0.7%
4349 E1	HARDWOOD/CONIFER MIXED, DISTURBED (0-24% EXOTICS)	2.31 Ac.±	0.8%
525	SHALLOW POND	14.17 Ac.±	4.6%
6179 E1	MIXED WETLAND HARDWOODS, DISTURBED (0-24% EXOTICS)	1.46 Ac.±	0.5%
619	EXOTIC WETLAND HARDWOODS	0.33 Ac.±	0.1%
6219 E1	CYPRESS, DISTURBED (0-24% EXOTICS)	27.01 Ac.±	8.8%
6219 E4	CYPRESS, DISTURBED (76-100% EXOTICS)	1.01 Ac.±	0.3%
6309 E2	MIXED WETLAND FOREST, DISTURBED (25-49% EXOTICS)	27.54 Ac.±	9.0%
6309 E4	MIXED WETLAND FOREST, DISTURBED (76-100% EXOTICS)	1.41 Ac.±	0.5%
6419 E1	FRESHWATER MARSH, DISTURBED (0-24% EXOTICS)	6.31 Ac.±	2.1%
740	DISTURBED LAND	9.06 Ac.±	3.0%
	TOTAL	**306.89 Ac.±**	**100.0%**

J:\2020\20LBR3290\2022\BALD EAGLE MGMT PLAN\EXHIBIT 3 AERIAL WITH FLUCFCS AND BALD EAGLE NEST.DWG TAB: 17X11-C JUL 06, 2022 - 10:36AM PLOTTED BY: PAULF

REVISIONS	DATE

DRAWN BY	DATE
R.F.	06/29/22
DESIGNED BY	DATE
B.T.	06/29/22
REVIEWED BY	DATE
S.J.	06/29/22

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

PASSARELLA & ASSOCIATES INC
Consulting Ecologists

RAPTOR BAY GOLF COURSE RENOVATION

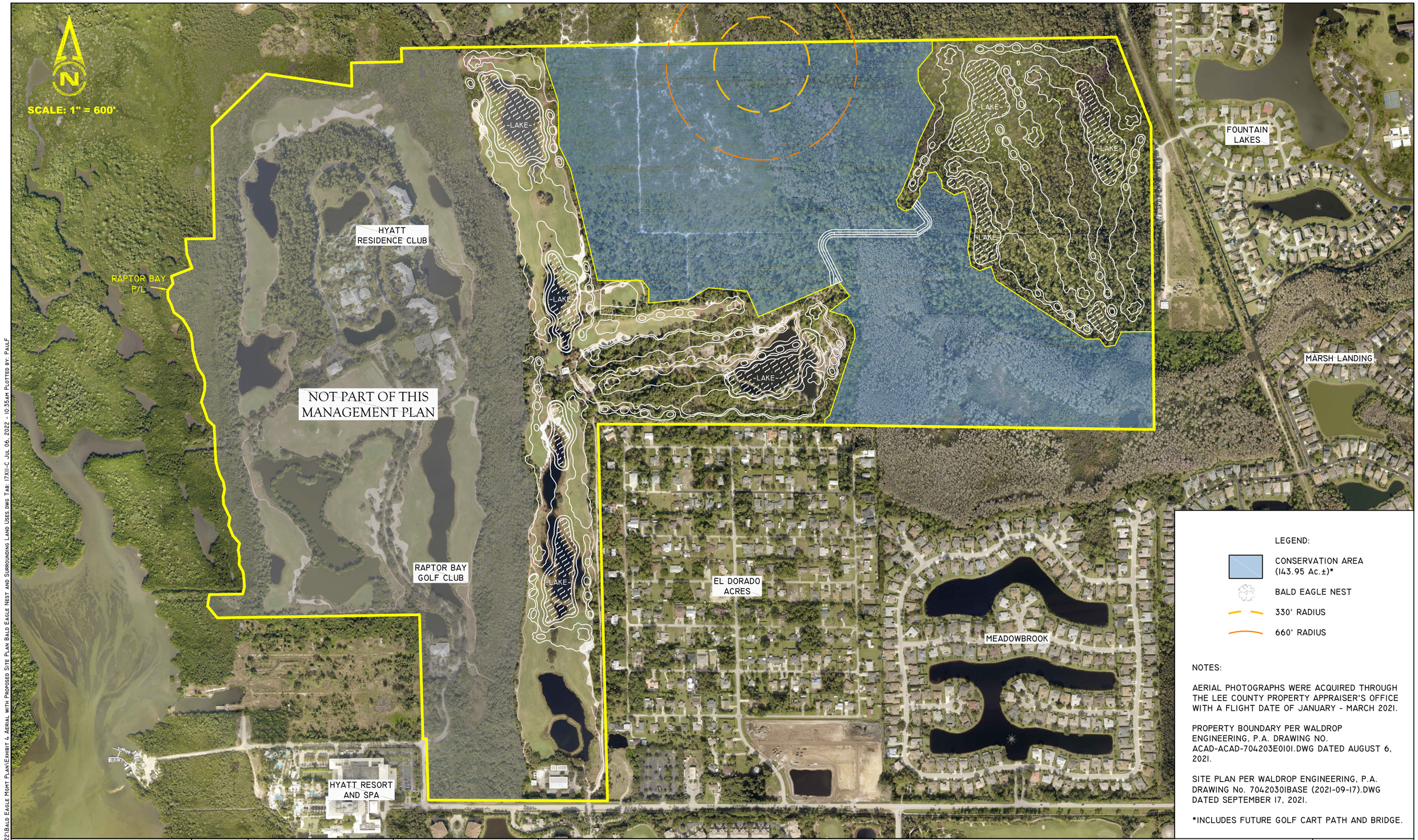
AERIAL WITH FLUCFCS AND BALD EAGLE NEST

DRAWING No. 20LBR3290

SHEET No. EXHIBIT 3

EXHIBIT 4

AERIAL WITH SITE PLAN, BALD EAGLE NEST, CONSERVATION AREA, AND SURROUNDING LAND USES



NOTES:

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

PROPERTY BOUNDARY PER WALDROP ENGINEERING, P.A. DRAWING NO. ACAD-ACAD-704203E0101.DWG DATED AUGUST 6, 2021.

SITE PLAN PER WALDROP ENGINEERING, P.A. DRAWING No. 70420301BASE (2021-09-17).DWG DATED SEPTEMBER 17, 2021.

*INCLUDES FUTURE GOLF CART PATH AND BRIDGE.

J:\2020\20LBR3290\2022\BALD EAGLE MGMT PLAN\EXHIBIT 4 AERIAL WITH PROPOSED SITE PLAN BALD EAGLE NEST AND SURROUNDING LAND USES.DWG TAB: 17XII-C JUL 06, 2022 - 10:35AM PLOTTED BY: PAULF

REVISIONS	DATE	DRAWN BY	DATE
		R.F.	06/29/22
		DESIGNED BY	DATE
		B.T.	06/29/22
		REVIEWED BY	DATE
		S.J.	06/29/22

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

Consulting Ecologists
PASSARELLA & ASSOCIATES INC

RAPTOR BAY GOLF COURSE RENOVATION

AERIAL WITH SITE PLAN, BALD EAGLE NEST, CONSERVATION AREA, AND SURROUNDING LAND USES

DRAWING No. 20LBR3290

SHEET No. EXHIBIT 4