Attachment H

IN THE CIRCUIT COURT IN AND FOR LEE COUNTY, FLORIDA
TWENTIETH JUDICIAL CIRCUIT COURT
CIRCUIT CIVIL DIVISION

WCI COMMUNITIES, LLC., et al.,

Plaintiffs,

vs. **Case No. 17-CA-003966**

CITY OF BONITA SPRINGS, FLORIDA,

Defendant.

FINAL ARBITRATION ORDER

Pursuant to the Arbitration Hearing held on **September 19, 2019**, before Arbitrator, Larry S. Pivacek, the Plaintiffs and Defendant being present on said date and counsel for the Plaintiffs and the Defendant therein being present, it is hereby, ORDERED and ADJUDGED as follows:

Procedural Posture of the Case Presented to the Arbitrator

This matter comes before the Arbitrator for determination and ruling on the Plaintiffs *Second Amended Complaint, Count I* and *Count II*. The Defense has asserted numerous *Affirmative Defenses* in response to the Plaintiffs *Second Amended Complaint*.

Final Order of the Arbitrator

Plaintiff's Second Amended Complaint – Count I

The Arbitrator finds in favor of the Plaintiffs as to the *Second Amended Complaint – Count I.* Specifically, the Arbitrator Orders as follows:

1. The *Annexation Agreement* between the Plaintiffs and the Defendant is enforceable.
2. The Defendant breached said *Annexation Agreement* by not, to date, granting a Comprehensive Plan Amendment.
3. The Plaintiffs are award economic damages and the Defendant is ordered to pay the Plaintiffs economic damages in the amount of six-million-three-hundred thousand ($6.30 Million) dollars and 00/100.
4. The Plaintiffs request a determination of contractual entitlement to attorney fees. The Arbitrator GRANTS Plaintiffs entitlement to attorney fees. The specific amount of attorney fees to which the Plaintiffs may be entitled shall be reserved to the discretion of the trial court.
5. The Plaintiffs request a determination of costs. he Arbitrator GRANTS Plaintiffs entitlement to costs. The specific amount of costs to which the Plaintiffs may be entitled shall be reserved to the discretion of the trial court.
6. The Plaintiffs request for an award of prejudgment interest at the prevailing statutory rate is DENIED, in whole.
7. There exist Five (5) *Affirmative Defenses* plead by the Defendant in response and relation to the Plaintiffs *Second Amended Complaint – Count I. Affirmative Defenses Nos. 1, 2, 4* and *10*, are DENIED. *Affirmative Defense No. 3* has been plead and proved to the satisfaction of the Arbitrator such that it works to reduce the award of economic damages herein-above awarded to the Plaintiffs. Also, *Affirmative Defense No. 3* provides a basis for the Arbitrator to deny the Plaintiffs request for pre-judgment interest. (See Paragraph 2. C., *supra.* See also, Paragraph 2. F., *supra.*)

Final Order of the Arbitrator

Plaintiff's Second Amended Complaint – Count II

The Arbitrator finds in favor of the Plaintiffs as to the *Second Amended Complaint – Count II.* Specifically, the Arbitrator Orders as follows:

8. The *Annexation Agreement* between the Plaintiffs and the Defendant is enforceable.
9. The Defendant has not granted, to date, the Plaintiffs currently pending rezoning application. The Arbitrator orders the Defendant to GRANT the Plaintiffs currently pending rezoning application.
10. The Plaintiffs request a determination of contractual entitlement to attorney fees. The Arbitrator GRANTS Plaintiffs entitlement to attorney fees. The specific amount of attorney fees to which the Plaintiffs may be entitled shall be reserved to the discretion of the trial court.
11. The Plaintiffs request a determination of costs. The Arbitrator GRANTS Plaintiffs entitlement to costs. The specific amount of costs to which the Plaintiffs may be entitled shall be reserved to the discretion of the trial court.
12. The Plaintiffs request that the Arbitrator find that an anticipatory breach of the *Annexation Agreement* by the Defendant. The request for a finding of anticipatory breach is DENIED. Because the Arbitrator has found that the Defendant has, to date, still failed to grant the Plaintiffs pending rezoning application and because the Arbitrator has furthermore ordered the Defendant to grant said rezoning application, the question of anticipatory breach is rendered moot and/or irrelevant.
13. There exist Seven (7) *Affirmative Defenses* plead by the Defendant in response to the Plaintiffs *Second Amended Complaint – Count II. Affirmative Defenses Nos. 1, 5, 6, 7, 8, 9* and *10*, are DENIED.

LS.P

Conclusion

WHEREFORE, the Plaintiffs are awarded, and the Defendant shall pay to the Plaintiffs the amount of $6,300,00.00 in economic damages. Furthermore, the Defendant is ordered to GRANT the Plaintiffs currently pending rezoning application.

ORDERED on this 14th day of October, 2019.

Mr. Larry S. Pivacek, Arbitrator
2500 Airport Pulling Road South, Suite 306
Naples, Florida 34112-8442

Mr. Carl Joseph Coleman, Esquire, Counsel for Plaintiffs
Ms. Hal Sandridge, Esquire, Counsel for Plaintiffs
Mr. David A. Theriaque, Esquire, Counsel for Defendant
Mr. Brent Spain, Esquire, Counsel for Defendant

Attachment I

INSTR. # 2020000311406, Pages 10
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Linda Doggett Lee County Clerk of the Circuit Court
Rec Fees: $86.50

Deputy Clerk SStllis
#5

Prepared by and after recording return to:
Lisa Van Dien, Esq.
2210 Vanderbilt Beach Rd, Suite 1300
Naples, FL 34109

ASSIGNMENT OF REAL ESTATE ENTITLEMENTS

THIS ASSIGNMENT OF REAL ESTATE ENTITLEMENTS ("Assignment") is made this ____ day of December, 2020, by and between WCI Communities, LLC, a Delaware limited liability company, as successor by merger to Pelican Landing Golf Resort Ventures, LLC, a Delaware limited liability company, whose mailing address is 10481 Six Mile Cypress Parkway, Fort Myers, FL 33966 (the "Assignor") and LB Raptor Investments, LLC, a Florida limited liability company, with a mailing address of 2210 Vanderbilt Beach Rd, Suite 1300, Naples, FL 34109 (the "Assignee").

RECITALS:

A. On the Effective Date, Assignor is conveying to Assignee those lands more particularly described on **Exhibit A** attached hereto and made a part hereof (the "**Property**").

B. It is the intention of Assignor to assign all of its interest in those items below to Assignee, pursuant to the terms hereof.

NOW, THEREFORE, in consideration of Ten Dollars ($10.00) and other good and valuable consideration in hand paid by Assignee to Assignor, the receipt and sufficiency of which are hereto acknowledged to be supportive of this Assignment, the parties hereto agree as follows:

1. The foregoing recitals are true and correct.

2. Assignor hereby sells, assigns, transfers and sets over to Assignee:

a. The 250 beach membership to the Private Pelican Landing Beach Park provided in the Restrictive Covenant Agreement recorded as Instrument Number 2014000221909 of the Public Records, as amended by that certain Settlement, Release and Restrictive Covenant Agreement between Seller and PLCA recorded as Instrument Number 2019000163050 of the Public Records of Lee County, Florida;

b. Density under the Pelican Landing Development of Regional Impact (the "DRI") as follows:

Land Use Type:	Amount Transferred and Assigned:
Residential	503 Units
Office	125,389 square feet
Retail	147,000 square feet
Hotel	86 Rooms

Assignor specifically reserves all remaining development rights under the DRI, and in all events Assignor reserves to itself and successors and assigns 200 residential units for development of

other lands in the DRI (the "Retained Residential Rights") and Assignee shall not apply to any governmental authority for any allocation of, or otherwise attempt to utilize, the Retained Residential Rights. All of the rights and benefits described in this Paragraph 2 shall be hereinafter collectively called the "Entitlements."

3. This Assignment shall be effective as of the date hereof. Assignee shall have the absolute right, in its sole discretion, which may be exercised from time to time, to convey, assign, encumber or terminate any of the Entitlements. Assignee hereby assumes and accepts all obligations relating to the Entitlements, including, without limitation, all charges payable for use thereof, except that Assignor does not assume any obligations of the developer under the DRI that are not specific to the Property and the Entitlements.

4. This Assignment shall be binding upon and inure to the benefit of the parties hereto and the respective successors and assigns.

5. Assignor represents and warrants to Assignee that Assignor has the right to assign the Entitlements to Assignee and that the Entitlements are free and clear of monetary encumbrances placed thereon by assignor.

6. The parties agree that in all respects, including all matters of construction, validity and performance, this Assignment and the obligations arising hereunder shall be governed by and construed in accordance with the laws of the State of Florida.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the Assignor and Assignee have duly executed this Assignment as of the day and year first above written.

WCI COMMUNITIES, LLC, a Delaware limited liability company

By: _____
Name: Darin Mc Murray
Its: Vice President

State of FL
County of LEE

The foregoing instrument was acknowledged before me this 10 TH day of DECEMBER, 2020, by DARIN McMURRAY as VICE PRESIDENT of WCI Communities, LLC, a Delaware limited liability company, on behalf of the company, who appeared before me by means of ☑ physical presence or ☐ online notarization, and ☑ who is personally known to me or ☐ who produced _____ as identification.

Karen A. Hughes
Notary Public
Print Name: _____
My Commission Expires: _____

Karen A. Hughes
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG288290
Expires 2/13/2023

LB RAPTOR INVESTMENTS, LLC, a Florida limited liability company

By: Mark D Wilson
Name: MARK D WILSON
Its: ITS AUTHORIZED REPRESENTATIVE

State of Florida
County of Collier

The foregoing instrument was acknowledged before me this 10th day of December, 2020, by Mark Wilson, as Authorized Rep of LB Raptor Investments, LLC, a Florida limited liability company, on behalf of the company, who appeared before me by means of ☑ physical presence or ☐ online notarization, and ☑ who is personally known to me or ☐ who produced _____ as identification.

Notary Public
Print Name: _____
My Commission Expires: _____

LISA VAN DIEN
MY COMMISSION # GG 338921
EXPIRES: July 31, 2023
Bonded Thru Notary Public Underwriters

EXHIBIT "A"

PARCEL 1 (ORD 14-10)

(SURVEYOR'S LEGAL DESCRIPTION)

A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3539, PAGE 3116, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN SECTIONS 5, 6, 7, AND 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AD 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 464.26 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, THE SAME BEING A POINT ON THE BOUNDARY OF THE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 3539, PAGES 3116 THROUGH 3119 (INCLUSIVE) OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING TWO (2) COURSES ALONG THE BOUNDARY OF LAST SAID LANDS; COURSE NO. 1: NORTH 01°34'59" WEST, 860.24 FEET; COURSE NO. 2: SOUTH 89°06'42" WEST, 1,213.06 FEET; THENCE NORTH 13°37'57" EAST, A DISTANCE OF 214.95 FEET; THENCE NORTH 04°32'08" WEST, A DISTANCE OF 58.94 FEET; THENCE NORTH 05°12'32" WEST, A DISTANCE OF 61.67 FEET; THENCE NORTH 29°06'14" WEST, A DISTANCE OF 55.22 FEET; THENCE NORTH 03°26'02" EAST, A DISTANCE OF 41.25 FEET; THENCE NORTH 10°16'42" WEST, A DISTANCE OF 47.92 FEET; THENCE NORTH 11°13'24" EAST, A DISTANCE OF 64.15 FEET; THENCE NORTH 41°15'02" WEST, A DISTANCE OF 86.46 FEET; THENCE NORTH 21°13'24" WEST, A DISTANCE OF 48.07 FEET; THENCE NORTH 25°50'13" WEST, A DISTANCE OF 7.57 FEET; THENCE NORTH 09°20'00" EAST, A DISTANCE OF 55.14 FEET; THENCE NORTH 25°52'22" WEST, A DISTANCE OF 66.56 FEET; THENCE NORTH 24°52'17" WEST, A DISTANCE OF 40.99 FEET; THENCE NORTH 04°21'29" WEST, A DISTANCE OF 34.66 FEET; THENCE NORTH 11°27'49" EAST, A DISTANCE OF 58.90 FEET; THENCE NORTH 10°24'54" WEST, A DISTANCE OF 67.98 FEET; THENCE NORTH 28°04'28" WEST, A DISTANCE OF 55.04 FEET; THENCE NORTH 18°52'38" WEST, A DISTANCE OF 43.64 FEET; THENCE NORTH 13°36'38" WEST, A DISTANCE OF 42.86 FEET; THENCE NORTH 02°48'29" WEST, A DISTANCE OF 263.13 FEET; THENCE NORTH 46°11'03" WEST, A DISTANCE OF 68.47 FEET; THENCE NORTH 17°54'30" WEST, A DISTANCE OF 45.26 FEET; THENCE NORTH 20°31'47" WEST, A DISTANCE OF 57.29 FEET; THENCE NORTH 15°30'26" EAST, A DISTANCE OF 73.32 FEET; THENCE NORTH 02°32'45" EAST, A DISTANCE OF 63.41 FEET; THENCE NORTH 12°16'28" WEST, A DISTANCE OF 66.88 FEET; THENCE NORTH 35°06'58" WEST, A DISTANCE OF 62.53 FEET; THENCE NORTH 19°11'46" WEST, A DISTANCE OF 42.97 FEET; THENCE NORTH 14°29'27" WEST, A DISTANCE OF 81.14 FEET; THENCE NORTH 74°05'31" EAST, A DISTANCE OF 710.32 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 SIX (6) COURSES ALONG 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, 537.28 FEET; COURSE NO 5: SOUTH 35°37'13" EAST, 153.87 FEET; COURSE NO. 6: NORTH 60°05'45" EAST, 62.68 FEET; THENCE SOUTH 21°12'13" EAST, A DISTANCE OF 4.51 FEET TO A POINT OF CURVATURE; THENCE 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; THENCE SOUTH 34°44'46" EAST, A DISTANCE OF 155.79 FEET TO A POINT OF CURVATURE; THENCE 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; THENCE NORTH 89°47'40" EAST, A DISTANCE OF 11.43 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE 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; THENCE 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; THENCE SOUTH 18°14'18" WEST, A DISTANCE OF 248.83 FEET TO A POINT OF CURVATURE; THENCE 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; THENCE 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; THENCE 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; THENCE SOUTH 01°34'37" WEST, A DISTANCE OF 129.72 FEET TO A POINT OF CURVATURE; THENCE 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; THENCE SOUTH 39°02'41" WEST, A DISTANCE OF 55.64 FEET TO A POINT OF CURVATURE; THENCE 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; THENCE 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; THENCE SOUTH 79°58'40" WEST, A DISTANCE OF 20.35 FEET; THENCE SOUTH 01°34'59" EAST, A DISTANCE OF 30.27 FEET; THENCE SOUTH 88°25'01" WEST, A DISTANCE OF 26.60 FEET; THENCE NORTH 01°34'59" WEST, A DISTANCE OF 84.84 FEET; THENCE SOUTH 89°05'44" WEST, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2 (RAPTOR BAY)
(SURVEYOR'S LEGAL DESCRIPTION)

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 AD 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 NORTHWEST 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 2,362.08 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, A DISTANCE OF 57.31 FEET; COURSE NO. 11: SOUTH 28°08'16" EAST, 55.46 FEET; COURSE NO. 12: SOUTH 10°27'59" 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 11°27'49" WEST, 56.18 FEET; COURSE NO. 7: SOUTH 04°21'29" EAST, 50.65 FEET; COURSE NO. 8: SOUTH 24°52'17" EAST, 50.48 FEET; COURSE NO. 9: SOUTH 25°52'22" EAST, A DISTANCE OF 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, 70.64 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 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 NINETEEN (19) COURSES ALONG THE BOUNDARY OF LAST SAID LANDS; COURSE NO. 1: NORTH 36°08'20" WEST, 242.58 FEET; COURSE NO. 2: NORTH 06°21'18" EAST, 453.60 FEET; COURSE NO. 3: NORTH 19°00'07" WEST, 182.05 FEET; COURSE NO. 4: NORTH 03°46'53" WEST, 151.03 FEET; COURSE NO. 5: NORTH 16°47'03" EAST, 216.81 FEET; COURSE NO. 6: NORTH 66°15'38" EAST, 491.36 FEET; COURSE NO. 7: SOUTH 69°40'02" EAST, 229.14 FEET; COURSE NO. 8: SOUTH 25°28'33" EAST, A DISTANCE OF 76.93 FEET; COURSE NO. 9: SOUTH 64°24'50" EAST, 35.54 FEET; COURSE NO. 10: SOUTH 20°50'26" EAST, 276.35 FEET; COURSE NO. 11: SOUTH 25°28'33" EAST, 245.21 FEET; COURSE NO. 12: SOUTH 18°20'32" EAST, 130.83 FEET; COURSE NO. 13: SOUTH 27°46'07" WEST, A DISTANCE OF 205.73 FEET; COURSE NO. 14: SOUTH 16°30'00" EAST, 265.70 FEET; COURSE NO. 15: SOUTH 54°23'52" EAST, A DISTANCE OF 190.76 FEET; COURSE NO. 16: SOUTH 22°38'40" EAST, 87.71 FEET; COURSE NO. 17: SOUTH 71°46'53" WEST, 131.17 FEET; COURSE NO. 18: SOUTH 68°44'48" WEST, 363.26 FEET; COURSE NO. 19: 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 18,250,443 SQUARE FEET OR 418.973 ACRES, MORE OR LESS.

ASSIGNMENT OF DENSITY AND BEACH RIGHTS

THIS ASSIGNMENT OF DENSITY AND BEACH RIGHTS (the "**Assignment**") is made and entered into on April 24th 2023, (the "**Effective Date**") by and between **PELICAN LANDING TIMESHARE VENTURES LP,** a Delaware limited partnership ("**Assignor**"), and **KERSEY SMOOT INVESTMENTS, LLC**, a Florida limited liability company ("**Assignee**").

W I T N E S S E T H:

WHEREAS, Assignor and London Bay Development Group, LLC, a Florida limited liability company ("**Contract Purchaser**"), entered into that certain Purchase and Sale Agreement effectively dated as of January 13, 2022 (as amended and assigned from time to time, the "**Purchase Agreement**") in regard to that certain real property situate in Lee County, Florida and more particularly described on Exhibit "A" attached hereto (the "**Property**"); and, unless otherwise defined herein, all capitalized terms have the meanings ascribed to such terms in the Purchase Agreement; and

WHEREAS, in connection with the sale and purchase of the Assets relating to the Property, Assignor agreed to assign two hundred forty-one (241 units of residential density to Assignee, along with a quit-claim assignment of the associated use rights in the Pelican Landing Beach Park.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound, the parties agree as follows:

1. **Capitalized Terms**. Unless otherwise defined herein, all capitalized terms used in this Assignment shall have the meaning given to such term in the Purchase Agreement.

2. **Assignment of Density**. Assignor hereby assigns, sells, transfers, conveys, and delivers to Assignee, all of Assignor's right title and interest in and to two hundred forty-one (241) units of residential density as permitted under the current zoning ordinance for the Property known as the Kersey Smoot RPD, Lee County Resolution Z-98-006, as amended.

3. **Assignment of Beach Rights.** Seller hereby assigns, sells, transfers, conveys, and delivers to Assignee, all of Assignor's right, title and interest, if any, in and to the allocation of two hundred forty-one (241) "use rights" in the Pelican Landing Beach Park, but only to the extent that such Beach Rights are assignable from Seller to Assignee, and Seller makes no representations or warranties as to this assignment of Beach Rights.

4. **Counterparts**. A party hereto may deliver executed signature pages to this Assignment by electronic transmission to the other party hereto, which electronic copy shall be deemed to be an original executed signature page. This Assignment may be executed in any number of counterparts, each of which shall be deemed an original and all of which counterparts together shall constitute one agreement with the same effect as if the parties hereto had signed the same signature page.

5. **Binding Effect**. This Assignment shall be binding upon and inure to the benefit of Assignor, Assignee and their respective successors and assigns.

6. **Governing Law**. This agreement shall be governed by, and construed and interpreted in accordance with, the laws of the State of Florida.

IN WITNESS WHEREOF, Assignor and Assignee have caused this Assignment to be executed effective as of the day first above written.

ASSIGNOR:

PELICAN LANDING TIMESHARE VENTURES LP, a Delaware limited partnership

By: _____
David Holton, Authorized Signatory

ASSIGNEE:

KERSEY SMOOT INVESTMENTS, LLC, a Florida limited liability company

By: _____
Stephen G. Wilson, Manager

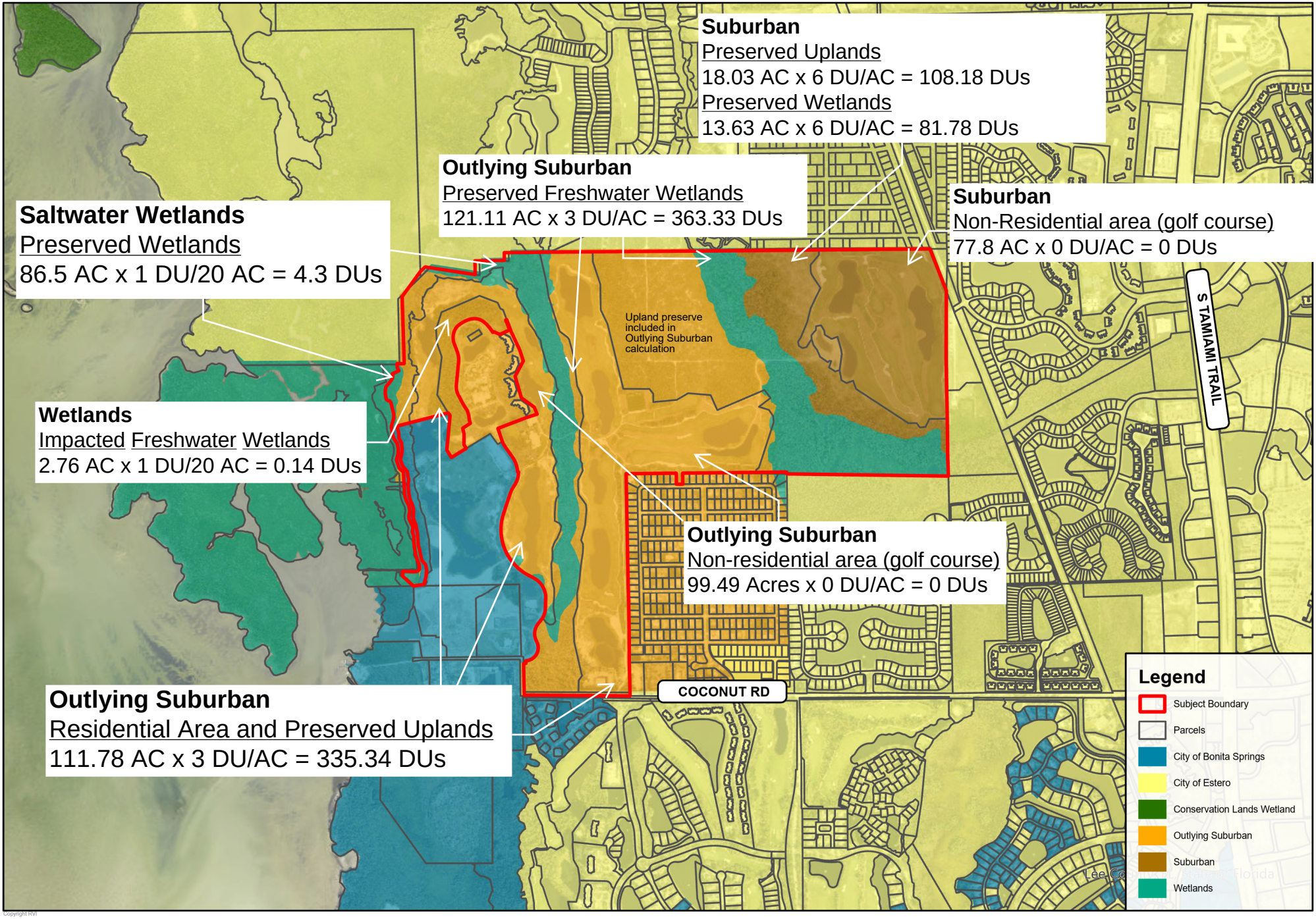
EXHIBIT "A"

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 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.



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PELICAN LANDING LONDON BAY • **EXISTING FUTURE LAND USE MAP**

Lee County, FL

4/7/2025

2300XXXX

LB Raptor Investments LLC

Attachment J

0 750 1,500
US Feet

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.

Pelican Landing DRI
Status of Conditions

CONDITION #	CONDITION	STATUS
	A. Historical/Archaeological Sites	
A.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.	Complete
A.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 County and 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.	Ongoing through buildout
B. Housing		
B.1	There were no regionally significant housing impacts for the first planning horizon of the DRI Development Order, which ended 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 Florida Department of Economic Opportunity (FDEO) 1991 Draft methodology.	Informational Only – No Action Required
B.2	The SWFRPC, the FDEO 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.	Payment accepted – condition complete
C. HURRICANE PREPAREDNESS		

CONDITION #	CONDITION	STATUS
C.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.	Payment accepted – condition complete
C.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.	Informational Only – No Action Required
C.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.	Informational Only – No Action Required
C.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.	Ongoing through buildout.
C.5	The Developer must prepare, in conjunction with Lee County Emergency Management and Division of Natural Resources (DNR) 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.	Ongoing through Marina buildout
C.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.	Ongoing through buildout
C.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.	Ongoing through buildout.
C.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	Complete as identified in editorial note.

CONDITION #	CONDITION	STATUS
	those officials 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 by the Developer, the property or homeowner's association or the community development district 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, as it may be amended.*	
C.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.	Ongoing through buildout.
D. Marina Facilities		
D.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.	Completed by others
D.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.	Completed by others
D.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.	Completed by others
D.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.	Completed by others
D.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.	Completed by others
D.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 or Lee County regulations regarding the protection of manatees.	Ongoing through buildout
D.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	Completed by others
D.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.	Completed by others
D.9	The developer must construct an educational board on a Kiosk at the Beach Park. The educational board will be created in conjunction with the DNR, Marine Sciences Program and Turtle Time.	Completed by others

CONDITION #	CONDITION	STATUS
D.10	The Developer will comply with all water quality monitoring requirements imposed by the FDEP and the South Florida Water Management District (SFWMD).	Ongoing through buildout
D.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.	Completed by others
D.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 DNR, 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.	Ongoing through buildout
D.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	Dry storage removed from Lee County DRI. Proposed for deletion.
E. Vegetation and Wildlife/Wetlands		
E.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 parcel and 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. Prior to any new development within 1500 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 FDEO, SWFRPC, FWDC, Lee County, 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 resubmittal. The agencies will provide a written response to Lee County 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. Lee County and FDEO 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 FWDC and USFWS. 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 approval.	Complete and updates proposed to address revised Eagle conditions
E.2	A local development order for the Hickory Island Beach Park has been issued to permit construction of beach park infrastructure. This local	Complete

CONDITION #	CONDITION	STATUS
	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.	
E.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	Complete

CONDITION #	CONDITION	STATUS
	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.	
E.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.	Complete

CONDITION #	CONDITION	STATUS
	The Developer has granted a conservation easement consistent with Section 704.06., Florida Statutes for the Eco-Park to the FWCC. 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.	
E.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.	Ongoing through buildout
E.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.	Ongoing through buildout
E.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.	Complete
E.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.	Complete
E.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.	Complete
E.10	This project may result in the filling of not more than ~~13.25~~ 16.01 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	Wetland permitting complete. Change proposed to reflect total wetlands permitted.

CONDITION #	CONDITION	STATUS
	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		
F.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.	Ongoing through buildout
F.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.	Ongoing through buildout
F.3	Outdoor storage of hazardous waste is prohibited.	Ongoing through buildout
F.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.	Ongoing through buildout
F.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.	Ongoing through buildout
F.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.	Ongoing through buildout
F.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.	Ongoing through buildout
F.8	The developer must investigate the feasibility of mulching trees and brush for on-site needs.	Ongoing through buildout
F.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.	Ongoing through buildout
F.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.	Ongoing through buildout

CONDITION #	CONDITION	STATUS
	b. The developer/property owner must establish an emergency notification system to be used in the event of a hazardous material release.	
G. Stormwater Management		
G.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 Bay Creek Improvement Districts (formed pursuant to Chapter 190, Florida Statutes), must ensure 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.	Ongoing through buildout
G.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.	Informational Only – No action required
G.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.	Ongoing through buildout
G.4	The Bayside Improvement and Bay Creek Districts, and/or all property owners, must undertake a regularly scheduled vacuum sweeping of common streets, sidewalks and parking facilities within the development.	Completed by others
G.5	The Developer must implement the best management practices for monitoring and maintenance of the surface water management systems in accordance with Lee County and SFWMD guidelines.	Ongoing through buildout
G.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 Lee County Attorney's office.	Ongoing through buildout
G.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	Completed by others

CONDITION #	CONDITION		STATUS
	local development order may also require modification of the referenced permits.		
H. Transportation			
H.1	1. Significant Impact a. The original traffic impact assessment for this project assumed the development parameters and land uses shown in Exhibit F, "Pelican Landing DRI Development Parameters." The assessment indicates 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 (2009). Each 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:		Informational Only – No action required
	Planning Horizon I (1997 in the original Assessment)	***Needed Improvement***	
	US 41/Corkscrew Road	Signal retiming	Complete
	US 41/Williams Road	Signalization, if warranted	Complete
	US 41/Coconut Road	Signalization, if warranted	Complete
	US 41/Pelican Commercial Entrance	Northbound left turn lane Southbound right turn lane Eastbound right turn lane	Complete
	US 41/North Pelican Entrance	Northbound left turn lane Southbound right turn lane Eastbound left and right turn Signalization, if warranted	Complete
	US 41/Pelican Landing Parkway/ Old 41	Southbound dual left turns Signal retiming	Complete
	US 41/Pelican's Nest Drive	Northbound left and right turn lanes Southbound left and right turn Eastbound left and thru/right Westbound left and thru/right Signalization, if warranted	Complete
	US 41/Terry Street	Signal retiming	Complete
	US 41/Bonita Beach Road	Signal retiming	Complete
	Coconut Road/Spring Creek Road	Separate NB left & right turn lanes	Complete

CONDITION #	CONDITION		STATUS
		Separate EB thru & right turn lanes Separate WB thru and turn left lanes	
	Buildout (2002)	***Needed Improvement***	
	Corkscrew Road – Three Oaks Parkway to I-75	Widen to 4 lanes	Complete
	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)	Complete
	US 41 - Immokalee Road to Old 41 (Collier County)	Widen to 6 lanes	Complete
	US 41 - Bonita Beach Road to West Terry Street	Widen to 6 lanes	Complete
	US 41 - West Terry Street to Pelican's Nest Drive	Widen to 6 lanes	Complete
	US 41 - Coconut Road to Williams Rd.	Widen to 6 lanes	Complete
	US 41 - Constitution Boulevard to Alico Road	Widen to 6 lanes	Complete
	US 41/Corkscrew Road	Separate EB left and thru/right lanes Westbound dual left turn Signal retiming	Complete
	US 41/Williams Road	Signalization, if warranted	Complete
	US 41/Coconut Road	Separate EB left and right turn lanes Signalization, if warranted	Complete
	US 41/Pelican Commercial Entrance	Northbound left turn lanes Southbound right turn lane Eastbound right turn lane	Complete
	US 41/North Pelican Entrance	Northbound left turn lane Southbound right turn lane Eastbound left and right turn lanes	Complete
	US 41/Pelican Landing Parkway/ Old 41	Southbound dual left turn lanes Northbound dual left turn lanes Eastbound thru/right turn lanes Westbound two thru lanes	Complete

CONDITION #	CONDITION		STATUS
		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	Complete
	US 41/Terry Street	Northbound dual left turn lanes Separate WB thru & right turn lanes Signal retiming	Complete
	US 41/Bonita Beach Road	Signal retiming	Complete
	Coconut Road/Spring Creek Road	Separate NB left and right turn lanes Separate EB thru & right turn lanes Separate WB thru & left turn lanes	Complete
	The Traffic Impact Statement submitted in support of the Fifteenth 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 (~~2022~~ 2034).		Informational Only - No action required
	Buildout (~~2022~~ 2034) Needed Improvement Old US 41 Bonita Beach Road to East Terry	Needed Improvement - No Improvement Constrained Roadway	No action required
2. a.	The Developer will pay impact fees as defined in the LDC 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 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 ~~2022~~ 2034. Estimated Road Impact Fees from this project exceed the community's estimated proportionate share dollar amount of all significantly impacted roadway improvements. If the LDC 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 toward the non-site related improvements included in Transportation		Ongoing through buildout

CONDITION #	CONDITION	STATUS
	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 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, Lee County may apply any Pelican Landing impact fees not required for those specific improvements to other improvements consistent with the requirements of the LDC.	
2.b.	If through the local development approval process, the developer constructs, with the approval of the Lee County DOT, 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 LDC.	Complete
2.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 LDC. 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.	Complete
2.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 LDC in effect at that time.	Complete
2.e.	As a mitigation option, the Developer made, with the concurrence of Lee County, made an advance payment of a portion of Pelican Landing's total Impact Fees. 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).	Complete
3.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 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.	Complete

CONDITION #	CONDITION	STATUS
3.b.	The Pelican Landing DRI site access points are located and developed consistent with the FDOT's access management classification for US 41, unless otherwise approved by the FDOT. Improvements to those access points will be consistent with FDOT's permitting requirements.	Complete
3.c.	Site-related improvements will be as defined in the LDC.	Informational Only – No action required
3.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, a properly constituted and designated property owners association or other appropriate entity, unless subsequently dedicated to and accepted by Lee County or the City of Bonita Springs.	Informational Only – No action required
4.a.	The developer will submit a biennial traffic monitoring report to the following entities for review and approval: Lee County, FDOT, FDEO, and the Southwest Florida Regional Planning Council (SWFRPC). The first monitoring report was submitted. Reports must be submitted biennially thereafter until buildout of the project.	Ongoing through buildout
4.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.	Informational Only – No action required
4.c.	The biennial traffic monitoring report must contain the following information *(not included)*	Ongoing through buildout
4.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 is projected to exceed the adopted level of service standards adopted by Lee County within the forthcoming 12 months, and if the project is utilizing 5% or more of LOS "D" 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.	Ongoing through buildout
4.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 FDOT and/or Collier County.	Ongoing through buildout
4.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.	Informational Only – No action required
I. Wastewater Management/Water Supply		
1.	The developer or the Bayside or Bay Creek Improvement District must obtain a SFWMD Water Use Permit, or a Modification to an existing	Completed by others

CONDITION #	CONDITION	STATUS
	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.	Completed by others
3.	Developers must utilize xeriscape principles in the landscape design of the project to further the conservation of nonpotable water.	Ongoing through buildout
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 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.	Completed by others
5.	Any owner or tenant who 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.	Ongoing through buildout
6.	Except for temporary septic tanks for construction trailers or for sales offices/models, septic tanks are prohibited.	Informational Only No action required
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 and any Fire Control District with jurisdiction.	Informational Only No action required
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.	Complete
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.	Ongoing through buildout
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.	Ongoing through buildout
3.	Emergency medical service impacts and fire protection impacts generated by the proposed development through the payment of ad valorem taxes, and fire and EMS impact fees when required by the LDC.	Ongoing through buildout
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	Ongoing through buildout

CONDITION #	CONDITION	STATUS
	unmanned, and the override system required by this condition does not apply to the parking lot gate, chain, or other device.	
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.	Complete
2.	The Developer will 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 area within 500 feet of the mangrove fringe of Estero Bay.	Complete
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.	Complete
4.	The Developer has prepared and will continue to follow, as set out below, the 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	Complete

CONDITION #	CONDITION	STATUS
	proposed golf course. The plan, or any amendment thereto, will be evaluated in accordance with the directives of Chapter 62-302 F.A.C., Water Quality Standards. a. The amended management plan included 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; identified the locations for groundwater monitoring and testing on a map(s); and set forth the testing and reporting requirements. b. The monitoring program was established and operated at the expense of the Developer, the Bayside or Bay Creek Improvement District, or other comparable legal entity charged with the legal responsibility of managing the golf course. c. The monitoring has been conducted for a period of 15 years, during which time there was no water quality violations in Estero Bay, the mangrove fringe, the Interface Zone, or within 500 feet of the mangrove fringe of Estero Bay. The golf course conditions and the approved management plan for the application of herbicides, pesticides and fertilizers are effective and have been shown to protect the water quality of the Bay. d. Given the proven effectiveness of the golf course conditions, the Interface Zone monitoring requirement is no longer necessary, but will be immediately reinstated at any time the County's surface water monitoring sites (EB-4 and EB-7) along the Interface Zone reveal a violation of the water quality in the Bay that is or can be attribute to the application of fertilizer, pesticide or herbicides used on the golf course. e. In the event any portion of the golf course within 500 feet of the mangrove fringe is reconfigured, redesigned or redeveloped, the Developer or other responsible entity must perform annual surface water and ground water monitoring, in accordance with the requirements in Condition K, for a period not to exceed three years from the date of the changes to the golf course. f. The Bayside and Baycreek Improvement Districts, or other responsible entity, will provide a copy of any required NPDES monitoring in the Interface Zone, or at other required monitoring sites around the DRI, to Lee County	
5.	The Developer will submit a written amended surface and groundwater quality management plan to Lee County and FDEO. The amended plan must be approved by FDEO prior to the application of chemicals to the reconfigured, redesigned or redeveloped golf course. The FDEO 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	Complete

CONDITION #	CONDITION	STATUS
	address the valid objections. FDEO 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 FDEO 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 FDEO will be implemented by the Developer, or other responsible entity. 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.	Ongoing through buildout
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 Lee County. 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 Lee County regulations, are allowed within all wetlands on the Kersey-Smoot and Johnson parcels.	Informational only No action required
8.	All of the Interface Zone conditions will be interpreted and applied with the understanding that water quality is regulated by the FDEP 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.	Informational Only No action required
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.	Informational Only No action required

CONDITION #	CONDITION	STATUS
10.	The conditions set forth in this DRI Development Order do not preempt the authority of the SFWMD and the FDEP. Section 373.016, Florida Statutes provides that the legislature has vested the authority in the FDEP/SFWMD to accomplish the conservation, protection, management, and control of the waters of the state. To the extent that any requirements of FDEO, SWFRPC, Lee County, or Bonita Springs pursuant to this DRI Development Order are contrary to those of the SFWMD/FDEP, in areas where the SFWMD and FDEP have been given preemptive authority, the requirements of the SFWMD and the FDEP will control.	Informational Only No action required

Attachment L

TR TRANSPORTATION CONSULTANTS, INC

2726 OAK RIDGE COURT, SUITE 503
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OFFICE 239.278.3090
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TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

TRAFFIC IMPACT STATEMENT

FOR

PELICAN LANDING LONDON BAY MPD

(PROJECT NO. F2305.07)

PREPARED BY:
TR Transportation Consultants, Inc.
Certificate of Authorization Number: 27003
2726 Oak Ridge Court, Suite 503
Fort Myers, Florida 33901-9356
(239) 278-3090

December 6, 2023

TR TRANSPORTATION CONSULTANTS, INC

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TR TRANSPORTATION CONSULTANTS, INC

I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by Lee County Community Development for projects seeking rezoning approval. The subject site is located north of Coconut Road and West of US 41 adjacent to the City of Bonita Springs and the Village of Estero in unincorporated Lee County, Florida.

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 square feet of commercial retail uses and 100,389 square feet of office uses to allow for increased residential and resort-oriented uses that are appropriate considering the Property's waterfront locale and surrounding residential and recreational land uses. The request ensures the proposed MPD amendment does not increase the net external vehicle trips generated beyond those vested by the Pelican Landing DRI approval.

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

- 241 Residential dwelling units
- 125,389 square feet of Office Uses
- 147,000 square feet of Commercial Retail uses
- 86 Hotel Rooms
- 28 Golf holes

The Applicant is requesting approval to develop the following list of entitlements within the MPD:

- 729 Dwelling Units
- 25,000 Square Feet of Office Uses
- 318 Resort Hotel Rooms
- 27 Golf Holes

It is the intent of this zoning amendment to remain trip generation "neutral", meaning the uses that are proposed for the amendment will not increase the peak hour trip generation that is currently approved in the DRI.

Access to the site will continue to be maintained from Coconut Road with the main points of ingress and egress from Coconut Point Resort Drive and Coconut Plantation Drive.

The following report will demonstrate that the conversion of uses will not generate any additional weekday PM peak hour external trips than what has been previously approved by the DRI and the impacts to Coconut Road between U.S. 41 and the project will not be exacerbated by the additional uses that are being proposed within the MPD.

II. EXISTING CONDITIONS

The site is currently occupied by the Raptor Bay Golf course and the Hyatt Plantation Timeshare Resort property. The site is bordered by Estero Bay to the west, Pelican Landing DRI to the east, the Bayview on Estero Bay CPD/RPD to the south and West Bay Club to the north.

Coconut Road is a two-lane undivided collector roadway that serves as the primary access to the subject site. Coconut Road is classified as a major collector roadway between the Coconut Hyatt Regency Resort entrance and US 41. Coconut Road has a posted speed limit of 40 mph and is under the jurisdiction of the Lee County Department of Transportation to the west of Via Veneto Boulevard and under the jurisdiction of the Village of Estero to the east of Via Veneto Boulevard.

III. PROPOSED DEVELOPMENT

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 that are appropriate considering the Property's waterfront locale and surrounding residential and recreational land 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. Table 1 illustrates the currently approved DRI parameters and the changes proposed with this amendment.

Table 1
Land Uses
Pelican Landing DRI

Land Use	Approved Uses in DRI	Total Unbuilt Entitlements Assigned to Applicant	Proposed Uses in MPD	Proposed Decrease/Increase
Residential Dwelling Units	3,912	241	729	+ 488 Units
Commercial Retail	300,000 Sq. Ft.	147,000 Sq. Ft.	0 Sq. Ft.	-147,000 Sq. Ft.
Office	475,000 Sq. Ft.	125,839 Sq. Ft.	25,000 Sq. Ft.	-100,839 Sq. Ft.
Restaurant	5,000 Sq. Ft.	0	0	0
Marina	41 Slips 150 Dry Slips	0	0	0
Hotel	750 Rooms	86 Rooms	318 Rooms	+250 Rooms
Golf	77 Holes	28 Holes	27 Holes	-1 Hole

IV. TRIP GENERATION

Consistent with previous traffic studies conducted for the Pelican Landing DRI, the trip generation of the overall DRI was conducted and internal capture calculations were calculated to determine the overall external trip generation of the project. The methodology of the internal trip generation calculations was consistent with previous traffic studies and the methodology as described in the Institute of Transportation Engineer's ***Trip Generation Report***, 11th Edition. The calculations of the internal trip capture are included in the Appendix of this report for reference for both the weekday PM peak hour based on the Approved uses and the Proposed uses reflected in Table 1.

Table 2 reflects the weekday PM peak hour trip generation of the overall Pelican Landing DRI as currently approved with the internal trip capture calculations accounted for in the analysis.

Table 2
Trip Generation – As Approved
Pelican Landing DRI – W/Internal Trip Capture

Land Use	Weekday P.M. Peak Hour		
	In	Out	Total
External Trips	2,158	2,044	4,202

Table 3
Trip Generation - Proposed
Pelican Landing DRI – W/Internal Trip Capture

Land Use	Weekday P.M. Peak Hour		
	In	Out	Total
External Trips	2,072	1,885	3,985

For the overall DRI, there will be no significant change in the trip generation due to the requested change in the zoning. The weekday PM peak hour trip generation will less than what was previously analyzed and approved for the overall DRI. The off-site transportation mitigation impacts for this DRI have been met and no further analysis is required for the off-site mitigation analysis.

V. COCONUT ROAD LEVEL OF SERVICE ANALYSIS

Further analysis was completed in order to evaluate the projected Level of Service of Coconut Road between U.S. 41 and Spring Creek Road with the requested amendment based on the recent history of zoning amendments in the area to assure that there would be capacity remaining on this 2-lane segment of Collector roadway. The analysis collected recent traffic data from Lee County as well as the Village of Estero and other sources to complete the updated Level of Service analysis for Coconut Road between U.S. 41 and the Hyatt Resort. Lee County maintains a short stretch of this section of Cocoonut Road near the western terminus of Coconut Road, with the majority of Coconut Road being under the control of the Village of Estero from approximately the entrance to

The Colony at Pelican Landing (Via Veneto Boulevard) east through the U.S. 41 intersection.

The trips that will be generated from the land uses that will ultimately are being requested on the Pelican Landing London Bay MPD parcel were added to the traffic volumes in both directions on Coconut Road based on the traffic report data collected by the Village of Estero along this segment of Coconut Road. The traffic study conducted for the Woodfield Village Estero Planned Development was also reviewed and traffic data from that report was included in this analysis.

Table 4 illustrates the land uses that the Pelican Landing London Bay MPD is entitled to build as well as 241 additional residential dwelling units that are vested within that area of the development. It was assumed that there would be a total of 100 Single Family detached dwelling units and a total of 629 mid-rise multi-family dwelling units in the residential portion of the community. The 25,000 square feet of office uses and 318 Resort Hotel rooms are also illustrated as they are assumed on this parcel as well. The golf holes are not included since they are existing on-site and already generating trips.

Table 4
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 Dwelling Unit (629 Dwelling Units)	150	96	246
Office (25,000 Sq. Ft.)	9	44	53
Resort Hotel (318 Rooms)	47	63	110
Total Trips	269	239	508

LUC 210 used for Single Family
LUC 221 used for Multi-Family
LUC 710 used for Office
LUC 330 used for Resort Hotel

Tracking the previous traffic studies and counts for Coconut Road, the projected volume and Level of Service analysis for the 2-lane segment of Coconut Road was completed based on the following assumptions:

The capacity of Coconut Road is 860 vehicles in the Peak Hour, Peak direction based on the Lee County Service volume tables for Collector Roads. From the most recent Village of Estero ***2023 Traffic Count Report***, dated May 2023, traffic data for Coconut Road was obtained for both eastbound and westbound directions of travel for the two-lane segment of Coconut Road. The report includes data collected on Coconut Road just west of Walden Center Drive. The data in the report was collected on Tuesday through Thursday, February 28th through March 2nd, 2023. The Weekday PM peak hour (5:00 to 6:00 PM) volumes were averaged for the three days surveyed to obtain the eastbound and westbound peak hour volumes. This data is contained in the Appendix of the report for reference and the entire Count Repot is available on the Village of Estero website for review.

The eastbound peak hour volume is 441 vehicles, and the westbound peak hour volume is 363 vehicles. In order to account for the nominal amount of background traffic growth that may occur along this section of Coconut Road due to other projects not associated with those that are directly addressed in this report, a one-percent (1%) annual growth rate (AGR), compounded annually, was applied to this segment of Coconut Road to obtain the projected 2028 background volumes. It should be noted that when reviewing the historical traffic count data on the Lee County Traffic Count Database System (TCDS) website for Count Station 495, there has been little to no growth on this segment of Coconut Road, so a 1% AGR is a conservative growth rate to apply to this roadway segment.

Table 5 then outlines the projected 2028 volumes on Coconut Road, in both the eastbound and westbound directions, based on the traffic data available. The traffic data for the Bayview on Estero Bay was taken from the Traffic Impact Study prepared for that

in 2021project by TR Transportation Consultants for the rezoning application with the City of Bonita Springs and a copy of the relevant pages of that study are included in the Appendix of this report for reference. The relevant pages of the traffic study for the Woodfield Village EPD traffic study are also attached for reference.

Table 5
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]	239	269
Total Volume & LOS	785 – LOS "D"	768 – LOS "D"
Coconut Road Capacity	860	860
Remaining Capacity	75	92

[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

Based on the recent traffic data collected by the Village of Estero and the trip generation anticipated by the proposed zoning amendment proposed with the Pelican Landing London Bay MPD, including trips associated with the approved Bayview on Estero Bay as well as the recently approved Woodfield Village EPD in the Village of Estero, Coconut Road between Spring Creek Road and U.S. 41 is projected to operate at LOS "D" in 2028 with the project trips from the Pelican Landing London Bay MPD project.

VI. CONCLUSION

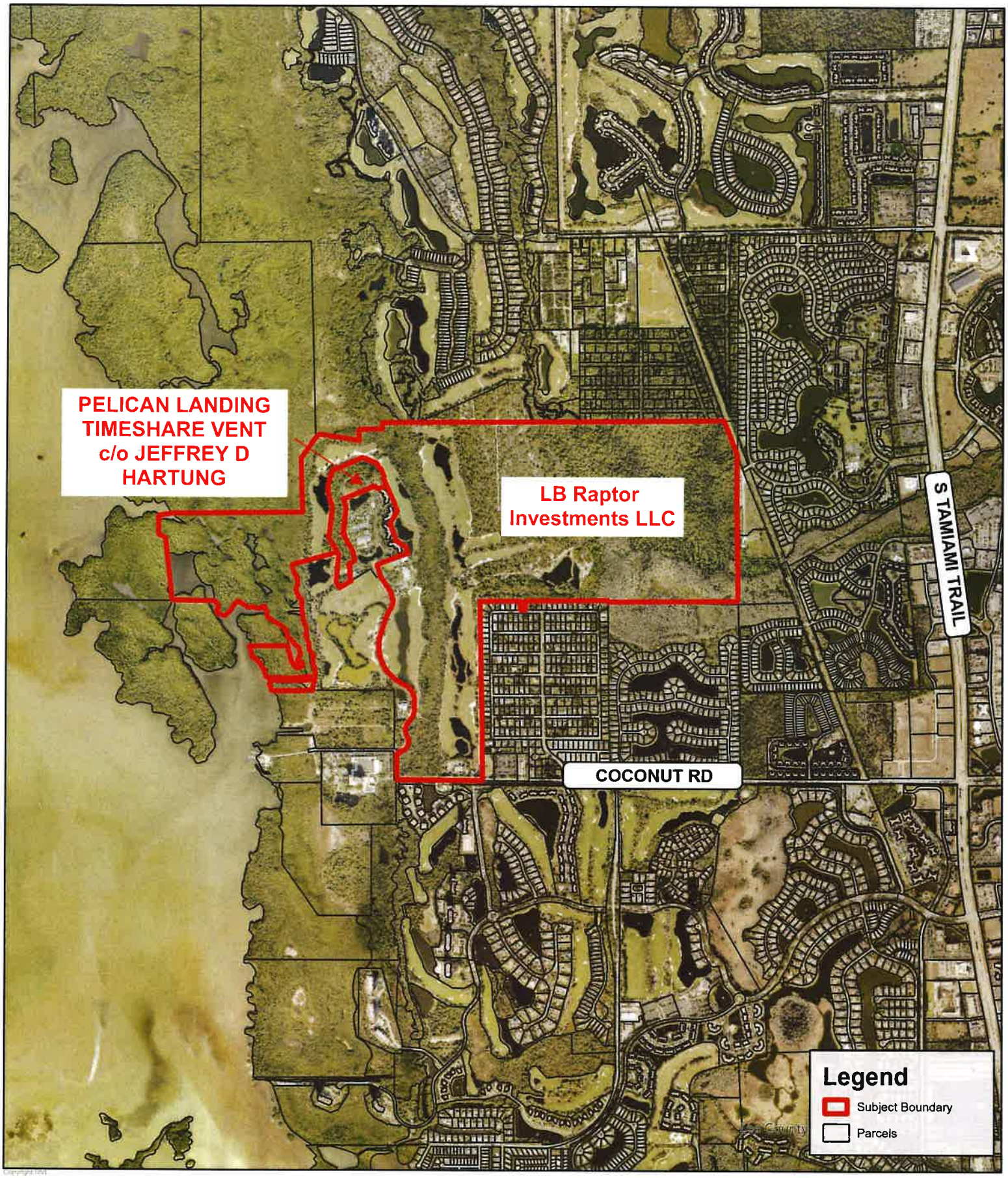
The Applicant is proposing to eliminate unused non-residential entitlements associated within the DRI to allow for increased residential and a resort-oriented hotel in this area of the Pelican Landing project. The analysis conducted as part of this report concluded that the overall trip generation of the DRI does not increase and the transportation impacts of the DRI have not been increased from what was originally approved and mitigated.

The requested amendment 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.

Utilizing 2023 traffic data collected by the Village of Estero and including future developments yet to be constructed, the projected traffic volumes along Corkscrew Road between Spring Creek Road and U.S. 41 indicated that Coconut Road will operate at a Level of Service "D" in 2028 with the build-out of the Pelican Landing London Bay MPD project.

APPENDIX

SITE LOCATION



RVi
28100 Bonita Grande Drive
Suite 305
Bonita Springs, FL 34135
Tel: 239.405.7777
www.rviplanning.com

PELICAN LANDING LONDON BAY • **PARCEL ID MAP**

- Lee County
- 5/2/2023
- # 2300XXXX
- LB Raptor Investments LLC

0 1,000 2,000 Feet

Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory

LEE COUNTY LEVEL OF SERVICE THRESHOLD VOLUMES FOR COCONUT ROAD

LINK-SPECIFIC SERVICE VOLUMES ON ARTERIALS IN LEE COUNTY (2015 DATA)

ROAD SEGMENT	FROM	TO	TRAFFIC DISTRIC	LENGTH (MILE)	ROAD TYPE	SERVICE VOLUMES (PEAK HOUR PEAK DIRECTION)					SERVICE VOLUMES (PEAK HOUR--BOTH DIRECTIONS)				
						A	B	C	D	E	A	B	C	D	E
VETERANS MEM. PKWY	McGREGOR BLVD	DEL PRADO BLVD	1 & 5	3.5	4LB	1,120	1,900	2,680	3,440	4,000	1,880	3,170	4,460	5,720	6,680
	DEL PRADO BLVD	SANTA BARBARA BLVD	5	2.0	6LD	2,190	3,080	3,080	3,080	3,080	3,660	5,150	5,150	5,150	5,150
	SANTA BARBARA BLVD	SKYLINE BLVD	5	1.0	6LD	2,190	3,080	3,080	3,080	3,080	3,660	5,150	5,150	5,150	5,150
	SKYLINE BLVD	SR 78	5	3.5	4LD	1,400	2,040	2,040	2,040	2,040	2,340	3,420	3,420	3,420	3,420
WINKLER RD	SUMMERLIN RD	GLADIOLUS DR	4	0.4	4LD	0	0	590	1,520	1,520	0	0	990	2,530	2,530
	GLADIOLUS DR	BRANDYWINE CIR	4	0.9	2LN	0	750	880	880	880	0	1,260	1,460	1,460	1,460
	BRANDYWINE CIR	CYPRESS LAKE DR	4	0.9	2LN	0	750	880	880	880	0	1,260	1,460	1,460	1,460
	CYPRESS LAKE DR	COLLEGE PKWY	4	0.7	4LD	0	0	610	1,780	1,780	0	0	1,020	2,960	2,960
	COLLEGE PKWY	SUNSET VISTA	4	0.5	2LN	0	770	800	800	800	0	1,290	1,330	1,330	1,330
	SUNSET VISTA	McGREGOR BLVD	4	0.8	2LN	0	770	800	800	800	0	1,290	1,330	1,330	1,330

SERVICE VOLUMES ON COLLECTORS IN LEE COUNTY (2015 DATA)

ROAD SEGMENT	FROM	TO	TRAFFIC DISTRIC	LENGTH (MILE)	ROAD TYPE	SERVICE VOLUMES (PEAK HOUR PEAK DIRECTION)					SERVICE VOLUMES (PEAK HOUR--BOTH DIRECTIONS)				
						A	B	C	D	E	A	B	C	D	E
COLLECTORS					2LU	0	0	550	860	860	0	0	990	1,530	1,530
					2LD	0	0	580	910	910	0	0	1,040	1,610	1,610
					4LU	0	0	1,240	1,700	1,700	0	0	2,200	3,030	3,030
					4LD	0	0	1,310	1,790	1,790	0	0	2,340	3,190	3,190

OVERALL DRI TRIP GENERATION AND INTERNAL TRIP CALCULATIONS

NCHRP 684 Internal Trip Capture Estimation Tool			
Project Name:	Pelican Landing MPD	**Organization:**	TR Transportation Consultants
Project Location:	Lee County	**Performed By:**	TBT
Scenario Description:	As Currently Approved	**Date:**	9/29/2023
Analysis Year:	Build-Out Conditions	**Checked By:**	
Analysis Period:	**PM Street Peak Hour**	**Date:**	

Table 1-P: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)

Land Use	Development Data (*For Information Only*)			Estimated Vehicle-Trips[3]		
	ITE LUCs[1]	Quantity	Units	Total	Entering	Exiting
Office	710	475		605	103	502
Retail	820	300		1,245	597	648
Restaurant	932	5		45	28	17
Cinema/Entertainment				0		
Residential	210/220	3,912		1,971	1,219	752
Hotel	330	750		256	185	71
All Other Land Uses[2]				80	26	54
				4,202	2,158	2,044

Table 2-P: Mode Split and Vehicle Occupancy Estimates

Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.[4]	% Transit	% Non-Motorized	Veh. Occ.[4]	% Transit	% Non-Motorized
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						
All Other Land Uses[2]						

Table 3-P: Average Land Use Interchange Distances (Feet Walking Distance)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-P: Internal Person-Trip Origin-Destination Matrix*

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		48	1	0	10	0
Retail	13		8	0	168	31
Restaurant	1	7		0	3	1
Cinema/Entertainment	0	0	0		0	0
Residential	30	60	4	0		22
Hotel	0	11	1	0	0	

Table 5-P: Computations Summary

	Total	Entering	Exiting
All Person-Trips	4,202	2,158	2,044
Internal Capture Percentage	20%	19%	20%
External Vehicle-Trips[5]	3,364	1,739	1,625
External Transit-Trips[6]	0	0	0
External Non-Motorized Trips[6]	0	0	0

Table 6-P: Internal Trip Capture Percentages by Land Use

Land Use	Entering Trips	Exiting Trips
Office	43%	12%
Retail	21%	34%
Restaurant	50%	71%
Cinema/Entertainment	N/A	N/A
Residential	15%	15%
Hotel	29%	17%

[1]Land Use Codes (LUCs) from *Trip Generation Manual*, published by the Institute of Transportation Engineers.

[2]Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.

[3]Enter trips assuming no transit or non-motorized trips (as assumed in ITE *Trip Generation Manual*).

[4]Enter vehicle occupancy assumed in Table 1-P vehicle trips. If vehicle occupancy changes for proposed mixed-use project, manual adjustments must be made

[5]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P.

[6]Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

Estimation Tool Developed by the Texas A&M Transportation Institute - Version 2013.1

NCHRP 684 Internal Trip Capture Estimation Tool			
Project Name:	Pelican Landing MPD	**Organization:**	TR Transportation Consultants
Project Location:	Lee County	**Performed By:**	TBT
Scenario Description:	Proposed Uses	**Date:**	9/29/2023
Analysis Year:	Build-Out Conditions	**Checked By:**	
Analysis Period:	PM Street Peak Hour	**Date:**	

Table 1-P: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)

Land Use	Development Data (*For Information Only*)			Estimated Vehicle-Trips[3]		
	ITE LUCs[1]	Quantity	Units	Total	Entering	Exiting
Office	710	475		605	103	502
Retail	820	153		767	368	399
Restaurant	932	5		45	28	17
Cinema/Entertainment				0		
Residential	210/220	4,400		2,205	1,363	842
Hotel	330	750		256	185	71
All Other Land Uses[2]				80	26	54
				3,958	2,073	1,885

Table 2-P: Mode Split and Vehicle Occupancy Estimates

Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.[4]	% Transit	% Non-Motorized	Veh. Occ.[4]	% Transit	% Non-Motorized
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						
All Other Land Uses[2]						

Table 3-P: Average Land Use Interchange Distances (Feet Walking Distance)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-P: Internal Person-Trip Origin-Destination Matrix*

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		29	1	0	10	0
Retail	8		8	0	104	20
Restaurant	1	7		0	3	1
Cinema/Entertainment	0	0	0		0	0
Residential	34	37	4	0		22
Hotel	0	7	1	0	0	

Table 5-P: Computations Summary

	Total	Entering	Exiting
All Person-Trips	3,958	2,073	1,885
Internal Capture Percentage	15%	14%	16%
External Vehicle-Trips[5]	3,364	1,776	1,588
External Transit-Trips[6]	0	0	0
External Non-Motorized Trips[6]	0	0	0

Table 6-P: Internal Trip Capture Percentages by Land Use

Land Use	Entering Trips	Exiting Trips
Office	42%	8%
Retail	22%	35%
Restaurant	50%	71%
Cinema/Entertainment	N/A	N/A
Residential	9%	12%
Hotel	23%	11%

[1]Land Use Codes (LUCs) from *Trip Generation Manual*, published by the Institute of Transportation Engineers.

[2]Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.

[3]Enter trips assuming no transit or non-motorized trips (as assumed in ITE *Trip Generation Manual*).

[4]Enter vehicle occupancy assumed in Table 1-P vehicle trips. If vehicle occupancy changes for proposed mixed-use project, manual adjustments must be made

[5]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P.

[6]Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

Estimation Tool Developed by the Texas A&M Transportation Institute - Version 2013.1

VILLAGE OF ESTERO TRAFFIC COUNT REPORT COCONUT ROAD

THE VILLAGE OF ESTERO

2023 TRAFFIC COUNTS

MAY 2023

Prepared for:

Village of ESTERO

9401 Corkscrew Palms Circle
Estero, Florida 33928

Prepared by:

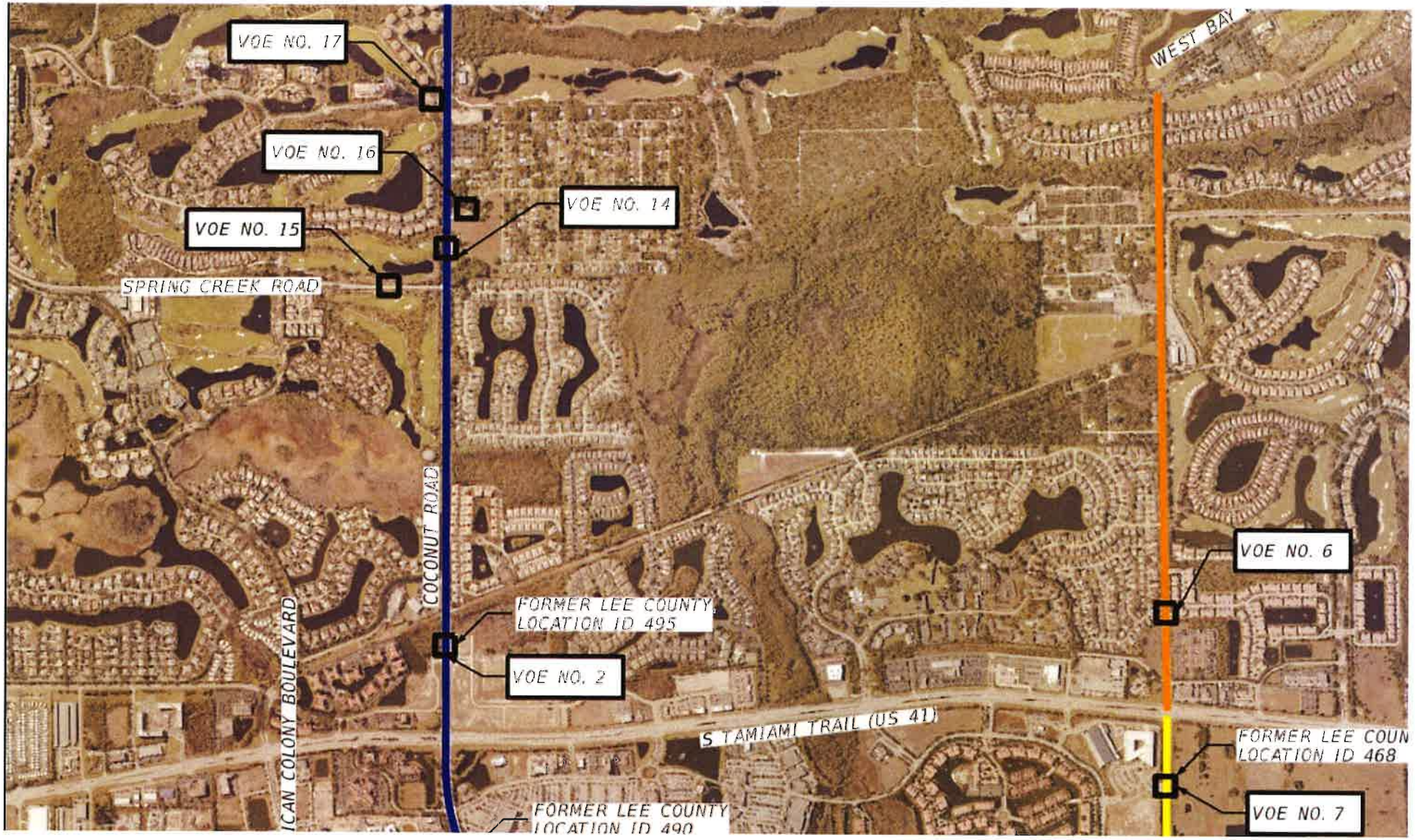
JOHNSON ENGINEERING
2122 Johnson Street
Fort Myers, Florida 33901
(239) 334-0046
EB 642

Leah M. Holmes, P.E.
Florida License No. 85359

Date
This item has been digitally signed and sealed by Leah M. Holmes on the date adjacent to the seal.

Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

20225140-003


VOE NO. 17
VOE NO. 16
VOE NO. 15
VOE NO. 14
SPRING CREEK ROAD
COCONUT ROAD
ICAN COLONY BOULEVARD
FORMER LEE COUNTY
LOCATION ID 495
VOE NO. 2
S TAMIAMI TRAIL (US 41)
FORMER LEE COUNTY
LOCATION ID 490
WEST BAY
VOE NO. 6
FORMER LEE COUN
LOCATION ID 468
VOE NO. 7

Village of Estero, Village Location ID No. 2

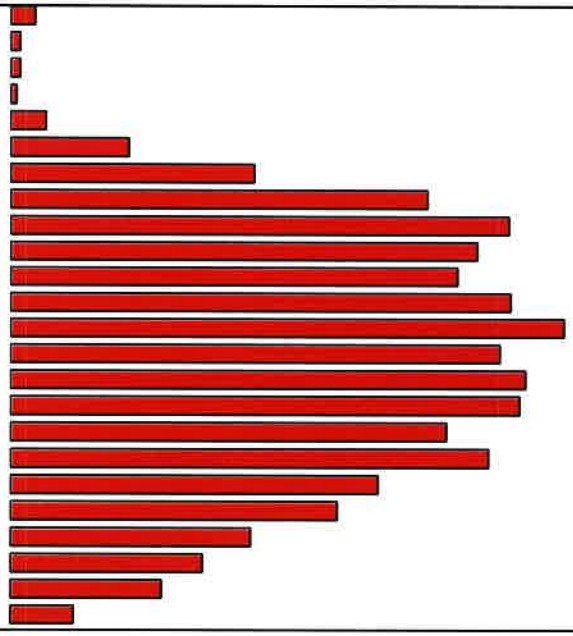
Coconut Road between Spring Creek Road and Tamiami Trail (U.S. 41)

Village of Estero
Location: VOE 2
Coconut Road

JOHNSON ENGINEERING

Start Date: 2/28/2023
End Date: 3/6/2023

Time	2/28/2023 Tuesday	Westbound	Eastbound	Combined Total
12:00 AM		15	28	43
01:00		6	12	18
02:00		7	10	17
03:00		3	8	11
04:00		24	38	62
05:00		95	117	212
06:00		179	257	436
07:00		318	430	748
08:00		350	542	892
09:00		376	460	836
10:00		355	446	801
11:00		398	498	896
12:00 PM		494	497	991
01:00		398	476	874
02:00		420	500	920
03:00		390	523	913
04:00		342	438	780
05:00		376	479	855
06:00		284	374	658
07:00		244	342	586
08:00		200	228	428
09:00		160	182	342
10:00		106	164	270
11:00		44	67	111
Total		5584	7116	12700
Percent		44.0%	56.0%	

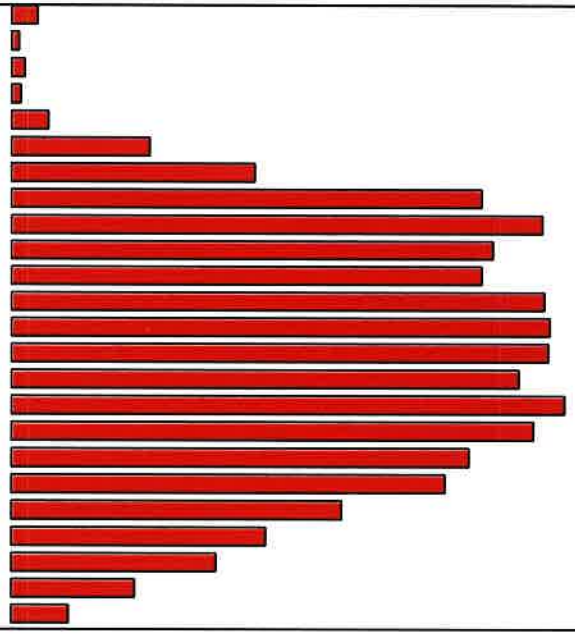


Village of Estero
Location: VOE 2
Coconut Road

JOHNSON ENGINEERING

Start Date: 2/28/2023
End Date: 3/6/2023

Time	3/1/2023 Wednesday	Westbound	Eastbound	Combined Total
12:00 AM		18	26	44
01:00		6	8	14
02:00		9	12	21
03:00		4	12	16
04:00		28	34	62
05:00		102	134	236
06:00		177	240	417
07:00		336	472	808
08:00		388	524	912
09:00		366	462	828
10:00		340	468	808
11:00		367	548	915
12:00 PM		375	549	924
01:00		405	517	922
02:00		374	496	870
03:00		372	578	950
04:00		366	530	896
05:00		360	424	784
06:00		320	424	744
07:00		236	332	568
08:00		206	231	437
09:00		161	190	351
10:00		88	125	213
11:00		38	60	98
Total		5442	7396	12838
Percent		42.4%	57.6%	

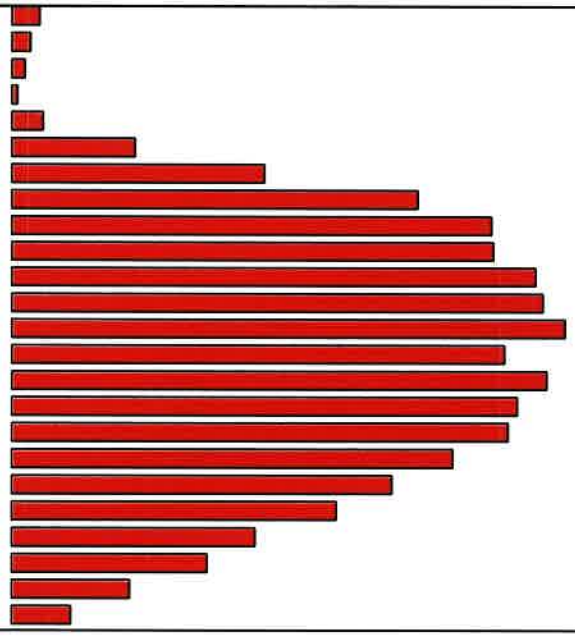


Village of Estero
Location: VOE 2
Coconut Road

JOHNSON ENGINEERING

Start Date: 2/28/2023
End Date: 3/6/2023

Time	3/2/2023 Thursday	Westbound	Eastbound	Combined Total
12:00 AM		20	30	50
01:00		11	20	31
02:00		8	14	22
03:00		4	5	9
04:00		20	35	55
05:00		89	129	218
06:00		165	280	445
07:00		286	427	713
08:00		360	484	844
09:00		372	474	846
10:00		362	560	922
11:00		396	538	934
12:00 PM		420	554	974
01:00		388	480	868
02:00		433	510	943
03:00		382	508	890
04:00		366	508	874
05:00		353	422	775
06:00		324	346	670
07:00		243	328	571
08:00		194	235	429
09:00		145	198	343
10:00		76	132	208
11:00		30	74	104
Total		5447	7291	12738
Percent		42.8%	57.2%	



LEE COUNTY TRAFFIC COUNT

DATA

STATION 495

COCONUT ROAD W. OF US 41

Location Info	
Location ID	495_WB
Type	I-SECTION
Functional Class	-
Located On	Coconut Rd
WEST OF	US-41
Direction	WB
Community	-
MPO_ID	
HPMS ID	
Agency	Lee County

Count Data Info	
Start Date	2/16/2021
End Date	2/17/2021
Start Time	12:00 AM
End Time	12:00 AM
Direction	
Notes	lee
Count Source	495
File Name	D021621.495.PRN
Weather	
Study	
Owner	LeeAuto
QC Status	Accepted

Interval: 60 mins	
Time	**Hourly Count**
00:00 - 01:00	6
01:00 - 02:00	2
02:00 - 03:00	6
03:00 - 04:00	4
04:00 - 05:00	18
05:00 - 06:00	50
06:00 - 07:00	146
07:00 - 08:00	272
08:00 - 09:00	350
09:00 - 10:00	377
10:00 - 11:00	352
11:00 - 12:00	407
12:00 - 13:00	422
13:00 - 14:00	350
14:00 - 15:00	392
15:00 - 16:00	403
16:00 - 17:00	384
17:00 - 18:00	368
18:00 - 19:00	288
19:00 - 20:00	153
20:00 - 21:00	87
21:00 - 22:00	65
22:00 - 23:00	46
23:00 - 24:00	32
TOTAL	4980

Location Info	
Location ID	495_WB
Type	I-SECTION
Functional Class	-
Located On	Coconut Rd
WEST OF	US-41
Direction	WB
Community	-
MPO_ID	
HPMS ID	
Agency	Lee County

Count Data Info	
Start Date	2/17/2021
End Date	2/18/2021
Start Time	12:00 AM
End Time	12:00 AM
Direction	
Notes	lee
Count Source	495
File Name	D021721.495.PRN
Weather	
Study	
Owner	LeeAuto
QC Status	Accepted

Interval: 60 mins	
Time	**Hourly Count**
00:00 - 01:00	14
01:00 - 02:00	3
02:00 - 03:00	2
03:00 - 04:00	2
04:00 - 05:00	11
05:00 - 06:00	49
06:00 - 07:00	160
07:00 - 08:00	262
08:00 - 09:00	354
09:00 - 10:00	340
10:00 - 11:00	393
11:00 - 12:00	400
12:00 - 13:00	400
13:00 - 14:00	370
14:00 - 15:00	404
15:00 - 16:00	420
16:00 - 17:00	402
17:00 - 18:00	353
18:00 - 19:00	284
19:00 - 20:00	180
20:00 - 21:00	107
21:00 - 22:00	59
22:00 - 23:00	42
23:00 - 24:00	46
TOTAL	5057

Location Info	
Location ID	495_EB
Type	I-SECTION
Functional Class	-
Located On	Coconut Rd
WEST OF	US-41
Direction	EB
Community	-
MPO_ID	
HPMS ID	
Agency	Lee County

Count Data Info	
Start Date	2/16/2021
End Date	2/17/2021
Start Time	12:00 AM
End Time	12:00 AM
Direction	
Notes	lee
Count Source	495
File Name	D021621.495.PRN
Weather	
Study	
Owner	LeeAuto
QC Status	Accepted

Interval: 60 mins	
Time	**Hourly Count**
00:00 - 01:00	11
01:00 - 02:00	10
02:00 - 03:00	2
03:00 - 04:00	2
04:00 - 05:00	10
05:00 - 06:00	46
06:00 - 07:00	124
07:00 - 08:00	200
08:00 - 09:00	274
09:00 - 10:00	283
10:00 - 11:00	292
11:00 - 12:00	338
12:00 - 13:00	389
13:00 - 14:00	366
14:00 - 15:00	370
15:00 - 16:00	370
16:00 - 17:00	360
17:00 - 18:00	328
18:00 - 19:00	250
19:00 - 20:00	214
20:00 - 21:00	193
21:00 - 22:00	121
22:00 - 23:00	67
23:00 - 24:00	31
TOTAL	4651

Location Info	
Location ID	495_EB
Type	I-SECTION
Functional Class	-
Located On	Coconut Rd
WEST OF	US-41
Direction	EB
Community	-
MPO_ID	
HPMS ID	
Agency	Lee County

Count Data Info	
Start Date	2/17/2021
End Date	2/18/2021
Start Time	12:00 AM
End Time	12:00 AM
Direction	
Notes	lee
Count Source	495
File Name	D021721.495.PRN
Weather	
Study	
Owner	LeeAuto
QC Status	Accepted

Interval: 60 mins	
Time	**Hourly Count**
00:00 - 01:00	9
01:00 - 02:00	6
02:00 - 03:00	1
03:00 - 04:00	5
04:00 - 05:00	6
05:00 - 06:00	44
06:00 - 07:00	110
07:00 - 08:00	204
08:00 - 09:00	322
09:00 - 10:00	286
10:00 - 11:00	324
11:00 - 12:00	347
12:00 - 13:00	328
13:00 - 14:00	386
14:00 - 15:00	354
15:00 - 16:00	358
16:00 - 17:00	364
17:00 - 18:00	326
18:00 - 19:00	278
19:00 - 20:00	230
20:00 - 21:00	161
21:00 - 22:00	133
22:00 - 23:00	75
23:00 - 24:00	39
TOTAL	4696

WOODFIELD VILLAGE TIS

FEHR & PEERS

Woodfield EPD

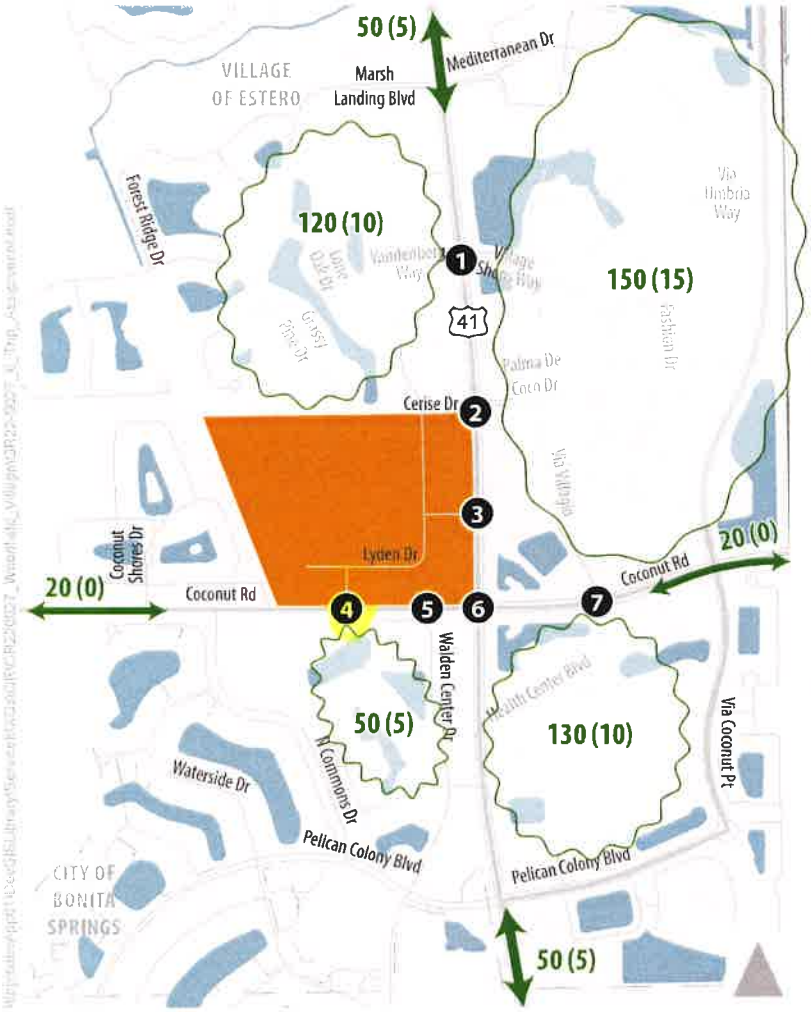
Transportation Assessment

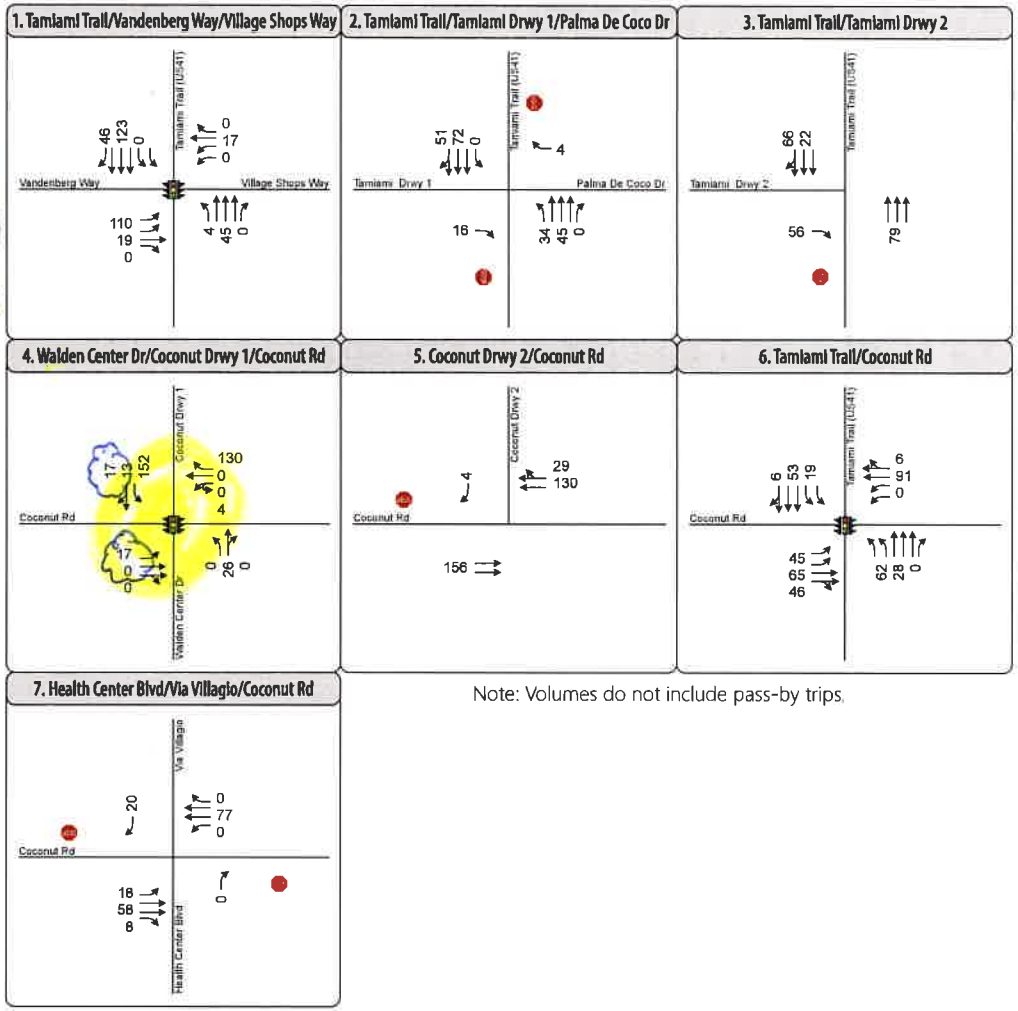
Prepared for:
Woodfield EPD
Woodfield Acquisitions, LLC

April 2023

OR22-0027

FEHR & PEERS





Note: Volumes do not include pass-by trips.

Project Site

Study Intersection Locations

Daily (PM Peak Hour)

Number of People Bicycling, Walking or Walking to/from Site

Turn Lane

PM Peak Hour Traffic Volume

Traffic Signal

Stop Sign

Figure 6

Project Trip Assignment

BAYVIEW ON ESTERO BAY

ZONING TIS

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

TRAFFIC IMPACT STATEMENT

FOR

BAYVIEW ON ESTERO BAY REZONING

(PROJECT NO. F2104.15)

PREPARED BY:
TR Transportation Consultants, Inc.
Certificate of Authorization Number: 27003
2726 Oak Ridge Court, Suite 503
Fort Myers, Florida 33901-9356
(239) 278-3090

REVISESD:
June 18, 2021

Table 1 summarizes the land uses that were utilized to complete the trip generation for the proposed rezone application.

Table 1
Land Uses – Rezoning Application
Bayview on Estero Bay

Land Use	Size
Multi-Family Residential **Or** Continuing Care Facility (CCF)	300 MF Units **Or** 300 ILF + 75 ALF Units
Quality Restaurant	7,500 Square Feet
Marina	97 Slips (72 Wet Slips & 25 Dry Slips*)

Trip Generation

The trip generation for the proposed rezoning application was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation Manual***, 10th Edition. As analyzed in the previous zoning approval, the "worst case" trip generation for the Multi-Family use was utilized, which is based on the site being developed with the 300 traditional multi-family units.

As previously analyzed, the trip generation for the residential multi-family uses was based on LUC 221 and LUC 222 since the traditional multi-family units will be in buildings between 3 and 10 floors as well as buildings over 10 floors. This analysis, consistent with the analysis conducted in the previous traffic study, assumed that there would be 144 dwelling units in the Mid-Rise buildings and the remaining 156 units in the High-Rise buildings. As the Development Program is fine tuned, there may be more units allocated to the High Rise buildings and less units to the Mid-Rise buildings. Since the Mid-Rise buildings generate more P.M. peak hour trips than the High-Rise buildings, this analysis will be the "worst case" analysis. Land Use Code 931 (Quality Restaurant) was utilized for the trip generation of the proposed restaurant use. The trip generation equations are in the Appendix for reference.

Table 2 outlines the anticipated weekday A.M. and P.M. peak hour and daily trip generation as currently proposed for the rezoning application.

Table 2
Trip Generation – Rezoning Application
Bayview on Estero Bay

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily
	In	Out	Total	In	Out	Total	(2-way)
Multi-Family (144 Units LUC 221)	13	36	49	38	25	63	783
Multi-Family (156 Units LUC 222)	14	43	57	38	24	62	826
Restaurant (7,500 Square Feet)	4	1	5	40	19	59	629
Marina (97 Slips)	2	5	7	12	8	20	234
Total	**33**	**85**	**118**	**128**	**76**	**204**	**2,472**

Since the weekday P.M. peak hour trip generation is significantly higher than the weekday A.M. peak hour trip generation and the proposed restaurant will add an insignificant amount of trips in the A.M. peak hour (5 total trips), the remainder of this analysis will focus on the impacts of the project during the weekday P.M. peak hour.

The total trips generated by the project will not all be new trips added to the adjacent roadway system. With mixed use projects, ITE estimates that there will be a certain amount of interaction between uses that will reduce the overall trip generation of the proposed RPD/CPD. This interaction is called "internal capture". In other words, trips that would normally come from external sources would come from uses that are within the project, thus reducing the overall external impact the development has on the surrounding roadways. ITE, in conjunction with a study conducted by the NCHRP (National Cooperative Highway Research Program), has summarized the internal trip capture reductions between various land uses. For uses shown in Table 2, there is data in the ITE report for interaction between the residential and restaurant uses.

An internal capture calculation was completed consistent with the methodologies in the NCHRP Report and published in the ITE ***Trip Generation Handbook***, 3rd Edition. The

resultant analysis indicates that with the approved RPD/CPD scenario there will be an internal trip capture reduction of ten percent (10%) in the P.M. peak hour between the residential and restaurant uses. The summary sheets utilized to calculate these internal capture rates for the weekday PM peak hour are included in the Appendix of this report for reference.

Table 3 indicates the total external trips of the subject site based on the proposed RPD/CPD

Table 3
Trip Generation – Net New Trips of Approved Uses
Bayview on Estero Bay

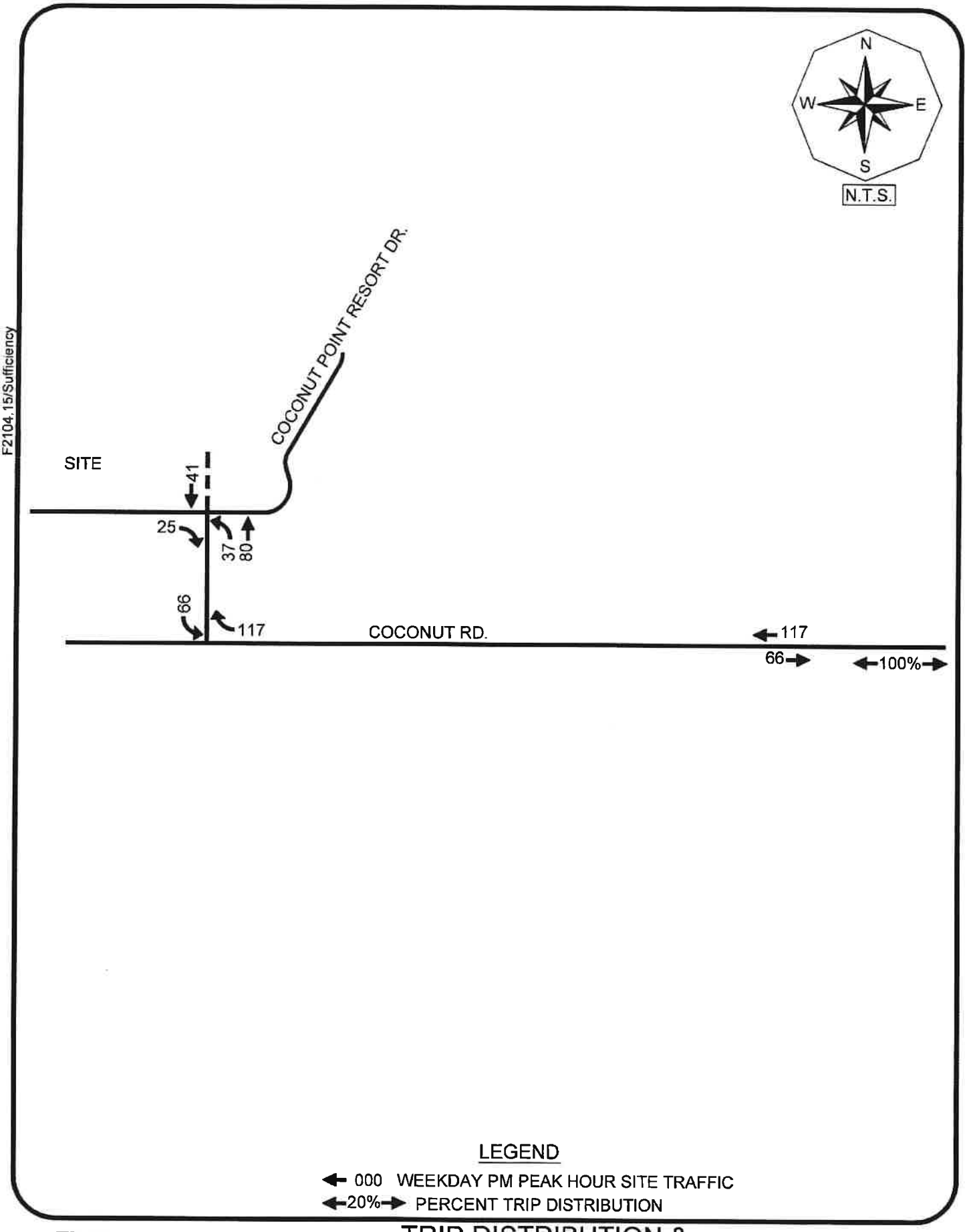
Land Use	Weekday P.M. Peak Hour		
	In	Out	Total
Total Trips	128	76	204
Less Internal Capture 10% PM	-11	-10	-21
Total Trips (Less Internal Capture)	**117**	**66**	**183**

A comparison was made to the trip generation shown in Table 3 to the trip generation that was analyzed as part of the previous Zoning approval (Ordinance 20-06). Again, the only change in uses is the addition of the 7,500 square foot restaurant that will be open to the public. **Table 4** illustrates the comparison of the weekday P.M. peak hour trip generation between the previous approved zoning in 2020 and the requested zoning to RPD/CPD with this application.

Table 4
Trip Generation Comparison– Existing Zoning vs. Requested Zoning
Bayview On Estero Bay

Land Use	Weekday P.M. Peak Hour		
	In	Out	Total
Proposed Zoning	117	66	183
Approved Zoning	-88	-57	-145
Trip Change	**29**	**9**	**38**

F2104.15/Sufficiency



LEGEND

← 000 WEEKDAY PM PEAK HOUR SITE TRAFFIC

←20%→ PERCENT TRIP DISTRIBUTION

TRANSPORTATION CONSULTANTS, INC

TRIP DISTRIBUTION & SITE TRAFFIC ASSIGNMENT BAYVIEW ON ESTERO RPD/CPD

Figure 2

REVISED 6/18/21

TRIP GENERATION EQUATIONS

Multifamily Housing (Mid-Rise)
Not Close to Rail Transit (221)

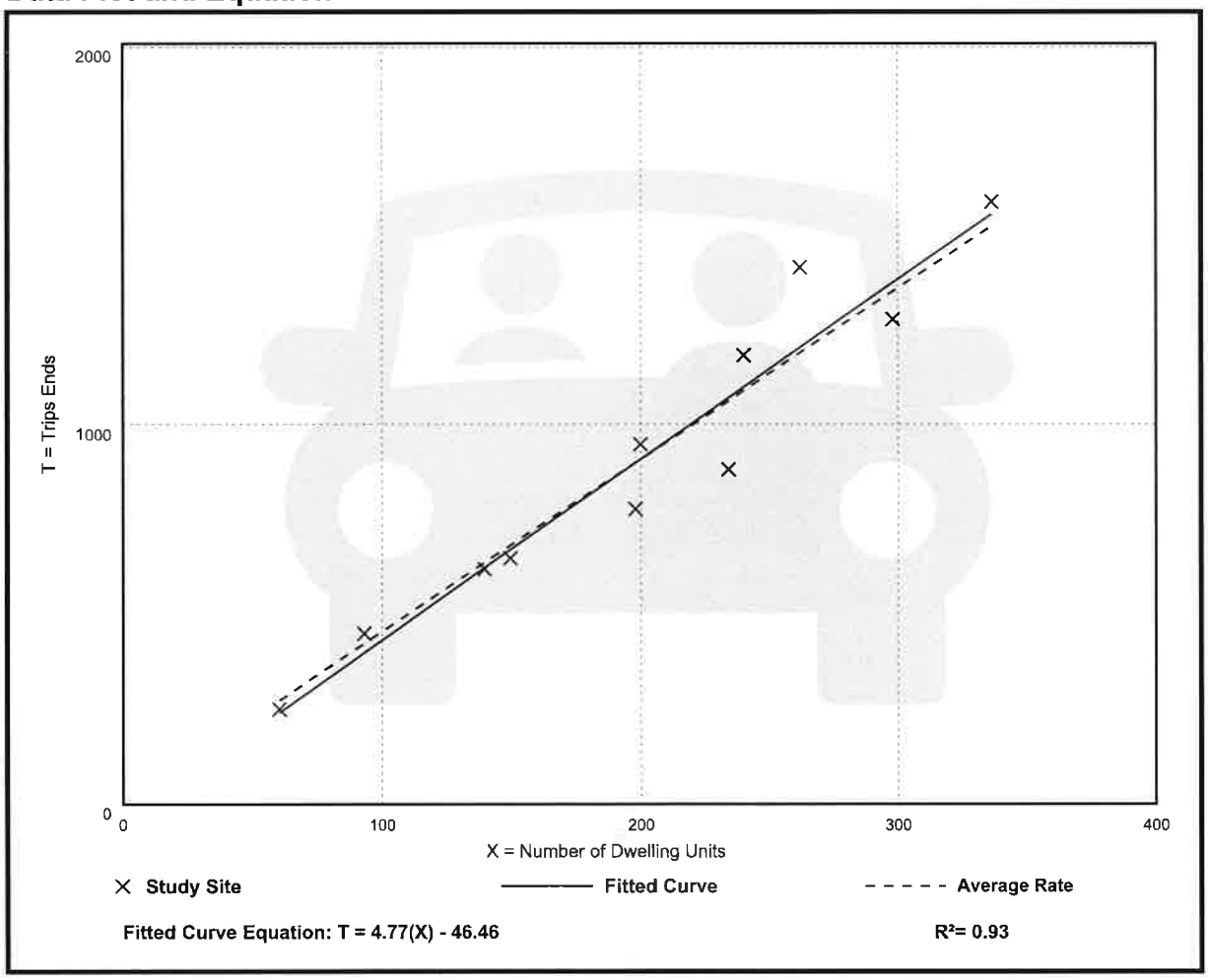
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 11
Avg. Num. of Dwelling Units: 201
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
4.54	3.76 - 5.40	0.51

Data Plot and Equation



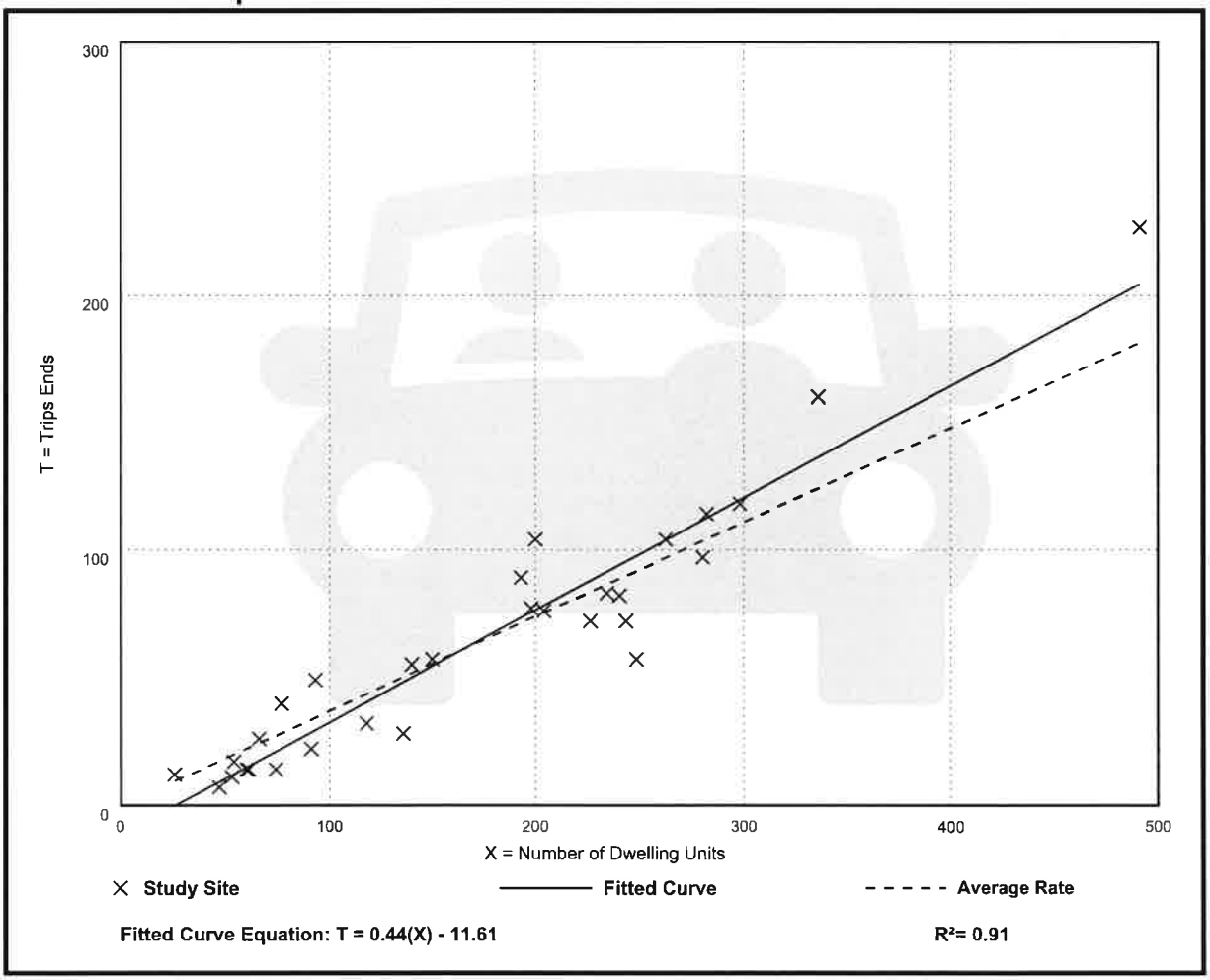
Multifamily Housing (Mid-Rise)
Not Close to Rail Transit (221)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 30
Avg. Num. of Dwelling Units: 173
Directional Distribution: 23% entering, 77% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.37	0.15 - 0.53	0.09

Data Plot and Equation



Fitted Curve Equation: T = 0.44(X) - 11.61

R^2= 0.91

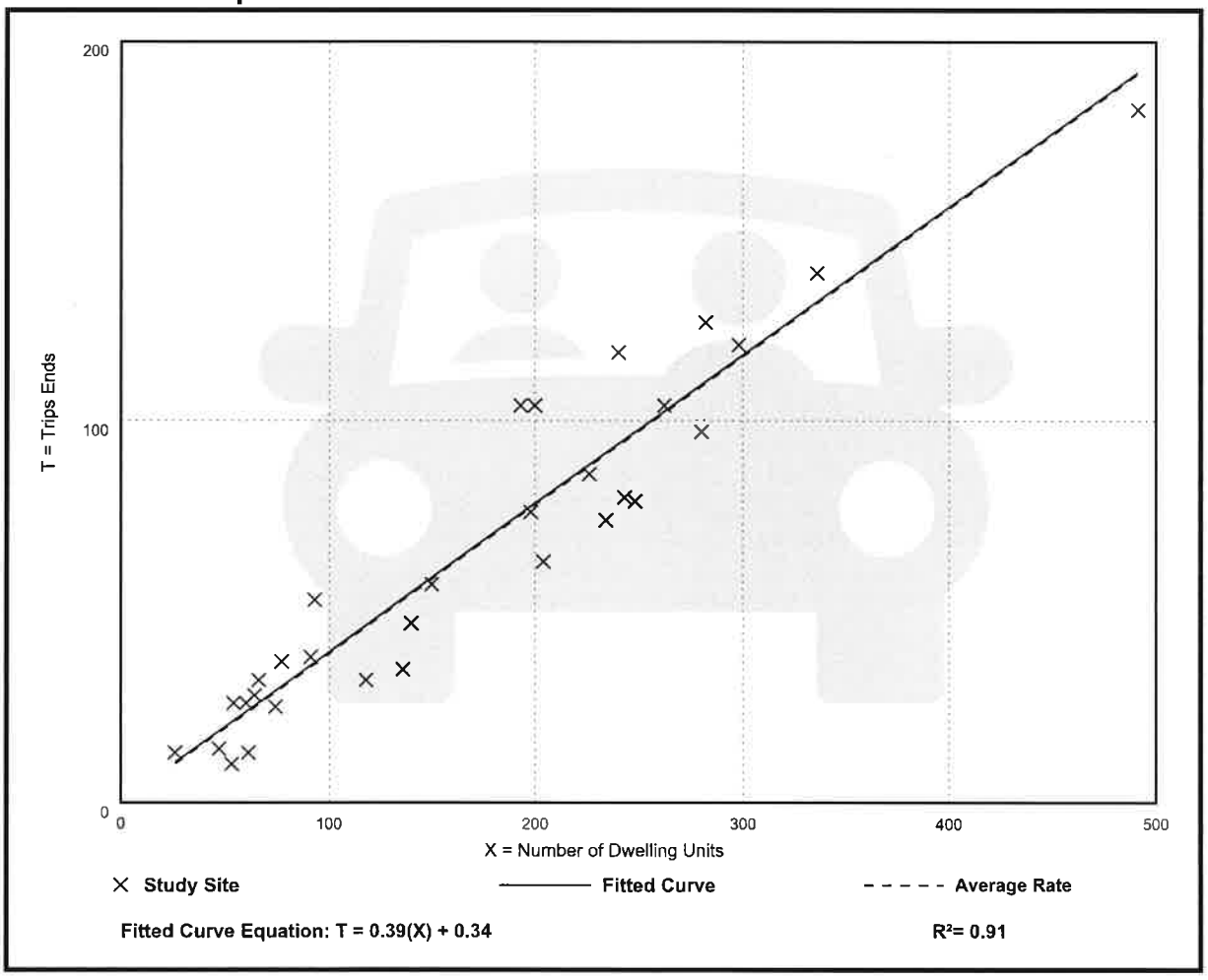
Multifamily Housing (Mid-Rise)
Not Close to Rail Transit (221)

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: 31
Avg. Num. of Dwelling Units: 169
Directional Distribution: 61% entering, 39% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.39	0.19 - 0.57	0.08

Data Plot and Equation



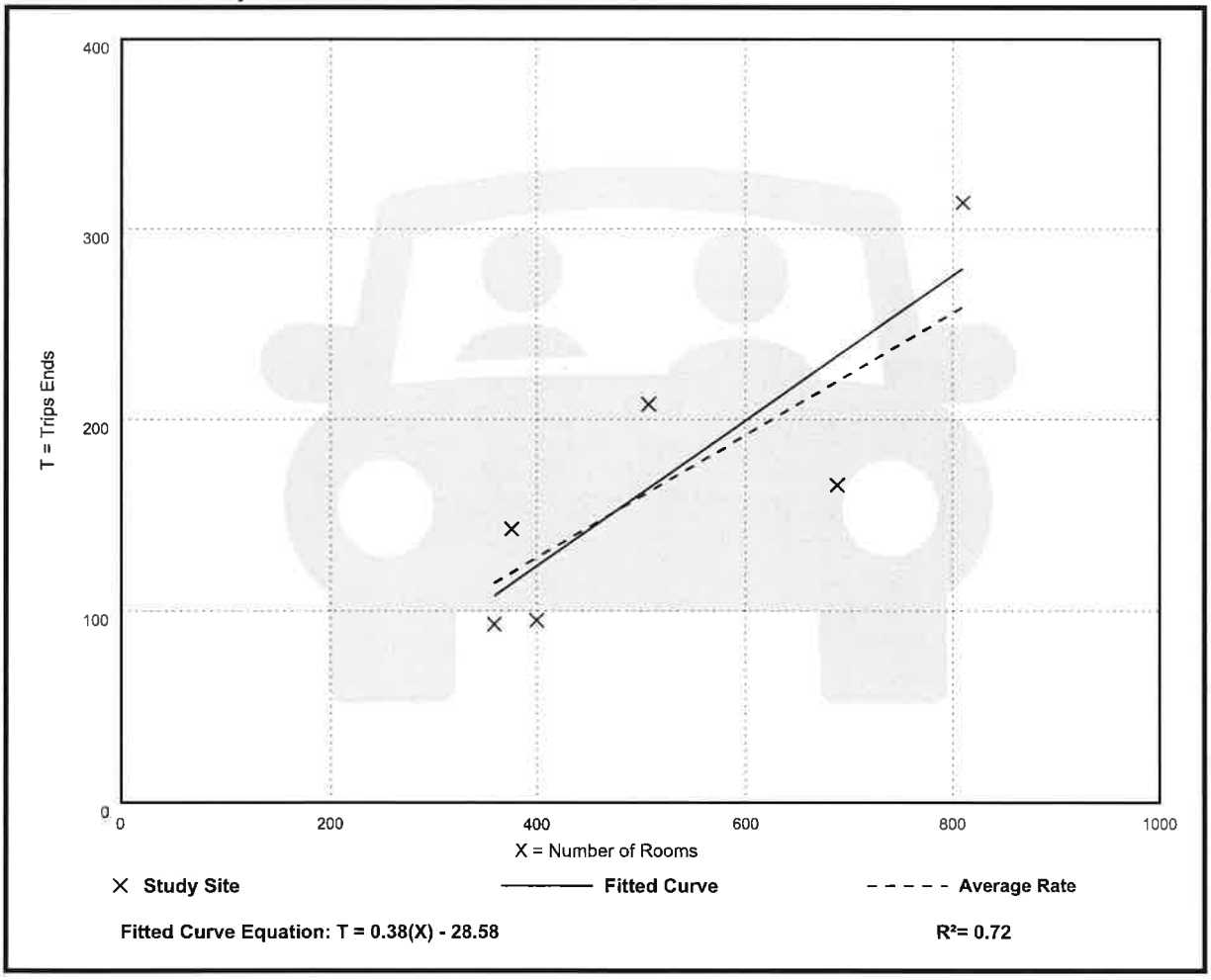
Resort Hotel
(330)

Vehicle Trip Ends vs: Rooms
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 6
Avg. Num. of Rooms: 524
Directional Distribution: 72% entering, 28% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.32	0.24 - 0.41	0.08

Data Plot and Equation



Fitted Curve Equation: T = 0.38(X) - 28.58

R^2= 0.72

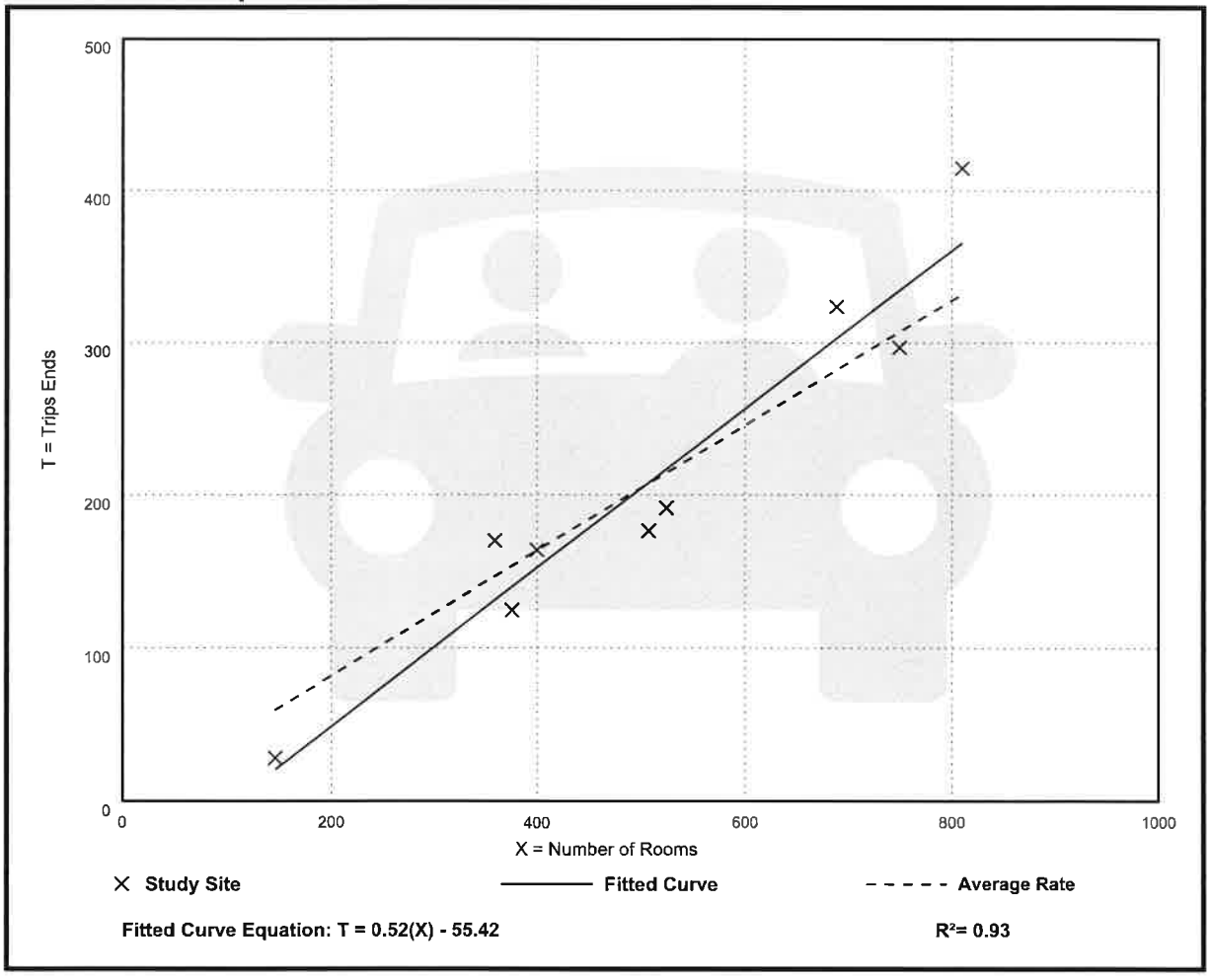
Resort Hotel
(330)

Vehicle Trip Ends vs: Rooms
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: 9
Avg. Num. of Rooms: 507
Directional Distribution: 43% entering, 57% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.41	0.19 - 0.51	0.08

Data Plot and Equation



Fitted Curve Equation: T = 0.52(X) - 55.42

R^2= 0.93

Resort Hotel
(330)

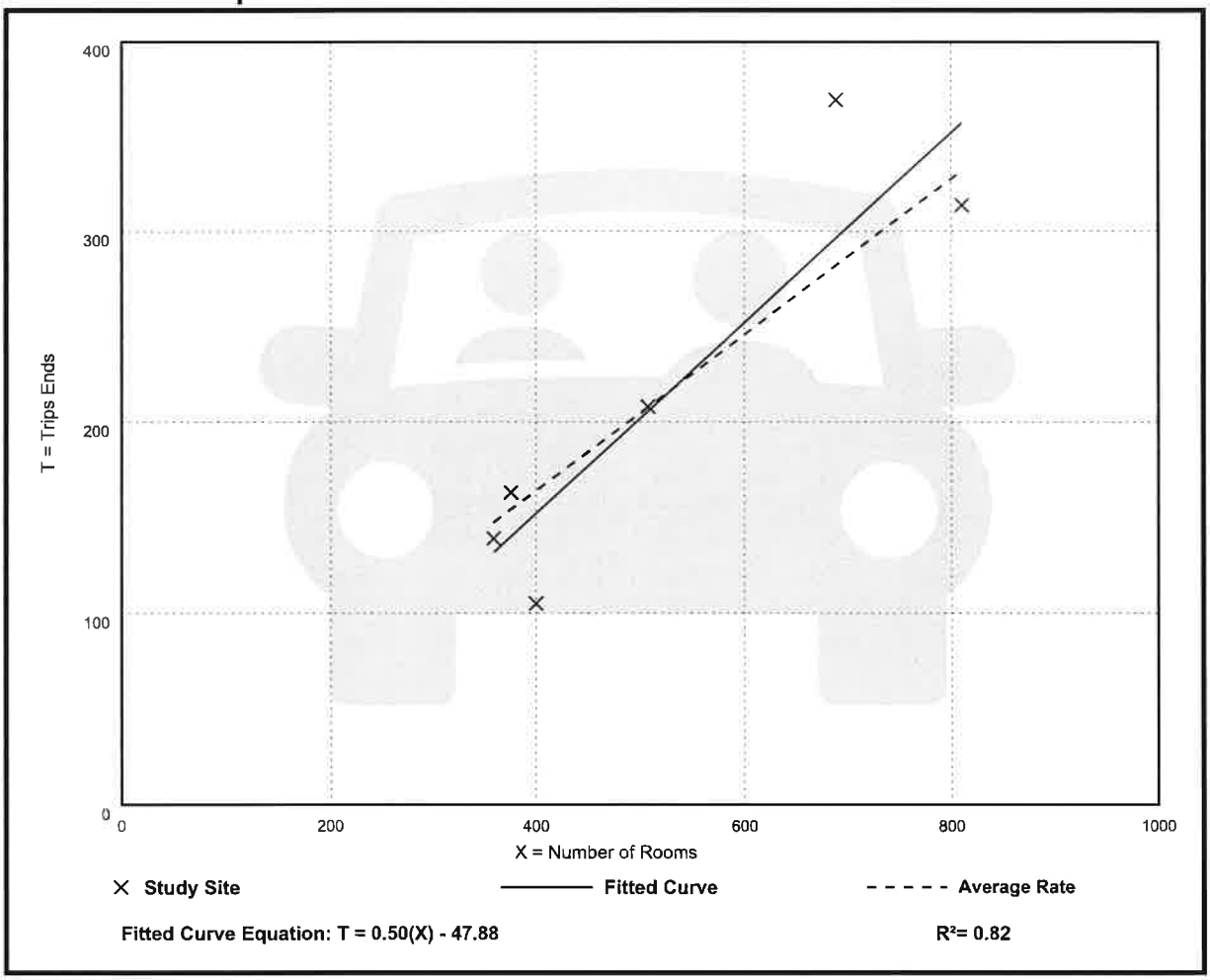
Vehicle Trip Ends vs: Rooms
On a: Weekday,
AM Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 6
Avg. Num. of Rooms: 524
Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.41	0.26 - 0.54	0.09

Data Plot and Equation



Fitted Curve Equation: T = 0.50(X) - 47.88

R^2= 0.82

General Office Building
(710)

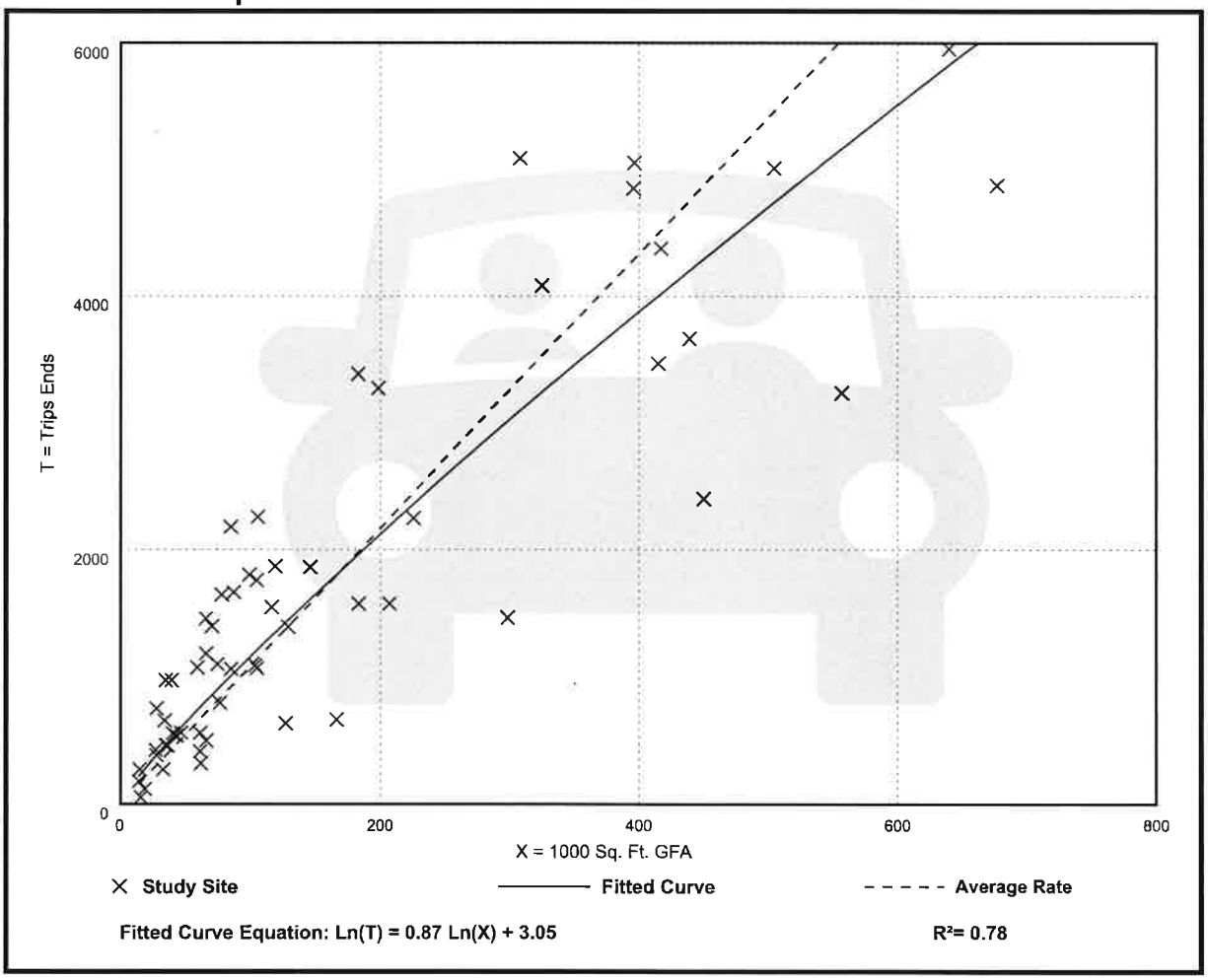
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 59
Avg. 1000 Sq. Ft. GFA: 163
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
10.84	3.27 - 27.56	4.76

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.87 Ln(X) + 3.05

R^2= 0.78

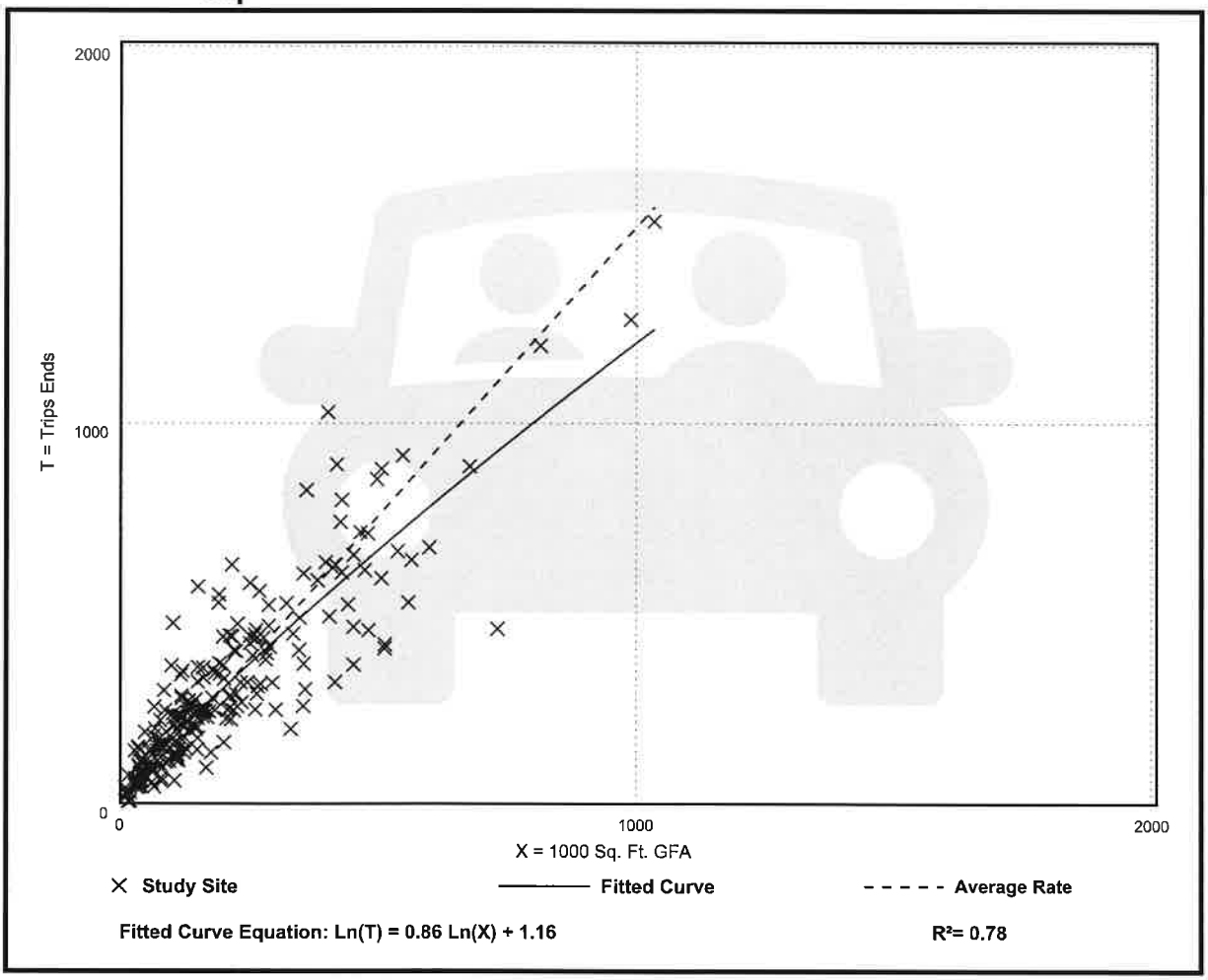
General Office Building
(710)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 221
Avg. 1000 Sq. Ft. GFA: 201
Directional Distribution: 88% entering, 12% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1.52	0.32 - 4.93	0.58

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.86 Ln(X) + 1.16

R^2= 0.78

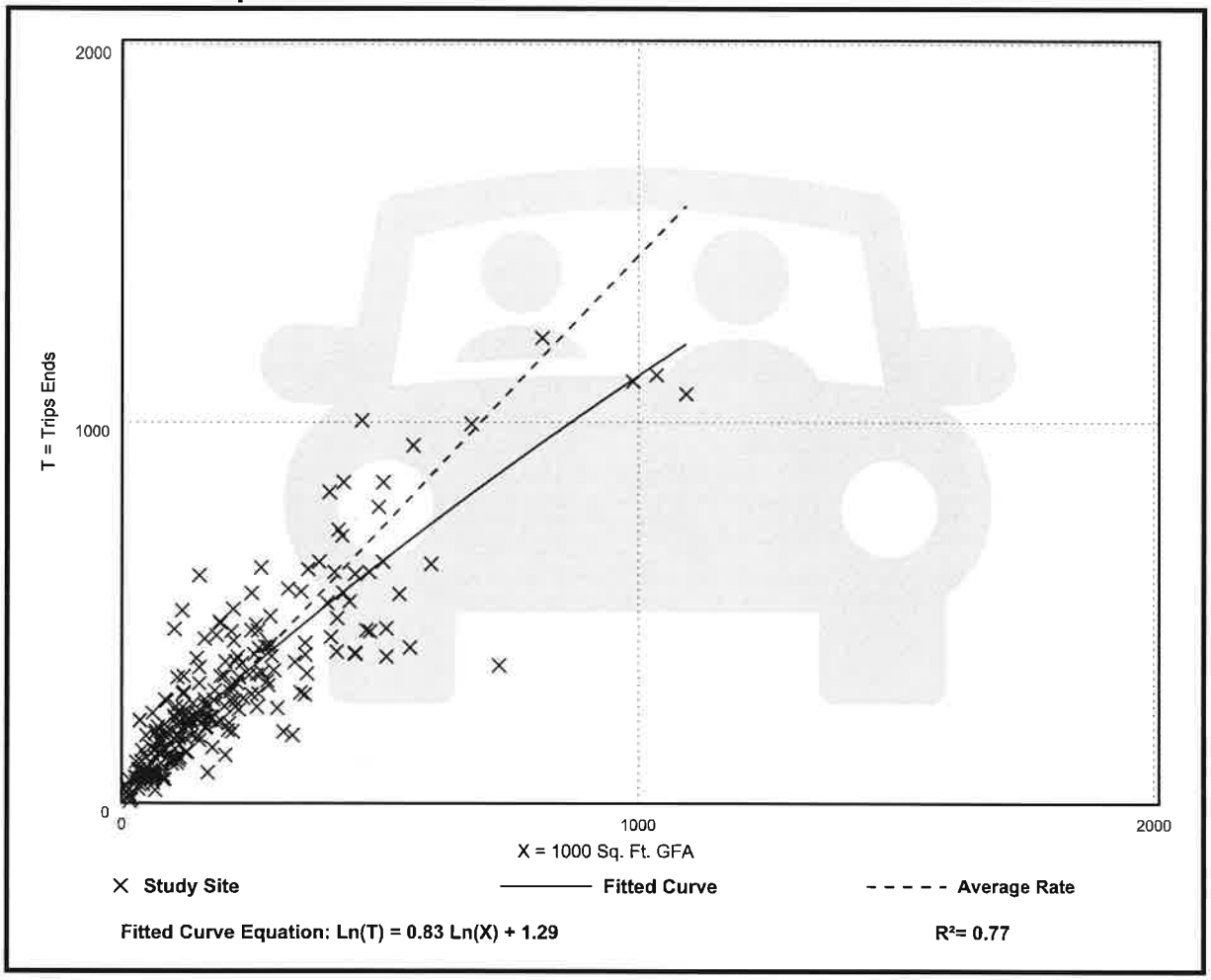
General Office Building
(710)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
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: 232
Avg. 1000 Sq. Ft. GFA: 199
Directional Distribution: 17% entering, 83% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1.44	0.26 - 6.20	0.60

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.83 Ln(X) + 1.29

R^2= 0.77

TR TRANSPORTATION CONSULTANTS, INC

Table 1
Land Uses
Pelican Landing DRI

Land Use	Approved Uses in DRI	Total Unbuilt Entitlements Assigned to Applicant	Proposed Uses in MPD	Proposed Decrease/Increase
Residential Dwelling Units	3,912	241	4,400	+ 488 Units
Commercial Retail	300,000 Sq. Ft.	147,000 Sq. Ft.	0 Sq. Ft.	-147,000 Sq. Ft.
Office	475,000 Sq. Ft.	125,839 Sq. Ft.	25,000 Sq. Ft.	-100,839 Sq. Ft.
Restaurant	5,000 Sq. Ft.	0	0	0
Marina	65 Slips 150 Dry Slips	0	0	0
Hotel	750 Rooms	86 Rooms	318 Rooms	+232 Rooms
Golf	77 Holes	28 Holes	27 Holes	-1 Hole

IV. TRIP GENERATION

Consistent with previous traffic studies conducted for the Pelican Landing DRI, the trip generation of the overall DRI was conducted and internal capture calculations were calculated to determine the overall external trip generation of the project. The methodology of the internal trip generation calculations was consistent with previous traffic studies and the methodology as described in the Institute of Transportation Engineer's ***Trip Generation Report***, 11th Edition. The calculations of the internal trip capture are included in the Appendix of this report for reference for both the weekday PM peak hour based on the Approved uses and the Proposed uses reflected in Table 1.

Table 2 reflects the weekday PM peak hour trip generation of the overall Pelican Landing DRI as currently approved with the internal trip capture calculations accounted for in the analysis.

Table 2
Trip Generation – As Approved
Pelican Landing DRI – W/Internal Trip Capture

Land Use	Weekday P.M. Peak Hour		
	In	Out	Total
External Trips	2,158	2,044	4,202

Table 3
Trip Generation - Proposed
Pelican Landing DRI – W/Internal Trip Capture

Land Use	Weekday P.M. Peak Hour		
	In	Out	Total
External Trips	2,117	1,821	3,938

For the overall DRI, there will be no significant change in the trip generation due to the requested change in the zoning. The weekday PM peak hour trip generation will less than what was previously analyzed and approved for the overall DRI. The off-site transportation mitigation impacts for this DRI have been met and no further analysis is required for the off-site mitigation analysis.

V. COCONUT ROAD LEVEL OF SERVICE ANALYSIS

Further analysis was completed in order to evaluate the projected Level of Service of Coconut Road between U.S. 41 and Spring Creek Road with the requested amendment based on the recent history of zoning amendments in the area to assure that there would be capacity remaining on this 2-lane segment of Collector roadway. The analysis collected recent traffic data from Lee County as well as the Village of Estero and other sources to complete the updated Level of Service analysis for Coconut Road between U.S. 41 and the Hyatt Resort. Lee County maintains a short stretch of this section of Cocoonut Road near the western terminus of Coconut Road, with the majority of Coconut Road being under the control of the Village of Estero from approximately the entrance to

NCHRP 684 Internal Trip Capture Estimation Tool			
Project Name:	Pelican Landing MPD	**Organization:**	TR Transportation Consultants
Project Location:	Lee County	**Performed By:**	TBT
Scenario Description:	Proposed Uses	**Date:**	2/18/2025
Analysis Year:	Build-Out Conditions	**Checked By:**	
Analysis Period:	PM Street Peak Hour	**Date:**	

Table 1-P: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)

Land Use	Development Data (*For Information Only*)			Estimated Vehicle-Trips[3]		
	ITE LUCs[1]	Quantity	Units	Total	Entering	Exiting
Office	710	374		496	84	412
Retail	820	153		767	368	399
Restaurant	932	5		45	28	17
Cinema/Entertainment				0		
Residential	210/220	4,400		2,205	1,363	842
Hotel	330	982		345	248	97
All Other Land Uses[2]				80	26	54
				3,938	2,117	1,821

Table 2-P: Mode Split and Vehicle Occupancy Estimates

Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.[4]	% Transit	% Non-Motorized	Veh. Occ.[4]	% Transit	% Non-Motorized
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						
All Other Land Uses[2]						

Table 3-P: Average Land Use Interchange Distances (Feet Walking Distance)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-P: Internal Person-Trip Origin-Destination Matrix*

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		29	1	0	8	0
Retail	8		8	0	104	20
Restaurant	1	7		0	3	1
Cinema/Entertainment	0	0	0		0	0
Residential	34	37	4	0		25
Hotel	0	7	1	0	0	

Table 5-P: Computations Summary

	Total	Entering	Exiting
All Person-Trips	3,938	2,117	1,821
Internal Capture Percentage	15%	14%	16%
External Vehicle-Trips[5]	3,342	1,819	1,523
External Transit-Trips[6]	0	0	0
External Non-Motorized Trips[6]	0	0	0

Table 6-P: Internal Trip Capture Percentages by Land Use

Land Use	Entering Trips	Exiting Trips
Office	51%	9%
Retail	22%	35%
Restaurant	50%	71%
Cinema/Entertainment	N/A	N/A
Residential	8%	12%
Hotel	19%	8%

[1]Land Use Codes (LUCs) from *Trip Generation Manual*, published by the Institute of Transportation Engineers.

[2]Total estimate for all other land uses at mixed-use development site is not subject to internal trip capture computations in this estimator.

[3]Enter trips assuming no transit or non-motorized trips (as assumed in ITE *Trip Generation Manual*).

[4]Enter vehicle occupancy assumed in Table 1-P vehicle trips. If vehicle occupancy changes for proposed mixed-use project, manual adjustments must be made

[5]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P.

[6]Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

Attachment M

DEPARTMENT OF TRANSPORTATION

Memo

To: Beth Workman, Principal Planner

From: Lili Wu, Principal Planner

Date: May 22, 2025

Subject: Pelican Landing DRI (DRI2024-00001) Transportation-Related Analysis

This application requests to amend the Pelican Landing DRI to increase 488 residential dwelling units and 232 hotel rooms and reduce 147,000 sf of commercial uses, 100,839 sf of office uses and one golf hole. Since the proposed change will reduce 263 trips per hour, Lee County DOT has no comments for this application.

FIRST DEVELOPMENT ORDER AMENDMENT

FOR

PELICAN LANDING

A DEVELOPMENT OF REGIONAL IMPACT

STATE DRI #1-9293-121

LET IT BE KNOWN, THAT PURSUANT TO SECTION 380.06 OF THE FLORIDA STATUTES, THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, HAS HEARD AT A PUBLIC HEARING CONVENED ON THE 29th DAY OF AUGUST, 1994, THE APPLICATION FOR DEVELOPMENT APPROVAL FOR THE PELICAN LANDING DRI, A RESIDENTIAL, COMMERCIAL AND MARINA DEVELOPMENT IN LEE COUNTY WHICH INCLUDES APPROXIMATELY 2,100 ACRES TO BE DEVELOPED IN ACCORDANCE WITH THE APPLICATION SUBMITTED TO LEE COUNTY ON OCTOBER 26, 1992, BY THE OWNER/APPLICANT, PELICAN LANDING COMMUNITIES, INC., FORMERLY KNOWN AS WESTINGHOUSE BAYSIDE COMMUNITIES, INC.

WHEREAS, the Board of County Commissioners of Lee County, Florida, ~~has~~ considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Staff, the Lee County Hearing Examiner, and the documents and comments upon the record made before the Board in public hearing; and

WHEREAS, after full consideration of those reports, recommendations, comments, and documents, the Board of County Commissioners of Lee County, Florida, ~~finds and determines that:~~ rendered a development order to the Department of Community Affairs in September, 1994; and

WHEREAS, the Department of Community Affairs is the state land planning agency with the responsibility of administering and enforcing the provisions of Chapter 380, Florida Statutes and the Florida Environmental Land and Water Management Act of 1972, and the rules and regulations formulated thereunder; and

WHEREAS, in lieu of an appeal to the Florida Land and Water Adjudicatory Commission, DCA entered into a settlement agreement with the Pelican Landing Communities, Inc. pursuant to Section 380.032(3), Florida Statutes; and

WHEREAS, this agreement entered into on November 14, 1994 had the effect of averting an appeal by addressing certain issues in greater detail; and

WHEREAS, the terms of the settlement agreement state that Pelican Landing Communities, Inc. will amend the DRI Development Order to incorporate the terms of the settlement agreement; and

WHEREAS, subsection 380.06(19)(e)(2), Florida Statutes contemplates the adoption of amendments to developments of regional impacts without public hearings under certain circumstances; and

WHEREAS, the amendments proposed to the development order which incorporate the terms of the settlement agreement are, in the purview of subsection (19)(e)(2) thereby eliminating the need for further DRI review; and

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

WHEREAS, the proposed change to the Pelican Landing DRI Development Order will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area; and

WHEREAS, the proposed changes are consistent with the State Comprehensive Plan.

NOW, THEREFORE, LET IT BE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that conditions of the development order for the Pelican Landing DRI adopted on August 29, 1994, are 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.

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The "Pelican Landing DRI" is a partially built master planned community on 2,100± acres located approximately three miles north of the Lee/Collier County line. 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 proposal is to construct 4,050 residential units, of which 665 are single-family and 3,385 multi-family, 600,000 square feet of gross floor area of retail commercial, and 210,000 square feet of gross floor area of office commercial. The retail uses will provide up to 2,400 parking spaces and the office uses will provide up to 700 parking spaces. The project will also include 450 hotel rooms, 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, and a beach park for the benefit of the owners in Pelican Landing. There are 87 acres of upland habitat preserve, 507 acres of salt and freshwater wetlands, 208 acres of water management lakes, 140 acres of public and private rights-of-way, 6 acres of utilities and a .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 2002.

B. LEGAL DESCRIPTION: In Sections 05, 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:

PARCEL 1

A tract or parcel of land lying in Sections 08, 09, 16, 17, 20 and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

BEGINNING at a concrete monument marking the Northeast corner of said Section 20 run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE¼) of said section;
THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW¼) of said Section 21 for 2,040.41 feet;
THENCE run S00°51'35"E for 801.04 feet to the waters of Spring Creek;
THENCE run 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:
S78°50'00"W for 181.31 feet,
N34°24'12"W for 230.22 feet,
N30°59'12"W for 174.93 feet,
N24°25'16"E for 120.83 feet,
S65°47'43"E for 219.32 feet,
N18°24'43"E for 158.11 feet,
N75°11'47"W for 351.71 feet,
N65°09'33"W for 451.88 feet,
N84°18'44"W for 351.75 feet,
N66°54'31"W for 445.79 feet,
S63°24'43"W for 134.16 feet,
S03°23'22"E for 170.29 feet,
S50°30'17"W for 220.23 feet,
N84°49'43"W for 331.36 feet,
S62°13'07"W for 214.71 feet,
S22°08'36"W for 291.55 feet,
S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW¼) of said Section 20;
THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast corner of said fraction;
THENCE run S89°58'37"W 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:

continued...

N09°13'28"W for 137.34 feet,
N29°08'22"W for 590.59 feet,
N38°31'58"W for 278.03 feet,
N65°16'43"W for 254.95 feet,
N37°18'28"W for 286.01 feet,
N32°51'05"E for 252.39 feet,
N20°11'00"E for 236.69 feet,
N27°23'47"W for 369.25 feet,
N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek;
THENCE run along said Easterly shore for 1,220 feet, more or less to an intersection with the North line of said Section 20;
THENCE run N89°15'13"E along said North line of said Section for 970 feet, more or less to a concrete monument marking the Northwest corner of the Northeast Quarter (NE¼) of said Section 20;
THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE¼) of said Section 17 for 2,644.38 feet to an intersection with the South line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records;
THENCE run S89°58'35"E along said South line for 739.45 feet;
THENCE run N00°07'58"E for 30.00 feet to an intersection with the North line of the Southeast Quarter (SE¼) of said Section 17;
THENCE run S89°58'35"E along the North line of said fraction for 375.91 feet to the Southeast corner of lands described in Official Record Book 1713 at Page 1188 of said Public Records;
THENCE run N00°41'04"W for 668.20 feet to the Northeast corner of said lands;
THENCE run N89°50'32"W along the North line of said lands for 366.38 feet to the Easterly line of said Spring Creek Road (50 feet wide);
THENCE run N00°07'58"E for 2,007.04 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;
THENCE continue N00°07'17"E along said East line for 343.54 feet;
THENCE run S89°38'58"E for 10.00 feet;
THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;
THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;
THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;
THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;
THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);

continued...

THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;
THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of said Section;
THENCE continue along said West line N00°39'58"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records;
THENCE run S89°35'50"E along said South line for 3,164.37 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S00°10'56"W along said West line for 621.81 feet to a POINT OF CURVATURE;
THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a POINT OF TANGENCY;
THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE¼) of said Section 16;
THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE¼) of Section 16;
THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE¼) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE¼) of said Section;
THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;
THENCE run S00°06'43"E for 1,085.91 feet;
THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;
THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a POINT OF TANGENCY;
THENCE run S00°06'43"E along said West line for 49.81 feet;
THENCE run S89°06'43"W for 300.00 feet;
THENCE run S00°06'43"E for 1,445.82 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 16;
THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW¼) of said Section 16;
THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW¼) for 2,627.98 feet to the POINT OF BEGINNING.

ALSO

PARCEL 2

A tract or parcel of land lying in Sections 07, 08, 17 and 18 which tract or parcel is described as follows:

continued...

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.
From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;
THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;
THENCE run S00°07'58"W along said West line for 2,646.47 feet;
THENCE run N89°58'35"W along the North line of Coconut Road for 689.04 feet to an intersection with the East line of the Northwest Quarter (NW¼) of said Section 17;
THENCE run N89°59'08"W along said North line for 404.79 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;
THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;
THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE¼) of said Section 18;
THENCE continue N89°59'08"W for 1,840 feet more or less to the waters of Estero Bay;
THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S½) of Government Lot 2 of said Section 07;
THENCE run N89°32'15"E along the North line of said Government Lot 2 for 545 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said Public Records;
THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;
THENCE run N89°32'15"E along the South line of said lands for 247.50 feet;
THENCE run N89°35'27"E for 666.22 feet;
THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
THENCE run S01°07'45"E along said West line for 488.63 feet;
THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.
LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516 of the Public Records of Lee County, Florida.

ALSO

PARCEL 3

A tract or parcel of land lying in Sections 05 and 08, Township 47 South, Range 25 East, Lee County, Florida, consisting of

continued...

Lots 8B, 9B, 10B, 11B, 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LANDCOMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records of Lee County, also the East Three-quarters (E-3/4) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-2/3) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-2/3) of the Western Half (W½) of the Northwest Quarter (NW¼) of said Section 08; being more particularly described by metes and bounds as follows:
From the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S89°16'14"E along the North line of said Southwest Quarter (SW¼) for 422.61 feet;
THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;
THENCE run N01°22'23"W for 1,304.41 feet;
THENCE run N89°56'22"W for 107.12 feet;
THENCE run N01°22'55"W for 1,303.87 feet;
THENCE run N89°34'15"E for 2,593.81 feet;
THENCE run S00°26'45"E for 2,655.42 feet;
THENCE run N88°48'50"W along the North line of said Section 08 for 322.66 feet;
THENCE run N89°25'01"W for 587.55 feet;
THENCE run S00°50'16"E for 132.58 feet;
THENCE run N89°11'54"W for 75.00 feet;
THENCE run N00°50'16"W for 132.30 feet;
THENCE run N89°25'01"W for 610.69 feet;
THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North right-of-way line of Coconut Road;
THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet to the POINT OF BEGINNING.

ALSO

PARCEL 4

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

BEGINNING at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;

THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;

continued...

THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07; THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING.

CONTAINING 2,409 acres, more or less.

Bearings hereinabove mentioned are based on the East boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at Pages 58 through 60 of the Public Records of Lee County, Florida.

AND

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 SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;
THENCE run S62°26'49"W for 98.40 feet;
THENCE run N27°33'11"W for 1,863.42 feet;
THENCE run N20°00'41"W for 1,403.30 feet;
THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet, N22°26'23"W for 100.53 feet, N23°09'50"W for 100.14 feet, N14°51'19"W for 73.01 feet, N27°40'10"W for 88.01 feet, N29°33'57"W for 46.01 feet, N22°14'53"W for 47.27 feet, N20°39'23"W for 46.98 feet, N11°15'38"W for 29.80 feet, N26°10'46"W for 46.87 feet, N09°09'45"W for 48.26 feet, N17°35'56"W for 46.04 feet, N12°49'07"W for 50.04 feet, N29°20'48"W for 69.12 feet, N20°48'58"W for 63.82 feet;
THENCE run N79°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 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 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 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;

THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;

continued...

THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING.

AND

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;
THENCE run S19°13'48"E for 50.64 feet;
THENCE run S04°34'15"E for 54.63 feet;
THENCE run S24°53'12"E for 50.09 feet;
THENCE run S27°10'29"E for 50.01 feet;
THENCE run S31°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 N65°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 N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF BEGINNING.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

C. The subject parcel is currently zoned AG-2, RS-1, TFC-2, PUD, RPD, CPD, and IM; the property is partially developed.

D. This Application for Development Approval is 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 Section 380.05, Florida Statutes.

F. The development 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 with the conditions set forth herein.

G. The development has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body on January 20, 1994, and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes; the development, as proposed in the Application for Development Approval (ADA) and modified by this Development Order, 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 classifications of the Lee Plan with 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.

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

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, in a public meeting which was duly advertised, constituted and assembled the 22nd day of March, 1995, that the Development of Regional Impact Application for Development Approval submitted by Westinghouse Bayside Communities, Inc., now known as Pelican Landing Communities, Inc., hereinafter referred to as "Developer" or "Applicant", is hereby ordered Approved subject to the conditions, restrictions, and limitations which follow. For the purposes of this Development Order, the term "developer" shall include his/her 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 will be recorded as "preserve" on all appropriate plats, site plans, and the Master Development Plan for the 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 shall immediately contact the Florida Department of State, Division of Historical Resources, the SWFRPC, and Lee County and 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. ~~No mitigation for affordable housing is required as a result of this development. Based on available supply, there is no unmet affordable housing need for either very low or low income households resulting from this development in Planning Horizon I (through December 1997).~~ There are no regionally significant housing impacts for the first planning horizon of the DRI DO, which ends 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. ~~This number of needed units for Planning Horizon II, using either the unadjusted or adjusted housing supply data, is below the level of regionally significant impact as determined by DCA and SWFRPC.~~

~~These findings are in accordance with applicable DCA and SWFRPC policy. The basis of analysis for determining unmet need is the 1991 DCA agreed upon draft methodology for determining affordable housing demand study, and need. The level of regionally significant impact is SWFRPC policy, based upon DCA rules and guidelines.~~ 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. Prior to the commencement of any development in Planning Horizon II, the developer will conduct a reanalysis of adequate housing demand, supply and need, consistent with the requirements of Rule 9J-2.048, F.A.C. The findings of the reanalysis is subject to DCA approval. If the reanalysis indicates that the development proposed for Planning Horizon II, considered cumulatively with Planning Horizon I, will create a regionally significant housing need (ie., 100 or more very low income dwelling units), then the Developer will prepare and implement a mitigation plan consistent with Rule 9J-2.048, F.A.C. The mitigation plan must be approved by DCA. This commitment does not preclude the Developer from adjusting the timing and amount of commercial development. In addition, it does not preclude the developer from developing only as much commercial for which there is adequate housing, and then conducting a subsequent reanalysis.

3. Prior to May 1, 1995, the developer and/or the employers within the project must prepare an affordable housing access plan. The housing plan will be incorporated into an informational packet and distributed to employees in need of housing. The information package will direct the employees to the appropriate federal, county, state or private housing program.

C. Hurricane Preparedness

1. Within six months, after the effective date of this DRI Development Order, the developer shall provide and connect 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 will be responsible for the initial electrical hook-up costs. The selection of the generator will be 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 which advises 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 the 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 shall 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 shall be developed in coordination with the Lee County Emergency Management officials and must be found sufficient by those officials within six months after the effective date of the DRI DO.

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.

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 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 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 shall host an Educational and Hurricane Preparedness Workshop for all tenants in the wet slip area. The marina operator shall 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, as adopted by Lee County.

E. Vegetation and Wildlife/Wetlands

The developer has conducted Protected Species surveys in accordance with the Florida Game and Fresh Water Fish Commission

(FGFWFC) 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.

1. There were three bald eagle's nests of concern prior to development order adoption. One nest is on the Pelican Landing property. The other nests are within 1500 to 1600 feet of Pelican Landing. The buffers that will affect Pelican Landing property will be established in an on-site eagle habitat management plan addressing the Pelican Landing property only.

Prior to development within 2500 feet of any eagle nest, the Developer shall prepare an on-site eagle management plan addressing the Pelican Landing DRI property only which shall be reviewed by DCA, SWFRPC, FGFWFC Lee County, and USFWS. Said groups shall have a ~~thirty~~ fifteen working day review period and ~~shall~~ must provide all comments to Lee County and the Developer in writing~~,~~. The agencies must provide specific written objections or concerns if any, regarding the management plan and indicate how those concerns can be addressed by the developer.

The Developer will revise the management plans to respond to the lawful and timely objections. The agencies will review and respond to the management plan resubmittal, and any successive resubmittals, within fifteen working days of submittal. The agencies will provide a written response to Lee County and the Developer, which reflects that there is no objection to the management plan or which outlines specific objections and concerns. The agency response will indicate how any concerns or objections can be addressed by the developer. Lee County and DCA ~~which shall~~ will have the final approval authority. The management plan will be deemed approved by the County and DCA if the respective agency fails to provide a written response within fifteen working days. The approval of the management plan will not be unreasonably withheld. If a proposed management plan includes development within 750 feet of an 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 FGFWFC and USFWS.

The 2500 foot limitation is intended to be a temporary restriction to insure the submission and approval for a management plan on a timely basis. The final primary and secondary buffer zones may be less than 2500 feet. An eagle management plan will be included as part of an upland habitat protection area management plan.

2. A local development order for the Hickory Island ~~b~~Beach ~~p~~Park has been issued ~~that~~ which permits construction of beach park infrastructure. This local development order included 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 requires 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 permits a refinement of the conservation easement boundaries after completion of a one year utilization study, the final conservation easement shall be consistent with the provisions of Section 704.06, Florida Statutes. For the purpose of this DRI D.O., 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 DO.

~~As a condition of DRI approval the County and FGFWFC~~ The Developer must submit a Final Management Plan to Lee County, FGFWFC, and DCA within 18 months of the effective date of the DRI DO, which was November 14, 1994. Lee County, FGFWFC, and DCA will review the management plan within fifteen working days of submittal. The DCA, and Lee County must provide a written response to the proposed final management plan which reflects that there is no objection or outlines ~~or~~ the specific objections and concerns. The agencies response will specify how those concerns or objections can be addressed by the developer. The FGFWFC must provide all lawful objections within the same fifteen working day time frame.

If there are valid legal objections to the management plan, the Developer will revise and resubmit the plan to DCA, FGFWFC, and Lee County. DCA, Lee County, and FGFWFC will review the resubmittal, and any successive resubmittals, within fifteen working days. The agencies will provide a written response which reflects either the approval of the management plan or which outlines the specific objections and concerns. The agencies response will specify how those concerns or objections can be addressed by the developer. DCA and Lee County may not unreasonably withhold approval of the management plan. If the agencies do not provide a written response within the prescribed time frames, the management plan will be deemed approved. ~~shall review and approve the results of all studies and surveys~~

~~required for implementation of a Final Management Plan required by the PMP approved as part of local development order 90-10-003.00D.These approvals~~ The Final Management Plan Approval from Lee County ~~shall~~ must be obtained prior to the issuance of the Certificate of Compliance for local development order #90-10-003.0D.~~, or new/amended local development orders for the Beach Park. The Developer shall utilize best efforts to obtain the approvals of the final management plan within 18 months of the effective date of this Development Order.~~

3. The projected gopher tortoise burrow count is 439, based on an estimate of FGFWFC habitat guidelines, 75 acres to gopher tortoise habitat must be protected.

The Developer will set aside a 78+/- acre area of xeric scrub and pine flatwoods to mitigate the impacts to the upland gopher tortoise habitat. This area will be known as the Pelican Landing Eco-Park. The Eco-Park area contains significant portions of the xeric oak habitat existing on the 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. The Developer shall submit a copy for the management plan to the DCA, SWFRPC, and Lee County for review prior to the commencement of development in any area containing gopher tortoise habitat, beyond that approved in the Preliminary Development Agreement. The agencies shall have a ~~thirty~~ fifteen working day review period. The agencies shall provide all ~~comments~~ lawful objections and concerns regarding the management plan to Lee County and the Developer in writing. The Developer will submit a revised management plan to DCA and Lee County that responds to the lawful objections. DCA and Lee County will review the management plan resubmittal, and any successive resubmittals, within fifteen working days of submittal. The agencies will provide a written response which approves the management plan or which outlines specific objections or concerns. The agencies response will specify how those concerns or objections can be addressed by the developer. ~~The~~ DCA and Lee County may not unreasonably withhold the approval of the management plan. Should DCA and Lee County not provide a written response within the prescribed time frames, the management plan will be deemed approved by the agency that failed to provide timely written comments. ~~which shall have the final approval authority.~~ The Developer has submitted for an Incidental Take Permit for the gopher tortoises located outside of the Eco-Park in the undeveloped portion of Pelican Landing. The Developer shall obtain an Incidental Take Permit prior to proceeding with development within gopher tortoise habitat areas.

The gopher tortoises addressed by the Incidental Take Permit shall be relocated to the Eco-park, or other

appropriate open space areas within Pelican landing. The Eco-Park mitigates for regional impacts to the gopher tortoise population and xeric scrub within the Pelican Landing DRI.

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 shall 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 shall be prohibited in wetland areas #14 and #21 (as identified in DRI ADA) and Bay Cedar Phase II (along Spring Creek).

The Developer will grant a conservation easement consistent with Section 704.06., Florida Statutes for the Eco-Park to an entity approved by DCA. The Developer must submit a draft of the proposed conservation easement to DCA for review and comment. DCA must provide comments on the draft easement within 15 days so as not to unduly delay development. Once approved by DCA, the Developer will record the conservation easement in the Lee County Public Records prior to the issuance of a local Development Order or "Early Work" approval for any area containing gopher tortoise habitat other than areas approved in the PDA. The conservation easement may be drafted so as 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 will be permitted within the Eco-Park. For the purposes of this DRI D.O. the prohibition of signage included within Section 704.06, F.S. 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, F.S. which prohibit the destruction of trees.

5. 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, 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 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.

9. Upon approval of the management plans referenced in the above, the approved management practices shall then be considered a part of this development order for enforcement purposes, and shall 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 8 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 invasives, the restoration of historic hydroperiods, and a total of not more than ten acres of littoral zone plantings.

F. Solid/Hazardous/Medical Waste

1. All storage, siting, and disposal of hazardous wastes and/or 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 shall be 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, shall 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, shall 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, use, and storage of hazardous materials which will be located on the premises.

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

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

G. Stormwater 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 Improvement District (a district 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 stormwater 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 stormwater 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 Improvement District, 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 Lee County and South Florida Water Management District guidelines.

6. The SFWMD shall 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 County Attorney's office.

H. Transportation

1. Significant Impact

a. The traffic impact assessment for this project assumes the development parameters and land uses shown in Attachment B, "Pelican Landing DRI Development Parameters". The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Planning Horizon I (1997) and buildout (2002). Each annual monitoring report, described in Paragraph H.4, must reflect whether the roadways and intersections described below are significantly impacted or are projected to be significantly impacted by this project in the following year.

b. The Pelican Landing DRI is projected to significantly and adversely impact (as defined by Lee County Administrative Code AC-13-16, dated August 8, 1991, see Attachment C) the following roadways and intersections:

Planning Horizon I (1997)	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 and right turn lanes - Separate WB thru and left turn lanes

Buildout (2002)

Corkscrew Road	
- Three Oaks Parkway to I-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 and 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 and right turn lanes - Separate WB thru and left turn lanes

2. Mitigation

a. The developer will pay impact fees as defined in the Lee County 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 are estimated to be $8,783,000 for the land uses identified in Attachment B. 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. 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 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 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, Lee County may apply any Pelican Landing impact fees not required for those specific improvements to other improvements consistent with the requirements of the Lee County Land Development Code.

b. If through the local development approval process, the developer constructs, with the approval of the Lee County DOT, 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 must dedicate 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 must construct, 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 will occur as follows:

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) Burnt Pine Drive North from Pelican Landing Parkway to Pelican Landing North Entrance: under construction no later than December 31, 1998.

3) Burnt Pine Drive North from Pelican Landing North Entrance to Coconut Road: should be under construction no later than December 31, 1999.

d. The developer agrees to reserve 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 will be dedicated to Lee County if and when requested. 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 may, with the concurrence of Lee County, make an advance payment of a portion of Pelican Landing's total Impact Fees up to 2 million dollars. Lee County would then utilize 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 is currently 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 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 will be 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), unless subsequently dedicated to and accepted by Lee County.

4. Annual Monitoring Report

a. The developer will submit an annual traffic monitoring report to the following entities for review and approval: Lee County, the Florida Department of Transportation (FDOT), the Florida Department of Community Affairs (FDCA), and the Southwest Florida Regional Planning Council (SWFRPC).

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

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

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

(1) P.M. peak hour existing volumes and turning 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 turning 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	I-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	Hickory Blvd. to Vanderbilt	2 to 4	Planning Horizon I (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 annual 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 is projected to exceed the adopted level of service standards adopted by Lee County within the forthcoming 12 months, and if the project is utilizing more than 5% of LOS "D" service volume 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 is scheduled for construction in the first three years of an adopted local government capital improvement program or state work program.

e. If the annual 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 more than 5% of level of service D service volume 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 Annual Monitoring Report.

I. Wastewater Management/Water Supply

1. The developer or the Bayside 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 non-potable 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 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 developer must provide written assurance that any hazardous commercial effluent, generated by the project, 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 shall be constructed and sized in accordance with all pertinent regulations of the FDEP, Lee County, 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 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.

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 as defined by Lee County regulations.

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.

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 design, develop, and maintain any golf course constructed adjacent to the mangrove fringe area

of Estero Bay in accordance with condition 14 a. through i. of 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 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 which may result from the development of a golf course and water management areas within five hundred feet of the mangrove fringe of Estero Bay.

3. The management practices which the Developer will follow are as follows:

a. The use of slow release fertilizers and/or carefully managed fertilizer applications which 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 prepare a management plan for the application of herbicides, pesticides, and fertilizers on the proposed golf course adjacent to the mangrove fringe of Estero Bay. The plan will be prepared prior to the application of any herbicides, pesticides and fertilizers to the proposed golf course. The management plan will include a groundwater and surface water monitoring plan. The plan will provide for testing to assess whether there are any herbicides, pesticides, or fertilizer pollution of the water within the area of the golf course located within 500 feet of the mangrove fringe. The plan will identify the locations for the groundwater monitoring and testing on a map(s). The plan will set forth the testing and reporting requirements. The developer will submit the test reports with the annual monitoring report. The monitoring program will be 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.

5. The Developer will submit a written surface and groundwater quality management plan to Lee County and DCA. The plan must be approved by DCA prior to the application of chemicals to the proposed golf course. The DCA 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. DCA 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 DCA 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 DCA 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 will be buffered from the proposed golf course by a 100' undisturbed naturally vegetated corridor, except for water management facilities permitted by the South Florida Water Management District and except for the removal of exotic plants as required by Lee County. The 100' buffer area will run along the portion of the golf course that abuts the mangrove wetlands of Estero Bay.

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, F.S., 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 DO do not pre-empt the authority of the South Florida Water Management District and the Department of Environmental Protection. Section 373.016, F.S. 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 DCA, SWFRPC, or Lee County pursuant to this DRI DO are contrary to those of the SFWMD/DEP, in areas where the SFWMD and DEP have been given pre-emptive authority, the requirements of the SFWMD and the DEP will control.

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

1. This Development Order constitutes a resolution of Lee County, adopted by the Board of County Commissioners in response to the Development of Regional Impact Application for Development Approval filed for the Pelican Landing DRI.

2. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval and supplementary documents which 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 September 16, 1994 and stamped received ~~September 19, 1994~~ March 3, 1995, is attached hereto as Attachment A 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.

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 which 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 County 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 which 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 Board of County Commissioners, 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 which create a reasonable likelihood of adverse regional impacts or other regional impacts which were 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, the Board 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 2002, and a termination date of 2005. This term is based on a ten year buildout and the recognition that a local Development Order, which is valid for three years, may be obtained in the tenth year.

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 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 2005 as long as the Lee Plan amendment proposed in

association with this DRI to upwardly adjust the 2010 Overlay allocations for Subdistricts 801 and 806 is adopted and effective. If the County 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.

If the companion plan amendment is adopted, Lee County will reserve to this DRI, the appropriate uses from the allocations established for subdistricts (subdistricts 806/801) of the Lee Plan 2010 Overlay until 2005. This reservation has the effect of reserving all of the acreage transferred from Gateway to Pelican Landing for the duration of the Development Order.

15. The developer, or its successor(s) in title to the undeveloped portion of the subject property, will submit a report annually to Lee County, SWFRPC, FDCA 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 FDCA. The first monitoring report must be submitted to the Administrative Director of the DCA not later than one year after the effective date of this Development Order. Further reporting must be submitted not later than one year 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. Within six months of the effective date of this Development Order, the Developer will apply for an amendment to this Development Order which incorporates the portion of the Spring Creek DRI located west of US Highway 41 into the Pelican Landing DRI. The amendment will contain a description of that portion of the Spring Creek DRI and the conditions of the Spring Creek Development Order which are applicable to the Spring Creek West property. The amendment will not be deemed a substantial deviation under Chapter 380, Florida Statutes. 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 which would require further analysis of Spring Creek West. This amendment is to be adopted solely for the purpose of consolidating Spring Creek West and Pelican Landing

under the same Development Order Development Order and none of Spring Creek West's vested rights will be lost because of this amendment.

17. The County 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 MOTION TO ADOPT this Amendment was offered by Commissioner John E. Manning, and seconded by Commissioner Douglas St. Cerny and upon poll of the members present, the vote was as follows:

John E. Manning	AYE
Douglas R. St. Cerny	AYE
Ray Judah	AYE
Andrew W. Coy	AYE
John E. Albion	AYE

DULY PASSED AND ADOPTED this 22ND day of MARCH, 1995.

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

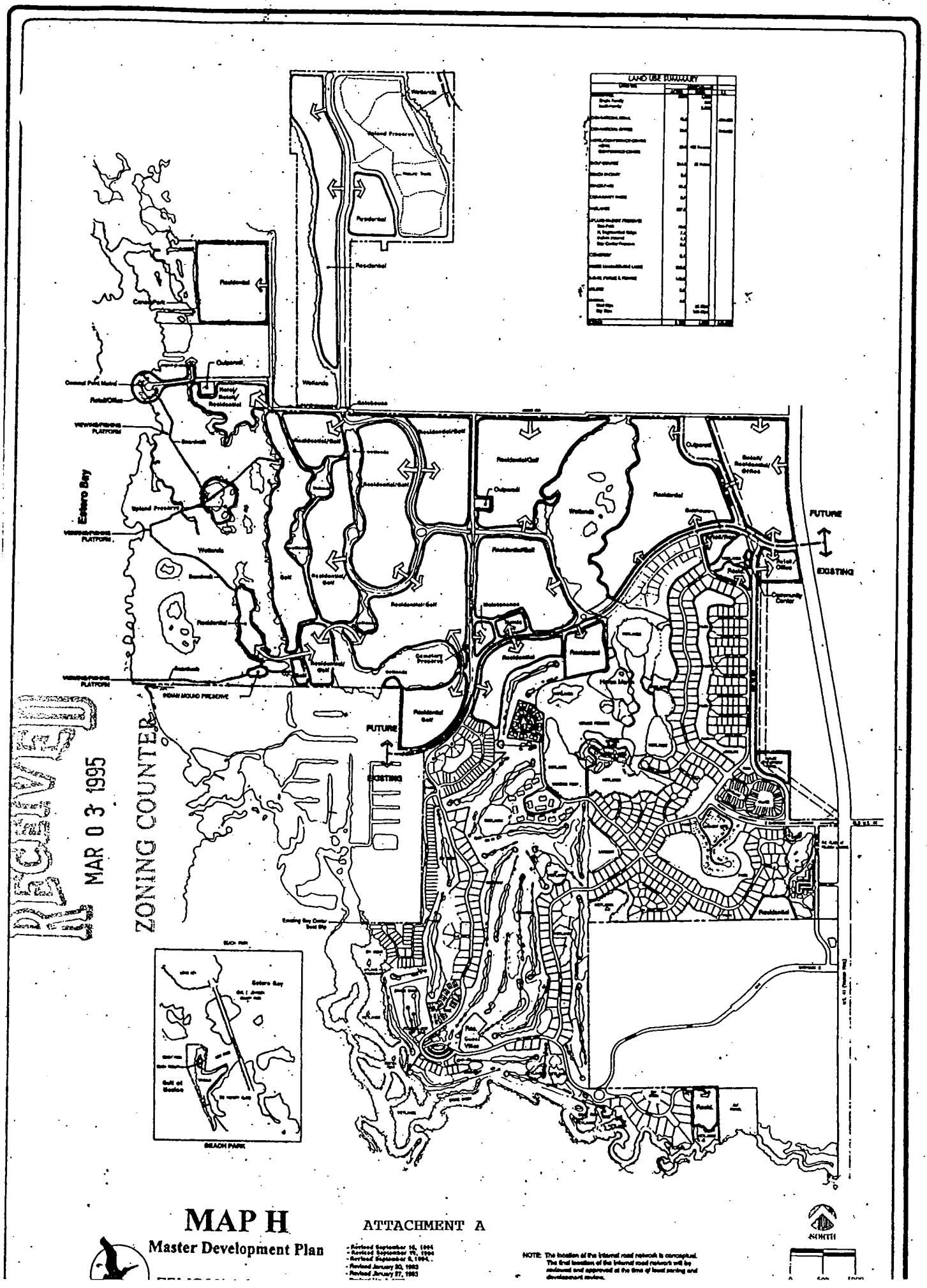
By: _____
(Chairman)

ATTEST:
Charlie Green, Ex - Officio Clerk
Board of County Commissioners
_____, Clerk

By: _____
Deputy Clerk

APPROVED AS TO FORM

By: _____
County Attorney's Office



RECEIVED
MAR 03 1995
ZONING COUNTER

MAP H

Master Development Plan

ATTACHMENT A

- Revised September 16, 1994
- Revised September 21, 1994
- Revised September 6, 1994
- Revised January 30, 1995
- Revised January 27, 1995

NOTE: The location of the internal road network is conceptual. The final location of the internal road network will be reviewed and approved at the time of local zoning and development review.

ATTACHMENT "B"

PELICAN LANDING DRI
DEVELOPMENT PARAMETERS

Land Use	Units[1]	Existing (1992	Planning Horizon I (1997)	Buildout Total (2002)
Residential	DU	969	2,433	4,050
Single Family	DU	373	625	665
Multi Family	DU	596	1,808	3,385
Retail[2]	GFA	11,000	291,000	600,000
Office[3]	GFA	40,000	150,000	210,000
Hotel	Rooms	0	450	450
Recreation Uses				
Pelican Nest Golf Course/Clubhouse/ Practice Range	Holes	29	38	38
Range Club Golf Course	Holes	0	9	9
Tennis Center	Courts	0	6	12
Coconut Marina	Boat Slips			
	Wet	24	48	48
	Dry	0	150	150
Redfish Point	GFA	5,000	5,000	5,000
	Boat Slips			
	Wet	15	15	15
Other[4]	Boat Slips			
	Wet	2	2	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

ADMINISTRATIVE CODE BOARD OF COUNTY COMMISSIONERS	
CATEGORY: DEVELOPMENT/PLANNING/ZONING	CODE NUMBER: AC-13-16
TITLE: PROPORTIONATE SHARE CALCULATIONS FOR TRANSPORTATION FACILITY NEEDS RESULTING FROM NEW DEVELOPMENT	ADOPTED: AUGUST 21,1991 ORIGINATOR: BILL SPIKOWSKI DEPT. OF GROWTH MANAGEMENT
COUNTY ADMIN: ROBERT GRAY, ACTING COUNTY ADMINISTRATOR	BOARD CHAIRPERSON: DOUGLAS ST. CERNY

I. PURPOSE:

This document describes procedures to calculate proportionate share costs for proposed developments. All new development is required to pay road impact fees under the terms of Lee County's Roads Impact Fee Ordinance (No. 85-23, as amended). Some developers/applicants may be required to pay a proportionate share of roadway improvement costs under certain conditions as outlined below. These conditions result from the larger size, use, character, or location of the proposed development. Mitigation of impacts on the county's road system is mandated by the Lee County Comprehensive Plan.

II. SCOPE:

The policies and procedures contained in this code have been prepared to aid the development community and Lee County Commissioners and staff in assessing the impacts of larger new developments on the surrounding road network. This code is supplemental in nature:

A. As to Developments of Regional Impact (DRIs), this code supplements the provisions of Chapter 380, Florida Statutes, and Rule 9J-2.0255, Florida Administrative Code.

B. As to Development Agreements, this code supplements Ordinance No. 90-29.

Traffic analysis methodologies deviating from these procedures must be approved by the Lee County Department of Transportation & Engineering.

III. POLICY/PROCEDURE:

A. Pre-application Meeting
A pre-application meeting between the county and the applicant is encouraged. The purpose of this meeting is to review the methodology and procedures and to determine the study period. This will usually be a PM peak hour analysis; however, other time periods may require analysis. This discussion can be held at the same time as the pre-application meeting for the project's Traffic Impact Statement.

B. Projecting Future Year Total and Development Trips
Two separate methodologies are outlined under this section. The first methodology applies to large projects or developments with build-out periods of longer than five years. For purposes of this analysis, projects generating more than 750 peak hour external trip ends and having build-out periods of 5 years or more are generally considered large, all others are small. This first methodology requires use of the latest Lee County FSUTMS computer model for projecting total and development trips. The second methodology applies to smaller projects and projects with build-out periods of five years or less. For these smaller short-range developments, manual traffic analysis methods should be used in place of the FSUTMS computer model.

1. Larger or Long-Term Developments

   a. The FSUTMS computer model should be used to develop traffic volumes for build-out and interim phase years.

      (1) The latest zonal data should be gathered from the Lee County Department of Transportation & Engineering.

      (2) The model's base and future year zonal data can be used for data interpolation of extrapolation to the appropriate project years (in the absence of existing zonal data).

   b. Future year traffic assignments should be developed for development trips and total trips using the FSUTMS model. The following methods are the recommended DRI traffic impact analysis methodologies as listed in Florida Department of Transportation FSUTMS training course materials:

      (1) Development trips can be determined by using a two-purpose trip table with the second purpose representing all trips with at least one end in the development zone or zones.

      (2) Development trips can also be isolated with the selected links analysis method.

   c. The "net impact methodology" is an unacceptable method for determining development trips. Under this method, volumes from a traffic assignment with the development land use in place are subtracted from assignment volumes with zero land use assumed on the development site. The net impact methodology significantly underestimates development trips on each link. On links further from the site, this methodology often results in an illogical negative number of development trips; thus the methodology is not appropriate as the basis for proportionate share calculations.

2. Smaller or Short-Term Developments

   a. For these developments, it is acceptable to use historic growth rates for traffic projection and manual distribution techniques to determine project trip loadings.

      (1) Appropriate traffic growth rates should be determined based on an examination of historical counts available for the impact area.

      (2) Current traffic counts must be collected for all arterial segments in the impact area.

      (3) Current traffic volumes should be projected to the build-out year and the end of each development phase.

   b. Trip generation for the project under study should be estimated using the latest edition of the ITE Trip Generation manual or other figures acceptable to the Department of Transportation & Engineering. It may be appropriate to apply internal capture assumptions for mixed-use developments and pass-by capture factors for commercial uses on arterial roadways. These factors may be based on the ITE Trip Generation manual or other sources acceptable to the Department of Transportation and Engineering.

   c. Development trips should be assigned to surrounding roadways based on the relative trip activity and location of surrounding land uses.

      (1) The potential origins and destinations for development trips and turning patterns at key intersections should form the basis for these manual distributions.

      (2) Trip attenuation along assigned roadways can be accomplished through an analysis of average trip length and consideration of intervening opportunities for "intercepting" trips along designated paths.

      (3) Thorough documentation of distribution procedures and justifications of all assumptions must be presented.

   d. The total traffic projection on each roadway segment in the study area is calculated generally by adding the assigned development traffic to the projected future year volume.

Mitigation Due to "Significance" and "Adversity"

1. If a roadway link is projected to carry a significant number of development trips and total traffic adversely affects the roadway by exceeding the service volume (capacity), a proportionate share of the improvement cost for that link shall be calculated.

2. For roadway links in the impact area, service volumes must be determined.

   a. Each roadway has a specific service volume based on its unique characteristics.

   b. These service volumes must be determined using procedures based on 1985 Highway Capacity Manual.

   c. The FDOT statewide Generalized Level of Service Tables are applicable only to the broadest planning applications; a more detailed LOS analysis must be used for mitigation purposes. Generalized service volumes have been developed for Lee County, and may be used. They are contained in Chapter IX of the 1990 Amendments to the Lee Plan (see Volume 1 of the supporting documentation).

   d. The ARTPLAN program developed by FDOT is another acceptable method of replicating the 1985 HCM arterial analysis.

3. Each roadway link must be analyzed to determine if development traffic has a significant impact on the roadway.

   a. A significant impact is said to occur when development traffic exceeds 5% of the LOS D service volume for that link.

   b. This significance analysis will determine which roadways fall within the impact area and must then be tested for adversity.

4. A roadway link is determined to be adversely affected if total traffic exceeds the LOS D service volume for that link.

D. Roadway Improvement Costs

1. A proportionate share shall be calculated for design, right-of-way, and construction costs for all links where traffic levels are both significant and adverse.

   a. Roadway improvement cost calculations should be based on cost figures developed specifically for the roadway being analyzed. These cost figures are often available for roadway projects under design by state or local agencies.

   b. If specific costs are unavailable, average cost per mile figures for the required type of roadway improvement should be used. Statewide average cost per mile values have been developed by FDOT for each type of roadway improvement; often local average cost per mile figures are also available.

E. Proportionate Share Calculations for DRIs

1. Proportionate shares shall be calculated using the formula developed by the Southwest Florida Regional Planning Council. This formula is similar to the DRI proportionate share formula adopted by the Department of Community Affairs as contained in Rule 9J-2.0255, F.A.C. The formula is as follows:

$$\text{Proportionate Share Percentage} = \frac{\text{(Development Trips - Reserve Capacity on Link)}}{\text{Added Capacity with Improvement}}$$

   a. "Reserve Capacity" is determined by subtracting future year non-development traffic from the road's service volume. A reserve capacity of zero is used if this calculation results in a negative number.

b. "Added Capacity With Improvement" is the difference between the service volume after the improvement and the service volume before the improvement.

2. The proportionate share percentage is multiplied by the total cost of the roadway improvement for each road link to determine the developer's proportionate share of that improvement.

3. This proportionate share formula is applied to each link on which the development traffic is significant and levels of service are adverse. The sum of these computations is the development's "proportionate share." If this sum is less than the development would pay in road impact fees, it shall not form the basis for an assessment against the development in the DRI or DCI process. If the sum is greater than the development would pay in road impact fees, it will be used in a DRI development order as the figure required to mitigate the development's long-run impact on transportation facilities.

F. Voluntary Proportionate Share Payments in Development Agreements

1. In order to induce Lee County into entering a Development Agreement pursuant to Ordinance No. 90-29, a prospective developer should use this section as the basis for his/her offer to voluntarily construct road improvements or to pay the cost of such improvements.

2. Sections B, C, and D above shall be used to project future travel patterns, to determine "significance" and "adversity," and to estimate roadway improvement costs.

3. Proportionate share payments in Development Agreements shall be calculated by summing the costs of improving each road segment that meets the previously stated tests for "significance" and "adversity," up to a cap of double the road impact fees at current rates for the entire development. The Development Agreement shall be based on the greater of the total costs of needed improvements (as just described) up to the cap of double impact fees, or the proportionate share as calculated under Section E above, whichever is greater.

State of Florida
County of Lee

I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 28th day of March, A.D. 1995

CHARLIE GREEN, CLERK

By Ruth Tykesen
Deputy Clerk

ATTACHMENT C

SECOND DEVELOPMENT ORDER
AMENDMENT
FOR

PELICAN LANDING

A DEVELOPMENT OF REGIONAL IMPACT

STATE DRI #1-9293-121
COUNTY CASE #95-01-050.04Z 04.01

WHEREAS, on June 6, 1995, Pelican Landing Communities, Inc., the owner of Pelican Landing Development of Regional Impact (DRI) requested an amendment to the original Development Order adopted August 29, 1994, as amended; and

WHEREAS, Section III Condition 16 of the Development Order requires the Developer to incorporate Spring Creek West DRI into the Pelican Landing DRI by adding the land described as Spring Creek West in Section I.B. and adding a new Findings of Fact/Conclusion of Law Section I.J.; and

WHEREAS, this document incorporates the first Development Order Amendment for Pelican Landing DRI adopted March 22, 1995 and the the Development Order conditions of the Spring Creek West DRI as set forth in the Eighth Amendment to Spring Creek DRI #10-7677-9; and

WHEREAS, the amendments proposed to the development order are in the purview of subsection 380.06(19)(e)2, Florida Statutes, thereby eliminating the need for further DRI review; and

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

WHEREAS, the proposed changes to the Pelican Landing DRI Development Order will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area; and

WHEREAS, the proposed changes are consistent with the State Comprehensive Plan.

NOW, THEREFORE, LET IT BE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF 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, 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.

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The "Pelican Landing DRI" is a partially built master planned community on 2,100± acres located approximately three miles north of the Lee/Collier County line. 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 proposal is to construct 4,050 residential units, of which 665 are single-family and 3,385 multi-family, 600,000 square feet of gross floor area of retail commercial, and 210,000 square feet of gross floor area of office commercial. The retail uses will provide up to 2,400 parking spaces and the office uses will provide up to 700 parking spaces. The project will also include 450 hotel rooms, 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, and a beach park for the benefit of the owners in Pelican Landing. There are 87 acres of upland habitat preserve, 507 acres of salt and freshwater wetlands, 208 acres of water management lakes, 140 acres of public and private rights-of-way, 6 acres of utilities and a .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 2002.

B. LEGAL DESCRIPTION: In Sections 05, 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:

PARCEL 1

A tract or parcel of land lying in Sections 08, 09, 16, 17, 20 and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

BEGINNING at a concrete monument marking the Northeast corner of said Section 20 run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE¼) of said section;
THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW¼) of said Section 21 for 2,040.41 feet;
THENCE run S00°51'35"E for 801.04 feet to the waters of Spring Creek;
THENCE run 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;

continued...

THENCE run along said centerline the following courses:
S78°50'00"W for 181.31 feet,
N34°24'12"W for 230.22 feet,
N30°59'12"W for 174.93 feet,
N24°25'16"E for 120.83 feet,
S65°47'43"E for 219.32 feet,
N18°24'43"E for 158.11 feet,
N75°11'47"W for 351.71 feet,
N65°09'33"W for 451.88 feet,
N84°18'44"W for 351.75 feet,
N66°54'31"W for 445.79 feet,
S63°24'43"W for 134.16 feet,
S03°23'22"E for 170.29 feet,
S50°30'17"W for 220.23 feet,
N84°49'43"W for 331.36 feet,
S62°13'07"W for 214.71 feet,
S22°08'36"W for 291.55 feet,
S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW¼) of said Section 20;
THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast corner of said fraction;
THENCE run S89°58'37"W 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:
N09°13'28"W for 137.34 feet,
N29°08'22"W for 590.59 feet,
N38°31'58"W for 278.03 feet,
N65°16'43"W for 254.95 feet,
N37°18'28"W for 286.01 feet,
N32°51'05"E for 252.39 feet,
N20°11'00"E for 236.69 feet,
N27°23'47"W for 369.25 feet,
N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek;
THENCE run along said Easterly shore for 1,220 feet, more or less to an intersection with the North line of said Section 20;
THENCE run N89°15'13"E along said North line of said Section for 970 feet, more or less to a concrete monument marking the Northwest corner of the Northeast Quarter (NE¼) of said Section 20;
THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE¼) of said Section 17 for 2,644.38 feet to an intersection with the South line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records;
THENCE run S89°58'35"E along said South line for 739.45 feet;
THENCE run N00°07'58"E for 30.00 feet to an intersection with the North line of the Southeast Quarter (SE¼) of said Section 17;

continued...

THENCE run S89°58'35"E along the North line of said fraction for 375.91 feet to the Southeast corner of lands described in Official Record Book 1713 at Page 1188 of said Public Records;
THENCE run N00°41'04"W for 668.20 feet to the Northeast corner of said lands;
THENCE run N89°50'32"W along the North line of said lands for 366.38 feet to the Easterly line of said Spring Creek Road (50 feet wide);
THENCE run N00°07'58"E for 2,007.04 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;
THENCE continue N00°07'17"E along said East line for 343.54 feet;
THENCE run S89°38'58"E for 10.00 feet;
THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;
THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;
THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;
THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;
THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);
THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;
THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of said Section;
THENCE continue along said West line N00°39'58"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records;
THENCE run S89°35'50"E along said South line for 3,164.37 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S00°10'56"W along said West line for 621.81 feet to a POINT OF CURVATURE;
THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a POINT OF TANGENCY;
THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE¼) of said Section 16;
THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE¼) of Section 16;

continued...

THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE¼) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE¼) of said Section;
THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;
THENCE run S00°06'43"E for 1,085.91 feet;
THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;
THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a POINT OF TANGENCY;
THENCE run S00°06'43"E along said West line for 49.81 feet;
THENCE run S89°06'43"W for 300.00 feet;
THENCE run S00°06'43"E for 1,445.82 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 16;
THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW¼) of said Section 16;
THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW¼) for 2,627.98 feet to the POINT OF BEGINNING.

ALSO

PARCEL 2

A tract or parcel of land lying in Sections 07, 08, 17 and 18 which tract or parcel is described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.
From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;
THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;
THENCE run S00°07'58"W along said West line for 2,646.47 feet;
THENCE run N89°58'35"W along the North line of Coconut Road for 689.04 feet to an intersection with the East line of the Northwest Quarter (NW¼) of said Section 17;
THENCE run N89°59'08"W along said North line for 404.79 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;
THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;

continued...

THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE¼) of said Section 18;
THENCE continue N89°59'08"W for 1,840 feet more or less to the waters of Estero Bay;
THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S½) of Government Lot 2 of said Section 07;
THENCE run N89°32'15"E along the North line of said Government Lot 2 for 545 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said Public Records;
THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;
THENCE run N89°32'15"E along the South line of said lands for 247.50 feet;
THENCE run N89°35'27"E for 666.22 feet;
THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
THENCE run S01°07'45"E along said West line for 488.63 feet;
THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.
LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516 of the Public Records of Lee County, Florida.

ALSO

PARCEL 3

A tract or parcel of land lying in Sections 05 and 08, Township 47 South, Range 25 East, Lee County, Florida, consisting of

Lots 8B, 9B, 10B, 11B, 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LANDCOMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records of Lee County, also the East Three-quarters (E-3/4) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-2/3) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-2/3) of the Western Half (W½) of the Northwest Quarter (NW¼) of said Section 08; being more particularly described by metes and bounds as follows:
From the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S89°16'14"E along the North line of said Southwest Quarter (SW¼) for 422.61 feet;
THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;
THENCE run N01°22'23"W for 1,304.41 feet;

continued...

THENCE run N89°56'22"W for 107.12 feet;
THENCE run N01°22'55"W for 1,303.87 feet;
THENCE run N89°34'15"E for 2,593.81 feet;
THENCE run S00°26'45"E for 2,655.42 feet;
THENCE run N88°48'50"W along the North line of said Section 08 for 322.66 feet;
THENCE run N89°25'01"W for 587.55 feet;
THENCE run S00°50'16"E for 132.58 feet;
THENCE run N89°11'54"W for 75.00 feet;
THENCE run N00°50'16"W for 132.30 feet;
THENCE run N89°25'01"W for 610.69 feet;
THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North right-of-way line of Coconut Road;
THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet to the POINT OF BEGINNING.

ALSO

PARCEL 4

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

BEGINNING at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;

THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;

THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;
THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING.

CONTAINING 2,409 acres, more or less.

Bearings hereinabove mentioned are based on the East boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at Pages 58 through 60 of the Public Records of Lee County, Florida.

ALSO

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:

continued...

From the center of a turnaround on SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;
THENCE run S62°26'49"W for 98.40 feet;
THENCE run N27°33'11"W for 1,863.42 feet;
THENCE run N20°00'41"W for 1,403.30 feet;
THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet, N22°26'23"W for 100.53 feet, N23°09'50"W for 100.14 feet, N14°51'19"W for 73.01 feet, N27°40'10"W for 88.01 feet, N29°33'57"W for 46.01 feet, N22°14'53"W for 47.27 feet, N20°39'23"W for 46.98 feet, N11°15'38"W for 29.80 feet, N26°10'46"W for 46.87 feet, N09°09'45"W for 48.26 feet, N17°35'56"W for 46.04 feet, N12°49'07"W for 50.04 feet, N29°20'48"W for 69.12 feet, N20°48'58"W for 63.82 feet;
THENCE run N79°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 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 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 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;

THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;

THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING.

AND

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;
THENCE run S19°13'48"E for 50.64 feet;
THENCE run S04°34'15"E for 54.63 feet;
THENCE run S24°53'12"E for 50.09 feet;
THENCE run S27°10'29"E for 50.01 feet;
THENCE run S31°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 N65°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 N65°00'00"E and passing through the POINT OF BEGINNING;

continued...

THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF BEGINNING.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.
ALSO

Spring Creek West DRI Parcel

All of the Northwest Quarter (NW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida:

ALSO INCLUDED THERETO:

All of the Northeast Quarter (NE¼) lying west of Tamiami Trail (US 41) of Section 21, Township 47 South, Range 25 East, Lee County, Florida;

ALSO INCLUDED THERETO:

All of the East Half (E½) of the Southwest Quarter (SW¼), lying North of Spring Creek LESS THE EAST 600 FEET THEREOF, Section 21, Township 47 South, Range 25 East, Lee County, Florida.

ALSO INCLUDED THERETO:

All of the Southeast Quarter (SE¼) of Section 21, lying West of Tamiami Trail (US 41) and North of Spring Creek, Township 47 South, Range 25 East, Lee County, Florida;

SUBJECT TO easements and restrictions of record.

CONTAINING 273.1 acres more or less.

AND

The East 600 feet of the East Half (E½) of the Southwest Quarter (SW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida.

PARCEL CONTAINS 9.7 ACRES MORE OR LESS.

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 (E½) of the Southwest Quarter (SW¼) of said Section to Tamiami Trail (US 41).

continued...

SUBJECT TO any easements, restrictions, reservations and rights-of-way of record.

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

D. This Application for Development Approval is 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 Section 380.05, Florida Statutes.

F. The development 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 with the conditions set forth herein.

G. The development has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body on January 20, 1994, and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes; the development, as proposed in the Application for Development Approval (ADA) and modified by this Development Order, 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 classifications of the Lee Plan with 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.

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 are 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 Attachment D which is the Eighth Development Order Amendment for Spring Creek. The terms and conditions of that Development Order 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 annual monitoring report that includes both Pelican Landing and Spring Creek West DRI's 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.

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, in a public meeting which was duly advertised, constituted and assembled the 16th day of August, 1995, that the Development of Regional Impact Application for Development Approval submitted by Westinghouse Bayside Communities, Inc., now known as Pelican Landing Communities, Inc., hereinafter referred to as "Developer" or "Applicant", is hereby ordered Approved subject to the conditions, restrictions, and limitations which follow. For the purposes of this Development Order, the term "developer" shall include his/her 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 will be recorded as "preserve" on all appropriate plats, site plans, and the Master Development Plan for the 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 shall immediately contact the Florida Department of State, Division of Historical Resources, the SWFRPC, and Lee County and 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 are no regionally significant housing impacts for the first planning horizon of the DRI DO, which ends 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. Prior to the commencement of any development in Planning Horizon II, the developer will conduct a reanalysis of adequate housing demand, supply and need, consistent with the requirements of Rule 9J-2.048, F.A.C. The findings of the reanalysis is subject to DCA approval. If the reanalysis indicates that the development proposed for Planning Horizon II, considered cumulatively with Planning Horizon I, will create a regionally significant housing need (ie., 100 or more very low income dwelling units), then the Developer will prepare and implement a mitigation plan consistent with Rule 9J-2.048, F.A.C. The mitigation plan must be approved by DCA. This commitment does not preclude the Developer from adjusting the timing and amount of commercial development. In addition, it does not preclude the developer from developing only as much commercial for which there is adequate housing, and then conducting a subsequent reanalysis.

3. Prior to May 1, 1995, the developer and/or the employers within the project must prepare an affordable housing access plan. The housing plan will be incorporated into an informational packet and distributed to employees in need of housing. The information package will direct the employees to the appropriate federal, county, state or private housing program.

C. Hurricane Preparedness

1. Within six months, after the effective date of this DRI Development Order, the developer shall provide and connect 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 will be responsible for the initial electrical hook-up costs. The selection of the generator will be 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 which advises 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 the 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 shall 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 shall be developed in coordination with the Lee County Emergency Management officials and must be found sufficient by those officials within six months after the effective date of the DRI DO.

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.

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 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 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 shall host an Educational and Hurricane Preparedness Workshop for all tenants in the wet slip area. The marina operator shall 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, as adopted by Lee County.

E. Vegetation and Wildlife/Wetlands

The developer has conducted Protected Species surveys in accordance with the Florida Game and Fresh Water Fish Commission (FGFWFC) 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.

1. There were three bald eagle's nests of concern prior to development order adoption. One nest is on the Pelican Landing property. The other nests are within 1500 to 1600 feet of Pelican Landing. The buffers that will affect Pelican Landing property will be established in an on-site eagle habitat management plan addressing the Pelican Landing property only.

Prior to development within 2500 feet of any eagle nest, the Developer shall prepare an on-site eagle management plan addressing the Pelican Landing DRI property only which shall be reviewed by DCA, SWFRPC, FGFWFC Lee County, and USFWS. Said groups shall have a fifteen working day review period and must provide all comments to Lee County and the Developer in writing. The agencies must provide specific written objections or concerns if any, regarding the management plan and indicate how those concerns can be addressed by the developer.

The Developer will revise the management plans to respond to the lawful and timely objections. The agencies will review and respond to the management plan resubmittal, and any successive resubmittals, within fifteen working days of submittal. The agencies will provide a written response to Lee County and the Developer, which reflects that there is no objection to the management plan or which outlines specific objections and concerns. The agency response will indicate how any concerns or objections can be addressed by the developer. Lee County and DCA will have the final approval authority. The management plan will be deemed approved by the County and DCA if the respective agency fails to provide a written response within fifteen working days. The approval of the management plan will not be unreasonably withheld. If a proposed management plan includes development within 750 feet of an 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 FGFWFC and USFWS.

The 2500 foot limitation is intended to be a temporary restriction to insure the submission and approval for a management plan on a timely basis. The final primary and secondary buffer zones may be less than 2500 feet. An eagle management plan will be included as part of an upland habitat protection area management plan.

2. A local development order for the Hickory Island Beach Park has been issued which permits construction of beach park infrastructure. This local development order included 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 requires 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 permits a refinement of the conservation easement boundaries after completion of a one year utilization study, the final conservation easement shall be consistent with the provisions of Section 704.06, Florida Statutes. For the purpose of this DRI D.O., 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 DO.

The Developer must submit a Final Management Plan to Lee County, FGFWFC, and DCA within 18 months of the effective date of the DRI DO, which was November 14, 1994. Lee County, FGFWFC, and DCA will review the management plan within fifteen working days of submittal. The DCA, and Lee County must provide a written response to the proposed final management plan which reflects that there is no objection or outlines the specific objections and concerns. The agencies response will specify how those concerns or objections can be addressed by the developer. The FGFWFC must provide all lawful objections within the same fifteen working day time frame.

If there are valid legal objections to the management plan, the Developer will revise and resubmit the plan to DCA, FGFWFC, and Lee County. DCA, Lee County, and FGFWFC will review the resubmittal, and any successive resubmittals, within fifteen working days. The agencies will provide a written response which reflects either the approval of the management plan or which outlines the specific objections and concerns. The agencies response will specify how those concerns or objections can be addressed by the developer. DCA and Lee County may not unreasonably withhold approval of the management plan. If the agencies do not provide a written response within the prescribed time frames, the management plan will be deemed approved. The Final Management Plan Approval from Lee County must be obtained prior to the issuance of the Certificate of Compliance for local development order #90-10-003.0D.

3. The projected gopher tortoise burrow count is 439, based on an estimate of FGFWFC habitat guidelines, 75 acres to gopher tortoise habitat must be protected.

The Developer will set aside a 78± acre area of xeric scrub and pine flatwoods to mitigate the impacts to the upland gopher tortoise habitat. This area will be known as the Pelican Landing Eco-Park. The Eco-Park area contains significant portions of the xeric oak habitat existing on the 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. The Developer shall submit a copy for the management plan to the DCA, SWFRPC, and Lee County for review prior to the commencement of development in any area containing gopher tortoise habitat, beyond that approved in the Preliminary Development Agreement. The agencies shall have a fifteen working day review period. The agencies shall provide all lawful objections

and concerns regarding the management plan to Lee County and the Developer in writing. The Developer will submit a revised management plan to DCA and Lee County that responds to the lawful objections. DCA and Lee County will review the management plan resubmittal, and any successive resubmittals, within fifteen working days of submittal. The agencies will provide a written response which approves the management plan or which outlines specific objections or concerns. The agencies response will specify how those concerns or objections can be addressed by the developer. DCA and Lee County may not unreasonably withhold the approval of the management plan. Should DCA and Lee County not provide a written response within the prescribed time frames, the management plan will be deemed approved by the agency that failed to provide timely written comments. The Developer has submitted for an Incidental Take Permit for the gopher tortoises located outside of the Eco-Park in the undeveloped portion of Pelican Landing. The Developer shall obtain an Incidental Take Permit prior to proceeding with development within gopher tortoise habitat areas.

The gopher tortoises addressed by the Incidental Take Permit shall be relocated to the Eco-park, or other appropriate open space areas within Pelican landing. The Eco-Park mitigates for regional impacts to the gopher tortoise population and xeric scrub within the Pelican Landing DRI.

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 shall 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 shall be prohibited in wetland areas #14 and #21 (as identified in DRI ADA) and Bay Cedar Phase II (along Spring Creek).

The Developer will grant a conservation easement consistent with Section 704.06., Florida Statutes for the Eco-Park to an entity approved by DCA. The Developer must submit a draft of the proposed conservation easement to DCA for review and comment. DCA must provide comments on the draft easement within 15 days so as not to unduly delay development. Once approved by DCA, the Developer will record the conservation easement in the Lee County Public Records prior to the issuance of a local Development Order or "Early Work" approval for any area containing gopher tortoise habitat other than areas approved in the PDA. The conservation easement may be drafted so as 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 direction-

al signage will be permitted within the Eco-Park. For the purposes of this DRI D.O. the prohibition of signage included within Section 704.06, F.S. 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, F.S. which prohibit the destruction of trees.

5. 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, 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 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.

9. Upon approval of the management plans referenced in the above, the approved management practices shall then be considered a part of this development order for enforcement purposes, and shall 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 8 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 invasives, the restoration of historic hydroperiods, and a total of not more than ten acres of littoral zone plantings.

F. Solid/Hazardous/Medical Waste

1. All storage, siting, and disposal of hazardous wastes and/or 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 shall be 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, shall 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, shall 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,

use, and storage of hazardous materials which will be located on the premises.

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

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

G. Stormwater 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 Improvement District (a district 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 stormwater 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 stormwater 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 Improvement District, 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 Lee County and South Florida Water Management District guidelines.

6. The SFWMD shall 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 County Attorney's office.

H. Transportation

1. Significant Impact

a. The traffic impact assessment for this project assumes the development parameters and land uses shown in Attachment B, "Pelican Landing DRI Development Parameters". The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Planning Horizon I (1997) and buildout (2002). Each annual monitoring report, described in Paragraph H.4, must reflect whether the roadways and intersections described below are significantly impacted or are projected to be significantly impacted by this project in the following year.

b. The Pelican Landing DRI is projected to significantly and adversely impact (as defined by Lee County Administrative Code AC-13-16, dated August 8, 1991, see Attachment C) the following roadways and intersections:

Planning Horizon I (1997)	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 and right turn lanes - Separate WB thru and left turn lanes

Buildout (2002)

Corkscrew Road - Three Oaks Parkway to I-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 and 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 and right turn lanes - Separate WB thru and left turn lanes

2. Mitigation

a. The developer will pay impact fees as defined in the Lee County 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 are estimated to be $8,783,000 for the land uses identified in Attachment B. 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. 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 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 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, Lee County may apply any Pelican Landing impact fees not required for those specific improvements to other improvements consistent with the requirements of the Lee County Land Development Code.

b. If through the local development approval process, the developer constructs, with the approval of the Lee County DOT, 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 must dedicate 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 must construct, 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 will occur as follows:

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) Burnt Pine Drive North from Pelican Landing Parkway to Pelican Landing North Entrance: under construction no later than December 31, 1998.

3) Burnt Pine Drive North from Pelican Landing North Entrance to Coconut Road: should be under construction no later than December 31, 1999.

d. The developer agrees to reserve 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 will be dedicated to Lee County if and when requested. 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 may, with the concurrence of Lee County, make an advance payment of a portion of Pelican Landing's total Impact Fees up to 2 million dollars. Lee County would then utilize 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 is currently 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 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 will be 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), unless subsequently dedicated to and accepted by Lee County.

4. Annual Monitoring Report

a. The developer will submit an annual traffic monitoring report to the following entities for review and approval: Lee County, the Florida Department of Transportation (FDOT), the Florida Department of Community Affairs (FDCA), and the Southwest Florida Regional Planning Council (SWFRPC).

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

b. The monitoring report will be designed in cooperation with the Lee County Department of Transportation, FDOT, the SWFRPC and the FDCA prior to the submittal of the first report. The

methodology of the annual traffic monitoring report may be revised if agreed upon by all parties.

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

(1) P.M. peak hour existing volumes and turning 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 turning 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	I-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	Hickory Blvd. to Vanderbilt	2 to 4	Planning Horizon I (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 annual 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 is projected to exceed the adopted level of service standards adopted by Lee County within the forthcoming 12 months, and if the project is utilizing more than 5% of LOS "D" service volume 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 is scheduled for construction in the first three years of an adopted local government capital improvement program or state work program.

e. If the annual 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 more than 5% of level of service D service volume 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 Annual Monitoring Report.

I. Wastewater Management/Water Supply

1. The developer or the Bayside 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 non-potable 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 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 developer must provide written assurance that any hazardous commercial effluent, generated by the project, 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 shall be constructed and sized in accordance with all pertinent regulations of the FDEP, Lee County, 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 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.

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 as defined by Lee County regulations.

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.

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 design, develop, and maintain any golf course constructed adjacent to the mangrove fringe area of Estero Bay in accordance with condition 14 a. through i. of 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 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 which may result from the development of a golf course and water management areas within five hundred feet of the mangrove fringe of Estero Bay.

3. The management practices which the Developer will follow are as follows:

a. The use of slow release fertilizers and/or carefully managed fertilizer applications which 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 prepare a management plan for the application of herbicides, pesticides, and fertilizers on the proposed golf course adjacent to the mangrove fringe of Estero Bay. The plan will be prepared prior to the application of any herbicides, pesticides and fertilizers to the proposed golf course. The management plan will include a groundwater and surface water monitoring plan. The plan will 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. The plan will identify the locations for the groundwater monitoring and testing on a map(s). The plan will set forth the testing and reporting requirements. The developer will submit the test reports with the annual monitoring report. The monitoring program will be 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.

5. The Developer will submit a written surface and groundwater quality management plan to Lee County and DCA. The plan must be approved by DCA prior to the application of chemicals to the proposed golf course. The DCA 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. DCA 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 DCA 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 DCA 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 will be buffered from the proposed golf course by a 100' undisturbed naturally vegetated corridor, except for water management facilities permitted by the South Florida Water Management District and except for the removal of exotic plants as required by Lee County. The 100' buffer area will run along the portion of the golf course that abuts the mangrove wetlands of Estero Bay.

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, F.S., 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 DO do not preempt the authority of the South Florida Water Management District and the Department of Environmental Protection. Section 373.016, F.S. 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 DCA, SWFRPC, or Lee County pursuant to this DRI DO are contrary to those of the SFWMD/DEP, in areas where the SFWMD and DEP have been given pre-emptive authority, the requirements of the SFWMD and the DEP will control.

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

1. This Development Order constitutes a resolution of Lee County, adopted by the Board of County Commissioners in response to the Development of Regional Impact Application for Development Approval filed for the Pelican Landing DRI.

2. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval and supplementary documents which 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 September 16, 1994 and stamped received March 3, 1995, is attached hereto as Attachment A 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.

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 which 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 County 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 which 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 Board of County Commissioners, 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 which create a reasonable likelihood of adverse regional impacts or other regional impacts which were 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, the Board 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 2002, and a termination date of 2005. This term is based on a ten year buildout and the recognition that a local Development Order, which is valid for three years, may be obtained in the tenth year.

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 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 2005 as long as the Lee Plan amendment proposed in association with this DRI to upwardly adjust the 2010 Overlay allocations for Subdistricts 801 and 806 is adopted and effective. If the County

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.

If the companion plan amendment is adopted, Lee County will reserve to this DRI, the appropriate uses from the allocations established for subdistricts (subdistricts 806/801) of the Lee Plan 2010 Overlay until 2005. This reservation has the effect of reserving all of the acreage transferred from Gateway to Pelican Landing for the duration of the Development Order.

15. The developer, or its successor(s) in title to the undeveloped portion of the subject property, will submit a report annually to Lee County, SWFRPC, FDCA 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 FDCA. The first monitoring report must be submitted to the Administrative Director of the DCA not later than one year after the effective date of this Development Order. Further reporting must be submitted not later than one year 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. Within six months of the effective date of this Development Order, the Developer will apply for an amendment to this Development Order which incorporates the portion of the Spring Creek DRI located west of US Highway 41 into the Pelican Landing DRI. The amendment will contain a description of that portion of the Spring Creek DRI and the conditions of the Spring Creek Development Order which are applicable to the Spring Creek West property. The amendment will not be deemed a substantial deviation under Chapter 380, Florida Statutes. 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 which would require further analysis of Spring Creek West. This amendment is to be 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 this amendment.

17. The County 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 MOTION TO ADOPT this Amendment was offered by Commissioner Manning and seconded by Commissioner Judah and upon poll of the members present, the vote was as follows:

John E. Manning	AYE
Douglas R. St. Cerny	ABSENT
Ray Judah	AYE
Andrew W. Coy	AYE
John E. Albion	AYE

DULY PASSED AND ADOPTED this 16th day of August, 1995.

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: _____
(Chairman)

ATTEST:

Charlie Green, Ex - Officio Clerk
Board of County Commissioners

_____, Clerk

By: _____
Deputy Clerk

APPROVED AS TO FORM

By: _____
County Attorney's Office

FILED

AUG 24 1995

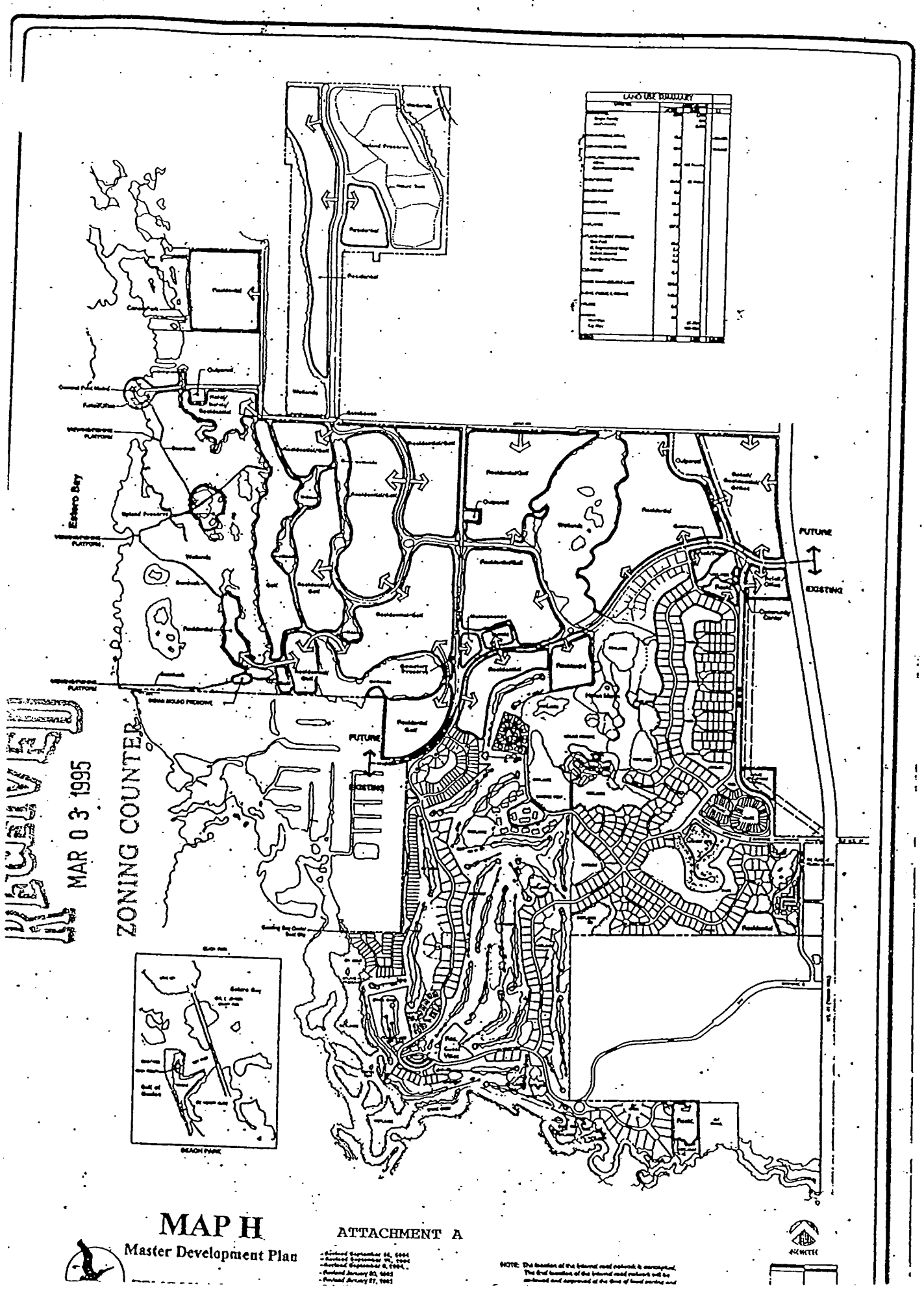
CLERK CIRCUIT COURT
BY _____ D.C.

State of Florida
County of Lee

I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 24th day of August, A.D. 1995

CHARLIE GREEN, CLERK
By _____
Deputy Clerk



MAP H

Master Development Plan

ATTACHMENT A

ATTACHMENT "B"

PELICAN LANDING DRI
DEVELOPMENT PARAMETERS

Land Use	Units[1]	Existing (1992	Planning Horizon I (1997)	Buildout Total (2002)
Residential	DU	969	2,433	4,050
Single Family	DU	373	625	665
Multi Family	DU	596	1,808	3,385
Retail[2]	GFA	11,000	291,000	600,000
Office[3]	GFA	40,000	150,000	210,000
Hotel	Rooms	0	450	450
Recreation Uses				
Pelican Nest Golf Course/Clubhouse/ Practice Range	Holes	29	38	38
Range Club Golf Course	Holes	0	9	9
Tennis Center	Courts	0	6	12
Coconut Marina	Boat Slips			
	Wet	24	48	48
	Dry	0	150	150
Redfish Point	GFA	5,000	5,000	5,000
	Boat Slips			
	Wet	15	15	15
Other[4]	Boat Slips			
	Wet	2	2	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

ZON5679/16-Aug-1995

ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS

CATEGORY:	CODE NUMBER:
DEVELOPMENT/PLANNING/ZONING	AC-13-16
TITLE:	**ADOPTED:**
PROPORTIONATE SHARE CALCULATIONS FOR TRANSPORTATION FACILITY NEEDS RESULTING FROM NEW DEVELOPMENT	AUGUST 21,1991
	ORIGINATOR:
	BILL SPIKOWSKI DEPT. OF GROWTH MANAGEMENT
COUNTY ADMIN:	**BOARD CHAIRPERSON:**
ROBERT GRAY, ACTING COUNTY ADMINISTRATOR	DOUGLAS ST. CERNY

I. PURPOSE:

This document describes procedures to calculate proportionate share costs for proposed developments. All new development is required to pay road impact fees under the terms of Lee County's Roads Impact Fee Ordinance (No. 85-23, as amended). Some developers/applicants may be required to pay a proportionate share of roadway improvement costs under certain conditions as outlined below. These conditions result from the larger size, use, character, or location of the proposed development. Mitigation of impacts on the county's road system is mandated by the Lee County Comprehensive Plan.

II. SCOPE:

The policies and procedures contained in this code have been prepared to aid the development community and Lee County Commissioners and staff in assessing the impacts of larger new developments on the surrounding road network. This code is supplemental in nature:

A. As to Developments of Regional Impact (DRIs), this code supplements the provisions of Chapter 380, Florida Statutes, and Rule 9J-2.0255, Florida Administrative Code.

B. As to Development Agreements, this code supplements Ordinance No. 90-29.

Traffic analysis methodologies deviating from these procedures must be approved by the Lee County Department of Transportation & Engineering.

III. POLICY/PROCEDURE:

A. Pre-application Meeting

A pre-application meeting between the county and the applicant is encouraged. The purpose of this meeting is to review the methodology and procedures and to determine the study period. This will usually be a PM peak hour analysis; however, other time periods may require analysis. This discussion can be held at the same time as the pre-application meeting for the project's Traffic Impact Statement.

B. Projecting Future Year Total and Development Trips

Two separate methodologies are outlined under this section. The first methodology applies to large projects or developments with build-out periods of longer than five years. For purposes of this analysis, projects generating more than 750 peak hour external trip ends and having build-out periods of 5 years or more are generally considered large, all others are small. This first methodology requires use of the latest Lee County FSUTMS computer model for projecting total and development trips. The second methodology applies to smaller projects and projects with build-out periods of five years or less. For these smaller short-range developments, manual traffic analysis methods should be used in place of the FSUTMS computer model.

1. Larger or Long-Term Developments

   a. The FSUTMS computer model should be used to develop traffic volumes for build-out and interim phase years.

      (1) The latest zonal data should be gathered from the Lee County Department of Transportation & Engineering.

      (2) The model's base and future year zonal data can be used for data interpolation of extrapolation to the appropriate project years (in the absence of existing zonal data).

   b. Future year traffic assignments should be developed for development trips and total trips using the FSUTMS model. The following methods are the recommended DRI traffic impact analysis methodologies as listed in Florida Department of Transportation FSUTMS training course materials:

      (1) Development trips can be determined by using a two-purpose trip table with the second purpose representing all trips with at least one end in the development zone or zones.

      (2) Development trips can also be isolated with the selected links analysis method.

   c. The "net impact methodology" is an unacceptable method for determining development trips. Under this method, volumes from a traffic assignment with the development land use in place are subtracted from assignment volumes with zero land use assumed on the development site. The net impact methodology significantly underestimates development trips on each link. On links further from the site, this methodology often results in illogical negative number of development trips; thus the methodology is inappropriate as the basis for proportionate share calculations.

2. Smaller or Short-Term Developments

   a. For these developments, it is acceptable to use historic growth rates for traffic projection and manual distribution techniques to determine project trip loadings.

      (1) Appropriate traffic growth rates should be determined based on an examination of historical counts available for the impact area.

      (2) Current traffic counts must be collected for all arterial segments in the impact area.

      (3) Current traffic volumes should be projected to the build-out year and the end of each development phase.

   b. Trip generation for the project under study should be estimated using the latest edition of the ITE Trip Generation manual or other figures acceptable to the Department of Transportation & Engineering. It may be appropriate to apply internal capture assumptions for mixed-use developments and pass-by capture factors for commercial uses on arterial roadways. These factors may be based on the ITE Trip Generation manual or other sources acceptable to the Department of Transportation and Engineering.

   c. Development trips should be assigned to surrounding roadways based on the relative trip activity and location of surrounding land uses.

      (1) The potential origins and destinations for development trips and turning patterns at key intersections should form the basis for these manual distributions.

      (2) Trip attenuation along assigned roadways can be accomplished through an analysis of average trip length and consideration of intervening opportunities for "intercepting" trips along designated paths.

      (3) Thorough documentation of distribution procedures and justifications of all assumptions must be presented.

   d. The total traffic projection on each roadway segment in the study area is calculated generally by adding the assigned development traffic to the projected future year volume.

Mitigation Due to "Significance" and "Adversity"

1. If a roadway link is projected to carry a significant number of development trips and total traffic adversely affects the roadway by exceeding the service volume (capacity), a proportionate share of the improvement cost for that link shall be calculated.

2. For roadway links in the impact area, service volumes must be determined.

   a. Each roadway has a specific service volume based on its unique characteristics.

   b. These service volumes must be determined using procedures based on 1985 Highway Capacity Manual.

   c. The FDOT statewide Generalized Level of Service Tables are applicable only to the broadest planning applications; a more detailed LOS analysis must be used for mitigation purposes. Generalized service volumes have been developed for Lee County, and may be used. They are contained in Chapter IX of the 1990 Amendments to the Lee Plan (see Volume 1 of the supporting documentation).

   d. The ARTPLAN program developed by FDOT is another acceptable method of replicating the 1985 HCM arterial analysis.

3. Each roadway link must be analyzed to determine if development traffic has a significant impact on the roadway.

   a. A significant impact is said to occur when development traffic exceeds 5% of the LOS D service volume for that link.

   b. This significance analysis will determine which roadways fall within the impact area and must then be tested for adversity.

4. A roadway link is determined to be adversely affected if total traffic exceeds the LOS D service volume for that link.

D. Roadway Improvement Costs

1. A proportionate share shall be calculated for design, right-of-way, and construction costs for all links where traffic levels are both significant and adverse.

   a. Roadway improvement cost calculations should be based on cost figures developed specifically for the roadway being analyzed. These cost figures are often available for roadway projects under design by state or local agencies.

   b. If specific costs are unavailable, average cost per mile figures for the required type of roadway improvement should be used. Statewide average cost per mile values have been developed by FDOT for each type of roadway improvement; often local average cost per mile figures are also available.

E. Proportionate Share Calculations for DRIs

1. Proportionate shares shall be calculated using the formula developed by the Southwest Florida Regional Planning Council. This formula is similar to the DRI proportionate share formula adopted by the Department of Community Affairs as contained in Rule 9J-2.0255, F.A.C. The formula is as follows:

$$\text{Proportionate Share Percentage} = \frac{\text{(Development Trips - Reserve Capacity on Link)}}{\text{Added Capacity with Improvement}}$$

   a. "Reserve Capacity" is determined by subtracting future year non-development traffic from the road's service volume. A reserve capacity of zero is used if this calculation results in a negative number.

b. , "Added Capacity With Improvement" is the difference between the serv volume after the improvement and the service volume before the improvemen

2. The proportionate share percentage is multiplied by the total cost of the roadway improvement for each road link to determine the developer's proportionate share of that improvement.

3. This proportionate share formula is applied to each link on which the development traffic is significant and levels of service are adverse. The sum of these computations is the development's "proportionate share." If this sum is less than the development would pay in road impact fees, it shall not form the basis for an assessment against the development in the DRI or DCI process. If the sum is greater than the development would pay in road impact fees, it will be used in a DRI development order as the figure required to mitigate the development's long-run impact on transportation facilities.

F. Voluntary Proportionate Share Payments in Development Agreements

1. In order to induce Lee County into entering a Development Agreement pursuant to Ordinance No. 90-29, a prospective developer should use this section as the basis for his/her offer to voluntarily construct road improvements or to pay the cost of such improvements.

2. Sections B, C, and D above shall be used to project future travel patterns, to determine "significance" and "adversity," and to estimate roadway improvement costs.

3. Proportionate share payments in Development Agreements shall be calculated by summing the costs of improving each road segment that meets the previously stated tests for "significance" and "adversity," up to a cap of double the road impact fees at current rates for the entire development. The Development Agreement shall be based on the greater of the total costs of needed improvements (as just described) up to the cap of double impact fees, or proportionate share as calculated under Section E above, whichever greater.

State of Florida
County of Lee

I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 29th day of March, A.D. 1995

CHARLIE GREEN, CLERK

By Ruth Tyksinski
Deputy Clerk

ATTACHMENT C

RESOLUTION NUMBER Z-96-055

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, WCI Communities, L.P. in reference to Pelican Landing RPD/CPD DRI Amendment filed an application for:

a) An Amendment to the Pelican Landing DRI Development Order #1-9293-121, as amended, and DRI Map H, as amended, to acknowledge the conversion of commercial retail floor area to residential and commercial office uses and to eliminate Condition II.B.2 pertaining to affordable housing and add a new Condition II.B.2 pertaining to affordable housing;

b) A Finding of No Substantial Deviation under the provisions of Section 380.06(19), Florida Statutes; and

c) An Amendment to the Pelican Landing CPD/RPD Resolution Z-94-014 (as amended), and the corresponding Master Concept Plan, to:

   1) Add 350 dwelling units in the Urban Community category CPD/RPD Area D;

   2) Decrease the amount of commercial retail floor area from 390,000 square feet, to 330,000 square feet;

   3) Increase the amount of commercial office space from 125,000 square feet, to 160,000 square feet; and

   4) Add an Assisted Living Facility (ALF) as a permitted use in RPD Area D.

WHEREAS, the subject property is located between US 41 and Estero Bay, north of Spring Creek to the north and south of Coconut Road, Bonita Springs, and is described more particularly as:

LEGAL DESCRIPTION: In Sections 05, 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:

DRI PARCEL 1
A tract or parcel of land lying in Sections 08, 09, 16, 17, 20 and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

Beginning at a concrete monument marking the Northeast corner of said Section 20, run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE¼) of said section;
THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW¼) of said Section 21 for 2,040.41 feet;
THENCE run S00°51'35"E for 801.04 feet to the waters of Spring Creek;
THENCE run 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:
S78°50'00"W for 181.31 feet,
N34°24'12"W for 230.22 feet,
N30°59'12"W for 174.93 feet,
N24°25'16"E for 120.83 feet,
S65°47'43"E for 219.32 feet,
N18°24'43"E for 158.11 feet,
N75°11'47"W for 351.71 feet,
N65°09'33"W for 451.88 feet,
N84°18'44"W for 351.75 feet,
N66°54'31"W for 445.79 feet,
S63°24'43"W for 134.16 feet,
S03°23'22"E for 170.29 feet,
S50°30'17"W for 220.23 feet,
N84°49'43"W for 331.36 feet,
S62°13'07"W for 214.71 feet,
S22°08'36"W for 291.55 feet,
S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW¼ of said Section 20;
THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast corner of said fraction;
THENCE run S89°58'37"W 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:
N09°13'28"W for 137.34 feet,
N29°08'22"W for 590.59 feet,
N38°31'58"W for 278.03 feet,
N65°16'43"W for 254.95 feet,
N37°18'28"W for 286.01 feet,
N32°51'05"E for 252.39 feet,
N20°11'00"E for 236.69 feet,
N27°23'47"W for 369.25 feet,
N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek;

THENCE run along said Easterly shore for 1,220 feet, more or less to an intersection with the North line of said Section 20;
THENCE run N89°15'13"E along said North line of said Section for 970 feet, more or less to a concrete monument marking the Northwest corner of the Northeast Quarter (NE¼) of said Section 20;
THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE¼) of said Section 17 for 2,644.38 feet to an intersection with the South line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records;
THENCE run S89°58'35"E along said South line for 739.45 feet;
THENCE run N00°07'58"E for 30.00 feet to an intersection with the North line of the Southeast Quarter (SE¼) of said Section 17;
THENCE run S89°58'35"E along the North line of said fraction for 375.91 feet to the Southeast corner of lands described in Official Record Book 1713 at Page 1188 of said Public Records;
THENCE run N00°41'04"W for 668.20 feet to the Northeast corner of said lands;
THENCE run N89°50'32"W along the North line of said lands for 366.38 feet to the Easterly line of said Spring Creek Road (50 feet wide);
THENCE run N00°07'58"E for 2,007.04 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;
THENCE continue N00°07'17"E along said East line for 343.54 feet;
THENCE run S89°38'58"E for 10.00 feet;
THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;
THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;
THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;
THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;
THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);
THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;
THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of said Section;
THENCE continue along said West line N00°39'58"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records;
THENCE run S89°35'50"E along said South line for 3,164.37 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S00°10'56"W along said West line for 621.81 feet to a Point of Curvature;

THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a Point of Tangency;
THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE¼) of said Section 16;
THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE¼) of Section 16;
THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE¼) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE¼) of said Section;
THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;
THENCE run S00°06'43"E for 1,085.91 feet;
THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;
THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a Point of Tangency;
THENCE run S00°06'43"E along said West line for 49.81 feet;
THENCE run S89°06'43"W for 300.00 feet;
THENCE run S00°06'43"E for 1,445.82 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 16;
THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW¼) of said Section 16;
THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW¼) for 2,627.98 feet to the POINT OF BEGINNING.

ALSO

DRI PARCEL 2
A tract or parcel of land lying in Sections 07, 08, 17 and 18 which tract or parcel is described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.
From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;
THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;
THENCE run S00°07'58"W along said West line for 2,646.47 feet;

THENCE run N89°58'35"W along the North line of Coconut Road for 689.04 feet to an intersection with the East line of the Northwest Quarter (NW¼) of said Section 17;
THENCE run N89°59'08"W along said North line for 404.79 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;
THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;
THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE¼) of said Section 18;
THENCE continue N89°59'08"W for 1,840 feet more or less to the waters of Estero Bay;
THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S½) of Government Lot 2 of said Section 07;
THENCE run N89°32'15"E along the North line of said Government Lot 2 for 545 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said Public Records;
THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;
THENCE run N89°32'15"E along the South line of said lands for 247.50 feet;
THENCE run N89°35'27"E for 666.22 feet;
THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
THENCE run S01°07'45"E along said West line for 488.63 feet;
THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.
LESS AND EXCEPT lands described in Official Record Book 1677 at Page 3516 of the Public Records of Lee County, Florida.

ALSO:

DRI PARCEL 3
A tract or parcel of land lying in Sections 05 and 08, Township 47 South, Range 25 East, Lee County, Florida, consisting of Lots 8B, 9B, 10B, 11B, 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LAND COMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records of Lee County;
ALSO the East Three-quarters (E-3/4) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of said Section 05;
ALSO the East Two-thirds (E-2/3) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of said Section 05;

ALSO the East Two-thirds (E-2/3) of the Western Half (W½) of the Northwest Quarter (NW¼) of said Section 08; being more particularly described by metes and bounds as follows:

From the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S89°16'14"E along the North line of said Southwest Quarter (SW¼) for 422.61 feet;
THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;
THENCE run N01°22'23"W for 1,304.41 feet;
THENCE run N89°56'22"W for 107.12 feet;
THENCE run N01°22'55"W for 1,303.87 feet;
THENCE run N89°34'15"E for 2,593.81 feet;
THENCE run S00°26'45"E for 2,655.42 feet;
THENCE run N88°48'50"W along the North line of said Section 08 for 322.66 feet;
THENCE run N89°25'01"W for 587.55 feet;
THENCE run S00°50'16"E for 132.58 feet;
THENCE run N89°11'54"W for 75.00 feet;
THENCE run N00°50'16"W for 132.30 feet;
THENCE run N89°25'01"W for 610.69 feet;
THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North right-of-way line of Coconut Road;
THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet to the POINT OF BEGINNING.

ALSO

<u>DRI PARCEL 4</u>
All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;
THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;
THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;
THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING.
Containing 2,409 acres, more or less.

Bearings hereinabove mentioned are based on the East boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at Pages 58 through 60 of the Public Records of Lee County, Florida.

AND

DRI 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 SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;
THENCE run S62°26'49"W for 98.40 feet;
THENCE run N27°33'11"W for 1,863.42 feet;
THENCE run N20°00'41"W for 1,403.30 feet;
THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet,
N22°26'23"W for 100.53 feet,
N23°09'50"W for 100.14 feet,
N14°51'19"W for 73.01 feet,
N27°40'10"W for 88.01 feet,
N29°33'57"W for 46.01 feet,
N22°14'53"W for 47.27 feet,
N20°39'23"W for 46.98 feet,
N11°15'38"W for 29.80 feet,
N26°10'46"W for 46.87 feet,
N09°09'45"W for 48.26 feet,
N17°35'56"W for 46.04 feet,
N12°49'07"W for 50.04 feet,
N29°20'48"W for 69.12 feet,
N20°48'58"W for 63.82 feet;
THENCE run N79°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 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 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 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;

THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING.

AND

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;
THENCE run S19°13'48"E for 50.64 feet;
THENCE run S04°34'15"E for 54.63 feet;
THENCE run S24°53'12"E for 50.09 feet;
THENCE run S27°10'29"E for 50.01 feet;
THENCE run S31°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 N65°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 N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF BEGINNING.
Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

PELICAN LANDING RPD PARCEL 1
Tracts or parcels lying in Section 05 and Section 08, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows and all consisting of 203.85 acres, more or less.

Parcels in Section 5:
Lots 8B, 9B, 10B, 11B, 12B, and Lots 21B, 22B, 23B, 24B, and 25B of Florida Gulf Land Company's Subdivision, all in Section 05, Lee County, Florida (recorded in Plat Book 1 at Page 59).
Consisting of 100 acres more or less.

ALSO

The East Three-Quarters (E-3/4) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼), of said Section 05.
Consisting of 30 acres, more or less.

ALSO

The East Two-Thirds (E-2/3) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼), of said Section 05.
Consisting of 26.67 acres, more or less.

Parcels in Section 8:
The East Two-Thirds (E-2/3) of the West Half (W½) of the Northwest Quarter (NW¼) of said Section 08.
Consisting of approximately 53.55 acres, more or less, less the Southerly 40.00 feet for the right-of-way of Coconut Road.

ALSO

Lot 8, Block 14 of El Dorado Acres, an unrecorded subdivision shown in Deed Book 310 at page 183 of the Public Records of Lee County, Florida.

PELICAN LANDING RPD PARCEL 2
All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07 run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;
THENCE run S89°33'42"W along the South line of said Government Lot 1 for 1,747.82 feet to a concrete post at the waters of Estero Bay;
THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;
THENCE run N89°48'31"E along said North line for 2,575 feet, more or less to the POINT OF BEGINNING.
Containing 60 acres, more or less.

PELICAN LANDING RPD PARCEL 3
A tract or parcel of land lying in Sections 07, 08, 17 and 18, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) to the POINT OF BEGINNING;
THENCE run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road as described in County Commissioners Minute Book 6 at Page 210, Public Records, Lee County, Florida;

THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;
THENCE run S00°07'58"W along said West line for 1,612.27 feet;
THENCE run N89°52'02"W for 5.00 feet to a Point on a curve;
THENCE along the arc of a non-tangent curve to the right of radius 1,070.00 feet (delta 91°03'07") (chord bearing S45°39'32"W) (chord 1,527.04 feet) for 1,700.40 feet;
THENCE run N01°31'36"E for 33.48 feet to the Southeast corner of lands described in Official Record Book 411 at page 759 of said Public Records;
THENCE continue N01°31'36"E along the East line of said lands for 960.34 feet;
THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE¼) of said Section 18;
THENCE continue N89°59'08"W for 1,840 feet, more or less to the waters of Estero Bay;
THENCE run Northerly along the waters of Estero Bay for 6,490 feet, more or less to an intersection with the South line of Government Lot 2 of said Section 07;
THENCE run N89°40'05"E along said South line for 745 feet, more or less;
THENCE run S00°19'55"E for 650.00 feet;
THENCE run N89°40'05"E for 1,107.21 feet to an intersection with the West line of said Section 08;
THENCE run N00°23'24"W along the West line of said Section for 625.00 feet to an intersection with the South line of said Coconut road and said POINT OF BEGINNING.
Containing 547.4 acres, more or less.

PELICAN LANDING RPD PARCEL 4
A tract or parcel of land lying in Sections 08 and 17, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, run S00°41'48"E along the West line of said Section 09 for 5.00 feet to an intersection with the South line of Coconut Road (50 feet wide) as described in Official Record Book 1738 at Page 2538, Public Records, Lee County, Florida, and the POINT OF BEGINNING.
From said POINT OF BEGINNING run S00°39'58"E continuing along said West line for 2,606.06 feet to the Southwest corner of said Section 09;
THENCE run S00°41'04"E along the West line of Section 16, Township 47 South, Range 25 East, Lee County, Florida, for 504.83 feet to a point on a curve;

THENCE run along the arc of a curve to the right of radius 2,760.00 feet (delta 21°21'52") (chord bearing S75°03'10"W) (chord 1,023.20 feet) for 1,029.15 feet;
THENCE N20°00'00"W for 580.12 feet;
THENCE N89°52'02"W for 657.66 feet to an intersection with the East line of Spring Creek Road as described in County Commissioners Minute Book 6 at Page 210, Public Records, Lee County, Florida;
THENCE run N00°07'58"E along said East line for 240.32 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;
THENCE continue N00°07'17"E along said East line for 343.49 feet;
THENCE run S89°38'58"E for 10.00 feet;
THENCE run N00°07'17"E along said East line for 499.94 feet to the Southwest corner of lands described in Official Record Book 428 at Page 349, said Public Records;
THENCE run S89°21'02"E along the South line of said lands for 536.00 feet;
THENCE run N00°07'17"E along the East line of said lands for 474.33 feet;
THENCE run N89°21'02"W along the North line of said lands for 546.00 feet to an intersection with the Easterly line of said Spring Creek Road;
THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of said Coconut Road;
THENCE run S89°16'14"E along the South line of said Coconut Road 1,802.38 feet to an intersection with the West line of said Section 09 and the POINT OF BEGINNING.
Containing 124.18 acres, more or less.

PELICAN LANDING RPD/CPD PARCEL 1
A tract or parcel of land lying in Section 08, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a railroad spike marking the Northeast corner of the Southeast Quarter (SE¼) of said Section 07 run S00°23'24"E along the East line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet
wide) and the POINT OF BEGINNING.
From said POINT OF BEGINNING run S00°23'24"E along the East line of Section 07 for 625.00 feet;
THENCE run S89°40'05"W for 1,107.21 feet;
THENCE run N00°19'55"W for 650.00 feet to an intersection with the South line of Government Lot 2 of said Section 07;
THENCE run S89°40'05"W along said South line for 745 feet, more or less to an intersection with the waters of Estero Bay;
THENCE run along the waters of Estero Bay for 1,810 feet, more or less to a Point which intersects the North line of the South Half (S½) of said Government Lot 2;

THENCE run N89°32'15"E along said North line of the South Half (S½) of said Government Lot 2 for 545 feet, more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817, Public Records, Lee County, Florida;
THENCE S08°50'45"E along the West line of said lands for 199.50 feet;
THENCE N89°32'15"E along the South line of said lands for 247.50 feet;
THENCE run N89°35'27"E for 666.22 feet;
THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
THENCE run S01°07'45"E along said West line for 488.63 feet to an intersection with the South line of said Coconut Road;
THENCE run N89°40'05"E along the South line of said Coconut Road for 24.55 feet to the POINT OF BEGINNING.
LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516, Public Records, Lee County, Florida.
Containing 39.1 acres, more or less.

PELICAN LANDING RPD/CPD PARCEL 2
A tract or parcel of land lying in the South Half (S½) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:
From the Northwest corner of the Southwest Quarter (SW¼) of said Section 09 run N00°41'48"W for 5.00 feet to the South right-of-way line of Coconut Road (50 foot right-of-way);
THENCE run S89°35'50"E for 1,863.14 feet to the centerline of a certain Florida Power and Light transmission line easement (100 feet wide) as described in Deed Book 229 at Page 48, Public Records, Lee County, Florida, and the POINT OF BEGINNING.
From said POINT OF BEGINNING continue S89°35'50"E along said South right-of-way line for 1,301.22 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S00°10'56"W along said West line for 621.81 feet to a Point of Curvature;
THENCE run along the arc of a curve to the left of radius 5,797.58 feet (delta 10°17'00") (chord bearing S04°57'34"E) (chord 1,039.14 feet) for 1,040.54 feet to a Point of Tangency;
THENCE run S10°06'04"E along said Westerly line for 230.98 feet;
THENCE run S79°53'56"W for 70.57 feet to a Point of Curvature;
THENCE run along the arc of a curve to the right of radius 650.00 feet (delta 49°49'26") (chord bearing N75°11'21"W) (chord 547.59 feet) for 565.23 feet to a Point of Reverse Curvature;
THENCE along the arc of a curve to the left of radius 840.00 feet (delta 22°49'21") (chord bearing N61°41'18"W) (chord 332.39 feet) for 334.60 feet to a point on a non-tangent curve;

THENCE along the arc of a curve to the left of radius 180.00 feet (delta 27°59'03") (chord bearing N06°54'21"W) (chord 87.04 feet) for 87.91 feet to a Point of Tangency on the Western line of said Florida Power and Light easement;
THENCE run N20°53'52"W along said Western easement line for 721.03 feet to a Point of Curvature;
THENCE along the arc of a curve to the left of radius 330.00 feet (delta 68°41'58") (chord bearing N55°14'51"W) (chord 372.40 feet) for 395.68 feet to a Point of Cusp;
THENCE run S89°35'50"E for 56.51 feet to a Point of Curvature;
THENCE run along the arc of a curve to the right of radius 530.00 feet (delta 27°42'00") (chord bearing S75°44'50"E) (chord 253.74 feet) for 256.23 feet to an intersection with said centerline of said easement;
THENCE run N20°53'52"W along said centerline for 748.16 feet to an intersection with the South line of said Coconut Road and the POINT OF BEGINNING.
Containing 42.44 acres, more or less.

PELICAN LANDING CPD PARCEL 3
A tract or parcel of land lying in the Southeast Quarter (SE¼) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at the Southwest corner of the Southeast Quarter (SE¼) of said Section 09 run N010°0'24"W along the West line of said Southeast Quarter (SE¼) for 587.77 feet to a point on a non-tangent curve;
THENCE along the arc of a curve to the left of radius 850.00 feet (delta 39°04'25") (chord bearing S80°33'52"E) (chord 568.50 feet) for 579.67 feet to a Point of Tangency;
THENCE run N79°53'56"E for 70.57 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S10°06'04"E along said West line for 507.09 feet to an intersection with the South line of said Section 09;
THENCE run S89°23'00"W along said South line for 708.94 feet to the POINT OF BEGINNING.
Containing 7.73 acres, more or less.

WHEREAS, WCI Communities, L.P., the owner of the subject parcel, authorized Pavese, Garner, Haverfield, Dalton, Harrison & Jensen to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on September 3, 1996 and subsequently continued on September 13, 1996 before the Lee County Hearing Examiner who gave full consideration of the evidence available; and

WHEREAS, a public hearing was advertised and held on November 4, 1996 before the Lee County Board of County Commissioners who gave full and complete consideration to the recommendations of staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board:

a) APPROVES an Amendment to the Pelican Landing DRI Development Order #1-9293-121, as amended, and DRI Map H, as amended;

b) MAKES a finding of No Substantial Deviation under the provisions of Section 380.06(19), Florida Statutes; and

c) APPROVES with conditions an Amendment to the Pelican Landing CPD/RPD Resolution Z-94-014, as amended, and the corresponding Master Concept Plan.

SECTION A. CONDITIONS:

The Amendment and the Pelican Landing RPD/CPD Master Concept Plan are subject to the following conditions:

1. The development of this project must be in compliance with the one page Master Concept Plan entitled "Pelican Landing RPD/CPD," last revised May 2, 1996, and stamped received by the Zoning Counter on May 22, 1996; the Pelican Landing DRI Development Order #1-9293-121, as amended, and DRI Map H, last revised April 2, 1996, and stamped received by the Zoning Counter on April 15, 1996.

2. All deviations and conditions approved by Resolutions Z-94-094 and Z-95-061, except as specifically modified herein and by the amended Master Concept Plan, will remain in full force and effect.

3. The addition of an Assisted Living Facility (ALF) as a permitted use in RPD Area D is limited to the parcel located at the southeast corner of Spring Creek Road and Coconut Road.

4. In accordance with DRI Development Order Condition II.c.10, the Developer must notify the local Emergency Management personnel when it submits an application for local Development Order approval for construction that includes any dwelling unit over the initial 4,050. The purpose of this notification is to alert local Emergency Management personnel to coordinate with the Impact Fee Coordinator for the collection of the $18.50 per dwelling unit hurricane mitigation fee. This fee will be paid only on units 4,051 through 4,400. It will be the responsibility of the Developer to notify the individual contract purchaser of the required hurricane mitigation fee. If Lee County adopts an impact fee for hurricane shelters prior to, or during, the acquisition of

building permits 4,051 through 4,400, then the Developer may pay the duly adopted impact fee, provided that fee is no less per unit than the per unit amount set out above.

SECTION B. Master Concept Plan:

A one page reduced copy of the Pelican Landing RPD/CPD Master Concept Plan is attached and incorporated into this resolution by reference.

SECTION C. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested Amendment:

1. The Applicant has proved entitlement to the amendment by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.

2. The requested amendment:

   a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

   b) is consistent with the densities, intensities and general uses set forth in the Lee Plan;

   c) is compatible with existing or planned uses in the surrounding area; and

   d) will not adversely affect environmentally critical areas and natural resources.

3. Approval of the request will not unduly burden existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The proposed use or mix of uses is appropriate at the subject location.

6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.

7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

The foregoing resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Ray Judah, and seconded by Commissioner John E. Albion and, upon being put to a vote, the result was as follows:

John E. Manning	AYE
Douglas R. St. Cerny	ABSENT
Ray Judah	AYE
Andrew W. Coy	AYE
John E. Albion	AYE

DULY PASSED AND ADOPTED this 4th day of November, A.D., 1996.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form by:

_____
County Attorney's Office

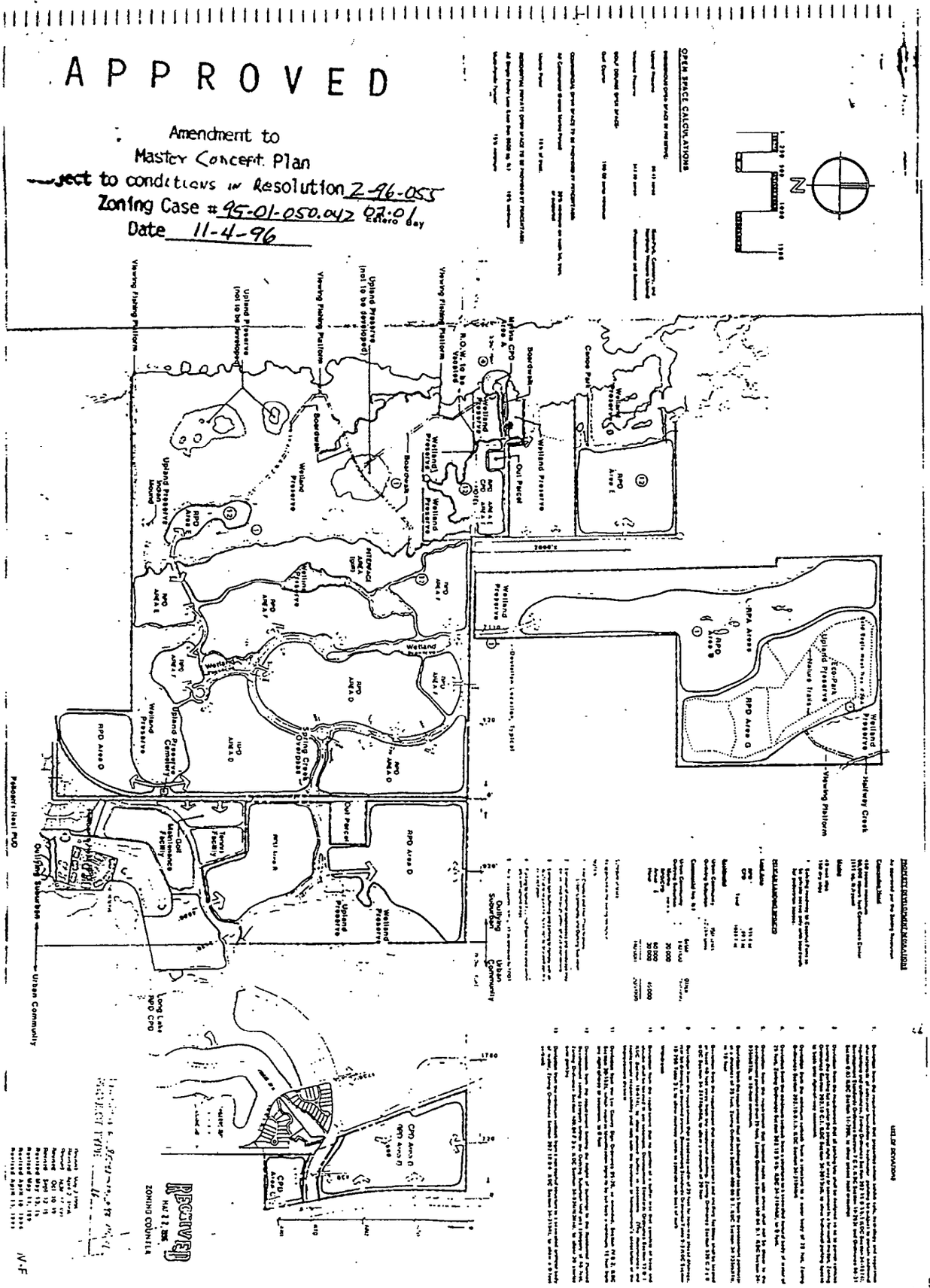
FILED

NOV 8 1996

CLERK CIRCUIT COURT
BY _____ D.C.

APPROVED

Amendment to
Master Concept Plan
—ject to conditions in Resolution Z-96-055
Zoning Case # 95-01-050.042 97:01 Extra Day
Date 11-4-96



PELICAN LANDING RPD/CPD
Master Concept Plan
prepared for: Pelican Landing Communities, Inc.

WILSON MILLER BARTON & PEEK INC.

THIRD ~~SECOND~~ DEVELOPMENT ORDER
AMENDMENT
FOR

PELICAN LANDING

A DEVELOPMENT OF REGIONAL IMPACT

STATE DRI #1-9293-121
COUNTY CASE ~~#95-01-050.04Z-04.01~~ 95-01-050.04Z 05.01

WHEREAS, on ~~June 6, 1995~~ January 5, 1996, ~~Pelican Landing Communities, Inc.~~ WCI Communities, L.P., the owner of the Pelican Landing Development of Regional Impact (DRI) requested an amendment to the original Development Order adopted August 29, 1994, as amended; and

WHEREAS, Section III. Condition 16 of the Development Order requires the Developer to incorporate Spring Creek West DRI into the Pelican Landing DRI by adding the land describes as Spring Creek West in Section I.B. and adding a new Findings of Fact/Conclusion of Law Section I.J.; and

WHEREAS, this document incorporates the Development Order Amendments for Pelican Landing DRI adopted: 1) March 22, 1995; 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) and the conditions proposed for the third amendment to the Pelican Landing DRI DO; and

WHEREAS, the amendments proposed to the development order are ~~in the purview of~~ not a substantial deviation, as that term is defined and identified in subsection 380.06(19)(e)2, Florida Statutes, ~~thereby eliminating the~~ and as such there is no need for further DRI review. The amendments would change the mix of uses while maintaining the same level of external traffic impacts. This development order amendment would approve a reduction in the amount of retail square footage, increase the total number of residential units and increase the amount of office square footage; and

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

WHEREAS, the proposed changes to the Pelican Landing DRI Development Order will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area; and

WHEREAS, the proposed changes are consistent with the State Comprehensive Plan.

WHEREAS, the Board of County Commissioners of Lee County, Florida, has considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Staff, the Lee County Hearing Examiner, the documents and comments upon the record made before the Board in public hearing, and, after full consideration of those reports, recommendations, comments, and documents, the Board of County Commissioners of Lee County, Florida, finds and determines that:

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The "Pelican Landing DRI" is a partially built master planned community on 2,100± acres located approximately three miles north of the Lee/Collier County Line. 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 proposal is to construction 4,400 ~~4,050~~ residential units, of which 665 are single-family and 3,735 ~~3,385~~ multi-family, 540,000 ~~600,000~~ square feet of gross floor area of retail commercial, and 245,000 ~~210,000~~ square feet of gross floor area of office commercial. The retail uses will provide up to 2,699 ~~2,400~~ parking spaces and the office uses will provide up to 820 ~~700~~ parking spaces. The project will also include 450 hotel rooms, 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, and a beach park for the benefit of the owners in Pelican Landing. There are 87 acres of upland habitat preserve, 507 acres of salt and freshwater wetlands, 208 acres of water management lakes, 140 acres of public and private rights-of-way, 6 acres of utilities and a .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 2002.

B. LEGAL DESCRIPTION: In Sections 05, 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:

PARCEL 1

A tract or parcel of land lying in Sections 08, 09, 16, 17, 20, and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

Beginning at a concrete monument marking the Northeast corner of said Section 20 run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE¼) of said section;

THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW¼) of said Section 21 for 2,040.41 feet;
THENCE run S00°51'35"E for 801.04 feet to the waters of Spring Creek;

THENCE run 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:
S78°50'00"W for 181.31 feet,
N34°24'12"W for 230.22 feet,
N30°59'12"W for 174.93 feet,
N24°25'16"E for 120.83 feet,
S65°47'43"E for 219.32 feet,
N18°24'43"E for 158.11 feet,
N75°11'47"W for 351.71 feet,
N65°09'33"W for 451.88 feet,
N84°18'44"W for 351.75 feet,
N66°54'31"W for 445.79 feet,
S63°24'43"W for 134.16 feet,
S03°23'22"E for 170.29 feet,
S50°30'17"W for 220.23 feet,
N84°49'43"W for 331.36 feet,
S62°13'07"W for 214.71 feet,
S22°08'36"W for 291.55 feet,
S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW¼) of said Section 20;
THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast corner of said fraction;
THENCE run S89°58'37"W 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:
N09°13'28"W for 137.34 feet,
N29°08'22"W for 590.59 feet,
N38°31'58"W for 278.03 feet,
N65°16'43"W for 254.95 feet,
N37°18'28"W for 286.01 feet,
N32°51'05"E for 252.39 feet,
N20°11'00"E for 236.69 feet,
N27°23'47"W for 369.25 feet,
N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek;
THENCE run along said Easterly shore for 1,220 feet, more or less to an intersection with the North line of said Section 20;
THENCE run N89°15'13"E along said North line of said Section for 970 feet, more or less to a concrete monument marking the Northwest corner of the Northeast Quarter (NE¼) of said Section 20;
THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE¼) of said Section 17 for 2,644.38 feet to an intersection with the South line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records;
THENCE run S89°58'35"E along said South line for 739.45 feet;

THENCE run N00°07'58"E for 30.00 feet to an intersection with the North line of the Southeast Quarter (SE¼) of said Section 17;
THENCE run S89°58'35"E along the North line of said fraction for 375.91 feet to the Southeast corner of lands described in Official Record Book 1713 at Page 1188 of said Public Records;
THENCE run N00°41'04"W for 668.20 feet to the Northeast corner of said lands;
THENCE run N89°50'32"W along the North line of said lands for 366.38 feet to the Easterly line of said Spring Creek Road (50 feet wide);
THENCE run N00°07'58"E for 2,007.04 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;
THENCE continue N00°07'17"E along said East line for 343.54 feet;
THENCE run S89°38'58"E for 10.00 feet;
THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;
THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;
THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;
THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;
THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);
THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;
THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of said Section;
THENCE continue along said West line N00°39'58"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records;
THENCE run S89°35'50"E along said South line for 3,164.37 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S00°10'56"W along said West line for 621.81 feet to a POINT OF CURVATURE;
THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a Point of Tangency;
THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE¼) of said Section 16;
THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE¼) of Section 16;
THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE¼) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE¼) of said Section;
THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;
THENCE run S00°06'43"E for 1,085.91 feet;

THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;
THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a Point of Tangency;
THENCE run S00°06'43"E along said West line for 49.81 feet;
THENCE run S89°06'43"W for 300.00 feet;
THENCE run S00°06'43"E for 1,445.82 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 16;
THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW¼) of said Section 16;
THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW¼) for 2,627.98 feet to the POINT OF BEGINNING.

ALSO

PARCEL 2
A tract or parcel of land lying in Sections 07, 08, 17 and 18 which tract or parcel is described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.
From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;
THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;
THENCE run S00°07'58"W along said West line for 2,646.47 feet;
THENCE run N89°58'35"W along the North line of Coconut Road for 689.04 feet to an intersection with the East line of the Northwest Quarter (NW¼) of said Section 17;
THENCE run N89°59'08"W along said North line for 404.79 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;
THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;
THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE¼) of said Section 18;
THENCE continue N89°59'08"W for 1,840 feet more or less to the waters of Estero Bay;
THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S½) of Government Lot 2 of said Section 07;

THENCE run N89°32'15"E along the North line of said Government Lot 2 for 545 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said Public Records;
THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;
THENCE run N89°32'15"E along the South line of said lands for 247.50 feet;
THENCE run N89°35'27"E for 666.22 feet;
THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
THENCE run S01°07'45"E along said West line for 488.63 feet;
THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.
LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516 of the Public Records of Lee County, Florida.

ALSO

PARCEL 3
A tract or parcel of land lying in Sections 05 and 08, Township 47 South, Range 25 East, Lee County, Florida, consisting of:

Lots 8B, 9B, 10B, I1B, 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LAND COMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records of Lee County, also the East Three-quarters (E-¾) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-⅔) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-2/3) of the Western Half (W½) of the Northwest Quarter (NW¼) of said Section 08; being more particularly described by metes and bounds as follows:
From the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S89°16'14"E along the North line of said Southwest Quarter (SW¼) for 422.61 feet;
THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;
THENCE run N01°22'23"W for 1,304.41 feet;
THENCE run N89°56'22"W for 107.12 feet;
THENCE run N01°22'55"W for 1,303.87 feet;
THENCE run N89°34'15"E for 2,593.81 feet;
THENCE run S00°26'45"E for 2,655.42 feet;
THENCE run N88°48'50"W along the North line of said Section 08 for 322.66 feet;
THENCE run N89°25'01"W for 587.55 feet;
THENCE. run S00°50'16"E for 132.58 feet;
THENCE run N89°11'54"W for 75.00 feet;
THENCE run N00°50'16"W for 132.30 feet;
THENCE run N89°25'01"W for 610.69 feet;

THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North right-of-way line of Coconut Road;
THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet to the POINT OF BEGINNING.

ALSO

PARCEL 4
All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;
THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;
THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;
THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING.
Containing 2,409 acres, more or less.
Bearings hereinabove mentioned are based on the East boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at Pages 58 through 60 of the Public Records of Lee County, Florida.

ALSO

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 SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;
THENCE run S62°26'49"W for 98.40 feet;
THENCE run N27°33'11"W for 1,863.42 feet;
THENCE run N20°00'41"W for 1,403.30 feet;
THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet,
N22°26'23"W for 100.53 feet, N23°09'50"W for 100.14 feet,
N14°51'19"W for 73.01 feet, N27°40'10"W for 88.01 feet,
N29°33'57"W for 46.01 feet, N22°14'53"W for 47.27 feet,
N20°39'23"W for 46.98 feet, N11°15'38"W for 29.80 feet,
N26°10'46"W for 46.87 feet, N09°09'45"W for 48.26 feet,

N17°35'56"W for 46.04 feet, N12°49'07"W for 50.04 feet,
N29°20'48"W for 69.12 feet, N20°48'58"W for 63.82 feet;
THENCE run N79°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 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 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 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;
THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING.

AND

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;
THENCE run S19°13'48"E for 50.64 feet;
THENCE run S04°34'15"E for 54.63 feet;
THENCE run S24°53'12"E for 50.09 feet;
THENCE run S27°10'29"E for 50.01 feet;
THENCE run S31°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 N65°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 N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF BEGINNING.
Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

ALSO

Spring Creek West DRI Parcel
All of the Northwest Quarter (NW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida:

ALSO INCLUDED THERETO:

All of the Northeast Quarter (NE¼) lying west of Tamiami Trail (US 41) of Section 21, Township 47 South, Range 25 East, Lee County, Florida;

ALSO INCLUDED THERETO:

All of the East Half (E½) of the Southwest Quarter (SW¼), lying North of Spring Creek LESS THE EAST 600 FEET THEREOF, Section 21, Township 47 South, Range 25 East, Lee County, Florida.

ALSO INCLUDED THERETO:

All of the Southeast Quarter (SE¼) of Section 21, lying West of Tamiami Trail (US 41) and North of Spring Creek, Township 47 South, Range 25 East, Lee County, Florida;
Subject to easements and restrictions of record.
Containing 273.1 acres more or less.

AND

The East 600 feet of the East Half (E½) of the Southwest Quarter (SW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida.
Parcel contains 9.7 acres more or less.

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 (E½) of the Southwest Quarter (SW¼) of said Section to Tamiami Trail (US 41).
Subject to any easements, restrictions, reservations and rights-of-way to record.

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

D. This Application for Development Approval is 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 Section 380.06, 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 ~~with~~ pursuant to the conditions set forth herein.

G. The proposed development order amendment has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body on ~~January 20, 1994~~ June 20, 1996, and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida

Statutes~~;~~ ~~the.~~ The development, as proposed in the Application for Development Approval (ADA) 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 classifications of the Lee Plan with 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.

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 ~~are~~ 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 Attachment D which is the Eighth ~~conditions of that~~ Development Order Amendment. 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 annual monitoring report that includes both Pelican Landing and Spring Creek West DRI's 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.

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, LET IT BE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF 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, and August 16, 1995, 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.

~~NOW THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, in a public meeting which was duly advertised, constituted and assembled the 16th day of August, 1995, that the Development of Regional Impact Application for Development Approval submitted by Westinghouse Bayside Communities, Inc., now known as Pelican Landing Communities, Inc., hereinafter referred to as "Developer" or "Applicant", is hereby ordered Approved subject to the conditions, restrictions, and limitations which follow.~~ For the purposes of this Development Order, the term "developer" or "Applicant" shall

include his/her/its 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 will be 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 shall immediately contact the Florida Department of State, Division of Historical Resources, the SWFRPC, and Lee County and advise them of the discovery. The developer will have a State-certified archaeologist determine the significance of the findings and recommend appropriate preservation ion and mitigation actions, if necessary.

B. Housing

1. There are no regionally significant housing impacts for the first planning horizon of the DRI DO, which ends 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. Prior to the commencement of any development in Planning Horizon II, the developer will conduct a reanalysis of adequate housing demand, supply and need, consistent with the requirements of Rule 9J-2.048, F.A.C. The findings of the reanalysis is subject to DCA approval. If the reanalysis indicates that the development proposed for Planning Horizon II, considered cumulatively with Planning Horizon I, will create a regionally significant housing need (i.e. 100 or more very low income dwelling units), then the Developer will prepare and implement a mitigation plan consistent with Rule 9J-2048, F.A.C. The mitigation plan must be approved by DCA. This commitment does not preclude the Developer from adjusting the timing and amount of commercial development. In addition, it does not preclude the developer from developing only as much commercial for which there is adequate housing, and then conducting subsequent reanalysis.~~

2. The Southwest Florida Regional Planning Council, the Florida Department of Community Affairs, and Lee County accept the Developer's contribution of $20,000.00 to assist existing and prospective employees within the Pelican Landing DRI locate affordable housing. The $20,000.00 will be 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. Within six months, after the effective date of this DRI Development Order, the developer shall provide and connect 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 will be responsible for the initial electrical hook-up costs. The selection of the generator will be 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 which advises 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 the 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 shall 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 shall be developed in coordination with the Lee County Emergency Management officials and must be found sufficient by those officials within six months after the effective date of the DRI DO.

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 developer will mitigate the hurricane shelter impacts for units 4051 through 4400 by paying $18.50 per unit to the Lee County Impact Fee Coordinator at the time of building permit approval. If the developer constructs an assisted living facility, the developer must comply with all aspects of Section 440.441(1)(b), F.S., as may be amended, including the preparation and submittal of a comprehensive emergency management plan that addresses emergency evacuation transportation and adequate sheltering arrangements for the ALF residents. The developer must update this plan annually. The County must use the funds paid pursuant to this condition to construct or upgrade hurricane shelter space in a location that will benefit the residents of the Pelican Landing Community. The eighteen dollar and fifty cents fee (1996 dollars) will be multiplied by the Dodge Data Service Building Cost Index for U.S. and Canadian cities for June 1 of each year subsequent to 1996, up to the time building permits are issued. This multiplier ensures payment of current dollars at the time the permits are issued. If the Building Cost

Index is not available, the Consumer Price Index will be used instead, and applied by the method described above. If Lee County adopts an impact fee for hurricane shelters prior to, or during, the acquisition of building permits 4051 through 4400 then the Developer will pay the duly adopted impact fee, provided that fee is no less per unit than the per unit amount set out above, and this condition will have no further force and effect.

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 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 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 shall host an Educational and Hurricane Preparedness Workshop for all tenants in the wet slip area. The marina operator shall 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, as adopted by Lee County.

E. Vegetation and Wildlife/Wetlands

The developer has conducted Protected Species surveys in accordance with the Florida Game and Fresh Water Fish Commission (FGFWFC) 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.

1. There were three bald eagle's nests of concern prior to development order adoption. One nest is on the Pelican Landing property. The other nests are within 1500 to 1600 feet of Pelican Landing. The buffers that will affect Pelican Landing property

will be established in an on-site eagle habitat management plan addressing the Pelican Landing property only.

Prior to development within 2500 feet of any eagle nest, the Developer shall prepare an on-site eagle management plan addressing the Pelican Landing DRI property only which shall be reviewed by DCA, SWFRPC, FGFWFC Lee County, and USFWS. Said groups shall have a fifteen working day review period and must provide all comments to Lee County and the Developer in writing. The agencies must provide specific written objections or concerns if any, regarding the management plan and indicate how those concerns can be addressed by the developer.

The Developer will revise the management plans to respond to the lawful and timely objections. The agencies will review and respond to the management plan resubmittal, and any successive resubmittals, within fifteen working days of submittal. The agencies will provide a written response to Lee County and the Developer, which reflects that there is no objection to the management plan or which outlines specific objections and concerns. The agency response will indicate how any concerns or objections can be addressed by the developer. Lee County and DCA will have the final approval authority. The management plan will be deemed approved by the County and DCA if the respective agency fails to provide a written response within fifteen working days. The approval of the management plan will not be unreasonably withheld. If a proposed management plan includes development within 750 feet of an 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 FGFWFC and USFWS.

The 2,500 foot limitation is intended to be a temporary restriction to insure the submission and approval for a management plan on a timely basis. The final primary and secondary buffer zones may be less than 2,500 feet. An eagle management plan will be included as part of an upland habitat protection area management plan.

2. A local development order for the Hickory Island Beach Park has been issued which permits construction of beach park infrastructure. This local development order included 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 requires 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 permits a refinement of the conservation easement boundaries after completion of a one year utilization study, the final conservation easement shall be consistent with the provisions of Section 704.06, Florida Statutes. For the purpose of this DRI D.O., 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 DO.

The Developer must submit a Final Management Plan to Lee County, FGFWFC, and DCA within 18 months of the effective date of the DRI DO, which was November 14, 1994. Lee County, FGFWFC, and DCA will review the management plan within fifteen working days of submittal. The DCA, and Lee County must provide a written response to the proposed final management plan which reflects that there is no objection or outlines the specific objections and concerns. The agencies response will specify how those concerns or objections can be addressed by the developer. The FGFWFC must provide all lawful objections within the same fifteen working day time frame.

If there are valid legal objections to the management plan, the Developer will revise and resubmit the plan to DCA, FGFWFC, and Lee County. DCA, Lee County, and FGFWFC will review the resubmittal, and any successive resubmittals, within fifteen working days. The agencies will provide a written response which reflects either the approval of the management plan or which outlines the specific objections and concerns. The agencies response will specify how those concerns or objections can be addressed by the developer. DCA and Lee County may not unreasonably withhold approval of the management plan. If the agencies do not provide a written response within the prescribed time frames, the management plan will be deemed approved. The Final Management Plan Approval from Lee County must be obtained prior to the issuance of the Certificate of Compliance for local development order #90-10-003.00D.

3. The projected gopher tortoise burrow count is 439, based on an estimate of FGFWFC habitat guidelines, 75 acres to gopher tortoise habitat must be protected.

The Developer will set aside a 78± acre area of xeric scrub and pine flatwoods to mitigate the impacts to the upland gopher tortoise habitat. This area will be known as the Pelican Landing Eco-Park. The Eco-Park area contains significant portions of the xeric oak habitat existing on the 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. The Developer shall submit a copy for the management plan to the DCA, SWFRPC, and Lee County for review prior to the commencement of development in any area containing gopher tortoise habitat, beyond that approved in the Preliminary Development Agreement. The agencies shall have a fifteen working day review period. The agencies shall provide all lawful objections and concerns regarding the management plan to Lee County and the Developer in writing. The Developer will submit a revised management plan to DCA and Lee County that responds to the lawful objections. DCA and Lee County will review the

management plan resubmittal, and any successive resubmittals, within fifteen working days of submittal. The agencies will provide a written response which approves the management plan or which outlines specific objections or concerns. The agencies response will specify how those concerns or objections can be addressed by the developer. DCA and Lee County may not unreasonably withhold the approval of the management plan. Should DCA and Lee County not provide a written response within the prescribed time frames, the management plan will be deemed approved by the agency that failed to provide timely written comments. The Developer has submitted for an Incidental Take Permit for the gopher tortoises located outside of the Eco-Park in the undeveloped portion of Pelican Landing. The Developer shall obtain an Incidental Take Permit prior to proceeding with development within gopher tortoise habitat areas.

The gopher tortoises addressed by the Incidental Take Permit shall be relocated to the Eco-park, or other appropriate open space areas within Pelican landing. The Eco-Park mitigates for regional impacts to the gopher tortoise population and xeric scrub within the Pelican Landing DRI.

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 shall 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 shall be prohibited in wetland areas #14 and #21 (as identified in DRI ADA) and Bay Cedar Phase II (along Spring Creek).

The Developer will grant a conservation easement consistent with Section 704.06., Florida Statutes for the Eco-Park to an entity approved by DCA. The Developer must submit a draft of the proposed conservation easement to DCA for review and comment. DCA must provide comments on the draft easement within 15 days so as not to unduly delay development. Once approved by DCA, the Developer will record the conservation easement in the Lee County Public Records prior to the issuance of a local Development Order or "Early Work" approval for any area containing gopher tortoise habitat other than areas approved in the PDA. The conservation easement may be drafted so as 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 will be 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 which prohibit the destruction of trees.

5. Should any orchids, wild pine air plants, Florida Coonties, 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 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.

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

10. This project may result in the filling onto more than 8 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 invasives, the restoration of historic hydroperiods, and a total of not more than ten acres of littoral zone plantings.

F. Solid/Hazardous/Medical Waste

1. All storage, siting, and disposal of hazardous wastes and/or 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 shall be 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, shall 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, shall 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 which will be located on the premises.

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

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

G. Stormwater 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 Improvement District (a district 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 stormwater 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 stormwater 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 Improvement District, 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 Lee County and South Florida Water Management District guidelines.

6. The SFWMD shall 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 County Attorney's office.

H. Transportation

1. Significant Impact

a. The traffic impact assessment for this project assumes the development parameters and land uses shown in Attachment B, "Pelican Landing DRI Development Parameters". The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Planning Horizon I (1997) and buildout (2002). Each annual monitoring report, described in Paragraph 4, must reflect whether the roadways and intersections described below are significantly impacted or are projected to be significantly impacted by this project in the following year.

b. The Pelican Landing DRI is projected to significantly and adversely impact (as defined by Lee County Administrative Code AC-13-16, dated August 8, 1991, see Attachment C) the following roadways and intersections:

Planning Horizon I (1997)		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 and right turn lanes
	-	Separate WB thru and left turn lanes
Buildout (2002)		
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 and 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 and right turn lanes
	-	Separate WB thru and left turn lanes

2. Mitigation

a. The developer will pay impact fees as defined in the Lee County Land Development Code to mitigate Pelican Landing's transportation impacts on the non-site related roads and intersections set forth in Section H.I.b. above. Road Impact Fees are estimated to be $8,783,000 for the land uses identified in Attachment B. 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. 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 toward the non-site related improvements included in Transportation Condition H.I.b., provided those improvements are deemed necessary to maintain the adopted level of service standards and are included in the County'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, Lee County may apply any Pelican Landing impact fees not required for those specific improvements to other improvements consistent with the requirements of the Lee County Land Development Code.

b. If through the local development approval process, the developer constructs, with the approval of the Lee County DOT, an intersection or roadway improvement identified in Paragraph H.I.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 must dedicate 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 must construct, 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 will occur as follows:

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) Burnt Pine Drive North from Pelican Landing Parkway to Pelican Landing North Entrance: under construction no later than December 31, 1998.

3) Burnt Pine Drive North from Pelican Landing North Entrance to Coconut Road: should be under construction no later than December 31, 1999.

d. The developer agrees to reserve 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 will be dedicated to Lee County if and when requested. 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 may, with the concurrence of Lee County, make an advance payment of a portion of Pelican Landing's total Impact Fees up to 2 million dollars. Lee County would then utilize 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 is currently 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 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 will be 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), unless subsequently dedicated to and accepted by Lee County.

4. Annual Monitoring Report

a. The developer will submit an annual traffic monitoring report to the following entities for review and approval: Lee County, the Florida Department of Transportation (FDOT), the Florida Department of Community Affairs (FDCA), and the Southwest Florida Regional Planning Council (SWFRPC).

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

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

c. The annual 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	I-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	Hickory Blvd. to Vanderbilt	2 to 4	Planning Horizon I (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 annual 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 is projected to exceed the adopted level of service standards adopted by Lee County within the forthcoming 12 months, and if the project is utilizing more than 5% of LOS "D" service volume 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 is scheduled for construction in the first three years of an adopted local government capital improvement program or state work program.

e. If the annual 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 more than 5% of level of service D service volume 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 Annual Monitoring Report.

I. Wastewater Management/Water Supply

1. The developer or the Bayside 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 ultralow 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 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 developer must provide written assurance that any hazardous commercial effluent, generated by the project, 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 shall be constructed and sized in accordance with all pertinent regulations of the FDEP, Lee County, 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 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.

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 as defined by Lee County regulations.

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.

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 design, develop, and maintain any golf course constructed adjacent to the mangrove fringe area of Estero Bay in accordance with condition 14 a. through i. of 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 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 which may result from the development of a golf course and water management areas within five hundred feet of the mangrove fringe of Estero Bay.

3. The management practices which the Developer will follow are as follows:

a. The use of slow release fertilizers and/or carefully managed fertilizer applications which 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 prepare a management plan for the application of herbicides, pesticides, and fertilizers on the proposed golf course adjacent to the mangrove fringe of Estero Bay. The plan will be prepared prior to the application of any herbicides, pesticides and fertilizers to the proposed golf course. The management plan will include a groundwater and surface water monitoring plan. The plan will 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. The plan will identify the locations for the groundwater monitoring and testing on a map(s). The plan will set forth the testing and reporting requirements. The developer will submit the test reports with the annual monitoring report. The monitoring program will be 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.

5. The Developer will submit a written surface and groundwater quality management plan to Lee County and DCA. The plan must be approved by DCA prior to the application of chemicals to the proposed golf course. The DCA 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. DCA 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 DCA 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 DCA 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 will be buffered from the proposed golf course by a 100' undisturbed naturally vegetated corridor, except for water management facilities permitted by the South Florida Water Management District and except for the removal of exotic plants as required by Lee County. The 100' buffer area will run along the portion of the golf course that abuts the mangrove wetlands of Estero Bay.

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, F.S., 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 DO do not preempt the authority of the South Florida Water Management District and the Department of Environmental Protection. Section 373.016, F.S. 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 DCA, SWFRPC, or Lee County pursuant to this DRI DO are contrary to those of the SFWMD/DEP, in areas where the SFWMD and DEP have been given pre-emptive authority, the requirements of the SFWMD and the DEP will control.

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

1. This amended Development Order constitutes a resolution of Lee County, adopted by the Board of County Commissioners in response to the application filed

by WCI Communities, L.P. to amend the Pelican Landing Development of Regional Impact ~~Application for Development Approval filed for the Pelican Landing DRI.~~ Development Order.

2. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval and supplementary documents which 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 ~~September 16, 1994~~ April 2, 1996 and stamped received ~~March 3, 1995~~ April 15, 1996, is attached hereto as Attachment A 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.

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 which 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 County 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 which 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 Board of County Commissioners, 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 which create a reasonable likelihood of adverse regional impacts or other regional impacts which were 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, the Board 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 2002, and a termination date of 2005. This term is based on a ten year buildout and the recognition that a local Development Order, which is valid for three years, may be obtained in the tenth year.

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 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 2005 as long as the Lee Plan amendment proposed in association with this DRI to upwardly adjust the 2010 Overlay allocations for Subdistricts 801 and 806 is adopted and effective. If the County 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.

If the companion plan amendment is adopted, Lee County will reserve to this DRI, the appropriate uses from the allocations established for subdistricts (subdistricts 806/801) of the Lee Plan 2010 Overlay until 2005. This reservation has the effect of reserving all of the acreage transferred from Gateway to Pelican Landing for the duration of the Development Order.

15. The developer, or its successor(s) in title to the undeveloped portion of the subject property, will submit a report annually to Lee County, SWFRPC, FDCA 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 FDCA. The first monitoring report must be submitted to the Administrative Director of the DCA not later than one year after the effective date of this Development Order. Further reporting must be submitted not later than one year 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. The Developer applied for an amendment to the DRI DO within six months of the effective date of this Development Order~~, the Developer will apply for an~~. The amendment to this Development Order ~~which incorporates~~ incorporated the portion of the Spring Creek DRI located west of US Highway 41 into the Pelican Landing DRI. The amendment ~~will~~ contained a description of that portion of the Spring Creek DRI (and the conditions of the Spring Creek Development Order which are applicable to the Spring Creek West property). ~~The amendment will not be deemed a substantial deviation under Chapter~~

~~380, Florida Statutes.~~ 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 which would require further analysis of Spring Creek West. ~~This~~ The amendment ~~is to be~~ 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 ~~this~~ the amendment.

17. The County 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 MOTION TO ADOPT this Amendment was offered by Commissioner Ray Judah and seconded by Commissioner John E. Albion and upon poll of the members present, the vote was as follows:

John E. Manning	AYE
Douglas R. St. Cerny	ABSENT
Ray Judah	AYE
Andrew W. Coy	AYE
John E. Albion	AYE

DULY PASSED AND ADOPTED this 4th day of November, 1996.

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: _____
(Chairman)

ATTEST:

CHARLIE GREEN, Clerk

By: _____
Deputy Clerk

APPROVED AS TO FORM

By: _____
County Attorney's Office

State of Florida
County of Lee

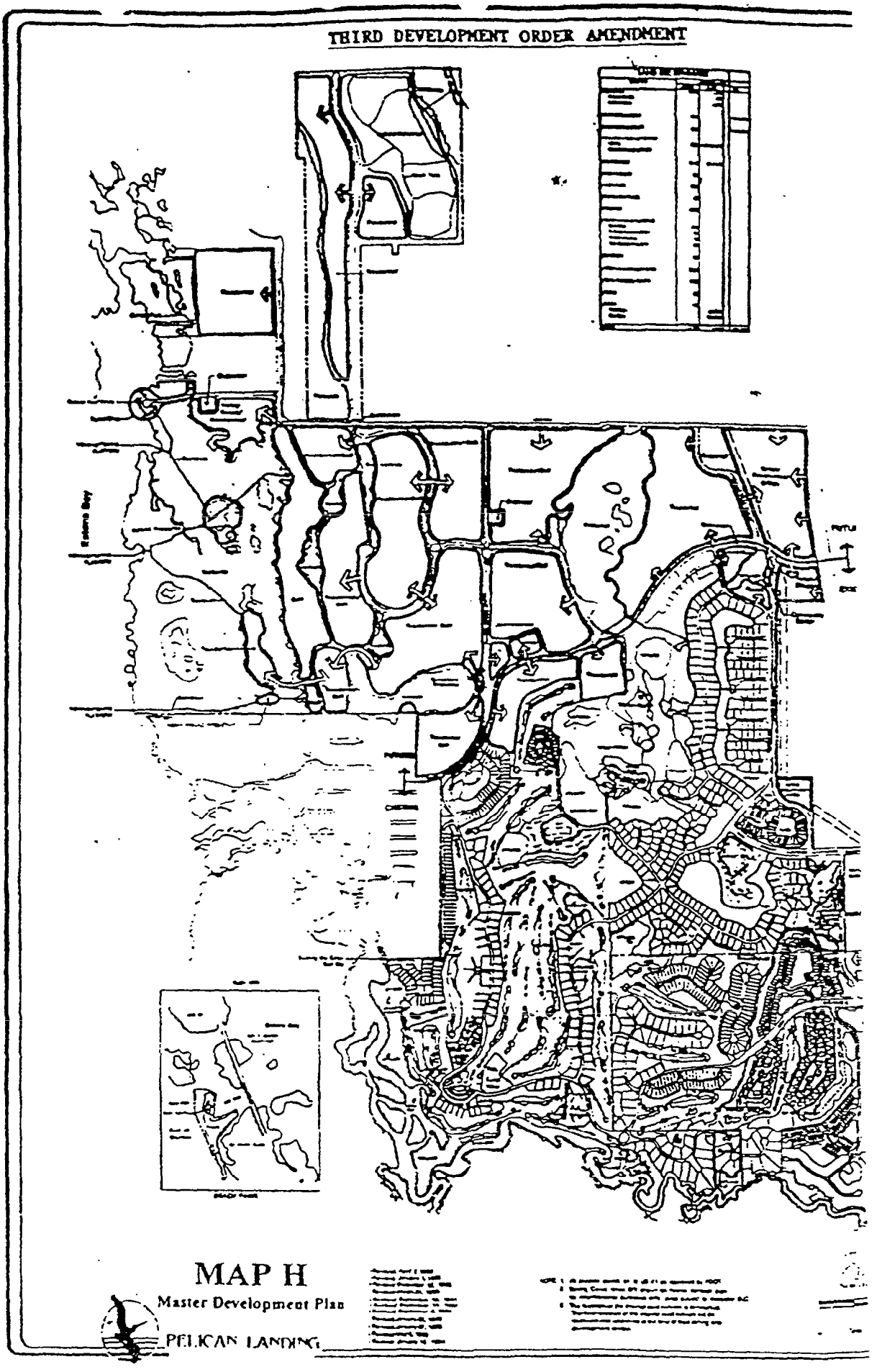
I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 8th day of November, A.D. 1996

CHARLIE GREEN, CLERK

By: _____
Deputy Clerk

THIRD DEVELOPMENT ORDER AMENDMENT



ATTACHMENT A

ATTACHMENT "B"
THIRD AMENDMENT
PELICAN LANDING DRI
DEVELOPMENT PARAMETERS

Land Use	Units[1]	Existing (1992)	Planning Horizon I (1997)		Buildout Total (2002)
Residential	DU	969	2,433	4,400	~~4,050~~
Single Family	DU	373	625		665
Multi Family	DU	596	1,808	3,735	~~3,385~~
Retail[2]	GFA	11,000	291,000	540,000	~~600,000~~
Office[3]	GFA	40,000	150,000	245,000	~~210,000~~
Hotel	Rooms	0	450		450
Recreation Uses					
Pelican Nest Golf Course/Clubhouse/ Practice Range	Holes	29	38		38
Range Club Golf Course	Holes	0	9		9
Tennis Center	Courts	0	6		12
Coconut Marina	Boat Slips				
	Wet	24	48		48
	Dry	0	150		150
Redfish Point	GFA	5,000	5,000		5,000
	Boat Slips				
	Wet	15	15		15
Other[4]	Boat Slips				
	Wet	2	2		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

RESOLUTION NUMBER Z-97-073

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, WCI Communities, L.P. in reference to Pelican Landing, filed an application for:

a) An amendment to the Pelican Landing DRI Development Order #1-9293-121, as amended, and DRI Map H, as amended, to acknowledge the conversion of commercial retail floor area to hotel units and a reduction in the total number of parking spaces; and

b) A finding of no substantial deviation under the provisions of Section 380.06(19), Florida Statutes; and

c) An amendment to the Pelican Landing RPD/CPD approval, and the corresponding Master Concept Plan, to add hotel/motel as a permitted use in RPD/CPD Area D; and

WHEREAS, the subject property is located at 28300 S Tamiami Trail, Bonita Springs, and is described more particularly as:

LEGAL DESCRIPTION: In Sections 05, 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:

PARCEL 1

A tract or parcel of land lying in Sections 08, 09, 16, 17, 20 and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:
Beginning at a concrete monument marking the Northeast corner of said Section 20, run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE¼) of said section;
THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW¼) of said Section 21 for 2,040.41 feet;
THENCE run S00°51'35"E for 801.04 feet to the waters of Spring Creek;
THENCE run 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:
S78°50'00"W for 181.31 feet;
N34°24'12"W for 230.22 feet;
N30°59'12"W for 174.93 feet;
N24°25'16"E for 120.83 feet;
S65°47'43"E for 219.32 feet;

N18°24'43"E for 158.11 feet;
N75°11'47"W for 351.71 feet;
N65°09'33"W for 451.88 feet;
N84°18'44"W for 351.75 feet;
N66°54'31"W for 445.79 feet;
S63°24'43"W for 134.16 feet;
S03°23'22"E for 170.29 feet;
S50°30'17"W for 220.23 feet;
N84°49'43"W for 331.36 feet;
S62°13'07"W for 214.71 feet;
S22°08'36"W for 291.55 feet;
S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW¼) of said Section 20;
THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast corner of said fraction;
THENCE run S89°58'37"W 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:
N09°13'28"W for 137.34 feet;
N29°08'22"W for 590.59 feet;
N38°31'58"W for 278.03 feet;
N65°16'43"W for 254.95 feet;
N37°18'28"W for 286.01 feet;
N32°51'05"E for 252.39 feet;
N20°11'00"E for 236.69 feet;
N27°23'47"W for 369.25 feet;
N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek;
THENCE run along said Easterly shore for 1,220 feet, more or less to an intersection with the North line of said Section 20;
THENCE run N89°15'13"E along said North line of said Section for 970 feet, more or less to a concrete monument marking the Northwest corner of the Northeast Quarter (NE¼) of said Section 20;
THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE¼) of said Section 17 for 2,644.38 feet to an intersection with the South line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records;
THENCE run S89°58'35"E along said South line for 739.45 feet;
THENCE run N00°07'58"E for 30.00 feet to an intersection with the North line of the Southeast Quarter (SE¼) of said Section 17;
THENCE run S89°58'35"E along the North line of said fraction for 375.91 feet to the Southeast corner of lands described in Official Record Book 1713 at Page 1188 of said Public Records;

THENCE run N00°41'04"W for 668.20 feet to the Northeast corner of said lands;
THENCE run N89°50'32"W along the North line of said lands for 366.38 feet to the Easterly line of said Spring Creek Road (50 feet wide);
THENCE run N00°07'58"E for 2,007.04 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;
THENCE continue N00°07'17"E along said East line for 343.54 feet;
THENCE run S89°38'58"E for 10.00 feet;
THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;
THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;
THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;
THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;
THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);
THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;
THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of said Section;
THENCE continue along said West line N00°39'58"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records;
THENCE run S89°35'50"E along said South line for 3,164.37 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S00°10'56"W along said West line for 621.81 feet to a Point of Curvature;
THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a Point of Tangency;
THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE¼) of said Section 16;
THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE¼) of Section 16;
THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE¼) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE¼) of said Section;
THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;
THENCE run S00°06'43"E for 1,085.91 feet;

THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;
THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a Point of Tangency;
THENCE run S00°06'43"E along said West line for 49.81 feet;
THENCE run S89°06'43"W for 300.00 feet;
THENCE run S00°06'43"E for 1,445.82 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 16;
THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW¼) of said Section 16;
THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW¼) for 2,627.98 feet to the POINT OF BEGINNING;
ALSO PARCEL 2:
A tract or parcel of land lying in Sections 07, 08, 17 and 18 which tract or parcel is described as follows:
From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.
From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;
THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;
THENCE run S00°07'58"W along said West line for 2,646.47 feet;
THENCE run N89°58'35"W along the North line of Coconut Road for 689.04 feet to an intersection with the East line of the Northwest Quarter (NW¼) of said Section 17;
THENCE run N89°59'08"W along said North line for 404.79 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;
THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;
THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE¼) of said Section 18;
THENCE continue N89°59'08"W for 1,840 feet more or less to the waters of Estero Bay;
THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S½) of Government Lot 2 of said Section 07;
THENCE run N89°32'15"E along the North line of said Government Lot 2 for 545 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said Public Records;
THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;

THENCE run N89°32'15"E along the South line of said lands for 247.50 feet;
THENCE run N89°35'27"E for 666.22 feet;
THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
THENCE run S01°07'45"E along said West line for 488.63 feet;
THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.
LESS AND EXCEPT lands described in Official Record Book 1677 at Page 3516 of the Public Records of Lee County, Florida;

ALSO PARCEL 3:

A tract or parcel of land lying in Sections 05 and 08, Township 47 South, Range 25 East, Lee County, Florida, consisting of Lots 8B, 9B, 10B, 11B, 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LAND COMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records of Lee County;
ALSO the East Three-quarters (E¾) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of said Section 05;
ALSO the East Two-thirds (E⅔) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of said Section 05;
ALSO the East Two-thirds (E⅔) of the Western Half (W½) of the Northwest Quarter (NW¼) of said Section 08; being more particularly described by metes and bounds as follows:
From the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S89°16'14"E along the North line of said Southwest Quarter (SW¼) for 422.61 feet;
THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING;
From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;
THENCE run N01°22'23"W for 1,304.41 feet;
THENCE run N89°56'22"W for 107.12 feet;
THENCE run N01°22'55"W for 1,303.87 feet;
THENCE run N89°34'15"E for 2,593.81 feet;
THENCE run S00°26'45"E for 2,655.42 feet;
THENCE run N88°48'50"W along the North line of said Section 08 for 322.66 feet;
THENCE run N89°25'01"W for 587.55 feet;
THENCE run S00°50'16"E for 132.58 feet;
THENCE run N89°11'54"W for 75.00 feet;
THENCE run N00°50'16"W for 132.30 feet;
THENCE run N89°25'01"W for 610.69 feet;
THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North right-of-way line of Coconut Road;
THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet to the POINT OF BEGINNING;

ALSO PARCEL 4

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:
Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;
THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;
THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;
THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING;
Containing 2,409 acres, more or less.
Bearings hereinabove mentioned are based on the East boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at Pages 58 through 60 of the Public Records of Lee County, Florida.

ALSO 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 SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;
THENCE run S62°26'49"W for 98.40 feet;
THENCE run N27°33'11"W for 1,863.42 feet;
THENCE run N20°00'41"W for 1,403.30 feet;
THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet,
N22°26'23"W for 100.53 feet;
N23°09'50"W for 100.14 feet;
N14°51'19"W for 73.01 feet;
N27°40'10"W for 88.01 feet;
N29°33'57"W for 46.01 feet;
N22°14'53"W for 47.27 feet;
N20°39'23"W for 46.98 feet;
N11°15'38"W for 29.80 feet;
N26°10'46"W for 46.87 feet;
N09°09'45"W for 48.26 feet;
N17°35'56"W for 46.04 feet;
N12°49'07"W for 50.04 feet;
N29°20'48"W for 69.12 feet;
N20°48'58"W for 63.82 feet;

THENCE run N79°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 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 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 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;
THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersèction with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING;
AND
From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;
THENCE run S19°13'48"E for 50.64 feet;
THENCE run S04°34'15"E for 54.63 feet;
THENCE run S24°53'12"E for 50.09 feet;
THENCE run S27°10'29"E for 50.01 feet;
THENCE run S31°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 N65°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 N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF BEGINNING.
Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone;
ALSO Spring Creek West DRI Parcel
All of the Northwest Quarter (NW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida;
ALSO included thereto: All of the Northeast Quarter (NE¼) lying West of Tamiami Trail (US 41) of Section 21, Township 47 South, Range 25 East, Lee County, Florida;
ALSO included thereto: All of the East Half (E½) of the Southwest Quarter (SW¼) lying North of Spring Creek, LESS the East 600 feet thereof, Section 21, Township 47 South, Range 25 East, Lee County, Florida;
ALSO included thereto: All of the Southeast Quarter (SE¼) of Section 21, lying West of Tamiami Trail (US 41) and North of Spring Creek, Township 47 South, Range 25 East, Lee County, Florida;

Containing 273.1 acres, more or less;
AND: The East 600 feet of the East Half (E½) of the Southwest Quarter (SW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida;
Parcel contains 9.7 acres, more or less.

RPD/CPD AREA "D"

A tract or parcel of land lying in the South Half (S½) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:
From the Northwest corner of the Southwest Quarter (SW¼) of said Section 09 run N00°41'48"W for 5.00 feet to the South right-of-way line of Coconut Road (50 foot right-of-way);
THENCE run S89°35'50"E for 1,863.14 feet to the centerline of a certain Florida Power and Light transmission line easement (100 feet wide) as described in Deed Book 229 at Page 48, Public Records, Lee County, Florida, and the POINT OF BEGINNING.
From said POINT OF BEGINNING continue S89°35'50"E along said South right-of-way line for 1,301.22 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S00°10'56"W along said West line for 621.81 feet to a Point of Curvature;
THENCE run along the arc of a curve to the left of radius 5,797.58 feet (delta 10°17'00") (chord bearing S04°57'34"E) (chord 1,039.14 feet) for 1,040.54 feet to a Point of Tangency;
THENCE run S10°06'04"E along said Westerly line for 230.98 feet;
THENCE run S79°53'56"W for 70.57 feet to a Point of Curvature;
THENCE run along the arc of a curve to the right of radius 650.00 feet (delta 49°49'26") (chord bearing N75°11'21"W) (chord 547.59 feet) for 565.23 feet to a Point of Reverse Curvature;
THENCE along the arc of a curve to the left of radius 840.00 feet (delta 22°49'21") (chord bearing N61°41'18"W) (chord 332.39 feet) for 334.60 feet to a point on a non-tangent curve;
THENCE along the arc of a curve to the left of radius 180.00 feet (delta 27°59'03") (chord bearing N06°54'21"W) (chord 87.04 feet) for 87.91 feet to a Point of Tangency on the Western line of said Florida Power and Light easement;
THENCE run N20°53'52"W along said Western easement line for 721.03 feet to a Point of Curvature;
THENCE along the arc of a curve to the left of radius 330.00 feet (delta 68°41'58") (chord bearing N55°14'51"W) (chord 372.40 feet) for 395.68 feet to a Point of Cusp;
THENCE run S89°35'50"E for 56.51 feet to a Point of Curvature;
THENCE run along the arc of a curve to the right of radius 530.00 feet (delta 27°42'00") (chord bearing S75°44'50"E) (chord 253.74 feet) for 256.23 feet to an intersection with said centerline of said easement;

THENCE run N20°53'52"W along said centerline for 748.16 feet to an intersection with the South line of said Coconut Road and the POINT OF BEGINNING.
Containing 42.44 acres, more or less; and

WHEREAS, WCI Communities, L.P., the owner of the subject parcel, authorized Pavese, Garner, Haverfield, Dalton, Harrison and Jensen to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on October 22, 1997 before the Lee County Hearing Examiner in Case Nos. 95-01-050.03Z 01.01 and 95-01-050.04Z 06.01, who gave full consideration to the evidence available; and

WHEREAS, a public hearing was advertised and held on November 17, 1997 before the Lee County Board of County Commissioners who gave full and complete consideration to the recommendations of staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS, that the Board:

a) **APPROVES** an amendment to the Pelican Landing DRI Development Order #1-9293-121;
b) makes a finding of NO SUBSTANTIAL DEVIATION; and
c) **APPROVES with conditions** the amendment to RPD/CPD Area D of the Pelican Landing RPD/CPD, as follows:

SECTION A. CONDITIONS:

The amendment to RPD/CPD Area D of the Pelican Landing RPD/CPD and Master Concept Plan are subject to the following conditions:

1. The development of this project must be in compliance with the one-page Master Concept Plan entitled "Pelican Landing RPD/CPD," as prepared by Wilson, Miller, Barton & Peek Inc., dated March 1994, last revised May 27, 1997, and stamped received at the permit counter on October 7, 1997; the Pelican Landing DRI Development Order #1-9293-121, as amended; and DRI Map H, last revised May 27, 1997, and stamped received at the permit counter on June 13, 1997.

2. All deviations and conditions approved by Resolutions Z-94-094, Z-95-061, and Z-96-055, except as specifically modified herein and by the amended Master Concept Plan, will remain in full force and effect.

3. The addition of a hotel as a permitted use is limited to RPD/CPD Area D only.

SECTION B. Master Concept Plan:

A one page reduced copy of the Master Concept Plan is attached and incorporated into this resolution by reference, as modified herein.

SECTION C. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the planned development amendment:

1. The RPD/CPD Area D is a portion of the mixed use, 2100-acre Pelican Landing Development of Regional Impact, which was originally approved in 1994.

2. The Applicant has proven entitlement to the additional hotel/motel use in RPD/CPD Area D by demonstrating compliance with the Lee Plan, the Land Development Code, and Section 380.06, Florida Statutes, and other applicable codes or regulations.

3. The proposed hotel/motel use, as conditioned, will meet or exceed all performance and locational standards set forth for the potential use in the Land Development Code.

4. The proposed hotel/motel use, as conditioned, is consistent with the densities, intensities and general uses set forth in the Lee Plan.

5. The proposed hotel/motel use, as conditioned, is compatible with existing or planned uses in the surrounding area.

6. Approval of the proposed hotel/motel, as conditioned, and the decrease of 78,950 square feet of retail commercial uses, will result in the addition of only 20 peak hour trips to the number of trips anticipated and approved for the overall DRI, which will not place an undue burden upon existing transportation or planned infrastructure facilities.

7. The development will be served by streets with the capacity to carry the traffic it generates, and will not result in an unacceptable level of service on those streets.

8. The Applicant will pay approximately $106,000 to $166,000 in road additional impact fees for the additional 20 peak hour trips resulting from the increase in hotel rooms. This amount will be added to the DRI's estimated road impact mitigation amount of $8,783,000, as calculated in the DRI Development Order.

9. The proposed hotel/motel use, as conditioned, will not adversely affect environmentally critical areas or natural resources.

10. The additional hotel/motel rooms, as conditioned, will not generate any additional mitigation for hurricane evacuation or shelter demand impacts, as the provisions of the

Hurricane Preparedness section of the DRI Development Order will adequately address any of those potential impacts.

11. The proposed use, as conditioned, is appropriate at the subject location.

12. The recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development, and will provide sufficient safeguard to the public interest.

13. That the proposed changes, as conditioned, will comply with the intent and provisions of the Concurrency Management Plan, as urban services, as defined in the Lee Plan, will be available and adequate to serve the proposed land use, or the development permits will not be issued.

14. Amendment of the DRI Development Order, specifically Map H and the Land Use Table/Summary, are necessitated by the provisions of Section 380.06, Florida Statutes, to reflect the changes in the development plan and any potential impacts resulting therefrom.

15. The proposed changes, as conditioned, do not constitute a Substantial Deviation under the provisions of Section 380.06(19), Florida Statutes, and do not warrant additional DRI review.

The foregoing resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner John E. Manning, and seconded by Commissioner Ray Judah and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 17th day of November, 1997.

ATTEST:
CHARLIE GREEN, CLERK

BY: Lisa S. Price
Deputy Clerk

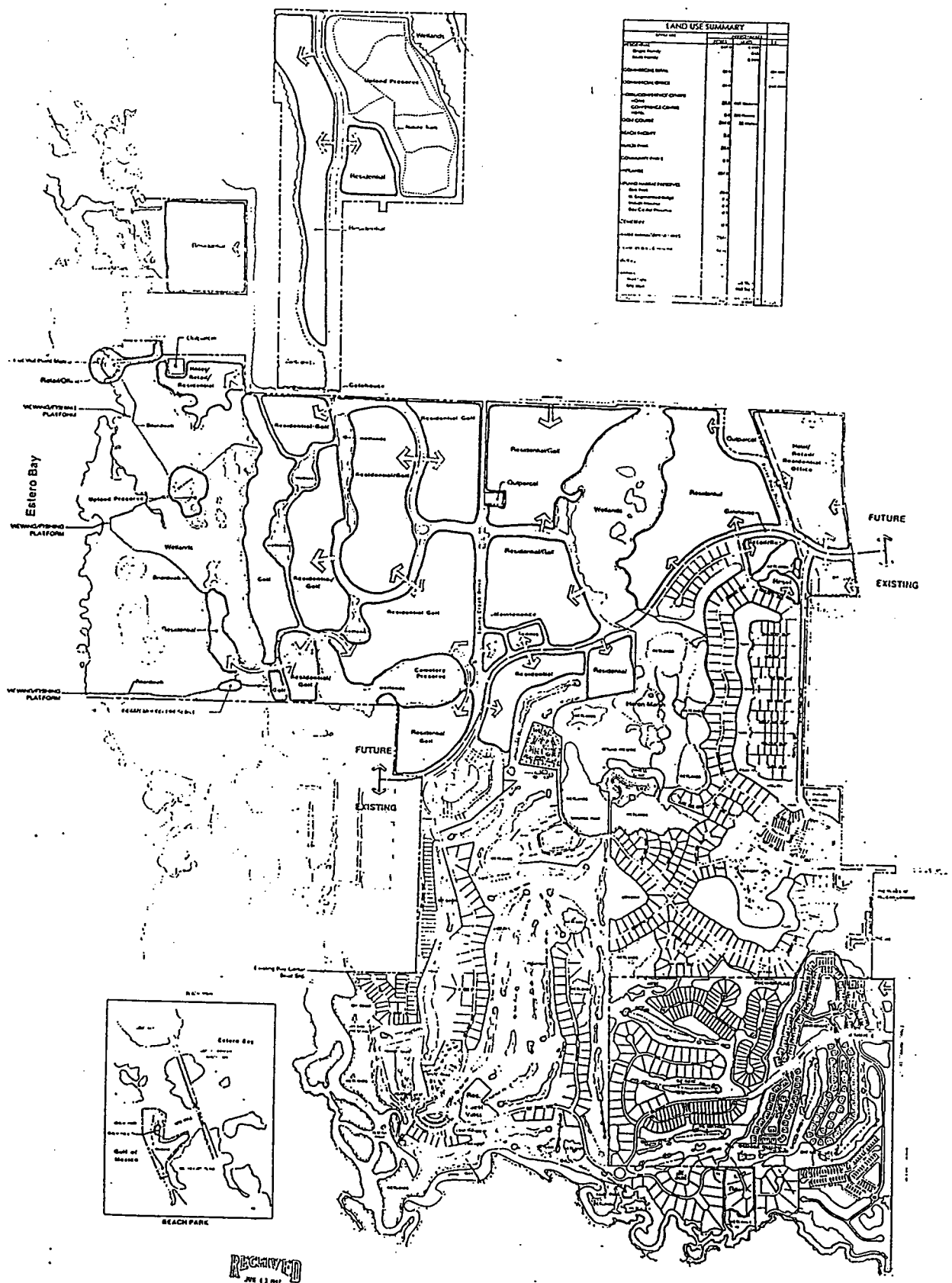
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: John E. Albion
Vice-Chairman

Approved as to form by:

County Attorney's Office

FILED
NOV 21 1997
CLERK CIRCUIT COURT
BY Lisa S. Price D.C.



RECEIVED
JUN 13 1997
PERMIT COUNTER

PROJECT # 15-0411-057-0001
PROJECT TYPE IV

MAP H

Master Development Plan

PELICAN LANDING

- Revised May 27, 1997
- Revised April 2, 1996
- Revised January 5, 1995
- Revised December 12, 1995
- Revised March 24, 1995
- Revised September 26, 1994
- Revised September 16, 1994
- Revised September 6, 1994
- Revised January 26, 1993
- Revised January 27, 1993
- Revised May 5, 1993
- Revised January 18, 1994

NOTE: 1. All access points on to US 41 as approved by FDOT.
2. Spring Creek West DRI shown on master concept plan for informational purposes only. Area subject to separate D.O.
3. The location of the internal road network is conceptual. The final location of the internal road network will be reviewed and approved at the time of local zoning and development review.

N
0 250 500 1000 1500
OPEN SPACE CALCULATIONS
INDIGENOUS OPEN SPACE IN PRESERVE:
Upland Preserve
Wetland Preserve
GOLF COURSE OPEN SPACE:
Golf Course
OPEN SPACE TO BE PROVIDED BY PERCENTAGE:
Marina Parcel
RESIDENTIAL PRIVATE OPEN SPACE TO BE PROVIDED BY PERCENTAGE:
Estero Bay
Wetland Preserve
Hallway Creek
Viewing Platform
Eco-Park
Upland Preserve
Nature Trails
RPA Areas
RPD Area G
RPD Area B
RPD Area E
Canoe Park
Boardwalk
Out Parcel
Marina CPD Area A
RPD CPD HOTEL AREA E AREA E
R.O.W. to be Vacated
Viewing Fishing Platform
Deviation Location, Typical
Outlying Suburban
Urban Community
RPD AREA F
RPD AREA D
Upland Preserve (not to be developed)
INTERFACE AREA
Upland Preserve Indian Mound
Upland Preserve Cemetery
Golf Maintenance Facility
Long Lake RPD CPD
CPD Area D
RPD Area D
CPD Area C
Pelican's Nest PUD
LIST OF DEVIATIONS
PELICAN LANDING RPD/CPD
Master Concept Plan
prepared for: Pelican Landing Communities, Inc.
WILSON MILLER BARTON & PEEK INC.
PROJECT # 95-01-050.02Z.01.03
PROJECT TYPE 12
RECEIVED
OCT 07 1997
PERMIT COUNTER
Revised May 27, 1997
Revised Oct 15 1996
Revised May 2 1996
Revised April 3 1996
Revised NOV 17 1995
Revised Oct 10 1994
Revised Sept 12 1994
Revised May 13, 1994
Revised May 11, 1994
Revised April 18, 1994
Revised April 11, 1994
IV-F

~~THIRD~~ FOURTH DEVELOPMENT ORDER
AMENDMENT
FOR

PELICAN LANDING

A DEVELOPMENT OF REGIONAL IMPACT

STATE DRI #1-9293-121
COUNTY CASE ~~#95-01-050.04Z 05.01~~ 95-01-050.04Z 06.01

WHEREAS, on ~~January 5, 1996~~ June 13, 1997, WCI Communities, L.P., the owner of the Pelican Landing Development of Regional Impact (DRI) requested an amendment to the original Development Order adopted August 29, 1994, as amended; and

~~WHEREAS, Section III. Condition 16 of the Development Order requires the Developer to incorporate Spring Creek West DRI into the Pelican Landing DRI by adding the land describes as Spring Creek West in Section I.B. and adding a new Findings of Fact/Conclusion of Law Section I.J.; and~~

WHEREAS, this document incorporates the Development Order Amendments for Pelican Landing DRI adopted: 1) March 22, 1995; 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) and the conditions proposed for the ~~third~~ fourth amendment to the Pelican Landing DRI DO; and

WHEREAS, the amendments proposed to the Development Order are not a substantial deviation, as that term is defined and identified in Subsection 380.06(19)(e)2, Florida Statutes, and as such there is no need for further DRI review. The amendments ~~would~~ change the mix of uses while maintaining the same level of external traffic impacts. This Development Order Amendment ~~would~~ approves a reduction in the amount of retail square footage and total parking spaces~~;~~ and increases the total number of ~~residential units~~ hotel/motel units from 450 to 750 ~~and increase the amount of office square footage~~; and

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

WHEREAS, the proposed changes to the Pelican Landing DRI Development Order will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area; and

WHEREAS, the proposed changes are consistent with the State Comprehensive Plan~~.~~; and

WHEREAS, the Board of County Commissioners of Lee County, Florida, has considered the report and recommendations of the Southwest Florida Regional Planning

Council, the Lee County Staff, the Lee County Hearing Examiner, the documents and comments upon the record made before the Board in public hearing, and, after full consideration of those reports, recommendations, comments, and documents, the Board of County Commissioners of Lee County, Florida, finds and determines that:

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The "Pelican Landing DRI" is a partially built master planned community on ~~2,100±~~ 2,373± acres located approximately three miles north of the Lee/Collier County Line. 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 proposal is to construct~~ion~~ 4,400 residential units, of which 665 are single-family and 3,735 multi-family, ~~540,000~~ 461,050 square feet of gross floor area of retail commercial, and 245,000 square feet of gross floor area of office commercial. The retail uses will provide up to ~~2,699~~ 2,310 parking spaces and the office uses will provide up to 820 parking spaces. The project will also include ~~450~~ 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, and a beach park for the benefit of the owners in Pelican Landing. There are 87 acres of upland habitat preserve; 507 acres of salt and freshwater wetlands, 208 acres of water management lakes, 140 acres of public and private rights- of-way, 6 acres of utilities and a .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 2002.

B. LEGAL DESCRIPTION: In Sections 05, 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:

PARCEL 1

A tract or parcel of land lying in Sections 08, 09, 16, 17, 20, and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

Beginning at a concrete monument marking the Northeast corner of said Section 20 run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE¼) of said section;
THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW¼) of said Section 21 for 2,040.41 feet;
THENCE run S00°51'35"E for 801.04 feet to the waters of Spring Creek;
THENCE run 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:
S78°50'00"W for 181.31 feet,

N34°24'12"W for 230.22 feet,
N30°59'12"W for 174.93 feet,
N24°25'16"E for 120.83 feet,
S65°47'43"E for 219.32 feet,
N18°24'43"E for 158.11 feet,
N75°11'47"W for 351.71 feet,
N65°09'33"W for 451.88 feet,
N84°18'44"W for 351.75 feet,
N66°54'31"W for 445.79 feet,
S63°24'43"W for 134.16 feet,
S03°23'22"E for 170.29 feet,
S50°30'17"W for 220.23 feet,
N84°49'43"W for 331.36 feet,
S62°13'07"W for 214.71 feet,
S22°08'36"W for 291.55 feet,
S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW¼) of said Section 20;
THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast comer of said fraction;
THENCE run S89°58'37"W 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:
N09°13'28"W for 137.34 feet,
N29°08'22"W for 590.59 feet,
N38°31'58"W for 278.03 feet,
N65°16'43"W for 254.95 feet,
N37°18'28"W for 286.01 feet,
N32°51'05"E for 252.39 feet,
N20°11'00"E for 236.69 feet,
N27°23'47"W for 369.25 feet,
N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek;
THENCE run along said Easterly shore for 1,220 feet, more or less to an intersection with the North line of said Section 20;
THENCE run N89°15'13"E along said North line of said Section for 970 feet, more or less to a concrete monument marking the Northwest corner of the Northeast Quarter (NE¼) of said Section 20;
THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE¼) of said Section 17 for 2,644.38 feet to an intersection with the South line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records;
THENCE run S89°58'35"E along said South line for 739.45 feet;
THENCE run N00°07'58"E for 30.00 feet to an intersection with the North line of the Southeast Quarter (SE¼) of said Section 17;
THENCE run S89°58'35"E along the North line of said fraction for 375.91 feet to the Southeast corner of lands described in Official Record Book 1713 at Page 1188 of said Public Records;

THENCE run N00°41'04"W for 668.20 feet to the Northeast corner of said lands;
THENCE run N89°50'32"W along the North line of said lands for 366.38 feet to the Easterly line of said Spring Creek Road (50 feet wide);
THENCE run N00°07'58"E for 2,007.04 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;
THENCE continue N00°07'17"E along said East line for 343.54 feet;
THENCE run S89°38'58"E for 10.00 feet;
THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;
THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;
THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;
THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;
THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);
THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;
THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of said Section;
THENCE continue along said West line N00°39'58"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records;
THENCE run S89°35'50"E along said South line for 3,164.37 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S00°10'56"W along said West line for 621.81 feet to a Point of Curvature;
THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a Point of Tangency;
THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE¼) of said Section 16;
THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE¼) of Section 16;
THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE¼) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE¼) of said Section;
THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;
THENCE run S00°06'43"E for 1,085.91 feet;
THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;
THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a Point of Tangency;
THENCE run S00°06'43"E along said West line for 49.81 feet;

THENCE run S89°06'43"W for 300.00 feet;
THENCE run S00°06'43"E for 1,445.82 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 16;
THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW¼) of said Section 16;
THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW¼) for 2,627.98 feet to the POINT OF BEGINNING.

ALSO

PARCEL 2

A tract or parcel of land lying in Sections 07, 08, 17 and 18 which tract or parcel is described as follows:
From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.
From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;
THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;
THENCE run S00°07'58"W along said West line for 2,646.47 feet;
THENCE run N89°58'35"W along the North line of Coconut Road for 689.04 feet to an intersection with the East line of the Northwest Quarter (NW¼) of said Section 17;
THENCE run N89°59'08"W along said North line for 404.79 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;
THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;
THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE¼) of said Section 18;
THENCE continue N89°59'08"W for 1,840 feet more or less to the waters of Estero Bay;
THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S½) of Government Lot 2 of said Section 07;
THENCE run N89°32'15"E along the North line of said Government Lot 2 for 545 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said Public Records;
THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;
THENCE run N89°32'15"E along the South line of said lands for 247.50 feet;
THENCE run N89°35'27"E for 666.22 feet;
THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
THENCE run S01°07'45"E along said West line for 488.63 feet;

THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.
LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516 of the Public Records of Lee County, Florida.

ALSO

PARCEL 3

A tract or parcel of land lying in Sections 05 and 08, Township 47 South, Range 25 East, Lee County, Florida, consisting of:
Lots 8B, 9B, 10B, I1B, 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LAND COMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records of Lee County, also the East Three-quarters (E-¾) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-⅔) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-2/3) of the Western Half (W½) of the Northwest Quarter (NW¼) of said Section 08; being more particularly described by metes and bounds as follows:
From the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S89°16'14"E along the North line of said Southwest Quarter (SW¼) for 422.61 feet;
THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;
THENCE run N01°22'23"W for 1,304.41 feet;
THENCE run N89°56'22"W for 107.12 feet;
THENCE run N01°22'55"W for 1,303.87 feet;
THENCE run N89°34'15"E for 2,593.81 feet;
THENCE run S00°26'45"E for 2,655.42 feet;
THENCE run N88°48'50"W along the North line of said Section 08 for 322.66 feet;
THENCE run N89°25'01"W for 587.55 feet;
THENCE. run S00°50'16"E for 132.58 feet;
THENCE run N89°11'54"W for 75.00 feet;
THENCE run N00°50'16"W for 132.30 feet;
THENCE run N89°25'01"W for 610.69 feet;
THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North right-of-way line of Coconut Road;
THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet to the POINT OF BEGINNING.

ALSO

PARCEL 4

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;
THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;
THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;
THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING.
Containing 2,409 acres, more or less.
Bearings hereinabove mentioned are based on the East boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at Pages 58 through 60 of the Public Records of Lee County, Florida.

ALSO

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 SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;
THENCE run S62°26'49"W for 98.40 feet;
THENCE run N27°33'11"W for 1,863.42 feet;
THENCE run N20°00'41"W for 1,403.30 feet;
THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet,
N22°26'23"W for 100.53 feet, N23°09'50"W for 100.14 feet,
N14°51'19"W for 73.01 feet, N27°40'10"W for 88.01 feet,
N29°33'57"W for 46.01 feet, N22°14'53"W for 47.27 feet,
N20°39'23"W for 46.98 feet, N11°15'38"W for 29.80 feet,
N26°10'46"W for 46.87 feet, N09°09'45"W for 48.26 feet,
N17°35'56"W for 46.04 feet, N12°49'07"W for 50.04 feet,
N29°20'48"W for 69.12 feet, N20°48'58"W for 63.82 feet;
THENCE run N79°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 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 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 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;
THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;

THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING.

AND

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;
THENCE run S19°13'48"E for 50.64 feet;
THENCE run S04°34'15"E for 54.63 feet;
THENCE run S24°53'12"E for 50.09 feet;
THENCE run S27°10'29"E for 50.01 feet;
THENCE run S31°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 N65°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 N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF BEGINNING.
Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

ALSO

Spring Creek West DRI Parcel
All of the Northwest Quarter (NW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida:

ALSO INCLUDED THERETO:

All of the Northeast Quarter (NE¼) lying west of Tamiami Trail (US 41) of Section 21, Township 47 South, Range 25 East, Lee County, Florida;

ALSO INCLUDED THERETO:

All of the East Half (E½) of the Southwest Quarter (SW¼), lying North of Spring Creek LESS the East 600 feet thereof, Section 21, Township 47 South, Range 25 East, Lee County, Florida.

ALSO INCLUDED THERETO:

All of the Southeast Quarter (SE¼) of Section 21, lying West of Tamiami Trail (US 41) and North of Spring Creek, Township 47 South, Range 25 East, Lee County, Florida;
Subject to easements and restrictions of record.
Containing 273.1 acres more or less.

AND

The East 600 feet of the East Half (E½) of the Southwest Quarter (SW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida.
Parcel contains 9.7 acres more or less.
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 (E½) of the Southwest Quarter (SW¼) of said Section to Tamiami Trail (US 41).
Subject to any easements, restrictions, reservations and rights-of-way to record.

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

D. This Application for Development Approval is 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 Section 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 proposed Development Order Amendment has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body ~~on June 20, 1996~~, and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes. The development, as proposed in the Application for Development Approval (ADA) 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 classifications of the Lee Plan with 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.

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 ~~Attachment D which is~~ 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 annual monitoring report that includes both Pelican Landing and Spring Creek West DRI's 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.

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, LET IT BE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF 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, ~~and~~ August 16, 1995 and November 4, 1996, 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" shall include his/her/its 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 will be 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 shall immediately contact the Florida Department of State, Division of Historical Resources, the SWFRPC, and Lee County and advise them of the discovery. The developer will have a State-certified archaeologist determine the significance of the findings and recommend appropriate preservation~~-ion~~ and mitigation actions, if necessary.

B. Housing

1. There are no regionally significant housing impacts for the first planning horizon of the DRI DO, which ends 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 accept the Developer's contribution of $20,000.00 to assist existing and prospective employees within the Pelican Landing DRI locate affordable housing. The $20,000.00 will be 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 home buyers, 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 home buyers for either closing costs or down payments associated with the purchase loan.

C. Hurricane Preparedness

1. Within six months, after the effective date of this DRI Development Order, the developer shall provide and connect 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 will be responsible for the initial electrical hook-up costs. The selection of the generator will be 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 which advises 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 ~~the~~ 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 shall 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 shall be developed in coordination with the Lee County Emergency Management officials and must be found sufficient by those officials within six months after the effective date of the DRI DO.

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 developer will mitigate the hurricane shelter impacts for units 4051 through 4400 by paying $18.50 per unit to the Lee County Impact Fee

Coordinator at the time of building permit approval. If the developer constructs an assisted living facility, the developer must comply with all aspects of Section 440.441(1)(b), F.S., as may be amended, including the preparation and submittal of a comprehensive emergency management plan that addresses emergency evacuation transportation and adequate sheltering arrangements for the ALF residents. The developer must update this plan annually. The County must use the funds paid pursuant to this condition to construct or upgrade hurricane shelter space in a location that will benefit the residents of the Pelican Landing Community. The eighteen dollar and fifty cents fee (1996 dollars) will be multiplied by the Dodge Data Service Building Cost Index for U.S. and Canadian cities for June 1 of each year subsequent to 1996, up to the time building permits are issued. This multiplier ensures payment of current dollars at the time the permits are issued. If the Building Cost Index is not available, the Consumer Price Index will be used instead, and applied by the method described above. If Lee County adopts an impact fee for hurricane shelters prior to, or during, the acquisition of building permits 4051 through 4400 then the Developer will pay the duly adopted impact fee, provided that fee is no less per unit than the per unit amount set out above, and this condition will have no further force and effect.

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 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 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 shall host an Educational and Hurricane Preparedness Workshop for all tenants in the wet slip area. The marina operator shall 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, as adopted by Lee County.

E. Vegetation and Wildlife/Wetlands

The developer has conducted Protected Species surveys in accordance with the Florida Game and Fresh Water Fish Commission (FGFWFC) 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.

1. There were three bald eagle's nests of concern prior to development order adoption. One nest is on the Pelican Landing property. The other nests are within 1500 to 1600 feet of Pelican Landing. The buffers that will affect Pelican Landing property will be established in an on-site eagle habitat management plan addressing the Pelican Landing property only.

Prior to development within 2500 feet of any eagle nest, the Developer shall prepare an on-site eagle management plan addressing the Pelican Landing DRI property only which shall be reviewed by DCA, SWFRPC, FGFWFC Lee County, and USFWS. Said groups shall have a fifteen working day review period and must provide all comments to Lee County and the Developer in writing. The agencies must provide specific written objections or concerns if any, regarding the management plan and indicate how those concerns can be addressed by the developer.

The Developer will revise the management plans to respond to the lawful and timely objections. The agencies will review and respond to the management plan resubmittal, and any successive resubmittals, within fifteen working days of submittal. The agencies will provide a written response to Lee County and the Developer, which reflects that there is no objection to the management plan or which outlines specific objections and concerns. The agency response will indicate how any concerns or objections can be addressed by the developer. Lee County and DCA will have the final approval authority. The management plan will be deemed approved by the County and DCA if the respective agency fails to provide a written response within fifteen working days. The approval of the management plan will not be unreasonably withheld. If a proposed management plan includes development within 750 feet of an 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 FGFWFC and USFWS.

The 2,500 foot limitation is intended to be a temporary restriction to insure the submission and approval for a management plan on a timely basis. The final primary and secondary buffer zones may be less than 2,500 feet. An eagle management plan will be included as part of an upland habitat protection area management plan.

2. A local development order for the Hickory Island Beach Park has been issued which permits construction of beach park infrastructure. This local development order included 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 requires 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 permits a refinement of the conservation easement boundaries after completion of a one year utilization study, the final conservation

easement shall be consistent with the provisions of Section 704.06, Florida Statutes. For the purpose of this DRI D.O., 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 DO.

The Developer must submit a Final Management Plan to Lee County, FGFWFC, and DCA within 18 months of the effective date of the DRI DO, which was November 14, 1994. Lee County, FGFWFC, and DCA will review the management plan within fifteen working days of submittal. The DCA, and Lee County must provide a written response to the proposed final management plan which reflects that there is no objection or outlines the specific objections and concerns. The agencies response will specify how those concerns or objections can be addressed by the developer. The FGFWFC must provide all lawful objections within the same fifteen working day time frame.

If there are valid legal objections to the management plan, the Developer will revise and resubmit the plan to DCA, FGFWFC, and Lee County. DCA, Lee County, and FGFWFC will review the resubmittal, and any successive resubmittals, within fifteen working days. The agencies will provide a written response which reflects either the approval of the management plan or which outlines the specific objections and concerns. The agencies response will specify how those concerns or objections can be addressed by the developer. DCA and Lee County may not unreasonably withhold approval of the management plan. If the agencies do not provide a written response within the prescribed time frames, the management plan will be deemed approved. The Final Management Plan Approval from Lee County must be obtained prior to the issuance of the Certificate of Compliance for local development order #90-10-003.00D.

3. The projected gopher tortoise burrow count is 439, based on an estimate of FGFWFC habitat guidelines, 75 acres to gopher tortoise habitat must be protected.

The Developer will set aside a 78± acre area of xeric scrub and pine flatwoods to mitigate the impacts to the upland gopher tortoise habitat. This area will be known as the Pelican Landing Eco-Park. The Eco-Park area contains significant portions of the xeric oak habitat existing on the 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. The Developer shall submit a copy for the management plan to the DCA, SWFRPC, and Lee County for review prior to the commencement of development in any area containing gopher tortoise habitat, beyond that approved in the Preliminary Development Agreement.

The agencies shall have a fifteen working day review period. The agencies shall provide all lawful objections and concerns regarding the management plan to Lee County and the Developer in writing. The Developer will submit a revised management plan to DCA and Lee County that responds to the lawful objections. DCA and Lee County will review the management plan resubmittal, and any successive resubmittals, within fifteen working days of submittal. The agencies will provide a written response which approves the management plan or which outlines specific objections or concerns. The agencies response will specify how those concerns or objections can be addressed by the developer. DCA and Lee County may not unreasonably withhold the approval of the management plan. Should DCA and Lee County not provide a written response within the prescribed time frames, the management plan will be deemed approved by the agency that failed to provide timely written comments. The Developer has submitted for an Incidental Take Permit for the gopher tortoises located outside of the Eco-Park in the undeveloped portion of Pelican Landing. The Developer shall obtain an Incidental Take Permit prior to proceeding with development within gopher tortoise habitat areas.

The gopher tortoises addressed by the Incidental Take Permit shall be relocated to the Eco-park, or other appropriate open space areas within Pelican landing. The Eco-Park mitigates for regional impacts to the gopher tortoise population and xeric scrub within the Pelican Landing DRI.

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 shall 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 shall be prohibited in wetland areas #14 and #21 (as identified in DRI ADA) and Bay Cedar Phase II (along Spring Creek).

The Developer will grant a conservation easement consistent with Section 704.06., Florida Statutes for the Eco-Park to an entity approved by DCA. The Developer must submit a draft of the proposed conservation easement to DCA for review and comment. DCA must provide comments on the draft easement within 15 days so as not to unduly delay development. Once approved by DCA, the Developer will record the conservation easement in the Lee County Public Records prior to the issuance of a local Development Order or "Early Work" approval for any area containing gopher tortoise habitat other than areas approved in the PDA. The conservation easement may be drafted so as 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 will be 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 which prohibit the destruction of trees.

5. Should any orchids, wild pine air plants, Florida Coonties, 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 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.

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

10. This project may result in the filling onto more than 8 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 invasives, the restoration of historic hydroperiods, and a total of not more than ten acres of littoral zone plantings.

F. Solid/Hazardous/Medical Waste

1. All storage, siting, and disposal of hazardous wastes and/or 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 shall be 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, shall 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, shall 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 which will be located on the premises.

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

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

G. Stormwater 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 Improvement District (a district 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 stormwater 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 stormwater 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 Improvement District, 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 Lee County and South Florida Water Management District guidelines.

6. The SFWMD shall 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 County Attorney's office.

H. Transportation

1. Significant Impact

a. The traffic impact assessment for this project assumes the development parameters and land uses shown in Attachment B, "Pelican Landing DRI Development Parameters". The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Planning Horizon I (1997) and buildout (2002). Each annual monitoring report, described in Paragraph 4, must reflect whether the roadways and intersections described below are significantly impacted or are projected to be significantly impacted by this project in the following year.

b. The Pelican Landing DRI is projected to significantly and adversely impact (as defined by Lee County Administrative Code AC-13-16, dated August 8, 1991, see Attachment C) the following roadways and intersections:

Planning Horizon I (1997)		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 and right turn lanes
	-	Separate WB thru and left turn lanes

Buildout (2002)

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 and 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 and right turn lanes
	-	Separate WB thru and left turn lanes

2. Mitigation

a. The developer will pay impact fees as defined in the Lee County 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.~~ H.1.b. above. Road Impact Fees are estimated to be ~~$8,783,000~~ $8,900,000 for the land uses identified in Attachment B. 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. 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 toward the non-site related improvements included in Transportation Condition ~~H.1.b.~~ H.1.b., provided those improvements are deemed necessary to maintain the adopted level of service standards and are included in the County'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, Lee County may apply any Pelican Landing impact fees not required for those specific improvements to other improvements consistent with the requirements of the Lee County Land Development Code.

b. If through the local development approval process, the developer constructs, with the approval of the Lee County DOT, an intersection or roadway improvement identified in Paragraph ~~H.1.b~~ 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 must dedicate 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 must construct, 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 will occur as follows:

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) Burnt Pine Drive North from Pelican Landing Parkway to Pelican Landing North Entrance: under construction no later than December 31, 1998.

3) Burnt Pine Drive North from Pelican Landing North Entrance to Coconut Road: should be under construction no later than December 31, 1999.

d. The developer agrees to reserve 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 will be dedicated to Lee County if and when requested. 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 may, with the concurrence of Lee County, make an advance payment of a portion of Pelican Landing's total Impact Fees up to 2 million dollars. Lee County would then utilize 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 is currently 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 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 will be 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), unless subsequently dedicated to and accepted by Lee County.

4. Annual Monitoring Report

a. The developer will submit an annual traffic monitoring report to the following entities for review and approval: Lee County, the Florida Department of Transportation (FDOT), the Florida Department of Community Affairs (FDCA), and the Southwest Florida Regional Planning Council (SWFRPC).

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

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

c. The annual 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	Hickory Blvd. to Vanderbilt	2 to 4	Planning Horizon I (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 annual 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 is projected to exceed the adopted level of service standards adopted by Lee County within the forthcoming 12 months, and if the project is utilizing more than 5% of LOS "D" service volume 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 is scheduled for construction in the first three years of an adopted local government capital improvement program or state work program.

e. If the annual 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 more than 5% of level of service D service volume 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 Annual Monitoring Report.

I. Wastewater Management/Water Supply

1. The developer or the Bayside 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 ultralow 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 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 developer must provide written assurance that any hazardous commercial effluent, generated by the project, 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 shall be constructed and sized in accordance with all pertinent regulations of the FDEP, Lee County, 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 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.

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 as defined by Lee County regulations.

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.

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 design, develop, and maintain any golf course constructed adjacent to the mangrove fringe area of Estero Bay in accordance with condition 14 a. through i. of 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 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 which may result from the development of a golf course and water management areas within five hundred feet of the mangrove fringe of Estero Bay.

3. The management practices which the Developer will follow are as follows:

a. The use of slow release fertilizers and/or carefully managed fertilizer applications which 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 prepare a management plan for the application of herbicides, pesticides, and fertilizers on the proposed golf course adjacent to the mangrove fringe of Estero Bay. The plan will be prepared prior to the application of any herbicides, pesticides and fertilizers to the proposed golf course. The management plan will include a groundwater and surface water monitoring plan. The plan will 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. The plan will identify the locations for the groundwater monitoring and testing on a map(s). The plan will set forth the testing and reporting requirements. The developer will submit the test reports with the annual monitoring report. The monitoring program will be 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.

5. The Developer will submit a written surface and groundwater quality management plan to Lee County and DCA. The plan must be approved by DCA prior to the application of chemicals to the proposed golf course. The DCA 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. DCA 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 DCA 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 DCA 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 will be buffered from the proposed golf course by a 100' undisturbed naturally vegetated corridor, except for water management facilities permitted by the South Florida Water Management District and except for the removal of exotic plants as required by Lee County. The 100' buffer area will run along the portion of the golf course that abuts the mangrove wetlands of Estero Bay.

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, ~~F.S.~~ 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 DO do not preempt the authority of the South Florida Water Management District and the Department of Environmental Protection. Section 373.016, ~~F.S.~~ 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 DCA, SWFRPC, or Lee County pursuant to this DRI DO 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.

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

1. This amended Development Order constitutes a resolution of Lee County, adopted by the Board of County Commissioners in response to the application filed by WCI Communities, L.P. 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 which 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 ~~April 2, 1996~~ May 27, 1997 and stamped received ~~April 15, 1996~~ June 13, 1997, is attached hereto as Attachment A 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.

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 which 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 County 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 which 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 Board of County Commissioners, 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 which create a reasonable likelihood of adverse regional impacts or other regional impacts which were 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, the Board 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 2002, and a termination date of 2005. This term is based on a ten year buildout and the recognition that a local Development Order, which is valid for three years, may be obtained in the tenth year.

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, E1 Dorado Acres, Estero Bay Shores, Mound Key Estates and Spring Creek Estates.

13. 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 2005 as long as the Lee Plan amendment proposed in association with this DRI to upwardly adjust the 2010 Overlay allocations for Subdistricts 801 and 806 is adopted and effective. If the County 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.

If the companion plan amendment is adopted, Lee County will reserve to this DRI, the appropriate uses from the allocations established for subdistricts (subdistricts 806/801) of the Lee Plan 2010 Overlay until 2005. This reservation has the effect of reserving all of the acreage transferred from Gateway to Pelican Landing for the duration of the Development Order.

15. The developer, or its successor(s) in title to the undeveloped portion of the subject property, will submit a report annually to Lee County, SWFRPC, FDCA 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 FDCA. The first monitoring report must be submitted to the Administrative Director of the DCA not later than one year after the effective date of this Development Order. Further reporting must be submitted not later than one year 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. The Developer applied for an amendment to the DRI DO within six months of the effective date of this Development Order. The amendment to this Development Order incorporated the portion of the Spring Creek DRI located west of US Highway 41 into the Pelican Landing DRI. The amendment contained a description of that portion of the Spring Creek DRI (and the conditions of the Spring Creek Development Order which are applicable to the Spring Creek West property). 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 which 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 County 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 MOTION TO ADOPT this Amendment was offered by Commissioner Judah and seconded by Commissioner Manning and upon poll of the members present, the vote was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 17th day of November, 1997 .

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: John E. Albion
Vice - (Chairman)

ATTEST:

CHARLIE GREEN, Clerk

By: Lisa L. Pierce
Deputy Clerk

APPROVED AS TO FORM

By: Donna Marie Collins
County Attorney's Office

FILED

NOV 21 1997

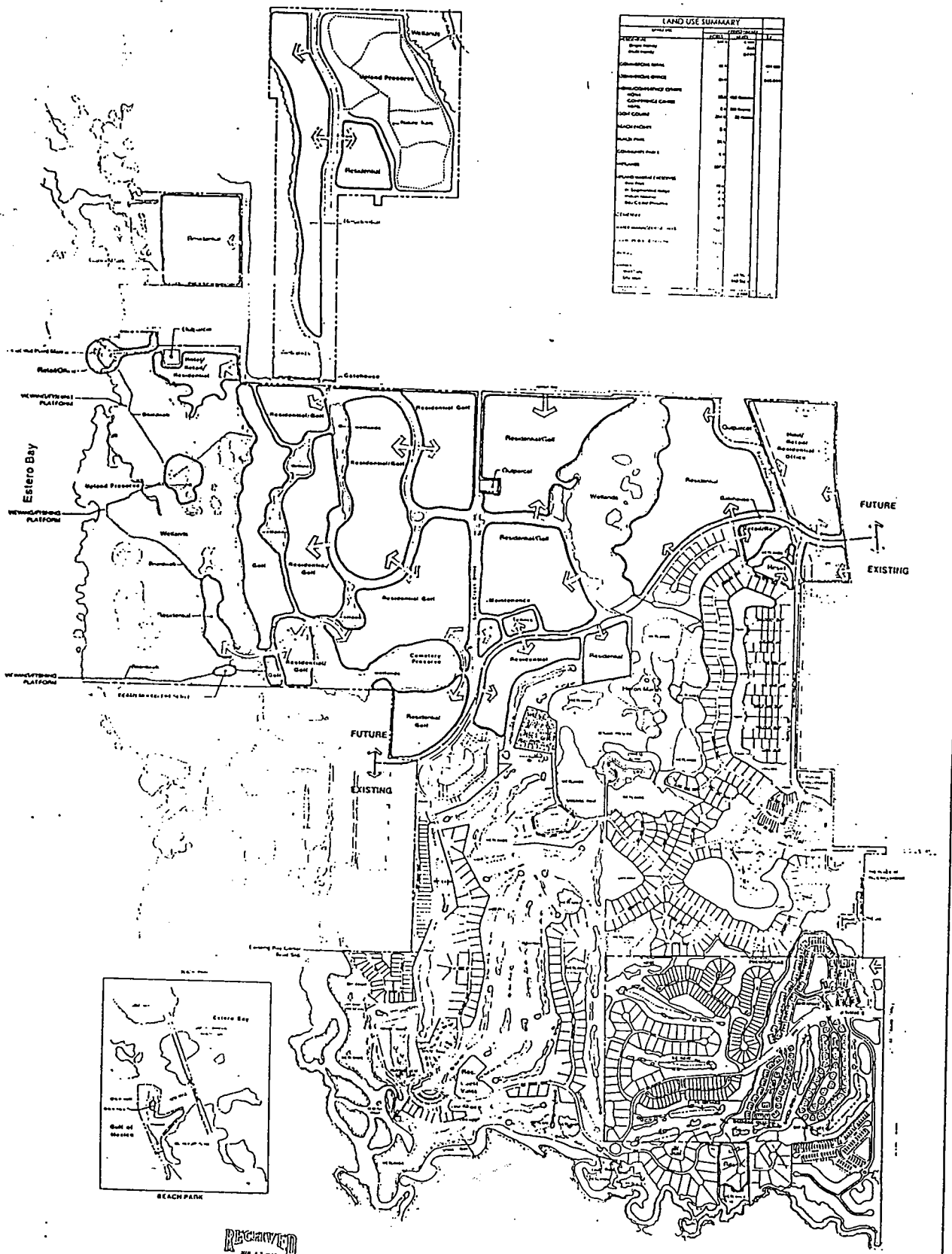
CLERK CIRCUIT COURT
BY Lisa L. Pierce D.C.

State of Florida
County of Lee

I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 24th day of November, A.D. 1997

CHARLIE GREEN, CLERK
By: Lisa L. Pierce
Deputy Clerk



ATTACHMENT "A"

ATTACHMENT "B"
~~THIRD~~ FOURTH AMENDMENT
PELICAN LANDING DRI
DEVELOPMENT PARAMETERS

Land Use	Units[1]	Existing (1992)	Planning Horizon I (1997)	Buildout Total (2002)
Residential	DU	969	2,433	4,400
Single Family	DU	373	625	665
Multi Family	DU	596	1,808	3,735
Retail[2]	GFA	11,000	291,000	461,050 ~~540,000~~
Office[3]	GFA	40,000	150,000	245,000
Hotel/Motel	Rooms	0	750 ~~450~~	750 ~~450~~
Recreation Uses				
Pelican Nest Golf Course/Clubhouse/ Practice Range	Holes	29	38	38
Range Club Golf Course	Holes	0	9	9
Tennis Center	Courts	0	6	12
Coconut Marina	Boat Slips			
	Wet	24	48	48
	Dry	0	150	150
Redfish Point	GFA	5,000	5,000	5,000
	Boat Slips			
	Wet	15	15	15
Other[4]	Boat Slips			
	Wet	2	2	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

RESOLUTION NUMBER Z-98-066

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, WCI Communities, L.P., filed an application, in reference to Pelican Landing and Kersey-Smoot RPD, for an Amendment to a Development of Regional Impact (DRI) and a Rezoning to Residential Planned Development (RPD); in accordance with the Lee County Land Development Code (LDC); and

WHEREAS, a public hearing was advertised and held on August 19, 1998 before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case # 95-01-050.04Z 07.01 and 98-03-262.02Z 01.01; and

WHEREAS, a second public hearing was advertised and held on September 21, 1998 before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents in the record, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A - REQUESTS

The applicant made the following requests with respect to the property described in Exhibit A:

1. Amend the Pelican Landing Development of Regional Impact (DRI) Development Order (State DRI #1-9293-121), including Map H (the Master Concept Plan (MCP)) to add 204± acres contiguous to the Pelican Landing DRI, without increasing the overall DRI dwelling units beyond the approved 4,400 units or the dry boat slips beyond 150 slips; and to adjust the land use tabulations and Map H, attached to the DRI Development order, to reflect the proposed changes.

2. Find No Substantial Deviation under the provisions of Section 380.06(19), Florida Statutes; and

3. Rezone a 204 acre parcel located in the Outlying Suburban and Wetlands Land Use Category from Agricultural (AG-2) and Two Family Conservation (TFC-2) to Residential Planned Development (RPD) to permit a maximum of 362 dwelling units, not to exceed 45 feet in height with a maximum of three habitable floors, 150 dry boat storage slips not to exceed 45 feet in height, and a golf course. (The dwelling units and dry boat storage slips are already a part of the approved Pelican Landing DRI.)

The Lee County Board of County Commissioners APPROVES the Applicant's requests, in accordance with the conditions and deviations specified in Sections B and C.

SECTION B - CONDITIONS:

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.

b. The approved Schedule of Uses for the Kersey-Smoot RPD is limited to the following:

Residential Dwelling Units, (limited to 362 units) including
- Single-family
- Zero lot line units
- Multiple-family buildings
- Two-family attached
- Townhouses
- Duplexes
- Timeshare Units

Residential Accessory Uses, including but not limited to:
- Private garages, carports, and parking areas
- Private swimming pools, spas and enclosures
- Private tennis courts

7-hole Golf Course, Golf Course Accessory Uses, including but not limited to:
- Maintenance facility
- Snack bar with alcoholic beverage consumption
- Restrooms and other uses which are normal and accessory to the golf course

Accessory Uses, Buildings and Structures
Administrative Offices
Club, Private, with Consumption on Premises
Club, Country
Dry storage - maximum of 150 units, as approved in the Pelican Landing RPD/CPD
Entrance Gates and Gatehouses
Essential Services
Essential Service Facilities, Group I
Excavation, water retention
Food and Beverage services, limited
Home Occupation
Model Homes, Model Units, and Model Display Center
Parking lot, accessory and temporary
Private Parks
Recreation Center
Recreational Facilities, including but not limited to:
- Boardwalks
- Community swimming pools
- Playground, tot lots
- Play fields
- Tennis Courts and community recreational amenities
- Parking

Restaurant, Group I, II, III (in association with golf facilities)

Temporary Sales and/or Construction Office

c. The following Property Development Regulations will apply to the development of the subject property:

1) Minimum Lot Area and Dimensions:

<u>Single-Family Units</u>	
Area:	5,000 square feet
Width:	40 feet
Depth:	100 feet
Lot Coverage:	50 percent
<u>Zero Lot Line Units</u>	
Area:	5,000 square feet
Width:	40 feet
Depth:	100 feet
Lot Coverage:	50 percent
<u>Multiple-Family</u>	
Area:	2,000 square feet per dwelling unit
Minimum lot size:	10,000 square feet
Width:	100 feet
Depth:	100 feet
Lot Coverage:	50 percent
<u>Two-Family Attached and Townhouses</u>	
Area:	4,000 square feet per dwelling unit
Width:	32 feet
Depth:	100 feet
Lot Coverage:	50 percent
<u>Duplex</u>	
Area:	14,000 square feet
Width:	90 feet
Depth:	100 feet
Lot Coverage:	50 percent
<u>Golf Club and Dry Storage Facility</u>	
Area:	10,000 square feet
Width:	100 feet
Depth:	100 feet
Lot Coverage:	50 percent (golf club) 80 percent (dry storage)

2) Minimum Setbacks

<u>Single-Family</u>	
Street:	20 feet or 15 feet for a side entry garage
Side:	5 feet

Rear:	15 feet for building 0 feet for pool, deck and enclosure
Waterbody:	20 feet

Zero-Lot Line Units

Street:	20 feet or 15 feet for side entry garages
Side:	10 feet on one side, 0 feet on opposite side
Rear:	15 feet for building 0 feet for pool, deck and enclosure
Waterbody:	20 feet

Multiple-Family

Street:	20 feet
Side:	20 feet
Rear:	20 feet for building 0 feet for pool, deck and enclosure
Waterbody:	20 feet
Building Separation:	20 feet or one-half the sum of building height, whichever is greater

Two-Family Attached and Townhouse

Street:	20 feet
Side:	5 feet (no side setback required from common side lot line)
Rear:	15 feet for building 0 feet for pool, deck and enclosure
Waterbody:	20 feet

Duplex

Street:	20 feet or 15 feet for a side entry garage
Side:	7 feet
Rear:	20 feet 0 feet for pool, deck and enclosure
Waterbody:	20 feet

Golf Club and Dry Storage Facility

Street:	20 feet
Side:	15 feet
Rear:	10 feet for building 0 feet for pool, deck and enclosures- golf facility only
Waterbody:	20 feet

3) Building Height

Single-Family, Zero Lot Line Two-Family Attached, Town House and Duplex	Maximum of 45 feet, above flood elevation, or 3 stories (whichever is less)
Multiple-Family	Maximum of 45 feet, above flood elevation, or 3 stories

	(whichever is less)
Golf Club and Dry Storage Facility	Maximum of 45 feet, above flood elevation, or 3 stories (whichever is less)

4) Timeshare Units

Timeshare units are defined and regulated by Florida Statute Chapter 721. Timeshare units are subject to the property development regulations set forth in Conditions c.1) and c.2). Timeshare units must be sold for a period of time of no less than one week, in accordance with the requirements of Chapter 721, Florida Statutes. Timeshare locations must be grouped and designated on the final zoning plan as conditioned in B.3.h., below.

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.

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)

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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 1(b).

SECTION C - DEVIATIONS:

Deviation (1) requests relief from the 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 individual parking spaces to back onto right-of-way easements. This deviation is APPROVED with the following conditions:

a. The deviation applies only to units with individual driveways and garages;

b. The minimum dimension from the garage entrance to the street must be 25 feet, unless the garage is constructed with a side-facing entrance rather than a street-facing entrance; and

c. The posted speed of the adjacent roadway must be 20 mph or less.

Deviation (2) 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 a zero-foot minimum. This deviation is APPROVED for a zero-foot separation for internal development parcels, and a 15-foot

separation for external parcels.

Deviation (3) requests relief from the LDC Section 10-291(3) requirement that residential developments larger than five acres provide two or more means of ingress or egress, to allow one entrance. This deviation is APPROVED with the following conditions:

a. An emergency turnaround of adequate dimension is provided for emergency service providers within each development pod;

b. Each multi-family pod with one means of ingress and egress will not exceed 362 dwelling units; and

c. The local Fire and Emergency Service District must provide a letter of approval prior to local development order approval.

Deviation (4) requests relief from the LDC Section 10-417(b)(2)(f) requirement that no portion of a buffer area that consists of trees or shrubs may be located in an easement, to allow planted buffers in easements. This deviation is APPROVED provided that, if any required buffer or landscape strip plantings installed within easements must be removed, then the Developer or homeowners' association must replace these plantings with like size and species at no expense to Lee County. The replanting requirement must be clearly stated in the homeowners' documents.

Deviation (5) requests relief from the 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 a setback of zero feet. This deviation is APPROVED 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.

Deviation (6) requests relief from the minimum cul-de-sac diameter requirements of LDC Section 10-296(k)(1), to allow a 60-foot diameter (to edge of pavement). This deviation is APPROVED, with the condition that any reduction in the size of a cul-de-sac will require written approval from the local fire district at the time of Final Zoning Plan submittal.

Deviation (7) requests relief from the requirements in LDC Section 10-296(k)(3) and 10-714 establishing the transition radius for cul-de-sacs, to allow a transition radius of 50 feet. This deviation is APPROVED, with the condition that any reduction in the size of a cul-de-sac will require written approval from the local fire district at the time of Final Zoning Plan submittal.

Deviation (8) requests relief from LDC Section 10-296 Table 3, which requires a roadway width of 35 feet for two-way closed drainage, rear lot drainage, or inverted crown, to allow roadway width to coincide with the back of the curb. This deviation is APPROVED, provided the required drainage and utility easements are located outside of the right-of-way and adequate provisions are made for road drainage and utilities.

Deviation (9) requests relief from the LDC Sections 10-296 Table 4(7)(c)(2) requirements setting minimum specifications for street wearing surfaces, to allow paver brick surfaces. This deviation is APPROVED, to allow paver bricks as an alternative surface PROVIDED that the minimum specifications of a "standard" LDC Section 10-296(7) Class C local road flexible pavement cross-section will be demonstrated prior to local development order approval.

Deviation (10) requests relief from the LDC Section 34-1176(b)(1)(a) setback requirement for a non-

roofed structure to a seawalled artificial body of water, to allow a zero-foot setback. The applicant will utilize vertical bulkheads along artificial bodies of water and will provide the minimum littoral zone slopes consistent with LDC Section 10-418(a)(2). This deviation is APPROVED for the community recreational pool facility only, with the CONDITION that adequate safety features are shown in the Final Zoning Plan to protect the public health, safety and welfare.

Deviation (11) requests relief from the LDC Section 34-2474(b)(6) requirement that recreation centers and ancillary facilities be located at least 40 feet from residential dwellings, to allow a minimum of 20 feet. This deviation is APPROVED for the internal development parcels in which they are located, but not for parcels adjacent to or external to the property.

SECTION D - EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

Exhibit A: The legal description and STRAP number of the property.
Exhibit B: Master Concept Plan - Kersey-Smoot RPD
Exhibit C: Zoning Map
Exhibit D: Fifth Development Order Amendment For Pelican Landing DRI

SECTION E - FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and any other applicable code or regulation.

2. The requested zoning, as conditioned:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;

   c. is compatible with existing or planned uses in the surrounding area; and

   d. will not adversely affect environmentally critical areas or natural resources.

3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and the development will be served by streets with the capacity to carry the traffic the development generates.

4. The proposed use or mix of uses is appropriate at the subject location.

5. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest.

6. The recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

7. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

The foregoing resolution was adopted by the Lee County Board of Commissioners by a motion by Commissioner Andrew Coy, and seconded by Commissioner Douglas St. Cerny and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Nay
Andrew Coy	Aye
John E. Albion	Absent

DULY PASSED AND ADOPTED this 21st day of September, 1998.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form by:

_____
County Attorney's Office

MINUTES DEPARTMENT
FILED SEP 28 1998

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL 1

A tract or parcel of land lying in Sections 08, 09, 16, 17, 20, and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

Beginning at a concrete monument marking the Northeast corner of said Section 20 run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE¼) of said section;
THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW¼) of said Section 21 for 2,040.41 feet;
THENCE run S00°51'35"E for 800 feet, more or less, to the waters of Spring Creek;
THENCE run along said waters for 5,765 feet, more or less to an intersection of the East line of the Southeast Quarter (SE¼) of said Section 20;
THENCE run S00°38'52"E along said East line for 91.00 feet to the approximate centerline of Spring Creek;
THENCE run along said centerline the following courses:
S78°50'00"W for 181.31 feet,
N34°24'12"W for 230.22 feet,
N30°59'12"W for 174.93 feet,
N24°25'16"E for 120.83 feet,
S65°47'43"E for 219.32 feet,
N18°24'43"E for 158.11 feet,
N75°11'47"W for 351.71 feet,
N65°09'33"W for 451.88 feet,
N84°18'44"W for 351.75 feet,
N66°54'31"W for 445.79 feet,
S63°24'43"W for 134.16 feet,
S03°23'22"E for 170.29 feet,
S50°30'17"W for 220.23 feet,
N84°49'43"W for 331.36 feet,
S62°13'07"W for 214.71 feet,
S22°08'36"W for 291.55 feet,
S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW¼) of said Section 20;
THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast corner of said fraction;
THENCE run S89°58'37"W 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:
N09°13'28"W for 137.34 feet,
N29°08'22"W for 590.59 feet,
N38°31'58"W for 278.03 feet,
N65°16'43"W for 254.95 feet,
N37°18'28"W for 286.01 feet,

N32°51'05"E for 252.39 feet,
N20°11'00"E for 236.69 feet,
N27°23'47"W for 369.25 feet,
N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek;
THENCE run along said Easterly shore for 1,280 feet, more or less to an intersection with the North line of said Section 20;
THENCE run N89°15'13"E along said North line of said Section for 982 feet, more or less to a concrete monument marking the Northwest corner of the Northeast Quarter (NE¼) of said Section 20;
THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE¼) of said Section 17 for 2,674.38 feet to the Northwest corner of said Southeast Quarter (SE¼);
THENCE run N00°31'29"E along the West line of the Northwest Quarter (NW¼) 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 along the arc of a curve to the left of radius 1,130.00 feet (chord bearing N35°09'06"E) (chord 1,296.89 feet) (delta 70°02'16") for 1,381.30 feet;
THENCE run N89°52'02"W for 5.00 feet;
THENCE run N00°07'58"E along the Easterly line of Spring Creek Road (50 feet wide) for 1,611.94 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;
THENCE run N00°07'17"E along said East line for 343.49 feet;
THENCE run S89°38'58"E for 10.00 feet;
THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;
THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;
THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;
THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;
THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);
THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;
THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of said Section;
THENCE run along said West line N00°40'07"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538 of said Public Records;
THENCE run S89°35'50"E along said South line for 1,549.14 feet;
THENCE run Southwesterly along a non-tangent curve to the left of radius 30.00 feet (chord bearing S45°24'10"W) (chord 42.43 feet) (delta 90°00'00") for 47.12 feet to a Point of Tangency;
THENCE run S00°24'10"W for 336.31 feet to a Point of Curvature;
THENCE run along the arc of a curve to the left of radius 270.00 feet (chord bearing S44°35'50"E) (chord 381.84 feet) (delta 90°00'00") for 424.12 feet to a Point of Tangency;
THENCE run S89°35'50"E for 99.41 feet to a Point of Curvature;
THENCE run along the arc of a curve to the right of radius 530.00 feet (chord bearing S75°44'50"E) (chord 253.74 feet) (delta 27°42'00") for 256.23 feet;
THENCE run N20°53'52"W for 748.16 feet to an intersection with the aforementioned South line of Coconut Road;

THENCE run along said South line S89°35'50"E for 1,301.22 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S00°10'56"W along said West line for 621.81 feet to a Point of Curvature;
THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a Point of Tangency;
THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE¼) of said Section 16;
THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE¼) of Section 16;
THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE¼) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE¼) of said Section;
THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;
THENCE run S00°06'43"E for 1,085.91 feet;
THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;
THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a Point of Tangency;
THENCE run S00°06'43"E along said West line for 49.81 feet;
THENCE run S89°06'43"W for 300.00 feet;
THENCE run S00°06'43"E for 1,445.84 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 16;
THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW¼) of said Section 16;
THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW¼) for 2,627.98 feet to the POINT OF BEGINNING.

ALSO

PARCEL 2
A tract or parcel of land lying in Sections 07, 08, 17 and 18, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:
From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.
From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;
THENCE run S00°07'17"W along said West line for 817.15 feet;
THENCE run N89°52'43"W for 14.27 feet to an intersection with a non-tangent curve;
THENCE run Southerly and Southwesterly along the arc of a curve to the right of radius 1,725.00 feet (chord bearing S05°52'51"W) (chord 346.22 feet) (delta 11°31'09") for 346.81 feet to a Point of Tangency;
THENCE run S11°38'26"W for 178.50 feet to a Point of Curvature;
THENCE run Southerly and Southeasterly along the arc of a curve to the left of radius 2,400.00 feet (chord bearing S00°28'49"W) (chord 929.06 feet) (delta 22°19'14") for 934.96 feet to a Point of Tangency;
THENCE run S10°40'48"E for 231.66 feet to a Point of Curvature;
THENCE run Southeasterly and Southerly along the arc of a curve to the right of radius

1,725.00 feet (chord bearing S05°16'46"E) (chord 324.72 feet) (delta 10°48'05") for 325.20 feet;
THENCE run S89°52'02"E for 16.47 feet;
THENCE run S00°07'58"W for 1,406.64 feet;
THENCE run N89°52'02"W for 5.00 feet;
THENCE run Southerly and Southwesterly along the arc of a curve to the right of radius 1,070.00 feet (chord bearing S37°51'54"W) (chord 1,309.62 feet) (delta 75°27'53") for 1,409.31 feet;
THENCE run N89°59'08"W along said North line for 287.38 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said public records;
THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;
THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE¼) of said Section 18;
THENCE continue N89°59'08"W for 1,816 feet more or less to the waters of Estero Bay;
THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S½) of Government Lot 2 of said Section 07;
THENCE run N89°32'15"E along the North line of said Government Lot 2 for 793 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said public records;
THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;
THENCE run N89°35'27"E for 666.22 feet;
THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
THENCE run S01°07'45"E along said West line for 488.63 feet;
THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.

LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516 of the public records of Lee County, Florida.

ALSO

PARCEL 3

A tract or parcel of land lying in Sections 05 and 08, Township 47 South, Range 25 East, Lee County, Florida, consisting of:
Lots 8B, 9B, 10B, 11B, 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LAND COMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County; also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records of Lee County; also the East Three-quarters (E-¾) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of said Section 05; also the East Two-thirds (E-⅔) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of said Section 05; also the East Two-thirds (E-2/3) of the Western Half (W½) of the Northwest Quarter (NW¼) of said Section 08; being more particularly described by metes and bounds as follows:
From the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S89°16'14"E along the North line of said Southwest Quarter (SW¼) for 422.61 feet;
THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;
THENCE run N01°22'23"W for 1,304.41 feet;

THENCE run N89°56'22"W for 107.12 feet;
THENCE run N01°22'55"W for 1,303.87 feet;
THENCE run N89°34'15"E for 2,593.81 feet;
THENCE run S00°26'45"E for 2,655.42 feet;
THENCE run N88°48'50"W along the North line of said Section 08 for 322.66 feet;
THENCE run N89°25'01"W for 587.55 feet;
THENCE. run S00°50'16"E for 132.58 feet;
THENCE run N89°11'54"W for 75.00 feet;
THENCE run N00°50'16"W for 132.30 feet;
THENCE run N89°25'01"W for 610.69 feet;
THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North right-of-way line of Coconut Road;
THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet to the POINT OF BEGINNING.

ALSO

PARCEL 4
All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:
Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;
THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;
THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;
THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING.

ALSO

PARCEL 5 (Kersey-Smoot RPD)

Parcels lying in Sections 05, 06 and 08, Township 47 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Parcels in Section 05

The West Quarter (W¼) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼); and

The West Third (W⅓) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼).

Parcels in Section 06

Government Lot 4 of said Section 06 and the Southeast Quarter (SE¼) of the

Southeast Quarter (SE¼) of said Section 06; and

Parcel as shown in Official Record Book 1762 at Page 4173, Public Records of Lee County, Florida:

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the Southeast Quarter (SE¼) of Section 06, Township 47 South, Range 25 East, further bounded and described as follows:

Starting at the Southeast corner of said Southeast Quarter (SE¼) of Section 06;
THENCE N01°33'16"W along the Easterly line of said fraction for 1,300.61 feet to the Southeast corner of the Northeast Quarter (NE¼) of said Southeast Quarter (SE¼), said point being the POINT OF BEGINNING of the herein described parcel;
THENCE N01°30'16"W along the Easterly Line of said fraction for 1,208.36 feet;
THENCE S89°10'55"W for 349.43 feet;
THENCE S00°49'50"E for 162.49 feet;
THENCE N81°20'47"W for 600.53 feet;
THENCE S46°11'51"W for 523.67 feet;
THENCE S00°48'29"E for 775.70 feet;
THENCE N89°41'23"E along the Southerly line of the aforesaid fraction of a section for 1,339.45 feet to the POINT OF BEGINNING.

Parcel in Section 08

The West Third (W⅓) of the West Half (W½)) of the Northwest Quarter (NW¼) of said Section 08, less the Southerly 40.00 feet for the right-of-way of Coconut Rd.

ALSO

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 SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;
THENCE run S62°26'49"W for 98.40 feet;
THENCE run N27°33'11"W for 1,863.42 feet;
THENCE run N20°00'41"W for 1,403.30 feet;
THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet,
N22°26'23"W for 100.53 feet, N23°09'50"W for 100.14 feet,
N14°51'19"W for 73.01 feet, N27°40'10"W for 88.01 feet,
N29°33'57"W for 46.01 feet, N22°14'53"W for 47.27 feet,
N20°39'23"W for 46.98 feet, N11°15'38"W for 29.80 feet,
N26°10'46"W for 46.87 feet, N09°09'45"W for 48.26 feet,
N17°35'56"W for 46.04 feet, N12°49'07"W for 50.04 feet,
N29°20'48"W for 69.12 feet, N20°48'58"W for 63.82 feet;
THENCE run N79°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 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 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 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;
THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING.

AND

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;
THENCE run S19°13'48"E for 50.64 feet;
THENCE run S04°34'15"E for 54.63 feet;
THENCE run S24°53'12"E for 50.09 feet;
THENCE run S27°10'29"E for 50.01 feet;
THENCE run S31°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 N65°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 N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF BEGINNING.

The applicant has indicated that the STRAP numbers for the subject property are:

05-47-25-00-00003.0000
05-47-25-00-00003.0010
05-47-25-00-00004.0000
05-47-25-00-00004.0010
05-47-25-00-00004.0020
05-47-25-00-00004.0030
05-47-25-01-00003.0000
05-47-25-01-00003.002C
06-47-25-00-00002.0010
06-47-25-00-00002.1000
07-47-25-00-00001.0000
07-47-25-00-00001.0010
07-47-25-00-00004.0000
07-47-25-00-00005.0000
07-47-25-00-00010.0000
08-47-25-00-00001.0000
08-47-25-00-00001.0010
08-47-25-00-00001.0020
08-47-25-00-00001.0030
08-47-25-00-00008.0000
08-47-25-01-00014.0080
08-47-25-18-00000.0040
08-47-25-18-00000.0050
08-47-25-18-00000.0060
08-47-25-18-0000D.0000
08-47-25-18-0000F.0000
08-47-25-18-0000G.0000
08-47-25-18-0000H.0000
08-47-25-18-0000A.0000
09-47-25-00-00001.0070
09-47-25-19-00000.0030
09-47-25-19-00000.0040
09-47-25-19-00000.0050
09-47-25-19-00000.0060
09-47-25-19-00000.0080
09-47-25-19-00000.0090
09-47-25-19-00000.0100
09-47-25-19-0000B.0000
09-47-25-21-00000.0040
09-47-25-21-00000.0350
09-47-25-21-00000.0360
09-47-25-21-00000.0370
09-47-25-21-00000.0380
09-47-25-21-00000.0390
09-47-25-21-00000.0400
09-47-25-21-00000.0410
09-47-25-21-00000.0420
09-47-25-21-00000.0430
09-47-25-21-00000.0440
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16-47-25-00-00004.1030
16-47-25-01-0000C.0000
16-47-25-06-0000A.0000

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16-47-25-11-000J0.0000
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16-47-25-12-0000B.0110
16-47-25-13-0000A.0000
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16-47-25-15-0000G.0000
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17-47-25-00-00001.011A
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17-47-25-11-0000A.0000
17-47-25-14-0000B.0000
17-47-25-18-0000E.0000
17-47-25-28-0000A.0000
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32-46-25-00-00002.0070
32-46-25-00-00002.2000
33-46-25-00-00001.0070
33-46-25-00-00022.0000
35-47-25-00-00001.0110

~~FOURTH~~ FIFTH DEVELOPMENT ORDER
AMENDMENT
FOR

PELICAN LANDING

A DEVELOPMENT OF REGIONAL IMPACT

STATE DRI #1-9293-121
COUNTY CASE 95-01-050.04Z 07.01

WHEREAS, on March 27, 1998, WCI Communities, L.P., the owner of the Pelican Landing Development of Regional Impact (DRI) requested an amendment to the original Development Order adopted August 29, 1994, as amended; and

WHEREAS, this document incorporates the Development Order Amendments for Pelican Landing DRI adopted: 1) March 22, 1995; 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) and the conditions applicable to the proposed amendment to the Pelican Landing DRI DO; and

WHEREAS, the amendments proposed to the Development Order are not a substantial deviation, as that term is defined and identified in Subsection 380.06(19)(e)2, Florida Statutes, and as such there is no need for further DRI review. The development order amendment approves the addition of 204 acres to the Pelican Landing DRI development as residential and golf course uses; and allows the provision of additional golf course opportunities within the present Pelican Landing development area. The amendment will not increase the external traffic impacts of the project; and

WHEREAS, the developer has acquired 204 acres that are contiguous with the Pelican Landing DRI; and

WHEREAS, Chapter 380, F.S. requires a developer seeking to develop property contiguous to a previously approved DRI to incorporate the property into the DRI; and

WHEREAS, the 204 acres will be added without increasing the number of dwelling units approved for Pelican Landing DRI; and

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

WHEREAS, the proposed changes to the Pelican Landing DRI Development Order will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area; and

WHEREAS, the proposed changes are consistent with the State Comprehensive Plan; and

WHEREAS, the Board of County Commissioners of Lee County, Florida, has considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Staff, the Lee County Hearing Examiner, the documents and comments upon the record made before the Board in public hearing, and, after full consideration of those reports, recommendations, comments, and documents, the Board of County Commissioners of Lee County, Florida, finds and determines that:

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The "Pelican Landing DRI" is a partially built master planned community on ~~2,373~~ 2,577± acres located approximately three miles north of the Lee/Collier County Line. 273± acres of the 2,577 acre total constitutes the Spring Creek West DRI. 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 proposal is to construct 4,400 residential units, of which 665 are single-family and 3,735 multi-family, 461,050 square feet of gross floor area of retail commercial, and 245,000 square feet of gross floor area of office commercial. The retail uses will provide up to 2,310 parking spaces and the office uses will provide up to 820 parking spaces. The project will also include 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, and a beach park for the benefit of the owners in Pelican Landing. There are 87 acres of upland habitat preserve, ~~507~~ 614 acres of salt and freshwater wetlands, ~~208~~ 227 acres of water management lakes, ~~140~~ 145 acres of public and private rights- of-way, 6 six acres of utilities and a .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 2002.

B. LEGAL DESCRIPTION: 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:

PARCEL 1

A tract or parcel of land lying in Sections 08, 09, 16, 17, 20, and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

Beginning at a concrete monument marking the Northeast corner of said Section 20 run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE¼) of said section;

THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW¼) of said Section 21 for 2,040.41 feet;
THENCE run S00°51'35"E for 801.04 feet to the waters of Spring Creek;
THENCE run 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:
S78°50'00"W for 181.31 feet,
N34°24'12"W for 230.22 feet,
N30°59'12"W for 174.93 feet,
N24°25'16"E for 120.83 feet,
S65°47'43"E for 219.32 feet,
N18°24'43"E for 158.11 feet,
N75°11'47"W for 351.71 feet,
N65°09'33"W for 451.88 feet,
N84°18'44"W for 351.75 feet,
N66°54'31"W for 445.79 feet,
S63°24'43"W for 134.16 feet,
S03°23'22"E for 170.29 feet,
S50°30'17"W for 220.23 feet,
N84°49'43"W for 331.36 feet,
S62°13'07"W for 214.71 feet,
S22°08'36"W for 291.55 feet,
S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW¼) of said Section 20;
THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast comer of said fraction;
THENCE run S89°58'37"W 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:
N09°13'28"W for 137.34 feet,
N29°08'22"W for 590.59 feet,
N38°31'58"W for 278.03 feet,
N65°16'43"W for 254.95 feet,
N37°18'28"W for 286.01 feet,
N32°51'05"E for 252.39 feet,
N20°11'00"E for 236.69 feet,
N27°23'47"W for 369.25 feet,
N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek;
THENCE run along said Easterly shore for 1,220 feet, more or less to an intersection with the North line of said Section 20;
THENCE run N89°15'13"E along said North line of said Section for 970 feet, more or less to a concrete monument marking the Northwest corner of the Northeast Quarter (NE¼) of said Section 20;

THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE¼) of said Section 17 for 2,644.38 feet to an intersection with the South line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records;
THENCE run S89°58'35"E along said South line for 739.45 feet;
THENCE run N00°07'58"E for 30.00 feet to an intersection with the North line of the Southeast Quarter (SE¼) of said Section 17;
THENCE run S89°58'35"E along the North line of said fraction for 375.91 feet to the Southeast corner of lands described in Official Record Book 1713 at Page 1188 of said Public Records;
THENCE run N00°41'04"W for 668.20 feet to the Northeast corner of said lands;
THENCE run N89°50'32"W along the North line of said lands for 366.38 feet to the Easterly line of said Spring Creek Road (50 feet wide);
THENCE run N00°07'58"E for 2,007.04 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;
THENCE continue N00°07'17"E along said East line for 343.54 feet;
THENCE run S89°38'58"E for 10.00 feet;
THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;
THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;
THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;
THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;
THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);
THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;
THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of said Section;
THENCE continue along said West line N00°39'58"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records;
THENCE run S89°35'50"E along said South line for 3,164.37 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S00°10'56"W along said West line for 621.81 feet to a Point of Curvature;
THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a Point of Tangency;
THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE¼) of said Section 16;
THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE¼) of Section 16;

THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE¼) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE¼) of said Section;
THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;
THENCE run S00°06'43"E for 1,085.91 feet;
THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;
THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a Point of Tangency;
THENCE run S00°06'43"E along said West line for 49.81 feet;
THENCE run S89°06'43"W for 300.00 feet;
THENCE run S00°06'43"E for 1,445.82 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 16;
THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW¼) of said Section 16;
THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW¼) for 2,627.98 feet to the POINT OF BEGINNING.

ALSO

PARCEL 2

A tract or parcel of land lying in Sections 07, 08, 17 and 18 which tract or parcel is described as follows:
From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.
From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;
THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;
THENCE run S00°07'58"W along said West line for 2,646.47 feet;
THENCE run N89°58'35"W along the North line of Coconut Road for 689.04 feet to an intersection with the East line of the Northwest Quarter (NW¼) of said Section 17;
THENCE run N89°59'08"W along said North line for 404.79 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;
THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;
THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE¼) of said Section 18;
THENCE continue N89°59'08"W for 1,840 feet more or less to the waters of Estero Bay;

THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S½) of Government Lot 2 of said Section 07;
THENCE run N89°32'15"E along the North line of said Government Lot 2 for 545 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said Public Records;
THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;
THENCE run N89°32'15"E along the South line of said lands for 247.50 feet;
THENCE run N89°35'27"E for 666.22 feet;
THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
THENCE run S01°07'45"E along said West line for 488.63 feet;
THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.
LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516 of the Public Records of Lee County, Florida.

ALSO

PARCEL 3
A tract or parcel of land lying in Sections 05 and 08, Township 47 South, Range 25 East, Lee County, Florida, consisting of:
Lots 8B, 9B, 10B, 11B, 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LAND COMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records of Lee County, also the East Three-quarters (E-¾) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-⅔) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-⅔) of the Western Half (W½) of the Northwest Quarter (NW¼) of said Section 08; being more particularly described by metes and bounds as follows:
From the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S89°16'14"E along the North line of said Southwest Quarter (SW¼) for 422.61 feet;
THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;
THENCE run N01°22'23"W for 1,304.41 feet;
THENCE run N89°56'22"W for 107.12 feet;
THENCE run N01°22'55"W for 1,303.87 feet;
THENCE run N89°34'15"E for 2,593.81 feet;
THENCE run S00°26'45"E for 2,655.42 feet;
THENCE run N88°48'50"W along the North line of said Section 08 for 322.66 feet;
THENCE run N89°25'01"W for 587.55 feet;
THENCE. run S00°50'16"E for 132.58 feet;
THENCE run N89°11'54"W for 75.00 feet;

THENCE run N00°50'16"W for 132.30 feet;
THENCE run N89°25'01"W for 610.69 feet;
THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North right-of-way line of Coconut Road;
THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet to the POINT OF BEGINNING.

ALSO

PARCEL 4

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:
Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;
THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;
THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;
THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING.
Containing 2,409 acres, more or less.
Bearings hereinabove mentioned are based on the East boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at Pages 58 through 60 of the Public Records of Lee County, Florida.

ALSO

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 SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;
THENCE run S62°26'49"W for 98.40 feet;
THENCE run N27°33'11"W for 1,863.42 feet;
THENCE run N20°00'41"W for 1,403.30 feet;
THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet,
N22°26'23"W for 100.53 feet, N23°09'50"W for 100.14 feet,
N14°51'19"W for 73.01 feet, N27°40'10"W for 88.01 feet,
N29°33'57"W for 46.01 feet, N22°14'53"W for 47.27 feet,
N20°39'23"W for 46.98 feet, N11°15'38"W for 29.80 feet,

N26°10'46"W for 46.87 feet, N09°09'45"W for 48.26 feet,
N17°35'56"W for 46.04 feet, N12°49'07"W for 50.04 feet,
N29°20'48"W for 69.12 feet, N20°48'58"W for 63.82 feet;
THENCE run N79°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 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 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 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;
THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING.

AND

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;
THENCE run S19°13'48"E for 50.64 feet;
THENCE run S04°34'15"E for 54.63 feet;
THENCE run S24°53'12"E for 50.09 feet;
THENCE run S27°10'29"E for 50.01 feet;
THENCE run S31°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 N65°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 N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF BEGINNING.
Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

ALSO

KERSEY PARCEL

Parcels lying in Section 5, Section 6 and Section 8, Township 47 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Parcels in Section 5:

The West One-Quarter (W¼) of the Northwest One-Quarter (NW¼) of the Southwest One-Quarter (SW¼); and

The West One-Third (W⅓) of the Southwest One-Quarter (SW¼) of the Southwest One-Quarter (SW¼).

Parcels in Section 6:

Government Lot 4 of said Section 6 and the Southeast One-Quarter (SE¼) of the Southeast One-Quarter (SE¼) of said Section 6; and

Parcel as shown in Official Record Book 1762 at Page 4173, Public Records of Lee County, Florida:

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the Southeast One-Quarter (SE¼) of Section 6, Township 47 South, Range 25 East. Further bounded and described as follows:

Starting at the Southeast corner of said Southeast One-Quarter (SE¼) of Section 6; Thence N00°44'33"W along the Easterly line of said fraction for 1300.67 feet to the Southeast corner of the Northeast One-Quarter (NE¼) of said Southeast One-Quarter (SE¼). Said point being the point of beginning of the herein described parcel; Thence N00°41'04"W along the Easterly line of said fraction for 1208.36 feet; Thence West for 349.47 feet; Thence South for 162.50 feet; Thence N80°32'07"W for 600.67 feet; Thence S47°00'45"W for 523.62 feet; Thence South for 778.51 feet; Thence S89°36'52"E along the Southerly line of the aforesaid fraction of a section for 1339.46 feet to the point of beginning

Bearings are based on a plat prepared by Tri-County Engineering, Inc. in May of 1968.

Parcel in Section 8:

The West One-Third (W⅓) of the West One-Half (W½) of the Northwest One-Quarter (NW¼) of said Section 8, less the Southerly 40.00 feet for the right-of-way of Coconut Road.

Parcel contains 203 acres, more or less.

ALSO

SMOOT PARCEL

That part of the South half of Government Lot 2, Section 7, Township 47 South, Range 25 East, Lee County, Florida, described as follows:

Begin 660 feet North 3 degrees 58 minutes West and 957 feet South 87 degrees 15 minutes West of the Southeast corner of Government Lot 2, Section 7,

Township 47 South, Range 25 East, thence South 87 degrees 15 minutes West 247.5 feet, thence South 11 degrees, 8 minutes East 199.6 feet, thence North 87 degrees, 15 minutes East 247.5 feet, thence North 11 degrees, 8 minutes West 199.5 feet to the point of beginning, containing 1.3 acres more or less.

ALSO

Spring Creek West DRI Parcel
All of the Northwest Quarter (NW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida:

ALSO INCLUDED THERETO:

All of the Northeast Quarter (NE¼) lying west of Tamiami Trail (US 41) of Section 21, Township 47 South, Range 25 East, Lee County, Florida;

ALSO INCLUDED THERETO:

All of the East Half (E½) of the Southwest Quarter (SW¼), lying North of Spring Creek LESS the East 600 feet thereof, Section 21, Township 47 South, Range 25 East, Lee County, Florida.

ALSO INCLUDED THERETO:

All of the Southeast Quarter (SE¼) of Section 21, lying West of Tamiami Trail (US 41) and North of Spring Creek, Township 47 South, Range 25 East, Lee County, Florida;
Subject to easements and restrictions of record.
Containing 273.1 acres more or less.

AND

The East 600 feet of the East Half (E½) of the Southwest Quarter (SW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida.
Parcel contains 9.7 acres more or less.
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 (E½) of the Southwest Quarter (SW¼) of said Section to Tamiami Trail (US 41).
Subject to any easements, restrictions, reservations and rights-of-way to record.

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

D. This Application for Development Approval is 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 proposed Development Order Amendment has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes. The development, as proposed in the Application for Development Approval (ADA) 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 classifications of the Lee Plan with 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.

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 annual monitoring report that includes both Pelican Landing and Spring Creek West DRI's 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.

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, LET IT BE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF 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, ~~and~~ November 4, 1996~~,~~ and November 17, 1997, 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" ~~shall~~ includes his/her/its 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 will be 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 ~~shall~~ will immediately contact the Florida Department of State, Division of Historical Resources, the SWFRPC, and Lee County and 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 are no regionally significant housing impacts for the first planning horizon of the DRI DO, which ends 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 accept 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 will be 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 home buyers, 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 home buyers for either closing costs or down payments associated with the purchase loan.

C. Hurricane Preparedness

1. ~~Within six months, after the effective date of this DRI Development Order,~~ tThe developer ~~shall~~ 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 will be responsible for the initial electrical hook-up costs. The selection of the generator will be 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 ~~which advises~~ 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 ~~shall~~ 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 ~~shall~~ must be developed in coordination with the Lee County Emergency Management officials and ~~must be~~ found sufficient by those officials months after the effective date of the DRI DO.

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 developer will mitigate the hurricane shelter impacts for units 4051 through 4400 by paying $18.50 per unit to the Lee County Impact Fee Coordinator at the time of building permit approval. If the developer constructs an assisted living facility, the developer must comply with all aspects of Section 440.441(1)(b), F.S., as may be amended, including the preparation and submittal of a comprehensive emergency management plan that addresses emergency evacuation transportation and adequate sheltering arrangements for the ALF residents. The developer must update this plan annually. The County must use the funds paid pursuant to this condition to construct or upgrade hurricane shelter space in a location that will benefit the residents of the Pelican Landing Community. The eighteen dollar and fifty cents fee (1996 dollars) will be multiplied by the Dodge Data Service Building Cost Index for U.S. and Canadian cities for June 1 of each year subsequent to 1996, up to the time building permits are issued. This multiplier ensures payment of current dollars at the time the permits are issued. If the Building Cost

Index is not available, the Consumer Price Index will be used instead, and applied by the method described above. If Lee County adopts an impact fee for hurricane shelters prior to, or during, the acquisition of building permits 4051 through 4400 then the Developer will pay the duly adopted impact fee, provided that fee is no less per unit than the per unit amount set out above, and this condition will have no further force and effect.

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 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 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 ~~shall~~ must host an Educational and Hurricane Preparedness Workshop for all tenants in the wet slip area. The marina operator ~~shall~~ 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, as adopted by Lee County.

E. Vegetation and Wildlife/Wetlands

The developer has conducted Protected Species surveys in accordance with the Florida Game and Fresh Water Fish Commission (FGFWFC) 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.

1. There were three bald eagle's nests of concern prior to the original development order adoption. One nest ~~is~~ was on the Pelican Landing property in the Eco Park. The other two nests ~~are~~ were originally within 1500 to 1600 feet of Pelican Landing. One of these other nests was located on the Kersey parcel and declared abandoned by the

USFWS in July 1998. The buffers that ~~will~~ affect Pelican Landing property ~~will be~~ were established in an on-site eagle habitat management plan addressing the Pelican Landing property only.

Prior to any new development within ~~2500~~ 1500 feet of any active eagle nest other than the nest located within the Eco Park, the Developer ~~shall~~ must prepare an on-site eagle management plan, addressing the Pelican Landing DRI property only, ~~which shall~~ that will be reviewed by DCA, SWFRPC, FGFWFC Lee County, and USFWS. ~~Said groups shall have a fifteen working day review period and must provide all comments to Lee County and the Developer in writing.~~ The agencies must provide specific written objections or concerns if any, regarding ~~the~~ 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 ~~the~~ any lawful ~~and timely~~ objections. The agencies will review and respond to the management plan resubmittal~~, and any successive resubmittals, within fifteen working days of submittal~~. The agencies will provide a written response to Lee County and the Developer, which reflects that there is no objection to the management plan or ~~which~~ outlines specific objections and concerns. The agency response will indicate how any concerns or objections can be addressed by the developer. Lee County and DCA will have the final approval authority. ~~The management plan will be deemed approved by the County and DCA if the respective agency fails to provide a written response within fifteen working days. The approval of the management plan will not be unreasonably withheld.~~ 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 FGFWFC and USFWS.

~~The 2,500 foot limitation is intended to be a temporary restriction to insure the submission and approval for a management plan on a timely basis. The final primary and secondary buffer zones may be less than 2,500 feet. An eagle management plan will be included as part of an upland habitat protection area management plan.~~

2. A local development order for the Hickory Island Beach Park has been issued ~~which~~ to permit~~s~~ construction of beach park infrastructure. This local development order include~~d~~s 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 ~~requires~~ 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 ~~permits~~ permitted a refinement of the conservation easement boundaries after completion of a one year utilization study~~;~~. ~~t~~The final conservation easement ~~shall be~~ is consistent with the provisions of Section 704.06, Florida Statutes. For the purpose of this DRI D.O., 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 DO.

The Developer ~~must~~ submitted a Final Management Plan to Lee County, FGFWFC, and DCA within 18 months of the effective date of the DRI DO, which was November 14, 1994. Lee County, FGFWFC, and DCA ~~will~~ reviewed the management plan. ~~within fifteen working days of submittal. The DCA, and Lee County must provide a written response to the proposed final management plan which reflects that there is no objection or outlines the specific objections and concerns. The agencies' response will specify how those concerns or objections can be addressed by the developer. The FGFWFC must provide all lawful objections within the same fifteen working day time frame.~~ Lee County approved this plan and its implementation was certified in October 1996.

~~If there are valid legal objections to the management plan, the Developer will revise and resubmit the plan to DCA, FGFWFC, and Lee County. DCA, Lee County, and FGFWFC will review the resubmittal, and any successive resubmittals, within fifteen working days. The agencies will provide a written response which reflects either the approval of the management plan or which outlines the specific objections and concerns. The agencies response will specify how those concerns or objections can be addressed by the developer. DCA and Lee County may not unreasonably withhold approval of the management plan. If the agencies do not provide a written response within the prescribed time frames, the management plan will be deemed approved. The Final Management Plan Approval from Lee County must be obtained prior to the issuance of the Certificate of Compliance for local development order #90-10-003.00D.~~

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

The Developer ~~will~~ 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 ~~will be~~ 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. ~~The Developer shall submit a copy for the~~

~~management plan to the DCA, SWFRPC, and Lee County for review prior to the commencement of development in any area containing gopher tortoise habitat, beyond that approved in the Preliminary Development Agreement. The agencies shall will have a fifteen working day review period. The agencies shall will provide all lawful objections and concerns regarding the management plan to Lee County and the Developer in writing. The Developer will submit a revised management plan to DCA and Lee County that responds to the lawful objections. DCA and Lee County will review the management plan resubmittal, and any successive resubmittals, within fifteen working days of submittal. The agencies will provide a written response which approves the management plan or which outlines specific objections or concerns. The agencies' response will specify how those concerns or objections can be addressed by the developer. DCA and Lee County may not unreasonably withhold the approval of the management plan. Should DCA and Lee County not provide a written response within the prescribed time frames, the management plan will be deemed approved by the agency that failed to provide timely written comments.~~ 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-Smooth parcel. The new survey revealed the presence of 114 active and inactive gopher tortoise burrows on 70 acres. The Developer has submitted for an Incidental Take Permit for the new gopher ~~tortoises~~ burrows located outside of the Eco-Park in the undeveloped ~~portion of Pelican Landing~~ Kersey-Smoot parcels. The Developer ~~shall~~ must obtain an Incidental Take Permit prior to proceeding with development within these new gopher tortoise habitat areas. Prior to the start of construction, all gopher tortoise burrows within these areas must be excavated and any resident gopher tortoises, or commensal species, relocated to open spaces within the Pelican Landing DRI.

~~The gopher tortoises addressed by the Incidental Take Permit shall must be relocated to the Eco-park, or other appropriate open space areas within Pelican Landing. The Eco-Park mitigates for regional impacts to the gopher tortoise population and xeric scrub within the Pelican Landing DRI.~~ Impacts to gopher tortoise habitat within the Kersey-Smoot parcels will be mitigated through incidental take funds paid to the FGFWFC for the purpose of regionally significant gopher tortoise habitat.

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 ~~shall~~ 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 ~~shall be~~ 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 parcels.

The Developer ~~will~~ has granted a conservation easement consistent with Section 704.06., Florida Statutes for the Eco-Park to the FGFWFC ~~an entity approved by DCA. The Developer must submit a draft of the proposed conservation easement to DCA for review and comment. DCA must provide comments on the draft easement within 15 days so~~

~~as not to unduly delay development. Once approved by DCA, the Developer will record the conservation easement in the Lee County Public Records prior to the issuance of a local Development Order or "Early Work" approval for any area containing gopher tortoise habitat other than areas approved in the PDA.~~ The conservation easement ~~may be~~ was drafted ~~so as~~ 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 ~~will be~~ 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 ~~which~~ prohibiting the destruction of trees.

5. Should any orchids, wild pine air plants, Florida Coonties, 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 must design the golf course and conduct maintenance, which includes fertilization and irrigation, in a manner ~~which~~ that 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~~ that forces the applicant to jeopardize the health and viability of the golf course.

9. Upon approval of the management plans referenced ~~in the~~ above, the approved management practices ~~shall then~~ will be considered a part of this development

order for reinforcement purposes, and ~~shall~~ be enforceable in the same manner as a condition of this development order.

10. This project may result in the filling ~~onto~~ of more than 8 10 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 invasives, the restoration of historic hydroperiods, and a total of not more than ten acres of littoral zone plantings.

F. Solid/Hazardous/Medical Waste

1. All storage, siting, and disposal of hazardous wastes and~~/or~~ 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 ~~shall be~~ 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, ~~shall~~ 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, ~~shall~~ 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 ~~which will be~~ located on the premises.

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

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

G. Stormwater 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 Improvement District (a district 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 stormwater 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 stormwater 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 Improvement District, 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 Lee County and South Florida Water Management District guidelines.

6. The SFWMD ~~shall~~ 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 County Attorney's office.

H. Transportation

1. Significant Impact

a. The traffic impact assessment for this project assumes the development parameters and land uses shown in Attachment B, "Pelican Landing DRI Development Parameters". The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Planning Horizon I (1997) and buildout (2002). Each annual monitoring report, described in Paragraph 4, must reflect whether the roadways and intersections described below are significantly impacted or are projected to be significantly impacted by this project in the following year.

b. The Pelican Landing DRI is projected to significantly and adversely impact (as defined by Lee County Administrative Code ~~AC-13-16, dated August 8, 1991, see Attachment C~~) the following roadways and intersections:

Planning Horizon I (1997)		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 and right turn lanes
	-	Separate WB thru and left turn lanes

Buildout (2002)

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 and 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 and right turn lanes
	-	Separate WB thru and left turn lanes

2. Mitigation

a. The developer will pay impact fees as defined in the Lee County 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 are estimated to be $8,900,000 for the land uses identified in Attachment B. 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. 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 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 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, Lee County may apply any Pelican Landing impact fees not required for those specific improvements to other improvements consistent with the requirements of the Lee County Land Development Code.

b. If through the local development approval process, the developer constructs, with the approval of the Lee County DOT, 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 must dedicate 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 must construct, 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 will occur as follows:

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) Burnt Pine Drive North from Pelican Landing Parkway to Pelican Landing North Entrance: under construction no later than December 31, 1998.

3) Burnt Pine Drive North from Pelican Landing North Entrance to Coconut Road: should be under construction no later than December 31, 1999.

d. The developer agrees to reserve 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 will be dedicated to Lee County if and when requested. 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 may, with the concurrence of Lee County, make an advance payment of a portion of Pelican Landing's total Impact Fees up to 2 million dollars. Lee County would then utilize 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 is currently 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 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 will be 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), unless subsequently dedicated to and accepted by Lee County.

4. Annual Monitoring Report

a. The developer will submit an annual traffic monitoring report to the following entities for review and approval: Lee County, the Florida Department of Transportation (FDOT), the Florida Department of Community Affairs (FDCA), and the Southwest Florida Regional Planning Council (SWFRPC).

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

b. The monitoring report will be designed in cooperation with the Lee County Department of Transportation, FDOT, the SWFRPC and the FDCA prior to the

submittal of the first report. The methodology of the annual traffic monitoring report may be revised if agreed upon by all parties.

c. The annual 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	Hickory Blvd. to Vanderbilt	2 to 4	Planning Horizon I (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 annual 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 is projected to exceed the adopted level of service standards adopted by Lee County within the forthcoming 12 months, and if the project is utilizing more than 5% of LOS "D" service volume 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 is scheduled for construction in the first three years of an adopted local government capital improvement program or state work program.

e. If the annual 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 more than 5% of level of service D service volume 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 Annual Monitoring Report.

I. Wastewater Management/Water Supply

1. The developer or the Bayside 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 ultralow 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 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 developer must provide written assurance that any hazardous commercial effluent, generated by the project, 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 ~~shall~~ must be constructed and sized in accordance with all pertinent regulations of the FDEP, Lee County, 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 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.

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 as defined by Lee County regulations.

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.

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 design, develop, and maintain any golf course constructed adjacent to the mangrove fringe area of Estero Bay in accordance with condition 14 a. through i. of 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 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, ~~which~~ that may result from the development of a golf course and water management areas within five hundred feet of the mangrove fringe of Estero Bay.

3. The management practices ~~which~~ that the Developer will follow are as follows:

a. The use of slow release fertilizers and/or carefully managed fertilizer applications ~~which~~ 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 prepare a management plan for the application of herbicides, pesticides, and fertilizers on the ~~proposed~~ original Pelican Landing DRI golf course adjacent to the mangrove fringe of Estero Bay. ~~The~~ This plan ~~will~~ must be ~~prepared~~ 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 ~~will~~ must: include a groundwater and surface water monitoring plan.; ~~The plan will~~ 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.; ~~The plan will~~ identify the locations for the groundwater monitoring and testing on a map(s). ~~The plan will~~ ; and, set forth the testing and reporting requirements. The developer will submit the test reports with the annual monitoring report. The monitoring program will be 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.

5. The Developer will submit a written amended surface and groundwater quality management plan to Lee County and DCA. The amended plan must be approved by DCA prior to the application of chemicals to the proposed golf course. The DCA 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. DCA 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 DCA 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 DCA 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 will be buffered from the proposed golf course by a 100' undisturbed naturally vegetated corridor, except for

water management facilities permitted by the ~~South Florida Water Management District~~ SFWMD and except for the removal of exotic plants as required by Lee County. The 100' 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 parcels is off set 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 setback a minimum of 25 feet from all wetland jurisdictional lines on the Kersey-Smoot 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 Lee County regulations, are allowed within all wetlands on the Kersey-Smoot 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 DO do not preempt the authority of the ~~South Florida Water Management District~~ SWFMD and the ~~Department of Environmental Protection~~ (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 DCA, SWFRPC, or Lee County pursuant to this DRI DO 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.

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

1. This amended Development Order constitutes a resolution of Lee County, adopted by the Board of County Commissioners in response to the application filed

by WCI Communities, L.P. 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 ~~which~~ 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 ~~May 27, 1997~~ March 1, 1998 and stamped received ~~June 13, 1997~~ June 17, 1998, is attached hereto as Attachment A 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.

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 ~~which~~ 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 County 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 ~~which~~ 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 Board of County Commissioners, 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 ~~which~~ that creates a reasonable likelihood of adverse regional impacts or other regional impacts ~~which were~~ 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, the Board 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 2002, and a termination date of 2005. This term is based on a ten year buildout and the recognition that a local Development Order, which is valid for three years, may be obtained in the tenth year.

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, E1 Dorado Acres, Estero Bay Shores, Mound Key Estates and Spring Creek Estates.

13. 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 2005 as long as the Lee Plan amendment proposed in association with this DRI to upwardly adjust the 2010 Overlay allocations for Subdistricts 801 and 806 is adopted and effective. If the County 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.

If the companion plan amendment is adopted, Lee County will reserve to this DRI, the appropriate uses from the allocations established for subdistricts (subdistricts 806/801) of the Lee Plan 2010 Overlay until 2005. This reservation has the effect of reserving all of the acreage transferred from Gateway to Pelican Landing for the duration of the Development Order.

15. The developer, or its successor(s) in title to the undeveloped portion of the subject property, will submit a report annually to Lee County, SWFRPC, FDCA 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 FDCA. The first monitoring report must be submitted to the Administrative Director of the DCA not later than one year after the effective date of this Development Order. Further reporting must be submitted not later than one year 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. ~~The Developer applied for an amendment to the DRI DO months of the effective date of this Development Order. The amendment to~~ In compliance with a condition of the first development order amendment, the developer did amend this Development Order to incorporate~~d~~ the portion of the Spring Creek DRI located west of US Highway 41 into the Pelican Landing DRI. ~~The amendment contained a~~ A legal description of that portion of the Spring Creek DRI, (~~and~~ along with the conditions of the Spring Creek Development Order ~~which~~ 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 which 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 County 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 MOTION TO ADOPT this Amendment was offered by Commissioner Coy and seconded by Commissioner St. Cerny and upon poll of the members present, the vote was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Nay
Andrew W. Coy	Aye
John E. Albion	Absent

DULY PASSED AND ADOPTED this 21st day of September, 1998.

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: Manning
(Chairman)

ATTEST:
Charlie Green, Ex - Officio Clerk
Board of County Commissioners
, Clerk

By: Ruth Turner
Deputy Clerk

APPROVED AS TO FORM

By: Dawn E. Perry-Lehnert
County Attorney's Office

MINUTES DEPARTMENT
Ruth R

FILED SEP 2 8 1998

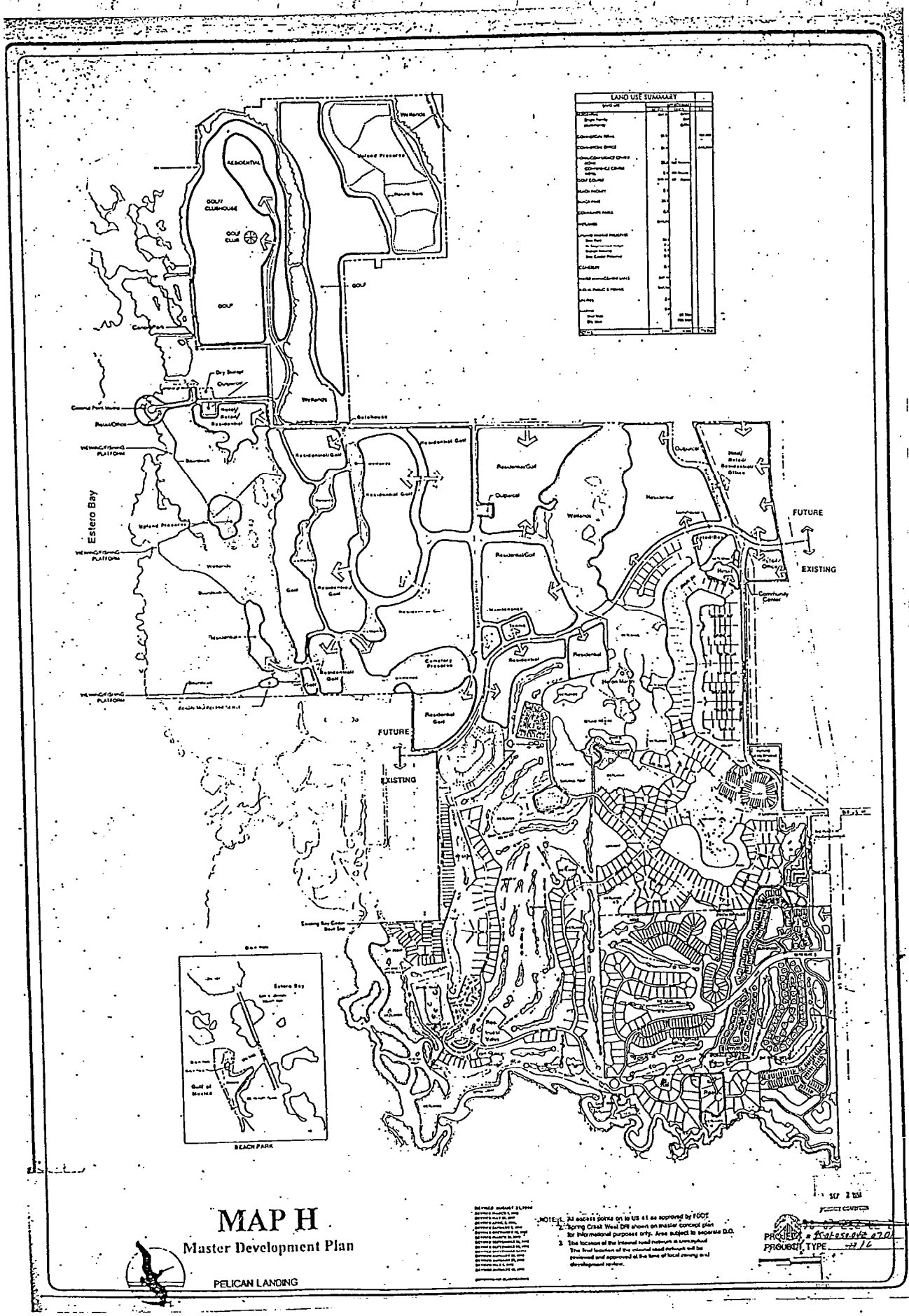
State of Florida
County of Lee

I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida this 29th day of September, A.D. 1998

CHARLIE GREEN, CLERK

By Ruth Turner
Deputy Clerk



ATTACHMENT "A"

ATTACHMENT "B"
~~FOURTH~~ FIFTH AMENDMENT
PELICAN LANDING DRI
DEVELOPMENT PARAMETERS

Land Use	Units[1]	Existing	~~Planning Horizon I~~	Buildout Total
		~~(1992)~~(1998)	~~(1997)~~	(2002)
Residential	DU	~~969~~1083	~~2,433~~	4,400
Single Family	DU	~~373~~402	~~625~~	665
Multi Family	DU	596	~~1,808~~	3,735
Retail[2]	GFA	11,000	~~291,000~~	461,050
Office[3]	GFA	~~40,000~~106,838	~~150,000~~	245,000
Hotel/Motel	Rooms	0	~~750~~	750
Recreation Uses				
Pelican Nest Golf Course/Clubhouse/ Practice Range	Holes	~~29~~21	~~38~~	~~38~~30
Colony Range Club/ Golf Course/ Clubhouse/Practice Range	Holes	~~0~~19	~~9~~	~~9~~19
Resort Golf Course/ Clubhouse Practice Range	Holes	0		19
Tennis Center	Courts	~~0~~12	~~6~~	12
Coconut Marina	Boat Slips Wet	24	~~48~~	48
	Dry	0	~~150~~	150
Redfish Point	GFA	5,000	~~5,000~~	5,000
	Boat Slips Wet	15	~~15~~	15
Other[4]	Boat Slips Wet	2	~~2~~	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

RESOLUTION NUMBER Z-99-024

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Neale Montgomery, Esquire, filed an application on behalf of the owners of the property, WCI Communities, for an Amendment to the Pelican Landing Development of Regional Impact (DRI) and to amend the Pelican Landing RPD/CPD; in accordance with the Lee County Land Development Code (LDC); and

WHEREAS, a public hearing was advertised and held on April 16, 1999, and continued on May 10, 1999, before the Lee County Hearing Examiner who gave full consideration to the evidence in the record (Case #'s 95-01-050.04Z 08.01 & 95-01-050.03Z 03.01); and

WHEREAS, a second public hearing was advertised and held on June 21, 1999, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on the record, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUESTS:

The applicant made the following requests with respect to the property described in Exhibit A:

1. Amend the Pelican Landing DRI Development Order #1-9293-121 and DRI Map H to:

   a) acknowledge the conversion of retail commercial floor area to office commercial floor area; and,

   b) add 72± acres to the DRI; and

2. Find no substantial deviation under the provisions of Section 380.06(19), Florida Statutes; and

3. Amend the Pelican Landing RPD/CPD and the corresponding Master Concept Plan to:

   a) decrease the amount of retail commercial floor area from 330,000 square feet to 190,000 square feet; and

   b) Increase the amount of commercial office space from 160,000 square feet to 390,000 square feet.

Request 1.b) was withdrawn by the applicant at the final hearing. The Lee County Board of County Commissioners APPROVES the Applicant's requests 1.a), 2. and 3.; subject to the conditions specified in Section B.

SECTION B. CONDITIONS:

1. All deviations and conditions approved by resolutions Z-94-094, Z-95-061, Z-96-55, and Z-97-073, except as specifically modified herein and by the amended Master Concept Plan, will remain in full force and effect.

2. Approval of this amendment does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County Land Development Code (LDC) may be required to obtain a local development order.

3. 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.

4. The development of this project must be in compliance with the one-page Master Concept Plan entitled "Pelican Landing RPD/CPD", last revised October 22, 1998, and stamped received at the zoning counter on January 6, 1999, and the Pelican Landing DRI Development Order #1-9293-121, as amended, and DRI Map H dated January 7, 1999.

SECTION C. EXHIBITS:

The following exhibits are attached to this resolution and are incorporated by reference:

Exhibit A. The legal description and STRAP number of the entire RPD/CPD for Pelican Landing.
Exhibit B. A reduced copy of the Pelican Landing DRI Master Concept Plan.
Exhibit C. A map depicting the RPD/CPD parcel affected by request 3. (shaded) in relation to the surrounding area.
Exhibit D. Sixth Development Order Amendment to the Pelican Landing DRI

SECTION E. FINDINGS AND CONCLUSIONS:

1. The Applicant has proven entitlement to the amendments to the Pelican Landing DRI Development Order and RPD/CPD by demonstrating compliance with the Florida Statutes, Florida Administrative Code, Lee Plan, the Land Development Code, and other applicable codes and regulations.

2. The requested amendments to the DRI Development Order and RPD/CPD:

   a. will meet or exceed all performance and locational standards set forth for the potential uses allowed in the district;

   b. are consistent with the densities, intensities and general uses set forth in the Lee Plan;

   c. are compatible with existing or planned uses in the surrounding area;

   d. will not unduly burden existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by development; and

e. will not adversely affect environmentally critical areas or natural resources.

3. The proposed use or mix of uses is appropriate at the subject location.

4. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest, and the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

5. Urban services, as defined in the Lee Plan, are available and adequate to serve the proposed land use.

6. The applicant has demonstrated by clear and convincing evidence that the requested changes do not constitute a Substantial Deviation under Section 380.06(19), Florida Statutes.

The foregoing resolution was adopted by the Lee County Board of Commissioners by a motion by Commissioner Manning and seconded by Commissioner Coy and, upon being put to a vote, the result was as follows:

Ray Judah	Aye
John E. Albion	Absent
Andrew W. Coy	Aye
John E. Manning	Aye
Douglas R. St. Cerny	Absent

DULY PASSED AND ADOPTED this 21st day of June, 1999.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

FILED SEP 0 2 1999
mgl
MINUTES OFFICE

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form by:

_____
County Attorney's Office

LEGAL DESCRIPTION

PARCEL 1

A tract or parcel of land lying in Sections 08, 09, 16, 17, 20, and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

Beginning at a concrete monument marking the Northeast corner of said Section 20 run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE¼) of said section;
THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW¼) of said Section 21 for 2,040.41 feet;
THENCE run S00°51'35"E for 800 feet, more or less, to the waters of Spring Creek;
THENCE run along said waters for 5,765 feet, more or less to an intersection of the East line of the Southeast Quarter (SE¼) of said Section 20;
THENCE run S00°38'52"E along said East line for 91.00 feet to the approximate centerline of Spring Creek;
THENCE run along said centerline the following courses:
S78°50'00"W for 181.31 feet, N34°24'12"W for 230.22 feet, N30°59'12"W for 174.93 feet, N24°25'16"E for 120.83 feet, S65°47'43"E for 219.32 feet, N18°24'43"E for 158.11 feet, N75°11'47"W for 351.71 feet, N65°09'33"W for 451.88 feet, N84°18'44"W for 351.75 feet, N66°54'31"W for 445.79 feet, S63°24'43"W for 134.16 feet, S03°23'22"E for 170.29 feet, S50°30'17"W for 220.23 feet, N84°49'43"W for 331.36 feet, S62°13'07"W for 214.71 feet, S22°08'36"W for 291.55 feet, S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW¼) of said Section 20;
THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast corner of said fraction;
THENCE run S89°58'37"W 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:
N09°13'28"W for 137.34 feet, N29°08'22"W for 590.59 feet, N38°31'58"W for 278.03 feet, N65°16'43"W for 254.95 feet, N37°18'28"W for 286.01 feet, N32°51'05"E for 252.39 feet, N20°11'00"E for 236.69 feet, N27°23'47"W for 369.25 feet, N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek;
THENCE run along said Easterly shore for 1,280 feet, more or less to an intersection with the North line of said Section 20;
THENCE run N89°15'13"E along said North line of said Section for 982 feet, more or less to a concrete monument marking the Northwest corner of the Northeast Quarter (NE¼) of said Section 20;
THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE¼) of said Section 17 for 2,674.38 feet to the Northwest corner of said Southeast Quarter (SE¼);
THENCE run N00°31'29"E along the West line of the Northwest Quarter (NW¼) 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 along the arc of a curve to the left of radius 1,130.00 feet (chord bearing N35°09'06"E) (chord 1,296.89 feet) (delta 70°02'16") for 1,381.30 feet;

THENCE run N89°52'02"W for 5.00 feet;
THENCE run N00°07'58"E along the Easterly line of Spring Creek Road (50 feet wide) for 1,611.94 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;
THENCE run N00°07'17"E along said East line for 343.49 feet;
THENCE run S89°38'58"E for 10.00 feet;
THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;
THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;
THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;
THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;
THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);
THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;
THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of said Section;
THENCE run along said West line N00°40'07"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538 of said Public Records;
THENCE run S89°35'50"E along said South line for 1,549.14 feet;
THENCE run Southwesterly along a non-tangent curve to the left of radius 30.00 feet (chord bearing S45°24'10"W) (chord 42.43 feet) (delta 90°00'00") for 47.12 feet to a Point of Tangency;
THENCE run S00°24'10"W for 336.31 feet to a Point of Curvature;
THENCE run along the arc of a curve to the left of radius 270.00 feet (chord bearing S44°35'50"E) (chord 381.84 feet) (delta 90°00'00") for 424.12 feet to a Point of Tangency;
THENCE run S89°35'50"E for 99.41 feet to a Point of Curvature;
THENCE run along the arc of a curve to the right of radius 530.00 feet (chord bearing S75°44'50"E) (chord 253.74 feet) (delta 27°42'00") for 256.23 feet;
THENCE run N20°53'52"W for 748.16 feet to an intersection with the aforementioned South line of Coconut Road;
THENCE run along said South line S89°35'50"E for 1,301.22 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S00°10'56"W along said West line for 621.81 feet to a Point of Curvature;
THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a Point of Tangency;
THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE¼) of said Section 16;
THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE¼) of Section 16;
THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE¼) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE¼) of said Section;
THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;
THENCE run S00°06'43"E for 1,085.91 feet;

THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;
THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a Point of Tangency;
THENCE run S00°06'43"E along said West line for 49.81 feet;
THENCE run S89°06'43"W for 300.00 feet;
THENCE run S00°06'43"E for 1,445.84 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 16;
THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW¼) of said Section 16;
THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW¼) for 2,627.98 feet to the POINT OF BEGINNING.

ALSO

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 SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;
THENCE run S62°26'49"W for 98.40 feet; THENCE run N27°33'11"W for 1,863.42 feet; THENCE run N20°00'41"W for 1,403.30 feet; THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet,
N22°26'23"W for 100.53 feet, N23°09'50"W for 100.14 feet, N14°51'19"W for 73.01 feet, N27°40'10"W for 88.01 feet, N29°33'57"W for 46.01 feet, N22°14'53"W for 47.27 feet, N20°39'23"W for 46.98 feet, N11°15'38"W for 29.80 feet, N26°10'46"W for 46.87 feet, N09°09'45"W for 48.26 feet, N17°35'56"W for 46.04 feet, N12°49'07"W for 50.04 feet, N29°20'48"W for 69.12 feet, N20°48'58"W for 63.82 feet;
THENCE run N79°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 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 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 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;
THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING.

AND

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;
THENCE run S19°13'48"E for 50.64 feet;
THENCE run S04°34'15"E for 54.63 feet;
THENCE run S24°53'12"E for 50.09 feet;
THENCE run S27°10'29"E for 50.01 feet;
THENCE run S31°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 N65°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 N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF BEGINNING.

Bearings herein above mentioned are Plane Coordinate for the Florida West Zone.

ALSO

PARCEL 2
A tract or parcel of land lying in Sections 07, 08, 17 and 18, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:
From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.
From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;
THENCE run S00°07'17"W along said West line for 817.15 feet;
THENCE run N89°52'43"W for 14.27 feet to an intersection with a non-tangent curve;
THENCE run Southerly and Southwesterly along the arc of a curve to the right of radius 1,725.00 feet (chord bearing S05°52'51"W) (chord 346.22 feet) (delta 11°31'09") for 346.81 feet to a Point of Tangency;
THENCE run S11°38'26"W for 178.50 feet to a Point of Curvature;
THENCE run Southerly and Southeasterly along the arc of a curve to the left of radius 2,400.00 feet (chord bearing S00°28'49"W) (chord 929.06 feet) (delta 22°19'14") for 934.96 feet to a Point of Tangency;
THENCE run S10°40'48"E for 231.66 feet to a Point of Curvature;
THENCE run Southeasterly and Southerly along the arc of a curve to the right of radius 1,725.00 feet (chord bearing S05°16'46"E) (chord 324.72 feet) (delta 10°48'05") for 325.20 feet;
THENCE run S89°52'02"E for 16.47 feet;
THENCE run S00°07'58"W for 1,406.64 feet;
THENCE run N89°52'02"W for 5.00 feet;
THENCE run Southerly and Southwesterly along the arc of a curve to the right of radius 1,070.00 feet (chord bearing S37°51'54"W) (chord 1,309.62 feet) (delta 75°27'53") for 1,409.31 feet;
THENCE run N89°59'08"W along said North line for 718.27 feet to an intersection with the East line of an unrecorded subdivision known as Spring Creek Estates;

THENCE run along the lands of said subdivision N00°00'52"E for 510.00 feet;
N89°59'08"W for 885.06 feet to a Point of Curvature; along an arc or a curve to the left of radius 390.00 feet (chord bearing S73°02'41"W (chord 227.66 feet) (delta 33°56'23") for 231.02 feet to a Point on the Curve;
S00°00'52"W for 167.10 feet; and S31°38'00"W for 130.70 feet to the Northeast corner of lands described in Official Record Book 1194, Page 1085, Lee County Records;
THENCE run Westerly along the waters of a canal for 551 feet, more or less, to an intersection with the South line of the North Half (N½) of said Section 17;
THENCE run N89°59'08"W along said South line for 136 feet, more or less, to the East Quarter (E¼) section corner of said Section 18, also being the Southeast corner of Government Lot 2;
THENCE run S89°58'17"W along the south line of said Government Lot 2 for 1,213.22 feet 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 run along said Bulkhead Line the following courses and distances: N56°00'38"W for 265.00 feet to a Point of Curvature; Northwesterly along an arc of a curve to the right of radius 520.00 feet (chord bearing N37°20'13"W) (chord 322.98 feet) (delta 37°20'50") for 338.95 feet to a Point of Tangency; N18°39'48"W for 481.24 feet to a point of curvature; Northwesterly and Westerly along the arc of a curve to the left of radius 100.00 feet (chord bearing N48°34'58"W) (chord 99.76 feet) (delta 59°50'20") for 104.44 feet to a Point of Tangency;
N78°30'08"W for 144.73 feet to a Point of Curvature; Northwesterly along the arc of a curve to the right of radius 100.00 feet (chord bearing N62°19'15"W) (chord 55.74 feet) (delta 32°31'45") for 56.48 feet to an intersection with an extension of the North line of the South 990 feet of said Government Lot 2 of said Section 18;
THENCE leaving said Bulkhead Line run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S½) of Government Lot 2 of said Section 07;
THENCE run N89°32'15"E along the North line of said Government Lot 2 for 793 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said public records;
THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;
THENCE run N89°35'27"E for 666.22 feet;
THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
THENCE run S01°07'45"E along said West line for 488.63 feet;
THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.

LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516 of the public records of Lee County, Florida.

ALSO

PARCEL 3

A tract or parcel of land lying in Sections 05, 06, 07 and 08, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

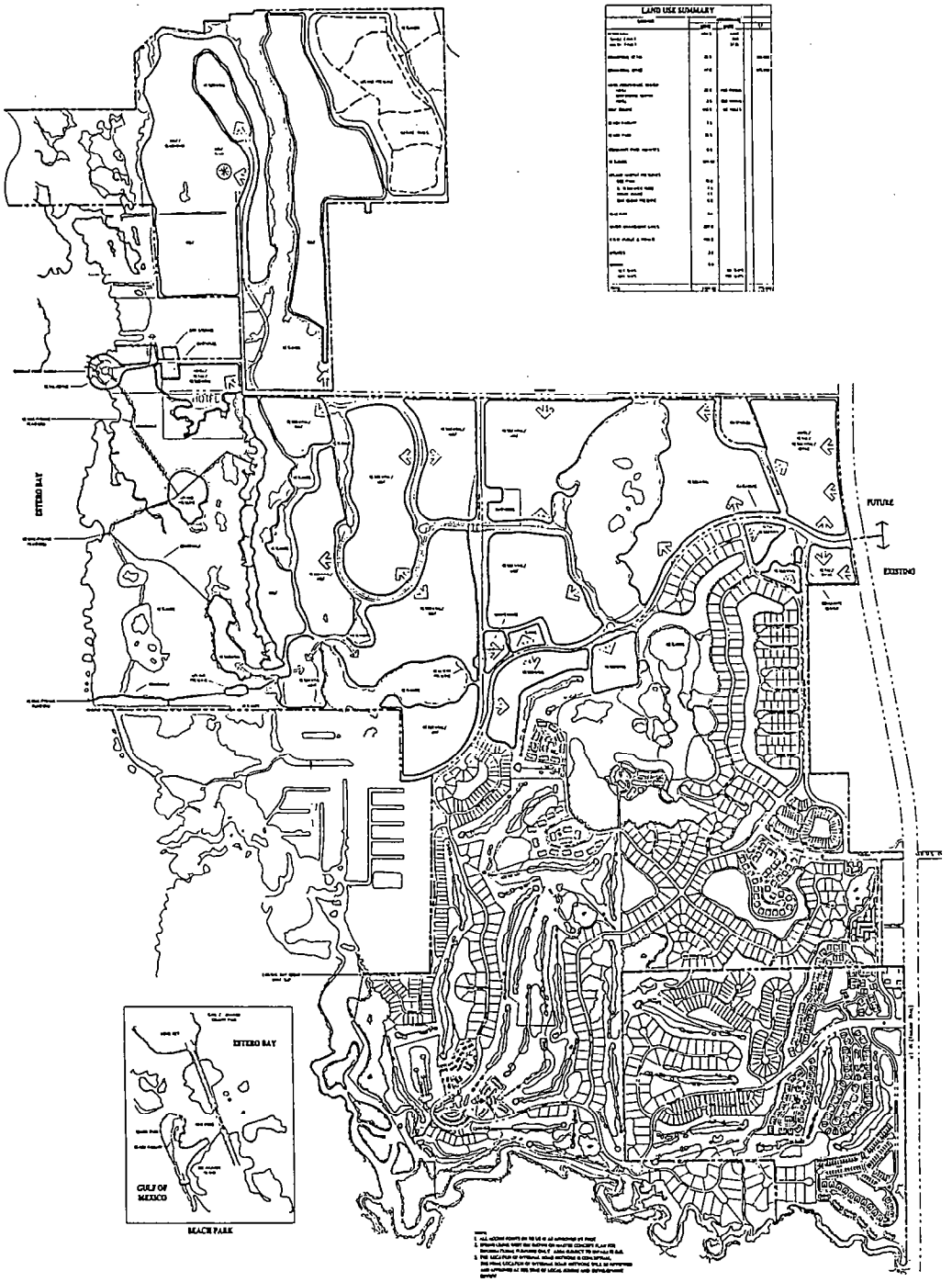
From the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run N01°07'45"W along the West line of said Section 08 for 40.02 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING continue N01°07'45"W along said West line for 1,284.51 feet to an intersection with the South line of Government Lot 1 said Section 07;
THENCE run S89°33'42"W along said South line for 1,813 feet, more or less to the waters of Estero Bay;
THENCE run Northwesterly along the waters of Estero Bay for 3,000 feet, more or less to an intersection with the North line of Government Lot 4 of said Section 05;
THENCE run N89°41'23"E along the North line of said Government Lot 4 for 1,807 feet, more or less to an intersection with the West line of lands described in Official Record Book 1762 beginning at Page 4173 of the Lee County Records;
THENCE run N00°48'29"W along said West line for 775.70 feet;
THENCE run N46°11'51"E along the boundary of said lands for 523.67 feet;
THENCE run S81°20'47"E along the boundary of said lands for 600.53 feet;
THENCE run N00°49'50"W along the boundary of said lands for 162.49 feet;
THENCE run N89°10'55"E along the boundary of said lands for 349.43 feet to an intersection with the West line of the Southwest Quarter (SW¼) of said Section 05;
THENCE run N01°31'46"W along said West line for 92.78 feet to the Northwest corner of said Southwest Quarter (SW¼);
THENCE run N89°34'40"E along the North line of said fraction for 2,592.29 feet to the Northeast corner of said Southwest Quarter (SW¼);
THENCE run N89°31'44"E along the North line of Lot B-25 of Florida Gulf Land Company's Subdivision as recorded in Plat Book 1 at Page 59, Lee County Records for 324.62 feet to the Northeast corner of said lot;
THENCE run S00°27'33"E along the East line of said Lot B-25 and the East line of Lot B-8 for 2,655.34 feet to the Southeast corner of said Lot B-8;
THENCE run N88°46'30"W along the South line of said lot for 322.60 feet;
THENCE run N89°25'13"W along the South line of Lot B-9 and B-10 for 587.32 feet to the Northeast corner of Lot 8, Block 14 of unrecorded Eldorado Acres;
THENCE run S00°50'16"E along the East line of said lot for 132.70 feet;
THENCE run N89°11'54"W along the South line of said lot for 75.00 feet;
THENCE run N00°50'16"W along the West line of said lot for 132.41 feet to an intersection with the South line of said Section 05 and the South line of Lot B-11 and B-12 of Florida Gulf Land Company's Subdivision;
THENCE run N89°25'13"W along said South line for 610.82 feet;
THENCE run S01°00'45"E for 2,612.19 feet to the North line of Coconut Road;
THENCE run N89°16'14"W along said North line for 1,267.93 feet to the POINT OF BEGINNING.

STRAP NUMBERS

The applicant has indicated the STRAP #'s of the subject property are:

07-47-25-00-00004.0000
07-47-25-00-00010.0000
08-47-25-00-00008.0000
09-47-25-00-00001.0070
17-47-25-00-00001.0090



Watermark Communities Inc.	WCI COMMUNITIES	PROJECT	TASK
		PELICAN LANDING	MAP H MASTER CONCEPT PLAN
			JANUARY 7,1999
			Sheet 1 of 1

EXHIBIT B

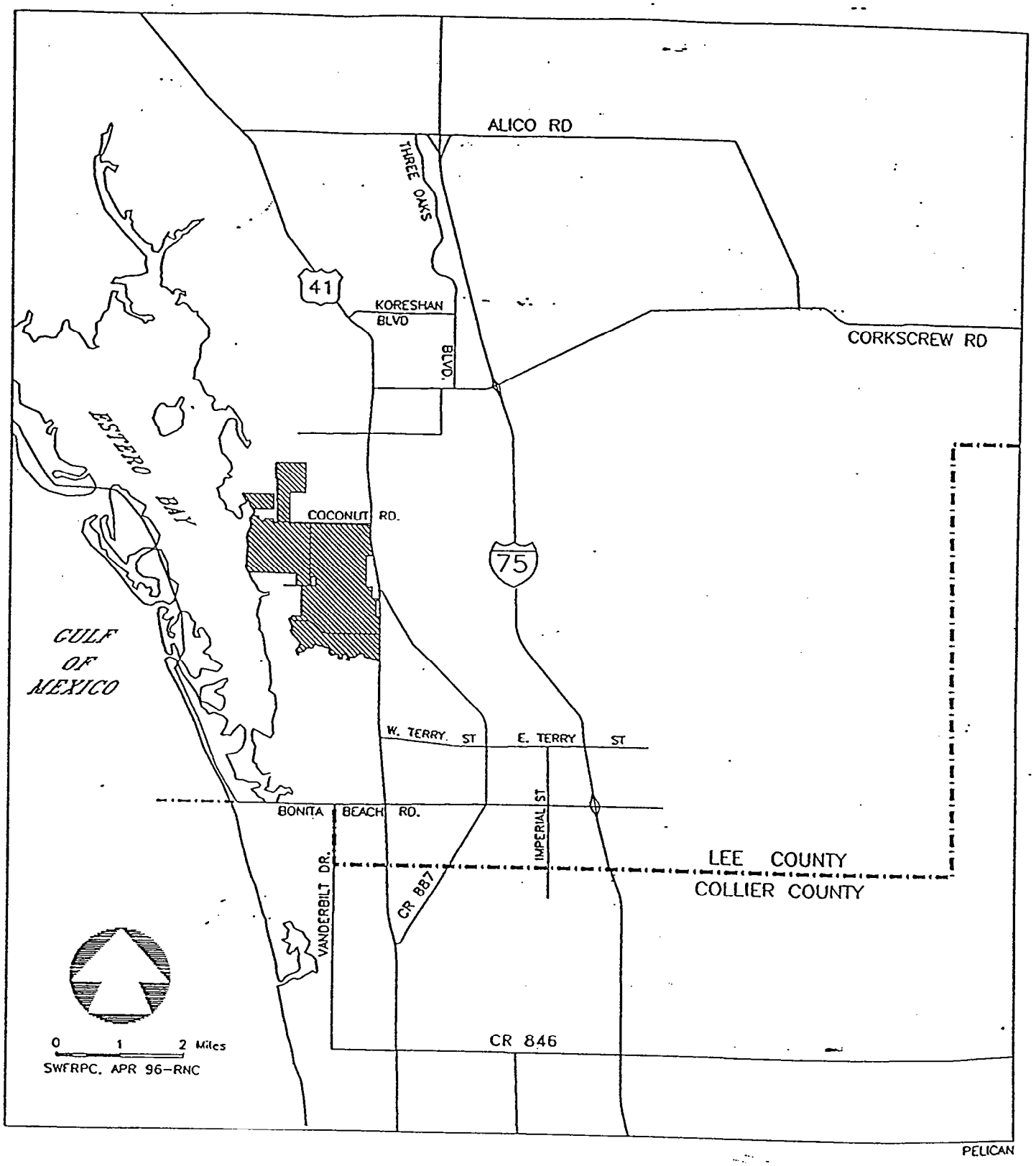

ALICO RD
THREE OAKS
41
KORESHAN BLVD
BLVD.
CORKSCREW RD
ESTERO BAY
COCONUT RD.
75
GULF OF MEXICO
W. TERRY ST
E. TERRY ST
BONITA BEACH RD.
IMPERIAL ST
LEE COUNTY
COLLIER COUNTY
VANDERBILT DR.
CR 887
CR 846
0 1 2 Miles
SWFRPC. APR 96-RNC
PELICAN

EXHIBIT C

EXHIBIT D

~~FIFTH~~ SIXTH DEVELOPMENT ORDER
AMENDMENT
FOR

PELICAN LANDING

A DEVELOPMENT OF REGIONAL IMPACT

STATE DRI #1-9293-121
COUNTY CASE 95-01-050.04Z 08.01

WHEREAS, on October 19, 1998, WCI Communities, L.P., the owner of the Pelican Landing Development of Regional Impact (DRI) requested an amendment to the original Development Order adopted August 29, 1994, as amended; 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, and the conditions proposed for the sixth amendment to the Pelican Landing DRI DO; and

WHEREAS, as part of the sixth development order amendment, the developer proposed to add 72 acres to the Pelican Landing DRI, decrease the retail commercial square footage, and increase the office commercial square footage; and

WHEREAS, the request to add 72 acres to the DRI was withdrawn by the Developer at the final hearing; and

WHEREAS, the requested amendment is presumed to be a substantial deviation pursuant to Section 380.06(19)(e)5.c, Florida Statutes. This presumption may be rebutted by clear and convincing evidence. Evidence was presented at the hearing that established that the decrease in retail square footage and increase in office square footage **does not constitute** a substantial deviation requiring additional Development of Regional Impact review; and

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

WHEREAS, the Board of County Commissioners of Lee County, Florida, has considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Staff, the Lee County Hearing Examiner, the documents and comments upon the record made before the Board in public hearing, and after full consideration of those reports, recommendations, comments, and documents, the Board of County Commissioners of Lee County, Florida, finds and determines that the proposed changes ***do not constitute*** a substantial deviation warranting further DRI review.

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The "Pelican Landing DRI" is a partially built master planned community on 2,577± acres located approximately three miles north of the Lee/Collier County Line. Approximately 273± acres of the 2,577-acre total constitutes the Spring Creek West DRI. 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 proposal is to construct 4,400 residential units, of which 665 are single-family and 3,735 multi-family, ~~461,050~~ 300,000 square feet of gross floor area of retail commercial, and ~~245,000~~ 475,000 square feet of gross floor area of office commercial. The retail uses will provide up to ~~2,310~~ 2,048 parking spaces and the office uses will provide up to ~~820~~ 1,587 parking spaces. The project will also include 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 and a beach park for the benefit of the owners in Pelican Landing. There are 87 acres of upland habitat preserve, 614 acres of salt and freshwater wetlands, 227 acres of water management lakes, 145 acres of public and private rights-of-way, ~~six~~ 6 acres of utilities and a .11 acre cemetery site.

Water supply and wastewater treatment, and reclaimed water, when available, will be provided by Bonita Springs Utilities, Inc. The project build out is the year 2002.

B. LEGAL DESCRIPTION: 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:

PARCEL 1

A tract or parcel of land lying in Sections 08, 09, 16, 17, 20, and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

Beginning at a concrete monument marking the Northeast corner of said Section 20 run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE¼) of said section;
THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW¼) of said Section 21 for 2,040.41 feet;
THENCE run S00°51'35"E for 801.04 feet to the waters of Spring Creek;
THENCE run 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:
S78°50'00"W for 181.31 feet,
N34°24'12"W for 230.22 feet,
N30°59'12"W for 174.93 feet,
N24°25'16"E for 120.83 feet,
S65°47'43"E for 219.32 feet,
N18°24'43"E for 158.11 feet,

N75°11'47"W for 351.71 feet,
N65°09'33"W for 451.88 feet,
N84°18'44"W for 351.75 feet,
N66°54'31"W for 445.79 feet,
S63°24'43"W for 134.16 feet,
S03°23'22"E for 170.29 feet,
S50°30'17"W for 220.23 feet,
N84°49'43"W for 331.36 feet,
S62°13'07"W for 214.71 feet,
S22°08'36"W for 291.55 feet,
S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW¼) of said Section 20;
THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast corner of said fraction;
THENCE run S89°58'37"W 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:
N09°13'28"W for 137.34 feet,
N29°08'22"W for 590.59 feet,
N38°31'58"W for 278.03 feet,
N65°16'43"W for 254.95 feet,
N37°18'28"W for 286.01 feet,
N32°51'05"E for 252.39 feet,
N20°11'00"E for 236.69 feet,
N27°23'47"W for 369.25 feet,
N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek;
THENCE run along said Easterly shore for 1,220 feet, more or less to an intersection with the North line of said Section 20;
THENCE run N89°15'13"E along said North line of said Section for 970 feet, more or less to a concrete monument marking the Northwest corner of the Northeast Quarter (NE¼) of said Section 20;
THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE¼) of said Section 17 for 2,644.38 feet to an intersection with the South line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records;
THENCE run S89°58'35"E along said South line for 739.45 feet;
THENCE run N00°07'58"E for 30.00 feet to an intersection with the North line of the Southeast Quarter (SE¼) of said Section 17;
THENCE run S89°58'35"E along the North line of said fraction for 375.91 feet to the Southeast corner of lands described in Official Record Book 1713 at Page 1188 of said Public Records;
THENCE run N00°41'04"W for 668.20 feet to the Northeast corner of said lands;
THENCE run N89°50'32"W along the North line of said lands for 366.38 feet to the Easterly line of said Spring Creek Road (50 feet wide);
THENCE run N00°07'58"E for 2,007.04 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;
THENCE continue N00°07'17"E along said East line for 343.54 feet;

THENCE run S89°38'58"E for 10.00 feet;
THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;
THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;
THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;
THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;
THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);
THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;
THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of said Section;
THENCE continue along said West line N00°39'58"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records;
THENCE run S89°35'50"E along said South line for 3,164.37 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S00°10'56"W along said West line for 621.81 feet to a Point of Curvature;
THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a Point of Tangency;
THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE¼) of said Section 16;
THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE¼) of Section 16;
THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE¼) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE¼) of said Section;
THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;
THENCE run S00°06'43"E for 1,085.91 feet;
THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;
THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a Point of Tangency;
THENCE run S00°06'43"E along said West line for 49.81 feet;
THENCE run S89°06'43"W for 300.00 feet;
THENCE run S00°06'43"E for 1,445.82 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 16;
THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW¼) of said Section 16;
THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW¼) for 2,627.98 feet to the POINT OF BEGINNING.

ALSO

PARCEL 2

A tract or parcel of land lying in Sections 07, 08, 17 and 18 which tract or parcel is described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.

From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;

THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;

THENCE run S00°07'58"W along said West line for 2,646.47 feet;

THENCE run N89°58'35"W along the North line of Coconut Road for 689.04 feet to an intersection with the East line of the Northwest Quarter (NW¼) of said Section 17;

THENCE run N89°59'08"W along said North line for 404.79 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;

THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;

THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE¼) of said Section 18;

THENCE continue N89°59'08"W for 1,840 feet more or less to the waters of Estero Bay;

THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S½) of Government Lot 2 of said Section 07;

THENCE run N89°32'15"E along the North line of said Government Lot 2 for 545 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said Public Records;

THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;

THENCE run N89°32'15"E along the South line of said lands for 247.50 feet;

THENCE run N89°35'27"E for 666.22 feet;

THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;

THENCE run S01°07'45"E along said West line for 488.63 feet;

THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.

LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516 of the Public Records of Lee County, Florida.

ALSO

PARCEL 3

A tract or parcel of land lying in Sections 05 and 08, Township 47 South, Range 25 East, Lee County, Florida, consisting of:
Lots 8B, 9B, 10B, 11B, 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LAND COMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records of Lee County, also the East Three-quarters (E-¾) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-⅔) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-⅔) of the Western Half (W½) of the Northwest Quarter (NW¼) of said Section 08; being more particularly described by metes and bounds as follows:
From the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S89°16'14"E along the North line of said Southwest Quarter (SW¼) for 422.61 feet;
THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;
THENCE run N01°22'23"W for 1,304.41 feet;
THENCE run N89°56'22"W for 107.12 feet;
THENCE run N01°22'55"W for 1,303.87 feet;
THENCE run N89°34'15"E for 2,593.81 feet;
THENCE run S00°26'45"E for 2,655.42 feet;
THENCE run N88°48'50"W along the North line of said Section 08 for 322.66 feet;
THENCE run N89°25'01"W for 587.55 feet;
THENCE. run S00°50'16"E for 132.58 feet;
THENCE run N89°11'54"W for 75.00 feet;
THENCE run N00°50'16"W for 132.30 feet;
THENCE run N89°25'01"W for 610.69 feet;
THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North right-of-way line of Coconut Road;
THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet to the POINT OF BEGINNING.

ALSO

PARCEL 4

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:
Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;
THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;
THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;
THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING.

Containing 2,409 acres, more or less.
Bearings herein above mentioned are based on the East boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at Pages 58 through 60 of the Public Records of Lee County, Florida.

ALSO

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 SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;
THENCE run S62°26'49"W for 98.40 feet;
THENCE run N27°33'11"W for 1,863.42 feet;
THENCE run N20°00'41"W for 1,403.30 feet;
THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet,
N22°26'23"W for 100.53 feet, N23°09'50"W for 100.14 feet,
N14°51'19"W for 73.01 feet, N27°40'10"W for 88.01 feet,
N29°33'57"W for 46.01 feet, N22°14'53"W for 47.27 feet,
N20°39'23"W for 46.98 feet, N11°15'38"W for 29.80 feet,
N26°10'46"W for 46.87 feet, N09°09'45"W for 48.26 feet,
N17°35'56"W for 46.04 feet, N12°49'07"W for 50.04 feet,
N29°20'48"W for 69.12 feet, N20°48'58"W for 63.82 feet;
THENCE run N79°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 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 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 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;
THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING.

AND

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;
THENCE run S19°13'48"E for 50.64 feet;
THENCE run S04°34'15"E for 54.63 feet;
THENCE run S24°53'12"E for 50.09 feet;
THENCE run S27°10'29"E for 50.01 feet;

THENCE run S31°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 N65°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 N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF BEGINNING.
Bearings herein above mentioned are Plane Coordinate for the Florida West Zone.

ALSO

KERSEY PARCEL

Parcels lying in Section 5, Section 6 and Section 8, Township 47 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Parcels in Section 5:

The West One-Quarter (W¼) of the Northwest One-Quarter (NW¼) of the Southwest One-Quarter (SW¼); and

The West One-Third (W⅓) of the Southwest One-Quarter (SW¼) of the Southwest One-Quarter (SW¼).

Parcels in Section 6:

Government Lot 4 of said Section 6 and the Southeast One-Quarter (SE¼) of the Southeast One-Quarter (SE¼) of said Section 6; and

Parcel as shown in Official Record Book 1762 at Page 4173, Public Records of Lee County, Florida:

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the Southeast One-Quarter (SE¼) of Section 6, Township 47 South, Range 25 East. Further bounded and described as follows:

Starting at the Southeast corner of said Southeast One-Quarter (SE¼) of Section 6; Thence N00°44'33"W along the Easterly line of said fraction for 1300.67 feet to the Southeast corner of the Northeast One-Quarter (NE¼) of said Southeast One-Quarter (SE¼). Said point being the point of beginning of the herein described parcel; Thence N00°41'04"W along the Easterly line of said fraction for 1208.36 feet; Thence West for 349.47 feet; Thence South for 162.50 feet; Thence N80°32'07"W for 600.67 feet; Thence S47°00'45"W for 523.62 feet; Thence South for 778.51 feet; Thence S89°36'52"E along the Southerly line of the aforesaid fraction of a section for 1339.46 feet to the point of beginning

Bearings are based on a plat prepared by Tri-County Engineering, Inc. in May of 1968.

Parcel in Section 8:

The West One-Third (W⅓) of the West One-Half (W½) of the Northwest One-Quarter (NW¼) of said Section 8, less the Southerly 40.00 feet for the right-of-way of Coconut Road.

Parcel contains 203 acres, more or less.

ALSO

SMOOT PARCEL

That part of the South half of Government Lot 2, Section 7, Township 47 South, Range 25 East, Lee County, Florida, described as follows:

Begin 660 feet North 3 degrees 58 minutes West and 957 feet South 87 degrees 15 minutes West of the Southeast corner of Government Lot 2, Section 7, Township 47 South, Range 25 East, thence South 87 degrees 15 minutes West 247.5 feet, thence South 11 degrees, 8 minutes East 199.6 feet, thence North 87 degrees, 15 minutes East 247.5 feet, thence North 11 degrees, 8 minutes West 199.5 feet to the point of beginning, containing 1.3 acres more or less.

ALSO

SPRING CREEK WEST DRI PARCEL

All of the Northwest Quarter (NW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida:

ALSO INCLUDED THERETO:

All of the Northeast Quarter (NE¼) lying west of Tamiami Trail (US 41) of Section 21, Township 47 South, Range 25 East, Lee County, Florida;

ALSO INCLUDED THERETO:

All of the East Half (E½) of the Southwest Quarter (SW¼), lying North of Spring Creek LESS the East 600 feet thereof, Section 21, Township 47 South, Range 25 East, Lee County, Florida.

ALSO INCLUDED THERETO:

All of the Southeast Quarter (SE¼) of Section 21, lying West of Tamiami Trail (US 41) and North of Spring Creek, Township 47 South, Range 25 East, Lee County, Florida;
Subject to easements and restrictions of record.
Containing 273.1 acres more or less.

AND

The East 600 feet of the East Half (E½) of the Southwest Quarter (SW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida.
Parcel contains 9.7 acres more or less.
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 (E½) of the Southwest Quarter (SW¼) of said Section to Tamiami Trail (US 41).
Subject to any easements, restrictions, reservations and rights-of-way to record.

C. The ~~subject parcel~~ 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. ~~This~~ The Application for Development Approval ~~is~~ 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 proposed Development Order Amendment has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes. 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 classifications of the Lee Plan with 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.

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 annual 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.

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, LET IT BE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF 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, ~~and~~ November 17, 1997 and September 28, 1998, 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 ~~his/her/its~~ 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 will be 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 County and 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 are no regionally significant housing impacts for the first planning horizon of the DRI DO, which ends 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 accept 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 will be 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 home buyers, 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 home buyers 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 will be responsible for the initial electrical hook-up costs. The selection of the generator will be 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 build out. 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 months after the effective date of the DRI DO. *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 developer will mitigate the hurricane shelter impacts for units 4051 through 4400 by paying $18.50 per unit to the Lee County Impact Fee Coordinator at the time of building permit approval. If the developer constructs an assisted living facility, the developer must comply with all aspects of Section 440.441(1)(b), F.S., as may be amended, including the preparation and submittal of a comprehensive emergency management plan that addresses emergency evacuation transportation and adequate sheltering arrangements for the ALF residents. The developer must update this plan annually. The County must use the funds paid pursuant to this condition to construct or upgrade hurricane shelter space in a location that will benefit the residents of the Pelican Landing Community. The eighteen dollar and fifty cents fee (1996 dollars) will be multiplied by the Dodge Data Service Building Cost Index for U.S. and Canadian cities for June 1 of each year subsequent to 1996, up to the time building permits are issued. This multiplier ensures payment of current dollars at the time the permits are issued. If the Building Cost Index is not available, the Consumer Price Index will be used instead, and applied by the method described above. If Lee County adopts an impact fee for hurricane shelters prior to, or during, the acquisition of building permits 4051 through 4400 then the Developer will pay the duly adopted impact fee, provided that fee is no less per unit than the per unit amount set out above, and this condition will have no further force and effect.

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 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 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, as adopted by Lee County.

E. Vegetation and Wildlife/Wetlands

The developer has conducted Protected Species surveys in accordance with the Florida Game and Fresh Water Fish Commission (FGFWFC) 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.

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 parcel and 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.

Prior to any new development within 1500 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 DCA, SWFRPC, FGFWFC Lee County, 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 resubmittal. The agencies will provide a written response to Lee County 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. Lee County and DCA 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 FGFWFC 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 D.O., 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 DO.

The Developer submitted a Final Management Plan to Lee County, FGFWFC, and DCA within 18 months of the effective date of the DRI DO, ~~which was~~ 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-Smooth parcel. The new survey revealed the presence of 114 active and inactive gopher tortoise burrows on 70 acres. The Developer has submitted for an Incidental Take Permit for the new gopher tortoise burrows located outside of the Eco-Park in the undeveloped Kersey-Smoot parcels. The Developer must obtain an Incidental Take Permit prior to proceeding with development within these new gopher tortoise habitat areas. Prior to the start of construction, all gopher tortoise burrows within these 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 parcels will be mitigated through incidental take funds paid to the FGFWFC for the purpose of regionally significant gopher tortoise habitat.

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 parcels.

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.

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 must design the golf course and conduct 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. 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 purposes, and be enforceable in the same manner as a condition of this development order.

10. This project may result in the filling of <u>not</u> more than ~~10~~ <u>13</u> 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 invasives <u>plants</u>, the

restoration of historic hydro periods, and a total of not more than ten acres of littoral zone plantings.

F. Solid/Hazardous/Medical Waste

1. All storage, siting, and disposal of hazardous wastes and~~/or~~ 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 Improvement District (a district 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 Improvement District, 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 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 County Attorney's office.

H. Transportation

1. Significant Impact

a. The traffic impact assessment for this project assumes the development parameters and land uses shown in Attachment B, "Pelican Landing DRI Development Parameters." The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Planning Horizon I (1997) and build out (2002). Each annual monitoring report, described in Paragraph 4, must reflect whether the roadways and intersections described below are significantly impacted or are projected to be significantly impacted by this project in the following year.

b. The Pelican Landing DRI is projected to significantly and adversely impact (as defined by Lee County Administrative Code) the following roadways and intersections:

Planning Horizon I (1997)		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 and right turn lanes
	-	Separate WB thru and left turn lanes

Build Out (2002)

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 and 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 and right turn lanes
	-	Separate WB thru and left turn lanes

2. Mitigation

a. The developer will pay impact fees as defined in the Lee County 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 are estimated to be $8,900,000 for the land uses identified in Attachment B. 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. 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 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 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, Lee County may apply any Pelican Landing impact fees not required for those specific improvements to other improvements consistent with the requirements of the Lee County Land Development Code.

b. If through the local development approval process, the developer constructs, with the approval of the Lee County DOT, 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 must dedicate 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 must construct, 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 will occur as follows:

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) Burnt Pine Drive North from Pelican Landing Parkway to Pelican Landing North Entrance: under construction no later than December 31, 1998.

3) Burnt Pine Drive North from Pelican Landing North Entrance to Coconut Road: should be under construction no later than December 31, 1999.

d. The developer agrees to reserve 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 will be dedicated to Lee County if and when requested. 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 may, with the concurrence of Lee County, make an advance payment of a portion of Pelican Landing's total Impact Fees up to 2 million dollars. Lee County would then utilize 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 is currently 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 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 will be 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), unless subsequently dedicated to and accepted by Lee County.

4. Annual Monitoring Report

a. The developer will submit an annual traffic monitoring report to the following entities for review and approval: Lee County, the Florida Department of Transportation (FDOT), the Florida Department of Community Affairs (FDCA), and the Southwest Florida Regional Planning Council (SWFRPC).

The first monitoring report will be submitted one year after the date of the issuance of this DRI Development Order. Reports must be submitted annually thereafter until build out of the project.

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

c. The annual 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 build out.

(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	Hickory Blvd. to Vanderbilt	2 to 4	Planning Horizon I (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 annual 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 is projected to exceed the adopted level of service standards adopted by Lee County within the forthcoming 12 months, and if the project is utilizing more than 5% of LOS "D" service volume 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 is scheduled for construction in the first three years of an adopted local government capital improvement program or state work program.

e. If the annual 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 more than 5% of level of service D service volume 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 Annual Monitoring Report.

I. Wastewater Management/Water Supply

1. The developer or the Bayside 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 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 developer must provide written assurance that any hazardous commercial effluent, generated by the project, 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, 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.

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 as defined by Lee County regulations.

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.

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 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 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 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 five hundred feet of the mangrove fringe of Estero Bay.

3. The management practices that the Developer will 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 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 must be 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 will submit the test reports with the annual monitoring report. The monitoring program will be 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.

5. The Developer will submit a written amended surface and groundwater quality management plan to Lee County and DCA. The amended plan must be approved by DCA prior to the application of chemicals to the proposed golf course. The DCA 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. DCA 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 DCA 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 DCA 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 will be buffered from the proposed golf course by a 100' undisturbed naturally vegetated corridor, except for water management facilities permitted by the SFWMD and except for the removal of exotic plants as required by Lee County. The 100' 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 parcels is off set 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 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 Lee County regulations, are allowed within all wetlands on the Kersey-Smoot 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 DO 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 DCA, SWFRPC, or Lee County pursuant to this DRI DO 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.

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

1. This amended Development Order constitutes a resolution of Lee County, adopted by the Board of County Commissioners in response to the application filed by WCI Communities, L.P. 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 March 1, 1998~~ dated January 7, 1999, last revised September 16, 1998, ~~and stamped received June 17, 1998~~ is attached hereto as Attachment A 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.

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 County 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 Board of County Commissioners, 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, the Board 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 build out date of 2002, and a termination date of 2005. This term is based on a ten year build out and the recognition that a local Development Order, which is valid for three years, may be obtained in the tenth year.

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, E1 Dorado Acres, Estero Bay Shores, Mound Key Estates and Spring Creek Estates.

13. 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 2005. ~~as long as the Lee Plan amendment proposed in association with this DRI to upwardly adjust the 2010 Overlay allocations for Subdistricts 801 and 806 is adopted and effective.~~ If the County 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.

~~If the companion plan amendment is adopted,~~ Lee County will reserve to this DRI until 2005, ~~the appropriate uses from the allocations established for subdistricts (subdistricts 806/801) of the Lee Plan 2010 Overlay until 2005.~~ 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) and 60 acres of commercial use allocation in the Bonita Springs Planing Community, as established by Lee Plan Map 16, The Planning Communities Map and Table 1(b), known as the Planning Community Year 2020 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.

15. The developer, or its successor(s) in title to the undeveloped portion of the subject property, will submit a report annually to Lee County, SWFRPC, FDCA 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 FDCA. The first monitoring report must be submitted to the Administrative Director of the DCA not later than one year after the effective date of this Development Order. ~~Further~~ reporting must be submitted not later than one year of subsequent calendar years thereafter, until build out. 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 County 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 MOTION TO ADOPT this Amendment was offered by Commissioner Manning and seconded by Commissioner Coy and upon poll of the members present, the vote was as follows:

Ray Judah	Aye
John E. Albion	Absent
Andrew W. Coy	Aye
John E. Manning	Aye
Douglas R. St. Cerny	Absent

DULY PASSED AND ADOPTED on June 21, 1999.

ATTEST:
CHARLIE GREEN, CLERK

BY: Michele L. Kearney
Deputy Clerk

FILED SEP 0 2 1999
MGL
MINUTES OFFICE

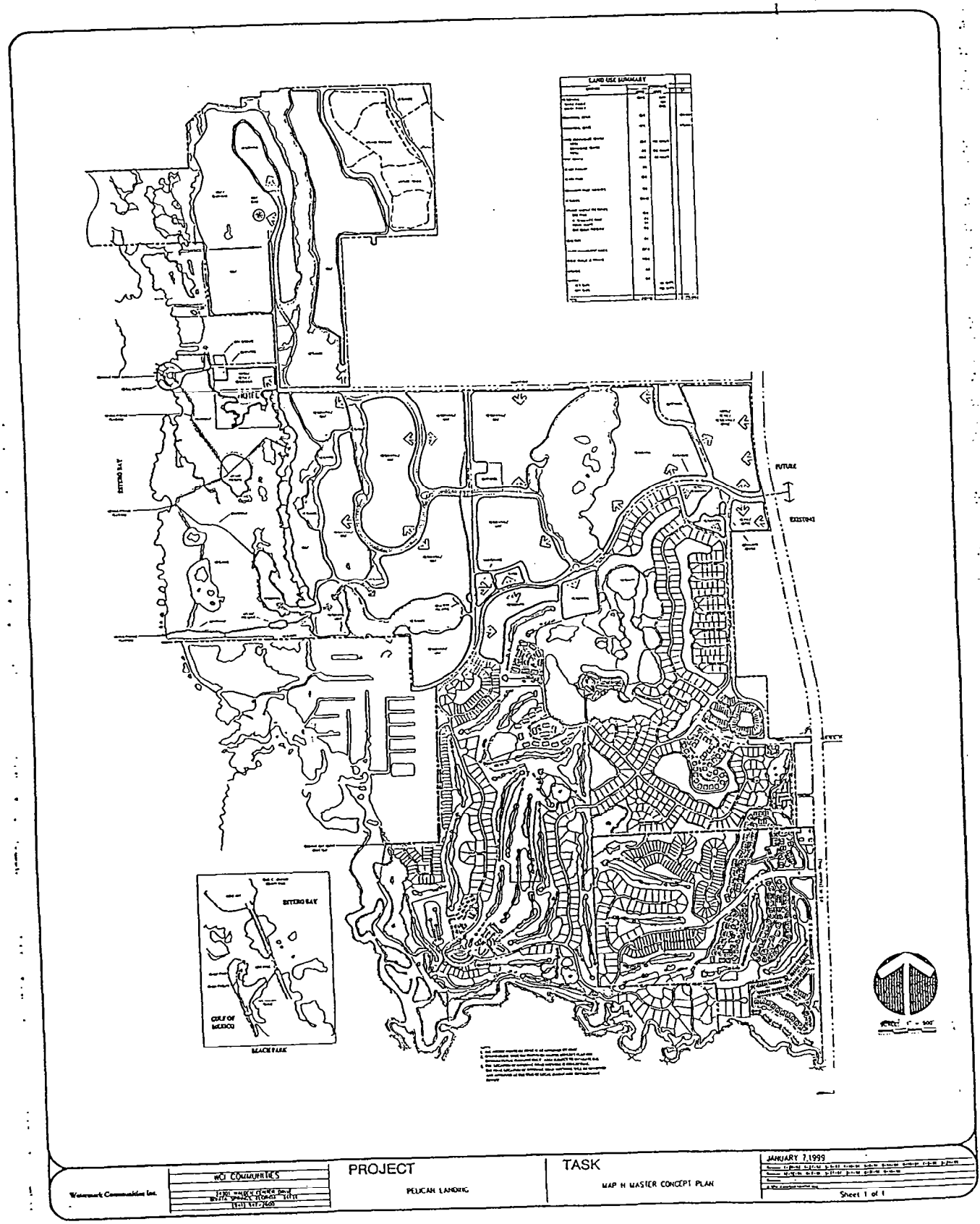
BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: Ray Judah
Commissioner Ray Judah, Chairman

APPROVED AS TO FORM BY:

Timothy Jones
County Attorney's Office

Attachments: A - Map H, dated January 7, 1999
B - Development Parameters



ATTACHMENT "A"

ATTACHMENT "B"
~~FIFTH~~ SIXTH AMENDMENT
PELICAN LANDING DRI
DEVELOPMENT PARAMETERS

Land Use	Units[1]	Existing (1998)	Build out Total (2002)
Residential	DU	1083	4,400
Single Family	DU	402	665
Multi Family	DU	596	3,735
Retail[2]	GFA	11,000	~~461,050~~ 300,000
Office[3]	GFA	~~106,838~~ 134,738	~~245,000~~ 475,000
Hotel/Motel	Rooms	0	750
Recreation Uses			
Pelican Nest Golf Course/Clubhouse/ Practice Range	Holes	21	30
Colony Range Club/ Golf Course/ Clubhouse/Practice Range	Holes	19	19
Resort Golf Course/ Clubhouse Practice Range	Holes	0	19
Tennis Center	Courts	12	12
Coconut Marina	Boat Slips Wet	24	48
	Dry	0	150
Redfish Point	GFA	5,000	5,000
	Boat Slips Wet	15	15
Other[4]	Boat Slips Wet	2	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

State of Florida
County of Lee

I Charlie Green, Clerk of the Circuit Co
for Lee County, Florida, do hereby cert
this document to be a true and correct c
of the original document filed in
Minutes Department.

Given under my hand and official sea
Fort Myers, Florida, this 2nd da
September, A.D. 1999

CHARLIE GREEN, CLERK
By Michele B Leon
Deputy Clerk

RESOLUTION NUMBER Z-99-065

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Neale Montgomery filed an application on behalf of the owners of the property, WCI Watermark Communities, Inc., to amend the Pelican Landing DRI Map H to acknowledge the addition of 72± acres to the DRI and to determine whether the proposed change constitutes a substantial deviation from the original DRI Development Order approvals under the provisions of § 380.06(19), Florida Statutes, and requires further Development of Regional Impact review; and

WHEREAS, a public hearing was advertised and held on September 23, 1999, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #95-01-050.04Z 09.01; and

WHEREAS, a second public hearing was advertised and held on December 6, 1999, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicants filed a request to amend DRI Map H to acknowledge the addition of 72± acres to the Pelican Landing DRI and to obtain a finding that the proposed change does not constitute a substantial deviation under the provisions of § 380.06(19), Florida Statutes. The property is located in the Urban Community, Outlying Suburban and Wetlands Land Use Categories and is legally described in attached Exhibit A. The request is APPROVED SUBJECT TO the conditions specified in Section B below:

SECTION B. CONDITIONS:

1. All deviations and conditions approved by resolutions Z-94-094, Z-95-061, Z-96-55, Z-97-073, and Z-99-024 will remain in full force and effect, except as specifically modified herein and by the amended Master Concept Plan.

2. Approval of the amendment to DRI Map H (Master Concept Plan) does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County Land Development Code (LDC) may be required to obtain a local development order.

3. Development of the 72 acres must comply with all of the requirements of the LDC at the time of local development order approval.

4. The development of the 72 acres 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 permit counter on July 23, 1999.

SECTION C. EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

Exhibit A: The legal description and STRAP number of the property.
Exhibit B: Map (subject parcel identified with shading)
Exhibit C: DRI Map H (The Master Concept Plan)
Exhibit D: Pelican Landing DRI - Seventh Development Order Amendment

SECTION D. FINDINGS AND CONCLUSIONS:

1. There are no additional regional impacts created by the addition of the 72 acres to the Pelican Landing DRI. The 141 dwelling units currently permitted via local final development order on the 72-acre parcel will not be added to the 4,400 dwelling units approved pursuant to the existing DRI approvals. The 141 units will be deducted from the total dwelling units approved under the DRI resulting in a slight reduction in density for the DRI.

2. The addition of the 72-acre parcel does not constitute a substantial deviation from the original development approvals.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Coy, seconded by Commissioner Manning, and, upon being put to a vote, the result was as follows:

John E. Albion	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Nay
John E. Manning	Aye
Andrew Coy	Aye

DULY PASSED AND ADOPTED this 6th day of December, 1999.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form by:

_____
Donna Marie Collins
County Attorney's Office

FILED DEC 17 1999
MINUTES OFFICE

CASE NO: 95-01-050.04Z 09.01
110899/1145

EXHIBIT A
LEGAL DESCRIPTION

B. LEGAL DESCRIPTION: 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:

PARCEL 1

A tract or parcel of land lying in Sections 08, 09, 16, 17, 20, and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

Beginning at a concrete monument marking the Northeast corner of said Section 20 run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE¼) of said section;
THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW¼) of said Section 21 for 2,040.41 feet;
THENCE run S00°51'35"E for 801.04 feet to the waters of Spring Creek;
THENCE run 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:
S78°50'00"W for 181.31 feet,
N34°24'12"W for 230.22 feet,
N30°59'12"W for 174.93 feet,
N24°25'16"E for 120.83 feet,
S65°47'43"E for 219.32 feet,
N18°24'43"E for 158.11 feet,
N75°11'47"W for 351.71 feet,
N65°09'33"W for 451.88 feet,
N84°18'44"W for 351.75 feet,
N66°54'31"W for 445.79 feet,
S63°24'43"W for 134.16 feet,
S03°23'22"E for 170.29 feet,
S50°30'17"W for 220.23 feet,
N84°49'43"W for 331.36 feet,
S62°13'07"W for 214.71 feet,
S22°08'36"W for 291.55 feet,
S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW¼) of said Section 20;
THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast corner of said fraction;
THENCE run S89°58'37"W 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:
N09°13'28"W for 137.34 feet,
N29°08'22"W for 590.59 feet,
N38°31'58"W for 278.03 feet,
N65°16'43"W for 254.95 feet,
N37°18'28"W for 286.01 feet,

N32°51'05"E for 252.39 feet,
N20°11'00"E for 236.69 feet,
N27°23'47"W for 369.25 feet,
N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek;
THENCE run along said Easterly shore for 1,220 feet, more or less to an intersection with the North line of said Section 20;
THENCE run N89°15'13"E along said North line of said Section for 970 feet, more or less to a concrete monument marking the Northwest corner of the Northeast Quarter (NE¼) of said Section 20;
THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE¼) of said Section 17 for 2,644.38 feet to an intersection with the South line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records;
THENCE run S89°58'35"E along said South line for 739.45 feet;
THENCE run N00°07'58"E for 30.00 feet to an intersection with the North line of the Southeast Quarter (SE¼) of said Section 17;
THENCE run S89°58'35"E along the North line of said fraction for 375.91 feet to the Southeast corner of lands described in Official Record Book 1713 at Page 1188 of said Public Records;
THENCE run N00°41'04"W for 668.20 feet to the Northeast corner of said lands;
THENCE run N89°50'32"W along the North line of said lands for 366.38 feet to the Easterly line of said Spring Creek Road (50 feet wide);
THENCE run N00°07'58"E for 2,007.04 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;
THENCE continue N00°07'17"E along said East line for 343.54 feet;
THENCE run S89°38'58"E for 10.00 feet;
THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;
THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;
THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;
THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;
THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);
THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;
THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of said Section;
THENCE continue along said West line N00°39'58"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records;
THENCE run S89°35'50"E along said South line for 3,164.37 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S00°10'56"W along said West line for 621.81 feet to a Point of

Curvature;
THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a Point of Tangency;
THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE¼) of said Section 16;
THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE¼) of Section 16;
THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE¼) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE¼) of said Section;
THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;
THENCE run S00°06'43"E for 1,085.91 feet;
THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;
THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a Point of Tangency;
THENCE run S00°06'43"E along said West line for 49.81 feet;
THENCE run S89°06'43"W for 300.00 feet;
THENCE run S00°06'43"E for 1,445.82 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 16;
THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW¼) of said Section 16;
THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW¼) for 2,627.98 feet to the POINT OF BEGINNING.

ALSO

PARCEL 2

A tract or parcel of land lying in Sections 07, 08, 17 and 18 which tract or parcel is described as follows:
From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.
From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;
THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;
THENCE run S00°07'58"W along said West line for 2,646.47 feet;
THENCE run N89°58'35"W along the North line of Coconut Road for 689.04 feet to an intersection with the East line of the Northwest Quarter (NW¼) of said Section 17;
THENCE run N89°59'08"W along said North line for 404.79 feet to the Southeast

corner of lands described in Official Record Book 411 at Page 759 of said Public Records;
THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;
THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE¼) of said Section 18;
THENCE continue N89°59'08"W for 1,840 feet more or less to the waters of Estero Bay;
THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S½) of Government Lot 2 of said Section 07;
THENCE run N89°32'15"E along the North line of said Government Lot 2 for 545 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said Public Records;
THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;
THENCE run N89°32'15"E along the South line of said lands for 247.50 feet;
THENCE run N89°35'27"E for 666.22 feet;
THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
THENCE run S01°07'45"E along said West line for 488.63 feet;
THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.
LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516 of the Public Records of Lee County, Florida.

ALSO

PARCEL 3

A tract or parcel of land lying in Sections 05 and 08, Township 47 South, Range 25 East, Lee County, Florida, consisting of:
Lots 8B, 9B, 10B, 11B, 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LAND COMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records of Lee County, also the East Three-quarters (E-¾) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-⅔) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-⅔) of the Western Half (W½) of the Northwest Quarter (NW¼) of said Section 08; being more particularly described by metes and bounds as follows:
From the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S89°16'14"E along the North line of said Southwest Quarter (SW¼) for 422.61 feet;
THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;
THENCE run N01°22'23"W for 1,304.41 feet;

THENCE run N89°56'22"W for 107.12 feet;
THENCE run N01°22'55"W for 1,303.87 feet;
THENCE run N89°34'15"E for 2,593.81 feet;
THENCE run S00°26'45"E for 2,655.42 feet;
THENCE run N88°48'50"W along the North line of said Section 08 for 322.66 feet;
THENCE run N89°25'01"W for 587.55 feet;
THENCE. run S00°50'16"E for 132.58 feet;
THENCE run N89°11'54"W for 75.00 feet;
THENCE run N00°50'16"W for 132.30 feet;
THENCE run N89°25'01"W for 610.69 feet;
THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North right-of-way line of Coconut Road;
THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet to the POINT OF BEGINNING.

ALSO

PARCEL 4
All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:
Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;
THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;
THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;
THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING.
Containing 2,409 acres, more or less.
Bearings herein above mentioned are based on the East boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at Pages 58 through 60 of the Public Records of Lee County, Florida.

ALSO

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 SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;
THENCE run S62°26'49"W for 98.40 feet;

THENCE run N27°33'11"W for 1,863.42 feet;
THENCE run N20°00'41"W for 1,403.30 feet;
THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet,
N22°26'23"W for 100.53 feet, N23°09'50"W for 100.14 feet,
N14°51'19"W for 73.01 feet, N27°40'10"W for 88.01 feet,
N29°33'57"W for 46.01 feet, N22°14'53"W for 47.27 feet,
N20°39'23"W for 46.98 feet, N11°15'38"W for 29.80 feet,
N26°10'46"W for 46.87 feet, N09°09'45"W for 48.26 feet,
N17°35'56"W for 46.04 feet, N12°49'07"W for 50.04 feet,
N29°20'48"W for 69.12 feet, N20°48'58"W for 63.82 feet;
THENCE run N79°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 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 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 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;
THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING.

AND

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;
THENCE run S19°13'48"E for 50.64 feet;
THENCE run S04°34'15"E for 54.63 feet;
THENCE run S24°53'12"E for 50.09 feet;
THENCE run S27°10'29"E for 50.01 feet;
THENCE run S31°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 N65°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 N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF BEGINNING.
Bearings herein above mentioned are Plane Coordinate for the Florida West Zone.

ALSO

KERSEY PARCEL

Parcels lying in Section 5, Section 6 and Section 8, Township 47 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Parcels in Section 5:

The West One-Quarter (W¼) of the Northwest One-Quarter (NW¼) of the Southwest One-Quarter (SW¼); and

The West One-Third (W⅓) of the Southwest One-Quarter (SW¼) of the Southwest One-Quarter (SW¼).

Parcels in Section 6:

Government Lot 4 of said Section 6 and the Southeast One-Quarter (SE¼) of the Southeast One-Quarter (SE¼) of said Section 6; and

Parcel as shown in Official Record Book 1762 at Page 4173, Public Records of Lee County, Florida:

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the Southeast One-Quarter (SE¼) of Section 6, Township 47 South, Range 25 East. Further bounded and described as follows:

Starting at the Southeast corner of said Southeast One-Quarter (SE¼) of Section 6; Thence N00°44'33"W along the Easterly line of said fraction for 1300.67 feet to the Southeast corner of the Northeast One-Quarter (NE¼) of said Southeast One-Quarter (SE¼). Said point being the point of beginning of the herein described parcel; Thence N00°41'04"W along the Easterly line of said fraction for 1208.36 feet; Thence West for 349.47 feet; Thence South for 162.50 feet; Thence N80°32'07"W for 600.67 feet; Thence S47°00'45"W for 523.62 feet; Thence South for 778.51 feet; Thence S89°36'52"E along the Southerly line of the aforesaid fraction of a section for 1339.46 feet to the point of beginning

Bearings are based on a plat prepared by Tri-County Engineering, Inc. in May of 1968.

Parcel in Section 8:

The West One-Third (W⅓) of the West One-Half (W½) of the Northwest One-Quarter (NW¼) of said Section 8, less the Southerly 40.00 feet for the right-of-way of Coconut Road.

Parcel contains 203 acres, more or less.

ALSO

SMOOT PARCEL

That part of the South half of Government Lot 2, Section 7, Township 47 South, Range 25 East, Lee County, Florida, described as follows:

Begin 660 feet North 3 degrees 58 minutes West and 957 feet South 87 degrees 15 minutes West of the Southeast corner of Government Lot 2, Section 7, Township 47 South, Range 25 East, thence South 87 degrees 15 minutes West 247.5 feet, thence South 11 degrees, 8 minutes East 199.6 feet, thence North 87 degrees, 15 minutes East 247.5 feet, thence North 11 degrees, 8 minutes West 199.5 feet to the point of beginning, containing 1.3 acres more or less.

ALSO

SPRING CREEK WEST DRI PARCEL

All of the Northwest Quarter (NW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida:

ALSO INCLUDED THERETO:

All of the Northeast Quarter (NE¼) lying west of Tamiami Trail (US 41) of Section 21, Township 47 South, Range 25 East, Lee County, Florida;

ALSO INCLUDED THERETO:

All of the East Half (E½) of the Southwest Quarter (SW¼), lying North of Spring Creek LESS the East 600 feet thereof, Section 21, Township 47 South, Range 25 East, Lee County, Florida.

ALSO INCLUDED THERETO:

All of the Southeast Quarter (SE¼) of Section 21, lying West of Tamiami Trail (US 41) and North of Spring Creek, Township 47 South, Range 25 East, Lee County, Florida;
Subject to easements and restrictions of record.
Containing 273.1 acres more or less.

AND

The East 600 feet of the East Half (E½) of the Southwest Quarter (SW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida.
Parcel contains 9.7 acres more or less.
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 (E½) of the Southwest Quarter (SW¼) of said Section to Tamiami Trail (US 41).
Subject to any easements, restrictions, reservations and rights-of-way to record.

ALSO

BAYWINDS PARCEL (Added pursuant to the Seventh Development Order Amendment)

A tract or parcel of land being a portion of the South 990 feet of Government Lot 2, Section 18 and a portion of the West 2200 feet of the South 990 feet of the north half of Section 17, Township 47 South, Range 25, Lee County, Florida and being more particularly described as follows:

Beginning at the East quarter corner of said Section 18, run S89°16'50"W 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:
N56°42'05"W, 265.00 feet, to a point of curvature;
Along an arc of a curve for 338.95 feet, having a radius of 520.00 feet, central angle of 37°20'50", chord of 332.98 feet and chord bearing of N38°01'40"W, to a point of tangency;
N19°21'15"W, 481.24 feet, to a point of curvature;
Along an arc of a curve for 104.44 feet, having a radius of 100.00 feet, central angle of 59°50'20", chord of 99.76 feet and chord bearing of N49°16'25"W, to a point of tangency;
N79°11'35"W, 144.73 feet, to a point of curvature;
Along an arc of a curve for 56.48 feet, having a radius of 100.00 feet, central angle of 32°21'45:, chord of 55.74 feet and a chord bearing of N63°00'42"W, to a point of tangency;
THENCE run N89°16'50"E, leaving said Bulkhead Line on a line parallel to, and 990.00 feet distant, measured at right angles from, the south line of said Lot 2 and its westerly extension thereof, for 2081.30 feet, said line being the northerly property line, to the east line of said Section 18, said point of being N0°50'14"E and 990.35 feet from the East Quarter Corner of said Section 18;
THENCE run N89°19'25"E along a line parallel to, and 990.00 feet distant, measured at right angles from, the South line of said North half of said Section 17 for 2200.77 feet;

THENCE run S0°50'14"W along a line parallel to, and 2200.00 feet distant, measured at right angles from, the west line of said Section 17 for 960.34 feet to the North right-of-way of a 30 foot wide road as recorded in Deed Book 305, Page 276, Public Records of Lee County, Florida, said North right-of-way line being 30 feet northerly of and parallel to the South line of the North half of Section 17;
THENCE along said north right-of-way line S89°19'25"W, 430.89 feet;
THENCE along the lands known locally as Spring Creek Estates, and unrecorded plat, N0°40'35"W, 510.00 feet;
S89°19'25"W, 885.06 feet to a point of curvature;
Along an arc of a curve for 231.02 feet, having a radius of 390.00 feet, central angle of 33°56'23", chord of 227.66 feet and chord bearing of S72°21'14"W, to a point on the curve; S0°40'35"E, 167.10 feet;
and S30°56'33"W, 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 mean high water line of a canal, 45 feet more or less to the south line of said north half of said Section 17;
THENCE S89°19'25"W, 136 feet more or less to the POINT OF BEGINNING, containing 72 acres more or less.

The applicant has indicated that the STRAP numbers for the subject property are:
17-47-25-00-00100.0000 & 18-47-25-00-00001.0020

ZONING MAP

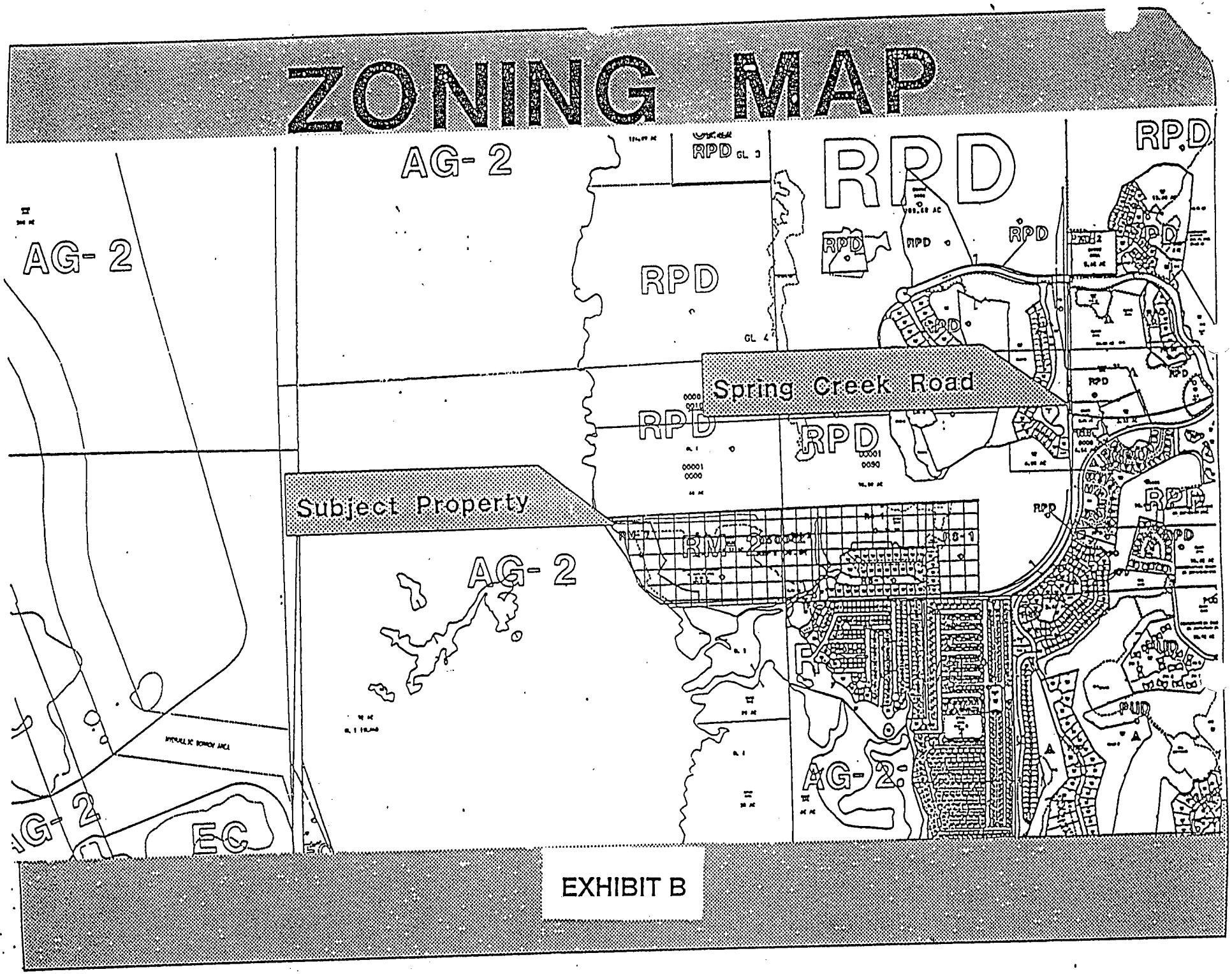


EXHIBIT B

APPROVED
Master Concept Plan
Site Plan #97-065 Page 1 of 1
Subject to conditions in Resolution Z-97-065
Zoning Case #95-01-OSD.02Z 0901
PROJECT
PELICAN LANDING
TASK
MAP H Master Concept Plan
JANUARY 7, 1999
WCI COMMUNITIES

EXHIBIT C

EXHIBIT D

SEVENTH DEVELOPMENT ORDER AMENDMENT FOR

PELICAN LANDING

A DEVELOPMENT OF REGIONAL IMPACT

STATE DRI #1-9293-121
COUNTY CASE 95-01-050.04Z ~~08.01~~ 09.01

WHEREAS, on October 19, 1998, WCI Communities, L.P., the owner of the Pelican Landing Development of Regional Impact (DRI) requested an amendment to the original Development Order adopted August 29, 1994, as amended; 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, and the conditions proposed for the seventh amendment to the Pelican Landing DRI DO; and

WHEREAS, as part of the seventh development order amendment, the developer proposes to add 72 acres to the Pelican Landing DRI; and

WHEREAS, Chapter 380, F.S., requires a developer who seeks to develop property which is contiguous to a previously approved DRI to incorporate the property into the DRI; and

WHEREAS, the 72 acres of land proposed for addition to the DRI are contiguous to the Pelican Landing DRI and has certain vested local, state, and federal permits. The permits are those permits necessary to commence construction consistent with the plan of development shown on Lee County Development Order No. 95-12-068.00D and to permit impacts to jurisdictional wetlands and corresponding mitigation; and

WHEREAS, the 72 acres will be added without increasing the number of dwelling units approved for the DRI; and

WHEREAS, the requested amendment is presumed to be a substantial deviation pursuant to Section 380.06(19)(e)5.c, Florida Statutes. This presumption may be rebutted by clear and convincing evidence. Evidence was presented at the hearing that established that the addition of the 72-acre Baywinds Parcel **does not constitute** a substantial deviation requiring additional Development of Regional Impact review; and

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

WHEREAS, the Board of County Commissioners of Lee County, Florida, has considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Staff, the Lee County Hearing Examiner, the documents and comments upon the record made before the Board in public hearing, and after full consideration of those reports, recommendations, comments, and documents, the Board of County Commissioners of Lee County, Florida, finds and determines that the proposed change ***does not constitute*** a substantial deviation warranting further DRI review.

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The "Pelican Landing DRI" is a partially built master planned community on ~~2,577~~ 2,649± acres located approximately three miles north of the Lee/Collier County Line. Approximately 273± acres of the ~~2,577~~ 2,649-acre total constitutes the Spring Creek West DRI. 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 proposal is to construct 4,400 residential units, of which 665 are single-family and 3,735 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 will also include 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 87 acres of upland habitat preserve, ~~614~~ 635 acres of salt and freshwater wetlands, ~~227~~ 234.68 acres of water management lakes, ~~145~~ 162.16 acres of public and private rights-of-way, 6 acres of utilities and a .11-acre cemetery site.

Water supply and wastewater treatment, and reclaimed water, when available, will be provided by Bonita Springs Utilities, Inc. The project build out is the year 2002.

B. LEGAL DESCRIPTION: 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:

PARCEL 1

A tract or parcel of land lying in Sections 08, 09, 16, 17, 20, and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

Beginning at a concrete monument marking the Northeast corner of said Section 20 run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE¼) of said section;
THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW¼) of said Section 21 for 2,040.41 feet;

THENCE run S00°51'35"E for 801.04 feet to the waters of Spring Creek;
THENCE run 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:
S78°50'00"W for 181.31 feet,
N34°24'12"W for 230.22 feet,
N30°59'12"W for 174.93 feet,
N24°25'16"E for 120.83 feet,
S65°47'43"E for 219.32 feet,
N18°24'43"E for 158.11 feet,
N75°11'47"W for 351.71 feet,
N65°09'33"W for 451.88 feet,
N84°18'44"W for 351.75 feet,
N66°54'31"W for 445.79 feet,
S63°24'43"W for 134.16 feet,
S03°23'22"E for 170.29 feet,
S50°30'17"W for 220.23 feet,
N84°49'43"W for 331.36 feet,
S62°13'07"W for 214.71 feet,
S22°08'36"W for 291.55 feet,
S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW¼) of said Section 20;
THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast comer of said fraction;
THENCE run S89°58'37"W 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:
N09°13'28"W for 137.34 feet,
N29°08'22"W for 590.59 feet,
N38°31'58"W for 278.03 feet,
N65°16'43"W for 254.95 feet,
N37°18'28"W for 286.01 feet,
N32°51'05"E for 252.39 feet,
N20°11'00"E for 236.69 feet,
N27°23'47"W for 369.25 feet,
N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek;
THENCE run along said Easterly shore for 1,220 feet, more or less to an intersection with the North line of said Section 20;
THENCE run N89°15'13"E along said North line of said Section for 970 feet, more or less to a concrete monument marking the Northwest corner of the Northeast Quarter (NE¼) of said Section 20;
THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE¼) of said Section 17 for 2,644.38 feet to an intersection with the South line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records;
THENCE run S89°58'35"E along said South line for 739.45 feet;

THENCE run N00°07'58"E for 30.00 feet to an intersection with the North line of the Southeast Quarter (SE¼) of said Section 17;
THENCE run S89°58'35"E along the North line of said fraction for 375.91 feet to the Southeast corner of lands described in Official Record Book 1713 at Page 1188 of said Public Records;
THENCE run N00°41'04"W for 668.20 feet to the Northeast corner of said lands;
THENCE run N89°50'32"W along the North line of said lands for 366.38 feet to the Easterly line of said Spring Creek Road (50 feet wide);
THENCE run N00°07'58"E for 2,007.04 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;
THENCE continue N00°07'17"E along said East line for 343.54 feet;
THENCE run S89°38'58"E for 10.00 feet;
THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;
THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;
THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;
THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;
THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);
THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;
THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of said Section;
THENCE continue along said West line N00°39'58"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records;
THENCE run S89°35'50"E along said South line for 3,164.37 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S00°10'56"W along said West line for 621.81 feet to a Point of Curvature;
THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a Point of Tangency;
THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE¼) of said Section 16;
THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE¼) of Section 16;
THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE¼) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE¼) of said Section;
THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;
THENCE run S00°06'43"E for 1,085.91 feet;

THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;
THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a Point of Tangency;
THENCE run S00°06'43"E along said West line for 49.81 feet;
THENCE run S89°06'43"W for 300.00 feet;
THENCE run S00°06'43"E for 1,445.82 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 16;
THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW¼) of said Section 16;
THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW¼) for 2,627.98 feet to the POINT OF BEGINNING.

ALSO

PARCEL 2
A tract or parcel of land lying in Sections 07, 08, 17 and 18 which tract or parcel is described as follows:
From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.
From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;
THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;
THENCE run S00°07'58"W along said West line for 2,646.47 feet;
THENCE run N89°58'35"W along the North line of Coconut Road for 689.04 feet to an intersection with the East line of the Northwest Quarter (NW¼) of said Section 17;
THENCE run N89°59'08"W along said North line for 404.79 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;
THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;
THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE¼) of said Section 18;
THENCE continue N89°59'08"W for 1,840 feet more or less to the waters of Estero Bay;
THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S½) of Government Lot 2 of said Section 07;
THENCE run N89°32'15"E along the North line of said Government Lot 2 for 545 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said Public Records;

THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;
THENCE run N89°32'15"E along the South line of said lands for 247.50 feet;
THENCE run N89°35'27"E for 666.22 feet;
THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
THENCE run S01°07'45"E along said West line for 488.63 feet;
THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.
LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516 of the Public Records of Lee County, Florida.

ALSO

PARCEL 3

A tract or parcel of land lying in Sections 05 and 08, Township 47 South, Range 25 East, Lee County, Florida, consisting of:
Lots 8B, 9B, 10B, 11B, 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LAND COMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records of Lee County, also the East Three-quarters (E-¾) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-⅔) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-⅔) of the Western Half (W½) of the Northwest Quarter (NW¼) of said Section 08; being more particularly described by metes and bounds as follows:
From the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S89°16'14"E along the North line of said Southwest Quarter (SW¼) for 422.61 feet;
THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;
THENCE run N01°22'23"W for 1,304.41 feet;
THENCE run N89°56'22"W for 107.12 feet;
THENCE run N01°22'55"W for 1,303.87 feet;
THENCE run N89°34'15"E for 2,593.81 feet;
THENCE run S00°26'45"E for 2,655.42 feet;
THENCE run N88°48'50"W along the North line of said Section 08 for 322.66 feet;
THENCE run N89°25'01"W for 587.55 feet;
THENCE. run S00°50'16"E for 132.58 feet;
THENCE run N89°11'54"W for 75.00 feet;
THENCE run N00°50'16"W for 132.30 feet;
THENCE run N89°25'01"W for 610.69 feet;
THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North right-of-way line of Coconut Road;
THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet to the POINT OF BEGINNING.

ALSO

PARCEL 4

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:
Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;
THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;
THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;
THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING.
Containing 2,409 acres, more or less.
Bearings herein above mentioned are based on the East boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at Pages 58 through 60 of the Public Records of Lee County, Florida.

ALSO

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 SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;
THENCE run S62°26'49"W for 98.40 feet;
THENCE run N27°33'11"W for 1,863.42 feet;
THENCE run N20°00'41"W for 1,403.30 feet;
THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet,
N22°26'23"W for 100.53 feet, N23°09'50"W for 100.14 feet,
N14°51'19"W for 73.01 feet, N27°40'10"W for 88.01 feet,
N29°33'57"W for 46.01 feet, N22°14'53"W for 47.27 feet,
N20°39'23"W for 46.98 feet, N11°15'38"W for 29.80 feet,
N26°10'46"W for 46.87 feet, N09°09'45"W for 48.26 feet,
N17°35'56"W for 46.04 feet, N12°49'07"W for 50.04 feet,
N29°20'48"W for 69.12 feet, N20°48'58"W for 63.82 feet;
THENCE run N79°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 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 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 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;
THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING.

AND

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;
THENCE run S19°13'48"E for 50.64 feet;
THENCE run S04°34'15"E for 54.63 feet;
THENCE run S24°53'12"E for 50.09 feet;
THENCE run S27°10'29"E for 50.01 feet;
THENCE run S31°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 N65°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 N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF BEGINNING.
Bearings herein above mentioned are Plane Coordinate for the Florida West Zone.

ALSO

KERSEY PARCEL

Parcels lying in Section 5, Section 6 and Section 8, Township 47 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Parcels in Section 5:

The West One-Quarter (W¼) of the Northwest One-Quarter (NW¼) of the Southwest One-Quarter (SW¼); and

The West One-Third (W⅓) of the Southwest One-Quarter (SW¼) of the Southwest One-Quarter (SW¼).

Parcels in Section 6:

Government Lot 4 of said Section 6 and the Southeast One-Quarter (SE¼) of the Southeast One-Quarter (SE¼) of said Section 6; and

Parcel as shown in Official Record Book 1762 at Page 4173, Public Records of Lee County, Florida:

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the Southeast One-Quarter (SE¼) of Section 6, Township 47 South, Range 25 East. Further bounded and described as follows:

Starting at the Southeast corner of said Southeast One-Quarter (SE¼) of Section 6; Thence N00°44'33"W along the Easterly line of said fraction for 1300.67 feet to the Southeast corner of the Northeast One-Quarter (NE¼) of said Southeast One-Quarter (SE¼). Said point being the point of beginning of the herein described parcel; Thence N00°41'04"W along the Easterly line of said fraction for 1208.36 feet; Thence West for 349.47 feet; Thence South for 162.50 feet; Thence N80°32'07"W for 600.67 feet; Thence S47°00'45"W for 523.62 feet; Thence South for 778.51 feet; Thence S89°36'52"E along the Southerly line of the aforesaid fraction of a section for 1339.46 feet to the point of beginning

Bearings are based on a plat prepared by Tri-County Engineering, Inc. in May of 1968.

Parcel in Section 8:

The West One-Third (W⅓) of the West One-Half (W½) of the Northwest One-Quarter (NW¼) of said Section 8, less the Southerly 40.00 feet for the right-of-way of Coconut Road.

Parcel contains 203 acres, more or less.

ALSO

SMOOT PARCEL

That part of the South half of Government Lot 2, Section 7, Township 47 South, Range 25 East, Lee County, Florida, described as follows:

Begin 660 feet North 3 degrees 58 minutes West and 957 feet South 87 degrees 15 minutes West of the Southeast corner of Government Lot 2, Section 7, Township 47 South, Range 25 East, thence South 87 degrees 15 minutes West 247.5 feet, thence South 11 degrees, 8 minutes East 199.6 feet, thence North 87 degrees, 15 minutes East 247.5 feet, thence North 11 degrees, 8 minutes West 199.5 feet to the point of beginning, containing 1.3 acres more or less.

ALSO

SPRING CREEK WEST DRI PARCEL

All of the Northwest Quarter (NW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida:

ALSO INCLUDED THERETO:

All of the Northeast Quarter (NE¼) lying west of Tamiami Trail (US 41) of Section 21, Township 47 South, Range 25 East, Lee County, Florida;

ALSO INCLUDED THERETO:

All of the East Half (E½) of the Southwest Quarter (SW¼), lying North of Spring Creek LESS the East 600 feet thereof, Section 21, Township 47 South, Range 25 East, Lee County, Florida.

ALSO INCLUDED THERETO:

All of the Southeast Quarter (SE¼) of Section 21, lying West of Tamiami Trail (US 41) and North of Spring Creek, Township 47 South, Range 25 East, Lee County, Florida;
Subject to easements and restrictions of record.
Containing 273.1 acres more or less.

AND

The East 600 feet of the East Half (E½) of the Southwest Quarter (SW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida.
Parcel contains 9.7 acres more or less.
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 (E½) of the Southwest Quarter (SW¼) of said Section to Tamiami Trail (US 41).
Subject to any easements, restrictions, reservations and rights-of-way to record.

ALSO

BAYWINDS PARCEL (Added pursuant to the Seventh Development Order Amendment)

A tract or parcel of land being a portion of the South 990 feet of Government Lot 2, Section 18 and a portion of the West 2200 feet of the South 990 feet of the north half

of Section 17, Township 47 South, Range 25, Lee County, Florida and being more particularly described as follows:

Beginning at the East quarter corner of said Section 18, run S89°16'50"W 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:
N56°42'05"W, 265.00 feet, to a point of curvature;
Along an arc of a curve for 338.95 feet, having a radius of 520.00 feet, central angle of 37°20'50", chord of 332.98 feet and chord bearing of N38°01'40"W, to a point of tangency;
N19°21'15"W, 481.24 feet, to a point of curvature;
Along an arc of a curve for 104.44 feet, having a radius of 100.00 feet, central angle of 59°50'20", chord of 99.76 feet and chord bearing of N49°16'25"W, to a point of tangency;
N79°11'35"W, 144.73 feet, to a point of curvature;
Along an arc of a curve for 56.48 feet, having a radius of 100.00 feet, central angle of 32°21'45:, chord of 55.74 feet and a chord bearing of N63°00'42"W, to a point of tangency;
THENCE run N89°16'50"E, leaving said Bulkhead Line on a line parallel to, and 990.00 feet distant, measured at right angles from, the south line of said Lot 2 and its westerly extension thereof, for 2081.30 feet, said line being the northerly property line, to the east line of said Section 18, said point of being N0°50'14"E and 990.35 feet from the East Quarter Corner of said Section 18;
THENCE run N89°19'25"E along a line parallel to, and 990.00 feet distant, measured at right angles from, the South line of said North half of said Section 17 for 2200.77 feet;
THENCE run S0°50'14"W along a line parallel to, and 2200.00 feet distant, measured at right angles from, the west line of said Section 17 for 960.34 feet to the North right-of-way of a 30 foot wide road as recorded in Deed Book 305, Page 276, Public Records of Lee County, Florida, said North right-of-way line being 30 feet northerly of and parallel to the South line of the North half of Section 17;
THENCE along said north right-of-way line S89°19'25"W, 430.89 feet;
THENCE along the lands known locally as Spring Creek Estates, and unrecorded plat, N0°40'35"W, 510.00 feet;
S89°19'25"W, 885.06 feet to a point of curvature;
Along an arc of a curve for 231.02 feet, having a radius of 390.00 feet, central angle of 33°56'23", chord of 227.66 feet and chord bearing of S72°21'14"W, to a point on the curve; S0°40'35"E, 167.10 feet;
and S30°56'33"W, 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 mean high water line of a canal, 45 feet more or less to the south line of said north half of said Section 17;
THENCE S89°19'25"W, 136 feet more or less to the POINT OF BEGINNING, containing 72 acres more or less.

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 proposed Development Order Amendment has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes. 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 classifications of the Lee Plan with 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.

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 annual 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.

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, LET IT BE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF 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 28, 1998, 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 will be 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 County and 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 are no regionally significant housing impacts for the first planning horizon of the DRI DO, which ends 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 accept 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 will be 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 home buyers, 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 home buyers 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 will be responsible for the initial electrical hook-up costs. The selection of the generator will be 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 build out. 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 months after the effective date of the DRI DO. *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 developer will mitigate the hurricane shelter impacts for units 4051 through 4400 by paying $18.50 per unit to the Lee County Impact Fee Coordinator at the time of building permit approval. If the developer constructs an assisted living facility, the developer must comply with all aspects of Section 440.441(1)(b), F.S., as may be amended, including the preparation and submittal of a comprehensive emergency management plan that addresses emergency evacuation transportation and adequate

sheltering arrangements for the ALF residents. The developer must update this plan annually. The County must use the funds paid pursuant to this condition to construct or upgrade hurricane shelter space in a location that will benefit the residents of the Pelican Landing Community. The eighteen dollar and fifty cents fee (1996 dollars) will be multiplied by the Dodge Data Service Building Cost Index for U.S. and Canadian cities for June 1 of each year subsequent to 1996, up to the time building permits are issued. This multiplier ensures payment of current dollars at the time the permits are issued. If the Building Cost Index is not available, the Consumer Price Index will be used instead, and applied by the method described above. If Lee County adopts an impact fee for hurricane shelters prior to, or during, the acquisition of building permits 4051 through 4400 then the Developer will pay the duly adopted impact fee, provided that fee is no less per unit than the per unit amount set out above, and this condition will have no further force and effect.

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 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 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, as adopted by Lee County.

E. Vegetation and Wildlife/Wetlands

The developer has conducted Protected Species surveys in accordance with the Florida Game and Fresh Water Fish Commission (FGFWFC) 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 parcel and 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.

Prior to any new development within 1500 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 DCA, SWFRPC, ~~FGFWFC~~ FWC Lee County, 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 resubmittal. The agencies will provide a written response to Lee County 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. Lee County and DCA 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 ~~FGFWFC~~ 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 D.O., 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 DO.

The Developer submitted a Final Management Plan to Lee County, FGFWFC, and DCA within 18 months of the effective date of the DRI DO, 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 submitted for 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 must obtain an Incidental Take Permit prior to proceeding with development within these new gopher tortoise habitat areas. Prior to the start of construction, all gopher tortoise burrows within these 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 will be mitigated through incidental take funds paid to the ~~FGFWFC~~ FWCfor the purpose of regionally significant gopher tortoise habitat.

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.

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 must design the golf course and conduct 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. 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 purposes, and 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 ~~10~~ 13 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~~/or~~ 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 Improvement District (a district 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 Improvement District, 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 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 County Attorney's office.

7. The Baywinds parcel must be developed in accordance with the following permits: Water Management permit numbers 362932255 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 traffic impact assessment for this project assumes the development parameters and land uses shown in Attachment B, "Pelican Landing DRI Development Parameters." The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Planning Horizon I (1997) and build out (2002). Each annual monitoring report, described in Paragraph 4, must reflect whether the roadways and intersections described below are significantly impacted or are projected to be significantly impacted by this project in the following year.

b. The Pelican Landing DRI is projected to significantly and adversely impact (as defined by Lee County Administrative Code) the following roadways and intersections:

Planning Horizon I (1997)		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 and right turn lanes
	-	Separate WB thru and left turn lanes

Build Out (2002)		
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 and 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 and right turn lanes
	-	Separate WB thru and left turn lanes

2. Mitigation

a. The developer will pay impact fees as defined in the Lee County 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 are estimated to be $8,900,000 for the land uses identified in Attachment B. 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. 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 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 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, Lee County may apply any Pelican Landing impact fees not required for those specific improvements to other improvements consistent with the requirements of the Lee County Land Development Code.

b. If through the local development approval process, the developer constructs, with the approval of the Lee County DOT, 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 must dedicate 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 must construct, 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 will occur as follows:

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) Burnt Pine Drive North from Pelican Landing Parkway to Pelican Landing North Entrance: under construction no later than December 31, 1998.

3) Burnt Pine Drive North from Pelican Landing North Entrance to Coconut Road: should be under construction no later than December 31, 1999.

d. The developer agrees to reserve 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 will be dedicated to Lee County if and when requested. 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 may, with the concurrence of Lee County, make an advance payment of a portion of Pelican Landing's total Impact Fees up to 2 million dollars. Lee County would then utilize 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 is currently 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 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 will be 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), unless subsequently dedicated to and accepted by Lee County.

4. Annual Monitoring Report

a. The developer will submit an annual traffic monitoring report to the following entities for review and approval: Lee County, the Florida Department of Transportation (FDOT), the Florida Department of Community Affairs (FDCA), and the Southwest Florida Regional Planning Council (SWFRPC).

The first monitoring report will be submitted one year after the date of the issuance of this DRI Development Order. Reports must be submitted annually thereafter until build out of the project.

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

c. The annual 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 build out.

(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	Hickory Blvd. to Vanderbilt	2 to 4	Planning Horizon I (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 annual 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 is projected to exceed the adopted level of service standards adopted by Lee County within the forthcoming 12 months, and if the project is utilizing more than 5% of LOS "D" service volume 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 is scheduled for construction in the first three years of an adopted local government capital improvement program or state work program.

e. If the annual 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 more than 5% of level of service D service volume 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 Annual Monitoring Report.

I. Wastewater Management/Water Supply

1. The developer or the Bayside 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 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 developer must provide written assurance that any hazardous commercial effluent, generated by the project, 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, 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.

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 as defined by Lee County regulations.

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.

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 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 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 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 five hundred feet of the mangrove fringe of Estero Bay.

3. The management practices that the Developer will 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 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 must be 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 will submit the test reports with the annual monitoring report. The monitoring program will be 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.

5. The Developer will submit a written amended surface and groundwater quality management plan to Lee County and DCA. The amended plan must be approved by DCA prior to the application of chemicals to the proposed golf course. The DCA 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. DCA 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 DCA 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 DCA 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 will be buffered from the proposed golf course by a 100' undisturbed naturally vegetated corridor, except for water management facilities permitted by the SFWMD and except for the removal of exotic plants as required by Lee County. The 100' 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 parcels is off set 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 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 Lee County regulations, are allowed within all wetlands on the Kersey-Smoot 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 DO 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 DCA, SWFRPC, or Lee County pursuant to this DRI DO 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.

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

1. This amended Development Order constitutes a resolution of Lee County, adopted by the Board of County Commissioners in response to the application filed by WCI Communities, L.P. 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, dated January 7, 1999, last revised ~~September 16,~~ July 7, 1999, and stamped received at the permit counter on July 23, 1999, is attached hereto as Attachment A 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.

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 County 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 Board of County Commissioners, 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, the Board 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 build out date of 2002, and a termination date of 2005. This term is based on a ten year build out and the recognition that a local Development Order, which is valid for three years, may be obtained in the tenth year.

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, E1 Dorado Acres, Estero Bay Shores, Mound Key Estates and Spring Creek Estates.

13. 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 2005. If the County 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 2005, 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) and 60 acres of commercial use allocation in the Bonita Springs Planing Community, as established by Lee Plan Map 16, The Planning Communities Map and Table 1(b), known as the Planning Community Year 2020 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.

15. The developer, or its successor(s) in title to the undeveloped portion of the subject property, will submit a report annually to Lee County, SWFRPC, FDCA 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 FDCA. The first monitoring report must be submitted to the Administrative Director of the DCA not later than one year after the effective date of this Development Order. Further reporting must be submitted not later than one year of subsequent calendar years thereafter, until build out. 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 County 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.

THE MOTION TO ADOPT this Amendment was offered by Commissioner Coy and seconded by Commissioner Manning and upon poll of the members present, the vote was as follows:

John E. Albion	Aye
Douglas R. St. Cerny	Aye
Andrew W. Coy	Aye
Ray Judah	Nay
John E. Manning	Aye

DULY PASSED AND ADOPTED on December 6, 1999.

ATTEST:
CHARLIE GREEN, CLERK

BY: Michelle D. Leisner
Deputy Clerk

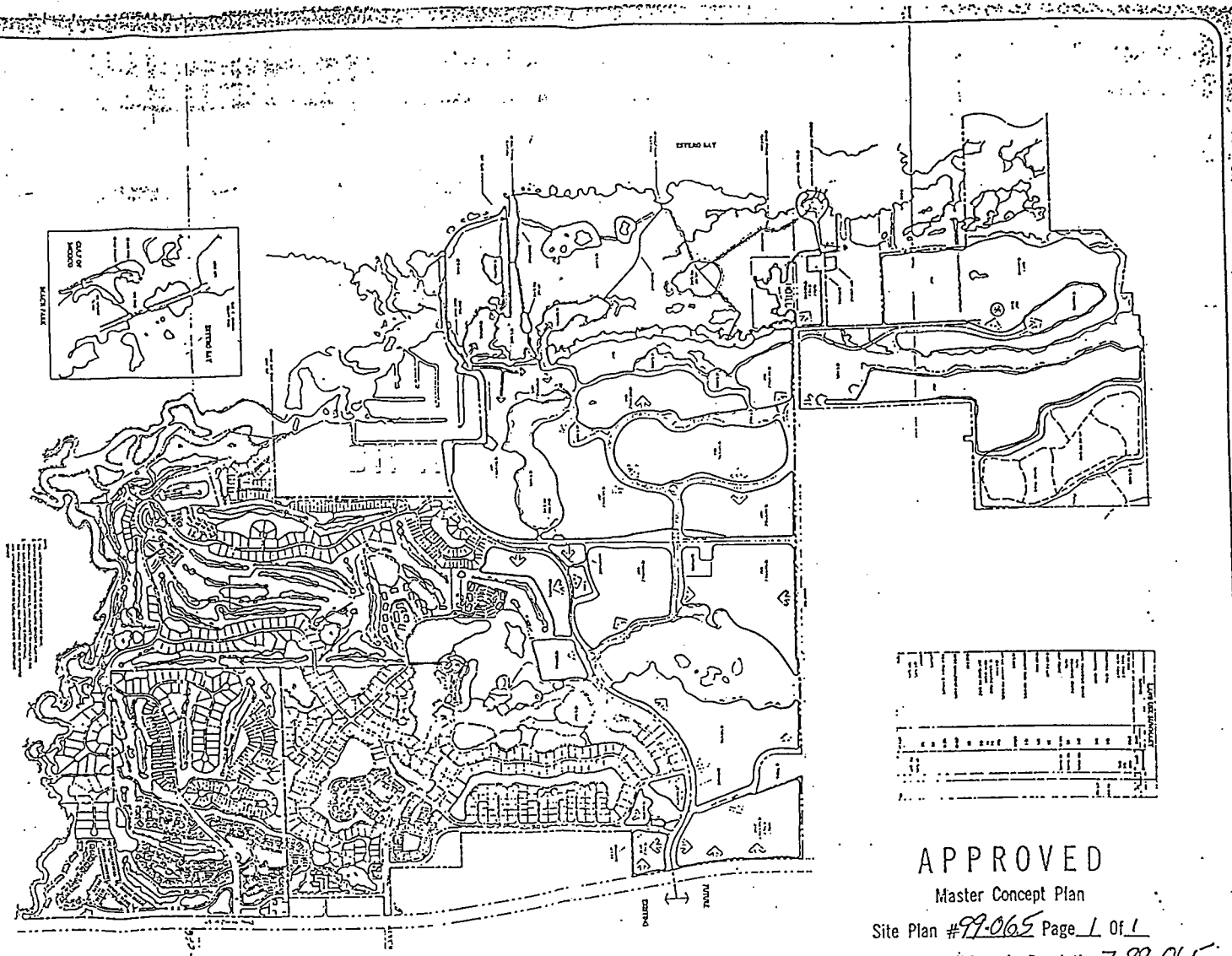
BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: John E. Albion
Commissioner John Albion, Chairman

APPROVED AS TO FORM BY:
Donna Marie Collins
Donna Marie Collins
County Attorney's Office

Attachments: A - Map H, dated January 7, 1999, Revised July 7, 1999, and stamped received at the permit counter July 23, 1999
B - Development Parameters

FILED DEC 17 1999
mpl
MINUTES OFFICE



Attachment A

ATTACHMENT "B"
~~SIXTH~~ SEVENTH AMENDMENT
PELICAN LANDING DRI
DEVELOPMENT PARAMETERS

Land Use	Units[1]	Existing (1998)	Build out Total (2002)
Residential	DU	1083	4,400
Single Family	DU	402	665
Multi Family	DU	596	3,735
Retail[2]	GFA	11,000	300,000
Office[3]	GFA	134,738	475,000
Hotel/Motel	Rooms	0	750
Recreation Uses			
Pelican Nest Golf Course/Clubhouse/ Practice Range	Holes	21	30
Colony Range Club/ Golf Course/ Clubhouse/Practice Range	Holes	19	19
Resort Golf Course/ Clubhouse Practice Range	Holes	0	19
Tennis Center	Courts	12	~~12~~ 24
Coconut Marina	Boat Slips Wet	24	48
	Dry	0	150
Redfish Point	GFA	5,000	5,000
	Boat Slips Wet	15	15
Other[4]	Boat Slips Wet	2	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

ACO

RESOLUTION NUMBER Z-00-023

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Neale Montgomery filed an application on behalf of the property owner, WCI Communities, Inc., to amend the Pelican Landing DRI Development Order and DRI Map H to add 3.2 ± acres to the DRI; and

WHEREAS, a public hearing was advertised and held on April 27, 2000, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DRI964547 fka 95-01-050.04Z 10.01; and

WHEREAS, a second public hearing was advertised and held on August 7, 2000, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to amend the Pelican Landing DRI Development Order and DRI Map H to acknowledge the addition of 3.2± acres to the DRI. The Pelican Landing DRI is located in the Outlying Suburban Land Use Category. The request is APPROVED, SUBJECT TO the terms and conditions set forth in the Eighth Amendment to the Pelican Landing DRI Development Order attached hereto as Exhibit A.

SECTION B. CONDITIONS:

The development of this project must be in compliance with the Eighth Development Order Amendment to the Pelican Landing DRI (#1-9293-121) and DRI Map H, dated January 7, 1999, last revised July 7, 1999, and stamped received at the Zoning Counter on October 7, 1999.

SECTION C. EXHIBIT:

The following exhibit is attached to this resolution and incorporated by reference:

Exhibit A: Eighth Amendment to the Pelican Landing DRI Development Order

SECTION D. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the requested amendment to the DRI Development Order by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes and regulations.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner John E. Manning, seconded by Commissioner Andrew W. Coy and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 7th day of August, 2000.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form by:

_____
County Attorney's Office

EXHIBIT A

EIGHTH DEVELOPMENT ORDER AMENDMENT FOR

PELICAN LANDING

A DEVELOPMENT OF REGIONAL IMPACT

STATE DRI #1-9293-121
COUNTY CASE 95-01-050.04Z 10.01

WHEREAS, on September 28, 1999, WCI Communities, L.P., the owner of the Pelican Landing Development of Regional Impact (DRI) most recently requested an amendment to the original Development Order (DO)adopted August 29, 1994, as amended; 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, and the conditions proposed for the eighth amendment to the Pelican Landing DRI DO; and

WHEREAS, as part of the eighth development order amendment, the developer proposes the addition of the accessory parking lot and shelter parcel to the Pelican Landing DRI; and

WHEREAS, Chapter 380, F.S., requires a developer who seeks to develop property contiguous to a previously approved DRI to incorporate the property into the DRI; and

WHEREAS, the 3.2± acres will be added without increasing the number of dwelling units approved for the DRI; and

WHEREAS, the requested amendment is presumed to be a substantial deviation pursuant to Section 380.06(19)(e)5.c, Florida Statutes. This presumption may be rebutted by clear and convincing evidence. Evidence was presented at the hearing that established that the addition of the 3.2± acre accessory parking lot and shelter parcel **does not constitute** a substantial deviation requiring additional Development of Regional Impact review; and

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

WHEREAS, the Board of County Commissioners of Lee County, Florida, has considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Staff, the Lee County Hearing Examiner, the documents and comments upon the record made before the Board in public hearing, and after full consideration of those reports, recommendations, comments, and documents, the Board of County Commissioners of Lee County, Florida, finds and determines that the proposed change ***does not constitute*** a substantial deviation warranting further DRI review.

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The "Pelican Landing DRI" is a partially built master planned community on ~~2,649±~~ 2,652.2± acres located approximately three miles north of the Lee/Collier County Line. Approximately 273± acres of the ~~2,649±~~ 2,652.2± acre total constitutes the Spring Creek West DRI. 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 proposal is to construct 4,400 residential units, of which 665 are single-family and 3,735 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 will also include 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 87 acres of upland habitat preserve, 635 acres of salt and freshwater wetlands, 234.68 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 a .11-acre cemetery site.

Water supply and wastewater treatment, and reclaimed water, when available, will be provided by Bonita Springs Utilities, Inc. The project build out is the year 2002.

B. LEGAL DESCRIPTION: 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:

PARCEL 1

A tract or parcel of land lying in Sections 08, 09, 16, 17, 20, and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

Beginning at a concrete monument marking the Northeast corner of said Section 20 run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE¼) of said section;

THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW¼) of said Section 21 for 2,040.41 feet;
THENCE run S00°51'35"E for 801.04 feet to the waters of Spring Creek;
THENCE run 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:
S78°50'00"W for 181.31 feet,
N34°24'12"W for 230.22 feet,
N30°59'12"W for 174.93 feet,
N24°25'16"E for 120.83 feet,
S65°47'43"E for 219.32 feet,
N18°24'43"E for 158.11 feet,
N75°11'47"W for 351.71 feet,
N65°09'33"W for 451.88 feet,
N84°18'44"W for 351.75 feet,
N66°54'31"W for 445.79 feet,
S63°24'43"W for 134.16 feet,
S03°23'22"E for 170.29 feet,
S50°30'17"W for 220.23 feet,
N84°49'43"W for 331.36 feet,
S62°13'07"W for 214.71 feet,
S22°08'36"W for 291.55 feet,
S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW¼) of said Section 20;
THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast corner of said fraction;
THENCE run S89°58'37"W 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:
N09°13'28"W for 137.34 feet,
N29°08'22"W for 590.59 feet,
N38°31'58"W for 278.03 feet,
N65°16'43"W for 254.95 feet,
N37°18'28"W for 286.01 feet,
N32°51'05"E for 252.39 feet,
N20°11'00"E for 236.69 feet,
N27°23'47"W for 369.25 feet,
N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek;
THENCE run along said Easterly shore for 1,220 feet, more or less to an intersection with the North line of said Section 20;
THENCE run N89°15'13"E along said North line of said Section for 970 feet, more or less to a concrete monument marking the Northwest corner of the Northeast Quarter (NE¼) of said Section 20;

THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE¼) of said Section 17 for 2,644.38 feet to an intersection with the South line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records;
THENCE run S89°58'35"E along said South line for 739.45 feet;
THENCE run N00°07'58"E for 30.00 feet to an intersection with the North line of the Southeast Quarter (SE¼) of said Section 17;
THENCE run S89°58'35"E along the North line of said fraction for 375.91 feet to the Southeast corner of lands described in Official Record Book 1713 at Page 1188 of said Public Records;
THENCE run N00°41'04"W for 668.20 feet to the Northeast corner of said lands;
THENCE run N89°50'32"W along the North line of said lands for 366.38 feet to the Easterly line of said Spring Creek Road (50 feet wide);
THENCE run N00°07'58"E for 2,007.04 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;
THENCE continue N00°07'17"E along said East line for 343.54 feet;
THENCE run S89°38'58"E for 10.00 feet;
THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;
THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;
THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;
THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;
THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);
THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;
THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of said Section;
THENCE continue along said West line N00°39'58"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records;
THENCE run S89°35'50"E along said South line for 3,164.37 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S00°10'56"W along said West line for 621.81 feet to a Point of Curvature;
THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a Point of Tangency;
THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE¼) of said Section 16;
THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE¼) of Section 16;

THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE¼) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE¼) of said Section;
THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;
THENCE run S00°06'43"E for 1,085.91 feet;
THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;
THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a Point of Tangency;
THENCE run S00°06'43"E along said West line for 49.81 feet;
THENCE run S89°06'43"W for 300.00 feet;
THENCE run S00°06'43"E for 1,445.82 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 16;
THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW¼) of said Section 16;
THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW¼) for 2,627.98 feet to the POINT OF BEGINNING.

ALSO

PARCEL 2
A tract or parcel of land lying in Sections 07, 08, 17 and 18 which tract or parcel is described as follows:
From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.
From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;
THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;
THENCE run S00°07'58"W along said West line for 2,646.47 feet;
THENCE run N89°58'35"W along the North line of Coconut Road for 689.04 feet to an intersection with the East line of the Northwest Quarter (NW¼) of said Section 17;
THENCE run N89°59'08"W along said North line for 404.79 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;
THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;
THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE¼) of said Section 18;
THENCE continue N89°59'08"W for 1,840 feet more or less to the waters of Estero Bay;

THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S½) of Government Lot 2 of said Section 07;
THENCE run N89°32'15"E along the North line of said Government Lot 2 for 545 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said Public Records;
THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;
THENCE run N89°32'15"E along the South line of said lands for 247.50 feet;
THENCE run N89°35'27"E for 666.22 feet;
THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
THENCE run S01°07'45"E along said West line for 488.63 feet;
THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.
LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516 of the Public Records of Lee County, Florida.

ALSO

PARCEL 3
A tract or parcel of land lying in Sections 05 and 08, Township 47 South, Range 25 East, Lee County, Florida, consisting of:
Lots 8B, 9B, 10B, 11B, 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LAND COMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded Subdivision). as shown in Deed Book 310 at Page 183 of the Public Records of Lee County, also the East Three-quarters (E-¾) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-⅔) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-⅔) of the Western Half (W½) of the Northwest Quarter (NW¼) of said Section 08; being more particularly described by metes and bounds as follows:
From the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S89°16'14"E along the North line of said Southwest Quarter (SW¼) for 422.61 feet;
THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;
THENCE run N01°22'23"W for 1,304.41 feet;
THENCE run N89°56'22"W for 107.12 feet;
THENCE run N01°22'55"W for 1,303.87 feet;
THENCE run N89°34'15"E for 2,593.81 feet;
THENCE run S00°26'45"E for 2,655.42 feet;
THENCE run N88°48'50"W along the North line of said Section 08 for 322.66 feet;
THENCE run N89°25'01"W for 587.55 feet;
THENCE. run S00°50'16"E for 132.58 feet;
THENCE run N89°11'54"W for 75.00 feet;

THENCE run N00°50'16"W for 132.30 feet;
THENCE run N89°25'01"W for 610.69 feet;
THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North right-of-way line of Coconut Road;
THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet to the POINT OF BEGINNING.

ALSO

PARCEL 4
All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:
Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;
THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;
THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;
THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING.
Containing 2,409 acres, more or less.
Bearings herein above mentioned are based on the East boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at Pages 58 through 60 of the Public Records of Lee County, Florida.

ALSO

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 SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;
THENCE run S62°26'49"W for 98.40 feet;
THENCE run N27°33'11"W for 1,863.42 feet;
THENCE run N20°00'41"W for 1,403.30 feet;
THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet,
N22°26'23"W for 100.53 feet, N23°09'50"W for 100.14 feet,
N14°51'19"W for 73.01 feet, N27°40'10"W for 88.01 feet,
N29°33'57"W for 46.01 feet, N22°14'53"W for 47.27 feet,
N20°39'23"W for 46.98 feet, N11°15'38"W for 29.80 feet,

N26°10'46"W for 46.87 feet, N09°09'45"W for 48.26 feet,
N17°35'56"W for 46.04 feet, N12°49'07"W for 50.04 feet,
N29°20'48"W for 69.12 feet, N20°48'58"W for 63.82 feet;
THENCE run N79°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 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 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 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;
THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING.

AND

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;
THENCE run S19°13'48"E for 50.64 feet;
THENCE run S04°34'15"E for 54.63 feet;
THENCE run S24°53'12"E for 50.09 feet;
THENCE run S27°10'29"E for 50.01 feet;
THENCE run S31°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 N65°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 N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF BEGINNING.
Bearings herein above mentioned are Plane Coordinate for the Florida West Zone.

ALSO

KERSEY PARCEL

Parcels lying in Section 5, Section 6 and Section 8, Township 47 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Parcels in Section 5:

The West One-Quarter (W¼) of the Northwest One-Quarter (NW¼) of the Southwest One-Quarter (SW¼); and

The West One-Third (W⅓) of the Southwest One-Quarter (SW¼) of the Southwest One-Quarter (SW¼).

Parcels in Section 6:

Government Lot 4 of said Section 6 and the Southeast One-Quarter (SE¼) of the Southeast One-Quarter (SE¼) of said Section 6; and

Parcel as shown in Official Record Book 1762 at Page 4173, Public Records of Lee County, Florida:

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the Southeast One-Quarter (SE¼) of Section 6, Township 47 South, Range 25 East. Further bounded and described as follows:

Starting at the Southeast corner of said Southeast One-Quarter (SE¼) of Section 6; Thence N00°44'33"W along the Easterly line of said fraction for 1300.67 feet to the Southeast corner of the Northeast One-Quarter (NE¼) of said Southeast One-Quarter (SE¼). Said point being the point of beginning of the herein described parcel; Thence N00°41'04"W along the Easterly line of said fraction for 1208.36 feet; Thence West for 349.47 feet; Thence South for 162.50 feet; Thence N80°32'07"W for 600.67 feet; Thence S47°00'45"W for 523.62 feet; Thence South for 778.51 feet; Thence S89°36'52"E along the Southerly line of the aforesaid fraction of a section for 1339.46 feet to the point of beginning

Bearings are based on a plat prepared by Tri-County Engineering, Inc. in May of 1968.

Parcel in Section 8:

The West One-Third (W⅓) of the West One-Half (W½) of the Northwest One-Quarter (NW¼) of said Section 8, less the Southerly 40.00 feet for the right-of-way of Coconut Road.

Parcel contains 203 acres, more or less.

ALSO

SMOOT PARCEL

That part of the South half of Government Lot 2, Section 7, Township 47 South, Range 25 East, Lee County, Florida, described as follows:

Begin 660 feet North 3 degrees 58 minutes West and 957 feet South 87 degrees 15 minutes West of the Southeast corner of Government Lot 2, Section 7,

Township 47 South, Range 25 East, thence South 87 degrees 15 minutes West 247.5 feet, thence South 11 degrees, 8 minutes East 199.6 feet, thence North 87 degrees, 15 minutes East 247.5 feet, thence North 11 degrees, 8 minutes West 199.5 feet to the point of beginning, containing 1.3 acres more or less.

ALSO

SPRING CREEK WEST DRI PARCEL

All of the Northwest Quarter (NW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida:

ALSO INCLUDED THERETO:

All of the Northeast Quarter (NE¼) lying west of Tamiami Trail (US 41) of Section 21, Township 47 South, Range 25 East, Lee County, Florida;

ALSO INCLUDED THERETO:

All of the East Half (E½) of the Southwest Quarter (SW¼), lying North of Spring Creek LESS the East 600 feet thereof, Section 21, Township 47 South, Range 25 East, Lee County, Florida.

ALSO INCLUDED THERETO:

All of the Southeast Quarter (SE¼) of Section 21, lying West of Tamiami Trail (US 41) and North of Spring Creek, Township 47 South, Range 25 East, Lee County, Florida;
Subject to easements and restrictions of record.
Containing 273.1 acres more or less.

AND

The East 600 feet of the East Half (E½) of the Southwest Quarter (SW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida.
Parcel contains 9.7 acres more or less.
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 (E½) of the Southwest Quarter (SW¼) of said Section to Tamiami Trail (US 41).
Subject to any easements, restrictions, reservations and rights-of-way to record.

ALSO

BAYWINDS PARCEL (Added pursuant to the Seventh Development Order Amendment)

A tract or parcel of land being a portion of the South 990 feet of Government Lot 2, Section 18 and a portion of the West 2200 feet of the South 990 feet of the north half of Section 17, Township 47 South, Range 25, Lee County, Florida and being more particularly described as follows:

Beginning at the East quarter corner of said Section 18, run S89°16'50"W 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:
N56°42'05"W, 265.00 feet, to a point of curvature;
Along an arc of a curve for 338.95 feet, having a radius of 520.00 feet, central angle of 37°20'50", chord of 332.98 feet and chord bearing of N38°01'40"W, to a point of tangency;
N19°21'15"W, 481.24 feet, to a point of curvature;
Along an arc of a curve for 104.44 feet, having a radius of 100.00 feet, central angle of 59°50'20", chord of 99.76 feet and chord bearing of N49°16'25"W, to a point of tangency;
N79°11'35"W, 144.73 feet, to a point of curvature;
Along an arc of a curve for 56.48 feet, having a radius of 100.00 feet, central angle of 32°21'45:, chord of 55.74 feet and a chord bearing of N63°00'42"W, to a point of tangency;
THENCE run N89°16'50"E, leaving said Bulkhead Line on a line parallel to, and 990.00 feet distant, measured at right angles from, the south line of said Lot 2 and its westerly extension thereof, for 2081.30 feet, said line being the northerly property line, to the east line of said Section 18, said point of being N0°50'14"E and 990.35 feet from the East Quarter Corner of said Section 18;
THENCE run N89°19'25"E along a line parallel to, and 990.00 feet distant, measured at right angles from, the South line of said North half of said Section 17 for 2200.77 feet;
THENCE run S0°50'14"W along a line parallel to, and 2200.00 feet distant, measured at right angles from, the west line of said Section 17 for 960.34 feet to the North right-of-way of a 30 foot wide road as recorded in Deed Book 305, Page 276, Public Records of Lee County, Florida, said North right-of-way line being 30 feet northerly of and parallel to the South line of the North half of Section 17;
THENCE along said north right-of-way line S89°19'25"W, 430.89 feet;
THENCE along the lands known locally as Spring Creek Estates, and unrecorded plat, N0°40'35"W, 510.00 feet;

S89°19'25"W, 885.06 feet to a point of curvature;
Along an arc of a curve for 231.02 feet, having a radius of 390.00 feet, central angle of 33°56'23", chord of 227.66 feet and chord bearing of S72°21'14"W, to a point on the curve; S0°40'35"E, 167.10 feet;
and S30°56'33"W, 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 mean high water line of a canal, 45 feet more or less to the south line of said north half of said Section 17;
THENCE S89°19'25"W, 136 feet more or less to the POINT OF BEGINNING, containing 72 acres more or less.

ALSO

ACCESSORY PARKING LOT PARCEL (Added pursuant to the Eighth Development Order Amendment)

A parcel of land lying in and being a portion of the East half of the Northwest quarter of Section 8, Township 47 South, Range 25 East of Lee County, Florida and being more particularly described as follows:

COMMENCING at the southwest corner of the East half of the Northwest quarter of Section 8, thence S 89°40'09" E a distance of 342.50 feet to the POINT OF BEGINNING,

Thence S 89°40'09" E a distance of 342.50 feet,
Thence N 01°24'39" W a distance of 408.00 feet,
Thence N 89°40'09" W a distance of 342.50 feet,
Thence S 01°24'39" E a distance of 408.00 feet to the POINT OF BEGINNING,
Containing 3.20 acres more or less.

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 proposed Development Order Amendment has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes. 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 classifications of the Lee Plan with 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.

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 annual 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.

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, LET IT BE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF 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 28, 1998, 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 will be 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 County and 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 are no regionally significant housing impacts for the first planning horizon of the DRI DO, which ends 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 accept 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 will be 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 home buyers, 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 home buyers 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 will be responsible for the initial electrical hook-up costs. The selection of the generator will be 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 build out. 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 months after the effective date of the DRI DO. *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 developer will mitigate the hurricane shelter impacts for units 4051 through 4400 by paying $18.50 per unit to the Lee County Impact Fee Coordinator at the time of building permit approval. If the developer constructs an assisted living facility, the developer must comply with all aspects of Section 440.441(1)(b), F.S., as may be amended, including the preparation and submittal of a comprehensive emergency management plan that addresses emergency evacuation transportation and adequate sheltering arrangements for the ALF residents. The developer must update this plan annually. The County must use the funds paid pursuant to this condition to construct or upgrade hurricane shelter space in a location that will benefit the residents of the Pelican Landing Community. The eighteen dollar and fifty cents fee (1996 dollars) will be multiplied by the Dodge Data Service Building Cost Index for U.S. and Canadian cities for June 1 of each year subsequent to 1996, up to the time building permits are issued. This multiplier ensures payment of current dollars at the time the permits are issued. If the Building Cost Index is not available, the Consumer Price Index will be used instead, and applied by the method described above. If Lee County adopts an impact fee for hurricane shelters prior to, or during, the acquisition of building permits 4051 through 4400 then the Developer will pay the duly adopted impact fee, provided that fee is no less per unit than the per unit amount set out above, and this condition will have no further force and effect.

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 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 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, as adopted by Lee County.

E. Vegetation and Wildlife/Wetlands

The developer has conducted Protected Species surveys in accordance with the Florida Game and Fresh Water Fish Commission (FGFWFC) 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 parcel and 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.

Prior to any new development within 1500 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 DCA, SWFRPC, FWC Lee County, 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 resubmittal. The agencies will provide a written response to Lee County 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. Lee County and DCA 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 D.O., 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 DO.

The Developer submitted a Final Management Plan to Lee County, FGFWFC, and DCA within 18 months of the effective date of the DRI DO, 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 submitted for 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 must obtain an Incidental Take Permit prior to proceeding with development within these new gopher tortoise habitat areas. Prior to the start of construction, all gopher tortoise burrows within these 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 will be mitigated through incidental take funds paid to the FWC for the purpose of regionally significant gopher tortoise habitat.

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.

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 must design the golf course and conduct 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. 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 purposes, and 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~~/or~~ 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 Improvement District (a district 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 Improvement District, 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 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 County Attorney's office.

7. The Baywinds parcel must be developed in accordance with the following permits: Water Management permit numbers 362932255 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 traffic impact assessment for this project assumes the development parameters and land uses shown in Attachment B, "Pelican Landing DRI Development Parameters." The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Planning Horizon I (1997) and build out (2002). Each annual monitoring report, described in Paragraph 4, must reflect whether the roadways and intersections described below are significantly impacted or are projected to be significantly impacted by this project in the following year.

b. The Pelican Landing DRI is projected to significantly and adversely impact (as defined by Lee County Administrative Code) the following roadways and intersections:

Planning Horizon I (1997)		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 and right turn lanes
	-	Separate WB thru and left turn lanes

Build Out (2002)

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 and 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 and right turn lanes
	-	Separate WB thru and left turn lanes

2. Mitigation

a. The developer will pay impact fees as defined in the Lee County 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 are estimated to be $8,900,000 for the land uses identified in Attachment B. 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. 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 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 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, Lee County may apply any Pelican Landing impact fees not required for those specific improvements to other improvements consistent with the requirements of the Lee County Land Development Code.

b. If through the local development approval process, the developer constructs, with the approval of the Lee County DOT, 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 must dedicate 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 must construct, 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 will occur as follows:

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) Burnt Pine Drive North from Pelican Landing Parkway to Pelican Landing North Entrance: under construction no later than December 31, 1998.

3) Burnt Pine Drive North from Pelican Landing North Entrance to Coconut Road: should be under construction no later than December 31, 1999.

d. The developer agrees to reserve 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 will be dedicated to Lee County if and when requested. 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 may, with the concurrence of Lee County, make an advance payment of a portion of Pelican Landing's total Impact Fees up to 2 million dollars. Lee County would then utilize 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 is currently 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 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 will be 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), unless subsequently dedicated to and accepted by Lee County.

4. Annual Monitoring Report

a. The developer will submit an annual traffic monitoring report to the following entities for review and approval: Lee County, the Florida Department of Transportation (FDOT), the Florida Department of Community Affairs (FDCA), and the Southwest Florida Regional Planning Council (SWFRPC).

The first monitoring report will be submitted one year after the date of the issuance of this DRI Development Order. Reports must be submitted annually thereafter until build out of the project.

b. The monitoring report will be designed in cooperation with the Lee County Department of Transportation, FDOT, the SWFRPC and the FDCA prior to the

submittal of the first report. The methodology of the annual traffic monitoring report may be revised if agreed upon by all parties.

c. The annual 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 build out.

(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	Hickory Blvd. to Vanderbilt	2 to 4	Planning Horizon I (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 annual 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 is projected to exceed the adopted level of service standards adopted by Lee County within the forthcoming 12 months, and if the project is utilizing more than 5% of LOS "D" service volume 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 is scheduled for construction in the first three years of an adopted local government capital improvement program or state work program.

e. If the annual 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 more than 5% of level of service D service volume 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 Annual Monitoring Report.

I. Wastewater Management/Water Supply

1. The developer or the Bayside 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 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 developer must provide written assurance that any hazardous commercial effluent, generated by the project, 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, 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.

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 as defined by Lee County regulations.

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 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 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 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 five hundred feet of the mangrove fringe of Estero Bay.

3. The management practices that the Developer will 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 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 must be 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 will submit the test reports with the annual monitoring report. The monitoring program will be 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.

5. The Developer will submit a written amended surface and groundwater quality management plan to Lee County and DCA. The amended plan must be approved by DCA prior to the application of chemicals to the proposed golf course. The DCA 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. DCA 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 DCA 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 DCA 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 will be buffered from the proposed golf course by a 100' undisturbed naturally vegetated corridor, except for water management facilities permitted by the SFWMD and except for the removal of exotic plants as required by Lee County. The 100' 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 parcels is off set 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 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 Lee County regulations, are allowed within all wetlands on the Kersey-Smoot 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 DO 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 DCA, SWFRPC, or Lee County pursuant to this DRI DO 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.

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

1. This amended Development Order constitutes a resolution of Lee County, adopted by the Board of County Commissioners in response to the application filed by WCI

Communities, L.P. 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, dated January 7, 1999, last revised July 7, 1999, and stamped received at the permit counter on ~~July 23~~ October 7, 1999, is attached hereto as Attachment A 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.

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 County 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 Board of County Commissioners, 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, the Board 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 build out date of 2002, and a termination date of 2005. This term is based on a ten year build out and the recognition that a local Development Order, which is valid for three years, may be obtained in the tenth year.

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 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 2005. If the County 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 2005, 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) and 60 acres of commercial use allocation in the Bonita Springs Planing Community, as established by Lee Plan Map 16, The Planning Communities Map and Table 1(b), known as the Planning Community Year 2020 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.

15. The developer, or its successor(s) in title to the undeveloped portion of the subject property, will submit a report annually to Lee County, SWFRPC, FDCA 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 FDCA. The first monitoring report must be submitted to the Administrative Director of the DCA not later than one year after the effective date of this Development Order. Further reporting must be submitted not later than one year of subsequent calendar years thereafter, until build out. 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 County 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.

THE MOTION TO ADOPT this Amendment was offered by Commissioner John E. Manning, and seconded by Commissioner Andrew W. Coy and upon poll of the members present, the vote was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 7th day of August, 2000.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: _____
Chairman

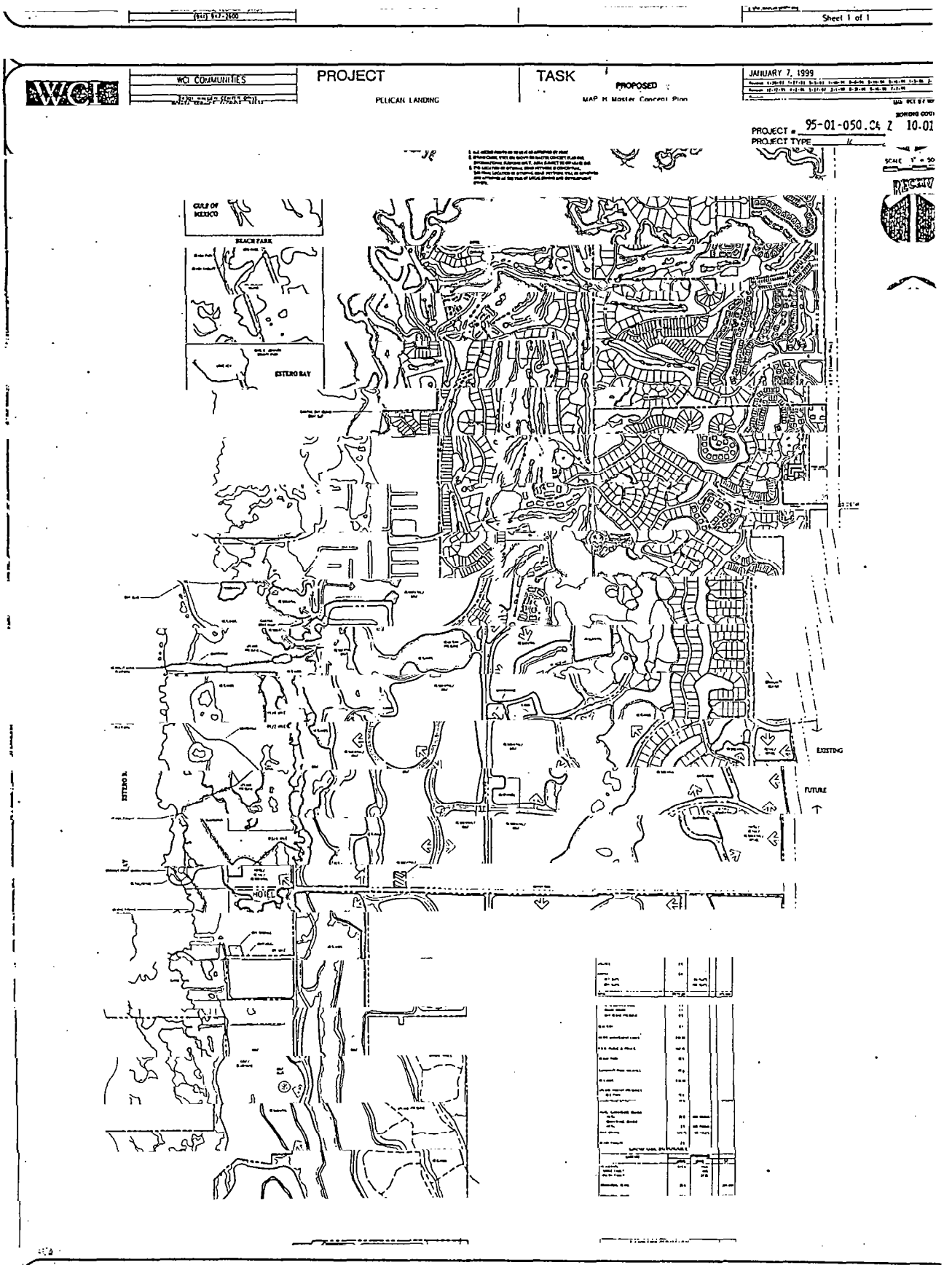
APPROVED AS TO FORM BY:

_____
County Attorney's Office

Attachments:

A. Map H, Master Development Plan - last revised July 7, 1999, stamped received October 7, 1999.
B. Eighth Amendment Pelican Landing DRI Development Parameters

ATTACHMENT A



ATTACHMENT "B"
~~SEVENTH~~ EIGHTH AMENDMENT
PELICAN LANDING DRI
DEVELOPMENT PARAMETERS

Land Use	Units[1]	Existing (1998)	Build out Total (2002)
Residential	DU	1083	4,400
Single Family	DU	402	665
Multi Family	DU	596	3,735
Retail[2]	GFA	11,000	300,000
Office[3]	GFA	134,738	475,000
Hotel/Motel	Rooms	0	750
Recreation Uses			
Pelican Nest Golf Course/Clubhouse/ Practice Range	Holes	21	30
Colony Range Club/ Golf Course/ Clubhouse/Practice Range	Holes	19	19
Resort Golf Course/ Clubhouse Practice Range	Holes	0	19
Tennis Center	Courts	12	24
Coconut Marina	Boat Slips		
	Wet	24	48
	Dry	0	150
Redfish Point	GFA	5,000	5,000
	Boat Slips		
	Wet	15	15
Other[4]	Boat Slips		
	Wet	2	2
	Accessory Parking	0	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

State of Florida
County of Lee

I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 18th day of August A.D. 2000

CHARLIE GREEN, CLERK

By Lisa L Pierce
Deputy Clerk

Accd

RESOLUTION NUMBER Z-00-044

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Neale Montgomery, Esquire, filed an application on behalf of the property owner, WCI Communities, Inc., to rezone 140±-acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to Pelican Landing; and

WHEREAS, a public hearing was advertised and held on July 6, 2000, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #'s DCI2000-00017 and DRI2000-00002; and

WHEREAS, a second public hearing was advertised and held on September 18, 2000, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request

1) to rezone a 140±-acre parcel from AG-2 to RPD to permit golf course uses, with structures not to exceed 20 feet in height;

2) to amend the Pelican Landing Development of Regional Impact (DRI) Development Order #1-9293-121 and DRI Map H to acknowledge the addition of 140± acres of land;

3) to determine whether the proposed change constitutes a substantial deviation from the original DRI Development Order approvals under the provisions of § 380.06(19), Florida Statutes, warranting further Development of Regional Impact review; and

4) to amend the Pelican Landing RPD/CPD (Resolution Z-94-14) to address issues resulting from the addition of 140± acres of land.

The property is located in the Suburban, Wetlands, and Outlying Suburban Land Use Categories and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions specified in Section B below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

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.

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

Maximum Building Height: 20 feet above minimum flood elevation

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.

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."

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.

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, last revised March 6, 2000, 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.

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.

6. Bald Eagle Management Plan: The document entitled "Bald Eagle Management Plan for Nest LE-28A," prepared by Wilson Miller, Inc., dated March 7, 2000, is hereby incorporated as a condition of this zoning approval.

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.

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.

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.

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.

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.

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.

SECTION C. EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

Exhibit A: The legal description of the property.
Exhibit B: Zoning Map (subject parcel identified with shading)
Exhibit C: The Master Concept Plan
Exhibit D: Ninth Development Order Amendment for Pelican Landing DRI

SECTION D. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, Chapter 380, Florida Statutes, and other applicable codes and regulations.

2. The rezoning, as conditioned:

   a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,

   c. is compatible with existing or planned uses in the surrounding area; and,

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development; and,

   e. will not adversely affect environmentally critical areas or natural resources.

3. The approval of this rezoning request satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location; and

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

   c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, will be available and adequate to serve the proposed land use.

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

6. The requests, as conditioned, do not create new or additional unreviewed regional impacts and do not constitute a substantial deviation from the original DRI Development Order approvals under § 380.06(19), Florida Statutes.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Judah, seconded by Commissioner Manning and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 18th day of September 2000.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form by:

_____
County Attorney's Office

RECEIVED
SEP 20 2000
MINUTES OFFICE

EXHIBIT "A"

JOHNSON ENGINEERING, INC.

ENGINEERS, SURVEYORS, PLANNERS AND ECOLOGISTS

FORT MYERS
NAPLES
PORT CHARLOTTE

2158 JOHNSON STREET
TELEPHONE (941) 334-0046
FAX (941) 334-3661
POST OFFICE BOX 1550
FORT MYERS, FLORIDA
33902-1550

CARL E. JOHNSON
1911-1966

February 24, 2000

PROPOSED PELICAN LANDING RPD PARCEL 1

Tracts or parcels lying in Section 5 and Section 8, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows and all consisting of 203.85 acres, more or less:

Parcels in Section 5:

Lots 8b, 9b, 10b, 11b, 12b, and lots 21b, 22b, 23b, 24b, and 25b of Florida Gulf Land Company's Subdivision, all in Section 5, Lee County, Florida (recorded in Plat Book 1 at page 59 of the public records of Lee County, Florida), consisting of 100 acres, more or less.

Also:
The East Three-Quarters (E-3/4) of the Northwest Quarter (NW-1/4) of the Southwest Quarter (SW-1/4) of said Section 5, consisting of 30 acres, more or less.

Also:
The East Two-Thirds (E-2/3) of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) of said Section 5, consisting of 26.67 acres, more or less.

Parcels in Section 8:

The East Two-Thirds (E-2/3) of the West Half (W-1/2) of the Northwest Quarter (NW-1/4) of said Section 8, consisting of approximately 53.55 acres, more or less, less the southerly 40.00 feet for the right-of-way of Coconut Road.

Also:
Lot 8, block 14 of El Dorado acres, an unrecorded subdivision shown in Deed Book 310 at page 183, said public records.

W. Britt Pomeroy, Jr. (for The Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 4448

CHAIRMAN
FORREST H. BANKS

PRESIDENT
STEVEN K. MORRISON

PARTNERS
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DAN W. DICKEY
JOSEPH W. EBNER
ARCHIE T. GRANT, JR.
CHRIS D. HAGAN
KENTON R. KEILING
PATRICIA H. NEWTON
W. BRITT POMEROY
ANDREW D. TILTON
MARK G. WENTZEL
KEVIN M. WINTER

ASSOCIATES
LONNIE V. HOWARD
MICHAEL L. LOHR
MICHAEL W. NORMAN
CHURCH L. ROBERTS, IV
BARRY E. SYREN

19981008\parcel 1(rpd)-022400

JOHNSON ENGINEERING, INC.
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CARL E. JOHNSON
1911-1966

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LONNIE V. HOWARD
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MICHAEL W. NORMAN
CHURCH L. ROBERTS, IV
BARRY E. SYREN

February 24, 2000

PROPOSED PELICAN LANDING RPD/CPD PARCEL 1

A tract or parcel of land lying in Section 7, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a railroad spike marking the northeast corner of the Southeast Quarter (SE-1/4)of said Section 7 run S 00° 23' 24" E along the east line of said fraction for 25.00 feet to an intersection with the south line of Coconut Road (50 feet wide) and the Point of Beginning.

From said Point of Beginning run S 00° 23' 24" E along the east line of said Section 7 for 625.00 feet; thence run S 89° 40' 05" W for 1107.21 feet; thence run N 00° 19' 55" W for 650.00 feet to an intersection with the south line of Government Lot 2 of said Section 7; thence run S 89° 40' 05" W along said south line for 745 feet, more or less, to an intersection with the waters of Estero Bay; thence run along the waters of Estero Bay for 1810 feet, more or less, to a point which intersects the north line of the South Half (S-1/2) of said Government Lot 2; thence run N 89° 32' 15" E along said north line of the South Half (S-1/2) of said Government Lot 2 for 545 feet, more or less, to the northwest corner of lands described in Official Record Book 1895 at page 3817 of the public records of Lee County, Florida; thence S 08° 50' 45" E along the west line of said lands for 199.50 feet; thence N 89° 32' 15" E along the south line of said lands for 247.50 feet; thence run N 89° 35' 27" E for 666.22 feet; thence run N 89° 32' 15" E for 239.00 feet to an intersection with the west line of Coconut Road; thence run S 01° 07' 45" E along said west line for 488.63 feet to an intersection with the south line of said Coconut Road; thence run N 89° 40' 05" E along the south line of said Coconut Road for 24.55 feet to the Point of Beginning.

LESS AND EXCEPT lands described in Official Record Book 1677 at page 3516, said public records.

Containing 39.1 acres, more or less.

W. Britt Pomeroy, Jr. (for The Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 4448

19981008\parcel 1(RPD-CPD)-022400

JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS, PLANNERS AND ECOLOGISTS

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33902-1550

CARL E. JOHNSON
1911-1968

February 24, 2000

PROPOSED PELICAN LANDING RPD PARCEL 2

All of Government Lot 1, Section 7, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at a concrete monument marking the northeast corner of Government Lot 1 of said Section 7 run S 01° 07' 45" E along the east line of said Section 7 for 1324.52 feet to the southeast corner of said Government Lot 1; thence run S 89° 33' 42" W along the south line of said Government Lot 1 for 1747.82 feet to a concrete post at the waters of Estero Bay; thence run northerly and westerly along the waters of Estero Bay to an intersection with the north line of said Section 7; thence run N 89°48'31"E along said north line for 2575 feet, more or less, to the Point of Beginning.
Containing 60 acres, more or less.

W. Britt Pomeroy, Jr. (for the Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 4448

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CARL E. JOHNSON
1911-1968

February 24, 2000

PROPOSED PELICAN LANDING RPD/CPD PARCEL 2

A tract or parcel of land lying in the South Half (S-1/2) of Section 9, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From the northwest corner of the Southwest Quarter (SW-1/4) of said Section 9 run N 00° 41' 48" W for 5.00 feet to the south right-of-way line of Coconut Road (50 foot R.O.W.); thence run S 89° 35' 50" E for 1863.14 feet to the centerline of a certain Florida power and light transmission line easement (100 feet wide) as described in deed book 229 at page 48 of the public records of Lee County, Florida, and the Point of Beginning.

From said Point of Beginning continue S 89° 35' 50" E along said south right-of-way line for 1301.22 feet to an intersection with the west line of Tamiami Trail (State Road No. 45); thence run S 00° 10' 56" W along said west line for 621.81 feet to a point of curvature; thence run along the arc of a curve to the left of radius 5797.58 feet (delta 10° 17' 00") (chord bearing S 04° 57' 34" E) (chord 1039.14 feet) for 1040.54 feet to a point of tangency; thence run S 10° 06' 04" E along said westerly line for 230.98 feet; thence run S 79° 53' 56" W for 70.57 feet to a point of curvature; thence run along the arc of a curve to the right of radius 650.00 feet (delta 49° 49' 26") (chord bearing N 75° 11' 21" W) (chord 547.59 feet) for 565.23 feet to a point of reverse curvature; thence along the arc of a curve to the left of radius 840.00 feet (delta (22° 49' 21") (chord bearing N 61° 41' 18" W) (chord 332.39 feet) for 334.60 feet to a point on a non-tangent curve; thence along the arc of a curve to the left of radius 180.00 feet (delta 27° 59' 03") (chord bearing N 06° 54' 21" W) (chord 87.04 feet) for 87.91 feet to a point of tangency on the western line of said Florida power and light easement; thence run N 20° 53' 52" W along said western easement line for 721.03 feet to a point of curvature; thence along the arc of a curve to the left of radius 330.00 feet (delta 68° 41' 58") (chord bearing N 55° 14' 51" W) (chord 372.40 feet) for 395.68 feet to a point of cusp; thence run S 89° 35' 50" E for 56.51 feet to a point of curvature; thence run along the arc of a curve to the right of radius 530.00 feet (delta 27° 42' 00") (chord bearing S 75° 44' 50" E) (chord 253.74 feet) for 256.23 feet to an intersection with said centerline of said easement; thence run N 20° 53' 52" W along said centerline for 748.16 feet to an intersection with the south line of said Coconut Road and the Point of Beginning.

Containing 42.44 acres, more or less.

W. Britt Pomeroy, Jr. (for The Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 4448

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33902-1550

CARL E. JOHNSON
1911-1966

February 25, 2000

PROPOSED PELICAN LANDING CPD PARCEL 3

A tract or parcel of land lying in the Southeast Quarter (SE-1/4) of Section 9, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at the southwest corner of the Southeast Quarter (SE-1/4) of said Section 9 run N 01° 00' 24" W along the west line of said Southeast Quarter (SE-1/4) for 587.77 feet to a point on a non-tangent curve; thence along the arc of a curve to the left of radius 850.00 feet (delta 39°04'25") (chord bearing S 80° 33' 52" E) (chord 568.50 feet) for 579.67 feet to a point of tangency; thence run N 79° 53' 56" E for 70.57 feet to an intersection with the west line of Tamiami Trail (State Road No. 45); thence run S 10° 06' 04" E along said west line for 507.09 feet to an intersection with the south line of said Section 9; thence run S 89° 23' 00" W along said south line for 708.94 feet to the Point of Beginning.

Containing 7.73 acres, more or less.

W. Britt Pomeroy, Jr. (for the Firm LB 642)
Professional Land Surveyor
Florida Certificate No. 4448

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CARL E. JOHNSON
1911-1964

FEBRUARY 25, 2000

PROPOSED PELICAN LANDING RPD PARCEL 3

A tract or parcel of land lying in Sections 7, 8, 17 and 18, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a railroad spike marking the northwest corner of the Southwest Quarter (SW-1/4) of said Section 8 run S 00° 23' 24" E along the west line of said fraction for 25.00 feet to an intersection with the south line of Coconut Road (50 feet wide) to the Point of Beginning.

From said Point of Beginning run S 89° 16' 14" E along said south line for 3253.00 feet to an intersection with the west line of Spring Creek Road; thence run the following courses and distances along the southerly right-of-way of said Spring Creek Road: S 00° 17' 17" W for 817.15 feet; N 89° 52' 43" W for 14.27 feet to a point of curvature; thence run southwesterly along said arc of a curve to the right of radius 1725.00 feet (chord bearing S 05° 52' 51" W) (chord 346.22 feet) (delta 11° 31' 09") for 346.81 feet to a point of tangency; thence run S 11° 38' 26" W for 178.50 feet to a point of curvature; thence run southwesterly along said arc of a curve to the left of radius 2400.00 feet (chord bearing S 00° 28' 49" W) (chord 929.06 feet) (delta 22° 19' 14") for 934.96 feet to a point of tangency; thence run S 10° 40' 48" E for 231.66 feet to a point of curvature; thence run southeasterly along said arc of a curve to the right of radius 1725.00 feet (chord bearing S 05° 16' 46" E) (chord 324.72) (delta 10° 48' 05") for 325.20 feet to a point on a non-tangent line; thence run S 89° 52' 02" E for 16.47 feet; thence run S 00° 07' 58" W for 1406.64 feet; thence run N 89° 52' 02" W for 5.00 feet to a point of tangency; thence southwesterly along an arc of said curve to the right of radius 1070.00 feet (chord bearing S 37° 51' 54" W) (chord 1309.62 feet) (delta 75° 27' 53") for 1409.31 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 N 89° 59' 08" W along said right-of-way for 287.38 feet to the southeast corner of lands described in Official Record Book 411 at page 759 of said public records; thence run N 01° 31' 36" E along the east line of said lands for 960.34 feet; thence run N 89° 59' 08" W along the north line of said lands for 2200.77 feet to an intersection with the east line of the Northeast Quarter (NE-1/4) of said Section 18; thence run S 89° 58' 17" W along the north line of the south 990 feet of Government Lot 2 for 2081 feet, more or less, to the waters of Estero Bay; thence run northerly along the waters of Estero Bay for 6490 feet, more or less, to an intersection with the south line of Government Lot 2 of said Section 7; thence run N 89° 40' 05" E along said south line for 745 feet, more or less; thence run S 00° 19' 55" E for 650.00 feet; thence run N 89° 40' 05" E for 1107.21 feet to an intersection with the west line of said Section 8; thence run N 00° 23' 24" W along the west line of said Section for 625.00 feet to an intersection with the south line of said Coconut Road and said Point of Beginning.

Containing 54.7 acres, more or less.

W. Britt Pomeroy, Jr. (for The Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 4448

CHAIRMAN
FORREST H. BANKS

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STEVEN K. MORRISON

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33902-1550

CARL E. JOHNSON
1911-1968

February 24, 2000

PROPOSED PELICAN LANDING RPD PARCEL 3A

A tract or parcel of land lying in Section 18, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From the east quarter corner of said Section 18 run N 01° 31' 36" E along the east line of said Section for 990.34 feet; thence run S 89° 58' 17" W along the north line of the south 990 feet of Government Lot 2, said Section 18, for 2081.27 feet to an intersection with a bulkhead line established by Paul T. O' Hargan, Florida Professional Land Surveyor No. 1936 and duly approved by the County of Lee on September 27, 1967 and the State of Florida on November 21, 1967 and the Point of Beginning.

From said Point of Beginning run N 89° 58' 17" E along the aforementioned north line for 1100.00 feet; thence run S 00° 01' 43" E for 180.00 feet; thence run S 89° 58' 17" W, parallel with the said north line of the south 990 feet of Government Lot 2 for 814.13 feet to an intersection with said bulkhead line; thence run the following courses and distances along said bulkhead line: N 18° 39' 48" W for 62.41 feet to a point of curvature; along an arc of a curve for 104.44 feet, having a radius of 100.00 feet, a central angle of 59° 50' 20", a chord of 99.76 feet and a chord bearing of N 48° 34' 58" W to a point of tangency; N 78° 30' 08" W for 144.73 feet to a point of curvature; along an arc of a curve for 56.48 feet, having a radius of 100.00 feet, a central angle of 32° 21' 45", a chord of 55.74 feet and a chord bearing of N 62° 19' 15" W to the Point of Beginning.

Containing 3.71 acres, more or less.

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W. Britt Pomeroy, Jr. (for the Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 4448

STATE OF FLORIDA

19981008\parcel 3a(rpd)-022400

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33902-1550

CARL E. JOHNSON
1911-1994

February 24, 2000

PROPOSED PELICAN LANDING RPD PARCEL 3B

A portion of the west 2200 feet of the south 990 feet of the North Half (N-1/2) of Section 17, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at the west quarter corner of said Section 17 run N 01° 31' 36" E along the west line of said Section 17 for 990.34 feet; thence run S 89° 59' 08" E along a line parallel to and 990.00 feet distant (measured at right angles) from the south line of said North Half (N-1/2) of said Section 17 for 2200.77 feet; thence run S 01° 31' 36" W along a line parallel with and 2200.00 feet distant (measured at right angles) from the west line of said Section 17 for 960.34 feet to the north right-of-way of a 30 foot wide road as recorded in deed book 305, page 276 of the public records of Lee County, Florida, said north right-of-way being 30 feet northerly of and parallel to the south line of said North Half (N-1/2) of Section 17; thence along said north right-of-way line N 89° 59' 08" W for 430.89 feet; thence along the lands known locally as Spring Creek Estates, an unrecorded plat, N 00° 00' 52" E for 510.00 feet; thence run N 89° 59' 08" W for 885.06 feet to a point of curvature; thence along an arc of a curve for 231.02 feet, having a radius of 390.00 feet, a central angle of 33° 56' 23", a chord of 227.66 feet and a chord bearing of S 73° 02' 41" W to a point on the curve; thence run S 00° 00' 52" W for 167.10 feet; thence run S 31° 38' 00" W for 130.70 feet to the northeast corner of lands described in Official Record Book 1194 at page 1085 of said public records; thence westerly along said lands and the waters of a canal 106 feet more or less to the northeast corner of lands described in Official Record Book 1057 at page 38 of said public records; 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 at page 495 of said public records; thence southwesterly along the mean high water line of a canal, 45 feet more or less to the south line of said North Half (N-1/2) of said Section 17; thence N 89° 59' 08" W for 136 feet more or less to the Point of Beginning.
Containing 34.5 acres, more or less.

W. Britt Pomeroy, Jr. (for the Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 4448

CHAIRMAN
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33902-1550

CARL E. JOHNSON
1911-1966

February 24, 2000

PROPOSED PELICAN LANDING RPD PARCEL 4

A tract or parcel of land lying in Sections 8 and 17, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a concrete monument marking the northwest corner of the Southwest Quarter (SW-1/4) of Section 9, Township 47 South, Range 25 East, Lee County, Florida, run S 00° 41' 48" E along the west line of said Section 9 for 5.00 feet to an intersection with the south line of Coconut Road (50 feet wide) as described in Official Record Book 1738 at page 2538 of the Public Records of Lee County, Florida and the Point of Beginning.

From said Point of Beginning run S 00° 39' 58" E continuing along said west line for 2606.06 feet to the southwest corner of said Section 9; thence run S 00° 41' 04" E along the west line of Section 16, Township 47 South, Range 25 East, Lee County, Florida for 504.83 feet to a point on a curve; thence run along the arc of a curve to the right of radius 2760.00 feet (delta 21° 21' 52") (chord bearing S 5° 03' 10" W) (chord 1023.20 feet) for 1029.15 feet; thence N 20° 00' 00" W for 580.12 feet; thence N 89° 52' 02" W for 657.66 feet to an intersection with the east line of Spring Creek Road as described in County Commissioners Minute Book 6 at page 210, said Public Records; thence run N 00° 07' 58" E along said east line for 240.32 feet to an intersection with the south line of the Southeast Quarter (SE-1/4) of said Section 8; thence continue N 00° 07' 17" E along said east line for 343.49 feet; thence run S 89° 38' 58" E for 10.00 feet; thence run N 00° 07' 17" E along said east line for 499.94 feet to the southwest corner of lands described in Official Record Book 428 at page 349, said Public Records; thence run S 89° 21' 02" E along the south line of said lands for 536.00 feet; thence run N 00° 07' 17" E along the east line of said lands for 474.33 feet; thence run N 89° 21' 02" W along the north line of said lands for 546.00 feet to an intersection with the easterly line of said spring creek road; thence run N 00° 07' 17" E along said east line for 1292.76 feet to an intersection with the south line of said Coconut Road; thence run S 89° 16' 14" E along the south line of said Coconut Road for 1802.38 feet to an intersection with the west line of said Section 9 and the Point of Beginning.

Containing 124.18 acres, more or less.

W. Britt Pomeroy, Jr. (for The Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 4448

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CARL E. JOHNSON
1911-1968

April 21, 1998

DESCRIPTION
RPD PARCEL 5 (SKEBE)

A tract or parcel of land lying in Section 5, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

All of Lots B-1 through B-7 and Lots B-26 through B-32, Florida Gulf Land Company's Subdivision as recorded in Plat Book 1 at page 59, Lee County Public Records, Section 4, Township 47 South, Range 25 East, Lee County, Florida.

W. Britt Pomeroy, Jr. (for The Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 4448

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22005\Parcel 4-042198

Applicant's Legal Checked
by gm 7/5/2000

ATTACHMENT "B"
~~EIGHTH~~ NINTH AMENDMENT
PELICAN LANDING DRI
DEVELOPMENT PARAMETERS

Land Use	Units[1]	Existing (1998)	Build out Total (2002)
Residential	DU	1083	4,400
Single Family	DU	402	665
Multi Family	DU	596	3,735
Retail[2]	GFA	11,000	300,000
Office[3]	GFA	134,738	475,000
Hotel/Motel	Rooms	0	750
Recreation Uses			
Pelican Nest Golf Course/Clubhouse/ Practice Range	Holes	21	30
Colony Range Club/ Golf Course/ Clubhouse/Practice Range	Holes	19	19
Resort Golf Course/ Clubhouse Practice Range	Holes	0	~~19~~ 28
Tennis Center	Courts	12	24
Coconut Marina	Boat Slips Wet	24	48
	Dry	0	150
Redfish Point	GFA	5,000	5,000
	Boat Slips Wet	15	15
Other[4]	Boat Slips Wet	2	2
	Accessory Parking	0	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

EXHIBIT D

NINTH ~~EIGHTH~~ DEVELOPMENT ORDER AMENDMENT FOR

PELICAN LANDING

A DEVELOPMENT OF REGIONAL IMPACT

STATE DRI #1-9293-121
COUNTY CASE DRI2000-00002

WHEREAS, on September 28, 1999, WCI Communities, L.P., the owner of the Pelican Landing Development of Regional Impact (DRI) most recently requested an amendment to the original Development Order (DO)adopted August 29, 1994, as amended; 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, and the conditions proposed for the eighth amendment to the Pelican Landing DRI DO; and

WHEREAS, the requested amendment to add 140 acres is presumed to be a substantial deviation pursuant to Section 380.06(19)(e)5.c, Florida Statutes. This presumption may be rebutted by clear and convincing evidence. Evidence was presented at the hearing that established that the addition of the 140± acres does not constitute a substantial deviation requiring additional Development of Regional Impact review; and

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

WHEREAS, the Board of County Commissioners of Lee County, Florida, has considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Staff, the Lee County Hearing Examiner, the documents and comments upon the record made before the Board in public hearing, and after full consideration of those reports, recommendations, comments, and documents, the Board of County Commissioners of Lee County, Florida, finds and determines that the proposed change does not constitute a substantial deviation warranting further DRI review.

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The "Pelican Landing DRI" is a partially built master planned community on ~~2,652.2~~ 2,792.2± acres located approximately three miles north of the Lee/Collier County Line. Approximately 273± acres of the ~~2,652.2~~ 2,792.2±-acre total constitutes the Spring

Creek West DRI. 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 proposal is to construct 4,400 residential units, of which 665 are single-family and 3,735 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 will also include 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 ~~87~~ 143.81 acres of upland habitat preserve, ~~635~~ 678.5 acres of salt and freshwater wetlands, ~~234.68~~ 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 build out is the year 2002.

B. LEGAL DESCRIPTION: 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:

PARCEL 1

A tract or parcel of land lying in Sections 08, 09, 16, 17, 20, and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

Beginning at a concrete monument marking the Northeast corner of said Section 20 run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE¼) of said section;
THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW¼) of said Section 21 for 2,040.41 feet;
THENCE run S00°51'35"E for 801.04 feet to the waters of Spring Creek;
THENCE run 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:
S78°50'00"W for 181.31 feet,
N34°24'12"W for 230.22 feet,
N30°59'12"W for 174.93 feet,
N24°25'16"E for 120.83 feet,
S65°47'43"E for 219.32 feet,
N18°24'43"E for 158.11 feet,
N75°11'47"W for 351.71 feet,
N65°09'33"W for 451.88 feet,
N84°18'44"W for 351.75 feet,

N66°54'31"W for 445.79 feet,
S63°24'43"W for 134.16 feet,
S03°23'22"E for 170.29 feet,
S50°30'17"W for 220.23 feet,
N84°49'43"W for 331.36 feet,
S62°13'07"W for 214.71 feet,
S22°08'36"W for 291.55 feet,
S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW¼) of said Section 20;
THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast corner of said fraction;
THENCE run S89°58'37"W 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:
N09°13'28"W for 137.34 feet,
N29°08'22"W for 590.59 feet,
N38°31'58"W for 278.03 feet,
N65°16'43"W for 254.95 feet,
N37°18'28"W for 286.01 feet,
N32°51'05"E for 252.39 feet,
N20°11'00"E for 236.69 feet,
N27°23'47"W for 369.25 feet,
N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek;
THENCE run along said Easterly shore for 1,220 feet, more or less to an intersection with the North line of said Section 20;
THENCE run N89°15'13"E along said North line of said Section for 970 feet, more or less to a concrete monument marking the Northwest corner of the Northeast Quarter (NE¼) of said Section 20;
THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE¼) of said Section 17 for 2,644.38 feet to an intersection with the South line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records;
THENCE run S89°58'35"E along said South line for 739.45 feet;
THENCE run N00°07'58"E for 30.00 feet to an intersection with the North line of the Southeast Quarter (SE¼) of said Section 17;
THENCE run S89°58'35"E along the North line of said fraction for 375.91 feet to the Southeast corner of lands described in Official Record Book 1713 at Page 1188 of said Public Records;
THENCE run N00°41'04"W for 668.20 feet to the Northeast corner of said lands;
THENCE run N89°50'32"W along the North line of said lands for 366.38 feet to the Easterly line of said Spring Creek Road (50 feet wide);
THENCE run N00°07'58"E for 2,007.04 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;
THENCE continue N00°07'17"E along said East line for 343.54 feet;
THENCE run S89°38'58"E for 10.00 feet;

THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;
THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;
THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;
THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;
THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);
THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;
THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of said Section;
THENCE continue along said West line N00°39'58"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records;
THENCE run S89°35'50"E along said South line for 3,164.37 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S00°10'56"W along said West line for 621.81 feet to a Point of Curvature;
THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a Point of Tangency;
THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE¼) of said Section 16;
THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE¼) of Section 16;
THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE¼) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE¼) of said Section;
THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;
THENCE run S00°06'43"E for 1,085.91 feet;
THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;
THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a Point of Tangency;
THENCE run S00°06'43"E along said West line for 49.81 feet;
THENCE run S89°06'43"W for 300.00 feet;
THENCE run S00°06'43"E for 1,445.82 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 16;
THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW¼) of said Section 16;
THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW¼) for 2,627.98 feet to the POINT OF BEGINNING.

ALSO

PARCEL 2

A tract or parcel of land lying in Sections 07, 08, 17 and 18 which tract or parcel is described as follows:
From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.
From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;
THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;
THENCE run S00°07'58"W along said West line for 2,646.47 feet;
THENCE run N89°58'35"W along the North line of Coconut Road for 689.04 feet to an intersection with the East line of the Northwest Quarter (NW¼) of said Section 17;
THENCE run N89°59'08"W along said North line for 404.79 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;
THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;
THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE¼) of said Section 18;
THENCE continue N89°59'08"W for 1,840 feet more or less to the waters of Estero Bay;
THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S½) of Government Lot 2 of said Section 07;
THENCE run N89°32'15"E along the North line of said Government Lot 2 for 545 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said Public Records;
THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;
THENCE run N89°32'15"E along the South line of said lands for 247.50 feet;
THENCE run N89°35'27"E for 666.22 feet;
THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
THENCE run S01°07'45"E along said West line for 488.63 feet;
THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.
LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516 of the Public Records of Lee County, Florida.

ALSO

PARCEL 3

A tract or parcel of land lying in Sections 05 and 08, Township 47 South, Range 25 East, Lee County, Florida, consisting of:
Lots 8B, 9B, 10B, 11B, 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LAND COMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records of Lee County, also the East Three-quarters (E-¾) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-⅔) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-⅔) of the Western Half (W½) of the Northwest Quarter (NW¼) of said Section 08; being more particularly described by metes and bounds as follows:
From the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S89°16'14"E along the North line of said Southwest Quarter (SW¼) for 422.61 feet;
THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;
THENCE run N01°22'23"W for 1,304.41 feet;
THENCE run N89°56'22"W for 107.12 feet;
THENCE run N01°22'55"W for 1,303.87 feet;
THENCE run N89°34'15"E for 2,593.81 feet;
THENCE run S00°26'45"E for 2,655.42 feet;
THENCE run N88°48'50"W along the North line of said Section 08 for 322.66 feet;
THENCE run N89°25'01"W for 587.55 feet;
THENCE. run S00°50'16"E for 132.58 feet;
THENCE run N89°11'54"W for 75.00 feet;
THENCE run N00°50'16"W for 132.30 feet;
THENCE run N89°25'01"W for 610.69 feet;
THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North right-of-way line of Coconut Road;
THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet to the POINT OF BEGINNING.

ALSO

PARCEL 4

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:
Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;
THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;
THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;
THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING.

Containing 2,409 acres, more or less.
Bearings herein above mentioned are based on the East boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at Pages 58 through 60 of the Public Records of Lee County, Florida.

ALSO

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 SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;
THENCE run S62°26'49"W for 98.40 feet;
THENCE run N27°33'11"W for 1,863.42 feet;
THENCE run N20°00'41"W for 1,403.30 feet;
THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet,
N22°26'23"W for 100.53 feet, N23°09'50"W for 100.14 feet,
N14°51'19"W for 73.01 feet, N27°40'10"W for 88.01 feet,
N29°33'57"W for 46.01 feet, N22°14'53"W for 47.27 feet,
N20°39'23"W for 46.98 feet, N11°15'38"W for 29.80 feet,
N26°10'46"W for 46.87 feet, N09°09'45"W for 48.26 feet,
N17°35'56"W for 46.04 feet, N12°49'07"W for 50.04 feet,
N29°20'48"W for 69.12 feet, N20°48'58"W for 63.82 feet;
THENCE run N79°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 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 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 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;
THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING.

AND

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;
THENCE run S19°13'48"E for 50.64 feet;
THENCE run S04°34'15"E for 54.63 feet;
THENCE run S24°53'12"E for 50.09 feet;

THENCE run S27°10'29"E for 50.01 feet;
THENCE run S31°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 N65°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 N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF BEGINNING.
Bearings herein above mentioned are Plane Coordinate for the Florida West Zone.

ALSO

KERSEY PARCEL

Parcels lying in Section 5, Section 6 and Section 8, Township 47 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Parcels in Section 5:

The West One-Quarter (W¼) of the Northwest One-Quarter (NW¼) of the Southwest One-Quarter (SW¼); and

The West One-Third (W⅓) of the Southwest One-Quarter (SW¼) of the Southwest One-Quarter (SW¼).

Parcels in Section 6:

Government Lot 4 of said Section 6 and the Southeast One-Quarter (SE¼) of the Southeast One-Quarter (SE¼) of said Section 6; and

Parcel as shown in Official Record Book 1762 at Page 4173, Public Records of Lee County, Florida:

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the Southeast One-Quarter (SE¼) of Section 6, Township 47 South, Range 25 East. Further bounded and described as follows:

Starting at the Southeast corner of said Southeast One-Quarter (SE¼) of Section 6; Thence N00°44'33"W along the Easterly line of said fraction for 1300.67 feet to the Southeast corner of the Northeast One-Quarter (NE¼) of said Southeast One-Quarter (SE¼). Said point being the point of beginning of the herein described parcel; Thence N00°41'04"W along the Easterly line of said fraction for 1208.36 feet; Thence West for 349.47 feet; Thence South for 162.50 feet; Thence N80°32'07"W for 600.67 feet; Thence S47°00'45"W for 523.62 feet; Thence South

for 778.51 feet; Thence S89°36'52"E along the Southerly line of the aforesaid fraction of a section for 1339.46 feet to the point of beginning

Bearings are based on a plat prepared by Tri-County Engineering, Inc. in May of 1968.

Parcel in Section 8:

The West One-Third (W⅓) of the West One-Half (W½) of the Northwest One-Quarter (NW¼) of said Section 8, less the Southerly 40.00 feet for the right-of-way of Coconut Road.

Parcel contains 203 acres, more or less.

ALSO

SMOOT PARCEL

That part of the South half of Government Lot 2, Section 7, Township 47 South, Range 25 East, Lee County, Florida, described as follows:

Begin 660 feet North 3 degrees 58 minutes West and 957 feet South 87 degrees 15 minutes West of the Southeast corner of Government Lot 2, Section 7, Township 47 South, Range 25 East, thence South 87 degrees 15 minutes West 247.5 feet, thence South 11 degrees, 8 minutes East 199.6 feet, thence North 87 degrees, 15 minutes East 247.5 feet, thence North 11 degrees, 8 minutes West 199.5 feet to the point of beginning, containing 1.3 acres more or less.

ALSO

SPRING CREEK WEST DRI PARCEL

All of the Northwest Quarter (NW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida:

ALSO INCLUDED THERETO:

All of the Northeast Quarter (NE¼) lying west of Tamiami Trail (US 41) of Section 21, Township 47 South, Range 25 East, Lee County, Florida;

ALSO INCLUDED THERETO:

All of the East Half (E½) of the Southwest Quarter (SW¼), lying North of Spring Creek LESS the East 600 feet thereof, Section 21, Township 47 South, Range 25 East, Lee County, Florida.

ALSO INCLUDED THERETO:

All of the Southeast Quarter (SE¼) of Section 21, lying West of Tamiami Trail (US 41) and North of Spring Creek, Township 47 South, Range 25 East, Lee County, Florida;
Subject to easements and restrictions of record.
Containing 273.1 acres more or less.

AND

The East 600 feet of the East Half (E½) of the Southwest Quarter (SW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida.
Parcel contains 9.7 acres more or less.
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 (E½) of the Southwest Quarter (SW¼) of said Section to Tamiami Trail (US 41).
Subject to any easements, restrictions, reservations and rights-of-way to record.

ALSO

BAYWINDS PARCEL (Added pursuant to the Seventh Development Order Amendment)

A tract or parcel of land being a portion of the South 990 feet of Government Lot 2, Section 18 and a portion of the West 2200 feet of the South 990 feet of the north half of Section 17, Township 47 South, Range 25, Lee County, Florida and being more particularly described as follows:

Beginning at the East quarter corner of said Section 18, run S89°16'50"W 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:
N56°42'05"W, 265.00 feet, to a point of curvature;
Along an arc of a curve for 338.95 feet, having a radius of 520.00 feet, central angle of 37°20'50", chord of 332.98 feet and chord bearing of N38°01'40"W, to a point of tangency;
N19°21'15"W, 481.24 feet, to a point of curvature;

Along an arc of a curve for 104.44 feet, having a radius of 100.00 feet, central angle of 59°50'20", chord of 99.76 feet and chord bearing of N49°16'25"W, to a point of tangency;
N79°11'35"W, 144.73 feet, to a point of curvature;
Along an arc of a curve for 56.48 feet, having a radius of 100.00 feet, central angle of 32°21'45:, chord of 55.74 feet and a chord bearing of N63°00'42"W, to a point of tangency;
THENCE run N89°16'50"E, leaving said Bulkhead Line on a line parallel to, and 990.00 feet distant, measured at right angles from, the south line of said Lot 2 and its westerly extension thereof, for 2081.30 feet, said line being the northerly property line, to the east line of said Section 18, said point of being N0°50'14"E and 990.35 feet from the East Quarter Corner of said Section 18;
THENCE run N89°19'25"E along a line parallel to, and 990.00 feet distant, measured at right angles from, the South line of said North half of said Section 17 for 2200.77 feet;
THENCE run S0°50'14"W along a line parallel to, and 2200.00 feet distant, measured at right angles from, the west line of said Section 17 for 960.34 feet to the North right-of-way of a 30 foot wide road as recorded in Deed Book 305, Page 276, Public Records of Lee County, Florida, said North right-of-way line being 30 feet northerly of and parallel to the South line of the North half of Section 17;
THENCE along said north right-of-way line S89°19'25"W, 430.89 feet;
THENCE along the lands known locally as Spring Creek Estates, and unrecorded plat, N0°40'35"W, 510.00 feet;
S89°19'25"W, 885.06 feet to a point of curvature;
Along an arc of a curve for 231.02 feet, having a radius of 390.00 feet, central angle of 33°56'23", chord of 227.66 feet and chord bearing of S72°21'14"W, to a point on the curve; S0°40'35"E, 167.10 feet;
and S30°56'33"W, 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 mean high water line of a canal, 45 feet more or less to the south line of said north half of said Section 17;
THENCE S89°19'25"W, 136 feet more or less to the POINT OF BEGINNING, containing 72 acres more or less.

ALSO

ACCESSORY PARKING LOT PARCEL (Added pursuant to the Eighth Development Order Amendment)

A parcel of land lying in and being a portion of the East half of the Northwest quarter of Section 8, Township 47 South, Range 25 East of Lee County, Florida and being more particularly described as follows:

COMMENCING at the southwest corner of the East half of the Northwest quarter of Section 8, thence S 89°40'09" E a distance of 342.50 feet to the POINT OF BEGINNING,

Thence S 89°40'09" E a distance of 342.50 feet,
Thence N 01°24'39" W a distance of 408.00 feet,
Thence N 89°40'09" W a distance of 342.50 feet,
Thence S 01°24'39" E a distance of 408.00 feet to the POINT OF BEGINNING,
Containing 3.20 acres more or less.

ALSO

SKEBE PARCEL (Added pursuant to the Ninth Development Order Amendment)

A tract or parcel of land lying in Section 5, Township 47 South, Range 25 East, Lee County Florida, which tract or parcel is described as follows:

All of Lots B-1 through B-7 and Lots B-26 through B-32, Florida Gulf Land Company's Subdivision as recorded in Plat Book 1 at Page 59; Lee County Public Records, Section 4, Township 47 South, Range 25 East, Lee County Florida.

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 proposed Development Order Amendment has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes. 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 classifications of the Lee Plan with 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.

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 annual 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.

K. A portion of the DRI property has been included in the incorporated limits of the City of Bonita Springs pursuant to legislation adopted during the 1999 Legislative session. The property now located in the City of Bonita Springs lies within the area described in section 6 of the Committee Substitute for Senate Bill 2626, 1st Engrossed. Pursuant to Florida Statutes section 380.06(15)(h), a separate DRI development order must be adopted by the City of Bonita Springs that incorporates 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 Statues, the Pelican Landing DRI development order adopted by the county 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.

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, LET IT BE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF 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, and August ___, 2000, 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 will be 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 County and 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 are no regionally significant housing impacts for the first planning horizon of the DRI DO, which ends 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 accept 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 will be 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 home buyers, 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 home buyers 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 will be responsible for the initial electrical hook-up costs. The selection of the generator will be 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 build out. 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 months after the effective date of the DRI DO. *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 developer will mitigate the hurricane shelter impacts for units 4051 through 4400 by paying $18.50 per unit to the Lee County Impact Fee Coordinator at the time of building permit approval. If the developer constructs an assisted living facility, the developer must comply with all aspects of Section 440.441(1)(b), F.S., as may be amended, including the preparation and submittal of a comprehensive emergency management plan that addresses emergency evacuation transportation and adequate sheltering arrangements for the ALF residents. The developer must update this plan annually. The County must use the funds paid pursuant to this condition to construct or upgrade hurricane shelter space in a location that will benefit the residents of the Pelican Landing Community. The eighteen dollar and fifty cents fee (1996 dollars) will be multiplied by the Dodge Data Service Building Cost Index for U.S. and Canadian cities for June 1 of each year subsequent to 1996, up to the time building permits are issued. This multiplier ensures payment of current dollars at the time the permits are issued. If the Building Cost Index is not available, the Consumer Price Index will be used instead, and applied by the method described above. If Lee County adopts an impact fee for hurricane shelters prior to, or during, the acquisition of building permits 4051 through 4400 then the Developer will pay the duly adopted impact fee, provided that fee is no less per unit than the per unit amount set out above, and this condition will have no further force and effect.

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 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 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, as adopted by Lee County.

E. Vegetation and Wildlife/Wetlands

The developer has conducted Protected Species surveys in accordance with the Florida Game and Fresh Water Fish Commission (FGFWFC) 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 parcel and 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.

Prior to any new development within 1500 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 DCA, SWFRPC, FWC Lee County, 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 resubmittal. The agencies will provide a written response to Lee County 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. Lee County and DCA 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 D.O., 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 DO.

The Developer submitted a Final Management Plan to Lee County, FGFWFC, and DCA within 18 months of the effective date of the DRI DO, 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 ~~submitted for~~ 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 ~~must obtain~~ obtained an Incidental Take Permit prior to proceeding with development within ~~these new~~ the gopher tortoise habitat areas. Prior to the start of construction, all gopher tortoise burrows within ~~these~~ 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 ~~will be~~ 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 must design the golf course and conduct 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. 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 purposes, and 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 Improvement District (a district 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 Improvement District, 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 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 County Attorney's office.

7. The Baywinds parcel must be developed in accordance with the following permits: Water Management permit numbers 362932255 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 traffic impact assessment for this project assumes the development parameters and land uses shown in Attachment B, "Pelican Landing DRI Development Parameters." The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Planning Horizon I (1997) and build out (2002). Each annual monitoring report, described in Paragraph 4, must reflect whether the roadways and intersections described below are significantly impacted or are projected to be significantly impacted by this project in the following year.

b. The Pelican Landing DRI is projected to significantly and adversely impact (as defined by Lee County Administrative Code) the following roadways and intersections:

Planning Horizon I (1997)		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 and right turn lanes
	-	Separate WB thru and left turn lanes

Build Out (2002)

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 and 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 and right turn lanes
	-	Separate WB thru and left turn lanes

2. Mitigation

a. The developer will pay impact fees as defined in the Lee County 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 are estimated to be $8,900,000 for the land uses identified in Attachment B. 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. 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 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 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, Lee County may apply any Pelican Landing impact fees not required for those specific improvements to other improvements consistent with the requirements of the Lee County Land Development Code.

b. If through the local development approval process, the developer constructs, with the approval of the Lee County DOT, 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 must dedicate 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 must construct, 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 will occur as follows:

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) Burnt Pine Drive North from Pelican Landing Parkway to Pelican Landing North Entrance: under construction no later than December 31, 1998.

3) Burnt Pine Drive North from Pelican Landing North Entrance to Coconut Road: should be under construction no later than December 31, 1999.

d. The developer agrees to reserve 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 will be dedicated to Lee County if and when requested. 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 may, with the concurrence of Lee County, make an advance payment of a portion of Pelican Landing's total Impact Fees up to 2 million dollars. Lee County would then utilize 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 is currently 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 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 will be 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), unless subsequently dedicated to and accepted by Lee County.

4. Annual Monitoring Report

a. The developer will submit an annual traffic monitoring report to the following entities for review and approval: Lee County, the Florida Department of Transportation (FDOT), the Florida Department of Community Affairs (FDCA), and the Southwest Florida Regional Planning Council (SWFRPC).

The first monitoring report will be submitted one year after the date of the issuance of this DRI Development Order. Reports must be submitted annually thereafter until build out of the project.

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

c. The annual 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 build out.

(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	Hickory Blvd. to Vanderbilt	2 to 4	Planning Horizon I (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 annual 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 is projected to exceed the adopted level of service standards adopted by Lee County within the forthcoming 12 months, and if the project is utilizing more than 5% of LOS "D" service volume 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 is scheduled for construction in the first three years of an adopted local government capital improvement program or state work program.

e. If the annual 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 more than 5% of level of service D service volume 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 Annual Monitoring Report.

I. Wastewater Management/Water Supply

1. The developer or the Bayside 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 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 developer must provide written assurance that any hazardous commercial effluent, generated by the project, 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, 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.

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 as defined by Lee County regulations.

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 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 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 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 five hundred feet of the mangrove fringe of Estero Bay.

3. The management practices that the Developer will 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 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 must be 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 will submit the test reports with the annual monitoring report. The monitoring program will be 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.

5. The Developer will submit a written amended surface and groundwater quality management plan to Lee County and DCA. The amended plan must be approved by DCA prior to the application of chemicals to the proposed golf course. The DCA 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. DCA 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 DCA 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 DCA 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 will be buffered from the proposed golf course by a 100' undisturbed naturally vegetated corridor, except for water management facilities permitted by the SFWMD and except for the removal of exotic plants as required by Lee County. The 100' 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 Lee County 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 DO 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 DCA, SWFRPC, or Lee County pursuant to this DRI DO 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.

L. Adoption of Amended DRI Development Order for Property Remaining in Unincorporated Lee County.

The developer must file and pursue in good faith a Notice of Proposed Change to amend this development order to delete property located within the limits of the City of Bonita Springs. In the event the application for the referenced Notice of Proposed Change is not found sufficient by December 31, 2000, no further permits for development will be issued by Lee County.

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

1. This amended Development Order constitutes a resolution of Lee County, adopted by the Board of County Commissioners in response to the application filed by WCI Communities, L.P. 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, ~~dated January 7, 1999,~~ last revised ~~July 7, 1999~~ July 5, 2000, and stamped received at the permit counter on ~~October 7, 1999~~ July 6, 2000, is attached hereto

as Attachment A 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.

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 County 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 Board of County Commissioners, 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, the Board 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 build out date of 2002, and a termination date of 2005. This term is based on a ten year build out and the recognition that a local Development Order, which is valid for three years, may be obtained in the tenth year.

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 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 2005. If the County 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 2005, 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) and 60 acres of commercial use allocation in the Bonita Springs Planing Community, as established by Lee Plan Map 16, The Planning Communities Map and Table 1(b), known as the Planning Community Year 2020 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.

15. The developer, or its successor(s) in title to the undeveloped portion of the subject property, will submit a report annually to Lee County, SWFRPC, FDCA 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 FDCA. The first monitoring report must be submitted to the Administrative Director of the DCA not later than one year after the effective date of this Development Order. Further reporting must be submitted not later than one year of subsequent calendar years thereafter, until build out. 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 County 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.

THE MOTION TO ADOPT this Amendment was offered by Commissioner Judah and seconded by Commissioner Manning and, upon poll of the members present, the vote was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 18th day of September 2000.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: _____
Chairman

APPROVED AS TO FORM BY:

_____
County Attorney's Office

Attachments:

A. Map H, Master Development Plan - last revised July 5, 2000, stamped received July 6, 2000.
B. Eighth Amendment Pelican Landing DRI Development Parameters

RECEIVED
SEP 20 2000
MINUTES OFFICE

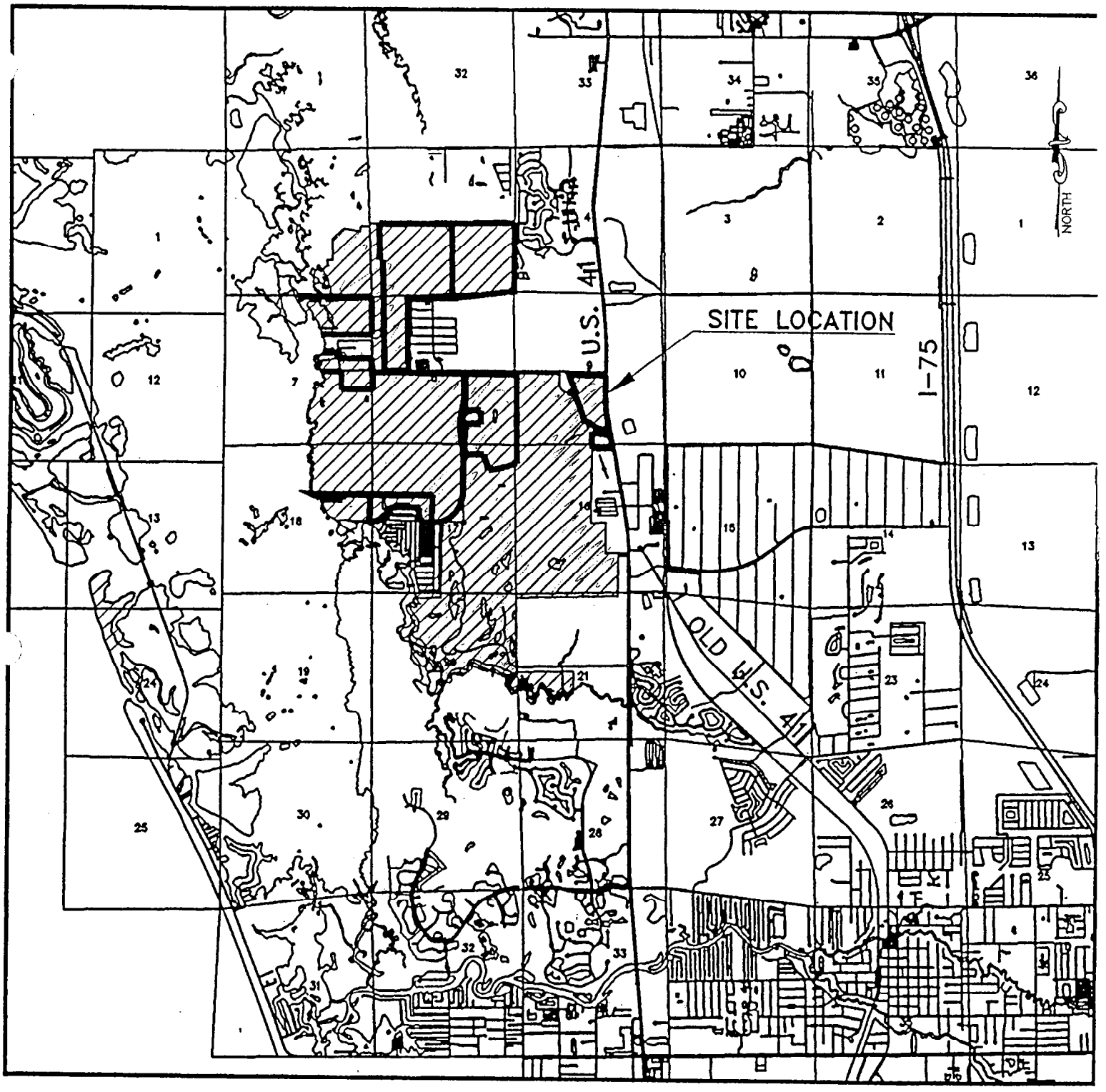
State of Florida
County of Lee

I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 20th day of September, A.D. 2000

CHARLIE GREEN, CLERK

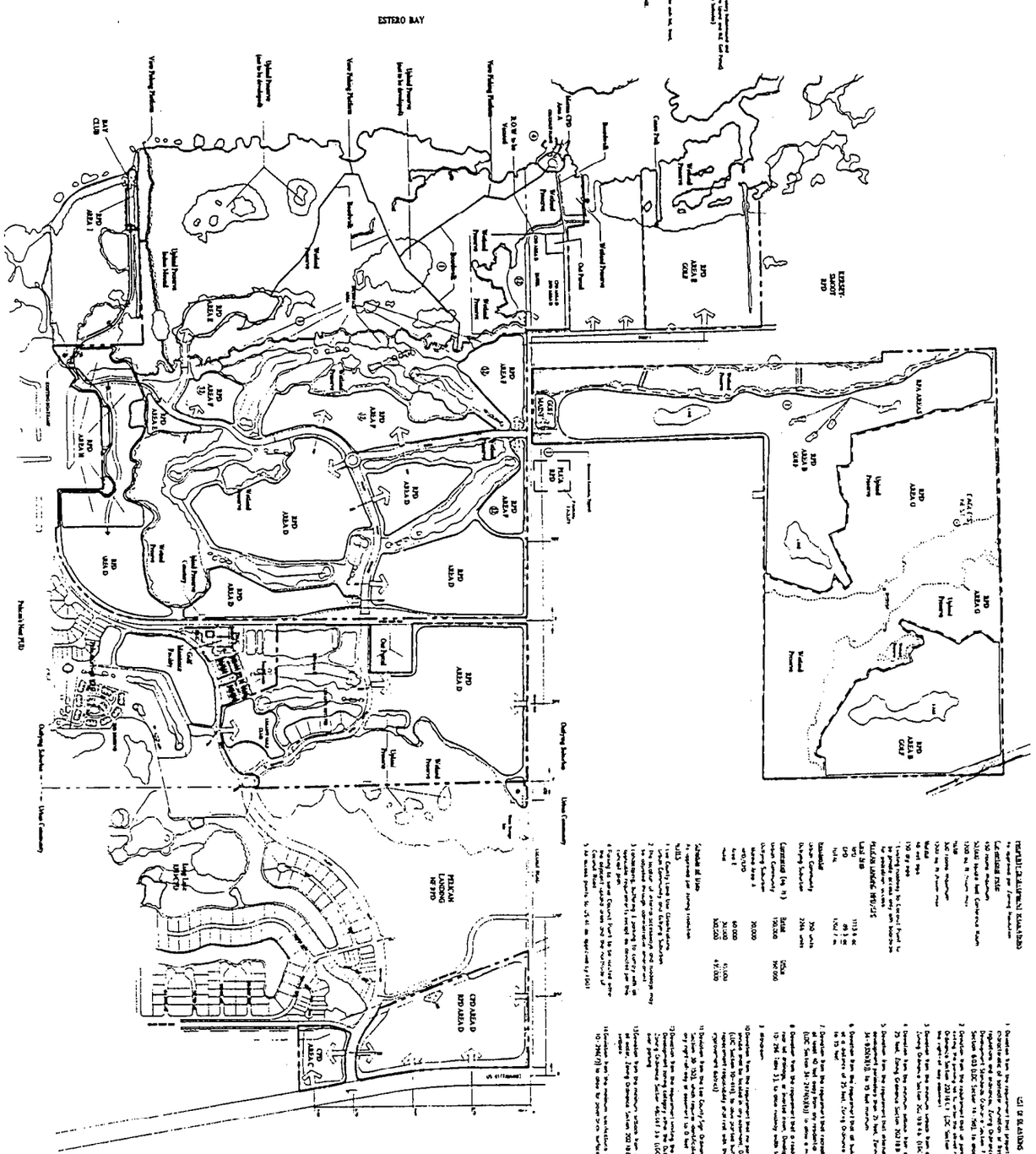
By: _____
Deputy Clerk



LOCATION MAP

NOT TO SCALE

EXHIBIT B



APPROVED
Master Concept Plan

Site Plan # 00-044 Page 1 of 1
Subject to conditions in Resolution Z-00-044
Case # DCI 2000-00017

RECEIVED
JUN 20 2000
ZONING COUNTER

DCI 2000-00017
DRI 2000-00002

Watermark Communities Inc.	WCI COMMUNITIES 24301 WALDEN CENTER DRIVE BONITA SPRINGS, FLORIDA 34134 (941) 947-2600	PROJECT PELICAN LANDING RPD/CPD	TASK MASTER CONCEPT PLAN

FEBRUARY 1, 1999
Revision 4-11-94 4-18-94 5-11-94 5-13-94 9-12-94 10-10-9
Revision 11-17-95 4-2-96 5-2-96 10-15-96 5-2-97 12-16-9
Revision 1-6-98 5-1-98 12-7-98 1-20-99 6-14-00
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Sheet 1 of 1

EXHIBIT C

ACCO

RESOLUTION NUMBER Z-02-002

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, an application was filed by the property owner, WCI Communities, Inc., for an amendment to the Pelican Landing DRI Development Order #1-9293-121; and

WHEREAS, a public hearing was advertised and held on January 9, 2002, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DRI2000-00022; and

WHEREAS, a second public hearing was advertised and held on February 26, 2002 before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to amend the Pelican Landing DRI Development Order to:

a. revise the legal description to reflect the incorporation of a portion of the existing DRI into the City of Bonita Springs; and

b. revise the legal description to correct some minor discrepancies in the description associated with the addition of 140± acres to the DRI in accordance with Case DRI2000-00002; and

c. revise the legal description to conform with the requirements of LDC §34-202; and

d. determine whether the proposed changes constitute a substantial deviation under the provisions of §380.06(19), Florida Statutes requiring further Development of Regional Impact review.

The property is located in the Outlying Suburban, Wetlands, Urban Community and Suburban Land Use Categories and legally described in attached Exhibit A. The request to amend the development order is APPROVED, SUBJECT TO the conditions specified in Section B below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. 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 March 1, 2001, and stamped "Received Mar 6 2001 Permit Counter."

2. 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 Allocations Table, Map 16 and Table 1(b).

SECTION C. EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

Exhibit A: The legal description and STRAP number of the property.
Exhibit B: Zoning Map (subject parcel identified with shading)
Exhibit C. Tenth Development Order Amendment

SECTION D. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the amendment by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The amendment, as approved:

   a. is compatible with existing or planned uses in the surrounding area; and,

   b. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,

   c. will not adversely affect environmentally critical areas or natural resources.

3. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

4. The DRI development order amendment, as conditioned, does not create new or additional unreviewed regional impacts, and does not constitute a Substantial Deviation under §380.06(19), Florida Statutes.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Ray Judah, seconded by Commissioner Douglas St. Cerny and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Absent
John E. Albion	Aye

DULY PASSED AND ADOPTED this 26th day of February, 2002.

ATTEST:
CHARLIE GREEN, CLERK

BY: Michele S. Leismer
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Ray Judah
Vice-Chairman

Approved as to form by:

County Attorney's Office

RECEIVED
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MINUTES OFFICE

JOHNSON ENGINEERING

SINCE 1946

DRI 2000-00022 gm 1

November 1, 2001

DESCRIPTION

PELICAN LANDING DRI – CITY OF BONITA SPRINGS
SECTIONS 16, 17, 20 AND 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Sections 16, 17, 20 and 21, Township 47 South, Range 25 East, City of Bonita Springs, Lee County, Florida, which tract or parcel is described as follows:

Parcel 1-A

Beginning at the Northwest corner of the Northeast Quarter (NE-1/4) of Section 16; thence run S 00° 02' 54" W along said West line of the 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 N 89° 10' 38" E along the South line of said fraction for 538.06 feet; thence run S 00° 06' 43" E for 1085.91 feet; thence run N 89° 06' 43" E for 744.41 feet to an intersection with the West line of Tamiami Trail (US 41 S.R. No. 45); thence run southerly along said West line, along the arc of a non-tangent curve to the right of radius 5619.58 feet (chord bearing S 00° 22' 05" E) (chord 50.21 feet) (delta 00° 30' 43") for 50.21 feet to a point of tangency; thence run S 00° 06' 43" E along said West line for 49.81 feet; thence run S 89° 06' 43" W for 300.00 feet; thence run S 00° 06' 43" E for 1445.84 feet to an intersection with the South line of the Southeast Quarter (SE-1/4) of said Section 16; thence run S 89° 16' 54" W 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 S 88° 38' 34" W 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 S 00° 35' 25" E 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 N 88° 52' 49" E along the North line of the Southwest Quarter (SW-1/4) of said Section 21 for 2,040.41 feet 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 S 00° 51' 35" E along said West line for 801 feet, more or less to the water of Spring Creek; thence run westerly along Spring Creek for 3630 feet more or less to an intersection of the East line of said Section 20; thence run S 00° 38' 52" E along said East line of Section 20 for 91 feet, more or less to an intersection with the approximate centerline of Spring Creek as shown on the Plat of Pelican Landing Unit 5 recorded in Plat Book 59 at Page 11 of said Public Records of Lee County, Florida; thence run along said centerline the following courses: S 78° 50' 00" W for 181.31 feet, N 34° 24' 12" W for 230.22 feet, N 30° 59' 12" W for 174.93 feet, N 24° 25' 16" E for 120.83 feet, S 65° 47' 43" E for 219.32 feet, N 18° 24' 43" E for 158.11 feet, N 75° 11' 47" W for 351.71 feet, N 65° 09' 33" W for 451.88 feet, N 84° 18' 44" W for 351.75 feet, N 66° 54' 31" W for 445.79 feet, S 63° 24' 43" W for 134.16 feet, S 03° 23' 22" E for 170.29 feet, S 50° 30' 17" W for 220.23 feet, N 84° 49' 43" W for 331.36 feet, S 62° 13' 07" W for 214.71 feet, S 22° 08' 36" W for 291.55 feet, S 72° 15' 11" W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW-1/4) of said Section 20; thence run N 00° 50' 19" W along said East line for 520.00 feet to the Northeast corner of said fraction; thence run S 89° 58' 37" W 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

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EXHIBIT A

Creek as shown on said Plat of Pelican Landing Unit 5; thence run along said centerline the following courses: N 09° 13' 28" W for 137.34 feet, N 29° 08' 22" W for 590.59 feet, N 38° 31' 58" W for 278.03 feet, N 65° 16' 43" W for 254.95 feet, N 37° 18' 28" W for 286.01 feet, N 32° 51' 05" E for 252.39 feet, N 20° 11' 00" E for 236.69 feet, N 27° 23' 47" W for 369.25 feet, N 89° 15' 43" E for 50 feet more or less to the easterly shore of said Spring Creek; thence run northerly along said easterly shore for 1220 feet more or less to an intersection with the North line of said Section 20; thence run N 89° 15' 13" E along said North line of said section for 970 feet, more or less to a Concrete Monument marking the Northwest corner of the Northeast Quarter (NE-1/4) of said Section 20; thence run N 00° 31' 30" E 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 N 00° 31' 29" E 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 along the arc of a curve to the left of radius 1130.00 feet (chord bearing N 35° 09' 06" E) (chord 1296.89 feet) (delta 70° 02' 16") for 1381.30 feet; thence run N 89° 52' 02" W for 5.00 feet; thence run N 00° 07' 58" E 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 S 89° 25' 51" E along said north line of the Northeast Quarter (NE-1/4) of said Section 17 for 1838.15 feet to the Northeast corner of said Section 17; thence run N 89° 27' 22" E along the north line of the Northwest Quarter (NW-1/4) of said Section 16 for 2677.24 feet to the Point of Beginning.
Parcel contains 909 acres; more or less.

AND

PARCEL 1-B

Beginning at an 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 Southerly right-of-way of said Spring Creek Road: Southeasterly along an arc of a non-tangent curve to the right of radius 1725.00 feet (chord bearing S 03° 18' 23" E) (chord 206.27) (delta 06° 51' 19") for 206.40 feet to a point on a non-tangent line; thence run S 89° 52' 02" E for 16.47 feet; thence run S 00° 07' 58" W for 1406.64 feet; thence run N 89° 52' 02" W for 5.00 feet to a point of tangency; thence Southwesterly along an arc of said curve to the right of radius 1070.00 feet (chord bearing S 37° 51' 54" W) (chord 1309.62 feet) (delta 75° 27' 53") for 1409.31 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 N 89° 59' 08" W 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: N 00° 00' 52" E for 510.00 feet; N 89° 59' 08" W for 885.06 feet to a point of curvature; along an arc of a curve for 231.02 feet, having a radius of 390.00 feet, central angle of 33° 56' 23", chord of 227.66 feet and chord bearing of S 73° 02' 41" W, to a point on the curve; S 00° 00' 52" W for 167.10 feet; and S 31° 38' 00" W 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

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northwest corner of lands described in Official Record Book 1453, page 495; thence southwesterly along the mean high water line of a canal, 45 feet more or less to the south line of the North Half (N-1/2) of said Section 17; thence N 89° 59' 08" W for 136 feet more or less to the east quarter corner of said Section 18, thence run S 89° 58' 17" W 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: N 56° 00' 38" W for 265.00 feet to a point of curvature; along an arc of a curve for 338.95 feet, having a radius of 520.00 feet, central angle of 37° 20' 50", chord of 332.98 feet and chord bearing of N 37° 20' 13" W, to a point of tangency; N 18° 39' 48" W for 481.24 feet to a point of curvature; along an arc of a curve for 104.44 feet, having a radius of 100.00 feet, central angle of 59° 50' 20", chord of 99.76 feet and a chord bearing of N 48° 34' 58" W, to a point of tangency; N 78° 30' 08" W for 144.73 to a point of curvature; along an arc of a curve for 56.48 feet, having a radius of 100.00 feet, central angle of 32° 21' 45"; chord of 55.74 feet and a chord bearing of N 62° 19' 15" W, to a point of tangency and an intersection with the waters of Estero Bay; thence run northerly along the waters of Estero Bay for 2270 feet more or less to an intersection with the north line of the Northeast Quarter (NE-1/4) of said Section 18; thence run S 89° 25' 49" E along said north line of the Northeast Quarter (NE-1/4) of said Section 18 for 2330 feet, more or less to the northeast corner of Section 18; thence run S 89° 25' 49" E along the north line of the Northwest Quarter (NW-1/4) of said Section 17 for 2558.62 feet to the northeast corner of said Northwest Quarter (NW-1/4); thence run S 89° 25' 51" E along the north line of the Northeast Quarter (NE-1/4) of said Section 17 for 642.07 feet to the Point of Beginning.
Parcel contains 304 acres, more or less.

Frances L. Yerdon (for the Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

20002476\Pelican Landing-City – 110101

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November 1, 2001

PELICAN LANDING DRI – CITY OF BONITA SPRINGS
SPRING CREEK WEST
SECTION 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Section 21, Township 47 South, Range 25 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: South 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 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.

Frances L. Yerdon (for the Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

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DRI 2000-00022 gm 5

August 15, 2001

PARCEL IN
GOVERNMENT LOT 3, SECTION 13
AND
GOVERNMENT LOT 2, SECTION 24
TOWNSHIP 47 SOUTH, RANGE 24 EAST
BIG HICKORY ISLAND, LEE COUNTY, FLORIDA

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 prolongation of said centerline of State Road No. 865 for 266.00 feet; thence run S 62° 26' 49" W for 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 Page 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.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

Frances L. Yerdon (for the Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

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DRI 2000-00022 gmc

November 1, 2001

DESCRIPTION

PELICAN LANDING DRI – UNINCORPORATED LEE COUNTY
SECTIONS 5, 6, 7, 8 AND 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Sections 5, 6, 7, 8 and 9, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

PARCEL 2-A

Beginning at an intersection of the West line of Tamiami Trail (State Road No. 45) with the south line of Coconut Road as described in Official Record Book 1738 at Page 2538 of the Public Records of Lee County, Florida; thence run S 00° 10' 56" W along said West line for 621.81 feet to a point of curvature; thence run southerly and southeasterly along said West line, along the arc of a curve to the left of radius 5797.58 feet (chord bearing S 04° 57' 34" E) (chord 1039.14 feet) (delta 10° 17' 00") for 1040.54 feet to a point of tangency; thence run S 10° 06' 04" E along said westerly line for 938.08 feet to an intersection with the south line of the Southeast Quarter (SE-1/4) of said Section 9; thence run S 89° 23' 00" W along said south line for 708.94 feet to the southwest corner of said Southeast Quarter (SE-1/4) of Section 9; thence run S 89° 27' 22" W along the south line of the Southwest Quarter (SW-1/4) of Section 9 for 2677.24 feet to the southwest corner of the Southwest Quarter (SW-1/4) of Section 9; thence run N 89° 25' 51" W along the south line of the Southeast Quarter (SE-1/4) of said Section 8 for 1,838.15 feet to an intersection with the easterly line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records; thence continue N 00° 07' 17" E along said east line for 343.54 feet; thence run S 89° 38' 58" E for 10.00 feet; thence run N 00° 07' 17" E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records; thence run S 89° 21' 02" E along the South line of said lands for 189.98 feet; thence run N 00° 07' 17" E along the East line of said lands for 125.01 feet; thence run N 89° 21' 02" W along the North line of said lands for 199.98 feet to an intersection with the easterly line of said Spring Creek Road; thence run N 00° 07' 17" E along said East line for 1292.76 feet to an intersection with the South line of Coconut Road (50 feet wide); thence run S 89° 16' 14" E along said South line for 1802.38 feet to an intersection with the West line of said Section 9; thence run N 00° 39' 58" W along said West line for 25.00 feet to a Concrete Monument marking the Northwest corner of the Southwest Quarter (SW-1/4) of said section; thence continue along said west line N 00° 39' 58" W for 5.00 feet to an intersection with the south line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records; thence run S 89° 35' 50" E along said south line for 1549.14 feet; thence run southwesterly along a non-tangent curve to the left of radius 30.00 feet (chord bearing S 45° 24' 10" W) (chord 42.43 feet) (delta 90° 00' 00") for 47.12 feet to a point of tangency; thence run S 00° 24' 10" W for 336.31 feet to a point of curvature; thence run along the arc of a curve to the left of radius 270.00 feet (chord bearing S 44° 35' 50" E) (chord 381.84 feet) (delta 90° 00' 00") for 424.12 feet to a point of tangency; thence run S 89° 35' 50" E for 99.41 feet to a point of curvature; thence run along the arc of a curve to

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the right of radius 530.00 feet (chord bearing S 75° 44' 50" E) (chord 253.74 feet) (delta 27° 42' 00") for 256.23 feet; thence run N 20° 53' 52" W for 748.16 feet to an intersection with the aforementioned south line of Coconut Road; thence run along said south line S 89° 35' 50" E for 1,301.22 feet to the Point of Beginning.
Parcel contains 294.56 acres, more or less.

AND

PARCEL 2-B

From a railroad spike marking the northwest corner of the Southwest Quarter (SW-1/4) of said Section 8 run S 00° 23' 24" E along the west line of said fraction for 25.00 feet to an intersection with the south line of Coconut Road as recorded in County Commissioners Minutes Book 6 at Page 288 of the Public Records of Lee County of Lee County, Florida, and the Point of Beginning.
From said Point of Beginning run S 89° 16' 14" E along said south line for 3253.00 feet to an intersection with the west line of Spring Creek Road; thence run the following courses and distances along said west line of said Spring Creek Road; S 00° 17' 17" W for 817.15 feet; N 89° 52' 43" W for 14.27 feet to a point of curvature; thence run Southwesterly along said arc of a curve to the right of radius 1725.00 feet (chord bearing S 05° 52' 51" W) (chord 346.22 feet) (delta 11° 31' 09") for 346.81 feet to a point of tangency; thence run S 11° 38' 26" W for 178.50 feet to a point of curvature; thence run Southwesterly along said arc of a curve to the left of radius 2400.00 feet (chord bearing S 00° 28' 49" W) (chord 929.06 feet) (delta 22° 19' 14") for 934.96 feet to a point of tangency; thence run S 10° 40' 48" E for 231.66 feet to a point of curvature; thence run Southeasterly along said arc of curve to the right of radius 1725.00 feet (chord bearing S 08° 42' 25" E) (chord 118.78) (delta 03° 56' 45") for 118.80 feet to an intersection with the south line of said Section 8; thence run N 89° 25' 51" W along the south line of the Southeast Quarter (SE-1/4) of said Section 8 for 642.07 feet to the southeast corner of the Southwest Quarter (SW-1/4) of Section 8; thence run N 89° 25' 49" W along the south line of the Southwest Quarter (SW-1/4) of Section 8 for 2558.62 feet to the southwest corner of said Section 8; thence run N 89° 25' 49" W along the south line of the Southeast Quarter (SE-1/4) of said Section 7 for 2330 feet more or less to the waters of Estero Bay; thence run northerly along the waters of Estero Bay for 6,485 feet more or less to an intersection with the north line of the South Half (S-1/2) of Government Lot 2 of said Section 7; thence run N 89° 32' 15" E along the north line of said South Half (S-1/2) of Government Lot 2 for 793 feet more or less to the northeast corner of lands described in Official Record Book 1895 at Page 3817 of said public records; thence run S 08° 50' 45" E along the east line of said lands for 199.50 feet to the southeast corner of said lands; thence run N 89° 35' 27" E for 666.22 feet; thence run N 89° 32' 15" E for 239.00 feet to an intersection with the west line of Coconut Road; thence run S 01° 07' 45" E along said west line for 488.63 feet; thence run N 89° 40' 05" E along the south line of said Coconut Road for 24.69 feet to the Point of Beginning. Less and except Official Record Book 1677 at Page 3516 of said Public Records.
Parcel contains 343 acres, more or less.

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AND

PARCEL 2-C

A parcel of land lying in and being a portion of the East Half of the Northwest Quarter of Section 8, Township 47 South, Range 25 East of Lee County, Florida, being more particularly described as follows:

Commencing at the southwest corner of the East Half (E-1/2) of the Northwest Quarter (NW-1/4) of said Section 8; thence run N 01° 00' 45" W along the west line of said East Half (E-1/2) of the Northwest Quarter (NW-1/4) for 40.02 feet to an intersection with the northerly right-of-way line of Coconut Road (as maintained); thence run S 89° 16' 14" E along said right-of-way for 171.25 feet to the Point of Beginning.

From said Point of Beginning continue S 89° 16' 14" E along said right-of-way a distance of 342.50 feet; thence run N 01° 00' 44" W a distance of 367.98 feet; thence run N 89° 16' 14" W a distance of 342.50 feet; thence run S 01° 00' 44" E a distance of 367.98 feet to the Point of Beginning.

Parcel contains 2.89 acres, more or less.

AND

PARCEL 2-D

All that part of Florida Gulf Land Company's Subdivision as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, Florida, lying in Section 5, Township 47 South, Range 25 East South and West of lands to Florida Power and Light Company as described by deed recorded in Deed Book 244, Page 138 of said Public Records, also Lot 8, Block 14 of Eldorado Acres (an Unrecorded Subdivision) as shown in Deed Book 310 at Page 183 of said public records; also part of Sections 5, 6, 7 and 8, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at the southeast corner of said Section 5; thence run N 88° 46' 30" W along the south line of the Southeast Quarter (SE-1/4) of said Section 5 for 2580.80 feet to the southeast corner of the Southwest Quarter (SW-1/4) of said Section 5; thence run N 89° 25' 13" W along the south line of said Southwest Quarter (SW-1/4) for 587.32 feet to an intersection with the east line of said Lot 8, Block 14, Eldorado Acres, an unrecorded subdivision; thence run the following three courses and distances along the boundary of said Lot 8: S 00° 50' 16" E for 132.70 feet; N 89° 11' 54" W for 75.00; N 00° 50' 16" W for 132.41 feet to an intersection with said south line of the Southwest Quarter (SW-1/4) of Section 5; thence run N 89° 25' 13" W along said south line for 610.82 feet to the northeast corner of the West Half (W-1/2) of the Northwest Quarter (NW-1/4) of

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DRI 2000-00022 gm 1

said Section 8; thence run S 01° 00' 45" E along the east line of said West Half (W-1/2) of the Northwest Quarter (NW-1/4) of Section 8 for 2612.19 feet to an intersection with the northerly right-of-way line (as maintained) of Coconut Road being 40.00 feet north of the centerline of Coconut Road as recorded in County Commissioners Minutes Book 6 at Page 288 of said Public Records, said right-of-way line being the south line of lands as described by deed recorded in Official Record Book 3052 at Page 1748 of said Public Records; thence run N 89° 16' 14" W along said maintained right-of-way for 1267.93 feet to an intersection with the west line of the Northwest Quarter (NW-1/4) of said Section 8; thence run N 01° 07' 45" W along said west line for 1284.51 feet to the southeast corner of Government Lot 1 of said Section 7; thence run S 89° 33' 42" W along the south line of said Government Lot 1 for 1813 feet more or less to the easterly waters of Estero Bay; thence run northerly along the waters of Estero Bay for 3000 feet more or less to an intersection with the north line of Government Lot 4 of said Section 6; thence run N 89° 41' 23" E along said north line or 1807 feet more or less to an intersection with the west line of lands as described by deed recorded in Official Record Book 1762 at Page 4173 of said Public Records; thence run the following courses and distances along the boundary of said lands: N 00° 48' 29" W for 775.70 feet; N 46° 11' 51" E for 523.67 feet; S 81° 20' 47" E for 600.53 feet; N 00° 49' 50" W for 162.49 feet; N 89° 10' 55" E for 349.43 feet; N 01° 31' 46" W for 92.78 feet to an intersection with the north line of the Southwest Quarter (SW-1/4) of said Section 5; thence run N 89° 34' 40" E along said north line for 2592.29 feet to the northeast corner of said Southwest Quarter (SW-1/4); thence run N 89° 31' 44" E along the north line of the Southeast Quarter (SE-1/4) of said Section 5 for 2401.02 feet to an intersection with the southwesterly line of said lands to Florida Power and Light Company; thence run S 20° 51' 33" E along said southwesterly line for 553.91 feet to an intersection with the east line of said Southeast Quarter (SE-1/4) of Section 5; thence run S 00° 08" 26" E along said east line for 2202.99 feet to the Point of Beginning.

Parcel contains 576 acres, more or less.
Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

Frances L. Yerdon (for the Firm LB-642)
Professional Surveyor Mapper
Florida Certificate No. 5652

Legal Checked
gm 12/22/01

20002476\Pelican Landing-County – 110101

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EXHIBIT "A"

LEGAL DESCRIPTION
Property located in Lee County, Florida

The applicant has indicated that the STRAP number for the subject property is: 05-47-25-01-0000B.0070

ZONING MAP

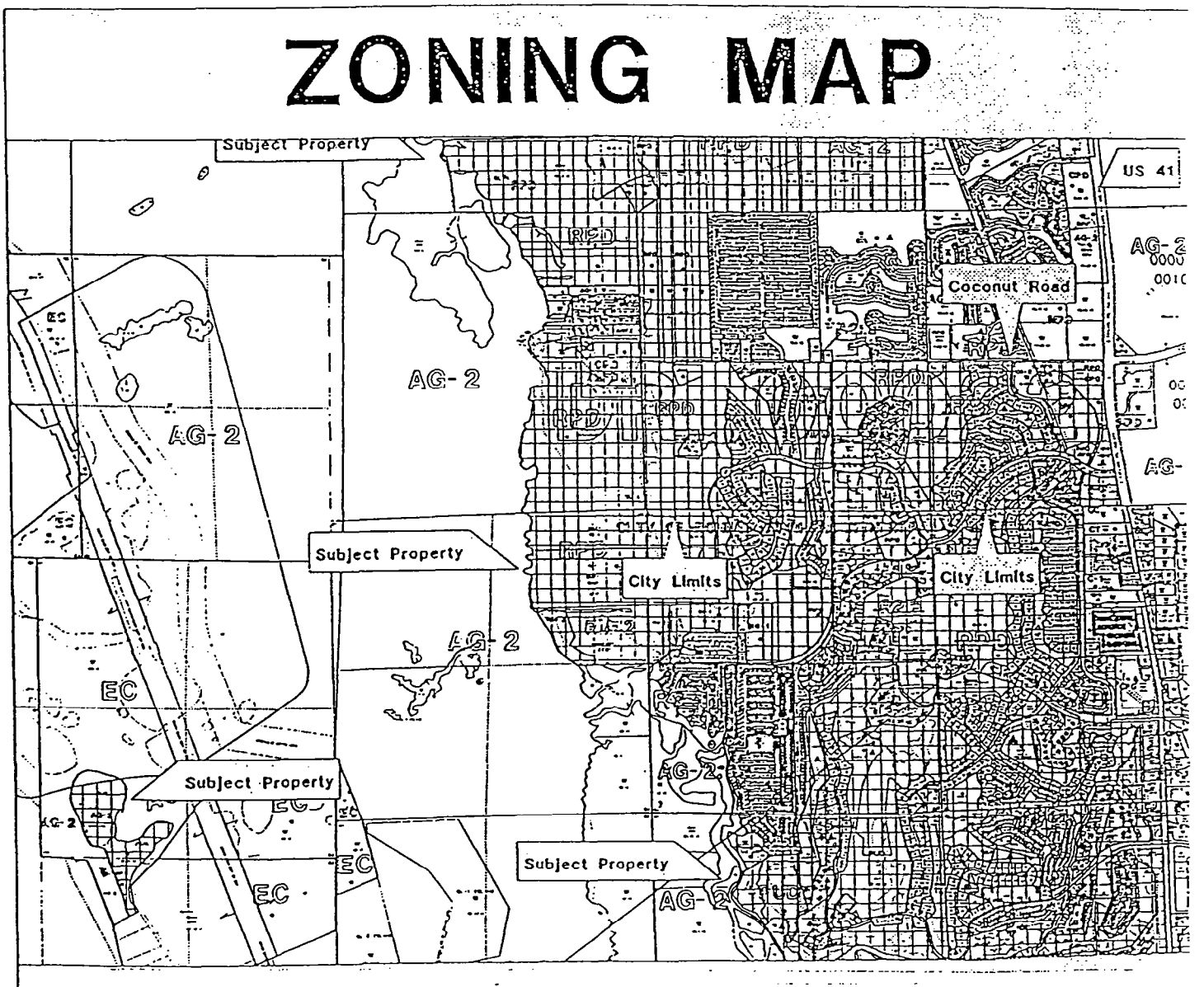


EXHIBIT B

EXHIBIT C

TENTH DEVELOPMENT ORDER AMENDMENT FOR PELICAN LANDING

A DEVELOPMENT OF REGIONAL IMPACT

STATE DRI #1-9293-121
COUNTY CASE DRI2000-00022

WHEREAS, on November 28, 2000, WCI Communities, Inc., the owner of the Pelican Landing Development of Regional Impact (DRI) most recently requested an amendment to the original Development Order (DO)adopted August 29, 1994, as amended; 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; and the conditions proposed for the tenth amendment to the Pelican Landing DRI Development Order; and

WHEREAS, Condition II.L., adopted as part of the ninth development order amendment, requires 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 has submitted an application for the Tenth Amendment to the Pelican Landing DRI Development Order to revise the legal description and clearly define the jurisdictional line between the City and County; and

WHEREAS, the City of Bonita Springs will adopt a substantially similar development order to be applicable within its jurisdiction; and

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

WHEREAS, the Board of County Commissioners of Lee County, Florida, has considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Staff, the Lee County Hearing Examiner, the documents and comments upon the record made before the Board in public hearing, and after full consideration of those reports, recommendations, comments, and documents, the Board of

County Commissioners of Lee County, Florida, finds and determines that the proposed change does not constitute a substantial deviation warranting further DRI review.

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The "Pelican Landing DRI" is a partially built master planned community on ~~2,792.2~~ a total of 2748.25± acres located approximately three miles north of the Lee/Collier County Line. Approximately 1249.8 acres of the Pelican Landing DRI are located within the City of Bonita Springs; approximately 1216.45 acres of the Pelican Landing DRI are located within the unincorporated area of Lee County; and approximately ~~273~~ 282± acres of the ~~2,792.2~~ 2748.25±-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 proposal is to construct 4,400 residential units, of which 665 are single-family and 3,735 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 will also include 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 build out is the year 2002.

B. LEGAL DESCRIPTION: ~~In~~ 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, C and D.

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

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

Exhibit 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.

~~PARCEL 1~~

~~A tract or parcel of land lying in Sections 08, 09, 16, 17, 20, and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:~~

~~Beginning at a concrete monument marking the Northeast corner of said Section 20 run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE¼) of said section;~~

~~THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW¼) of said Section 21 for 2,040.41 feet;~~

~~THENCE run S00°51'35"E for 801.04 feet to the waters of Spring Creek;~~

~~THENCE run 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:~~

~~S78°50'00"W for 181.31 feet,~~

~~N34°24'12"W for 230.22 feet,~~

~~N30°59'12"W for 174.93 feet,~~

~~N24°25'16"E for 120.83 feet,~~

~~S65°47'43"E for 219.32 feet,~~

~~N18°24'43"E for 158.11 feet,~~

~~N75°11'47"W for 351.71 feet,~~

~~N65°09'33"W for 451.88 feet,~~

~~N84°18'44"W for 351.75 feet,~~

~~N66°54'31"W for 445.79 feet,~~

~~S63°24'43"W for 134.16 feet,~~

~~S03°23'22"E for 170.29 feet,~~

~~S50°30'17"W for 220.23 feet,~~

~~N84°49'43"W for 331.36 feet,~~

~~S62°13'07"W for 214.71 feet,~~

~~S22°08'36"W for 291.55 feet,~~

~~S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW¼) of said Section 20;~~

~~THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast corner of said fraction;~~

~~THENCE run S89°58'37"W 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:~~

~~N09°13'28"W for 137.34 feet,~~

~~N29°08'22"W for 590.59 feet,~~

~~N38°31'58"W for 278.03 feet,~~

~~N65°16'43"W for 254.95 feet,~~

~~N37°18'28"W for 286.01 feet,~~

~~N32°51'05"E for 252.39 feet,~~

~~N20°11'00"E for 236.69 feet,~~
~~N27°23'47"W for 369.25 feet,~~
~~N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek;~~
~~THENCE run along said Easterly shore for 1,220 feet, more or less to an intersection with the North line of said Section 20;~~
~~THENCE run N89°15'13"E along said North line of said Section for 970 feet, more or less to a concrete monument marking the Northwest corner of the Northeast Quarter (NE¼) of said Section 20;~~
~~THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE¼) of said Section 17 for 2,644.38 feet to an intersection with the South line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records;~~
~~THENCE run S89°58'35"E along said South line for 739.45 feet;~~
~~THENCE run N00°07'58"E for 30.00 feet to an intersection with the North line of the Southeast Quarter (SE¼) of said Section 17;~~
~~THENCE run S89°58'35"E along the North line of said fraction for 375.91 feet to the Southeast corner of lands described in Official Record Book 1713 at Page 1188 of said Public Records;~~
~~THENCE run N00°41'04"W for 668.20 feet to the Northeast corner of said lands;~~
~~THENCE run N89°50'32"W along the North line of said lands for 366.38 feet to the Easterly line of said Spring Creek Road (50 feet wide);~~
~~THENCE run N00°07'58"E for 2,007.04 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;~~
~~THENCE continue N00°07'17"E along said East line for 343.54 feet;~~
~~THENCE run S89°38'58"E for 10.00 feet;~~
~~THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;~~
~~THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;~~
~~THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;~~
~~THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;~~
~~THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);~~
~~THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;~~
~~THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of said Section;~~
~~THENCE continue along said West line N00°39'58"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records;~~
~~THENCE run S89°35'50"E along said South line for 3,164.37 feet to an intersection with the West line of Tamiami Trail (SR 45);~~
~~THENCE run S00°10'56"W along said West line for 621.81 feet to a Point of Curvature;~~

~~THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a Point of Tangency;~~
~~THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE¼) of said Section 16;~~
~~THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE¼) of Section 16;~~
~~THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE¼) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE¼) of said Section;~~
~~THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;~~
~~THENCE run S00°06'43"E for 1,085.91 feet;~~
~~THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;~~
~~THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a Point of Tangency;~~
~~THENCE run S00°06'43"E along said West line for 49.81 feet;~~
~~THENCE run S89°06'43"W for 300.00 feet;~~
~~THENCE run S00°06'43"E for 1,445.82 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 16;~~
~~THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW¼) of said Section 16;~~
~~THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW¼) for 2,627.98 feet to the POINT OF BEGINNING.~~

~~ALSO~~

~~**PARCEL 2**~~
~~A tract or parcel of land lying in Sections 07, 08, 17 and 18 which tract or parcel is described as follows:~~
~~From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.~~
~~From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;~~
~~THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;~~
~~THENCE run S00°07'58"W along said West line for 2,646.47 feet;~~
~~THENCE run N89°58'35"W along the North line of Coconut Road for 689.04 feet to an intersection with the East line of the Northwest Quarter (NW¼) of said Section 17;~~

~~THENCE run N89°59'08"W along said North line for 404.79 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;~~

~~THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;~~

~~THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE¼) of said Section 18;~~

~~THENCE continue N89°59'08"W for 1,840 feet more or less to the waters of Estero Bay;~~

~~THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S½) of Government Lot 2 of said Section 07;~~

~~THENCE run N89°32'15"E along the North line of said Government Lot 2 for 545 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said Public Records;~~

~~THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;~~

~~THENCE run N89°32'15"E along the South line of said lands for 247.50 feet;~~

~~THENCE run N89°35'27"E for 666.22 feet;~~

~~THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;~~

~~THENCE run S01°07'45"E along said West line for 488.63 feet;~~

~~THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.~~

~~LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516 of the Public Records of Lee County, Florida.~~

~~ALSO~~

~~**PARCEL 3**~~

~~A tract or parcel of land lying in Sections 05 and 08, Township 47 South, Range 25 East, Lee County, Florida, consisting of:~~

~~Lots 8B, 9B, 10B, 11B, 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LAND COMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records of Lee County, also the East Three-quarters (E-¾) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-⅔) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-⅔) of the Western Half (W½) of the Northwest Quarter (NW¼) of said Section 08; being more particularly described by metes and bounds as follows:~~

~~From the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S89°16'14"E along the North line of said Southwest Quarter (SW¼) for 422.61 feet;~~

~~THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING.~~

~~From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;~~

~~THENCE run N01°22'23"W for 1,304.41 feet;~~
~~THENCE run N89°56'22"W for 107.12 feet;~~
~~THENCE run N01°22'55"W for 1,303.87 feet;~~
~~THENCE run N89°34'15"E for 2,593.81 feet;~~
~~THENCE run S00°26'45"E for 2,655.42 feet;~~
~~THENCE run N88°48'50"W along the North line of said Section 08 for 322.66 feet;~~
~~THENCE run N89°25'01"W for 587.55 feet;~~
~~THENCE. run S00°50'16"E for 132.58 feet;~~
~~THENCE run N89°11'54"W for 75.00 feet;~~
~~THENCE run N00°50'16"W for 132.30 feet;~~
~~THENCE run N89°25'01"W for 610.69 feet;~~
~~THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North right-of-way line of Coconut Road;~~
~~THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet to the POINT OF BEGINNING.~~

~~ALSO~~

~~PARCEL 4~~
~~All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:~~
~~Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;~~
~~THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;~~
~~THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;~~
~~THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING.~~
~~Containing 2,409 acres, more or less.~~
~~Bearings herein above mentioned are based on the East boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at Pages 58 through 60 of the Public Records of Lee County, Florida.~~

~~ALSO~~

~~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 SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;~~

~~THENCE run S62°26'49"W for 98.40 feet;~~
~~THENCE run N27°33'11"W for 1,863.42 feet;~~
~~THENCE run N20°00'41"W for 1,403.30 feet;~~
~~THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.~~
~~From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet,~~
~~N22°26'23"W for 100.53 feet, N23°09'50"W for 100.14 feet,~~
~~N14°51'19"W for 73.01 feet, N27°40'10"W for 88.01 feet,~~
~~N29°33'57"W for 46.01 feet, N22°14'53"W for 47.27 feet,~~
~~N20°39'23"W for 46.98 feet, N11°15'38"W for 29.80 feet,~~
~~N26°10'46"W for 46.87 feet, N09°09'45"W for 48.26 feet,~~
~~N17°35'56"W for 46.04 feet, N12°49'07"W for 50.04 feet,~~
~~N29°20'48"W for 69.12 feet, N20°48'58"W for 63.82 feet;~~
~~THENCE run N79°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 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 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 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;~~
~~THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;~~
~~THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING.~~

~~AND~~

~~From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;~~
~~THENCE run S19°13'48"E for 50.64 feet;~~
~~THENCE run S04°34'15"E for 54.63 feet;~~
~~THENCE run S24°53'12"E for 50.09 feet;~~
~~THENCE run S27°10'29"E for 50.01 feet;~~
~~THENCE run S31°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 N65°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 N65°00'00"E and passing through the POINT OF BEGINNING;~~
~~THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF BEGINNING.~~
~~Bearings herein above mentioned are Plane Coordinate for the Florida West Zone.~~

~~ALSO~~

~~KERSEY PARCEL~~

~~Parcels lying in Section 5, Section 6 and Section 8, Township 47 South, Range 25 East, Lee County, Florida, more particularly described as follows:~~

~~Parcels in Section 5:~~

~~The West One-Quarter (W¼) of the Northwest One-Quarter (NW¼) of the Southwest One-Quarter (SW¼); and~~

~~The West One-Third (W⅓) of the Southwest One-Quarter (SW¼) of the Southwest One-Quarter (SW¼).~~

~~Parcels in Section 6:~~

~~Government Lot 4 of said Section 6 and the Southeast One-Quarter (SE¼) of the Southeast One-Quarter (SE¼) of said Section 6; and~~

~~Parcel as shown in Official Record Book 1762 at Page 4173, Public Records of Lee County, Florida:~~

~~A tract or parcel of land situated in the State of Florida, County of Lee, being a part of the Southeast One-Quarter (SE¼) of Section 6, Township 47 South, Range 25 East. Further bounded and described as follows:~~

~~Starting at the Southeast corner of said Southeast One-Quarter (SE¼) of Section 6; Thence N00°44'33"W along the Easterly line of said fraction for 1300.67 feet to the Southeast corner of the Northeast One-Quarter (NE¼) of said Southeast One-Quarter (SE¼). Said point being the point of beginning of the herein described parcel; Thence N00°41'04"W along the Easterly line of said fraction for 1208.36 feet; Thence West for 349.47 feet; Thence South for 162.50 feet; Thence N80°32'07"W for 600.67 feet; Thence S47°00'45"W for 523.62 feet; Thence South for 778.51 feet; Thence S89°36'52"E along the Southerly line of the aforesaid fraction of a section for 1339.46 feet to the point of beginning~~

~~Bearings are based on a plat prepared by Tri-County Engineering, Inc. in May of 1968.~~

~~Parcel in Section 8:~~

~~The West One-Third (W⅓) of the West One-Half (W½) of the Northwest One-Quarter (NW¼) of said Section 8, less the Southerly 40.00 feet for the right-of-way of Coconut Road.~~

~~Parcel contains 203 acres, more or less.~~

~~ALSO~~

~~SMOOT PARCEL~~

~~That part of the South half of Government Lot 2, Section 7, Township 47 South, Range 25 East, Lee County, Florida, described as follows:~~

~~Begin 660 feet North 3 degrees 58 minutes West and 957 feet South 87 degrees 15 minutes West of the Southeast corner of Government Lot 2, Section 7, Township 47 South, Range 25 East, thence South 87 degrees 15 minutes West 247.5 feet, thence South 11 degrees, 8 minutes East 199.6 feet, thence North 87 degrees, 15 minutes East 247.5 feet, thence North 11 degrees, 8 minutes West 199.5 feet to the point of beginning, containing 1.3 acres more or less.~~

~~ALSO~~

~~SPRING CREEK WEST DRI PARCEL~~

~~All of the Northwest Quarter (NW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida:~~

~~ALSO INCLUDED THERETO:~~

~~All of the Northeast Quarter (NE¼) lying west of Tamiami Trail (US 41) of Section 21, Township 47 South, Range 25 East, Lee County, Florida;~~

~~ALSO INCLUDED THERETO:~~

~~All of the East Half (E½) of the Southwest Quarter (SW¼), lying North of Spring Creek LESS the East 600 feet thereof, Section 21, Township 47 South, Range 25 East, Lee County, Florida.~~

~~ALSO INCLUDED THERETO:~~

~~All of the Southeast Quarter (SE¼) of Section 21, lying West of Tamiami Trail (US 41) and North of Spring Creek, Township 47 South, Range 25 East, Lee County, Florida;~~
~~Subject to easements and restrictions of record.~~
~~Containing 273.1 acres more or less.~~

~~AND~~

~~The East 600 feet of the East Half (E½) of the Southwest Quarter (SW¼) of Section 21, Township 47 South, Range 25 East, Lee County, Florida.~~
~~Parcel contains 9.7 acres more or less.~~

~~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 (E½) of the Southwest Quarter (SW¼) of said Section to Tamiami Trail (US 41).~~
~~Subject to any easements, restrictions, reservations and rights-of-way to record.~~

~~ALSO~~

~~BAYWINDS PARCEL~~ **~~(Added pursuant to the Seventh Development Order Amendment)~~**

~~A tract or parcel of land being a portion of the South 990 feet of Government Lot 2, Section 18 and a portion of the West 2200 feet of the South 990 feet of the north half of Section 17, Township 47 South, Range 25, Lee County, Florida and being more particularly described as follows:~~

~~Beginning at the East quarter corner of said Section 18, run S89°16'50"W 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:~~
~~N56°42'05"W, 265.00 feet, to a point of curvature;~~
~~Along an arc of a curve for 338.95 feet, having a radius of 520.00 feet, central angle of 37°20'50", chord of 332.98 feet and chord bearing of N38°01'40"W, to a point of tangency;~~
~~N19°21'15"W, 481.24 feet, to a point of curvature;~~
~~Along an arc of a curve for 104.44 feet, having a radius of 100.00 feet, central angle of 59°50'20", chord of 99.76 feet and chord bearing of N49°16'25"W, to a point of tangency;~~
~~N79°11'35"W, 144.73 feet, to a point of curvature;~~
~~Along an arc of a curve for 56.48 feet, having a radius of 100.00 feet, central angle of 32°21'45:, chord of 55.74 feet and a chord bearing of N63°00'42"W, to a point of tangency;~~
~~THENCE run N89°16'50"E, leaving said Bulkhead Line on a line parallel to, and 990.00 feet distant, measured at right angles from, the south line of said Lot 2 and its westerly extension thereof, for 2081.30 feet, said line being the northerly property line, to the east line of said Section 18, said point of being N0°50'14"E and 990.35 feet from the East Quarter Corner of said Section 18;~~

~~THENCE run N89°19'25"E along a line parallel to, and 990.00 feet distant, measured at right angles from, the South line of said North half of said Section 17 for 2200.77 feet;~~

~~THENCE run S0°50'14"W along a line parallel to, and 2200.00 feet distant, measured at right angles from, the west line of said Section 17 for 960.34 feet to the North right-of-way of a 30 foot wide road as recorded in Deed Book 305, Page 276, Public Records of Lee County, Florida, said North right-of-way line being 30 feet northerly of and parallel to the South line of the North half of Section 17;~~

~~THENCE along said north right-of-way line S89°19'25"W, 430.89 feet;~~

~~THENCE along the lands known locally as Spring Creek Estates, and unrecorded plat, N0°40'35"W, 510.00 feet;~~

~~S89°19'25"W, 885.06 feet to a point of curvature;~~

~~Along an arc of a curve for 231.02 feet, having a radius of 390.00 feet, central angle of 33°56'23", chord of 227.66 feet and chord bearing of S72°21'14"W, to a point on the curve; S0°40'35"E, 167.10 feet;~~

~~and S30°56'33"W, 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 mean high water line of a canal, 45 feet more or less to the south line of said north half of said Section 17;~~

~~THENCE S89°19'25"W, 136 feet more or less to the POINT OF BEGINNING,~~

~~containing 72 acres more or less.~~

~~ALSO~~

~~ACCESSORY PARKING LOT PARCEL (Added pursuant to the Eighth Development Order Amendment)~~

~~A parcel of land lying in and being a portion of the East half of the Northwest quarter of Section 8, Township 47 South, Range 25 East of Lee County, Florida and being more particularly described as follows:~~

~~COMMENCING at the southwest corner of the East half of the Northwest quarter of Section 8, thence S 89°40'09" E a distance of 342.50 feet to the POINT OF BEGINNING;~~

~~Thence S 89°40'09" E a distance of 342.50 feet,~~

~~Thence N 01°24'39" W a distance of 408.00 feet,~~

~~Thence N 89°40'09" W a distance of 342.50 feet,~~

~~Thence S 01°24'39" E a distance of 408.00 feet to the POINT OF BEGINNING,~~

~~Containing 3.20 acres more or less.~~

~~ALSO~~

~~SKEBE PARCEL (Added pursuant to the Ninth Development Order Amendment)~~

~~A tract or parcel of land lying in Section 5, Township 47 South, Range 25 East, Lee County Florida, which tract or parcel is described as follows:~~

~~All of Lots B-1 through B-7 and Lots B-26 through B-32, Florida Gulf Land Company's Subdivision as recorded in Plat Book 1 at Page 59, Lee County Public Records, Section 4, Township 47 South, Range 25 East, Lee County Florida.~~

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 proposed Development Order Amendment has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes. 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 classifications of the Lee Plan with 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.

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 annual 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.

K. A portion of the DRI property has been included in the incorporated limits of the City of Bonita Springs pursuant to legislation adopted during the 1999 Legislative session. The property now located in the City of Bonita Springs lies within the area described in section 6 of the Committee Substitute for Senate Bill 2626, 1st Engrossed. Pursuant to Florida Statutes section 380.06(15)(h), a separate DRI development order must be adopted by the City of Bonita Springs that incorporates 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 Statues, the Pelican Landing DRI development order adopted by the county 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.

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, LET IT BE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF 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, and August 7, 2000, 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 will be 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 County and 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 are no regionally significant housing impacts for the first planning horizon of the DRI Development Order, which ends 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 accept 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 will be 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 home buyers, 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 home buyers 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 will be responsible for the initial electrical hook-up costs. The selection of the generator will be 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 build out. 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 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 developer will mitigate the hurricane shelter impacts for units 4051 through 4400 by paying $18.50 per unit to the Lee County Impact Fee Coordinator at the time of building permit approval. If the developer constructs an assisted living facility, the developer must comply with all aspects of Section 440.441(1)(b), F.S., as may be amended, including the preparation and submittal of a comprehensive emergency management plan that addresses emergency evacuation transportation and adequate sheltering arrangements for the ALF residents. The developer must update this plan annually. The County must use the funds paid pursuant to this condition to construct or upgrade hurricane shelter space in a location that will benefit the residents of the Pelican Landing Community. The eighteen dollar and fifty cents fee (1996 dollars) will be multiplied by the Dodge Data Service Building Cost Index for U.S. and Canadian cities for June 1 of each year subsequent to 1996, up to the time building permits are issued. This multiplier ensures payment of current dollars at the time the permits are issued. If the Building Cost Index is not available, the Consumer Price Index will be used instead, and applied by the method described above. If Lee County adopts an impact fee for hurricane shelters prior to, or during, the acquisition of building permits 4051 through 4400 then the Developer will pay the duly adopted impact fee, provided that fee is no less per unit than the per unit amount set out above, and this condition will have no further force and effect.

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 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 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, as adopted by Lee County.

E. Vegetation and Wildlife/Wetlands

The developer has 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 parcel and 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.

Prior to any new development within 1500 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 DCA, SWFRPC, FWC Lee County, 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 resubmittal. The agencies will provide a written response to Lee County 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. Lee County and DCA 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 must design the golf course and conduct 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. 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 purposes, and 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 Improvement District (a district 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. ~~W~~ater 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 Improvement District, 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 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 County Attorney's office.

7. The Baywinds parcel must be developed in accordance with the following permits: Water Management permit numbers ~~362932255~~ 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 traffic impact assessment for this project assumes the development parameters and land uses shown in ~~Attachment B~~ Exhibit F, "Pelican Landing DRI Development Parameters." The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Planning Horizon I (1997) and build out (2002). Each annual monitoring report, described in Paragraph 4, must reflect whether the roadways and intersections described below are significantly impacted or are projected to be significantly impacted by this project in the following year.

b. The Pelican Landing DRI is projected to significantly and adversely impact (as defined by Lee County Administrative Code) the following roadways and intersections:

Planning Horizon I (1997)		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 and right turn lanes
	-	Separate WB thru and left turn lanes

Build Out (2002)

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 and 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 and right turn lanes
	-	Separate WB thru and left turn lanes

2. Mitigation

a. The developer will pay impact fees as defined in the Lee County 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 are estimated to be $8,900,000 for the land uses identified in ~~Attachment B~~ Exhibit 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. 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 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 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, Lee County may apply any Pelican Landing impact fees not required for those specific improvements to other improvements consistent with the requirements of the Lee County Land Development Code.

b. If through the local development approval process, the developer constructs, with the approval of the Lee County DOT, 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 must dedicate 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 must construct, 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 will occur as follows:

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) Burnt Pine Drive North from Pelican Landing Parkway to Pelican Landing North Entrance: under construction no later than December 31, 1998.

3) Burnt Pine Drive North from Pelican Landing North Entrance to Coconut Road: should be under construction no later than December 31, 1999.

d. The developer agrees to reserve 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 will be dedicated to Lee County if and when requested. 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 may, with the concurrence of Lee County, make an advance payment of a portion of Pelican Landing's total Impact Fees up to 2 million dollars. Lee County would then utilize 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 is currently 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 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 will be 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), unless subsequently dedicated to and accepted by Lee County.

4. Annual Monitoring Report

a. The developer will submit an annual traffic monitoring report to the following entities for review and approval: Lee County, the Florida Department of Transportation (FDOT), the Florida Department of Community Affairs (FDCA), and the Southwest Florida Regional Planning Council (SWFRPC).

The first monitoring report will be submitted one year after the date of the issuance of this DRI Development Order. Reports must be submitted annually thereafter until build out of the project.

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

c. The annual 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 build out.

(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	Hickory Blvd. to Vanderbilt	2 to 4	Planning Horizon I (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 annual 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 is projected to exceed the adopted level of service standards adopted by Lee County within the forthcoming 12 months, and if the project is utilizing more than 5% of LOS "D" service volume 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 is scheduled for construction in the first three years of an adopted local government capital improvement program or state work program.

e. If the annual 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 more than 5% of level of service D service volume 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 Annual Monitoring Report.

I. Wastewater Management/Water Supply

1. The developer or the Bayside 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 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 developer must provide written assurance that any hazardous commercial effluent, generated by the project, 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, 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.

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 as defined by Lee County regulations.

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 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 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 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 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 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 must be 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 will submit the test reports with the annual monitoring report. The monitoring program will be 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.

5. The Developer will submit a written amended surface and groundwater quality management plan to Lee County and DCA. The amended plan must be approved by DCA prior to the application of chemicals to the proposed golf course. The DCA 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. DCA 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 DCA 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 DCA 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 will be 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 Lee County. 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 Lee County 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 DCA, SWFRPC, or Lee County 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.

L. ~~Adoption of Amended DRI Development Order for Property Remaining in Unincorporated Lee County.~~ **Dual Jurisdiction**

~~The developer must file and pursue in good faith a Notice of Proposed Change to amend this development order to delete property located within the limits of the City of Bonita Springs. In the event the application for the referenced Notice of Proposed Change is not found sufficient by December 31, 2000, no further permits for development will be issued by Lee County.~~ 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 Lee County, adopted by the Board of County Commissioners in response to the application filed by WCI Communities, L.P. 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 ~~July 5, 2000~~ _____, and stamped received at the permit counter on ~~July 6, 2000~~ _____, is attached hereto as ~~Attachment A~~ Exhibit 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 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 County 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 Board of County Commissioners, 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, the Board 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 build out date of 2002, and a termination date of 2005. This term is based on a ten year build out and the recognition that a local Development Order, which is valid for three years, may be obtained in the tenth year.

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 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 2005. If the County 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 2005, 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) and 60 acres of commercial use allocation in the Bonita Springs Planing Community, as established by Lee Plan Map 16, The Planning Communities Map and Table 1(b), known as the Planning Community Year 2020 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.

15. The developer, or its successor(s) in title to the undeveloped portion of the subject property, will submit a report annually to Lee County, SWFRPC, FDCA 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 FDCA. The first monitoring report must be submitted to the Administrative Director of the DCA not later than one year after the effective date of this Development Order. Further reporting must be submitted not later than one year of subsequent calendar years thereafter, until build out. 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 County 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.

THE MOTION TO ADOPT this Amendment was offered by Commissioner Ray Judah, and seconded by Commissioner Douglas St. Cerny and, upon poll of the members present, the vote was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Absent
John E. Albion	Aye

DULY PASSED AND ADOPTED this 26th day of February, 2002

ATTEST:
CHARLIE GREEN, CLERK

BY: Michelle L Zeisner
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: Ray Judah
Vice-Chairman

RECEIVED
MAR - 1 2002

APPROVED AS TO FORM BY:

County Attorney's Office

Attachments:

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

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

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

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

Exhibit E. Map H, Master Development Plan - last revised March 1, 2001, stamped received March 6, 2001.

Exhibit F. Pelican Landing DRI Development Parameters

JOHNSON ENGINEERING

SINCE 1946

November 1, 2001

DESCRIPTION

PELICAN LANDING DRI – UNINCORPORATED LEE COUNTY SECTIONS 5, 6, 7, 8 AND 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

A tract or parcel of land lying in Sections 5, 6, 7, 8 and 9, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

PARCEL 2-A

Beginning at an intersection of the West line of Tamiami Trail (State Road No. 45) with the south line of Coconut Road as described in Official Record Book 1738 at Page 2538 of the Public Records of Lee County, Florida; thence run S 00° 10' 56" W along said West line for 621.81 feet to a point of curvature; thence run southerly and southeasterly along said West line, along the arc of a curve to the left of radius 5797.58 feet (chord bearing S 04° 57' 34" E) (chord 1039.14 feet) (delta 10° 17' 00") for 1040.54 feet to a point of tangency; thence run S 10° 06' 04" E along said westerly line for 938.08 feet to an intersection with the south line of the Southeast Quarter (SE-1/4) of said Section 9; thence run S 89° 23' 00" W along said south line for 708.94 feet to the southwest corner of said Southeast Quarter (SE-1/4) of Section 9; thence run S 89° 27' 22" W along the south line of the Southwest Quarter (SW-1/4) of Section 9 for 2677.24 feet to the southwest corner of the Southwest Quarter (SW-1/4) of Section 9; thence run N 89° 25' 51" W along the south line of the Southeast Quarter (SE-1/4) of said Section 8 for 1,838.15 feet to an intersection with the easterly line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records; thence continue N 00° 07' 17" E along said east line for 343.54 feet; thence run S 89° 38' 58" E for 10.00 feet; thence run N 00° 07' 17" E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records; thence run S 89° 21' 02" E along the South line of said lands for 189.98 feet; thence run N 00° 07' 17" E along the East line of said lands for 125.01 feet; thence run N 89° 21' 02" W along the North line of said lands for 199.98 feet to an intersection with the easterly line of said Spring Creek Road; thence run N 00° 07' 17" E along said East line for 1292.76 feet to an intersection with the South line of Coconut Road (50 feet wide); thence run S 89° 16' 14" E along said South line for 1802.38 feet to an intersection with the West line of said Section 9; thence run N 00° 39' 58" W along said West line for 25.00 feet to a Concrete Monument marking the Northwest corner of the Southwest Quarter (SW-1/4) of said section; thence continue along said west line N 00° 39' 58" W for 5.00 feet to an intersection with the south line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records; thence run S 89° 35' 50" E along said south line for 1549.14 feet; thence run southwesterly along a non-tangent curve to the left of radius 30.00 feet (chord bearing S 45° 24' 10" W) (chord 42.43 feet) (delta 90° 00' 00") for 47.12 feet to a point of tangency; thence run S 00° 24' 10" W for 336.31 feet to a point of curvature; thence run along the arc of a curve to the left of radius 270.00 feet (chord bearing S 44° 35' 50" E) (chord 381.84 feet) (delta 90° 00' 00") for 424.12 feet to a point of tangency; thence run S 89° 35' 50" E for 99.41 feet to a point of curvature; thence run along the arc of a curve to

Fort Myers, Florida 33907-1550

the right of radius 530.00 feet (chord bearing S 75° 44' 50" E) (chord 253.74 feet) (delta 27° 42' 00") for 256.23 feet; thence run N 20° 53' 52" W for 748.16 feet to an intersection with the aforementioned south line of Coconut Road; thence run along said south line S 89° 35' 50" E for 1,301.22 feet to the Point of Beginning.
Parcel contains 294.56 acres, more or less.

AND

PARCEL 2-B

From a railroad spike marking the northwest corner of the Southwest Quarter (SW-1/4) of said Section 8 run S 00° 23' 24" E along the west line of said fraction for 25.00 feet to an intersection with the south line of Coconut Road as recorded in County Commissioners Minutes Book 6 at Page 288 of the Public Records of Lee County of Lee County, Florida, and the Point of Beginning.
From said Point of Beginning run S 89° 16' 14" E along said south line for 3253.00 feet to an intersection with the west line of Spring Creek Road; thence run the following courses and distances along said west line of said Spring Creek Road; S 00° 17' 17" W for 817.15 feet; N 89° 52' 43" W for 14.27 feet to a point of curvature; thence run Southwesterly along said arc of a curve to the right of radius 1725.00 feet (chord bearing S 05° 52' 51" W) (chord 346.22 feet) (delta 11° 31' 09") for 346.81 feet to a point of tangency; thence run S 11° 38' 26" W for 178.50 feet to a point of curvature; thence run Southwesterly along said arc of a curve to the left of radius 2400.00 feet (chord bearing S 00° 28' 49" W) (chord 929.06 feet) (delta 22° 19' 14") for 934.96 feet to a point of tangency; thence run S 10° 40' 48" E for 231.66 feet to a point of curvature; thence run Southeasterly along said arc of curve to the right of radius 1725.00 feet (chord bearing S 08° 42' 25" E) (chord 118.78) (delta 03° 56' 45") for 118.80 feet to an intersection with the south line of said Section 8; thence run N 89° 25' 51" W along the south line of the Southeast Quarter (SE-1/4) of said Section 8 for 642.07 feet to the southeast corner of the Southwest Quarter (SW-1/4) of Section 8; thence run N 89° 25' 49" W along the south line of the Southwest Quarter (SW-1/4) of Section 8 for 2558.62 feet to the southwest corner of said Section 8; thence run N 89° 25' 49" W along the south line of the Southeast Quarter (SE-1/4) of said Section 7 for 2330 feet more or less to the waters of Estero Bay; thence run northerly along the waters of Estero Bay for 6,485 feet more or less to an intersection with the north line of the South Half (S-1/2) of Government Lot 2 of said Section 7; thence run N 89° 32' 15" E along the north line of said South Half (S-1/2) of Government Lot 2 for 793 feet more or less to the northeast corner of lands described in Official Record Book 1895 at Page 3817 of said public records; thence run S 08° 50' 45" E along the east line of said lands for 199.50 feet to the southeast corner of said lands; thence run N 89° 35' 27" E for 666.22 feet; thence run N 89° 32' 15" E for 239.00 feet to an intersection with the west line of Coconut Road; thence run S 01° 07' 45" E along said west line for 488.63 feet; thence run N 89° 40' 05" E along the south line of said Coconut Road for 24.69 feet to the Point of Beginning. Less and except Official Record Book 1677 at Page 3516 of said Public Records.
Parcel contains 343 acres, more or less.

AND

PARCEL 2-C

A parcel of land lying in and being a portion of the East Half of the Northwest Quarter of Section 8, Township 47 South, Range 25 East of Lee County, Florida, being more particularly described as follows:

Commencing at the southwest corner of the East Half (E-1/2) of the Northwest Quarter (NW-1/4) of said Section 8; thence run N 01° 00' 45" W along the west line of said East Half (E-1/2) of the Northwest Quarter (NW-1/4) for 40.02 feet to an intersection with the northerly right-of-way line of Coconut Road (as maintained); thence run S 89° 16' 14" E along said right-of-way for 171.25 feet to the Point of Beginning.

From said Point of Beginning continue S 89° 16' 14" E along said right-of-way a distance of 342.50 feet; thence run N 01° 00' 44" W a distance of 367.98 feet; thence run N 89° 16' 14" W a distance of 342.50 feet; thence run S 01° 00' 44" E a distance of 367.98 feet to the Point of Beginning.

Parcel contains 2.89 acres, more or less.

AND

PARCEL 2-D

All that part of Florida Gulf Land Company's Subdivision as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, Florida, lying in Section 5, Township 47 South, Range 25 East South and West of lands to Florida Power and Light Company as described by deed recorded in Deed Book 244, Page 138 of said Public Records, also Lot 8, Block 14 of Eldorado Acres (an Unrecorded Subdivision) as shown in Deed Book 310 at Page 183 of said public records; also part of Sections 5, 6, 7 and 8, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at the southeast corner of said Section 5; thence run N 88° 46' 30" W along the south line of the Southeast Quarter (SE-1/4) of said Section 5 for 2580.80 feet to the southeast corner of the Southwest Quarter (SW-1/4) of said Section 5; thence run N 89° 25' 13" W along the south line of said Southwest Quarter (SW-1/4) for 587.32 feet to an intersection with the east line of said Lot 8, Block 14, Eldorado Acres, an unrecorded subdivision; thence run the following three courses and distances along the boundary of said Lot 8: S 00° 50' 16" E for 132.70 feet; N 89° 11' 54" W for 75.00; N 00° 50' 16" W for 132.41 feet to an intersection with said south line of the Southwest Quarter (SW-1/4) of Section 5; thence run N 89° 25' 13" W along said south line for 610.82 feet to the northeast corner of the West Half (W-1/2) of the Northwest Quarter (NW-1/4) of

said Section 8; thence run S 01° 00' 45" E along the east line of said West Half (W-1/2) of the Northwest Quarter (NW-1/4) of Section 8 for 2612.19 feet to an intersection with the northerly right-of-way line (as maintained) of Coconut Road being 40.00 feet north of the centerline of Coconut Road as recorded in County Commissioners Minutes Book 6 at Page 288 of said Public Records, said right-of-way line being the south line of lands as described by deed recorded in Official Record Book 3052 at Page 1748 of said Public Records; thence run N 89° 16' 14" W along said maintained right-of-way for 1267.93 feet to an intersection with the west line of the Northwest Quarter (NW-1/4) of said Section 8; thence run N 01° 07' 45" W along said west line for 1284.51 feet to the southeast corner of Government Lot 1 of said Section 7; thence run S 89° 33' 42" W along the south line of said Government Lot 1 for 1813 feet more or less to the easterly waters of Estero Bay; thence run northerly along the waters of Estero Bay for 3000 feet more or less to an intersection with the north line of Government Lot 4 of said Section 6; thence run N 89° 41' 23" E along said north line or 1807 feet more or less to an intersection with the west line of lands as described by deed recorded in Official Record Book 1762 at Page 4173 of said Public Records; thence run the following courses and distances along the boundary of said lands: N 00° 48' 29" W for 775.70 feet; N 46° 11' 51" E for 523.67 feet; S 81° 20' 47" E for 600.53 feet; N 00° 49' 50" W for 162.49 feet; N 89° 10' 55" E for 349.43 feet; N 01° 31' 46" W for 92.78 feet to an intersection with the north line of the Southwest Quarter (SW-1/4) of said Section 5; thence run N 89° 34' 40" E along said north line for 2592.29 feet to the northeast corner of said Southwest Quarter (SW-1/4); thence run N 89° 31' 44" E along the north line of the Southeast Quarter (SE-1/4) of said Section 5 for 2401.02 feet to an intersection with the southwesterly line of said lands to Florida Power and Light Company; thence run S 20° 51' 33" E along said southwesterly line for 553.91 feet to an intersection with the east line of said Southeast Quarter (SE-1/4) of Section 5; thence run S 00° 08" 26" E along said east line for 2202.99 feet to the Point of Beginning.

Parcel contains 576 acres, more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

Frances L. Yerdon (for the Firm LB-642)
Professional Surveyor Mapper
Florida Certificate No. 5652

20002476\Pelican Landing-County – 110101

Q. GRADY MINOR & ASSOCIATES, P.A.

Civil Engineers ▪ Land Surveyors ▪ Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.
MICHAEL J. DELATE, P.E.
BLAIR A. FOLEY, P.E.

D. WAYNE ARNOLD, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.
THOMAS CHERNESKY, P.S.M.
ALAN V. ROSEMAN

SURVEYOR'S AFFIDAVIT

I am a Professional Surveyor and Mapper holding Certificate Number 5426 under the laws of the State of Florida.

I hereby certify that the dividing line described in the legal descriptions of "Pelican Landing DRI – City of Bonita Springs" and "Pelican Landing DRI – Unincorporated Lee County" (submitted with the DRI), as prepared by Johnson Engineering, dated November 1, 2001, is the same as the Jurisdictional line as decribed in the legal description established by the Charter for the City of Bonita Springs; and is also the same line shown and depicted on the Specific Purpose Survey, as prepared by Q. Grady Minor & Associates, P.A., dated October 2, 2001, as Drawing number C-1497.

I also certify that there are no overlaps or hiatus between the legal descriptions and the lines mentioned above.

DRI 2000-00022

Q. Grady Minor & Associates, P.A.

By: _____ *Date:* 11-2-01

Thomas Chernesky, P.S.M. #5426

(941) 947-1144 ▪ FAX (941) 947-0375 ▪ E-Mail: engineering@gradyminor.com
3800 Via Del Rey ▪ Bonita Springs, Florida 34134

JOHNSON ENGINEERING

SINCE 1946

DRI 2000-00022

November 1, 2001

DESCRIPTION

PELICAN LANDING DRI – CITY OF BONITA SPRINGS
SECTIONS 16, 17, 20 AND 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Sections 16, 17, 20 and 21, Township 47 South, Range 25 East, City of Bonita Springs, Lee County, Florida, which tract or parcel is described as follows:

Parcel 1-A

Beginning at the Northwest corner of the Northeast Quarter (NE-1/4) of Section 16; thence run S 00° 02' 54" W along said West line of the 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 N 89° 10' 38" E along the South line of said fraction for 538.06 feet; thence run S 00° 06' 43" E for 1085.91 feet; thence run N 89° 06' 43" E for 744.41 feet to an intersection with the West line of Tamiami Trail (US 41 S.R. No. 45); thence run southerly along said West line, along the arc of a non-tangent curve to the right of radius 5619.58 feet (chord bearing S 00° 22' 05" E) (chord 50.21 feet) (delta 00° 30' 43") for 50.21 feet to a point of tangency; thence run S 00° 06' 43" E along said West line for 49.81 feet; thence run S 89° 06' 43" W for 300.00 feet; thence run S 00° 06' 43" E for 1445.84 feet to an intersection with the South line of the Southeast Quarter (SE-1/4) of said Section 16; thence run S 89° 16' 54" W 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 S 88° 38' 34" W 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 S 00° 35' 25" E 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 N 88° 52' 49" E along the North line of the Southwest Quarter (SW-1/4) of said Section 21 for 2,040.41 feet 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 S 00° 51' 35" E along said West line for 801 feet, more or less to the water of Spring Creek; thence run westerly along Spring Creek for 3630 feet more or less to an intersection of the East line of said Section 20; thence run S 00° 38' 52" E along said East line of Section 20 for 91 feet, more or less to an intersection with the approximate centerline of Spring Creek as shown on the Plat of Pelican Landing Unit 5 recorded in Plat Book 59 at Page 11 of said Public Records of Lee County, Florida; thence run along said centerline the following courses: S 78° 50' 00" W for 181.31 feet, N 34° 24' 12" W for 230.22 feet, N 30° 59' 12" W for 174.93 feet, N 24° 25' 16" E for 120.83 feet, S 65° 47' 43" E for 219.32 feet, N 18° 24' 43" E for 158.11 feet, N 75° 11' 47" W for 351.71 feet, N 65° 09' 33" W for 451.88 feet, N 84° 18' 44" W for 351.75 feet, N 66° 54' 31" W for 445.79 feet, S 63° 24' 43" W for 134.16 feet, S 03° 23' 22" E for 170.29 feet, S 50° 30' 17" W for 220.23 feet, N 84° 49' 43" W for 331.36 feet, S 62° 13' 07" W for 214.71 feet, S 22° 08' 36" W for 291.55 feet, S 72° 15' 11" W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW-1/4) of said Section 20; thence run N 00° 50' 19" W along said East line for 520.00 feet to the Northeast corner of said fraction; thence run S 89° 58' 37" W 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 as shown on said Plat of Pelican Landing Unit 5; thence run along said centerline the following courses: N 09° 13' 28" W for 137.34 feet, N 29° 08' 22" W for 590.59 feet, N 38° 31' 58" W for 278.03 feet, N 65° 16' 43" W for 254.95 feet, N 37° 18' 28" W for 286.01 feet, N 32° 51' 05" E for 252.39 feet, N 20° 11' 00" E for 236.69 feet, N 27° 23' 47" W for 369.25 feet, N 89° 15' 43" E for 50 feet more or less to the easterly shore of said Spring Creek; thence run northerly along said easterly shore for 1220 feet more or less to an intersection with the North line of said Section 20; thence run N 89° 15' 13" E along said North line of said section for 970 feet, more or less to a Concrete Monument marking the Northwest corner of the Northeast Quarter (NE-1/4) of said Section 20; thence run N 00° 31' 30" E 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 N 00° 31' 29" E 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 along the arc of a curve to the left of radius 1130.00 feet (chord bearing N 35° 09' 06" E) (chord 1296.89 feet) (delta 70° 02' 16") for 1381.30 feet; thence run N 89° 52' 02" W for 5.00 feet; thence run N 00° 07' 58" E 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 S 89° 25' 51" E along said north line of the Northeast Quarter (NE-1/4) of said Section 17 for 1838.15 feet to the Northeast corner of said Section 17; thence run N 89° 27' 22" E along the north line of the Northwest Quarter (NW-1/4) of said Section 16 for 2677.24 feet to the Point of Beginning.
Parcel contains 909 acres; more or less.

AND

PARCEL 1-B

Beginning at an 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 Southerly right-of-way of said Spring Creek Road: Southeasterly along an arc of a non-tangent curve to the right of radius 1725.00 feet (chord bearing S 03° 18' 23" E) (chord 206.27) (delta 06° 51' 19") for 206.40 feet to a point on a non-tangent line; thence run S 89° 52' 02" E for 16.47 feet; thence run S 00° 07' 58" W for 1406.64 feet; thence run N 89° 52' 02" W for 5.00 feet to a point of tangency; thence Southwesterly along an arc of said curve to the right of radius 1070.00 feet (chord bearing S 37° 51' 54" W) (chord 1309.62 feet) (delta 75° 27' 53") for 1409.31 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 N 89° 59' 08" W 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: N 00° 00' 52" E for 510.00 feet; N 89° 59' 08" W for 885.06 feet to a point of curvature; along an arc of a curve for 231.02 feet, having a radius of 390.00 feet, central angle of 33° 56' 23", chord of 227.66 feet and chord bearing of S 73° 02' 41" W, to a point on the curve; S 00° 00' 52" W for 167.10 feet; and S 31° 38' 00" W 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 mean high water line of a canal, 45 feet more or less to the south line of the North Half (N-1/2) of said Section 17; thence N 89° 59' 08" W for 136 feet more or less to the east quarter corner of said Section 18, thence run S 89° 58' 17" W 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: N 56° 00' 38" W for 265.00 feet to a point of curvature; along an arc of a curve for 338.95 feet, having a radius of 520.00 feet, central angle of 37° 20' 50", chord of 332.98 feet and chord bearing of N 37° 20' 13" W, to a point of tangency; N 18° 39' 48" W for 481.24 feet to a point of curvature; along an arc of a curve for 104.44 feet, having a radius of 100.00 feet, central angle of 59° 50' 20", chord of 99.76 feet and a chord bearing of N 48° 34' 58" W, to a point of tangency; N 78° 30' 08" W for 144.73 to a point of curvature; along an arc of a curve for 56.48 feet, having a radius of 100.00 feet, central angle of 32° 21' 45"; chord of 55.74 feet and a chord bearing of N 62° 19' 15" W, to a point of tangency and an intersection with the waters of Estero Bay; thence run northerly along the waters of Estero Bay for 2270 feet more or less to an intersection with the north line of the Northeast Quarter (NE-1/4) of said Section 18; thence run S 89° 25' 49" E along said north line of the Northeast Quarter (NE-1/4) of said Section 18 for 2330 feet, more or less to the northeast corner of Section 18; thence run S 89° 25' 49" E along the north line of the Northwest Quarter (NW-1/4) of said Section 17 for 2558.62 feet to the northeast corner of said Northwest Quarter (NW-1/4); thence run S 89° 25' 51" E along the north line of the Northeast Quarter (NE-1/4) of said Section 17 for 642.07 feet to the Point of Beginning.

Parcel contains 304 acres, more or less.

Frances L. Yerdón (for the Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

JOHNSON ENGINEERING

SINCE 1946

August 15, 2001

PARCEL IN
GOVERNMENT LOT 3, SECTION 13
AND
GOVERNMENT LOT 2, SECTION 24
TOWNSHIP 47 SOUTH, RANGE 24 EAST
BIG HICKORY ISLAND, LEE COUNTY, FLORIDA

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 prolongation of said centerline of State Road No. 865 for 266.00 feet; thence run S 62° 26' 49" W for 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 Page 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.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

Frances L. Yerdon (for the Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

EXHIBIT B
Page 4 of 5

Q. GRADY MINOR & ASSOCIATES, P.A.

Civil Engineers ▪ Land Surveyors ▪ Planners

GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.
MICHAEL J. DELATE, P.E.
BLAIR A. FOLEY, P.E.

D. WAYNE ARNOLD, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.
THOMAS CHERNESKY, P.S.M.
ALAN V. ROSEMAN

SURVEYOR'S AFFIDAVIT

I am a Professional Surveyor and Mapper holding Certificate Number 5426 under the laws of the State of Florida.

*I hereby certify that the dividing line described in the legal descriptions of "**Pelican Landing DRI – City of Bonita Springs**" and "**Pelican Landing DRI – Unincorporated Lee County**" (submitted with the DRI), as prepared by Johnson Engineering, dated November 1, 2001, is the same as the Jurisdictional line as decribed in the legal description established by the Charter for the City of Bonita Springs; and is also the same line shown and depicted on the Specific Purpose Survey, as prepared by Q. Grady Minor & Associates, P.A., dated October 2, 2001, as Drawing number C-1497.*

I also certify that there are no overlaps or hiatus between the legal descriptions and the lines mentioned above.

DRI 2000-00022

Q. Grady Minor & Associates, P.A.

By: _____ *Date:* 11-2-01

Thomas Chernesky, P.S.M. #5426

(941) 947-1144 ▪ FAX (941) 947-0375 ▪ E-Mail: engineering@gradyminor.com
3800 Via Del Rey ▪ Bonita Springs, Florida 34134

JOHNSON ENGINEERING

SINCE 1946

November 1, 2001

PELICAN LANDING DRI – CITY OF BONITA SPRINGS
SPRING CREEK WEST
SECTION 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Section 21, Township 47 South, Range 25 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: South 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 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.

Frances L. Yerdon (for the Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

EXHIBIT C

20002476/Description 110101

DRI 2000-00022

SKETCH TO ACCOMPANY DESCRIPTIONS
PREPARED FOR
WCI COMMUNITIES LIMITED PARTNERSHIP

LOCATED IN

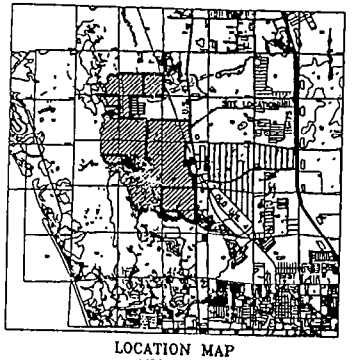
SECTIONS 5, 6, 7, 8, 9, 16, 17, 18, 20 & 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST

AND

SECTIONS 13 AND 24, TOWNSHIP 47 SOUTH, RANGE 24 EAST

LEE COUNTY, FLORIDA

INDEX	
SHEET NO.	DESCRIPTION
1	COVER SHEET
2	PARCELS 1-A & 1-B
3	PARCEL 1-B
4	PARCELS 2-A THROUGH 2-D
5	BEACH PARCEL



LOCATION MAP
NOT TO SCALE

DESCRIPTION
PELICAN LANDING DRI - CITY OF BONITA SPRINGS

PARCEL 1-A

PARCEL 1-B

AND

DESCRIPTION CONTINUED
PELICAN LANDING DRI - CITY OF BONITA SPRINGS

AND

BEACH PARCEL

PELICAN LANDING DRI - CITY OF BONITA SPRINGS
SPRING CREEK WEST

THIS IS NOT A SURVEY

FRANCIS L. HOWDEN (FOR THE FIRM)
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. 5658

DATE SIGNED: 10-31-01

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT A SURVEY.

DESCRIPTION
PELICAN LANDING DRI -UNINCORPORATED LEE COUNTY

PARCEL 2-A

AND

PARCEL 2-B

DESCRIPTION CONTINUED
PELICAN LANDING DRI -UNINCORPORATED LEE COUNTY

AND

PARCEL 2-C

AND

PARCEL 2-D

REVISED SEPTEMBER 27, 2001 - DESCRIPTIONS
REVISED JULY 3, 2001 - ADDED BEACH PARCEL

JOHNSON ENGINEERING, INC. ENGINEERS, SURVEYORS AND ECOLOGISTS 2158 JOHNSON STREET, P.O. BOX 1550, FORT MYERS, FLORIDA 33902-1550, PHONE (941) 334-0046			
DATE: FEB 2001	PROJECT NO.: 20002476	SCALE: 1"=47'-25	SHEET: N/A
			1 OF 5

EXHIBIT D
Page 1 of 5

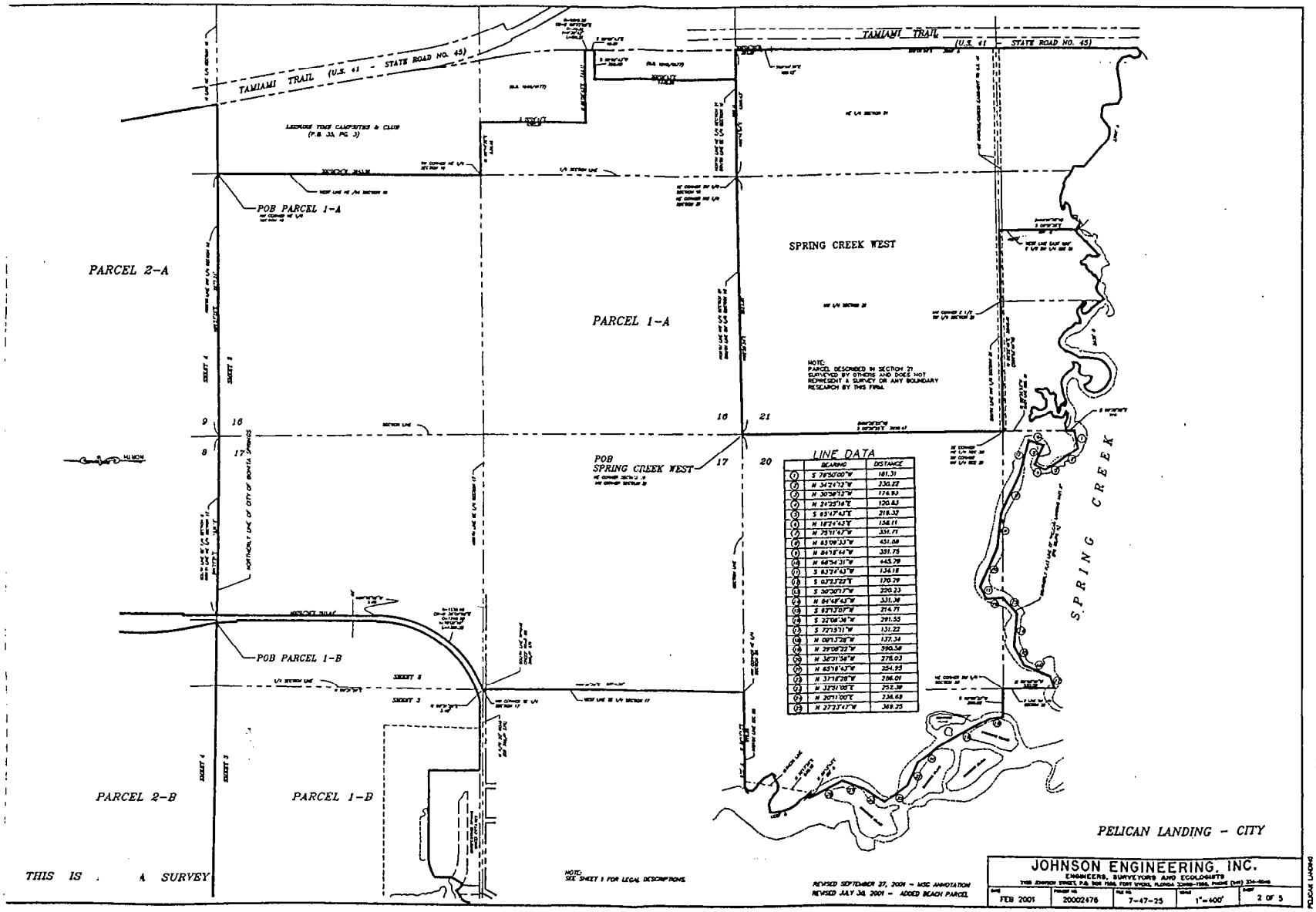
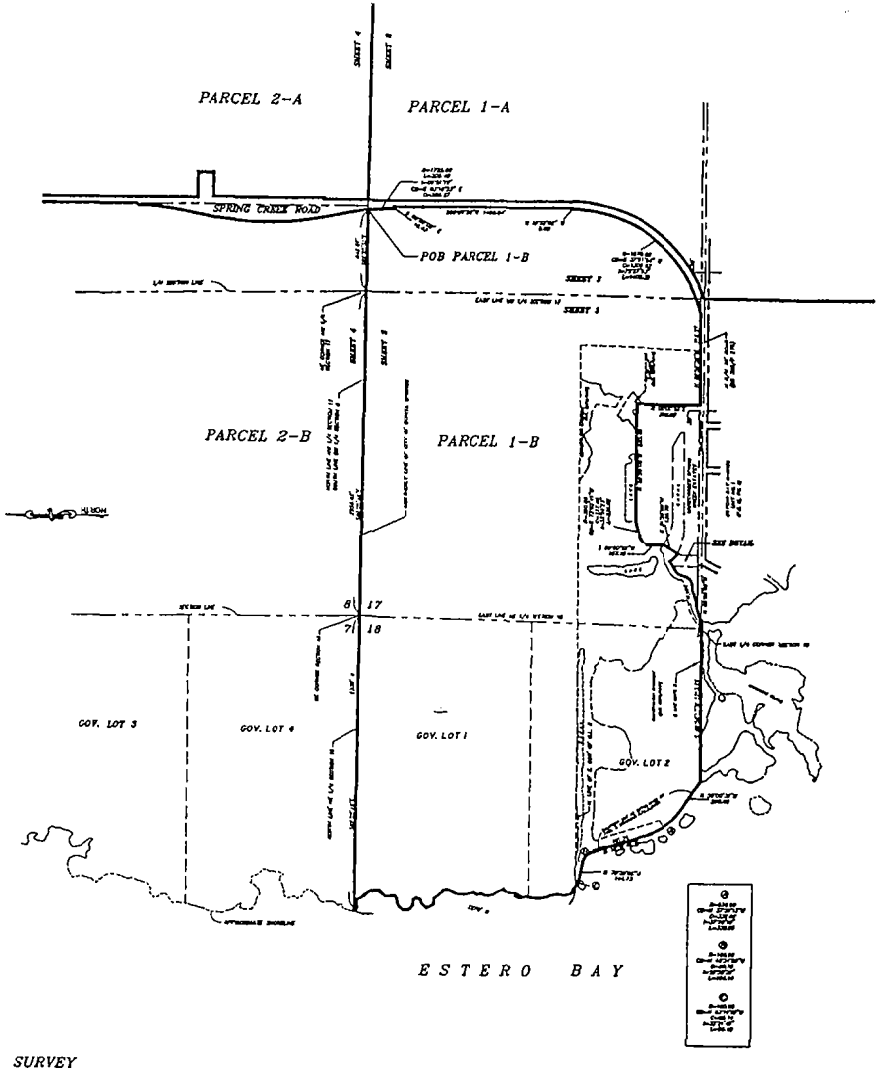
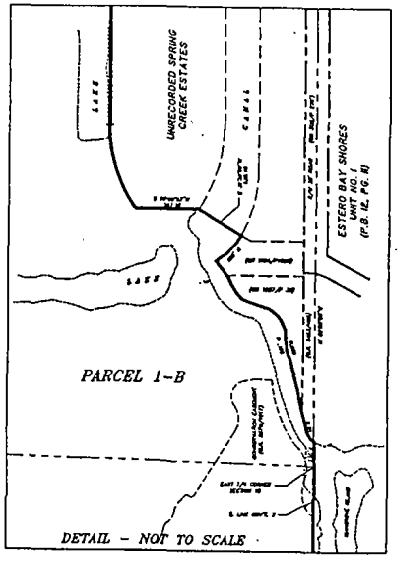


EXHIBIT D
Page 2 of 5





NOTE:
SEE SHEET 1 FOR LEGAL DESCRIPTIONS.

PELICAN LANDING - CITY

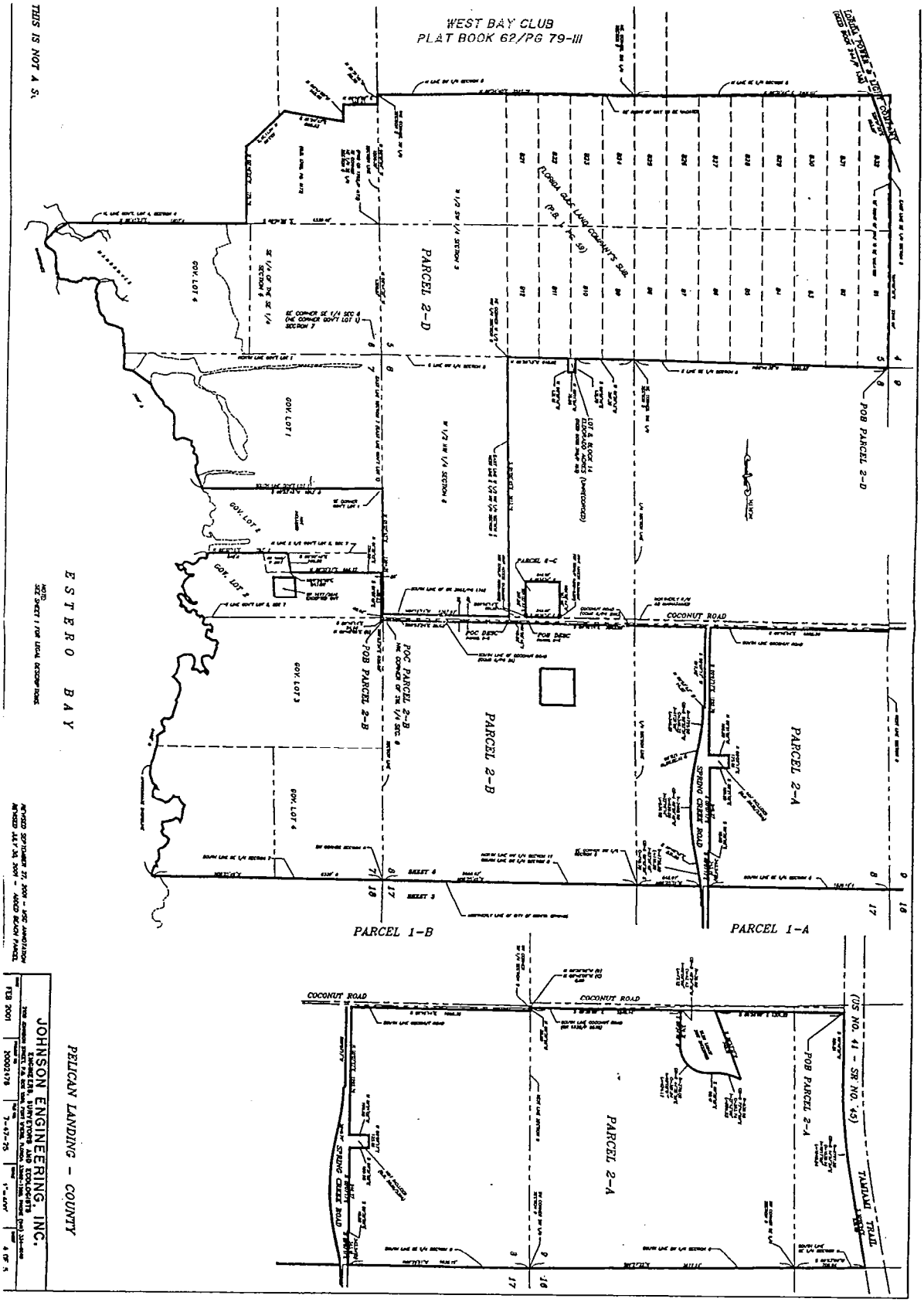
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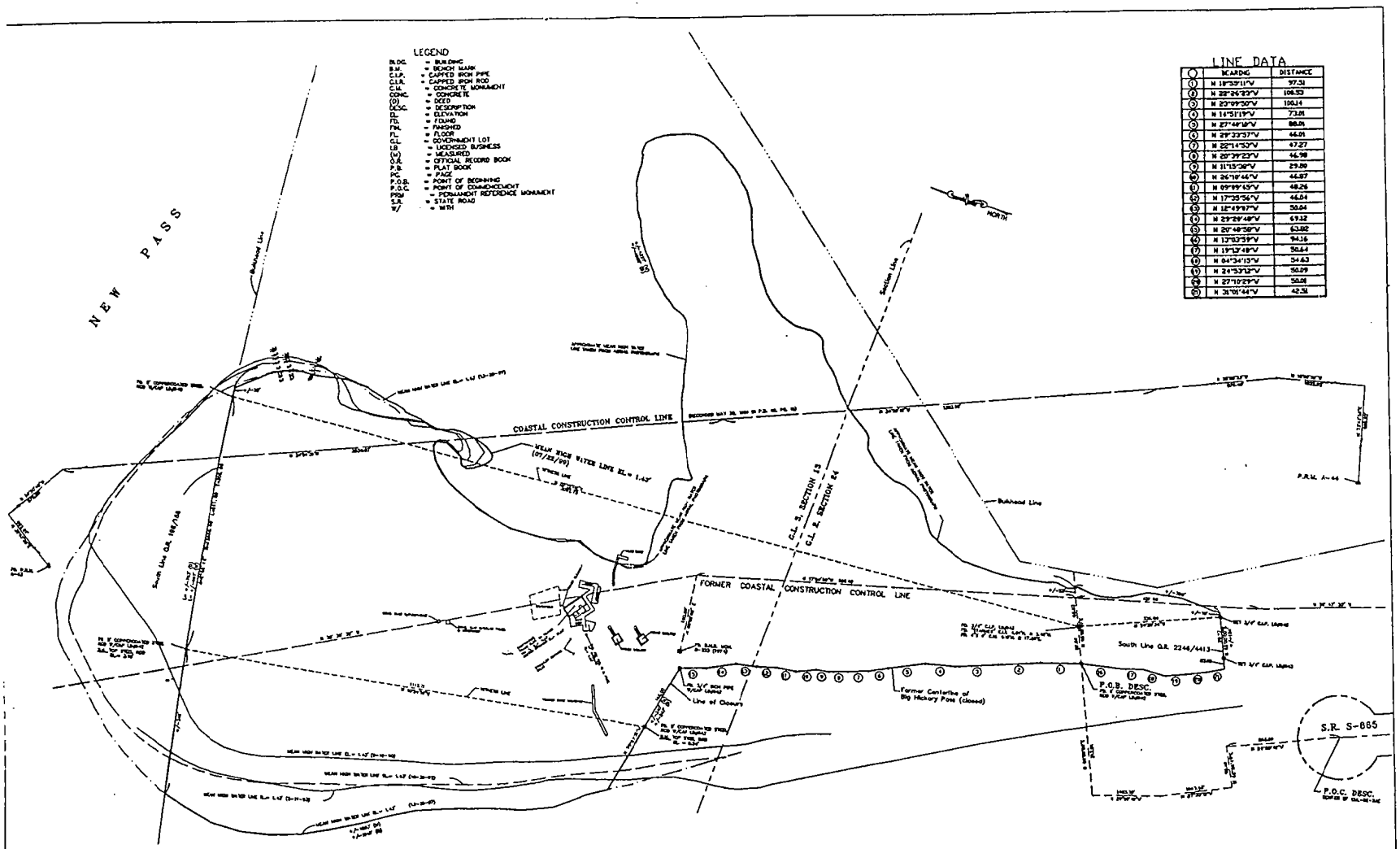
REVISED SEPTEMBER 27, 2001 - VSC ANNOTATION
REVISED JULY 30, 2001 - ADDED BEACH PARCEL

JOHNSON ENGINEERING, INC. ENGINEERS, SURVEYORS AND ECOLOGISTS				
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
FEB 2001	20002476	7-47-25	1"=400'	3 OF 5

PELICAN LANDING

EXHIBIT D
Page 3 of 5


WEST BAY CLUB
PLAT BOOK 62/PG 79-III
PARCEL 2-D
PARCEL 2-B
PARCEL 2-A
PARCEL 1-B
PARCEL 1-A
POB PARCEL 2-D
POB PARCEL 2-B
POC PARCEL 2-B
COCONUT ROAD
ESTERO BAY
PELICAN LANDING - COUNTY
JOHNSON ENGINEERING, INC.



	BEARING	DISTANCE
C1	N 18°35'11"W	97.31
C2	N 22°24'33"W	106.53
C3	N 23°09'50"W	100.14
C4	N 14°51'19"W	73.01
C5	N 27°48'16"W	88.76
C6	N 29°22'37"W	44.01
C7	N 22°14'52"W	47.27
C8	N 20°39'23"W	46.98
C9	N 11°15'08"W	29.80
C10	N 26°18'46"W	44.87
C11	N 09°59'45"W	48.26
C12	N 17°35'56"W	46.04
C13	N 12°49'07"W	50.04
C14	N 23°28'48"W	69.12
C15	N 20°48'58"W	63.82
C16	N 13°03'39"W	94.16
C17	N 19°13'48"W	50.64
C18	N 04°54'15"W	54.63
C19	N 24°53'12"W	50.09
C20	N 27°10'29"W	50.08
C21	N 26°01'44"W	42.51

THIS IS NOT A SURVEY

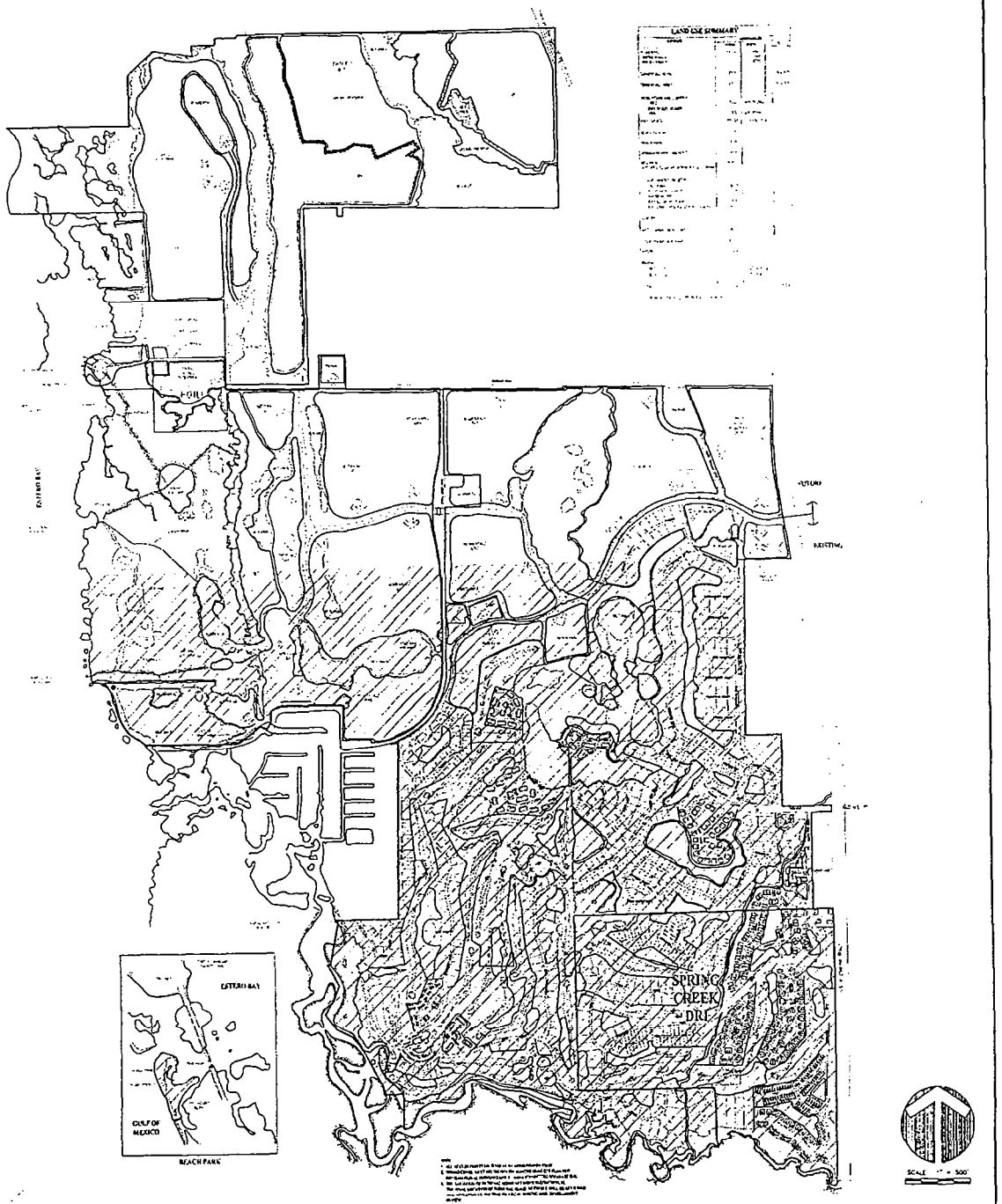
BEACH PARCEL

SKETCH TO ACCOMPANY DESCRIPTION
PARCEL IN
SECTIONS 13 & 24
TOWNSHIP 47 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND ECOLOGISTS
2158 JOHNSON STREET, P.O. BOX 1566, FORT MYERS, FLORIDA 33902-1566, PHONE (941) 334-0046

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
JULY 30, 2001	20002476	13-47-24	1" = 100'	5 OF 5

EXHIBIT D
Page 5 of 5



WCI	WCI COMMUNITIES 24301 WALDEN CENTER DRIVE BONITA SPRINGS, FLORIDA 34134 (941) 947-2600	PROJECT PELICAN LANDING LEE COUNTY	TASK MAP H Master Concept Plan	JANUARY 7, 1999 Sheet 1 of 1

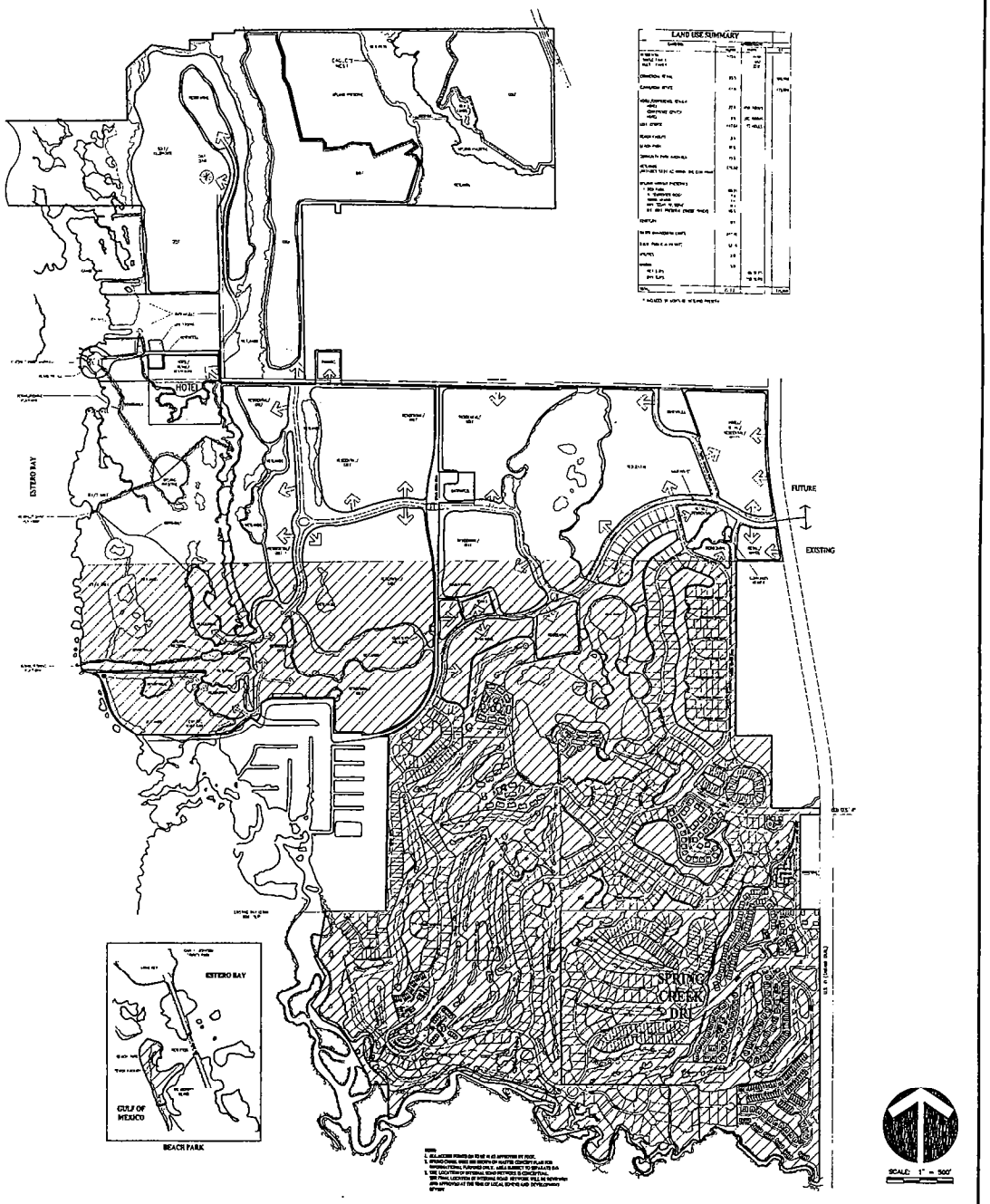
EXHIBIT E

EXHIBIT "F"
PELICAN LANDING DRI
DEVELOPMENT PARAMETERS
(updated through 3-1-01)

Land Use	Units[1]	Existing (1998)	Build out Total (2002)
Residential	DU	1083	4,400
Single Family	DU	402	665
Multi Family	DU	596	3,735
Retail[2]	GFA	11,000	300,000
Office[3]	GFA	134,738	475,000
Hotel/Motel	Rooms	0	750
Recreation Uses			
Pelican Nest Golf Course/Clubhouse/ Practice Range	Holes	21	30
Colony Range Club/ Golf Course/ Clubhouse/Practice Range	Holes	19	19
Resort Golf Course/ Clubhouse Practice Range	Holes	0	~~19~~ 28
Tennis Center	Courts	12	24
Coconut Marina	Boat Slips		
	Wet	24	48
	Dry	0	150
Redfish Point	GFA	5,000	5,000
	Boat Slips		
	Wet	15	15
Other[4]	Boat Slips		
	Wet	2	2
	Accessory Parking	0	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



APPROVED

RECEIVED

WCI	WCI COMMUNITIES 24301 WALDEN CENTER DRIVE BONITA SPRINGS, FLORIDA 34134 (941) 947-2600	PROJECT PELICAN LANDING LEE COUNTY	TASK MAP H Master Concept Plan	JANUARY 7, 1999 Sheet 1 of 1

DRI 2000-00022

LEE COUNTY
RECEIVED
02 OCT 15 AM 11:38
COMM. DEV./
PUB. WRKS. CNTR.
SECOND FLOOR

RESOLUTION NUMBER Z-02-046

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, an application was filed by the property owner, WCI Communities, Inc. for an amendment to the Pelican Landing DRI Development Order #1-9293-121; and

WHEREAS, a public hearing was advertised and held on July 30, 2002, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case # DRI2002-00002; and

WHEREAS, a second public hearing was advertised and held on October 7, 2002, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to:

(1) amend the Pelican Landing DRI Development Order to adjust the buildout and termination dates based upon the tolling of time applicable to previous judicial action and extend the adjusted buildout and termination dates to May 20, 2009 and May 20, 2012 respectively; and

(2) determine whether the proposed changes constitute a substantial deviation from the original development approvals warranting further Development of Regional Impact review.

The property is located in the Outlying Suburban, Wetlands, Urban Community and Suburban Land Use Categories and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions specified in Section B below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. 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 November, 2000, last revised April, 2001, and stamped received at the zoning counter on April 8, 2002.

2. This development must comply with all of the requirements of the LDC at the time of local development order approval except as may be modified by previously approved deviations.

SECTION C. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

Exhibit A: Zoning Map (subject parcel identified with shading)
Exhibit B. Codified Eleventh Amended Development Order - Pelican Landing

The applicant indicates there are numerous and varied STRAP numbers which are on file and available for inspection at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL.

SECTION D. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the amendment by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The amendment, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,

   c. is compatible with existing or planned uses in the surrounding area; and,

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,

   e. will not adversely affect environmentally critical areas or natural resources.

3. The amendment satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location; and

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

   c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The change does not constitute a substantial deviation under F.S. §380.06(19)(c).

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Ray Judah, seconded by Commissioner Andrew W. Coy and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 7th day of October 2002.

ATTEST:
CHARLIE GREEN, CLERK

BY: Michele L. Cooper
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Ray Judah
Vice-Chairman

Approved as to form by:

County Attorney's Office

RECEIVED
MINUTES OFFICE
2002 OCT 14 PM 4:27
mgc

ZONING MAP

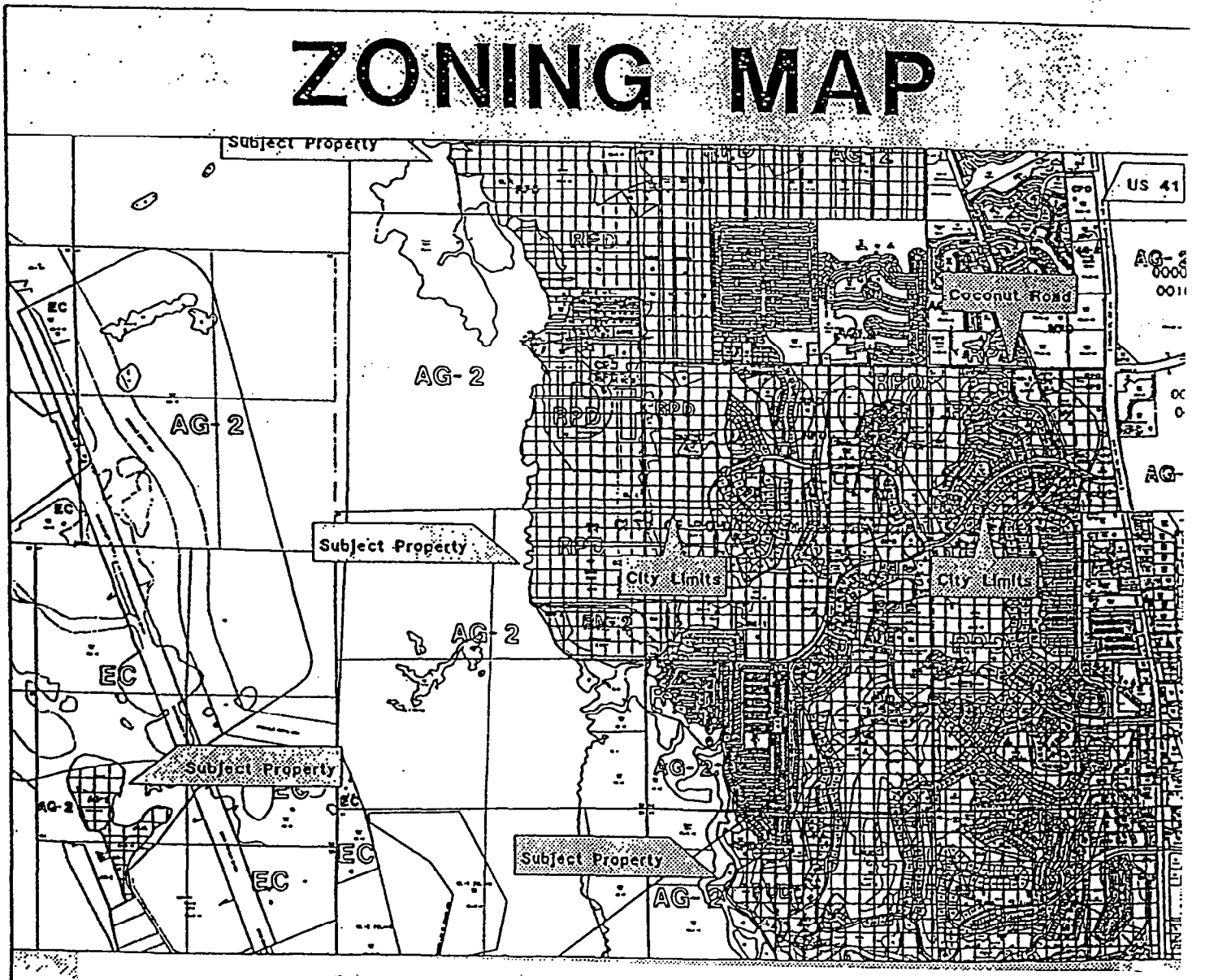


EXHIBIT A

EXHIBIT B

CODIFIED ELEVENTH AMENDED DEVELOPMENT ORDER[1]
FOR

PELICAN LANDING

A DEVELOPMENT OF REGIONAL IMPACT

STATE DRI #1-9293-121
COUNTY CASE DRI2000-00002

WHEREAS, on November 28, 2000, WCI Communities, Inc., the owner of the Pelican Landing Development of Regional Impact (DRI) most recently requested an amendment to the original Development Order (DO)adopted August 29, 1994, as amended; 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; and the conditions proposed for the tenth amendment to the Pelican Landing DRI Development Order; and

WHEREAS, Condition II.L., adopted as part of the ninth development order amendment, requires 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 Development Order was amended a tenth time on February 26, 2002 to revise the legal description and clearly define the jurisdictional line between the City and County; and

WHEREAS, the City of Bonita Springs has adopted a substantially similar development order that is applicable within its jurisdiction; and

WHEREAS, a Notice of Proposed Change was submitted by WCI Communities, Inc. on April 8, 2002 to accomplish the following: (1)adjust the original buildout date (from December 31, 2002 to May 21, 2004) and termination date (from December 31, 2005 to May 21, 2007) to reflect the one year and 141 days the effectiveness of the Development Order was tolled as a result of the 1996 appeal and challenge; and (2)extend the buildout and termination dates by 4 years and 364 days to May 20, 2009 and May 20, 2012, respectively.

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[1] This is a codification and a restatement of all DRI Development Orders rendered with respect to Pelican Landing within Lee County, including actions taken on March 25, 1995, August 16, 1995, November 17, 1997, September 21, 1998, June 21, 1999, December 6, 1999, August 7, 2000, February 26, 2002 and October 7, 2002.

WHEREAS, under F.S. §380.06(19), the proposed change must be reviewed cumulatively with previous changes to the DRI Development Order to determine whether they constitute a substantial deviation from the terms of the original DRI Development Order approvals; and

WHEREAS, the Board of County Commissioners has reviewed the proposed amendment and found that the changes do not constitute a substantial deviation; and

WHEREAS, the Board of County Commissioners of Lee County, Florida, has considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Staff, the Lee County Hearing Examiner, the documents and comments upon the record made before the Board in public hearing, and after full consideration of those reports, recommendations, comments, and documents, the Board of County Commissioners of Lee County, Florida, finds and determines that:

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The "Pelican Landing DRI" is a partially built master planned community on a total of 2748.25± acres located approximately three miles north of the Lee/Collier County Line. Approximately 1249.8 acres of the Pelican Landing DRI are located within the City of Bonita Springs; approximately 1216.45 acres of the Pelican Landing DRI are located within the unincorporated area of Lee County; and approximately 282± acres of the 2748.25±-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 proposal is to construct 4,400 residential units, of which 665 are single-family and 3,735 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 will also include 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 date is ~~the year 2002~~ May 20, 2009.

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, C and D.

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

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

Exhibit 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.

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 proposed Development Order Amendment has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes. 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 classifications of the Lee Plan with 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.

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 annual 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.

K. A portion of the DRI property has been included in the incorporated limits of the City of Bonita Springs pursuant to legislation adopted during the 1999 Legislative session. The property now located in the City of Bonita Springs lies within the area described in section 6 of the Committee Substitute for Senate Bill 2626, 1st Engrossed. Pursuant to Florida Statutes section 380.06(15)(h), a separate DRI development order must be adopted by the City of Bonita Springs that incorporates 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 Statues, the Pelican Landing DRI development order adopted by the county 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.

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, LET IT BE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF 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, and August 7, 2000, 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.~~ in public meeting duly constituted and assembled on October 7, 2002 that the proposed amendments to the Pelican Landing DRI Development Order are hereby APPROVED, SUBJECT TO the following conditions, restrictions and limitations.

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 will be 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 County and 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 are no regionally significant housing impacts for the first planning horizon of the DRI Development Order, which ends 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 accept 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 will be 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 home buyers, 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 home buyers 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 will be responsible for the initial electrical hook-up costs. The selection of the generator will be 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 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 developer will mitigate the hurricane shelter impacts for units 4051 through 4400 by paying $18.50 per unit to the Lee County Impact Fee Coordinator at the time of building permit approval. If the developer constructs an assisted living facility, the developer must comply with all aspects of Section 440.441(1)(b), F.S., as may be amended, including the preparation and submittal of a comprehensive emergency management plan that addresses emergency evacuation transportation and adequate sheltering arrangements for the ALF residents. The developer must update this plan annually. The County must use the funds paid pursuant to this condition to construct or upgrade hurricane shelter space in a location that will benefit the residents of the Pelican Landing Community. The eighteen dollar and fifty cents fee (1996 dollars) will be multiplied by the Dodge Data Service Building Cost Index for U.S. and Canadian cities for June 1 of each year subsequent to 1996, up to the time building permits are issued. This multiplier ensures payment of current dollars at the time the permits are issued. If the Building Cost Index is not available, the Consumer Price Index will be used instead, and applied by the method described above. If Lee County adopts an impact fee for hurricane shelters prior to, or during, the acquisition of building permits 4051 through 4400 then the Developer will pay the duly adopted impact fee, provided that fee is no less per unit than the per unit amount set out above, and this condition will have no further force and effect.

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 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 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~~ that is designed and constructed to meet all requirements of the Standard Building Code, as adopted by Lee County.

E. Vegetation and Wildlife/Wetlands

The developer has 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 parcel and 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.

Prior to any new development within 1500 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 DCA, SWFRPC, FWC Lee County, 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 resubmittal. The agencies will provide a written response to Lee County 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. Lee County and DCA 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 must design the golf course and conduct 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. 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 purposes, and 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 Improvement District (a district 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 Improvement District, 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 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 County Attorney's office.

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 traffic impact assessment for this project assumes the development parameters and land uses shown in Exhibit F, "Pelican Landing DRI Development Parameters." The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Planning Horizon I (1997) and buildout (~~2002~~ 2009). Each annual monitoring report, described in Paragraph 4, must reflect whether the roadways and intersections described below are significantly impacted or are projected to be significantly impacted by this project in the following year.

b. The Pelican Landing DRI is projected to significantly and adversely impact (as defined by Lee County Administrative Code) the following roadways and intersections:

Planning Horizon I (1997)		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 and right turn lanes
	-	Separate WB thru and left turn lanes

Buildout (~~2002~~ 2009)

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 and 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 and right turn lanes
	-	Separate WB thru and left turn lanes

2. Mitigation

a. The developer will pay impact fees as defined in the Lee County 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 are estimated to be $8,900,000 for the land uses identified in Exhibit 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~~ 2009. 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 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 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, Lee County may apply any Pelican Landing impact fees not required for those specific improvements to other improvements consistent with the requirements of the Lee County Land Development Code.

b. If through the local development approval process, the developer constructs, with the approval of the Lee County DOT, 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 must dedicate 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 must construct, 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 will occur as follows:

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) Burnt Pine Drive North from Pelican Landing Parkway to Pelican Landing North Entrance: under construction no later than December 31, 1998.

3) Burnt Pine Drive North from Pelican Landing North Entrance to Coconut Road: should be under construction no later than December 31, 1999.

d. The developer agrees to reserve 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 will be dedicated to Lee County if and when requested. 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 may, with the concurrence of Lee County, make an advance payment of a portion of Pelican Landing's total Impact Fees up to 2 million dollars. Lee County would then utilize 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 is currently 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 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 will be 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), unless subsequently dedicated to and accepted by Lee County.

4. Annual Monitoring Report

a. The developer will submit an annual traffic monitoring report to the following entities for review and approval: Lee County, the Florida Department of Transportation (FDOT), the Florida Department of Community Affairs (FDCA), and the Southwest Florida Regional Planning Council (SWFRPC).

The first monitoring report will be submitted one year after the date of the issuance of this DRI Development Order. Reports must be submitted annually thereafter until build out of the project.

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

c. The annual 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 build out.

(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	Hickory Blvd. to Vanderbilt	2 to 4	Planning Horizon I (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 annual 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 is projected to exceed the adopted level of service standards adopted by Lee County within the forthcoming 12 months, and if the project is utilizing more than 5% of LOS "D" service volume 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 is scheduled for construction in the first three years of an adopted local government capital improvement program or state work program.

e. If the annual 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 more than 5% of level of service D service volume 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 Annual Monitoring Report.

I. Wastewater Management/Water Supply

1. The developer or the Bayside 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 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 developer must provide written assurance that any hazardous commercial effluent, generated by the project, 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, 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.

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 as defined by Lee County regulations.

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 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 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 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 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 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 must be 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 will submit the test reports with the annual monitoring report. The monitoring program will be 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.

5. The Developer will submit a written amended surface and groundwater quality management plan to Lee County and DCA. The amended plan must be approved by DCA prior to the application of chemicals to the proposed golf course. The DCA 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. DCA 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 DCA 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 DCA 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 will be 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 Lee County. 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 Lee County 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 DCA, SWFRPC, or Lee County 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.

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 Lee County, adopted by the Board of County Commissioners in response to the application filed by WCI Communities, L.P. 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 ~~March 1, 2001~~ April, 2001, and stamped received at the permit counter on ~~March 6, 2001~~ April 8, 2002, is attached hereto as Exhibit 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 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 County 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 Board of County Commissioners, 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, the Board 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 ~~2002~~ May 20, 2009, and a termination date of ~~2005~~ May 20, 2012. ~~This term is based on a ten year build out and the recognition~~ The buildout and termination dates reflect adjustment of one year and 141 days applicable to the tolling of time for the appeal/challenge to the original DRI Development Order. The termination date recognizes that a local Development Order, which is valid for three years, may be obtained ~~in the tenth year~~ prior to the buildout expiration date.

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 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 ~~2005~~ 2012. If the County 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 ~~2005~~ 2012, 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) ~~and 60 acres of commercial use allocation in the Bonita Springs Planing Community,~~ as established by Lee Plan Map 16, The Planning Communities Map and Table 1(b), known as the Planning Community Year 2020 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.

15. The developer, or its successor(s) in title to the undeveloped portion of the subject property, will submit a report annually to Lee County, SWFRPC, FDCA 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 FDCA. The first monitoring report must be submitted to the Administrative Director of the DCA not later than one year after the effective date of this Development Order. Further reporting must be submitted not later than one year of subsequent calendar years thereafter, until build out. 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 County 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.

THE MOTION TO ADOPT this Amendment was offered by Commissioner Ray Judah, and seconded by Commissioner Andrew W. Coy and, upon poll of the members present, the vote was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 7th day of October, 2002

ATTEST:
CHARLIE GREEN, CLERK

BY: Michelle L. Cooper
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: Ray Judah
Vice-Chairman

APPROVED AS TO FORM BY:

County Attorney's Office

Attachments:

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

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

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

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

Exhibit E. Map H, Master Development Plan - last revised ~~March 1, 2001~~ April 2001, stamped received ~~March 6, 2001~~ April 8, 2002.

Exhibit F. Pelican Landing DRI Development Parameters

JOHNSON ENGINEERING

SINCE 1946

November 1, 2001

DESCRIPTION

PELICAN LANDING DRI – UNINCORPORATED LEE COUNTY SECTIONS 5, 6, 7, 8 AND 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

A tract or parcel of land lying in Sections 5, 6, 7, 8 and 9, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

PARCEL 2-A

Beginning at an intersection of the West line of Tamiami Trail (State Road No. 45) with the south line of Coconut Road as described in Official Record Book 1738 at Page 2538 of the Public Records of Lee County, Florida; thence run S 00° 10' 56" W along said West line for 621.81 feet to a point of curvature; thence run southerly and southeasterly along said West line, along the arc of a curve to the left of radius 5797.58 feet (chord bearing S 04° 57' 34" E) (chord 1039.14 feet) (delta 10° 17' 00") for 1040.54 feet to a point of tangency; thence run S 10° 06' 04" E along said westerly line for 938.08 feet to an intersection with the south line of the Southeast Quarter (SE-1/4) of said Section 9; thence run S 89° 23' 00" W along said south line for 708.94 feet to the southwest corner of said Southeast Quarter (SE-1/4) of Section 9; thence run S 89° 27' 22" W along the south line of the Southwest Quarter (SW-1/4) of Section 9 for 2677.24 feet to the southwest corner of the Southwest Quarter (SW-1/4) of Section 9; thence run N 89° 25' 51" W along the south line of the Southeast Quarter (SE-1/4) of said Section 8 for 1,838.15 feet to an intersection with the easterly line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records; thence continue N 00° 07' 17" E along said east line for 343.54 feet; thence run S 89° 38' 58" E for 10.00 feet; thence run N 00° 07' 17" E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records; thence run S 89° 21' 02" E along the South line of said lands for 189.98 feet; thence run N 00° 07' 17" E along the East line of said lands for 125.01 feet; thence run N 89° 21' 02" W along the North line of said lands for 199.98 feet to an intersection with the easterly line of said Spring Creek Road; thence run N 00° 07' 17" E along said East line for 1292.76 feet to an intersection with the South line of Coconut Road (50 feet wide); thence run S 89° 16' 14" E along said South line for 1802.38 feet to an intersection with the West line of said Section 9; thence run N 00° 39' 58" W along said West line for 25.00 feet to a Concrete Monument marking the Northwest corner of the Southwest Quarter (SW-1/4) of said section; thence continue along said west line N 00° 39' 58" W for 5.00 feet to an intersection with the south line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records; thence run S 89° 35' 50" E along said south line for 1549.14 feet; thence run southwesterly along a non-tangent curve to the left of radius 30.00 feet (chord bearing S 45° 24' 10" W) (chord 42.43 feet) (delta 90° 00' 00") for 47.12 feet to a point of tangency; thence run S 00° 24' 10" W for 336.31 feet to a point of curvature; thence run along the arc of a curve to the left of radius 270.00 feet (chord bearing S 44° 35' 50" E) (chord 381.84 feet) (delta 90° 00' 00") for 424.12 feet to a point of tangency; thence run S 89° 35' 50" E for 99.41 feet to a point of curvature; thence run along the arc of a curve to

the right of radius 530.00 feet (chord bearing S 75° 44' 50" E) (chord 253.74 feet) (delta 27° 42' 00") for 256.23 feet; thence run N 20° 53' 52" W for 748.16 feet to an intersection with the aforementioned south line of Coconut Road; thence run along said south line S 89° 35' 50" E for 1,301.22 feet to the Point of Beginning.
Parcel contains 294.56 acres, more or less.

AND

PARCEL 2-B

From a railroad spike marking the northwest corner of the Southwest Quarter (SW-1/4) of said Section 8 run S 00° 23' 24" E along the west line of said fraction for 25.00 feet to an intersection with the south line of Coconut Road as recorded in County Commissioners Minutes Book 6 at Page 288 of the Public Records of Lee County of Lee County, Florida, and the Point of Beginning.
From said Point of Beginning run S 89° 16' 14" E along said south line for 3253.00 feet to an intersection with the west line of Spring Creek Road; thence run the following courses and distances along said west line of said Spring Creek Road; S 00° 17' 17" W for 817.15 feet; N 89° 52' 43" W for 14.27 feet to a point of curvature; thence run Southwesterly along said arc of a curve to the right of radius 1725.00 feet (chord bearing S 05° 52' 51" W) (chord 346.22 feet) (delta 11° 31' 09") for 346.81 feet to a point of tangency; thence run S 11° 38' 26" W for 178.50 feet to a point of curvature; thence run Southwesterly along said arc of a curve to the left of radius 2400.00 feet (chord bearing S 00° 28' 49" W) (chord 929.06 feet) (delta 22° 19' 14") for 934.96 feet to a point of tangency; thence run S 10° 40' 48" E for 231.66 feet to a point of curvature; thence run Southeasterly along said arc of curve to the right of radius 1725.00 feet (chord bearing S 08° 42' 25" E) (chord 118.78) (delta 03° 56' 45") for 118.80 feet to an intersection with the south line of said Section 8; thence run N 89° 25' 51" W along the south line of the Southeast Quarter (SE-1/4) of said Section 8 for 642.07 feet to the southeast corner of the Southwest Quarter (SW-1/4) of Section 8; thence run N 89° 25' 49" W along the south line of the Southwest Quarter (SW-1/4) of Section 8 for 2558.62 feet to the southwest corner of said Section 8; thence run N 89° 25' 49" W along the south line of the Southeast Quarter (SE-1/4) of said Section 7 for 2330 feet more or less to the waters of Estero Bay; thence run northerly along the waters of Estero Bay for 6,485 feet more or less to an intersection with the north line of the South Half (S-1/2) of Government Lot 2 of said Section 7; thence run N 89° 32' 15" E along the north line of said South Half (S-1/2) of Government Lot 2 for 793 feet more or less to the northeast corner of lands described in Official Record Book 1895 at Page 3817 of said public records; thence run S 08° 50' 45" E along the east line of said lands for 199.50 feet to the southeast corner of said lands; thence run N 89° 35' 27" E for 666.22 feet; thence run N 89° 32' 15" E for 239.00 feet to an intersection with the west line of Coconut Road; thence run S 01° 07' 45" E along said west line for 488.63 feet; thence run N 89° 40' 05" E along the south line of said Coconut Road for 24.69 feet to the Point of Beginning. Less and except Official Record Book 1677 at Page 3516 of said Public Records.
Parcel contains 343 acres, more or less.

AND

PARCEL 2-C

A parcel of land lying in and being a portion of the East Half of the Northwest Quarter of Section 8, Township 47 South, Range 25 East of Lee County, Florida, being more particularly described as follows:

Commencing at the southwest corner of the East Half (E-1/2) of the Northwest Quarter (NW-1/4) of said Section 8; thence run N 01° 00' 45" W along the west line of said East Half (E-1/2) of the Northwest Quarter (NW-1/4) for 40.02 feet to an intersection with the northerly right-of-way line of Coconut Road (as maintained); thence run S 89° 16' 14" E along said right-of-way for 171.25 feet to the Point of Beginning.

From said Point of Beginning continue S 89° 16' 14" E along said right-of-way a distance of 342.50 feet; thence run N 01° 00' 44" W a distance of 367.98 feet; thence run N 89° 16' 14" W a distance of 342.50 feet; thence run S 01° 00' 44" E a distance of 367.98 feet to the Point of Beginning.

Parcel contains 2.89 acres, more or less.

AND

PARCEL 2-D

All that part of Florida Gulf Land Company's Subdivision as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, Florida, lying in Section 5, Township 47 South, Range 25 East South and West of lands to Florida Power and Light Company as described by deed recorded in Deed Book 244, Page 138 of said Public Records, also Lot 8, Block 14 of Eldorado Acres (an Unrecorded Subdivision) as shown in Deed Book 310 at Page 183 of said public records; also part of Sections 5, 6, 7 and 8, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at the southeast corner of said Section 5; thence run N 88° 46' 30" W along the south line of the Southeast Quarter (SE-1/4) of said Section 5 for 2580.80 feet to the southeast corner of the Southwest Quarter (SW-1/4) of said Section 5; thence run N 89° 25' 13" W along the south line of said Southwest Quarter (SW-1/4) for 587.32 feet to an intersection with the east line of said Lot 8, Block 14, Eldorado Acres, an unrecorded subdivision; thence run the following three courses and distances along the boundary of said Lot 8: S 00° 50' 16" E for 132.70 feet; N 89° 11' 54" W for 75.00; N 00° 50' 16" W for 132.41 feet to an intersection with said south line of the Southwest Quarter (SW-1/4) of Section 5; thence run N 89° 25' 13" W along said south line for 610.82 feet to the northeast corner of the West Half (W-1/2) of the Northwest Quarter (NW-1/4) of

said Section 8; thence run S 01° 00' 45" E along the east line of said West Half (W-1/2) of the Northwest Quarter (NW-1/4) of Section 8 for 2612.19 feet to an intersection with the northerly right-of-way line (as maintained) of Coconut Road being 40.00 feet north of the centerline of Coconut Road as recorded in County Commissioners Minutes Book 6 at Page 288 of said Public Records, said right-of-way line being the south line of lands as described by deed recorded in Official Record Book 3052 at Page 1748 of said Public Records; thence run N 89° 16' 14" W along said maintained right-of-way for 1267.93 feet to an intersection with the west line of the Northwest Quarter (NW-1/4) of said Section 8; thence run N 01° 07' 45" W along said west line for 1284.51 feet to the southeast corner of Government Lot 1 of said Section 7; thence run S 89° 33' 42" W along the south line of said Government Lot 1 for 1813 feet more or less to the easterly waters of Estero Bay; thence run northerly along the waters of Estero Bay for 3000 feet more or less to an intersection with the north line of Government Lot 4 of said Section 6; thence run N 89° 41' 23" E along said north line or 1807 feet more or less to an intersection with the west line of lands as described by deed recorded in Official Record Book 1762 at Page 4173 of said Public Records; thence run the following courses and distances along the boundary of said lands: N 00° 48' 29" W for 775.70 feet; N 46° 11' 51" E for 523.67 feet; S 81° 20' 47" E for 600.53 feet; N 00° 49' 50" W for 162.49 feet; N 89° 10' 55" E for 349.43 feet; N 01° 31' 46" W for 92.78 feet to an intersection with the north line of the Southwest Quarter (SW-1/4) of said Section 5; thence run N 89° 34' 40" E along said north line for 2592.29 feet to the northeast corner of said Southwest Quarter (SW-1/4); thence run N 89° 31' 44" E along the north line of the Southeast Quarter (SE-1/4) of said Section 5 for 2401.02 feet to an intersection with the southwesterly line of said lands to Florida Power and Light Company; thence run S 20° 51' 33" E along said southwesterly line for 553.91 feet to an intersection with the east line of said Southeast Quarter (SE-1/4) of Section 5; thence run S 00° 08" 26" E along said east line for 2202.99 feet to the Point of Beginning.

Parcel contains 576 acres, more or less.
Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

Frances L. Yerdon (for the Firm LB-642)
Professional Surveyor Mapper
Florida Certificate No. 5652

20002476\Pelican Landing-County – 110101

Q. GRADY MINOR & ASSOCIATES, P.A.
Civil Engineers ▪ Land Surveyors ▪ Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.
MICHAEL J. DELATE, P.E.
BLAIR A. FOLEY, P.E.

D. WAYNE ARNOLD, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.
THOMAS CHERNESKY, P.S.M.
ALAN V. ROSEMAN

SURVEYOR'S AFFIDAVIT

I am a Professional Surveyor and Mapper holding Certificate Number 5426 under the laws of the State of Florida.

I hereby certify that the dividing line described in the legal descriptions of "Pelican Landing DRI – City of Bonita Springs" and "Pelican Landing DRI – Unincorporated Lee County" (submitted with the DRI), as prepared by Johnson Engineering, dated November 1, 2001, is the same as the Jurisdictional line as decribed in the legal description established by the Charter for the City of Bonita Springs; and is also the same line shown and depicted on the Specific Purpose Survey, as prepared by Q. Grady Minor & Associates, P.A., dated October 2, 2001, as Drawing number C-1497.

I also certify that there are no overlaps or hiatus between the legal descriptions and the lines mentioned above.

DRI 2000-00022

Q. Grady Minor & Associates, P.A.

By: _____ *Date:* 11-2-01

Thomas Chernesky, P.S.M. #5426

(941) 947-1144 ▪ FAX (941) 947-0375 ▪ E-Mail: engineering@gradyminor.com
3800 Via Del Rey ▪ Bonita Springs, Florida 34134

JOHNSON ENGINEERING

SINCE 1946

DRI 2000-00022

November 1, 2001

DESCRIPTION

PELICAN LANDING DRI – CITY OF BONITA SPRINGS
SECTIONS 16, 17, 20 AND 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Sections 16, 17, 20 and 21, Township 47 South, Range 25 East, City of Bonita Springs, Lee County, Florida, which tract or parcel is described as follows:

Parcel 1-A

Beginning at the Northwest corner of the Northeast Quarter (NE-1/4) of Section 16; thence run S 00° 02' 54" W along said West line of the 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 N 89° 10' 38" E along the South line of said fraction for 538.06 feet; thence run S 00° 06' 43" E for 1085.91 feet; thence run N 89° 06' 43" E for 744.41 feet to an intersection with the West line of Tamiami Trail (US 41 S.R. No. 45); thence run southerly along said West line, along the arc of a non-tangent curve to the right of radius 5619.58 feet (chord bearing S 00° 22' 05" E) (chord 50.21 feet) (delta 00° 30' 43") for 50.21 feet to a point of tangency; thence run S 00° 06' 43" E along said West line for 49.81 feet; thence run S 89° 06' 43" W for 300.00 feet; thence run S 00° 06' 43" E for 1445.84 feet to an intersection with the South line of the Southeast Quarter (SE-1/4) of said Section 16; thence run S 89° 16' 54" W 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 S 88° 38' 34" W 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 S 00° 35' 25" E 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 N 88° 52' 49" E along the North line of the Southwest Quarter (SW-1/4) of said Section 21 for 2,040.41 feet 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 S 00° 51' 35" E along said West line for 801 feet, more or less to the water of Spring Creek; thence run westerly along Spring Creek for 3630 feet more or less to an intersection of the East line of said Section 20; thence run S 00° 38' 52" E along said East line of Section 20 for 91 feet, more or less to an intersection with the approximate centerline of Spring Creek as shown on the Plat of Pelican Landing Unit 5 recorded in Plat Book 59 at Page 11 of said Public Records of Lee County, Florida; thence run along said centerline the following courses: S 78° 50' 00" W for 181.31 feet, N 34° 24' 12" W for 230.22 feet, N 30° 59' 12" W for 174.93 feet, N 24° 25' 16" E for 120.83 feet, S 65° 47' 43" E for 219.32 feet, N 18° 24' 43" E for 158.11 feet, N 75° 11' 47" W for 351.71 feet, N 65° 09' 33" W for 451.88 feet, N 84° 18' 44" W for 351.75 feet, N 66° 54' 31" W for 445.79 feet, S 63° 24' 43" W for 134.16 feet, S 03° 23' 22" E for 170.29 feet, S 50° 30' 17" W for 220.23 feet, N 84° 49' 43" W for 331.36 feet, S 62° 13' 07" W for 214.71 feet, S 22° 08' 36" W for 291.55 feet, S 72° 15' 11" W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW-1/4) of said Section 20; thence run N 00° 50' 19" W along said East line for 520.00 feet to the Northeast corner of said fraction; thence run S 89° 58' 37" W 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 as shown on said Plat of Pelican Landing Unit 5; thence run along said centerline the following courses: N 09° 13' 28" W for 137.34 feet, N 29° 08' 22" W for 590.59 feet, N 38° 31' 58" W for 278.03 feet, N 65° 16' 43" W for 254.95 feet, N 37° 18' 28" W for 286.01 feet, N 32° 51' 05" E for 252.39 feet, N 20° 11' 00" E for 236.69 feet, N 27° 23' 47" W for 369.25 feet, N 89° 15' 43" E for 50 feet more or less to the easterly shore of said Spring Creek; thence run northerly along said easterly shore for 1220 feet more or less to an intersection with the North line of said Section 20; thence run N 89° 15' 13" E along said North line of said section for 970 feet, more or less to a Concrete Monument marking the Northwest corner of the Northeast Quarter (NE-1/4) of said Section 20; thence run N 00° 31' 30" E 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 N 00° 31' 29" E 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 along the arc of a curve to the left of radius 1130.00 feet (chord bearing N 35° 09' 06" E) (chord 1296.89 feet) (delta 70° 02' 16") for 1381.30 feet; thence run N 89° 52' 02" W for 5.00 feet; thence run N 00° 07' 58" E 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 S 89° 25' 51" E along said north line of the Northeast Quarter (NE-1/4) of said Section 17 for 1838.15 feet to the Northeast corner of said Section 17; thence run N 89° 27' 22" E along the north line of the Northwest Quarter (NW-1/4) of said Section 16 for 2677.24 feet to the Point of Beginning.
Parcel contains 909 acres; more or less.

AND

PARCEL 1-B

Beginning at an 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 Southerly right-of-way of said Spring Creek Road: Southeasterly along an arc of a non-tangent curve to the right of radius 1725.00 feet (chord bearing S 03° 18' 23" E) (chord 206.27) (delta 06° 51' 19") for 206.40 feet to a point on a non-tangent line; thence run S 89° 52' 02" E for 16.47 feet; thence run S 00° 07' 58" W for 1406.64 feet; thence run N 89° 52' 02" W for 5.00 feet to a point of tangency; thence Southwesterly along an arc of said curve to the right of radius 1070.00 feet (chord bearing S 37° 51' 54" W) (chord 1309.62 feet) (delta 75° 27' 53") for 1409.31 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 N 89° 59' 08" W 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: N 00° 00' 52" E for 510.00 feet; N 89° 59' 08" W for 885.06 feet to a point of curvature; along an arc of a curve for 231.02 feet, having a radius of 390.00 feet, central angle of 33° 56' 23", chord of 227.66 feet and chord bearing of S 73° 02' 41" W, to a point on the curve; S 00° 00' 52" W for 167.10 feet; and S 31° 38' 00" W 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 mean high water line of a canal, 45 feet more or less to the south line of the North Half (N-1/2) of said Section 17; thence N 89° 59' 08" W for 136 feet more or less to the east quarter corner of said Section 18, thence run S 89° 58' 17" W 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: N 56° 00' 38" W for 265.00 feet to a point of curvature; along an arc of a curve for 338.95 feet, having a radius of 520.00 feet, central angle of 37° 20' 50", chord of 332.98 feet and chord bearing of N 37° 20' 13" W, to a point of tangency; N 18° 39' 48" W for 481.24 feet to a point of curvature; along an arc of a curve for 104.44 feet, having a radius of 100.00 feet, central angle of 59° 50' 20", chord of 99.76 feet and a chord bearing of N 48° 34' 58" W, to a point of tangency; N 78° 30' 08" W for 144.73 to a point of curvature; along an arc of a curve for 56.48 feet, having a radius of 100.00 feet, central angle of 32° 21' 45"; chord of 55.74 feet and a chord bearing of N 62° 19' 15" W, to a point of tangency and an intersection with the waters of Estero Bay; thence run northerly along the waters of Estero Bay for 2270 feet more or less to an intersection with the north line of the Northeast Quarter (NE-1/4) of said Section 18; thence run S 89° 25' 49" E along said north line of the Northeast Quarter (NE-1/4) of said Section 18 for 2330 feet, more or less to the northeast corner of Section 18; thence run S 89° 25' 49" E along the north line of the Northwest Quarter (NW-1/4) of said Section 17 for 2558.62 feet to the northeast corner of said Northwest Quarter (NW-1/4); thence run S 89° 25' 51" E along the north line of the Northeast Quarter (NE-1/4) of said Section 17 for 642.07 feet to the Point of Beginning.
Parcel contains 304 acres, more or less.

Frances L. Yerdon (for the Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

JOHNSON ENGINEERING

SINCE 1946

August 15, 2001

PARCEL IN
GOVERNMENT LOT 3, SECTION 13
AND
GOVERNMENT LOT 2, SECTION 24
TOWNSHIP 47 SOUTH, RANGE 24 EAST
BIG HICKORY ISLAND, LEE COUNTY, FLORIDA

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 prolongation of said centerline of State Road No. 865 for 266.00 feet; thence run S 62° 26' 49" W for 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 Page 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.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

Frances L. Yerdon (for the Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

EXHIBIT B
Page 4 of 5

22005\BeachParcel-081501

Q. GRADY MINOR & ASSOCIATES, P.A.
Civil Engineers ▪ Land Surveyors ▪ Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.
MICHAEL J. DELATE, P.E.
BLAIR A. FOLEY, P.E.

D. WAYNE ARNOLD, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.
THOMAS CHERNESKY, P.S.M.
ALAN V. ROSEMAN

SURVEYOR'S AFFIDAVIT

I am a Professional Surveyor and Mapper holding Certificate Number 5426 under the laws of the State of Florida.

I hereby certify that the dividing line described in the legal descriptions of "Pelican Landing DRI – City of Bonita Springs" and "Pelican Landing DRI – Unincorporated Lee County" (submitted with the DRI), as prepared by Johnson Engineering, dated November 1, 2001, is the same as the Jurisdictional line as decribed in the legal description established by the Charter for the City of Bonita Springs; and is also the same line shown and depicted on the Specific Purpose Survey, as prepared by Q. Grady Minor & Associates, P.A., dated October 2, 2001, as Drawing number C-1497.

I also certify that there are no overlaps or hiatus between the legal descriptions and the lines mentioned above.

DRI- 2000-00022

Q. Grady Minor & Associates, P.A.

By: _____ *Date:* 11-2-01

Thomas Chernesky, P.S.M. #5426

(941) 947-1144 ▪ FAX (941) 947-0375 ▪ E-Mail: engineering@gradyminor.com
3800 Via Del Rey ▪ Bonita Springs, Florida 34134

JOHNSON ENGINEERING

SINCE 1946

November 1, 2001

PELICAN LANDING DRI – CITY OF BONITA SPRINGS
SPRING CREEK WEST
SECTION 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Section 21, Township 47 South, Range 25 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: South 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 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.

Frances L. Yerdon (for the Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

EXHIBIT C

20002476/Description 110101

SKETCH TO ACCOMPANY DESCRIPTIONS
PREPARED FOR

WCI COMMUNITIES LIMITED PARTNERSHIP

LOCATED IN

SECTIONS 5, 6, 7, 8, 9, 16, 17, 18, 20 & 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST

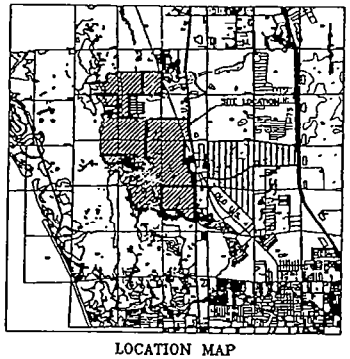
AND

SECTIONS 13 AND 24, TOWNSHIP 47 SOUTH, RANGE 24 EAST

LEE COUNTY, FLORIDA

DRI 2000-00022

INDEX	
SHEET NO.	DESCRIPTION
1	COVER SHEET
2	PARCELS 1-A & 1-B
3	PARCEL 1-B
4	PARCELS 2-A THROUGH 2-D
5	BEACH PARCEL



LOCATION MAP
NOT TO SCALE

DESCRIPTION
PELICAN LANDING DRI - CITY OF BONITA SPRINGS

PARCEL 1-A

AND

PARCEL 1-B

DESCRIPTION CONTINUED
PELICAN LANDING DRI - CITY OF BONITA SPRINGS

AND

BEACH PARCEL

PELICAN LANDING DRI - CITY OF BONITA SPRINGS
SPRING CREEK WEST

DESCRIPTION
PELICAN LANDING DRI - UNINCORPORATED LEE COUNTY

PARCEL 2-A

AND

PARCEL 2-B

DESCRIPTION CONTINUED
PELICAN LANDING DRI - UNINCORPORATED LEE COUNTY

AND

PARCEL 2-C

AND

PARCEL 2-D

THIS IS NOT A SURVEY

FRANCIS L. VORON (FOR THE FIRM)
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. 3632

DATE SIGNED: 10-31-01

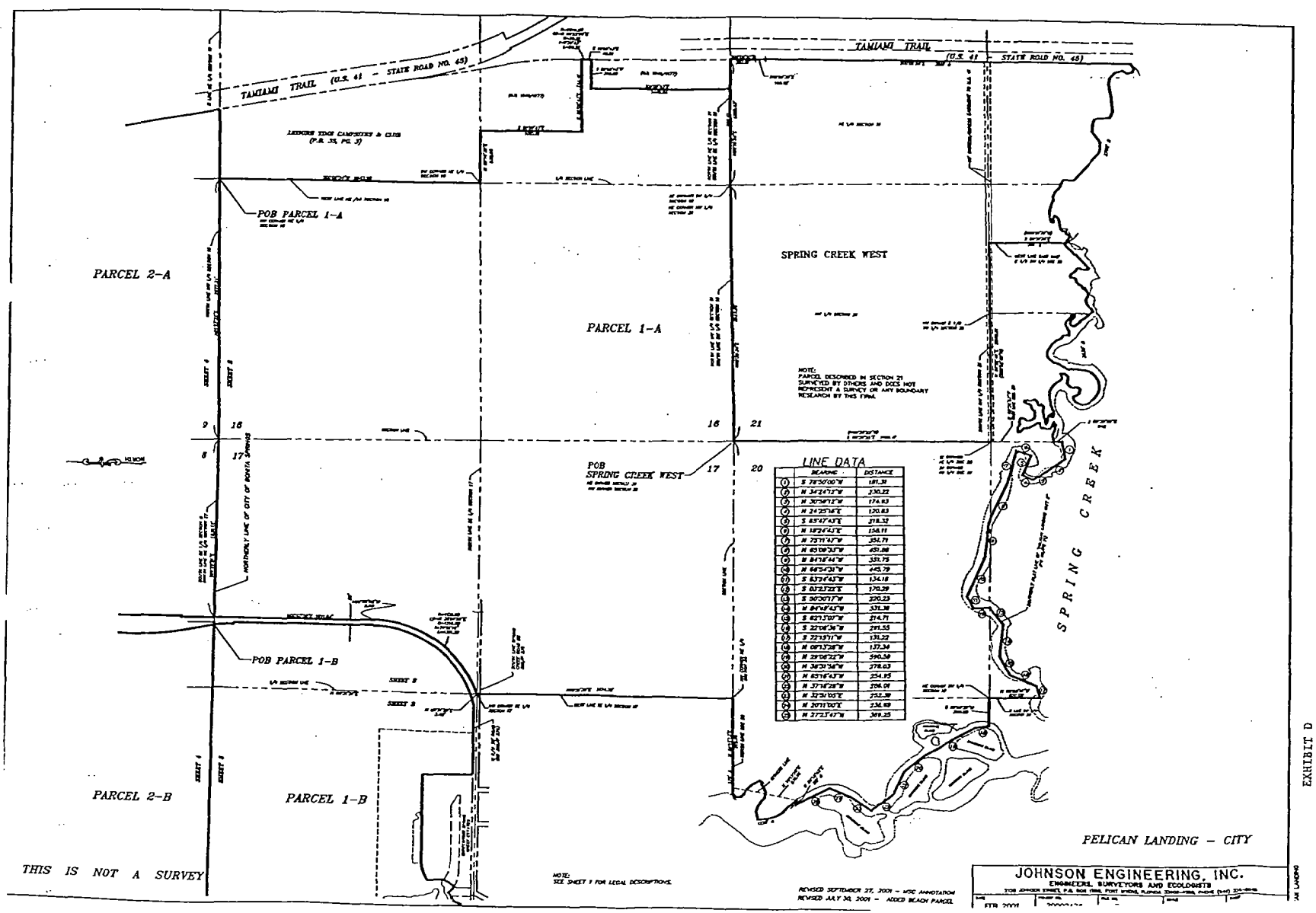
UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

REVISED SEPTEMBER 27, 2001 - DESCRIPTIONS
REVISED JULY 3, 2001 - ADDED BEACH PARCEL

JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND ECOLOGISTS
7158 JOHNSON STREET, P.O. BOX 1550, FORT MYERS, FLORIDA 33902-1550, PHONE (941) 334-0046

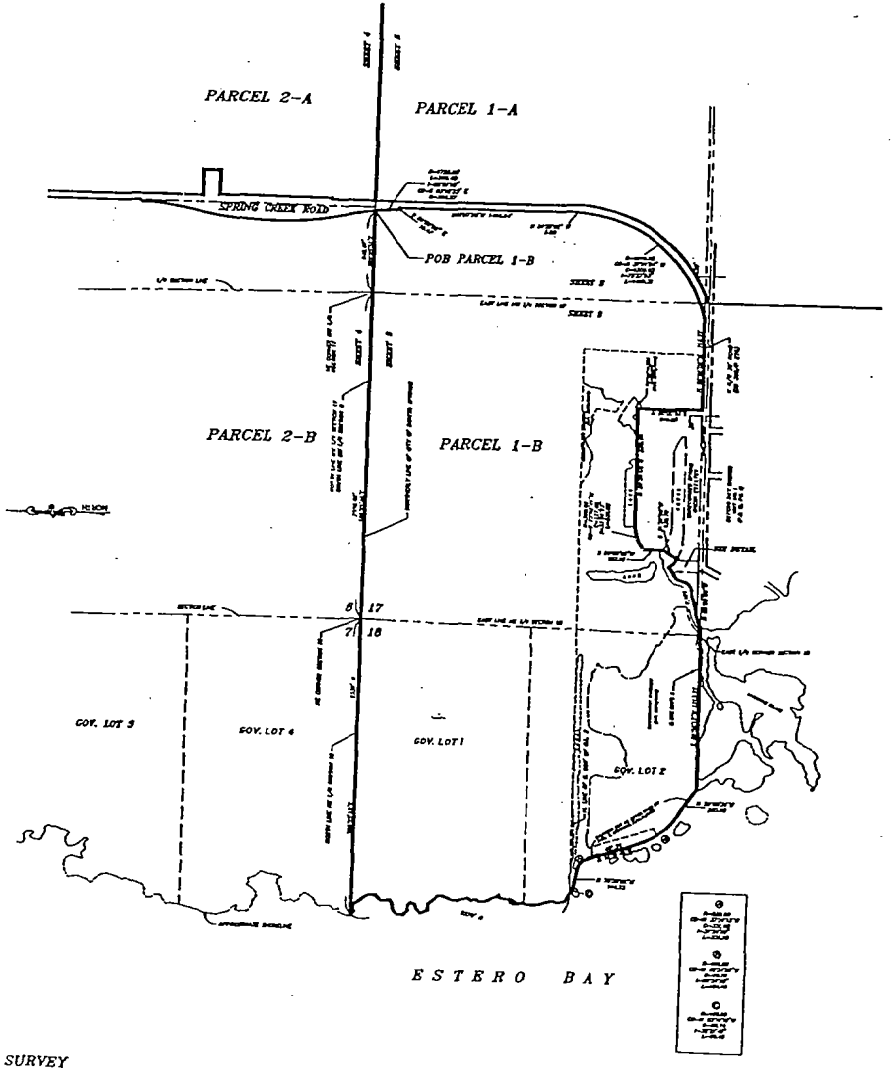
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
FEB 2001	20002478	7-47-25	N/A	1 OF 5

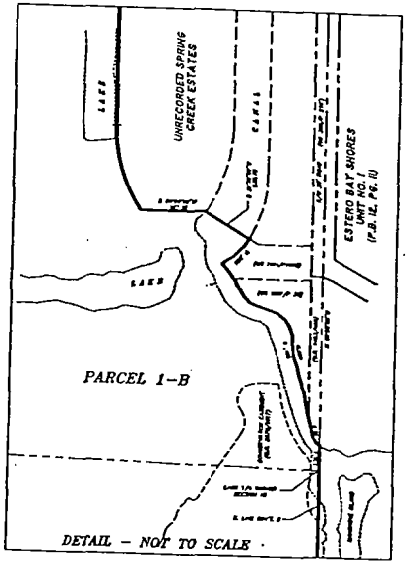
EXHIBIT D
Page 1 of 5



	BEARING	DISTANCE
L1	S 78°50'00"W	181.38
L2	N 34°24'12"W	230.22
L3	N 30°58'12"W	174.83
L4	N 24°25'34"E	120.83
L5	S 65°47'43"E	318.32
L6	N 18°27'43"E	156.11
L7	N 73°11'43"W	351.71
L8	N 45°09'30"W	451.88
L9	N 84°18'44"W	331.75
L10	N 84°50'31"W	445.79
L11	S 83°37'43"W	134.18
L12	S 83°37'30"E	170.29
L13	S 80°30'11"W	220.23
L14	N 84°16'43"W	331.38
L15	S 82°13'07"W	214.71
L16	S 32°06'36"W	291.55
L17	S 72°59'11"W	131.22
L18	N 08°13'28"W	177.34
L19	N 29°06'12"W	590.39
L20	N 34°01'54"W	278.63
L21	N 65°16'43"W	254.95
L22	N 37°16'08"W	206.01
L23	N 32°31'55"E	252.38
L24	N 20°11'00"E	236.89
L25	N 37°23'47"W	369.35

EXHIBIT D
Page 2 of 5





NOTE:
SEE SHEET 1 FOR LEGAL DESCRIPTIONS

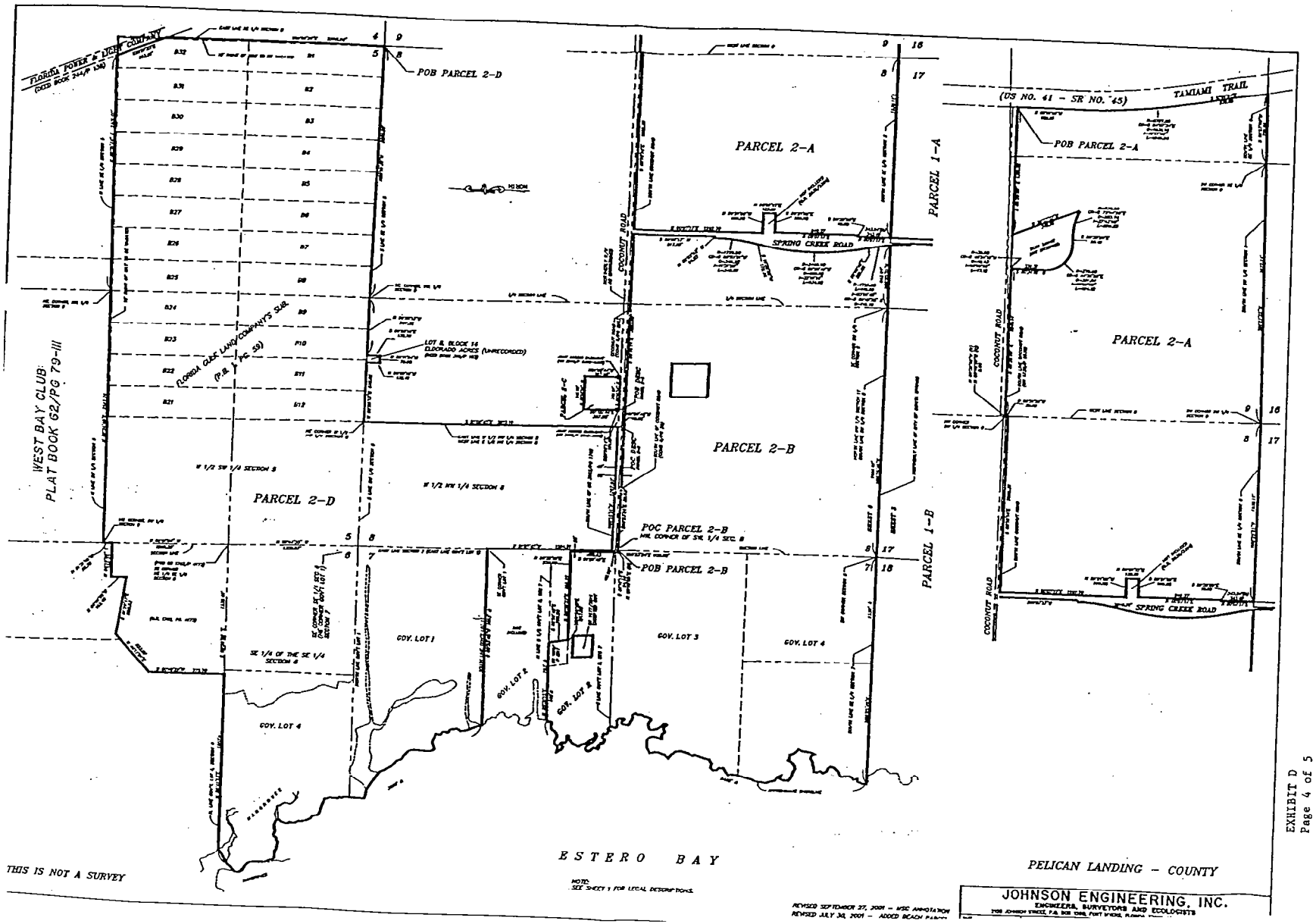
PELICAN LANDING - CITY

THIS IS NOT A SURVEY

REVISED SEPTEMBER 27, 2001 - MISC ANNOTATION
REVISED JULY 30, 2001 - ADDED BEACH PARCEL

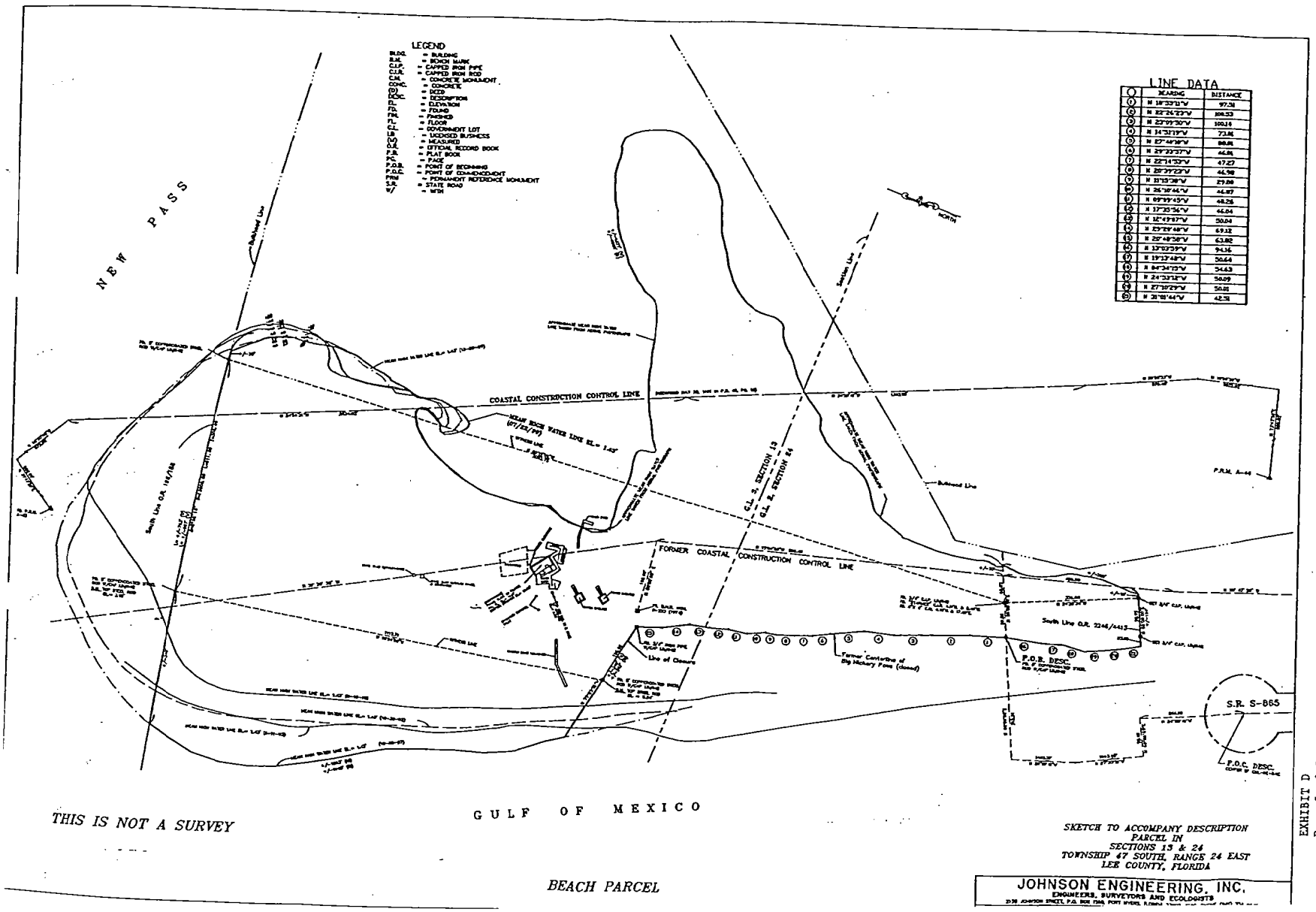
JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND ECOLOGISTS

EXHIBIT D
Page 3 of 5



JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND ECOLOGISTS

EXHIBIT D
Page 4 of 5



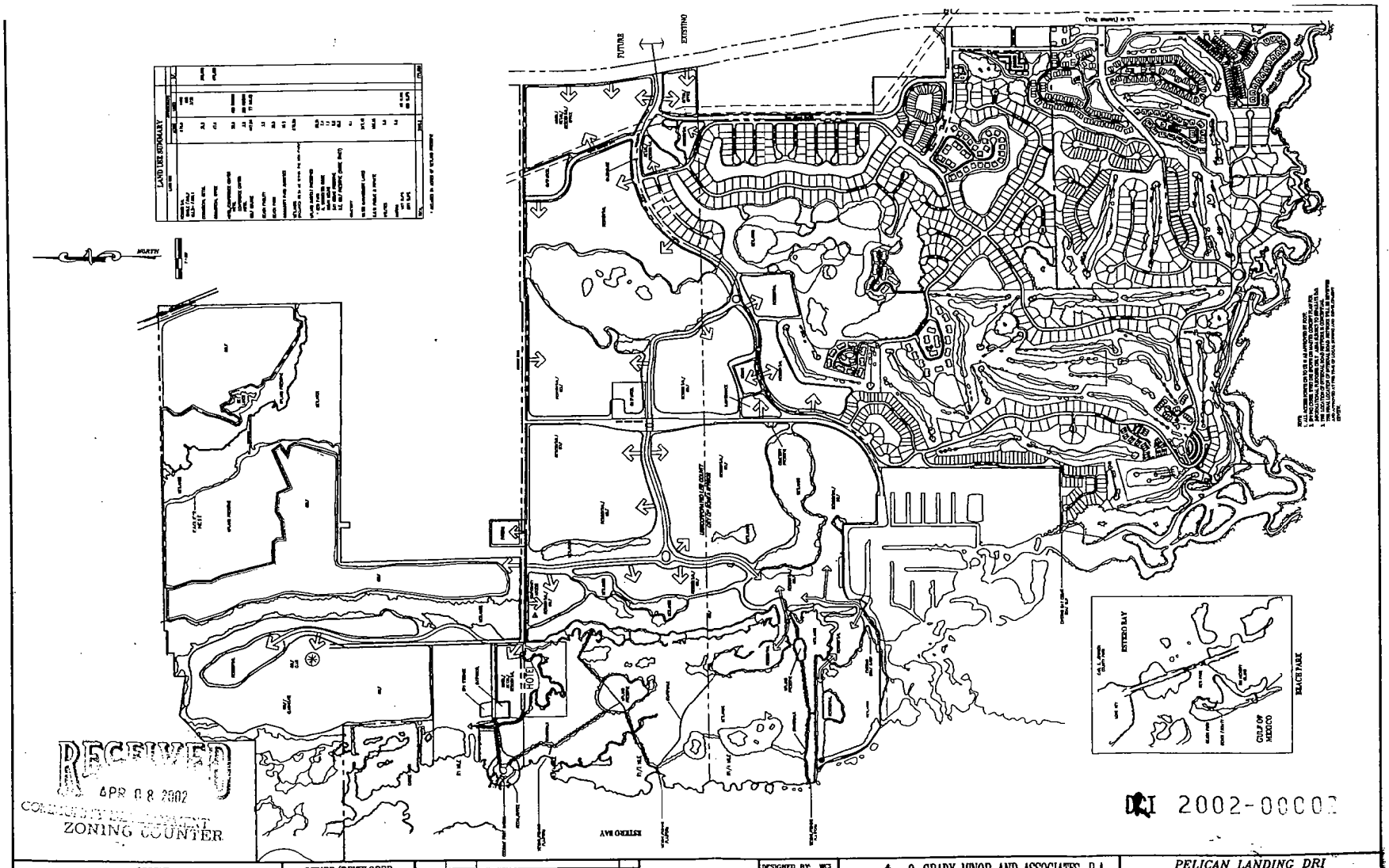
THIS IS NOT A SURVEY

BEACH PARCEL

SKETCH TO ACCOMPANY DESCRIPTION
PARCEL IN
SECTIONS 13 & 24
TOWNSHIP 47 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND ECOLOGISTS

EXHIBIT D
Page 5 of 5



RECEIVED
APR 08 2002
COMMUNITY DEVELOPMENT
ZONING COUNTER

DCI 2002-00002

EXHIBIT E

LEGEND

OWNER/DEVELOPER
WCI COMMUNITIES, INC.
24301 Walden Center Drive
Suite 300
Bonita Springs, Florida 34134
(941) 947-2600
(941) 498-8268 (FAX)

Revision	Date	Description	By
1	4/01	ADDED TEMPORARY ACCESS TO COCONUT RD.	WA

DESIGNED BY: WCI
DRAWN BY: WCI
APPROVED: W.A.
JOB CODE: PLNOPC
SCALE: 1" = 600'

Q. GRADY MINOR AND ASSOCIATES, P.A.
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS
3800 VIA DEL REY
BONITA SPRINGS, FLORIDA 34134
PHONE: (941) 947-1144 FAX: (941) 947-0373
ENGINEERING CERTIFICATE OF AUTHORIZATION LB 000446
SURVEYING CERTIFICATE OF AUTHORIZATION LB 000446

PELICAN LANDING DRI
MAP 'H'
MASTER DEVELOPMENT PLAN

DATE	FILE NAME	DRAWING NUMBER
NOVEMBER, 2000	PLMAPH	1 OF 1

EXHIBIT "F"
PELICAN LANDING DRI
DEVELOPMENT PARAMETERS
(updated through 3-1-01)

Land Use	Units[1]	Existing (1998)	Build out Total (~~2002~~ 2008
Residential	DU	1083	4,400
Single Family	DU	402	665
Multi Family	DU	596	3,735
Retail[2]	GFA	11,000	300,000
Office[3]	GFA	134,738	475,000
Hotel/Motel	Rooms	0	750
Recreation Uses			
Pelican Nest Golf Course/Clubhouse/ Practice Range	Holes	21	30
Colony Range Club/ Golf Course/ Clubhouse/Practice Range	Holes	19	19
Resort Golf Course/ Clubhouse Practice Range	Holes	0	28
Tennis Center	Courts	12	24
Coconut Marina	Boat Slips Wet	24	48
	Dry	0	150
Redfish Point	GFA	5,000	5,000
	Boat Slips Wet	15	15
Other[4]	Boat Slips Wet	2	2
	Accessory Parking	0	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

EXHIBIT B

LEE COUNTY
RECEIVED
02 OCT 15 AM 11:38
COMM. DEV/
PUB. WKS. CNTR.
SECOND FLOOR

CODIFIED ELEVENTH AMENDED DEVELOPMENT ORDER[1]
FOR

PELICAN LANDING

A DEVELOPMENT OF REGIONAL IMPACT

STATE DRI #1-9293-121
COUNTY CASE DRI2000-00002

WHEREAS, on November 28, 2000, WCI Communities, Inc., the owner of the Pelican Landing Development of Regional Impact (DRI) most recently requested an amendment to the original Development Order (DO)adopted August 29, 1994, as amended; 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; and the conditions proposed for the tenth amendment to the Pelican Landing DRI Development Order; and

WHEREAS, Condition II.L., adopted as part of the ninth development order amendment, requires 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 Development Order was amended a tenth time on February 26, 2002 to revise the legal description and clearly define the jurisdictional line between the City and County; and

WHEREAS, the City of Bonita Springs has adopted a substantially similar development order that is applicable within its jurisdiction; and

WHEREAS, a Notice of Proposed Change was submitted by WCI Communities, Inc. on April 8, 2002 to accomplish the following: (1)adjust the original buildout date (from December 31, 2002 to May 21, 2004) and termination date (from December 31, 2005 to May 21, 2007) to reflect the one year and 141 days the effectiveness of the Development Order was tolled as a result of the 1996 appeal and challenge; and (2)extend the buildout and termination dates by 4 years and 364 days to May 20, 2009 and May 20, 2012, respectively.

---

[1] This is a codification and a restatement of all DRI Development Orders rendered with respect to Pelican Landing within Lee County, including actions taken on March 25, 1995, August 16, 1995, November 17, 1997, September 21, 1998, June 21, 1999, December 6, 1999, August 7, 2000, February 26, 2002 and October 7, 2002.

WHEREAS, under F.S. §380.06(19), the proposed change must be reviewed cumulatively with previous changes to the DRI Development Order to determine whether they constitute a substantial deviation from the terms of the original DRI Development Order approvals; and

WHEREAS, the Board of County Commissioners has reviewed the proposed amendment and found that the changes do not constitute a substantial deviation; and

WHEREAS, the Board of County Commissioners of Lee County, Florida, has considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Staff, the Lee County Hearing Examiner, the documents and comments upon the record made before the Board in public hearing, and after full consideration of those reports, recommendations, comments, and documents, the Board of County Commissioners of Lee County, Florida, finds and determines that:

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The "Pelican Landing DRI" is a partially built master planned community on a total of 2748.25± acres located approximately three miles north of the Lee/Collier County Line. Approximately 1249.8 acres of the Pelican Landing DRI are located within the City of Bonita Springs; approximately 1216.45 acres of the Pelican Landing DRI are located within the unincorporated area of Lee County; and approximately 282± acres of the 2748.25±-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 proposal is to construct 4,400 residential units, of which 665 are single-family and 3,735 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 will also include 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 date is ~~the year 2002~~ May 20, 2009.

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, C and D.

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

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

Exhibit 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.

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 proposed Development Order Amendment has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes. 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 classifications of the Lee Plan with 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.

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 annual 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.

K. A portion of the DRI property has been included in the incorporated limits of the City of Bonita Springs pursuant to legislation adopted during the 1999 Legislative session. The property now located in the City of Bonita Springs lies within the area described in section 6 of the Committee Substitute for Senate Bill 2626, 1st Engrossed. Pursuant to Florida Statutes section 380.06(15)(h), a separate DRI development order must be adopted by the City of Bonita Springs that incorporates 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 Statues, the Pelican Landing DRI development order adopted by the county 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.

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, LET IT BE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF 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, and August 7, 2000, 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.~~ in public meeting duly constituted and assembled on October 7, 2002 that the proposed amendments to the Pelican Landing DRI Development Order are hereby APPROVED, SUBJECT TO the following conditions, restrictions and limitations.

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 will be 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 County and 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 are no regionally significant housing impacts for the first planning horizon of the DRI Development Order, which ends 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 accept 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 will be 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 home buyers, 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 home buyers 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 will be responsible for the initial electrical hook-up costs. The selection of the generator will be 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 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 developer will mitigate the hurricane shelter impacts for units 4051 through 4400 by paying $18.50 per unit to the Lee County Impact Fee Coordinator at the time of building permit approval. If the developer constructs an assisted living facility, the developer must comply with all aspects of Section 440.441(1)(b), F.S., as may be amended, including the preparation and submittal of a comprehensive emergency management plan that addresses emergency evacuation transportation and adequate sheltering arrangements for the ALF residents. The developer must update this plan annually. The County must use the funds paid pursuant to this condition to construct or upgrade hurricane shelter space in a location that will benefit the residents of the Pelican Landing Community. The eighteen dollar and fifty cents fee (1996 dollars) will be multiplied by the Dodge Data Service Building Cost Index for U.S. and Canadian cities for June 1 of each year subsequent to 1996, up to the time building permits are issued. This multiplier ensures payment of current dollars at the time the permits are issued. If the Building Cost Index is not available, the Consumer Price Index will be used instead, and applied by the method described above. If Lee County adopts an impact fee for hurricane shelters prior to, or during, the acquisition of building permits 4051 through 4400 then the Developer will pay the duly adopted impact fee, provided that fee is no less per unit than the per unit amount set out above, and this condition will have no further force and effect.

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 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 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~~ that is designed and constructed to meet all requirements of the Standard Building Code, as adopted by Lee County.

E. Vegetation and Wildlife/Wetlands

The developer has 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 parcel and 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.

Prior to any new development within 1500 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 DCA, SWFRPC, FWC Lee County, 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 resubmittal. The agencies will provide a written response to Lee County 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. Lee County and DCA 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 must design the golf course and conduct 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. 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 purposes, and 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 Improvement District (a district 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 Improvement District, 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 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 County Attorney's office.

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 traffic impact assessment for this project assumes the development parameters and land uses shown in Exhibit F, "Pelican Landing DRI Development Parameters." The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Planning Horizon I (1997) and buildout (~~2002~~ 2009). Each annual monitoring report, described in Paragraph 4, must reflect whether the roadways and intersections described below are significantly impacted or are projected to be significantly impacted by this project in the following year.

b. The Pelican Landing DRI is projected to significantly and adversely impact (as defined by Lee County Administrative Code) the following roadways and intersections:

Planning Horizon I (1997)		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 and right turn lanes
	-	Separate WB thru and left turn lanes

Buildout (~~2002~~ 2009)

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 and 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 and right turn lanes
	-	Separate WB thru and left turn lanes

2. Mitigation

a. The developer will pay impact fees as defined in the Lee County 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 are estimated to be $8,900,000 for the land uses identified in Exhibit 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~~ 2009. 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 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 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, Lee County may apply any Pelican Landing impact fees not required for those specific improvements to other improvements consistent with the requirements of the Lee County Land Development Code.

b. If through the local development approval process, the developer constructs, with the approval of the Lee County DOT, 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 must dedicate 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 must construct, 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 will occur as follows:

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) Burnt Pine Drive North from Pelican Landing Parkway to Pelican Landing North Entrance: under construction no later than December 31, 1998.

3) Burnt Pine Drive North from Pelican Landing North Entrance to Coconut Road: should be under construction no later than December 31, 1999.

d. The developer agrees to reserve 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 will be dedicated to Lee County if and when requested. 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 may, with the concurrence of Lee County, make an advance payment of a portion of Pelican Landing's total Impact Fees up to 2 million dollars. Lee County would then utilize 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 is currently 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 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 will be 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), unless subsequently dedicated to and accepted by Lee County.

4. Annual Monitoring Report

a. The developer will submit an annual traffic monitoring report to the following entities for review and approval: Lee County, the Florida Department of Transportation (FDOT), the Florida Department of Community Affairs (FDCA), and the Southwest Florida Regional Planning Council (SWFRPC).

The first monitoring report will be submitted one year after the date of the issuance of this DRI Development Order. Reports must be submitted annually thereafter until build out of the project.

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

c. The annual 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 build out.

(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	Hickory Blvd. to Vanderbilt	2 to 4	Planning Horizon I (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 annual 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 is projected to exceed the adopted level of service standards adopted by Lee County within the forthcoming 12 months, and if the project is utilizing more than 5% of LOS "D" service volume 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 is scheduled for construction in the first three years of an adopted local government capital improvement program or state work program.

e. If the annual 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 more than 5% of level of service D service volume 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 Annual Monitoring Report.

I. Wastewater Management/Water Supply

1. The developer or the Bayside 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 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 developer must provide written assurance that any hazardous commercial effluent, generated by the project, 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, 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.

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 as defined by Lee County regulations.

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 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 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 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 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 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 must be 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 will submit the test reports with the annual monitoring report. The monitoring program will be 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.

5. The Developer will submit a written amended surface and groundwater quality management plan to Lee County and DCA. The amended plan must be approved by DCA prior to the application of chemicals to the proposed golf course. The DCA 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. DCA 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 DCA 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 DCA 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 will be 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 Lee County. 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 Lee County 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 DCA, SWFRPC, or Lee County 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.

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 Lee County, adopted by the Board of County Commissioners in response to the application filed by WCI Communities, L.P. 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 ~~March 1, 2001~~ April, 2001, and stamped received at the permit counter on ~~March 6, 2001~~ April 8, 2002, is attached hereto as Exhibit 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 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 County 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 Board of County Commissioners, 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, the Board 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 ~~2002~~ May 20, 2009, and a termination date of ~~2005~~ May 20, 2012. ~~This term is based on a ten year build out and the recognition~~ The buildout and termination dates reflect adjustment of one year and 141 days applicable to the tolling of time for the appeal/challenge to the original DRI Development Order. The termination date recognizes that a local Development Order, which is valid for three years, may be obtained ~~in the tenth year~~ prior to the buildout expiration date.

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 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 ~~2005~~ 2012. If the County 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 ~~2005~~ 2012, 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) ~~and 60 acres of commercial use allocation in the Bonita Springs Planing Community,~~ as established by Lee Plan Map 16, The Planning Communities Map and Table 1(b), known as the Planning Community Year 2020 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.

15. The developer, or its successor(s) in title to the undeveloped portion of the subject property, will submit a report annually to Lee County, SWFRPC, FDCA 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 FDCA. The first monitoring report must be submitted to the Administrative Director of the DCA not later than one year after the effective date of this Development Order. Further reporting must be submitted not later than one year of subsequent calendar years thereafter, until build out. 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 County 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.

THE MOTION TO ADOPT this Amendment was offered by Commissioner Ray Judah, and seconded by Commissioner Andrew W. Coy and, upon poll of the members present, the vote was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 7th day of October, 2002

ATTEST:
CHARLIE GREEN, CLERK

BY: Michelle L. Cooper
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: Ray Judah
Vice-Chairman

APPROVED AS TO FORM BY:

County Attorney's Office

State of Florida
County of Lee

I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 14th day of October, A.D. 2002

CHARLIE GREEN, CLERK

By Michelle L. Cooper
Deputy Clerk

CIRCUIT COURT * FLORIDA * LEE COUNTY

Attachments:

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

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

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

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

Exhibit E. Map H, Master Development Plan - last revised ~~March 1, 2001~~ April 2001, stamped received ~~March 6, 2001~~ April 8, 2002.

Exhibit F. Pelican Landing DRI Development Parameters

JOHNSON ENGINEERING

SINCE 1946

November 1, 2001

DESCRIPTION

PELICAN LANDING DRI –UNINCORPORATED LEE COUNTY SECTIONS 5, 6, 7, 8 AND 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

A tract or parcel of land lying in Sections 5, 6, 7, 8 and 9, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

PARCEL 2-A

Beginning at an intersection of the West line of Tamiami Trail (State Road No. 45) with the south line of Coconut Road as described in Official Record Book 1738 at Page 2538 of the Public Records of Lee County, Florida; thence run S 00° 10' 56" W along said West line for 621.81 feet to a point of curvature; thence run southerly and southeasterly along said West line, along the arc of a curve to the left of radius 5797.58 feet (chord bearing S 04° 57' 34" E) (chord 1039.14 feet) (delta 10° 17' 00") for 1040.54 feet to a point of tangency; thence run S 10° 06' 04" E along said westerly line for 938.08 feet to an intersection with the south line of the Southeast Quarter (SE-1/4) of said Section 9; thence run S 89° 23' 00" W along said south line for 708.94 feet to the southwest corner of said Southeast Quarter (SE-1/4) of Section 9; thence run S 89° 27' 22" W along the south line of the Southwest Quarter (SW-1/4) of Section 9 for 2677.24 feet to the southwest corner of the Southwest Quarter (SW-1/4) of Section 9; thence run N 89° 25' 51" W along the south line of the Southeast Quarter (SE-1/4) of said Section 8 for 1,838.15 feet to an intersection with the easterly line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records; thence continue N 00° 07' 17" E along said east line for 343.54 feet; thence run S 89° 38' 58" E for 10.00 feet; thence run N 00° 07' 17" E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records; thence run S 89° 21' 02" E along the South line of said lands for 189.98 feet; thence run N 00° 07' 17" E along the East line of said lands for 125.01 feet; thence run N 89° 21' 02" W along the North line of said lands for 199.98 feet to an intersection with the easterly line of said Spring Creek Road; thence run N 00° 07' 17" E along said East line for 1292.76 feet to an intersection with the South line of Coconut Road (50 feet wide); thence run S 89° 16' 14" E along said South line for 1802.38 feet to an intersection with the West line of said Section 9; thence run N 00° 39' 58" W along said West line for 25.00 feet to a Concrete Monument marking the Northwest corner of the Southwest Quarter (SW-1/4) of said section; thence continue along said west line N 00° 39' 58" W for 5.00 feet to an intersection with the south line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records; thence run S 89° 35' 50" E along said south line for 1549.14 feet; thence run southwesterly along a non-tangent curve to the left of radius 30.00 feet (chord bearing S 45° 24' 10" W) (chord 42.43 feet) (delta 90° 00' 00") for 47.12 feet to a point of tangency; thence run S 00° 24' 10" W for 336.31 feet to a point of curvature; thence run along the arc of a curve to the left of radius 270.00 feet (chord bearing S 44° 35' 50" E) (chord 381.84 feet) (delta 90° 00' 00") for 424.12 feet to a point of tangency; thence run S 89° 35' 50" E for 99.41 feet to a point of curvature; thence run along the arc of a curve to

the right of radius 530.00 feet (chord bearing S 75° 44' 50" E) (chord 253.74 feet) (delta 27° 42' 00") for 256.23 feet; thence run N 20° 53' 52" W for 748.16 feet to an intersection with the aforementioned south line of Coconut Road; thence run along said south line S 89° 35' 50" E for 1,301.22 feet to the Point of Beginning.
Parcel contains 294.56 acres, more or less.

AND

PARCEL 2-B

From a railroad spike marking the northwest corner of the Southwest Quarter (SW-1/4) of said Section 8 run S 00° 23' 24" E along the west line of said fraction for 25.00 feet to an intersection with the south line of Coconut Road as recorded in County Commissioners Minutes Book 6 at Page 288 of the Public Records of Lee County of Lee County, Florida, and the Point of Beginning.
From said Point of Beginning run S 89° 16' 14" E along said south line for 3253.00 feet to an intersection with the west line of Spring Creek Road; thence run the following courses and distances along said west line of said Spring Creek Road; S 00° 17' 17" W for 817.15 feet; N 89° 52' 43" W for 14.27 feet to a point of curvature; thence run Southwesterly along said arc of a curve to the right of radius 1725.00 feet (chord bearing S 05° 52' 51" W) (chord 346.22 feet) (delta 11° 31' 09") for 346.81 feet to a point of tangency; thence run S 11° 38' 26" W for 178.50 feet to a point of curvature; thence run Southwesterly along said arc of a curve to the left of radius 2400.00 feet (chord bearing S 00° 28' 49" W) (chord 929.06 feet) (delta 22° 19' 14") for 934.96 feet to a point of tangency; thence run S 10° 40' 48" E for 231.66 feet to a point of curvature; thence run Southeasterly along said arc of curve to the right of radius 1725.00 feet (chord bearing S 08° 42' 25" E) (chord 118.78) (delta 03° 56' 45") for 118.80 feet to an intersection with the south line of said Section 8; thence run N 89° 25' 51" W along the south line of the Southeast Quarter (SE-1/4) of said Section 8 for 642.07 feet to the southeast corner of the Southwest Quarter (SW-1/4) of Section 8; thence run N 89° 25' 49" W along the south line of the Southwest Quarter (SW-1/4) of Section 8 for 2558.62 feet to the southwest corner of said Section 8; thence run N 89° 25' 49" W along the south line of the Southeast Quarter (SE-1/4) of said Section 7 for 2330 feet more or less to the waters of Estero Bay; thence run northerly along the waters of Estero Bay for 6,485 feet more or less to an intersection with the north line of the South Half (S-1/2) of Government Lot 2 of said Section 7; thence run N 89° 32' 15" E along the north line of said South Half (S-1/2) of Government Lot 2 for 793 feet more or less to the northeast corner of lands described in Official Record Book 1895 at Page 3817 of said public records; thence run S 08° 50' 45" E along the east line of said lands for 199.50 feet to the southeast corner of said lands; thence run N 89° 35' 27" E for 666.22 feet; thence run N 89° 32' 15" E for 239.00 feet to an intersection with the west line of Coconut Road; thence run S 01° 07' 45" E along said west line for 488.63 feet; thence run N 89° 40' 05" E along the south line of said Coconut Road for 24.69 feet to the Point of Beginning. Less and except Official Record Book 1677 at Page 3516 of said Public Records.
Parcel contains 343 acres, more or less.

AND

PARCEL 2-C

A parcel of land lying in and being a portion of the East Half of the Northwest Quarter of Section 8, Township 47 South, Range 25 East of Lee County, Florida, being more particularly described as follows:

Commencing at the southwest corner of the East Half (E-1/2) of the Northwest Quarter (NW-1/4) of said Section 8; thence run N 01° 00' 45" W along the west line of said East Half (E-1/2) of the Northwest Quarter (NW-1/4) for 40.02 feet to an intersection with the northerly right-of-way line of Coconut Road (as maintained); thence run S 89° 16' 14" E along said right-of-way for 171.25 feet to the Point of Beginning.

From said Point of Beginning continue S 89° 16' 14" E along said right-of-way a distance of 342.50 feet; thence run N 01° 00' 44" W a distance of 367.98 feet; thence run N 89° 16' 14" W a distance of 342.50 feet; thence run S 01° 00' 44" E a distance of 367.98 feet to the Point of Beginning.

Parcel contains 2.89 acres, more or less.

AND

PARCEL 2-D

All that part of Florida Gulf Land Company's Subdivision as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, Florida, lying in Section 5, Township 47 South, Range 25 East South and West of lands to Florida Power and Light Company as described by deed recorded in Deed Book 244, Page 138 of said Public Records, also Lot 8, Block 14 of Eldorado Acres (an Unrecorded Subdivision) as shown in Deed Book 310 at Page 183 of said public records; also part of Sections 5, 6, 7 and 8, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at the southeast corner of said Section 5; thence run N 88° 46' 30" W along the south line of the Southeast Quarter (SE-1/4) of said Section 5 for 2580.80 feet to the southeast corner of the Southwest Quarter (SW-1/4) of said Section 5; thence run N 89° 25' 13" W along the south line of said Southwest Quarter (SW-1/4) for 587.32 feet to an intersection with the east line of said Lot 8, Block 14, Eldorado Acres, an unrecorded subdivision; thence run the following three courses and distances along the boundary of said Lot 8: S 00° 50' 16" E for 132.70 feet; N 89° 11' 54" W for 75.00; N 00° 50' 16" W for 132.41 feet to an intersection with said south line of the Southwest Quarter (SW-1/4) of Section 5; thence run N 89° 25' 13" W along said south line for 610.82 feet to the northeast corner of the West Half (W-1/2) of the Northwest Quarter (NW-1/4) of

said Section 8; thence run S 01° 00' 45" E along the east line of said West Half (W-1/2) of the Northwest Quarter (NW-1/4) of Section 8 for 2612.19 feet to an intersection with the northerly right-of-way line (as maintained) of Coconut Road being 40.00 feet north of the centerline of Coconut Road as recorded in County Commissioners Minutes Book 6 at Page 288 of said Public Records, said right-of-way line being the south line of lands as described by deed recorded in Official Record Book 3052 at Page 1748 of said Public Records; thence run N 89° 16' 14" W along said maintained right-of-way for 1267.93 feet to an intersection with the west line of the Northwest Quarter (NW-1/4) of said Section 8; thence run N 01° 07' 45" W along said west line for 1284.51 feet to the southeast corner of Government Lot 1 of said Section 7; thence run S 89° 33' 42" W along the south line of said Government Lot 1 for 1813 feet more or less to the easterly waters of Estero Bay; thence run northerly along the waters of Estero Bay for 3000 feet more or less to an intersection with the north line of Government Lot 4 of said Section 6; thence run N 89° 41' 23" E along said north line or 1807 feet more or less to an intersection with the west line of lands as described by deed recorded in Official Record Book 1762 at Page 4173 of said Public Records; thence run the following courses and distances along the boundary of said lands: N 00° 48' 29" W for 775.70 feet; N 46° 11' 51" E for 523.67 feet; S 81° 20' 47" E for 600.53 feet; N 00° 49' 50" W for 162.49 feet; N 89° 10' 55" E for 349.43 feet; N 01° 31' 46" W for 92.78 feet to an intersection with the north line of the Southwest Quarter (SW-1/4) of said Section 5; thence run N 89° 34' 40" E along said north line for 2592.29 feet to the northeast corner of said Southwest Quarter (SW-1/4); thence run N 89° 31' 44" E along the north line of the Southeast Quarter (SE-1/4) of said Section 5 for 2401.02 feet to an intersection with the southwesterly line of said lands to Florida Power and Light Company; thence run S 20° 51' 33" E along said southwesterly line for 553.91 feet to an intersection with the east line of said Southeast Quarter (SE-1/4) of Section 5; thence run S 00° 08" 26" E along said east line for 2202.99 feet to the Point of Beginning.

Parcel contains 576 acres, more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

Frances L. Yerdon (for the Firm LB-642)
Professional Surveyor Mapper
Florida Certificate No. 5652

20002476\Pelican Landing-County – 110101

Q. GRADY MINOR & ASSOCIATES, P.A.
Civil Engineers ▪ Land Surveyors ▪ Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
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D. WAYNE ARNOLD, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.
THOMAS CHERNESKY, P.S.M.
ALAN V. ROSEMAN

SURVEYOR'S AFFIDAVIT

I am a Professional Surveyor and Mapper holding Certificate Number 5426 under the laws of the State of Florida.

I hereby certify that the dividing line described in the legal descriptions of "Pelican Landing DRI – City of Bonita Springs" and "Pelican Landing DRI – Unincorporated Lee County" (submitted with the DRI), as prepared by Johnson Engineering, dated November 1, 2001, is the same as the Jurisdictional line as decribed in the legal description established by the Charter for the City of Bonita Springs; and is also the same line shown and depicted on the Specific Purpose Survey, as prepared by Q. Grady Minor & Associates, P.A., dated October 2, 2001, as Drawing number C-1497.

I also certify that there are no overlaps or hiatus between the legal descriptions and the lines mentioned above.

DRI 2000-00022

Q. Grady Minor & Associates, P.A.

By: _____ *Date:* 11-2-01

Thomas Chernesky, P.S.M. #5426

(941) 947-1144 ▪ FAX (941) 947-0375 ▪ E-Mail: engineering@gradyminor.com
3800 Via Del Rey ▪ Bonita Springs, Florida 34134

JOHNSON ENGINEERING

SINCE 1946

DRI 2000-00022

November 1, 2001

DESCRIPTION

PELICAN LANDING DRI – CITY OF BONITA SPRINGS
SECTIONS 16, 17, 20 AND 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Sections 16, 17, 20 and 21, Township 47 South, Range 25 East, City of Bonita Springs, Lee County, Florida, which tract or parcel is described as follows:

Parcel 1-A

Beginning at the Northwest corner of the Northeast Quarter (NE-1/4) of Section 16; thence run S 00° 02' 54" W along said West line of the 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 N 89° 10' 38" E along the South line of said fraction for 538.06 feet; thence run S 00° 06' 43" E for 1085.91 feet; thence run N 89° 06' 43" E for 744.41 feet to an intersection with the West line of Tamiami Trail (US 41 S.R. No. 45); thence run southerly along said West line, along the arc of a non-tangent curve to the right of radius 5619.58 feet (chord bearing S 00° 22' 05" E) (chord 50.21 feet) (delta 00° 30' 43") for 50.21 feet to a point of tangency; thence run S 00° 06' 43" E along said West line for 49.81 feet; thence run S 89° 06' 43" W for 300.00 feet; thence run S 00° 06' 43" E for 1445.84 feet to an intersection with the South line of the Southeast Quarter (SE-1/4) of said Section 16; thence run S 89° 16' 54" W 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 S 88° 38' 34" W 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 S 00° 35' 25" E 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 N 88° 52' 49" E along the North line of the Southwest Quarter (SW-1/4) of said Section 21 for 2,040.41 feet 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 S 00° 51' 35" E along said West line for 801 feet, more or less to the water of Spring Creek; thence run westerly along Spring Creek for 3630 feet more or less to an intersection of the East line of said Section 20; thence run S 00° 38' 52" E along said East line of Section 20 for 91 feet, more or less to an intersection with the approximate centerline of Spring Creek as shown on the Plat of Pelican Landing Unit 5 recorded in Plat Book 59 at Page 11 of said Public Records of Lee County, Florida; thence run along said centerline the following courses: S 78° 50' 00" W for 181.31 feet, N 34° 24' 12" W for 230.22 feet, N 30° 59' 12" W for 174.93 feet, N 24° 25' 16" E for 120.83 feet, S 65° 47' 43" E for 219.32 feet, N 18° 24' 43" E for 158.11 feet, N 75° 11' 47" W for 351.71 feet, N 65° 09' 33" W for 451.88 feet, N 84° 18' 44" W for 351.75 feet, N 66° 54' 31" W for 445.79 feet, S 63° 24' 43" W for 134.16 feet, S 03° 23' 22" E for 170.29 feet, S 50° 30' 17" W for 220.23 feet, N 84° 49' 43" W for 331.36 feet, S 62° 13' 07" W for 214.71 feet, S 22° 08' 36" W for 291.55 feet, S 72° 15' 11" W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW-1/4) of said Section 20; thence run N 00° 50' 19" W along said East line for 520.00 feet to the Northeast corner of said fraction; thence run S 89° 58' 37" W 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 as shown on said Plat of Pelican Landing Unit 5; thence run along said centerline the following courses: N 09° 13' 28" W for 137.34 feet, N 29° 08' 22" W for 590.59 feet, N 38° 31' 58" W for 278.03 feet, N 65° 16' 43" W for 254.95 feet, N 37° 18' 28" W for 286.01 feet, N 32° 51' 05" E for 252.39 feet, N 20° 11' 00" E for 236.69 feet, N 27° 23' 47" W for 369.25 feet, N 89° 15' 43" E for 50 feet more or less to the easterly shore of said Spring Creek; thence run northerly along said easterly shore for 1220 feet more or less to an intersection with the North line of said Section 20; thence run N 89° 15' 13" E along said North line of said section for 970 feet, more or less to a Concrete Monument marking the Northwest corner of the Northeast Quarter (NE-1/4) of said Section 20; thence run N 00° 31' 30" E 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 N 00° 31' 29" E 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 along the arc of a curve to the left of radius 1130.00 feet (chord bearing N 35° 09' 06" E) (chord 1296.89 feet) (delta 70° 02' 16") for 1381.30 feet; thence run N 89° 52' 02" W for 5.00 feet; thence run N 00° 07' 58" E 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 S 89° 25' 51" E along said north line of the Northeast Quarter (NE-1/4) of said Section 17 for 1838.15 feet to the Northeast corner of said Section 17; thence run N 89° 27' 22" E along the north line of the Northwest Quarter (NW-1/4) of said Section 16 for 2677.24 feet to the Point of Beginning.
Parcel contains 909 acres; more or less.

AND

PARCEL 1-B

Beginning at an 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 Southerly right-of-way of said Spring Creek Road: Southeasterly along an arc of a non-tangent curve to the right of radius 1725.00 feet (chord bearing S 03° 18' 23" E) (chord 206.27) (delta 06° 51' 19") for 206.40 feet to a point on a non-tangent line; thence run S 89° 52' 02" E for 16.47 feet; thence run S 00° 07' 58" W for 1406.64 feet; thence run N 89° 52' 02" W for 5.00 feet to a point of tangency; thence Southwesterly along an arc of said curve to the right of radius 1070.00 feet (chord bearing S 37° 51' 54" W) (chord 1309.62 feet) (delta 75° 27' 53") for 1409.31 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 N 89° 59' 08" W 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: N 00° 00' 52" E for 510.00 feet; N 89° 59' 08" W for 885.06 feet to a point of curvature; along an arc of a curve for 231.02 feet, having a radius of 390.00 feet, central angle of 33° 56' 23", chord of 227.66 feet and chord bearing of S 73° 02' 41" W, to a point on the curve; S 00° 00' 52" W for 167.10 feet; and S 31° 38' 00" W 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 mean high water line of a canal, 45 feet more or less to the south line of the North Half (N-1/2) of said Section 17; thence N 89° 59' 08" W for 136 feet more or less to the east quarter corner of said Section 18, thence run S 89° 58' 17" W 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: N 56° 00' 38" W for 265.00 feet to a point of curvature; along an arc of a curve for 338.95 feet, having a radius of 520.00 feet, central angle of 37° 20' 50", chord of 332.98 feet and chord bearing of N 37° 20' 13" W, to a point of tangency; N 18° 39' 48" W for 481.24 feet to a point of curvature; along an arc of a curve for 104.44 feet, having a radius of 100.00 feet, central angle of 59° 50' 20", chord of 99.76 feet and a chord bearing of N 48° 34' 58" W, to a point of tangency; N 78° 30' 08" W for 144.73 to a point of curvature; along an arc of a curve for 56.48 feet, having a radius of 100.00 feet, central angle of 32° 21' 45"; chord of 55.74 feet and a chord bearing of N 62° 19' 15" W, to a point of tangency and an intersection with the waters of Estero Bay; thence run northerly along the waters of Estero Bay for 2270 feet more or less to an intersection with the north line of the Northeast Quarter (NE-1/4) of said Section 18; thence run S 89° 25' 49" E along said north line of the Northeast Quarter (NE-1/4) of said Section 18 for 2330 feet, more or less to the northeast corner of Section 18; thence run S 89° 25' 49" E along the north line of the Northwest Quarter (NW-1/4) of said Section 17 for 2558.62 feet to the northeast corner of said Northwest Quarter (NW-1/4); thence run S 89° 25' 51" E along the north line of the Northeast Quarter (NE-1/4) of said Section 17 for 642.07 feet to the Point of Beginning.

Parcel contains 304 acres, more or less.

Frances L. Yerdon (for the Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

JOHNSON ENGINEERING

SINCE 1946

August 15, 2001

PARCEL IN
GOVERNMENT LOT 3, SECTION 13
AND
GOVERNMENT LOT 2, SECTION 24
TOWNSHIP 47 SOUTH, RANGE 24 EAST
BIG HICKORY ISLAND, LEE COUNTY, FLORIDA

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 prolongation of said centerline of State Road No. 865 for 266.00 feet; thence run S 62° 26' 49" W for 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 Page 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.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

Frances L. Yerdon (for the Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

22005\BeachParcel-081501

Q. GRADY MINOR & ASSOCIATES, P.A.
Civil Engineers ▪ Land Surveyors ▪ Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.
MICHAEL J. DELATE, P.E.
BLAIR A. FOLEY, P.E.

D. WAYNE ARNOLD, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.
THOMAS CHERNESKY, P.S.M.
ALAN V. ROSEMAN

SURVEYOR'S AFFIDAVIT

I am a Professional Surveyor and Mapper holding Certificate Number 5426 under the laws of the State of Florida.

I hereby certify that the dividing line described in the legal descriptions of "Pelican Landing DRI – City of Bonita Springs" and "Pelican Landing DRI – Unincorporated Lee County" (submitted with the DRI), as prepared by Johnson Engineering, dated November 1, 2001, is the same as the Jurisdictional line as decribed in the legal description established by the Charter for the City of Bonita Springs; and is also the same line shown and depicted on the Specific Purpose Survey, as prepared by Q. Grady Minor & Associates, P.A., dated October 2, 2001, as Drawing number C-1497.

I also certify that there are no overlaps or hiatus between the legal descriptions and the lines mentioned above.

DRI- 2000-00022

Q. Grady Minor & Associates, P.A.

By: _____ *Date:* 11-2-01

Thomas Chernesky, P.S.M. #5426

EXHIBIT B
Page 5 of 5

(941) 947-1144 ▪ FAX (941) 947-0375 ▪ E-Mail: engineering@gradyminor.com
3800 Via Del Rey ▪ Bonita Springs, Florida 34134

JOHNSON ENGINEERING

SINCE 1946

November 1, 2001

PELICAN LANDING DRI – CITY OF BONITA SPRINGS
SPRING CREEK WEST
SECTION 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Section 21, Township 47 South, Range 25 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: South 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 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.

Frances L. Yerdon (for the Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

EXHIBIT C

20002476/Description 110101

SKETCH TO ACCOMPANY DESCRIPTIONS
PREPARED FOR

WCI COMMUNITIES LIMITED PARTNERSHIP

LOCATED IN

SECTIONS 5, 6, 7, 8, 9, 16, 17, 18, 20 & 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST

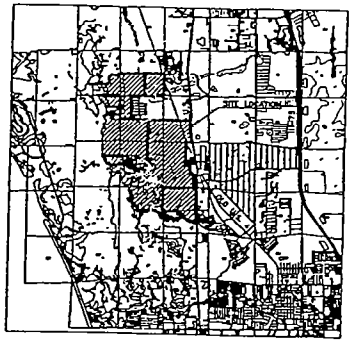
AND

SECTIONS 13 AND 24, TOWNSHIP 47 SOUTH, RANGE 24 EAST

LEE COUNTY, FLORIDA

DRI 2000-00022

INDEX	
SHEET NO.	DESCRIPTION
1	COVER SHEET
2	PARCELS 1-A & 1-B
3	PARCEL 1-B
4	PARCELS 2-A THROUGH 2-D
5	BEACH PARCEL



LOCATION MAP
NOT TO SCALE

DESCRIPTION
PELICAN LANDING DRI - CITY OF BONITA SPRINGS

PARCEL 1-A

AND

PARCEL 1-B

DESCRIPTION CONTINUED
PELICAN LANDING DRI - CITY OF BONITA SPRINGS

AND

BEACH PARCEL

PELICAN LANDING DRI - CITY OF BONITA SPRINGS
SPRING CREEK WEST

DESCRIPTION
PELICAN LANDING DRI - UNINCORPORATED LEE COUNTY

PARCEL 2-A

AND

PARCEL 2-B

DESCRIPTION CONTINUED
PELICAN LANDING DRI - UNINCORPORATED LEE COUNTY

AND

PARCEL 2-C

AND

PARCEL 2-D

THIS IS NOT A SURVEY

FRANCIS L. HORGAN (FOR THE FIRM)
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. 3432

DATE SIGNED: 10-31-01

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

REVISED SEPTEMBER 27, 2001 - DESCRIPTIONS
REVISED JULY 3, 2001 - ADDED BEACH PARCEL

JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND ECOLOGISTS

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
FEB 2001	20002476	7-47-25	N/A	1 OF 5

EXHIBIT D
Page 1 of 5

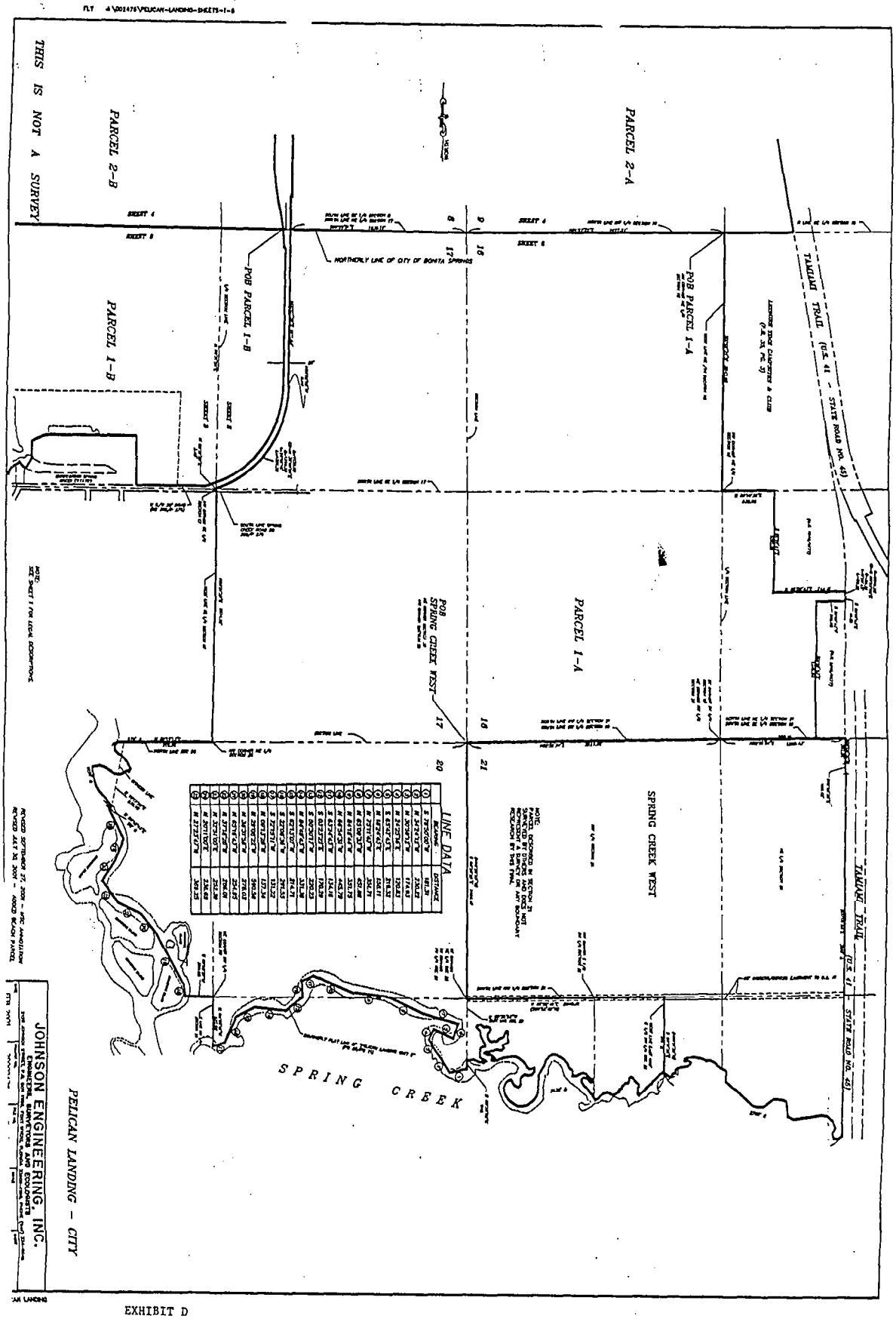
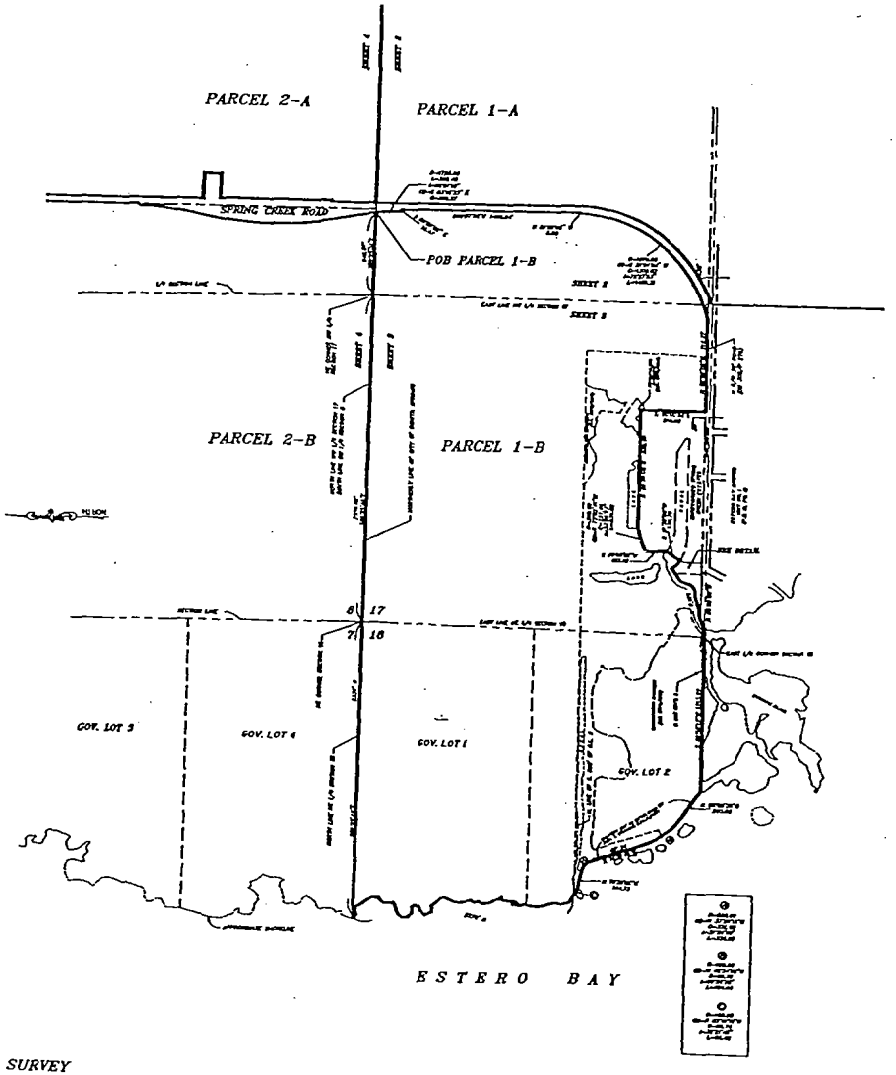
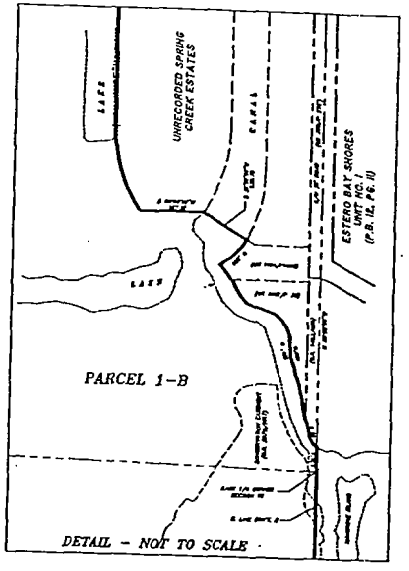


EXHIBIT D
Page 2 of 5





NOTE:
SEE SHEET 1 FOR LEGAL DESCRIPTIONS

PELICAN LANDING - CITY

THIS IS NOT A SURVEY

REVISED SEPTEMBER 27, 2001 - MSC ANNOTATION
REVISED JULY 30, 2001 - ADDED BEACH PARCEL

JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND ECOLOGISTS

EXHIBIT D
Page 3 of 5

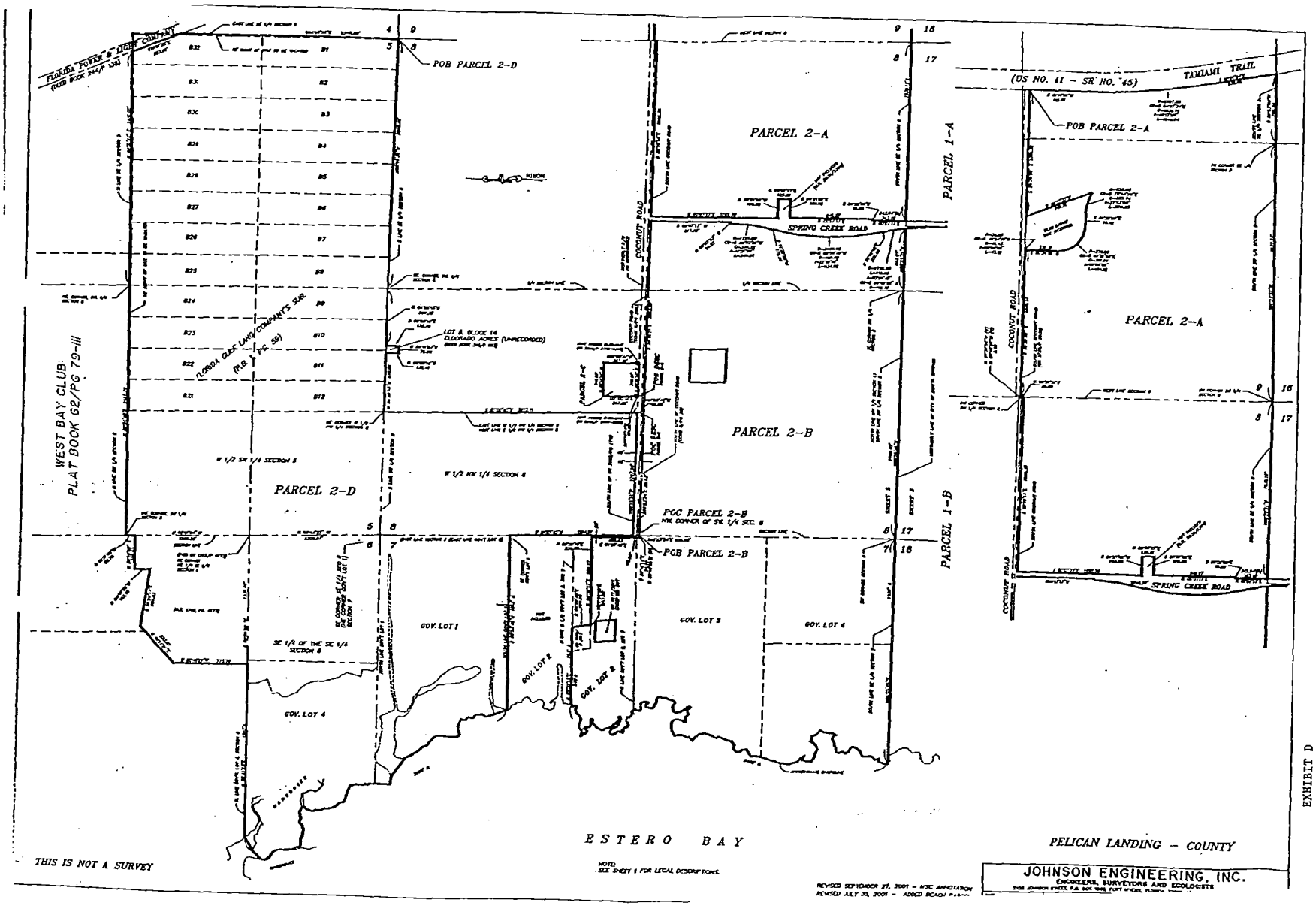
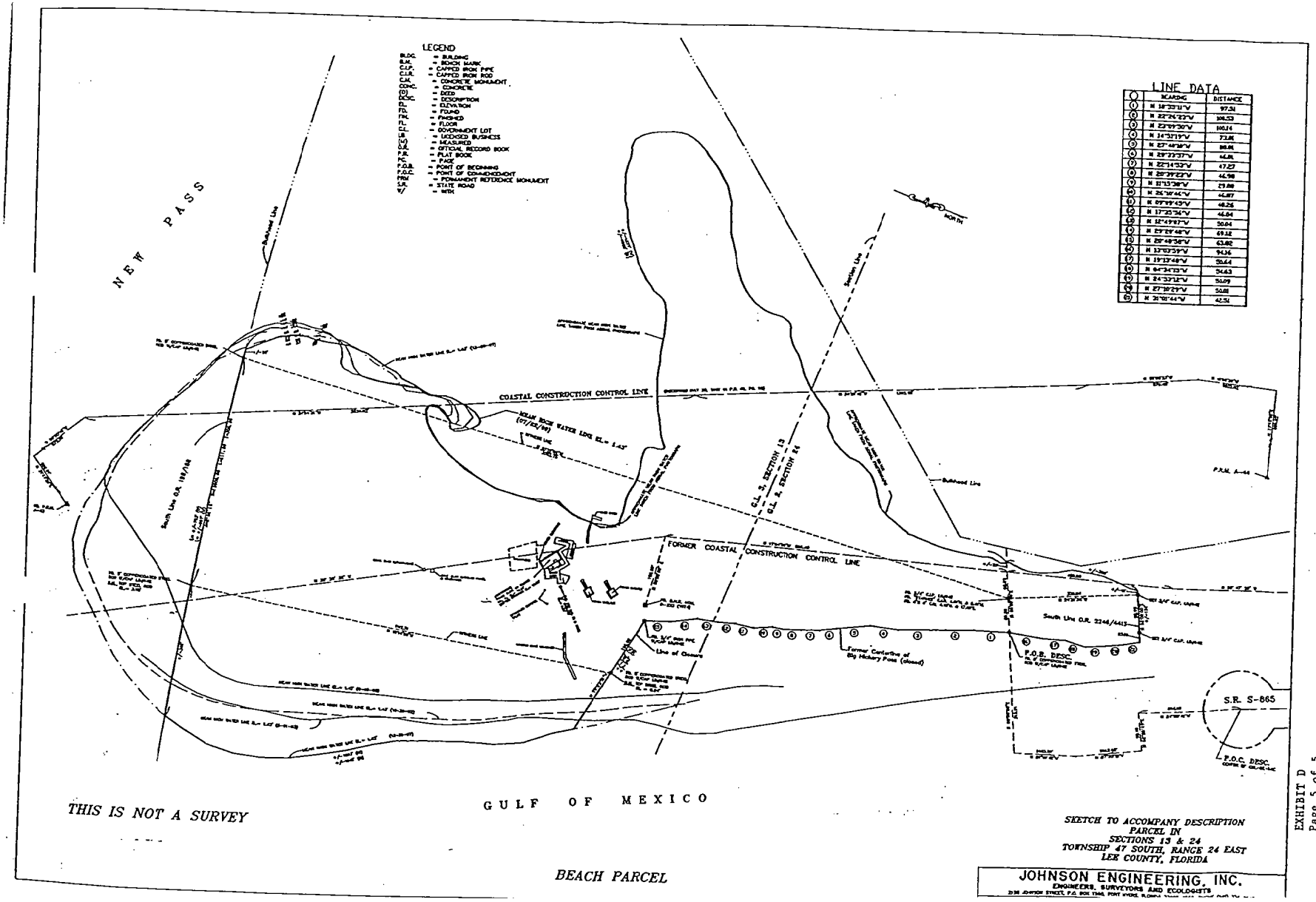


EXHIBIT D
Page 4 of 5



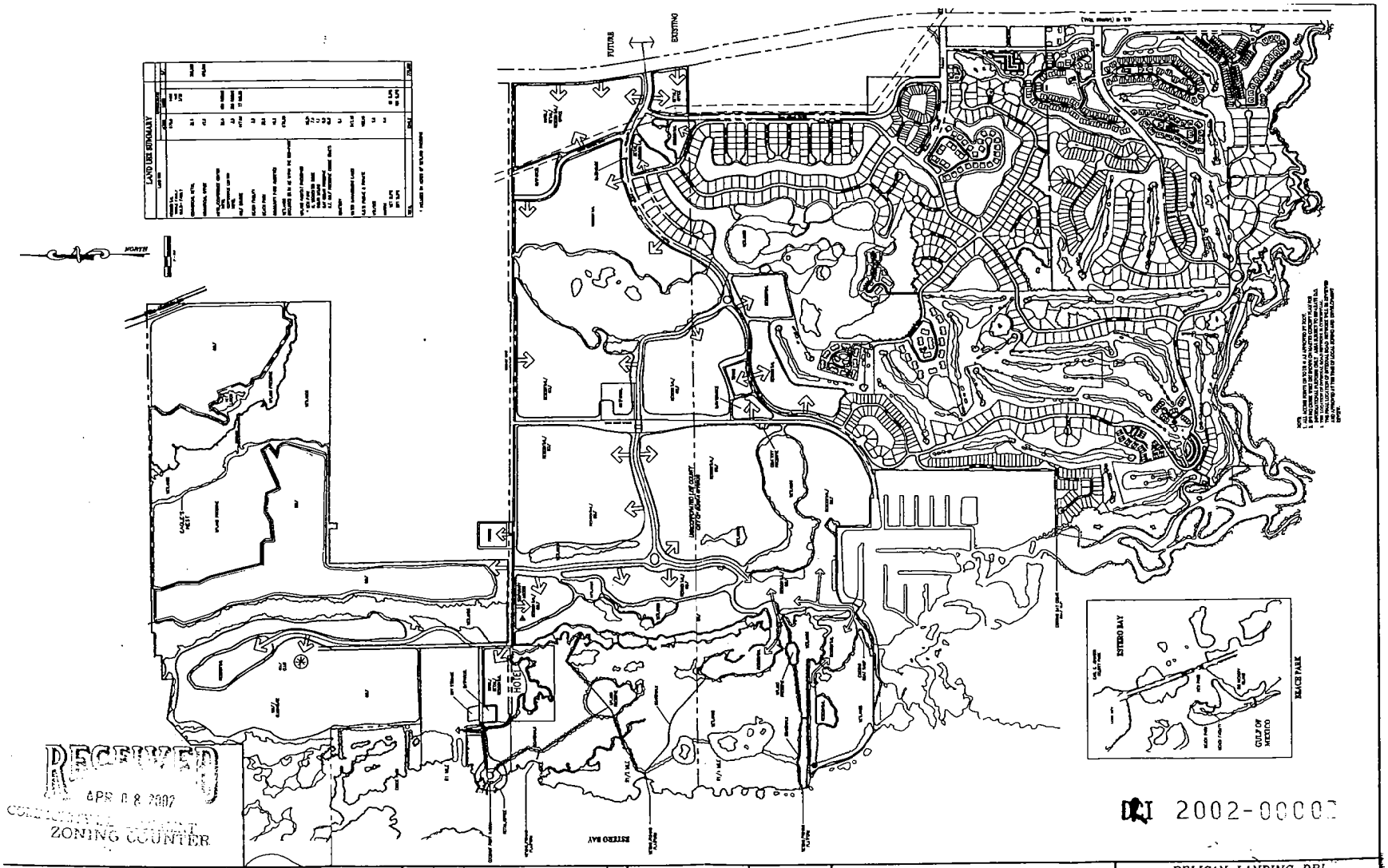
THIS IS NOT A SURVEY

BEACH PARCEL

SKETCH TO ACCOMPANY DESCRIPTION
PARCEL IN
SECTIONS 13 & 24
TOWNSHIP 47 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND ECOLOGISTS

EXHIBIT D
Page 5 of 5



RECEIVED
APR 0 8 2002
COMMUNITY DEVELOPMENT
ZONING COUNTER

DRI 2002-00002

EXHIBIT E

LEGEND

OWNER/DEVELOPER
WCI Communities, Inc.
24301 Walden Center Drive
Suite 300
Bonita Springs, Florida 34134
(941) 947-2600

1	4/01	ADDED TEMPORARY ACCESS TO COCONUT RD

DESIGNED BY:	WCI
DRAWN BY:	WCI
APPROVED:	W.A.
JOB CODE:	PLNOPC

Q. GRADY MINOR AND ASSOCIATES, P.A.
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS
3800 VIA DEL REY
BONITA SPRINGS, FLORIDA 34134
PHONE : (941) 947-1144 FAX : (941) 947-0375

PELICAN LANDING DRI

MAP 'H'
MASTER DEVELOPMENT PLAN

EXHIBIT "F"
PELICAN LANDING DRI
DEVELOPMENT PARAMETERS
(updated through 3-1-01)

Land Use	Units[1]	Existing (1998)	Build out Total (~~2002~~ 2008
Residential	DU	1083	4,400
Single Family	DU	402	665
Multi Family	DU	596	3,735
Retail[2]	GFA	11,000	300,000
Office[3]	GFA	134,738	475,000
Hotel/Motel	Rooms	0	750
Recreation Uses			
Pelican Nest Golf Course/Clubhouse/ Practice Range	Holes	21	30
Colony Range Club/ Golf Course/ Clubhouse/Practice Range	Holes	19	19
Resort Golf Course/ Clubhouse Practice Range	Holes	0	28
Tennis Center	Courts	12	24
Coconut Marina	Boat Slips		
	Wet	24	48
	Dry	0	150
Redfish Point	GFA	5,000	5,000
	Boat Slips		
	Wet	15	15
Other[4]	Boat Slips		
	Wet	2	2
	Accessory Parking	0	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

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Bayside Community Improvement District filed an application on behalf of the property owner, Dean G. Prevolos Trustee for the Dean G. Prevolos Trust, to amend the Pelican Landing DRI Development Order #1-9293-121; and

WHEREAS, a public hearing was advertised and held on August 16, 2006 before the Lee County Zoning Hearing Examiner, Diana M. Parker, who gave full consideration to the evidence in the record for Case #DRI2005-00001 and DCI2005-00005; and

WHEREAS, a second public hearing was advertised and held on December 4, 2006, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to:

a. Consider a Notice of Proposed Change (NOPC) to amend the Pelican Landing DRI Development Order and DRI Map H to;

   1. Add a 1.45-acre tract for the purpose of constructing a maintenance facility for Bayside Community Improvement District (BCID); and

   2. Reduce the number of residential dwelling units from 4,400 to 3,912 residential units and change the mix of unit types to allow an increase in single family units from 665 to 930 units and a reduction in multi-family units from 3,735 to 2,982; and

b. Determine whether the proposed changes constitute a substantial deviation from the original development approvals warranting further Development of Regional Impact review; and

c. Rezone 1.45 acres from Residential Single-Family (RS-1) to a Residential Planned Development (RPD) to permit a maintenance facility for Bayside Community Development District (CDD) having a 2,400-square-foot

12/4/06

maintenance building and an 800 square-foot-office, outdoor material storage, equipment washing area and fuel island.

The property is located in the Outlying Suburban Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the 6-page Master Concept Plan labeled:

a.	Sheet 3 of 11	Master Concept Plan
b.	Sheet 7 of 11	Landscape Betterment Plan
c.	Sheet 8 of 11	Planting Plans
d.	Sheet 9 of 11	Landscape Details
e.	Sheet 10 of 11	Entry Details and Notes
f.	Sheet 11 of 11	Buffer Wall Details and Notes

date stamped received on February 16, 2007, last revised December 2006, and attached hereto as Exhibit C, 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 Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

The development will be limited to a 2,400-square-foot maintenance building and an 800-square-foot office, outdoor material storage, equipment washing area and fuel island.

2. The following limits apply to the project and uses:

a. **Schedule of Uses**

ACCESSORY USES: BUILDINGS AND STRUCTURES
ADMINISTRATIVE OFFICES
ENTRANCE GATES AND GATE HOUSES
ESSENTIAL SERVICES
FENCES AND WALLS
MAINTENANCE FACILITY (see Condition #4), Limited to:
Equipment washing area
Horticultural Services

Lawn and Garden Services
Outdoor material storage
Self-Service Fuel Pump, limited to one having a maximum storage capacity of 1,000 gallons of gasoline

PARKING LOT, ACCESSORY
SIGNS, in accordance with Chapter 30 of the LDC

b. **Site Development Regulations**

Minimum Lot Area and Dimensions:

Area:	40,000 square feet
Width:	150 feet
Depth:	400 feet

Minimum Setbacks:

Street:		Variable according to the functional classification of the street or road (LDC §34-2191 *et seq.*)
Side:	east side	25 feet
	west side	15 feet
Rear:		25 feet

Maximum Lot Coverage: 50 percent

Maximum Building Height: 18 feet

3. Environmental Conditions

Prior to local development order approval, the development order plans must include a landscape plan in substantial compliance with the "Landscape Betterment Plan" stamped received on July 19, 2006 with the following revisions and clarifications:

a. The east, north and west property line must include buffer plantings of seven trees per 100 linear feet and a double continuous hedge (minimum 3-gallon container size; 24-inch height at planting; shrubs must be allowed to grow to their natural height); and

b. The south property line must include buffer plantings of 12 trees per 100 linear feet (at least 50% being native canopy species) and a double continuous hedge (minimum 3-gallon container size; 24-inch height at planting; shrubs must be allowed to grow to their natural height); and

c. A minimum 8-foot tall wall or wall and berm combination must be provided around the entire property as depicted on the Master Concept Plan, received on July 19, 2006; and

d. The pine trees must be South Florida slash pine (Pinus elliottii densa); and

e. No more than 50% of the buffer trees may be palms; and

f. All pine and oak trees must be a minimum 16-foot height, 4-inch caliper at time of planting; and

g. Firecracker plant (*russelia equisetiformis*) must be replaced with a non-invasive shrub.

h. Prior to issuance of a local development order for the maintenance facility, the applicant must submit a landscape plan to embellish the landscaping on the south side of Coconut Road to protect the second story views of the condos within the Merano development. [This will require landscape embellishment along approximately 300 feet of Coconut Road frontage beginning at the southern prolongation of the western subject property boundary and proceeding east.]

4. Maintenance Facility

a. The maintenance facility must only be used to service the horticultural and lawn and garden service needs of property within the Bayside CDD boundary, which service is further limited to only the common areas and rights-of-way within the Bayside CDD.

b. The regular working hours for the maintenance facility will be from 7:00 a.m. to 3:00 p.m. Monday through Friday. The maintenance facility must be closed on Saturdays, Sundays and holidays. Ancillary activities, such as: cleaning machinery, removing horticultural debris, refueling and routine equipment maintenance and repairs may continue until 5:30 p.m. Monday through Friday, except on holidays, provided the entrance gates remain closed during that time period.

The maintenance facility may remain open after the scheduled hours in emergency situations, such as after a hurricane, major storm event or similar event to clean up debris.

c. The entrance gates to the maintenance facility may remain open during the regular working hours to facilitate the maintenance operation. No equipment or machinery may be visible from Coconut Road while the gates are open during regular business hours. However, the entrance gates must remain closed at all

other times, except when equipment and trucks are actually entering or leaving the property.

d. All routine maintenance and repair work done on machinery and equipment must be carried on entirely within the maintenance building. The overhead doors on the east side of the maintenance building must remain closed when such maintenance work is being performed.

The maintenance building must be insulated with sound attenuating materials to reduce adverse impacts on the adjoining properties.

e. No chipping or shredding of horticultural waste is permitted on the site and all horticultural waste must be stored in the designated location (30 yard roll off pad) on site for later removal. All horticultural waste must be removed at least once a week. Horticultural waste or other material must not be stored higher than eight feet in height.

f. Light standards must be no higher than 15 feet and lighting values must be in accordance with LDC §34-625, Outdoor Lighting Standards.

g. All fertilizer and maintenance liquids (i.e. spray fertilizer, weed killer, insect spray, etc.) must be stored inside the maintenance building.

5. Prior to local development order approval, the existing Joint Access Agreement, with the adjacent parcel to the west (beach parking lot) must be amended or extinguished.

6. Local development order approval must include conditions requiring the design of the entrance gates to be visually and aesthetically pleasing and architecturally consistent with the finished wall.

7. Accessory uses, including accessory parking, must be located on the same tract, lot, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, lot, parcel or outparcel. This condition is not intended to prohibit a joint parking agreement and the use of the beach parking lot to the west for employee parking, if such a need arises. (See Condition 9 below.)

8. The developer must connect to the Bonita Springs Utilities sewer and potable water system.

9. If additional employee parking spaces are required, the applicant must apply for special exception approval for joint use of parking lots with the beach parking lot on the west boundary.

10. No development blasting is permitted as part of this project.

11. Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

12. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

13. 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), be reviewed for, and found consistent with the general function, as well as all other Lee Plan provisions.

14. The 1,000-gallon fuel storage container and pumping station must be relocated to the area designated "Dumpster Pad," or similar location, along the west boundary of the site, so as to have it located as far as possible from the adjoining residential properties to the north and east.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-285(a), Table 1, Connection Separation, requirement to provide a minimum separation of 330 feet on collector streets, to allow a minimum separation of approximately 209 feet from the proposed driveway for the subject parcel to the existing driveway immediately to the east. This deviation is APPROVED.

2. Deviation (2) seeks relief from the LDC §10-416(d)(6) requirement to provide a solid wall or combination berm and solid wall, not less that eight feet in height, that is constructed not less than 25 feet from abutting property, if the project's road, drives, or parking areas are located less than 125 feet from an existing residential subdivision or residential lots, with landscaping between the wall and abutting properties that includes a minimum of five trees and 18 shrubs per 100 linear feet, to allow a wall 7.5 feet from the property lines with enhanced buffer plantings as described on the Landscape Betterment Plan. This deviation is APPROVED, SUBJECT TO Condition 3 above.

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan
Exhibit D: Twelfth Development Order Amendment

The applicant has indicated that the STRAP number for the subject property is: 08-47-25-00-00003.0000.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning and DRI DO amendment requests, as conditioned, by demonstrating compliance with the Lee Plan, the LDC, Section 380.06 Florida Statutes, and other applicable codes or regulations.

2. The rezoning, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,

   c. is compatible with existing or planned uses in the surrounding area; and,

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,

   e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location; and

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

   c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

6. The requests to add land and change the mix of single-family and multi-family dwelling units, as conditioned, do not create new or additional unreviewed regional impacts and do not constitute a Substantial Deviation under F.S. §380.06(19).

Commissioner Judah made a motion to adopt the foregoing resolution, seconded by Commissioner Hall. The vote was as follows:

Robert P. Janes	Aye
A. Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Franklin B. Mann	Aye

DULY PASSED AND ADOPTED this 4th day of December 2006.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Robert P. Janes, Chair

Approved as to form by:

_____
Dawn E. Perry-Lehnert
County Attorney's Office

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

RECEIVED
MINUTES OFFICE

2007 MAR 21 PM 1:28

JOHNSON ENGINEERING

SINCE 1946

RECEIVED
JAN 2 ? 2005
PERMIT COUNTER

May 11, 2004

DCI 2005 00005

DESCRIPTION

A PARCEL LYING IN
SECTION 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Section 8, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

From the southwest corner of the East Half (E-1/2) of the Northwest Quarter (NW-1/4) of said Section 8 run S 89° 41' 30" E along the East/West Quarter (E/W-1/4) section line for 513.75 feet to the southwest corner of the lands described in deed recorded in Official Record Book 3354 at Page 3248, Public Records of Lee County, Florida; thence run N 01° 25' 30" W departing said fraction line along the west line of said deed for 40.01 feet to an intersection with the line that is 40 feet north of (as measured on a perpendicular) and parallel with said fraction line, said line being the north maintained right-of-way line of Coconut Road and the Point of Beginning.

From said Point of Beginning continue N 01° 25' 30" W along said deed line for 367.99 feet to an intersection with the south line of Lot 20, Block 17 of unrecorded El Dorado Acres as shown on map as recorded in Official Record Book 291 at Page 898, Public Records of Lee County, Florida; thence run S 89° 41' 30" E along the south line of said block for 171.25 feet to an intersection with the west line of Lot 10, said Block 17; thence run S 01° 25' 30" E along the west line of said Lot 10 and the west line of Lot 6 and Lot 5 of said Block 17 and the east line of said deed for 367.99 feet to an intersection with the north line of said maintained right-of-way line of Coconut Road; thence run N 89° 41' 30" W along said maintained right-of-way line for 171.25 feet to the Point of Beginning.

Parcel contains 1.45 acres, more or less.

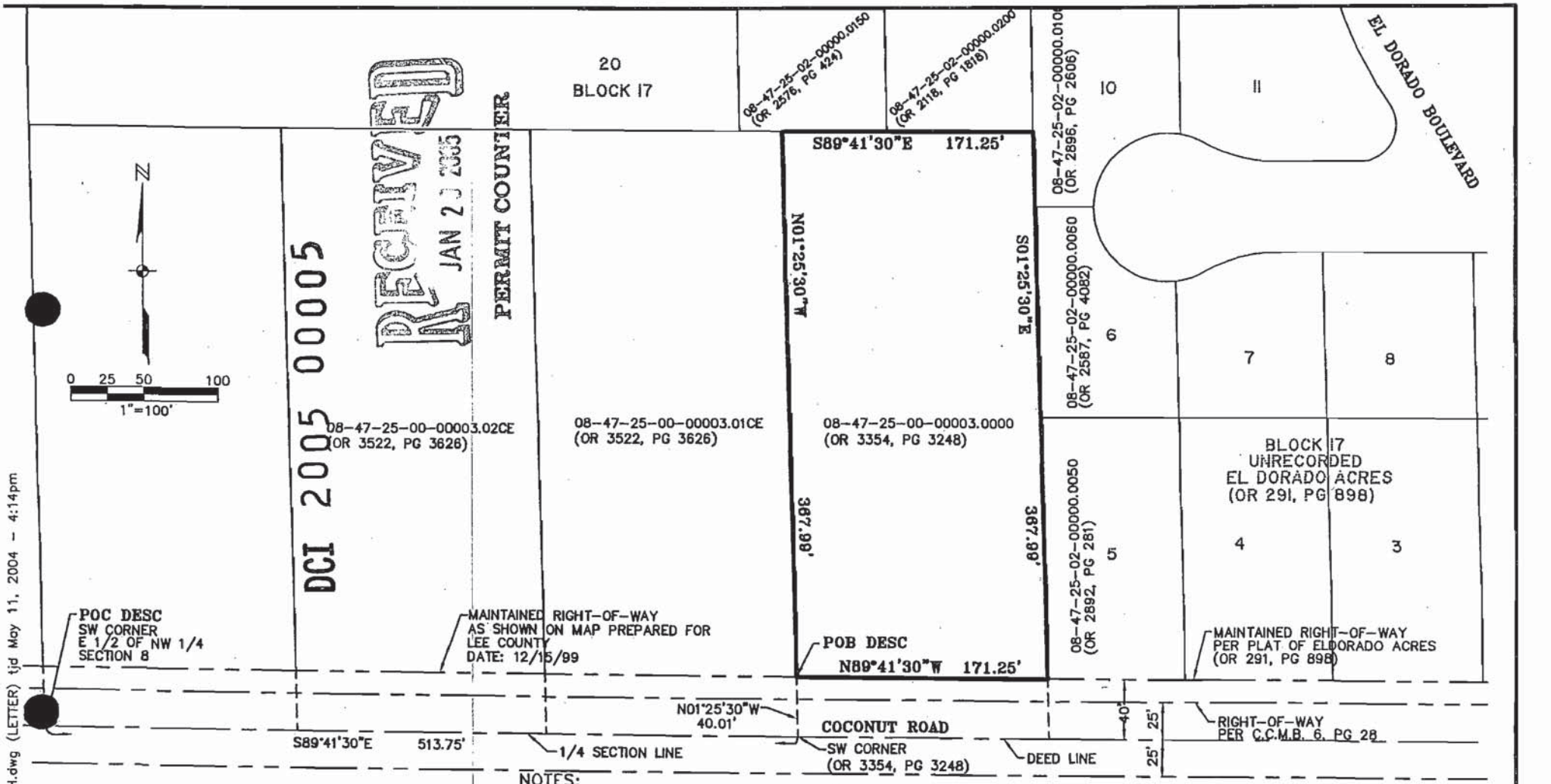
Subject to easements, restrictions and reservations of record. Bearings hereinabove mentioned are based on the unrecorded plat of El Dorado Acres wherein the center line of Coconut Road bears S 89° 41' 30" E.

Michael W. Norman (for The Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 4500

20023590 Parcel 051104

EXHIBIT A
Page 1 of 2

2158 Johnson Street ▪ Post Office Box 1550 ▪ Fort Myers, Florida 33902-1550
(239) 334-0046 ▪ Fax (239) 334-3661



S:\023590\023590-SKETCH.dwg (LETTER) tjd May 11, 2004 - 4:14pm

EXHIBIT A
Page 2 of 2

NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE UNRECORDED EL DORADO ACRES PLAT WHEREIN THE CENTERLINE OF COCONUT ROAD BEARS S 89°41'30" E.
2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
3. POC = POINT OF COMMENCEMENT.
4. POB = POINT OF BEGINNING
5. OR = OFFICIAL RECORDS BOOK
6. PG = PAGE
7. DESC. = DESCRIPTION
8. DESCRIPTION ATTACHED.
9. C.C.M.B. = COUNTY COMMISSIONERS MINUTES BOOK

THIS IS NOT A SURVEY

MICHAEL W. NORMAN (FOR THE FIRM LB-642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 4500

DATE SIGNED: MAY 11 2004

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

PARCEL IN
SECTION 8, TOWNSHIP 47 S, RANGE 25 E
LEE COUNTY, FLORIDA

JOHNSON ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 L.B. #642

SKETCH TO ACCOMPANY
DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
[redacted]/04	[redacted]0235	08-[redacted]	[redacted]	[redacted]F 1

DCI2005-00005

Zoning Map

8/15/2006

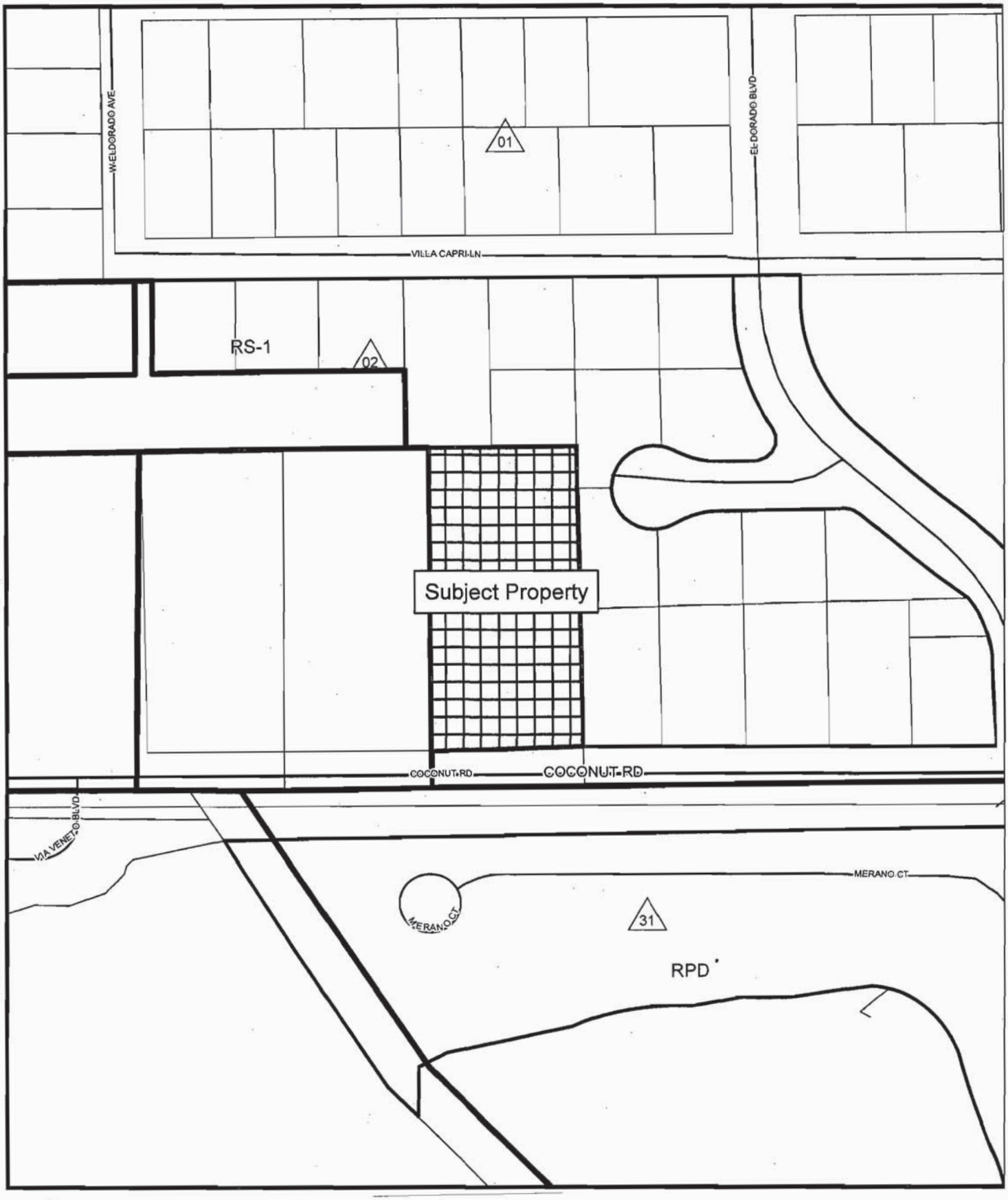
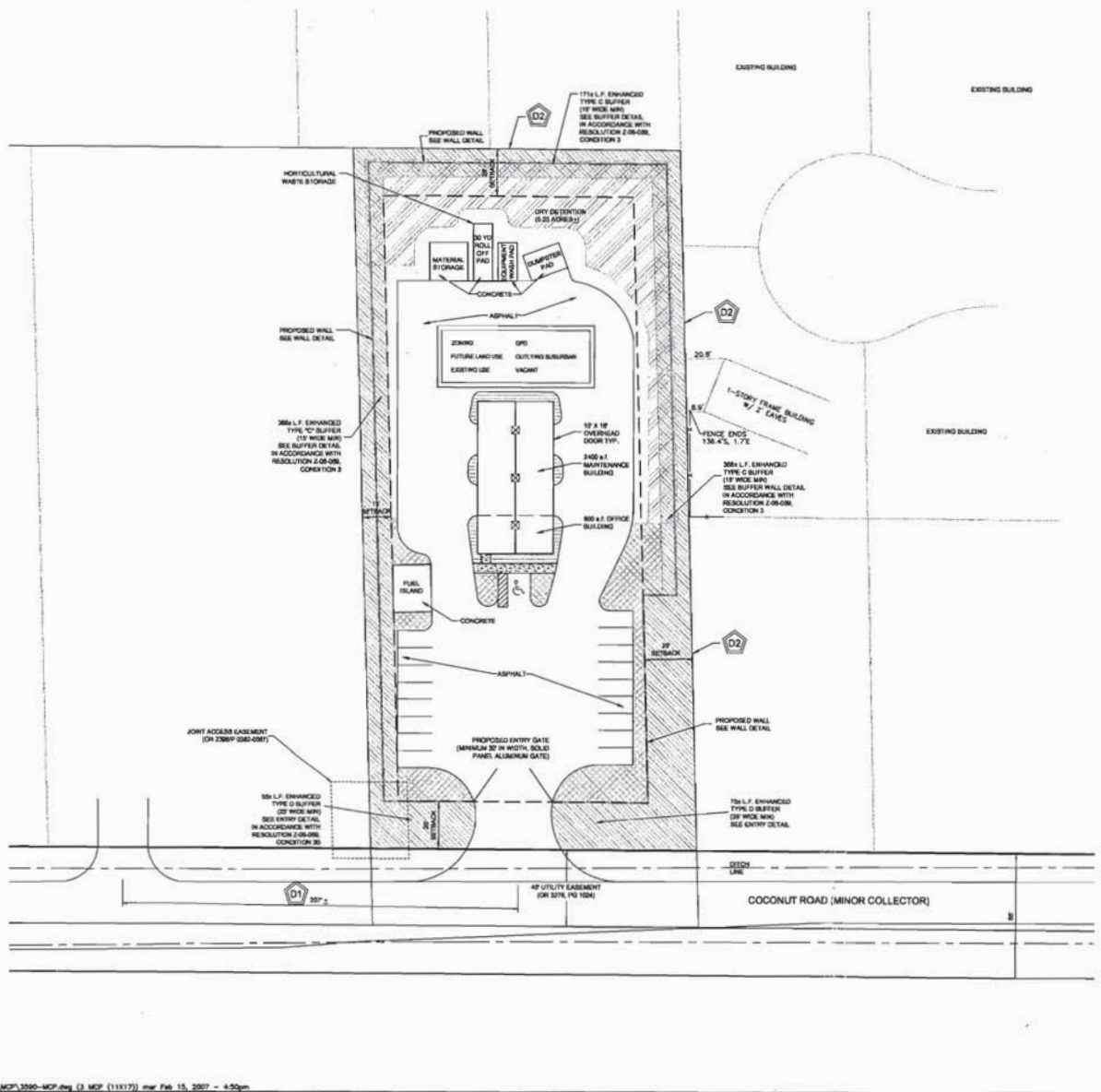


EXHIBIT B

N
W E
S

180 90 0 180 360
Feet



N

0 15 30 60
SCALE IN FEET

PROJECT INFORMATION

SITE INFORMATION:		1.49 AC +/- (65,182 SQ. FT.)
PARCEL SIZE		OUTLYING SUBURBAN
LEE PLAN LAND USE CLASSIFICATION		C"D
ZONING REQUEST		
DEVELOPMENT PROGRAM:		
3200 S.F.	MAINTENANCE BUILDING	
200 S.F.	MATERIAL STORAGE BUILDING	
1000 S.F.	EQUIPMENT WASH PAD	
500 S.F.	FUEL ISLAND	
28,034 S.F.	PARKING/DRIVES	

REQUIRED DEVELOPMENT CALCULATIONS

OPEN SPACE:	
1) TOTAL OPEN SPACE REQUIREMENT MUST EQUAL A MINIMUM OF 20% OF THE TOTAL DEVELOPED SITE.	
OPEN SPACE REQUIRED:	
TOTAL DEVELOPED AREA	=1.45 ACRES +/-
OPEN SPACE REQUIRED (1.45x20%)	=0.29 ACRES +/-
OPEN SPACE PROVIDED:	
GENERAL OPEN SPACE	=0.64 ACRES +/-
INDIGENOUS OPEN SPACE (SEE NOTE BELOW)	
TOTAL OPEN SPACE PROVIDED (44% OR 27,678 S.F.)	=0.64 ACRES +/-
NOTE: DEVELOPMENT SITES UNDER 2 ACRES DO NOT REQUIRE INDIGENOUS PRESERVATION PER LEE COUNTY CODE	
DRY DETENTION:	
1) DRY DETENTION SPACE REQUIREMENT MUST EQUAL 15% OF THE TOTAL DEVELOPED SITE.	
DRY DETENTION REQUIRED (1.45X15%)	=0.20 ACRES +/-
DRY DETENTION PROVIDED	=0.23 ACRES +/-
STRUCTURAL LOT COVERAGE NOT TO EXCEED 50% OF SITE	=0.72 ACRES

LEGEND

- DRY DETENTION
- REQUIRED TYPE C AND D BUFFERS
- INTERNAL LANDSCAPE AREAS
- BUILDING PERIMETER PLANTINGS
- D1 DEVIATION REFERENCE NUMBER

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REVISIONS		
	Revised per Lee Co Sufficency	
	Comments	5/09/05
	Revised per County BOCC	Dec 06

SEVERN - TRENT
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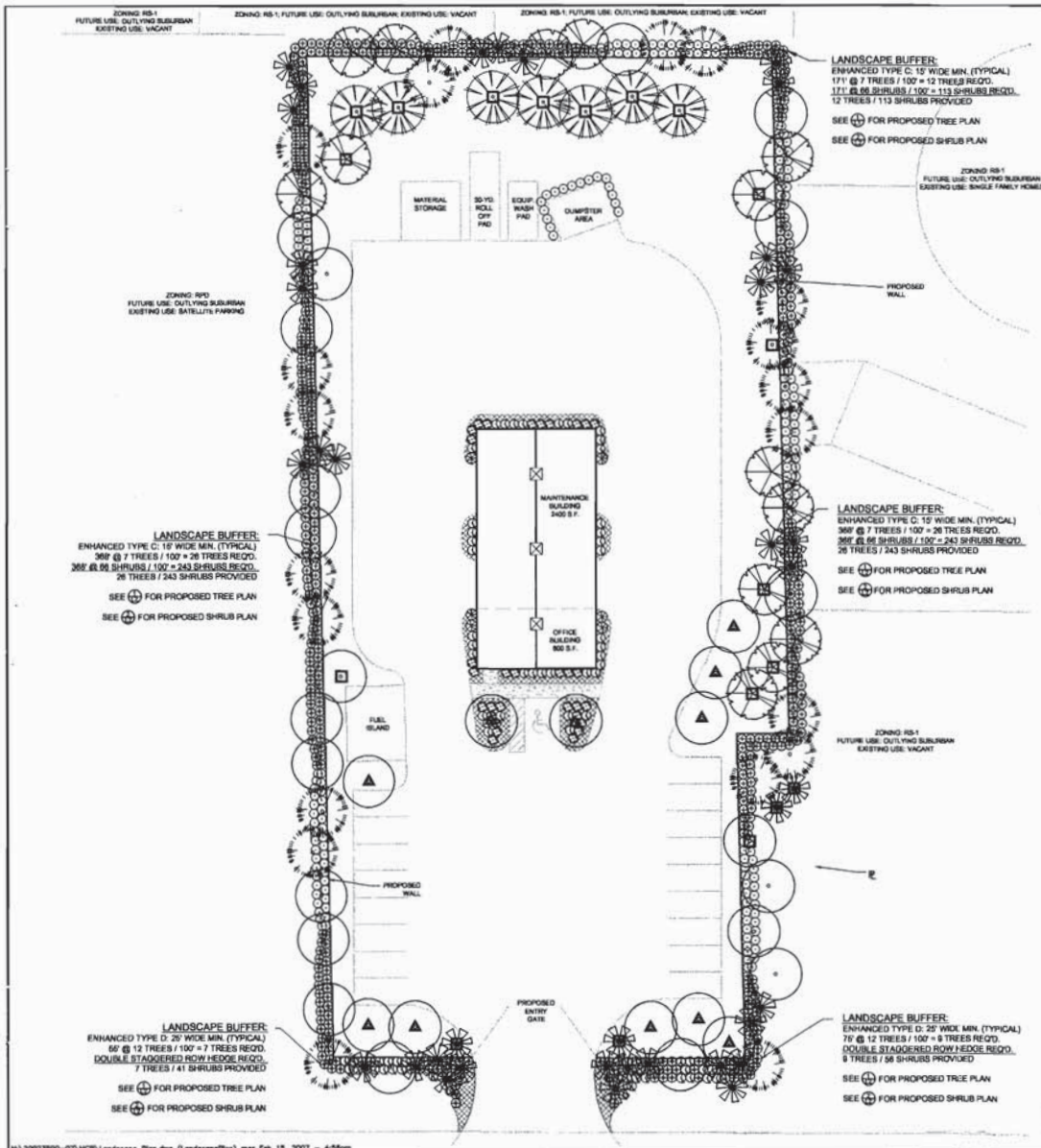
BAYSIDE CDD
MAINTENANCE FACILITY
LEE COUNTY, FLORIDA

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MASTER CONCEPT PLAN

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
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NATIVE TREE & SHRUB REQUIREMENT

OVERALL SITE: 75% TREES ARE REQUIRED TO BE NATIVE
157 OF 157 REQUIRED TREES ARE NATIVE = 100% NATIVE

OVERALL SITE: 50% SHRUBS ARE REQUIRED TO BE NATIVE
438 OF 517 REQUIRED SHRUBS ARE NATIVE = 85% NATIVE

MATERIALS SCHEDULE

SYM		QTY	BOTANICAL NAME	COMMON NAME	SPECS	NATIVE
			TREES/PALMS			
	PE	32	PINUS ELLIOTTI 'DENSA'	FLORIDA SLASH PINE	16' HT, 4" CAL, 45 GAL	YES
	QL	14	QUERCUS LAURIFOLIA	LAUREL OAK	12'-14' HT, 3" CAL, 45 GAL	YES
	QV	32	QUERCUS VIRGINIANA	LIVE OAK	12'-14' HT, 3" CAL, 45 GAL	YES
	SP	11 @ 14' CT 14 @ 18' CT 7 @ 22' CT	SABAL PALMETTO	CABBAGE PALM	14' OA, 10' CT MIN. 18' OA, 10' CT MIN. 22' OA, 10' CT MIN.	YES
	TD	7	TAXODIUM DISTICHUM	BALD CYPRESS	12'-14' HT, 3" CAL, 45 GAL	YES
			SHRUBS/GROUNDCOVERS/GRASSES			
	CI	353	CHRYSOBALANUS ICACO	COCOPLUM	3 GAL. @ 36" O.C. 24" HT. MIN.	YES
	HP	109	HAMELIA PATENS	FIREBUSH	3 GAL. @ 36" O.C. 24" HT. MIN.	YES
	PN	296	PSYCHOTRIA NERVOSA	WILD COFFEE	3 GAL. @ 36" O.C. 24" HT. MIN.	YES
	VO	84	VIBURNUM OBOVATUM	WALTERS' VIBURNUM	3 GAL. @ 36" O.C. 24" HT. MIN.	NO
	ZF	6	ZAMIA FURFURACEA	CARDBOARD PALM	3 GAL. @ 48" O.C. 24" HT. MIN.	NO
	ZP	31	ZAMIA PUMILA	COONTIE	3 GAL. @ 36" O.C. 24" HT. MIN.	YES
	TA	117	TRACHELOSPERMUM ASIATICUM	ASIATIC JASMINE	1 gal @ 24" O.C.	NO

NOTES:
1) ALL SIZES SPECIFIED ARE MINIMUMS.
2) LANDSCAPE ARCHITECT RESERVES THE RIGHT TO FIELD ADJUST ALL PLANT MATERIALS.
3) ALL TURF AREAS TO BE ST. AUGUSTINE 'FLORATAM' UNLESS OTHERWISE NOTED ON THE DRAWINGS.
4) LANDSCAPE ARCHITECT TO APPROVE FINAL LOCATIONS, SIZE, AND SPECIES OF ALL PLANT MATERIALS.

REQUIRED DEVELOPMENT CALCULATIONS

OPEN SPACE REQUIREMENT

TOTAL SITE AREA	= 1.45 ACRES +/-
OPEN SPACE REQUIRED (20%)	= 0.29 ACRES +/-
OPEN SPACE PROVIDED (44%)	= 0.64 ACRES +/-

GENERAL LANDSCAPE REQUIREMENT

63,162 SF @ 1 TREE PER 3,500 SF REQUIRED	= 19 TREES
TOTAL GENERAL TREES PROVIDED	= 19 TREES
☐ GENERAL TREES	

NOTES:
1) ONE (1) TREE MUST BE PLANTED OR RETAINED PER xxxx SF OF DEVELOPMENT AREA.
2) NO MORE THAN 50% OF THE REQUIRED TREES MAY BE LOCATED IN THE REAR OF THE LOT.
3) FOR PRESERVED TREES, A MINIMUM OF 4" TREES IN PRESERVE AREAS MUST BE SAVED TO RECEIVE CREDIT.
4) TREE REPLACEMENTS MUST BE AT A 6 (TREES) TO 1 (CREDIT) RATIO AND MEET LEE COUNTY CODE REQUIREMENTS.

BUILDING PERIMETER LANDSCAPE REQUIREMENT

3,200 SF GROUND LEVEL FLOOR AREA @ 10% REQUIRED	
BUILDING PERIMETER PLANTING AREA	= 320 SF
BUILDING PERIMETER PLANTING AREA PROVIDED	= 797 SF

NOTES:
1) PERIMETER PLANTING AREAS MUST BE A MINIMUM OF FIVE FEET WIDE.
2) PERIMETER PLANTING AREAS MUST CONTAIN SHRUBS AND GROUNDCOVER PLANTS WITH A MINIMUM 80% COVERAGE.
3) TURF SHALL MAKE UP NO MORE THAN 10% OF INTERNAL LANDSCAPE AREAS

INTERNAL LANDSCAPE AREA REQUIREMENT

TOTAL VEHICLE USE AREA	= 27,531 SF +/-
INTERNAL LANDSCAPE AREA REQUIRED	= 2,754 SF
INTERNAL LANDSCAPE AREA PROVIDED	= 3,487 SF

NOTES:
1) LANDSCAPED AREAS ON THE PARKING AREA PERIMETER OR IN THE INTERNAL ISLANDS MUST EQUAL OR EXCEED A MINIMUM OF TEN (10) PERCENT OF THE TOTAL PAVED SURFACE AREA.
2) LANDSCAPED AREAS RESERVED FOR FUTURE PARKING SPACES PURSUANT TO SECTION 34-2017(c) MAY NOT BE INCLUDED IN THE CALCULATION.
3) VEHICLES MAY OVERHANG ANY LANDSCAPED AREA BY A MAXIMUM OF TWO (2) FEET AS LONG AS THE AREA IS PROTECTED BY A CURB OR MOTOR VEHICLE WHEEL STOPS. THE OVERHANG MAY BE PART OF THE REQUIRED DEPTH OF THE ABUTTING PARKING SPACE.
4) TURF SHALL MAKE UP NO MORE THAN 10% OF INTERNAL LANDSCAPE AREAS

INTERNAL LANDSCAPE AREA TREE REQUIREMENT

2,754 SF @ 1 TREE PER 250 SF	= 11 TREES REQUIRED
△ PARKING TREES	= 11 TREES PROVIDED

NOTES:
1) LANDSCAPED AREAS ON THE PARKING AREA PERIMETER OR IN THE INTERNAL ISLANDS MUST EQUAL OR EXCEED A MINIMUM OF TEN (10) PERCENT OF THE TOTAL PAVED SURFACE AREA.
2) ONE (1) TREE MUST BE PLANTED OR RETAINED PER 250 SF OF INTERNAL PARKING AREA.
3) NO PARKING SPACE MAY BE MORE THAN 100 FEET FROM A TREE PLANTED IN A PERMEABLE ISLAND, PENINSULA, OR MEDIAN OF A TEN-FOOT MINIMUM WIDTH.

LANDSCAPE BUFFER REQUIREMENT

ENHANCED TYPE "C" LANDSCAPE BUFFER
15' WIDE MINIMUM, APPROXIMATELY 7 NATIVE TREES AND 66 SHRUBS (50% NATIVE MINIMUM) PER 100 LINEAR FEET. A SOLID WALL OR WALL AND BERM COMBINATION IS TO BE INSTALLED AT A MINIMUM HEIGHT OF 8' FROM THE AVERAGE ELEVATION AT THE STREET CENTERLINE ALONG THE ABUTTING ROAD. BUFFER PLANTINGS SHALL BE PLACED ON THE EXTERIOR OF THE WALL. THE WALLS SHALL BE CONSTRUCTED TO ENSURE HISTORIC STORMWATER DRAINAGE PATTERNS.

EASTERN BOUNDARY:

368 LINEAR FEET @ 7 TREES PER 100 FEET	= 26 TREES REQUIRED = 26 TREES PROVIDED
368 LINEAR FEET @ 66 SHRUBS PER 100 FEET	= 243 SHRUBS PROVIDED

NORTHERN BOUNDARY:

171 LINEAR FEET @ 7 TREES PER 100 FEET	= 12 TREES REQUIRED = 12 TREES PROVIDED
171 LINEAR FEET @ 66 SHRUBS PER 100 FEET	= 113 SHRUBS PROVIDED

WESTERN BOUNDARY:

388 LINEAR FEET @ 7 TREES PER 100 FEET	= 26 TREES REQUIRED = 26 TREES PROVIDED
368 LINEAR FEET @ 66 SHRUBS PER 100 FEET	= 243 SHRUBS PROVIDED

ENHANCED TYPE "D" LANDSCAPE BUFFER
25' WIDE MINIMUM, APPROXIMATELY 12 NATIVE TREES AND A DOUBLE ROW STAGGERED HEDGE (50% NATIVE MINIMUM) PER 100 LINEAR FEET. A SOLID WALL OR WALL AND BERM COMBINATION IS TO BE INSTALLED AT A MINIMUM HEIGHT OF 8' FROM THE AVERAGE ELEVATION AT THE STREET CENTERLINE ALONG THE ABUTTING ROAD. BUFFER PLANTINGS SHALL BE PLACED ON THE EXTERIOR OF THE WALL. THE WALLS SHALL BE CONSTRUCTED TO ENSURE HISTORIC STORMWATER DRAINAGE PATTERNS.

WEST SIDE OF BUILDING ENTRANCE:

75 LINEAR FEET @ 12 TREES PER 100 FEET	= 9 TREES REQUIRED = 9 TREES PROVIDED
DOUBLE ROW STAGGERED HEDGE PROVIDED	= 46 SHRUBS

EAST SIDE OF BUILDING ENTRANCE:

55 LINEAR FEET @ 12 TREES PER 100 FEET	= 7 TREES REQUIRED = 7 TREES PROVIDED
DOUBLE ROW STAGGERED HEDGE PROVIDED	= 32 SHRUBS

NOTES:
1) TREES WITHIN THE R.O.W. BUFFER MUST BE APPROXIMATELY SIZED IN MATURE FORM SO THAT CONFLICTS WITH OVERHEAD UTILITIES, LIGHTING AND SIGNS ARE AVOIDED.
2) ALL REQUIRED TREES AND SHRUBS SHALL BE PLANTED ON THE RESIDENTIAL SIDE OF ANY REQUIRED BERM OR WALL.

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REVISIONS		
	Revised per County BOCC	Dec 06

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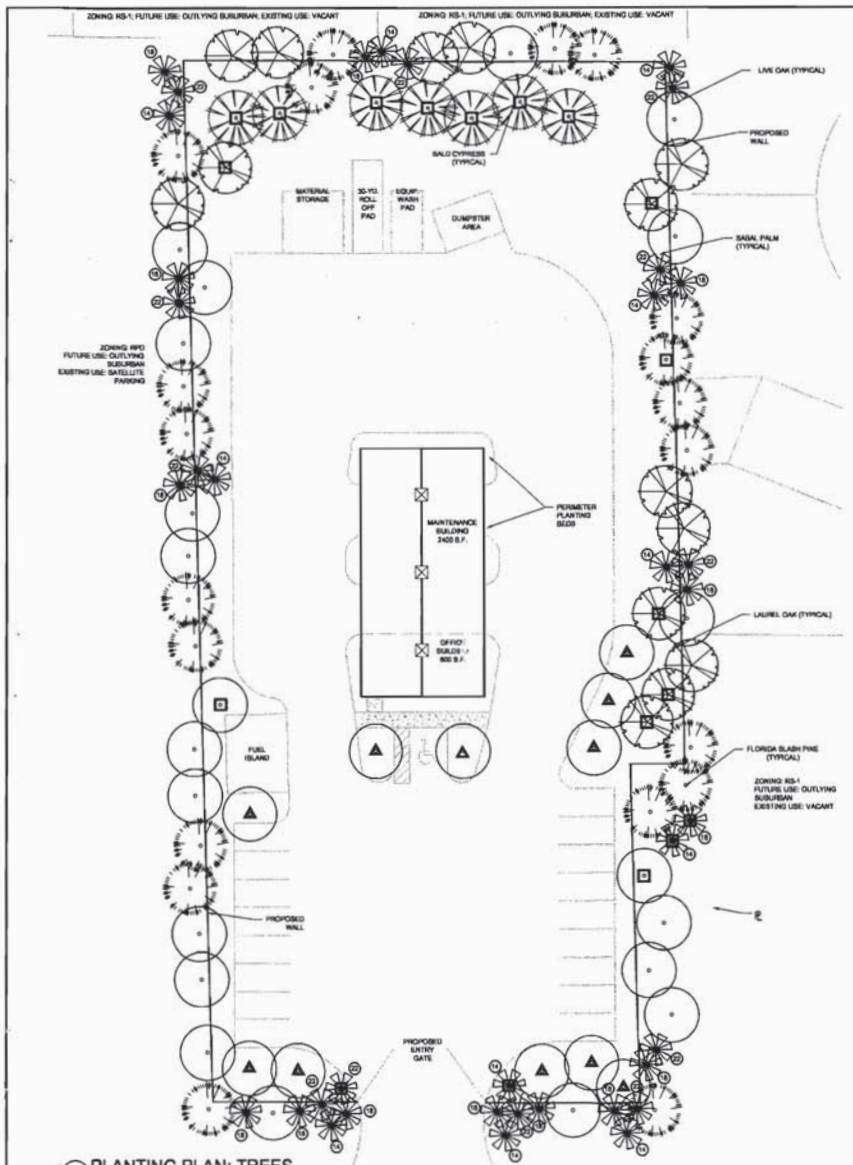
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LEE COUNTY, FLORIDA

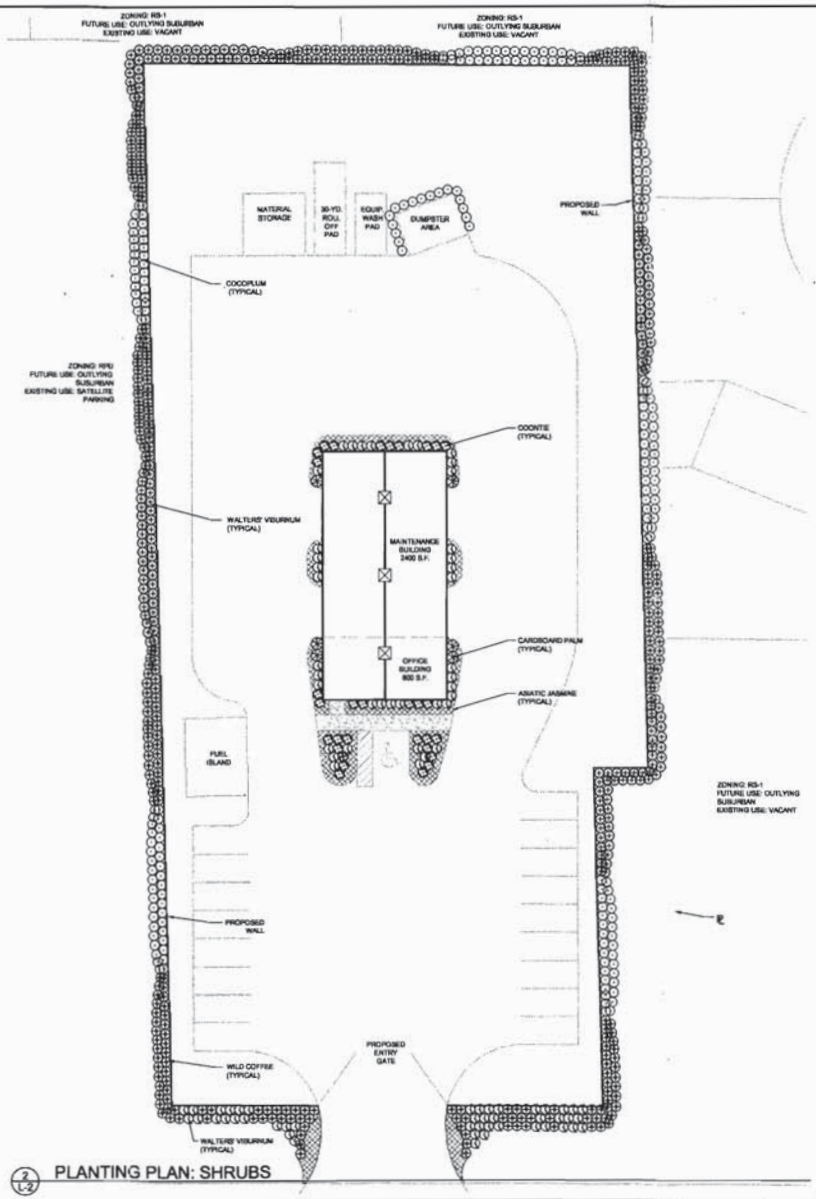
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LANDSCAPE BETTERMENT PLAN

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
SEPT 2005	20023590-07		AS SHOWN	7 OF 11







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PLANT LEGEND

SYM		BOTANICAL NAME	COMMON NAME
		TREES/PALMS	
	PE	PINUS ELLIOTTII	SLASH PINE
	QL	QUERCUS LAURIFOLIA	LAUREL OAK
	QV	QUERCUS VIRGINIANA	LIVE OAK
	SP	SABAL PALMETTO	CABBAGE PALM
	TD	TAXODIUM DISTICHUM	SALD CYPRESS
		SHRUBS/GROUNDCOVERS/GRASSES	
	C	CHRYSOBALANUS ICACO	COCOPLUM
	HP	HAMELIA PATENS	FIREBUSH
	PN	PSYCHOTRIA NERVOSA	WILD COFFEE
	VO	VIBURNUM OBOVATUM	WALTERS' VIBURNUM
	ZF	ZAMIA FURFURACEA	CARDBOARD PALM
	ZP	ZAMIA PUMILA	COONTIE
	TA	TRACHELOSPERMUM ASIATICUM	ASIATIC JASMINE

△ PARKING TREES
□ GENERAL TREES

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REVISIONS		
	Revised per County Bocc	Dec 06

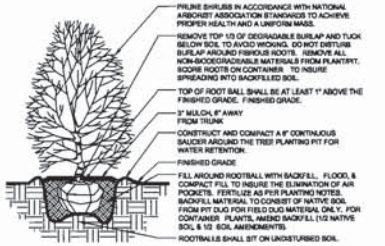
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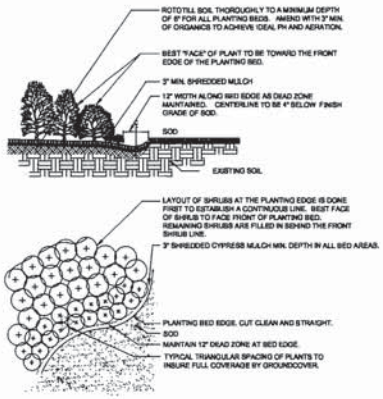
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PLANTING PLANS

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
SEPT 2005	20023590-07		AS SHOWN	8 OF 11



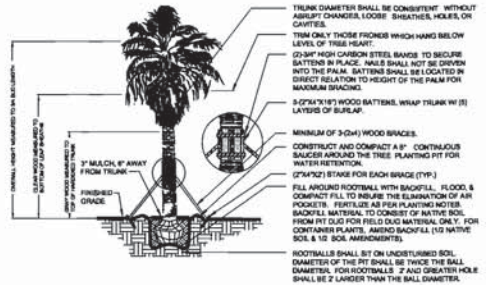
1 L-3 **TYPICAL SHRUB PIT PLANTING** N.T.S.



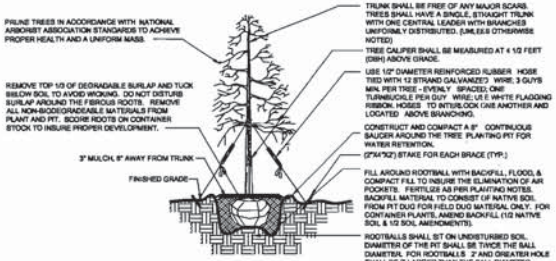
2 L-3 **TYPICAL SHRUB BED PLANTING** N.T.S.



3 L-3 **TYPICAL MULTI-TRUNK TREE PLANTING** N.T.S.



4 L-3 **TYPICAL PALM TREE PLANTING** N.T.S.



5 L-3 **TYPICAL SINGLE TRUNK TREE PLANTING** N.T.S.

LANDSCAPE CONSTRUCTION NOTES:

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES AND SERVICES BOTH UNDERGROUND AND OVERHEAD PRIOR TO THE COMMENCEMENT OF WORK. PROTECTION OF ALL UTILITIES AND SERVICES THROUGHOUT THE COURSE OF WORK IS EXPECTED.
2. ALL LANDSCAPE AREAS (EXCEPT FOR PLANTING BEDS) SHALL BE SODDED UNLESS OTHERWISE INDICATED ON THE DRAWINGS. CONTRACTOR SHALL GET APPROVAL OF FINE GRADING FROM LANDSCAPE ARCHITECT PRIOR TO THE INSTALLATION OF TURF. GRADING FOR LANDSCAPE BERMING SHOWN ON PLANS AND DETAILS IS APPROXIMATE ONLY, CONTRACTOR SHALL CONFER WITH LANDSCAPE ARCHITECT PRIOR TO COMMENCING THIS WORK TO CONFIRM ACTUAL SHAPES AND ELEVATIONS OF THE LANDSCAPE BERMING. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO FINISH GRADE ALL LANDSCAPE AREAS ELIMINATING ALL BUMPS, DEPRESSIONS, ROCKS, STICK, OR OTHER DEBRIS PRIOR TO THE INSTALLATION OF PLANT MATERIAL. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR MAINTAINING POSITIVE FLOW DRAINAGE AWAY FROM ALL STRUCTURES AND TO ALL DRAINAGE WAYS SHOWN OR IMPLIES ON THE DRAWINGS.
3. THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO RELOCATE/ REPOSITION ANY PLANTS AS SITE CONDITIONS MAY DICTATE DURING CONSTRUCTION.
4. THE CONTRACTOR SHALL COORDINATE ALL WORK WITH ALL TRADES SO AS TO AVOID ANY CONFLICT WITH THE EXECUTION OF WORK BY OTHERS. OWNER SHALL NOT BE RESPONSIBLE FOR THE DAMAGE TO PLANT MATERIALS CAUSED BY OTHER TRADES OR SUBCONTRACTORS. THE CONDITION OF PLANT MATERIAL SHALL BE IN ACCORDANCE TO THE LANDSCAPE ARCHITECT.
5. INSTALLATION OF INTERLOCKING PAVERS SHALL HAVE A BASE USING ROAD-BASE CRUSHED STONE OR ASTM D2940, COMPACTED TO 95% DENSITY FOR PEDESTRIAN & LIGHT VEHICULAR TRAFFIC, 98% FOR HEAVY VEHICULAR TRAFFIC. PROVIDE PITCH FOR DRAINAGE. ONE INCH PER TEN FEET OF PAVING SURFACE, TO BE DONE DURING SUB-GRADE PREPARATION. BEDDING SAND SHOULD BE 1" TO 1 1/2" THICK, USING CONCRETE SAND (ASTM C33) WHEN COMPACTING PAVERS A RUBBER PAD SHOULD BE ATTACHED TO THE PLATE BOTTOM OF THE MECHANICAL VIBRATING MACHINE. FOR BEST PAVER COMPACTION USE A ROLLER COMPACTOR. FOR PRECISE CUTS, USE A DIAMOND BLADE SAW. A SOFT-BOND, MATRIX-BLADE IS RECOMMENDED.
6. ALL LANDSCAPE AREAS SHALL BE PROTECTED FROM VEHICULAR ENCROACHMENT BY WHEELSTOPS AND/OR CURBING WHERE IMMEDIATELY ADJACENT TO PAVEMENT.
7. THE CONTRACTOR SHALL VERIFY ALL QUANTITIES ON THE DRAWINGS PRIOR TO BIDDING. ALL QUANTITIES ON THE DRAWINGS ARE PROVIDED FOR CONVENIENCE ONLY.
8. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL APPLICABLE PERMITS.

SPECIFICATIONS

PLANT MATERIALS: ALL TREES, PALMS, SHRUBS, GROUNDCOVERS, LITTORALS, WATER PLANTS, SOD AND VINES SHALL CONFORM TO THOSE SPECIES AND SIZES INDICATED ON THE DRAWINGS. ALL NURSERY STOCK SHALL BE IN ACCORDANCE WITH GRADES AND STANDARDS FOR NURSERY PLANTS AS DETERMINED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, UNLESS SPECIFIED OTHERWISE, ALL PLANTS SHALL BE FLORIDA GRADE NUMBER 1 OR BETTER AS DETERMINED BY THE FLORIDA DIVISION OF PLANT INDUSTRY. SPECIMEN MEANS A PLANT THAT IS TRAINED IN ITS DEVELOPMENT TO POSSESS UNQUESTIONABLE AND OUTSTANDINGLY SUPERIOR IN FORM, BRANCHING, COMPACTNESS AND SYMMETRY. TREES FOR PLANTING ROWS SHALL BE UNIFORM IN SIZE AND SHAPE. SINGLE TRUNK TREES SHALL HAVE A STRAIGHT, CENTRAL LEADER. MULTI-TRUNK TREES ARE TO HAVE 3-5 EQUAL SIZED TRUNKS UNLESS OTHERWISE SPECIFIED. PLANTS WITH MARRED OR BURNED TRUNKS WILL NOT BE ACCEPTED. PLANTS SHALL BE PRUNED PRIOR TO DELIVERY ONLY IN ACCORDANCE WITH INTERNATIONAL SOCIETY OF ARBORIST GUIDELINES TO INSURE PROPER HEALTH AND VIGOROUS GROWTH. ALL MATERIALS SHALL BE SUBJECT TO JOHNSON ENGINEERING INC.'S APPROVAL.

BALLED & BURLAPPED: ALL BALLED & BURLAPPED STOCK SHALL BE FRESHLY DUG, SOUND, HEALTHY, VIGOROUS, WELL-BRANCHED, FREE FROM DISEASE AND INSECTS, SECURE IN THE ROOTBALL, AND POSSESS ADEQUATE ROOT SYSTEMS. ALL BURLAP SHALL BE REMOVED FROM THE TOP ONE-THIRD OF THE BALL TO PREVENT WICKING. ANY BURLAP THAT IS NOT BIODEGRADABLE SHALL BE CAREFULLY REMOVED TO PROTECT DAMAGE TO FEEDER ROOTS. GROW BAGS SHALL BE REMOVED IN THEIR ENTIRETY. ALL BALLED & BURLAPPED STOCK THAT IS NOT IMMEDIATELY PLANTED, SHALL BE HEALED IN AND THOROUGHLY WATERED UNTIL PLANTING. LIFTING, MOVING, OR ADJUSTING THE PLANT MATERIAL BY THE TRUNK IS PROHIBITED.

CONTAINER GROWN STOCK: ALL CONTAINER GROWN STOCK SHALL BE HEALTHY, VIGOROUS, WELL-ROOTED (NOT ROOT BOUND), AND ESTABLISHED IN THE CONTAINER IN WHICH THEY ARE SOLD. THE PLANTS SHALL HAVE TOPS OF GOOD QUALITY AND BE IN A HEALTHY GROWING CONDITION. ALL CONTAINER GROWN STOCK THAT IS NOT IMMEDIATELY PLANTED, SHALL BE STORED IN A MANNER TO SHADE THE CONTAINERS FROM DIRECT SUNLIGHT TO MINIMIZE ROOT DAMAGE. ALL CONTAINER STOCK SHALL BE THOROUGHLY WATERED PRIOR TO PLANTING AND DURING STORAGE UNTIL PLANTING. LIFTING AND MOVING OF THE PLANT MATERIAL SHALL BE BY THE CONTAINER ONLY.

MEASUREMENTS: TREES' HEIGHTS SHALL BE MEASURED FROM GROUND TO THE AVERAGE BRANCH HEIGHT OF CANOPY. SPREAD SHALL BE MEASURED TO THE END OF BRANCHING EQUALLY AROUND THE CROWN FROM THE CENTER OF THE TRUNK. MEASUREMENTS SHALL NOT INCLUDE ANY TERMINAL GROWTH. SHRUBS' HEIGHT SHALL BE MEASURED FROM THE GROUND TO THE AVERAGE POINT WHERE MATURE PLANT GROWTH STOPS. SPREAD SHALL BE MEASURED TO THE END OF BRANCHING EQUALLY AROUND THE SHRUB MASS. MEASUREMENT SHALL NOT INCLUDE ANY TERMINAL GROWTH. PALMS SHALL BE MEASURED BY THREE HEIGHT CLASSIFICATIONS: OVERALL HEIGHT, CLEAR WOOD, AND GRAY WOOD. OVERALL HEIGHT SHALL BE MEASURED FROM THE FROM THE GROUND TO THE AVERAGE FROND HEIGHT AT TIME OF INSTALLATION. CLEAR WOOD SHALL BE MEASURED FROM THE GROUND AT TIME OF INSTALLATION TO THE BOTTOM OF THE FROND SHEATH. GRAY WOOD SHALL BE MEASURED FROM THE GROUND AT TIME OF INSTALLATION TO THE TOP OF HARDENED WOOD.

PLANTING SOIL AND BACKFILL: PLANTING SOIL FOR USE IN PREPARING BACKFILL FOR PLANT PITS SHALL BE A FERTILE, FRIABLE, NATIVE SOIL WITHOUT MIXTURE OF SUBSOIL MATERIALS. IT SHALL BE FREE FROM HEAVY CLAY, STONES, LIME, LUMPS, PLANTS, ROOTS OR OTHER FOREIGN MATERIALS, NOXIOUS GRASSES OR WEEDS. IT SHALL NOT CONTAIN TOXIC SUBSTANCES WHICH MAY BE HARMFUL TO PLANT GROWTH. AMEND BEDS WITH 3" MINIMUM OF ORGANICS TO ACHIEVE OPTIMAL PH LEVELS AND SOIL AERATION. ROTOTILL TO A DEPTH OF 6" AND INCORPORATE A COMPLETE SLOW RELEASE FERTILIZER AT A 3-1-2 RATIO. THE RESULTS OF POST SOIL MODIFICATION TESTING, BASED ON LIKE PLANTING CONDITIONS AND AREA PROXIMITY, SHALL BE SUBMITTED TO JOHNSON ENGINEERING INC.'S FOR APPROVAL PRIOR TO PLANTING.

COMMERCIAL FERTILIZER: FERTILIZERS SHALL BE UNIFORM IN COMPOSITION, DRY, AND FREE FLOWING AND DELIVERED TO THE SITE IN ORIGINAL UNOPENED BAGS BEARING ALL THE MANUFACTURER'S LABELS. ALL FERTILIZER IS TO BE SLOW RELEASE AND COMPLETE WITH NECESSARY MICRONUTRIENTS. AFTER INSTALLATION, FERTILIZER SHALL BE CLEANED FROM ALL HARDSCAPE SURFACES AND WATERED IN THOROUGHLY PER MANUFACTURER'S SPECIFICATIONS. TREES AND SHRUBS MIXTURE SHALL CONSIST OF A SLOW RELEASE THE FORMULATION OF 3 PARTS NITROGEN TO 1 PART PHOSPHORUS TO 2 PARTS POTASSIUM (3-1-2 RATIO). ALL TREES AND SHRUBS SHALL BE FERTILIZED BI MONTHLY DURING THE GROWING SEASON AT A RATE OF 4-6 LBS. OF A PER 100 SQ. FT. OF BEDS / TREE CANOPY (2' FORM BASE TO DRIPLINE) OR PER MANUFACTURE'S RECOMMENDATION. SOD FERTILIZER SHALL BE TURF SPECIFIC FOR ESTABLISHING NEW LAWNS AND APPLIED PER MANUFACTURE'S RECOMMENDATIONS. APPLY A 10-1-LBS. OF A PALM SPECIFIC (1 PART NITROGEN TO 1 PART POTASSIUM WITH 0.3 PARTS MAGNESIUM) FERTILIZER QUARTERLY FOR ALL ESTABLISHED PALMS PER 2' OF HEIGHT OR PER MANUFACTURE'S RECOMMENDATION.

MULCH: MULCH MATERIAL SHALL BE SHREDDED EUCALYPTUS MULCH, FREE FROM WEED SEEDS, AND APPLIED TO A MINIMUM 3" DEPTH.

SOD: ALL SOD SHALL MEET FLORIDA STATE PLANT BOARD SPECIFICATIONS, ABSOLUTELY TRUE TO VARIETY TYPE, AND FREE FROM WEEDS, INSECTS, AND DISEASES OF ANY KIND. JOINTS SHALL BE STAGGERED AND BUTT TIGHT TO MINIMIZE AIR GAPS. THE GRADE SHALL BE SMOOTH, FREE OF DEBRIS, POSITIVELY DRAINED, AND MOIST TO SOD INSTALLATION. THE SOD SHALL BE ROLLED IN TWO DIRECTIONS PERPENDICULAR FROM ONE ANOTHER AFTER INSTALLATION TO ENSURE PROPER GROUND CONTACT. IN AREAS WHERE A ROLLER CANNOT BE USED, HAND TAMPING SHALL BE REQUIRED. SOD SHALL BE INSTALLED AND WATERED WITHIN 24 HOURS AFTER HARVESTING.

SUBSTITUTIONS: NO SUBSTITUTION OF ANY MATERIALS' VARIETIES, GRADES, OR SIZES SHALL BE ALLOWED WITHOUT WRITTEN AUTHORIZATION FROM JOHNSON ENGINEERING, INC. ANY / ALL UNAUTHORIZED SUBSTITUTIONS MAY REQUIRE REPAIRING / REPLACING AT THE CONTRACTOR'S EXPENSE AT JOHNSON ENGINEERING, INC.'S DISCRETION.

WARRANTY: THE CONTRACTOR SHALL WARRANTY ALL WORKMANSHIP FOR THE PERIOD OF ONE YEAR AFTER FINAL ACCEPTANCE FROM THE OWNER AND JOHNSON ENGINEERING, INC. ANY DEAD, UNHEALTHY, NON-CONFORMING PLANT MATERIAL SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE WITHIN 7 DAYS OF NOTICE FROM THE OWNER OR JOHNSON ENGINEERING, INC. THE CONTRACTOR SHALL NOT BE LIABLE FOR "ACTS OF GOD" AND VANDALISM, NEGLIGENCE AND THEFT BY OTHERS.

QUALITY ASSURANCE: THE CONTRACTOR SHALL PROVIDE SUBSTANTIAL PROOF TO JOHNSON ENGINEERING, INC. THAT HE / SHE HAS A MINIMUM OF 5 YEARS EXPERIENCE IN THE FIELD OF LANDSCAPE CONTRACTING WITH PROJECTS OF SIMILAR SCOPE. THE CONTRACTOR MUST SUPPLY AT ALL TIMES ON SITE WHEN WORK IS BEING PERFORMED A QUALIFIED SUPERVISOR WITH A MINIMUM OF 18 MONTHS FIELD EXPERIENCE. ALCA LANDSCAPE CERTIFICATIONS CAN SUBSTITUTE IN LIEU OF THE EXPERIENCE REQUIREMENT AT JOHNSON ENGINEERING, INC.'S DISCRETION.

STATUTORY LANDSCAPE NOTES:

1. SEE ENGINEERING PLANS FOR ALL OTHER REQUIRED CALCULATIONS. THIS VEGETATION PLAN MEETS AND/OR EXCEEDS THE MINIMUM REQUIREMENTS OF THE LANDSCAPING SECTION OF THE LEE COUNTY LANDSCAPING CODE.
2. SEVENTY-FIVE PERCENT (75%) OF THE TOTAL NUMBER OF REQUIRED TREES AND FIFTY PERCENT (50%) OF THE TOTAL NUMBER OF REQUIRED SHRUBS USED IN BUFFERS AND LANDSCAPE SHALL BE OF INDIGENOUS NATIVE VARIETIES.
3. ALL REQUIRED TREES AT THE TIME OF INSTALLATION MUST:
   1) BE A MINIMUM OF 10' IN HEIGHT.
   2) HAVE A 2" CALIPER OF TRUNK DIAMETER (AT 12" ABOVE THE GROUND).
   3) HAVE A 4' DIAMETER SPREAD OF CANOPY.
4. PALMS MUST HAVE A MINIMUM OF 10' OF CLEAR TRUNK AT THE TIME OF INSTALLATION.
5. ALL TREES NOT HAVING A MATURE CANOPY OF A TWENTY FEET (20') MINIMUM SHALL BE MASSED TO CREATE AN EQUIVALENT TWENTY FEET (20') OF CANOPY.
6. ALL TREES ADJACENT TO WALKS, BIKE PATHS, AND RIGHTS-OF-WAY MUST BE MAINTAINED WITH EIGHT FOOT OF CLEAR TRUNK.
7. REQUIRED SHRUBS AND HEDGES MUST BE A MINIMUM OF 24" (48" FOR TYPE F BUFFERS) IN HEIGHT ABOVE THE ON-SITE ADJACENT PAVEMENT SURFACE REQUIRED TO BE BUFFERED AND/OR SCREENED WHEN MEASURED AT THE TIME OF PLANTING. THEY MUST BE A MINIMUM THREE (3) GALLON CONTAINER SIZE, AND SPACED 18" TO 36" ON CENTER. REQUIRED SHRUBS AND HEDGES MUST BE AT LEAST 36" (60" FOR TYPE F BUFFERS) IN HEIGHT WITHIN 12 MONTHS OF INSTALLATION, EXCEPT FOR VISIBILITY AT INTERSECTIONS AND WHERE PEDESTRIAN ACCESS IS PROVIDED. REQUIRED HEDGES MUST BE PLANTED IN DOUBLE STAGGERED ROWS AND MAINTAINED TO FORM A CONTINUOUS, UNBROKEN, VISUAL SCREEN WITHIN 12 MONTHS OF INSTALLATION.
8. PLANT MATERIALS SHALL CONFORM TO THE STANDARDS FOR FLORIDA NO 1 OR BETTER AS GIVEN IN "GRADES AND STANDARDS FOR NURSERY PLANTS", PARTS 1 AND II, DEPARTMENT OF AGRICULTURE, STATE OF FLORIDA (AS AMENDED).
9. ALL TREES INSTALLED IN RESPONSE TO THE REQUIRED INTERNAL LANDSCAPE AREAS, ALSO KNOWN AS INTERIOR, CANOPY TREES SHALL BE LOCATED WHERE AND AS SHOWN ON THE DRAWINGS. PALMS MAY BE SUBSTITUTED ON A 3:1 BASIS AND CLUSTERED WITH CONSENT OF LANDSCAPE ARCHITECT.
10. PLANTINGS IN EASEMENTS: UTILITY, POWER, OR DRAINAGE EASEMENTS MAY OVERLAP REQUIRED BUFFERS; HOWEVER NO REQUIRED TREES OR SHRUBS MAY BE LOCATED IN ANY UTILITY, POWER, OR STREET EASEMENT OR RIGHT-OF- WAY.
11. THE CONTRACTOR SHALL PROVIDE AND MAINTAIN THROUGH FINAL ACCEPTANCE (CERTIFICATE OF COMPLIANCE) A TREE PROTECTION BARRIER FOR ALL INDIVIDUAL OR MASSES OF INDIGENOUS PLANT MATERIALS BEING CREDITED AND/OR PRESERVED. ANY TREES USED FOR CREDIT THAT ARE DAMAGED DURING CONSTRUCTION, SHALL BE REPLACED AT A 5:1 RATIO FOR TREES AND 3:1 RATIO FOR PALMS.
12. PLANT MATERIAL PROVIDED IN COMPLIANCE TO THE LEE COUNTY LDC MAY ONLY BE PRUNED TO PROMOTE HEALTH, UNIFORM, AND NATURAL GROWTH OF THE SPECIFIC PLAN (EXCEPT WHERE NECESSARY TO PROMOTE PUBLIC HEALTH, SAFETY, AND WELFARE) PRUNING MUST BE IN ACCORDANCE TO AND ACCEPTABLE WITH THE "PRUNING STANDARDS" (LATEST EDITIONS) ISSUED BY THE NATIONAL ARBORIST ASSOCIATIONS." SEVERELY PRUNED AND/OR DAMAGED TREES MUST BE REPLACED "HAT-RACKING" PRACTICES ARE PROHIBITED.
13. THE FOLLOWING EXOTIC SPECIES OF PLANTS SHALL BE REMOVED AND MAINTAINED FROM OPEN SPACES IN PERPETUITY. A. MELALEUCA SPP. (PUNK, CAJEPUT, PAPERSACK TREE) B. CASUARINA SPP. (AUSTRALIAN PINE) C. SCHINUS SPP. (BRAZILIAN PEPPER, FLORIDA HOLLY) D. ACACIA AURICULIFORMIS (EARLEAF ACACIA) E. RHODMYRTUS TOMENTOSUS (DOWNY ROSE MYRTLE) F. SOLANUM VIARUM (TROPICAL SODA APPLE) G. ALBIZIA LEBBECK (WOMAN'S TOGUE) H. BISCHOFIA JAVANICA (BISHOPWOOD) I. CUPANOPSIS ANACARDIOIDES (CARROTWOOD) J. DALBERGIA SISSOO (ROSEWOOD) K. DIOSCOREA ALATA (AIR POTATO) L. EUCALYPTUS CAMALDULENSIS (MURRAY RED GUM) M. FICUS (WEEPING FIG, CUBAN LAUREL FIG) N. LYCODIUM (JAPANESE CLIMBING FERN, OLD WORLD CLIMBING FERN) O. SAPIUM SEBIFERUM (CHINESE TALLOW) P. SYZYGIUM (JAVA PLUM, ROSE APLLE) Q. THESPESIA POPULNEA (CORK TREE) R. WEDELIA
14. AN AUTOMATIC IRRIGATION SYSTEM COMBINING DRIP, SPRAY HEADS AND ROTORS AS APPROPRIATE WILL BE INSTALLED TO PROVIDE 100% COVERAGE TO ALL LANDSCAPED AREAS. A MOISTURE RAIN SENSOR WILL BE INCLUDED IN THE IRRIGATION SYSTEM AND LOCATED ON THE SITE SO THAT IT WILL RECEIVE DIRECT RAINFALL, NOT IMPEDED BY OTHER OBJECTS, THE IRRIGATION SYSTEM WILL BE DESIGNED TO ELIMINATE THE APPLICATION OF WATER TO IMPERVIOUS AREAS, INCLUDING ROADS, DRIVES, AND OTHER VEHICLE USE AREAS. THE IRRIGATION SYSTEM WILL BE DESIGNED TO AVOID IMPACTS ON EXISTING NATIVE VEGETATION THAT WILL BE RETAINED ON THE DEVELOPMENT SITE AND NEW VERTICAL ARCHITECTURAL FEATURES.
15. A 3" MINIMUM LAYER OF ORGANIC MULCH , AFTER WATERING-IN, OR OTHER RECYCLED MATERIALS MUST BE PLACED AND MAINTAINED AROUND ALL NEWLY INSTALLED TREES, SHRUBS AND GROUNDCOVER PLANTINGS. EACH TREE MUST HAVE A RING OF MULCH NO LESS THAN 24" BEYOND ITS TRUNK IN ALL DIRECTIONS.
16. THE CONTRACTOR SHALL BE REQUIRED TO MAINTAIN SAFE SIGHT DISTANCE TRIANGLES AT ALL INTERSECTIONS AND VEHICULAR CONNECTIONS SIGHT TRIANGLES MUST BE IN ACCORDANCE WITH THE ROADSIDE RECOVERY AREA PROVISIONS OF FDOT GREEN BOOK. ALL SIGHT TRIANGLES SHALL MAINTAIN A CLEAR ZONE BETWEEN THIRTY-SIX (36) INCHES AND EIGHT FEET (8'). CONTRACTOR TO VERIFY PRIOR TO FINAL ACCEPTANCE.
17. VEGETATION REMOVAL PERMIT MUST BE OBTAINED FROM LEE COUNTY ENVIRONMENTAL SCIENCES DIVISION PRIOR TO THE COMMENCEMENT OF SITE WORK.

LANDSCAPE IRRIGATION NOTES:

1. SET DRAIN AND CHECK VALVES AS APPROPRIATE PER MANUFACTURE'S RECOMMENDATIONS.
2. GROUP (WHEN PRACTICAL) AND LOCATE VALVES BOXES AND CONTROLLERS IN AN UNOBTRUSIVE / ACCESSIBLE LOCATIONS APPROVED BY JOHNSON ENGINEERING, INC.
3. HEAD SPACINGS, WORKING PRESSURE, AND PIPE SIZES SHALL BE IN ACCORDANCE WITH MANUFACTURE'S RECOMMENDATIONS.
4. USE BUBBLERS, DRIP, ROTORS, AND SPRAY HEADS WHEN APPROPRIATE. HEADS SHALL BE INSTALLED TO PROVIDE 100% HEAD-TO-HEAD COVERAGE TO ALL LANDSCAPED AREAS. A MOISTURE OR RAIN SENSOR SHALL BE INSTALLED PER MANUFACTURE'S RECOMMENDATIONS.
5. HEADS SHALL BE INSTALLED TO MINIMIZE OVERSPRAY TO ALL IMPERVIOUS AREAS INCLUDING: SIDEWALKS, ROADS, DRIVES AND OTHER VEHICLE USE AREAS. NO OVERSPRAY ON WALLS, COLUMNS OR OTHER VERTICAL ARCHITECTURAL FEATURES SHALL BE ALLOWED.
6. ALL LITTORAL PLANTING AREAS SHALL HAVE INDEPENDENT ZONES TO ENSURE THE FLEXIBILITY OF REDUCING IRRIGATION APPLICATIONS DURING EXTENDED PERIODS OF RAINFALL. CUSTOMIZATION OF THE WATERING SCHEDULING SHALL INCLUDE DAILY, WEEKLY, AND MONTHLY OPTIONS.
7. GROUP PLANT MATERIALS ACCORDING TO SFWMD XERISCAPE PRINCIPLES WHEN PRACTICAL.
8. TURFGRASS AREAS AND PLANTING BEDS SHALL HAVE SEPARATE ZONES AND RUN INDEPENDENTLY FROM ONE ANOTHER WHEN PRACTICAL.

Approved as Exhibit C
MCP Page 4 of 6
Resolution # Z-06-069

RECEIVED
FEB 16 2007
DCI 2005-00005

EXHIBIT C
Page 4 of 6

N:\20023590-07\MCP\Landscape Plan.dwg (Details) mar Feb 15, 2007 - 5:04pm

REVISIONS		

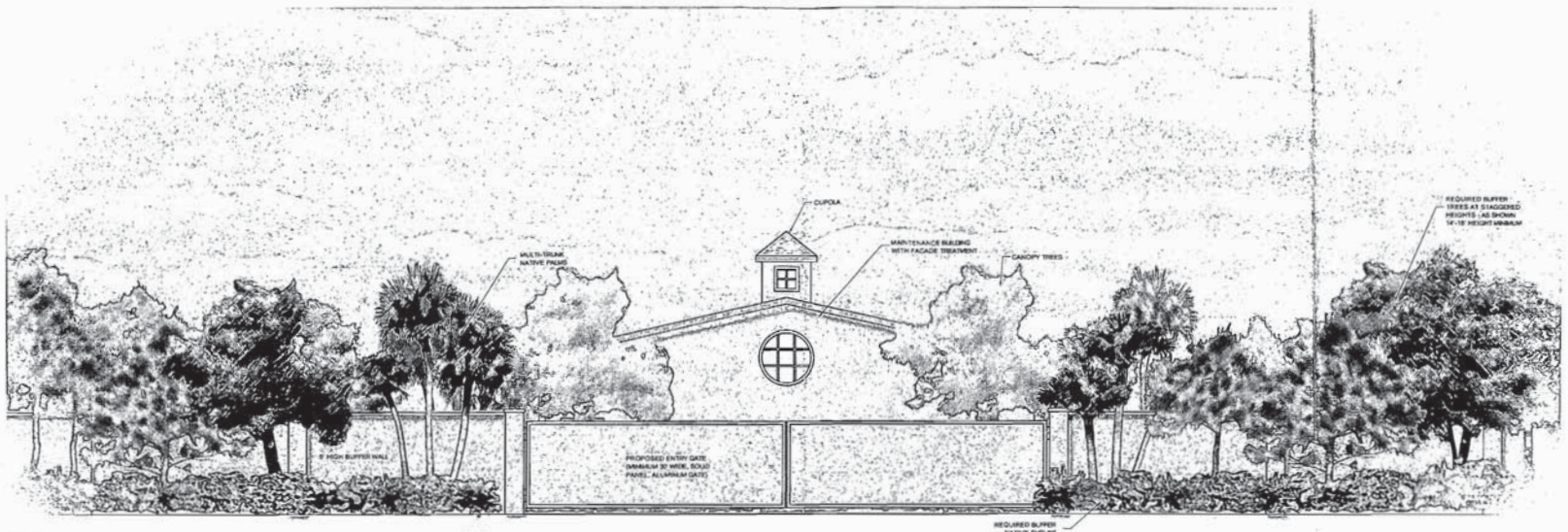
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FOR BAYSIDE CDD

BAYSIDE CDD
MAINTENANCE FACILITY
LEE COUNTY, FLORIDA

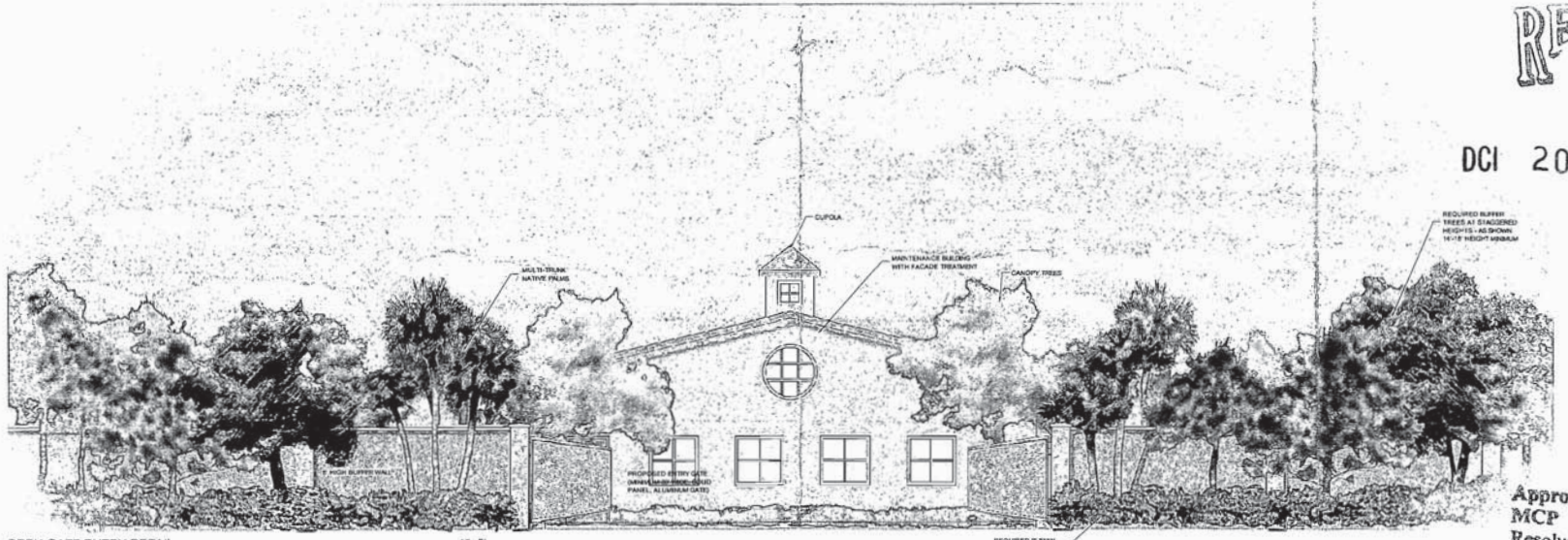
JOHNSON ENGINEERING
2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

LANDSCAPE DETAILS

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
SEPT 2005	20023590-07		AS SHOWN	9 OF 11



CLOSED GATE ENTRY DETAIL 1"=5'



OPEN GATE ENTRY DETAIL 1"=5'

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FEB 16 2007

DCI 2005-00005

Approved as Exhibit C
MCP Page 5 of 6
Resolution # Z-06-069

N:\20023590-07\MCP\3590-MCP.dwg, (10 ENTRY DETAILS AND NOTES) mar Feb 15, 2007 - 2:44pm

REVISIONS		

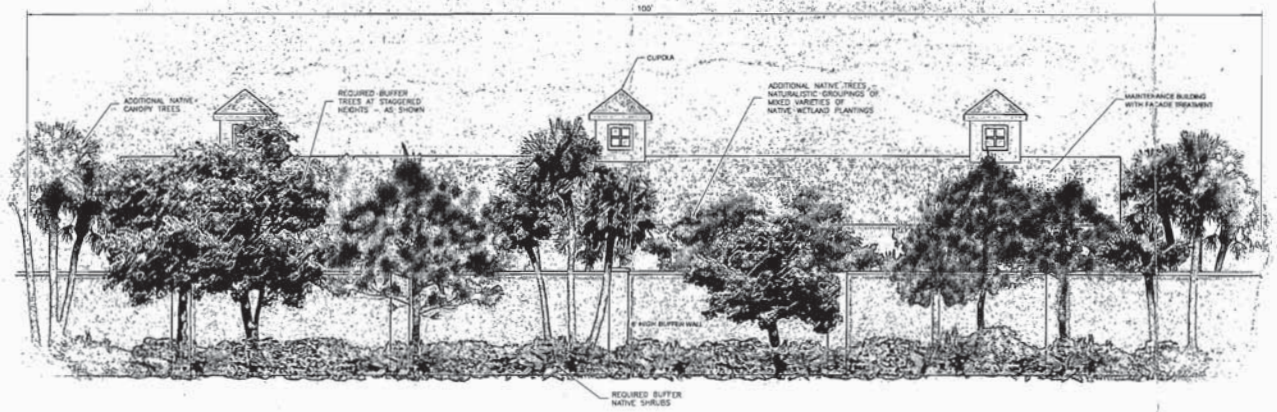
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FOR BAYSIDE CDD

BAYSIDE CDD
MAINTENANCE FACILITY
LEE COUNTY, FLORIDA

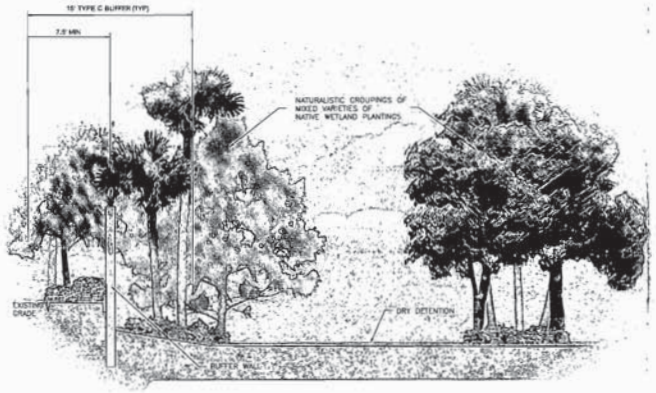
JOHNSON ENGINEERING
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ENTRY DETAILS AND NOTES

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
SEPT 2005	20023590-07		AS SHOWN	10 OF 11



BUFFER WALL DETAIL - TYPICAL 100' SECTION 1"=5'



ENHANCED TYPE C BUFFER/DRY DETENTION - TYPICAL 1"=5'

RECEIVED
FEB 16 2007

DCI 2005-00005

Approved as Exhibit C
MCP Page 6 **of** 6
Resolution # Z-06-069

EXHIBIT C
Page 6 of 6

N:\20023590-07\MCP\3590-MCP.dwg (11 BUFFER WALL AND DETAILS) mer Feb 15, 2007 - 3:12pm

REVISIONS		

SEVERN - TRENT
FOR BAYSIDE CDD

BAYSIDE CDD
MAINTENANCE FACILITY
LEE COUNTY, FLORIDA

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E.B. #642 & L.B. #642

BUFFER DETAILS AND NOTES

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
SEPT 2005	20023590-07		AS SHOWN	11 OF 11

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

DATE: March 15, 2007

TO: Commissioner Robert P. Janes
Chairman, BOCC

FROM: Dawn E. Perry-Lehnert
Assistant County Attorney

RE: Pelican Landing DRI
Twelfth Amendment
State DRI #1-9293-121
County Case #DRI2005-00001

The Board of County Commissioners approved the Twelfth Amendment for the Pelican Landing DRI Development Order on December 4, 2006. The original development order amendment and zoning resolution have been attached to this memorandum for execution. Kindly execute both documents at your earliest convenience and then forward them to Lisa Pierce in the Minutes Department.

Please note, the delay of this submission for the Chairman's signature is due to required revisions to the approved Master Concept Plan (MCP) by the project applicant. Lee County Land Development Code (LDC) Section 34-377(b)(6) requires the project MCP to be conformed to the Board's approval. Consequently, changes had to be made to the MCP before the resolution could be signed.

By copy of this memorandum to Lisa Pierce, I request that a clerk attest to the Chairman's signature on each document. Once this has been accomplished, please prepare 4 certified copies of the executed development order and all exhibits and one fully executed copy of the zoning resolution and forward these documents to my office no later than March 22, 2007.

Thank you for your assistance.

DPL/tlb
Attachments

cc: (w/o attachments)
Timothy Jones, Chief Assistant County Attorney
Lisa Pierce, Supervisor, Minutes Department

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MINUTES OFFICE
2007 MAR 20 AM 7:39

TWELFTH AMENDED DEVELOPMENT ORDER[1]
FOR
PELICAN LANDING
A DEVELOPMENT OF REGIONAL IMPACT

STATE DRI #1-9293-121
COUNTY CASE DRI2005-00001

WHEREAS, on November 28, 2000, WCI Communities, Inc., the owner of the Pelican Landing Development of Regional Impact (DRI) most recently requested an amendment to the original Development Order (DO) adopted August 29, 1994, as amended; 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 to add 140 acres; 9) February 26, 2002 to revise the legal description and clearly define the jurisdictional line between the City and County; 10) October 7, 2002 to accomplish the following: (a) adjust the original buildout date (from December 31, 2002 to May 21, 2004) and termination date (from December 31, 2005 to May 21, 2007) to reflect the one year and 141 days the effectiveness of the Development Order was tolled as a result of the 1996 appeal and challenge; and (b) extend the buildout and termination dates by 4 years and 364 days to May 20, 2009 and May 20, 2012, respectively; and, the conditions proposed for the twelfth amendment to the Pelican Landing DRI Development Order; and

WHEREAS, the City of Bonita Springs has adopted a substantially similar development order that is applicable within its jurisdiction; and

WHEREAS, a Notice of Proposed Change was submitted by Bayside Improvement Community Development District on January 25, 2005 to amend the legal description and Map H to (a) include a 1.45 acre tract for the purpose of constructing a maintenance facility, and, (b) reduce the number of residential dwelling units from 4,400 to 3,912 residential units and change the mix of units types to allow an increase in single family units from 665 to 930 unit and a reduction in multi-family units from 3,735 to 2,982; and

---

[1] This is a codification and a restatement of all DRI Development Orders rendered with respect to Pelican Landing within Lee County, including actions taken on March 25, 1995, August 16, 1995, November 17, 1997, September 21, 1998, June 21, 1999, December 6, 1999, August 7, 2000, February 26, 2002, October 7, 2002, and December 4, 2006.

WHEREAS, under F.S. §380.06(19), the proposed change must be reviewed cumulatively with previous changes to the DRI Development Order to determine whether they constitute a substantial deviation from the terms of the original DRI Development Order approvals; and

WHEREAS, the Board of County Commissioners has reviewed the proposed amendment and found that the changes do not constitute a substantial deviation; and

WHEREAS, the Board of County Commissioners of Lee County, Florida, has considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Staff, the Lee County Hearing Examiner, the documents and comments upon the record made before the Board in public hearing, and after full consideration of those reports, recommendations, comments, and documents, the Board of County Commissioners of Lee County, Florida, finds and determines that:

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The "Pelican Landing DRI" is a partially built master planned community on a total of ~~2748.25~~ 2749.7± acres located approximately three miles north of the Lee/Collier County Line. Approximately 1249.8 acres of the Pelican Landing DRI are located within the City of Bonita Springs; approximately ~~1216.45~~ 1217.9 acres of the Pelican Landing DRI are located within the unincorporated area of Lee County; and approximately 282± acres of the ~~2748.25~~ 2749.7±-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 proposal is to construct ~~4,400~~ 3,912 residential units, of which ~~665~~ 930 are single-family and ~~3,735~~ 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 will also include 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 date is May 20, 2009.

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, C and D.

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

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

Exhibit 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.

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 proposed Development Order Amendment has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes. 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 classifications of the Lee Plan with 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 Amendment.

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 annual~~ a 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.

K. A portion of the DRI property has been included in the incorporated limits of the City of Bonita Springs pursuant to legislation adopted during the 1999 Legislative session. The property now located in the City of Bonita Springs lies within the area described in section 6 of the Committee Substitute for Senate Bill 2626, 1st Engrossed. Pursuant to Florida Statutes section 380.06(15)(h), a separate DRI development order must be adopted by the City of Bonita Springs that incorporates 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 Statues, the Pelican Landing DRI development order adopted by the county 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.

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, LET IT BE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, in public meeting duly constituted and assembled on December 4, 2006 that the proposed amendments to the Pelican Landing DRI Development Order are hereby APPROVED, SUBJECT TO the following conditions, restrictions and limitations.

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 will

be 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 County and 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 are no regionally significant housing impacts for the first planning horizon of the DRI Development Order, which ends 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 accept 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 will be 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 home buyers, 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 home buyers 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 will be responsible for the initial electrical hook-up costs. The selection of the generator will be 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 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 developer will mitigate the hurricane shelter impacts for units 4051 through 4400 by paying $18.50 per unit to the Lee County Impact Fee Coordinator at the time of building permit approval. If the developer constructs an assisted living facility, the developer must comply with all aspects of Section 440.441(1)(b), F.S., as may be amended, including the preparation and submittal of a comprehensive emergency management plan that addresses emergency evacuation transportation and adequate sheltering arrangements for the ALF residents. The developer must update this plan annually. The County must use the funds paid pursuant to this condition to construct or upgrade hurricane shelter space in a location that will benefit the residents of the Pelican Landing Community. The eighteen dollar and fifty cents fee (1996 dollars) will be multiplied by the Dodge Data Service Building Cost Index for U.S. and Canadian cities for June 1 of each year subsequent to 1996, up to the time building permits are issued. This multiplier ensures payment of current dollars at the time the permits are issued. If the Building Cost Index is not available, the Consumer Price Index will be used instead, and applied by the method described above. If Lee County adopts an impact fee for hurricane shelters prior to, or during, the acquisition of building permits 4051 through 4400 then the Developer will pay the duly adopted impact fee, provided that fee is no less per unit than the per unit amount set out above, and this condition will have no further force and effect.

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 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 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 that is designed and constructed to meet all requirements of the Standard Building Code, as adopted by Lee County.

E. Vegetation and Wildlife/Wetlands

The developer has 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 parcel and 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.

Prior to any new development within 1500 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 DCA, SWFRPC, FWC Lee County, 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 resubmittal. The agencies will provide a written response to Lee County 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. Lee County and DCA 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 must design the golf course and conduct 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. 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 purposes, and 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 (SFWMD) "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 Improvement District (a district 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 Improvement District, 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 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 County Attorney's office.

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 traffic impact assessment for this project assumes the development parameters and land uses shown in Exhibit F, "Pelican Landing DRI Development Parameters." The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Planning Horizon I (1997) and buildout (2009). Each ~~annual~~ monitoring report, described in Paragraph 4, must reflect whether the roadways and intersections described below are significantly impacted or are projected to be significantly impacted by this project in the following year.

b. The Pelican Landing DRI is projected to significantly and adversely impact (as defined by Lee County Administrative Code) the following roadways and intersections:

Planning Horizon I (1997)		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 and right turn lanes
	-	Separate WB thru and left turn lanes

Buildout (2009)

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 and 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 and right turn lanes
	-	Separate WB thru and left turn lanes

2. Mitigation

a. The developer will pay impact fees as defined in the Lee County 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 are estimated to be $8,900,000 for the land uses identified in Exhibit 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 2009. 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 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 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, Lee County may apply any Pelican Landing impact fees not required for those specific improvements to other improvements consistent with the requirements of the Lee County Land Development Code.

b. If through the local development approval process, the developer constructs, with the approval of the Lee County DOT, 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 must dedicate 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 must construct, 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 will occur as follows:

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) Burnt Pine Drive North from Pelican Landing Parkway to Pelican Landing North Entrance: under construction no later than December 31, 1998.

3) Burnt Pine Drive North from Pelican Landing North Entrance to Coconut Road: should be under construction no later than December 31, 1999.

d. The developer agrees to reserve 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 will be dedicated to Lee County if and when requested. 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 may, with the concurrence of Lee County, make an advance payment of a portion of Pelican Landing's total Impact Fees up to 2 million dollars. Lee County would then utilize 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 is currently 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 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 will be 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), a properly constituted and designated property owners association or other appropriate entity, unless subsequently dedicated to and accepted by Lee County.

4. ~~Annual~~ Traffic Monitoring Report

a. The developer will submit a~~n annual~~ biennial traffic monitoring report to the following entities for review and approval: Lee County, the Florida Department of Transportation (FDOT), the Florida Department of Community Affairs (FDCA), and the Southwest Florida Regional Planning Council (SWFRPC).

The first monitoring report ~~will~~ must be submitted ~~one year after the date of the issuance of this DRI Development Order~~ by December 31, 2007. Reports must be submitted ~~annually~~ biennially thereafter until build out of the project.

b. The monitoring report will be designed in cooperation with the Lee County Department of Transportation, FDOT, the SWFRPC and the FDCA prior to the submittal of the first report. The methodology of the ~~annual~~ traffic monitoring report may be revised if agreed upon by all parties.

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

(1) P.M. peak hour existing volumes and turning 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 build out.

(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	Hickory Blvd. to Vanderbilt	2 to 4	Planning Horizon I (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 ~~annual~~ 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 is projected to exceed the adopted level of service standards adopted by Lee County within the forthcoming 12 months, and if the project is utilizing more than 5% of LOS "D" service volume 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 is scheduled for construction in the first three years of an adopted local government capital improvement program or state work program.

e. If the ~~annual~~ 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 more than 5% of level of service D service volume 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 ~~Annual~~ Biennial Monitoring Report.

I. Wastewater Management/Water Supply

1. The developer or the Bayside 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 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 developer must provide written assurance that any hazardous commercial effluent, generated by the project, 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, 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.

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 as defined by Lee County regulations.

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 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 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 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 area within 500 feet of the mangrove fringe of Estero Bay.

3. The management practices that the Developer will 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 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 must be 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 will submit the test reports with the annual monitoring report. The monitoring program will be 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.

5. The Developer will submit a written amended surface and groundwater quality management plan to Lee County and DCA. The amended plan must be approved by DCA prior to the application of chemicals to the proposed golf course. The DCA 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. DCA 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 DCA 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 DCA 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 will be 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 Lee County. 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 Lee County 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 DCA, SWFRPC, or Lee County 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.

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 Lee County, adopted by the Board of County Commissioners in response to the application filed by WCI Communities, L.P. 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 ~~April, 2001~~ January 2006, and stamped received at the permit counter on ~~April 8, 2002~~ May 2, 2006, is attached hereto as Exhibit 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 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 County 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 Board of County Commissioners, 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, the Board 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 May 20, 2009, and a termination date of May 20, 2012. The buildout and termination dates reflect adjustment of one year and 141 days applicable to the tolling of time for the appeal/challenge to the original DRI Development Order. The termination date recognizes that a local Development Order, which is valid for three years, may be obtained prior to the buildout expiration date.

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 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 2012. If the County 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 2012, 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 2020 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.

15. The developer, or its successor~~(s)~~ in title to the undeveloped portion of the subject property, will submit a report ~~annually~~ biennially to Lee County, SWFRPC, FDCA 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 FDCA. The first biennial monitoring report must be submitted to the Administrative Director of the DCA ~~not later than one year after the effective date of this Development Order~~ by December 31, 2007. Further reporting must be submitted ~~not later than one year of subsequent calendar years~~ biennially thereafter, until build out. 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 County 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.

Commissioner Hall made a motion to adopt this amendment, seconded by Commissioner Judah. The vote was as follows:

Robert P. Janes	Aye
A. Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Franklin B. Mann	Aye

DULY PASSED AND ADOPTED this 4th day of December 2006.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Robert P. Janes, Chair

Approved as to form by:

_____
Dawn E. Perry-Lehnert
County Attorney's Office

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

Attachments:

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

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

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

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

Exhibit E. Map H, Master Development Plan - last revised ~~April 2001~~ January 2006, stamped received ~~April 8, 2002~~ May 02, 2006.

Exhibit F. Pelican Landing DRI Development Parameters

JOHNSON ENGINEERING

SINCE 1946

RECEIVED
MAY 0 2 2006
PERMIT COUNTER
DRI 2005-00001

February 8, 2006

DESCRIPTION

PELICAN LANDING DRI –UNINCORPORATED LEE COUNTY
SECTIONS 5, 6, 7, 8 AND 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Sections 5, 6, 7, 8 and 9, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

PARCEL 2-A

Beginning at an intersection of the west line of Tamiami Trail (State Road No. 45) with the south line of Coconut Road as described in Official Record Book 1738 at Page 2538 of the Public Records of Lee County, Florida; thence run S 00° 10' 56" W along said west line for 621.81 feet to a point of curvature; thence run southerly and southeasterly along said west line, along the arc of a curve to the left of radius 5797.58 feet (chord bearing S 04° 57' 34" E) (chord 1039.14 feet) (delta 10° 17' 00") for 1040.54 feet to a point of tangency; thence run S 10° 06' 04" E along said westerly line for 938.08 feet to an intersection with the south line of the Southeast Quarter (SE-1/4) of said Section 9; thence run S 89° 23' 00" W along said south line for 708.94 feet to the southwest corner of said Southeast Quarter (SE-1/4) of Section 9; thence run S 89° 27' 22" W along the south line of the Southwest Quarter (SW-1/4) of Section 9 for 2677.24 feet to the southwest corner of the Southwest Quarter (SW-1/4) of Section 9; thence run N 89° 25' 51" W along the south line of the Southeast Quarter (SE-1/4) of said Section 8 for 1,838.15 feet to an intersection with the easterly line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records; thence continue N 00° 07' 17" E along said east line for 343.54 feet; thence run S 89° 38' 58" E for 10.00 feet; thence run N 00° 07' 17" E along said east line for 849.27 feet to the southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records; thence run S 89° 21' 02" E along the south line of said lands for 189.98 feet; thence run N 00° 07' 17" E along the east line of said lands for 125.01 feet; thence run N 89° 21' 02" W along the north line of said lands for 199.98 feet to an intersection with the easterly line of said Spring Creek Road; thence run N 00° 07' 17" E along said east line for 1292.76 feet to an intersection with the south line of Coconut Road (50 feet wide); thence run S 89° 16' 14" E along said south line for 1802.38 feet to an intersection with the west line of said Section 9; thence run N 00° 39' 58" W along said west line for 25.00 feet to a Concrete Monument marking the northwest corner of the Southwest Quarter (SW-1/4) of said section; thence continue along said west line N 00° 39' 58" W for 5.00 feet to an intersection with the south line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records; thence run S 89° 35' 50" E along said south line for 1549.14 feet; thence run southwesterly along a non-tangent curve to the left of radius 30.00 feet (chord bearing S 45° 24' 10" W) (chord 42.43 feet) (delta 90° 00' 00") for 47.12 feet to a point of tangency; thence run S 00° 24' 10" W for 336.31 feet to a point of curvature;

2158 Johnson Street ▪ Post Office Box 1550 ▪ Fort Myers, Florida 33902-1550
(239) 334-0046 ▪ Fax (239) 334-3661

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thence run along the arc of a curve to the left of radius 270.00 feet (chord bearing S 44° 35' 50" E) (chord 381.84 feet) (delta 90° 00' 00") for 424.12 feet to a point of tangency; thence run S 89° 35' 50" E for 99.41 feet to a point of curvature; thence run along the arc of a curve to the right of radius 530.00 feet (chord bearing S 75° 44' 50" E) (chord 253.74 feet) (delta 27° 42' 00") for 256.23 feet; thence run N 20° 53' 52" W for 748.16 feet to an intersection with the aforementioned south line of Coconut Road; thence run along said south line S 89° 35' 50" E for 1,301.22 feet to the Point of Beginning.
Parcel contains 294.56 acres, more or less.

AND

DRI 2005-00001

PARCEL 2-B

From a railroad spike marking the northwest corner of the Southwest Quarter (SW-1/4) of said Section 8 run S 00° 23' 24" E along the west line of said fraction for 25.00 feet to an intersection with the south line of Coconut Road as recorded in County Commissioners Minutes Book 6 at Page 288 of the Public Records of Lee County of Lee County, Florida, and the Point of Beginning.
From said Point of Beginning run S 89° 16' 14" E along said south line for 3253.00 feet to an intersection with the west line of Spring Creek Road; thence run the following courses and distances along said west line of said Spring Creek Road; S 00° 17' 17" W for 817.15 feet; N 89° 52' 43" W for 14.27 feet to a point of curvature; thence run southwesterly along said arc of a curve to the right of radius 1725.00 feet (chord bearing S 05° 52' 51" W) (chord 346.22 feet) (delta 11° 31' 09") for 346.81 feet to a point of tangency; thence run S 11° 38' 26" W for 178.50 feet to a point of curvature; thence run southwesterly along said arc of a curve to the left of radius 2400.00 feet (chord bearing S 00° 28' 49" W) (chord 929.06 feet) (delta 22° 19' 14") for 934.96 feet to a point of tangency; thence run S 10° 40' 48" E for 231.66 feet to a point of curvature; thence run southeasterly along said arc of curve to the right of radius 1725.00 feet (chord bearing S 08° 42' 25" E) (chord 118.78) (delta 03° 56' 45") for 118.80 feet to an intersection with the south line of said Section 8; thence run N 89° 25' 51" W along the south line of the Southeast Quarter (SE-1/4) of said Section 8 for 642.07 feet to the southeast corner of the Southwest Quarter (SW-1/4) of Section 8; thence run N 89° 25' 49" W along the south line of the Southwest Quarter (SW-1/4) of Section 8 for 2558.62 feet to the southwest corner of said Section 8; thence run N 89° 25' 49" W along the south line of the Southeast Quarter (SE-1/4) of said Section 7 for 2330 feet more or less to the waters of Estero Bay; thence run northerly along the waters of Estero Bay for 6,485 feet more or less to an intersection with the north line of the South Half (S-1/2) of Government Lot 2 of said Section 7; thence run N 89° 32' 15" E along the north line of said South Half (S-1/2) of Government Lot 2 for 793 feet more or less to the northeast corner of lands described in Official Record Book 1895 at Page 3817 of said public records; thence run S 08° 50' 45" E along the east line of said lands for 199.50 feet to the southeast corner of said lands; thence run N 89° 35' 27" E for 666.22 feet; thence run N 89° 32' 15" E for 239.00 feet to an intersection with the west line of Coconut Road; thence run S 01° 07' 45" E along said west line for 488.63 feet; thence run

N 89° 40' 05" E along the south line of said Coconut Road for 24.69 feet to the Point of Beginning. Less and except Official Record Book 1677 at Page 3516 of said Public Records.
Parcel contains 343 acres, more or less.

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AND

PARCEL 2-C

A parcel of land lying in and being a portion of the East Half (E-1/2) of the Northwest Quarter (NW-1/4) of Section 8, Township 47 South, Range 25 East of Lee County, Florida, being more particularly described as follows:

Commencing at the southwest corner of the East Half (E-1/2) of the Northwest Quarter (NW-1/4) of said Section 8; thence run N 01° 00' 45" W along the west line of said East Half (E-1/2) of the Northwest Quarter (NW-1/4) for 40.02 feet to an intersection with the northerly right-of-way line of Coconut Road (as maintained); thence run S 89° 16' 14" E along said right-of-way for 171.25 feet to the Point of Beginning.
From said Point of Beginning continue S 89° 16' 14" E along said right-of-way a distance of 513.75 feet; thence run N 01° 00' 44" W a distance of 367.98 feet; thence run N 89° 16' 14" W a distance of 513.75 feet; thence run S 01 00' 44" E a distance of 367.98 feet to the Point of Beginning.
Parcel contains 4.34 acres, more or less.

AND

DRI 2005-00001

PARCEL 2-D

All that part of Florida Gulf Land Company's Subdivision as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, Florida, lying in Section 5, Township 47 South, Range 25 East, South and West of lands to Florida Power and Light Company as described by deed recorded in Deed Book 244, Page 138 of said Public Records, also Lot 8, Block 14 of Eldorado Acres (an Unrecorded Subdivision) as shown in Deed Book 310 at Page 183 of said public records; also part of Sections 5, 6, 7 and 8, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:
Beginning at the southeast corner of said Section 5; thence run N 88° 46' 30" W along the south line of the Southeast Quarter (SE-1/4) of said Section 5 for 2580.80 feet to the southeast corner of the Southwest Quarter (SW-1/4) of said Section 5; thence run N 89° 25' 13" W along the south line of said Southwest Quarter (SW-1/4) for 587.32 feet to an intersection with the east line of said Lot 8, Block 14, Eldorado Acres, an unrecorded subdivision; thence run the following three courses and distances along the boundary of said Lot 8: S 00° 50' 16" E for 132.70 feet; N 89° 11' 54" W for 75.00 feet; N 00° 50' 16" W for 132.41 feet to an intersection with said south line of the Southwest Quarter (SW-1/4) of Section 5; thence run N 89° 25' 13" W along said south line for 610.82 feet to the northeast corner of the West Half (W-1/2) of the Northwest Quarter (NW-1/4) of said Section 8; thence run

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S 01° 00' 45" E along the east line of said West Half (W-1/2) of the Northwest Quarter (NW-1/4) of Section 8 for 2612.19 feet to an intersection with the northerly right-of-way line (as maintained) of Coconut Road being 40.00 feet north of the centerline of Coconut Road as recorded in County Commissioners Minutes Book 6 at Page 288 of said Public Records, said right-of-way line being the south line of lands as described by deed recorded in Official Record Book 3052 at Page 1748 of said Public Records; thence run N 89° 16' 14" W along said maintained right-of-way for 1267.93 feet to an intersection with the west line of the Northwest Quarter (NW-1/4) of said Section 8; thence run N 01° 07' 45" W along said west line for 1284.51 feet to the southeast corner of Government Lot 1 of said Section 7; thence run S 89° 33' 42" W along the south line of said Government Lot 1 for 1813 feet more or less to the easterly waters of Estero Bay; thence run northerly along the waters of Estero Bay for 3000 feet more or less to an intersection with the north line of Government Lot 4 of said Section 6; thence run N 89° 41' 23" E along said north line or 1807 feet more or less to an intersection with the west line of lands as described by deed recorded in Official Record Book 1762 at Page 4173 of said Public Records; thence run the following courses and distances along the boundary of said lands: N 00° 48' 29" W for 775.70 feet; N 46° 11' 51" E for 523.67 feet; S 81° 20' 47" E for 600.53 feet; N 00° 49' 50" W for 162.49 feet; N 89° 10' 55" E for 349.43 feet; N 01° 31' 46" W for 92.78 feet to an intersection with the north line of the Southwest Quarter (SW-1/4) of said Section 5; thence run N 89° 34' 40" E along said north line for 2592.29 feet to the northeast corner of said Southwest Quarter (SW-1/4); thence run N 89° 31' 44" E along the north line of the Southeast Quarter (SE-1/4) of said Section 5 for 2401.02 feet to an intersection with the southwesterly line of said lands to Florida Power and Light Company; thence run S 20° 51' 33" E along said southwesterly line for 553.91 feet to an intersection with the east line of said Southeast Quarter (SE-1/4) of Section 5; thence run S 00° 08" 26" E along said east line for 2202.99 feet to the Point of Beginning.

Parcel contains 576 acres, more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

Frances L. Summerall (for the Firm LB-642)
Professional Surveyor Mapper
Florida Certificate No. 5652

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February 8, 2006

DESCRIPTION

PELICAN LANDING DRI – CITY OF BONITA SPRINGS
SECTIONS 16, 17, 20 AND 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Sections 16, 17, 20 and 21, Township 47 South, Range 25 East, City of Bonita Springs, Lee County, Florida, which tract or parcel is described as follows:

DRI 2005-00001

Parcel 1-A

Beginning at the Northwest corner of the Northeast Quarter (NE-1/4) of Section 16; thence run S 00° 02' 54" W along said West line of the 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 N 89° 10' 38" E along the south line of said fraction for 538.06 feet; thence run S 00° 06' 43" E for 1085.91 feet; thence run N 89° 06' 43" E for 744.41 feet to an intersection with the west line of Tamiami Trail (US 41 S.R. No. 45); thence run southerly along said West line, along the arc of a non-tangent curve to the right of radius 5619.58 feet (chord bearing S 00° 22' 05" E) (chord 50.21 feet) (delta 00° 30' 43") for 50.21 feet to a point of tangency; thence run S 00° 06' 43" E along said west line for 49.81 feet; thence run S 89° 06' 43" W for 300.00 feet; thence run S 00° 06' 43" E for 1445.84 feet to an intersection with the south line of the Southeast Quarter (SE-1/4) of said Section 16; thence run S 89° 16' 54" W 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 S 88° 38' 34" W 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 S 00° 35' 25" E 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 N 88° 52' 49" E along the north line of the Southwest Quarter (SW-1/4) of said Section 21 for 2,040.41 feet 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 S 00° 51' 35" E along said west line for 801 feet, more or less to the water of Spring Creek; thence run westerly along Spring Creek for 3630 feet more or less to an intersection of the east line of said Section 20; thence run S 00° 38' 52" E along said east line of Section 20 for 91 feet, more or less to an intersection with the approximate centerline of Spring Creek as shown on the Plat of Pelican Landing Unit 5 recorded in Plat Book 59 at Page 11 of said Public Records of Lee County, Florida; thence run along said centerline the following courses: S 78° 50' 00" W for 181.31 feet, N 34° 24' 12" W for 230.22 feet, N 30° 59' 12" W for 174.93 feet, N 24° 25' 16" E for 120.83 feet, S 65° 47' 43" E for 219.32 feet, N 18° 24' 43" E for 158.11 feet, N 75° 11' 47" W for 351.71 feet, N 65° 09' 33" W for 451.88 feet, N 84° 18' 44" W for 351.75 feet, N 66° 54' 31" W for 445.79 feet, S 63° 24' 43" W for 134.16 feet, S 03° 23' 22" E for 170.29 feet, S 50° 30' 17" W for 220.23 feet, N 84° 49' 43" W for 331.36 feet, S 62° 13' 07" W for 214.71 feet, S 22° 08' 36" W for 291.55 feet, S 72° 15' 11" W for 131.22 feet to an intersection with the east line of the Southwest Quarter (SW-1/4) of said Section 20; thence run N 00° 50' 19" W along said east line for 520.00 feet to the northeast corner of said fraction; thence run S 89° 58' 37" W 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

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Creek as shown on said Plat of Pelican Landing Unit 5; thence run along said centerline the following courses: N 09° 13' 28" W for 137.34 feet, N 29° 08' 22" W for 590.59 feet, N 38° 31' 58" W for 278.03 feet, N 65° 16' 43" W for 254.95 feet, N 37° 18' 28" W for 286.01 feet, N 32° 51' 05" E for 252.39 feet, N 20° 11' 00" E for 236.69 feet, N 27° 23' 47" W for 369.25 feet, N 89° 15' 43" E for 50 feet more or less to the easterly shore of said Spring Creek; thence run northerly along said easterly shore for 1220 feet more or less to an intersection with the north line of said Section 20; thence run N 89° 15' 13" E along said north line of said section for 970 feet, more or less to a Concrete Monument marking the Northwest corner of the Northeast Quarter (NE-1/4) of said Section 20; thence run N 00° 31' 30" E 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 N 00° 31' 29" E 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 along the arc of a curve to the left of radius 1130.00 feet (chord bearing N 35° 09' 06" E) (chord 1296.89 feet) (delta 70° 02' 16") for 1381.30 feet; thence run N 89° 52' 02" W for 5.00 feet; thence run N 00° 07' 58" E 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 S 89° 25' 51" E along said north line of the Northeast Quarter (NE-1/4) of said Section 17 for 1838.15 feet to the northeast corner of said Section 17; thence run N 89° 27' 22" E along the north line of the Northwest Quarter (NW-1/4) of said Section 16 for 2677.24 feet to the Point of Beginning.
Parcel contains 909 acres; more or less.

DRI 2005-00001

AND

PARCEL 1-B

Beginning at an 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 southerly right-of-way of said Spring Creek Road: Southeasterly along an arc of a non-tangent curve to the right of radius 1725.00 feet (chord bearing S 03° 18' 23" E) (chord 206.27) (delta 06° 51' 19") for 206.40 feet to a point on a non-tangent line; thence run S 89° 52' 02" E for 16.47 feet; thence run S 00° 07' 58" W for 1406.64 feet; thence run N 89° 52' 02" W for 5.00 feet to a point of tangency; thence southwesterly along an arc of said curve to the right of radius 1070.00 feet (chord bearing S 37° 51' 54" W) (chord 1309.62 feet) (delta 75° 27' 53") for 1409.31 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 N 89° 59' 08" W 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: N 00° 00' 52" E for 510.00 feet; N 89° 59' 08" W for 885.06 feet to a point of curvature; along an arc of a curve for 231.02 feet, having a radius of 390.00 feet, central angle of 33° 56' 23", chord of 227.66 feet and chord bearing of S 73° 02' 41" W, to a point on the curve; S 00° 00' 52" W for 167.10 feet; and S 31° 38' 00" W 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 mean high water line of a canal, 45 feet more or less to the south line of the North Half (N-1/2) of said Section 17; thence N 89° 59' 08" W for 136 feet more or less to the east quarter corner of said Section 18, thence run S 89° 58' 17" W 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: N 56° 00' 38" W for 265.00 feet to a point of curvature; along an arc of a curve for 338.95 feet, having a radius of 520.00 feet, central angle of 37° 20' 50", chord of 332.98 feet and chord bearing of N 37° 20' 13" W, to a point of tangency; N 18° 39' 48" W for 481.24 feet to a point of curvature; along an arc of a curve for 104.44 feet, having a radius of 100.00 feet, central angle of 59° 50' 20", chord of 99.76 feet and a chord bearing of N 48° 34' 58" W, to a point of tangency; N 78° 30' 08" W for 144.73 to a point of curvature; along an arc of a curve for 56.48 feet, having a radius of 100.00 feet, central angle of 32° 21' 45"; chord of 55.74 feet and a chord bearing of N 62° 19' 15" W, to a point of tangency and an intersection with the waters of Estero Bay; thence run northerly along the waters of Estero Bay for 2270 feet more or less to an intersection with the north line of the Northeast Quarter (NE-1/4) of said Section 18; thence run S 89° 25' 49" E along said north line of the Northeast Quarter (NE-1/4) of said Section 18 for 2330 feet, more or less to the northeast corner of Section 18; thence run S 89° 25' 49" E along the north line of the Northwest Quarter (NW-1/4) of said Section 17 for 2558.62 feet to the northeast corner of said Northwest Quarter (NW-1/4); thence run S 89° 25' 51" E along the north line of the Northeast Quarter (NE-1/4) of said Section 17 for 642.07 feet to the Point of Beginning.

Parcel contains 304 acres, more or less.

Frances L. Summerall (for the Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

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February 8, 2006

PARCEL IN
GOVERNMENT LOT 3, SECTION 13
AND
GOVERNMENT LOT 2, SECTION 24
TOWNSHIP 47 SOUTH, RANGE 24 EAST
BIG HICKORY ISLAND, LEE COUNTY, FLORIDA

BEACH PARCEL

DRI 2005-00001

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 prolongation of said centerline of State Road No. 865 for 266.00 feet; thence run S 62° 26' 49" W for 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 Page 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.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

Frances L. Summerall (for the Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

20023590 – 02-08-06 – Beach Parcel

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February 8, 2006

PELICAN LANDING DRI – CITY OF BONITA SPRINGS
SPRING CREEK WEST
SECTION 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

DRI 2005-00001

A tract or parcel of land lying in Section 21, Township 47 South, Range 25 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.

Frances L. Summerall (for the Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

20023590 – 02-08-06 – Pelican Landing DRI – Spring Creek West

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JOHNSON ENGINEERING

SINCE 1946

November 1, 2001

PELICAN LANDING DRI – CITY OF BONITA SPRINGS
SPRING CREEK WEST
SECTION 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Section 21, Township 47 South, Range 25 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: South 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 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.

Frances L. Yerdon (for the Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

EXHIBIT C

20002476/Description 110101

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SKETCH TO ACCOMPANY DESCRIPTIONS

PREPARED FOR

WCI COMMUNITIES LIMITED PARTNERSHIP

LOCATED IN

SECTIONS 5, 6, 7, 8, 9, 16, 17, 18, 20 & 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST

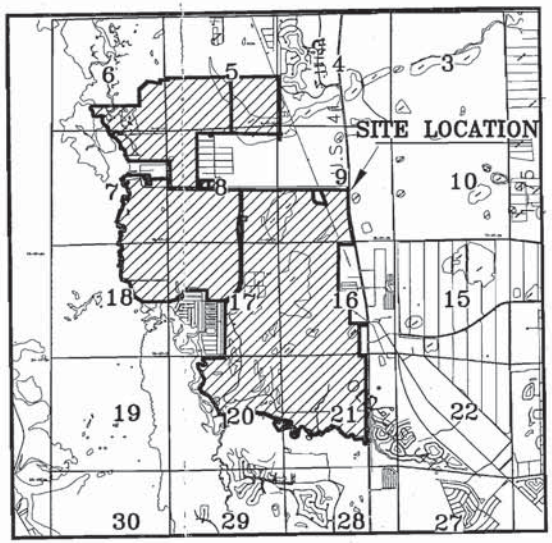
AND

SECTIONS 13 AND 24, TOWNSHIP 47 SOUTH, RANGE 24 EAST

LEE COUNTY, FLORIDA

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LOCATION MAP

NOT TO SCALE

INDEX	
SHEET NO.	DESCRIPTION
1	COVER SHEET
2	DESCRIPTION – CITY
3	DESCRIPTION – COUNTY
4	PARCEL 1-A & SPRING CREEK WEST – CITY
5	PARCEL 1-B – CITY
6	BEACH PARCEL – CITY
7	PARCELS 2A – 2D – COUNTY

THIS IS NOT A SURVEY

FRANCES L. SUMMERALL (FOR THE FIRM LB-642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6552

DATE SIGNED: 05-01-06

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

PELICAN LANDING

JOHNSON ENGINEERING
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SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
APRIL 2006	20023590	7-47-25	AS SHOWN	1 OF 7

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DESCRIPTION
PELICAN LANDING DRI – CITY OF BONITA SPRINGS
SECTIONS 16, 17, 20 AND 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

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

PARCEL 1-A

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE-1/4) OF SECTION 16; THENCE RUN S 00° 02' 54" W ALONG SAID WEST LINE OF THE 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 N 89° 10' 38" E ALONG THE SOUTH LINE OF SAID FRACTION FOR 538.06 FEET; THENCE RUN S 00° 06' 43" E FOR 1085.91 FEET; THENCE RUN N 89° 06' 43" E FOR 744.41 FEET TO AN INTERSECTION WITH THE WEST LINE OF TAMIAMI TRAIL (US 41 S.R. NO. 45); THENCE RUN SOUTHERLY ALONG SAID WEST LINE, ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT OF RADIUS 5619.58 FEET (CHORD BEARING S 00° 22' 05" E) (CHORD 50.21 FEET) (DELTA 00° 30' 43") FOR 50.21 FEET TO A POINT OF TANGENCY; THENCE RUN S 00° 06' 43" E ALONG SAID WEST LINE FOR 49.81 FEET; THENCE RUN S 89° 06' 43" W FOR 300.00 FEET; THENCE RUN S 00° 06' 43" E FOR 1445.84 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE-1/4) OF SAID SECTION 16; THENCE RUN S 89° 16' 54" W 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 S 88° 38' 34" W 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 S 00° 35' 25" E 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 N 88° 52' 49" E ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 21 FOR 2,040.41 FEET 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 S 00° 51' 35" E ALONG SAID WEST LINE FOR 801 FEET, MORE OR LESS TO THE WATER OF SPRING CREEK; THENCE RUN WESTERLY ALONG SPRING CREEK FOR 3630 FEET MORE OR LESS TO AN INTERSECTION OF THE EAST LINE OF SAID SECTION 20; THENCE RUN S 00° 38' 52" E ALONG SAID EAST LINE OF SECTION 20 FOR 91 FEET, MORE OR LESS TO AN INTERSECTION WITH THE APPROXIMATE CENTERLINE OF SPRING CREEK AS SHOWN ON THE PLAT OF PELICAN LANDING UNIT 5 RECORDED IN PLAT BOOK 59 AT PAGE 11 OF SAID PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN ALONG SAID CENTERLINE THE FOLLOWING COURSES: S 78° 50' 00" W FOR 181.31 FEET, N 34° 24' 12" W FOR 230.22 FEET, N 30° 59' 12" W FOR 174.93 FEET, N 24° 25' 16" E FOR 120.83 FEET, S 65° 47' 43" E FOR 219.32 FEET, N 18° 24' 43" E FOR 158.11 FEET, N 75° 11' 47" W FOR 351.71 FEET, N 65° 09' 33" W FOR 451.88 FEET, N 84° 18' 44" W FOR 351.75 FEET, N 66° 54' 31" W FOR 445.79 FEET, S 63° 24' 43" W FOR 134.16 FEET, S 03° 23' 22" E FOR 170.29 FEET, S 50° 30' 17" W FOR 220.23 FEET, N 84° 49' 43" W FOR 331.36 FEET, S 62° 13' 07" W FOR 214.71 FEET, S 22° 08' 36" W FOR 291.55 FEET, S 72° 15' 11" W FOR 131.22 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 20; THENCE RUN N 00° 50' 19" W ALONG SAID EAST LINE FOR 520.00 FEET TO THE NORTHEAST CORNER OF SAID FRACTION; THENCE RUN S 89° 58' 37" W 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 AS SHOWN ON SAID PLAT OF PELICAN LANDING UNIT 5; THENCE RUN ALONG SAID CENTERLINE THE FOLLOWING COURSES: N 09° 13' 28" W FOR 137.34 FEET, N 29° 08' 22" W FOR 590.59 FEET, N 38° 31' 58" W FOR 278.03 FEET, N 65° 16' 43" W FOR 254.95 FEET, N 37° 18' 28" W FOR 286.01 FEET, N 32° 51' 05" E FOR 252.39 FEET, N 20° 11' 00" E FOR 236.69 FEET, N 27° 23' 47" W FOR 369.25 FEET, N 89° 15' 43" E FOR 50 FEET MORE OR LESS TO THE EASTERLY SHORE OF SAID SPRING CREEK; THENCE RUN NORTHERLY ALONG SAID EASTERLY SHORE FOR 1220 FEET MORE OR LESS TO AN INTERSECTION WITH THE NORTH LINE OF

PARCEL 1-A CONTINUED

SAID SECTION 20; THENCE RUN N 89° 15' 13" E ALONG SAID NORTH LINE OF SAID SECTION FOR 970 FEET, MORE OR LESS TO A CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE-1/4) OF SAID SECTION 20; THENCE RUN N 00° 31' 30" E 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 N 00° 31' 29" E 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 ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 1130.00 FEET (CHORD BEARING N 35° 09' 06" E) (CHORD 1296.89 FEET) (DELTA 70° 02' 16") FOR 1381.30 FEET; THENCE RUN N 89° 52' 02" W FOR 5.00 FEET; THENCE RUN N 00° 07' 58" E 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 S 89° 25' 51" E ALONG SAID NORTH LINE OF THE NORTHEAST QUARTER (NE-1/4) OF SAID SECTION 17 FOR 1838.15 FEET TO THE NORTHEAST CORNER OF SAID SECTION 17; THENCE RUN N 89° 27' 22" E ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW-1/4) OF SAID SECTION 16 FOR 2677.24 FEET TO THE POINT OF BEGINNING.
PARCEL CONTAINS 909 ACRES, MORE OR LESS.

AND

PARCEL 1-B

BEGINNING AT AN 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 SOUTHERLY RIGHT-OF-WAY OF SAID SPRING CREEK ROAD: SOUTHEASTERLY ALONG AN ARC OF A NON-TANGENT CURVE TO THE RIGHT OF RADIUS 1725.00 FEET (CHORD BEARING S 03° 18' 23" E) (CHORD 206.27) (DELTA 06° 51' 19") FOR 206.40 FEET TO A POINT ON A NON-TANGENT LINE; THENCE RUN S 89° 52' 02" E FOR 16.47 FEET; THENCE RUN S 00° 07' 58" W FOR 1406.64 FEET; THENCE RUN N 89° 52' 02" W FOR 5.00 FEET TO A POINT OF TANGENCY; THENCE SOUTHWESTERLY ALONG AN ARC OF SAID CURVE TO THE RIGHT OF RADIUS 1070.00 FEET (CHORD BEARING S 37° 51' 54" W) (CHORD 1309.62 FEET) (DELTA 75° 27' 53") FOR 1409.31 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 N 89° 59' 08" W 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: N 00° 00' 52" E FOR 510.00 FEET; N 89° 59' 08" W FOR 885.06 FEET TO A POINT OF CURVATURE; ALONG AN ARC OF A CURVE FOR 231.02 FEET, HAVING A RADIUS OF 390.00 FEET, CENTRAL ANGLE OF 33° 56' 23", CHORD OF 227.66 FEET AND CHORD BEARING OF S 73° 02' 41" W, TO A POINT ON THE CURVE; S 00° 00' 52" W FOR 167.10 FEET; AND S 31° 38' 00" W 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 MEAN HIGH WATER LINE OF A CANAL, 45 FEET MORE OR LESS TO THE SOUTH LINE OF THE NORTH HALF (N-1/2) OF SAID SECTION 17; THENCE N 89° 59' 08" W FOR 136 FEET MORE OR LESS TO THE EAST QUARTER CORNER OF SAID SECTION 18, THENCE RUN S 89° 58' 17" W 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

PARCEL 1-B CONTINUED

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: N 56° 00' 38" W FOR 265.00 FEET TO A POINT OF CURVATURE; ALONG AN ARC OF A CURVE FOR 338.95 FEET, HAVING A RADIUS OF 520.00 FEET, CENTRAL ANGLE OF 37° 20' 50", CHORD OF 332.98 FEET AND CHORD BEARING OF N 37° 20' 13" W, TO A POINT OF TANGENCY; N 18° 39' 48" W FOR 481.24 FEET TO A POINT OF CURVATURE; ALONG AN ARC OF A CURVE FOR 104.44 FEET, HAVING A RADIUS OF 100.00 FEET, CENTRAL ANGLE OF 59° 50' 20", CHORD OF 99.76 FEET AND A CHORD BEARING OF N 48° 34' 58" W, TO A POINT OF TANGENCY; N 78° 30' 08" W FOR 144.73 TO A POINT OF CURVATURE; ALONG AN ARC OF A CURVE FOR 56.48 FEET, HAVING A RADIUS OF 100.00 FEET, CENTRAL ANGLE OF 32° 21' 45"; CHORD OF 55.74 FEET AND A CHORD BEARING OF N 62° 19' 15" W, TO A POINT OF TANGENCY AND AN INTERSECTION WITH THE WATERS OF ESTERO BAY; THENCE RUN NORTHERLY ALONG THE WATERS OF ESTERO BAY FOR 2270 FEET MORE OR LESS TO AN INTERSECTION WITH THE NORTH LINE OF THE NORTHEAST QUARTER (NE-1/4) OF SAID SECTION 18; THENCE RUN S 89° 25' 49" E ALONG SAID NORTH LINE OF THE NORTHEAST QUARTER (NE-1/4) OF SAID SECTION 18 FOR 2330 FEET, MORE OR LESS TO THE NORTHEAST CORNER OF SECTION 18; THENCE RUN S 89° 25' 49" E ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW-1/4) OF SAID SECTION 17 FOR 2558.62 FEET TO THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER (NW-1/4); THENCE RUN S 89° 25' 51" E ALONG THE NORTH LINE OF THE NORTHEAST QUARTER (NE-1/4) OF SAID SECTION 17 FOR 642.07 FEET TO THE POINT OF BEGINNING.
PARCEL CONTAINS 304 ACRES, MORE OR LESS.

AND

SPRING CREEK WEST
SECTION 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND LYING IN SECTION 21, TOWNSHIP 47 SOUTH, RANGE 25 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: SOUTH 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 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.

AND

BEACH PARCEL
SECTIONS 13 & 24, TOWNSHIP 47 SOUTH, RANGE 24 EAST
CITY OF BONITA SPRINGS
LEE COUNTY, FLORIDA

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 PROLONGATION OF SAID CENTERLINE OF STATE ROAD NO. 865 FOR 266.00 FEET; THENCE RUN S 62° 26' 49" W FOR 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 PAGE 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.
BEARINGS HEREINABOVE MENTIONED ARE PLANE COORDINATE FOR THE FLORIDA WEST ZONE.

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PELICAN LANDING
CITY DESCRIPTION

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DESCRIPTION
SEE SHEETS 4 THROUGH 6 FOR SKETCH

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
APRIL 2006	20023590	7-47-25	N/A	2 OF 7

DRI 2005-00001

DESCRIPTION

PELICAN LANDING DRI – UNINCORPORATED LEE COUNTY

SECTIONS 5, 6, 7, 8 AND 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 5, 6, 7, 8 AND 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

PARCEL 2-A

BEGINNING AT AN INTERSECTION OF THE WEST LINE OF TAMIAMI TRAIL (STATE ROAD NO. 45) WITH THE SOUTH LINE OF COCONUT ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 1738 AT PAGE 2538 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S 00° 10' 56" W ALONG SAID WEST LINE FOR 621.81 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHERLY AND SOUTHEASTERLY ALONG SAID WEST LINE, ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 5797.58 FEET (CHORD BEARING S 04° 57' 34" E) (CHORD 1039.14 FEET) (DELTA 10° 17' 00") FOR 1040.54 FEET TO A POINT OF TANGENCY; THENCE RUN S 10° 06' 04" E ALONG SAID WESTERLY LINE FOR 938.08 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE-1/4) OF SAID SECTION 9; THENCE RUN S 89° 23' 00" W ALONG SAID SOUTH LINE FOR 708.94 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER (SE-1/4) OF SECTION 9; THENCE RUN S 89° 27' 22" W ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 9 FOR 2677.24 FEET TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 9; THENCE RUN N 89° 25' 51" W ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE-1/4) OF SAID SECTION 8 FOR 1,838.15 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF SPRING CREEK ROAD AS DESCRIBED IN DEED BOOK 305 AT PAGE 276, LEE COUNTY RECORDS; THENCE CONTINUE N 00° 07' 17" E ALONG SAID EAST LINE FOR 343.54 FEET; THENCE RUN S 89° 38' 58" E FOR 10.00 FEET; THENCE RUN N 00° 07' 17" E ALONG SAID EAST LINE FOR 849.27 FEET TO THE SOUTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2039 AT PAGE 3364 SAID PUBLIC RECORDS; THENCE RUN S 89° 21' 02" E ALONG THE SOUTH LINE OF SAID LANDS FOR 189.98 FEET; THENCE RUN N 00° 07' 17" E ALONG THE EAST LINE OF SAID LANDS FOR 125.01 FEET; THENCE RUN N 89° 21' 02" W ALONG THE NORTH LINE OF SAID LANDS FOR 199.98 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF SAID SPRING CREEK ROAD; THENCE RUN N 00° 07' 17" E ALONG SAID EAST LINE FOR 1292.76 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF COCONUT ROAD (50 FEET WIDE); THENCE RUN S 89° 16' 14" E ALONG SAID SOUTH LINE FOR 1802.38 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID SECTION 9; THENCE RUN N 00° 39' 58" W ALONG SAID WEST LINE FOR 25.00 FEET TO A CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION; THENCE CONTINUE ALONG SAID WEST LINE N 00° 39' 58" W FOR 5.00 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID COCONUT ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 1738 AT PAGE 2538, SAID PUBLIC RECORDS; THENCE RUN S 89° 35' 50" E ALONG SAID SOUTH LINE FOR 1549.14 FEET; THENCE RUN SOUTHWESTERLY ALONG A NON-TANGENT CURVE TO THE LEFT OF RADIUS 30.00 FEET (CHORD BEARING S 45° 24' 10" W) (CHORD 42.43 FEET) (DELTA 90° 00' 00") FOR 47.12 FEET TO A POINT OF TANGENCY; THENCE RUN S 00° 24' 10" W FOR 336.31 FEET TO A POINT OF CURVATURE; THENCE RUN ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 270.00 FEET (CHORD BEARING S 44° 35' 50" E) (CHORD 381.84 FEET) (DELTA 90° 00' 00") FOR 424.12 FEET TO A POINT OF TANGENCY; THENCE RUN S 89° 35' 50" E FOR 99.41 FEET TO A POINT OF CURVATURE; THENCE RUN ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 530.00 FEET (CHORD BEARING S 75° 44' 50" E) (CHORD 253.74 FEET) (DELTA 27° 42' 00") FOR 256.23 FEET; THENCE RUN N 20° 53' 52" W FOR 748.16 FEET TO AN INTERSECTION WITH THE AFOREMENTIONED SOUTH LINE OF COCONUT ROAD; THENCE RUN ALONG SAID SOUTH LINE S 89° 35' 50" E FOR 1,301.22 FEET TO THE POINT OF BEGINNING.
PARCEL CONTAINS 294.56 ACRES, MORE OR LESS.

AND

PARCEL 2-B

FROM A RAILROAD SPIKE MARKING THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 8 RUN S 00° 23' 24" E ALONG THE WEST LINE OF SAID FRACTION FOR 25.00 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF COCONUT ROAD AS RECORDED IN COUNTY COMMISSIONERS MINUTES BOOK 6 AT PAGE 288 OF THE PUBLIC RECORDS OF LEE COUNTY OF LEE COUNTY, FLORIDA, AND THE POINT OF BEGINNING.
FROM SAID POINT OF BEGINNING RUN S 89° 16' 14" E ALONG SAID SOUTH LINE FOR 3253.00 FEET TO AN INTERSECTION WITH THE WEST LINE OF SPRING CREEK ROAD; THENCE RUN THE FOLLOWING COURSES AND DISTANCES ALONG SAID WEST LINE OF SAID SPRING CREEK ROAD; S 00° 17' 17" W FOR 817.15 FEET; N 89° 52' 43" W FOR 14.27 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY ALONG SAID ARC OF A CURVE TO THE RIGHT OF RADIUS 1725.00 FEET (CHORD BEARING S 05° 52' 51" W) (CHORD 346.22 FEET) (DELTA 11° 31' 09") FOR 346.81 FEET TO A POINT OF TANGENCY; THENCE RUN S 11° 38' 26" W FOR 178.50 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY ALONG SAID ARC OF A CURVE TO THE LEFT OF RADIUS 2400.00 FEET (CHORD BEARING S 00° 28' 49" W) (CHORD 929.06 FEET) (DELTA 22° 19' 14") FOR 934.96 FEET TO A POINT OF TANGENCY; THENCE RUN S 10° 40' 48" E FOR 231.66 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG SAID ARC OF CURVE TO THE RIGHT OF RADIUS 1725.00 FEET (CHORD BEARING S 08° 42' 25" E) (CHORD 116.78) (DELTA 03° 56' 45") FOR 118.80 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 8; THENCE RUN N 89° 25' 51" W ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE-1/4) OF SAID SECTION 8 FOR 642.07 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 8; THENCE RUN N 89° 25' 49" W ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 8 FOR 2558.62 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 8; THENCE RUN N 89° 25' 49" W ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE-1/4) OF SAID SECTION 7 FOR 2330 FEET MORE OR LESS TO THE WATERS OF ESTERO BAY; THENCE RUN NORTHERLY ALONG THE WATERS OF ESTERO BAY FOR 6,485 FEET MORE OR LESS TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTH HALF (S-1/2) OF GOVERNMENT LOT 2 OF SAID SECTION 7; THENCE RUN N 89° 32' 15" E ALONG THE NORTH LINE OF SAID SOUTH HALF (S-1/2) OF GOVERNMENT LOT 2 FOR 793 FEET MORE OR LESS TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1895 AT PAGE 3817 OF SAID PUBLIC RECORDS; THENCE RUN S 08° 50' 45" E ALONG THE EAST LINE OF SAID LANDS FOR 199.50 FEET TO THE SOUTHEAST CORNER OF SAID LANDS; THENCE RUN N 89° 35' 27" E FOR 666.22 FEET; THENCE RUN N 89° 32' 15" E FOR 239.00 FEET TO AN INTERSECTION WITH THE WEST LINE OF COCONUT ROAD; THENCE RUN S 01° 07' 45" E ALONG SAID WEST LINE FOR 488.63 FEET; THENCE RUN N 89° 40' 05" E ALONG THE SOUTH LINE OF SAID COCONUT ROAD FOR 24.69 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPT OFFICIAL RECORD BOOK 1677 AT PAGE 3516 OF SAID PUBLIC RECORDS.
PARCEL CONTAINS 343 ACRES, MORE OR LESS.

AND

PARCEL 2-C

A PARCEL OF LAND LYING IN AND BEING A PORTION OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF THE EAST HALF (E-1/2) OF THE NORTHWEST QUARTER (NW-1/4) OF SAID SECTION 8; THENCE RUN N 01° 00' 45" W ALONG THE WEST LINE OF SAID EAST HALF (E-1/2) OF THE NORTHWEST QUARTER (NW-1/4) FOR 40.02 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD (AS MAINTAINED); THENCE RUN S 89° 16' 14" E ALONG SAID RIGHT-OF-WAY FOR 171.25 FEET TO THE POINT OF BEGINNING.
FROM SAID POINT OF BEGINNING CONTINUE S 89° 16' 14" E ALONG SAID RIGHT-OF-WAY A DISTANCE OF 513.75 FEET; THENCE RUN N 01° 00' 44" W A DISTANCE OF 367.98 FEET; THENCE RUN N 89° 16' 14" W A DISTANCE OF 513.75 FEET; THENCE RUN S 01° 00' 44" E A DISTANCE OF 367.98 FEET TO THE POINT OF BEGINNING.
PARCEL CONTAINS 4.34 ACRES, MORE OR LESS.

AND

PARCEL 2-D

ALL THAT PART OF FLORIDA GULF LAND COMPANY'S SUBDIVISION AS RECORDED IN PLAT BOOK 1 AT PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN SECTION 5, TOWNSHIP 47 SOUTH, RANGE 25 EAST SOUTH AND WEST OF LANDS TO FLORIDA POWER AND LIGHT COMPANY AS DESCRIBED BY DEED RECORDED IN DEED BOOK 244, PAGE 138 OF SAID PUBLIC RECORDS, ALSO LOT 8, BLOCK 14 OF ELDORADO ACRES (AN UNRECORDED SUBDIVISION) AS SHOWN IN DEED BOOK 310 AT PAGE 183 OF SAID PUBLIC RECORDS; ALSO PART OF SECTIONS 5, 6, 7 AND 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 5; THENCE RUN N 88° 46' 30" W ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE-1/4) OF SAID SECTION 5 FOR 2580.80 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 5; THENCE RUN N 89° 25' 13" W ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER (SW-1/4) FOR 587.32 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID LOT 8, BLOCK 14, ELDORADO ACRES, AN UNRECORDED SUBDIVISION; THENCE RUN THE FOLLOWING THREE COURSES AND DISTANCES ALONG THE BOUNDARY OF SAID LOT 8:
S 00° 50' 16" E FOR 132.70 FEET;
N 89° 11' 54" W FOR 75.00;
N 00° 50' 16" W FOR 132.41 FEET TO AN INTERSECTION WITH SAID SOUTH LINE OF THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 5;
THENCE RUN N 89° 25' 13" W ALONG SAID SOUTH LINE FOR 610.82 FEET TO THE NORTHEAST CORNER OF THE WEST HALF (W-1/2) OF THE NORTHWEST

PARCEL 2-D CONTINUED

QUARTER (NW-1/4) OF SAID SECTION 8; THENCE RUN S 01° 00' 45" E ALONG THE EAST LINE OF SAID WEST HALF (W-1/2) OF THE NORTHWEST QUARTER (NW-1/4) OF SECTION 8 FOR 2612.19 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE (AS MAINTAINED) OF COCONUT ROAD BEING 40.00 FEET NORTH OF THE CENTERLINE OF COCONUT ROAD AS RECORDED IN COUNTY COMMISSIONERS MINUTES BOOK 6 AT PAGE 288 OF SAID PUBLIC RECORDS, SAID RIGHT-OF-WAY LINE BEING THE SOUTH LINE OF LANDS AS DESCRIBED BY DEED RECORDED IN OFFICIAL RECORD BOOK 3052 AT PAGE 1748 OF SAID PUBLIC RECORDS; THENCE RUN N 89° 16' 14" W ALONG SAID MAINTAINED RIGHT-OF-WAY FOR 1267.93 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHWEST QUARTER (NW-1/4) OF SAID SECTION 8; THENCE RUN N 01° 07' 45" W ALONG SAID WEST LINE FOR 1284.51 FEET TO THE SOUTHEAST CORNER OF GOVERNMENT LOT 1 OF SAID SECTION 7; THENCE RUN S 89° 33' 42" W ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 1 FOR 1813 FEET MORE OR LESS TO THE EASTERLY WATERS OF ESTERO BAY; THENCE RUN NORTHERLY ALONG THE WATERS OF ESTERO BAY FOR 3000 FEET MORE OR LESS TO AN INTERSECTION WITH THE NORTH LINE OF GOVERNMENT LOT 4 OF SAID SECTION 6; THENCE RUN N 89° 41' 23" E ALONG SAID NORTH LINE OR 1807 FEET MORE OR LESS TO AN INTERSECTION WITH THE WEST LINE OF LANDS AS DESCRIBED BY DEED RECORDED IN OFFICIAL RECORD BOOK 1762 AT PAGE 4173 OF SAID PUBLIC RECORDS; THENCE RUN THE FOLLOWING COURSES AND DISTANCES ALONG THE BOUNDARY OF SAID LANDS: N 00° 48' 29" W FOR 775.70 FEET; N 46° 11' 51" E FOR 523.67 FEET; S 81° 20' 47" E FOR 600.53 FEET; N 00° 49' 50" W FOR 162.49 FEET; N 89° 10' 55" E FOR 349.43 FEET; N 01° 31' 46" W FOR 92.78 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 5; THENCE RUN N 89° 34' 40" E ALONG SAID NORTH LINE FOR 2592.29 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER (SW-1/4); THENCE RUN N 89° 31' 44" E ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER (SE-1/4) OF SAID SECTION 5 FOR 2401.02 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY LINE OF SAID LANDS TO FLORIDA POWER AND LIGHT COMPANY; THENCE RUN S 20° 51' 33" E ALONG SAID SOUTHWESTERLY LINE FOR 553.91 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID SOUTHEAST QUARTER (SE-1/4) OF SECTION 5; THENCE RUN S 00° 08' 26" E ALONG SAID EAST LINE FOR 2202.99 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 576 ACRES, MORE OR LESS.
BEARINGS HEREINABOVE MENTIONED ARE PLANE COORDINATE FOR THE FLORIDA WEST ZONE.

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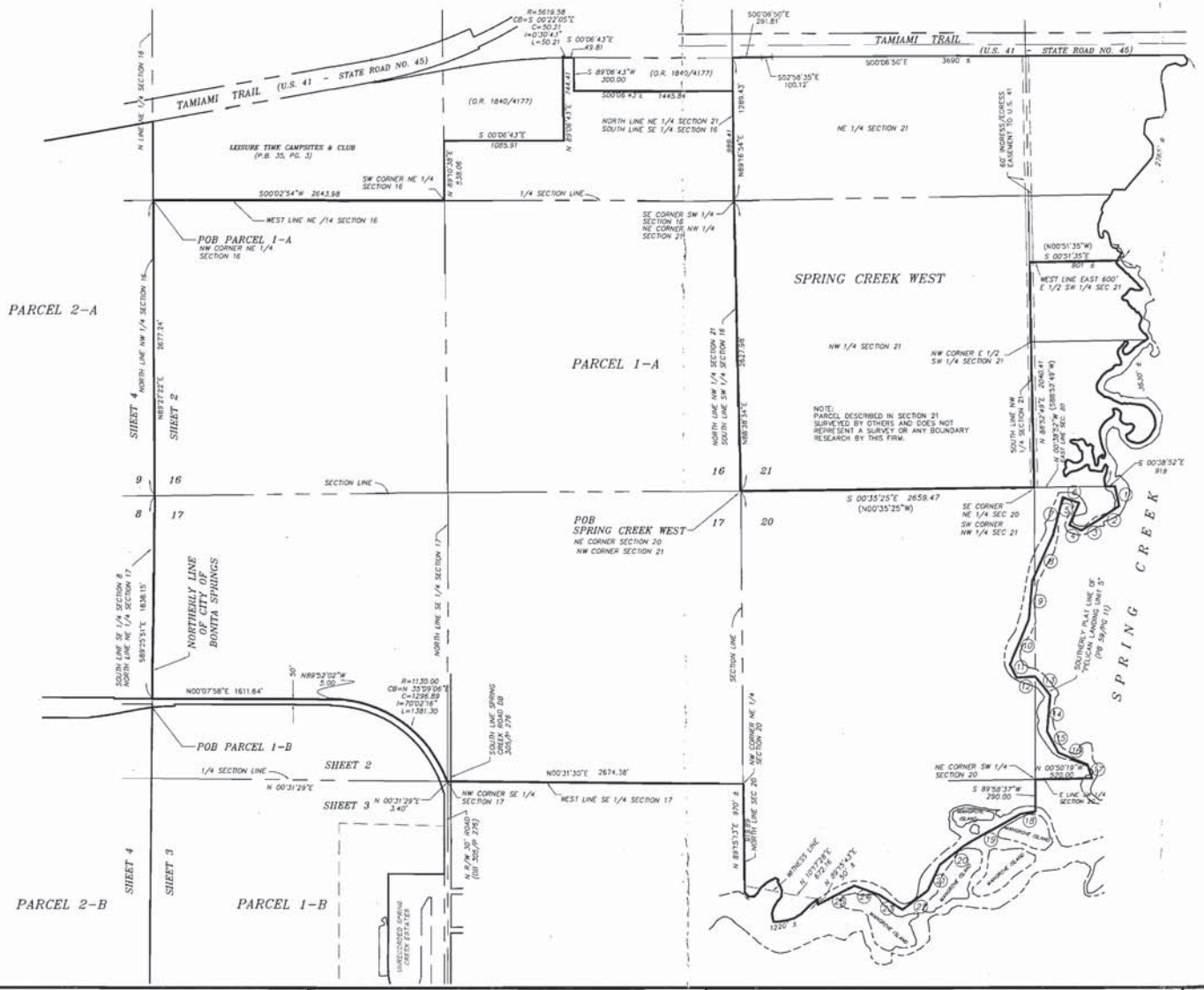
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PELICAN LANDING
COUNTY DESCRIPTION

JOHNSON ENGINEERING
2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

DESCRIPTION
SEE SHEET 7 FOR SKETCH

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
APRIL 2006	20023590	7-47-25	N/A	3 OF 7



LINE DATA		
	BEARING	DISTANCE
1	S 78°50'00"W	181.31
2	N 34°24'12"W	230.22
3	N 30°59'12"W	174.83
4	N 24°25'16"E	120.83
5	S 65°47'43"E	218.32
6	N 18°24'43"E	158.11
7	N 75°11'47"W	351.71
8	N 65°09'33"W	451.88
9	N 84°18'44"W	351.75
10	N 60°54'31"W	445.79
11	S 63°24'43"W	134.16
12	S 03°23'22"E	170.29
13	S 50°30'17"W	220.23
14	N 84°45'43"W	331.36
15	S 62°13'07"W	214.71
16	S 22°08'36"W	291.55
17	S 72°15'11"W	131.22
18	N 09°13'28"W	137.34
19	N 29°08'22"W	590.59
20	N 38°31'58"W	278.03
21	N 65°16'43"W	254.85
22	N 37°18'28"W	286.01
23	N 32°31'05"E	252.38
24	N 20°11'00"E	236.69
25	N 27°23'47"W	169.25

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SCALE IN FEET

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DRI 2005-00001

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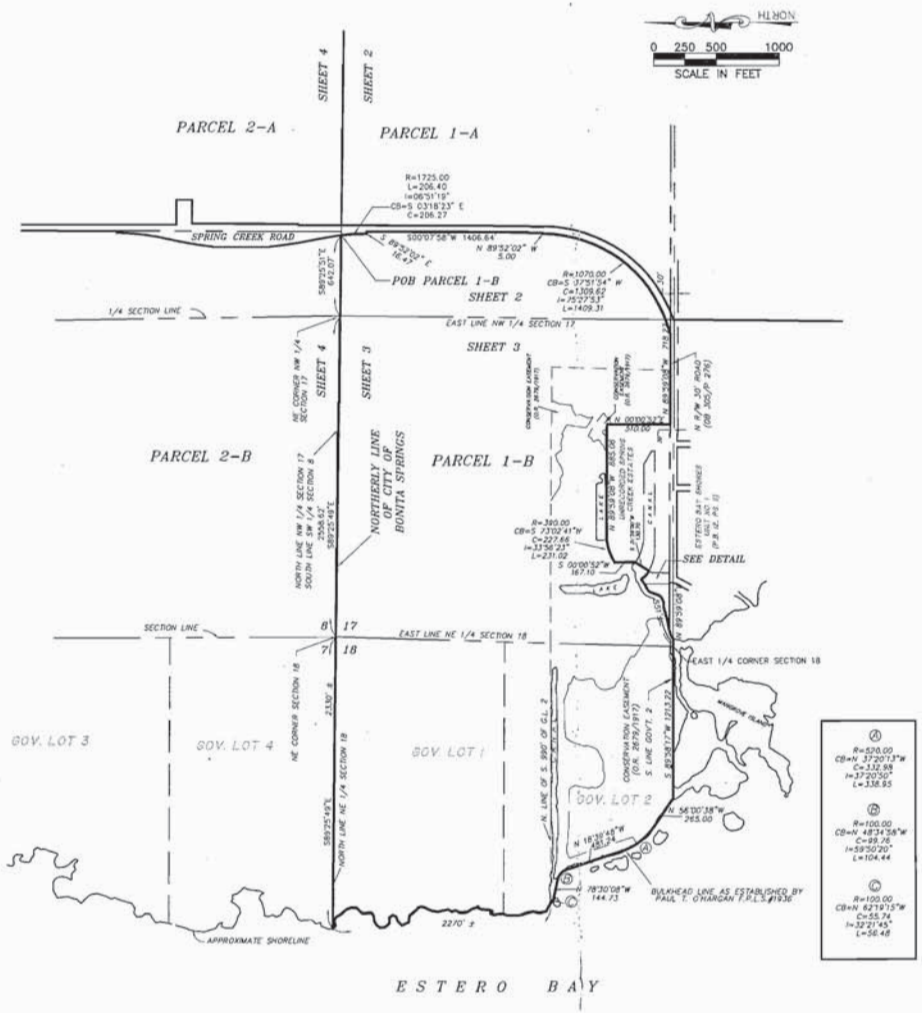
PELICAN LANDING
CITY SKETCH
PARCEL 1-A & SPRING CREEK WEST

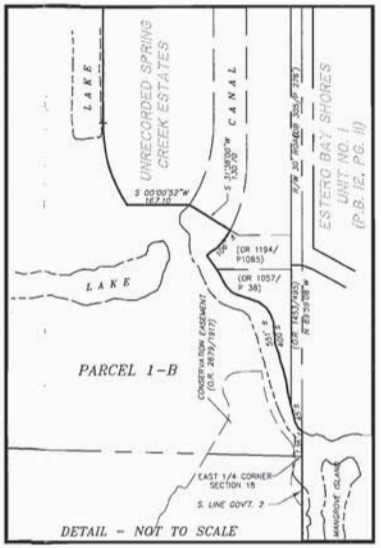
JOHNSON ENGINEERING

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SKETCH
SEE SHEET 2 FOR LEGAL DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
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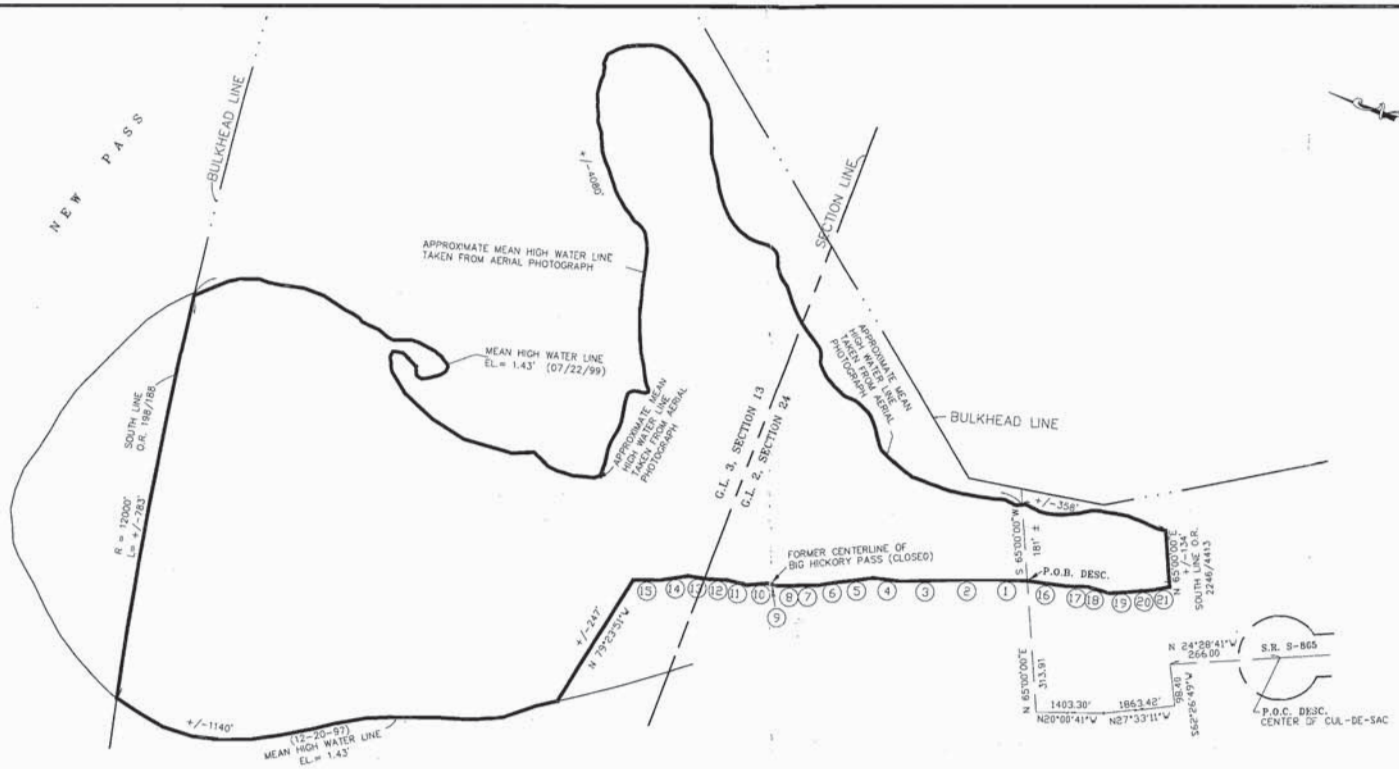
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PELICAN LANDING
CITY SKETCH
PARCEL 1-B

JOHNSON ENGINEERING
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SKETCH
SEE SHEET 2 FOR LEGAL DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
APRIL 2006	20023590	7-47-25	1" = 1000'	5 OF 7



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LINE DATA

	BEARING	DISTANCE
(1)	N 18°55'11"W	97.51
(2)	N 22°26'23"W	100.53
(3)	N 23°09'50"W	100.14
(4)	N 14°51'19"W	73.01
(5)	N 27°40'10"W	88.01
(6)	N 29°33'57"W	46.01
(7)	N 22°14'53"W	47.27
(8)	N 20°39'23"W	46.98
(9)	N 11°15'38"W	29.80
(10)	N 26°10'46"W	46.87
(11)	N 09°09'45"W	48.26
(12)	N 17°35'56"W	46.04
(13)	N 12°49'07"W	50.04
(14)	N 29°20'48"W	69.12
(15)	N 20°48'58"W	63.82
(16)	S 13°03'59"E	94.16
(17)	S 19°13'48"E	50.64
(18)	S 04°34'15"E	54.63
(19)	S 24°53'12"E	50.09
(20)	S 27°10'29"E	50.01
(21)	S 31°01'44"E	42.51

LEGEND

BLDG.	= BUILDING
B.M.	= BENCH MARK
C.I.P.	= CAPPED IRON PIPE
C.I.R.	= CAPPED IRON ROD
C.M.	= CONCRETE MONUMENT
CONC.	= CONCRETE
(D)	= DEED
DESC.	= DESCRIPTION
EL.	= ELEVATION
FD.	= FOUND
FIN.	= FINISHED
FL.	= FLOOR
G.L.	= GOVERNMENT LOT
LB	= LICENSED BUSINESS
(M)	= MEASURED
O.R.	= OFFICIAL RECORD BOOK
P.B.	= PLAT BOOK
PG.	= PAGE
P.O.B.	= POINT OF BEGINNING
P.O.C.	= POINT OF COMMENCEMENT
PRM	= PERMANENT REFERENCE MONUMENT
S.R.	= STATE ROAD
W/	= WITH

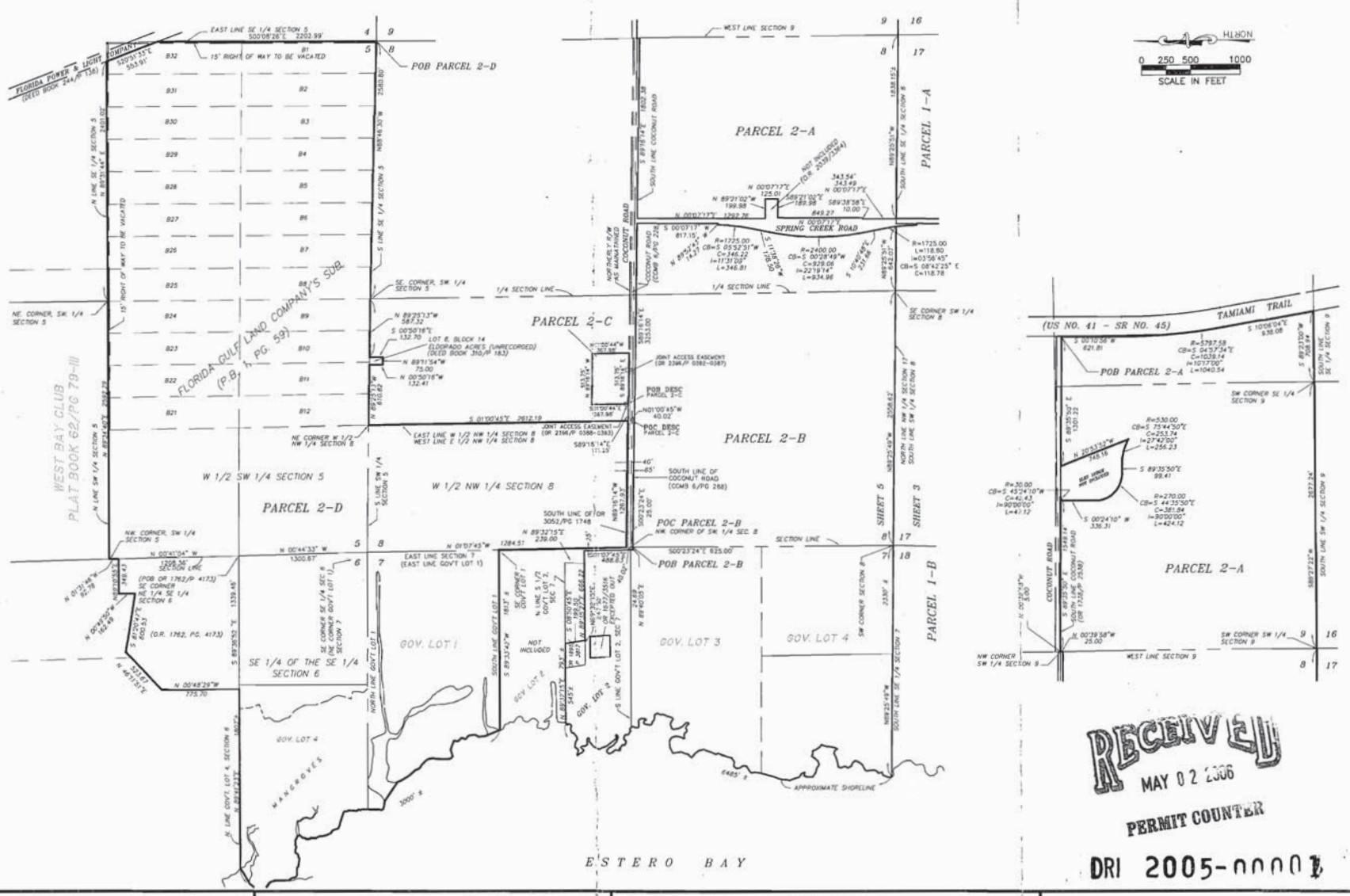
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PELICAN LANDING
CITY SKETCH
BEACH PARCEL

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SKETCH
SEE SHEET 2 FOR LEGAL DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
APRIL 2006	20023590	7-47-25	1" = 300'	6 OF 7



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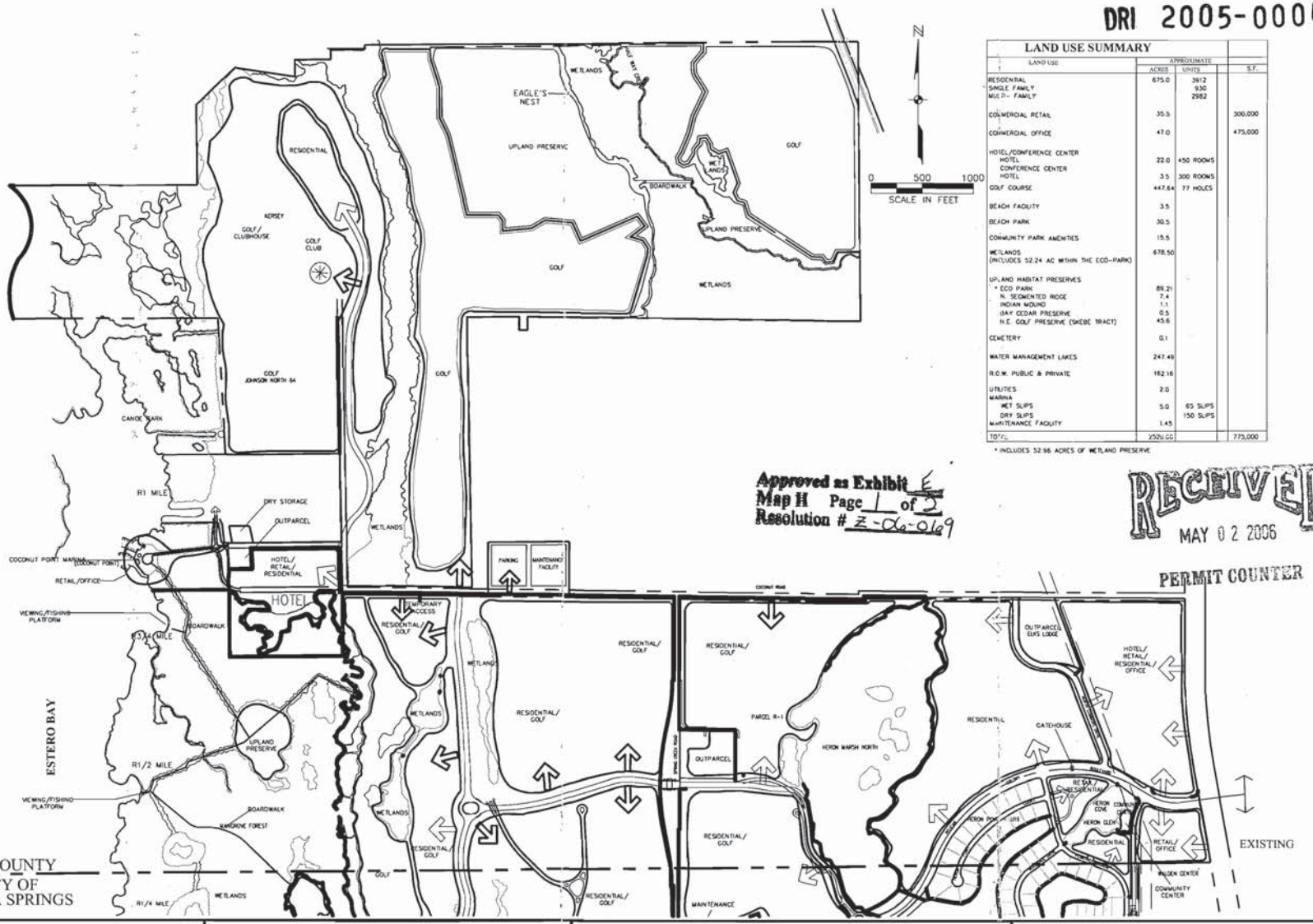
PELICAN LANDING
COUNTY SKETCH
PARCELS 2A - 2D

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E.B. #642 & L.B. #642

SKETCH
SEE SHEET 3 FOR LEGAL DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
APRIL 2006	20023590	7-47-25	1" = 1000'	7 OF 7

DRI 2005-00001



LAND USE SUMMARY

LAND USE	APPROXIMATE ACRES	APPROXIMATE UNITS	S.F.
RESIDENTIAL	675.0	3912	
SINGLE FAMILY		930	
MULTI- FAMILY		2982	
COMMERCIAL RETAIL	35.5		300,000
COMMERCIAL OFFICE	47.0		475,000
HOTEL/CONFERENCE CENTER			
HOTEL	22.0	450 ROOMS	
CONFERENCE CENTER			
HOTEL	3.5	300 ROOMS	
GOLF COURSE	447.64	77 HOLES	
BEACH FACILITY	3.5		
BEACH PARK	30.5		
COMMUNITY PARK AMENITIES	15.5		
WETLANDS (INCLUDES 52.24 AC WITHIN THE ECO-PARK)	678.50		
UPLAND HABITAT PRESERVES			
* ECO PARK	89.21		
N. SEGMENTED RIDGE	7.4		
INDIAN MOUND	1.1		
BAY CEDAR PRESERVE	0.5		
N.E. GOLF PRESERVE (SKEBE TRACT)	45.6		
CEMETERY	0.1		
WATER MANAGEMENT LAKES	247.49		
R.O.W. PUBLIC & PRIVATE	162.16		
UTILITIES	2.0		
MARINA			
WET SLIPS	5.0	65 SLIPS	
DRY SLIPS		150 SLIPS	
MAINTENANCE FACILITY	1.45		
TOTAL	2520.66		775,000

* INCLUDES 52.96 ACRES OF WETLAND PRESERVE

Approved as Exhibit E
Map H Page 1 of 2
Resolution # Z-06-069

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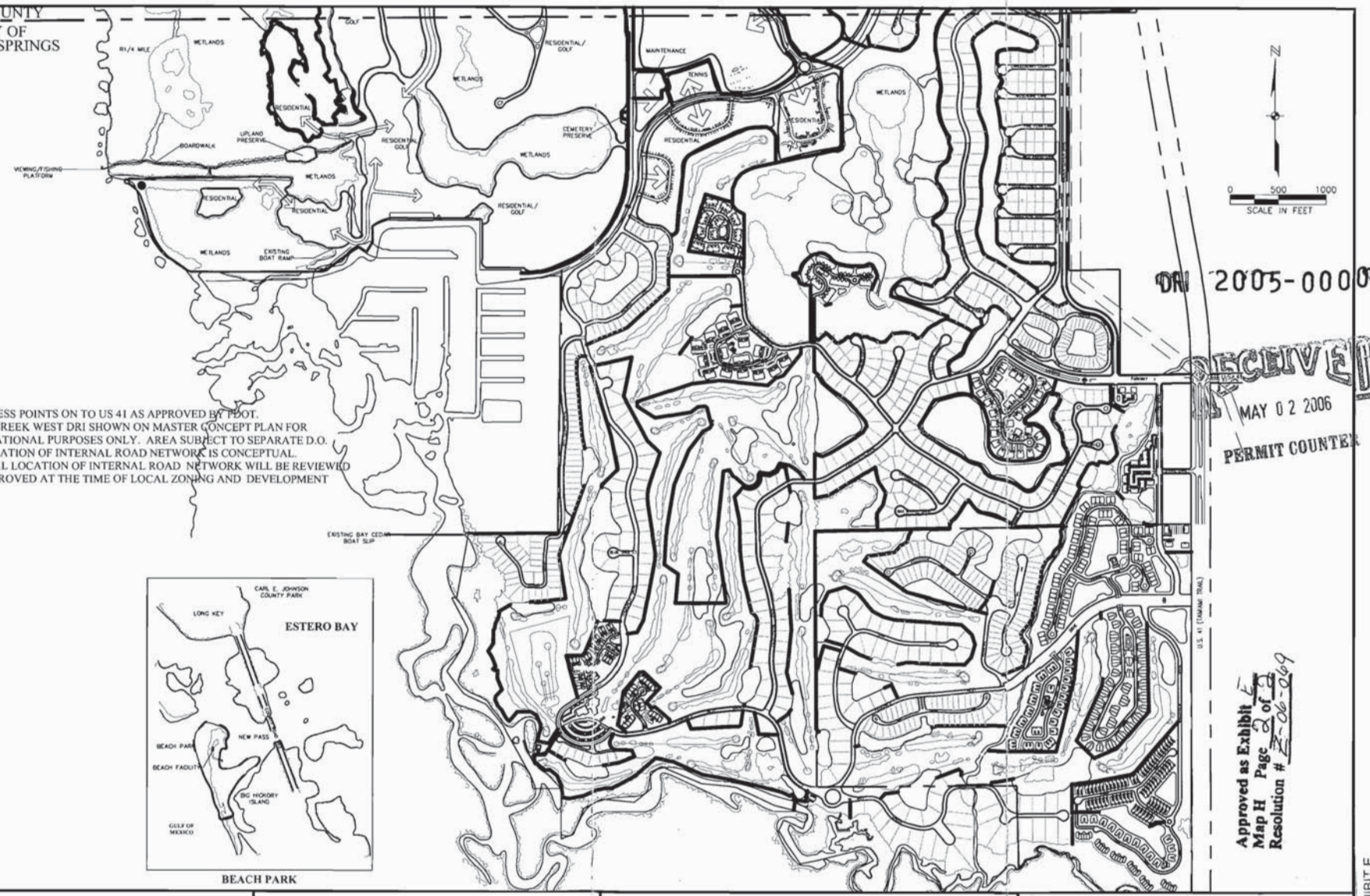
MAP "H"
LEE COUNTY HALF

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
JANUARY 2006	20023590		1" = 1000'	2

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EXHIBIT E
Page 1 of 2

LEE COUNTY
CITY OF
BONITA SPRINGS



NOTE:
1. ALL ACCESS POINTS ON TO US 41 AS APPROVED BY FDOT.
2. SPRING CREEK WEST DRI SHOWN ON MASTER CONCEPT PLAN FOR INFORMATIONAL PURPOSES ONLY. AREA SUBJECT TO SEPARATE D.O.
3. THE LOCATION OF INTERNAL ROAD NETWORK IS CONCEPTUAL. THE FINAL LOCATION OF INTERNAL ROAD NETWORK WILL BE REVIEWED AND APPROVED AT THE TIME OF LOCAL ZONING AND DEVELOPMENT REVIEW.

BEACH PARK

DRI 2005-00001

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Approved as Exhibit E
Map H Page 2 of 2
Resolution # Z-06-069

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PELICAN LANDING

JOHNSON ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

MAP "H"
CITY OF BONITA SPRINGS HALF

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
JANUARY 2006	20023590		1" = 1000'	3

EXHIBIT E
Page 2 of 2

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

DATE: March 15, 2007

TO: Commissioner Robert P. Janes
Chairman, BOCC

FROM: Dawn E. Perry-Lehnert
Assistant County Attorney

RE: Pelican Landing DRI
Twelfth Amendment
State DRI #1-9293-121
County Case #DRI2005-00001

The Board of County Commissioners approved the Twelfth Amendment for the Pelican Landing DRI Development Order on December 4, 2006. The original development order amendment and zoning resolution have been attached to this memorandum for execution. Kindly execute both documents at your earliest convenience and then forward them to Lisa Pierce in the Minutes Department.

Please note, the delay of this submission for the Chairman's signature is due to required revisions to the approved Master Concept Plan (MCP) by the project applicant. Lee County Land Development Code (LDC) Section 34-377(b)(6) requires the project MCP to be conformed to the Board's approval. Consequently, changes had to be made to the MCP before the resolution could be signed.

By copy of this memorandum to Lisa Pierce, I request that a clerk attest to the Chairman's signature on each document. Once this has been accomplished, please prepare 4 certified copies of the executed development order and all exhibits and one fully executed copy of the zoning resolution and forward these documents to my office no later than March 22, 2007.

Thank you for your assistance.

DPL/tlb
Attachments

cc: (w/o attachments)
Timothy Jones, Chief Assistant County Attorney
Lisa Pierce, Supervisor, Minutes Department

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2007 MAR 20 AM 7:39

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Bayside Community Improvement District filed an application on behalf of the property owner, Dean G. Prevolos Trustee for the Dean G. Prevolos Trust, to amend the Pelican Landing DRI Development Order #1-9293-121; and

WHEREAS, a public hearing was advertised and held on August 16, 2006 before the Lee County Zoning Hearing Examiner, Diana M. Parker, who gave full consideration to the evidence in the record for Case #DRI2005-00001 and DCI2005-00005; and

WHEREAS, a second public hearing was advertised and held on December 4, 2006, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to:

a. Consider a Notice of Proposed Change (NOPC) to amend the Pelican Landing DRI Development Order and DRI Map H to;

   1. Add a 1.45-acre tract for the purpose of constructing a maintenance facility for Bayside Community Improvement District (BCID); and

   2. Reduce the number of residential dwelling units from 4,400 to 3,912 residential units and change the mix of unit types to allow an increase in single family units from 665 to 930 units and a reduction in multi-family units from 3,735 to 2,982; and

b. Determine whether the proposed changes constitute a substantial deviation from the original development approvals warranting further Development of Regional Impact review; and

c. Rezone 1.45 acres from Residential Single-Family (RS-1) to a Residential Planned Development (RPD) to permit a maintenance facility for Bayside Community Development District (CDD) having a 2,400-square-foot

COPY

maintenance building and an 800 square-foot-office, outdoor material storage, equipment washing area and fuel island.

The property is located in the Outlying Suburban Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the 6-page Master Concept Plan labeled:

a.	Sheet 3 of 11	Master Concept Plan
b.	Sheet 7 of 11	Landscape Betterment Plan
c.	Sheet 8 of 11	Planting Plans
d.	Sheet 9 of 11	Landscape Details
e.	Sheet 10 of 11	Entry Details and Notes
f.	Sheet 11 of 11	Buffer Wall Details and Notes

date stamped received on February 16, 2007, last revised December 2006, and attached hereto as Exhibit C, 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 Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

The development will be limited to a 2,400-square-foot maintenance building and an 800-square-foot office, outdoor material storage, equipment washing area and fuel island.

2. The following limits apply to the project and uses:

   a. **Schedule of Uses**

ACCESSORY USES: BUILDINGS AND STRUCTURES
ADMINISTRATIVE OFFICES
ENTRANCE GATES AND GATE HOUSES
ESSENTIAL SERVICES
FENCES AND WALLS
MAINTENANCE FACILITY (see Condition #4), Limited to:
    Equipment washing area
    Horticultural Services

Lawn and Garden Services
Outdoor material storage
Self-Service Fuel Pump, limited to one having a maximum storage capacity of 1,000 gallons of gasoline

PARKING LOT, ACCESSORY
SIGNS, in accordance with Chapter 30 of the LDC

b. **Site Development Regulations**

Minimum Lot Area and Dimensions:

Area:	40,000 square feet
Width:	150 feet
Depth:	400 feet

Minimum Setbacks:

Street:		Variable according to the functional classification of the street or road (LDC §34-2191 *et seq.*)
Side:	east side	25 feet
	west side	15 feet
Rear:		25 feet

Maximum Lot Coverage: 50 percent

Maximum Building Height: 18 feet

3. Environmental Conditions

Prior to local development order approval, the development order plans must include a landscape plan in substantial compliance with the "Landscape Betterment Plan" stamped received on July 19, 2006 with the following revisions and clarifications:

a. The east, north and west property line must include buffer plantings of seven trees per 100 linear feet and a double continuous hedge (minimum 3-gallon container size; 24-inch height at planting; shrubs must be allowed to grow to their natural height); and

b. The south property line must include buffer plantings of 12 trees per 100 linear feet (at least 50% being native canopy species) and a double continuous hedge (minimum 3-gallon container size; 24-inch height at planting; shrubs must be allowed to grow to their natural height); and

c. A minimum 8-foot tall wall or wall and berm combination must be provided around the entire property as depicted on the Master Concept Plan, received on July 19, 2006; and

d. The pine trees must be South Florida slash pine (Pinus elliottii densa); and

e. No more than 50% of the buffer trees may be palms; and

f. All pine and oak trees must be a minimum 16-foot height, 4-inch caliper at time of planting; and

g. Firecracker plant (*russelia equisetiformis*) must be replaced with a non-invasive shrub.

h. Prior to issuance of a local development order for the maintenance facility, the applicant must submit a landscape plan to embellish the landscaping on the south side of Coconut Road to protect the second story views of the condos within the Merano development. [This will require landscape embellishment along approximately 300 feet of Coconut Road frontage beginning at the southern prolongation of the western subject property boundary and proceeding east.]

4. Maintenance Facility

a. The maintenance facility must only be used to service the horticultural and lawn and garden service needs of property within the Bayside CDD boundary, which service is further limited to only the common areas and rights-of-way within the Bayside CDD.

b. The regular working hours for the maintenance facility will be from 7:00 a.m. to 3:00 p.m. Monday through Friday. The maintenance facility must be closed on Saturdays, Sundays and holidays. Ancillary activities, such as: cleaning machinery, removing horticultural debris, refueling and routine equipment maintenance and repairs may continue until 5:30 p.m. Monday through Friday, except on holidays, provided the entrance gates remain closed during that time period.

The maintenance facility may remain open after the scheduled hours in emergency situations, such as after a hurricane, major storm event or similar event to clean up debris.

c. The entrance gates to the maintenance facility may remain open during the regular working hours to facilitate the maintenance operation. No equipment or machinery may be visible from Coconut Road while the gates are open during regular business hours. However, the entrance gates must remain closed at all

other times, except when equipment and trucks are actually entering or leaving the property.

d. All routine maintenance and repair work done on machinery and equipment must be carried on entirely within the maintenance building. The overhead doors on the east side of the maintenance building must remain closed when such maintenance work is being performed.

The maintenance building must be insulated with sound attenuating materials to reduce adverse impacts on the adjoining properties.

e. No chipping or shredding of horticultural waste is permitted on the site and all horticultural waste must be stored in the designated location (30 yard roll off pad) on site for later removal. All horticultural waste must be removed at least once a week. Horticultural waste or other material must not be stored higher than eight feet in height.

f. Light standards must be no higher than 15 feet and lighting values must be in accordance with LDC §34-625, Outdoor Lighting Standards.

g. All fertilizer and maintenance liquids (i.e. spray fertilizer, weed killer, insect spray, etc.) must be stored inside the maintenance building.

5. Prior to local development order approval, the existing Joint Access Agreement, with the adjacent parcel to the west (beach parking lot) must be amended or extinguished.

6. Local development order approval must include conditions requiring the design of the entrance gates to be visually and aesthetically pleasing and architecturally consistent with the finished wall.

7. Accessory uses, including accessory parking, must be located on the same tract, lot, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, lot, parcel or outparcel. This condition is not intended to prohibit a joint parking agreement and the use of the beach parking lot to the west for employee parking, if such a need arises. (See Condition 9 below.)

8. The developer must connect to the Bonita Springs Utilities sewer and potable water system.

9. If additional employee parking spaces are required, the applicant must apply for special exception approval for joint use of parking lots with the beach parking lot on the west boundary.

10. No development blasting is permitted as part of this project.

11. Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

12. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

13. 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), be reviewed for, and found consistent with the general function, as well as all other Lee Plan provisions.

14. The 1,000-gallon fuel storage container and pumping station must be relocated to the area designated "Dumpster Pad," or similar location, along the west boundary of the site, so as to have it located as far as possible from the adjoining residential properties to the north and east.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-285(a), Table 1, Connection Separation, requirement to provide a minimum separation of 330 feet on collector streets, to allow a minimum separation of approximately 209 feet from the proposed driveway for the subject parcel to the existing driveway immediately to the east. This deviation is APPROVED.

2. Deviation (2) seeks relief from the LDC §10-416(d)(6) requirement to provide a solid wall or combination berm and solid wall, not less that eight feet in height, that is constructed not less than 25 feet from abutting property, if the project's road, drives, or parking areas are located less than 125 feet from an existing residential subdivision or residential lots, with landscaping between the wall and abutting properties that includes a minimum of five trees and 18 shrubs per 100 linear feet, to allow a wall 7.5 feet from the property lines with enhanced buffer plantings as described on the Landscape Betterment Plan. This deviation is APPROVED, SUBJECT TO Condition 3 above.

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan
Exhibit D: Twelfth Development Order Amendment

The applicant has indicated that the STRAP number for the subject property is: 08-47-25-00-00003.0000.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning and DRI DO amendment requests, as conditioned, by demonstrating compliance with the Lee Plan, the LDC, Section 380.06 Florida Statutes, and other applicable codes or regulations.

2. The rezoning, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,

   c. is compatible with existing or planned uses in the surrounding area; and,

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,

   e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location; and

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

   c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

6. The requests to add land and change the mix of single-family and multi-family dwelling units, as conditioned, do not create new or additional unreviewed regional impacts and do not constitute a Substantial Deviation under F.S. §380.06(19).

Commissioner Judah made a motion to adopt the foregoing resolution, seconded by Commissioner Hall. The vote was as follows:

Robert P. Janes	Aye
A. Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Franklin B. Mann	Aye

DULY PASSED AND ADOPTED this 4th day of December 2006.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Robert P. Janes, Chair

Approved as to form by:

_____
Dawn E. Perry-Lehnert
County Attorney's Office

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

RECEIVED
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JOHNSON
ENGINEERING

SINCE 1946

May 11, 2004

DCI 2005 00005 **DESCRIPTION**

A PARCEL LYING IN
SECTION 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Section 8, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

From the southwest corner of the East Half (E-1/2) of the Northwest Quarter (NW-1/4) of said Section 8 run S 89° 41' 30" E along the East/West Quarter (E/W-1/4) section line for 513.75 feet to the southwest corner of the lands described in deed recorded in Official Record Book 3354 at Page 3248, Public Records of Lee County, Florida; thence run N 01° 25' 30" W departing said fraction line along the west line of said deed for 40.01 feet to an intersection with the line that is 40 feet north of (as measured on a perpendicular) and parallel with said fraction line, said line being the north maintained right-of-way line of Coconut Road and the Point of Beginning.

From said Point of Beginning continue N 01° 25' 30" W along said deed line for 367.99 feet to an intersection with the south line of Lot 20, Block 17 of unrecorded El Dorado Acres as shown on map as recorded in Official Record Book 291 at Page 898, Public Records of Lee County, Florida; thence run S 89° 41' 30" E along the south line of said block for 171.25 feet to an intersection with the west line of Lot 10, said Block 17; thence run S 01° 25' 30" E along the west line of said Lot 10 and the west line of Lot 6 and Lot 5 of said Block 17 and the east line of said deed for 367.99 feet to an intersection with the north line of said maintained right-of-way line of Coconut Road; thence run N 89° 41' 30" W along said maintained right-of-way line for 171.25 feet to the Point of Beginning.

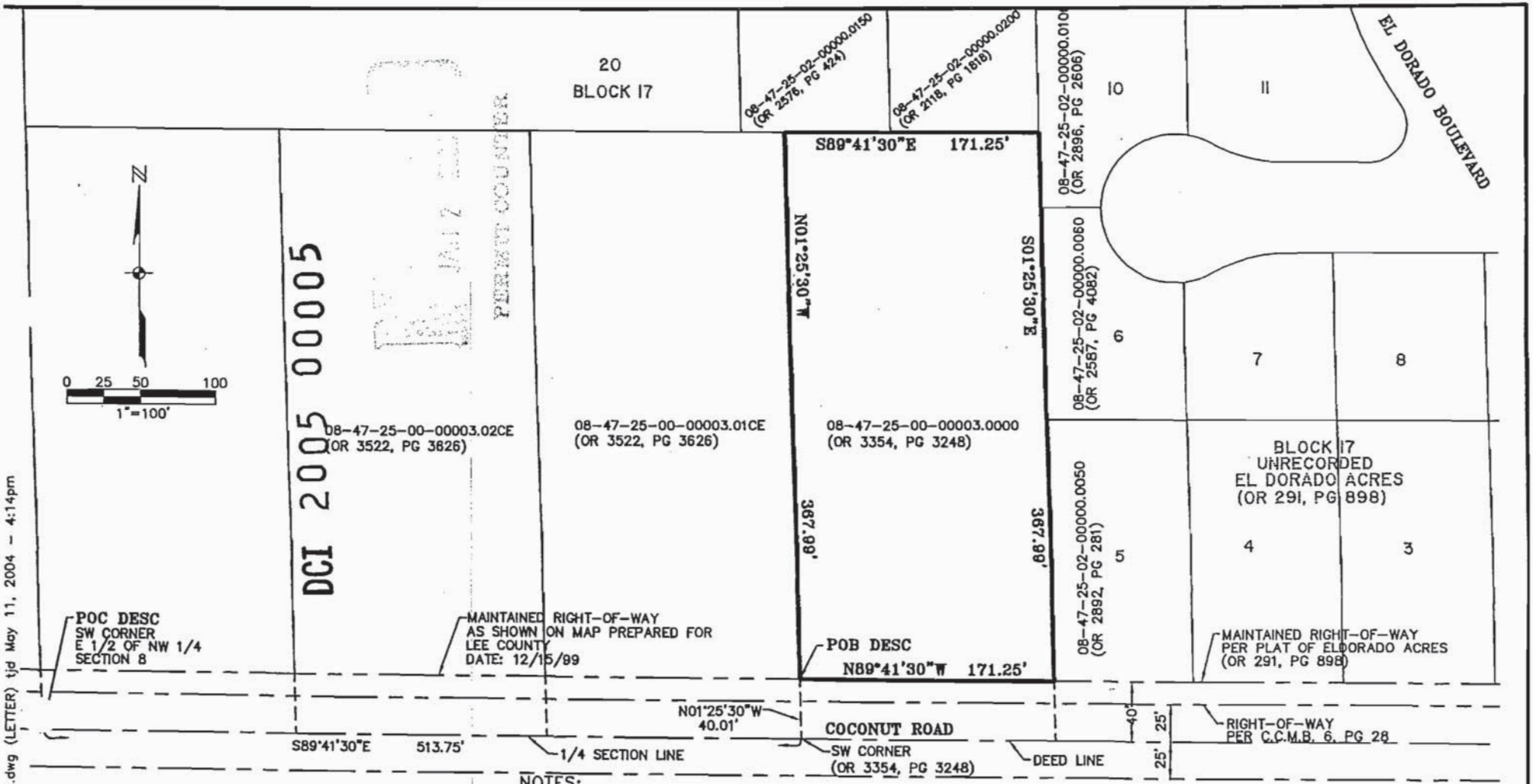
Parcel contains 1.45 acres, more or less.

Subject to easements, restrictions and reservations of record. Bearings hereinabove mentioned are based on the unrecorded plat of El Dorado Acres wherein the center line of Coconut Road bears S 89° 41' 30" E.

Michael W. Norman (for The Firm LB-642)
Professional Land Surveyor
Florida Certificate No. 4500

20023590 Parcel 051104

2158 Johnson Street ▪ Post Office Box 1550 ▪ Fort Myers, Florida 33902-1550
(239) 334-0046 ▪ Fax (239) 334-3661



S:\023590\023590-SKETCH.dwg (LETTER) tjd May 11, 2004 - 4:14pm

EXHIBIT A
Page 2 of 2

NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE UNRECORDED EL DORADO ACRES PLAT WHEREIN THE CENTERLINE OF COCONUT ROAD BEARS S 89°41'30" E.
2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
3. POC = POINT OF COMMENCEMENT.
4. POB = POINT OF BEGINNING
5. OR = OFFICIAL RECORDS BOOK
6. PG = PAGE
7. DESC. = DESCRIPTION
8. DESCRIPTION ATTACHED.
9. C.C.M.B. = COUNTY COMMISSIONERS MINUTES BOOK

THIS IS NOT A SURVEY

MICHAEL W. NORMAN (FOR THE FIRM LB-642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 4500

DATE SIGNED: MAY 11 2004

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

PARCEL IN
SECTION 8, TOWNSHIP 47 S, RANGE 25 E
LEE COUNTY, FLORIDA

JOHNSON ENGINEERING
2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
EB #642 LB #642

SKETCH TO ACCOMPANY
DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
5/04	0235	08-4		OF 1

DCI2005-00005

Zoning Map

8/15/2006

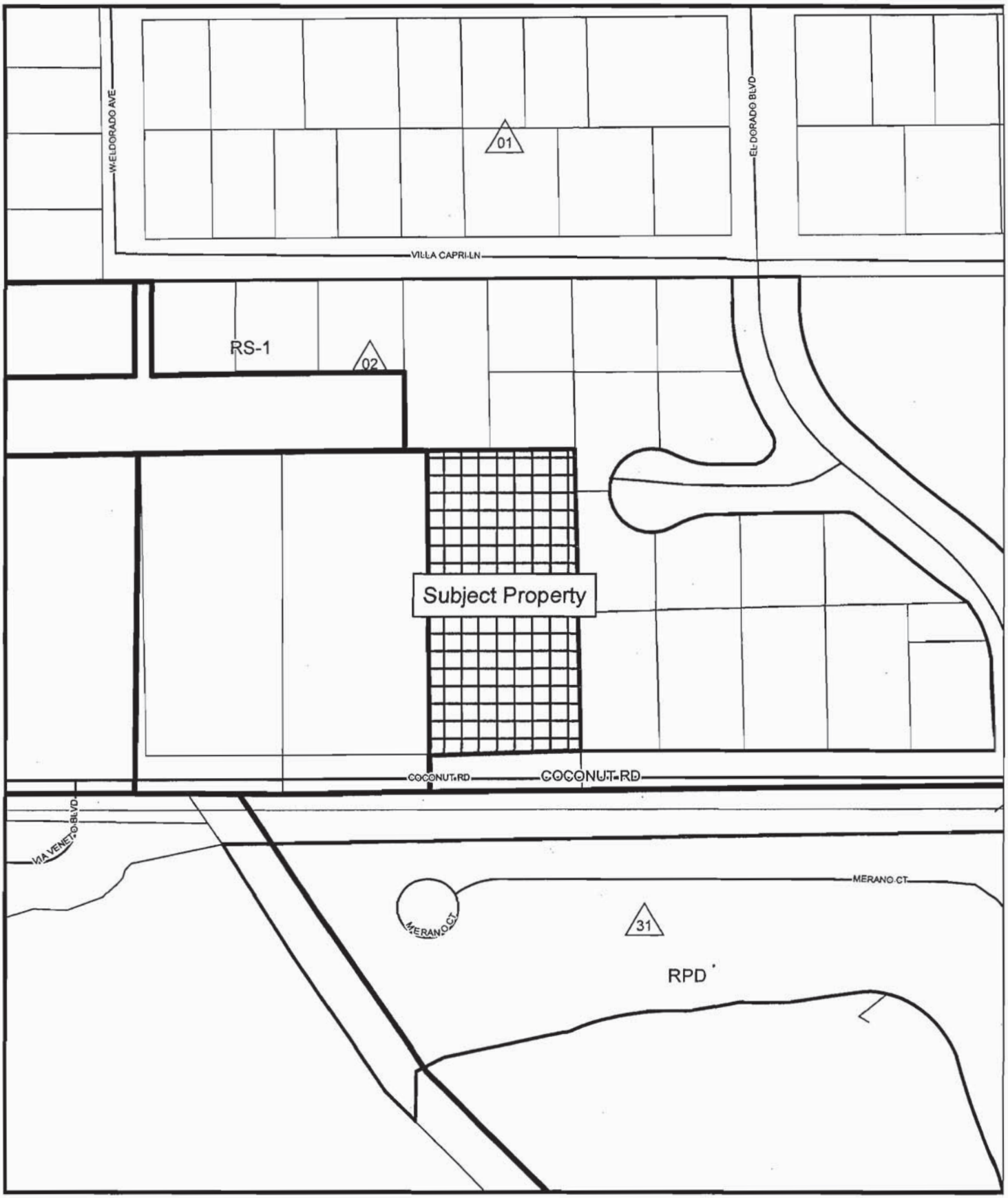
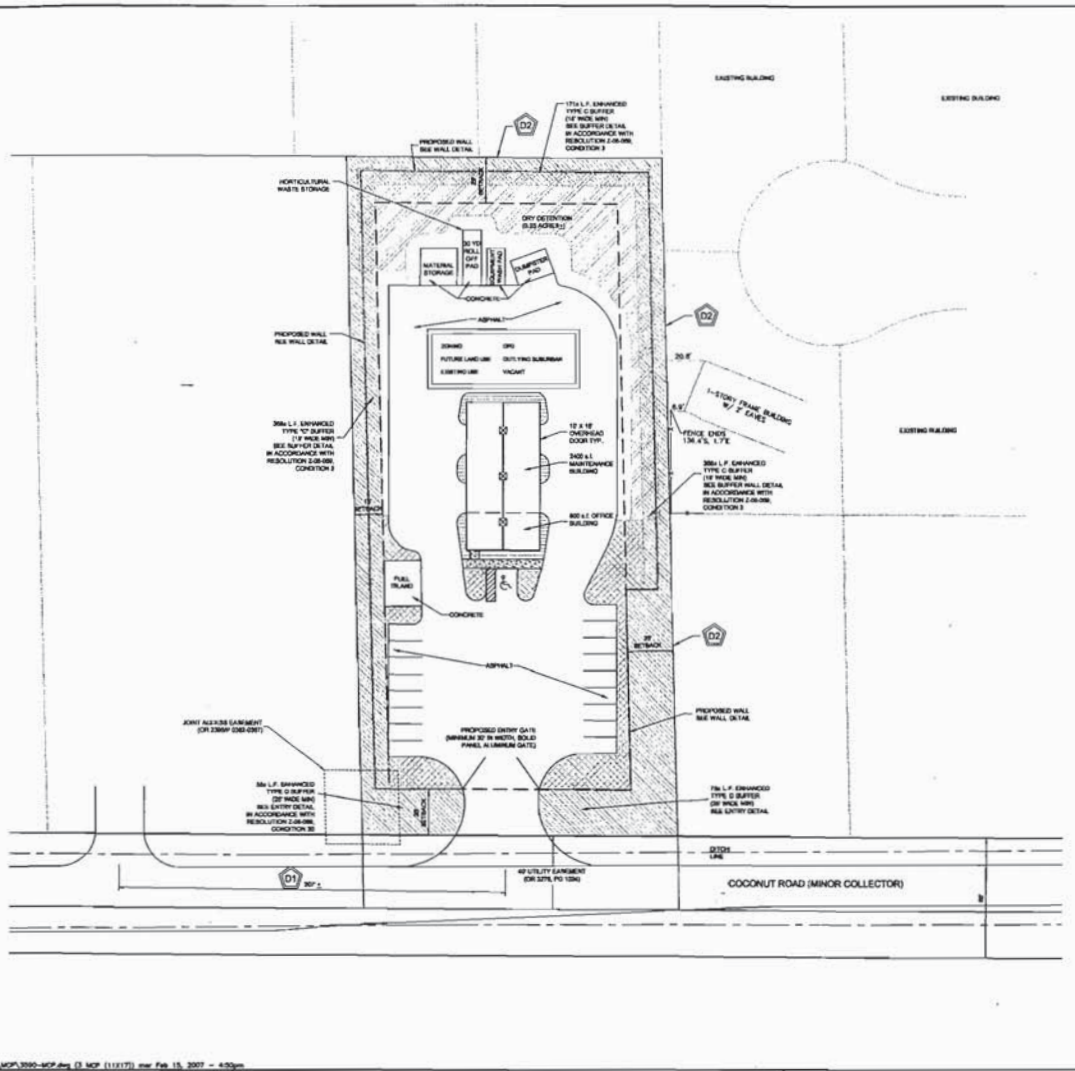


EXHIBIT B

N
W E
S

180 90 0 180 360
Feet



PROJECT INFORMATION

SITE INFORMATION:
PARCEL SIZE: 1.43 AC +/- (62,182 SQ. FT.)
LEE PLAN LAND USE CLASSIFICATION: OUTLYING SUBURBAN
ZONING REQUEST: CPD

DEVELOPMENT PROGRAM:

3200 S.F.	MAINTENANCE BUILDING
200 S.F.	MATERIAL STORAGE BUILDING
1,000 S.F.	EQUIPMENT WASH PAD
800 S.F.	FUEL ISLAND
28,034 S.F.	PARKING/DRIVES

REQUIRED DEVELOPMENT CALCULATIONS

OPEN SPACE:
1) TOTAL OPEN SPACE REQUIREMENT MUST EQUAL A MINIMUM OF 20% OF THE TOTAL DEVELOPED SITE.

OPEN SPACE REQUIRED:

TOTAL DEVELOPED AREA	+1.45 ACRES +/-
OPEN SPACE REQUIRED (1.45x20%)	+0.29 ACRES +/-

OPEN SPACE PROVIDED:

GENERAL OPEN SPACE	+0.64 ACRES +/-
INDIGENOUS OPEN SPACE (SEE NOTE BELOW)	
TOTAL OPEN SPACE PROVIDED (44% OR 27,579 S.F.)	+0.64 ACRES +/-

(NOTE: DEVELOPMENT SITES UNDER 5 ACRES DO NOT REQUIRE INDIGENOUS PRESERVATION PER LEE COUNTY CODE.)

DRY DETENTION:
1) DRY DETENTION SPACE REQUIREMENT MUST EQUAL 15% OF THE TOTAL DEVELOPED SITE.

DRY DETENTION REQUIRED (1.45X15%)	+0.20 ACRES +/-
DRY DETENTION PROVIDED	+0.23 ACRES +/-

STRUCTURAL LOT COVERAGE NOT TO EXCEED 50% OF SITE: +0.72 ACRES

LEGEND

- DRY DETENTION
- REQUIRED TYPE C AND D BUFFERS
- INTERNAL LANDSCAPE AREAS
- BUILDING PERIMETER PLANTINGS
- D1 DEVIATION REFERENCE NUMBER

RECEIVED
FEB 15 2007

DCI 2005-00005

Approved as Exhibit C
MCP Page 1 of 6
Resolution # Z-06-069

EXHIBIT C
Page 1 of 6

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REVISIONS	
Revised per Lee Co Sufficency	
Comments	5/09/05
Revised per County BOCC	Dec 06

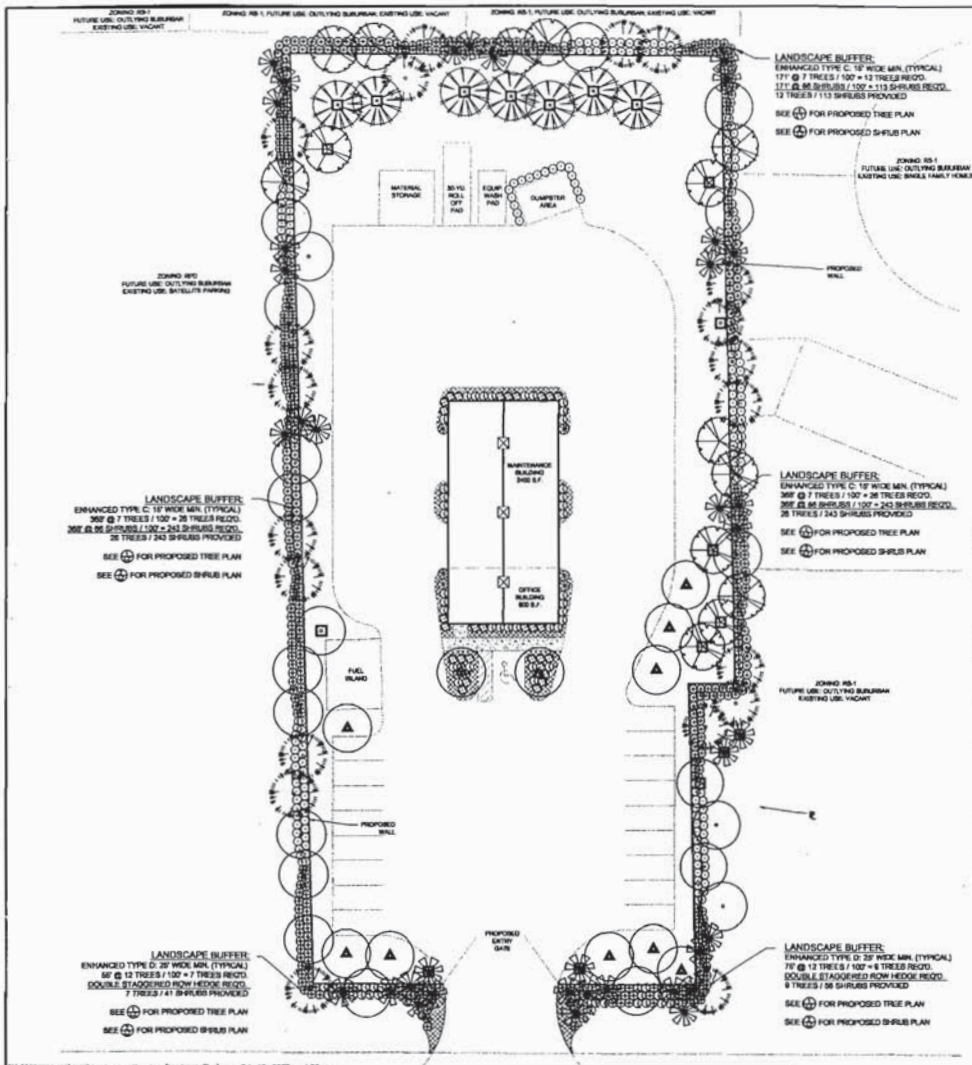
SEVERN - TRENT
FOR BAYSIDE CDD

BAYSIDE CDD
MAINTENANCE FACILITY
LEE COUNTY, FLORIDA

JOHNSON ENGINEERING
2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

MASTER CONCEPT PLAN

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
SEPT 2005	20023590-07		AS SHOWN	3 OF 11



Approved as Exhibit C
MCP Page 2 of 6
Resolution # Z-06-069

NATIVE TREE & SHRUB REQUIREMENT

OVERALL SITE: 75% TREES ARE REQUIRED TO BE NATIVE
157 OF 157 REQUIRED TREES ARE NATIVE = 100% NATIVE

OVERALL SITE: 50% SHRUBS ARE REQUIRED TO BE NATIVE
438 OF 517 REQUIRED SHRUBS ARE NATIVE = 85% NATIVE

MATERIALS SCHEDULE

SYM	QTY	BOTANICAL NAME	COMMON NAME	SPECS	NATIVE
		TREES/PALMS			
	PE 30	PINUS ELLIOTTI 'DENSA'	FLORIDA SLASH PINE	16' HT, 4" CAL, 45 GAL	YES
	QL 16	QUERCUS LAURIFOLIA	LAUREL OAK	12'-14' HT, 3" CAL, 45 GAL	YES
	QV 32	QUERCUS VIRGINIANA	LIVE OAK	12'-14' HT, 3" CAL, 45 GAL	YES
	SP 11 @ 12' CT 11 @ 14' CT 11 @ 16' CT	SABAL PALMETTO	CABBAGE PALM	12' OA, 10' CT MIN. 14' OA, 12' CT MIN. 27' OA, 16' CT MIN.	YES
	TD 1	TAXODIUM DISTICHUM	BALD CYPRESS	12'-14' HT, 3" CAL, 45 GAL	YES
		SHRUBS/GROUNDCOVERS/GRASSES			
	CI 323	CHRYSOBALANUS ICACO	COCOPLUM	3 GAL. @ 36" O.C. 24" HT. MIN.	YES
	HP 186	HAMELIA PATENS	FIREBUSH	3 GAL. @ 36" O.C. 24" HT. MIN.	YES
	PN 266	PSYCHOTRIA NERVOSA	WILD COFFEE	3 GAL. @ 36" O.C. 24" HT. MIN.	YES
	VO 84	VIBURNUM OBOVATUM	WALTER'S VIBURNUM	3 GAL. @ 36" O.C. 24" HT. MIN.	NO
	ZF 6	ZAMIA FURFURACEA	CARDBOARD PALM	3 GAL. @ 48" O.C. 24" HT. MIN.	NO
	ZP 31	ZAMIA PUMILA	COONTIE	3 GAL. @ 36" O.C. 24" HT. MIN.	YES
	TA 117	TRACHELOSPERMUM ASIATICUM	ASIATIC JASMINE	1 gal @ 24" O.C.	NO

NOTES:
1) ALL SIZES SPECIFIED ARE MINIMUMS.
2) LANDSCAPE ARCHITECT RESERVES THE RIGHT TO FIELD ADJUST ALL PLANT MATERIALS.
3) ALL TURF AREAS TO BE ST. AUGUSTINE 'FLORATAM' UNLESS OTHERWISE NOTED ON THE DRAWINGS.
4) LANDSCAPE ARCHITECT TO APPROVE FINAL LOCATIONS, SIZE, AND SPECIES OF ALL PLANT MATERIALS.

REQUIRED DEVELOPMENT CALCULATIONS

OPEN SPACE REQUIREMENT

TOTAL SITE AREA	= 1.45 ACRES +/-
OPEN SPACE REQUIRED (20%)	= 0.29 ACRES +/-
OPEN SPACE PROVIDED (44%)	= 0.64 ACRES +/-

GENERAL LANDSCAPE REQUIREMENT

63,182 SF @ 1 TREE PER 3,500 SF REQUIRED	= 19 TREES
TOTAL GENERAL TREES PROVIDED	= 19 TREES
☐ GENERAL TREES	

NOTES:
1) ONE (1) TREE MUST BE PLANTED OR RETAINED PER 4000 SF OF DEVELOPMENT AREA.
2) NO MORE THAN 50% OF THE REQUIRED TREES MAY BE LOCATED IN THE REAR OF THE LOT.
3) FOR PRESERVED TREES, A MINIMUM OF 4" TREES IN PRESERVAL AREAS MUST BE SHARED TO RECEIVE CREDIT.
4) TREE REPLACEMENTS MUST BE AT 4.5 (TREES) TO 1 (CREDIT) RATIO AND MEET LEE COUNTY CODE REQUIREMENTS.

BUILDING PERIMETER LANDSCAPE REQUIREMENT

3,200 SF GROUND LEVEL FLOOR AREA @ 10% REQUIRED	
BUILDING PERIMETER PLANTING AREA	= 320 SF
BUILDING PERIMETER PLANTING AREA PROVIDED	= 797 SF

NOTES:
1) PLANTING BEDS ARE MUST BE A MINIMUM OF FIVE FEET WIDE.
2) PERIMETER PLANTING AREAS MUST CONTAIN SHRUBS AND GROUNDCOVER PLANTS WITH A MINIMUM 50% COVERAGE.
3) TURF SHALL MAKE UP NO MORE THAN 10% OF INTERNAL LANDSCAPE AREAS.

INTERNAL LANDSCAPE AREA REQUIREMENT

TOTAL VEHICLE USE AREA	= 27,531 SF +/-
INTERNAL LANDSCAPE AREA REQUIRED	= 2,754 SF
INTERNAL LANDSCAPE AREA PROVIDED	= 3,467 SF

NOTES:
1) LANDSCAPED AREAS ON THE PARKING AREA PERIMETER OR IN THE INTERNAL ISLANDS MUST EQUAL OR EXCEED A MINIMUM OF TEN (10) PERCENT OF THE TOTAL PAVED SURFACE AREA.
2) LANDSCAPED AREAS REQUIRED FOR FUTURE PARKING SPACES PURSUANT TO SECTION 34-2011(d) MAY NOT BE INCLUDED IN THE CALCULATION.
3) VEHICLES MAY OVERHANG ANY LANDSCAPED AREA BY A MAXIMUM OF TWO (2) FEET AS LONG AS THE AREA IS PROTECTED BY A CURB OR MOTOR VEHICLE WHEEL STOPS. THIS OVERHANG MAY BE PART OF THE REQUIRED DEPTH OF THE ABUTTING PARKING SPACE.
4) TURF SHALL MAKE UP NO MORE THAN 10% OF INTERNAL LANDSCAPE AREAS.

INTERNAL LANDSCAPE AREA TREE REQUIREMENT

2,754 SF @ 1 TREE PER 250 SF	= 11 TREES REQUIRED
△ PARKING TREES	= 11 TREES PROVIDED

NOTES:
1) LANDSCAPED AREAS ON THE PARKING AREA PERIMETER OR IN THE INTERNAL ISLANDS MUST EQUAL OR EXCEED A MINIMUM OF TEN (10) PERCENT OF THE TOTAL PAVED SURFACE AREA.
2) ONE (1) TREE MUST BE PLANTED OR RETAINED PER 250 SF OF INTERNAL PARKING AREA.
3) NO PARKING SPACE MAY BE MORE THAN 100 FEET FROM A TREE PLANTED IN A PERMEABLE ISLAND, PENINSULA, OR MEDIAN OF A TEN-FOOT MINIMUM WIDTH.

LANDSCAPE BUFFER REQUIREMENT

ENHANCED TYPE "C" LANDSCAPE BUFFER
15' WIDE MINIMUM, APPROXIMATELY 7 NATIVE TREES AND 66 SHRUBS (50% NATIVE MINIMUM) PER 100 LINEAR FEET. A SOLID WALL OR WALL AND BERM COMBINATION IS TO BE INSTALLED AT A MINIMUM HEIGHT OF 8' FROM THE AVERAGE ELEVATION AT THE STREET CENTERLINE ALONG THE ABUTTING ROAD. BUFFER PLANTINGS SHALL BE PLACED ON THE EXTERIOR OF THE WALL. THE WALLS SHALL BE CONSTRUCTED TO ENSURE HISTORIC STORMWATER DRAINAGE PATTERNS.

EASTERN BOUNDARY:

368 LINEAR FEET @ 7 TREES PER 100 FEET	= 26 TREES REQUIRED = 26 TREES PROVIDED
368 LINEAR FEET @ 66 SHRUBS PER 100 FEET	= 243 SHRUBS PROVIDED

NORTHERN BOUNDARY:

171 LINEAR FEET @ 7 TREES PER 100 FEET	= 12 TREES REQUIRED = 12 TREES PROVIDED
171 LINEAR FEET @ 66 SHRUBS PER 100 FEET	= 113 SHRUBS PROVIDED

WESTERN BOUNDARY:

368 LINEAR FEET @ 7 TREES PER 100 FEET	= 26 TREES REQUIRED = 26 TREES PROVIDED
368 LINEAR FEET @ 66 SHRUBS PER 100 FEET	= 243 SHRUBS PROVIDED

ENHANCED TYPE "D" LANDSCAPE BUFFER
25' WIDE MINIMUM, APPROXIMATELY 12 NATIVE TREES AND A DOUBLE ROW STAGGERED HEDGE (50% NATIVE MINIMUM) PER 100 LINEAR FEET. A SOLID WALL OR WALL AND BERM COMBINATION IS TO BE INSTALLED AT A MINIMUM HEIGHT OF 8' FROM THE AVERAGE ELEVATION AT THE STREET CENTERLINE ALONG THE ABUTTING ROAD. BUFFER PLANTINGS SHALL BE PLACED ON THE EXTERIOR OF THE WALL. THE WALLS SHALL BE CONSTRUCTED TO ENSURE HISTORIC STORMWATER DRAINAGE PATTERNS.

WEST SIDE OF BUILDING ENTRANCE:

75 LINEAR FEET @ 12 TREES PER 100 FEET	= 9 TREES REQUIRED = 9 TREES PROVIDED
DOUBLE ROW STAGGERED HEDGE PROVIDED	= 46 SHRUBS

EAST SIDE OF BUILDING ENTRANCE:

55 LINEAR FEET @ 12 TREES PER 100 FEET	= 7 TREES REQUIRED = 7 TREES PROVIDED
DOUBLE ROW STAGGERED HEDGE PROVIDED	= 32 SHRUBS

NOTES:
1) TREES WITHIN THE R.O.W. BUFFER MUST BE APPROPRIATELY SIZED (A MATURE FORM SO THAT CONFLICTS WITH OVERHEAD UTILITIES, LIGHTING AND SIGNS ARE AVOIDED.
2) ALL REQUIRED TREES AND SHRUBS SHALL BE PLANTED ON THE PERIMETER SIDE OF THE HEDGE ROW.

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Page 3 of 6

REVISIONS	
Revised per County BOCC	Dec 06

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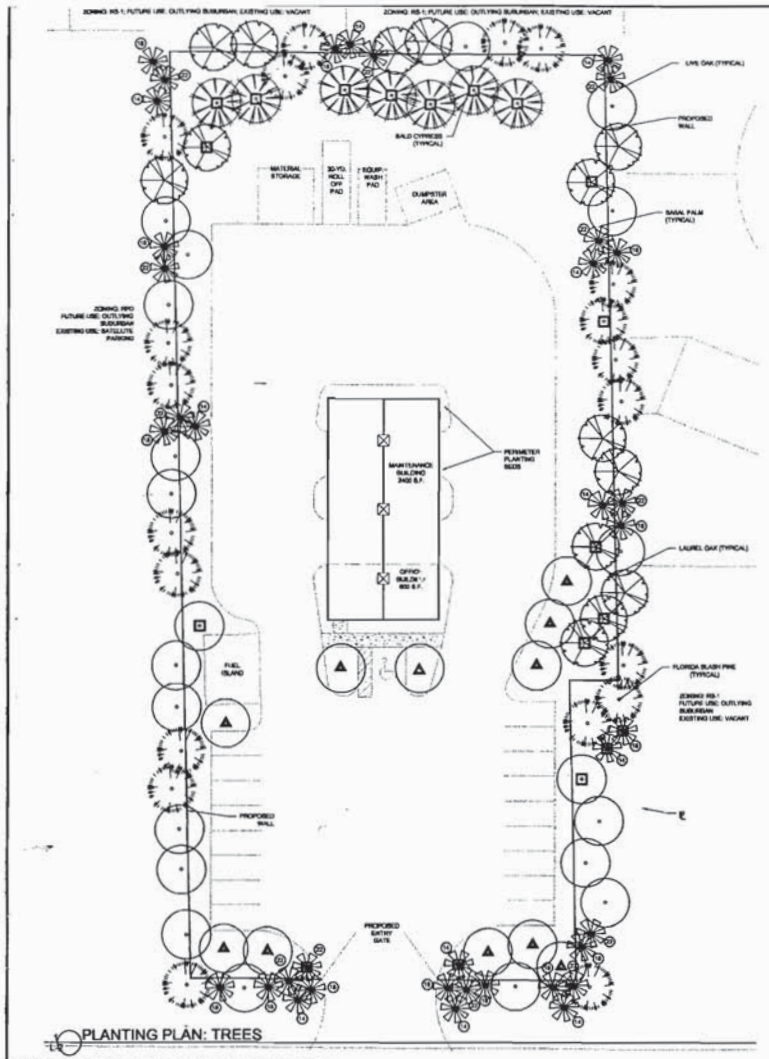
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MAINTENANCE FACILITY
LEE COUNTY, FLORIDA

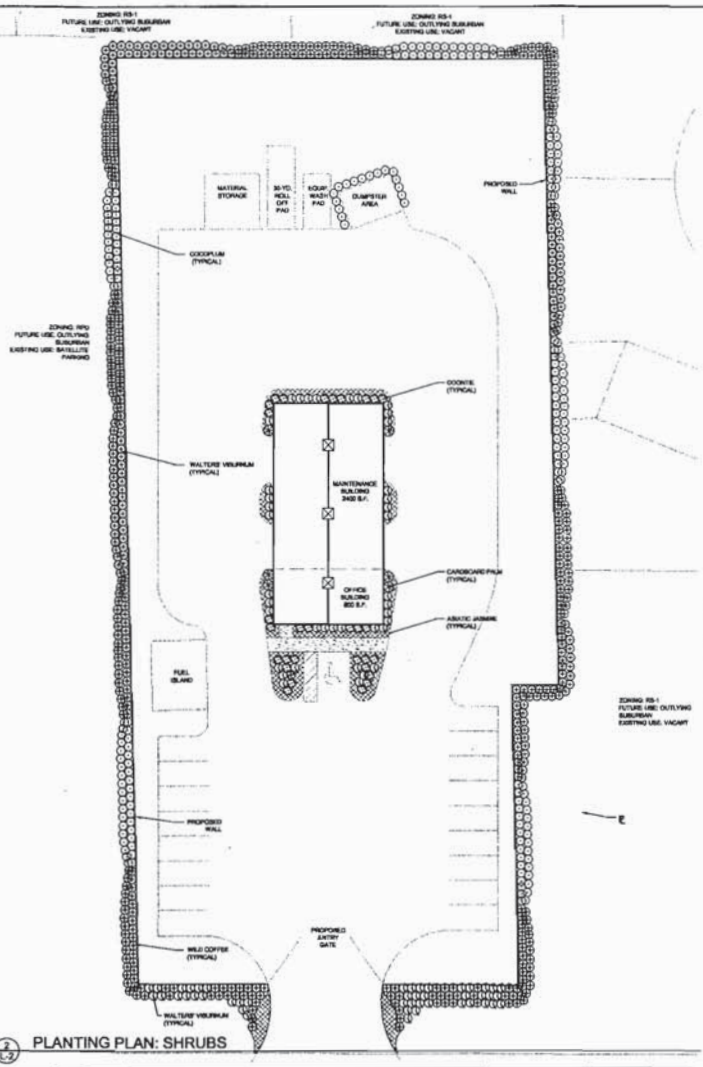
JOHNSON ENGINEERING
2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE: (239) 334-0046
FAX: (239) 334-3661
E.B. #642 & L.B. #642

DCI 2005-00005

LANDSCAPE BETTERMENT PLAN

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
SEPT 2005	20023590-07		AS SHOWN	7 OF 11





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SCALE IN FEET

Approved as Exhibit C
MCP Page 3 of 6
Resolution # Z-06-069

PLANT LEGEND

SYM		BOTANICAL NAME	COMMON NAME
		TREES/PALMS	
	PE	PINUS ELLIOTTI	SLASH PINE
	QL	QUERCUS LAURIFOLIA	LAUREL OAK
	QV	QUERCUS VIRGINIANA	LIVE OAK
	SP	SABAL PALMETTO	CABBAGE PALM
	TD	TAXODIUM DISTICHUM	BALD CYPRESS
		SHRUBS/GROUNDCOVERS/GRASSES	
	C	CHRYSOBALANUS ICACO	COCOPLUM
	HP	HAMELIA PATENS	FIREBUSH
	PN	PSYCHOTRIA NERVOSA	WILD COFFEE
	VO	VIBURNUM OBOVATUM	WALTERS' VIBURNUM
	ZF	ZAMIA FURFURACEA	CARDBOARD PALM
	ZP	ZAMIA PUMILA	COONTIE
	TA	TRACHELOSPERMUM ASIATICUM	ASIATIC JASMINE

△ PARKING TREES
□ GENERAL TREES

EXHIBIT C
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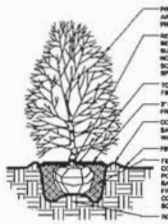
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MAINTENANCE FACILITY
LEE COUNTY, FLORIDA

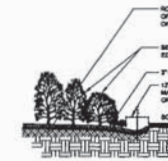
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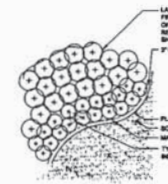
PLANTING PLANS

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
SEPT 2005	20023590-07		AS SHOWN	8 OF 11



1 L-3 TYPICAL SHRUB PIT PLANTING N.T.S.

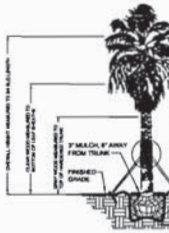




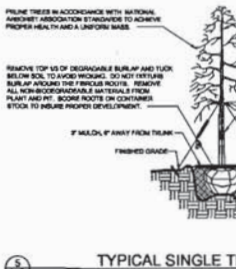
2 L-3 TYPICAL SHRUB BED PLANTING N.T.S.



3 L-3 TYPICAL MULTI-TRUNK TREE PLANTING N.T.S.



4 L-3 TYPICAL PALM TREE PLANTING N.T.S.



5 L-3 TYPICAL SINGLE TRUNK TREE PLANTING N.T.S.

LANDSCAPE CONSTRUCTION NOTES:

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES AND SERVICES BOTH UNDERGROUND AND OVERHEAD PRIOR TO THE COMMENCEMENT OF WORK. PROTECTION OF ALL UTILITIES AND SERVICES THROUGHOUT THE COURSE OF THE WORK IS EXPECTED.
2. ALL LANDSCAPE AREAS (EXCEPT FOR PLANTING BEDS) SHALL BE SODDED UNLESS OTHERWISE INDICATED ON THE DRAWINGS. CONTRACTOR SHALL GET APPROVAL OF FINE GRADING FROM LANDSCAPE ARCHITECT PRIOR TO THE INSTALLATION OF TURF. GRADING FOR LANDSCAPE BE RINGS SHOWN ON PLANS AND DETAILS IS APPROXIMATE ONLY. CONTRACTOR SHALL CONFER WITH LANDSCAPE ARCHITECT PRIOR TO COMMENCING THIS WORK TO CONFIRM ACTUAL SHAPES AND ELEVATIONS OF THE LANDSCAPE BERMING. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO FINISH GRADE ALL LANDSCAPE AREAS ELIMINATING ALL DEPRESSIONS, ROCKS, STICK, OR OTHER DEBRIS PRIOR TO THE INSTALLATION OF PLANT MATERIAL. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR MAINTAINING POSITIVE SHEET FLOW DRAINAGE AWAY FROM ALL STRUCTURES AND TO ALL DRAINAGE WAYS SHOWN OR IMPLIED ON THE DRAWINGS.
3. THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO RELOCATE/ REPOSITION ANY PLANTS AS SITE CONDITIONS MAY DICTATE DURING CONSTRUCTION.
4. THE CONTRACTOR SHALL COORDINATE ALL WORK WITH ALL TRADES SO AS TO AVOID ANY CONFLICT WITH THE EXECUTION OF WORK BY OTHERS. OWNER SHALL NOT BE RESPONSIBLE FOR THE DAMAGE TO PLANT MATERIALS CAUSED BY OTHER TRADES OR SUBCONTRACTORS. THE CONDITION OF PLANT MATERIAL SHALL BE IN ACCORDANCE TO THE LANDSCAPE ARCHITECT.
5. INSTALLATION OF INTERLOCKING PAVERS SHALL HAVE A BASE USING ROAD BASE CRUSHED STONE OR ASTM D2940, COMPACTED TO 98% DENSITY FOR PEDESTRIAN & LIGHT VEHICULAR TRAFFIC, 98% FOR HEAVY VEHICULAR TRAFFIC. PROVIDE PITCH FOR DRAINAGE. ONE INCH PER 1TEN FEET OF PAVING SURFACE, TO BE DONE DURING SUB-GRADE PREPARATION. BEDDING SAND SHOULD BE 1" TO 1 1/2" THICK, USING CONCRETE SAND (ASTM C33). WHEN COMPACTING PAVERS A RUBBER PAD SHOULD BE ATTACHED TO THE PLATE BOTTOM OF THE MECHANICAL VIBRATING MACHINE. FOR BEST PAVER COMPACTION USE A ROLLER COMPACTOR, FOR PRECISE CUTS, USE A DIAMOND BLADE SAW. A SOFT-ROMO, MATRIX-BLADE IS RECOMMENDED.
6. ALL LANDSCAPE AREAS SHALL BE PROTECTED FROM VEHICULAR ENCROACHMENT BY WHEELSTOPS AND/OR CURBING WHERE IMMEDIATELY ADJACENT TO PAVEMENT.
7. THE CONTRACTOR SHALL VERIFY ALL QUANTITIES ON THE DRAWINGS PRIOR TO BIDDING. ALL QUANTITIES ON THE DRAWINGS ARE PROVIDED FOR CONVENIENCE ONLY.
8. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL APPLICABLE PERMITS.

SPECIFICATIONS

PLANT MATERIALS: ALL TREES, PALMS, SHRUBS, GROUNDCOVERS, LITTORALS, WATER PLANTS, SOD AND VINES SHALL CONFORM TO THOSE SPECIES AND SIZES INDICATED ON THE DRAWINGS. ALL NURSERY STOCK SHALL BE IN ACCORDANCE WITH GRADES AND STANDARDS FOR NURSERY PLANTS AS DETERMINED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, UNLESS SPECIFIED OTHERWISE. ALL PLANTS SHALL BE FLORIDA GRADE NUMBER 1 OR BETTER AS DETERMINED BY THE FLORIDA DIVISION OF PLANT INDUSTRY. SPECIMEN MEANS A PLANT THAT IS TRAINED IN ITS DEVELOPMENT TO POSSESS UNQUESTIONABLE AND OUTSTANDINGLY SUPERIOR IN FORM, BRANCHING, COMPACTNESS AND SYMMETRY. TREES FOR PLANTING ROWS SHALL BE UNIFORM IN SIZE AND SHAPE. SINGLE TRUNK TREES SHALL HAVE A STRAIGHT, CENTRAL LEADER. MULTI-TRUNK TREES ARE TO HAVE 3-5 EQUAL SIZED TRUNKS UNLESS OTHERWISE SPECIFIED. PLANTS WITH MARRED OR BURNED TRUNKS WILL NOT BE ACCEPTED. PLANTS SHALL BE PRUNED PRIOR TO DELIVERY ONLY IN ACCORDANCE WITH INTERNATIONAL SOCIETY OF ARBORIST GUIDELINES TO INSURE PROPER HEALTH AND VIGOROUS GROWTH. ALL MATERIALS SHALL BE SUBJECT TO JOHNSON ENGINEERING INC.'S APPROVAL.

BALLED & BURLAPPED: ALL BALLED & BURLAPPED STOCK SHALL BE FRESHLY DUG, SOUND, HEALTHY, VIGOROUS, WELL-BRANCHED, FREE FROM DISEASE AND INSECTS, SECURE IN THE ROOTBALL, AND POSSESS ADEQUATE ROOT SYSTEMS. ALL BURLAP SHALL BE REMOVED FROM THE TOP ONE-THIRD OF THE BALL TO PREVENT WICKING. ANY BURLAP THAT IS NOT BIODEGRADABLE SHALL BE CAREFULLY REMOVED TO PROTECT DAMAGE TO FEEDER ROOTS. GROW BAGS SHALL BE REMOVED IN THEIR ENTIRETY. ALL BALLED & BURLAPPED STOCK THAT IS NOT IMMEDIATELY PLANTED, SHALL BE HEALED IN AND THOROUGHLY WATERED UNTIL PLANTING. LIFTING, MOVING, OR ADJUSTING THE PLANT MATERIAL BY THE TRUNK IS PROHIBITED.

CONTAINER GROWN STOCK: ALL CONTAINER GROWN STOCK SHALL BE HEALTHY, VIGOROUS, WELL-ROOTED (NOT ROOT BOUND), AND ESTABLISHED IN THE CONTAINER IN WHICH THEY ARE SOLD. THE PLANTS SHALL HAVE TOPS OF GOOD QUALITY AND BE IN A HEALTHY GROWING CONDITION. ALL CONTAINER GROWN STOCK THAT IS NOT IMMEDIATELY PLANTED, SHALL BE STORED IN A MANNER TO SHADE THE CONTAINERS FROM DIRECT SUNLIGHT TO MINIMIZE ROOT DAMAGE. ALL CONTAINER STOCK SHALL BE THOROUGHLY WATERED PRIOR TO PLANTING AND DURING STORAGE UNTIL PLANTING. LIFTING AND MOVING OF THE PLANT MATERIAL SHALL BE BY THE CONTAINER ONLY.

MEASUREMENTS: TREES' HEIGHTS SHALL BE MEASURED FROM GROUND TO THE AVERAGE BRANCH HEIGHT OF CANOPY. SPREAD SHALL BE MEASURED TO THE END OF BRANCHING EQUALLY AROUND THE CROWN FROM THE CENTER OF THE TRUNK. MEASUREMENTS SHALL NOT INCLUDE ANY TERMINAL GROWTH. SHRUBS' HEIGHT SHALL BE MEASURED FROM THE GROUND TO THE AVERAGE POINT WHERE MATURE PLANT GROWTH STOPS. SPREAD SHALL BE MEASURED TO THE END OF BRANCHING EQUALLY AROUND THE SHRUB MASS. MEASUREMENT SHALL NOT INCLUDE ANY TERMINAL GROWTH. PALMS SHALL BE MEASURED BY THREE HEIGHT CLASSIFICATIONS: OVERALL HEIGHT, CLEAR WOOD, AND GRAY WOOD. OVERALL HEIGHT SHALL BE MEASURED FROM THE FROM THE GROUND TO THE AVERAGE FROND HEIGHT AT TIME OF INSTALLATION. CLEAR WOOD SHALL BE MEASURED FROM THE GROUND AT TIME OF INSTALLATION TO THE BOTTOM OF THE FROND SHEATH. GRAY WOOD SHALL BE MEASURED FROM THE GROUND AT TIME OF INSTALLATION TO THE TOP OF HARDENED WOOD.

PLANTING SOIL AND BACKFILL: PLANTING SOIL FOR USE IN PREPARING BACKFILL FOR PLANT PITS SHALL BE A FERTILE, FRIABLE, NATIVE SOIL WITHOUT MIXTURE OF SUBSOIL MATERIALS. IT SHALL BE FREE FROM HEAVY CLAY, STONES, LIME, LUMPS, PLANTS, ROOTS OR OTHER FOREIGN MATERIALS, NOXIOUS GRASSES OR WEEDS. IT SHALL NOT CONTAIN TOXIC SUBSTANCES WHICH MAY BE HARMFUL TO PLANT GROWTH. AMEND SOILS WITH 3" MINIMUM OF ORGANICS TO ACHIEVE OPTIMAL PH, MOISTURE AND SOIL AERATION. ROTOTILL TO A DEPTH OF 6" AND INCORPORATE A COMPLETE, SLOW RELEASE FERTILIZER AT A 3-1-2 RATIO. THE RESULTS OF POST SOIL MODIFICATION TESTING, BASED ON LIKE PLANTING CONDITIONS AND AREA PROXIMITY, SHALL BE SUBMITTED TO JOHNSON ENGINEERING INC.'S FOR APPROVAL PRIOR TO PLANTING.

COMMERCIAL FERTILIZER: FERTILIZERS SHALL BE UNIFORM IN COMPOSITION, DRY, AND FREE FLOWING AND DELIVERED TO THE SITE IN ORIGINAL UNOPENED BAGS BEARING ALL THE MANUFACTURER'S LABELS. ALL FERTILIZER IS TO BE SLOW RELEASE AND COMPLETE WITH NECESSARY MICRONUTRIENTS. AFTER INSTALLATION, FERTILIZER SHALL BE CLEANED FROM ALL HARDSCAPE SURFACES AND WATERED IN THOROUGHLY PER MANUFACTURER'S SPECIFICATIONS. TREES AND SHRUBS GENERALLY SHALL CONSIST OF A SLOW RELEASE THE FORMULATION OF 3 PARTS NITROGEN TO 1 PART PHOSPHORCUS TO 2 PARTS POTASSIUM (3-1-2 RATIO). ALL TREES AND SHRUBS SHALL BE FERTILIZED BI-MONTHLY DURING THE GROWING REASON AT A RATE OF 4-8 LBS. OF A PER 100 SQ. FT. OF BASE (TREE CANOPY (FORM BASE TO DRIPLINE) OR PER MANUFACTURER'S RECOMMENDATION. SOD FERTILIZER SHALL BE TURF SPECIFIC FOR ESTABLISHING NEW LAWNS AND APPLIED PER MANUFACTURE'S RECOMMENDATION. UPON ESTABLISHMENT, THE TURF SHALL BE FERTILIZED AT A RATE OF 1 LB OF ACTUAL NITROGEN PER 1000 FT. SQ. OR PER MANUFACTURE'S RECOMMENDATION. (NOTE: BAHIA TURF SHALL RECEIVE FERTILIZATION AT A HALF RATE OF THE ABOVE TURF RECOMMENDATIONS.) APPLY A 10 LBS. OF A MIXTURE OF (1 PART NITROGEN TO 1 PART POTASSIUM WITH 0.3 PARTS MAGNESIUM) FERTILIZER QUARTERLY FOR ALL ESTABLISHED PALMS PER 2" OF HEIGHT OR PER MANUFACTURE'S RECOMMENDATION.

MULCH: MULCH MATERIAL SHALL BE SHREDDED EUCALYPTUS MULCH, FREE FROM WEED SEEDS, AND APPLIED TO A MINIMUM 3" DEPTH.

SOD: ALL SOD SHALL MEET FLORIDA STATE PLANT BOARD SPECIFICATIONS, ABSOLUTELY TRUE TO VARIETY TYPE, AND FREE FROM WEEDS, INSECTS, AND DISEASES OF ANY KIND. JOINTS SHALL BE STAGGERED AND BUTT TIGHT TO MINIMIZE AIR GAPS. THE GRADE SHALL BE SMOOTH, FREE OF DEBRIS, POSITIVELY DRAINED, AND MOIST TO SOD INSTALLATION. THE SOD SHALL BE ROLLED IN TWO DIRECTIONS PERPENDICULAR FROM ONE ANOTHER AT TER INSTALLATION TO ENSURE PROPER GROUND CONTACT. IN AREAS WHERE A ROLLER CANNOT BE USED, HAND TAMPING SHALL BE REQUIRED. SOD SHALL BE INSTALLED AND WATERED WITHIN 24 HOURS AFTER HARVESTING.

SUBSTITUTIONS: NO SUBSTITUTION OF ANY MATERIALS' VARIETIES, GRADES, OR SIZES SHALL BE ALLOWED WITHOUT WRITTEN AUTHORIZATION FROM JOHNSON ENGINEERING, INC. ANY / ALL UNAUTHORIZED SUBSTITUTIONS MAY REQUIRE REPAIRING / REPLACING AT THE CONTRACTOR'S EXPENSE AT JOHNSON ENGINEERING, INC.'S DISCRETION.

WARRANTY: THE CONTRACTOR SHALL WARRANTY ALL WORKMANSHIP FOR THE PERIOD OF ONE YEAR AFTER FINAL ACCEPTANCE AND ACCEPTANCE FROM THE OWNER AND JOHNSON ENGINEERING, INC. ANY DEAD, UNHEALTHY, NON-CONFORMING PLANT MATERIAL SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE WITHIN 7 DAYS OF NOTICE FROM THE OWNER OR JOHNSON ENGINEERING, INC. THE CONTRACTOR SHALL NOT BE LIABLE FOR "ACTS OF GOD" AND VANDALISM, NEGLIGENCE AND THEFT BY OTHERS.

QUALITY ASSURANCE: THE CONTRACTOR SHALL PROVIDE SUBSTANTIAL PROOF TO JOHNSON ENGINEERING, INC. THAT HE / SHE HAS A MINIMUM OF 8 YEARS EXPERIENCE IN THE FIELD OF LANDSCAPE CONTRACTING WITH PROJECTS OF SIMILAR SCOPE. THE CONTRACTOR MUST SUPPLY AT ALL TIMES ON SITE WHEN WORK IS BEING PERFORMED A QUALIFIED SUPERINTENDENT WITH A MINIMUM OF 18 MONTHS FIELD EXPERIENCE. ALCA LANDSCAPE CERTIFICATIONS CAN SUBSTITUTE IN LIEU OF THE EXPERIENCE REQUIREMENT AT JOHNSON ENGINEERING, INC.'S DISCRETION.

STATUTORY LANDSCAPE NOTES:

1. SEE ENGINEERING PLANS FOR ALL OTHER REQUIRED CALCULATIONS. THIS VEGETATION PLAN MEETS MINIMUM EXCEEDS THE MINIMUM REQUIREMENTS OF THE LANDSCAPING SECTION OF THE LEE COUNTY LANDSCAPING CODE.
2. SEVENTY-FIVE PERCENT (75%) OF THE TOTAL NUMBER OF REQUIRED TREES AND FIFTY PERCENT (50%) OF THE TOTAL NUMBER OF REQUIRED SHRUBS USED IN BUFFERS AND LANDSCAPE SHALL BE OF INDIGENOUS NATIVE VARIETIES.
3. ALL REQUIRED TREES AT THE TIME OF INSTALLATION MUST:
   1) BE A MINIMUM OF 10' IN HEIGHT;
   2) HAVE A 2" CALIPER OF TRUNK DIAMETER (AT 12" ABOVE THE GROUND).
   3) HAVE A 4' DIAMETER SPREAD OF CANOPY.
4. PALMS MUST HAVE A MINIMUM OF 10' OF CLEAR TRUNK AT THE TIME OF INSTALLATION.
5. ALL TREES NOT HAVING A MATURE CANOPY OF A TWENTY FEET (20') MINIMUM SHALL BE MASSED TO CREATE AN EQUIVALENT TWENTY FEET (20') OF CANOPY.
6. ALL TREES ADJACENT TO WALKS, BIKE PATHS, AND RIGHTS-OF-WAY MUST BE MAINTAINED WITH EIGHT FOOT OF CLEAR TRUNK.
7. REQUIRED SHRUBS AND HEDGES MUST BE A MINIMUM OF 24" (48" FOR TYPE F BUFFERS) IN HEIGHT ABOVE THE ON-SITE ADJACENT PAVEMENT SURFACE REQUIRED TO BE BUFFERED AND/OR SCREENED WHEN MEASURED AT THE TIME OF PLANTING. THEY MUST BE A MINIMUM THREE (3) GALLON CONTAINER SIZE, AND SPACED 18" TO 36" ON CENTER. REQUIRED SHRUBS AND HEDGES MUST BE AT LEASE 36" (60" FOR TYPE F BUFFERS) IN HEIGHT WITHIN 12 MONTHS OF INSTALLATION, EXCEPT FOR VISIBILITY AT INTERSECTIONS AND WHERE PEDESTRIAN ACCESS IS PROVIDED. REQUIRED HEDGES MUST BE PLANTED IN DOUBLE STAGGERED ROWS AND MAINTAINED TO FORM A CONTINUOUS, UNBROKEN, VISUAL SCREEN WITHIN 12 MONTHS OF INSTALLATION.
8. PLANT MATERIALS SHALL CONFORM TO THE STANDARDS FOR FLORIDA NO 1 OR BETTER AS GIVEN IN "GRADES AND STANDARDS FOR NURSERY PLANTS", PARTS 1 AND II, DEPARTMENT OF AGRICULTURE, STATE OF FLORIDA (AS AMENDED).
9. ALL TREES INSTALLED IN RESPONSE TO THE REQUIRED INTERNAL LANDSCAPE AREAS, ALSO KNOWN AS INTERNAL CANOPY TREES SHALL BE LOCATED WHERE AND AS SHOWN ON THE DRAWINGS. PALMS MAY BE SUBSTITUTED ON A 3:1 BASIS AND CLUSTERED WITH CONSENT OF LANDSCAPE ARCHITECT.
10. PLANTINGS IN EASEMENTS, UTILITY, POWER, OR DRAINAGE EASEMENTS MAY OVERLAP REQUIRED BUFFERS; HOWEVER NO REQUIRED TREES OR SHRUBS MAY BE LOCATED IN ANY UTILITY, POWER, OR STREET EASEMENT OR RIGHT-OF- WAY.
11. THE CONTRACTOR SHALL PROVIDE AND MAINTAIN THROUGH FINAL ACCEPTANCE (DEATH/CAPE OF COMPLIANCE) A TREE PROTECTION BARRIER FOR ALL INDIVIDUAL OR MASSES OF INDIGENOUS PLANT MATERIALS BEING CREDITED AND/OR PRESERVED. ANY TREES USED FOR CREDIT THAT ARE DAMAGED DURING CONSTRUCTION, SHALL BE REPLACED AT A 5:1 RATIO FOR TREES AND 5:1 RATIO FOR PALMS.
12. PLANT MATERIAL PROVIDED IN COMPLIANCE TO THE LEE COUNTY LDC MAY ONLY BE PRUNED TO PROMOTE HEALTH, UNIFORM, AND NATURAL GROWTH OF THE SPECIFIC PLAN (EXCEPT WHERE NECESSARY TO PROMOTE PUBLIC HEALTH, SAFETY, AND WELFARE) PRUNING MUST BE IN ACCORDANCE TO AND ACCEPTABLE WITH THE "PRUNING STANDARDS" (LATEST EDITIONS) ISSUED BY THE NATIONAL ARBORIST ASSOCIATIONS." SEVERELY PRUNED AND/OR DAMAGED TREES MUST BE REPLACED HAT-RACKING PRACTICES ARE PROHIBITED.
13. THE FOLLOWING EXOTIC SPECIES OF PLANTS SHALL BE REMOVED AND MAINTAINED FROM OPEN SPACES IN PERPETUITY: A. MELALEUCA SPP. (PUNK, CAJEPUT, PAPERBACK TREE) B. CASUARINA SPP. (AUSTRALIAN PINE) C. SCHINUS SPP. (BRAZILIAN PEPPER, FLORIDA HOLLY) D. ACACIA AURICULIFORMIS (EARLEAF ACACIA) E. RHODOMYRTUS TOMENTOSA (DOWNY ROSE MYRTLE) F. SOLANUM VIARUM (TROPICAL SODA APPLE) G. ALBIZIA LEBBECK (WOMAN'S TOGUE) H. SCHOTIA LATIFOLIA (BISHOPWOOD) I. OLPHANOPSIS AMCARDIODES (CARROTWOOD) J. CALOPHYLLUM BRASILIENSE (ROSE WOOD) K. DIOSCOREA ALATA (AIR POTATO) L. EUCALYPTUS CAMALDULENSIS (MURRAY RED GUM) M. CUPHEA HYSSOPIFOLIA (FALSE HEATHER) N. FICUS MICROCARPA (CHINESE BANYAN) O. LYGODIUM JAPONICUM (CLIMBING FERN, OLD WORLD CLIMBING FERN) Q. SAPIUM SEBIFERUM (CHINESE TALLOW) P. SYZYGIUM LAVIA PLUM, ROSE APPLE) Q. THESPESIA POPULNEA (CORK TREE) R. WEDELIA
14. AN AUTOMATIC IRRIGATION SYSTEM COMBINING DRIP, SPRAY HEADS AND ROTORS AS APPROPRIATE WILL BE INSTALLED TO PROVIDE 100% COVERAGE TO ALL LANDSCAPED AREAS. A MOISTURE RAIN SENSOR WILL BE INCLUDED IN THE IRRIGATION SYSTEM AND LOCATED ON THE SITE SO THAT IT WILL RECEIVE DIRECT RAINFALL, NOT IMPEDED BY OTHER OBJECTS. THE IRRIGATIVE SYSTEM WILL BE DESIGNED TO ELIMINATE THE APPLICATION OF WATER TO IMPERVIOUS AREAS, INCLUDING ROADS, DRIVES, AND OTHER VEHICLE USE AREAS. THE IRRIGATIVE SYSTEM WILL BE DESIGNED TO AVOID IMPACTS ON EXISTING NATIVE VEGETATION THAT WILL BE RETAINED ON THE DEVELOPMENT SITE AND NEW VERTICAL ARCHITECTURAL FEATURES.
15. A 3" MINIMUM LAYER OF ORGANIC MULCH , AFTER WATERING-IN, OR OTHER RECYCLED MATERIALS MUST BE PLACED AND MAINTAINED AROUND ALL NEWLY INSTALLED TREES, SHRUBS AND GROUNDCOVER PLANTINGS. EACH TREE MUST HAVE A RING OF MULCH NO LESS THAN 36" BEYOND ITS TRUNK IN ALL DIRECTIONS.
16. THE CONTRACTOR SHALL BE REQUIRED TO MAINTAIN SAFE SIGHT DISTANCE TRIANGLES AT ALL INTERSECTIONS AND VEHICULAR CONNECTIONS SIGHT TRIANGLES MUST BE IN ACCORDANCE WITH THE ROADSIDE RECOVERY AREA PROVISIONS OF FOOT GREEN BOOK. ALL SIGHT TRIANGLES SHALL MAINTAIN A CLEAR ZONE BETWEEN THIRTY-SIX (36) INCHES AND EIGHT FEET (8'). CONTRACTOR TO VERIFY PRIOR TO FINAL ACCEPTANCE.
17. VEGETATION REMOVAL PERMIT MUST BE OBTAINED FROM LEE COUNTY ENVIRONMENTAL SCIENCES DIVISION PRIOR TO THE COMMENCEMENT OF SITE WORK.

LANDSCAPE IRRIGATION NOTES:

1. SET DRAIN AND CHECK VALVES AS APPROPRIATE PER MANUFACTURE'S RECOMMENDATIONS.
2. GROUP (WHEN PRACTICAL) AND LOCATE VALVES BOXES AND CONTROLLERS IN AN UNOBTRUSIVE / ACCESSIBLE LOCATIONS APPROVED BY JOHNSON ENGINEERING, INC.
3. HEAD SPACINGS, WORKING PRESSURE, AND PIPE SIZES SHALL BE IN ACCORDANCE WITH MANUFACTURE'S RECOMMENDATIONS.
4. USE SUBSURFACE, DRIP, ROTORS, AND SPRAY HEADS WHEN APPROPRIATE. HEADS SHALL BE INSTALLED TO PROVIDE 100% HEAD-TO-HEAD COVERAGE TO ALL LANDSCAPED AREAS. A MOISTURE OR RAIN SENSOR SHALL BE INSTALLED PER MANUFACTURE'S RECOMMENDATIONS.
5. HEADS SHALL BE INSTALLED TO MINIMIZE OVERSPRAY TO ALL IMPERVIOUS AREAS INCLUDING SIDEWALKS, ROADS, DRIVES AND OTHER VEHICLE USE AREAS. NO OVERSPRAY ON WALLS, COLUMNS OR OTHER VERTICAL ARCHITECTURAL FEATURES SHALL BE ALLOWED.
6. ALL LITTORAL PLANTING AREAS SHALL HAVE INDEPENDENT ZONES TO ENSURE THE FLEXIBILITY OF REDUCING IRRIGATION APPLICATIONS DURING EXTENDED PERIODS OF RAINFALL. CUSTOMIZATION OF THE WATERING SCHEDULING SHALL INCLUDE DAILY, WEEKLY, AND MONTHLY OPTIONS.
7. GROUP PLANT MATERIALS ACCORDING TO SFWMD XERISCAPE PRINCIPLES WHEN PRACTICAL.
8. TURFGRASS AREAS AND PLANTING BEDS SHALL HAVE SEPARATE ZONES AND RUN INDEPENDENTLY FROM ONE ANOTHER WHEN PRACTICAL.

Approved as Exhibit C
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Resolution # Z-06-069

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H:\20023590-07\MCP\Landscape Plan.dwg (Details) mar Feb 13, 2007 - 5:04pm

REVISIONS			

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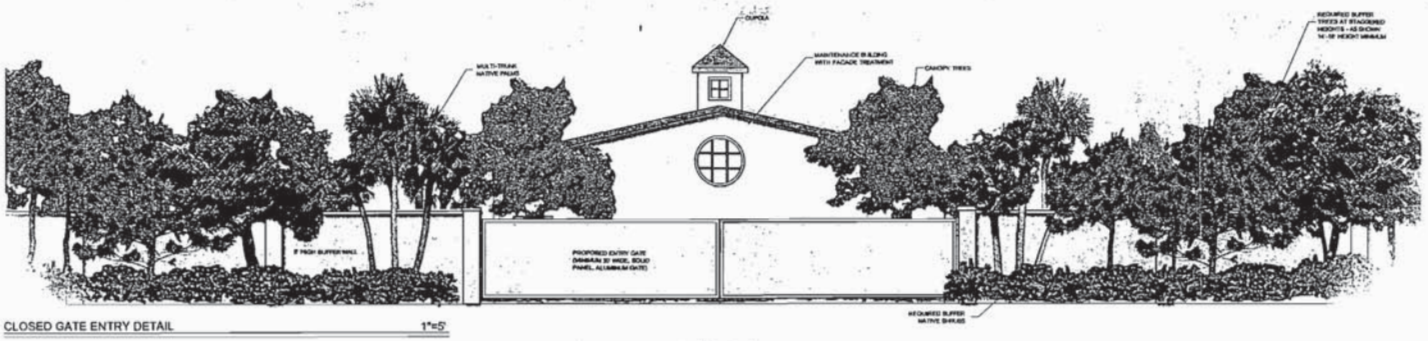
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JOHNSON ENGINEERING
2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

RECEIVED
FEB 15 2007
DCI 2005-00005

LANDSCAPE DETAILS

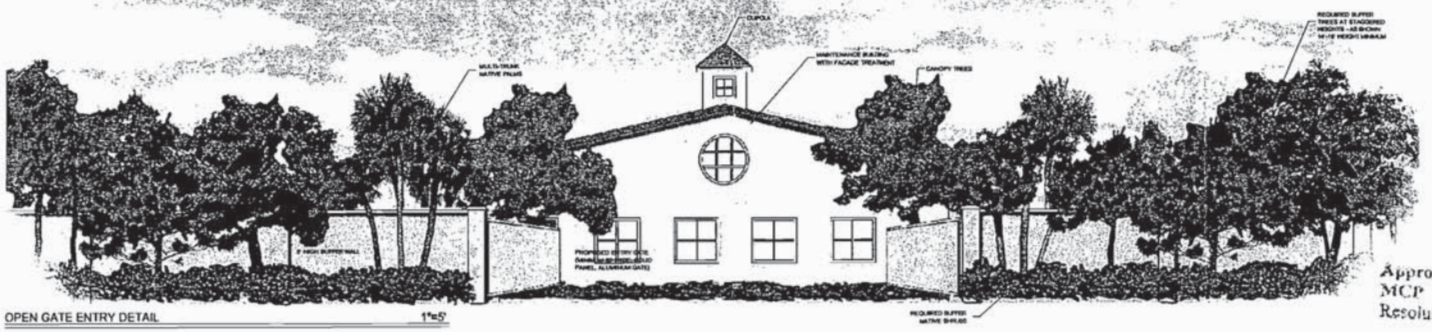
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
SEPT 2005	20023590-07		A



CLOSED GATE ENTRY DETAIL 1"=5'

FEB 15 2007

DCI 2005-00005



OPEN GATE ENTRY DETAIL 1"=5'

Approved as Exhibit C
MCP Page 5 of 6
Resolution # Z-06-069

N:\20022092-07\MCP\3590-MCP.dwg (10 ENTRY DETAILS AND NOTES) mar Feb 15, 2007 - 2:44pm

REVISIONS		

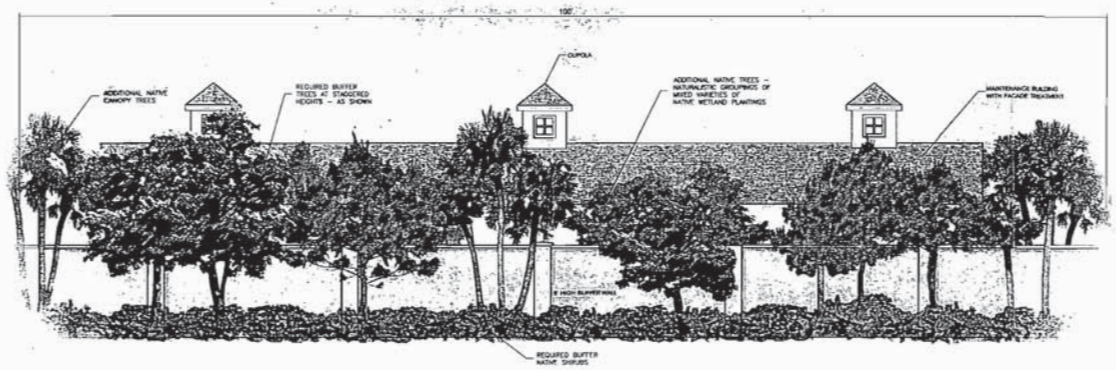
SEVERN - TRENT
FOR BAYSIDE CDD

BAYSIDE CDD
MAINTENANCE FACILITY
LEE COUNTY, FLORIDA

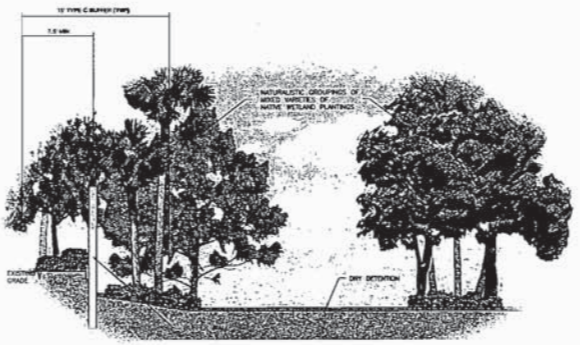
JOHNSON ENGINEERING
2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

ENTRY DETAILS AND NOTES

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET



BUFFER WALL DETAIL - TYPICAL 100' SECTION 1"=5'



ENHANCED TYPE C BUFFER/DRY DETENTION - TYPICAL 1"=5'

FEB 15 2007

DCI 2005-00005

Approved as Exhibit C
MCP Page 6 **of** 16
Resolution # Z-06-069

EXHIBIT C
Page 6 of 16

k:\20022080-07\MCP\3590-MCP.dwg (11 BUFFER WALL AND DETAILS) mar Feb 15, 2007 - 5:12pm

REVISIONS			

SEVERN - TRENT
FOR BAYSIDE CDD

BAYSIDE CDD
MAINTENANCE FACILITY
LEE COUNTY, FLORIDA

JOHNSON ENGINEERING
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P.O. BOX 1550
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FAX (239) 334-3661
E.B. #642 & L.B. #642

BUFFER DETAILS AND NOTES

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET

EXHIBIT "F"
PELICAN LANDING DRI
DEVELOPMENT PARAMETERS
(updated through ~~3-1-01~~ January 2006)

Land Use	Units[1]	Existing (1998)	Build out Total (2008~~9~~)
Residential	DU	1083	~~4,400~~ 3,912
Single Family	DU	402	~~665~~ 930
Multi Family	DU	596	~~3,735~~ 2,982
Retail[2]	GFA	11,000	300,000
Office[3]	GFA	134,738	475,000
Hotel/Motel	Rooms	0	750
Recreation Uses			
Pelican Nest Golf Course/Clubhouse/ Practice Range	Holes	21	30
Colony Range Club/ Golf Course/ Clubhouse/Practice Range	Holes	19	19
Resort Golf Course/ Clubhouse Practice Range	Holes	0	28
Tennis Center	Courts	12	24
Coconut Marina	Boat Slips Wet	24	48
	Dry	0	150
Redfish Point	GFA	5,000	5,000
	Boat Slips Wet	15	15
Other[4]	Boat Slips Wet	2	2
	Accessory Parking	0	3.2
	CDD's Maintenance Facility		1.45

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

DCD

Lee County Board Of County Commissioners
Agenda Item Summary **Blue Sheet No. 20071812**

1. ACTION REQUESTED/PURPOSE:
Adopt Resolution extending the phase-end, buildout, and termination dates of the Pelican Landing DRI by three years.

2. FUNDING SOURCE:
n/a

3. WHAT ACTION ACCOMPLISHES:
Extends the phase-end, buildout, and termination date of the Pelican Landing DRI in response to recent amendments to Florida Law.

4. MANAGEMENT RECOMMENDATION: Adopt Resolution

5. Departmental Category: C3B		**6. Meeting Date:** 10/2/2007
7. Agenda: Consent	**8. Requirement/Purpose:** *(specify)* ☒ Statute 380.06(19)(c) ☐ Ordinance ☐ Admin Code ☐ Other	**9. Request Initiated** **Commissioner:** **Department:** COMMUNITY DEVELOPMENT **Division:** Zoning **By:** Mary Gibbs

10. Background:
On June 19, 2007, the Governor of the State of Florida signed House Bill 7203 (Engrossed 3) into law. The Bill provides, among other things, for an amendment to Florida Statutes, Section 380.06(19)(c), so as to grant a three-year extension of all phase, buildout, and expiration dates for Developments of Regional Impact that are under active development on July 1, 2007. The legislation was prompted by the downturn in the economy.

The Office of the County Attorney and Department of Community Development have reviewed each DRI approved in Lee County. Together, the County Attorney and DCD staff have confirmed that the Pelican Landing DRI is eligible for the three-year extension of all phase, buildout, and expiration dates.

The statutory extension of three years has no affect on the concurrency status of the project. Projects that were deemed vested for concurrency, pursuant to development agreements, may only extend vesting beyond the original buildout date if a reanalysis of the transportation impacts demonstrates that no additional mitigation is necessary. In the event reanalysis of the transportation impacts at the new build-out year reflects the need for additional mitigation, the extension of vesting may only be accomplished through an amendment to the Development Agreement with the County.

Further extension of the phasing or buildout dates of the DRI will be subject to the Notice of Proposed Change process set forth in Chapter 380, Florida Statutes.

Attachment: Resolution

11. Required Review:

Mary Gibbs	Thelma Davis	Dawn Perry-Lehnert	Dinah Lewis	Peter Winton	
COMMUNITY DEVELOPMENT	Budget Analyst	County Attorney	Budget Services	County Manager	

12. Commission Action:

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

DATE: October 2, 2007

TO: Shirley Carney, Office Manager
Public Resources

FROM: Dawn E. Perry-Lehnert
Assistant County Attorney

RE: BOCC Meeting of October 2, 2007
Consent Agenda Items: C3A and C3B
(Stoneybrook (Corkscrew Pines) DRI and Pelican Landing DRI)
Original Resolutions Approved as to Form

Attached are the original resolutions adopted by the Board at the October 2, 2007 BOCC meeting. The resolutions have been reviewed and approved as to form and are ready for the Chairman's signature. After the Chairman signs the resolution, please forward to the Minutes Department for attestation and further processing.

By copy of this memorandum to Lisa Pierce, I request that a clerk attest to the Chairman's signature on each document. Once this has been accomplished, please prepare one certified copy of each resolution forward these documents to my office no later than October 9, 2007.

Thank you for your assistance.

DPL/tlb
Attachments

cc: (w/o attachments)
Mary Gibbs, Director, DCD
Lisa Pierce, Supervisor, Minutes Department

RESOLUTION NO. 07-10-03

RESOLUTION PERTAINING TO STATUTORY EXTENSION OF PHASE, BUILDOUT, AND EXPIRATION DATES FOR THE PELICAN LANDING DRI.

WHEREAS, the Governor of the State of Florida signed House Bill 7203 (Engrossed 3) into law on June 19, 2007 (hereinafter HB7203); and,

WHEREAS, HB7203 provides, among other things, for an amendment to Florida Statutes, Section 380.06(19)(c), so as to grant a three-year extension of all phase, buildout, and expiration dates for Developments of Regional Impact that are under active construction on July 1, 2007; and,

WHEREAS, the statutory extension is in recognition of the 2007 real estate market conditions; and,

WHEREAS, HB7203 provides that the three-year extension is not a substantial deviation, is not subject to further Development of Regional Impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under Section 380.06(19)(c), Florida Statutes; and,

WHEREAS, the Pelican Landing DRI has been determined to be under active construction on July 1, 2007; and, therefore, is entitled to the statutory extension of all phase, buildout, and expiration dates by operation of law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Lee County, Florida, that the Pelican Landing DRI is hereby amended as follows with strikethrough text indicating deletions and underlined text indicating additions to the provisions of the DRI Development Order as follows:

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. . . .

Water supply and wastewater treatment, and reclaimed water, when available, will be provided by Bonita Springs Utilities, Inc. The project buildout date is May 20, ~~2009~~2012.

. . .

L. Pelican Landing DRI qualified for the statutory three-year extension to all phase, buildout and expiration dates granted by the 2007 Florida Legislature under House Bill 7203 (amending F.S. §380.06(19)(c)) and signed into law on June 19, 2007. The Board of County Commissioners granted the extension pursuant to Lee County Resolution 07-10-03, as the Thirteenth Amendment to the Pelican Landing DRI Development Order, adopted on October 2, 2007. Under HB7203, the three-year extension is not a substantial deviation, is not subject

to further Development of Regional Impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under F.S. §380.06(19)(c).

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

. . .

H. Transportation

1. Significant Impact

a. The traffic impact assessment for this project assumes the development parameters and land uses shown in Exhibit F, "Pelican Landing DRI Development Parameters." The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Planning Horizon I (1997) and buildout (~~2009~~2012). Each monitoring report, described in Paragraph 4, must reflect whether the roadways and intersections described below are significantly impacted or are projected to be significantly impacted by this project in the following year.

b. The Pelican Landing DRI is projected to significantly and adversely impact (as defined by Lee County Administrative Code) the following roadways and intersections:

. . .

Buildout (~~2009~~2012)

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 and 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 and right turn lanes
	-	Separate WB thru and left turn lanes

2. Mitigation

a. The developer will pay impact fees as defined in the Lee County 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 are estimated to be $8,900,000 for the land uses identified in Exhibit 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 ~~2009~~2012. Estimated Road Impact Fees from this project exceed the community's estimated proportionate share dollar amount of all significantly impacted roadway improvements.

. . .

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

. . .

11. The project has a buildout date of May 20, ~~2009~~ 2012, and a termination date of May 20, ~~2012~~ 2015. The buildout and termination dates reflect adjustment of one year and 141 days applicable to the tolling of time for the appeal/challenge to the original DRI Development Order. The termination date recognizes that a local Development Order, which is valid for three years, may be obtained prior to the buildout expiration date.

. . .

14. The project will not be subject to down-zoning, unit density reduction, intensity reduction or prohibition of development until ~~2012~~ 2015. If the County 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 ~~2012~~ 2015, 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 2020 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.

IV. EXHIBIT F - PELICAN LANDING DRI DEVELOPMENT PARAMETERS

Exhibit F to the Pelican Landing DRI Development Order is hereby amended to reflect an extension of the buildout date as indicated in the attached exhibit.

V. TRANSMITTAL AND EFFECTIVE DATE

The County 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.

Commissioner Hall made a motion to adopt the foregoing resolution, seconded by Commissioner Mann. The vote was as follows:

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 2nd day of October 2007.

ATTEST:
CHARLIE GREEN, CLERK

BY: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Robert P. Janes, Chair

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

Approved as to form by:

_____
Dawn E. Perry-Lehnert
County Attorney's Office

EXHIBIT "F"
PELICAN LANDING DRI
DEVELOPMENT PARAMETERS
(updated through January 2006)

Land Use	Units[1]	Existing (1998)	Buildout Total (~~2009~~2012)
Residential	DU	1083	3,912
Single Family	DU	402	930
Multi Family	DU	596	2,982
Retail[2]	GFA	11,000	300,000
Office[3]	GFA	134,738	475,000
Hotel/Motel	Rooms	0	750
Recreation Uses			
Pelican Nest Golf Course/Clubhouse/ Practice Range	Holes	21	30
Colony Range Club/ Golf Course/ Clubhouse/Practice Range	Holes	19	19
Resort Golf Course/ Clubhouse Practice Range	Holes	0	28
Tennis Center	Courts	12	24
Coconut Marina	Boat Slips Wet	24	48
	Dry	0	150
Redfish Point	GFA	5,000	5,000
	Boat Slips Wet	15	15
Other[4]	Boat Slips Wet	2	2
	Accessory Parking	0	3.2
	CDD's Maintenance Facility		1.45

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

Lee County Board Of County Commissioners
Agenda Item Summary **Blue Sheet No. 20110859**

1. ACTION REQUESTED/PURPOSE:
Adopt Resolution extending the commencement, phase, build-out and expiration dates for the Pelican Landing Development of Regional Impact (DRI) by four years.

2. FUNDING SOURCE:
N/A.

——N/A

3. WHAT ACTION ACCOMPLISHES:
Extends the commencement, phase, build-out and expiration dates in accordance with Chapter 2011-139, Laws of Florida (HB 7207) adopted June 2, 2011.

4. MANAGEMENT RECOMMENDATION: Adopt Resolution approving Development Order Amendment.

5. Departmental Category: C14A		**6. Meeting Date:** 11/15/2011
7. Agenda: Consent	**8. Requirement/Purpose:** *(specify)* ☒ Statute 380.06, F.S. ☐ Ordinance ☐ Admin Code ☒ Other Ch. 2011-139, Laws of Florida	**9. Request Initiated** **Commissioner:** **Department:** COUNTY ATTORNEY **Division:** Administrative Services Section **By:** John Fredyma, Assistant County Attorney

10. Background:
The Governor of the State of Florida signed House Bill 7207 into law (hereinafter HB 7207) which has since been codified as Chapter 2011-139, Laws of Florida. The legislation provides (in pertinent part) that, at the option of the developer, all commencement, phase, build-out and expiration dates for currently valid DRIs are extended for four years, regardless of previous extensions.

In order to benefit from the extension granted by the legislature, the holder of a valid DRI Development Order must notify the County in writing of intention to request an extension no later than December 31, 2011. Lee County received a request for extension for the Pelican Landing DRI Development Order prior to the deadline.

Attachments:
1. Resolution extending Development Approvals by Four Years (Pelican Landing DRI - 14th Amendment)
2. Pelican Landing DRI Development Order Amendment (also Exhibit "A" to Resolution)

11. Required Review:

Michael Hunt	*Reginald Kantor*	*David Harris*	*Peter Winton*		
COUNTY ATTORNEY	Budget Analyst	Budget Services	County Manager		

12. Commission Action:

RESOLUTION NO. 11-11-25

RESOLUTION PERTAINING TO STATUTORY EXTENSION OF DEVELOPMENT OF REGIONAL IMPACT COMMENCEMENT DATE FOR THE PELICAN LANDING DRI.

WHEREAS, in 2011, the Governor of the State of Florida signed House Bill 7207 into law, which provided a four-year extension of Development of Regional Impact (DRI) Development Orders; and,

WHEREAS, HB7207 now Chapter 2011-139, Laws of Florida allows for a four-year extension of the commencement, phase, build out, and expiration dates of DRI Development Orders upon written request that have an expiration date; and,

WHEREAS, the holder of a valid DRI Development Order must notify the local government in writing no later than December 31, 2011, of the intention to utilize the extension and the anticipated timeframe for acting on the authorization; and,

WHEREAS, the Board finds that the Pelican Landing DRI qualifies for the extension contemplated by Chapter 2011-139, Laws of Florida since a request for extension was submitted within the necessary time frame established by Statute; and,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA that:

1. The above stated recitals are incorporated into this Resolution by reference.

2. The DRI Development Order for Pelican Landing DRI is hereby amended as reflected in the attached Exhibit "A."

3. This Resolution and its exhibits constitute the Fourteenth Codified Development Order Amendment to the Pelican Landing DRI. Development of the project must be consistent with the DRI Development Order attached as exhibit A and the governing zoning approvals.

C14a
11-15-11

4. Certified copies of this Resolution will be forwarded to the Southwest Florida Regional Planning Council, the Florida Department of Economic Opportunity and other appropriate agencies. This amendment is rendered as of the date of 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. Once effective, the Notice of Adoption of this Development Order Amendment must be recorded as provided for in Chapter 380, Florida Statutes.

Commissioner Tammara Hall made a motion to adopt the foregoing resolution. The motion was seconded by Commissioner John E. Manning. The vote was as follows:

John E. Manning	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 15th day of November, 2011.

ATTEST:
CHARLIE GREEN, CLERK

By: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: _____
John E. Manning, Chair

APPROVED AS TO FORM

By: _____
John J. Fredyma
Assistant County Attorney
Lee County Attorney's Office

Attachment: Exhibit A - 14th Amendment to Pelican Landing DRI Development Order

STATE OF FLORIDA

COUNTY OF LEE

I Charlie Green, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby Certify that the above and foregoing is a true and correct copy of Resolution No. 11-11-25 adopted by the Board of Lee County Commissioners at their meeting held on the 15th day of November, 2011.

Given under my hand and seal, at Fort Myers, Florida, this 21st day of November, 2011.

CIRCUIT COURT ★ LEE COUNTY, FLORIDA ★

CHARLIE GREEN,
Clerk of Circuit Court
Lee County, Florida

By: Marcia Wilson
Deputy Clerk

FOURTEENTH AMENDED DEVELOPMENT ORDER
FOR

PELICAN LANDING

A DEVELOPMENT OF REGIONAL IMPACT

STATE DRI #1-9293-121
COUNTY CASE DRI2005-00001

WHEREAS, on November 28, 2000, WCI Communities, Inc., the owner of the Pelican Landing Development of Regional Impact (DRI) most recently requested an amendment to the original Development Order (DO) adopted August 29, 1994, as amended; and

WHEREAS, this document incorporates the following 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, to add 3.2 acres;
9) September 18, 2000, to add 140 acres;
10) February 26, 2002, to revise the legal description and clearly define the jurisdictional line between the City and County;
11) October 7, 2002 , to accomplish the following: (a) adjust the original buildout date (from December 31, 2002 to May 21, 2004) and termination date (from December 31, 2005 to May 21, 2007) to reflect the one year and 141 days the effectiveness of the Development Order was tolled as a result of the 1996 appeal and challenge; and (b) extend the buildout and termination dates by 4 years and 364 days to May 20, 2009 and May 20, 2012, respectively;
12) December 4, 2006 (submitted by Bayside Improvement Community Development District on January 25, 2005), to amend the legal description and Map H to (a) include a 1.45 acre tract for the purpose of constructing a maintenance facility, and, (b) to reduce the number of residential dwelling units from 4,400 to 3,912 residential units and change the mix of units types to allow an increase in single family units from 665 to 930 unit and a reduction in multi-family units from 3,735 to 2,982; and

13) October 2, 2007, pursuant to House Bill 7203, a three-year extension was granted in response to Section 380.06(19)c, F.S., extending the buildout date to May 20, 2012, and the termination date to May 20, 2015;

WHEREAS, this is the Fourteenth Amendment to the Pelican Landing DRI Development Order; and,

WHEREAS, on June 2, 2011, House Bill 7207 (HB7207) was signed into law by the Governor of the State of Florida. HB7207, as codified in Chapter 2011-139, Laws of Florida, authorizing a four year extension for all valid DRI Development Orders. At the option of the developer, all commencement, phase, buildout and expiration dates for valid Developments of Regional Impacts may be extended by four years, regardless of previous extensions issued in the past; and,

WHEREAS, on July 11, 2011, Lee County received a request to extend the DRI compliance dates as contemplated under HB7202. If approved, the current buildout date for the Pelican Landing DRI Development Order would be extended four years from May 20, 2012, to May 20, 2016; and the current termination date of May 20, 2015, would be extended four years to May 20, 2019, and,

WHEREAS, Pelican Landing DRI qualifies for the extension of the DRI compliance dates; and,

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, that the Development Order for Pelican Landing DRI is hereby further amended as follows:

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The "Pelican Landing DRI" is a partially built master planned community on a total of 2749.7± acres located approximately three miles north of the Lee/Collier County Line. Approximately 1249.8 acres of the Pelican Landing DRI are located within the City of Bonita Springs; approximately 1217.9 acres of the Pelican Landing DRI are located within the unincorporated area of Lee County; and approximately 282± acres of the 2749.7±-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 proposal is to construct 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 will also include 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 date is May 20, ~~2012~~ 2016.

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, C and D.

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

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

Exhibit 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 attached Exhibits A, B and C.

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 proposed Development Order Amendment has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and

recommendations adopted by that body and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes. 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 classifications of the Lee Plan with 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 Amendment.

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 a 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.

K. A portion of the DRI property has been included in the incorporated limits of the City of Bonita Springs pursuant to legislation adopted during the 1999 Legislative session. The property now located in the City of Bonita Springs lies within the area described in section 6 of the Committee Substitute for Senate Bill 2626, 1st Engrossed. Pursuant to Florida Statutes section 380.06(15)(h), a separate DRI development order must be adopted by the City of Bonita Springs that incorporates 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 Statues, the Pelican Landing DRI development order adopted by the county 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. Pelican Landing DRI qualified for the statutory three-year extension to all phase, buildout and expiration dates granted by the 2007 Florida Legislature under House Bill 7203 (amending F.S. §380.06(19)(c)) and signed into law on June 19, 2007. The Board of County Commissioners granted the extension pursuant to Lee County Resolution 07-10-03, as the Thirteenth Amendment to the Pelican Landing DRI Development Order, adopted on October 2, 2007. Under HB7203, the three-year extension ~~is~~ did not constitute a substantial deviation, is not subject to further Development of Regional Impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under F.S. §380.06(19)(c).

M. House Bill 7202 (HB7207), as signed into law by the Governor of the State of Florida on June 2, 2011 (as codified in Chapter 2011-139, Laws of Florida) authorized a four year extension for all valid DRI Development Orders. At the option of the developer, all commencement, phase, buildout and expiration dates for valid Developments of Regional Impacts may be extended by four years regardless of previous extensions issued in the past.

In accord with HB 7207, the Pelican Landing DRI qualified for the extension of the DRI's compliance dates. Under HB 7207, the extension of the DRI's compliance dates does not constitute a substantial deviation of the original development order approvals warranting further DRI review.

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, in a public meeting duly advertised, constituted and assembled on November 15, 2011, that the ~~proposed amendments to the Pelican Landing DRI Development Order~~ Development of Regional Impact Application for Development Approval submitted on behalf of WCI Communities, Inc., for the project known as the Pelican Landing, is hereby APPROVED, SUBJECT TO the conditions, restrictions and limitations that follow.

For the purpose of this Development Order, the term "Developer" refers to and includes all successors or assigns, and all references to County Ordinances or other regulations, includes future amendments thereto.

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 will be 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 County and 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 are no regionally significant housing impacts for the first planning horizon of the DRI Development Order, which ends 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 ~~Florida Department of Community Affairs (DCA)~~ Florida Office of Economic Opportunity (FOEO) 1991 Draft methodology.

2. The SWFRPC, the ~~DCA~~ FOEO and Lee County accept 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 will be 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 home buyers, 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 home buyers 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 will be responsible for the initial electrical hook-up costs. The selection of the generator will be 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 (DNR) 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 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 developer will mitigate the hurricane shelter impacts for units 4051 through 4400 by paying $18.50 per unit to the Lee County Impact Fee Coordinator at the time of building permit approval. If the developer constructs an assisted living facility, the developer must comply with all aspects of Section 440.441(1)(b), F.S., as may be amended, including the preparation and submittal of a comprehensive emergency management plan that addresses emergency evacuation transportation and adequate sheltering arrangements for the ALF residents. The developer must update this plan annually. The County must use the funds paid pursuant to this condition to construct or upgrade hurricane shelter space in a location that will benefit the residents of the Pelican Landing Community. The eighteen dollar and fifty cents fee (1996 dollars) will be multiplied by the Dodge Data Service Building Cost Index for U.S. and Canadian cities for June 1 of each year subsequent to 1996, up to the time building permits are issued. This multiplier ensures payment of current dollars at the time the permits are issued. If the Building Cost Index is not available, the Consumer Price Index will be used instead, and applied by the method described above. If Lee County adopts an impact fee for hurricane shelters prior to, or during, the acquisition of building permits 4051 through 4400 then the Developer will pay the duly adopted impact fee, provided that fee is no less per unit than the per unit amount set out above, and this condition will have no further force and effect.

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~~ DNR 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~~ DNR.

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 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 the ~~Lee County Division of Natural Resources Management~~ DNR, Marine Sciences Program and Turtle Time.

10. The developer will comply with all water quality monitoring requirements imposed by the FDEP and the South Florida Water Management District (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~~ DNR, 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 that is designed and constructed to meet all requirements of the Standard Building Code, as adopted by Lee County.

E. Vegetation and Wildlife/Wetlands

The developer has 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 (FWCC)] 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 parcel and 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.

Prior to any new development within 1500 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 ~~DCA~~ FOEO, SWFRPC, FWCC, Lee County, 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 resubmittal. The agencies will provide a written response to Lee County 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.

Lee County and ~~DCA~~ FOEO 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 FWCC 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)~~ DNR 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~~ FOEO within 18 months of the effective date of the DRI Development Order, on November 14, 1994. Lee County, FGFWFC, and ~~DCA~~ FOEO 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 FWCC for the purpose of regionally significant gopher tortoise habitat.

The applicant and the Florida Fish and Wildlife Conservation Commission 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 FWCC. The initial Gopher Tortoise Incidental Take Permit LEE-9 must be modified by the FWCC 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 deleted ±22 acres will be formally released from the Conservation Easement by the FWCC.

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 FDEP 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 Coonties, 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~~ DNR 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 must design the golf course and conduct 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. 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 purposes, and 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~~ DNR 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 SFWMD "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 Improvement District (a district

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 Improvement District, 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 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 County Attorney's office.

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 traffic impact assessment for this project assumes the development parameters and land uses shown in attached Exhibit F, "Pelican Landing DRI Development Parameters." The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Planning Horizon I (1997) and buildout (2012)[1]. Each monitoring report, described in Paragraph 4, must reflect whether the roadways and intersections described below are significantly impacted or are projected to be significantly impacted by this project in the following year.

b. The Pelican Landing DRI is projected to significantly and adversely impact (as defined by Lee County Administrative Code) the following roadways and intersections:

[1]Pursuant to HB 7202, the buildout date was extended to 2016. However, the transportation analysis was conducted reflective of a buildout date of 2012. For this reason, the referenced date was not amended in this paragraph.

Planning Horizon I (1997)		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 and right turn lanes
	-	Separate WB thru and left turn lanes
Buildout (2012)[2]		
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

[2]Pursuant to HB 7202, the buildout date was extended to 2016. However, the transportation analysis was conducted reflective of a buildout date of 2012. For this reason, the referenced date was not amended in this paragraph.

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 and 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 and right turn lanes
	-	Separate WB thru and left turn lanes

2. Mitigation

a. The developer will pay impact fees as defined in the Lee County 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 are estimated to be $8,900,000 for the land uses identified in attached Exhibit 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 2012~~. 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 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 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, Lee County may apply any Pelican Landing impact fees not required for those specific improvements to other improvements consistent with the requirements of the Lee County Land Development Code.

b. If through the local development approval process, the developer constructs, with the approval of the Lee County DOT, 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 must dedicate 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 must construct, 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 will occur as follows:

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) Burnt Pine Drive North from Pelican Landing Parkway to Pelican Landing North Entrance: under construction no later than December 31, 1998.

3) Burnt Pine Drive North from Pelican Landing North Entrance to Coconut Road: should be under construction no later than December 31, 1999.

d. The developer agrees to reserve 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 will be dedicated to Lee County if and when requested. 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 may, with the concurrence of Lee County, make an advance payment of a portion of Pelican Landing's total Impact Fees up to 2 million dollars. Lee County would then utilize 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 is currently 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 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 will be 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), a properly constituted and designated property owners association or other appropriate entity, unless subsequently dedicated to and accepted by Lee County.

4. Traffic Monitoring Report

a. The developer will submit a biennial traffic monitoring report to the following entities for review and approval: Lee County, FDOT, ~~DCA~~ FOEO, and the Southwest Florida Regional Planning Council (SWFRPC).

The first monitoring report must be submitted by December 31, 2007. Reports must be submitted biennially thereafter until buildout of the project.

b. The monitoring report will be designed in cooperation with the Lee County Department of Transportation, FDOT, the SWFRPC and the ~~DCA~~ FOEO prior to the submittal of the first report. The methodology of the traffic monitoring report may be revised if agreed upon by all parties.

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

(1) P.M. peak hour existing volumes and turning 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)

Roadway	Segment	Improvement	Schedule
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	Hickory Blvd. to Vanderbilt	2 to 4	Planning Horizon I (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 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 is projected to exceed the adopted level of service standards adopted by Lee County within the forthcoming 12 months, and if the project is utilizing more than 5% of LOS "D" service volume 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 is scheduled for construction in the first three years of an adopted local government capital improvement program or state work program.

e. If the 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 more than 5% of level of service D service volume 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 FDOT 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.

I. Wastewater Management/Water Supply

1. The developer or the Bayside Improvement District must obtain a SFWMD 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 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 developer must provide written assurance that any hazardous commercial effluent, generated by the project, 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 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.

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 as defined by Lee County regulations.

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 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 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 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 area within 500 feet of the mangrove fringe of Estero Bay.

3. The management practices that the Developer will 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 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 must be 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 will submit the test reports with the annual monitoring report. The monitoring program will be 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.

5. The Developer will submit a written amended surface and groundwater quality management plan to Lee County and ~~DCA~~ FOEO. The amended plan must be approved by ~~DCA~~ FOEO prior to the application of chemicals to the proposed golf course. The ~~DCA~~ FOEO 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. ~~DCA~~ FOEO 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 ~~DCA~~ FOEO 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 ~~DCA~~ FOEO 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 will be 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 Lee County. 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 U.S. 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 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 FDEP 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 FDEP. Section 373.016, Florida Statutes provides that the legislature has vested the authority in the FDEP/SFWMD to accomplish the conservation, protection, management, and control of the waters of the state. To the extent that any requirements of ~~DCA~~ FOEO, SWFRPC, or Lee County pursuant to this DRI Development Order are contrary to those of the SFWMD/FDEP, in areas where the SFWMD and FDEP have been given preemptive authority, the requirements of the SFWMD and the FDEP will control.

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 Notice of Proposed Change (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 Lee County, adopted by the Board of County Commissioners in response to the application filed by WCI Communities, L.P. 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, and date-stamped received at the permit counter on May 2, 2006, is attached hereto as Exhibit 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~~ COE, 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 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 County 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 Board of County Commissioners, 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, the Board 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 May 20, ~~2012~~ 2016, and a termination date of May 20, ~~2015~~ 2019. The buildout and termination dates reflect adjustment of one year and 141 days applicable to the tolling of time for the appeal/challenge to the original DRI Development Order. The termination date recognizes that a local Development Order, which is valid for three years, may be obtained prior to the buildout expiration date.

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 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 ~~2015~~ 2019. If the County 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 ~~2015~~ 2019, 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 2020 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.

15. The developer, or its successor in title to the undeveloped portion of the subject property, will submit a report biennially to Lee County, SWFRPC, ~~DCA~~ FOEO 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 ~~DCA~~ FOEO. The first biennial monitoring report must be submitted to the Administrative Director of the ~~DCA~~ FOEO by December 31, 2007. Further reporting must be submitted biennially 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 County 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.

Commissioner Tammara Hall made a motion to adopt the Fourteenth Development Order Amendment, seconded by Commissioner John E. Manning. The vote was as follows:

John E. Manning	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 15th day of November, 2011.

ATTEST:
Charlie Green, Clerk

Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: _____
John E. Manning, Chair

APPROVED AS TO FORM

By: _____
John J. Fredyma
County Attorney's Office

Attachments:

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

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

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

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

Exhibit E. Map H, Master Development Plan - last revised January 2006, stamped received May 02, 2006.

Exhibit F. Pelican Landing DRI Development Parameters

DESCRIPTION: PELICAN LANDING – COUNTY

PARCEL 2–A

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 8 AND 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

BEGINNING AT AN INTERSECTION OF THE WEST LINE OF TAMIAMI TRAIL (STATE ROAD NO. 45) WITH THE SOUTH LINE OF COCONUT ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 1738 AT PAGE 2538 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTH 00°10'56" WEST ALONG SAID WEST LINE FOR 621.81 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHERLY AND SOUTHEASTERLY ALONG SAID WEST LINE, 1040.54 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS 5797.58 FEET, A DELTA ANGLE OF 10°17'00", (CHORD BEARING SOUTH 04°57'34" EAST FOR 1039.14 FEET), TO A POINT OF TANGENCY; THENCE RUN SOUTH 10°06'04" EAST ALONG SAID WESTERLY LINE FOR 938.08 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE–1/4) OF SAID SECTION 9; THENCE RUN SOUTH 89°23'00" WEST ALONG SAID SOUTH LINE FOR 708.94 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER (SE–1/4) OF SECTION 9; THENCE RUN WESTERLY ALONG SAID SOUTH LINE OF THE SOUTHWEST QUARTER (SW–1/4) OF SECTION 9, 4,515 FEET MORE OR LESS, TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW–1/4) OF SECTION 9; THENCE RUN WESTERLY ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE–1/4) OF SAID SECTION 8 FOR 1,838.15 FEET MORE OR LESS TO AN INTERSECTION WITH THE EASTERLY LINE OF SPRING CREEK ROAD AS DESCRIBED IN DEED BOOK 305 AT PAGE 276, LEE COUNTY RECORDS; THENCE CONTINUE NORTH 00°07'17" EAST ALONG SAID EAST LINE FOR 343.54 FEET; THENCE RUN SOUTH 89°38'58" EAST FOR 10.00 FEET; THENCE RUN NORTH 00°07'17" EAST ALONG SAID EAST LINE FOR 849.27 FEET TO THE SOUTHWEST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2039 AT PAGE 3364, OF SAID PUBLIC RECORDS; THENCE RUN SOUTH 89°21'02" EAST ALONG THE SOUTH LINE OF SAID LANDS FOR 189.98 FEET; THENCE RUN NORTH 00°07'17" EAST ALONG THE EAST LINE OF SAID LANDS FOR 125.01 FEET; THENCE RUN NORTH 89°21'02" WEST ALONG THE NORTH LINE OF SAID LANDS FOR 199.98 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF SAID SPRING CREEK ROAD; THENCE RUN NORTH 00°07'17" EAST ALONG SAID EAST LINE FOR 1292.76 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF COCONUT ROAD (50 FEET WIDE); THENCE RUN SOUTH 89°16'14" EAST ALONG SAID SOUTH LINE FOR 1802.38 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID SECTION 9; THENCE RUN NORTH 00°39'58" WEST ALONG SAID WEST LINE FOR 25.00 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW–1/4) OF SAID SECTION; THENCE CONTINUE ALONG SAID WEST LINE NORTH 00°39'58" WEST FOR 5.00 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID COCONUT ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 1738 AT PAGE 2538, SAID PUBLIC RECORDS; THENCE RUN SOUTH 89°35'50" EAST ALONG SAID SOUTH LINE FOR 1549.14 FEET; THENCE RUN SOUTHWESTERLY, 47.12 FEET ALONG A NON–TANGENTIAL CURVE TO THE LEFT, HAVING A RADIUS OF 30.00 FEET, A DELTA ANGLE OF 90°00'00", (CHORD BEARING SOUTH 45°24'10" WEST FOR 42.43 FEET), TO A POINT OF TANGENCY; THENCE RUN SOUTH 00°24'10" WEST FOR 336.31 FEET TO A POINT OF CURVATURE; THENCE RUN 424.12 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 270.00 FEET, A DELTA ANGLE OF 90°00'00", (CHORD BEARING SOUTH 44°35'50" EAST FOR 381.84 FEET), TO A POINT OF TANGENCY; THENCE RUN SOUTH 89°35'50" EAST FOR 99.41 FEET TO A POINT OF CURVATURE; THENCE RUN 256.23 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 530.00 FEET, A DELTA ANGLE OF 27°42'00", (CHORD BEARING SOUTH 75°44'50" EAST FOR 253.74 FEET); THENCE RUN NORTH 20°53'52" WEST FOR 748.16 FEET TO AN INTERSECTION WITH THE AFOREMENTIONED SOUTH LINE OF COCONUT ROAD; THENCE RUN ALONG SAID SOUTH LINE SOUTH 89°35'50" EAST FOR 1,301.22 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS: 294.56 ACRES, MORE OR LESS.

AND

PARCEL 2–B

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 7 AND 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW–1/4) OF SAID SECTION 8 RUN SOUTH 00°23'24" EAST ALONG THE WEST LINE OF SAID FRACTION FOR 25.00 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF COCONUT ROAD (50 FEET WIDE) AND THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING RUN SOUTH 89°16'14" EAST ALONG SAID SOUTH LINE FOR 3253.00 FEET TO AN INTERSECTION WITH THE WEST LINE OF SPRING CREEK ROAD; THENCE RUN THE FOLLOWING COURSES AND DISTANCES ALONG THE WESTERLY RIGHT–OF–WAY OF SAID SPRING CREEK ROAD; SOUTH 00°17'17" WEST FOR 817.15 FEET; NORTH 89°52'43" WEST FOR 14.27 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY, 346.81 FEET ALONG SAID ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1725.00 FEET, A DELTA ANGLE OF 11°31'09", (CHORD BEARING SOUTH 05°52'51" WEST FOR 346.22 FEET), TO A POINT OF TANGENCY; THENCE RUN SOUTH 11°38'26" WEST FOR 178.50 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY, 934.96 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 2400.00 FEET, A DELTA ANGLE OF 22°19'14", (CHORD BEARING SOUTH 00°28'49" WEST FOR 929.06 FEET), TO A POINT OF TANGENCY; THENCE RUN SOUTH 10°40'48" EAST FOR 231.66 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY, 118.80 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1725.00 FEET, A DELTA ANGLE OF 03°56'45", (CHORD BEARING SOUTH 08°42'25" EAST FOR 118.78 FEET), TO AN INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 8; THENCE RUN WESTERLY ALONG THE SOUTHERLY LINE OF SAID SECTION 8 AND SAID SECTION 7 FOR 5530 FEET MORE OR LESS TO THE WATERS OF ESTERO BAY; THENCE RUN NORTHERLY ALONG THE WATERS OF ESTERO BAY FOR 6,485 FEET MORE OR LESS TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTH HALF (S–1/2) OF GOVERNMENT LOT 2 OF SAID SECTION 7; THENCE RUN NORTH 89°32'15" EAST ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 2 FOR 793 FEET MORE OR LESS TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1895 AT PAGE 3817 OF SAID PUBLIC RECORDS; THENCE RUN SOUTH 08°50'45" EAST ALONG THE EAST LINE OF SAID LANDS FOR 199.50 FEET TO THE SOUTHEAST CORNER OF SAID LANDS; THENCE RUN NORTH 89°35'27" EAST FOR 666.22 FEET; THENCE RUN NORTH 89°32'15" EAST FOR 239.00 FEET TO AN INTERSECTION WITH THE WEST LINE OF COCONUT ROAD; THENCE RUN SOUTH 01°07'45" EAST ALONG SAID WEST LINE FOR 488.63 FEET; THENCE RUN NORTH 89°40'05" EAST ALONG THE SOUTH LINE OF SAID COCONUT ROAD FOR 24.69 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT OFFICIAL RECORD BOOK 1677 AT PAGE 3516 OF SAID PUBLIC RECORDS.

PARCEL CONTAINS: 343 ACRES, MORE OR LESS.

AND

"NOT A SURVEY"

LEGAL DESCRIPTION

PELICAN LANDING
LYING IN
SECTIONS 5, 6, 7, 8, 9, 13, 16, 17, 20, 21, & 24
TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

NOT VALID WITHOUT SHEETS 1-10 OF 10

GradyMinor
11940 FAWWAY LAKES DRIVE, SUITE 6
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Civil Engineers • Land Surveyors • Planners • Landscape Architects
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North Fort Myers 941.426.5858
Naples 239.444.2897

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DESCRIPTION: PELICAN LANDING – COUNTY

PARCEL 2–C

A PARCEL OF LAND LYING IN AND BEING A PORTION OF THE EAST HALF (E–1/2) OF THE NORTHWEST QUARTER (NW–1/4) OF SECTION 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF THE EAST HALF (E–1/2) OF THE NORTHWEST QUARTER (NW–1/4) OF SAID SECTION 8; THENCE RUN N 01°00' 45" W ALONG THE WEST LINE OF SAID EAST HALF (E–1/2) OF THE NORTHWEST QUARTER (NW–1/4) FOR 42.02 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT–OF–WAY LINE OF COCONUT ROAD (AS MAINTAINED); THENCE RUN S 89° 16' 14" E ALONG SAID RIGHT–OF–WAY FOR 171.25 FEET TO THE POINT OF BEGINNING.
FROM SAID POINT OF BEGINNING CONTINUE S 89° 16' 14 E ALONG SAID RIGHT–OF–WAY A DISTANCE OF 513.75 FEET; THENCE RUN N 01° 00' 44" W A DISTANCE 367.98 FEET; THENCE RUN N 89° 16' 14" W A DISTANCE OF 513.75 FEET; THENCE RUN S 01° 00' 44" E A DISTANCE OF 367.98 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 4.34 ACRES, MORE OR LESS.

AND

PARCEL 2–D

ALL OF LOTS B–1 THROUGH B–12 AND LOTS B–21 THROUGH B–32 OF FLORIDA GULF LAND COMPANY SUBDIVISION AS RECORDED IN PLAT BOOK 1 AT PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING SOUTH AND WEST OF LANDS OF FLORIDA POWER AND LIGHT COMPANY AS DESCRIBED BY DEED RECORDED IN DEED BOOK 244, PAGE 138 OF SAID PUBLIC RECORDS, ALSO LOT 8, BLOCK 14 OF ELDORADO ACRES, (AN UNRECORDED SUBDIVISION), AS SHOWN IN DEED BOOK 310 AT PAGE 183 OF SAID PUBLIC RECORDS; ALSO THE WEST HALF (W–1/2) OF THE SOUTHWEST QUARTER (SW–1/4) OF SAID SECTION 5 AND THE WEST HALF (W–1/2) OF THE NORTHWEST QUARTER (NW–1/4) OF SAID SECTION 8 LYING NORTH OF COCONUT ROAD; AND ALL OF GOVERNMENT LOT 1, SAID SECTION 7; AND ALL OF GOVERNMENT LOT 4 AND THE SOUTHEAST QUARTER (SE–1/4) OF THE SOUTHEAST QUARTER (SE–1/4) OF SAID SECTION 6 AND THE PARCEL AS SHOWN IN OFFICIAL RECORD BOOK 1762 AT PAGE 4173, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER (SE–1/4) OF SECTION 6; THENCE RUN NORTH 00°44'33" WEST, ALONG THE EASTERLY LINE OF SAID FRACTION, FOR 1300.67 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE–1/4) OF SAID SOUTHEAST QUARTER (SE–1/4). SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE RUN NORTH 00°41'04" WEST ALONG THE EASTERLY LINE OF SAID FRACTION FOR 1208.36 FEET; THENCE RUN DUE WEST FOR 349.47 FEET; THENCE RUN DUE SOUTH FOR 162.50 FEET; THENCE RUN NORTH 80°32'07" WEST FOR 600.67 FEET; THENCE RUN SOUTH 47°00'45" WEST FOR 523.62 FEET; THENCE RUN DUE SOUTH FOR 778.51 FEET; THENCE RUN SOUTH 89°36'52" EAST, ALONG THE SOUTHERLY LINE OF THE AFORESAID FRACTION OF A SECTION, FOR 1339.46 FEET TO THE POINT OF BEGINNING.

BEARINGS HEREINABOVE MENTIONED ARE BASED ON STATE PLANE COORDINATES FOR THE FLORIDA WEST ZONE.

PARCEL CONTAINS: 576 ACRES, MORE OR LESS.

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NOT VALID WITHOUT SHEETS 1-10 OF 10

LEGAL DESCRIPTION

PELICAN LANDING
LYING IN
SECTIONS 5, 6, 7, 8, 9, 13, 16, 17, 20, 21, & 24
TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

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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 236.89 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 DRI 2011-00001

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12/10/10
DATE; SIGNED

DONALD L. SCANTLAND JR. P.S.M
FL. LICENSE #6761
FOR THE FIRM

LEGAL DESCRIPTION

PELICAN LANDING
LYING IN
SECTIONS 5, 6, 7, 8, 9, 13, 16, 17, 20, 21, & 24
TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

"NOT A SURVEY"

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DESCRIPTION: PELICAN LANDING – CITY

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°59'08" 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.

"NOT A SURVEY"
NOT VALID WITHOUT SHEETS 1-10 OF 10

LEGAL DESCRIPTION

PELICAN LANDING
LYING IN
SECTIONS 5, 6, 7, 8, 9, 13, 16, 17, 20, 21, & 24
TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

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\\FM1\DATA\PROJECT SURVEY 2010\38 -- PELICAN LANDING\SURVEY\FM10-038-002.DWG

DESCRIPTION: PELICAN LANDING – CITY

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 PROLONGATION 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.

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LEGAL DESCRIPTION

PELICAN LANDING
LYING IN
SECTIONS 5, 6, 7, 8, 9, 13, 16, 17, 20, 21, & 24
TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

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\FM1\DATA\PROJECT SURVEY 2010\38 – PELICAN LANDING\SURVEY\FM10-038-002.DWG

DESCRIPTION: PELICAN LANDING – CITY

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 601 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.

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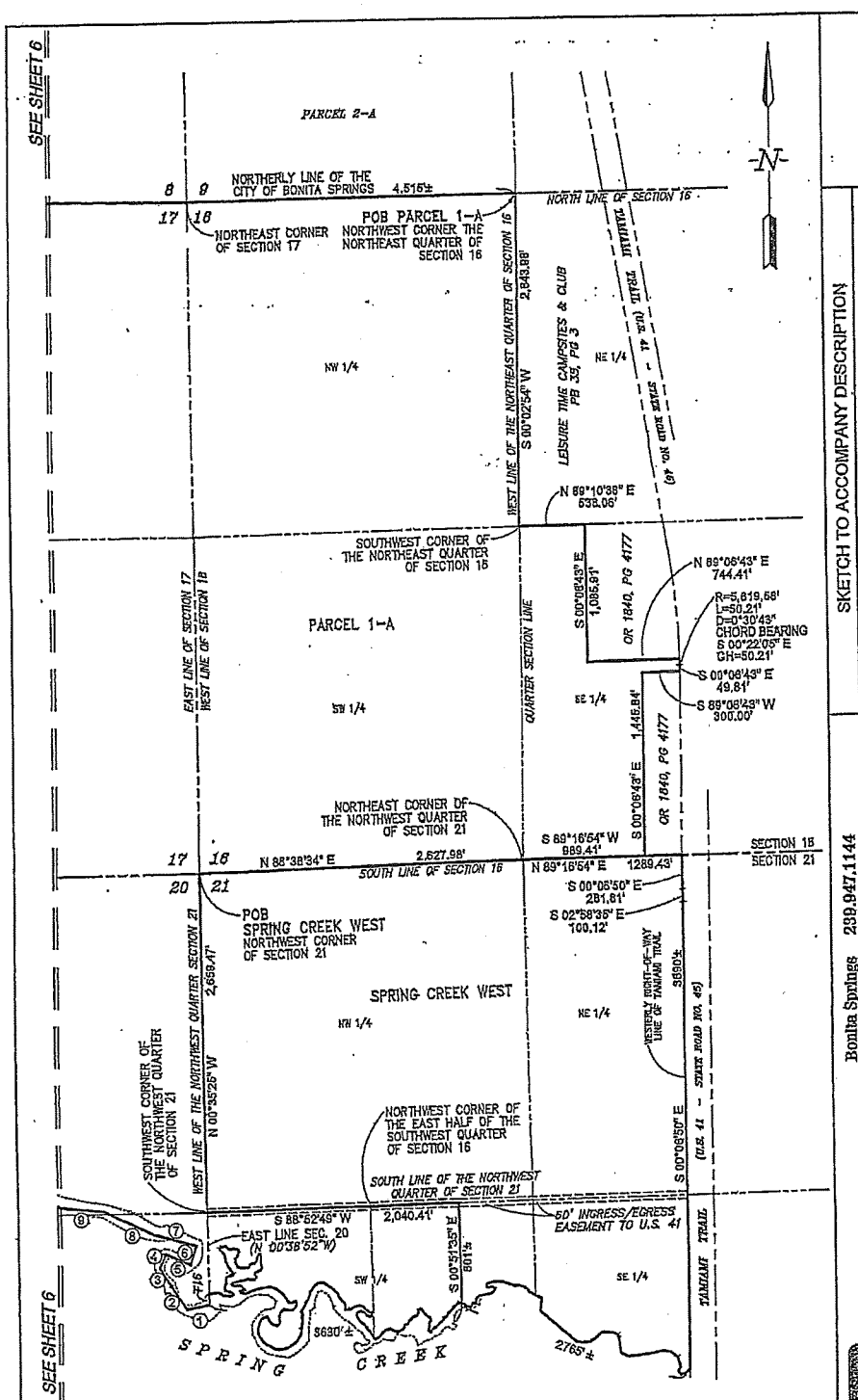
LEGAL DESCRIPTION

PELICAN LANDING
LYING IN
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TOWNSHIP 47 SOUTH, RANGE 25 EAST
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LINE DATA		
LINE#	BEARING	DISTANCE
1	S 78°50'00" W	181.31
2	N 34°24'12" W	230.22
3	N 30°59'12" W	174.93
4	N 24°25'16" E	120.83
5	S 65°47'43" E	219.32
6	N 18°24'43" E	158.11
7	N 75°11'47" W	351.71
8	N 65°09'33" W	451.88
9	N 84°18'44" W	351.75

LEGEND

CH	CHORD LENGTH
D	DELTA ANGLE
DB	DEED BOOK
G.L.	GOVERNMENT LOT
L	ARC LENGTH
OR	OFFICIAL RECORD BOOK
PB	PLAT BOOK
PG	PAGE
POB	POINT OF BEGINNING
R	RADIUS

0' 500' 1000' 2000'

SCALE: 1" = 1000'

THIS PLAN MAY HAVE BEEN ENLARGED OR REDUCED FROM INTENDED DISPLAY SCALE FOR REPRODUCTION REASONS

"NOT A SURVEY"

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SKETCH TO ACCOMPANY DESCRIPTION

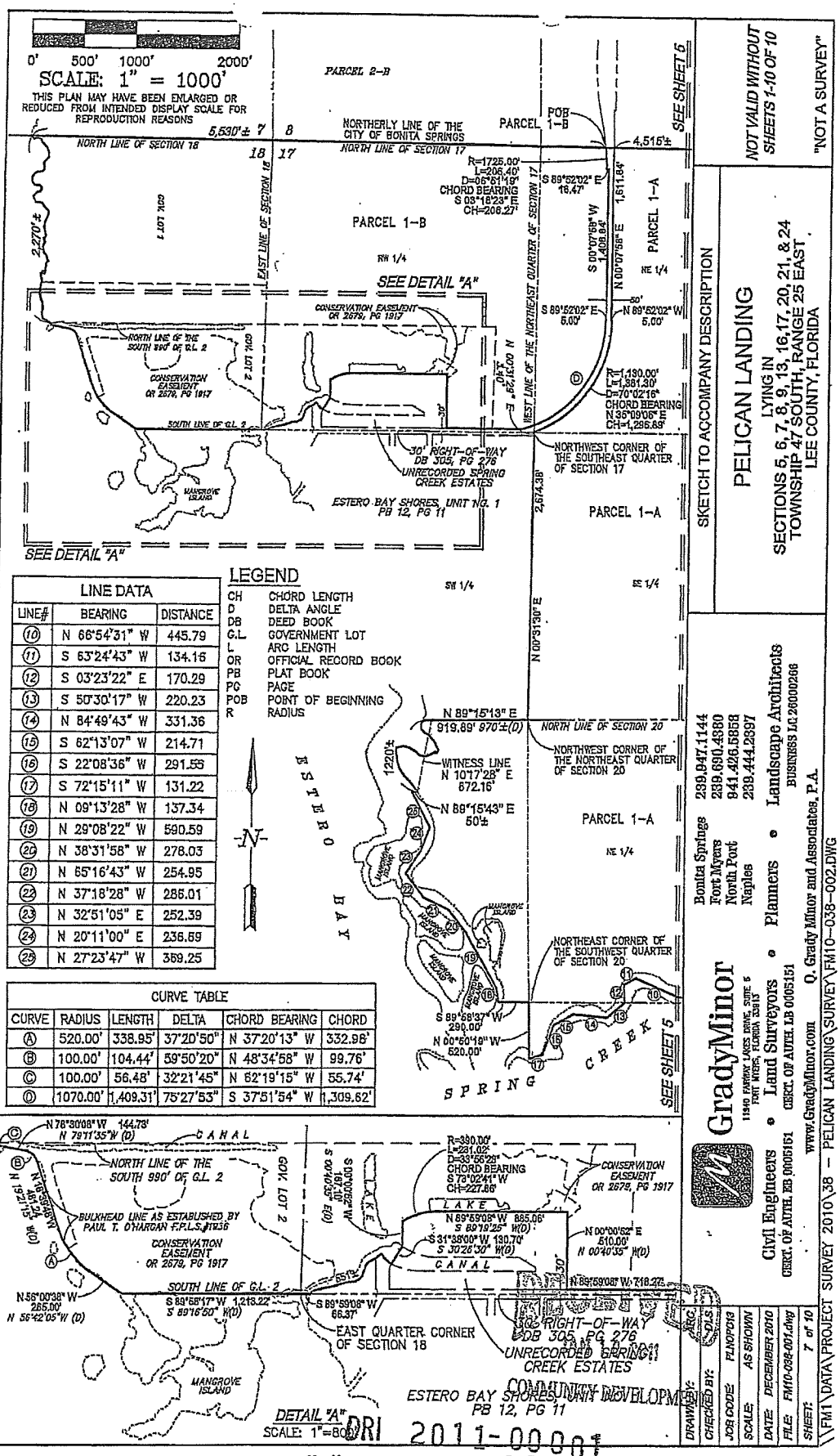
PELICAN LANDING

LYING IN SECTIONS 5, 6, 7, 8, 9, 13, 16, 17, 20, 21, & 24 TOWNSHIP 47 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

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LINE DATA		
LINE#	BEARING	DISTANCE
(10)	N 66°54'31" W	445.79
(11)	S 63°24'43" W	134.16
(12)	S 03°23'22" E	170.29
(13)	S 50°30'17" W	220.23
(14)	N 84°49'43" W	331.36
(15)	S 62°13'07" W	214.71
(16)	S 22°08'36" W	291.56
(17)	S 72°15'11" W	131.22
(18)	N 09°13'28" W	137.34
(19)	N 29°08'22" W	590.59
(20)	N 38°31'58" W	278.03
(21)	N 65°16'43" W	254.95
(22)	N 37°18'28" W	286.01
(23)	N 32°51'05" E	252.39
(24)	N 20°11'00" E	236.69
(25)	N 27°23'47" W	369.25

LEGEND

CH	CHORD LENGTH
D	DELTA ANGLE
DB	DEED BOOK
G.L.	GOVERNMENT LOT
L	ARC LENGTH
OR	OFFICIAL RECORD BOOK
PB	PLAT BOOK
PG	PAGE
POB	POINT OF BEGINNING
R	RADIUS

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD
(A)	520.00'	338.95'	37°20'50"	N 37°20'13" W	332.98'
(B)	100.00'	104.44'	59°50'20"	N 48°34'58" W	99.76'
(C)	100.00'	56.48'	32°21'45"	N 62°19'15" W	55.74'
(D)	1070.00'	1,409.31'	75°27'53"	S 37°51'54" W	1,309.62'

SKETCH TO ACCOMPANY DESCRIPTION

PELICAN LANDING

LYING IN SECTIONS 5, 6, 7, 8, 9, 13, 16, 17, 20, 21, & 24 TOWNSHIP 47 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

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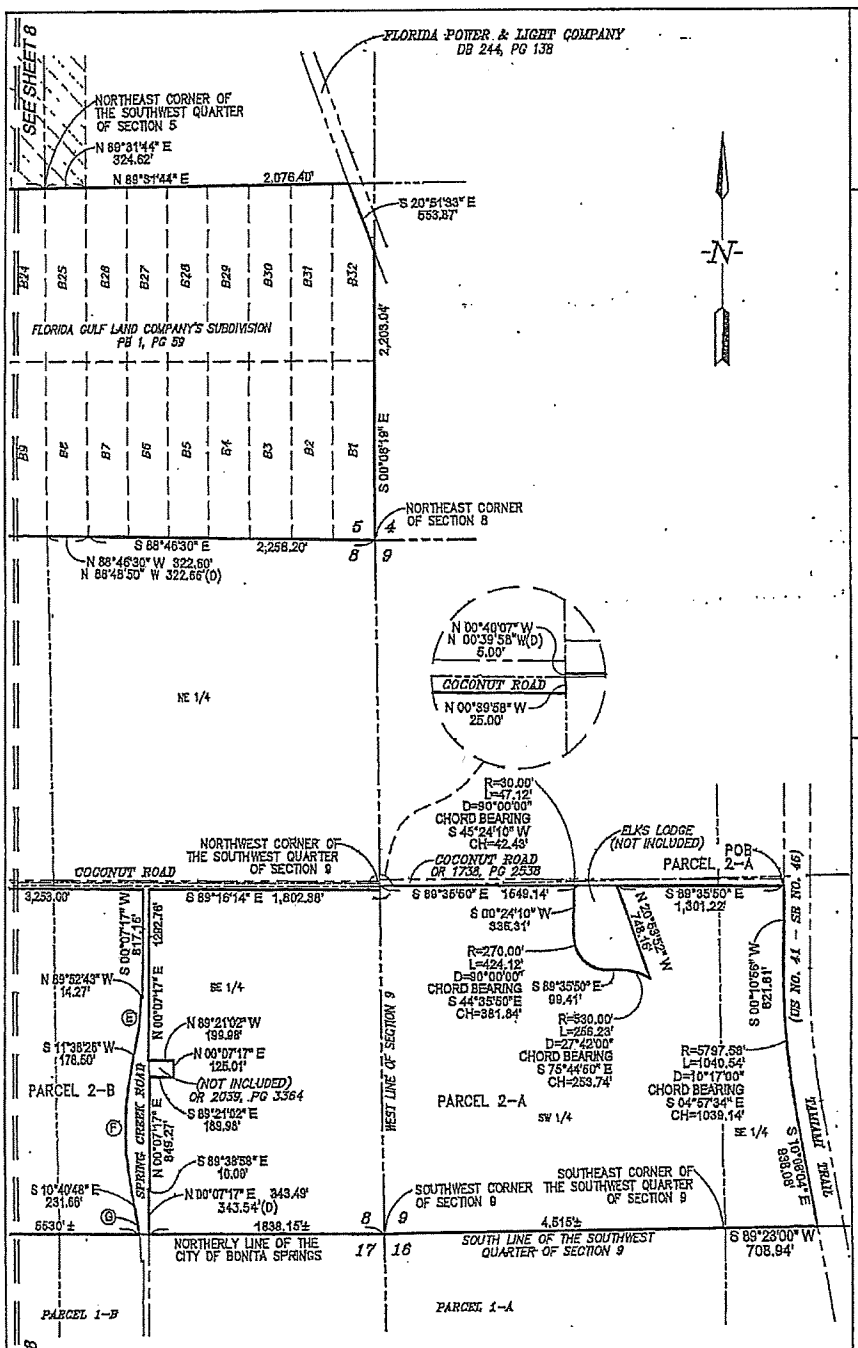
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NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, FLORIDA WEST ZONE.
2. THIS SKETCH & DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF ABSTRACT OF TITLE AND MAY BE SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RESTRICTIONS OF RECORD. ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.
3. DIMENSIONS SHOWN HEREON ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.
4. THIS SKETCH & DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER. NO ADDITIONS OR DELETIONS TO THIS SKETCH & DESCRIPTION ARE PERMITTED WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE SIGNING PARTY.

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD
Ⓔ	1725.00'	346.81'	11°31'09"	S 05°52'51" W	346.22'
Ⓕ	2400.00'	934.96'	22°19'14"	S 00°28'49" W	929.06'
Ⓖ	1725.00'	118.80'	03°56'45"	S 08°42'25" E	118.78'

0' 500' 1000' 2000'

SCALE: 1" = 1000'

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SKETCH TO ACCOMPANY DESCRIPTION

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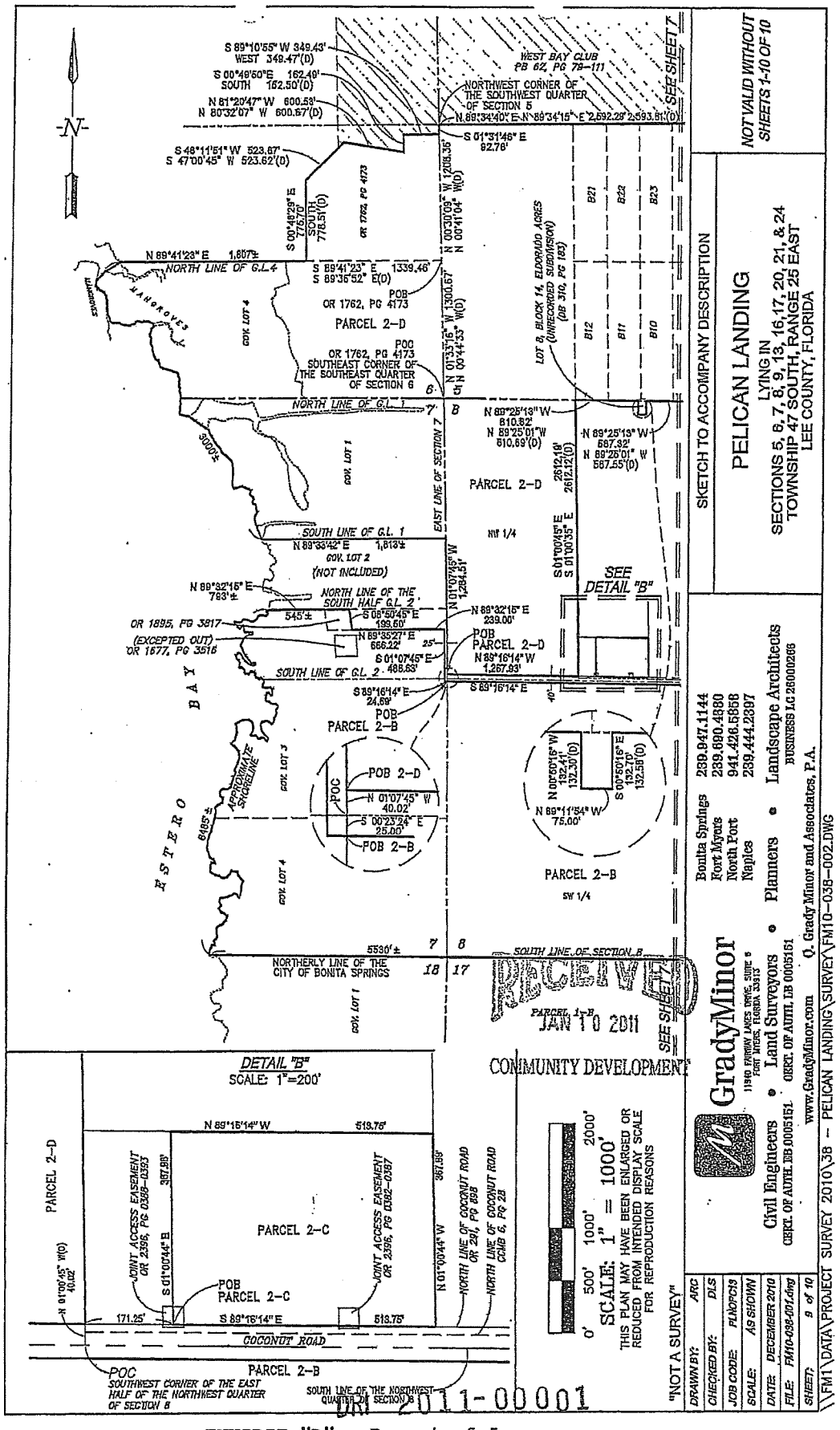
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LEE COUNTY, FLORIDA

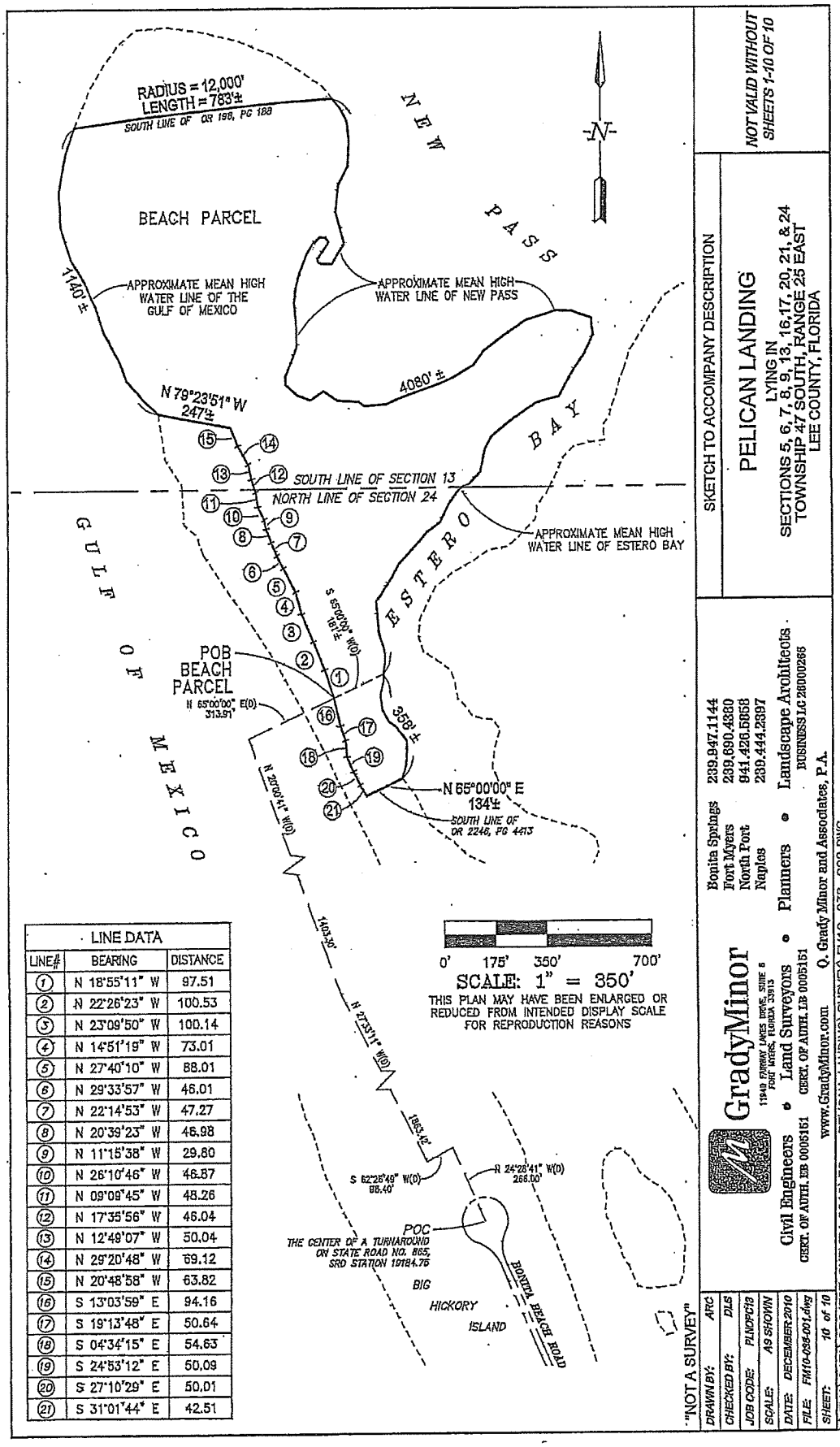
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PELICAN LANDING
LYING IN
SECTIONS 5, 6, 7, 8, 9, 13, 16, 17, 20, 21, & 24
TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA
SKETCH TO ACCOMPANY DESCRIPTION
NOT VALID WITHOUT SHEETS 1-10 OF 10
PARCEL 2-D
PARCEL 2-B
PARCEL 2-C
POB PARCEL 2-D
POB PARCEL 2-B
POB PARCEL 2-C
POB 2-D
POB 2-B
POC
DETAIL "B"
SCALE: 1"=200'
SEE DETAIL "B"
SEE SHEET 7
SEE SHEET 1
NORTH LINE OF G.L. 4
NORTH LINE OF G.L. 1
SOUTH LINE OF G.L. 1
SOUTH LINE OF G.L. 2
EAST LINE OF SECTION 7
SOUTH LINE OF SECTION 8
NORTHERLY LINE OF THE CITY OF BONITA SPRINGS
NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 5
SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 6
SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 8
SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 8
COCONUT ROAD
NORTH LINE OF COCONUT ROAD OR 291, PG 858
NORTH LINE OF COCONUT ROAD COB 6, PG 28
JOINT ACCESS EASEMENT OR 2395, PG 0358-0393
JOINT ACCESS EASEMENT OR 2396, PG 0382-0387
WEST BAY CLUB PB 62, PG 79-111
LOT 8, BLOCK 14, ELDORADO ACRES (UNRECORDED SUBDIVISION) (DB 310, PG 183)
B10
B11
B12
B21
B22
B23
MANGROVES
ESTERO BAY
APPROXIMATE SHORELINE
GOV. LOT 1
GOV. LOT 3
GOV. LOT 4
(EXCEPTED OUT) OR 1677, PG 3516
OR 1895, PG 3817
OR 1762, PG 4173
(NOT INCLUDED)
GOV. LOT 2
S 89°10'55" W 349.43'
WEST 349.47'(D)
S 00°46'50"E 162.49'
SOUTH 162.50'(D)
N 81°20'47" W 600.53'
N 80°32'07" W 600.67'(D)
S 46°11'51" W 523.67'
S 47°00'45" W 523.62'(D)
S 89°41'23" E 1339.46'
S 89°36'52" E(D)
N 89°25'13" W 610.32'
N 89°25'01" W 610.69'(D)
N 89°25'13" W 567.32'
N 89°26'01" W 567.55'(D)
N 89°16'14" W 1,267.93'
S 89°16'14" E 24.69'
N 89°32'15" E 239.00'
N 89°35'27" E 666.22'
S 01°07'45" E 488.63'
N 89°33'42" E 1,813'±
N 89°32'15" E 783'±
S 01°07'45" W 1,284.51'
S 01°00'45" E
S 01°00'35" E
2612.19'
2612.12'(D)
S 01°31'46" E 92.78'
N 00°30'09" W 1208.36'
N 00°41'04" W(D)
S 01°48'29" E 776.70'
SOUTH 776.51'(D)
N 01°33'15" W 1300.67'
N 00°44'53" W(D)
N 89°41'23" E 1,807'±
S 08°50'45" E 199.60'
545'±
6485'±
5530'±
N 01°07'45" W 40.02'
S 00°23'24" E 25.00'
N 89°15'14" W 513.75'
S 89°15'14" E 513.75'
N 01°00'44" W 387.89'
S 01°00'44" E 387.89'
171.25'
N 01°00'45" W(D) 40.02'
N 00°50'16" W 132.41' 132.30'(D)
S 00°50'16" E 132.70' 132.56'(D)
N 89°11'54" W 75.00'
0' 500' 1000' 2000'
SCALE: 1" = 1000'
THIS PLAN MAY HAVE BEEN ENLARGED OR REDUCED FROM INTENDED DISPLAY SCALE FOR REPRODUCTION REASONS
"NOT A SURVEY"
DRAWN BY: ARC
CHECKED BY: DLS
JOB CODE: PLNDPC19
SCALE: AS SHOWN
DATE: DECEMBER 2010
FILE: FM10-038-001.dwg
SHEET: 9 of 10
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COMMUNITY DEVELOPMENT
DRI 2011-00001



LINE DATA		
LINE #	BEARING	DISTANCE
1	N 18°55'11" W	97.51
2	N 22°26'23" W	100.53
3	N 23°09'50" W	100.14
4	N 14°51'19" W	73.01
5	N 27°40'10" W	88.01
6	N 29°33'57" W	46.01
7	N 22°14'53" W	47.27
8	N 20°39'23" W	46.98
9	N 11°15'38" W	29.80
10	N 26°10'46" W	46.87
11	N 09°09'45" W	48.26
12	N 17°35'56" W	46.04
13	N 12°49'07" W	50.04
14	N 29°20'48" W	69.12
15	N 20°48'58" W	63.82
16	S 13°03'59" E	94.16
17	S 19°13'48" E	50.64
18	S 04°34'15" E	54.63
19	S 24°53'12" E	50.09
20	S 27°10'29" E	50.01
21	S 31°01'44" E	42.51

SKETCH TO ACCOMPANY DESCRIPTION

PELICAN LANDING
LYING IN
SECTIONS 5, 6, 7, 8, 9, 13, 16, 17, 20, 21, & 24
TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

NOT VALID WITHOUT SHEETS 1-10 OF 10

"NOT A SURVEY"

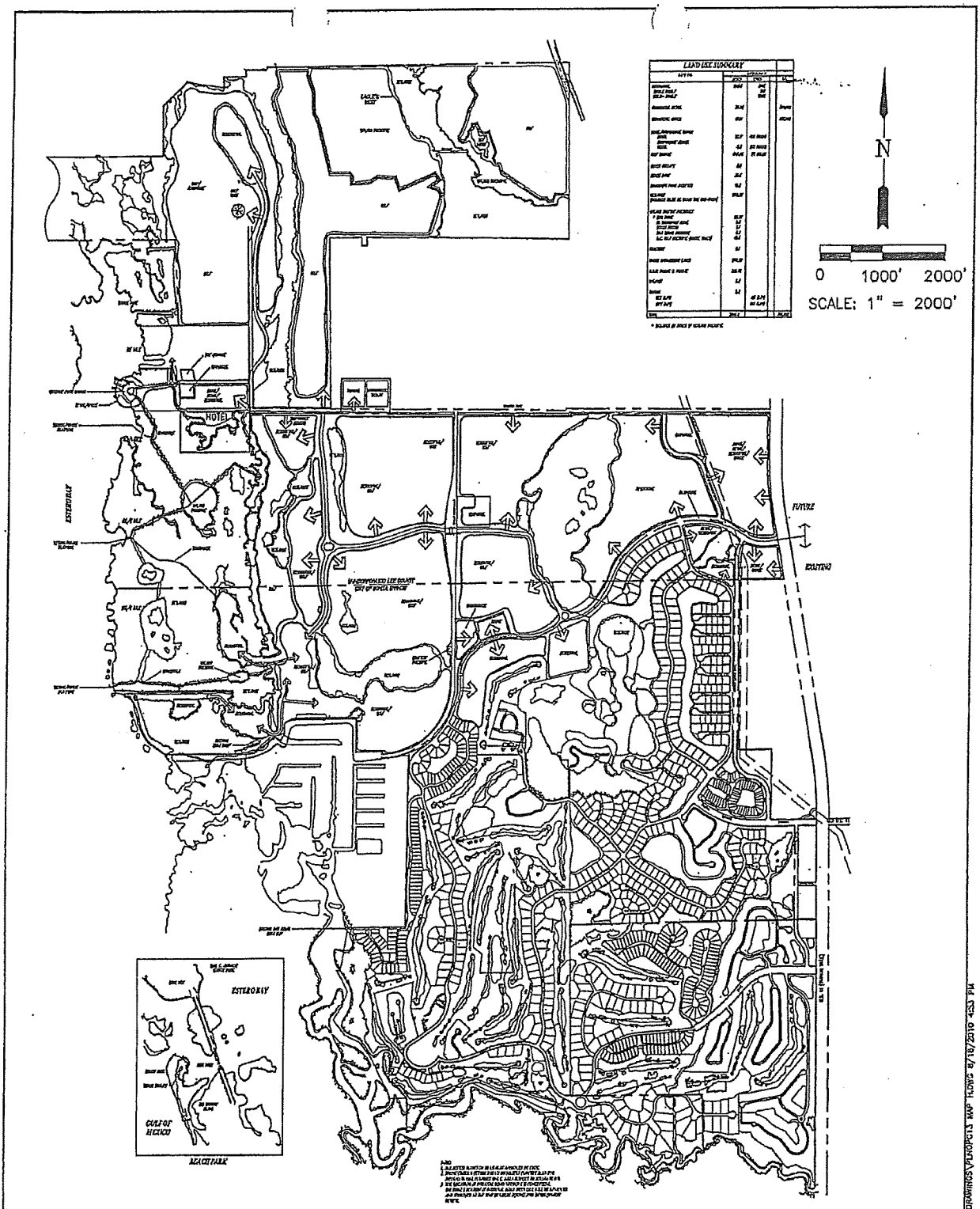
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CHECKED BY:	DLS
JOB CODE:	PLNDP018
SCALE:	AS SHOWN
DATE:	DECEMBER 2010
FILE:	FM10-038-001.dwg
SHEET:	10 of 10

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PELICAN LANDING DRI

MAP H

SCALE: 1" = 2000'
JOB CODE: PLNGPC13
DATED: AUGUST 2010
FILE NAME: PLNGPC13 MAP H
SHEET 1 OF 1

G:\PROJ - PLANNING\PLNGPC13\DRAWINGS\PLNGPC13 MAP H.DWG 8/18/2010 4:53 PM

EXHIBIT "E" - Page 1 of 1

EXHIBIT "F"
PELICAN LANDING DRI
DEVELOPMENT PARAMETERS
(Updated through January 2006*)

Land Use	Units[1]	Existing (1998)	Buildout Total (2016)
Residential	DU	1083	3,912
Single Family	DU	402	930
Multi Family	DU	596	2,982
Retail[2]	GFA	11,000	300,000
Office[3]	GFA	134,738	475,000
Hotel/Motel	Rooms	0	750
Recreation Uses			
Pelican Nest Golf Course/Clubhouse/ Practice Range	Holes	21	30
Colony Range Club/ Golf Course/ Clubhouse/Practice Range	Holes	19	19
Resort Golf Course/ Clubhouse Practice Range	Holes	0	28
Tennis Center	Courts	12	24
Coconut Marina	Boat Slips		
	Wet	24	48
	Dry	0	150
Redfish Point	GFA	5,000	0
	Boat Slips		
	Wet	15	15
Other[4]	Boat Slips		
	Wet	2	2
	Accessory Parking	0	3.2
	CDD's Maintenance Facility		1.45

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

*Pursuant to HB 7202, the buildout date was extended to 2016. However, the development parameters were not otherwise altered and reflect a buildout date of January 2006. For this reason, neither the referenced date nor the development parameters were amended in this paragraph

STATE OF FLORIDA

COUNTY OF LEE

I Charlie Green, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Development Order for Pelican Landing (Fourteenth Amendment) State DRI #1-9293-121 Case #DRI2005-00001, adopted by the Board of Lee County Commissioners at their meeting held on the 15th day of November, 2011.

Given under my hand and seal, at Fort Myers, Florida, this 21st day of November, 2011.

CHARLIE GREEN,
Clerk of Circuit Court
Lee County, Florida

By: Marcia Wilson
Deputy Clerk

Finance & Records Dept. Minutes Office - P.O. Box 2469, Fort Myers, FL 33902
Phone: (239) 533-2328 | Fax: (239) 485-2038

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August 31, 2011

Mr. Alvin Block, Principal Planner
Lee County Community Development
1500 Monroe Street
Fort Myers, FL 33901

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RE: Pelican Landing DRI/CPD/RPD, DRI2011-00001

Dear Mr. Block:

Per your request for additional information, we are resubmitting the above project. Please note staff comments are listed below, followed by our response in bold.

LC Public Hearing for Development of Regional Impact Checklist
(Ord. 09-23)

6) Disclosure of Ownership Interest. The revised Disclosure of Interest form still does not provide the required information. The requirement above calls for a list of the names of all owners, stockholders, and trust beneficiaries (including percentages of interest). Please re-execute the Disclosure of Interest form to provide this required information. One thing that is missing is the percentages of ownership. Please make sure that the re-submitted document provides all information required by the Land Development Code.

Response:
The Disclosure of Interest form and Disclosure attachment have been revised to show percentages of ownership and list officers.

35) Contact. The Zoning Planner may be contacted regarding any questions on the LC Public Hearing for DRI Checklist. Please review your submitted draft DRI Development Order. It appears the version submitted for the Lee County amendment is not the most up to date version. The last codified version is the 11th Amendment, with a subsequent amendment in Resolution 07-10-03. Please revise the submitted draft 13th Development Order Amendment to match those noted above, with the proposed replacement language provided in strike-through and underline.

Staff would like to take this opportunity to request the applicant provide the required DRI Monitoring Report for this DRI. This will bring the DRI into conformance with the DRI Development Order condition and provide staff with current information on the development which can be used in the staff report when it is prepared.

Q. Grady Minor & Associates, P.A.
3800 Via Del Rey
Bonita Springs, FL 34134

Ph. 239-947-1144 • Fx: 239-947-0375
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Response:
The draft DRI development order attached has been revised to correct the noted discrepancies. A copy of the Monitoring Report was provided to you previously via email.

LC Environmental Sciences PD Application Sufficiency Checklist (Ord 09-23)

19) Miscellaneous items.

DRI 2011-00001

Golf Course:
Please note the applicant's response to ES comment #2 indicates that there are 77 golf course holes in existence and 9 holes are to be constructed for a total of 86 holes.
Please note the current approved Exhibit F and the Map H Land Use Summary Table proposed a build out of 77 golf course holes.
Please address inconsistency

Exhibit F:
Please note the proposed Exhibit F provided in the last submittal depicts some strike thru/underline changes that were already approved thru previous approvals. Please remove.
Please explain the proposed strike thru underline of existing development conditions. Are numbers are being changed to reflect current conditions? If so, should "1998" also be revised?

Response:
We agree that the 1998 and 2009 date references for Exhibit F should be revised to reflect the current year and buildout year. Exhibit F has been revised.

Please explain the proposed addition of "*Within Pelican landing DRI/Spring Creek Holes not included"
Please explain the proposed strike thru of GFA-5,000 within Red fish Point.
Please note the "Other" section is missing maintenance facility.

Response:
The previously existing Redfish Point has been demolished. A golf clubhouse for Pelican Nest G.C. has been constructed in close proximity to the former restaurant and it is unlikely that any commercial use will be established in the future. The discrepancy in the number of proposed golf holes has been corrected and correctly identifies that 77 golf holes are existing and a maximum of 86 may be constructed. The Redfish Point reference has been revised to indicate no square feet. With regard to the notation that references an exclusion for the golf holes within Spring Creek, the notation has been relocated as a footnote to Exhibit F and the exclusion of improvements within Spring Creek is applicable to residential, commercial and golf hole counts for the figures shown in Exhibit F.

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Map H:
Please note the applicant's response indicates that Map H doesn't represent any changes that were not previously approved.
Please note current approved Map H last revised January 2006, stamped received May 2 2009 Land Use Summary table contains note "* includes 52.96 acres of wetland preserve". The Map H submitted by the applicant with this application, dated August 2010, contains revised note "*includes 54 acres of wetland preserve"
Please address inconsistency.

Response:
The erroneous reference to 54 acres was a prior error. The correct figure should be 52.24 acres which is consistent with the development order text. The scriveners error has been revised to reflect the 52.24 acre figure.

LC Natural Resources Sufficiency Checklist (Ord 09-23)

1) Sufficiency Comments.

In reviewing the submitted November 5 request for elimination of semi-annual monitoring, I find the following:
The organic analyses have demonstrated little to no measurable impact. However, the inorganics are of concern in the area west of US 41 along Spring Creek. Copper, lead and Zinc are of particular concern, as well as nutrients in this area.

Spring Creek is classified as an Outstanding Florida Waterbody. As such, it has specific limitations posed upon it for discharges and changes to background concentrations. This segment is currently listed as being impaired for lead. In recent times it was considered as marginal for copper. A review of data collected by Lee County indicates the copper concentrations between US 41 and the mouth of Spring Creek periodically exceed detection levels and lead was listed in 2002 with DO recently removed as an impairment for this segment. This is the area adjacent to the WCI DRI.

While the organics appear to not be of concern at this time and may well be considered for removal as monitoring parameters, the inorganics are not. The pressing concern related to nutrient contamination relates to the entire Estero Bay watershed. The historic presence of heavy metals in this segment of the creek is also of concern.

The conclusion for the request to eliminate semi-annual monitoring in the DRI interface zone is acceptable only for the organic constituents. The inorganic parameters are of significant concern. The location of increases in these constituents appears to be coincidental to the WCI DRI. As such, it is my recommendation to increase the frequency of monitoring for these constituents to quarterly. When there is insufficient water in wells of surface water sites, monitoring is not required. However, any site with sufficient water will be sampled. In the fall of 2008 and spring of 2009 there was

insufficient water for a sampling event, however the Lee County data indicates copper ranged from 2 to 3 mg/l in the area of concern during the same time period. The source of this contamination cannot be determined from these analyses making every sampling event very important.

Response:
We appreciate the willingness to adjust the monitoring schedule for certain organic constituents; however, we remain of the opinion that the many years of monitoring have demonstrated that the Pelican Landing project is not contributing pollutants into Estero Bay. Therefore, we will continue to pursue the abandonment of the monitoring program. Based on the last response from the County, it is clear that the County already has a water quality monitoring program in place and is taking samples in the immediate vicinity of those being taken by WCI Communities. For WCI to continue with the existing monitoring schedules would represent duplication of efforts.

We respectfully request your office finds this sufficiency response to be consistent with the LDC and schedule the application for public hearing. If you have any questions or need of any additional information, please do not hesitate to contact our office.

Sincerely,

D. Wayne Arnold

Enclosure

Cc: Barry Ernst
Neale Montgomery
Ronald Talone
Brad Cook
GradyMinor File

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EXHIBIT PH-2.B.1
DISCLOSURE OF INTEREST FORM FOR:

STRAP NO. Pelican Landing DRI/CPD/RPD **CASE NO.** ~~11-305-DRI~~ DRI2011-00001

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name and Address	Percentage of Stock
WCI Communities, LLC, a Delaware limited liability company 24301 Walden Center Dr. Bonita Springs, FL 34134 (Please see attached Exhibit PH-2.B.1 attachment)	100% WCI Communities, Inc., a Delaware corporation, its sole Member

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest

4. If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership

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5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name and Address	Percentage of Stock

Date of Contract: _____

DRI2011-00001

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address	Percentage of Stock

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature: Paul Erhardt
(Applicant)

PAUL ERHARDT
(Printed or typed name of applicant)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 5/13/2011 (date) by PAUL ERHARDT who is personally known to me or ~~who has produced~~ _____ ~~as identification.~~ .

Margaret A Sisk
Signature of Notary Public

(SEAL)
Notary Public State of Florida
Margaret A Sisk
My Commission DD828024
Expires 10/02/2012

MARGARET A. SISK
Printed Name of Notary Public

Exhibit PH2B1 (attachment)
Disclosure of Interest Form - List of officers and stock holders

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Name, Address, and Office

WCI COMMUNITIES, LLC, a Delaware limited liability company
24301 Walden Center Drive
Bonita Springs, Florida 34134

WCI Communities, Inc., a Delaware corporation
The Sole Member (100%) of
WCI Communities, LLC
24301 Walden Center Drive
Bonita Springs, Florida 34134

DRI2011-00001

Officers:
David Fry, President and CEO
Russell Devenfdorf, Senior VP and CFO
Vivien Hastings, Senior VP and Secretary
Doug Schwartz, Senior VP
Ed D'alessandro, Senior VP

Holder	Percentage
Bank of America	10.85%
Calvary CLO I, Ltd.	0.67%
Cetus Capital, LLC	0.32%
Compass Bank	2.77%
Contrarian Funds LLC	1.13%
Davidson Kempner	7.02%
Eaton Vance	4.18%
Frontier Ridge	0.64%
KBC Bank	2.07%
Monarch Fund	18.97%
Morgan Stanley	0.48%
Valholl, LTD.	1.12%
Regiment Capital	8.35%
RBC PLC	6.92%
Trilogy Portfolio	2.97%
VanKampen Fund	1.37%
WCI Creditor Trust	4.96%
CEDE & Co	24.48%
WCI D&O	0.73%
	100.00%

FIFTEENTH AMENDED DEVELOPMENT ORDER[1]
FOR

PELICAN LANDING

A DEVELOPMENT OF REGIONAL IMPACT

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STATE DRI #1-9293-121
COUNTY CASE DRI2005-00001

WHEREAS, a Notice of Proposed Change was filed on January 7, 2011, to extend the build out date ~~on November 28, 2000, WCI Communities, Inc., the owner of the Pelican Landing Development of Regional Impact (DRI) most recently requested an amendment to the original Development Order (DO) adopted August 29, 1994, as amended~~; 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 to add 3.2 acres; 9) September 18, 2000 to add 140 acres; ~~9~~10) February 26, 2002 to revise the legal description and clearly define the jurisdictional line between the City and County; ~~10~~11) October 7, 2002 to accomplish the following: (a) adjust the original buildout date (from December 31, 2002 to May 21, 2004) ~~and termination date (from December 31, 2005 to May 21, 2007)~~ to reflect the one year and 141 days the effectiveness of the Development Order was tolled as a result of the 1996 appeal and challenge; and (b) extend the buildout ~~and termination~~ dates by 4 years and 364 days to May 20, 2009 ~~and May 20, 2012, respectively~~; 12) December 4, 2006 to accomplish the following (a) include a 1.45 acre tract for the purpose of constructing a maintenance facility, and (b) reduce the number of residential dwelling units from 4,400 to 3,912 residential units and change the mix of unit types to allow an increase in single family units from 665 to 930 units and a reduction in multi-family units from 3,735 to 2,982; 13) October 2, 2007 to extend the buildout date by three years in accordance with House Bill 7203, to May 20, 2012; 14) the build out date was extended by four years in accordance with House Bill 7207 on _____, 2011 to May 20, 2016; and, the conditions proposed for the ~~twelfth~~ fifteenth amendment to the Pelican Landing DRI Development Order; and

WHEREAS, the City of Bonita Springs will consider adopting ~~has adopted~~ a substantially similar development order that is applicable within its jurisdiction; and

---

[1] This is a codification and a restatement of all DRI Development Orders rendered with respect to Pelican Landing within Lee County, including actions taken on March 25, 1995, August 16, 1995, November 17, 1997, September 21, 1998, June 21, 1999, December 6, 1999, August 7, 2000, February 26, 2002, October 7, 2002, ~~and~~ December 4, 2006, October 2, 2007, and _____.

Unofficial codification that includes HB7203 changes adopted by BOCC as part of a separate resolution.

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WHEREAS, a Notice of Proposed Change was submitted by WCI Communities, LLC ~~Bayside Improvement Community Development District~~ on January 7, 2011 ~~January 25, 2005~~ to extend the buildout date from May 21, 2016, to May 21, 2020 and the termination date from May 20, 2019 to May 20, 2026 ~~amend the legal description and Map H to (a) include a 1.45 acre tract for the purpose of constructing a maintenance facility, and, (b) reduce the number of residential dwelling units from 4,400 to 3,912 residential units and change the mix of units types to allow an increase in single family units from 665 to 930 unit and a reduction in multi-family units from 3,735 to 2,982~~; and

WHEREAS, under F.S. §380.06(19), the proposed change must be reviewed cumulatively with previous changes to the DRI Development Order to determine whether they constitute a substantial deviation from the terms of the original DRI Development Order approvals; and

WHEREAS, the Board of County Commissioners has reviewed the proposed amendment and found that the changes do not constitute a substantial deviation; and

WHEREAS, the Board of County Commissioners of Lee County, Florida, ~~has~~ considered the report and recommendations of the Southwest Florida Regional Planning Council when the ADA was reviewed and the DRI development order was adopted. The SWFRPC did not submit any objections to the Notice of Proposed Change within the statutory time frame, the Lee County Staff, the Lee County Hearing Examiner, the documents and comments upon the record made before the Board in public hearing, and after full consideration of those reports, recommendations, comments, and documents, the Board of County Commissioners of Lee County, Florida, finds and determines that:

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The "Pelican Landing DRI" is a partially built master planned community on a total of 2749.7± acres located approximately three miles north of the Lee/Collier County Line. Approximately 1249.8 acres of the Pelican Landing DRI are located within the City of Bonita Springs; approximately 1217.9 acres of the Pelican Landing DRI are located within the unincorporated area of Lee County; and approximately 282± acres of the 2749.7±-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 ~~proposal is to construct~~ 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 ~~will also~~ includes 750 hotel/motel rooms, a 50,000-square-foot conference center, 65 wet boat slips and 150 dry boat slips, various recreational

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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 date is May 21, 2020 ~~, 2012~~.

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, C and D.

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

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

Exhibit 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.

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 Notice of Proposed Change Application ~~proposed Development Order Amendment~~ has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06(19),

DRI2011-00001

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COMMUNITY DEVELOPMENT

Florida Statutes. 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 classifications of the Lee Plan 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 Amendment.

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 ~~a~~ 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 Springs Creek West DRI is built out. The monitoring for a built out DRI only needs to occur for one year after build out. The Spring Creek West development has been built out for a period longer than one year.

K. A portion of the DRI property ~~has been included~~ is in the incorporated limits of the City of Bonita Springs pursuant to legislation adopted during the 1999 Legislative session. The property ~~now~~ located in the City of Bonita Springs lies within the area described in section 6 of the Committee Substitute for Senate Bill 2626, 1st Engrossed. Pursuant to Florida Statutes section 380.06(15)(h), a separate DRI development order was ~~must be~~ adopted by the City of Bonita Springs that incorporates 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 Statues, 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. Pelican Landing DRI qualified for the statutory three-year extension to all phase,

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buildout and expiration dates granted by the 2007 Florida Legislature under House Bill 7203 (amending F.S. §380.06(19)(c) and signed into law on June 19, 2007. The Board of County Commissioners granted the extension pursuant to Lee County Resolution 07-10-03, as the Twelfth Amendment to the Pelican Landing DRI Development Order, adopted on October 2, 2007. Under HB7203, the three-year extension is not a substantial deviation, is not subject to further Development of Regional Impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under F.S. §380.06(19)(c).

M. Pelican Landing DRI qualified for the statutory four year extension to all phases, build out, termination and concurrency dates granted by the 2011 Florida Legislature under House Bill 7207. The four year extension may not be considered in the future when determining whether any time extensions are a substantial deviation.

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II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, LET IT BE ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, in public meeting duly constituted and assembled on _____, 2011 ~~December 4, 2006~~ that the proposed amendments to the Pelican Landing DRI Development Order are hereby APPROVED, SUBJECT TO the following conditions, restrictions and limitations.

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 ~~will be~~ 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 County and 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 ~~are~~ no regionally significant housing impacts for the first

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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 ~~will be~~ 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 home buyers, 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 home buyers 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 ~~will be~~ responsible for the initial electrical hook-up costs. The selection of the generator was ~~will be~~ 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,

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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 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.*

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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. ~~The developer will mitigate the hurricane shelter impacts for units 4051 through 4400 by paying $18.50 per unit to the Lee County Impact Fee Coordinator at the time of building permit approval. If the developer constructs an assisted living facility, the developer must comply with all aspects of Section 440.441(1)(b), F.S., as may be amended, including the preparation and submittal of a comprehensive emergency management plan that addresses emergency evacuation transportation and adequate sheltering arrangements for the ALF residents. The developer must update this plan annually. The County must use the funds paid pursuant to this condition to construct or upgrade hurricane shelter space in a location that will benefit the residents of the Pelican Landing Community. The eighteen dollar and fifty cents fee (1996 dollars) will be multiplied by the Dodge Data Service Building Cost Index for U.S. and Canadian cities for June 1 of each year subsequent to 1996, up to the time building permits are issued. This multiplier ensures payment of current dollars at the time the permits are issued. If the Building Cost Index is not available, the Consumer Price Index will be used instead, and applied by the method described above. If Lee County adopts an impact fee for hurricane shelters prior to, or during, the acquisition of building permits 4051 through 4400 then the Developer will pay the duly adopted impact fee, provided that fee is no less per unit than the per unit amount set out above, and this condition will have no further force and effect.~~

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

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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 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 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.

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13. The dry storage facilities must be located in a building or structure that is designed and constructed to meet all requirements of the Standard Building Code, as adopted by Lee County.

E. Vegetation and Wildlife/Wetlands

The developer ~~has~~ 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 parcel and 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.

Prior to any new development within 1500 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 DCA, SWFRPC, FWC Lee County, 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 resubmittal. The agencies will provide a written response to Lee County 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. Lee County and DCA 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

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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

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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

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(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 ~~must~~ designed the golf course and conducts maintenance,

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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. 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 purposes, and 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.

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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 (SFWMD) "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 Improvement Districts (~~a~~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

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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 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 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 County Attorney's office.

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 assumeds the development parameters and land uses shown in Exhibit F, "Pelican Landing DRI

Development Parameters." The assessment indicated~~s~~ that the significantly impacted roadways and intersections described below ~~will~~ would be operating below acceptable levels of service at the end of Planning Horizon I (1997) and buildout (2009). Each biennial monitoring report, described in Paragraph 4, ~~must~~ reflected whether the roadways and intersections described below ~~are~~ were significantly impacted or ~~are~~ 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 ~~is~~ projected to significantly and adversely impact (as defined by Lee County Administrative Code) the following roadways and intersections:

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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 and right turn lanes
	-	Separate WB thru and left turn lanes
Buildout (2009 in the original assessment)		
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)

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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 and 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 and right turn lanes

- Separate WB thru and left turn lanes

**The Traffic Impact Statement submitted in support of the Fifteenth 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).

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

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2. Mitigation

a. The developer will pay impact fees as defined in the Lee County 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 ~~are~~ estimated to be $8,900,000 for the land uses identified in Exhibit 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 2009 and as updated through the new buildout year of 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 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 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, Lee County may apply any Pelican Landing impact fees not required for those specific improvements to other improvements consistent with the requirements of the Lee County Land Development Code.

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b. If through the local development approval process, the developer constructs, with the approval of the Lee County DOT, 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 ~~must~~ 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 ~~must~~ 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 ~~will occur as follows~~:

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) ~~Burnt Pine Drive~~ Walden Center Drive North from Pelican Landing Parkway to Pelican Landing North Entrance~~: under construction no later than December 31, 1998~~.

3) ~~Burnt Pine Drive~~ North Commons Drive North from Pelican Landing North Entrance to Coconut Road~~: should be under construction no later than December 31, 1999~~.

d. The developer ~~agrees to~~ 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 ~~will be~~ dedicated to Lee County ~~if and when requested~~. 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 ~~may~~, with the concurrence of Lee County, made ~~make~~ an advance payment of a portion of Pelican Landing's total Impact Fees up to 2 million dollars. Lee County ~~would then~~ 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 ~~is currently~~ scheduled in FDOT's Tentative Five Year Work Program for fiscal year 1998/99 (WPI #1114700).

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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 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 ~~will be~~ 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 the Bay Creek Improvement District, a properly constituted and designated property owners association or other appropriate entity, unless subsequently dedicated to and accepted by Lee County or the City of Bonita Springs.

4. Traffic Monitoring Report

a. The developer will submit a biennial traffic monitoring report to the following entities for review and approval: Lee County, the Florida Department of Transportation (FDOT), the Florida Department of Community Affairs (FDCA), and the Southwest Florida Regional Planning Council (SWFRPC).

The first monitoring report was ~~must be~~ submitted ~~by December 31, 2007~~. Reports must be submitted biennially thereafter until buildout of the project.

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

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

(1) P.M. peak hour existing volumes and turning 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.

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(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	I-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	Hickory Blvd. to Vanderbilt	2 to 4	Planning Horizon I (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 is projected to exceed the adopted level of service standards adopted by Lee County within the forthcoming 12 months, and if the project is utilizing 5% or more ~~than 5% of LOS "D"~~ 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 ~~is~~ scheduled for construction in the first three years of an adopted local government capital improvement program or state work program.

e. If the 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 ~~more than~~ 5% or more of ~~level of service D~~ 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.

I. Wastewater Management/Water Supply

1. The developer or the Bayside or Baywinds 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 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.

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5. The ~~developer~~ 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 ~~project~~, 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, 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.

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 ~~as defined by~~ Lee County Land Development Code as appropriate ~~regulations~~.

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.

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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~~ designed, developed, and maintains the ~~any~~ golf course constructed adjacent to the mangrove fringe area of Estero Bay in accordance with condition 14 a. through l. of 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 has ~~will~~ employed 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 area within 500 feet of the mangrove fringe of Estero Bay.

3. The management practices that the Developer has ~~will~~ followed 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

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designed to prevent/minimize the pollution of the natural environment.

4. The Developer ~~will~~ prepared 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 ~~must be~~ 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 ~~will~~ submitted the test reports with the ~~annual~~ monitoring report. The monitoring program was ~~will be~~ 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 that time 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. The monitoring requirement is hereby terminated and is of no further force and effect.

5. The Developer will submitted a written amended surface and groundwater quality management plan to Lee County and DCA. The amended plan was ~~must be~~ approved by DCA prior to the application of chemicals to the proposed golf course. The DCA 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. DCA 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 DCA 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 DCA 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.

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7. The mangrove wetland jurisdiction line of Estero Bay is ~~will be~~ 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 Lee County. 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 Lee County 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 DCA, SWFRPC, or Lee County 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.

L. Dual Jurisdiction

The Pelican Landing DRI is located within two jurisdictions, namely Lee County

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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 Lee County, adopted by the Board of County Commissioners in response to the application filed by WCI Communities, L.P. 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;

©) 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, and stamped received at the permit counter on May 2, 2006, is attached hereto as Exhibit E and is incorporated by reference. It

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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 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 County 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 Board of County Commissioners, 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

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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, the Board 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 May ~~20~~21, ~~2012~~ 2020, and a termination date of May 20, ~~2012~~2026. The buildout and termination dates reflect adjustment of one year and 141 days applicable to the tolling of time for the appeal/challenge to the original DRI Development Order. The termination date recognizes that a local Development Order, which is valid for six ~~three~~ years, may be obtained prior to the buildout ~~expiration~~ date.

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 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 ~~2012~~2026. If the County 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 ~~2012~~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 20~~20~~30 Allocation. This reservation has the effect of reserving all of the acreage transferred from Gateway to

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Pelican Landing for the duration of the Development Order.

15. The developer, or its successor in title to the undeveloped portion of the subject property, will submit a report biennially to Lee County, SWFRPC, FDCA 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 FDCA. The first biennial monitoring report was ~~must be~~ submitted to the Administrative Director of the DCA ~~by December 31, 2007~~. Further reporting must be submitted biennially 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 County 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.

Commissioner ___ made a motion to adopt this amendment, seconded by Commissioner ___. The vote was as follows:

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~~Robert P. Janes~~ John Manning ____
Brian Bigelow ____
Ray Judah ____
Tammara Hall ____
Franklin B. Mann ____

DULY PASSED AND ADOPTED this ____ day of _____, 20___.

ATTEST:
CHARLIE GREEN, CLERK

BY:_____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY:_____
~~Robert P. Janes,~~ Franklin B. Mann, Chair

Approved as to form by:

_____
~~Dawn E. Perry-Lehnert~~ Donna Marie Collins
County Attorney's Office

Attachments:

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

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

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

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

Exhibit E. Map H, Master Development Plan - last revised January 2006, stamped received May 02, 2006.

Exhibit F. Pelican Landing DRI Development Parameters

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Legal Description of the Pelican Landing DRI area
within unincorporated Lee County

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DESCRIPTION: PELICAN LANDING - COUNTY

PARCEL 2-A

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 8 AND 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

BEGINNING AT AN INTERSECTION OF THE WEST LINE OF TAMIAMI TRAIL (STATE ROAD NO. 45) WITH THE SOUTH LINE OF COCONUT ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 1738 AT PAGE 2538 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTH 00°10'56" WEST ALONG SAID WEST LINE FOR 621.81 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHERLY AND SOUTHEASTERLY ALONG SAID WEST LINE, 1040.54 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS 5797.58 FEET, A DELTA ANGLE OF 10°17'00", (CHORD BEARING SOUTH 04°57'34" EAST FOR 1039.14 FEET), TO A POINT OF TANGENCY; THENCE RUN SOUTH 10°06'04" EAST ALONG SAID WESTERLY LINE FOR 938.08 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE-1/4) OF SAID SECTION 9; THENCE RUN SOUTH 89°23'00" WEST ALONG SAID SOUTH LINE FOR 708.94 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER (SE-1/4) OF SECTION 9; THENCE RUN WESTERLY ALONG SAID SOUTH LINE OF THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 9, 4,515 FEET MORE OR LESS, TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 9; THENCE RUN WESTERLY ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE-1/4) OF SAID SECTION 8 FOR 1,838.15 FEET MORE OR LESS TO AN INTERSECTION WITH THE EASTERLY LINE OF SPRING CREEK ROAD AS DESCRIBED IN DEED BOOK 305 AT PAGE 276, LEE COUNTY RECORDS; THENCE CONTINUE NORTH 00°07'17" EAST ALONG SAID EAST LINE FOR 343.54 FEET; THENCE RUN SOUTH 89°38'58" EAST FOR 10.00 FEET; THENCE RUN NORTH 00°07'17" EAST ALONG SAID EAST LINE FOR 849.27 FEET TO THE SOUTHWEST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2039 AT PAGE 3364, OF SAID PUBLIC RECORDS; THENCE RUN SOUTH 89°21'02" EAST ALONG THE SOUTH LINE OF SAID LANDS FOR 189.98 FEET; THENCE RUN NORTH 00°07'17" EAST ALONG THE EAST LINE OF SAID LANDS FOR 125.01 FEET; THENCE RUN NORTH 89°21'02" WEST ALONG THE NORTH LINE OF SAID LANDS FOR 199.98 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF SAID SPRING CREEK ROAD; THENCE RUN NORTH 00°07'17" EAST ALONG SAID EAST LINE FOR 1292.76 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF COCONUT ROAD (50 FEET WIDE); THENCE RUN SOUTH 89°16'14" EAST ALONG SAID SOUTH LINE FOR 1802.38 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID SECTION 9; THENCE RUN NORTH 00°39'58" WEST ALONG SAID WEST LINE FOR 25.00 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION; THENCE CONTINUE ALONG SAID WEST LINE NORTH 00°39'58" WEST FOR 5.00 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID COCONUT ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 1738 AT PAGE 2538, SAID PUBLIC RECORDS; THENCE RUN SOUTH 89°35'50" EAST ALONG SAID SOUTH LINE FOR 1549.14 FEET; THENCE RUN SOUTHWESTERLY, 47.12 FEET ALONG A NON-TANGENTIAL CURVE TO THE LEFT, HAVING A RADIUS OF 30.00 FEET, A DELTA ANGLE OF 90°00'00", (CHORD BEARING SOUTH 45°24'10" WEST FOR 42.43 FEET), TO A POINT OF TANGENCY; THENCE RUN SOUTH 00°24'10" WEST FOR 336.31 FEET TO A POINT OF CURVATURE; THENCE RUN 424.12 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 270.00 FEET, A DELTA ANGLE OF 90°00'00", (CHORD BEARING SOUTH 44°35'50" EAST FOR 381.84 FEET), TO A POINT OF TANGENCY; THENCE RUN SOUTH 89°35'50" EAST FOR 99.41 FEET TO A POINT OF CURVATURE; THENCE RUN 256.23 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 530.00 FEET, A DELTA ANGLE OF 27°42'00", (CHORD BEARING SOUTH 75°44'50" EAST FOR 253.74 FEET); THENCE RUN NORTH 20°53'52" WEST FOR 748.16 FEET TO AN INTERSECTION WITH THE AFOREMENTIONED SOUTH LINE OF COCONUT ROAD; THENCE RUN ALONG SAID SOUTH LINE SOUTH 89°35'50" EAST FOR 1,301.22 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS: 294.56 ACRES, MORE OR LESS.

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AND

PARCEL 2-B

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 7 AND 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 8 RUN SOUTH 00°23'24" EAST ALONG THE WEST LINE OF SAID FRACTION FOR 25.00 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF COCONUT ROAD (50 FEET WIDE) AND THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING RUN SOUTH 89°16'14" EAST ALONG SAID SOUTH LINE FOR 3253.00 FEET TO AN INTERSECTION WITH THE WEST LINE OF SPRING CREEK ROAD; THENCE RUN THE FOLLOWING COURSES AND DISTANCES ALONG THE WESTERLY RIGHT-OF-WAY OF SAID SPRING CREEK ROAD; SOUTH 00°17'17" WEST FOR 817.15 FEET; NORTH 89°52'43" WEST FOR 14.27 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY, 346.81 FEET ALONG SAID ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1725.00 FEET, A DELTA ANGLE OF 11°31'09", (CHORD BEARING SOUTH 05°52'51" WEST FOR 346.22 FEET), TO A POINT OF TANGENCY; THENCE RUN SOUTH 11°38'26" WEST FOR 178.50 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY, 934.96 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 2400.00 FEET, A DELTA ANGLE OF 22°19'14", (CHORD BEARING SOUTH 00°28'49" WEST FOR 929.06 FEET), TO A POINT OF TANGENCY; THENCE RUN SOUTH 10°40'48" EAST FOR 231.66 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY, 118.80 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1725.00 FEET, A DELTA ANGLE OF 03°56'45", (CHORD BEARING SOUTH 08°42'25" EAST FOR 118.78 FEET), TO AN INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 8; THENCE RUN WESTERLY ALONG THE SOUTHERLY LINE OF SAID SECTION 8 AND SAID SECTION 7 FOR 5530.70 FEET MORE OR LESS TO THE WATERS OF ESTERO BAY; THENCE RUN NORTHERLY ALONG THE WATERS OF ESTERO BAY FOR 6,485 FEET MORE OR LESS TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTH HALF (S-1/2) OF GOVERNMENT LOT 2 OF SAID SECTION 7; THENCE RUN NORTH 89°32'15" EAST ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 2 FOR 793 FEET MORE OR LESS TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1895 AT PAGE 3817 OF SAID PUBLIC RECORDS; THENCE RUN SOUTH 08°50'45" EAST ALONG THE EAST LINE OF SAID LANDS FOR 199.50 FEET TO THE SOUTHEAST CORNER OF SAID LANDS; THENCE RUN NORTH 89°35'27" EAST FOR 666.22 FEET; THENCE RUN NORTH 89°32'15" EAST FOR 239.00 FEET TO AN INTERSECTION WITH THE WEST LINE OF COCONUT ROAD; THENCE RUN SOUTH 01°07'45" EAST ALONG SAID WEST LINE FOR 488.63 FEET; THENCE RUN NORTH 89°40'05" EAST ALONG THE SOUTH LINE OF SAID COCONUT ROAD FOR 24.69 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT OFFICIAL RECORD BOOK 1677 AT PAGE 3516 OF SAID PUBLIC RECORDS.

PARCEL CONTAINS: 343 ACRES, MORE OR LESS.

AND

PARCEL 2-C

A PARCEL OF LAND LYING IN AND BEING A PORTION OF THE EAST HALF (E-1/2) OF THE NORTHWEST QUARTER (NW-1/4) OF SECTION 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF THE EAST HALF (E-1/2) OF THE NORTHWEST QUARTER (NW-1/4) OF SAID SECTION 8; THENCE RUN N 01°00' 45" W ALONG THE WEST LINE OF SAID EAST HALF (E-1/2) OF THE NORTHWEST QUARTER (NW-1/4) FOR 42.02 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF

COCONUT ROAD (AS MAINTAINED); THENCE RUN S 89° 16' 14" E ALONG SAID RIGHT-OF-WAY FOR 171.25 FEET TO THE POINT OF BEGINNING.
FROM SAID POINT OF BEGINNING CONTINUE S 89° 16' 14 E ALONG SAID RIGHT-OF-WAY A DISTANCE OF 513.75 FEET; THENCE RUN N 01° 00' 44" W A DISTANCE 367.98 FEET; THENCE RUN N 89° 16' 14" W A DISTANCE OF 513.75 FEET; THENCE RUN S 01° 00' 44" E A DISTANCE OF 367.98 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 4.34 ACRES, MORE OR LESS.

AND

PARCEL 2-D

ALL OF LOTS B-1 THROUGH B-12 AND LOTS B-21 THROUGH B-32 OF FLORIDA GULF LAND COMPANY SUBDIVISION AS RECORDED IN PLAT BOOK 1 AT PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING SOUTH AND WEST OF LANDS OF FLORIDA POWER AND LIGHT COMPANY AS DESCRIBED BY DEED RECORDED IN DEED BOOK 244, PAGE 138 OF SAID PUBLIC RECORDS, ALSO LOT 8, BLOCK 14 OF ELDORADO ACRES, (AN UNRECORDED SUBDIVISION), AS SHOWN IN DEED BOOK 310 AT PAGE 183 OF SAID PUBLIC RECORDS; ALSO THE WEST HALF (W-1/2) OF THE SOUTHWEST QUARTER (SW-1/4) OF SAID SECTION 5 AND THE WEST HALF (W-1/2) OF THE NORTHWEST QUARTER (NW-1/4) OF SAID SECTION 8 LYING NORTH OF COCONUT ROAD; AND ALL OF GOVERNMENT LOT 1, SAID SECTION 7; AND ALL OF GOVERNMENT LOT 4 AND THE SOUTHEAST QUARTER (SE-1/4) OF THE SOUTHEAST QUARTER (SE-1/4) OF SAID SECTION 6 AND THE PARCEL AS SHOWN IN OFFICIAL RECORD BOOK 1762 AT PAGE 4173, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER (SE-1/4) OF SECTION 6; THENCE RUN NORTH 00°44'33" WEST, ALONG THE EASTERLY LINE OF SAID FRACTION, FOR 1300.67 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE-1/4) OF SAID SOUTHEAST QUARTER (SE-1/4). SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE RUN NORTH 00°41'04" WEST ALONG THE EASTERLY LINE OF SAID FRACTION FOR 1208.36 FEET; THENCE RUN DUE WEST FOR 349.47 FEET; THENCE RUN DUE SOUTH FOR 162.50 FEET; THENCE RUN NORTH 80°32'07" WEST FOR 600.67 FEET; THENCE RUN SOUTH 47°00'45" WEST FOR 523.62 FEET; THENCE RUN DUE SOUTH FOR 778.51 FEET; THENCE RUN SOUTH 89°36'52" EAST, ALONG THE SOUTHERLY LINE OF THE AFORESAID FRACTION OF A SECTION, FOR 1339.46 FEET TO THE POINT OF BEGINNING.

BEARINGS HEREINABOVE MENTIONED ARE BASED ON STATE PLANE COORDINATES FOR THE FLORIDA WEST ZONE.

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PARCEL CONTAINS: 576 ACRES, MORE OR LESS.

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Legal Description of the Pelican Landing DRI area within
the City of Bonita Springs

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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

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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

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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.

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Legal Description of the Pelican Landing DRI area
encompassed by the Spring Creek West DRI

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.

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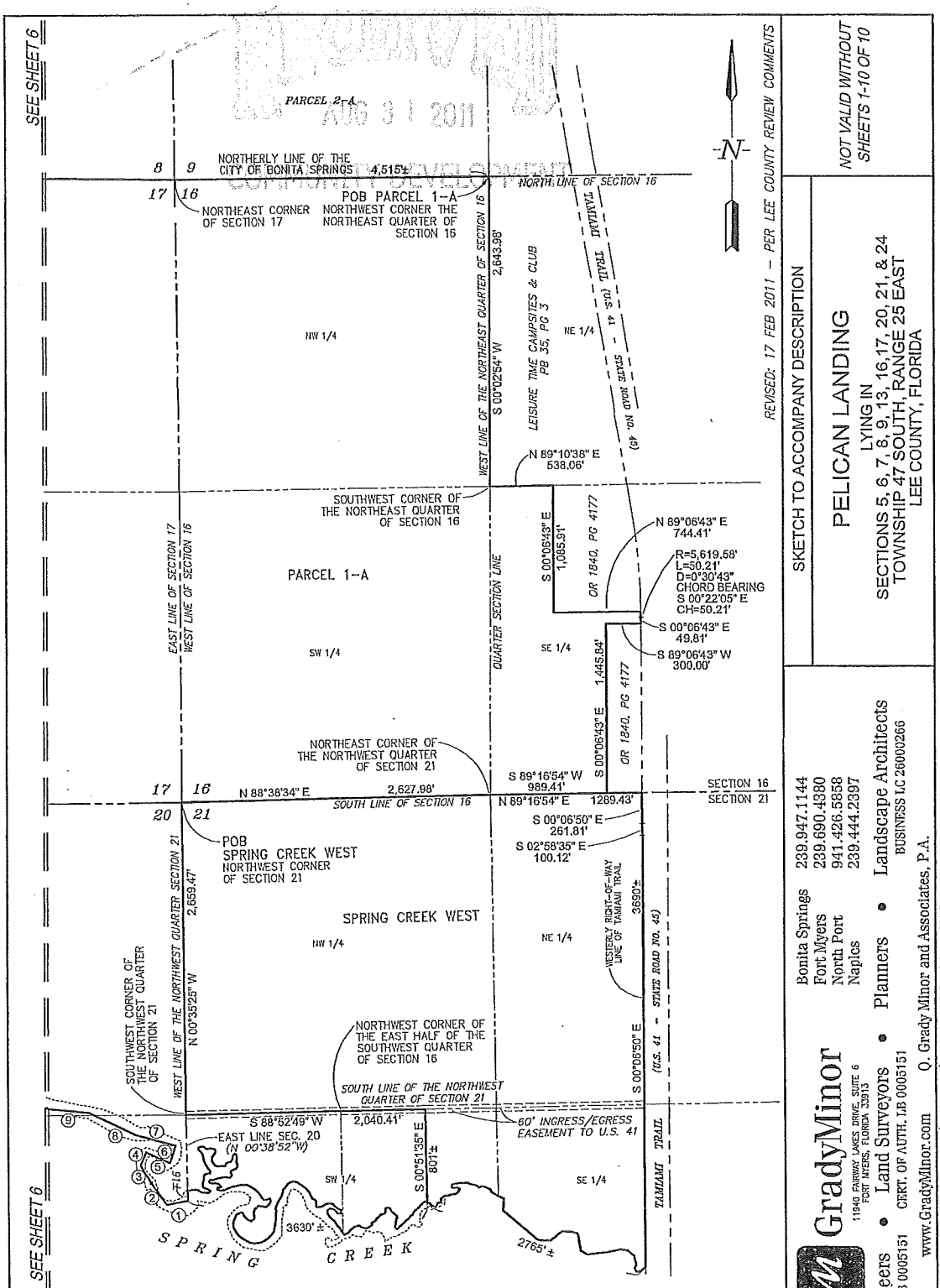
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Sketch of the legal descriptions of Pelican Landing DRI

DRI2011-00



LINE DATA		
LINE#	BEARING	DISTANCE
(1)	S 78°50'00" W	181.31
(2)	N 34°24'12" W	230.22
(3)	N 30°59'12" W	174.93
(4)	N 24°25'16" E	120.83
(5)	S 65°47'43" E	219.32
(6)	N 18°24'43" E	158.11
(7)	N 75°11'47" W	351.71
(8)	N 65°09'33" W	451.88
(9)	N 84°18'44" W	351.75

LEGEND

CH	CHORD LENGTH
D	DELTA ANGLE
DB	DEED BOOK
G.L.	GOVERNMENT LOT
L	ARC LENGTH
OR	OFFICIAL RECORD BOOK
PB	PLAT BOOK
PG	PAGE
POB	POINT OF BEGINNING
R	RADIUS

0' 500' 1000' 2000'

SCALE: 1" = 1000'

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SKETCH TO ACCOMPANY DESCRIPTION

PELICAN LANDING

LYING IN
SECTIONS 5, 6, 7, 8, 9, 13, 16, 17, 20, 21, & 24
TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

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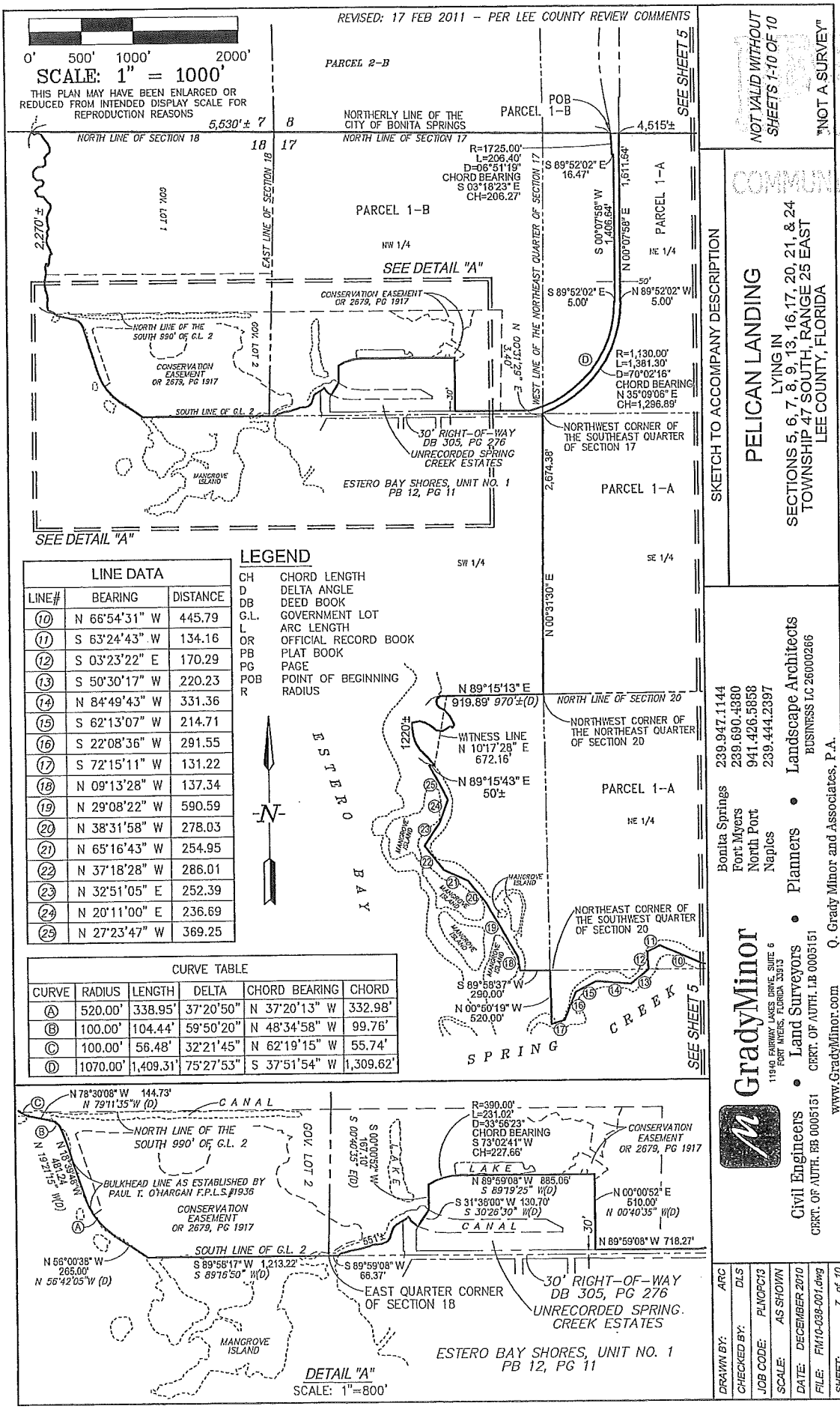
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LINE DATA		
LINE#	BEARING	DISTANCE
(10)	N 66°54'31" W	445.79
(11)	S 63°24'43" W	134.16
(12)	S 03°23'22" E	170.29
(13)	S 50°30'17" W	220.23
(14)	N 84°49'43" W	331.36
(15)	S 62°13'07" W	214.71
(16)	S 22°08'36" W	291.55
(17)	S 72°15'11" W	131.22
(18)	N 09°13'28" W	137.34
(19)	N 29°08'22" W	590.59
(20)	N 38°31'58" W	278.03
(21)	N 65°16'43" W	254.95
(22)	N 37°18'28" W	286.01
(23)	N 32°51'05" E	252.39
(24)	N 20°11'00" E	236.69
(25)	N 27°23'47" W	369.25

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD
(A)	520.00'	338.95'	37°20'50"	N 37°20'13" W	332.98'
(B)	100.00'	104.44'	59°50'20"	N 48°34'58" W	99.76'
(C)	100.00'	56.48'	32°21'45"	N 62°19'15" W	55.74'
(D)	1070.00'	1,409.31'	75°27'53"	S 37°51'54" W	1,309.62'

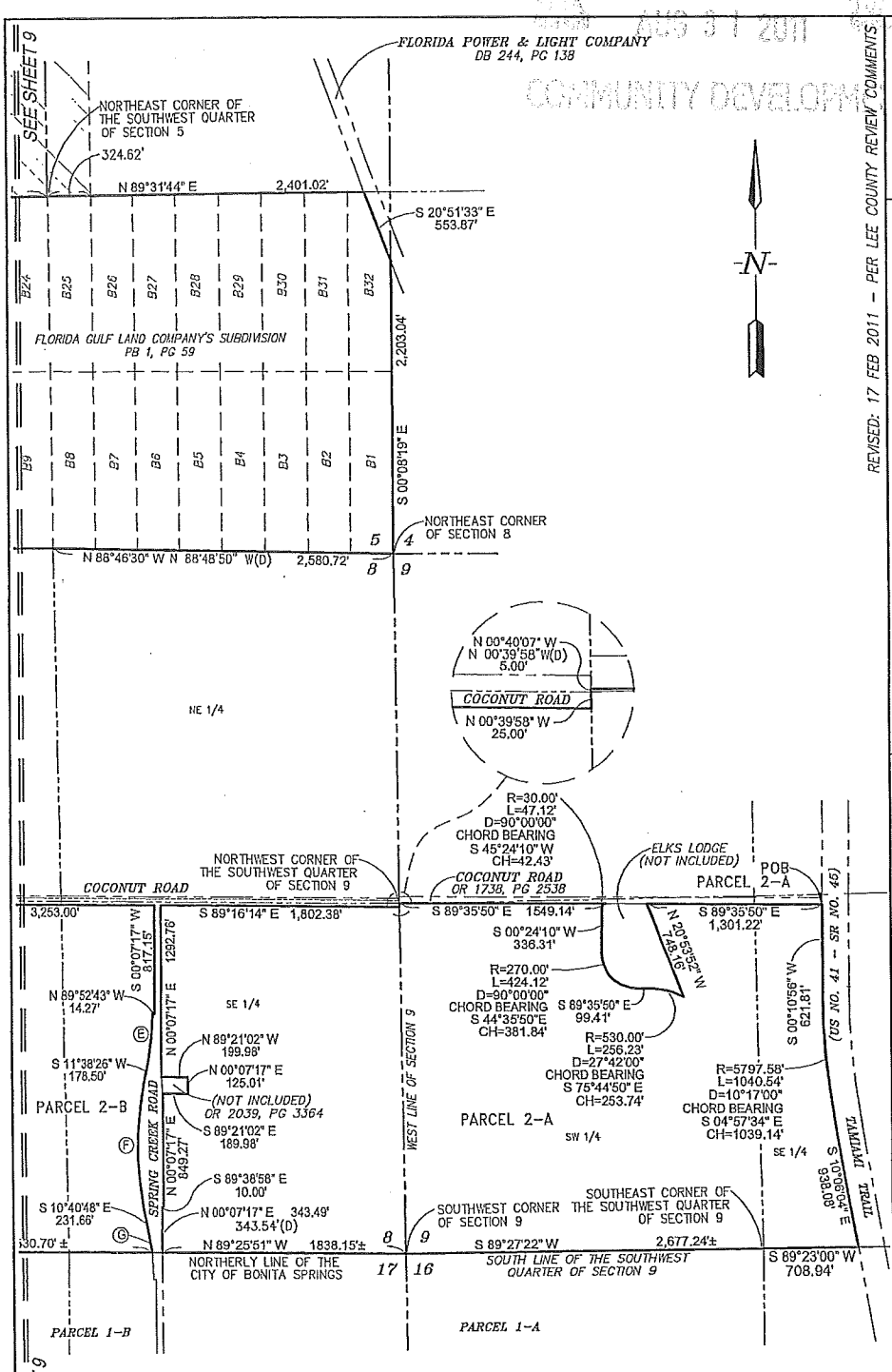
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SKETCH TO ACCOMPANY DESCRIPTION

PELICAN LANDING

LYING IN
SECTIONS 5, 6, 7, 8, 9, 13, 16, 17, 20, 21, & 24
TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

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NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, FLORIDA WEST ZONE.
2. THIS SKETCH & DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF ABSTRACT OF TITLE AND MAY BE SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RESTRICTIONS OF RECORD. ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.
3. DIMENSIONS SHOWN HEREON ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.
4. THIS SKETCH & DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER. NO ADDITIONS OR DELETIONS TO THIS SKETCH & DESCRIPTION ARE PERMITTED WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE SIGNING PARTY.

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD
Ⓔ	1725.00'	346.81'	11°31'09"	S 05°52'51" W	346.22'
Ⓕ	2400.00'	934.96'	22°19'14"	S 00°28'49" W	929.06'
Ⓖ	1725.00'	118.80'	03°56'45"	S 08°42'25" E	118.78'

0' 500' 1000' 2000'

SCALE: 1" = 1000'

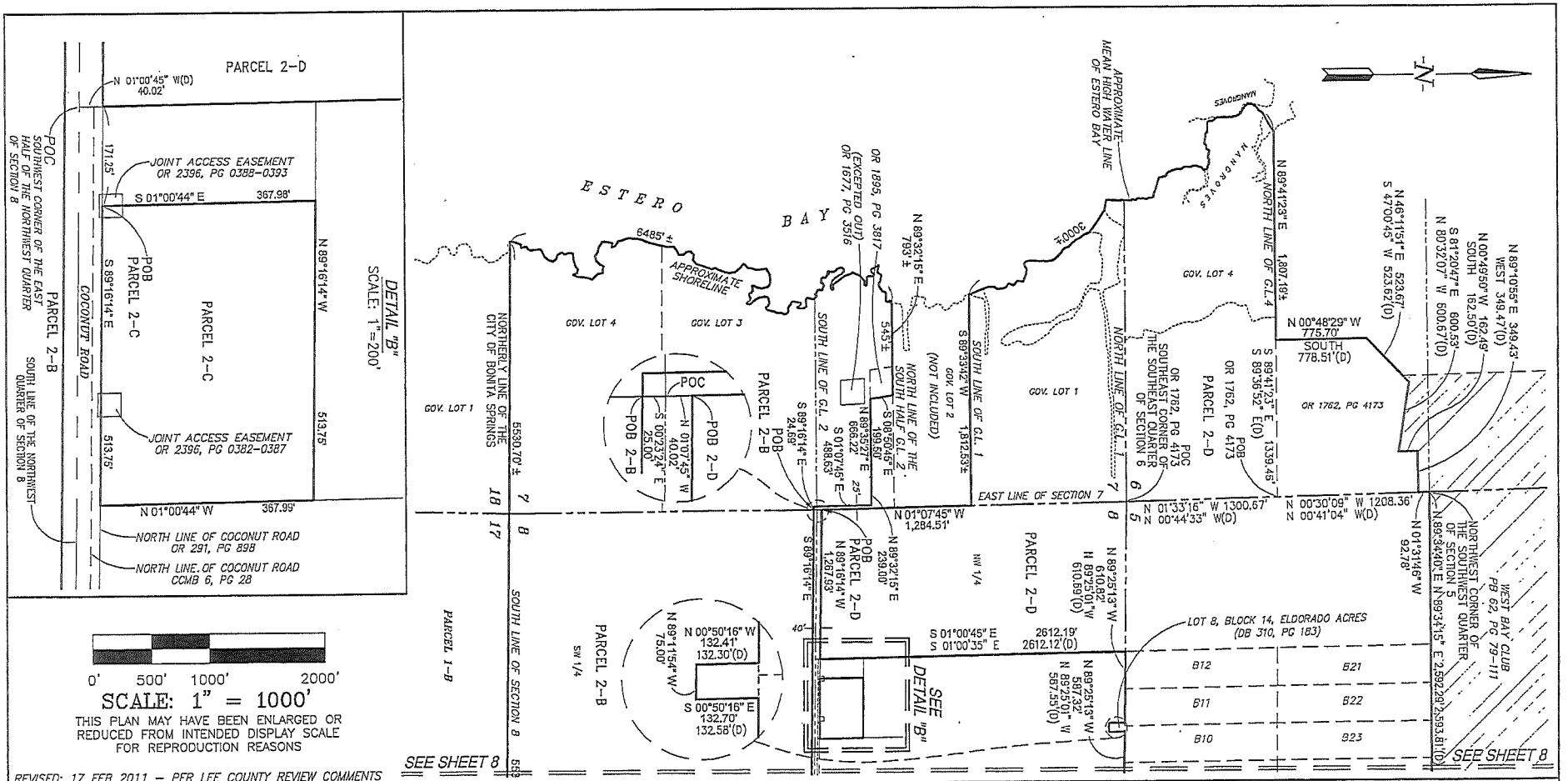
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0' 500' 1000' 2000'

SCALE: 1" = 1000'

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SKETCH TO ACCOMPANY DESCRIPTION

PELICAN LANDING

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TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

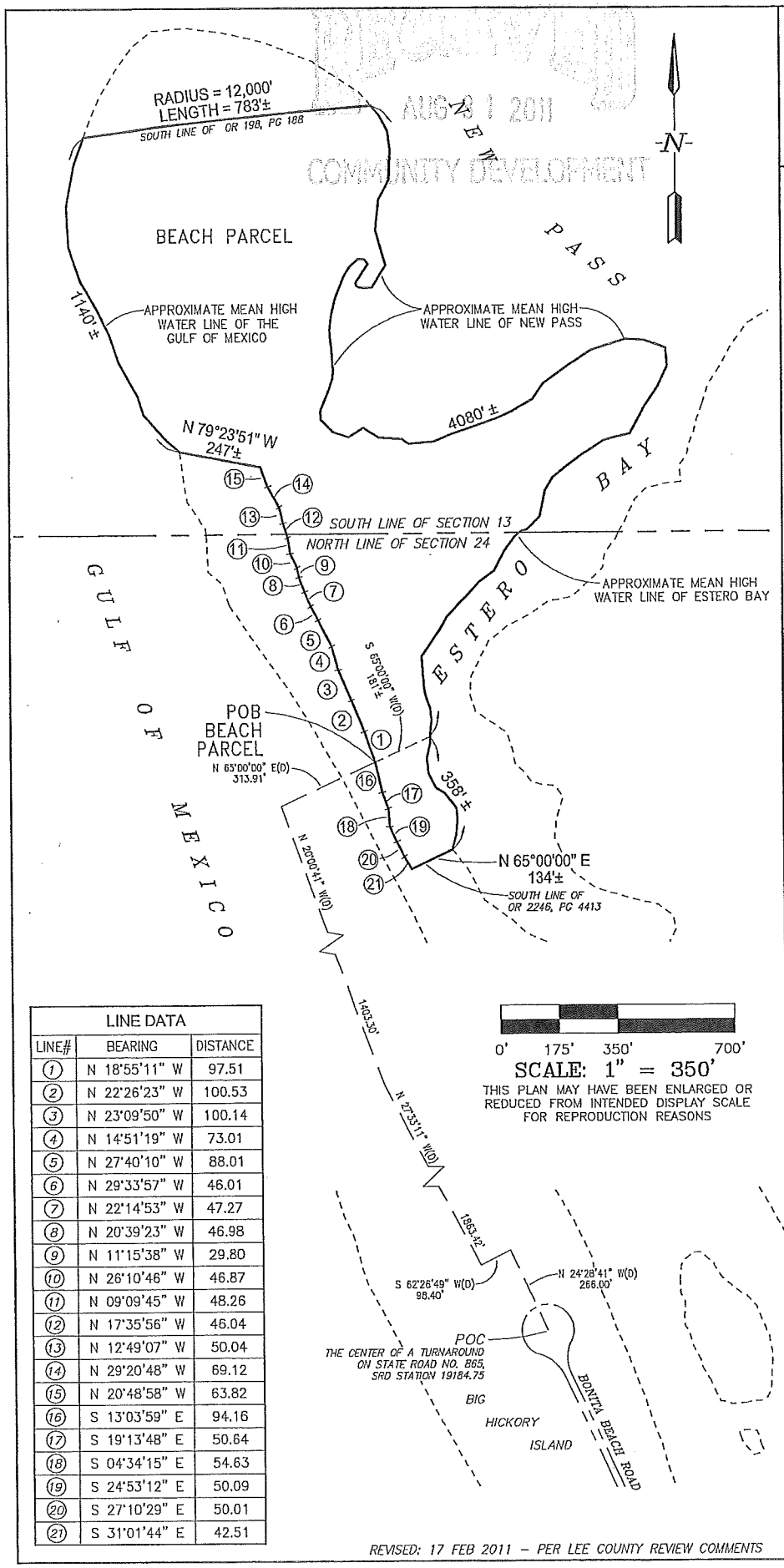
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LINE DATA		
LINE#	BEARING	DISTANCE
(1)	N 18°55'11" W	97.51
(2)	N 22°26'23" W	100.53
(3)	N 23°09'50" W	100.14
(4)	N 14°51'19" W	73.01
(5)	N 27°40'10" W	88.01
(6)	N 29°33'57" W	46.01
(7)	N 22°14'53" W	47.27
(8)	N 20°39'23" W	46.98
(9)	N 11°15'38" W	29.80
(10)	N 26°10'46" W	46.87
(11)	N 09°09'45" W	48.26
(12)	N 17°35'56" W	46.04
(13)	N 12°49'07" W	50.04
(14)	N 29°20'48" W	69.12
(15)	N 20°48'58" W	63.82
(16)	S 13°03'59" E	94.16
(17)	S 19°13'48" E	50.64
(18)	S 04°34'15" E	54.63
(19)	S 24°53'12" E	50.09
(20)	S 27°10'29" E	50.01
(21)	S 31°01'44" E	42.51

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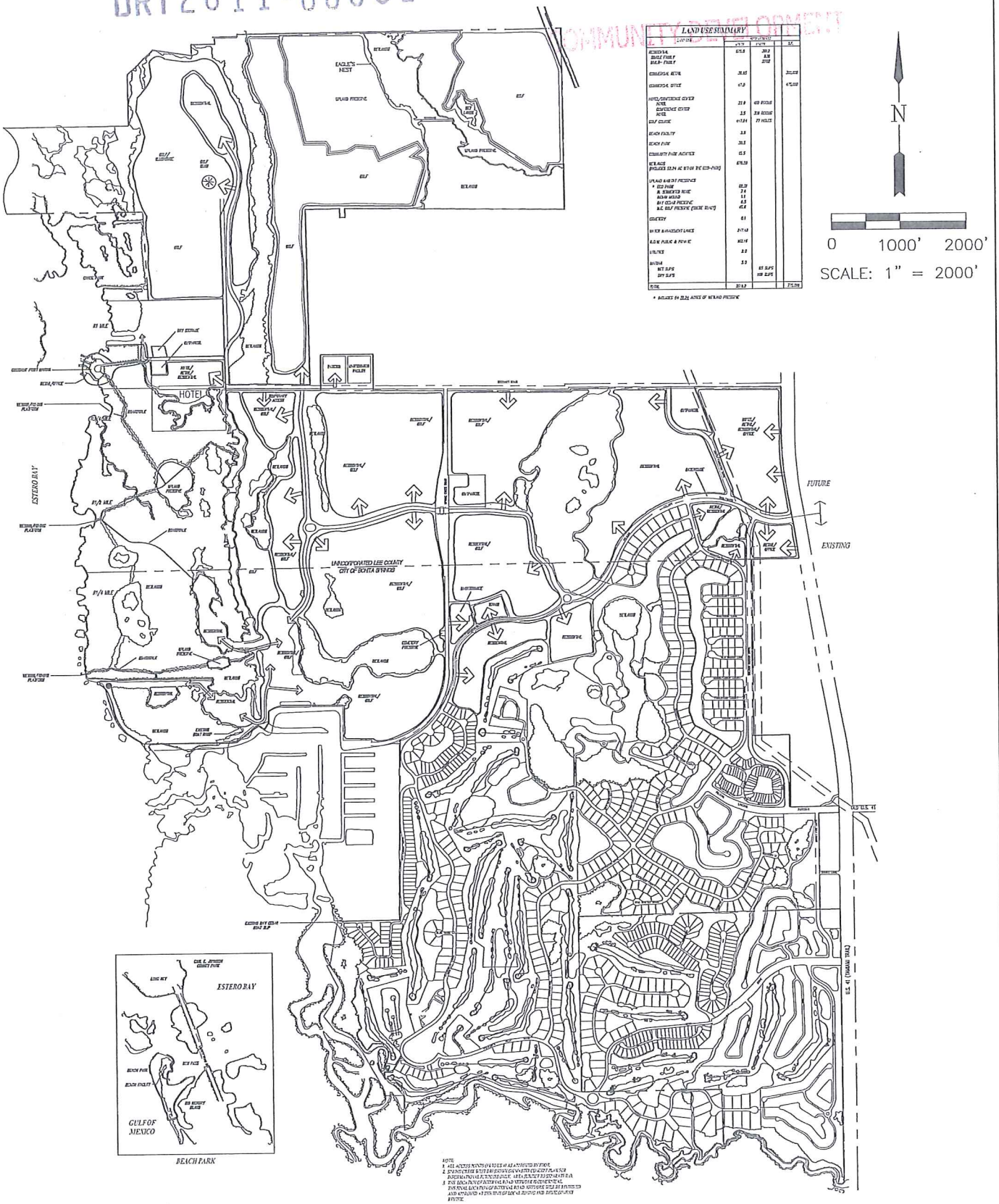
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MAP H

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PELICAN LANDING DRI

MAP H

SCALE: 1" = 2000'
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FILE NAME: PLNDPC13 MAP H (5-31-2011)
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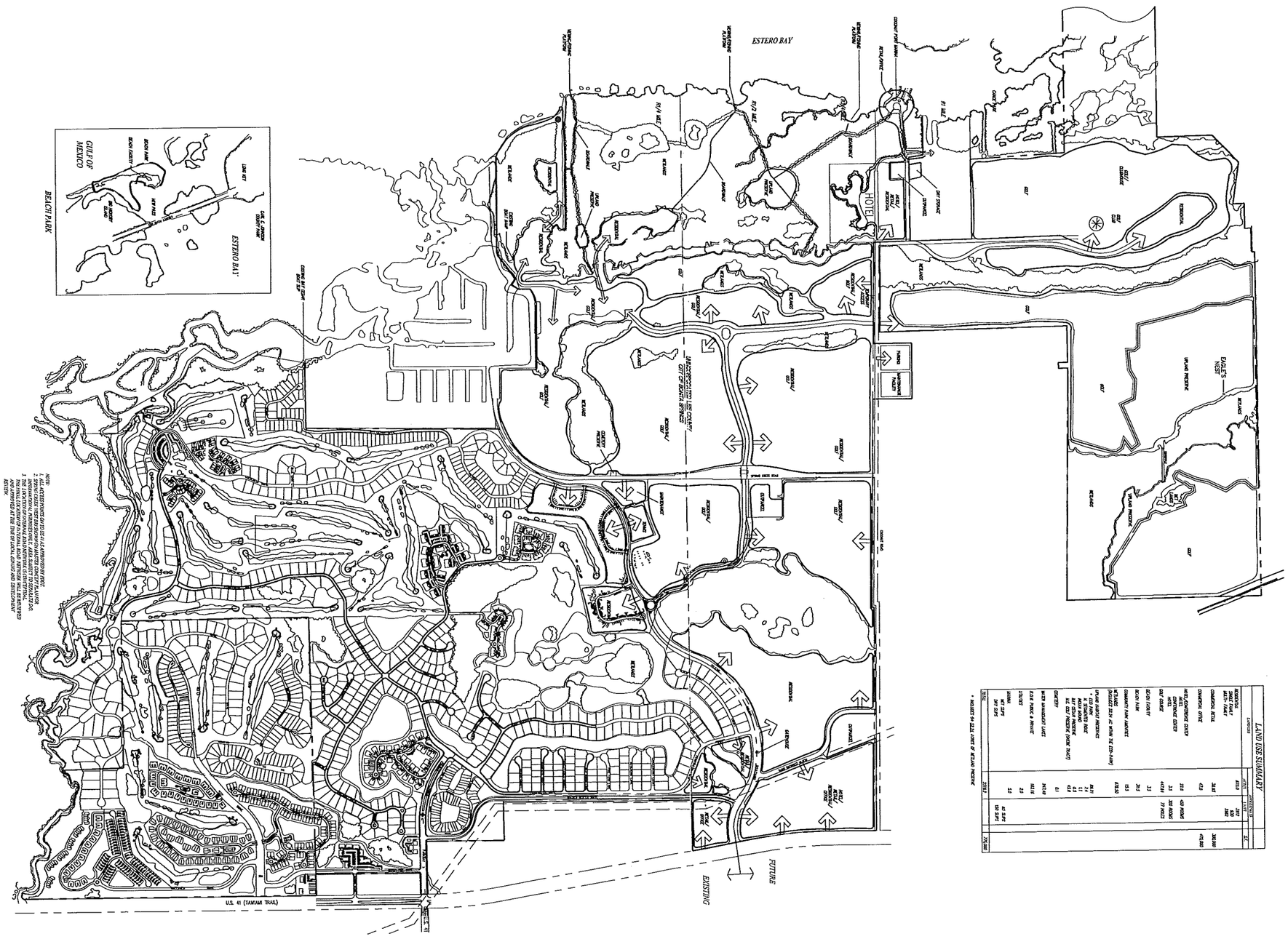
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EXHIBIT "F"
PELICAN LANDING DRI
DEVELOPMENT PARAMETERS
(updated through ~~January 2006~~ _____)

Land Use	Units[1]	Existing ~~(1998)~~ (2011)	Buildout Total ~~(2009)~~ (2020)
Residential	DU	~~1083~~ 2,677	3,912
Single Family	DU	~~402~~ 846	930
Multi Family	DU	~~596~~ 1,831	2,982
Retail[2]	GFA	~~11,000~~ 21,000	300,000
Office[3]	GFA	~~134,738~~ 229,222	475,000
Hotel/Motel	Rooms	~~0~~ 450	750
Recreation Uses			
Pelican Nest Golf Course/Clubhouse/ Practice Range	Holes	*Within Pelican Landing DRI/Spring Creek Holes not included ~~21~~ 30	30
Colony Range Club/ Golf Course/ Clubhouse/Practice Range	Holes	19	19
Resort Golf Course/ Clubhouse Practice Range	Holes	~~0~~ 19	28
Tennis Center	Courts	~~12~~ 24	24
Coconut Marina	Boat Slips Wet	24	48
	Dry	0	150
Redfish Point	~~GFA~~	~~5,000~~	~~5,000~~
	Boat Slips Wet	15	15
Other[4]	Boat Slips Wet	2	2
	Accessory Parking	~~0~~ 3.2	3.2
	CDD's Maintenance Facility		1.45

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

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N

0 750' 1500'

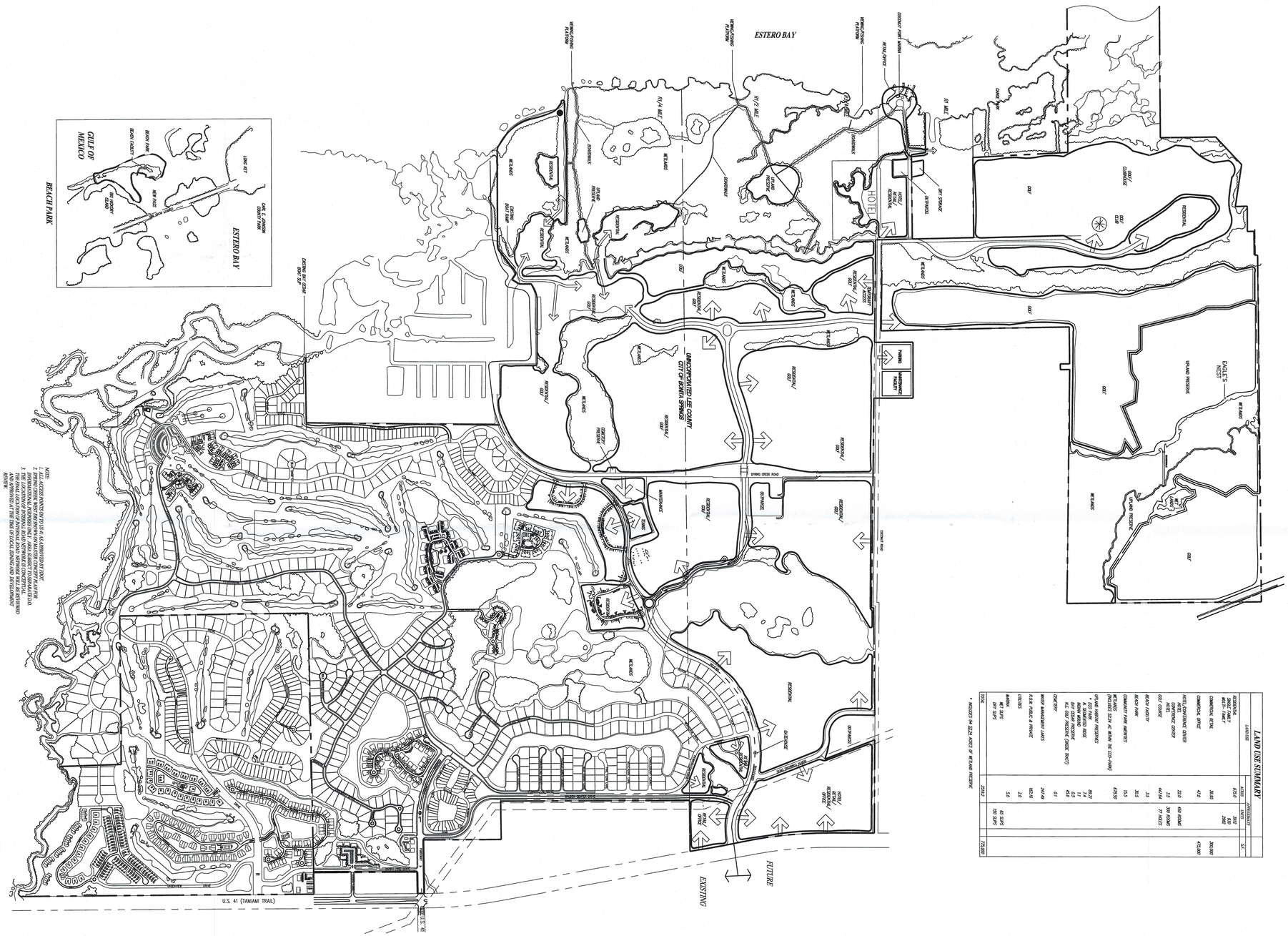
11x17 SCALE: 1" = 1500'
24x36 SCALE: 1" = 750'

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NOTE:
1. ALL ACTIVITIES NOTED ON THIS MAP ARE APPROXIMATE AND SUBJECT TO CHANGE.
2. ADDITIONAL PROJECTS ONLY, AREA SUBJECT TO DEVELOPED AS SHOWN ON THIS MAP.
3. THE FINAL LOCATION OF INTERNAL ROADWAYS SHALL BE DETERMINED AT THE TIME OF LOCAL DEVELOPMENT ORDER APPROVAL.

LAND USES SUMMARY

RESIDENTIAL									
SINGLE FAMILY									
SINGLE FAMILY									
COMMERCIAL RETAIL									
COMMERCIAL OFFICE									
PUBLIC/SEMI-PUBLIC USES									
HOTEL									
GOLF COURSE									
GOLF COURSE									
BEACH CLUB									
BEACH AREA									
COMMUNITY PARK (INCLUDES 33.4+/- ACRE TRAIL DEVELOPED)									
18 HOLE GOLF COURSE									
+ CITY PARK									
+ CITY PARK									
RESTAURANT									
RESTAURANT									
RESTAURANT


ESTERO BAY
GULF OF MEXICO
BEACH PARK
ESTERO BAY
LONG KEY
CARL E. JOHNSON COUNTY PARK
NEW PASS
BIG HICKORY ISLAND
BEACH PARK
BEACH FACILITY
HICKORY BAY
HICKORY BAY DRIVE
ESTERO BAY DRIVE
COCONUT POINT MARINA
RETAIL/HOTEL
HOTEL/RESIDENTIAL
HOTEL/CONFERENCE CENTER
GOLF CLUBHOUSE
GOLF
GOLF CLUB
RESIDENTIAL
RESIDENTIAL/GOLF
RESIDENTIAL/ CONDO
RESIDENTIAL/ GOLF
RESIDENTIAL/ CEMETERY
RESIDENTIAL/ MAINTENANCE
RESIDENTIAL/ CLUBHOUSE
RESIDENTIAL/ RETAIL
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RESIDENTIAL/ HOTEL/RETAIL/ CONDO/ GOLF/ CLUBHOUSE/ CLUB

RESOLUTION NUMBER Z-11-030

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, an application was filed by the property owner, WCI Communities, Inc., for a Notice of Proposed Change (NOPC) to the Pelican Landing DRI #1-9293-121, in reference to Pelican Landing DRI/CPD/RPD; and,

WHEREAS, a public hearing was advertised and held on December 7, 2011, with the record held open until December 21, 2011, for written submissions, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record or Case #DRI2011-00001; and

WHEREAS, a second public hearing was advertised and held on March 5, 2012, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request for a NOPC to the Pelican Landing DRI #1-9293-121 to extend the buildout date to May 21, 2020; extend termination date to May 20, 2026; amend various conditions of the DRI DO to reflect completion and passage of time for certain items; and end the interface zone monitoring requirements. The property is located in the Outlying Suburban, Wetlands, Urban Community and Suburban Future Land Use Categories and is legally described in attached Exhibit A. The request is APPROVED.

SECTION B. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: Pelican Landing DRI-CPD-RPD Development Order, 15th Amendment (Includes Map H)

COPY

03-05-12 Z

SECTION C. FINDINGS AND CONCLUSIONS:

1. That the Applicant has proved entitlement to this request, as conditioned, by demonstrating compliance with the Lee Plan, the Land Development Code, Section 380.06, Florida Statutes, and all other applicable codes or regulations.

2. The requested DRI revisions, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

   b. are consistent with the densities, intensities and general uses set forth in the Lee Plan;

   c. are compatible with existing or planned uses in the surrounding area;

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and

   e. will not adversely affect environmentally critical areas or natural resources.

3. The requested DRI revisions satisfy the following criteria:

   a. there were no changes to the Master Concept Plan and no new conditions were imposed on the Master Concept Plan;

   b. the request does not create nor result in new or additional unreviewed regional impacts and, as such, does not create a Substantial Deviation under the provisions set forth in Section 380.06(19), Florida Statutes.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

Commissioner Ray Judah made a motion to adopt the foregoing resolution, seconded by Commissioner Frank Mann. The vote was as follows:

John E. Manning	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 5th day of March, 2012.

ATTEST:
CHARLIE GREEN, CLERK

BY: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
John E. Manning, Chair

SEAL

Approved as to form by:

_____
John J. Fredyma
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE
MW
2012 MAR 12 AM 7:13

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

DRI 2011-00001

REVISED: 17 FEB 2011 – PER LEE COUNTY REVIEW COMMENTS

"NOT A SURVEY"

LEGAL DESCRIPTION

PELICAN LANDING

LYING IN

SECTIONS 5, 6, 7, 8, 9, 13, 16, 17, 20, 21, & 24
TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

2/18/11
DATE SIGNED

DONALD L. SPANTENNY III, P.S.M.
FL. LICENSE #6761
FOR THE FIRM

GradyMinor
Civil Engineers • Land Surveyors • Planners • Landscape Architects
CERT. OF AUTH. EB 0005151 • CERT. OF AUTH. LB 0005151 • BUSINESS LC 26000266
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O. Grady Minor and Associates, P.A.

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COMMUNITY DEVELOPMENT

EXHIBIT A
(Page 1 of 10)

DESCRIPTION: PELICAN LANDING – CITY

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.

REVISED: 17 FEB 2011 – PER LEE COUNTY REVIEW COMMENTS

"NOT A SURVEY"

NOT VALID WITHOUT SHEETS 1-10 OF 10

LEGAL DESCRIPTION

PELICAN LANDING

LYING IN

SECTIONS 5, 6, 7, 8, 9, 13, 16, 17, 20, 21, & 24
TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

GradyMinor

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BUSINESS LC 260000206

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CFN 2011-00001

EXHIBIT A

DESCRIPTION: PELICAN LANDING – CITY

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.

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 PROLONGATION 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.

COMMUNITY DEVELOPMENT

REVISED: 17 FEB 2011 – PER LEE COUNTY REVIEW COMMENTS

"NOT A SURVEY"

NOT VALID WITHOUT SHEETS 1-10 OF 10

LEGAL DESCRIPTION

PELICAN LANDING

LYING IN
SECTIONS 5, 6, 7, 8, 9, 13, 16, 17, 20, 21, & 24
TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

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SHEET:	3 of 10

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DRI 2011-00001

EXHIBIT A

DESCRIPTION: PELICAN LANDING – COUNTY

APPROVED 4/18/11
LEGAL

PARCEL 2–A

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 8 AND 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

BEGINNING AT AN INTERSECTION OF THE WEST LINE OF TAMIAMI TRAIL (STATE ROAD NO. 45) WITH THE SOUTH LINE OF COCONUT ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 1738 AT PAGE 2538 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTH 00°10'56" WEST ALONG SAID WEST LINE FOR 621.81 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHERLY AND SOUTHEASTERLY ALONG SAID WEST LINE, 1040.54 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS 5797.58 FEET, A DELTA ANGLE OF 10°17'00", (CHORD BEARING SOUTH 04°57'34" EAST FOR 1039.14 FEET), TO A POINT OF TANGENCY; THENCE RUN SOUTH 10°06'04" EAST ALONG SAID WESTERLY LINE FOR 938.08 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE–1/4) OF SAID SECTION 9; THENCE RUN SOUTH 89°23'00" WEST ALONG SAID SOUTH LINE FOR 708.94 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER (SE–1/4) OF SECTION 9; THENCE RUN WESTERLY ALONG SAID SOUTH LINE OF THE SOUTHWEST QUARTER (SW–1/4) OF SECTION 9, SOUTH 89°27'22" WEST FOR 2,677.24 FEET MORE OR LESS, TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW–1/4) OF SECTION 9; THENCE RUN WESTERLY ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE–1/4) OF SAID SECTION 8, NORTH 89°25'51" WEST FOR 1,838.15 FEET MORE OR LESS TO AN INTERSECTION WITH THE EASTERLY LINE OF SPRING CREEK ROAD AS DESCRIBED IN DEED BOOK 305 AT PAGE 276, LEE COUNTY RECORDS; THENCE CONTINUE NORTH 00°07'17" EAST ALONG SAID EAST LINE FOR 343.49 FEET; THENCE RUN SOUTH 89°38'58" EAST FOR 10.00 FEET; THENCE RUN NORTH 00°07'17" EAST ALONG SAID EAST LINE FOR 849.27 FEET TO THE SOUTHWEST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2039 AT PAGE 3364, OF SAID PUBLIC RECORDS; THENCE RUN SOUTH 89°21'02" EAST ALONG THE SOUTH LINE OF SAID LANDS FOR 189.98 FEET; THENCE RUN NORTH 00°07'17" EAST ALONG THE EAST LINE OF SAID LANDS FOR 125.01 FEET; THENCE RUN NORTH 89°21'02" WEST ALONG THE NORTH LINE OF SAID LANDS FOR 199.98 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF SAID SPRING CREEK ROAD; THENCE RUN NORTH 00°07'17" EAST ALONG SAID EAST LINE FOR 1292.76 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF COCONUT ROAD (50 FEET WIDE); THENCE RUN SOUTH 89°16'14" EAST ALONG SAID SOUTH LINE FOR 1802.38 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID SECTION 9; THENCE RUN NORTH 00°39'58" WEST ALONG SAID WEST LINE FOR 25.00 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW–1/4) OF SAID SECTION; THENCE CONTINUE ALONG SAID WEST LINE NORTH 00°40'07" WEST FOR 5.00 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID COCONUT ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 1738 AT PAGE 2538, SAID PUBLIC RECORDS; THENCE RUN SOUTH 89°35'50" EAST ALONG SAID SOUTH LINE FOR 1549.14 FEET; THENCE RUN SOUTHWESTERLY, 47.12 FEET ALONG A NON–TANGENTIAL CURVE TO THE LEFT, HAVING A RADIUS OF 30.00 FEET, A DELTA ANGLE OF 90°00'00", (CHORD BEARING SOUTH 45°24'10" WEST FOR 42.43 FEET), TO A POINT OF TANGENCY; THENCE RUN SOUTH 00°24'10" WEST FOR 336.31 FEET TO A POINT OF CURVATURE; THENCE RUN 424.12 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 270.00 FEET, A DELTA ANGLE OF 90°00'00", (CHORD BEARING SOUTH 44°35'50" EAST FOR 381.84 FEET), TO A POINT OF TANGENCY; THENCE RUN SOUTH 89°35'50" EAST FOR 99.41 FEET TO A POINT OF CURVATURE; THENCE RUN 256.23 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 530.00 FEET, A DELTA ANGLE OF 27°42'00", (CHORD BEARING SOUTH 75°44'50" EAST FOR 253.74 FEET); THENCE RUN NORTH 20°53'52" WEST FOR 748.16 FEET TO AN INTERSECTION WITH THE AFOREMENTIONED SOUTH LINE OF COCONUT ROAD; THENCE RUN ALONG SAID SOUTH LINE SOUTH 89°35'50" EAST FOR 1,301.22 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS: 294.56 ACRES, MORE OR LESS.
AND

PARCEL 2–B

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 7 AND 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW–1/4) OF SAID SECTION 8 RUN SOUTH 00°23'24" EAST ALONG THE WEST LINE OF SAID FRACTION FOR 25.00 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF COCONUT ROAD (50 FEET WIDE) AND THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING RUN SOUTH 89°16'14" EAST ALONG SAID SOUTH LINE FOR 3253.00 FEET TO AN INTERSECTION WITH THE WEST LINE OF SPRING CREEK ROAD; THENCE RUN THE FOLLOWING COURSES AND DISTANCES ALONG THE WESTERLY RIGHT–OF–WAY OF SAID SPRING CREEK ROAD; SOUTH 00°17'17" WEST FOR 817.15 FEET; NORTH 89°52'43" WEST FOR 14.27 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY, 346.81 FEET ALONG SAID ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1725.00 FEET, A DELTA ANGLE OF 11°31'09", (CHORD BEARING SOUTH 05°52'51" WEST FOR 346.22 FEET), TO A POINT OF TANGENCY; THENCE RUN SOUTH 11°38'26" WEST FOR 178.50 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY, 934.96 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 2400.00 FEET, A DELTA ANGLE OF 22°19'14", (CHORD BEARING SOUTH 00°28'49" WEST FOR 929.06 FEET), TO A POINT OF TANGENCY; THENCE RUN SOUTH 10°40'48" EAST FOR 231.66 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY, 118.80 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1725.00 FEET, A DELTA ANGLE OF 03°56'45", (CHORD BEARING SOUTH 08°42'25" EAST FOR 118.78 FEET), TO AN INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 8; THENCE RUN WESTERLY ALONG THE SOUTHERLY LINE OF SAID SECTION 8 AND SAID SECTION 7 FOR 5530.70 FEET MORE OR LESS TO THE WATERS OF ESTERO BAY; THENCE RUN NORTHERLY ALONG THE WATERS OF ESTERO BAY FOR 6,485 FEET MORE OR LESS TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTH HALF (S–1/2) OF GOVERNMENT LOT 2 OF SAID SECTION 7; THENCE RUN NORTH 89°32'15" EAST ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 2 FOR 793 FEET MORE OR LESS TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1895 AT PAGE 3817 OF SAID PUBLIC RECORDS; THENCE RUN SOUTH 08°50'45" EAST ALONG THE EAST LINE OF SAID LANDS FOR 199.50 FEET TO THE SOUTHEAST CORNER OF SAID LANDS; THENCE RUN NORTH 89°35'27" EAST FOR 666.22 FEET; THENCE RUN NORTH 89°32'15" EAST FOR 239.00 FEET TO AN INTERSECTION WITH THE WEST LINE OF COCONUT ROAD; THENCE RUN SOUTH 01°07'45" EAST ALONG SAID WEST LINE FOR 488.63 FEET; THENCE RUN NORTH 89°40'05" EAST ALONG THE SOUTH LINE OF SAID COCONUT ROAD FOR 24.69 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT OFFICIAL RECORD BOOK 1677 AT PAGE 3516 OF SAID PUBLIC RECORDS.

PARCEL CONTAINS: 343 ACRES, MORE OR LESS.

AND

APPROVED 4/18/11
SCM

REVISED: 17 FEB 2011 – PER LEE COUNTY REVIEW COMMENTS

LEGAL DESCRIPTION

PELICAN LANDING
LYING IN
SECTIONS 5, 6, 7, 8, 9, 13, 16, 17, 20, 21, & 24
TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

"NOT A SURVEY"

NOT VALID WITHOUT SHEETS 1-10 OF 10

GradyMinor
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DRI 2011-00001

EXHIBIT A

DESCRIPTION: PELICAN LANDING – COUNTY

PARCEL 2–C

A PARCEL OF LAND LYING IN AND BEING A PORTION OF THE EAST HALF (E–1/2) OF THE NORTHWEST QUARTER (NW–1/4) OF SECTION 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF THE EAST HALF (E–1/2) OF THE NORTHWEST QUARTER (NW–1/4) OF SAID SECTION 8; THENCE RUN N 01°00' 45" W ALONG THE WEST LINE OF SAID EAST HALF (E–1/2) OF THE NORTHWEST QUARTER (NW–1/4) FOR 42.02 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT–OF–WAY LINE OF COCONUT ROAD (AS MAINTAINED); THENCE RUN S 89° 16' 14" E ALONG SAID RIGHT–OF–WAY FOR 171.25 FEET TO THE POINT OF BEGINNING.
FROM SAID POINT OF BEGINNING CONTINUE S 89° 16' 14 E ALONG SAID RIGHT–OF–WAY A DISTANCE OF 513.75 FEET; THENCE RUN N 01° 00' 44" W A DISTANCE 367.98 FEET; THENCE RUN N 89° 16' 14" W A DISTANCE OF 513.75 FEET; THENCE RUN S 01° 00' 44" E A DISTANCE OF 367.98 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 4.34 ACRES, MORE OR LESS.

APPROVED LEGAL 4/18/11

AND

PARCEL 2–D

A PARCEL OF LAND LYING IN SECTIONS 5, 6, 7, AND 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, THENCE ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 8, N 01°07'45" W FOR A DISTANCE OF 40.02 FEET TO THE NORTH RIGHT–OF–WAY LINE OF COCONUT ROAD, (AS MAINTAINED), AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED;

THENCE CONTINUE ALONG SAID WEST LINE, N 01°07'45" W FOR A DISTANCE OF 1284.51 FEET TO A POINT ON THE SOUTH LINE OF GOVERNMENT LOT 1; THENCE IN AND THROUGH SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST AND ALONG SAID SOUTH LINE OF GOVERNMENT LOT 1, S 89°33'42" W FOR A DISTANCE OF 1,812.53 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE APPROXIMATE MEAN HIGH WATER LINE OF ESTERO BAY; THENCE RUN NORTHERLY AND NORTHWESTERLY ALONG SAID WATERS FOR 3000 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE NORTH LINE OF GOVERNMENT LOT 4 IN SECTION 6, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE ALONG SAID NORTH LINE, N 89°41'23" E FOR A DISTANCE OF 1807.19 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1762, PAGE 4173, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG SAID LANDS, N 00°48'29" W FOR A DISTANCE OF 775.70 FEET; THENCE N 46°11'51" E FOR A DISTANCE OF 523.67 FEET; THENCE S 81°20'47" E FOR A DISTANCE OF 600.53 FEET; THENCE N 00°49'50" W FOR A DISTANCE OF 162.49 FEET; THENCE N 89°10'55 E FOR A DISTANCE OF 349.43 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE ALONG SAID WEST LINE, N 01°31'46" W FOR A DISTANCE OF 92.76 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 5; THENCE ALONG THE NORTH LINE OF SAID FRACTION, N 89°34'40" E FOR A DISTANCE OF 2,592.29 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 5; THENCE ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, N 89°31'44" E FOR A DISTANCE OF 2401.02 FEET TO A POINT ON THE WEST LINE OF THE LANDS OF FLORIDA POWER & LIGHT COMPANY, RECORDED IN OFFICIAL RECORDS BOOK 244, PAGE 138, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG SAID WEST LINE, S 20°51'33" E FOR A DISTANCE OF 553.87 FEET TO A POINT ON THE EAST LINE OF LOT B32 OF THE FLORIDA GULF LAND COMPANY'S SUBDIVISION, RECORDED IN PLAT BOOK 1, PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG SAID SUBDIVISION, S 00°08'19" E FOR A DISTANCE OF 2,203.04 FEET; THENCE ALONG THE SOUTH LINE OF SAID SUBDIVISION, N 88°46'30" W FOR A DISTANCE OF 2,580.72 FEET; THENCE CONTINUING ALONG THE SAME, N 89°25'13" W FOR A DISTANCE OF 587.32 FEET TO THE NORTHEAST CORNER OF LOT 8, BLOCK B, OF THE ELDORADO ESTATES SUBDIVISION AS SHOWN IN DEED BOOK 310, PAGE 183 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG SAID LOT 8, S 00°50'16" E FOR A DISTANCE OF 132.70 FEET; THENCE N 89°11'54" W FOR A DISTANCE OF 75.00 FEET; THENCE N 00°50'16" W FOR A DISTANCE OF 132.41 FEET TO A POINT ON THE SOUTH LINE OF SAID FLORIDA GULF LAND COMPANY'S SUBDIVISION; THENCE ALONG SAID SOUTH LINE, N 89°25'13" W FOR A DISTANCE OF 610.82 FEET TO THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 8, S 01°00'45" E FOR A DISTANCE OF 2,612.19 FEET TO A POINT ON THE NORTH RIGHT–OF–WAY LINE OF COCONUT ROAD; THENCE ALONG SAID NORTH RIGHT–OF–WAY LINE, N 89°16'14" W FOR A DISTANCE OF 1,267.93 FEET TO THE POINT OF BEGINNING.

BEARINGS HEREINABOVE MENTIONED ARE BASED ON STATE PLANE COORDINATES FOR THE FLORIDA WEST ZONE.

PARCEL CONTAINS: 576 ACRES, MORE OR LESS.

4/18/11
APPROVED LEGAL

REVISED: 17 FEB 2011 – PER LEE COUNTY REVIEW COMMENTS

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NOT VALID WITHOUT SHEETS 1-10 OF 10

LEGAL DESCRIPTION

PELICAN LANDING
LYING IN
SECTIONS 5, 6, 7, 8, 9, 13, 16, 17, 20, 21, & 24
TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

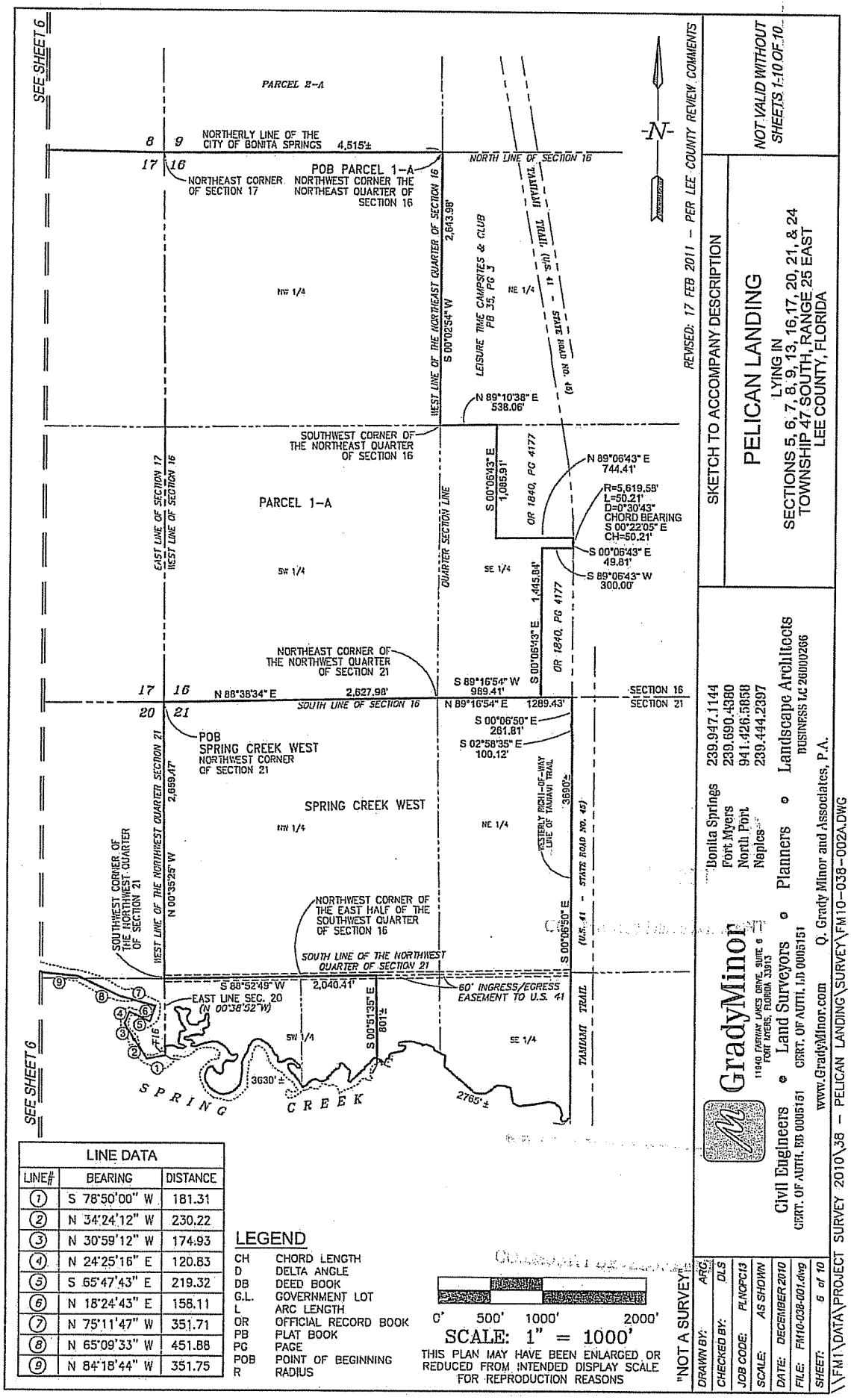
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EXHIBIT A



LINE DATA		
LINE#	BEARING	DISTANCE
①	S 78°50'00" W	181.31
②	N 34°24'12" W	230.22
③	N 30°59'12" W	174.93
④	N 24°25'16" E	120.83
⑤	S 65°47'43" E	219.32
⑥	N 18°24'43" E	158.11
⑦	N 75°11'47" W	351.71
⑧	N 65°09'33" W	451.88
⑨	N 84°18'44" W	351.75

LEGEND

CH	CHORD LENGTH
D	DELTA ANGLE
DB	DEED BOOK
G.L.	GOVERNMENT LOT
L	ARC LENGTH
OR	OFFICIAL RECORD BOOK
PB	PLAT BOOK
PG	PAGE
POB	POINT OF BEGINNING
R	RADIUS

0' 500' 1000' 2000'

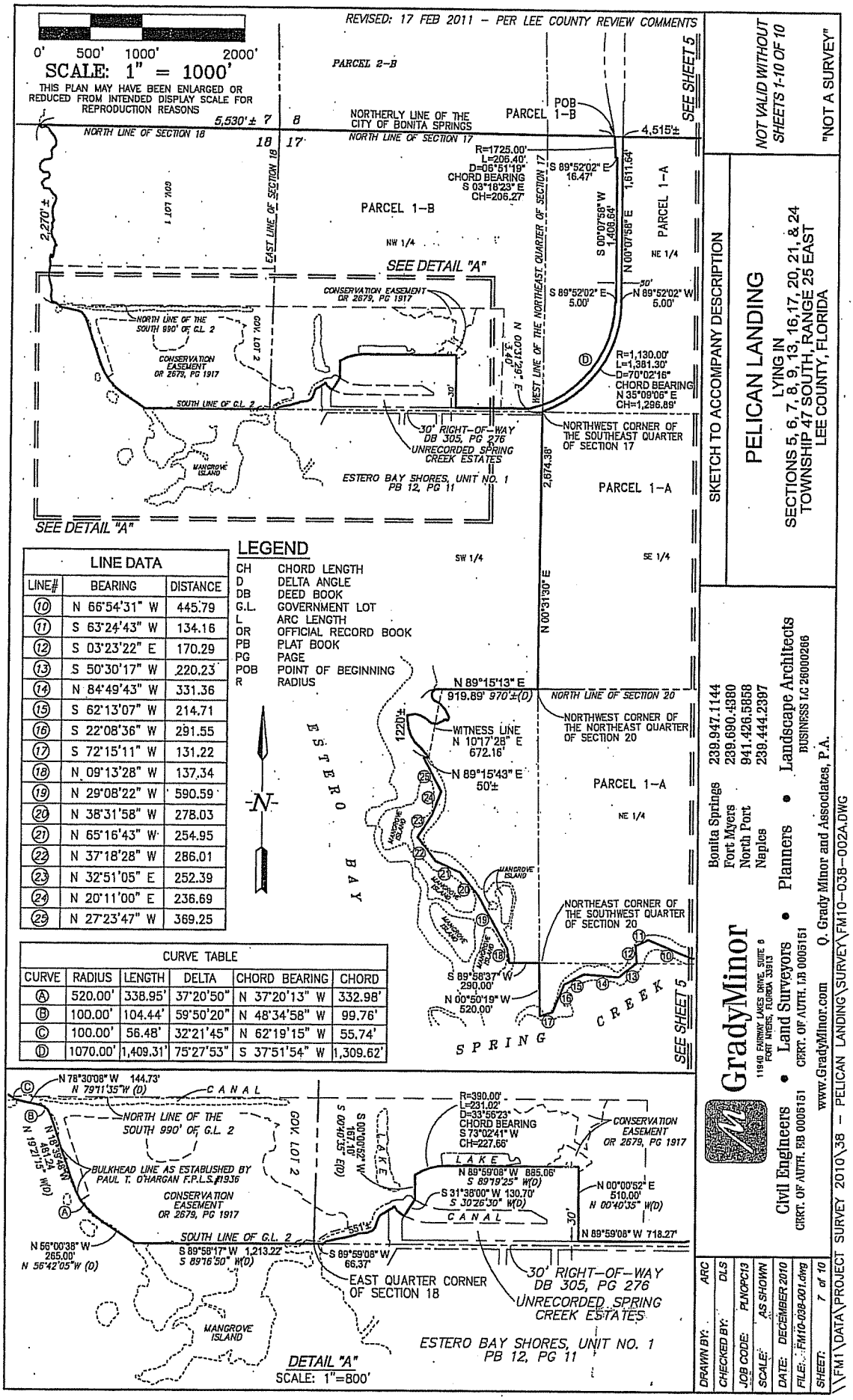
SCALE: 1" = 1000'

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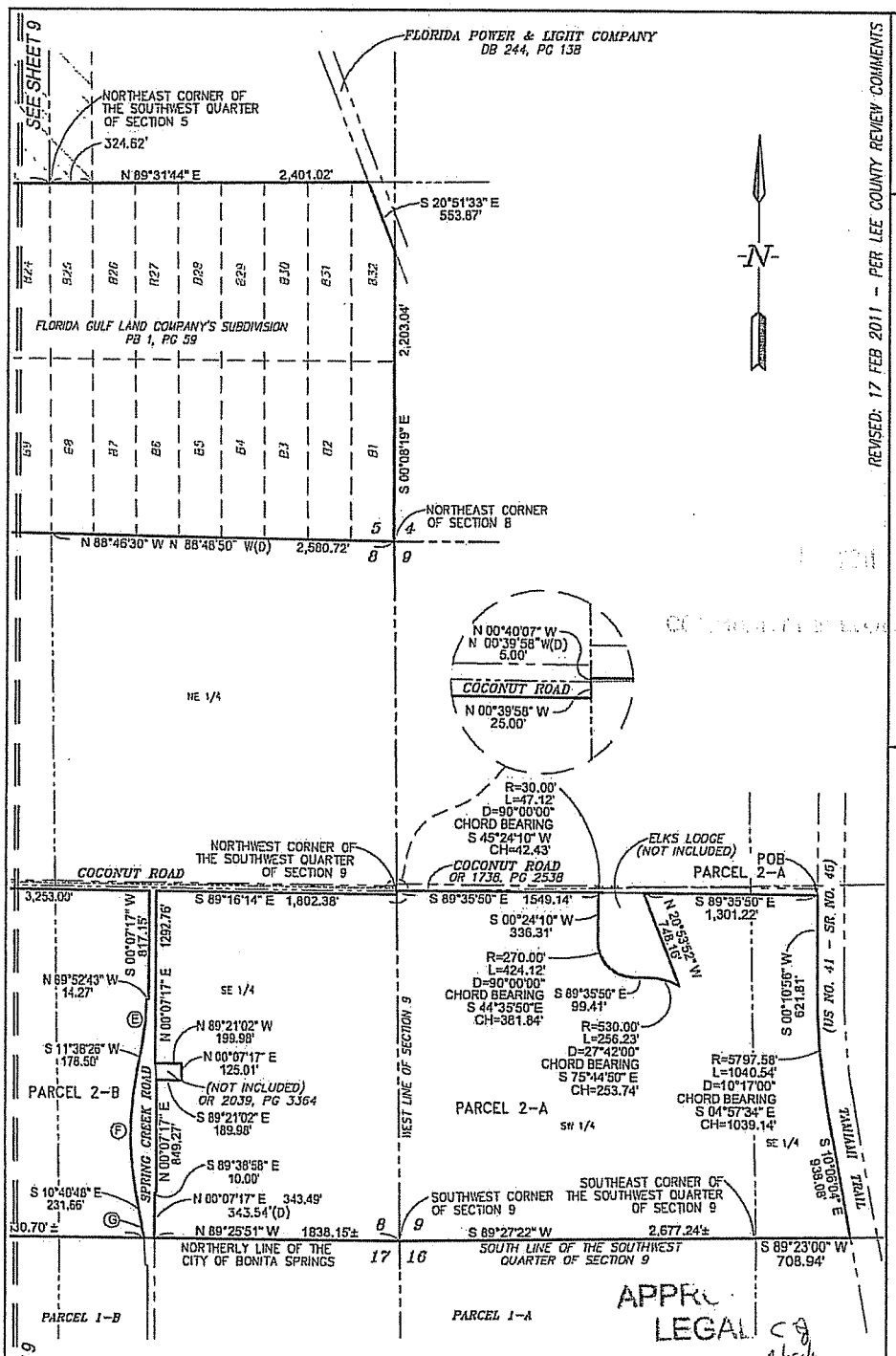
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EXHIBIT A



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EXHIBIT A



REVISED: 17 FEB 2011 - PER LEE COUNTY REVIEW COMMENTS

SKETCH TO ACCOMPANY DESCRIPTION

NOT VALID WITHOUT SHEETS 1-10 OF 10

PELICAN LANDING

LYING IN
SECTIONS 5, 6, 7, 8, 9, 13, 16, 17, 20, 21, & 24
TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, FLORIDA WEST ZONE.
2. THIS SKETCH & DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF ABSTRACT OF TITLE AND MAY BE SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RESTRICTIONS OF RECORD. ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.
3. DIMENSIONS SHOWN HEREON ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.
4. THIS SKETCH & DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER. NO ADDITIONS OR DELETIONS TO THIS SKETCH & DESCRIPTION ARE PERMITTED WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE SIGNING PARTY.

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD
Ⓔ	1725.00'	346.81'	11°31'09"	S 05°52'51" W	346.22'
Ⓕ	2400.00'	934.96'	22°19'14"	S 00°28'49" W	929.06'
Ⓒ	1725.00'	118.80'	03°56'45"	S 08°42'25" E	118.78'

0' 500' 1000' 2000'

SCALE: 1" = 1000'

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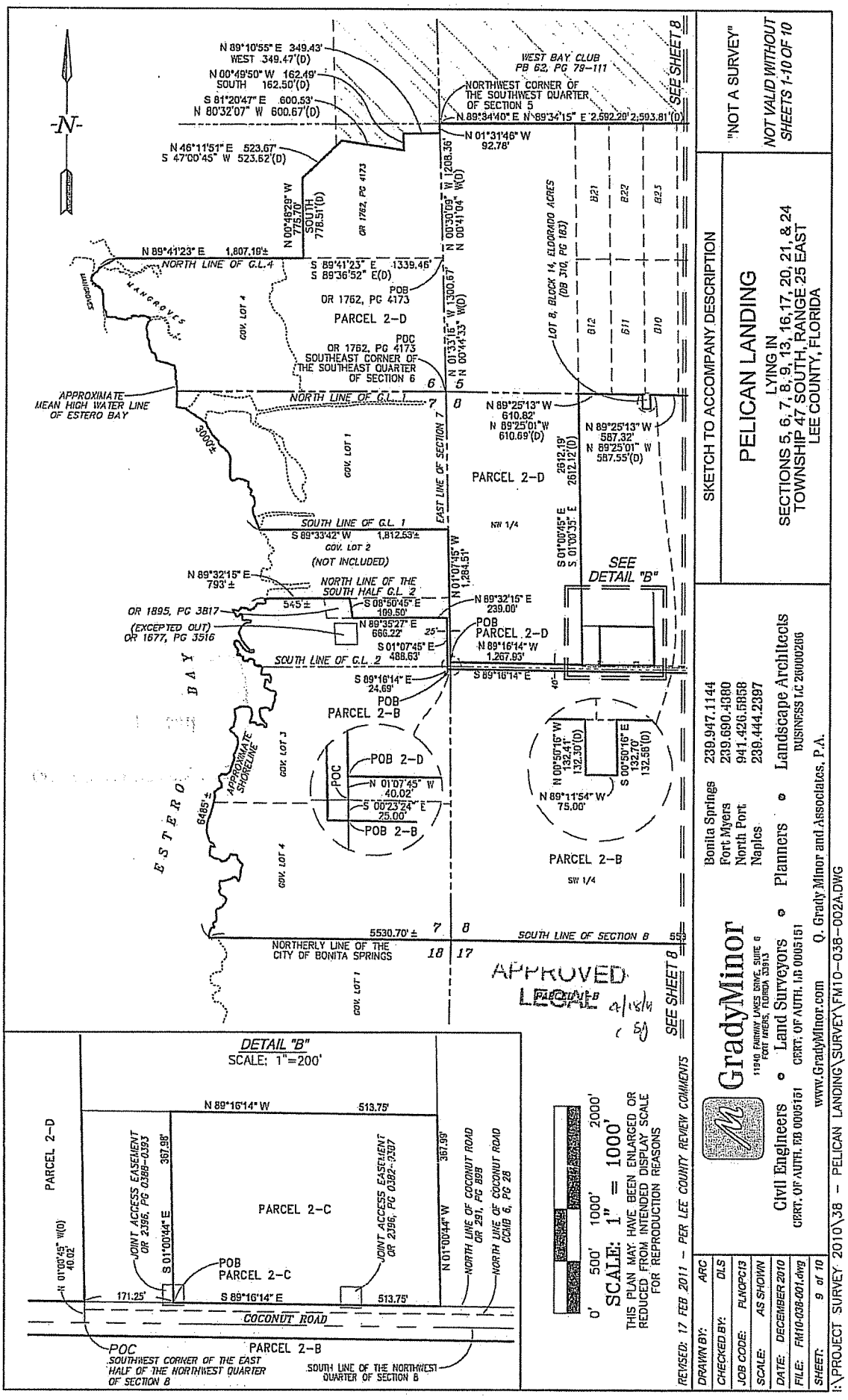
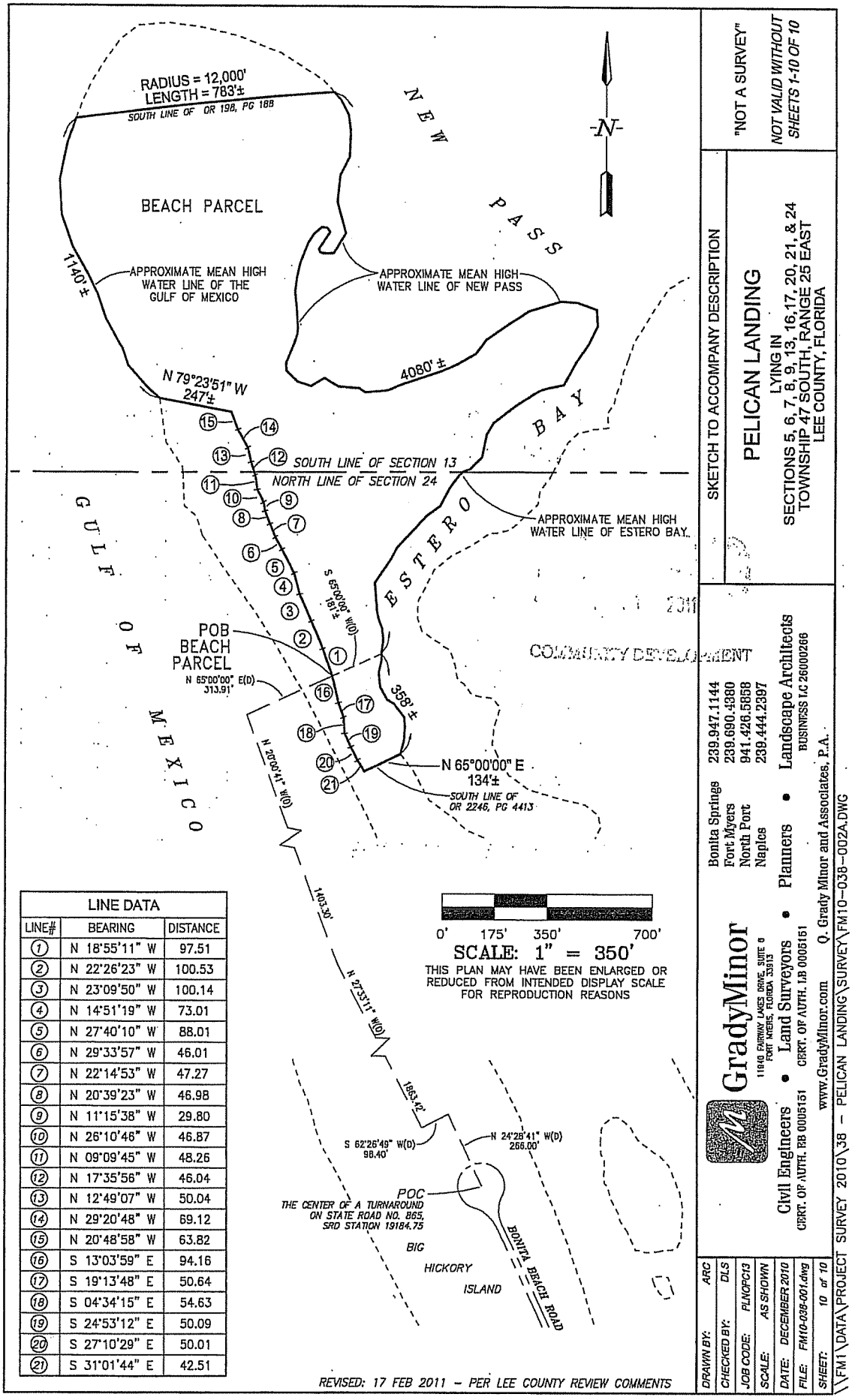


EXHIBIT A
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DRI 2011-00001



LINE DATA		
LINE#	BEARING	DISTANCE
(1)	N 18°55'11" W	97.51
(2)	N 22°26'23" W	100.53
(3)	N 23°09'50" W	100.14
(4)	N 14°51'19" W	73.01
(5)	N 27°40'10" W	88.01
(6)	N 29°33'57" W	46.01
(7)	N 22°14'53" W	47.27
(8)	N 20°39'23" W	46.98
(9)	N 11°15'38" W	29.80
(10)	N 26°10'46" W	46.87
(11)	N 09°09'45" W	48.26
(12)	N 17°35'56" W	46.04
(13)	N 12°49'07" W	50.04
(14)	N 29°20'48" W	69.12
(15)	N 20°48'58" W	63.82
(16)	S 13°03'59" E	94.16
(17)	S 19°13'48" E	50.64
(18)	S 04°34'15" E	54.63
(19)	S 24°53'12" E	50.09
(20)	S 27°10'29" E	50.01
(21)	S 31°01'44" E	42.51

DRI 2011-00001

EXHIBIT A
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DRI2011-00001

Zoning Map

11/9/2011

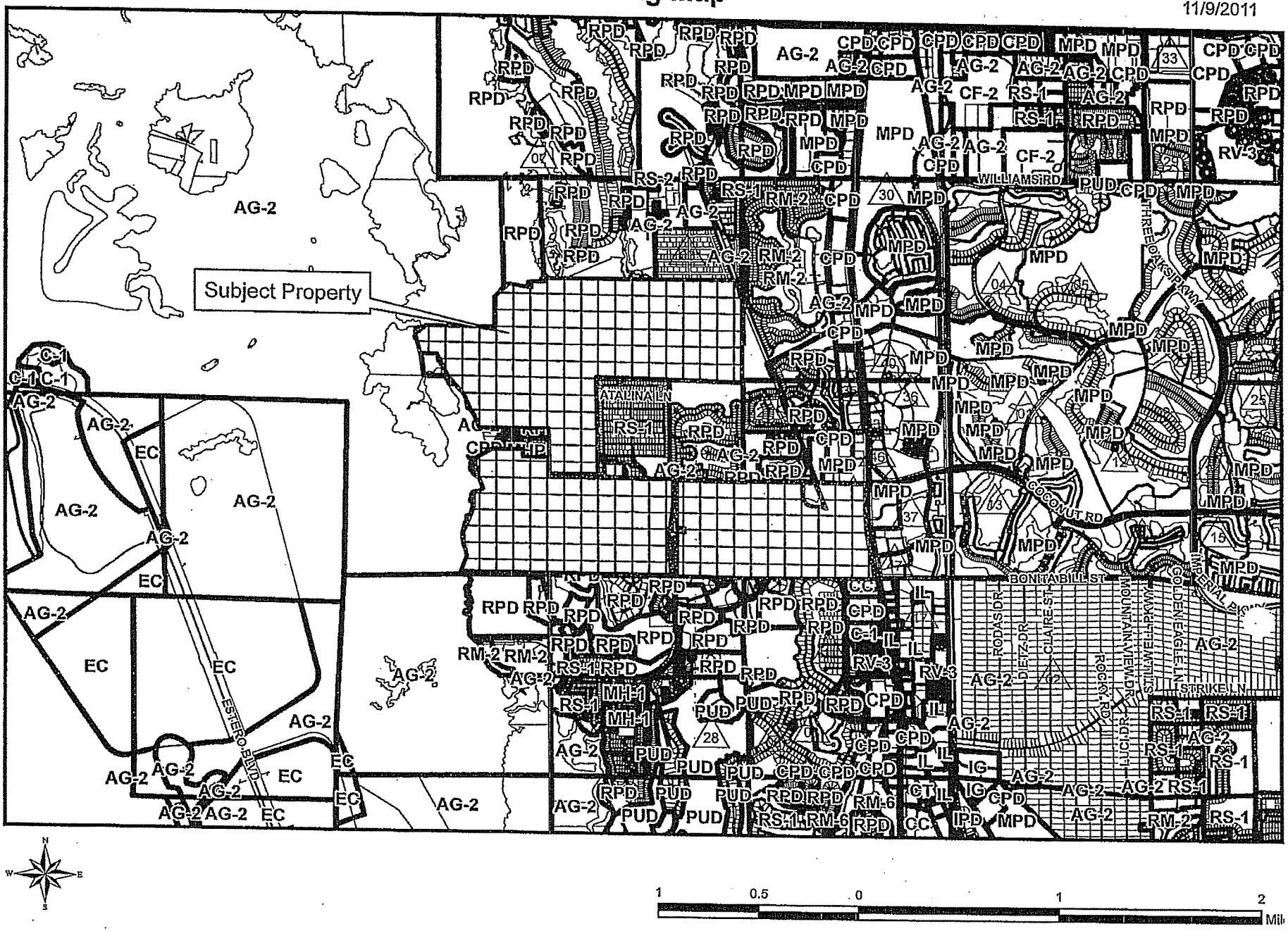


EXHIBIT B

EXHIBIT C

FIFTEENTH AMENDED DEVELOPMENT ORDER
FOR

PELICAN LANDING

A DEVELOPMENT OF REGIONAL IMPACT

STATE DRI #1-9293-121
COUNTY CASE DRI2005-00001

WHEREAS, a Notice of Proposed Change (NOPC) was filed on January 7, 2011, to extend the build out 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 ~~on November 28, 2000, WCI Communities, Inc., the owner of the Pelican Landing Development of Regional Impact (DRI) most recently requested an amendment to the original Development Order (DO) adopted August 29, 1994, as amended~~; and

WHEREAS, this document incorporates the following 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, to add 3.2 acres;
9) September 18, 2000, to add 140 acres;
10) February 26, 2002, to revise the legal description and clearly define the jurisdictional line between the City and County;
11) October 7, 2002 , to accomplish the following: (a) adjust the original buildout date (from December 31, 2002 to May 21, 2004) and termination date (from December 31, 2005 to May 21, 2007) to reflect the one year and 141 days the effectiveness of the Development Order was tolled as a result of the 1996 appeal and challenge; and (b) extend the buildout and termination dates by 4 years and 364 days to May 20, 2009 and May 20, 2012, respectively;
12) December 4, 2006 (submitted by Bayside Improvement Community Development District on January 25, 2005), to amend the legal description and Map H to (a) include a 1.45 acre tract for the purpose of constructing a maintenance facility, and, (b) to reduce the number of residential dwelling units from 4,400 to 3,912 residential units and change the mix of units types to allow an increase in single family units from 665 to 930 unit and a reduction in multi-family units from 3,735 to 2,982; and

13) October 2, 2007, pursuant to House Bill 7203, a three-year extension was granted in response to Section 380.06(19)c, F.S., extending the buildout date to May 20, 2012, and the termination date to May 20, 2015;

14) November 15, 2011, pursuant to House Bill 7207, a four-year extension was granted to extend the build out date by four years to May 20, 2016, and the termination date to May 20, 2019; and

WHEREAS, this is the ~~Fourteenth~~ Fifteenth Amendment to the Pelican Landing DRI Development Order; and,

~~WHEREAS, on June 2, 2011, House Bill 7207 (HB7207) was signed into law by the Governor of the State of Florida. HB7207, as codified in Chapter 2011-139, Laws of Florida, authorizing a four year extension for all valid DRI Development Orders. At the option of the developer, all commencement, phase, buildout and expiration dates for valid Developments of Regional Impacts may be extended by four years, regardless of previous extensions issued in the past; and,~~

~~WHEREAS, on July 11, 2011, Lee County received a request to extend the DRI compliance dates as contemplated under HB7202. If approved, the current buildout date for the Pelican Landing DRI Development Order would be extended four years from May 20, 2012, to May 20, 2016; and the current termination date of May 20, 2015, would be extended four years to May 20, 2019, and,~~

~~WHEREAS, Pelican Landing DRI qualifies for the extension of the DRI compliance dates; and,~~

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, that the Development Order for Pelican Landing DRI is hereby further amended as follows:

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The "Pelican Landing DRI" is a partially built master planned community on a total of 2749.7± acres located approximately three miles north of the Lee/Collier County Line. Approximately 1249.8 acres of the Pelican Landing DRI are located within the City of Bonita Springs; approximately 1217.9 acres of the Pelican Landing DRI are located within the unincorporated area of Lee County; and approximately 282± acres of the 2749.7±-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 ~~proposal is~~ development is approved to construct 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 ~~will~~ also 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 date is May 20, ~~2016~~ 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, C and D.

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

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

Exhibit 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 attached Exhibits A, B and C.

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 proposed Development Order Amendment~~ This Notice of Proposed Change (NOPC) has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC). ~~and is the subject of the report and recommendations adopted by that body and subsequently~~

~~forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes. 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 classifications of the Lee Plan with 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 Amendment.

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 a 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 Spring Creek West development has been built out for more than one year.

K. A portion of the DRI property ~~has been included in~~ is within the incorporated limits of the City of Bonita Springs pursuant to legislation adopted during the 1999 Legislative session. The property now located in the City of Bonita Springs lies within the area described in section 6 of the Committee Substitute for Senate Bill 2626, 1st Engrossed. Pursuant to Florida Statutes section 380.06(15)(h), a separate DRI development order ~~must be~~ was adopted by the City of Bonita Springs that incorporates 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 Statues, the Pelican Landing DRI development order adopted by the County ~~must be~~ was 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. Pelican Landing DRI qualified for the statutory three-year extension to all phase, buildout and expiration dates granted by the 2007 Florida Legislature under House Bill 7203

(amending F.S. §380.06(19)(c)) and signed into law on June 19, 2007. The Board of County Commissioners granted the extension pursuant to Lee County Resolution 07-10-03, as the Thirteenth Amendment to the Pelican Landing DRI Development Order, adopted on October 2, 2007. Under HB7203, the three-year extension did not constitute a substantial deviation, is not subject to further Development of Regional Impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under F.S. §380.06(19)(c).

M. House Bill 7202 (HB7207), as signed into law by the Governor of the State of Florida on June 2, 2011 (as codified in Chapter 2011-139, Laws of Florida) authorized a four year extension for all valid DRI Development Orders. At the option of the ~~d~~Developer, all commencement, phase, buildout and expiration dates for valid Developments of Regional Impacts may be extended by four years regardless of previous extensions issued in the past.

In accord with HB 7207, the Pelican Landing DRI qualified for the extension of the DRI's compliance dates. Under HB 7207, the extension of the DRI's compliance dates does not constitute a substantial deviation of the original development order approvals warranting further DRI review.

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, in a public meeting duly advertised, constituted and assembled on March 5, 2012, that the Development of Regional Impact Application for Development Approval submitted on behalf of WCI Communities, Inc., for the project known as the Pelican Landing, is hereby APPROVED, SUBJECT TO the conditions, restrictions and limitations that follow.

For the purpose of this Development Order, the term "Developer" or "Applicant" refers to and includes all successors or assigns, and all references to County Ordinances or other regulations, includes future amendments thereto.

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 ~~will be~~ 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 ~~d~~Developer will immediately contact the Florida Department of State, Division of Historical Resources, the SWFRPC, and Lee County and advise them of the discovery. The ~~d~~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 ~~are~~ were no regionally significant housing impacts for the first planning horizon of the DRI Development Order, which ended 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 ~~Florida Office of Economic Opportunity (FOEO)~~ Florida Department of Economic Opportunity (FDEO) 1991 Draft methodology.

2. The SWFRPC, the ~~FOEO~~ FDEO 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 will be 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 home buyers, 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 home buyers for either closing costs or down payments associated with the purchase loan.

C. Hurricane Preparedness

1. The ~~d~~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~~ is 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 ~~d~~Developer ~~will be~~ was responsible for the initial electrical hook-up costs. The selection of the generator ~~will be~~ was in coordination with Lee County Emergency Management Staff.

2. The Lee County Emergency Management staff will act as a liaison between the ~~d~~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 ~~d~~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 ~~d~~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 ~~d~~Developer must prepare, in conjunction with Lee County Emergency Management and Division of Natural Resources (DNR) 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 ~~d~~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 ~~d~~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 months after the effective date of the DRI Development Order. *Editorial note: The ~~d~~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 developer will mitigate the hurricane shelter impacts for units 4051 through 4400 by paying $18.50 per unit to the Lee County Impact Fee Coordinator at the time of building permit approval. If the developer constructs an assisted living facility, the developer must comply with all aspects of Section 440.441(1)(b), F.S., as may be amended, including the preparation and submittal of a comprehensive emergency management plan that addresses emergency evacuation transportation and adequate sheltering arrangements for the ALF residents. The developer must update this plan annually. The County must use the funds paid pursuant to this condition to construct or upgrade hurricane shelter space in a location that will benefit the residents of the Pelican Landing Community. The eighteen dollar and fifty cents fee (1996 dollars) will be multiplied by the Dodge Data Service Building Cost Index for U.S. and Canadian cities for June 1 of each year subsequent to 1996, up to the time building permits are issued. This multiplier ensures payment of current dollars at the time the permits are issued. If the Building Cost Index is not available, the Consumer Price Index will be used instead, and applied by the method described above. If Lee County adopts an impact fee for hurricane shelters prior to, or during, the acquisition of building permits 4051 through 4400 then the Developer will pay the duly adopted impact fee, provided that fee is no less per unit than the per unit amount set out above, and this condition will have no further force and effect.~~

D. Marina Facilities

1. The ~~d~~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 ~~d~~Developer has constructed dock and channel markers within Estero Bay. The DNR 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 DNR.

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 ~~d~~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 or Lee County regulations regarding the protection of manatees.

7. The ~~d~~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 ~~d~~Developer must construct an educational board on a Kiosk at the Beach Park. The educational board will be created in conjunction with the DNR, Marine Sciences Program and Turtle Time.

10. The ~~d~~Developer will comply with all water quality monitoring requirements imposed by the FDEP and the South Florida Water Management District (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 DNR, 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 that is designed and constructed to meet all requirements of the Standard Building Code, as adopted by Lee County.

E. Vegetation and Wildlife/Wetlands

The ~~d~~Developer has 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 (FWCC)] guidelines and the Lee County Land Development Code (LDC). 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 parcel and 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.

Prior to any new development within 1500 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 ~~FOEO~~ FDEO, SWFRPC, FWCC, Lee County, 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 dDeveloper.

The Developer will revise the management plans to respond to any lawful objections. The agencies will review and respond to the management plan resubmittal. The agencies will provide a written response to Lee County 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 ~~d~~Developer. Lee County and ~~FOEO~~ FDEO 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 FWCC 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 DNR and ~~Florida Game and Fresh Water Fish Commission (FGFWFC)~~ FWCC recommendations.

The PMP required the ~~d~~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~~ FWCC, and ~~FOEO~~ FDEO within 18 months of the effective date of the DRI Development Order, on November 14, 1994. Lee County, ~~FGFWFC~~ FWCC, and ~~FOEO~~ FDEO 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~~ FWCC 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 FWCC (f/k/a 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 FWCC for the purpose of regionally significant gopher tortoise habitat.

The ~~a~~Applicant and the ~~Florida Fish and Wildlife Conservation Commission~~ FWCC 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 FWCC. The initial Gopher Tortoise Incidental Take Permit LEE-9 must be modified by the FWCC 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 deleted ±22 acres will be formally released from the Conservation Easement by the FWCC.

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 ~~d~~Developer's FDEP 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~~ FWCC. 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~~ FWCC. 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 Coonties, 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 DNR 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 ~~a~~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 ~~a~~Applicant will continue to incorporate native vegetation into the open space and landscaped areas.

8. The ~~a~~Applicant must design the golf course and conduct 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. However, this condition will not be interpreted in a manner that forces the ~~a~~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 purposes, and 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~~ 10 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~~ ensure 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 DNR 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 ~~d~~Developer, or any subsequent owner of the golf course, must ~~i~~ensure that the golf course maintenance equipment is handled in accordance with all federal, state and local regulations. Specifically, the ~~d~~Developer will ~~i~~ensure that all wash down facilities comply with FDEP rules regarding chemical residue, and insure the continued recycling of motor oil

from maintenance equipment, and ~~i~~ensure recycling of used motor oil, used oil filters, anti-freeze, lead acid batteries, cleaning solvents, shop rags, and aerosol cans.

8. The ~~d~~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 SFWMD "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 Baycreek Improvement Districts (~~a district~~ formed pursuant to Chapter 190, Florida Statutes), must ~~i~~ensure that the portion of the system under the ownership and control of ~~the~~ each 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 Sstorm 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 ~~C~~control ~~S~~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 ~~S~~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 ~~d~~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 Improvement and Bay Creek 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 ~~d~~Developer must implement the best management practices for monitoring and maintenance of the surface water management systems in accordance with Lee County and ~~South Florida Water Management District~~ SFWMD guidelines.

6. The SFWMD must establish all internal surface water management and wetland systems. The ~~d~~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 Lee County Attorney's office.

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 assume~~d~~s the development parameters and land uses shown in attached Exhibit F, "Pelican Landing DRI Development Parameters." The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Planning Horizon I (1997) and buildout (~~2012~~ 2009)[1]. Each monitoring report, described in Paragraph 4, ~~must~~ reflected whether the roadways and intersections described below ~~are~~ were significantly impacted or ~~are~~ were projected to be significantly impacted by this project in the following year.

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[1]~~Pursuant to HB 7202, the buildout date was extended to 2016. However, the transportation analysis was conducted reflective of a buildout date of 2012. For this reason, the referenced date was not amended in this paragraph.~~

b. The Pelican Landing DRI ~~is~~ 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)		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 and right turn lanes
	-	Separate WB thru and left turn lanes

Buildout (~~2012~~ 2009 in the original assessment)[2]		
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

[2] ~~Pursuant to HB 7202, the buildout date was extended to 2016. However, the transportation analysis was conducted reflective of a buildout date of 2012. For this reason, the referenced date was not amended in this paragraph.~~

- 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 and 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 and right turn lanes
	-	Separate WB thru and left turn lanes

The Traffic Impact Statement submitted in support of the Fifteenth 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).

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

2. Mitigation

a. The ~~d~~Developer will pay impact fees as defined in the ~~Lee County Land Development Code~~ LDC 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 are were originally estimated to be $8,900,000 for the land uses identified in attached Exhibit 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 ~~2012~~ 2009 and as updated through the new buildout year of 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~~ LDC 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 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 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, Lee County may apply any Pelican Landing impact fees not required for those specific improvements to other improvements consistent with the requirements of the ~~Lee County Land Development Code~~ LDC.

b. If through the local development approval process, the ~~d~~Developer constructs, with the approval of the Lee County DOT, 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~~ LDC.

c. The ~~d~~Developer must dedicate 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 ~~d~~Developer ~~must~~ 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~~ LDC. Dedication of the roadway right-of-way and construction of Burnt Pine Drive ~~will occur as follows~~ 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) ~~Burnt Pine Drive~~ Walden Center Drive North from Pelican Landing Parkway to Pelican Landing North Entrance was under construction no later than December 31, 1998.

3) ~~Burnt Pine Drive~~ North Commons Drive north from Pelican Landing North Entrance to Coconut Road~~: should be under construction no later than December 31, 1999~~.

d. The ~~d~~Developer ~~agrees to~~ 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 will be dedicated to Lee County if and when requested. 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~~ LDC in effect at that time.

e. As a mitigation option, the ~~d~~Developer ~~may~~ made, with the concurrence of Lee County, ~~make~~ made an advance payment of a portion of Pelican Landing's total Impact Fees ~~up to 2 million dollars~~. Lee County ~~would then~~ 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 ~~is currently~~ scheduled in FDOT's Tentative Five Year Work Program for fiscal year 1998/99 (WPI #1114700).

3. Access and Site-Related Improvements

a. The ~~d~~Developer will be fully responsible for site-related roadway and intersection improvements required within the Pelican Landing DRI. The ~~d~~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 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 ~~will be~~ are located and developed consistent with the ~~Florida~~ FDOT's access management classification for US 41, unless otherwise approved by the ~~Florida~~ FDOT. Improvements to those access points will be consistent with ~~the Department's~~ FDOT's permitting requirements.

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

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 the Bay Creek Improvement District, a properly constituted and designated property owners association or other appropriate entity, unless subsequently dedicated to and accepted by Lee County or the City of Bonita Springs.

4. Traffic Monitoring Report

a. The ~~d~~Developer will submit a biennial traffic monitoring report to the following entities for review and approval: Lee County, FDOT, ~~FOEO~~ FDEO, and the Southwest Florida Regional Planning Council (SWFRPC).

The first monitoring report ~~must be~~ was submitted ~~by December 31, 2007~~. Reports must be submitted biennially thereafter until buildout of the project.

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

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

(1) P.M. peak hour existing volumes and turning 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)
Roadway	Segment	Improvement	Schedule
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	Hickory Blvd. to Vanderbilt	2 to 4	Planning Horizon I (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 is projected to exceed the adopted level of service standards adopted by Lee County within the forthcoming 12 months, and if the project is utilizing ~~more than~~ 5% or more of LOS "D" 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 ~~is~~ 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 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 ~~more than~~ 5% or more of ~~level of service D~~ 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 FDOT and/or Collier County.

f. In the event the ~~d~~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.

I. Wastewater Management/Water Supply

1. The ~~d~~Developer or the Bayside or Bay Creek Improvement District must obtain a SFWMD 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 ~~d~~Developer or Bayside or 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 developer~~ Any owner or tenant who operates a commercial facility that generates hazardous commercial effluent must provide written assurance that any hazardous commercial effluent, generated by them ~~project~~, 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 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.

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~~ e~~E~~mergency medical service impacts and fire protection impacts generated by the proposed development through the payment of ad valorem taxes, and fire and EMS impact fees when required ~~as defined~~ by the ~~Lee County regulations~~ LDC.

4. If access to development is through a security gate or similar device that is not manned 24 hours per day, the d~~D~~eveloper 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 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 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 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 area within 500 feet of the mangrove fringe of Estero Bay.

3. The management practices that the Developer will 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~~ has prepared and will continue to follow, as set out below, the ~~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 ~~must be~~ was amended to include the Kersey-Smoot parcels prior to the application of any herbicides, pesticides and fertilizers to the proposed golf course. This plan, or any amendment thereto, will be evaluated in accordance with the directives of Chapter ~~17~~ 62-302 F.A.C., Water Quality Standards.

a. The amended management plan ~~must:~~ included 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~~ identified the locations for the groundwater monitoring and testing on a map(s); and set forth the testing and reporting requirements. ~~The developer will submit the test reports with the annual monitoring report.~~

b. The monitoring program ~~will be~~ was established and operated at the expense of the Developer, the Bayside or Bay Creek Improvement District, or other comparable legal entity charged with the legal responsibility of managing the golf course.

c. The monitoring has been conducted for a period of 15 years, during which time there were no water quality violations in Estero Bay, the mangrove fringe, the Interface Zone, or within 500 feet of the mangrove fringe of Estero Bay. The golf course conditions and the approved management plan for the application of herbicides, pesticides and fertilizers are effective and have been shown to protect the water quality of the Bay.

d. Given the proven effectiveness of the golf course conditions, the Interface Zone monitoring requirement is no longer necessary, but will be immediately reinstated at any time the County's surface water monitoring sites (EB-4 and EB-7) along the Interface Zone reveal a violation of the water quality in the Bay that is or can be attributed to the application of fertilizer, pesticide or herbicides used on the golf course.

e. In the event any portion of the golf course within 500 feet of the mangrove fringe is reconfigure, redesigned or redeveloped, the Developer or other responsible entity must perform annual surface water and ground water monitoring, in accordance with the requirements in Condition K, for a period not to exceed three years from the date of the changes to the golf course.

f. The Bayside and Baycreek Improvement Districts, or other responsible entity, will provide a copy of any required NPDES monitoring in the Interface Zone, or at other required monitoring sites around the DRI, to Lee County and the City of Bonita Springs.

5. The Developer will submit a written amended surface and groundwater quality management plan to Lee County and ~~FOEO~~ FDEO. The amended plan must be approved by ~~FOEO~~ FDEO prior to the application of chemicals to the ~~proposed~~ reconfigured, redesigned or redeveloped golf course. The ~~FOEO~~ FDEO 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 ~~d~~Developer. The Developer must resubmit a revised water quality

management plan to address the valid objections. ~~FOEO~~ FDEO 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 ~~FOEO~~ FDEO 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 applications 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 ~~FOEO~~ FDEO will be implemented by the ~~d~~Developer, or other responsible entity. 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 will be 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 Lee County. 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 U.S. 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 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 FDEP 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 FDEP. Section 373.016, Florida Statutes provides that the legislature has vested the authority in the FDEP/SFWMD to accomplish the conservation, protection, management, and control of the waters of the state. To the extent that any requirements of ~~FOEO~~ FDEO, SWFRPC, or Lee County pursuant to this DRI Development Order are contrary to those of the SFWMD/FDEP, in areas where the SFWMD and FDEP have been given preemptive authority, the requirements of the SFWMD and the FDEP will control.

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 ~~d~~Developer is required to provide contemporaneous copies of any and all ~~Notice of Proposed Change (~~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 Lee County, adopted by the Board of County Commissioners in response to the application filed by WCI Communities, L.P. to amend the Pelican Landing Development of Regional Impact Development Order.

2. All commitments and impact mitigating actions volunteered by the ~~d~~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, and date-stamped received at the permit counter on May 2, 2006, is attached hereto as Exhibit 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~~ ACOE, 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 F.

4. The Development Order is binding upon the ~~d~~Developer(s) and its assignees or successors in interest. Where the Development Order refers to the Bayside or Baycreek 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 ~~d~~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 ~~d~~Developer and the County 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 ~~d~~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 Board of County Commissioners, 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, the Board 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 May 20, ~~2016~~ 2020, and a termination date of May 20, ~~2019~~ 2026. The buildout and termination dates reflect adjustment of one year and 141 days applicable to the tolling of time for the appeal/challenge to the original DRI Development Order. The termination date recognizes that a local Development Order, which is valid for ~~three~~ six years, may be obtained prior to the buildout ~~expiration~~ date.

12. The ~~d~~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 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 ~~2019~~ 2026. If the County 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 ~~d~~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 ~~2019~~ 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 2020 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.

15. The ~~d~~Developer, or its successor in title to the undeveloped portion of the subject property, will submit a report biennially to Lee County, SWFRPC, ~~FOEO~~ FDEO 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 ~~FOEO~~ FDEO. The first biennial monitoring report ~~must be~~ was submitted to the Administrative Director of the ~~FOEO~~ FDEO in 2009 ~~by December 31, 2007~~. Further reporting must be submitted biennially thereafter, until buildout. Failure to comply with this reporting procedure is governed by Section 380.06(18), Florida Statutes. The ~~d~~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 ~~d~~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 County will forward certified copies of this Development Order to the SWFRPC, the ~~d~~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 ~~d~~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.

Commissioner Ray Judah made a motion to adopt this amendment, seconded by Commissioner Frank Mann. The vote was as follows:

John E. Manning	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 5th day of March, 2012.

ATTEST:
Charlie Green, Clerk

Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: _____
John E. Manning, Chair

APPROVED AS TO FORM

By: _____
John J. Fredyma
County Attorney's Office

Attachments:

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

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

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

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

Exhibit E. Map H, Master Development Plan - last revised January 2006, stamped received August 31, 2011.

Exhibit F. Pelican Landing DRI Development Parameters

DESCRIPTION: PELICAN LANDING – COUNTY

PARCEL 2–A
A TRACT OR PARCEL OF LAND LYING IN SECTIONS 8 AND 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

BEGINNING AT AN INTERSECTION OF THE WEST LINE OF TAMIAMI TRAIL (STATE ROAD NO. 45) WITH THE SOUTH LINE OF COCONUT ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 1738 AT PAGE 2538 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN SOUTH 00°10'56" WEST ALONG SAID WEST LINE FOR 621.81 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHERLY AND SOUTHEASTERLY ALONG SAID WEST LINE, 1040.54 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS 5797.58 FEET, A DELTA ANGLE OF 10°17'00", (CHORD BEARING SOUTH 04°57'34" EAST FOR 1039.14 FEET), TO A POINT OF TANGENCY; THENCE RUN SOUTH 10°06'04" EAST ALONG SAID WESTERLY LINE FOR 938.08 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE–1/4) OF SAID SECTION 9; THENCE RUN SOUTH 89°23'00" WEST ALONG SAID SOUTH LINE FOR 708.94 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER (SE–1/4) OF SECTION 9; THENCE RUN WESTERLY ALONG SAID SOUTH LINE OF THE SOUTHWEST QUARTER (SW–1/4) OF SECTION 9, 4,515 FEET MORE OR LESS, TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW–1/4) OF SECTION 9; THENCE RUN WESTERLY ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE–1/4) OF SAID SECTION 8 FOR 1,838.15 FEET MORE OR LESS TO AN INTERSECTION WITH THE EASTERLY LINE OF SPRING CREEK ROAD AS DESCRIBED IN DEED BOOK 305 AT PAGE 276, LEE COUNTY RECORDS; THENCE CONTINUE NORTH 00°07'17" EAST ALONG SAID EAST LINE FOR 343.54 FEET; THENCE RUN SOUTH 89°38'58" EAST FOR 10.00 FEET; THENCE RUN NORTH 00°07'17" EAST ALONG SAID EAST LINE FOR 849.27 FEET TO THE SOUTHWEST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2039 AT PAGE 3364, OF SAID PUBLIC RECORDS; THENCE RUN SOUTH 89°21'02" EAST ALONG THE SOUTH LINE OF SAID LANDS FOR 189.98 FEET; THENCE RUN NORTH 00°07'17" EAST ALONG THE EAST LINE OF SAID LANDS FOR 125.01 FEET; THENCE RUN NORTH 89°21'02" WEST ALONG THE NORTH LINE OF SAID LANDS FOR 199.98 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF SAID SPRING CREEK ROAD; THENCE RUN NORTH 00°07'17" EAST ALONG SAID EAST LINE FOR 1292.76 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF COCONUT ROAD (50 FEET WIDE); THENCE RUN SOUTH 88°18'14" EAST ALONG SAID SOUTH LINE FOR 1802.36 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID SECTION 9; THENCE RUN NORTH 00°39'58" WEST ALONG SAID WEST LINE FOR 25.00 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW–1/4) OF SAID SECTION; THENCE CONTINUE ALONG SAID WEST LINE NORTH 00°39'58" WEST FOR 5.00 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID COCONUT ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 1738 AT PAGE 2538, SAID PUBLIC RECORDS; THENCE RUN SOUTH 89°35'50" EAST ALONG SAID SOUTH LINE FOR 1549.14 FEET; THENCE RUN SOUTHWESTERLY, 47.12 FEET ALONG A NON–TANGENTIAL CURVE TO THE LEFT, HAVING A RADIUS OF 30.00 FEET, A DELTA ANGLE OF 90°00'00", (CHORD BEARING SOUTH 45°24'10" WEST FOR 42.43 FEET), TO A POINT OF TANGENCY; THENCE RUN SOUTH 00°24'10" WEST FOR 336.31 FEET TO A POINT OF CURVATURE; THENCE RUN 424.12 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 270.00 FEET, A DELTA ANGLE OF 90°00'00", (CHORD BEARING SOUTH 44°35'50" EAST FOR 381.84 FEET), TO A POINT OF TANGENCY; THENCE RUN SOUTH 89°35'50" EAST FOR 99.41 FEET TO A POINT OF CURVATURE; THENCE RUN 256.23 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 530.00 FEET, A DELTA ANGLE OF 27°42'00", (CHORD BEARING SOUTH 75°44'50" EAST FOR 253.74 FEET); THENCE RUN NORTH 20°53'52" WEST FOR 748.16 FEET TO AN INTERSECTION WITH THE AFOREMENTIONED SOUTH LINE OF COCONUT ROAD; THENCE RUN ALONG SAID SOUTH LINE SOUTH 89°35'50" EAST FOR 1,301.22 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS: 294.56 ACRES, MORE OR LESS.

AND

PARCEL 2–B
A TRACT OR PARCEL OF LAND LYING IN SECTIONS 7 AND 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW–1/4) OF SAID SECTION 8 RUN SOUTH 00°23'24" EAST ALONG THE WEST LINE OF SAID FRACTION FOR 25.00 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF COCONUT ROAD (50 FEET WIDE) AND THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING RUN SOUTH 89°18'14" EAST ALONG SAID SOUTH LINE FOR 3253.00 FEET TO AN INTERSECTION WITH THE WEST LINE OF SPRING CREEK ROAD; THENCE RUN THE FOLLOWING COURSES AND DISTANCES ALONG THE WESTERLY RIGHT–OF–WAY OF SAID SPRING CREEK ROAD; SOUTH 00°17'17" WEST FOR 817.15 FEET; NORTH 89°52'43" WEST FOR 14.27 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY, 346.81 FEET ALONG SAID ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1725.00 FEET, A DELTA ANGLE OF 11°31'09", (CHORD BEARING SOUTH 05°52'51" WEST FOR 346.22 FEET), TO A POINT OF TANGENCY; THENCE RUN SOUTH 11°38'26" WEST FOR 178.50 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY, 934.96 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 2400.00 FEET, A DELTA ANGLE OF 22°19'14", (CHORD BEARING SOUTH 00°28'49" WEST FOR 929.06 FEET), TO A POINT OF TANGENCY; THENCE RUN SOUTH 10°40'48" EAST FOR 231.66 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY, 118.80 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1725.00 FEET, A DELTA ANGLE OF 03°56'45", (CHORD BEARING SOUTH 08°42'25" EAST FOR 118.78 FEET), TO AN INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 8; THENCE RUN WESTERLY ALONG THE SOUTHERLY LINE OF SAID SECTION 8 AND SAID SECTION 7 FOR 5530 FEET MORE OR LESS TO THE WATERS OF ESTERO BAY; THENCE RUN NORTHERLY ALONG THE WATERS OF ESTERO BAY FOR 5,485 FEET MORE OR LESS TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTH HALF (S–1/2) OF GOVERNMENT LOT 2 OF SAID SECTION 7; THENCE RUN NORTH 89°32'15" EAST ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 2 FOR 783 FEET MORE OR LESS TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1695 AT PAGE 3817 OF SAID PUBLIC RECORDS; THENCE RUN SOUTH 08°50'45" EAST ALONG THE EAST LINE OF SAID LANDS FOR 199.50 FEET TO THE SOUTHEAST CORNER OF SAID LANDS; THENCE RUN NORTH 89°35'27" EAST FOR 666.22 FEET; THENCE RUN NORTH 89°32'15" EAST FOR 239.00 FEET TO AN INTERSECTION WITH THE WEST LINE OF COCONUT ROAD; THENCE RUN SOUTH 01°07'45" EAST ALONG SAID WEST LINE FOR 488.63 FEET; THENCE RUN NORTH 89°40'05" EAST ALONG THE SOUTH LINE OF SAID COCONUT ROAD FOR 24.69 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT OFFICIAL RECORD BOOK 1677 AT PAGE 3515 OF SAID PUBLIC RECORDS.

PARCEL CONTAINS: 343 ACRES, MORE OR LESS.

AND

"NOT A SURVEY"

DRAWN BY: ARC
CHECKED BY: DLS
JOB CODE: PLN2005
SCALE: AS SHOWN
DATE: DECEMBER 2010
FILE: FM10-038-001.dwg
SHEET: 4 of 10

Civil Engineers • Land Surveyors
CERT. OF AUTH. EB 0005161
CERT. OF AUTH. LB 0005161
Grady Minor
1148 FIDDLER'S CREEK BLVD., SUITE 6
NAPLES, FLORIDA 34110
www.GradyMinor.com
Bonita Springs 239.947.1144
Fort Myers 239.690.4880
North Port 941.426.1858
Naples 239.444.2887
Planners • Landscape Architects
BUSINESS LC#26000288
Q. Grady Minor and Associates, P.A.

LEGAL DESCRIPTION

PELICAN LANDING
LYING IN
SECTIONS 5, 6, 7, 8, 9, 13, 16, 17, 20, 21, & 24
TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

NOT VALID WITHOUT SHEETS 1-10 OF 10

\\FM1\DATA\PROJECT SURVEY 2010\38 – PELICAN LANDING\SURVEY\FM10-038-002.DWG

DESCRIPTION: PELICAN LANDING – COUNTY

PARCEL 2–C

A PARCEL OF LAND LYING IN AND BEING A PORTION OF THE EAST HALF (E–1/2) OF THE NORTHWEST QUARTER (NW–1/4) OF SECTION 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF THE EAST HALF (E–1/2) OF THE NORTHWEST QUARTER (NW–1/4) OF SAID SECTION 8; THENCE RUN N 01°00' 45" W ALONG THE WEST LINE OF SAID EAST HALF (E–1/2) OF THE NORTHWEST QUARTER (NW–1/4) FOR 42.02 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT–OF–WAY LINE OF COCONUT ROAD (AS MAINTAINED); THENCE RUN S 89° 16' 14" E ALONG SAID RIGHT–OF–WAY FOR 171.25 FEET TO THE POINT OF BEGINNING.
FROM SAID POINT OF BEGINNING CONTINUE S 89° 16' 14 E ALONG SAID RIGHT–OF–WAY A DISTANCE OF 513.75 FEET; THENCE RUN N 01° 00' 44" W A DISTANCE 367.98 FEET; THENCE RUN N 89° 16' 14" W A DISTANCE OF 513.75 FEET; THENCE RUN S 01° 00' 44" E A DISTANCE OF 367.98 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 4.34 ACRES, MORE OR LESS.

AND

PARCEL 2–D

ALL OF LOTS B–1 THROUGH B–12 AND LOTS B–21 THROUGH B–32 OF FLORIDA GULF LAND COMPANY SUBDIVISION AS RECORDED IN PLAT BOOK 1 AT PAGE 59 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING SOUTH AND WEST OF LANDS OF FLORIDA POWER AND LIGHT COMPANY AS DESCRIBED BY DEED RECORDED IN DEED BOOK 244, PAGE 138 OF SAID PUBLIC RECORDS, ALSO LOT 8, BLOCK 14 OF ELDORADO ACRES, (AN UNRECORDED SUBDIVISION), AS SHOWN IN DEED BOOK 310 AT PAGE 183 OF SAID PUBLIC RECORDS; ALSO THE WEST HALF (W–1/2) OF THE SOUTHWEST QUARTER (SW–1/4) OF SAID SECTION 5 AND THE WEST HALF (W–1/2) OF THE NORTHWEST QUARTER (NW–1/4) OF SAID SECTION 8 LYING NORTH OF COCONUT ROAD; AND ALL OF GOVERNMENT LOT 1, SAID SECTION 7; AND ALL OF GOVERNMENT LOT 4 AND THE SOUTHEAST QUARTER (SE–1/4) OF THE SOUTHEAST QUARTER (SE–1/4) OF SAID SECTION 6 AND THE PARCEL AS SHOWN IN OFFICIAL RECORD BOOK 1762 AT PAGE 4173, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENDING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER (SE–1/4) OF SECTION 6; THENCE RUN NORTH 00°44'33" WEST, ALONG THE EASTERLY LINE OF SAID FRACTION, FOR 1300.67 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE–1/4) OF SAID SOUTHEAST QUARTER (SE–1/4). SAID POINT BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE RUN NORTH 00°41'04" WEST ALONG THE EASTERLY LINE OF SAID FRACTION FOR 1208.36 FEET; THENCE RUN DUE WEST FOR 349.47 FEET; THENCE RUN DUE SOUTH FOR 162.50 FEET; THENCE RUN NORTH 80°32'07" WEST FOR 600.67 FEET; THENCE RUN SOUTH 47°00'45" WEST FOR 523.82 FEET; THENCE RUN DUE SOUTH FOR 778.51 FEET; THENCE RUN SOUTH 89°36'52" EAST, ALONG THE SOUTHERLY LINE OF THE AFORESAID FRACTION OF A SECTION, FOR 1339.48 FEET TO THE POINT OF BEGINNING.

BEARINGS HEREINABOVE MENTIONED ARE BASED ON STATE PLANE COORDINATES FOR THE FLORIDA WEST ZONE.

PARCEL CONTAINS: 576 ACRES, MORE OR LESS.

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LEGAL DESCRIPTION

PELICAN LANDING
LYING IN
SECTIONS 5, 6, 7, 8, 9, 13, 16, 17, 20, 21, & 24
TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

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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 48.81 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 888.41 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°58'12" WEST FOR 174.83 FEET, NORTH 24°25'16" EAST FOR 126.83 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 83°24'43" WEST FOR 134.16 FEET, SOUTH 03°23'22" EAST FOR 170.28 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 36°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 359.25 FEET, NORTH 89°16'43" 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 1811.64 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.

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LEGAL DESCRIPTION

PELICAN LANDING

LYING IN
SECTIONS 5, 6, 7, 8, 9, 16, 17, 20, 21, & 24
TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

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DESCRIPTION: PELICAN LANDING – CITY

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 1408.64 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°59'08" 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 88°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.

"NOT A SURVEY"
NOT VALID WITHOUT SHEETS 1-10 OF 10

LEGAL DESCRIPTION

PELICAN LANDING

LYING IN
SECTIONS 5, 6, 7, 8, 9, 13, 16, 17, 20, 21, & 24
TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

Grady Minor
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DESCRIPTION: PELICAN LANDING – CITY

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 PROLONGATION OF SAID CENTERLINE OF STATE ROAD NO. FOR 256.00 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 87.51 FEET, N 22° 25' 23" W FOR 100.53 FEET, N 23° 09' 50" W FOR 100.14 FEET, N 14° 51' 19" W FOR 75.01 FEET, N 27° 40' 10" W FOR 86.01 FEET, N 29° 35' 57" W FOR 46.01 FEET, N 22° 14' 53" W FOR 47.27 FEET, N 20° 39' 23" W FOR 45.98 FEET, N 11° 15' 36" W FOR 29.80 FEET, N 25° 10' 46" W FOR 46.87 FEET, N 09° 09' 45" W FOR 48.25 FEET, N 17° 35' 55" 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' 47" E FOR 42.51 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2245 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.

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LEGAL DESCRIPTION

PELICAN LANDING

LYING IN
SECTIONS 5, 6, 7, 8, 9, 13, 16, 17, 20, 21, & 24
TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

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DESCRIPTION: PELICAN LANDING – CITY

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 2627.88 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW–1/4) OF SAID SECTION 21; THENCE RUN N 89° 18' 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° 08' 50" E FOR 261.81 FEET; S 02° 58' 35" E FOR 100.12 FEET; S 00° 08' 50" E FOR 3680 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° 36' 25" W ALONG THE WEST LINE OF SAID NORTHWEST QUARTER (NW–1/4) FOR 2669.47 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 282 ACRES, MORE OR LESS.

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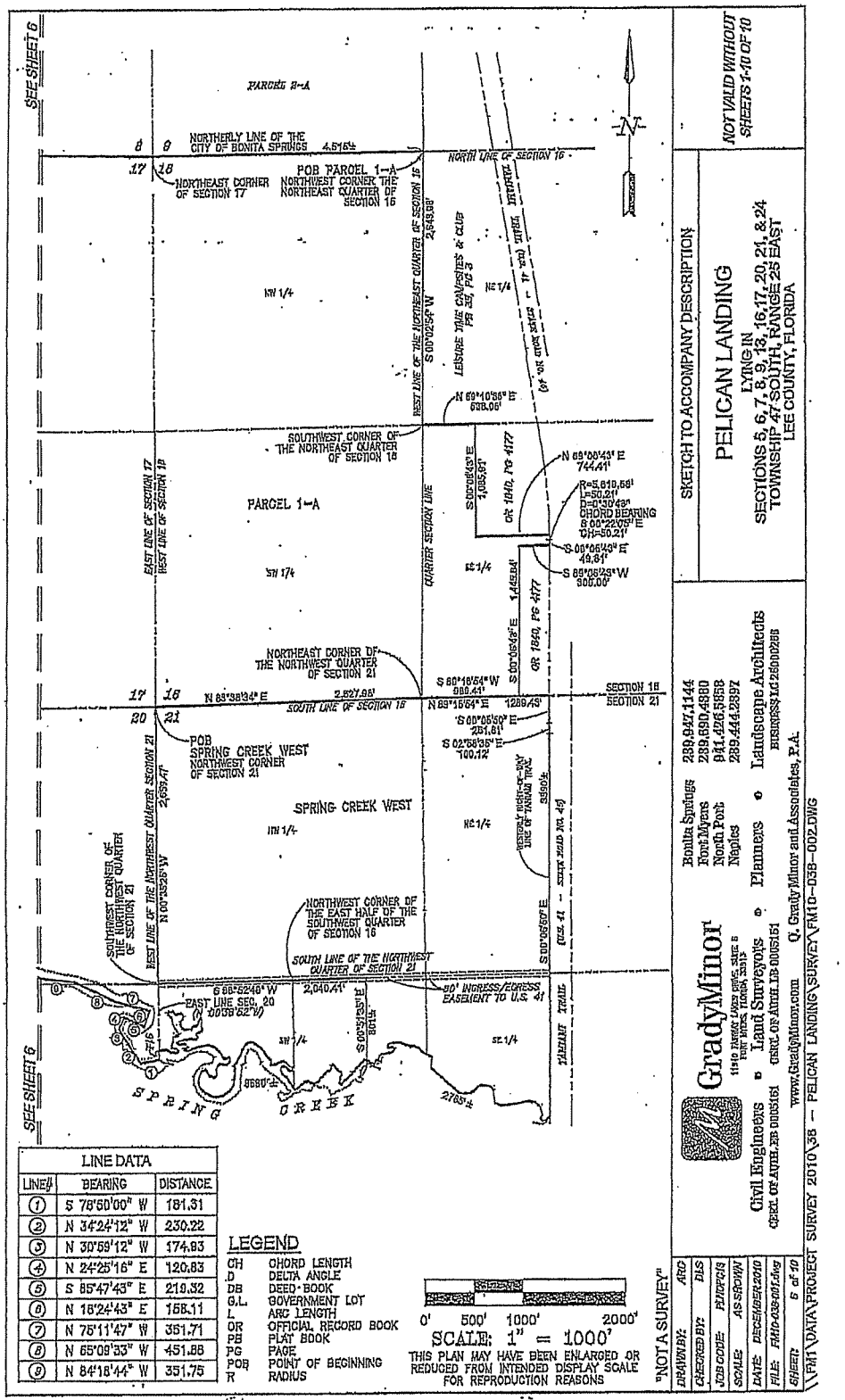
LEGAL DESCRIPTION

PELICAN LANDING
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TOWNSHIP 47 SOUTH, RANGE 25 EAST
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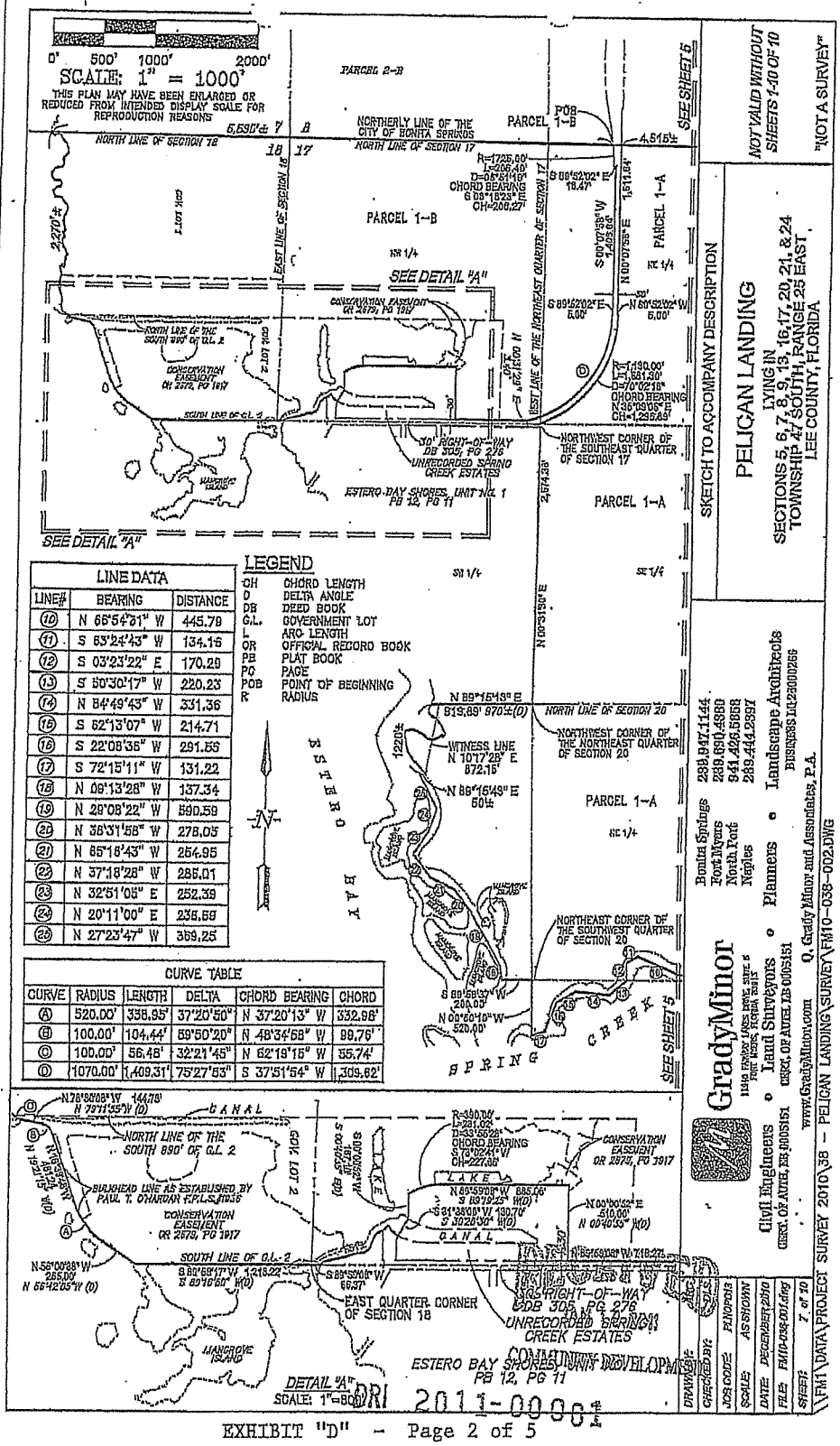
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LINE DATA		
LINE#	BEARING	DISTANCE
(1)	S 76°50'00" W	181.31
(2)	N 34°24'12" W	230.22
(3)	N 30°59'12" W	174.83
(4)	N 24°25'16" E	120.83
(5)	S 85°47'43" E	219.32
(6)	N 16°24'43" E	158.11
(7)	N 76°11'47" W	351.71
(8)	N 65°09'33" W	451.88
(9)	N 84°18'44" W	351.75

LEGEND

CH	CHORD LENGTH
D	DELTA ANGLE
DB	DEED BOOK
G.L.	GOVERNMENT LOT
L	ARC LENGTH
OR	OFFICIAL RECORD BOOK
PB	PLAT BOOK
PG	PAGE
POB	POINT OF BEGINNING
R	RADIUS


SCALE: 1" = 1000'
0' 500' 1000' 2000'
THIS PLAN MAY HAVE BEEN ENLARGED OR REDUCED FROM INTENDED DISPLAY SCALE FOR REPRODUCTION REASONS
PARCEL 2-B
PARCEL 1-B
PARCEL 1-A
NORTHERLY LINE OF THE CITY OF BONITA SPRINGS
NORTH LINE OF SECTION 18
NORTH LINE OF SECTION 17
EAST LINE OF SECTION 18
WEST LINE OF THE NORTHEAST QUARTER OF SECTION 17
SEE SHEET 6
SEE DETAIL "A"
CONSERVATION EASEMENT OR 2678, PG 1917
NORTH LINE OF THE SOUTH 880' OF G.L. 2
SOUTH LINE OF G.L. 2
30' RIGHT-OF-WAY DB 305, PG 276
UNRECORDED SPRING CREEK ESTATES
ESTERO BAY SHORES, UNIT NO. 1 PB 12, PG 11
NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 17
NORTH LINE OF SECTION 20
NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 20
WITNESS LINE N 10°17'28" E 872.15'
NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 20
EAST QUARTER CORNER OF SECTION 18
MANGROVE ISLAND
BIG HICKORY BAY
SPRING CREEK
CANAL
LAKE
BULKHEAD LINE AS ESTABLISHED BY PAUL T. O'HARAN F.P.L.S. #536
DETAIL "A"
SCALE: 1"=800'
DRI 2011-00001
PELICAN LANDING
LYING IN SECTIONS 5, 6, 7, 8, 9, 13, 16, 17, 20, 21, & 24 TOWNSHIP 47 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA
SKETCH TO ACCOMPANY DESCRIPTION
NOT VALID WITHOUT SHEETS 1-10 OF 10
"NOT A SURVEY"
LEGEND
CH CHORD LENGTH
D DELTA ANGLE
DB DEED BOOK
G.L. GOVERNMENT LOT
L ARC LENGTH
OR OFFICIAL RECORD BOOK
PB PLAT BOOK
PG PAGE
POB POINT OF BEGINNING
R RADIUS
LINE DATA
LINE# | BEARING | DISTANCE
(10) N 66°54'21" W 445.79
(11) S 63°24'43" W 134.16
(12) S 03°23'22" E 170.29
(13) S 50°30'17" W 220.23
(14) N 84°49'43" W 331.36
(15) S 62°13'07" W 214.71
(16) S 22°08'36" W 291.55
(17) S 72°15'11" W 131.22
(18) N 09°13'28" W 137.34
(19) N 28°08'22" W 590.59
(20) N 38°31'58" W 278.05
(21) N 85°18'43" W 254.95
(22) N 37°18'28" W 286.01
(23) N 32°51'05" E 252.39
(24) N 20°11'00" E 235.69
(25) N 27°23'47" W 369.25
CURVE TABLE
CURVE | RADIUS | LENGTH | DELTA | CHORD BEARING | CHORD
(A) 520.00' 338.95' 37°20'50" N 37°20'13" W 332.96'
(B) 100.00' 104.44' 59°50'20" N 48°34'58" W 99.76'
(C) 100.00' 56.48' 32°21'45" N 62°19'15" W 55.74'
(D) 1070.00' 1,409.31' 75°27'53" S 37°51'54" W 309.62'
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CHECKED BY: JDS
JOB CODE: PENP018
SCALE: AS SHOWN
DATE: DECEMBER 2010
FILES: EA10-038-001.dwg
SHEET: 7 of 10
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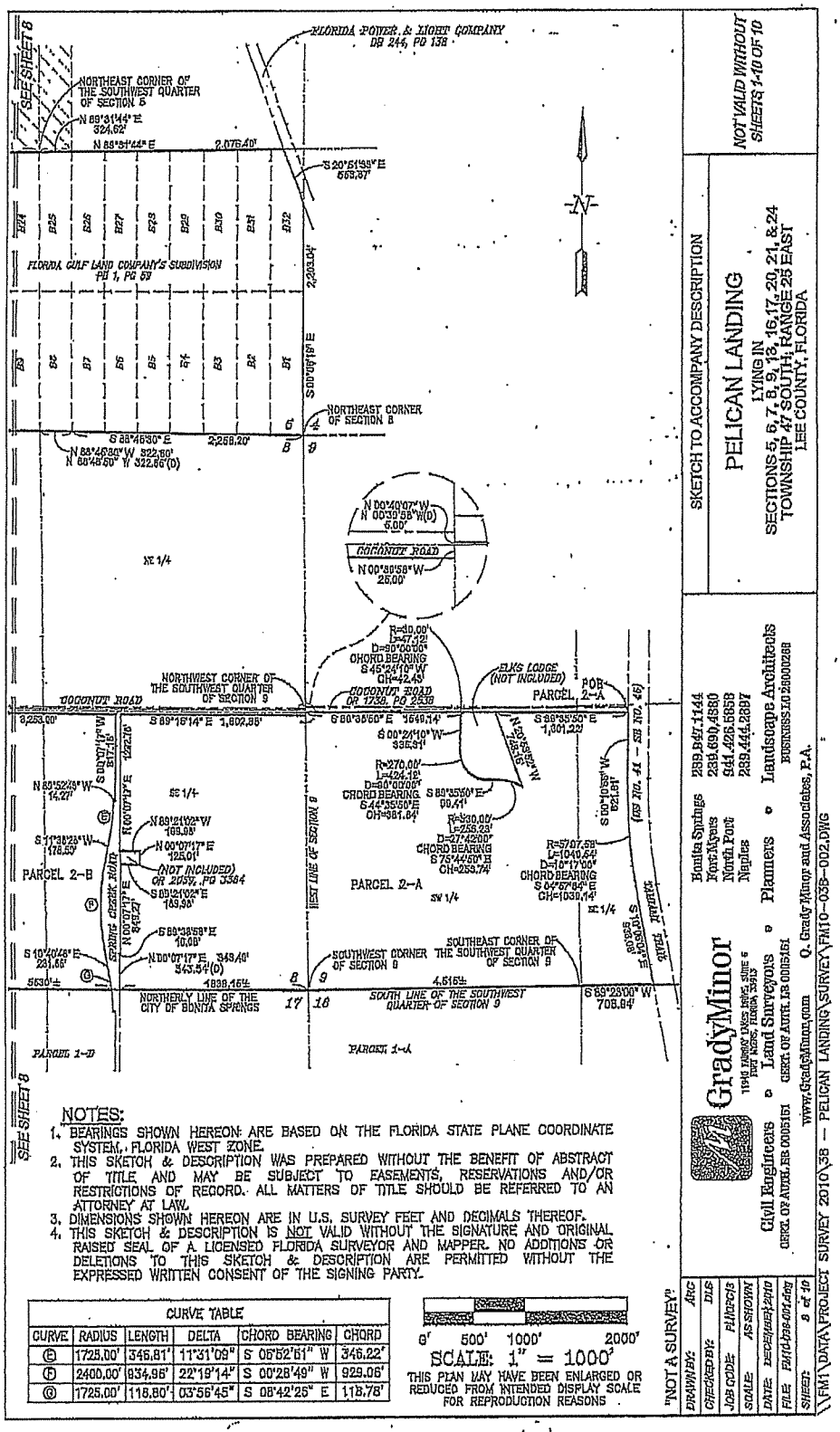
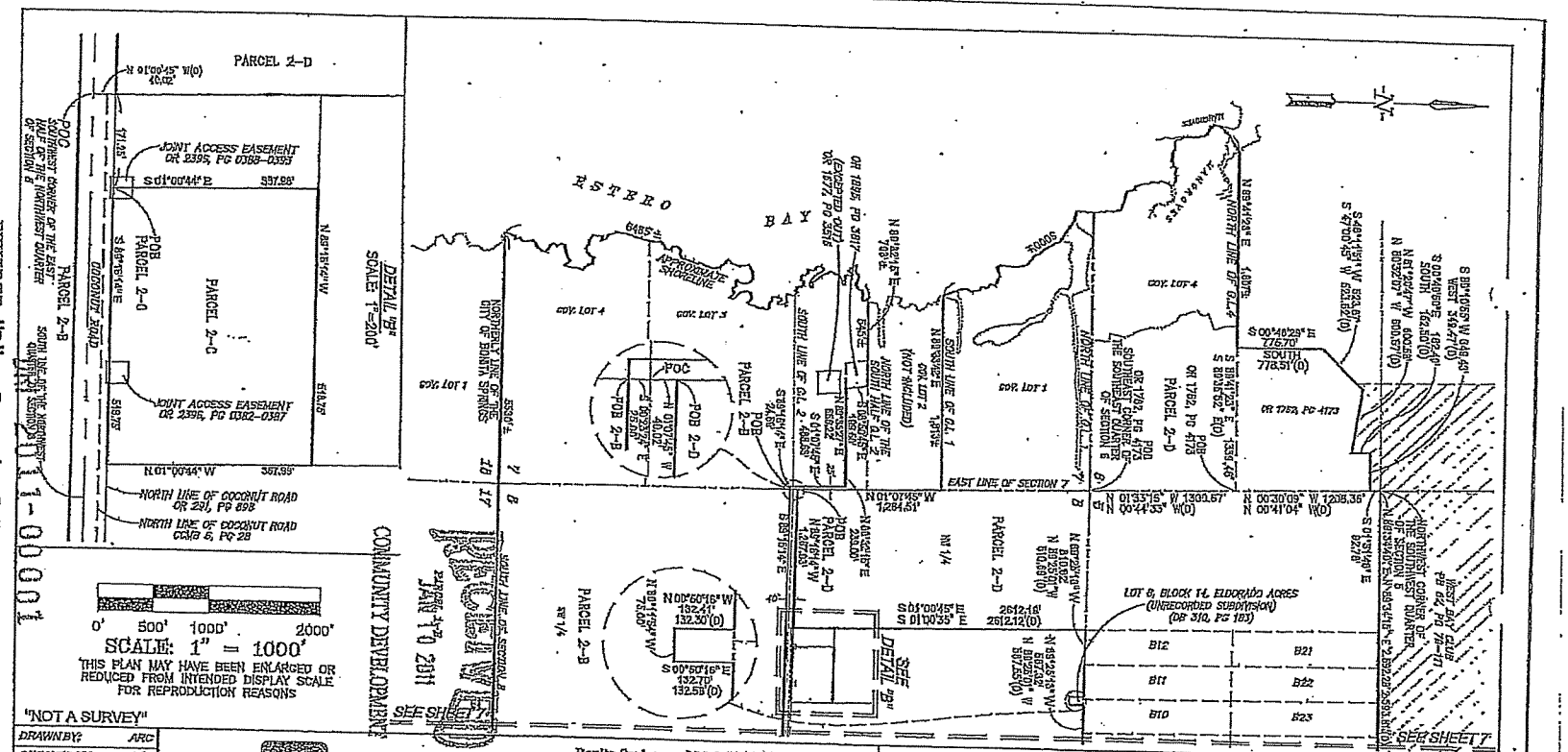

SEE SHEET 8
FLORIDA POWER & LIGHT COMPANY DB 244, PG 138
NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 5
N 89°31'44" E 324.62'
N 89°31'44" E 2,076.40'
S 20°51'38" E 565.37'
FLORIDA GULF LAND COMPANY'S SUBDIVISION PB 1, PG 69
2,203.04'
S 00°09'19" E
NORTHEAST CORNER OF SECTION 8
S 88°48'30" E 2,256.20'
N 88°48'30" W 322.80'
N 89°48'30" W 322.96'(D)
NE 1/4
N 00°40'07" W
N 00°39'53" W(D) 5.00'
COCONUT ROAD
N 00°39'58" W 25.00'
R=10.00'
L=47.12'
D=90°00'00"
CHORD BEARING S 45°40'53" W
CH=42.43'
COCONUT ROAD OR 1738, PG 2838
ELKS LODGE (NOT INCLUDED)
POB PARCEL 2-A
NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 9
S 89°16'14" E 1,602.35'
S 89°35'50" E 1,301.22'
S 00°24'10" W 335.51'
R=270.00'
L=424.12'
D=90°01'08"
CHORD BEARING S 44°35'50" E
CH=381.84'
S 89°35'50" E 90.41'
R=330.00'
L=256.23'
D=27°42'00"
CHORD BEARING S 75°44'50" E
CH=253.74'
R=5707.58'
L=1040.54'
D=10°17'00"
CHORD BEARING S 04°57'54" E
CH=1039.14'
S 00°10'54" W 621.81'
(SEE SHT. 11 - SR NO. 45)
S 00°07'17" W 817.16'
122.76'
N 89°52'43" W 14.27'
SE 1/4
N 89°21'02" W 169.08'
S 17°38'23" W 176.59'
N 00°07'17" E 126.01'
(NOT INCLUDED) OR 2059, PG 3584
PARCEL 2-B
S 89°21'02" E 169.98'
N 00°07'17" E 948.27'
S 89°38'59" E 10.00'
S 10°40'46" E 231.65'
N 00°07'17" E 349.40'
343.54'(D)
5630'±
1888.16'±
SPRING CREEK ROAD
WEST LINE OF SECTION 9
PARCEL 2-A
SW 1/4
SE 1/4
SOUTHWEST CORNER OF SECTION 9
SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 9
4,616±
S 89°23'00" W 708.84'
NORTHERLY LINE OF THE CITY OF BONITA SPRINGS
SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 9
PARCEL 1-D
PARCEL 1-A
SEE SHEET 8
NOT VALID WITHOUT SHEETS 1-10 OF 10
SKETCH TO ACCOMPANY DESCRIPTION
PELICAN LANDING
LYING IN
SECTIONS 5, 6, 7, 8, 9, 16, 17, 20, 21, & 24
TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA
NOTES:
1. BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, FLORIDA WEST ZONE.
2. THIS SKETCH & DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF ABSTRACT OF TITLE AND MAY BE SUBJECT TO EASEMENTS, RESERVATIONS AND/OR RESTRICTIONS OF RECORD. ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.
3. DIMENSIONS SHOWN HEREON ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.
4. THIS SKETCH & DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER. NO ADDITIONS OR DELETIONS TO THIS SKETCH & DESCRIPTION ARE PERMITTED WITHOUT THE EXPRESSED WRITTEN CONSENT OF THE SIGNING PARTY.
CURVE TABLE
CURVE | RADIUS | LENGTH | DELTA | CHORD BEARING | CHORD
C | 1725.00' | 346.81' | 11°31'09" | S 05°52'51" W | 346.22'
F | 2400.00' | 934.98' | 22°19'14" | S 00°28'49" W | 929.06'
G | 1725.00' | 118.80' | 03°56'45" | S 08°42'25" E | 118.78'
0' 500' 1000' 2000'
SCALE: 1" = 1000'
THIS PLAN MAY HAVE BEEN ENLARGED OR REDUCED FROM INTENDED DISPLAY SCALE FOR REPRODUCTION REASONS
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DRAWN BY: ARC
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JOB CODE: PLN0018
SCALE: AS SHOWN
DATE: DECEMBER 2010
FILE: PLN0018-001.dwg
SHEET: 9 of 10
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EXHIBIT "D" - Page 4 of 5



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CHECKED BY:	DJS
JOB CODE:	PINOPC1S
SCALE:	AS SHOWN
DATE:	DECEMBER 2010
FILE:	FM10-038-001.dwg
SHEET:	9 of 10

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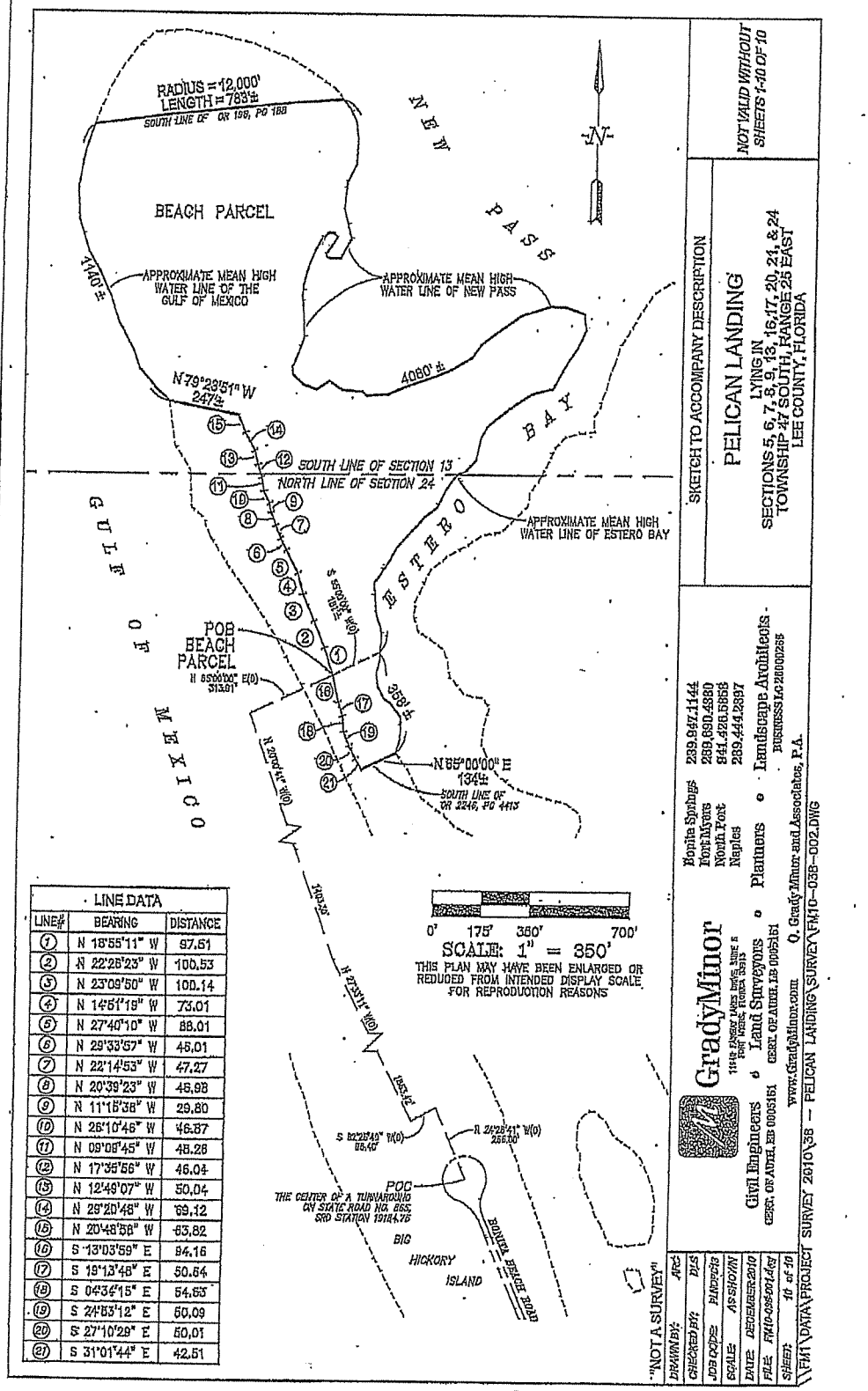
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SKETCH TO ACCOMPANY DESCRIPTION

PELICAN LANDING
LYING IN
SECTIONS 5, 6, 7, 8, 9, 13, 16, 17, 20, 21, & 24
TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

NOT VALID WITHOUT SHEETS 1-10 OF 10



LINE DATA

LINE #	BEARING	DISTANCE
1	N 18°55'11" W	97.61
2	N 22°26'23" W	100.53
3	N 23°09'50" W	100.14
4	N 14°51'19" W	73.01
5	N 27°40'10" W	88.01
6	N 29°33'57" W	45.01
7	N 22°14'53" W	47.27
8	N 20°39'23" W	46.98
9	N 11°15'36" W	29.80
10	N 26°10'46" W	46.87
11	N 09°08'45" W	48.28
12	N 17°35'56" W	46.04
13	N 12°49'07" W	50.04
14	N 29°20'48" W	69.12
15	N 20°48'58" W	63.82
16	S 13°03'59" E	94.16
17	S 19°13'48" E	50.64
18	S 04°34'15" E	54.65
19	S 24°53'12" E	50.09
20	S 27°10'29" E	50.01
21	S 31°01'44" E	42.51

"NOT A SURVEY"

SKETCH TO ACCOMPANY DESCRIPTION

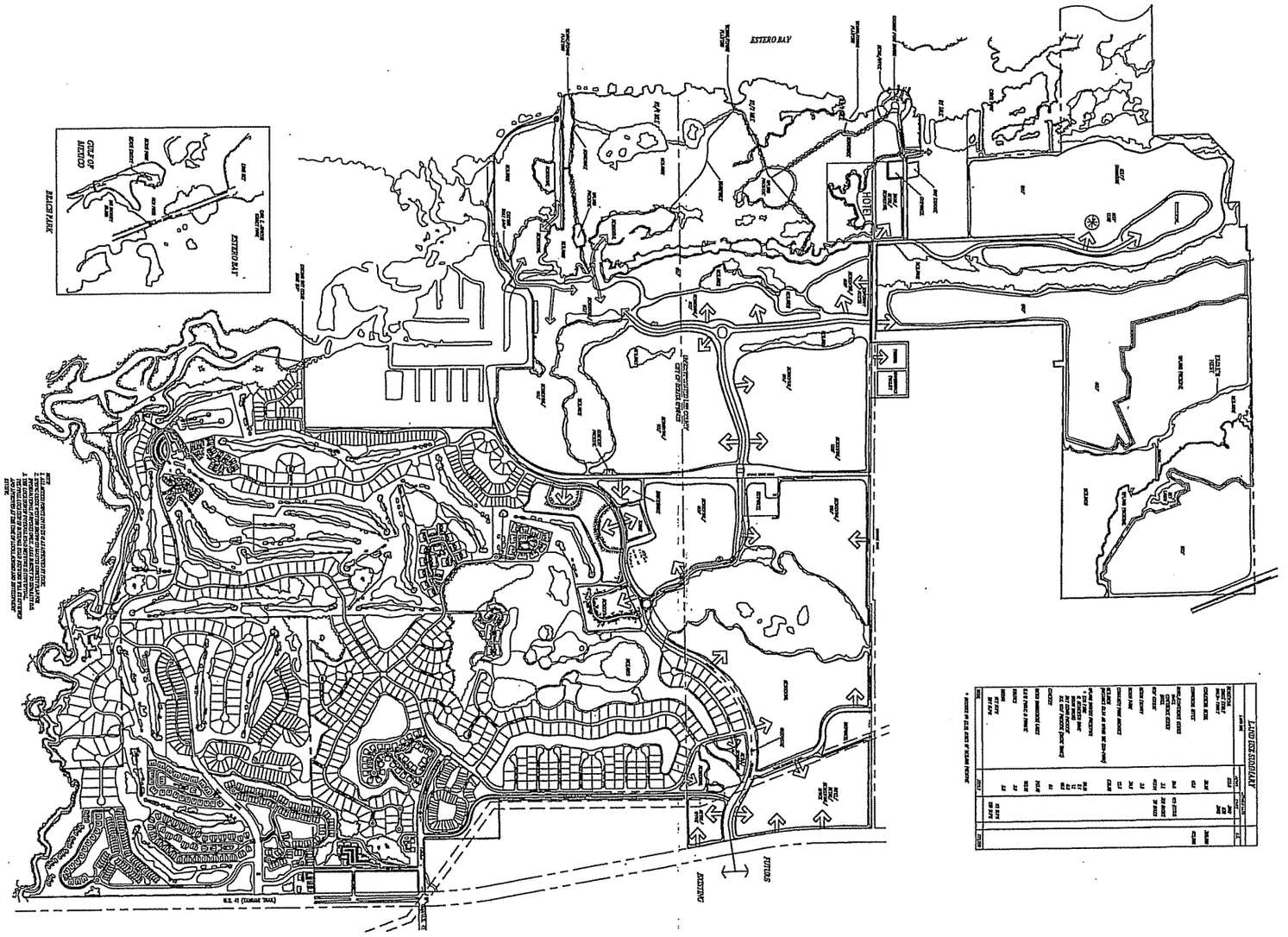
PELICAN LANDING
LYING IN
SECTIONS 5, 6, 7, 8, 9, 13, 16, 17, 20, 21, & 24
TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

NOT VALID WITHOUT SHEETS 1-10 OF 10

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Naples 239.444.2897
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PROFESSIONAL CERTIFICATE 26000255

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CHECKED BY: DLS
JOB CODE: BMP6263
SCALE: AS SHOWN
DATE: DECEMBER 2019
FILE: FM10-038-001.dgn
SHEET: 10 of 10

O. Grady Minor and Associates, P.A.
F:\FM\DATA\PROJECT SURVEY 2610\38 — PELICAN LANDING\SURVEY\FM10-038-002.DWG



0 750' 1500'

11x17 SCALE: 1" = 1500'
24x36 SCALE: 1" = 750'

RECEIVED
AUG 31 2011
COMMUNITY DEVELOPMENT

DRI2011-00001

LEGEND

Revision	Date	Description	By

DESIGNED BY: OGMA
DRAWN BY: SU
APPROVED: DWA
JOB CODE: PLNDPC13
SCALE:24x36" = 750'
11x17" = 1500'

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PELICAN LANDING DRI

MAP H

MUNICIPALITY: LEE COUNTY
SEC/TWP/RGE: 16, 17, 20, 21/47S/25E
DATE: DECEMBER 2010
FILE NAME: PLNDPC13 MAP H (5-31-2011)
SHEET 1 OF 1

G:\PROJECTS\PLNDPC13\DRAWINGS\PLNDPC13 MAP H (5-31-2011).DWG 7/14/2011 11:54 AM

EXHIBIT "E" Page One of One

EXHIBIT "F"
PELICAN LANDING DRI
DEVELOPMENT PARAMETERS
(updated through ~~January 2006*~~ December 2011)

Land Use	Units[1]	Existing ~~(1998)~~ (2011)	Buildout Total ~~(2016)~~ (2020)
Residential	DU	~~1083~~ 2,677	3,912
Single Family	DU	~~402~~ 846	930
Multi Family	DU	~~596~~ 1,831	2,982
Retail[2]	GFA	~~11,000~~ 21,000	300,000
Office[3]	GFA	~~134,738~~ 229,222	475,000
Hotel/Motel	Rooms	~~0~~ 450	750
Recreation Uses			
Pelican Nest Golf Course/Clubhouse/ Practice Range	Holes	*Within Pelican Landing DRI/Spring Creek Holes not included ~~21~~ 30	30
Colony Range Club/ Golf Course/ Clubhouse/Practice Range	Holes	19	19
Resort Golf Course/ Clubhouse Practice Range	Holes	~~0~~ 19	28
Tennis Center	Courts	~~12~~ 24	24
Coconut Marina	Boat Slips Wet	24	48
	Dry	0	150
Redfish Point	~~GFA~~	~~5,000~~	~~0~~
	Boat Slips Wet	15	15
Other[4]	Boat Slips Wet	2	2
	Accessory Parking	~~0~~ 3.2	3.2
	CDD's Maintenance Facility	1.45	1.45

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

~~*Pursuant to HB7202, the buildout date was extended to 2016. However, the development parameters were not otherwise altered and reflect a buildout date of January 2006. For this reason, neither the referenced date nor the development parameters were amended in this paragraph.~~

(120511/1440)

RESOLUTION NO. 13-08-06

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AMENDING THE PELICAN LANDING DRI DEVELOPMENT ORDER AND THE MASTER PLAN OF DEVELOPMENT (MAP H).

WHEREAS, the Lee County Board of Commissioners adopted a DRI Development Order for the Pelican Landing DRI on August 29, 1994 (DRI No. 1-9293-121); and

WHEREAS, the DRI Development Order was subsequently amended on March 22, 1995, August 16, 1995, November 4, 1996, November 17, 1997, September 21, 1998, June 21, 1999, December 6, 1999, August 7, 2000, September 18, 2000, February 26, 2002, October 7, 2002, December 4, 2006, October 2, 2007, November 15, 2011, and March 5, 2012; and

WHEREAS, WCI Communities, Inc., filed a request to amend Map H pursuant to section 380.06(19)(e)(2), Florida Statutes; and

WHEREAS, the Southwest Florida Regional Planning Council staff has opined that the amendment of the DRI development order approvals to amend Map H, qualifies for an amendment pursuant to §380.06(19)(e)(2), Florida Statutes; and

WHEREAS, the proposed changes to the Pelican Landing DRI Development Order and Map H do not constitute a substantial deviation and qualify for expedited processing pursuant to Florida Statutes §380.06(19)(e)(2) and Land Development Code §34-145(d)(1)c.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA that:

1. The above stated recitals are incorporated into this Resolution by reference.

2. The Pelican Landing DRI Development Order and Map H are hereby amended in accordance with the attached codification of the Sixteenth Amendment of the Pelican Landing DRI Development Order.

3. Certified copies of this Resolution and the revised DRI Development Order will be forwarded to the Southwest Florida Regional Planning Council, the Florida Department of Economic Opportunity, and other appropriate agencies. This amendment is rendered as of the date of transmittal, but will not be effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Once effective, the Notice of Adoption of this Development Order Amendment must be recorded as provided for in Chapter 380, Florida Statutes.

08-06-13 A2a

Commissioner Manning made a motion to adopt the foregoing resolution, seconded by Commissioner Hall. The vote was as follows:

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 6th day of August 2013.

ATTEST:
LINDA DOGGETT, CLERK

BY: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Cecil L Pendergrass, Chair

Approved as to form by:

_____
Michael D. Jacob
County Attorney's Office

Exhibit A: Sixteenth Amendment of the Pelican Landing DRI Development Order

S:\LU\DRI\FINALDO\Pelican Landing\Pelican Landing 16th Amendment\Resolution for Map H to DRI DO 16th Amendment.docx
MDJ FINAL 8/6/13

SIXTEENTH AMENDED DEVELOPMENT ORDER
FOR

PELICAN LANDING

A DEVELOPMENT OF REGIONAL IMPACT

STATE DRI #1-9293-121
COUNTY CASE DRI2005-00001

WHEREAS, a letter requesting a change pursuant to Section 380.06(19)(e)2. ~~Notice of Proposed Change (NOPC)~~ was delivered to the County on February 13, 2013 ~~filed on January 7, 2011~~ to ~~extend~~ allow the temporary construction and service road entrance reflected on Map H to become a permanent access road; and

WHEREAS, Section 252.363, Florida Statutes permits the tolling of time during a State of Emergency declared by the Governor of the State of Florida, and

WHEREAS, Governor Scott declared a State of Emergency for wildfires in Executive Order number 11-128 and the County recognized the extension of time for the state of emergency for a period of 126 days plus 6 months by letter of the Director of Zoning dated February 23, 2012, and

WHEREAS Governor Scott declared a State of Emergency for Tropical Storm Isaac in Executive Order 12-199 which resulted in an extension of 6 months plus 60 days, and Tropical Storm Debby in Executive Orders 12-140, 12-192 and 12-217 which resulted in an extension of time for a period of 6 months plus 95 days, and

WHEREAS, the letters acknowledging the State of Emergency Time Extensions require the Developer to incorporate the time extensions into the DRI Development Order during the consideration of a Notice of Proposed Change and this application is the appropriate time to acknowledge the time extensions, and

WHEREAS, the extensions will be reflected in the change of the build out date from ~~May 20, 2016 to~~ May 20, 2020 to August 28, 2022, and the termination date from ~~May 20, 2019 to~~ May 20, 2026 to August 27, 2028 ~~previously acknowledged by the County need to be included pursuant to the letters acknowledging the extensions signed by Pamela Houck and dated February 23, 2012, January 14, 2013, and February 14, 2013and 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 following Development Order Amendments, (and includes an acknowledgment of the changes approved in 2012 in the new paragraph 15) 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, to add 3.2 acres;
9) September 18, 2000, to add 140 acres;
10) February 26, 2002, to revise the legal description and clearly define the jurisdictional line between the City and County;
11) October 7, 2002 , to accomplish the following: (a) adjust the original buildout date (from December 31, 2002 to May 21, 2004) and termination date (from December 31, 2005 to May 21, 2007) to reflect the one year and 141 days the effectiveness of the Development Order was tolled as a result of the 1996 appeal and challenge; and (b) extend the buildout and termination dates by 4 years and 364 days to May 20, 2009 and May 20, 2012, respectively;
12) December 4, 2006 (submitted by Bayside Improvement Community Development District on January 25, 2005), to amend the legal description and Map H to (a) include a 1.45 acre tract for the purpose of constructing a maintenance facility, and, (b) to reduce the number of residential dwelling units from 4,400 to 3,912 residential units and change the mix of units types to allow an increase in single family units from 665 to 930 unit and a reduction in multi-family units from 3,735 to 2,982; and
13) October 2, 2007, pursuant to House Bill 7203, a three-year extension was granted in response to Section 380.06(19)c, F.S., extending the buildout date to May 20, 2012, and the termination date to May 20, 2015;
14) November 15, 2011, pursuant to House Bill 7207, a four-year extension was granted to extend the build out date by four years to May 20, 2016, and the termination date to May 20, 2019; and
15) March 5, 2012, to extend the build out date by four years to May 20, 2020 and the termination date 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 is the ~~Fifteenth~~Sixteenth Amendment to the Pelican Landing DRI Development Order; and,

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, that the Development Order for Pelican Landing DRI is hereby further amended as follows:

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The "Pelican Landing DRI" is a partially built master planned community on a total of 2749.7± acres located approximately three miles north of the Lee/Collier County Line. Approximately 1249.8 acres of the Pelican Landing DRI are located within the City of Bonita Springs; approximately 1217.9 acres of the Pelican Landing DRI are located within the unincorporated area of Lee County; and approximately 282± acres of the 2749.7±-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 to construct 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 also 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 date is ~~May 20, 2020~~August 28, 2022.

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, C and D.

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

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

Exhibit 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 attached Exhibits A, B and C.

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 Section 380.06(19)(e)2 change~~This Notice of Proposed Change (NOPC)~~ has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) staff.

H. The development is located in the Urban Community, Outlying Suburban and Resource Protection Areas classifications of the Lee Plan with 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 Amendment.

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 a 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 Spring Creek West development has been built out for more than one year.

K. A portion of the DRI property is within the incorporated limits of the City of Bonita Springs pursuant to legislation adopted during the 1999 Legislative session. The property now located in the City of Bonita Springs lies within the area described in section 6 of the Committee Substitute for Senate Bill 2626, 1st Engrossed. Pursuant to Florida Statutes section 380.06(15)(h), a separate DRI development order was adopted by the City of Bonita Springs that incorporates 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 Statues, the Pelican Landing DRI development order adopted by the County was amended to remove property 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. Pelican Landing DRI qualified for the statutory three-year extension to all phase, buildout and expiration dates granted by the 2007 Florida Legislature under House Bill 7203 (amending F.S. §380.06(19)(c)) and signed into law on June 19, 2007. The Board of County Commissioners granted the extension pursuant to Lee County Resolution 07-10-03, as the Thirteenth Amendment to the Pelican Landing DRI Development Order, adopted on October 2, 2007. Under HB7203, the three-year extension did not constitute a substantial deviation, is not subject to further Development of Regional Impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under F.S. §380.06(19)(c).

M. House Bill 7202 (HB7207), as signed into law by the Governor of the State of Florida on June 2, 2011 (as codified in Chapter 2011-139, Laws of Florida) authorized a four year extension for all valid DRI Development Orders. At the option of the Developer, all commencement, phase, buildout and expiration dates for valid Developments of Regional Impacts may be extended by four years regardless of previous extensions issued in the past.

In accord with HB 7207, the Pelican Landing DRI qualified for the extension of the DRI's compliance dates. Under HB 7207, the extension of the DRI's compliance dates does not constitute a substantial deviation of the original development order approvals warranting further DRI review.

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, in a public meeting duly advertised, constituted and assembled on ~~March 5, 2012~~August 6, 2013, that the requested Section 380.06(19)(e)2 change to the Development of Regional Impact ~~Application for~~ Development Approval submitted on behalf of WCI Communities, Inc., for the project known as the Pelican Landing, is hereby APPROVED, SUBJECT TO the conditions, restrictions and limitations that follow.

For the purpose of this Development Order, the term "Developer" or "Applicant" refers to and includes all successors or assigns, and all references to County Ordinances or other regulations, includes future amendments thereto.

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 County and 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 ended 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 Florida Department of Economic Opportunity (FDEO) 1991 Draft methodology.

2. The SWFRPC, the FDEO 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 will be 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 home buyers, 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 home buyers 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 is 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 (DNR) 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 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 by the Developer, the property or homeowner's association or the community development district 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, as it may be amended.*

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.

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 DNR 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 DNR.

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 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 the DNR, Marine Sciences Program and Turtle Time.

10. The Developer will comply with all water quality monitoring requirements imposed by the FDEP and the South Florida Water Management District (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 DNR, 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 that is designed and constructed to meet all requirements of the Standard Building Code, as adopted by Lee County.

E. Vegetation and Wildlife/Wetlands

The Developer has 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 (FWCC)] guidelines and the Lee County Land Development Code (LDC). 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 parcel and 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.

Prior to any new development within 1500 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 FDEO, SWFRPC, FWCC, Lee County, 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 resubmittal. The agencies will provide a written response to Lee County 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. Lee County and FDEO 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 FWCC 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 DNR and FWCC 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, FWCC, and FDEO within 18 months of the effective date of the DRI Development Order, on November 14, 1994. Lee County, FWCC, and FDEO 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 FWCC 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 FWCC (f/k/a 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 FWCC for the purpose of regionally significant gopher tortoise habitat.

The Applicant and the FWCC 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 FWCC. The initial Gopher Tortoise Incidental Take Permit LEE-9 must be modified by the FWCC 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 deleted ±22 acres will be formally released from the Conservation Easement by the FWCC.

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 FDEP 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., FWCC. 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 FWCC. 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 Coonties, 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 DNR 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 must design the golf course and conduct 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. 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 purposes, and 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 10 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 ensure 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 DNR 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 ensure that the golf course maintenance equipment is handled in accordance with all federal, state and local regulations. Specifically, the Developer will ensure that all wash down facilities comply with FDEP rules regarding chemical residue, and insure the continued recycling of motor oil from maintenance equipment, and ensure 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 SFWMD "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 Baycreek Improvement Districts (formed pursuant to Chapter 190, Florida Statutes), must ensure that the portion of the system under the ownership and control of each 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 Improvement and Bay Creek 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 Lee County and SFWMD 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 Lee County Attorney's office.

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 the development parameters and land uses shown in attached Exhibit F, "Pelican Landing DRI Development Parameters." The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Planning Horizon I (1997) and buildout (2009). Each 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)	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 and right turn lanes - Separate WB thru and left turn lanes
Buildout (2009 in the original assessment)	
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 and 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 and right turn lanes - Separate WB thru and left turn lanes

The Traffic Impact Statement submitted in support of the Fifteenth 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 (2022~~0~~).

Buildout (2022~~0~~)	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 LDC 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 attached Exhibit 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 2009 and as updated through the new buildout year of 2022~~0~~. Estimated Road Impact Fees from this project exceed the community's estimated proportionate share dollar amount of all significantly impacted roadway improvements.

If the LDC 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 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 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, Lee County may apply any Pelican Landing impact fees not required for those specific improvements to other improvements consistent with the requirements of the LDC.

b. If through the local development approval process, the Developer constructs, with the approval of the Lee County DOT, 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 LDC.

c. The Developer must dedicate 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 LDC. 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 was under construction no later than December 31, 1998.

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 will be dedicated to Lee County if and when requested. Credits, if any, for the right-of-way

dedication will be granted at the time of dedication, and must be consistent with the LDC in effect at that time.

e. As a mitigation option, the Developer made, with the concurrence of Lee County, made an advance payment of a portion of Pelican Landing's total Impact Fees. 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 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 FDOT's access management classification for US 41, unless otherwise approved by the FDOT. Improvements to those access points will be consistent with FDOT's permitting requirements.

c. Site-related improvements will be as defined in the LDC.

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 the Bay Creek Improvement District, a properly constituted and designated property owners association or other appropriate entity, unless subsequently dedicated to and accepted by Lee County or the City of Bonita Springs.

4. Traffic Monitoring Report

a. The Developer will submit a biennial traffic monitoring report to the following entities for review and approval: Lee County, FDOT, FDEO, and the Southwest Florida Regional Planning Council (SWFRPC).

The first monitoring report was submitted. Reports must be submitted biennially thereafter until buildout of the project.

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

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

(1) P.M. peak hour existing volumes and turning 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	I-75 to Treeline Ave.	2 to 4	Planning Horizon I (1997/98)
Roadway	**Segment**	**Improvement**	**Schedule**
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	Hickory Blvd. to Vanderbilt	2 to 4	Planning Horizon I (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 is projected to exceed the adopted level of service standards adopted by Lee County within the forthcoming 12 months, and if the project is utilizing 5% or more of LOS "D" 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 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 FDOT 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.

I. Wastewater Management/Water Supply

1. The Developer or the Bayside or Bay Creek Improvement District must obtain a SFWMD 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 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. Any owner or tenant who 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 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.

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. Emergency medical service impacts and fire protection impacts generated by the proposed development through the payment of ad valorem taxes, and fire and EMS impact fees when required by the LDC.

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.

K. Interface Zone

1. The Developer will 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 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 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 area within 500 feet of the mangrove fringe of Estero Bay.

3. The management practices that the Developer will 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 has prepared and will continue to follow, as set out below, the 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. This plan, or any amendment thereto, will be evaluated in accordance with the directives of Chapter 62-302 F.A.C., Water Quality Standards.

a. The amended management plan included 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; identified the locations for the groundwater monitoring and testing on a map(s); and set forth the testing and reporting requirements.

b. The monitoring program was established and operated at the expense of the Developer, the Bayside or Bay Creek Improvement District, or other comparable legal entity charged with the legal responsibility of managing the golf course.

c. The monitoring has been conducted for a period of 15 years, during which time there were no water quality violations in Estero Bay, the mangrove fringe, the Interface Zone, or within 500 feet of the mangrove fringe of Estero Bay. The golf course conditions and the approved management plan for the application of herbicides, pesticides and fertilizers are effective and have been shown to protect the water quality of the Bay.

d. Given the proven effectiveness of the golf course conditions, the Interface Zone monitoring requirement is no longer necessary, but will be immediately reinstated at any time the County's surface water monitoring sites (EB-4 and EB-7) along

the Interface Zone reveal a violation of the water quality in the Bay that is or can be attributed to the application of fertilizer, pesticide or herbicides used on the golf course.

e. In the event any portion of the golf course within 500 feet of the mangrove fringe is reconfigure, redesigned or redeveloped, the Developer or other responsible entity must perform annual surface water and ground water monitoring, in accordance with the requirements in Condition K, for a period not to exceed three years from the date of the changes to the golf course.

f. The Bayside and Baycreek Improvement Districts, or other responsible entity, will provide a copy of any required NPDES monitoring in the Interface Zone, or at other required monitoring sites around the DRI, to Lee County and the City of Bonita Springs.

5. The Developer will submit a written amended surface and groundwater quality management plan to Lee County and FDEO. The amended plan must be approved by FDEO prior to the application of chemicals to the reconfigured, redesigned or redeveloped golf course. The FDEO 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. FDEO 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 FDEO 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 applications 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 FDEO will be implemented by the Developer, or other responsible entity. 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 will be 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 Lee County. 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 U.S. 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 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 FDEP 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 FDEP. Section 373.016, Florida Statutes provides that the legislature has vested the authority in the FDEP/SFWMD to accomplish the conservation, protection, management, and control of the waters of the state. To the extent that any requirements of FDEO, SWFRPC, or Lee County pursuant to this DRI Development Order are contrary to those of the SFWMD/FDEP, in areas where the SFWMD and FDEP have been given preemptive authority, the requirements of the SFWMD and the FDEP will control.

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 Lee County, adopted by the Board of County Commissioners in response to the application filed by WCI Communities, L.P. 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 24, 2013 ~~January 2006~~, and date-stamped received at the permit counter on ~~May 2, 2006~~February 13, 2013, is attached hereto as Exhibit 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 ACOE, 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 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 or Baycreek 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 County 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 Board of County Commissioners, 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, the Board 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 August 28, 2022~~May 20, 2020~~, and a termination date of August 27, 2028~~May 20, 2026~~. The buildout and termination dates reflect adjustment of one year and 141 days applicable to the tolling of time for the appeal/challenge to the original DRI Development Order. The termination date recognizes that a local Development Order, which is valid for six years, may be obtained prior to the buildout date.

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 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 202~~6~~28. If the County 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~~2028, 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 2032 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.

15. The Developer, or its successor in title to the undeveloped portion of the subject property, will submit a report biennially to Lee County, SWFRPC, FDEO 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 FDEO. The first biennial monitoring report was submitted to the Administrative Director of the FDEO in 2009. Further reporting must be submitted biennially 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 County 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.

Commissioner Manning made a motion to adopt this amendment, seconded by Commissioner Hall. The vote was as follows:

DULY PASSED AND ADOPTED this 6th day of August, 2013.

ATTEST:
Linda Doggett, Clerk

Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: _____
Cecil L. Pendergrass, Chair

APPROVED AS TO FORM

By: _____
Michael D. Jacob
County Attorney's Office

Attachments:

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

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

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

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

Exhibit E. Map H, Master Development Plan - last revised ~~January 2006~~ January 24, 2013, stamped received ~~May 02, 2006~~ February 13, 2013.

Exhibit F. Pelican Landing DRI Development Parameters

JOHNSON ENGINEERING

SINCE 1946

November 1, 2001

DESCRIPTION

PELICAN LANDING DRI – UNINCORPORATED LEE COUNTY
SECTIONS 5, 6, 7, 8 AND 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Sections 5, 6, 7, 8 and 9, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

PARCEL 2-A

Beginning at an intersection of the West line of Tamiami Trail (State Road No. 45) with the south line of Coconut Road as described in Official Record Book 1738 at Page 2538 of the Public Records of Lee County, Florida; thence run S 00° 10' 56" W along said West line for 621.81 feet to a point of curvature; thence run southerly and southeasterly along said West line, along the arc of a curve to the left of radius 5797.58 feet (chord bearing S 04° 57' 34" E) (chord 1039.14 feet) (delta 10° 17' 00") for 1040.54 feet to a point of tangency; thence run S 10° 06' 04" E along said westerly line for 938.08 feet to an intersection with the south line of the Southeast Quarter (SE-1/4) of said Section 9; thence run S 89° 23' 00" W along said south line for 708.94 feet to the southwest corner of said Southeast Quarter (SE-1/4) of Section 9; thence run S 89° 27' 22" W along the south line of the Southwest Quarter (SW-1/4) of Section 9 for 2677.24 feet to the southwest corner of the Southwest Quarter (SW-1/4) of Section 9; thence run N 89° 25' 51" W along the south line of the Southeast Quarter (SE-1/4) of said Section 8 for 1,838.15 feet to an intersection with the easterly line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records; thence continue N 00° 07' 17" E along said east line for 343.54 feet; thence run S 89° 38' 58" E for 10.00 feet; thence run N 00° 07' 17" E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records; thence run S 89° 21' 02" E along the South line of said lands for 189.98 feet; thence run N 00° 07' 17" E along the East line of said lands for 125.01 feet; thence run N 89° 21' 02" W along the North line of said lands for 199.98 feet to an intersection with the easterly line of said Spring Creek Road; thence run N 00° 07' 17" E along said East line for 1292.76 feet to an intersection with the South line of Coconut Road (50 feet wide); thence run S 89° 16' 14" E along said South line for 1802.38 feet to an intersection with the West line of said Section 9; thence run N 00° 39' 58" W along said West line for 25.00 feet to a Concrete Monument marking the Northwest corner of the Southwest Quarter (SW-1/4) of said section; thence continue along said west line N 00° 39' 58" W for 5.00 feet to an intersection with the south line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records; thence run S 89° 35' 50" E along said south line for 1549.14 feet; thence run southwesterly along a non-tangent curve to the left of radius 30.00 feet (chord bearing S 45° 24' 10" W) (chord 42.43 feet) (delta 90° 00' 00") for 47.12 feet to a point of tangency; thence run S 00° 24' 10" W for 336.31 feet to a point of curvature; thence run along the arc of a curve to the left of radius 270.00 feet (chord bearing S 44° 35' 50" E) (chord 381.84 feet) (delta 90° 00' 00") for 424.12 feet to a point of tangency; thence run S 89° 35' 50" E for 99.41 feet to a point of curvature; thence run along the arc of a curve to

the right of radius 530.00 feet (chord bearing S 75° 44' 50" E) (chord 253.74 feet) (delta 27° 42' 00") for 256.23 feet; thence run N 20° 53' 52" W for 748.16 feet to an intersection with the aforementioned south line of Coconut Road; thence run along said south line S 89° 35' 50" E for 1,301.22 feet to the Point of Beginning.
Parcel contains 294.56 acres, more or less.

AND

PARCEL 2-B

From a railroad spike marking the northwest corner of the Southwest Quarter (SW-1/4) of said Section 8 run S 00° 23' 24" E along the west line of said fraction for 25.00 feet to an intersection with the south line of Coconut Road as recorded in County Commissioners Minutes Book 6 at Page 288 of the Public Records of Lee County of Lee County, Florida, and the Point of Beginning.
From said Point of Beginning run S 89° 16' 14" E along said south line for 3253.00 feet to an intersection with the west line of Spring Creek Road; thence run the following courses and distances along said west line of said Spring Creek Road; S 00° 17' 17" W for 817.15 feet; N 89° 52' 43" W for 14.27 feet to a point of curvature; thence run Southwesterly along said arc of a curve to the right of radius 1725.00 feet (chord bearing S 05° 52' 51" W) (chord 346.22 feet) (delta 11° 31' 09") for 346.81 feet to a point of tangency; thence run S 11° 38' 26" W for 178.50 feet to a point of curvature; thence run Southwesterly along said arc of a curve to the left of radius 2400.00 feet (chord bearing S 00° 28' 49" W) (chord 929.06 feet) (delta 22° 19' 14") for 934.96 feet to a point of tangency; thence run S 10° 40' 48" E for 231.66 feet to a point of curvature; thence run Southeasterly along said arc of curve to the right of radius 1725.00 feet (chord bearing S 08° 42' 25" E) (chord 118.78) (delta 03° 56' 45") for 118.80 feet to an intersection with the south line of said Section 8; thence run N 89° 25' 51" W along the south line of the Southeast Quarter (SE-1/4) of said Section 8 for 642.07 feet to the southeast corner of the Southwest Quarter (SW-1/4) of Section 8; thence run N 89° 25' 49" W along the south line of the Southwest Quarter (SW-1/4) of Section 8 for 2558.62 feet to the southwest corner of said Section 8; thence run N 89° 25' 49" W along the south line of the Southeast Quarter (SE-1/4) of said Section 7 for 2330 feet more or less to the waters of Estero Bay; thence run northerly along the waters of Estero Bay for 6,485 feet more or less to an intersection with the north line of the South Half (S-1/2) of Government Lot 2 of said Section 7; thence run N 89° 32' 15" E along the north line of said South Half (S-1/2) of Government Lot 2 for 793 feet more or less to the northeast corner of lands described in Official Record Book 1895 at Page 3817 of said public records; thence run S 08° 50' 45" E along the east line of said lands for 199.50 feet to the southeast corner of said lands; thence run N 89° 35' 27" E for 666.22 feet; thence run N 89° 32' 15" E for 239.00 feet to an intersection with the west line of Coconut Road; thence run S 01° 07' 45" E along said west line for 488.63 feet; thence run N 89° 40' 05" E along the south line of said Coconut Road for 24.69 feet to the Point of Beginning. Less and except Official Record Book 1677 at Page 3516 of said Public Records.
Parcel contains 343 acres, more or less.

AND

PARCEL 2-C

A parcel of land lying in and being a portion of the East Half of the Northwest Quarter of Section 8, Township 47 South, Range 25 East of Lee County, Florida, being more particularly described as follows:

Commencing at the southwest corner of the East Half (E-1/2) of the Northwest Quarter (NW-1/4) of said Section 8; thence run N 01° 00' 45" W along the west line of said East Half (E-1/2) of the Northwest Quarter (NW-1/4) for 40.02 feet to an intersection with the northerly right-of-way line of Coconut Road (as maintained); thence run S 89° 16' 14" E along said right-of-way for 171.25 feet to the Point of Beginning.

From said Point of Beginning continue S 89° 16' 14" E along said right-of-way a distance of 342.50 feet; thence run N 01° 00' 44" W a distance of 367.98 feet; thence run N 89° 16' 14" W a distance of 342.50 feet; thence run S 01° 00' 44" E a distance of 367.98 feet to the Point of Beginning.

Parcel contains 2.89 acres, more or less.

AND

PARCEL 2-D

All that part of Florida Gulf Land Company's Subdivision as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, Florida, lying in Section 5, Township 47 South, Range 25 East South and West of lands to Florida Power and Light Company as described by deed recorded in Deed Book 244, Page 138 of said Public Records, also Lot 8, Block 14 of Eldorado Acres (an Unrecorded Subdivision) as shown in Deed Book 310 at Page 183 of said public records; also part of Sections 5, 6, 7 and 8, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at the southeast corner of said Section 5; thence run N 88° 46' 30" W along the south line of the Southeast Quarter (SE-1/4) of said Section 5 for 2580.80 feet to the southeast corner of the Southwest Quarter (SW-1/4) of said Section 5; thence run N 89° 25' 13" W along the south line of said Southwest Quarter (SW-1/4) for 587.32 feet to an intersection with the east line of said Lot 8, Block 14, Eldorado Acres, an unrecorded subdivision; thence run the following three courses and distances along the boundary of said Lot 8: S 00° 50' 16" E for 132.70 feet; N 89° 11' 54" W for 75.00; N 00° 50' 16" W for 132.41 feet to an intersection with said south line of the Southwest Quarter (SW-1/4) of Section 5; thence run N 89° 25' 13" W along said south line for 610.82 feet to the northeast corner of the West Half (W-1/2) of the Northwest Quarter (NW-1/4) of

said Section 8; thence run S 01° 00' 45" E along the east line of said West Half (W-1/2) of the Northwest Quarter (NW-1/4) of Section 8 for 2612.19 feet to an intersection with the northerly right-of-way line (as maintained) of Coconut Road being 40.00 feet north of the centerline of Coconut Road as recorded in County Commissioners Minutes Book 6 at Page 288 of said Public Records, said right-of-way line being the south line of lands as described by deed recorded in Official Record Book 3052 at Page 1748 of said Public Records; thence run N 89° 16' 14" W along said maintained right-of-way for 1267.93 feet to an intersection with the west line of the Northwest Quarter (NW-1/4) of said Section 8; thence run N 01° 07' 45" W along said west line for 1284.51 feet to the southeast corner of Government Lot 1 of said Section 7; thence run S 89° 33' 42" W along the south line of said Government Lot 1 for 1813 feet more or less to the easterly waters of Estero Bay; thence run northerly along the waters of Estero Bay for 3000 feet more or less to an intersection with the north line of Government Lot 4 of said Section 6; thence run N 89° 41' 23" E along said north line or 1807 feet more or less to an intersection with the west line of lands as described by deed recorded in Official Record Book 1762 at Page 4173 of said Public Records; thence run the following courses and distances along the boundary of said lands: N 00° 48' 29" W for 775.70 feet; N 46° 11' 51" E for 523.67 feet; S 81° 20' 47" E for 600.53 feet; N 00° 49' 50" W for 162.49 feet; N 89° 10' 55" E for 349.43 feet; N 01° 31' 46" W for 92.78 feet to an intersection with the north line of the Southwest Quarter (SW-1/4) of said Section 5; thence run N 89° 34' 40" E along said north line for 2592.29 feet to the northeast corner of said Southwest Quarter (SW-1/4); thence run N 89° 31' 44" E along the north line of the Southeast Quarter (SE-1/4) of said Section 5 for 2401.02 feet to an intersection with the southwesterly line of said lands to Florida Power and Light Company; thence run S 20° 51' 33" E along said southwesterly line for 553.91 feet to an intersection with the east line of said Southeast Quarter (SE-1/4) of Section 5; thence run S 00° 08' 26" E along said east line for 2202.99 feet to the Point of Beginning.

Parcel contains 576 acres, more or less.
Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

Frances L. Yerdon (for the Firm LB-642)
Professional Surveyor Mapper
Florida Certificate No. 5652

20002476\Pelican Landing-County – 110101

Q. GRADY MINOR & ASSOCIATES, P.A.
Civil Engineers ▪ Land Surveyors ▪ Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.
MICHAEL J. DELATE, P.E.
BLAIR A. FOLEY, P.E.

D. WAYNE ARNOLD, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.
THOMAS CHERNESKY, P.S.M.
ALAN V. ROSEMAN

SURVEYOR'S AFFIDAVIT

I am a Professional Surveyor and Mapper holding Certificate Number 5426 under the laws of the State of Florida.

I hereby certify that the dividing line described in the legal descriptions of "Pelican Landing DRI – City of Bonita Springs" and "Pelican Landing DRI – Unincorporated Lee County" (submitted with the DRI), as prepared by Johnson Engineering, dated November 1, 2001, is the same as the Jurisdictional line as decribed in the legal description established by the Charter for the City of Bonita Springs; and is also the same line shown and depicted on the Specific Purpose Survey, as prepared by Q. Grady Minor & Associates, P.A., dated October 2, 2001, as Drawing number C-1497.

I also certify that there are no overlaps or hiatus between the legal descriptions and the lines mentioned above.

DRI 2000-00022

Q. Grady Minor & Associates, P.A.

By: _____ *Date:* 11-2-01
Thomas Chernesky, P.S.M. #5426

(941) 947-1144 ▪ FAX (941) 947-0375 ▪ E-Mail: engineering@gradyminor.com
3800 Via Del Rey ▪ Bonita Springs, Florida 34134

JOHNSON ENGINEERING

SINCE 1946

DRI 2000-00022

November 1, 2001

DESCRIPTION

PELICAN LANDING DRI – CITY OF BONITA SPRINGS
SECTIONS 16, 17, 20 AND 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Sections 16, 17, 20 and 21, Township 47 South, Range 25 East, City of Bonita Springs, Lee County, Florida, which tract or parcel is described as follows:

Parcel 1-A

Beginning at the Northwest corner of the Northeast Quarter (NE-1/4) of Section 16; thence run S 00° 02' 54" W along said West line of the 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 N 89° 10' 38" E along the South line of said fraction for 538.06 feet; thence run S 00° 06' 43" E for 1085.91 feet; thence run N 89° 06' 43" E for 744.41 feet to an intersection with the West line of Tamiami Trail (US 41 S.R. No. 45); thence run southerly along said West line, along the arc of a non-tangent curve to the right of radius 5619.58 feet (chord bearing S 00° 22' 05" E) (chord 50.21 feet) (delta 00° 30' 43") for 50.21 feet to a point of tangency; thence run S 00° 06' 43" E along said West line for 49.81 feet; thence run S 89° 06' 43" W for 300.00 feet; thence run S 00° 06' 43" E for 1445.84 feet to an intersection with the South line of the Southeast Quarter (SE-1/4) of said Section 16; thence run S 89° 16' 54" W 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 S 88° 38' 34" W 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 S 00° 35' 25" E 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 N 88° 52' 49" E along the North line of the Southwest Quarter (SW-1/4) of said Section 21 for 2,040.41 feet 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 S 00° 51' 35" E along said West line for 801 feet, more or less to the water of Spring Creek; thence run westerly along Spring Creek for 3630 feet more or less to an intersection of the East line of said Section 20; thence run S 00° 38' 52" E along said East line of Section 20 for 91 feet, more or less to an intersection with the approximate centerline of Spring Creek as shown on the Plat of Pelican Landing Unit 5 recorded in Plat Book 59 at Page 11 of said Public Records of Lee County, Florida; thence run along said centerline the following courses: S 78° 50' 00" W for 181.31 feet, N 34° 24' 12" W for 230.22 feet, N 30° 59' 12" W for 174.93 feet, N 24° 25' 16" E for 120.83 feet, S 65° 47' 43" E for 219.32 feet, N 18° 24' 43" E for 158.11 feet, N 75° 11' 47" W for 351.71 feet, N 65° 09' 33" W for 451.88 feet, N 84° 18' 44" W for 351.75 feet, N 66° 54' 31" W for 445.79 feet, S 63° 24' 43" W for 134.16 feet, S 03° 23' 22" E for 170.29 feet, S 50° 30' 17" W for 220.23 feet, N 84° 49' 43" W for 331.36 feet, S 62° 13' 07" W for 214.71 feet, S 22° 08' 36" W for 291.55 feet, S 72° 15' 11" W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW-1/4) of said Section 20; thence run N 00° 50' 19" W along said East line for 520.00 feet to the Northeast corner of said fraction; thence run S 89° 58' 37" W 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 as shown on said Plat of Pelican Landing Unit 5; thence run along said centerline the following courses: N 09° 13' 28" W for 137.34 feet, N 29° 08' 22" W for 590.59 feet, N 38° 31' 58" W for 278.03 feet, N 65° 16' 43" W for 254.95 feet, N 37° 18' 28" W for 286.01 feet, N 32° 51' 05" E for 252.39 feet, N 20° 11' 00" E for 236.69 feet, N 27° 23' 47" W for 369.25 feet, N 89° 15' 43" E for 50 feet more or less to the easterly shore of said Spring Creek; thence run northerly along said easterly shore for 1220 feet more or less to an intersection with the North line of said Section 20; thence run N 89° 15' 13" E along said North line of said section for 970 feet, more or less to a Concrete Monument marking the Northwest corner of the Northeast Quarter (NE-1/4) of said Section 20; thence run N 00° 31' 30" E 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 N 00° 31' 29" E 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 along the arc of a curve to the left of radius 1130.00 feet (chord bearing N 35° 09' 06" E) (chord 1296.89 feet) (delta 70° 02' 16") for 1381.30 feet; thence run N 89° 52' 02" W for 5.00 feet; thence run N 00° 07' 58" E 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 S 89° 25' 51" E along said north line of the Northeast Quarter (NE-1/4) of said Section 17 for 1838.15 feet to the Northeast corner of said Section 17; thence run N 89° 27' 22" E along the north line of the Northwest Quarter (NW-1/4) of said Section 16 for 2677.24 feet to the Point of Beginning.
Parcel contains 909 acres; more or less.

AND

PARCEL 1-B

Beginning at an 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 Southerly right-of-way of said Spring Creek Road: Southeasterly along an arc of a non-tangent curve to the right of radius 1725.00 feet (chord bearing S 03° 18' 23" E) (chord 206.27) (delta 06° 51' 19") for 206.40 feet to a point on a non-tangent line; thence run S 89° 52' 02" E for 16.47 feet; thence run S 00° 07' 58" W for 1406.64 feet; thence run N 89° 52' 02" W for 5.00 feet to a point of tangency; thence Southwesterly along an arc of said curve to the right of radius 1070.00 feet (chord bearing S 37° 51' 54" W) (chord 1309.62 feet) (delta 75° 27' 53") for 1409.31 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 N 89° 59' 08" W 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: N 00° 00' 52" E for 510.00 feet; N 89° 59' 08" W for 885.06 feet to a point of curvature; along an arc of a curve for 231.02 feet, having a radius of 390.00 feet, central angle of 33° 56' 23", chord of 227.66 feet and chord bearing of S 73° 02' 41" W, to a point on the curve; S 00° 00' 52" W for 167.10 feet; and S 31° 38' 00" W 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 mean high water line of a canal, 45 feet more or less to the south line of the North Half (N-1/2) of said Section 17; thence N 89° 59' 08" W for 136 feet more or less to the east quarter corner of said Section 18, thence run S 89° 58' 17" W 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: N 56° 00' 38" W for 265.00 feet to a point of curvature; along an arc of a curve for 338.95 feet, having a radius of 520.00 feet, central angle of 37° 20' 50", chord of 332.98 feet and chord bearing of N 37° 20' 13" W, to a point of tangency; N 18° 39' 48" W for 481.24 feet to a point of curvature; along an arc of a curve for 104.44 feet, having a radius of 100.00 feet, central angle of 59° 50' 20", chord of 99.76 feet and a chord bearing of N 48° 34' 58" W, to a point of tangency; N 78° 30' 08" W for 144.73 to a point of curvature; along an arc of a curve for 56.48 feet, having a radius of 100.00 feet, central angle of 32° 21' 45"; chord of 55.74 feet and a chord bearing of N 62° 19' 15" W, to a point of tangency and an intersection with the waters of Estero Bay; thence run northerly along the waters of Estero Bay for 2270 feet more or less to an intersection with the north line of the Northeast Quarter (NE-1/4) of said Section 18; thence run S 89° 25' 49" E along said north line of the Northeast Quarter (NE-1/4) of said Section 18 for 2330 feet, more or less to the northeast corner of Section 18; thence run S 89° 25' 49" E along the north line of the Northwest Quarter (NW-1/4) of said Section 17 for 2558.62 feet to the northeast corner of said Northwest Quarter (NW-1/4); thence run S 89° 25' 51" E along the north line of the Northeast Quarter (NE-1/4) of said Section 17 for 642.07 feet to the Point of Beginning.

Parcel contains 304 acres, more or less.

Frances L. Yerdón (for the Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

JOHNSON ENGINEERING

SINCE 1946

August 15, 2001

PARCEL IN
GOVERNMENT LOT 3, SECTION 13
AND
GOVERNMENT LOT 2, SECTION 24
TOWNSHIP 47 SOUTH, RANGE 24 EAST
BIG HICKORY ISLAND, LEE COUNTY, FLORIDA

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 prolongation of said centerline of State Road No. 865 for 266.00 feet; thence run S 62° 26' 49" W for 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 Page 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.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

Frances L. Yerdon (for the Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

22005\BeachParcel-081501

Q. GRADY MINOR & ASSOCIATES, P.A.
Civil Engineers ▪ Land Surveyors ▪ Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.
DAVID W. SCHMITT, P.E.
MICHAEL J. DELATE, P.E.
BLAIR A. FOLEY, P.E.

D. WAYNE ARNOLD, A.I.C.P.
ERIC V. SANDOVAL, P.S.M.
THOMAS CHERNESKY, P.S.M.
ALAN V. ROSEMAN

SURVEYOR'S AFFIDAVIT

I am a Professional Surveyor and Mapper holding Certificate Number 5426 under the laws of the State of Florida.

I hereby certify that the dividing line described in the legal descriptions of "Pelican Landing DRI – City of Bonita Springs" and "Pelican Landing DRI – Unincorporated Lee County" (submitted with the DRI), as prepared by Johnson Engineering, dated November 1, 2001, is the same as the Jurisdictional line as decribed in the legal description established by the Charter for the City of Bonita Springs; and is also the same line shown and depicted on the Specific Purpose Survey, as prepared by Q. Grady Minor & Associates, P.A., dated October 2, 2001, as Drawing number C-1497.

I also certify that there are no overlaps or hiatus between the legal descriptions and the lines mentioned above.

DRI- 2000-00022

Q. Grady Minor & Associates, P.A.

By: _____ *Date:* 11-2-01
Thomas Chernesky, P.S.M. #5426

(941) 947-1144 ▪ FAX (941) 947-0375 ▪ E-Mail: engineering@gradyminor.com
3800 Via Del Rey ▪ Bonita Springs, Florida 34134

JOHNSON ENGINEERING

SINCE 1946

November 1, 2001

PELICAN LANDING DRI – CITY OF BONITA SPRINGS
SPRING CREEK WEST
SECTION 21, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A tract or parcel of land lying in Section 21, Township 47 South, Range 25 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: South 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 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.

Frances L. Yerdon (for the Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

EXHIBIT C

20002476/Description 110101

SKETCH TO ACCOMPANY DESCRIPTIONS
PREPARED FOR

WCI COMMUNITIES LIMITED PARTNERSHIP

LOCATED IN
SECTIONS 5, 6, 7, 8, 9, 16, 17, 18, 20 & 21, TOWNSHIP 47 SOUTH, RANGE 26 EAST
AND
SECTIONS 13 AND 24, TOWNSHIP 47 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

ORI 2000-00022

INDEX	
SHEET NO.	DESCRIPTION
1	COVER SHEET
2	PARCELS 1-A & 1-B
3	PARCEL 1-C
4	PARCELS 2-A THROUGH 2-D
5	BEACH PARCEL

LOCATION MAP
NOT TO SCALE

THIS IS NOT A SURVEY

JOHNSON ENGINEERING, INC.
CIVIL ENGINEERS, SURVEYORS AND CONSULTANTS

FEB 2001	20001178	7-47-25	N/A	1 OF 5

EXHIBIT D
Page 1 of 5

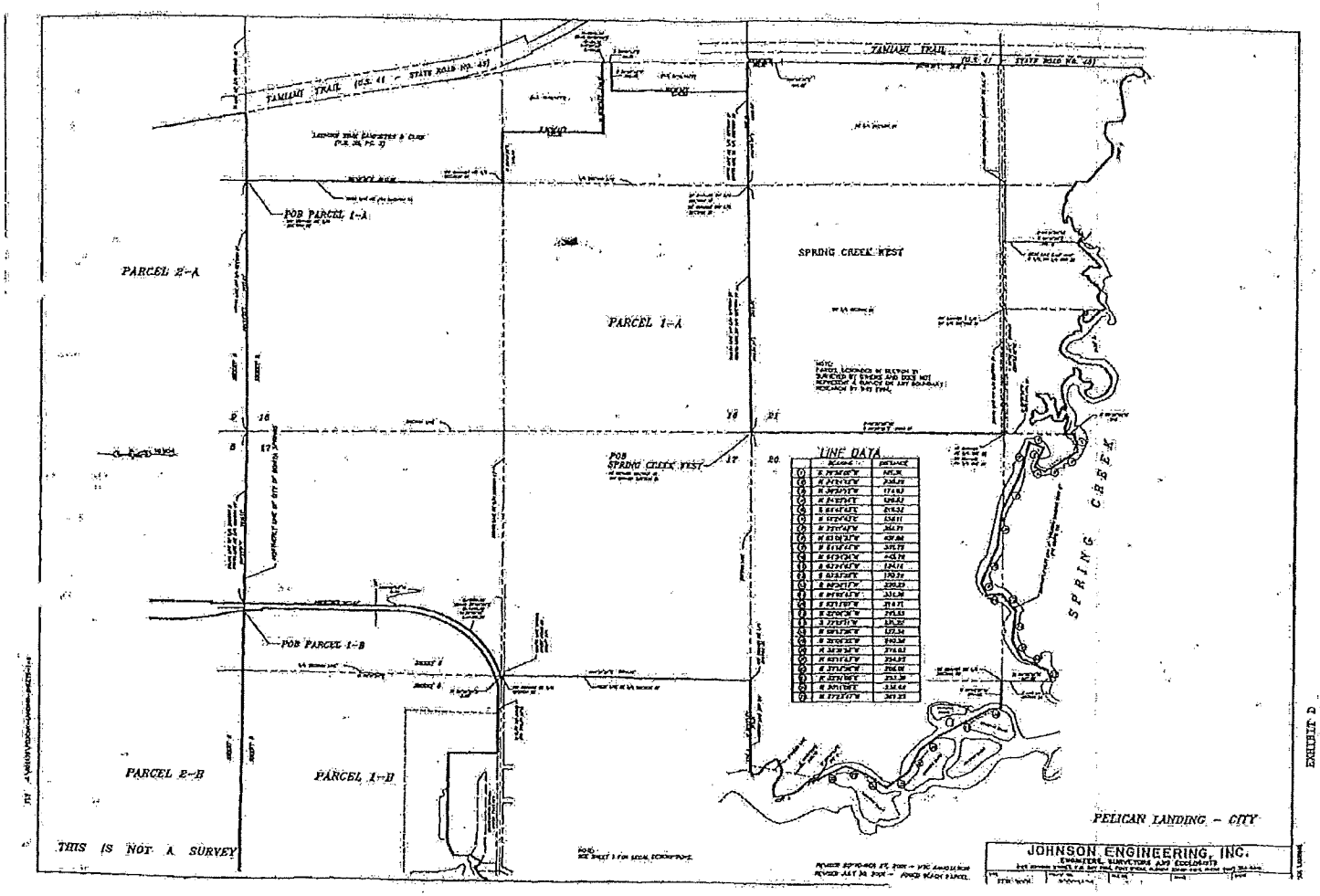


EXHIBIT D
Page 2 of 5

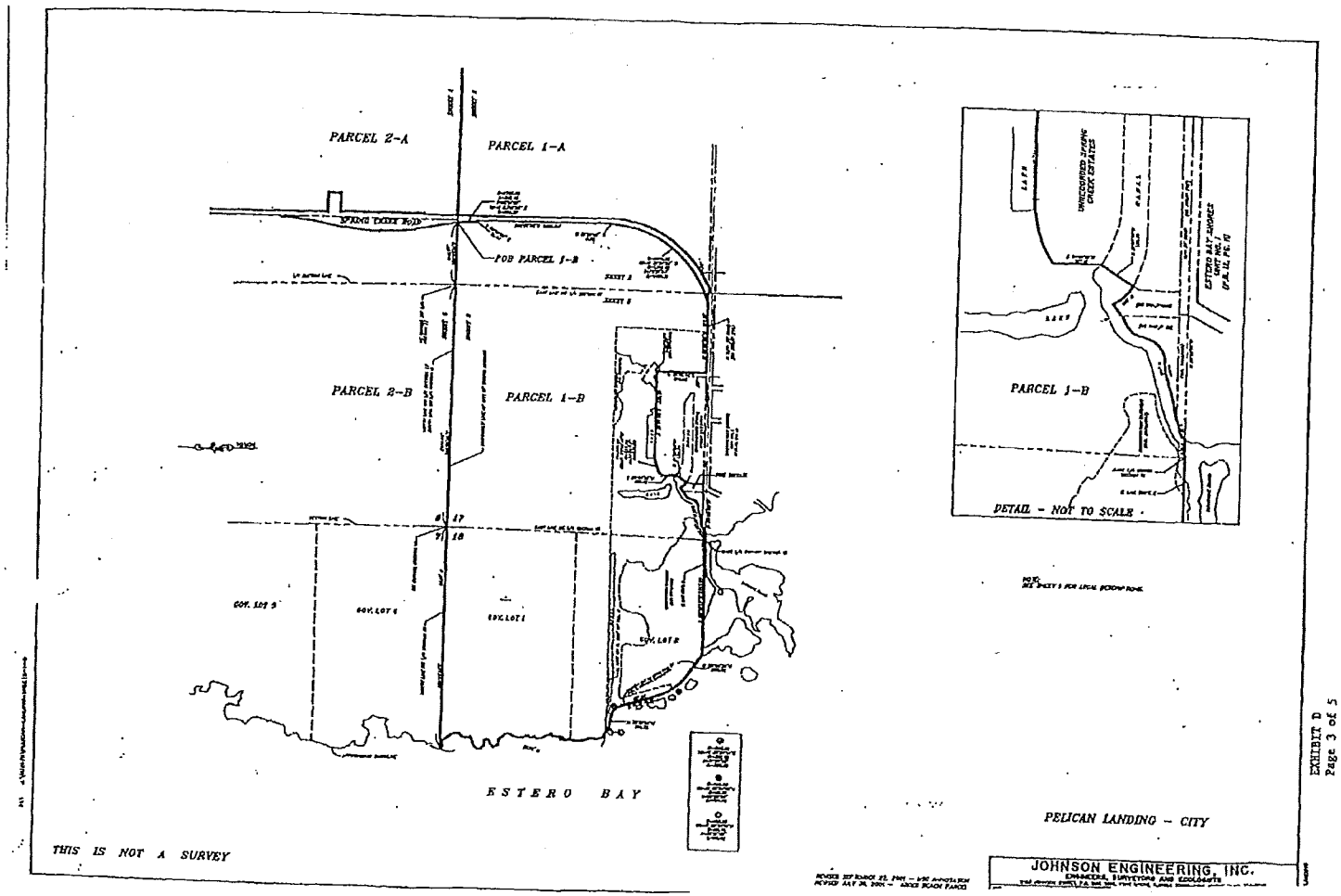


EXHIBIT D
Page 3 of 5

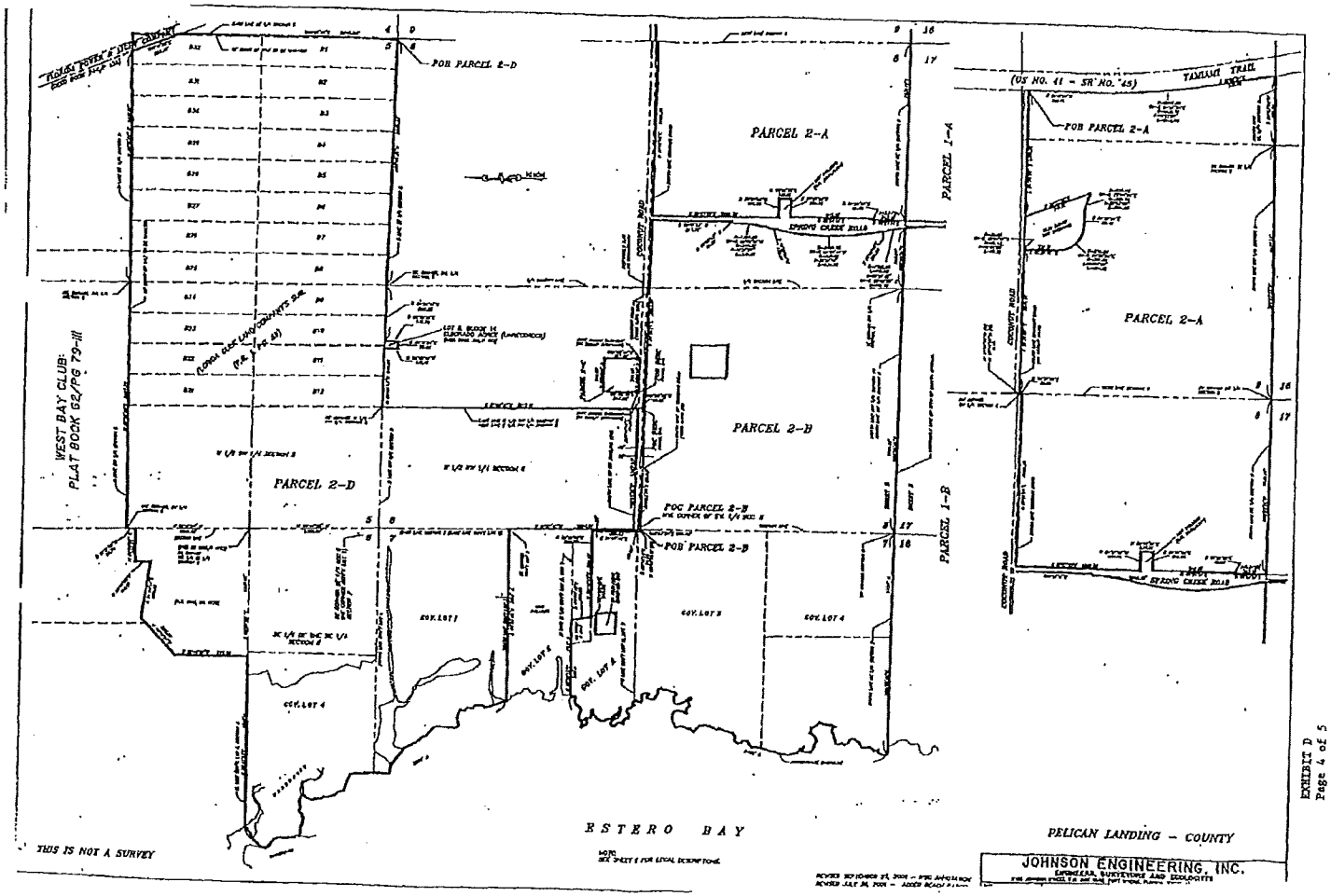


EXHIBIT D
Page 4 of 5

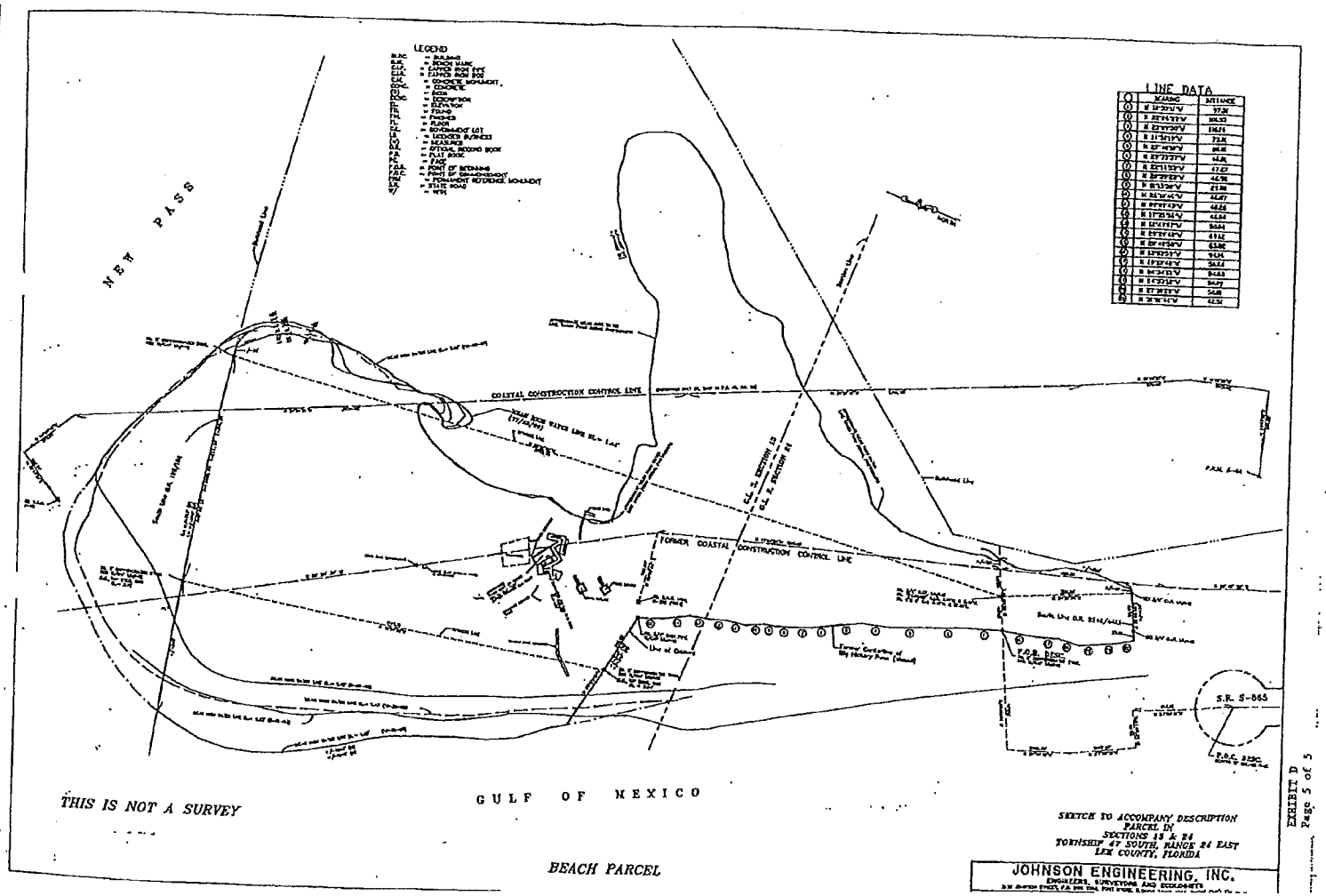
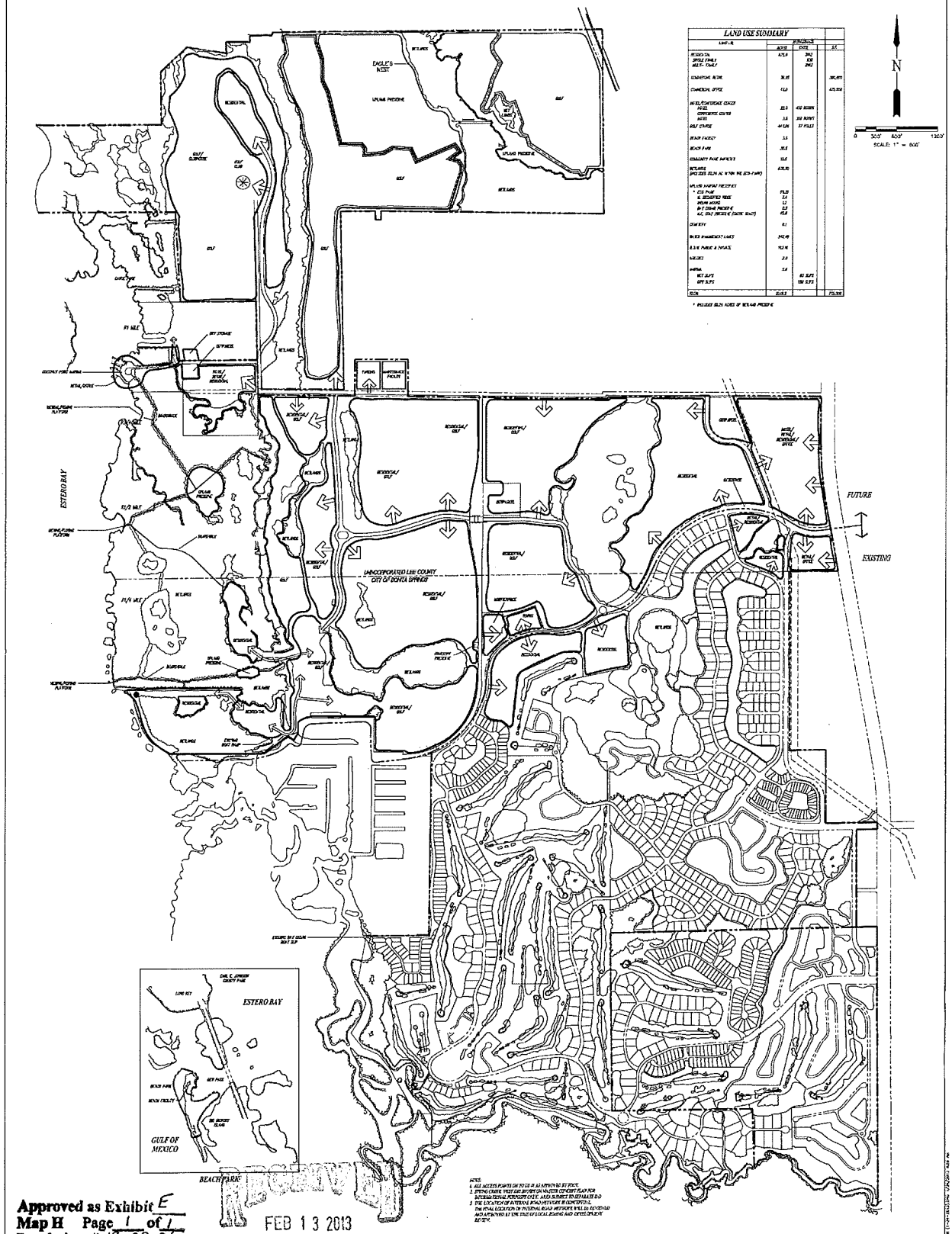


EXHIBIT D
Page 5 of 5



Approved as Exhibit E
Map H Page 1 **of** 1
Resolution # 13-08-06

FEB 13 2013

COMMUNITY DEVELOPMENT

DRI 2013-00002

EXHIBIT E

LEGEND

GradyMinor

Civil Engineers • Land Surveyors • Planners • Landscape Architects

PELICAN LANDING DRI

MAP H

EXHIBIT "F"
PELICAN LANDING DRI
DEVELOPMENT PARAMETERS
(updated through 3-1-01)

Land Use	Units[1]	Existing (1998)	Build out Total (~~2002~~ ~~2008~~)
Residential	DU	1083	4,400
Single Family	DU	402	665
Multi Family	DU	596	3,735
Retail[2]	GFA	11,000	300,000
Office[3]	GFA	134,738	475,000
Hotel/Motel	Rooms	0	750
Recreation Uses			
Pelican Nest Golf Course/Clubhouse/ Practice Range	Holes	21	30
Colony Range Club/ Golf Course/ Clubhouse/Practice Range	Holes	19	19
Resort Golf Course/ Clubhouse Practice Range	Holes	0	28
Tennis Center	Courts	12	24
Coconut Marina	Boat Slips Wet	24	48
	Dry	0	150
Redfish Point	GFA	5,000	5,000
	Boat Slips Wet	15	15
Other[4]	Boat Slips Wet	2	2
	Accessory Parking	0	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

LeeClerk.ORG
LINDA DOGGETT : CLERK OF COURT

STATE OF FLORIDA

COUNTY OF LEE

I Linda Doggett, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby Certify that the above and foregoing is a true and correct copy of Resolution No. 13-08-06 adopted by the Board of Lee County Commissioners at their meeting held on the 6th day of August, 2013.

Given under my hand and seal, at Fort Myers, Florida, this 12th day of August, 2013.

LINDA DOGGETT,
Clerk of Circuit Court
Lee County, Florida

By: Marcia Wilson
Deputy Clerk

PO Box 2469, Fort Myers, FL 33902
Phone: (239) 533-2328 | FAX: (239) 239-485-2038

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Pelican Landing Communities, Inc., formerly Westinghouse Bayside Communities, Inc., in reference to Pelican Landing DRI and Pelican Landing CPD/RPD, has properly filed an application for:

a) Consideration of the Application for Development Approval (ADA) for a Development of Regional Impact (DRI) on 2,100± acres known as Pelican Landing, State DRI #1-9293-121; and

b) A rezoning of a portion of the DRI from AG-2, RPD, TFC-2 and IM to Residential Planned Development and Commercial Planned Development districts, to permit 2,616 dwelling units, 520,000 square feet of office commercial and a 450 unit convention hotel on a total of 1,121.5± acres. Building heights are proposed to range from 35 feet above average grade to 200 feet above flood elevation; and

WHEREAS, the subject property is located between US 41 and Estero Bay, north of Spring Creek to north and south of Coconut Road, described more particularly as:

LEGAL DESCRIPTION: In Sections 05, 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:

DRI Parcel 1
A tract or parcel of land lying in Sections 08, 09, 16, 17, 20 and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

Beginning at a concrete monument marking the Northeast corner of said Section 20, run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE1/4) of said section;
THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW1/4) of said Section 21 for 2,040.41 feet;
THENCE run S00°51'35"E for 801.04 feet to the waters of Spring Creek;
THENCE run 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:
S78°50'00"W for 181.31 feet,
N34°24'12"W for 230.22 feet,
N30°59'12"W for 174.93 feet,
N24°25'16"E for 120.83 feet,
S65°47'43"E for 219.32 feet,
N18°24'43"E for 158.11 feet,
N75°11'47"W for 351.71 feet,
N65°09'33"W for 451.88 feet,
N84°18'44"W for 351.75 feet,
N66°54'31"W for 445.79 feet,
S63°24'43"W for 134.16 feet,
S03°23'22"E for 170.29 feet,
S50°30'17"W for 220.23 feet,
N84°49'43"W for 331.36 feet,
S62°13'07"W for 214.71 feet,
S22°08'36"W for 291.55 feet,
S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW1/4) of said Section 20;
THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast corner of said fraction;
THENCE run S89°58'37"W 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;

continued...

THENCE run along said centerline the following courses:
N09°13'28"W for 137.34 feet,
N29°08'22"W for 590.59 feet,
N38°31'58"W for 278.03 feet,
N65°16'43"W for 254.95 feet,
N37°18'28"W for 286.01 feet,
N32°51'05"E for 252.39 feet,
N20°11'00"E for 236.69 feet,
N27°23'47"W for 369.25 feet,
N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek;
THENCE run along said Easterly shore for 1,220 feet, more or less to an intersection with the North line of said Section 20;
THENCE run N89°15'13"E along said North line of said Section for 970 feet, more or less to a concrete monument marking the Northwest corner of the Northeast Quarter (NE1/4) of said Section 20;
THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE1/4) of said Section 17 for 2,644.38 feet to an intersection with the South line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records;
THENCE run S89°58'35"E along said South line for 739.45 feet;
THENCE run N00°07'58"E for 30.00 feet to an intersection with the North line of the Southeast Quarter (SE1/4) of said Section 17;
THENCE run S89°58'35"E along the North line of said fraction for 375.91 feet to the Southeast corner of lands described in Official Record Book 1713 at Page 1188 of said Public Records;
THENCE run N00°41'04"W for 668.20 feet to the Northeast corner of said lands;
THENCE run N89°50'32"W along the North line of said lands for 366.38 feet to the Easterly line of said Spring Creek Road (50 feet wide);
THENCE run N00°07'58"E for 2,007.04 feet to an intersection with the South line of the Southeast Quarter (SE1/4) of said Section 08;
THENCE continue N00°07'17"E along said East line for 343.54 feet;
THENCE run S89°38'58"E for 10.00 feet;
THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;
THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;
THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;
THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;
THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);
THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;
THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW1/4) of said Section;
THENCE continue along said West line N00°39'58"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records;
THENCE run S89°35'50"E along said South line for 3,164.37 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S00°10'56"W along said West line for 621.81 feet to a POINT OF CURVATURE;
THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a POINT OF TANGENCY;
THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE1/4) of said Section 16;
THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE1/4) of Section 16;

continued...

THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE1/4) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE1/4) of said Section;
THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;
THENCE run S00°06'43"E for 1,085.91 feet;
THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;
THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a POINT OF TANGENCY;
THENCE run S00°06'43"E along said West line for 49.81 feet;
THENCE run S89°06'43"W for 300.00 feet;
THENCE run S00°06'43"E for 1,445.82 feet to an intersection with the South line of the Southeast Quarter (SE1/4) of said Section 16;
THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW1/4) of said Section 16;
THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW1/4) for 2,627.98 feet to the POINT OF BEGINNING.

ALSO

DRI Parcel 2
A tract or parcel of land lying in Sections 07, 08, 17 and 18 which tract or parcel is described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW1/4) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.
From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;
THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;
THENCE run S00°07'58"W along said West line for 2,646.47 feet;
THENCE run N89°58'35"W along the North line of Coconut Road for 689.04 feet to an intersection with the East line of the Northwest Quarter (NW1/4) of said Section 17;
THENCE run N89°59'08"W along said North line for 404.79 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;
THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;
THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE1/4) of said Section 18;
THENCE continue N89°59'08"W for 1,840 feet more or less to the waters of Estero Bay;
THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S1/2) of Government Lot 2 of said Section 07;
THENCE run N89°32'15"E along the North line of said Government Lot 2 for 545 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said Public Records;
THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;
THENCE run N89°32'15"E along the South line of said lands for 247.50 feet;
THENCE run N89°35'27"E for 666.22 feet;
THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
THENCE run S01°07'45"E along said West line for 488.63 feet;
THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.

continued ...

LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516 of the Public Records of Lee County, Florida.

ALSO:

DRI Parcel 3
A tract or parcel of land lying in Sections 05 and 08, Township 47 South, Range 25 East, Lee County, Florida, consisting of Lots 8B, 9B, 10B, 11B, 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LAND COMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records of Lee County;

ALSO the East Three-quarters (E-3/4) of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of said Section 05;
ALSO the East Two-thirds (E-2/3) of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of said Section 05;
ALSO the East Two-thirds (E-2/3) of the Western Half (W1/2) of the Northwest Quarter (NW1/4) of said Section 08; being more particularly described by metes and bounds as follows:

From the Northwest corner of the Southwest Quarter (SW1/4) of said Section 08 run S89°16'14"E along the North line of said Southwest Quarter (SW1/4) for 422.61 feet;
THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;
THENCE run N01°22'23"W for 1,304.41 feet;
THENCE run N89°56'22"W for 107.12 feet;
THENCE run N01°22'55"W for 1,303.87 feet;
THENCE run N89°34'15"E for 2,593.81 feet;
THENCE run S00°26'45"E for 2,655.42 feet;
THENCE run N88°48'50"W along the North line of said Section 08 for 322.66 feet;
THENCE run N89°25'01"W for 587.55 feet;
THENCE run S00°50'16"E for 132.58 feet;
THENCE run N89°11'54"W for 75.00 feet;
THENCE run N00°50'16"W for 132.30 feet;
THENCE run N89°25'01"W for 610.69 feet;
THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North right-of-way line of Coconut Road;
THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet to the POINT OF BEGINNING.

ALSO

DRI Parcel 4
All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;
THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;
THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;
THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING.

Containing 2,409 acres, more or less.
Bearings hereinabove mentioned are based on the East boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at Pages 58 through 60 of the Public Records of Lee County, Florida.

AND

continued...

DRI 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 SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;
THENCE run S62°26'49"W for 98.40 feet;
THENCE run N27°33'11"W for 1,863.42 feet;
THENCE run N20°00'41"W for 1,403.30 feet;
THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet,
N22°26'23"W for 100.53 feet,
N23°09'50"W for 100.14 feet,
N14°51'19"W for 73.01 feet,
N27°40'10"W for 88.01 feet,
N29°33'57"W for 46.01 feet,
N22°14'53"W for 47.27 feet,
N20°39'23"W for 46.98 feet,
N11°15'38"W for 29.80 feet,
N26°10'46"W for 46.87 feet,
N09°09'45"W for 48.26 feet,
N17°35'56"W for 46.04 feet,
N12°49'07"W for 50.04 feet,
N29°20'48"W for 69.12 feet,
N20°48'58"W for 63.82 feet;
THENCE run N79°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 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 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 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;
THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING.

AND

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;
THENCE run S19°13'48"E for 50.64 feet;
THENCE run S04°34'15"E for 54.63 feet;
THENCE run S24°53'12"E for 50.09 feet;
THENCE run S27°10'29"E for 50.01 feet;
THENCE run S31°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 N65°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 N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF BEGINNING.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

RPD Parcel 1

Tracts or parcels lying in Section 05 and Section 08, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows and all consisting of 203.85 acres, more or less.

continued...

Lots 8B, 9B, 10B, 11B, 12B, and Lots 21B, 22B, 23B, 24B, and 25B of Florida Gulf Land Company's Subdivision, all in Section 05, Lee County, Florida (recorded in Plat Book 1 at Page 59), consisting of 100 acres more or less.

ALSO:

The East Three-Quarters (E-3/4) of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4), of said Section 05, consisting of 30 acres, more or less.

ALSO:

The East Two-Thirds (E-2/3) of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4), of said Section 05, consisting of 26.67 acres, more or less.

The East Two-Thirds (E-2/3) of the West Half (W1/2) of the Northwest Quarter (NW1/4) of said Section 08, consisting of approximately 53.55 acres, more or less, less the Southerly 40.00 feet for the right-of-way of Coconut Road.

RPD Parcel 2
All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07 run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the Southeast corner of said Government Lot 1;
THENCE run S89°33'42"W along the South line of said Government Lot 1 for 1,747.82 feet to a concrete post at the waters of Estero Bay;
THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;
THENCE run N89°48'31"E along said North line for 2,575 feet, more or less to the POINT OF BEGINNING.

Containing 60 acres, more or less.

RPD Parcel 3
A tract or parcel of land lying in Sections 07, 08, 17 and 18, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW1/4) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide);
THENCE run S89°16'14"E along said South line for 1,478.58 feet to the POINT OF BEGINNING;
THENCE continue S89°16'14"E along said South line for 1,774.42 feet to an intersection with the West line of Spring Creek Road as described in County Commissioners Minute Book 6 at Page 210, Public Records, Lee County, Florida;
THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;
THENCE run S00°07'58"W along said West line for 1,612.27 feet;
THENCE run N89°52'02"W for 5.00 feet to a point on a curve;
THENCE along the arc of a non-tangent curve to the right of radius 1,070.00 feet (delta 91°03'07") (chord bearing S45°39'32"W) (chord 1,527.04 feet) for 1,700.40 feet;
THENCE run N01°31'36"E for 33.48 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;
THENCE continue N01°31'36"E along the East line of said lands for 960.34 feet;
THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE1/4) of said Section 18;

continued...

THENCE continue N89°59'08"W for 1,840 feet, more or less, to the waters of Estero Bay;
THENCE run Northerly along the waters of Estero Bay for 6,490 feet, more or less, to an intersection with the South line of Government Lot 2, of said Section 07;
THENCE run N89°40'05"E along said South line for 745 feet, more or less;
THENCE run S00°19'55"E for 650.00 feet;
THENCE run N89°40'05"E for 1,107.21 feet to an intersection with the West line of said Section 08;
THENCE run S00°23'24"E along the West line of said Section for 375.11 feet;
THENCE run S89°15'18"E for 1,458.78 feet;
THENCE run N00°44'42"E for 1,000.00 feet to an intersection with the South line of said Coconut Road and said POINT OF BEGINNING.

Containing 513.7 acres, more or less.

RPD Parcel 4
A tract or parcel of land lying in Sections 08, 09, 16 and 17, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a concrete monument marking the Northwest corner of the Southwest Quarter (SW1/4) of said Section 09 run N00°41'48"W along the West line of said Section 09 for 5.00 feet to an intersection with the South line of Coconut Road (50 feet wide) as described in Official Record Book 1738 at Page 2538, Public Records, Lee County, Florida;
THENCE run S89°35'50"E along said South line for 1,549.14 feet to a POINT OF CUSP;
THENCE run along the arc of a curve to the left of radius 30.00 feet (delta 90°00'00") (chord bearing S45°24'10"W) (chord 42.43 feet) for 47.12 feet to a POINT OF TANGENCY;
THENCE run S00°24'10"W for 336.31 feet to a POINT OF CURVATURE;
THENCE run along the arc of the curve to the left of radius 270.00 feet (delta 90°00'00") (chord bearing S44°35'50"E) (chord 381.84 feet) for 424.12 feet to a POINT OF TANGENCY;
THENCE run S89°35'50"E for 99.41 feet to a POINT OF CURVATURE;
THENCE run along the arc of a curve to the right of radius 530.00 feet (delta 27°42'00") (chord bearing S75°44'50"E) (chord 253.74 feet) for 256.23 feet;
THENCE run S20°53'52"E for 1,008.12 feet to a point on a non-tangent curve;
THENCE run along the arc of a curve to the left of radius 840.00 feet (delta 34°20'28") (chord bearing N66°42'56"W) (chord 495.96 feet) for 503.47 feet to a POINT OF COMPOUND CURVATURE;
THENCE along the arc of a curve to the left of radius 1,652.50 feet (delta 21°34'22") (chord bearing S85°19'39"W) (chord 618.53 feet) for 622.20 feet;
THENCE S15°27'32"E along a radial line for 10.00 feet to a point on a non-tangent curve;
THENCE along the arc of a curve to the left of radius 1,642.50 feet (delta 34°59'45") (chord bearing S57°02'36"W) (chord 987.70 feet) for 1,003.22 feet to a POINT OF COMPOUND CURVATURE;
THENCE along the arc of a curve to the left of radius 1,120.00 feet (delta 21°31'30") (chord bearing S28°55'59"W) (chord 412.53 feet) for 414.90 feet to a POINT OF REVERSE CURVATURE;
THENCE along the arc of a curve to the right of radius 935.00 feet (delta 43°04'19") (chord bearing S39°51'23"W) (chord 686.45 feet) for 702.88 feet to a POINT OF COMPOUND CURVATURE;
THENCE along the arc of a curve to the right of radius 2,760.00 feet (delta 24°20'33") (chord bearing S73°33'49"W) (chord 1,163.81 feet) for 1,172.61 feet;
THENCE N20°00'00"W for 580.12 feet;
THENCE N89°52'02"W for 657.66 feet to an intersection with the East line of Spring Creek Road as described in County Commissioners Minute Book 6 at Page 210, Public Records, Lee County, Florida;

continued...

THENCE run N00°07'58"E along said East line for 240.32 feet to an intersection with the South line of the Southeast Quarter (SE1/4) of said Section 08;
THENCE continue N00°07'17"E along said East line for 343.49 feet;
THENCE run S89°38'58"E for 10.00 feet;
THENCE run N00°07'17"E along said East line for 499.94 feet to the Southwest corner of lands described in Official Record Book 428 at Page 349, said Public Records;
THENCE run S89°21'02"E along the South line of said lands for 536.00 feet;
THENCE run N00°07'17"E along the East line of said lands for 474.33 feet;
THENCE run N89°21'02"W along the North line of said lands for 546.00 feet to an intersection with the Easterly line of said Spring Creek Road;
THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of said Coconut Road;
THENCE run S89°16'14"E along the South line of said Coconut Road 1,802.38 feet to an intersection with the West line of said Section 09;
THENCE run N00°41'48"W along said West line for 25.00 feet to the POINT OF BEGINNING.

Containing 222.36 acres, more or less.

CPD Parcel 1

A tract or parcel of land lying in Sections 07 and 08, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW1/4) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.

From said POINT OF BEGINNING run S89°16'14"E along said South line for 1,478.58 feet;
THENCE run S00°44'42"W for 1,000.00 feet;
THENCE run N89°15'18"W for 1,458.78 feet to an intersection with the West line of said Section 08;
THENCE run N00°23'24"W along said West Section line for 375.11 feet;
THENCE run S89°40'05"W for 1,107.21 feet;
THENCE run N00°19'55"W for 650.00 feet to an intersection with the South line of Government Lot 2 of said Section 07;
THENCE run S89°40'05"W along said South line for 745 feet, more or less, to an intersection with the waters of Estero Bay;
THENCE run along the waters of Estero Bay for 1,810 feet, more or less, to a point which intercepts the North line of the South Half (S1/2) of said Government Lot 2;
THENCE run N89°32'15"E along said North line of the South Half (S1/2) of said Government Lot 2 for 545 feet, more or less, to the Northwest corner of lands described in Official Record Book 1895 at Page 3817, Public Records, Lee County, Florida;
THENCE S08°50'45"E along the West line of said lands for 199.50 feet;
THENCE N89°32'15"E along the South line of said lands for 247.50 feet;
THENCE run N89°35'27"E for 666.22 feet;
THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
THENCE run S01°07'45"E along said West line for 488.63 feet to an intersection with the South line of said Coconut Road;
THENCE run N89°40'05"E along the South line of said Coconut Road for 24.55 feet to the POINT OF BEGINNING.

LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516, Public Records, Lee County, Florida.

Containing 72.8 acres, more or less.

continued...

CPD Parcel 2
A tract or parcel of land lying in the South Half (S1/2) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:
From the Northwest corner of the Southwest Quarter (SW1/4) of said Section 09 run N00°41'48"W for 5.00 feet to the South right-of-way line of Coconut Road (50 foot right-of-way);
THENCE run S89°35'50"E for 1,863.14 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING continue S89°35'50"E along said South right-of-way line for 1,301.22 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S00°10'56"W along said West line for 621.81 feet to a POINT OF CURVATURE;
THENCE run Southerly and Southeasterly along the arc of a curve to the left of radius 5,797.58 feet (delta 10°17'00") (chord bearing S04°57'34"E) (chord 1,039.14 feet) for 1,040.54 feet to a POINT OF TANGENCY;
THENCE run S10°06'04"E along said Westerly line for 230.98 feet;
THENCE run S79°53'56"W for 70.57 feet to a POINT OF CURVATURE;
THENCE run along the arc of a curve to the right of radius 650.00 feet (delta 49°49'26") (chord bearing N75°11'21"W) (chord 547.59 feet) for 565.23 feet to a POINT OF REVERSE CURVATURE;
THENCE along the arc of a curve to the left of radius 840.00 feet (delta 16°23'49") (chord bearing N58°28'33"W) (chord 239.57 feet) for 240.39 feet;
THENCE run N20°53'52"W for 1,756.27 feet to an intersection with the South line of said Coconut Road and the POINT OF BEGINNING.

Containing 41.09 acres, more or less.

CPD Parcel 3
A tract or parcel of land lying in the Southeast Quarter (SE1/4) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Beginning at the Southwest corner of the Southeast Quarter (SE1/4) of said Section 09 run N01°00'24"W along the West line of said Southeast Quarter (SE1/4) for 587.77 feet to a point on a non-tangent curve;
THENCE along the arc of a curve to the left of radius 850.00 feet (delta 39°04'25") (chord bearing S80°33'52"E) (chord 568.50 feet) for 579.67 feet to a POINT OF TANGENCY;
THENCE run N79°53'56"E for 70.57 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S10°06'04"E along said West line for 507.09 feet to an intersection with the South line of said Section 09;
THENCE run S89°23'00"W along said South line for 708.94 feet to the POINT OF BEGINNING.

Containing 7.73 acres, more or less.

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on May 31, 1994, and subsequently continued to June 1, 2, 3, 1994; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners on August 29, 1994; and the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE the rezoning of AG-2, RPD, TFC-2, and IM to RPD and CPD districts with the following conditions and deviations:

1. The development of the subject property shall be in accordance with the three-page Master Concept Plan for Pelican Landing RPD/CPD, stamped received on May 16, 1994, 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.

Commercial Planned Development

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 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 I (excluding blood banks, blood donor stations, bail bonding, check exchange, detective agencies)
Pharmacy
Post Office
Restaurants
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
- Multi-family building

Residential Accessory Uses, including
- Private garages, carports, parking areas
- Swimming pools, tennis courts
- Model Homes, Model Units and Model Display Centers
- 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:

Internal Streets	-	1/2 right-of-way plus 20 feet
Side and	-	0 feet or 10 feet for an interior lot 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 CPD Areas B & E; 95 feet above minimum flood elevation in CPD Area D

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 Gatehouses
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 Areas B, C, D and F:

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 Gatehouse
Public and Private Parks
Playground, 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
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, C, D and E:

a. Minimum Lot Area and Dimensions:

Zero Lot Line Units		Single Family Units	
Area	= 5,000 square feet	Area	= 5,000 square feet
Width	= 40 feet	Width	= 40 feet
Depth	= 100 feet	Depth	= 100 feet

Multi-Family
Area = 2,000 square feet per dwelling unit,
minimum lot size - 10,000 square feet
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

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 Yard	=	20 feet
Rear Yard	=	20 feet
Waterbody	=	20 feet

Two-Family Attached and Townhouse

Street	=	20 feet
Side Yard	=	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:

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, C 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.

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 one 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.

ECO-PARK

13. 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 interpretative facilities, signs, on-going maintenance and removal of exotic vegetation and compliance with management plan required per FGFWFC.

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 Department 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 entitled "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 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.

d. 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. Where necessary, a vegetation restoration program shall 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. 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. 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. 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.

GENERAL/ADMINISTRATION

15. All conditions relating to the Development of Regional Impact Development Order are hereby incorporated by 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 Order 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.

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.

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 Order approval 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
- location and dimensions 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 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).

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.

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 square feet 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.

ENVIRONMENTAL

21. 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 106.13± acres
(Eco-Park, Indian Mound, Northern & Southern Upland "Islands" and Historical Cemetery)
Wetland Preserve 371.19± acres
(Freshwater and Saltwater)

Golf Course Open Space:
Golf Course 100.00± acres minimum
(To include extra indigenous preservation where possible)

Commercial 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

22. 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 County Eagle Technical Advisory Committee (ETAC). ETAC will review the plan and forward recommendations to the FGFWFC and USFWS.

23. 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. 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. 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 to the Eco-Park, or other appropriate open space areas within Pelican Landing.

26. 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. 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 shall be prohibited in wetland areas #14 and 21 (as identified in DRI ADA) and Bay Cedar Phase II (along Spring Creek).

28. 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.

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 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.

30. The developer must incorporate native vegetation into the design of future golf holes, open space and landscaped areas, where feasible.

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.

32. Areas identified as saltern (FLUCCS Designation 720) must be preserved and protected from human activity through the installation of signage 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.

33. Deviation (9) - Withdrawn. Deviations (3) and (7) are hereby approved. Deviations (1), (2), (4), (5), (6), (8), (10), (11), (12) and (13) are hereby approved, with conditions.

    Deviation (1) is a request to deviate from the requirement that properties which exhibit soils, hydrology and vegetation characteristic of saltwater inundation or freshwater ponding be subject to certain additional regulations and ordinances, Zoning Ordinance Section 202.11.B.1.b.1 [LDC Section 34-1574], Development Standards Ordinance Section 7.C.4. [LDC Section 10-253] and Ordinance 86-31 Section 6.03 [LDC Section 14-298], to allow access road crossings. Deviation (1) is hereby APPROVED with the following conditions:

    a. A maximum of 1.74± acres of Lee County jurisdictional wetlands may be impacted within the entire Pelican Landing DRI. A mitigation plan, subject to Division of Natural Resources Management approval, must be submitted prior to local Development Order approval for each wetland impact. Each mitigation plan must include the following minimum criteria:

        1) The designated mitigation ratio of 5:1, 5:1 acres of mitigation for each acre of impact.

        2) Replacement plants of like species as those removed.

        3) The number of replacement plants. Ratios shall be determined by the proposed size of the replacement plants (the closer the size of the replacement plant to that of the removed plant, the smaller the replacement ratio).

        4) An exotic removal maintenance plan.

        5) A monitoring plan.

    Deviation (2) is a request to deviate from the requirement that all parking lots shall be designed so as to permit vehicles exiting the

parking lot to enter the street right-of-way or easement in a forward motion, Zoning Ordinance Section 202.16.C.1. [LDC Section 34-2013(a)], to allow individual parking spaces to back onto right-of-way easement. Deviation (2) is hereby APPROVED with the following condition:

This deviation shall apply to guest parking internal to the residential development areas.

Deviation (3) is a request to deviate from the minimum setback from a structure to a water body of 25 feet, Zoning Ordinance Section 202.18.B.4.b. [LDC Section 34-2194(b)] to allow 20 feet. Deviation (3) is hereby APPROVED.

Deviation (4) is a request to deviate from the minimum setback from a structure to a seawalled natural body of water of 25 feet, Zoning Ordinance Section 202.18.B.4.b. [LDC 34-2194(b)], to 0 feet. Deviation (4) is hereby APPROVED with the following condition:

This deviation shall apply to the marina site only.

Deviation (5) is a request to deviate from the requirement that internal roads with drives shall not be closer to the development perimeters than 25 feet, Zoning Ordinance Section 480.04.B.1. [LDC Section 34-935(b)(1)], to 15-foot minimum. Deviation (5) is hereby APPROVED with the following condition:

This deviation shall only apply to development perimeters internal to the Pelican Landing DRI.

Deviation (6) is a request to deviate from the requirement that all buildings shall set back from the development perimeter at a distance of 25 feet, Zoning Ordinance Section 480.04.B.1. [LDC Section 34-935(b)(1)], to 15 feet. Deviation (6) is hereby APPROVED with the following condition:

This deviation shall only apply to development perimeters internal to the Pelican Landing DRI.

Deviation (7) is a request to deviate from the requirement that recreation centers and ancillary facilities shall be located at least 40 feet away from any residential dwelling, Zoning Ordinance Section 526.C.2.c.6. [LDC Section 34-2474 (b)(6)], to allow a minimum of 20 feet. Deviation (7) is hereby APPROVED.

Deviation (8) is a request to deviate from the requirement that a roadway width of 35 feet for two-way closed drainage, rear lot drainage, or inverted crown, Development Standards Ordinance Table 9-3 [LDC Section 10-296(b) Table 3.], to allow roadway width to coincide with back of curb. Deviation (8) is hereby APPROVED with the following condition:

This deviation shall only apply to roads classified as local streets within each of the RPD development areas.

DEVIATION (9) IS WITHDRAWN.

Deviation (10) is a request to deviate from the requirement that no portion of a buffer area that consists of trees and shrubs shall be located in any easement, Development Standards Ordinance Section 13.D.1. [LDC Section 10-414], to allow planted buffers in easements. (The maintenance and replacement responsibility shall rest with the developer or homeowner's association or the improvement district). Deviation (10) is hereby APPROVED with the following condition:

Should any required buffer plantings, which have been planted within an easement, have to be removed, then the property owner shall replace these plantings, at no cost to Lee County, with like size and species of plants.

Deviation (11) is a request to deviate from the Lee County Sign Ordinance 85-26, as amended, Section IV.B.2. [LDC Section 30-152], which requires identification signs to be set back a minimum of 15 feet from any right-of-way or easement, to 0 feet. Deviation (11) is hereby APPROVED with the following conditions:

A minimum sight distance of 200 feet shall be maintained, and this shall only be permitted on a right-of-way internal to the overall Pelican Landing development.

Deviation (12) is a request to deviate from the requirement limiting the height of buildings in the Residential Planned Development zoning category within the Outlying Suburban land use category of 45 feet, Zoning Ordinance Section 480.04.F.3.e. [LDC Section 34-935(f)(3)(e)], to allow 20 stories over parking. Deviation (12) is hereby APPROVED subject to condition 12.

Deviation (13) is a request to deviate from the minimum setback from a non-roofed structure to a seawalled artificial body of water, Zoning Ordinance Section 202.18.B.4. [LDC Section 34-2194], to allow a 0-foot setback. Deviation (13) is hereby APPROVED with the following condition:

The required lake maintenance easement shall be provided.

Site Plan 94-014 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings and conclusions were made in conjunction with this approval of RPD and CPD zoning:

A. That Estero Bay is an aquatic preserve and an Outstanding Florida Water.

B. That the mangrove wetlands on the western edge of Applicant's property are not contained with the aquatic preserve, but are part of the estuarine ecosystem that supplies waters to Estero Bay.

C. That the proposed development constitutes a Development of Regional Impact (DRI) under the provisions of Section 380.06, Florida Statutes, and that all adverse impacts are appropriately conditioned in the DRI Development Order.

D. That the eastern portion of the DRI has been developing pursuant to a Preliminary Development Agreement with the Florida Department of Community Affairs.

E. That the westernmost uplands portion of the DRI site lies in a FEMA Zone A Flood Zone, and is susceptible to being flooded in a minimal tropical storm or severe coastal storm event.

F. That there is no error or ambiguity which must be corrected by the approval of the DRI or the CPD/RPD rezoning.

G. That the area surrounding the DRI site is being developed with several large mixed residential/commercial developments, which make approval of this DRI and RPD/CPD appropriate.

H. That the RPD/CPD zoning, as conditioned herein, will not have an adverse effect on the intent of the Zoning chapter of the Land Development Code.

I. That the RPD/CPD zoning, as conditioned herein, is consistent with the Goals, Objectives, Policies and intent of the Lee Plan, and with the densities, intensities, and general uses set forth in the Lee Plan.

J. That the RPD/CPD zoning, as conditioned herein, meets or exceeds all performance and locational standards set forth for the proposed uses.

K. That the RPD/CPD zoning, as conditioned herein, will protect, conserve or preserve environmentally critical areas and natural resources.

L. That the RPD/CPD zoning, as conditioned herein, will be compatible with existing or planned uses, and will not cause damage, hazard, nuisance or other detriment to persons or property.

M. That the RPD/CPD zoning, as conditioned herein, will not place an undue burden upon the transportation or other services and facilities, and will be served by streets having the capacity to carry traffic generated by the development.

N. That the RPD/CPD zoning, as conditioned herein, will comply with all other applicable general zoning provisions and supplemental regulations pertaining to the uses, as set forth in the Land Development Code.

O. That the proposed mix of uses, as conditioned herein, is appropriate at the subject location.

P. That the recommended conditions in the DRI Development Order and the RPD/CPD zoning and other applicable Lee County regulations provide sufficient safeguards to the public interests.

Q. That all recommended conditions in the DRI Development Order and the RPD/CPD zoning are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

R. That each approved deviation enhances the achievement of the objectives of the planned development.

S. That each approved deviation preserves and promotes the general intent of the Zoning chapter of the Land Development Code to protect the public health, safety and welfare.

T. That the Lee Plan Amendment of the 2010 Overlay reallocating residential and commercial acreages from the subdistricts containing the Westinghouse/Gateway DRI must be approved prior to the approval of this DRI and CPD/RPD zoning.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner John E. Manning, and seconded by Commissioner Douglas R. St. Cerny and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Nay
Franklin B. Mann	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 29th day of August, A.D., 1994.

ATTEST:
CHARLIE GREEN, CLERK

BY: Ruth Trynin
Deputy Clerk

FILED

SEP 28 1994

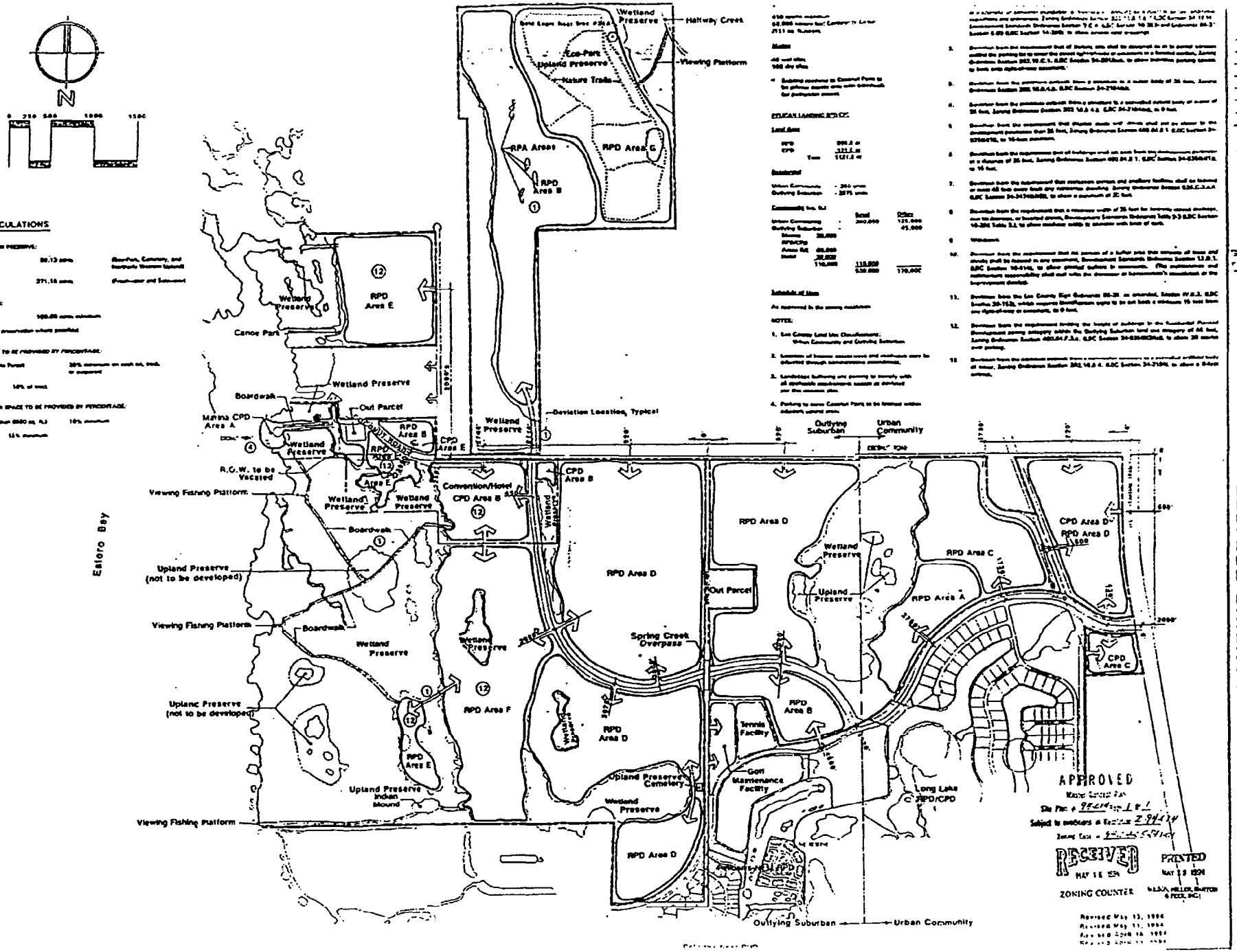
CLERK CIRCUIT COURT
BY Ruth Trynin D.C.

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY Ray Judah
Chairman

Approved as to form by:

Donna Marie Collins
County Attorney's Office



OPEN SPACE CALCULATIONS

IMPOSITIONS OPEN SPACE TO BE PRESERVED:

Upland Preserve 80.13 acres (Bonita, Estero, and Kentucky Museum Islands)

Wetland Preserve 271.18 acres (Freshwater and Estuarine)

GOLF COURSE OPEN SPACE:

East Course 100.00 acres minimum

(To include some indigenous preservation where possible)

COMMERCIAL OPEN SPACE TO BE PROVIDED BY PERCENTAGE:

All Commercial Except Marina Parcel 30% minimum on each lot, track, or parcel

Marina Parcel 50% of tract

RESIDENTIAL PRIVATE OPEN SPACE TO BE PROVIDED BY PERCENTAGE:

All Single Family Lots Less than 6500 sq. ft. 10% minimum

Multi-Family Parcels* 55% minimum

WILSON MILLER BARTON & PEEK INC

PELICAN LANDING RPD/CPD
Master Concept Plan
prepared for Pelican Landing Communities, Inc.

APPROVED
Master Concept Plan
Site Plan # 94-01-139.01
Subject to conditions in Resolution Z-94-14
Zoning Case # 94-01-139.01

RECEIVED
MAY 16 1994
ZONING COUNTER

PRINTED
MAY 19 1994
WILSON, MILLER, BARTON & PEEK, INC.

Revised May 13, 1994
Revised May 11, 1994
Revised April 18, 1994
Revised April 11, 1994

DEVELOPMENT ORDER

FOR

PELICAN LANDING

A DEVELOPMENT OF REGIONAL IMPACT

STATE DRI #1-9293-121

LET IT BE KNOWN, THAT PURSUANT TO SECTION 380.06 OF THE FLORIDA STATUTES, THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, HAS HEARD AT A PUBLIC HEARING CONVENED ON THE 29th DAY OF AUGUST, 1994, THE APPLICATION FOR DEVELOPMENT APPROVAL FOR PELICAN LANDING DRI, A RESIDENTIAL, COMMERCIAL AND MARINA DEVELOPMENT IN LEE COUNTY WHICH INCLUDES APPROXIMATELY 2,100 ACRES TO BE DEVELOPED IN ACCORDANCE WITH THE APPLICATION SUBMITTED TO LEE COUNTY ON OCTOBER 26, 1992, BY THE OWNER/APPLICANT, PELICAN LANDING COMMUNITIES, INC., FORMERLY KNOWN AS WESTINGHOUSE BAYSIDE COMMUNITIES, INC.

WHEREAS, the Board of County Commissioners of Lee County, Florida, has considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Staff, the Lee County Hearing Examiner, the documents and comments upon the record made before the Board in public hearing, and, after full consideration of those reports, recommendations, comments, and documents, the Board of County Commissioners of Lee County, Florida, finds and determines that:

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

A. The "Pelican Landing DRI" is a partially built master planned community on 2,100± acres located approximately three miles north of the Lee/Collier County line. 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 proposal is to construct 4,050 residential units, of which 665 are single-family and 3,385 multi-family, 600,000 square feet of gross floor area of retail commercial, and 210,000 square feet of gross floor area of office commercial. The retail uses will provide up to 2,400 parking spaces and the office uses will provide up to 700 parking spaces. The project will also include 450 hotel rooms, 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, and a beach park for the benefit of the owners in Pelican Landing. There are 87 acres of

upland habitat preserve, 507 acres of salt and freshwater wetlands, 208 acres of water management lakes, 140 acres of public and private rights-of-way, 6 acres of utilities and a .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 2002.

B. LEGAL DESCRIPTION: In Sections 05, 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:

PARCEL 1

A tract or parcel of land lying in Sections 08, 09, 16, 17, 20 and 21, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

BEGINNING at a concrete monument marking the Northeast corner of said Section 20 run S00°35'25"E along the East line of said section for 2,659.47 feet to the Southeast corner of the Northeast Quarter (NE¼) of said section;
THENCE run N88°52'49"E along the North line of the Southwest Quarter (SW¼) of said Section 21 for 2,040.41 feet;
THENCE run S00°51'35"E for 801.04 feet to the waters of Spring Creek;
THENCE run 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:
S78°50'00"W for 181.31 feet,
N34°24'12"W for 230.22 feet,
N30°59'12"W for 174.93 feet,
N24°25'16"E for 120.83 feet,
S65°47'43"E for 219.32 feet,
N18°24'43"E for 158.11 feet,
N75°11'47"W for 351.71 feet,
N65°09'33"W for 451.88 feet,
N84°18'44"W for 351.75 feet,
N66°54'31"W for 445.79 feet,
S63°24'43"W for 134.16 feet,
S03°23'22"E for 170.29 feet,
S50°30'17"W for 220.23 feet,
N84°49'43"W for 331.36 feet,
S62°13'07"W for 214.71 feet,
S22°08'36"W for 291.55 feet,
S72°15'11"W for 131.22 feet to an intersection with the East line of the Southwest Quarter (SW¼) of said Section 20;
THENCE run N00°50'19"W along said East line for 520.00 feet to the Northeast corner of said fraction;

continued...

THENCE run S89°58'37"W 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:
N09°13'28"W for 137.34 feet,
N29°08'22"W for 590.59 feet,
N38°31'58"W for 278.03 feet,
N65°16'43"W for 254.95 feet,
N37°18'28"W for 286.01 feet,
N32°51'05"E for 252.39 feet,
N20°11'00"E for 236.69 feet,
N27°23'47"W for 369.25 feet,
N89°15'43"E for 50 feet, more or less to the Easterly shore of said Spring Creek;
THENCE run along said Easterly shore for 1,220 feet, more or less to an intersection with the North line of said Section 20;
THENCE run N89°15'13"E along said North line of said Section for 970 feet, more or less to a concrete monument marking the Northwest corner of the Northeast Quarter (NE¼) of said Section 20;
THENCE run N00°31'30"E along the West line of the Southeast Quarter (SE¼) of said Section 17 for 2,644.38 feet to an intersection with the South line of Spring Creek Road as described in Deed Book 305 at Page 276, Lee County Records;
THENCE run S89°58'35"E along said South line for 739.45 feet;
THENCE run N00°07'58"E for 30.00 feet to an intersection with the North line of the Southeast Quarter (SE¼) of said Section 17;
THENCE run S89°58'35"E along the North line of said fraction for 375.91 feet to the Southeast corner of lands described in Official Record Book 1713 at Page 1188 of said Public Records;
THENCE run N00°41'04"W for 668.20 feet to the Northeast corner of said lands;
THENCE run N89°50'32"W along the North line of said lands for 366.38 feet to the Easterly line of said Spring Creek Road (50 feet wide);
THENCE run N00°07'58"E for 2,007.04 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 08;
THENCE continue N00°07'17"E along said East line for 343.54 feet;
THENCE run S89°38'58"E for 10.00 feet;
THENCE run N00°07'17"E along said East line for 849.27 feet to the Southwest corner of lands described in Official Record Book 2039 at Page 3364 said Public Records;
THENCE run S89°21'02"E along the South line of said lands for 189.98 feet;
THENCE run N00°07'17"E along the East line of said lands for 125.01 feet;

continued...

THENCE run N89°21'02"W along the North line of said lands for 199.98 feet to an intersection with the Easterly line of said Spring Creek Road;
THENCE run N00°07'17"E along said East line for 1,292.76 feet to an intersection with the South line of Coconut Road (50 feet wide);
THENCE run S89°16'14"E along said South line for 1,802.38 feet to an intersection with the West line of said Section 09;
THENCE run N00°39'58"W along said West line for 25.00 feet to a concrete monument marking the Northwest corner of the Southwest Quarter (SW¼) of said Section;
THENCE continue along said West line N00°39'58"W for 5.00 feet to an intersection with the South line of said Coconut Road as described in Official Record Book 1738 at Page 2538, said Public Records;
THENCE run S89°35'50"E along said South line for 3,164.37 feet to an intersection with the West line of Tamiami Trail (SR 45);
THENCE run S00°10'56"W along said West line for 621.81 feet to a POINT OF CURVATURE;
THENCE run Southerly and Southeasterly along said West line, along the arc of a curve to the left of radius 5,797.58 feet (chord bearing S04°57'34"E) (chord 1,039.14 feet) (delta 10°17'00") for 1,040.54 feet to a POINT OF TANGENCY;
THENCE run S10°06'04"E along said Westerly line for 938.08 feet to an intersection with the North line of the Northeast Quarter (NE¼) of said Section 16;
THENCE run S89°23'00"W along said North line for 708.94 feet to the Northwest corner of said Northeast Quarter (NE¼) of Section 16;
THENCE run S00°02'54"W along said West line of the Northeast Quarter (NE¼) for 2,643.98 feet to the Southwest corner of the Northeast Quarter (NE¼) of said Section;
THENCE run N89°10'38"E along the South line of said fraction for 538.06 feet;
THENCE run S00°06'43"E for 1,085.91 feet;
THENCE run N89°06'43"E for 744.41 feet to an intersection with the West line of said Tamiami Trail;
THENCE run Southerly along said West line, along the arc of a non-tangent curve to the right of radius 5,619.58 feet (chord bearing S00°22'05"E) (chord 50.21 feet) (delta 00°30'42") for 50.21 feet to a POINT OF TANGENCY;
THENCE run S00°06'43"E along said West line for 49.81 feet;
THENCE run S89°06'43"W for 300.00 feet;
THENCE run S00°06'43"E for 1,445.82 feet to an intersection with the South line of the Southeast Quarter (SE¼) of said Section 16;
THENCE run S89°16'54"W along said South line of said fraction for 989.41 feet to the Southeast corner of the Southwest Quarter (SW¼) of said Section 16;
THENCE run S88°38'34"W along said South line of said Southwest Quarter (SW¼) for 2,627.98 feet to the POINT OF BEGINNING.

continued...

ALSO

PARCEL 2

A tract or parcel of land lying in Sections 07, 08, 17 and 18 which tract or parcel is described as follows:

From a railroad spike marking the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S00°23'24"E along the West line of said fraction for 25.00 feet to an intersection with the South line of Coconut Road (50 feet wide) and the POINT OF BEGINNING.
From said POINT OF BEGINNING run S89°16'14"E along said South line for 3,253.00 feet to an intersection with the West line of Spring Creek Road;
THENCE run S00°07'17"W along said West line for 2,610.71 feet to an intersection with the South line of said Section 08;
THENCE run S00°07'58"W along said West line for 2,646.47 feet;
THENCE run N89°58'35"W along the North line of Coconut Road for 689.04 feet to an intersection with the East line of the Northwest Quarter (NW¼) of said Section 17;
THENCE run N89°59'08"W along said North line for 404.79 feet to the Southeast corner of lands described in Official Record Book 411 at Page 759 of said Public Records;
THENCE run N01°31'36"E along the East line of said lands for 960.34 feet;
THENCE run N89°59'08"W along the North line of said lands for 2,200.77 feet to an intersection with the East line of the Northeast Quarter (NE¼) of said Section 18;
THENCE continue N89°59'08"W for 1,840 feet more or less to the waters of Estero Bay;
THENCE run Northerly along the waters of Estero Bay for 8,300 feet more or less to an intersection with the North line of the South Half (S½) of Government Lot 2 of said Section 07;
THENCE run N89°32'15"E along the North line of said Government Lot 2 for 545 feet more or less to the Northwest corner of lands described in Official Record Book 1895 at Page 3817 of said Public Records;
THENCE run S08°50'45"E along the West line of said lands for 199.50 feet;
THENCE run N89°32'15"E along the South line of said lands for 247.50 feet;
THENCE run N89°35'27"E for 666.22 feet;
THENCE run N89°32'15"E for 239.00 feet to an intersection with the West line of Coconut Road;
THENCE run S01°07'45"E along said West line for 488.63 feet;
THENCE run N89°40'05"E along the South line of said Coconut Road for 24.69 feet to the POINT OF BEGINNING.
LESS and EXCEPT lands described in Official Record Book 1677 at Page 3516 of the Public Records of Lee County, Florida.

ALSO

continued...

PARCEL 3

A tract or parcel of land lying in Sections 05 and 08, Township 47 South, Range 25 East, Lee County, Florida, consisting of Lots 8B, 9B, 10B, 11B, 12B, 21B, 22B, 23B, 24B and 25B of FLORIDA GULF LANDCOMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, also Lot 8, Block 14 of ELDORADO ACRES (an Unrecorded Subdivision), as shown in Deed Book 310 at Page 183 of the Public Records of Lee County, also the East Three-quarters (E-3/4) of the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-2/3) of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of said Section 05, also the East Two-thirds (E-2/3) of the Western Half (W½) of the Northwest Quarter (NW¼) of said Section 08; being more particularly described by metes and bounds as follows:
From the Northwest corner of the Southwest Quarter (SW¼) of said Section 08 run S89°16'14"E along the North line of said Southwest Quarter (SW¼) for 422.61 feet;
THENCE run N01°05'22"W for 40.02 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING continue N01°05'22"W for 2,610.06 feet;
THENCE run N01°22'23"W for 1,304.41 feet;
THENCE run N89°56'22"W for 107.12 feet;
THENCE run N01°22'55"W for 1,303.87 feet;
THENCE run N89°34'15"E for 2,593.81 feet;
THENCE run S00°26'45"E for 2,655.42 feet;
THENCE run N88°48'50"W along the North line of said Section 08 for 322.66 feet;
THENCE run N89°25'01"W for 587.55 feet;
THENCE run S00°50'16"E for 132.58 feet;
THENCE run N89°11'54"W for 75.00 feet;
THENCE run N00°50'16"W for 132.30 feet;
THENCE run N89°25'01"W for 610.69 feet;
THENCE run S01°00'35"E for 2,612.12 feet to an intersection with the North right-of-way line of Coconut Road;
THENCE run N89°16'14"W along said North right-of-way line for 845.23 feet to the POINT OF BEGINNING.

ALSO

PARCEL 4

All of Government Lot 1, Section 07, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

BEGINNING at a concrete monument marking the Northeast corner of Government Lot 1 of said Section 07, run S01°07'45"E along the East line of said Section 07 for 1,324.52 feet to the

continued...

Southeast corner of said Government Lot 1;
THENCE run S89°33'42"W along the South line of said Government Lot for 1,747.82 feet to a concrete post at the waters of Estero Bay;

THENCE run Northerly and Westerly along the waters of Estero Bay to an intersection with the North line of said Section 07;
THENCE run N89°48'31"E along said North line for 2,575 feet more or less to the POINT OF BEGINNING.

CONTAINING 2,409 acres, more or less.

Bearings hereinabove mentioned are based on the East boundary line of Pelican's Nest Unit No. 1 as recorded in Plat Book 41 at Pages 58 through 60 of the Public Records of Lee County, Florida.

AND

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 SR 865 (Bonita Beach Road) being S.R.D. Station 19184.75 and N24°28'41"W along the northern prolongation of said centerline of SR 865 for 266.00 feet;
THENCE run S62°26'49"W for 98.40 feet;
THENCE run N27°33'11"W for 1,863.42 feet;
THENCE run N20°00'41"W for 1,403.30 feet;
THENCE run N65°00'00"E for 313.91 feet to the POINT OF BEGINNING.
From said POINT OF BEGINNING run N18°55'11"W for 97.51 feet, N22°26'23"W for 100.53 feet, N23°09'50"W for 100.14 feet, N14°51'19"W for 73.01 feet, N27°40'10"W for 88.01 feet, N29°33'57"W for 46.01 feet, N22°14'53"W for 47.27 feet, N20°39'23"W for 46.98 feet, N11°15'38"W for 29.80 feet, N26°10'46"W for 46.87 feet, N09°09'45"W for 48.26 feet, N17°35'56"W for 46.04 feet, N12°49'07"W for 50.04 feet, N29°20'48"W for 69.12 feet, N20°48'58"W for 63.82 feet;
THENCE run N79°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 1,140 feet more or less to an intersection with the South line of lands described in Official Record Book 198 at Page 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 12,000.00 feet for 783 feet to an intersection with the Waters of New Pass;

continued...

THENCE run Southerly, Easterly, Southwesterly and Southerly along said waters for 4,080 feet more or less to an intersection with a line bearing N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet more or less to the POINT OF BEGINNING.

AND

From said POINT OF BEGINNING run S13°03'59"E for 94.16 feet;
THENCE run S19°13'48"E for 50.64 feet;
THENCE run S04°34'15"E for 54.63 feet;
THENCE run S24°53'12"E for 50.09 feet;
THENCE run S27°10'29"E for 50.01 feet;
THENCE run S31°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 N65°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 N65°00'00"E and passing through the POINT OF BEGINNING;
THENCE run S65°00'00"W for 181 feet, more or less to the POINT OF BEGINNING.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

C. The subject parcel is currently zoned AG-2, RS-1, TFC-2, PUD, RPD, CPD, and IM; the property is partially developed.

D. This Application for Development Approval is 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 Section 380.05, Florida Statutes.

F. The development 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 with the conditions set forth herein.

G. The development has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body on January 20, 1994, and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes; the development, as proposed in the Application for Development Approval (ADA) and modified by this Development Order, 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 classifications of the Lee Plan with 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.

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

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, in a public meeting which was duly advertised, constituted and assembled the 29th day of August, 1994, that the Development of Regional Impact Application for Development Approval submitted by Westinghouse Bayside Communities, Inc., now known as Pelican Landing Communities, Inc., hereinafter referred to as "Developer" or "Applicant", is hereby ordered Approved subject to the conditions, restrictions, and limitations which follow. For the purposes of this Development Order, the term "developer" shall include his/her 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 will be recorded as "preserve" on all appropriate plats, site plans, and the Master Development Plan for the 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 shall immediately contact the Florida Department of State, Division of Historical Resources, the SWFRPC, and Lee County and 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. No mitigation for affordable housing is required as a result of this development. Based on available supply, there is no unmet affordable housing need for either very low or low income households resulting from this development in Planning Horizon I (through December 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. This number of needed units for Planning Horizon II, using either the unadjusted or adjusted housing supply data, is below the level of regionally significant impact as determined by DCA and SWFRPC.

These findings are in accordance with applicable DCA and SWFRPC policy. The basis of analysis for determining unmet need is the 1991 DCA agreed upon draft methodology for determining affordable housing demand study, and need. The level of regionally significant impact is SWFRPC policy, based upon DCA rules and guidelines. 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.

C. Hurricane Preparedness

1. Within six months, after the effective date of this DRI Development Order, the developer shall provide and connect 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 will be responsible for the initial electrical hook-up costs. The selection of the generator will be 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 which advises 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 the 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 Services 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 shall 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 shall be developed in coordination with the Lee County Emergency Management officials and must be found sufficient by those officials within six months after the effective date of the DRI DO.

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.

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 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 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 shall host an Educational and Hurricane Preparedness Workshop for all tenants in the wet slip area. The marina operator shall 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, as adopted by Lee County.

E. Vegetation and Wildlife/Wetlands

The developer has conducted Protected Species surveys in accordance with the Florida Game and Fresh Water Fish Commission (FGFWFC) 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.

1. There were three bald eagles' nests of concern prior to development order adoption. One nest is on the Pelican Landing property. The other nests are within 1,500 to 1,600 feet of Pelican Landing. The buffers that will affect Pelican Landing property will be established in an eagle habitat management plan.

Prior to development within 2,500 feet of any eagle nest, the Developer shall prepare an eagle management plan which shall be reviewed by DCA, SWFRPC, FGFWFC, Lee County, and USFWS. Said groups shall have a thirty day review period and shall provide all comments to Lee County in writing, which shall have the final approval authority. If a proposed management plan includes development within 750 feet of an 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 FGFWFC and USFWS.

The 2,500 foot limitation is intended to be a temporary restriction to insure the submission and approval of a management plan on a timely basis. The final primary and secondary buffer

zones may be less than 2,500 feet. An eagle management plan will be included as part of an upland habitat protection area management plan.

2. A local development order for the Hickory Island beach park has been issued that permits construction of beach park infrastructure. This development order included 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 requires 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 permits a refinement of the conservation easement boundaries after completion of a one year utilization study, the final conservation easement shall be consistent with the provisions of Section 704.06, Florida Statutes.

The objectives of this one year study were: 1) determine shorebird utilization 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 DO.

As a condition of DRI 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 PMP 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. The developer shall utilize best efforts to obtain the approval of the final management plan within 18 months of the effective date of this Development Order.

3. The projected gopher tortoise burrow count is 439, based on an estimate of FGFWFC habitat coverages. Using this figure and the FGFWFC habitat protection guidelines, 75 acres of gopher tortoise habitat must be protected.

The developer will set aside a 78± acre area of xeric scrub and pine flatwoods to mitigate the impacts to the upland gopher tortoise habitat. This area will be known as the Pelican Landing Eco-Park. The Eco-Park area contains significant portions of the xeric oak habitat existing on the 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. The Developer shall submit a copy of the management plan to the DCA, SWFRPC, and Lee County for review. The agencies shall have a thirty day review period. The agencies shall provide all comments regarding the management plan to Lee County in writing which shall have the final approval authority. The Developer has submitted for an Incidental Take Permit for the gopher tortoises located outside of the Eco-Park in the undeveloped portion of Pelican Landing. The Developer shall obtain an Incidental Take Permit prior to proceeding with development within gopher tortoise habitat areas.

The gopher tortoises addressed by the Incidental Take Permit shall be relocated to the Eco-Park, or other appropriate open space areas within Pelican Landing. The Eco-Park mitigates for regional impacts to the gopher tortoise population and xeric scrub within the Pelican Landing DRI.

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 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 limited to pedestrian use. Trimming of mangroves for residential visual access to Estero Bay or Spring Creek shall be prohibited in wetland areas #14 and #21 (as identified in DRI ADA) and Bay Cedar Phase II (along Spring Creek).

5. 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, 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 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.

9. Upon approval of the management plans referenced in the above, the approved management practices shall then be considered a part of this development order for enforcement purposes, and shall 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 8 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 invasives, the restoration of historic hydroperiods, and a total of not more than ten acres of littoral zone plantings.

F. Solid/Hazardous/Medical Waste

1. All storage, siting, and disposal of hazardous wastes and/or 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 shall be 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, shall 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, shall 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, use, and storage of hazardous materials which will be located on the premises.

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

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

G. Stormwater 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 Improvement District (a district 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 stormwater 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 stormwater 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 Improvement District, 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 Lee County and South Florida Water Management District guidelines.

6. The SFWMD shall 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 County Attorney's office.

H. Transportation

1. Significant Impact

a. The traffic impact assessment for this project assumes the development parameters and land uses shown in Attachment B, "Pelican Landing DRI Development Parameters". The assessment indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Planning Horizon I (1997) and buildout (2002). Each annual monitoring report, described in Paragraph H.4, must reflect whether the roadways and intersections described below are significantly impacted or are projected to be significantly impacted by this project in the following year.

b. The Pelican Landing DRI is projected to significantly and adversely impact (as defined by Lee County Administrative Code AC-13-16, dated August 8, 1991, see Attachment C) the following roadways and intersections:

Planning Horizon I (1997)	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 and right turn lanes - Separate WB thru and left turn lanes

Buildout (2002)	
Corkscrew Road - Three Oaks Parkway to I-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 and 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 and right turn lanes - Separate WB thru and left turn lanes

2. Mitigation

a. The developer will pay impact fees as defined in the Lee County 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 are estimated to be $8,783,000 for the land uses identified in Attachment B. 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. 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 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 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, Lee County may apply any Pelican Landing impact fees not required for those specific improvements to other improvements consistent with the requirements of the Lee County Land Development Code.

b. If through the local development approval process, the developer constructs, with the approval of the Lee County DOT, 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 must dedicate 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 must construct, 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 will occur as follows:

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) Burnt Pine Drive North from Pelican Landing Parkway to Pelican Landing North Entrance: under construction no later than December 31, 1998.

3) Burnt Pine Drive North from Pelican Landing North Entrance to Coconut Road: should be under construction no later than December 31, 1999.

d. The developer agrees to reserve 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 will be dedicated to Lee County if and when requested. 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 may, with the concurrence of Lee County, make an advance payment of a portion of Pelican Landing's total Impact Fees up to 2 million dollars. Lee County would then utilize 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 is currently 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 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 will be 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), unless subsequently dedicated to and accepted by Lee County.

4. Annual Monitoring Report

a. The developer will submit an annual traffic monitoring report to the following entities for review and approval: Lee County, the Florida Department of Transportation (FDOT), the Florida Department of Community Affairs (FDCA), and the Southwest Florida Regional Planning Council (SWFRPC).

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

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

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

(1) P.M. peak hour existing volumes and turning 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 turning 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	I-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	Hickory Blvd. to Vanderbilt	2 to 4	Planning Horizon I (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 annual 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 is projected to exceed the adopted level of service standards adopted by Lee County within the forthcoming 12 months, and if the project is utilizing more than 5% of LOS "D" service volume 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 is scheduled for construction in the first three years of an adopted local government capital improvement program or state work program.

e. If the annual 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 more than 5% of level of service D service volume 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 Annual Monitoring Report.

I. Wastewater Management/Water Supply

1. The developer or the Bayside 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 non-potable 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 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 developer must provide written assurance that any hazardous commercial effluent, generated by the project, 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 shall be constructed and sized in accordance with all pertinent regulations of the FDEP, Lee County, 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 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.

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 as defined by Lee County regulations.

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.

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.

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

1. This Development Order constitutes a resolution of Lee County, adopted by the Board of County Commissioners in response to the Development of Regional Impact Application for Development Approval filed for the Pelican Landing DRI.

2. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval and supplementary documents which 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, stamped received September 19, 1994, is attached hereto as Attachment A 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.

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 which 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 County 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 which 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 Board of County Commissioners, 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 which create a reasonable likelihood of adverse regional impacts or other regional impacts which were 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, the Board 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 2002, and a termination date of 2005. This term is based on a ten year buildout and the recognition that a local Development Order, which is valid for three years, may be obtained in the tenth year.

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 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 2005 as long as the Lee Plan amendment proposed in association with this DRI to upwardly adjust the 2010 Overlay allocations for Subdistricts 801 and 806 is adopted and effective.

If the County 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.

If the companion plan amendment is adopted, Lee County will reserve to this DRI, the appropriate uses from the allocations established for subdistricts (subdistricts 806/801) of the Lee Plan 2010 Overlay until 2005. This reservation has the effect of reserving all of the acreage transferred from Gateway to Pelican Landing for the duration of the Development Order.

15. The developer, or its successor(s) in title to the undeveloped portion of the subject property, will submit a report annually to Lee County, SWFRPC, FDCA 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 FDCA. The first monitoring report must be submitted to the Administrative Director of the DCA not later than one year after the effective date of this Development Order. Further reporting must be submitted not later than one year 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. Within six months of the effective date of this Development Order, the Developer will apply for an amendment to this Development Order which incorporates the portion of the Spring Creek DRI located west of US Highway 41 into the Pelican Landing DRI. The amendment will contain a description of that portion of the Spring Creek DRI and the conditions of the Spring Creek Development Order which are applicable to the Spring Creek West property. The amendment will not be deemed a substantial deviation under Chapter 380, Florida Statutes. 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 which would require further analysis of Spring Creek West. This amendment is to be adopted solely for the purpose of consolidating Spring Creek West and Pelican Landing under the same Development Order Development Order and none of Spring Creek West's vested rights will be lost because of this amendment.

17. The County 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 MOTION TO ADOPT this Resolution approving and adopting this Development Order was offered by Commissioner John Manning, and seconded by Commissioner Douglas St. Cerny and upon poll of the members present, the vote was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Nay
Franklin B. Mann	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 29th day of August, 1994.

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: Ray Judah
(Chairman)

ATTEST:
Charlie Green, Ex - Officio Clerk
Board of County Commissioners
_____, Clerk

By: Ruth Ingram
Deputy Clerk

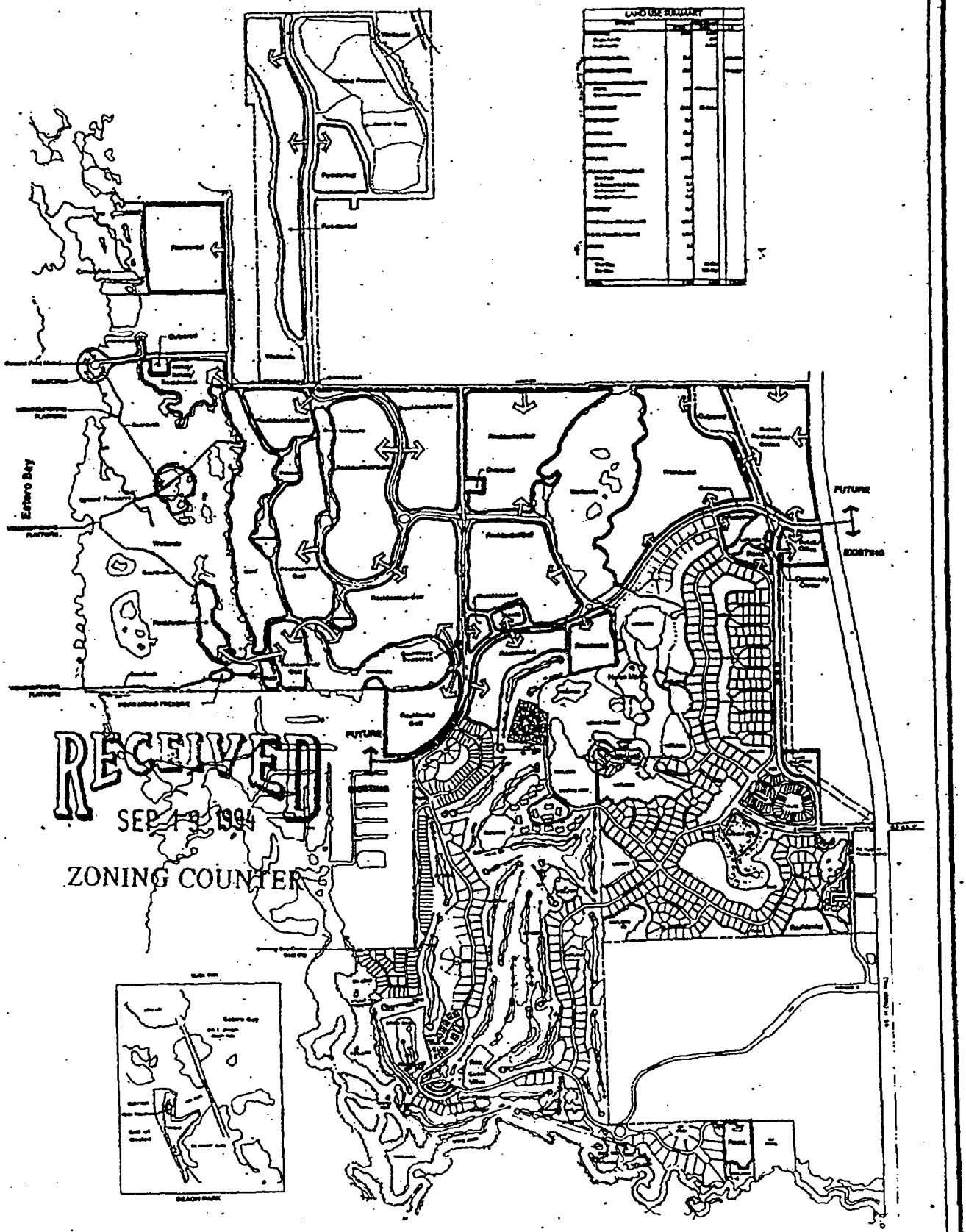
APPROVED AS TO FORM

By: Donna Marie Collins
County Attorney's Office

FILED

SEP 26 1994

CLERK CIRCUIT COURT
BY Ruth Ingram D.C.



RECEIVED
SEP 19 1994
ZONING COUNTER

MAP H

Master Development Plan

ATTACHMENT 'A'

ATTACHMENT "B"

PELICAN LANDING DRI
DEVELOPMENT PARAMETERS

Land Use	Units[1]	Existing (1992	Planning Horizon I (1997)	Buildout Total (2002)
Residential	DU	969	2,433	4,050
Single Family	DU	373	625	665
Multi Family	DU	596	1,808	3,385
Retail[2]	GFA	11,000	291,000	600,000
Office[3]	GFA	40,000	150,000	210,000
Hotel	Rooms	0	450	450
Recreation Uses				
Pelican Nest Golf Course/Clubhouse/ Practice Range	Holes	29	38	38
Range Club Golf Course	Holes	0	9	9
Tennis Center	Courts	0	6	12
Coconut Marina	Boat Slips			
	Wet	24	48	48
	Dry	0	150	150
Redfish Point	GFA	5,000	5,000	5,000
	Boat Slips			
	Wet	15	15	15
Other[4]	Boat Slips			
	Wet	2	2	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

ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS

CATEGORY:	CODE NUMBER:
DEVELOPMENT/PLANNING/ZONING	AC-13-16
TITLE:	ADOPTED:
PROPORTIONATE SHARE CALCULATIONS FOR TRANSPORTATION FACILITY NEEDS RESULTING FROM NEW DEVELOPMENT	AUGUST 21,1991
	ORIGINATOR:
	BILL SPIKOWSKI DEPT. OF GROWTH MANAGEMENT
COUNTY ADMIN:	BOARD CHAIRPERSON:
ROBERT GRAY, ACTING COUNTY ADMINISTRATOR	DOUGLAS ST. CERNY

I. PURPOSE:

This document describes procedures to calculate proportionate share costs for proposed developments. All new development is required to pay road impact fees under the terms of Lee County's Roads Impact Fee Ordinance (No. 85-23, as amended). Some developers/applicants may be required to pay a proportionate share of roadway improvement costs under certain conditions as outlined below. These conditions result from the larger size, use, character, or location of the proposed development. Mitigation of impacts on the county's road system is mandated by the Lee County Comprehensive Plan.

II. SCOPE:

The policies and procedures contained in this code have been prepared to aid the development community and Lee County Commissioners and staff in assessing the impacts of larger new developments on the surrounding road network. This code is supplemental in nature:

A. As to Developments of Regional Impact (DRIs), this code supplements the provisions of Chapter 380, Florida Statutes, and Rule 9J-2.0255, Florida Administrative Code.

B. As to Development Agreements, this code supplements Ordinance No. 90-29.

Traffic analysis methodologies deviating from these procedures must be approved by the Lee County Department of Transportation & Engineering.

III. POLICY/PROCEDURE:

A. Pre-application Meeting
A pre-application meeting between the county and the applicant is encouraged. The purpose of this meeting is to review the methodology and procedures and to determine the study period. This will usually be a PM peak hour analysis; however, other time periods may require analysis. This discussion can be held at the same time as the pre-application meeting for the project's Traffic Impact Statement.

B. Projecting Future Year Total and Development Trips
Two separate methodologies are outlined under this section. The first methodology applies to large projects or developments with build-out periods of longer than five years. For purposes of this analysis, projects generating more than 750 peak hour external trip ends and having build-out periods of 5 years or more are generally considered large, all others are small. This first methodology requires use of the latest Lee County FSUTMS computer model for projecting total and development trips. The second methodology applies to smaller projects and projects with build-out periods of five years or less. For these smaller short-range developments, manual traffic analysis methods should be used in place of the FSUTMS computer model.

1. Larger or Long-Term Developments

   a. The FSUTMS computer model should be used to develop traffic volumes for build-out and interim phase years.

      (1) The latest zonal data should be gathered from the Lee County Department of Transportation & Engineering.

      (2) The model's base and future year zonal data can be used for data interpolation of extrapolation to the appropriate project years (in the absence of existing zonal data).

   b. Future year traffic assignments should be developed for development trips and total trips using the FSUTMS model. The following methods are the recommended DRI traffic impact analysis methodologies as listed in Florida Department of Transportation FSUTMS training course materials:

      (1) Development trips can be determined by using a two-purpose trip table with the second purpose representing all trips with at least one end in the development zone or zones.

      (2) Development trips can also be isolated with the selected links analysis method.

   c. The "net impact methodology" is an unacceptable method for determining development trips. Under this method, volumes from a traffic assignment with the development land use in place are subtracted from assignment volumes with zero land use assumed on the development site. The net impact methodology significantly underestimates development trips on each link. On links further from the site, this methodology often results in an illogical negative number of development trips; thus the methodology is not appropriate as the basis for proportionate share calculations.

2. Smaller or Short-Term Developments

   a. For these developments, it is acceptable to use historic growth rates for traffic projection and manual distribution techniques to determine project trip loadings.

      (1) Appropriate traffic growth rates should be determined based on an examination of historical counts available for the impact area.

      (2) Current traffic counts must be collected for all arterial segments in the impact area.

      (3) Current traffic volumes should be projected to the build-out year and the end of each development phase.

   b. Trip generation for the project under study should be estimated using the latest edition of the ITE Trip Generation manual or other figures acceptable to the Department of Transportation & Engineering. It may be appropriate to apply internal capture assumptions for mixed-use developments and pass-by capture factors for commercial uses on arterial roadways. These factors may be based on the ITE Trip Generation manual or other sources acceptable to the Department of Transportation and Engineering.

   c. Development trips should be assigned to surrounding roadways based on the relative trip activity and location of surrounding land uses.

      (1) The potential origins and destinations for development trips and turning patterns at key intersections should form the basis for these manual distributions.

      (2) Trip attenuation along assigned roadways can be accomplished through an analysis of average trip length and consideration of intervening opportunities for "intercepting" trips along designated paths.

      (3) Thorough documentation of distribution procedures and justifications of all assumptions must be presented.

   d. The total traffic projection on each roadway segment in the study area is calculated generally by adding the assigned development traffic to the projected future year volume.

Mitigation Due to "Significance" and "Adversity"

1. If a roadway link is projected to carry a significant number of development trips and total traffic adversely affects the roadway by exceeding the service volume (capacity), a proportionate share of the improvement cost for that link shall be calculated.

2. For roadway links in the impact area, service volumes must be determined.

   a. Each roadway has a specific service volume based on its unique characteristics.

   b. These service volumes must be determined using procedures based on 1985 Highway Capacity Manual.

   c. The FDOT statewide Generalized Level of Service Tables are applicable only to the broadest planning applications; a more detailed LOS analysis must be used for mitigation purposes. Generalized service volumes have been developed for Lee County, and may be used. They are contained in Chapter IX of the 1990 Amendments to the Lee Plan (see Volume I of the supporting documentation).

   d. The ARTPLAN program developed by FDOT is another acceptable method of replicating the 1985 HCM arterial analysis.

3. Each roadway link must be analyzed to determine if development traffic has a significant impact on the roadway.

   a. A significant impact is said to occur when development traffic exceeds 5% of the LOS D service volume for that link.

   b. This significance analysis will determine which roadways fall within the impact area and must then be tested for adversity.

4. A roadway link is determined to be adversely affected if total traffic exceeds the LOS D service volume for that link.

D. Roadway Improvement Costs

1. A proportionate share shall be calculated for design, right-of-way, and construction costs for all links where traffic levels are both significant and adverse.

   a. Roadway improvement cost calculations should be based on cost figures developed specifically for the roadway being analyzed. These cost figures are often available for roadway projects under design by state or local agencies.

   b. If specific costs are unavailable, average cost per mile figures for the required type of roadway improvement should be used. Statewide average cost per mile values have been developed by FDOT for each type of roadway improvement; often local average cost per mile figures are also available.

E. Proportionate Share Calculations for DRIs

1. Proportionate shares shall be calculated using the formula developed by the Southwest Florida Regional Planning Council. This formula is similar to the DRI proportionate share formula adopted by the Department of Community Affairs as contained in Rule 9J-2.0255, F.A.C. The formula is as follows:

$$\text{Proportionate Share Percentage} = \frac{\text{(Development Trips - Reserve Capacity on Link)}}{\text{Added Capacity with Improvement}}$$

   a. "Reserve Capacity" is determined by subtracting future year non-development traffic from the road's service volume. A reserve capacity of zero is used if this calculation results in a negative number.

b. , "Added Capacity With Improvement" is the difference between the service volume after the improvement and the service volume before the improvement.

2. The proportionate share percentage is multiplied by the total cost of the roadway improvement for each road link to determine the developer's proportionate share of that improvement.

3. This proportionate share formula is applied to each link on which the development traffic is significant and levels of service are adverse. The sum of these computations is the development's "proportionate share." If this sum is less than the development would pay in road impact fees, it shall not form the basis for an assessment against the development in the DRI or DCI process. If the sum is greater than the development would pay in road impact fees, it will be used in a DRI development order as the figure required to mitigate the development's long-run impact on transportation facilities.

F. Voluntary Proportionate Share Payments in Development Agreements

1. In order to induce Lee County into entering a Development Agreement pursuant to Ordinance No. 90-29, a prospective developer should use this section as the basis for his/her offer to voluntarily construct road improvements or to pay the cost of such improvements.

2. Sections B, C, and D above shall be used to project future travel patterns, to determine "significance" and "adversity," and to estimate roadway improvement costs.

3. Proportionate share payments in Development Agreements shall be calculated by summing the costs of improving each road segment that meets the previously stated tests for "significance" and "adversity," up to a cap of double the road impact fees at current rates for the entire development. The Development Agreement shall be based on the greater of the total costs of needed improvements (as just described) up to the cap of double impact fees, or the proportionate share as calculated under Section E above, whichever is greater.

State of Florida
County of Lee

I Charlie Green, Clerk of the Circuit Court
for Lee County, do certify
that the
of the
Minutes Book

Given under my hand and seal of
said Court this 26th day of
September, 1991.

CHARLIE GREEN, CLERK
By Ruth Ingraham
Deputy Clerk

Attachment O

LEE COUNTY
SOUTHWEST FLORIDA

239-533-8585

BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

Michael D. Hunt
County Attorney

Diana M. Parker
County Hearing Examiner

February 23, 2012

MS. NEALE MONTGOMERY
PAVESE LAW FIRM
1833 HENDRY STREET
FORT MYERS FL 33901

Re: PELICAN LANDING
Senate Bill 2156 Extension (F)
DRI2012-00004

Dear MS. NEALE MONTGOMERY:

Lee County acknowledges receipt of your request for extension of the build out date, commencement and completion dates, and any required mitigation as provided for under Florida Statute 252.363. The extension provided under Florida Statute 252.363 is the result of Office of the Governor Executive Order Number 11-128 (extended by 11-172 and 11-202). Pursuant to that Executive Order and Florida Statute 252.363, Lee County recognizes the length of time related to this extension is for a period of 126 days plus 6 months.

Lee County will not issue a codified Amendment to the DRI Development Order at this time. In the future, if the DRI Development Order is amended, Lee County will amend the DRI Development to provide for the extension. Please keep a copy of this letter for your records and submit this letter with the next application for a Notice of Proposed Change for this DRI so that the time extension can be included in the amended DRI Development Order. If the DRI Development Order is not amended before the expiration date, please ensure you have a copy of this letter to prove entitlement to the extension provided under this Executive Order.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development
Division of Zoning

Pam Houck
Director

cc: Donna Marie Collins, Chief Assistant County Attorney

LEE COUNTY
SOUTHWEST FLORIDA

239-533-8585

BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Tammy Hall
District Four

Frank Mann
District Five

Doug Meurer
Interim County Manager

Michael D. Hunt
County Attorney

Diana M. Parker
County Hearing Examiner

January 14, 2013

MS NEALE MONTGOMERY
PAVESE LAW FIRM
1833 HENDRY STREET
FORT MYERS FL 33901

Re: PELICAN LANDING
Senate Bill 2156 Extension (F)
DRI2012-00018

Dear MS NEALE MONTGOMERY:

Lee County acknowledges receipt of your request for extension of the build out date, commencement and completion dates, and any required mitigation as provided for under Florida Statute 252.363. The extension provided under Florida Statute 252.363 is the result of Office of the Governor Executive Order Number 12-140 (as extended by Executive Orders 12-192 and 12-217). Pursuant to that Executive Order and Florida Statute 252.363, Lee County recognizes the length of time related to this extension is for a period of 6 months plus 91 days.

Lee County will not issue a codified Amendment to the DRI Development Order at this time. In the future, if the DRI Development Order is amended, Lee County will amend the DRI Development to provide for the extension. Please keep a copy of this letter for your records and submit this letter with the next application for a Notice of Proposed Change for this DRI so that the time extension can be included in the amended DRI Development Order. If the DRI Development Order is not amended before the expiration date, please ensure you have a copy of this letter to prove entitlement to the extension provided under this Executive Order.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development
Division of Zoning

Pam Houck
Director

cc: Donna Marie Collins, Chief Assistant County Attorney

Lee County
Southwest Florida
BOARD OF COUNTY COMMISSIONERS

Direct Dial Number: 239-533-8585

John Manning
District One

Cecil L Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

December 1, 2015

Neale Montgomery
Pavese Law Firm
1833 Hendry St.
Fort Myers, FL 33901

RE: DRI2015-00008/Pelican Landing
State DRI # 01-9293-121
FS 252.363
Office of the Governor Executive Order Number 15-173 (Tropical Storm Erika)

Dear Neale Montgomery:

Lee County acknowledges receipt of your request for extension of the build out date, commencement and completion dates, and any required mitigation as provided for under Florida Statute 252.363. The extension provided under Florida Statute 252.363 is the result of Office of the Governor Executive Order Number Executive Order 15-173 (Tropical Storm Erika). Pursuant to that Executive Order and Florida Statute 252.363, Lee County recognizes the length of time related to this extension is for a period of six (6) months and 60 days for CASE# DRI2015-00008, State DRI # 01-9293-121.

Lee County will not issue a codified Amendment to the DRI Development Order at this time. In the future, if the DRI Development Order is amended, Lee County will amend the DRI Development to provide for the extension. Please keep a copy of this letter for your records and submit this letter with the next application for a Notice of Proposed Change for this DRI so that the time extension can be included in the amended DRI Development Order. If the DRI Development Order is not amended before the expiration date, please ensure you have a copy of this letter to prove entitlement to the extension provided under this Executive Order.

If you have any questions, please do not hesitate to contact me.

Sincerely,
DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Pam Houck
Zoning Manager

cc: Michael Jacob, Managing Assistant County Attorney
Zoning File

Lee County
Southwest Florida
BOARD OF COUNTY COMMISSIONERS

Direct Dial Number: 239-533-8585

John Manning
District One

Cecil L Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

February 5, 2019

Neale Montgomery
Pavese Law Firm
1833 Hendry Street
P.O. Drawer 1507
Fort Myers, Florida 33902

RE: ZEX2018-10002, Pelican Landing DRI
State DRI #1-9293-121
FS 252.363
Office of the Governor Executive Order Number 18-150 and 18-157 (Tropical Storm Alberto SOE)

Dear Ms. Montgomery:

Lee County acknowledges receipt of your request for extension of the build out date, commencement and completion dates, and any required mitigation as provided for under Florida Statute 252.363. The extension provided under Florida Statute 252.363 is the result of Office of the Governor Executive Order Number Executive Order (EO) 18-150 (Tropical Storm Alberto SOE), Terminated by EO 18-157. Pursuant to that Executive Order and Florida Statute 252.363, Lee County recognizes the length of time related to this extension is for a period of 6 months, plus 13 days for CASE# ZEX2018-10002, State DRI #1-9293-121.

Lee County will not issue a codified Amendment to the DRI Development Order at this time. In the future, if the DRI Development Order is amended, Lee County will amend the DRI Development to provide for the extension. Please keep a copy of this letter for your records and submit this letter with the next application for a Notice of Proposed Change for this DRI so that the time extension can be included in the amended DRI Development Order. If the DRI Development Order is not amended before the expiration date, please ensure you have a copy of this letter to prove entitlement to the extension provided under this Executive Order.

If you have any questions, please do not hesitate to contact me.

Sincerely,
DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Section

Audra Ennis
Zoning Manager

cc: Michael Jacob, Managing Assistant County Attorney
Zoning File

PAVESE LAW FIRM

NEALE MONTGOMERY

Direct dial: (239) 336-6235
Email: NealeMontgomery@paveselaw.com

1833 Hendry Street, Fort Myers, Florida 33901 | P.O. Drawer 1507, Fort Myers, Florida 33902-1507 | (239) 334-2195 | Fax (239) 332-2243

August 24, 2018

SUBMITTED VIA ZONING COUNTER

Ms. Audra Ennis, Zoning Manager
Lee County Community Development Department
1500 Monroe Street
Fort Myers, Florida 33901

Mr. Richard Welch
Lee County Attorney's Office
2115 Second Street, 6th Floor
Fort Myers, Florida 33901

RECEIVED
CJB
AUG 28 2018
COMMUNITY DEVELOPMENT
ZEx 2018-10002

Re: Pelican Landing DRI2017-00018 / State DRI #1-9293-121
6 Months Plus 13 Days Extension Request for
Section 252.363 of the Florida Statutes and Executive Orders:
Tropical Storm Alberto – Executive Orders 18-150 and 18-157

Dear Ms. Ennis and Mr. Welch:

Please accept this letter as a request for a State of Emergency time extension for the Pelican Landing DRI. The request is pursuant to Section 252.363, Florida Statutes which provides for a six-month plus the tolled period extension of the buildout dates for a Development of Regional Impact (DRI) in the event of the issuance of a state of emergency Executive Order. The operative portions of the statute state:

> *The declaration of a state of emergency by the Governor tolls the period remaining to exercise the rights under a permit or other authorization for the duration of the emergency declaration. Further, the emergency declaration extends the period remaining to exercise the rights under a permit or other authorization for 6 months in addition to the tolled period. This paragraph applies to the following:*
> ...
> *The buildout date of a development of regional impact, including any extension of a buildout date that was previously granted pursuant to s. 380.06(19)(c).*

Emphasis added. Fla. Stat. § 252.363(1)(a) (2011).

The current request is in addition to any extension of a buildout date that was previously established in the Development of Regional Impact Development order adopted pursuant to Section 380.06, F.S.

On May 26, 2018, the Governor issued Executive Order No. 18-150 (attached), declaring a 60 day State of Emergency due to Tropical Storm Alberto in multiple counties in the state of Florida, including Lee County. On

June 8, 2018, the Governor issued Executive Order 18-157 (attached) declaring that the state of emergency due to Tropical Storm Alberto was terminated as of that date. Therefore, the state of emergency for Tropical Storm Alberto was in effect for 13 days.

Section 252.363 of the Florida Statutes grants a tolling of the period remaining to exercise rights under a permit or other authorization for six (6) months in addition to the tolled period. The statute specifically applies to a Development of Regional Impact Development Order issued pursuant to Section 380.06, F.S. and any extensions granted pursuant to Section 380.06(7)(c), F.S. The tolling pursuant to the referenced Executive Orders listed above is 13 days. Thus pursuant to Section 252.363 the DRI DO extension is 6 months and 13 days.

The current development order expiration and termination dates pursuant to the Zika Virus extension acknowledgement letter (enclosed) dated March 28, 2018, are January 26, 2029 and January 23, 2035, respectively.

Please accept this letter as the notification of the desire and intent to receive the 6 month and 13 day extension in accordance with the above styled provisions of Section 252.363 of the Florida Statutes and Executive Orders #18-150 and #18-157. Recognition of the State of Emergency extensions would result in an extension of the expiration and termination dates to August 8, 2029 and August 5, 2035, respectively.

Your consideration of this matter is greatly appreciated.

Sincerely,

Neale Montgomery

NM/kc

cc: Mr. Barry Ernst

Enclosures
Zika Virus Extension Acknowledgement Letter Dated March 28, 2018
Executive Order #18-150
Executive Order #18-157

RECEIVED
AUG 28 2018
COMMUNITY DEVELOPMENT

Lee County
Southwest Florida
BOARD OF COUNTY COMMISSIONERS

Direct Dial Number: 239-533-8585

March 28, 2018

John Manning
District One

Cecil L Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

Ms. Neale Montgomery
Pavese Law Firm
1833 Hendry Street
P.O. Drawer 1057
Fort Myers, Florida 33902

RE: DRI 2018-00002, Pelican Landing DRI
State DRI # 1-9293-121
FS 252.363
Office of the Governor Executive Order Numbers 16-149, 16-233, 16-288, 17-47, 17-115, 17-166 and 17-260 (Zika Virus)

Dear Ms. Montgomery:

Lee County acknowledges receipt of your request for extension of the build out date, commencement and completion dates, and any required mitigation as provided for under Florida Statute 252.363. The extension provided under Florida Statute 252.363 is the result of Office of the Governor Executive Order Numbers Executive Order (EO) 16-149, 16-233, 16-288, 17-47, 17-115, 17-166 and 17-260 (Zika Virus). Pursuant to that Executive Orders and Florida Statute 252.363, Lee County recognizes the length of time related to this extension is for a period of 6 months plus 527 days for CASE# DRI2018-00002, State DRI # 1-9293-121.

Lee County will not issue a codified Amendment to the DRI Development Order at this time. In the future, if the DRI Development Order is amended, Lee County will amend the DRI Development to provide for the extension. Please keep a copy of this letter for your records and submit this letter with the next application for a Notice of Proposed Change for this DRI so that the time extension can be included in the amended DRI Development Order. If the DRI Development Order is not amended before the expiration date, please ensure you have a copy of this letter to prove entitlement to the extension provided under this Executive Order.

If you have any questions, please do not hesitate to contact me.

Sincerely,
DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Section

Audra Ennis
Zoning Manager

RECEIVED
AUG 28 2018
COMMUNITY DEVELOPMENT

cc: Michael Jacob, Deputy County Attorney
Zoning File

PAVESE
LAW FIRM

NEALE MONTGOMERY

Direct dial: (239) 336-6235
Email: NealeMontgomery@paveselaw.com

1833 Hendry Street, Fort Myers, Florida 33901 | P.O. Drawer 1507, Fort Myers, Florida 33902-1507 | (239) 334-2195 | Fax (239) 332-2243

March 1, 2018

SUBMITTED VIA ZONING COUNTER

RECEIVED
MAR 02 2018
COMMUNITY DEVELOPMENT
DRI 2018-00002

Ms. Audra Ennis, Zoning Manager
Lee County Community Development Department
1500 Monroe Street
Fort Myers, FL 33901

Mr. Richard Wesch, County Attorney
Lee County Attorney's Office
2115 Second Street, 6th Floor
Fort Myers, FL 33901

Re: Pelican Landing DRI2017-00018 / State DRI #1-9293-121
6 Months Plus 527 Days Extension Request for
Section 252.363 of the Florida Statutes and Executive Orders:
Zika Virus – Executive Orders #16-149, #16-193, #16-233, #16-288, #17-43, #17-115, #17-166, #17-211, #17-260

Dear Ms. Ennis and Mr. Wesch:

Please accept this letter as a request for a time extension for the Pelican Landing DRI. The request is pursuant to Section 252.363, Florida Statutes which provides for a six-month extension of the buildout dates for a Development of Regional Impact (DRI) in the event of the issuance of a state of emergency Executive Order. The operative portions of the statute state:

> *The declaration of a state of emergency by the Governor tolls the period remaining to exercise the rights under a permit or other authorization for the duration of the emergency declaration. Further, the emergency declaration extends the period remaining to exercise the rights under a permit or other authorization for 6 months in addition to the tolled period. This paragraph applies to the following:*
> ...
> *The buildout date of a development of regional impact, including any extension of a buildout date that was previously granted pursuant to s. 380.06(19)(c).*

Emphasis added. Fla. Stat. § 252.363(1)(a) (2011).

The current request is in addition to any extension of a buildout date that was previously established in the Development of Regional Impact Development order adopted pursuant to Section 380.06, F.S.

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AUG 28 2018
COMMUNITY DEVELOPMENT

On June 23, 2016, the Governor issued Executive Order No. #16-149 for conditions resulting from the Zika Virus that apply to Lee County, and declared eight (8) subsequent Executive Orders #16-193, #16-233, #16-288, #17-43, #17-115, #17-166, #17-211, and #17-260 (attached hereto) extending the conditions and expiration date of the original Executive Order. The final Executive Order #17-260 was issued October 3, 2017 and expired December 2, 2017, for a total 527 day duration of the Zika Virus state of emergency.

Section 252.363 of the Florida Statutes grants a tolling of the period remaining to exercise rights under a permit or other authorization for six (6) months in addition to the tolled period. The statute specifically applies to a Development of Regional Impact Development Order issued pursuant to Section 380.06, F.S. and any extensions granted pursuant to Section 380.06(19)(c), F.S. The tolling pursuant to the referenced Executive Orders listed above is 527 days. Thus pursuant to Section 252.363 the DRI DO extension is 6 months and 527 days.

The current development order buildout and termination dates pursuant to the Tropical Storm Emily extension request letter dated November 2, 2017 (enclosed) are February 15, 2027, and February 14, 2033, respectively.

Please accept this letter as the notification of the desire and intent to receive the 6 month and 527 day extension in accordance with the above styled provisions of Section 252.363 of the Florida Statutes and Executive Orders #16-149, #16-193, #16-233, #16-288, #17-43, #17-115, #17-166, #17-211, and #17-260. Recognition of the State of Emergency extensions would result in an extension of the expiration date to January 26, 2029, and the termination date to January 23, 2035.

Your consideration of this matter is greatly appreciated.

Sincerely,

Neale Montgomery

NM/kc
cc: Mr. Barry Ernst
Enclosures
Executive Order #16-149
Executive Order #16-193
Executive Order #16-233
Executive Order #16-288
Executive Order #17-43
Executive Order #17-115
Executive Order #17-166
Executive Order #17-211
Executive Order #17-260
Tropical Storm Emily Extension Request Letter Dated 11/2/17

DRI 2018-00002

RECEIVED
MAR 02 2018
COMMUNITY DEVELOPMENT

RECEIVED
AUG 28 2018
COMMUNITY DEVELOPMENT

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 18-150

(Emergency Management – Subtropical Storm Alberto)

WHEREAS, as of 11:00 a.m. on Friday, May 25, 2018, the National Hurricane Center announced that an area of low pressure in the Northwest Caribbean Sea developed into Subtropical Storm Alberto with current maximum sustained winds of 40 miles per hour; and

WHEREAS, as of 8:00 a.m. on Saturday, May 26, 2018, the center of Subtropical Storm Alberto was located in the Northwestern Caribbean Sea, moving north into the Southeastern Gulf of Mexico; and

WHEREAS, as of 8:00 a.m. on Saturday, May 26, 2018, the National Hurricane Center issued storm surge watches for many coastal communities from Horseshoe Beach, Florida to the Mississippi River and Tropical Storm Watches from Indian Pass, Florida to Grand Isle, Louisiana; and

WHEREAS, the National Hurricane Center forecasts that Subtropical Storm Alberto will emerge over the Southeastern Gulf of Mexico by Saturday night, and approach the Northcentral Gulf Coast on Monday;

WHEREAS, the National Hurricane Center predicts strengthening until the system makes landfall; and

WHEREAS, the National Hurricane Center forecasts that Subtropical Storm Alberto will bring heavy rainfall, including over 10 inches in some areas, strong winds, storm surge, hazardous seas, and the potential for isolated tornadic activity from the Florida Keys to the Panhandle through the following week; and

RECEIVED
AUG 28 2018
COMMUNITY DEVELOPMENT

WHEREAS, during the month of May many areas of Florida have experienced heavy rainfall and high-levels of tropical moisture and precipitation contributing to multiple rivers and waterways rising to flood levels; and

WHEREAS, as a result of the threat of heavy rain associated with Subtropical Storm Alberto, many Florida communities are forecast to experience minor to moderate flooding and the potential of flash flooding; and

WHEREAS, Subtropical Storm Alberto poses a severe threat to the entire State of Florida and requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of this State;

WHEREAS, the threat posed by Subtropical Storm Alberto requires that timely precautions are taken to protect the communities, critical infrastructure, and the general welfare; and

WHEREAS, as Governor, I am responsible to meet the dangers presented to this state and its people by this emergency; and,

NOW, THEREFORE, I, RICK SCOTT, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. Because of the foregoing conditions, threat of heavy rainfall and associated flooding, I declare that a state of emergency exists in the State of Florida.

Section 2. I designate the Director of the Division of Emergency Management ("Director") as the State Coordinating Officer for the duration of this emergency and direct him to execute the State's Comprehensive Emergency Management Plan and other response, recovery,

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and mitigation plans necessary to cope with the emergency. Pursuant to section 252.36(1)(a), Florida Statutes, I delegate to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(5)–(10), Florida Statutes, which he shall exercise as needed to meet this emergency, subject to the limitations of section 252.33, Florida Statutes. In exercising the powers delegated by this Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. The State Coordinating Officer shall also have the authority to:

A. Invoke and administer the Emergency Management Assistance Compact ("EMAC") (sections 252.921-252.9335, Florida Statutes) and other compacts and agreements existing between the State of Florida and other states, and the further authority to coordinate the allocation of resources from such other states that are made available to Florida under such compacts and agreements so as best to meet this emergency.

B. Seek direct assistance and enter into agreements with any and all agencies of the United States Government as may be needed to meet the emergency.

C. Direct all state, regional and local governmental agencies, including law enforcement agencies, to identify personnel needed from those agencies to assist in meeting the response, recovery, and mitigation needs created by this emergency, and to place all such personnel under the direct command and coordination of the State Coordinating Officer to meet this emergency.

D. Designate additional Deputy State Coordinating Officers, as necessary.

E. Suspend the effect of any statute, rule, or order that would in any way prevent, hinder, or delay any mitigation, response, or recovery action necessary to cope with this emergency.

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F. Enter orders as may be needed to implement any of the foregoing powers; however, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such orders issued by the State Coordinating Officer; however, no such order shall remain in effect beyond the expiration of this Executive Order, to include any extension.

Section 3. I order the Adjutant General to activate the Florida National Guard, as needed, to deal with this emergency.

Section 4. I find that the special duties and responsibilities resting upon some State, regional, and local agencies and other governmental bodies in responding to the emergency may require them to suspend the application of the statutes, rules, ordinances, and orders they administer. Therefore, I issue the following authorizations:

A. Pursuant to section 252.36(1)(a), Florida Statutes, the Executive Office of the Governor may suspend all statutes and rules affecting budgeting to the extent necessary to provide budget authority for state agencies to cope with this emergency. The requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such suspension issued by the Executive Office of the Governor; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extension.

B. Each State agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency. This includes, but is not limited to, the authority to suspend any and all statutes, rules, ordinances, or orders which affect leasing, printing, purchasing, travel, and the condition of employment and the compensation of employees. For the purposes of this Executive Order, "necessary action in coping with the emergency" means

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any emergency mitigation, response, or recovery action: (1) prescribed in the State Comprehensive Emergency Management Plan ("CEMP"); or, (2) ordered by the State Coordinating Officer. The requirements of sections 252.46 and 120.54(4), Florida Statutes, shall not apply to any such suspension issued by a State agency; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extensions of this Order.

C. In accordance with section 252.38, Florida Statutes, each political subdivision within the State of Florida may waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;

2) Entering into contracts;

3) Incurring obligations;

4) Employment of permanent and temporary workers;

5) Utilization of volunteer workers;

6) Rental of equipment;

7) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and,

8) Appropriation and expenditure of public funds.

D. All agencies whose employees are certified by the American Red Cross as disaster service volunteers within the meaning of Section 110.120(3), Florida Statutes, may release any such employees for such service as requested by the Red Cross to meet this emergency.

E. The Secretary of the Florida Department of Transportation (DOT) may:

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1) Waive the collection of tolls and other fees and charges for the use of the Turnpike and other public highways, to the extent such waiver may be needed to provide emergency assistance or facilitate the evacuation of the affected counties;

2) Reverse the flow of traffic or close any and all roads, highways, and portions of highways as may be needed for the safe and efficient transportation of evacuees to those counties that the State Coordinating Officer may designate as destination counties for evacuees in this emergency;

3) Suspend enforcement of the registration requirements pursuant to sections 316.545(4) and 320.0715, Florida Statutes, for commercial motor vehicles that enter Florida to provide emergency services or supplies, to transport emergency equipment, supplies or personnel, or to transport FEMA mobile homes or office style mobile homes into or from Florida;

4) Waive the hours of service requirements for such vehicles;

5) Waive by special permit the warning signal requirements in the Utility Accommodations Manual to accommodate public utility companies from other jurisdictions which render assistance in restoring vital services; and,

6) Waive the size and weight restrictions for divisible loads on any vehicles transporting emergency equipment, services, supplies, and agricultural commodities and citrus as recommended by the Commissioner of Agriculture, allowing the establishment of alternate size and weight restrictions for all such vehicles for the duration of the emergency. The DOT shall issue permits and such vehicles shall be subject to such special conditions as the DOT may endorse on any such permits.

Nothing in this Executive Order shall be construed to allow any vehicle to exceed weight limits posted for bridges and like structures, or relieve any vehicle or the carrier, owner, or driver

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of any vehicle from compliance with any restrictions other than those specified in this Executive Order, or from any statute, rule, order, or other legal requirement not specifically waived or suspended herein or by supplemental order by the State Coordinating Officer;

F. The Executive Director of the Department of Highway Safety and Motor Vehicles (DHSMV) may:

1) Suspend enforcement of the registration requirements pursuant to sections 316.545(4) and 320.0715, Florida Statutes, for commercial motor vehicles that enter Florida to provide emergency services or supplies, to transport emergency equipment, supplies or personnel, or to transport FEMA mobile homes or office style mobile homes into or from Florida;

2) Waive the hours of service requirements for such vehicles;

3) Suspend the enforcement of the licensing and registration requirements under the International Fuel Tax Agreement (IFTA) pursuant to Chapter 207 Florida Statutes, and the International Registration Plan (IRP) pursuant to section 320.0715, Florida Statutes, for motor carriers or drivers operating commercial motor vehicles that are properly registered in other jurisdictions and that are participating in emergency relief efforts through the transportation of equipment and supplies or providing other assistance in the form of emergency services;

4) Waive fees for duplicate or replacement vessel registration certificates, vessel title certificates, vehicle license plates, vehicle registration certificates, vehicle tag certificates, vehicle title certificates, handicapped parking permits, replacement drivers' licenses, and replacement identification cards and to waive the additional fees for the late renewal of or application for such licenses, certificates, and documents due to the effects of adverse weather conditions; and,

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5) Defer administrative actions and waive fees imposed by law for the late renewal or application for the above licenses, certificates, and documents, which were delayed due to the effects of adverse weather conditions, including in counties wherein the DHSMV has closed offices, or any office of the County Tax Collector that acts on behalf of the DHSMV to process renewals has closed offices due to adverse weather conditions.

Recordkeeping and other applicable requirements for existing IFTA and IRP licensees and registrants are not affected by this order. The DHSMV shall promptly notify the State Coordinating Officer when the waiver is no longer necessary.

G. In accordance with section 465.0275, Florida Statutes, pharmacists may dispense up to a 30-day emergency prescription refill of maintenance medication to persons who reside in an area or county covered under this Executive Order and to emergency personnel who have been activated by their state and local agency but who do not reside in an area or county covered by this Executive Order.

H. All State agencies responsible for the use of State buildings and facilities may close such buildings and facilities in those portions of the State affected by this emergency, to the extent to meet this emergency. I direct each State agency to report the closure of any State building or facility to the Secretary of the Department of Management Services. Under the authority contained in section 252.36, Florida Statutes, I direct each County to report the closure of any building or facility operated or maintained by the County or any political subdivision therein to the Secretary of the Department of Management Services. Furthermore, I direct the Secretary of the Department of Management Services to:

1) Maintain an accurate and up-to-date list of all such closures; and,

2) Provide that list daily to the State Coordinating Officer.

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I. All State agencies may abrogate the time requirements, notice requirements, and deadlines for final action on applications for permits, licenses, rates, and other approvals under any statutes or rules under which such application are deemed to be approved unless disapproved in writing by specified deadlines, and all such time requirements that have not yet expired as of the date of this Executive Order are suspended and tolled to the extent needed to meet this emergency.

Section 5. All public facilities, including elementary and secondary schools, community colleges, state universities, and other facilities owned or leased by the state, regional or local governments that are suitable for use as public shelters shall be made available at the request of the local emergency management agencies to ensure the proper reception and care of all evacuees. Under the authority contained in section 252.36, Florida Statutes, I direct the Superintendent of each public school district in the State of Florida to report the closure of any school within its district to the Commissioner of the Florida Department of Education. Furthermore, I direct the Commissioner of the Department of Education to:

A. Maintain an accurate and up-to-date list of all such closures; and,

B. Provide that list daily to the State Coordinating Officer.

Section 6. I find that the demands placed upon the funds appropriated to the agencies of the State of Florida and to local agencies are unreasonably great and may be inadequate to pay the costs of coping with this disaster. In accordance with section 252.37(2), Florida Statutes, I direct that sufficient funds be made available, as needed, by transferring and expending moneys appropriated for other purposes, moneys from unappropriated surplus funds, or from the Budget Stabilization Fund.

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Section 7. All State agencies entering emergency final orders or other final actions in response to this emergency shall advise the State Coordinating Officer contemporaneously or as soon as practicable.

Section 8. Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by states other than the State of Florida may render such services in Florida during this emergency for persons affected by this emergency with the condition that such services be rendered to such persons free of charge, and with the further condition that such services be rendered under the auspices of the American Red Cross or the Florida Department of Health.

Section 9. Pursuant to section 501.160, Florida Statutes, it is unlawful and a violation of section 501.204 for a person to rent or sell or offer to rent or sell at an unconscionable price within the area for which the state of emergency is declared, any essential commodity including, but not limited to, supplies, services, provisions, or equipment that is necessary for consumption or use as a direct result of the emergency.

Section 10. Under the authority contained in sections 252.36(5)(a), (g), and (m), Florida Statutes, I direct that, for the purposes of this emergency, the term "essentials", as defined by section 252.359(2), Florida Statutes, shall be the same as and no more expansive than the term "commodity", as defined by section 501.160(1)(a), Florida Statutes (hereinafter referred to collectively or alternatively as "essential commodities"). Accordingly, any person who delivers essential commodities to a location in the area(s) declared to be under a state of emergency by this Executive Order, and when necessary to ensure that those commodities are made available to the public, may travel within evacuated areas and exceed curfews, provided the State Coordinating Officer determines, after consultation with the appropriate Emergency Support Function(s), that:

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A. Law enforcement officials in the declared area(s) can provide adequate security to protect the essential commodities from theft;

B. The weight of a delivery vehicle will not jeopardize the structural integrity of any roadway or bridge located within the declared area;

C. Delivery vehicles will not negatively impact evacuation activities in the declared area(s); and,

D. Delivery vehicles will not negatively impact any response or recovery activities occurring within the declared area(s).

After consulting with the appropriate Emergency Support Function(s), and after consulting with local officials, the State Coordinating Officer may dictate the routes of ingress, egress, and movement within the declared area(s) that drivers must follow when delivering essential commodities.

Provided he or she is actually delivering medications, any person authorized to deliver medications under chapter 893, Florida Statutes, qualifies as a person delivering essential commodities.

In order to qualify as a person delivering essential commodities under this section, a person must be in the process of delivering essential commodities only. If an individual is transporting both essential and non-essential commodities, then this section shall not provide any authorization for that individual to enter into or move within the declared area(s).

Section 11. Consistent with Executive Order 80-29, nothing in this Order shall prevent local jurisdictions in any area not declared to be under a state of emergency by this Executive Order from taking prompt and necessary action to save lives and protect the property of their citizens, including the authority to compel and direct timely evacuation when necessary.

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Section 12. I authorize the Florida Housing Finance Corporation to distribute funds pursuant to section 420.9073, Florida Statutes, to any county, municipality, or other political subdivision located within the area(s) declared to be under a state of emergency by this executive order. The authority of the Florida Housing Finance Corporation to distribute funds under this state of emergency shall expire six months from the expiration of this Order, to include any extensions of this Order.

Section 13. All actions taken by the Director of the Division of Emergency Management with respect to this emergency before the issuance of this Executive Order are ratified. This Executive Order shall expire sixty days from this date unless extended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 26th day of May, 2018.

GOVERNOR

ATTEST:

SECRETARY OF STATE

FILED
2018 MAY 26 AM 9:10
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 18-157

(Emergency Management – Termination of Executive Order 18-150)

WHEREAS, on Saturday, May 26, 2018, I issued Executive Order 18-150 due to the threat that Subtropical Storm Alberto posed to the State; and

WHEREAS, at approximately 5:00 p.m. on Monday, May 28, 2018, Subtropical Storm Alberto made landfall near Laguna Beach, Florida, bringing maximum sustained winds of 45 mph with heavy rainfall and flash flooding over parts of the Florida Panhandle; and

WHEREAS, at 11:00 p.m. on Monday, May 28, 2018, the National Hurricane Center downgraded Subtropical Storm Alberto to a tropical depression; and

WHEREAS, at 5:00 a.m. on Tuesday, May 29, 2018, the National Hurricane Center issued its last advisory regarding the storm system; and

WHEREAS, the danger posed by Subtropical Storm Alberto, including localized flash flooding, has abated; and

WHEREAS, the conditions warranting a state of emergency as it relates to Subtropical Storm Alberto have now ceased to exist;

NOW, THEREFORE, I, RICK SCOTT, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. Executive Order 18-150 is terminated as of this date.

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Section 2. Nothing in the Order shall be construed to affect the validity of any action taken or obligation incurred in reliance upon Executive Order 18-150 while in effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 8th day of June, 2018.

GOVERNOR

ATTEST:

SECRETARY OF STATE

FILED
2018 JUN -8 AM 10:11
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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LocaliQ
Florida
GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Brienne Cherry
Lcbc-Dept Of Comm Development-D
1500 MONROE ST
Fort Myers FL 33901

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Govt Public Notices, was published on the publicly accessible website of Lee County, Florida, or in a newspaper by print in the issues of, on:

06/05/2025

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.
Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 06/05/2025

Amy Lolott
Legal Clerk

Nicole Jacobs
Notary, State of WI, County of Brown

8-21-26
My commission expires

Publication Cost:	$275.78	
Tax Amount:	$0.00	
Payment Cost:	$275.78	
Order No:	11347933	# of Copies:
Customer No:	1124450	1
PO #:	P.O. #900697	

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NICOLE JACOBS
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING

The Hearing Examiner of Lee County will hold public hearings on Thursday, June 19, 2025, in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL. An interested individual may appear in person, through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing.

If you do not appear before the Hearing Examiner or otherwise become a participant for that case in which you wish to testify, the law does not permit you to address the Board of County Commissioners. Any document that a participant of record intends to submit to the BoCC during the Board Zoning Hearing must be submitted as an exhibit as part of the record in the hearing before the Hearing Examiner. If the document is not submitted and is not relevant new evidence that was not known or could not have been reasonably discovered by the participant at the time of the hearing before the Hearing Examiner, then the document may not be submitted to the Board.

After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision.

Copies of staff report(s) are available two weeks prior to the hearing. The file can be reviewed at the Zoning Section, 1500 Monroe St., Fort Myers, FL. Call 239-533-8585 for additional information.

In accordance with the Americans with Disabilities Act, Lee County will not discriminate against qualified individuals with disabilities in its services, programs, or activities. To request an auxiliary aid or service for effective communication or a reasonable modification to participate, contact the ADA Coordinator, (239) 533-8782, ADArequests@leegov.com or Florida Relay Service 711. Accommodation will be provided at no cost to the requestor. Requests should be made at least five business days in advance.

The following case(s) will be heard: DCI2023-00052/DRI2024-00001 Pelican Landing MPD/Pelican Landing DRI Amendment. 9:00 am. Request to rezone 430+/ acres from RPD and CPD/RPD to MPD to allow for 729 dwelling units (100 single-family and 629 multi-family), 25,000 sq. ft. of Office Uses, 27 golf holes and 318 hotel rooms with private onsite recreation and accessory uses, together with a request to amend the Pelican Landing DRI to allow for 4,400 DU, 374,161 sq ft of Office uses, 153,000 sq ft of Retail Uses, 982 Hotel Rooms, 76 Golf Holes and to retain existing approvals for Marina slips.

Located at 23001 Coconut Point Resort Drive, Estero Planning Community, Lee County, FL.

11347933 6/5/25

STAFF'S EXHIBIT #) 4

Pelican Landing Mixed Use Planned Development DCI2023-00052

June 19, 2025

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STAFF'S EXHIBIT # 5

Request

Rezone 430 acres from Residential Planned Development and Commercial Planned Development to a Mixed Use Planned Development.

- 729 dwelling units (100 single-family and 629 multi-family).
- 25,000 square feet of office use.
- 27 golf holes.
- 318 hotel rooms.
- Private onsite recreation and accessory uses.
- Building heights range from 50 feet to 290 feet

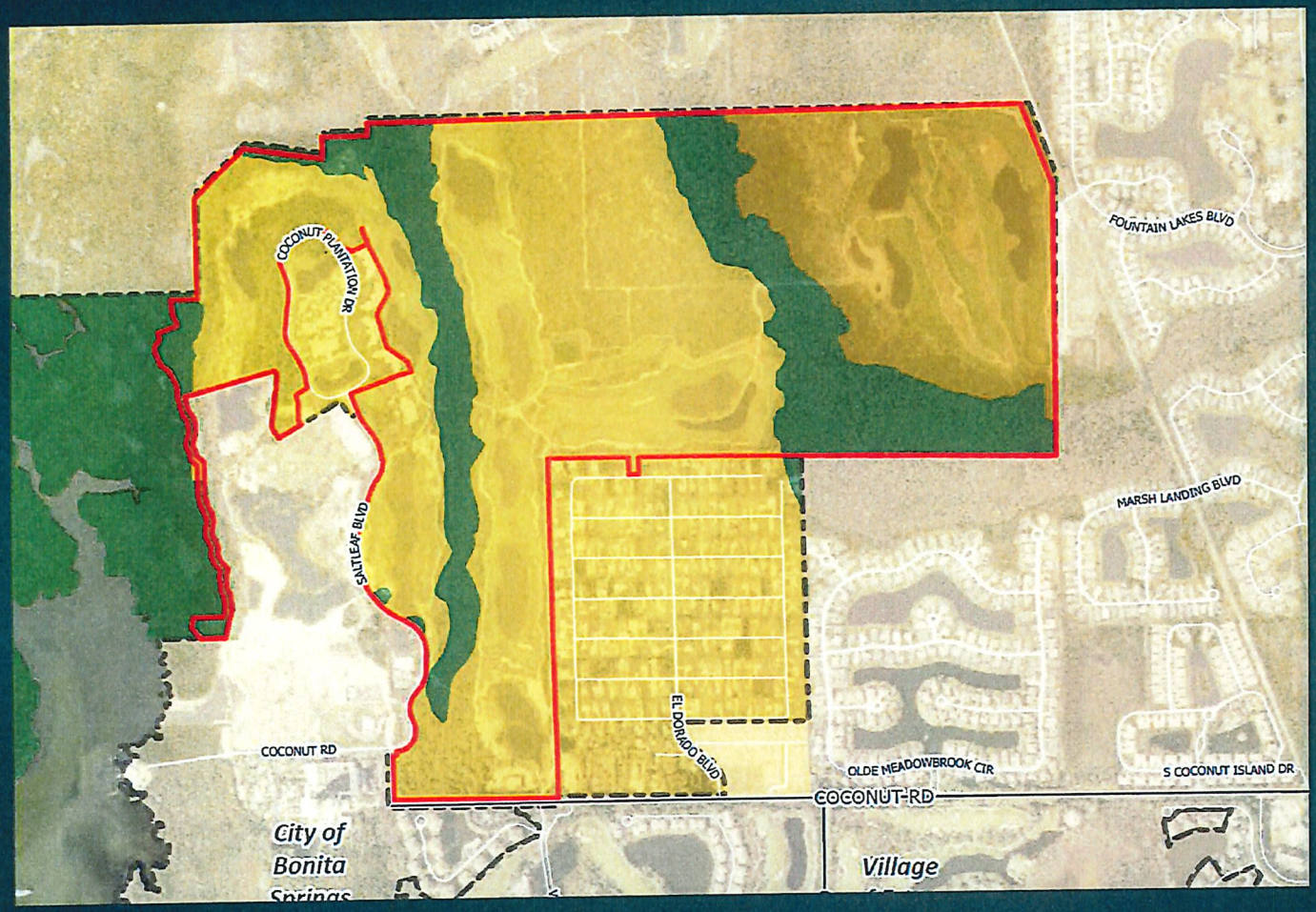
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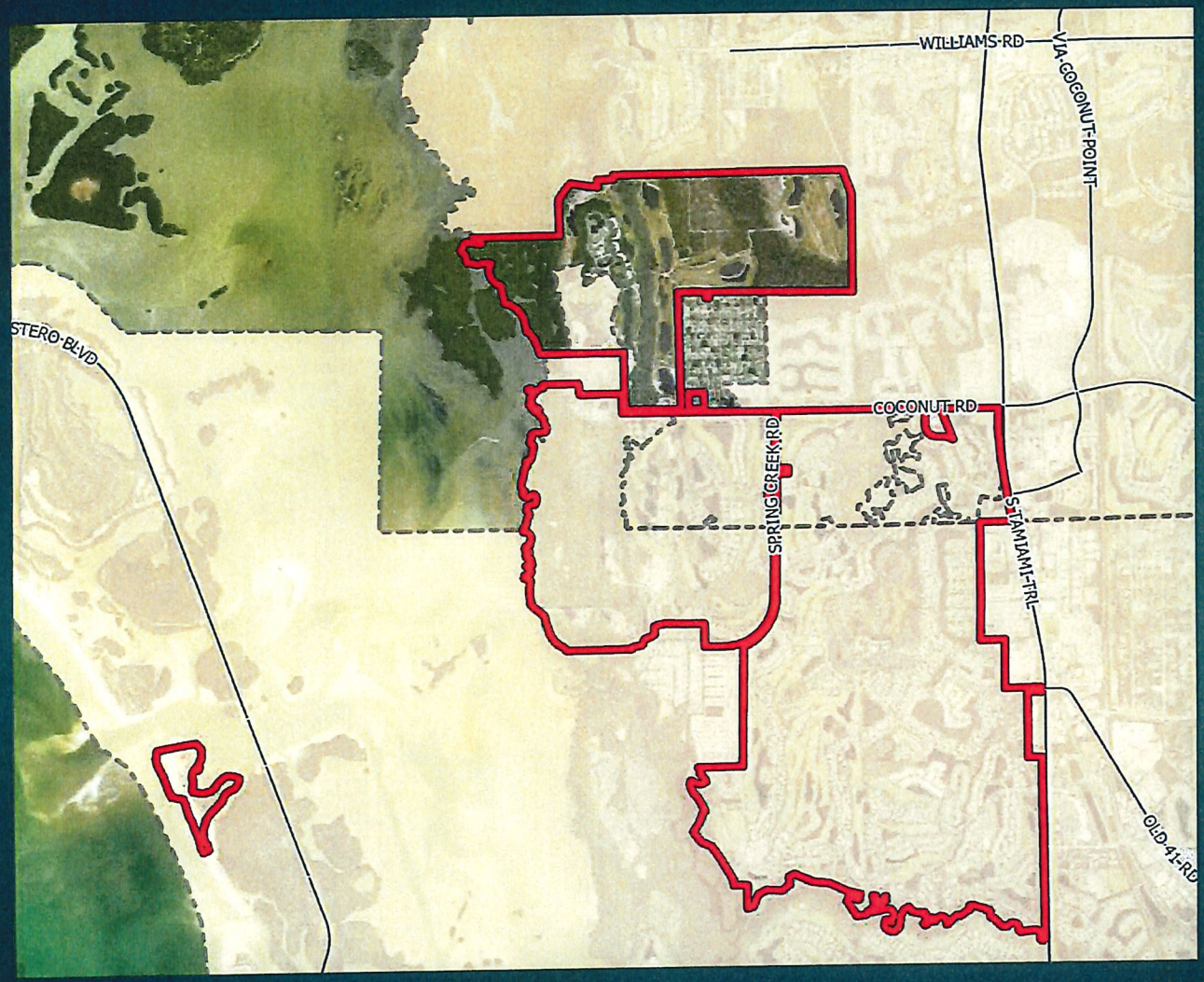
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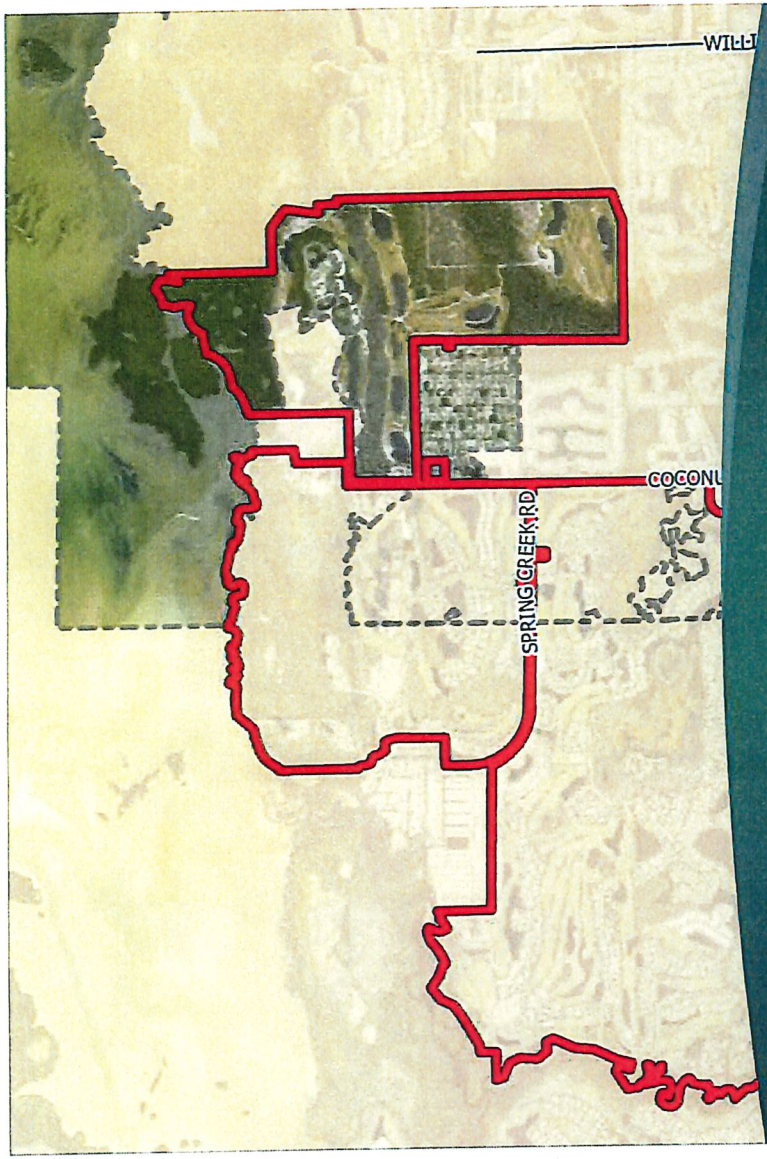
- Suburban
- Outlying Suburban
- Wetlands
- City Limits
- Subject Property

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Development of Regional Impact

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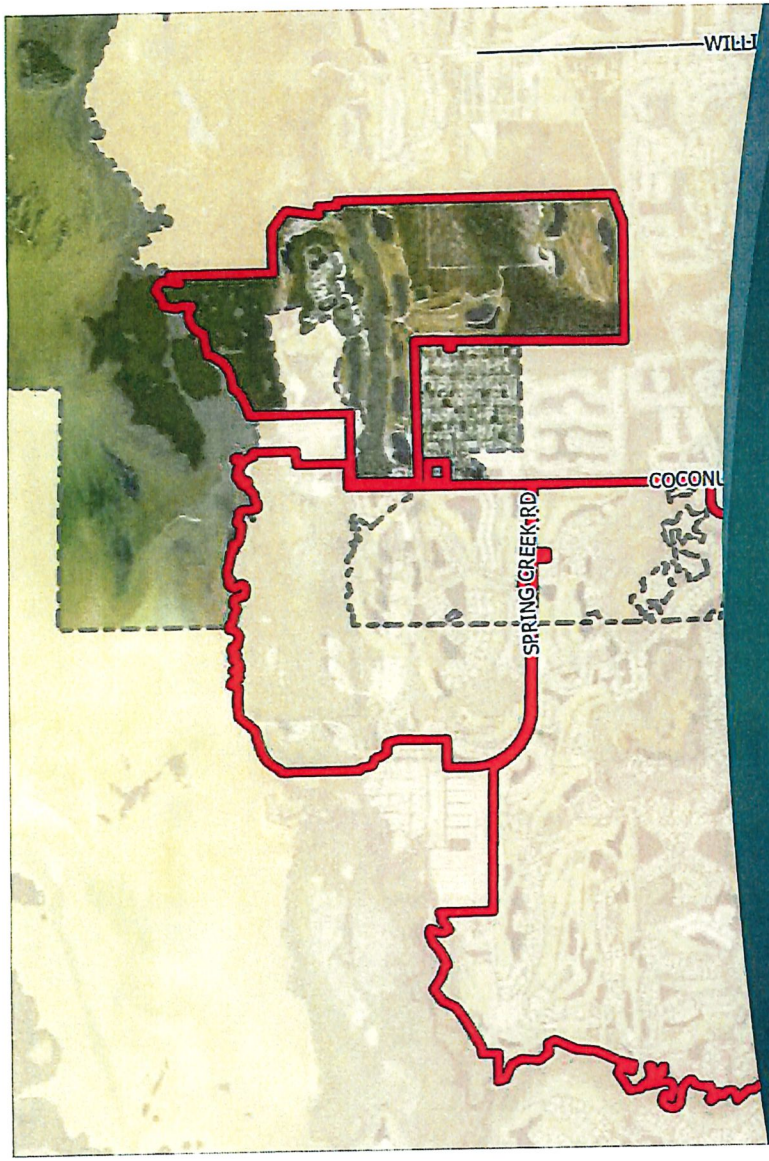
Development of Regional Impact

Table 1: Pelican Landing DRI/MPD Density/Intensity Summary

Use	Total Approved per DRI/PUDs	Total Unbuilt Entitlements Assigned to Applicant	Total Proposed per MPD	Proposed Increase/Decrease (DRI)
Residential (DUs)	3,912 DU[1]	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 (existing)	27 holes	-1 hole
Hotel (rooms)	750	86 rooms	318 rooms	+232 rooms
Marina Wet Slips Dry Slips	 65 slips 150 slips	 0 slips 0 slips	0 slips	 N/A N/A

(1) Includes 121 Units Remaining in Kersey Smoot/Hyatt Timeshares

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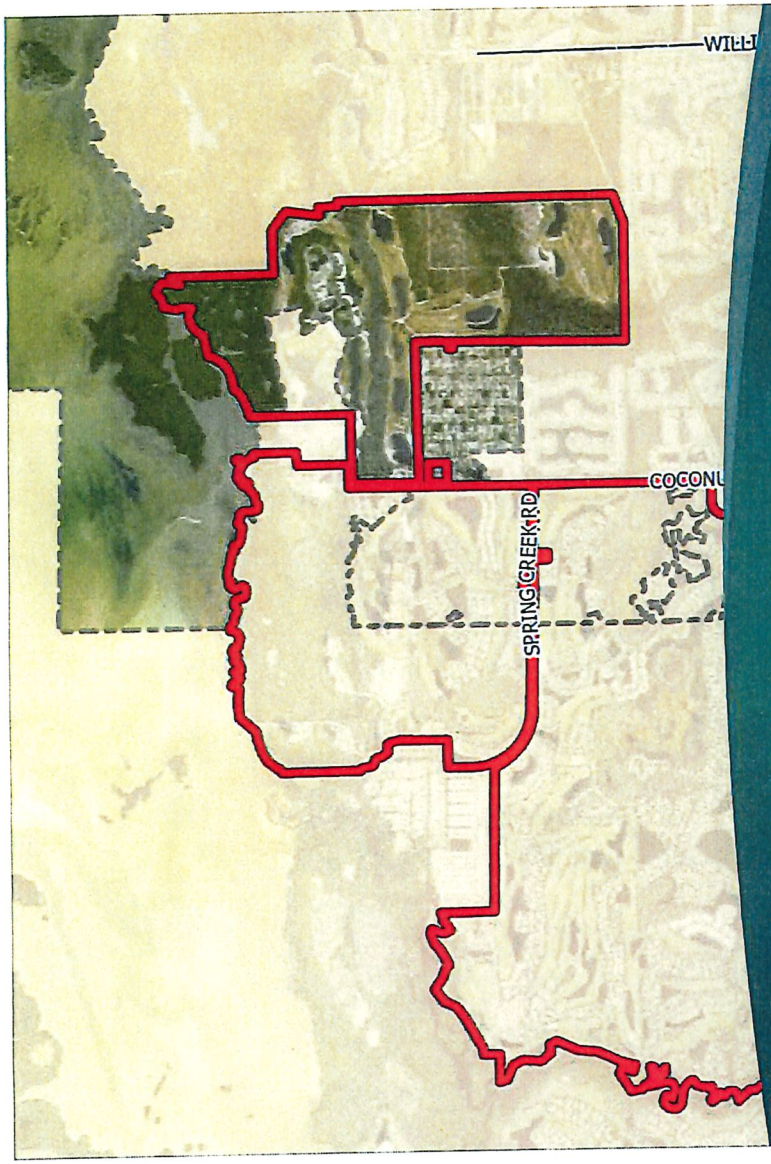


Development of Regional Impact

Table 2: Pelican Landing DRI Density Locations

Location	Units
Total DUs - Bonita Springs/Estero	3,550 DUs (2,117 Built/Committed MF DUs + 503 available MF DUs + 929 Built/Committed SF DUs + 1 available SF DU)
Total DUs - Unincorporated Lee County	362 DUs (121 built/remaining in Kersey Smoot Timeshare Remnant + 241 assigned to Applicant) (0 remaining units in Pelican Landing RPD/CPD)
Proposed Pelican Landing MPD Density Increase	+488 DUs
Total Permitted + Proposed DUs in Pelican Landing DRI (Incorporated + Incorporated)	**4,400 DUs**

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Development of Regional Impact

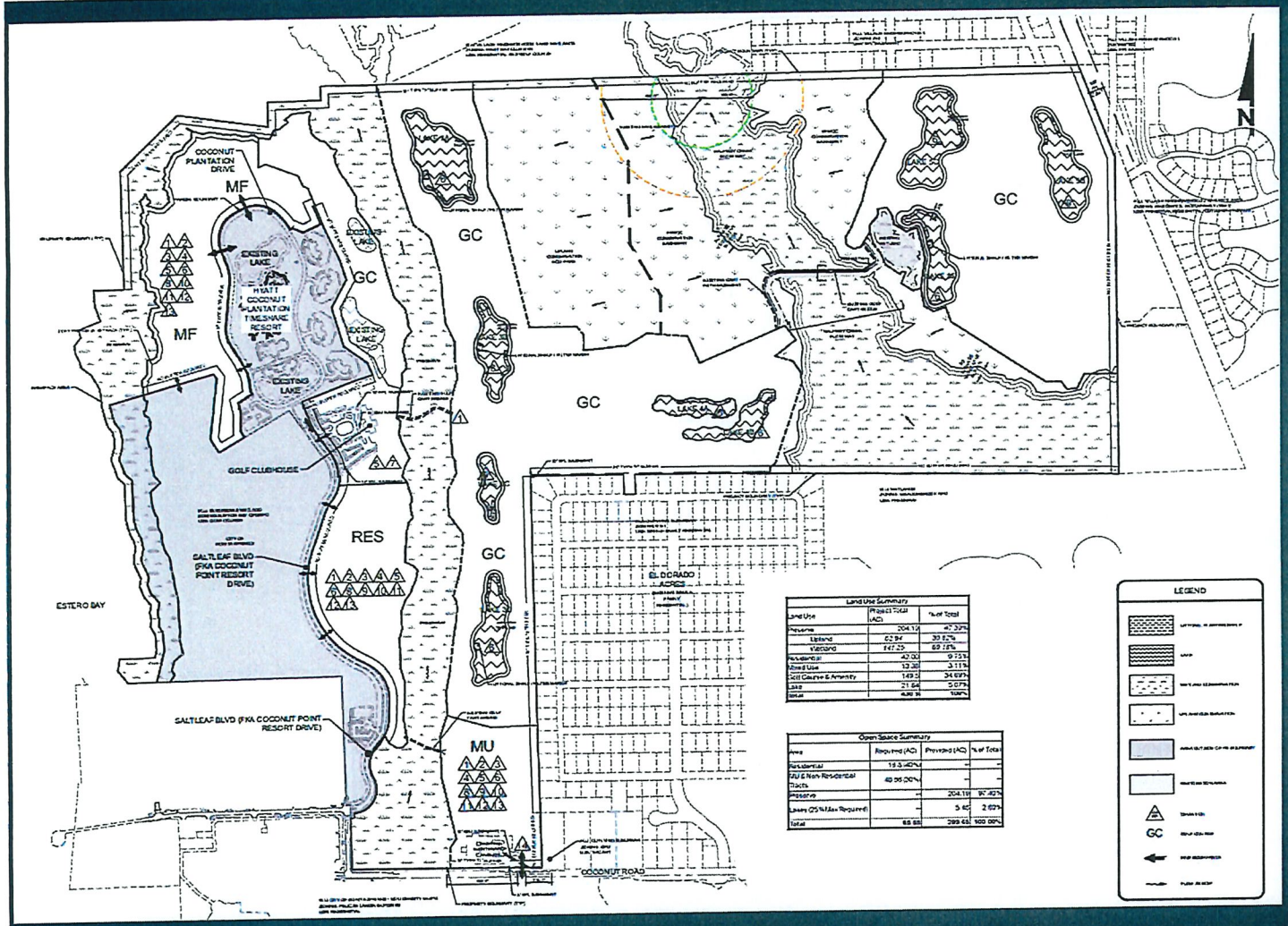
Table 3: Pelican Landing and Kersey Smoot Density Calculation Per Current FLUM

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)	111.78 AC	3 DU/AC	**335.34 DU**
Non-Residential Area (Uplands)	99.49 AC	0 DU/AC	**0 DU**
Wetlands	**144± AC**		
Saltwater Wetland	86.5 AC	1 DU/20 AC	**4.3 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**
PELICAN LANDING MPD TOTAL DENSITY BY FLUM	**430± AC**		**893 DU**

As demonstrated by the FLUM map and Table 3, the proposed changes are consistent with the Lee Plan allowable total density of 893 dwelling units per the future land use categories. The applicant is requesting a 488 dwelling unit increase above the DRI/DO 3,912 dwelling units currently approved.

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Height

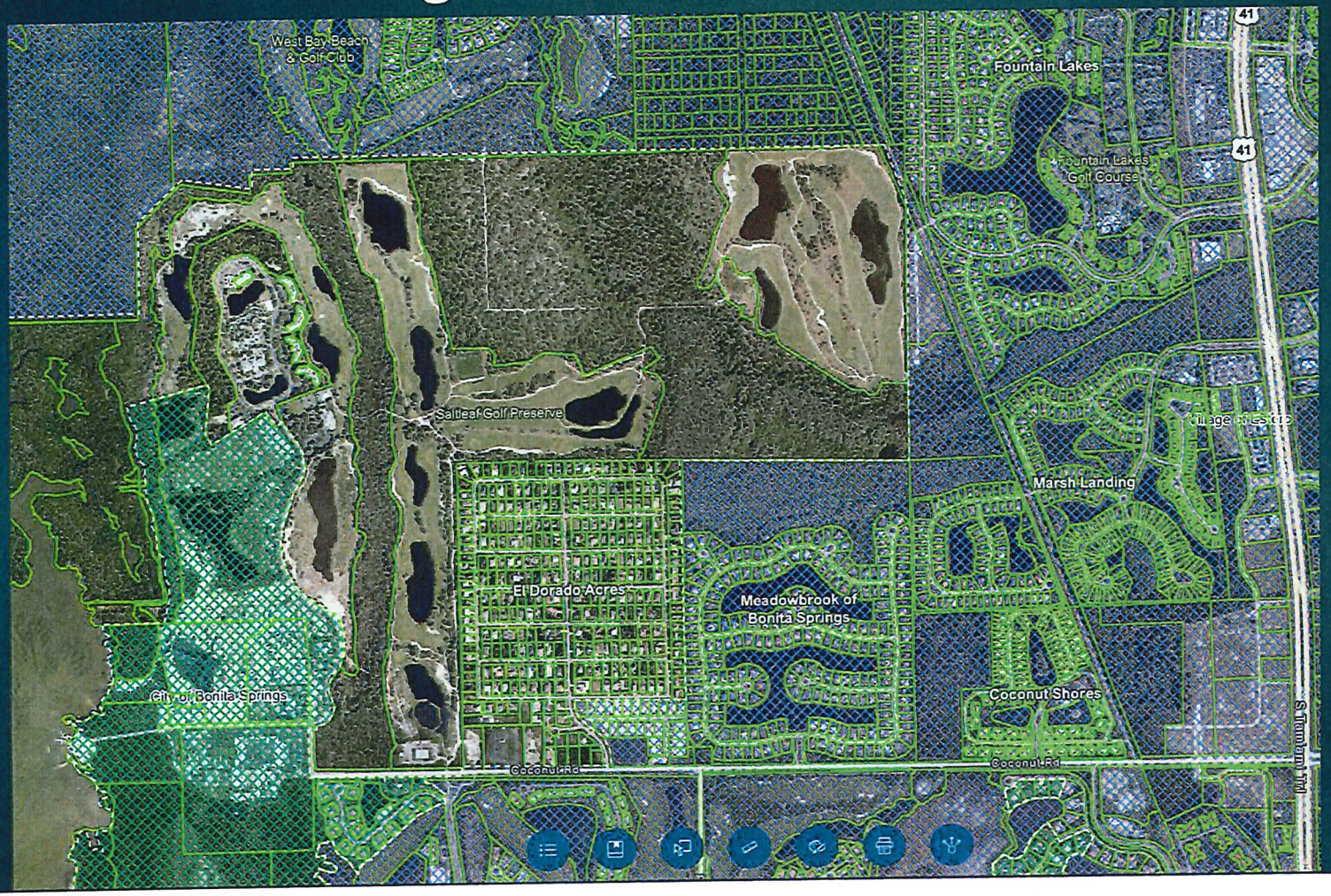


Building Height

Tract	Maximum Height
MU Tract	50 FT
RES Tract	110 FT
GC Tract	50 FT
MF Tract	290 FT

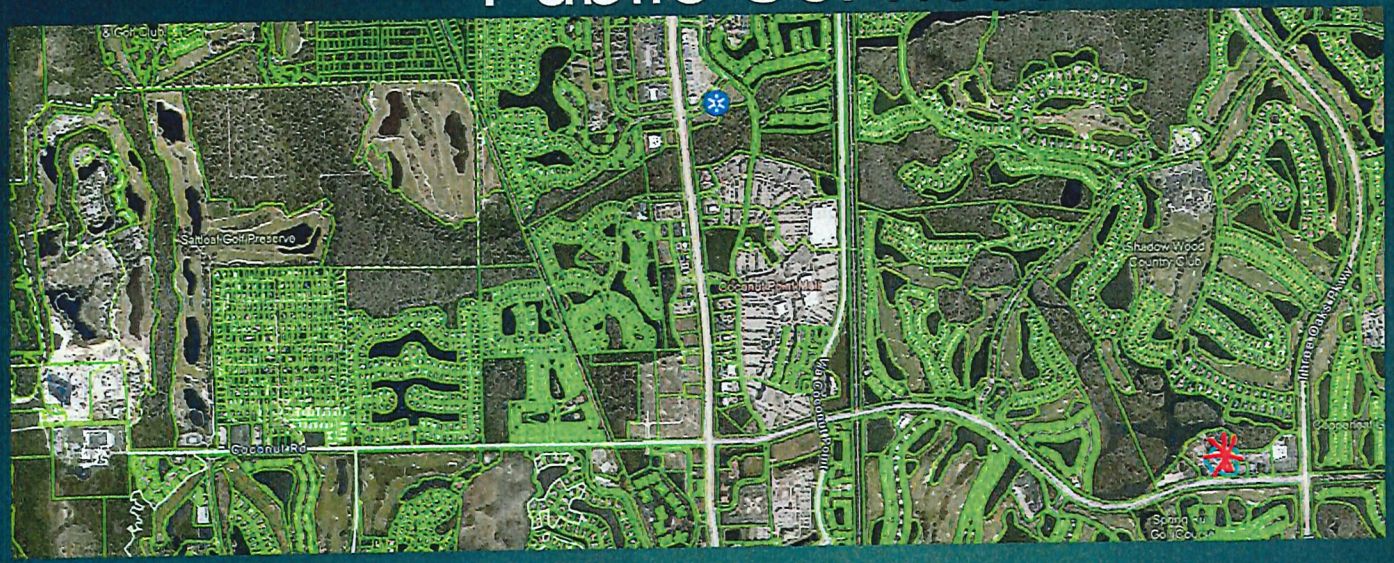
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Surrounding Land Uses and Jurisdictions



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Public Services



Public Water and Sewer

- ✓ Bonita Springs Utilities, Incorporated – sewer, potable water, and irrigation.
- ✓ Estimated usage for the project is 301,400 gallons per day.
- ✓ Letter of Availability states they have capacity.

Police, fire, and emergency services

- ✓ Emergency Management Services Medic Station #29
- ✓ Estero Fire Station #42
- ✓ Lee County Sheriff's office

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Public Services

Schools

- ✓ Estero High School three miles to the northeast (21900 River Ranch Rd).
- ✓ Spring Creek Elementary School 3.5 miles to the southeast (25571 Elementary Way).

Public Transit and Pedestrian Facilities

- ✓ Lee County Walkways and Bikeways Map Lee Plan Map 3-D
- ✓ Lee County Greenways Master Plan Lee Plan Map 4-E
- ✓ Shared-use path and on-road bikeway exist along US 41
- ✓ Sidewalks will be required along the north side of Coconut Road.
- ✓ Existing sidewalk along the south side of Coconut Road
- ✓ LeeTran bus stop along US 41 serves Route 140 and 240 that run north and south bound on US 41.

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Transportation

Table 1
Land Uses
Pelican Landing DRI

Land Use	Approved Uses in DRI	Total Unbuilt Entitlements Assigned to Applicant	Proposed Uses in MPD	Proposed Decrease/Increase
Residential Dwelling Units	3,912	241	4,400	+ 488 Units
Commercial Retail	300,000 Sq. Ft.	147,000 Sq. Ft.	0 Sq. Ft.	-147,000 Sq. Ft.
Office	475,000 Sq. Ft.	125,839 Sq. Ft.	25,000 Sq. Ft.	-100,839 Sq. Ft.
Restaurant	5,000 Sq. Ft.	0	0	0
Marina	41 Slips 150 Dry Slips	0	0	0
Hotel	750 Rooms	86 Rooms	318 Rooms	+250 Rooms
Golf	77 Holes	28 Holes	27 Holes	-1 Hole

No Content Here!

Transportation

Table 2
Trip Generation – As Approved
Pelican Landing DRI – W/Internal Trip Capture

Land Use	Weekday P.M. Peak Hour		
	In	Out	Total
External Trips	2,158	2,044	4,202

Table 3
Trip Generation - Proposed
Pelican Landing DRI – W/Internal Trip Capture

Land Use	Weekday P.M. Peak Hour		
	In	Out	Total
External Trips	2,072	1,885	3,985

No Content Here!

Transportation

Table 4
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 Dwelling Unit (629 Dwelling Units)	150	96	246
Office (25,000 Sq. Ft.)	9	44	53
Resort Hotel (318 Rooms)	47	63	110
Total Trips	269	239	508

LUC 210 used for Single Family
LUC 221 used for Multi-Family
LUC 710 used for Office
LUC 330 used for Resort Hotel

No Content Here!

Transportation

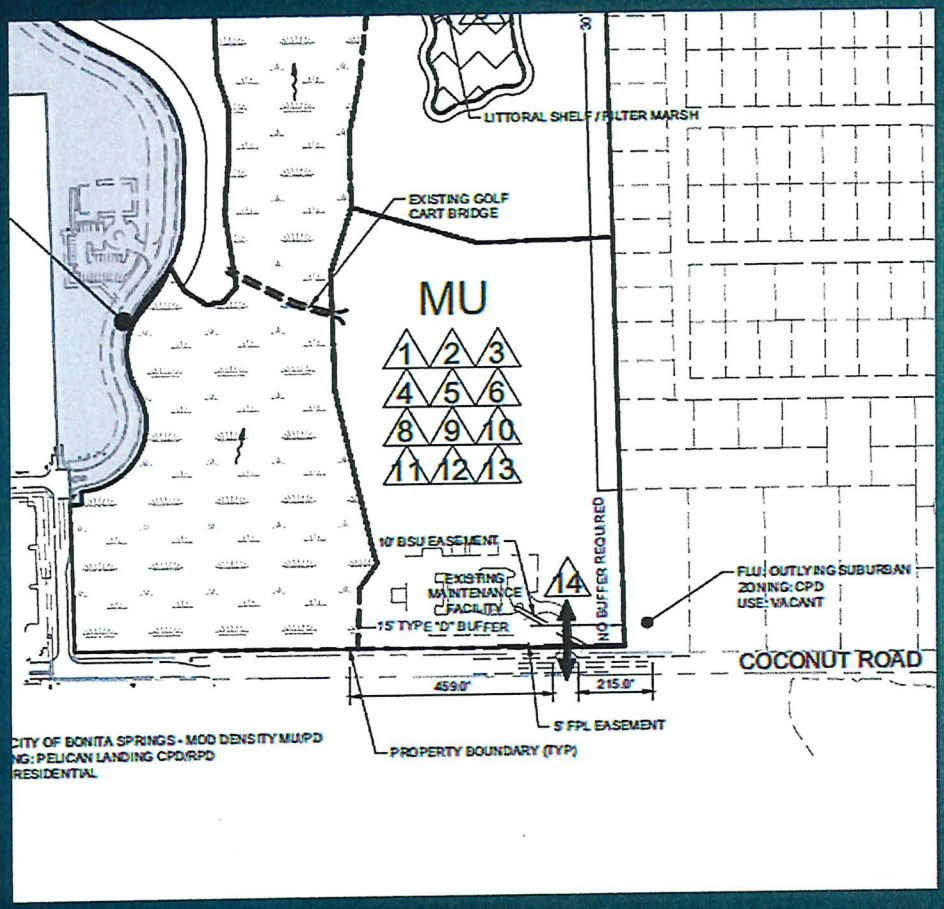
Table 5
Coconut Road Volume & Level of Service
Pelican Landing London Bay MPD

	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]	239	269
Total Volume & LOS	785 – LOS "D"	768 – LOS "D"
Coconut Road Capacity	860	860
Remaining Capacity	75	92

[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

No Content Here!

Transportation



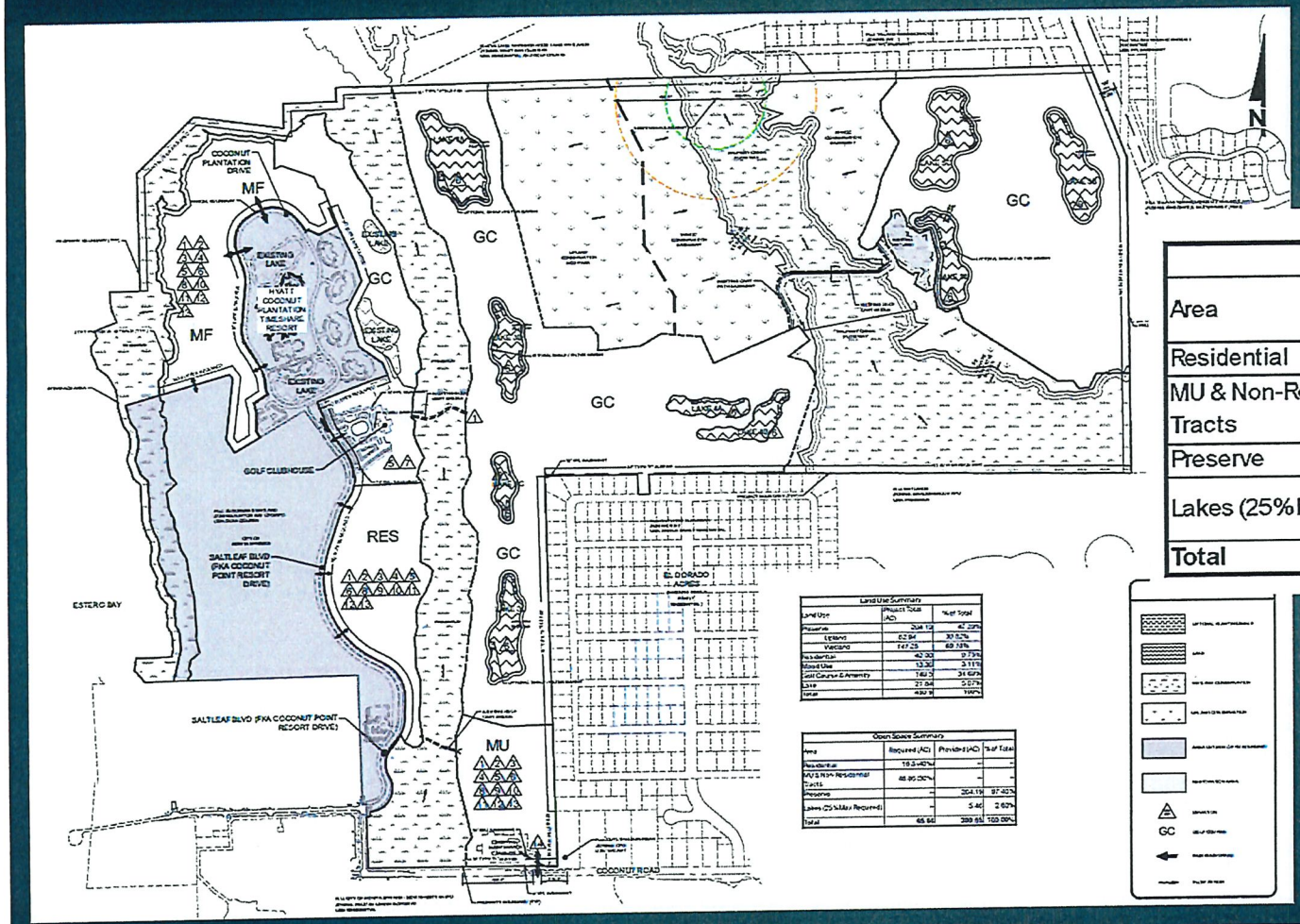
Deviation #14

LDC Section 10-285 requires a connection separation of 330 feet on major collector roads in Future Non-Urban Areas, to allow connection separation of 250 feet on Coconut Road.

Recommending **APPROVAL** due to the access to Coconut Road is existing and is aligned with Via Veneto Boulevard to the south

No Content Here!

Environmental

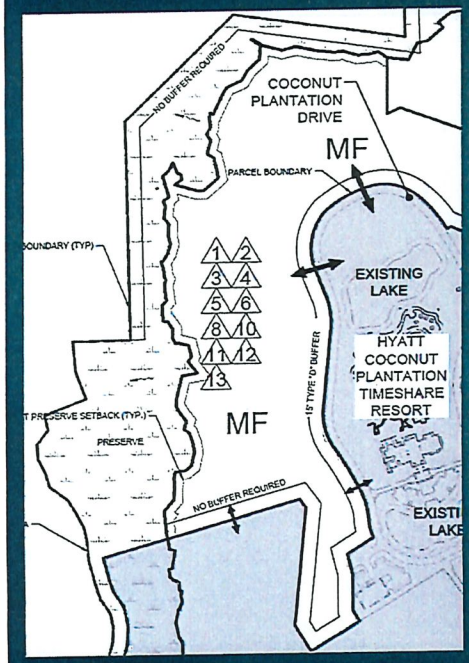


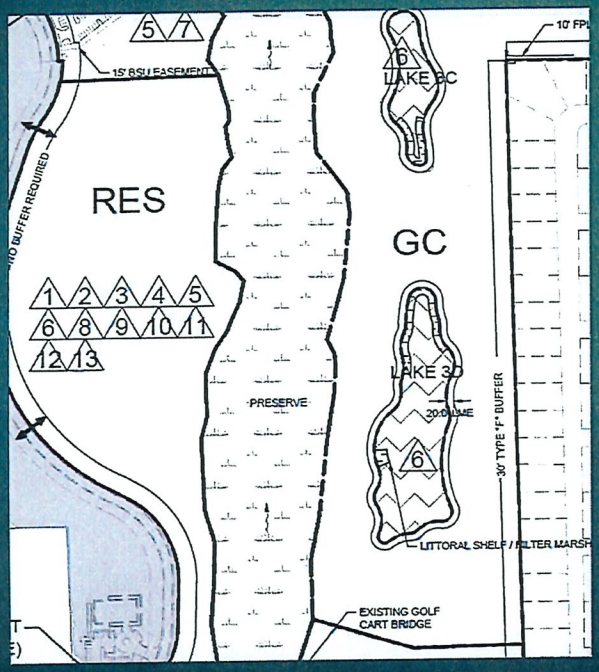
Open Space Summary			
Area	Required (AC)	Provided (AC)	% of Total
Residential	16.8 (40%)	--	--
MU & Non-Residential Tracts	48.86 (30%)	--	--
Preserve	--	204.19	97.40%
Lakes (25% Max Required)	--	5.46	2.60%
Total	**65.66**	**209.65**	**100.00%**

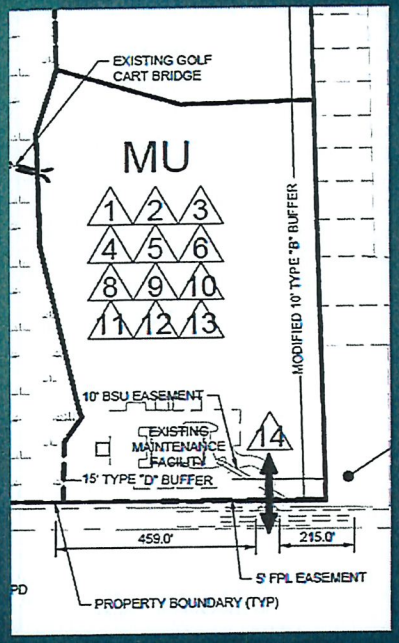
No Content Here!

Environmental

Deviation #6 – lake bank slopes
Deviation #9 – internal buffering
Deviation #13- perimeter buffers met through onsite preserves; Type F buffer required in areas with no preserves along the perimeter, except for the southeast corner abutting the CPD where a modified Type B buffer will be provided per 48-hour letter.



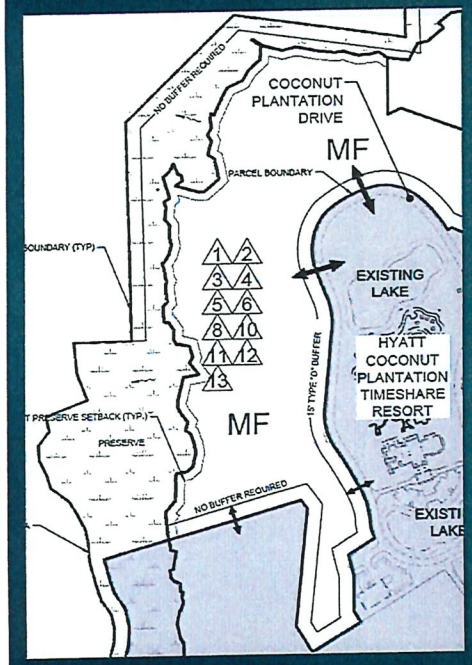


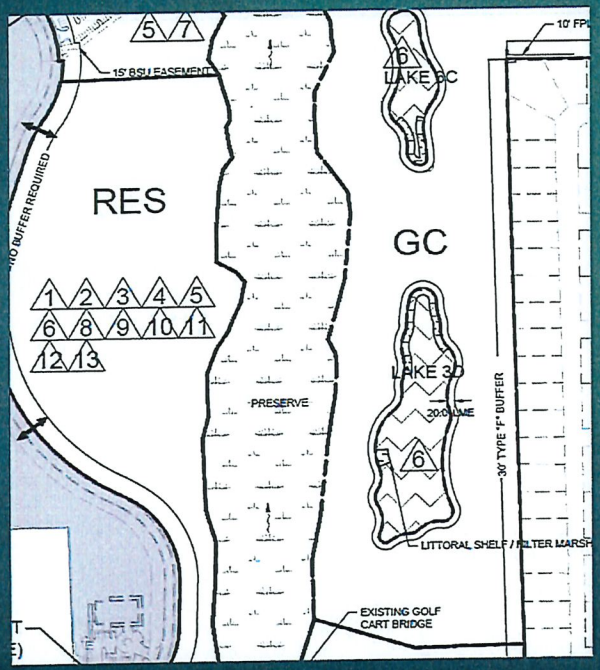


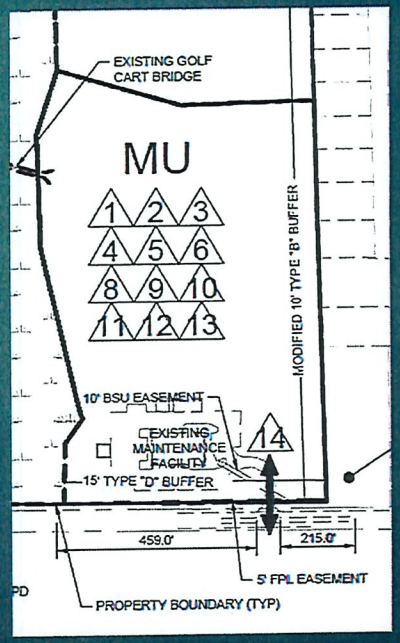
No Content Here!

Environmental

Deviation #6 – lake bank slopes
Deviation #9 – internal buffering
Deviation #13- perimeter buffers met through onsite preserves; Type F buffer required in areas with no preserves along the perimeter, except for the southeast corner abutting the CPD where a modified Type B buffer will be provided per 48-hour letter.







No Content Here!

Parking, Sidewalk, & Signage Deviations

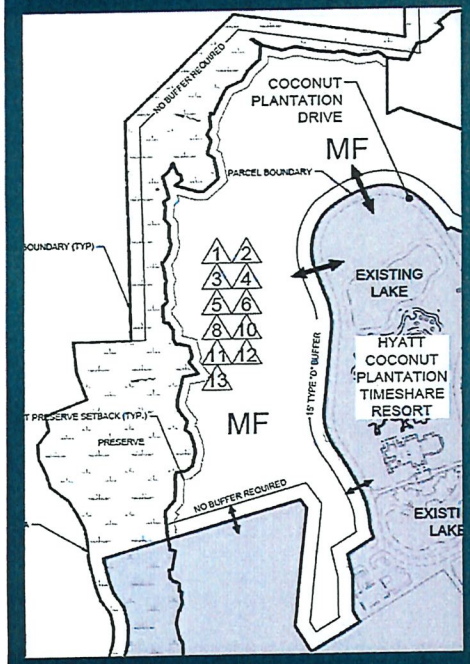
Deviation #1 – Five-foot sidewalks along one side of internal roadways in all tracts.

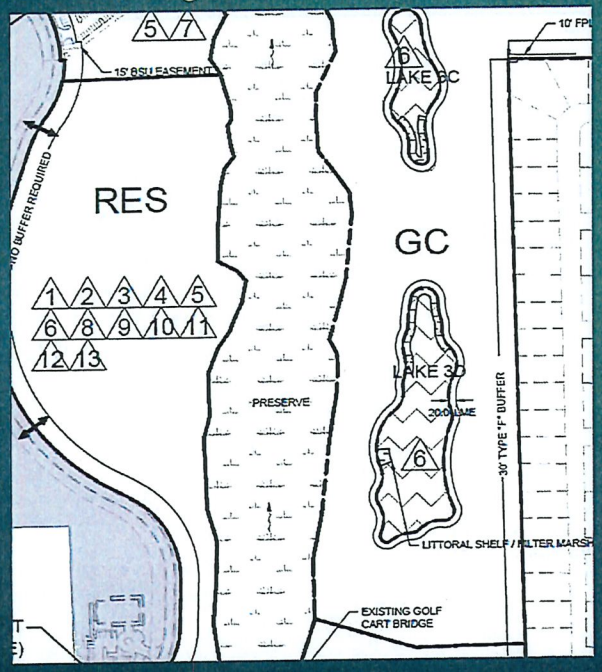
Deviation #2 - Back out parking onto right-of-way easements in all tracts (previously approved).

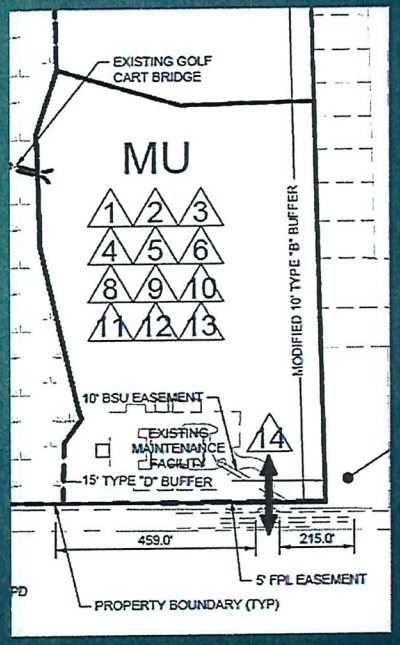
Deviation #4- Zero-foot setback from right-of-way in all tracts.

Deviation #7- Five percent reduction in parking at the golf clubhouse only (previously approved).

Deviation #10- Allow one parking space per 1,000 square feet of floor area for private recreational facilities and integrated into the mid- and high-rise buildings.







No Content Here!

Development Pattern

Deviation #3 – Zero-foot separation for internal parcels and 15-foot separation for external parcels (previously approved).

Deviation #5 - Allow a 20-foot distance between recreation centers and ancillary facilities and residential dwelling units (previously approved).

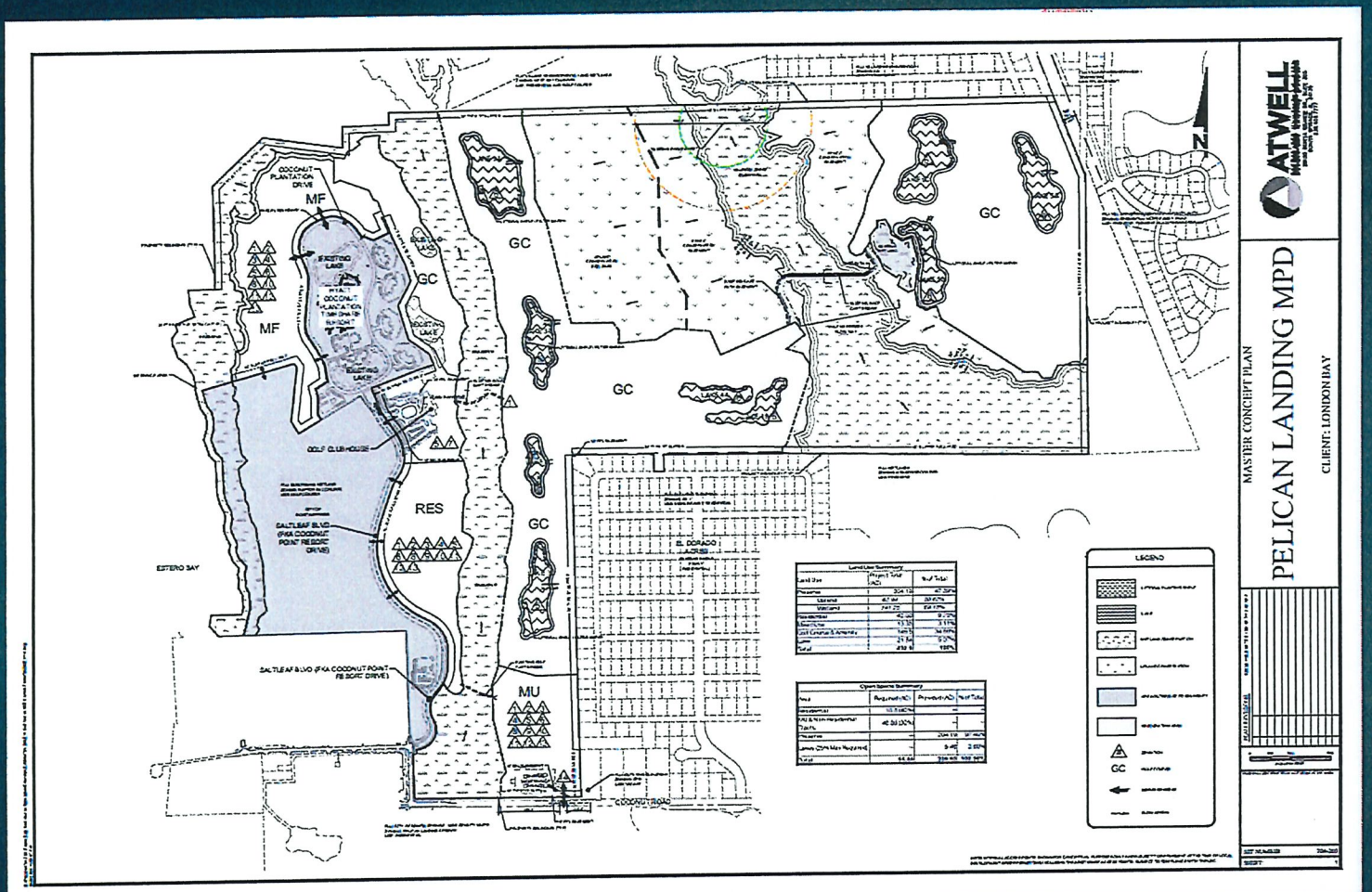
Deviation #8- Allow 290 feet in MF Tract, 110 feet in RES Tract, and 50 feet in MU and GC Tracts.

Previous approved allowed 20 stories over parking with 15 percent open space for each multi-family building and minimum building separation of 125 feet.

Deviation #11- Zero-foot setback from development perimeter, except for development abutting preserves and the north property line.

Deviation #12- Building separation 10 feet for buildings 35 feet or less.
Building separation = 35 percent of the sum of the building heights for buildings greater than 35 feet. (Code requires 50 percent)
Estero Fire District provided a letter of no objection.

No Content Here!



No Content Here!

Commercial Lee Plan Compliance

- Request complies with the Lee Plan
  - Consistent with FLU Designation Suburban, Sub-Outlying Suburban, and Wetlands **(Policies 1.1.5, 1.1.6, and 1.5.1)**
  - Promotes contiguous/compact growth patterns in future urban areas **(Policies 2.1.2 and 2.1.2)**
  - Adequate facilities/services/infrastructure exists to support development **(Objective 2.2 and Policies 2.2.1, Standards 4.1.1 and 4.1.2)**
  - Compatible with existing/planned residential uses **(Policy 5.1.5)**
  - Designed around existing site limitations with adequate open space and buffers as conditioned **(Policies 5.1.2 and 5.1.6)**
  - Provides appropriate screening and buffering, availability and adequacy of services and facilities, and takes into consideration environmental concerns (**Policy 6.1.1**)
  - Provides access and buffers to provide visual harmony, as conditioned (**Policy 6.1.3**)
  - Provides open space and buffering to enhance the development (**Policy 6.1.6**)

No Content Here!

Findings and Conclusion

- The subject request, as conditioned:
  - Is consistent with the Lee Plan
  - Meets the Land Development Code and other County regulations, or qualifies for deviations
  - Is compatible with existing and planned uses in the surrounding area
  - Will have access sufficient to support proposed development density
  - Will have expected transportation impacts addressed by County regulations and conditions of approval
  - Will not adversely affect environmentally critical and sensitive areas or natural resources
  - Will be served by urban services
  - Includes an appropriate mix of uses at the proposed location
  - Includes conditions that provide sufficient safeguards to public interest and that are reasonably related to the expected impacts of the proposed developments
  - Includes deviations that enhance the achievement of the objectives of the planned development and protect public health, safety, and welfare in accordance with the intent of the LDC.
- Staff recommends **APPROVAL** of the request, as conditioned.

No Content Here!

Lee County
Southwest Florida

Pelican Landing

Public Input

STAFF'S EXHIBIT #6
Composite

Workman, Elizabeth

From: Ann McManus <dannmcmanus742@gmail.com>
Sent: Wednesday, June 18, 2025 2:33 PM
To: Workman, Elizabeth
Subject: DRI proposal

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Ms. Workman,
We live in the Colony but cannot attend the DRI meeting. We hope the proposal does not pass. The stretch on Coconut Point road from 41 to the Hyatt cannot accommodate that much traffic. Please consider our safety in this important decision.
Respectfully,
Dan and Ann McManus

Workman, Elizabeth

From: mcarrollmktg@optimum.net mcarrollmktg@optimum.net <mcarrollmktg@optimum.net>
Sent: Wednesday, June 18, 2025 2:27 PM
To: Workman, Elizabeth
Subject: SaltLeaf Density Increase Proposal

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Hello,

I own the condominium unit at 23731 Merano Court, Unit #102, Estero, Florida and write to protest the proposed SaltLeaf Density Increase requesting converting proposed retail and office space, plus one hole of a golf course to more residential units and added hotel rooms.

As you are aware, Coconut Road is the only means these new residents/hotel guests will have to enter their properties or access route 41. This added car volume will add to an already overtaxed road capacity and dangerous overcrowding at the traffic light located at the intersection of Coconut Road and Route 41 during the peak seasonal months December through April. I understand the Village of Estero is responsible for maintaining that portion of Coconut Road, but if Lee County is reaping all the benefit of the project's impact fees and the new tax revenue from those residents, then Lee County government can't turn a blind eye to the problem and offer no help.

I would be very interested in a reply outlining how Lee County plans to help address this looming disaster.

Sincerely,

Michael Carroll

Workman, Elizabeth

From: Amelia Quaremba <abquaremba@gmail.com>
Sent: Wednesday, June 18, 2025 2:02 PM
To: Workman, Elizabeth
Subject: Record DCI2023-00052: Hearing June 19th (Salt Leaf)

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear Ms Workman,

I understand the referenced Application is for increased residential density to the Salt Leaf property along Coconut Road and will be heard on June 19th.

While the notion of increasing residential density in a High Hazard Zone is itself problematic, my primary current concern is that there is a connector road of some sort to Coconut Rd from the property which is shown on the map across from the **primary** gate and residential access driveway to our Community, The Colony at Pelican Landing. It also is in the proximate vicinity of our service entrance driveway.

There does not appear to be any examination of the intrusion this arrangement might have on customary access into our community.

In your deliberation, it would be helpful to at a minimum assure through a condition that these proposed changes to the DRI are **compatible** with the existing current uses including those under construction in our community. Conditional approval with requirements to assure acceptable ease of access to our existing community is critical.

Thank you for considering this concern.

Respectfully,

Amelia Quaremba
5051 Pelican Colony Blvd
Unit 1604
Bonita Springs, Florida
518 469 2379

Workman, Elizabeth

From: Mike Lavallee <mike.lavallee@techtransport.com>
Sent: Wednesday, June 18, 2025 1:54 PM
To: Workman, Elizabeth
Subject: Expansion od Salt Leaf property

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

So many of us who moved to the Colony are discouraged by the poor planning for traffic concerns on Coconut Road.

The road is becoming increasingly dangerously congested, especially with the construction going on.

What are you thinking? It is a two lane road with virtually no shoulder. How are you going to widen it? Who is going to repair it after the thousands of dump trucks and construction vehicles conclude their destruction?

We were dismayed when the proposed plan went through. Now the developer is asking for more units? That is an absurd proposition. We object and many of our neighbors object too.

Please listen to us. This development lacks the adequate access infrastructure to increase the scope of the project. How far will you allow the developer to push their agenda. Please stand up to them and tell them that enough is enough. We have witnessed our representatives continually cave to the wishes of developers who are driven by greed.

We hope you will do the right thing and not go along with this expansion.

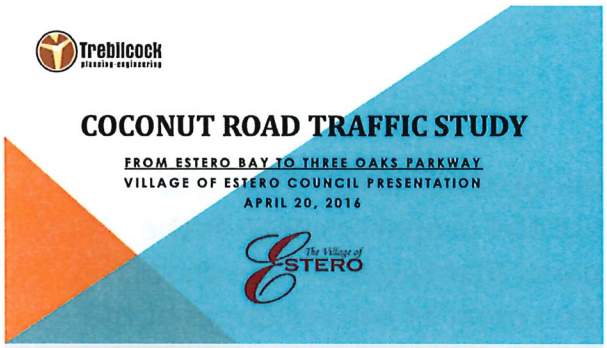
Most respectfully.

Mike & Sheri Lavallee
4721 Via Del Corso Lane
Unit 402
Bonita Springs FL 34134

Workman, Elizabeth

From: Susan Jacobi <susanmjacobi@gmail.com>
Sent: Wednesday, June 18, 2025 1:48 PM
To: Workman, Elizabeth
Subject: DRI 2024-00001 and DCI 2023-00052

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Coconut-Road-Traffic-Study-Presentation-04-20-2016R3
PDF Document · 6.5 MB

Ms Workman,
Is there another roadway that could be accessed for this development? The people on the north side of Coconut road currently have a difficult time exiting the complexes and this additional traffic is going to produce more congestion. Additionally there should be an alternate route to exit the area near the Hyatt for emergencies . I am not in favor of adding more congestion to an already compromised road! Also, why are there no Berms along Coconut Road(west of 41) to protect the communities from noise? Most other complexes have barriers to abate the noise?

Than you

Sue Jacobi

Workman, Elizabeth

From: Anthony Fabiano <anthonyrfabiano@gmail.com>
Sent: Wednesday, June 18, 2025 1:43 PM
To: Workman, Elizabeth
Subject: DRI2024-00001 and DC12023-00052

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear Ms. Workman,
I am a member of The Colony Section of Pelican Landing which is the 1200 unit residential homeowners association which is south of the property which is the subject of the two referenced matters. It is unfortunate that the hearings on this very serious matter will take place during a time when most of the residents of the Colony are no longer in town.

The only written communication that we residents of the Colony received regarding this substantial change to the Pelican Landing DRI was a letter (dated May 2 but received in the mail on or around May 27) from RVI Planning which mentioned the increase in residential units and hotel rooms but states "A public hearing date has not yet been set."'

I have reviewed the staff's report regarding the DRI amendment and have the following
comments.
1. It is stated that the property abuts Coconut Road "which is a County- maintained collector road that connects to US 41". Coconut Road is in fact the only means of ingress and egress from the subject property and the substantial portion of Coconut Road to US 41 is maintained by the Village of Estero.
2. Coconut Road is the only means of ingress and egress for the existing Hyatt Regency Hotel, all of the development known as Salt Leaf (which is where such additional units and hotel rooms would be built), the existing timeshare units, all of the single family home developments along Coconut Road to US 41. It is also the major means of ingress and egress for the approximately 1200 residential units in the Colony and will be the major means of ingress and egress for the development proposed at the northwest corner of Coconut Road and US 41.
3. Coconut Road is one lane in each direction, and it is infeasible to widen Coconut

Road for additional thru lane traffic.
4. The Estero Fire Department has docked its rescue boat at the end of Coconut Road by Estero Bay.
5. Coconut Road today is a failed road for traffic.
6. Currently there is under construction (a)4 high rise residential towers,(b) a public marina and (c) a waterfront restaurant, which will only add more traffic onto this already failed road.
7. Coconut Road is the access road for emergency vehicles.
8. Recently because of an accident Coconut Road was closed for a substantial amount of time creating serious issues for everyone using Coconut Road as their means of ingress and egress.
9. The DRI contemplated the office and retail space would be located in the corridor by US 41 which is currently built out and therefore reducing such space does not have any meaningful impact on the area for which the developer requests an increase in residential units and hotel rooms.

Given all the above factors this increase in development will not only exacerbate the traffic
problem that currently exists, and which will increase but will create substantial additional
problems for emergency services to enter and exit the area.
If this requested change is granted it must be conditioned upon the developer creating an
additional means to access US 41. Respectfully submitted,

Anthony R fabiano
5051 Pelican Colony Blvd. Unit 1001
Bonita Springs, FL 34134
978-761-6162

Workman, Elizabeth

From: robert kelly <treboryllek@gmail.com>
Sent: Wednesday, June 18, 2025 12:54 PM
To: Workman, Elizabeth
Subject: DRI increase request by London Bay / Salt Leaf

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Ladies and or Gentlemen,
As a full time Florida resident and long time owner and full time resident of the Palermo at 4875 Pelican Bay Blvd, Bonita Beach, Florida 34134 I'm am strongly opposed to the DRI Increase Request by London Bay / Salt Leaf. I don't want this expansion request approved.
Thank You and Sincerely,
Robert J. Kelly (Unit #1204)

Sent from my iPad

Workman, Elizabeth

From: JAY FREILICH <jdfreilich@aol.com>
Sent: Wednesday, June 18, 2025 12:48 PM
To: Workman, Elizabeth
Subject: DRI increase request

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear Sir
We are opposed to any increase in density in residential buildings serviced by coconut rd from 41 to Estero bay , due to the increasing traffic and potential for gridlock. As residents of the colony, we are concerned for the negative impact on all the pre existing communities on coconut rd.
Thank you,
Maxine and Jay Freilich
23750 via trevi way
#202
Estero
Sent from my iPhone

Workman, Elizabeth

From: haroldstraka@aol.com
Sent: Wednesday, June 18, 2025 12:42 PM
To: Workman, Elizabeth
Subject: Change in density proposed by London Bay/Saltleaf

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

My name is Harold Straka, and I have resided in The Colony (part of Pelican Landing) for the past 25 years. I am a year-round resident. I utilize Coconut Road multiple times each day. I have read the request made by London Bay/Saltleaf for increases in the density of that development. As should be obvious to anyone who spends any time in this area and who utilizes Coconut Road, the proposal should NOT be approved. Among the reasons for this conclusion beyond common sense are the following:

-- If allowed, the increase in density will unquestionably increase the level of vehicle traffic on Coconut Road to an unacceptable extent. This would strain an already overburdened roadway and negatively affect the current residents and their ability to safely rely on Coconut Road on a day-to-day basis, not to mention increasing the time it would take to fully evacuate these residents during a major hurricane.

-- There is no realistic ability to expand Coconut Road's capacity to handle the additional traffic that would follow from approval of the requested increase in Saltleaf density. The use of traffic circles along the roadway would do little or nothing to improve the situation, should the increaded density be approved.

-- it is obvious that sufficient widening of Coconut Road could only take place through condemnation of substantial existing residential housing along the roadway, and clearly the cost of doing so would be prohibitive.

For the above and other reasons, I respectfully request that the Saltleaf request be DENIED.

Harold Straka
24021 Addison Place Court

Workman, Elizabeth

From: Walter Beaver <drwbeaver@aol.com>
Sent: Wednesday, June 18, 2025 12:06 PM
To: Workman, Elizabeth
Subject: coconut point density

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

The original density limitations on the Salt Leaf and Pelican Landing areas was placed with good forethought. The current infrastructure will not properly support exceeding these limitations.
As you consider the requests to allow increases to the density, please recognize that the people who already live here and pay taxes here are greatly influenced by your decision. Giving in to the request so that the developer can reap profits is contrary to the wishes of the current residents.
I urge you to vote no!

Walter Beaver MD
24011 Via Castella Dr
Bonita Springs Fl 34134

Workman, Elizabeth

From: Michael Dunn <mdunn@michaeldunnco.com>
Sent: Wednesday, June 18, 2025 11:43 AM
To: Workman, Elizabeth
Subject: DRI2024-00001 and DC12023-00052

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear Ms. Workman,
I am a resident of The Colony , south of the property which is the subject of the two referenced matters. It is unfortunate that the County & Developer have purposely scheduled a hearings, on this very serious matter, to take place during a time when most of the residents of the Colony and surrounding community, which will be seriously impacted, are no longer in resident in SWF.

The only written communication that we received regarding this substantial change to the Pelican Landing DRI, was a letter (dated May 2 but received in the mail on or around May 27) from RVI Planning, which mentioned the increase in residential units and hotel rooms but states "A public hearing date has not yet been set.'" How quickly that changed!

After a review of the available information regarding the DRI amendment, I have the following comments:
1. It is stated that the property abuts Coconut Road "which is a County- maintained collector road that connects to US 41". Coconut Road is in fact the only means of ingress and egress from the subject property and the substantial portion of Coconut Road to US 41 is maintained by the Village of Estero.
2. Coconut Road is the only means of ingress and egress for the existing Hyatt Regency Hotel, all of the development known as Salt Leaf (which is where such additional units and hotel rooms would be built), the existing timeshare units, all of the single family home developments along Coconut Road to US 41. It is also the major means of ingress and egress for the approximately 1200 residential units in the Colony and will be the major means of ingress and egress for the development proposed at the northwest corner of Coconut Road and US 41.
3. Coconut Road is one lane in each direction, and it is infeasible to widen Coconut Road for additional thru lane traffic.
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7. Coconut Road is the access road for emergency vehicles.

8. Recently, because of an accident, Coconut Road was closed for a substantial amount of time creating serious issues for everyone using Coconut Road as their only means of ingress and egress.
9. The DRI contemplated the office and retail space would be located in the corridor by US 41 which is currently built out and therefore reducing such space does not have any meaningful impact on the area for which the developer requests an increase in residential units and hotel rooms.

Given all the above factors, this increase in development will not only exacerbate the traffic problem that currently exists, and which will increase, but will create substantial additional problems for emergency services to enter and exit the area.
This requested change must be denied until such time as all the Developers, in the process of constructing over 300 new high rise residential units, and the County provide the Community, using the impact fees, a comprehensive plan to build an additional means to access US 41.

Respectfully submitted,

Mike Dunn
23850 via Italia Cr.
Unit 1501
Estero, FL 34134
610-349-6104

Workman, Elizabeth

From: jingrass45 <jingrass45@comcast.net>
Sent: Wednesday, June 18, 2025 11:30 AM
To: Workman, Elizabeth
Subject: SALT LEAF's REQUEST FOR HIGHER DENSITY

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

The unreasonable request for a signifcant increase in condo units and hotel rooms by Salt Leaf negatively affect all the existing residents using Coconut Road. It presently is hazardous now when left-hand turns have to be made to enter Coconut Road from the various communities, inducing residents to make risky turns to finally get onto Coconut.

The road is at capacity now. Density increase is irresponsible. An a circle or a round-a-bout as a solution isn't really effective. As an example, the round-a-bout on Old 41 and Terry Drive in Bonita Springs. That round-a-bout backs up traffic, produces congestion, and frustrate drivers, prompting some drivers to make risky driving decisions. It was better before the round-a-bout. The round-a-bout only made it worse. Let's not repeat that failure.

Sent from Samsung Galaxy smartphone.

Workman, Elizabeth

From: Terese Yee <tyee858@gmail.com>
Sent: Wednesday, June 18, 2025 11:26 AM
To: Workman, Elizabeth
Subject: Density increase for SaltLeaf development

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Ms. Workman,

I am a resident of The Colony. This email is to express my opposition to a proposal to change the density requirements for the SaltLeaf development.
My concerns are the same issues that The Colony Foundation has expressed to you so I won't reiterate them here. Please take into consideration my objections and those of my neighbors from a safety and quality of life viewpoint.

Cordially, Terese Yee
4721 Via del Corso Ln. Unit 201 Bonita Springs, FL 34134

Sent from my iPad

Workman, Elizabeth

From: E P Rosenberg <24ermail@gmail.com>
Sent: Wednesday, June 18, 2025 11:24 AM
To: Workman, Elizabeth
Subject: Please: In considering the recent SALTLEAF request, do not further be responsible for increasing already dangerous and horrible traffic conditions and ruining the entire area.

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

The SALTLEAF request is unacceptable!! Why is Lee County even considering this additional request? Were our county personnel not aware of basics like traffic, safety, possible demands to increase the Coconut Road access, additional costs for taxpayers and BASIC QUALITY of LIFE that you have already compromised? If it is approved, I am afraid that all of the Lee County officials who have favored this proposal will be suspect: the proposal does not make sense. If allowed, all the additional traffic, health concerns, quality of life issues created by the increase of residential units and hotel rooms will, WITHOUT ANY DOUBT, make an already unsafe and untenable situation worse. Those of us who live in the Colony will be assured that Lee County officials are not working on behalf of Lee County RESIDENTS.

To approve of this increase in number of residencies exacerbates an already stressed infrastructure with access roads and creates a wide range of additional demands -- not only on current residents but on Lee County!!! Please: **STOP! It is not good for those of us who live in the area, and is only good for the Saltleaf corporation.**

Victor and Eileen Rosenberg
23850 Via Italia Circle #905
Estero, FL 34134
239-676-9147

Workman, Elizabeth

From: Charles Simons <charles.simons@gmail.com>
Sent: Wednesday, June 18, 2025 11:20 AM
To: Workman, Elizabeth
Subject: Proposed increase in DRI

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

To whom it may concern:
My wife as well as myself object to the above stated proposal.
Sincerely,
Charles & Alice Simons
4875 Pelican Colony Blvd. #2102
Bonita Springs, FL 34134
Charles M. Simons, DDS, MSD
765-431-4829
dr@simonscentral.com

Workman, Elizabeth

From: George Bauernfeind <ggb1005@gmail.com>
Sent: Wednesday, June 18, 2025 11:03 AM
To: Workman, Elizabeth
Cc: bobtloos@gmail.com
Subject: Proposed density increase for SaltLeaf

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear Ms. Workman:

This is to respectfully request that you not grant the proposed density increase for the SaltLeaf development. As a seventeen-year owner in the Colony, 1) I accept and understand that there will always be new development, especially in the beautiful area in which we live, but 2) this requested increase is "over the top" in terms of corporate grab of profits at the direct expense and inconvenience of property owners, both current as well as future.

I am a seasonal resident, so unfortunately will not be able to appear in person for any meetings held this summer. I see no great rush to this application, however, and strongly urge that any hearings be held in the winter season so all of our voices can be heard in person.

I agree with and endorse all of the points made by our very capable Colony Foundation President, Mr. Bob Loos. Bob has worked, and continues to work, tirelessly for our community. All of these points must be taken seriously:

1. It is stated that the property abuts Coconut Road "which is a County- maintained collector road that connects to US 41". Coconut Road is in fact the only means of ingress and egress from the subject property and the substantial portion of Coconut Road to US 41 is maintained by the Village of Estero.
2. Coconut Road is the only means of ingress and egress for the existing Hyatt Regency Hotel, all of the development known as Salt Leaf (which is where such additional units and hotel rooms would be built), the existing timeshare units, all of the single family home developments along Coconut Road to US 41. It is also the major means of ingress and egress for the approximately 1200 residential units in the Colony and will be the major means of ingress and egress for the development proposed at the northwest corner of Coconut Road and US 41.
3. Coconut Road is one lane in each direction, and it is infeasible to widen Coconut Road for additional thru lane traffic.
4. The Estero Fire Department has docked its rescue boat at the end of Coconut Road by Estero Bay.
5. Coconut Road today is a failed road for traffic.
6. Currently there is under construction (a) 4 high rise residential towers,(b) a public marina and (c) a waterfront restaurant, which will only add more traffic onto this already failed road.
7. Coconut Road is the access road for emergency vehicles.
8. Recently because of an accident Coconut Road was closed for a substantial amount of time creating serious issues for everyone using Coconut Road as their means of ingress and egress. 9. The DRI

contemplated the office and retail space would be located in the corridor by US 41 which is currently built out and therefore reducing such space does not have any meaningful impact on the area for which the developer requests an increase in residential units and hotel rooms.

Thank you for your consideration.

George Bauernfeind
Florencia at the Colony, Unit 1006
Former President, Florencia at the Colony Condominium Association

Workman, Elizabeth

From: Ken Filbin <kjfilbin@gmail.com>
Sent: Wednesday, June 18, 2025 10:56 AM
To: Workman, Elizabeth
Subject: DRI request by London Bay/Salt Leaf

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

This is to communicate my opposition to the DRI request from London Bay.
I am a resident of Pelican Landing/Colony and reside next to Coconut Rd. Every several months London Bay amends their plans for the Salt Leaf project. They seem to do this in small steps to minimize attention and community resistance. It started out as an independent living facility and has now become a huge residential complex built in a flood plane at the end of a busy dead end 2 lane road. Furthermore,there is a large commercial/residential development planned at the other end of that portion of Coconut Rd and 41. Coconut Rd is NOT subject to widening due to existing residential density between the Salt Leaf development and Rt 41. There are many reasons to reject the London Bay DRI request which you have likely received from local residents with which I agree.
I simply ask that Lee County officials responsible for controlling growth use common sense and reject this request.
Thank you.

Ken & Sandi Filbin
4780 Via Del Corso Ln
Bonita Springs, FL

Workman, Elizabeth

From: Connelly, Evans <evans.connelly@ubs.com>
Sent: Wednesday, June 18, 2025 10:48 AM
To: Workman, Elizabeth
Cc: Connelly, Evans
Subject: June 18, 2025 Note from Evans Connelly Palermo Unit #404
Attachments: Legal Disclaimer.txt

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Good Morning-

Please enter my name Evans E Connelly Jr of the Palermo Unit #404 at 4875 Pelican Colony Blvd Bonita Springs FL 34134 as OBJECTING to the Proposed Increase in Hotel and Residential Units in SALTLEAF.

Since we moved into the Palermo in January 2024, Coconut Road has increasing become busier and much more prone to back ups at Highway 41. Falt out the area CANNOT support more persons/traffic.

Thank you.

Evans Connelly, Jr.
Cell 651-357-5386

Evans "Chip" Connelly, Jr., CRPC®
Senior Vice President – Wealth Management
Wealth Advisor

CHMC Wealth Management
UBS Financial Services, Inc.
8500 Normandale Lake Blvd, Suite 210
Bloomington, MN 55437
Direct (651) 229-6070 / (877) 365-3303 | **Cell** (650) 346-9129 | **Fax** (877) 540-1003
Email evans.connelly@ubs.com

CA License #4093987
MN License UBS#IA-4310 34269

Forbes Best-In-State Wealth Management Team for 2025.
Forbes Best-In-State Wealth Management Team for 2024.
Forbes Best-in-State Wealth Management Teams, 2023.

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Eligibility for the above awards is based on quantitative factors and is not necessarily related to the quality of the investment advice. For more information on third party rating methodologies, please visit www.ubs.com/us/en/designation-disclosures

https://advisors.ubs.com/chmcwealthmanagement/

Let's connect on LinkedIn

Workman, Elizabeth

From: David de Roulet <dave.deroulet@gmail.com>
Sent: Wednesday, June 18, 2025 10:53 AM
To: Workman, Elizabeth
Subject: Coconut Rd.

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear Ms. Workman,

I am writing to express my concern about the impact of greater traffic volume on Coconut Road due to changes cited in DRI2024-00001 and related documents. As a resident of the Colony at Pelican Landing, I am forced to use Coconut all the time. It's a disaster during "season" and can be difficult in the off-season months as well. It seems to be getting too narrow for current traffic volume.

Once the retail/hotel complex at the intersection of Coconut and US-41 is operating, it will even be more difficult to access and use Coconut Rd. The combination of greater density at the water's edge and the new complex at the 41/Coconut intersection will overload all of the infrastructure in the area.

Please take the interests of current residents into account as you plan for further development in the Coconut Rd. area.

--
David G. de Roulet, 4610 Colony Villas Dr., Bonita Springs
(908) 963-9671
dave.deroulet@gmail.com

Workman, Elizabeth

From: Bill Prakap <wprakap@hotmail.com>
Sent: Wednesday, June 18, 2025 10:44 AM
To: Workman, Elizabeth
Subject: DRI increase request by London Bay/Saltleaf

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear Ms. Workman,

I'm sure you have been made are aware of the detrimental impact that moving this zoning request forward will have on all those existing communities that use the already overburdened, single lane, Coconut Rd .
Please do the right thing deny the London Bay/Saltleaf request for zoning change.

Thank you,

William and Donna Prakap
23850 Via Italia Cir.
Estero Florida

Workman, Elizabeth

From: carolanne mccorry <carolannecc@yahoo.com>
Sent: Wednesday, June 18, 2025 10:30 AM
To: Workman, Elizabeth
Subject: Saltleaf Proposal

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Ms Workman, I am a Colony resident and totally OBJECT to the proposed development that affects current increasing traffic on Coconut Rd. It clearly will affect and hinder EMERGENCY vehicles from getting to my community. I want to maintain my personal safety. Please do not allow this new proposal. Carolanne McCorry
Sent from my iPad

Workman, Elizabeth

From: Adams, Joseph
Sent: Wednesday, June 18, 2025 10:26 AM
To: Joan Baker
Cc: Dist1, Kevin Ruane; Dist2, Cecil Pendergrass; Dist3, David Mulicka; Dist4, Brian Hamman; Dist5, Michael Greenwell; Wesch, Richard; Jacob, Michael; Workman, Elizabeth
Subject: Opposition to Increasing Density - London Bay's Development on Coconut Road

Good morning,

A copy of your below e-mail in which County Commissioners were included, has been forwarded to our office for a response concerning the County's *ex parte* communication rule.

Lee County Land Development Code §2-191 makes it unlawful for anyone to communicate with a Commissioner with respect to the merits of any proposed, anticipated, or pending zoning case unless the communication takes place during a scheduled public hearing. As a result, your e-mail is an "*unauthorized communication*" insofar as it seeks to discuss the merits of a rezoning request outside of the public hearing process.

If you have any questions regarding participation in the public hearing process you can reach out to Lee County zoning staff to discuss the specifics of the forthcoming public hearings. The zoning planner assigned to this case, Beth Workman, can be reached at eworkman@leegov.com or (239) 533-8793.

Many residents are not familiar with this rule and unintentionally attempt to communicate with County Commissioners in violation of the rule. Please note, additional attempts to communicate with any Commissioner or their Executive Assistant, outside of an appropriately advertised public hearing with regard to the merits of the zoning request will be considered to be an intentional violation of the County Ordinance.

Thank you.

Joseph A. Adams
Assistant County Attorney
Lee County Attorney's Office
(239) 533-2236 (telephone)
(239) 485-2106 (facsimile)
JAdams@leegov.com

From: Joan Baker <jebaker03k@gmail.com>
Sent: Tuesday, June 17, 2025 9:04 AM
To: Dist1, Kevin Ruane <DIST1@leegov.com>; Dist2, Cecil Pendergrass <dist2@leegov.com>; Dist3, David Mulicka <dist3@leegov.com>; Dist4, Brian Hamman <dist4@leegov.com>; Dist5, Michael Greenwell <Dist5@leegov.com>
Subject: Opposition to Increasing Density - London Bay's Development on Coconut Road

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

RE: DRI2024-00001 DCI2023-00052

Dear Commissioners,
My husband, Richard, and I live in the Merano neighborhood of the Colony of Pelican Landing. Merano is a small neighborhood who's north side butts up to Coconut Road. We bought our home in 2006.

We strongly oppose increasing the density of this area. We have seen what the existing increase in building has done and to envision more being allowed is alarming.

Coconut Road currently is somewhat dangerous, particularly during rush hours when workers are coming or going. We have swerving trucks, people taking risks to get where they are going, and even some mild road rage and daily traffic noise pollution. Today we almost always have a wait at our Colony Gate Entrance, as too many people are trying to get through the gate. Wait times at the corner of Coconut Road and Hwy 41 are irritatingly long as too many cars are in line to exit or enter. There are simply too many people already using this egress. We have waited as long as 12 minutes at this interception because of density.

We also do think and worry about emergency access to our neighborhood. In a life and death situation, can an ambulance get through on a 2 lane road?

Overbuilding everywhere in Florida is ruining Florida. Think of the impact to our resources; water, health care, wildlife and more. For what purpose are we overbuilding?

Please consider our concerns. Thank you for the work you do to make our communities better.

Sincerely,
Joan and Richard Baker

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

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

Workman, Elizabeth

From: Adams, Joseph
Sent: Wednesday, June 18, 2025 10:22 AM
To: stevebooda@gmail.com
Cc: Dist3, David Mulicka; Workman, Elizabeth
Subject: DRI2024-00001 and the rezoning case: DCI2023-00052

Good morning,

A copy of your below e-mails in which a County Commissioner was included, has been forwarded to our office for a response concerning the County's *ex parte* communication rule.

Lee County Land Development Code §2-191 makes it unlawful for anyone to communicate with a Commissioner with respect to the merits of any proposed, anticipated, or pending zoning case unless the communication takes place during a scheduled public hearing. As a result, your e-mail is an "*unauthorized communication*" insofar as it seeks to discuss the merits of a rezoning request outside of the public hearing process.

If you have any questions regarding participation in the public hearing process you can reach out to Lee County zoning staff to discuss the specifics of the forthcoming public hearings. The zoning planner assigned to this case, Beth Workman, can be reached at eworkman@leegov.com or (239) 533-8793.

Many residents are not familiar with this rule and unintentionally attempt to communicate with County Commissioners in violation of the rule. Please note, additional attempts to communicate with any Commissioner or their Executive Assistant, outside of an appropriately advertised public hearing with regard to the merits of the zoning request will be considered to be an intentional violation of the County Ordinance.

Thank you.

Joseph A. Adams
Assistant County Attorney
Lee County Attorney's Office
(239) 533-2236 (telephone)
(239) 485-2106 (facsimile)
JAdams@leegov.com

From: stevebooda@gmail.com <stevebooda@gmail.com>
Sent: Wednesday, June 18, 2025 8:38 AM
To: Dist3, David Mulicka <dist3@leegov.com>
Subject: DRI2024-00001 and the rezoning case: DCI2023-00052

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear Mr. Mulicka:
We are writing you as Residents of The Colony at Pelican Landing.
Referencing the above, we have read the petition from the developer and each of the legal documents and strongly disagree with the potential approval of the density increase that appears will be approved without dissent by the county and possibly the cities of Bonita Springs and Estero.
Lee County, along with both the city of Bonita Springs and Village of Estero, need to do their due diligence on the impact of these proposed changes on the neighborhoods along Coconut Road and the already overload of traffic along Coconut Rd.
The proposed density increase by the developer will not only exacerbate the traffic problem that currently exists but will create substantial problems for emergency services to enter and exit the area. It will also strongly impact a currently overstressed water system.

Coconut road west of 41 is a narrow two-lane road (in/out) having only a few or no turn lanes for access into communities/connecting roads/businesses/etc.

If this requested change is even considered, approval must be conditioned upon the developer creating an additional means to access US 41. A blanket approval of this petition without changes to the infrastructure and traffic flow is just NOT acceptable.

We are asking that the 3 governing entities jointly take the necessary responsibilities to address modifying the road to accommodate the development and give careful consideration to the already stressed water system or deny this petition.

Respectfully submitted,
Steve and Karen Boodakian
23821 Merano Court
Estero, FL

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

Workman, Elizabeth

From: apcslw@aol.com
Sent: Wednesday, June 18, 2025 10:22 AM
To: Workman, Elizabeth
Subject: the proposed density increase for SaltLeaf

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Let it be known that I oppose the Proposed Density increase of Salt leaf!
This increase would ruin our community's look and feel and only create more traffic than we already have. I relocated from Naples to avoid the congestion there. Fewer and fewer people are coming to Naples and Bonita and some are leaving because of the congestion and this proposal will only create more! Please tell me who this will benefit!!
Sharon Wiggs
4711 Via Del Corso Ln. #102
Bonita Springs, 34134

Sent from the all new AOL app for iOS

Workman, Elizabeth

From: Guy Shampaine <docgss@gmail.com>
Sent: Wednesday, June 18, 2025 10:21 AM
To: Workman, Elizabeth
Subject: DRI2024-00001 and DC12023-00052

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear Ms. Workman,

I am writing about the upcoming hearing about the Pelican Landing DRI amendment. It is unthinkable for me that the hearing is scheduled when literally 80% of the impacted Florida citizens are gone and therefore cannot attend the hearings. To contemplate that the hearings on this very serious matter will take place during a time when most of the residents are gone, is disturbing and does not represent a democratic process, or the spirit of letting the affected voices be heard on this issue.

The only written communication that our residents in the Colony received regarding this substantial change to the Pelican Landing DRI was a letter (dated May 2 but received in the mail on or around May 27) from RVI Planning which mentioned the increase in residential units and hotel rooms but states "A public hearing date has not yet been set.'" Then only to find out that the hearing is 23 days later

I have the following comments.

1. It is stated that the property abuts Coconut Road "which is a County- maintained collector road that connects to US 41". Coconut Road is in fact the only means of ingress and egress from the subject property and the substantial portion of Coconut Road to US 41 is maintained by the Village of Estero.
2. Coconut Road is the only means of ingress and egress for the existing Hyatt Regency Hotel, all of the development known as Salt Leaf (which is where such additional units and hotel rooms would be built), the existing timeshare units, all of the single family home developments along Coconut Road to US 41. It is also the major means of ingress and egress for the approximately 1200 residential units in the Colony and will be the major means of ingress and egress for the development proposed at the northwest corner of Coconut Road and US 41.
3. Coconut Road is one lane in each direction, and it is infeasible to widen Coconut Road for

additional thru lane traffic.
4. The Estero Fire Department has docked its rescue boat at the end of Coconut Road by Estero Bay.
5. Coconut Road today is a failed road for traffic.
6. Currently there is under construction (a)4 high rise residential towers,(b) a public marina and (c) a waterfront restaurant, which will only add more traffic onto this already failed road.
7. Coconut Road is the access road for emergency vehicles.
8. Recently because of an accident Coconut Road was closed for a substantial amount of time creating serious issues for everyone using Coconut Road as their means of ingress and egress.
9. The DRI contemplated the office and retail space would be located in the corridor by US 41 which is currently built out and therefore reducing such space does not have any meaningful impact on the area for which the developer requests an increase in residential units and hotel rooms.

Given all the above factors this increase in development will not only exacerbate the traffic problem that currently exists, and which will increase but will create substantial additional obstacles for emergency services to enter and exit the area.

The dramatic increase in density and traffic will not only decrease the quality of life for residents, but potentially degrade the environment of the Estero Bay watershed.

I oppose the changes in the development plan which only serve the developers interests, who were familiar with the DRI when they began, who will then leave to strip mine other priorities. Coconut Road is unique inasmuch as three jurisdictions are involved and improvements are almost impossible.

Respectfully,

Guy Shampaine
24022 Via Castella Dr,., Apt 2504, Bonita Springs, FL 34134

Workman, Elizabeth

From: Jane Bryan <janebryan24@msn.com>
Sent: Wednesday, June 18, 2025 10:15 AM
To: Workman, Elizabeth
Subject: Salt Leaf

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

As owners in the Colony, we are very concerned of the proposal to add more rooms and buildings in Salt Leaf. Coconut Road cannot manage dense traffic. It would be a safety concern for all the resident in this area.
Thank you for your consideration in this matter.
Jane and Bill Bryan
3302 Via Castella Dr
Bonita Springs, Fl.

Workman, Elizabeth

From: Kylius Jones <kyliusj@gmail.com>
Sent: Wednesday, June 18, 2025 10:12 AM
To: Workman, Elizabeth
Subject: London Bay proposal to increase density of housing DRI2024-0001 and DC12023-0052

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear Ms. Workman,
My wife and I are full time residents of Pelican Landing and have been since 2012. We are concerned that approval of these proposals would have many negative impacts on our community and on other Estero residents. We are also disappointed that the proposal came as a surprise to many of us and that proper processes may not have been followed. We have read the letter from the president of The Colony at Pelican Landing Foundation, Rober T. Loos, has written to you. We are in full agreement with him that approval of this proposal should be denied. At the very least a delay should be granted so that more Pelican Landing and Estero residents have the opportunity to evaluate the proposal.
Yours very truly,
Kylius J and Diane P Jones
23750 Via Trevi Way #1103, Estero, FL 34134

Workman, Elizabeth

From: Donna Geller <donna.f.geller@gmail.com>
Sent: Wednesday, June 18, 2025 10:09 AM
To: Workman, Elizabeth
Subject: Coconut Road traffic

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

I cannot emphasize how strongly I agree with everything Robert Loos wrote in his previous email to you! Coconut Road is already a disaster, and with the already approved community on the corner of Coconut and 41 coming soon it will be unbelievably difficult for those of us who live in the Colony. I urge you not to allow extra units etc. in Salt Leaf to further this already terrible situation!
Thank you for your attention to this vital matter.
Sincerely,
Donna Geller
Treviso at the Colony #904

Workman, Elizabeth

From: Ann Marie Willinger <amwillinger@icloud.com>
Sent: Wednesday, June 18, 2025 9:31 AM
To: Workman, Elizabeth
Cc: Chuck
Subject: Proposed Density increase for Saltleaf

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As a resident of The Colony, I strongly object to the proposed increase in density for this development. Coconut Road is a small, two lane road that is currently over-used. To even contemplate the addition of this amount of new residential units with its concomitant additional traffic is, in a word, crazy. I encourage you to take a trip down this road and see for yourself the very apparent limitations that clearly impede additional traffic as contemplated by the proposed increase in density. The negative impact on all current occupants of properties located on Coconut Road in the event this proposal comes to fruition will be devastating.

Sincerely,

Ann Marie Willinger
4781 Via Del Corso Lane unit 102
Bonita Springs, FL 34134

Sent from Ann Marie Willinger's IPad

Workman, Elizabeth

From: Sharon <o1976@aol.com>
Sent: Wednesday, June 18, 2025 9:45 AM
To: Workman, Elizabeth
Subject: Increased Density Caused by SaltLeaf Project

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear Sir and/or Madam:

As a resident of The Colony I write to express my objection to the plan of the SaltLeaf Project which will have the following effects: to increase the density of traffic; incur a significant cost, cause a lot of inconvenience, dirt and dust and disruption to homeowners; contribute to the damage to the beauty and the aesthetics of the area and lead to a problem for the overall morale of people living there.

It seems that big money is trying to exert power and the voice of the people is not being heard.

Please do what is right for the people.

Sincerely,
Sharon R. O'Brien
The Colony
Sent from AOL Mobile Mail

Workman, Elizabeth

From: Nancy Blay <njblay1@gmail.com>
Sent: Wednesday, June 18, 2025 9:44 AM
To: Workman, Elizabeth
Subject: DRI2024-0001 and DC12023-00052

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

As a 25 year resident of The Colony it would be dire to our community if these Proposals were to be passed.
Sent from my iPad

Workman, Elizabeth

From: Heather Miller <HMiller@freedomfinancialbank.com>
Sent: Wednesday, June 18, 2025 9:14 AM
To: Workman, Elizabeth
Cc: miller.casey@principal.com
Subject: Objection to DRI increase by London Bay/Saltleaf

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

To Whom It May Concern:

My husband and I purchased a home in The Colony last year, after having a place on Bonita Beach Road for the last 30 years. The traffic congestion on the beach road was among one of our top motivating factors for making the move. The location of The Colony was one of desire since the additional development at Salt Leaf would increase traffic to a degree, but be limited. Now this proposal would substantially impact our access and traffic on Coconut Road, which negates part of our reason for moving. We strongly object to changing the DRI to allow for additional development that impacts all neighbors that made financial decisions, much like the Salt Leaf developers, based upon a known and established DRI.

Sincerely,

Casey & Heather Miller
4601 Via Ravenna
Estero, FL 34134

Heather Miller
Freedom Financial Bank
1255 Jordan Creek Parkway
West Des Moines, IA 50266
Direct: 515.226.7680
Main: 515.223.1113

FREEDOM
Financial Bank

This message is intended only for the use of the intended recipient and may contain information that is PRIVILEGED and/or CONFIDENTIAL. If you are not the intended recipient, you are hereby notified that any use, dissemination, disclosure or copying of this communication is strictly prohibited. If you have received this communication in error, please destroy all copies of this message and its attachments and notify us immediately.

Workman, Elizabeth

From: Lorrie Fox <lorriefox2@gmail.com>
Sent: Wednesday, June 18, 2025 9:27 AM
To: Workman, Elizabeth
Subject: DRI request.

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

I strongly oppose increasing the density request. Coconut Road is already congested, making calls for emergency services at peril.
Please take these observations into consideration.

Sent from my iPhone

Workman, Elizabeth

From: Rebekah Bernard <rebekahbernard@gmail.com>
Sent: Wednesday, June 18, 2025 9:26 AM
To: Workman, Elizabeth
Subject: DRI2024-00001 and DC12023-00052

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear Ms. Workman,
I am a resident of The Colony - my husband and I purchased a condo here one year ago. We are year-round residents who are employed full time in Fort Myers/ Bonita Springs.

We are deeply concerned about the proposed DRI amendment and the impact on our community. I refer you to the detailed email sent by the Colony Foundation President Robert T. Loos for the specific reasons why this amendment would negatively impact our neighborhood, but I draw your attention to the specific dangers regarding emergency access on Coconut Road and hurricane risks. As a year round resident who is here during hurricane season, I urge you not to approve this significant expansion in density.

Sincerely,
Rebekah Bernard

--
Rebekah Bernard MD RebekahBernard.com
Gulf Coast Direct Primary Care
17595 S Tamiami Tr #204
Fort Myers FL 33908
239-322-3860 (phone)
239-437-4548 (fax)

Get my book *Patients at Risk*
NEW BOOK *Imposter Doctors*
available June 1, 2023

Workman, Elizabeth

From: MICHAEL S. ROONEY <msr29@roadrunner.com>
Sent: Wednesday, June 18, 2025 9:24 AM
To: Workman, Elizabeth
Cc: colonyfoundation@theiconteam.com
Subject: Density increase for Saltleaf

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear E. Workman,

I oppose the requested increase by London Bay/Saltleaf. I attended the original meeting where the first proposal was made some years ago. I stated that I thought Coconut road was too narrow to handle all the expected additional traffic density from the proposed expansion at that time. I was assured that it would be minor.

Now, they want to do more and we are expected to absorb an enormous amount of traffic density, far beyond what the area and road was intended to handle.

This reminds me of mission creep.

I respectfully request that you deny this request.

Sincerely,

Michael Rooney
Resident of LaScala in the Colony

Workman, Elizabeth

From: Wayne Fisher <whiff263@yahoo.com>
Sent: Wednesday, June 18, 2025 9:22 AM
To: Workman, Elizabeth
Cc: Ellen Perkins
Subject: Coconut Road

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear Ms. Workman:

As a long time Colony and Estero resident I am writing to strenuously object to any change in the current DRI that would greatly increase the traffic density on Coconut Road. The traffic on this road is already very heavy at times and substantially increase it will be both disruptive and a safety concern in the event of an emergency.

Please use your influence to stop this proposed change to the DRI that has been in effect for a long time.

Wayne Fisher
23850 Via Italia Circle, Apt. 2002
Estero, FL, 34134

Sent from Yahoo Mail for iPad

Workman, Elizabeth

From: Peter Karas <carolkaras@sbcglobal.net>
Sent: Wednesday, June 18, 2025 9:24 AM
To: Workman, Elizabeth
Subject: Coconut Road traffic

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

We are residents of Pelican Landings and are concerned about the amount of traffic on Coconut Road.. additional housing is only going to exacerbate a current problem.. we walk the sidewalk on Coconut and the traffic is horrible and the rates of speed are also a problem.

Pete Karas
Sent from my iPhone

Workman, Elizabeth

From: Joseph Vento <jtvmd@yahoo.com>
Sent: Wednesday, June 18, 2025 9:06 AM
To: Workman, Elizabeth
Subject: DRI

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

I'm against increase to London bay /Saltleaf
Joseph Vento
23850 via Italia circle Bonita Springs

Sent from Yahoo Mail for iPhone

Workman, Elizabeth

From: stevebooda@gmail.com
Sent: Wednesday, June 18, 2025 8:29 AM
To: Workman, Elizabeth
Subject: DRI2024-00001 and the rezoning case: DCI2023-00052

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear Ms. Workman:
We are writing you as Residents of The Colony at Pelican Landing.
Referencing the above, we have read the petition from the developer and each of the legal documents and strongly disagree with the potential approval of the density increase that appears will be approved without dissent by the county and possibly the cities of Bonita Springs and Estero.
Lee County, along with both the city of Bonita Springs and Village of Estero, need to do their due diligence on the impact of these proposed changes on the neighborhoods along Coconut Road and the already overload of traffic along Coconut Rd. The proposed density increase by the developer will not only exacerbate the traffic problem that currently exists but will create substantial problems for emergency services to enter and exit the area. It will also strongly impact a currently overstressed water system.

Coconut road west of 41 is a narrow two-lane road (in/out) having only a few or no turn lanes for access into communities/connecting roads/businesses/etc.

If this requested change is even considered, approval must be conditioned upon the developer creating an additional means to access US 41. A blanket approval of this petition without changes to the infrastructure and traffic flow is just NOT acceptable.

We are asking that the 3 governing entities jointly take the necessary responsibilities to address modifying the road to accommodate the development and give careful consideration to the already stressed water system or deny this petition.

Respectfully submitted,
Steve and Karen Boodakian
23821 Merano Court
Estero, FL

Workman, Elizabeth

From: Brian Masterson <brian.masterson@mac.com>
Sent: Tuesday, June 17, 2025 9:06 PM
To: Workman, Elizabeth
Cc: jribble@estero-fl.gov; gargano@estero-fl.gov
Subject: DRI2024-00001 and DC12023-00052

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear Ms. Workman,

I'm writing to you in the hope of persuading Lee County not to approve the referenced changes.

For the past 20+ years, Lee County has been kicking the can down the road regarding adequate design and planning for Coconut Road. Now that two new massive developments are being considered for SaltLeaf ++ and the Route 41 intersection project, we again face a moment in our local history that needs strong political leadership to ensure life-safety of existing residents is protected.

The traffic flow is already dangerous and unless there is willingness to rebuild Coconut Road into a 4-lane main road with additional turn lanes and walking/biking paths, then it will be untenable and dangerous.

I am aware of the Colony Foundation writing to you regarding similar concerns, but I'm still open if there's a way to properly design effective egress/ingress for so many vehicles, bikes, and pedestrians.

Additionally, I strongly feel the road redesign is imperative regardless of the referenced changes. We already need redesign now, before anymore current construction continues.

Thank you for listening,

Brian Masterson
23750 Via Trevi Way
Estero, FL 34134

Workman, Elizabeth

From: Jeffrey Green <jeffrey.jfg@gmail.com>
Sent: Tuesday, June 17, 2025 7:40 PM
To: Workman, Elizabeth
Subject: DRI2024-00001 and DC12023-00052

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

As a concerned homeowner in The Colony, I am writing to express my strong opposition to the proposed DRI amendment under consideration. I am deeply alarmed by the implications this amendment would have on traffic flow, public safety, and overall quality of life for residents and visitors in our area.

It is critical to recognize the following:

1. **Coconut Road is not merely a collector road**—it is the *only* point of ingress and egress for the subject property.
2. Coconut Road serves as the sole access route not only for the **Hyatt Regency Hotel**, but also for the entire **Salt Leaf development** (including the proposed additional residential and hotel units), **existing timeshare units**, multiple **single-family neighborhoods**, approximately **1,200 homes in The Colony**, and the upcoming development at the northwest corner of Coconut and US 41.
3. This is a **two-lane road**, one lane in each direction. Due to physical and planning limitations, Coconut Road **cannot be feasibly widened** to accommodate additional thru traffic.
4. The **Estero Fire Department's rescue boat** is docked at the end of Coconut Road, making this roadway vital for **emergency services access**—a role that cannot be overstated. As the primary access for ambulances, fire trucks, and law enforcement, Coconut Road's limitations present a serious threat to life safety in the event of an emergency or disaster.
5. Ongoing construction along Coconut Road—including **four high-rise residential towers**, a **public marina**, and a **waterfront restaurant**—will soon add even more pressure to this overstressed corridor
6. The original DRI assumed that office and retail uses would be focused near US 41, where infrastructure could better support it. That area is now built out. Reducing office/retail square footage in that corridor provides **no practical mitigation** for the impacts of increased residential and hotel density further west, along an already overburdened roadway.

In conclusion, granting this amendment without requiring a secondary access route to US 41 is not only irresponsible—it is dangerous. It jeopardizes public safety, strains emergency response capabilities, and will only intensify an already critical traffic problem. If the proposed amendment is to be considered at all, it must be **conditioned upon the developer providing an additional, functional point of access to US 41**.

I urge you to stand with the residents of The Colony and the greater Estero community by rejecting this amendment—or by demanding real, actionable solutions before allowing further development.

Respectfully submitted,

--
Jeffrey Green
804-943-9258

Workman, Elizabeth

From: wmckin4685@aol.com
Sent: Tuesday, June 17, 2025 6:19 PM
To: Workman, Elizabeth
Subject: Proposed Saltleaf Development

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

As a resident of the Colony, it's very clear that there is no room for further development of any property that would require Coconut Road for ingress and egress.

It was foolish enough approving the Ritz Carlton project for development but to compound the error by allowing this additional proposed development borders on the absurd. On top of that there is the application for development of the northeast corner of 41 and Coconut Road which seems to be rolling right along despite the reality that no additional commercial development is required.

It would be wise to open your eyes and take a realistic look at things. Lee County should aspire to be more like Naples so that people who live there might travel north to go to Bonita restaurants, Coconut Mall and the like.
Most Naples residents avoid the area entirely now due to traffic which will only get worse with this proposed development.

The appeal of Lee County lessens with every new development. How the approval officials don't see that is beyond me. Maybe it's time you focus on the obvious.

Thank You.

Sent from the all new AOL app for iOS

Workman, Elizabeth

From: Mary Lou Cahill <mlcahill1@optonline.net>
Sent: Tuesday, June 17, 2025 4:52 PM
To: Workman, Elizabeth
Subject: DR12024-00001 and DC12023-00052

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Sent from my iPhone
Dear MsWorkman,
We are opposing the proposed increase London Bay unit increases. We are residents of the Colony and daily need ingress and egress to Coconut Rd to US 41. Currently it's a hazard area due to an increase of traffic due to new towers, hotel traffic. If this request is granted London Bay needs to create additional means to access US 41.
Please consider denying this for safety of all who use Coconut Rd daily.
Sincerely,
Marylou and Tom Cahill
23680 Merano Ct 101
Estero, Fl 34134

Workman, Elizabeth

From: Dennis Hancy <dwhance@verizon.net>
Sent: Tuesday, June 17, 2025 4:31 PM
To: Workman, Elizabeth
Subject: Fw: Pelican Landing DRI regarding increasing density requested by London Bay/Salt Leaf

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

----- Forwarded Message -----
From: Dennis Hancy <dwhance@verizon.net>
To: EWorkman@leegov.com <eworkman@leegov.com>
Sent: Tuesday, June 17, 2025 at 04:22:24 PM EDT
Subject: Fw: Pelican Landing DRI regarding increasing density requested by London Bay/Salt Leaf

Dear Ms. Workman,

My wife and I are residents of the Colony Golf & Bay Club (Cielo Neighborhood) and wanted to express some concerns in regard to the proposed plan from London Bay/Salt Leaf for increasing density at Salt Leaf. We unfortunately cannot attend the June 19th meeting in person but wanted to forward our comments/concerns via email.

Background:

We are year around residents at the Colony- Cielo Neighborhood. We have lived in the Colony for nine years and are the original owner/buyer.
For reference purposes the Cielo neighborhood is directly adjacent to the two lane Coconut Road.....and probably the most directly impacted by current construction and proposed expansion at Salt Leaf. We are a subset of the 1200 Colony residential homeowners impacted by current and future building plans as well as the use of Coconut Road for ingress/egress.

The email sent to you from Bob Loos, the Colony Foundation President, is an excellent summarization of the concerns of the overall Colony Community. In fact, I'd be surprised if the Pelican Landing Association Board (our co-community) hasn't already communicated/summarized the concerns of their 2000 residential homeowners.

Personal Concerns/Comments:

* Noise Level / Traffic Congestion / General Policing

Noise level at our condo is significant. Fifty to sixty construction vehicles a day; 5 days per week; 6:30AM-5:00PM daily operation. Coupled with resident traffic flow for multiple communities along Coconut Road. This is based upon current approved construction and resident population. Traffic congestion is a problem now..

increasing density utilizing a two lane road for access would create a nightmare scenario.

Most construction traffic and many residents do not follow the posted speed limits...we've seen no actions to curb this behavior.

Since the current build-out will take years to complete.....we have years to embrace the noise & congestion & disruption.

* Coconut Road is a failed road for traffic. Inability to widen. Many dips in the roadway allow for major ponding of water during rainstorms (much less hurricanes).

Traffic will oftentimes cross the center line of the road to avoid the deeper ponds. Accident waiting to happen on a two lane road. Drainage adjustments performed to date by the CDD have not remediated the problem.

* Impaired property values

Currently there are more sellers than buyers...which obviously will effect the amount/timing/closing on a property. We, however, have noticed in our neighborhood that based upon noise/traffic/et al. sellers are confronted with longer days on the market and having to offer deep discounts on their properties to close a deal. Not an encouraging sign. One would hope with responsible community development coupled with adequate community infrastructure (roadway access, etc.) property values would be accretive in general. We appear to be entering a period of winners & losers.

Conclusion:

It's unfortunate that an additional means of access to US 41 was not included/required in the initial Salt Leaf approval. We'll have to live with that decision over the next couple years. Any additional development should require the developer creating an additional means of access to US 41. Roadway or barging construction materials over Estero Bay, et al.

Regards,

Dennis & Joanne Hancy
Cielo
4780 Via Del Corso Ln (Unit # 302)
Bonita Springs, Fla. 34134

Workman, Elizabeth

From: Dennis Hancy <dwhance@verizon.net>
Sent: Tuesday, June 17, 2025 4:22 PM
To: Workman, Elizabeth
Subject: Fw: Pelican Landing DRI regarding increasing density requested by London Bay/Salt Leaf

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Dear Ms. Workman,

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Background:

We are year around residents at the Colony- Cielo Neighborhood. We have lived in the Colony for nine years and are the original owner/buyer.
For reference purposes the Cielo neighborhood is directly adjacent to the two lane Coconut Road.....and probably the most directly impacted by current construction and proposed expansion at Salt Leaf. We are a subset of the 1200 Colony residential homeowners impacted by current and future building plans as well as the use of Coconut Road for ingress/egress.

The email sent to you from Bob Loos, the Colony Foundation President, is an excellent summarization of the concerns of the overall Colony Community. In fact, I'd be surprised if the Pelican Landing Association Board (our co-community) hasn't already communicated/summarized the concerns of their 2000 residential homeowners.

Personal Concerns/Comments:

* Noise Level / Traffic Congestion / General Policing

Noise level at our condo is significant. Fifty to sixty construction vehicles a day; 5 days per week; 6:30AM-5:00PM daily operation. Coupled with resident traffic flow for multiple communities along Coconut Road. This is based upon current approved construction and resident population. Traffic congestion is a problem now..

increasing density utilizing a two lane road for access would create a nightmare scenario.

Most construction traffic and many residents do not follow the posted speed limits...we've seen no actions to curb this behavior.

Since the current build-out will take years to complete.....we have years to embrace the noise & congestion & disruption.

* Coconut Road is a failed road for traffic. Inability to widen. Many dips in the roadway allow for major ponding of water during rainstorms (much less hurricanes).
Traffic will oftentimes cross the center line of the road to avoid the deeper ponds. Accident waiting to happen on a two lane road. Drainage adjustments performed to date by the CDD have not remediated the problem.

* Impaired property values
Currently there are more sellers than buyers...which obviously will effect the amount/timing/closing on a property. We, however, have noticed in our neighborhood that based upon noise/traffic/et al. sellers are confronted with longer days on the market and having to offer deep discounts on their properties to close a deal. Not an encouraging sign. One would hope with responsible community development coupled with adequate community infrastructure (roadway access, etc.) property values would be accretive in general. We appear to be entering a period of winners & losers.

Conclusion:
It's unfortunate that an additional means of access to US 41 was not included/required in the initial Salt Leaf approval. We'll have to live with that decision over the next couple years. Any additional development should require the developer creating an additional means of access to US 41. Roadway or barging construction materials over Estero Bay, et al.

Regards,

Dennis & Joanne Hancy
Cielo
4780 Via Del Corso Ln (Unit # 302)
Bonita Springs, Fla. 34134

Workman, Elizabeth

From: Alan goldstein <alsu2829@gmail.com>
Sent: Tuesday, June 17, 2025 4:15 PM
To: Workman, Elizabeth
Subject: Building impacting coconut road

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Please review DRI2024-0001 and DC12023-0052 The concern I have and numerous residents of The Colony of Pelican Landing is that the traffic on coconut road would be adversely impacted by increasing the density of building units accessing coconut road. If you could address the concern at your meetings we would appreciate it. The traffic could end up being a nightmare to the residents living here.

Thank you
Alan Goldstein (resident of Florencia in the Colony)

Workman, Elizabeth

From: Sandee Swearingen <sandeeswearingen@gmail.com>
Sent: Tuesday, June 17, 2025 4:02 PM
To: Workman, Elizabeth
Subject: Subject: DRI2024-00001 and DC12023-00052

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

As a concerned homeowner in The Colony, I am writing to express my strong opposition to the proposed DRI amendment under consideration. I am deeply alarmed by the implications this amendment would have on traffic flow, public safety, and overall quality of life for residents and visitors in our area.

It is critical to recognize the following:

1. **Coconut Road is not merely a collector road**—it is the *only* point of ingress and egress for the subject property.
2. Coconut Road serves as the sole access route not only for the **Hyatt Regency Hotel**, but also for the entire **Salt Leaf development** (including the proposed additional residential and hotel units), **existing timeshare units**, multiple **single-family neighborhoods**, approximately **1,200 homes in The Colony**, and the upcoming development at the northwest corner of Coconut and US 41.
3. This is a **two-lane road**, one lane in each direction. Due to physical and planning limitations, Coconut Road **cannot be feasibly widened** to accommodate additional thru traffic.
4. The **Estero Fire Department's rescue boat** is docked at the end of Coconut Road, making this roadway vital for **emergency services access**—a role that cannot be overstated. As the primary access for ambulances, fire trucks, and law enforcement, Coconut Road's limitations present a serious threat to life safety in the event of an emergency or disaster.
5. Ongoing construction along Coconut Road—including **four high-rise residential towers**, a **public marina**, and a **waterfront restaurant**—will soon add even more pressure to this overstressed corridor
6. The original DRI assumed that office and retail uses would be focused near US 41, where infrastructure could better support it. That area is now built out. Reducing office/retail square footage in that corridor provides **no practical mitigation** for the impacts of increased residential and hotel density further west, along an already overburdened roadway.

In conclusion, granting this amendment without requiring a secondary access route to US 41 is not only irresponsible—it is dangerous. It jeopardizes public safety, strains emergency response capabilities, and will only intensify an already critical traffic problem. If the proposed amendment is to be considered at all, it must be **conditioned upon the developer providing an additional, functional point of access to US 41**.

I urge you to stand with the residents of The Colony and the greater Estero community by rejecting this amendment—or by demanding real, actionable solutions before allowing further development.

Respectfully submitted,

Sandee Swearingen
sandeeswearingen@gmail.com
Mobile: 804-721-8498

Workman, Elizabeth

From: James Fuglsang <jimfplca@gmail.com>
Sent: Tuesday, June 17, 2025 4:00 PM
To: Workman, Elizabeth
Subject: My name is Jim Fuglsang. I am in the colony and Estero. I also am on the PLCA board. The colony board president sent a response to the meeting about London bay. I agree that traffic density will directly impact PLCA and the colony I've lived here ove...

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Sent from my iPhone

Workman, Elizabeth

From: Kathryn Bennett <Kathy.bennett15@outlook.com>
Sent: Tuesday, June 17, 2025 1:27 PM
To: Workman, Elizabeth
Cc: Kathryn Bennett; Larry Bennett
Subject: DRI2024-00001 and DC12023-00052

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Good afternoon Ms. Workman,

My husband and I are longtime residents of The Colony and Pelican Landing (28 years) and have seen a great deal of development all around our community much of which has been welcomed. We have been made aware of the requested amendment to allow for much more residential unit development as well as hotel rooms just to the north of us but also using an already over crowded Coconut Road. My husband and I strongly object to the permitting of the additional development that is being proposed. Increasing residential units and hotel rooms for Salt Leaf will create life and safety issues for the already very populated area up and down Coconut road.

It is our understanding that Coconut Road is not a road that can be widened to allow for even more traffic. Even before adding the proposed developments Coconut road is often backed up and unsafe. Fire and police struggle to make their way into the various communities up and down Coconut Road efficiently when there is a serious issue.

Since my husband and I are not in Florida currently and cannot attend the hearing this week, we are providing this message noting our strong opposition to further development in this already congested area of Bonita/Estero.

Thank you for your consideration,

Kathryn L Bennett & Lawrence J. Bennett
Colony owners

Sent from my iPad

Workman, Elizabeth

From: Adams, Joseph
Sent: Tuesday, June 17, 2025 1:17 PM
To: Elizabeth Nickele
Cc: Dist2, Cecil Pendergrass; Dist3, David Mulicka; Workman, Elizabeth
Subject: DRI2024-00001 and the rezoning case: DCI2023-00052

Good afternoon,

A copy of your below e-mails in which County Commissioners were included, has been forwarded to our office for a response concerning the County's *ex parte* communication rule.

Lee County Land Development Code §2-191 makes it unlawful for anyone to communicate with a Commissioner with respect to the merits of any proposed, anticipated, or pending zoning case unless the communication takes place during a scheduled public hearing. As a result, your e-mail is an "*unauthorized communication*" insofar as it seeks to discuss the merits of a rezoning request outside of the public hearing process.

If you have any questions regarding participation in the public hearing process you can reach out to Lee County zoning staff to discuss the specifics of the forthcoming public hearings. The zoning planner assigned to this case, Beth Workman, can be reached at eworkman@leegov.com or (239) 533-8793.

Many residents are not familiar with this rule and unintentionally attempt to communicate with County Commissioners in violation of the rule. Please note, additional attempts to communicate with any Commissioner or their Executive Assistant, outside of an appropriately advertised public hearing with regard to the merits of the zoning request will be considered to be an intentional violation of the County Ordinance.

Thank you.

Joseph A. Adams
Assistant County Attorney
Lee County Attorney's Office
(239) 533-2236 (telephone)
(239) 485-2106 (facsimile)
JAdams@leegov.com

From: Elizabeth Nickele <elizabethnickele@gmail.com>
Sent: Monday, June 16, 2025 1:53 PM
To: Dist2, Cecil Pendergrass <dist2@leegov.com>
Subject: DRI2024-00001 and the rezoning case: DCI2023-00052

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

I would like to go on record as an owner in the Colony at Pelican Landing that I oppose the increase in density development in the SaltLeaf complex. I believe that the increased congestion and traffic would adversely affect the safety and quality of life of the current residents, In addition, the wildlife and natural habitat would have increased stresses by the additional population.
Thank you for your consideration.
Elizabeth Kentra-Gorey

From: Elizabeth Nickele <elizabethnickele@gmail.com>
Sent: Monday, June 16, 2025 1:54 PM
To: Dist3, David Mulicka <dist3@leegov.com>
Subject: DRI2024-00001 and the rezoning case: DCI2023-00052

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

I would like to go on record as an owner in the Colony at Pelican Landing that I oppose the increase in density development in the SaltLeaf complex. I believe that the increased congestion and traffic would adversely affect the safety and quality of life of the current residents, In addition, the wildlife and natural habitat would have increased stresses by the additional population.
Thank you for your consideration.
Elizabeth Kentra-Gorey

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

Workman, Elizabeth

From: Pam Shaughnessey <pam@sbfairfield.com>
Sent: Tuesday, June 17, 2025 12:30 PM
To: Workman, Elizabeth; SAMUEL BANKS
Subject: DR12024-00001 and DC1202300052

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To Whom It May Concern:

We are owners of a condo at The Colony and have read with interest the petition to increase the number of residents/hotel rooms in the Salt Leak project based on something WCI put in place years ago.

We would like this petition to be denied given the amount of traffic currently on Coconut Road. Since we are at the end of Coconut Road, trucks and cars fly by. You take your life in your hands if you are walking or biking. The increase of cars should this petition pass will be ridiculous.

Coconut Road was never meant to have so much traffic given that it is only a single lane travelling east or westbound. Unfortunately, with the addition of the two new Ritz Carlton towers, traffic has already increased with the construction vehicles barreling down the road. We can only imagine when these two towers are at full occupancy during the winter months, that it will be a bumper to bumper situation.

I hope that you will reconsider this petition and deny it. Best, Pam

Pam Shaughnessey Banks
President
Shaughnessey Banks Funeral Home
50 Reef Rd., Fairfield, CT 06824
203-255-1031
www.shaughnesseybanks.com
Ten Time Recipient of the Pursuit of Excellence Award

Workman, Elizabeth

From: Robert Mattucci <southold360@gmail.com>
Sent: Tuesday, June 17, 2025 12:28 PM
To: Workman, Elizabeth
Subject: Salt Leaf and the proposal to increase density

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear Ms. Workman,

I am a property owner in Pelican Landing (The Colony) and am extremely concerned about the pending DRI and the potential increase in density in the immediate area.

As you know, the only way for ingress and egress is via Coconut Road. Coconut Road is already overutilized and will become more crowded with the building of two new towers in the Colony and also by the two new Ritz Carton towers being developed. Additionally, the Ritz Carlton also includes a restaurant that will be open to the public.

If approved, this will become a life and safety issue for the residents as well as creating massive traffic jams on Coconut Road and US 41. How will EMS, Fire and Police deal with this congestion in the event if an emergency? No doubt the quality of life will be negatively affected.

I implore you not to approve this additional density request.

Respectfully,
Robert and Barbara Mattucci
23760 Merano Ct unit 101
Estero

Workman, Elizabeth

From: Robert compagno <bob.compagno@harbingernational.com>
Sent: Tuesday, June 17, 2025 12:26 PM
To: Workman, Elizabeth
Subject: Salt Leaf Plans for expanded development

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Dear Ms. Workman

I am a resident at the Colony and totally concur with all the points of the email sent by President Robert T. Loos of the Colony Foundation. We are currently at capacity for development in the area of Coconut Point. There is no way that a single lane road can handle expanded plans for development. Coconut Point Road is at a standstill many times of day and with the current plans, we are already maxed! No resident here that I have spoken with approves of further approval in Salt Leaf and we are asking you for thorough evaluation of this project and its impact.

Please recognize we are already beyond 100% capacity today.

Bob Compagno
Resident, Florencia

Workman, Elizabeth

From: Mooneen Mourad <mooneenmouradartist@gmail.com>
Sent: Tuesday, June 17, 2025 12:19 PM
To: Workman, Elizabeth
Cc: Florencia Dennis Weller Board Member; cheryl roe; COLONY Foundation President Bob Loos; A Mooneen USE Mourad A Mooneen USE Mourad; A Dad William A Dad USE William Mourad
Subject: Response to the developer to alter zoning We ask that the request be DENIED completely.

Importance: High

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Hello and thank you for taking the time to read this email. Mooneen Mourad and Dr. WILLIAM MOURAD are legal residents of Florida and live in the Colony, Florencia building.

1. We have both been very upset at the letter we recently recieved (a forward) regarding the increase request.

2. PLEASE know that we do not have time to be responding to this frivolous request for the developer to completely change the beauty and safety and ingress and egress for all of us.. Hyatt, pelican landing, colony and the other developments in this beautiful area.

3. We have not yet had a reply or an answer, however we reached out to the office __ representatives from the pelican landing community center offices to help us find a way to respond as a "PLEASE DO NOT ALLOW".

4. Thankfully, we just recieved this appropriate letter from Robert T. Loos representing us in the Colony, and we are using it as a basic form to add to and respond, please hear us and know that we are extremely upset for a number of serious reasons.,.

Dr, William and Mooneen Mourad

To: EWorkman@leegov.com
Subject: DRI2024-00001 and DC12023-00052

Dear Ms. Workman,

I am the president of The Colony Foundation which is the 1200 unit residential homeowners association which is south of the property which is the subject of the two referenced matters. It is unfortunate that the hearings on this very serious matter will take place during a time when most of the residents of the Colony are no longer in town. DR. William and Mooneen Mourad cannot attend any meetings but ask Robert Loos to express our distress with this proposal. I am not a fan of writing I do better in communication verbally so please know that the intent of this is to be respectful although we are beyond frustrated, if this letter feels completely unprofessionally drafted, and with an angry undertone please know htat I am not going to edit it ... it is accurate that we are angry. We are so tired of the negative changes in our community and all of the related selfish requests such as this one. Please Know Ms. Workman that we are not upset with you personally, we understand that you are the point person only...please feel free to phone Mooneen if you desire. 805-452-9368.

The only written communication that the residents of the Colony received regarding this substantial change to the Pelican Landing DRI was a letter (dated May 2 but received in the mail on or around May 27) from RVI Planning which mentioned the increase in residential units and hotel rooms but states "A public hearing date has not yet been set.""

This letter did not arrive until last week as a forward and we did not understand how to express our complete disagreement. We are 87 and 79 years old and are fatigued with the problems in this community such as the traffic, accidents, natural disasters, and more. We are so, so very tired of having to beg authorities to take care of our safety and property values with requests that are only self serving, and border on greedy, to a developer. We understand that they/everyone has the right to ask, but we expect our officials to preempt these things on behalf of all

wihin this community.

I have reviewed the staff's report regarding the DRI amendment and have the following comments.
1. It is stated that the property abuts Coconut Road "which is a County- maintained collector road that connects to US 41". Coconut Road is in fact the only means of ingress and egress from the subject property and the substantial portion of Coconut Road to US 41 is maintained by the Village of Estero.

Coconut Road is always a problem with Speeding vehicles, flooding, automobile accidents and no "shoulders" that are safe and it is very dark evening until dawn. It is the only means of entry to the main gate in the Colony.

2. Coconut Road is the only means of ingress and egress for the existing Hyatt Regency Hotel, all of the development known as Salt Leaf (which is where such additional units and hotel rooms would be built), the existing timeshare units, all of the single family home developments along Coconut Road to US 41. It is also the major means of ingress and egress for the approximately 1200 residential units in the Colony and will be the major means of ingress and egress for the development proposed at the northwest corner of Coconut Road and US 41.

Widening this road will NOT Help the situation, it is already crowded and unsafe. There are other developments which alread use this road.

3. Coconut Road is one lane in each direction, and it is infeasible to widen Coconut Road for additional thru lane traffic.

4. The Estero Fire Department has docked its rescue boat at the end of Coconut Road by Estero Bay.

SAFETY must always be the first consideration.

5. Coconut Road today is a failed road for traffic.

AGREED for so many reasons.

6. Currently there is under construction (a)4 high rise residential towers,(b) a public marina and (c) a waterfront restaurant, which will only add more traffic onto this already failed road.

This is a major problem already and it seems that developers financial gain is the most important concern, not those of current residents.

7. Coconut Road is the access road for emergency vehicles.

And the older community requires emergencies often.

8. Recently because of an accident Coconut Road was closed for a substantial amount of time creating serious issues for everyone using Coconut Road as their means of ingress and egress.

Again this is the only main entrance for the colony and other housing.

9. The DRI contemplated the office and retail space would be located in the corridor by US 41 which is currently built out and therefore reducing such space does not have any meaningful impact on the area for which the developer requests an increase in residential units and hotel rooms.

Please know that we respect the need for developers to make a profit but to be respectful of the other people and residences already in existence. The developers will decrease our property values with more crowding of hotel rooms, homes, apartments and other housing

Given all the above factors this increase in development will not only exacerbate the traffic problem that currently exists, and which will increase but will create substantial additional problems for emergency services to enter and exit the area.

AND DECREASE property values. We ask that the request be DENIED completely.

If this requested change is granted it must be conditioned upon the developer creating an additional means to access US 41. Respectfully submitted,

Robert T. Loos, President
The Colony Foundation

FROM:
Dr. WILLIAM MOURAD
And Mooneen Mourad
23850 Via Italia Circle #1701
Estero Florida 34134

Workman, Elizabeth

From: Carol Vonachen <hobiev@comcast.net>
Sent: Tuesday, June 17, 2025 11:56 AM
To: Workman, Elizabeth
Subject: DRI2024 and DCI2023

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Sent from my iPad

Dear Ms Workman
I am a resident of The Colony in Bonita Springs, Fl. I am concerned about changes to the Pelican Landing DRI as requested by London Bay/ Salt Leaf. I understand this is all about money for the developer but not for residents who live on Coconut Road where all traffic will need to travel including Firetrucks, ambulances or any other emergency vehicles. Have you been on Coconut Road during season ? Last season was difficult entering Coconut from my community. How can anyone " in their right mind" think it would be okay to add more people, more restaurant space and definitely more traffic to Coconut Road. ENOUGH IS ENOUGH!
Why is the meeting in June when so few people who want to voice their opinion cannot attend including myself. Suspicious!
Thank you .
Carol Vonachen
Colony resident

Workman, Elizabeth

From: Adams, Joseph
Sent: Tuesday, June 17, 2025 11:43 AM
To: Jeffrey Wacksman
Cc: Dist1, Kevin Ruane; Dist3, David Mulicka; Workman, Elizabeth
Subject: DRI for Pelican Lading

Good morning Mr. Wacksman,

A copy of your below e-mail in which County Commissioners were included, has been forwarded to our office for a response concerning the County's *ex parte* communication rule.

Lee County Land Development Code §2-191 makes it unlawful for anyone to communicate with a Commissioner with respect to the merits of any proposed, anticipated, or pending zoning case unless the communication takes place during a scheduled public hearing. As a result, your e-mail is an "*unauthorized communication*" insofar as it seeks to discuss the merits of a rezoning request outside of the public hearing process.

If you have any questions regarding participation in the public hearing process you can reach out to Lee County zoning staff to discuss the specifics of the forthcoming public hearings. The zoning planner assigned to this case, Beth Workman, can be reached at eworkman@leegov.com or (239) 533-8793.

Many residents are not familiar with this rule and unintentionally attempt to communicate with County Commissioners in violation of the rule. Please note, additional attempts to communicate with any Commissioner or their Executive Assistant, outside of an appropriately advertised public hearing with regard to the merits of the zoning request will be considered to be an intentional violation of the County Ordinance.

Thank you.

Joseph A. Adams
Assistant County Attorney
Lee County Attorney's Office
(239) 533-2236 (telephone)
(239) 485-2106 (facsimile)
JAdams@leegov.com

From: Jeffrey Wacksman <jw_dw@yahoo.com>
Sent: Thursday, June 12, 2025 9:37 PM
To: Workman, Elizabeth <EWorkman@leegov.com>
Cc: Dist1, Kevin Ruane <DIST1@leegov.com>; Dist3, David Mulicka <dist3@leegov.com>
Subject: DRI for Pelican Lading

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear Ms Workman

I have read the DRI expansion and have major problems with this expansion. To add another 500 plus people as well as a possible Hotel is totally unacceptable for Pelican Landing Residents as well as Colony residents. Without increasing wider roads along Coconut rd residents going to our Marina for Beach access as well as boating both sailing and kayaking will be severely comprised.
The prudent solution is to complete the London Bay Project completely and then evaluate the traffic situation Jan through April. The people evaluating this a use June thru Sep. That data is worthless.
It is unfair to go ahead with this project which should be shelved until the London Bay project is complete for 12 mos because of the detrimental affect on PL and the Colony residents. I must remind you that LB is having a public ramp for boats on the small 2 lane street from the Hyatt to the end of the PL marina road that takes our residents back and forth to the Beach. This project without widening roads is foolish and a major detriment to 3500 doors in our community. You should table this project until the the London Bay project has been in place for at least 12 mos

Jeffrey Wacksman M.D.

Sent from Yahoo Mail for iPhone

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Workman, Elizabeth

From: Jodi Carr <johack135@gmail.com>
Sent: Tuesday, June 17, 2025 11:42 AM
To: Workman, Elizabeth
Subject: Increased residential units and hotel rooms for Salt Leaf - SAFETY RISK

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Good morning. My name is Jodi Carr and I am one of 1200 home owners in The Colony at Pelican Landing. We are just south of the property which is the subject of two referenced matters. It is unfortunate that the hearings on this very serious matter will take place during a time when my husband and I, along with many of our neighbors, are out of town.

After reviewing the staff's report regarding the DRI amendment I feel this negatively impacts the area with regard to safety and lifestyle.
1. It is stated that the property abuts Coconut Road "which is a County- maintained collector road that connects to US 41". Coconut Road is in fact the only means of ingress and egress from the subject property and the substantial portion of Coconut Road to US 41 is maintained by the Village of Estero.
2. Coconut Road is the only means of ingress and egress for the existing Hyatt Regency Hotel, all of the development known as Salt Leaf (which is where such additional units and hotel rooms would be built), the existing timeshare units, all of the single family home developments along Coconut Road to US 41. It is also the major means of ingress and egress for the approximately 1200 residential units in the Colony and will be the major means of ingress and egress for the development proposed at the northwest corner of Coconut Road and US 41.
3. Coconut Road is one lane in each direction, and it is infeasible to widen Coconut Road for additional thru lane traffic.
4. The Estero Fire Department has docked it's rescue boat at the end of Coconut Road by Estero Bay.
5. Coconut Road today is a failed road for traffic.
6. Currently there is under construction (a)4 high rise residential towers,(b) a public marina and (c) a waterfront restaurant, which will only add more traffic onto this already failed road. 7. Coconut Road is the access road for emergency vehicles.
8. Recently because of an accident Coconut Road was closed for a substantial amount of time creating serious issues for everyone using Coconut Road as their means of ingress and egress.
9. The DRI contemplated the office and retail space would be located in the corridor by US 41 which is currently built out and therefore reducing such space does not have any meaningful impact on the area for which the developer requests an increase in residential units and hotel rooms.

Given all the above factors this increase in development will not only exacerbate the traffic problem that currently exists and will create substantial additional problems for emergency services to enter and exit the area. If this requested change is granted it must be conditioned upon the developer creating an additional means to access US 41.

Thank you for giving this serious consideration.

Sincerely,
Jodi Carr
Property Owner - The Colony at Pelican Landing
513-373-7763

Workman, Elizabeth

From: Karenealix <karenealix@gmail.com>
Sent: Tuesday, June 17, 2025 11:39 AM
To: Workman, Elizabeth
Subject: The DRI case: DRI2024-00001 and the rezoning case: DCI2023-00052 and both are for that portion of the DRI within unincorporated Lee County -London Bay development at the end of Coconut Road

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Dear Elizabeth Workman (Lee County), Mike Gibson/Jamie Bogacz (Bonita Springs), Joanne Ribble (Estero):

Reference the above subject, we have read each of the legal documents presented within the recent Pelican Landing Board's communication.
In addition, we have read and fully disagree with the potential approval of the density increase that appears will be approved without dissent by the county and possibly the cities of Bonita Springs and Estero.

Judging by what we have read, it failed to take into consideration the impact of this development on the neighborhoods along Coconut Road and the already overload of traffic along this road. Coconut is only two lanes (one lane in and one lane out) to the main exit to highway 41. There is only a minor reference to the traffic flow impact, which by the way is disastrous especially during the seasonal months.

Lee County, along with both the city of Bonita Springs and Village of Estero, need to do their due diligence on the impact of traffic this increase in density will create not only in low season,

but especially during high season. Coconut road west of 41 is two-lane road (in/out) having only a **few or no turn lanes for access into communities/connecting roads/businesses/etc.**

We are asking that the 3 governing entities jointly take the necessary responsibilities to address modifying the road to accommodate the development **or deny** the increase as it has a detrimental effect on all the surrounding communities, **especially during emergencies.**

A blanket approval is just NOT acceptable.

Respectfully submitted,
Karen Alix
24300 Sandpiper Isle Way #205, Bonita Springs, FL 34134

Workman, Elizabeth

From: Adams, Joseph
Sent: Tuesday, June 17, 2025 11:39 AM
To: Jim Janek
Cc: Dist3, David Mulicka; Workman, Elizabeth
Subject: FW: Message from the Board President

Good morning Mr. Janek,

A copy of your below e-mail in which a County Commissioner was included, has been forwarded to our office for a response concerning the County's *ex parte* communication rule.

Lee County Land Development Code §2-191 makes it unlawful for anyone to communicate with a Commissioner with respect to the merits of any proposed, anticipated, or pending zoning case unless the communication takes place during a scheduled public hearing. As a result, your e-mail is an "*unauthorized communication*" insofar as it seeks to discuss the merits of a rezoning request outside of the public hearing process.

If you have any questions regarding participation in the public hearing process you can reach out to Lee County zoning staff to discuss the specifics of the forthcoming public hearings. The zoning planner assigned to this case, Beth Workman, can be reached at eworkman@leegov.com or (239) 533-8793.

Many residents are not familiar with this rule and unintentionally attempt to communicate with County Commissioners in violation of the rule. Please note, additional attempts to communicate with any Commissioner or their Executive Assistant, outside of an appropriately advertised public hearing with regard to the merits of the zoning request will be considered to be an intentional violation of the County Ordinance.

Thank you.

Joseph A. Adams
Assistant County Attorney
Lee County Attorney's Office
(239) 533-2236 (telephone)
(239) 485-2106 (facsimile)
JAdams@leegov.com

From: Jim Janek <janekj@earthlink.net>
Sent: Thursday, June 12, 2025 10:35 AM
To: Dist3, David Mulicka <dist3@leegov.com>
Cc: Workman, Elizabeth <EWorkman@leegov.com>
Subject: Re: Message from the Board President

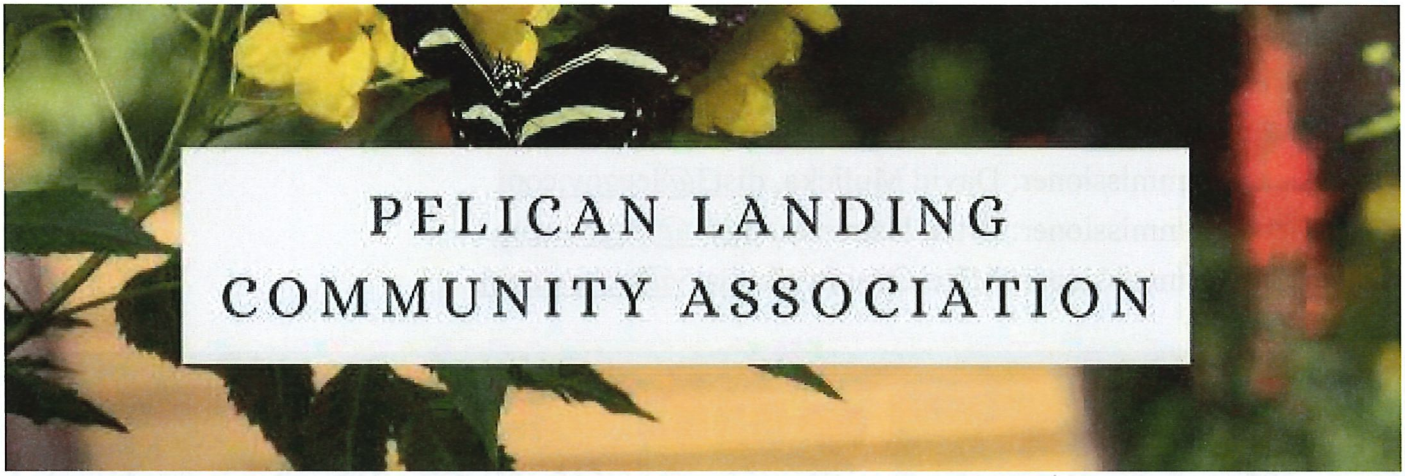
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The number of Hotel rooms in this proposal appears to be excessive.

When you realize the parking lot size needed for this increase.

Lots of luck,

James Janek



There are two cases being heard. The DRI case: DRI2024-00001 and the rezoning case: DCI2023-00052 and both are for that portion of the DRI within unincorporated Lee County - London Bay development at the end of Coconut Road. Both staff documents are available, click here and here.

It was explained that this is the first step in the process, however the Lee County staff is recommending approval. The request increases residential density from 3,912 to 4,400 dwelling units and reduces office uses from 475,000 to 374,161 square feet, reduces retail uses from 300,000 to 153,000 square feet, increases hotel rooms from 750 rooms to 982 hotel rooms, reduces golf holes from 77 to 76 golf holes and retains existing approvals for marina slips. Click here to see an overview of the map of the master concept plan.

The zoning case will be heard on June 19, 2025, before the Hearing Examiner at 1500 Monroe St, 2nd floor at 9 A.M. and the public is allowed to attend and speak. There is no limit on your time at this hearing. You may also send emails to Elizabeth Workman at Eworkman@leegov.com. Those emails will be given to the hearing examiner. The second phase will be a zoning hearing before the County Commissioners you will only be allowed 3 minutes to speak. The Colony, Beach parking and Marina relies on Coconut Road as the primary means of ingress and egress. Emergency services may also be an issue. Therefore, if you have concerns, the hearing on June 19, 2025, is the time to raise them.

Below is a list of the Lee County Board of Commissioners:
District 1 Commissioner & Chairman: Kevin Ruane, dist1@leegov.com
District 2 Commissioner & Vice Chairman: Cecil Pendergrass, dist2@leegov.com
District 3 Commissioner: David Mulicka, dist3@leegov.com
District 4 Commissioner: Brian Hamman, dist4@leegov.com
District 5 Commissioner: Mike Greenwell, dist5@leegov.com

PELICAN LANDING
24501 Walden Center Drive, Bonita Springs, FL 34134
(239) 947-5977

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Workman, Elizabeth

From: Marshall Besikof <marshall.besikof@outlook.com>
Sent: Tuesday, June 17, 2025 11:23 AM
To: Workman, Elizabeth
Subject: DR12024-00001 and DC12023-00052

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I live in LaScala in the Colony since 2004. I agree with Robert T . Loos, President of The Colony Foundation that the proposed density should not be approved. The single lane Of Coconut Road cannot handle the increase in traffic that is proposed. Driving it every day it is very clear that at this point it is at capacity. Thank you for listening. Marshall Besikof 5051 Pelican Colony Blvd unit 402. Bonita 34134 Sent from my iPhone

Workman, Elizabeth

From: Dani Fjelstad <rednorway@aol.com>
Sent: Tuesday, June 17, 2025 11:02 AM
To: Workman, Elizabeth
Subject: Proposed Pelican Landing DRI Amendment

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

I understand that London Bay/SaltLeaf have requested changes to the Pelican Landing DRI to increase the number of residential units and hotel rooms that can be built at SaltLeaf.

We are greatly opposed to this. I live in the Colony in the Navona building, right next to the Colony's Coconut Point gate entrance. The traffic on Coconut Point road has increased tremendously already with all the construction that has been going on. During the morning hours and late afternoon, traffic on Coconut Point Rd is already backed up signficantly, so much so that we often drive through the entire Colony to exit at one of the Pelican Landing gates instead. We have not even seen yet how bad the traffic on Coconut Point Road will become when the Ritz-Carlton residences are finished. I can only imagine how much more Coconut Point Road will become is is request is approved to allow more units & rooms to be built on the SalfLeaf property.

I understand there was discussion in the past about SaltLeaf needing to have a different road constructed to access Highway 4, but that did not develop. That may be an option if the request was to be approved, but it would need partitioned to keep SaltLeaf traffic using that road and not accessing Coconut Point Road.

Sincerely,

Dani & Tia Fjelstad
23540 Via Veneto
Unit 1105
Estero FL 34134
email: rednorway@aol.com
cell: (612) 865-1462

Workman, Elizabeth

From: Julie Barry <Julie@jnbarry.com>
Sent: Tuesday, June 17, 2025 10:41 AM
To: Workman, Elizabeth
Cc: Michael V. Barry; Julie Barry; colonyfoundation@theiconteam.com
Subject: DRI2024-00001 and DCI2023-00052

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Dear Ms Workman, I am writing to express my full and complete support of the comments (below) offered by the Colony President, Mr. loos, regarding the above referenced items. The requested changes represent excessive development and traffic that our communities cannot handle and clearly Coconut Road was never intended nor designed to handle. I believe Mr. loos clearly defines our concerns and makes appropriate recommendations to be considered.

To: EWorkman@leegov.com
Subject: DRI2024-00001 and DC12023-00052

Dear Ms. Workman,
I am the president of The Colony Foundation which is the 1200 unit residential homeowners association which is south of the property which is the subject of the two referenced matters. It is unfortunate that the hearings on this very serious matter will take place during a time when most of the residents of the Colony are no longer in town.

The only written communication that the residents of the Colony received regarding this substantial change to the Pelican Landing DRI was a letter (dated May 2 but received in the mail on or around May 27) from RVI Planning which mentioned the increase in residential units and hotel rooms but states "A public hearing date has not yet been set.'"

I have reviewed the staff's report regarding the DRI amendment and have the following comments.
1. It is stated that the property abuts Coconut Road "which is a County- maintained collector road that connects to US 41". Coconut Road is in fact the only means of ingress and egress from the subject property and the substantial portion of Coconut Road to US 41 is maintained by the Village of Estero.
2. Coconut Road is the only means of ingress and egress for the existing Hyatt Regency Hotel, all of the development known as Salt Leaf (which is where such additional units and hotel rooms would be built), the existing timeshare units, all of the single family home developments along Coconut Road to US 41. It is also the major means of ingress and egress for the approximately

1200 residential units in the Colony and will be the major means of ingress and egress for the development proposed at the northwest corner of Coconut Road and US 41.
3. Coconut Road is one lane in each direction, and it is infeasible to widen Coconut Road for additional thru lane traffic.
4. The Estero Fire Department has docked its rescue boat at the end of Coconut Road by Estero Bay.
5. Coconut Road today is a failed road for traffic.
6. Currently there is under construction (a)4 high rise residential towers,(b) a public marina and (c) a waterfront restaurant, which will only add more traffic onto this already failed road.
7. Coconut Road is the access road for emergency vehicles.
8. Recently because of an accident Coconut Road was closed for a substantial amount of time creating serious issues for everyone using Coconut Road as their means of ingress and egress.
9. The DRI contemplated the office and retail space would be located in the corridor by US 41 which is currently built out and therefore reducing such space does not have any meaningful impact on the area for which the developer requests an increase in residential units and hotel rooms.

Given all the above factors this increase in development will not only exacerbate the traffic problem that currently exists, and which will increase but will create substantial additional problems for emergency services to enter and exit the area.
If this requested change is granted it must be conditioned upon the developer creating an additional means to access US 41. Respectfully submitted,

Robert T. Loos, President
The Colony Foundation

Julie Nelson Barry
4 Eagle Ranch / 4 Eagle Foundation
Julie@JNBarry.com
214.632.4262

Sent from my iPad

Workman, Elizabeth

From: Karen Mitchell <tkhpmitchell@sbcglobal.net>
Sent: Tuesday, June 17, 2025 10:33 AM
To: Workman, Elizabeth
Subject: Fw: Important Information Regarding Increasing Density at SaltLeaf

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Ms. Workman,
I am forwarding the letter from the President of the Colony Foundation since I could not have written anything better. I fully agree and support all the details it outlines.
It is unfortunate that the hearings are when most residents are not there to attend. I hope these issues are taken seriously with consideration for the safety of our community.
Thank you!

Karen & Terry Mitchell
4741 Via Del Corso Lane #101

To: EWorkman@leegov.com
Subject: DRI2024-00001 and DC12023-00052

Dear Ms. Workman,
I am the president of The Colony Foundation which is the 1200 unit residential homeowners association which is south of the property which is the subject of the two referenced matters. It is unfortunate that the hearings on this very serious matter will take place during a time when most of the residents of the Colony are no longer in town.

The only written communication that the residents of the Colony received regarding this substantial change to the Pelican Landing DRI was a letter (dated May 2 but received in the mail on or around May 27) from RVI Planning which mentioned the increase in residential units and hotel rooms but states "A public hearing date has not yet been set."'

I have reviewed the staff's report regarding the DRI amendment and have the following comments.

1. It is stated that the property abuts Coconut Road "which is a County- maintained collector road that connects to US 41". Coconut Road is in fact the only means of ingress and egress from the subject property and the substantial portion of Coconut Road to US 41 is maintained by the Village of Estero.
2. Coconut Road is the only means of ingress and egress for the existing Hyatt Regency Hotel, all of the development known as Salt Leaf (which is where such additional units and hotel rooms would be built), the existing timeshare units, all of the single family home developments along Coconut Road to US 41. It is also the major means of ingress and egress for the approximately 1200 residential units in the Colony and will be the major means of ingress and egress for the development proposed at the northwest corner of Coconut Road and US 41.
3. Coconut Road is one lane in each direction, and it is infeasible to widen Coconut Road for additional thru lane traffic.
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9. The DRI contemplated the office and retail space would be located in the corridor by US 41 which is currently built out and therefore reducing such space does not have any meaningful impact on the area for which the developer requests an increase in residential units and hotel rooms.

Given all the above factors this increase in development will not only exacerbate the traffic problem that currently exists, and which will increase but will create substantial additional problems for emergency services to enter and exit the area.
If this requested change is granted it must be conditioned upon the developer creating an additional means to access US 41. Respectfully submitted,

Robert T. Loos, President
The Colony Foundation



Workman, Elizabeth

From: Camille Gilroy <camillegilroy@optonline.net>
Sent: Tuesday, June 17, 2025 10:20 AM
To: Workman, Elizabeth
Subject: DRI2024-00001 AND DC12023-00052 Extended approval for additional residential for Salt Leaf Property

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To whom it may concern:

We have been current owners in The Colony for several years now & our reasoning to choose this area over many others in Florida was the less congested traffic & amenities we enjoy such as our beach, golf etc.

Seeing how the area has been developing is encouraging within permissible law acceptance although having to request now for additional residents to be built in the Salt Leaf Property is not only concerning knowing two other buildings are currently being built in the Colony as well as the Ritz Carlton Condominum Complex.

A logical opinion by lawful right is to reject any additional residents to Salt Leaf Property other than the initial approval for 241 units which were initially approved in having to take into consideration the above mentioned other new buildings being built within our community & vicinity.

Once all these mentioned buildings are complete & occupied one can only imagine how overwhelming hired staff for amenities at gates, parking, not to mention jeopardize the welfare of traffic in and out of this central area will become especially at height of peak season.

Thank you for considering mine & others concerns regarding this hearing seeking further additional units for Salt Leaf Property.

Mrs. Camille GIlroy

Workman, Elizabeth

From: Nancy Saia <nancysaia1925@gmail.com>
Sent: Tuesday, June 17, 2025 9:33 AM
To: Workman, Elizabeth
Subject: Pelican Landing DRI

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear Ms. Workman, We are long-time residents of Pelican Landing and The Colony having first bought here in 1992. We have watched massive and yet careful development of the area for this time. Usually, the developments adequately plan for the increased vehicular traffic, but this latest plan fails miserably in that regard. We already have people speeding down a crowded Coconut Point Road. Coconut Road is one lane in each direction and cannot be expanded. To add so many additional hotel rooms and residences along that road is a recipe for disaster. The added density is unacceptable for the residents of this area. It is the only means of ingress and egress for the Hyatt and the entire new Ritz Carlton Residences which will have 4 or 5 high-rises, mid-rises, a marina, and a waterfront restaurant. This part of Coconut Road is simply not big enough to handle all of this traffic, let alone the traffic for the proposed changes.

This is not a matter of "Not in my backyard." There is already a huge development being built in that area. We have not even felt the burden of that additional traffic yet. To expand even further beyond density that we have not yet experienced is unconscionable and dangerous to those of us who need to use Coconut Road for access. Even worse, Coconut Road is the access road for emergency vehicles to The Colony and the other developments along Coconut Road. There is no other means of access. A simple accident in one of the lanes shuts us down already.

We urge you to completely deny this request. There should be no change from the limitations already in effect.

Thank you,
Nancy and Al Saia
4710 Via Santa Lucia
Estero, FL 34134

Workman, Elizabeth

From: Sherman, Jared
Sent: Tuesday, June 17, 2025 9:10 AM
To: Workman, Elizabeth
Subject: DCI2023-00052 and DRI2024-00001

Good morning, Elizabeth.

I have been reading the staff reports for DCI2023-00052 and DRI2024-00001 and was wondering if there were any specific pages you feel I should look at for a better understanding of the requested changes.

Thank you!

Lee County
Southwest Florida

Jared Sherman | Intern Customer Service Specialist

Department of Community Development

1500 Monroe St, Fort Myers, FL 33901
office: (239) 533-8176
email: JSherman2@leegov.com
web: www.leegov.com/dcd

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Workman, Elizabeth

From: Joan Baker <jebaker03k@gmail.com>
Sent: Tuesday, June 17, 2025 8:44 AM
To: Workman, Elizabeth
Subject: Opposition to Increasing Density / London Bay's Development on Coconut Road

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RE: DRI2024-00001 DRI2023-00052

Dear Ms. Workman,
My husband, Richard, and I live in the Merano neighborhood of the Colony of Pelican Landing. Merano is a small neighborhood who's north side butts up to Coconut Road. We bought our home in 2006.

We strongly oppose increasing the density of this area. We have seen what the existing increase in building has done and to envision more being allowed is alarming.

Coconut Road currently is somewhat dangerous, particularly during rush hours when workers are coming or going. We have swerving trucks, people taking risks to get where they are going, and even some mild road rage and daily traffic noise pollution. Today we almost always have a wait at our Colony Gate Entrance, as too many people are trying to get through the gate. Wait times at the corner of Coconut Road and Hwy 41 are irritatingly long as too many cars are in line to exit or enter. There are simply too many people already using this egress. We have waited as long as 12 minutes at this interception because of density.

We also do think and worry about emergency access to our neighborhood. In a life and death situation, can an ambulance get through on a 2 lane road?

Overbuilding everywhere in Florida is ruining Florida. Think of the impact to our resources; water, health care, wildlife and more. For what purpose are we overbuilding?

Please consider our concerns. Thank you for the work you do to make our communities better.

Sincerely,
Joan and Richard Baker

Workman, Elizabeth

From: LARRY SHERMAN <tinalarrys@aol.com>
Sent: Tuesday, June 17, 2025 8:41 AM
To: Workman, Elizabeth
Subject: DRI 2024-00001 and DCI 2023-00052
Attachments: Documents for January 10, 2024 Meeting.pdf

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Dear Ms. Workman,
Please find below my comments to the Village of Estero regarding the Woodfield development in the northwest quadrant of Coconut Road and Route 41.
The Village has decided to proceed with a one lane roundabout at the intersection of Coconut Road with Walden Center Drive and the Woodfield driveway.
This roundabout will fail with the traffic projects their traffic consultant has utilized.
With the 488 additional residential and 232 additional hotel rooms for the Salt Leaf property this roundabout will fail further causing significant delays to Coconut Road traffic. This will result in a significant increase in accidents and extreme driver frustration.
As such any change granted to the Salt Leaf project should be conditioned on their creating an additional means for their project to access Route 41.
Thank you.
Larry Sherman, PE
Resident of The Colony

Begin forwarded message:

> **From:** LARRY SHERMAN <tinalarrys@aol.com>
> **Date:** January 9, 2025 at 10:31:54 AM EST
> **To:** David Willems <willems@estero-fl.gov>, Norm Trebilcock <ntrebilcock@trebilcock.biz>
> **Cc:** Carol Sacco <sacco@estero-fl.gov>
> **Subject: Comments for January 10, 2025 Meeting**
>
> Good Morning,
> I thought it would be a good idea to provide you with my comments about the proposed Coconut Road roundabout in advance of our meeting. By doing so it will help us to make the best use of our time at our meeting.
> I do not necessarily agree that a roundabout at this location is an optimal solution. Roundabouts tend to have advantages over intersections with TWSC (two way stop control) where the proportion of minor street traffic is relatively high compared to the major street. That is not the case at the intersection of Coconut Road with Walden Center

Drive. Walden Center Drive traffic is very low compared to Coconut Road traffic. The FHWA in publications states that "Roundabouts are generally not solutions to this type of problem because they create a significant impediment to the major street traffic."
My comments focus on the need to have a 2 lane exit going eastbound from the roundabout so a to prevent significant disruption to the thousands of residents who use Coconut Road on a daily basis.
I look forward to meeting with you tomorrow.
Best Regards,
Larry Sherman

Workman, Elizabeth

From: Gary D. Markowitz <garydmarkowitz@gmail.com>
Sent: Tuesday, June 17, 2025 8:25 AM
To: Workman, Elizabeth
Subject: Re: Important Information Regarding Increasing Density at SaltLeaf

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Thank you.

Another concern is that if the increased development proceeds with Coconut Road being the only route in and out and we have another hurricane that results in trees falling along Coconut Road and blocking access, we will have a real problem if emergency vehicles, first responders, etc. have to access the area from the Hyatt and northward to the new development area.

Thank you

- Gary D. Markowitz

On Tue, Jun 17, 2025 at 8:17 AM Workman, Elizabeth <EWorkman@leegov.com> wrote:

> Mr. Markowitz,
>
> Thank you for your e-mail. A copy of your letter will be provided to the hearing examiner and the applicant during staff's presentation on June 19, 2025.

Lee County
Southwest Florida

Beth Workman | Principal Planner

Department of Community Development, Zoning Section

1500 Monroe Street, Fort Myers, FL 33901

office: (239) 533-8793

email: eworkman@leegov.com

web: www.leegov.com

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From: Gary D. Markowitz <garydmarkowitz@gmail.com>
Sent: Monday, June 16, 2025 4:16 PM
To: Workman, Elizabeth <EWorkman@leegov.com>
Subject: Fwd: Important Information Regarding Increasing Density at SaltLeaf

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Ms. Workman,

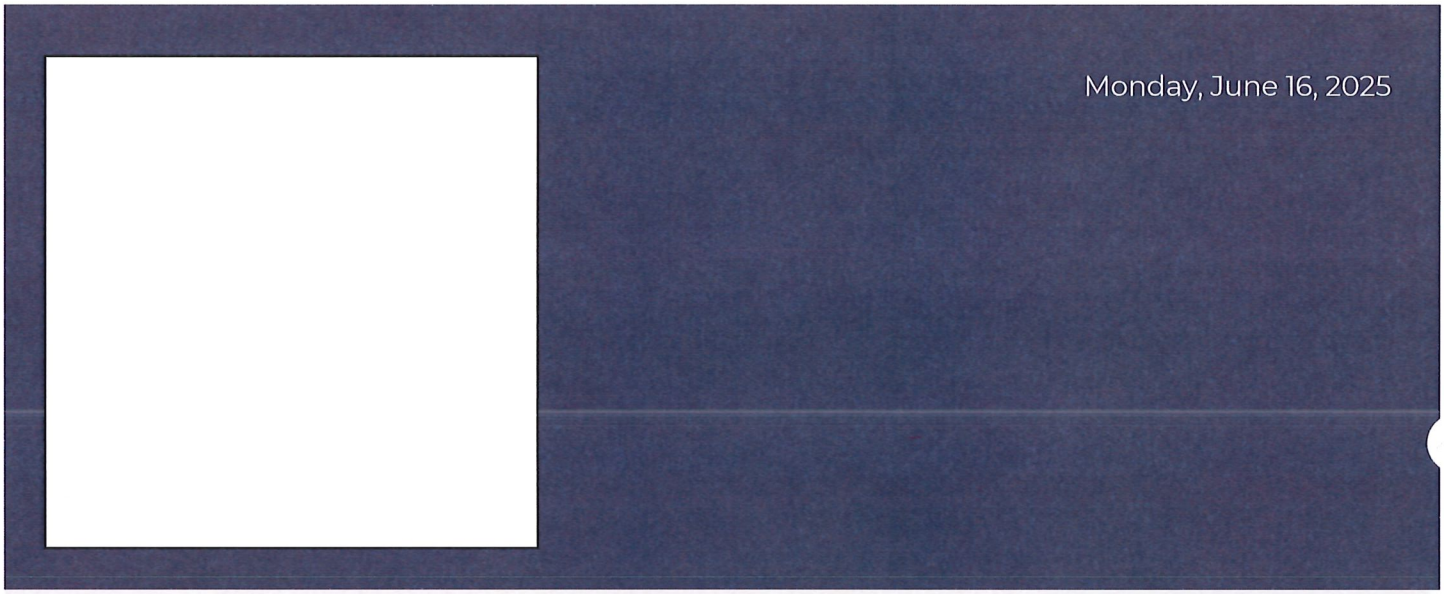
I am a resident of The Colony at Pelican Landing, and I share the concerns of Mr. Loos.

I think it would be irresponsible if the project developer were not required to create an alternate route to and from Route 41 separate from and in addition to Coconut Road.

Thank you for your attention to this matter.

-Gary D. Markowitz

---------- Forwarded message ---------
From: **The Colony Foundation** <colonyfoundation@theiconteam.com>
Date: Mon, Jun 16, 2025 at 12:54 PM
Subject: Important Information Regarding Increasing Density at SaltLeaf
To: <garydmarkowitz@gmail.com>



Important information regarding increasing density at SaltLeaf

At this morning's monthly meeting, I gave my monthly President's Message. Please note that there is a Hearing scheduled on Thursday, June 19 regarding the changes to the Pelican Landing DRI as requested by London Bay/SaltLeaf. A copy of the email that I sent to the Lee County Coordinator is attached, please consider sending an email to Ms. Workman expressing your concerns.

Bob Loos, President
The Colony Foundation Board

President's Message
June 16, 2025

This Thursday there are two hearings starting at 9 a.m. at Lee County regarding increasing the number of hotel rooms and residential units that can be built at Salt Leaf (the property adjoining the Ritz Carlton Condominium Complex).

Although the issues can be somewhat complex, the following is my attempt to describe what is being attempted.

Back in 1980 WCI created through Lee County a so called development of regional impact order (the DRI) which established the maximum amount of residential units, hotel rooms, golf course holes, boat slips, commercial office space and retail space that could be built in the area that not only encompassed Pelican Landing, but also the area currently being developed as Salt Leaf. At that time the area was totally undeveloped and neither the City of Bonita Springs nor the Village of Estero existed and there were no specific plans for anything on the property.

Today what remains as the maximum that can be built on the undeveloped portion of the DRI (which is Salt Leaf) are 241 residential units, 86 hotel rooms, 126,839 square feet of commercial office space, 147,000 square feet of retail space and one hole of golf. The Salt Leaf developer wants to increase the number of residential units by 488 units and hotel rooms by 232 rooms for the Salt Leaf property by removing from the DRI the unused commercial office space and retail space. Obviously since neither retail nor office space is a viable option for the Salt Leaf property, what is being given up can be categorized as "sand in the desert".

If allowed, all that additional traffic created by such increased residential units and hotel rooms would exclusively flow through Coconut Road, making an already unsafe and untenable situation worse for those of us in the Colony.

Last week I sent an email (see below, message and email address) objecting to such increases to the individual at Lee County overseeing the process of amending the DRI (the proposed DRI amendment also requires a zoning amendment, and the same individual is overseeing this process).

Since most of us in the Colony are away and therefore unable to attend the hearing in person, I suggest that Colony owners also send emails to Ms. Workman voicing their objection to increasing residential units and hotel rooms for Salt Leaf , emphasizing the

significant life/safety issues that would result from any such increases in residential units and hotel rooms.

To: EWorkman@leegov.com
Subject: DRI2024-00001 and DC12023-00052

Dear Ms. Workman,
I am the president of The Colony Foundation which is the 1200 unit residential homeowners association which is south of the property which is the subject of the two referenced matters. It is unfortunate that the hearings on this very serious matter will take place during a time when most of the residents of the Colony are no longer in town.

The only written communication that the residents of the Colony received regarding this substantial change to the Pelican Landing DRI was a letter (dated May 2 but received in the mail on or around May 27) from RVI Planning which mentioned the increase in residential units and hotel rooms but states "A public hearing date has not yet been set.'"

I have reviewed the staff's report regarding the DRI amendment and have the following comments.
1. It is stated that the property abuts Coconut Road "which is a County- maintained collector road that connects to US 41". Coconut Road is in fact the only means of ingress and egress from the subject property and the substantial portion of Coconut Road to US 41 is maintained by the Village of Estero.
2. Coconut Road is the only means of ingress and egress for the existing Hyatt Regency Hotel, all of the development known as Salt Leaf (which is where such additional units and hotel rooms would be built), the existing timeshare units, all of the single family home developments along Coconut Road to US 41. It is also the major means of ingress and egress for the approximately 1200 residential units in the Colony and will be the major means of ingress and egress for the development proposed at the northwest corner of Coconut Road and US 41.
3. Coconut Road is one lane in each direction, and it is infeasible to widen Coconut Road for additional thru lane traffic.
4. The Estero Fire Department has docked its rescue boat at the end of Coconut Road by Estero Bay.
5. Coconut Road today is a failed road for traffic.
6. Currently there is under construction (a)4 high rise residential towers,(b) a public marina and (c) a waterfront restaurant, which will only add more traffic onto this already failed road.
7. Coconut Road is the access road for emergency vehicles.
8. Recently because of an accident Coconut Road was closed for a substantial amount of time

creating serious issues for everyone using Coconut Road as their means of ingress and egress.
9. The DRI contemplated the office and retail space would be located in the corridor by US 41 which is currently built out and therefore reducing such space does not have any meaningful impact on the area for which the developer requests an increase in residential units and hotel rooms.

Given all the above factors this increase in development will not only exacerbate the traffic problem that currently exists, and which will increase but will create substantial additional problems for emergency services to enter and exit the area.
If this requested change is granted it must be conditioned upon the developer creating an additional means to access US 41. Respectfully submitted,

Robert T. Loos, President
The Colony Foundation

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This email was sent to: garydmarkowitz@gmail.com

This email was sent by:
The Colony Foundation | 5200 Pelican Colony Blvd. | Bonita Springs, FL 34134 | USA | (239) 992-2100
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Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Workman, Elizabeth

From: Bob Hapanowicz <bobhap3@gmail.com>
Sent: Tuesday, June 17, 2025 6:58 AM
To: Workman, Elizabeth
Subject: Salt Leaf proposed expansion

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Ms. Workman,

we share Bob Loos comments and concerns. Mr Loos solution is a new access road to Rte 41, we agree with him.

Thank you,

Bob and Tina Hapanowicz

23540 Via Veneto Blvd., Unit 1401
Navona at The Colony
Bonita Springs, FL 34134

To: EWorkman@leegov.com
Subject: DRI2024-00001 and DC12023-00052

Dear Ms. Workman,
I am the president of The Colony Foundation which is the 1200 unit residential homeowners association which is south of the property which is the subject of the two referenced matters. It is unfortunate that the hearings on this very serious matter will take place during a time when most of the residents of the Colony are no longer in town.

The only written communication that the residents of the Colony received regarding this substantial change to the Pelican Landing DRI was a letter (dated May 2 but received in the mail on or around May 27) from RVI Planning which mentioned the increase in residential units and hotel rooms but states "A public hearing date has not yet been set."

I have reviewed the staff's report regarding the DRI amendment and have the following comments.

1. It is stated that the property abuts Coconut Road "which is a County- maintained collector road that connects to US 41". Coconut Road is in fact the only means of ingress and egress from the subject property and the substantial portion of Coconut Road to US 41 is maintained by the Village of Estero.
2. Coconut Road is the only means of ingress and egress for the existing Hyatt Regency Hotel, all of the development known as Salt Leaf (which is where such additional units and hotel rooms would be built), the existing timeshare units, all of the single family home developments along Coconut Road to US 41. It is also the major means of ingress and egress for the approximately 1200 residential units in the Colony and will be the major means of ingress and egress for the development proposed at the northwest corner of Coconut Road and US 41.
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6. Currently there is under construction (a)4 high rise residential towers,(b) a public marina and (c) a waterfront restaurant, which will only add more traffic onto this already failed road.
7. Coconut Road is the access road for emergency vehicles.
8. Recently because of an accident Coconut Road was closed for a substantial amount of time creating serious issues for everyone using Coconut Road as their means of ingress and egress.
9. The DRI contemplated the office and retail space would be located in the corridor by US 41 which is currently built out and therefore reducing such space does not have any meaningful impact on the area for which the developer requests an increase in residential units and hotel rooms.

Given all the above factors this increase in development will not only exacerbate the traffic problem that currently exists, and which will increase but will create substantial additional problems for emergency services to enter and exit the area.
If this requested change is granted it must be conditioned upon the developer creating an additional means to access US 41. Respectfully submitted,

Robert T. Loos, President
The Colony Foundation

--
Bob Hapanowicz

Workman, Elizabeth

From: Diane DeNardis <dianeslatertools@icloud.com>
Sent: Monday, June 16, 2025 7:08 PM
To: Workman, Elizabeth
Subject: Coconut Road

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E Workman
Please evaluate the use of Coconut Road for the citizens. It is critical that the area is able to have access to this road without delays and overcrowding.
Coconut Road often floods in the summer during heavy rains.
The proposed plan with increased homes and businesses will be a traffic nightmare. It will be a significant safety hazard and impact the value of property in this community.
It is critical that you vote against any additional homes, hotel rooms and businesses.
Richard and Diane DeNardis

Sent from my iPhone

Workman, Elizabeth

From: Anne Godsey <annieg512@gmail.com>
Sent: Monday, June 16, 2025 6:20 PM
To: Workman, Elizabeth
Subject: DRI2024-00001 and DC12023-00052

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear ms Workman,
I live in the Colony and I'm writing to ask you not to increase the hotel and other residential unit traffic to Coconut Road.
I believe Coconut road is already unsafe with all the traffic and congestion and had reached its capacity.
It is difficult to cross the road on foot because of all the traffic as it is.
I believe it would be detrimental to all the hotels and residents when they see how much traffic is on the road. Why would someone in vacation want to hassle with that kind of increased traffic.
I hope you will vote NOt to add more capacity to Coconut Road.
thank you for your service.
Sincerely,
Anne Godsey
4731 Via Del Corso Lane
Unit 401
Bonita Springs 34134
Sent from my iPhone

Workman, Elizabeth

From: eric zelnick <dezelnick@gmail.com>
Sent: Monday, June 16, 2025 6:00 PM
To: Workman, Elizabeth
Subject: Subject: DRI2024-00001 and DC12023-00052

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Dear Ms. Workman

I am writing to express my concerns regarding the proposed increase in housing density at Salt Leaf.

I currently live in Terzetto a community within The Colony (a gated community with ingress/egress via Coconut Road) and am concerned about the impact of such an expansion of planned development on traffic on the key access to route 41 from my home.

Coconut Rd is a 2 lane road running between the marina at Estero Bay and Rte 41. It is the only access for emergency vehicles and the only evacuation route for a large # of people (Salt Leaf as originally planned, Hyatt Hotel and vacation club, all the communities along it's path including a large number of residents of the communities off of Spring Creek Road which feeds into Coconut Rd not too far East of the gate for the Colony) who depend upon this access.

It seems to me that no consideration should be given to expanding the allowed # of residential units unless the developers first create another West-East access to Route 41.

Safety is the prime consideration of this request.

Thank you,

Eric B. Zelnick, M.D.
Sent from my iPhone

Workman, Elizabeth

From: Kathie Phillips <phillipskathiem@gmail.com>
Sent: Monday, June 16, 2025 5:42 PM
To: Workman, Elizabeth
Subject: DR12024-00001 and DR12023-00052

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear Ms. Workman,

My husband and I are residents of the Colony, which is located directly south of Coconut Rd. and the properties which are the subject of the two matters referenced above. We will not be in town for the hearings on these matters, so we are asking that you carefully consider the points we bring up in this letter. It is disappointing that these hearings are scheduled when most of us are up north.

There are already many homes that are accessible only from Coconut Rd. Additionally, the Hyatt hotel and timeshares can be accessed only by Coconut Rd. The Ritz Carlton is building two high rises and two more towers are under construction in the Colony. Additionally, the Ritz Carlson Residences are building a public marina and restaurant accessible only by Coconut Rd. and Coconut Rd. is the main access for the Colony and the new commercial and residential development which has just been approved for the NW corner of Coconut Rd. and US 41.

Coconut Rd. is also the only access for emergency vehicles for the vast majority of these units.

Coconut Rd. is only a two lane road and we have been told that it is not feasible to widen the road. We have also been told that Coconut Rd. is already a failed road for traffic.

Adding any more units that need to access off Coconut Rd. makes no sense at all. That would add more traffic congestion, accidents and crucial time for emergency vehicle response.

The language in the proposal offering to "trade" commercial space and one golf hole for additional residential units is misleading, as the Salt Leaf golf course already has the regulation 18 holes, and this is not a location for commercial use anyway.

It was represented to the adjacent communities prior to the approval of the Ritz Carlson towers that the towers would be assisted living and life care units, thereby generating little traffic. After approval the developers miraculously got approval to build condo units, a marina and a restaurant because they claimed there was not enough demand for the original proposal. Typical developer trick.

We were also told that there would be a traffic light installed at the corner of Pelican Colony Blvd. and US 41 at the developer's expense so that it would be safe for Colony residents to access our neighborhood at that corner. No traffic signal has been installed. There was a fatality at that corner this past season. As you probably know, US 41 is one of the most dangerous highways in the United States, so it is not safe for Colony residents to access the neighborhood from that corner without the promised traffic signal.

We would ask that you do not approve additional units to the Salt Leaf development unless the developer acquires access from a road other than Coconut Rd. We also ask that you immediately require the developer to install the traffic light at US 41 and Pelican Colony Blvd. that was supposedly required in the original development approval.

Thanks,

Kathleen and Christopher Phillips
PhillipsKathieM@gmail.com
(651) 470-9370
23751 Merano Ct #101
Estero, FL 34134
May-September address:
4122 Sunflower Circle
Vadnais Heights, Minnesota 55127

Workman, Elizabeth

From: Jordy <jsitnick@verizon.net>
Sent: Monday, June 16, 2025 5:20 PM
To: Workman, Elizabeth
Subject: Pelican Landing DRI2024-00001 and DC12023-00052

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Dear Ms Workman

I agree with and support the letter sent to you by Robert T. Loos and ask that you reject the Pelican Landing DRI or require the developer to create an alternative access road.

Thank you for your consideration.

Jordan Sitnick
Lillian Sitnick
Colony Residents

To: EWorkman@leegov.com
Subject: DRI2024-00001 and DC12023-00052

Dear Ms. Workman,
I am the president of The Colony Foundation which is the 1200 unit residential homeowners association which is south of the property which is the subject of the two referenced matters. It is unfortunate that the hearings on this very serious matter will take place during a time when most of the residents of the Colony are no longer in town.

The only written communication that the residents of the Colony received regarding this substantial change to the Pelican Landing DRI was a letter (dated May 2 but received in the mail on or around May 27) from RVI Planning which mentioned the increase in residential units and hotel rooms but states "A public hearing date has not yet been set.'"

I have reviewed the staff's report regarding the DRI amendment and have the following comments.
1. It is stated that the property abuts Coconut Road "which is a County- maintained collector road that connects to US 41". Coconut Road is in fact the only means of ingress

and egress from the subject property and the substantial portion of Coconut Road to US 41 is maintained by the Village of Estero.
2. Coconut Road is the only means of ingress and egress for the existing Hyatt Regency Hotel, all of the development known as Salt Leaf (which is where such additional units and hotel rooms would be built), the existing timeshare units, all of the single family home developments along Coconut Road to US 41. It is also the major means of ingress and egress for the approximately 1200 residential units in the Colony and will be the major means of ingress and egress for the development proposed at the northwest corner of Coconut Road and US 41.
3. Coconut Road is one lane in each direction, and it is infeasible to widen Coconut Road for additional thru lane traffic.
4. The Estero Fire Department has docked its rescue boat at the end of Coconut Road by Estero Bay.
5. Coconut Road today is a failed road for traffic.
6. Currently there is under construction (a)4 high rise residential towers,(b) a public marina and (c) a waterfront restaurant, which will only add more traffic onto this already failed road.
7. Coconut Road is the access road for emergency vehicles.
8. Recently because of an accident Coconut Road was closed for a substantial amount of time creating serious issues for everyone using Coconut Road as their means of ingress and egress.
9. The DRI contemplated the office and retail space would be located in the corridor by US 41 which is currently built out and therefore reducing such space does not have any meaningful impact on the area for which the developer requests an increase in residential units and hotel rooms.

Given all the above factors this increase in development will not only exacerbate the traffic problem that currently exists, and which will increase but will create substantial additional problems for emergency services to enter and exit the area.
If this requested change is granted it must be conditioned upon the developer creating an additional means to access US 41. Respectfully submitted,

Robert T. Loos, President
The Colony Foundation

Workman, Elizabeth

From: Richard Ragazzo <richragazzo@gmail.com>
Sent: Monday, June 16, 2025 4:55 PM
To: Workman, Elizabeth
Subject: DRI2024-00001 and DC12023-00052

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I am a resident of the Colony at Pelican Landing (Colony) and wish to object to the proposed change to the Pelican Landing DRI.

The Salt Leaf property (formally Weeks Fish Camp) was "sold" to the residents of the Colony as an intended Continuous Care Facility. We "bought into" this use of the property as an appropriate use as it would generate the lowest volume of traffic on Coconut Road, our main entry and exit route since we understand Coconut Road is unable to be widened. London Bay then changed the use of the property after purchasing the former Raptor Bay property to a high rise Ritz Carlton Residences but promised to build the Continuous Care Facility on the former Raptor property.

Later they eliminated the Continuous Care Facility and plan to develop housing, etc. Now they want to increase density! They lied to us from the start!

Coconut Road currently is a failed road. It can not be widened, The development at the corner of Coconut and US 41 will be a traffic disaster. To add further traffic density on this road will be a daily nightmare. In the event of an emergency evacuation there will be gridlock and a dangerous situation will arise.

Do the right thing, STOP THE INCREASE IN DENSITY.

Richard Ragazzo
23650 Via Veneto Blvd
Apt 1604
Estero, FL 34134

Workman, Elizabeth

From: jackg@nathansegal.com
Sent: Monday, June 16, 2025 4:33 PM
To: Workman, Elizabeth
Subject: DRI12024-00001 and DC12023-00052

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Dear Ms. Workman,

1. I am a resident of The Colony and am very concerned about the meeting being held to increase the density of the above projects. It is especially concerning that this developer waited for off season before asking for this change. I think this was especially devious but carefully considered by the applicant. To be fair to all concerned I believe this application should be postponed for consideration at least until November 2025 when a significant number of residences in the Colony will be in town to attend the meeting.

2. Coconut Road is the only means of ingress and egress for the existing Hyatt Regency Hotel, all of the development known as Salt Leaf (which is where such additional units and hotel rooms would be built), the existing timeshare units, all of the single family home developments along Coconut Road to US 41. It is also the major means of ingress and egress for the approximately 1200 residential units in the Colony and will be the major means of ingress and egress for the development proposed at the northwest corner of Coconut Road and US 41.
3. Coconut Road is one lane in each direction, and it is infeasible to widen Coconut Road for additional thru lane traffic.
4. The Estero Fire Department has docked its rescue boat at the end of Coconut Road by Estero Bay.
5. Coconut Road today is a failed road for traffic.
6. Currently there is under construction (a)4 high rise residential towers,(b) a public marina and (c) a waterfront restaurant, which will only add more traffic onto this already failed road.
7. Coconut Road is the access road for emergency vehicles.
8. Recently because of an accident Coconut Road was closed for a substantial amount of time creating serious issues for everyone using Coconut Road as their means of ingress and egress.
9. The DRI contemplated the office and retail space would be located in the corridor by US 41 which is currently built out and therefore reducing such space does not have any meaningful impact on the area for which the developer requests an increase in residential units and hotel rooms.

Please consider the above information before granting any deviation from original request.

Jack Goldfield
23814 Campla Ct.
Bonita Springs, FL 34134
713-823-1006

Workman, Elizabeth

From: Maryjo Gatti <mjgatti@comcast.net>
Sent: Monday, June 16, 2025 4:27 PM
To: Workman, Elizabeth
Subject: DRI2024-00001 and DC12023-00052

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Dear Mr. workman,

As you know, the only written communication that the residents of the Colony received regarding this substantial change to the Pelican Landing DRI was a letter (dated May 2 but received in the mail on or around May 27) from RVI Planning which mentioned the increase in residential units and hotel rooms but states "A public hearing date has not yet been set."'

It stated that the property abuts Coconut Road "which is a County-maintained collector road that connects to US 41". Coconut Road is in fact the only means of ingress and egress from the subject property and the substantial portion of Coconut Road to US 41 is maintained by the Village of Estero.

Coconut Road is the only means of ingress and egress for the existing Hyatt Regency Hotel, all of the development known as Salt Leaf (which is where such additional units and hotel rooms would be built), the existing timeshare units, all of the single family home developments along Coconut Road to US 41. It is also the major means of ingress and egress for the approximately 1200 residential units in the Colony and will be the major means of ingress and egress for the development proposed at the northwest corner of Coconut Road and US 41, which should NOT be approved.

As you also must know, Coconut Road is one lane in each direction, and it is completely infeasible to widen Coconut Road for additional thru lane traffic.
The Estero Fire Department has docked its rescue boat at the end of Coconut Road by Estero Bay. Coconut Road today is a failed road for traffic.

Currently there is under construction (a) 4 high rise residential towers,(b) a public marina and (c) a waterfront restaurant, which will only add more traffic onto this already failed road.

Coconut Road is the ONLY access road for emergency . Closing Coconut Road for any amount of time creates serious issues for everyone using Coconut Road as it is their means of ingress and egress.

The DRI contemplated the office and retail space would be located in the corridor by US 41 which is currently built out and therefore reducing such space does not have any meaningful impact on the area for which the developer requests an increase in residential units and hotel rooms. This development should NOT be permitted.

Given all the above factors this increase in development will not only exacerbate the traffic problem that currently exists, and which will increase, but will also create substantial additional problems for emergency services to enter and exit the area.

If this requested change is granted, it must be conditioned upon the developer creating an additional means to access US 41.

Respectfully,

Mary Jo Gatti

Workman, Elizabeth

From: Chee, Kim <KChee@stowers.org>
Sent: Monday, June 16, 2025 4:23 PM
To: Workman, Elizabeth
Subject: DRI2024-00001 and DC12023-00052

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I am a resident of the Colony. I understand from our President that there is a proposal to build more units of the DRI (Salt Leaf).
Today what remains as the maximum that can be built on the undeveloped portion of the DRI (which is Salt Leaf) are 241 residential units, 86 hotel rooms, 126,839 square feet of commercial office space, 147,000 square feet of retail space and one hole of golf. The Salt Leaf developer wants to increase the number of residential units by 488 units and hotel rooms by 232 rooms for the Salt Leaf property by removing from the DRI the unused commercial office space and retail space.

Here are my deep concerns:
1. It is stated that the property abuts Coconut Road "which is a County- maintained collector road that connects to US 41". Coconut Road is in fact the only means of ingress and egress from the subject property and the substantial portion of Coconut Road to US 41 is maintained by the Village of Estero.
2. Coconut Road is the only means of ingress and egress for the existing Hyatt Regency Hotel, all of the development known as Salt Leaf (which is where such additional units and hotel rooms would be built), the existing timeshare units, all of the single family home developments along Coconut Road to US 41. It is also the major means of ingress and egress for the approximately 1200 residential units in the Colony and will be the major means of ingress and egress for the development proposed at the northwest corner of Coconut Road and US 41.
3. Coconut Road is one lane in each direction, and it is infeasible to widen Coconut Road for additional thru lane traffic.
4. The Estero Fire Department has docked its rescue boat at the end of Coconut Road by Estero Bay.
5. Coconut Road today is a failed road for traffic.
6. Currently there is under construction (a)4 high rise residential towers,(b) a public marina and (c) a waterfront restaurant, which will only add more traffic onto this already failed road.
7. Coconut Road is the access road for emergency vehicles.
8. Recently because of an accident Coconut Road was closed for a substantial amount of time creating serious issues for everyone using Coconut Road as their means of ingress and egress.
9. The DRI contemplated the office and retail space would be located in the corridor by US 41

which is currently built out and therefore reducing such space does not have any meaningful impact on the area for which the developer requests an increase in residential units and hotel rooms.

With that said, this increase should not be allowed, and zoning amendment not permitted.

Sincerely,
Kim Chee
23540 via Veneto Blvd unit #804 (Navona)
Bonita Springs, FL 34134

Kim Chee, CPA
VP of Finance
Stowers Institute for Medical Research

1000 E. 50th Street, Kansas City, MO 64110 USA
kchee@stowers.org
www.stowers.org

Office 816.926.4111
Cell 816.256.1825



Workman, Elizabeth

From: Greg May <greg.may18@gmail.com>
Sent: Monday, June 16, 2025 4:18 PM
To: Workman, Elizabeth
Subject: Subject: DRI2024-00001 and DC12023-00052

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Dear Ms. Workman,

I am a full-time resident in The Colony at Pelican Landing which is immediately south of the property which is the subject of the two referenced matters. I have reviewed materials on the proposed amendment and am quite concerned that it is under consideration in its current form.

1. It is stated that the property abuts Coconut Road "which is a County- maintained collector road that connects to US 41". Coconut Road is in fact the only means of ingress and egress from the subject property and the substantial portion of Coconut Road to US 41 is maintained by the Village of Estero.

2. Coconut Road is the only means of ingress and egress for the existing Hyatt Regency Hotel, all of the development known as Salt Leaf (which is where such additional units and hotel rooms would be built), the existing timeshare units, all of the single family home developments along Coconut Road to US 41. It is also the primary means of ingress and egress for the approximately 1200 residential units in the Colony and will be the major means of ingress and egress for the development proposed at the northwest corner of Coconut Road and US 41.

3. Coconut Road is one lane in each direction, and it is infeasible to widen Coconut Road for additional through lane traffic.

4. Coconut Road is the access road for emergency vehicles for these residences and businesses

5. Currently there are under construction (a) 4 high rise residential towers,(b) a public marina and (c) a waterfront restaurant, which will only add more traffic onto this already failed road.

6. The DRI contemplated the office and retail space would be located in the corridor by US 41 which is currently built out and therefore reducing such space does not have any meaningful impact on the area for which the developer requests an increase in residential units and hotel rooms.

Given all the above factors this increase in development will not only exacerbate the traffic problem that currently exists but will create substantial additional traffic as well as problems for emergency services to enter and exit the area.

For this requested amendment to be granted it should be conditioned upon the developer creating an additional means to access US 41.

Thank you for your consideration,

Gregory May

4800 Pelican Colony Blvd

Unit 201

817-235-5737

Workman, Elizabeth

From: Gary D. Markowitz <garydmarkowitz@gmail.com>
Sent: Monday, June 16, 2025 4:16 PM
To: Workman, Elizabeth
Subject: Fwd: Important Information Regarding Increasing Density at SaltLeaf

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Ms. Workman,

I am a resident of The Colony at Pelican Landing, and I share the concerns of Mr. Loos.

I think it would be irresponsible if the project developer were not required to create an alternate route to and from Route 41 separate from and in addition to Coconut Road.

Thank you for your attention to this matter.

-Gary D. Markowitz

---------- Forwarded message ---------
From: **The Colony Foundation** <colonyfoundation@theiconteam.com>
Date: Mon, Jun 16, 2025 at 12:54 PM
Subject: Important Information Regarding Increasing Density at SaltLeaf
To: <garydmarkowitz@gmail.com>

Monday, June 16, 2025

Important information regarding increasing density at SaltLeaf

At this morning's monthly meeting, I gave my monthly President's Message. Please note that there is a Hearing scheduled on Thursday, June 19 regarding the changes to the Pelican Landing DRI as requested by London Bay/SaltLeaf. A copy of the email that I sent to the Lee County Coordinator is attached, please consider sending an email to Ms. Workman expressing your concerns.

Bob Loos, President
The Colony Foundation Board

President's Message
June 16, 2025

This Thursday there are two hearings starting at 9 a.m. at Lee County regarding increasing the number of hotel rooms and residential units that can be built at Salt Leaf (the property adjoining the Ritz Carlton Condominium Complex).

Although the issues can be somewhat complex, the following is my attempt to describe what is being attempted.

Back in 1980 WCI created through Lee County a so called development of regional impact order (the DRI) which established the maximum amount of residential units, hotel rooms, golf course holes, boat slips, commercial office space and retail space that could be built in the area that not only encompassed Pelican Landing, but also the area currently being developed as Salt Leaf. At that time the area was totally undeveloped and neither the City of Bonita Springs nor the Village of Estero existed and there were no specific plans for anything on the property.

Today what remains as the maximum that can be built on the undeveloped portion of the DRI (which is Salt Leaf) are 241 residential units, 86 hotel rooms, 126,839 square feet of commercial office space, 147,000 square feet of retail space and one hole of golf. The Salt Leaf developer wants to increase the number of residential units by 488 units and hotel rooms by 232 rooms for the Salt Leaf property by removing from the DRI the unused commercial office space and retail space. Obviously since neither retail nor office space is a viable option for the Salt Leaf property, what is being given up can be categorized as "sand in the desert".

If allowed, all that additional traffic created by such increased residential units and hotel rooms would exclusively flow through Coconut Road, making an already unsafe and untenable situation worse for those of us in the Colony.

Last week I sent an email (see below, message and email address) objecting to such increases to the individual at Lee County overseeing the process of amending the DRI (the proposed DRI amendment also requires a zoning amendment, and the same individual is overseeing this process).

Since most of us in the Colony are away and therefore unable to attend the hearing in person, I suggest that Colony owners also send emails to Ms. Workman voicing their

objection to increasing residential units and hotel rooms for Salt Leaf , emphasizing the significant life/safety issues that would result from any such increases in residential units and hotel rooms.

To: EWorkman@leegov.com
Subject: DRI2024-00001 and DC12023-00052

Dear Ms. Workman,
I am the president of The Colony Foundation which is the 1200 unit residential homeowners association which is south of the property which is the subject of the two referenced matters. It is unfortunate that the hearings on this very serious matter will take place during a time when most of the residents of the Colony are no longer in town.

The only written communication that the residents of the Colony received regarding this substantial change to the Pelican Landing DRI was a letter (dated May 2 but received in the mail on or around May 27) from RVI Planning which mentioned the increase in residential units and hotel rooms but states "A public hearing date has not yet been set."'

I have reviewed the staff's report regarding the DRI amendment and have the following comments.
1. It is stated that the property abuts Coconut Road "which is a County- maintained collector road that connects to US 41". Coconut Road is in fact the only means of ingress and egress from the subject property and the substantial portion of Coconut Road to US 41 is maintained by the Village of Estero.
2. Coconut Road is the only means of ingress and egress for the existing Hyatt Regency Hotel, all of the development known as Salt Leaf (which is where such additional units and hotel rooms would be built), the existing timeshare units, all of the single family home developments along Coconut Road to US 41. It is also the major means of ingress and egress for the approximately 1200 residential units in the Colony and will be the major means of ingress and egress for the development proposed at the northwest corner of Coconut Road and US 41.
3. Coconut Road is one lane in each direction, and it is infeasible to widen Coconut Road for additional thru lane traffic.
4. The Estero Fire Department has docked its rescue boat at the end of Coconut Road by Estero Bay.
5. Coconut Road today is a failed road for traffic.
6. Currently there is under construction (a)4 high rise residential towers,(b) a public marina and (c) a waterfront restaurant, which will only add more traffic onto this already failed road.
7. Coconut Road is the access road for emergency vehicles.

8. Recently because of an accident Coconut Road was closed for a substantial amount of time creating serious issues for everyone using Coconut Road as their means of ingress and egress.
9. The DRI contemplated the office and retail space would be located in the corridor by US 41 which is currently built out and therefore reducing such space does not have any meaningful impact on the area for which the developer requests an increase in residential units and hotel rooms.

Given all the above factors this increase in development will not only exacerbate the traffic problem that currently exists, and which will increase but will create substantial additional problems for emergency services to enter and exit the area.
If this requested change is granted it must be conditioned upon the developer creating an additional means to access US 41. Respectfully submitted,

Robert T. Loos, President
The Colony Foundation

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This email was sent to: garydmarkowitz@gmail.com

This email was sent by:
The Colony Foundation | 5200 Pelican Colony Blvd. | Bonita Springs, FL 34134 | USA | (239) 992-2100
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Workman, Elizabeth

From: Mary Gibbs <gibbs@estero-fl.gov>
Sent: Monday, June 16, 2025 4:11 PM
To: Workman, Elizabeth
Subject: RE: Pelican Landing Cases

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Thanks!

Mary Gibbs, FAICP
Community Development Director
9401 Corkscrew Palms Circle
Estero, FL 33928
Office: (239) 221-5036
www.estero-fl.gov

From: Workman, Elizabeth <EWorkman@leegov.com>
Sent: Monday, June 16, 2025 4:07 PM
To: Mary Gibbs <gibbs@estero-fl.gov>
Subject: RE: Pelican Landing Cases

Hi Mary,
The attorney is Richard Yovanovich.

Beth Workman | Principal Planner
Department of Community Development, Zoning Section
1500 Monroe Street, Fort Myers, FL 33901
office: (239) 533-8793
email: eworkman@leegov.com
web: www.leegov.com

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From: Mary Gibbs <gibbs@estero-fl.gov>
Sent: Monday, June 16, 2025 3:30 PM
To: Workman, Elizabeth <EWorkman@leegov.com>
Subject: RE: Pelican Landing Cases

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Hi Beth,
Which land use attorney is working on this for the applicant? Is it Neale or someone else?

Mary Gibbs, FAICP
Community Development Director
9401 Corkscrew Palms Circle
Estero, FL 33928
Office: (239) 221-5036
www.estero-fl.gov

From: Workman, Elizabeth <EWorkman@leegov.com>
Sent: Monday, June 16, 2025 8:20 AM
To: Mary Gibbs <gibbs@estero-fl.gov>
Subject: RE: Pelican Landing Cases

Hi Mary,
The Village of Estero has not been included in the amendments. The City of Bonita Springs has separate amendments which include the portions that are now in the Village of Estero. I would think that the Village of Estero would need to pursue their own amendments to clearly state what land is in the City of Bonita and what is in the Village of Estero.

The research I did through Chip's files and the most recent City of Bonita Springs DRI/DO amendment do not mention the Village of Estero.

Beth Workman | Principal Planner

Department of Community Development, Zoning Section
1500 Monroe Street, Fort Myers, FL 33901
office: (239) 533-8793
email: eworkman@leegov.com
web: www.leegov.com

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From: Mary Gibbs <gibbs@estero-fl.gov>
Sent: Friday, June 13, 2025 4:24 PM
To: Workman, Elizabeth <EWorkman@leegov.com>
Subject: Re: Pelican Landing Cases

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Thanks for the clarification. I looked at the DRI Development Order, and it references that it is in the county and Bonita. A portion is also in Estero but that is not referenced anywhere. Shouldn't the Village also be noticed by amendments?

Mary Gibbs, FAICP
Community Development Director
9401 Corkscrew Palms Circle
Estero, FL 33928
Office: (239) 221-5036
www.estero-fl.gov

From: Workman, Elizabeth <EWorkman@leegov.com>
Sent: Friday, June 13, 2025 2:11 PM
To: Mary Gibbs <gibbs@estero-fl.gov>
Subject: RE: Pelican Landing Cases

Hi Mary,
Yes, Villages of Estero and City of Bonita Springs were noticed originally and when the DCI went to the hearing examiner it was remanded back to staff due to the DRI changes that the applicant needed prior to the DCI being

heard. The DRI and DCI documents were sent to both jurisdictions. The DCI hearing is on June 19, 2025 at 9 am and the DRI is under review with the hearing examiner.

Lee County
Southwest Florida

Beth Workman | Principal Planner
Department of Community Development, Zoning Section
1500 Monroe Street, Fort Myers, FL 33901
office: (239) 533-8793
email: eworkman@leegov.com
web: www.leegov.com
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From: Mary Gibbs <gibbs@estero-fl.gov>
Sent: Friday, June 13, 2025 1:15 PM
To: Workman, Elizabeth <EWorkman@leegov.com>
Subject: Pelican Landing Cases

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Greetings Beth,
Hope all is well with you! I am emailing about the Pelican Landing zoning and DRI amendments. I heard second hand that there is a hearing on the 19th . I don't believe we got any notice of this hearing. We got a May 5 notice for the DRI that said there was no date scheduled . Actually we got two identical notices for the DRI that there was no date scheduled. Can someone check and see about the notice and let me know?

I am getting some calls from residents also inquiring about the project.

Thank you,
Mary Gibbs

Email which is created or received by a Village of Estero employee or official in connection with the transaction of official business of the Village of Estero is considered public record and is subject to inspection and/or copying in accordance with Chapter 119, Florida Statutes and is subject to applicable state retention laws, unless exempted by law.

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Workman, Elizabeth

From: Mary Gibbs <gibbs@estero-fl.gov>
Sent: Monday, June 16, 2025 3:30 PM
To: Workman, Elizabeth
Subject: RE: Pelican Landing Cases

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Hi Beth,
Which land use attorney is working on this for the applicant? Is it Neale or someone else?

Mary Gibbs, FAICP
Community Development Director
9401 Corkscrew Palms Circle
Estero, FL 33928
Office: (239) 221-5036
www.estero-fl.gov

From: Workman, Elizabeth <EWorkman@leegov.com>
Sent: Monday, June 16, 2025 8:20 AM
To: Mary Gibbs <gibbs@estero-fl.gov>
Subject: RE: Pelican Landing Cases

Hi Mary,
The Village of Estero has not been included in the amendments. The City of Bonita Springs has separate amendments which include the portions that are now in the Village of Estero. I would think that the Village of Estero would need to pursue their own amendments to clearly state what land is in the City of Bonita and what is in the Village of Estero.

The research I did through Chip's files and the most recent City of Bonita Springs DRI/DO amendment do not mention the Village of Estero.

Beth Workman | Principal Planner
Department of Community Development, Zoning Section
1500 Monroe Street, Fort Myers, FL 33901
office: (239) 533-8793

email: eworkman@leegov.com
web: www.leegov.com

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From: Mary Gibbs <gibbs@estero-fl.gov>
Sent: Friday, June 13, 2025 4:24 PM
To: Workman, Elizabeth <EWorkman@leegov.com>
Subject: Re: Pelican Landing Cases

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Thanks for the clarification. I looked at the DRI Development Order, and it references that it is in the county and Bonita. A portion is also in Estero but that is not referenced anywhere. Shouldn't the Village also be noticed by amendments?

Mary Gibbs, FAICP
Community Development Director
9401 Corkscrew Palms Circle
Estero, FL 33928
Office: (239) 221-5036
www.estero-fl.gov

From: Workman, Elizabeth <EWorkman@leegov.com>
Sent: Friday, June 13, 2025 2:11 PM
To: Mary Gibbs <gibbs@estero-fl.gov>
Subject: RE: Pelican Landing Cases

Hi Mary,
Yes, Villages of Estero and City of Bonita Springs were noticed originally and when the DCI went to the hearing examiner it was remanded back to staff due to the DRI changes that the applicant needed prior to the DCI being heard. The DRI and DCI documents were sent to both jurisdictions. The DCI hearing is on June 19, 2025 at 9 am and the DRI is under review with the hearing examiner.

Beth Workman | Principal Planner
Department of Community Development, Zoning Section
1500 Monroe Street, Fort Myers, FL 33901
office: (239) 533-8793
email: eworkman@leegov.com
web: www.leegov.com
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From: Mary Gibbs <gibbs@estero-fl.gov>
Sent: Friday, June 13, 2025 1:15 PM
To: Workman, Elizabeth <EWorkman@leegov.com>
Subject: Pelican Landing Cases

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Greetings Beth,
Hope all is well with you! I am emailing about the Pelican Landing zoning and DRI amendments. I heard second hand that there is a hearing on the 19th . I don't believe we got any notice of this hearing. We got a May 5 notice for the DRI that said there was no date scheduled . Actually we got two identical notices for the DRI that there was no date scheduled. Can someone check and see about the notice and let me know?

I am getting some calls from residents also inquiring about the project.

Thank you,
Mary Gibbs

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Workman, Elizabeth

From: Stacia Cohen <staciacohen@comcast.net>
Sent: Monday, June 16, 2025 2:31 PM
To: Workman, Elizabeth
Cc: Mark S Cohen
Subject: Re: DRI2024-00001 and DC12023-00052

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Dear Ms. Workman,

I received your response. I apologize for my error in the heading and since it will be provided to the hearing examiner—I wanted to make sure it did not have the mistake.

Here you go again!

Many thanks!

Stacia

> On Jun 16, 2025, at 1:16 PM, Stacia Cohen <staciacohen@comcast.net> wrote:
>
> Dear Ms. Workman,
>
> My husband, Mark, and I are part-time residents at The Colony. It is a property that we purchased in 2019 with our then, ten-year old twin boys.
>
> Part of the allure of the area was the balance between a semi-quiet vacation home with outdoor amenities with the mix of some local restaurants and retail. We did not want an area overrun by tourists. It is for that exact reason that we did not choose Naples. After visiting Naples for years it began to lose its luster once small, quaint independent shops and homes were replaced in number by nation-wide retailers and big real estate development.
>
> We are writing you today to urge you to please not allow the Salt Leaf developer to increase the number of hotel rooms and residential homes in the development.
>
> We have witnessed Coconut Road traffic increase substantially since we first purchased our home. The road is already quite jam-packed and progressively more dangerous. It does not appear that there is a way to remedy this. If there was another access point to our beautifully, some-what secluded area that may be a different story. However, we already believe with the new towers at both The Colony and The Ritz--we are at max-capacity. We can't imagine more development in the area—we believe it would be detrimental and may cause us to relocate.
>
> We love Bonita Springs, we do appreciate some development—but for us, this request is too much.
>
> Thank you for allowing us to state our viewpoint.
>
> We are appreciative,
>

> Stacia and Mark Cohen
> 4751 Via Del Corso Lane
> Bonita Springs, FL
> 312-802-0061

Workman, Elizabeth

From: Dave Thorell <dthorell4309@gmail.com>
Sent: Monday, June 16, 2025 2:23 PM
To: Workman, Elizabeth
Cc: Linda Thorell
Subject: Density proposal

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We are in agreement with the recent letter regarding the proposed density increase submitted by our president Bob Loos. The increase in traffic on Coconut Road will, as a result of your proposal , present a constant traffic jam and impacts the safety of our residents. Please table this action until it can be thoroughly vetted by our community.
David Thorell.
Sent from my iPhone

Workman, Elizabeth

From: Stacia Cohen <staciacohen@comcast.net>
Sent: Monday, June 16, 2025 2:16 PM
To: Workman, Elizabeth
Cc: Mark S Cohen
Subject: DRI2024-00001 and DC12023-00052

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dr. Ms. Workman,

My husband, Mark, and I are part-time residents at The Colony. It is a property that we purchased in 2019 with our then, ten-year old twin boys.

Part of the allure of the area was the balance between a semi-quiet vacation home with outdoor amenities with the mix of some local restaurants and retail. We did not want an area overrun by tourists. It is for that exact reason that we did not choose Naples. After visiting Naples for years it began to lose its luster once small, quaint independent shops and homes were replaced in number by nation-wide retailers and big real estate development.

We are writing you today to urge you to please not allow the Salt Leaf developer to increase the number of hotel rooms and residential homes in the development.

We have witnessed Coconut Road traffic increase substantially since we first purchased our home. The road is already quite jam-packed and progressively more dangerous. It does not appear that there is a way to remedy this. If there was another access point to our beautifully, some-what secluded area that may be a different story. However, we already believe with the new towers at both The Colony and The Ritz--we are at max-capacity. We can't imagine more development in the area—we believe it would be detrimental and may cause us to relocate.

We love Bonita Springs, we do appreciate some development—but for us, this request is too much.

Thank you for allowing us to state our viewpoint.

We are appreciative,

Stacia and Mark Cohen
4751 Via Del Corso Lane
Bonita Springs, FL
312-802-0061

Workman, Elizabeth

From: bggmd@aol.com
Sent: Monday, June 16, 2025 2:14 PM
To: Workman, Elizabeth
Subject: DRI2024-00001 and DC12023-00052

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Dear Ms. Workman,

I am writing this to voice my whole-hearted agreement with the email sent to you from Robert T. Loos, President of the Colony Foundation, regarding the objection to the proposal to increase the residential and hotel units in the Salt Leaf Development. I too strongly object to this proposal.

My husband and I have been residents of the Colony since 2017. We are mostly seasonal residents and will not be in town to attend the upcoming DRI meeting this week.

I too am very concerned about the request to increase residential and hotel density in the Salt Leaf development. Coconut Road is the only or major ingress and egress of a very densely populated area, as outlined nicely by Mr. Loos. The increase in the already congested traffic situation on Coconut Road will further add to unsafe driving conditions. Also, if for any reason there is closure of Coconut Road, this could prevent the Fire Department or other emergency vehicles from accessing the area. I am very concerned how this could affect an emergency situation and possibly impact an urgent response.

I am in total agreement with Mr. Loos that if this requested change is granted, it must be conditioned upon the developer creating an additional means to access US 41. Even if the amendment is not approved, I think it would behoove the developer to add another way to enter and exit the Salt Leaf Development.

I am urging the DRI to not approve the amendment to increase in the residential and hotel units in the Salt Leaf Development.

Thank you.

Rebecca Gibbons
4721 Via Del Corso Lane, #101
Bonita Springs, FL 34134

Workman, Elizabeth

From: manohar rathi <mrathi33@gmail.com>
Sent: Monday, June 16, 2025 2:13 PM
To: Workman, Elizabeth
Subject: Subject: DRI2024-00001 and DC12023-00052

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Dear Ms. Workman,
I am the resident of The Pelican Colony which is south of the property which is the subject of the two referenced matters. It is unfortunate that the hearings on this very serious matter will take place during a time when most of the residents of the Colony are no longer in town.

The only written communication that the residents of the Colony received regarding this substantial change to the Pelican Landing DRI was a letter (dated May 2 but received in the mail on or around May 27) from RVI Planning which mentioned the increase in residential units and hotel rooms but states "A public hearing date has not yet been set.'"

We have reviewed the staff's report regarding the DRI amendment and have the following comments.
1. It is stated that the property abuts Coconut Road "which is a County- maintained collector road that connects to US 41". Coconut Road is in fact the only means of ingress and egress from the subject property and the substantial portion of Coconut Road to US 41 is maintained by the Village of Estero.
2. Coconut Road is the only means of ingress and egress for the existing Hyatt Regency Hotel, all of the development known as Salt Leaf (which is where such additional units and hotel rooms would be built), the existing timeshare units, all of the single family home developments along Coconut Road to US 41. It is also the major means of ingress and egress for the approximately 1200 residential units in the Colony and will be the major means of ingress and egress for the development proposed at the northwest corner of Coconut Road and US 41.
3. Coconut Road is one lane in each direction, and it is infeasible to widen Coconut Road for additional thru lane traffic.
4. The Estero Fire Department has docked its rescue boat at the end of Coconut Road by Estero Bay.
5. Coconut Road today is a failed road for traffic.
6. Currently there is under construction (a)4 high rise residential towers,(b) a public marina

and (c) a waterfront restaurant, which will only add more traffic onto this already failed road.
7. Coconut Road is the access road for emergency vehicles.
8. Recently because of an accident Coconut Road was closed for a substantial amount of time creating serious issues for everyone using Coconut Road as their means of ingress and egress.
9. The DRI contemplated the office and retail space would be located in the corridor by US 41 which is currently built out and therefore reducing such space does not have any meaningful impact on the area for which the developer requests an increase in residential units and hotel rooms.

Given all the above factors this increase in development will not only exacerbate the traffic problem that currently exists, and which will increase but will create substantial additional problems for emergency services to enter and exit the area.
If this requested change is granted it must be conditioned upon the developer creating an additional means to access US 41. Respectfully submitted,

Manohar L Rathi and Kamla Rathi
Residents at 4875 Pelican Colony Blvd; Unit 602, Bonita Springs ,Fl34134,
Mobile : 630 251 1403
Email: mrathi33@gmail.com

Workman, Elizabeth

From: William Breeser <wbreeser@gmail.com>
Sent: Monday, June 16, 2025 2:10 PM
To: Workman, Elizabeth
Cc: colonyfoundation@theiconteam.com; Darlene Breeser; Nancy Saia
Subject: Saltleaf DRI2024-00001 and DC12023-00052

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Dear Ms. Workman,

I am a Resident of The Colony Foundation which is the 1200 unit residential homeowners association which is south of the property which is the subject of the two referenced matters. I am writing to echo and confirm the comments from our president, Robert T. Loos. I have simply copied his email to you as I could not say it any better. Thank you for your time and consideration.

It is unfortunate that the hearings on this very serious matter will take place during a time when most of the residents of the Colony are no longer in town.

The only written communication that the residents of the Colony received regarding this substantial change to the Pelican Landing DRI was a letter (dated May 2 but received in the mail on or around May 27) from RVI Planning which mentioned the increase in residential units and hotel rooms but states "A public hearing date has not yet been set."'

I have reviewed the staff's report regarding the DRI amendment and have the following comments.
1. It is stated that the property abuts Coconut Road "which is a County- maintained collector road that connects to US 41". Coconut Road is in fact the only means of ingress and egress from the subject property and the substantial portion of Coconut Road to US 41 is maintained by the Village of Estero.
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3. Coconut Road is one lane in each direction, and it is infeasible to widen Coconut Road for

additional thru lane traffic.
4. The Estero Fire Department has docked its rescue boat at the end of Coconut Road by Estero Bay.
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9. The DRI contemplated the office and retail space would be located in the corridor by US 41 which is currently built out and therefore reducing such space does not have any meaningful impact on the area for which the developer requests an increase in residential units and hotel rooms.

Given all the above factors this increase in development will not only exacerbate the traffic problem that currently exists, and which will increase but will create substantial additional problems for emergency services to enter and exit the area.
If this requested change is granted it must be conditioned upon the developer creating an additional means to access US 41.
Respectfully submitted,

William E Breeser
23540 Via Veneto
Navona 105
Bonita Springs, FL 34135
716-818-5066

Sent from my iPhone

Workman, Elizabeth

From: Tom Schinke <tom.schinke@yahoo.com>
Sent: Monday, June 16, 2025 2:06 PM
To: Workman, Elizabeth
Subject: DRI2024-00001 and DC12023-00052

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Dear Ms. Workman,

My wife and I have lived in Pelican Landing since 2012, and we have lived through the problems caused by the developments off Coconut Road west of highway 41. Many traffic accidents have occurred, and even a death at the northern most Pelican Landing entrance/exit. We are already over subscribed to the number of units being built and to add more people, hotels and office space to the already overtaxed area will only further create massive problems. Now London Bay LLC is asking to substitute more residential units for office space. This is a ridiculous idea and would not only exasperate the existing problems of congestion, but it would also actually negatively impact both pedestrian and vehicle traffic on Coconut Road!

Please see the message from the President of the Colony Foundation for additional detail supporting the rejection of this request.

My wife and I have talked to many of our neighbors in Pelican Landing, and we all agree that the approval of the current building projects off of Coconut Road west of 41 was a huge mistake! The approval of this request is unthinkable, if there is any interest and concern for the safely of the 1,000s of people who live in that already crowded area.

Sincerely,
Tom Schinke

Executive Coach
24421 Terzetto Lane Unit 201
Bonita Springs, FL 34134
608-239-5804

----- Forwarded Message -----

To: EWorkman@leegov.com
Subject: DRI2024-00001 and DC12023-00052

Dear Ms. Workman,
I am the president of The Colony Foundation which is the 1200 unit residential homeowners association which is south of the property which is the subject of the two referenced matters. It is unfortunate that the hearings on this very serious matter will take place during a time when most of the residents of the Colony are no longer in town.

The only written communication that the residents of the Colony received regarding this substantial change to the Pelican Landing DRI was a letter (dated May 2 but received in the mail on or around May 27) from RVI Planning which mentioned the increase in residential units and hotel rooms but states "A public hearing date has not yet been set."'

I have reviewed the staff's report regarding the DRI amendment and have the following comments.
1. It is stated that the property abuts Coconut Road "which is a County- maintained collector road that connects to US 41". Coconut Road is in fact the only means of ingress and egress from the subject property and the substantial portion of Coconut Road to US 41 is maintained by the Village of Estero.
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Given all the above factors this increase in development will not only exacerbate the traffic

problem that currently exists, and which will increase but will create substantial additional problems for emergency services to enter and exit the area.
If this requested change is granted it must be conditioned upon the developer creating an additional means to access US 41. Respectfully submitted,

Robert T. Loos, President
The Colony Foundation

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Workman, Elizabeth

From: Perez, Maria
Sent: Monday, June 16, 2025 2:00 PM
To: Workman, Elizabeth
Subject: RE: 6/18 Zoning

Thank you so much Beth.

MARIA D. PEREZ
EXECUTIVE ASSISTANT
LEE COUNTY HEARING EXAMINER'S OFFICE
BOARD OF COUNTY COMMISSIONERS
P.O. Box 398
(1500 Monroe Street)
Fort Myers, Florida 33902
Tel: (239) 533-8100

E-mail: perezmd@leegov.com

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Please note our general office email address: hex@leegov.com

From: Workman, Elizabeth <EWorkman@leegov.com>
Sent: Monday, June 16, 2025 1:34 PM
To: Perez, Maria <MPerez@leegov.com>
Subject: FW: 6/18 Zoning

Here you go!

Lee County
Southwest Florida

Beth Workman | Principal Planner
Department of Community Development, Zoning Section
1500 Monroe Street, Fort Myers, FL 33901

office: (239) 533-8793
email: eworkman@leegov.com
web: www.leegov.com

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From: Rodriguez, Anthony <ARodriguez4@leegov.com>
Sent: Monday, June 16, 2025 7:43 AM
To: Groth, MarySue <MGroth@leegov.com>; Workman, Elizabeth <EWorkman@leegov.com>; Badamtchian, Chahram <CBADAMTCHIAN@leegov.com>
Cc: Danley Jr, Dirk <DDanleyJr@leegov.com>; Cherry, Brienne <BCherry2@leegov.com>
Subject: FW: 6/18 Zoning

Hi, all:

Based on the thread below, we will not have a quorum for the 6/18 BoCC Comp. Plan/Zoning Hearings. Can you please contact your respective applicants and advise them that the Board hearings on these cases will be readvertised for hearing on August 6, 2025?

Dirk—CCing you as an FYI since you have been working with the Seagate folks.

Please stop in and see me if you have any questions.

Thanks,

Anthony

Lee County
Southwest Florida

Anthony R. Rodriguez, AICP, CPM | Zoning Manager
Department of Community Development
1500 Monroe Street, Fort Myers, FL 33901
office: (239) 533-8786
email: arodriguez4@leegov.com
web: www.leegov.com

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From: Rozdolski, Mikki <MRozdolski@leegov.com>
Sent: Friday, June 13, 2025 3:47 PM
To: Rodriguez, Anthony <ARodriguez4@leegov.com>; Cherry, Brienne <BCherry2@leegov.com>; Mora, Marc <MMora@leegov.com>; Jacob, Michael <MJacob@leegov.com>; Adams, Joseph <JADAMS@leegov.com>; Sweigert, Rebecca <RSweigert@leegov.com>; Harner, David <DHarner@leegov.com>
Subject: Fw: 6/18 Zoning

Good afternoon,

We will NOT have a forum for our zoning hearing on 6/18. Please notify the applicants and implement any other procedures necessary to reschedule/readvertise.

Mikki

From: Rohland, Stacey <SRohland@leegov.com>
Sent: Friday, June 13, 2025 3:06 PM
To: Dist1, Kevin Ruane <DIST1@leegov.com>; Dist2, Cecil Pendergrass <dist2@leegov.com>; Dist3, David Mulicka <dist3@leegov.com>; Dist4, Brian Hamman <dist4@leegov.com>
Cc: Dist5, Michael Greenwell <Dist5@leegov.com>; Harner, David <DHarner@leegov.com>; Wesch, Richard <RWesch@leegov.com>; Jacob, Michael <MJacob@leegov.com>; Mora, Marc <MMora@leegov.com>; Rozdolski, Mikki <MRozdolski@leegov.com>
Subject: 6/18 Zoning

Good afternoon,
Commissioner Greenwell is unable to attend the June 18th Zoning meeting. Thank you.

Stacey Rohland
Executive Assistant to Commissioner Mike Greenwell
Lee County Board of County Commissioners
District 5
239-533-2225

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Workman, Elizabeth

From: Peter Miller <psmiller1950@gmail.com>
Sent: Monday, June 16, 2025 1:57 PM
To: Workman, Elizabeth
Subject: Subject: DRI2024-00001 and DC12023-00052

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Dear Ms. Workman. My wife and I have owned homes in the Colony for very twenty years. During the past twenty years we have experienced the increase in vehicle travel on Coconut Road leading from US Rt. 41. It is my understanding that Lee County will be holding public hearings concerning London Bay's request that the county permit the construction of an additional 488 residential units and 232 additional hotel rooms for the Salt Leaf property beyond what has previously been approved. Since I am not able to attend any of the public meetings I would respectfully frequent that you consider this email as our strong protest to this proposed expansion. Not only will this result in an unbearable increase in traffic on Coconut Road, but it will increase the likelihood of delay in emergency vehicle traffic to the jeopardy of all residents dependent upon the impacted stretch of Coconut Road.
Thank you for your serious consideration of our plea.
Peter and Bonnie Miller
23838 Campla Ct.
Sent from my iPad

Workman, Elizabeth

From: Peter Vrees <petervrees@gmail.com>
Sent: Monday, June 16, 2025 1:42 PM
To: Workman, Elizabeth
Subject: DRI

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Ms Workman:I would like to echo the message from our Colony president.The proposal changes requested by our northern neighbor would have serious negative consequences to the Colony and our surrounding communities.Please consider its impact before giving approval.
Thank you
Peter Vrees

Workman, Elizabeth

From: Diane Guy <dianerguy@aol.com>
Sent: Monday, June 16, 2025 1:39 PM
To: Workman, Elizabeth
Subject: Fwd: Important Information Regarding Increasing Density at SaltLeaf

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Please refer to the attached email from the president of The Colony.
My husband and I purchased a property on Merano Ct., in The Colony, two years ago. With the construction of the Ritz Carlton residences and a tower in The Colony we have been subjected to the noise and dirt of construction vehicles in addition to the vehicles of local residents. The road is constantly busy and noisy, with many jacked up muffler systems in the early hours.
There are now long line ups to turn left onto Tamiami from Coconut Rd., often resulting in waiting several light changes.
The affect of increased residential density to this area would be horrendous without the addition of another access road from Tamiami to the SaltLeaf development.

Diane Guy
23731 Merano Ct.
Estero.
Sent from my iPad

Begin forwarded message:

From: The Colony Foundation <colonyfoundation@theiconteam.com>
Date: June 16, 2025 at 12:54:45 EDT
To: dianerguy@aol.com
Subject: Important Information Regarding Increasing Density at SaltLeaf
Reply-To: colonyfoundation@theiconteam.com



Important information regarding increasing density at SaltLeaf

At this morning's monthly meeting, I gave my monthly President's Message. Please note that there is a Hearing scheduled on Thursday, June 19 regarding the changes to the Pelican

Landing DRI as requested by London Bay/SaltLeaf. A copy of the email that I sent to the Lee County Coordinator is attached, please consider sending an email to Ms. Workman expressing your concerns.

Bob Loos, President
The Colony Foundation Board

President's Message
June 16, 2025

This Thursday there are two hearings starting at 9 a.m. at Lee County regarding increasing the number of hotel rooms and residential units that can be built at Salt Leaf (the property adjoining the Ritz Carlton Condominium Complex).

Although the issues can be somewhat complex, the following is my attempt to describe what is being attempted.

Back in 1980 WCI created through Lee County a so called development of regional impact order (the DRI) which established the maximum amount of residential units, hotel rooms, golf course holes, boat slips, commercial office space and retail space that could be built in the area that not only encompassed Pelican Landing, but also the area currently being developed as Salt Leaf. At that time the area was totally undeveloped and neither the City of Bonita Springs nor the Village of Estero existed and there were no specific plans for anything on the property.

Today what remains as the maximum that can be built on the undeveloped portion of the DRI (which is Salt Leaf) are 241 residential units, 86 hotel rooms, 126,839 square feet of commercial office space, 147,000 square feet of retail space and one hole of golf. The Salt Leaf developer wants to increase the number of residential units by 488 units and hotel rooms by 232 rooms for the Salt Leaf property by removing from the DRI the unused commercial office space and retail space. Obviously since neither retail nor office space is a viable option for the Salt Leaf property, what is being given up can be categorized as "sand in the desert".

If allowed, all that additional traffic created by such increased residential units and hotel rooms would exclusively flow through Coconut Road, making an already unsafe and untenable situation worse for those of us in the Colony.

Last week I sent an email (see below, message and email address) objecting to such increases to the individual at Lee County overseeing the process of amending the DRI (the propose DRI amendment also requires a zoning amendment, and the same individual is overseeing

this process).

Since most of us in the Colony are away and therefore unable to attend the hearing in person, I suggest that Colony owners also send emails to Ms. Workman voicing their objection to increasing residential units and hotel rooms for Salt Leaf , emphasizing the significant life/safety issues that would result from any such increases in residential units and hotel rooms.

To: EWorkman@leegov.com
Subject: DRI2024-00001 and DC12023-00052

Dear Ms. Workman,
I am the president of The Colony Foundation which is the 1200 unit residential homeowners association which is south of the property which is the subject of the two referenced matters It is unfortunate that the hearings on this very serious matter will take place during a time when most of the residents of the Colony are no longer in town.

The only written communication that the residents of the Colony received regarding this substantial change to the Pelican Landing DRI was a letter (dated May 2 but received in the mail on or around May 27) from RVI Planning which mentioned the increase in residential units and hotel rooms but states "A public hearing date has not yet been set."

I have reviewed the staff's report regarding the DRI amendment and have the following comments.
1. It is stated that the property abuts Coconut Road "which is a County- maintained collector road that connects to US 41". Coconut Road is in fact the only means of ingress and egress from the subject property and the substantial portion of Coconut Road to US 41 is maintained by the Village of Estero.
2. Coconut Road is the only means of ingress and egress for the existing Hyatt Regency Hotel all of the development known as Salt Leaf (which is where such additional units and hotel rooms would be built), the existing timeshare units, all of the single family home developments along Coconut Road to US 41. It is also the major means of ingress and egress for the approximately 1200 residential units in the Colony and will be the major means of ingress and egress for the development proposed at the northwest corner of Coconut Road and US 41.
3. Coconut Road is one lane in each direction, and it is infeasible to widen Coconut Road for additional thru lane traffic.
4. The Estero Fire Department has docked its rescue boat at the end of Coconut Road by Estero Bay.

5. Coconut Road today is a failed road for traffic.
6. Currently there is under construction (a)4 high rise residential towers,(b) a public marina and (c) a waterfront restaurant, which will only add more traffic onto this already failed rc
7. Coconut Road is the access road for emergency vehicles.
8. Recently because of an accident Coconut Road was closed for a substantial amount of time creating serious issues for everyone using Coconut Road as their means of ingress and egress.
9. The DRI contemplated the office and retail space would be located in the corridor by US 41 which is currently built out and therefore reducing such space does not have any meaningful impact on the area for which the developer requests an increase in residential units and hotel rooms.

Given all the above factors this increase in development will not only exacerbate the traffic problem that currently exists, and which will increase but will create substantial additional problems for emergency services to enter and exit the area.
If this requested change is granted it must be conditioned upon the developer creating an additional means to access US 41. Respectfully submitted,

Robert T. Loos, President
The Colony Foundation

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This email was sent to: dianerguy@aol.com

This email was sent by:
The Colony Foundation | 5200 Pelican Colony Blvd. | Bonita Springs, FL 34134 | USA | (239) 992-2100
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Workman, Elizabeth

From: Elizabeth Nickele <elizabethnickele@gmail.com>
Sent: Monday, June 16, 2025 1:33 PM
To: Workman, Elizabeth
Subject: SaltLeaf Density Change Opposition

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear Ms Workman,
I would like to go on record as an owner in the Colony at Pelican Landing that I oppose the increase in density development in the SaltLeaf complex. I believe that the increased congestion and traffic would adversely affect the safety and quality of life of the current residents, In addition, the wildlife and natural habitat would have increased stresses by the additional population.
Thank you for your consideration.
Elizabeth Kentra-Gorey

Workman, Elizabeth

From: lheadly@aol.com
Sent: Monday, June 16, 2025 1:31 PM
To: Workman, Elizabeth
Cc: mgheadly7364@gmail.com
Subject: Objection to Increasing Density at Saltleaf

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

We live in Cielo at The Colony, Pelican Landing. Coconut Road is our means of entering and exiting our community, and it is becoming increasingly congested over time. We vigorously object to increasing residential units and hotel rooms for Salt Leaf, as we are concerned about the significant life/safety issues that would result from any such increases in residential units and hotel room.

Thank you for your consideration,
Louise and Mike Headly
4780 Via Del Corso Lane, Bonita Springs

Workman, Elizabeth

From: Pat <beattie.patricia@gmail.com>
Sent: Monday, June 16, 2025 1:24 PM
To: Workman, Elizabeth
Subject: Salt Leaf

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Ms. Workman,
My husband and I have been property owners in the Colony for 20 years. As of last summer, we are full time FL residents.
When we first became property owners in the Colony, what is now the Coconut Mall was a field with cattle grazing.
Our neighbor Don Eslick was instrumental in making sure the area was developed properly and had the quality of life of its residents in mind, and was a strong proponent of the Coconut Road Lee medical center.
Coconut Road and egress to Rt. 41 is already at capacity. More building will be to the detriment and safety of our residents.
I strongly urge you to reconsider further development in the Salt Leaf area.
Sincerely,
Patricia Beattie
Sent from my iPhone

Workman, Elizabeth

From: Jim Lamb <jlamb@gldcommercial.com>
Sent: Monday, June 16, 2025 1:22 PM
To: colonyfoundation@theiconteam.com; Workman, Elizabeth
Subject: Re: Important Information Regarding Increasing Density at SaltLeaf

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Nicely written Bob!

This is a critical issue as during any 'Hurricane' season, the seeming approach of a storm to the north can, as in the past, suddenly takes an on-shore turn that forces a lot of further evacuation onto that minimally capable street! One carrying not just resident traffic, but all the construction traffic! Nothing further should happen without a second access/egress plan. It's unfathomable that City/County Planners have not addressed this already! It's been obvious for years...

With appreciation for your work, Jim

James Lamb
23772 Campla Ct
Bonita Springs, FL 34134
319 360-2118

From: The Colony Foundation <colonyfoundation@theiconteam.com>
Date: Monday, June 16, 2025 at 12:53 PM
To: Jim Lamb <jlamb@gldcommercial.com>
Subject: Important Information Regarding Increasing Density at SaltLeaf

Monday, June 16, 2025

Important information regarding increasing density at SaltLeaf

At this morning's monthly meeting, I gave my monthly President's Message. Please note that there is a Hearing scheduled on Thursday, June 19 regarding the changes to the Pelican Landing DRI as requested by London Bay/SaltLeaf. A copy of the email that I sent to the Lee County Coordinator is attached, please consider sending an email to Ms. Workman expressing your concerns.

Bob Loos, President
The Colony Foundation Board

President's Message
June 16, 2025

This Thursday there are two hearings starting at 9 a.m. at Lee County regarding increasing the number of hotel rooms and residential units that can be built at Salt Leaf (the property adjoining the Ritz Carlton Condominium Complex).

Although the issues can be somewhat complex, the following is my attempt to describe what is being attempted.

Back in 1980 WCI created through Lee County a so called development of regional impact order (the DRI) which established the maximum amount of residential units, hotel rooms, golf course holes, boat slips, commercial office space and retail space that could be built in the area that not only encompassed Pelican Landing, but also the area currently being developed as Salt Leaf. At that time the area was totally undeveloped and neither the City of Bonita Springs nor the Village of Estero existed and there were no specific plans for anything on the property.

Today what remains as the maximum that can be built on the undeveloped portion of the DRI (which is Salt Leaf) are 241 residential units, 86 hotel rooms, 126,839 square feet of commercial office space, 147,000 square feet of retail space and one hole of golf. The Salt Leaf developer wants to increase the number of residential units by 488 units and hotel rooms by 232 rooms for the Salt Leaf property by removing from the DRI the unused commercial office space and retail space. Obviously since neither retail nor office space is a viable option for the Salt Leaf property, what is being given up can be categorized as "sand in the desert".

If allowed, all that additional traffic created by such increased residential units and hotel rooms would exclusively flow through Coconut Road, making an already unsafe and untenable situation worse for those of us in the Colony.

Last week I sent an email (see below, message and email address) objecting to such increases to the individual at Lee County overseeing the process of amending the DRI (the proposed DRI amendment also requires a zoning amendment, and the same individual is overseeing this process).

Since most of us in the Colony are away and therefore unable to attend the hearing in person, I suggest that Colony owners also send emails to Ms. Workman voicing their objection to increasing residential units and hotel rooms for Salt Leaf , emphasizing the significant life/safety issues that would result from any such increases in residential units and hotel rooms.

To: EWorkman@leegov.com
Subject: DRI2024-00001 and DC12023-00052

Dear Ms. Workman,
I am the president of The Colony Foundation which is the 1200 unit residential homeowners association

which is south of the property which is the subject of the two referenced matters. It is unfortunate that the hearings on this very serious matter will take place during a time when most of the residents of the Colony are no longer in town.

The only written communication that the residents of the Colony received regarding this substantial change to the Pelican Landing DRI was a letter (dated May 2 but received in the mail on or around May 27) from RVI Planning which mentioned the increase in residential units and hotel rooms but states "A public hearing date has not yet been set."'

I have reviewed the staff's report regarding the DRI amendment and have the following comments.

1. It is stated that the property abuts Coconut Road "which is a County- maintained collector road that connects to US 41". Coconut Road is in fact the only means of ingress and egress from the subject property and the substantial portion of Coconut Road to US 41 is maintained by the Village of Estero.
2. Coconut Road is the only means of ingress and egress for the existing Hyatt Regency Hotel, all of the development known as Salt Leaf (which is where such additional units and hotel rooms would be built), the existing timeshare units, all of the single family home developments along Coconut Road to US 41. It is also the major means of ingress and egress for the approximately 1200 residential units in the Colony and will be the major means of ingress and egress for the development proposed at the northwest corner of Coconut Road and US 41.
3. Coconut Road is one lane in each direction, and it is infeasible to widen Coconut Road for additional thru lane traffic.
4. The Estero Fire Department has docked its rescue boat at the end of Coconut Road by Estero Bay.
5. Coconut Road today is a failed road for traffic.
6. Currently there is under construction (a)4 high rise residential towers,(b) a public marina and (c) a waterfront restaurant, which will only add more traffic onto this already failed road.
7. Coconut Road is the access road for emergency vehicles.
8. Recently because of an accident Coconut Road was closed for a substantial amount of time creating serious issues for everyone using Coconut Road as their means of ingress and egress.
9. The DRI contemplated the office and retail space would be located in the corridor by US 41 which is currently built out and therefore reducing such space does not have any meaningful impact on the area for which the developer requests an increase in residential units and hotel rooms.

Given all the above factors this increase in development will not only exacerbate the traffic problem that currently exists, and which will increase but will create substantial additional problems for emergency services to enter and exit the area.
If this requested change is granted it must be conditioned upon the developer creating an additional means to access US 41. Respectfully submitted,

Robert T. Loos, President
The Colony Foundation

This email was sent to: jlamb@gldcommercial.com

This email was sent by:
The Colony Foundation | 5200 Pelican Colony Blvd. | Bonita Springs, FL 34134 | USA | (239) 992-2100
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Workman, Elizabeth

From: Jim Laurito <jlaurito11@outlook.com>
Sent: Monday, June 16, 2025 1:22 PM
To: Workman, Elizabeth
Subject: Pelican Landing DRI Changes

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Ms. Workman,

My name is Jim Laurito, and I am a resident in The Colony at Pelican Landing in the Tuscany Isle development. I have been an owner in The Colony since 2008.

I recently saw an email sent to you by Bob Loos, the President of the Colony Foundation, stating he is against the requested DRI changes by the Saltleaf developer. I note that he signed the email with his President title. I want to clarify that his opposition DOES NOT represent the opinion or position of the approximated 1,200 residential unit owners in The Colony, as there was no resident/owner vote conducted.

My wife and I are in support of the recommended DRI changes, as we believe it will serve to increase the property values in The Colony and surrounding area.

Thank you for your consideration.

Jim

James P. (Jim) Laurito
Independent Corporate Director
+1.585.733-6659

http://www.linkedin.com/in/james-p-jim-laurito-37362842

Get Outlook for iOS

Workman, Elizabeth

From: Ernie Rodriguez <ernienaples2@comcast.net>
Sent: Monday, June 16, 2025 1:12 PM
To: Workman, Elizabeth
Subject: DRI2024-00001 and DC12023-00052

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Ms. Workam—I understand there is a proposal to increase Residential Units and Hotel Rooms for the Salt Leaf property. If approved the traffic in Coconut Road will continue to increase AND as you know this road is already very busy and becoming more dangerous. I am a full time Resident in the Treviso building(part of The Colony residences). We still do mot have the traffic ON for the 4 new buildings that will be opening in the near future and will also continue to increase traffic.
I am asking that the requested Salt Leaf property proposal BE DENIED completely.

Thanks for your consideration. Ernesto J Rodriguez

Workman, Elizabeth

From: susan santa-cruz <susansccom@gmail.com>
Sent: Monday, June 16, 2025 1:09 PM
To: Workman, Elizabeth
Subject: Density issue

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

I am a Colony resident and unit owner #701 in Treviso. The proposed Saltleaf increase in all types of units is greed driven- and will impact on all occupants using Coconut Road for entrance and egress. There will already be an increase in traffic, and what is being proposed in untenable. Please- lets have more strategic minds prevail.
Thank you-
Susan Santa-Cruz

Sent from my iPhone

Workman, Elizabeth

From: Judi Walsh <jwalsh4453@gmail.com>
Sent: Monday, June 16, 2025 1:06 PM
To: Workman, Elizabeth
Subject: Salt Leaf

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Hello Ms. Workman,
We are residents in The Colony off Coconut Point Road in Bonita Springs. We are writing to respectfully ask that no changes (asking for additional residential units and hotel rooms) to the plan for Salt Leaf be approved.

Coconut Road is already overtaxed. It is only a two lane road and handles a great deal of traffic and emergency vehicles. Adding more units to Salt Leaf will only add to the already congested road. If the developer's request were to be granted, it would be important that they only do this only if they develop another access road to Hwy 41.

Thank you for your consideration.

Judi Walsh and Bob Tobe
24001 Via Castella
#3404
Bonita Springs, Fl 34134

Workman, Elizabeth

From: roger baker <rogerbaker772@gmail.com>
Sent: Monday, June 16, 2025 1:04 PM
To: Workman, Elizabeth
Subject: Pelican Landing DRI

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Roger and Mary Angela Baker's
Residents of
23850 Via Italia Cir, Bonita Springs, FL 34134
Object to increased hotels and residential units due to the lack of infrastructure and roads available to accommodate this increase.
Roger Baker
Mary Angie Baker

Workman, Elizabeth

From: Chambers, Culleen
Sent: Monday, June 16, 2025 12:05 PM
To: Workman, Elizabeth
Subject: RE: Adam's card and folder

I'm so sorry I was not here! I had the worst migraine. How did it go? I assuming you found the book.

Lee County
Southwest Florida

Culleen Chambers | Supervisor
Regulatory Review
Department of Community Development
1500 Monroe St, Fort Myers, FL 33901
office: (239) 533-8189
email: CChambers@leegov.com
web: www.leegov.com/dcd
Connect With Us On Social Media

From: Workman, Elizabeth <EWorkman@leegov.com>
Sent: Friday, June 13, 2025 8:49 AM
To: Chambers, Culleen <CChambers@leegov.com>
Subject: Adam's card and folder

Hi,
Please let me know if you have the shower card and folder. Plan Review said they brought it to you at the end of the day. I am consolidating the money today.

Lee County
Southwest Florida

Beth Workman | Principal Planner
Department of Community Development, Zoning Section
1500 Monroe Street, Fort Myers, FL 33901
office: (239) 533-8793
email: eworkman@leegov.com
web: www.leegov.com

Connect With Us On Social Media

Receive updates from Lee County Government by subscribing to our newsletter

Receive updates from Lee County Government by subscribing to our newsletter

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

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

Workman, Elizabeth

From: Michael Oshan <mboshan@comcast.net>
Sent: Sunday, June 15, 2025 12:33 PM
To: Workman, Elizabeth
Subject: DRI Pelican Landing

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

As a resident of Pelican Landing, I am very concerned about the additional new residents that may be brought to this area not to mention additional employees that we always seem to be short staffed additional problems, additional boats and access, London bay has over 40 boat slips already not to mention what is going to happen to the beautiful Estero Bay.
traffic alone is a major issue already
safety issue. not enough, doctors and hospitals !! staff.!

Concerned, residents
Michael and Maddie Oshan

Sent from my iPhone

Workman, Elizabeth

From: Thomas Graham <tomgraham232@gmail.com>

Sent: Sunday, June 15, 2025 11:35 AM
To: Workman, Elizabeth; jamie.bogacz@cityofbonitasprings.org; Mike.Gibson@cityofbonitasprings.org; jribble@estero-fl.gov
Subject: We oppose Blanket approval of DRI case: DRI2024-00001 and the rezoning case: DCI2023-00052

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear Elizabeth Workman (Lee County), Mike Gibson/Jamie Bogacz (Bonita Springs), Joanne Ribble (Estero):

We have read each of the legal documents presented within the recent Pelican Landing Board's communication. In addition, we have read and fully disagree with the potential approval of the density increase that appears will be approved without dissent by the county and possibly the cities of Bonita Springs and Estero.

We think these documents failed to take into consideration the impact of this development on the neighborhoods along Coconut Road and the already overload of traffic along this road. Coconut is only two lanes (one lane in and one lane out, having only a **few or no turn lanes for access into communities/connecting roads/businesses/etc**.) to the main exit to highway 41. There is only a minor reference to the traffic flow impact.

Lee County, along with both the city of Bonita Springs and Village of Estero, need to do their due diligence on the impact of traffic this increase in density will create not only in low season, but especially during high season.

In addition, we are concerned with how you would be able to address the increase in water demand that additional residences will bring when we already have a shortage of water.

We also think that the developer already has approval for a development that will greatly impact our neighborhoods. The increase in density as proposed will only exacerbate the impact.

We are asking the 3 governing entities to **deny** the density increases as it will have a detrimental effect on all the surrounding communities, **especially during emergencies** or, as a last resort, jointly take the necessary responsibilities to address modifying the road to accommodate the development.

A blanket approval is not acceptable.

Respectfully submitted,
Tom Graham and Janet Boone
24350 Sandpiper Isle Way, unit 701
Pelican Landing
Bonita Springs, FL 34134

Workman, Elizabeth

From: P Ozga <pozga@netscape.net>
Sent: Sunday, June 15, 2025 8:13 AM
To: jamie.bogacz@cityofbonitasprings.org; Workman, Elizabeth; mike.gibson@cityofbonitasprings.org; jribble.@estero-fl.gov
Subject: Fw: Fwd: The DRI case: DRI2024-00001 and the rezoning case: DCI2023-00052 and both are for that portion of the DRI within unincorporated Lee County -London Bay development at the end of Coconut Road.

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

I completely agree with the email below. Living on the north end of Pelican Landing and using Coconut Road as the the exit to get to 41, it is already a nightmare during the season. When we looked at the Ritz Carlton properties out of curiosity, and I asked them about the road situation. They were very flippant saying It's already approved. And I said what's approved? To which they replied the development, the roads and not an issue.

Well, that is completely false. There should not be approval of further development without the road being done first. Once the road is addressed, then it's appropriate to consider changing the volume that would be using that road.

Best regards,

Paulette Ozga
24 300 Sandpiper Iowa Way #204,
Bonita Springs.

Sent from the all new AOL app for iOS

Begin forwarded message:

On Friday, June 13, 2025, 1:50 PM, Vicki White <georgeandvickiwhite@me.com> wrote:

> Hi Neighbors,
> We sent the following email to Lee County (and Bonita/Estero) about our concern over the DRI proposal to increase the density of the planned construction in the Salt Leaf-Golf/London Bay Property area when a meeting will take place in Lee County on June 19. We received a quick reply from E. Workman (also attached)
>
> Coconut Road is already very busy (especially in season.) Besides the additional construction which has begun near the former Weeks Fish Camp property, soon the northwest corner of 41&Coconut will have another large mixed use - AKA Woodford w/hotel/retail/condo rentals/etc. ...

THIS, TOO, WILL ALSO HAVE MAJOR IMPACT ON THE TRAFFIC AT THE CORNER OF 41 AND COCONUT ROAD AS IT GETS BUILT.

Any one living along the (west) Coconut Road corridor and in the Colony or northern section of Pelican Landing (or who uses the north entrance of PL), will definitely be affected by traffic issues when leaving PL to go east and/or north on 41.

We urge you to send an email or go to the meeting and make our case for addressing the traffic issues which will become worse than they are now. It will affect not only our daily usage, but can have catastrophic consequences with emergency egress to/from our community. BY COPY/PASTING AS MUCH OF THE EMAIL...IT SHOULD ONLY TAKE A FEW MINUTES OF YOUR TIME. THE PRESENTATION IN LEE COUNTY IS MID-WEEK NEXT WEEK (JUNE 19).

Feel free to use as much of our email below (just put in your name/etc). **ALSO, PLEASE FEEL FREE TO PASS THIS ALONG TO OTHER PL / COLONY RESIDENTS - THIS AFFECTS ALL OF US.**

We (PL and Colony) need to make our concerns known. They are trying to push this through during the summer when very few are here and/or paying attention to the Bonita area.

Thank you.

Vicki and George White

THESE ARE THE EMAIL ADDRESSES TO SEND THE EMAIL TO (JUST COPY/PASTE INTO THE ADDRESSEE "TO" BOX OF YOUR EMAIL:

Eworkman@leegov.com
jamie.bogacz@cityofbonitasprings.org
Mike.Gibson@cityofbonitasprings.org
jribble@estero-fl.gov

Begin forwarded message:

From: "Workman, Elizabeth" <EWorkman@leegov.com>
Subject: RE: The DRI case: DRI2024-00001 and the rezoning case: DCI2023-00052 and both are for that portion of the DRI within unincorporated Lee County -London Bay development at the end of Coconut Road.
Date: June 13, 2025 at 10:40:33 AM EDT
To: Vicki White <georgeandvickiwhite@me.com>

Ms. White,
Thank you for your e-mail. I will provide your letter to the hearing examiner and the applicant during staff's presentation.

Beth Workman | Principal Planner
Department of Community Development, Zoning Section
1500 Monroe Street, Fort Myers, FL 33901
office: (239) 533-8793
email: eworkman@leegov.com
web: www.leegov.com
Connect With Us On Social Media

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From: Vicki White <georgeandvickiwhite@me.com>
Sent: Friday, June 13, 2025 10:21 AM
To: Workman, Elizabeth <EWorkman@leegov.com>; jamie.bogacz@cityofbonitasprings.org; Mike.Gibson@cityofbonitasprings.org; jribble@estero-fl.gov
Subject: The DRI case: DRI2024-00001 and the rezoning case: DCI2023-00052 and both are for that portion of the DRI within unincorporated Lee County -London Bay development at the end of Coconut Road.

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Subject: The DRI case: DRI2024-00001 and the rezoning case: DCI2023-00052 and both are for that portion of the DRI within unincorporated Lee County -London Bay development at the end of Coconut Road.

Dear Elizabeth Workman (Lee County), Mike Gibson/Jamie Bogacz (Bonita Springs), Joanne Ribble (Estero):

Reference the above subject, we have read each of the legal documents presented within the recent Pelican Landing Board's communication. In addition, we have read and fully disagree with the potential approval of the density increase that appears will be approved without dissent by the county and possibly the cities of Bonita Springs and Estero.

Judging by what we have read, it failed to take into consideration the impact of this development on the neighborhoods along Coconut Road and the already overload of traffic along this road. Coconut is only two lanes (one lane in and one lane out) to the main exit to highway 41. There is only a minor reference to the traffic flow impact, which by the way is disastrous especially during the seasonal months.

Lee County, along with both the city of Bonita Springs and Village of Estero, need to do their due diligence on the impact of traffic this increase in density will create not only in low season, but especially during high season. Coconut road west of 41 is two-lane road (in/out) having only a **few or no turn lanes for access into communities/connecting roads/businesses/etc**.

We are asking that the 3 governing entities jointly take the necessary responsibilities to address modifying the road to accommodate the development **or deny** the increase as it has a detrimental effect on all the surrounding communities, **especially during emergencies.**

A blanket approval is just NOT acceptable.

Respectfully submitted,
George and Victoria White
24300 Sandpiper Isle Way (Pelican Landing)
Bonita Springs, FL 34134

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Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding

County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

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

Workman, Elizabeth

From: rickeyreichle LAST_NAME <rickeyreichle@comcast.net>
Sent: Saturday, June 14, 2025 9:23 AM
To: Workman, Elizabeth
Subject: DRI 2033-0052 and DRI 2024-00001

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

I would recommend not approving this project without significant improvements to Coconut Road. Coconut road is a two lane road which has reached its capacity. With already approved additional high rises this road will become more congested.
And with the above mentioned approval will make Coconut road even worse.
Major improvements like 4 laning Coconut Road or constructing a new road to enter and exit 41 should be done prior to any approvals of the above mentioned projects.
Sincerely,
Rickey Reichle
4771 Via Del Corso Lane
Apt.# 401
Bonita Springs, FL.34134
239-687-9423

Workman, Elizabeth

From: Jeffrey Wacksman <jw_dw@yahoo.com>
Sent: Friday, June 13, 2025 8:21 PM
To: Workman, Elizabeth
Cc: PLCABoard@pelicanlanding.com
Subject: Re: DRI for Pelican Lading

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Thank you. Is there any way this can't be a **Zoom meeting** because this issue is very important to Pelican Landing and and 90% of PL residents are out of town and there fore can't attend.

Jeffrey Wacksman

On Friday, June 13, 2025 at 10:34:02 AM EDT, Workman, Elizabeth <eworkman@leegov.com> wrote:

Hi Mr. Wacksman,

Thank you for your e-mail. I will provide the e-mail to the hearing examiner and the applicant during staff's presentation.



Beth Workman | Principal Planner

Department of Community Development, Zoning Section

1500 Monroe Street, Fort Myers, FL 33901

office: (239) 533-8793

email: eworkman@leegov.com

web: www.leegov.com

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From: Jeffrey Wacksman <jw_dw@yahoo.com>
Sent: Thursday, June 12, 2025 9:37 PM
To: Workman, Elizabeth <EWorkman@leegov.com>
Cc: Dist1, Kevin Ruane <DIST1@leegov.com>; Dist3, David Mulicka <dist3@leegov.com>
Subject: DRI for Pelican Lading

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear Ms Workman

I have read the DRI expansion and have major problems with this expansion. To add another 500 plus people as well as a possible Hotel is totally unacceptable for Pelican Landing Residents as well as Colony residents. Without increasing wider roads along Coconut rd residents going to our Marina for Beach access as well as boating both sailing and kayaking will be severely comprised.

The prudent solution is to complete the London Bay Project completely and then evaluate the traffic situation Jan through April. The people evaluating this a use June thru Sep. That data is worthless.

It is unfair to go ahead with this project which should be shelved until the London Bay project is complete for 12 mos because of the detrimental affect on PL and the Colony residents. I must remind you that LB is having a public ramp for boats on the small 2 lane street from the Hyatt to the end of the PL marina road that takes our residents back and forth to

the Beach. This project without widening roads is foolish and a major detriment to 3500 doors in our community. You should table this project until the the London Bay project has been in place for at least 12 mos

Jeffrey Wacksman M.D.

Sent from Yahoo Mail for iPhone

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Workman, Elizabeth

From: Barbara Frank <frank-guior@msn.com>
Sent: Friday, June 13, 2025 3:36 PM
To: Workman, Elizabeth; jamie.bogacz@cityofbonitasprings.org; Mike.Gibson@cityofbonitasprings.org; jribble@estero-fl.gov
Subject: DRI case: DRI2024-00001 and the rezoning case: DCI2023-00052

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

PLEASE DO NOT APPROVE THESE PROPOSALS.

Coconut Road is already very busy. In addition to the construction underway near the former Weeks Fish Camp property, soon the northwest corner of 41 & Coconut will have another large mixed use development project (Woodford). ...THIS WILL ALSO HAVE A MAJOR IMPACT ON THE TRAFFIC AT THE CORNER OF 41 AND COCONUT ROAD.

Anyone living along Coconut Road or on 41 near the intersection of Coconut Rd will be significantly affected by traffic issues. This will not only affect the quality of life for existing residents but can have catastrophic consequences when emergency egress is required to/from these communities.

Can we ever put the needs of residents over the developers?

Thank you.

Barbara Frank
24341 Sandpiper Isle Way
Bonita Springs

Workman, Elizabeth

From: Rick Guior <rickguior@gmail.com>

Sent: Friday, June 13, 2025 2:12 PM
To: Workman, Elizabeth; jamie.bogacz@cityofbonitasprings.org; Mike.Gibson@cityofbonitasprings.org; jribble@estero-fl.gov
Subject: DRI case: DRI2024-00001 and the rezoning case: DCI2023-00052

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

PLEASE DO NOT APPROVE THESE PROPOSALS.

Coconut Road is already very busy (especially in season.) Besides the additional construction which has begun near the former Weeks Fish Camp property, soon the northwest corner of 41 & Coconut will have another large mixed use - AKA Woodford w/hotel/retail/condo rentals/etc. ...THIS, TOO, WILL ALSO HAVE A MAJOR IMPACT ON THE TRAFFIC AT THE CORNER OF 41 AND COCONUT ROAD AS IT GETS BUILT.

Anyone living along the (west) Coconut Road corridor or near the intersection of 41 and Coconut Rd will be significantly affected by traffic issues. This will not only affect the quality of life for existing residents but can have catastrophic consequences when emergency egress is required to/from these communities. And when that happens, you will have blood on your hands.

GET OUT OF THE POCKETS OF THE DEVELOPERS AND START THINKING OF YOUR CONSTITUENCIES!

ENOUGH IS ENOUGH!

Thank you.

Rick Guior
24341 Sandpiper Isle Way, Unit 604
Bonita Springs, FL 34134

Workman, Elizabeth

From: Mary Gibbs <gibbs@estero-fl.gov>
Sent: Friday, June 13, 2025 1:15 PM
To: Workman, Elizabeth
Subject: Pelican Landing Cases

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Greetings Beth,
Hope all is well with you! I am emailing about the Pelican Landing zoning and DRI amendments. I heard second hand that there is a hearing on the 19th . I don't believe we got any notice of this hearing. We got a May 5 notice for the DRI that said there was no date scheduled . Actually we got two identical notices for the DRI that there was no date scheduled. Can someone check and see about the notice and let me know?

I am getting some calls from residents also inquiring about the project.

Thank you,
Mary Gibbs

Email which is created or received by a Village of Estero employee or official in connection with the transaction of official business of the Village of Estero is considered public record and is subject to inspection and/or copying in accordance with Chapter 119, Florida Statutes and is subject to applicable state retention laws, unless exempted by law.

Workman, Elizabeth

From: Hamilton Ross <hsdross@earthlink.net>
Sent: Friday, June 13, 2025 11:05 AM
To: Workman, Elizabeth
Subject: Re: Pelican Landing DRI

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Thank you for responding.

Hamilton Ross

On Jun 13, 2025, at 10:26 AM, Workman, Elizabeth <EWorkman@leegov.com> wrote:

Hello,
Thank you for your e-mail. It is a requirement to have a traffic engineer provide a Traffic Impact Statement as part of the sufficiency review. The County Traffic Engineer reviews the Traffic Impact Statement. During the development order review (engineer and landscape drawings), the traffic will be further reviewed to require offsite improvements, if required.

Your e-mail will be submitted to the hearing examiner and the applicant during staff's presentation.

<image001.png>

Beth Workman | Principal Planner
Department of Community Development, Zoning Section
1500 Monroe Street, Fort Myers, FL 33901
office: (239) 533-8793
email: eworkman@leegov.com
web: www.leegov.com
Connect With Us On Social Media
<image002.png><image003.png><image004.png><image005.png>

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From: Hamilton Ross <hsdross@earthlink.net>
Sent: Thursday, June 12, 2025 4:45 PM
To: Workman, Elizabeth <EWorkman@leegov.com>
Subject: Pelican Landing DRI

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Ms. Workman,

I am writing with respect to the subject zoning case which is scheduled to come before the Hearing Examiner on June 19th. My wife and I live in the Coventry neighborhood of Pelican Landing, and the matter is of interest to us.

We are concerned about the means of vehicular access to the areas which are being considered for further development. Coconut Road serves this purpose and is a two lane road. Lee County, as well as Estero and Bonita Springs, should be aware of the development's effects on this singular roadway. Our question to the Hearing Examiner and the County Commissioners is as follows:

Has the Developer and its Planning Consultant ever engaged the services of a qualified Traffic Engineering Firm to explore the feasibility of using Coconut Road and its intersection with US Route 41 as the means of access to the areas proposed for development?

Thank you for considering our question.

Sincerely,

Hamilton Ross
25340 Goldcrest Drive
Bonita Springs, FL 34134
Cell: (239) 340-9934

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Workman, Elizabeth

From: Vicki White <georgeandvickiwhite@me.com>
Sent: Friday, June 13, 2025 10:21 AM
To: Workman, Elizabeth; jamie.bogacz@cityofbonitasprings.org; Mike.Gibson@cityofbonitasprings.org; jribble@estero-fl.gov
Subject: The DRI case: DRI2024-00001 and the rezoning case: DCI2023-00052 and both are for that portion of the DRI within unincorporated Lee County -London Bay development at the end of Coconut Road.

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Subject: The DRI case: DRI2024-00001 and the rezoning case: DCI2023-00052 and both are for that portion of the DRI within unincorporated Lee County -London Bay development at the end of Coconut Road.

Dear Elizabeth Workman (Lee County), Mike Gibson/Jamie Bogacz (Bonita Springs), Joanne Ribble (Estero):

Reference the above subject, we have read each of the legal documents presented within the recent Pelican Landing Board's communication.
In addition, we have read and fully disagree with the potential approval of the density increase that appears will be approved without dissent by the county and possibly the cities of Bonita Springs and Estero.

Judging by what we have read, it failed to take into consideration the impact of this development on the neighborhoods along Coconut Road and the already overload of traffic along this road. Coconut is only two lanes (one lane in and one lane out) to the main exit to highway 41. There is only a minor reference to the traffic flow impact, which by the way is disastrous especially during the seasonal months.

Lee County, along with both the city of Bonita Springs and Village of Estero, need to do their due diligence on the impact of traffic this increase in density will create not only in low season, but especially during high season. Coconut road west of 41 is two-lane road (in/out) having only a **few or no turn lanes for access into communities/connecting roads/businesses/etc**.

We are asking that the 3 governing entities jointly take the necessary responsibilities to address modifying the road to accommodate the development **or deny** the increase as it

has a detrimental effect on all the surrounding communities, **especially during emergencies.**

A blanket approval is just NOT acceptable.

Respectfully submitted,
George and Victoria White
24300 Sandpiper Isle Way (Pelican Landing)
Bonita Springs, FL 34134

Workman, Elizabeth

From: Jeffrey Wacksman <jw_dw@yahoo.com>
Sent: Thursday, June 12, 2025 9:37 PM
To: Workman, Elizabeth
Cc: Dist1, Kevin Ruane; Dist3, David Mulicka
Subject: DRI for Pelican Lading

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear Ms Workman

I have read the DRI expansion and have major problems with this expansion. To add another 500 plus people as well as a possible Hotel is totally unacceptable for Pelican Landing Residents as well as Colony residents. Without increasing wider roads along Coconut rd residents going to our Marina for Beach access as well as boating both sailing and kayaking will be severely comprised.
The prudent solution is to complete the London Bay Project completely and then evaluate the traffic situation Jan through April. The people evaluating this a use June thru Sep. That data is worthless.
It is unfair to go ahead with this project which should be shelved until the London Bay project is complete for 12 mos because of the detrimental affect on PL and the Colony residents. I must remind you that LB is having a public ramp for boats on the small 2 lane street from the Hyatt to the end of the PL marina road that takes our residents back and forth to the Beach. This project without widening roads is foolish and a major detriment to 3500 doors in our community. You should table this project until the the London Bay project has been in place for at least 12 mos

Jeffrey Wacksman M.D.

Sent from Yahoo Mail for iPhone

Workman, Elizabeth

From: Hamilton Ross <hsdross@earthlink.net>
Sent: Thursday, June 12, 2025 4:45 PM
To: Workman, Elizabeth
Subject: Pelican Landing DRI

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Ms. Workman,

I am writing with respect to the subject zoning case which is scheduled to come before the Hearing Examiner on June 19th. My wife and I live in the Coventry neighborhood of Pelican Landing, and the matter is of interest to us.

We are concerned about the means of vehicular access to the areas which are being considered for further development. Coconut Road serves this purpose and is a two lane road. Lee County, as well as Estero and Bonita Springs, should be aware of the development's effects on this singular roadway. Our question to the Hearing Examiner and the County Commissioners is as follows:

Has the Developer and its Planning Consultant ever engaged the services of a qualified Traffic Engineering Firm to explore the feasibility of using Coconut Road and its intersection with US Route 41 as the means of access to the areas proposed for development?

Thank you for considering our question.

Sincerely,

Hamilton Ross
25340 Goldcrest Drive
Bonita Springs, FL 34134
Cell: (239) 340-9934

Workman, Elizabeth

From: Maureen Bellino <bellino.maureen@gmail.com>
Sent: Thursday, June 12, 2025 4:19 PM
To: Workman, Elizabeth
Cc: Sal Bellino
Subject: London Bay development

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear Ms. Workman,

We are residents of the Colony, in Cielo along Coconut Rd. We are unable to attend the meeting on June 19th, but wish to express concerns regarding the proposed development.

- Traffic on Coconut Rd is already at capacity, particularly at certain times of the day
- Drainage along Coconut Rd is currently insufficient to handle heavy rains, let along tropical storms or hurricanes
- Irrigation and water are already in limited supply, with intermittent availability to serve the existing development, let alone that already approved and pending new golf facilities
- Road noise is already an issue for those of us along Coconut Rd, often from guests at the Hyatt, certain to be more of an issue with added hotel space and the new Ritz towers
- Lighting is already lacking along Coconut Rd and will require increased utilities and improvement of current facilities
- Odors from overloaded wastewater pumping facilities is a constant issue; we have concerns about the county's ability to handle increased flow with the current infrastructure

Overall ,we believe that the amount of development is leading to unsustainable stress on the County's current assets. Traffic on 41 nearing Coconut Rd, both North and Southbound is unbearable at various times of the day, as is traffic in general on main thoroughfares, and has led to serious and fatal accidents. Furthermore, this leads to additional traffic on secondary roads, unprepared for that level of stress, often in residential areas. While access to gated communities is restricted, many areas are subject to the increase.

I encourage the county to vote no to increased density until services and assets have caught up to the current level of development.

Thank you,
Maureen and Sal Bellino
4771 Via Del Corso Ln
Bonita Springs

Workman, Elizabeth

From: Jim Janek <janekj@earthlink.net>
Sent: Thursday, June 12, 2025 10:35 AM
To: Dist3, David Mulicka
Cc: Workman, Elizabeth
Subject: Re: Message from the Board President

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The number of Hotel rooms in this proposal appears to be excessive.

When you realize the parking lot size needed for this increase.

Lots of luck,

James Janek

There are two cases being heard. The DRI case: DRI2024-00001 and the rezoning case: DCI2023-00052 and both are for that portion of the DRI within unincorporated Lee County - London Bay development at the end of Coconut Road. Both staff documents are available, click here and here.

It was explained that this is the first step in the process, however the Lee County staff is recommending approval. The request increases residential density from 3,912 to 4,400 dwelling units and reduces office uses from 475,000 to 374,161 square feet, reduces retail

uses from 300,000 to 153,000 square feet, increases hotel rooms from 750 rooms to 982 hotel rooms, reduces golf holes from 77 to 76 golf holes and retains existing approvals for marina slips. Click here to see an overview of the map of the master concept plan.

The zoning case will be heard on June 19, 2025, before the Hearing Examiner at 1500 Monroe St, 2nd floor at 9 A.M. and the public is allowed to attend and speak. There is no limit on your time at this hearing. You may also send emails to Elizabeth Workman at Eworkman@leegov.com. Those emails will be given to the hearing examiner. The second phase will be a zoning hearing before the County Commissioners you will only be allowed 3 minutes to speak. The Colony, Beach parking and Marina relies on Coconut Road as the primary means of ingress and egress. Emergency services may also be an issue. Therefore, if you have concerns, the hearing on June 19, 2025, is the time to raise them.

Below is a list of the Lee County Board of Commissioners:
District 1 Commissioner & Chairman: Kevin Ruane, dist1@leegov.com
District 2 Commissioner & Vice Chairman: Cecil Pendergrass, dist2@leegov.com
District 3 Commissioner: David Mulicka, dist3@leegov.com
District 4 Commissioner: Brian Hamman, dist4@leegov.com
District 5 Commissioner: Mike Greenwell, dist5@leegov.com

24501 Walden Center Drive, Bonita Springs, FL 34134
(239) 947-5977

Workman, Elizabeth

From: Mary Reichle <reichle7541@comcast.net>
Sent: Thursday, June 12, 2025 9:44 AM
To: Workman, Elizabeth
Subject: DRI2033-00052. DRI2024-00001

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

I live off Coconut Rd west of 41 & at times it's near impossible to use.
Coconut Rd is at its capacity.
There is one lane in each direction and it is inadequate now without the completion of new development.
How can Lee commissioners continue to give permits when they are aware that the roads are not anywhere near keeping up with development.
Coconut Rd needs to be improved to have two lanes in each direction.
It should have been in the works before construction not after the fact.
Also there is new construction going in at 41 & Coconut Rd which will further impact Coconut Rd.
Please take into account the people already living in the area of consideration.
Thank you, M. Reichle

Sent from my iPhone

Workman, Elizabeth

From: Tony Yacovetti <tony@sandhillgrowers.com>
Sent: Thursday, June 12, 2025 9:39 AM
To: Workman, Elizabeth
Cc: Courtney Ramsey
Subject: RE: Neal Communities Brightwinds

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To follow up on my earlier email, the language in the approved plan does not allow for mechanical removal in areas that are greater than 50% aerial coverage of exotic infestation.

Tony Yacovetti
Chief Executive Officer/Sandhill Native Growers, Inc.
www.Sandhillgrowers.com
863-494-9737 (Office) | 863-990-3369 (Cell)
5980 SE County Road 760
Arcadia, FL 34266

From: Workman, Elizabeth <EWorkman@leegov.com>
Sent: Thursday, June 12, 2025 8:18 AM
To: Tony Yacovetti <tony@sandhillgrowers.com>
Cc: Courtney Ramsey <Courtney@sandhillgrowers.com>
Subject: RE: Neal Communities Brightwinds

Tony,
So sorry to get back to you so late! I was in training yesterday. Let me know how I can help or any questions you have about the job. I will be in Teams meetings this morning but will be able to answer e-mails.

Beth Workman | Principal Planner
Department of Community Development, Zoning Section
1500 Monroe Street, Fort Myers, FL 33901
office: (239) 533-8793
email: eworkman@leegov.com
web: www.leegov.com

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From: Tony Yacovetti <tony@sandhillgrowers.com>
Sent: Wednesday, June 11, 2025 9:42 AM
To: Workman, Elizabeth <EWorkman@leegov.com>
Cc: Courtney Ramsey <Courtney@sandhillgrowers.com>
Subject: Neal Communities Brightwinds

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Hi Beth,

I just found your email address on Lee County website. You probably think I'm a stalker at this point since I also tried to message you as well on LinkedIn. 😊 Anyway, I'm bidding a project for Neal Communities that I think you are familiar with called Brightwinds. The bid is due tomorrow so I'm hoping I can get in touch with you quickly. Do you have about 5 minutes I could speak with you over the phone?

Tony Yacovetti
Chief Executive Officer/Sandhill Native Growers, Inc.
www.Sandhillgrowers.com
863-494-9737 (Office) | 863-990-3369 (Cell)
5980 SE County Road 760
Arcadia, FL 34266

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

Workman, Elizabeth

From: Tony Yacovetti <tony@sandhillgrowers.com>
Sent: Thursday, June 12, 2025 8:28 AM
To: Workman, Elizabeth
Cc: Courtney Ramsey
Subject: Re: Neal Communities Brightwinds

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Essentially what we are wondering is in the preservation areas that are infested with large stands of exotic trees such as Melaleuca and Bishopwood, greater than 50% coverage if it's possible since we have to replant anyway to use a feller buncher and/or rubber track skid steer to help facilitate the restoration effort. Typically when a preserve has E3 and E4 level of exotic species present we can use machinery.

Tony Yacovetti
Sandhill Native Growers, Inc
Sandhill Environmental Services, LLC
WWW.SandhillGrowers.com

863-494-9737 (Office) | 863-990-3369 (Cell)
5980 SE County Road 760
Arcadia, FL 34266

Sent from my IPhone

From: Workman, Elizabeth <EWorkman@leegov.com>
Sent: Thursday, June 12, 2025 8:17:48 AM
To: Tony Yacovetti <tony@sandhillgrowers.com>
Cc: Courtney Ramsey <Courtney@sandhillgrowers.com>
Subject: RE: Neal Communities Brightwinds

Tony,
So sorry to get back to you so late! I was in training yesterday. Let me know how I can help or any questions you have about the job. I will be in Teams meetings this morning but will be able to answer e-mails.

Lee County
Southwest Florida

Beth Workman | Principal Planner
Department of Community Development, Zoning Section
1500 Monroe Street, Fort Myers, FL 33901
office: (239) 533-8793
email: eworkman@leegov.com
web: www.leegov.com
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From: Tony Yacovetti <tony@sandhillgrowers.com>
Sent: Wednesday, June 11, 2025 9:42 AM
To: Workman, Elizabeth <EWorkman@leegov.com>
Cc: Courtney Ramsey <Courtney@sandhillgrowers.com>
Subject: Neal Communities Brightwinds

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Hi Beth,

I just found your email address on Lee County website. You probably think I'm a stalker at this point since I also tried to message you as well on LinkedIn. 😊 Anyway, I'm bidding a project for Neal Communities that I think you are familiar with called Brightwinds. The bid is due tomorrow so I'm hoping I can get in touch with you quickly. Do you have about 5 minutes I could speak with you over the phone?

Tony Yacovetti
Chief Executive Officer/Sandhill Native Growers, Inc.
www.Sandhillgrowers.com
863-494-9737 (Office) | 863-990-3369 (Cell)
5980 SE County Road 760
Arcadia, FL 34266

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

Workman, Elizabeth

From: Joseph Panaro <joepnc@aol.com>
Sent: Wednesday, June 11, 2025 5:21 PM
To: Workman, Elizabeth
Subject: Lee County Community Development NOTICE TO SURROUNDING PROPERTY OWNERS

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Hello,

I have read each of the legal documents presented within the Pelican Landing Board's communication. In addition, I have read and disagreed with the density increase that appears will be approved without dissent. What I have read it failed to comprehend is the impact of this development on the Pelican and Colony neighborhoods. There is no reference to quality of life issues. There is only a minor reference to the traffic flow impact, which by the way, is disastrous during the seasonal months. Net/Net, I would like the board to provide or the county explain the exact life style impact this development will have on Pelican Landing and the surrounding communities.

Respectfully submitted,

Joseph Panaro
24381 Sandpiper Isle Way
Unit 204
Pelican Landing Community

Workman, Elizabeth

From: Walt Wikman <wjwikman@gmail.com>
Sent: Wednesday, June 11, 2025 5:11 PM
To: Workman, Elizabeth
Subject: Proposed London Bay amendments

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Dear Ms. Workman,

We are writing to express our strong opposition to the proposed amendments outlined in cases DRI2024-00001 and DCI2023-00052 regarding the London Bay development at the end of Coconut Road within unincorporated Lee County.

The area in question is already significantly developed, and any increase in residential density—from 3,912 to 4,400 units—will only exacerbate existing infrastructure challenges. Coconut Road is the primary artery serving not only The Colony but also essential community amenities including beach parking and the marina. Adding further traffic load to an already strained roadway is neither reasonable nor sustainable.

We are also concerned that emergency service accessibility could be compromised by increased congestion. As density increases, so does the risk to residents' safety, both from delayed emergency response and from daily vehicular traffic issues.

While we understand this is only the first step in the approval process and that Lee County staff is recommending approval, we believe this recommendation overlooks the on-the-ground realities faced by the existing community. The planned reduction in commercial square footage does not offset the impact of additional housing units and hotel rooms, nor does it account for the limits of the local transportation infrastructure.

We urge the Hearing Examiner to consider the real-world consequences of this proposed expansion and to deny this request. Responsible development must balance growth with livability, and in this case, that balance has not been achieved.

Sincerely,
Walt & Vicki Wikman

25070 Ballycastle Court #101

Pelican Landing

wjwikman@gmail.com

Workman, Elizabeth

From: Robert Loos <bobtloos@gmail.com>
Sent: Wednesday, June 11, 2025 1:54 PM
To: Workman, Elizabeth
Cc: Joanne Ribble; jamie.bogacz@cityofbonitasprings.org
Subject: DRI2024-00001 and DC12023-00052

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Dear Ms.Workman,

I am the president of The Colony Foundation which is the 1200 unit residential homeowners association which is south of the property which is the subject of the two referenced matters.

It is unfortunate that the hearings on this very serious matter will take place during a time when most of the residents of the Colony are no longer in town.

The only written communication that the residents of the Colony received regarding this substantial change to the Pelican Landing DRI was a letter (dated May 2 but received in the mail on or around May 27) from RVI Planning which mentioned the increase in residential units and hotel rooms but states "A public hearing date has not yet been set."

I have reviewed the staff's report regarding the DRI amendment and have the following comments.

1. It is stated that the property abuts Coconut Road " which is a County- maintained collector road that connects to US 41 ". Coconut Road is in fact the only means of ingress and egress from the subject property and the substantial portion of Coconut Road to US 41 is maintained by the Village of Estero.
2. Coconut Road is the only means of ingress and egress for the existing Hyatt Regency Hotel , all of the development known as Saltleaf(which is where such additional units and hotel rooms would be built), the existing timeshare units, all of the single family home developments along Coconut Road to US 41. It is also the major means of ingress and egress for the approximately 1200 residential units in the Colony and will be the major means of ingress and egress for the development proposed at the northwest corner of Coconut Road and US 41.
3. Coconut Road is one lane in each direction and it is infeasible to widen Coconut Road for additional thru lane traffic.
4. The Estero Fire Department has docked its rescue boat at the end of Coconut Road by Estero Bay.
5. Coconut Road today is a failed road for traffic.
6. Currently there is under construction (a)4 high rise residential towers ,(b) a public marina and (c) a waterfront restaurant , which will only add more traffic onto this already failed road.
7. Coconut Road is the access road for emergency vehicles.
8. Recently because of an accident Coconut Road was closed for a substantial amount of time creating serious issues for everyone using Coconut Road as their means of ingress and egress.
9. The DRI contemplated the office and retail space would be located in the corridor by US 41 which is currently built out and therefore reducing such space does not have any meaningful impact on the area for which the developer requests an increase in residential units and hotel rooms.

Given all the above factors this increase in development will not only exacerbate the traffic problem that currently exists and which will increase but will create substantial additional problems for emergency services to enter and exit the area. If this requested change is granted it must be conditioned upon the developer creating an additional means to access US 41.

Respectfully submitted,
Robert T. Loos ,President
The Colony Foundation

Sent from my iPad

Workman, Elizabeth

From: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Sent: Monday, June 9, 2025 2:52 PM
To: 'ANNE CRAMER'
Cc: Workman, Elizabeth
Subject: RE: Pelican Landing DRI (Re: Saltleaf Parcels not part of DRI)

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Hi, Anne,

It's for that portion of the DRI within unincorporated Lee County. Elizabeth Workman (copied/(239) 533-8793) is the county planner assigned for both the DRI and rezoning cases. I have linked the Hearing Examiner and Zoning Case Search pages for you.

https://www.leegov.com/dcd/Documents/Agendas/HEX/2025/JUN192025.pdf

https://docsearch.leegov.com/Home/Index/customSearch/ZoningCases
DCI2023-00052
The staff report may be most helpful to provide you the information you're seeking.

Please let me know how else I can help.

Jacqueline Toemmes Genson, AICP
Planning and Zoning Manager
City of Bonita Springs Community Development
9220 Bonita Beach Road, Suite 109
Bonita Springs, FL 34135
jgenson@cityofbonitaspringscd.org
(239) 444-6163
(239) 444-6140 fax
(239) 216-7410 mobile

The zoning information contained within does not constitute an official Zoning Verification Letter and may be subject to changes and may contain errors. The application for an official Zoning Verification Letter can be found here: https://www.cityofbonitaspringscd.org/forms/Pnz_Zoning_Verification_Letter_20240418_final.pdf

How are we doing? If you have a quick minute, please participate in a brief online Customer Satisfaction Survey. We'd love to hear from you as we value and welcome customer feedback. To participate in the survey, click here: https://www.cityofbonitaspringscd.org/about/customer_satisfaction_survey.html

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From: ANNE CRAMER <annecramer@aol.com>
Sent: Monday, June 9, 2025 2:27 PM
To: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Subject: Pelican Landing DRI (Re: Saltleaf Parcels not part of DRI)

Hi Jacqueline,

Thanks so very much for this explanation. The inquiry resulted from a notice regarding a request to increase the density (residential and hotel rooms) for the Pelican Landing DRI. A hearing will be held on June 19th in Ft Myers.

I see where there is also a Bonita Springs file regarding the DRI that does not appear to be completed.

(There is also some question about the Estero portion of the DRI that would not concern the City.)

That all said, it is unclear if the DRI hearing on 6/19 has only to do with the unincorporated Lee County portion of the property formerly known as Raptor Bay ... or if it also includes that portion lying in Bonita springs as well as the old Kersey Smoot portion (now part of Estero)

Would you know how I can shed some light on this complex combo of properties now all seemingly owned by London Bay but located in multiple jurisdictions?

Thanks much!

Anne Cramer

Sent from my iPhone

> On Jun 9, 2025, at 2:15 PM, Jacqueline Genson <jgenson@cityofbonitaspringscd.org> wrote:
>
> Good afternoon, Ms. Cramer,
>
> I hope this message finds you well. The original Bayview Project was requested and approved as one building pedestal with the two tower elements. This was described in the staff report for PD18-55071-BOS, Attachment A. Amendments were subsequently pursued in PD20-80572-BOS (still referenced as one building pedestal with two tower elements) and PD22- 92463-BOS. All renderings provided at time of the public hearings also portrayed the same.
>
> This is a phased project. The first tower element is actively under construction and the second tower element should commence at any time.

Happy to help answer any other questions.

Jacqueline Toemmes Genson, AICP
Planning and Zoning Manager
City of Bonita Springs Community Development
9220 Bonita Beach Road, Suite 109
Bonita Springs, FL 34135
jgenson@cityofbonitaspringscd.org
(239) 444-6163
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From: planning@cityofbonitaspringscd.org <planning@cityofbonitaspringscd.org>
Sent: Monday, June 9, 2025 12:39 PM
To: Jacqueline Genson <jgenson@cityofbonitaspringscd.org>
Subject: FW: Saltleaf Parcels

From: ANNE CRAMER <annecramer@aol.com>
Sent: Monday, June 9, 2025 11:47 AM
To: planning@cityofbonitaspringscd.org
Subject: Re: Saltleaf Parcels

Thank you for providing this information.

Can you tell me if this Zoning Ordinance was modified?

At this time the developer is building two residential towers (Ritz Carlton Residences) and the site plan form included in this paperwork only shows one tower.

Thank you,

Anne Cramer

In a message dated 6/9/2025 10:42:11 AM Eastern Daylight Time, planning@cityofbonitaspringscd.org writes:

> Good afternoon Anne,
>
> Per our earlier phone call, see the attached zoning ordinance for the parcel we had discussed, as well as 4 additional parcels that are part of this project
>
> 07-47-25-B2-00000.0010
>
> 07-47-25-B2-010C1.0000
>
> 07-47-25-B2-010C3.0000
>
> 07-47-25-B2-010C2.0000
>
> 07-47-25-B2-0100P.00CE
>
> Feel free to reach back out if you have any further questions! 😊
>
> **Bonita Planning Team**
>
> **City of Bonita Springs, Community Development**
>
> **planning@cityofbonitaspringscd.org**
>
> **239-444-6166**
>
> 9220 Bonita Beach Road, Suite 111
>
> Bonita Springs, FL 34135
>
> http://cityofbonitaspringscd.org
>
> ***The zoning information contained within does not constitute an official Zoning Verification Letter and may be subject to changes and may contain errors. The application for an official Zoning Verification Letter can be found here: http://cityofbonitaspringscd.org/forms/Zoning_Verification_Letter_20170502.pdf***

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Perez, Maria

From: Jem Frantz <jfrantz@rviplanning.com>
Sent: Monday, April 7, 2025 6:06 PM
To: Perez, Maria
Cc: Lisa Van Dien; Ray Piacente; Craig Klingensmith; ryovanovich@cyklawfirm.com; Alexis Crespo; Jackie Larocque; Shane Johnson; Ted Treesh; Workman, Elizabeth; Burgess, Katherine; Hall, Allyson; Price, Robert; jschoeller@leegov.com; DeFilippo, Nicholas
Subject: DCI2023-00052 - Pelican Landing MPD - 48-Hour Letter
Attachments: 48-Hour Letter DCI2023-00052 4-7-25.pdf

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Ms. Perez,

Please find attached the 48-Hour Notice for this case scheduled for hearing on April 10, 2025.

Sincerely,

Jem Frantz, AICP (she/her)
Project Director

RVi Planning + Landscape Architecture
28100 Bonita Grande Drive, Suite 305 • Bonita Springs, FL 34135
239.357.9580 Mobile • 239.319.0026 Direct • 239.405.7777 Main
www.rviplanning.com

APPLICANT'S EXHIBIT
1

April 7, 2025

Ms. Donna Marie Collins, Hearing Examiner
The Office of the Lee County Hearing Examiner
1500 Monroe Street, 2nd Floor
Fort Myers, FL 33901

RE: Pelican Landing MPD (DCI2023-00052)
48-Hour Letter – Hearing Examiner Hearing Date: April 10, 2025

Dear Madame Hearing Examiner:

On behalf of the Applicant for DCI2023-00052, I am pleased to submit the information required in the 48-Hour Notice and Exhibit List. In addition, enclosed is a list of applicant witnesses who we expect to be present and/or testify.

Regarding the Staff Report and attachments, the applicant has coordinated with Staff and has provided the following clarifications and corrections shown in ~~strikethrough~~/underline format. Beth Workman has indicated via email on April 7th that the proposed changes are acceptable to staff, except those highlighted areas of outstanding issues below.

2. Uses and Site Development Regulations

The following Limits apply to the project and uses:

a. Schedule of Uses

MU Tract:

Accessory uses, buildings and structures
~~Limited to Warehouse, Hybrid, Public, and Mini~~
Accessory apartment and Accessory dwelling unit
Administrative offices
Automatic Teller Machine
Banks and Financial Establishments
Business Services, Group I
Cleaning and Maintenance Services
Dwelling Units:
Single-family
Zero lot line
Two-family attached
Townhouse
Multiple-family buildings
Clubs: Private limited to residents and guest only
Consumption on Premises, associated with the Private on-site club
Emergency Operations Center
EMS, Fire or Sheriff's Station

Entrance Gates and Gatehouses
Essential Services
Essential Services Facilities – Group I Only
Excavation:
    Water Retention
Excess Spoil Removal
Fences, Walls
Golf Course Maintenance Facility
Health Care Facilities
Home Occupation, No Outside Help
Insurance Companies
Maintenance Facility (Government)
Mass Transit Depot or Maintenance Facility (government-operated)
Medical Office
Models:
    Display Center/Sales Center
    Model Home
    Model Unit
Parking Lot, Accessory, Park-and-Ride, Temporary
Place of worship
Post Office
Recreation Facilities
    Personal
    Private – On-Site
Religious Facilities
Research and Development Laboratories, Group II
Residential Accessory Uses
Schools, Commercial, Noncommercial
Signs
Social Services, Group I
Storage, Indoor
Warehousing, hybrid, public, and mini-warehouse (limited to accessory only to principal uses within the overall MPD)

Applicant Discussion: The proposed Warehouse, hybrid, public and mini uses are intended to be restricted to accessory to principal uses, however the language inadvertently limited accessory uses to only these warehouse uses. The revised list of uses maintains the limitations on warehouse uses but also allows for other typical accessory uses, buildings and structures in the MU Tract. Staff and the Applicant are in agreement regarding these changes. Additional information regarding our position will be provided at the hearing.

5. BUFFERS

a. A 30-foot Type-F buffer must be depicted on the development order plans along the north property line abutting West Bay Club RPD. Where the preserve abuts the north property line, the existing indigenous vegetation may be utilized to meet the Type-F buffer plantings.

b. A 30-foot Type-F buffer must be depicted on the development order plans between the Golf Course ~~and MU Tracts~~ and El Dorado Acres ~~and Bayview II Commercial Planned Development~~.

c. A modified 10-foot Type-B buffer must be depicted on the development order plans between the MU tract and El Dorado Acres and Bayview II Commercial Planned Development.

Applicant Discussion: This condition ensures that a buffer is provided along the entire boundary shared with the El Dorado Acres and Bayview II CPD. LDC section 10-415 requires a Type B buffer between multi-family and single-family and a The proposed changes to this condition satisfy the intent of staff's original proposed condition by providing an enhancement over the minimum buffering required adjacent to commercial uses, while also providing additional flexibility within the development tract.

This change is also reflected in the attached revised MCP.

Staff and the Applicant are in agreement regarding these changes. Additional information regarding our position will be provided at the hearing.

10. Kersey-Smoot RPD

Prior to the issuance of any development order for Tract MF, Kersey-Smoot RPD and Pelican Landing RPD must be revised through administrative amendments to ~~amend the density and the Master Concept Plans of each zoning resolution~~ modify the number of units authorized in the PD and to remove the property subject to the zoning approval. The administrative amendments shall recognize that all existing development shall be deemed permitted uses.

Applicant Discussion: Staff has advised the Applicant that the only revisions to the RPDs required by this condition are to the reflect the revised unit counts and the PD boundaries and that all existing or permitted development is legally permissible. The Applicant proposed revisions are intended to more clearly reflect this direction from staff.

Staff has indicated these changes are acceptable with the exception of the addition of the highlighted last sentence.

Additional information regarding our position will be provided at the hearing.

Thank you for your consideration of the above information. We look forward to presenting the case at the hearing.

Sincerely,

RVi Planning + Landscape Architecture

Jem Frantz, AICP
Project Director

CC: Lisa Van Dien, London Bay, *via email*

Ray Piacente, London Bay, *via email*
Craig Klingensmith, London Bay, *via email*
Richard Yovanovich, Esq., Coleman Yovanovich & Koester, *via email*
Alexis Crespo, AICP, RVi Planning + Landscape Architecture, *via email*
Jackie Larocque, P.E., Atwell, *via email*
Shane Johnson, Passarella and Associates, *via email*
Ted Treesh, TR Transportation, *via email*
Elizabeth Workman, Lee County Principal Planner, *via email*
Kate Burgess, Lee County Principal Planner, *via email*
Ally Hall, Lee County Plan Reviewer, *via email*
Robert Price, Lee County Department of Transportation Director, *via email*
Jillian Scholler, Lee County Department of Transportation Deputy Director, *via email*
Nic Defilippo, Lee County Senior Environmental Planner, Planning, *via email*

Pelican Landing MPD
DCI2023-00052

Exhibit List

- Witness List
- Applicant's Proposed Conditions (strikethrough/underline version of Staff's Conditions)
- Revised MCP

Pelican Landing MPD
DCI2023-00052

Witness List

Alexis Crespo, AICP – RVi Planning & Landscape Architecture, Inc., 28100 Bonita Grande Drive, Suite 300, Bonita Springs, FL 34135, acrespo@rviplanning.com

Jem Frantz, AICP – RVi Planning & Landscape Architecture, Inc., 28100 Bonita Grande Drive, Suite 300, Bonita Springs, FL 34135, jfrantz@rviplanning.com

Jackie Larocque, P.E. – Atwell, LLC, 28100 Bonita Grande Drive, Suite 300, Bonita Springs, FL 34135, jlarocque@atwell.com

Shane Johnson – Passarella and Associates, Inc.,13620 Metropolis Ave, Fort Myers, FL 33912, shanej@passarella.net

Ted Treesh – TR Transportation Consultants, 2726 Oak Ridge Ct., Suite 503, Fort Myers, FL 33901, tbt@trtrans.net

PELICAN LANDING MPD (DCI2023-00052)
Applicant's proposed revisions to Conditions in staf report, Attachment C
Proposed revisions reviewed by Beth Workman
and are acceptable to Staff except those highlighted Areas of Outstanding Issues.
[Deletions are ~~struck-through~~; Additions are underlined]

ATTACHMENT C
PELICAN LANDING MPD CONDITIONS AND DEVIATIONS

A. Conditions:

1. Master Concept Plan/Development Parameters

The development of this project must be consistent with the three-page Master Concept Plan (MCP) entitled "Pelican Landing MPD," stamped received September 6, 2024, and attached hereto as Attachment C, except as modified by the conditions below.

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 Master Concept Plan are subsequently pursuant, appropriate approvals will be necessary.

Approved development parameters:
100 residential single-family dwelling units
629 residential multi-family dwelling units
318 hotel rooms
Private on-site recreation and accessory uses
27-hole golf course
25,000 square feet of commercial office floor area

2. Uses and Site Development Regulations

The following Limits apply to the project and uses:

a. Schedule of Uses

MU Tract:

Accessory uses, buildings and structures
~~Limited to Warehouse, Hybrid, Public, and Mini~~
Accessory apartment and Accessory dwelling unit
Administrative offices
Automatic Teller Machine
Banks and Financial Establishments
Business Services, Group I
Cleaning and Maintenance Services
Dwelling Units:
Single-family
Zero lot line

Two-family attached
Townhouse
Multiple-family buildings
Clubs: Private limited to residents and guest only
Consumption on Premises, associated with the Private on-site club
Emergency Operations Center
EMS, Fire or Sheriff's Station
Entrance Gates and Gatehouses
Essential Services
Essential Services Facilities – Group I Only
Excavation:
Water Retention
Excess Spoil Removal
Fences, Walls
Golf Course Maintenance Facility
Health Care Facilities
Home Occupation, No Outside Help
Insurance Companies
Maintenance Facility (Government)
Mass Transit Depot or Maintenance Facility (government-operated)
Medical Office
Models:
Display Center/Sales Center
Model Home
Model Unit
Parking Lot, Accessory, Park-and-Ride, Temporary
Place of worship
Post Office
Recreation Facilities
Personal
Private – On-Site
Religious Facilities
Research and Development Laboratories, Group II
Residential Accessory Uses
Schools, Commercial, Noncommercial
Signs
Social Services, Group I
Storage, Indoor
Warehousing, hybrid, public, and mini-warehouse (limited to accessory only to principal uses within the overall MPD)

RES Tract:

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
Consumption on Premises, in conjunction with Club, private, club, country, and food and beverage service, limited
Dwelling Units:
Single-family
Zero lot line

Two-family attached
Townhouse
Multiple-family buildings
Entrance Gates and Gatehouses
Essential Services
Essential Services Facilities – Group I Only
Excavation:
Water Retention
Excess Spoil Removal
Fences, Walls
Food and Beverage Service, Limited
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
Temporary Uses
Including Temporary Sales Office, Temporary Construction Office, Temporary Construction-Related Storage, Temporary Amenity Structures

MF Tract:

Accessory uses, buildings and structures
Accessory Apartment and Accessory Dwelling Unit
Administrative offices
Assisted Living Facility
Care Facilities and Centers
Clubs:
Private, Country, including sale of wine, beer, and liquor for on premises consumption
Consumption on Premises, including sale of wine, beer, and liquor for on premises consumption and for off premises sales in conjunction with a hotel/convention center, care facility center, and club, private, club, country, or continuing care facility
Continuing Care Facilities, including sale of wine, beer, and liquor for on premises consumption
Dwelling Units:
Single-family
Zero lot line
Two-family attached
Townhouse
Multiple-family buildings
Entrance Gates and Gatehouses
Excavation:
Water Retention
Excess Spoil Removal
Fences, Walls
Health Care Facilities (accessory only to ALF & CCF uses)
Hotel/Convention Center
Independent Living Facilities
Models:

Display Center/Sales Center
Model Home
Model Unit
Parking Lot, Accessory
Recreation Facilities
Personal
Private – On-Site
Residential Accessory Uses
Signs
Temporary Uses
Including Temporary Sales Office, Temporary Construction Office, Temporary Construction-Related Storage, Temporary Amenity Structures

GC Tract:

Golf Courses, Golf Course Accessory and Ancillary Uses, including but not limited to:
Club, private, club, country
Maintenance facility
Pro shop
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
Consumption on Premises, in conjunction with Club, private, club, country, snack bar, and golf driving range 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, and 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 (Attachment X).

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, and 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 (Attachment X).

b. Property Development Regulations

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%

Minimum Setbacks

	Street[1]	Side	Rear[3]	Waterbody	Building Separation[5]	
Single-Family Detached	20'	5'	10'	20'	10'	
Zero Lot Line Units	20'	5/0'	10'	20'	10'	
Multi-Family	20'	10'[2]/0'[4]	10'/0'[4]	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'	
Nonresidential	20'[6]	10'	10'	20'	10' or ½ the building height for buildings over 35'	

[1]15-foot front setback for a dwelling with side entry garage and 10-foot front setback for secondary front yards on corner lots.
[2]Zero-foot side setback when the property line is adjacent to other tracts within the Pelican Landing MPD, **except for Estero Bay** (see Deviation 11).
[3]5-foot rear yard setback for accessory structures
[4] 0-foot side or rear setbacks when adjacent to GC Tract and associated GC uses.
[5] When buildings relate to 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.
[6] Minimum 50-foot setback from Coconut Road for warehouse (hybrid, public, mini) uses in the MU tract.

Building Height

Tract	Maximum Height
MU Tract	50 FT
RES Tract	110 FT

GC Tract	50 FT
MF Tract	290 FT

3. ECO-PARK

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 (Attachment X) and 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.

b. Permitted Uses in Eco-Park:

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, and on-going maintenance and removal of invasive exotic vegetation and compliance with management plan required per Florida Fish and Wildlife Conservation Commission (FFWCC).

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 Attachment X, is hereby adopted with the following condition:

Invasive exotic removal methods other than hand clearing are subject to the Department of Community Development review and approval.

e. The developer must submit a recorded Conservation Easement, complete with Official Records Book and Page numbers, to the Department of Community Development and the

County Attorney's Office, prior to the issuance of a Certificate of Compliance for the Skebe Tract golf course development order (DOS2021-00137).

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 and attached hereto as Attachment X.

g. Prior to the development order plans for the golf course phase that includes the golf cart path/bridge crossing, the developer must demonstrate with a HEC-2 model (HEC - Hydrologic Engineering Center), that the proposed Halfway Creek bridge crossing creates no rise to the base flood.

4. INTERFACE AREA

a. 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 in compliance with the wildlife diversity monitoring plan prepared in conjunction with the Lee County School Board Development of Environmental Education.

b. 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. 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. 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.

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.

d. Where necessary, a vegetation restoration program shall commence after the removal of the invasive exotics. The program should commence after 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.

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 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.

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 and the Lee County Schools, Department of Environmental Education.

g. Subject to permitting approval, the treated stormwater from the Residential, Multi-Family and Mixed-Use 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.

5. BUFFERS

a. A 30-foot Type-F buffer must be depicted on the development order plans along the north property line abutting West Bay Club RPD. Where the preserve abuts the north property line, the existing indigenous vegetation may be utilized to meet the Type-F buffer plantings.

b. A 30-foot Type-F buffer must be depicted on the development order plans between the Golf Course ~~and MU Tracts~~ and El Dorado Acres ~~and Bayview II Commercial Planned Development~~.

c. A modified 10-foot Type-B buffer must be depicted on the development order plans between the MU tract and El Dorado Acres and Bayview II Commercial Planned Development.

6. ENVIRONMENTAL

a. Open Space - Multi-family Tract (MF) and Residential Tract (RES) must provide 40 percent open space, the Mixed-Use Tract (MU) must provide 30 percent open space, Non-Residential (GC) must provide 30 percent open space and Lakes must provide 5.46 acres of open space.

b. Indigenous Open Space - Development order plans must depict 204.19 acre of indigenous open space.

c. 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 FFWCC and USFWS.

d. As a condition of approval, the County and FFWCC 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.

e. 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.

f. 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 Attachment X.

g. 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.

h. 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.

i. Boardwalk location and alignment within "Preserve Areas" shall be submitted to and approved by the Division of Natural Resources prior to construction. The maximum width must be limited to that which is adequate for pedestrian and handicap access. Except for wheelchairs, motorized vehicle use is prohibited.

j. Prior to local development order approval, an invasive exotic removal plan must be submitted for the Development Services 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.

k. 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.

l. 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.

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.

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.

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 FDA 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.

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.

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 subject 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 subject parcel.

7. GOLF COURSE

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.

9. SIGNS

The applicant or successor must demonstrate clear line of sight distances for all signs setback zero feet from the right-of-way within the Multi-Family (MF), Residential (RES), and Mixed Use (MU) Tracts.

10. Kersey-Smoot RPD

Prior to the issuance of any development order for Tract MF, Kersey-Smoot RPD and Pelican Landing RPD must be revised through administrative amendments to ~~amend the density and the Master Concept Plans of each zoning resolution~~ modify the number of units authorized in the PD and to remove the property subject to the zoning approval. The administrative amendments shall recognize that all existing development shall be deemed permitted uses.

B. Deviations:

1. Deviation #1 is being requested from LDC Section 10-296, which requires local private roadways to provide a minimum bike lane width of five feet, and a minimum sidewalk width of six feet on both sides of the right-of-way, to allow for five-foot sidewalks along one side of internal roadways in all tracts.

   This deviation is **APPROVED.**

2. Deviation #2 is being requested from LDC Section 34-2013(a), which requires the parking lot design 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.

   This deviation was previously **APPROVED** per Resolutions Z-94-014, Deviation 2 and Z-98-066, Deviation 1.

3. Deviation #3 is being requested from LDC Section 34-935(c)(2) which requires internal roads and drives to be no closer than 25 feet to the development perimeter, to allow a zero-foot minimum separation for internal development parcels, and a 15-foot separation for external parcels within the MF, RES, and MU Tracts.

   This deviation was previously **APPROVED** per Resolution Z-98-066.

4. Deviation #4 is being requested from LDC Section 30-152, which requires identification signs to be setback 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. This deviation was previously approved per Resolution Z-98-066, Deviation 5 with a condition stating that the applicant must demonstrate that sight distance requirements are met and consistent with the LDC.

   This deviation is APPROVED, subject to Condition 9.

5. Deviation #5 is being requested from LDC Section 34-2474(b)(6) which requires that recreation centers and ancillary facilities be located at least 40 feet from residential dwelling units, 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.

This deviation was previously **APPROVED** per Resolution Z-98-066.

6. Deviation #6 is being requested from LDC Section 10-329(d)(4), which requires lake bank slopes 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 a minimum ratio of 4:1 slope on all lake banks in all tracts.

   The deviation was previously **APPROVED** by ADD2021-00190A.

7. Deviation #7 is being requested from LDC Section 34-2020(b) which requires six parking spaces per hole for golf courses, to allow a five percent reduction of required parking spaces at the golf clubhouse only.

   This deviation was previously **APPROVED** per ADD2021-00191.

8. Deviation #8 is being requested 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 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.

   This deviation is **APPROVED**.

9. Deviation #9 is being requested from LDC Section 10-416(d) which requires a Type C/F buffer where multi-family residential uses and commercial uses abut, to allow for no internal buffers in all tracts.

   This deviation is **APPROVED**.

10. Deviation #10 is being requested from LDC Section 34-2020, which requires parking spaces to be provided for Recreation Facilities, Indoor at four spaces per 1,000 square feet of floor area, to allow for parking spaces related to Recreation Facilities, Indoor to be calculated at one 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.

    This deviation is **APPROVED**.

11. Deviation #11 is being requested from LDC Section 34-935(b)(1), which requires all buildings and structures to be set back 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 north property boundary.

    This deviation is **APPROVED** for a 0-foot building setback adjacent to property in other tracts within the Pelican Landing MPD, outside the Pelican Landing MPD, to include the Pelican Landing RPD/CPD, Bayview CPD in the City of Bonita Springs and a minimum of 50 feet from the north property boundary.

    This deviation is **DENIED** for a 0-foot building setback from Estero Bay.

12. Deviation #12 is being requested 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 the building heights for buildings greater than 35 feet in height within the MU, MF, and RES tracts.

This deviation is **APPROVED**, subject to the following condition

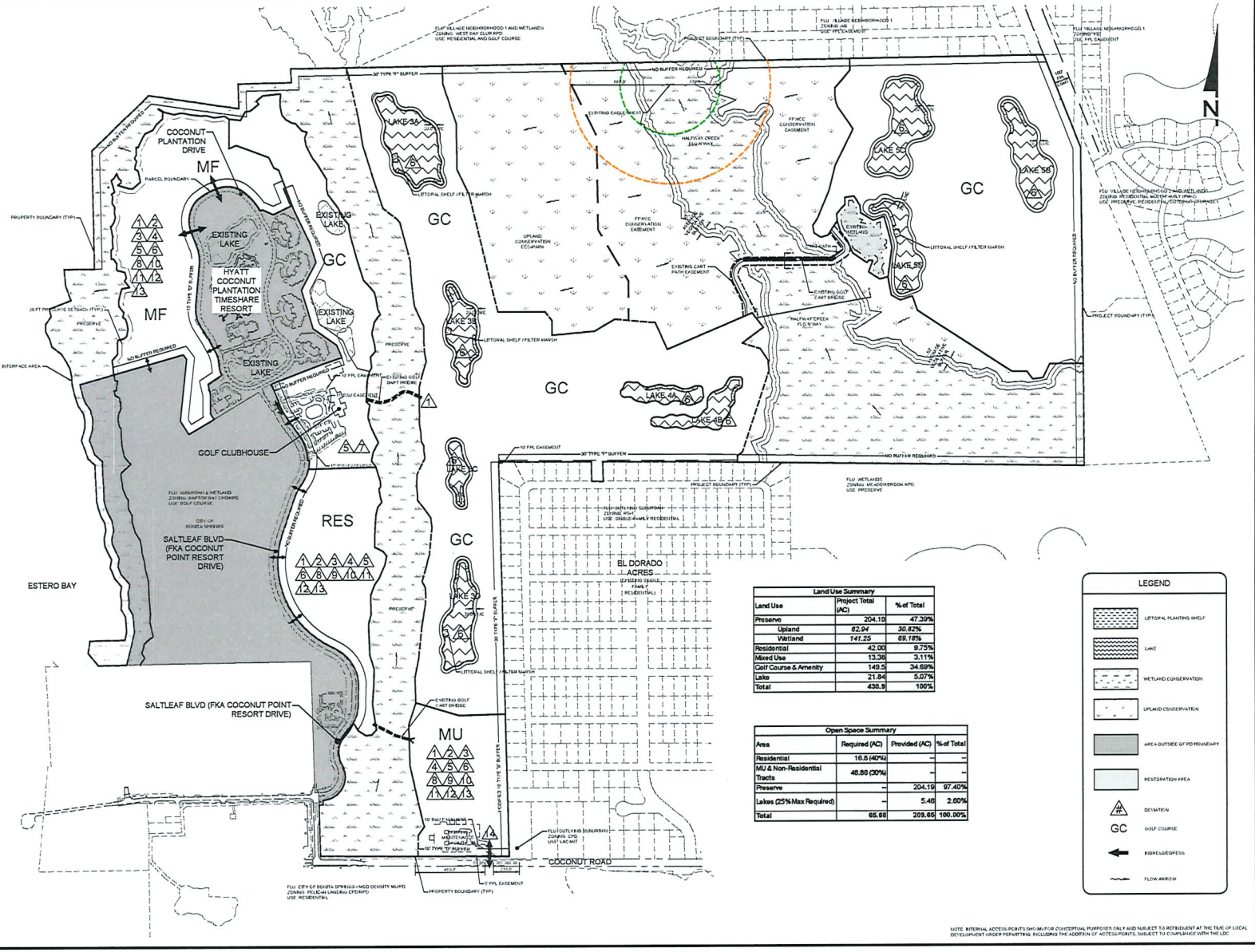
Staff is recommending **APPROVAL of this deviation subject to a letter of no objection from the Estero Fire District.**

13. Deviation #13 is being requested 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 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.

    This deviation is **APPROVED**, subject to condition 5.

14. Deviation #14 is being requested 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 Road.

    This deviation is **APPROVED**.



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	46.88 (30%)	–	–
Preserve	–	204.19	97.40%
Lakes (25% Max Required)	–	5.46	2.60%
Total	65.68	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 REVIEW 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
2810 W. SAMPLE ROAD, SUITE 303
POMPANO BEACH, FL 33073
239.455.7777

PELICAN LANDING MPD

MASTER CONCEPT PLAN

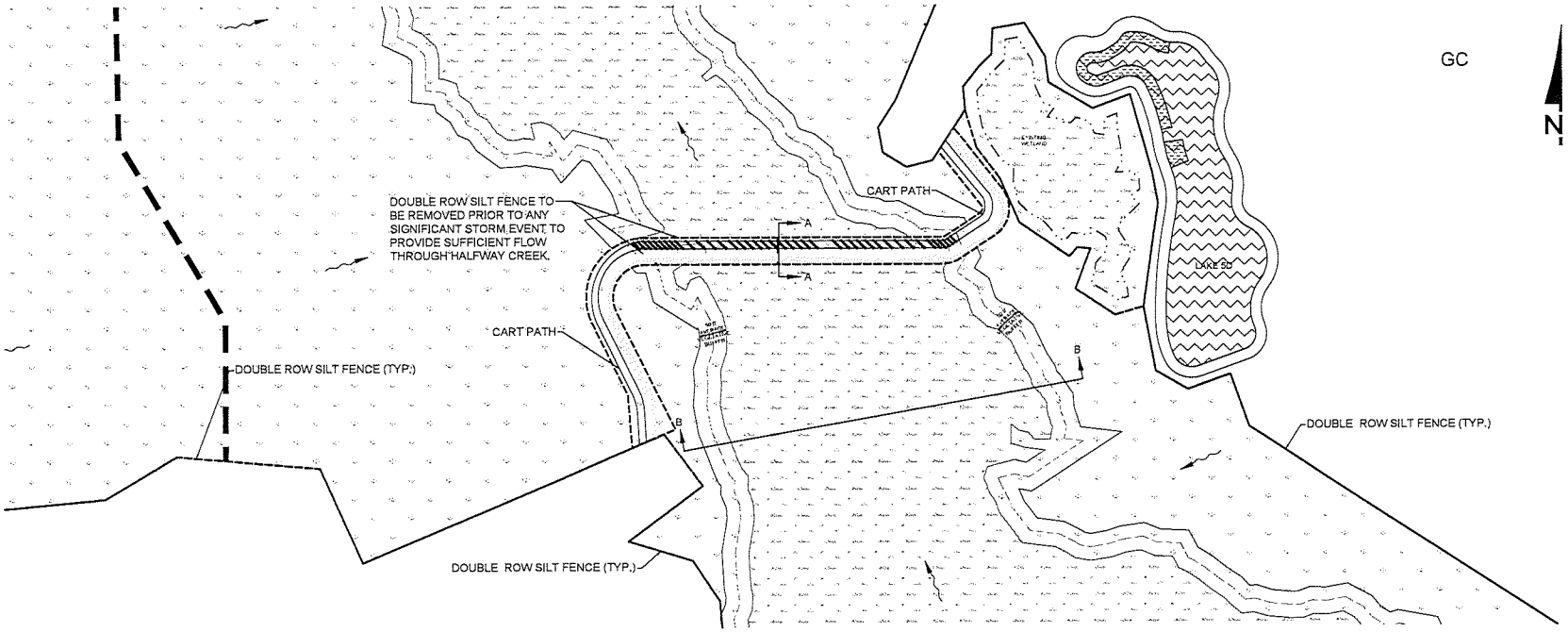
CLIENT: LONDON BAY

PLAN REVISIONS

SCALE IN FEET

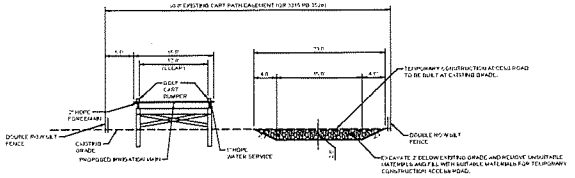
SET NUMBER 704-203

SHEET 1

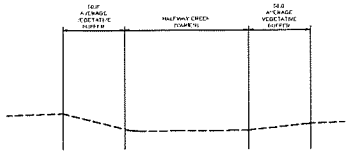


NOTES:

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



SECTION B-B

ATWELL
866.850.4200 www.atwell-group.com
2810 Cleveland Ave. Suite 303
Fort Myers, FL 33901
239.405.7777

HALFWAY CREEK GOLF CART BRIDGE CROSS-SECTION

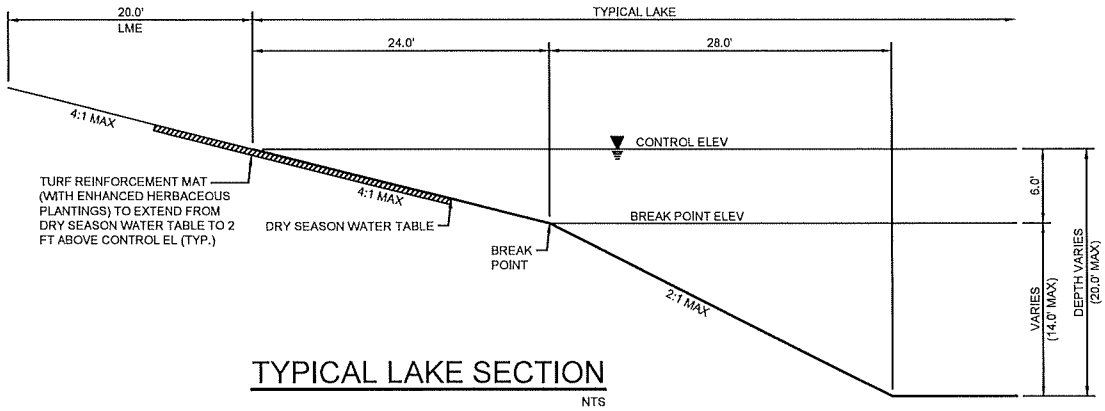
PELICAN LANDING MPD

CLIENT: LONDON BAY

PLAN REVISIONS

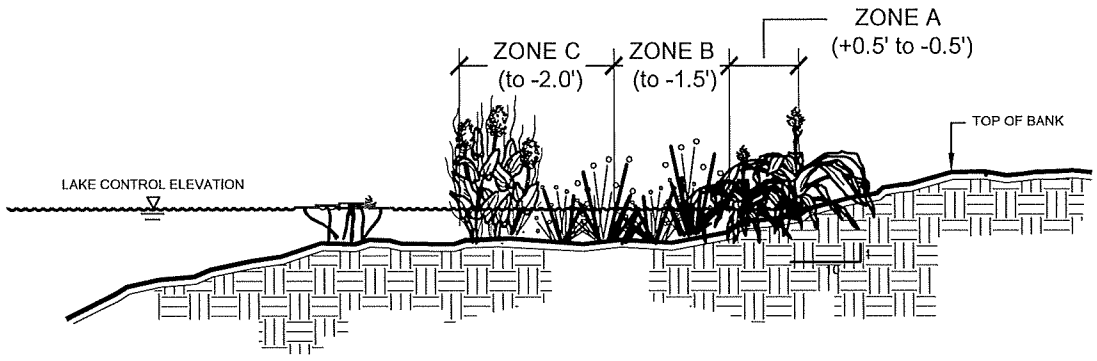
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SHEET: 2



TYPICAL LAKE SECTION

NTS



LITTORAL PLANTING AREA MATERIALS LIST
(MAX PLANTING DEPTH)

CONTROL - 0.5' DEPTH	1.5' 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

Perez, Maria

From: Jem Frantz <jfrantz@rviplanning.com>
Sent: Tuesday, June 17, 2025 8:52 AM
To: Perez, Maria
Cc: lisaVanDien@londonbay.com; Ray Piacente; craigklingensmith@londonbay.com; ryovanovich@cyklawfirm.com; Alexis Crespo; Jackie Larocque; shanej@passarella.net; Ted Treesh; Elizabeth Fountain; Burgess, Katherine; Price, Robert; DeFilippo, Nicholas; Henderson, Abby; DeFilippo, Nicholas; Sweigert, Rebecca; Toussaint, Tracy; Ennis, Audra; Baucom, Warren; Rozdolski, Mikki; Rodriguez, Anthony; Gillogly, Phil; Evans, Marcus; Rodriguez, Jennifer
Subject: Pelican Landing draft 48-hour letter (DCI2023-00052 & DRI2024-00001)
Attachments: 6 - 2025-468DRI-1 (6-7-25).pdf-ss.pdf; 7 - 2025-468DRI-2 (6-7-25).pdf-ss.pdf; 1 - 48-Hour Letter DCI2023-00052 6-5-25.pdf; 2 - ATTACHMENT C_ Conditions and Deviations Applicant changes 6-13-25.pdf; 3 - MCP 4-7-25.pdf; 4 - LCSD Letter of No Objection.pdf; 5 - Estero Fire Letter of No Objection.pdf

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Good morning,

Please see the attached 48-Hour Notice for Thursday's hearing for the Pelican Landing MPD (DCI2023-00052 & DRI2024-00001)

Sincerely,

Jem Frantz, AICP (she/her)
Project Director

RVi Planning + Landscape Architecture
28100 Bonita Grande Drive, Suite 305 • Bonita Springs, FL 34135
239.357.9580 Mobile • 239.319.0026 Direct • 239.405.7777 Main
www.rviplanning.com

APPLICANT'S EXHIBIT
2

June 13, 2025

Ms. Donna Marie Collins, Hearing Examiner
The Office of the Lee County Hearing Examiner
1500 Monroe Street, 2nd Floor
Fort Myers, FL 33901

RE: Pelican Landing MPD (DCI2023-00052) & Pelican Landing DRI (DRI2024-00001)
48-Hour Letter – Hearing Examiner Hearing Date: June 19, 2025

Dear Madame Hearing Examiner:

On behalf of the Applicant for DCI2023-00052 and DRI2024-00001, I am pleased to submit the information required in the 48-Hour Notice and Exhibit List. In addition, enclosed is a list of applicant witnesses who we expect to be present and/or testify.

Regarding the Staff Report and attachments related to DCI2023-00052, the applicant has coordinated with Staff and has provided the following clarifications and corrections shown in ~~strikethrough~~/underline format. Beth Workman has indicated via email on April 7th that the proposed changes to conditions that are acceptable to staff.

2. Uses and Site Development Regulations

The following Limits apply to the project and uses:

a. Schedule of Uses

MU Tract:

Accessory uses, buildings and structures
~~Limited to Warehouse, Hybrid, Public, and Mini~~
Accessory apartment and Accessory dwelling unit
Administrative offices
Automatic Teller Machine
Banks and Financial Establishments
Business Services, Group I
Cleaning and Maintenance Services
Dwelling Units:
Single-family
Zero lot line
Two-family attached
Townhouse
Multiple-family buildings
Clubs: Private limited to residents and guest only
Consumption on Premises, associated with the Private on-site club
Emergency Operations Center
EMS, Fire or Sheriff's Station

Entrance Gates and Gatehouses
Essential Services
Essential Services Facilities – Group I Only
Excavation:
    Water Retention
Excess Spoil Removal
Fences, Walls
Golf Course Maintenance Facility
Health Care Facilities
Home Occupation, No Outside Help
Insurance Companies
Maintenance Facility (Government)
Mass Transit Depot or Maintenance Facility (government-operated)
Medical Office
Models:
    Display Center/Sales Center
    Model Home
    Model Unit
Parking Lot, Accessory, Park-and-Ride, Temporary
Place of worship
Post Office
Recreation Facilities
    Personal
    Private – On-Site
Religious Facilities
Research and Development Laboratories, Group II
Residential Accessory Uses
Schools, Commercial, Noncommercial
Signs
Social Services, Group I
Storage, Indoor
Warehousing, hybrid, public, and mini-warehouse (limited to accessory only to principal uses within the overall MPD)

Applicant Discussion: The proposed Warehouse, hybrid, public and mini uses are intended to be restricted to accessory to principal uses, however the language inadvertently limited accessory uses to only these warehouse uses. The revised list of uses maintains the limitations on warehouse uses but also allows for other typical accessory uses, buildings and structures in the MU Tract. Staff and the Applicant are in agreement regarding these changes. Additional information regarding our position will be provided at the hearing.

5. BUFFERS

a. A 30-foot Type-F buffer must be depicted on the development order plans along the north property line abutting West Bay Club RPD. Where the preserve abuts the north property line, the existing indigenous vegetation may be utilized to meet the Type-F buffer plantings.

b. A 30-foot Type-F buffer must be depicted on the development order plans between the Golf Course ~~and MU Tracts~~ and El Dorado Acres ~~and Bayview II Commercial Planned Development~~.

c. A modified 10-foot Type-B buffer must be depicted on the development order plans between the MU tract and El Dorado Acres and Bayview II Commercial Planned Development.

Applicant Discussion: This condition ensures that a buffer is provided along the entire boundary shared with the El Dorado Acres and Bayview II CPD. LDC section 10-415 requires a Type B buffer between multi-family and single-family and a The proposed changes to this condition satisfy the intent of staff's original proposed condition by providing an enhancement over the minimum buffering required adjacent to commercial uses, while also providing additional flexibility within the development tract.

This change is also reflected in the attached revised MCP.

Staff and the Applicant are in agreement regarding these changes. Additional information regarding our position will be provided at the hearing.

Additionally, reference was made to an "additional condition" in paragraph 1, page 6 of the staff report:

> Staff is codifying all conditions pertaining to the subject property and recommending an additional condition requiring the remnant Kersey-Smoot RPD and Pelican Landing RPD zoning resolutions to be amended to remove the subject property from their legal boundaries and amend the allowable densities within Kersey-Smoot RPD (241 units) and Pelican Landing RPD proportionally. The recommended condition is tied to the issuance of a development order for the subject property's MF Tract along the north property line.

However, staff has confirmed via a telephone conversation on June 12, 2025, that this reference was made in error, and no additional condition is proposed.

Finally, the staff report also recommends Letters of No Objection from the Fire District and the Lee County School District. Each of these letters are attached to this notice.

Regarding the Staff Report and attachments related to DRI2024-00001, the applicant has coordinated with Staff and has provided the attached legal description of the acreage within the county jurisdiction, as requested in the conditional approval of waiver #3.

Thank you for your consideration of the above information. We look forward to presenting the case at the hearing.

Sincerely,

RVi Planning + Landscape Architecture

Jem Frantz, AICP
Project Director

CC: Lisa Van Dien, London Bay, *via email*
Ray Piacente, London Bay, *via email*

Craig Klingensmith, London Bay, *via email*
Richard Yovanovich, Esq., Coleman Yovanovich & Koester, *via email*
Alexis Crespo, AICP, RVi Planning + Landscape Architecture, *via email*
Jackie Larocque, P.E., Atwell, *via email*
Shane Johnson, Passarella and Associates, *via email*
Ted Treesh, TR Transportation, *via email*
Elizabeth Workman, Lee County Principal Planner, *via email*
Kate Burgess, Lee County Principal Planner, *via email*
Ally Hall, Lee County Plan Reviewer, *via email*
Robert Price, Lee County Department of Transportation Director, *via email*
Jillian Scholler, Lee County Department of Transportation Deputy Director, *via email*
Nic Defilippo, Lee County Senior Environmental Planner, Planning, *via email*

Pelican Landing MPD
DCI2023-00052

Exhibit List

- Witness List
- Applicant's Proposed Conditions (strikethrough/underline version of Staff's Conditions)
- Revised MCP
- Letter of No Objection from the Lee County School District
- Letter of No Objection from the Estero Fire District

Pelican Landing DRI
DRI2024-00001

Exhibit List

- Legal description of DRI lands within unincorporated Lee County

ATTACHMENT C
PELICAN LANDING MPD CONDITIONS AND DEVIATIONS

A. Conditions:

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2. Uses and Site Development Regulations

The following Limits apply to the project and uses:

a. Schedule of Uses

MU Tract:

Accessory uses, buildings and structures
~~Limited to Warehouse, Hybrid, Public, and Mini~~
Accessory apartment and Accessory dwelling unit
Administrative offices
Automatic Teller Machine
Banks and Financial Establishments
Business Services, Group I
Cleaning and Maintenance Services
Dwelling Units:
Single-family
Zero lot line
Two-family attached
Townhouse
Multiple-family buildings
Clubs: Private limited to residents and guest only
Consumption on Premises, associated with the Private on-site club
Emergency Operations Center
EMS, Fire or Sheriff's Station
Entrance Gates and Gatehouses
Essential Services
Essential Services Facilities – Group I Only
Excavation:
Water Retention
Excess Spoil Removal
Fences, Walls
Golf Course Maintenance Facility
Health Care Facilities
Home Occupation, No Outside Help
Insurance Companies
Maintenance Facility (Government)
Mass Transit Depot or Maintenance Facility (government-operated)
Medical Office
Models:
Display Center/Sales Center
Model Home
Model Unit
~~~

Parking Lot, Accessory, Park-and-Ride, Temporary
Place of worship
Post Office
Recreation Facilities
    Personal
    Private – On-Site
Religious Facilities
Research and Development Laboratories, Group II
Residential Accessory Uses
Schools, Commercial, Noncommercial
Signs
Social Services, Group I
Storage, Indoor
Warehousing, hybrid, public, and mini-warehouse (limited to accessory only to principal uses within the overall MPD)

~~~

5. BUFFERS

a. A 30-foot Type-F buffer must be depicted on the development order plans along the north property line abutting West Bay Club RPD. Where the preserve abuts the north property line, the existing indigenous vegetation may be utilized to meet the Type-F buffer plantings.

b. A 30-foot Type-F buffer must be depicted on the development order plans between the Golf Course ~~and MU Tracts~~ and El Dorado Acres ~~and Bayview II Commercial Planned Development~~.

c. A 10-foot Type-B buffer must be depicted on the development order plans between the MU tract and El Dorado Acres and Bayview II Commercial Planned Development.
~~~

The School District of Lee County

Jacqueline Heredia, District Planning Specialist
2855 Colonial Boulevard, Fort Myers, FL 33966

The School District of Lee County has the following comments on this project:

This project is located in Elementary School Proximity Zone "Q"
•The District's Student Generation Rate (SGR) for this area for mixed- family development is 0.060 at the elementary level.
•The proposed 729 residential units could be expected to produce up to 43.74 elementary school students.
•Elementary School Proximity Zone "Q" is currently operating at approximately 96 % of capacity with about 80 open seats.
•This proposed project will not negatively impact school capacity in the enrollment zone forFY25.

This project is located in Middle School Proximity Zone "GG"

•The District's Student Generation Rate (SGR) for this area for mixed- family development is 0.019 at the middle school level.
•The proposed 729 residential units could be expected to produce up to 11.95 middle school students.
•Middle School Proximity Zone "GG" is currently operating at approximately 91% of capacity with about 231 open seats.
•This proposed project will not negatively impact school capacity in the enrollment zone FY25.

This project is located in High School Enrollment Zone South, Sub-Zone 2

•The District's Student Generation Rate (SGR) for this area for mixed family development is 0.060 at the high school level.
•The proposed 729 residential units could be expected to produce up to 43.75 high school students.
•South Zone 3 is currently operating at approximately 80% of capacity with about 154 open seats.
•This proposed project will not negatively impact school capacity in the enrollment zone FY25.

Board Members: **Samuel Fisher**, District 1, Chair | **Jada Langford Fleming**, District 6, Vice Chair
Melisa W. Giovannelli, District 2 | **William F. Ribble, Jr.**, District 3 | **Debbie Jordan**, District 4 | **Armor Persons**, District 5
Vanessa M. Chaviano, District 7| **Denise M. Carlin, Ed.D.**, Superintendent | **Kathy Dupuy-Bruno, Esq. B.C.S.**, Board Attorney

Estero Fire Rescue
21500 Three Oaks Parkway
Estero, Florida 33928
(239) 390.8000
(239) 390.8020 (Fax)
www.esterofire.org

April 9, 2025

RVi Planning
28100 Bonita Grande Drive
Suite 305
Bonita Springs, Florida 34135
C/O Jem Frantz, Project Director

Ms. Frantz,

Regarding the request for deviation from building separation for Pelican Landing MPD specifically the Planned Development Rezone (DCI2023-00052), Estero Fire Rescue has no objection to the deviation requested.

The deviation approved is for LDC Section 34-935(e)(4). The deviation is to allow a minimum building separation of 35% of the sum of the building heights for buildings greater than 35 feet in height.

Should you require any additional information regarding this request, please feel free to reach out to me at 239-390-8000.

Respectfully,

Phillip Green
Fire Marshal

Rhodes and Rhodes Land Surveying
28100 Bonita Grande Drive, STE 107
Bonita Springs, FL 34135
239-405-8166

LEGAL DESCRIPTION
PELICAN LANDING DRI
(RAPTOR BAY PORTION)

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 NORTHWEST 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

RHODES & RHODES SURVEYING

Rhodes and Rhodes Land Surveying
28100 Bonita Grande Drive, STE 107
Bonita Springs, FL 34135
239-405-8166

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 2,362.08 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°27'59" 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 11°27'49" WEST, 56.18 FEET; COURSE NO. 7: SOUTH 04°21'29" EAST, 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, 70.64 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

RHODES & RHODES SURVEYING

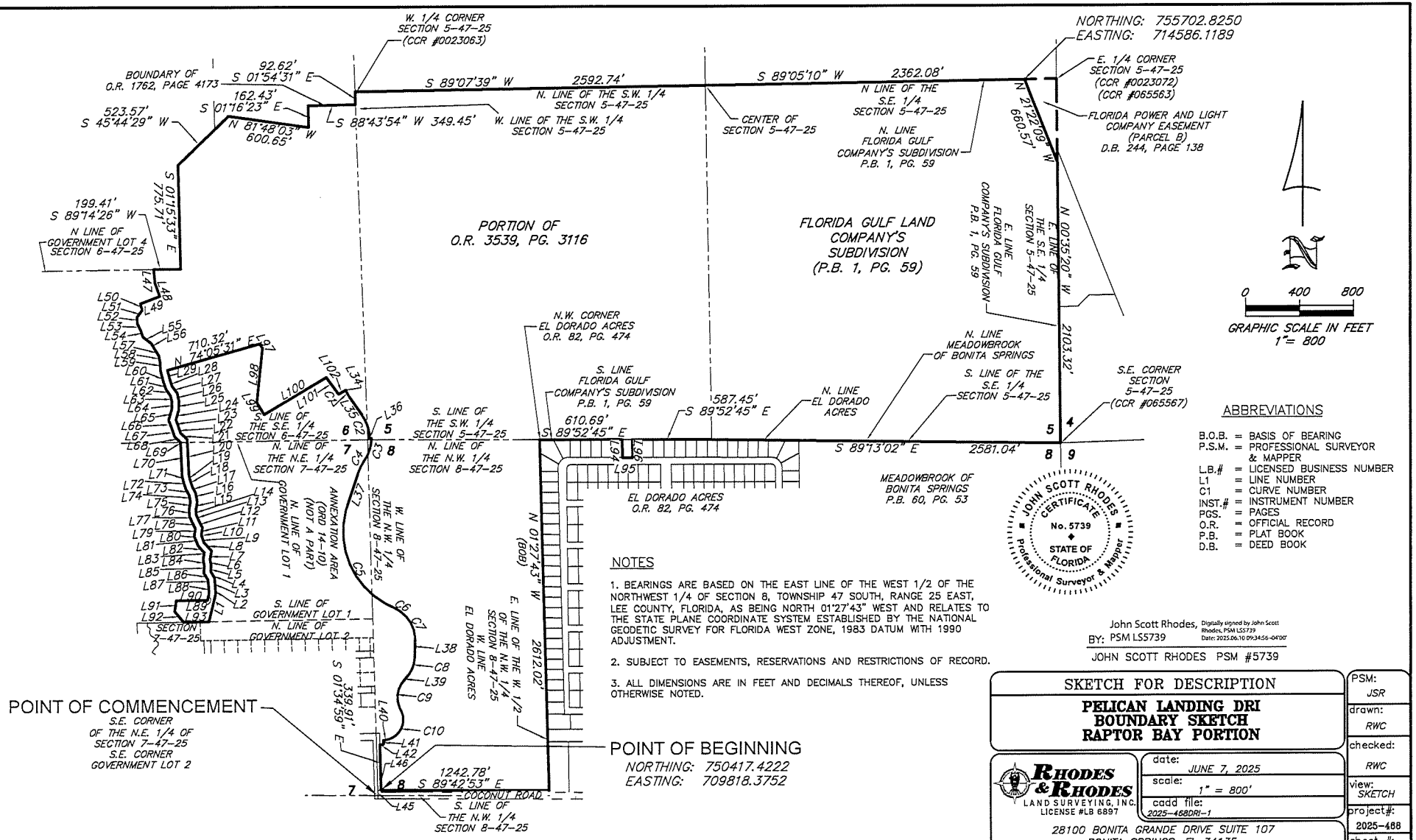
Rhodes and Rhodes Land Surveying
28100 Bonita Grande Drive, STE 107
Bonita Springs, FL 34135
239-405-8166

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 FIFTY-FIVE (55) 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; COURSE NO. 31: SOUTH 36°08'20" EAST, 37.55 FEET; COURSE NO. 32: SOUTH 05°57'36" WEST, 410.85 FEET; COURSE NO. 33: SOUTH 31°41'08" EAST, 104.97 FEET; COURSE NO. 34: NORTH 58°57'13" EAST, 537.28 FEET; COURSE NO 35: SOUTH 35°37'13" EAST, 153.87 FEET; COURSE NO. 36: NORTH 60°05'45" EAST, 62.68 FEET; COURSE NO. 37: SOUTH 21°12'13" EAST, 4.51 FEET TO A POINT OF CURVATURE; COURSE NO. 38: 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. 39: SOUTH 34°44'46" EAST, 155.79 FEET TO A POINT OF CURVATURE; COURSE NO. 40: 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. 41: NORTH 89°47'40" EAST, 11.43 FEET TO A POINT ON A NON-TANGENTIAL CURVE; COURSE NO. 42: 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. 43: 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. 44: SOUTH 18°14'18" WEST, 248.83 FEET TO A POINT OF CURVATURE; COURSE NO. 45: 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. 46: 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. 47: SOUTHEASTERLY, 273.04 FEET ALONG THE ARC OF A CIRCULAR CURVE,

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Bonita Springs, FL 34135
239-405-8166

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. 48: SOUTH 01°34'37" WEST, 129.72 FEET TO A POINT OF CURVATURE; COURSE NO. 49: 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. 50: SOUTH 39°02'41" WEST, 55.64 FEET TO A POINT OF CURVATURE; COURSE NO. 51: 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. 52: 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. 53: SOUTH 79°58'40" WEST, 20.35 FEET; COURSE NO. 54: SOUTH 01°34'59" EAST, 30.27 FEET; COURSE NO. 55: 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 452.37 ACRES, MORE OR LESS.



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 RELATES TO THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA WEST ZONE, 1983 DATUM WITH 1990 ADJUSTMENT.

2. SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

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

ABBREVIATIONS

B.O.B.	=	BASIS OF BEARING
P.S.M.	=	PROFESSIONAL SURVEYOR & MAPPER
L.B.#	=	LICENSED BUSINESS NUMBER
L1	=	LINE NUMBER
C1	=	CURVE NUMBER
INST.#	=	INSTRUMENT NUMBER
PGS.	=	PAGES
O.R.	=	OFFICIAL RECORD
P.B.	=	PLAT BOOK
D.B.	=	DEED BOOK

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

John Scott Rhodes, Digitally signed by John Scott Rhodes, PSM LS5739 Date: 2025.06.10 09:34:56 -04'00'

BY: PSM LS5739

JOHN SCOTT RHODES PSM #5739

NOT A SURVEY

SKETCH FOR DESCRIPTION

PELICAN LANDING DRI BOUNDARY SKETCH RAPTOR BAY PORTION

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

28100 BONITA GRANDE DRIVE SUITE 107
BONITA SPRINGS, FL 34135
(239) 405-8166 (239) 405-8163 FAX

PSM:	JSR
drawn:	RWC
checked:	RWC
date:	JUNE 7, 2025
scale:	1" = 800'
cadd file:	2025-468DRI-1
view:	SKETCH
project#:	2025-468
sheet #:	5 of 6

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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
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
L41	30.27'	S 01°34'59" E
L42	26.60'	S 88°25'01" W
L45	40.03'	N 01°34'59" W

LINE TABLE		
LINE	LENGTH	BEARING
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°27'59" 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
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

LINE TABLE		
LINE	LENGTH	BEARING
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	37.55'	S 36°08'20" E
L98	410.85'	S 05°57'36" W
L99	104.97'	S 31°41'08" E
L100	537.28'	N 58°57'13" E
L101	153.87'	S 35°37'13" E
L102	62.68'	N 60°05'45" E

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'	184.02'	S 18°33'22" 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

NOT A SURVEY

SKETCH FOR DESCRIPTION

PELICAN LANDING DRI
LINE AND CURVE TABLES
RAPTOR BAY PORTION

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

28100 BONITA GRANDE DRIVE SUITE 107
BONITA SPRINGS, FL 34135
(239) 405-8166 (239) 405-8163 FAX

date: JUNE 7, 2025
scale: N/A
cadd file: 2025-468DRI-2

PSM: JSR
drawn: RWC
checked: RWC
view: TABLES
project#: 2025-468
sheet #: 6 of 6

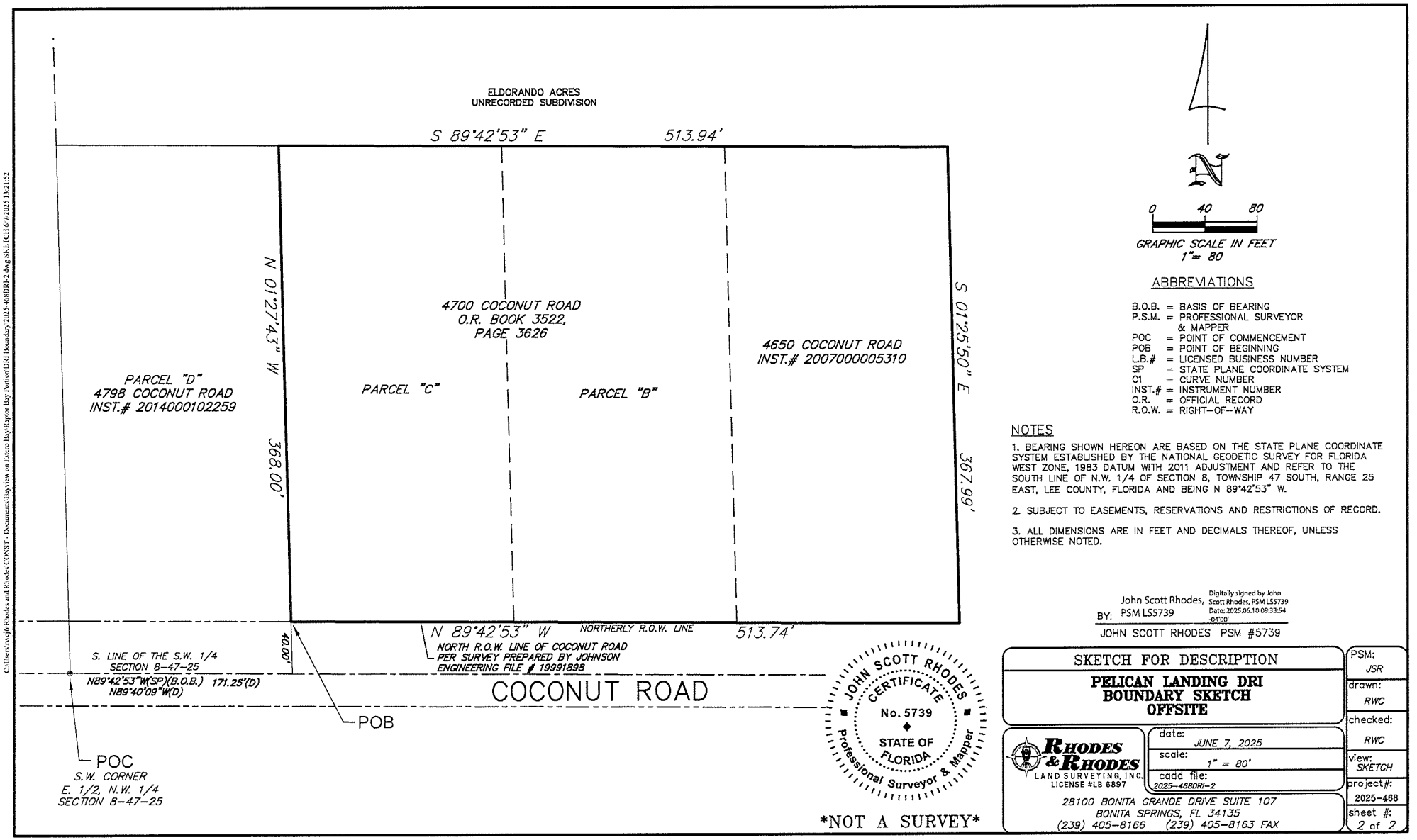
Rhodes and Rhodes Land Surveying
28100 Bonita Grande Drive, STE 107
Bonita Springs, FL 34135
239-405-8166

LEGAL DESCRIPTION
PELICAN LANDING DRI
(OFFSITE)

A PARCEL OF LAND LYING IN AND BEING A PORTION OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE SOUTH 89°42'53" EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 8, A DISTANCE OF 171.25 FEET; THENCE DEPARTING FROM LAST SAID LINE, NORTH 01°27'43" WEST, A DISTANCE OF 40.00 FEET TO THE TO NORTHERLY RIGHT-OF-WAY OF COCONUT ROAD AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE NORTH 01°27'43" WEST, A DISTANCE OF 368.00 FEET; THENCE SOUTH 89°42'53" EAST, A DISTANCE OF 513.94 FEET; THENCE SOUTH 01°25'50" EAST, A DISTANCE OF 368.99 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COCONUT ROAD; THENCE NORTH 89°42'53" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 513.74 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.34 ACRES, MORE OR LESS.



ABBREVIATIONS

B.O.B. = BASIS OF BEARING
P.S.M. = PROFESSIONAL SURVEYOR & MAPPER
POC = POINT OF COMMENCEMENT
POB = POINT OF BEGINNING
L.B.# = LICENSED BUSINESS NUMBER
SP = STATE PLANE COORDINATE SYSTEM
C1 = CURVE NUMBER
INST.# = INSTRUMENT NUMBER
O.R. = OFFICIAL RECORD
R.O.W. = RIGHT-OF-WAY

NOTES

1. BEARING SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA WEST ZONE, 1983 DATUM WITH 2011 ADJUSTMENT AND REFER TO THE SOUTH LINE OF N.W. 1/4 OF SECTION 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AND BEING N 89°42'53" W.

2. SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

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

BY: John Scott Rhodes, PSM LS5739
Digitally signed by John Scott Rhodes, PSM LS5739
Date: 2025.06.10 09:33:54 -04'00'

JOHN SCOTT RHODES PSM #5739

SKETCH FOR DESCRIPTION

PELICAN LANDING DRI BOUNDARY SKETCH OFFSITE

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

date:	JUNE 7, 2025
scale:	1" = 80'
cadd file:	2025-468DRI-2

PSM:	JSR
drawn:	RWC
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project#:	2025-468
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Pelican Landing MPD
DCI2023-00052

Witness List

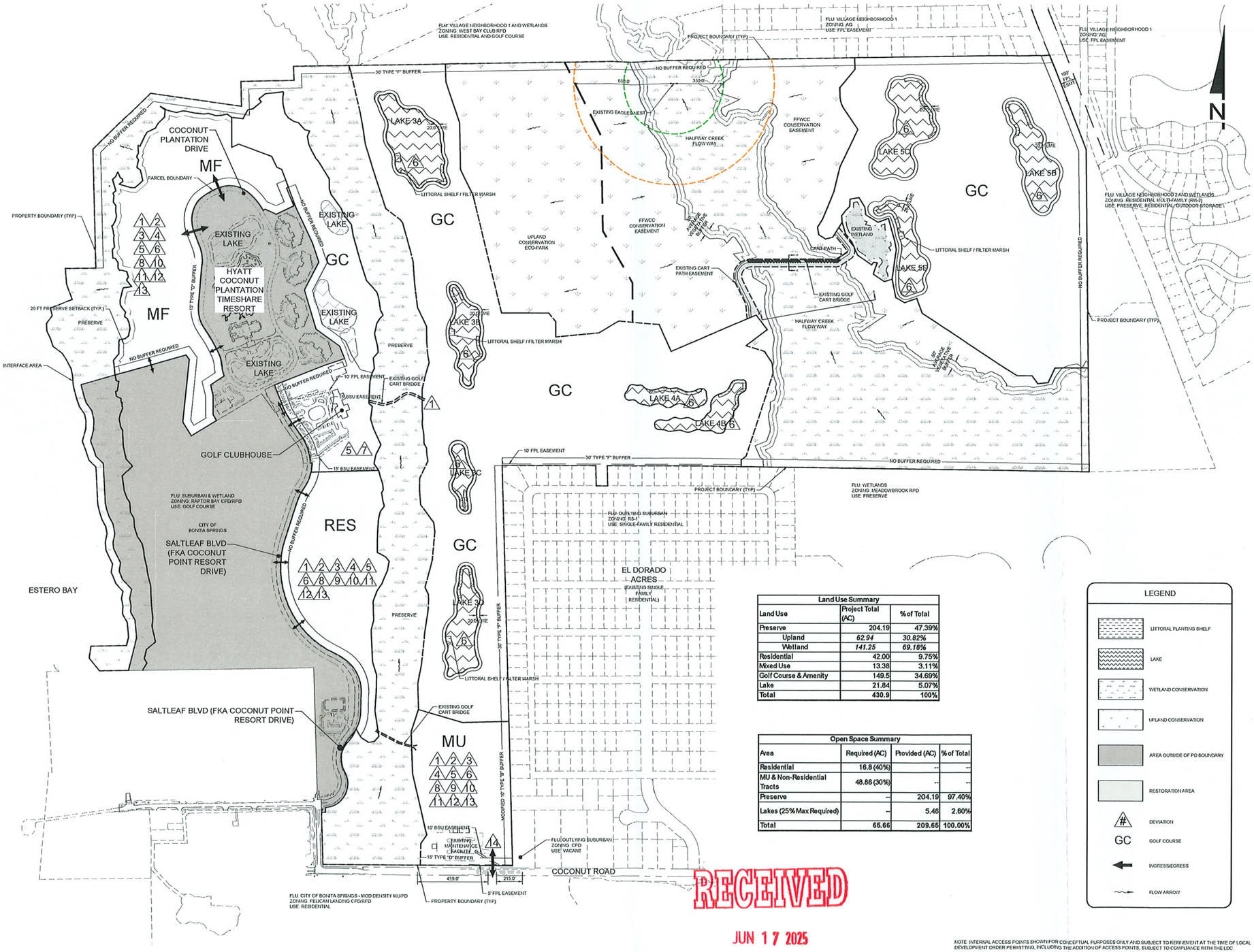
Alexis Crespo, AICP – RVi Planning & Landscape Architecture, Inc., 28100 Bonita Grande Drive, Suite 300, Bonita Springs, FL 34135, acrespo@rviplanning.com

Jem Frantz, AICP – RVi Planning & Landscape Architecture, Inc., 28100 Bonita Grande Drive, Suite 300, Bonita Springs, FL 34135, jfrantz@rviplanning.com

Jackie Larocque, P.E. – Atwell, LLC, 28100 Bonita Grande Drive, Suite 300, Bonita Springs, FL 34135, jlarocque@atwell.com

Shane Johnson – Passarella and Associates, Inc.,13620 Metropolis Ave, Fort Myers, FL 33912, shanej@passarella.net

Ted Treesh – TR Transportation Consultants, 2726 Oak Ridge Ct., Suite 503, Fort Myers, FL 33901, tbt@trtrans.net



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

RECEIVED
JUN 17 2025
BY: HEARING EXAMINER'S OFFICE

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
REV02 <<SUBMITTED / BSI SET>> XX/XX/XX

0 150 300 600
SCALE IN FEET

FLORIDA CERTIFICATE OF AUTHORIZATION #6636

SET NUMBER: 704-203
SHEET : 1

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PELICAN LANDING MPD

HEARING EXAMINER PRESENTATION

June 19, 2025

RVi
Open the Outdoors

APPLICANT'S EXHIBIT # 3
PP, MCP, Del Map, IP
Composite Exhibit

Stephen Wilson & Lisa Van Dien
London Bay - Applicant

Richard Yovanovich, Esq
Coleman, Yovanovich & Koester

Jackie Larocque, P.E.
Atwell

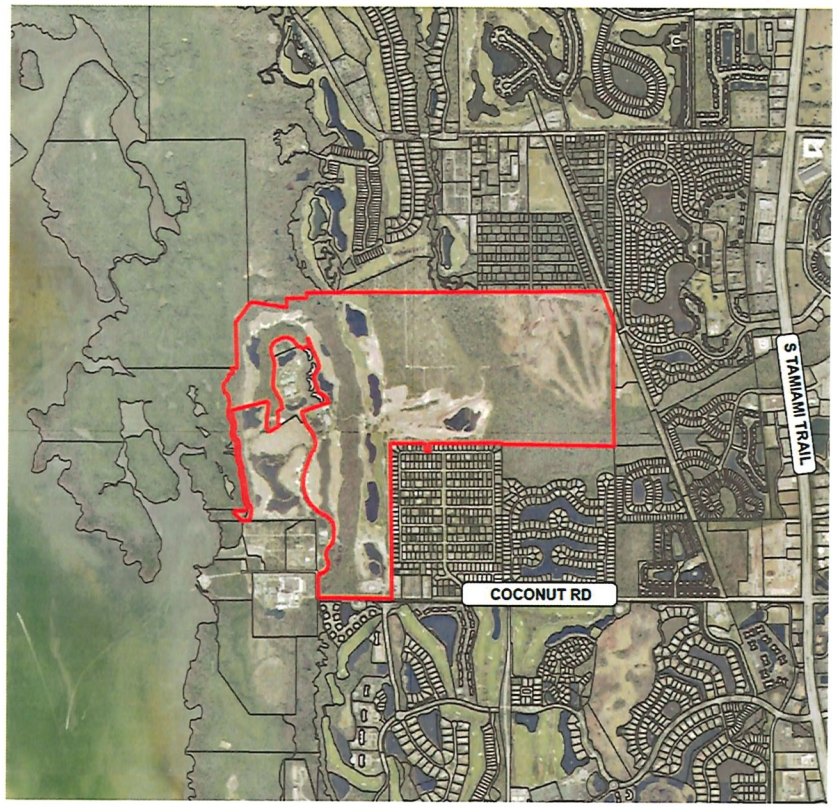
Ted Treesh
TR Transportation Consultants

Shane Johnson
Passarella and Associates

Jem Frantz, AICP
RVi Planning & Landscape Architecture

Pelican Landing MPD

SUBJECT PROPERTY LOCATION



MPD REQUEST OVERVIEW

- Rezone 430 acres from ***Kersey-Smoot RPD*** and ***Pelican Landing CPD/RPD*** to ***Pelican Landing MPD***
- MPD requests the following:
  - 729 dwelling units [100 single-family and 629 multifamily dwellings] ***(Adds 488 dwelling units)***
  - ***Removes 147,000 sq ft of Retail Commercial uses***
  - 25,000 sq. ft. office uses ***(Removes 100,839 sq ft of Office uses)***
  - 27 golf holes ***(Removes 1 golf hole)***
  - 318 hotel rooms ***(Adds 232 hotel rooms)***
  - Private onsite recreation and accessory uses
- Sufficient capacity on Coconut Road based upon proposed MPD, including background traffic from existing developments and unbuilt/approved projects
- ***Companion DRI DO amendment decreases intensity in the overall DRI to ensure no increase in trips***

INTRODUCTION TO LONDON BAY

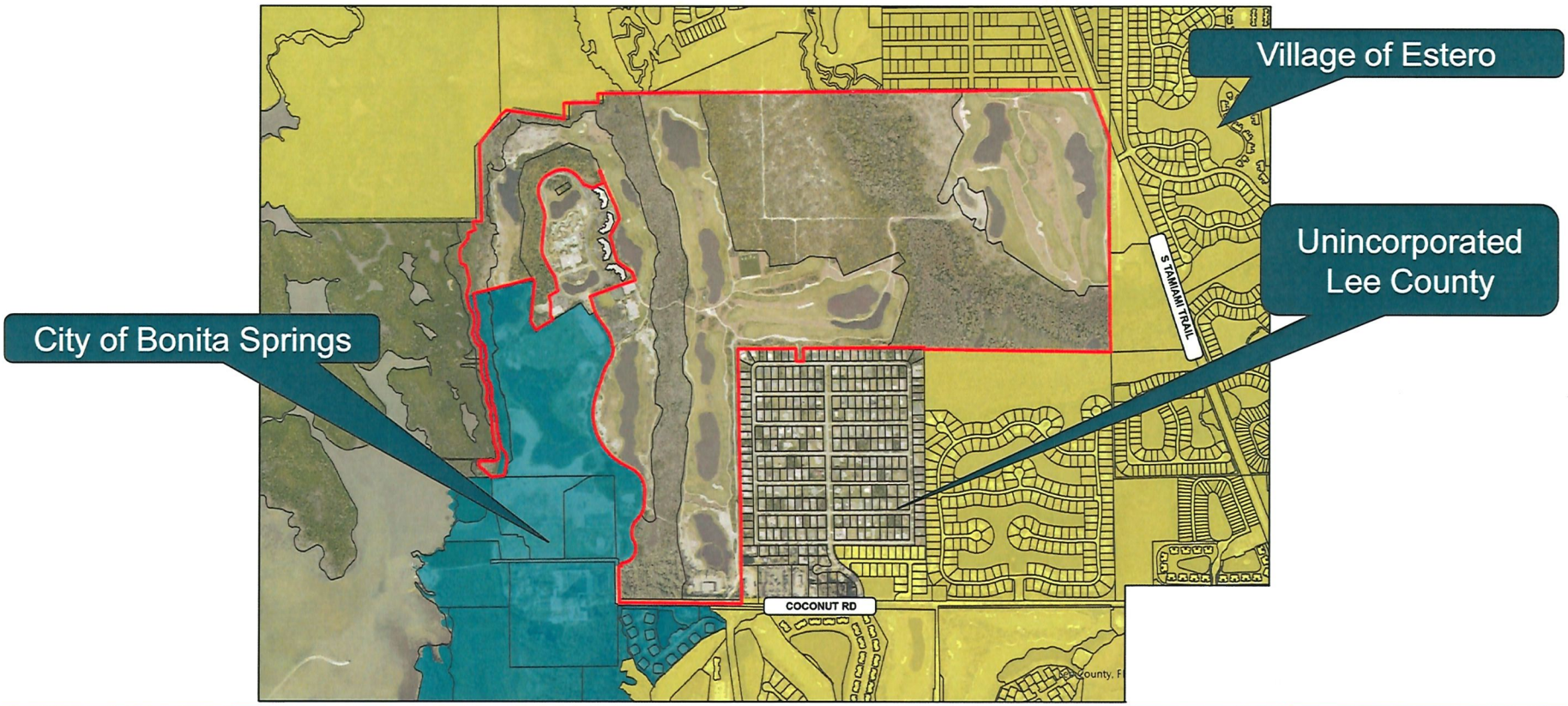
- Established in 1990 – Recognized Brand/Excellent Reputation
- Local Management & Ownership
- Here for 35 Years – Here to Stay
- A legacy project for London Bay & Lee County
- World-class residential project on a sizeable waterfront parcel in Southwest Florida
- Program is based upon London Bay's core values of quality, integrity, and respect for surrounding communities in Lee County, Bonita Springs & Estero



MPD Request/Planning Overview

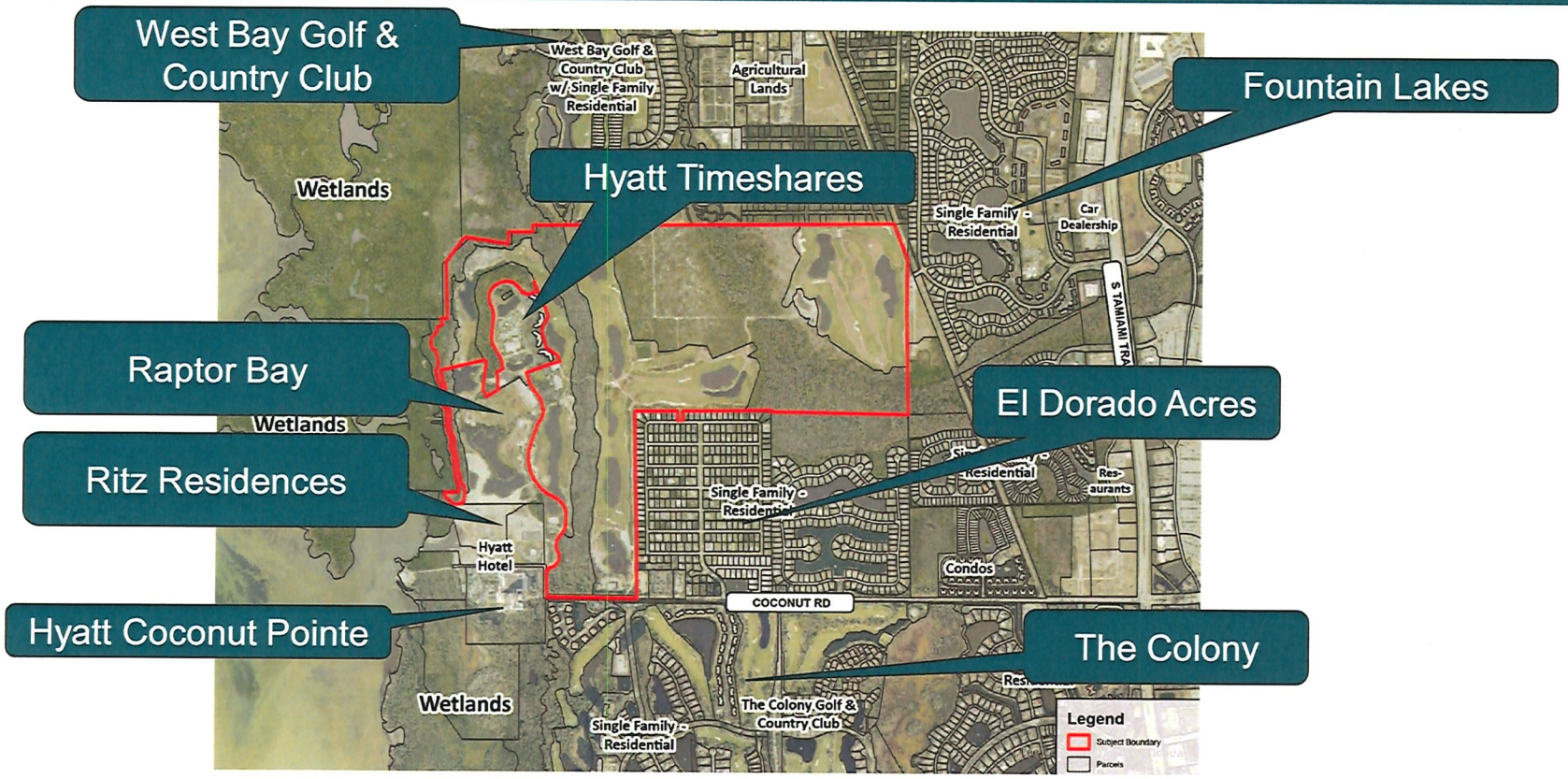
Jem Frantz, AICP

PROPERTY LOCATION



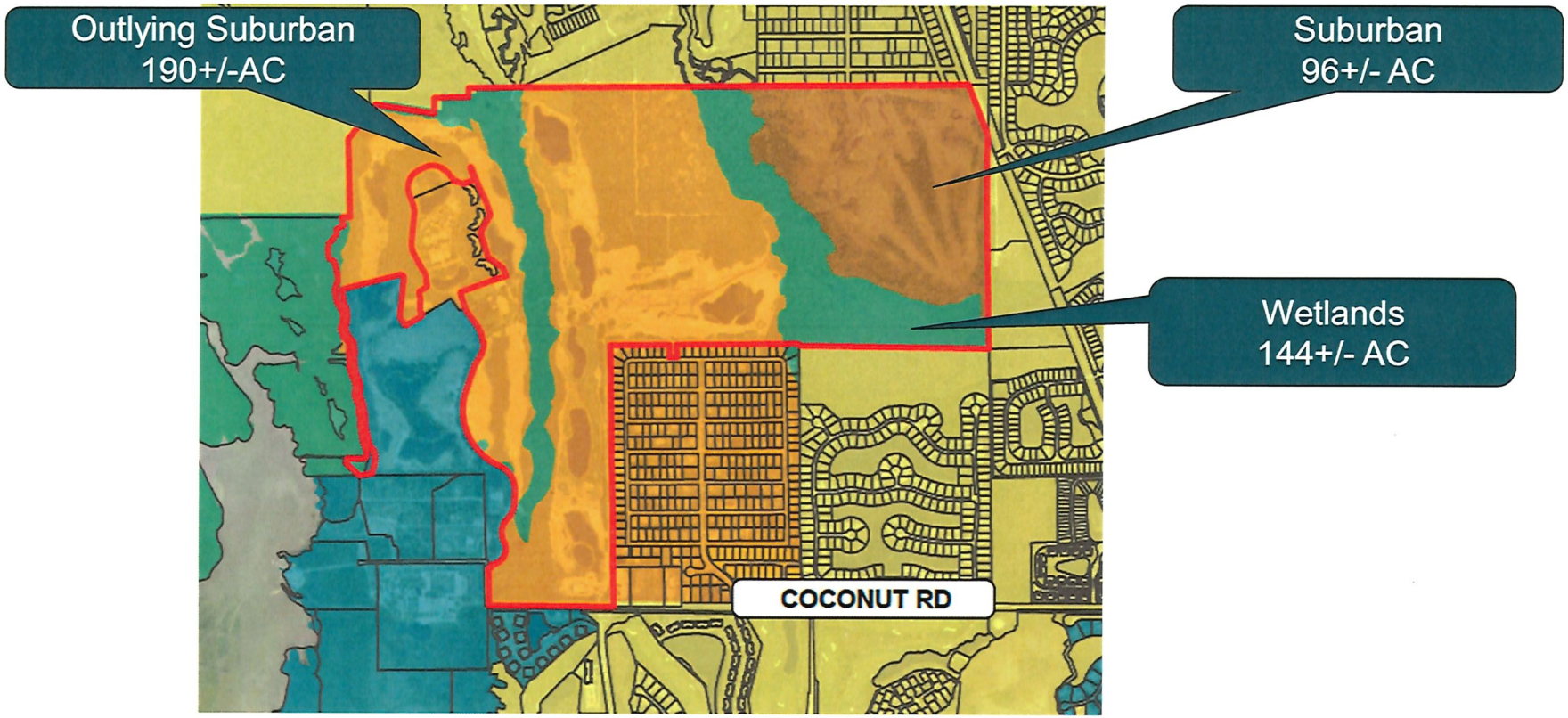
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SURROUNDING LAND USE PATTERN



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FUTURE LAND USE DESIGNATIONS



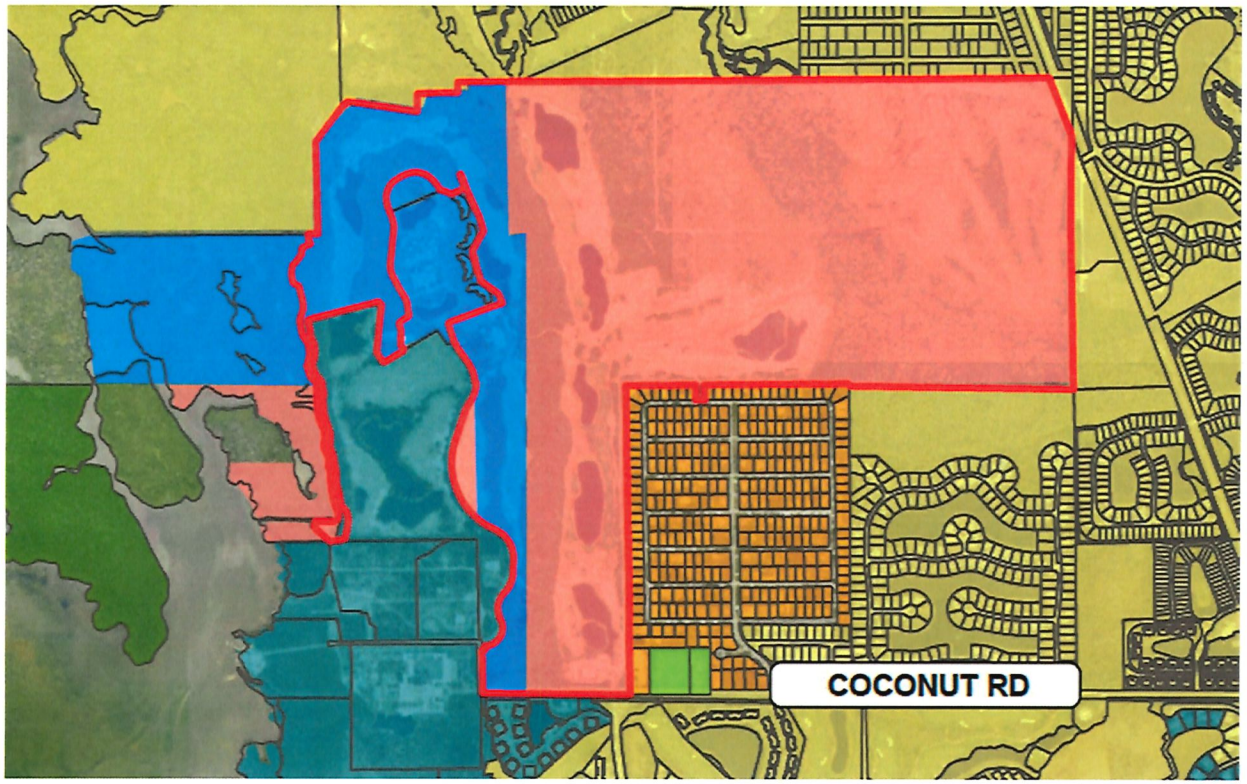
FUTURE LAND USE DESIGNATIONS

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)	111.78 AC	3 DU/AC	335.34 DU
Non-Residential Area (Uplands)	99.49 AC	0 DU/AC	0 DU
Wetlands	144± AC		
Saltwater Wetland	86.5 AC	1 DU/20 AC	4.3 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 DENSITY BY FLUM	**430± AC**		**893 DU**



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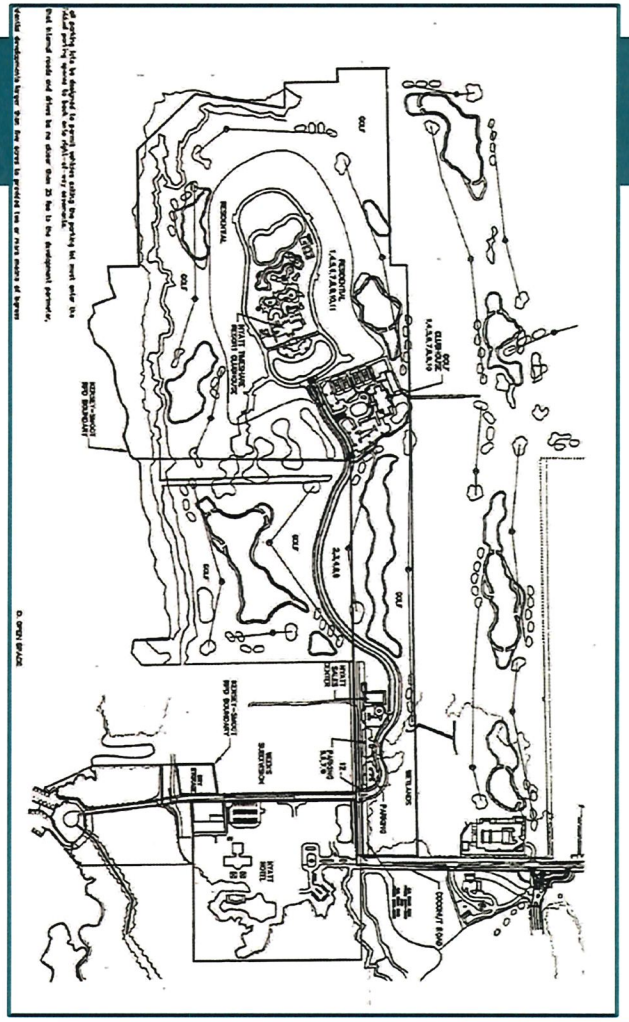
CURRENT ZONING



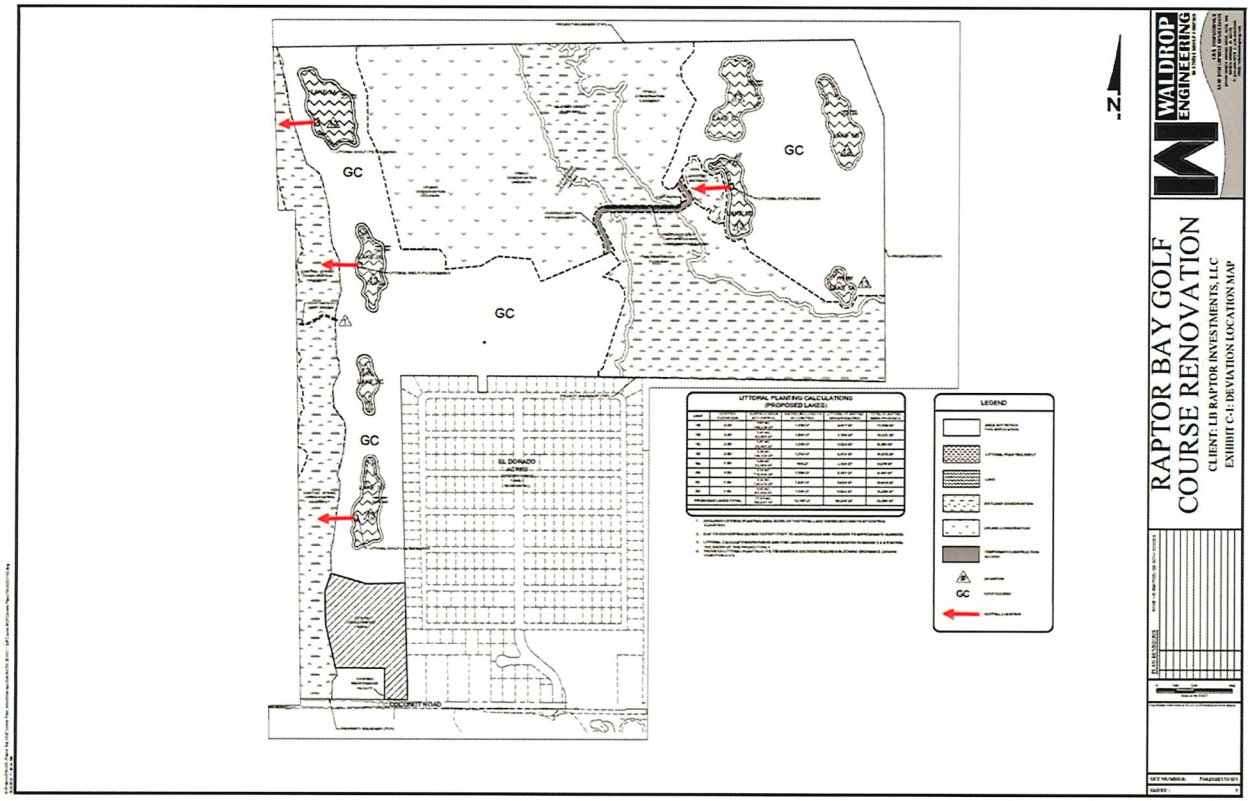
- Kersey-Smoot RPD
- Pelican Landing CPD/RPD

KERSEY SMOOT RPD

- 362 multi-family units approved per Z-07-31
  - ✓ 96 units currently built
- 75' maximum bldg. height
- 241 units owned by Applicant proposed to be added/assigned to Pelican Landing MPD
- 121 units will remain in Kersey Smoot RPD

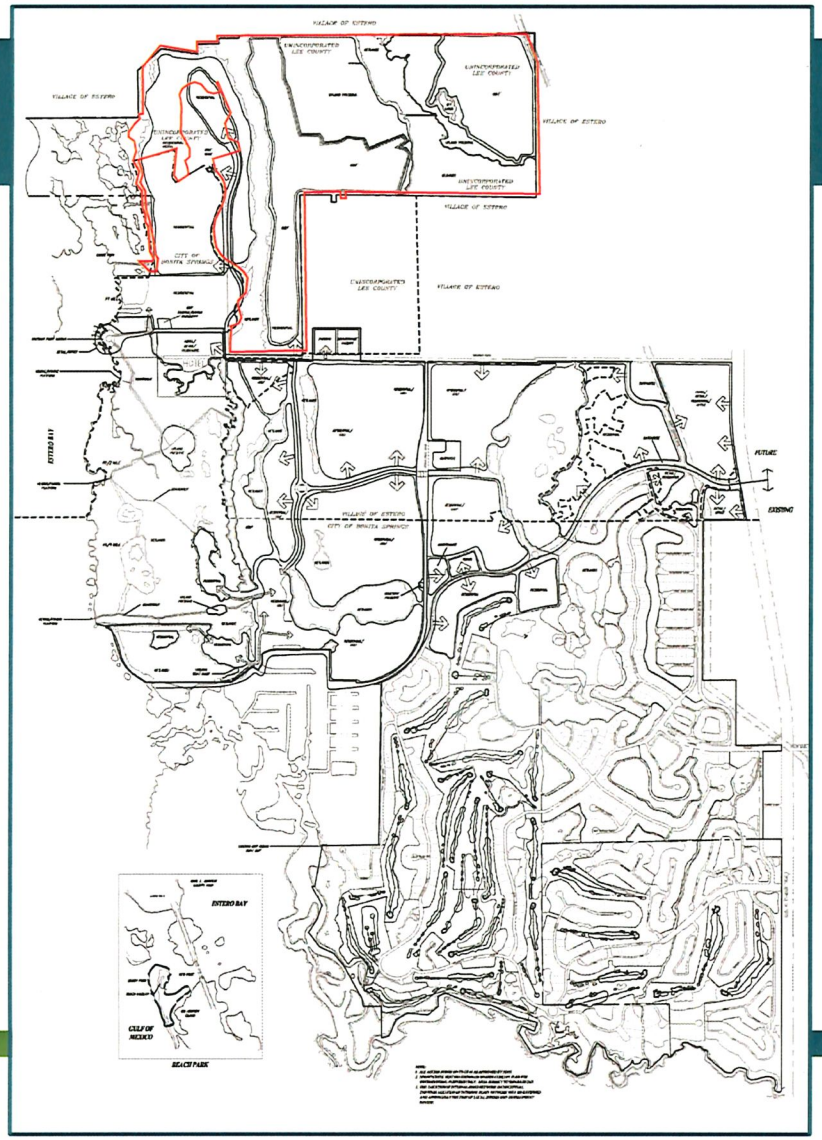


PELICAN LANDING RPD/CPD



- Entitled for existing golf course, ancillary amenities and preservation.
- Current MCP approved in ADD2022-00162.

PELICAN LANDING DRI



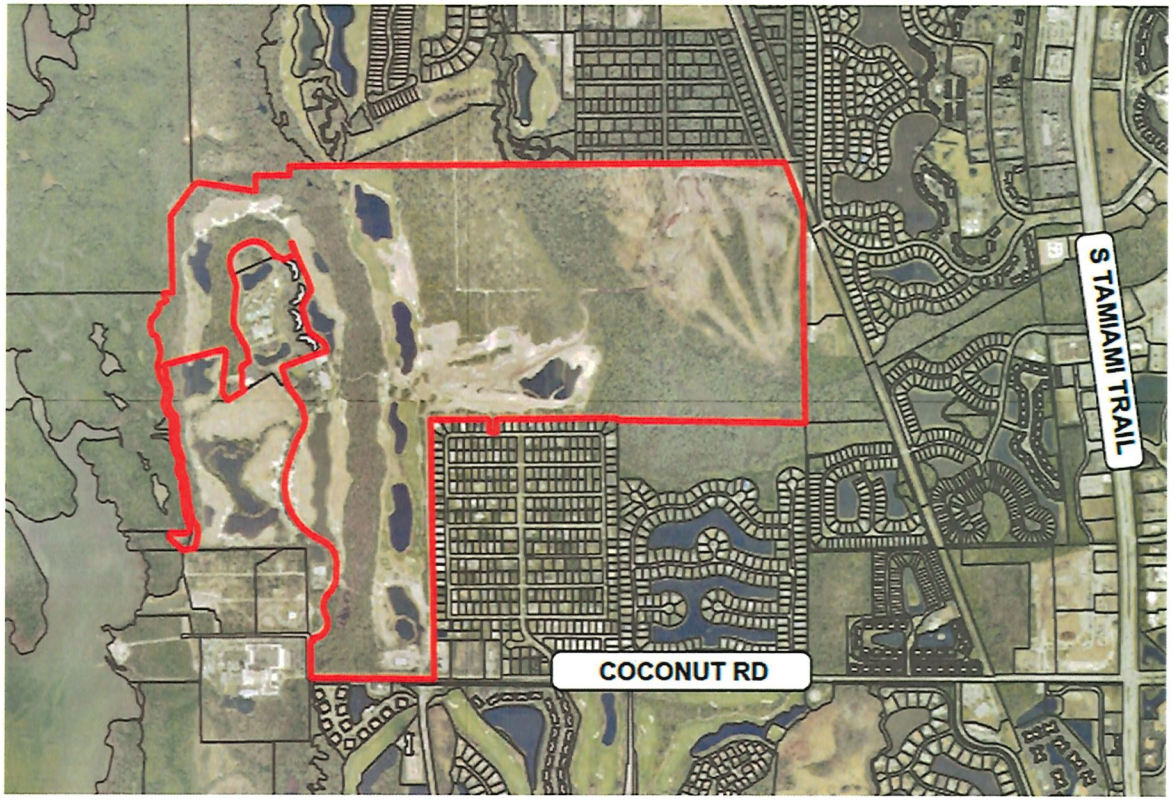
- Subject Property is within the Pelican Landing Development of Regional Impact
- DRI straddles City of Bonita Springs & Lee County and subject to two (2) separate development orders
- 16 previous amendments
- Companion DRI DO Amendment filed to decrease non-residential uses
- DRI is largely built out

PELICAN LANDING DRI ENTITLEMENTS

LAND USE	TOTAL APPROVED PER DRI DO	TOTAL UNBUILT ENTITLEMENTS ASSIGNED TO APPLICANT
Residential (DUs)	3,912 DU	241 DU
Office (SF)	475,000 SF	125,839 SF
Retail (SF)	300,000 SF	147,000 SF
Restaurant (SF)	5,000	0 SF
Golf (holes)	77	28 holes
Hotel (rooms)	750	86 rooms
Marina Wet Slips Dry Slips	 65 slips 150 slips	 0 slips 0 slips

REQUEST OVERVIEW

- Rezone from RPD and CPD/RPD to MPD to allow:
  - 729 dwelling units (100 single-family and 629 multifamily dwellings)
  - 25,000 sq ft office uses
  - 27 golf holes
  - 318 hotel rooms
  - Private onsite recreation and accessory uses
- Max Building Heights:
  - MF Tracts = 290 ft
  - RES Tracts = 110 ft
  - MU & GC Tracts = 50 ft



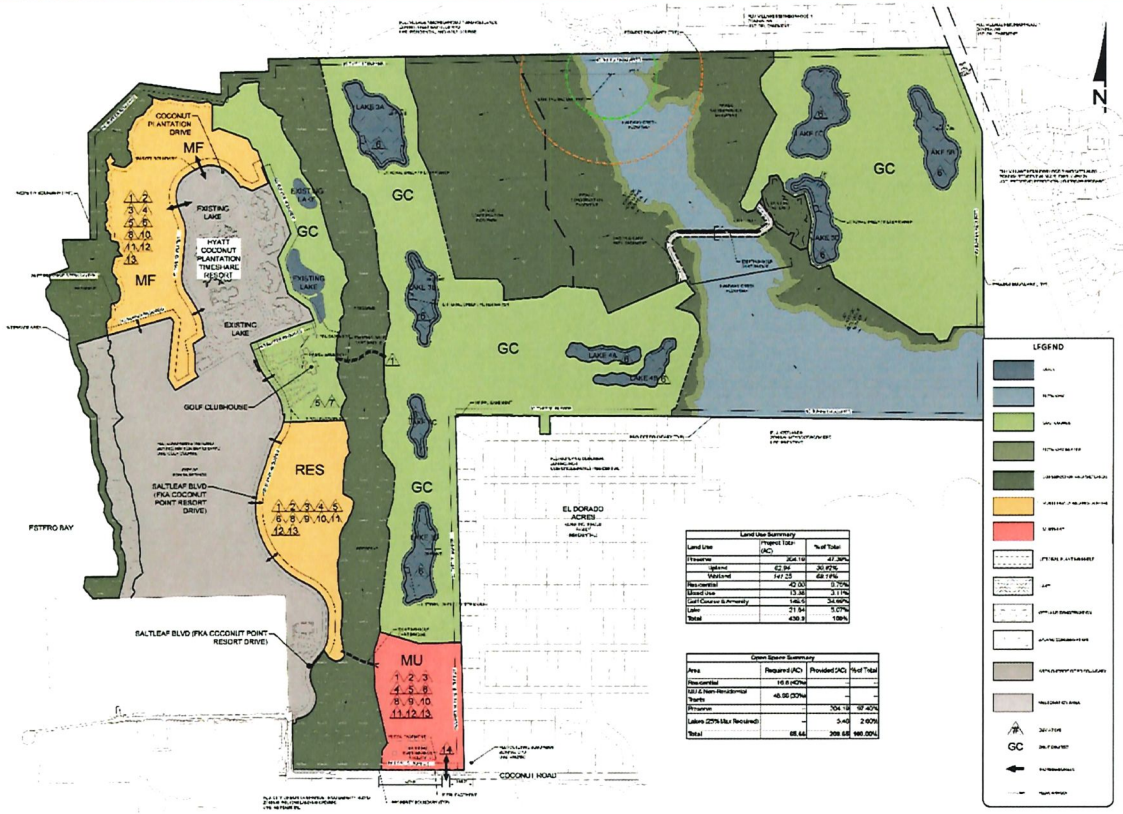
Use	Total Approved per DRI/PUDs	Total Unbuilt Entitlements Assigned to Applicant	Total Proposed per MPD	Proposed Increase/Decrease (DRI)
Residential (DUs)	3,912 DU[1]	241 DU	729 DU	+488 DU
Office (SF)	475,000 SF	125,839 SF	25,000 SF	-100,839 SF
Retail (SF)	300,000 SF	147,000 SF	0 SF	-147,000 SF
Restaurant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

PROPOSED DENSITY CONSISTENT WITH LEE PLAN

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		
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TOTAL DENSITY BY FLUM	**430± AC**		**893 DU**

- Pelican Landing MPD = 729 DUs
- Remaining Kersey-Smoot = 121 DUs
- **Total DUs = 850 DUs**

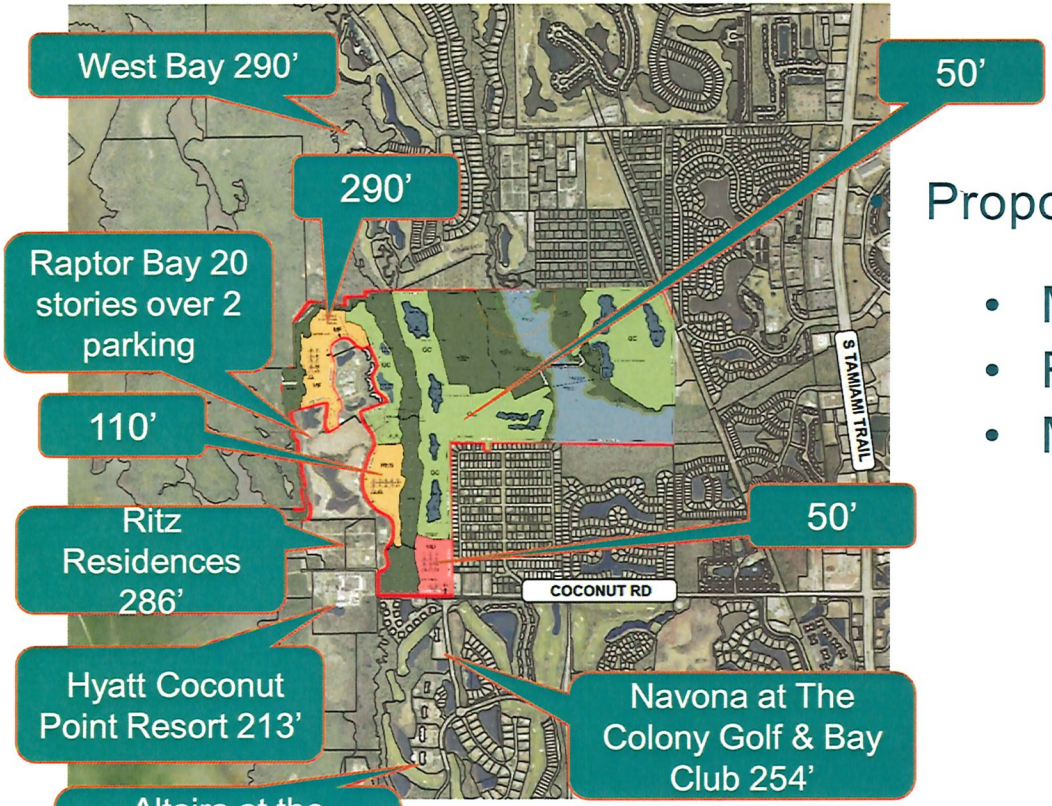
MASTER CONCEPT PLAN



- **Access**
  - **Coconut Rd. & Saltleaf Blvd.**
  - **Interconnection provided to adjacent properties under common ownership**
- **Mixed Use Tracts**
- **Golf Course Tracts**
- **Residential Tracts**
- **Multi-Family Tracts**

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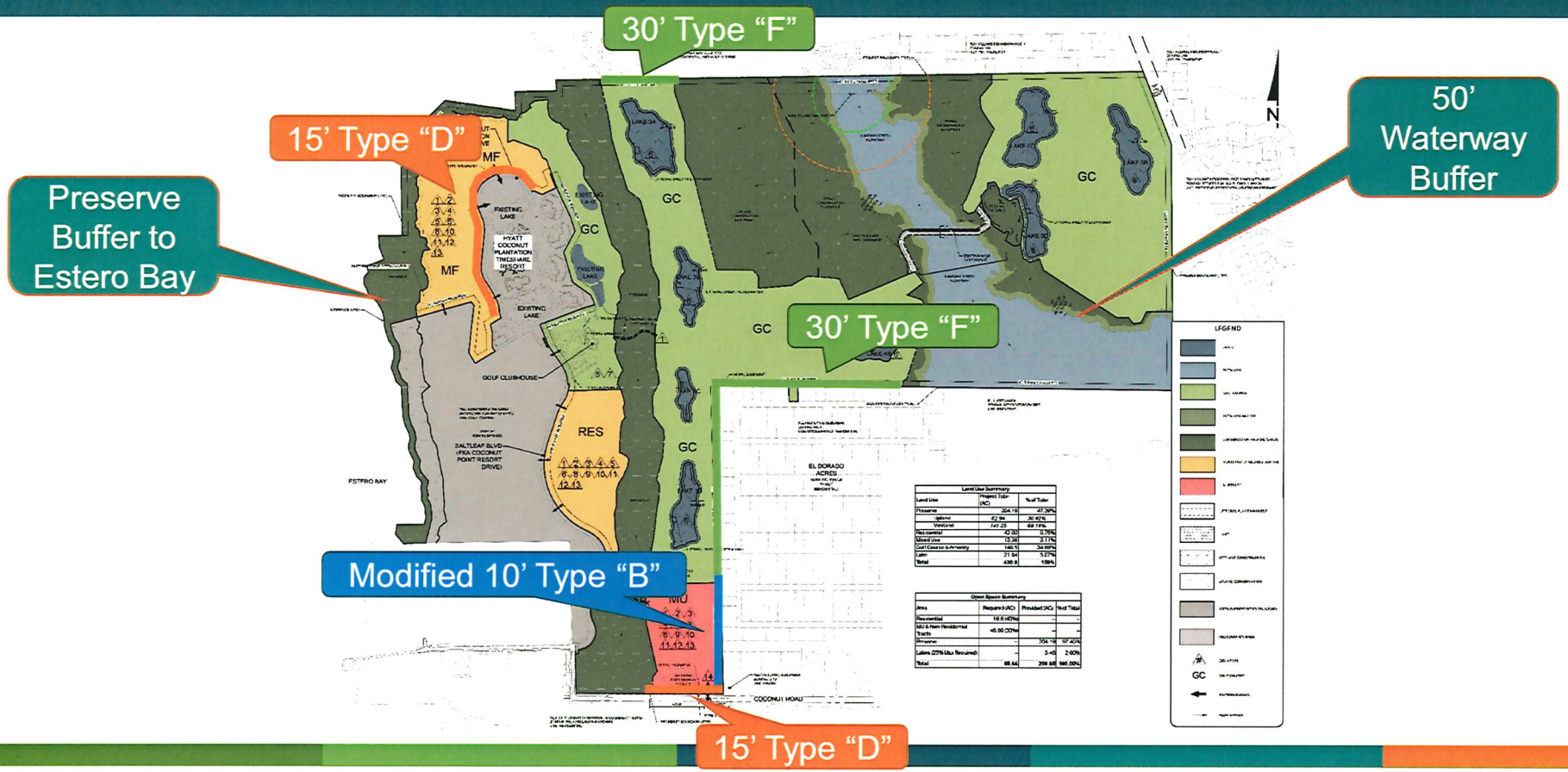
SURROUNDING VS. PROPOSED HEIGHT



Proposed Building Heights:

- Mixed Use & Golf Course Tracts = 50 ft
- Residential Tracts = 110 ft
- Multi-Family Tracts = 290 ft

PROPOSED BUFFERS



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OPEN SPACE AREA



- 65 +/- acres required
- 204 +/- acres provided
- Preserves under existing conservation easement

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DEVIATION 1

- **Deviation 1: Allows 5-foot sidewalks along one side of internal roadways in all tracts**
    - Requested for flexibility in sight design and reduction of unnecessary impervious area in a compact community and redevelopment site
    - Consistent with approvals in Bayview CPD (City of Bonita Springs portions)

DEVIATION 2

- **Deviation 2: Allows for individual parking spaces to back onto ROW easements in RES, MF, and MU Tracts**
  - Allows for on-street parking within the MPD.
  - Previously approved in Z-94-014, Deviation 2 and Z-98-066, Deviation 1.

DEVIATION 3

- **Deviation 3: Allows zero-foot separation between internal roads and drives from the development perimeter for internal development parcels and a 15-foot separation for when adjacent to external parcels**
    - Requested for flexibility in sight design of internal parcels.
    - Previously approved in Z-98-066 Deviation 2

DEVIATION 4

- **Deviation 4: Allows for a zero-foot setback for identification signs when sight distance requirements are met**
  - Allows for consistent, easy to read signage throughout the development.
  - Previously approved in Z-98-066, Deviation 5.

DEVIATION 5

- **Deviation 5: Allows zero-foot separation between internal roads and drives from the development perimeter for internal development parcels and a 15-foot separation for when adjacent to external parcels**
  - Requested for flexibility in sight design of internal parcels.
  - Previously approved in Z-98-066 Deviation 11.

DEVIATION 6

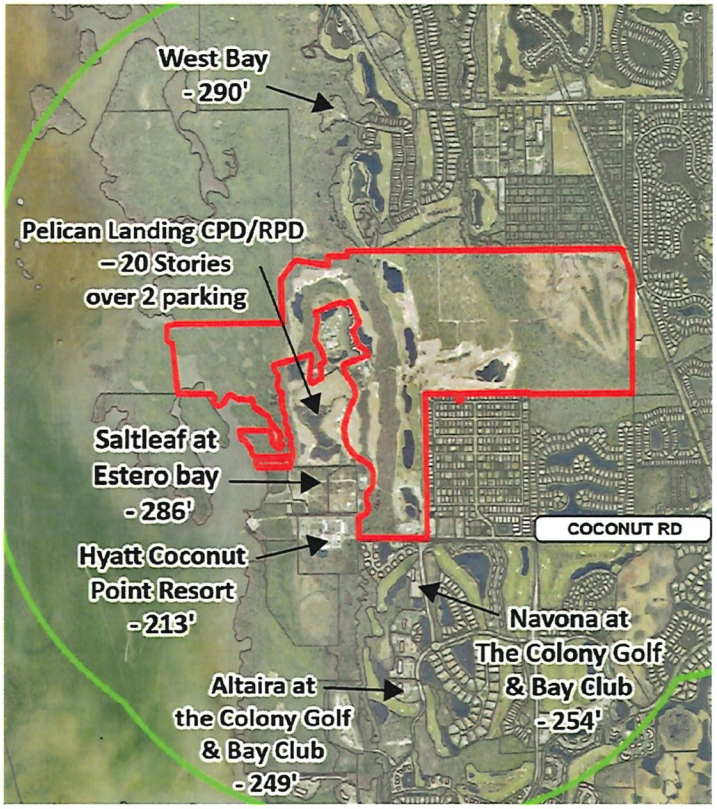
- **Deviation 6: Allows for 4:1 slope on all lake banks in all tracts.**
  - Allows for consistent development standards and reduced development area requirements.
  - Previously approved in ADD2021-00190A.

DEVIATION 7

- **Deviation 7: Allows a 5% reduction of required spaces at the golf clubhouse only**
  - Previously requested for reduction in unnecessary parking.
  - Previously approved in Z-98-066 Deviation 2

DEVIATION 8

- **Deviation 8: Allows a maximum height of 290 feet in the MF tract, 110 feet in the RES tract, and 50 feet within the MU and GC tracts.**
  - Expands previous approval to entire PUD.
  - Compatible with other approved building heights in the surrounding area
  - Previously approved in Z-94-014.



DEVIATION 9

- **Deviation 9: Allows no internal buffers between tracts.**
  - Allows for integrated development pattern of mixed-use community and improved walkability.
  - Applies to all tracts

DEVIATION 10

- **Deviation 10: Allows for indoor recreation facilities to be parked at 1 space per 1,000 square feet for private facilities.**
  - Allows for reduced parking when facilities are not open to the public.
  - Facilities located within towers do not require additional parking.

DEVIATION 11

- **Deviation 11: Allows zero-foot setbacks when adjacent to other tracts within the Pelican Landing MPD, Pelican Landing RPD/CPD, or Bayview CPD and a 50-foot setback from the northern property boundary.**
    - Allows for integrated development pattern of mixed-use community and coordinated development with other properties under common ownership.
    - In agreement with staff recommendation

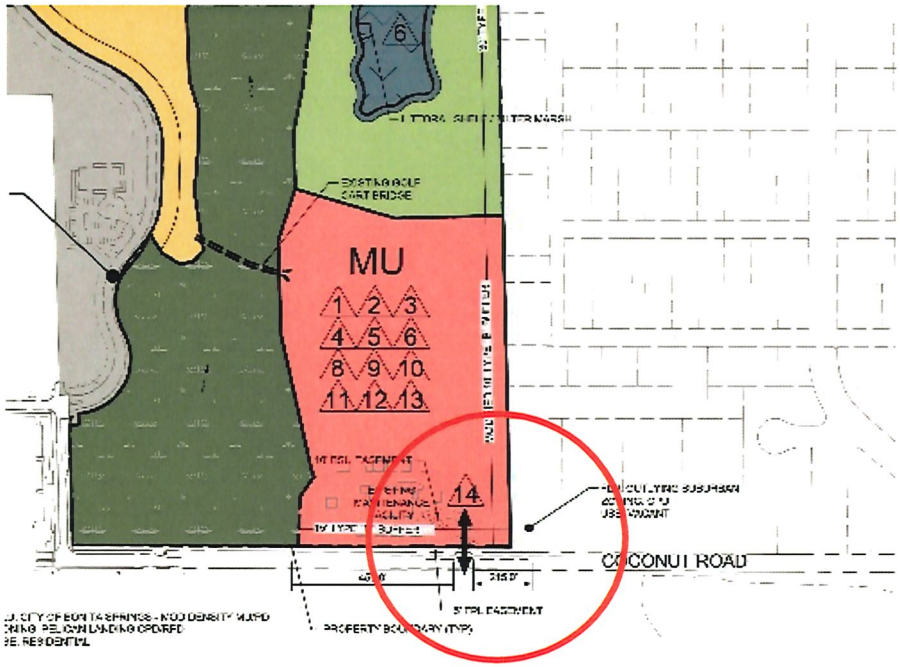
DEVIATION 12

- **Deviation 12: Allows for minimum separation of buildings of 35 percent of the sum of the buildings for buildings greater than 35 feet in height.**
  - Allows for flexible design standards for multi-use development that maximizes desirable views of Estero Bay.
  - Letter of No Objection from Estero Fire District provided with 48-hour notice.

DEVIATION 13

- **Deviation 13: Allows no perimeter buffers where onsite preserve areas abut the MPD perimeter or where adjacent property is owned by the Applicant/Pelican Landing RPD/CPD or Bayview CPD in Bonita Springs**
  - Allows for integrated development pattern and limit unnecessary buffers where preserves serve the same function.
  - In agreement with staff recommendation as conditioned

DEVIATION 14



- **Deviation 14: Allows for connection separation of 215 feet on Coconut Road**
  - Allows for continued use of existing access location.

Environmental Analysis

Shane Johnson

ENVIRONMENTAL ANALYSIS

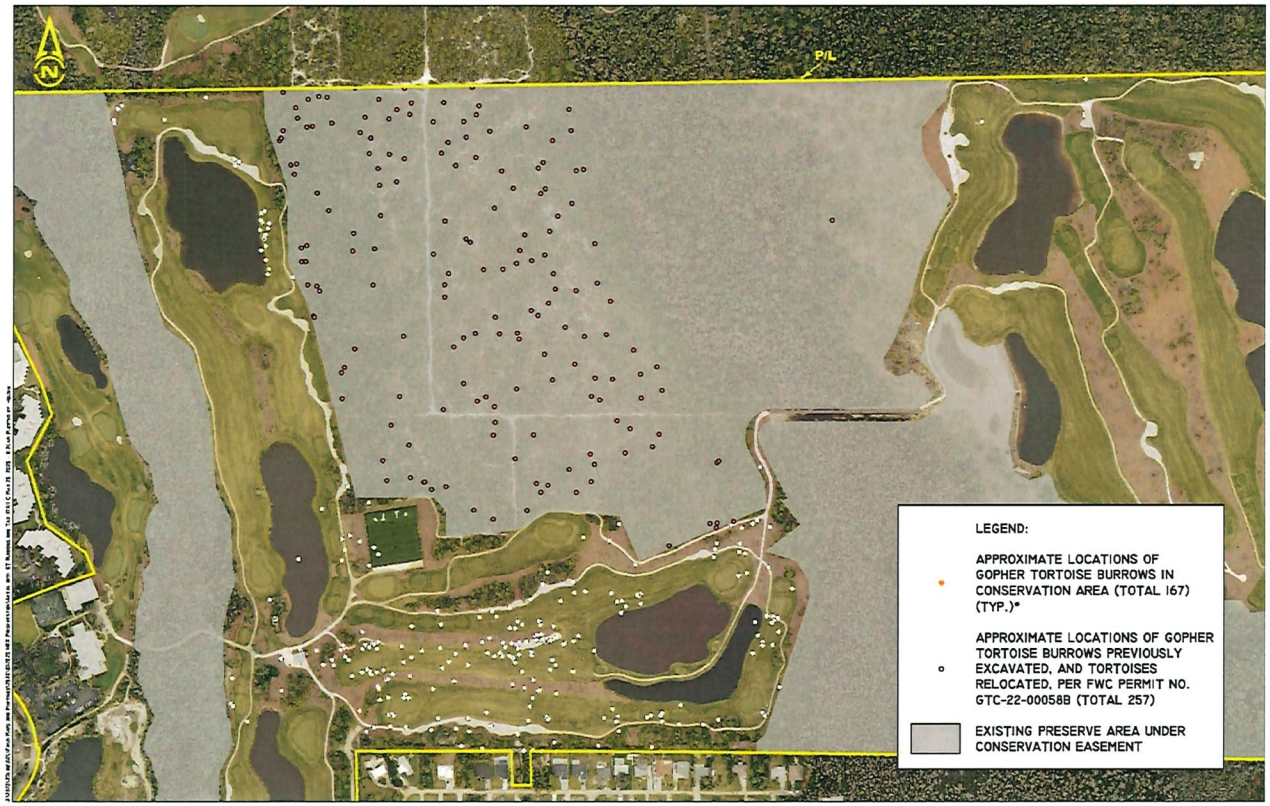


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ENVIRONMENTAL ANALYSIS



ENVIRONMENTAL ANALYSIS



CONCLUSION

It is my professional opinion that the Pelican Landing MPD has met all of the applicable standards and demonstrated consistency with the Lee Plan and Land Development Code.

Shane Johnson

Public Facilities and Surface Water Management

Jackie Larocque, P.E

ENGINEERING/STORMWATER ANALYSIS

- **Existing Utilities (water and sewer) are located along existing Salt Leaf Blvd.**
- **BSU Capacity for Project**
- **Less than 2.5 miles from Fire Station 42**
- **Demonstration of availability for all required infrastructure and services**



Bonita Springs Utilities, Inc.

July 26, 2022

Jeremy Arnold, P.E.
Atwell, LLC
28100 Bonita Grande Dr.
Bonita Springs, FL 34135

Sent via email: [redacted]

Re: Bayview–Raptor Bay

Dear Jeremy Arnold,

You have requested potable water, sewer and irrigation service for the project referenced above. Plant capacities are adequate; however, the Developer is required to install all on-site and on-site utility line extensions necessary to provide service to the project in accordance with Bonita Springs Utilities, Inc. specifications. No construction submittals have been received, reviewed or approved as of this date. This letter expires in one year.

You have estimated the usage to be 301,400 gallons per day. Bonita Springs Utilities, Inc. has the capacity to provide the above estimated gallonage from its 17.50 million gallon per day Water Treatment Plant. The Water Reclamation Facilities has the capacity to treat the above estimated gallonage from the plants currently rated at 11.0 million gallon per day.

Potable water is available for irrigation use as no reuse water is available in proximity to the subject property at this time.

This letter should not be construed as a commitment or guarantee to serve nor as approval for construction, but only as to the availability of potable water, sewer and reuse at this time. Bonita Springs Utilities, Inc. may commit to reserve plant capacity if available, at such time that ANC (Add/New Construction) fees are paid for each unit of required capacity.

If there are any proposed utility infrastructure installations, then the appropriate meetings and submittals per the Bonita Springs Utilities specifications shall be required.

Respectfully,
Bonita Springs Utilities, Inc.

Kim Hoskins, P.E.
Director of Engineering

11960 East Terry Street • Bonita Springs, Florida 34135 • (239) 992-0711 • (866) 853-1496 • www.bsu.us

ENGINEERING/STORMWATER ANALYSIS

- **Stormwater management system is designed in accordance with:**
  - ✓ **South Florida Water Management District (SFWMD) Regulations & Criteria**
  - ✓ **Lee County Land Development Code**

- **Obtained SFWMD Environmental Resource Permit for stormwater management**

- **Process ensures the development will not adversely impact surrounding properties**



ENGINEERING/STORMWATER ANALYSIS

- **Outfall to existing slough system or bay**

- **Stormwater management system fully designed to:**
  - ✓ Collect stormwater run-off generated within the development footprint
  - ✓ Provide water quality and water quantity storage
  - ✓ Eventually discharge the detained water at a controlled rate off-site

- **The stormwater management system will generally be comprised of:**
  - ✓ Perimeter berm to contain water run-off in the property
  - ✓ Interconnected lakes to store and treat the run-off water
  - ✓ Structures to allow for the controlled release of the water off-site



CONCLUSION

It is my professional opinion that the Pelican Landing MPD has met all of the applicable standards and demonstrated consistency with the Lee Plan and Land Development Code.

Jackie Larocque, P.E.

Transportation Analysis

Ted Treesh

TRANSPORTATION ANALYSIS

DRI Uses	Approved	Proposed
Residential	3,912 dus	4,400 dus (+488)
Commercial Retail	300,000 sq ft	153,000 sq ft (-147,000 sq ft)
Office	475,000 sq ft	375,161 sq ft (-100,839 sq ft)
Restaurant	5,000 sq ft	5,000 sq ft (No change)
Marina	65 wet slips 150 dry slips	65 wet slips (No change) 150 dry slips (No change)
Hotel	750 rooms	982 rooms (+232 rooms)
Golf	77 holes	76 holes (-1 hole)

TRANSPORTATION ANALYSIS

Land Use	Proposed Uses in MPD
Residential Dwelling Units	729
Commercial Retail	0 Sq. Ft.
Office	25,000 Sq. Ft.
Restaurant	0
Marina	0
Hotel	318 Rooms
Golf	27 Holes

TRANSPORTATION ANALYSIS

Table 2
Trip Generation – As Approved
Pelican Landing DRI – W/Internal Trip Capture

Land Use	Weekday P.M. Peak Hour		
	In	Out	Total
External Trips	2,158	2,044	4,202

Table 3
Trip Generation - Proposed
Pelican Landing DRI – W/Internal Trip Capture

Land Use	Weekday P.M. Peak Hour		
	In	Out	Total
External Trips	2,117	1,821	3,938

- With internal capture, the External Trip Generation of the overall DRI is REDUCED with the application from what was originally approved.

TRANSPORTATION ANALYSIS

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)

CONCLUSION

It is my professional opinion that the Pelican Landing MPD has met all of the applicable standards and demonstrated consistency with the Lee Plan and Land Development Code.

Ted Treesh

Lee Plan & LDC Compliance

Jem Frantz, AICP

LEE PLAN & LDC COMPLIANCE

- **Policies 1.1.5, 1.1.6, 1.5.1, 1.6.5:**

Identifies densities and intensities in Suburban, Outlying Suburban, and Wetlands Future Land Use Categories

Applicant has demonstrated consistency with maximum densities in each FLUC.

No density is derived from non-residential areas.

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
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PELICAN LANDING MPD TOTAL DENSITY BY FLUM	430± AC		893 DU

LEE PLAN & LDC COMPLIANCE

Development Location and Timing

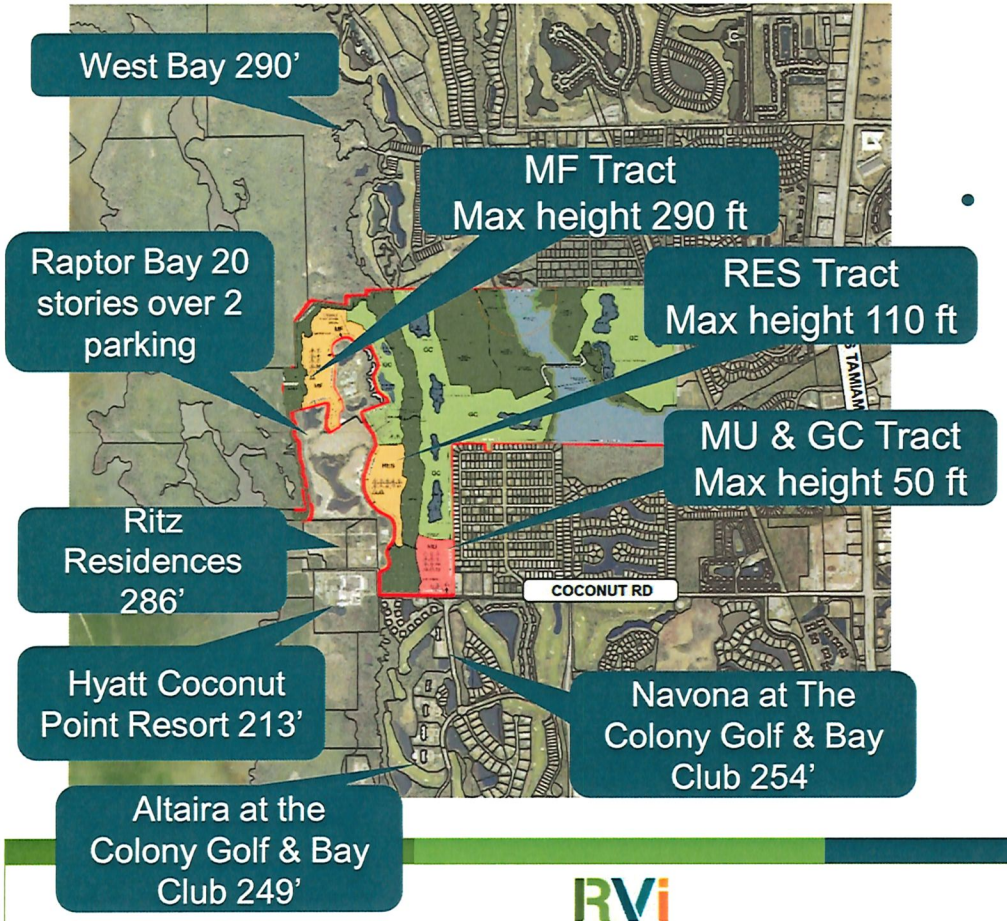
- **Objectives 2.1 & 2.2**: Requires contiguous and compact growth patterns where adequate public facilities exist.
  - Located in area readily serviced by public infrastructure and contiguous to existing and emerging development.
- **Standards 4.1.1 & 4.1.2**: Require connection to Lee County Utilities for water and sewer service.
  - Letter of availability of potable water and sanitary sewer services obtained and required at time to local development order.

LEE PLAN & LDC COMPLIANCE

Goal 5: Residential Land Uses

- **Policy 5.1.2:** Prohibits residential development where physical constraints and hazards exist.
- **Policy 5.1.5:** Protects existing and future residential areas from encroachment of uses potentially destructive to community character.
  - Enhanced buffer provided adjacent to residential uses.
  - Located in area readily serviced by public infrastructure and contiguous to existing and emerging development.
  - Letter of availability of potable water and sanitary sewer services obtained and required at time to local development order.

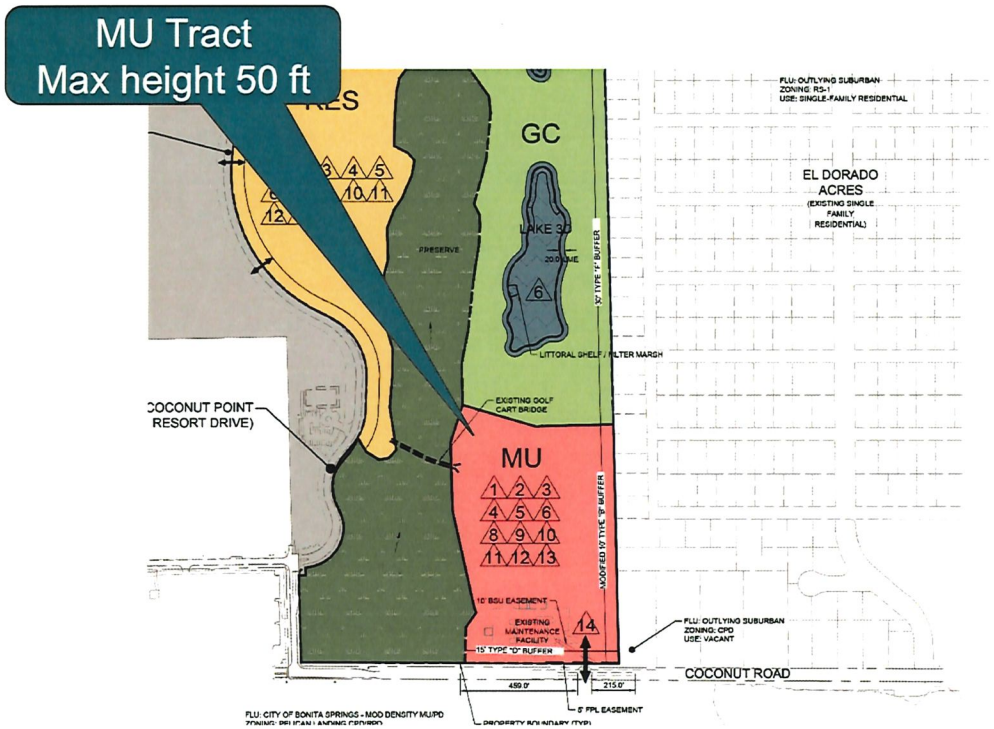
SURROUNDING VS. PROPOSED HEIGHT



- Proposed Building Heights:
  - MU & GC Tracts = 50 ft
  - RES Tract = 110 ft
  - MF Tract = 290 ft

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EL DORADO COMPATIBILITY



- Maximum height limited to 50 feet
- Type F and Modified Type B' Buffer provided
- El Dorado Acres = 35 feet
- Cielo at the Colony = 126 feet

LEE PLAN & LDC COMPLIANCE

Goal 6: Commercial Land Uses

- Policy 6.1.1: Review Criteria for commercial development
  - Reduction of Commercial and office sq ft ensures no impacts to surrounding transportation system
  - Buffers meet or exceed LDC requirements
  - Utilities available from BSU
  - Does not impact adjacent land uses: Maximum building heights are comparable

LEE PLAN & LDC COMPLIANCE

Goal 6: Commercial Land Uses

- **Policy 6.1.2: Limitation to Minor Commercial in non-urban future land use categories**
  - Request limited to 25,00 square feet of office uses and additional commercial/non-residential uses to meet minimum standards for MPDs.
  - Commercial development locations located near intersection of Coconut Rd. and Saltleaf Blvd.

LEE PLAN & LDC COMPLIANCE

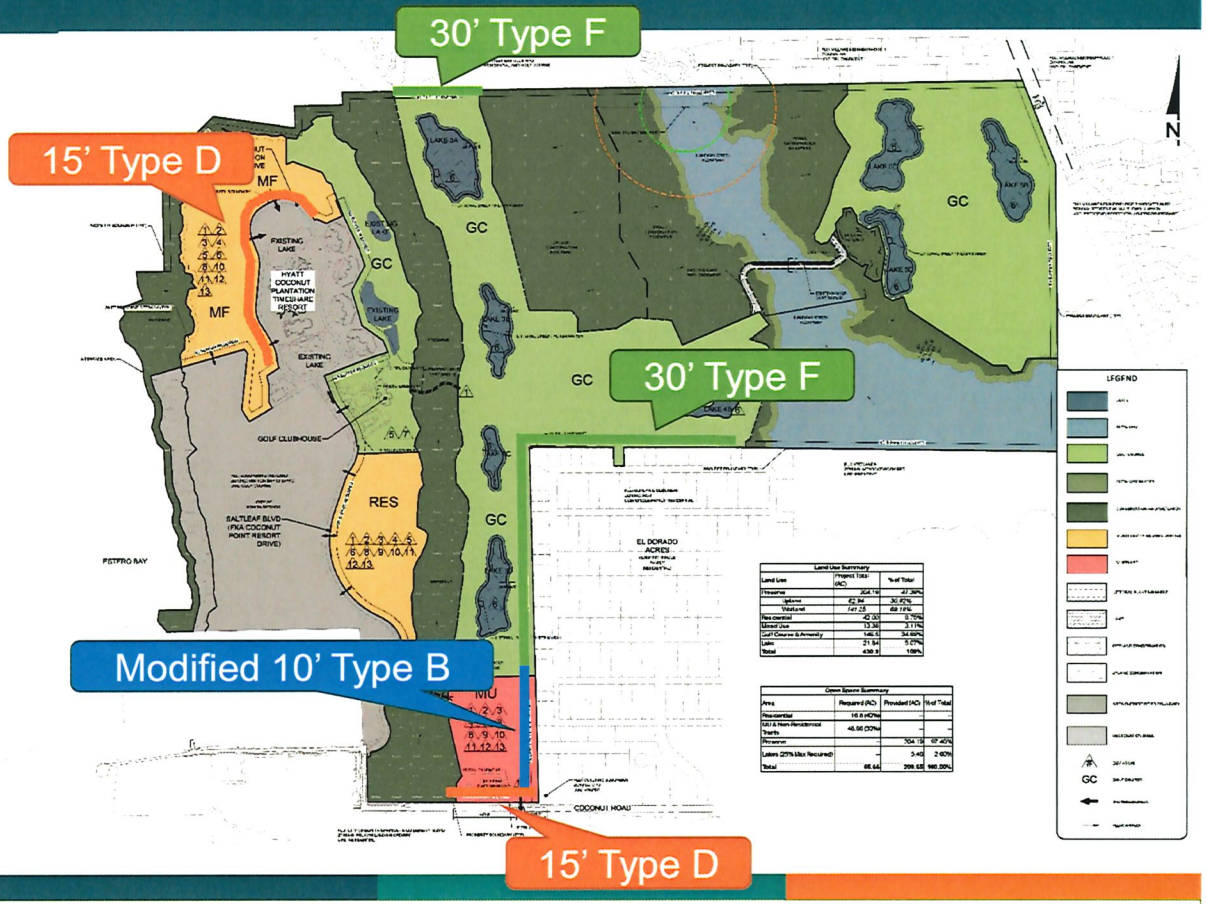
Goal 6: Commercial Land Uses

- **Policy 6.1.3, 6.1.4, 6.1.5: Requires rezoning and addresses compatibility with surrounding use, public services, and traffic capacity.**
  - Proposed as rezoning and complies with development standards in LDC, except where deviations are requested.
  - Compatibility provided through expansive preserves, setbacks and buffers to adjacent residential development and limitation of development to previously cleared areas.
  - TIS demonstrates reduction in vehicle trips.

LEE PLAN & LDC COMPLIANCE

Goal 6: Commercial Land Uses

- Policy 6.1.6, 6.1.7, 6.1.11: Requires open space, buffering, and landscaping, encourages locating commercial development in infill areas, and encourages the revitalization of deteriorating commercial areas.
  - Buffering provided in accordance with LDC, as requested for deviations, and as conditioned by staff.
  - Development limited to existing golf course or areas previously programmed for development.



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LEE PLAN & LDC COMPLIANCE

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)	111.78 AC	3 DU/AC	335.34 DU
Non-Residential Area (Uplands)	99.49 AC	0 DU/AC	0 DU
Wetlands	144± AC		
Saltwater Wetland	86.5 AC	1 DU/20 AC	4.3 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
PELICAN LANDING MPD TOTAL DENSITY BY FLUM	430± AC		893 DU

- Policy 11.1.2: Addresses calculation of density in mixed use developments.
  - Proposed density is calculated without using acreage from Commercial areas

PELICAN LANDING DENSITY/INTENSITY

Use	Total Approved per DRI/PUDs	Total Unbuilt Entitlements Assigned to Applicant	Total Proposed per MPD	Proposed Increase/Decrease (DRI)
Residential (DUs)	3,912 DU[1]	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 (existing)	27 holes	-1 hole
Hotel (rooms)	750	86 rooms	318 rooms	+232 rooms
Marina Wet Slips Dry Slips	 65 slips 150 slips	 0 slips 0 slips	0 slips	 N/A N/A

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LEE PLAN & LDC COMPLIANCE

- Policy 59.1.3, Policy 60.1.1, 60.1.2: Address floodplain regulations and surface water management systems.
  - No development proposed within the floodway.
  - Surface water management system proposed to provide treatment to protect groundwater.
  - Wetland and upland preservations maximize protection of natural surface water flowways and associated habitats.

LEE PLAN & LDC COMPLIANCE

- Policy 59.1.3, Policy 60.1.1, 60.1.2, 60.4.1–3: Address floodplain regulations, surface water management systems and protection of natural flowways.
  - No development proposed within the floodway.
  - Surface water management system proposed to provide treatment to protect groundwater and complies with all LDC design standards.
  - Wetland and upland preservations maximize protection of natural surface water flowways and associated habitats.

LEE PLAN & LDC COMPLIANCE

- Policy 61.1.1, 61.1.6: Address management of fresh waters and requires surface water or low-quality groundwater to be used for irrigation where reuse water is not available.
  - Applicant will obtain an ERP from the SFWMD.
  - Surface water management system designed in compliance with Lee Plan and LDC
  - Surface water is proposed for all irrigation of landscaping and potable water will not be used for irrigation purposes.

LEE PLAN & LDC COMPLIANCE

- Policy 101.1.1, 101.1.2, 101.3.2 & 101.3.4: Address protection of wetlands, restrict development in the Coastal High Hazard Area (CHHA), and require information regarding hurricane evacuation and shelter information to be provided to residents.
  - Wetlands protected through on-site preserve areas, ERP requirements and on-site surface water management system.
  - Site Plan protects 204 acres of preserve areas, including all mangrove wetlands.
  - No wetland impacts are proposed in the CHHA.

LEE PLAN & LDC COMPLIANCE

- Policy 123.1.5, 123.2.4, 123.2.6, 123.2.8, 123.2.13 & 123.2.15: Address protection of natural habitats.
  - Protection and enhancement of preserve areas protect and benefit wildlife species
  - Proposed preserve areas exceed LDC requirements.
  - Preservation areas maintain large contiguous preserve areas.

LEE PLAN & LDC COMPLIANCE

- **Objective 123.3, Policy 123.3.3 address protection of wildlife**
  - Onsite preserves protect wildlife habitat and provides long term protection.
- **Objective 123.8, Policy 123.8.1 address protection of Gopher Tortoises.**
  - Indigenous preserve and Protected Species Management Plan demonstrate locations of burrows and provide for relocation in accordance with the FFWCC Gopher Tortoise Permitting guidelines.
- **Objective 123.10 addresses protection of wood stork feeding and roosting areas and habitat.**
  - No wood stork rookeries or roosting areas were documented on site.
  - Compensation for impacts will be provided through enhancement and preservation of on-site wetland areas or through purchase of credits from a wetland mitigation bank.
  - On-site preserves provide and protect potential foraging habitat.

LEE PLAN & LDC COMPLIANCE

- **Objective 124, Policy 124.1.1, 124.1.2 address protection of wetlands**
  - Proposed development is limited to previously impacted areas and density is calculated at 1du/20 acres in all wetlands proposed to be impacted.
  - A condition is proposed which requires that construction may not commence until an ERP is obtained to authorize impacts to wetlands.

- **Policy 125.1.2 address protection of surface and groundwater.**
  - Stormwater lakes will provide water quality protection.
  - Applicant will obtain ERP from SFWMD at the time of DO.

CHANGES TO CONDITIONS

2. Uses and Site Development Regulations

The following Limits apply to the project and uses:

a. Schedule of Uses

MU Tract:

Accessory uses, buildings and structures

~~Limited to Warehouse, Hybrid, Public, and Mini~~

~~~

Storage, Indoor

Warehousing, hybrid, public, and mini-warehouse (limited to accessory only to principal uses within the overall MPD)

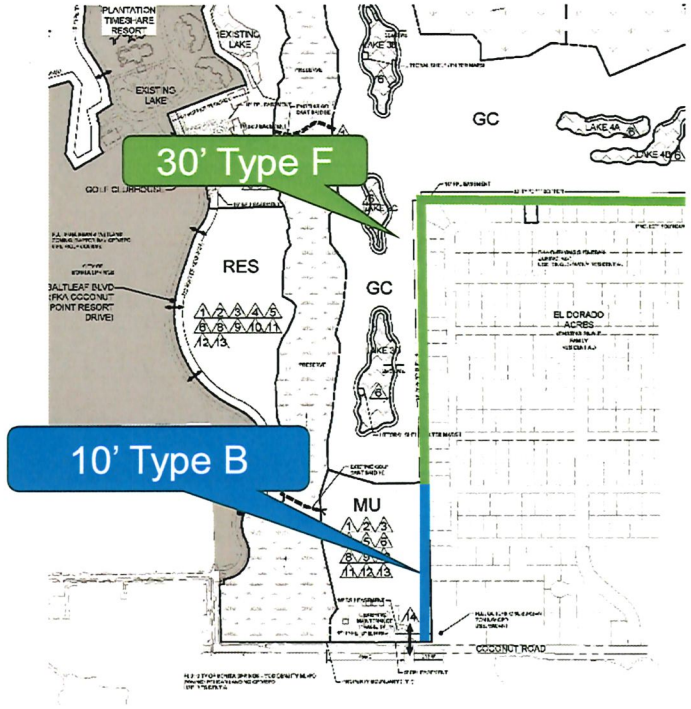
Staff and Applicant in agreement regarding change to Condition 2
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CHANGES TO CONDITIONS

5. BUFFERS

b. A 30-foot Type-F buffer must be depicted on the development order plans between the Golf Course ~~and MU Tracts~~ and El Dorado Acres ~~and Bayview II Commercial Planned Development~~.

c. A modified 10-foot Type-B buffer must be depicted on the development order plans between the MU tract and El Dorado Acres and Bayview II Commercial Planned Development.



CONCLUSION

It is my professional opinion that the Pelican Landing MPD has met all of the applicable standards and demonstrated consistency with the Lee Plan and Land Development Code.

Jem Frantz, AICP

CONCLUSION

- Staff recommendation of APPROVAL
- Applicant in agreement with Staff Report
- Consistent with Lee Plan and Land Development Code
- Compatible with surrounding land use pattern
- Seeking approval as requested and amended in 48-hour letter.

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/CONSTRUCTION
- RESIDENTIAL AREA
- DEVIATION
- GC GOLF COURSE
- ACCESS POINTS
- FLOW ARROW

NOTE: INTERNAL ACCESS POINTS AND FINAL LOCATION SUBJECT TO CHANGE AT TIME OF LOCAL DEVELOPMENT ORDER APPROVAL, INCLUDING THE ADDITION OF ACCESS POINTS, SUBJECT TO COMPLIANCE WITH THE LDC.

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MASTER CONCEPT PLAN

PELICAN LANDING MPD

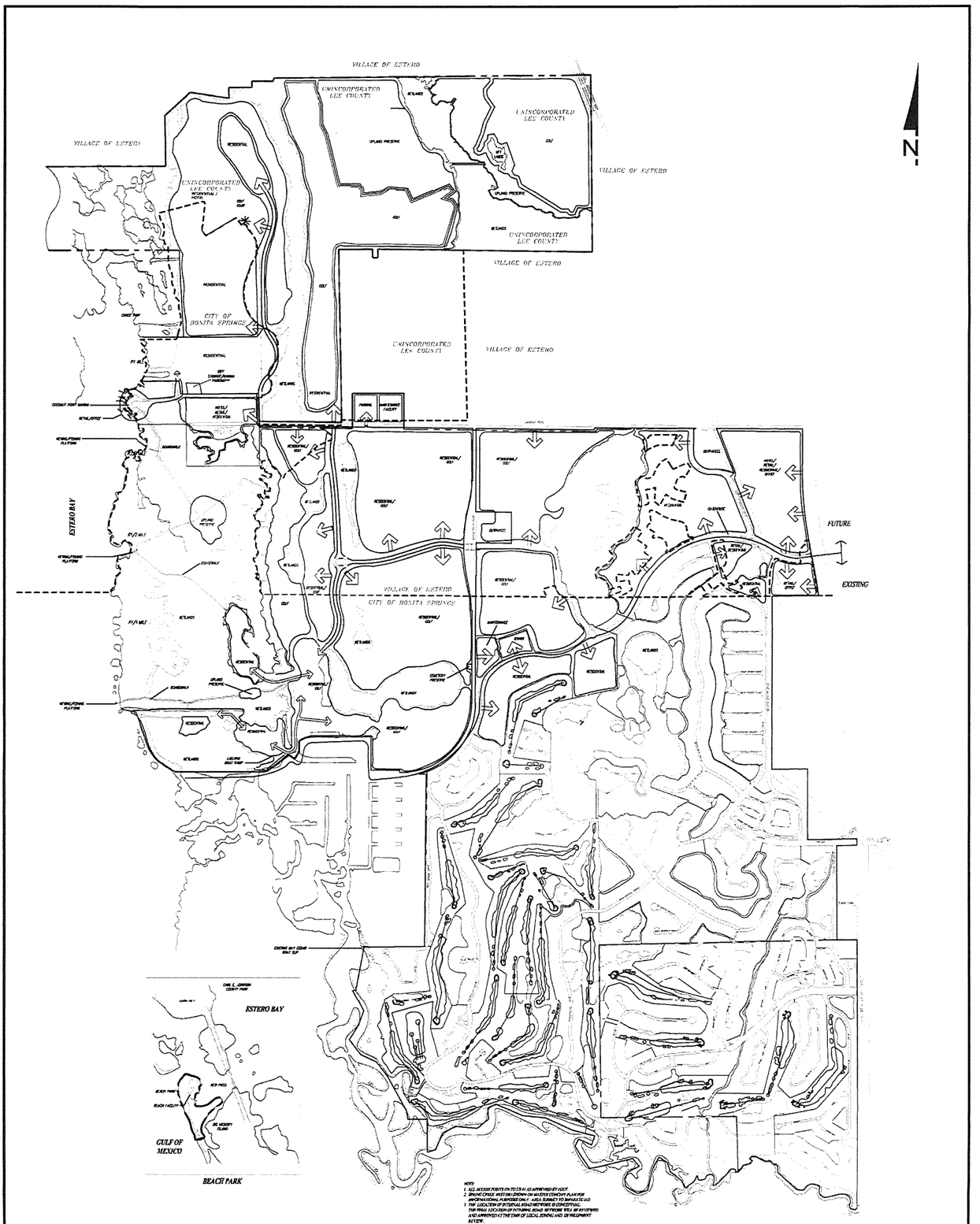
CLIENT: LONDON BAY

PLAN REVISIONS

0 100 200 400
SCALE IN FEET

SET NUMBER 701-203

SHEET: 1



SHEET	SET NUMBER	PLAN REVISIONS	04/16/25
1	704-102		

PELICAN LANDING DRI

MAP H

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