

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

WHEREAS, Emerald Lakes of Lee County, LLC, filed an application on behalf of the property owner, Waterman Farms LLC to rezone a 132± acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to Emerald Lakes RPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on February 20, 2014; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case No. DCI2007-00034 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on May 7, 2014, before the Lee County Board of County Commissioners; and,

WHEREAS, the Lee County Board of County Commissioners 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 rezone a 132± acre parcel from AG-2 to RPD, to allow a maximum of 404 residential dwelling units (single-family, townhouse or multiple-family) and a private recreation area/facility on the property legally described in Exhibit A. Maximum proposed height is 35 feet. Development will connect to public potable water and public sanitary sewer service. No request for blasting.

The property is located in the Suburban and Wetland Future Land Use Categories. 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. Development of this project must be consistent with the 4-page Master Concept Plan (MCP) entitled "Emerald Lakes RPD" prepared by Barraco and Associates, Inc. date-stamped "Received MAY 19 2014 Community Development," and attached hereto as Exhibit 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 MCP are subsequently pursued, appropriate approvals will be necessary.

2. Development Parameters

Schedule of Uses

Accessory Uses and Structures

Agricultural Uses (existing only) – *See Condition 12*

Administrative Office

Clubhouses

Dwelling Units: Single-Family, Multiple-Family, Two-Family Attached, Townhouse, and Zero-Lot Line - up to 404 units (*see Condition 13*)

Entrance Gates and Gatehouse

Essential Services

Essential Services Facilities, Group I

Fences, Walls

Home Occupations

Model Display Center, Model Home, Model Unit - *See Condition 10.*

Parking Lot, Accessory, Temporary

Recreational Facilities, Private On-Site

Signs in accordance with LDC Chapter 30

Temporary Uses

Minimum Lot Areas and Dimensions

The Property Development Regulations are set forth in attached Exhibit D.

3. No Blasting

Development blasting is prohibited unless approved by an amendment to the planned development using the public hearing process.

4. Concurrency

Approval of this rezoning is not a finding that the proposed project meets the concurrency requirements of the Lee Plan and LDC Chapter 2. The developer must demonstrate compliance with concurrency requirements prior to issuance of a local development order.

5. Vehicular/Pedestrian Impacts

Approval of this zoning request does not address mitigation of vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.



6. Lee Plan Consistency

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must be consistent with the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b) as well as the remainder of the Lee Plan.

7. Solid Waste Management

The development order plans for vertical development must comply with LDC §10-261 and Lee County Solid Waste Ordinance No. 11-27 for the pick-up/disposal of solid waste and recyclables.

8. Utilities

The project must connect to water and sanitary sewer services as part of the local development order for vertical construction.

9. Development Permits

Issuance of a county development permit does not establish a right to obtain permits from state or federal agencies. Further, it does not establish liability on the part of the county if the developer: (a) does not obtain requisite approvals or fulfill obligations imposed by state or federal agencies or (b) undertakes actions that result in a violation of state or federal law.

10. Models/Real Estate Sales

- a. A maximum of ten (10) model units are permitted; and
- b. Each model must be a unique example. Multiple examples of the same model are prohibited.
- c. Real estate sales may occur in the following areas: clubhouses, model locations, temporary sales centers, temporary construction offices/trailers and recreation areas.
- d. Real estate sales will be limited to the sale of lots or units within the development.
- e. Hours of operation: Monday through Sunday 8 a.m. to 8 p.m.
- f. Dry models are prohibited.



11. Access to U.S. 41.

Access to U.S. 41 is subject to Florida Department of Transportation approval.

12. Agricultural Uses

Existing bona fide agricultural uses in the form of hay production may continue, subject to the following:

- a. The bona fide agricultural use of hay production on 132.3 acres in existence when the rezoning request was filed may continue in the areas depicted on Exhibit E until a local development order is approved on the area containing the agricultural uses.
- b. Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition does not preclude County approved requests for the removal of invasive exotic vegetation.
- c. Prior to issuance of a local development order for portions of the site used for agricultural use, the property owner must provide written proof of the following, which is subject to approval by the County Attorney's Office:
  - (1) Termination of agricultural use on the property included in the development order application/approval. Proof must include a sworn affidavit from the person/entity holding title to the property setting forth:
    - a) date the agricultural uses ceased;
    - b) legal description of the property subject to development order approval;
    - c) an affirmative statement acknowledging that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the County that they will not allow agricultural uses on the property until the property is rezoned to permit agricultural uses; and,
    - d) that the affidavit constitutes a covenant between the owner and the County binding on the owner, their assignees and successors in interest.

The affidavit must be properly recorded in the public records of the County at the owner's expense.

- (2) Proof of termination of the agricultural tax exemption for the property included in the development order application/approval. Proof of termination must include a copy of the owner's request to terminate the tax exemption with the Property Appraiser.



13. Density

If the developer secures an Environmental Resource Permit (ERP) to impact on-site freshwater wetlands, it may be necessary to recalculate the maximum number of units permitted on site by applying the Lee Plan density regulations to the impacted freshwater wetlands approved in the ERP. The maximum number of lots may not exceed 404 units.

14. Flow Ways

The developer must submit detailed hydraulic and hydrologic calculations for review and approval by the Lee County Division of Natural Resources prior to issuance of the first development order or any early work for clearing, filling permit. Calculations must include the following:

- a. Comparison of flows and stages between the pre- and post-development. Comparison should demonstrate no adverse drainage impacts at upstream and downstream sides.
- b. Demonstration of no significant impact to the historical and current flow and drainage patterns caused by the proposed realignment of the eastern natural flow way.

15. Protected Species (Alligators and Wading Birds)

American Alligator/Wading Birds. The application for local development order approval must include American alligator and listed wading bird species management plans prepared in accordance with LDC §10-474. Management plans and deed restrictions must include an informational brochure on living with American alligators and wading birds as well as the importance of the littoral areas and adjacent preserves for nesting and foraging habitat. The development order plans must also reflect the placement and details of signage to be located between residential buildings and lakes warning: (a). alligators may be present, and (b). it is dangerous and illegal to feed or harass alligators. Similar warnings must be included in the deed restrictions.

16. Protected Species (Sherman Fox Squirrel)

The developer must submit a Sherman fox squirrel management plan in compliance with the LDC at the time of development order application.

The management plan must also include:

- an educational brochure on the importance of the natural areas for the Sherman's fox squirrel for inclusion in deed restrictions;
- a survey requirement of the existing indigenous habitat for nesting Sherman's fox squirrel prior to vegetation permit approvals;
- FWC recommended and LDC Appendix H 125-foot buffers to active nests; and



- requirements to plant longleaf pine (*Pinus palustris*) and other species important to the Sherman's fox squirrel nesting and foraging behavior within proposed enhanced and created preserve areas.

17. Open Space

Local development order plans must reflect a minimum 53 acres open space consistent with the approved MCP.

18. Indigenous Preservation

Local development order plans must delineate preservation/enhancement of 6.1 acres of existing indigenous habitat and native tree area including pine flatwoods (FLUCCS 411), live oak (FLUCCS 427), freshwater marsh (FLUCCS 641), and exotic wetland hardwoods (FLUCCS 619); and restoration/creation of the hydric and non-hydric field crops (FLUCCS 215 & 215H) and spoil (743) within the two flow ways and two isolated preserves consistent with Figure 4 of the Preliminary Indigenous Preserve Management Plan (Exhibit F). Final design and total acreage of the on-site preserved/restored/created preserve area will be determined by jurisdictional agencies and Lee County Natural Resources but may not be less than 27.0 acres.

19. Indigenous Management Plan

The developer must submit a Final Indigenous Management plan in conceptual compliance with the Preliminary Indigenous Preserve Management Plan (Exhibit F) with the application for a local development order. The plan must also include preserve acreage and enhancement/restoration/creation details required by jurisdictional agencies including earthwork; vegetation species type (100% native), densities, installation heights; and work schedule.

Local development order landscape plans must delineate the preserves consistent with the final indigenous management plan. The engineering paving and grading plans must depict the proposed depths/elevations of restored/created wetlands and upland habitats necessary to achieve a functional flow way system.

20. Hydrology and Wildlife Connection

Local development order plans must depict a wildlife/flow way crossing where the proposed roadway bisects the western-most flow way preserve. The engineering plans must include cross sections demonstrating the crossing will provide for adequate hydrology and wildlife movement.

SECTION C. DEVIATIONS:

1. Excavation Setback

Deviation (1) seeks relief from the LDC §10-329(d)(1)(a)(3) requirement to provide excavations to be set back a minimum of 50 feet from a property line, to allow for



excavations to be setback a minimum of 27.5 feet from the property line. This deviation is APPROVED, SUBJECT TO the following condition:

The buffer on the south side of the property must include a fence or wall from the east side of the preserve area to the east of the proposed detention/retention area.

2. Ingress/Egress

Deviation (2) seeks relief from the LDC §10-291(3) requirement to provide residential developments over 5 acres to provide more than one means of ingress or egress, not including access points for emergency use only, to allow for one means of ingress/egress and one stabilized emergency access. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. The developer must construct a stabilized “emergency only” access to U.S. 41 within the Nalle Grade Road Extension right-of-way to serve as a secondary means of project ingress and egress in the event the main entrance to U.S. 41 is compromised.
- b. If a road is constructed within the Nalle Grade Road Extension right-of-way, the Emerald Lakes RPD must provide a second access to the Emerald Lakes project from Nalle Grade Road. The general location of the second access must be reflected on the MCP and then clearly defined in the local development order site plan.

3. Connection Separation

Deviation (3) seeks relief from the LDC §10-285(a) requirement to provide a minimum 125-foot connection separation for local roads, to allow for a minimum separation of 33 feet. This deviation is APPROVED.

4. Dead End Streets

Deviation (4) seeks relief from the LDC §10-296(p) (1) to eliminate the requirement that a dead-end street be closed at one end by a circular turnaround for vehicles. This deviation is APPROVED, SUBJECT TO the following condition:

The developer must submit a letter of no objection to the design of the dead-end roadway from the Fire District with the application for a local development order. If the Fire District objects to the alternative design, then the developer must install a cul-de-sac in compliance with the LDC.

5. Excavation Setback

Deviation (5) seeks relief from the LDC §10-329(d)(1)(a)(2) requirement to provide excavations be set back a minimum of 50 feet from a right-of-way or easement, to allow a lake to be set back 27.5 feet from the Nalle Grade Road right-of-way/easement. This deviation is APPROVED.



#### SECTION D. EXHIBITS:

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: Property Development Regulations
- Exhibit E: Bona Fide Agricultural Uses
- Exhibit F: Preliminary Indigenous Preserve Management Plan

#### SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the RPD zoning designation by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes and regulations. See Lee Plan Vision Statement (19), Lee Plan Map 16, Lee Plan Planning Community Allocation Table 1(b) for the North Fort Myers Planning Community, Policy 1.1.5, 1.7.6, Objective 2.2, Policy 2.1.1, 2.1.2, Policy 5.1.1, Goal 11, Goal 28, and LDC §§ 34-411 and 34-1493.
2. The requested RPD zoning, as conditioned:
  - a. meets or exceeds all performance and location standards for the potential uses allowed by the request; see Policies 1.1.5, 2.2.1, 5.1.3., 5.1.5, 28.2.5, 61.3.6, 61.3.11, 114.1.2 (2, 4), 115.1.3; LDC §34-411;
  - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan, specifically Policies 1.1.5, 1.5.1, 5.1.10, Objective 60.2, Goal 107, Objective 107.3, Policies 107.3.1 and 114.1.1;
  - c. is compatible with existing and planned uses in the surrounding area; see Policy 1.1.5; and
  - d. will not adversely affect environmentally critical areas or natural resources. See Lee Plan Policies 4.1.1, 28.5.8., Objective 60.5, Policies 60.5.1, 60.5.2, and 60.5.3, Goal 61, Objective 61.2, Policies 61.2.4, 114.1.1; LDC §34-411(g).
3. Approval of the request will not unduly burden existing transportation or planned infrastructure facilities. The site will be served by streets with the capacity to carry traffic generated by the development. See Lee Plan Goal 11, Standard 11.3, Policies 5.1.3 and 39.1.1.; LDC §34-411(d).
4. Urban services will be available and adequate to serve the proposed residential community. See Lee Plan Objective 2.2, Policy 2.2.1.
5. The proposed residential use is appropriate on the property. See Lee Plan Objective 2.12, Policies 1.1.5, 1.7.6, 5.1.5, 135.1.9.



- a. The recommended conditions and applicable regulations provide sufficient safeguards to the public interest.
- b. The recommended conditions are reasonably related to the impacts on the public's interest expected from the proposed development.
- c. As conditioned, the deviations enhance the planned development and protect the public health, safety and welfare.

Commissioner Manning made a motion to adopt the foregoing resolution, seconded by Commissioner Mann. The vote was as follows:

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 7<sup>th</sup> day of May 2014.

ATTEST:  
LINDA DOGETT, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: Marcia Wilson  
Deputy Clerk

BY: Larry Kiker  
Larry Kiker, Chair



Approved as to form for the Reliance  
of Lee County Only

Michael D. Jacob  
Michael D. Jacob  
Managing Assistant County Attorney  
County Attorney's Office

RECEIVED  
MINUTES OFFICE  
MW  
2014 JUN -3 AM 8:45



**LEGAL DESCRIPTION AND SKETCH LYING IN  
SECTIONS 9 & 10, TOWNSHIP 43 SOUTH, RANGE 24 EAST,  
LEE COUNTY, FLORIDA**

A PARCEL OF LAND LYING IN SECTIONS 9 AND 10, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA BEING LANDS DESCRIBED IN OFFICIAL RECORD BOOK 4291, PAGES 4899-4902, TOGETHER WITH LANDS DESCRIBED IN OFFICIAL RECORD BOOK 4292, PAGES 193-194, ALL IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 9 AND THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 41; THENCE N 26°07'31" W ALONG SAID EAST RIGHT-OF-WAY LINE FOR 1724.86 FEET; THENCE CONTINUE ALONG SAID EAST RIGHT-OF-WAY LINE, N 26°03'43" W FOR 4040.87 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE N 26°03'43" W ALONG SAID RIGHT-OF-WAY LINE FOR 133.69 FEET TO THE NORTH LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1873, PAGE 1362; THENCE S 89°54'37" E ALONG SAID NORTH LINE FOR 6064.23 FEET TO THE EAST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1873, PAGE 1364; THENCE S 00°03'48" W ALONG SAID EAST LINE FOR 1137.59 FEET TO THE NORTH LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2241, PAGE 1350; THENCE N 89°56'23" W ALONG SAID NORTH LINE FOR 4539.54 FEET; THENCE N 00°05'53" E ALONG SAID NORTH LINE FOR 300.00 FEET; THENCE N 89°56'23" W ALONG SAID NORTH LINE FOR 300.00 FEET; THENCE S 00°05'53" W ALONG SAID NORTH LINE FOR 163.96 FEET; THENCE N 26°03'43" W DEPARTING SAID NORTH LINE FOR 984.85 FEET; THENCE N 89°54'37" W FOR 732.23 FEET TO THE WEST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1873, PAGE 1362 AND THE POINT OF BEGINNING.

PARCEL CONTAINS 132.15 ACRES, MORE OR LESS.

**RECEIVED**  
SEP 07 2007  
PERMIT COUNTER

**DCI 2007-00034**

Applicant's Legal Checked  
by [Signature] 9-10-2007

EXHIBIT **A**

REVISION: 08/22/07: COMBINED ORB'S INTO ONE DESCRIPTION

PREPARED BY:  
AIM ENGINEERING & SURVEYING, INC.

[Signature]

09-04-07

RICHARD C. MCCARTHY  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA LICENSE NO. 6204

DATE

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL  
RAISED SEAL OF A LICENSED FLORIDA SURVEYOR  
AND MAPPER

AIM Engineering & Surveying, Inc. LB 3114



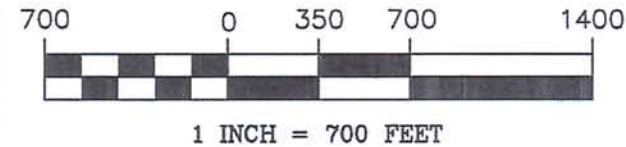
5300 LEE BLVD.  
P.O. BOX 1235  
LEHIGH ACRES  
FLORIDA 33970  
(239) 332-4569  
FX: (239) 332-8734

THIS IS NOT A SURVEY

SHEET 1 OF 2

PROJECT NUMBER: 06-9207	DESCRIPTION: SKETCH AND DESCRIPTION
DRAWN BY: CFT	CLIENT: WATERMAN DEVELOPMENT
DATE: 2/16/07	SEC-TWP-RGE 9 & 10-43S-24E
FILE: 06-9207.DWG	COUNTY: LEE COUNTY



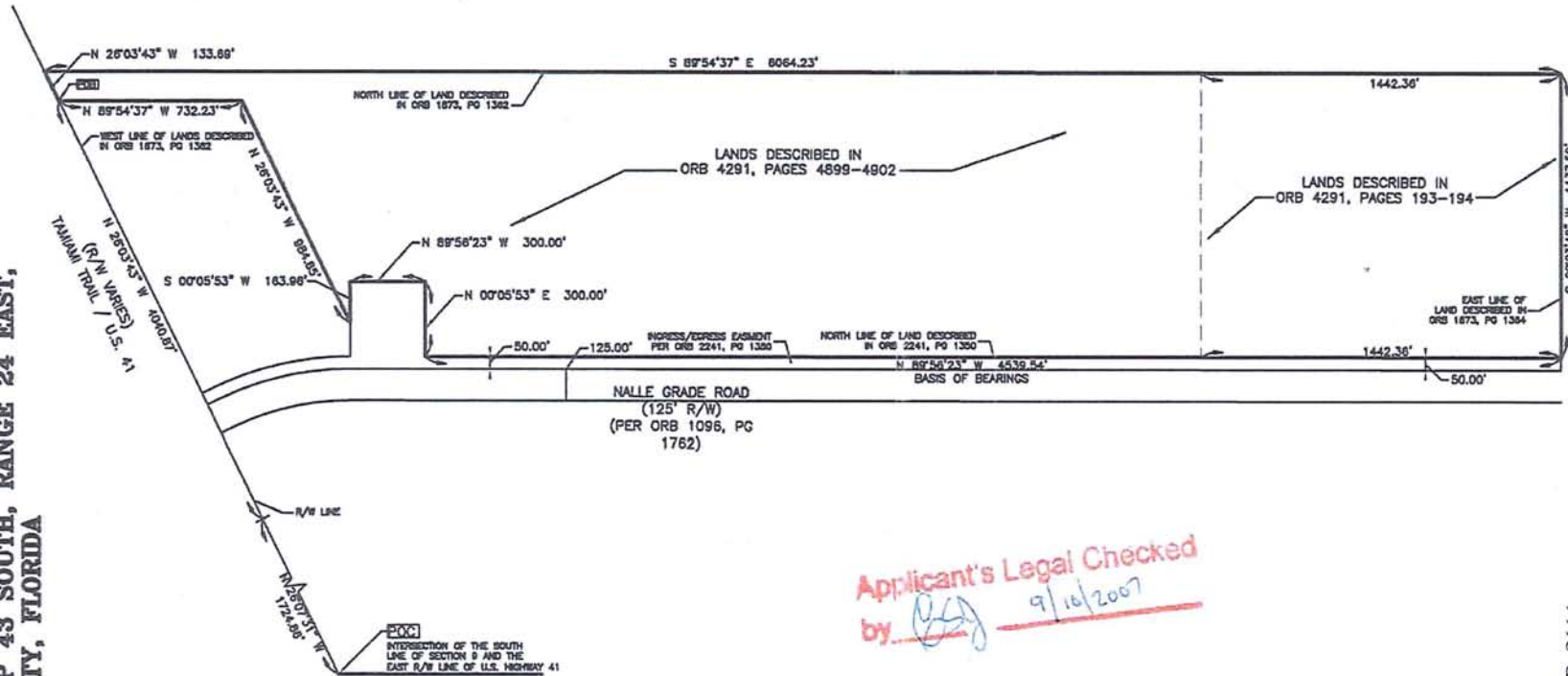


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 SEP 07 2007  
 PERMIT COUNTY

061 2007-00034

SHEET 2 OF 2

**LEGAL DESCRIPTION AND SKETCH LYING IN  
 SECTIONS 9 & 10, TOWNSHIP 43 SOUTH, RANGE 24 EAST,  
 LEE COUNTY, FLORIDA**



Applicant's Legal Checked  
 by [Signature] 9/16/2007

NOTES:

- 1) BEARINGS SHOWN HEREON ARE BASED UPON THE SOUTH LINE OF RECORDED LANDS AS SHOWN, HAVING A BEARING OF NORTH 89°56'23" WEST.

LEGEND

ORB = OFFICIAL RECORD BOOK  
 PG = PAGE  
 P.O.B. = POINT OF BEGINNING  
 P.O.C. = POINT OF COMMENCEMENT  
 R/W = RIGHT-OF-WAY

THIS IS NOT A SURVEY

AIM Engineering & Surveying, Inc. LB 3114  
 5300 LEE BLVD.  
 P.O. BOX 1235  
 LEHIGH ACRES  
 FLORIDA 33970  
 (239) 332-4569  
 FX: (239) 332-8734



SKETCH OF DESCRIPTION

PROJECT NUMBER: 06-9207

DRAWN BY: CFT

DATE: 2/16/07

WATERMAN DEVELOPMENT

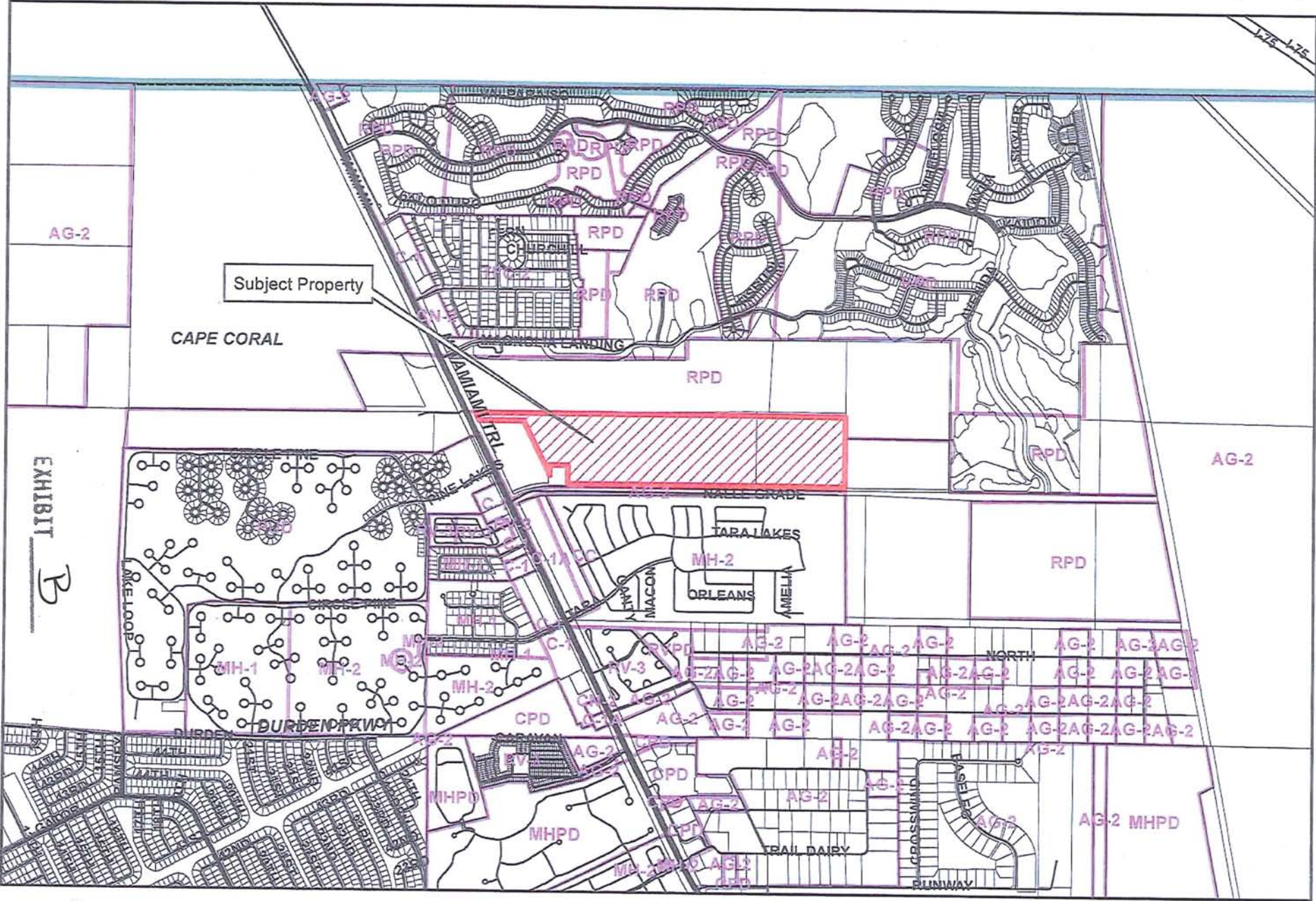
SEC-TWP-RGE  
 9 & 10-43S-24E

FILE: 06-9207.DWG

COUNTY:

LEE COUNTY







# MASTER CONCEPT PLAN FOR

<p><b>SITE ADDRESS</b></p> <p>EMERALD LAKES OF LEE COUNTY, LLC. 8045 NW 155TH STREET MIAMI LAKES, FL. 33019</p>	<p><b>PROJECT DATUM</b></p> <p>FLORIDA STATE PLANE WEST ZONE (NAD1983/90) NATIONAL GEODETIC VERTICAL DATUM (NGVD) 1929</p>
<p><b>ZONING</b></p> <p>CURRENT ZONING: AG-2 PROPOSED ZONING: RPD</p>	<p><b>RECORD PLAT</b></p> <p>PENDING</p>
<p><b>FLOOD ZONE</b></p> <p>ACCORDING TO F.I.R.M. COMMUNITY PLAN 125124 0095F, EFFECTIVE SEPTEMBER 19, 1984 THE SUBJECT PARCEL IS LOCATED IN FLOOD ZONE A.</p>	<p><b>STRAP NUMBERS</b></p> <p>09-43-24-00-00003.0010 10-43-24-00-00001.0000</p>

<b>PROJECT ENGINEER</b>	<b>PROJECT MANAGEMENT</b>
CARL BARRACO, P.E.	STEVE COLEMAN
<b>DESIGN ENGINEER</b>	<b>PROJECT SURVEYOR</b>
TIM GAVIN, P.E.	SCOTT WHEELER
<b>LEAD DESIGN TECHNICIAN</b>	<b>SITE PLANNING</b>
PENDING	JENNIFER SAPEN
<b>DESIGN STAFF</b>	<b>LANDSCAPE DESIGN</b>
PENDING	BY OTHERS
<b>QUALITY CONTROL</b>	<b>LAND PLANNER</b>
PENDING	PENDING

1	COVER SHEET AND LOCATION MAP	A	22405201.DWG
2	MASTER CONCEPT PLAN	B	22405202.DWG
3	DEVIATIONS, DEVIATION DETAILS, SCHEDULE OF USES AND NOTES	-	22405203.DWG
4	DRAINAGE PLAN AND PROPERTY DEVELOPMENT REGULATIONS	-	22405204.DWG

COMMUNITY DEVELOPMENT  BY-NC-SA

DCI 2007-0003

XREF	DESCRIPTION	DRAWING NAME
A	LOCATION MAP	22405 LOCATION MAP.JPG
B	BASE LINEWORK PLAN	22405200.DWG

Approved as Exhibit C  
MCP Page 1 of 4  
Resolution # Z-14-006

PLAN STATUS
NOT FOR CONSTRUCTION

LEE COUNTY, FLORIDA

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LAYOUT	LAYOUT1
LOCATION	J:\22405\DWG\ZONING\
PLOT DATE	THU, 5-15-2014 - 2:36 PM
PLOT BY	ANGELICA GARLEY
DESIGN BY	TOM HOLMLUND

## CROSS REFERENCED DRAWINGS

### PLAN REVISIONS

02-14-08	INSET ALTERNATIVES ADDED
2-10-10	NEW PLAN NATURAL EAST PARCEL
7-2-13	REVISED SITE PLAN
9-24-13	PER LEE COUNTY COMMENTS
10-22-13	PER LEE COUNTY COMMENTS

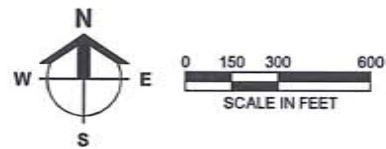
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NOT FOR CONSTRUCTION

# COVER SHEET AND LOCATION MAP

PROJECT / FILE NO.	SHEET NUMBER
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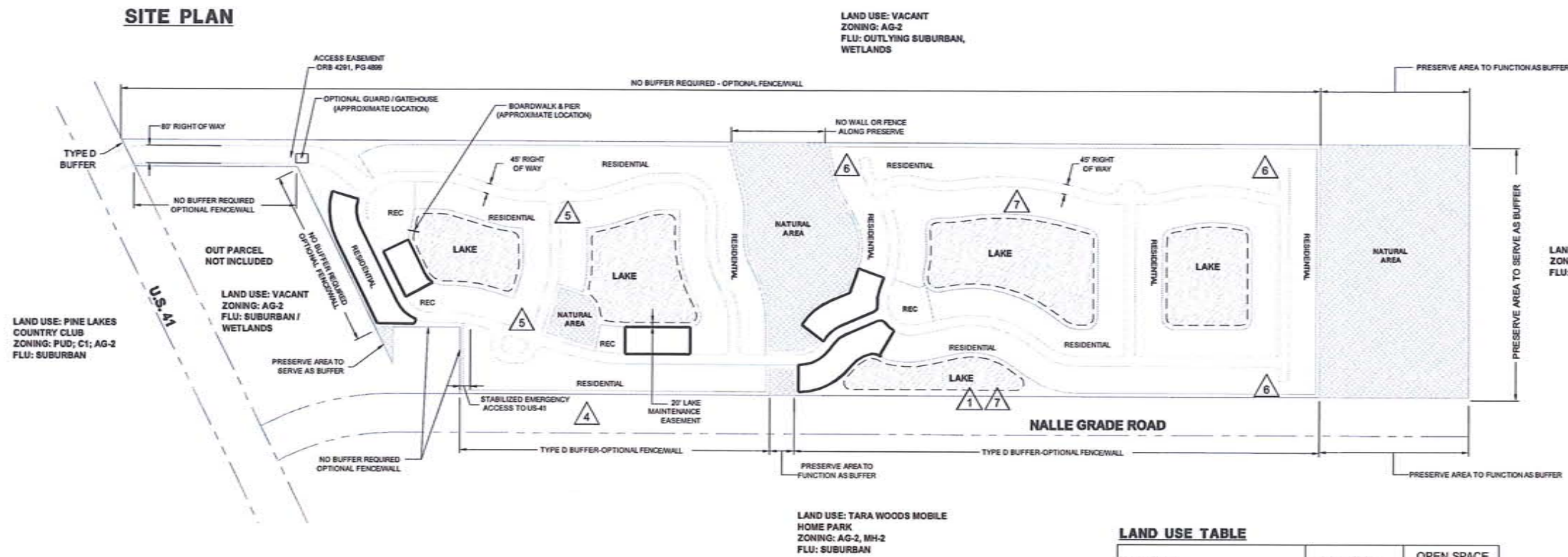




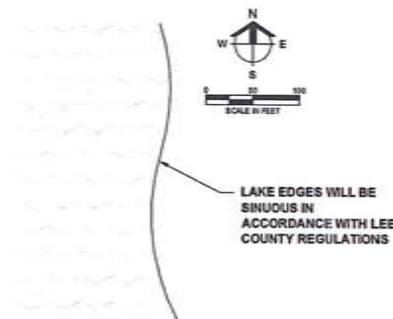
# LEGEND

- NATURAL AREA
- LAKE
- MODEL CENTERS
- DEVIATION REQUEST LOCATION

## SITE PLAN



## SINUOUS LAKE DETAIL



## LAND USE TABLE

LAND USE	ACREAGE ±	OPEN SPACE PROVIDED
RESIDENTIAL	59 AC	XX
ROADWAY (R/W)	15 AC	1.00
RECREATION	2 AC	.75
NATURAL AREAS	27 AC	27.00
LAKES	18 AC	13.25
OPEN SPACE AND BUFFERS	11 AC	11.00
TOTAL SITE	132 AC	53 AC

## OPEN SPACE

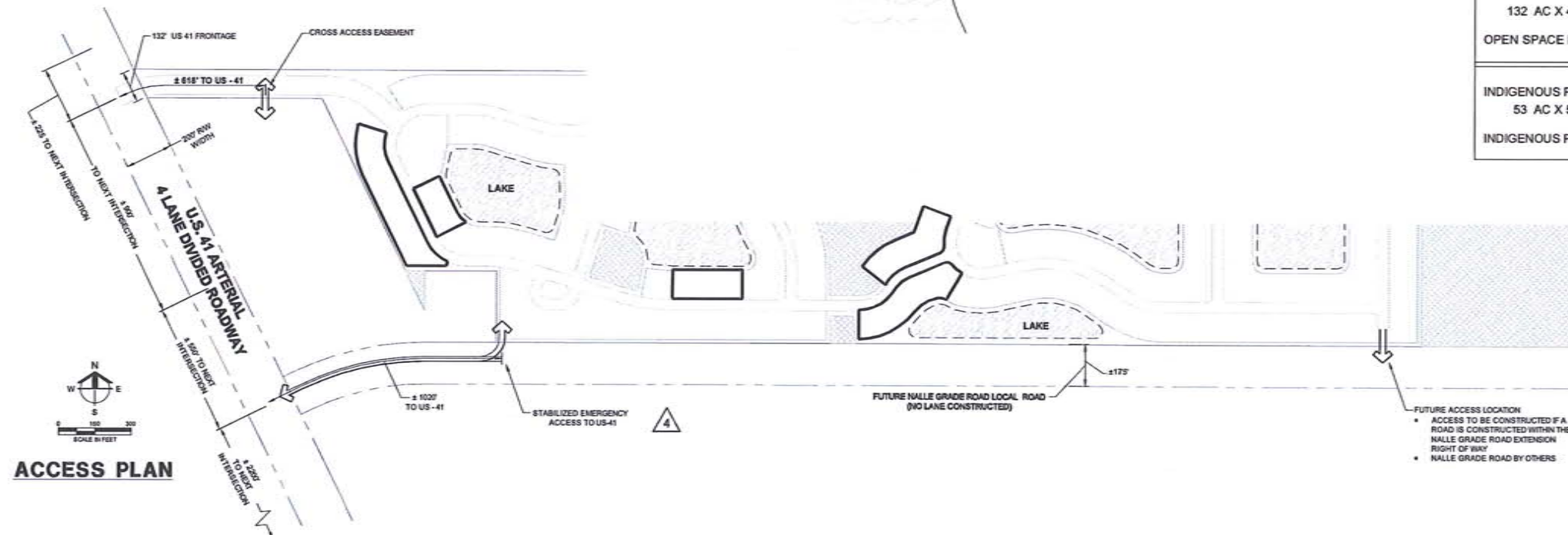
TOTAL SITE	132 AC
OPEN SPACE REQUIRED: 132 AC X 40% =	53 AC
OPEN SPACE PROVIDED:	53 AC
INDIGENOUS PRESERVE REQUIRED: 53 AC X 50% =	27 AC
INDIGENOUS PRESERVE PROVIDED:	27 AC

Approved as Exhibit C  
MCP Page 2 of 4  
Resolution # 2-14-006

RECEIVED  
MAY 19 2014

COMMUNITY DEVELOPMENT

DCI 2007-00034



**Barraco and Associates, Inc.**  
CIVIL ENGINEERING - LAND SURVEYING  
LAND PLANNING - LANDSCAPE DESIGN  
[www.barraco.net](http://www.barraco.net)  
2271 MCGREGOR BLVD., SUITE 100  
FORT MYERS, FLORIDA 33902-2800  
PHONE (239) 461-3170  
FAX (239) 461-3169  
FLORIDA CERTIFICATES OF AUTHORIZATION  
ENGINEERING 7895 - SURVEYING LB-6940

PREPARED FOR

**WATERMEN FARMS, LLC**  
265 SEVILLA AVENUE  
CORAL GABLES, FLORIDA 33134  
PHONE (305) 448-9442  
FAX (305) 448-9492  
[WWW.WATERMENGROUP.COM](http://WWW.WATERMENGROUP.COM)

PROJECT DESCRIPTION

**EMERALD LAKES RPD**  
LEE COUNTY, FLORIDA

NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE AND DATE  
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FILE NAME	22405-232.DWG
LAYOUT	LAYOUT1
LOCATION	J:\22405\DWG\ZONING
PLOT DATE	THU, 5-15-2014 - 2:36 PM
PLOT BY	ANGELICA CARLEY
DESIGN BY	

CROSS REFERENCED DRAWINGS

PLAN REVISIONS
02-14-08 INSET ALTERNATES ADDED
2-10-10 NEW PLAN NATURAL EAST PARCEL
7-2-13 NEW SITE PLAN
9-24-13 PER LEE COUNTY COMMENTS
10-22-13 PER LEE COUNTY COMMENTS
5-2-14 ADD NALLE GRADE FUTURE ACCESS

PLAN STATUS

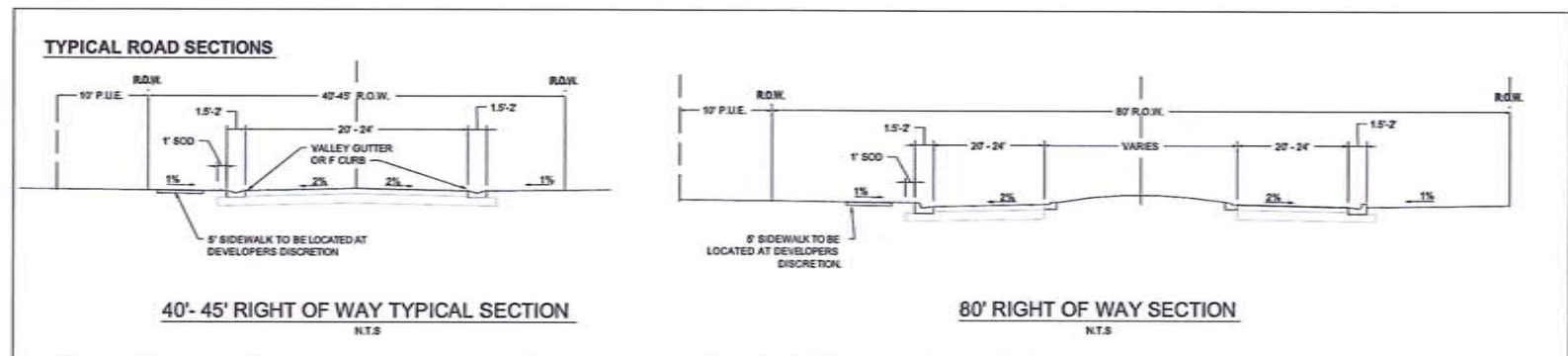
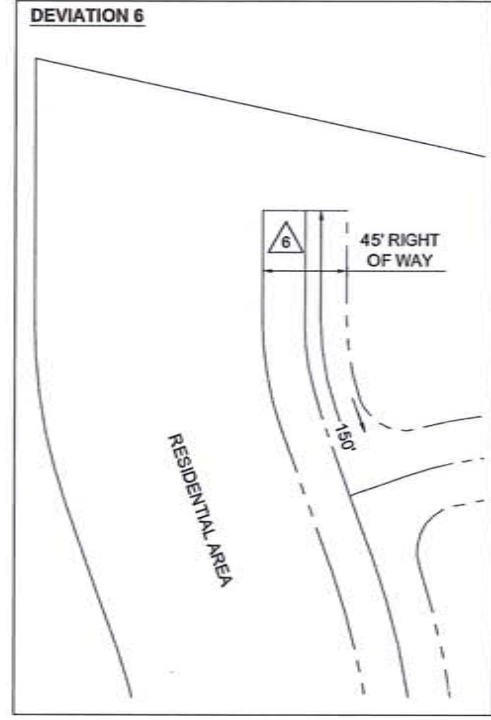
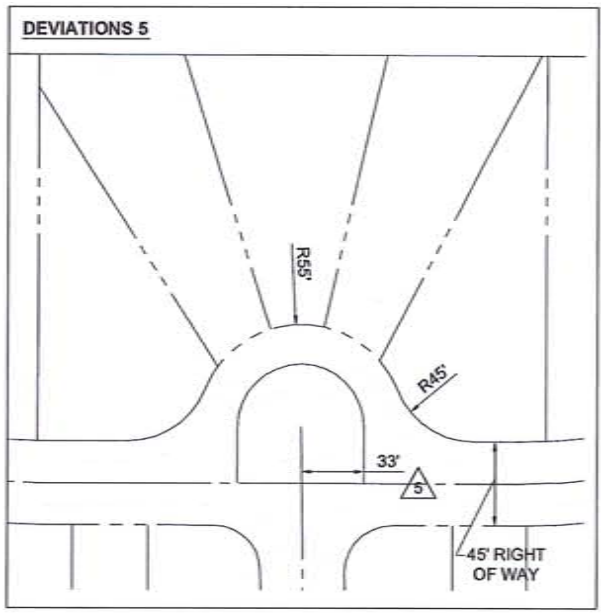
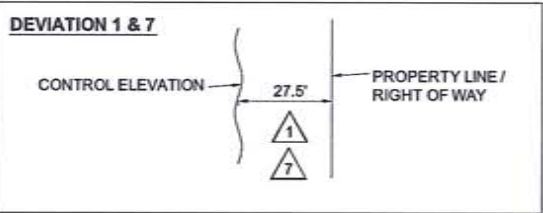
NOT FOR CONSTRUCTION

MASTER CONCEPT PLAN

PROJECT / FILE NO.	SHEET NUMBER
22405	2



DETAILS OF DEVIATIONS



Approved as Exhibit C  
MCP Page 3 of 4  
Resolution # 7-14-006

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COMMUNITY DEVELOPMENT

DCI 2007-00034

**Barraco**  
and Associates, Inc.  
CIVIL ENGINEERING - LAND SURVEYING  
LAND PLANNING - LANDSCAPE DESIGN  
[www.barraco.net](http://www.barraco.net)  
2271 MCGREGOR BLVD., SUITE 100  
FORT MYERS, FLORIDA 33902-2800  
PHONE (239) 461-3170  
FAX (239) 461-3169  
FLORIDA CERTIFICATES OF AUTHORIZATION  
ENGINEERING 7895 - SURVEYING LB-6940

PREPARED FOR

**WATERMEN  
FARMS, LLC**  
265 SEVILLA AVENUE  
CORAL GABLES, FLORIDA 33134  
PHONE (305) 448-9442  
FAX (305) 448-9492  
[WWW.WATERMENGROUPOF.COM](http://WWW.WATERMENGROUPOF.COM)

PROJECT DESCRIPTION

**EMERALD  
LAKES  
RPD**  
LEE COUNTY, FLORIDA

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LOCATION	J:\22405\DWG\203.DWG
PLOT DATE	THU, 5-15-2014 - 2:27 PM
PLOT BY	ANGELICA CARLEY
DESIGN BY	

CROSS REFERENCED DRAWINGS

PLAN REVISIONS	
02-14-08	INSET ALTERNATES ADDED
2-10-10	NEW PLAN NATURAL EAST PARCEL
7-2-13	NEW SITE PLAN
9-24-13	PER LEE COUNTY COMMENTS
10-22-13	PER LEE COUNTY COMMENTS

PLAN STATUS

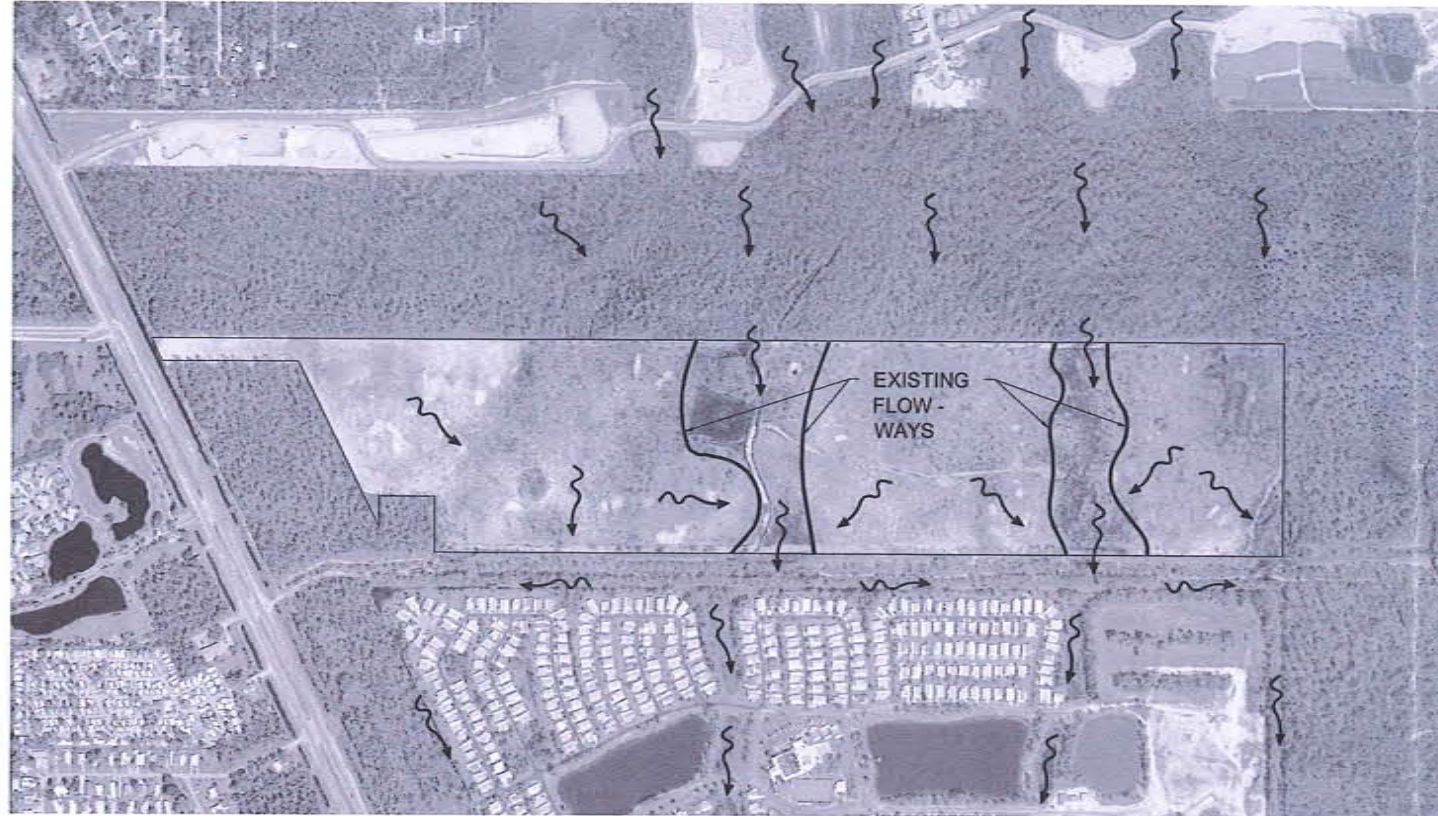
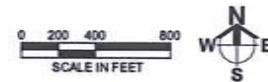
APPROVAL SUBMITTAL PLANS  
NOT FOR CONSTRUCTION

DEVIATION DETAILS

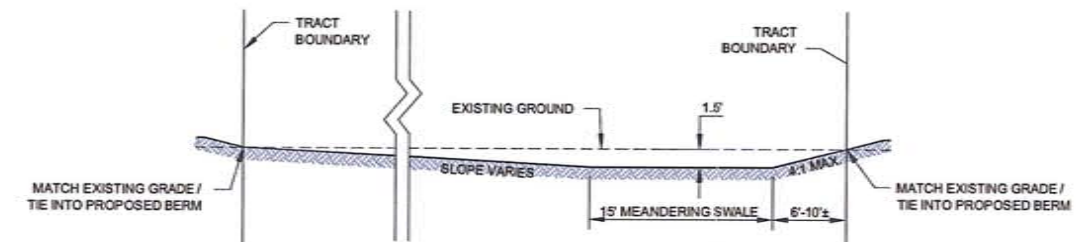
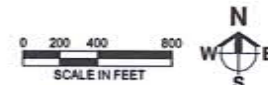
PROJECT/ FILE NO.	SHEET NUMBER
22405	3



# PRE-DEVELOPMENT DRAINAGE MAP



# POST-DEVELOPMENT DRAINAGE MAP



## A-A FLOW WAY SECTION

NOT TO SCALE

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DCI 2007-00034

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MCP Page 4 of 4  
Resolution # 2-14-006

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and Associates, Inc.  
CIVIL ENGINEERING - LAND SURVEYING  
LAND PLANNING - LANDSCAPE DESIGN  
[www.barraco.net](http://www.barraco.net)  
2271 MCGREGOR BLVD., SUITE 100  
POST OFFICE DRAWER 2800  
FORT MYERS, FLORIDA 33902-2800  
PHONE (239) 461-3170  
FAX (239) 461-3169  
FLORIDA CERTIFICATES OF AUTHORIZATION  
ENGINEERING 7995 - SURVEYING LB-6940

## WATERMEN FARMS, LLC

265 SEVILLA AVENUE  
CORAL GABLES, FLORIDA 33134  
PHONE (305) 448-9442  
FAX (305) 448-9492  
[WWW.WATERMENGROUPOF.COM](http://WWW.WATERMENGROUPOF.COM)

PROJECT DESCRIPTION

## EMERALD LAKES RPD

LEE COUNTY, FLORIDA

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LAYOUT	LAYOUT1
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PLOT DATE	THU, 5-15-2014 - 2:27 PM
PLOT BY	ANGELICA CARLEY
DESIGN BY	

CROSS REFERENCED DRAWINGS

PLAN REVISIONS
02-14-09 INSET ALTERNATES ADDED
2-15-10 NEW PLAN NATURAL EAST PARCEL
7-2-13 NEW SITE PLAN
9-24-13 PER LEE COUNTY COMMENTS
10-22-13 PER LEE COUNTY COMMENTS

PLAN STATUS  
APPROVAL SUBMITTAL PLANS  
NOT FOR CONSTRUCTION

DRAINAGE PLAN AND  
PROPERTY DEVELOPMENT  
REGULATIONS

PROJECT FILE NO.	SHEET NUMBER
22405	4



**EMERALD LAKES RPD**  
A PLANNED DEVELOPMENT APPLICATION

**PROPERTY DEVELOPMENT REGULATIONS**

	<b>Single Family</b>	<b>Two Family Attached</b>	<b>Single Family Zero Lot Line</b>	<b>Townhouse</b>	<b>Multi- Family</b>	<b>Recreation (Private)</b>
Minimum Lot Width	40'	30'	40'	20'	100'	100'
Minimum Lot Depth	120'	100'	120'	90'	100'	120'
Minimum Lot Area	4,800 SF	3,000 SF	4,800 S.F.	1,800 SF	10,000 SF	12,000 SF
Maximum Lot Coverage	70%	65%	70%	70%	65%	40%
Maximum Building Height	35'	35'	35'	35'	35'	35'
Minimum Building Separation	10'	20'	10'	20'	20'	20'
<b>Minimum Building Setbacks</b>						
*Front (R/W)	20'	20'	20'	20'	20'	20'
Side	5'	0'/10'	0'/10'	0'/10'	10'	10'
Rear	10'	10'	10'	10'	10'	10'
Water	20'	25'	20'	25'	25'	20'
Preserve(Primary Structure)	20'	20'	20'	20'	20'	20'
Accessory	5'	5'	5'	10'	10'	5'

**Note:** \*Setback shall be reduced to 10 feet for side entry garages, front porch/front entry garages.

EXHIBIT D



EXHIBIT PH-3.I.3

AGRICULTURAL USES AT TIME OF ZONING APPLICATION  
AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF LEE

RECEIVED  
AUG 13 2013

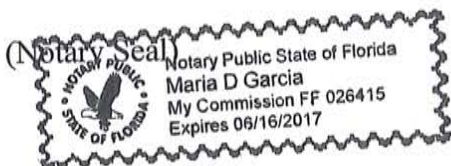
BEFORE ME, the undersigned authority, on this 30 day of July, 2013, personally appeared Eddy Garcia, who is personally known to me or who produced \_\_\_\_\_ as identification and who did take an oath, who deposes and says as follows:

1. That I am the Authorized Representative of the following described property, to wit:  
  
See attached Exhibit "A"
2. That the above described property was used for bona fide agricultural purposes, to wit horticulture/cropland, at the time of the Lee County Board of County Commissioners review and consideration of the rezoning of the property described on the attached Exhibit "A".
3. The agricultural use of the property is an existing bona fide agricultural use.
4. The agricultural use is being conducted on the entire +/- 132.3 acres. The entire property described on the attached Exhibit "A" is being used for the horticulture/cropland.
5. Affiant further states that he is familiar with the nature of an oath; and with the penalties as provided by the laws of the State of aforesaid for falsely swearing to statements made in an instrument of this nature. Affiant further certifies that he has read, or has heard read to him, the full facts of this affidavit and understands its meaning and context.

FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
Managing Member/Owner of Watermen Farms, LLC

SWORN TO and subscribed before me on the date and year first above written.



  
\_\_\_\_\_  
Signature of Notary Public

Maria D Garcia  
\_\_\_\_\_  
(Print, type or stamp commissioned name of  
Notary Public)

Commission No. FF 026415



**LEGAL DESCRIPTION AND SKETCH LYING IN  
SECTIONS 9 & 10, TOWNSHIP 43 SOUTH, RANGE 24 EAST,  
LEE COUNTY, FLORIDA**

A PARCEL OF LAND LYING IN SECTIONS 9 AND 10, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA BEING LANDS DESCRIBED IN OFFICIAL RECORD BOOK 4291, PAGES 4899-4902, TOGETHER WITH LANDS DESCRIBED IN OFFICIAL RECORD BOOK 4292, PAGES 193-194, ALL IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 9 AND THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 41; THENCE N 26°07'31" W ALONG SAID EAST RIGHT-OF-WAY LINE FOR 1724.86 FEET; THENCE CONTINUE ALONG SAID EAST RIGHT-OF-WAY LINE, N 26°03'43" W FOR 4040.87 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE N 26°03'43" W ALONG SAID RIGHT-OF-WAY LINE FOR 133.69 FEET TO THE NORTH LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1873, PAGE 1362; THENCE S 89°54'37" E ALONG SAID NORTH LINE FOR 6064.23 FEET TO THE EAST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1873, PAGE 1364; THENCE S 00°03'48" W ALONG SAID EAST LINE FOR 1137.59 FEET TO THE NORTH LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2241, PAGE 1350; THENCE N 89°56'23" W ALONG SAID NORTH LINE FOR 4539.54 FEET; THENCE N 00°05'53" E ALONG SAID NORTH LINE FOR 300.00 FEET; THENCE N 89°56'23" W ALONG SAID NORTH LINE FOR 300.00 FEET; THENCE S 00°05'53" W ALONG SAID NORTH LINE FOR 163.96 FEET; THENCE N 26°03'43" W DEPARTING SAID NORTH LINE FOR 984.85 FEET; THENCE N 89°54'37" W FOR 732.23 FEET TO THE WEST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1873, PAGE 1362 AND THE POINT OF BEGINNING.

PARCEL CONTAINS 132.15 ACRES, MORE OR LESS.

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SEP 07 2007  
PERMIT COUNTER

Applicant's Legal Checked  
by [Signature] 9-10-2007

DCI 2007-00034  
**RECEIVED**  
AUG 13 2013

COMMUNITY DEVELOPMENT

DCI 2007-00034  
PREPARED BY: AIM ENGINEERING & SURVEYING, INC.

[Signature] 09-04-07  
DATE  
RICHARD C. MCCARTHY  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA LICENSE NO. 6204

REVISION: 08/22/07: COMBINED ORB'S INTO ONE DESCRIPTION

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL  
RAISED SEAL OF A LICENSED FLORIDA SURVEYOR  
AND MAPPER

AIM Engineering & Surveying, Inc. LB 3114



5300 LEE BLVD.  
P.O. BOX 1235  
LEHIGH ACRES  
FLORIDA 33970  
(239) 332-4569  
FX: (239) 332-8734

THIS IS NOT A SURVEY

SHEET 1 OF 2

PROJECT NUMBER: 06-9207	DESCRIPTION: SKETCH AND DESCRIPTION		
DRAWN BY: CFT	CLIENT: WATERMAN DEVELOPMENT		
DATE: 2/16/07	SEC-TWP-RGE 9 & 10-43S-24E	FILE: 06-9207.DWG	COUNTY: LEE COUNTY



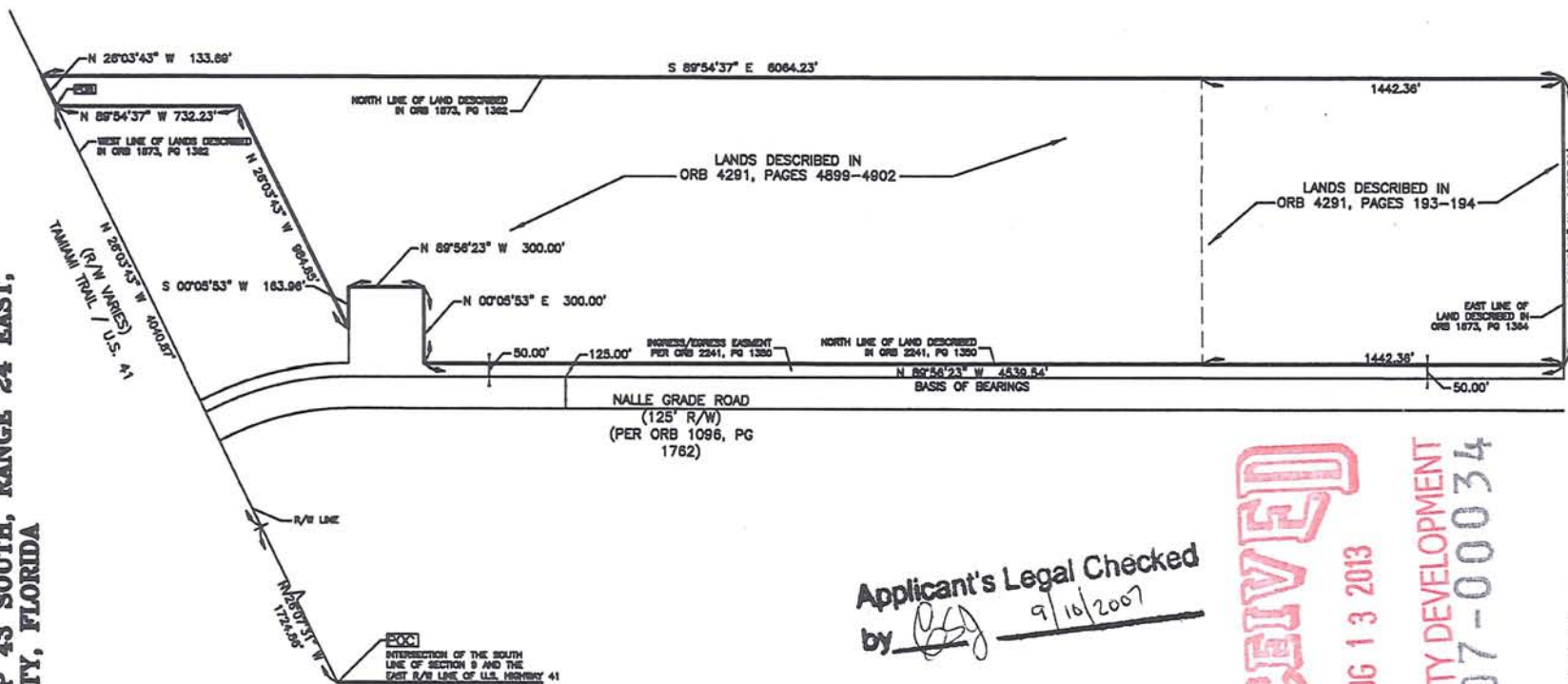
700 0 350 700 1400

1 INCH = 700 FEET

RECEIVED  
SEP 07 2007  
PERMIT COUNTER

001 2007-00034

SHEET 2 OF 2



Applicant's Legal Checked  
by CSA 9/10/2007

RECEIVED  
AUG 13 2013

AUG 13 2013

2007-00034  
COMMUNITY DEVELOPMENT

2007-0

THIS IS NOT A SURVEY

AIM Engineering &amp; Surveying, Inc. LB 3114

5300 LEE BLVD.  
P.O. BOX 1235  
LEHIGH ACRES  
FLORIDA 33970  
(239) 332-4569  
FX:(239) 332-8734



SKETCH OF DESCRIPTION

PROJECT NUMBER:	06-9207
DESCRIPTION:	

00-9207	CLIENT:
DRAWN BY:	
CFT	

DATE:	SEC-TWP-RGE
-------	-------------

SEC--TWP--RGE  
9 & 10-43S-24E

FILE: 06-9207.DWG

COUNTY: LEE COUNTY

**LEGEND**

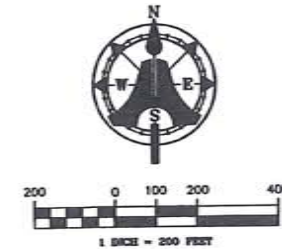
ORB = OFFICIAL RECORD BOOK  
PG = PAGE  
P.O.B. = POINT OF BEGINNING  
P.O.C. = POINT OF COMMENCEMENT  
R/W = RIGHT-OF-WAY

NOTES:

- 1) BEARINGS SHOWN HEREON ARE BASED UPON THE SOUTH LINE OF RECORDED LANDS AS SHOWN, HAVING A BEARING OF NORTH 89°56'23" WEST.



**A BOUNDARY / TOPOGRAPHIC SURVEY LYING WITHIN  
SECTIONS 9 AND 10, TOWNSHIP 43 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA**



**RECEIVED**  
AUG 13 2013

04-43-24-00-00003.0000  
N/F TAYLOR WOODROW COMMUNITIES AT  
HERONS GLEN LLC  
20130 N TAMARIT TRAIL,  
NORTH FORT MYERS, FL 33917

03-43-21-00-00000.0000  
N/F TAYLOR WOODROW COMMUNITIES AT  
HERONS GLEN LLC  
NORTH FORT MYERS, FL 33917

FIND 3/4" CH &  
FIR "BULB 4819"  
0.35' NORTH  
1.12' EAST  
STATE PLANE  
COORDINATES  
NORTHING: 820199.4489  
EASTING: 687478.5203

03-43-24-00-00003.0010  
N/F TAYLOR WOODROW COMMUNITIES  
NORTH FORT MYERS, FL 33917

10-43-24-00-00003.0010  
N/F LEE PING  
NORTH FORT MYERS, FL 33917

EAST LINE OF  
LAND DESCRIBED IN  
ORB 1873, PG 1364  
FIND 3/4" PIPE "LB642"  
STATE PLANE COORDINATES  
NORTHING: 879061.3488  
EASTING: 687478.6893

FIND 3/4" PIPE "LB642"  
& FIR "BLS 3463"

FIND 3/4" PIPE "LB642"

DCI 2007-0003

SEP 12 2007

Applicant's Survey Checked  
By *ASJ* 9-13-2007

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COMMUNITY DEVELOPMENT

**COMMUNITY DEVELOPMENT**  
DCI 2007-00034

- LEGEND**
- (C) = CALCULATED DATA
  - (D) = DEED DATA
  - (F) = FIELD DATA
  - CB = CHORD BEARING
  - CH = CHORD
  - CL = CENTERLINE
  - CM = CONCRETE MONUMENT
  - Δ = DELTA
  - Δ = FOUND 5/8" IRON ROD
  - FIR = FOUND 5/8" IRON ROD W/CAP
  - FND = FOUND
  - IR = IRON ROD
  - L = LENGTH
  - ORB = OFFICIAL RECORD BOOK
  - PG = PAGE
  - POB = POINT OF BEGINNING
  - POC = POINT OF COMMENCEMENT
  - R = RADIUS
  - R/W = RIGHT-OF-WAY
  - SIRC = SET IRON ROD "LB3114"
  - = OAK TREE AND SIZE
  - = PINE TREE AND SIZE
  - = POWER POLE
  - = SPOT ELEVATION

R = 1208.42'(D)  
L = 551.14'(D)  
Δ = 26°07'50"(D)  
CB = S 76°59'40" W(D)  
CH = 546.38'(D)

LEE COUNTY  
ELECTRIC COOP., INC.  
INGRESS / EGRESS EASEMENT  
PER ORB 2241, PG. 1350

ACCESS ROAD

S 63°55'43" W(D)  
42.28'(D)

R/W LINE

N 26°03'45" W(D)

174.68'(D)

N 26°03'45" W(D)

N 26°03'45" W(D)

N 26°03'45" W(D)

N 26°03'45" W(D)

N 26°03'45" W(D)

N 26°03'45" W(D)

N 26°03'45" W(D)

POB  
INTERSECTION OF THE SOUTH  
LINE OF SECTION 9 AND THE  
EAST R/W LINE OF U.S. HIGHWAY 41

09-43-24-00-00004.0000  
N/F REES DAVIS F JR  
19376 N TAMARIT TRAIL,  
NORTH FORT MYERS, FL 33903

\* ACCESS PROVIDED BY INGRESS AND  
EGRESS EASEMENTS FOR 5 FUTURE  
DRIVEWAYS AT LOCATIONS NOT SPECIFIED  
PER ORB 2330, PG 2243.

- NOTES:**
- 1) BEARINGS SHOWN HEREON ARE BASED UPON SOUTH LINE OF SAID DESCRIBED LANDS, HAVING A BEARING OF NORTH 89°56'23" WEST.
  - 2) ELEVATIONS DEPICTED HEREON ARE BASED UPON A D.O.T. BENCH MARK NUMBER 515, A 4"x4" CONCRETE MONUMENT WITH F.D.O.T. BRASS DISK 65 FEET NORTH OF PINE LAKES BOULEVARD TO WEST AT NORTHEAST CORNER OF GOLF COURSE HAVING AN ELEVATION OF 19.7137, REFERRING TO NATIONAL GEODETIC VERTICAL DATUM 1929.
  - 3) UNDERGROUND ENCROACHMENTS WERE NOT LOCATED OTHER THAN SHOWN.
  - 4) NO SEARCH WAS MADE TO FIND AND LOCATE HUMAN CEMETERIES AND BURIAL GROUNDS THAT WERE NOT OPEN AND MOTORIST, OR WHEN INFORMATION OF THEIR EXISTENCE WAS NOT FURNISHED TO THE SURVEYOR AND MAPPER.
  - 5) THIS SURVEY WAS PREPARED WITH THE BENEFIT OF STEWART TITLE GUARANTY COMPANY ORDER NUMBER 209933 AND 209933, POLICY NUMBER 0-2201-151902 AND 0-2201-151903, DATED APRIL 23, 2004.
  - 6) ROADWAY EASEMENTS RECORDED IN DEED BOOK 233, PAGE 562 AND DEED BOOK 271, PAGE 180 DO NOT AFFECT THE LANDS SHOWN AND DESCRIBED HEREON. ROAD EASEMENTS ARE FOR NALLE GRADE ROAD PRIOR TO OFFICIAL RECORD BOOK 1896, PAGE 192.
  - 7) STATE PLANE COORDINATES ARE IN THE FLORIDA WEST ZONE AND ARE BASED ON NAD 83 ADJUSTMENT FOR HORIZONTAL VALUES.

A PARCEL OF LAND LYING IN SECTIONS 9 AND 10, TOWNSHIP 42 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA BEING LANDS DESCRIBED IN OFFICIAL RECORD BOOK 4291, PAGES 4899-4902, TOGETHER WITH LANDS DESCRIBED IN OFFICIAL RECORD BOOK 4292, PAGES 193-194, ALL IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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PARCEL CONTAINS 5756475.56 SQ FT OR 132.15 ACRES± MORE OR LESS.

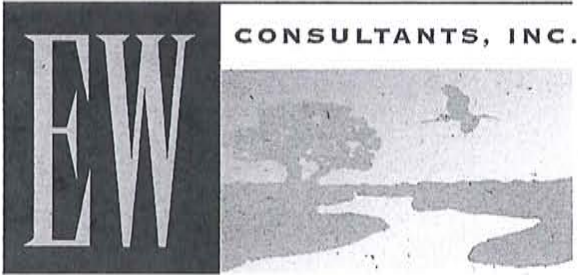
LAST DATE OF FIELD WORK: NOVEMBER 8, 2006		DATE: 11-08-06		DRAWN BY: JES		CHECKED BY: JES		DATE: 11-20-06		DATE: 11-20-06	
SURVEY RECORD		PAGE: 1034		LOT: 1034		UNIT: 9-17		TOWNSHIP: 43 SOUTH		RANGE: 24 EAST	
SECTION: 9 & 10		TOWNSHIP: 43 SOUTH		RANGE: 24 EAST		SUBDIVISION NAME: WATERMAN DEVELOPMENT		FLAT BOOK: LEE		PAGE: 1034	
COUNTY: LEE		PROJECT NAME: WATERMAN DEVELOPMENT		PROJECT SHORT TITLE: BOUNDARY / TOPOGRAPHIC		SHEET: 1		OF: 1		DATE: 09-12-07	
FILE NAME: 06-1207-LING		PROJECT NUMBER: 06-9207		NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.		BOUNDARY / TOPOGRAPHICAL SURVEY		PREPARED BY: AM ENGINEERING AND SURVEYING, INC.		DATE: 09-12-07	
RICHARD C. MCCARTHY, P.E.S.M.		DATE: 09-12-07		FLORIDA LICENSE NO. 6204							

DATE	BY	REVISION DESCRIPTION
11-08-06	JES	REVISED BEYONDMARK DATA
11-20-06	JES	UPDATED STATE PLANE COORDINATES
09/22/07	JES	CHANGED QUTS W/TO THE 6200W BEN
09/27/07	JES	ADDITIONAL EASEMENTS & NOTES
09/27/07	JES	UPDATED NOTES

THIS SURVEY IS PROTECTED BY COPYRIGHT AND IS CERTIFIED ONLY TO THE PEOPLE LISTED ABOVE AND ONLY FOR THIS PARTICULAR TRANSACTION. ANY USE OR REPRODUCTION OF THIS SURVEY WITHOUT THE EXPRESS PERMISSION OF THE SURVEYOR IS PROHIBITED. USE OF THIS SURVEY IN ANY SUBSEQUENT TRANSACTIONS IS NOT AUTHORIZED. THE SURVEYOR EXPRESSLY DISCLAIMS ANY CERTIFICATION TO ANY PARTIES IN FUTURE TRANSACTIONS. NO PERSON OTHER THAN THOSE LISTED SHOULD RELY UPON THIS SURVEY.

**AIM Engineering & Surveying, Inc.**  
5300 LEE BOULEVARD - P.O. BOX 1235  
LEHIGH ACRES, FLORIDA 33970  
(239) 332-4569 (800) 226-4569  
FAX (239) 332-8734 L.B. #3114





CONSULTANTS, INC.

## EMERALD LAKES

### INDIGENOUS PRESERVE MANAGEMENT PLAN And PROTECTED SPECIES MANAGEMENT PLAN

Prepared for:

WATERMEN FARMS, LLC

Prepared by:

EW CONSULTANTS, INC.

July 2013

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RECEIVED  
AUG 13 2013

COMMUNITY DEVELOPMENT

EXHIBIT F



---

## 1.0 INTRODUCTION

This document serves as a management plan for the created, restored, and enhanced indigenous preserve areas for the Emerald Lakes project. The subject parcel is 132.34 acres and is located on the east of U.S. 41 in North Fort Myers in Sections 9 and 10, Township 43S, Range 24E, Lee County, Florida (see Figure 1, Location Map). The property is bounded undeveloped wooded lands to the north, east and west, and by an electrical substation and single-family residential to the south. A small portion of the property fronts U.S. 41 to the west.

The subject property contains upland and wetland areas, most of which have been previously cleared for agricultural activities. Approximately 95% of the site has been converted to agricultural use and is currently dominated by hay-producing grasses such as limpgrass, Bahia grass and Bermuda grass. The remaining five percent of the site contains a forested freshwater wetland dominated by exotic plants in the southeast corner, a native freshwater marsh located in the north-central portion of the site, and native upland pine flatwoods and oak hammocks generally located in the north-central portion of the site with a couple of isolated pockets of pine flatwoods in the eastern and western portions of the site. There are no proposed impacts to these remaining natural systems.

The attached Figure 2, Florida Land Use Cover and Forms Classification System (FLUCCS) map, depicts the wetland and upland areas. The wetland areas shown on Figure 2 (categories 215H, 619 and 641) represent the limits as determined by the state reviewing agency, the South Florida Water Management District (SFWMD). Figure 3 shows the wetlands proposed for impact and those areas proposed for wetland preservation/restoration and wetland creation as part of the proposed plan.

The applicant is proposing a total of 27.0 acres of indigenous preserve on the subject project site. Existing habitats which are intact and require minimal enhancement and/or restoration include: 1.3+/- acres of pine flatwoods, 1.1+/- acres of oak hammock, 1.2+/- acres of forested freshwater wetland, and 2.5+/- acres of freshwater marsh. The remaining preserve (20.9 acres) will consist of wetland and upland habitat creation through the complete eradication of the hay-producing grasses and installation of desirable native plants within the appropriate strata. While the details of the habitat creation plan are yet to be finalized with the SFWMD, it is estimated that 19.6 acres of the 20.9-acres of native habitat creation will consist of native wetland (wet prairie, freshwater marsh and forested freshwater wetland), while 1.3 acres will be planted in native upland (pine flatwoods). Figure 4 depicts the preserve areas in the proposed land cover forms.

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These preserve areas will be protected in accordance with Figure 5, Silt Fence and Exotic Removal Staging Area map. The protective silt fence will be installed prior to land alteration activities on the subject site. This silt fence will be trenched-in appropriately in accordance with the detailed engineering plans. The silt fence will be installed and maintained for the period of time beginning with the commencement of land clearing, with periodic inspections insuring that this fencing remain in good functional condition through the completion of land alteration activities.

## **2.0 METHOD AND FREQUENCY OF PRUNING AND TRIMMING**

No pruning or trimming of desirable native preserve vegetation is expected (except where necessary to promote health, safety, and welfare). However, if any maintenance is needed, the Division of Environmental Sciences must be notified prior to any preserve maintenance.

***NOTE: Prior to any preserve site work, Lee County Environmental Sciences staff must be notified.***

## **3.0 REMOVE AND CONTROL ALL EXOTIC AND NUISANCE PLANTS**

Exotic and nuisance woody vegetation within the preserves will be removed by hand and the vegetative debris will be stockpiled as shown on Figure 5, Silt Fence and Exotic Removal Staging Area map. After staging, the vegetative debris will be chipped and hauled off-site to an approved facility. It is anticipated that non-woody exotic and nuisance vegetation within the preserve (grasses and vines) will be treated in-place with an herbicide approved for aquatic use. Appropriate horticultural practices (i.e. re-planting or seeding, control of nuisance plants, etc.) will be employed as needed. The required management activities will be determined through periodic inspections of the preserve area in accordance with the monitoring events described in Section 8.0.

All nuisance and exotic vegetation as listed by the Florida Exotic Pest Plant Council will be eradicated from the preserve area either by hand-removal or treat-in-place techniques. The exotic and nuisance vegetation that occurs within the on-site preserve area generally consists of Brazilian pepper, melaleuca and primrose willow.

- All eradication of woody material will be through hand clearing and removal of off-site.
- All eradication of non-woody material will be through herbicide treatment in place.



- 
- The criterion for acceptance of eradication for all exotic vegetation will be 100 percent eradication. If initial eradication efforts do not achieve this criterion, follow up treatment will be conducted.
  - Cutting of the trunk and treatment of the stump with an appropriately labeled herbicide will eradicate all Brazilian pepper, melaleuca and other woody exotics.
  - The criterion for completion of the woody exotic eradication will be 100 percent kill. If initial eradication efforts do not achieve this criterion, follow up treatment will be conducted.
  - All eradication of non-woody exotic vegetation will be through application of appropriately labeled herbicide. All debris removed will be handled in accordance with the disposal specifications.
  - The criterion for acceptance of eradication for all non-woody exotic vegetation will be 100 percent kill. If initial eradication efforts do not achieve this criterion, follow up treatment will be conducted.

The exotic vegetation eradication in the on-site preserve area will generate vegetative debris that requires disposal. There will be a staging and storage area provided outside the limits of the preserve area on site as show on Figure 5.

- Transport of vegetative debris from the preserve area to the staging area will be conducted in a fashion that minimizes the distribution and dispersal of seeds from such debris.
- No exotic or nuisance woody vegetative material will be left in the preserve areas.

All vegetative debris, either whole or chipped/mulched will be hauled off site and disposed of at a landfill or other such appropriately licensed facility.

Herbicides are required for the treatment of all stumps of woody vegetation to prevent re-growth, and for eradication of non-woody exotic and nuisance vegetation.

- All herbicide application activity will be conducted under the supervision of a Florida Department of Agriculture licensed applicator, licensed for application of aquatic herbicides.
- All herbicides applied within the wetland area must be properly labeled for application in wetlands.
- All herbicide applied must include a visible tracer dye in the mix to facilitate observation of treated vegetation.

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#### **4.0 DEBRIS REMOVAL**

All trash and other debris will be removed from the preserve area concurrent with the exotic removal effort. All debris will be removed by hand and disposed of appropriately. The preserve will be maintained free of trash and debris in perpetuity.

#### **5.0 PROTECTED SPECIES MANAGEMENT PLAN CONDITIONS**

Recent limited field reconnaissance revealed the presence of Sherman's fox squirrel, a state species of special concern, in the north central portion of the property. This species was observed in the hay-grass; there were no denning/nesting activities of this species observed on-site. No other listed wildlife was observed denning or nesting on site during the recent site visits.

No native habitat assemblages will be impacted as part of the development proposal. These areas will be restored and enhanced which will provide for expanded opportunities for listed species, including the Sherman's fox squirrel, to nest and forage on-site. In addition, approximately 20.9 acres of native habitat will be created as part of the development plan. These areas will provide additional opportunities for the foraging and nesting of listed and non-listed species, in particular, wading birds that frequent the region.

#### **6.0 PROTECTIVE FENCING**

The preserve areas will be protected during land alteration and construction activities via the installation of silt fence around its perimeter as shown on Figure 5. This protective barrier will be installed prior to any land alteration activities and will remain in good, functional condition until land alterations activities are completed.

#### **7.0 EDUCATIONAL MATERIALS AND SIGNAGE**

After approval of the D.O., protective signage will be installed around the preserve areas to identify and protect the preserve over the life of the development (see Figures 6 and 7). The signs will note that the posted area is a protected area for native vegetation and wildlife.

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An educational brochure will also be provided to the lot owners of Emerald Lakes. The brochure will indicate the purposes and functions of the preserve. An example brochure is attached. This Indigenous Management Plan and educational brochure will be included in the property owner association documents for future reference.

## **8.0 MONITORING REPORTS**

Monitoring reports developed as part of the SFWMD ERP and this plan will be provided to the Lee County Environmental Sciences Division. The first report, the Baseline Monitoring Report, will document the existing conditions within the on-site preserve areas, and will be submitted to Lee County Environmental Sciences at the time of development order approval. The time-zero report, which will document the on-site preserves' ecological condition after exotic eradication and re-planting, will be submitted to the Lee County Environmental Sciences Division along with a "letter of substantial compliance." The first annual monitoring report will be submitted to the County immediately after the issuance of the Certificate of Compliance, with the remaining required annual monitoring reports submitted to the County in the following four (4) years. Figure 6 shows the monitoring station locations for the Emerald Lakes project site.

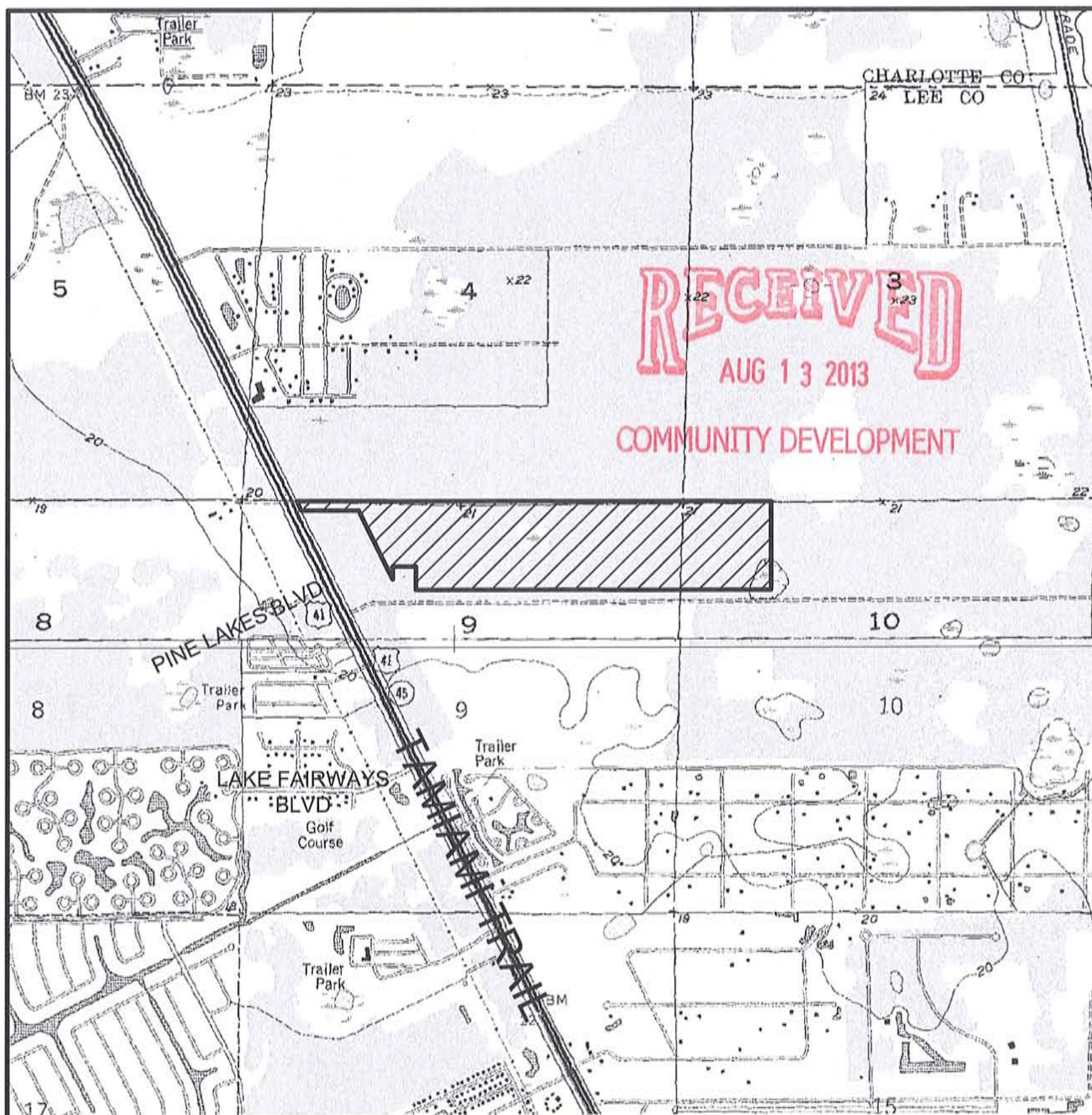
## **9.0 PRESERVE AREA RESTORATION**

Following the completion of the exotic eradication effort within the native preserves and within the preserves to be created, areas devoid of desirable native vegetation will be restored in order to meet the 80% desirable plant cover criterion after two years from the date of the time-zero monitoring report. The wetland and upland areas will be replanted with native vegetation as needed beginning one month after the exotic removal activities are complete. The total number of plants, plant types, sizes and spacing will be determined as part of the SFWMD permitting process.

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USGS QUAD MAP "GILCHRIST" SECTIONS 9&10, TOWNSHIP 43 SOUTH, RANGE 24 EAST, NORTH FORT MYERS, LEE COUNTY, FL, LATITUDE 26°45'13" LONGITUDE -81°54'42"

## LEGEND

 - SITE (132.3±AC)

**EMERALD LAKES**

0 2000  
SCALE IN FEET

## LOCATION MAP



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**FIGURE  
1**



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EMERALD LAKES.dwg FLUCCS WITH PRES AREAS

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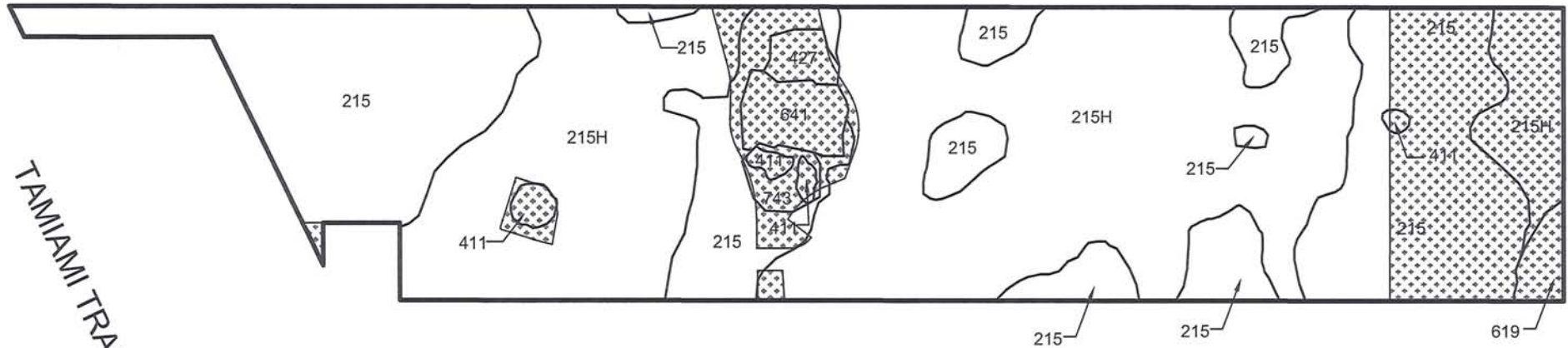
LEGEND

- 215 - FIELD CROPS (53.6 AC)
- 215H - HYDRIC FIELD CROPS (71.7 AC)
- 411 - PINE FLATWOODS (1.3 AC)
- 427 - LIVE OAK (1.1 AC)
- 619 - EXOTIC WETLAND HARDWOODS (1.2 AC)
- 641 - FRESHWATER MARSH (2.5 AC)
- 743 - SPOIL AREAS (0.9 AC)
- TOTAL SITE - 132.3AC

 - PRESERVE AREAS (27.0AC)

0 600  
SCALE IN FEET

<b>EMERALD LAKES FLUCCS WITH PRESERVE AREAS</b>	
 <b>EW CONSULTANTS, INC.</b> 10961 BONITA BEACH RD. BONITA SPRINGS, FLORIDA 34135 239-596-0544 FAX 239-596-3201 WWW.EWCONSULTANTS.COM	<b>JULY 2013 FIGURE 2</b>





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


EMERALD LAKES.dwg WETLAND FILL PRESERVE CREATION

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LEGEND

-  - WETLAND FILL AREA (65.5AC)
-  - EXISTING WETLAND TO BE PRESERVED & RESTORED (9.9AC)
-  - WETLAND CREATION AREAS (FROM UPLANDS) (13.3AC)

0 600  
SCALE IN FEET



EMERALD LAKES  
WETLAND FILL, PRESERVE,  
CREATION AREAS MAP



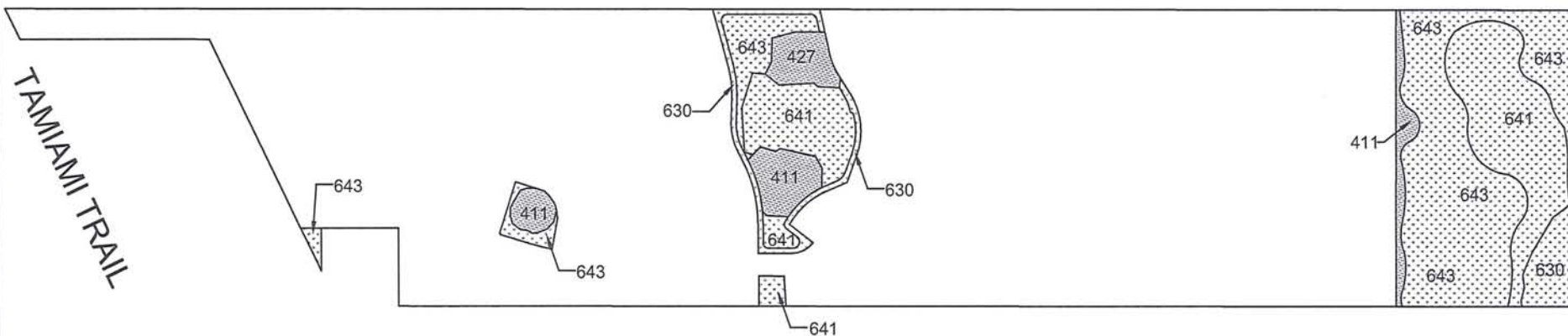
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FIGURE  
3



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LEGEND

TOTAL PRESERVE AREAS (27.0AC)

■ - UPLAND RESTORATION AREA (3.7 AC)

411 PINE FLATWOODS (2.6 AC)

427 LIVE OAK (1.1 AC)

■ - WETLAND RESTORATION AREA (23.3AC)

630 WETLAND FORESTED MIXED (2.4 AC)

641 FRESHWATER MARSHES (8.9 AC)

643 WET PRAIRIES (12.0 AC)

0 600  
SCALE IN FEET

		<b>EMERALD LAKES POST DEVELOPMENT FLUCCS</b>	
		JULY 2013 <b>FIGURE 4</b>	
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SILT FENCE & EXOTIC REMOVAL

TAMIAMI TRAIL

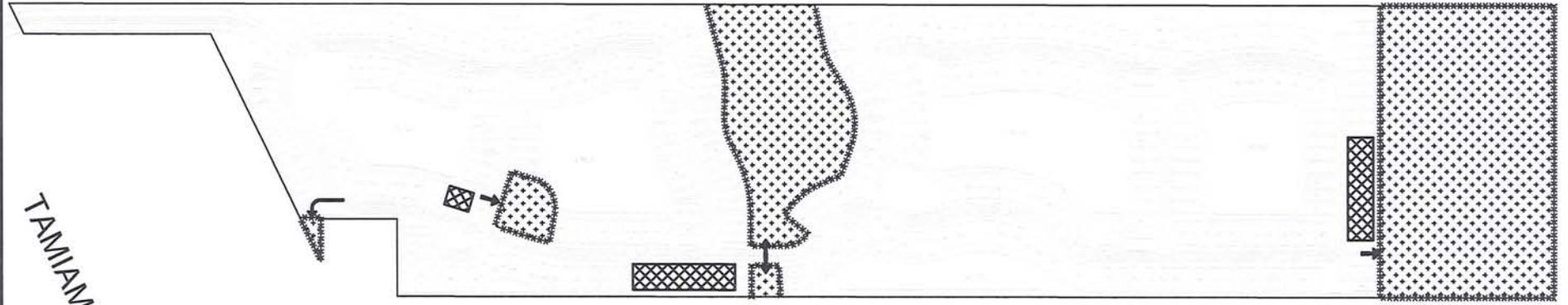
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- LEGEND
- TOTAL PRESERVE AREAS (27.0AC)
  - PRESERVE ACCESS POINT
  - EXOTIC REMOVAL STAGING AREA (2.0 AC)
  - X-X- SILT FENCE



<b>EMERALD LAKES SILT FENCE &amp; EXOTIC REMOVAL MAP</b>	
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	<b>JULY 2013 FIGURE 5</b>





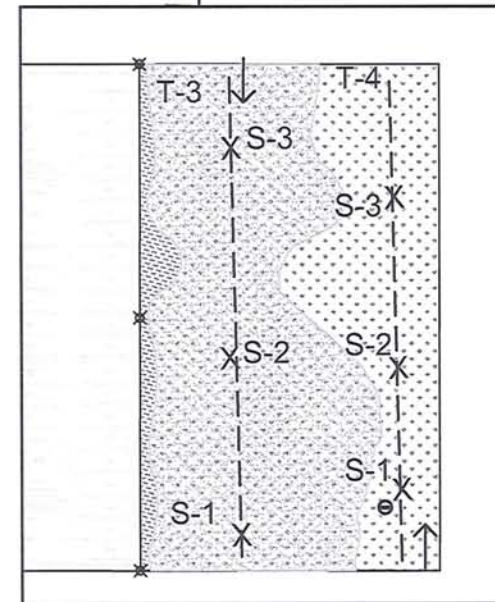
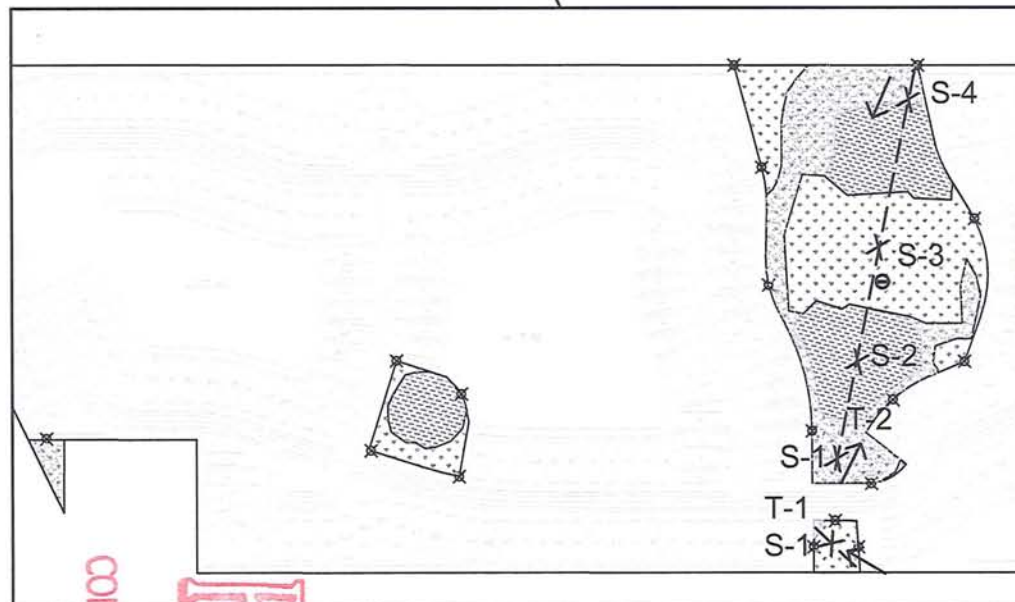
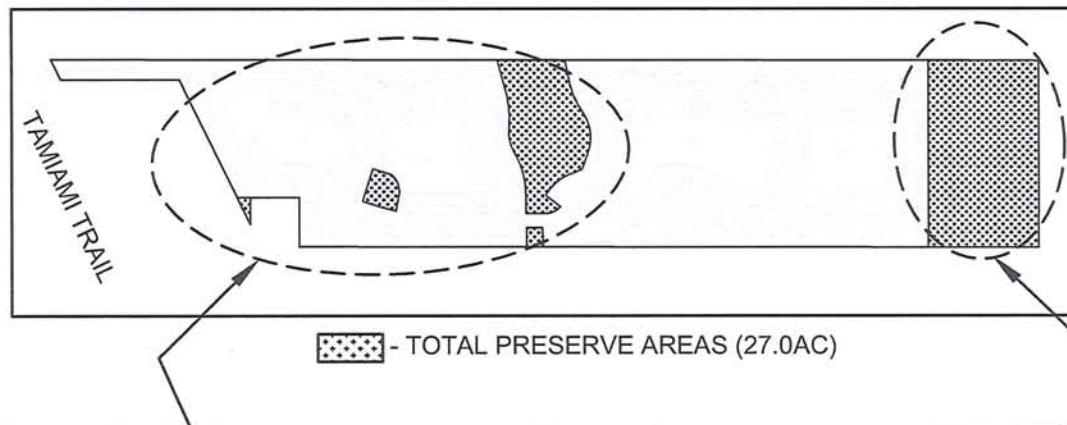
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EMERALD LAKES.dwg MONITORING

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- LEGEND
- UPLAND RESTORATION AREA (3.7 AC)
  - WETLAND RESTORATION AREA (23.3 AC)
  - WETLAND CREATION AREA (13.3 AC)
  - T-1 X X X - MONITORING TRANSECT & STATIONS
  - S-1 S-2
  - ← PHOTO STATION WITH DIRECTION
  - ⊙ - STAFF GAUGE
  - ⊗ - PRESERVE AREA SIGN

N.T.S.

## EMERALD LAKES MONITORING MAP



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FIGURE

6





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## EMERALD LAKES PRESERVE SIGN



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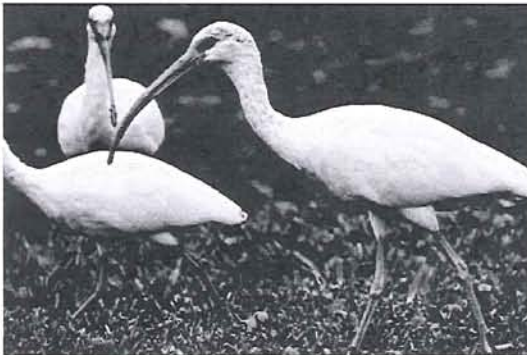
**FIGURE**

**7**

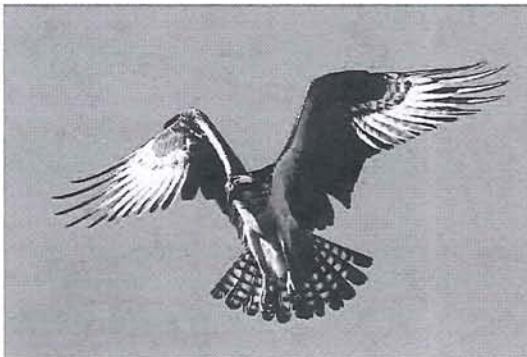


# Indigenous Preserves and Native Wildlife

## In Your Community



White Ibis



Osprey

### Created by:

**EW Consultants, Inc  
10961 Bonita Beach Rd.  
Bonita Springs, FL 34135**

There are indigenous preserves in your community that are protected to help retain ever-shrinking Florida native habitats and to provide benefit for various local wildlife species. They specifically provide habitat for wading birds such as wood stork, ibis, herons, as well as raptors such as ospreys, hawks and owls. This brochure will describe how to live in harmony with them in your community.

Wading birds and raptors dependent upon the aquatic habitat found within the indigenous preserve in your community are feeding on small fish, invertebrates and sometime small mammals using this habitat to forage and seek shelter from predators. Typically, wading birds will forage within the on-site wetland after heavy rain events when the water is flowing, and after drought periods when prey is concentrated within pools on-site.

Raptors typically feed by sight by circling the potential area for prey movement. Many raptors use vocalizations or "calls" to communicate and demark territory.

Although there are specific indigenous preserves, wildlife, especially wading birds, may use other man-made resources on-site to nest and forage. For example, it is not uncommon to observe Florida sandhill cranes nesting in the center of stormwater ponds during times of low water levels. In addition, wading birds can be readily observed feeding within shallow swales and ditches after heavy rain events when water is flowing. Also, osprey thrive on feeding within deepwater habitats such as man-made stormwater ponds. So please be aware of your surroundings and take special care as not to harm or disturb such activities.

**Please keep all pets on a leash when outdoors!**

Please be aware that pets, especially dogs and cats, can be harmful to native Florida wildlife. Please keep all pets on leashes in accordance with local ordinances and your Property Owners' Association documents.

**Please encourage enjoying them from a distance!**

The wading birds and raptors using the resources within your property are wild animals and NOT pets. Though they are not at all likely to harm a person, please keep your distance. This will allow you to observe the on-site wildlife without disturbing their nesting or foraging routines. Please remember that many bird species are protected in Florida, therefore it is illegal to harm or disturb them.

**Please respect the preserve area. No dumping or alteration of the preserve is allowed without prior permission from the County.**

There are a few activities that you may observe within the preserve that are allowed. The preserve areas must be maintained free of exotic vegetation, which may require operation of various hand tools for the removal of undesirable species. Grass areas may also be maintained by mowing. These are all appropriate and necessary actions that may occur within the preserves. They promote healthy growth of native plant species.

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